

TO: Sydney Central City Planning Panel

SUBJECT: 203-211 Merrylands Road, 213 Merrylands Road & part 28-36
McFarlane Street MERRYLANDS NSW 2160

APPLICATION No: DA2021/0693

Application accepted	24 December 2021
Applicant	Gyde Consulting
Owner	Cumberland City Council
Application No.	DA2021/0693
Description of Land	203-211 Merrylands Road, 213 Merrylands Road & part 28-36 McFarlane Street MERRYLANDS NSW 2160, Lot 18G DP 383945, Lot 1 DP 658197, Lot D DP 344249, part Lot 45 Sec A DP 7916 & Lot 46 Sec A DP 7916
Proposed Development	Construction of a new Civic Square for the Merrylands Town Centre inclusive of staging of construction, subdivision, landscaping and lighting. This project is proudly funded by the NSW Government through its NSW Public Spaces Legacy Program and in association with Cumberland City Council.
Site Area	3174.8m ²
Zoning	202-211 Merrylands Road: RE1 - Public Recreation 213 Merrylands Road: RE1 - Public Recreation Part of 28-36 McFarlane Street: B4 - Mixed Use Main Lane: SP2 – Infrastructure
Disclosure of political donations and gifts	Nil disclosure
Heritage	The site is not a heritage item and is not located adjoining to any heritage listed item, nor it is located within a Heritage Conservation Area
Principal Development Standards	<p>Height of Buildings Permissible: Lots 18G, 1 & D – no limit, Lot 45 – 77m & 105m & Lot 46 – 77m (CLEP 2021) Proposed: 4.8m</p> <p>Floor Space Ratio Permissible: Lots 18G, 1 & D – no limit, Lot 45 – 8:1 & Lot 46 – 3:1 (CLEP 2021) Proposed: nil</p>
Issues	<ul style="list-style-type: none"> - Location of pedestrian link - On-site detention system - Submission

SUMMARY

1. *Development Application No. DA2021/0693 was accepted on 24 December 2021 for the construction of a new Civic Square for the Merrylands Town Centre inclusive of staging of construction, subdivision, landscaping and lighting.*
2. *The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 19 January 2022 and 2 February 2022. In response, one (1) submission was received.*
3. *The issues raised regarding to the location of pedestrian link, on-site detention system and concerns listed in the submission are addressed in detailed in the main body of the report.*
4. *The application is referred to the Sydney Central City Planning Panel as the proposed Council related development is identified as a regionally significant development with cost of works of over \$5 million.*
5. *The application is recommended as an approval subject to the conditions as provided in the attached schedule.*

REPORT

SUBJECT SITE AND SURROUNDING AREA

The sites are legally described as Lot 1 in DP 658197, Lot D in DP 344249, Lot 18G in DP 383945, part Lot 45 Section A in DP 7916, and Lot 46 Section A in DP 7916, commonly known as 202 – 211 Merrylands Road, 213 Merrylands Road, Merrylands and 28 – 36 McFarlane Street, Merrylands. The sites have a combined area of 3174.8m² and a summary on the details of each site is as follows:

203 – 211 Merrylands Road:

The sites are rectangular in shape with frontage to Merrylands Road of 31 metres, depths of 44.04 along the eastern boundary, 44.225 metres along the western boundary and a secondary street frontage to Main Lane of 31 metres. The site is known as the 'Merrylands Arcade' and contains a number of commercial uses and provides a walkthrough for pedestrians from Merrylands Road toward McFarlane Street. The site is also burdened by an easement for electricity traversing through the centre of the site from the northern boundary to the southern boundary.

213 Merrylands Road:

The site directly adjoins 203 – 211 Merrylands Road to the west, is rectangular in shape, and accommodates a commercial building. The dimensions of the site include a frontage of approximately 6.83 metres to Merrylands Road, depths of 44.225 metres along the eastern and western boundaries and a secondary street frontage width of approximately 6.83 metres presenting to Main Lane.

