

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Site A, 40-54 Baxter Road, Mascot



Construction of a 13-storey hotel comprising of 302 hotel rooms, 3 levels of car parking for 131 car parking spaces, café, restaurant, gymnasium and landscaping works

Submitted to Bayside Council
On Behalf of Manboom Pty Limited ATF Outdoor Signage Unit Trust

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1. INTRODUCTION

ABC Planning Pty Ltd has been engaged to prepare this Statement of Environmental Effects to accompany the Development Application for the construction of a 13-storey hotel comprising of 302 hotel rooms, 3 levels of car parking for 131 car parking spaces, café restaurant, gymnasium and landscaping works at Proposed Site A, No. 40-54 Baxter Road, Mascot.

The proposal is accompanied by plans prepared by PBD Architects. The following consultant reports and plans have also been prepared in support of the proposed development:

- Photomontage prepared by PBD Architects;
- Survey Plan prepared by Jonathan Calibre Consulting;
- Stormwater Management Plan prepared by Wood and Grieve Engineers;
- Flood and Stormwater Report prepared by Wood and Grieve Engineers;
- Landscape Plan prepared by Site Image Landscape Architects;
- Acoustic Report prepared by Renzo Tonin and Associates;
- Geotechnical Investigation Report prepared by Douglas Partners;
- Preliminary Site Investigation (Contamination) Report prepared by Douglas Partners;
- Waste Management Plan prepared by Auswide Consulting;
- BCA Report prepared by AED Group;
- Accessibility Review Report prepared by ABE Consulting;
- Traffic Impact Assessment Report prepared by Traffix;
- Wind Shear Report prepared by Windtech Consultants;
- Wind Tunnel Testing Report prepared by Windtech Consultants;
- GFA Area Report prepared by MBM;
- Section J Compliance Report prepared by Building Sustainability Assessments; and
- QS Estimate prepared by MBM.

This statement provides an outline of the subject and surrounding sites, a description of the proposal and an assessment under the relevant Planning Controls, including the provisions of *Section 4.15 of the Environmental Planning and Assessment Act, 1979*.

A separate DA has been lodged to Council which proposes to subdivide the subject site into 3 Torrens title lots comprising of the following:

- Proposed Site A (western lot): 2,997sqm;
- Proposed Site B (middle lot): 2,919sqm; and
- Proposed Site C (eastern lot): 3,121sqm.

It is proposed to construct a 13-storey hotel on Proposed Site A (western lot) of No. 40-54 Baxter Road, Mascot. The proposed new hotel will comprise of the following:

- Porte cochere entry facility from Baxter Road, at the eastern end of the site for guest drop-off and pick-up and for shuttle bus service.
- Driveway at the western end of the site leading from Baxter Road to a turntable and two car lifts to access the upper parking levels.
- Reception, lounge/waiting area, café, library, restaurant and back of house services on the ground floor.
- Total of 131 car parking spaces on Level 1 to Level 3 comprising of 121 guest parking spaces, 9 staff parking spaces and 1 hotel manager parking space.

- Total of 302 hotel rooms on Level 4 to Level 12 comprising of 225 standard rooms, 64 premium standard rooms, 9 accessible standard rooms and 4 accessible premium rooms.
- Gymnasium on Level 4.
- Landscaping works including the planting of 12 feature trees and a mix of accent, shrub and grass plantings along the street frontage of the site and perimeter planting on the northern edge of Level 4.

The subject site is zoned B5 Business Development pursuant to the Botany Bay Local Environmental Plan (LEP) 2013. The proposed hotel is defined as tourist and visitor accommodation under the Botany Bay LEP 2013 and such use is permissible with the consent in the B5 Business Development zone. The proposed hotel satisfies the objectives of the B5 Business Development zoning which seeks to enable a mix of business uses in locations which are close to centres and support their viability. The proposed hotel will support the viability of the Mascot Town Centre whilst its proximity to Sydney Airport also ensures that it is suitably located.

Clause 4.3 of Botany Bay LEP 2013 prescribes a maximum building height of 44m. The proposed hotel building will have a maximum building height of 43.9m thereby complying with the building height development standard for the site.

Clause 4.4 of the Botany Bay LEP 2013 prescribes a FSR of 3:1 (8,991sqm). The proposed development will result in an FSR of 2.89:1 (8,665sqm) thereby complying with the FSR development standard for the site.

The bulk and scale of the proposed hotel is compatible with the desired future character of the locality and other established large scale hotels in the area and will reinforce the gateway function of this locality.

The proposed development demonstrates a high degree of compliance with the suite of DCP controls that apply to the subject site, including landscaping, car parking, rear setback and the provisions for hotel accommodation.

The proposed nil front setback of the hotel (0m) does not comply with the DCP front setback control. However, it is noted that the front setback of the proposed hotel is consistent with front setback of the 8-storey hotel approved on the site to the west at No. 40-54 Baxter Road (front setback of 0.271m approved as part of DA-2013/197).

The proposed side setbacks also do not comply with the DCP setback controls. However, there are no residential uses adjoining the subject site to the east and west. The adjoining sites to the east and west are likely to be developed in the near future to accommodate large scale hotel buildings, similar to the subject proposal. The proposed hotel does not contain any openings along the eastern and western facades of the building, thereby ensuring that the proposal will not result in any privacy impacts to the adjoining eastern and western properties.

It is noted that the site is constrained by the Port Botany Rail Line (a dedicated freight rail line) that bisects the subject site from east to west in the southern part of the site. As such, the proposed hotel development has been located on the site and setback from the front and side boundaries of the site accordingly. The variation to the front and side setbacks is therefore considered acceptable in this instance.

The hotel building comprises of a 4-storey podium addressing the scale of the streetscape. The upper levels are set back from the site boundaries to provide relief and interest to the form

above and delineation from future neighbouring buildings. The facades are articulated to frame each individual hotel room while providing sun shading.

The proposed hotel development achieves a high level of amenity and facilities for guests and employees as follows:

- The provision of natural light, ventilation and spaciousness to the lobby area, café and restaurant of the ground floor;
- The provision of 3 passenger lifts provides for fast and efficient access between the floors of the hotel;
- The provision of high quality landscaping on the ground floor and Level 4;
- A valet parking service will operate at the porte cochere entry facility on the ground floor to facilitate guest parking on the podium levels above.
- The separation of service areas on the ground floor of the hotel (i.e. lobby, reception, café, restaurant) from the back of house areas.
- The provision of a range of hotel rooms (including standard rooms, premium standard rooms, accessible standard rooms and accessible premium rooms), layouts and outlooks.
- The siting of all hotel rooms above the parking levels provides for an attractive and elevated outlook for all hotel rooms.
- Half of the hotel rooms are orientated to the north to maximise solar access and half of the hotel rooms are oriented to the south to capitalise on views towards the airport and Botany Bay beyond.
- The minimum hotel room size of 18sqm is well beyond the 5.5sqm (for the bedroom floor area for each person staying within the room) requirement of the DCP and of those associated with existing hotel approvals in the vicinity of the site.

The proposed development is considered appropriate for the subject site and will not create any adverse bulk or scale impacts and not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of views, overshadowing, noise, or traffic and parking impacts.

The provision of a high-quality new hotel on the site in an area that is close to Sydney Airport, public transport, facilities and services is considered to have a positive social and economic benefit.

The design of the proposal will positively contribute to the locality of the site. The high standard of colours, finishes and materials assists in providing a high quality urban design outcome.

Overall, it is considered that the proposed development represents a desirable outcome for the subject site which will sit comfortably in its context and contribute to the viability of the Mascot area.

It is therefore considered that the proposed development is worthy of approval.

2. SITE ANALYSIS

This section provides a detailed description of the existing site and surrounding development.

2.1. Site Location and Context

The site is known as No. 40-54 Baxter Road, Mascot and comprises of Lot 51 in DP 1097377.

The subject site is situated along the southern side of Baxter Road between Botany Road to the east and O’Riordan Street (State classified road) to the west.

Sydney Airport is located approximately 600m to the west of the site. The town centre of Botany is located to the southwest approximately 600m from the site. Botany Road is located approximately 300m to the east of the site and O’Riordan Street is located approximately 265m to the west of the site. Mascot train station is located approximately 965m to the northwest of the site and Sydney Domestic Railway Station is located approximately 800m to the west of the site.

Bus stops are located within 400m of the site along O’Riordan Street to the northwest and Botany Road to the northeast providing direct bus services to Central Railway Station, Redfern, Mascot, Sans Souci and Port Botany.

A separate DA has been lodged to Council which proposes to subdivide the subject site into 3 Torrens title lots comprising of the following:

- Proposed Site A (western lot): 2,997sqm;
- Proposed Site B (middle lot): 2,919sqm; and
- Proposed Site C (eastern lot): 3,121sqm.

The subject proposal is in relation to constructing a 13-storey hotel on Proposed Site A (western lot), which is the western part of Lot 51 in DP 1097377.

Proposed Site A (western lot) has an area of 2,997sqm and a northern frontage of 79.634m to the Baxter Road. The site is relatively flat with levels between RL 5m and RL 6m AHD.

As shown on the Survey Plan prepared by Calibre submitted with this DA, the Port Botany Rail Line (a dedicated freight rail line) bisects the subject site from east to west in the southern part of the site.

Refer to the figures below for a site location and context map and aerial photo of the subject site.

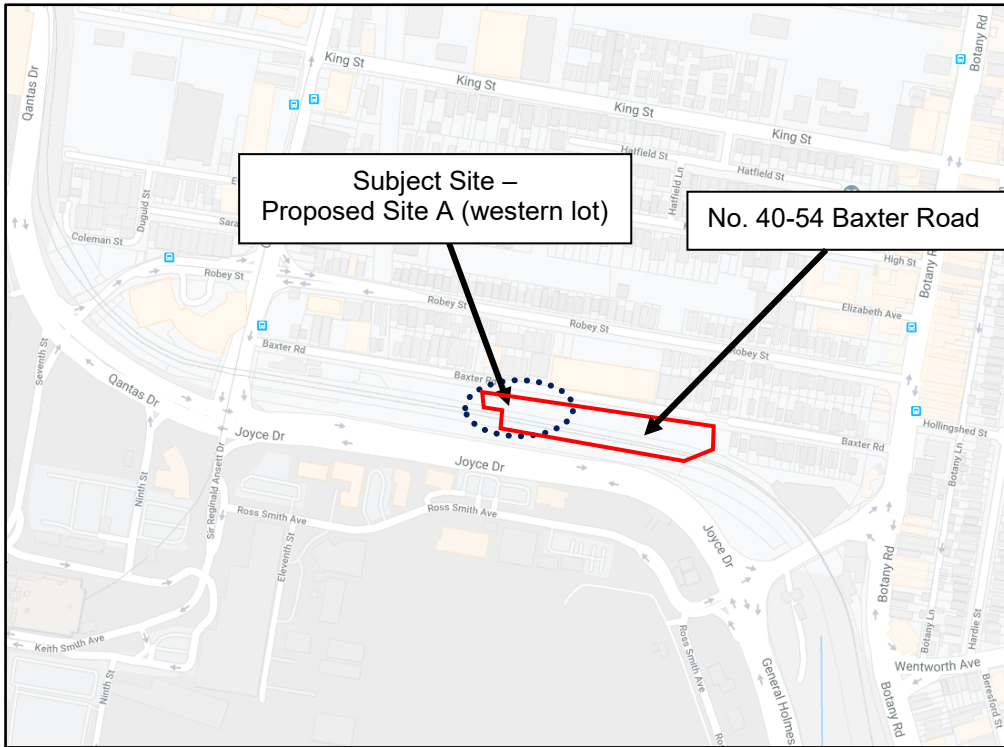


Figure 1: Site context location plan with No. 40-54 Baxter Road outlined in red and the subject site, Site A (western lot), indicated by the blue dashed circle (Source Near Maps, 2019)

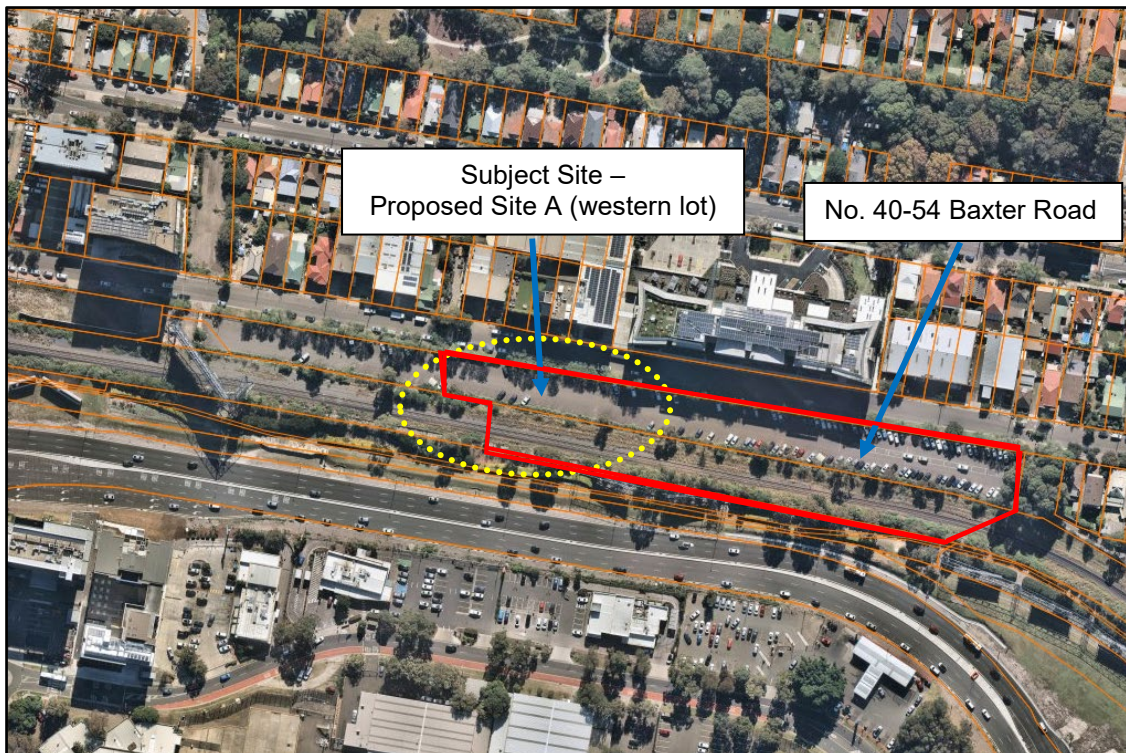


Figure 2: Aerial Photo with No. 40-54 Baxter Road outlined in red and the subject site, Site A (western lot), indicated by the yellow dashed circle (Source Near Maps, 2019)

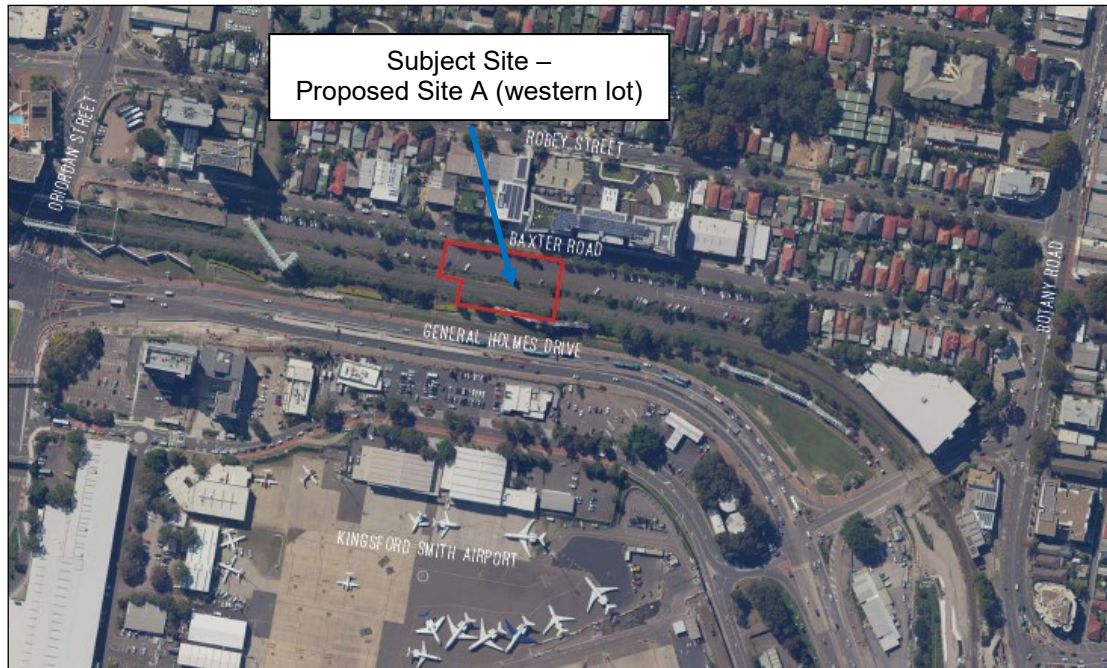


Figure 3: Site Plan of the subject site
(Source: PDB Architects, 2019)

2.2. Existing Development

The northern part of the site comprises of an at grade bitumen car park area, which is accessed via a driveway leading from Baxter Road.

