



# **Statement of Environmental Effects Addendum**

Construction of a 13-storey  
hotel




**40-54 Baxter Road Mascot**

Submitted to Bayside Council

On behalf of Manboom Pty Limited ATF Outdoor Signage Unit Trust

APRIL 2020

## REPORT REVISION HISTORY

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## APPENDICES

Appendix	Document	Prepared by
1	Architectural plans Revision A	Group GSA
2	Design Review Panel Presentation dated 8 April 2020	Group GSA
3	Urban Design Report dated 22 April 2020	Group GSA
4	Detailed Site Contamination Investigation dated December 2019	Douglas Partners
5	Additional Geotechnical Investigation dated April 2020	Douglas Partners
6	Document Report for ARTC dated 22 April 2020	Northrop
7	Acoustic Advice dated 2 March 2020	Acoustic Logic
8	Concept Stormwater Management Plan and Civil Plans dated 22 April 2020	Northrop
9	Flood Impact Assessment and flood modelling dated November 2019, and letter of response dated 13 March 2020	Craig & Rhodes
10	Statement of Environmentally Sustainable Design Initiatives dated 15 April 2020	Stantec
11	Traffic Impact Statement dated 23 April 2020	Traffix
12	Landscape Plans Revision A	Group GSA
13	Wind Advice dated 23 April 2020	Windtech

## 1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) Addendum has been prepared, on behalf of Manboom Pty Limited ATF Outdoor Signage Unit Trust (the Applicant), by City Plan Strategy and Development Pty Ltd (City Plan) to accompany DA-2019/233 which is currently under assessment by Bayside Council (Council).

The development application (DA) seeks approval for a 13 storey hotel and relates to land at 40-54 Baxter Road, Mascot being Lot 506, DP 1242707. The DA was lodged with Council on 2 July 2019. The proposed hotel development is defined as "tourist and visitor accommodation" under the *Botany Bay Local Environmental Plan 2013* and is permissible with consent within the B5 Business Development zone.

A separate application (DA-2019/234) was lodged with Council for the Torrens title subdivision of Lot 506, DP 1242707 into 3 lots. The subdivision DA was approved by Delegated Authority on 28 February 2020. The proposed hotel is located on approved Lot 1 within the subdivision of Lot 506, DP 1242707 (the site).

The 2,997sqm site is irregular and elongated in configuration and includes an 80.15m frontage to Baxter Road, 1,614sqm of land fronting Baxter Road and 1,382sqm of "air rights" over the adjacent freight rail line.

As part of the assessment process, the development proposal has been referred to relevant external authorities, including the Roads and Maritime Services (RMS) and the Australian Rail Track Corporation (ARTC), the Bayside Traffic Development Advisory Committee, the Bayside Design Review Panel and various internal sections of Council. In response, various clarifications have been raised and additional information and plan amendments have been requested.

The DA was also notified and advertised in accordance with Council's Development Control Plan so that interested parties could view the proposal and make a submission. In response, one letter of objection was received.

In response to the feedback received, an amended development proposal has been prepared by Group GSA (see architectural plans at **Appendix 1**). This SEE Addendum accompanies the amended plans and responds to the issues raised during the assessment process. Specifically, the Addendum:

- describes the amended development and changes made to the architectural plans (Section 4);
- assesses the amended proposal against the applicable planning controls and guidelines (Sections 5 and 6);
- assesses the potential environmental impacts of the amended development (Section 7);
- provides additional information to address the matters raised by the ARTC, Design Review Panel and various internal sections of Council (Sections 5, 6 and 7); and
- considers and responds to the issues raised during the public exhibition process (Section 8).

In addition to the amended plans, various reports and documentation have been prepared to support the proposed changes and to address Council's and the other authorities' requests for additional information. The supporting reports, as attached to this SEE Addendum, are listed on page iii of this report. Subject to addressing the issues raised, we understand that Council is generally supportive of the proposal.

The amended plans and additional information submitted together with this SEE Addendum, demonstrate that the proposal is of an appropriate scale and mass for the site, is consistent with the desired future character of the area and has no adverse amenity impacts. It is considered that the proposal, in its amended form, will deliver a suitable and appropriate development for the site and is worthy of approval.

The provision of a high-quality new internationally branded and operated hotel on the site in an area that is close to Sydney Airport, public transport, facilities and services will also have a positive social and economic benefit. Overall, it is considered that the amended proposal represents a desirable outcome for the subject site which will sit comfortably in its context and contribute to the viability of the Mascot area.

## 2. SITE AND CONTEXT

### 2.1. The Site

The subject application (DA-2019/233) relates to land at 40-54 Baxter Road, Mascot which is legally known as Lot 506, DP1242707.

On 28 February 2020, development consent (DA-2019/234) was granted for the Torrens title subdivision of Lot 506, DP1242707 into 3 new lots. The hotel development is proposed on Lot 1 within the approved subdivision.

Approved Lot 1 has an allotment area of 2,997sqm and is located on the southern side of Baxter Road between Botany Road to the east and O’Riordan Street (State classified road) to the west. Baxter Road is a no through road, with all traffic movements to and from the site being from the west via O’Riordan Street.

The site is irregular and elongated in configuration and includes 1,614sqm of land fronting Baxter Road and 1,382sqm of “air rights” over the adjacent freight rail line starting from RL 14.0m.

An aerial photo of the site, including site dimensions, is provided at Figure 1. The portion of the lot facing Baxter Road has a frontage measuring 80.15m and a depth of approximately 19m to 21m. This portion of the site is currently utilised as an at grade car park for the adjoining Park n Fly facility and is accessed via Baxter Road. The portion of the lot over the Port Botany Rail Line (a dedicated freight rail line) is in stratum, with the property owner having development rights over the rail corridor.

Extracts from the approved plan of subdivision, prepared by Calibre Consulting, are included at Figure 2. The cross-section at Figure 2 clearly shows how the rail corridor (Lot 3, DP 747022) sits under the southern portion of the site. The large billboard structures located immediately to the south of the rail corridor are located on a separate lot (Lot 52, DP 1097377).



Figure 1: Aerial photo of the site, including site dimensions (Source: Group GSA).

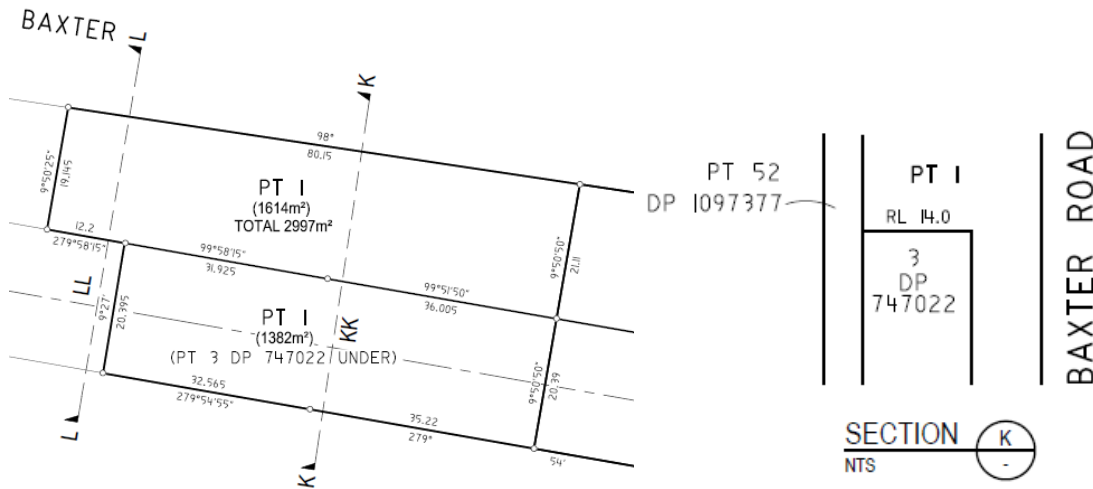


Figure 2: Extracts of the approved plan of subdivision (Source: Calibre Consulting)

The proposed hotel development will be contained to the portion of the site located between the freight rail line and Baxter Road, where the existing car park area is located. All access to the site is via Baxter Road. Access via General Holmes/Joyce Drive, to the south of the site, is unavailable.

## 2.2. Surrounding Development

The proposed development is located approximately 265 metres east of O’Riordan Street, north of the ARTC freight line and within the Bayside City Council Area.

Sydney Airport is located approximately 600m to the west of the site. The town centre of Mascot is located to the southwest approximately 600m from the site. Botany Road is located approximately 300m to the east 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.

The character and context surrounding the site is highly varied and ranges from small residential dwellings to commercial/light industrial buildings, serviced apartments, residential apartments and hotels. Building heights in the area range from single to 14 storeys.

To the east, north east, north west and opposite the site within Baxter Road, are a number of detached residential dwellings and light industrial buildings. Opposite the site is an 8 storey building known as The Branksome hotel, which comprises serviced apartments, retail spaces, commercial floor space and a child care facility.

To the east of the site are Lots 2 and 3 within the approved Torrens title subdivision of Lot 506, DP 1242707. This land is currently used as an at grade car park for Park ‘n’ Fly. The land adjoining the western boundary is also used by Park ‘n’ Fly. Ownership of this land has recently transferred to the same owner as the DA approved hotel at 50 Baxter Road. This site contains a large advertising sign structure which extends over the rail corridor.

Land further to the west and north-west comprises a range of hotel and commercial uses, including the 14 storey Stamford Plaza hotel on the corner of Robey Street and O’Riordan Street, the eight (8) storey Quest Apartment Hotel in Robey Street, the Holiday Inn Express Hotel in Sarah Street and the Citadines Connect Hotel in Baxter Street.

The Port Botany Rail Line (a dedicated freight line) immediately adjoins the northern portion of the site at its southern boundary. In 2018, the Australian Rail Track Corporation (ARTC) lodged a State significant infrastructure application with the Department of Planning, Infrastructure and Environment (DPIE) to duplicate the freight line. Subject to planning approval, it is understood that construction of this project is proposed to commence in late 2020.

The southern portion of the site (i.e. the "air rights" above RL 14.0) and the rail corridor adjoin a parcel of land fronting Joyce Drive (Lot 52, DP 1097377). This lot is in the ownership of Manboom Pty Limited ATF Outdoor Signage Unit Trust and includes several large scale advertising billboards structures, including two angled billboard signs which align with the subject site. An extract of the west elevation plan is provided at Figure 3 and demonstrate the significance of these advertising structures, noting that the height of the billboards aligns with the height of the proposed hotel podium.

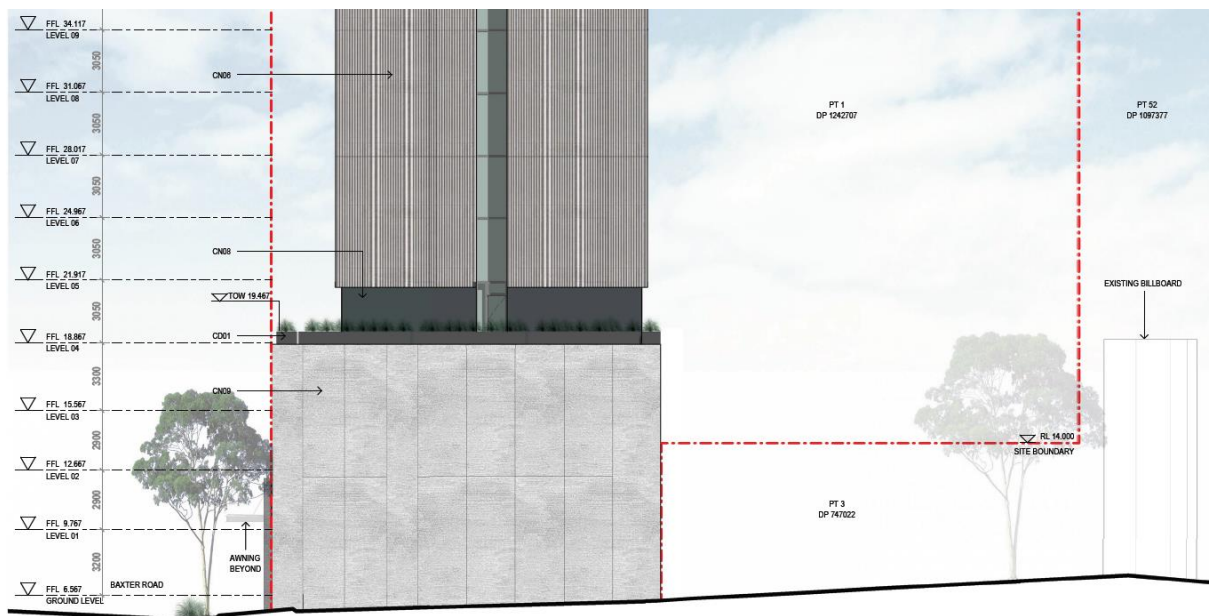


Figure 3: Extract from West Elevation Plan (Source: Group GSA plan DA 207)

Further to the south, on the opposite side of Joyce Drive, are a number of fast food restaurants, with on grade car parking that are accessed by Ross Smith Avenue, which acts as a service road.

It is considered that the hotel use is appropriate given its context and is compatible with the existing commercial buildings and apartment buildings, as well as the future mixed use and residential character of the locality. The proposal will positively contribute to the quality and transitioning identity of the locality.

### 3. BACKGROUND

#### 3.1. Previous approvals

The proposed DA seeks approval for the construction of a 13-storey hotel comprising of 301 hotel rooms, 2 levels of car parking for 85 vehicles, hotel lobby, café, guest facilities and associated landscaping.

On 18 April 2018, development consent (DA-2017/1202) was granted for the subdivision of Lot 51, DP 1097377 into 2 lots.

Following approval of the 2 lot subdivision, a further application (DA-2019/234) was lodged with Council for the Torrens title subdivision of one of the lots (i.e. Lot 506, DP 1242707) into 3 new lots. The 3 lot subdivision was approved by Delegated Authority on 28 February 2020. The subject hotel is proposed on Lot 1 within the approved but unregistered subdivision.

All other development consents, as issued between 2005 and 2016, relate to the existing use of the land as a car park.

#### 3.2. Referrals and Consultation

As part of the assessment process, the DA was referred to various external authorities and committees/panels and placed on public exhibition, so that relevant and interested parties could comment on the proposal.

A summary of the responses received, including the key issues raised and how the amended proposal responds to these matters, is provided in the following table. The DA was also referred to various internal sections of Council. A response to the issues raised by Council's Engineering, Flooding, Traffic, Landscaping and Environmental Sections is provided in Section 7 of this report.

Table 1: Key issues raised during the external referral and consultation process

Item	Key Issues	Response
Comments from Bayside Design Review Panel (DRP) meeting of 21 November 2019	Concerns raised include: <ul style="list-style-type: none"> <li>▪ Continuous building form to the street and lack of articulation;</li> <li>▪ Treatment of the aboveground car parking levels and to all podium façades;</li> <li>▪ Limited rear setback to the tower;</li> <li>▪ Potential acoustic issues;</li> <li>▪ Vehicle access and on-site arrangements;</li> <li>▪ Lack of on-site vehicle queuing;</li> <li>▪ Excessive number of car parking spaces;</li> <li>▪ Provision of a Porte Cochere not supported;</li> <li>▪ Limited sustainability opportunities; and</li> </ul>	Significant design changes have been made to respond to the concerns and recommendations of the DRP.  In addition to the amended plans, an Urban Design Report and Presentation has been prepared by Group GSA. Specifically, the Presentation Report provides a detailed response to the issues raised by the DRP.  Section 4 of this report also lists the proposed changes to the design, with further details provided in Section 7 of this report.

