

PROPOSED RECLASSIFICATION OF COMMUNITY LAND AT 2-10 VICTORIA STREET EAST (PART) AND 49 EAST STREET (PART), LIDCOMBE

PUBLIC HEARING AND SUBMISSIONS REPORT

FINAL

8 NOVEMBER 2023



CUMBERLAND CITY COUNCIL

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1 INTRODUCTION

1.1 Purpose of this report

This report has been prepared under Section 29 of the *Local Government Act 1993* to report to Cumberland City Council on the public submissions made at the public hearing on Thursday 2 November 2023 regarding the proposed reclassification from community land to operational land of 2-10 Victoria Street East and part of 49 East Street in Lidcombe (“the subject land”).

The key purpose of the reclassification of land is to amend Part 1, Schedule 4 of the Cumberland Local Environmental Plan 2021 (CLEP 2021) to identify Lot 1 DP 1161392 as operational land.

The proposed reclassification of the subject land is explained in detail in the *Planning Proposal: 2-10 Victoria Street East, Lidcombe (PP2022/0001)* (GLN Planning, August 2023), referred to as “the Planning Proposal”, which has also been issued with a Gateway Determination by the Department of Planning and Environment.

This report makes recommendations to Council regarding the proposed reclassification based on public submissions.

1.2 Land to which the proposed reclassification applies

The subject land as shown in Figure 1 is Lot 1 DP 1161392 located at part of 2-10 Victoria Street East and part of 49 East Street in Lidcombe.

Figure 1 Location of the subject land



1.3 Contents of this report

The remainder of this report contains:

- a general explanation of the proposed reclassification of the subject land from community land to operational land (Section 2)
- explanation of the proposed reclassification of the subject land (Section 3)
- the public hearing details (Section 4)
- submissions (Section 5)
- assessment of submissions and recommendations (Section 6).

2 RECLASSIFICATION OF COMMUNITY LAND

2.1 What is reclassification of community land?

Under the *Local Government Act 1993*, public land is classified as either 'operational' or 'community' land. The subject land is currently classified as community land under the *Local Government Act 1993*.

Community land would ordinarily comprise land accessible to the public, such as a park, sporting fields, or a community centre.

The use of community land must be consistent with a Plan of Management prepared under the *Local Government Act 1993*. The subject land is categorised as General Community Use in the Plan of Management: General Community Use (Cumberland City Council, 2023).

Community land must not be sold, except in the limited circumstances referred to in Section 45 (4) of the Act. Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent. Community land may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. Council also cannot grant a lease, licence or other estate for private purposes over community land.

Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a Council of its functions, or land which may not be open to the general public such as a works depot. Operational land may be leased for a longer period of time, and may be sold/ transferred. Operational land does not have any special restrictions and can be used by Council for a broad range of purposes.

Classification or reclassification of land does not affect any estate or interest a council has in the land.

2.2 Process of reclassification of community land

The *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979* set out requirements that Councils must follow when reclassifying community land to operational land. Relevant legislation can be accessed at www.legislation.nsw.gov.au.

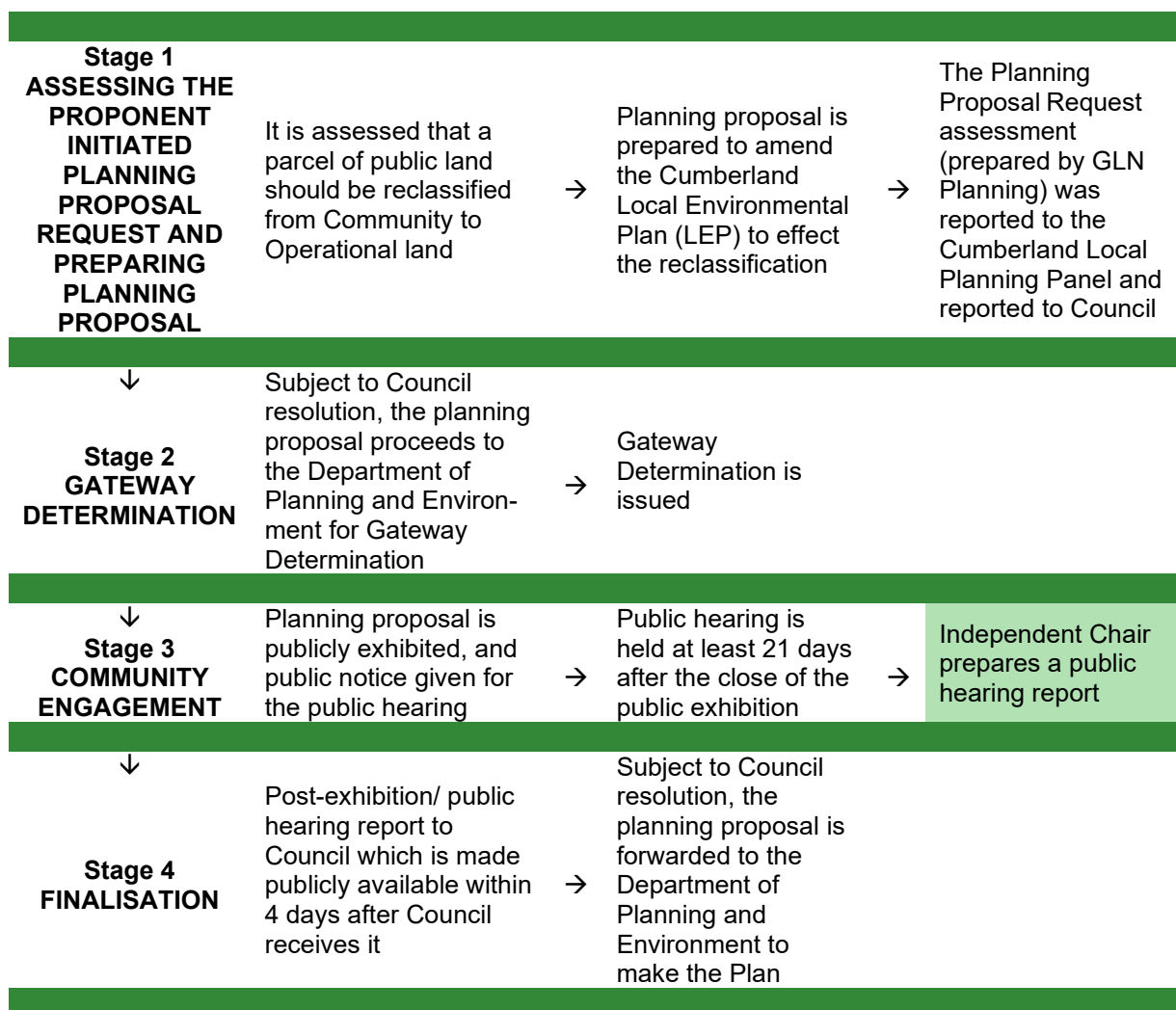
Reclassification may be carried out by either:

