



APPLICATION FOR A PLANNING PROPOSAL

Amendment to the *Cumberland Local Environmental Plan 2021* to reclassify land from 'community land' to 'operational land'

2-10 Victoria Street East, Lidcombe
Lot 1 DP 1161392

Prepared for: Gabriss Pty Ltd

REF: M210307

Date: 3 August 2022





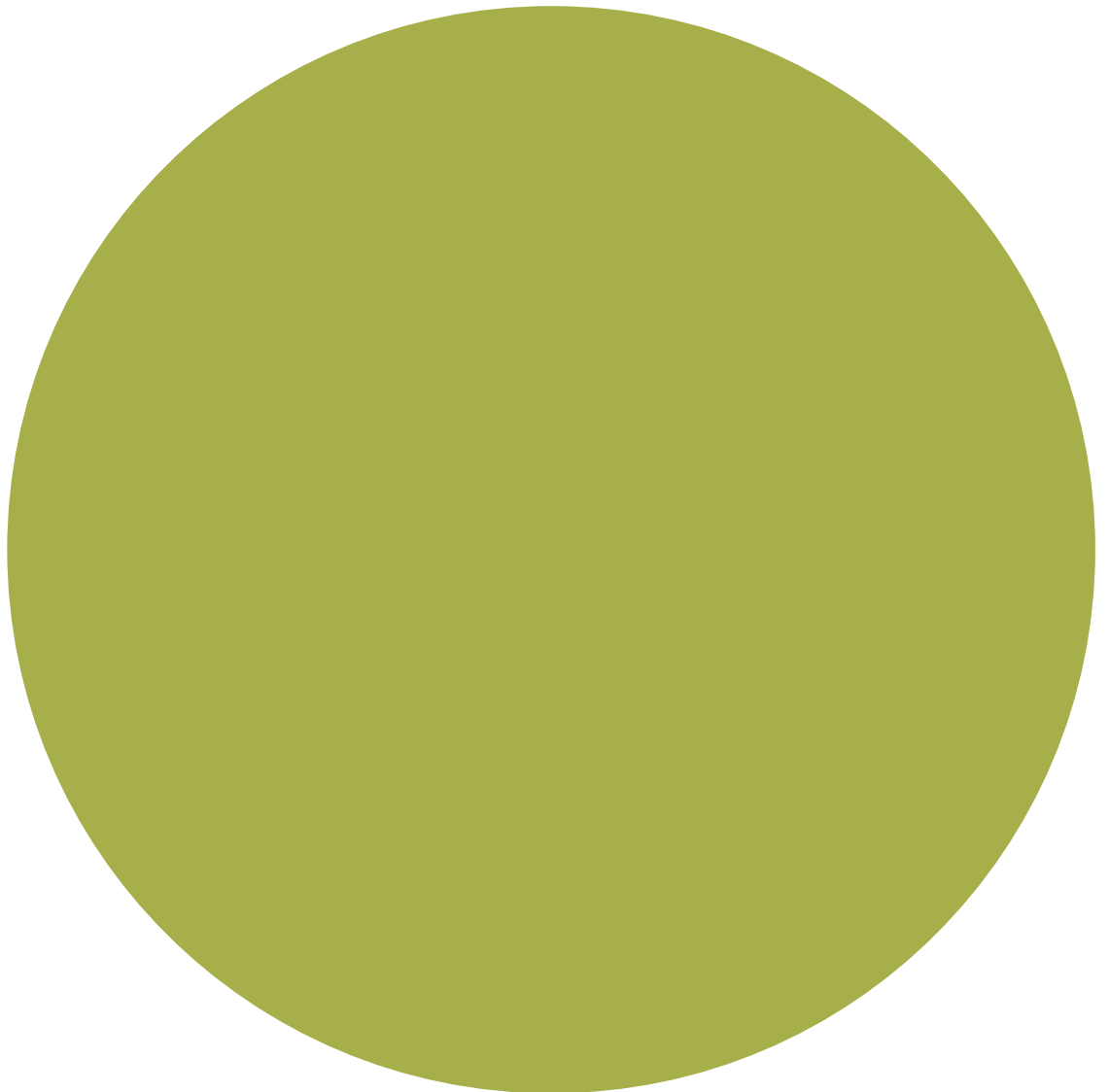
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1. Introduction

This application is submitted on behalf of Gabriss Pty Limited to initiate a Planning Proposal process to reclassify a narrow strip of Council owned land traversing their land (2-10 Victoria Street East, Lidcombe (Lot C DP 384900)) through an amendment to the *Cumberland Local Environmental Plan 2021* (CLEP). The land subject to this planning proposal is legally described as Lot 1 DP 1161392 and contains stormwater drainage infrastructure. The land is approximately 5 metres wide and traverses both Lot C DP 384900 (2-10 Victoria Street) and Lot 1 DP 135368 (49 East Street). The purpose of the proposal is 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 the CLEP.

