



**Cumberland Local Planning Panel Meeting
14 December 2022**

Minutes of the Cumberland Local Planning Panel Meeting held via Electronic Determination on Wednesday 14 December 2022.

PRESENT:

Stuart McDonald (Chairperson), Naomi Fiegel, Helen Deegan, and Milorad Rosic.

IN ATTENDANCE:

Matthew Bagshaw, Esra Çalim, Harinee De Silva, Michael Lawani, Shaylin Moodliar, Stephen Peterson, Shona Porter, Jal Shankar, Olivia Yana, Jillian Sneyd (Consultant), Mark Stephenson (Consultant), Lyndall Thompson and Calum Thomson.

The meeting opened at 11:36am.

DECLARATIONS OF INTEREST:

There was a declaration of interest.

Mr Stuart McDonald declared an interest in the Modification Application for 365 Clyde Street and 48-52 Wellington Road, South Granville as his firm has undertaken planning work for this development. Mr McDonald believes that there is an actual conflict. As a result he will take no part in the determination of the application. Ms Helen Deegan will take over as Chairperson for this matter.

There were no other declarations of interest.

ITEM LPP053/22 – 2-10 VICTORIA STREET EAST, LIDCOMBE PLANNING
PROPOSAL REQUEST

PANEL DECISION:

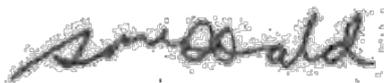
1. The panel considers that the planning proposal has site specific and strategic merit.
2. The panel recommends that Council proceed to request a gateway determination to reclassify Lot 1 DP 1161392 (council owned stormwater infrastructure), Lidcombe from 'community' to 'operational land under the Local Government Act, 1993 by undertaking a Local Environmental Plan amendment to amend Part 1 of Schedule 4 of Cumberland LEP 2021 to identify Lot 1 DP 1161392 as 'operational' land.

For: Stuart McDonald (Chairperson), Naomi Fiegel, Helen Deegan, and Milorad Rosic.

Against: Nil.

The meeting terminated at 1:28pm

Signed:



Stuart McDonald, Chairperson

Item No: LPP053/22

2- 10 VICTORIA STREET EAST, LIDCOMBE PLANNING PROPOSAL REQUEST

Directorate: Environment and Planning
Responsible Officer: Executive Manager Environment and Precincts
File Number: PP2022/0001

Lodged	6 September 2021, Revised 21 July 2022 following Preliminary Exhibition	
Proponent	Planning Ingenuity on behalf of Gabriss Pty Ltd	
Landowner/s	Cumberland City Council owns Lot 1 DP 1161392 which contains the stormwater Infrastructure.	
Landowner/s adjoining land	Gabriss Pty Ltd and Commonwealth of Australia (Defence Land) owns the land adjoining Lot 1 DP 1161392.	
Site address and legal description	Lot 1 DP 1161392, between Victoria Street and East Street, Lidcombe containing stormwater infrastructure that traverses the following land: Gabriss Land - Lot C DP 38490, 2-10 Victoria Street, Lidcombe Defence Land - Lot 1 DP 135368, 49 East Street Lidcombe	
Site area	727.2m ²	
Site description and existing use	Stormwater infrastructure	
Existing planning controls	Land zoning	Part IN2 Light Industrial and SP2 Infrastructure (Defence)
	Height of buildings for both IN2 Light Industrial zoned and SP2 Infrastructure (Defence) land	N/A
	Floor space ratio IN2 Light Industrial zoned land	1:1
	Floor space ratio SP2 Infrastructure (Defence) zoned land	N/A
	Minimum Lot size IN2 Light Industrial zoned land	1500m ² (IN2 zoned land only)
	Minimum Lot size SP2 Infrastructure (Defence) zoned land	N/A
	Land classification	Community Land
Requested planning controls	Land zoning	No Change
	Height of buildings	No Change

	Floor space ratio	No Change
	Minimum Lot size	No Change
	Land classification	Operational Land
	Classification and reclassification of public land	Amends Part 1, Schedule 4 of Cumberland LEP 2021
Recommended Controls	Land zoning	No Change
	Height of Buildings	No Change
	Floor Space Ratio	No Change
	Minimum Lot Size	No Change
	Land classification	Operational Land
	Classification and reclassification of public land	Amends Part 1, Schedule 4 of Cumberland LEP 2021 (without discharging any interests)
Heritage	N/A	
Disclosure of political donations and gifts	N/A	
Previous considerations	N/A	

SUMMARY:

The purpose of this report is to provide an overview of a Planning Proposal Request lodged with Cumberland City Council on 6 September 2021 for 2-10 Victoria Street East, Lidcombe (the Site) and surrounds.

The Planning Proposal Request seeks to amend the Cumberland Local Environmental Plan 2021 (CLEP 2021) to reclassify a strip of Cumberland City Council (Council) owned land traversing the site. The applicant for this proposal is Planning Ingenuity on behalf of Gabriss Pty Ltd.

