



The Priory Development Assessment

Prepared By

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Revision History	Date	Notes
Version 00	25 August 2022	Preliminary Draft
Draft V 01	7 September 2022	Draft for issue & review
Final V02	20 September 2022	Final Submitted to Council

Sydney North Planning Panel

Panel Reference															
DA Number	2021/1257														
Local Government Area	Hunters Hill														
Proposed Development	Adaptive re-use of ‘The Priory and Curtilage’ involving conservation works and alterations and additions to facilitate a change of use to a Restaurant and Café (total seating for 416 patrons). Works include the reconfiguration and extension of the existing carpark, access, and landscaping works.														
Street Address	10-14 Salter Street, Hunters Hill														
Applicant	Priory Settlement PTY LTD														
Owners	<table><tr><th>Lot Number</th><th>Street Address</th><th>Owner</th></tr><tr><td>Lot 1 of DP 823988 The Priory</td><td>10-12 Salter Street</td><td>The State of NSW (Crown Land)</td></tr><tr><td>Lot 3 of DP 1128452 Riverglade Reserve</td><td>14 Salter Street</td><td>Hunter’s Hill Council</td></tr><tr><td>Lot 4 of DP 1128452 Riverglade Reserve</td><td>14 Salter Street</td><td>Hunter’s Hill Council</td></tr></table>			Lot Number	Street Address	Owner	Lot 1 of DP 823988 The Priory	10-12 Salter Street	The State of NSW (Crown Land)	Lot 3 of DP 1128452 Riverglade Reserve	14 Salter Street	Hunter’s Hill Council	Lot 4 of DP 1128452 Riverglade Reserve	14 Salter Street	Hunter’s Hill Council
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Lot 4 of DP 1128452 Riverglade Reserve	14 Salter Street	Hunter’s Hill Council													
Date Lodged	26 November 2021														
Est. Cost of works	\$7, 214,870														
Number of Submissions	51														
Reason Referred to Sydney North Planning Panel	SEPP (Planning Systems) 2021 Schedule 6: <ul style="list-style-type: none">▪ CIV > \$5 million▪ Council related development▪ Development carried out on behalf of Crown														
Statutory Framework	Crown Land Management Act 2016 Local Government Act 1993 National Parks and Wildlife Act (NSW) 1974 Heritage Act 1977 Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 SEPP Resilience and Hazards 2021 SEPP (Biodiversity and Conservation) 2021 Hunters Hill Local Environmental Plan 2012 Hunters Hill Development Control Plan 2013 Riverglade Reserve Plan of Management 2021														
Recommendation	Refusal														
Report by	Philippa Hayes Independent Planning Consultant														

TABLE OF CONTENTS

1	EXECUTIVE SUMMARY	5
2	THE SITE, EXISTING BUILDINGS AND SURROUNDS	7
3	THE PROPOSAL	9
4	HISTORY – USE OF SITE AND CURRENT APPLICATION	12
5	INTERNAL REFERRALS	13
6	STATUTORY FRAMEWORK – APPLICABLE ACTS.....	17
6.1	Crown Land Management Act 2016	17
6.2	Local Government Act 1993	17
6.3	Heritage Act 1997	18
6.4	National Parks and Wildlife Act (NSW) 1974	20
6.5	NSW Environmental Planning and Assessment Act 1979 (EP& A Act)	21
7	EVALUATION UNDER SECTION 4.15(1).....	22
7.1	SEPP Resilience and Hazards 2021.....	22
7.2	SEPP (Biodiversity and Conservation) 2021.....	22
7.3	Hunters Hill Local Environmental Plan 2012	24
7.4	Draft Instruments.....	28
7.5	Hunters Hill DCP 2013	28
7.6	Riverglade Reserve Plan of Management.....	31
7.7	Likely Impacts.....	35
7.8	Site Suitability	43
7.9	Submissions.....	43
7.10	Public Interest	47
8	CONCLUSION	48

Attachments:

- A. Internal referrals
- B. Statement of Environmental Effects – Planning Lab
- C. Traffic and Parking Assessment – Varga Traffic Planning
- D. Acoustic Impact Report – Acoustic Logic
- E. Architectural Drawings

LIST OF FIGURES

FIGURE 1: THE THREE (3) LOTS COMPRISING THE DEVELOPMENT SITE.....	7
FIGURE 2: LOT 1 OF THE DEVELOPMENT SITE SHOWING THE HERITAGE LISTED PRIORY BUILDINGS.	8
FIGURE 3: THE PRIORY HOUSE AND OLD KITCHEN (SEPARATE BUILDING).	8
FIGURE 4: ARTIST IMPRESSION OF PROPOSED ADDITIONS TO THE OLD KITCHEN AND 'THE PRIORY'.	9
FIGURE 5: EXTRACT FROM CMP 2021 SHOWING STAGES IN THE DEVELOPMENT OF 'THE PRIORY' AND THE SIGNIFICANCE LEVEL OF THE BUILDINGS.	18
FIGURE 6: EXTRACT FROM HHLEP 2012 ZONING MAP.....	24
FIGURE 7: VIEWS OF POTENTIAL ON STREET PARKING SITES.....	37
FIGURE 8: THE PROXIMITY OF NO. 2 SALTER STREET TO THE ON-SITE CARPARK AT THE PRIORY.	38
FIGURE 9: LEVEL OF SIGNIFICANCE OF EXISTING PLANTING AROUND THE PRIORY.....	41
FIGURE 10: THE EXISTING VEGETATION AT THE ENTRANCE TO THE PRIORY.....	42

1 EXECUTIVE SUMMARY

'The Priory and Curtilage' originally a farm and homestead is listed on the State Heritage Register No.00634 and in schedule 5 of Hunters Hill LEP 2012 (I542), making DA 2021/1257 an integrated application where approval is required from both Heritage NSW and the Sydney North Planning Panel.

The site is in Riverglade Reserve near the corner of Salter Street and Manning Road in the Municipality of Hunter's Hill. The site adjoins residential development to the south and west and there is further residential development in proximity across Manning Road to the North.

DA 2021/1257 is for adaptive re-use of The Priory and Curtilage involving conservation works and alterations and additions to change the use of The Priory house to a restaurant and the old kitchen (separate building) to a café. Works include the reconfiguration and extension of the existing carpark and access, plus landscaping works involving tree removal (47) and replacement (20).

Patron Seating				Floor Space		
	Internal	External	TOTAL		Existing	Proposed
Restaurant	272	44	316	Ground floor Priory (Existing Level 1: 112m ²)	371m ² (112m ²)	859m ² (112m ²)
Café	76	24	100	Old Kitchen Building	65m ²	345m ²
TOTAL	348	68	416	TOTAL	548m ²	1316m²

The proposed hours of operation are:

- Monday to Sunday: 7am to 12midnight (Note: all outdoor areas to be closed by 10:30pm)

The development extends across 3 lots of land (Lots 1, 3 & 4). 'The Priory and Curtilage' are located on Lot 3 of DP 1128452. There is an existing public car carpark within this lot which includes 15 spaces. Additionally, there are 3 disabled spaces adjacent to a recently opened (4 November 2021) equitable access playground called Livvi's Space. The proposed car park plan submitted with the application proposes the extension of the public carpark into Lots 3 and 4 to provide 39 car spaces, with one disabled parking space and a bus set-down area. However, Council's parking provisions require 139 off-street car spaces for the restaurant and café alone (refer section 7.7.1).

The application was publicly exhibited between 15 December 2021 and 23 February 2022 and 51 submissions were received (48 objections). The key issues raised in the objections, were the size and operating hours of the facilities, lack of on-site parking and potential noise impacts.

Assessment of DA 2021/1257 identified a number of significant planning and heritage issues and these were conveyed to the applicant on 28 February and 20 April 2022, respectively. At a meeting held on 5 May 2022 the applicant was encouraged to withdraw their application, as it was considered finding solutions to the identified issues would require working with multiple stakeholders and major design changes. On 15 August 2022 Council, sent a letter to the applicant advising that resolution of the application was required and that if the applicant did not withdraw their proposal an assessment report would be forwarded to the Sydney North Planning Panel. No response was received from the applicant.

The issues identified with the application are unable to be addressed through amendments or conditions and provide grounds for refusal:

- The site is not well serviced by public transport and the proposal's shortfall of on-site car parking (over 100 spaces) results in potential, material adverse impacts. Within the vicinity of the site, the lack of footpaths, thick vegetation, poor lighting and sightlines, all reduce the safety and availability of street parking. Additionally, patrons using street parking will detract from the amenity of the surrounding residential area. These issues have been ignored in the DA (refer section 7.7.1) and therefore the proposal's significant shortfall in on-site parking is not supported.
- The site is located in close proximity to residential development. The noise and lighting emanating from a 416-seat facility (68 outdoor dining seats + outdoor bar seating), operating 7 days a week, has the potential to materially degrade the amenity of the surrounding residential areas. The acoustic report lodged with the application is inconclusive (refer section 7.7.3) and a light impact assessment was not submitted.
- The bulk, scale and character of the proposed additions are considered to have a material and adverse impacts on the heritage significance of The Priory buildings (refer section 7.3.5).
- The impact on heritage significance of the removal of 10 trees at the site entrance has not been adequately addressed in the DA. Heritage NSW, Council's Heritage and Tree and Landscape Advisors have all raised concerns about the removal of these trees (refer section 7.7.4).

In addition to the above merit-based grounds of refusal, the following technical matters are considered to preclude approval of the application:

- The proposal includes provision to widen the vehicular site access (located on Lot 4) from single to dual carriageway. However, these works are not permissible under the current R2 Low Density Residential zoning applying to Lot 4 (refer - section 7.3.1). Council's Engineers have advised that the existing single width access is not satisfactory for the size and use proposed under DA2021/1257.
- Crown lands gave owner's consent for the subject development application to be lodged on the condition that the proposed architectural drawings they reviewed/stamped, be submitted to council with the application. This requirement has not been fulfilled.
- Heritage NSW has not approved the subject proposal and have provided advice that they do not support the proposal in its current form (refer section 6.3).
- The contamination status of the development site needs to be resolved to satisfy the requirements of Clause 4.6 of SEPP (Resilience and Hazards) 2021. While the SEE states the lots are not on the EPA's register of contaminated lands, the section 10.7 planning certificates for Lots 1, 3 & 4, (submitted with the application) identify these lands as contaminated and reference site audit statements. Furthermore, the 2009 Conservation Management Plan for The Priory references landfill carried out on the Priory surrounds (refer section 7.1).
- Areas of archaeological potential are present within the study area and may be impacted by the proposed works. In late April 2022 the applicant was advised that a Historical Archaeological Assessment (HAA) would be required. This information required to inform development assessment, has not been submitted (refer section 6.3).

The application is recommended for refusal.

2 THE SITE, EXISTING BUILDINGS AND SURROUNDS

The site 10-14 Salter Street, Huntleys Cove is located near the intersection of Salter Street and Manning Road in the Municipality of Hunter's Hill. The site is situated on the eastern side of Salter Street in the Riverglade Reserve which includes Tarban Creek.

The site consists of three (3) lots which together have an area of approximately 17, 408.6 m². The area, zoning and ownership of the separate lots is shown below.

Lot Number	Area	Street Address	zone	Ownership
Lot 1 of DP 823988 The Priory	6,961m ²	10-12 Salter St	R2 Low Density Residential	The State of NSW (Crown Land)
Lot 3 of DP 1128452 Riverglade Reserve	10,330m ²	14 Salter St	RE1 Public Recreation	Hunter's Hill Council
Lot 4 of DP 1128452 Riverglade Reserve	117.6m ²	14 Salter St	R2 Low Density Residential	Hunter's Hill Council

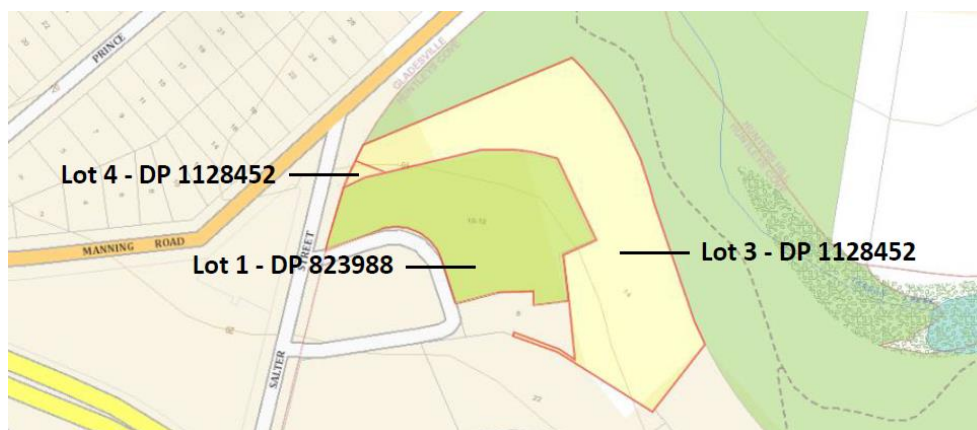


Figure 1: The three (3) lots comprising the development site.

