



**SYDNEY CENTRAL CITY PLANNING PANEL
COUNCIL ASSESSMENT REPORT**

Panel Reference	PPSSCC-726
DA Number	DA/62/2025
LGA	City of Parramatta Council
Proposed Development	Partial demolition and refurbishment of an existing licensed premises, comprising of a four-storey hotel with a total of 39 short stay rooms, food and beverage outlets, restaurant, sports bar, terrace lounge, beer garden, bakery, signage and associated landscaping.
Street Address	No. 521 Victoria Road, Ermington NSW 2115
Applicant & Owner	Applicant: Urbis - Zara Bennett Owner: Sonnel Hospitality (Traclon (No.13) Pty Ltd)
Date of DA lodgement	Original Lodgement Date: 7 February 2025 Amended Lodgement Date: 16 June 2025
Number of Submissions	None
Recommendation	Approval
Regionally Significant Development	Development with a capital investment value of more than \$30 million (\$33,281,746).
List of all relevant s4.15(1)(a) matters	• Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • Parramatta Local Environmental Plan 2023 • Parramatta Development Control Plan 2023
List all documents submitted with this report for the Panel's consideration	• Attachment 1: Conditions • Attachment 2: Architectural Plans • Attachment 3: Landscape Plans • Attachment 4: Clause 4.6 – Height of Building • Attachment 5: Draft Plan of Management
Clause 4.6 requests	• Clause 4.6 Variation sought to the Height of Buildings Development Standard pursuant to Parramatta Local Environmental Plan (PLEP) 2023

Summary of key submissions	No submissions received as part of the subject application.
Report prepared by	Greg Samardzic, Senior Development Assessment Officer
Report date	13 October 2025

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Yes

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?

Clause 4.6 Exceptions to development standards

Yes

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Special Infrastructure Contributions

No

Does the DA require Special Infrastructure Contributions conditions?
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

1. EXECUTIVE SUMMARY

The proposal seeks consent for the partial demolition and refurbishment of the existing licensed premises (Ermington Hotel), comprising a four-storey hotel with a total of 39 short-stay rooms, food and beverage outlets, a sports bar, terrace lounge, beer garden, signage, and associated landscaping and stormwater works at No. 521 Victoria Road, Ermington.

The site is zoned E1 Local Centre under the Parramatta Local Environmental Plan (PLEP) 2023, which permits development for the purposes of ‘hotel or motel accommodation’.

The proposal includes a variation to the PLEP 2023 Development Standard under Clause 4.3 – Height. The maximum permitted height for the site is 12 metres, while the proposed development reaches a maximum height of 15.6 metres, representing a variation of 3.6 metres or 30%. This variation relates to part of one storey of the short-stay accommodation component, the lift overrun, and the lift shaft. The applicant has submitted a Clause 4.6 variation request to justify the proposed exceedance (refer to Attachment 4 for further details).

Most of the height non-compliance occurs in the southern portion of the site and does not result in significant adverse visual impacts on the immediate locality. The proposed built form is sympathetic to the character of the area, with the subject site being uniquely isolated, bounded by street frontages on the northern, eastern, and southern boundaries. The variation is considered acceptable as the design responds appropriately to the site's sloping topography. The proposal achieves a suitable transition in built form by stepping back the upper levels. The height variation is not expected to cause significant adverse impacts on surrounding commercial or residential properties due to the site's isolated nature.

A previous development consent (DA/754/2019) was issued on 23 December 2019 for the partial demolition and refurbishment of the existing licensed premises, and alterations and additions to the existing hotel, including the construction of a four-storey hotel with 90 rooms, car parking, signage, and associated landscaping. That consent also included a height variation, with a maximum height of 17.46 metres, exceeding the 12-metre limit by 5.46 metres. The variation was supported with a Clause 4.6 submission and was approved for reasons similar to those outlined above. This consent has since lapsed.

The current proposal includes the provision of 64 car parking spaces and is supported by a detailed Traffic Impact Assessment. Although there is a technical shortfall of 64 spaces, the proposal is supported on the basis that the site accommodates dual uses, and the highest parking demand—generated by the proposed function rooms—would occur only occasionally and should be considered ‘special events’, as they are not in regular use. The public car park along Victoria Road provides approximately 160 spaces, with nearly 50 spaces located directly north of the hotel. It is considered that any parking shortfall can be accommodated within this public facility.

To further address the shortfall, the applicant has offered to upgrade the adjoining Council car park to increase its capacity by approximately 22 spaces. Appropriate conditions have been recommended to ensure this upgrade is implemented. The applicant has reviewed and agreed to these conditions.

The application was notified and advertised, and no submissions were received.

Following a detailed assessment against the applicable planning controls, the proposal is considered to satisfy the relevant requirements. Accordingly, it is recommended that the Sydney Central City Planning Panel, as the determining authority, approve the application subject to conditions.

2. KEY ISSUES

Parramatta Local Environmental Plan 2023 (PLEP 2023)

The proposal does not comply with the following Development Standard under PLEP 2023.

- Height of Buildings - Clause 4.3 of PLEP 2023
Control: 12m
Proposed: 15.6m (3.6m or 30% variation).

Refer to Section 8.7.3.1 – Section 4.6 Exceptions to Development Standards of this report regarding further discussions in relation to the proposed building height variation.

Parramatta Development Control Plan 2023 (PDCP 2023)

The proposal does not achieve technical compliance with the relevant parking control of Parramatta Development Control Plan (PDCP) 2023 - Part 6.2 Parking and Vehicular Access which contains a parking shortfall of approximately 64 spaces.

Refer to Sections 6 – Referrals and 10 – Parramatta Development Control Plan 2023 of this report regarding further discussions in relation to the proposed technical variation to Council’s parking DCP.

3. SITE DESCRIPTION LOCATION AND CONTEXT

The subject site is legally known as Lot 124 DP 624540, No. 521 Victoria Road, Ermington and is also known as Ermington Hotel. The site is irregular in shape and has a sloping topography of the site results in a level difference of approximately 1.4 metres between the southern (higher) boundary and northern (lower) boundary. The site has an area of 2,442.4sqm, a site frontage of approximately 40 metres to Victoria Road and a site width of approximately 58 metres. There is a row of mature trees located on the western property boundary.

The site benefits from access to multiple road frontages, including River Road to the east and Lister Avenue to the south. It is also accessible from the adjoining public car park to the north of the site. The northern car park also provides access to the adjoining Red Rooster drive-through takeaway food outlet and ancillary car park (which is outside of the hotel site boundaries). The Victoria Road/River Road signalised intersection provides restricted left-in and left-out access. However, the nearby Victoria Road/Spurway Street signalised intersection provides both left/right in and out access.



Figure 1: Subject site

The ground and lower ground levels of the hotel include a public bar and TAB facility in the northeastern corner. A bistro/function area is located on the ground floor on the southern part of the site. This area is currently unused with no food service being provided as part of the existing hotel operations. A gaming area is in the northwestern side of the building facing the northern car park.

The upper levels of the existing development include an upper deck car park accessed from Lister Avenue via a separated driveway with entry/exit controlled by roller doors. A level of short-stay accommodation (hotel rooms) is located above the car park. The existing layout of the short-stay accommodation level which has 18 rooms.



Figure 2: View of existing development from corner of River Road and Lister Avenue

Directly north of the site is a car park owned by Council with around 45 car parking spots. Further north is Victoria Road which offers connectivity to Parramatta, Sydney Central Business District (CBD), West Ryde, Macquarie Centre and Auburn. Further north there are low density residential developments.



Figure 3: Council carpark located north of the site

To the east of the site, on the opposite side of River Road, there is a Woolworths supermarket and local convenience retail and commercial uses with associated car parking. Further to the east, there are low density residential developments.



Figure 4: Woolworths located to the east of the site

To the south of the site, on the opposite side of Lister Street, is the Ermington Police Station, Ermington Branch Library and the Ermington Community Centre. Beyond this exists further residential developments of single storey dwellings and duplex type housing.



Figure 5: Ermington Branch Library located to the south of the site

To the west of the site is Silverwater Road which forms part of the A6 which is a major arterial road which provides a link from the northern and western suburbs to the inner western suburbs, Bankstown and Princes Highway. Further west, there is low density residential developments and Rydalmere.

Public transport is available via the nearby bus stop on Victoria Road, adjacent to the Betty Cuthbert Avenue shops. West-bound services provide direct access to Parramatta CBD and Auburn Station. East-bound services provide direct access to the Sydney CBD, Macquarie Centre and West Ryde. Bus services are generally every 15 minutes, providing good levels of access.

4. THE PROPOSAL

Description of Development

Approval is sought for the partial demolition of and refurbishment of the existing licensed premises (Ermington Hotel), comprising of a four-storey hotel with a total of 39 short stay rooms, food and beverage outlets, sports bar, terrace lounge, beer garden, signage and associated landscaping. Specifically, the application is proposing:

Demolition

Demolition works include:

- Full demolition of the existing public bar along with the adjoining vacant rooms and the TAB area. All services and amenities are proposed to be demolished, including the lifts and stair wells.
- Full demolition of the existing accommodation and amenities associated with the accommodation space.
- Demolition of existing hard and soft landscaping within the site area.

The gaming room is proposed for retention and is to remain operational throughout demolition and construction works.

Built Form and Design

Licenced Premise

- Alterations and additions to the existing licensed premises including internal reconfiguration to accommodate a range of uses, including:
 - Food and beverage outlets
 - Restaurant
 - Sports bar
 - Terrace lounge
 - Beer garden
 - Bakery
 - Customer amenities.

Works to the external façade of the existing gaming room are also proposed.

Hotel Accommodation

- Alterations and additions to the existing hotel, comprising:
 - Construction of a four-storey hotel with 39 short-stay accommodation rooms
 - Installation of signage

Associated basement car parking, landscaping and stormwater works are also proposed. These are detailed below.

Gross Floor Area (GFA)

The proposed development will result in a total **GFA of 4,442sqm**, distributed as follows:

- **Ground Floor**
Uses: Parking, back of house facilities including loading dock and pump room, office space, café, bar, gaming room and amenities.
Area: 951sqm
Capacity: Up to 345 persons
- **Mezzanine Level**
Uses: Back of house facilities, office space, bar and amenities.
Area: 622sqm
Capacity: Up to 400 persons
- **Level 1**
Uses: Back of house facilities, lobby, function space, bistro/bar, kids play area and amenities.
Area: 1,567sqm
Capacity: Up to 992 persons
- **Level 2**
Uses: 19 short-stay accommodation rooms
Area: 651sqm
- **Level 3**
Uses: 20 short-stay accommodation rooms
Area: 651sqm

Note: The existing GFA is 3,071sqm. The proposed development increases this to 4,442sqm and introduces a total of **39 short-stay accommodation rooms**.



Figure 6: The proposal viewed from the corner of River Road and Betty Cuthbert Avenue. Source: H & E Architects.



Figure 7: The proposal viewed from Lister Avenue. Source: H & E Architects.

Access and Parking

A total of 64 car parking spaces, including two accessible parking spaces located within the basement level (41 spaces) and on the ground level (19 accommodation spaces), are proposed. The parking provisions also include 21 bicycle spaces, with 13 spaces for staff and 8 spaces for patrons and guests, and with 2 motorcycle parking spaces.

The application involves a car parking shortfall of 64 spaces and to support the proposed variation, the applicant has offered to upgrade the adjoining Council car park to increase the number of car parking spaces by approximately 22 spaces as shown by the figure below.

