



PRESERVING AUSTRALIA'S OLDEST GARDEN SUBURB

P.O. BOX 85, HUNTERS HILL, N.S.W. 2110

**Hunters Hill Hotel Redevelopment
Revised Section 96 application to modify a development consent
15 October 2010**

The owners of the Hunters Hill Hotel submitted a Section 96 request for a variation to their original development approval in April 2010. In July 2010 they submitted a revised Section 96, which they claim addresses a number of the objections made to the April scheme. The Trust objected to the April Section 96 variation for the reasons set out in our submission of April 12, 2010 and made a detailed submission objecting to the July 2010 proposal.

In September the applicant submitted a further revised proposal to vary the original consent.

We are also opposed to the revised Section 96 of September 2010 because the changes to the previously submitted Section 96 application are marginal and do not address any of our original concerns.

Our concerns remain as follows:

- *The approved DA did not comply with the planning controls set out in DCP 27 for Hunters Hill Village. The proposed changes to the approved DA increase that level of non-compliance.*
- *There is no additional public benefit by way of increased public space or landscaping or anything else as a result of the amendments.*
- *The proposed changes to the approved application will have an additional adverse impact on,*
 - *The desired character of the Hunters Hill Village core as set out in DCP 27 for Hunters Hill Village*
 - *The hotel itself, which is a heritage item.*
 - *The heritage item at No 62 Gladesville Road.*
 - *The amenity of the village core and the surrounding area because of the increased level of traffic generated and because of the changes to existing roadways, traffic lights and bus stops. There will also be an increase in non-resident on-street parking.*
 - *Gladesville Road and the heritage item at No 62 Gladesville Road through overshadowing.*
 - *The amenity of houses in Avenue Road and Joubert Street through increased noise from the beer garden and overlooking from the units on the new fourth floor.*
- *The submission of a Section 96 application to modify the development consent is not applicable in this case and a new DA should be lodged and then assessed under DCP 27 for Hunters Hill Village.*

A new DA is required

The proposed changes to the existing development consent are extensive and include changes to heights, boundary setbacks, the use of various areas and changes to external finishes, window proportions etc. These are much more than what is envisaged by a Section 96 application, which states: *If the changes you propose mean the development will not be substantially the same as originally approved, you need to submit a new development application. (Please do not use this form).*

Clearly the applicant should submit a new Development Application and that DA should be assessed in accordance with DCP 27 for Hunters Hill Village. Such an assessment would require compliance with the controls for height, density, boundary setbacks, building setbacks, relationship to heritage items and architectural character.

The applicant's reference to "existing use rights" to justify non-compliance with the planning controls is spurious, particularly when there is no public benefit granted in lieu.

Non-compliance with DCP 27 for Hunters Hill Village

The Council and the community have spent the last 10 years and more developing the Development Control Plan for this area. The objectives of DCP 27 are to ensure that any development, among other things:

- *Respects the recognised heritage values and positive architectural character of the village;*
- *Respects the scale and urban form of existing buildings;*
- *Provides for additional landscaping to the street;*
- *Ensures a high level of amenity by encouraging active uses at street level and through public domain improvements*

In The Trust's view the original consent did not score well in meeting these objectives but the modified proposal does even less to satisfy them.

The modifications to the approval do not comply with a number of important controls including:

- Maximum building height
- Number of storeys
- Boundary setbacks
- Building setbacks from Gladesville Road.

Adverse impact on the character of the core area of the Village

The height, bulk and scale of the proposed revisions to the approval significantly change its impact on the character of the core area, the adjacent heritage items and the surrounding area in a number of ways including the following:

Building height and setback Gladesville Road

- The increased height of the 3-storey presentation to Gladesville Road exceeds the maximum height of 11 metres to say nothing of the additional fourth storey.
- There is no set back of the third storey, which DCP 27 notes should be 3.5 m.
- This will adversely impact on the form and scale of the core Village area. The objective of the DCP is to create a 2-storey scale of buildings along Gladesville Road. Third storeys are allowed but they must be set back to maintain the 2-storey scale.
- The additional building height will have a major impact on views of the site from distant vantage points such as from Tarban Creek and Figtree bridges.

Building height and setback from the rear boundary

- The increased height of units and the addition of the fourth storey will exacerbate the loss of amenity through increased noise and overlooking for the nearby neighbours in Avenue Road. The proposal does not comply with the setbacks from the rear boundary set out in DCP 27.

Building height and setback from the heritage item at No 62

- The revised building is much closer to and does not set back from the heritage item at No 62 Gladesville Road. Add to this the fact that a 13m wide truck bay is now right next-door and it is clear that this proposal pays no respect to the heritage item - it completely dwarfs it. Even Urbis's self-serving Heritage Impact Statement comments adversely on this aspect of the proposal.

A 13m wide truck bay on Gladesville Road

- This ugly industrial scale truck entry and exit point immediately adjacent to the small sandstone single storey heritage item at No 62 does absolutely nothing for the precinct. The revised plans increase the width of this totally inappropriate feature.

Adverse impact on the heritage listed Hotel

- The revised plans have reduced the separation between the hotel building and the proposed 4-storey unit block.
- The height of the revised 3-storey element of the unit block remains above the higher parapet level of the hotel.
- The fourth storey element is even further above the main hotel parapet. This flies in the face of the objectives of the DCP as well as the original heritage advice from the Hotel's own consultant, Clive Lucas, who advised that the new building should not be higher than the hotel.

