

ATTACHMENT 1 – DRAFT REASONS FOR REFUSAL

Reasons for Refusal

1. Building design

The façades of tower and podium should have either a stronger continuity or a clearer delineation. The blurred relationship between podium and tower in the current proposal results in some less-than-ideal amenity outcomes for the lower level hotel rooms, particularly the corner suite and reduced legibility of the building from the public realm.

(Environmental Planning and Assessment Act 1979 s4.15(1)(b)).

2. Inadequate arrangements for hotel coach parking

The proposed development will have an adverse environmental impact in the locality given the inadequate arrangements for coach parking associated with the hotel.

(Environmental Planning and Assessment Act 1979 s4.15(1)(b)).

3. Inadequate loading and waste servicing arrangement

The proposed development will have an adverse environmental impact in the locality given the inadequacy of the temporary loading and waste collection area. The development fails to provide a permanent arrangement to service the proposed development.

(Environmental Planning and Assessment Act 1979 s4.15(1)(b)).

4. Floor Level - Flooding

The proposed development fails to provide floor levels that are a minimum 500mm above the flood level.

(Environmental Planning and Assessment Act 1979 s4.15(1)(b)).

5. Advice from statutory authority

The proposed development is not consistent with the public interest. In having regard to the advice received from Transport for NSW, the development application cannot be supported given the outstanding information relating to SIDRA model files and mitigation measures for the intersections of Hampstead Road/ Newton Street/Parramatta Road and Rawson Street/Parramatta Road/Duck Street, which are already operating at capacity under existing conditions.

(Environmental Planning and Assessment Act 1979 s4.15(1)(e)).

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6. Inconsistency with the objectives of a DCP

The proposed development does not satisfy Objective O1 of the Cumberland Development Control Plan 2021 at Part C Clause 3.11 (Visual and acoustic privacy).

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

7. Inconsistency with the objectives of a DCP

The proposed development does not satisfy Objective O1 of the Cumberland Development Control Plan 2021 at Part C Clause 3.19 (Food and drink premises).

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

8. Inconsistency with the objectives of a DCP

The proposed development does not satisfy Objectives O1 and O2 of the Cumberland Development Control Plan 2021 at Part C Clause 3.20 (Safety and security).

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

9. Inconsistency with the objectives of a DCP

The proposed development does not satisfy Objective O1 of the Cumberland Development Control Plan 2021 at Part G3 Clause 4.6 (Loading requirements for commercial and industrial development).

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

10. Inconsistency with the objectives of a DCP

The proposed development does not satisfy Objective O1 of the Cumberland Development Control Plan 2021 at Part G8 (Waste management).

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

11. Inconsistency with the requirements of a DCP

The proposed development does not comply with Control C1 of the Cumberland Development Control Plan 2021 at Part C Clause 3.11 (Visual and acoustic privacy).

The Cumberland Design Excellence Panel have raised concerns with the reduced setback on the west of the hotel and the proximity to the neighbour; to ensure that it does not negatively impact future development of the neighbouring site to the west. West facing hotel rooms require further consideration with regard to the impact on views to and from the site and impact on future development of 284 Parramatta Road.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

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12. Inconsistency with the requirements of a DCP

The proposed development does not comply with Control C2 of the Cumberland Development Control Plan 2021 at Part C Clause 3.12 (Hours of operation); a Crime Prevention Through Environmental Design report has not been provided.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

13. Inconsistency with the requirements of a DCP

The proposed development does not comply with Controls C5 and C6 of the Cumberland Development Control Plan 2021 at Part C Clause 3.19 (Food and drink premises).

Plans prepared in accordance with Australian Standard AS4674-2004 (Design, Construction & Fitout of Food Premises) and Standard 3.2.3 Food Standards Code and include food preparation and storage areas (including coolrooms and freezers) have not been provided to enable an assessment of the sufficiency of the food areas to adequately accommodate food storage, preparation and washing up, coolroom/freezer/s, wash up area, hand wash basins or cooking equipment.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

14. Inconsistency with the requirements of a DCP

The proposed development does not comply with Controls C3 and C4 of the Cumberland Development Control Plan 2021 at Part C Clause 3.20 (Safety and security).

The entry to the hotel is obscured by the specialised retail tenancy along Hampstead Road. The Cumberland Design Excellence Panel have recommended that this arrangement be amended, however no change has been made to the layout of the hotel entrance to improve its visibility from the Hampstead Road frontage. Sightlines from the street should be improved to provide greater legibility for guests arriving on foot and to maintain a safe public environment.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

15. Inconsistency with the requirements of a DCP

The proposed development does not comply with the provisions of the Cumberland Development Control Plan 2021 at Part G3 Clause 3 (Parking rates).

The proposed 257 parking spaces are not adequate. A minimum 280 parking spaces shall be provided. There is a shortfall of 23 parking spaces for retail area. Car parking should be calculated based on gross floor area, not based on leasable floor area.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

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16. Inconsistency with the requirements of a DCP

The proposed development does not comply with Control C4 of the Cumberland Development Control Plan 2021 at Part G3 Clause 4.6 (Loading requirements for commercial and industrial development); the proposed temporary loading area is impractical and Council will not be able to ensure the Loading Dock Management Policy is implemented.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

17. Inconsistency with the requirements of a DCP

The proposed development does not comply with Control C1 of the Cumberland Development Control Plan 2021 at Part G4 Clause 2.6 (Flood risk management); the proposed development fails to provide floor levels that are a minimum 500mm above the flood level.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

18. Inconsistency with the requirements of a DCP

The proposed development does not comply with Control C1 of the Cumberland Development Control Plan 2021 at Part G4 Clause 2.7 (Water Sensitive Urban Design, water quality and water re-use); the site area exceeds 2,500m² in area and a Water Sensitive Urban Design Strategy has not been provided.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

19. Inconsistency with the requirements of a DCP

The proposed development does not comply with Control C1 of the Cumberland Development Control Plan 2021 at Part G8 Clause 3.5 (Bin transfer requirements); the proposed temporary waste collection area is not supported. The distance of travel from the waste storage areas within the basement to the temporary collection area is impractical.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

20. Inconsistency with the requirements of a DCP

The proposed development does not comply with Control C1 of the Cumberland Development Control Plan 2021 at Part G8 Clause 3.6 (Collection area requirements); the proposed temporary waste collection area is not supported. The distance of travel from the waste storage areas within the basement to the temporary collection area is impractical.

(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).

21. Public interest

In the circumstances of the case, approval of the development application is not in the public interest.

(Environmental Planning and Assessment Act 1979 s4.15(1)(e)).