

Minutes of the Cumberland Local Planning Panel Meeting held via Zoom on Wednesday, 11 March 2026.

PRESENT:

Michael Leavey	Chairperson
Garry Chapman	Expert Member
Wayne Carter	Expert Member
Michael Northey	Community Member

IN ATTENDANCE:

Jai Shankar	Executive Manager City Planning and Development
Michael Lawani	Coordinator Major Development Assessment
Bhavisha Sheth	Coordinator Fast Track Development Assessment
Esra Calim	Coordinator Planning Operations
Ana Ghafari	Acting Senior Development Advisory Planner
Harley Pearman	Executive Planner
Haroula Michael	Executive Planner
Nighat Aamir	Senior Development Planner
Rachelle Succar	Development Planner
Caroline Kadayifci	Business Support Officer
Paulette Maroon	Governance Officer (Minute Taker)

NOTICE OF LIVE STREAMING OF CLPP MEETING

The Chairperson advised that the Cumberland Local Planning meeting was being streamed live on Council's website and members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting opened at 11.31am.

DECLARATIONS OF INTEREST:

There were no declarations of interest.

ADDRESS BY INVITED SPEAKERS:

The following persons had made application to address the Cumberland Local Planning Panel meeting:

<u>Speakers</u>	<u>Item No. Subject</u>
Ms Tamara Hashenko	ITEM ELPP005/26 - Development Application - 116 Boronia Street, South Wentworthville

The open session of the meeting closed at 11.44am.

The closed session of the meeting opened at 11:51am.

ITEM ELPP005/26 - DEVELOPMENT APPLICATION - 116 BORONIA STREET,
SOUTH WENTWORTHVILLE

PANEL DECISION:

1. That Development Application No. DA2025/0601 for Demolition of all existing structures, torrens title subdivision into three (3) lots, construction of three (3) x two storeys attached dual occupancies, further torrens title subdivision into six (6) lots and construction of secondary dwelling on Lots 2A & 2B. on land at 116 Boronia Street SOUTH WENTWORTHVILLE NSW 2145 be refused for the reasons attached to Council's assessment report, with the following additional reasons:

Jurisdictional

The application does not provide owners consent from Sydney Water for works over, and within the drainage channel (Lot 1 DP 56933), including bridge and tree removal works.

Planning

- a. The application fails to provide reasonable pedestrian access for the secondary dwellings, including access to Boronia Street, and for the transport of waste bins.
 - b. The application fails to provide safe, dedicated pedestrian access from Lot 2A, 2B, 3A, 3B, and the secondary dwellings, to Boronia Street, with residents required to walk along the access driveway.
 - c. The application fails to demonstrate that water and sewer services are able to be provided to all parts of the properties and whether the requirements of Clause 6.4 of the Cumberland LEP 2021 have been met.
2. Persons who lodged a submission in respect to the application be notified of the determination of the application.

For: Michael Leavey, Garry Chapman, Wayne Carter and Michael Northey

Against: Nil.

ITEM ELPP006/26 - DEVELOPMENT APPLICATION - 8 BRADMAN STREET,
GREYSTANES

PANEL DECISION:

1. That the Clause 4.6 variation request to vary Clause 53(2)(a) development standard, pursuant to the SEPP (Housing) 2021, be supported.
2. That Development Application No. DA2025/0819 for Construction of a two storey detached dual occupancy and a secondary dwelling on each lot pursuant to the State Environmental Planning Policy (Housing) 2021 on the approved Lot 3 under DA2024/0473 and Torrens subdivision into two lots on land at 8 Bradman Street GREYSTANES NSW 2145 be approved subject to the conditions attached to the Council's assessment report, with the following additional conditions:

Condition 9(e) The Plans are to be amended to nominate and provide pedestrian access from the secondary dwellings to Bradman Street.

Condition 9(f) The Plans are to be amended to provide windows on the northern elevation of each of the secondary dwellings to provide solar access/daylight to living areas while addressing privacy between the dwellings.

Reason for Decision

1. The Panel generally concurs with the Planning Officers report subject to the attached conditions within the report.
2. The Panel is satisfied that the applicant's written request to contravene the Development Standard relating to minimum lot size under Clause 53(2)(a) of the Statement of Environmental Planning Policy Housing (2021) has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and has demonstrated that:
 - (a) compliance with the standard is unreasonable and unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify the contravention.
3. Amendments have been made to conditions to ensure that reasonable pedestrian access and solar access/daylight is provided to each of the secondary dwellings.
4. Subject to the recommended conditions of consent, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality.

For: Michael Leavey, Garry Chapman, Wayne Carter and Michael Northey

Against: Nil.

ITEM ELPP007/26 - DEVELOPMENT APPLICATION - 171 - 173 PITT STREET,
MERRYLANDS

MAJORITY PANEL DECISION:

1. That the Clause 4.6 variation request to contravene the height of buildings development standard to Section 16 (3) of State Environmental Planning Policy (Housing) 2021 be supported.
2. The Clause 4.6 variation request to contravene the non-discretionary development standard for landscaping pursuant to Section 19(2)(b) of State Environmental Planning Policy (Housing) 2021 be supported.
3. The Clause 4.6 variation request to contravene the residential floor space ratio development standard to Clause 4.4(2F) pursuant to the Cumberland LEP 2021 be supported.
4. Development Application 2025/0495 for demolition of existing structures and construction of 13 storey shop top housing development comprising of three (3) levels of basement parking, a 57 place centre-based child care facility and retail tenancy on the ground floor, 104 residential apartments including 21 adaptable apartments and 17 affordable housing apartments pursuant to State Environmental Planning Policy (Housing) 2021 and a private accessway on land at 171 to 173 Pitt Street Merrylands be approved subject to the conditions attached to Council's assessment report, with the following additional condition:

Prior to the release of any Occupation Certificate, an easement for public access is to be created and included on the Land Title, to enable public access between Sheffield Street and Neil Street, Merrylands.