Part of 28 – 36 McFarlane Street:

The site comprises of Lot 46 and part Lot 45, which is rectangular in shape with a frontage of 39 metres to McFarlane Street and depths of 42.7 metres with a secondary street frontage fronting Main Lane. Historically, the site has been used as a public car park and recently the site has been excavated to facilitate works to the existing 6.95-metre-wide drainage easement traversing through the centre of the site undertaken as exempt works pursuant to the provisions of the former SEPP Infrastructure 2007. The northern part of the site is traversed by the Sydney Water's wastewater main and stormwater channel.

Main Lane:

The laneway is zoned SP2 Infrastructure and traverses the middle part of the site, which is reserved for road purpose for service vehicles access.

Zoning and Surrounding Uses:

Lands on 203 – 211 and 213 Merrylands Road are zoned RE1 – Public Recreation, and 28 – 36 McFarlane Street are zoned B4 Mixed Use. The sites are bounded within a predominant B4 Mixed use zone and Main Lane traverses the middle of the site, which is zoned SP2 (Infrastructure). The sites are located within the Merrylands Station and McFarlane Street Precinct boundary and surrounding development includes a variety of commercial uses predominately older single and two (2) storey commercial buildings and newer high-rise mixed-use developments. The sites are also within the vicinity of Merrylands Station and Merrylands Stockland's Shopping Centre.

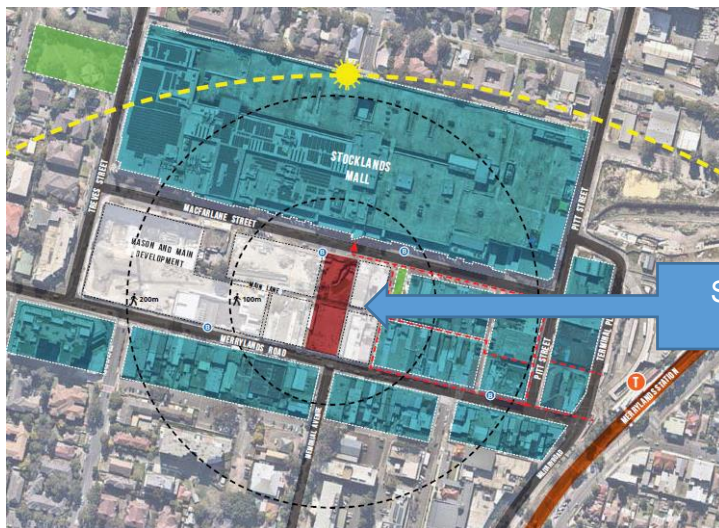


Figure 1 – Locality Map of subject site



Figure 2 – Zoning map of subject site



Figure 3 – Street view of subject site being demolished

DESCRIPTION OF THE DEVELOPMENT

Council is in receipt of development application for the construction of a new Civic Square for the Merrylands Town Centre inclusive of staging of construction, subdivision, landscaping and lighting.

On 5 August 2020 the NSW Government announced the launch of a \$250 million NSW Public Spaces Legacy Program as part of ongoing work to protect the health of the community, provide economic and jobs stimulus in response to the COVID-19 pandemic and deliver a legacy of safe, quality public and open space. COVID-19 has shown the extent to which people value their public spaces and the purpose of the fund was to create momentum to create a positive public space legacy for our future. As part of the first phase of the program, councils were asked to submit a plan to the then Department of Planning, Industry and Environment (DPIE) on how they would accelerate local projects and demonstrate improvement in assessment timeframes and outcomes as well as a brief project proposal to deliver an open and public space project. Cumberland City Council submitted an application for the Merrylands Civic Square. The submission fulfilled the criteria of the Legacy Program and the application was approved. A \$5.5M grant was awarded for the completion of this project by 23 December 2022, which will be supplemented by funds collected under the relevant local infrastructure contributions plan.

The following is a summary of the proposed development (as per the submitted Statement of Environmental Effects/SEE):

1. Civic Square – construction of a public park comprising of:
 - A 3m wide paved zone at its western and eastern edges to allow for the future re-development of adjacent buildings.
 - A 3.5m wide zone to accommodate large, canopied trees at the western edge to provide shading and amenity on the main pedestrian walkway.
 - A 9m wide pedestrian walkway between Merrylands and McFarlane Street, to

ensure there is sufficient width to accommodate large scale events that require market stalls and temporary stage locations and adequate pedestrian circulation.

