



DATE OF DETERMINATION	2 December 2022
DATE OF PANEL DECISION	1 December 2022
DATE OF PANEL MEETING	30 November 2022
PANEL MEMBERS	Peter Debnam (Chair), Brian Kirk and Sue Francis
APOLOGIES	Mayor Zac Miles, David Logan
DECLARATIONS OF INTEREST	Mayor Zac Miles withdrew from the Panel as Council would have had a management oversight role of the eventual project.

Public meeting held by teleconference on 30 November 2022, opened at 1pm and closed at 3pm.
Paper circulated electronically on 15 November 2022.

MATTER DETERMINED

PPSSNH-349 - PAN-158500 – Hunters Hill - 10-12, 14 Salter Street, Huntleys Cove. 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.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel’s decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the reasons below and detailed in the comprehensive Independent Assessment Report.


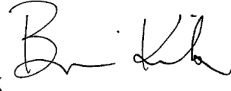

The DA is Integrated Development requiring Heritage Approval and also Crown Approval and neither were obtained. There is also a concern as to the permissibility of the access and car parking for the proposed use being over land zoned R2. Additionally, while the proposal and associated discussions between Council and Proponent have been underway for many years, significant issues of intensity of development in respect of traffic, parking, impact on heritage and acoustics remain unresolved as detailed in the Assessment Report.

The Panel believes the DA was properly assessed against all relevant planning controls and refusal in accordance with the Assessment Report’s recommendation was appropriate.

Finally, the Panel note “The Priory and Curtilage” is an important community asset with significant heritage value to the local community and to NSW. During the public meeting, community members spoke in opposition (and in support) of the proposal but noted the value of the site to the local community and the need to find an adaptive re-use for the site - but of a suitable scale.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes issues of concern included heritage, scale of the proposal, traffic, parking noise, light spillage, loss of vegetation and hours of operation. The Panel considers that concerns raised by the community were adequately addressed in the Assessment Report.

PANEL MEMBERS	
Peter Debnam (Chair) 	Brian Kirk 
Sue Francis 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSNH-349 - PAN-158500 – Hunters Hill
2	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.
3	STREET ADDRESS	10-12, 14 Salter Street, Huntleys Cove
4	APPLICANT/OWNER	Charlie Colosi- Priory Settlement PTY LTD/ The State of NSW (Crown Land) and Hunter’s Hill Council
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy Resilience and Hazards 2021 ○ Hunters Hill Local Environmental Plan 2012 ○ Riverglade Reserve Plan of Management 2021 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Hunters Hill Development Control Plan 2013 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000, Crown Land Management Act 2016, Local Government Act 1990, National Parks and Wildlife Act (NSW) 1974 and Heritage Act 1977</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 26 October 2022 • Written submissions during public exhibition: 51 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Craig James ○ Maureen Copley ○ Nick Taylor-Fick ○ Danielle Sheargold ○ Sophia Gould ○ Valerie Flanatan ○ David McDermott ○ Rebecca McDermott ○ Anthony Gould ○ Tony Lamond ○ Joseph Allan

		<ul style="list-style-type: none"> ○ David Lyon ○ Heather Cook ○ Kathrine Westwood ○ Council assessment officer – Phillipa Hayes ○ On behalf of the applicant – Vince Squillace ● Total number of unique submissions received by way of objection: 48
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Final Council Briefing: 30 November 1pm <ul style="list-style-type: none"> ○ <u>Panel members</u>: Peter Debnam (Chair), Brian Kirk, Sue Francis and Zac Miles (who was excused after the public meeting) ○ <u>Council assessment staff</u>: Sarah Jenkins ○
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Assessment Report