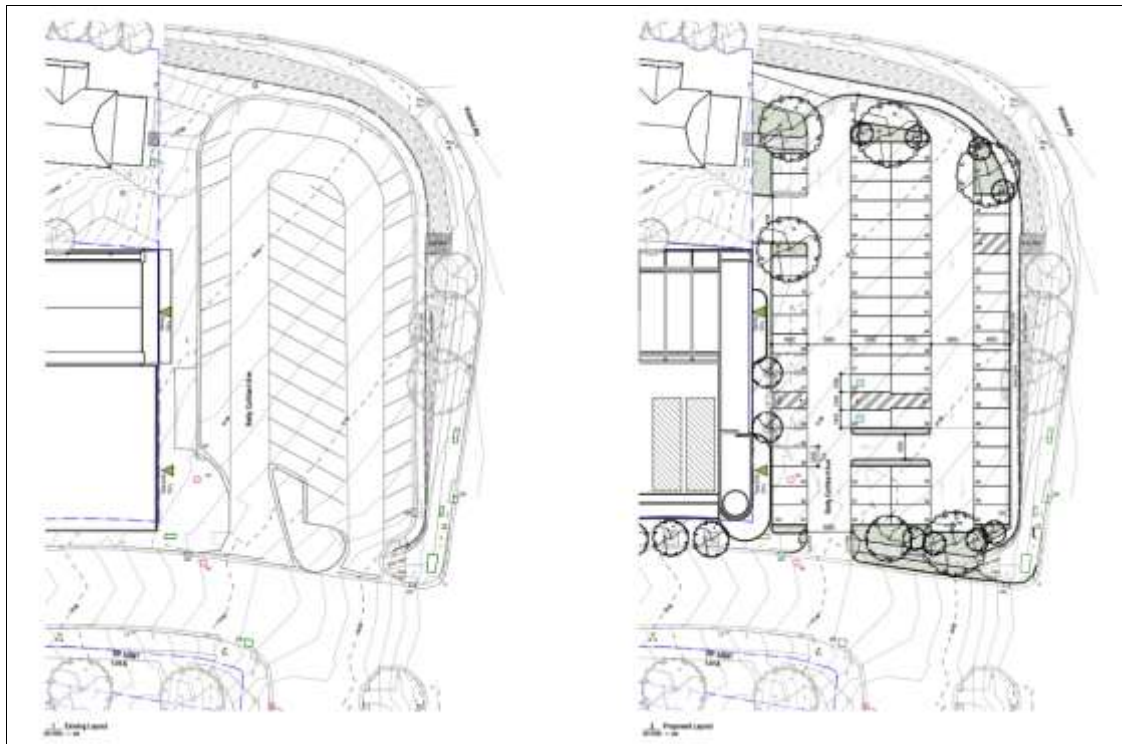


Figure 9: Betty Cuthbert car park (existing and proposed layout).

Vehicle access is to be off Lister Avenue.

Pedestrian access is to via River Road at three entrances and along the site's frontage at Betty Cuthbert Avenue.

Materiality

The proposed materiality includes a brick facade, utilised in various formats and arrangements. Additionally, metal cladding in brass and aluminium screens with a bronze finish are also proposed. An extract of the materiality choices and a render of the proposed development is provided in the figure below.



Figure 8: Proposed materiality

The application has been supported by submission of an Arts Plan which proposed a design brief for wall art along the River Road frontage of the proposed building.

Stormwater

The proposal seeks to partially reconstruct the existing basement to allow for additional On-site Detention tank and minor stormwater upgrade works to address nuisance flows.

Waste

A private waste collection vehicle would enter the loading dock off River Road in a forward direction, and the vehicles would be positioned on the turntable which would be operated to turn the vehicles 180 degrees. Bins will be loaded into the rear of the vehicles and would then exit the loading dock in a forward direction onto River Road.

All deliveries would via the proposed loading dock.

Landscaping and Public Domain

A total of 386.64sqm of landscaped areas are proposed to include 78.94sqm of deep soil areas. Full detailed landscaped plans have been submitted as part of the application (see Attachment 3 for further details). The proposed redevelopment removes two trees that are located adjacent to the western property boundary. The removal of the trees is required to be removed due to their proximity to the basement demolition which encroaches onto their relevant tree protections zones (TPZs).



Figure 10: Landscaped site plan

Signage

The submitted Statement of Environmental Effects (SEE) states that there would be the installation of 10 building identification and directional signs however no adequate signage details have been submitted with the subject application. However, the submitted show four signs with the lettering 'Ermington Hotel' on all elevations. A further two signs on the northern elevation are shown that contains the lettering 'Welcome: Sports Bar, Lounge Bar and Bistro' and 'Open Late' are proposed. A separate application will be required for any proposed signage to be erected not indicated on the submitted plans on the subject site.

Operational Details

The following components of the development would contain the following hours of operation:

- **Hotel:** Monday - Sunday: 10am – 4am.
(Hotel staff will be onsite from 8am Monday - Friday and from 9am on weekends and 1 hour after operating times).
- **Café/bakery:** 6am – 12am.
- **Sports bar:** 10am – 4am (Note: the windows to the bar are to be shut by 10pm).
- **Terrace:** 10am – 4am.
- **Mezzanine:** 10am – 4am.
- **Level 1 Function Centre:** 10am – 4am (Note: the windows to the bar are to be shut by 10pm).
- **Exit via Lister Avenue:** To be closed by 12am.
- **Kids Area:** 10am – 10pm.

Waste and recycling pickups via the loading dock would occur before 10am.

Large deliveries are to occur before 10am and small truck movements until 12pm.

Approximately 105 staff will be employed which will include five housekeeping staff for the accommodation component.

A draft Plan of Management (PoM) has been submitted with the application (see Attachment 5 for further details). A full digital booking system is proposed with digital access from the carpark to the accommodation rooms and a reception desk would be available for large group check-ins. Dedicated parking bays allocated on the lower level of the carpark with access to accommodation floors via a specific accommodation lift is proposed.

5. SITE HISTORY

Development Application - DA/754/2019

On 23 December 2019, DA/754/2019 was approved by the Parramatta Local Planning Panel for *'Partial demolition and refurbishment of the existing licensed premises, and alterations & additions to the existing hotel comprising construction of a four (4) storey hotel with a total of 90 rooms, car parking, signage and associated landscaping'*.

This consent also included a height variation with a maximum height of 17.46m which contravened the maximum 12m height limit by 5.46m. The variation was accompanied with a Clause 4.6 submission and was supported however this consent has now lapsed.

The scope of works included:

- Partial demolition of the existing building, retaining the TAB, dry cleaners, 'VIP' room, and toilets.
- Refurbishment of the existing licensed premises, and alterations and additions to the existing hotel comprising construction of a four-storey hotel with a total of 90 rooms, car parking, signage and associated landscaping and public domain works which included the following components:

Ground Floor: refurbished bar/lounge area, hotel lobby, reception, office, breakfast lounge, waste storage, lift, fire stairs, at-grade parking for 16 vehicles (accessed from River Road).

Upper Ground Floor: Vacant tenancy, with access via stairs and hydraulic lift from Ground Floor, bathrooms, fire stairs.

Level 1: 35 hotel rooms, fire stairs, lift, back of house storage, planter boxes.

Level 2: 35 hotel rooms, fire stairs, lift, back of house storage.

Level 3: 20 hotel rooms, fire stairs, lift, back of house storage, services.

- 3 x Signage on the Eastern Elevation comprising:

- 2 x small signage at ground level next to the bar/function room entry.
- 1 x signage on the first floor.



Figure 11: Approved development when viewed from the corner of River Road and Betty Cuthbert Avenue.

The development consent was activated, and it lapsed on 23 December 2024.

6. APPLICATION HISTORY

On **7 February 2025**, the subject Development Application was lodged.

Between **18 February 2025 and 11 March 2025**, the subject was notified/advertised, and no submissions were received.

On **13 March 2025**, the subject application was considered by the Parramatta Design Advisory Panel (PDAP).

On **17 April 2025**, a request for further additional information (RFI) was sent:

- Raising PDAP comments.
- Requiring the submission of an arts plan.
- Requiring an acid sulfate report.
- Raising engineering matters, food safety and accessibility matter.
- Requiring delineation of public/staff areas within the licenced premises.

On **22 May 2025**, a further RFI letter was sent requesting further car parking information in relation to applicable parking rates and concerns with the generation of car parking from the proposed function rooms.

On **23 May 2025**, additional information including amended architectural and landscaping plans were submitted. The additional information package also included an amended accessibility report, stormwater report and civic plans.

On **28 May 2025**, a completed development cost peer review of the submitted QS report was forwarded to the applicant for consideration as it identified an estimated cost of \$37,005,057.02. The applicant was advised that based on this estimate that the subject application would be required to be reported to the Sydney Central City Planning Panel (SCCPP) for determination.

On **16 June 2025**, an amended Estimated Development Cost (EDC) accepting the revised cost of works for it now to be considered as a ‘Regionally Significant Development’ to be determined by the SCCPP. Amendment to the lodgement date occurred on this day in accordance with Clause 38 of the Environmental Planning and Assessment Regulations.

On **19 June 2025**, a further engineering information request was made.

On **20 June 2025**, additional accessibility information and submission of an amended Clause 4.6 written justification was requested.

On **27 June 2025**, an engineering response was submitted.

On **7 July 2025**, additional information included amended architectural plans and an amended Traffic Impacts Assessment (TIA) to justify the proposed parking rates and an offer to upgrade the adjoining existing Council car park to approximately increase the number of car parking space by 20 was submitted. An amended draft PoM was also submitted.

On **9 July 2025**, additional sustainability information was requested.

On **21 July 2025** a response on accessibility was made by the applicant.

On **24 July 2025** a response on sustainability was made by the applicant.

On **31 July 2025** an amended written Clause 4.6 justification submission was lodged by the applicant.

On **2 October 2025** General Terms of Approval were received from WaterNSW.

7. REFERRALS

The following internal and external referrals were undertaken:

Parramatta Design Advisory Panel (PDAP)

The original plans were considered by PDAP at a meeting on 13 March 2025 and the panel was not fully supportive of the application in its current form and had provided the following advice:

The applicant provided an overview of this new proposal.

The Panel noted a 3.6m height variation (30%) to the standard and a shortfall of 14 car spaces and made the following observations regarding the height and parking. The Panel had no major concerns about the additional height and scale noting that the overshadowing of neighbouring development did not present additional negative impacts on the immediate context. The Panel also noted that while the carparking provision was less than required, there was an opportunity to utilise capacity in the carpark on Betty Cuthbert Ave due to the different hours of operation of the hotel development and the retail that could be explored.

Comment: Comments noted and as discussed further in this report. The proposed building height and car parking variations have been assessed to be satisfactory and can be supported in this instance.

- a. *The access and wayfinding to and within the development is complex and unintuitive. The Panel noted there were multiple entry points that make it difficult to find the appropriate front door for the different functions (hotel/ function rooms/ club/ gaming). This needs to be clarified so that hotel or function patrons are not directed through the club to the relevant lobby. One option could be a primary entrance lobby on River Road providing orientation and access to both hotel/function and club.*

Comment: Each of the proposed separate entry points from the public domain serves a different aspect or purpose of the business operation and will be identified clearly with appropriate directional signage and marketing procedures.

Café Entry

There is no patron link between the café and the rest of the facility. It will operate as a standalone component directly from River Road.

Gaming Entry

The gaming room entry is an existing entry point that will remain in operation throughout construction. Whilst it is consistent with the style and architectural language of the development, it will have its own identity. Despite there is a direct link to the rest of the hotel this entry will be predominately used by gaming patrons.

Accommodation and Function Entry

The accommodation and function room entry are located on River Road and will be clearly articulated in marketing communications when people book those facilities. There will be wayfinding signage at the main entry to the hotel clarifying that the function room entry is on River Road. Accommodation and function customers will be directed towards this entry, and the operator also does not consider it an issue for them to enter the building from the main entry. This would allow them to familiarise themselves with the other parts of the building that they may be using or encouraged to use during their visit.

