

DATE OF DETERMINATION	23 August 2025
DATE OF PANEL DECISION	22 August 2025
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan, Steve Murray, Sameer Pandey, Michael Ng
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 18 August 2025.

MATTER DETERMINED

PPSSCC-642 – City of Parramatta – DA/25/2025 – 348 Victoria Road, Rydalmere - 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

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented in Schedule 1.

Application to vary a development standard:

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Parramatta Local Environmental Plan 2023 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- compliance with cl. 4.3 (Height of Building) is unreasonable or unnecessary in the circumstances because whilst the development has two (2) maximum building height development standards and the proposed building marginally (790mm) exceeds the greater height limit of 15m at the south-eastern corner and exceeds the lesser height limit of 12m by between 1.21m and 2.93m, it still achieves the objectives of the standard; and
- there are sufficient environmental planning grounds to justify contravening the development standard, including 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.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report which have been summarised below:

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 ... (for) 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.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Contamination due to insufficient remediation works
- Noise and air pollution
- Overshadowing and loss of solar access
- Tree protection
- Fencing
- Flooding concerns
- Privacy concerns.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 David Ryan
 Steve Murray	 Sameer Pandey
 Michael Ng	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-642 – City of Parramatta – DA/25/2025
2	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.
3	STREET ADDRESS	348 Victoria Road, Rydalmere, Lot B & Lot A, DP155541
4	APPLICANT/OWNER	Applicant/Owner: Mitsubishi Electric Australia Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - 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 (Sustainable Buildings) 2022 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Industry and Employment) 2021 - Parramatta Local Environmental Plan 2023 - Draft environmental planning instruments: Nil - Development control plans: - Parramatta Development Control Plan 2023 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council assessment report: 12 August 2025 - Clause 4.6 variation request: Height of Building - Variation of 5.2% (790mm) on the south-eastern side - Variation of up to 24.4% (2.93m) on the Eastern elevation - Written submissions during public exhibition: Four (4) - Total number of unique submissions received by way of objection: Four (4)
8	COUNCIL RECOMMENDATION	Approval
9	DRAFT CONDITIONS	Attached to the council assessment report