1. A Local Environmental Plan under the *Environmental Planning and Assessment Act 1979* through Section 27(1) of the *Local Government Act 1993*, or
2. Council resolution under Section 27(2) of the *Local Government Act 1993*.

Council is proposing to reclassify the Council-owned community land under Option 1 ie. by amendments to the CLEP 2021.

The process of reclassifying community to operational land by changes to the CLEP 2021 is in Figure 2.

Figure 2 Process of reclassifying community land to operational land by local environmental plan



2.3 Process of the public hearing and report

The timeline of the reclassification proposal, and the public hearing and report, is set out in Table 1.

Table 1 Process of the public hearing and report

Dates	Process	Relevant legislation
March 2022	March 2022: Council officers placed a Planning Proposal Request on early community consultation. No submissions from the community or Sydney Water were received	
July-September 2022	A revised Planning Proposal Request was lodged with Council, and updated with minor additional information by Planning Ingenuity on behalf of Gabriss Pty Ltd	
November 2022	GLN Planning was engaged by Council to independently assess the proponent (Gabriss Pty Ltd) initiated planning proposal in a Planning Proposal Request Assessment Report PP2022/0001 (GLN Planning, November 2022)	

Dates	Process	Relevant legislation
14 December 2022	Council officers and GLN Planning reported the Planning Proposal Request to the Cumberland Local Planning Panel, which unanimously supported the recommendation to proceed to request a Gateway Determination.	
27 February 2023	Council's Property Committee considered the Planning Proposal. The majority of committee members supported the recommendation of Council officers and the Cumberland Local Planning Panel to progress the planning proposal.	
3 May 2023	Cumberland City Council resolved to prepare and forward a Planning Proposal to the Department of Planning and Environment for a Gateway Determination.	
19 May 2023	Council referred the Planning Proposal prepared by GLN Planning to the NSW Department of Planning and Environment (DPE) for Gateway Determination.	Section 3.34(1) of the <i>Environmental Planning and Assessment Act 1979</i>
10 July 2023	DPE issued a Gateway Determination for the proposal to proceed. Conditions of the determination include that the planning proposal to be updated to reflect adjusted timelines, and that a public hearing be held.	Section 3.34(2) of <i>Environmental Planning and Assessment Act 1979</i>
5 September to 5 October 2023	The Planning Proposal (GLN Planning Pty Ltd, August 2023) was placed on public exhibition for comment. Council informed residents and businesses within an 80-100 metre radius. No community submissions were received.	
	Public notice of the public hearing after the conclusion of the statutory public exhibition of the planning proposal.	
Thursday 2 November 2023	The public hearing into the proposed reclassification was held. The person presiding at the public hearing is not a councillor or employee of the council holding the public hearing, or has been a councillor or employee of that council at any time during the 5 years before the date of her appointment.	Section 29 of <i>Local Government Act 1993</i> Department of Planning and Environment Practice Note PN 16-001 Section 47G of <i>Local Government Act 1993</i>
Wednesday 8 November 2023	Independent chairperson at public hearing prepared the public hearing report and issued it to Council.	
By 12 November 2023	Council must make a copy of the public hearing report available for inspection by the public at a location within the area of the council no later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing. Copy of report emailed to community member attending the public hearing.	Section 47G of <i>Local Government Act 1993</i>
End 2023/ early 2024	Council considers the public hearing report and public submissions Received from public exhibition of the planning proposal and supporting documentation following a Gateway Determination.	

Dates	Process	Relevant legislation
<p><i>If Council resolves to endorse/adopt and proceed with the planning proposal as per delegations issued by the Department of Planning and Environment's Gateway Determination for the proposed reclassification:</i></p>		
Early 2024	Council requests the Department of Planning and Environment to prepare the draft Local Environmental Plan to give effect to the planning proposal as per delegations issued by the Gateway Determination.	
By April 2024	<p>The draft LEP amendment to Part 1 of Schedule 4 of the CLEP 2021 will be made as proposed to reclassify the council owned land (drainage easement) from community to operational land without any discharge of any interests.</p> <p>Note: The land subject to the proposed reclassification is not a public reserve or is owned/managed by a trust and does not propose to discharge any existing interests of the land (as confirmed by the certificate of title in Appendix A).</p>	Sections 27 and 30(1) of <i>Local Government Act 1993</i>

3 PROPOSED RECLASSIFICATION OF THE SUBJECT LAND

3.1 Site description

The land subject to the proposed land reclassification comprises Lot 1 DP 1161392 as shown in Figure 3.

Figure 3 Lot 1 DP 1161392 and adjoining land



Lot 1 DP 1161392 is a brick and concrete lined stormwater drainage channel 152 metres long and five metres wide (727.2m²) as shown in Figure 4.

The subject land is currently owned and managed by Cumberland City Council, and is classified as community land and categorised as General Community Use under the *Local Government Act 1993*.

Figure 4 Images of subject land proposed to be reclassified

North (through Lot C DP 384900)



South (through Lot 1 DP 135368)



The drainage channel passes through two parcels of land:

- ❑ Lot C DP 384900 2-10 Victoria Street in Lidcombe which is owned by Gabriss Pty Ltd. Lot C DP 384900 is developed with a mix of light industrial land uses across the site, using existing buildings and hardstand areas. The drainage channel is covered and open within this lot, with a portion of the industrial buildings and hardstand areas over the drainage channel.

