

The logo for URBIS, featuring the word "URBIS" in a bold, sans-serif font. The letters are white and are partially enclosed by a white square frame that is open on the right side. A thick white vertical line runs down the left side of the page, and a thick white horizontal line runs across the page, intersecting the vertical line and the logo frame.

URBIS

CLAUSE 4.6 - HEIGHT OF BUILDING

Ermington Hotel, 521 Victoria
Road, Ermington

Prepared for
SONNEL HOSPITALITY
31 July 2025

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Acknowledgement of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

Title: Sacred River Dreaming
Artist Hayley Pigram
Darug Nation
Sydney, NSW

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REQUEST TO VARY A DEVELOPMENT STANDARD

REQUEST TO VARY CLAUSE 4.3 HEIGHT OF BUILDINGS IN PARRAMATTA LEP 2023

Address: 521 Victoria Road, Ermington

Date: 31 July 2025

SITE AND PROPOSED DEVELOPMENT

1. Site and Surrounding Development Description

The key features of the site and surrounding development are summarised in the following table.

Table 1 Site and Surrounds Description

Site Characteristic	Description
Legal Description (Title Particulars)	Lot 124 in DP 624540
Zoning	E1 Local Centre
Existing Use / Structures	The site is developed and is fully occupied by the Ermington Hotel.
Site Area	2442.4m ²
Existing GFA	3071m ²
Site Frontage	40m to Victoria Road
Site Width	58m
Topography	The sloping topography of the site results in a level difference of approximately 1.4 metres between the southern (higher) boundary and northern (lower) boundary.
Vegetation	There is a row of mature trees located on the western property boundary
Affectations	▪ The site is not identified as being flood prone ▪ The site is not identified as a heritage item nor is it located in a heritage conservation area ▪ The site is not identified as being of aboriginal archaeological significance ▪ The site is not located on bushfire prone land ▪ The site is not identified as being a biodiversity significance
Vehicular/Site Access	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).
Existing Development	The ground and lower ground levels include a public bar and TAB facility in the north-eastern 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 bottle room and gaming area is in the north-western side of the building facing the northern car park. However, this part of

Site Characteristic	Description
	the site does not form part of the redevelopment proposal, with no works proposed within this part of the site. 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 does not comply with current building and fire safety standards and is currently vacant. However, the existing structure is generally sound and provides a significant renewal opportunity to maximise the existing land use.
Adjacent land uses North	Directly north of the site is a car park owned by Council of 45 car parking spots. Further north is Victoria Road which offers connectivity to Parramatta, the City, West Ryde, Macquarie Centre and Auburn. Further north is low density residential development
Adjacent land uses East	To the east of the site, on the opposite side of River Road, is a Woolworths supermarket and local convenience retail and commercial uses with associated car parking and further east is low density residential development.
Adjacent land uses South	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 development of single storey dwellings and duplex housing.
Adjacent land uses West	Immediately adjoining to the west is a Red Rooster Fast food restaurant which is single storey. To the west of the site is Silverwater Road which forms part of the A6. The A6 is a major arterial road which provides a link from the northern and western suburbs to the inner western suburbs, Bankstown and Princes Highway. This is elevated roadway and a distinctive element in the visual catchment. Further west is low density residential development and Rydalmere.

Figure 1 Location Plan



Source: *Urbis 2024*

Figure 2 Aerial Photograph



Source: *Urbis 2024*

Photographs of the existing development and surrounding context are provided below.

Figure 3 Site Photos



Above: as viewed from the corner of River Road and Lister Ave



Above: retail development to the east



Above: Police Station to the south, on Lister Ave

Source: Google maps

2. Proposed Development

A summary of the key features and details of the proposed development is summarised as follows.

