



CUMBERLAND
CITY COUNCIL

PLANNING PROPOSAL

2- 10 Victoria Street East, Lidcombe
(PP2022/0001)



Proposal to facilitate reclassification of the land from “community” to
“operational” land.

JANUARY 2024
PREPARED BY GLN PLANNING
FOR FINALISATION

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Supporting documents

1. Gateway Determination (PP 2022-2668), 10 July 2023
2. Council Report and Resolution, 3 May 2023
3. Cumberland Local Planning Panel Report and Advice, 14 December 2022
4. LEP Practice Note PN 16-001 ‘Classification and reclassification of public land through a local environmental plan’.
5. Title Searches for lands affected.
6. Deposited Plan showing details of council owned land affected by stormwater infrastructure.
7. NSW Gazette Notices to demonstrate that the land was transferred from public works to former Auburn Council and resumption.

Introduction

Cumberland City Council (Council) has engaged GLN Planning to prepare this Planning Proposal in response to a request made by Planning Ingenuity on behalf of Gabriss Pty Ltd for the land within Council's drainage infrastructure (the site) that crosses at 2 -10 Victoria Road East, Lidcombe.

The Planning Proposal Request seeks to amend the Cumberland Local Environmental Plan 2021 (Cumberland LEP 2021) to reclassify the site known as Lot 1 DP 1161392 from 'community' to 'operational' land to enable its lease, sale and/or further development in conjunction with the adjoining land at 2-10 Victoria Street East (Lot C DP 384900). The proposal does not involve any change of zoning or other planning controls applicable to the land under Cumberland LEP 2021. The reclassification will be effective by the amendment of Part 1, Schedule 4 of Cumberland LEP 2021 to identify Lot 1, DP1161392 as 'operational' land.

Cumberland Local Planning Panel (the Panel) and Council have endorsed the Proposal. The Department of Planning and Environment (the Department) have issued a Gateway Determination. Refer to the Panel and Council Meeting report and minutes, and Gateway Determination attached (Attachments 1, 2 and 3).

The site and its context

The site subject to the Planning Proposal (as shown in **Figure 1**) is used for drainage purposes and comprises a narrow strip of land approximately 5 metres wide passing through 2-10 Victoria Street East (Lot C DP 384900) and 49 East Street (Lot 1 DP 135368). The legal description of the land to be reclassified is Lot 1 DP 1161392 and it has an area of 727m². The subject land (outlined in red) and surrounds are shown in the aerial photo in **Figure 1** below. The land adjacent to the site to the south (49 East Street) owned and occupied by the Commonwealth of Australia (Defence) is outlined in white. The Gabriss Pty Ltd owned land at 2-10 Victoria Street East is outlined in green. The land the subject of this Planning Proposal dissects the Gabriss Pty Ltd and Commonwealth of Australia (Defence) land.

The site forms part of the Rookwood Stormwater channel, a stormwater drainage system established in 1915. The channel is largely open for approximately 96 of the overall 152 metre length from Victoria Street East to East Street. A portion of the building on 2 -10 Victoria Street East is located above the drainage network with the infrastructure located underground.

2-10 Victoria Street East (Lot C DP 384900) is currently developed with a mix of light industrial land uses utilising existing buildings and hardstand areas. The current configuration of the channel within Lot 1 DP 1161392 through the adjoining land at 2-10 Victoria Street East (Lot C DP 384900) does not directly affect the ongoing land uses, however it limits the development potential of Lot C DP 384900 which is effectively severed by the location of the drainage infrastructure.



Figure 1: The site in its local context

The site is located to the south of Lidcombe Town Centre as shown by **Figure 2**:
Surrounding land uses include:-

- To the east: Rookwood Cemetery;
- To the south: established residential area with a mix 1- 2 storey houses;
- To the north: light industrial uses and Lidcombe Town Centre; and
- The west: established residential area with a mix 1- 2 storey houses.

