



IRF26/92

Gateway determination report – PP-2025-1941

Hunters Hill Local Environmental Plan (LEP) Review

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview	1
1.2	Objectives of planning proposal.....	1
1.3	Explanation of provisions.....	1
1.4	Site description and surrounding area	6
1.5	Mapping	6
2	Need for the planning proposal	6
3	Strategic assessment	7
3.1	Draft Sydney Plan on exhibition.....	7
3.2	Regional Plan	8
3.3	District Plan	8
3.4	Local.....	9
3.5	Local planning panel (LPP) recommendation	10
3.6	Section 9.1 Ministerial Directions.....	11
3.7	State environmental planning policies (SEPPs)	13
4	Site-specific assessment	13
5	Consultation.....	18
5.1	Community	18
5.2	Agencies	18
6	Timeframe	18
7	Local plan-making authority	18
8	Assessment summary	18
9	Recommendation.....	19

Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Attachment A – Planning Proposal

Attachment B – Council Report 22 September 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Hunters Hill
PPA	Hunter Hill Council
NAME	Local Environmental Plan (LEP) Review
NUMBER	PP-2025-1941
LEP TO BE AMENDED	Hunters Hill Local Environmental Plan 2012
RECEIVED	1/10/2025
FILE NO.	IRF26/92
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to review the Hunters Hill Local Environmental Plan 2012 (LEP) to update planning controls to:

- amend anomalies and errors while also improving the ability to interpret the LEP; and
- facilitate the protection of the environment, character and heritage of the local government area.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Hunters Hill LEP 2012 per changes below:

- **Clause 1.2 Aims** – Include several objectives to:
 - Reference the principle of ecologically sustainable development (ESD).
 - Reference other key documents within the local strategic planning framework, including the LSPS and DCP.
 - Strengthen wording relating to the management of important environmental, heritage, character and scenic qualities of the Municipality, including trees and vegetation, and ensure this wording refers to both public and private land.
 - Reference natural hazards and climate change.

- Ensure development considers and supports active and public transport.
- **Land use tables** – Amend the land use tables to:
 - *R2 Low Density*: Add additional zone objectives to ensure that new development is respectful of, and compatible with, the garden suburb character and heritage values that distinguish low-density localities of the Municipality.
 - *R3 Medium Density*: Amend zone objectives to ensure the design of development integrate deep soil landscaping to reflect the garden character, provide housing that is compatible and provides appropriate transitions between low density residential and the desired future housing and higher density forms and ensure development is consistent with local amenity, including public and private views.
 - *RE1 Public Recreation*: Expand the permitted land uses to include 'Information and education facilities; Markets; Recreation facilities (outdoor); Restaurants and cafes; and Take away food and drink premises'.
 - *E1 Local Centre*: Include new zone objectives that seek to enhance the viability, vitality and amenity of the local centre, manage impacts of non-residential uses adjacent to residential areas, maintain the local character and heritage of the area while enhancing the village atmosphere of the local centre. The objectives will also encourage development that is compatible with the centre's position on the hierarchy of local centres.
 - *MU1 Mixed Use*: Include an additional zone objective that seeks to maximise active and public transport opportunities.
- **Clause 4.1 Minimum subdivision size** –
 - Amend clause to require assessment of visual impacts from neighbouring property and facilitate space for landscaping.
 - Add a new provision that seeks to exclude the 'handle' of a battle axe block from lot size calculation.
 - Add a new provision that seeks to clarify minimum subdivision lot size provisions also apply to dual occupancy development.
- **Clause 4.3 Height of buildings** –
 - Amend the objectives of this clause to strengthen wording within the existing clause.
 - Include a new provision and development standards that apply to land zoned R2 Low Density Residential or R3 Medium Density Residential to which a maximum building height of 8.5 metres. This provision includes objectives that seeks to facilitate view sharing and minimise the adverse effects of the bulk and scale of buildings, particularly on streetscape character.
- **Clause 4.4 Floor space ratio** –
 - Amend the objectives of this clause to strengthen the wording within the existing clause.
 - Include new objectives that seek to minimise adverse effects of bulk and scale and limit excavation of sites to retain natural ground levels for purpose of landscaping, biodiversity and containing urban run-off.
 - Remove clause (2A) which circumvents floor space ratio requirements where a development meets the height and landscaped area provisions of the LEP.

- **Clause 4.5 Calculation of floor space ratio and site area** – Amend the clause to exclude the handle of a battle axe block from the calculation of site area.
- **Clause 5.10 Heritage conservation** – Amend the objectives of the clause to facilitate the conservation and enhancement of character of the Municipality.

The Department notes that although the proposed amendments to the clause are minor, they seek to amend a ‘compulsory provision’ under the Standard Instrument Local Environmental Plan (Standard Instrument LEP). Planning circular PS21-012 states that Council cannot change the wording of compulsory provision.

A **Gateway condition** is recommended that the planning proposal be updated to remove amendments to Clause 5.10.