Lot 1 DP 135368 49 East Street in Lidcombe which is owned by Commonwealth of Australia (Defence) and used as their Lidcombe Training Depot. The open culvert close to the East Street boundary does not affect the ongoing or future use of 49 East Street. Lot 1 DP 135368 is included in the Planning Proposal for consistency across the subject land as an integrated approach.

Access to the subject land is available from East Street and from Lot C DP 384900.

3.2 Reclassification of community land to operational land

A Planning Proposal explains the intended outcome of a proposed amendment to a local environmental plan and sets out the justification for making that amendment.

The Planning Proposal (PP2022/0001) was initiated by the proponent and land owner Gabriss Pty Ltd. The Planning Proposal seeks to reclassify Council owned drainage land at 2-10 Victoria Street East along with adjoining land at 49 East Street in Lidcombe from community land to operational land.

The background to and reasons for the proposed reclassification are set out in detail in the Planning Proposal.

The configuration of the drainage channel through 2-10 Victoria Street East does not directly affect use of the site, but it limits the development potential of Lot C DP 384900 which is effectively severed by the drainage channel. Gabriss Pty Ltd is seeking reclassification of the subject land from community to operational land for several reasons, including to enable them to purchase the land from Council, develop the site, and continue with the current ongoing land uses. As Council-owned community land, the *Local Government Act 1993* prevents development, leasing or sale of the land for commercial purposes.

Reclassification of the subject land Lot 1 DP 1161392 from community to operational land will enable Council to:

- enter into an agreement to facilitate its lease, sale and/or further development in conjunction with the adjoining land (Lot C DP 384900) and subject to appropriate protective measures for the public infrastructure within the site
- facilitate the continued use and future development of the land for light industrial purposes consistent with the Cumberland Local Environmental Plan 2021
- effectively manage the drainage reserve as operational land under the Registrar-General's Guidelines under Section 12D of the *Real Property Act 1900*.

The objectives and intended outcomes of the planning proposal will be achieved by amending Part 1 Schedule 4 of the CLEP 2021 to identify Lot 1 DP 1161392 as operational land.

No change would be made to:

- the current drainage use or the location of the stormwater drainage easement
- the zonings of E4 General Industrial (Lot C DP 384900) and SP2 Infrastructure (Defence) or the purposes permissible under those land zonings in the CLEP 2021
- any other planning controls applicable to the land under the CLEP 2021.

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4 THE PUBLIC HEARING

4.1 Advertising and notification

Cumberland City Council advised the community about the public hearing in several ways.

4.1.1 Online

The public hearing as notified on Council's website <https://haveyoursay.cumberland.nsw.gov.au/victoria-street-planning-proposal> from Tuesday 5 September 2023 to Thursday 2 November 2023 as shown in Figure 5.

Figure 5 Online notice about public hearing on 'Have Your Say'

The screenshot shows the 'Have Your Say' website interface. At the top, there is a search bar and navigation links for HOME, OPEN PROJECTS, ABOUT CUMBERLAND CONVERSATIONS, and CONTACT US. The main header features a large graphic of diverse people silhouettes with speech bubbles, and a 'have your say' logo. Below this, the project title '2-10 Victoria Street East Lidcombe - Planning Proposal (PP2022/0001)' is displayed. The 'October 2023 Update' section contains a highlighted notice: 'Please note that there is a public hearing on 2 November 2023 at 6pm about this proposal. If you are interested in attending the public hearing, please register before 3pm on 2 November.' The 'September 2023 Update' section includes a map of the site showing Victoria St, O'Arcy Ave, and various lots (Lot C DP 204900, Lot 1 DP 135068, Lot 1 DP 1161002). The 'Key Dates' sidebar lists: Previous Consultation Period (March 2022), Gateway Determination (10 July 2023), Consultation commences (Tuesday 5 September 2023), Consultation concludes (Thursday 5 October 2023), and Public Hearing (Thursday 2 November 2023).

About the Proposal

On 10 July 2023, a Gateway Determination was issued by the Department of Planning and Environment for the Planning Proposal seeking to reclassify an existing council owned land containing an underground drainage easement (outlined red) from 'community' to 'operational' land, by amending Schedule 4, Part 1 of the Cumberland Local Environmental Plan 2021.

The proposal has been assessed, reported and prepared by GLN Planning, an external planning consultant engaged by Council.

Now we want your feedback

Council values the opinions and suggestions of the community, and would appreciate your input on Planning Proposal to reclassify land at 2-10 Victoria Street East, Lidcombe.

During this community consultation period, residents are encouraged to view or download a copy of the planning proposal and supporting documentation for review from the document library on this page.

The planning proposal and supporting documentation are also available in hardcopy form at:

- Auburn Customer Service Centre, 1 Susan Street, Auburn.
- Merrylands Customer Service Centre, 16 Memorial Avenue, Merrylands.
- Lidcombe Library.

The planning proposal and supporting information is on exhibition online from **Tuesday 5 September 2023 to Thursday 5 October 2023**. During this community consultation period, residents are encouraged to submit their comments on the proposal. Anyone who wishes to provide feedback on the proposal must do so in writing by **11:30pm Thursday 5 October 2023**.

To make a submission on the Proposal:

Submissions concerning the above proposal are to be made by **11:30pm Thursday 5 October 2023**. Please include **PP2022/0001** as the submission reference.

There are three ways you can lodge a submission:

1. Complete an online submission below.
2. Email your submission to Council@cumberland.nsw.gov.au
3. Post your submission to The General Manager, Cumberland City Council, PO Box 42, Merrylands NSW 2160.

NOTE: Submissions have now closed.

Notice of public hearing for 2 - 10 Victoria Street East, Lidcombe Planning Proposal

As per Gateway Determination issued by the Department of Planning and Environment, a public hearing must be further conducted by Council to fulfill requirements of the Local Government Act 1993 after the completion of the public exhibition of the planning proposal. The public hearing will be conducted by an independent planning consultant appointed by Council. **Any community member who wishes to attend the public hearing will need to register.** Please refer to details of the public hearing as follows:

- **Meeting:** Public Hearing
- **Date:** Thursday, 2 November 2023
- **Time:** 6pm to 7.30pm
- **Venue:** Lidcombe Community Centre Hall located at 3 Bridge Street, Lidcombe NSW 2141 (underneath the existing Lidcombe Library).