The Port Botany Rail Line (a dedicated freight rail line) bisects the subject site from east to west in the southern part of the site.

The remainder of the site to the south of the Port Botany Rail Line is landscaped with a variety of trees, shrubs and grasses.

Refer to the figures below for photos of the existing development at the subject site.

The proposed hotel development will be located in the northern part of the site, where the existing car park area is, north of the Port Botany Rail Line that bisects the subject site.



Figure 4: View of the car parking area in the northern part of the subject site



Figure 5: View of the car parking area in the northern part of the subject site



Figure 6: View of the car parking area in the northern part of the subject site

3. SURROUNDING DEVELOPMENT

The site is located within an area of mixed commercial/light industrial and residential uses.

Sydney Airport is located approximately 580m to the west of the site. The town centre of Botany is located to the southwest approximately 600m from the site which offers good access to services for future development on the proposed new lots.

The subject site is located within close proximity to established large scale hotels including the Stamford Plaza Sydney Airport Hotel (351 hotel rooms) located to the west on the corner of Robey Street and O'Riordan Street and the Quest Mascot Apartment Hotel (92 units) located to the northwest at No. 131 Robey Street.

Other recently approved large scale hotels within the area include:

- No. 113-121 Baxter Road (DA-13/266) (172 hotel rooms) located opposite the subject site to the northwest.
- No. 2-8 Sarah Street (DA-14/045) (169 hotel rooms) located to the west of the site across O'Riordan Street.
- No. 40-54 Baxter Road (DA-2013/197) (251 rooms) located to the west of the site.
- No. 289 King Street, Mascot (DA-2012/87) located to the west of the site across O'Riordan Street.

Refer to the extract of the Site Context Plan below showing the locations of nearby large scale hotels to the site.



Figure 7: Extract of the Site Context Plan below showing the locations of nearby large scale hotels to the site (Source: PBD Architects)

3.1. North

The northern side of Baxter Road comprises of 1- to 4-storey commercial and light industrial developments and a mix of 1- and 2-storey residential developments.



Figure 8: Development to the north of the subject site, on the northern side of Baxter Road, looking west along Baxter Road



Figure 9: Development to the north of the subject site, on the northern side of Baxter Road, looking west along Baxter Road



Figure 10: Development to the north of the subject site, on the northern side of Baxter Road, looking east along Baxter Road

3.2. East

To the east of the subject site is Proposed Site B (middle lot).

Further to the east is Proposed Site A (eastern lot) and a mix of 1- and 2-storey residential developments along Baxter Road and a grassed area and the continuation of the Port Botany Rail Line (a dedicated freight rail line).



Figure 11: Development to the east of the subject site along Baxter Road

3.3. South

South of the subject site is Joyce Drive with fast food restaurants, car washes and associated car parking areas.



Figure 12: Development to the south of the subject site along Joyce Drive, looking west



Figure 13: Development to the south of the subject site along Joyce Drive, looking east

3.4. West

To the west of the subject site is No. 40-54 Baxter Road which is owned by the same land owner as the subject site. This site contains an advertising sign structure. An 8-storey hotel was recently approved at 40-54 Baxter Road (DA-2013/197).



Figure 14: View of the vehicular entrance and advertising sign structure at proposed Site A (western lot) to the west of the subject site



Figure 15: Development to the west of the subject site along Baxter Road

4. PROPOSAL

It is proposed to construct a 13-storey hotel on Proposed Site A (western lot) of No. 40-54 Baxter Road, Mascot.

The proposed new hotel will comprise of the following:

- Porte cochere entry facility from Baxter Road, at the eastern end of the site for guest drop-off and pick-up and for shuttle bus service.
- Driveway at the western end of the site leading from Baxter Road to a turntable and two car lifts to access the upper parking levels.
- Reception, lounge/waiting area, café, library, restaurant and back of house services on the ground floor.
- Total of 131 car parking spaces on Level 1 to Level 3 comprising of 121 guest parking spaces, 9 staff parking spaces and 1 hotel manager parking space.
- Total of 302 hotel rooms on Level 4 to Level 12 comprising of 225 standard rooms, 64 premium standard rooms, 9 accessible standard rooms and 4 accessible premium rooms.
- Gymnasium on Level 4.
- Landscaping works including the planting of 12 feature trees and a mix of accent, shrub and grass plantings along the street frontage of the site and perimeter planting on the northern edge of Level 4.

A breakdown of each level of the hotel is as follows:

- **Ground Floor:**
 - Porte cochere entry facility from Baxter Road, at the eastern end of the site
 - Pedestrian entry
 - Reception
 - Lounge/waiting area
 - Café
 - Library
 - Restaurant
 - Private dining/cellar
 - Kitchen, cool room and freezer
 - Bathrooms
 - Luggage room
 - Storage rooms
 - Staff changing room
 - Plant room
 - Comms room
 - Cold water pump room
 - Dirty linen room
 - Switch room
 - Substation
 - Garbage room
 - Driveway at the western end of the site leading from Baxter Road to a loading dock and turntable
 - Two car lifts to access the upper parking levels

- Services lift to the upper levels
- 3 passenger lifts to the upper levels
- Stairs to the upper levels

- **Level 1:**
 - 37 car parking spaces
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels

- **Level 2:**
 - 47 car parking spaces
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels

- **Level 3:**
 - 47 car parking spaces
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels

- **Level 4:**
 - Total of 30 rooms comprising of 25 standard rooms, 4 premium standard rooms and 1 accessible standard room
 - Lounge/waiting area
 - Gymnasium
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels
 - Perimeter planting along the northern edge of the level

- **Level 5:**
 - Total of 34 rooms comprising of 25 standard rooms, 8 premium standard rooms and 1 accessible standard room
 - Lounge/waiting area
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels

- **Level 6:**
 - Total of 34 rooms comprising of 25 standard rooms, 7 premium standard rooms, 1 accessible standard room and 1 accessible premium room
 - Lounge/waiting area
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels

- **Level 7:**
 - Total of 34 rooms comprising of 25 standard rooms, 8 premium standard rooms and 1 accessible standard room
 - Lounge/waiting area
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels

- **Level 8:**
 - Total of 34 rooms comprising of 25 standard rooms, 7 premium standard rooms, 1 accessible standard room and 1 accessible premium room
 - Lounge/waiting area
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels

- **Level 9:**
 - Total of 34 rooms comprising of 25 standard rooms, 8 premium standard rooms and 1 accessible standard room
 - Lounge/waiting area
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels

- **Level 10:**
 - Total of 34 rooms comprising of 25 standard rooms, 7 premium standard rooms, 1 accessible standard room and 1 accessible premium room
 - Lounge/waiting area
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels

- **Level 11:**
 - Total of 34 rooms comprising of 25 standard rooms, 8 premium standard rooms and 1 accessible standard room
 - Lounge/waiting area
 - Services lift to the upper levels
 - 3 passenger lifts to the upper levels
 - Stairs to the upper levels

- **Level 12:**
 - Total of 34 rooms comprising of 25 standard rooms, 7 premium standard rooms, 1 accessible standard room and 1 accessible premium room
 - Lounge/waiting area

- Services lift to the upper levels
- 3 passenger lifts to the upper levels
- Stairs to the upper levels

The proposal does not include signage.

Refer to the photomontages of the proposed development below.



Figure 16: Photomontage of the proposed hotel



Figure 17: Photomontage of the proposed hotel

5. ASSESSMENT UNDER RELEVANT CONTROLS

The following planning instruments are relevant to the proposed development:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007
- Botany Bay Local Environmental Plan (LEP) 2013; and
- Botany Bay Development Control Plan (DCP) 2013.

5.1. LEP AND DCP COMPLIANCE SUMMARY

Table 1 below provides a snapshot of compliance of the proposed hotel with the LEP and DCP controls. The following sections expand on the items identified below.

Table 1: Botany Council LEP and DCP summary compliance table

Item	Control	Proposed	Complies
Botany Bay LEP 2013			
Zoning	B5 Business Development	Construction of a hotel development	Yes
Height (Clause 4.3)	44m	43.9m	Yes
FSR (Clause 4.4)	3:1 (GFA: 8,991sqm)	2.89:1 (GFA: 8, 665sqm)	Yes
Botany Bay DCP 2013			
Car Parking (Part 3A)	<p><u>Hotel Accommodation:</u> 1 space for manager; plus 1 space / 2 employees; plus 1 space / 1.5 rooms; plus 1 taxi pick-up and set-down space / 100 rooms; plus 2 coach pick-up and set-down spaces; and Additional parking must be provided for other licensed parts of the use as stipulated in this section of the DCP. Note: If the development is within 400m from Mascot Train Station or an efficient shuttle bus service is provided between the hotel, Sydney Airport and the City, the parking requirement can be reduced to 1 per 2.5 bedrooms</p>	<p>The proposed development requires 130 car parking spaces to be provided.</p> <p>The proposal includes a total of 131 car parking spaces on Level 1 to Level 3 comprising of 121 guest parking spaces, 9 staff parking spaces and 1 hotel manager parking space.</p> <p>The proposal includes a shuttle bus service, similar to that approved for No. 40-54 Baxter Road (DA-2013/197) to the west of the subject site.</p> <p>Refer to the Traffic Impact Assessment prepared by Traffix submitted with this DA.</p>	Yes
Setbacks (Part 6.3.5)	<p>Front setback:</p> <ul style="list-style-type: none"> • 3m landscaping setback • 9m building setback <p>Side setbacks adjoining a non-residential use/zone:</p>	<p>The proposed hotel development will have the following setbacks:</p> <p>Front setbacks:</p>	Partially Complies

Item	Control	Proposed	Complies
	<ul style="list-style-type: none"> • 2m landscaping setback • 2m building setback <p>Side setbacks adjoining a residential use/zone:</p> <ul style="list-style-type: none"> • 3m landscaping setback • 3m building setback <p>Rear setbacks:</p> <ul style="list-style-type: none"> • 0m to 3m landscaping setback • 0m to 3m building setback 	<ul style="list-style-type: none"> • 0m landscaping setback • 0m building setback <p>Eastern side setback:</p> <ul style="list-style-type: none"> • 0m landscaping setback • 0m building setback <p>Western side setback:</p> <ul style="list-style-type: none"> • 3m landscaping setback • 3m building setback <p>Rear setbacks:</p> <ul style="list-style-type: none"> • 0m to approximately 20m landscaping setback • 0.m to approximately 20m building setback <p>The proposed nil front setback of the hotel (0m) does not comply with the DCP front setback control. However, is in noted that the front setback of the proposed hotel is consistent with front setback of the 8-storey hotel approved on the site to the west at No. 40-54 Baxter Road (front setback of 0.271m approved as part of DA-2013/197).</p> <p>The proposed side setbacks do not comply with the DCP setback controls. However, there are no residential uses adjoining the subject site to the east and west. The adjoining sites to the east and west are likely to be developed in the near future to accommodate large scale hotel buildings, similar to the subject proposal. The proposed hotel does not contain any openings along the eastern and western facades of the building, thereby ensuring that the proposal will not result in any privacy impacts to the adjoining eastern and western properties.</p>	

Item	Control	Proposed	Complies
		It is noted that the site is constrained by the Port Botany Rail line (a dedicated freight rail line) that bisects the subject site from east to west in the southern part of the site. As such, the proposed hotel development has been located on the site and setback from the front and side boundaries of the site accordingly. The variation to the front and side setbacks is therefore considered acceptable in this instance.	
Landscaping (Part 6.3.9)	<p>Greater than 10% of the development site to be landscaped.</p> <p>On sites over 2,000m² the front landscaped setbacks are additional to the 10% requirement.</p> <p>At least 80% of the new plantings are native species.</p>	<p>The site has an area of 2,997sqm. 46% (1,383sqm) of the site will be landscaped.</p> <p>Landscaping works including the planting of 12 feature trees and a mix of accent, shrub and grass plantings along the street frontage of the site and perimeter planting on the northern edge of Level 4.</p> <p>As shown on the Planting Schedule of the Landscape Plan, more than 80% of the new plantings are native species.</p>	Yes
Hotel and Motel Accommodation (Part 7F.2)	Minimum size for a visitor's room is 5.5sqm for the bedroom floor area for each person staying within the room	<p>The rooms sizes within the proposed hotel are as follows:</p> <ul style="list-style-type: none"> • Standard room: 18sqm • Premium standard room: 20sqm • Accessible standard room: 26sqm • Accessible premium room: 24sqm 	Yes

* Calculations prepared by PBD Architects

5.2. SEPP 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out of any development on that land and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

Assessment: The proposal includes the construction of a hotel. A Preliminary Site Investigation (Contamination) Report prepared by Douglas Partners is submitted with this DA. The Phase 1 Preliminary Contamination Assessment concludes the following:

“On the basis of the results of this Preliminary Site Investigation, the main contamination risks are considered to be associated with industrial use of the site as a rail loading / rail storage and maintenance yard, previous filling works on the site, and groundwater contamination of the Botany Bay Sands aquifer in this area.

The regional groundwater table is likely to be approximately 2m below the current ground surface within a highly permeable aquifer. The use of this aquifer is unlikely to be permitted due to the site’s location within the embargo area.

