

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSEC-180
<b>DA Number</b>	DA-2021/637
<b>LGA</b>	Bayside Council
<b>Proposed Development</b>	Demolition of existing structures, removal of trees and construction of two 2 x twelve (12) storey hotels, being a 300 room hotel on Lot 2 and a 288 room hotel on Lot 3; restaurant and bar on Level 11 of Lot 3, roof top terraces with associated site works, landscaping and signage zones & staging of construction
<b>Street Address</b>	50-52 Baxter Road Mascot
<b>Applicant/Owner</b>	Manboom Pty Ltd
<b>Date of DA lodgement</b>	24/12/2021
<b>Number of Submissions</b>	Three (3)
<b>Recommendation</b>	Deferred Commencement Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Cost of Works >\$30M
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Regulation 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Industry and Employment) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Sustainable Buildings SEPP 2022</li> <li>• Bayside Local Environmental Plan 2021 (BLEP)</li> <li>• Draft EPI's <ul style="list-style-type: none"> <li>• Employment Zones Reform</li> <li>• Review of C.4.6 of Standard Instrument</li> </ul> </li> <li>• Botany Bay Development Control Plan 2013</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Planning Assessment Report</li> <li>• Draft Conditions</li> <li>• Section 4.6 – Exception to Development Standards (Height of Building)</li> <li>• Architectural Plans</li> <li>• Landscape Plans</li> </ul>
<b>Clause 4.6 requests</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• <i>Height / The proposed plan intends to construct 12 story (highrise) buildings in Mascot which is mostly a lowrise suburb / We don't want any more highrise buildings in Mascot on Baxter Streer or anywhere else / The building is very close to the upper RL levels, close to the limits of the Procedure for Air Navigation Service – Aircraft Operations Surface (PANS-OPS) whose level = RL 54.5m ; Which does not leave very much room for error in poor visibility weather like these past few days of extreme rain conditions, especially as these buildings are closest to the airport runways / As well as the Obstacle Limitation Surface (OLS) level = RL51m / The lift overruns (49.6m) and Fire Stairs (49.15m) should not breach the building height plane (BHP) of 44m, but should be within the allowable height. The building should come down in height, to be able to comply with council's LEP &amp; DCP / As Baxter Road is a closed-off street, with the majority of buildings being low 2 storey residential buildings at one end, and a few commercial buildings of 3-4 storeys at the other, (even the Branksome Hotel &amp; residences at 60 Robey Street is only 6 storeys in height, as shown on these plans); these proposed structures will dwarf all other elements of Baxter Road, especially at the pedestrian level, without any appropriate set backs to offset the wind tunnels that will be created. Therefore, it is suggested that the number of floors should be reduced to 7-8 floors only</i></li> <li>• <i>On the Elevations, each of these rooms appear to be very minimal in size, so as</i></li> </ul>

to fit the 288 – 300 rooms per site; they only appear to be showing a bed with limited room between the end of the bed and the wall, i.e. not sufficient room for a table, desk with chair, TV cabinet, bags stand, let alone a couch etc. This means that they will be of a very low standard or poor quality rooms, more appropriate for 'ghetto' style of accommodation, not suitable for Sydney's gateway airport. This DA is too greedy for maximising accommodations, which is likely to end up being of a substandard. Therefore, it is suggested that the number of rooms on each floor should be reduced, allowing fewer rooms on each floor, as well as fewer floors being allowed.

- Separations between these two buildings and neighbouring buildings should be greater than the 3m - 4m shown, so that, if in the future, this accommodation reverts from hotel to residential accommodation, there will be more amenity between neighbouring windows, otherwise you will just be approving the 'slums of the future'!
- The proposal discusses the Restaurant and Bar on level 11, of Lot 3, but fails to show same on the plans – only shown as rooms on all levels, with terrace on rooftop.
- The Port Cochere is limited to 4.5 m height, whereas the largest buses are 4.3m in height, so could be scraping the roof, or taking off passenger's heads on a Hop-on Hop-Off tourist bus, if it was to service these hotels. It would be similar to the Sydney Ferries not being able to go under certain bridges, when people are out on the decks / The turning circle radius for these larger vehicles needs to be greater than 12.5m as shown and up to 20m in width / Porte Cochere needs to be more generous to allow additional space for all the vehicles to park, while waiting to be valeted into the parking areas of each hotel, as well as taxis buses etc. otherwise there will be chaos on Baxter Road, for all other road users, to be able to exit the street.
- The traffic report states that there should be a designated number of 6 parking spaces for taxis, at one per 100 rooms, and then states that none will be provided. Also states that this limited Porte Cochere space will be able to be all things to all vehicles and meet the different needs of all 588 guests rooms, which is farcical.
- The traffic study states that 8 accessible rooms are to be provided in each hotel, therefore there should be a minimum of 8 accessible parking spaces provided in each car park. But the report states in 5.2 p.14 that there will be 'a total of 8 accessible parking bays for Lots 2 & 3'; being half the number required. It also advises that all persons will alight vehicles at the Porte Cochere, assuming that all modified vehicles for a disabled person is able to be driven freely by others. This should be reconsidered, as many modified vehicles can not be safely driven by others, but need to be driven only by the owner, so normal width disabled parking spaces need to be provided, that can be accessed for use by the general public.
- Traffic Study under 6.2 advises that RMS guidelines of 2002 does not have details for vehicle movements generated by hotels, therefore the assumption of the Baxter / O'Riordan streets intersections working appropriately, when there will be 3 hotels in the street, if this DA is approved, is short sighted, along with the simple fact that there is only one way in and one way out of this street, which does not allow for the accumulated impact of such traffic numbers generated by the number of hotel rooms of the three hotels, as well as the residential and other business activities of Baxter Road.
- Given the 180mm (7 inches) of rain that has fallen in the past two days in Kirribilli, (can only assume it is similar across other areas of Sydney), as such, concern is raised due to the Flood prone nature of this site, with excavation and loading docks etc. shown on the plan and discussed in the report, to be 'flooded', sitting below the natural ground level and the provision of louvred walls to allow the flood waters to pass through the site. One elevation shows the flood waters half way up the door of the tourist bus parked in the Porte Cochere. This should be redesigned, to mitigate the 1 in 100 year floods.
- Nor should emergency or medical evacuation of the two hotel sites, in the event of a flood, be reliant upon a doorway into the adjacent hotel complex on Lot 1, from the car park level. Would hate to see the chaos associated with the evacuation of potentially over 600 people through this car park doorway – great TV news coverage, along with the associated investigations as to why that was approved!

<b>Report prepared by</b>	Fiona Prodromou Senior Assessment Planner
<b>Report date</b>	November 2022

#### Summary of s4.15 matters

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

#### Legislative clauses requiring consent authority satisfaction

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 summarized, in the Executive Summary of the assessment report? **Yes**

#### Clause 4.6 Exceptions to development standards

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? **Yes**

#### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**  
*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*