

COUNCIL ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSEC-355 // DA-2024/357
PROPOSAL	Integrated Development - Demolition of existing structures and construction of a seven (7) storey (plus mezzanine levels) mixed-use development comprising business premises, industrial units, and self storage
ADDRESS	32 and 34 Ricketty Street, MASCOT Lots 1 and 2 in DP 220569
APPLICANT	Place Studio AU Pty Ltd
OWNERS	Elegant Capital Pty Ltd
DA LODGEMENT DATE	18 December 2024
APPLICATION TYPE	Integrated Development
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Private infrastructure and community facilities over \$30 million
CIV	\$49,714,108 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • Bayside Local Environmental Plan 2021 • Bayside Development Control Plan 2022
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil objections (one submission in support)
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Architectural Plans – Place Studio • Landscape Plan – Place Landscape • Statement of Environmental Effects – Sutherland and Associates Planning
SPECIAL	No

INFRASTRUCTURE CONTRIBUTIONS (S7.24)	
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	23 October 2025
PREPARED BY	Andrew Ison, Senior Development Assessment Planner
DATE OF REPORT	13 October 2025

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	N/A
Conditions Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

EXECUTIVE SUMMARY

This development application (DA-2024/357) seeks consent for Integrated Development - Demolition of existing structures and construction of a seven (7) storey (plus mezzanine levels) mixed-use development comprising business premises, industrial units, and self storage.

The subject site is known as 32 and 34 Ricketty Street, Mascot ('the site'). The site is comprised of two lots which together have a dual frontage to Ricketty Street to the north and Ossary Street to the south. The site occupies an irregular shaped area of 4,613m². The current vehicular access to the sites is via both Ricketty Street and Ossary Street, and significant trees are located to the Ricketty Street frontage.

Existing development on the site consists of a two storey industrial building at 32 Ricketty Street and a part single, part two storey brick warehouse at 34 Ricketty Street.

The site is located in the E3 Productivity Support zone pursuant to Clause 2.2 of the Bayside Local Environmental Plan 2021 (LEP). The proposed development subject to this application includes uses for business premises, light industry, and storage premises, all of which are permissible with consent in the E3 Productivity Support zone.

The principal planning controls relevant to the proposal include the State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, the Bayside Local Environmental Plan 2021 ('LEP'), and the Bayside Development Control Plan 2013 ('DCP'). The proposal is inconsistent with a number of provisions of the planning controls, however the proposal is acceptable for reasons discussed in the report. The key non-compliant provisions include:

- Variations to the front setback to Ricketty Street and to Ossary Street

The site is subject to clause 6.10 'Design Excellence' of the Bayside LEP 2021. The subject application was referred to Council's Design Review Panel (DRP) on two separate occasions, that being 6 February 2025 and then 15 April 2025. In the second meeting, the recommendation in the DRP Minutes was that the Panel supports the application subject to changes to be assessed by electronic review (i.e. a further meeting was not required due to the nature of the changes). The amended architectural plans were then referred back to the DRP for electronic review, who provided written confirmation on 15 September 2025 that the proposal now achieves 'Design Excellence'.

Referrals from external agencies were undertaken, with the following below being satisfied:

1. **Water NSW:** Section 4.47 of the Environmental Planning and Assessment Act 2000 in relation to General Terms of Approval (GTAs) from Water NSW. GTAs have been issued.
2. **Ausgrid:** Section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to proposed works in proximity to an electricity transmission or distribution network. They have no objections to the proposed development.
3. **Transport for NSW (TfNSW):** Section 2.119 of the Transport and Infrastructure SEPP with relation to development with frontage to a classified road (Ricketty Street). They have issued concurrence.
4. **Sydney Airports Corporation Limited (SACL):** Clause 6.7 of the Bayside LEP 2021 with regards to the subject site being affected by the Obstacle Limitation Surface. They have consented to the erection of a building to a maximum height of 43 RL.

The application was placed on public exhibition from 13 January to 13 February 2025, with one submission received, in support. Upon the lodgement of amended plans, it was re-notified from 5 August to 12 August 2025, with no submissions received.

The application is referred to the Sydney Eastern City Planning Panel for determination pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (EP&A Act) as the Capital Investment Value of the proposal was \$49,714,108.

A briefing was held with the Regional Panel on 4 March 2025 where key issues were discussed, including building design and access off Ricketty Street.

The key issues associated with the proposal included:

- **Design Excellence:** The proposed development satisfies the provisions as prescribed under Section 6.10 of the Bayside LEP
- **Flooding:** The subject site is located on land subject to a 1% AEP event. The Flood Impact Assessment prepared by the applicant is deemed acceptable subject to conditions including relocating the proposed substation.
- **Council stormwater culvert:** A stormwater easement traverses across the site in an east-west direction, containing a pipe. It is recommended that this asset is reconstructed as part of the development.
- **Access to / from Ricketty Street:** The proposed driveway on Ricketty Street is supported as it has been designed to allow left in / left out movements only.
- **Cross link:** The proposed development proposed a north-south through link along the eastern boundary, which will also allow for mid-block pedestrian access between Ricketty Street and Ossary Street.
- **Trees:** A total of 30 trees across the site will be removed, which is supported subject to conditions, including a 3:1 offset ratio.
- **Activation and landscaping to the Ossary Street frontage:** The Ossary Street frontage provides a well-formed balance between providing pedestrian access (via the length of frontage footpath) as well as deep soil zones that will allow for canopy planting
- **Remediation:** The subject site has a long industrial history, with the proposed remediation approach considered appropriate, subject to conditions.
- **Setbacks:** The front setbacks to Ricketty Street and Ossary Street do not comply with the minimum 9 metres requirement as prescribed in the Bayside DCP 2022, however, the variations to this control for both frontages are supported.
- **Plan of management:** A Plan of Management is deemed to not be required as the subject site is not within close proximity of any residential development.

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State Environmental Planning Policies, the Bayside LEP and the Bayside DCP, the proposed development can be supported.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the EP&A Act, DA-2024/357 is recommended for APPROVAL subject to recommended conditions.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is located at 32 and 34 Ricketty Street, Mascot (Lots 1 and 2 in DP 220569). The proposed development site has a frontage of 58.525 metres to Ricketty Street, a frontage of 66.751 metres to Ossary Street, a total length of 70.27 metres along the eastern boundary and a total length of 77.53 metres along the western boundary, with a total site area of 4,613m².

The subject site currently contains two separate lots. The building located on 34 Ricketty Street is a part single, part two storey brick warehouse located on the western/southern boundary with access from Ossary Street while at 32 Ricketty Street, there consists a two storey industrial building. Most of the site contains hard paving utilised as an at grade car park. The site has a maximum cross fall of 0.5m from the south east corner of the site at Ossary Street to the north west corner at Ricketty Street. There is some vegetation located on the south eastern corner of the site as well as within the front setback on Ricketty Street. Along Ossary Street there is no footpath along the northern side. The site contains a number of stormwater pipes and easements that traverse throughout the site.

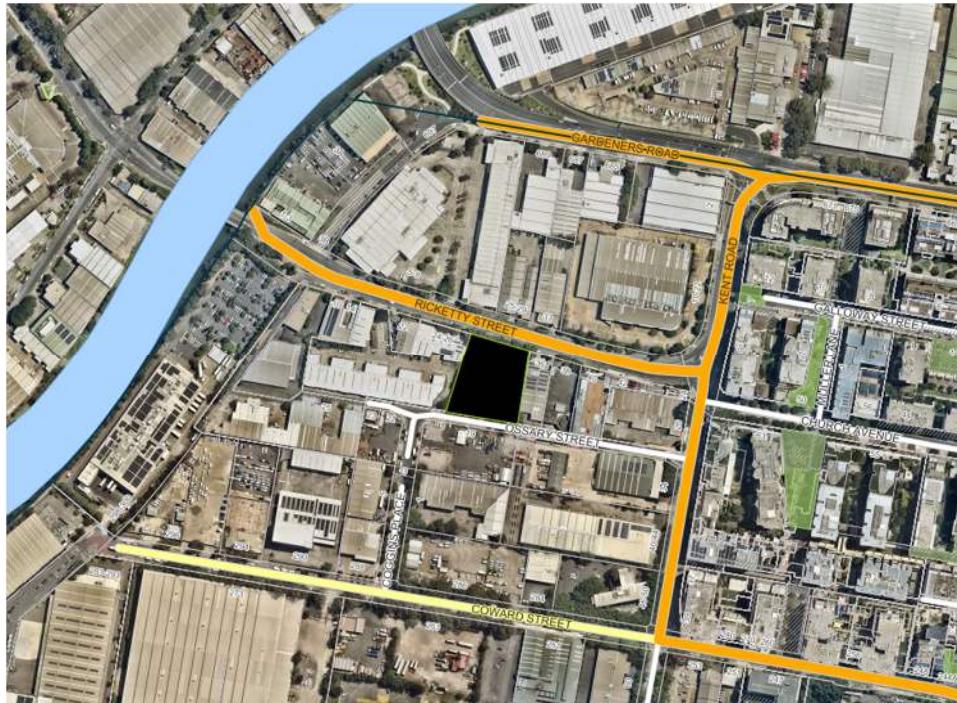


Figure 1: Aerial showing subject sites, marked in black (Source: Bayside IntraMaps)



Figure 2: Existing site plan (supplied by the applicant)



Figure 3: Subject site as viewed from Ricketty Street



Figure 4: Subject site as viewed from Ossary Street

1.2 The Locality

The subject sites are located in the north-eastern corner of the Mascot West Employment Lands precinct, on the southern side of Ricketty Street and northern side of Ossary Street. The subject site is surrounded by a number of land uses.