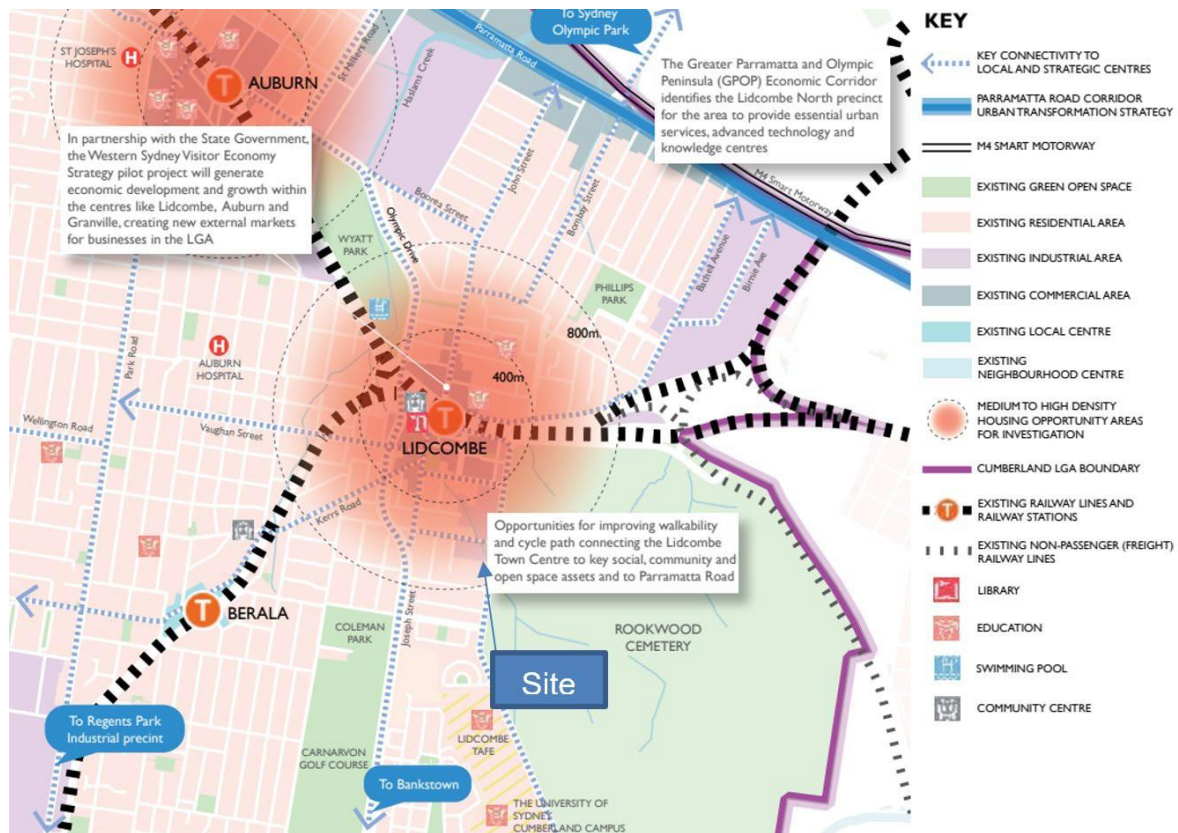


Figure 2: The site in its regional context

Structure of this Planning Proposal

The form and content of this Planning Proposal complies with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment's Local Environmental Plan Making Guideline (2021).

The Planning Proposal is structured as follows:

- Part 1—Objectives and intended outcomes
- Part 2—Explanation of provisions
- Part 3—Justification of strategic and site-specific merit
- Part 4—Maps
- Part 5—Community consultation
- Part 6— Project timeline

Part 1—Objectives and intended outcomes

The Planning Proposal seeks to reclassify Lot 1 DP 1161392 from “community” to “operational” land as identified for the purposes of the Local Government Act 1993 (LG Act). The reclassification is proposed to be effected by amendment of Part 1, Schedule 4 of Cumberland LEP 2021.

“Public land is managed under the Local Government Act 1993 (LG Act) based on its classification. Under Part 2 of the LG ACT, all public land vested in a Council (except a road or land to which the Crown Lands Act 1989 applies) must be classified as either ‘community’ land or ‘operational’ land (LG Act ss.25, 26).

- *Community land – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.*
- *Operational land – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage*

The classification of public land determines the manner in which Council must manage public land, including its sale, leasing or licensing. It also provides for transparency in Council's strategic asset management or disposal of public land.

Community land cannot be sold, exchanged or disposed of by Council. A lease of community land may be granted with restrictions in accordance with an adopted Plan of Management (POM).

There is no change proposed to the zoning of the land of Lot 1 DP 1161392 or the adjoining land which Lot 1 DP 1161392 traverses that is identified as Lot C DP 384900 and Lot 1 DP 135368.

Part 2—Explanation of provisions

The proposal seeks to amend Cumberland LEP 2021 by the amendment of Part 1, Schedule 4 of Cumberland LEP 2021 to identify Lot 1, DP1161392 as ‘operational’ land.

The subject land will remain zoned E4 General Industrial and SP2 Infrastructure (Defence). The height of buildings map does not apply to the subject land or adjoining sites. A 1:1 FSR and a minimum Lot size of 1500m² applies to the E4 zoned land only. The SP2 Infrastructure (Defence) land is not subject to FSR, maximum height of building or minimum lot size provisions under Cumberland LEP 2021. The applicable planning controls under Cumberland LEP 2021 are summarised in **Table 1** below.