Key Element	Proposal
Development Types (Land Use)	Hotel or motel accommodation
Description of Development	The proposed development involves the partial demolition of the existing structure including the removal of internal and external walls to facilitate the redevelopment of the site. The refurbishment comprises: - Reconfiguration of the existing licensed premises, and alterations & additions to the existing hotel comprising construction of a four (4) storey hotel with a total of 40 short-stay accommodation rooms, car parking, signage, and associated landscaping. The premise comprises food and beverage outlets, restaurant, sports bar, terrace lounge, beer garden, bakery, customer amenities, loading dock, car park, hotel accommodation. - The proposed alterations result in an additional 1,371sqm of GFA.
Demolition	Demolition works: - Full demolition of the existing public bar along with the adjoining vacant rooms. Complete demolition of the TAB area. All services and amenities to be demolished, including vertical transport in the form of lifts and stair wells. - Full demolition of the existing accommodation and amenities associated with the accommodation space. All lightweight structure erected as part of the services hoarding to be demolished and removed. - Demolition of existing hard and soft landscaping within the site area.
Built Form & Design	
Building height	RL49.720 / maximum of 16.595m
Number of Storeys	4
Gross floor area	- Ground: 951m² - Mezzanine: 622m² - Level 1: 1567m² - Level 2: 651m² - Level 3: 651m² Total: 4482m²
Floor space ratio	1.819:1
Number of short stay rooms proposed	40
Waste	Waste collection vehicles will enter the loading dock off River Road in a forward direction. The vehicles will be positioned on the turntable which will be operated to turn the vehicles 180 degrees. Bins will be loaded into the rear of the vehicles. The vehicles will then exit the loading dock in a forward direction onto River Road.

Key Element	Proposal
Access and Parking	A total of 65 car parking spaces, including two accessible parking spaces located in the basement, are proposed for the development. The parking provisions also include 21 bicycle spaces, with 13 spaces for staff as Class A facilities and 8 spaces for patrons and guests as Class C facilities, and two motorcycle parking spaces. The Ground Floor car park will accommodate 19 car spaces and one motorcycle spaces, while the basement car park provides spaces for 45 cars (including two accessible spaces), all bicycle parking, and one motorcycle space.
Vehicle access	Lister Avenue
Pedestrian access	Via River Road at 3 entrances and along the sites frontage at Betty Cuthbert Avenue
Car parking	65
Bicycle parking	21 spaces
Motorcycle parking	2 spaces
Loading bays	1, access provided off of River Road
Landscaping and Public Domain	
Landscape area	386.64m2
Deep soil area	78.94m2
Trees Removed	The proposed redevelopment removes 2 trees form the property boundary adjacent to the western property boundary

PLANNING INSTRUMENT, DEVELOPMENT STANDARD AND PROPOSED VARIATION

3. What is the planning instrument you are seeking to vary?

Parramatta Local Environmental Plan 2023

4. What is the site's zoning?

E1 Local Centre

5. What is the development standard to be varied?

Clause 4.3 Height of Buildings.

6. Type of development standard?

Numerical Development Standard is capable of being varied under clause 4.6 of PLEP 2023.

7. What is the numeric value of the development standard in the environmental planning instrument?

12 metres.

8. What is the difference between the existing and proposed numeric values? What is the percentage variation (between the proposal and the environmental planning instrument)?

A review of the proposal's exceedance in proportion (percentage variation) is detailed below. The exceedance only relates to the southern built form element of the site, being the short stay accommodation form (namely part of the top floor of the accommodation and lift shaft).