This application for a planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* as well as the NSW Department of Planning, Industry and Environment's *Local Environmental Plan Making Guideline 2021*. It explains the intended effect of the proposed amendment to the CLEP and sets out the justification for making that plan.

The application demonstrates that the proposed LEP amendment has strategic and site-specific merit. Importantly, the proposed reclassification will allow for the orderly use and development of the subject land and adjoining Lot C DP 384900 in accordance with the provisions of the CLEP and the IN2 Light Industrial zone that applies to the land.

This report is divided into sections including a locality and site analysis, the planned future development scheme, the existing planning provisions, the draft planning proposal (including justification for the proposal and project timeline) and a conclusion.

2. Locality and Site Analysis

2.1 THE SITE

The subject site comprises a narrow strip of land approximately 5 metres wide passing through Lot C DP 384900 (2-10 Victoria Street East) and Lot 1 DP 135368 (49 East Street). The legal description of the land is Lot 1 DP 1161392 and it has an area of 727.2m². The land is owned by Cumberland Council and is classified as 'community land' for the purposes of the *Local Government Act 1993*. The subject land and surrounds are shown in the aerial photo in Figure 1 below.



Figure 1 Aerial photo of site, with land area subject to this planning proposal outlined red (Source: Nearmap)



Title searches for Lot 1 DP 1161392 and both of the properties affected by the planning proposal is provided at Annexure A.

For practical purposes, it is considered that the entirety of the drainage lot should be reclassified as community land (rather than only that portion that traverses the applicant's site), particularly noting that this classification is inconsistent with Local Government Act provisions to classify drainage infrastructure as community land.

The subject land contains a stormwater drainage channel approximately 5 metres wide and 152 metres long and is part of a larger stormwater drainage network established in 1915 as the Rookwood Stormwater Channel. The channel is part of the Haslams Creek catchment and conveys stormwater runoff from the western parts of the Rookwood Cemetery and the Lidcombe urban area before emptying into Haslams Creek and ultimately the Parramatta River.

Through the subject site the channel is mostly open (approximately 96 metres) with part of the channel at its northern end (for about 56 metres) enclosed and below ground, covered by an existing industrial building. The location of the channel through the site is illustrated on the images below in Figures 2-5 with its approximate below ground location marked.

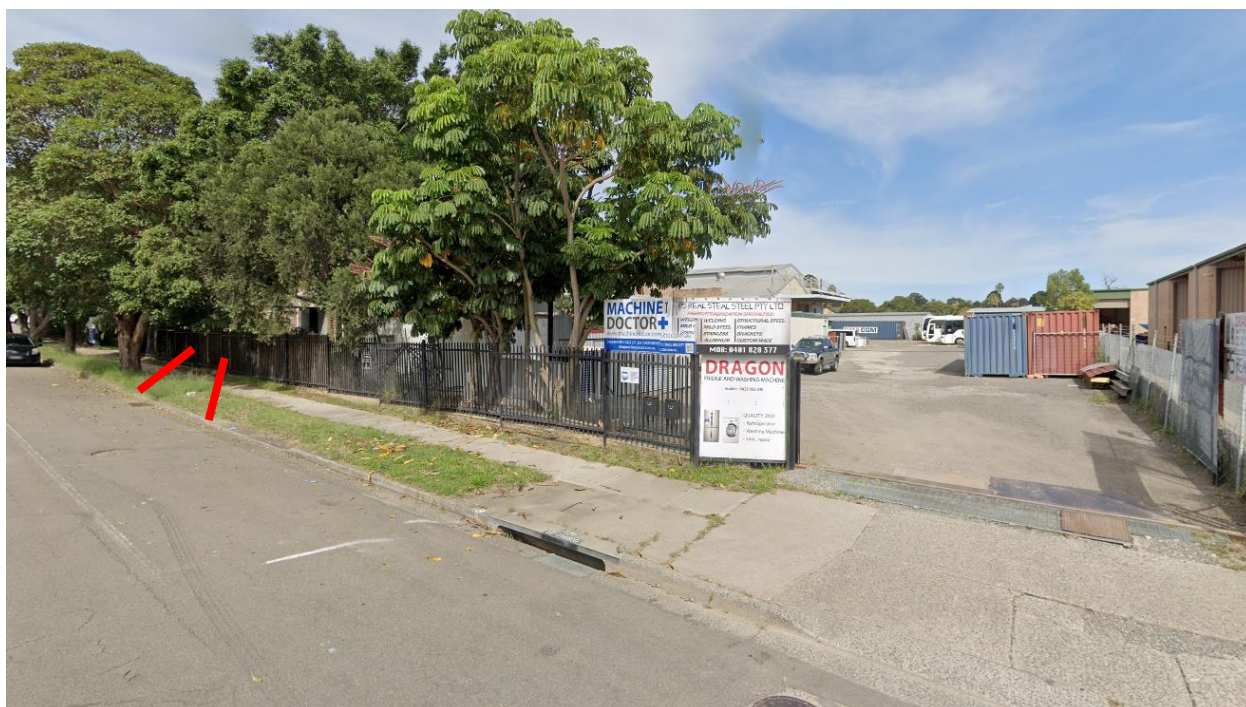


Figure 2 Frontage of 2-10 Victoria Street East (facing southeast)





Figure 3 Frontage of 2-10 Victoria Street East (facing west)



Figure 4 No. 2-10 Victoria Street East viewed from East Street (facing northwest)





Figure 5 Frontage of 49 East Street

2.2 SURROUNDING DEVELOPMENT

Lot 1 DP 1161392 containing the stormwater channel directly affects two land parcels being Lot C DP 384900 (2-10 Victoria Street East) and Lot 1 DP 135368 (49 East Street) severing these lots into two.