Should you wish to attend this public hearing, please [register your interest here](#) before **3:00pm Thursday 2 November 2023**.

Contact Us

Any Questions?

If you have any questions about this project, please contact:

Harinee De Silva
Senior Strategic Planner
P: (02) 8757 9949
E: council@cumberland.nsw.gov.au

Join the conversation and Have Your Say!

Public Meeting



Public Hearing for 2-10 Victoria St East...

From : Thu, 02 Nov 2023 06:00 PM

To : Thu, 02 Nov 2023 07:30 PM

At : Lidcombe

Document Library

Planning Proposal and Supporting Documentation

2-10 Victoria Street East - Planning Proposal

1. Gateway Letter and Determination (10 July 2023)

2. Council resolution and report (3 May 2023)

3. Local Planning Panel Advice, Report and GLN Planning Assessment

4. LEP practice note PN16-001 relating to reclassification land

5. Certificate of Titles

6. Deposited Plan showing details of Council owned land

7. NSW Gazette Notices to demonstrate that the land was transferred

Council Property Committee Minutes (27 February 2023)

Planning Proposal request - Lodged by Proponent (3 August 2022)

Who's Listening



Harinee De Silva

Senior Strategic Planner
Cumberland City Council

P: (02) 8757 9949

E: council@cumberland.nsw.gov.au

Background information documents explaining the proposed reclassification and the public hearing, and an invitation for online submissions and registration to attend the hearing were also provided on the project page during and after the public exhibition of the planning proposal and supporting documentation until the hearing was conducted.

4.1.2 Newspaper notices

Council also advertised the public hearing and the invitation to make a submission about the planning proposal by placing notices in the *Auburn Review* and *Parramatta News* on 19 September 2023 for the exhibition of the planning proposal (refer to Figures 6 and 7) and to inform the community about the public hearing details on 10 October 2023 (refer to Figures 8 and 9).

Figure 6 Community News Update in *Auburn Review* 19 September 2023

2 | auburnreview Tuesday, September 19, 2023 www.localnewsplus.com.au

CUMBERLAND CITY COUNCIL Community News Update

Message from Mayor Lake

Kalaivizha 2023

I recently attended Kalaivizha, hosted by Wentworthville Tamil Study Centre at Bowman Hall in Blacktown. This vibrant cultural event saw members of the Tamil community taking part in many thought-provoking discussions and enjoying the range of colourful performances presented on the day. Kalaivizha is an annual celebration that showcases the rich cultural heritage and artistic talents of Tamil students. It also serves as a platform to foster unity, promote diversity, and embrace the spirit of inclusivity. Thank you to the Wentworthville Tamil Study Centre for inviting me to be part of this significant cultural tradition.



Australia Nepal Public Link Inc World Suicide Prevention Day

Last week, I attended the Australia Nepal Public Link Inc World Suicide Prevention Day event in Merrylands. The event saw many groups come together, including Nepali students at Western Sydney University to identify the barriers around reaching out for support for suicide and mental health-related issues.

According to the Australian Bureau of Statistics, three quarters of Australians with mental health issues are under the age of 25. This year, Council hosted the Youth Mental Health Summit which included students from Greystanes High School to help establish a Youth Mental Health Action Plan with state and federal agencies and local service providers. Council's Community Grants Program also focuses on mental health initiatives in Cumberland, particularly for young people. If you, or someone you know is experiencing crisis and is in need of help, please contact Lifeline on 13 11 14 or visit www.lifeline.org.au



HSC Quiet Study Space Trial

The HSC is coming up and there are many young students in Cumberland preparing for their final Year 12 exams. To help ease the pressures and assist students with getting the most out of their study time, we're opening three new quiet study spaces at Berala, Wentworthville and Allan G Ezy Community Centres, every Friday starting from 22 September to 20 October. There will also be extended operating hours at Auburn, Granville and Merrylands libraries, exclusively for HSC students. These spaces are a great way for students to get in some extra study time without any distractions. For more information visit www.cumberland.nsw.gov.au/event/hsc-quiet-study-space

Mayor Lisa Lake
8757 9856 | Lisa.Lake@cumberland.nsw.gov.au

Your Rates at Work

Grandin Park

Council recently completed upgrades to Grandin Park in Lidcombe which features new play equipment, improved soft fall surfaces, new and refurbished seats and new garden beds and trees. The additional trees will bring natural shade to the park in the future.



Let us know of any issues in your area by using the Snap Send Solve mobile app which can be found on Council's website:
www.cumberland.nsw.gov.au/snapsendsolve

Have Your Say

Local Shops Study

We know the community values our local shops and Council wants to hear from you!

The draft Cumberland Local Shops Study explores how we can understand, protect and enhance our local shops to meet the needs of the community now and in the future. Join us at one of the public drop-in sessions in Wentworthville, Greystanes, Granville, Gullford or Berala in October.

Submit your feedback before: Tuesday 31 October 2023



2-10 Victoria Street East, Lidcombe

Council is seeking your feedback on a planning proposal to reclassify Council land at 2-10 Victoria Street East, Lidcombe.

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. A public hearing for this proposal will take place after the exhibition period.

Submissions close: Thursday 5 October 2023

For more information, visit:
<https://haveyoursay.cumberland.nsw.gov.au>

Active Ageing Week

To celebrate Active Ageing Week from 2-8 October, we are holding FREE cooking sessions, yoga classes and arts and crafts for seniors in Cumberland City. The activities are open to local seniors aged 60 years and over, local Aboriginal and Torres Strait Islander seniors aged 50 years and over and people with disability aged 18 years and over and their carers to explore the benefits of active living.

Bookings close 3 days prior to each event or once sold out

Spots are limited so book your place now at:
www.cumberland.nsw.gov.au/active-ageing-week

Let's Dance Merrylands

Join us on Thursday 21 September from 5pm and help support local dance schools burn up the dancefloor at the new Merrylands Civic Square.