Item	Key Issues	Response
<p>Minutes of the Bayside Traffic Development Advisory Committee Meeting of 4 December 2019 (Item No. BTD19.032)</p>	<ul style="list-style-type: none"> <li>▪ Limited landscaping.</li> </ul> <p>Concerns raised include:</p> <ul style="list-style-type: none"> <li>▪ Proposed opening of Baxter Road mid-block closure is not supported;</li> <li>▪ On-site parking must meet Council's DCP requirements; and</li> <li>▪ Traffic Impact Assessment (TIA) is to take into consideration cumulative traffic impacts.</li> </ul>	<p>It is noted that Council does not support the opening of Baxter Road.</p> <p>An updated TIA, which reflects the amended development, has been prepared to respond to both the Traffic Committee's and the Design Review Panel's concerns regarding the parking provisions. Refer also to Section 7.4 of this report.</p>
<p>Australia Rail Track Corporation (ARTC) comments dated 31 July 2019</p>	<p>Concerns raised include:</p> <ul style="list-style-type: none"> <li>▪ Potential for tower crane to swing over rail corridor;</li> <li>▪ Potential for excavation to create subsidence and impact the rail track;</li> <li>▪ Potential for increase of stormwater overflow into the rail corridor;</li> <li>▪ Lighting not to impact on driver safety;</li> <li>▪ Management of rubbish within the rail corridor;</li> <li>▪ Property boundaries to be staked;</li> <li>▪ Potential for derailment or other incidents;</li> <li>▪ Setback to common rail corridor boundary;</li> <li>▪ Type of species to be used in landscaping;</li> <li>▪ Parking availability;</li> <li>▪ Access to utilities;</li> <li>▪ Impact of noise and lighting from rail operations on hotel guests; and</li> <li>▪ Cumulative construction impacts.</li> </ul>	<p>To address the concerns raised by the ARTC, additional documentation has been forwarded directly by the applicant to ARTC for their consideration.</p> <p>A copy of the documentation sent to ARTC is included as part of this submission and includes a Collision Risk Assessment, Geotechnical Report, Construction Management Plan and Structural Documentation. The additional information demonstrates that there will be no adverse impacts on the rail corridor or rail operations as a result of the development. The proposed development will also have no adverse effect on the future duplication of the Sydenham-Botany Good Railway Line.</p> <p>Additional details are provided in Section 5.4.3 of this report.</p>
<p>Public submission prepared on behalf of Regional Express Holdings Limited, the owner and occupier of 79-83 Baxter Rd.</p>	<p>Refer to summary of issues in Section 8 of this report.</p>	<p>Refer to response in Section 8 of this report.</p>

## 4. DESCRIPTION OF DEVELOPMENT

### 4.1. Overview of amended proposal

Significant changes have been made to the proposal to address the concerns and recommendations made during the assessment process. The amended development proposes the construction of a 13-storey hotel development including:

- Demolition of the existing open carpark
- Site preparation, including removal of all vegetation/trees on site
- Construction of a 13 storey hotel tower, comprising of:
  - A 4 storey podium and 9 levels of guest accommodation incorporating 301 hotel rooms
  - Guest facilities including gymnasium, library and meeting rooms
  - Hotel lobby, lounge, café and bar area
  - Hotel entry and awning
  - 85 car parking spaces, including 1 accessible car space
  - A single vehicular access driveway
  - Loading area designed for SRV waste collection and deliveries
  - Vertical circulation, plant rooms, storage, back of house (BOH) and staff facilities
- Signage zones, noting that any signage not being exempt or complying development will be proposed as a separate future application
- Associated drainage, on-site stormwater detention (OSD) and landscaping.

The streetscape and public domain works shown on the amended plans are for reference purposes only. All public domain and road works, including the driveway crossing, footpath paving, seating, soft landscaping, 6 large street canopy trees and designated on-street drop-off and pick-up areas, will be subject to a separate approval. It is noted that the requirements for these frontage works, including the submission of public domain civil plans, can be addressed as a condition of development consent.

To cater for the guest drop-off and pick-up requirements, a "no parking" zone approximately 43m in length will also need to be provided at the front of the hotel in Baxter Road. The drop-off/pick-up zone will need to be appropriately signposted (e.g. "No Parking", "P10-15min") with the exact details of the signage to be confirmed at a future Traffic Committee meeting. This matter will therefore need to be addressed as a suitable condition of development consent.

For further details regarding the amended proposal, refer to the architectural plans prepared by Group GSA at **Appendix 1**.

### 4.2. Construction Staging

It is proposed that the construction of the development will be undertaken in stages. It is therefore requested that appropriate conditions of consent be imposed to allow for the proposed staging of the construction certificates (CC) as follows;

- Construction Certificate 1: Site Establishment, Groundworks, Piling, Slab on Ground
- Construction Certificate 2: Structure
- Construction Certificate 3: Façade, Fit-out, External Works

Following receipt of the development consent, each CC will be lodged with the Principal Certifying Authority (PCA) for approval in accordance with the contractor's programme.

It is recognised that while Council is responsible for assessing the application, determination of the DA will be made by the Sydney Eastern City Planning Panel. Prior to the Panel meeting, it is requested where possible, that draft conditions of consent are provided for review ahead of the determination.

### 4.3. Summary of proposed changes

The key changes proposed by the amended plans include:

- Raising the ground floor level from RL 5.78 to RL 6.567 to address the revised flood modelling. This allows for a minimum 500m freeboard above the flood level to all habitable areas.
- Moving the hotel entrance to the west to reduce the height difference / number of stairs and length of ramping between the natural ground level and the new raised ground floor height
- A reduction in the overall podium height from RL 19.48 to RL 18.867.
- A minor increase to the overall height of the development from 43.9m to 43.997m, as measured at the property boundary resulting from the raised floor level.
- A minor increase to the GFA from 8,665sqm to 8,731sqm.
- A minor increase to the FSR from 2.89:1 to 2.91:1.
- Deletion of the Porte cochere entry facility, allowing activation of the street frontage.
- Provision of a single vehicular access point at the western end of the site, instead of 2 separate driveways.
- A reduction in the number of hotel rooms from 302 to 301 (i.e. 1 less room) to provide additional guest amenities.
- A reduction in the number of car parking spaces from 131 to 85 (i.e. 46 less spaces), resulting in 2 levels of decked parking instead of 3. (Note: The number of on-site car parking spaces complies with the RMS guidelines and as such, a shuttle bus service is no longer required).
- Introduction of additional back of house and front of house communal guest spaces on Level 01, in lieu of a car parking storey.
- Setback of the two car lifts by 2 car lengths to allow onsite queuing within the development.
- Consolidation of the parking, loading and back of house (BOH) facilities to provide a longer, uninterrupted expanse of active street frontage.
- Deletion of the mechanical turntable and replacement with an on-site loading dock.
- Relocation of the substation to the eastern end of the side to assist with the activation of the ground floor plan and avoid additional plant areas near the guest arrival area.
- Provision of valet services and kerbside parking areas for guest drop-off/pick-up services including large coach set down area.
- Activation of the street frontage via the provision of seating, planters, operable windows, a clearer and wider lobby entry, together with a 2-storey glazed front façade.
- An increased amount of on-site landscaping, including landscape treatments within the hotel foyer, at the ground and upper levels of the podium and around the perimeter of level 4. The depth of the planters on the podium have been increased.
- Modulation of the front podium façade to create three smaller volumes.
- The inclusion of recessed sections and breaks in the building length to provide greater articulation to the podium. The inset provided above the podium has also been extended to the ground level as recommended by the Design Review Panel.

- Reduction in the car parking openings and provision of increased screening to the 2 levels of parking.
- Deletion of the first level of car parking, allowing for a large void over the hotel lobby and for 2-storey glazed elements to be incorporated into the front façade and maximising the engagement with the street.
- Minor changes to the building setbacks at Level 4 and above, noting that the previous building footprint is shown as a 'blue dashed line' on each floor plan.
- Minor changes to the extent of ground floor plan to coordinate with the update survey information and avoid unusable slivers of inaccessible land.
- Increased noise attenuation as a result of the design changes through reduction of glazing to guestrooms.
- Inclusion of sustainability initiatives as listed in Section 7.3 of the report.
- Provision of decorative artwork and façade treatments to the rear podium wall.
- Revised treatment to the tower elevations including a deeper inset to provide greater articulation. The inset has also allowed the typical floor to be adjusted slightly to make the lobby space more efficient.
- Concealment of the roof top plant equipment and lift overrun.
- Revised the typical guestroom floor to incorporate the DDA guestroom within a vertically stacked design on the north and south of the building to avoid DDA bathrooms extending into the lift lobby on every second floor.
- Amendments to the floor plans to reflect the above changes, including removal of the lift lobby and increased communal spaces at the ground floor level.
- Updated materials and finishes.
- Updated stormwater measures including the provision of on-site stormwater detention (OSD).

Further detail in relation to the extent of the changes and how they address the issues raised during the assessment process is provided in Section 7 of this report. The issues and recommendations raised by the DRP are also thoroughly detailed and responded to in the DRP Presentation Report prepared by Group GSA. A copy of this report is provided at **Appendix 2** and a copy of the supporting Urban Design Report is included at **Appendix 3**.

#### 4.4. Development Statistics

The key statistics and elements of the project are summarised in the table below:

Table 2: Development Statistics

Element	Permitted/Required	Proposed
Site Area	-	2,997sqm
Maximum GFA	8,991sqm	8,731sqm
Maximum FSR	3:1	2.91:1
Maximum Height	44m	43.997m (13 storeys)
Front setback	Front setback: <ul style="list-style-type: none"> <li>▪ 3m landscaping setback</li> <li>▪ 9m building setback</li> </ul>	Podium - 0m with insets Tower - 2.742m building setback with 900mm wide landscaping planters.

Side setbacks	Side setbacks adjoining a non-residential use/zone: <ul style="list-style-type: none"> <li>▪ 2m landscaping setback</li> <li>▪ 2m building setback</li> </ul>	Podium - 0m Tower - East 3.314m to 8.6m Tower - West 3.311m to 4.158m
Rear setback	Rear setbacks: <ul style="list-style-type: none"> <li>▪ 0m to 3m landscaping setback</li> <li>▪ 0m to 3m building setback</li> </ul>	Podium - 0m Tower - 0.838m to 3.836m
Landscaping	299.7sqm (being 10% of site area)	308sqm
Number of rooms	-	301
Total Parking	134 as per the DCP 75 as per the RMS guide	85 spaces, including 1 accessible space provided over 2 levels
Total Bicycle Spaces	14	14
No. of staff	-	25

## 5. STATUTORY PLANNING CONSIDERATIONS

### 5.1. Overview

The following environmental planning instruments (EPIs) are relevant to the proposed development:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2000;
- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (Infrastructure) 2007;
- Botany Bay Local Environmental Plan 2013.

Where relevant, an assessment of the amendment development proposal against these EPIs has been addressed below.

### 5.2. Environmental Planning and Assessment Act 1979

#### 5.2.1. Section 1.3 – Objects

The Environmental Planning and Assessment Act, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out below, it is considered that the amended development satisfies the above stated objects of the Act:

- The social and economic welfare of the community is promoted through the creation of increased temporary accommodation choice (i.e. a hotel) in an area located close to public transport and Sydney Airport.

- The site is located in an established mixed-use area. The State's natural resources will not be adversely affected by the proposed development.
- The proposed development has been assessed as having an acceptable environmental, economic and social impact as detailed in the SEE, this Addendum report and the accompanying consultant reports and plans. Subsequently, the proposed development will not impact on the enjoyment of future generations.
- The subject site does not pose any risk to human health, or none that cannot be remediated.
- The orderly and economic development of land is promoted in that the site is of a size that can accommodate the proposed commercial development without any significant adverse impacts on the locality, or any major non-compliance with the relevant statutory and non-statutory planning controls. Furthermore, the proposed development does not preclude the redevelopment of adjoining properties.
- Given the site dimensions and its location, the site and the ones adjacent to it would not be suitable for any medium or long term residential uses. The proposed use of the site for commercial purposes promotes the orderly and economic use of the land.
- The proposal will not have a detrimental impact on the environment or on any flora/fauna species. Any potential off-site impacts, such as stormwater or air quality (i.e. dust), can be appropriately managed and mitigated.
- The site is not identified as a heritage item (built or cultural) or part of a heritage conservation area and will have no impact on any items in the locality.
- Items of natural or cultural significance will not be adversely affected by the proposal given none are located on or adjacent to the site. Due to the distance of the site from the heritage listed items in the wider locality, the proposed hotel development will not have an adverse impact on the significance of the heritage items or their setting.
- Good design and amenity of the built environment is promoted through the use of high-quality materials, finishes and colours and articulated building elements. The development is also supplemented by well-placed landscape planter boxes.
- The design will integrate effectively with recent and future development in the locality. The principles of the Apartment Design Guide (ADG) have been considered in the design of the development.
- The proposed development will be constructed in accordance with the relevant building code and standards. It will also be appropriately maintained during its ongoing operation to promote occupant safety.
- Objects (i) and (j) are the responsibility of the government.

Based on the above, it is considered that the amended proposal would satisfy the relevant objectives of the Act.

### 5.2.2. Section 4.15 of EP&A Act 1979

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

Table 3: Section 4.15 of EP&A Act 1979.

Section 4.15 Heads of Consideration	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of the relevant instruments, as they relate to the amended plans, is discussed in Section 5 of this report.

Section 4.15 Heads of Consideration	Comment
<i>Section 4.15(1)(a)(ii) Any draft environmental planning instrument</i>	There are no current draft EPIs applicable to this development or the subject site.
<i>Section 4.15(1)(a)(iii) Any development control plan</i>	A detailed assessment against the relevant development control plan (DCP) provisions is provided in Section 5 of the SEE prepared by ABC Planning P/L dated June 2019.  Consideration of the relevant controls, as they relate to the amended plans, has been undertaken. Where the design has been updated, an amended assessment against the relevant DCP provision has been provided in Section 6 of this report.
<i>Section 4.15(1)(a)(iiia) Any planning agreement</i>	N/A
<i>Section 4.15(1)(a)(iv) Matters prescribed by the regulations</i>	Refer to Section 5.3 of this report.
<i>Section 4.15(1)(b) - (e)</i>	Further to the assessment undertaken in the SEE prepared by ABC Planning P/L dated June 2019, the likely impacts of the proposed amendments are considered in Section 7 of this report.  The suitability of the site has been considered in the original SEE, noting that the development is contained to a narrow strip of land between the freight line and Baxter Road.  Given the constraints on the site, including its long street frontage, it is considered that it would not be suitable for medium or long-term residential uses. Its location in close proximity to the airport, however, makes it highly desirable and suitable for the proposed hotel use.  One (1) submission was received as a result of the public exhibition period. The grounds for objection, together with a town planning response to the issues raised, are summarised in Section 8 of this report. The grounds for objection are a matter for the consent authority to consider in its assessment and determination of the proposal.  The public interest, as it relates to the amended proposal, is considered in Section 9 of this report.