- A 16m wide landscaped green link, comprising of large native tree planting, street furniture and amenities including bike racks, water fountains, smart bins, smart light poles, tables and benches.
- A 196m² open lawn area for lounging and seating.
- A zero-depth water play area to provide interactive play and cooling amenity to the square.
- A pergola structure to provide cooling and potential art integration.
- Hostile vehicle mitigation measures including removeable bollards, and cobble paving strip to the edges of carriageway and on the shared zone on Main Lane.
- Indicative public art throughout the park.
- Amenity facility is not proposed as part of the development.
- Stage 2 of the development will discharge stormwater system onto Main Lane. Other work proposed on Main Lane includes the construction of a carriageway ramp.



Figure 4 – Artist impression of the proposed park

2. Staging of construction

The application proposes construction in stages of two (2) separate sections of the new Civic Square as follows.



Figure 5 – Proposed Construction Staging (Stage 1 – pink, Stage 2 – blue)

3. Subdivision

Subdivision of Lot 45 Sec A in DP7916 into two (2) lots is proposed as follows. Lot 451 will form part of the new Civic Square.

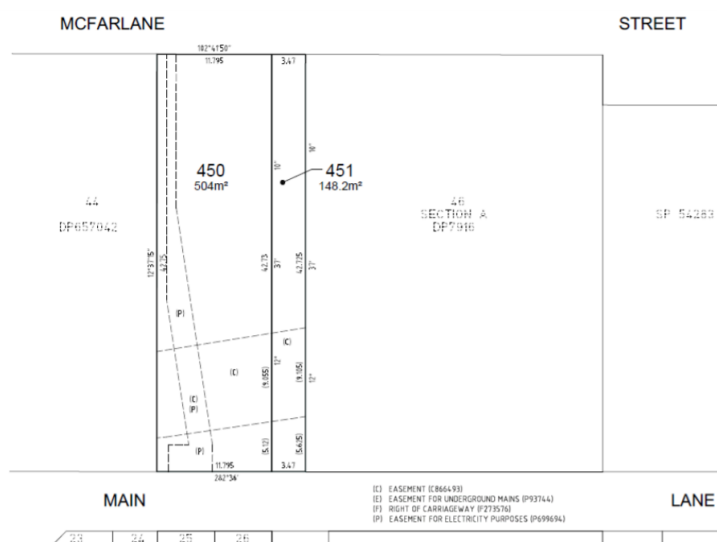


Figure 6 – Proposed Subdivision

HISTORY

On 13 October 2021, DA2021/0475 was approved by the Cumberland Local Planning Panel for the demolition of existing buildings at 203-211 and 213 Merrylands Road, Merrylands (including Merrylands Arcade) and use of Lot 46 Sec A DP 7916 (Part 28-36 McFarlane Street, Merrylands) as a temporary laydown area.

On 12 November 2021, a prelodgement meeting (PL2021/0114) was held with Cumberland City Council and minutes issued to the applicant on 18 November 2021 for the construction of a new Civic Square for the Merrylands Town Centre inclusive of staging of construction, subdivision, landscaping and lighting.

The subject application (DA2021/0693) was accepted by Council on 24 December 2021. Request of additional information was sent to the applicant soon after the briefing with the Sydney Central City Planning Panel (the Panel) for the subject application on 10 February 2022, including overshadowing issues raised by the panel. Amended shadow diagrams submitted with the application has also incorporated details of the surrounding sites, if they were to be redeveloped, in accordance with the current LEP controls (including height and FSR). Compliance with the solar access requirement has been demonstrated as Civic Square will receive the minimum 50% solar access between at 11am and 1pm during the winter solstice.

Additional information response was submitted to Council on 23 February 2022 and 17 March 2022. Further briefing was held with the Panel on 24 March 2022 to discuss the status of the application and the non-compliances associated with the proposal. The Panel also discussed the site contamination results and it was explained that the matter could be addressed via condition prior to the issue of any construction certificate.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided a Statement of Environmental Effects prepared by Gyde Consulting dated 21 December 2021 and was received by Council on 24 December 2021 in support of the application.