The section of the site known as Lot 1 includes a group of heritage listed buildings, known as the “The Priory and Curtilage”, originally a farm and homestead and more recently used by NSW Health as a mental health facility. The Priory is listed as an item of State and local heritage significance under the NSW State Heritage Register (HHR No. 00634) and Schedule 5 of the Hunters Hill Local Environmental Plan (HHLEP) 2012 (Item No. I542). A public carpark containing 15 spaces exists to the west of the Priory buildings. In November 2021, an equitable access playground (Livvi's Place) was opened adjacent to the Priory with an additional 3 disabled car spaces added near the playground plus a small portable toilet facility.



Figure 2: Lot 1 of the development site showing the heritage listed Priory buildings.

Also, evident adjacent to Lot 1 is the equitable access playground Livvi's Space and surrounding residential development.

Photos of the heritage listed buildings on the site are shown below with an extract from the survey of the site.



Figure 3: The Priory House and old kitchen (separate building).

The dominant land use surrounding the development site is residential and public recreational space. As Figure 2 shows low density residential consisting of single dwelling houses is the main building form to the north and north-west of the site with town house development and residential flat buildings located to the south and south west of the site.

The site is located approximately 90m away from a Victoria Road which is a major arterial road. The land falls steeply from Victoria Road down to Tarban Creek.

3 THE PROPOSAL

DA 2021/1257 is for adaptive re-use of The Priory and Curtilage involving conservation works and alterations and additions to facilitate a change of use to a restaurant and separate café. The restaurant is proposed in the Priory house whereas the café is proposed in the old kitchen. Works include the reconfiguration and extension of the existing carpark, access, and landscaping works.

The proposed seating capacity and hours of operation are as follows:

	Internal Seating	External Seating	Patron Capacity
Restaurant	272	44	316
Café	76	24	100
Total Capacity	348	68	416

Proposed hours of operation (extract page 13 of SEE):

Monday to Sunday: 7am to 12midnight (Note: all outdoor areas will be closed by 10:30pm)

The works include adding a glass pavilion to the rear of the Priory house (proposed restaurant) and expanding the old kitchen (proposed café), increasing the floor space as described:

	Existing Floor Space	Proposed Additional Floor Space	Total Proposed Floor Space
Priory House Ground floor	371m ²	488m ²	859m ²
Priory House First floor	112m ²	0	112m ²
Old Kitchen	65m ²	280m ²	345m ²
Total Floor Space	548m ²	768m ²	1,316m²



Figure 4: Artist impression of proposed additions to the old kitchen and 'The Priory'.

Additionally, it is proposed to alter the existing 15 space car park and access to provide a 39-space carpark for customers of the restaurant/café as well visitors to Riverglade reserve/Livvi's playground. A comprehensive landscape plan has been provided which proposes screen landscaping and a vegetable garden as well as the removal of 47 trees and planting of 20 replacements.

In the applicant's SEE they provide the following list of specific works:

Demolition and site preparation works

- Removal of later additions to the main house including; the shower and toilet addition and the attached boiler room; latticework in north porch; cement floors to courtyard and western veranda and retaining walls; and bush house platform and garden beds at the rear courtyard.
- Removal of later additions and internal partitions of the old kitchen building.
- Excavation of part of the rear yard, including partial removal of rear paths.
- Removal of trees near the east (front) and north of the Priory principal building.
- Removal of the later addition to the former kitchen building.

Conservation works

Main House

- Minor internal reconfiguration including the removal of later partitions and opening of new doorways.
- Removal of cement render patches, acrylic paintwork, and all existing air-conditioning and disused telecommunications equipment from the exterior of the main house.
- Conservation of the bay window located in the Salter Wing section.
- Removal of later carpet and linoleum coverings to floors.
- Re-opening and reconstruction of fireplaces with a new stone face and ledge to period design.
- Removal of unsympathetic fluorescent lighting and its replacement with more sympathetic light fixtures.
- Remove unsympathetic curtain tracks and window blinds.
- Reconstruction / interpretation of original internal paint scheme.
- Rear courtyard: Removal of metal rails between stone pillars along southern courtyard perimeter and replace them with timber rails in original rail holes.

Old kitchen building

- Repointing of the external walls with traditional lime mortar mix.
- Remove existing unsympathetic windows on southern and northern elevation and replace them with more traditional timber framed windows.

Additions

- Construction of a new glazed pavilion over the rear courtyard to accommodate a dining room, including:
 - Glass connection roof to the Stubbs, Salter, and Weaver Wing walls.
 - Relocation of the corner stone stairs slightly to the west to align with the new western courtyard perimeter and reconstruction of the western sandstone block wall on new off-form concrete plinth, with two window openings to provide views into new kitchen.
 - Construction of a kitchen adjacent to the dining room and landscaped roof at the level of the rear yard.

Landscaping and car park/access road improvements

- Extend the existing car park to south (by excavated wall) and west. Realign and widen the driveway for safe access.
- New bin store and outdoor plant by car parking.
- New landscaping, including screening hedge planting to south end of car park to partially block views from the neighbouring residential development of the car park. New trees intended to screen views of the eastern equitable access ramp.
- New skillion roof to chemical store.
- Expansion and upgrade of existing public car park to provide 39 off-street car parking spaces for customers of the restaurant/café as well as visitors of the Riverglade Reserve. One loading zone is also proposed and a drop off zone for a 24-seater bus.

The applicant is proposing to carry out the work in 3 stages:

Stage 1:

Carpark and driveway/services infrastructure; site access; BCA upgrades to lower site; heritage maintenance works to cafe building and lower site; cafe extension, outdoor seating area, fit out; publicly accessible wc; landscape works to lower site; salter street fence and gate.

Stage 2:

Heritage maintenance works to restaurant exterior and ground floor interior, restaurant extension.

Stage 3:

Heritage maintenance works to restaurant level 1 interior.

4 HISTORY – USE OF SITE AND CURRENT APPLICATION

Dates	Action
1847	The Marist brothers employed Architect William Weaver to construct a residence.
1874	Thomas Salter purchased the property in 1874 and renamed it 'The Priory'.
1888	The Priory became the Tarban Asylum part of the Gladesville Mental Hospital.
1942	An air raid shelter was constructed on the site.
1985	The Priory was restored for use by NSW Mental Health Review Tribunal.
2003	Gazetted as State Heritage Item. NSW Health vacates.
2006	Townhouses approved on land to south and west of the Priory.
2006/7	NSW Government added the Priory to the Riverglade Reserve. Under the Crown Lands Act, Council is responsible for care and maintenance.
2009	GBA Heritage prepared the first Conservation Management Plan.
2015	Expression of Interest, open tender for adaptive re-use of The Priory. The current applicant was accepted as the preferred proponent.
May 2016	Probity Report undertaken on EOI process.
May 2016	A council meeting was held to clarify preferred proponent's proposal: Restaurant/take-away café seating 150-200 patrons. 7 days a week dinner until 10pm. Approx staff 30-50. Community uses. Council to build a 30-space carpark.
February 2021	Riverglade Reserve Plan of Management adopted by council.
4 Nov. 2021	Livvi's Place (inclusive play space) opens adjacent to 'The Priory'.
26 Nov. 2021	DA 2021/1257 - lodged for adaptive re-use of 'The Priory and Curtilage'.
Dec. 2021	DA notification period (15 December 2021 to 23 February 2022).
28 Feb. 2022	Results of preliminary planning assessment sent to applicant, identifying major concerns with proposal.
30 Mar. 2022	Meeting held with applicant to discuss preliminary assessment. It was advised at this meeting that the scale of the proposal was considered too large.
20 April 2022	Heritage NSW Planning provided advice that they were unlikely to grant approval.
5 May 2022	Meeting held with Heritage NSW & the applicant. It was advised the application would be refused and should be withdrawn. The applicant requested an opportunity to submit amended plans.
July/Aug. 2022	Concept amendments were submitted; however, they were not formally lodged through the planning portal and no revised documentation (Traffic and Carparking reports etc were provided). Assessment of the original application lodged via the planning portal was undertaken.
August 2022	A letter was sent to the applicant advising them to withdraw their application or the assessment report would be put to the Sydney North Planning Panel. No response was received.

5 INTERNAL REFERRALS

Internal referrals were undertaken to the following:

- Engineering Officer
- Building Surveyor
- Health and Safety Officer
- Heritage Advisor
- Tree and Landscape Advisor

Provided below is a summary of their conclusions. Their full comments are provided as Attachment No. 1.

Engineering Review:

A Stormwater Drainage Concept Plan (SDCP), prepared by ADP Consulting: Engineering, has been provided in support of this Application. In regards, to the SDCP, the following advice is provided:

- Full calculations must be provided to support the volume of the OSD tank which is proposed to be located under the outdoor terrace area.
- The dimensions of the OSD tank are to be provided. The OSD tank must have at least two access points at the extreme ends of the tank to enable access, cleaning, and maintenance.
- A sectional detail through the proposed OSD tank will be required. This detail is to include design levels, dimensions, orifice detail (size, orientation, and location), sediment trap, grate access, etc. Details of all stormwater pits are to be provided and must include finished surface and invert levels.
- The sizes of all pipes including type, gradients and their invert levels are to be shown.
- A typical sectional detail through the 'soakwell' pit is required.
- A typical sectional detail through the gross pollutant trap is required or a proprietary unit is to be specified to confirm its functionality and fit for purpose.
- A typical section through the rainwater tank and the final (agreed) location is to be provided. The detail is to include the minimum volume.
- The proposed 'bubble up' pit is to be replaced with a drop pit and headwall with downstream outlet scour protection. A pit which holds permanent water up the line is not acceptable, because it promotes insect infestation and sedimentation.
- The proposed car park hard paving will result in significant runoff being generated. The proposed SDCP does not have sufficient drainage mitigation measures to address this, for both the upper and lower carparks.
- There are no design levels shown on the carpark to indicate how runoff collected from the paved areas can be collected, conveyed, and safely drained.

Traffic/Parking

A Traffic and Parking Assessment Report, prepared by Varga Traffic Planning (Varga Report) has been submitted in support of this Application. The following advice is provided in respect to the Report and the carpark design:

The Report indicates that a total of 39 parking spaces will be made available within the 'upgraded' car park. However, the RMS "Guide to Traffic Generating Developments" requires approximately 139 car spaces for this development. Therefore the 39 proposed is 100 car spaces deficient.

- The Varga Report indicates that this 100-car space shortfall can be accommodated on-street along Manning Road and Salter Street.
- In addition, according to AS/NZS 2890.6 “Off Street Parking for People with Disabilities,” for a total of 139 parking spaces, at least 3 disabled parking spaces will be required as part of the development. This would reduce space in the carpark limiting carparking to 34 parking spaces (plus 3 disabled).
- The lower carpark area has a steep embankment separating the upper-level parking area. To create the additional parking spaces as indicated would require encroachment into the embankment which will need to be supported by retaining walls. This is not indicated on the plans. It is estimated the level difference to be approximately 1.5m.
- To provide for the additional parking spaces in the lower carpark, this will require moving the upper car parking area further into the unformed vegetated area. This will result in substantial removal of existing trees and bushland.
- Finished design levels are not shown on the plan to indicate as to whether the proposed parking spaces can be achieved.
- Parking bay dimensions and aisle widths will need to be shown on the plan to confirm that the proposed parking allocations can comply with AS/NZS 2890.1:2004 “Off Street Car Parking” Code.
- A 6.4m long light commercial vehicle is proposed for pick-up/drop-off of passengers from the designated ‘drop-off’ area. However, there is no turning area provided. A swept path manoeuvring plan is to be superimposed onto the plan. A check of the 8.8m service vehicle will also be necessary as it will be expected that service vehicles larger than a 6.4m will enter the site.
- If on-street car parking is to be accepted, a footpath from the on-street car parking spaces to the amenities, would be needed. Particularly to address the evening period when visibility is low.