There is no other change proposed to the provisions of Cumberland LEP 2021 as it applies to the land as summarised in **Table 1** below. An extract of the land zoning map of Cumberland LEP 2021 is shown in **Figure 3** below.

Table 1- Cumberland LEP 2021 provisions

Planning Control	Existing	Proposed
E4 General Industrial Zoned Land – Part Lot 1 DP 1161392 traverses Lot C DP 38490, 2-10 Victoria Street East, Lidcombe		
Land Zoning (Prior to 26 April 2023)	IN2 Light Industrial	IN2 Light Industrial
Land Zoning (After 26 April 2023)	E4 General Industrial	E4 General Industrial
Height of Buildings	N/A	N/A
Floor Space Ratio	1:1	1:1
Minimum Lot Size	1500m ²	1500m ²
Foreshore Area	Part within Foreshore Area and subject to Foreshore Building Line	Part within Foreshore Area and subject to Foreshore Building Line
SP2 Infrastructure (Defence) Zoned Land – Part Lot 1 DP 1161392 traverses Lot 1 DP 135368 49 East Street, Lidcombe		
Land Zoning	SP2 Infrastructure (Defence)	SP2 Infrastructure (Defence)
Height of Buildings	N/A	N/A
Floor Space Ratio	N/A	N/A
Minimum Lot Size	N/A	N/A
Foreshore Area	Part within Foreshore Area and subject to Foreshore Building Line	Part within Foreshore Area and subject to Foreshore Building Line

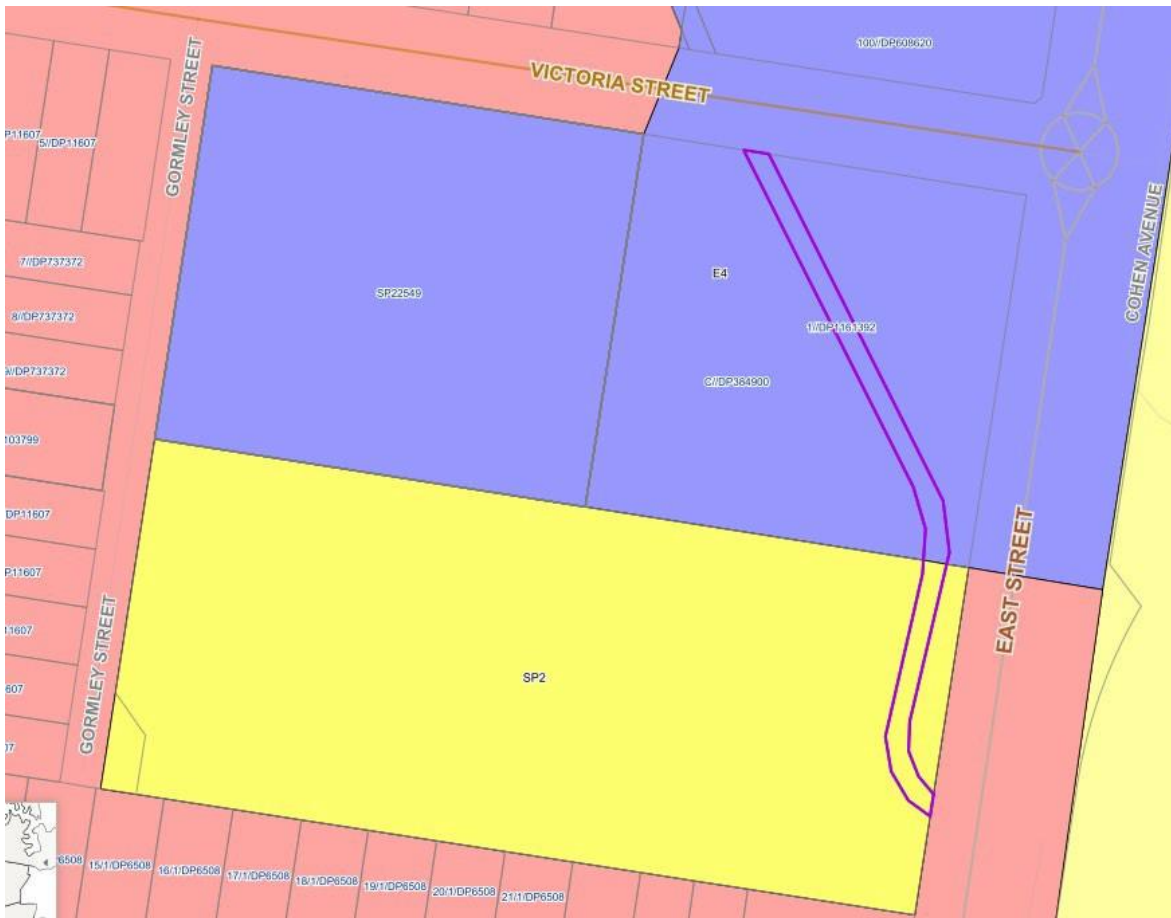


Figure 3 – Existing zoning of the land under Cumberland LEP 2021 and location of drainage infrastructure subject to Planning Proposal outlined in purple