### 5.3. Environmental Planning and Assessment Regulation 2000

This Development Application (DA) is made in accordance with Part 6, Division 1, clause 50 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regs).

#### 5.3.1. Clause 92 - Additional matters that consent authority must consider

For the purposes of section 4.15 (1)(a)(iv) of the Act, the EP&A Regs requires that all matters listed under Clause 92 be taken into consideration by a consent authority in determining a development application. In particular, Clause (b) requires that all demolition works be undertaken in accordance with AS 2601. A suitable condition will be required as part of any development consent to address the required demolition works and site preparations.

### 5.3.2. Clause 98 - Compliance with the Building Code of Australia

Pursuant to Clause 98 of the Regulation, any building work "must be carried out in accordance with the requirements of the Building Code of Australia". It is acknowledged that suitable conditions will be imposed as part of a development consent to address BCA requirements.

## 5.4. State Environmental Planning Policies

### 5.4.1. State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Contaminated Lands (SEPP 55) establishes State-wide provisions to promote the remediation of contaminated land.

Clause 7 of the SEPP 55 requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

The site is not listed on Councils Site Audit database or the NSW EPA's regulated or notified contaminated sites. As part of the assessment process, however, it was identified that the site was possibly used as a rail loading facility or storage and maintenance area. As such, Council requested that a Stage 2 Detailed Site Investigation (DSI), including a soil and groundwater assessment, be prepared to address any potential contamination and confirm the suitability of the site for the proposed hotel use.

A Stage 2 DSI for contamination purposes has been prepared by Douglas Partners Pty Ltd. The DSI addresses the requirements of SEPP 55, appropriate NSW EPA Guidelines and the National Environment Protection Measure (Assessment of Site Contamination) 1999 (revised 2013).

Douglas Partners identified that the main contamination risks from historical and present site uses were associated with the industrial use of the site since the late 1920s. This includes use as a rail loading / rail storage and maintenance yard and previous filling works on site. Other contamination risks include the historical and present industrial uses in the surrounding Botany Bay area which includes the legacy pollutants found in the Botany Sands Aquifer and potential per-and poly-fluoroalkyl substances (PFAS) contamination from Sydney Kingsford-Smith Airport.

The investigation included the drilling of seven boreholes to depths of between 3.0m and 3.5m below ground level, the installation of two groundwater wells and laboratory testing of selected soil and groundwater samples. The soil testing showed that there were no exceedances of the Site Assessment Criteria (SAC). Furthermore, fill across the site has been preliminarily classified as general solid waste (non-putrescible).

In regard to groundwater, there were no exceedances of the SAC with the exception of copper. Douglas Partners notes, however, that the levels of copper detected were very low and are likely to be at background concentration levels found in the urban Sydney. There were also slight detections of chromium, copper, nickel, zinc, perfluorooctane sulfonate and perfluorooctanoic acid, however, the level of detection was below the SAC.

Based on the assessment undertaken, Douglas Partners has concluded that the site is suitable for the proposed development from a contamination standpoint. For further detail refer to the report prepared by Douglas Partners dated December 2019 at **Appendix 4**.

To ensure that all soil is managed appropriately, the report further recommends:

- In the event the proposed development requires disposal of soil off-site, additional analysis of the soil should be undertaken in situ or ex situ by a suitably qualified environmental consultant prior to off-site disposal.

- Should the soils differ, or any unexpected finds be observed during construction works, additional testing and analysis should be undertaken by a suitably qualified environmental consultant.
- In the event that natural soils beneath the site are disturbed (e.g. piling) then an assessment of acid sulfate soil potential must be conducted to inform appropriate management and disposal (if surplus).

It is suggested that the recommendations of the report be addressed as conditions of development consent. In relation to the third recommendation, further assessment of potential acid sulfate soils has already been undertaken. For details refer to the Additional Geotechnical Investigation prepared by Douglas Partners, dated April 2020, at **Appendix 5**.

#### **5.4.2. State Environmental Planning Policy No 64 – Advertising and Signage**

SEPP 64 applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The aim of the SEPP is to improve the amenity of urban and natural settings by managing the impact of outdoor signage.

The proposed development seeks consent for three signage zones, including above the building entry on the face of the awning, on a projecting wall sign adjacent to the vehicle entry and in the top western corner on the rear façade of the tower. The location of the signage zones is shown on Plan DA 208. The DA seeks approval for the signage zones only, noting that any future signage within these zones not being exempt or complying development will require separate development consent.

The future signs will be business identification signs as defined in the SEPP. While the signage content, design and finishes have not yet been finalised, it is considered that the size, scale and dimensions of the signage are appropriate for the proposed use of the site and will be compatible with the desired amenity and visual character of the area. The signage zones have also been appropriately located to ensure they will not impact on vehicle or train movements. Whilst visible from the roads, the signage will not be distracting or is unlikely to cause any safety concerns due to their positioning and size.

#### **5.4.3. State Environmental Planning Policy (Infrastructure) 2007**

The proposed amended development is subject to the provisions of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) which aims “to facilitate the effective delivery of infrastructure across the State” and regulates and controls development that may impact on the infrastructure. The Infrastructure SEPP applies to the whole of the state and therefore applies to the site.

##### ***Development in or adjacent to rail corridors and interim rail corridors***

Clause 85 requires the consent authority to refer the application to the rail authority where the land is in or adjacent to a rail corridor, including land separated from the rail corridor by a road.

The Port Botany Rail Corridor (i.e. a dedicated freight rail line) adjoins the subject site, noting that a portion of the subject site fronts Baxter Road and shares a common boundary with the rail corridor along its southern boundary, and the remaining portion of the site is made up of “air rights” over the rail line starting from RL 14.0m.

In 2018, the Australian Rail Track Corporation (ARTC) lodged a State significant infrastructure application with the Department of Planning, Infrastructure and Environment (DPIE) to duplicate the Sydenham-Botany freight line in proximity to the subject site. Subject to planning approval, it is understood that construction of this project is proposed to commence in late 2020.

As part of the assessment process Council referred the DA to the ARTC for comment and any recommended conditions of development consent. In response, ARTC reviewed the proposal to ensure it would not have any adverse impact on the freight line. Overall, ARTC have indicated that they support the

proposal, however, requested that additional information be submitted to ensure that ARTC operations and rail safety obligations are met.

The amended proposal seeks to construct a 13-storey hotel on the northern part of the site. For the 4 level maintenance free podium, minimal setback is proposed to the common boundary with the rail corridor. To address the concerns raised by ARTC, additional documentation has been forwarded directly by the applicant to ARTC for consideration. A copy of the submission package provided to ARTC is included at **Appendix 6**. This package of information includes a Collision Risk Assessment, Geotechnical Report, Construction Management Plan and Structural documentation. The additional information demonstrates that there will be no adverse impacts on the rail corridor or rail operations as a result of the development. The proposed development will also have no adverse effect on the duplication of the Sydenham-Botany Good Railway Line.

In addition to the requested additional information, ARTC have also recommended that the following matters be addressed:

- Prior to any work commencing on the site, excavation details (if deeper than 2m) and details of any tower crane use are to be provided to ARTC for review and separate approval. A copy of the construction plans and work methods are also to be provided to ARTC;
- Prior to any work commencing on the site, the boundary is to be staked to ensure there is no encroachment into the rail corridor;
- There is to be no increased stormwater overflow into the rail corridor;
- No light spillage to occur within the rail corridor that may create a distraction or cause confusion with the signalling system;
- Construction and operational waste management plans are to ensure no rubbish will be dumped or in any way affect the ARTC corridor;
- No hotel maintenance works are permitted where personnel or equipment are required to hang over the rail corridor, without appropriate rail protection in place as approved by ARTC;
- Native species are to be planted where there is any ability for weed spread and garden escapees into the adjacent rail corridor;
- There is to be no under boring to access utilities on the southern side of the rail corridor. ARTC's approval to tap into any utilities on or under ARTC's property or infrastructure is required.

It is recognised that suitable consent conditions can be imposed to address these matters. In relation to the proposed excavation adjacent to the rail corridor, see assessment below.

In relation to any overhanging of the rail corridor, details regarding the use of cranes has been included in the Construction Management Plan (CMP) submitted to ARTC. Planning around cranes and other plant has taken the Procedure for Air Navigation Services – Aircraft Operations Surface (PANS-OPS) levels into account, to ensure the proposed construction operations do not encroach the PANS-OPS level of RL 70m.

Cranage for the site will, however, encroach the Obstacle Limitation Surface (OLS) of RL 51m. An Application for 'Approval of Crane Operation' has therefore been submitted to Sydney Airport to obtain approval to operate above the OLS. Upon receiving initial advice back from Sydney Airport, the application was revised to request permission to install the crane initially to 54.5m, and then once the structure reaches Level 11, climb the crane to a height of 66m for a period less than 3 months. This will facilitate topping out of the building (structure, roof works & façade). This application is currently pending formal approval.

In relation to general maintenance and cleaning, the wall on the common boundary will be installed as a finished item and will not require regular maintenance. All window cleaning above the podium level can be accommodated in the rear setback area without any overhang of the rail corridor. Where personnel or equipment are required to hang over the rail corridor during maintenance works, the required approval of the ARTC will first be obtained.

### ***Excavation in, above or adjacent to rail corridors***

Clause 86 requires the consent authority to seek the concurrence from the rail authority prior to granting any development consent where development involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m of a rail corridor.

The proposed hotel does not include basement parking. Excavation depths will generally be less than 1m across the site, with localised depths of approximately 2.33m for the lift and services pits and 1.8m for the OSD tank. As detailed in the response to ARTC, 11 x construction floor area piles will be installed along the southern boundary (approx. every 8m) to a depth of approximately 20m. The ARTC's concurrence is requested for these works.

### ***Impact of rail noise or vibration on non-rail development***

Clause 87 applies to development on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration.

An Acoustic Report has been prepared by Renzo Tonin and Associates which includes recommendations to ensure that the development when built will comply with AS2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).

Further advice has been received from Acoustic Logic (letter dated 2 March 2020) advising that the amended building design provides appropriate treatments to the building shell to ensure internal noise levels are compliant with AS2021:2015 and the NSW Department of Planning 'Development Near Rail Corridors and Busy Road - Interim Guideline'. A copy of this letter is included at **Appendix 7**.

This will ensure a suitable level of amenity is maintained for future staff and guests of the hotel.

### ***Development with frontage to a classified road***

The Roads & Maritime Services "Schedule of Classified & Unclassified Regional Roads" (Jan 2014) does not identify Baxter Road as a classified road. Accordingly, the proposed development is not subject to the provisions of clause 101 of the Infrastructure SEPP.

### ***Impact of road noise or vibration on non-road development***

Clause 102 applies to residential development that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic (AADT) volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration.

Although the proposed development is for commercial purposes, it is understood that the associated subdivision application (DA-2019/234) was referred to the RMS for comment. At that time, the RMS advised that the subject site may be within an area under investigation by the RMS for the 'Sydney Gateway Project', noting that Joyce Drive, on the southern side of the rail corridor, is a major arterial road. It was therefore recommended by the RMS that any future development of the site consider any potential noise impacts from increased traffic.

According to the Sydney Gateway Road Project Environmental Impact Statement (EIS), dated November 2019, the project area does not extend past the subject site. See Figure 4. Future noise barriers, as referred to in the original correspondence from the RMS, are therefore not required on or near the subject site.

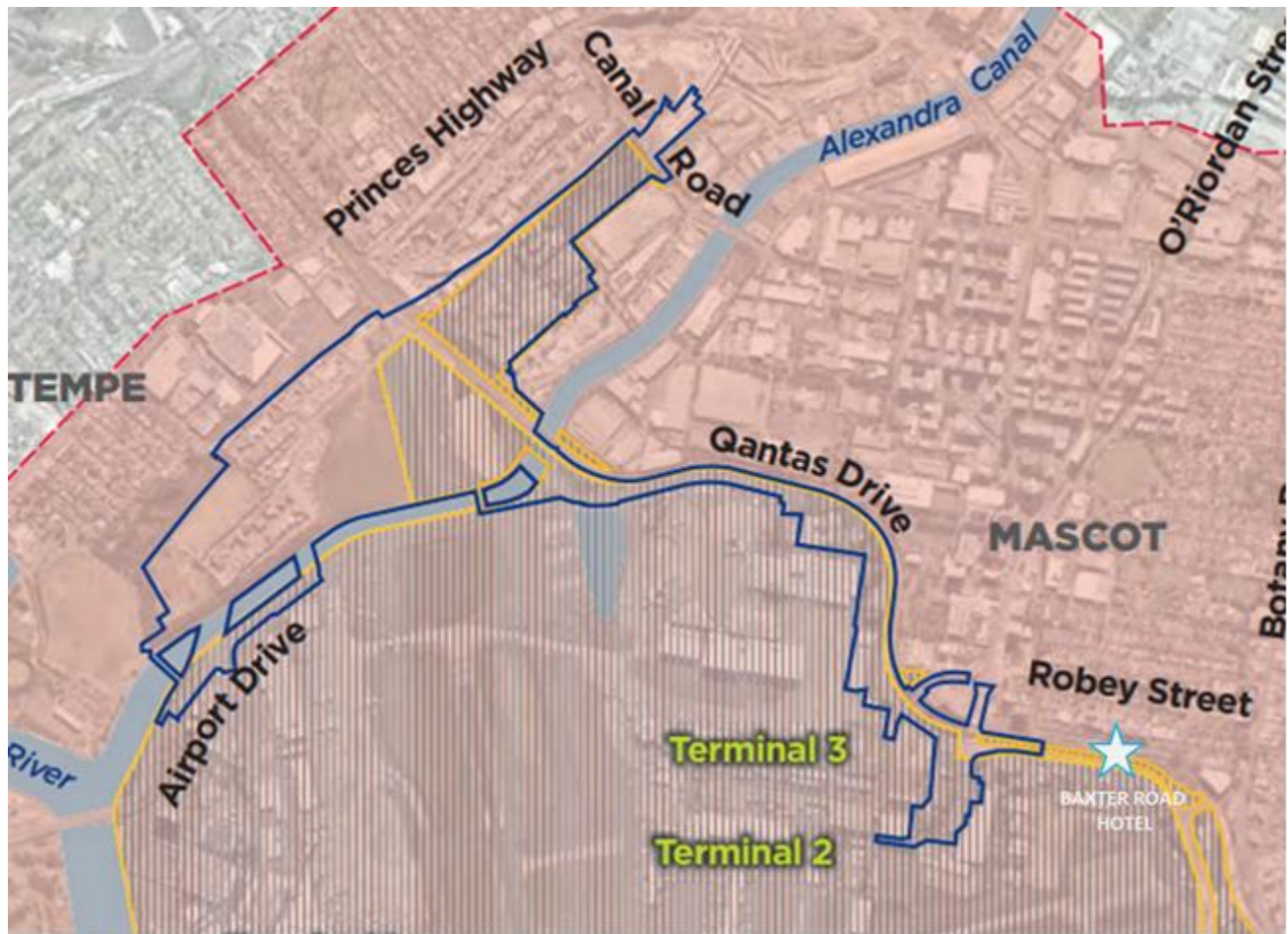


Figure 4: Study area for the Sydney gateway Road Project (outlined blue), with the location of the subject site highlighted with a 'star'. (Source: EIS prepared for the RMS and Sydney Airport Corporation Limited).

