
Min.088 C05/22-57 Planning Proposal for 80 Betty Cuthbert Drive, Lidcombe

Motion (Elmore/Hussein)

That Council:

1. Endorse a planning proposal for 80 Betty Cuthbert Drive, Lidcombe, that seeks to amend the Cumberland Local Environmental Plan 2021 to:
 - a. Rezone the Site from SP2 Hospital to SP2 Educational Establishment, SP2 Hospital, SP2 Drainage and R3 Medium Density Residential.
 - b. Amend the Height of Building control for the site from nil to 9m within the R3 Medium Density Residential zone.
 - c. Amend the Floor Space Ratio control for the site from nil to 0.75:1 within the R3 Medium Density Residential zone.
 - d. Amend clause 4.1(3C) and associated mapping to allow maximum subdivision lot sizes between 170sqm and 350sqm on the R3 part of the Site, consistent with Botanica.
2. Endorse that the planning proposal for 80 Betty Cuthbert Drive, Lidcombe, be forwarded to the Department of Planning and Environment for a Gateway Determination.
3. Endorse the draft site specific Development Control Plan associated with the planning proposal for 80 Betty Cuthbert Drive, Lidcombe, as provided in Attachment 3.
4. Note that, subject to the receipt of a Gateway Determination by the Department of Planning and Environment, the planning proposal and site specific Development Control Plan for 80 Betty Cuthbert Drive, Lidcombe, will be exhibited concurrently.
5. Note that the proponent has elected not to enter into a Planning Agreement with Council on the basis that the proposal will deliver a range of public benefits.

Amendment (Hughes/Christou)

That Council defer this report for further consultation and consideration.

At this point in the meeting Councillor Elmore raised a Point of Order citing a breach of Clause 15.11(d) of the *Code of Meeting Practice*, advising that Councillor Christou made an insulting remark toward him. The Mayor, Councillor Lake upheld the Point of Order.

Debate then resumed on the Amendment.

The Amendment moved by Councillor Hughes seconded by Councillor Christou on being Put was declared **LOST**.

Councillor(s) For the Amendment: Hughes, Rahme, Sarkis and Zaiter.

Councillor(s) Against the Amendment: Colman, Cummings, Elmore, Farooqui, Hamed, Huang, Hussein, Lake and Saha.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Colman, Cummings, Elmore, Farooqui, Hamed, Huang, Hussein, Lake, Saha and Zaiter.

Councillor(s) Against the Motion: Hughes, Rahme and Sarkis.

Councillor Christou left the Meeting at 7:13pm and returned to the Meeting at 7:15pm during the consideration of this item.

Councillor Hussein left the Meeting at 7:14pm and returned to the Meeting at 7:17pm during the consideration of this item.

Councillor Christou left the Meeting at 7:20pm during the consideration of this item and did not return.

Min.089 C05/22-59 Traffic Committee - Minutes of Meeting Held on 6 April 2022

Motion (Hamed/Sarkis)

That Council:

1. Receive and note the minutes of Part 1 Items of the Cumberland Traffic Committee meeting held on 6 April 2022; and
2. The minutes of Part 2 Items of the Cumberland Traffic Committee meeting held on 6 April 2022 be received, and recommendations contained therein be approved.

Amendment (Sarkis/Cummings)

Add the following words to point 2:

Subject to the following amendment:

CTC-22-066 – That Council investigate the provision of parking bays around the portion of the park.

At this point in the meeting Councillor Saha raised a Point of Order, advising that the Amendment is unlawful as the item Councillor Sarkis is referring to is for noting only as it has already been resolved under delegated authority. The Mayor, Councillor Lake ruled in accordance with Section 10.6 of the *Code of Meeting Practice* that the Amendment moved was unlawful and therefore was out of order, and would not be debated further.

Amendment (Farooqui/Huang)

Add the following words to point 2:

Subject to the following amendment:

- Addition to the end of point 2 - with the exception of item CTC22-072, which is to be further investigated and reported back to the Committee.

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Councillor(s) For the Amendment: Hughes, Rahme, Sarkis and Zaiter.

Councillor(s) Against the Amendment: Colman, Cummings, Elmore, Farooqui, Hamed, Huang, Hussein, Lake and Saha.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Colman, Cummings, Elmore, Farooqui, Hamed, Huang, Hussein, Lake, Saha and Zaiter.