The development to the east at 36 Ricketty Street is a two storey brick industrial building with the building cantilevered over ground car parking spaces. The building is used by 'Video Intercom/Gourmet Group'. Directly to the east at 10 Ossary Street is a two-storey brick industrial building with hard paved area for car parking and vehicle access which is used by 'live productions'. The development to the west at 24-26 Ricketty Street is a large development site which currently contains a two-storey industrial building fronting Ricketty Street which is temporarily used as a food premises while the rear of the site along Ossary Street contains multi-industrial units. Directly opposite the site on the northern side of Ricketty Street, contains single and two storey industrial and office buildings including a furniture showroom. The site to the south at 19 Ossary Street currently is used for the storage of vehicles.

The site is located in close proximity to the Qantas catering area contained in buildings directly adjoining Sydney Airport. The site is located approximately 500 metres north east of Mascot Station.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The subject application seeks consent for Integrated Development - Demolition of existing structures and construction of a seven (7) storey (plus mezzanine levels) mixed-use development comprising business premises, industrial units, and self storage



Figure 5: 3D perspective of proposal as seen from Ricketty Street (supplied by the applicant)



Figure 6: 3D perspective of proposal as seen from Ossary Street (supplied by the applicant)

Demolition & Tree Removal

- Demolition of existing buildings on site
- Removal of 30 trees (Note – the significant trees located within the front setback are to be retained and protected)

Construction

Construction of a seven (7) storey mixed use development comprising the following:

- One (1) business premises (fronting Ricketty Street)
- 66 industrial units
- 37 self-storage units

Ground Level (first storey)

- Business premises fronting Ricketty Street
- Two industrial units
- Driveway access off Ricketty Street and Ossary Street to provide access to car parking for business premises, industrial units and ground floor loading area
- Hardstand area along the entire length of the eastern boundary for shared vehicular and pedestrian through site link
- Services
- Lobby area accessed from Ossary Street, with lift and stairs access to upper levels
- Landscaped areas on both the Ricketty Street and Ossary Street frontages as well as side setbacks

Ground level mezzanine, with the following:

- Space for the business premises
- Space for two industrial units

Podium Level (second storey)

- Car parking (44 spaces)
- 11 drive to micro storage units
- Mezzanine space for one industrial unit
- Lift and stairs access
- One loading space

Level 1 (third storey)

- 13 industrial units
- Car parking (17 spaces)
- Lift and stairs

Mezzanine level, with the following:

- Space for all 13 industrial units

Level 2 (fourth storey)

- 13 industrial units
- Car parking (17 spaces)
- Toilet
- Lift and stairs

Mezzanine level, with the following:

- Space for all 13 industrial units

Level 3 (fifth storey)

- 25 industrial units
- Five loading spaces
- Board room
- Services
- Lift and stairs

Mezzanine level, with the following:

- Mezzanine space for 12 of the 25 industrial units

Level 4 (sixth storey)

- 26 storage units
- 5 loading spaces
- Board room
- Services
- Lift and stairs

Mezzanine level, with the following:

- Mezzanine space for 12 of the 26 industrial units

Level 5 (seventh storey)

- 13 industrial units
- Car parking (20 spaces)
- BBQ common space
- Lift and stairs

Mezzanine level, with the following:

- Mezzanine space for all 13 industrial units

Roof

- Photovoltaic panels
- Services
- Plant

Landscaping

- Landscaping at ground level, as well as Levels 1 and 5

Signage

- 2 x flush wall signs (Stack Mascot) one each affixed to the Ricketty Street and Ossary Street frontages.

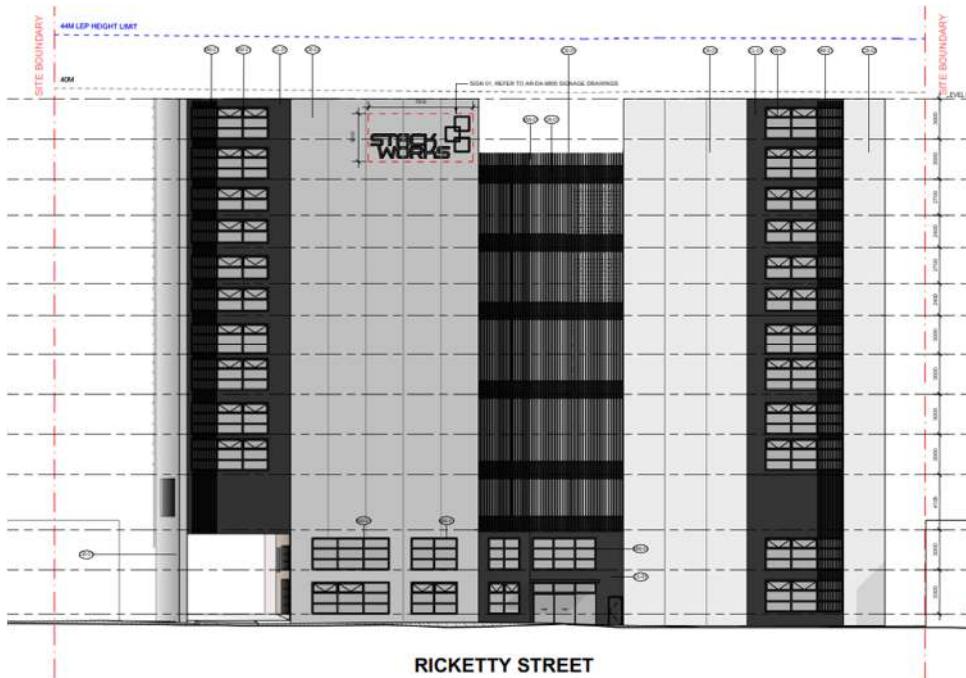


Figure 7: Northern (Ricketty Street) elevation (supplied by the applicant)



Figure 8: Southern (Ossary Avenue) elevation (supplied by the applicant)

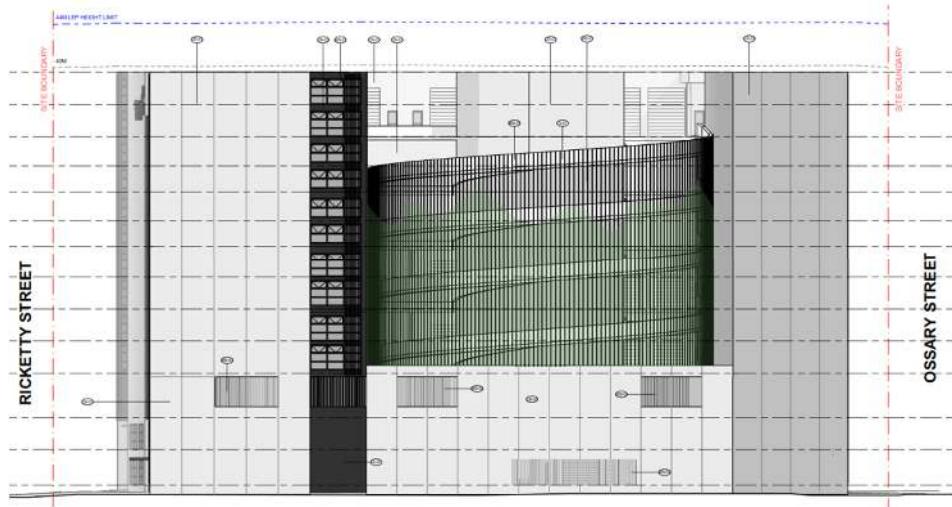


Figure 9: Western elevation (supplied by the applicant)

