



CITY OF PARRAMATTA

SYDNEY CENTRAL CITY PLANNING PANEL COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-642
DA Number	DA/25/2025
LGA	City of Parramatta
Proposed Development	Demolition, tree removal, remediation works and construction of a part 4 storey industrial building including carparking for 285 vehicles with ancillary signage. The application is Nominated Integrated development pursuant to the Water Management Act 2000 and Integrated development pursuant to the Roads Act 1993. The application will be determined by Sydney Central City Planning Panel.
Street Address	348 Victoria Road, Rydalmere, NSW, 2116 , Lot B & Lot A, DP155541
Applicant	Mitsubishi Electric Australia Pty Ltd
Owner	Mitsubishi Electric Australia Pty Ltd
Date of DA lodgement	20 January 2025
Number of Submissions	Four (4)
Recommendation	Approval
Regional Development Criteria	Development with an Estimated Development Cost (EDC) of more than \$30 million. (\$67,598,495.00)
List of all relevant s4.15(1)(a) matters	• Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulation 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022 • Parramatta Local Environmental Plan 2023 (PLEP 2023) • Parramatta Development Control Plan 2023 (PDCP 2023)
List all documents submitted with this report for the Panel's consideration	• Attachment 1 – Architectural Drawings • Attachment 2 – Landscape Drawings • Attachment 3 – Clause 4.6 Request • Attachment 4 – Department of Planning and Environment – Water - General Terms of Approval • Attachment 5 – Transport for NSW – General Terms of Approval • Attachment 6 – Draft Recommended Conditions of Consent
Clause 4.6 requests	Clause 4.3 - height
Summary of key issues in submissions	Contamination, noise and air pollution, overshadowing, tree protection, fencing, flooding and privacy.
Report prepared by	Eamon Murphy - Senior Development Assessment Officer
Report date	12 August 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?	Yes

Housing Productivity Contribution Does the DA require Housing Productivity Contribution condition?	Yes
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

1. Executive Summary

The proposal seeks consent for the demolition of the existing industrial building, tree removal, remediation works and construction of a part 4 storey industrial building including carparking for 285 vehicles with ancillary signage.

A detailed breakdown of the proposal is as follows:

- Demolition of the existing industrial building and associated office component;
- Removal of the existing concrete slabs in stages to facilitate minor earthworks and remediation works to address existing contamination, involving the installation of subfloor passive site remediation systems before new slabs are installed at or about existing site levels;
- Tree removal;
- Construction of an industrial building with ancillary offices and multi-level car parking for 285 cars;
- Relocation of the Victoria Road vehicular access to the western side of the site;
- New landscaping works including vegetation management within the riparian corridor at the rear of the site along Subiaco Creek;
- A business identification sign and
- Ancillary civil and stormwater works.

The site is zoned E4 General Industry pursuant to the Parramatta Local Environmental Plan 2023 (PLEP) and is permissible with consent.

The site comprises two (2) maximum height building development standards. The maximum height of buildings for the site are 15m (to a distance approximately 50m from the Victoria Road frontage) and dropping to 12m extending to the north over the remainder of the site.

The proposal includes a PLEP 2023 variation to Clause 4.3 - Height and a Clause 4.6 variation request has been submitted in this regard.

The site comprises a number of constraints including the rear portion of the lot being mapped as being within riparian and waterways pursuant to PLEP 2023, and historic contamination issues. The applicant has demonstrated that it is unlikely that there will be any impacts to the area of biodiversity and riparian corridor, and that appropriate remediation measures will be carried out which adequately accounts for and addresses any contamination risks.

The amenity impacts on adjoining and nearby properties are considered to be reasonable based on the industrial zoning and existing industrial uses at the subject site and surrounding sites.

The application was notified and received four (4) submissions within the notification period. The submissions raised concerns with contamination, noise and air pollution, overshadowing, tree protection, fencing, flooding and privacy.

The application is Nominated Integrated development pursuant to the Water Management Act 2000 and concurrence is required pursuant to section 138 of the Roads Act 1993.

In these circumstances, prior to granting approval, the consent authority must obtain from each relevant approval body their General Terms of Approval (GTA)/Concurrence in relation to the development. The Department of Planning and Environment – Water and the Transport for NSW (TfNSW) have both provided General Terms of Approval (GTA)/Concurrence in relation to the development.

The application has been assessed relative to section 4.15 of the Environmental Planning and Assessment Act 1979, taking into consideration all relevant State and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, consent is recommended subject to conditions.

2. Key Issues

The key issues that need to be considered by the Panel in respect of the development application are:

Parramatta Local Environmental Plan 2023 (PLEP 2023)

The proposal does not comply with the Clause 4.3 maximum height development standard in PLEP 2023.

State Environmental Planning Policy (Resilience and Hazards) 2021

The site is identified as being contaminated land due to historic uses.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

According to the Biodiversity Values (BV) Map, an area of high biodiversity value within the riparian zone of Subiaco Creek is located directly to the north of the site.

3. Site Description, Location and Context

3.1 Site

The subject site is zoned as E4 General Industrial under The Parramatta Local Environmental Plan 2023.

The site is located approximately 3km north-east of the Parramatta CBD, on the northern side of Victoria Road, on the eastern edge of the Rydalmere industrial precinct.

The site is legally described as Lot A and B in Deposited Plan (DP) 155541 and is known as 348 Victoria Road, Rydalmere.

The site has a width at the Victoria Road frontage of approximately 84m metres and a depth of between 300-350m metres, providing a site area of 28,733m²

The site currently comprises a factory building and an adjoining administrative building, operated by Mitsubishi Electric Australia Pty Ltd. The existing buildings have a gross floor area (GFA) of approximately 17,230m².

Vehicular access is available from Victoria Road via a driveway in the south-eastern corner of the site. All heavy vehicle ingress and egress is via this access point. A driveway extends along the eastern boundary to the rear with some car parking located to the side of this driveway and other parking in the rear hardstand area. Access is also available from Wattle Street, partway along the eastern boundary and this is used solely for light vehicles.

To the rear of the buildings is an open hardstand area used for car parking and further north of this is a heavily vegetated slope down to Subiaco Creek which partially flows through the site.

The site is on the edge of a large industrial precinct with development to east and north, generally comprising residential, educational and recreation land uses.

To the north is Subiaco Creek and adjoining bushland and further to the north is a low-density residential area on the boundary of the suburbs of Rydalmere and Dundas

To the east, land is predominantly zoned for medium density and high-density residential development and existing buildings include a mix of dwellings and townhouses with some land having been approved for redevelopment to provide for residential flat buildings. Further east is the St Mary's Primary School and the Holy Name of Mary Church.

To the south of the site is Victoria Road being State Road No. 165 and on the opposite side of this road are industrial buildings and to the south-east is Rydalmere Park.

To the west is an industrial building, operated by Hunter Douglas Australia and further west are other large floorplate industrial developments.



Figure 1: Aerial view of subject site and surrounds (Parra – GIS 2025)

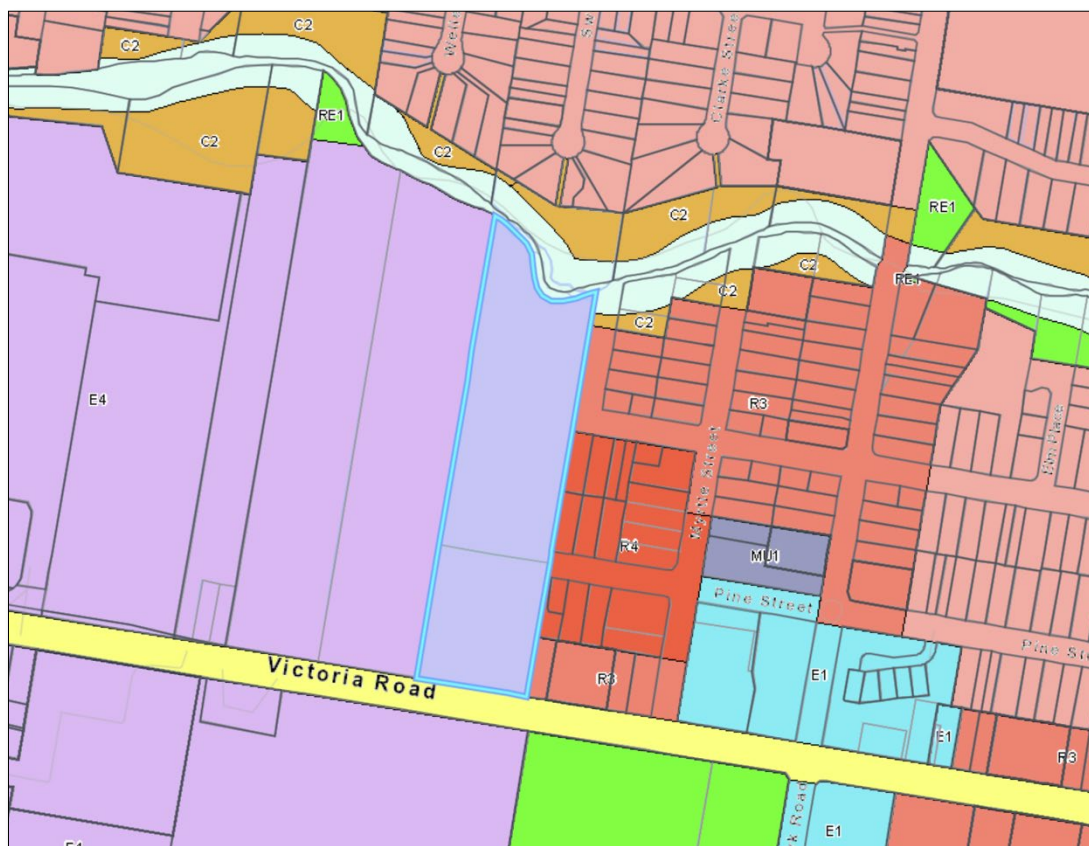


Figure 2: Zoning map

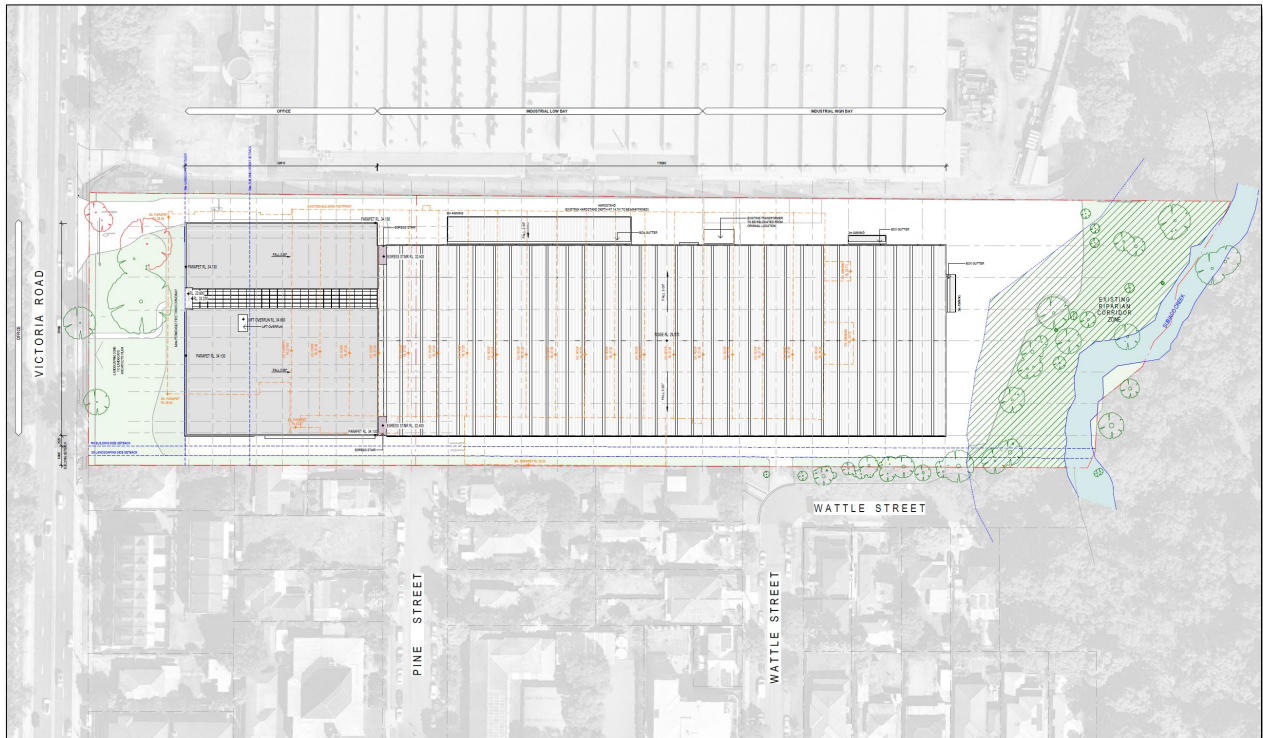


Figure 3: Site Plan



Figure 4: Front perspective

4. The Proposal

The proposed development at 348 Victoria Road, Rydalmere comprises the following:

- Demolition of the existing industrial building and associated offices.
- Removal of the existing concrete slabs in stages to facilitate minor earthworks and remediation works to address existing contamination, involving the installation of subfloor passive site remediation systems before new slabs are installed at or about existing site levels.
- Tree removal (8 x trees).
- Construction of an industrial building with ancillary offices and multi-level car parking for 285 cars.
- Relocation of the Victoria Road vehicular access to the western side of the site.
- New landscaping works including vegetation management within the riparian corridor at the rear of the site along Subiaco Creek.
- A business identification sign 'Mitsubishi Electric'.
- Ancillary civil and stormwater works.

The proposed building is to be constructed generally within the footprint of the existing building (to be demolished).

The proposed setbacks are as follows:

- 30m from Victoria Road frontage.
- 9.225m from the eastern side boundary.
- Between 8.5-15.65m from the western (side) boundary. The awning over the service docks will be set back between 6.2-6.5m).
- Between 46-80m from the rear boundary.

The front of the building will be four storeys in height and contain administration offices at Ground Level and Level 3 with car parking at Ground Level and Levels 1-2. This administration component will have a parapet wall with a low-pitched roof sloping to the north.

Behind the administration component will be a large warehouse-style building, comprising a low bay component and a high bay component. This structure will have a roof pitching to the east and west of a central ridgeline. Minor awnings will be provided to the north and west to provide weather protection for loading bays.

Parking for 285 light vehicles is to be provided in the ground level undercroft carpark and at Levels 1 and 2 within the southern portion of the proposed building with the upper levels access from a two-way ramp system within the building envelope. The new western driveway access will be used for all heavy vehicles, including any deliveries, with new loading bays located along the western and northwestern section of the building, away from the residential areas to the east.

The proposal includes a wall mounted business identification sign that is a maximum of 1400mm high x 4800mm wide with an area of 6.72m², located on the top left corner of the southern elevation with the MEA logo and words "Mitsubishi Electric".

The hours of operation will be as follows:

- 7am to 6pm Monday to Friday.
- 7am to 12pm Saturday.

The proposed development is not for a change of use but to upgrade the existing facilities and for the continued operation of the site by Mitsubishi Electric Australia (MEA).

MEA currently undertakes numerous industrial activities at the site, and it is proposed to continue these operations which include:

- Temporary storage of large and small electrical equipment used in the building industry including warranty and repair functions, customer support and installer training; and
- Minor assembly works, maintenance, fault investigation and repair of heavy engineering equipment used in factory, railway and power supply industries off-site as well as software design for electrical equipment.

These industrial activities require a range of engineers, project managers, sales and warranty support, commercial, legal, management, finance and IT professionals which are provided office, design and training facilities within the proposed administration building. Accordingly, the office functions of the existing and proposed use are ancillary to the industrial activities undertaken within the site.

5. Site and Application History

- The site has been used for industrial purposes since the late 1950s with the key development consents summarised below:
- In 1955, D/250/55 approved construction of a factory premises, with the factory building being extended in 1959 under D/177/59 and again in 1960 under D/778/60.
- In 1972, an office extension was approved (163/1285), with further alterations to the offices occurring in 1993 (BA/921/1993) and 1994 (BA/1142/1994).
- In 1994, DA 94/749 approved a flush wall sign and a small pole sign.
- Also in 1994, DA/637/1994 approved the demolition and reconstruction of the gatehouse near the Victoria Road frontage.
- In 1995, DA640/1995 approved a spray booth and wash down room within the building.
- Also in 1995, DA 95/356 approved a 7.5m high pylon sign near the Victoria Road frontage.
- In 2013, DA/199/2013 approved on-site parking and fencing.
- Also in 2013, DA/551/2013 approved replacement of the roof and construction of an awning over the loading bay.
- In 2014, internal alterations to the office were approved under a CDC CD/702/2014.
- On 20 January 2025 the subject Development Application was lodged for the demolition, tree removal, remediation works and construction of a part 4 storey industrial building including carparking for 285 vehicles with ancillary signage.

6. Referrals

The subject application has been referred to the following internal and external referral bodies for assessment. The referral responses been discussed and summarised below.

Internal	Comment
Development Engineer	Supported subject to conditions of consent.
Environmental Health (Contamination and Acoustic)	Supported subject to conditions of consent.
Landscape Tree Assessment	Supported subject to conditions of consent.
Public Domain	Supported subject to conditions of consent.
Traffic and Transport	Supported subject to conditions of consent.
Universal Access and Design	Supported subject to conditions of consent.
Waste Management	Supported subject to conditions of consent.
External	Comment
Endeavour Energy	Supported subject to conditions of consent.

Department of Planning and Environment – Water	Supported and General Terms of Approval (GTA) provided.
Transport for NSW (TfNSW)	Supported and concurrence issued under section 138 of the Roads Act 1993.
Independent Quantity Surveyor (MBN Pty Ltd)	<u>Comment:</u> <i>“Following a review of the project documentation and (Estimated Development Cost) EDC submission, it is MBM's opinion that, notwithstanding the lower contingency allowance, the overall Estimated Development Cost submitted to City of Parramatta Council are aligned with current market conditions.”</i>

7. Environmental Planning and Assessment Act 1979

The sections of this Act which require consideration are addressed below:

7.1 Section 2.15: Function of Sydney District and Regional Planning Panels

The Sydney Central City Planning Panel is the consent authority for this application as the proposed development has an Estimated Development Cost (EDC) of more than \$30 million.

7.2 Section 4.15: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to Section 8.
Section 4.15 (1)(a)(iii) – Development control plans	Refer to Section 8.
Section 4.15 (1)(a)(iv) - The Regulations	Refer to Section 9.
Section 4.15 (1)(b) – The likely impacts of the development	Refer to Section 10.
Section 4.15 (1)(c) – The suitability of the site for development	Refer to Section 11.
Section 4.15 (1)(d) – Any submissions	Refer to Section 12.
Section 4.15 (1)(e) – The public interest	Refer to Section 13.

7.3 Section 4.46: Integrated Development

Pursuant to Section 4.46 (Part 4 Division 4.8) of the Environmental Planning and Assessment Act 1979, the application is identified as Nominated Integrated Development and Integrated Development as it:

- includes works on waterfront land within 40m of Subiaco Creek and therefore, requires a controlled activity approval under Section 91 of the *Water Management Act 2000* (WM Act) - Nominated Integrated Development.

In these circumstances, and in accordance with s25 of Environmental Planning and Assessment Regulation 2021, prior to granting consent Council must obtain from the relevant approval body their General Terms of Approval (GTA) in relation to the development.

The Development Application was referred to the Department of Planning and Environment – Water. The Department of Planning and Environment – Water has provided General Terms of Approval (GTA) in relation to the development.

In this regard, it is considered that the matters under Section 4.46 & 4.47 (Part 4 Division 4.8) of the Environmental Planning and Assessment Act 1979 have been satisfied.

8. Environmental Planning Instruments

8.1 Overview

The instruments applicable to this application comprise of the following:

- SEPP (Resilience and Hazards) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Planning Systems) 2021
- SEPP (Transport and Infrastructure) 2021
- SEPP (Industry and Employment) 2021
- SEPP (Sustainable Buildings) 2022
- Parramatta Local Environmental Plan 2023
- Parramatta Development Control Plan 2023

Compliance with these instruments are addressed below.

8.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

The requirements of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 apply to the subject site. In accordance with Chapter 4 of the SEPP, Council must consider if the land is contaminated, is it suitable for the proposed use and if it is not suitable, can it be remediated to a standard such that it will be made suitable for the proposed use.

The site is identified as being contaminated land due to historic uses. The contamination assessment, prepared by Douglas Partners which accompanies the DA, also confirms that the site is contaminated and proposed remediation works will be carried out in accordance with Clause 4.6 of SEPP (Resilience and Hazards) 2021.

Douglas Partners has been undertaking investigations and monitoring at the site since 2012 and has prepared an outline of the investigations which accompanies the DA, along with a Remediation Action Plan (RAP).

The following summarises the key outcomes of historical investigations and monitoring at the site:

- Prior to occupation of the site by MEA, the site was owned by Amalgamated Wireless Valve Co Pty Ltd (AWV) between 1954 and 1974, then by AWA (renamed from AWV) between 1974 and 1998;
- Trichloroethylene (TCE) was used as a solvent by AWA and elevated concentrations of TCE have been detected in groundwater and soil vapour and several areas within the site have been identified as potential source zones;

Two Underground Storage Tanks (USTs) have been identified at the site which have previously been decommissioned in place including a 14,000L diesel UST partway along the eastern side of the existing building and a 44,000L petrol UST within the front setback adjacent to the driveway;

- Douglas Partners has completed various stages of assessment and monitoring to evaluate the extent of the TCE plume at the site and off-site (i.e. monitoring of indoor air, groundwater, soil vapour and Subiaco Creek (sediment and water)) between 2012 and 2024;
- TCE was identified as the primary contaminant of concern at the site in groundwater and soil vapour;
- Due to the discovery of TCE in groundwater and soil vapour, the site was reported to the NSW EPA and a voluntary management proposal was entered into and approved by NSW EPA on 24 June 2015. The voluntary management proposal required investigations to be undertaken to determine the extent of the TCE plume, the

preparation of on and off-site management plans and a period of groundwater, soil vapour, indoor air and creek (sediment and water) monitoring;

- Works under the voluntary management proposal have been completed and the voluntary management proposal subsequently concluded;
- The site is currently managed under Ongoing Maintenance Order (OMO) (#20121110) and the NSW EPA has advised that the ongoing monitoring requirements of the OMO have been met;
- Under the current on-site environmental management and WHS Plan there are no triggers for further groundwater or soil vapour monitoring; and
- Douglas Partners has undertaken a detailed conceptual site model using data collected during previous investigations which confirms that the primary source of contamination identified at the site was the use of TCE.