As indicated above, Acoustic Logic in their letter dated 2 March 2020 has advised that the amended building design provides appropriate treatments to the building shell to ensure internal noise levels are compliant with AS2021:2015 and the NSW Department of Planning 'Development Near Rail Corridors and Busy Road - Interim Guideline'. This will ensure a suitable level of amenity is maintained for future staff and guests of the hotel, and that there will be no unreasonable noise impacts from any increased traffic movements.

The 4-storey podium has been redesigned to address design and acoustic concerns raised by the DRP (see assessment under Section 7 of this report and the accompanying Design Reports prepared by Group GSA). The amended design, together with the zero side setbacks, will further ensure that noise does not unreasonably penetrate through to Baxter Road. The base of the building will provide acoustic benefits to those properties to the north of the site.

**Traffic-generating development**

Clause 104 of the Infrastructure SEPP ensures that the Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' in Schedule 3. As confirmed by the Traffic Impact Assessment (TIA) prepared by Traffix and submitted with the DA, the

proposed development is not classified as "traffic generating" and does not require referral to the RMS under the provisions of SEPP (Infrastructure) 2007.

#### 5.4.4. State Environmental Planning Policy (State and Regional Development) 2011

The aim of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) is to identify State significant development, State significant infrastructure and regionally significant development.

Development specified in Schedule 7 is declared to be regionally significant development for the purposes of the Act and identifies development with a CIV of more than \$30 million as regionally significant. Given the development has a CIV that exceeds \$30 million, the DA will be assessed by Council but determined by the Sydney Eastern City Planning Panel in accordance with Clause 20 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

#### 5.5. Botany Bay Local Environmental Plan 2013

The Botany Bay Local Environmental Plan 2013 (the LEP) is the primary environmental planning instrument (EPI) applicable to the site and the proposed development. The table below provides a summary assessment of the relevant development standards contained within the LEP and the proposed amended development's compliance with these standards.

Table 4: Assessment against the provisions of BBLEP 2013

Clause	Requirement	Proposal	Complies
2.3 <i>Zone objectives and Land Use (B5 - Business Development Zone)</i>	Permitted uses in the B5 zone include any development listed at item 3 and any other development not specified in item 2 or 5 of the B5 Land Use Table.	Consent is sought for the construction of a "hotel". Hotel accommodation is defined as a type of "tourist and visitor accommodation" under the Botany Bay LEP 2013. Such land use is permissible in the B5 Business Development zone with consent.	Yes
	The objectives of the B5 zone are 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.	The proposed hotel satisfies the objectives of the B5 zone. The proposed hotel will support the viability of the Mascot Town Centre whilst its proximity to Sydney Airport ensures that it is suitably located.	Yes
4.3 <i>Height of buildings</i>	Maximum 44m	The proposed hotel building will have a maximum building height, when measured at the property boundary, of 43.997m thereby complying with the building height development standard for the site (see North Elevation Plan).	Yes

Clause	Requirement	Proposal	Complies
		The Sections Plan (DA 300) further demonstrates that when measured vertically from the highest point of the building to natural ground level, the overall height will actually be less than this.	
4.4 Floor space ratio	Maximum 3:1 (8,991sqm)	The proposed development will result in an FSR of 2.91:1 (8,731sqm) thereby complying with the FSR development standard for the site.	Yes
4.5 Calculation of floor space ratio and site area	The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.	<p>If the proposed development is to be carried out on only one lot (as is the case for this development), subclause (3) states that the site area is taken to be the area of that lot. In this case, approved Lot 1 within the subdivision of Lot 506, DP 1242707 has a site area of 2,997sqm.</p> <p>In relation to subclauses (4), any land on which the proposed development is prohibited, must be excluded from the site area. In this case, the proposed development is permissible on the entire lot and as such, no part of the lot is to be excluded from the site area.</p> <p>In relation to subclause (6), the site area must not include any other lot unless the proposed development includes significant development on that additional lot. In this case, the subject site includes a single lot only.</p> <p>Subclauses (5) and (7)-(10) do not apply for the purposes of calculating the area of the subject site or the FSR.</p> <p>The FSR has therefore been calculated in accordance with the provisions of clause 4.5 of the LEP.</p>	Yes

Clause	Requirement	Proposal	Complies
5.10 <i>Heritage Conservation</i>	Before granting consent to any development on land that is within the vicinity of a heritage item or a heritage conservation area, consideration is to be given to the potential impact the development may have.	<p>The subject site is not heritage listed and is not located within a heritage conservation area.</p> <p>The land to the south on the opposite side of Joyce Drive, however, is mapped as containing the following heritage items:</p> <ul style="list-style-type: none"> <li>▪ I3 - Commonwealth Water Pumping Station and Sewage Pumping Station No. 38 located at General Holmes Drive (west of Engine Pond, within the boundary of Sydney (Kingsford Smith) Airport)</li> <li>▪ I168 - Ruins of the former Botany Pumping Station Within the boundary of Sydney (Kingsford Smith) Airport. Ross Smith Avenue, Mascot.</li> <li>▪ I170 – Sydney Airport at Airport Drive.</li> </ul> <p>While the land to the south, on the opposite side of Joyce Drive is mapped as containing State and Local heritage items, the buildings/ruins themselves are not located near the subject site. Due to the distance of the subject site from these items, the proposed hotel development will not have an adverse impact on the significance of the heritage items or their setting.</p>	Yes
6.1 <i>Acid Sulfate Soils</i> (Class 4 <i>Acid Sulfate Soils</i> )	Development must not disturb, expose or drain acid sulfate soils and cause environmental damage.	<p>An Additional Geotechnical Investigation, dated April 2020, has been prepared by Douglas Partners.</p> <p>As part of the geotechnical investigation, 23 soil samples were screened for acid sulfate soil potential.</p> <p>The acid sulfate soil testing indicates that potential acid sulfate soils are present between</p>	Yes

Clause	Requirement	Proposal	Complies
		<p>8m and 10.5m depth in at least two areas of the site.</p> <p>If this material is brought to the surface during piling works then neutralisation may be required on site prior to disposal, unless arrangements can be made for off-site treatment/management.</p> <p>The report recommends that an Acid Sulfate Soil Management Plan be prepared to ensure the soils are dealt with appropriately if they are to be disturbed.</p> <p>This matter can be addressed as a condition of consent.</p>	
6.2 Earthworks	<p>Consent required for the proposed earthworks. These works are not to have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p>	<p>The proposed hotel does not include basement parking. The proposed earthworks will therefore cause limited disruption.</p> <p>Excavation depths will generally be less than 1m across the site, with localised depths of approximately 2.33m for the lift and service pits and 1.8m for the OSD tank.</p> <p>As detailed in the response to ARTC, 11 x construction floor area piles will be installed along the southern boundary (approx. every 8m) to a depth of approximately 20m. The ARTC's concurrence is requested for these works.</p> <p>Additional geotechnical investigations have been undertaken by Douglas Partners. The report considers issues relating to groundwater, excavation, ground vibrations, excavation support, dewatering and foundations. Comments on seismicity, aggressivity and acid sulfate soil potential are also provided. A copy of the</p>	Yes

Clause	Requirement	Proposal	Complies
		Geotechnical Investigation is included at <b>Appendix 5</b> .	
6.3 <i>Stormwater Management</i>	Appropriate on-site management is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.	<p>The revised development has been amended to achieve the required minimum habitable floor level of 1% AEP flood level + 500mm (i.e. RL of 6.567m AHD).</p> <p>To minimise the potential impact of local and downstream flooding, onsite stormwater detention (OSD) is also proposed. This will ensure that no floodwaters are displaced onto neighbouring properties. Given the extent of the building footprint, the concrete detention storage tanks will be located below the ground floor of the hotel.</p> <p>A copy of the Concept Stormwater Management Plan and Civil Plans is included at <b>Appendix 8</b> and a copy of the Flood Impact Assessment and additional flood modelling is included at <b>Appendix 9</b>.</p>	Yes
6.8 <i>Airspace operations</i>	To ensure the Sydney (Kingsford Smith) Airport operation is not compromised by proposed development.	<p>Based on the Sydney Airport prescribed airspace Obstacle Limitation Surfaces (OLS) map, the subject site is located in the Inner Horizontal Surface area and has a height limit of 51m AHD. This is consistent with Part 3J.3 of the Botany Bay DCP 2013 (Amendment 8).</p> <p>Any intrusion into the prescribed airspace would constitute a controlled activity and must be referred to Sydney Airports Corporation Limited (SACL) for approval (Airports Act 1996 Section 186).</p> <p>The amended hotel development has a maximum height of 43.997m AHD and will not</p>	

Clause	Requirement	Proposal	Complies
		<p>penetrate the 51m AHD limitation.</p> <p>It is recognised that separate approval must be obtained to operate construction equipment (i.e. cranes) where the prescribed airspace is affected.</p> <p>While the proposed crange will not exceed the Procedure for Air Navigation Services – Aircraft Operations Surface (PANS-OPS) level of RL 70m, it will encroach the Obstacle Limitation Surface (OLS) of RL 51m.</p> <p>An Application for ‘Approval of Crane Operation’ has therefore been submitted to Sydney Airport to obtain approval to operate above the OLS. Upon receiving initial advice back from Sydney Airport, the application was revised to request permission to install the crane initially to 54.5m, and then once the structure reaches Level 11, climb the crane to a height of 66m for a period less than 3 months. This will facilitate topping out of the building (structure, roof works &amp; façade). This application is currently pending formal approval.</p> <p>All relevant approvals are to be in place prior to construction works commencing.</p>	
<p>6.9 <i>Development in areas subject to aircraft noise</i></p>	<p>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.</p>	<p>The subject site is affected by the 25-30 ANEF contour.</p> <p>An Acoustic Report has been prepared by Renzo Tonin and Associates which assesses the effects of aircraft noise associated with the operation of Sydney’s Kingsford Smith Airport on the proposed development. The report includes recommendations to ensure that the development when built will comply with AS2021 (Acoustic</p>	

Clause	Requirement	Proposal	Complies
		Aircraft Noise Intrusion-Building siting and Construction).  Further advice has been received from Acoustic Logic (letter dated 2 March 2020) advising that the amended building design provides appropriate treatments to the building shell to further ensure that internal noise levels will be compliant with AS2021:2015.	
6.16 - Design Excellence (Site located within the Mascot Station Precinct on the Key Sites Map)	In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:	See comments below.	Yes
<p><i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i></p> <p>The following elements have been provided to ensure that the amended hotel proposal provides a high-quality urban design outcome and positively contributes to the locality of the site.</p> <ul style="list-style-type: none"> <li>▪ Significant modulation to the front façade of the podium;</li> <li>▪ Articulation of the building through material selection, generous openings, recessed sections, planter boxes, and the expression of the lobby and arrival area;</li> <li>▪ Consolidation of the loading, access and servicing into a single zone at the western edge of the building so that they no longer dominate the streetscape;</li> <li>▪ Articulation of the tower façades, including a combination of horizontal and vertical elements and irregular placement of windows, to add interest and expression to the building;</li> <li>▪ Introduction of soft landscaping to add relief to the front and rear façades; and</li> <li>▪ Provision of decorative artwork and façade treatments to the rear podium façade.</li> </ul> <p>In addition to providing a built form that has good proportions and a balanced composition of elements, the building will use a high standard of colours, textures, materials and finishes.</p> <p>For further details regarding the architectural design and detailing, refer to Urban Design Report and Presentation prepared by Group GSA.</p> <p><i>(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,</i></p> <p>The following amendments have been made to the proposed development to provide a positive contribution to the public domain:</p> <ul style="list-style-type: none"> <li>▪ Increased articulation and building insets provide an opportunity for on-site tree planting at the ground level and creates a more intimate and pedestrian friendly streetscape;</li> <li>▪ Modulation and smaller scale frames provided in the podium, break down the immediate interface to the street;</li> </ul>			

Clause	Requirement	Proposal	Complies
	<ul style="list-style-type: none"> <li>▪ Planter boxes and benches that soften the building and street edge;</li> <li>▪ Landscape treatments that transition from the streetscape into the building providing a visual connectivity and transparency that is needed along Baxter Road;</li> <li>▪ A wide hotel entry to provide a sense of arrival with an appropriate scale and wayfinding along the street;</li> <li>▪ A wider lobby entry, together with a 2-storey glazed facade to the lounge, bar and dining areas, assist in creating an activate street frontage;</li> <li>▪ The expansive double height lobby can be viewed from Baxter Road improving the overall character of the street;</li> <li>▪ A cafe that has an operable facade that will open the building to the streetscape;</li> <li>▪ A balcony that is set back but is still visible and presents as an active frontage to the streetscape;</li> <li>▪ Deletion of the Porte Cochere provides enhanced pedestrian flow and amenity along the street; and</li> <li>▪ Consolidated car-parking and servicing areas which separates vehicular and pedestrian movements.</li> </ul> <p><i>(c) whether the development detrimentally impacts on view corridors,</i>            The proposed development does not impact on any view corridor.</p> <p><i>(d) the achievement of the principles of ecologically sustainable development.</i></p> <p>In addition to satisfying the minimum BCA requirements, sustainable design principles have been embedded into the architectural response. These are detailed in the Urban Design Presentation Report prepared by Group GSA at <b>Appendix 2</b>. A Sustainability Statement has also been prepared by Stantc and is included at <b>Appendix 10</b>.</p> <p>The sustainability initiatives included in the amended proposal, include but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Photo voltaic cells on the roof of the building</li> <li>▪ Ample storage of recycling by the hotel</li> <li>▪ A solid building elevation to the west to minimise heat load</li> <li>▪ Sun shading to the hotel rooms through the building articulation</li> <li>▪ Generous and widened planters on the podium and facade and into reception areas</li> <li>▪ Landscape treatments along the streetscape and into the lobby area of the building</li> <li>▪ Energy efficient façade treatments, including an appropriate window area to total façade area ratio</li> <li>▪ Thermal treatment to opaque façade walls</li> <li>▪ Energy efficient appliances and fixtures, including LED lighting and water efficient taps</li> <li>▪ A 10KI rainwater tank for rainwater recycling.</li> </ul>		

## 6. OTHER PLANNING CONSIDERATIONS

### 6.1. Botany Bay Development Control Plan 2013

The following parts of the Botany Bay DCP 2013 are relevant to this proposal:

- Part 3A Car Parking
- Part 3C Access and Mobility
- Part 3G Stormwater Management
- 3H Sustainable Design
- 3I Crime Prevention, Safety & Security
- Part 3J Aircraft Noise and OLS
- Part 3K Contamination
- Part 3L Landscaping
- Part 3N Waste Minimisation and Management
- Part 6 Employment Zones
- 7F Hotel & Motel Accommodation

Consideration of compliance and/or consistency with the relevant provisions within the Botany Bay DCP 2013 is provided at Table 5. This DCP assessment, however, addresses only those DCP provisions that have changed as a result of the proposed amendments to the development proposal. This assessment should therefore be read in conjunction with the original DCP assessment provided in the SEE prepared by ABC Planning.