The property at 2-10 Victoria Street East (Lot C DP 384900) is owned by Gabriss Pty Limited and currently contains a mix of light industrial land uses across the site utilising existing buildings and hardstand areas. The stormwater drainage channel enters this site on its southern boundary as an open channel before passing below the existing building within an enclosed channel. The enclosed channel continues beyond the northern boundary of the site under Victoria Street East before returning to an open channel. Although 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 severed by Lot 1. Because Lot 1 DP 1161392 is Council owned community land, under the provisions of the *Local Government Act 1993*, it cannot be developed or leased for commercial purposes or sold until it is reclassified as operational land.

The property at 49 East Street (Lot 1 DP 135368) is owned by the Commonwealth of Australia and is identified as the Lidcombe Training Depot currently utilised for defence support purposes and Australian Air Force Cadets. Being located close to the front boundary of Lot 1 DP 135368, the stormwater drainage channel does not significantly affect the ongoing or future use of 49 East Street but is included in this planning proposal request for completeness.

The land surrounding the stormwater drainage channel and the above sites comprises the following:

- A range of light industrial uses immediately to the west of 2-10 Victoria Street East and to the north along East Street;



- Low density residential uses to the south, west and northwest; and
- The Rookwood Cemetery to the east.

The site and its surrounding context (including the continuation of the stormwater channel to the north and south) is illustrated in Figure 6.