Part 3—Justification of strategic and site-specific merit

Section A – Need for the Proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

No. The Planning Proposal Request relates to reclassification of a small portion of Council owned land, which is not the result of an endorsed local strategic planning statement, strategic study or report. The reclassification of the land seeks to facilitate and continue the ongoing use of and enable future development of 2-10 Victoria Street East for industrial purposes within the south-eastern fringe of the Lidcombe Town Centre, which aligns with the current Cumberland LEP 2021 zoning provisions. The Planning Proposal is required to reclassify the land.

The Planning Proposal is the best and only means of achieving the objective and intended outcome to reclassify Lot 1 DP 1161392 as 'operational' land and to enable the ongoing business and industrial uses of the land, or its sale or lease to enable the redevelopment of land adjoining the drainage/stormwater infrastructure.

The Registrar-General's Guidelines under section 12D of the Real Property Act 1900, (RP Act) appearing on the Registrar-Generals Guidelines website, contains the following statement in respect of drainage reserves vested in local councils,

'A drainage reserve comprises operational land and may be dealt with in the same manner as other operational land standing in the name of the Council.'

This statement indicates an intention to effectively manage drainage reserves that they are to be classified as operational land. The provisions of the RP Act cannot apply a classification of operational land. In this instance, the only means to reclassify public land as community land is by way of an amendment to the Local Environmental Plan. If Lot 1 DP1161392 is not reclassified as operational land in accordance with the provisions of the LG Act then, the dealings Council may have with respect to the land will be restricted.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the only means of achieving the objectives and intended outcomes. There is a strong case for change and a genuine need to reclassify the existing Council owned drainage infrastructure from 'community' to 'operational' land to enable the future redevelopment and the orderly and economic use of the adjacent land for industrial purposes.

LEP Practice Note Information Checklist Compliance

LEP Practice Note PN 16-001 dated 15 October 2006 "Classification and reclassification of public land through a local environmental plan" (Attachment 4) provides guidance on classifying and reclassifying public land through an LEP amendment. The practice note includes a comprehensive information checklist for Council to demonstrate strategic and site-specific merit, **Table 2** provides a summary of the information checklist and the

Planning Proposal request. All matters required to be addressed under LEP Practice Note PN 16-001 have been included within the Planning Proposal.

Table 2 - Information Checklist LEP Practice Note PN 16-001

Matters to be addressed for land proposed to be reclassified (Lot 1 DP 1161392)	Detail of planning proposal request
<i>Current Classification of land proposed to be reclassified</i>	'Community'.
<i>Proposed Land Classification</i>	'Operational'.
<i>Is the land a public reserve under the LG Act</i>	No.
<i>Strategic and Site-Specific Merits</i>	Yes, Strategic merit of planning proposal established in reports to Cumberland Local Planning Panel and Council Meetings attached (Attachments 2 and 3)
<i>Is the Proposal a result of a strategic study or report?</i>	No, refer to discussion in the main body of this report and also reports to the Cumberland Local Planning Panel and Council meetings.
<i>Is the planning proposal consistent with Council's Community and local strategic plans and Plans of Management</i>	Yes, see discussion in the main body of this report. The land to be reclassified is not affected by any Plans of Management and General Community Use registers within Cumberland City or former Auburn City Council's.
<i>Summary of the Councils interest in the land</i>	The site was transferred to the Auburn Council by then Department of Public Works in October 1974, see Government Gazette No 129 dated 25 October 1974 (refer to Attachment7 for details).
<i>Is an interest in the land proposed to be discharged?</i>	No.
<i>The effect of the classification change</i>	There is no change the land will continue to be used for stormwater drainage purposes.
<i>Relevant status and interests in the land</i>	The land is owned by Cumberland City Council, there are no easements or leases registered or granted over the land.
<i>Current use of the land</i>	The land is lawfully used as a stormwater culvert.
<i>Current and/or proposed leases and agreements for use of the land</i>	There are no existing or proposed leases or agreements for use of the land.
<i>Current and/or proposed dealings for sale and lease of the land</i>	There are no proposed dealings for sale or lease of the land. The land is used and will be required to be used for stormwater infrastructure. Appropriate easements for stormwater purposes would be required to be registered on the title of the Lot 1 DP 1161392. Current Title searches and Deposited Plan of the land to be reclassified are contained in Attachments 5 and 6.
<i>Any associated rezoning of the land</i>	No change to the zoning of the land is proposed.
<i>Benefit to Council financially and how the funds will be used</i>	Not applicable as no agreements are proposed.
<i>How Council will ensure funds remain available to proposed open space or improvements</i>	Not applicable.