RECOMMENDATIONS:

There are quite a number of constraints to this development which need to be resolved.

It is therefore recommended that the advice as given in Stormwater Management and Traffic/Parking, are addressed to the satisfaction of Council’s Development Engineer before the Development Consent, is released.

Additional comments 13.09.22

After it was assessed that the R2 zoning of Lot 4 did not allow alterations to the single width vehicular entry/exit point engineering provided the following comment:

“You cannot keep the existing driveway for the upgraded use of the facility because this would not be appropriate.”

Building Surveyor Review:

The application is acceptable subject to conditions.

Health and Safety Officer Review:

The proposed waste management plan has been assessed. The applicant will need to provide swept paths for their service vehicle. The application is satisfactory subject to condition.

Heritage Review:

Comments on key issues:

- The extent of demolition is excessive. The whole of the 1857 Weaver Wing must be retained.
- An alternate entry to the large proposed eastern ramp must be considered.
- The general changes to the setting of the buildings are unsympathetic.
- The extension of the café towards the east is inappropriate as it would be a visually intrusive element in the setting of the Priory. It must be deleted.
- The proposed fence and gates along the street boundary must be deleted as they are not sympathetic to the character of the place.

CONCLUSION

The proposal would result in The Priory being almost a secondary element in a new large function centre and café development. The extent of changes are such that it appears a function centre may not be an appropriate new use for The Priory, especially as the applicant has advised that in order to be financially viable it must have twice as many seats (416) as the 150-200 seats I understand was originally discussed with Council. The scheme as currently proposed is not acceptable.

Tree & Landscape Advisor Review:

This DA is not satisfactory in terms of tree management. The following additional information relating to tree management is required:

1. The root mapping report should be prepared by an Arborist with a minimum qualification (using the Australian Qualifications Framework) of NSW TAFE Level 5 or above in Arboriculture for the assessment of the potential impact of the proposed development on T11 Morton Bay Fig (*Ficus macrophylla*). The report must verify the quantity, size, type, depth, and orientation of tree roots along the line of the proposed excavation works for the driveway crossover. The exploratory excavation must be carried out using non-destructive or non-injurious techniques and in the presence of a Level 5 Arborist. Details of the root mapping investigations should be outlined within the Arboricultural Impact Assessment and should include:
 - i. Trench location in relation to trees indicated on a plan
 - ii. Trench length, depth (reason for depth i.e., impermeable layer), width and orientation
 - iii. Location, size, number, orientation, and depth of roots greater than 25mm in diameter exposed within the trench
2. In principle the removal of the dead or failing specimens is considered acceptable for the ongoing management and maintenance of the site. However, the subject site is known as “The Priory and Curtilage” and is an item of State Heritage Significance and listed in Council’s LEP 2012. The retention of the cultural landscape value of the site includes its mature trees. Subsequently, it is necessary that the Heritage Impact Statement specifically address the impact of tree removal on the heritage values of the site. The assessment should be undertaken by a suitably qualified heritage specialist, with experience in landscape heritage to consider the significance of the trees and their contribution to the significance of the

heritage item. In particular, the impact on the identified heritage values of the site of the removal of the following groups of trees should be assessed:

- The removal of mature Camphor Laurels for the proposed carparking in close proximity to the site entry. It is understood that a row of trees is evident along the driveway on a 1945 aerial.
 - The row of existing *Cupressus sempervirens* (Italian cypress) that line the entrance to the site.
 - The mature palms and conifers to the north and east of the house.
3. The Heritage Impact Assessment should also address the impact of removal of the following mature trees - Tree 5 *Cinnamomum camphora*, Tree 6 *Cinnamomum camphora*, Tree 7 *Phoenix canariensis*, Tree 10 *Cinnamomum camphora*, T15 *Cupressus sempervirens*, T16 *Cupressus sempervirens*, T17 *Cupressus sempervirens*, T18 *Cupressus sempervirens*, T19 *Cupressus sempervirens*, T20 *Cupressus sempervirens*, T23 *Cupressus sempervirens*, T24 *Cupressus sempervirens*, T25 *Cupressus sempervirens stricta*, T26 *Cupressus sempervirens* and T27 *Cupressus sempervirens stricta*.
 4. The removal of contributory landscape items from a heritage site needs a detailed approach which is specific to each value of significance, so that heritage value itself – rather than just the physical specimen – is maintained and continued appropriately over time. In this way tree management can manage vegetation more flexibly and adopt a broader vision for continuing significance into the future. The Heritage Impact Assessment should inform the landscape proposal for the site including the selection of appropriate replacement species. Further to this, an amended Landscape Plan for the site should be prepared based on the recommendations outlined in the Heritage Impact Assessment.
 5. If trees are proposed for removal on heritage grounds evidence is required that demonstrates a collaboration between a heritage specialist and the Project Arborist.
 6. T44 has been listed for removal in Table 2 of the Arboricultural Impact Assessment and in Appendix 1 for retention. Clarification is required regarding the proposal in terms of T44.
 7. The Arboricultural Impact Assessment should assess the impact of the proposed stormwater infrastructure on the site's trees.
 8. It is noted that Council's Consultant Development Engineer has highlighted that potentially a substantial number of additional trees and bushland may require removal to accommodate additional car spaces (in accordance with RMS "Guide to Traffic Generating Developments").

6 STATUTORY FRAMEWORK – APPLICABLE ACTS

6.1 CROWN LAND MANAGEMENT ACT 2016

The Crown Land Management Act 2016 (CLM Act) commenced on 1 July 2018 and sets out the “principles of Crown land management”:

Section 1.4 Principles of Crown Land Management:

- a. that environmental protection principles be observed in relation to the management and administration of Crown land;*
- b. that the natural resources of Crown land (including water, soil, flora, fauna, and scenic quality) be conserved wherever possible;*
- c. that public use and enjoyment of appropriate Crown land be encouraged;*
- d. that, where appropriate, multiple use of Crown land be encouraged;*
- e. that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and*
- f. that Crown land be occupied, used, sold, leased, licensed, or otherwise dealt with in the best interests of the State consistent with the above principles.*

The CLM Act requires councils to adopt a Plan of Management (POM) for all Crown reserves for which they are the appointed Crown Land Manager. These reserves are classified as community land under the Local Government Act (LG Act). The Priory associated buildings and curtilage are located on Crown land (Lot 1 of DP 823988) and subject to the Riverglade Reserve Plan of Management (RRPOM February 2021), which categorises the subject land as ‘General Community Use’. Under the Crown Land Act, the plan is given statutory power and provides scope for the type of works permissible on the land, in effect operating like a site specific DCP.

The lodged DA is considered generally consistent with the principles for Crown land management and the RRPOM, which allows for the ‘*re-use of The Priory to provide a café/restaurant and public related activities including education and artists space.*’ An assessment of the proposal against the specific requirements of the RRPOM is provided in section 7.6.

Crown Lands gave owner’s consent for the subject development application on the basis that the proposed architectural drawings they reviewed/stamped, be submitted to council with the application. This condition has not been fulfilled and therefore prior to any approval this matter would need to be resolved.

6.2 LOCAL GOVERNMENT ACT 1993

The Local Government Act (LG Act) is the primary legislation affecting Riverglade Reserve. This Act requires the preparation of Plans of Management (POMs) for all council owned land. Council owns Lot 3 DP 1128452 and Lot 4 DP 1128452, which form part of the subject DA and therefore management of this land is regulated by the Riverglade Reserve Plan of Management RRPOM adopted by Council in February 2021. The LG Act also provides for the categorisation of land as operational and community. Community land must be categorised into a range of categories including parks, sports grounds, areas of cultural significance, general community use and natural areas. Lots 3 and 4 are categorised under the RRPOM as park land.

The LG Act requires POMs to set out objectives and performance targets with respect to the land, and how performance will be assessed and managed with respect to identified targets. Furthermore,

the POM authorises use, easements, leases, licences, and other granting of estates on community land. An assessment of the proposal against the specific requirements of the RRPOM is provided in section 7.6.

6.3 HERITAGE ACT 1997

‘The Priory and Curtilage’ is a State Heritage Item HHR No.00634 making DA 2021/1257 an integrated application and approval is required from Heritage NSW (section 4.46 of the EP&A Act 1979).

Heritage NSW provided the comments on the proposal in late April 2022. To provide context to these comments the various stages in the building history of the Priory and the corresponding level of heritage significance as depicted in the CMP 2021 are shown below:

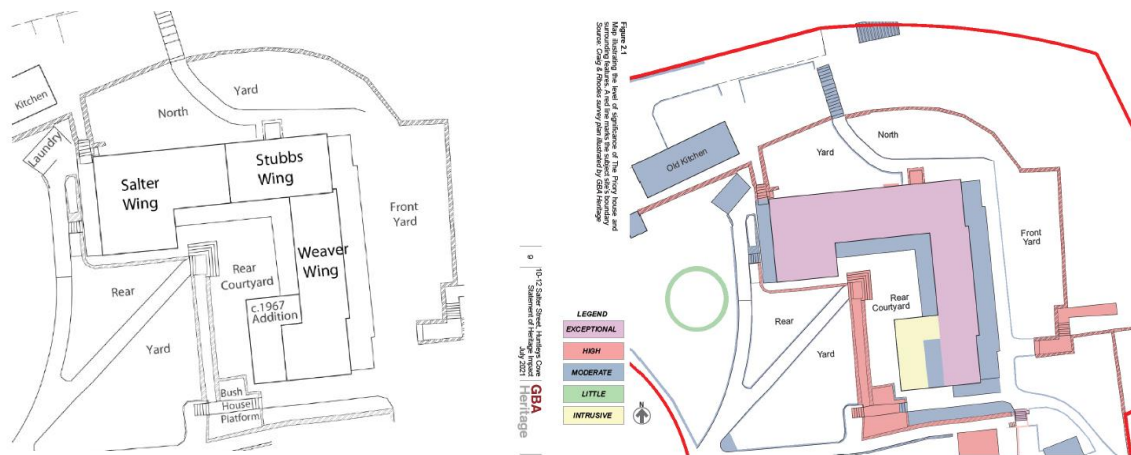


Figure 5: Extract from CMP 2021 showing stages in the development of ‘The Priory’ and the significance level of the buildings.

The advice provided by Heritage NSW with regard to the subject application is provided below:

The proposed application for the above development at The Priory has been assessed and the following works are unlikely to be supported:

Main House

1. The proposed modification of the hip roof of the original southern pavilion of the Weaver Wing (c1857) and the demolition of the remains of the boiler house graded exceptional significance. The replacement roof was completed in 2011 as part of the NSW Heritage Grant Program (CMP, p48).
2. The proposed demolition of the verandah to Salter and Weaver Wing, graded moderate significance, which are typical of the period and function of building as indicated on the Historic Phase House Plans (CMP, Appendix 3) and replacement by skylights.
3. The proposed southern extension of the glazed pavilion over existing southern path and associated excavation is likely to impact the fabric of the southern retaining wall, piers, path, steps, and bush house platform.
4. The proposed extent of demolition of the original western terraced sandstone wall and steps, graded high significance (CMP, p38) is not supported in the current form. The proposed reconstruction of a section of this wall in front of the subterranean kitchens and storage areas is not considered a meaningful interpretation of the courtyard and historic setting of the building.