Adverse impact of the design of the new unit block

- Not only is the new unit block too high, too close to the hotel and the heritage house at No 62 and way over the height and setback controls of DCP 27, its use of materials, proportion of openings and bulk is out of character with the Hotel.
- The Hotel should set the scale and tone for the new building. The design language of the hotel is one of simplicity, a minimum number of different materials and horizontal lines. In contrast the revised unit block is overly complicated uses too many different materials and has a vertical rather than horizontal emphasis.
- Whilst the approved scheme left a lot to be desired and was never supported by The Trust or the community, it is a more appropriate response to the site than what is now being proposed.

An overdevelopment of the site leading to poor planning for light, air and views

- The controls set out in **DCP 27** are designed to set a standard for the future development of the Village that would be in keeping with its character and to produce an appropriate level of development on the various sites in the area.
- **State Environmental Planning Policy 65** contains a Residential Flat Design Code, which has a section on Building Amenity. The proposal does not satisfy the minimum requirements of this code for daylight access and natural ventilation. The proposal does not conform to these minimum standards in the following ways:
 - Provision of natural cross ventilation to the units
 - Overuse of light wells to provide light and air – 15 bedrooms
 - Light wells are smaller the minimum 6m x 6m

- Much less than the minimum 70% of living rooms and private open spaces receive 3 hours of direct sunlight between 9am and 3pm in mid winter (eg they face south).
 - 39% of the units are single facing towards the south compared with the recommended maximum of 10%
 - A number of units look out onto a roof garden built over the first floor of the hotel and the main aspect of many of the units is to the south over and increasingly busy Gladesville Road.
- All this is simply bad planning and indicates that the owners' design parameters are to maximise the number of units at the expense of the amenity of their occupants.
 - There is now more building below ground than above with 13m depth of excavation into the sandstone bedrock of Hunters Hill.
 - All this clearly indicates a gross overdevelopment of the site.

Traffic and Car Parking increases

- The modified proposal includes a whole additional floor of parking, which is to be cut out of Hunters Hill's bedrock. In itself this is a sufficient modification to the approval to warrant a new DA.
- The planning of the car parking areas also indicates an objective to cram the site to the maximum. It has narrow access aisles and ways and a confusion of car parking access to the commercial parking areas with truck deliveries to the retail areas.
- The right hand turn in and out of commercial parking areas off Gladesville Road for both cars and trucks will cause considerable delays and traffic snarls especially when a bus is parked on the south side of Gladesville Road.
- The difficulty in accessing the commercial car parking and the limited car parking for residents will ensure the increased use Avenue Road, Figtree Road, Abigail Street and Martin St for street parking for resident's guests and retail and hotel customers.

Need for clarity in the documents

The only drawings available for public scrutiny were at a very small scale (A1 reduced to A3, which is around 1:436) so that it even for a building professional it is difficult to determine not only the details of the treatment of the elevations, the proposed use of materials etc, but also the relationship of the various parts of the building either to itself or to its neighbours. As well, drawings presented to CAP for consideration were incorrect and the only viewing of the scheme by the panel was on the night of the meeting.

This is a major development in a critical part of the Municipality. The development application should be fully illustrated and include a scale model of the proposal so that it is clear to everyone what is being proposed.

SUSTAINABILITY AND THE HUNTERS HILL HOTEL PROPOSAL

On July 27, 2010 the NSW Premier's Award for Sustainability Excellence was given to the Sydney Theatre Company. Their Artistic Directors and Hunters Hill residents, Cate Blanchett and Andrew Upton were singled out for their contribution in initiating the Greening the Wharf program, which introduced rainwater harvesting and solar power to the theatre. The plan will make The Wharf carbon neutral by 2011.

This prompted The Trust to ask the question: *How environmentally sustainable is The Hunters Hill Hotel's latest proposal* and in particular:

- How sustainable is it to excavate around 35,000 cubic metres of sandstone from the bedrock of Hunters Hill at a cost of around five million dollars before the construction of the building is even started?
- How sustainable is it to have the major retail tenant located completely underground thus having to rely entirely on artificial light and ventilation?
- How sustainable is it to have so many units so poorly served by natural light and ventilation that they will be relying on air-conditioning and artificial light for much of the time?
- How sustainable is it to have units facing south onto Gladesville Road, which means no direct sunlight and the necessity to have windows closed against traffic noise and fumes and shutters closed for privacy?
- Where are the solar panels?
- Where is the solar hot water system?
- Where is the roof-water collection re-use system?
- Is there a plan to make the building carbon neutral?

Hunters Hill Council makes great store of its membership of the Cities for Climate Protection program and is actively promoting "things you can do to help us move towards a sustainable Hunters Hill". Where is the Hunters Hill Hotel in all of this and what measures will Council be taking to ensure that any development of the Hunters Hill Hotel site will be environmentally sustainable?

CONCLUSION

The proposed changes to the approved Development Application should be dismissed out of hand as they will have serious adverse impacts on this part of the Municipality. Any future major revisions to the approved application should be the subject of a new Development Application and should be assessed under DCP 27.

Who will decide what gets built in Hunters Hill - the community or the developers?

Here is an opportunity for Council to make a stand on behalf of all of us and insist that the development of the Hotel site complies with the planning controls agreed on by the community.

If Council does not rise to this challenge, the only ray of hope for the community lies in the fact that most of the units are second rate and will not command the prices that will be required to finance the incredible expense involved in getting the building up to ground level.

Tony Coote
President The Hunters Hill Trust