GLN Planning has been engaged by Council to independently assess a proponent initiated planning proposal involving the reclassification of public land from “community” to “operational” land under Division 1, Classification and Reclassification of Public Land under the Local Government Act 1993.

The land the subject of the planning proposal request is currently owned by Council, having been vested in the former Auburn Council by the Department of Public Works in 1974. The land contains stormwater drainage infrastructure and dissects two allotments of land, one in the ownership of the applicant of the Planning Proposal and the other held by the Commonwealth of Australia (Defence). Reclassification of the land is sought by the Applicant to enable Council to enter into a lease or sale of the land in the future.

Figure 1 shows the land subject to reclassification (outlined red) and adjoining lands affected (outlined in green (where proposal request is lodged) and white):

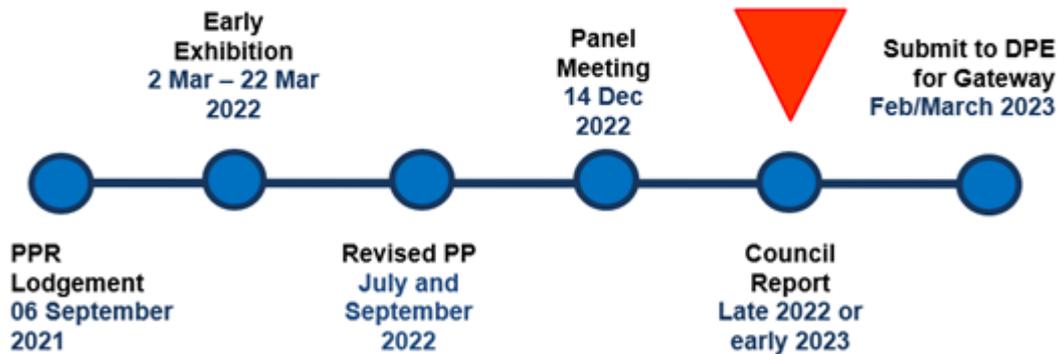


Figure 1- Aerial view of the subject site affected

The site-specific and strategic merit assessment undertaken by GLN Planning for the proposal request is attached to this report with the supporting documentation which was lodged by the applicant for the proposal request.

The status of the Planning Proposal Request is shown in Figure 1. This report recommends that the proposal is to be supported for the purpose of a Gateway Determination.

2-10 Victoria Street East, Lidcombe

**Preliminary Exhibition**

Council has undertaken preliminary consultation of the proposal between 2 March 2022 and 22 March 2022. The community engagement evaluation report is included at Attachment 2 of the report.

REPORT:

The main body of this report can be found in the GLN Planning assessment report, which includes details about the site and its context, objectives and intended outcomes, explanation of provisions, the need and the strategic merit assessment of the proposal. The GLN Planning assessment report is included at Attachment 1 of the report.

CONCLUSION:

The conclusion is stipulated by the GLN Planning assessment report, refer to Attachment 1.

CONSULTATION:

Council has undertaken preliminary consultation of the proposal. The result of the consultation can be found in the community engagement evaluation report that is included at Attachment 2 of the report.

A public hearing will be conducted in addition to statutory exhibition, should the proposal proceeds to a Gateway Determination at the post Gateway stage as per Department of Planning and Environment's LEP practice note PN 16-0001 requirements.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council associated with this report.

POLICY IMPLICATIONS:

There are no policy implications for Council associated with this report.

Future Council reports and the planning proposal will be prepared by an independent planning consultant for the purposes of pre and post Gateway stages should the proposal proceed, given Council's conflict of interest to prepare and assess this proposal.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified on Council's website. Any person or authority who made a submission will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

It is recommended that the Panel consider the report and the recommendation in the GLN Planning assessment report for the proposal request, refer to Attachment 1, to determine if the applicant's proposed request should proceed to a Council meeting and should the proposed land subject to this proposal (Lot 1 DP 1161392) Council's stormwater infrastructure be reclassified from 'community' to 'operational' land by the undertaking of an amendment to the Cumberland LEP 2021.

