



# HUNTER'S HILL COUNCIL

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Reference: DA20220104-Review

27 March 2023

Samantha Urquhart  
PO Box 21  
HUNTERS HILL NSW 2110

Dear Sir/Madam,

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979  
SECTION 4.18 (1) (a)**

Notice is hereby given, pursuant to Section 4.16 (1) of the Environmental Planning and Assessment Act 1979, that the Development Application specified herein has been **refused** by the Local Planning Panel for the following reasons:

<b>Development Application No</b>	<b>DA20220104-Review</b>
<b>Applicant</b>	Samantha Urquhart
<b>Property</b>	Figtree Park, Lot 7075 Ryde Road, Hunters Hill
<b>Development Proposal</b>	The removal of 21 trees (4 of which are exempt) and the pruning of 7 trees to facilitate the upgrade of Figtree Park.
<b>Determination</b>	Application refused for reasons set out on Page 2
<b>Determination made on</b>	<b>17 March 2023</b>



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**DEVELOPMENT APPLICATION No. DA20220104-Review**  
**Reasons for Refusal**

1. It is not in the public interest.
2. The information provided in the DA did not sufficiently provide the strategic planning context for the DA that might have contextualised the implications of the tree removal including:
  - a. the strategic relationship of the commercial zoning of the adjacent land along Gladesville Road adjacent to the park;
  - b. the cumulative effect of piecemeal decisions eg the previously approved application to demolish 48 Gladesville Road;
  - c. the absence of any information being provided regarding the “offset strategy to be imposed as a condition of consent”, particularly given 6 trees are proposed to replace 21 removed;
  - d. the timing of the development and the lack of clarity of the approval status and public consultation process of the various documents tabled.
3. The proposal is contrary to the objectives of the current Plan of Management for the park which include “retaining and maintaining existing trees and vegetation” and appears to anticipate improved accessibility in a treed and very relaxed park character.
4. The park is a major public asset within a heritage conservation area, but no assessment of the heritage significance of the park and its features has been provided in preparing the facilities upgrade.

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Shahram Mehdizadgan  
**ACTING DIRECTOR**  
**TOWN PLANNING**

- Notes:
- (1) Section 8.7 of the EPA Act provides that an applicant for development consent who is dissatisfied with the determination of the application by the consent authority may appeal to the Court against the determination.
  - (2) Section 8.10(1) of the EPA Act provides that an appeal may be made only within 6 months after the date the decision appealed against is notified or registered on the NSW planning portal or after the date of deemed refusal under s 8.11 of the Act.
  - (3) Section 8.2(1) of the EPA Act provides that the determination of an application for development consent (and an application for the modification of a development consent) is subject to review under Division 8.2 of the Act. Section 8.3(1) of the EPA Act provides that an applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. Under s 8.3(2) of the EPA Act, a determination cannot be reviewed under Division 8.2 of the Act after the period within which any appeal may be made to the Court has expired if no within which any appeal may be made to the Court has expired if no appeal was made.
  - (4) You are advised that where a condition requires submission of additional information or amendments prior to release of the building plans, you are required to attend at the Council offices between 9.00 a.m. to 10.00 a.m., or otherwise by appointment, to finalise the outstanding matters, with the relevant Council Officer.