

14 April 2026

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FORMAL OBJECTION — STATE SIGNIFICANT DEVELOPMENT APPLICATION SSD-79844224

Proposed Development: Mixed-use development with affordable housing — 215, 229-239 Pitt Street, Merrylands

Objector Address: Level 9, Unit 908, 245 Merrylands Road, Merrylands NSW 2160

LGA: Cumberland City Council

Exhibition Period: 10 April 2026 – 24 April 2026

1. Introduction and Standing as an Objector

I am a permanent resident of Unit 908 (Level 9), 245 Merrylands Road, Merrylands, located in direct proximity to the proposed development site at 215, 229-239 Pitt Street, Merrylands. My apartment faces north-west, providing an outlook toward the city skyline that would be substantially — and in practical terms, permanently — obstructed by the proposed 37-storey building.

I write to formally object to SSD-79844224 on the grounds of: (1) significant and unreasonable view loss; (2) adverse solar access and overshadowing impacts; and (3) traffic and congestion impacts on an already congested local road network. I acknowledge the policy objectives underpinning affordable housing delivery but submit that these objectives do not displace the statutory obligation to properly assess and mitigate the environmental and amenity impacts of the proposed development.

2. Ground 1 — View Loss

The proposed development is 37 storeys in height. My apartment at Level 9, 245 Merrylands Road occupies a north-westerly aspect that currently encompasses views of the city skyline. A 37-storey tower on Pitt Street, positioned within my direct sightline, will result in substantial — and likely total — loss of that view corridor.

View loss is a recognised planning consideration in NSW. The Land and Environment Court in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 established a framework for assessing view loss that considers: the nature of the views affected; the extent of the impact; whether the impacted views were obtained legally; and the reasonableness of the development. I submit that each of these factors weighs in favour of refusing or substantially redesigning this proposal:

- The north-westerly city skyline view from Level 9 is a genuine amenity of value, not an incidental outlook. It is a primary aspect of my apartment.
- The obstruction will be total or near-total given the height of the tower relative to my floor level — a 37-storey building will project well above Level 9 from any proximate position.
- My view was obtained lawfully as part of the purchase of the apartment and represents a reasonable expectation of continued enjoyment.

- The scale of the proposed development — 37 levels — is disproportionate to the surrounding built form and has not been adequately justified in terms of its impact on adjacent residents.

I request that the Department require the applicant to provide a detailed view loss analysis, including photomontages from Level 9, 245 Merrylands Road, demonstrating the before-and-after view impacts from my apartment.

3. Ground 2 — Solar Access and Overshadowing

A 37-storey mixed-use building will cast substantial shadows across the surrounding precinct, including onto 245 Merrylands Road. Given the north-westerly orientation of my apartment, the proposed building's massing will interfere with afternoon solar access — the period of day during which sunlight penetrates north-west facing apartments.

The Environmental Impact Statement (EIS) must be assessed to determine whether the shadow diagrams adequately model the impact on adjacent residential buildings, particularly at the winter solstice (21 June), which represents the worst-case scenario for overshadowing.

I raise the following specific concerns regarding solar access:

- Whether the EIS shadow diagrams include 245 Merrylands Road as an affected property and whether the modelling is accurate for Level 9 specifically.
- Whether the proposal complies with Cumberland Development Control Plan 2021 requirements for solar access to adjoining residential development.
- Whether any setback, stepping or articulation of the upper levels has been considered to mitigate overshadowing on nearby residential properties.

Loss of solar access is not merely an amenity concern — it has direct implications for the thermal performance and energy costs of affected apartments. I request that the Department require supplementary overshadowing analysis that specifically addresses the impact on 245 Merrylands Road at multiple times of day and across different seasons.

4. Ground 3 — Traffic and Congestion

Merrylands Road is already subject to significant traffic congestion, particularly during morning and afternoon peak periods. The intersection network in the immediate vicinity of the subject site is operating at or near capacity. The introduction of a mixed-use development of this scale — comprising 238 residential apartments plus three levels of commercial and retail uses — will generate a substantial volume of additional vehicle movements that the existing road network cannot adequately accommodate.

My concerns regarding traffic impacts are as follows:

- The Traffic Impact Assessment (TIA) submitted with the EIS must be independently reviewed to ensure trip generation modelling is realistic and that it accounts for the cumulative effect of other approved and pending developments in the Merrylands precinct.
- The provision of four basement levels of parking, while accommodating some private vehicle demand, may generate significant ingress/egress conflicts on the surrounding street network, particularly given the proximity to Merrylands Road.
- The retail and commercial component of the development will attract customer traffic that is distinct from — and additive to — residential trip generation. This must be assessed separately and cumulatively.

- Construction traffic over what is likely to be a multi-year build programme will impose significant additional disruption on an already congested local road network. A Construction Traffic Management Plan (CTMP) with enforceable conditions must be required.

I request that the Department require an independent peer review of the Traffic Impact Assessment by a suitably qualified traffic engineer, and that the scope of that review include cumulative traffic impacts from all approved and exhibited developments within a 500-metre radius of the site.

5. Additional Matters

In addition to the three primary grounds above, I draw the Department's attention to the following matters:

- **Scale and built form:** A 37-storey tower is inconsistent with the current character and scale of the Merrylands town centre. The proposal's height must be assessed against any applicable height limits or design guidelines, and any departure must be rigorously justified.
 - **Public domain and wind:** A building of this scale has the potential to create adverse wind conditions at street level and on surrounding balconies. A wind impact assessment should be required and reviewed.
 - **Infrastructure capacity:** The Department should require confirmation from Sydney Water and relevant utilities that existing infrastructure can accommodate the demand generated by 238 additional dwellings plus commercial uses without degrading service levels for existing residents.
 - **Affordable housing component:** While I support the principle of affordable housing delivery, I note that the inclusion of affordable housing does not exempt a development from compliance with applicable environmental assessment standards. The merits of the affordable housing component do not offset real and demonstrable impacts on existing residents.
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6. Conclusion and Requested Outcomes

I formally object to SSD-79844224 in its current form. The proposal as exhibited will cause significant, ongoing harm to the amenity and liveability of my apartment and to the broader residential community in the immediate vicinity of the site.

I respectfully request that the Department:

- Refuse consent to the application as currently proposed; or alternatively
- Require the applicant to substantially redesign the proposal to reduce height and massing to a level that does not cause unreasonable view loss, overshadowing, or traffic impacts on adjoining residents; and
- Commission or require independent peer reviews of the view loss assessment, shadow diagrams, and traffic impact assessment as they relate to 245 Merrylands Road and the surrounding precinct; and
- Ensure that any consent, if ultimately granted, includes enforceable conditions addressing: view impact mitigation, solar access compliance, a Construction Traffic Management Plan, and wind impact mitigation.

I am available to provide further information or to participate in any community consultation process convened in connection with this application. I can be contacted via the NSW Planning Portal submission system.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Cloughessy', written over a horizontal line.

Christopher Cloughessy

Unit 908, 245 Merrylands Road, Merrylands NSW 2160

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