It is common in many hotels for the restaurant/bar areas to be directly adjacent or even between the front door and reception to encourage guests to use them. The accommodation will also run as a self-check-in with an associated app which can aid in directing guests to the appropriate entry.

Main Entry

The main entry is on the corner of River Road and Betty Cuthbert Avenue. This location achieves three crucial design objectives:

- It is a visual landmark on the most prominent façade to identify the building from the Ermington Shopping Town and Victoria Road.
- It is directly adjacent to the public parking on Betty Cuthbert Avenue to allow ease of access.

- It allows the hotel to control the egress of patrons late at night away from the residential dwellings on River Road to minimise any acoustic disturbance.

During the design development phase, it was explored that having a more centralised entry on River Road to facilitate better internal circulation as per the Panel's suggestion however this solution was not adopted for the following reasons:

- Patron's parking in the public car park on Betty Cuthbert Avenue, arriving via public transport, or walking from the Ermington Shopping Town will have to walk further up a steep incline to reach the main entry. They are also more likely to enter via the gaming room entry which is not a desirable outcome for them, gaming patrons or the operator.
- Acoustic advice outlined that patrons leaving late at night would disturb the residents directly across from this location at No.1 Jackson Street.
- Club Lane, directly opposite, is used as the main loading access for the supermarket at No. 525 Victoria Road. Due to the level changes across the site, the design was unable to utilise Lister Avenue for loading facilities, and they are also located on River Road. This means that the main entry for the hotel would be located between two major loading docks. It is proposed to keep patrons away from these areas to minimise pedestrian and vehicle interactions as much as possible.

It is recognised that this is a large development with multiple different entries that contains good wayfinding signage will be essential to provide a great customer experience.

- b. *Universal access is subservient to the main entries and paths of travel and deserves better integration and equivalence to the primary paths of travel. The location of the entry necessitating a large flight of stairs from Lister Ave to the function and hotel lobby will encourage use of the lift from street level. This needs better resolution.*

Comment: The main entry on the corner of Betty Cuthbert Avenue and River Road has level access from the street and has a lift in the lobby. The gaming room entry has level access from the street and is a dedicated entry for gaming customers. The café is a standalone component with level access from the street. While there is a significant level change from the street level to the accommodation and function lobby, a lift is provided at this location in a prominent location.

- c. *Areas of public access and staff/back of house access were not clear and need clarification.*

Comment: The applicant submitted a new plan named 'Back of House Area Plan' for clarification and is satisfactory.

- d. *Lifts should be readily visible and well located for all users. Stair lifts are not considered an adequate response in a new facility. The Panel also noted that*

there was no lift redundancy (to accommodate servicing or breakdowns) An additional lift is recommended to service the hotel levels to ensure universal access is always maintained to every level.

Comment: Updated plans were lodged which deleted the platform lift on ground floor and replaced it with a ramp. Lift 3 has been extended to serve the accommodation levels. While this lift will be primarily used as a service lift for staff, it can be utilised by guests in the event of servicing or breakdowns to Lift 1.

- e. *Confirmation that there is adequate provision of compliant accessible toilets is required.*

Comment: Two accessible WCs have been added on the ground floor to ensure compliance across the multiple levels on the ground floor.

- f. *The Panel acknowledged the attention given to the architectural expression and landscaping of the development however, considering the exposure to major arterials and urban heat, the Panel considers there is greater opportunity to improve amenity through more planting, notably through,*

- i. *the addition of a non-trafficable green roof to improve the outlook from the hotel rooms and provide additional insulation*
- ii. *Retaining existing trees where possible on the western boundary*
- iii. *Street tree planting to improve the quality of the public domain*
- iv. *Selecting appropriate low maintenance plants in planter boxes and reconsidering planting in undercroft areas along Lister Ave that will receive minimal sunlight and water and attract rubbish.*
- v. *A maintenance regime to ensure plants are cared for and replaced when necessary.*
- vi. *As an Arts Plan is required, it is recommended that a work of art is incorporated in an external or publicly accessible area of the development for the benefit of the broader community.*

Comment: An additional non-trafficable green roof has been incorporated into the architectural design of the hotel, located on the Level 2 roof plan. This area totals 357.5m² and includes a substantial quantity and variety of native plants. A detailed planting matrix is provided within the landscape documentation.

Two existing trees along the western boundary are proposed to be retained. Two others are noted for removal due to their proximity to the hotel footprint and the anticipated root disturbance associated with construction of the basement. To offset this, additional three native trees have been incorporated along the western boundary. These new trees will contribute to the long-term canopy cover, provide screening, and help maintain the green edge along the western boundary.

A total of six street trees has been proposed as part of the public domain improvements, three along Betty Cuthbert Avenue and three along River Road. All

selected street trees are *Elaeocarpus eumundi*, a native species which provide canopy, colour, and seasonal interest.

These additions will contribute positively to streetscape amenity, soften the appearance of the hotel's façade and assist in mitigating the urban heat island effect. Majority of plant species proposed are either structural succulents, foliage plants suited to their proposed microclimates, or Australian natives with low maintenance and low water requirements. Specifically, the undercroft planter located along Lister Avenue beneath the Level 1 balconies includes species selected for low light conditions, such as *Aspidistra elatior* and *Rhipsalis baccifera*, which are well-suited to the shaded environment.

The planter will be irrigated as part of the integrated irrigation system, ensuring healthy establishment and long-term viability. While the concern regarding rubbish accumulation in these planters is noted, with appropriate maintenance, these planters will enhance the hotel's facade and contribute positively to the streetscape.

A landscape maintenance regime/schedule is documented, and this includes the following:

- Regular fertilising and irrigation checks.
- Hand weeding and weed spraying.
- Pruning and general upkeep.
- Watering (via automatic irrigation system).
- Plant replacement (as required).

A relevant landscape maintenance condition is recommended to be imposed to ensure the above occurs.

Panel Recommendation

The Panel recommends that further design development is carried out in a revised proposal that responds to the issues noted above.

Comment: It is considered that the amended plans and additional information lodged by the applicant have addressed the above matters by PDAP. The proposal can now be supported subject to conditions.

Development Engineer	Council's Senior Development Engineer has assessed the application and raised no objections subject to the imposition of the recommended conditions.
Tree and Landscape Management Officer	Council's Landscape Tree Management Officer has assessed application the application and noted that the submitted Landscape plans are satisfactory, subject to a recommend condition being imposed requiring the following to be addressed prior to the issue of a Construction Certificate: <i>1. The soil within the beer garden planter is insufficient (400mm) and needs to increase to a minimum 500mm depth.</i>

	2. The size of the trees proposed are too large 200L & 300L these can be reduced to 100L. 3. 1 tree will need to be replaced with a feature shrub due to close proximity of the building. 4. 2 trees are located too close to the building and need to be adjusted slightly away. 5. There are 2 trees to be retained within the adjacent neighbouring property to the western side (Red Rooster). They are in a shared garden bed with 2 other trees to be removed. 6. Tree protection measures are required for the neighbouring trees.
Traffic and Transport Engineer	Council's Traffic and Transport Executive Engineer have assessed the proposal and raised no objections subject to the imposition of the recommended conditions. It is noted that the applicant has agreed to the imposition requiring the upgrade of the Council owned car park.
Roads Assets	Council's Road Assets Manager has assessed the proposal and has supported the proposed upgrade to Council's car park subject to the imposition of the recommended conditions.
Environmental Health Officer (General, Waste and Contamination)	Council's Environmental Health Office has assessed the proposal and raised no objections subject to the imposition of the recommended conditions.
Environmental Health Officer (Acoustic)	Council's Environmental Health Officer has reviewed the application and raised no objections subject to the imposition of conditions ensuring any adverse noise impacts can be appropriately mitigated once in operation.
Environmental Health Officer (Food)	Environmental Health Officer has reviewed the application along with the additional information and has raised no objections subject to the imposition of conditions.
Community Crime Prevention/Social Outcomes	Council's Community Crime and City Strategy (Social) Officer have assessed the proposal and raised no objections subject to recommendations requiring the submitted Plan of Management to be updated.
Accessibility Consultant	Council's Accessibility Consultant has reviewed the application to comment on the access provisions for people with a disability and raised no objection subject to the imposition of the recommended conditions.
Sustainability Consultant	Council's Sustainability Consultant has reviewed the application to comment on the sustainability outcome for the proposed development and raised no objection subject to the imposition of the recommended conditions.
Transport for NSW	Transport for NSW has assessed the proposal and raised no objections subject to the imposition of the recommended conditions.

NSW Police	NSW Police has assessed the proposal and made the following comments: <i>At this stage our concerns are that the proposed Plan of Management is insufficient for such a large licensed premises of this kind. However, we will raise our concerns at the Liquor Application stage of the application.</i> Based on the above advice, standard safety and security conditions are recommended to be imposed in any consent. The approved draft PoM would need to be ultimately approved by the Licensing Team of the Ryde local Police Area Command when the applicant applies for their associated Liquor Licence Application.
Sydney Water	Sydney Water has assessed the proposal and raised no objections subject to imposition of the recommended conditions.
Endeavour Energy	Endeavour Energy has assessed the proposal and raised no objections subject to the imposition of the recommended conditions.

8. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The relevant sections of this Act which require consideration are addressed below:

7.1 Section 2.15: Function of Sydney District and Regional Planning Panels

The SCCPP is the consent authority for this application as the proposed development has a capital investment value of more than \$30 million.

7.2 Section 4.15: Evaluation

This section specifies the matters which a consent authority must consider when determining a Development Application, and these are addressed in the Table below:

Provision	Comment
Section 4.15(1)(a)(i) - Environmental Planning Instruments	Refer to Section 8
Section 4.15 (1)(a)(iii) – Development Control Plans	Refer to Section 10
Section 4.15 (1)(a)(iv) - The Regulations	refer to Section 11
Section 4.15 (1)(d) – Any submissions	Refer to Section 12
Section 4.15 (1)(b) – The likely impacts of the development	Refer to Section 14
Section 4.15 (1)(c) – The suitability of the site for development	Refer to Section 14
Section 4.15 (1)(e) – The public interest	Refer to Section 17

9. ENVIRONMENTAL PLANNING INSTRUMENTS

8.1 Overview

The Instruments applicable to this application comprise:

- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022.
- Parramatta Local Environmental Plan 2023.
- Parramatta Development Control Plan 2023.

Compliance with these Instruments is addressed below as follows:

8.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 includes the promotion of remediation of contaminated land to reduce the risk to human health or another aspect of the environment.

The site is not contaminated as it has been used for commercial purposes for many years and due to the proposed works being refurbishments, alteration and additions there will be no major impact to the land or risk imposed. Further, there is no proposed change in land use and therefore the proposal is satisfactory with respect to the requirements of Chapter 4.

8.3 State Environmental Planning Policy (Planning Systems) 2021

In accordance with State Environmental Planning Policy (Planning Systems) 2021, development is considered regionally significant if it has an estimated development cost of more than \$30 million.

In this case, the proposed development has an estimated development cost of \$33,281,746 and therefore, it does meet the threshold for regional significance as defined by the SEPP. Consequently, this development does require referral to the regional planning panel being the SCCPP.

8.4 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The application has been assessed against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This Policy seeks to protect the biodiversity values

of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposed redevelopment involves the removal of two (2) trees that are located adjacent to the western property boundary. The removal of the trees is required to be removed due to their proximity to the basement demolition which encroaches on their TPZ. Council's Tree Management and Landscape Officer reviewed the application and supports the proposal subject to the imposition of the recommended conditions.

Chapter 6 Water catchments

This Chapter applies to the entirety of the Parramatta Local Government Area (LGA) as identified on the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Sydney Harbour Catchment Map.