Enjoy a variety of performances, food stalls, face painting and games! Entry is FREE.



For more information please visit:
www.cumberland.nsw.gov.au/letsdance

Contact Cumberland City Council
8757 9000 | council@cumberland.nsw.gov.au | www.cumberland.nsw.gov.au | Cumberland City Council Sydney
16 Memorial Avenue, PO Box 42, Merrylands NSW 2160.

Figure 7 Community News Update in *Parra News* 19 September 2023



Community News Update

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Mayor Lisa Lake
 8757 9856 | Lisa.Lake@cumberland.nsw.gov.au

Contact Cumberland Council

8757 9000 | council@cumberland.nsw.gov.au | www.cumberland.nsw.gov.au | Cumberland City Council Sydney

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160.

Figure 8 Community News Update in *Auburn Review* on 10 October 2023

2 | *auburnreview* Tuesday, October 10, 2023
www.localnewsplus.com.au

Community News Update

10 October 2023

Message from Mayor Lake

The Voice to Parliament Referendum

This Saturday 14 October, marks a historic day in our nation's history, where millions of Australians will vote on whether Australia should alter its constitution in recognition of Aboriginal and Torres Strait Islander people as the first peoples of Australia. This vote will determine whether a body called The Aboriginal and Torres Strait Islander Voice should be established which may then make representations to the Federal Parliament on matters relating to indigenous communities. This will make sure that our indigenous communities on the ground can give advice to Parliament about the issues that affect them.

Last Friday, I had the pleasure of attending the Lakemba Mosque with the Prime Minister, the Honourable Anthony Albanese, who addressed the Muslim community at the conclusion of prayers regarding the upcoming Referendum.

I encourage you to join me in supporting this meaningful change. To find out more information or to find your local polling location, visit: www.cumberland.nsw.gov.au/voice-parliament

The Prime Minister, the Honourable Anthony Albanese and Federal MP for Parramatta, Dr Andrew Charlton with Islamic leaders and members at the Lakemba Mosque

Moon Festival

Council recently celebrated the Moon Festival at Wyatt Park in Lidcombe. This harvest festival is held on the 15th day of the eighth month of the lunar calendar each year and is celebrated by communities of South Asian cultures. The family friendly event featured two outdoor film screenings, a meet and greet with Po from Kung Fu Panda, cultural performances, a range of market stalls and of course, mooncakes! These cultural events are a great opportunity to celebrate Cumberland's diversity, bring family and friends together to embrace our cultural traditions, and enjoy our wonderful community.

Mayor Lisa Lake with Cumberland Councilors and the Qing Fong Lion Dancers

Wentworthville Community Garden Open Day

The annual Wentworthville Community Garden Open Day is returning to Wentworthville this Saturday 14 October from 9:30am to 2pm. The garden, which is run by volunteers, will be blooming with fresh produce and vegetables, and be host to a range of market stalls to browse through which will include arts and crafts, cakes, jams, pickles and more. Be sure to bring your shopping bags! For more information, visit: www.cumberland.nsw.gov.au/garden

Solidarity Against Family Violence

I was recently invited by the Zen Tea Lounge Foundation to attend their Solidarity Against Family Violence annual fundraiser. Held at Smithfield RSL, the event aimed to take a stand against a pervasive issue, helping to provide a safe space for those affected by domestic and family violence. Guest speakers, Tony Hoang and Chantelle O'Donoghue also told their stories and shared how their life experiences have led them to where they are now. Domestic and family violence is an issue that continues to affect many people in Australia. Council has a range of resources and support services for people experiencing domestic and family violence. If you or anyone you know has experienced any kind of violence and are in need of assistance, visit Council's website for a list of resources: www.cumberland.nsw.gov.au/domestic-and-family-violence

Mayor Lisa Lake
 ☎ 8757 9856 | ✉ Lisa.Lake@cumberland.nsw.gov.au

Your Rates at Work

Sportsground Upgrades

Council has recently installed a new cricket pitch at Daniel Street Park in Greystanes. Turf and wicket restorations are also underway at Merrylands Regional Park and Monty Bennett Oval in preparation for the upcoming summer season.

New cricket pitch at Daniel Street Park, Greystanes

Let us know of any issues in your area by using the Snap Send Solve mobile app which can be found on Council's website:
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Have Your Say

2-10 Victoria Street East, Lidcombe - Public Hearing

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Registrations for the hearing close: 3pm, Thursday 2 November 2023

Her Way Guildford

Council is seeking community feedback on concept plans for the Guildford Lane way space to help identify lighting improvements, CCTV security enhancements and outdoor seating upgrades.

Submit your feedback before: 6pm, Friday 27 October 2023

For more information, visit:
<https://haveyoursay.cumberland.nsw.gov.au>

Family Financial Wellbeing Day

Council is holding a family financial wellbeing day to allow residents to gain access to additional advice, support and resources to help with the rising cost of living. There will also be a range of community stalls, workshops and activities for all ages, plus a free lunch supplied by OzHarvest.

Monday 16 October, 10am – 2pm
 Berala Community Centre, 96-104 Woodburn Road, Berala

For more information, please visit:
www.cumberland.nsw.gov.au/wellbeing

Expressions of Interest – Diwali Street Festival

Council will once again be lighting up the streets of Wentworthville for the Diwali Street Festival on Saturday 18 November. We're seeking Expressions of Interest from vendors who may be able to theme their products to suit the event. Sponsorship opportunities are also available.

Applications close: Friday 20 October 2023

To be a part of the event, apply online at:
www.cumberland.nsw.gov.au/event/diwali-festival-2023

Contact Cumberland City Council

☎ 8757 9000 | ✉ council@cumberland.nsw.gov.au | 🌐 www.cumberland.nsw.gov.au | 📍 Cumberland City Council Sydney

📍 16 Memorial Avenue, PO Box 42, Merrylands NSW 2160.