<i>A Land Reclassification Map in accordance with technical requirements for Part lots</i>	An LEP map is not required since the proposal request seeks to reclassify the whole of Lot 1, DP 1161392. The land to be reclassified will be identified in Part 1 of Schedule 4 of the Cumberland LEP 2021.
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Public benefit offer

A Public Benefit Offer has not been made.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The proposal is broadly consistent with the strategic planning framework and policy context, as outlined below.

Consistency with Greater Sydney Region Plan - A Metropolis of Three Cities

The proposal is broadly consistent with the Greater Sydney Region Plan, by the maintenance of the current industrial and special uses zoning of the site. The reclassification will enable ongoing use and redevelopment of the existing industrial zoned land in a manner that will support the objectives of:

- Objective 3: Infrastructure adapts to meet future needs. The proposal seeks to ensure the existing stormwater infrastructure can be accommodated within the form of future redevelopment and that Council is able to appropriately deal with and manage the use of drainage infrastructure.
- Objective 22: Investment and business activity in centres. The planning proposal request seeks to ensure future redevelopment of the land adjoining the drainage infrastructure can be undertaken in a practical and sensible form in support of the existing and future support of Lidcombe Town Centre.
- Objective 23: Industrial and urban services land is planned, retained and managed. The planning proposal request supports the existing zoned industrial and infrastructure land within Lidcombe Town Centre. The reclassification will enable redevelopment of land as anticipated by Cumberland LEP 2021.

Consistency with the Central City District Plan

The proposal is generally consistent with the Central City District Plan, including:

- Priority C1: Planning for a city supported by infrastructure. The proposal seeks to enable Council to deal with and maintain the existing stormwater infrastructure in future redevelopment of the land. All existing stormwater infrastructure will be maintained.
- Priority C11 Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land. The Gabriss land redevelopment

potential is impacted by the location of the existing community land parcel across the site and Council's current inability to enter into suitable arrangements to ensure the stormwater infrastructure is enhanced and maintained in response to redevelopment of the surrounding land. The planning proposal request will enable more orderly and economic use of both Lot 1 DP 1161392 and the adjacent land consistent with the objectives of the EP&A Act 1979.

Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The proposal is generally consistent with Cumberland 2030: Our Local Strategic Planning Statement, including:

Local jobs and businesses:

- Local Planning Priority 3 - Aligning local infrastructure delivery with planned growth. The Planning Proposal request will support and enable the existing stormwater infrastructure whilst enabling redevelopment of the existing zoned lands.
- Local Planning Priority 10 – Support a strong and diverse local economy across town centres and employment hubs. The planning proposal request will enable the orderly and economic redevelopment of both private and Council owned lands in manner to ensure the maximum support to the Lidcombe Town Centre and support the employment potential of land zoned under Cumberland LEP 2021.
- Local Planning Priority 11 – Promote access to local jobs, education and care services. The planning proposal request will enable the ongoing and enhanced use of existing employment generating land within the facilities and services provided within Lidcombe Town Centre.
- Local Planning Priority 12 – Facilitate the evolution of employment and innovation lands to meet future needs. The location of the existing stormwater infrastructure centrally dissecting the E4 General Industrial zoned land acts as a disincentive to redevelopment of the land to meet the changing needs and demands of the Cumberland Community.

Consistency with the Cumberland Community Strategic Plan

The planning proposal is generally consistent with the Cumberland Community Strategic Plan 2017-2027, including:

- 2.1 Objective: Celebrate our diverse built and natural environments Specifically, strategy 2.1.1 Prepare land use plans and controls that value our heritage, encourage economic development, facilitate local infrastructure improvements and create vibrant precincts. The planning proposal request will enable the redevelopment of the land adjoining Lot 1 DP 1161392 in a manner to maximise the development potential of the site within the Lidcombe Town Centre and ensure the existing stormwater infrastructure.
- 3.1 Objective: We have public spaces that are welcoming, inclusive and promote pride in the area. Specifically, Action 3.1.1 Our physical infrastructure is sustainably planned and managed to meet our changing needs. At the time of the creation of the stormwater infrastructure and the vesting of the ownership in the former Auburn

Council, the ability to deal with Council owned land was not subject to the provisions introduced under the LG Act as the classification of Council owned land was not required then. The classification of Council owned land ensures an appropriate level of scrutiny is provided when dealing with Council assets. The reclassification will not impede the ability of the land to serve the existing and ongoing stormwater disposal but will rather enable the consideration of redevelopment of the land and adjoining land in a wholistic approach when the subject of a future development application.