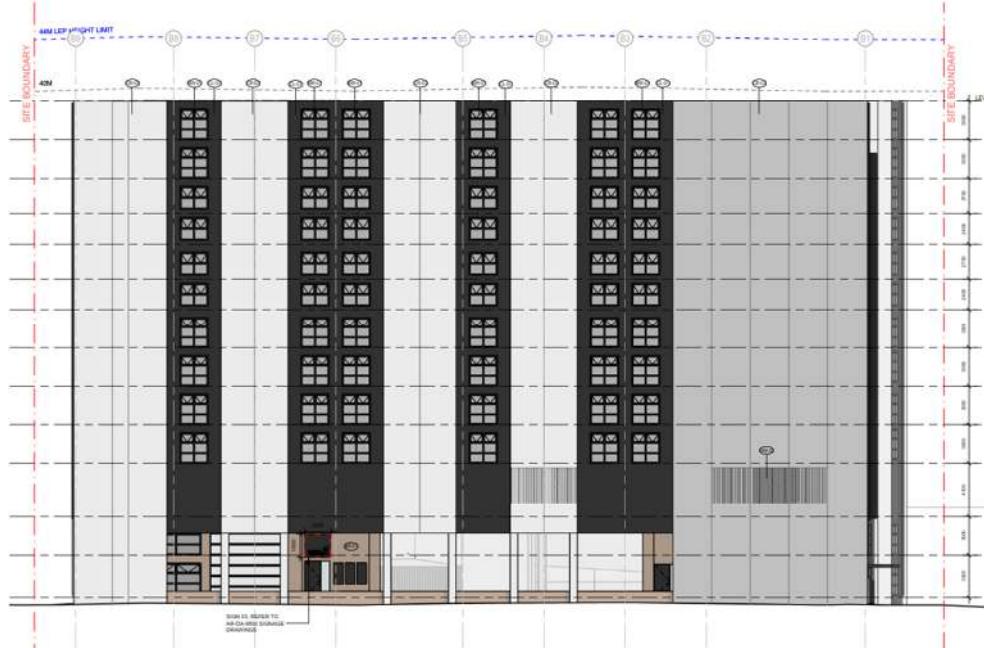


Figure 10: Eastern elevation (supplied by the applicant)

The table below is a summary of key development data:

Control	Proposal
Site area	4,613m ²
GFA	11,632m ²
FSR	2.52:1
Clause 4.6 Requests	Nil
Max Height	39.85 metres
Car parking spaces	72

2.2 Background

The development application was lodged on 18 December 2024. A chronology of the

development application since lodgment is outlined below including the Panel's involvement (briefings, deferrals etc.) with the application:

Date	Event
18 December 2024	DA lodged
19 December	DA referred to external agencies
10 January 2025	Site inspection
13 January	The start of the advertising period with the closing date being 13 February 2025. One submission was received (in support).
6 February	Reported to the Bayside Design Review Panel (DRP), with the recommendation in the minutes that further amendments were to be made for further consideration at a future date.
4 March	Panel briefing, with the following comments provided: <ul style="list-style-type: none"> • Building design • Access off Ricketty Street
27 March	A request for information (RFI) letter was issued to the applicant, requesting additional information on the following: <ul style="list-style-type: none"> • Design Excellence (amended plans) • Tree removal • Ossary Street frontage • Ricketty Street driveway • Car parking • Stormwater management • Flooding • Landscape • Contamination • Waste • Acoustic • Signage strategy
15 April	Reported to the Bayside Design Review Panel (DRP), with the recommendation in the minutes that the Panel supports the application subject to the changes described above and that an electronic review be undertaken to confirm.
4 June	Amended plans lodged through the Planning Portal
5 August	The start of the re-notification period with the closing date being 12 August. No submissions were received.
20 August	Correspondence sent to the applicant requesting further additional information, relating to amended plans to address unresolved engineering and stormwater matters
4 September	Amended plans lodged through the Planning Portal
15 September	Electronic review completed by the DRP.

2.3 Site History

DA-2020/468

This was approved on 1 July 2021 by the Sydney Eastern City Planning Panel for the following:

- Integrated development - Demolition of existing structures and construction of an eleven (11) storeys commercial office development with roof top terrace and above ground parking

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Environmental Planning and Assessment Act 1979 – Section 4.47 Integrated Development

The relevant requirements under Division 4.8 of the EP&A Act and Part 6, Division 3 of the Environmental Planning and Assessment Regulation 2000 have been considered in the assessment of this application.

Section 91 – Water Management Act 2000

The proposal is Integrated Development in accordance with the Water Management Act 2000 as the development is deemed to be a specified controlled activity as excavation works for the basement will intercept groundwater. In this regard, the Development Application was referred to Water NSW.

On 5 March 2025, Water NSW provided General Terms of Approval (GTAs).

(b) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

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

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in the table below.

EPI	Matters for Consideration	Complies
State Environmental Planning Policy (Planning Systems) 2021	<u>Chapter 2: State and Regional Development</u> <ul style="list-style-type: none"> • Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6 as it comprises general development over \$30 million. 	Yes
State Environmental Planning Policy (Sustainable Buildings) 2022	<u>Chapter 3: Standards for non-residential development</u> <ul style="list-style-type: none"> • Section 3.2 (Development consent for non-residential development) deemed to be satisfied 	Yes
State Environmental Planning Policy (Biodiversity & Conservation) 2021	<u>Chapter 2: Vegetation in non-rural areas</u> <ul style="list-style-type: none"> • Section 2.6(1) – Clearing of vegetation has been reviewed and considered satisfactory subject to conditions. 	
State Environmental Planning Policy (Industry and Employment) 2021	<u>Chapter 3: Advertising and Signage</u> <ul style="list-style-type: none"> • Schedule 5 – Assessment Criteria satisfied 	Yes
State Environmental Planning Policy (Resilience & Hazards) 2021	<u>Chapter 4: Remediation of Land</u> <ul style="list-style-type: none"> • Section 4.6 – Contamination and remediation have been considered in the Contamination Report and the proposal is satisfactory subject to conditions. 	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	<u>Chapter 2: Infrastructure</u> <ul style="list-style-type: none"> • Section 2.48 – Development likely to affect an electricity transmission or distribution network. The proposal is satisfactory by Ausgrid subject to conditions. • Section 2.119 – Development with frontage to a classified road. Concurrence received from Transport for NSW 	Yes
Bayside LEP 2021	Clause 2.3 – Permissibility and zone objectives	Yes
	Clause 2.7 – Demolition requires consent	Yes

EPI	Matters for Consideration	Complies
	Clause 4.3 – Height of buildings	Yes
	Clause 4.4 – Floor space ratio	Yes
	Clause 4.6 – Exceptions to development standards	Yes
	Clause 6.1 – Acid Sulfate Soil	Yes
	Clause 6.2 – Earthworks	Yes
	Clause 6.3 – Stormwater and sensitive water urban design	Yes
	Clause 6.7 – Airspace operations	Yes
	Clause 6.8 – Development in areas subject to aircraft noise	Yes
	Clause 6.10 – Design Excellence	Yes
	Clause 6.11 – Essential services	Yes

Consideration of the relevant SEPPs is outlined below:

State Environmental Planning Policy (Planning Systems) 2021

Pursuant to 2.19 of this SEPP, the proposal is regionally significant development as it satisfies the criteria in Clause 2 of Schedule 6 as the proposal is general development with a capital investment value (CIV) over \$30 million. Accordingly, the Sydney Eastern City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 – Standards for non-residential development

This chapter applies for the erection of any buildings with a cost of \$5 million or more.

In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following:

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,
- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,
- (d) the generation and storage of renewable energy,
- (e) the metering and monitoring of energy consumption,
- (f) the minimisation of the consumption of potable water.

Further to this, in deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050. Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.

The applicant lodged an ESD Report, prepared by E-LAB Consulting and dated 30 May 2025.

The report has provided a summary of sustainable design initiatives:

- High performance glazing and building fabric: East / west/ north side of the proposed building will be provided with use of high-performance windows and external shading to assist in minimising energy use.
- Onsite renewable energy: Available roof space will be used for the installation of solar PV arrays to offset electricity consumption and demand from the utility network.
- High performance building systems: Reducing energy usage by designing for high-efficiency buildings services. This may include items such as intelligent lighting control and efficient mechanical systems.
- Electric vehicle charging: EV chargers will be considered for a suitably located common car parks in the project. This will support sustainable transport for stakeholders.
- Water: Reduce usage of potable water through efficiency water fixtures. Incorporate rainwater harvesting and recycled water supply for flushing and landscaping.
- Materials and waste: Durable, low emission materials with low embodied carbon will be considered. Appropriate waste streams will be provided and recycling of construction waste will be encouraged.

Further to the above, a Net Zero Statement has also been prepared as the building has more than 1,000m² of combined office space. It outlines the actions to achieve Net Zero greenhouse gas emissions for the development and demonstrates how the development has considered the ability to go carbon neutral in the future.

Based on the above, the proposal satisfies Chapter 3 of the SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in non-rural areas

Section 2.6(1) of this SEPP prescribes that a person must not clear vegetation in a non-rural area without the authority conferred by a permit granted by the Council.

This SEPP applies to the proposal.

The application seeks consent for the removal of 30 trees across the site (marked in black and blue in the extract below, as well as the retention of seven significant trees along the Ricketty Street frontage.