The subject site is not located within the Zoning Map, Critical Habitat Map, Wetlands Protection Area, Strategic Foreshore Map or the Foreshore Area. Therefore, there are no specific development standards that directly apply to the proposal.

8.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

The subject application was referred to Endeavour Energy under Section 2.48 of the SEPP being in vicinity to electrical infrastructure and they raised no objections subject to standard conditions.

Further, the subject application was also referred to the Transport for NSW under Section 2.122 of the SEPP as a 'traffic generating development' as a total of 64 car parking spaces are proposed with a driveway access within 90m to Victoria Road.

Transport for NSW has assessed the proposal and raised no objections subject to conditions.

8.6 State Environmental Planning Policy (Industry and Employment) 2021

Standards/Provisions	Compliance
Chapter 3 Advertising and Signage	
Clause 3.1 Aims and Objectives	The proposed building and business identification signage achieves these objectives as follows: • The proposed signage is in keeping and compatible with surrounding building identification and business identification signage. • The proposed signage clearly communicates the use of the associated building, while ensuring that the building itself is clearly identifiable. All signs are appropriately spaced and will not cause signage clutter on the facades.

	The proposed signs have been designed to integrate into the façade, in keeping with the design quality of the proposed design.
Clause 3.4 Signage to which this Chapter applies	Chapter 3 of the SEPP applies to all signage that can be displayed with or without development consent under another Environmental Planning Instrument (EPI) that applies to the signage and is visible from any public place or public reserve. The proposed signage (business identification signage) is permissible with consent in the E1 Local Centre zone under PLEP 2023 and would be visible from the public domain. As such, the provisions of Chapter 3 are applicable to the application.
Clause 3.6 Granting of consent to signage	The submitted SEE states that 10 business identification and directional signs are proposed however the submitted plans show four signs with the lettering 'Ermington Hotel' on all elevations. A further two signs on the northern elevation are shown that contains the lettering 'Welcome: Sports Bar, Lounge Bar and Bistro' and 'Open Late' are proposed. A separate application would be required for any proposed signage to be erected not indicated on the submitted plans on the subject site. In accordance with Clause 3.6 of the SEPP, the signage must: • Be consistent with the objectives of Chapter 3 of the SEPP as set out in section 3.1(1)(a), and • Satisfy the assessment criteria specified in Schedule 5. Alignment with the objectives of the chapter is demonstrated in the section above in this table. A full compliance check of Schedule 5 is detailed in the table below.
Schedule 5 Assessment Criteria	
1 Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage will support the revitalisation of an existing site, which will provide for an improved outcome for locality. As such, the proposed development is compatible with future character of the area. The proposal is consistent with the theme of outdoor retail advertising and building identification signage in the Ermington Town Centre.

2 Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage has been designed to complement and enhance the amenity and visual quality of its surrounding context. The site is not within an environmentally sensitive area, heritage conservation area or any other sensitive location listed in the control.
3 Views and vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	• The dimensions and positions of the future signs ensure that they will not compromise views along the street frontages. • The signage is located against the building's facades and will not dominate the skyline or reduce the quality of any vistas. • The proposed signs are for business identification and directional purposes only where they will not compromise the viewing rights of other advertisers.
4 Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?	• The signage will seamlessly integrate into the future built form and streetscape. • The proposed signage design and placement will contribute to the visual interest of the streetscape and setting. • The signs are spaced in such a way to minimise visual clutter. • The proposed signs will not screen unsightliness. • The proposed signage will not protrude above buildings, structures, or tree canopies. • The proposal will not require ongoing vegetation management.

5. Site and Building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	• The proposed signs have been designed be in line with the characteristics of the future site and building design quality. • The proposed signs have been designed to seamlessly compliment the building's façade, drawing pedestrian interest from the street into the building itself. • The proposed signs are designed to enhance the buildings presence to the street, by integrating seamlessly into its features.
6 Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signs will not require any safety devices, lighting device, or logos to be integrated into the structure.
7 Illumination Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	• The proposed will have back lit illumination, and the illumination will not result in unacceptable glare. • The illumination will not compromise the safety of pedestrians, vehicles or aircrafts. • The proposed illumination is unlikely to affect the amenity of adjoining residential premises. • The illumination will not be adjustable however it will be set to acceptable levels of illumination. • Given the context of the site, the illumination is not currently subject to a curfew.
8. Safety Would the proposal reduce the safety for any public road?	• The proposed signs are designed in such a way that they will not distract drivers or negatively impact the safety of public roads.

Would the proposal reduce the safety for pedestrians or bicyclists?	• The proposal will sit against the building façade and will not impact the safety of pedestrian or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	• The signs are contained within the building envelope and will not obscure any sightlines from public areas.

8.7 State Environmental Planning Policy (Sustainable Buildings) 2022

The proposal, with an estimated development cost exceeding \$5 million, triggers the requirements for non-residential development under Chapter 3 of the Sustainable Building SEPP. These requirements have been assessed by Council’s Sustainability Consultant and have raised no objection subject to conditions to ensure a satisfactory sustainable design is achieved for the development.

8.8 Parramatta Local Environmental Plan 2023

8.8.1 LEP Permissibility

The proposed development is defined as a ‘hotel or motel accommodation’ which reads as follows:

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests’ vehicles,

but does not include backpackers’ accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note—

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

A hotel or motel accommodation is a permissible use within the E1 Local Centre zone.



Figure 12: Zoning map

Clause 2.7 Demolition requires development consent under the PLEP 2023, and it permits the proposed partial demolition of the building under the subject Development Application. It is noted that the gaming room is proposed for retention and is to remain operational throughout the construction of the project.

8.8.2 LEP Zone Objectives

The proposed development is consistent with the relevant objectives of the E1 zone as follows:

1. *To provide a range of retail, business, entertainment, and community uses that serve the needs of people who live, work, and visit the area.*

Comment: Refurbishing ‘The Ermington Hotel’ into a premiere location adds to the diversity of uses within the local centre. It serves visitors, thereby supporting the local economy and would complement existing retail, business, and entertainment services. The hotel also provides community spaces and function centres that can be used for local events, further integrating it into the existing community fabric.

2. *To encourage investment in local commercial development that generates employment opportunities and economic growth.*

Comment: The refurbishment project would create employment opportunities both during the construction phase and in the long-term operation of the hotel. This includes jobs in hospitality, maintenance, management, and with ancillary services. The hotel's location in a local centre makes it accessible to a larger available workforce, including those who rely on public transport, thereby supporting local employment.

3. *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*

Comment: A well-located hotel in a local centre can encourage guests to use public transport, walk, or cycle to nearby attractions and amenities, thus reducing reliance on private vehicles.

4. *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

Comment: The refurbishment focuses on a high-quality urban design that enhances the aesthetic appeal and functionality of the local centre. This includes thoughtful architectural design, landscaping, and integration with the surrounding streetscape. The hotel already forms part of the character of the area, and the rejuvenated project would contribute positively to the desired future character of the area, setting a benchmark for future developments.

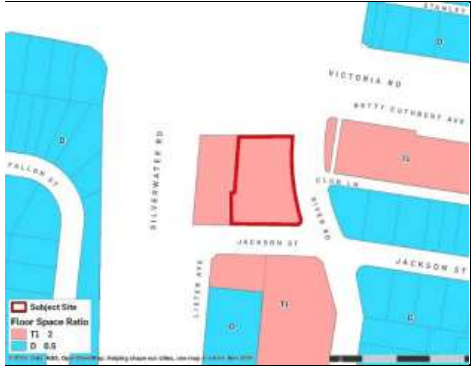
5. *To ensure the scale and type of development does not adversely affect the amenity of the surrounding neighbourhood.*

Comment: The hotel continues to contribute to the vitality of the local centre by attracting visitors who will use local services and amenities. The design and operation of the hotel is designed and managed to ensure compatibility with the primary business functions of the zone. It also avoids conflicts with residential uses and would enhance the overall vibrancy of the area. The refurbishment retains the primary use of the space as a food and drink/pub service.

8.8.3 LEP Development Standards

The relevant matters to be considered under PLEP 2023 for the proposed development are outlined below.

Standards and Provisions	Compliance
Part 4 Principal development standards	
Section 4.3 Height of buildings Allowable: 12m 	Proposed: Maximum height 15.6m (3.6m or 30% variation).

Figure 13: Maximum Height of Building map	
Section 4.4 Floor space ratio Allowable: 2:1  Figure 14: Maximum Floor Space Ratio (FSR) map	4,442sqm (Proposed GFA)/ 2,442.4sqm (Site Area) Proposed FSR: 1.819:1
Section 4.6 Exceptions to Development Standards	A variation to the Building Height Development Standard is proposed and the applicant had lodged a detailed written Clause 4.6 variation submission to support the proposed variation (see assessment below for further details).
Part 5 Miscellaneous provisions	
Section 5.1A Development on land intended to be acquired for public purposes	No part of the subject site is intended to be acquired for public purposes.
Section 5.6 Architectural roof features	An architectural roof feature is not proposed.
Section 5.7 Development below mean high water mark	The subject site is not identified on the map.
Section 5.10 Heritage conservation	The site does not contain a heritage item and is not in the vicinity of a heritage item. Further, the site and is not located in a Heritage Conservation Area (HCA).
Section 5.11 Bush fire hazard reduction	The subject site is not identified on the map.
Section 5.21 Flood Planning	The subject site is not identified as flood prone.
Part 6 Additional local provisions	
Section 6.1 Acid sulfate soils	The subject site is identified as containing Acid Sulfate Soils located within Class 5 soils. Therefore, the proposed development has been accompanied by an Acid Sulfate Soils Management Plan, and it satisfies the requirements of Clause 6.1 of PLEP 2023.
Section 6.2 Earthworks	This DA does propose earthworks (with excavation up to a maximum depth of approximately 3.6m) to construct and extend the existing basement level. The level of cut is satisfactory and would not contain any

	significant adverse impacts onto the built and natural environment.
Section 6. 3 Biodiversity	The subject site is not identified on the map.
Section 6. 4 Riparian land and waterways	The subject site is not identified on the map.
Section 6. 5 Stormwater management	Council's Development Engineer is satisfied that the proposed stormwater drainage design would minimise the impacts of stormwater on surrounding properties and any receiving waters subject to conditions of consent.
Section 6.6 Foreshore area	The subject site is not identified on the map.
Section 6.8 Landslide Risk	The subject site is not identified on the map.
Section 6.12 Ground floor development in Zone E1	The proposed development does not include a 'residential accommodation' component.

8.8.3.1 SECTION 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

Clause 4.6 of PLEP 2023 allows Council to provide an appropriate degree of flexibility in applying certain Development Standards, where flexibility would achieve better outcomes.

The proposal does not comply with the maximum 12m Building Height Development Standard detailed in Clause 4.3 under PLEP 2023. The variation to the standard relates to exceedances to part of the one storey short stay accommodation component, the lift overrun and shaft. Much of the height non-compliance occurs at the southern portion of the site and the proposed lift has a maximum height of 15.6m. This equates to a maximum 3.6m (30%) variation. Given the departure to this Development Standard, the applicant has submitted a request to vary the height standard under Clause 4.6 of PLEP 2023.