CONTACT WITH RELEVANT PARTIES

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

INTERNAL REFERRALS

Development and Traffic Engineers

The development application was referred to Council's Development and Traffic Engineers for comment who has advised that the development proposal is satisfactory with regard to flooding, stormwater, civil work, traffic matters, and therefore can be supported subject to recommended conditions of consent.

Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has advised that the development proposal is satisfactory with regard to access proposed, and therefore can be supported subject to recommended conditions of consent.

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory relating to acoustic impact, contamination, remediation, water protection, amenity facility and general environmental concerns, and therefore can be supported subject to recommended conditions of consent.

Tree Management Officer

The development application was referred to Council's Tree Management Officer for comment who has advised that the development proposal is satisfactory regarding the planting and its location proposed, and therefore can be supported subject to recommended conditions of consent.

Parks/Open Space

The development application was referred to Council's Landscape Architect for comment who has advised that the development proposal is satisfactory with regard to the design of the proposed for smart poles, civil and structural engineering, hydraulic, irrigation, lighting

and landscape construction plans, integrated public art, planting and play equipment, and therefore can be supported subject to recommended conditions of consent.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory regarding the waste management proposed, and therefore can be supported subject to recommended conditions of consent.

EXTERNAL REFERRALS

Endeavour Energy

The development application was referred to Endeavour Energy for comment who has advised that the development proposal is satisfactory with regard to the location of electricity asset on the site, and therefore can be supported subject to recommended conditions of consent.

Sydney Water

The development application was referred to Sydney Water for comment who has advised that the development proposal is satisfactory relating to works over the existing channel located on the northern part of the site that traverses the middle part of 28 – 36 McFarlane Street, Merrylands, and therefore can be supported subject to recommended conditions of consent.

Transgrid

The development application was referred to Transgrid for comment who has advised that the development proposal does not affect any of their asset.

NSW Police

The development application was referred to NSW Police for comment who has advised that the development proposal is satisfactory with regard to risk and safety, and therefore can be supported subject to recommended conditions of consent.

PLANNING COMMENTS

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

(a) State Environmental Planning Policy (Planning Systems) 2021

Development of a type that is listed in Schedule 6 of Planning Systems SEPP is defined as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the *Environmental Planning and Assessment Act 1979*. The proposed development constitutes 'Regional Development' as it has a Capital Investment Value (CIV) which exceeds the \$5 million threshold for Council related development. While Council is

responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City Planning Panel.

(b) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Not applicable. The subject site is not identified as a coastal wetland or ‘land identified as “proximity area for coastal wetlands” or coastal management area.

Chapter 4 – Remediation of Land

Clause 4.6 of Resilience and Hazards SEPP requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 4.6 have been considered in the assessment of the development application.

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council’s Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Details of contamination investigations carried out at the site: A Detailed Site Investigation (DSI) was prepared by Douglas Partners (Project 206777.01) dated 15 December 2021 and submitted with the application. As part of	

Matter for Consideration	Yes/No
<p>the DSI, Douglas Partners had reviewed previous assessments carried out as part of the DA for the demolition of structures on the site approved under DA2021/0475. The DSI required a detailed sampling across the entirety of the investigation area including, a Detailed Asbestos Investigation (DAI) to assess the extent and concentration of the asbestos across the site particularly for the inaccessible areas of buildings yet to be demolished.</p> <p>Based on the DSI, a revised Remediation Action Plan (RAP) prepared by Douglas Partners (Project No. 206777.01, Rev 4) dated 23 March 2022 was submitted to Council. The report provides information on the Validation Plan. The report also provides information concerning the general nature of any unexpected finds for the assessment area and a broad Site Management Plan. In reviewing the unexpected finds protocol, a contingency is proposed within the RAP, noting for the requirement of an amended RAP should any variation from the current RAP be found. The RAP concludes that remediation and validation of identified contamination at the site undertaken in accordance with this RAP will satisfy the provisions of clause 4.6 (1) of SEPP Resilience and Hazards and render the site suitable for the proposed use from a contamination perspective. Furthermore, the RAP opined that in the event that any contamination is to be capped on site, a Long-Term Environmental Management Plan will be required.</p> <p>Council's Environmental Health Unit has reviewed the information submitted and suggested appropriate conditions "prior to the issue of any CC" in any consent to resolve any unexpected finds following demolition of the structures. Council is therefore satisfied that the site can be made suitable for the use as a recreation area/facility.</p>	

(c) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 –Vegetation in non-rural Areas

Not applicable. No tree removal proposed.