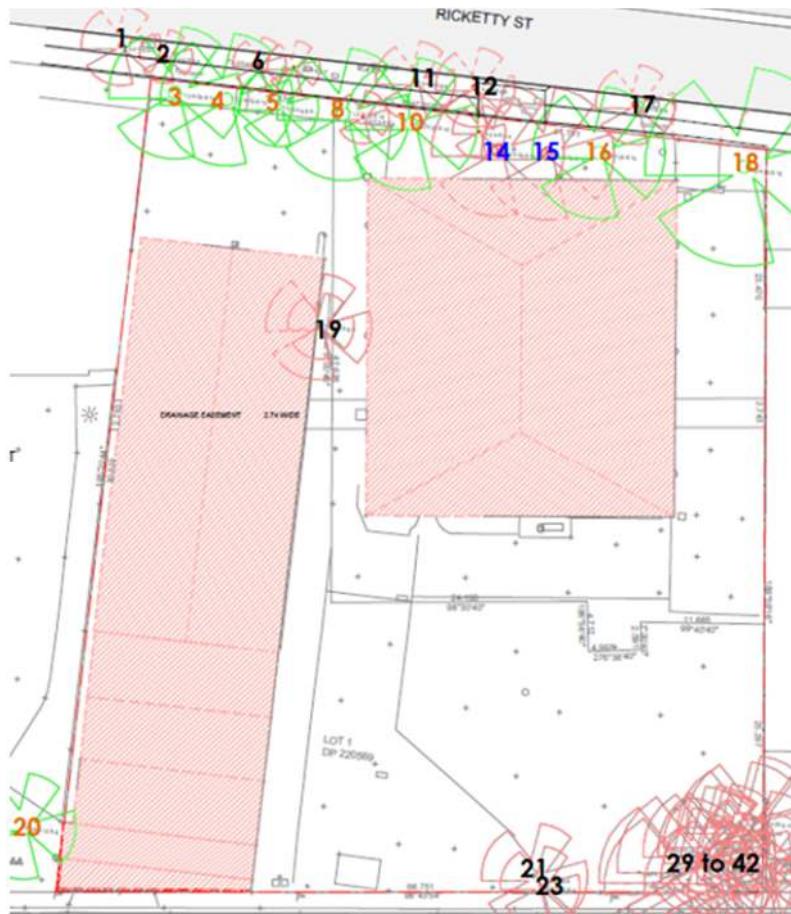


Figure 11: Survey of subject trees, with blue numbers marking trees for removal, and those in black have been approved for removal under DA-2020/468 (Source: Arboricultural Impact Assessment)

An arboricultural impact assessment report prepared by Redgum Horticultural and dated 4 November 2024 has been submitted with the application.

This was referred to Council's Tree Management Officer for assessment. They agreed with the recommendation from the arboricultural impact assessment report with relation to the trees to be removed and retained.

The design and location of the driveway will not impact on the London Plane tree that is located adjacent to the proposed location in the north eastern corner of 34 Ricketty Street.

Based on the above, the proposal is considered acceptable with regards to this SEPP subject to the imposition of conditions, including a 3:1 ratio relating to three trees to be planted for every tree removed.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 - Advertising and Signage

This Chapter of the SEPP applies to all signage that is visible from a public place or public reserve except for signage that is exempt development.

The proposal seeks consent for:

- Two (2) illuminated flush wall signs (Stack Mascot), with one located on the southern

elevation (Ossary Street – 4m x 7m) and one on the northern elevation (Ricketty Street – 5m x 7m)

The figures below are extracts of the proposal:

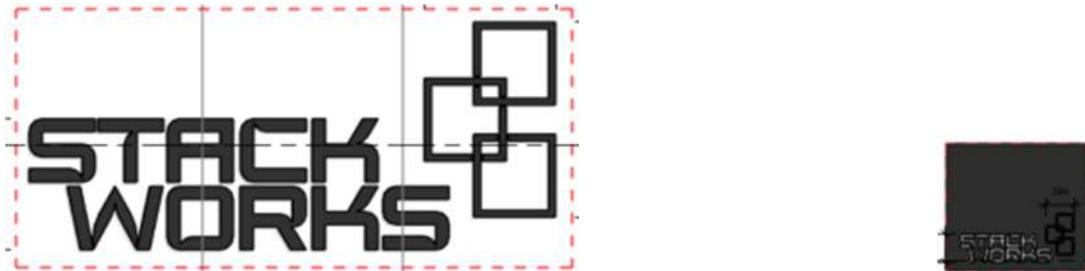


Figure 12: Proposed signage (supplied by the applicant)

An assessment of the proposed signage against the SEPP provisions has been undertaken and is summarised below.

The proposal is considered to be consistent with these objectives because the proposal:

- Is compatible with the desired amenity and visual character of the area;
- provides effective communication due to the placement and design of the signage; and
- is of a high-quality design and finish.

Assessment Criteria

The following table is provided, including all the mandatory matters for consideration in Schedule 5 of the SEPP, including commentary and whether the matters for consideration are complied with for the proposal.

Matters for Consideration	Comment	Complies
1. Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the existing and desired future character of the locality within the E3 Productivity Support zone and is consistent with the type of signage associated with the identification of a the proposed uses.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular or adopted theme for advertising in the area.	Yes
2. Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not detract from the amenity or visual quality of environmentally sensitive areas, heritage areas of conservations areas, areas of open space and waterways.	Yes
3. Views and Vistas		
Does the proposal obscure or compromise important views?	No identified or important views will be obscured or compromised by the	Yes

Matters for Consideration	Comment	Complies
	proposed signage.	
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is located at, or near to, ground level so that the skyline and quality of vistas are not dominated.	Yes
Does the proposal respect the viewing rights of other advertisers?	There is no other signage obscured by the proposed signage.	Yes
4. Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate given the context of the site. The signage does not adversely impact upon the existing landscaping.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage is of a high quality design and finish that will positively contribute to the streetscape amenity of the locality.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage will not create clutter.	Yes
Does the proposal screen unsightliness?	There will be no impact on sightlines.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above buildings or tree canopies in the area.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage does not require ongoing vegetation management.	Yes
5. Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed business identification signs are compatible with the scale, proportion and bulk of the associated buildings on which they are to be located.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signage respects the features of the buildings on which they are associated with.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is relatively conventional.	Yes
6. Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Signage that incorporates lighting has been designed as integral components, however all cabling will be concealed. No access platforms are proposed.	Yes
7. Illumination		
Would illumination result in unacceptable glare?	The illumination will not result in any unacceptable glare.	Yes

Matters for Consideration	Comment	Complies
Would illumination affect safety for pedestrians, vehicles or aircraft?	The illumination will not adversely impact on the safety of pedestrians, vehicles or aircrafts.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	Due to the location and design of proposed signage, illumination should not adversely impact on residential amenity.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The proposed illuminated signs will be able to be adjusted manually if or when required.	Yes
Is the illumination subject to a curfew?	The signs are lit during the night hours to distinguish the premises. It is considered that a curfew is not necessary.	Yes
8. Safety		
Would the proposal reduce the safety for any public road?	The proposed signage will not reduce the safety for any of the public roads surrounding the site.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not reduce the safety for pedestrians or cyclists.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs have been appropriately located within the site as to prevent the reduction in safety for pedestrians (including children) and will not obscure sightlines from public areas.	Yes

As shown above, the proposal is satisfactory when considered against the matters for consideration in Schedule 5 of the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

The following documents were prepared and lodged with the application:

- Additional Preliminary Site Investigation Report, prepared by Environmental Group Australia and dated 17 July 2025;
- Groundwater Monitoring Event, prepared by Environmental Group Australia and dated 27 June 2025;
- Remedial Action Plan, prepared by Environmental Group Australia and dated 28 July 2025; and
- Remedial Action Plan, prepared by Environmental Group Australia and dated 17 July 2025.

The presence of three underground storage tanks has been found adjacent to one another within the north-western portion of the site. These tanks were used for the storage of petroleum and diesel. The southernmost tank was decommissioned in 2001, whilst the two remaining tanks have not been used since 1998 and were not expected to contain any residual product. In addition, three above ground storage tanks were used on site, one since removed with the remaining two emptied.

In addition, three Above-Ground Storage Tanks (AGSTs) with a combined capacity of 3,000L were formerly used for storing engine oil, gear oil, and general oil. One of these tanks has since been removed, while the remaining two remain onsite and have been emptied. A 2011 Dangerous Goods notification recorded the storage of up to 150kg of explosive equipment within the north-eastern warehouse. These were no longer observed within the site, with the warehouse now utilised as a furniture showroom.

The Remedial Action Plan has proposed the following remediation methodology:

- Completion of a Supplementary Contamination Assessment (SCA) following demolition of existing buildings to address data gaps as previously identified;
- Decommission, excavate, and remove all remaining USTs as identified in the north-western portion of the site;
- Cover soils with a suitable geotextile marker layer and capping with Virgin Excavated Natural Material (VENM); and
- Preparation of a Validation report and a Long-Term EMP (LTEMP) to manage the cap and contain layer.