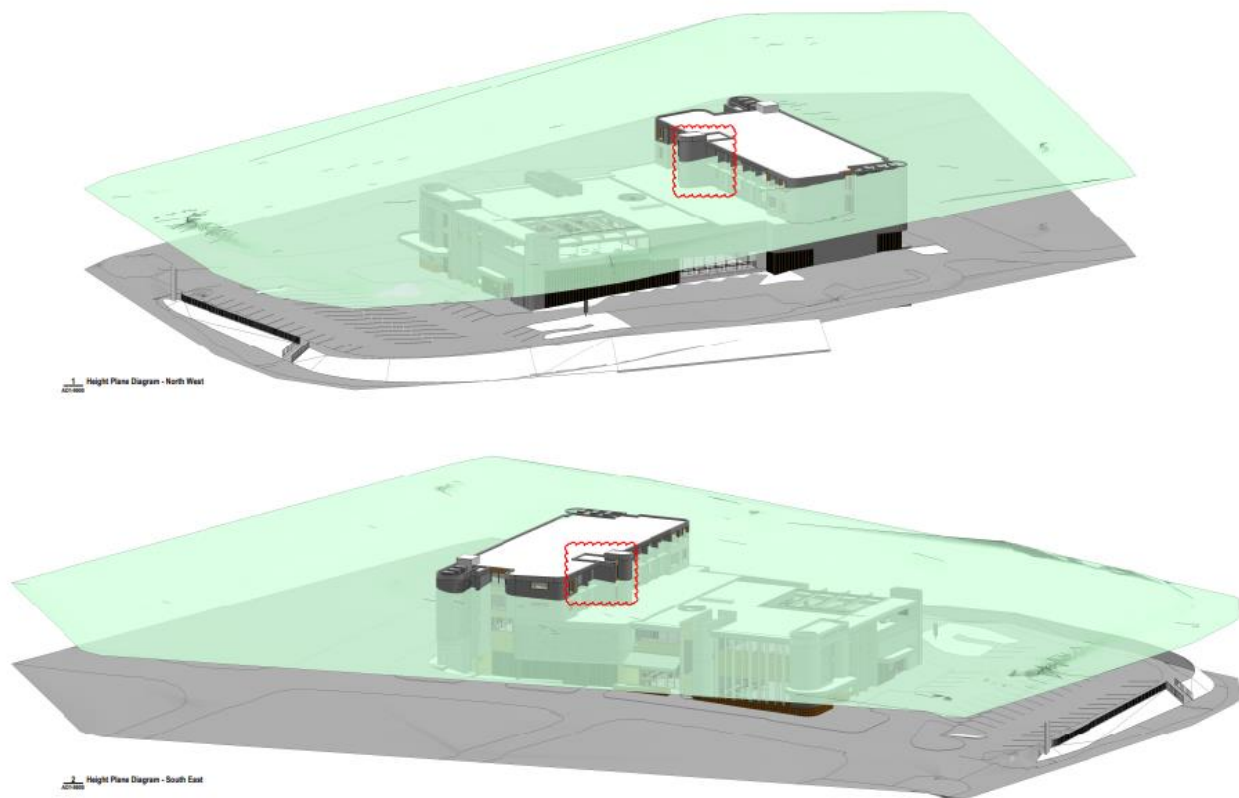
Table 2 Percentage variation of exceedance

Building element	Maximum height measured from existing ground level and height (in metres) exceedance	Percentage variation from the standard (%)
NE corner of the accommodation form	15.6m (3.6m)	30%
NW corner of the accommodation form	13.5m (1.5m)	12.5%
SE corner of the accommodation form	15m (3m)	25%
SW corner of the accommodation form	12.25m (25mm)	2%
Lift overrun towards centre of site	16.595m (4.595m)	38.29%

9. Visual representation of the proposed variation

See illustration below, showing the area of the breach, in the southern portion of the site.