Height Variation Request

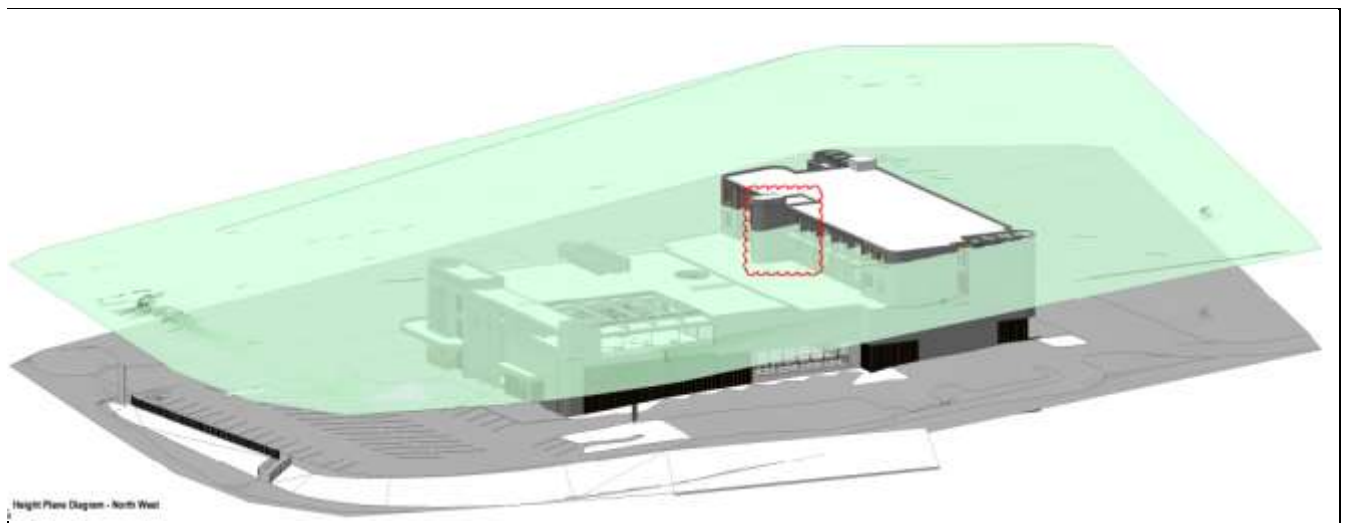


Figure 15: Northwest building height plane

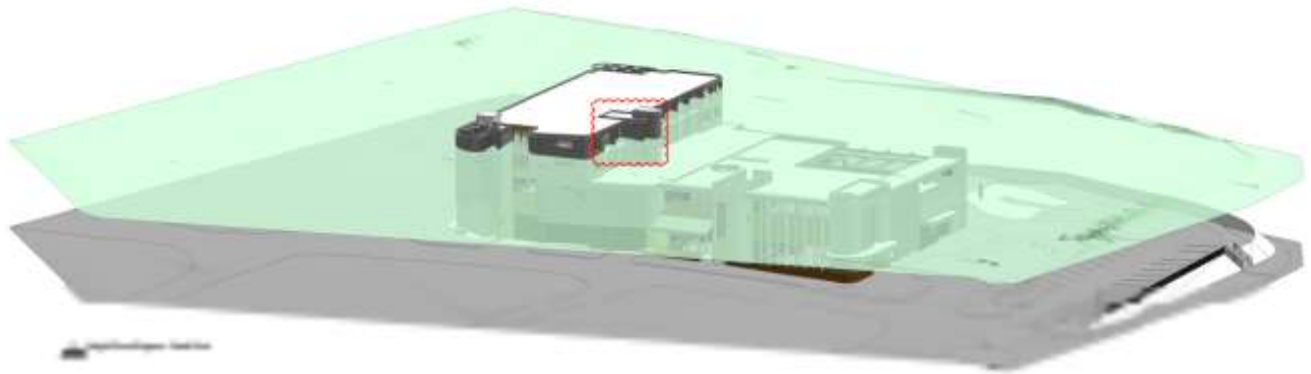


Figure 16: Southeast building height plane

Clause 4.6(1) – Objectives of clause 4.6

The objectives of this clause are:

- a) “to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances”*

Clause 4.6(2) – Operation of clause 4.6

The operation of Clause 4.6 is not limited by the terms of Clause 4.6(8) of this LEP, or otherwise by any other Instrument.

Clause 4.6(3) - The Applicant’s written request

Clause 4.6(3) requires that the applicant provide a written request seeking to justify contravention of the Development Standard and the request must demonstrate that:

- “(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.”*

The applicant has provided the following commentary and environmental planning grounds to justify the non-compliance with the Development Standard (relevant extracts provided). The full request is included at Attachment 4.

There are sufficient environmental planning grounds to justify contravening the development standard, given the following:

- A building height plane diagram is provided above and shows the location and amount of exceedance above the 12m height control. This demonstrates the non-compliances are limited to the southern / accommodation portion of the site.*
- The portion of height non-compliance has largely resulted from the natural fall of the site. The proposal appropriately deals with the 1.4m slope from the southern portion of the site to the northern portion by creating a modulated longer elevation and built form.*

- *The majority of the height is consistent with the surrounding permissible height limit of 12m for the E1 Local Centre. It is noted that the height limit of sites at higher elevation south of the Hotel are also 12m, while the height limit of adjoining R2 Low Density Residential areas is 9m.*
- *The tallest element of the proposal is the lift overrun that was required in response to Council comments during the assessment period of the proposal, to ensure there is suitable lift access especially in case of lift malfunction on the lift in the south eastern corner of the site. This lift overrun will not create any additional overshadowing impacts due to its central location in the site. Additionally due its location, it will not have any significant impacts when viewed from the public domain. The lift structure will be suitably treated to ensure it seamlessly blends into the building façade.*
- *Whilst the second tallest element of the proposal is at the corner of River Road and Lister Avenue, this is primarily due to the natural slope of the land. Given the rounded corner treatment and highly articulated and architectural form adopted for the SE corner, the resulting form is not imposing or overbearing. The site is generously separated from the nearest dwelling, at 1 Jackson Street by River Road and this dwelling is orientated with living spaces to the north and south with only smaller windows (nominally bathrooms) facing west.*
- *Overshadowing diagrams have been prepared by H&E Architects and are provided within the Architectural Plans submitted with this DA. These diagrams demonstrate that the extent of overshadowing caused by the building additions is minimal and falls on a small portion of the front boundary of the Police Station and community uses to the south and considered acceptable. Between 9am and 3pm in midwinter, no overshadowing is caused on neighbouring residential development.*
- *The proposal is compliant with the maximum FSR control for the site. The redevelopment proposes an FSR of 1.819:1, compliant with the control of 2:1. A fully compliant building height development would further reduce the FSR of the site which arguably results in an underutilisation of a strategically located site accessible to public transport.*
- *The proposed additions will generally sit below the height of the Silverwater Road overbridge for viewers travelling west along Victoria Road. It will also provide a visual screen for viewers travelling from the east. This elevated road form is a dominant feature in the visual catchment and the proposed built form sits below the roadway form.*

Contextually the resulting built form is appropriate as:

- *Given the site is on an island pad site, the proposed building does not form part of a unified streetscape, and therefore it does not attempt to replicate the existing built form patterns, beyond maintaining the same setbacks appropriate for a local centre. Instead, it has been designed to complement and enhance its context, while sitting distinctly separate from its immediate surrounds. As such a minor height noncompliance is deemed appropriate.*
- *As a corner site, the future built form expertly integrates a range of different built elements to create visual interest for its multiple frontages. The use of landscaped elements softens the bulk of the building while integrating green elements into the façade. Windows are well positioned to maximise the architectural excellence of the building while ensuring that the practical needs of the future hotel are met*
- *The built form is generally consistent with the building envelope approved under DA/754/2019.*

- *The subject site is unique in that it is akin to an island, being bound by road on the northern, eastern and southern boundaries, which in turn limits any potential adverse implications of the height noncompliance to neighbouring properties.*
- *The site does not form part of a view or vista of visual quality or significance. The building mass is highly articulated has been designed to step down the slope minimising view impacts and multiple view angles. Many view angles towards the site would also capture the elevated A6/Silverwater Road which is a taller element in the surrounding context.*
- *The height variations are unlikely to be discernible from neighbouring properties or the public realm compared to a compliant built form and are appropriate.*

Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height of buildings standard non-compliance in this instance.

Comment

An assessment to determine whether compliance with the standard is ‘unreasonable and unnecessary’ has been undertaken. It is considered that requiring full compliance in this instance would ‘unreasonable and unnecessary’ and that there are ‘sufficient planning grounds’ to support the variation. It is recommended that the variation be supported for the following reasons:

Unreasonable and Unnecessary

An assessment against the relevant case law established in the NSW Land and Environment Court (LEC) has been undertaken below. These cases establish tests to assist in determining whether a variation under Clause 4.6 of an LEP is acceptable and whether compliance with the standard is unreasonable or unnecessary.

Wehbe v Pittwater Council

Case law in the NSW Land & Environment Court has considered circumstances in which an exception to a Development Standard may be well founded. In the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827 the presiding Chief Judge outlined the following five circumstances:

The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

<i>Height Objectives</i>	<i>Proposal</i>
<i>a) to provide appropriate height transitions between buildings,</i>	The proposal provides acceptable transition between buildings and provides a transition in the built form by stepping the back upper levels. The proposed massing and built form have responded to the sloping topography of the site.
<i>b) to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area,</i>	Despite the proposed height variation, it is considered that the height would be reflective of existing and future developments within the locality. It is noted that the breach occurs at the central lift structure and part of the upper-level building that contains the short-term accommodation rooms. This would result in negligible visual impacts, particularly

	when viewed from all street frontages and vantage points. The variation at its highest point is the central lift overrun which would provide a planning benefit to the users of the rooms without significantly adversely impacting on surrounding developments.
<i>c) to require the height of future buildings to be appropriate in relation to heritage sites and their settings,</i>	The proposed works are not expected to modify the visual catchment of any heritage items and their existing urban landscape setting.
<i>d) to reinforce and respect the existing character and scale of low density residential areas,</i>	The proposed height does not result in a development that would detrimentally impact on the existing character of the area.
<i>e) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i>	Much of the height non-compliance occurs in the southern portion of the site and has no significant adverse visual impact upon the locality. The site does not form part of a view or vista of visual quality or significance. There would be no overshadowing onto adjoining properties.
<i>f) to preserve historic views,</i>	N/A
<i>g) to maintain satisfactory sky exposure and daylight to –</i> <i>(i) existing buildings in commercial centres, and</i> <i>(ii) the sides and rear of tower forms, and</i> <i>(iii) key areas of the public domain, including parks, streets and lanes.</i>	Considered satisfactory.

The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.

The applicant does not challenge that the underlying objectives are not relevant and demonstrates that the objectives of the Height of Building Development Standard are achieved notwithstanding the proposed variation.

The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable

If full compliance was required, the built form and development potential anticipated by both the LEP and DCP could not be achieved. The DCP outcomes are the ‘underlying objectives’ and as such strict compliance with Clause 4.3 of the LEP would thwart them.

The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

The applicant does not contend that the height standard has been abandoned.

The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.

The applicant holds that the zoning is reasonable and appropriate in this instance and does not rely on this test.

Four2Five Pty Ltd v Ashfield Council

The decision in the Land & Environment Court case of *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, suggests that ‘sufficient environmental planning grounds’ for a Clause 4.6 variation is more onerous than compliance with zone and standard objectives. The Commissioner in the case also established that the additional grounds had to be particular to the circumstances of the proposed development, and not merely grounds that would apply to any similar development.

Comment:

In this case, the applicant’s written request was found to have adequately addressed the matters required under Clause 4.6. The variation to the height standard was supported because the breach was consistent with the envisioned built form for the site and its surrounds. The proposal continued to meet the objectives of both the development standard and the zone and was not considered contrary to the public interest.

This approach aligns with the principles established in *Four2Five*, reinforcing that Clause 4.6 variations must be justified by site-specific planning grounds rather than generalised benefits.

Clause 4.6(4)

Consent Authority Assessment of Proposed Variation Clause 4.6(4) of PLEP 2023 outlines that “the consent authority must keep a record of its assessment carried out under subclause (3).”

Comment: The matters of clause 4.6(4) have been dealt with in the preceding section.