- 4.1 Objective: The community is proud to be served by a sustainable and transparent Council organisation. This planning proposal request has been the subject of a preliminary exhibition and will be the subject of a public hearing and further statutory exhibition and notification. In addition, this request is assessed independently and will be reported to the Cumberland Local Planning Panel via this report and Council.
- 4.2 Objective: An informed community included in decision making and long-term planning. The progression of the planning proposal request will be updated on Council's website, the Department of the Planning and Environment LEP tracking website and via the notification of key points in the Planning Proposal and reporting to Council meetings.

Consistency with Cumberland Employment Lands and Innovation Strategy and Study 2019

The planning proposal is also consistent with the Cumberland Employment Lands and Innovation Strategy and Study 2019 strategic land use framework and planning principles. The land affected by the proposal request is shown as other industrial lands and does not form part of a strategic employment land precinct.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other applicable State and regional studies or strategies that apply. This Planning Proposal does not seek to amend the zoning of the land or change any applicable environmental planning instruments or development controls.

Q6. Is the planning proposal consistent with applicable SEPPs?

Yes. The Planning Proposal is consistent with applicable *State Environmental Planning Policies* (SEPPs). There are no applicable *Regional Environmental Plans* (REPs).

State Environmental Planning Policy	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Not applicable. Any proposed tree removal on site will be documented at the DA stage.

State Environmental Planning Policy (Sustainable Buildings) 2022	Not applicable.
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State Environmental Planning Policy	Comment
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The provisions of the SEPP may be relevant for future developments on the site.
State Environmental Planning Policy (Housing) 2021	Not applicable to the site. The site is part zoned E4 General Industrial (formerly IN2 Light Industrial) and SP2 Infrastructure (Defence).
State Environmental Planning Policy (Industry and Employment) 2021	Not applicable at this stage. Compliance with the relevant provisions in relation to advertising or signage would be considered at a future DA stage.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Not applicable. Now repealed.
State Environmental Planning Policy (Planning Systems) 2021	Not applicable.
State Environmental Planning Policy (Precincts—Central River City) 2021	Not applicable. While the site is within the Central River City Precinct, there are no specific provisions which relate to the site.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Not applicable. The site is within the Central City.
State Environmental Planning Policy (Precincts—Regional) 2021	Not applicable. The site is not identified as a state significant precinct.

State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not applicable. The site is within the Central City.
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State Environmental Planning Policy	Comment
State Environmental Planning Policy (Primary Production) 2021	Not applicable. The proposal does not result in any primary production and rural development; State significant agricultural land; or marine waters or oyster aquaculture
State Environmental Planning Policy (Resilience and Hazards) 2021	Not applicable. The proposal does not change the use or zoning of the land.
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable. The proposal does not result in any mining, petroleum production and/or extractive industries.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Not applicable. The proposal does not change the use or zoning of the land.
Employment Zone Reform - Self Repealing SEPP	As part of Department of Planning and Environment's ongoing employment land zoning reforms, the proposal site zoned IN2 Light Industrial has been rolled over to E4 General Industrial zone under Cumberland LEP 2021. These reforms took effect 26 April 2023. The employment zone reforms do not affect the planning proposal's need, intent and objectives and only seeks to reclassify council owned drainage infrastructure from community to operational land by amending the Cumberland LEP 2021.

Table 3 - Consistency with applicable SEPPs

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Yes. The Planning Proposal is consistent with the following applicable Section 9.1 Ministerial Directions.

Section 9.1 Direction	Comment
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	The Planning Proposal is consistent with the overall intent of the Central District Plan, and will not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.
1.2 Development of Aboriginal Land Council land	The Planning Proposal has considered the relevant provisions of Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021. It is noted this site is not identified within the Land Application Map and a delivery plan has not been prepared for the site.
1.3 Approval and Referral Requirements	This is an administrative requirement for Council. It is noted that the proposed amendments do not require the concurrence, consultation or referral of development applications to a Minister or public authority and do not incorporate designated development
1.4 Site Specific Provisions	The amendment of Schedule 4 Part 1 of Cumberland LEP 2021 is the only means by which reclassification of Council owned land can be undertaken other than where the land is classified by resolution of Council on purchase. The site as Council owned land prior to the introduction of the Local Government Act 1993 can now only be reclassified by a planning proposal. The proposal does not change the underlying zoning of the land and does not propose site specific provisions. The reclassification of the land will facilitate the ongoing use and future development of the land for general industrial purposes consistent with the current Cumberland LEP 2021 provisions. The planning proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with Cumberland LEP 2021.
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable

Section 9.1 Direction	Comment
1.6 Implementation of Northwest Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.14 Implementation of Greater Macarthur 2040	Not applicable
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable