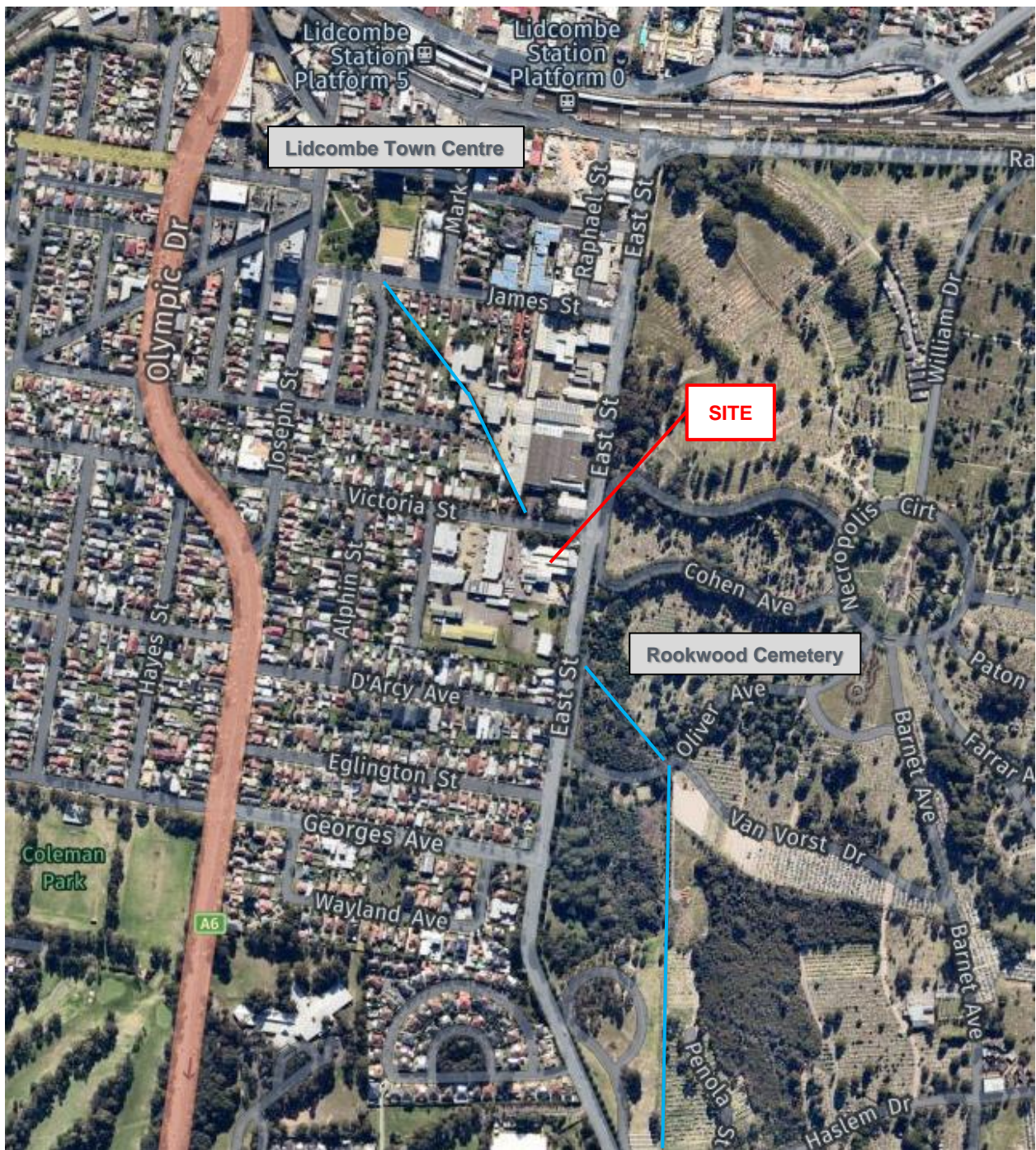


Figure 6 Local context of the site (Source: Nearmap)



The site is located on the south-eastern periphery of Lidcombe town centre. The site's location is 800m walking distance from Lidcombe railway station, 1.7km from Berala railway station and 3.8km from Regents Park railway station. These stations provide regular services to the CBD, Liverpool, Bankstown, Parramatta and Blacktown.

There is a bus stop located directly adjacent to the site which is served by frequent services to Parramatta, Bankstown and Sutherland by M92 services and East Hills by 925 services.



3. Existing Planning Provisions

This planning proposal application seeks an amendment to the *Cumberland Local Environmental Plan 2021 (CLEP)* to facilitate the reclassification of Council owned land from 'community land' to 'operational land' for the purposes of the *Local Government Act 1993*. The reclassification will facilitate the continuing use and development of the land for purposes consistent with the CLEP provisions. No changes to the existing planning provisions applicable to the land are proposed. For context, the general planning provisions applicable to the subject site are summarised below.

The site is within the Cumberland local government area and was formerly within the City of Auburn local government area prior to its amalgamation in 2016. The CLEP is the primary land use planning instrument applicable to the subject site with the following planning controls applicable:

Table 1 Summary of Current Planning Controls under CLEP	
Control	Existing Provisions
Zone	IN2 (Lot C DP 384900 and adjoining part of Lot 1 DP 1161392) SP2 (Defence Land) (Lot 1 DP 135368 and adjoining part of Lot 1 DP 1161392)
Height of Buildings	N/A
Floor Space Ratio	1:1 (Lot C DP 384900 and adjoining part of Lot 1 DP 1161392 only)
Minimum Lot Size	1,500m ² (Lot C DP 384900 and adjoining part of Lot 1 DP 1161392 only)

An extract of the CLEP zoning map is provided in Figure 7.

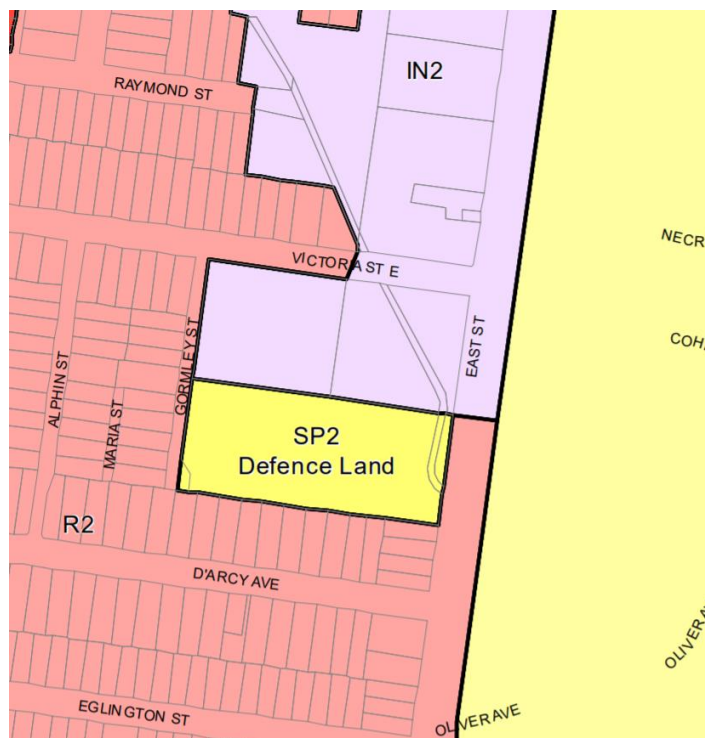


Figure 7 Zoning of the site and surrounds (Source: CLEP Land Zoning Map – Sheet LZN_016)



4. Planning Proposal

4.1 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of this planning proposal is to amend the *Cumberland Local Environmental Plan 2021* (CLEP) to enable the reclassification of Lot 1 DP 1161392 from 'community land' to 'operational land'. The reclassification of the land to operational land will enable Council to sell or lease the land and enable its use for commercial purpose in accordance with the provisions of the *Local Government Act 1993* and the land use provisions of the CLEP. It is anticipated that, if the land is sold, Council will establish an easement over the stormwater drainage infrastructure.