5. *Opening of western wall of Room 13 in Weaver Wing, graded exceptional significance, for bifold doors to courtyard, is without justification as is inconsistent with all other private dining.*
6. *The Priory is a complex cultural landscape formed by the aesthetic and historic relationship of its harbourside location, the topography, natural and introduced vegetation, open space and a variety of buildings and structures. The following impact of proposal on significant views of the main building are considered inappropriate and are not supported:*
 - a. *The proposed glazed building that extends above and beyond the southern end of the southern pavilion of the Weaver Wing, graded exceptional significance. The southern path provides historic connections and views that enable the interpretation and appreciation of The Priory and should be retained intact.*
 - b. *opening of two windows along the northern façade of the Salter Wing (c1874) graded exceptional significance and installation of steel framed glass doors and shutters.*
 - c. *new kitchen exhaust riser in proximity of decorative southern gable to Salter Wing.*
 - d. *replacement of timber double doors for new steel framed glass door of Weaver Wing, graded exceptional significance.*
 - e. *proposed accessible ramp to the north of the Stubbs terrace.*

Old Kitchen

1. *The old kitchen is described in the CMP as the 'Stubb's era kitchen' (CMP, p31) and is evident on the 1885 Crown plan showing the Priory property (CMP, p26). While it may have been subject to modifications, the building that could be one of the earliest on the site, contributes to the variety of buildings that make up the item and therefore its moderate grading is questioned. For these reasons, the proposed scale of the café extension, including its proximity to the entrance driveway, the severing of its important connection to the Salter Wing, the proposed opening of its northern wall and lowering of the floor level, severely diminishes the ability to interpret this building and its relationship with the main house.*
2. *The proposed café in association with the carpark introduces a large amount of hard surface within the vicinity of the heritage buildings and extends over the existing sewer main of the property.*

Landscape

1. *Tree removal – Proposed removal of 47 trees, mostly for the expansion of the carpark, café addition and to restore views from the northern and eastern terrace. While there may be merit in removing trees in poor health and condition, retention of the cultural landscape of this state heritage item includes its mature trees and green spaces. The row of existing Cupressus sempervirens (Italian cypress) line the entrance to the site and screen the carpark and are to be retained. Similarly, the mature palms and conifers in good condition to the north and east of the house are to be retained to enframe views out.*
2. *The proposed carparking in close proximity to the site entry (25-31) including removal of existing mature Camphor Laurels does not allow for replanting at the site entry and is not supported. A row of these trees is evident along the driveway on the 1945 aerial.*

In addition, the following information is to be provided to enable assessment,

1. *Recent survey of the site including the playground and associated carpark.*
2. *Detailed demolition plan including internal and external elements.*
3. *Plans to include reference to rooms as numbered in Figure 1.4 of the CMP are to be added.*
4. *The tree identification is to correctly identify plantings Callitris columnaris and Cupressus funebris seen as semi mature plantings pre 1955 (possibly following removal of the Cook*

Pines in association with Gladesville Hospital (CMP, Figure 2.26)). Clarification of tree identification 29 to 34 is to be provided. The photo of tree 29 is the same as tree 30. Several trees proposed to be removed are located within the playground (Trees 12a and 12b).

5. *View analysis of entry to site, approach from driveway, views to and from house and terraces.*
6. *Dimensions of walls are to be appropriate for proposed extent of excavation e.g., up to 4 metres for kitchen/stores.*
7. *A more detailed Schedule of Conservation Works is to be provided including internal repairs to walls and ceilings to all rooms as well as repairs to stone garden elements.*
8. *The Applicant is to engage a suitably qualified historical archaeologist to undertake a detailed historical archaeological assessment (HAA) of the site. The Assessment must comply with Heritage Council of NSW guidelines including but not limited to Assessing Significance for Historical Archaeological sites and Relics 2009 and Archaeological Assessments 1996. This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential resource.*

In conclusion, while Heritage NSW supports the adaptive reuse of The Priory and its proposed use for commercial purposes, the impact of the proposed works is considered likely to have a material affect on the significance of the item and it is likely to be refused unless significant changes to mitigate this impact can be made.

Comments on Heritage NSW's advice:

Austral Archaeology was engaged by the applicant to undertake a Preliminary Historical Heritage Assessment. Their study identified that areas of archaeological potential are present within the study area and may be impacted by the proposed works. Accordingly, Austral recommended a full Historical Archaeological Assessment (HAA) be prepared in advance of the development. Heritage NSW in point No. 8 (above) reiterated Austral's advice that *a full historical archaeological assessment (HAA) of the site* was required. A HAA determines if a permit is required under the Heritage Act and this work would need to be completed prior to any approval. In April 2022, the applicant was advised that a HAA was required but did not respond.

6.4 NATIONAL PARKS AND WILDLIFE ACT (NSW) 1974

The National Parks and Wildlife Act (NSW) 1974 (NPW Act) regulates the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to:

- Places, objects, and features of significance to Aboriginal people;
- Places of social value to the people of New South Wales; and
- Places of historic, architectural, or scientific significance.

An Aboriginal Cultural Heritage Due Diligence Advice was prepared by Austral Archaeology for the proposed development. This advice was intended to identify whether Aboriginal objects or places are present or are likely to be present within the study area. Austral's search of the Aboriginal Heritage Information System (AHIMS) showed that previously identified Aboriginal Heritage sites in

Riverglade Reserve where not in close proximity to the development site. Additionally, Austral looked at the potential for further sites to be located within the study area. However, Austral only considered Lot 1, not the full development site (Lots 1, 3 & 4).

If consent for the works was to be entertained, Austral would need to widen the scope of its investigation, particularly as within Lot 1 areas of moderate aboriginal archaeological potential, were identified, where building works and the removal of 13 trees are proposed.

6.5 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)

Section 4.15(1) of the EP&A Act 1979 lists the matters that must be considered by a consent authority when determining a development application. Evaluation of the application against the requirements of Section 4.15(1), is undertaken in section 7.

7 EVALUATION UNDER SECTION 4.15(1)

7.1 SEPP RESILIENCE AND HAZARDS 2021

Clause 4.6 of this SEPP requires potential contamination and remediation of land be considered when determining development applications.

The section 10.7 planning certificates submitted with the application for Lots 1, 3 & 4 identify these lands as contaminated and subject to site audit statements, however, page 21 of the SEE includes the following statement:

A search under the NSW contaminated land records provides no previous records of significant contamination on site. Additionally, in view of the history of the site originally being a farm and homestead and more recently used as part of a mental health facility (refer to 1943 aerial image below at Figure 15), it is considered that the prospect of contamination on site is insignificant. It is unnecessary to undertake further investigation of the site's contamination levels under the SEPP 55- Remediation of Land.

A check of the EPA register of contaminated lands shows the Lots 1, 3 & 4 do not appear listed on the EPA's register, but landfill has occurred on the site, and this may explain the section 10.7 certificates. Page 22 of the 2009 Conservation Management Plan (CMP) states:

The grounds were also altered during this period. Earlier, in 1889, the mud flats at Tarban Creek were filled to provide more agricultural land. This area was cultivated continuously until the 1950s. Then in 1957, approximately 100 tons of soil from the vegetable garden was removed to build a Sports oval on the southern side of Victoria Road. The citrus orchard, possibly remaining from the Marist Brothers period, was buried by fill in the mid-1970s. Additional landfilling activities occurred during the 1970s and 1980s. These extensive episodes of landfill have altered the landscape of The Priory and Tarban Creek.

Given the uncertainty surrounding the contamination status of Lots 1, 3 & 4 and the requirements of the subject SEPP, resolution would be required prior to any consent.

7.2 SEPP (BIODIVERSITY AND CONSERVATION) 2021

Sydney Harbour Catchment, chapter 10 of this SEPP, applies to the site. Under the provisions of this chapter the site is designated as a foreshore and waterways area.

Consideration has been given to the relevant clauses in section 10.1, Aims of Chapter and section 10.11 planning principles for foreshore and waterways area:

10. 1 Aims of Chapter

(a) to ensure that the catchment, foreshores, waterways, and islands of Sydney Harbour are recognised, protected, enhanced, and maintained:

i. as an outstanding natural asset, and

- ii. *as a public asset of national and heritage significance, for existing and future generations,*
- (b) *to ensure a healthy, sustainable environment on land and water,*
- (c) *to achieve a high quality and ecologically sustainable urban environment,*
- (d) *N/A*
- (e) *to encourage a culturally rich and vibrant place for people,*

10.11 Foreshores and Waterways Area

- (a) *development should protect, maintain, and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores,*
- (b) *public access to and along the foreshore should be increased, maintained, and improved, while minimising its impact on watercourses, wetlands, riparian lands, and remnant vegetation,*
- (c) *access to and from the waterways should be increased, maintained, and improved for public recreational purposes (such as swimming, fishing, and boating), while minimising its impact on watercourses, wetlands, riparian lands, and remnant vegetation,*
- (d) *development along the foreshore and waterways should maintain, protect, and enhance the unique visual qualities of Sydney Harbour and its islands and foreshores,*

The 'Priory and Curtilage' is set within the Riverglade Reserve a popular park which adjoins, at its eastern end, the harbour. The proposal for adaptive re-use of the Priory buildings as a restaurant and café would re-invigorate currently vacant and under-utilised assets within the harbour foreshore. Accordingly, the application concept is considered consistent with the relevant aims and planning principles of Chapter No. 10. However, concern about the size of the new facilities and their impact on the heritage significance of 'The Priory', parking safety/availability and the amenity of surrounding residential development is discussed throughout the body of this report.

7.3 HUNTERS HILL LOCAL ENVIRONMENTAL PLAN 2012

7.3.1 - Part 2: Permitted or prohibited development

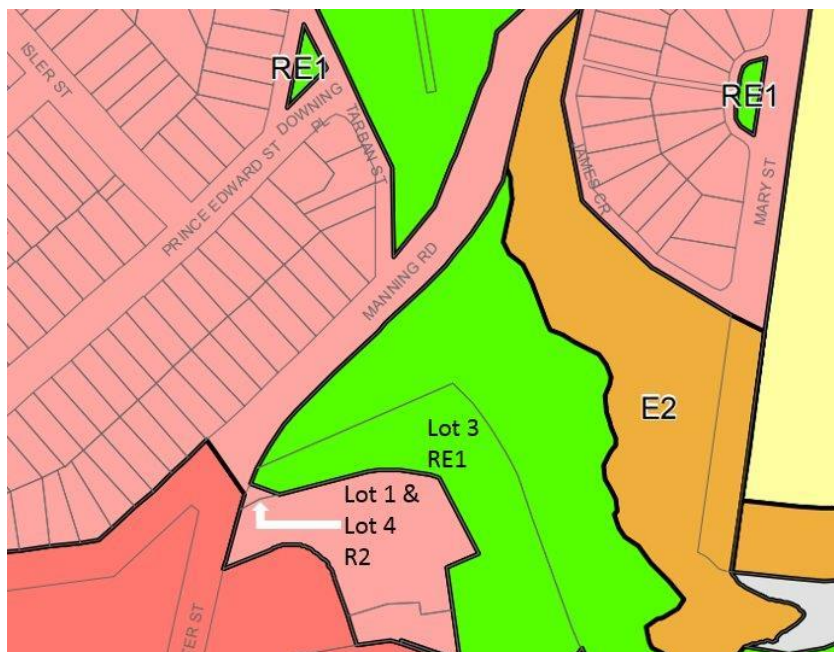


Figure 6: Extract from HHLEP 2012 zoning map. It shows the zoning of the three lots (Lot 1, 3 & 4) subject of the DA.

Lot Number & Ownership	Zoning	Work proposed	Permissibility of Land Use
Lot 1 of DP 823988 Crown Land Includes 'The Priory and Curtilage'	R2 Low Density Residential	Restaurant/café & ancillary works (extension to car park and landscaping)	<p>The restaurant and café are not permissible under the HHLEP R2 zoning. However, Schedule 1 of the LEP Additional Permitted Uses specifies:</p> <p>14 Use of certain land at 10 and 12 Salter Street, Huntleys Cove</p> <p>(1) This clause applies to land at 10 and 12 Salter Street, Huntleys Cove, being Lot 1, DP 823988 and known as "The Priory".</p> <p>(2) Development for the purposes of community facilities, function centres and restaurants or cafes is permitted with development consent.</p> <p>Comment: The proposed restaurant, café and ancillary works are permissible on Lot 1 DP 823988.</p>

Lot Number & Ownership	Zoning	Work proposed	Permissibility of Land Use
Lot 3 of DP 1128452 Riverglade Reserve Council owned land Community Land	RE1 Public Recreation	Car park & landscaping.	<p>In the RE1 zone the following development is permissible:</p> <p>Permitted without consent: <i>Environmental facilities; Environmental protection works; Roads</i></p> <p>Permitted with consent: <i>Community facilities; Kiosks; Recreation areas</i></p> <p>Comment: The HHLEP 2012 Dictionary defines recreation area and car park as:</p> <p>Recreation area means a place used for outdoor recreation that is normally open to the public, and includes—</p> <p>(a) a children’s playground, or (b) an area used for community sporting activities, or (c) a public park, reserve, or garden or the like, and any ancillary buildings but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor). <i>(emphasis added)</i></p> <p>Car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not. <i>(emphasis added)</i></p> <p>Comment: The proposed carpark and landscaping works are permissible as ancillary works to support the Riverglade Reserve recreation area.</p>
Lot 4 of DP 1128452 Riverglade Reserve Council owned land Community Land	R2 Low Density Residential	Car park - car space 27 & 28 and widening of vehicular entrance onto site to make it two-way.	<p>In the R2 zone the following development is permissible:</p> <p>Permitted without consent: <i>Home occupations; Roads</i></p> <p>Permitted with consent: <i>Bed and breakfast accommodation; Centre-based childcare facilities;</i></p>

Lot Number & Ownership	Zoning	Work proposed	Permissibility of Land Use
			<p><i>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; Tank-based aquaculture</i></p> <p>Comment: A car park is not a permissible use within an R2 zone and therefore the proposed works in Lot 4 including the widening of the vehicular entrance to the site to allow two-way access into the carpark is not permitted development.</p>

Summary: The proposed works on Lots 1 and 3 are permissible with consent. However, on Lot 4 (zoned R2 low density residential) the proposed car park access and car spaces are not permitted. A re-zoning application has not been submitted with the application.