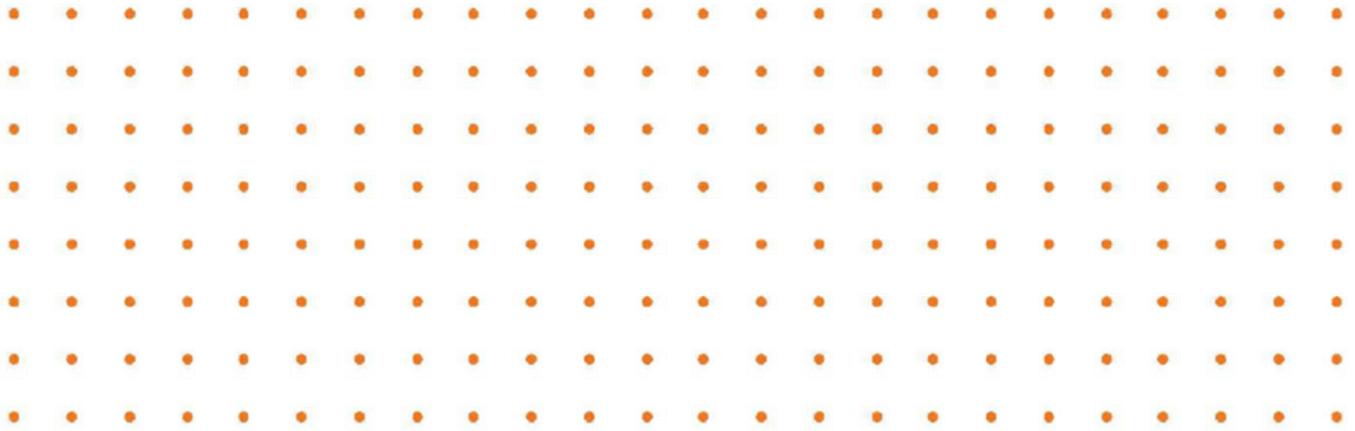
ATTACHMENTS

1. GLN Assessment of the Planning Proposal with Supporting Documents Lodged [↓](#)
2. Engagement Evaluation Report [↓](#)

DOCUMENTS
ASSOCIATED WITH
REPORT LPP053/22

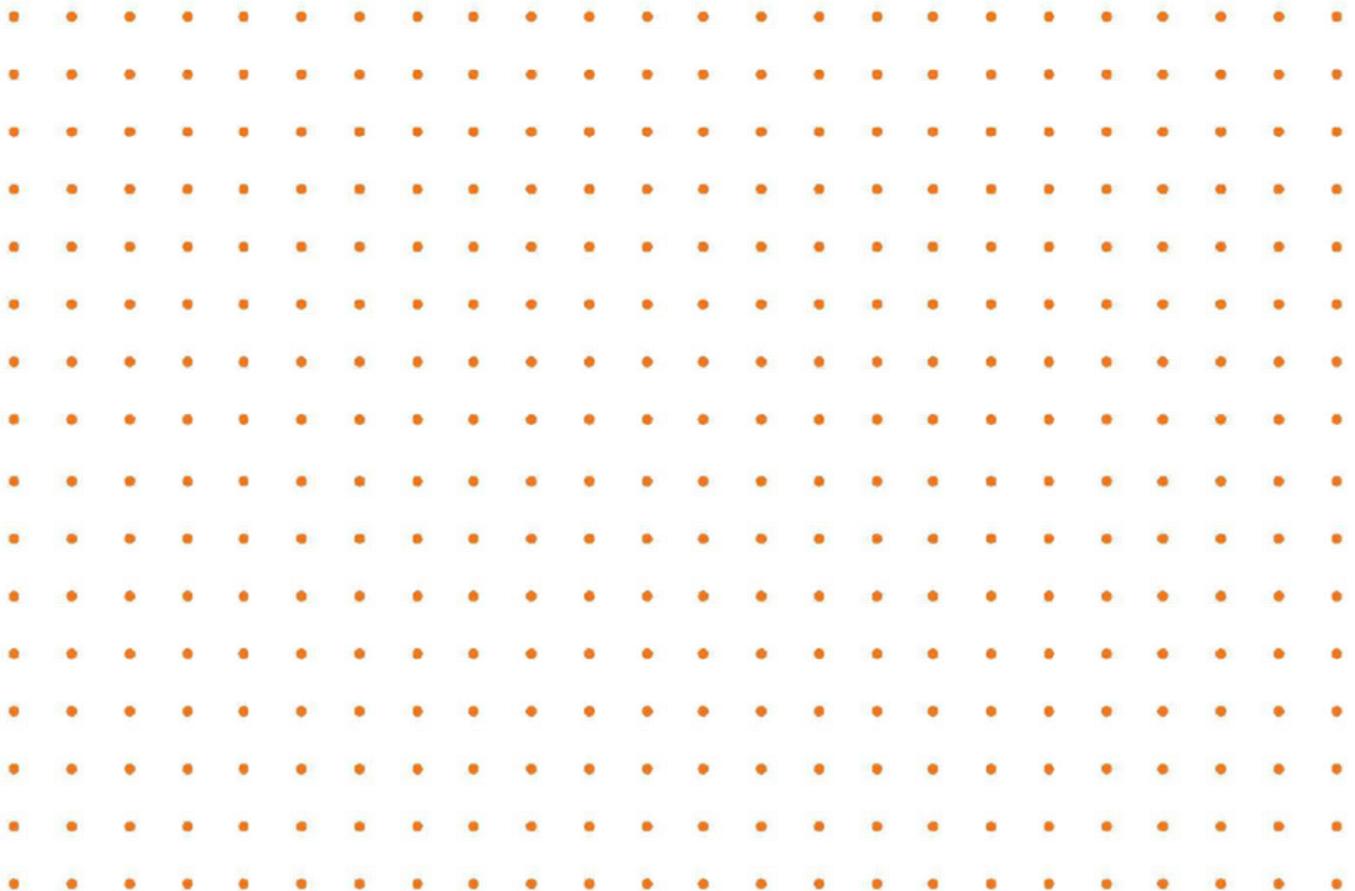
Attachment 1

GLN Assessment of the Planning
Proposal with Supporting
Documents Lodged



PLANNING PROPOSAL
REQUEST ASSESSMENT
REPORT PP2022/0001

2 – 10 Victoria Street East, Lidcombe



Executive Summary

GLN Planning (GLN) have been engaged by Cumberland City Council (Council) to independently assess a landowner-initiated planning proposal involving the reclassification of public land from "community" to "operational" land under Section 27 of the Local Government Act, 1993. The land the subject of the planning proposal request is owned by Council having been vested in the former Auburn Council by the Department of Public Works in 1974.

