

Mr Peter J Fitzgerald  
General Manager  
Cumberland City Council  
PO Box 42  
Merrylands NSW 2160

Our ref: IRF23/1779

Dear Mr Fitzgerald

**Planning proposal PP-2022-2668 to amend Cumberland Local Environmental Plan 2021**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) to reclassify land legally described as Lot 1 - DP 1161392 (adjacent to 2-10 Victoria Street East and 49 East Street, Lidcombe) from 'community' land to 'operational' land.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act 4.1 Flooding is justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

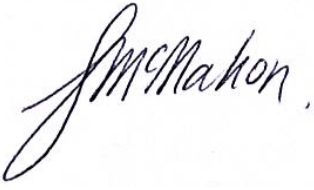
I have determined not to authorise Council to be the local plan-making authority as the planning proposal relates to the reclassification of Council land.

The amending local environmental plan (LEP) is to be finalised on or before 19 April 2024. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Peter Pham to assist you. Mr Pham can be contacted on 9860 1593.

Yours sincerely

A handwritten signature in black ink that reads "Louise McMahon". The signature is written in a cursive style with a large, looped initial "L".

**Louise McMahon**  
**Director, Agile Planning**  
Encl: Gateway determination

## Gateway Determination

**Planning proposal (Department Ref: PP-2022 - 2668):** *Reclassification of land legally described as Lot 1 DP 1161392 (adjacent to 2-10 Victoria Street East and 49 East Street, Lidcombe) from 'community' land to 'operational' land.*

I, the Director, Agile Planning at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Cumberland Local Environmental Plan 2021 to reclassify land legally described as Lot 1 DP 1161392 (adjacent to 2-10 Victoria Street East and 49 East Street, Lidcombe) from 'community' land to 'operational' land should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated reflect the timelines included in this determination.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (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) the planning proposal authority must comply with the notice 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).
3. Consultation is required with Sydney Water under section 3.34(2)(d) of the EP&A Act. Sydney Water is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
4. A public hearing is required to be held in accordance with Section 29 of the Local Government Act 1993 and the Department's Practice Note PN 16-001.
5. Given the nature of the proposal, Council is not authorised to be the local plan-making authority.
6. The LEP should be completed on or before Friday 19 April 2024.

Dated 10 day of July 2023.



**Louise McMahon**  
**Director, Agile Planning**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and  
Public Spaces**