Chapter 6 – Bushland in Urban Areas

The proposal does not propose to disturb bushland zoned or reserved for public open space.

Chapter 10 – Sydney Harbour Catchment

The subject site is identified as being located within the area affected by the Sydney Harbour Catchment provision. The proposed development raises no issues as no impact on the catchment is envisaged.

(d) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

The provisions of the Transport and Infrastructure SEPP have been considered in the assessment of the development application. Pursuant to Clause 2.48 the associated works are proposed to be carried out within the vicinity of an easement for electricity benefitting Endeavour Energy.

In accordance with Clause 2.48 the application was referred to Endeavour Energy who has advised that the site is burdened by an easement benefitting Endeavour Energy for the purposes underground mains/cables which currently has no 'Inservice' electricity infrastructure. Endeavour Energy has reviewed the proposed works in respect to the electricity easement, raising no objection to the proposal subject to conditional requirements noting compliance with the requirements of Endeavour Energy.

Local Environmental Plans

Cumberland Local Environmental Plan (CLEP) 2021

(a) Permissibility:

The land subject to the development is zoned RE1 Public Recreation and B4 Mixed Use. The proposal being recreation area is defined as follows and is a permissible land use with consent.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

The development also proposes the construction of carriageway ramp within the laneway zoned SP2 Infrastructure that traverses the middle part of the site. The proposal being a road work is also a permissible land use with consent.

Figure 7 – Cumberland LEP 2021 Compliance Table

Development Standard	Proposal	Compliance
Clause 4.1 Minimum Subdivision Lot Size No minimum size	Subdivision of Lot 45: - Lot 450 = 504m ² - Lot 451 = 148.2m ²	Yes
Clause 4.3 Height of Buildings Lots 18G, 1 & D – no limit, Lot 45 – 77m & 105m & Lot 46 – 77m	4.8m	Yes
Clause 4.4 Floor Space Ratio Lots 18G, 1 & D – no limit, Lot 45 – 8:1 & Lot 46 – 3:1	Nil	Yes

Development Standard	Proposal	Compliance
Clause 5.21 Flood Planning	The site is affected by overland flow and condition has been imposed requiring the submission of flood report prior to the issue of a construction certificate.	Yes, subject to condition
Clause 6.7 Stormwater Management	The proposed stormwater management has been reviewed by Council, which is considered satisfactory subject to condition.	Yes, subject to condition
Clause 6.9 Salinity Potential Moderate Salinity	Salinity report has been submitted and reviewed by Council, which is considered satisfactory subject to condition.	Yes, subject to condition
Clause 6.12 Urban Heat	The development accommodates sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits.	Yes

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

The proposed development is not affected by any relevant Draft Environmental Planning Instruments.

The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

The proposed development complies with the provisions of Council's Cumberland Development Control Plan (CDCP) 2021, with the exception of the location of the pedestrian link and the on-site detention system as discussed below, and is considered acceptable from an environmental planning view point.

Part F2-8 – Merrylands Station and McFarlane Street Precinct

In accordance with Part F2-8 of the CDCP 2021, as per Figure 2 and Figure 3 below, the pedestrian link marked as a blue arrow as per Figure 2 and a green link as per Figure 3, is to be located on the eastern side of the Civic Square.



Figure 2: Movement principles



Figure 3: Open space principles

The proposed pedestrian link however has been shifted towards the western side of the site, see below area highlighted in blue.



The proposal is considered acceptable, as the 3m side setbacks on the eastern side are maintained to ensure that the objectives of clause 2.2.1 movement of the CDCP to encourage the primary movement corridors around the Centre, with a pedestrian focus along McFarlane Street and particular emphasis on the proposed new Civic Square to improve permeability are satisfied. The shifting of the proposed main pedestrian link in this instance is supported.