A detailed investigation involving soil and groundwater sampling would be required to fully characterise the site, if such characterisation is required. On the basis of this Preliminary Site Investigation, it is considered that the site either is or could be made suitable for the proposed development. The extent of works required to make the site suitable, if such works are required, can only be determined following further intrusive assessment.”

5.3. SEPP (Infrastructure) 2007

Division 15 – Railways, Subdivision 2 - Development in or adjacent to rail corridors and interim rail corridors

The Port Botany Rail line (a dedicated freight rail line) bisects the subject site from east to west in the southern part of the site. The proposal includes the construction of a hotel in the northern part of the site. The proposal is required to be referred to RailCorp in accordance with the requirements of the Infrastructure SEPP due to the Port Botany Rail Line that bisects the site and also due to the proximity of the site to the underground airport link.

The Acoustic Report prepared by Renzo Tonin and Associates is submitted with this DA includes recommendations to ensure that the development when built complies with AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).

Clause 104 - Traffic Generating Development

The Traffic Impact Assessment prepared by Traffix submitted with this DA confirms that *“The proposed development is a minor development containing a gross floor area less than 10,000sqm and therefore does not require referral to the RMS under the provisions of SEPP (Infrastructure) 2007”*.

5.4. Botany Bay LEP 2013

5.4.1. Zoning

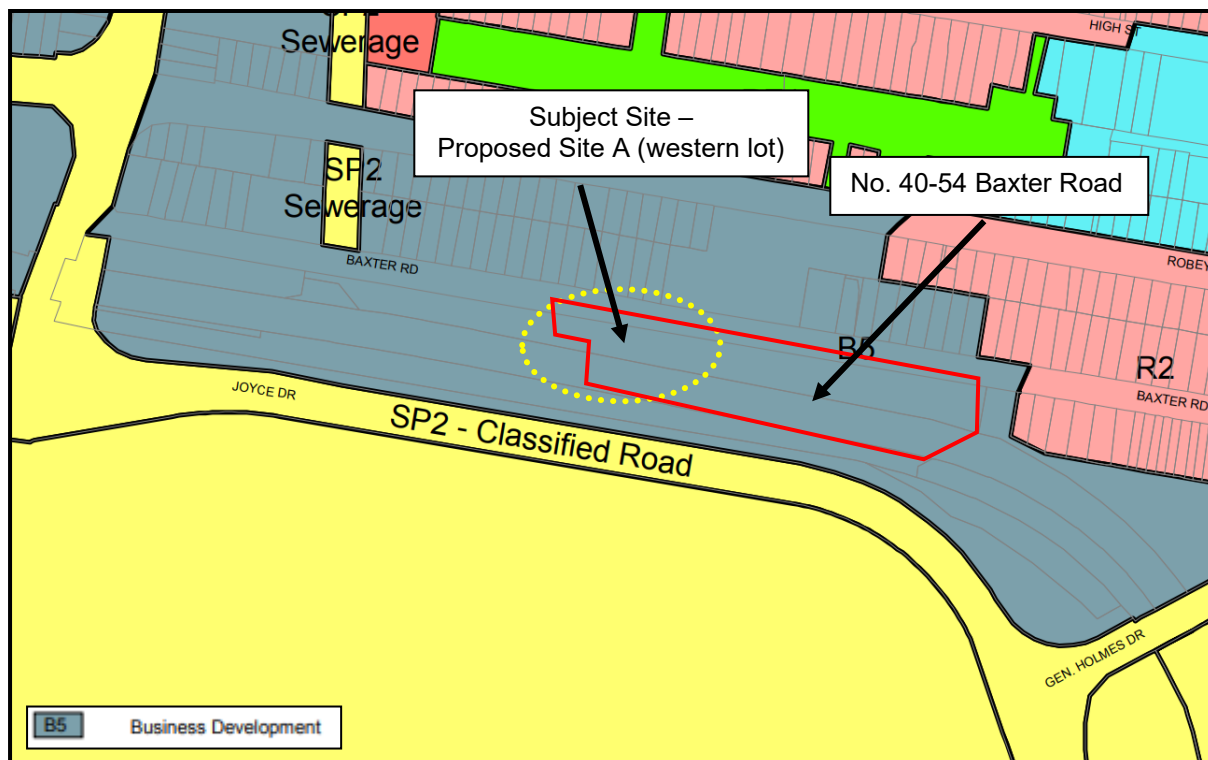


Figure 18: Zoning Map

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

2 Permitted without consent

Nil

3 Permitted with consent

Centre-based child care facilities; Food and drink premises; Garden centres; Hardware and building supplies; High technology industries; Landscaping material supplies; Neighbourhood shops; Passenger transport facilities; Respite day care centres; Roads; Specialised retail premises; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Retail premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Waste disposal

facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies

Assessment: The subject site is zoned B5 Business Development pursuant to the Botany Bay Local Environmental Plan (LEP) 2013. The proposed hotel is defined as tourist and visitor accommodation under the Botany Bay LEP 2013 and such use is permissible with the consent in the B5 Business Development zone.

The proposed hotel satisfies the objectives of the B5 Business Development zoning which seeks to enable a mix of business uses in locations which are close to centres and support their viability. The proposed hotel will support the viability of the Mascot Town Centre whilst its proximity to Sydney Airport also ensures that it is suitably located.

The scale and bulk of the proposed hotel is compatible with surrounding existing development, recently approved development in the area and the desired future character of the locality.

5.4.2. Subdivision

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes.

1

If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.

2

Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Assessment: A separate DA has been lodged to Council which proposes to subdivide the subject site into 3 Torrens title lots comprising of the following:

- Proposed Site A (western lot): 2,997sqm;
- Proposed Site B (middle lot): 2,919sqm; and
- Proposed Site C (eastern lot): 3,121sqm.

It is proposed to construct a 13-storey hotel on Proposed Site A (western lot) of No. 40-54 Baxter Road, Mascot.

The proposed development does not propose any subdivision. Thereby Clause 2.6 of Botany Bay LEP 2013 is not applicable.

5.4.3. Building Height

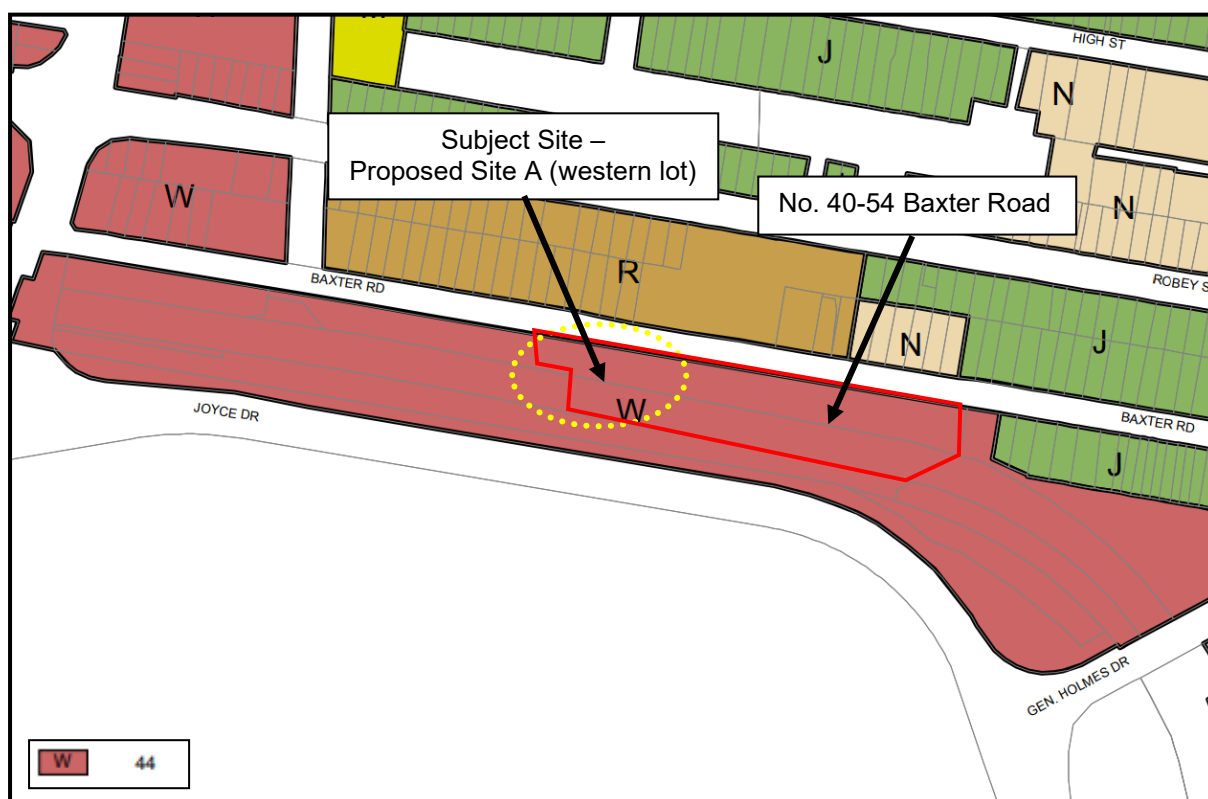


Figure 19: Building Height Map

(1) The objectives of this clause are as follows:

- a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,
- b) to ensure that taller buildings are appropriately located,
- c) to ensure that building height is consistent with the desired future character of an area,
- d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.

Assessment: Clause 4.3 and the associated map of Botany Bay LEP 2013 prescribes a maximum building height of 44m. The proposed hotel building will have a maximum building height of 43.9m thereby complying with the building height development standard for the site.

The scale of the proposed hotel is compatible with other established large scale hotels in the surrounding area, in particular the height of the approved hotel development (41.2m) on the site to the west at No. 40-54 Baxter Road (DA-2013/197).

5.4.4. Floor Space Ratio

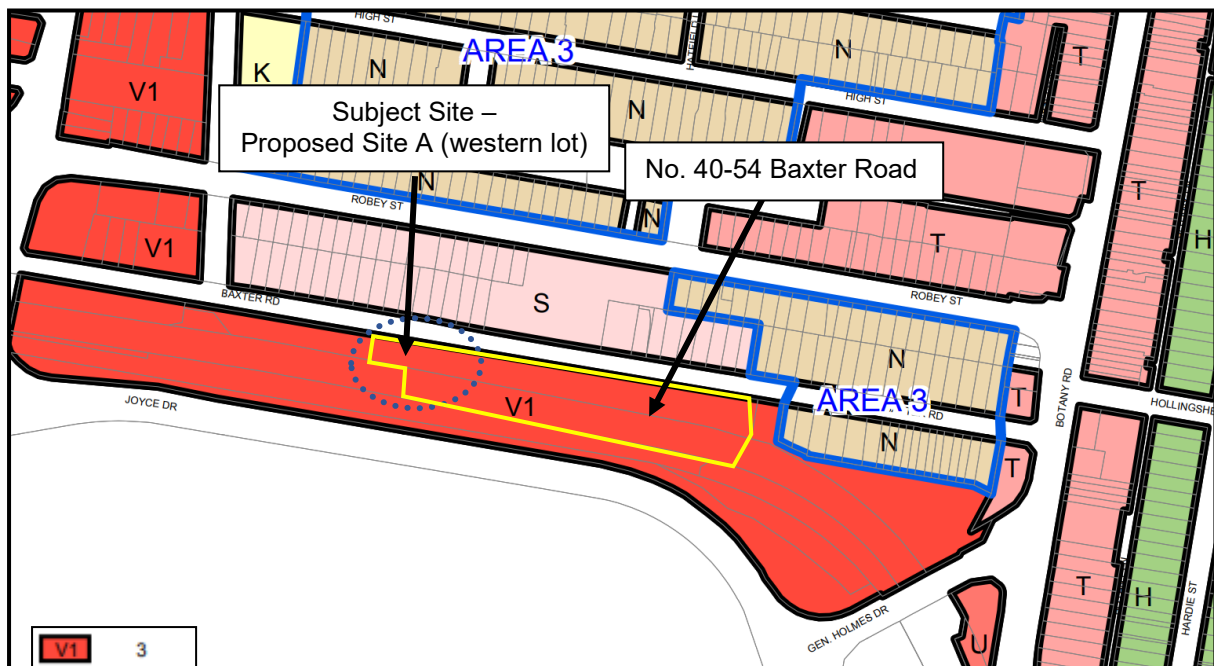


Figure 20: Floor Space Ratio Map

- (1) *The objectives of this clause are as follows:*
- a) to establish standards for the maximum development density and intensity of land use,*
 - b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
 - c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
 - d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
 - e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
 - f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
 - g) to facilitate development that contributes to the economic growth of Botany Bay.*

Assessment: Clause 4.4 and the associated map of the Botany Bay LEP 2013 prescribes a FSR of 3:1 (8,991sqm). The proposed development will result in an FSR of 2.89:1 (8,665sqm) thereby complying with the FSR development standard for the site. Refer to the GFA Area Report prepared by MBM submitted with this DA.

The FSR of the proposed hotel is less than the FSR of the following approved large scale hotels in the surrounding area:

- No. 40-54 Baxter Road (DA-2013/197) 8-storey hotel development with an FSR of 3.58:1
- No. 113-121 Baxter Road (DA-2014/306) 8-storey Felix Hotel with an FSR of 3.19:1
- No. 2-8 Sarah Street (DA-14/045) with an FSR of 3.19:1

The bulk and scale of the proposed hotel are compatible with the desired future character of the locality and reinforce the landmark qualities that are required for the locality to serve as a Gateway to Sydney.

The proposed development will not result in adverse overshadowing impacts to adjoining properties.

5.4.5. Key Sites

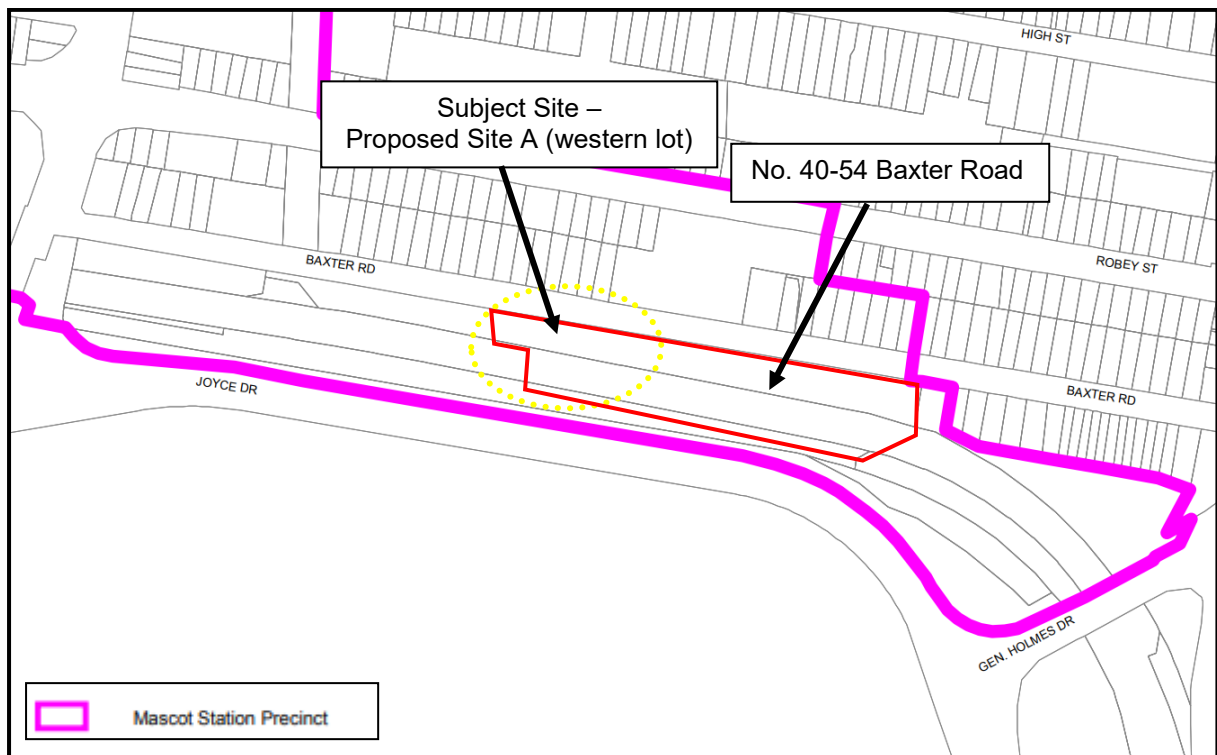


Figure 21: Key Site Map

Assessment: The subject site is located within the Mascot Station Precinct on the Key Sites Map. The proposal will have a positive contribution to the commercial viability of the precinct. The proximity of the site situated between Sydney Airport and Mascot Train Station will ensure that the proposed use contributes to the ongoing economic growth of the area and to employment generation.