Section 9.1 Direction	Comment
1.16 North West Rail Link Corridor Strategy	Not applicable
1.17 Implementation of the Bays West Place Strategy	Not applicable
Focus area 2: Design and Place	
[This Focus Area was blank when the Directions were made, in anticipation of the Design and Place State Environmental Planning Policy (D & P SEPP) The commencement of the D & P SEPP did not proceed. This Planning Proposal was prepared in April 2023]	
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Not applicable
3.2 Heritage Conservation	Not applicable
3.3 Sydney Drinking Water Catchments	This direction does not apply to the Cumberland LGA.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	This direction does not apply to the Cumberland LGA.
3.5 Recreation Vehicle Areas	Not applicable, the site does not incorporate any conservation zone or comprise a beach or a dune adjacent to or adjoining a beach.
Focus area 4: Resilience and Hazards	
4.1 Flooding	The site is located within a “flood planning area” as identified on Council’s Flood Planning Map with no changes to the flood planning provisions for the site proposed. The reclassification of the land will not affect or alter the current identified flood risk for the site. Any future redevelopment of the site facilitated by the reclassification can be designed to mitigate flood risk and address the flood planning requirements of Clause 5.21 of the Cumberland LEP 2021. The planning proposal does not intend to change or modify the existing building on site.

Section 9.1 Direction	Comment
4.2 Coastal Management	Not applicable.
4.3 Planning for Bushfire Protection	Not applicable. The site is not identified as Bushfire Prone Land or proximate to Bushfire Prone Land on Council's published Bushfire Prone Land Map.
4.4 Remediation of Contaminated Land	The site has been historically used for industrial purposes. The Planning Proposal does not change the use of the land or its proposed built form. Development Applications for the future use of the site will consider the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021.
4.5 Acid Sulfate Soils	The site is identified as containing potential Class 5 acid sulfate soils on the mapping contained within the Cumberland LEP 2021. The reclassification of the land will not result in any significant adverse environmental impacts and the future use and redevelopment of the site that may be facilitated by the reclassification will not increase this risk.
4.6 Mine Subsidence and Unstable Land	Not applicable. The site is not identified on land that is within a declared mine subsidence district in the <i>Coal Mine Subsidence Compensation Regulation 2017</i> pursuant to section 20 of the <i>Coal Mine Subsidence Compensation Act 2017</i> .

Focus area 5: Transport and Infrastructure

5.1 Integrating Land Use and Transport	The Planning Proposal will enable redevelopment of the adjacent land consistent with the direction, by providing jobs and services close to public transport and accessible by walking and cycling in an existing urban area.
5.2 Reserving Land for Public Purposes	Not applicable. The proposal does not include any land reserved for a public purpose or likely to be acquired. The site is already publicly owned and will enable the logical redevelopment of the privately owned adjoining land without any impact on the operation of the existing stormwater drainage system.
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable. The site is not located near a regulated airport.

Section 9.1 Direction	Comment
5.4 Shooting Ranges	Not applicable. The proposal does not seek to rezone land adjacent to and/ or adjoining an existing shooting range
Focus area 6: Housing	
6.1 Residential Zones	Not applicable.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
Focus area 7: Industry and Employment	
7.1 Business and Industrial Zones	Consistent. This Planning Proposal will enable the orderly redevelopment of employment zoned land.
7.2 Reduction in non-hosted short-term rental accommodation period	This direction does not apply to the Cumberland LGA.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	This direction does not apply to the Cumberland LGA.
Focus area 8: Resources and Energy	
Mining, Petroleum Production and Extractive Industries	Not applicable. This proposal does not propose mining, petroleum production and/or extractive Industries
Focus area 9: Primary Production	
9.1 Rural Zones	This direction does not apply to the Cumberland LGA.
9.2 Rural Lands	This direction does not apply to the Cumberland LGA.
9.3 Oyster Aquaculture	Not applicable. The site is not identified as a 'Priority Oyster Aquaculture Area'.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	This direction does not apply to the Cumberland LGA.

Table 4 - Consistency with applicable Ministerial Directions

Section C – Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal Request is for the reclassification of land that has been constructed as drainage infrastructure.

Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No. The Planning Proposal Request is for the reclassification of land that has been constructed as drainage infrastructure. The land will continue to be used as drainage infrastructure.

Any potential environmental effects of contamination can be addressed as a condition of future development consent. Other environmental effects such as flooding and foreshore land will be addressed in any future Development Application(s) lodged for the site. The planning proposal does not propose to change the existing built form on the site.