This submitted RAP presents the procedures and plans which provide the means by which site remediation can be achieved. The remediation contractor must base their detailed work methodologies around the requirements of this RAP.

It should also be noted that Mitsubishi Electric Australia Pty Ltd has engaged NSW EPA accredited site auditor Dr Ian Swane to complete a site audit under the *Contaminated Land Management Act 1997 (NSW)*, which involves his review of this RAP and associated reports. Douglas Partners also consulted with the Site Auditor, and considered feedback and recommendations, during the preparations of the final RAP version which was submitted as part of this application.

Before any works can occur, the remediation contractor must prepare a methodology, within a construction environmental management plan for review and acceptance by the Environmental Consultant and Site Auditor that outlines the proposed demolition method and staging to minimise the disturbance of the concrete slab, and methodology for all subsequent works. The Site Auditor will also undertake regular site inspections as required. Following the completion of works, the Site Auditor will prepare a Site Audit Statement (SAS) and Site Audit Report (SAR).

Council's Environmental Health Team also conducted a comprehensive review of the proposal. The review included an assessment of the submitted Remediation Action Plan (RAP), and the Summary Report on Contamination Investigations, both prepared by Douglas Partners Pty Ltd.

As part of their assessment Council's Environmental Health section also examined a 'Review of Proposed Remediation' report submitted by an objector. The report was prepared by JBS&G, who were engaged by an adjoining property owner, to consider the remediation works proposed within the RAP.

Given the JBS&G report questioned the appropriateness of the scope and methodology of the RAP, which is subject to the Site Auditor's review and acceptance, the report was provided to the applicant to forward to the Site Auditor to review and comment.

Subsequently the Site Auditor reviewed the objector's report and determined that no additional analysis of contamination needs to be undertaken at this time, nor does there need to be any change to the RAP prepared by Douglas Partners that has already been submitted as part of the DA. The Site Auditor reiterated that the RAP prepared by Douglas Partners is acceptable and appropriate. The Site Auditor concluded that there is a low risk of contamination migrating from the MEA site at levels that would impact the use and suitability of surrounding land for their approved use or adversely impact the environment.

Council's Environmental Health Team reviewed the response of the Site Auditor and concurred with the findings.

In this regard, the proposal satisfies Council's relevant controls and relevant legislative requirements and can be supported, subject to standard and special conditions of consent.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, it is considered that the land can be made suitable for the development.

8.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The application has been assessed against the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. This Policy seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

According to the Biodiversity Values (BV) Map, an area of high biodiversity value within the riparian zone of Subiaco Creek is located to the north of the site (see Figure 5). The area mapped is comprised of a mixture of native and non-native vegetation including a canopy layer of Sydney Blue Gum (*Eucalyptus saligna*) and a dense ground cover comprising of common herbaceous weeds such as Lantana (*Lantana camara*) and Crofton Weed (*Ageratina adenophora*).



Figure 5: Biodiversity Values Map

The Biodiversity Offsets Scheme (BOS) applies to local development that either:

- exceeds the Biodiversity Offsets Scheme thresholds; or
- is likely to have a significant impact according to the test of significance in section 7.3 of the BC Act; or
- is proposed in an Area of Outstanding Biodiversity Value.

The site is not mapped as an Area of Outstanding Biodiversity Value. The proposed development will only require the removal of six (6) native trees on site (eight trees in total (6 x native & 2 x exotic) and all are outside the mapped area. Using the Arboricultural Impact Assessment, the area of native vegetation to be removed is 520m². Therefore, the clearing threshold of 2,500m² will not be exceeded and the BOS trigger will not apply.

In addition, an Ecological Impact Assessment was also submitted by the applicant, which concluded that while the northern margin of the site is mapped on BV Map and the project involves the selective removal of some native trees, the proposed development does not involve any clearing of native vegetation within the BV mapped area (as noted above). Therefore, the development will not trigger the requirement for a Biodiversity Development Assessment Report (BDAR).

It is also noted that a Vegetation Management Plan (VMP) has been prepared for ongoing management of the riparian corridor.

Species of native fauna were recorded on the site during the field survey including the Water Dragon (*Intellagama lesueurii*), Australian Raven (*Corvus coronoides*), Brush Turkey (*Alectura lathami*), Sulphur-crested Cockatoo (*Cacatua galerita*), Australian Magpie (*Gymnorhina tibicen*), Rainbow Lorikeet (*Trichoglossus moluccanus*), Welcome Swallow (*Hirundo neoxena*) and Yellow-faced Honeyeater (*Lichenostomus chrysops*).

Subiaco Creek forms the northern boundary of the site and is likely to contain common frog species during suitable rain periods, such as the Common Eastern Froglet (*Crinia signifera*), Eastern Dwarf Tree Frog (*Litoria fallax*) and Green Tree Frog (*Litoria caerulea*). Habitat suitability for threatened frog species, such as the Green and Golden Bell Frog, was determined to be low due to the high density of weed growth and limited native groundcover species. No evidence of frog species was recorded during the field survey.

The submitted Ecological Assessment noted the following observations in relation to fauna habitat features recorded on site:

- Two stick nests within the riparian zone were observed, one located within the site boundary and the other located just outside the boundary on the other side of Subiaco Creek in which an Australian Raven was observed in the nest.
- Several hollow bearing trees were identified within the riparian zone. These could provide habitat for arboreal mammals and native bird species. Several Rainbow Lorikeets were observed interacting with two of the hollows.
- Subiaco Creek could provide habitat to amphibians or aquatic species. No evidence of amphibian or aquatic species was found during the field survey.
- A large industrial and attached office building are present on site and could provide temporary roosting habitat for microbats. Despite this, no evidence of microbats was observed during the site inspection and most structures were lacking suitable cracks and crevices for bat roosting.

Council's Natural Resources (Biodiversity) section has reviewed the proposal, including the submitted reports and VMP, with respect to any potential biodiversity impacts (both flora and fauna) and has determined that the development will not result in any detrimental impacts to the area of biodiversity and does not raise any objections subject to the imposition of conditions of consent to appropriately manage the area of biodiversity, and to ensure the implementation of the submitted VMP. In addition, a condition has also been included for the development to apply the recommendations in the submitted Ecological Impact Assessment report.

In addition to the review by Council's Natural Resources (Biodiversity) section above, a review was also carried out by Council's Landscape and Tree Management Officer to consider any impacts across the wider site. This review concluded that the submitted landscape plan and arborist report were considered satisfactory and addressed the relevant Council requirements.

The following eight (8) trees proposed to be removed from the site are supported, and are approved for removal: T1, T16, T20, T22, T25, T41, T42, T43. It is noted that these trees are all outside of the riparian zone.

All other trees are to be retained and protected, and conditions will be imposed to ensure their protection during works and on an ongoing basis.

Council's Senior Development Engineer has also reviewed the proposal and does not raise any concerns with impacts to water quality and flows within and to Subiaco Creek. It is noted that the proposal includes an Onsite Stormwater Detention (OSD) system to control runoff, and to manage and mitigate any adverse impacts to the creek.

In conclusion, it is considered that the proposal will not have a detrimental impact on the area of biodiversity or on any matters of environmental significance.

8.4 State Environmental Planning Policy (Planning Systems) 2021

As this proposal has an Estimated Development Cost (EDC) of more than \$30 million, Schedule 6 of this Policy provides that the Sydney Central City Planning Panel is the consent authority for this application.

8.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

The following relevant provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Clause	Comment
Clause 2.48 – Electricity infrastructure	The proposal includes penetration of ground within 2m of an electricity distribution pole at the Victoria Road frontage and accordingly, Council is required to give written notice to the electricity supply authority for the area in which the development is to be carried out. In this regard, the Development Application was referred to Endeavour Energy for review and comment. A response was received supporting the development subject to the imposition of the provided conditions of consent.
Clause 2.97 – Development adjacent to rail corridors	The subject site is not directly adjacent to a rail corridor.
Clause 2.118 – Frontage to a classified road	The proposed development requires approval under s138 of the <i>Roads Act 1993</i> (the Road Act) for creation of a new driveway crossover to Victoria Road, being a classified road and Transport for NSW(TfNSW) is the relevant authority for that road. Transport for NSW (TfNSW) has provided concurrence in relation to the development.
Clause 2.120 – Impact of road noise or vibration on non-road development	Victoria Road has an Annual Average Daily Traffic volume of more than 20,000 vehicles and therefore, this section applies. The assessment which accompanies the DA concludes that with recommended construction methods the development will satisfy the acoustic requirements of the relevant policies and standards.
Clause 2.122 - average daily traffic volume of more than 20,000 vehicles.	Victoria Road has an average daily traffic volume of more than 20,000 vehicles per day. In addition, the size of the development, with a car park of more than 200 spaces, is listed in Column 2 of Schedule 3 of the SEPP to be considered traffic generating development requiring concurrence. As such, clause 2.122 is applicable to the development application. Transport for NSW(TfNSW) reviewed the proposal and has provided concurrence in relation to the development.

In addition, the applicant has submitted a Traffic Impact Assessment Report for the development proposal. Council's Traffic and Transport Investigations Engineer reviewed the subject application and considers the proposal to be acceptable, subject to conditions.

8.6 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 'Advertising and Signage' of SEPP (Industry and Employment) 2021 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish. The SEPP applies to all signage and requires that development consent must not be issued unless the consent authority has had regard to the relevant matters for consideration.

The proposed development includes a business identification flush wall mounted sign measured 1400mm high x 4800mm wide with an area of 6.72m², located on the top left corner of the southern elevation with the MEA logo and words "Mitsubishi Electric". The sign will be internally illuminated (backlit) and be constructed of aluminium and acrylic materials, or similar. See below:

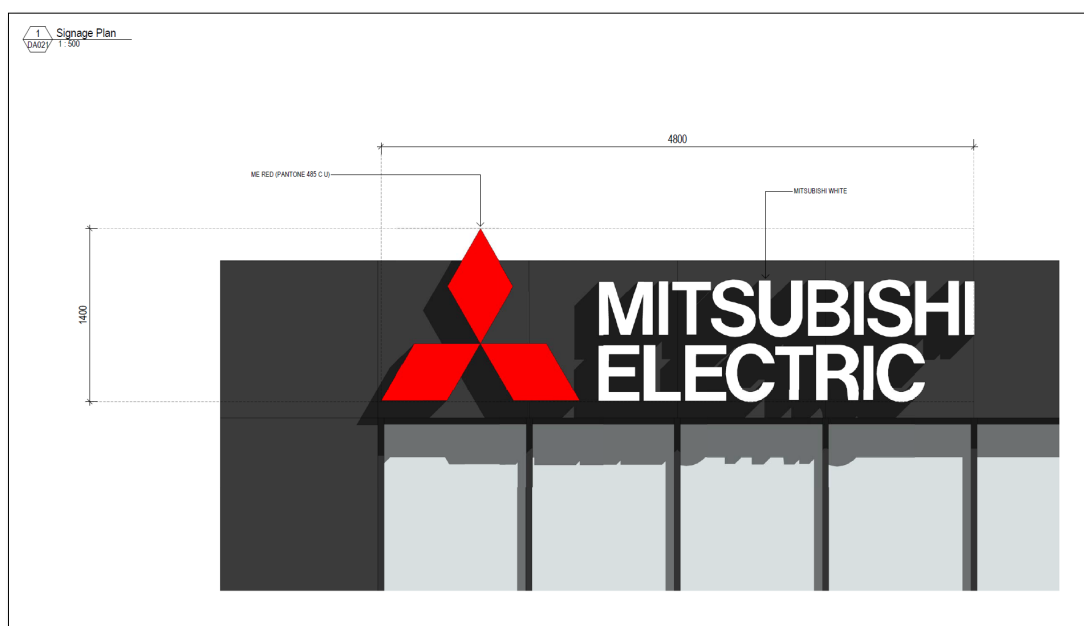


Figure 6: Proposed Signage

It is also noted that two (2) existing business identification signs on the site are being updated to current logo detail standards however, this signage update does not form part of this Development Application. See below for locations:

