

**Submission by the Hunters Hill Trust
re leasing The Priory for conversion to and use as a restaurant.**



The Priory: DA2021-1257

INTRODUCTION

- Council states it cannot afford to restore and maintain the Priory as a public building; it offers a 20-year lease to undertake this work on Council's behalf, and in return will accept below-market rent.
- A Conservation Management Plan for the Priory was completed in 2009.
- The lessee must generate an income sufficient to cover this, and return a profit.
- Council issued an Expression of Interest in 2021, and concluded that the most viable option was its use as a restaurant.
- *'A lease has been negotiated between Hunter's Hill Council and the prospective lessee. The lease will not come into effect until, and if a DA has been approved.'*

A) OVERALL CONCERN

The Trust welcomes the possibility of restoring The Priory and finding a reliable means of funding the restoration and ensuring future maintenance. We are particularly impressed by the Historical Summary included in the Conservation Management Plan which acknowledges the major state and local heritage importance of this highly significant building and its setting. This gives the community some confidence that the proposed alterations will be implemented with due regard to their overall impact on the site.

However the Trust does hold concerns that The current proposal, seating over 400 people, would be an over-development of the site, becoming functionally a Function Centre (i.e., intended for mass bookings) rather than a restaurant (individual bookings). Indeed, Council's confidence in the proponent rests on their expertise with function centres elsewhere in Sydney. Operating on such a large scale the proposal would inevitably create undue stress on the surrounding streets, the immediate environment and neighbours. In particular the Trust is concerned at the increased scale of the cafe portion of the development which has grown from a modest offering to a large capacity venue, impacting the setting, trees and curtilage of the Priory.

The increase in the scale of the development at this location and justification given for such a large overall development rests on the assumptions of the Financial Viability report, which has not been made public. The delay before profitability predicted by this report does not seem to justify the investment required.

B) DETAILED CONCERNS

1) Heritage

- The Plan of Management (PoM) for Riverglade Reserve states that a Conservation Management Plan for the Priory was completed in 2009
- Although the PoM states that permitted purposes include '*Reuse of The Priory to provide ... public related activities including education and artists space*', the current proposal does not indicate how public access will be provided to this important local heritage asset.
- The available documents give no assurance that the heritage buildings will be restored to a satisfactory standard, and maintained at such a standard throughout the period of the lease, and at its termination.
- The WWII Air-Raid Shelter seems to have been omitted from consideration: it should be conserved (probably not allowing public entry), and identified with explanatory signage.
- It is essential that Council oversees any work that impacts on the buildings or their surroundings, and that the cost of this is incorporated and recognised in the financial accounting of the project.

2) Loss of vegetation

The Arboricultural Report consultant states: '*It is acknowledged that the proposal will result in the loss of tall and mid-storey trees*'. However, the author is satisfied that through the process of review, **all design options have been considered to reduce the impact on the existing vegetation whilst retaining the site's distinctive historic and scenic qualities and curtilage**; and that 'The author recommends preparing a Landscaping Plan that includes an assemblage of native species endemic to the Hunters Hill LGA.'

We make the following points in questioning whether the above statement on design options is justifiable:

- The Plan of Management for Riverglade Reserve (PoM), p48 states that '*Vegetation surrounding The Priory needs to be retained to ensure the views and vistas are maintained.*'
- Page 63 of the PoM states that '*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 included within the curtilage.*'
- In particular, the palm trees immediately below the Priory's eastern retaining wall remain from the 19th Century history of this building as a historic reference to the Marist Brothers missionary work in the Pacific. They should all remain in situ for their significance within the siting of The Priory and its curtilage. The Jacarandas can be pruned and/or removed to open up views, if required.
- As many as possible of the Italian pencil pines *Cupressus sempervirens* & *C. sempervirens stricta* should be retained as an important element of the entry to The Priory grounds.
- We support the immediate preparation of the Landscaping Plan and the inclusion of locally endemic native species.

3) Operating days and hours

The stated operating times differ between documents; we seek confirmation that those on Council's website will apply.

- The notes on Council's website (www.huntershill.nsw.gov.au/thepriory) state: *'The key terms of the EOI were that the hours of operation be open until 10pm on Sunday - Thursday with staff to vacate premises by 11pm, and open until 11pm Friday - Saturday, with staff to vacate premises by 12am.'*

This differs from:

- The **Statement of Environmental Effects (SEE)**, which states that *'The proposed hours of operation for the restaurant and cafe are the following: Monday to Sunday: 7:00 am - 12.0 am (midnight), with the note that 'All outdoor areas will be closed by 10.30 pm daily'.*
- The Traffic and Parking Assessment Report which repeats the values of the SEE.
- The **Acoustic Report**, in its recommendations states:
 - *'The cafe's operation shall be limited to occur between 7:00am and 10:30pm'*
 - *'Patrons are not to occupy and outdoor areas after 10:30pm', that 'All doors and windows are to be kept closed ... after 10:00pm'*
- The **Waste Management Report** is kinder to nearby residents in stating that *'All waste collection shall occur during the following time-period:*
 - *Between 7:00am and 8:00pm, Monday to Friday; and*
 - *Between 9:00am and 8:00pm, Weekends and Public Holidays'*

These discrepancies must be addressed.