5.4.6. Heritage Conservation

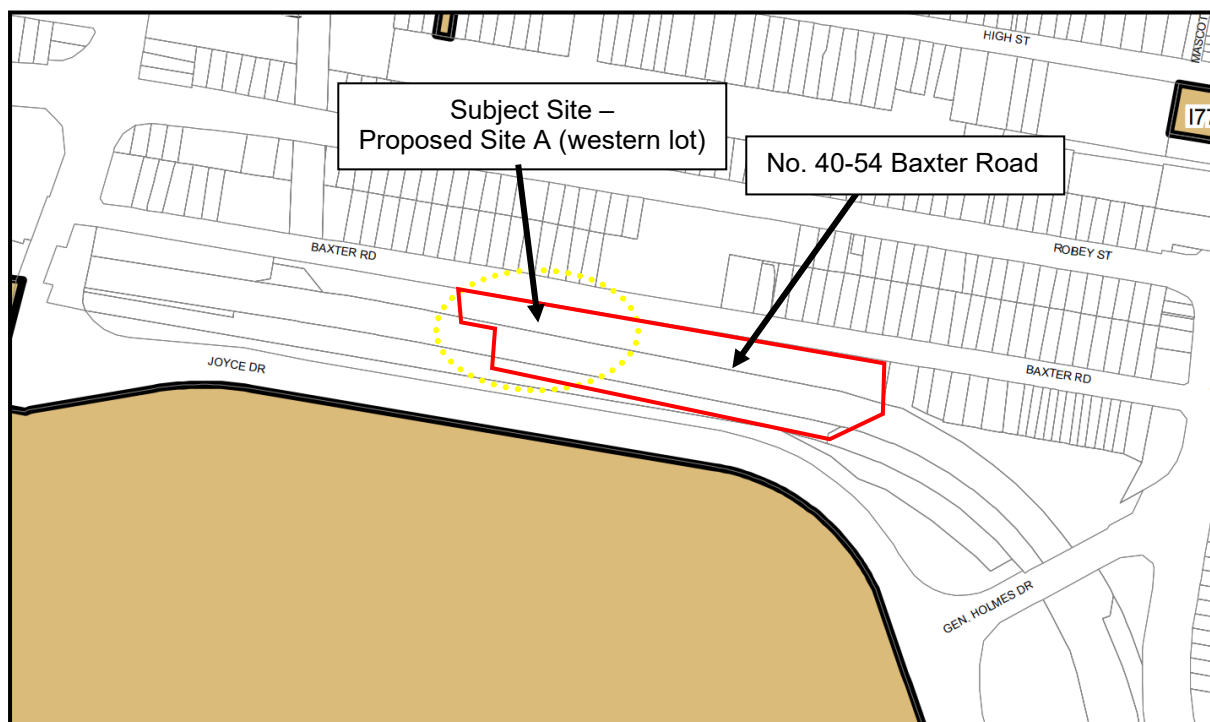


Figure 22: Heritage Conservation Map

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Botany Bay,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Assessment: The subject site is not heritage listed and is not located within a heritage conservation area.

The following heritage items are located to the south of the site:

- I3 - Commonwealth Water Pumping Station and Sewage Pumping Station No 38 at General Holmes Drive (west of Engine Pond, within the boundary of Sydney (Kingsford Smith) Airport)
- I168 - Ruins of the former Botany Pumping Station Within the boundary of Sydney (Kingsford Smith) Airport
- I170 – Sydney Airport at Airport Drive

The proposed hotel development will not have an impact on the heritage integrity of the above listed nearby heritage items due to the distance of the subject site from these heritage items.

Accordingly, the development is consistent with Clause 5.10 of the Botany Bay LEP 2013.

5.4.7. Acid Sulfate Soils

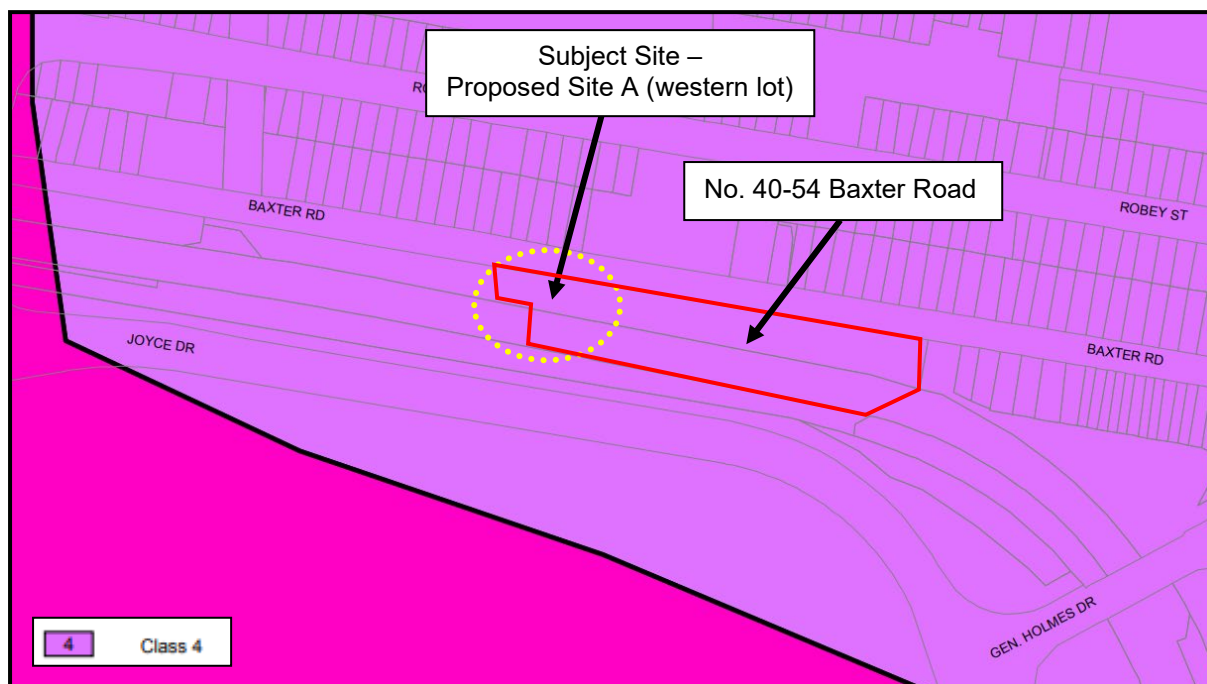


Figure 23: Acid Sulfate Soils Map

- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Assessment: The subject site is identified as being affected by Class 4 acid sulfate soils. The absence of basement level of parking avoids intrusion into the water table and eliminates excavation.

The proposal does not include works more than 2m below the natural ground surface and is unlikely to lower the water table by more than 2m below the natural ground surface. Accordingly, the development is consistent with Clause 6.1 of the Botany Bay LEP 2013.

The Geotechnical Investigation Report prepared by Douglas Partners concludes the following in regard to acid sulfate soils:

“The NSW Office of Environment and Heritage acid sulfate soil mapping indicates that the site has a low probability of occurrence and, if present, is expected to be greater than 3m below the surface. The Botany Bay Local Environmental Plan 2013 indicates that the site is within Class 4 land for which works more than 2 m below the natural ground surface or works by which the watertable is likely to be lowered more than 2m below the natural ground surface would require at least a preliminary assessment of acid sulfate soils.

On this basis, further investigation of acid sulfate soils and possibly development of an Acid Sulfate Soil Management Plan will be required if excavation greater than 2m is proposed”.

It is noted in the Geotechnical Investigation Report that *“Typical excavation depths are anticipated to be less than 1 m across the site. However, deeper localised excavations may be required for services and lift pits”.*

5.4.8. Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Assessment: A Geotechnical Investigation Report prepared by Douglas Partners is submitted with this DA. The Geotechnical Investigation was undertaken to provide information on subsurface conditions on the site.

The proposed development does not involve the construction of a basement area and therefore does not include any significant excavation apart from minor grading works. The Geotechnical Investigation states that *“Typical excavation depths are anticipated to be less than 1 m across the site. However, deeper localised excavations may be required for services and lift pits”.*

Accordingly, the development is consistent with Clause 6.2 of the Botany Bay LEP 2013.

5.4.9. Stormwater Management

(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

Assessment: A Stormwater Management Plan and Flood and Stormwater Report both prepared by Wood and Grieve Engineers are submitted with this DA demonstrating that the existing stormwater infrastructure in the vicinity of the site should be adequate to accommodate the proposed development. The development is consistent with Clause 6.3 of the Botany Bay LEP 2013.

5.4.10. Airspace Operations

- (1) The objectives of this clause are as follows:*
- (a) to provide for the effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport,*
 - (b) to protect the community from undue risk from that operation.*

Assessment: In accordance with Part 3J of Botany Bay DCP 2013, the site has an OSL height limit of 51m AHD. The proposed hotel development has a maximum height of 43.9m or 49.23m AHD, which is under the OSL height limit of 51m AHD. Therefore, the proposal does not require referral to Sydney Airports Corporation Limited (SACL), Civil Aviation Safety Authority (CASA) or Airservices Australia (AsA).

It is noted that a Wind Shear Report prepared by Windtech Consultants is submitted with this DA which assesses the likely impact of the proposed development in generating building windshear and turbulence on Sydney Airport Runway 07/25. The Wind Shear Report concludes that it is not expected that building generated windshear and turbulence will impact of aircraft landing on Runway 25/07.

5.4.11. Development in Areas Subject to Aircraft Noise

(1) *The objectives of this clause are as follows:*

- (a) to prevent certain noise sensitive developments from being located near the Sydney (Kingsford Smith) Airport and its flight paths,*
- (b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,*
- (c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.*

Assessment: The subject site is affected by the 25-30 ANEF contour. An Acoustic Assessment Report prepared by Renzo Tonin and Associates is submitted with this DA, which assesses the effects of aircraft noise associated with the operation of Sydney's Kingsford Smith Airport on the proposed development.

The Acoustic Report concludes the following:

"The study of external noise intrusion into the subject development has found that appropriate controls can be incorporated into the building design to achieve a satisfactory accommodation environment, consistent with the intended quality of the building and relevant standards and regulatory guidelines."

The development is therefore consistent with Clause 6.9 of the Botany Bay LEP 2013.

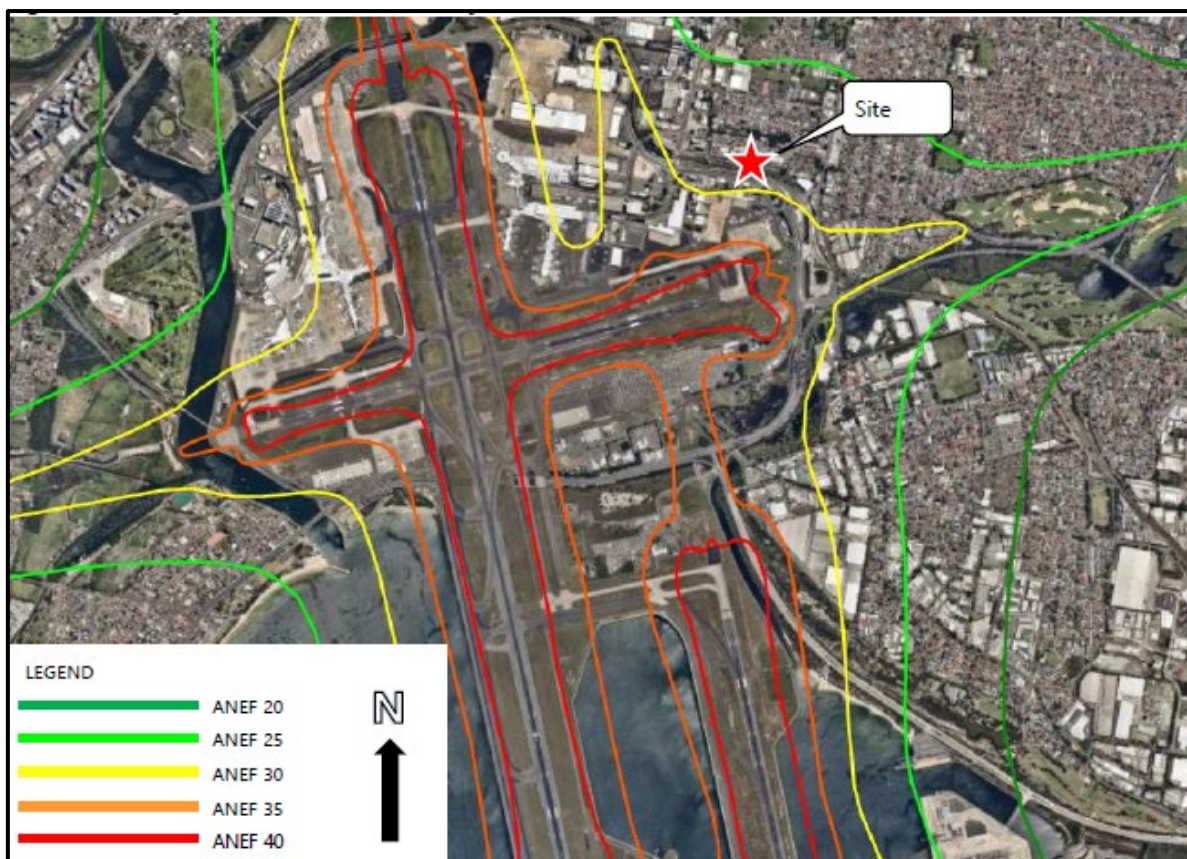


Figure 24: Subject site and ANEF overlay
(Source: Renzo Tonin and Associates, 2019)

5.4.12. Design Excellence

- (1) *The objective of this clause is to deliver the highest standard of sustainable architectural and urban design.*
- (2) *This clause applies to land at Mascot Station Precinct, as shown edged heavy pink, and the BATA site at Eastgardens, as shown edged heavy orange, on the Key Sites Map.*
- (3) *Development consent must not be granted to development involving the construction of a new building or to external alterations to an existing building on land to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (4) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
 - (c) *whether the development detrimentally impacts on view corridors,*
 - (d) *the achievement of the principles of ecologically sustainable development.*

Assessment: The subject site is located approximately 965m to the southwest of Mascot Train Station and falls within the Mascot Station Precinct.