Part G4 – Stormwater and Drainage

In accordance with Part G4 of the CDCP 2021, on-site detention (OSD) system will be required. However, an OSD system has not been provided with the proposed development. Non-compliance with the provision of OSD system requirement is considered satisfactory by Council's Development and Asset Engineers and is supported in this instance for following reasons:

- i. The project is carried out for the public benefit and that upgraded culvert within the subject site has been undertaken by Council to improve the stormwater management within the vicinity.
- ii. Proposed landscape design for public benefit cannot be achieved if the above ground OSD is to be incorporated in the design. Below ground OSD is also not feasible due to the flooding and closeness of the ground level to the existing below ground Sydney Water culvert.
- iii. It is challenging to achieve the required OSD volume in the tank, as below ground tank shall be designed for submerged condition.
- iv. The site is affected by flooding, therefore the OSD system will not be effective.
- v. Post development will reduce the extent of the existing total impervious area, and this will assist stormwater management within the locality.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))

There is no draft planning agreement associated with the subject Development Application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

The proposed development raises no concerns as to the relevant matters arising from the *Environmental Planning and Assessment Regulations 2000* (2021 Regulation). The *Environmental Planning and Assessment Regulation 2021* (2021 Regulation) commenced on 1 March 2022 and replaced the 2000 Regulation. The 2000 Regulation continues to apply instead of the 2021 Regulation as the subject development application was made but not finally determined before 1 March 2022 in accordance with Schedule 6 Savings Transitional and other provisions of the 2021 Regulation.

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site and locality is known to be affected by any natural hazards or other site constraints. However, it is unlikely to have a significant adverse impact on the proposed development provided that the suitable mitigation measures have been proposed as discussed above. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (Website) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the Cumberland DCP 2021, the proposal was publicly notified for a period of 14 days between 19 January 2022 and 2 February 2022. The notification generated one (1) submission in respect of the proposal with nil submission disclosing a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

Figure 8 – Submissions summary table

Issue	Planner's Comment
It is requested that additional details are to be provided as to how the development intends on dealing with the transitional interphase between the Civic Square and the façade/existing arcade of No. 20 McFarlane. If the Square is completed very soon (especially Stage 1) and the existing building at No. 20 McFarlane is still standing, what would be the proposed detailed treatment that will be able to deal with the future transitional interphase between the Civic Square and a future façade of new High Density Mixed Use Development at No.	The proposed design allows for a 3m buffer on either side of the square to allow for the future redevelopment of the adjacent properties. The redevelopment of these adjacent properties will need to ensure that it adequately integrates into the design of the square, providing a continuous colonnade and active frontage along the length of the square. In the interim, during the transition phase of the development, a boulevard of tree plantings will be provided within the square to provide sufficient visual interest, whilst masking the blank interface of the existing

20 McFarlane Merrylands. No doubt this transitional interphase is not only an issue that is being faced by Council for the owners Properties at No. 20 McFarlane but also for the owners properties that are located on the other side of the Civic Square.	buildings. Additionally, the plan would include temporary art installations along the blank walls, until these properties are redeveloped.
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The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

CUMBERLAND LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

The development would not require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

The applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION

The proposed development is appropriately located within the RE1 Public Recreation, B4 Mixed Use and SP2 Infrastructure zones under the relevant provisions of the Cumberland LEP 2021. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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

RECOMMENDATION

- 1. That Development Application No. DA2021/0693 for construction of a new Civic Square for the Merrylands Town Centre inclusive of staging of construction, subdivision, landscaping and lighting on land at 203-211 Merrylands Road, 213 Merrylands Road and part 28-36 McFarlane Street, MERRYLANDS NSW 2160 be approved subject to conditions listed in the attached schedule.**

- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

ATTACHMENTS

1. Draft Notice of Determination
2. Concept, Landscape and Stormwater Plans
3. Shadow Diagram
4. Submission Received
5. Cumberland LEP Assessment
6. Cumberland DCP Assessment