This has been reviewed by our Environmental Scientist with the following comments:

- The contents of the Updated Remedial Action Plan (RAP) are satisfactory. The additional information provided is sufficient
- The remediation approach, being the removal of Underground Storage Tanks and installation of a cap and contain layer, is appropriate. However, an amended RAP must be provided with the results of the Supplementary Contamination Assessment (SCA). Subject to the results of the SCA, a re-evaluation of the remediation options assessment must occur. The RAP should prioritise remediation of the site without the need for a Long-Term Environmental Management Plan (LTEMP) to manage residual contamination risks. However, if it can be demonstrated to be the most appropriate, the cap and contain approach along with a LTEMP may be pursued.
- A number of fixes must also be made to the amended RAP, which will be imposed as conditions.

The proposal satisfies Chapter 4 of the SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.48 – Development likely to affect an electricity transmission or distribution network

The application is subject to Section 2.48 of the SEPP as the development proposes works within the vicinity of electricity infrastructure and therefore in accordance with this Section the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

The application was referred to Ausgrid for comment. No objections were raised to the proposed development. subject to conditions.

The proposal satisfies Section 2.48 of the SEPP.

Section 2.119 – Development with frontage to classified road

The subject site is located on land with a frontage to a classified road (i.e. Ricketty

Street). In this regard, Section 2.119 Development with frontage to a classified road, of the SEPP must be considered before consent can be granted.

The proposed development involves access to and from the site via a driveway off Ricketty Street as well as Ossary Street.

As per Section 2.119(2) of this SEPP, the consent authority must not grant consent to development on land that has frontage to a classified road unless it is satisfied that where practicable and safe, vehicular access to the land is provided by a road other than a classified road.

In this instance, Ossary Street is a local road and therefore could on its own provide full vehicular access to the site without impacting on the development and without requiring access to/from Ricketty Street. Ricketty Street experiences high traffic volumes, therefore managing vehicles entering and exiting the site via Ricketty Street can lead to safety issues.

Notwithstanding the above, the applicant has argued that it is neither practical nor safe to have access only via Ossary Street. On that basis, the driveway has been designed to have a safe and functional left in and left out driveway, which is splayed to strongly discourage motorists from turning right on to Ricketty Street, as there is insufficient space to install a median barrier in the middle of Ricketty Street.

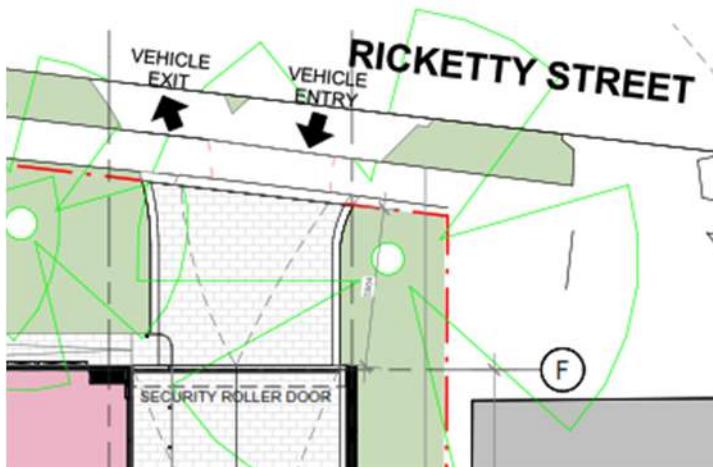


Figure 13: Extract from ground floor plan with design of Ricketty Street driveway (supplied by the applicant)

The application was referred to Transport for NSW (TfNSW), and provided updated concurrence on 19 August 2025, subject to conditions, which includes a driveway design and conditions that restrict movements to Ricketty Street to left in and left out movements only.

The proposed driveway design has been reviewed by Council's Development Engineer and is supported.

The proposal satisfies Section 2.119 of the SEPP.

Bayside Local Environmental Plan 2021

The relevant local environmental plan applying to the site is the *Bayside Local*

Environmental Plan 2021 ('the LEP').

The site is located within the E3 Productivity Support Zone pursuant to Clause 2.2 of the LEP.



- Will maintain the economic viability of local centres;
- Will enable other uses that will meet the day to day needs of workers; and
- Will provide development that will improve the visual character of the locality.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in the table below.

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
2.7 Demolition requires consent	Yes – see discussion	Yes – see discussion
4.3 Height of buildings	Yes – see discussion	Yes – see discussion
4.4 Floor space ratio	Yes – see discussion	Yes – see discussion
6.1 Acid Sulfate Soil – Class 2	Yes – see discussion	Yes – see discussion
6.2 Earthworks	Yes – see discussion	Yes – see discussion
6.3 Stormwater and water sensitive urban design	Yes - see discussion	Yes - see discussion
6.7 Airspace operations	Yes – see discussion	Yes – see discussion
6.8 Development in areas subject to aircraft noise	Yes – see discussion	Yes – see discussion
6.10 Design Excellence	Yes – see discussion	Yes – see discussion
6.11 Essential services	Yes – see discussion	Yes – see discussion

Section 2.7 – Demolition

The proposal seeks consent for demolition of the existing buildings and associated structures. In this regard, the proposal satisfies the provisions of this Section.

Section 4.3 – Height of Buildings

A height standard of 44m applies to the property.

The proposal has a maximum height of 39.85 metres (RL 42.6 AHD) which complies with the provisions and objectives of this Clause.

Section 4.4 – Floor Space Ratio

A maximum FSR standard of 3:1 (GFA of 13,841m²) applies to the subject site.

The proposal has a maximum GFA of 11,809m² and equates to an FSR of 2.56:1 which complies with the provisions and objectives of this clause.

Section 5.21 – Flood Planning

Council records indicate that the lot is subject to flooding in a 1% AEP event. The ground floor levels of the development are therefore required to be raised by 0.5m to a level of RL 3.5, and the site is to be designed to ensure that it addresses all flood related requirements.

The plans have been amended on a number of occasions to address the flood requirements of the site.

A Flood Impact Assessment prepared by Telford Civil and dated August 2025 was submitted with the application. The report concludes that the proposal will achieve Bayside Council's DCP requirement for flood control and flood risk management.

The report and proposal were reviewed by Council's Development / Floodplain Engineer who advised that it was acceptable, subject an amended report to remove the cut proposed around the existing trees and alter the location of the substation which is flood impacted. Appropriate conditions have been included within the recommended conditions, including a condition requiring that the substation be relocated to ensure flood requirements are met.

Section 6.1 – Acid Sulfate Soils

Acid Sulfate Soils (ASS) – Class 2 affects the property.

An Acid Sulfate Soil Management Plan, prepared by Douglas Partners and dated 3 December 2024 was provided by the applicant.

This was reviewed by Council's Environmental Scientist, who stated no objections to this Plan, subject to the imposition of a condition prescribing that the management of potential and actual acid sulfate soils must be conducted in accordance with the recommendations included in the Plan.

The proposal meets the objectives of this clause.

Section 6.2 – Earthworks

The impacts of the proposed earthworks have been considered in the assessment of this proposal. Conditions of consent have been imposed in the Notice of Determination to ensure minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability. The proposal meets the objectives of this clause.

Section 6.3 – Stormwater and WSUD

A stormwater easement traverses across the site in an east-west direction, as shown below:



Figure 15: Extract from ground floor plan with stormwater easement (supplied by the applicant)

This easement contains a pipe that assists in providing drainage to the Alexandra Canal from the Central Mascot Station Precinct to the east of the subject site.

Council's Development Engineer has reviewed the proposal and has recommended that the asset is to be reconstructed as part of the development, which will be imposed as a

condition.

Further to the above, On Site Detention (OSD) tanks are proposed at ground level and its location and design is considered acceptable.

The proposal is satisfactory with respect to the objectives and requirements of this section.

Section 6.7 – Airspace Operations

The proposed development is affected by the 51 AHD Obstacle Limitation Surface (OLS). The proposed building height is at 42.6 RL at the highest point and in this regard, the proposed development will have minimal adverse impact on the OLS. Notwithstanding, Sydney Airport Corporation Limited have consented to the erection of a building to a maximum height of 43 RL on the subject site. The proposal is satisfactory with regards to this clause.

Section 6.8 – Development in areas subject to aircraft noise

The subject site is located within the 25 to 30 ANEF Contour, thus subject to potential adverse aircraft noise. Given this, appropriate noise attenuation measures are required for the proposed development.

The applicant prepared an acoustic report, however, it has not addressed aircraft noise which is required for proposed business premises / showroom on the ground floor addressing Ricketty Street. Notwithstanding, no first use is proposed and therefore a condition has been imposed in the attached draft schedule prescribing the requirement of an acoustic report as part of the first use application.