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Item No: C05/22-57

PLANNING PROPOSAL FOR 80 BETTY CUTHBERT DRIVE, LIDCOMBE

Responsible Division: Environment & Planning
Officer: Director Environment & Planning
File Number: PP2021/0002
Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

This planning proposal seeks to amend the Cumberland Local Environmental Plan 2021 for 80 Betty Cuthbert Drive, Lidcombe, to:

- Rezone the site from SP2 Hospital to SP2 Educational Establishment, SP2 Hospital, SP2 Drainage and R3 Medium Density Residential.
- Amend the Height of Building control for the site from nil to 9m in the proposed R3 Medium Density Residential zone.
- Amend the Floor Space Ratio control for the site from nil to 0.75:1 in the proposed R3 Medium Density Residential zone.
- Amend clause 4.1(3C) and associated mapping to allow maximum subdivision lot sizes in the proposed R3 Medium Density Residential zone between 170sqm and 350sqm, consistent with Botanica (former Lidcombe Hospital site) to the south.

The proposal was placed on early consultation and reported to the Cumberland Local Planning Panel in April 2022. The Panel supported the Council officer recommendation to proceed to a Gateway Determination and provided further advice, as outlined in this report. The Proponent has elected not to enter into a Planning Agreement with Council on the basis that the proposal will deliver a range of public benefits.

It is recommended that Council endorse the planning proposal and that this be forwarded to the Department of Planning and Environment for a Gateway Determination. It is also recommended that Council endorse the draft site specific Development Control Plan.

RECOMMENDATION

That Council:

1. **Endorse a planning proposal for 80 Betty Cuthbert Drive, Lidcombe, that seeks to amend the Cumberland Local Environmental Plan 2021 to:**
 - a. **Rezone the Site from SP2 Hospital to SP2 Educational Establishment, SP2 Hospital, SP2 Drainage and R3 Medium Density Residential.**

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4. Note that, subject to the receipt of a Gateway Determination by the Department of Planning and Environment, the planning proposal and site specific Development Control Plan for 80 Betty Cuthbert Drive, Lidcombe, will be exhibited concurrently.
5. Note that the proponent has elected not to enter into a Planning Agreement with Council on the basis that the proposal will deliver a range of public benefits.

REPORT

Background

Property and Development NSW lodged the Planning Proposal Request for 80 Betty Cuthbert Drive, Lidcombe, in September 2021.

The proposal seeks to facilitate the redevelopment of the site for a mix of health, education, and residential uses by amending the Cumberland LEP 2021, to:

- Rezone the Site from SP2 Hospital to SP2 Educational Establishment, SP2 Hospital, SP2 Drainage and R3 Medium Density Residential.
- Amend the Height of Building control for the site from nil to 9m in the proposed R3 Medium Density Residential zone.
- Amend the Floor Space Ratio control for the site from nil to 0.75:1 in the proposed R3 Medium Density Residential zone.
- Amend clause 4.1(3C) and associated mapping to allow maximum subdivision lot sizes in the proposed R3 Medium Density Residential zone between 170sqm and 350sqm, consistent with the adjoining Botanica estate.

The status of the planning proposal is shown in Figure 1.

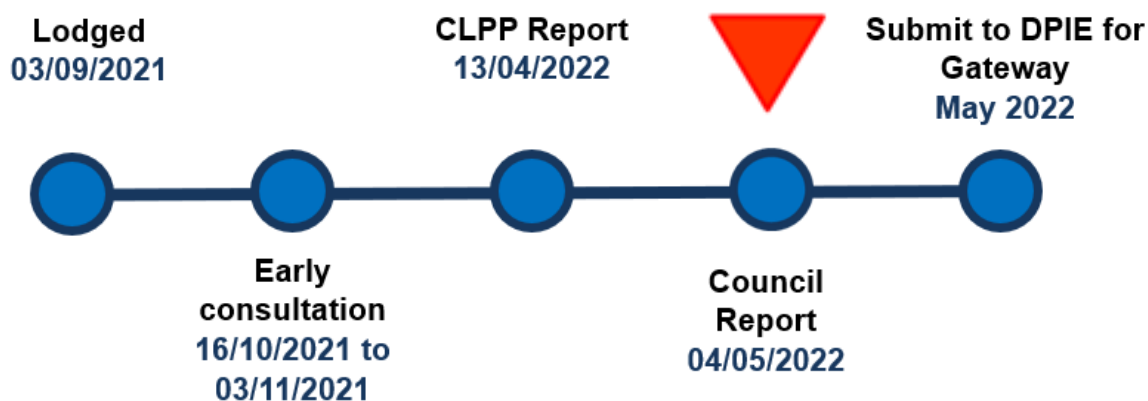


Figure 1 Planning Proposal Status

The Site and its context

The site at 80 Betty Cuthbert Drive, Lidcombe, is located approximately 10km south-east of Parramatta CBD, 3km south of Lidcombe Principal Local Centre and 2km east of Berala Local Centre (Figure 2).