Conclusion

In summary, it is considered that breaching the height standard is appropriate as it is consistent with envisioned built form for the subject site and its surrounds.

It is considered that the applicant’s written request has adequately addressed the matters required to be demonstrated and that the request to vary the Height of Building Development Standard within Parramatta LEP 2023 can be supported. The proposal continues to achieve the objectives of the Development Standard and the zone. Approval of the development would not be contrary to the public interest and in reaching this conclusion, regard has been given to the relevant Judgements of the LEC.

10. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPIs relevant to the subject application.

11. DEVELOPMENT CONTROL PLAN

PARRAMATTA DEVELOPMENT CONTROL PLAN 2023

The relevant matters to be considered under Parramatta Development Control Plan (PDCP) 2023 for the proposed development are outlined below.

Development Control	Comments	Compliance
Part 2 – Design in Context		
2.2 Context Analysis All development applications should include a site and context analyses.	An in-depth site and context analyses has been prepared.	Yes
2.3 Preliminary Building Envelope C.01 Articulation zones for blade walls, shading devices and similar must be included within the building envelope and may not project into the required setback zones. C.02 Unless otherwise specified, balconies, bay windows, chimneys, gutters, lift overruns, and eaves may project into the required setback zones subject to assessment of other development objectives. C.03 Balconies and eaves are not to project more than 800mm beyond the building envelope. If balconies are orientated towards side boundaries, they must be contained within the building envelope and address issues of privacy and overlooking. C.05 Development must not exceed the height limit in metres and the noted number of storeys where specified in this DCP. C.06 The ground floor level (finished) of any building must not exceed 500mm above or below natural ground level.	The proposed development has been designed to ensure that the built form responds to the requirements of the PDCP. - All building components are wholly contained within the required setbacks. - Balconies located on the southern façade of the building project into the building setback however they do not extend beyond the building line. The balconies are positioned at a reasonable distance from adjoining properties and will not create any issues around privacy. - The finished ground floor level does not exist more than 500mm above existing ground level.	Yes.
2.4 Building Form and Massing	The proposed hotel has been designed to respond to the topography of the site, producing a	Yes.

C.01 Buildings are to be of a height that responds to the topography and the shape of the site. C.02 The proportion and massing of buildings is to relate to the form, proportions, and massing of existing and proposed buildings patterns in the street. C.03 Building height, and mass should not result in unreasonable loss of amenity to adjacent properties, open space, or the public domain. C.04 Buildings are to be modulated in plan and elevation to reduce the appearance of bulk. C.05 Facades of buildings should be designed with a balance of horizontal and vertical elements that express the building's architecture. C.06 A mix of building materials and/or colours should be used to reduce the appearance of bulk and to integrate the building within the material and colour palette of the local area. C.07 Development adjoining land use zone boundaries should provide a transition in form and massing, considering elements such as height, scale, landscape, appearance, and setbacks, as per Figure 2.4.1.	built form that is highly compatible with the site's characteristics. The proposed redesign of the existing hotel provides an improved outlook on the site. The redevelopment has been designed to better address its multiple street frontages, while integrating into the existing surrounding built fabric. The proposed building incorporates landscaping and elements to ensure that the bulk of the building is significantly reduced without reducing the capacity of the venue. As demonstrated in the architectural plans, the proposed design promotes a modulated design with both vertical and horizontal elements to create visual interest on its multiple street frontages. A materials schedule is submitted as part of the architectural plans and contains a range of different building materials of varying colours, textures and functions. These materials have been selected to reduce the appearance and bulk of the new building. The proposed development is in proximity to SP4 and R1 zones. The building has been designed to appropriately respond to its built context and will not impact the amenity or function on its neighbouring uses.	
2.5 Streetscape and Building Address C.01 New buildings must recognise and enhance the patterns and elements of facades within the street. Designs are to provide visual cohesion, continuity and distinction, having regard to the horizontal and vertical proportions of building	Given the site is on a standalone pad site, the proposed building does not form part of a unified streetscape, and therefore it does not attempt to replicate the existing built form but does maintain the same setbacks. Instead, it has been designed to complement and enhance its context, while sitting separate from its immediate surrounds.	Yes.

elements which create the visual scene. C.02 Design consideration must be given to the underlying building elements that contribute to the character of the area. Such things include roof shape, pitch and overhangs; entry porches, verandas, balconies and terraces; materials, finishes, fixtures, patterns, fenestrations, colours and detailing; and the location and proportion of windows and doors. C.04 Buildings on corner sites are to be articulated to address each street frontage and are to define prominent corners. C.06 Building frontages and entries must provide a legible sense of street address and visual interest from the street through clear building frontages and entries. C.07 Buildings are to be constructed of suitably robust and durable materials which add to the depth of the façade and contribute to the overall quality of the streetscape. C.09 Vehicular access points must be minimised and should not break the continuity of the streetscape. Landscaping should be used to minimise the visual intrusion of vehicular access points.	As a corner site, the future built form integrates a range of different built elements to create visual interest for its multiple frontages. The use of landscaped elements softens the bulk of the building while integrating green elements into the façade. Windows are well positioned to maximise the architectural excellence of the building while ensuring that the practical needs of the future hotel are met. The design utilises signage and features to clearly delineate building entrances and to address the multiple street frontages. Vehicular access to the basement carpark is provided on River Road and is integrated into the building façade and in a location that is separated from residential dwellings. Landscaping is used to soften the appearance of the building.	
2.6 Fences	No fencing is proposed.	N/A
2.7 Open Space and Landscape C.06 Existing healthy trees are to be retained and protected, wherever possible, and incorporated into the design of the development. C.07 Where an existing tree is approved for removal, Council will seek the planting of a suitable canopy	The proposal attempts to integrate existing trees into the new design as much as possible. Despite this, two trees would need to be removed as the construction works will infringe on their TPZs. The removal of these trees cannot be recovered on site and public tree planting is therefore proposed.	Yes

replacement tree or trees in a suitable location on the site. Any replacement trees will need to be grown to maturity and replaced if the planting fails to survive and thrive. In circumstances where there is no suitable location on site (for example, in the case of small backyards), a financial contribution will be required to be paid to support public tree planting. Offset fees are contained within Council's published fees and charges. C.09 Indigenous species, especially low water consumption plants, should be used in preference to exotic species, reflecting the vegetation communities of the locality. Refer to Part 5 – Environmental Management, Section 5.3.1 – Biodiversity of this DCP for endemic species to be considered for planting in the City of Parramatta. C11. Landscaping is to be designed to integrate new development with the existing landscape character of the street and be sensitive to site attributes, existing landscape features, and streetscape views and vistas. C.14 The amount of hard surface area must be minimised to reduce run-off. Run-off should be reduced by directing the overland flow from rainwater to permeable surfaces such as garden beds. C.15 The amount of hard surface area must be minimised to reduce run-off. Run-off should be reduced by directing the overland flow from rainwater to permeable surfaces such as garden beds. C.16 A landscape plan prepared by a qualified landscape architect or	The planting schedule contained within the landscape plans indicates that native and drought tolerant species will be included within the proposed landscaped areas. The landscape features have been designed complement the exist building and help to integrate the new development into its surrounding environmental context. Where practical, landscaping features have been selected over hard surfaces to improve stormwater performance.	
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designer is to be submitted for the following development types:		
d) Commercial development.		
2.8 Views and Vistas	There are no significant views and vistas from the subject site identified in Appendix 1 of PDCP 2023.	Yes
2.11 Access for People with a Disability C.01 The siting, design and construction of development is to ensure an appropriate level of accessibility, so that all people can enter and use the premises. All new building work is to meet the requirements of the Disability Discrimination Act 1992 (DDA), the relevant Australian Standards and the Building Code of Australia (BCA), where applicable. NOTE: Compliance with the BCA, the Australian Standards and this DCP does not mean that a development will be compliant with the DDA and provide protection against a complaint under the DDA.	An Access Report has been prepared. The disability design of the development, along with recommended solutions, have been outlined in the report to ensure the design complies with relevant DDA, BCA and AS requirements subject to relevant conditions.	Yes
2.13 Culture and Public Art All new development having a capital value of more than \$5,000,000 in the following major local centres and zoned as indicated in the Parramatta LEP 2023 is required to provide and implement an Arts Plan as part of the overall development. The plan is to include the provision of high quality artworks within the development in publicly accessible locations, near main entrances and street frontages and in lobbies. b) Ermington - E1 Local Centre zone	The application has been supported by submission of an Arts Plan which proposed a design brief for wall art along the River Road frontage of the proposed building. The proposed brief includes recognition for cultural identity and diversity through the integration of the proposed scheme. A condition has been recommended requiring the submission a detailed scheme for approval by Council prior to the issue of a Construction Certificate.	Yes
2.14 Safety and Security C.01 Casual surveillance is to be provided by designing buildings with a	Natural and passive surveillance is provided through multiple entry points on River Road, as well as	Yes

clear sense of address and orientating active uses or habitable rooms towards the street, as per Figure 2.14.1. C.04 Development should provide a clear definition and transition of boundaries between public and private spaces. Methods other than gates, fences, and enclosures are encouraged. C.06 Crime prevention measures in new buildings and spaces must not detract from the quality of the streetscape. Subtle design techniques should be applied to blend into façades and places. The installation of solid security shutters will not be supported. C.08 Reduce the attractiveness of crime by minimising, removing or concealing crime opportunities. The design of development should increase the possibility of detection, challenge and apprehension of persons engaged in crime.	through the positioning of balconies and windows. Signage built form and landscape elements will clearly delineate public and private areas. These areas will reinforce a sense of ownership and responsibility among uses. The high level of passive surveillance, as well as the built form design of the building will reduce the opportunities for crime.	
2.15 Signage C.01 Signs are to be sited and designed so that they do not adversely impact on the amenity of the streetscape and the surrounding locality. Signs are not to dominate or obscure other signs or result in visual clutter. C.03 Signs are to be compatible with the design, scale, and architectural character of the building or site on which they are to be placed. C.04 Structures supporting signs should be of a high aesthetic appearance and not impact on the visual amenity of the locality.	The proposed works will be supported by the installation of building identification and directional signs. The proposed signage will integrate into the building façade and will be proportionally spaced to avoid visual clutter. The signage has been designed alongside the proposed building and as such is highly compatible with its design, scale and architectural character. All signage will be constructed using high quality, durable materials that will maintain a high-quality finish. The signage content directly relates to the proposed hotel and is purely for building identification and	Satisfactory on merit