7.3.2 Clause 4.3 Height of Buildings

Under HHLEP an 8.5m height limit applies to Lot 1, where the Priory buildings are located, and the restaurant and café additions are proposed. The new works fully comply with the height control with the tallest building (the glass pavilion) having a height above existing ground of approximately 6.22m.

7.3.3 Clause 4.4 Floor Space

A floor space ratio of 0.5:1 applies to Lot 1. This lot has an area of 6961m² and therefore the permissible floor space is 3480.5m². The proposed development has a total floor space of 1316m², resulting in an FSR of 0.19:1 and complies with council's control.

7.3.4 Clause 5.10 Heritage conservation

The HHLEP clause 5.10(1) provides the objectives of heritage conservation in Hunters Hill:

- (a) to conserve the environmental heritage of Hunters Hill,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings, and views
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Clause 5.10 (4) and 5.10 (9) identify that before granting consent under this clause the effects of proposed works on the significance of the heritage item must be considered and if the works involved demolition of a State Heritage the Heritage Council must be notified and their comments considered. Heritage NSW has provided comments and they have formed part of the assessment in this report (refer section 6.3).

Council's Heritage Advisor has also provided comment on the Development Application which were similar to the concerns expressed by Heritage NSW (refer section 5.0). The key issues identified in both sets of comments are:

- The extent of demolition proposed to the Weaver wing c 1857 (exceptional significance)
- The extension of the glass pavilion above and beyond the southern end of the Weaver wing c 1857 (exceptional significance).
- Alterations to and proximity of the kitchen exhaust stack to the Salter wing c.1878 (exceptional significance).
- The size of the café, extending east, west, and north around the existing old kitchen. The existing kitchen has a floor space of 65m² with 280m² to be added to establish the café.
- The café and carpark extension requiring the removal of trees and the introduction of large areas of hard surface at the main point of entry to the site.

The above concerns relate to scale of the facilities proposed. Given the scope and significance of the issues raised by Heritage NSW and council's Heritage Advisor it is considered the proposal, as submitted, does not achieve the objectives (a) and (b) of Clause 5.10 (1).

5.10 (8) *Aboriginal places of heritage significance:*

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

As discussed under section 6.4, an Aboriginal Cultural Heritage Due Diligence Advice was prepared by Austral Archaeology for the proposed development. This advice was intended to identify whether Aboriginal objects or places are present or are likely to be present within the study area. Austral's search of the Aboriginal Heritage Information System (AHIMS) showed that previously identified Aboriginal Heritage sites in Riverglade Reserve were not in proximity to the development site. Additionally, Austral looked at the potential for further sites to be located within the study area. However, Austral only considered Lot 1, not the full development site (Lots 1, 3 & 4).

If consent for the works were to be entertained, Austral would need to widen the scope of its investigation, particularly as within Lot 1 areas of moderate aboriginal archaeological potential, were identified where building works and the removal of 13 trees are proposed.

7.3.5 Clause 6.1 Acid Sulphate Soils

The development site is identified as Class 5 Acid Sulphate soils. The objective of clause 6.1 is to ensure that development does not disturb, expose, or drain acid sulphate soils and cause environmental damage, however, the depth and scope of excavation, associated with the proposed works are relatively minor and the works are well separated from Tarban Creek.

Moreover, the investigations undertaken by Asset Geotechnical and submitted with the DA indicate that the site does not meet the criteria for acid sulphate soils.

7.3.6 Clause 6.7 Development on river front areas

The subject site is located within a river front area. Under Hunters Hill LEP 2012 it specifies that for land in river front areas:

(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, 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

(c) existing views towards waterways from public roads and reserves would not be obstructed.

The proposed works will not obstruct views towards the harbour from the Riverglade Reserve, instead the proposal would assist with opening up vistas to the east from Lot 1. Additionally, the visual impact of the development to and from the nearest waterway will be negligible. Accordingly, it is considered the DA satisfies point (a) and (c). However, the consent authority must be satisfied all 3 criteria listed above are met and as Heritage NSW and Council's Heritage Advisor have expressed significant reservations about the proposal, it is considered criteria (b) has not been achieved.

7.4 DRAFT INSTRUMENTS

There are no draft instruments applicable to the subject proposal.

7.5 HUNTERS HILL DCP 2013

The provisions of the Hunters Hill Development Control Plan 2013 (HHDCP) which are relevant to the assessment of the proposed development are discussed below.

Control	Comment
Chapter 2.2 - Character	
2.2.2 Aims & Objectives	
<i>(a) Conserve and enhance character and environmental identity of the Hunters Hill Municipality by the appropriate use and development of land, existing buildings, and structures.</i>	The adaptive re-use of a long term vacant heritage buildings is supported in principle. However, the bulk, scale and character of the subject proposal is considered to compromise the heritage significance of 'The Priory' and setting (refer section 6.3) and therefore the proposal is not assessed as achieving the aims & objectives of Chapter 2.2.
<i>(b) Maintain and enhance qualities of existing buildings and structures, tree covered streetscapes and scenically prominent landscape settings which are important</i>	

Control	Comment
<p><i>elements of this Municipality's heritage, scenic quality, and environmental identity.</i></p> <p>(c) <i>Complement provisions of the Hunters Hill LEP 2012 to ensure that future development does not detract from existing character of landscape settings, streetscapes, residential gardens, and buildings which contribute to this Municipality's heritage, scenic quality, and environmental identity.</i></p>	
Chapter 2.3 - Trees & Vegetation	
<p>2.3.2 Aims & Objectives of this Chapter</p> <p>(a) <i>Prescribe trees and vegetation which require a development consent or a permit from Hunter's Hill Council before removal or management works may commence.</i></p> <p>(b) <i>In relation to development proposals:</i></p> <p>(i) <i>Complement provisions of the Hunters Hill LEP 2012 and controls of this Plan regarding desired character for the Municipality.</i></p>	<p>The proposed removal of 47 trees in conjunction with the proposal is supported by an Arboricultural report. The landscape plan prepared by Taylor Brammar Landscape Architects proposes 20 replacement trees.</p> <p>There is strong support in the CMP 2021 to justify the removal of 13 trees to the east of 'The Priory' to open up views to and from Riverglade Reserve. The CMP presents evidence these trees were planted post WW II and that as such they are intrusive rather than contributory to heritage significance. However, the proposal also involves the removal of 10 healthy trees to accommodate an enlarged carpark and a further 5 to support the café expansion. An aerial photo from 1943 shows some of these as mature trees and therefore consideration must be given to the impact their removal will have on heritage significance. This has not been undertaken in the HIS as it has been assumed all plantings are post WWII and not contributory to the heritage significance of 'The Priory'.</p> <p>Further work is required to establish that the removal of trees adjacent to Salter Street will have no impact on heritage significance.</p> <p>The current proposal does not satisfy the objectives of Chapter 2.3.</p>

Control	Comment
Chapter 2.4 - Heritage Conservation	
<p>2.4.2 Aims & Objectives of this Chapter</p> <p>(a) <i>Conserve and enhance cultural heritage which contributes to character and environmental identity of the Hunters Hill Municipality by the appropriate use and development of land, existing buildings, and structures.</i></p> <p>(b) <i>Protect the heritage significance of existing buildings and structures, tree covered streetscapes and scenically prominent landscape settings which are important elements of this Municipality's character, scenic quality, and environmental identity.</i></p> <p>(c) <i>Retain evidence of this Municipality's thematic development history by conserving significant elements of environmental heritage.</i></p> <p><i>Complement heritage conservation provisions of the Hunters Hill LEP 2012 to ensure that future development does not detract from the significance of heritage items and heritage conservation areas which are important elements of this Municipality's character and environmental identity.</i></p>	<p>'The Priory and Curtilage' is included on the State Heritage register and therefore approval is required from NSW Heritage. Accordingly, the application was referred to NSW Heritage for comment, as well as Council's Heritage Advisor. Refer to section 6.3 and 7.3 of this report for Heritage NSW comments and a discussion about the proposal's impact on the heritage significance of 'The Priory' and Curtilage.' Due to the size of the additions, the loss of heritage fabric and setting the proposal is not supported in its current form. It is not considered the relevant objectives of Chapter 2.4 have been achieved.</p>
Chapter 5.2 Access and Mobility	
<p>5.2.3 Access Standards</p> <p><i>All developments shall provide levels of access to meet the applicable Commonwealth and State standards.</i></p>	<p>An Access Capability Statement has been prepared by City Plan to accompany the subject application. Council's Health and Building Surveyor has assessed the proposal is capable of complying, subject to conditions.</p>
Chapter 5.3 Carparking and Vehicle Access	
<p>5.3.2 Objectives of this Chapter</p> <p>Objectives for all developments are:</p> <p>(a) Provide sufficient off-street parking for employees, customers, residents, and visitors.</p> <p>(b) Accommodate access and parking for vehicles and bicycles which is safe and convenient</p> <p>(c) Ensure that parking areas and driveways do not dominate built form or compromise streetscape character.</p>	<p>Council's DCP controls require 139 to 180 off streetcar spaces for the proposed restaurant and café alone (refer section 7.7.1).</p> <p>The proposal provides 39 off street spaces which also need to be shared with visitors to Livvi's playground and Riverglade Reserve.</p> <p>Additionally, current access onto the development site is via a single width carriageway. While the DA proposes altering this to accommodate 2-way traffic, this is</p>

Control	Comment
<p>(d) Integrate vehicle access and parking with the design of proposed buildings and landscaping.</p> <p>(e) Ensure safety of pedestrians in vehicle entry and exit areas.</p> <p>Council adopts the NSW Department of Roads and Maritimes services "Guide to Traffic Generating Developments" to establish carparking requirements for restaurants and cafes.</p>	<p>currently not permissible given the R2 Zoning applying to the relevant Lot (Lot 4).</p> <p>Refer to section 7.7.1 for a full discussion about the traffic, access, and parking impacts of the proposal. The proposal is not considered consistent with council's numerical carparking requirements or the objectives of the controls particularly (a), (c), (d) and (e).</p>
Chapter 5.4 - Sediment & Erosion Control	
Chapter 5.4 provides detailed development controls in relation to management of erosion and control of sediment during the construction of approved developments.	A detailed stormwater and sediment run-off control plan has been prepared by ADP Consulting and submitted with the application.
Chapter 5.6 – Stormwater Management	
Chapter 5.6 specifies development controls in relation to stormwater and associated environmental impacts upon local receiving waters which include the Lane Cove River, the Parramatta River, and minor tributaries to those rivers.	Council's engineers are not satisfied with the submitted stormwater plan and have requested further information.
Chapter 5.7 – Waste Management	
Chapter 5.7 provides controls and guidelines for waste avoidance and resource recovery during the construction and occupancy of developments.	<p>A Waste Management Plan has been submitted.</p> <p>Subject to conditions the plan has been assessed as acceptable by Council's Health and Safety officer.</p>

7.6 RIVERGLADE RESERVE PLAN OF MANAGEMENT

On 15 February 2021, Hunter's Hill Council adopted the Riverglade Reserve Plan of Management (RRPOM). The RRPOM is the principal guiding document for the ongoing management and development of the Riverglade Reserve.

In effect the RRPOM operates like a site specific DCP and provides Management Action Tables to direct Council. The actions which are relevant to the subject proposal are presented below together with an assessment of the development's consistency with the required directives.