Community News Update

10 October 2023

Message from Mayor Lake

The Voice to Parliament Referendum

This Saturday 14 October, marks a historic day in our nation's history, where millions of Australians will vote on whether Australia should alter its constitution in recognition of Aboriginal and Torres Strait Islander people as the first peoples of Australia. This vote will determine whether a body called The Aboriginal and Torres Strait Islander Voice should be established which may then make representations to the Federal Parliament on matters relating to indigenous communities. This will make sure that our indigenous communities on the ground can give advice to Parliament about the issues that affect them.

Last Friday, I had the pleasure of attending the Lakamba Mosque with the Prime Minister, the Honourable Anthony Albanese, who addressed the Muslim community at the conclusion of prayers regarding the upcoming Referendum.

I encourage you to join me in supporting this meaningful change. To find out more information or to find your local polling location, visit: www.cumberland.nsw.gov.au/voice-parliament




The Prime Minister, the Honourable Anthony Albanese and Federal MP for Paramatta, Dr Andrew Charlton with Islamic leaders and members at the Lakamba Mosque

Moon Festival

Council recently celebrated the Moon Festival at Wyatt Park in Lidcombe. This harvest festival is held on the 15th day of the eighth month of the lunar calendar each year and is celebrated by communities of South Asian cultures. The family friendly event featured two outdoor film screenings, a meet and greet with Po from Kung Fu Panda, cultural performances, a range of market stalls and of course, mooncakes! These cultural events are a great opportunity to celebrate Cumberland's diversity, bring family and friends together to embrace our cultural traditions, and enjoy our wonderful community.



Mayor Lisa Lake with Cumberland Councillors and the Qing Fong Lion Dancers

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📍 16 Memorial Avenue, PO Box 42, Merrylands NSW 2160.

4.1.3 Social media

Social media posts directing interested community members to the 'Have Your Say' page and the notice regarding the public exhibition of the Planning Proposal and the public hearing was published on Cumberland Council's Facebook on 9 September, 15 September, 1 October, 15 October and 27 October 2023.

Figure 10 Facebook post 15 September 2023



4.1.4 Other

A4 sized flyers (Figure 11) informing the community about the public hearing were placed at Merrylands and Auburn Service Centres, at Lidcombe Library Centre information desks, and at Council's community notice boards and on the day of the hearing at the venue.

Figure 11 Flyer for community notification of the public hearing

have your say

**Join us for the Public Hearing for
2-10 Victoria St East, Lidcombe
Reclassification Proposal**

Council would like your feedback on the above Planning Proposal.

We encourage you to attend the Public Hearing on
2 November 2023 from 6 - 7:30pm at Lidcombe Community Centre,
located at 3 Bridge Street, Lidcombe.

Scan the QR code below to book your place.

Scan here for your translation

ابحث هنا عن ترجمتك. உங்கள் மொழிபெயர்ப்புக்கு இங்கே அலகிடவும் (scan).
扫描二维码查看中文翻译。 Çeviriniz için burayı tarayın.
तपाईंको भाषामा अनुवादित पुस्तिका हेर्न यहाँ स्क्यान गर्नुहोस्। 번역은 여기를 스캔하십시오.

Cumberland City Council
16 Memorial Avenue, PO Box 42, Merrylands NSW 2160. T 8757 9000 W cumberland.nsw.gov.au
E council@cumberland.nsw.gov.au f Cumberland City Council Sydney @ [cumberlandcitycouncil](https://www.facebook.com/cumberlandcitycouncil)

Notification letters were sent to all residents and occupiers within an 80 metre to 100 metre radius of the subject site informing them of the public exhibition and public hearing.

4.2 Timing of the public hearing

The public hearing was timed to occur after the public exhibition of and receipt of written submissions regarding the planning proposal for the proposed reclassification of the subject land closed on Thursday 5 October 2023.

Public notice of the public hearing was given at least 21 days after the completion of the statutory public exhibition period of the planning proposal.

The public hearing to receive submissions on the proposed reclassification of community land at 2-10 Victoria Street East (part) and 49 East Street (part) in Lidcombe was held on Thursday 2 November 2023 from 6:00pm to 7:30pm at the Lidcombe Community Centre Hall, 3 Bridge Street, Lidcombe.

4.3 Chairperson

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. Ms. Hoy has not at any time been either a Councillor or an employee of Cumberland City Council.

4.4 Site inspection

Ms. Hoy inspected the subject site on 15 September 2023.

4.5 Attendance at the public hearing

Two community members registered with Council to attend the public hearing, with one community member who is a local resident attending the public hearing.

Clr Sabrin Farooqui and Clr Helen Hughes also attended the public hearing.

The following Council officers were present at the hearing to represent Council, listen to verbal submissions, and answer questions:

Daniel Anderson	Executive Manager Environment and Planning Systems
Olivia Yana	Co-ordinator Planning Systems

4.6 Agenda of the public hearing

Ms. Hoy opened the public hearing at 6:10pm, and explained the purpose and process of the public hearing, and the purpose of and reasons for the proposed reclassification. Council officers answered questions relating to Council. A presentation using information from the planning proposal was referred to during the public hearing for information about the proposed reclassification. Refer to Appendix B for the presentation.

Verbal submissions regarding the proposed reclassification were received at the public hearing. The content of those submissions is outlined in more detail in Section 5 of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 6:50pm.

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5 SUBMISSIONS

5.1 Written submissions

No submissions were received during the exhibition period of the Planning Proposal requesting to conduct a public hearing.

A submission was received from Sydney Water state authority which had no objection to progressing the proposal.

No written objections were received from Department of Defence when the Planning Proposal was exhibited following a Gateway Determination and at the preliminary stages for the adjoining land at 49 East Street, Lidcombe.

5.2 Public hearing submissions

The question posed to the community regarding the purpose of the public hearing is:

Do you agree or not with the proposal to reclassify part of 2-10 Victoria Street East and 49 East Street in Lidcombe from community land to operational land? Why or why not?

One person attended and addressed the public hearing, with her comments and questions set out below.

Community member question: Is the site intended to be developed for anything other than for industrial?

Council staff reply: No. If a land use other than industrial is intended, another Planning Proposal is required to be prepared. The existing building on 2-10 Victoria Street East has been built over the drainage channel and Council is in the process of fixing up this anomaly. The owner of 2-10 Victoria Street East cannot lodge a Development Application until this process is completed.