The bulk and scale of the proposed hotel are compatible with the desired future character of the locality and reinforce the gateway function of this locality. The photomontages in Section 4 of this SEE demonstrate the high architectural standard of the development

The hotel building comprises of a 4-storey podium addressing the scale of the streetscape. The upper levels are set back from the site boundaries to provide relief and interest to the form above and delineation from future neighbouring buildings. The facades are articulated to frame each individual hotel room while providing sun shading

The proposed hotel development achieves a high level of amenity and facilities for guests and employees as follows:

- The provision of natural light, ventilation and spaciousness to the lobby area, café and restaurant of the ground floor;
- The provision of 3 passenger lifts provides for fast and efficient access between the floors of the hotel;
- The provision of high quality landscaping on the ground floor and Level 4.
- A valet parking service will operate at the porte cochere entry facility on the ground floor to facilitate guest parking on the podium levels above.
- The separation of service areas on the ground floor of the hotel (i.e. lobby, reception, café, restaurant) from the back of house areas.
- The provision of a range of hotel rooms (including standard rooms, premium standard rooms, accessible standard rooms and accessible premium rooms), layouts and outlooks.
- The siting of all hotel rooms above the parking levels provides for an attractive and elevated outlook for all hotel rooms.
- Half of the hotel rooms are orientated to the north to maximise solar access and half of the hotel rooms are oriented to the south to capitalise on views towards the airport and Botany Bay beyond.
- The minimum hotel room size of 18sqm is well beyond the 5.5sqm (for the bedroom floor area for each person staying within the room) requirement of the DCP and of those associated with existing hotel approvals in the vicinity of the site.

The landscaping to the front of the building and on Level 4 will soften the built form and enhance the existing streetscape and gateway function of the area.

The proposed development is considered appropriate for the subject site and will not create any adverse bulk or scale impacts and not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of views, overshadowing, noise, or traffic and parking impacts.

The design of the proposal will positively contribute to the locality of the site. The high standard of colours, finishes and materials assists in providing a high quality urban design outcome.

On this basis, it is considered that the proposed development is consistent with Clause 6.16 of the Botany Bay LEP 2013.

5.3 Botany Bay DCP 2013

5.3.1 Character Precincts - Mascot

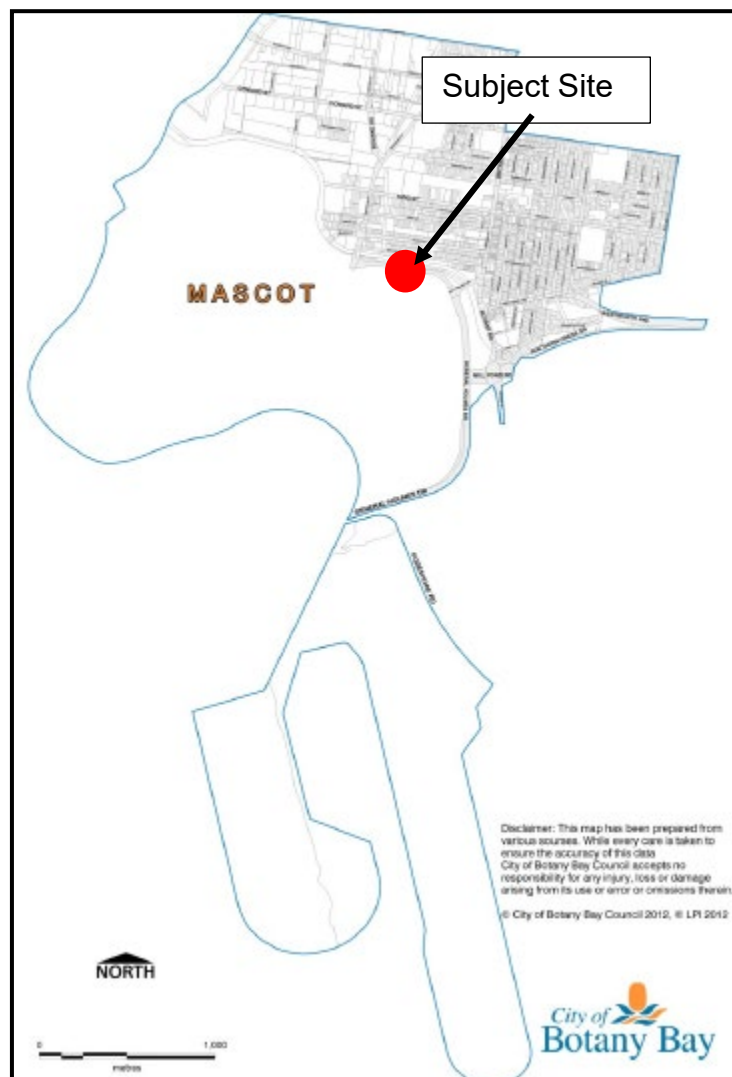


Figure 25: Mascot Character Precinct Map

Assessment: The subject site is located within the Mascot Character Precinct area (Part 8.7 of the Botany Bay DCP 2013). The proposal has considered Part 8.7.2 Desired Future Character of the Mascot Precinct.

The site is surrounded by B5 Business Development zone and is located within walking distance to the B2 Local Centre zone of Mascot along Botany Road located to the east of the site.

O'Riordan Street is nominated as a gateway area of the Sydney Kingsford Airport and the subject site is located at the entrance of this gateway. A number of large scale hotels have been constructed and recently approved within close proximity to the site including the following:

- Stamford Plaza Sydney Airport Hotel (351 hotel rooms) located to the west on the corner of Robey Street and O'Riordan Street

- Quest Mascot Apartment Hotel (92 units) located to the northwest at No. 131 Robey Street.
- No. 113-121 Baxter Road (DA-13/266) (172 hotel rooms) located opposite the subject site to the northwest.
- No. 2-8 Sarah Street (DA-14/045) (169 hotel rooms) located to the west of the site across O’Riordan Street.
- No. 40-54 Baxter Road (DA-2013/197) (251 rooms) located to the west of the site.
- No. 289 King Street, Mascot (DA-2012/87) located to the west of the site across O’Riordan Street.

It is considered that the proposed hotel is compatible with the desired future character of the business precinct in Mascot given its proximity to the airport.

The proposed development also maintains a reasonable amount of permeable landscaped area on site and the site coverage does not result in an over development of the site.

Accordingly, the proposal is suitable for the subject site and is deemed to be compatible with the desired future character as described in the Botany Bay DCP 2013 for the Mascot Precinct.

5.3.2 General Provisions

The table below sets out the General Provisions (Part 3) of the Botany Bay DCP 2013 that apply to the proposed subdivision of the subject site

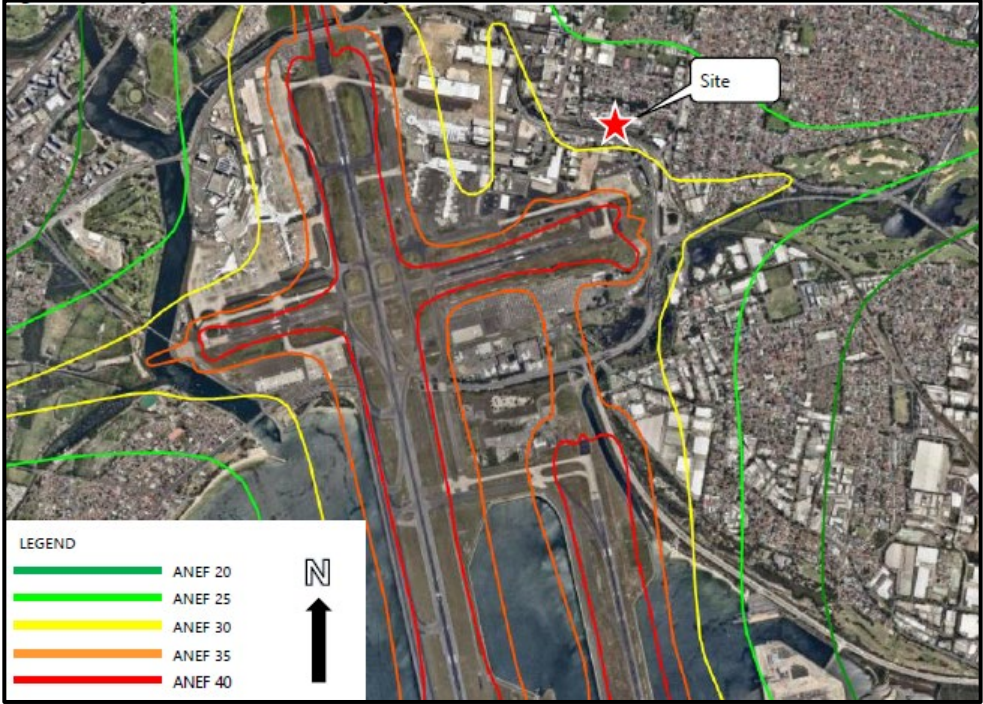
Table 2: Botany Bay DCP 2013 General Provisions (Part 3)

Controls	Response
3A: Parking and Access	<p style="text-align: center;">Complies</p> <p>Part 3A of the DCP requires the following car parking spaces:</p> <p><i>Hotel Accommodation:</i> 1 space for manager; plus 1 space / 2 employees; plus 1 space / 1.5 rooms; plus 1 taxi pick-up and set-down space / 100 rooms; plus 2 coach pick-up and set-down spaces; and Additional parking must be provided for other licensed parts of the use as stipulated in this section of the DCP. Note: If the development is within 400m from Mascot Train Station or an efficient shuttle bus service is provided between the hotel, Sydney Airport and the City, the parking requirement can be reduced to 1 per 2.5 bedrooms</p> <p>The proposal includes a porte cochere entry facility at the ground floor leading from Baxter Road, at the eastern end of the site (2 driveways). A valet parking service will operate at the porte cochere entry facility to facilitate guest parking on the podium levels above.</p> <p>The proposal also includes a driveway at the western end of the site leading from Baxter Road to a turntable and two car lifts to access the upper parking levels.</p> <p>The proposed development requires 130 car parking spaces to be provided. The proposal includes a total of 131 car parking spaces on Level 1 to Level 3 comprising of 121 guest parking spaces, 9 staff parking spaces and 1 hotel manager parking space. The proposal includes a shuttle bus service, similar to that approved for No. 40-54 Baxter Road (DA-2013/197) to the west of the subject site.</p> <p>A Traffic Impact Statement prepared by Traffix is submitted with this DA. The Traffic Impact Statement states the following in regard to car parking:</p>

Controls	Response
	<p><i>“The proposed development requires a minimum of 130 spaces in accordance with Council’s DCP. In response, the development provides a total of 131 spaces which meets the minimum requirements of Council’s DCP. In addition, the proposed carpark is to be controlled by a hotel valet service where the valet will be responsible for the parking and the return of vehicles on behalf of hotel guests. It is proposed that all guests will arrive to and depart from the development via the porte-cochere from where the hotel valet will park and unpark guests’ vehicles”.</i></p>
3B: Heritage	<p style="text-align: center;">Complies</p> <p>The subject site is not heritage listed and is not located within a heritage conservation area.</p> <p>The following heritage items are located to the south of the site:</p> <ul style="list-style-type: none"> • I3 - Commonwealth Water Pumping Station and Sewage Pumping Station No 38 at General Holmes Drive (west of Engine Pond, within the boundary of Sydney (Kingsford Smith) Airport) • I168 - Ruins of the former Botany Pumping Station Within the boundary of Sydney (Kingsford Smith) Airport • I170 – Sydney Airport at Airport Drive <p>The proposed hotel development will not have an impact on the heritage integrity of the above listed nearby heritage items due to the distance of the subject site from these heritage items.</p>
3C: Access and Mobility	<p style="text-align: center;">Complies</p> <p>An Accessibility Review Report prepared by ABE Consulting is submitted with this DA which demonstrates that the proposed hotel development can achieve compliance with the access provisions of the BCA.</p> <p>It is noted that the DCP requires a single accessible parking space for every accessible room or unit as specified by Table D3.1 of the BCA. The Traffic Impact Assessment prepared by Traffic submitted with this DA states the following:</p> <p><i>“Hotel guests are not responsible for the parking/unparking of their vehicles. Therefore, the provision of accessible parking spaces is not required whereby all hotel guests, including mobility impaired guests, will arrive to and depart from the porte-cochere from where the hotel valet is responsible for the parking and unparking of hotel guest’s vehicles. This arrangement is considered superior to the requirements of the Building Code of Australia and Council’s DCP whereby all hotel guests are afforded access to the development via the porte-cochere. Furthermore, mobility impaired guests will benefit from the assistance of the hotel valet.”</i></p>

Controls	Response
3D: Signage	<p style="text-align: center;">Not Applicable</p> <p>The proposal does not include signage works.</p>
3E: Subdivision and Amalgamation	<p style="text-align: center;">Not Applicable</p> <p>A separate DA has been lodged to Council which proposes to subdivide the subject site into 3 Torrens title lots comprising of the following:</p> <ul style="list-style-type: none"> • Proposed Site A (western lot): 2,997sqm; • Proposed Site B (middle lot): 2,919sqm; and • Proposed Site C (eastern lot): 3,121sqm. <p>It is proposed to construct a 13-storey hotel on Proposed Site A (western lot) of No. 40-54 Baxter Road, Mascot.</p> <p>The proposed development does not propose any subdivision.</p>
3F: Tree Management	<p style="text-align: center;">Complies</p> <p>No existing trees will be removed to accommodate the proposed development. The proposed landscaping works include the planting of 9 feature trees along the street frontage of the site. Refer to the Landscape Plan prepared by Site Image Landscape Architects submitted with this DA.</p>
3G: Stormwater Management	<p style="text-align: center;">Complies</p> <p>A Stormwater Management Plan and Flood and Stormwater Report, both prepared by Wood and Grieve Engineers, are submitted with this DA demonstrating that the existing stormwater infrastructure in the vicinity of the site should be adequate to accommodate the proposed development. The Stormwater Management Plan includes appropriate sediment and stormwater measures to ensure the quality of stormwater runoff meets the objectives of the <i>Botany Bay & Catchment Water Quality Improvement Plan (BBWQIP)</i>.</p> <p>The Section J Compliance Report prepared by Building Sustainability Assessments submitted with this DA provides several initiatives for water sensitive design that can be implemented throughout the development.</p>