4.2 PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by amending Schedule 4 of the CLEP to add reference to the reclassification of Lot 1 DP 1161392 from community land to operational land for the purposes of the *Local Government Act 1993*.

4.3 PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section provides a detailed assessment of the proposal's strategic and site-specific merit and is based on a series of questions as outlined in the Department of Planning, Industry and Environment's *Local Environmental Plan Making Guideline 2021*. The matters to be addressed include the strategic planning context of the amendments, potential State and Commonwealth agency interests, environmental, social and economic impacts.

This section also responds to the information checklist provided at Attachment 1 of the Department of Planning and Environment's LEP Practice Note PN16-001 dated 5 October 2016.

In summary, the proposed amendment to Schedule 4 of the CLEP in relation to the classification of Lot 1 DP 1161392 is:

- Aligned with the relevant key priorities and strategic merit matters in the Greater Sydney Region Plan and Central City District Plan;
- Consistent with priorities identified in the Cumberland Local Strategic Planning Statement;
- Aligned with the relevant Section 9.1 Directions; and
- The best means of achieving the intended outcomes for the site.

Questions for Consideration in Demonstrating Justification

4.3.1 Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. However, it is noted that (subject to Council endorsement) the Planning Proposal will facilitate the ongoing use and future development of the land for light industrial purposes consistent with the current CLEP zoning provisions.

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

Cumberland Council have advised that Lot 1 DP 1161392 is classified as 'community land' for the purposes of the *Local Government Act 1993* (LG Act). As community land, its use and development for private purposes is limited under the LG Act provisions. To enable the ongoing business and industrial use of the land or its sale or lease to enable



future development, it needs to be reclassified as 'operational land'. The reclassification of community land to operational land must be undertaken by a local environmental plan in accordance with the requirements of section 27(1) of the LG Act.

4.3.2 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)?

The reclassification of the subject site is consistent with the objectives and actions in the Central City District Plan and will facilitate the ongoing use and future development of the land in accordance with the desired outcomes in these strategies.

Table 2 Strategic Planning Framework	
Relevant Strategic Plan	Consideration
Greater Sydney Regional Plan: A Metropolis of Three Cities	<p>The planning proposal is consistent with the Greater Sydney Regional Plan released by the then Greater Sydney Commission in 2017. In particular, the proposal maintains the current industrial use of the land which satisfies the following direction contained within the Regional Plan:</p> <p>Creating the conditions for a stronger economy.</p> <p>This is supported by consistency with the following objectives:</p> <ul style="list-style-type: none"> - Investment and business activity in centres - Industrial and urban services land is planned, retained and managed.
Central City District Plan	<p>The planning proposal is consistent with the Central City District Plan released by the Greater Sydney Commission in 2017. In particular, the proposal maintains the current industrial use of the land which satisfies the following planning priority contained within the District Plan:</p> <p>C11 Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land.</p> <p>This is supported by consistency with the following objective:</p> <ul style="list-style-type: none"> - Objective 22 Industrial and urban services land is planned, retained and managed.
Cumberland Local Strategic Planning Statement	<p>The planning proposal is consistent with the Cumberland Local Strategic Planning Statement (LSPS). In particular, the proposal is aligned with the following local planning priorities contained within Part 7 Local jobs and businesses:</p> <ul style="list-style-type: none"> - Local Planning Priority 10 – Support a strong and diverse local economy across town centres and employment hubs - Local Planning Priority 11 – Promote access to local jobs, education and care services. - Local Planning Priority 12 – Facilitate the evolution of employment and innovation lands to meet future needs.
Cumberland Local and Affordable Housing Strategy	<p>Although the planning proposal does not involve land suited to residential use, the proposal does not involve any conflict with this strategy.</p>



Table 2 Strategic Planning Framework	
Cumberland Employment and Innovation Lands Strategy and Land Use Planning	The planning proposal is consistent with the Cumberland Employment and Innovation Lands Strategy. In particular, the proposal will maintain the existing industrial zoning and use of the land despite the proposed change of classification to 'operational land'.

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

The site is located on the south-eastern periphery of Lidcombe town centre which is identified as a principal local centre within the Cumberland Local Strategic Planning Statement as indicated in Figure 8. The site's location is 800m walking distance from Lidcombe railway station, 1.7km from Berala railway station and 3.8km from Regents Park railway station. These stations provide regular services to the CBD, Liverpool, Bankstown, Parramatta and Blacktown.