The only intent of the planning proposal to reclassify Council owned drainage infrastructure to enable Council to enter into an agreement to lease or sell the land to enable future development of the land with the adjacent land and continue with the existing industrial uses that are consistent with an existing E4 General Industrial and SP2 Infrastructure (Defence) zoning and objectives.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Yes. The Planning Proposal Request is for the reclassification of land and is constructed as drainage infrastructure. Should the proposal be finalised the proposal will facilitate the redevelopment of the site. This is likely to result in additional jobs and the proceeds of the future possible sale of council's drainage infrastructure could further result in bringing social benefits to the wider community of Lidcombe Town Centre surrounds in the future.

Section D – State and Commonwealth Interests

Q11. Is there adequate public infrastructure for the Planning Proposal?

Yes. The site is and will continue to operate as public drainage infrastructure. The site if reclassified will be developed only in conjunction with the adjacent land consistent with the existing zonings.

Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Relevant public agencies will be consulted as required by the Gateway Determination. The Commonwealth of Australia and Sydney Water have been advised of the Planning Proposal during early consultation. No submissions have been made.

Consultation was required with Sydney Water under section 3.34(2)(d) of the EP&A Act, under the Gateway Determination. Any comment on the proposal will be provided in the final Council Report.

Part 4—Maps

No changes are proposed to Cumberland LEP 2021 mapping. No mapping is required for this Planning Proposal.



Part 5—Community Consultation

Preliminary exhibition

Council officers placed the Planning Proposal Request on early consultation from 2 March to 22 March 2022, in accordance with Council's Planning Proposal Notification Policy requirements. In response no community submissions were received. Council officers also consulted with Sydney Water and Council's Stormwater Engineers, in which neither have provided any submissions. Owners and occupiers within 60-80m from the subject site were also notified during preliminary public exhibition including the adjoining land owned by the Commonwealth of Australia.

All matters raised have been considered for this planning proposal when the proposal was reported to the Cumberland local planning panel and council meetings.

Post gateway exhibition

Council has undertaken post gateway consultation as required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act from Tuesday 5 September 2023 to Thursday 5 October 2023 given that:

- (a) the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 working days; and
- (b) Council undertakes the exhibition in accordance with the requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2022).

The proposal is considered a standard planning proposal for which a public hearing needs to be held in accordance with Section 29 of the Local Government Act 1993 and the Department's Practice Note PN 16-001. The proposal also does not propose to change any existing interests of the land proposed to be reclassified from community to operational which is the land constructed and used as drainage infrastructure. Council has consulted with relevant public agencies as required by the Gateway Determination.

No community submissions were received during the exhibition period and only one public agency submission was received. Refer to council meeting report for details.

Public Hearing

As required under Section 47G of the Local Government Act 1993, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing.

As per the published hearing report, the public hearing was conducted on 2 November

2023 at Lidcombe Community Centre located at 3 Bridge Street Lidcombe from 6pm to 7.30pm. Council included the hearing notice under the Have Your Say webpage when the planning proposal was exhibited.

Two community members registered with Council to attend the hearing. Three community members attended the public hearing (one community member and two Councillors). Two council staff members also attended the hearing.

Those who attended the hearing were also emailed a PDF copy of the hearing report when the hearing report was published. A copy of the final public hearing report is attached to the council report.

The details of the public hearing are contained in the Public Hearing and Submissions Report. One verbal community submission was made in support of the reclassification of the land, subject to there being no change in the zoning or land use of Lot C DP 384900. The proposal to reclassify the subject land satisfies the requirements of the Local Government Act 1993 and the Gateway Determination conditions issued for the Planning Proposal which required a public hearing be conducted under Section 29 of the Local Government Act 1993.

The Public Hearing Report including details of the verbal submission was made available within 4 days of receipt of the report to ensure that the requirements of Section 47G(3) of the Local Government Act 1993 are met. The Chair of the Public Hearing recommends at Section 6.2 of the report to support the reclassification of the land from community to operational land. The public hearing report was also published on Council's have your say page where the planning proposal was exhibited and a hardcopy of the hearing report was also kept at Auburn and Merrylands Customer Service Centres and the Lidcombe library for public viewing as information.

Council has also fulfilled Gateway Determination requirements as required that a public hearing to be conducted as per section 29 of the Local Government Act 1993 and the Department's practice note PN 16-001.

Part 6—Project Timeline

An indicative project timeframe is provided below.

Milestone	Timeframe
Council's endorsement of the Planning Proposal	3 May 2023
Submission to NSW Planning, Industry and Environment	May 2023
Gateway Determination issued	10 July 2023
Public exhibition and public authority consultation	September/October 2023
Conduct public hearing	November 2023
Report Planning Proposal to Council	February 2024
Submission to NSW Planning, Industry and Environment	February 2024
Plan Making and Publication of LEP amendment	February/ March 2024

Table 5 – Indicative Project Timeline