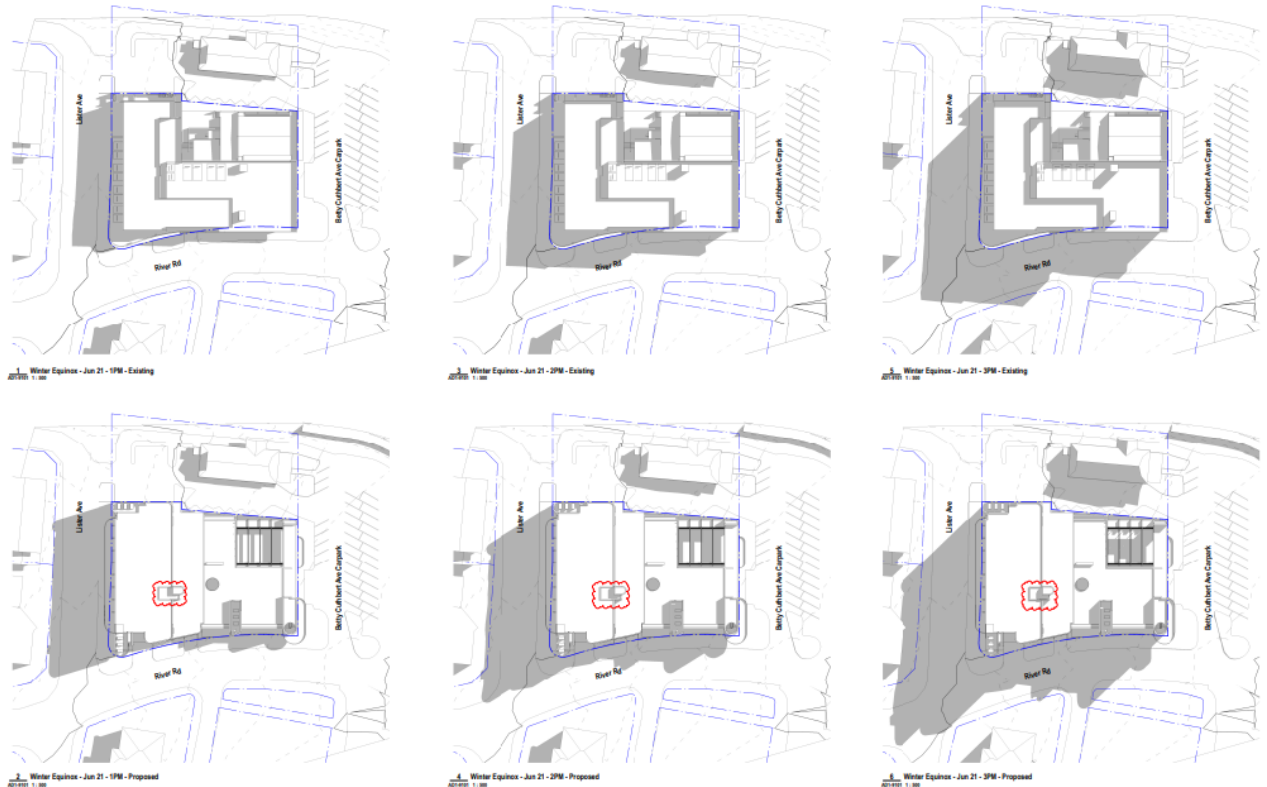
Figure 4 Building Height Plane demonstrating exceedances



Source: H+E (2024)

Figure 5 Shadow Diagrams at 9am to 3pm in mid winter (existing and proposed)