- **Clause 6.7 Development on river front areas** –
 - Amend the objectives to ensure the recognition and protection of this natural and visual environment and to reinforce the dominance of landscape over built form.
 - Refer to conservation of existing vegetation and rocky outcrops, rather than just trees.
 - Refer to maintenance of existing views and vistas both to and from waterways and public places.
 - Minimise the visual impact of development both to and from the nearest waterway or riverfront area, and to maintain existing natural landscape and landform
- **Clause 6.9 Landscaped area for dwelling houses and secondary dwellings** – Amend clause to provide clear and specific quantification of required landscape area, with specific exclusions from the landscaped area calculation.
- **Insert new clause 6.11 Development in local centres and mixed-use areas** –
 - Insert new clause that seeks to ensure the scale and function of development in village and local centres are appropriate to the location.
 - Ensure development in village and local centres is compatible with the desired character, heritage values and amenity of surrounding development.
 - Facilitate the creation of walkable access to local daily needs, including local services, retail and neighbourhood supermarkets.
- **Schedule 1 – Additional local provisions**

Table 3 Existing additional permitted uses

Item number	Existing	Proposed
1	Use of certain land at 21c Farnell Street, Boronia Park 1) This clause applies to land at 21c Farnell Street, Boronia Park, being Lot 13, Section 6, DP 758143 and Crown Reserve R87767.	Remove from schedule 1 The site is zoned R2 Low Density Residential. Community facilities are permissible in this zone.

Item number	Existing	Proposed
	2) Development for the purpose of community facilities is permitted with consent	
2	Use of certain land at 2, 4, 6 and 8 Flagstaff Street, Gladesville 1) This clause applies to land at 2 and 4 Flagstaff Street, Gladesville, being Lots 3 and 4, DP 16241 and land at 6–8 Flagstaff Street, Gladesville, being Lot 1, DP 1022691. 2) Development for the purposes of health consulting rooms and office premises, with a total floor area that does not exceed 30m², is permitted with development consent.	Remove from schedule 1 The site is zoned R3 Medium Density Residential. Health consulting rooms is permissible under State Environmental Planning Policy (Transport and Infrastructure) 2021. Given the location of the site close to the town centre and other planning provisions that apply, the application of a site-specific provision for size is not considered necessary.
3	Use of certain land at 17 and 19 Massey Street, Gladesville 1) This clause applies to land at 17 and 19 Massey Street, Gladesville, being Lots 1 and 2, DP 16241. 2) Development for the purposes of health consulting rooms and office premises, with a total floor area that does not exceed 30m², is permitted with development consent	Remove from schedule 1 The site is zoned R3 Medium Density Residential. Health consulting rooms is permissible under State Environmental Planning Policy (Transport and Infrastructure) 2021. Given the location of the site close to the town centre and other planning provisions that apply, the application of a site-specific provision for size is not considered necessary.
6	Use of certain land at 45 and 47 Barons Crescent, 4–20 Gaza Avenue and 118 High Street, Hunters Hill 1) This clause applies to land at 45 and 47 Barons Crescent, 4–20 Gaza Avenue and 118 High Street, Hunters Hill, being (respectively) Lot 51, DP 16119, Lot 50, DP 16119, Lots 52–60, DP 16119 and Lot 63, DP 16119. 2) Development for the purpose of seniors housing is permitted with development consent	Remove from schedule 1 Known as Montefiore seniors living. New masterplan and planning controls are proposed for the site through PP-2023-1109, Montefiore Seniors Living Proposal. Seniors housing is permitted in the R2 Low Density Residential zone under the Housing SEPP.
7	Use of certain land at 49–51 Barons Crescent, Hunters Hill 1) This clause applies to land at 49–51 Barons Crescent,	Remove from schedule 1 Part of Montefiore seniors living. Included in the new masterplan and planning controls are proposed for the site