Table 5: DCP Compliance table

Control	Proposal	Complies
<p><b>Part 3A Car Parking</b></p> <p><u>Hotel Accommodation Parking</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 section 3A 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</p>	<p>Under the provisions of Council's DCP, the proposed hotel accommodation requires 134 car spaces and 14 bicycle spaces. This is based on 301 hotel rooms, 1 manager and 25 staff members.</p> <p>The proposed development provides 14 bicycle spaces and 85 car parking spaces across 2 levels of the building. This is a deficiency of 49 car spaces under the DCP.</p> <p>Under the RMS guidelines, however, it is recommended that parking be provided at the rate of one space for every 4 guest rooms, which results in the need for a total of 75.25 (say 76) staff and visitor spaces.</p> <p>Based on the RMS parking rates, the proposed hotel exceeds the minimum parking requirement by 9 spaces.</p> <p>To satisfy the pick-up and set-down requirements, a "no parking" zone approximately 43m in length will be provided at the front of the hotel in Baxter Road.</p>	<p>No</p> <p>However, complies with the parking requirements of the RMS and responds specifically to the recommendations of the Design Review Panel.</p> <p>Application of the RMS rate is considered appropriate given the site's proximity to the airport and that most customers will be travellers</p>

Control	Proposal	Complies
<p>requirement can be reduced to 1 per 2.5 bedrooms).</p> <p><u>Bicycle spaces</u></p> <p>In every new building, where the floor space exceeds 600m<sup>2</sup> GFA (except for houses and multi-unit housing) bicycle parking equivalent to 10% of the required car spaces or part therefore as required in Table 1 shall be provided.</p>	<p>For further details regarding the parking provisions and car park design refer to the updated Traffic Impact Assessment (TIA) prepared by Traffix at <b>Appendix 11</b>. Further details are also provided at Section 7.4 of this report.</p>	<p>who are unlikely to have their own car.</p>
<p><b>Part 3D Signage</b></p>	<p>The proposed development seeks consent for three signage zones as shown on Plan DA 208.</p> <p>The DA seeks approval for the signage zones only, noting that any future signage within these zones not being exempt or complying development will require separate development consent.</p> <p>See SEPP 64 Assessment at Section 5.4.2 of this report for further details.</p>	<p>Yes</p>
<p><b>Part 3G Stormwater Management</b></p>	<p>The minimum habitable floor level of the development must be equivalent to the 1% AEP flood level + 500mm. This equates to a minimum RL of 6.567m AHD. The car lifts on the ground floor, however, may be set at a minimum of RL 6.367m AHD. The revised plans have been amended to address this requirement.</p> <p>For further details refer to the Flood Impact Assessment and modelling at <b>Appendix 9</b>. This information has previously been submitted under separate cover to address flooding issues.</p> <p>An updated Concept Stormwater Management Plan is also included at <b>Appendix 8</b>. To minimise the potential impact of local and downstream flooding, onsite stormwater detention (OSD) is proposed. The Stormwater report confirms that the OSD tanks have been designed to comply with Council's Stormwater Management Technical Guidelines, and that appropriate Water Sensitive Urban Design (WSUD) measures have been included to mitigate the effects of urbanisation on water quality.</p>	<p>Yes</p>

Control	Proposal	Complies
	See Section 7.5.3 of this report for further details.	
<b>Part 3H Sustainable Design</b>	<p>In addition to satisfying the requirements of the BCA, sustainable design principles have been embedded into the architectural response as detailed in the Urban Design Presentation Report prepared by Group GSA at <b>Appendix 2</b> and the Sustainability Statement prepared by Stantec included at <b>Appendix 10</b>.</p> <p>See also Section 7.3 of this report for further details.</p>	Yes
<b>Part 3J Aircraft Noise and OLS</b>	<p>The subject site is located in the Inner Horizontal Surface area and has a height limit of 51m AHD.</p> <p>The amended hotel development has a maximum height of 43.997m AHD and will not penetrate the 51m AHD limitation. It is recognised, however, that separate approval must be obtained to operate construction equipment (i.e. cranes) where the prescribed airspace is affected.</p> <p>An Application for 'Approval of Crane Operation' has therefore been submitted to Sydney Airport to obtain approval to operate above the OLS. Upon receiving initial advice back from Sydney Airport, the application was revised to request permission to install the crane initially to 54.5m, and then once the structure reaches Level 11, climb the crane to a height of 66m for a period less than 3 months. This will facilitate topping out of the building (structure, roof works &amp; façade). This application is currently pending formal approval.</p> <p>Refer to response to clause 6.8 of the LEP for further details.</p>	Yes
<b>Part 3K Contamination</b>	<p>A Stage 2 Detailed Site Investigation (DSI), including a soil and groundwater assessment, has been prepared by Douglas Partners to address any potential contamination and confirm the suitability of the site for the proposed hotel use.</p> <p>Based on the assessment undertaken, Douglas Partners has concluded that the site</p>	Yes

Control	Proposal	Complies
	<p>is suitable for the proposed development from a contamination standpoint.</p> <p>For further detail refer to the report prepared by Douglas Partners dated December 2019 at <b>Appendix 4</b> and to the SEPP 55 assessment at Section 5.4.1 of this report.</p>	
<b>Part 3L Landscaping</b>	<p>Three (3) existing trees on-site, located on the southern boundary adjacent to the rail corridor, will be removed to accommodate the proposed development. The removal of these trees is required for the economic and orderly development of the site.</p> <p>An additional 11 street trees will be removed as part of the proposed public domain works. For further details refer to Section 7.2.2 of this report.</p> <p>An updated Landscape Plan has also been prepared by Group GSA. For further details, refer to the comments under 'Part 6.3 - General Provisions for Employment Zones' below. A copy of these plans is included at <b>Appendix 12</b>.</p>	Yes
<b>Part 6.3 - General Provisions for Employment Zones</b>	Refer to Architectural Plan DA003 for the site analysis.	Yes
<p><u>Building and Site Layout</u></p> <p>A site analysis plan is to be lodged with the Development Application in accordance with the Council's Development Application Guide.</p>	The proposed hotel development has been designed to minimise any adverse effects on the amenity of the residential properties located to the north-east and north-west by way of overshadowing, overlooking, lighting, noise or vehicular movements.	
<p><u>Building Design and Appearance</u></p> <p>All development applications involving external building works must be accompanied by a schedule of finishes and a detailed colour scheme for all external walls. External finishes must be robust and graffiti resistant.</p> <p>The maximum reflectivity of any glazing is not to exceed 20% to avoid nuisance in the form of glare to occupants of nearby buildings, pedestrians and motorists.</p> <p>All elevations of a building fronting a public place, or visible from a rail</p>	<p>The amended building is of a contemporary and innovative design. The building will use a high standard of colours, textures, materials and finishes. This will ensure that the hotel provides a high-quality urban design outcome and positively contributes to the locality of the site. The maximum reflectivity of the glazed elements will not exceed the required 20% and no services (other than potentially downpipes) will be attached to the external facades of the building.</p> <p>The rear elevation of the podium, facing the rail corridor, will be provided with decorative artwork and façade treatments that will</p>	Yes

Control	Proposal	Complies
<p>line, public place or proposed road, must be constructed of face brickwork or other decorative facade treatment to Council's satisfaction.</p> <p>Buildings should be of a contemporary and innovative design. All public frontages should be specially articulated with the use of brick, stone, concrete, glass (non-reflective), and like materials, but not concrete render.</p> <p>Building height, mass, and scale should complement and be in keeping with the character of surrounding and adjacent development.</p> <p>No service plumbing pipes, other than downpipes for the conveyance of roof water, must be external to the building or visible to any public place.</p>	<p>minimise the potential for graffiti or other vandalism.</p> <p>For further details regarding the building design and appearance, refer to the Elevation Plans, the Schedule of Finishes (Plan DA 400) and the Urban Design Reports prepared by Group GSA.</p> <p>The building height, mass, and scale of the development complements and is in keeping with the character of surrounding and adjacent development.</p> <p>The building entrance is clearly defined and the front façade is well-articulated through form, materials and colour. The tower element also incorporates horizontal and vertical modulation and division of massing to provide a building form that is appropriate for the site and its context.</p> <p>For further details, refer to section 7.1.1 and 7.1.3 of this report.</p>	
<p><u>Setbacks</u></p> <p>Front setback:</p> <ul style="list-style-type: none"> <li>▪ 3m landscaping setback</li> <li>▪ 9m building setback</li> </ul> <p>Side setbacks adjoining a non-residential use/zone:</p> <ul style="list-style-type: none"> <li>▪ 2m landscaping setback</li> <li>▪ 2m building setback</li> </ul> <p>Rear setbacks:</p> <ul style="list-style-type: none"> <li>▪ 0m to 3m landscaping setback</li> <li>▪ 0m to 3m building setback</li> </ul>	<p>The 4-storey podium is provided with a zero setback to the front, side and rear boundaries.</p> <p>The tower provides a 2.742m building setback to Baxter Road, a setback of 0.838 to 3.836m to the northern boundary of the rail corridor, a 3.314m to 8.6m setback to the eastern boundary and a 3.311m to 4.158m setback to the western boundary.</p> <p>The proposed front and side podium setbacks do not comply with the setback requirement of the DCP. For further details, refer to Section 7.1.2 of this report.</p> <p>These setback controls apply to developments both in business park precincts and industrial precincts.</p> <p>The required building setback and deep soil zone requirements are considered appropriate for industrial buildings that typically provide limited articulation.</p> <p>These setbacks, however, have been abandoned for many newer commercial and office buildings in the area which typically</p>	<p>Satisfies the intent of the control.</p> <p>The objectives of control, being "to minimise the impact of development and buildings on the surrounding area", and "to create a pleasant environment within and external to the site" have been satisfied.</p> <p>Refer to Section 7.1.2 of this report for further details.</p>

Control	Proposal	Complies
	<p>provide active street frontages comprising coffee shops and retail outlets.</p> <p>As the adjoining sites are likely to accommodate large scale commercial and hotel development in the near future, a zero setback to these future uses is considered appropriate.</p> <p>It is noted that the DRP is supportive of the proposed front and side setbacks.</p>	
<p><u>Parking and Vehicular Access</u></p> <p>A Traffic and Parking Impact Assessment Report shall be prepared. The Traffic and Parking Impact Assessment Report is required to be prepared by a suitably qualified and experienced civil engineer and in accordance with the current version of AUSROADS "Guide to Traffic Management, Part 12: Traffic Impacts of Development" and RMS "Guide to Traffic Generating Development".</p>	<p>A Traffic and Parking Impact Assessment (TIA) Report has been prepared by Traffix.</p> <p>To respond to both the Traffic Committee's and the Design Review Panel's concerns, an updated TIA, which reflects the amended development proposal, has been prepared and is included at <b>Appendix 11</b>. For further details, refer also to Section 7.4 of this report.</p> <p>The amended development has been designed so all vehicles can enter and leave the site in a forward direction at all time, with a single driveway crossing to minimise the impact on the street amenity.</p> <p>All internal circulation, turning areas, parking aisles, parking bays and service bay have been designed to comply with the relevant Australian Standards and will be sealed with hard standing all weather materials.</p>	<p>Yes</p>
<p><u>Landscape</u></p> <p>Landscaping is to be designed to ameliorate the bulk and scale of buildings, to shade and ameliorate large expanses of pavement and surfacing, to create a comfortably scaled environment for pedestrians in the public domain or from within the site and to screen utility areas and the like.</p> <p>Planter beds at the base of the building façade are encouraged to soften and visually ground buildings.</p> <p>Landscaping in the public domain is to reinforce existing streetscape planting themes and patterns. Council may require the developer to provide street tree planting,</p>	<p>The site has an area of 2,997sqm. The DCP requires that not less than 10% of the development site shall be landscaped. The majority of landscaping is to front the street and is to include side and rear landscaped areas.</p> <p>As outlined in the 'setback' comment above, the required building setback and deep soil zone requirements are considered appropriate for industrial types of development.</p> <p>While the specified landscaped setbacks are required to ameliorate the bulk and scale of large business park and industrial buildings, and to ameliorate wide expanses of pavement and surfacing, it is recognised that strict compliance is unnecessary and cannot be achieved where active street frontages are provided.</p>	<p>Satisfies the intent of the control.</p>

Control	Proposal	Complies
<p>landscaping, paving or street furniture in any development proposal.</p> <p>Not less than 10% of the development site shall be landscaped.</p> <p>The majority of landscaping shall front the street/s to which the development has frontage and include side and rear landscaped areas.</p> <p>Any planter bed within a development (excluding setbacks) shall be a minimum of 1 metre wide.</p>	<p>The proposed development is seeking to provide a 4 storey podium which is built from boundary to boundary. Front and side landscaped setbacks therefore cannot be provided.</p> <p>Overall, the proposed development provides 308sqm of landscaping on site in the form of raised planter beds adjacent to the footpath and at the upper levels. The 308sqm excludes the proposed tree planting and landscape works in the public domain.</p> <p>It is therefore considered that the proposed development satisfies the objectives of the landscape controls and provides an effective, purposeful and site responsive planting design to enhance the visual amenity of the development and the Baxter Road streetscape.</p> <p>For further details, refer to Section 7.2 of this report.</p>	
<p><u>Noise and Operations</u></p> <p>Noise control measures are to take into account all noise generating sources.</p> <p>Development is to be designed with noise control measures to minimise the possibility of noise transmission to the occupants of adjoining or neighbouring dwellings.</p> <p>New development must be designed so that noise producing activity is remote from the interface boundary.</p> <p>All applications for noise generating uses are to be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met.</p>	<p>The proposed hotel operations and associated traffic movements are not anticipated to cause any unreasonable noise impacts to the neighbouring or nearby properties.</p> <p>An Acoustic Report has been prepared by Renzo Tonin and Associates which includes recommendations to ensure that the development when built will comply with AS2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction).</p> <p>Further advice has been received from Acoustic Logic (letter dated 2 March 2020) advising that the amended building design provides appropriate treatments to the building shell to ensure internal noise levels are compliant with AS2021:2015 and the NSW Department of Planning 'Development Near Rail Corridors and Busy Road - Interim Guideline'.</p> <p>This will ensure a suitable level of amenity is maintained for future staff and guests of the hotel.</p> <p>For further details, refer to Section 7.1.4 of this report.</p>	Yes

Control	Proposal	Complies
<b>Part 7F - Hotel and Motel Accommodation</b>	The amended design continues to comply with the minimum room size and design requirements. The submitted Plan of Management (PoM) describes how the ongoing operation of the hotel accommodation will be managed and includes appropriate measures to reduce its impact upon the amenity of surrounding properties.	Yes

## 7. ENVIRONMENTAL IMPACT ASSESSMENT

The additional information provided in this section identifies and assesses the impacts of the revised development proposal with specific reference to Council's requests for additional information, comments received from the Traffic Development Advisory Committee and the feedback from the Bayside Design Review Panel (the Panel).

### 7.1. Built Form

#### 7.1.1. Height, Bulk and Scale

The context and setting of the development site are described in Section 2 of this report and within the supporting Urban Design Report prepared by Group GSA. When viewed from Baxter Road, the site is wide and shallow.

The bulk and scale of the revised hotel are compatible with the desired future character of the locality and other established large-scale hotels in the surrounding area. The height of the development is consistent with the approved hotel development at No. 40-54 Baxter Road (DA-2013/197) and the FSR is less than several other approved large-scale hotels in the area (refer to SEE prepared by ABC Planning for details).

The Design Review Panel has indicated that the scale and density of the proposal is appropriate for the site. This is subject to the development complying with the maximum height plane and to consideration being given to the various design recommendations raised by the Panel.

