



IRF 24/791

Plan finalisation report – PP-2022-2668

Reclassification of Lot 1 DP 1161392 (adjacent to 2 -
10 Victoria Street East and 49 East Street, Lidcombe)
from community to operational land

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Cumberland Local Environmental Plan 2021 (Amendment No. 6).

The objective of the planning proposal is to reclassify the site from ‘community’ to ‘operational’ land, to facilitate the orderly and economic use of it and the adjoining lands.

1.1.2 Site description

Table 1 Site description

Site Description	The planning proposal applies to land at Lot 1 DP 1161392 adjacent to 2-10 Victoria Street East and 49 East Street, Lidcombe
Type	Site
Council / LGA	Cumberland City Council

The site is legally described as Lot 1 DP 1161392. It is not assigned a street address, but located adjacent to 2-10 Victoria Street East and 49 East Street, Lidcombe. It has a linear form extending from Victoria Street East at its northern end, to East Street at its southern end. It is 5m wide and 156m long with an area of 727m².

The site contains a stormwater drain which is part of the Rookwood stormwater channel. The stormwater drain is enclosed at its northern end as it passes below a building and open at its southern end.

The northern end of the site traverses 2-10 Victoria Street East, Lidcombe (Lot C 348900) (**Figure 1**). This property is zoned E4 General Industrial and contains light industrial uses (**Figure 2**).

The southern end of the site traverses 49 East Street, Lidcombe (Lot 1 DP 135368) (**Figure 1**). This property is zoned SP2 - Infrastructure (Defence land) and contains the City of Bankstown Australian Airforce Cadets (**Figure 2**).

The site is located to the south of Lidcombe Town Centre and to the west of Rockwood cemetery (**Figure 3**). Surrounding developments are:

- immediate north of the site is Victoria Street East. Further to the north is a light industrial precinct and low-density residential dwellings;
- south of the site are low density residential dwellings fronting Darcy Avenue;
- Immediate east of the site is East Street. Further to the east is Rookwood cemetery (largest cemetery in the southern hemisphere being 314 hectares in area); and
- west of the site are low density residential dwellings fronting Gromley Street.

The planning proposal contains objectives that adequately explain the intent of the proposal.

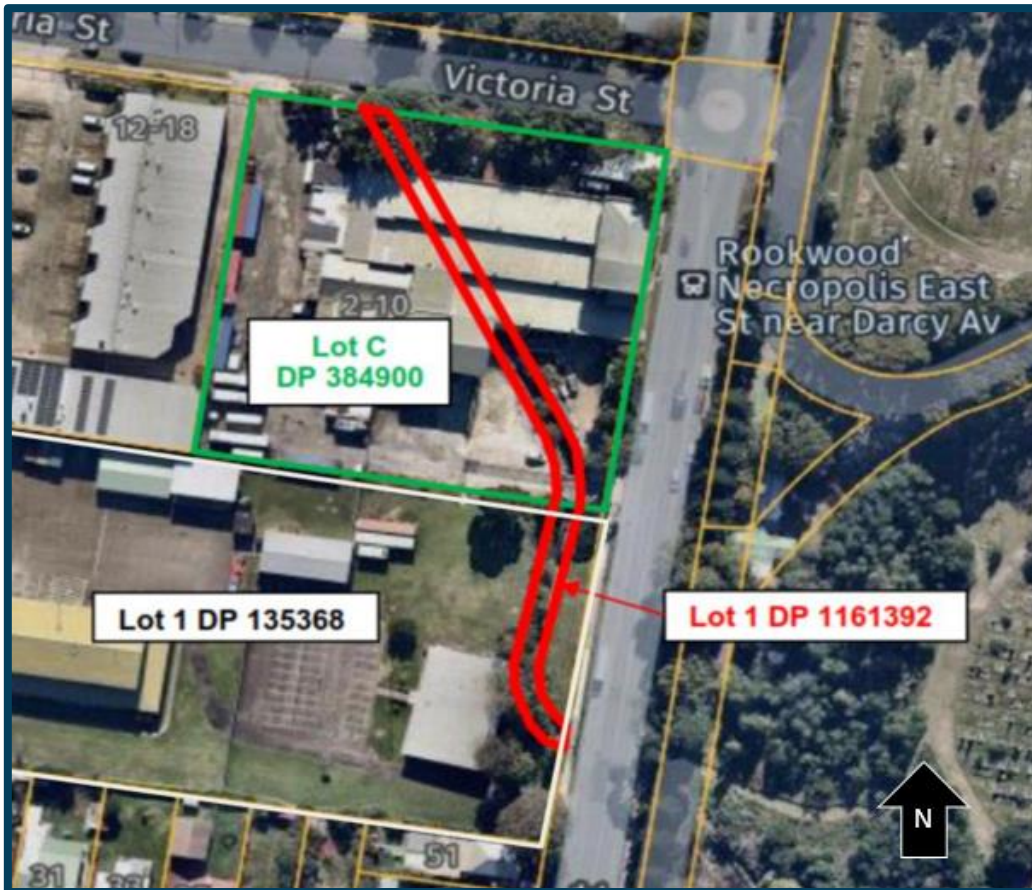


Figure 1: Aerial photo with the site highlighted red (Source: The planning proposal)



Figure 2: Zoning map with the site highlighted red (Source: NSW planning portal)



Figure 3: Site context map with the site highlighted orange (Source: Six maps)

1.1.3 Purpose of plan

The proposal seeks to amend the Cumberland Local Environmental Plan 2021 (CLEP), by adding the site (Lot 1 DP 1161392) to Schedule 4 - Part 1, identifying it as land classified, or reclassified, as operational land with no interests changed.