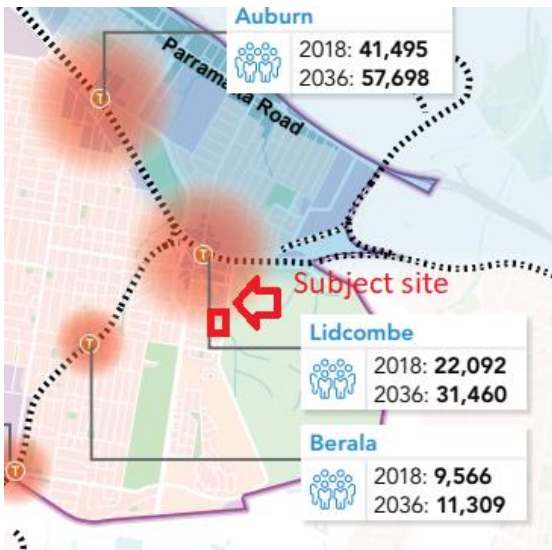


Figure 8 Location of subject land (Source: Cumberland Council LSPS)

The reclassification of the land will enable the ongoing use of the site and the adjoining land for light industrial purposes and will facilitate the further development of the land consistent with the provisions of the CLEP. This gives effect to the identified priorities in *Cumberland 2030: Our Local Strategic Planning Statement* for the Cumberland Council area that include:

- Priority 10 – Supporting a strong and diverse local economy across town centres and employment hubs,
- Priority 11 – Promoting access to jobs, education and care service, and
- Priority 12 – Facilitating the evolution of our employment and innovation lands to meet future needs.

Under Priority 12, the local strategic planning statement identifies actions to update planning controls to support employment and innovation lands in Cumberland. The reclassification of the subject site is consistent with the above strategic planning priorities and actions.

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

There are no other State or regional studies or strategies applicable to this development.

Q6. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is generally consistent with applicable State Environmental Planning Policies as indicated in the following table:



Table 3 State Environmental Planning Policies		
State Environmental Planning Policy	Relevant	Comments
State Environmental Planning Policy (Biodiversity and Conservation)		
Chapter 2 – Vegetation in non rural areas	Yes	The planning proposal is consistent with the SEPP. It is noted that the proposal does not involve any changes that will have an impact on trees or other vegetation.
Chapter 3 – Koala habitat protection 2020	Not applicable to site	-
Chapter 4 – Koala habitat protection 2021	Not applicable to site	-
Chapter 5 – River Murray lands	Not applicable to site	-
Chapter 6 – Bushland in urban areas	Not applicable to site	-
Chapter 7 – Canal estate development	Not applicable to site	-
Chapter 8 – Sydney drinking water catchment	Not applicable to site	-
Chapter 9 – Hawkesbury Nepean River	Not applicable to site	-
Chapter 10 – Sydney Harbour Catchment	Yes	The planning proposal is consistent with the SEPP. The site is located within the Sydney Harbour Catchment. The planning proposal does not involve any changes that will impact water quality within the catchment.
Chapter 11 – Georges River Catchment	Not applicable to site	-
Chapter 12 – Willandra Lakes Region World Heritage Property	Not applicable to site	-
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004		
BASIX SEPP	Yes	The planning proposal is consistent with the SEPP. It is noted that the current zoning does not allow BASIX affected development. However it would apply to any residential development if the zoning of the land was contemplated in the future.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		
Codes SEPP	Yes	The planning proposal is consistent with the SEPP. The provisions of the Exempt and Complying Development Codes SEPP apply to the site. The use of exempt and complying development is limited by the site's flood prone status.
State Environmental Planning Policy (Housing) 2021		
Housing SEPP	Yes	The planning proposal is consistent with the SEPP. It is noted that residential development is not currently permitted on the land (IN2 or SP2) however the SEPP would be relevant to





Table 3 State Environmental Planning Policies		
		the site should the zoning of the land change in the future.
State Environmental Planning Policy (Industry and Employment) 2021		
Chapter 2 – Western Sydney Employment Area	Not applicable	-
Chapter 3 – Advertising and Signage	Yes	The planning proposal is consistent with the SEPP. The requirements of this SEPP apply to the site and any proposal for the display of signage.
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development		
SEPP 65	Yes	The planning proposal is consistent with the SEPP. It is noted that the SEPP does not apply to any development currently permissible on the land but would apply in the future if residential development was contemplated.
State Environmental Planning Policy (Planning Systems) 2021		
Chapter 2 State and regional development	Yes	The planning proposal is consistent with the SEPP. Development over certain thresholds identified in the SEPP are categorised as State or regionally significant development.
Chapter 3 – Aboriginal land	Not applicable	-
Chapter 4 – Concurrences and consents	Not applicable	-
State Environmental Planning Policy (Precincts – Central River City) 2021		
Chapter 2 – State Significant Precincts	Not applicable	-
Chapter 3 – Sydney region growth centres	Not applicable	-
Chapter 4 – Homebush Bay area	Not applicable	-
Chapter 5 – Kurnell Peninsula	Not applicable	-
Chapter 6 – Urban renewal precincts	Not applicable	-
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021		
Chapter 2 – State significant precincts	Not applicable	-
Chapter 3 – Darling Harbour	Not applicable	-
Chapter 4 – City West	Not applicable	-
Chapter 5 – Walsh Bay	Not applicable	-
Chapter 6 – Cooks Cove	Not applicable	-
Chapter 7 – Moore Park Showground	Not applicable	-
State Environmental Planning Policy (Precincts – Regional) 2021		