Item number	Existing	Proposed
	Hunters Hill, being Lot 2, DP 312298, Lots 1 and 2, DP 325793 and Lots 9 and 10, DP 724017. 2) Development for the purpose of seniors housing is permitted with development consent.	through PP-2023-1109, Montefiore Seniors Living Proposal. Seniors housing is permitted in the R2 Low Density Residential zone under the Housing SEPP.
8	Use of certain land at 1 De Milhau Road and 35a Gladesville Road, Hunters Hill 1) This clause applies to land at 1 De Milhau Road and 35a Gladesville Road, Hunters Hill, being Lot 1, DP 302331 and Lot 12, DP 846102. 2) Development for the purpose of seniors housing is permitted with development consent.	Remove from schedule 1 Seniors housing is permitted in the R2 Low Density Residential zone under the Housing SEPP.
9	Use of certain land at 1 Durham Street, Hunters Hill 1) This clause applies to land at 1 Durham Street, Hunters Hill, being Lots 10 and 11, DP 4614. 2) Development for the purpose of community facilities is permitted with development consent.	Remove from schedule 1 Community facilities are permissible in the R2 Low Density Residential Zone.
10	Use of certain land at 35 Gladesville Road, Hunters Hill 1) This clause applies to land at 35 Gladesville Road, Hunters Hill, being Lot 38, DP 224608 and Lot 11, DP 846102. 2) Development for the purpose of seniors housing is permitted with development consent.	Remove from schedule 1 Seniors housing is permitted in the R2 Low Density Residential zone under the Housing SEPP.
11	Use of certain land at 41 Gladesville Road, Hunters Hill 1) This clause applies to land at 41 Gladesville Road, Hunters Hill, being Lot 1, DP 716526. 2) Development for the purpose of seniors housing is permitted with development consent.	Remove from schedule 1 Seniors housing is permitted in the R2 Low Density Residential zone under the Housing SEPP.
12	Use of certain land at 43 Gladesville Road, Hunters Hill	Remove from schedule 1 Seniors housing is permitted in the R2 Low Density Residential zone under the Housing SEPP.

Item number	Existing	Proposed
	1) This clause applies to land at 43 Gladesville Road, Hunters Hill, being Lot 2, DP 716526. 2) Development for the purpose of seniors housing is permitted with development consent.	

- **Schedule 2 Exempt development** – Amend Schedule 2 to include outdoor dining as a new exempt development item.
- **Amend ‘Hunters Hill’ to ‘the municipality’ throughout the LEP.**

The planning proposal provides indicative drafting to articulate the intent of the local provision. The planning proposal provides the disclaimer that the proposed provision would be subject to final drafting as part of the planning proposal process.

The planning proposal generally contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

However, the planning proposal indicative drafting includes proposed changes to Clause 6.3, Clause 6.4, Clause 6.5 and Clause 6.6 that have not been included in the explanation of provision section.

It is understood from appendix 1 of the planning proposal, Council is seeking amendments to Clause 6.3 Stormwater management, 6.4 Terrestrial biodiversity, 6.5 Riparian land and adjoining waterways and 6.6 Limited development on the foreshore 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.

A **gateway condition** is recommended that the planning proposal be updated to provide a detailed explanation of provisions and discuss what intended outcomes will be achieved by amending the existing LEP provision. This will be required for amendments to each of these clauses.

1.4 Site description and surrounding area

The planning proposal applies to the entire Hunters Hill Local Government Area (LGA).

1.5 Mapping

No mapping amendments are proposed as a part of the planning proposal.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is the result of an action in Council’s LSPS to review the Hunters Hill LEP and Hunters Hill DCP. Planning Priority 4.2 of the LSPS looks to ‘Review and amend the Hunters Hill DCP, to ensure development controls preserve the character and amenity of Hunters Hill and promote best practice design to support the LEP Review’.

It is also noted that section 3.12 of the Environmental Planning and Assessment Act 1979 requires LEPs and DCPs to be reviewed every 5 years.

Discussion on the justification for each amendment is provided below in **Section 4**.

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

The planning proposal seeks to amend anomalies and errors, improve the ability to interpret the LEP and facilitate the protection of the environment, character and heritage of the local government area. A proposal to amend statutory controls is the most appropriate mechanism to facilitate the intended outcomes.

3 Strategic assessment

3.1 Draft Sydney Plan on exhibition

The Department released the draft region plan (Sydney Plan) in December 2025. Once finalised, the Sydney Plan will replace the Greater Sydney Region Plan (2018) and the associated district plans.

The plan contains planning priorities and responses to guide growth in Sydney over the next 20 years.

The planning proposal is consistent with the draft Sydney plan. The following tables include an assessment of the planning proposal against relevant priorities and responses.

Table 4 Draft Sydney Plan Priorities assessment

Draft Region Plan Priorities	Justification
Resilient	This priority looks to support natural assets, biodiversity, resilience to natural hazards and sustainable built environment. The planning proposal proposes a range of amendments that seek to facilitate the protection and enhancement of the environment. The planning proposal seeks to amend biodiversity and sustainability clauses within the LEP to ensure appropriate land uses and development standards to promote a sustainable built environment. These are further discussed in Section 4. The Department considers the proposal consistent with the priority.
Liveable	This priority looks to promote diverse, vibrant and changing communities that have access to open space, infrastructure and services. The planning proposal proposes a number of new objectives within the land use table and aims of the plan that looks to enhance the vitality, viability and amenity of the LGA. These objectives seek to maintain and enhance the character and amenity of local centres within the municipality and minimise land use conflict between local centres and adjacent residential areas. The objectives will also promote active and public transport opportunities to reduce dependence on private motor vehicle usage. The Department considers the proposal consistent with the priority.

Table 5 Draft Sydney Plan Responses assessment

Draft Region Plan Responses	Justification
Response 12 Protect and enhance the natural environment	As stated above, the planning proposal proposes a range of amendments that seek to facilitate the protection and enhancement of the environment. This includes the protection of the natural and visual environment and to reinforce the dominance of landscape over built form. The Department considers the proposal consistent with this response.