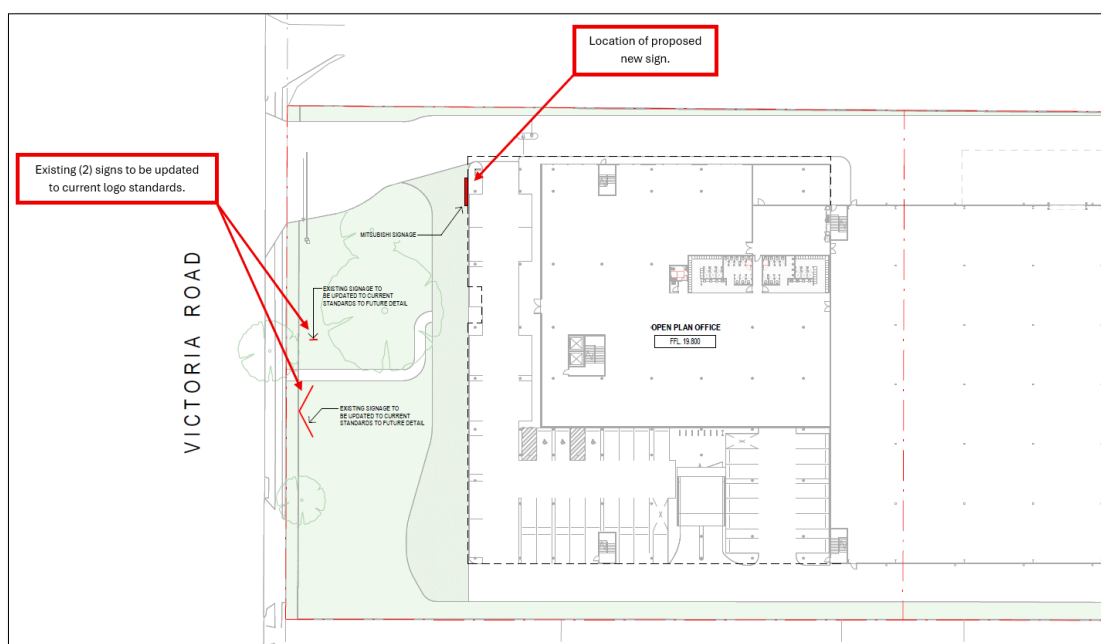


Figure 7: Location of signage

Clause 3.6 of the SEPP requires assessment of the signage zones against the objectives of the policy and the Schedule 5 Assessment Criteria. An assessment is provided below:

Assessment Criteria	Assessment
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?	Yes. The site is located in an area zoned General Industrial. Business Identification Signage is considered to be compatible with the zoning. The wall sign will either not be visible or will not be highly visible from the residential land to the east and north.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	N/A. There is no identifiable or legislative theme for advertising in the area.
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 significance of any nearby heritage or residential areas within the vicinity of the site with signage oriented away from residential areas toward the main road frontage.
3. Views and Vistas	
Does the proposal obscure or compromise important views?	The sign is located on the front facade of the building and does not obscure or compromise any nearby views.
Does the proposal dominate the skyline and reduce the quality of vistas?	No, the proposal is not considered to dominate the skyline or reduce the quality of any vistas.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not detract from any other signage within the vicinity.
4. Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of signage is consistent with the E4 General Industry zoning and locality. The proposal is considered to be acceptable.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, the proposal will contribute to, and be compatible with, the existing streetscape.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage is to be located on the face of the building facade and will not protrude above the building.
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 signage is compatible with the characteristics of the building and does not dominate the facade.
Does the proposal respect important features of the site or building, or both?	The proposed signage is considered to be appropriate for the site and building.
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?	No.
7. Illumination	
Would illumination result in unacceptable glare?	The proposed sign is to be backlit, and give the location of the sign, it would not be expected to result in unacceptable glare.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No.
Would illumination detract from the amenity of any residence or other form of accommodation?	No.
Can the intensity of the illumination be adjusted, if necessary?	Not considered necessary.
Is the illumination subject to a curfew?	Yes, as above.
8. Safety	
Would the proposal reduce the safety for any public road?	No.
Would the proposal reduce the safety for pedestrians or bicyclists?	No, the signs are within the envelope of the building and above ground level.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No, the signs are within the envelope of the building or above ground level.

The proposed sign is compatible with the desired amenity and visual character of the area and is in a suitable location, and it is considered that the proposal is consistent with the aims and objectives of section 3.6 of the SEPP (subject to a number of conditions managing the proposed illumination component).

8.7 State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 of State Environmental Planning Policy (Sustainable Buildings) 2022 applies to development, other than for the purposes of residential accommodation, that involves the erection of a new building that has an estimated development cost of \$5 million or more.

Section 3.2 requires the consent authority to consider whether the development is designed to enable the following:

- 1) *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.*
- 2) *Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.*

The applicant submitted an Environmentally Sustainable Development (ESD) report, prepared by Erbas & Associates Pty. Ltd, dated 09/12/2024. The report satisfactorily addressed the requirements as outlined under Chapter 3 of the State Environmental Planning Policy – Sustainable Buildings 2022, for non-residential development.

In this regard, the development is considered to satisfy *State Environmental Planning Policy (Sustainable Buildings) 2022*. A condition of consent is imposed to ensure compliance with any recommendations outlined in the ESD report.

8.8 Parramatta Local Environmental Plan 2023

a) Land Zoning and Permissibility

The subject site is zoned as E4 General Industrial under the Parramatta Local Environmental Plan 2023.

The proposed development is defined as '*general industry*' and is therefore considered permissible with consent. It is noted that the existing/current use is also '*general industry*'.

General industry is defined in the LEP as meaning:

“general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.”

The proposed office component of the development is ancillary to the '*general industry*' use.

b) Zone Objectives

Clause 2.3 (2) requires the consent authority to take into consideration the zone objectives when determining a development application. The E4 zone objectives are as follows:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To minimise adverse effects on the natural environment.*

The proposed development is consistent with the aims and objectives of the E4 General Industrial zoning applying to the land.

c) Development Standards and Provisions

The following table is an assessment of the relevant and applicable development standards and provisions of the development under the Parramatta Local Environmental Plan 2011.

Clause	Proposal and Discussion	Compliance
Part 2 Permitted or prohibited development		
2.7 Demolition requires development consent		
	The subject application proposes for demolition of existing structures within the subject site prior to commencement of works.	Yes
Part 4 Principal development Standards		
4.3 Height of Buildings		
Maximum permitted: 12m & 15m	The maximum height of buildings for the site is 15m to a distance approximately 50m from the Victoria Road frontage, dropping to 12m extending to the north over the remainder of the site. (see Figure 8)	No

	The proposal does not comply with the two (2) maximum building height development standards which apply to the site, as detailed in Clause 4.3 of the PLEP 2023. The proposed building marginally exceeds the 15m height limit by approximately 790mm in the south-eastern (front) corner of the building and exceeds the 12m height limit by up to 2.93m along the eastern elevation of the administration building and by 1.21m at the centre of the northern elevation. *Discussed further at the end of this table.  Figure 8: Height zoning map PLEP 2023.	
4.4 Floor Space Ratio		
Maximum: 1:1	The proposed building will have a GFA of 16,003m², equating to an FSR of 0.56:1 which complies with the maximum FSR applicable to the site. It is noted that the existing building has a floor area of approximately 17,230m² and hence, the proposal will result in a decrease in total GFA.	Yes
4.6 Exceptions to Development Standards		
	A variation to a development standard is proposed and is discussed below this table.	See discussion below.
Part 5 Miscellaneous provisions		
5.1A Development on land intended to be acquired for public purposes		
	The subject site is not identified in the Land Reservation Acquisition Map.	N/A
5.6 Architectural roof features		
	The subject application does not propose architectural roof features.	N/A
5.10 Heritage conservation		
	The subject site does not adjoin or face a heritage item, nor is it located within the immediate vicinity of a heritage item or heritage conservation area. However, St. Marys Church, at No. 374 Victoria Road, which is a local heritage item, is within the general surrounding area however it is a considerable distance from the subject site so does not require a heritage assessment as the proposed development would not be expected to impact on its heritage setting.	N/A

5.21 Flood Planning		
	A Civil Engineering Report prepared by Costin Roe which accompanies the DA includes a copy of a Flood Certificate for the site. This identifies that the northern part of the site along Subiaco Creek is affected by the PMF although the part of the site subject to the proposed industrial building is not affected by flooding. The applicant has provided the following commentary in relation to flooding planning and asserts that the proposal: a) <i>is compatible with the flood function and behaviour on the land as it will not change the physical form of the land subject to flooding;</i> b) <i>will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties as there is no change to the flood affected part of the site and stormwater will be dispersed at no greater quantity or velocity as existing;</i> c) <i>will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood because there will not be an intensification of the land use and will not affect evacuation routes for other land;</i> d) <i>does not require any specific measures to manage risk to life in the event of a flood;</i> e) <i>will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses as the proposal includes riparian vegetation management works.</i> In addition, the applicant has stated that given the significant level difference between the PMF level at RL 10.0m and the building level at RL 16.6m: a) <i>the development is unlikely to be impacted by changes to flood behaviour as a result of climate change;</i> b) <i>the design and scale of the proposed building will have no impact on flood behaviour;</i> c) <i>the development does not require any measures to minimise the risk to life or for the safe evacuation of people in the event of a flood;</i> d) <i>the proposed building will not require any modification, relocation or removal due to the surrounding area being impacted by flooding.</i> Council's Senior Development Engineer has reviewed the proposal and concluded that the proposed buildings (and developable area) are located outside the flood extent and therefore flood planning related controls are not applicable in this instance. Therefore, the proposal is satisfactory with respect to flood planning.	Yes
5.23 Public Bushland		
	The bushland to the north of the site is owned and managed by Council, however the proposal does not include any works in this area, and proposed stormwater management measures have been designed to mitigate adverse impacts on the creek and bushland to the north of the site.	Yes
Part 6 Additional local provisions - generally		
6.1 Acid sulfate soils		
	The subject site is identified to contain Class 5 Acid Sulfate Soils. Nevertheless, an acid sulfate soils management plan is not required as the earthworks will not be below 5m AHD.	Yes
6.2 Earthworks		
	The proposal includes earthworks to facilitate the development. The applicant has provided the following commentary in relation to earthworks:	Yes