Controls	Response
3H: Sustainable Design	<p style="text-align: center;">Complies</p> <p>The Section J Compliance Report prepared by Building Sustainability Assessments is submitted with this DA demonstrating the sustainable design of the proposed development.</p>
3I: Crime Prevention, Safety and Security	<p style="text-align: center;">Complies</p> <p>The entrance to the proposed hotel fronts Baxter Road and will provide maximum surveillance to the porte cochere area and direct sightlines and access from Baxter Road. Further it is noted that there will be a staff member located in the ground level of the building at all times.</p> <p>The entrance to the proposed hotel will be clearly recognisable from Baxter Road.</p> <p>Adequate lighting will be provided to the building entrance along Baxter Road, the pick-up and drop-off area, the car parking areas and lobby areas.</p>
3J: Aircraft Noise and OLS	<p style="text-align: center;">Complies</p> <p>In accordance with Part 3J of Botany Bay DCP 2013, the site has an OSL height limit of 51m AHD. The proposed hotel development has a maximum height of 43.9m or 49.23m AHD, which is under the OSL height limit of 51m AHD. Therefore, the proposal does not require referral to Sydney Airports Corporation Limited (SACL), Civil Aviation Safety Authority (CASA) or Airservices Australia (AsA).</p> <p>It is noted that a Wind Shear Report prepared by Windtech Consultants is submitted with this DA which assesses the likely impact of the proposed development in generating building windshear and turbulence on Sydney Airport Runway 07/25. The Wind Shear Report concludes that it is not expected that building generated windshear and turbulence will impact of aircraft landing on Runway 25/07.</p> <p>The subject site is affected by the 25-30 ANEF contour. An Acoustic Assessment Report prepared by Renzo Tonin and Associates is submitted with this DA, which assesses the effects of aircraft noise associated with the operation of Sydney's Kingsford Smith Airport on the proposed development.</p> <p>The Acoustic Report concludes the following:</p>

Controls	Response
	<p data-bbox="815 252 2063 341">“The study of external noise intrusion into the subject development has found that appropriate controls can be incorporated into the building design to achieve a satisfactory accommodation environment, consistent with the intended quality of the building and relevant standards and regulatory guidelines.”</p>  <p data-bbox="1137 1086 1621 1145">Figure 26: Subject site and ANEF overlay (Source: Renzo Tonin and Associates, 2019)</p>

Controls	Response
3K: Contamination	<p style="text-align: center;">Complies</p> <p>The proposal includes the construction of a hotel. A Preliminary Site Investigation (Contamination) Report prepared by Douglas Partners is submitted with this DA. The Phase 1 Preliminary Contamination Assessment concludes the following:</p> <p style="padding-left: 40px;"><i>“On the basis of the results of this Preliminary Site Investigation, the main contamination risks are considered to be associated with industrial use of the site as a rail loading / rail storage and maintenance yard, previous filling works on the site, and groundwater contamination of the Botany Bay Sands aquifer in this area.</i></p> <p style="padding-left: 40px;"><i>The regional groundwater table is likely to be approximately 2m below the current ground surface within a highly permeable aquifer. The use of this aquifer is unlikely to be permitted due to the site’s location within the embargo area.</i></p> <p style="padding-left: 40px;"><i>A detailed investigation involving soil and groundwater sampling would be required to fully characterise the site, if such characterisation is required. On the basis of this Preliminary Site Investigation, it is considered that the site either is or could be made suitable for the proposed development. The extent of works required to make the site suitable, if such works are required, can only be determined following further intrusive assessment.”</i></p>
3L: Landscaping	<p style="text-align: center;">Complies</p> <p>No existing trees will be removed to accommodate the proposed development. A Landscape Plan prepared by Site Image Landscape Architects is submitted with this DA. The proposed landscaping works includes the planting of 9 feature trees and a mix of accent, shrub, groundcovers and grass plantings along the street frontage of the site and a mix of accent, shrub, groundcovers and grass and perimeter planting on Level 4.</p> <p>Part 6.3.9 of the DCP requires greater than 10% of the development site to be landscaped. On sites over 2,000sqm the front landscaped setbacks are additional to the 10% requirement. The site has an area of 2,997sqm. 46% (1,383sqm) of the site will be landscaped.</p> <p>The front landscaping and perimeter landscaping on Level 4 will soften the built form and enhance the streetscape when viewed from Baxter Road. The deep soil landscaping will allow for natural drainage to occur and minimise overland flow onto adjoining premises.</p>

Controls	Response
	As shown on the Planting Schedule of the Landscape Plan, more than 80% of the new plantings are native species.
3M: Natural Resources	<p style="text-align: center;">Not Applicable</p> <p>The site is not near any Wetlands or Endangered Ecological Communities.</p>
3N: Waste Minimisation and Management	<p style="text-align: center;">Complies</p> <p>A Waste Minimisation Management Plan (WMP) prepared by Auswide Consulting is submitted with this DA.</p> <p>A garbage room is located on the ground floor in the western part of the hotel, screened from view. Garbage collection will be undertaken by private contractor who will utilise the loading dock and turntable on the ground floor. As stated in the Traffic Impact Assessment prepared by Traffix submitted with this DA: <i>“An 8.8m MRV will be able to enter an exit the loading dock in a forward direction with the use of the turntable”</i>.</p> <p>All waste generated by the hotel will be stored in the garbage room and disposed of in accordance with the WMP.</p> <p>As outlined in the WMP, <i>“The Hotel maid service will be responsible for removing all waste from the hotel rooms whilst cleaning the rooms and use the service elevator to place the waste in the mobile garbage bins (MGBs) provided in the waste area on the ground level. All other commercial areas of the building will utilize smaller waste bins to also empty into the MGBs provided in the waste area on the ground level.</i></p> <p><i>The waste collection service for the proposed development will be provided by a private contractor.</i></p> <p><i>The waste collection vehicle will enter the loading bay via Baxter Road and park on the turntable, once the vehicle has been turned around 180 Degrees the waste vehicle will move forward enough to allow room to collect and empty the MGBs. Once all the MGBs have emptied and returned, the waste vehicle will leave in a forward motion.”</i></p> <p>The WMP concludes the following:</p> <p style="text-align: center;"><i>“It has been demonstrated that all waste encountered during the demolition and construction stages shall be dealt with according to the best-practice principles outlined within the report. Upon construction stage,</i></p>

Controls	Response
	<i>specific waste volumes, handling and destinations shall be disclosed to Council. On-going waste management work involved is minimal and shall be managed according to Council policy.”</i>

5.3.3 Employment Zones

The subject site is located within the Mascot Business Development Precinct. The proposal development has taken into consideration the objectives and controls for the Mascot Business Development Precinct in Part 6.2.4 of the Botany Bay DCP 2013 and the General Provisions for Employment Zones in Part 6.3 of the of the Botany Bay DCP 2013, as set out below.

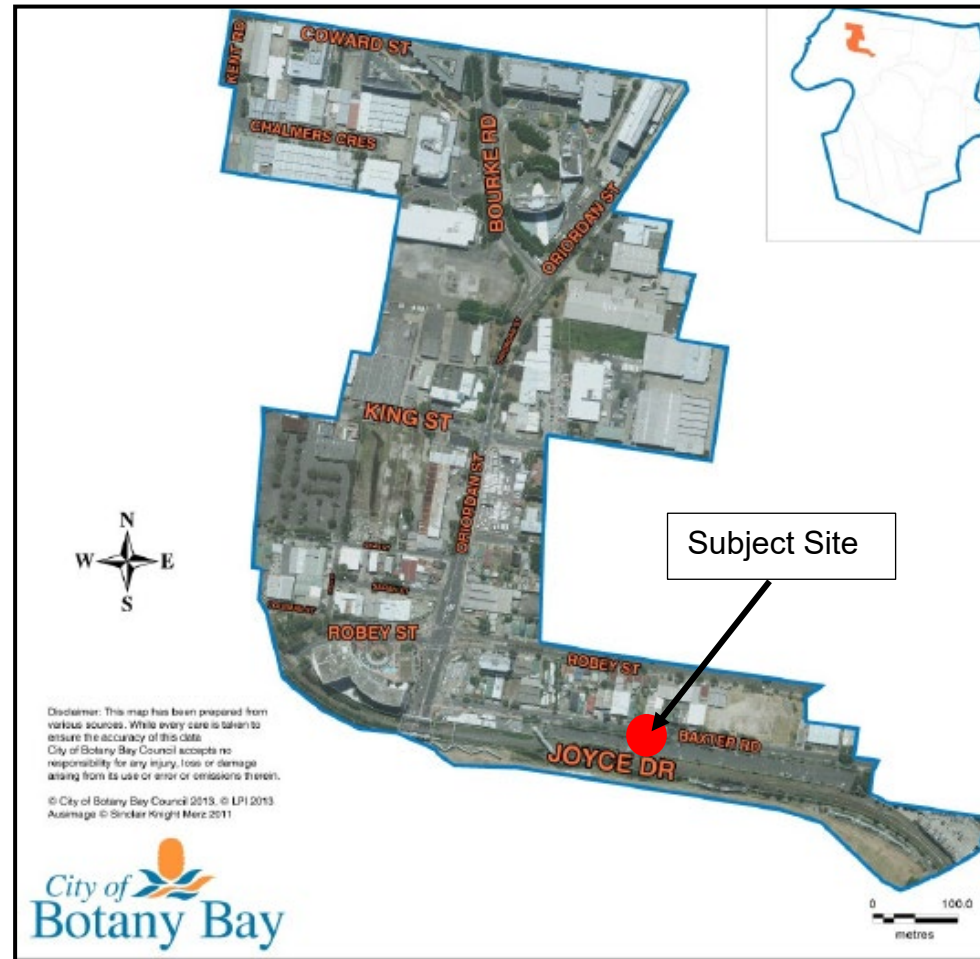


Figure 27: Mascot Business Development Precinct Map

Table 3: Botany Bay DCP 2013 Employment Zones (Part 6)

Controls	Response	Complies
6.2.4 MASCOT BUSINESS DEVELOPMENT PRECINCT		
6.2.4 Mascot Business Development Precinct	<p>The proposed hotel is located in close proximity to Sydney's Domestic and International Airports (580m) to the west and the Mascot Train Station (965m) to the northwest which encourages active transport modes such as walking and cycling.</p> <p>The subject site is located close to O'Riordan Street to the west and Botany Road to the east where extensive amount of taxi transportation is available for short trips to the Domestic and International Airport.</p> <p>The proposed hotel is of a high quality contemporary design which will uplift the immediate area which is currently characterised by commercial/light industrial uses.</p> <p>The proposed hotel development will become as an iconic building when viewed from the surrounding streets which reinforces the gateway function of the immediate area to the airport.</p> <p>The landscaping to the front of the building will soften the built form and enhance the existing streetscape and gateway function of the area.</p> <p>The proposal will comply with the Sydney Airport's regulation with regard to safety and lighting.</p> <p>The proposal is required to be referred to RailCorp in accordance with the requirements of the Infrastructure SEPP due to the Port Botany Rail Line (a dedicated freight rail line) that bisects the southern part of the site and also due to the proximity of the site to the Airport Line Tunnel.</p> <p>The Acoustic Report prepared by Renzo Tonin and Associates is submitted with this DA includes recommendations to ensure that the development when built complies with AS 2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).</p> <p>A Wind Tunnel Testing Report prepared by Windtech Consultants is submitted with this DA which presents the results of a detailed investigation into the wind environment impact of the proposed development. The Wind Tunnel Testing Report suggests treatments and concludes the following:</p> <p><i>"The results of the study indicate that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. However, some areas will experience strong winds which will exceed the relevant criteria for comfort and/or safety . . .</i></p>	Yes

Controls	Response	Complies
	<p><i>With the inclusion of these treatments to the final design, it is expected that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses."</i></p>	
6.3 GENERAL PROVISIONS		
<p>6.3.1 Amalgamation and Subdivision</p>	<p>A separate DA has been lodged to Council which proposes to subdivide the subject site into 3 Torrens title lots comprising of the following:</p> <ul style="list-style-type: none"> • Proposed Site A (western lot): 2,997sqm; • Proposed Site B (middle lot): 2,919sqm; and • Proposed Site C (eastern lot): 3,121sqm. <p>It is proposed to construct a 13-storey hotel on Proposed Site A (western lot) of No. 40-54 Baxter Road, Mascot.</p> <p>The proposed development does not propose any subdivision.</p>	N/A
<p>6.3.2 Building and Site Layout</p>	<p>A Site Analysis Plan is submitted with this DA. The layout of the site has taken into account the site's context and constraints and opportunities.</p> <p>The site is constrained by the Port Botany Rail Line (a dedicated freight rail line) that bisects the southern part of the subject site from east to west. The proposed hotel development has been appropriately located on the site taking into account the constraint of the Port Botany Rail Line.</p> <p>The proposed hotel development is of an appropriate scale and form for the locality which is below Council's height and FSR requirements and similar in bulk and scale to other established large scale hotels in the area including the Stamford Plaza Sydney Airport Hotel (351 hotel rooms) located to the west on the corner of Robey Street and O'Riordan Street and the Quest Mascot Apartment Hotel (92 units) located to the northwest at No. 131 Robey Street.</p> <p>Other recently approved large scale hotels within the area include:</p> <ul style="list-style-type: none"> • No. 113-121 Baxter Road (DA-13/266) (172 hotel rooms) located opposite the subject site to the northwest. • No. 2-8 Sarah Street (DA-14/045) (169 hotel rooms) located to the west of the site across O'Riordan Street. • No. 40-54 Baxter Road (DA-2013/197) (251 rooms) located to the west of the site. • No. 289 King Street, Mascot (DA-2012/87) located to the west of the site across O'Riordan Street. <p>The development will create an appropriate bulk and scale which is anticipated for the site by Council's controls whilst the area is currently undergoing a transition with underdeveloped site increasing in density.</p>	Yes

Controls	Response	Complies
	<p>The hotel building comprises of a 4-storey podium addressing the scale of the streetscape. The upper levels are set back from the site boundaries to provide relief and interest to the form above and delineation from future neighbouring buildings. The facades are articulated to frame each individual hotel room while providing sun shading.</p> <p>The entrance to the proposed hotel will be clearly recognisable from Baxter Road.</p> <p>The landscaping to the front of the building and on Level 4 will soften the built form and improve the aesthetic amenity of the site and streetscape.</p> <p>The sufficient separation combined with the appropriate massing of the development will reduce overshadowing impacts to surrounding neighbours and the public domain.</p> <p>The proposed hotel development achieves a high level of amenity and facilities for guests and employees as follows:</p> <ul style="list-style-type: none"> • The provision of natural light, ventilation and spaciousness to the lobby area, café and restaurant of the ground floor; • The provision of 3 passenger lifts provides for fast and efficient access between the floors of the hotel; • The provision of high quality landscaping on the ground floor and Level 4; • A valet parking service will operate at the porte cochere entry facility on the ground floor to facilitate guest parking on the podium levels above. • The separation of service areas on the ground floor of the hotel (i.e. lobby, reception, café, restaurant) from the back of house areas. • The provision of a range of hotel rooms (including standard rooms, premium standard rooms, accessible standard rooms and accessible premium rooms), layouts and outlooks. • The siting of all hotel rooms above the parking levels provides for an attractive and elevated outlook for all hotel rooms. • Half of the hotel rooms are orientated to the north to maximise solar access and half of the hotel rooms are oriented to the south to capitalise on views towards the airport and Botany Bay beyond. • The minimum hotel room size of 18sqm is well beyond the 5.5sqm (for the bedroom floor area for each person staying within the room) requirement of the DCP and of those associated with existing hotel approvals in the vicinity of the site. 	

