

## ATTACHMENT 2 – Council Response to Reasons for Refusal

Reason for Refusal	Response
<p><b>1. Inconsistency with the objectives of a DCP</b></p> <p>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).</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>The design has been updated with the orientation of the hotel drum rotated so that the core is adjacent to the boundary and rooms have been offset from being directly adjacent to the boundary.</p>
<p><b>2. Inconsistency with the objectives of a DCP</b></p> <p>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).</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>A deferred commencement condition of consent has been recommended detailed plans for the retail food premises areas on Level 0 and Level 3 to be submitted to Council for assessment and comment.</p>
<p><b>3. Inconsistency with the objectives of a DCP</b></p> <p>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).</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>A CPTED Report has been provided and the development is considered satisfactory from a CPTED perspective.</p>
<p><b>4. Inconsistency with the objectives of a DCP</b></p> <p>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).</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>The Applicant has provided Council with a Loading Dock Management Plan which provides clarity around the loading arrangements for the development, including an analysis of the required loading dock capacity.</p>
<p><b>5. Inconsistency with the objectives of a DCP</b></p> <p>The proposed development does not satisfy Objective O1 of the Cumberland Development Control Plan 2021 at Part G8 (Waste management).</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>The Applicant has provided Council with a Loading Dock Management Plan which provides clarity around the loading arrangements for the development, including an analysis of the required loading dock capacity.</p>
<p><b>6. Inconsistency with the requirements of a DCP</b></p>	

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<p>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).</p> <p>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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>The design has been updated with the orientation of the hotel drum rotated so that the core is adjacent to the boundary and rooms have been offset from being directly adjacent to the boundary.</p>
<p><b>7. Inconsistency with the requirements of a DCP</b></p> <p>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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>A CPTED Report has been provided and the development is considered satisfactory from a CPTED perspective.</p>
<p><b>8. Inconsistency with the requirements of a DCP</b></p> <p>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).</p> <p>Plans prepared in accordance with Australian Standard AS4674-2004 (Design, Construction &amp; 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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>A deferred commencement condition of consent has been recommended detailed plans for the retail food premises areas on Level 0 and Level 3 to be submitted to Council for assessment and comment.</p>
<p><b>9. Inconsistency with the requirements of a DCP</b></p> <p>The proposed development does not comply with Controls C3 and C4 of the Cumberland</p>	<p>The hotel lobby entrance has been amended to provide improved visual access. The Applicant has also noted that, once the park is delivered as</p>

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<p>Development Control Plan 2021 at Part C Clause 3.20 (Safety and security).</p> <p>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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>part of the next stage of the concept approval, amenity to the hotel entrance will be further enhanced.</p>
<p style="text-align: center;"><b>10. Inconsistency with the requirements of a DCP</b></p> <p>The proposed development does not comply with the provisions of the Cumberland Development Control Plan 2021 at Part G3 Clause 3 (Parking rates).</p> <p>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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>Council's Development Engineer has reviewed the proposed car parking numbers and advised that:</p> <p>Proposed parking 261 parking spaces area not adequate. Minimum 280 parking spaces shall be provided. There is a shortfall of 19 parking spaces for retail area.</p> <p>Parking calculation:</p> <p>Hotel = <math>200/4 = 50</math>  Function room = <math>321(15/100) = 49</math>  Retail (N) = <math>9050/50 = 181</math> = 181</p> <p>Total = 280 car parking spaces required.</p> <p>The Applicant has provided a further detailed discussion on the calculation of car parking numbers in an updated Traffic Impact Assessment, which has demonstrated that the proposed 261 car parking spaces are adequate to service the development.</p> <p>On this basis, the variation to the required car parking numbers is considered acceptable on merit.</p>
<p style="text-align: center;"><b>11. Inconsistency with the requirements of a DCP</b></p> <p>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.</p>	<p>The Applicant has provided Council with a Loading Dock Management Plan which provides clarity around the loading arrangements for the development, including an analysis of the required loading dock capacity. This is considered satisfactory.</p>