No changes are proposed to the principal planning provisions or any other provisions of the CLEP.

The planning proposal has been assessed against the provisions of PN 16-001 - Classification and reclassification of public land through a local environmental plan. The proposal is consistent with PN 16-001.

The planning proposal states that:

- the site was transferred into Council's ownership by the Department of Public Works in October 1974.
- the site is not subject to any leases or agreements for its use, nor are there any proposed dealings.
- the site is used for stormwater infrastructure and is required for that purpose into the future.
- an easement will be put in place to establish a right for the ongoing use of the land for drainage purposes.

the reclassification is not the result of a study or report but is consistent with and will facilitate achievement of Council's strategic plans for the area.

The LEP does not require the approval of the Executive Council because it does not alter any public reserve status nor discharge any interests, including those affecting public land.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The table below outlines the current and proposed controls for the LEP.

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	E4 General Industrial	E4 General Industrial
Reclassify land from	Community	Operational

1.1.4 State electorate and local member

The site falls within the Auburn state electorate. Ms Lynda Voltz MP is the State Member.

The site falls within the Reid federal electorate. Sally Sitou MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 10/07/2023 determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions.

In accordance with the Gateway determination the proposal is due to be finalised on 19/04/2024.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 5/09/2023 to 5/10/2023.

No community submissions were received.

3.1 Advice from Agencies

In accordance with the Gateway determination, Council was required to consult with Sydney Water who raised no objection to the proposal.

Council also consulted with the Australian Department of Defence as the landowner of Lot 1 DP 135368 with no submission received.

Council has adequately addressed matters raised in submissions from public authorities.

3.2 Public Hearing

On 2 November 2023, a public hearing was held. One member of the community attended the public hearing and made a verbal submission with no objection raised subject to there being no change in the zoning or land use of Lot C DP 384900.

In response, the independent chairperson recommended to Council that it:

- 1. Consider the viewpoints and issues raised in the verbal submission outlined in Section 5 when making the decision whether to proceed with the proposed reclassification.*

2. *Reclassify Lot 1 DP 1161392 from community land to operational land as shown in red in ... [Figure 1 above].*

3.3 Council's Post-exhibition Decision

On 20 March 2024, Council resolved to:

'1. Adopt the reclassification of the land at Lot 1 DP 1161392 (Council owned stormwater infrastructure), 2-10 Victoria Street East, Lidcombe that seeks to amend the Cumberland Local Environmental Plan 2021 to:

a) Reclassify Lot 1 DP 1161392, 2 -10 Victoria Street East (Council owned stormwater infrastructure), Lidcombe from 'Community' to 'Operational' land under the Local Government Act, 1993 and

b) Amend Part 1 of Schedule 4 of Cumberland LEP 2021 to identify Lot 1 DP 1161392 as 'Operational' land.

2. Endorse the Planning Proposal seeking to reclassify Council land on Lot 1 DP 1161392, 2-10 Victoria Street East, Lidcombe prepared by an independent planning consultant (GLN Planning) appointed by Council to be finalised and forwarded to the Department of Planning, Infrastructure and Housing for plan making and finalisation.

3. Endorse the Public Hearing Report prepared by Parkland Planners for the Planning Proposal for 2-10 Victoria Street East, Lidcombe for the reclassification of land; and

4. Note that the Local Environmental Plan amendment will be published in New South Wales Government Gazette upon finalisation.

5. Note that the proposal does not involve any change of zoning or other planning controls applicable to the land under Cumberland LEP 2021.'

On 26 March 2024, Council wrote to the Department requesting finalisation of the planning proposal in accordance with its resolution.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal.

As outlined in the Gateway determination report, the planning proposal submitted to the Department for finalisation:

- Remains consistent with the regional and district plans relating to the site.
- Remains consistent with the Council's Local Strategic Planning Statement.
- Remains consistent with all relevant Section 9.1 Directions
- Remains consistent with all relevant SEPPs

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1

Table 3 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 4 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 5 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Council confirmed on 8/04/2024 that it approved the draft and that the plan should be made.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	<p>On 12/04/2024, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the draft LEP has strategic merit being consistent with Cumberland 2030 'Our Local Strategic Planning Statement';
- it is consistent with the Gateway Determination; and
- issues raised during community and agency consultation have been addressed, and there are no outstanding agency objections to the proposal.



19 April 2024

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