Section 6.10 – Design Excellence

The proposed development is subject to the requirements of this clause. In accordance with the requirements of Section 6.10(4), the application was reviewed by the Design Review Panel (DRP) on two separate occasions:

- 6 February 2025
- 15 April 2025

In the second meeting, the recommendation in the DRP Minutes was that the Panel supports the application subject to further amendments for submission to them for electronic review, which are specified further below:

The applicant should continue to work on the form and character of this cross link to ensure a safe and engaging space is created and connects to a developing future desired character of the wider area.

The applicant's response was that the through-link has been further enhanced through the review of pedestrian ramp locations and the inclusion of entry 'rebates' at the entry to the lobby and Tenancy 00.01. These rebates provide a deeper entry experience and further separate the pedestrians and vehicles on the site.

Relationship to Ossary Street overlaps with the public domain and a better arrangement for access to ground floor tenancies should be provided along with a stronger landscaped outcome rather than a setback dominated by paving as currently illustrated.

The applicant's response was that the public domain has been adjusted to allow for the continuation of the primary footpath along the street, with planting and trees moved inboard and integrated with the large landscaped zones along the frontage. The pedestrian ramp has been adjusted and stairs narrowed to increase available planters on site.

Enclosure walls of tenancies along the pedestrian crosslink should be recessed to allow for adequate space at entrances.

The applicant's response was that the recessed entries have been incorporated into the design.

Tenancy 03 visual connection to the streetscape should be improved via articulation of the firestairs and the internal layout,

The applicant's response was that where possible glazing has been maximised with additional windows provided to Tenancy 00.03.

The pedestrian cross site link should be further refined, through form, materiality and its relationship to the landscaped boundary to create a safe and active space.

The applicant's response was that the link has been refined through landscape selection, spatial arrangement and materiality

The applicant should provide a clear, legible document outlining the proposal's commitment to the sustainability outcomes being embedded within the design as it develops. In doing so, the applicant will be able to define and refine already stated commitments, as well as those currently lacking, such as rain water harvesting for landscape maintenance, volume of solar power generation, canopy cover and permeable zones within the landscape; along with the built form commitments discussed such as material lifespan, recyclability and embodied carbon.

The applicant's response was that an updated ESD report has been prepared and submitted with the development application outlining the proposal's commitment to the sustainability outcomes on site.

The pedestrian cross-link should be thought of in terms of the full available space. The form, materiality and colours within this space, along with inherent lighting and security controls, can deliver an engaging space for users. Each surface and interface should help define the experience from overhead and walling material finishes that draw you through the space to the reintroduction of the art wall within the landscape to have this boundary treatment become a part of the visual connection and experience.

The applicant's response was that the landscape selections have been updated to maximise the green edge along the through link and enhance visual connectivity between the greenery and the shared zone. The adjacent boundary fence has been nominated as a location for an artwall that will form a backdrop to the landscaped side setback. The primary ground surface is proposed to be a two-toned contrasting finish to demarcate the pedestrian edge and the shared-zone primary body.

The Ossary Streetscape frontage requires further built form refinement. In particular, the accessibility ramp and stairs restrict the potential for commercial areas to open out onto the frontage; the ramp should be made full width and relocated to abut the vehicle ramp. The currently proposed paved setback limits the available deep soil landscape.

The applicant's response was that the Ossary Street ramp has been widened and relocated and the stairs consolidated to reinforce the frontage and maximise available landscaping along the site.

The Panels view of this emerging streetscape is that the footpath is best retained for pedestrian access and street trees better located within the deep soil landscape setback zone. The rearrangement of built form, opening up the podium areas and transforming the paved areas into more extensive landscape will provide better amenity and - with the replacement of removed trees along the frontage – will respond better to the desired future character of the street.

The applicant's response was that the deep soil landscaping has been adjusted with proposed trees moved into the setback landscape zone and the primary footpath retained along the edge of Ossary Street to allow for a continuous pedestrian movement experience along Ossary Street.

The landscape to the Ossary Street frontage has been revised but requires further refinement to deliver a greater quantity of landscaped area and improved integration between commercial and public domain areas.

The applicant's response was that the landscaping has been revised, consolidated and increased in area to delivery a greater quantity of landscaping and allow for a better integration between the site uses and the public domain.

The Ossary Street food and drink outlet should be reinstated to provide an activated pivot point for the cross site link.

The applicant's response was that the proposed ground level tenancies are designed to allow for hybrid retail/light industrial uses which can activate and enhance the link.

The safety concerns of the earlier Panel appear to be largely addressed, noting further design development required to refine the overall design.

The applicant's response was that the minor design refinements have allowed for the further consideration and reinforcement of safety considerations on the site with increased pedestrian path widths and improved site lines.

The recommendation from the 15 April 2025 meeting was that the amended plans were to be sent back to the DRP for an electronic review. This was completed on 15 September 2025, and it concluded that the proposal is now capable of achieving Design Excellence, with the following comments provided:

- the proposal is greatly improved.
- it has clearly responded to all of the panel comments.
- the 3D images look rather good.
- the landscape is well formed and well provisioned in terms of sustainable green architecture and deep soil zones.
- the proposal is well considered, well resolved, and has responded positively to panels comments.

In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters from clause 6.10:

- (a) whether a high standard of architectural design, materials and detailing appropriate to

the building type and location will be achieved,

Agreed. Significant detail has been provided in the architectural package with relation to building materials and articulation. A condition is also imposed requiring that samples of materials be submitted to, and approved by, Council prior to issue of any Construction Certificate.

(b) *whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*

Agreed. The proposal improves the existing public domain by providing a well formed landscaped setting, materials that are reflective with the existing streetscape as well as providing a high quality contemporary built form that is appropriate for the street. In particular, the Ossary Street frontage provides a well formed balance between providing pedestrian access (via the length of frontage footpath) as well as deep soil zones that will allow for canopy planting.

(c) *whether the development detrimentally impacts on view corridors,*

The proposed building will not give rise to any detrimental impacts on view corridors.

(d) *the requirements of any development control plan made by the Council and as in force at the commencement of this clause,*

The proposed development is generally compliant with the Bayside DCP and will be detailed further later in this report.

(e) *how the development addresses the following matters:*

(i) *the suitability of the land for development,*

Considered to be suitable. The applicant has addressed all issues identified in the amended plans and documentation, including flood & contaminated land matters, demonstrating that the site is suitable for the development.

(ii) *existing and proposed uses and use mix*

Considered to be suitable. The mix of uses provides a positive contribution that is suited to the area.

(iii) *heritage issues and streetscape constraints,*

Considered to be suitable.

(iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*

Considered to be suitable.

(v) *bulk, massing and modulation of buildings,*

The proposed development demonstrates a high standard of design and is appropriate to its context.

(vi) *street frontage heights,*

Considered to be suitable.

(vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*

The proposed development does not give rise to unacceptable impacts relating to overshadowing, wind and reflectivity.

As discussed earlier in this report, the relevant requirements of the Sustainable Buildings SEPP have been satisfied.

(viii) *the achievement of the principles of ecologically sustainable development,*

Refer to SEPP assessment earlier in this report.

(ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*

The proposed development provides suitable pedestrian and cycle connections to and within the site, as well as suitable circulation within the proposed building.

(x) *the impact on, and any proposed improvements to, the public domain,*

The proposed development will provide ground floor activation to both street frontages as well as a north-south cross link.

(xi) *achieving appropriate interfaces at ground level between the building and the public domain,*

The proposed development will provide ground floor activation to both street frontages as well as a north-south cross link.

(xii) *excellence and integration of landscape design.*

The amended landscape plans have been assessed by Council's Landscape Architect and deemed suitable. This will be discussed in further detail later in this report.

Based on the above assessment, the proposed development in its current form does not achieve design excellence.

Section 6.11 – Essential Services

Services are generally available on site. Additional conditions have been incorporated in the draft Notice of Determination requiring consultation with relevant utility providers with regard to any specific requirements for the provision of services on site.

(c) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no draft Environmental Planning Instruments that apply to this proposal.