The north-central part of the Site is occupied by a Multiple Sclerosis Facility built in the 1970s. The rest of the Site is undeveloped and contains internal roads and vegetation (Figure 3).

Surrounding land uses include:

- To the north and east – established residential neighbourhoods, dominated by 1-2 storey detached dwellings
- To the south – the 'Botanica' estate (former Lidcombe hospital site), with a mix 1-2 storey attached and detached houses
- To the south-east – Lidcombe TAFE and Sydney University Cumberland Campus
- The west – Carnarvon Golf Course and Coleman Park.

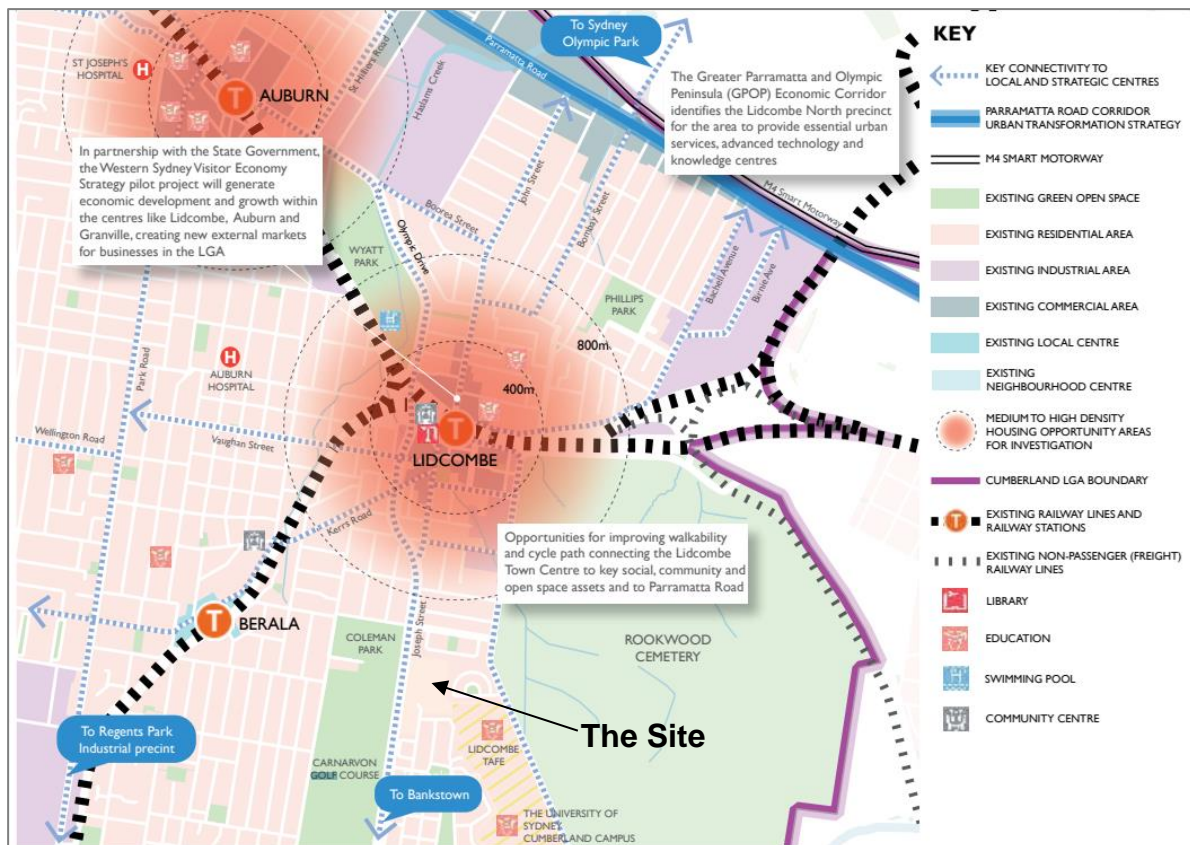


Figure 2: The Site in its regional context



Figure 3: The Site in its local context

Objectives and intended outcomes

The Planning Proposal Request seeks to facilitate redevelopment of the Site for a mix of health, education, and residential land uses, as shown in the masterplan at Figure 4, and summarised below.