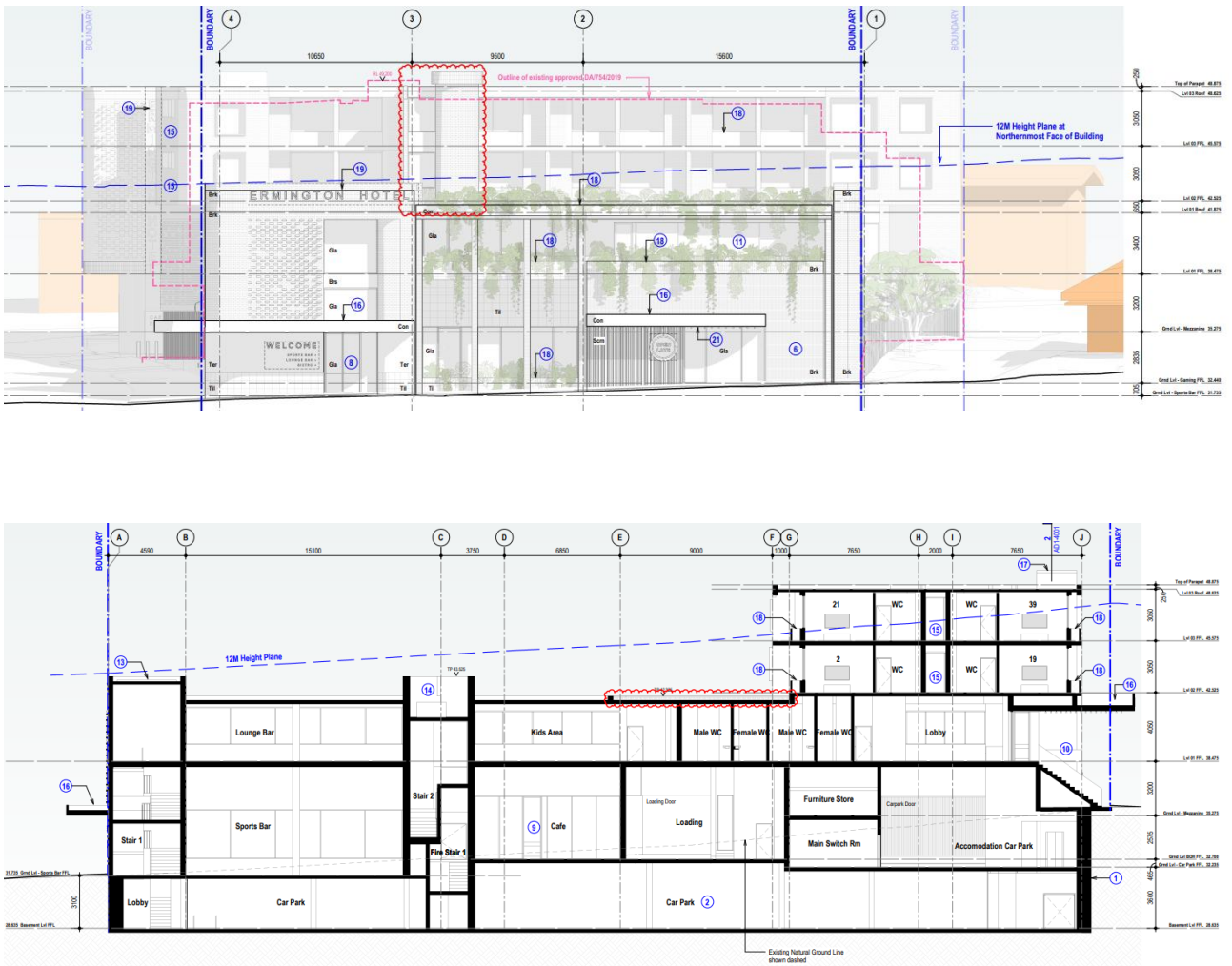
Source: H+E 2024

Figure 6 shows 12m height control (as well as the approved development, DA754/2019, outline in pink)

- East elevation
- North elevation
- Section demonstrating the portion of the top accommodation floor above the control

Figure 6 Elevations and Sections





Source: H+E (2024)

JUSTIFICATION FOR THE PROPOSED VARIATION

10. How is compliance with the development standard unreasonable or unnecessary in the circumstances of the particular case?

There are 5 common ways that compliance with a development standard may be demonstrated to be unreasonable or unnecessary (as transposed in items a to e the Table below). An applicant must satisfy at least one. In relation to the subject development contravention, the table below addresses the first key question.

Key Questions	Response
a) Are the objectives of the development standard achieved notwithstanding the non-compliance?	In response to the height of building development standard objectives, we make the following comments: <i>(a) to provide appropriate height transitions between buildings,</i> The site is read as an island site with the only immediate adjoining building being the fast food restaurant to the north west of the built form. The built form contextually fits into the surrounding visual catchment recognising the A6/Silverwater Road is elevated to the west and remains taller than the end proposed built form. The hotel is appropriately setback from the adjacent fast-food establishment, Red Rooster, including via the separation of an internal driveway. The built form also responds to the building to the west but proposing a similar height in the northern portion of the site and seeking the taller accommodation form to the south where the Red Rooster car park is sited. The development has a substantial setback from the northern boundary, and is on a corner site with Lister Road and River Road creating setbacks before the lower density residential forms to the east/south east and community uses to the south. <i>(b) to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area,</i> Given the site is on a somewhat 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. Instead, it has been designed to complement and enhance its context, while sitting distinctly separate from its immediate surrounds. 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. Further, the height of the proposal is only a minimal contravention. As demonstrated on the elevations and section in Figure 7, the height plane cuts through part of the top level. This is mainly due to the topography of the site. When the natural slope of the land is considered, the height is considered acceptable. The majority of the site is within the height control and aligns with the 12m height control applying to the remainder of the E1 Local centre zoned land to the east.