The amended development, at a maximum height of 43.997m AHD, complies with the 44m maximum height standard for the site. While the ground floor level has been raised to respond to the flood constraints of the site, the overall height of the building has not increased. The revised design utilises the level changes across the site in the podium design and conceals the roof top plant equipment and lift over run within the revised tower form.

The base of the hotel building comprises of a 4-storey podium addressing the scale of the streetscape. The front façade of the podium includes recessed sections and breaks in the built form. As recommended by the Panel, the inset provided above the podium has been extended down to the ground level. A similar inset has been provided above the lobby entry. These two insets successfully break up the front podium facade into three smaller volumes. This adds significant articulation to the building, provides an opportunity for on-site tree planting at the ground level and creates a more intimate and pedestrian friendly streetscape.

Overall, the amended podium design provides a more articulated, active and diverse outcome to create a lively streetscape and entry experience for the hotel. The modulation and smaller scale frames provided in the podium, break down the immediate interface to the street. The wide lobby entry, together with the 2-storey glazed facades to the lounge and restaurant areas, further help to activate the street frontage.

Above the podium is a slender tower which is broken into two volumes of different ratios. The tower is setback from the street and from future neighbouring developments. The inset between the two tower elements, which is provided to both the north and south elevations, creates definition and depth to the tower. This inset has been pushed back further from the street to create greater articulation to the tower form. The wider part of the tower is sliced into two pieces that have different heights (see west elevation plan), while the narrower part of the tower includes an angled splay wall at its eastern end to add variation and interest to the façade (see east elevation plan). Each tower façade has been articulated to frame the hotel rooms while also providing sun shading.

A single vehicular access point is provided at the western end of the site. The consolidation of the parking, loading and back of house (BOH) facilities assists in providing a long uninterrupted expanse of active street frontage. As suggested by the Panel, the Porte Cocheres has been deleted to provide enhanced pedestrian flow and amenity along the street. Instead all drop off and valet services will operate at the kerbside, with

the proposed upgrades to the footpath, street tree planting and revised on-street parking arrangements to be subject to a separate application.

The proposed development is considered appropriate for the 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 or overshadowing. The height, bulk and scale are appropriate for the site and reinforce the gateway function of the locality.

### 7.1.2. Setbacks

The 4-storey podium is provided with a zero setback to the front, side and rear boundaries. The tower provides a 2.742m setback to Baxter Road, a setback of 0.838 to 3.836m to the northern boundary of the rail corridor, a 3.314m to 8.6m setback to the eastern boundary and a 3.311m to 4.158m setback to the western boundary. Except for the rear setback to the tower, the Design Review Panel is supportive of the proposed setbacks.

The front setbacks, being a minimum of 0m at ground level and 2.742m to the tower, do not comply with the 9m front building setback requirement of the DCP. However, the front setback is not inconsistent with the setback provided to the approved 8-storey hotel to the west at No. 40-54 Baxter Road (i.e. a front setback of 0.271m approved as part of DA-2013/197). As described in Section 7.1.1 and 7.1.3, the amended design provides greater articulation and diversity compared to the original proposal. The reduced setback provides an active street frontage to Baxter Road, while having no adverse impact on the public domain or streetscape.

The DCP further requires that the front setback area be provided with 3m of landscaping. The amended proposal includes recessed sections and breaks within the front setback at ground level. These areas provide opportunities for on-site tree planting and planter beds adjacent to the footpath and at the wide hotel entry. The ground level planting will complement the proposed street tree planting within the footpath reserve. Additional planter beds are provided at the upper floor levels to soften and provide relief to the front façade. At the 4th floor level, above the podium, extensive landscaped planter beds are provided around the perimeter of the building.

As there are no residential uses adjoining the subject site to the east and west, the DCP requires that 2m side building setbacks be provided. These setbacks are required to be landscaped. The proposed podium provides zero setbacks to the east and west boundaries and therefore does not comply with the DCP side setback controls. While the zero setback eliminates opportunities for building separation at the lower levels and for landscaping to be provided in the side setback areas, it is considered appropriate that potential access to the adjoining rail corridor and that areas of concealments are eliminated. The adjoining sites are also likely to accommodate large scale commercial and hotel development in the near future, similar to the subject proposal. A zero setback to these future uses is considered appropriate and will result in a continuous podium along the Baxter Street frontage.

Above the podium, the tower is provided with side setbacks that exceed the 2m minimum requirement. At level 4, the side setback areas are provided with landscaped planter boxes. The side setbacks to the tower provide relief and interest and will delineate the tower from the future neighbouring buildings. To ensure there will be no potential privacy impacts to the future adjoining properties, the proposed hotel does not contain any openings within the eastern and western facades.

The DCP requires that a 0m to 3m building and landscaped setback be provided to the rear boundary of the site. The Port Botany rail corridor (a dedicated freight rail line) adjoins the rear property boundary to a height of RL14.0. Above this, the rear property boundary extends to the southern side of the rail corridor. The east elevation plan shown in Figure 5, clearly shows the alignment of the rear boundary. The west elevation plan is provided at Figure 3.

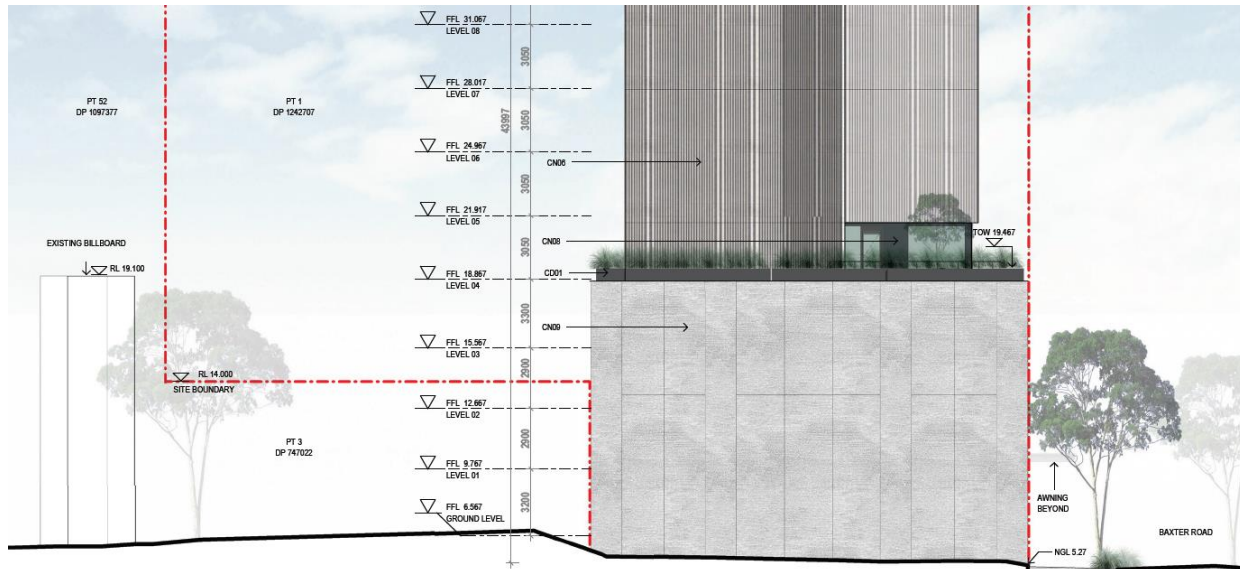


Figure 5: Extract from East Elevation Plan (Source: Group GSA plan DA 206)

The elevation plans show that the lower part of the podium provides a zero setback to the northern boundary of the rail corridor. The zero-lot line wall will be installed as a finished item and will not require regular maintenance or cleaning. The tower, however, provides a 0.838m to 3.836m setback to the lower rail boundary. All window cleaning and maintenance will be undertaken within this setback area to ensure workers do not hang over the rail corridor. Any access required to maintain any of the built elements on the boundary will be coordinated with ARTC and formal approvals will be obtained before any works commence.

While the tower is setback 0.838m to 3.836m to the lower rail boundary, the "air rights" over the rail corridor would allow construction to occur over the rail corridor. Given the property owner also owns the land to the south of the rail corridor, which is also zoned B5 Business Development, the development (e.g. any required support structures) would be permitted to extend to the lot fronting Joyce Drive with consent. However, this is not contemplated to be required as part of this development.

In comparison, however, the proposed tower provides a generous 22m setback to the rear property boundary and results in a built form that does not dominate the Joyce Drive streetscape. Further details regarding the design and treatment of the building facades is provided in Section 7.1.3 below and the supporting Urban Design Report and Presentation prepared by Group GSA.

### 7.1.3. Design and Aesthetics

The proposed hotel development has been redesigned to respond to the existing and future local context as described in Section 2 of this report.

The Panel raised concerns regarding the use of long expanses of open louvred screens to the upper levels of car parking. In response, the Baxter Road podium elevation has been modulated to respond to the human scale of the streetscape. The first level of car parking has also been deleted, allowing for a large

void to be provided over the hotel lobby and for 2-storey glazed elements to be incorporated into the front facade. Articulation is further provided through the material selection, generous openings, recessed sections, planter boxes, and the expression of the lobby and arrival area. Basement car parking is not considered appropriate due to the soil type and because this would trigger dewatering requirements.

The interface between the ground floor and the street allows for different forms of engagement and activation via seats and planters that are built into the large hotel lobby area. The expansive double height lobby, including ancillary hotel café, lounge, bar and dining areas, can be viewed from Baxter Road improving the overall character of the street. A sculpture on top of the podium at level 4 will provide an urban marker/wayfinding gesture and will provide further visual interest along Baxter Road.

Instead of three levels of parking, the amended development proposal now provides two levels of parking. The deletion of one parking level, together with amended podium design, results in a significant reduction in the amount of 'open façade' (i.e. a reduction by approximately 60%) compared to the original DA proposed plans. The revised car park openings include a combination of full height louvres, feature brickwork and breeze blockwork elements, and strategically placed landscape planter boxes. The revised design provides increased noise attenuation, while effectively concealing the above ground parking levels. Loading, access and servicing, while constrained to the Baxter Road frontage have been appropriately consolidated into a single zone at the western edge of the building and no longer dominate the streetscape.

It is recognised that the side walls to the podium will be visible until construction occurs on the adjoining sites. As such, the precast walls will be provided with a superior finish than insitu concrete, concrete block walls or painted render. The profiled precast panels in the tower are contrasted by the smooth finish panels in the podium. The expressed joint sizes between the irregularly placed panels, also assist in breaking up the façade and creating visual interest.

Overall, the Panel supported the architectural expression of the tower and the simplicity of the scheme. The revised scheme retains the simplicity of the tower whilst addressing acoustic concerns and achieving BCA compliance. These factors had not been considered in the original DA proposal and have had a major impact on the update facade design.

The Panel was concerned, however, that the rear setback would not achieve any real differentiation in the building form. A discussion regarding the proposed setbacks is included in Section 7.1.2 above. To address the concern regarding the building form, each tower façade has then been articulated to frame the hotel rooms while also providing sun shading. The combination of horizontal and vertical elements within the tower, including the irregular placement of the vertical elements and windows, add further interest and articulation to the building. Unlike the original scheme, the revised proposal also includes a planter boxes within the rear setback of the podium. The introduction of soft landscaping adds further relief and interest to the rear façade.

While the podium will be highly visible from the Baxter Road frontage, it will not be highly visible from Joyce Drive due to the screening offered by the combination of the significant trees and two large billboard signage structures contain on Lot 52, immediately to the south of the site, as shown in Figure 6.



Figure 6: South facade interface with Joyce Drive (Source: Group GSA)

To ensure any exposed parts of the podium provide a high level of design, decorative artwork and façade treatments are proposed to the rear podium wall. The use of public art will provide visual interest and relief along Joyce Drive and will ensure that an attractive façade is provided.

The visibility and approach of the building envelope and architectural expression was explored through a number of studies to ensure that the constraints along Joyce Drive do not impact on views and are appropriately addressed. For further details, refer to the Urban Design Report and Presentation prepared by Group GSA at **Appendices 2 and 3**.

In addition to providing a built form that has good proportions and a balanced composition of elements, the building will also use a high standard of colours, textures, materials and finishes. This will ensure that the hotel provides a high quality urban design outcome and positively contributes to the locality of the site. For further details, refer to the Schedule of Finishes Plan DA 400.

#### 7.1.4. Acoustics and Amenity

The proposed hotel operations and associated traffic movements are not anticipated to cause any unreasonable noise impacts to the neighbouring or nearby properties.

It is recognised that the properties on the northern side of Baxter Road would currently experience noise from the nearby rail and road networks, as well as aircraft noise. Any recent development, however, would be constructed to comply with the relevant Australian Standards (AS) and is unlikely to be impacted by the hotel operations. The continuous podium (i.e. zero side setbacks) proposed by this development will also provide added acoustic benefits to the properties to the north.

The original design included three floors of above ground car parking. The Panel was not supportive of this approach as it was likely to result in acoustic issues from the freight line and Joyce Drive road corridor passing through the building to Baxter Road. As indicated above, any recent development in the area

would be constructed to comply with relevant noise standards, especially given the proximity to the airport and would not rely on the design of this building for acoustic attenuation.

However, it is recognised that there is an opportunity for this development to provide additional acoustic benefits for existing and future properties to the north. To address the Panel's concern, the amended development proposal now provides two levels of parking instead of three. A combination of solid and decorative metal panels, together with landscape planter boxes, will be provided to the two remaining parking levels provided at levels 2 and 3. This will result in a significant reduction in the amount of 'open façade' (i.e. a reduction by approximately 60%) compared to the original DA proposed plans. The redesign, together with the height, spacing and positioning of the openings (e.g. locating perforated metal panels opposite a solid section of wall), provides a better design solution and increased noise attenuation and amenity for neighbours.

The adjoining freight rail corridor operates 24/7 and is proposed to be duplicated in late 2020 subject to approval. Impacts from the existing and future train operations and maintenance works, including noise and light spill, have therefore been accounted for in the design of the new hotel.

Facades to hotel rooms have been redesigned to incorporate 2/3 solid glass on the northern facade and 1/3 solid glass on the southern facade. An Acoustic Report has been prepared by Renzo Tonin and Associates which includes recommendations to ensure that the development when built will comply with AS2021 (Acoustic Aircraft Noise Intrusion-Building siting and Construction). Further advice has been received from Acoustic Logic (letter dated 2 March 2020) advising that the amended building design has been provided appropriate treatments to the building shell have been provided to ensure internal noise levels are compliant with AS2021:2015 and the NSW Department of Planning '*Development Near Rail Corridors and Busy Road - Interim Guideline*'.

These measures will ensure that a suitable level of amenity is provided for future staff and guests of the hotel.

## 7.2. Landscape

### 7.2.1. On-site landscaping

The 4-storey podium is proposed to be built boundary to boundary. Recessed sections and breaks in the building facade, however, are provided at the ground floor level to allow for an on-site feature tree and raised planter beds adjacent to the footpath and at the generous hotel entry. The ground level planting will contribute to the landscape character of the streetscape and neighbourhood. It will also complement the future street tree planting proposed within the footpath reserve.