- A new Multiple Sclerosis (MSL) Facility: This is a permitted use on the site and has already been approved. On 15 November 2021, the Sydney Central City Planning Panel issued development consent for the new MSL Facility, which will include 20 two-bedroom units for temporary accommodation, provision of carparking and new access driveways, drainage and stormwater detention works and tree removal (DA2021/0435).
- Medium density housing: The proposed planning controls for this part of the site are the same as those for the adjoining Botanica estate (former Lidcombe Hospital Site) to the south. Property and Development NSW intends to sell this part of the site to a private developer.
- Educational establishment: The type and scale of educational establishment is yet to be confirmed, and is subject to the preparation of a business case by NSW Department of Education (DoE) and approval by NSW Treasury. Until a business case is approved, the NSW Government is unable to provide a firm commitment to the type of educational establishment or timing for delivery.
- Stormwater detention basins and local roads: To serve the development.



Figure 4: Indicative masterplan

Explanation of provisions

The proposal seeks to amend Cumberland LEP 2021 as summarised in Table 1 below and shown in Figures 5 to 12.

Control	Existing	Proposed
<i>Land Zone</i>	SP2 Hospital	Part SP2 Educational Establishment (32%) Part SP2 Hospital (16%) Part SP2 Drainage (4%) Part R3 Medium Density Residential (30%)
<i>Height of Buildings</i>	N/A	9m within R3 zone
<i>Floor Space Ratio</i>	N/A	0.75:1 within R3 zone
<i>Lot Size</i>	N/A	Amend clause 4.1(3C) and associated mapping to allow maximum subdivision lot sizes between 170sqm and 350sqm on the R3 part of the Site, consistent with Botanica.