Controls	Response	Complies
<p>6.3.3 Floor space</p>	<p>Clause 4.4 and the associated map of the Botany Bay LEP 2013 prescribes a FSR of 3:1 (8,991sqm). The proposed development will result in an FSR of 2.89:1 (8,665sqm) thereby complying with the FSR development standard for the site.</p> <p>The FSR of the proposed hotel is less than the FSR of the following approved large scale hotels in the surrounding area:</p> <ul style="list-style-type: none"> • No. 40-54 Baxter Road (DA-2013/197) 8-storey hotel development with an FSR of 3.58:1 • No. 113-121 Baxter Road (DA-2014/306) 8-storey Felix Hotel with an FSR of 3.19:1 • No. 2-8 Sarah Street (DA-14/045) with an FSR of 3.19:1 <p>The bulk and scale of the proposed hotel are compatible with the desired future character of the locality and reinforce the landmark qualities that are required for the locality to serve as a Gateway to Sydney.</p> <p>The proposed development will not result in adverse overshadowing impacts to adjoining properties.</p> <p>The bulk and scale of the Conceptual Development options are compatible with the desired future character of the locality and reinforce the gateway function of this locality. The Conceptual Development options are unlikely to result in adverse overshadowing impacts to adjoining properties.</p>	<p>Yes</p>
<p>6.3.4 Building Design and Appearance</p>	<p>Clause 4.3 and the associated map of Botany Bay LEP 2013 prescribes a maximum building height of 44m. The proposed hotel building will have a maximum building height of 43.9m thereby complying with the building height development standard for the site.</p> <p>The scale of the proposed hotel is compatible with other established large scale hotels in the surrounding area, in particular the height of the approved hotel development (41.2m) on the site to the west at No. 40-54 Baxter Road (DA-2013/197).</p> <p>The design of the proposal will positively contribute to the locality of the site. The high standard of colours, finishes and materials assists in providing a high quality urban design outcome.</p> <p>The hotel building comprises of a 4-storey podium addressing the scale of the streetscape. The upper levels are set back from the site boundaries to provide relief and interest to the form above and delineation from future neighbouring buildings. The facades are articulated to frame each individual hotel room while providing sun shading.</p>	<p>Yes</p>

Controls	Response	Complies
	<p>The proposal includes a porte cochere entry facility at the ground floor leading from Baxter Road, at the eastern end of the site (2 driveways). A valet parking service will operate at the porte cochere entry facility to facilitate guest parking on the podium levels above. The proposal also includes a driveway at the western end of the site leading from Baxter Road to a turntable and two car lifts to access the upper parking levels. The proposed driveways provide adequate sight distance for the safety of pedestrians.</p> <p>Adequate lighting will be provided to the building entrance along Baxter Road, the pick-up and drop-off area, the car parking areas and lobby areas.</p> <p>A garbage room is located on the ground floor in the western part of the hotel, screened from view.</p> <p>The proposed building maximises energy efficiency through the use of high efficiency lighting systems, insulation, natural ventilation, and low embodied energy materials.</p>	
<p>6.3.5 Setbacks</p>	<p>The DCP requires the following front setbacks to a non-classified road:</p> <ul style="list-style-type: none"> • 3m landscaping setback • 9m building setback <p>The DCP requires the following side setbacks adjoining a non-residential use/zone:</p> <ul style="list-style-type: none"> • 2m landscaping setback • 2m building setback <p>The DCP requires the following side setbacks adjoining a residential use/zone:</p> <ul style="list-style-type: none"> • 3m landscaping setback • 3m building setback <p>The DCP requires the following rear setbacks:</p> <ul style="list-style-type: none"> • 0m to 3m landscaping setback • 0m to 3m building setback <p>The proposed hotel development will have the following setbacks:</p> <p>Front setbacks:</p> <ul style="list-style-type: none"> • 0m landscaping setback • 0m building setback 	<p>Partially Complies</p>

Controls	Response	Complies
	<p>Eastern side setback:</p> <ul style="list-style-type: none"> • 0m landscaping setback • 0m building setback <p>Western side setback:</p> <ul style="list-style-type: none"> • 3m landscaping setback • 3m building setback <p>Rear setbacks:</p> <ul style="list-style-type: none"> • 0m to approximately 20m landscaping setback • 0.m to approximately 20m building setback <p>The proposed nil front setback of the hotel (0m) does not comply with the DCP front setback control. However, is in noted that the front setback of the proposed hotel is consistent with front setback of the 8-storey hotel approved on the site to the west at No. 40-54 Baxter Road (front setback of 0.271m approved as part of DA-2013/197).</p> <p>The proposed side setbacks also do not comply with the DCP setback controls. However, there are no residential uses adjoining the subject site to the east and west. The adjoining sites to the east and west are likely to be developed in the near future to accommodate large scale hotel buildings, similar to the subject proposal. The proposed hotel does not contain any openings along the eastern and western facades of the building, thereby ensuring that the proposal will not result in any privacy impacts to the adjoining eastern and western properties.</p> <p>It is noted that the site is constrained by the Port Botany Rail Lane (a dedicated freight rail line) that bisects the southern part of the subject site from east to west. As such, the proposed hotel development has been located on the site and setback from the front and side boundaries of the site accordingly. The variation to the front and side setbacks is therefore considered acceptable in this instance.</p>	
<p>6.3.6 Parking and Vehicular Access</p>	<p>Part 3A of the DCP requires the following car parking spaces:</p> <p><i>Hotel Accommodation:</i> <i>1 space for manager; plus</i> <i>1 space / 2 employees; plus</i> <i>1 space / 1.5 rooms; plus</i> <i>1 taxi pick-up and set-down space / 100 rooms;</i> <i>plus</i> <i>2 coach pick-up and set-down spaces; and</i></p>	<p>Yes</p>

Controls	Response	Complies
	<p><i>Additional parking must be provided for other licensed parts of the use as stipulated in this section of the DCP. Note: If the development is within 400m from Mascot Train Station or an efficient shuttle bus service is provided between the hotel, Sydney Airport and the City, the parking requirement can be reduced to 1 per 2.5 bedrooms</i></p> <p>The proposal includes a porte cochere entry facility at the ground floor leading from Baxter Road, at the eastern end of the site (2 driveways). A valet parking service will operate at the porte cochere entry facility to facilitate guest parking on the podium levels above.</p> <p>The proposal also includes a driveway at the western end of the site leading from Baxter Road to a turntable and two car lifts to access the upper parking levels.</p> <p>The proposed development requires 130 car parking spaces to be provided. The proposal includes a total of 131 car parking spaces on Level 1 to Level 3 comprising of 121 guest parking spaces, 9 staff parking spaces and 1 hotel manager parking space. The proposal includes a shuttle bus service, similar to that approved for No. 40-54 Baxter Road (DA-2013/197) to the west of the subject site.</p> <p>A Traffic Impact Statement prepared by Traffix is submitted with this DA. The Traffic Impact Statement states the following in regard to car parking:</p> <p><i>“The proposed development requires a minimum of 130 spaces in accordance with Council’s DCP. In response, the development provides a total of 131 spaces which meets the minimum requirements of Council’s DCP. In addition, the proposed carpark is to be controlled by a hotel valet service where the valet will be responsible for the parking and the return of vehicles on behalf of hotel guests. It is proposed that all guests will arrive to and depart from the development via the porte-cochere from where the hotel valet will park and unpark guests’ vehicles”.</i></p>	
6.3.7 Signage	The proposal includes subdivision of the site only. No signage is proposed.	N/A
6.3.8 Site Facilities	<p>Site facilities have been designed as part of the overall development and situated so that there is satisfactory vehicular access by service personnel and vehicles.</p> <p>The proposal includes a substation on the ground floor within the western part of the hotel building. The substation is at the front of the development adjacent to the street frontage.</p>	Yes

Controls	Response	Complies
6.3.9 Landscape	<p>No existing trees will be removed to accommodate the proposed development. A Landscape Plan prepared by Site Image Landscape Architects is submitted with this DA. The proposed landscaping works includes the planting of 9 feature trees and a mix of accent, shrub, groundcovers and grass plantings along the street frontage of the site and a mix of accent, shrub, groundcovers and grass and perimeter planting on Level 4.</p> <p>The DCP requires greater than 10% of the development site to be landscaped. On sites over 2,000sqm the front landscaped setbacks are additional to the 10% requirement. The site has an area of 2,997sqm. 46% (1,383sqm) of the site will be landscaped.</p> <p>The landscaping to the front of the building and on Level 4 will soften the built form and enhance the existing streetscape and gateway function of the area. The deep soil landscaping will allow for natural drainage to occur and minimise overland flow onto adjoining premises.</p> <p>As shown on the Planting Schedule of the Landscape Plan, more than 80% of the new plantings are native species.</p>	Yes
6.3.10 Fences	<p>The proposal does not include any fencing.</p>	N/A
6.3.11 Industrial Development Adjoining a Residential Land use	<p>The proposal does not include industrial development and the site does not adjoin residential land.</p>	N/A
6.3.12 Noise and Hours of Operation	<p>The proposed hotel development has been designed to ensure appropriate noise attenuation measures are incorporated into the building design and site layout.</p> <p>An Acoustic Assessment Report prepared by Renzo Tonin and Associates is submitted with this DA which assesses noise emissions from proposed mechanical plant impacting onto neighbouring properties. The Acoustic Report concludes the following:</p>	Yes

Controls	Response	Complies
	<p><i>“Noise emission goals for the operation of mechanical plant and equipment have been set in accordance with the EPA’s Noise Policy for Industry. It is feasible that noise emissions from the subject site can comply with these criteria, subject to detailed design for Construction Certificate.”</i></p>	
<p>6.3.13 Waste</p>	<p>A Waste Minimisation Management Plan (WMP) prepared by Auswide Consulting is submitted with this DA.</p> <p>A garbage room is located on the ground floor in the western part of the hotel, screened from view. All waste generated by the hotel will be stored in the garbage room and disposed of in accordance with the WMP.</p> <p>As outlined in the WMP, <i>“The Hotel maid service will be responsible for removing all waste from the hotel rooms whilst cleaning the rooms and use the service elevator to place the waste in the mobile garbage bins (MGBs) provided in the waste area on the ground level. All other commercial areas of the building will utilize smaller waste bins to also empty into the MGBs provided in the waste area on the ground level.</i></p> <p><i>The waste collection service for the proposed development will be provided by a private contractor.</i></p> <p><i>The waste collection vehicle will enter the loading bay via Baxter Road and park on the turntable, once the vehicle has been turned around 180 Degrees the waste vehicle will move forward enough to allow room to collect and empty the MGBs. Once all the MGBs have emptied and returned, the waste vehicle will leave in a forward motion.”</i></p> <p>The WMP concludes the following:</p> <p><i>“It has been demonstrated that all waste encountered during the demolition and construction stages shall be dealt with according to the best-practice principles outlined within the report. Upon construction stage, specific waste volumes, handling and destinations shall be disclosed to Council. On-going waste management work involved is minimal and shall be managed according to Council policy.”</i></p>	<p>Yes</p>
<p>6.3.14 Environmental Protection</p>	<p>The proposed hotel development will have minimal adverse effects upon the environment in terms of noise, air (including odour), ground water, soil and surface water pollution.</p> <p>An Acoustic Assessment Report prepared by Renzo Tonin and Associates is submitted with this DA which assesses noise emissions from proposed mechanical plant impacting onto neighbouring properties. The Acoustic Report concludes the following:</p>	<p>Yes</p>

Controls	Response	Complies
	<p><i>“Noise emission goals for the operation of mechanical plant and equipment have been set in accordance with the EPA’s Noise Policy for Industry. It is feasible that noise emissions from the subject site can comply with these criteria, subject to detailed design for Construction Certificate.”</i></p> <p>A Stormwater Management Plan and Flood and Stormwater Report, both prepared by Wood and Grieve Engineers, are submitted with this DA demonstrating that the existing stormwater infrastructure in the vicinity of the site should be adequate to accommodate the proposed development.</p> <p>A Waste Minimisation Management Plan (WMP) prepared by Auswide Consulting is submitted with this DA detailing the management of waste during the construction and operation phases of the development.</p>	
6.3.15 Risk	The proposed hotel use does not involve the storage and/or transport hazardous substances.	N/A
6.3.16 Industrial and Business Park Unit Development	The proposal does not include industrial or business park unit development.	N/A
6.3.17 Change of Use of Existing Buildings	The site does not contain existing buildings.	N/A
6.3.18 Non Industrial and Business Park/Developments	<p>The proposal hotel use is compatible with the business environment and will not unnecessarily restrict the operation of business uses in the business zone.</p> <p>Adequate lighting will be provided to the building entrance along Baxter Road, the pick-up and drop-off area, the car parking areas and lobby areas.</p> <p>An Acoustic Assessment Report prepared by Renzo Tonin and Associates is submitted with this DA which assesses noise emissions from proposed mechanical plant impacting onto neighbouring properties. The Acoustic Report concludes the following:</p>	Yes

Controls	Response	Complies
	<i>“Noise emission goals for the operation of mechanical plant and equipment have been set in accordance with the EPA’s Noise Policy for Industry. It is feasible that noise emissions from the subject site can comply with these criteria, subject to detailed design for Construction Certificate.”</i>	
6.3.19 Caretaker Dwellings	The proposal does not include a caretaker dwelling.	N/A
6.3.20 Creative Industries	The proposal does not include creative industries.	N/A
6.3.21 Business Premises and Office Premises in the B5 Business Development and B7 Business Park Zones	The proposal does not include a business or office premises.	N/A
6.3.22 B-Double Vehicles	The proposed hotel use does not require B-Double Vehicles to enter the site.	N/A

5.3.4 Hotel and Motel Accommodation

Part 7 – Other Development Types and Lane Uses, Part 7F – Hotel and Motel Accommodation of Botany Bay DCP 2013 is applicable to the proposed hotel development. The proposal development has taken into consideration the general objectives and controls for Hotel and Motel Accommodation in Part 7F of the Botany Bay DCP 2013, as set out below.