The land contains drainage infrastructure and dissects two allotments of land, one in the ownership of the applicant of the Planning Proposal and the other held by the Commonwealth of Australia (Defence). Reclassification of the land is sought by the Applicant to enable Council to enable approval to be granted for the redevelopment of 2 – 10 Victoria Street East by enabling Council to enter into a lease or sale of the land, if required in the future.

Jillian Sneyd, Consultant Planner has prepared the Pre-Gateway assessment report for consideration by Cumberland Local Planning Panel at its December 2022 Meeting. This report has been prepared in Council's Report template for consistency with other reports to be considered by the Cumberland Local Planning Panel. This Assessment report addresses

- All legislative and policy matters.
- Outcomes of early consultation including any feedback received from relevant public authorities or Council and with the local community
- The strategic and site-based merit of the proposal
- The proposals consistency with the broader strategic planning framework and policy context
- Recommendation/s on whether or not Council should prepare a planning proposal and forward it to the Department of Planning and Environment for a Gateway determination
- Other relevant matters or issues.

Jillian Sneyd will attend the Cumberland Local Planning Panel meeting to provide an overview of the proposal and answer any questions from the Panel with regards to assessment.

GLN have been engaged to undertake the subsequent reporting and preparation of the Planning Proposal in accordance with the relevant legislative requirements should this planning proposal be supported.

PLANNING PROPOSAL REQUEST FOR RECLASSIFICATION OF LAND AT 2-10 VICTORIA STREET EAST, LIDCOMBE

Council's PP reference	PP2022/0001	
Lodged	September 2021, Revised July 2022 following Preliminary Exhibition	
Proponent	Planning Ingenuity on behalf of Gabriss Pty Ltd	
Landowner/s	Cumberland City Council owns Lot 1 DP 1161392 which contains the stormwater Infrastructure.	
Landowner/s adjoining land	Gabriss Pty Ltd and Commonwealth of Australia (Defence Land) owns the land adjoining Lot 1 DP 1161392.	
Site address and legal description	Lot 1 DP 1161392, between Victoria Street East and East Street, Lidcombe containing stormwater infrastructure that traverses the following land: Gabriss Land - Lot C DP 38490, 2-10 Victoria Street East, Lidcombe Defence Land - Lot 1 DP 135368, 49 East Street Lidcombe	
Site area	727.2m ²	
Site description and existing use	Stormwater infrastructure	
Existing planning controls	Land zone	Part IN2 Light Industrial and SP2 Infrastructure (Defence)
	Height of buildings for both IN2 Light Industrial zoned and SP2 Infrastructure (Defence) land	N/A
	Floor space ratio IN2 Light Industrial zoned land	1:1
	Floor space ratio SP2 Infrastructure (Defence) zoned land	N/A
	Minimum Lot size IN2 Light Industrial zoned land	1500m ² for IN2 zoned land only
	Minimum Lot size SP2 Infrastructure (Defence) zoned land	N/A
	Land classification	Community land
Requested planning controls	Land zone	No Change
	Height of buildings	No Change
	Floor space ratio	No Change

	Minimum Lot size	No Change
	Land classification	Operational land
	Classification and reclassification of public land	Amends Part 1, Schedule 4 of Cumberland LEP 2021
Recommended Controls	Land zone	No Change
	Height of Buildings	No Change
	Floor Space Ratio	No Change
	Minimum Lot Size	No Change
	Land classification	Operational land
	Classification and reclassification of public land	Amends Part 1, Schedule 4 of Cumberland LEP 2021 (without discharging any interests)
Heritage	N/A	
Disclosure of political donations and gifts	N/A	
Previous considerations	N/A	

SUMMARY:

The purpose of this report is to provide an overview of a revised Planning Proposal Request lodged with Council in late July 2022 and updated with minor additional information in August and September 2022 seeking reclassification of a strip of Cumberland City Council owned land traversing 2-10 Victoria Street East, Lidcombe (the Site) and surrounds. Refer to Attachment 1 for details. The additional information was requested to meet with Department of Planning and Environment's LEP practice note requirements for the reclassification of public land.

The Planning Proposal Request seeks to amend the Cumberland Local Environmental Plan 2021 (Cumberland LEP 2021) to reclassify Lot 1 DP 1161392 from "community" land to "operational" land to enable its sale and further development in conjunction with the adjoining land (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 City Council is the registered proprietor of the land. This report has been prepared by GLN Planning Pty Ltd as an independent assessment of the Applicant

initiated Planning Proposal request as Council has a conflict of interest as landowner to assess this planning proposal.