Key Questions	Response
	To address the existing and future character, the southern section of the eastern elevation has a 2 storey base element that draws on the lower scale buildings further to the east.
	(c) <i>to require the height of future buildings to be appropriate in relation to heritage sites and their settings,</i> There are no heritage heights proximate to the site.
	(d) <i>to reinforce and respect the existing character and scale of low density residential areas,</i> The development has a generous separation from the low density development to the east and south east and is on an isolated or island site so has no immediate neighbours to the north, south and east due to roads or hardstand areas. The properties adjacent to the site to the NE on Lister Avenue are also zoned as E1 Local Centre and have a 12m height limit consistent with the Hotel, while there is a generous distance between the low-density residential dwellings on the opposite side of River Road.
	(e) <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i> The overshadowing diagrams for Summer and Winter equinox have been prepared by H+E, (extracted at Figure 5) where: – The proposed redevelopment will have minimal additional shadowing impacts. There is minor additional impact to a small portion of the front gardens of Police Station, Ermington Community Centre and Ermington Branch Library on Lister Avenue at 9am, 2pm and 3pm in mid winter. – The proposed redevelopment minimises overshadowing through building design, including minor setbacks to Lister Avenue and River Road on the upper levels of the proposed redevelopment which has minimised overshadowing to surrounding receptors. – The design strategically positions the building mass to ensure that the majority of shadowing occurs over non-sensitive areas, thereby protecting the solar access of residential properties located to the east and south east. – The highest point of the site, the lift overrun for the hotel towards the centre of the site, will not create any additional overshadowing impacts on surrounding developments. Given the somewhat isolated nature of the site, the proposed development is well setback from residential development, predominately to the south east and east with the hotel rooms orientated east/west. This further does not bring rise to any overlooking or privacy implications.
	(f) <i>to preserve historic views,</i> The site is not located in any identified historic views. Further the site does not form part of a view or vista of importance.
	(g) <i>to maintain satisfactory sky exposure and daylight to—</i> (i) <i>existing buildings in commercial centres, and</i> (ii) <i>the sides and rear of tower forms, and</i> (iii) <i>key areas of the public domain, including parks, streets and lanes.</i> Contextually the site acts akin to a partial island site given the development only has a neighbouring property to the west and is bounded by roads and car park to the other frontages. This assists

Key Questions	Response
	in mitigating and appropriately managing this western residential interface. The building mass is highly modulated to ensure there is ample sunlight and sky exposure to adjoining properties. The submitted shadow diagrams demonstrate that there is minimal portion of shadow on the community land between 9am and 3pm in mid winter and there is no additional shadow on any residential properties. The natural slope of the land is contributing to the height breaches at the higher level of the site.
b) Are the underlying objectives or purpose of the development standard not relevant to the development? (Give details if applicable)	Not replied upon
c) Would the underlying objective or purpose be defeated or thwarted if compliance was required? (Give details if applicable)	Not replied upon
(d) Has the development standard been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard?	It is noted that DA754/2019 was approved on 23 December 2019 and is valid at the time of drafting of this report. This past DA approved a contravention to the control to 17.46m, contravening the height control by 5.46m. As evident in the elevational drawing the proposed built form is predominately within the approved envelope of DA754/2019.
e) Is the zoning of the land unreasonable or inappropriate so that the development standard is also unreasonable or unnecessary?	Not relied upon

11. Are there sufficient environmental planning grounds to justify contravening the development standard?

The Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, assists in considering the sufficient environmental planning grounds. Preston J observed:

"...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and

...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development"

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. See Figure 4.
- 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.

12. Is there any other relevant information relating to justifying a variation of the development standard? (If required)

N/A.

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