Management Action Plan – Cultural Heritage Management

Action		Comment
<p><i>Aboriginal Cultural Heritage Values</i></p>	<p><i>Ensure known Aboriginal cultural heritage sites (and any confirmed sites located/recorded in future) – as listed on the Department of Industry Planning and Environment’s Aboriginal Heritage Information Management System – are appropriately managed throughout Riverglade Reserve, as consistent with the National Parks and Wildlife Act 1974.</i></p> <p><i>Continue the existing approach of not publicly disclosing the location of Aboriginal sites and avoiding siting facilities in close proximity to Aboriginal sites, as the principal management tool and means of protecting such places.</i></p>	<p>Further Information Required:</p> <p>An Aboriginal Cultural Heritage Due Diligence Advice has been prepared by Austral Archaeology for the proposed development. This advice is limited to the area of Lot 1 only. While identifying that the proposal will not impact on identified Aboriginal Heritage sites further work is required to establish the likelihood of sites being present in Lots 3 & 4 and how works within Lot 1 can be managed to minimise impacts.</p>
<p><i>European/Historic Heritage</i></p>	<p><i>Retain and protect features and sites of European historic significance within the reserve.</i></p> <p><i>Heritage listed items include the main Priory building, outbuildings, remnant structures and archaeological features. The site is surrounded by natural and historic plantings which are part of the site’s curtilage and listing.</i></p>	<p>Inconsistent/Further Information Required</p> <p>Heritage NSW has advised that they do not support the current restaurant and café proposal due to size of the additions and impacts to existing fabric and setting.</p> <p>Additionally, Heritage NSW has requested a full Historical Archaeological Assessment (HAA) be undertaken. This was communicated to the applicant at the end of April and no additional information has been submitted.</p>
<p><i>The Priory</i></p>	<p><i>Maintenance of The Priory buildings and surrounds. The area which indicates the exclusive use of The Priory has been categorised as General Community Use. The surrounds of The Priory buildings and car park have been categorised as Park to provide for a shared</i></p>	<p>Consistent</p> <p>The proposal will repurpose and adaptively reuse The Priory, which a significant heritage item, which is currently not accessible to the public.</p>

Management Action Plan – Cultural Heritage Management

Action	Comment
<p><i>driveway with access to The Priory and the park.</i></p> <p><i>Buildings, paths, and stairs require modification to meet universal access standards.</i></p> <p><i>Potential uses for the Priory heritage precinct are:</i></p> <ul style="list-style-type: none"> ○ <i>Lease for café and/or restaurant.</i> ○ <i>Space for community events, education, and artists' studios</i> ○ <i>Heritage interpretation within buildings and surrounding gardens.</i> <p><i>Driveway to The Priory should be limited to the entry via carpark to retain heritage vista at the front of the buildings to and from the site, and to retain trees that are all included within the curtilage</i></p>	<p>The proposed uses are consistent with the permitted purposes listed in the RRPOM for The Priory and surrounding park area.</p> <p>The proposed works do not include the extension of the existing driveway further into the park area.</p>

Management Action Plan – Recreation & Visitor Facilities

Action	Comment
<p><i>Café / Restaurant</i></p> <ul style="list-style-type: none"> - <i>Previous POMs have identified The Priory as a potential site for a café or restaurant.</i> - <i>The Priory site has been identified as an area for General Community Use, potentially as a coffee shop/ restaurant with a nearby playground. The Priory surrounds and car park have been identified as Park, to provide for a shared driveway with access to The Priory and</i> 	<p>Consistent</p> <p>A new restaurant and café will service visitors of the Riverglade Reserve.</p> <p>Accessibility improvements are proposed as part of the subject development application.</p>

Management Action Plan – Recreation & Visitor Facilities

Action		Comment
	<i>the playground. Buildings, paths, and stairs require modification to meet universal access standards.</i>	
Car parking	<p><i>Formalise and construct car parking areas at two locations in the reserve, near The Priory and playing fields.</i></p> <p><i>Incorporate water sensitive urban design, plant vegetation for screening from residences and restoration of remnant vegetation.</i></p>	<p>Partially consistent</p> <p>The proposal includes the expansion of the existing public car park and proposes some vegetation screening but will also reduce the number of trees that screen the carpark from Salter Street.</p>
Accessibility and Pathways	<i>Maintain existing pedestrian pathways and shared pathways.</i>	<p>Partially Consistent</p> <p>The proposal maintains the majority of existing pathways however the proposed café will cut off an existing access between the kitchen and Priory and the glass pavilion will remove external pedestrian access adjacent to the south of the Weaver wing.</p>

7.7 LIKELY IMPACTS

7.7.1 Parking

Currently at the subject site there is a 15-space public carpark located to the west of the Priory buildings and 3 disabled carpark spaces provided in association with Livvi's playground which opened on 4 November 2021, just prior to the DA being submitted (26 November 2021). These car spaces are used by visitors to Riverglade Reserve, The Priory, and the playground.

The applicant's drawings:

- Show the public carpark extended to the north, east and west to accommodate 39 off-street car spaces (1 disabled) with a drop off zone for a 24-seater bus. Additionally, they show the single width vehicular entry/exit to the site, widened to a dual carriageway and approximately 15 healthy trees removed to make way for the larger carpark and café (Note: works to widen the vehicular entry/exit point are not permitted under the current R2 zoning refer section 7.3.1).
- The drawings exclude the 3 disabled spaces adjacent to Livvi's playground.

The Hunters Hill Development Control Plan 2013 (HHDCP) chapter 5.3 provides council's requirements for off-street carparking and the objectives of these controls. For a Restaurant/Cafe the provisions of "Guide to Traffic Generating Development" prepared by The NSW Department of Roads and Maritime Services apply (RMS guidelines). This document nominates the following off-street carparking requirements:

Restaurant: Whichever is the greater of:

- 15 spaces per 100m² of Gross Floor Area
- 1 space per 3 seats

If parking requirements are established based on the gross floor area of the restaurant and café (ground level only - 1204m²), 180 off street car spaces are required. If seat numbers are used (416 seats) 139 off street car spaces must be provided.

The Traffic and Parking Assessment (TPA) submitted with the application states the RMS guidelines are based on surveys conducted in 1981 prior to advent of Random Breath Testing (RBT). Accordingly, considering this and services like Uber, the TPA report discounts the off-street parking requirement at peak times to 58 spaces (refer page 17 of TPA).

To address the reasonableness of the RMS requirements a comparative review was undertaken.

In Victoria and Queensland, RBT was introduced in 1976 and 1988 respectively and across Australia Uber was introduced in late 2012. In 2011 the Victoria government updated its parking requirements including those relating to restaurants and Brisbane City Council published its parking requirements in 2014. Their requirements, are applied to the proposal in the table below:

	Off-street parking requirement Food & Drink Premises	Off Street Parking Requirement
Victoria (Clause 52.06)	0.4 space per patron	166 (total seating) 139 (indoor seating only)
Brisbane (SC6.31)	Café: 12 spaces per 100m ² of GFA Restaurant: 30 + 5 spaces per 100m ² of GFA	114

Additionally, a Transport and Parking Review (commissioned by the residents of 2 Salter Street) undertaken by Arc Traffic and Transport estimates the peak parking demand on Friday and Saturday evenings to be 142 spaces. Arc Traffic state their off street car parking rate for the Restaurant/Café was derived from first principles assessment and reference to other parking guidelines across Australia, including the Victorian Planning Provisions (Clause 52.06) and Queensland Planning Scheme policies (e.g., Part 7.3.4 of the Gold Coast planning scheme).

Based on the above data it would appear that the applicable RMS guidelines are not grossly unreasonable, and that the DA has a shortfall of approximately, 100+ on-site car spaces. Considering this significant deviation from requirements it is incumbent on the applicant to adequately demonstrate:

1. Whether there is safe, accessible parking in surrounding streets to accommodate the shortfall in parking, and;
2. How the potential adverse impacts of patrons from the restaurant/café parking in residential streets will be mitigated.

With regard to point No. 2 the DA is silent (the TPA report, acoustic report and the SEE do not address the impacts of kerb side parking).

With regard to point No. 1. the TPA report includes on-street parking surveys undertaken in October 2019. On the basis of these surveys the TPA report states there is 158 on-street spaces located within a convenient walking distance from the site. The following is the diagram included in the TPA report (page 18) showing the locations where parking was surveyed. The site is hatched. The number of parking spaces identified in each area is also provided.



Area Identified in Parking Survey	# Of On-Street Spaces Surveyed
A	20
B	9
C	12
D	19
E	3
F	8
G	28
H	23
I	16
J	15
K	5
Total	158

The parking survey (2019) included in the TPA report was conducted before Livvi's playground was built and also before Covid changed people's work and recreation habits. Additionally, the TPA survey appears to have ignored topography, distance, and safety of existing road conditions in their

count of street parking. With the following factors reducing the spaces available, their accessibility and safety.

- There is no footpath adjacent to Section D, E and H (45 spaces). Drivers and passengers will have to walk on the road to reach The Priory. In this area the road alignment is curved reducing sightlines.
- The sightlines at the vehicular entry/exit to the site are already poor due to existing vegetation and the curve of Salter Street. Adding street parking on either side of the entry would further exacerbate the issue (Section H – 23 spaces).
- Salter and Manning Roads slope steeply down towards the site from Victoria Road, reducing the desirability of the upper sections of these roads for parking (sections A, G, K, and I – 69 spaces).
- The spaces marked at D are regularly used by visitors to Riverglade Reserve, particularly during soccer season and therefore will not always be available to restaurant/café patrons (19 spaces).
- There are no pedestrian crossings in Salter Street or Manning Road & street lighting is poor raising further concerns about the safety of patrons using street parking in the evening.
- The site's single width vehicular entry/exit point is also the only point for proposed pedestrian access and therefore has the potential to be a point of conflict (refer section 7.3.1).

Within the vicinity of the site, the lack of footpaths, thick vegetation, poor lighting, and sightlines, all reduce the safety and availability of street parking and pedestrian access/egress. The applicant has not addressed these factors in the DA. Additionally, on-street parking, particularly in the evenings, has the potential to have material adverse impacts on the amenity of surrounding residential development. As the applicant has not addressed these issues in DA, the proposal's significant shortfall in on site carparking is not supported.

Figure 7: Views of potential on street parking sites



The land falls steeply from Victoria Road down Manning Road towards the site. Parking location G with 28 spaces is in front of the large apartment block.



Travelling south-west along Manning Road, the entry to the site is obscured. The lack of footpath on the southern side of Manning Road can be seen.



The entry to the site is opposite the intersection with Manning Road.



Showing area E & H. Patrons will need to walk south-west along the road towards the timber fence/Priory.

7.7.2 Traffic Impacts

The site is bounded by Salter Street and Manning Road, which are both local unclassified residential roads. Manning Road functions as a collector route linking traffic moving between Victoria Road and Gladesville Road.

The TPA uses the RMS publication “*Guide to Traffic Generating Developments*” to establish the traffic generation potential of the development. The TPA report as with the car parking rates applies the traffic generation rates to the floor area of the dining spaces rather than the overall Gross Floor Area as required by the RMS provisions. However, as shown below the traffic generation potential based on either calculation is relatively low.

	Traffic Generation Vehicles/Hour	
	AM Vehicles/Hour	PM Vehicles/Hour
TPA Report	4	42
NSW Guidelines Traffic Generating Development	6	66

Both the TPA report and the ARC Transport Review conclude that the local road network and intersections would have capacity to deal with what is characterised as a low to moderate level of trip generation.

7.7.3 Noise Impacts

The Priory DA as lodged is for a restaurant and café with combined seating capacity of 416 and the following operating hours: - *Monday to Sunday: 7am to 12 Midnight (Outdoor areas (68 seats) to be closed by 10:30pm).*

The southern and western boundaries of The Priory site adjoin residential development. With the northern boundary also in proximity to dwellings along Manning Road.

The western edge of the proposed carpark is some 22m from the apartment complex at No. 2 Salter Street and the proposed glass pavilion is located approximately 24m from the residence at No. 8 Salter Street and 35m from No. 2 Salter Street. The residences across Manning road (Nos 22-34) are located approximately 75-80m from the café and 95-100m from the bar outdoor seating.



Figure 8: The proximity of No. 2 Salter Street to the on-site carpark at The Priory.