The status of the Planning Proposal request is shown in **Figure 1**. This report recommends that the proposal is supported for the purposes of a Gateway Determination and be reported to a Council meeting for endorsement.



REPORT:

The Site and its Context

The Planning Proposal Request relates to Lot 1, DP 1161392 (as shown in **Figure 1**) which traverses Lot C DP 384900 (2-10 Victoria Street East, Lidcombe) and Lot 1 DP 135368 (49 East Street, Lidcombe).

Lot 1 DP 1161392 is used for drainage purposes and comprises a narrow strip of land (outlined in red in **Figure 1**) approximately 5 metres wide passing through 2-10 Victoria Street East and 49 East Street. The legal description of the land is Lot 1 DP 1161392 and it has an area of 727.2m² (refer to attachment 4 to view the Deposited Plan). The land is owned by Cumberland City Council and is classified as 'community land' for the purposes of the Local Government Act 1993. The subject land (outlined in green) and surrounds are shown in the aerial photo in **Figure 1** below. The land to south is owned and occupied by the Commonwealth of Australia (Defence) (outlined in white).



Figure 1 – Aerial map showing the subject site and immediate surrounds

Source: Planning Ingenuity Planning Proposal August 2022

The site located within Lidcombe 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 across the site utilising existing buildings and hardstand areas. The current configuration of the channel through 2-10 Victoria Street East within Lot 1

DP 1161392 does not directly affect the ongoing uses of the site, it limits the development potential of Lot C DP 384900 which is effectively severed by the location of the drainage infrastructure and as Council owned community land, the provisions of the Local Government Act 1993, prevent development, leasing or sale of the land for commercial purposes. The location of Lot 1 DP 1161392 containing drainage infrastructure acts as a site constraint upon any redevelopment of the adjoining lots as Council is unable to lease or sell the land whilst identified as "community" land. Future redevelopment of the sites adjoining Lot 1 DP1161392 particularly the Gabriss Pty Ltd owned land is subject to constraints by the location of the existing stormwater infrastructure and classification of the land.

49 East Street (Lot 1 DP 135368) is owned by the Commonwealth of Australia and is identified as the Lidcombe Training Depot utilised for defence support purposes and Australian Air Force Cadets. The location of the open culvert located close to the front boundary does not significantly affect the ongoing or future use of 49 East Street but is included in this planning proposal request for consistency across the Council owned portion of land

In the immediate locality are a range of light industrial uses immediately to the west of 2-10 Victoria Street East and to the north along East Street. The site is located on the south-eastern periphery of Lidcombe town centre. Lidcombe Town Centre is identified as a principal town centre in Cumberland Council's Local Strategic Planning Statement 2030 and operates as a principal town centre within Cumberland City.