	<i>The proposal includes earthworks, and the impact of these works has been assessed in the civil design prepared by Costin Roe and the RAP prepared by Douglas Partners which accompany the DA which demonstrate that:</i> <i>a) the proposal is unlikely to disrupt or be detrimental to drainage patterns, soil stability or flooding in the locality;</i> <i>b) the proposed works will facilitate the redevelopment on the site whilst minimising contamination and groundwater</i> <i>c) impacts;</i> <i>d) any soil to be excavated will be re-used on-site or validated for appropriate disposal off-site if required;</i> <i>e) impacts on the amenity of adjoining properties can be managed during construction;</i> <i>f) no fill material is proposed although if required will be VENM or ENM and any soil excavated that is not re-used on-site will be validated for appropriate disposal off-site;</i> Council's Senior Development Engineer has reviewed the proposal with respect to earthworks and does not raise any objections subject to the imposition of relevant conditions of consent. Council's Environmental Health section has reviewed the proposal with respect to any potential contamination impacts arising out of the proposed earthworks and does not raise any objections subject to the imposition of relevant conditions of consent.	
6.3 Biodiversity		
	The subject site is mapped as being affected by biodiversity under PLEP 2023; however, it is confined to the riparian corridor along and to the rear portion of the lot, being part of Subiaco Creek (see Figure 9). In addition, according to the Biodiversity Values Map, the site is mapped as containing an area of high biodiversity value within the riparian zone of Subiaco Creek. The area mapped within the site is comprised of a mixture of native and non-native vegetation including a canopy layer of Sydney Blue Gum (<i>Eucalyptus saligna</i>) and a dense ground cover comprising of common herbaceous weeds such as Lantana (<i>Lantana camara</i>) and Crofton Weed (<i>Ageratina adenophora</i>). The proposed development does not contravene the objectives of clause 6.3 (biodiversity) of the PLEP 2023 and is not likely to result in an adverse impact on the following: <i>i. The condition, ecological value and significance of the fauna and flora on the land.</i> <i>ii. The importance of the vegetation on the land to the habitat and survival of native fauna.</i> <i>iii. The potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land.</i> <i>iv. The habitat elements providing connectivity on the land.</i> <i>v. The habitat of threatened species, populations or ecological communities</i> An Ecological Assessment was submitted by the applicant which concluded that the development will not trigger the requirement for a Biodiversity Development Assessment Report (BDAR), and that the proposal will not have a detrimental impact on the area of biodiversity. In addition, a Vegetation Management Plan (VMP) has been prepared for ongoing management of the riparian corridor. Council's Natural Resources (Biodiversity) section has reviewed the proposal with respect to any potential biodiversity impacts and has determined that the development will not result in any detrimental impacts to the area of biodiversity and does not raise any objections subject to the imposition of conditions of consent to appropriately	Yes

manage the area of biodiversity, and to ensure the implementation of the submitted VMP.

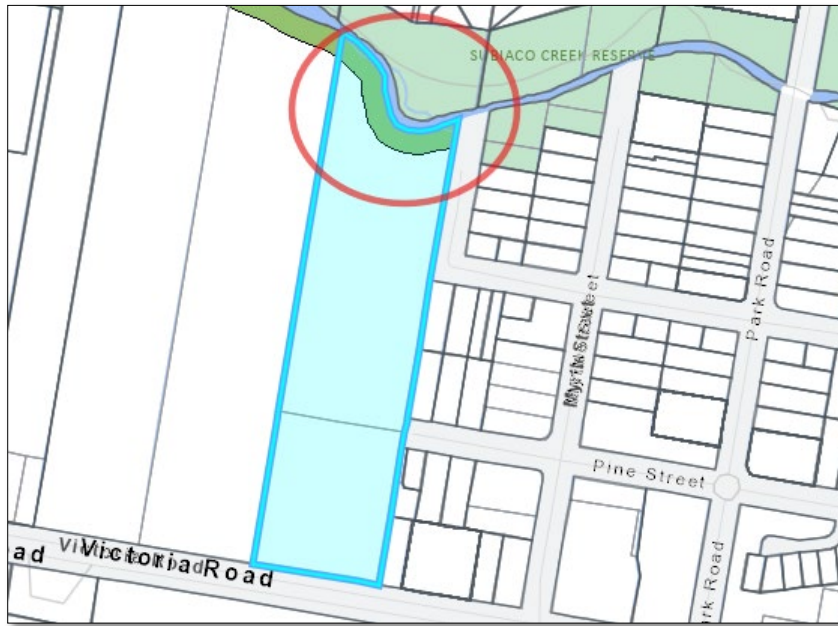


Figure 9: Biodiversity Mapping, PLEP 2023.

6.4 Riparian Land and Waterways

As noted above, a riparian corridor exists to the north of the site along Subiaco Creek.

Yes

While the subject site is zoned E4 General Industrial, the portion of Subiaco Creek, to the north (and outside of the site), is zoned as W1 Natural Waterways (see **Figure 10**)

Zone W1 seeks to protect the ecological and scenic values of natural waterways and prevent development that would have an adverse effect on the natural values of waterways.

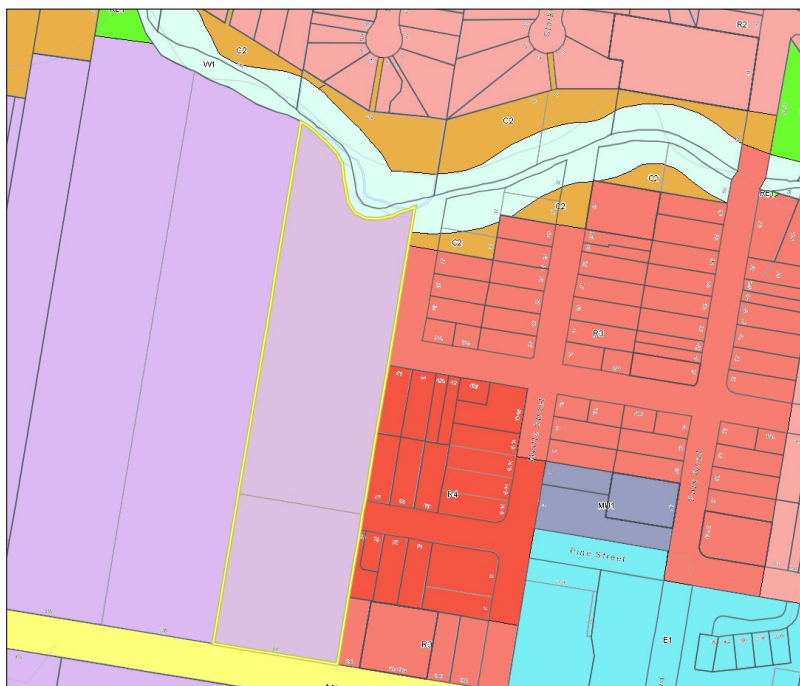


Figure 10: Subiaco Creek zoned as W1 Natural Waterways.

	The submitted Ecological Assessment, and Vegetation Management Plan outline management measures to mitigate any impacts on the creek. It is noted that there are no physical works proposed within, or within the vicinity of, the creek. Therefore, the proposed development will avoid impacts to existing native riparian vegetation along Subiaco Creek. Furthermore, the rehabilitation of the retained native riparian vegetation is to be managed under the proposed Vegetation Management Plan noted above. Council's Natural Resources (Biodiversity) section has reviewed the proposal with respect to any potential impacts to Subiaco Creek and does not raise any objections subject to the imposition of conditions of consent to appropriately manage this area of biodiversity. In addition, Council's Senior Development Engineer has reviewed the proposal and does not raise any concerns with impacts to water quality and flows within and to Subiaco Creek. It is noted that the proposal includes an Onsite Stormwater Detention (OSD) system to control runoff, and to manage and mitigate any adverse impacts to the creek.	
6.5 Stormwater Management		
	Council's Senior Development Engineer has reviewed the development's proposed stormwater management measures, including the Onsite Stormwater Detention (OSD). The proposed development also incorporates Water Sensitive Urban Design (WSUD) measures as per Council requirements. Council's Senior Development Engineer raised no objections with the proposed development as it complies with Council's drainage requirements for the site. Relevant engineering conditions of consent have been recommended.	Yes
6.7 Essential Services		
	The site is already serviced by water, sewer, electricity and communication infrastructure and the proposal will not result in a significant change from the existing operations undertaken by Mitsubishi Electric Australia (MEA) or result in an intensification of the use, noting that there will be a decrease in GFA.	Yes

CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS - HEIGHT

Clause 4.6 of PLEP 2023 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes.

Clause 4.6(1) – Objectives of clause 4.6

The objectives of this clause are:

- a) "to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances"

Clause 4.6(2) – Operation of clause 4.6

The operation of clause 4.6 is not limited by the terms of Clause 4.6(8) of this LEP, or otherwise by any other instrument.

Clause 4.6(3) – The Applicant's written request 4.6

Clause 4.6(3) requires that the applicant provide a written request seeking to justify contravention of the development standard. The request must demonstrate that:

- "(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) there are sufficient environmental planning grounds to justify contravening the development standard."*

PROPOSAL

The proposal does not comply with the maximum building height development standards detailed in Clause 4.3 of the PLEP 2023.

The maximum height of buildings for the site is 15m to a distance approximately 50m from the Victoria Road frontage, dropping to 12m extending to the north over the remainder of the site.

The proposed building marginally exceeds the 15m height limit by approximately 790mm in the south-eastern (front) corner of the building (which is a 5.2% variation) and exceeds the 12m height limit by 1.21m at the centre of the northern elevation and by up to 2.93m along the eastern elevation of the administration building (which is a 24.4% variation).

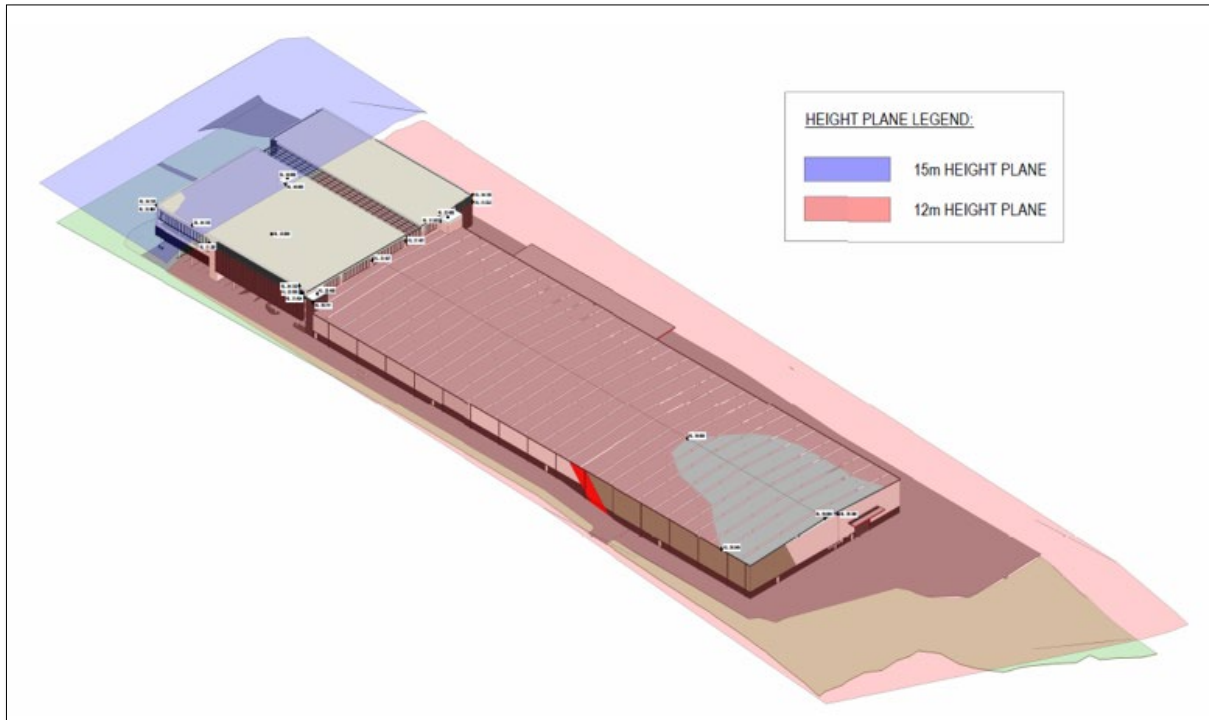


Figure 11: Height Plane Diagram

Given the departure to this development standard, the applicant has submitted a request to vary the height standard under Clause 4.6 of the PLEP 2023, relevant extracts of which are provided below (The full request is included in **Attachment 3**):

Clause 4.6(3) - The Applicant's written request

The proposed development does not comply with the height of buildings development standard and the extent of the non-compliance (is shown below and) can be described as follows:

Within the 15m Height Limit Area

Point A in Figure 12 – the south-eastern corner parapet at RL 34.13 less existing ground level at RL 18.34m = 15.79m (i.e. an exceedance of 0.79m or 5.2%).

Point B in Figure 2 - Lift overrun at RL 34.60 less existing ground level at RL 19.45m = 15.15m (i.e. an exceedance of 0.15m or 1%).

Within the 12m Height Limit Area

Point C in Figure 12 - the southern extent of the 12m height limit area on the eastern elevation at RL 34.13 less existing ground level at RL 19.20m = 14.93m (i.e. an exceedance of 2.93m or 24.4%).

Point D in Figure 12 - the rear of the office/carpark on the eastern elevation at RL 34.13 less existing ground level at RL 19.46m = 14.67m (i.e. an exceedance of 2.67m or 22.3%).

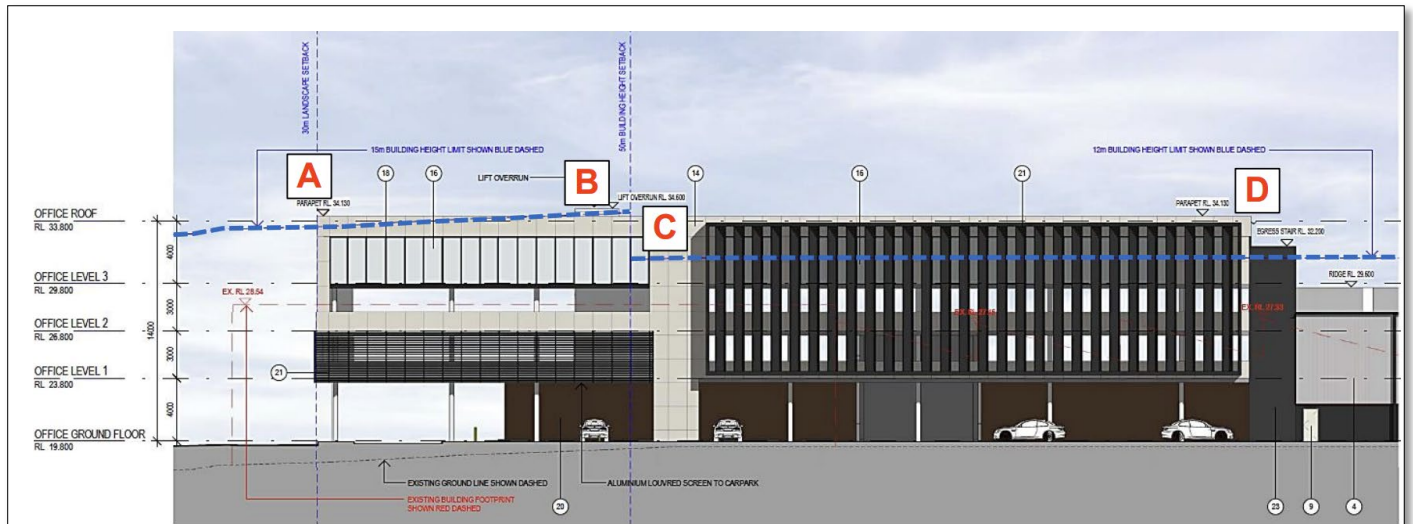


Figure 12: Extract of east elevation with height exceedance reference points

Point E in Figure 13 - the north-eastern corner of the building at RL 28.049 less existing ground level at RL 15.93m = 12.119m (i.e. an exceedance of 0.119m or 1%); and

Point F in Figure 13 - the roof ridge at the centre of the northern elevation at RL 29.60 less existing ground level at RL 16.39m = 13.21m (i.e. an exceedance of 1.21m or 10.1%).

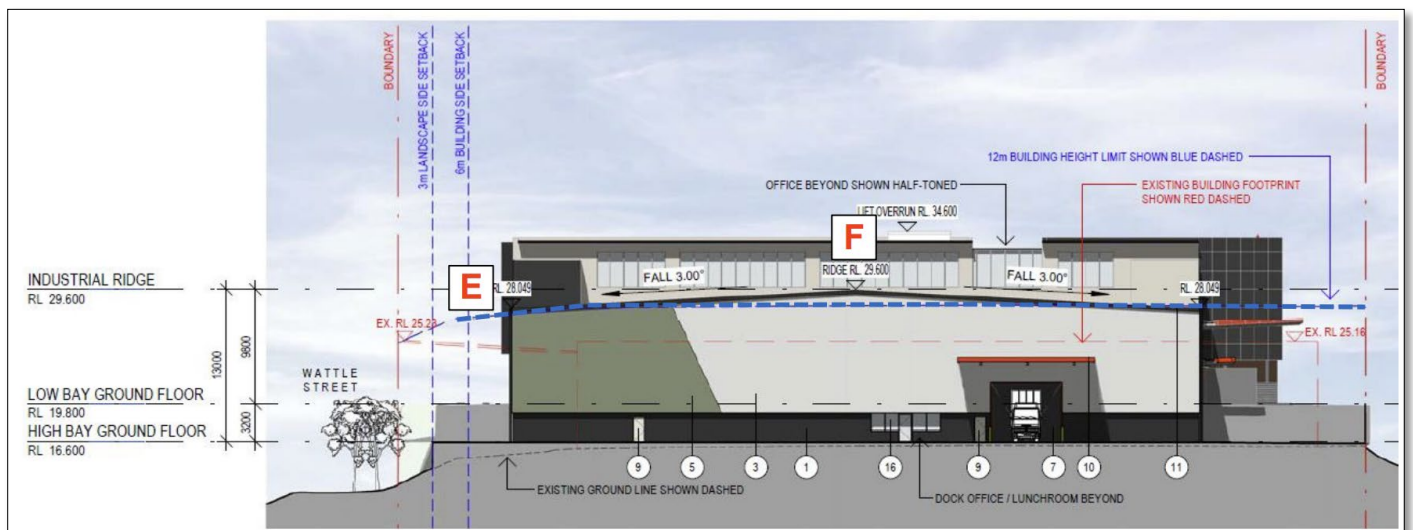


Figure 13: Extract of north elevation with height exceedance reference points

Clause 4.6(1) – Objectives of clause 4.6

In the Judgment of Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 (“Initial Action”), Preston CJ ruled that there is no provision that requires the applicant to demonstrate compliance with these objectives or that the consent authority be satisfied that the development achieves these objectives. Furthermore, cl4.6(3) does not impliedly require that development that contravenes a development standard “achieve better outcomes for and from development”.

Accordingly, the remaining subclauses of cl4.6 provide the preconditions which must be satisfied before a consent authority may grant development consent to a development that contravenes a development standard imposed by an environmental planning instrument. These preconditions are discussed hereunder.

Clause 4.6(2) – Operation of clause 4.6

The height of buildings development standard is not expressly excluded from the operation of cl4.6.

Clause 4.6(3) – The Applicant’s written request 4.6

Clause 4.6(3)(a) – Compliance is Unreasonable or Unnecessary

It is considered that the environmental impacts of the proposed development, and specifically the component/s of the proposal that contravene the development standard, are appropriately avoided, minimised or mitigated as described in Table 1 (below).

Table 1 Environmental Impact Avoidance, Minimisation and/or Mitigation	
Issue	Discussion
Views	There are no significant views across the site and hence the areas of the proposed building that exceed the height limit will not adversely impact views.
Solar Access	The proposed building will not cast any shadows across nearby residential properties between 9am and approximately 1pm at midwinter. Between 1-3pm, shadows will be cast by the proposed building over neighbouring land at 358 and 360-364 Victoria Road, 67, 76 (vacant land), 78 and 78B Pine Street and 46 Wattle Street. However, solar access to all of those properties will be unobstructed between 9am and 1pm, thereby providing for up to 4 hours direct solar access, noting that all of this adjoining land is zoned for medium and high density residential development.
Visual Privacy	The proposal fully complies with the 6m side building setback under the DCP, providing for an eastern side setback to the main elevation of 9.225m. This setback exceeds the 9m that would be required for development up to 25m in height if the building separation controls under the Apartment Design Guide (ADG) were to be applied, noting that residential flat buildings can be erected on the land within the R4 High Density Residential Zone to the east. That part of the building on the eastern elevation that exceeds the 15m height limit does not include any windows – i.e. the area of non-compliance is above the uppermost part of the windows in that part of the building. That part of the building on the eastern elevation that exceeds the 12m height limit and contains the Level 3 office does include windows although the part of the windows that exceeds the height limit is a minimum of 1.7m above the floor level and hence, above the height of an average person’s eyeline. In addition, the proposal includes an aluminium louvred screen along this section of the elevation that would prevent direct views to the east toward neighbouring residential land. In addition, the proposal includes a 3m wide landscaped setback to the eastern boundary where it is proposed to plant Blueberry Ash and Silky Oak trees which have a mature height of 10m, thereby further reducing the potential for adverse overlooking. At the rear of the site, that part of the building that exceeds the 12m height limit is fully enclosed and contains no windows or openings that would afford overlooking of neighbours. Accordingly, it is considered that the parts of the proposed building that exceed the height of buildings development standard are unlikely to result in adverse visual privacy impacts.
Acoustic Privacy	The Acoustic Impact Assessment report prepared by Vipac that accompanies the DA concludes that the design and operations of the proposed development are capable of complying with all relevant noise and vibration criteria, noting that those parts of the building that exceed the height limits are limited to solid building elements and fixed (i.e. non-operable) windows.
Streetscape	The height exceedance when viewed from Victoria Road is limited to a very small portion of the uppermost wall in the south-eastern corner of the building and is due to a slight fall in the existing topography at that location. The fact that this part of the building exceeds the height limit would not readily be appreciated by a pedestrian or vehicle occupant passing along Victoria Road and therefore, the proposed non-compliance is not considered to result in an adverse impact on the streetscape. Similarly, when viewed from Pine Street and Wattle Street, the areas of non-compliance would not be readily appreciated with the building sitting behind a hedge of 10m high trees along the eastern boundary.

Furthermore, the proposed development is considered to be consistent with the objectives of the height of buildings development standard as described in **Table 2** (below).