Additional planter boxes are provided at Levels 1, 2 and 3 to soften and provide relief to the front façade and the 2 car parking levels. The level 1 planter has a soil depth of 550mm, while the planters to the car parking levels have soil depth of 750mm and 400mm respectively. The planting provided at the ground and upper levels of the podium will help soften the built form and will enhance the appearance of the building when viewed from both the street (near or far from the site) and from elevated locations (e.g. the upper levels of nearby buildings).

At the 4th floor level, on top of the podium, extensive landscaped planter beds are provided around the perimeter of the building. The raised planter beds have a soil depth of 600mm. A raised circular planter box, large enough to accommodate a feature tree and with a soil depth of 800mm, is also proposed in the outdoor area adjacent to the gym. The amended plans maximise landscaping along the streetscape and between the proposed tower and future neighbouring towers.

The proposal provides 308sqm of landscaping, made up predominantly of planter boxes. The total amount of landscaping is equivalent to at least 10% of the site area, which is the requirement specified by the DCP. A schedule of landscaping provisions is provided on amended plan DA 501.

As part of the assessment process, the DA was referred to Council's Landscape Architect for comment. As requested by the Landscape Architect, details of the proposed soil depths have been provided. Consistency has also been provided between the landscape and architectural drawings and all planter boxes are wide enough to support the proposed planting.

The ARTC also requested that only native species be planted adjacent to the rail corridor as this will limit the ability for weed spread. At the ground level, no planting is proposed adjacent to the rail corridor and at the 4th floor podium level all plantings will be contained to the concrete planter boxes. As such, there will be no risk of weed spread into the rail corridor.

Compared to the original scheme, the extent of landscaping provided in the revised scheme is far more extensive. The planters are wider to allow more substantial planting and inset areas have been provided to the front façade to enable planter beds to be provided. Landscaping has also been integrated into the foyer design and helps create an inviting hotel entry. As suggested by the Panel, landscape beds have also been provided to the perimeter of the level 4 podium. This includes a rear landscaped setback which was not included as part of the original scheme.

If required, opportunities for additional landscaping adjacent to the advertising billboards on the southern side of the rail corridor could be investigated. However, it is considered that the treatment proposed to the rear podium façade together with the proposed design changes, results in a building with strong architectural merit and that additional screening (beyond that provided by the two large billboard structures) is not warranted.

### 7.2.2. Public Domain

The proposed development will provide a positive contribution to the public domain, with the streetscape character of Baxter Road being significantly enhanced by the following improvements:

- Removal of 11 existing street trees to provide underground power lines, new street lighting and facilitate beautification of the streetscape along the frontages of Lots 1, 2 and 3 within the approved subdivision, noting that a street lighting upgrade approval has been submitted to Bayside Council;
- Replacement street tree planting;
- A tree canopy covered pedestrian footpath designed to ensure pedestrian safety and a high level of pedestrian amenity;
- Planter boxes and benches that soften the building and street edge;
- Landscape treatments that transition from the streetscape into the building providing a visual connectivity and transparency that is needed along Baxter Road;
- The introduction of a 'parklet' for people to gather and socialise;
- A balcony that is set back but still visible and presents as an active frontage to the streetscape;
- A cafe that has an operable facade that will open the building to the streetscape;
- A wide hotel entry to provide a sense of arrival with an appropriate scale and wayfinding along the street;
- Consolidated car-parking and servicing areas which separates vehicular and pedestrian movements; and
- Designated drop-off and parking zones along the frontage of the site.

The streetscape and public domain works shown on the amended plans, however, are for reference purposes only. All public domain and road works, including the driveway crossing, footpath paving, awning, seating, soft landscaping, 6 large street canopy trees and designated on-street parking areas, will be subject to a separate approval. The requirements for these frontage works, including the submission of public domain civil plans, could be addressed as a condition of development consent.

The Wind report, prepared by Windtech Consultants Pty Ltd (Windtech) dated June 2019, has also been considered by Council's Landscape Architect. The Landscape Architect noted that the original proposal relied upon the inclusion of street trees along the Baxter Road frontage to minimise wind effects. The reliance on trees within the public domain is not supported by Council.

Windtech have reviewed the amended architectural and landscape plans and commented on the effect of the recent design changes on the assessment of pedestrian wind comfort. The updated advice confirms that the proposed design changes, including the deletion of one of the car park levels, are sufficient to reduce the wind effects to a safe level. Windtech have confirmed that the tree planting along the street frontage is no longer required to achieve safe wind conditions for pedestrians. The proposed landscaping at the podium level is also expected to provide enough protection that this area will meet the specified safety limits. For further details, refer to the letter from Windtech at **Appendix 13**.

### 7.3. Sustainability

In accordance with the requirements of BCA 2019, the amended development provides higher quality glass and thermal transference, which is achieved through the facade design. The Panel has requested that in addition to the BCA requirements, further sustainability initiatives be considered in the design.

The proposal demonstrates positive environmental, social and economic outcomes. Sustainable design principles have been embedded into the architectural response as detailed in the Urban Design Presentation Report prepared by Group GSA at **Appendix 2**. A Sustainability Statement has also been prepared by Stantec and is included at **Appendix 10**.

The sustainability initiatives included in the amended proposal, include but are not limited to:

- Photo voltaic cells on the roof of the building
- Ample storage of recycling by the hotel
- A solid building elevation to the west to minimise heat load
- Sun shading to the hotel rooms through the building articulation
- Generous and widened planters on the podium and facade and into reception areas
- Landscape treatments along the streetscape and into the lobby area of the building
- Energy efficient façade treatments, including an appropriate window area to total façade area ratio
- Thermal treatment to opaque façade walls
- Energy efficient appliances and fixtures, including LED lighting and water efficient taps
- A 10KI rainwater tank for rainwater recycling.

### 7.4. Traffic Matters

#### 7.4.1. Traffic

The proposed development was considered at Council's Local Traffic Committee (LTC) meeting of 4 December 2019. To the east of the site, Baxter Road has recently been constructed as a cul-de-sac (i.e. 'No Through Road'). This creates a single entry and exit point for the hotel traffic via O'Riordan Street. While no objection has been raised to the development of the site for hotel purposes, the LTC has advised that support cannot be given to the re-opening of the cul-de-sac within Baxter Road. The amended scheme therefore no longer seeks to remove the cul-de-sac.

The LTC also asked that an updated Traffic Impact Assessment (TIA) be prepared taking into consideration the cumulative traffic impacts of all developments in the locality. To address this issue, an updated TIA report has been prepared by Traffix. The TIA maintains that an investigation of the cumulative traffic

impacts of 'all developments' in the area is unwarranted in this instance. For further details, refer to the TIA report included at **Appendix 11**.

#### 7.4.2. Parking, Access and Manoeuvring

The DRP has requested that the number of on-site car parking spaces be reduced. This is contrary to the LTC's recommendation that the number of on-site car parking spaces be provided in accordance with Council's DCP requirements. The ARTC has further requested that an increased number of staff parking spaces be provided on-site to reduce the number of vehicles parking on the street, which could potentially impact on the ARTC's access gates.

Council Officers, at a meeting held on 25 February 2020, further requested that additional details regarding internal vehicle manoeuvring and the proposed valet parking and on-street pick up/drop off arrangements be provided.

To address concerns raised by Council and the DRP, the following amendments have been made to the parking and vehicular access arrangements:

- The two car lifts have been setback 2 car lengths from the front property boundary to allow onsite queuing and reduce impacts on the street.
- The number of onsite car parking spaces has been reduced from 131 to 85 spaces (i.e. from 3 levels to 2), noting that most patrons to the hotel are likely to be travellers on stop overs who will arrive late to the hotel and leave early to catch their flights.
- A single driveway crossover, for both access and servicing, has been provided at the western end of the site. The consolidation of the parking, loading and back of house (BOH) facilities assists in providing a long uninterrupted expanse of active street frontage.
- The mechanical turntable has been deleted and an on-site loading back which allows small rigid vehicles (SRV) to enter and exit the site in a forward direction has been provided.
- The Porte cochere has been deleted to provide enhanced pedestrian flow and amenity along the street. Removal has also allowed for better articulation of the podium. Instead of the Porte cochere, an on-street drop off/pick up zone, valet services and bus parking, is proposed along the southern side of Baxter Road along the site's frontage. The proposed public domain works, however, will be subject to a separate application.

A valet parking system is proposed to be introduced for hotel guests. To satisfy the drop-off and pick-up requirements, a "no parking" zone approximately 43m in length will need to be provided at the front of the hotel in Baxter Road. The "no parking" zone will need to be signposted "P10-15min", with the exact details of the signage to be confirmed at a future LTC meeting. This matter will need to be addressed as a suitable condition of development consent.

Under the provisions of Council's DCP, the proposed development requires 134 car spaces. This is based on 301 hotel rooms, 1 manager and 25 staff members. The proposed development provides 85 spaces across 2 levels of the building, which is a deficiency of 49 spaces under the DCP. Under the RMS guidelines, however, it is recommended that parking be provided at the rate of one space for every 4 guest rooms, which results in the need for a total of 75.25 (say 76) staff and visitor spaces. Based on the RMS parking rates, the proposed development exceeds the minimum parking requirement by 9 spaces. Application of the RMS rate is considered appropriate given the site's proximity to the airport and that most customers will be travellers who are unlikely to have a car. Compliance with the RMS rates will ensure that there are no unreasonable on-street parking impacts.

Although access to and from the onsite parking will be operated by the hotel valet, one accessible space has been provided on level 2 for the hotel use. This space is located next to the lift and include the required share zones. The development also provides 14 bicycle spaces in compliance with Council's DCP. The

revised access and parking arrangements have been designed to ensure all vehicles can enter and exit the site in a forward direction at all times.

The cul-de-sac on Baxter Road and restricted street width prevent large vehicles (HRVs) from turning around. Given the proposed hotel can only accommodate SRV movements on-site, a vehicular manoeuvring area designed to accommodate HRVs will be provided on the adjoining lot (i.e. Lot 2 in the approved subdivision of Lot 506, DP1242707). This will allow HRVs to travel east along Baxter Road, undertake necessary manoeuvring on Lot 2 and exit westbound along Baxter Road. The site includes sufficient street frontage to accommodate any required HRVs (i.e. coaches).

The associated subdivision consent (DA-2019/234) includes a condition requiring that an easement/right of carriageway benefitting/burdening the subject lots be provided to accommodate the future vehicular access arrangements.

Further details of the proposed parking, drop-off/pick-up and access arrangements are provided in the additional report prepared by Traffix at **Appendix 11**.

## 7.5. Engineering and Environmental Matters

### 7.5.1. Site Contamination

A Stage 2 DSI for contamination purposes has been prepared by Douglas Partners Pty Ltd. The DSI addresses the requirements of SEPP 55, appropriate NSW EPA Guidelines and the National Environment Protection Measure (Assessment of Site Contamination) 1999 (revised 2013). Based on the assessment undertaken, Douglas Partners has concluded that the site is suitable for the proposed development from a contamination standpoint.

For further detail refer to the report prepared by Douglas Partners dated December 2019 at **Appendix 4** and to the assessment under Section 5.4.1 of this report.

### 7.5.2. Geotechnical

A geotechnical investigation was initially undertaken in June 2019 (Ref. 86759.00.R.001.Rev1). An additional geotechnical investigation, dated April 2020, has been undertaken by Douglas Partners and is included at **Appendix 5**.

The additional geotechnical investigation provides information on rock levels and strengths and includes the results of borehole drilling, permeability testing and groundwater monitoring. Details of the field work and comments relevant to design and construction of the hotel are provided in the report.

Section 5.5 of this SEE Addendum includes an assessment against the relevant provisions of Council's LEP, including clauses 6.1 and 6.2 relating to acid sulfate soil and earthworks. The proposed hotel does not include basement parking. The proposed earthworks for the site will therefore cause limited disruption. The geotechnical investigation recommends, however, that an Acid Sulfate Soil Management Plan be prepared to ensure the soils are dealt with appropriately. This matter can be addressed as a condition of consent.

### 7.5.3. Flooding and Drainage

Council has advised that the minimum habitable floor level of the development must be equivalent to the 1% AEP flood level + 500mm. This equates to a minimum RL of 6.567m AHD. The car lifts on the ground floor, however, may be set at a minimum of RL 6.367m AHD. The revised plans have been amended to address this requirement. The increased floor level will be achieved via the proposed construction method. This will require limited importation of material, including road base.

For further details regarding flooding, refer to the Flood Impact Assessment and modelling at **Appendix 9**. This information has previously been submitted under separate cover to address flooding issues.

To minimise the potential impact of local and downstream flooding, onsite stormwater detention (OSD) is proposed. This will ensure that no floodwaters are displaced onto neighbouring properties. Given the extent of the building footprint, the concrete detention storage tanks will be located below the ground floor of the hotel.

A copy of the updated Concept Stormwater Management Plan is included at **Appendix 8**. The report confirms that the OSD tanks have been designed to comply with Council's Stormwater Management Technical Guidelines, and that appropriate Water Sensitive Urban Design (WSUD) measures have been included to mitigate the effects of urbanisation on water quality.

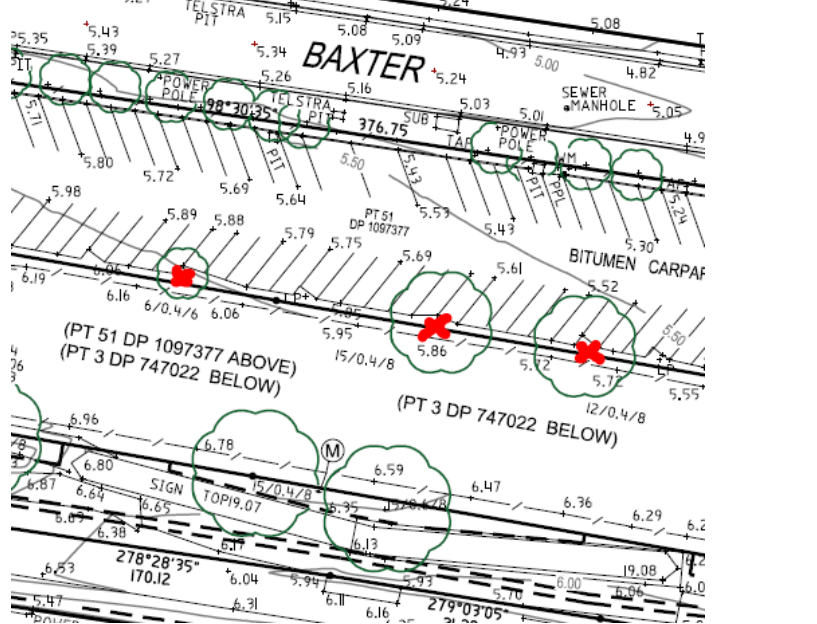
## 8. RESPONSE TO PUBLIC SUBMISSION

In accordance with Part 2 of the Botany Bay Development Control Plan 2013, the DA was publicly notified to surrounding property owners. One (1) submission was received as a result of this process. The concerns raised on behalf of the owner and occupier of 79-83 Baxter Road (i.e. opposite the site) are discussed below.