(d) **Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

Bayside Development Control Plan 2022

The proposal is acceptable with regard to the objectives of the Bayside DCP 2022. The following table outlines the key relevant Clauses of the DCP applicable to the proposal, while aspects warranting further discussion follows:

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
PART 3 – GENERAL DEVELOPMENT PROVISIONS		
3.1 Site Analysis and Locality	Yes – see discussion	Yes – see discussion
3.2 Design Excellence	Yes – see discussion	Yes – see discussion
3.3 Energy and Environmental Sustainability	Yes – see discussion	Yes – see discussion
3.5 Transport, Parking and Access	Yes – see discussion	Yes – see discussion
3.6 Social Amenity, Accessibility and Adaptable Design	Yes – see discussion	Yes – see discussion
3.7 Landscaping, Private Open Space and Biodiversity	Yes – see discussion	Yes – see discussion
3.8 Tree Preservation and Vegetation Management	Yes – see discussion	Yes – see discussion
3.9 Stormwater Management and WSUD	Yes – see discussion	Yes – see discussion
3.11 Contamination	Yes – see discussion	Yes – see discussion
3.12 Waste Minimisation and Site Facilities	Yes – see discussion	Yes – see discussion
3.13 Areas subject to Aircraft Noise and Airport airspace	Yes – see discussion	Yes – see discussion
3.14 Noise, Wind, Vibration and Air Quality	Yes – see discussion	Yes – see discussion
3.16 Utilities and Mechanical Plant	Yes – see discussion	Yes – see discussion
3.18 Utilities and Mechanical Plant	Yes – see discussion	Yes – see discussion
PART 4 – SUBDIVISION, CONSOLIDATION AND BOUNDARY ADJUSTMENTS		

Relevant Clauses	Compliance with Objectives	Compliance with Standard / Provision
4.1 General	Yes – see discussion	Yes – see discussion
PART 6 – NON-RESIDENTIAL DEVELOPMENT		
6.1.1 General Controls	Yes – see discussion	Yes – see discussion
6.4 Industrial Premises	Yes – see discussion	Yes – see discussion
6.4.2 Storage Premises	Yes – see discussion	Yes – see discussion
PART 7 – SPECIFIC PLACES		
7.7 Mascot West Employment Lands	Yes – see discussion	Yes – see discussion

Part 7 is dealt with first, as the DCP states: *“Provisions in the chapter [7] prevail over any similar provisions in other sections of the DCP”*.

Part 7.7 – Mascot West Employment Lands

Built Form and Land Use

The proposed development will improve the southern side of the Ricketty Street streetscape, of which it serves as a gateway function to Sydney Airport and the Sydney CBD.

A condition will be imposed in the attached draft schedule relating to the undergrounding of overhead cables, including electricity and telecommunication cables, along the entire length of all frontages.

As discussed earlier in this report, it was reviewed by the Design Review Panel.

Traffic and Transport

A Green Travel Plan has been lodged and will be discussed later in this section under Transport, Parking and Access.

Environmental

The proposed development was referred to Sydney Airport, refer to the LEP section earlier in this report.

Part 3.1 – Site Analysis and Locality

The proposed development has provided a detailed and comprehensive site analysis, with amended plans demonstrating an appropriate interface with the public domain.

The applicant lodged a Crime Risk Assessment, prepared by Sutherland and Associates that includes recommendations. This was referred to the NSW Police, however, no response was received. Therefore it is deemed that they have no objections. A condition relating to Safer by Design Requirements has been imposed as a condition in the attached draft schedule.

The proposed building will not give rise to any detrimental impacts on view corridors.

Part 3.2 – Design Excellence

Refer to the LEP section earlier in this report.

Part 3.3 – Energy and Environmental Sustainability

Refer to SEPP comments earlier in this report.

Part 3.5 – Transport, Parking and Access

Amended plans and Traffic Impact Assessment was submitted, prepared by CJP Consulting Engineers and dated 22 September 2025. This report and the application was referred to Council's Development Engineer who had no objections to the proposal, subject to conditions which have been included in the recommended conditions.

The design and location of the parking facilities and pedestrian access on the site is acceptable having regard to the nature of the site and the proposal.

The proposed development contains multiple uses, and the applicant has applied the following parking rates:

Use and Rates	Calculation
Business premises – 1 space per 80m ² of GFA	930.95 / 80 = 11.63 spaces
Light industry – 1 space per 65m ² of GFA	4,789.79 / 65 = 73.68 spaces
Light industry mezzanine – 1 space per 80m ² of GFA (for commercial premises)	2,312.44 / 80 = 28.9 spaces
Total	114.2 (115)

Based on the above, a total of 114.2 (rounded up 115) spaces are required.

Further to the above, the applicant has nominated for storage a rate of 1.4 spaces per 1,000m² of GFA based on average parking demands for existing Kennards self-storage sites within the Sydney metropolitan area. A minimum of 5 spaces is required, however, 10 have been provided.

This has been reviewed by Council's Development Engineer and deemed acceptable, with a condition to be imposed relating to the allocation of parking spaces.

The showroom and industrial units each contain shower and toilets, which can also perform as end of trip facilities.

A total of 23 bicycle parking spaces and 12 motorcycle parking spaces have been provided, to be shared by the entire building, and is considered to be acceptable.

A total of 8 loading bays (3 x MRV and 5 x van) are located throughout the proposed development and is considered to be acceptable.

A Green Travel plan has been prepared, which aims to promote the use of alternative modes of transportation and incorporates comprehensive details on public transport routes and bicycle network plans for staff/employees, customers, and visitors of the development. This has been reviewed by Council's Development Engineer and considered suitable.

Proposed waste collection arrangements meet Council's specifications and requirements.

The proposal satisfies the transport and access requirements of the DCP.

Part 3.6 – Social Amenity, Accessibility and Adaptable Design

The applicant has lodged a Statement of Compliance Access for People with a Disability, prepared by Accessible Building Solutions and dated 30 May 2025.

It has reviewed the proposed development and concluded that it is satisfied that the proposal can achieve compliance with the access provisions of the Building Code of Australia (BCA) and the Access to Premises Standard.

Amended plans have also demonstrated that pedestrian access and safety have been resolved for the pedestrian through site link connecting Ricketty Street with Ossary Street, for example with bollards proposed to protect pedestrians from vehicle / truck movements. The proposal is satisfactory and complies with the objectives of this Part of the DCP.

Part 3.7 and 3.8 – Landscaping, Private Open Space, Biodiversity and Tree/Vegetation Management

Tree removal

Refer to the SEPP comments earlier in this report with relation to tree removal.

Landscaping

The proposed development includes detailed landscape plans, including ground level and on Level 5.

A minimum of 10% of the total site area is to be landscaped. A total of 942.7m² (20.4%) of the site area is landscaped and complies with this control.

These plans were referred to Council's Landscape Architect, with the following comments provided:

- Rooftop landscaping target has been achieved as requested by Council. Two main landscape areas have been proposed on the sloped roof level. Spillover planting boxes have been proposed on the periphery of the building rooftop. These areas will provide some greenery to the streetscape and improve the harsh built form.
- The proposed driveway on Ricketty Street will decrease the landscaped area within the primary setback area, however, this is deemed to be acceptable.
- Tree planting shall not conflict with stormwater elements. All tree planting shall be a minimum of 1-2m away from stormwater pipes structures or pits.
- Communal spaces are satisfactory.
- Tree planting has been satisfied, with planting fronting Ossary and Ricketty Street to be supplied at an increased pot size of 100 litre.
- The London plane trees are to be protected to Council's satisfaction, with any damage to these trees to be resolved with Council.

The proposal is satisfactory and complies with the objectives of this Part of the DCP.

Part 3.9 – Stormwater Management and WSUD

Refer to the LEP section earlier in this report.

Part 3.11 – Contamination

Refer to the SEPP section earlier in this report.

Part 3.12 – Waste Minimisation and Management

A Construction and Demolition Waste Management Plan as well as an Operational Waste Management Plan, both prepared by Elephants Foot and dated 3 September 2024 was lodged with the application.

Waste rooms and facilities are located at ground level at the rear of the site.

An appropriate condition has been included in the recommended conditions.

Part 3.13 – Areas subject to Aircraft Noise and Aircraft Airspace

Refer to the LEP section earlier in this report.

Part 3.14 – Noise, Wind, Vibration and Air Quality

An Noise Impact Assessment, prepared by E-LAB Consulting and dated 3 June 2025 was submitted for assessment. It has predicted the noise levels arising from the proposed building uses on to nearby sensitive receptors. It has concluded that the proposed development is capable of compliance with the relevant noise criteria controls. Compliance with the Assessment will be imposed as a condition in the attached draft schedule.

A Pedestrian Wind Environment Statement, prepared by Windtech and dated 27 November 2024 was submitted with the application. In its design advice and recommendations, it has recommended a series of treatments for ground level including the retention of vegetation along Ricketty Street and an impermeable awning on Ossary Street, and porous trellis on the north facing central openings on Levels 3, 4 and 5. Compliance with these recommendations will be imposed as a condition in the attached draft schedule.

Part 3.16 – Signs and Advertising

Refer to the SEPP section earlier in this report.

The proposed signage complies with the relevant controls under this Part by way of the following:

- Will not result in the loss of vegetation;
- The lighting will not adversely impact on neighbouring properties; and
- No more than one business identification sign per elevation and is of an adequate scale consistent with the size of the building.

Part 3.18 - Utilities and Mechanical Plant

Appropriate site facilities are provided. Utilities are located in an appropriate location.

Part 4 – Subdivision, Consolidation and Boundary Adjustments

The proposed redevelopment does not result in the isolation of adjoining properties, that could not otherwise be redeveloped to their full potential. A condition is imposed requiring the consolidation of lots.