The Department notes the draft Sydney Plan has been released since the submission of this planning proposal for gateway determination. As a result, a **Gateway condition** will require the planning proposal to be updated to address consistency with the priorities and responses outlined in the plan.

3.2 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years. Under section 3.8 of the Environmental Planning and Assessment Act 1979 (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in **Section 3.3** below

3.3 District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
3 - Liveability	
Planning Priority N6 Creating and renewing great places and local centres, and respecting the Districts heritage	This planning priority recognises the importance of creating and renewing great places and local centres and respecting the district's rich heritage, and the significant role that streets play in not only facilitating the movement of people and goods between places, but also in providing "places for people and street life, [and] enhancing social and economic participation" (Eastern City District Plan, p.47).

	The planning proposal states that amendments to Clause 5.10 Heritage Conservation of the Hunters Hill LEP seek to facilitate the protection and enhancement of heritage within the LGA. The Department notes that although the proposed amendments to the clause are minor, they seek to amend what is considered a 'compulsory provision' under the Standard Instrument Local Environmental Plan (Standard Instrument LEP). Planning circular PS21-012 states that Council cannot change the wording of compulsory provision. As a result, a Gateway condition will recommend the planning proposal be updated to remove amendments to Clause 5.10.
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5 – Sustainability

Planning Priority N15 Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways Planning Priority N16 Protecting and enhancing bushland and biodiversity Planning Priority N17 Protecting and enhancing scenic and cultural landscapes	These planning priorities look to recognise the importance of protecting and enhancing: - the health and enjoyment of the district's waterways and rivers; - bushland and biodiversity; and - scenic and cultural landscapes. The planning proposal seeks to update the aims, objectives and local provisions within the Hunters Hill LEP to ensure ecologically sustainable development. Amendments proposed to clause 6.7 Development on river front area seek to ensure the recognition and protection of the natural and visual environment while reinforcing the dominance of landscape over built form. The planning proposal is consistent with these planning priorities.
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3.4 Local

The proposal is consistent with the following local plans and endorsed strategies, as detailed in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The Hunters Hill LSPS is a 20-year plan to manage land use growth and change in the Hunters Hill LGA until 2040. It sets out the strategic planning priorities for managing growth and change and is a guide for land use planning and infrastructure delivery in the area. The planning proposal is consistent with the relevant principles and actions of the LSPS, including Planning Priority 8.5 – Investigate opportunities for improved stormwater management and work with the Parramatta River Catchment Group to improve the health and sustainability of the river catchment. The planning proposal gives effect to the above LSPS action through the proposed amendments to objectives and provisions that align with the intent of the Parramatta

	River Masterplan and ensure the protection and enhancement of environment and character align with the masterplan. The planning proposal is consistent with the Hunters Hill LSPS.
Local Housing Strategy	The Hunters Hill Local Housing Strategy (LHS) contains the following actions in relation to proposed amendments in the LEP review: • 1.2 - Develop a range of tailored site-specific controls within the revised LEP and DCP to manage change and support sensitive uplift in key strategic centres and neighbourhood centres. • 3.1 – Encourage design and delivery of new housing that is focused on environmental sustainability and the delivery of good environmental outcomes through high quality residential design. • 3.3 – Design revised planning controls that encourage design excellence in new development and a sensitive response to the surrounding streetscapes. • . The planning proposal proposes controls to manage uplift, particularly in the mixed use and employment zones. It also seeks to introduce LEP objectives that focus on environmentally sustainable outcomes through high quality residential design. The planning proposal is consistent with the Local Housing Strategy.

3.5 Local planning panel (LPP) recommendation

On 28 August, the Hunters Hill LPP advised Council that it supports the planning proposal, noting the following comments:

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

On 22 September 2025, Council considered the advice of the LPP and resolved to support the planning proposal proceeding to Gateway.

Council considered responses to the above matters raised by the Panel, which determined:

- Basement is defined within the LEP as: ‘basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).’ Considering the definition, no conflict appears to exist with matters such as existing basements, and no change to the planning proposal is proposed.
- No conflict between existing objectives of the E1 and MU1 zone and proposed new provisions in Clause 6,1 is apparent. No subsequent change the planning proposal is proposed.

- iii. Land use descriptions for properties within Schedule 1 which are proposed to be retained reflect the intended use of the respective sites. In addition, removal of all properties from Schedule 1 and reliance on existing use rights would remove certainty regarding future potential land uses on these sites, particularly if the land use listed within Schedule 1 has not yet been enacted. No subsequent change to the planning proposal is proposed.
- iv. It can be noted that all development within the Hunters Hill Municipality is localised infill development within established natural and urban landscapes. These landscapes are proposed to be retained and enhanced through proposed amendments to the LEP and DCP, including through provisions associated with landscaping and protection of the natural environment as proposed within the planning proposal.