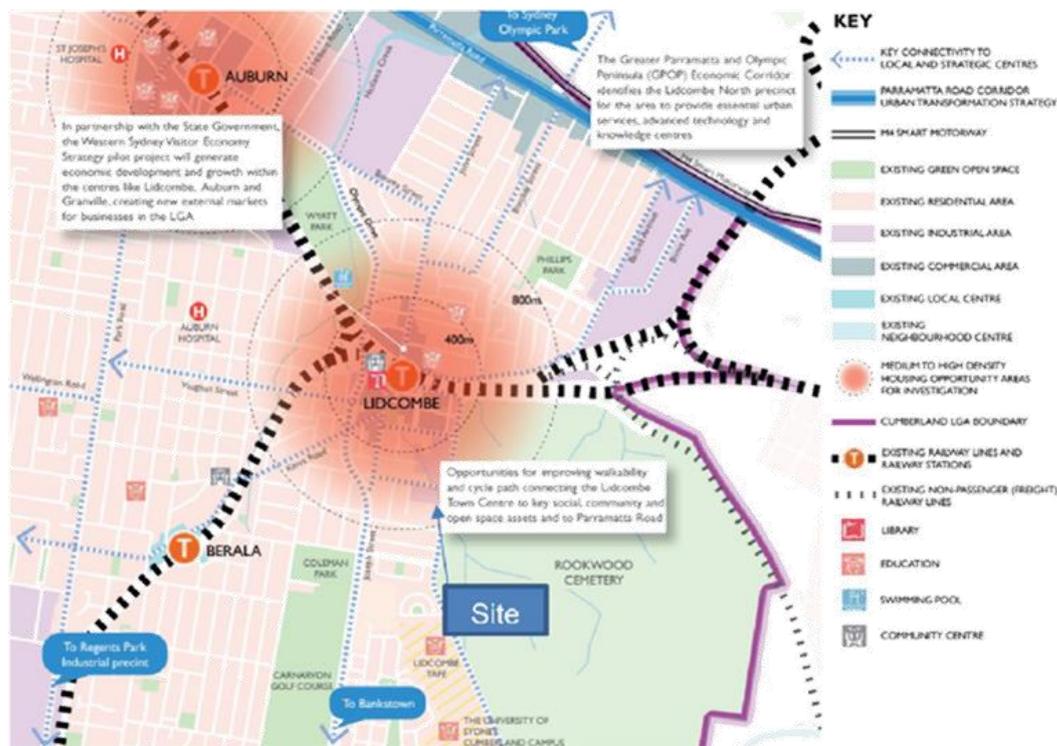


Figure 2 - The Site in its regional context

Source: Cumberland City Council LSPS

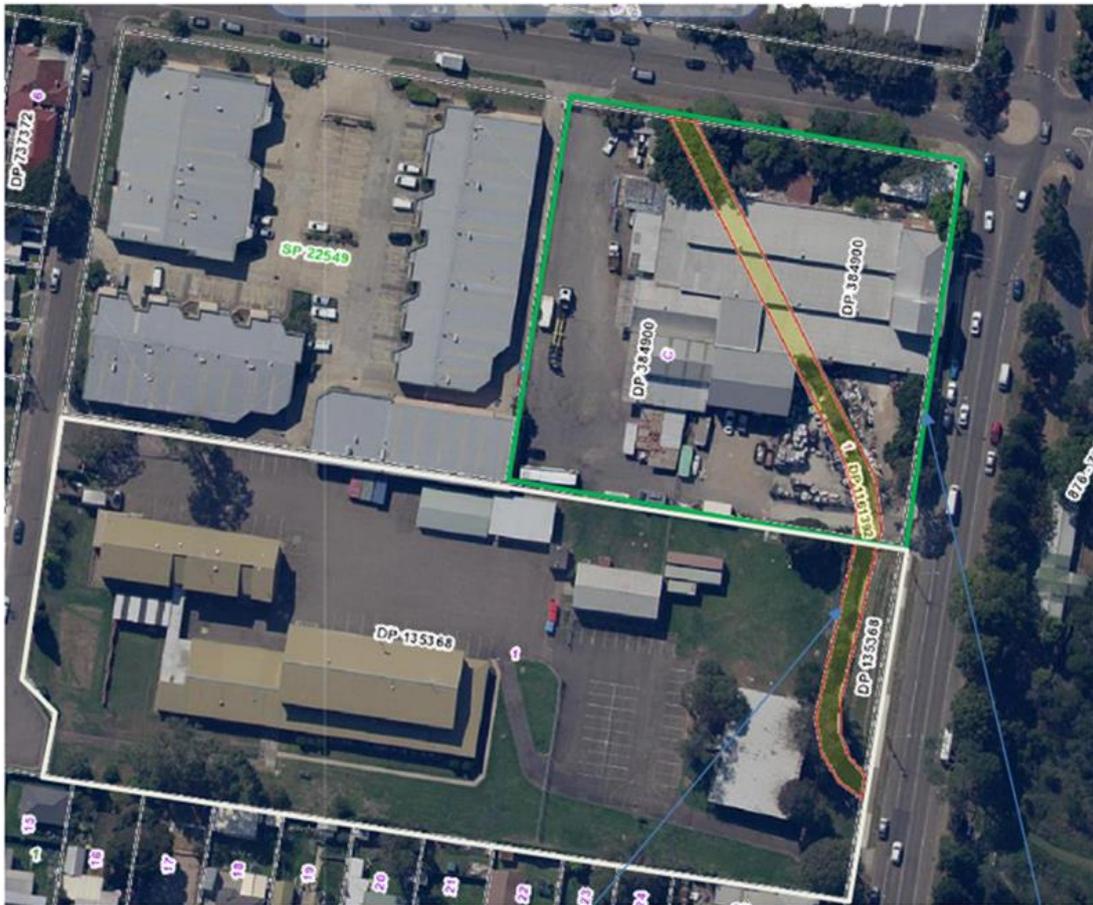


Figure 3 - The Site in its Local Context

Source: Sixmaps

Land to be reclassified outlined in red with yellow shading	Gabriss Land outlined in green
	Defence Land outlined in white

Objectives and intended outcomes

This planning proposal application seeks an amendment to the *Cumberland Local Environmental Plan 2021 (Cumberland LEP)* to facilitate the reclassification of Council owned land from 'community land' 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 21.

“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)."

The classification of public land under the LG Act can be identified at the time of purchase as operational land. Assets which have not been specifically identified as "operational" land default to be held as "community" land. The only means to reclassify Lot 1, DP 1161392 under the LG Act is via a Local Environmental Plan by a Planning Proposal under the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

The reclassification will facilitate the continued use and development of the land for purposes consistent with the Cumberland LEP 21 provisions. No changes to the existing underlying planning provisions applicable to the land are proposed. The reclassification will enable Council to enter into an agreement to lease or sell the land in the future and so enable development of the sites the subject of this Planning Proposal which Lot 1, DP 1161392 traverses.