Part 6.1.1 – General Controls

The front entry of the proposed development will be easily identifiable from both Ricketty Street and Ossary Street.

Air conditioners will not be located within the front façade of the building.

Business signage has been designed to minimise visual impact, as previously assessed.

The proposed development addresses both Ricketty Street and Ossary Street, with their entries being readily apparent from the street.

The total landscaped area is greater than 10% of the site area, with landscaped areas within the setback areas as well as along the property boundaries.

Existing trees, including Council street trees and trees on neighbouring properties will be retained and adequate provision allowed for the protection of their primary root zone and canopy when locating new buildings, driveways and parking areas.

Part 6.4 – Industrial premises

General

The site operations within the proposed development will be contained fully within the site.

The building design and site layout will allow for an efficient and safe system for manoeuvring, loading and unloading, and parking of vehicles within the site.

The proposed development provides a number of areas containing basic amenities for workers and visitors.

An outdoor staff recreation area (marked up as a BBQ Communal Space) is located on Level 5, on the western elevation and located between industrial units 5.06 and 5.07. It has an area of 16m² in size and 3 metres in dimension and will receive direct sunlight for a minimum of four hours in mid-winter. No shading is proposed however this can be imposed as a condition.

Lighting will be provided at all building entry and exit points to ensure safe access.

Site Planning and Setbacks

The floor space is suitably distributed on the site to ensure the scale of the building reinforces the role of the street and buildings are arranged and aligned to create a pleasant working environment. The Design Review Panel provided comments which were further discussed earlier in this report under the LEP section.

The loading and unloading facilities are located internally within the ground floor area, with access for SRV's provided to the industrial units at each level of the building to facilitate loading and unloading operations.

The total landscaped area is greater than 10% of the site area, with landscaped areas within the setback areas as well as along the property boundaries.

The proposed development complies with the minimum side setback of 2 metres.

Both the Ricketty Street and Ossary Street frontages are less than the minimum 9 metre control. Variations are supported and are discussed further below:

- Ricketty Street: It is considered that the proposed development achieves a compatible outcome with the setbacks of the adjoining development noting that the development at 24-26 Ricketty Street has a front setback of approximately 3 metres and the development at 36 Ricketty Street has a variable setback which is less than 9 metres. The proposal achieves a continuity of front setback with the context of surrounding sites. Furthermore, whilst the DCP suggests that only 4 metres of the front setback needs to be landscaped, the proposed development provides the majority of the front setback as landscaped area other than pathways and the driveway. The landscape setback contains significant trees that are to be retained and that will screen the built form. Based on this, it is considered that this variation is acceptable.
- Ossary Street: While Ossary Street is considered the rear setback, it is a secondary street, however it provides a setback that complies with the minimum rear setback of 3 metres. The setback proposed is similar to other buildings found to the east of the site with frontage to Ossary Street which have 3 metres or less of a setback. Also, similar to the Ricketty Street setback, the majority of the setback as landscaped area other than pathways and the driveway, and the ground floor tenancies have been setback to create additional space at street level and they have been designed with glazing to activate the Ossary Street frontage. Based on this, it is considered that this variation is acceptable.

The location of the OSD along the south western corner of the proposed building does not encroach within the setback zone for that area.

The building entrances are clearly defined and located so that visitors can readily distinguish the public entrance.

Access to each entrance is to be provided by a safe direct route and avoids potential conflict with heavy vehicles manoeuvring on site.

Building Design

The building form provides visual interest through an articulated façade, legible building entrances, and a variation in texture / finishes / materials.

Rooftop and exposed structures including lift motor rooms and plant rooms are integrated within the building.

Landscaping

The total landscaped area is greater than 10% of the site area, with landscaped areas within the setback areas as well as along the property boundaries.

The proposed landscaping is considered to suitably ameliorate the bulk and scale of the proposed building, subject to further amendments discussed under the Landscape section earlier in this report.

The landscaping within the street frontage will not obstruct opportunities for passive surveillance of the street.

The on-site detention is not located within the landscaped setback, nor is it located within the canopy dripline of any existing or proposed trees.

Amenity and Operation

The self-storage component of the development will operate 24 hours, whilst the other uses will have operating hours of 7am to 10pm imposed as a condition in the attached draft schedule of conditions.

Part 6.4.2 – Storage premises

General

The proposal is not for a self-storage facility, it is intended that the self-storage units will be strata subdivided and sold separately. Accordingly, there is no central management of the units or a central administration office.

A Plan of Management has not been provided as part of this application. The applicant has argued that there is no adjoining or neighboring residential development to the site and the requirement for a Plan of Management is therefore not intended to apply to the subject site and proposal. As a result, the request for a Plan of Management is superfluous given the location of the site. Given that the subject site is not located within proximity of any sensitive land uses such as residential developments this variation is considered acceptable.

Lighting is to be provided at all building entry and exit points to ensure safe access, which will be imposed as a condition in the attached draft schedule of conditions.

On-site surveillance, such as CCTV is required to provide coverage of all areas which provide access to storage units, which will be imposed as a condition in the attached schedule of conditions.

Development Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1)

The provisions contained in Council's Section 94 Contributions Plan apply to developments involving the construction of additional residential development that creates further demand to improve or upgrade existing facilities, amenities or services.

A total of \$838,542.02 has been calculated. This payment will be imposed as a condition in the attached schedule.

NOTE: The Housing and Productivity (HPC) contribution also applies to this proposal and has been included as a condition of consent.

(e) Section 4.15(1)(a)(iii) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(f) Section 4.15(1)(a)(iv) - Provisions of Regulations

Sections 92-94 of the Regulations outline the matters to be considered in the assessment of a

development application. Section 92 requires the consent authority to consider the provisions of AS 2601:1991 *Demolition of Structures* when demolition of a building is involved. In this regard a condition has been imposed in the draft Notice of Determination to ensure compliance with the standard.

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above. Further impacts are discussed further below:

Natural Hazards

The property is affected by the provision of surface flows however, excavation for the proposed dwelling is not deep enough to cause any adverse impact on the direction of the surface flows.

Construction

There are no specific issues relating to the BCA in the proposed design. Site and safety measures to be implemented in accordance with conditions of consent and Workcover Authority guidelines/requirements. Relevant conditions are imposed to minimize adverse impacts associated with construction works.

Social Impacts

The social impacts of the proposal are expected to be positive or neutral, with a development of high-quality design and amenity to meet the needs of future residents, within a form compatible with the character of the area and with impacts which are not significantly adverse, and commensurate with impacts to be expected from development of the site, given the planning controls.

Economic Impacts

In terms of economic impacts, the proposal will cause no anticipated negative economic impacts and will result in positive economic impacts from the materials and labour needed for construction of the proposal.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

(g) Section 4.15(1)(c) - Suitability of the site

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

(h) Section 4.15(1)(d) - Public Submissions

In accordance with Part 2 of the Bayside DCP, the DA was advertised for 30 days from 13 January to 13 February 2025. One submission was received, in support of the proposed development.

In accordance with the Bayside Communications and Engagement Strategy, the amended plans were re-notified for 7 days from 5 August to 12 August 2025. No submissions were received.

(i) Section 4.15(1)(e) - Public interest

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity. The proposed building is one that will add architectural value to the existing streetscape, by way of massing and presentation as well as its interface design with the public domain. Furthermore, the proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the development application is in the public interest.

4. REFERRALS

The Development Application was referred to Council's internal and external departments for comment. Appropriate conditions have been recommended to address the relevant issues raised. The following table is a brief summary of the comments raised by each referral department.

Referral Agency	Comments
External Referrals	
Water NSW	General Terms of Approval
Transport for NSW	Concurrence
Ausgrid	Conditions
Sydney Water	Conditions
Sydney Airport	Conditions
Internal Referrals	
Design Review Panel	Achieves design excellence
Development Engineer	Conditions
Environmental Scientist	Conditions
Section 7.11 Contributions	Conditions
Trees Officer	Conditions
Landscaping	Conditions

5. CONCLUSION

In accordance with Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979, the Application is referred to the Sydney East Central Planning Panel for determination.

The proposed development is permissible in the E3 Productivity Support Zone.

The proposal has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

On balance, the proposed development in its current form achieves 'design excellence' and is appropriate for the site and it is recommended that the Panel approve DA-2024/357 for the reasons outlined in this report.

The reasons for this recommendation are:

- The proposal is acceptable when considered against all relevant State Environmental Planning Policies.
- The development, subject to conditions, is consistent with the objectives of the E3 Productivity Support zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The proposed development satisfies the design excellence provisions under Section 6.10 of the Bayside Local Environmental Plan 2021.
- The development, subject to conditions, is consistent with the objectives and generally consistent with the controls of Bayside Development Control Plan 2022.
- The site is suitable for the proposed development.
- The proposal is an appropriate response to the streetscape and topography and will not result in any significant impact on the environment or the amenity of nearby residents.
- The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.
- Recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal.