

<b>DATE OF DETERMINATION</b>	9 May 2025
<b>DATE OF PANEL DECISION</b>	9 May 2025
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), David Ryan, Steve Murray, Glenn Elmore
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 2 May 2025.

#### **MATTER DETERMINED**

**PPSSCC-599 – Cumberland – DA2024/0331** – 1/4-4A Terminal Place, part 5, part 7 McLeod Road, Merrylands - Alterations and additions to the approved development (DA2022/0776) seeking to facilitate affordable housing and Build-to-rent housing (BTR) to part of the development pursuant to the State Environmental Planning Policy (Housing) 2021.

#### **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 the written requests from the applicant, made under cl 4.6 (3) of the Cumberland Local Environmental Plan 2021 (LEP), the Panel is satisfied that the applicant has demonstrated that:

- a) compliance with Section 16(3) Additional Building Height and Section 19(2)(b)(ii) Landscaped Area under *State Environmental Planning Policy (Housing) 2021* is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standards

#### **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 variations to building height and landscape area; and approve the application for the reasons outlined in the council assessment report which are summarised below:

*The proposed development is appropriately located within the R4 High Density Residential zone under the relevant provisions of the Cumberland LEP, however variations in relation to the building height and landscaped area under the State Environmental Planning Policy (Housing) 2021, Apartment Design Guide and Cumberland Development Control Plan in relation to the number of storeys are sought.*

*Having regard to the assessment of the proposal from a merit perspective, the Panel is satisfied that the development has been appropriately designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of*

*neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.*

*For these reasons, it is considered that the proposal is satisfactory having regard to the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be approved subject to conditions.*

#### **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:

- Traffic
- Loss of solar access and direct sunlight
- Loss of view
- Road infrastructure
- Concerns with use as 'affordable housing'

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 	Glenn Elmore 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-599 – Cumberland – DA2024/0331
2	PROPOSED DEVELOPMENT	Alterations and additions to the approved development (DA2022/0776) seeking to facilitate affordable housing and Build-to-rent housing (BTR) to part of the development pursuant to the State Environmental Planning Policy (Housing) 2021.
3	STREET ADDRESS	1/4-4A Terminal Place, part 5, part 7 McLeod Road Merrylands
4	APPLICANT/OWNER	Applicant: Aland/Merrylands (B) 88 Development Pty Ltd Owner: Merrylands 88 Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Housing) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>Cumberland Local Infrastructure Contributions Plan 2020</li> <li>Cumberland Local Environmental Plan 2021</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Cumberland Development Control Plan 2021</li> </ul> </li> <li>Planning agreements: Voluntary Planning Agreement under section 7.4 (EP&amp;A Act s4.15(1)(a)(iia))</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 23 April 2025</li> <li>Clause 4.6 variation requests: Height of Buildings and Landscape</li> <li>Written submissions during public exhibition: 5</li> <li>Total number of unique submissions received by way of objection: 5</li> </ul>
8	COUNCIL RECOMMENDATION	Approval
9	DRAFT CONDITIONS	Attached to the council assessment report