Reason for Majority Decision

1. The Panel generally concurs with the Planning Officers report subject to the attached conditions within the report.
2. The Panel is satisfied that the applicant's written request to contravene the development standard relating to Building Height of Section 16(3) of State Environmental Planning Policy (Housing) 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and has demonstrated that:
 - (a) compliance with the standard is unreasonable and unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify the contravention.
3. The Panel is satisfied that the applicant's written request to contravene the development standard relating to the non discretionary standard of Landscaping of Section 19(2)(b) of State Environmental Planning Policy (Housing) 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and has demonstrated that:

- (a) compliance with the standard is unreasonable and unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify the contravention.
4. The Panel is satisfied that the applicant's written request to contravene the Development Standard relating to the Residential Floor Space Ratio of Clause 4.4(2F) of the Cumberland Local Environmental Plan 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and has demonstrated that:
- (a) compliance with the standard is unreasonable and unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify the contravention.
5. An additional condition has been added to ensure ongoing public access along the accessway.
6. Subject to the recommended conditions of consent, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality.

For: Michael Leavey and Wayne Carter

Against: Garry Chapman and Michael Northey.

Due to the division amongst the Panel, the resolution was carried on the casting vote of the Chairperson, Michael Leavey.

Reasons for Dissenting Positions

It is Garry Chapman (GC) and Michael Northey (MN) position that the clause 4.6 request submitted with the development seeking variation to the 39m height of buildings development standard does not demonstrate that there are sufficient environmental planning grounds to contravene the height of building standard by 4.46m (an additional floor level plus lift overrun) and it is our position that the upper most level of the building cannot be supported. The allocation of the laneway (as required by Part F2.6 – Merrylands Town Centre of the Cumberland DCP) does not provide sufficient nexus to the floor area proposed by the floor level above the height standard, and the additional storey is not consistent with the strategic intent or desired future character of the Merrylands Town Centre as directed by the height of building development standard in the Cumberland LEP of 30m.

GC and MN support the provision of affordable housing in the development and it is our position that the provision of affordable housing, up to 15% of the floor area could be accommodated with a development that complies with the 39m height standard.

ITEM ELPP008/26 - DEVELOPMENT APPLICATION - 18 - 24 KERR PARADE,
AUBURN

PANEL DECISION:

1. That the Clause 4.6 variation request to contravene section 19(2)(b) landscaped area non-discretionary development standard, pursuant to the State Environmental Planning Policy (Housing) 2021 be supported.
2. The Clause 4.6 variation request to contravene Section 148(2)(c) ceiling height non-discretionary development standard, pursuant to the State Environmental Planning Policy (Housing) 2021 be supported.
3. Development Application 2025/0599 for demolition of existing structures, construction of a 12-storey mixed use development comprising of 98 residential units inclusive of 19 affordable housing units (pursuant to State Environmental Planning Policy (Housing) 2021) over 3 levels of basement car park, retail tenancy, and a 96 place childcare centre on land at 18-24 Kerr Parade Auburn be approved subject to the conditions attached to Council's assessment report.

Reason for Decision

1. The Panel generally concurs with the Planning Officers report subject to the attached conditions within the report.
2. (a) The Panel is satisfied that the applicant's written request to contravene the development standard relating to the non-discretionary development standard of Landscaping of Section 19(2)(b) of State Environmental Planning Policy (Housing) 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and has demonstrated that:
 - (a) compliance with the standard is unreasonable and unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify the contravention.
- (b) The Panel is satisfied that the applicant's written request to contravene the development standard relating to the non-discretionary development standard of ceiling heights of Section 148(2)(c) of State Environmental Planning Policy (Housing) 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and has demonstrated that:
 - (a) compliance with the standard is unreasonable and unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify the contravention.
3. Subject to the recommended conditions of consent, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality.

For: Michael Leavey, Garry Chapman, Wayne Carter and Michael Northey

Against: Nil.

ITEM ELPP009/26 - MODIFICATION APPLICATION - 535 MERRYLANDS ROAD,
MERRYLANDS

PANEL DECISION:

That Modification Application No. MOD2025/0347 for Section 4.55(2) modification seeking to increase the height of the lift overrun and the relocation of the electrical switch room for the approved aged care facility on land at 535 Merrylands Road MERRYLANDS NSW 2160 be approved subject to the conditions attached to the Council's assessment report.

Reason for Decision

1. The Panel generally concurs with the Planning Officers report subject to the attached conditions within the report.
2. The Panel is satisfied that the development, as modified, is substantially the same development for which consent was originally granted.
3. Subject to the recommended conditions of consent, the proposal will not have any unreasonable impacts on the amenity of neighbouring properties or the locality

For: Michael Leavey, Garry Chapman, Wayne Carter and Michael Northey

Against: Nil.

The meeting terminated at 1.02pm.

Signed:



Chairperson