Table 4: Botany Bay DCP 2013 Hotel and Motel Accommodation General Requirements (Part 7F.2)

Controls	Response	Complies
<i>C1 Permitted max. 3 months stay.</i>	A Plan of Management will be submitted prior to the operation of the hotel confirming the maximum stay period permitted will be for 3 months. A condition of consent can be imposed accordingly.	Yes
<i>C2 The main access point is to be located at the main street frontage of the property. Access Points should be avoided at the boundaries of the property where and impact on noise or privacy could result for adjoining residences.</i>	The main access point to the proposed hotel is provided off Baxter Road. There are no residential properties immediately abutting the subject site.	Yes
<i>C3 The design of hotel/motel accommodation is to include a Porte cochere at the front of the building to accommodate buses, taxis and cars for drop off/pick up.</i>	The proposal includes a porte cochere entry facility at the ground floor leading from Baxter Road, at the eastern end of the site (2 driveways). A valet parking service will operate at the port cochere entry facility to facilitate guest parking on the podium levels above. The proposal also includes a driveway at the western end of the site leading from Baxter Road to a turntable and two car lifts to access the upper parking levels.	Yes
<i>C4 Landscaping is to be used to soften and minimise noise impacts from courtyards, recreational areas and driveways on the surrounding area.</i>	The proposed landscaping works includes the planting of 12 feature trees and a mix of accent, shrub and grass plantings along the street frontage of the site and perimeter planting on Level 4. The landscaping to the front of the building and on Level 4 will soften the built form and enhance the existing streetscape and gateway function of the area.	Yes
<i>C5 The minimum size for a visitor's room is 5.5sqm for the bedroom floor area for each person staying within the room.</i>	The rooms sizes within the proposed hotel are as follows: <ul style="list-style-type: none"> • Standard room: 18sqm • Premium standard room: 20sqm 	Yes

Controls	Response	Complies
	<ul style="list-style-type: none"> • Accessible standard room: 26sqm • Accessible premium room: 24sqm 	
C6 An adequate number of beds (each provided with a mattress and pillow) and adequate storage space must be provided.	An adequate number of beds and adequate storage space will be provided in each hotel room.	Yes
C7 A small bar-type fridge is required in each sleeping room.	Each hotel room will be equipped with a small bar-type fridge.	Yes
C8 A small kitchenette is permitted if adequate cupboards and shelves are provided.	The suite rooms within the proposed hotel will be equipped with a small kitchenette.	Yes
C9 Cooking appliances (other than a microwave and kettle) are not permitted.	The hotel room will not have a microwave or kettle.	Yes
C10 Bathrooms must be provided in accordance with the Building Code of Australia.	A separate bathroom is provided within each hotel room in accordance with the BCA.	Yes
C11 The design and operation of hotel and motel accommodation must take into account possible noise impacts on adjacent properties and the surrounding area.	<p>An Acoustic Assessment Report prepared by Renzo Tonin and Associates is submitted with this DA which assesses noise emissions from proposed mechanical plant impacting onto neighbouring properties. The Acoustic Report concludes the following:</p> <p><i>“Noise emission goals for the operation of mechanical plant and equipment have been set in accordance with the EPA’s Noise Policy for Industry. It is feasible that noise emissions from the subject site can comply with these criteria, subject to detailed design for Construction Certificate.”</i></p> <p>There are no residentially zoned properties in the adjoining properties, and it is therefore considered that the proposed hotel will not have any adverse noise impacts on adjacent properties.</p>	Yes
C12 A Plan of Management (POM) is required to be submitted. The Plan of Management (POM) is a written report which describes how the ongoing operation of hotel and	A Plan of Management will be provided prior to the operation of the hotel. A condition of consent can be imposed accordingly.	Yes

Controls	Response	Complies
<i>motel accommodation will be managed to reduce its impact upon the amenity of surrounding properties.</i>		
<i>C13 The building is to comply with Parts C, D, and E of the BCA.</i>	A BCA Assessment Report prepared by AED is submitted with this DA which confirms that compliance has been achieved by the proposal with regards to fire safety, access and services requirements.	Yes
<i>C14 Each room is to comply with Parts C, D E and F5 of the BCA so as to ensure there is adequate fire safety in the building and adequate sound insulation between each room.</i>	A BCA Assessment Report prepared by AED is submitted with this DA which confirms that the proposed hotel building has been designed to comply with sound insulation and fire safety requirements as identified in Parts C, D, E and F5 of the current BCA.	Yes

5.3.5 Licenced and Late Night Trading Premises

Part 7 – Other Development Types and Lane Uses, Part 7G – Licensed and Late-night Trading Premises of Botany Bay DCP 2013 is applicable to the proposed hotel development. The proposal development has taken into consideration the general objectives and controls for Licensed and Late-night Trading Premises in Part 7G of the Botany Bay DCP 2013, as set out below.

Table 5: Botany Bay DCP 2013 Licensed and Late-night Trading Premises Requirements (Part 7G)

Objectives	Response	Complies
<p><i>O1 To ensure that licensed and late-night trading premises are compatible with the surrounding land uses;</i></p> <p><i>O2 To ensure impacts are minimised on the surrounding areas;</i></p> <p><i>O3 To minimise the noise and vibration impacts; and</i></p> <p><i>O4 To ensure the hours of operation do not have a detrimental impact of the surrounding areas.</i></p> <p><i>O5 To minimise adverse impacts to the adjoining uses and public spaces;</i></p> <p><i>O6 To ensure the activities within the premises do not extend to the streets or public domain;</i></p> <p><i>O7 To maximise the opportunity of passive surveillance;</i></p>	<p>The proposed hotel is identified to be a Category 2 premises with potential high impact to the neighbourhood.</p> <p>The subject site is surrounded by and commercial premises and is located within the business area in Mascot precinct. The proposal hotel will operate similar to other hotels in the area and is unlikely impose major noise and safety impact to the adjoining properties and the surrounding areas.</p> <p>A Plan of Management will be submitted prior to the operation of the hotel. A condition of consent can be imposed accordingly.</p>	Yes

Objectives	Response	Complies
<p>O8 To minimise congestion and loitering outside the premises;</p> <p>O9 To enable the efficient movement of patrons between the venues and the street; and</p> <p>O10 To encourage positive patron behaviour.</p>	<p>An Acoustic Assessment Report prepared by Renzo Tonin and Associates is submitted with this DA which assesses noise emissions from proposed mechanical plant impacting onto neighbouring properties. The Acoustic Report concludes the following:</p> <p><i>“Noise emission goals for the operation of mechanical plant and equipment have been set in accordance with the EPA’s Noise Policy for Industry. It is feasible that noise emissions from the subject site can comply with these criteria, subject to detailed design for Construction Certificate.”</i></p> <p>A Wind Tunnel Testing Report prepared by Windtech Consultants is submitted with this DA which presents the results of a detailed investigation into the wind environment impact of the proposed development. The Wind Tunnel Testing Report suggests treatments and concludes the following:</p> <p><i>“The results of the study indicate that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. However, some areas will experience strong winds which will exceed the relevant criteria for comfort and/or safety . . .</i></p> <p><i>With the inclusion of these treatments to the final design, it is expected that wind conditions for all outdoor trafficable areas within and around the development will be suitable for their intended uses.”</i></p>	

5.3.6 Uses Involving the Preparation and Storage of Food

Part 7 – Other Development Types and Lane Uses, Part 7J – Uses Involving the Preparation and Storage of Food of Botany Bay DCP 2013 is applicable to the proposed hotel development. The proposal development has taken into consideration the general objectives and controls for Uses Involving the Preparation and Storage of Food in Part 7J of the Botany Bay DCP 2013, as set out below.

Table 6: Botany Bay DCP 2013 Uses Involving the Preparation and Storage of Food (Part 7J)

Objectives	Response	Complies
<p><i>O1 To ensure that uses involving the preparation and storage of food comply with the relevant standards.</i></p>	<p>The proposed hotel development includes a café and restaurant on the ground floor.</p> <p>The only access to the café and restaurants is via the main entrance of the hotel. The layout and access to the café and restaurant reads as ancillary to the hotel and is intended to provide food and beverages to the patrons of the hotel rather than stand-alone café and restaurant.</p> <p>The café and restaurant will comply with all relevant standards for a food premises.</p>	<p>Yes</p>

6 SECTION 4.15 CONSIDERATIONS

In considering this development application, Council must consider the relevant planning criteria in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

This assessment has taken into account the following provisions:

STATUTORY POLICY AND COMPLIANCE – s.4.15(1)(a)

The proposed development has been assessed in relation to all relevant LEPs and DCPs above in the Statement of Environmental Effects.

The LEP which is relevant to the proposal is:

Botany Bay LEP 2013

Comment: The proposed hotel development is permissible with consent in the B5 Business Development zone is considered to be consistent with the objectives of the B5 Business Development zone. The proposal complies with the LEP building height and FSR development standards.

The relevant development control plan is:

Botany Bay DCP 2013

Comment: This Statement of Environmental Effects has addressed each of the relevant provisions of the DCP and it is considered that the proposal satisfies the objectives and performance criteria of the DCP regardless of compliance.

NATURAL, BUILT ENVIRONMENT, SOCIAL AND ECONOMIC IMPACTS - s.4.15(b)

Throughout the period of construction, all measures will be taken to ensure that any noise, dust, and vibration will be kept to a minimum. All construction works will comply with the Building Code of Australia and any other relevant legislation for the duration of the works.

Upon completion of the proposal, the day-to-day operations of the development are unlikely to cause undue impact in relation to noise, pollution, drainage and pedestrian / vehicular traffic flows.

The proposal will not result in the loss of views or outlook from any surrounding public or private place.

There are no wilderness areas on the site while no endangered fauna have been identified on or around the site.

The proposal does not involve the removal of any significant trees or vegetation on the site.

The proposed development is considered appropriate and will not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of view, noise, or traffic and parking impacts.

The proposed development will not be detrimental to the social and economic environment in the locality.

SUITABILITY OF THE SITE FOR DEVELOPMENT – s.4.15(c)

The size and shape of the site is suitable for the proposed development and the proposal does not create any adverse bulk or scale impacts. The proposal will not result in any loss of amenity to neighbouring properties.

SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT – s.4.15(d)

It is acknowledged that the consent authority must consider and assess all submissions made regarding this development application.

THE PUBLIC INTEREST – s.4.15(e)

Amenity impacts have been minimised and the proposed hotel development is considered to be a positive contribution to the built and natural environment and the broader Mascot area.

The provision of a high-quality new hotel on the site in an area that is close to Sydney Airport, public transport, facilities and services is considered to have a positive social and economic benefit.

7 CONCLUSION

The proposal seeks to construct of a 13-storey hotel comprising of 302 hotel rooms, 3 levels of car parking for 131 car parking spaces, café restaurant, gymnasium and landscaping works at Proposed Site A, No. 40-54 Baxter Road, Mascot.

A separate DA has been lodged to Council which proposes to subdivide the subject site into 3 Torrens title lots comprising of the following:

- Proposed Site A (western lot): 2,997sqm;
- Proposed Site B (middle lot): 2,919sqm; and
- Proposed Site C (eastern lot): 3,121sqm.

It is proposed to construct a 13-storey hotel on Proposed Site A (western lot) of No. 40-54 Baxter Road, Mascot. The proposed new hotel will comprise of the following:

- Porte cochere entry facility from Baxter Road, at the eastern end of the site for guest drop-off and pick-up and for shuttle bus service.
- Driveway at the western end of the site leading from Baxter Road to a turntable and two car lifts to access the upper parking levels.
- Reception, lounge/waiting area, café, library, restaurant and back of house services on the ground floor.
- Total of 131 car parking spaces on Level 1 to Level 3 comprising of 121 guest parking spaces, 9 staff parking spaces and 1 hotel manager parking space.
- Total of 302 hotel rooms on Level 4 to Level 12 comprising of 225 standard rooms, 64 premium standard rooms, 9 accessible standard rooms and 4 accessible premium rooms.
- Gymnasium on Level 4.
- Landscaping works including the planting of 12 feature trees and a mix of accent, shrub and grass plantings along the street frontage of the site and perimeter planting on the northern edge of Level 4.

The subject site is zoned B5 Business Development pursuant to the Botany Bay Local Environmental Plan (LEP) 2013. The proposed hotel is defined as tourist and visitor accommodation under the Botany Bay LEP 2013 and such use is permissible with the consent in the B5 Business Development zone. The proposed hotel satisfies the objectives of the B5 Business Development zoning which seeks to enable a mix of business uses in locations which are close to centres and support their viability. The proposed hotel will support the viability of the Mascot Town Centre whilst its proximity to Sydney Airport also ensures that it is suitably located.

Clause 4.3 of Botany Bay LEP 2013 prescribes a maximum building height of 44m and Clause 4.4 of the Botany Bay LEP 2013 prescribes a FSR of 3:1 (8,991sqm). The proposed hotel building will have a maximum building height of 43.9m and an FSR of 2.89:1 (8,665sqm), thereby complying with the building height and FSR development standards for the site.

The bulk and scale of the proposed hotel is compatible with the desired future character of the locality and other established large scale hotels in the area and will reinforce the gateway function of this locality.

The proposed development demonstrates a high degree of compliance with the suite of DCP controls that apply to the subject site, including landscaping, car parking, rear setback and the provisions for hotel accommodation.

The proposed nil front setback of the hotel (0m) does not comply with the DCP front setback control. However, it is noted that the front setback of the proposed hotel is consistent with the front setback of the 8-storey hotel approved on the site to the west at No. 40-54 Baxter Road (front setback of 0.271m approved as part of DA-2013/197).

The proposed side setbacks also do not comply with the DCP setback controls. However, there are no residential uses adjoining the subject site to the east and west. The adjoining sites to the east and west are likely to be developed in the near future to accommodate large scale hotel buildings, similar to the subject proposal. The proposed hotel does not contain any openings along the eastern and western facades of the building, thereby ensuring that the proposal will not result in any privacy impacts to the adjoining eastern and western properties.

It is noted that the site is constrained by the Port Botany Rail Line (a dedicated freight rail line) that bisects the southern part of the subject site from east to west. As such, the proposed hotel development has been located on the site and setback from the front and side boundaries of the site accordingly. The variation to the front and side setbacks is therefore considered acceptable in this instance.

The hotel building comprises of a 4-storey podium addressing the scale of the streetscape. The upper levels are set back from the site boundaries to provide relief and interest to the form above and delineation from future neighbouring buildings. The facades are articulated to frame each individual hotel room while providing sun shading.

The proposed hotel development achieves a high level of amenity and facilities for guests and employees as follows:

- The provision of natural light, ventilation and spaciousness to the lobby area, café and restaurant of the ground floor;
- The provision of 3 passenger lifts provides for fast and efficient access between the floors of the hotel;
- The provision of high quality landscaping on the ground floor and Level 4;
- A valet parking service will operate at the porte cochere entry facility on the ground floor to facilitate guest parking on the podium levels above.
- The separation of service areas on the ground floor of the hotel (i.e. lobby, reception, café, restaurant) from the back of house areas.
- The provision of a range of hotel rooms (including standard rooms, premium standard rooms, accessible standard rooms and accessible premium rooms), layouts and outlooks.
- The siting of all hotel rooms above the parking levels provides for an attractive and elevated outlook for all hotel rooms.
- Half of the hotel rooms are orientated to the north to maximise solar access and half of the hotel rooms are oriented to the south to capitalise on views towards the airport and Botany Bay beyond.
- The minimum hotel room size of 18sqm is well beyond the 5.5sqm (for the bedroom floor area for each person staying within the room) requirement of the DCP and of those associated with existing hotel approvals in the vicinity of the site.

The proposed development is considered appropriate for the subject site and will not create any adverse bulk or scale impacts and not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of views, overshadowing, noise, or traffic and parking impacts.

The provision of a high-quality new hotel on the site in an area that is close to Sydney Airport, public transport, facilities and services is considered to have a positive social and economic benefit.

The design of the proposal will positively contribute to the locality of the site. The high standard of colours, finishes and materials assists in providing a high quality urban design outcome.

Given the lack of detrimental impacts resulting from the proposed subdivision, the proposal is considered appropriate and is submitted to Council for favourable consideration.