Explanation of Provisions

To achieve the objective and intended outcomes the proposal seeks to reclassify Lot 1 DP 1161392 as "operational" land. The site is within the Cumberland LGA. The Cumberland LEP 21 is the primary land use planning instrument applicable to the subject land. Cumberland LEP 21 guides land use zoning including permissible and prohibited development, maximum height of building, Floor Space Ratio (FSR) minimum lot size controls and other related provisions. The subject land will remain zoned IN2 Light 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 IN2 zoned land only. The SP2 (Defence) land is not subject to FSR, maximum height of building or minimum lot size provisions under Cumberland LEP 21.

This applicant initiated Planning Proposal request has been made over the whole of Lot 1 DP 1161392 which contains the stormwater infrastructure over both the Gabriss owned land (identified in green outline) and Commonwealth owned land (identified in white outline).

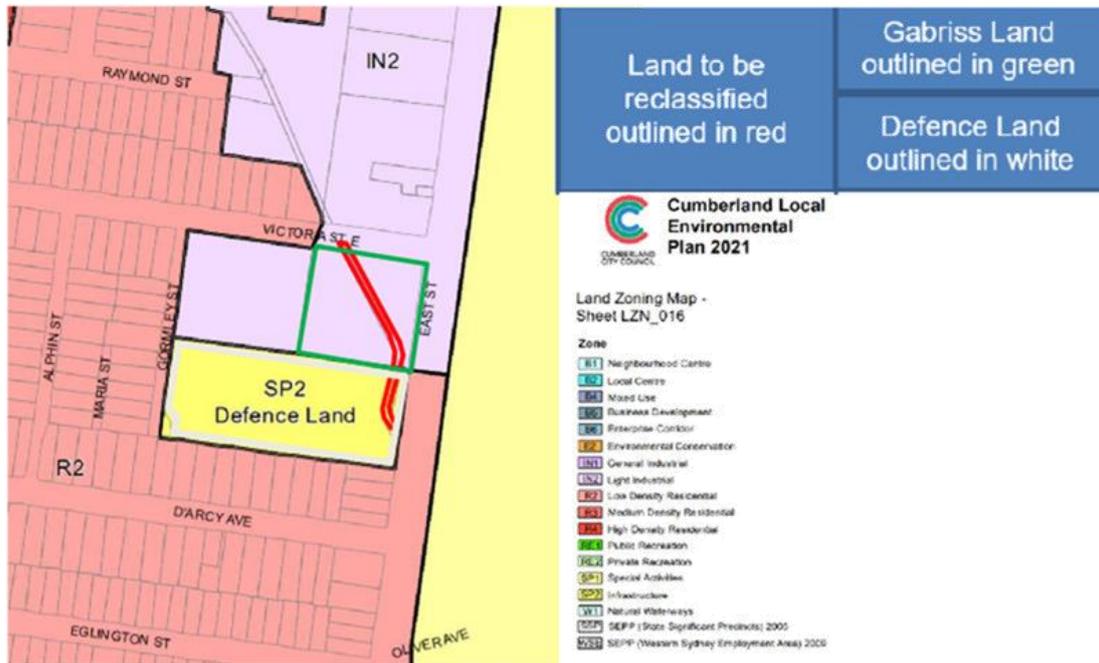


Figure 4 existing zoning of the site and surrounds

Source: Cumberland LEP 21 Land Zoning Map – Sheet LZN_016

TABLE 1 Planning Controls under Cumberland LEP 2021

Planning Control	Existing	Proposed
IN2 Light Industrial Zoned Land – Part Lot 1 DP 1161392 traverses Lot C DP 38490, 2-10 Victoria Street East, Lidcombe		
Land Zoning	IN2 Light Industrial	IN2 Light Industrial
Height of Buildings	N/A	N/A
Floor Space Ratio	1:1	1:1
Minimum Lot Size	1500m ²	1500m ²
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

Cumberland Development Control Plan 2021 (DCP)

No changes are proposed to the existing DCP controls effective for the site nor new controls are proposed for this proposal request.

Preliminary consultation

Council officers placed the Planning Proposal Request on preliminary consultation from 2 March 2022 to 22 March 2022, in accordance with Council's planning proposal notification policy requirements when exhibited in September 2021. In response no community submissions were received. Council officers also consulted with Sydney Water and Council's Stormwater Engineers, neither have provided any submissions. Owners and occupiers within 60m from the subject site were also notified during preliminary public exhibition including the adjoining land owned by the Commonwealth of Australia.

The need for the proposal

The Planning Proposal request over a small portion of Council owned land is not the result of an endorsed local strategic planning statement, strategic study or report. To more readily facilitate the ongoing use and future development of the land for light industrial purposes consistent with the current Cumberland LEP 21 zoning provisions. the support of Council to progress the Planning Proposal request is required to reclassify the land.

The Planning Proposal 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 use of the land or its sale or lease to enable redevelopment of the land adjoining the 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 Council can classify or reclassify public land as "community" land is by way of a 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.

Strategic merit assessment

The proposal is consistent with the strategic planning framework and policy context as detailed 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 land use of the site. The reclassification will enable ongoing use and redevelopment of the industrial 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 light industrial and infrastructure land within Lidcombe Town Centre. The reclassification will enable redevelopment of land as anticipated by Cumberland LEP 21.