Community member submission: I have no objection to the reclassification of the drainage channel to operational land if it means that 2-10 Victoria Street East will remain as light industrial. I would only have an issue with 2-10 Victoria Street East being operational land if it were intended for sale for high-rise residential because our street is quiet.

Council staff reply: The proposed reclassification does not change the existing E4 General Industrial land zoning or existing planning controls of the site.

Community member question: Could the owner of 2-10 Victoria Street, Defence and Council sell their land as one block?

Council staff reply: If the site to be replaced as a drainage channel is reclassified as operational Council could obtain approval from their Property Committee to sell the land to Defence. However, Defence has not indicated interest in purchasing the land.

Community member comment: Some construction is occurring on 2-10 Victoria Street at the moment.

Council staff reply: Noted. The site under demolition is at 4-12 Railway Street. However no construction works have commenced.

6 ASSESSMENT AND RECOMMENDATIONS

6.1 Assessment of submissions

After reviewing and considering the verbal submission made at the public hearing set out in Section 5, the key point of the submission is that the proposed reclassification of the subject land Lot 1 DP 1161392 from community land to operational land is supported, subject to there being no change in the zoning or land use of Lot C DP 384900.

The proposal to reclassify the subject land has fulfilled the requirements of the *Local Government Act 1993* and the Gateway Determination conditions issued for the Planning Proposal which requested a public hearing must be conducted under Section 29 of the *Local Government Act 1993*. Therefore the Planning Proposal is recommended to proceed to the next stage.

6.2 Recommendations regarding the proposed reclassification

After considering the submission received, my recommendations to Cumberland City Council regarding the proposed reclassification of the subject land Lot 1 DP 1161392 from community land to operational land are to:

1. Consider the viewpoints and issues raised in the verbal submission outlined in Section 5 when making the decision whether to proceed with the proposed reclassification.
2. Reclassify Lot 1 DP 1161392 from community land to operational land as shown in red in Figure 12 below.

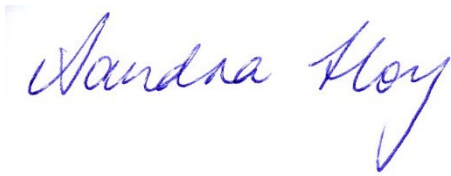
Figure 12 Proposed reclassification of the subject land



6.3 Recommendations regarding reporting

Within four days of receiving this report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public. It is recommended that Council:

- send a copy of the public hearing report to the community member who attended the public hearing
- keep a copy of the public hearing report for inspection at the Merrylands Customer Service Centre (16 Memorial Avenue, Merrylands), Auburn Customer Service Centre (1 Susan Street, Auburn) and at Lidcombe Library (3 Bridge Street, Lidcombe)
- post an electronic copy of the public hearing report on Council's website.



Sandy Hoy
Director, Parkland Planners

8 November 2023

APPENDIX A

CERTIFICATE OF TITLE OF LAND PROPOSED TO BE RECLASSIFIED



Order number: 69137545
Your Reference: M210307
09/07/21 15:25



NSW LRS - Title Search

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/1161392

SEARCH DATE	TIME	EDITION NO	DATE
9/7/2021	3:26 PM	1	17/5/2019

LAND

LOT 1 IN DEPOSITED PLAN 1161392
AT LIDCOMBE
LOCAL GOVERNMENT AREA CUMBERLAND
PARISH OF LIBERTY PLAINS COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1161392

FIRST SCHEDULE

CUMBERLAND COUNCIL (CA156986)

SECOND SCHEDULE (2 NOTIFICATIONS)

- LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 9/7/2021

*Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

© Office of the Registrar-General 2021
SAI Global Property Division an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

APPENDIX B

PRESENTATION TO PUBLIC HEARING

Public Hearing

Proposed Reclassification of
Community Land at
2-10 Victoria Street East, Lidcombe (Part)
and 49 East Street, Lidcombe (Part)

Thursday 2 November 2023
6:00pm – 7:30pm
Lidcombe Community Centre Hall
3 Bridge Street, Lidcombe



1 WELCOME AND INTRODUCTIONS

Chair:

Sandy Hoy

Director

Parkland Planners



Cumberland City Council staff



AGENDA

- 1 Welcome and Introductions
- 2 The site
- 3 Purpose of the public hearing
- 4 Legislative requirements and process of reclassification
- 5 Background to the proposed reclassification
- 6 Submissions
- 7 Next steps
- 8 Questions
- 9 Thanks and close

Lot 1 DP 1161392

- Owned by Cumberland City Council
- 152 metres long and 5 metres wide (727.2m²)
- Brick and concrete lined stormwater drainage channel

The channel passes through two parcels of land:

Lot C DP 384900 2-10 Victoria Street in Lidcombe

- Owned by Gabriss Pty Ltd
- Covered and open channel. A portion of the building is located above the drainage network with the infrastructure located underground.



Lot 1 DP 135368 49 East Street in Lidcombe

- owned by Commonwealth of Australia (Defence) and used as their Lidcombe Training Depot
- The open culvert close to the East Street boundary does not affect the ongoing or future use of 49 East Street
- Included in the Planning Proposal for consistency across the Council-owned land

2 THE SITE

North (Lot C DP 384900)



2 THE SITE

South (Lot 1 DP 135368)



3 PURPOSE OF THE PUBLIC HEARING

Section 29 of the *Local Government Act 1993* requires a public hearing to be held when public land is proposed to be reclassified.

A public hearing gives the community an opportunity to expand on written submissions and to discuss issues with an independent person in a public forum.

The reclassification of land is not the same as the rezoning of the land.

4 LEGISLATIVE REQUIREMENTS AND PROCESS OF RECLASSIFICATION

The *Local Government Act 1993* requires that all council-owned land be classified as either 'Community' or 'Operational' land.

What is community land?

- Community land is public land that Council makes available for use by the general public, such as parks, reserves and community facilities.
- Community land cannot be sold, exchanged or otherwise disposed of by a Council.
- Community land can be leased, but there are restrictions on the grant of leases and licences and the way community land can be used.