Table 3 State Environmental Planning Policies		
Chapter 2 – State significant precincts	Not applicable	-
Chapter 3 – Activation Precincts	Not applicable	-
Chapter 4 – Kosciuszko National Park and alpine resorts	Not applicable	-
Chapter 5 – Gosford City Centre	Not applicable	-
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
Chapter 2 – State significant precincts	Not applicable	-
Chapter 3 – Sydney region growth centres	Not applicable	-
Chapter 4 – Western Sydney Aerotropolis	Not applicable	-
Chapter 5 – Penrith Lakes Scheme	Not applicable	-
Chapter 6 – St Marys	Not applicable	-
Chapter 7 – Western Sydney Parklands	Not applicable	-
State Environmental Planning Policy (Primary Production) 2021		
Chapter 2 – Primary production and rural development	Not applicable	-
Chapter 3 – Central Coast plateau areas	Not applicable	-
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 2 – Coastal Management	Not applicable	-
Chapter 3 – Hazardous and offensive development	Yes	The planning proposal is consistent with the SEPP. Certain types of development permissible on the land may be impacted by the SEPP.
Chapter 4 – Remediation of Land	Yes	The planning proposal is consistent with the SEPP. It is noted that the planning proposal does not involve any changes to the zoning of the land or the land uses permissible on the site.
State Environmental Planning Policy (Resources and Energy) 2021		
Chapter 2 – Mining, petroleum production and extractive industries	Not applicable	-
Chapter 3 – Extractive industries in Sydney area	Not applicable	-
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 – Infrastructure	Yes	The planning proposal is consistent with the SEPP. It is noted that the planning proposal will not prevent Council from undertaking essential stormwater works relating to the land if required.





Table 3 State Environmental Planning Policies		
Chapter 3 – Educational establishments and child-care facilities	Not applicable	-
Chapter 4 – Major infrastructure corridors	Not applicable	-
Chapter 5 – Three ports – Port Botany, Port Kembla and Newcastle.	Not applicable	-

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* as outlined in the below table. All other Directions are not considered relevant to the proposal.

Table 4 Section 9.1 Ministerial Directions			
Ministerial Direction	Relevance	Y/N	Comments
1. Planning Systems			
1.1 Implementation of Regional Plans	This Direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning.	Yes	The planning proposal is consistent with the aims, strategies and actions of the Central City District Plan.
1.3 Approval and Referral Requirements	A planning proposal must: <ul style="list-style-type: none"> minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, not identify development as designated development unless the relevant planning authority has obtained the approval of the Director-General of the Department of Planning 	Yes	The planning proposal does not introduce any additional concurrence requirements or identify the development as designated development.
1.4 Site Specific Provisions	A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: <ol style="list-style-type: none"> allow that land use to be carried out in the zone the land is situated on, or rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or 	Yes	The planning proposal to reclassify the land is not inconsistent with this Direction. The reclassification of the land will not change the existing uses of the site and will facilitate the ongoing use and future development of the land for light industrial purposes consistent with the current CLEP provisions.



Table 4 Section 9.1 Ministerial Directions

	(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.		
4. Resilience and Hazards			
4.1 Flooding	This Direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	Yes	The site is within a “flood planning area” as identified on the CLEP 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 development 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 CLEP.
4.1 Acid Sulfate Soils	The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. This Direction applies to land shown on the Acid Sulfate Soils Planning Maps.	Yes	The site is identified as containing potential Class 5 acid sulfate soils on the mapping contained within the CLEP. 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.
5. Transport and Infrastructure			
5.1 Integrating Land-Use and Transport	A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	N/A	The proposal does not require the change of any zoning and is limited only to the reclassification of community land to operational land.
5.2 Reserving Land for Public Purposes	The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Yes	The subject site contains public infrastructure but is not specifically identified for acquisition or reservation under the CLEP provisions. It is anticipated, following the completion of the land reclassification process, that Council will apply appropriate legal protections of the existing public infrastructure on the site prior to any future lease, sale or redevelopment of the land.
7. Industry and Employment			

Table 4 Section 9.1 Ministerial Directions

<p>7.1 Business and Industrial Zones</p>	<p>This Direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and <p>ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning</p>	<p>Yes</p>	<p>The proposal protects employment land and will enable the orderly development of Lot C DP 384900 in conjunction with part of Lot 1 DP 1161392 in accordance with the provisions of the <i>Cumberland Local Environmental Plan 2021</i> and the IN2 Light Industrial zone.</p>
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4.3.3 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?

The site is within an urban environment and does not contain habitat for threatened species, populations or ecological communities.

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

No other likely environmental effects are expected.

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

The reclassification of the land is not expected to result in any adverse social or economic effects. The reclassification of the land from community land to operational land will facilitate the orderly use of the land and enable the continuation of its existing uses and will enable the future development of the site in association with the adjoining land consistent with the CLEP provisions. The reclassification of the land to operational land will provide Council with the ability to either lease or sell the land to enable its future development subject to appropriate protective measures for the public infrastructure within the site.