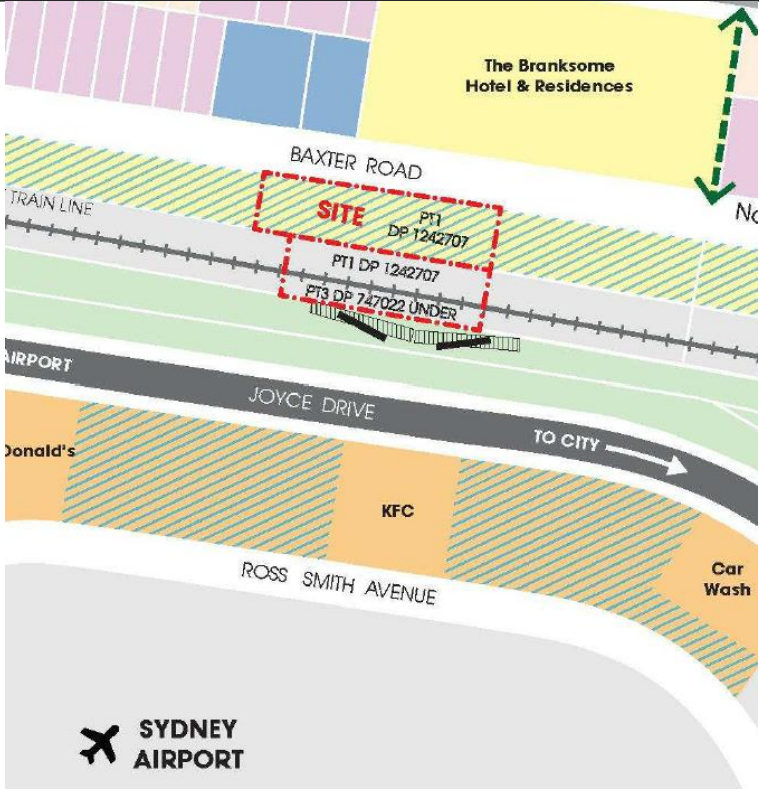
Table 6: Objector's concerns and town planning comments in response

Concern	City Plan comment
<b>Setbacks</b>	
<p>Non-compliance with the front and side setbacks specified in the DCP, providing no opportunity for landscaping.</p>	<p>The provisions under Part 6 'Employment Zones' apply to the subject site. This chapter of the DCP provides generic development controls for developments both in business park precincts and industrial precincts.</p> <p>The subject site is located in the Mascot Business Development Precinct which includes warehouse and distribution developments (related to freight transportation); and industrial developments including smash repair stations and welding businesses. The required 9m setback and 3m deep soil zone is considered appropriate for these types of uses and for industrial buildings that typically provide limited articulation.</p> <p>The requirement for a 9m building setback and 3m deep soil zone, however, has been abandoned for many newer commercial and office buildings in the area which typically provide active street frontages comprising coffee shops and retail outlets.</p> <p>The objectives of the setback controls are "to minimise the impact of development and buildings on the surrounding area", and "to create a pleasant environment within and external to the site".</p> <p>Section 7.1.2 of this report provides details of the proposed setbacks and demonstrates that the reduced setbacks will provide an active street frontage to Baxter Road, while having no adverse impact on the public domain or streetscape. The reduced setbacks also have no negative impacts in terms of overshadowing, privacy or amenity of surrounding properties.</p> <p>The amended proposal provides a highly articulated front façade, including recessed sections and breaks at ground level. These areas provide opportunities for on-site tree planting and planter beds adjacent to the footpath and at the wide hotel entry. The ground level planting will also complement the proposed street tree planting within the footpath reserve to ensure that a pleasant environment is created within the hotel lobby and along Baxter Street.</p> <p>As the adjoining sites are likely to accommodate large scale commercial and hotel development in the near future, a zero setback to these future uses is considered appropriate.</p> <p>It is noted that the DRP is supportive of the proposed front and side setbacks.</p>

Concern	City Plan comment
<b>Landscaping</b>	
<p>Landscape calculations do not comply with the DCP. The landscape works in the road reserve and at the 4th floor should be excluded from the calculation.</p>	<p>The DCP requires that not less than 10% of the development site shall be landscaped. The majority of landscaping is to front the street and is to include side and rear landscaped areas.</p> <p>The Environmental Planning and Assessment Act specifically provides that consent authorities are to be flexible in applying DCP controls and to allow reasonable alternative solutions that achieve the underlying objectives.</p> <p>As outlined in the 'setback' comment above, Part 6 'Employment Zones' of the DCP provides generic development controls for developments both in business park precincts and industrial precincts.</p> <p>While the specified landscaped setbacks are required to ameliorate the bulk and scale of large business park and industrial buildings, and to ameliorate wide expanses of pavement and surfacing, it is recognised that strict compliance is unnecessary and cannot be achieved where active street frontages are provided.</p> <p>The proposed development is seeking to provide a 4 storey podium which is built from boundary to boundary. Front and side landscaped setbacks therefore cannot be provided.</p> <p>The proposed development, however, still satisfies the objectives of the landscape controls by providing an effective, purposeful and site responsive planting design to enhance the visual amenity of the development and the Baxter Road streetscape.</p> <p>Overall, the proposed development provides 308sqm of landscaping on site in the form of raised planter beds adjacent to the footpath and at the upper levels.</p> <p>While 180sqm of the landscaping has been provided at the 4th floor level, it successfully provides a green space between the proposed tower and future neighbouring towers which would not be achieved if provided in the side setback at ground level.</p>
<p>SEE inaccurately states that no existing trees will be removed. This is inconsistent with the survey plan which indicates that at least 3 trees are within the building footprint.</p>	<p>The 3 trees referred to are located on the southern boundary of the existing car park (marked red on the plan extract below). The removal of these trees is required for the economic and orderly development of the site.</p> <p>Even if the building was setback from the rail corridor, it is likely that the proposed construction works would impact on the long-term health of these trees and that removal would ultimately be required.</p> <p>A rear setback, specifically to retain these trees, is not considered appropriate as it would create an area of concealment and additional maintenance and security/safety issues noting the proximity to the rail corridor.</p>

Concern	City Plan comment
	
<p><b>Overdevelopment</b></p>	
<p>Excessive bulk and scale as a result of the non-compliant street setback.</p>	<p>As discussed in Section 7.1.1, the bulk and scale of the revised hotel is compatible with the desired future character of the locality and other established large-scale hotels in the surrounding area.</p> <p>The amended podium design is more articulated, active and diverse to create a lively streetscape and entry experience for the hotel. The modulation and smaller scale frames provided in the podium, break down the immediate interface to the street. The wide lobby entry, together with the 2-storey glazed facades to the lounge and restaurant areas, further help to activate the street frontage.</p> <p>The breaking up of the front podium facade into smaller volumes and other design changes means that despite the reduced setbacks, the building is not excessive in bulk or scale.</p> <p>The DRP has also indicated that the scale and density of the proposal is generally appropriate for the site.</p>
<p>Proposal is considerably higher than other nearby hotels and the existing development in Baxter Road.</p>	<p>Building heights in the area range from single to 14 storeys. Opposite the site is the 8 storey building known as The Branksome hotel. This is currently the tallest building in Baxter Road.</p> <p>Land further to the west, however, comprises a range of hotel and commercial uses, including the 14 storey Stamford Plaza hotel on the corner of Robey Street and O’Riordan Street.</p> <p>The amended development, at a maximum height of 43.997m, complies with the 44m maximum height standard for the site. While the ground floor level has been raised to respond to the flood constraints of the site, the overall height of the building has not increased.</p>

Concern	City Plan comment
<p>Proposal seeks to construct an awning over Council land, with no justification for the encroachment.</p>	<p>The streetscape and public domain works shown on the amended plans are for reference purposes only. All public domain works, including the proposed awning over the footpath reserve, will be subject to a separate approval under the Local Government Act.</p> <p>The awning will be attached to the building entry to provide all-weather protection to patrons and visitors to the hotel. The awning design complements the style of the hotel, with the height and width of the awning complying with all relevant Council requirements.</p> <p>It is recognised that the property owner will be responsible for the structural integrity and maintenance of the awnings at all times.</p>
<p>Unclear how the site area (for the purposes of the FSR control) has been calculated in relation to the rail corridor.</p>	<p>The site area and FSR have been calculated in accordance with the requirements of clause 4.5 of the Botany Bay LEP 2013.</p> <p>If the proposed development is to be carried out on only one lot (as is the case for this development), subclause (3) states that the site area is taken to be the area of that lot. In this case, approved Lot 1 within the subdivision of Lot 506, DP 1242707 has a site area of 2,997sqm.</p> <p>In relation to subclauses (4), any land on which the proposed development is prohibited, must be excluded from the site area. In this case, the proposed development is permissible on the entire lot (including the "air rights" above the rail corridor) and as such, no part of the lot is to be excluded from the site area.</p>
<p><b>Views</b></p>	
<p>Height will have a devastating impact on views from 79-83 Baxter Road of the airport.</p>	<p>The proposed development does not impact on any view corridor. This is also recognised by the DRP in their assessment of the proposal.</p> <p>The objector's property (shown blue in the plan extract below) contains a 4 storey commercial/office building. Views of the airport are currently available from the roof of the building. Any view from within the building, especially at the lower levels, however, would be an obscured or partial view only. The existing street trees would further obscure the view.</p> <p>Notwithstanding this, it is noted that the location of the proposed development does not entirely eliminate any view of the airport from the objector's property. Furthermore, the height would need to be reduced to 3 storeys to maintain existing views which is considered unreasonable and would not result in the efficient or economic use of the land.</p>

Concern	City Plan comment
	
<p><b>Design Excellence</b></p>	
<p>Does not exhibit design excellence, with the architectural design providing limited building articulation and impacts on the public domain.</p>	<p>As described in Section 7.1.3 of this report, the revised development exhibits a high degree of design excellence.</p> <p>Articulation of the podium is provided through the material selection, generous openings, recessed sections, planter boxes, and the expression of the lobby and arrival area. The combination of horizontal and vertical elements within the tower, including the irregular placement of the vertical elements and windows, add further interest and articulation to the building.</p> <p>In relation to the rear façade, any exposed parts of the podium will be provided with decorative artwork and façade treatments to provide visual interest and relief when viewed from Joyce Drive.</p> <p>In addition to providing a built form that has good proportions and a balanced composition of elements, the building will use a high standard of colours, textures, materials and finishes. This will ensure that the hotel provides a high quality urban design outcome and positively contributes to the locality of the site.</p> <p>As described in Section 7 of the report, the revised building design will have a positive impact on the public domain.</p>
<p>The 2 driveways (waste servicing and parking) results</p>	<p>The 2 driveways have been replaced with a single driveway crossover for both access and servicing. The consolidation of the parking, loading and back of house (BOH) facilities has resulted in a</p>

Concern	City Plan comment
<p>in a 13m wide 'door' along the street frontage.</p>	<p>long uninterrupted expanse of active street frontage. Deletion of the Porte cochere also provides enhanced pedestrian flow and amenity along the street and has allowed for better articulation of the podium.</p>
<p><b>Traffic and Parking</b></p>	
<p>The parking arrangements do not cater for taxi or coach pick up and set down, or the licensed parts of the proposed use. This will have an unreasonable impact on neighbours.</p>	<p>A valet parking system has been introduced for hotel guests. To satisfy the drop-off and pick-up requirements, a "no parking" zone approximately 43m in length will be provided at the front of the hotel in Baxter Road. The "no parking" zone will need to be appropriately signposted, with the exact details of the signage to be confirmed by the Traffic Committee. This area will also accommodate drop-off/pick-up by mini-buses and coaches.</p> <p>The cul-de-sac on Baxter Road and restricted street width prevent large vehicles (HRVs) from turning around. As such, a vehicular manoeuvring area designed to accommodate HRVs will be provided on the adjoining lot. The associated subdivision consent (DA-2019/234) includes a condition requiring that an easement/right of carriageway benefitting/burdening the subject lots be provided to accommodate this arrangement.</p> <p>Under Council's DCP parking rate, the proposed development would require 134 car parking spaces. This calculation does not consider any uses that are ancillary to the primary use of the site as a hotel, as they will not attract additional (external) vehicle trips of their own account. Notwithstanding this, as recommended by the DRP, the on-site parking has been reduced given most customer will be travellers, either starting or ending their stay. The proposed development therefore complies (and exceeds) the recommended RMS parking rate, which is considered more appropriate for the proposed use and has been applied to other hotels in the area.</p>
<p>Insufficient details have been provided in relation to shuttle bus services.</p> <p>The traffic assessment report is silent on the frequency of these services, and logistically where the shuttle bus vehicles will be held when not in use.</p>	<p>The proposed development complies (and exceeds) the recommended RMS parking rate. As such, it is considered that a shuttle service is no longer required.</p>
<p><b>OLS height limit</b></p>	
<p>Fails to consider the operating heights of construction cranes that will necessarily exceed the OLS height limit.</p>	<p>Construction activities have taken the Procedure for Air Navigation Services – Aircraft Operations Surface (PANS-OPS) level into account, to ensure crane use will not encroach the PANS-OPS level, at RL 70m.</p> <p>Crane use for the site will however encroach the Obstacle Limitation Surface (OLS) level of RL 51m. An Application for 'Approval of Crane Operation' has been submitted to Sydney Airport to obtain approval to operate in the OLS, which is currently pending approval. Sydney</p>



**Statement of Environmental Effects**

Name of Property  
Site Address to go here  
Project #  
Date

Concern	City Plan comment
	Airport forwarded the application to CASA and Air Services for their separate assessment and approval, and this has been granted. The application is now with the Federal Department of Infrastructure for their final sign off.

## 9. PUBLIC INTEREST

This section identifies and assesses the public interest of the development with specific reference to 1(e) under Section 4.15 of the Act.

Pursuant to case law of *Ex Gratia P/L v Dungog Council* (NSWLEC 148), the question that needs to be answered is “Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

This SEE Addendum provides that the proposal, in its amended form, is in the public interest for the following reasons:

- The proposal is compliant with the Botany Bay LEP 2013. It represents a permissible development and is compliant with all relevant development standards.
- The proposal satisfies the objectives of the zone.
- The proposal is generally consistent with the relevant provisions of the Botany Bay DCP 2013.
- The proposal's likely environmental impacts have been found to be reasonable or can be adequately mitigated.
- The proposal has been found to be suitable for the subject site.
- The proposed development will provide a positive contribution to the future streetscape and the has been carefully designed to be compatible with the character of development in the area.
- 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.

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing the additional hotel accommodation/employment generating use in a highly accessible and well serviced area outweigh any disadvantage. As such, it is considered that the proposed development will have an overall public benefit.

## 10. CONCLUSION

This DA seeks approval for 13 storey internationally branded and operated hotel at 40-54 Baxter Road, Mascot known as Lot 506, DP 1242707. The proposed hotel is to be located on Lot 1 within the approved subdivision of Lot 506, DP 1242707.

This SEE Addendum has undertaken an assessment of the proposed changes and has concluded that the proposal provides a built form which is consistent and compatible with the desired future character of the site and the surrounding locality.

In summary, the amended proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- provide a built form consistent with and appropriate to the desired future character of the site;
- have no adverse impacts in terms of bulk or scale and will not be responsible for any adverse environmental impacts in relation to loss of privacy, loss of views, noise, overshadowing or privacy;
- have no adverse impacts on the environment, traffic, parking, drainage or other external features or services; and
- provide high-quality hotel accommodation in an area that is close to Sydney Airport, public transport, facilities and services and is considered to have a positive social and economic benefit.

The benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.

Overall, it is considered that the amended 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.