Considering the potential for noise impacts an acoustic report was submitted with the application prepared by Acoustic Logic Consultancy (ALC), dated 7 July 2021. However, further information is required to enable informed assessment of noise impacts as ALC's findings are considered limited and inconclusive, for the reasons listed below:

- The architectural drawings referenced in the acoustic report by ALC (Drawings for DA submission P7 dated 20/7/2020) are different from the drawings submitted to Council (A – 15.07.21 issued for DA). Therefore, ALC's conclusions may be based on an outdated set of plans and changes made to the current drawings could have impacted noise predictions.
- ALC appears to have based its acoustic work on the assumption that the café closes at 10:30pm when the application is for the café to remain open until 12 midnight.
- ALC has not referenced other consultant's reports which would be necessary to gain a full understanding of the noise impacts of the proposal. The Waste Management Plan submitted with the proposal references an on-site glass crusher and a bin room which is external to the restaurant and accessed via a long metal ramp.
- ALC assumes the on-site peak vehicle movements as being the car park emptying and filling in 1 hour (39 vehicles per hour). However, as per the *RMS guidelines* the peak hour trip generation for the facilities would be 66 vehicles/hour in the PM. This under assumption impacts ALC's predicted noise levels (see extract from RT&A peer review below).
- Detailed plant selection (kitchen exhaust, air conditioners, refrigeration equipment) had not occurred at the time of the preparation of the acoustic report and so plant noise was excluded from the study. However, given the size of the facilities and the proximity of the residential development confirmation that combined plant noise and facility noise will meet acceptable standards is required.
- The acoustic report only examines the noise impacts of on-site vehicle movements. However, the proposal due to its size and the lack of available on-site parking will rely heavily on kerbside parking. The noise impacts of patrons accessing and starting their cars in close proximity to residences, late in the evening, must be addressed.

The acoustic consultants Renzo, Tonin and Associates were commissioned by the residents of No. 2 Salter Street to review of the ALC report. Their review identifies a series of issues with the report with some of the main points being:

- *ALC have not presented an assessment of patron and music noise for the period up to 10pm. ALC should demonstrate that the period before 10pm, which has more relaxed management controls, is also compliant.*
- *Noise from vehicles being driven on site (patron cars and deliveries/waste) noise predictions are likely to be underpredicted for the following reasons:*
 - *ALC assessment of peak vehicle movement was for the on-site parking lot to empty/fill in a 1-hour period. This would equate to up to 28 vehicles per hour.*
 - *Traffic engineers, Varga, predict peak hour trip generation of 42 vehicles. Those 42 movements might be compressed primarily to a 30min period (nearing to closing time) leading to 21 movements in a 15minute period against ALC assessment of approximately 7 movements.*
 - *Further, the night time predicted level in the ALC report is already very close to the noise limit and so consideration of the Varga traffic generation rate and that it could occur over a condensed period would push the prediction to non-compliance. Further, that is in the absence of any contribution of noise from mechanical plant and equipment.*
 - *Carpark Lmax predicted noise level is too low given the distance between the nearest*

receiver window and the nearest car parking space, with direct line of sight between the two. Peak noise events from the carpark would exceed the NSW Environment Protection Authority (EPA) Noise Policy for Industry (NPfI) screening test for sleep disturbance and further assessment would be warranted.

The peer review by Renzo Tonin & Associates concluded with the following statement:

Given the internal inconsistencies of the ALC report and lack of coordination with other disciplines (e.g., architecture, planning, traffic, and waste), the submitted acoustic report does not adequately quantify the potential noise impacts to the surrounding sensitive receivers. It is expected that once refined, noise emissions from patron and music noise, use of the carpark and loading dock (particularly at "night-time") may not comply with the nominated criteria given the current controls. As such, all feasible and reasonable means should be applied to reduce the noise, however the outcome may be that a development of this scale is not suitable on this site.

7.7.4 Vegetation Removal

An Arboricultural Impact Assessment prepared by Arboricultural Consultancy Australia dated 16 August 2021 recommends the removal of 47 trees out of the 63 surveyed. The retention value of the trees and the reasons given for their removal are provided below:

# of Trees	Retention Value	Reason for removal
9	High Retention Value	5 Building works
		4 Heritage Context
15	Moderate Retention Value	12 Building works
		3 Heritage Context
23	Low to very low retention value	13 Dead or Dangerous
		10 Heritage Context
47	Total trees to be removed	

Out of the 17 trees to be removed due to building works, 10 of these are trees impacted by the proposed extension to carpark. With a further 5 relating to the café extension and 2 relating to works to 'The Priory'.

Of the 17 trees to be removed for heritage context reasons, 13 are located to the east of 'The Priory', 2 Camphor Laurels (12a & 12b) are located in open space to the north, Tree 57 is impinging on the western wall of the Salter wing, and Tree 58 a Silky Oak at the western end of the rear yard is located poorly.

The Conservation Management Plan 2021 (CMP 2021) addresses the history of the landscape around The Priory and includes the following on page 36:

Historic photographs show that the Gladesville Hospital remodelled The Priory's landscaping between the conclusion of World War II and 1954. It removed all trees between the priory and the Lower Farm Road, including the three mature Cook pine trees to the north and the cluster of trees to the east. It then laid out a new landscaping scheme, described in Penelope Pike's 2004 Heritage Assessment, as follows:

The gardens around The Priory were also transformed to provide pleasant shady grounds for the inmates. The plantings, probably supplied by the Botanical Gardens, were in the High Victorian manner and included the five Phoenix Palms along the eastern facade, the row planting of figs along the upper drive, the ficus, tarcoma and plumbargo hedges along some of the terrace walls and between sections of the garden; the cypresses along the north facing terrace walls. The plant material is similar to the late 19th century plantings at Gladesville Hospital, and the Parramatta (Cumberland) Hospital. The stone edging to the driveways and paths also belongs to the hospital period; possibly also the roundel behind the west wing. Michael Leany notes a similar, but larger, roundel in the Hospital grounds and in the grounds of Villa Maria in Mary Street. This very particular landscape element could be from the Marist Fathers, or from the Hospital.

In both the CMP 2021 and the SHI the position is presented that the post WW II plantings, particularly those to the east of The Priory that impinge on views to and from Tarban Creek have low conservation status. This is reflected in the following diagram taken from page 10 of the HIS where plantings are assigned a level of significance.

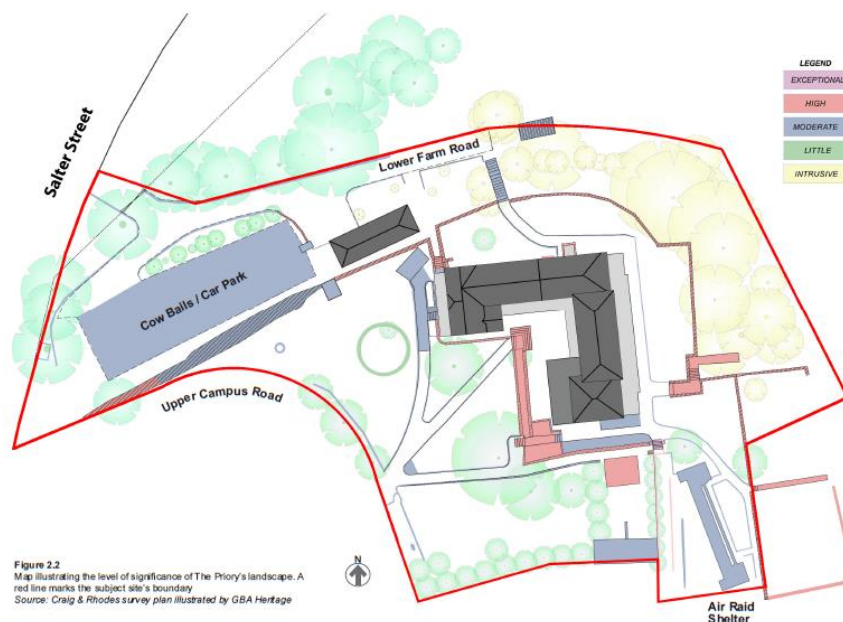


Figure 9: Level of significance of existing planting around The Priory.

These above extract and diagram from the CMP and HIS provide context to the proposed removal of 13 trees to the east of The Priory and why their removal will not negatively impact heritage significance, but rather help enhance The Priory's setting.

However, this not the case with the trees proposed to be removed to facilitate the extension of the carpark and cafe. A 1943 aerial photo of the site included on page 37 of the CMP 2021 shows a number of mature trees lining the driveway to the site. This indicates these trees may have been planted prior to WWII and therefore the loss of their contribution to the historic setting of The Priory needs to be addressed in the SHI. Particularly, as the removal of these trees will alter the currently 'green entrance' to the site and the enlarged carpark will increase the hard surfaces around The Priory.

Objection is not raised to the removal of dead or dying trees, or those trees where it has been clearly established in the CMP and HIS that they are intrusive. However, concern over the loss of healthy trees at the Salter street entrance was expressed in the commentary provided by the following:

Council's Heritage Advisor

The general changes to the setting of the buildings are unsympathetic e.g., the large café extending towards The Priory, the large ramp structure, loss of trees, loss of stairs and paths. The trees near the street boundary help to create the sense of The Priory being a place separate from the surrounding area and contribute to the landscape character of the site.

Council's Landscape and Tree Advisor

The Priory and curtilage are listed as an item of State Significance. The retention of the cultural landscape value of the site includes its mature trees. Camphor Laurel are listed as an Exempt species in Council's DCP 2013 except where individual specimens are over 10m or when the subject site is a listed heritage item. The subject site is known as "The Priory and Curtilage" and is an item of State Heritage Significance and listed in Council's LEP 2012. Therefore, consideration of the heritage value of the over-mature trees versus the biosecurity duty to eliminate and control this listed weed must be considered.

Heritage NSW

Landscape:

Tree Removal..... retention of the cultural landscape of this state heritage item includes its mature trees and green spaces. The row of existing Cupressus sempervirens (Italian Cypress) that line the entrance to the site and screen the carpark are to be retained. Similarly, the mature palms and conifers in good condition to the north and east of the house are to be retained to enframe views out.

The proposed carparking in close proximity to the site entry (spaces 25-31) including removal of existing mature Camphor Laurels does not allow for replanting at the site entry and is not supported. A row of these trees is evident along the driveway on the 1945 aerial.

The expanded carpark design alone results in the removal of 10 healthy trees at the Salter Street entrance and the design of the carpark appears to precludes the ability to provide significant replacement planting to soften the increase in hard surfaces. As the trees to be removed may pre-date 1943 the impact of their removal on heritage significance is required.



Figure 10: The existing vegetation at the entrance to The Priory.

7.8 SITE SUITABILITY

Lot 3 which includes 'The Priory and Curtilage' is zoned R2 low density residential and to the south and west of this lot, the land is zoned R3 medium density residential and to the north and east the land is zoned R2 and RE1 Public Recreation space.

The objectives of the R2 low density residential zoning as specified in the HHLEP 2012 are:

Objectives of zone

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the identity of Hunters Hill by ensuring that new buildings are compatible with the garden suburb character and heritage values that distinguish the low-density localities.*
- *To provide for **high levels of amenity** that are consistent with a low-density residential environment. (emphasis added)*

As discussed throughout the body of this report it is considered that the size of the restaurant/café facilities proposed have the potential to have material adverse impacts on:

- The heritage significance of The Priory and Curtilage
- The amenity of the surrounding residential areas.

The impacts on amenity will in part arise from the proposal's significant shortfall in on-site parking.

Inconsistency with the objectives of the zone and planning controls demonstrate the site is unsuitable for the subject proposal.

7.9 SUBMISSIONS

A total of 51 submissions were received:

- Support (2)
- Neutral (1)
- Objections (48)

Owners Corporate Management Services (OCMS), the Strata Managers for No. 2 Salter Street, Gladesville submitted an objection which included three attachments:

- An objection to the proposal prepared by Ingham Planning.
- Acoustic Peer Review Report prepared by Renzo Tonn & Associates.
- A Transport Review Report prepared by ARC Traffic and Transport.

The main issues raised in the 51 submissions are provided below:

Issue	Proportion of Submission raising the concern
Traffic, unsafe site ingress/egress	66%
Car parking Impacts	78%
Noise impacts	73%

Proposed operating hours (particularly evening hours)	75%
Size of the proposed restaurant and café	43%
Intended use of the facilities	27%
Impacts on the heritage significance of 'The Priory and Curtilage'	37%
Vegetation loss	25%
Light spill impacts	6%
Wildlife impacts	4%
Quality of application	12%

The following table provides an expanded summary of the concerns included in the submissions grouped under the issue headings listed above.