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<p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	
<p><b>12. Inconsistency with the requirements of a DCP</b></p> <p>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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>Council's Development Engineer has advised that the development now achieves a minimum 500mm above the flood level, with the exception of the temporary loading dock.</p> <p>The provided floor level of RL8.9m AHD for the temporary loading dock is 80mm below the 1% flood event, which is acceptable in this instance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The current building is existing.</li> <li>• Raising the floor level any further will impact the vehicular grades for access to the loading area.</li> <li>• The loading area is temporary to accommodate Stage 1 and 2 of the development.</li> </ul> <p>To ensure acceptable measures are in place, Council's Coordinator Engineering Services has provided conditions of consent to address the above.</p>
<p><b>13. Inconsistency with the requirements of a DCP</b></p> <p>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 2,500m<sup>2</sup> in area and a Water Sensitive Urban Design Strategy has not been provided.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>The Applicant has provided a MUSIC model report and a MUSIC model which details guidance as to how WSUD can be achieved for the development.</p> <p>A prior to the issue of Construction Certificate condition of consent requires details of WSUD to be incorporated into the stormwater design.</p>
<p><b>14. Inconsistency with the requirements of a DCP</b></p> <p>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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>The Applicant has provided Council with a Loading Dock Management Plan which provides clarity around the loading arrangements for the development, including an analysis of the required loading dock capacity.</p> <p>This is considered satisfactory.</p>
<p><b>15. Inconsistency with the requirements of a DCP</b></p>	

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<p>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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(a)(iii)).</i></p>	<p>The Applicant has provided Council with a Loading Dock Management Plan which provides clarity around the loading arrangements for the development, including an analysis of the required loading dock capacity. This is considered satisfactory.</p>
<p><b>16. Building design</b></p> <p>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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(b)).</i></p>	<p>The design has been amended to ensure that the façades of the tower and podium have a stronger continuity.</p>
<p><b>17. Inadequate arrangements for hotel coach parking</b></p> <p>The proposed development will have an adverse environmental impact in the locality given the inadequate arrangements for coach parking associated with the hotel.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(b)).</i></p>	<p>The Loading Dock Management Plan includes details for coach and bus parking for vehicles up to 12.5m long, within the designated HRV parking space.</p> <p>A separate delineated pedestrian pathway is provided west of the coach/bus parking area in the loading dock for safety reasons.</p>
<p><b>18. Inadequate loading and waste servicing arrangement</b></p> <p>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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(b)).</i></p>	<p>The Applicant has provided Council with a Loading Dock Management Plan which provides clarity around the loading arrangements for the development. Additional details have been provided in relation to waste management that are considered satisfactory.</p>
<p><b>19. Floor Level - Flooding</b></p> <p>The proposed development fails to provide floor levels that are a minimum 500mm above the flood level.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(b)).</i></p>	<p>Council's Development Engineer has advised that the development now achieves a minimum 500mm above the flood level, with the exception of the temporary loading dock.</p> <p>The provided floor level of RL8.9m AHD for the temporary loading dock is 80mm below the 1%</p>

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	<p>flood event, which is acceptable in this instance for the following reasons:</p> <ul style="list-style-type: none"> <li>• The current building is existing.</li> <li>• Raising the floor level any further will impact the vehicular grades for access to the loading area.</li> <li>• The loading area is temporary to accommodate Stage 1 and 2 of the development.</li> </ul> <p>To ensure acceptable measures are in place, Council's Coordinator Engineering Services has provided conditions of consent to address the above.</p>
<p><b>20. Advice from statutory authority</b></p> <p>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.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(e)).</i></p>	<p>On 1 September 2023, TfNSW advised that it raises no objection to the development subject to Council's approval and conditions/requirements being included in any consent issued by Council. The conditions have been included in the draft consent.</p>
<p><b>21. Public interest</b></p> <p>In the circumstances of the case, approval of the development application is not in the public interest.</p> <p><i>(Environmental Planning and Assessment Act 1979 s4.15(1)(e)).</i></p>	<p>The revised assessment has determined that the development is in the public interest.</p>