In consideration of the above feedback, additional sustainable development provisions are now proposed through an amendment to the DCP.

3.6 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
Focus areas 3: Biodiversity and Conservation		
3.1 Conservation Zones	Consistent	The objective of this direction is to protect and conserve environmental sensitive areas to ensure that conservation standards that apply to the land are not reduced. The direction applies as the planning proposal seeks to amend provisions that relate to the entirety of the LGA including environmentally sensitive areas and conservation zones. Although the proposal seeks to make amendments to clauses 6.4 Terrestrial biodiversity, 6.5 Riparian land and adjoining waterways, 6.6 Limited development on the foreshore and 6.7 Development on river front areas, the Department notes these amendments will not reduce conservation standards for environmentally sensitive land. The Department considers the proposal is consistent with the objectives of the direction.
3.2 Heritage Conservation	No longer applicable	The objective of this direction is to conserve items, areas, objects and places of environmental and indigenous heritage significance. The planning proposal seeks to update the objectives of clause 5.10 Heritage Conservation to strengthen provisions relating to heritage character to not only conserve but enhance heritage qualities within the Municipality. However, the proposed amendments to clause 5.10 Heritage Conservation alter what is considered a compulsory provision under the Standard Instrument LEP. Planning circular PS 21-

		012 states that the wording of a compulsory provision cannot be changed by Council. Notwithstanding, the clause does allow for Council to amend the local government area or other relevant name in subclause 1(a), this change is permitted to be retained. As a result, a gateway condition will recommend the planning proposal be updated to remove amendments to compulsory parts of clause 5.10 Heritage Conservation. As the name change will not alter the provisions of the clause, the direction will no longer apply.
3.7 Public Bushland	Consistent	The objective of this direction is to protect bushland in urban areas, including rehabilitated areas and ensure the ecological viability of the bushland. The direction applies as the planning proposal seeks to update the objectives and aims of the plan to protect and enhance landform and vegetation, particularly foreshores and bushland, in order to maintain the landscape amenity of the municipality The Department considers the proposal is consistent with the direction.
3.9 Sydney Harbour Foreshores and Waterway Area	Consistent	The objective of this direction is to protect and enhance Sydney Harbour's natural and cultural assets, ensure ecological and community well-being, mitigate climate change impacts, and promote equitable use and economic prosperity for sites within Foreshores and Waterways Area as defined in the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>. The direction applies as the planning proposal seeks to amend provisions within the Hunters Hill LEP that relate to land within the Foreshores and Waterways Area. This includes amendments to clauses 6.3 Stormwater management, 6.4 Terrestrial biodiversity, 6.5 Riparian land and adjoining waterways and 6.6 Limited development on the foreshore and 6.7 Development on river front areas. The Department notes that these amendments will protect and enhance the qualities of the Sydney Harbour and its foreshores. The Department considers the proposal is consistent with the direction.

Focus area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport	Consistent	The objectives of this direction are to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the planning objectives detailed in the direction relating to access, reducing car dependency, supporting the efficient and viable operation of public transport services and the movement of freight. This direction applies when a planning proposal is prepared that will create, alter or remove a zone or a provision relating to
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		urban land. The planning proposal does not enact development activity or rezone land. However, the Department notes the planning proposal seeks to update the aims of the plan and objectives within the MU1 Mixed Use land table to ensure development considers and supports active and public transport. The Department considers the proposal is consistent with the objectives of the direction.
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Focus area 7: Industry and Employment

7.1 Employment zones	Consistent	The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in employment zones, and support the viability of identified centres. This direction applies as the planning proposal seeks to include zone and clause objectives that will affect land within existing employment zones. The proposed amendments will be a matter for consideration for future development applications. However, they do not rezone land or reduce the total potential floor space area for employment uses or reduce the total potential floor space area in employment zones. The Department considers the proposal is consistent with the objectives of the direction.
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3.7 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant State Environmental Planning Policies, including SEPP (Biodiversity and Conservation) 2021, SEPP (Housing) 2021 and SEPP (Exempt and Complying Development Code) 2008.

The planning proposal seeks to include 'outdoor dining' as an exempt development item in the LEP. While this amendment is not inconsistent with the SEPP (Exempt and Complying Development Codes) 2008, clause 1.9 (1) of the SEPP states that where a development is specified as exempt development under the LEP and the SEPP, the LEP does not apply. This is further discussed in **Section 4**.

The Department also notes the addition of clause 4.3A would overlap with the existing state Low and mid-rise policy (LMR) and SEPP (Housing) 2021. The proposed clause would apply to R2 and R3 zoned land where a height of building of 8.5m applies and prohibits a building more than 8.5 metres in height or more than two storeys above ground level (existing). However, where the Housing SEPP (and LMR provisions) apply, the maximum height of building set under the SEPP will prevail.

