

DATE OF DETERMINATION	7 April 2022
DATE OF PANEL DECISION	7 April 2022
PANEL MEMBERS	Abigail Goldberg (Chair), Susan Budd, Roberta Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 April 2022.

MATTER DETERMINED

PPSSCC-332 - DA2021/0693 – Cumberland - 203-213 Merrylands Road, Merrylands and 28-36 Merrylands Road, Merrylands - Merrylands Civic Square - Construction of a new Civic Square for the Merrylands Town Centre inclusive of staging of construction, subdivision, landscaping and lighting.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

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 approve the application for the reasons outlined in the Council Assessment Report. Additionally, Council provided additional assessment on 6 April 2022, against *Clause 5.21 Flood planning* in Cumberland Local Environmental Plan 2021, that is supported by the Panel.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report, including the addition of the following condition drafted by Council on 6 April 2022.




- Conditions which must be satisfied prior to the issue of any Occupation Certificate**
DAOCZ06 - Covenant for Long Term Environmental Management Plan
 In the event that any identified contamination is to remain on site, a positive covenant and/or a restriction as to user shall be created under section 88E of the Conveyancing Act 1919 and be imposed on the title of the land to ensure that the provisions of the Long Term Environmental Management Plan (LTEMP) are complied with in perpetuity.
 (Reason: To ensure compliance with requirements of LTEMP for contaminated sites).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered one written submission made during public exhibition. The issue of concern included:

- The provision of additional details in relation to the subject development and the transitional interphase between the Civic Square and the façade/existing arcade of No.20 McFarlane.

The Panel considers that concerns raised by the community have been adequately addressed in the Council Assessment Report.

PANEL MEMBERS	
<div>Abigail Goldberg (Chair)</div> <div></div>	<div>Susan Budd</div> <div></div>
<div>Roberta Ryan</div> <div></div>	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-332 – Cumberland - DA2021/0693
2	PROPOSED DEVELOPMENT	Construction of a new Civic Square for the Merrylands Town Centre inclusive of staging of construction, subdivision, landscaping and lighting.
3	STREET ADDRESS	203-213 Merrylands Road, Merrylands and 28-36 Merrylands Road, Merrylands
4	APPLICANT/OWNER	Gyde Consulting/ Cumberland City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience & Hazards) 2021 • State Environmental Planning Policy (Biodiversity & Conservation) 2021 • State Environmental Planning Policy (Transport & Infrastructure) 2021 • Cumberland Local Environmental Plan 2021 • Cumberland Development Control Plan 2021
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 29 March 2022 • Written submissions during public exhibition: One (1) • Total number of unique submissions received by way of objection: One (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 10 February 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair) ○ <u>Council assessment staff</u>: Jai Shanker, Michael Lawani, Shona Porter, Siva Sivakumar, Olivia Yana, Maria D’Souza ○ <u>Applicant representatives</u>: Anthony Kazacos ○ <u>DPE</u>: George Dojas, Alexandra Hafner • Assessment Briefing: 24 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg, Roberta Ryan, Brian Kirk ○ <u>Council assessment staff</u>: Jai Shankar, Michael Lawani, Olivia Yana, Harley Pearman ○ <u>DPE</u>: George Dojas
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report