Table 2 Assessment against the objectives of the height of buildings development standard	
Objective	Assessment
(a) to provide appropriate height transitions between buildings,	The height limit on the front of the industrial zoned land along Victoria Road within the site and extending to the west is 15m. The height limit on the medium and high density residential land to the east is 11m. Accordingly, there is no transition as such that is provided by the height limits along Victoria Road. Notwithstanding, the proposal seeks to provide an appropriate interface with the residential zoned land by providing for a 9.225m eastern side setback, instead of the 6m setback required under the DCP.
(b) to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area,	This, together with the 3m wide side boundary landscaping supporting trees up to 10m in height, provides an appropriate transition to the east which mitigates the height non-compliance on the eastern side of the building. It is also noted that the approved residential apartment development at 44-46 and 63-67 Pine Street included a 2.9m (26.3%) exceedance to the 11m height of buildings development standard. In this context, the proposed variation is considered to be compatible with the height of desired and approved future development.
(c) to require the height of future buildings to be appropriate in relation to heritage sites and their settings,	This objective is not relevant to the proposal as the site is not a heritage item, is not proximate to any heritage items and is not within a heritage conservations area.
(d) to reinforce and respect the existing character and scale of low density residential areas,	This objective is not considered to be relevant as the site is not within a low density residential area and indeed, the residential land to the east is zoned for medium and high density residential development. Notwithstanding, the scale and presentation to Victoria Road is predominantly compliant with the height limit and the generous 9.225m eastern side setback provides for a better transition to the residential to the east that a strictly compliant 6m side setback.
(e) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,	Consistent - see Table 1 above.
(f) to preserve historic views,	This objective is not relevant to the proposal as there are no historic views across the site from nearby land or the public domain.
(g) to maintain satisfactory sky exposure and daylight to— (i) existing buildings in commercial centres, and (ii) the sides and rear of tower forms, and (iii) key areas of the public domain, including parks, streets and lanes.	The proposed building and in particular, the areas of the proposed building that exceed the height of buildings development standard, will not adversely obscure views to the sky from the public domain in Victoria Road, Pine Street or Wattle Street. The site is not within a commercial centre and there are no tower forms nearby.

Accordingly, for the reasons identified above, it is considered that strict compliance with the height of buildings development standard is unreasonable or unnecessary as the non-compliance will not cause environmental harm and the proposed development is consistent with the objectives of the height of buildings development standard, notwithstanding the non-compliance.

Clause 4.6(3)(b) – Sufficient Environmental Planning Grounds

The site-specific environmental planning grounds that support the proposed variation to the height of buildings development standard in this circumstance are summarised in **Table 3** (below).

Table 3 Environmental planning grounds supporting the proposed variation	
Environmental Planning Ground	Discussion
Contamination	The site investigations undertaken by Douglas Partners over many years have identified that the primary contaminant of concern within the site is trichloroethene (TCE), present in groundwater and as soil vapour. TCE was used as a solvent by the former occupant of the site - AWA – in the 1950s through to the 1980s. The remediation strategy adopted for the site is to minimise the impact on subsurface soils and avoid groundwater impacts and other than localised identification and removal of potential TCE sources and soils it is proposed to install a sub-slab vapour ventilation system beneath the new building and hardstand areas. Accordingly, significant excavation of the site to reduce the overall height of structures is not desirable. Accordingly, the proposed ground level has been adopted as being at or about the existing slab levels to “<i>protect the environment</i>” (s1.3(e) EP&A Act)).
Sloping Topography	There are localised variations in the existing site topography that in part, contribute to the height exceedance. This is the case for the south-eastern corner of the building where the existing driveway drops away from the ground level of the existing building. As the proposed building has adopted the existing building level as a base, this means any extension of the footprint to the south or east will result in a height difference. In addition, the site steps down partway along its length and rather than stepping the building, the roof line has been extended which also provides a high bay section of the building. Stepping the building to follow the site topography would serve no reasonable purpose other than to strictly comply, as there are no adverse impacts arising from this design. In this way the proposed design provides for the “<i>orderly and economic</i>” development (s1.3(c) EP&A Act)).
Lack of adverse amenity impacts	In Micaul and Initial Action, Preston CJ clarified that sufficient environmental planning grounds may also include demonstrating a lack of adverse amenity impacts. As summarised in Table 1, the proposal satisfactorily avoids, manages or mitigates adverse amenity impacts (s1.3(g) EP&A Act)).

Accordingly, it is considered that there are sufficient environmental planning grounds to justify the contravention of the height of buildings development standard in this instance.

Conclusion

The proposed development contravenes the height of buildings development standard under cl4.3 of Parramatta LEP 2023.

The height of buildings control under cl4.3 of the LEP is a development standard and is not excluded from the application of cl4.6.

This Variation Request to vary the development standard has been prepared in accordance with cl4.6(3) of the LEP.

This Variation Request demonstrates that strict compliance with the height of buildings development standard is unreasonable and unnecessary because, notwithstanding the contravention of the development standard:

- the proposed development is consistent with the objectives of the development standard pursuant to cl4.3 of the LEP; and
- there will be a lack of environmental harm arising from the areas of non-compliance.

In addition, this Variation Request outlines sufficient environmental planning grounds to justify the contravention of the height of buildings development standard including:

- Minimising excavation due to subsurface soil and groundwater contamination;
- Topographical variations in the site levels; and
- The lack of significant adverse amenity impacts arising from the areas of non-compliance.

Accordingly, this written request can be relied upon by the consent authority when granting development consent to the proposed development, notwithstanding the contravention of the development standard.

Council Comments

An assessment has been undertaken to determine whether compliance with the standard is 'unreasonable and unnecessary' that there are 'sufficient planning grounds' to support the variation.

Clause 4.6(3) requires that the consent authority be satisfied with the applicants written request. The applicant's written request has adequately demonstrated whether compliance with the standard is '*unreasonable and unnecessary*' and there are '*sufficient planning ground*' to justify the contravention of the development standard. Council is satisfied with the written request and supports the contravention to the development standard.

An assessment against relevant case law established in the NSW Land and Environment Court has been undertaken below. These cases establish tests to assist in determining whether a variation under Clause 4.6 of an LEP is acceptable and whether compliance with the standard is unreasonable or unnecessary.

Wehbe v Pittwater Council

Case law in the NSW Land & Environment Court has considered circumstances in which an exception to a development standard may be well founded. In the case of *Wehbe v Pittwater Council* [2007] NSWLEC 827 the presiding Chief Judge outlined the following **five (5)** circumstances:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

Comment:

In a subsequent case law *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 Commissioner Preston CJ ruled that there is no provision that requires the applicant to demonstrate compliance with these objectives or that the consent authority be satisfied that the development achieves these objectives. Notwithstanding this later ruling, the applicant's written request has still demonstrated that the proposed variation to the Height of Buildings standard still achieves the objectives of Clause 4.3 and Council considers that the development meets those objectives and satisfies the first point of the test.

See below:

Height Objectives	Council Comments
a) to provide appropriate height transitions between buildings,	The height limit on the front of the industrial zoned land along Victoria Road within the site and extending to the west is 15m. The height limit on the medium and high-density residential land to the east is 11m. Given the difference in height limits it would be challenging to provide an appropriate 'height' transition, even with a compliant height, however given the substantial side setback, and dense vegetation, between the (industrial zoned) site and adjoining residential zone (of 9.225m), it is considered that the proposal provides an acceptable transition.
b) to ensure the height of buildings is compatible with the height of existing and desired future development in the surrounding area,	Despite the variation, it is considered that the height would be reflective of existing and future development within the locality. It is noted that the breach occurs at a section of the roof that would result in a negligible visual impact, particularly when viewed from Victoria Road.

Height Objectives	Council Comments
c) to require the height of future buildings to be appropriate in relation to heritage sites and their settings,	The works would not be expected to impact any visual catchment of the nearest heritage item at 374 Victoria Road (St. Mary's Church), noting it is a considerable distance from the subject site.
d) to reinforce and respect the existing character and scale of low-density residential areas,	While this objective does not strictly apply, given the subject site is within an industrial zone, the proposed height does not result in a development that would detrimentally impact on the existing character of the adjoining residential area. The site currently comprises an existing building of a similar scale.
e) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,	While there will be some overshadowing to the adjoining properties, it is considered negligible, and it is considered that the extent would not be significantly reduced with a compliant height.
f) to preserve historic views,	N/A
g) to maintain satisfactory sky exposure and daylight to – (i) existing buildings in commercial centres, and (ii) the sides and rear of tower forms, and (iii) key areas of the public domain, including parks, streets and lanes.	Considered satisfactory

The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

2. *The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*

Comment: The objectives and purpose of the standard are relevant to the development. The second point of the test is not applicable.

3. *The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*

Comment: Compliance with the standard would not defeat or thwart the objectives. The third point of the test is not applicable.

4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*

Comment: The standard has not been abandoned or destroyed.

5. *The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.*

Comment: The zoning of the land is reasonable along with the development standard. The fifth point of the test is not applicable.

Four2Five Pty Ltd v Ashfield Council

The proposal has also been assessed on merit and having regard to the principles in *Four2Five v Ashfield Council* [2015] NSWLEC 90. The Judgment indicated there is an onus on the applicant to demonstrate, through the written

request, that there are “*sufficient environmental planning grounds*” such that compliance with the development standard is unreasonable or unnecessary. The judgement also suggests that “*sufficient environmental planning grounds*” is more onerous than compliance with zone and standard objectives. The commissioner established that the additional grounds had to be particular to the circumstances of the proposed development, and not merely grounds that would apply to any similar development.

Comment:

The applicant has demonstrated that there are “*sufficient environmental planning grounds*” to justify the contravention of the height of buildings development standard in this instance, including by reasoning that increased excavation to lower the building, and to reduce the overall building height, would not be desirable due the wider objective to minimise impacts to the ground level and subsurface soils due to concerns over contamination. The applicant also effectively argues that the existing variable topography contributes to the height exceedance, and stepping the building platform would be impractical for ongoing operations and would serve no purpose other than to comply with the height. It is noted that the proposed building is generally adopting the existing building platform as a base. It is also considered that the application has satisfactorily demonstrated minimal adverse amenity impacts.

Conclusion

The development has been designed to provide a built form outcome that responds to the site's opportunities and constraints. The proposed minor modification does not alter that outcome. The applicant's argument for the variation is reasonably justified and acceptable

The applicant has also undertaken a solar analysis to quantify any overshadowing impacts of the development to adjacent sites. The proposal does not result in any discernible increased shadow impact given the orientation of the site. The non-compliance does not result in any adverse amenity impacts and does not result in a detrimental impact on the streetscape.

It is considered that the applicant's written request has adequately addressed the matters required to be demonstrated and that the request to vary the height development standard within Parramatta LEP 2023 can be supported as the proposal continues to achieve the objectives of the height development standard and the zoning and is in the public interest. In reaching this conclusion, regard has been given to the relevant Judgements of the LEC.

Accordingly, the proposed departure from the development standard is considered satisfactory and can be supported in this instance.

8.9 Parramatta Development Control Plan 2023

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within DCP 2023. The relevant matters to be considered under Parramatta Development Control Plan 2023 for the proposed development are outlined below.