4) Noise

The Acoustic Report recommends the use of heavy glazing to minimise sound transmission, and that all doors and windows are to be kept closed ... after 10pm.

This report also recommends that *'Amplified or live music is not permitted in any of the outdoor areas at any time.'*

During the Trust's meeting with Mr Tobin on 25 January there was mention of a proposal for musicians to play in front of the main building; this would be inconsistent with the recommendation of the Acoustic Report. Sound travels across the valley and noise readings should be done to test any outdoor music impacts on people living across the valley.

The Acoustic Report concludes with the statement that provided that the recommended acoustic treatments are adopted, *'noise emission will comply with relevant EA Npfl, Council and Office of Liquor and Gaming acoustic requirements'.*

These measures, therefore, must be incorporated into the lease.

5) Traffic and Parking

The Traffic and Parking Assessment Report puts an optimistic slant on the appropriateness of the site for such a large restaurant, and relies on the expectation that 50% of patrons will arrive by Uber or taxi. Even then, with only 39 off-street parking places, most parking will be kerbside in Salter St and Manning Rd.

The quantity of off-street parking doesn't comply with DCP and RMS Guidelines (which would require 139 car spaces). The report argues that for seasonal, weather and other reasons, 58 off-street parking spaces will suffice, yet provides only thirty nine.

Most parking, therefore, will be kerbside in Manning Road and Salter Street in competition with local residents. But the assumption that any vacant piece of kerb is available for patrons of the Priory ignores the rights and convenience of residents and their guests to park at or near their residence. This clash particularly applies in the evening when peak arrivals for the restaurant will coincide with the homecoming or evening mealtime for residents. This sets the stage for continuing confrontation. During the afternoon and early evening, the section of 45-degree parking on Manning Road near the bridge is fully occupied by people visiting Riverglade Reserve so this should not be assumed to be available.

The report suggests that between 106 and 120 kerbside parking spaces are available, but actual safe, usable car parking is about half that.

The report also suggests that Uber and taxis might replace some car parking, in which case one would expect to see an efficient drop-off facility that can handle multiple arrivals, but there isn't one. The only provision is a parking bay for a 24-seater Coaster bus at the far end of the parking area, which even if unoccupied would not provide a suitable drop-off place.

The net result is that some patrons will have to walk 200m, sometimes in the rain, sometimes after dark, just to reach the front gates, which is at odds with the stated ambition to attract "premium" customers. Coupled with this problem is that the near side of Manning Road/Salter Street has no associated footpath, so patrons will have to walk down the traffic lane, which is unsafe. Even the opposite side has only a very narrow footpath. Coupled with poor street-lighting and the need to cross a road carrying through-traffic, this would make access to The Priory after dark unpleasant, if not risky.

The Traffic and Parking report also ignores the need to provide for service vehicles to access to the playground immediately beyond the cafe.

6) Restaurant or Function Centre?

The Plan of Management for Riverglade Reserve allows for the Priory to be used as a restaurant/cafe, but not for a function centre. The distinction for the difference is subtle, and seems to hinge on whether the space can be booked as a whole, or caters for individual diners. There seems no restriction on a restaurant taking an occasional booking for, say, a wedding reception provided it usually caters for smaller groups.

Of particular note is that Drawing DA101 P10 shows the kitchen to be composed of two parts, one labelled 'FUNCTION KITCHEN' and the other 'RESTAURANT KITCHEN'.

7) Financial viability

The financial viability report from Polis Partners (stated to be 'accompanying this Development Application') has not been made available to the public.

The **Statement of Heritage Impact (July 2021)**, Section 4.0, concludes that the most viable alternative is for a restaurant & cafe seating a total of 358 people, and states that the financial viability report concludes that this option *'should generate a slim profit from year 2 onwards, and becomes cashflow positive during year 5'*.

The **Statement of Environmental Effects (26 August 2021)**, Section 7.5, refers to a larger restaurant + cafe (seating 316 + 100 = a total of 416 seats). While also quoting the Polis Partner (sic) report, concludes that while this option *'begins to generate a profit from year 2 onwards', the profit margin exceeds the financing rate in year 15'*.

To wait 15 years for a net return doesn't seem to be an attractive business case. Can Council be confident this business will continue to care for maintenance of The Priory for the full extent of the proposed 20 year lease?

8) Drawings

- The **Statement of Heritage Impact** lists the drawings that describe the proposal, but not all of these are available from Council's website,.
- Highly-relevant drawings (DA-100 P11 (internal layout of the cafe), DA-101 p10 (internal layout of the kitchen and ground floor and DA-102 P8 (internal layout of the first floor) are omitted from the document '**Notification Plans**'; (they are, however, copied (in low resolution) into the Traffic and Parking Report and/or the Statement of Environmental Effects!
- The '*Site and Roof*' plan (DA-010_B_PAN-158500) shows a gable roof over the courtyard pavilion, whereas the elevation shows a flat roof.
- The upstairs dining rooms are not served by a lift, limiting their use to patrons able to use the stairs.

C) CONCLUSIONS

In spite of the proposal being an over-development of the site, the financial feasibility seems questionable.

Council should seek comprehensive financial guarantees to protect itself from having to remediate an unfinished project and/or to protect the integrity of The Priory's various buildings and other structures.