C.05 Materials used should be durable, fade proof, and of a high aesthetic quality. C.09 Sign content is to relate directly to a use, business or activity carried out on or associated with the building or site on which the sign is to be placed, or to within 400 metres of the site. C.11 The language of signs is to be accessible to the wider population. All signs displaying the language of a foreign country are to also contain the English equivalent. C.12 Signs and their supporting structures are to be structurally sound and constructed to ensure pedestrian and traffic safety. C13. Signs and their supporting structures should not be: a) hazardous to passers-by and for traffic safety, b) located so as to obscure a driver's or pedestrian's view of road or rail vehicles, pedestrians or features of the road, railway, or footpath, c) highly illuminated so as to cause discomfort to, or inhibit vision of drivers or pedestrians, or d) mistaken as an official traffic sign and should not distract a driver's attention or be confused with traffic signal instructions. C.14 Illuminated signs are not to detract from the architecture of the supporting building during daylight. C.15 Illuminated signs are to be energy efficient. C.16 In considering applications for new signs, the consent authority must have regard to the number of existing	wayfinding/ directional purposes. All signage content will be in English. The proposed signage will be fixed to the building façade and will therefore be structurally sound. They will not compromise the safety of patrons, drivers or other members of the public. The proposed signs have low level illumination and are not likely to distract drivers or detract from the architectural features of the building. The proposed development will provide a similar amount of signage to what already is on site, ensuring that they do not contribute to visual clutter. The proposed signs will contain low level backlit illumination and will enhance the architectural features of the building. The proposed signage is integrated into the building façade and will not contribute to visual clutter. Signage on the façade directly adjacent to residential properties is minimal. The proposed signs will comply with the relevant requirements of the BCA. The closest residential dwelling is located approximately 30 meters to the east of the site. Signage on the eastern elevation is minimal and is designed to ensure negligible impact to their amenity. The proposed wall signs will sit flush to the external facades and will not span across window openings or façade bays. The proposal seeks approval for the installation of eight wall signs and	
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signs on the site or the number of signs on a new building and in its vicinity and whether the cumulative impact gives rise to visual clutter. C.17 A curfew may be imposed on the operation of illuminated signs where continuous illumination may impact adversely on the amenity of residential buildings, serviced apartments or other visitor accommodation, or have adverse environmental effects. C.19 The erection of any sign must comply with the applicable requirements of the Building Code of Australia. C.24 To protect the amenity of adjoining residential uses: a) Signs may not be permitted on walls facing adjoining residences. b) Signs should be located on the street facing wall areas of buildings, below the roof eaves line or parapet line, and relate to the architectural appearance of the building. c) Special care is to be taken to avoid any likely nuisance to nearby residents as a result of glare or light spillage. C.29 Signs for individual non-residential land uses are restricted to 1 top-hamper sign, 1 under-awning sign, and 1 wall sign. C.30 Fascia signs are generally to be no larger than 0.75m², where the bottom of the sign is at least 2.6 metres above the pavement and where the outer edge is at least 1 metre from the kerb. Surface mounted box signs attached to the front fascia's which detract from the building's appearance will not be favoured. Timber or cast metal signs	two fascia signs however the plans only show four signs with the lettering 'Ermington Hotel' on all elevations. A further two signs on the northern elevation are shown that contains the lettering 'Welcome: Sports Bar, Lounge Bar and Bistro' and 'Open Late' are proposed. Any signage not shown on the plans would be subject to a separate application. This departure from the control is justified for the following reasons: • The site is a large corner site with multiple site frontages and opportunities for signage and building entries. The intent of the planning control was likely related to one site, with one site frontage. • The signs are appropriately placed to clearly identify the building and support wayfinding. • The signs are designed to seamlessly integrate into the façade of the building, enhancing its presence to the street without resulting in clutter. • The nature of the building as a corner lot with four frontages requires a higher number of signs to communicate its future use. The number of signs will ensure that building positively addresses each of the street frontages. The proposed fascia signs will be 6.5sqm, resulting in a slight non-compliance. This variation to the development control will ensure that the fascia signs compliment the architectural features of the building and clearly communicates the use to the streetscape. Furthermore, the size reduces the need for multiple	
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are encouraged on traditional shop frontages.	signs to be located on site, ensuring that the facades remain free of clutter.	
Part 4 - Non-Residential Development		
4.1.1 Consideration of Adjoining Uses		
C.02 Any proposal must ensure the level of effects on adjoining properties is acceptable. C.03 Any proposal that may have an impact on the adjoining use must be assessed under its ability to satisfy the relevant objectives under Part 2 – Design in Context, Part 3 – Residential Development, Part 5 – Environmental Management, and Part 6 – Traffic and Transport of this DCP depending on the adjoining property use. The controls of the less intense zone must be satisfied to the extent on the effect on the neighbouring property if the proposal is on a zone boundary.	The site adjoins commercial and residential type land uses. The application proposes to continue the existing use of the site as a hotel through a major refurbishment which is a permissible use. The scale of the use is appropriate and would not significantly adversely on the surrounding context. Conditions are recommended to be include in the consent to ensure amenity is maintained for nearby residential areas in relation to acoustic and operational management. The proposal is considered to have minimal impact to surrounding properties.	Yes
4.1.2 Noise Amenity		
C.01 Non-residential development is not to adversely affect the amenity of adjacent residential development as a result of noise, odour, hours of operation and/or service deliveries. C.02 Accompany all Development Applications for potential noise generating industries adjacent to residential zoned land with documentation from a qualified Acoustic Engineer specifying noise standards. C.03 Council may require a report by an acoustic consultant to be submitted with Development Applications for noise generating developments.	The proposed hours of operation have been reviewed and supported by Council's Environmental Health section after assessing the submitted Acoustic Report subject to recommendations of the report being implemented. Conditions have been recommended to be included in the consent to ensure amenity is maintained for nearest residential areas. All potential noise generated during on-going use of the site are to be addressed through the implementation of conditions. The use is not considered to have a negative impact on adjoining sites as the use is for the continued use as a hotel on a stand-alone site surrounding by street frontages	Yes

	which is to contain similar operational details.	
4.2 Business and Commercial Development		
Front Setback - Consistent with prevailing front setback Side Setbacks - Nil where there will be no impact on streetscape or amenity of adjoining development. Rear Setback - Dependant on amenity impacts on adjoining development. Landscaping Rear setback is to be landscaped unless required for rear access.	The prevailing setback along Betty Cuthbert Avenue is 0m and the proposed front setback complies with this control. The eastern (side) setback varies between 1.5m to 2m. The western (side) setback is nil setback. Both setbacks appropriately respond to the site and its context. The design would allow for an appropriate amount of landscaped area to be provided for. Furthermore, the setbacks are relatively consistent with the existing building on site, ensuring that it remains within the character of the area. The southern (rear) setback has a setback of 2m to accommodate for appropriate landscaping. Ground and upper-level landscaping is provided at the rear setback area to ensure that it is appropriately treated. Overall, the siting of the development is an improvement on the existing site setbacks as it wholly within the site which currently protrude into the public domain/outside the lot boundary. The end-built form will enhance and widen the public domain.	Yes
Floor to ceiling height For ground floor storeys the minimum floor to ceiling height shall be 4 metres. For all other non-residential floors, the minimum floor to ceiling height shall be 3.5 metres.	Ground level floor to ceiling heights vary between rooms as outlined below: Gaming and sports bar, bistro and café: 6.6m floor to floor heights.	Satisfactory on merit

	Back of house and ground floor carpark levels: 3.2m floor to floor heights. While the ground level carpark and back of house areas have a floor-to-floor height below the minimum control, this is justified as these areas will not be open to the public. The floor-to-floor heights for the upper story are listed: • Level 1: 4.5m floor to floor • Level 2: 3.5m floor to floor • Level 3: 3.3m floor to floor. The above heights are satisfactory as appropriate amenity levels would be afforded to future users of the hotel development. It is acknowledged that the above figures use floor to floor heights rather than floor to ceiling. As such the actual floor to ceiling height can be expected to be slightly less than what is listed above.	
Safety and Security • The site and building layout should ensure that entrances and activities are easily identifiable by prospective users. • Buildings and spaces should be designed to clearly delineate between public and private space to provide a clear sense of ownership and discourage illegitimate use. • Where developments have a car park or laneway for access to a car park, building layouts should provide some windows, lighting or secondary access doors that address the car park.	In relation to CPTED precautions are taken to ensure the safety of patrons and staff within the future hotel as follows: • Each entrance is clearly identified by signage and architectural features (entrance steps, doorways etc.) • Public and private spaces are clearly delineated, leaving no opportunities for confusion for future staff or patrons. • The carpark entry benefits from passive surveillance from the pedestrian entry on River Road as well as windows from the upper levels of the building.	Yes

- Public facilities such as toilets and parent rooms should be designed and placed to maximise opportunities for casual surveillance. - For large scale retail and commercial development with a GFA of over 5,000m², provide a 'Safety by Design' assessment in accordance with the CPTED principles from a qualified consultant.	Bathrooms and parent rooms are centrally located within the building creating opportunities for passive surveillance.	
Building Design - In the E1 Local Centre zone, and mixed-use development in the MU1 Mixed Use zone, all frontages are to provide for active non-residential uses with at-grade pedestrian access. - Ground floor retail and business shopfronts are to involve minimal use of solid walls, with frontages divided into discrete sections to maintain a fine grain, human-scale appearance. - Where buildings align to the front boundary, continuous awnings are to be provided, with new awnings the same height as, or the average of, the two adjacent awnings. Council may omit this requirement where an awning would otherwise affect street trees, heritage items or similar.	- Building access to the upgraded hotel is provided via Betty Cuthbert Avenue and River Road. Given the sloping nature of the site, there are two at grade access pedestrian points provided. - The proposed development establishes visual interest by minimising the amount of blank solid walls. The design utilises windows, entrances, awnings and landscaped features to improve the pedestrian experience and promote human scaled design. - Awnings are provided along the building's primary frontage. Although the awnings are not continuous, the building does not directly adjoin adjacent properties, so this break will not disrupt the continuity of the street frontage.	Yes
5.1 Water Management		
5.1.1 Flooding	Not a flood affected site.	N/A
5.1.2 Water Sensitive Design	Assessed to be satisfactory.	Yes
5.1.3 Stormwater Management	Assessed to be satisfactory as a Stormwater Management Plan and Report has been submitted with the application subject to conditions.	Yes
5.2 Hazard and Pollution management		
5.2.1 Control of Soil Erosion and Sedimentation	To be appropriately conditioned.	Yes

5.2.2 Acid Sulfate Soils	The subject site is identified as containing Acid Sulfate Soils located within Class 5 soils. Therefore, the proposed development has been accompanied by an Acid Sulfate Soils Management Plan and is satisfactory.	Yes
5.2.3 Salinity	Earthworks are proposed and any salinity matters can be appropriately managed.	Yes
5.2.4 Earthworks and Development of Sloping Land	Earthworks are proposed to further extend the existing basement to a maximum depth of approximately 3.6m. The level of cut is satisfactory and would not contain any significant adverse impacts onto the built and natural environment.	Yes
5.2.5 Land Contamination	Refer to assessment under SEPP Resilience and Hazards section of this report.	Yes
5.2.6 Air Quality	No impacts are anticipated.	Yes
5.2.7 Bush Fire Prone Land	The site is not identified as bushfire prone.	N/A
5.3 Protection of the Natural Environment	No significant adverse impacts are proposed.	Yes
5.3.1 Biodiversity	The site is not identified as biodiversity affected.	N/A
5.3.2 Waterways and riparian zone	No significant adverse impacts are proposed.	Yes
5.3.3 Development on land adjoining land zoned C2 Environmental Protection or W1 Natural Waterways zone	N/A	N/A
5.3.4 Tree and vegetation preservation	The proposed impacts on trees have been assessed to be satisfactory subject to replanting and relevant conditions of consent.	Yes
5.4.8 Waste Management	A waste management plan (WMP) has been submitted and is considered satisfactory.	Yes – subject to conditions
Part 6 – Traffic and Transport		
6.1.2 Travel Plans C.01 Development proposals that meet the following criteria must prepare a Travel Plan:	The subject application has been assessed to be satisfactory without the need for the applicant to submit a formal travel plan.	Yes

• residential development containing more than 50 dwellings; or • development with a gross floor space of 5,000m² and above or 50 or more employees. C02. A Travel Plan must include: • Targets – This typically includes the reduction of single occupant car trips to the site for the journey to work and the reduction of business travel particularly single occupant car trips. • Travel data – An initial estimate of the number of trips to the site by mode is required. Travel Plans require an annual travel survey to estimate the change in travel behaviour to and from the site and a review of the measures. • Measures – a list of specific tools or actions to achieve the target. C.03 A copy of the Travel Plan must be made available to Council on request.		
6.1.13 Electric Vehicle Charging Infrastructure C.02 All commercial building car parking must: a) Provide 1 Shared EV connection for every 10 commercial car spaces distributed throughout the carpark to provide equitable access across floors and floor plates. b) All car share spaces and spaces allocated to visitors must have a Shared EV connection. c) Identify on the plans submitted with the Development Application the future installation location of the cable trays from the EV Distribution	The proposed carpark does not contain electric vehicle parking however the applicant will explore opportunities to retrofit the carpark in the future should there be demand for them. Imposing such an, formal arrangement to a refurbishment development would be unreasonable in this instance.	Yes