4.3.4 Section D – State and Commonwealth Interests

Q11. Is there adequate public infrastructure for the planning proposal?

The planning proposal will not create any need for public infrastructure.



Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

A future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation.

4.4 PART 4 – MAPPING

The proposed reclassification of the land will not require any amendment of existing mapping or the addition of new mapping into the CLEP.

4.5 PART 5 – COMMUNITY CONSULTATION

It is expected that community consultation will be undertaken by Council following the initiation of the Planning Proposal process accordance with Council’s Community Engagement and Participation Strategy and the legislative provisions of the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*.

4.6 PART 6 – PROJECT TIMELINE

It is anticipated that the project timeline will be clarified once Cumberland Council have reviewed the proposal.

4.7 LEP PRACTICE NOTE - INFORMATION CHECKLIST

Table 3 provides an overview of the information that is required to be provided with the Planning Proposal, in accordance with LEP Practice Note PN 16-001 ‘*Classification and reclassification of public land through a local environmental plan*’ (Attachment 1 information checklist).

Table 5 Information Checklist for proposals to classify or reclassify public land through a LEP

Matter	Response
The current and proposed classification of the land	The proposal is to reclassify Lot 1 DP 1161392 from ‘community land’ to ‘operational land’.
Whether the land is a ‘public reserve’ (defined in the LG Act)	The land is not a public reserve.
The strategic and site specific merits of the reclassification and evidence to support this	Refer to Section 4.3.
Whether the planning proposal is the result of a strategic study or report	Refer to Section 4.3. The proposal is not the result of strategic study or report, but is not inconsistent with any strategic studies or reports.
Whether the planning proposal is consistent with council’s community plan or other local strategic plan	Refer to Section 4.3. The proposal is not inconsistent with the council’s community strategic plan.
A summary of council’s interests in the land, including: <ul style="list-style-type: none"> – How and when the land was first acquired (e.g. was it dedicated, donated, provided 	The subject land was transferred to Auburn Council by the Department of Public Works in October 1974 (refer to Government Gazette No 129 dated 25 October 1974).



Table 5 Information Checklist for proposals to classify or reclassify public land through a LEP

<p>as part of a subdivision for public open space or other purpose, or a developer contribution)</p> <ul style="list-style-type: none"> - If council does not own the land, the land owner's consent; - The nature of any trusts, dedications, etc. 	
<p>Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why</p>	<p>No</p>
<p>The effect of the classification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged)</p>	<p>The use of the land for stormwater purposes will continue despite the change in the land's classification.</p>
<p>Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents)</p>	<p>Results of a recent Title search are provided with the Planning Proposal.</p>
<p>Current use(s) of the land, and whether uses are authorised or unauthorised</p>	<p>The land is lawfully used as a stormwater drainage culvert.</p>
<p>Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.</p>	<p>No lease agreement is associated with the land.</p>
<p>Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when Council intends to realise its asset, either immediately after rezoning/reclassification or at a later time</p>	<p>Council's intentions regarding the future sale of the land are described within the Planning Proposal.</p>
<p>Any rezoning associated with reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)</p>	<p>The current zoning of the land will not be changed.</p>
<p>How council may or will benefit financially, and how these funds will be used.</p>	<p>Not applicable.</p>
<p>How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal</p>	<p>Not applicable.</p>
<p>A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot</p>	<p>The planning proposal describes the location and extent of the land affected by the proposed reclassification.</p>

Table 5 Information Checklist for proposals to classify or reclassify public land through a LEP

Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable

Not applicable - no preliminary comments from State Government agencies have been received.



5. Conclusion

This planning proposal application seeks to initiate an amendment to the *Cumberland Local Environmental Plan 2010* (CLEP) to enable the reclassification of Lot 1 DP 1161392 from 'community land' to 'operational land' for the purposes of the *Local Government Act 1993*. The proposal does not involve a change of zoning or other LEP development standards for the site, but rather the inclusion of the site as reclassified land in Schedule 4 of the CLEP.

This application for a planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW Department of Planning, Industry and Environment's *Local Environmental Plan Making Guideline 2021*.

The application demonstrates that the proposed LEP amendment has strategic and site-specific merit. The reclassification of the land is consistent with the Central City District Plan, the Cumberland Council Local Strategic Planning Statement, applicable State Environmental Planning Policies and Ministerial Directions as prescribed by Section 9.1 of the EP&A Act.

The reclassification of the land from 'community land' to 'operational land' will enable the ongoing use of the site for light industrial uses as well as the leasing or sale of the land to facilitate the orderly development of the site and adjoining land for land uses consistent with the provisions of the CLEP and the IN2 Light Industrial zone that applies to the site.

The planning proposal will not result in any unacceptable environmental effects as identified within this report.

Accordingly, this application for a Planning Proposal is entirely worthy of Council's support and the initiation of the reclassification and LEP amendment process is respectfully requested.