Traffic, unsafe site ingress/egress (66%)

- The traffic and parking report does not address the hazardous Manning Road and Salter Street intersection, which is further exacerbated by the location of the vehicular/ pedestrian access onto The Priory site.
- The access point onto the development site will become a dangerous bottleneck. It is the sole vehicular and pedestrian entrance point and yet there is no footpath on the southern side of Salter Street in the vicinity of the access. Accordingly, pedestrians will have to walk on a congested section of the road with poor vehicular sight lines to access the site.
- Turning out of The Priory is already dangerous. The "No Right Turn" at the Salter /Victoria Road intersection directs any north & west bound traffic into Manning Road.
- There is limited street lighting on Salter Street and Manning Road, this is a safety issue for pedestrians exiting The Priory in the evening and seeking to safely access their kerb side parked cars.

Car parking impacts (78%)

- Providing approximately 39 off-street spaces to service a playground, and dining facilities with 416 seats is grossly inadequate. The proposal is not well serviced by public transport and therefore will be reliant on street parking. This will severely impact adjacent residents as they will be subjected to (noisy, alcohol affected patrons calling farewells, slamming doors, starting of car engines, kerbside crawling and idling while patrons enter and exit vehicles).
- The Traffic and Parking report suggests that between 106 to 120 kerbside parking spaces are available, but actual safe, useable car parking is about half that. The report does not consider lack of footpaths, existing vegetation, or dangerous road conditions.
- The Conservation Management Plan prepared by Graham Brooks & Associates April 2009 states under 6.3 "Future use of the site for commercial purposes may be limited by the sites car parking capacity."
- The traffic and parking survey included in the Traffic Report was carried out in October 2019 and is not relevant to existing conditions. Livvi's playground has been built since the surveys were conducted and Covid has altered people's work and recreation patterns. A new Traffic and Parking Assessment must be provided.
- The proposal includes fencing, signage, and gates, this will result in public visitors solely to the reserve or playground thinking on-site parking is for the dining facilities only.
- The proposed parking plan does not reference the 3 recently provided disabled parking spaces near Livvi's playground. These should not be removed.
- Riverglade Reserve and the newly opened playground are valuable free community resources. The proposal will mean access to these places will be compromised due to increased competition for parking spaces.

-
- At least 40-50 staff will be required on-site. The public transport options are limited and therefore it is expected most staff will drive to the site, particularly as there is only one night bus service along Victoria Road.
 - On Saturday's during soccer season parking along Manning Road is always crowded.
-

Noise impacts (73%)

- The EPA defines noise sensitive hours as being 10pm to 7am. This is a residential zone and commercial operations beyond 10pm are incompatible with residential living.
 - Assessment of noise impacts excluded on-street parking.
 - There are no mitigation or noise management strategies proposed to reduce the noise impacts of on-street parking on surrounding residences.
 - The bar outdoor seating can operate until 10:30pm, 7 days a week, this will have significant noise impacts on surrounding residences.
 - The Acoustic Report does not address the noise levels caused by waste management practices. The bin room is outside the restaurant amplifying noise as waste is taken from the Priory to the waste space. The impacts of the on-site glass crusher have not been considered.
 - The Acoustic Report addresses NSW DI Liquor and Gaming and NSW EPA Noise policy for industry noise emission. As most measurements are long term averages, short term disturbances will not show up in the report.
 - The intrusiveness and noise levels will be heightened at night given the location of The Priory and that the Riverglade Reserve operates as a natural amphitheatre. The noise from the restaurant and café will be increased due to echo effects.
 - No acoustic fencing or screening is proposed.
-

Proposed operating hours (particularly evening hours) (75%)

- The midnight closure of internal dining areas, with all outdoor areas open until 10:30pm 7 days a week is unacceptable in an R2 zone and will impact the livelihood and wellbeing of surrounding residents.
 - The hours of operation do not address staff who will have to be at the premises before it opens to the public and after it closes to clean up. This will increase the length of noise disturbance to residents.
 - Covid has meant residences are now also "work places" and this must be considered when assessing noise impacts
 - The proposed operating hours are greater than any other establishment in a residential zoned area.
 - The operating hours of the Boronia Club House which is in a residential zone are: 6am to 10pm Monday to Saturday, 7am to 5pm Sunday. The facility is not permitted to be used for the purposes of weddings, birthdays, and private celebrations after 5pm on any day of the week).
 - The Deck House at Woolwich operates as a restaurant and wedding venue but not at night and not 7 days a week.
 - The café has proposed operating hours until midnight this is unacceptable there are no cafes operating until midnight in any residential area of Hunters Hill.
 - No mention is made of staff prior to and after the operating hours allowing for operations to be extended before 7am and after midnight extending the period of disruption to the area.
-

Size of the proposed restaurant and café (43%)

- The size of the restaurant and café are excessive in a R2 low density residential zone. There has been no plan of management included in the submission detailing how the impacts of the facilities on the surrounding residents will be mitigated.
- The proposal represents an overdevelopment of the site.
- Livvi's playground is visited by special needs children, currently the playground is tranquil and calming. The size of the proposed facilities will generate people, plant and vehicular noise and parking congestion. This will detract from the amenity of Livvi's playground.

Intended use of the facilities (27%)

- While the application states the proposal is for a Restaurant and Café the submitted plans show two kitchens in the restaurant with one being a function kitchen. (Drawing DA-101 A 15.07.21) Functions will mean amplified speeches, music, and the use of The Priory gardens to host events.
- The RRPOM indicates space at The Priory will be available for community uses. This does not appear to be addressed in the current application. How will the proposed use benefit the whole community not just those that can afford to dine at the facilities.
- Public access to the grounds around the building should be guaranteed.

Impacts on the heritage significance of 'The Priory and Curtilage' (37%)

- The large, glazed pavilion extends above and beyond the envelope of the historic Priory. The proposal should not be visible at all when viewed from the east.
- The overall scale of the proposed additions, particularly the large café at the entrance to The Priory will dominant the heritage buildings.
- The proposed demolition of heritage retaining walls in the rear courtyard should not be allowed.
- Why is demolition of heritage fabric being considered? Isn't Hunters Hill Council committed to heritage conservation?
- The openings proposed in the western ground floor level of The Priory (old boiler house) are out scale and character.
- Significant changes are proposed to the existing stone retaining walls and pathways around the building. This is of concern as they contribute to the understanding of the history and use of the site.
- Conservation of the WWII air-raid shelter seems to have been omitted from consideration in the proposal.

Vegetation loss (25%)

- Removal of mature trees will impact presentation of the site. Isn't Hunters Hill meant to be the garden suburb?
 - Removal of trees to increase views of The Priory from the east is not necessary nor in keeping with the current Crown Land Management Act.
 - Tree removal will mean that carparking rather than landscaping will become a dominant feature of the streetscape and approach to The Priory buildings.
 - The palm trees to the east of The Priory are a historic reference to the Marist Brothers missionary work in the Pacific and should be retained.
 - The Cypress pines at the entrance to The Priory should be retained.
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Light spill impacts (6%)

- The café and restaurant will be trading at night time, hence internal and external lighting will be required until late in the evening, including in the car park and on pedestrian access paths. Impacts of this have not been assessed.
- The new glazed pavilion will face the existing multi-dwelling housing at No. 2 Salter Street and the residence at No. 8 Salter Street. Potential light pollution to these properties is of concern.

Wildlife impacts (2%)

- Tarban Creek reserve is home to powerful owls, possums, kookaburras, and grey headed flying foxes. Noise from Livvi's playground can be heard clearly near Tarban Creek, what would the impact of the light and noise from a dining facility with 416 seats (both indoor and outdoor) be on nocturnal animals in the Tarban Creek Reserve.
- Lighting will also impact local wildlife. The Powerful Owl a threatened species has been seen at The Priory. This nocturnal animal needs the dark to hunt successfully.

Quality of application (12%)

- The author of the traffic and parking report uses mere assumptions and speculations rather than proven analysis, research, or studies to come to conclusions.
 - The parking accumulation survey conducted in October 2019 does not reflect the local recreation of today (post Covid) when more people are working from home.
 - The parking accumulation survey (October 2019) pre dates the completion of Livvi's playground.
 - The DA relies on street parking, however noise emission impacts of this were not covered in the acoustic report.
 - The Traffic and Parking report demonstrates a lack of understanding of car share service (e.g., GoGet) vs ride share services (e.g., Uber).
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7.10 PUBLIC INTEREST

The proposal as submitted, for the reasons discussed in this report, is not considered to be in the public interest:

- Heritage NSW does not support the proposed works to 'The Priory and Curtilage' a significant State Heritage item.
- Works to widen the site's vehicular entry/exit point from single carriageway to dual carriageway is not permissible given the current R2 zoning applying to Lot 4. A single carriageway entry/exit is not considered appropriate for the size and nature of the subject application.
- The proposed works do not achieve the requirements of Clause 6.7 river front areas as included in the HHLEP 2012.
- The proposed works are inconsistent with council's heritage objectives as specified in Clause 5.10 of the HHLEP 2012.
- The proposal is inconsistent with the objectives of the R2 Low Density Residential zone as included in the HHLEP 2012.
- The proposal is inconsistent with Council's numerical car parking requirements and the objectives of its car parking controls particularly (a), (c), (d) and (e.) (Refer HHDGP 2013).
- The proposal is likely to have material and adverse impacts on the surrounding residential areas and these have not been adequately identified or addressed in the DA.

8 CONCLUSION

Consideration has been given to the necessary statutory framework for an integrated development and to the matters outlined in section 4.15(1) of the Act. Given the nature of the proposal and the constraints of the site, DA 2021/1257 is considered to represent an overdevelopment and is recommended for refusal.

RECOMMENDATION

That the Sydney North Planning Panel:

1. Refuse Development Application DA 2021/1257 for adaptive re-use of 'The Priory and Curtilage' involving conservation works, alterations and additions and a change to use to a restaurant and café, for the following reasons.
 - 1.1. Pursuant to Section 4.15 (1)(a) of the Environmental Planning & Assessment Act 1979, the proposed development is considered inconsistent with the aims of the Hunters Hill Local Environmental Plan 2012, particularly with regard to the conservation of Aboriginal heritage and European Heritage that influence the character and identity of the municipality.
 - 1.2. Pursuant to Section 4.15 (1)(a) of the Environmental Planning & Assessment Act 1979, the proposed development contravenes the provisions of the Hunters Hill Local Environmental Plan 2012 as the works on Lot 4 DP 1128452 are prohibited under the applicable zoning (R2 Low Density Residential).
 - 1.3. Pursuant to Section 4.15 (1)(a) of the Environmental Planning & Assessment Act 1979, the proposed development is considered inconsistent with the provisions of the Hunters Hill Local Environmental Plan 2012 in relation to the objectives of the R2 Low Density Residential Zone. The proposal will detract from the identity of Hunters Hill as the proposal is not *compatible with the garden suburb character and heritage values that distinguish the low-density localities and maintain high levels of amenity*.
 - 1.4. Pursuant to Section 4.15 (1)(a) of the Environmental Planning & Assessment Act 1979, the proposed development is considered inconsistent with the provisions of the Hunters Hill Local Environmental Plan 2012 in relation to the objectives of Clause 5.10 Heritage Conservation. It has not considered the proposal *will conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings, and views*.
 - 1.5. Pursuant to Section 4.15 (1)(a) of the Environmental Planning & Assessment Act 1979, the proposed development is considered inconsistent with the provisions of the Hunters Local Environmental Plan in relation to objectives of Clause 6.7 Development on river front areas. The consent authority is not satisfied *the 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*.
 - 1.6. Pursuant to Section 4.15 (1)(b) of the Environmental Planning & Assessment Act 1979, it is considered the potential noise and light impacts of the proposal would materially degrade surrounding residential amenity.
 - 1.7. Pursuant to Section 4.15 (1)(c) of the Environmental Planning & Assessment Act 1979, the proposed development is considered inconsistent with the provisions of the Hunters Hill Development Control Plan 2013 Chapter 5.3 Car Parking and Vehicle Access. The proposal does not satisfy the objectives or numerical requirements of this chapter. The proposal's significant shortfall in on-site parking and lack of adequate vehicular access/egress (only single carriageway) demonstrate the site's unsuitability.
 - 1.8. Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act, 1979, the proposal fails to address the relevant issues raised in the submissions;

- 1.9. Approval of the application would constitute inconsistency in the application and enforcement of planning controls and result in unacceptable impacts and therefore is not in the public interest, per section 4.15 (e) *Environmental Planning & Assessment Act, 1979*.