4 Site-specific assessment

A detailed assessment of the proposed amendments is discussed below. The Department notes this discussion considers proposed amendments that may require further consideration as a part of the gateway determination.

The planning proposal has provided example draft LEP provisions to assist in understanding the outcomes proposed amendments. The planning proposal notes these are only examples of potential outcomes with final wording subject to the drafting and agreement of NSW Parliamentary Counsel's Office (PCO).

Clause 1.2 The aims of the Plan

The planning proposal seeks to amend an existing provision within Clause 1.2 and include several new objectives that captures ecologically sustainable development principles, include references to the relevant DCP and LSPS and to strengthen wording around heritage, character and landscape provisions.

The Department notes sufficient explanation and justification of the provisions has been provided.

Land use table

The planning proposal seeks to amend the land use tables through the inclusion of additional objectives (including compulsory objectives for zones under the Standard Instrument LEP) and introducing new permitted uses.

As per planning circular PS 21-012, Council cannot amend the wording of compulsory provisions, as such, these changes may not be supported by NSW Parliamentary Counsel's Office (PCO). In addition, practice note PN22-002 states aspirational zone objectives for the local government area that are supported by policies or provisions outside of the LEP (e.g. community consultation process, development assessment procedural matters, desired urban design outcomes or building development standard) should not be included within the LEP.

The planning proposal seeks to introduce an objective to the E1 Local Centre zone to 'manage the height, bulk and scale of buildings'. This is the role of the development standards applicable in the zone, not objectives. As such, A **gateway condition** is recommended that the planning proposal be updated to remove this amendment. I

The planning proposal is considered to have sufficient justification supporting the proposed amendments to the land use table. However, the final wording subject to the drafting and agreement of PCO.

Clause 4.1 Minimum subdivision lot size

The planning proposal seeks to update clause 4.1 to require consideration of visual impacts of residential developments from neighbouring properties and provision of adequate landscaping.

The planning proposal also seeks to include new provisions within clause 4.1 that will exclude the 'handle' of the battle axe block from the lot size calculation.

The planning proposal also seeks to clarify that this clause will also apply to the subdivision of land for the purpose of dual occupancy development.

The planning proposal has provided the justification that the exclusion of the access handle from the lot size calculation would provide an opportunity to promote a suitable site for housing without compromising the access handle.

Clause 6.4(d)(i) of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 states that, if the subdivision relates to a dual occupancy, the area of each resulting lot must be at least the minimum size specified for the subdivision of land for the purpose of a dual occupancy in the environmental planning instrument that applies to the land.

The proposed amendment is seeking to clarify that LEP clause 4.1 already applies to dual occupancies. Accordingly, there are no practical changes to how the clause currently operates.

The Department notes the planning proposal has provided sufficient justification to support the inclusion of these additional clauses.

Clause 4.3 Height of buildings

The planning proposal seeks to amend the wording of objectives within Clause 4.3 to strengthen and clarify provisions relating to height of building and development scale while assisting in maintaining character and minimising impacts to adjacent areas.

The planning proposal also seeks to include new provisions and development standards applying to land Zoned R2 Low Density Residential or R3 Medium Density Residential in which a maximum building height of 8.5 metres applies. This provision includes objectives that seeks to facilitate view sharing and minimise the adverse effects of the bulk and scale of buildings, particularly on streetscape character.

The Department notes the inclusion of this clause would overlap with the existing state Low and mid-rise policy (LMR) and Housing SEPP. The planning proposal has not provided sufficient justification to understand the need for the additional of this clause.

A **gateway condition** is recommended that the planning proposal be updated to provide justification for the need for Clause 4.3A in addition to the height of buildings map and consider its potential overlap with state policies.

Clause 4.4 Floor space ratio

The planning proposal seeks to amend the objectives of Clause 4.4 to strengthen the wording of the existing clause and include new objectives that seek to minimise adverse effects of bulk and scale and limit excavation of sites to retain natural ground levels for purpose of landscaping, biodiversity and containing urban run-off.

The planning proposal has not provided sufficient justification for the need for additional objectives, particularly relating to the limiting of site excavation. A **gateway condition** is recommended that the planning proposal be updated to understand the need for the proposed objectives and how these objectives could be achieved through Clause 4.4.

The planning proposal also seeks to remove clause (2A) which circumvents floor space ratio requirements where a development meets the height and landscaped area provisions of the LEP. The planning proposal has not provided sufficient justification to support the removal of clause (2A). A **gateway condition** is recommended that the planning proposal be updated to include further discussion and rationale to understand its removal.

Clause 4.5 Calculation of floor space ratio and site area

The planning proposal seeks to amend Clause 4.5 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.

The Department notes clause 4.5 is an optional provision under the Standard Instrument LEP. Planning note PN11-001 states optional provisions are a type of mandatory provision which Councils can choose whether or not to use, however, if used Council cannot alter this provision.