Development Control	Comments	Compliance
PART 2 – Design In Context		
2.3 Preliminary Building Envelope	The controls require industrial development to be consistent with the existing predominant building line in street, where there is a defined built edge – a continuous setback to the street is desirable. Notwithstanding the above, the minimum setback to a classified road is 10 metres. The proposed building is to be constructed generally within the footprint of the existing building (to be demolished). The proposed setbacks are as follows: 30m from Victoria Road (classified road) frontage.	Yes

	• 9.225m from the eastern side boundary. • Between 8.5-15.65m from the western (side) boundary. The awning over the service docks will be set back between 6.2-6.5m). • Between 46-80m from the rear boundary. The building will have compliant setbacks. The proposed building envelope is considered satisfactory.	
2.4 Building form and massing	The proposed building is to be constructed generally within the footprint of the existing building (to be demolished). The proposed setbacks are as follows: • 30m from Victoria Road frontage. • 9.225m from the eastern side boundary. • Between 8.5-15.65m from the western (side) boundary. The awning over the service docks will be set back between 6.2-6.5m). • Between 46-80m from the rear boundary.	Yes
2.5 Streetscape and building address	The proposal will enhance and strengthen the current Victoria Road frontage, with a visually satisfactory building façade and appropriate and adequate landscaping.	Yes
2.7 Open space and landscape	For industrial development, the controls require a minimum of 15% of the site to be provided and maintained as soft landscaping with trees and shrubs. The proposal was reviewed by Council's landscape and tree assessment officer who determined that the proposal was compliant and satisfactory.	Yes
2.14 Safety and security	The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur.	Yes
PART 4 – Non-Residential Development		
4.3 Industrial Development		
<u>Maximum building height</u> Control = 12m & 15m	The proposal does not comply with the two (2) maximum building height development standards which apply to the site, as detailed in Clause 4.3 of the PLEP 2023. The maximum height of buildings for the site is 15m to a distance approximately 50m from the Victoria Road frontage, dropping to 12m extending to the north over the remainder of the site. The proposed building marginally exceeds the 15m height limit by approximately 790mm in the south-eastern (front) corner of the building and exceeds the	No - see cl4.6 discussion elsewhere in this report.

	12m height limit by up to 2.93m along the eastern elevation of the administration building and by 1.21m at the centre of the northern elevation.	
<u>Minimum front setback</u> Control = Consistent with the existing predominant building line in street, where there is a defined built edge – a continuous setback to the street is desirable <u>Minimum side setback</u> Control = Nil <u>Minimum rear setback</u> Control = Nil	Satisfactory See 2.3 <i>Preliminary Building Envelope</i> discussion above.	Yes
<u>Safety and security</u> The site and building layout should ensure that entrances and activities are easily identifiable by prospective users.	Satisfactory	Yes

9. The Regulations

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions

10. The Likely Impacts of the Development

The likely impacts of the development have been considered in this report, and it is considered that the impacts are consistent with those that are to be expected given the applicable planning framework. The impacts that may arise are acceptable.

11. Site Suitability

The site comprises several constraints including being mapped as being within a riparian and waterways zone pursuant to Parramatta LEP 2023, and also that the site, is contaminated due to historical industrial uses. However as demonstrated in this report, Council is satisfied that the site is suitable for the development as proposed as the application has satisfactorily demonstrated that the proposal adequately accounts for and addresses these risks.

12. Submissions

The application was advertised and notified twenty-one (21) days in accordance with the Consolidated Notification Requirements in Appendix 1 of Council's Community Engagement Strategy 2022-2024. In response, four (4) submissions were received. The issues raised within the submissions received are summarised and addressed below.

Issues Raised	Outcome
Significant concerns are raised with the extent of remediation work that is proposed in the DA. There is particular concern that the remediation works proposed are insufficient given the significant contamination status of the Mitsubishi Site and the real risk of migration of the contaminants (in particular, trichloroethene (TCE) to other sites.	Council's Environmental Health section conducted a comprehensive review of the proposal. The review included an assessment of the submitted Remediation Action Plan (RAP), and the Summary Report on Contamination Investigations, both prepared by Douglas Partners Pty Ltd. In addition, a review of the objector's report, prepared by JBS & G, was also carried out.

An external independent consultant (JBS & G) was engaged by one of the objectors to review the remediation works proposed as part of the development. A report was prepared and provided as part of the submission. The report found that the scope of the proposed remediation works within the DA is inadequate to address the contamination risks present on the Mitsubishi Site.	It should be noted that Mitsubishi Electric Australia Pty Ltd has engaged NSW EPA accredited site auditor Dr Ian Swane to complete a site audit under the Contaminated Land Management Act 1997 (NSW), which involves his review of this RAP and associated reports. Given the objector's report questioned the appropriateness of the scope and methodology of the RAP, which is subject to the Site Auditor's review and acceptance, the report was provided to the applicant and the Site Auditor to review and comment. Subsequently the Site Auditor reviewed the report and determined that no additional analysis of contamination needs to be undertaken at this time, nor does there need to be any change to the RAP prepared by Douglas Partners that has already been submitted as part of the DA. The Site Auditor concluded that there is a low risk of contamination migrating from the MEA site at levels that would impact the use and suitability of surrounding land for their approved use or adversely impact the environment. Council's Environmental Health section reviewed the response of the Site Auditor and concurred with the findings. In this regard, the proposal satisfies the requirements of Council's relevant controls and can be supported, subject to standard and special conditions of consent.
The proposed height exceeds the maximum height limit for the site. It will result in overshadowing and a loss of solar access for residential properties to the east. One of the objectors also raised an issue of "loss of views" as a result of the height breach, however did not specify which view was being affected.	Clause 4.6 of Parramatta LEP 2023 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes. The development has been designed to provide a built form outcome that responds to the site's opportunities and constraints. The proposed height modification does not alter that outcome. The applicant's argument for the variation is reasonably justified and acceptable The applicant has also undertaken a solar analysis to quantify any overshadowing impacts of the development to adjacent sites. The proposal does not result in any discernible increased shadow impact given the orientation of the site. The non-compliance does not result in any adverse amenity impacts and does not result in a detrimental impact on the streetscape. It is considered that the applicant's written request has adequately addressed the matters required to be demonstrated and that the request to vary the height development standard within Parramatta LEP 2023 can be supported as the proposal continues to achieve the objectives of the height development standard and the zoning and is in the public interest. In reaching this conclusion, regard has been given to the relevant Judgements of the LEC. Accordingly, the proposed departure from the development standard is considered satisfactory and can be supported in this instance.
The proposed building will be closer to the residential properties to the east than the current building. These residents will be subject to increased noise and (air) pollution.	It is noted that the existing use at the site has approval, which would already have noise and pollution mitigation measures required as part of that original consent, however while the application is only for the rebuilding of the premises and

Concerned about existing noise at the premises. Continuation of the current use at the site by Mitsubishi will result in the noise issue persisting.	associated works, the operator remains the same, and the use is not changing or intensifying. In addition, the existing vehicle access to the site will be relocated from the eastern side to the western side of the site, resulting in less vehicle movements on the eastern side. All deliveries and heavy vehicle movements will occur along the western side of the site, which adjoins a similar industrial use. The existing access off Wattle Street will be maintained but only for light vehicles. Notwithstanding the above, several air emissions/pollution/noise mitigation and management measures have been conditioned to reinforce any previous requirements.
Concerns are raised about potential damage to the large gum tree located at the front of the adjoining property on the eastern side (No. 358 Victoria Road) during works to relocate the driveway.	The tree referred to in the submission is indicated as T46 (Lemon Scented Gum - <i>Corymbia citriodora</i>) in the submitted Arborist report prepared by 'Hugh The Arborist', dated 13/12/2024. Council's Landscape and Tree Management officer reviewed the proposal and has recommended several conditions be imposed for tree protection for all trees to be retained. T46 has specific tree protection measures recommended to minimise construction impacts, including that the design of the fence and location of the posts and supports should be designed around the major roots within the (8.4m) TPZ of the tree T46. Demolition works around T46 are also to be detailed (and modified if required) to minimise impacts within the TPZ to ensure they are less than 10% encroachment as per the AS4970-2009: <i>Protection of Trees on Development Sites</i>. The details are to be designed in conjunction with, and with written approval of, the Project Arborist. Prior to the issue of the Construction Certificate, the details are then to be submitted to the written satisfaction of Council's Manager Development and Traffic Services Unit to ensure that the existing tree has been adequately retained and protected and all works within the TPZ of the tree has been modified, as required. During demolition and construction, all work is to be carefully undertaken by, lifting and removing the materials to avoid damaging any surface tree roots. Notes on the plan must state there is to be no excavation, re-grading or compaction to occur within the Tree Protection Zone (TPZ) unless with written approval and justification from an AQF Level 5 Project Arborist.
Requests existing chain wire fencing at interface with adjoining eastern residential property facing Victoria Road be retained or if to be upgraded, to use similar material. It assists residents with sightlines onto Victoria Road entering and exiting property.	A condition of consent has been recommended to ensure that the chain wire fence is retained or upgraded to similar material at this location. Nevertheless, any change in boundary fencing would be subject to the <i>Dividing Fencing Act 1991</i>, which would require consultation between both parties.
Requests secure fencing be in place during construction works to prevent "squatters, graffiti artists and drug dealers".	A condition of consent has been recommended which would require: (a) all existing buildings are to be secured and maintained during works to prevent unauthorised access and vandalism, and

	(b) all site boundaries are to be secured and maintained during works to prevent unauthorised access to the site.
Increased risk of flooding to surrounding residences as a result of greater run-off from the site to Subiaco Creek, which is located to the rear.	Council's Senior Development Engineer has reviewed the proposal and does not raise any concerns with impacts to water quality and flows within and to Subiaco Creek. It is noted that the proposal includes an Onsite Stormwater Detention (OSD) system to control runoff, and to manage and mitigate any adverse impacts to the creek.
Concerns were raised about privacy impacts to adjoining residences on the eastern side, however no specific details were provided.	A review of the proposal determined that there would be minimal privacy impacts to adjoining residences. There are no windows along the eastern side of the proposed building, which would permit any overlooking. It is also noted that a significant vegetation buffer is proposed, with trees and dense shrubs, along the eastern side which would act as a visual barrier to the residential area.

13. Public Interest

Subject to implementation of conditions of consent outlined in the recommendation below, no circumstances have been identified to indicate this proposal would be contrary to the public interest.

14. Disclosure of Political Donations and Gifts

No disclosures of political donations or gifts have been declared by the applicant or any organisation/persons that have made submissions in respect to the proposed development.

15. Development Contributions

Section 7.11 Contributions

A condition of consent has been recommended for the payment of the Section 7.11 contribution of \$110,923.50 in accordance with the City of Parramatta (Outside CBD) Development Contributions Plan 2021.

Housing Productivity Contribution

The proposed Housing and Productivity Contribution (HPC) is an integrated approach for growth planning and infrastructure provision to support the delivery of new housing and jobs.

The *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* came into effect on the 1 October 2023 and applies to all development applications lodged on or after 1 October 2023. In this case, the HPC is applicable.

As the proposed development results in an intensified land-use, the payable contributions are calculated as follows.

Housing and productivity contribution	Amount
Total Housing and productivity contribution	\$258,768.51

A condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate

16. Conclusion

The Development Application has been assessed under the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Building) 2022, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, Parramatta Local Environmental Plan 2023 (PLEP 2023) and Parramatta Development Control Plan 2023 (PDCP 2023) and is considered to be satisfactory. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

17. Recommendation

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979 that the City of Parramatta Council **approve** Development Application DA/25/2025 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent (See Attachment 5) and the following reasons:

- a) The development is permissible pursuant to Paramatta Local Environmental Plan 2023.
- b) The development is consistent with the objectives of the zone.
- c) The development and is compatible with the surrounding locality.
- d) For the reasons given above, approval of the application is in the public interest.