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 the more orderly and economic use of both Lot 1 DP 1161392 and the adjoining land consistent with the objectives of the EP&A Act 1979.

Consistency with Cumberland 2030: Our Local Strategic Planning Statement (LSPS)

The planning proposal request 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 21.
- 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 IN2 Light 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 Community Strategic Plan

The planning proposal request is generally consistent with the 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 vesting of the ownership in the former Auburn Council, the ability to deal with Council owned land was not subject to the provisions introduced in the LG Act as the classification of Council owned land was not required. 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 that of the 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. Further examination will be undertaken by the Department of Planning and Environment via the Gateway Determination.

- 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.

Other matters or issues if any

The land is affected by foreshore land and is affected by a flood control lots as per LEP and Council's flood mapping. The proposal does not have an impact on the above and any future DA on site will address these matters in more detail should a redevelopment proposal is lodged for the site.

The proposal request does not involve land suited to residential use, the proposal does not involve any conflict with the Cumberland Local and Affordable Housing Strategy.

The Proposal request will enable the land to be used for both drainage and the purposes permissible with the underlying zoning of the land under Cumberland LEP 21.

The ongoing continued use of the land for stormwater drainage can be facilitated through a future development application stage or sale of the land should the proposal proceed to Gateway and finalisation. The proponent does not intend to relocate or modify the location of the existing stormwater drainage easement for this proposal request.

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" provides guidance on classifying and reclassifying public land through a LEP. Refer to Attachment 2 for details. The practice note emphasises the need for Council to demonstrate strategic and site-specific merit, includes a comprehensive information checklist. 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 request.

TABLE 2 Information Checklist LEP Practice Note PN 16-001

Matters to be addressed for land proposed to be reclassified (Lot 1 DP1161392)	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, refer to discussion above in Strategic Merit Assessment.
<i>Is the Proposal a result of a strategic study or report?</i>	No, refer to discussion above in Strategic Merit Assessment.
<i>Is the planning proposal consistent with Council's Community and local strategic plans and Plans of Management</i>	Yes, see discussion above in Strategic Merit Assessment. 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 then Auburn Council by the then Department of Public Works in October 1974 (see Government Gazette No 129 dated 25 October 1974). Refer to Attachment 5 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 3 and 4.
<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 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.

CONCLUSION:

The Planning Proposal Request is consistent with the strategic planning framework and policy context and will deliver a wide range of benefits, including employment and protection of assets held by Council. The use of the land for stormwater drainage purposes can be protected and effected by the creation of suitable easements should the land be sold in the future. The reclassification will not result in a reduction of public land available for use by the public as the land is effectively sterilised by use by the public by virtue of the site characteristics which are summarised as:

- ❖ Used for stormwater drainage purposes.
- ❖ Approximately 5m in width.
- ❖ Portion of the land passes through the built form located on Lot C DP 384900, 2-10 Victoria Street East, Lidcombe.
- ❖ Located within the body of parcels of land zoned and used for IN2 Light Industrial and SP2 Infrastructure (Defence) purposes.

The reclassification of the land to "operational" land will enable the orderly and economic use of both the land the subject of this planning proposal and ongoing and future use of the immediately adjoining land. It is therefore recommended that the proposal request be reported to Council with a recommendation to proceed to Gateway Determination.

CONSULTATION:

There are no consultation processes for Council associated with this report. A public hearing will be conducted in addition to statutory exhibition should the proposal proceeds to Gateway determination at the post gateway stage as per Department of Planning practice note requirements.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council associated with this report.

POLICY IMPLICATIONS:

This report recommends that the Planning Proposal Request be reported to Council for further consideration. If Council resolves to forward the planning proposal to the Department of Planning and Environment for a Gateway Determination, there will be no policy implications associated with the subsequent stages of the planning proposal process.

Future Council reports and the planning proposal will be prepared by an independent planning consultant for the purposes of pre and post gateway stages should the proposal proceeds given Council's conflict of interest to prepare and assess this proposal.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified on Council's website. Any person or authority who made a submission will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

That Cumberland Local Planning Panel (CLPP) recommend that Council supports, for the purpose of a Gateway Determination, the Planning Proposal Request to reclassify Lot 1 DP 1161392 (council owned stormwater infrastructure), Lidcombe from "community" to "operational" land under the Local Government Act, 1993 by undertaking a Local Environmental Plan amendment to amend Part 1 of Schedule 4 of Cumberland LEP 2021 to identify Lot 1 DP 1161392 as 'operational' land. No interests will be discharged from the proposed land recommended to be reclassified.

ATTACHMENTS

1. Planning Proposal Request.
2. LEP Practice Note PN 16-001 'Classification and reclassification of public land through a local environmental plan'.
3. Title Searches for lands affected.
4. Deposited Plan showing details of council owned land affected by stormwater infrastructure.
5. NSW Gazette Notices to demonstrate that the land was transferred from public works to former Auburn Council and resumption.