4 LEGISLATIVE REQUIREMENTS AND PROCESS OF RECLASSIFICATION (cont.)

What is Operational land?

- Operational land is generally land owned by Council that facilitates the functions of Council.
- Typically, operational land would not be open to the general public and includes land uses such as a works depot or council garage.
- While operational land can be sold, it can only be sold with the approval of the elected Council and subject to community engagement.

4 LEGISLATIVE REQUIREMENTS AND PROCESS OF RECLASSIFICATION (cont.)

How can the classification of Council owned land be changed?

- The reclassification of Council-owned land must be undertaken in accordance with:
 - the *Local Government Act 1993*;
 - the *Environmental Planning and Assessment Act 1979*; and
 - Practice Note PN16-001 - *Classification and reclassification of public land through a local environmental plan* (issued by the Department of Planning and Environment - October 2016).
- The reclassification of council-owned land can be undertaken through an amendment to the local environmental plan, by way of a planning proposal.

4 LEGISLATIVE REQUIREMENTS AND PROCESS OF RECLASSIFICATION (cont.)

What is a planning proposal?

- A planning proposal is a document that explains the intended outcome of a proposed amendment to a local environmental plan and sets out the justification for making that amendment.
- The Planning Proposal (PP2022/0001) we are discussing tonight was initiated by the proponent and land owner Gabriss Pty Ltd which seeks to reclassify Council owned drainage land at 2-10 Victoria Street East along with adjoining land.
- The Planning Proposal was prepared for reclassification of Council-owned land at 2-10 Victoria Street East and 49 East Street in Lidcombe from 'Community' land to 'Operational' land

5 BACKGROUND TO PROPOSED RECLASSIFICATION

Why reclassify the land?

- 2-10 Victoria Street East (Lot C DP 384900) is developed with a mix of light industrial land uses across the site, using existing buildings and hardstand areas.
- The configuration of the drainage channel through 2-10 Victoria Street East does not directly affect use of the site, but it limits the development potential of Lot C DP 384900 which is effectively severed by the drainage channel.
- As Council-owned community land, the *Local Government Act 1993* prevents development, leasing or sale of the land for commercial purposes.

5 BACKGROUND TO PROPOSED RECLASSIFICATION (cont.)

What will reclassification to operational land achieve?

Council proposes to reclassify Lot 1 DP 1161392 from community to operational land under the *Local Government Act 1993* to:

- enable Council to enter into an agreement to facilitate its lease, sale and/or further development in conjunction with the adjoining land (Lot C DP 384900) and subject to appropriate protective measures for the public infrastructure within the site
- facilitate the continued use and future development of the land for light industrial purposes consistent with the Cumberland Local Environmental Plan 2021
- effectively manage the drainage reserve as operational land under the Registrar-General's Guidelines under Section 12D of the *Real Property Act 1900*

5 BACKGROUND TO PROPOSED RECLASSIFICATION (cont.)

What will change resulting from the reclassification?

- Part 1, Schedule 4 of the Cumberland Local Environmental Plan 2021 would be amended to identify Lot 1 DP 1161392 as operational land.
- **No change** would be made to the zonings of E4 General Industrial (Lot C DP 384900) and SP2 Infrastructure (Defence) (Lot 1 DP 135368)
- **No change** to any other planning control applicable to the land under the Cumberland LEP 2021
- **No change** to current drainage use
- **No change** to the purposes permissible under the land zoning in the Cumberland LEP 2021
- **No change** to the location of the stormwater drainage easement

5 BACKGROUND TO PROPOSED RECLASSIFICATION (cont.)

Timeline

- March 2022: Council officers placed a Planning Proposal Request on early consultation. No community, Council or Sydney Water submissions were received.
- July-September 2022: A revised Planning Proposal Request was lodged with Council, and updated with minor additional information by Planning Ingenuity on behalf of Gabriss Pty Ltd
- November 2022: GLN Planning was engaged by Council to independently assess the proponent (Gabriss Pty Ltd) initiated planning proposal in a Planning Proposal Request Assessment Report PP2022/0001 (GLN Planning, November 2022)

5 BACKGROUND TO PROPOSED RECLASSIFICATION (cont.)

Timeline (cont.)

- 14 December 2022: Council officers and GLN Planning reported the Planning Proposal Request to the Cumberland Local Planning Panel, which unanimously supported the recommendation to proceed to request a Gateway Determination.
- 27 February 2023 : Planning Proposal was considered by Council's Property Committee. The majority of committee members supported the recommendation of Council officers and the Cumberland Local Planning Panel to progress the planning proposal.
- 3 May 2023: Cumberland City Council resolved to prepare and forward a Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

5 BACKGROUND TO PROPOSED RECLASSIFICATION (cont.)

Timeline (cont.)

- 19 May 2023: Council submitted the Planning Proposal to the Department of Planning and Environment (DPE) for Gateway Determination
- 10 July 2023: DPE issued a Gateway Determination for the proposal to proceed. Conditions of the determination include that the planning proposal to be updated to reflect adjusted timelines, and that a public hearing be held
- 5 September to 5 October 2023: The Planning Proposal (GLN Planning Pty Ltd, August 2023) was placed on public exhibition. Council informed residents and businesses within an 80-100 metre radius. No submissions were received
- **2 November 2023: Public hearing**

6 SUBMISSIONS

Do you agree or not with the proposal to reclassify part of 2-10 Victoria Street East and 49 East Street in Lidcombe from community land to operational land?

Why or why not?



7 NEXT STEPS

- Independent Chairperson prepares and submits an independent report on the outcome of the public hearing to the Council
- Public hearing report made available to the public on Council's website within 4 days of Council receiving it
- Copy of report emailed to people attending the public hearing
- Late 2023/early 2024: Report to Council on community consultation and public hearing outcomes for Council endorsement

If reclassification proceeds:

- February 2024: Council to request DPE to draft and finalise the LEP
- By 19 April 2024: Completion of the amending Local Environmental Plan

8 QUESTIONS?

9 THANKS AND CLOSE