As a result, the Department does not support the proposed amendment. A **gateway condition** is recommended that the amendment to Clause 4.5 be removed from the planning proposal.

Clause 6.3 Stormwater management, 6.4 Terrestrial biodiversity, 6.5 Riparian land and adjoining waterways and 6.6 Limited development on the foreshore

Appendix 1 of the planning proposal has identified a change to clauses 6.3 to 6.6 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. Key to delivering this aim are to develop a whole of catchment land use policy and statutory planning mechanisms. It is noted that the proposed clause is similar in intent to the existing clause.

The proposed amendments have not been included in the planning proposal's explanation of provisions. A **gateway condition** is recommended that the planning proposal be updated to provide an explanation of provision for each clause with supporting rationale.

Consultation with Sydney Water and Department of Climate Change, Energy, Environment and Water is recommended as a condition of Gateway.

Clause 6.7 Development on river front areas

The planning proposal seeks amend objectives of Clause 6.7 to ensure the recognition and protection of the natural and visual environment while reinforcing the dominance of landscape over built form. The proposal also seeks to minimise the visual impact of development to and from the nearest waterway and maintain existing natural landscape and landform.

The Department generally supports the intent of the amendments but requires further information to understand the need for a development to 'maintain existing natural landscape and landform'. A **gateway condition** is recommended that further justification be provided.

Clause 6.9 Landscaped areas for dwellings and secondary houses

The planning proposal seeks to amend Clause 6.9 to provide a clear and specific quantification of required landscaped area, with specific exclusion from the landscaped area calculation.

The planning proposal notes that the existing clause has been difficult to interpret by applicants and that the amendment seeks to simplify the clause while retaining its intent of providing generous landscape areas to enhance the garden suburb character of the municipality.

The planning proposal has provided sufficient justification to support the amendments to the clause.

Clause 6.11 Development in local centres and mixed use areas

The planning proposal seeks to introduce a new additional local provision under Clause 6.11 Development in local centres and mixed use areas into the LEP. The new clause seeks to:

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

The planning proposal notes that the 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 is compatible with the desired character, heritage values and amenity of surrounding development.

The Department notes the planning proposal seeks to include similar objectives as those proposed in Clause 6.11 to the E1 Local Centre and MU1 Mixed Use zone.

The Land Use table already outlines the objectives and permitted development for the E1 Local Centre and MU1 Mixed use zones. The planning proposal has not provided sufficient information to justify the need for inclusion of this clause when similar objectives for these zones already exist within the land use table or are proposed as a part of this planning proposal. The Department is of the view that the proposed changes to Clause 6.11 are unnecessary and a **gateway condition** has been included to require the proposed changes to clause 6.11 be removed from the planning proposal.

Schedule 1 Additional local provisions

As outlined in **Section 1.3**, a number of amendments have been proposed to Schedule 1 Additional local provisions. The planning proposal seeks to remove items:

- 1 – Use of certain land at 21c Farnell Street, Boronia Park
- 2 – Use of certain land at 2,4,6 and 8 Flagstaff Street, Gladesville

- 3 – Use of certain land at 17 and 19 Massey Street, Gladesville
- 6 – Use of certain land at 45 and 47 Barons Crescent, 4-20 Gaza Avenue and 118 High Street Hunters Hill
- 7 – Use of certain land at 49-51 Barons Crescent, Hunters Hill
- 8 – Use of certain land at 1 De Mihau Road and 35a Gladesville Road, Hunters Hill
- 9 – Use of certain land at 1 Durham Street, Hunters Hill
- 10 – Use of certain land at 35 Gladesville Road, Hunters Hill
- 11 – Use of certain land at 41 Gladesville Road, Hunters Hill
- 12 – Use of certain land at 43 Gladesville Road, Hunters Hill

The planning proposal notes these additional permitted uses are now redundant and have no effect as they are now permissible under the LEP or other planning instruments, such as the Housing SEPP and Transport and Infrastructure SEPP.

The Department notes the items 6 and item 7 are currently subject to the Montefiore Seniors Living Planning Proposal (PP-2023-1109), which was exhibited 20 November 2025 to 29 January 2026. A **gateway condition** is recommended to have the planning proposal updated to note the overlap with planning proposal as PP-2023-1109 and note it may be finalised prior to this planning proposal.

The Department notes the planning proposal has provided sufficient justification for all other amendments to Schedule 1.

Schedule 2 Exempt Development

The planning proposal seeks to amend Schedule 2 to include outdoor dining as a new exempt development item.

The planning proposal notes the amendment would provide appropriate provisions relating to outdoor dining in addition to existing provisions under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP). The amendment is intended to permit appropriately managed outdoor dining as exempt development throughout the Municipality, including within heritage conservation areas.

Clause 1.9 (1) of the Codes SEPP states that where a development is specified as exempt development under the Standard Instrument LEP (such as the Hunters Hill LEP), and the Codes SEPP, the LEP does not apply. It is noted that, the Codes SEPP will prevail over this LEP provision, where it applies.