Board to the car spaces allocated to each dwelling that have an EV Ready Connection, with confirmation of adequacy from an electrical engineer. Spatial allowances are to be made for cables trays and EV Distribution Board(s) when designing in other services.		
6.2 Parking Provision C.02 Disabled parking space must be in accordance with AS 2890.6 Parking Facilities Off Street Parking for People with Disabilities. C.03 Clearance above the general parking surface must be in accordance with AS2890 - Parking Facilities. C.12 Below ground structures shall comply with a side setback of 1.2 metres to provide for deep soil planting and an adequate area for construction. Where possible, basement walls shall be located under building walls. C.13 Access driveway (vehicle crossing) shall have a minimum width in accordance with the requirements of the Australian Standard AS2890.1 - Parking Facilities – OffStreet Car Parking and be located a minimum 1.2 metres clear from power poles and drainage pits. C.14 Driveways (vehicle crossings) shall be located 6m away from a tangent point (of the kerb and gutter line). C.15 Vehicle access points and parking areas are to be: • easily accessible and recognisable to motorists, • undisruptive to pedestrian flow and safety, • located to minimise traffic hazards and the potential for	Assessed to be satisfactory by Council's Traffic Engineer subject to conditions. The BCA and Access Reports confirms that the proposed disabled and general parking spaces will comply with relevant ASs. Majority of the below ground parking area is built to the same setbacks as the above ground building and this variation to the control is justified for the following reasons: • There is no deep soil requirement for the proposed use however landscaping opportunities have been provided at ground and upper levels to provide greening to the development. • The Construction Management Plan (CMP will take the necessary steps to ensure that there is enough space to carry out the proposed works without impacting the public domain or adjoining lots. Vehicular access to the loading and parking area is provided off River Road. Pedestrian access is separated and to ensure there is no conflict with vehicles entering and existing the site. The TIA confirms that the entrance will not negatively impact the function to the adjoining road system and will not	Satisfactory on merit

vehicles to queue on public roads, and - located to minimise the loss of on-street car parking, and to minimise the number of access points. C.16 Parking and service/delivery areas and vehicular access points are to be located to minimise conflict between pedestrians and vehicles and to minimise impact on residential amenity. C.21 Reasonable provision is to be made for the parking needs of people with disabilities. C.22 Basement car parking is to be: - adequately ventilated, - designed for safe and convenient pedestrian movement and to include separate pedestrian access points to the building that are clearly defined and easily negotiated, and - predominantly located within the building footprint located predominantly below existing ground level. Where slope conditions mean that this is unachievable, the basement projection of the floor level of the storey immediately above is less than 1m above ground level (existing). C.45 Off-street parking shall be provided behind or at the side of buildings and away from street frontages. No more than 20% of the total parking requirement shall be permitted in the front alignment. C.46 Marked pedestrian pathways with clear lines of sight and safe lighting shall be provided.	substantially impact the availability of off-street parking. Parking and delivery areas are located within the building envelope and will not conflict with pedestrian movements. Two accessible parking spaces will be provided on site. The proposed basement parking has been designed to meet the requirements listed and will ensure that adequate ventilation and safe paths of travel are established. While the building is located on a slope, it will not result in the carpark being above ground level. Parking is proposed to be provided on the basement levels of the building. In accordance with the TIA, the parking requirements being generated by the proposed development will be 88 spaces noting that the parking for the café has not been included as it will be peaking at the same time as the other uses. This total is also factoring in the existing 33 parking spaces (which come with an existing shortfall of 40 parking spaces) for the existing use that will be replaced like for like. Given that there are 64 parking spaces proposed on site, the total shortfall will be increased by 24 spaces to 64 spaces. The revised parking rates assessment within the TIA are acceptable. The TIA notes that based on observations, the existing Council car park had 39 spare parking spaces within the Saturday Lunch Peak and approximately 50 spare spaces for both Friday and Saturday. Further,	
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Minimum Car Parking Rates Clubs - Required parking to be confirmed through a traffic and transport impact assessment. The assessment must demonstrate the development will not result in any adverse impacts on on-street parking in surrounding residential areas.		
6.3 Bicycle Parking Commercial premises with a gross floor area of 600m² or more (including offices, business premises, restaurants, cafes and shops) – 1 space per 250m² of gross floor area for employees, plus 1 space per 500m² of GFA for visitors.	the applicant is proposing a reconfiguration of the western end of the Betty Cuthbert Avenue which will see an increase of approximately 22 parking spaces. While a review of any detail design by the proposal will likely see approximately two spaces being removed as they are too close to River Road, the general scheme proposed is supported and the increase in car park capacity can be counted towards the additional shortfall generated by the proposal.	
6.4 Loading and Servicing C.01 Loading bay provision is to be in accordance with the Transport for NSW Guide to Traffic Generating Development but should include car and motorcycle space for couriers. Lower loading bay provision can be considered if it is supported by a traffic and transport impact assessment demonstrating that the proposed development will not result in any on-street loading/unloading activities. If a Loading Dock Management Plan is required, it is recommended that the Transport for NSW Last Mile Toolkit be considered in the preparation of the Loading Dock Management Plan. C.02 Loading docks are to be designed in accordance with the Australian Standard AS2890.2 - Parking Facilities – OffStreet Commercial Vehicle Facilities to allow heavy vehicles to enter and leave the site in a forward direction. C.03 All loading docks are to be provided on-site.	Following discussions with Council's Road Infrastructure Team, pavement design of the existing car park varies and accordingly, simple re-line marking the car park to the new configuration will not be appropriate where more extensive pavement reconstruction may be required which would be more costly. The scope of works has been discussed with the applicant prior to recommending any conditions of consent for the reconfiguration of the car park and have accepted such conditions. The TIA requires 25 bicycle parking spaces, and this is considered acceptable for the proposed use. Loading bays have been provided and are accessed via River Road. The proposed loading dock will comply with relevant ASs. The dock is positioned separate to the carpark and will not interfere with vehicle or pedestrian movement. A vehicle turntable will be utilised to ensure trucks can effectively enter and exit the site.	

C.04 The use of loading docks must not conflict with the safe efficient circulation of pedestrians and other vehicles on-site. C.05 In larger developments, loading docks should operate independently of other parking areas. C.06 A swept path analysis demonstrating the largest design vehicle safely and efficiently manoeuvring to and from the loading dock is to be provided in accordance with Austroads. C.07 Loading bays are not to be used for the storage of goods that may impede the use of the bay for loading/unloading and servicing activities.		
Part 7 – Heritage & Archaeology		
7.4 General Provisions		
	The proposal is not on a heritage item.	Yes
7.5 Development in vicinity of Heritage Items		
Vicinity of Heritage Items C.01 – C.04	The proposal is not in vicinity of a heritage item.	Yes

12. PLANNING AGREEMENTS

No planning agreements relate to the site.

13. ENVIRONMENTAL PLANNING REGULATIONS

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the BCA, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection would be addressed by appropriate consent conditions.

14. THE LIKELY IMPACTS OF THE DEVELOPMENT

Council is satisfied that the proposed development would not have unreasonable environmental impacts on either the natural or built environments and would, on balance, have a positive social and economic impact in the locality.

15. SITE SUITABILITY

On balance, Council is satisfied that the subject site is suitable for the proposed development.

16. SUBMISSIONS

15.1 NOTIFICATION AND ADVERTISING

The application was required to be advertised/notified in accordance with the Consolidated Notification Requirements in Appendix 1 of Council's Community Engagement Strategy 2022-2024 and it is noted that no submissions were received.

15.2 CONCILIATION CONFERENCE

On 11 December 2017, Council resolved that:

"If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices."

Conciliation Conference – Not Required

As no submissions have been received, a Conciliation Conference is not required to be held.

15 PUBLIC INTEREST

Council is satisfied that the proposed development is in the public interest for the following reasons:

- The development meets the Aims of PLEP 2023.
- The development is permissible within the E1 Local Centre zone.
- The development achieves the objectives of the E1 zone.
- The development achieves the objectives of PDCP 2023.

16 BONDS

In accordance with Council's Schedule of Fees and Charges 2025/2026, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

17 DEVELOPMENT CONTRIBUTIONS

17.1 SECTION 7.11 CONTRIBUTIONS

The City of Parramatta (Outside CBD) Development Contributions Plan 2021 commenced on 20 September 2021. It was prepared by the City of Parramatta Council under Section 7.11 of the Environmental Planning and Assessment Act 1979.

Council's Infrastructure Planning Officer has assessed the proposal and made the following comments:

Based on the date of lodgement of the subject application, the City of Parramatta (Outside CBD) Development Contributions Plan 2021 – Amendment No.1 applies to the subject site. This plan came into effect on 9 May 2023 and repealed the original plan which was initially adopted on 20 September 2021. This plan levies contribution based on the net increase of new residents, workers and visitors of for various types of development uses in the Parramatta Local Government Area.

Since the initial referral comments provided, there has been an amendment to the proposed works which has resulted in a total of 39 hotel rooms instead of 40 hotel rooms.

The proposed development consists of the following mix:

Level	Existing (area/rooms)	Proposed (area/rooms)	Change in area/rooms
Basement	Parking only	Parking only	-
Ground	2121m ²	951m ²	-1170m ²
Mezzanine	271m ²	622m ²	+351m ²
Level 01	-	1567m ²	+1567m ²
Level 02	18 hotel rooms	19 hotel rooms	+1 hotel rooms
Level 03	-	20 hotel rooms	+20 hotel rooms

A Section 7.11 credit has been provided for the existing development based on the following:

- *Existing 18 hotel rooms:*

- a. Visitor accommodation workforce – Hotels 0-199 rooms at 0.15 workers/room. Existing number of workers: 2.7 workers.*

- b. Visitor accommodation occupancy at 0.8 visitors/room.
Existing number of visitors: 14.4 visitors.*

- *Existing commercial area GFA 2392sqm – Food & drink premises – incl. pubs, nightclubs, bars at 45m² /worker. Existing number of workers: 53.2 workers.*

Existing total number of workers: 55.9 workers

Existing total number of visitors: 14.4 visitors

The Section 7.11 development contributions fee has been calculated for the proposed development based on the following:

- *Proposed 39 hotel rooms:*

- a. Visitor accommodation workforce – Hotels 0-199 rooms at 0.15 workers/room.
Proposed number of workers: 5.9 workers.*

- b. Visitor accommodation occupancy at 0.8 visitors/room.
Proposed number of visitors: 31.2 visitors.*

• Proposed commercial area GFA 3140sqm – Food & drink premises – incl. pubs, nightclubs, bars at 45m² /worker. Proposed number of workers: 69.8 workers.

Proposed total number of workers: 75.6 workers

Proposed total number of visitors: 31.2 visitors

The Section 7.11 development contributions fee has been calculated for the **additional 19.77 workers and 16.8 visitors**.

The base development contributions fee for this Development Application (DA) is **\$195,468.08**.

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

17.2 HOUSING PRODUCTIVITY CONTRIBUTION

In accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024*, the proposed additional commercial floor space of 1,371sqm created would require the payment of the Housing Productivity Contribution in the amount of \$44,351.85.

18 SUMMARY AND CONCLUSION

Conditional consent

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the appropriate conditions.

19. OFFICER'S RECOMMENDATION

APPROVAL SUBJECT TO CONDITIONS

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act, 1979, that Council grant development consent for DA62/2025 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of relevant Council Planning Instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.