A **gateway condition** will recommend the planning proposal be updated to identify the instances or locations where the exempt development clause would apply and without overlap with the Codes SEPP.

Amend 'Hunters Hill' to 'the municipality' throughout the LEP

The planning proposal seeks to update where 'Hunters Hill' is used in the LEP to identify the locality of the LGA to instead say 'municipality'.

The Standard Instrument LEP allows Councils to insert the *Name of local government area or other relevant name*. The Departments considers the 'municipality' to an appropriate relevant name.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Sydney Water
- Department of Climate Change, Energy, Environment and Water

6 Timeframe

Council proposes a 10 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a principal.

Given the categorising of principal, the Department notes the project timeline does not reflect the time required to finalise the planning proposal. A **gateway condition** will recommend the project timeline be updated.

The Department recommends an LEP completion date of 11 May 2027 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

It is recommended that Council be authorised to be the LPMA given the minor nature of the planning proposal and that it seeks to implement local strategies and plans.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It would provide updates to the Hunter Hill LEP to amend anomalies and errors, improve the ability to interpret the LEP and facilitate the protection and enhancement of the environment and character of Hunters Hill.
- It is consistent with the strategic planning framework, including the draft Sydney Plan, Region Plan, District Plan, Hunters Hill Local Strategic Planning Statement and Housing Strategy.
- It is consistent with relevant SEPPs and Ministerial Directions.

As discussed in the previous sections, the proposal should be updated to:

- Remove proposed amendment to Clause 5.10 Heritage Conservation from the planning proposal.
- Provide an explanation of provision and justification for amendments to Clause 6.3 Stormwater management, Clause 6.4 Terrestrial biodiversity, Clause 6.5 Riparian land and adjoining waterways and Clause 6.6 Limited development on the foreshore.
- Provide assessment against the draft Sydney Region Plan to ensure consistency with its priorities and responses.
- Provide further justification for the need Clause 4.3A Height of building (Additional provisions) and consider potential overlap with state policies.
- Provide justification for the need for the proposed objectives and how these objectives can be achieved through Clause 4.4 Floor Space Ratio.
- Include discussion and justification for the removal of Clause 4.4(2A).
- Remove proposed amendments to Clause 4.5 Calculation of floor space ratio and site area from the planning proposal.
- Provide further justification to understand the need for a development to 'maintain existing natural landscape and landform' as a part of proposed amendments to Clause 6.7 Development on river front areas.
- Remove the proposed changes to clause 6.11.
- Note the overlap amendments to item 6 and 7 of Schedule 1 Additional Local Provisions with PP-2023-2209. Also note that PP-2023-1109 may be finalised prior to this planning proposal.
- Identify the instances or locations where the exempt development 'outdoor dining' clause would apply and not overlap with the Codes SEPP.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
 - (a) Remove proposed amendment to Clause 5.10 Heritage Conservation from the planning proposal.
 - (b) Provide detailed explanation of provisions for amendments to Clause 6.3 Stormwater management, Clause 6.4 Terrestrial biodiversity, Clause 6.5 Riparian land and adjoining waterways and Clause 6.6 Limited development on the foreshore. The planning proposal is to justify what intended outcomes will be achieved by amending the existing LEP provision.
 - (c) Provide assessment against the draft Sydney Plan to ensure consistency with its priorities and responses.
 - (d) Remove the proposed amendment to introduce an objective to the E1 Local Centre zone to 'manage the height, bulk and scale of buildings'
 - (e) Provide justification for the need Clause 4.3A Height of building (Additional provisions) in addition to the height of buildings map and consider potential overlap with state policies.
 - (f) Provide justification for the need for the proposed objectives and how these objectives can be achieved through Clause 4.4 Floor Space Ratio.
 - (g) Include discussion and justification for the removal of Clause 4.4(2A).

- (h) Remove proposed amendments to Clause 4.5 Calculation of floor space ratio and site area from the planning proposal.
 - (i) Provide further justification to understand the need for a development to 'maintain existing natural landscape and landform' as a part of proposed amendments to Clause 6.7 Development on river front areas.
 - (j) Remove the proposed changes to clause 6.11.
 - (k) Note the overlap amendments to item 6 and 7 of Schedule 1 Additional Local Provisions with PP-2023-2209. Also note that PP-2023-1109 may be finalised prior to this planning proposal.
 - (l) Identify the instances or locations where the exempt development 'outdoor dining' clause would apply and not overlap with the Codes SEPP.
 - (m) Update the project timeframe.
2. Prior to exhibition, the planning proposal is to be amended to address condition 1 and forwarded to the Minister under s 3.34(6) of the Act.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as principal as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Sydney Water
 - Department of Climate Change, Energy, Environment and Water (DCCEEW)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land)

The timeframe for the LEP to be completed is on or before 11 May 2027.



14 April 2026

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30 April 2026

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