Table 1: Proposed amendments to Cumberland LEP 2021

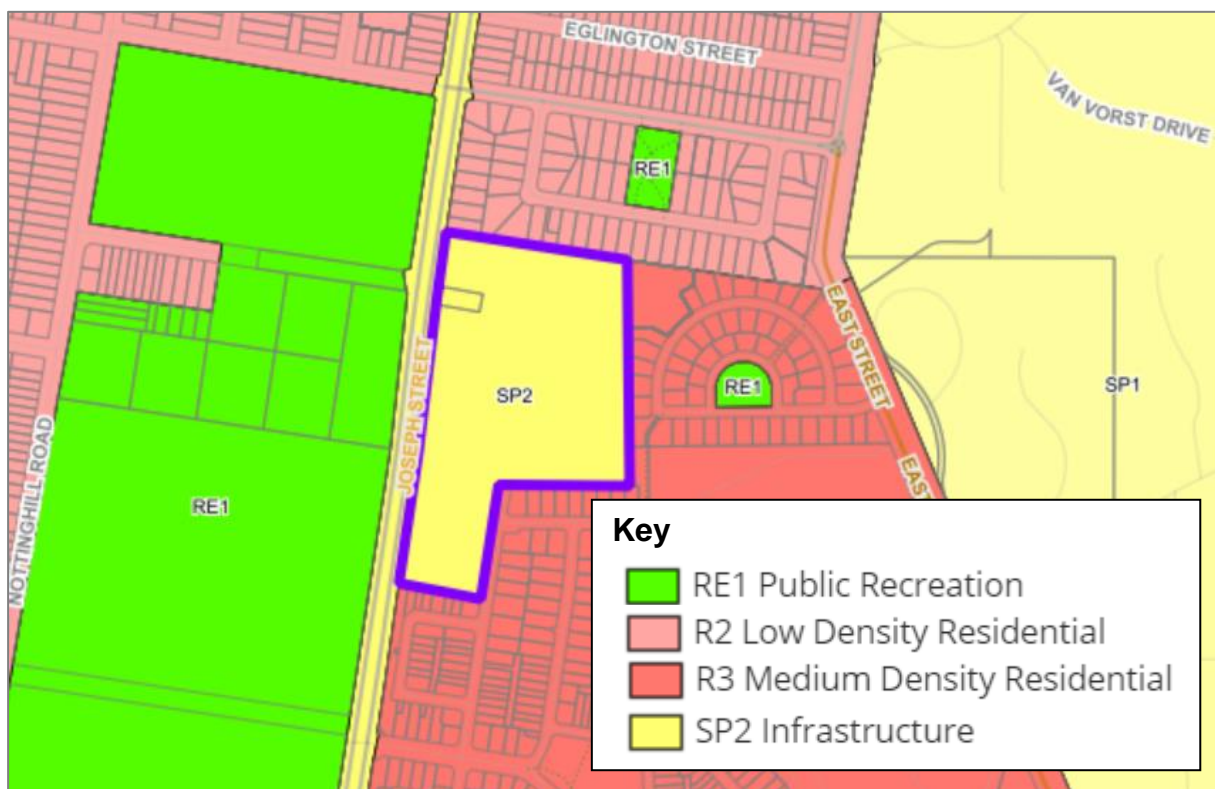


Figure 5: Existing land zoning

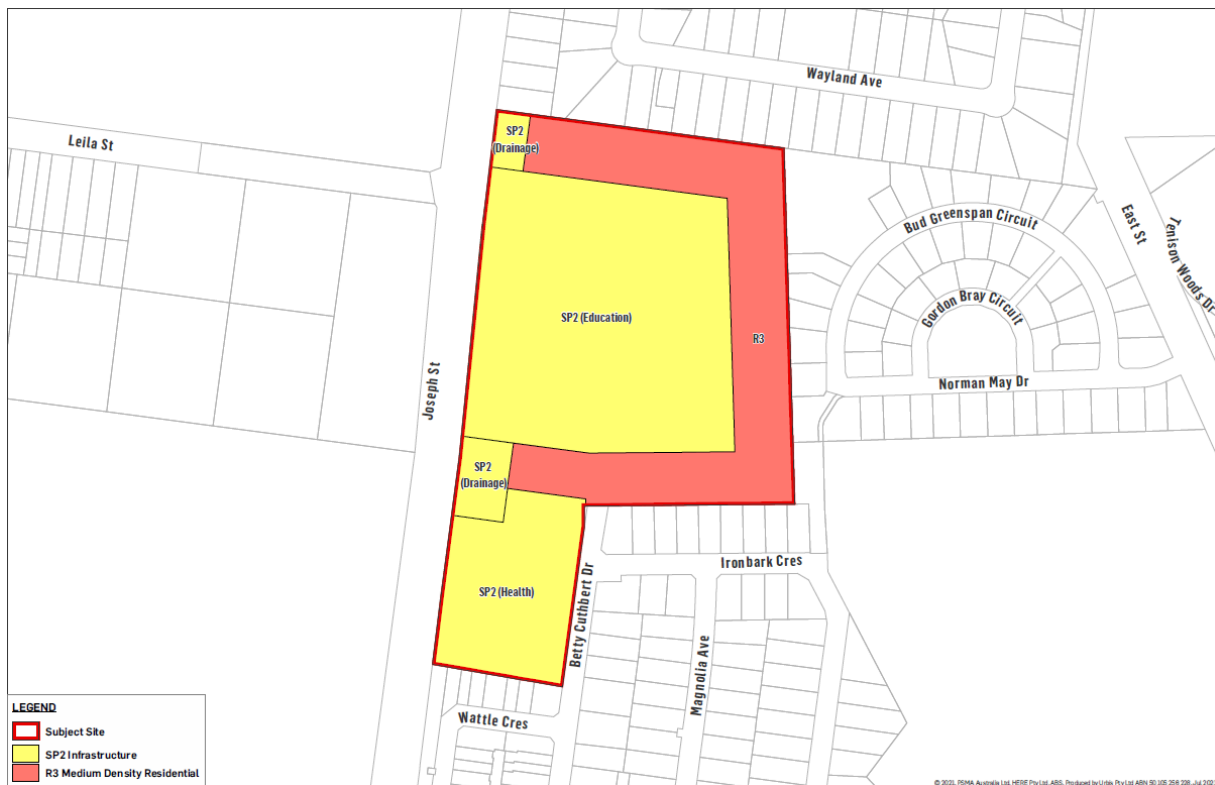


Figure 6: Proposed land zoning

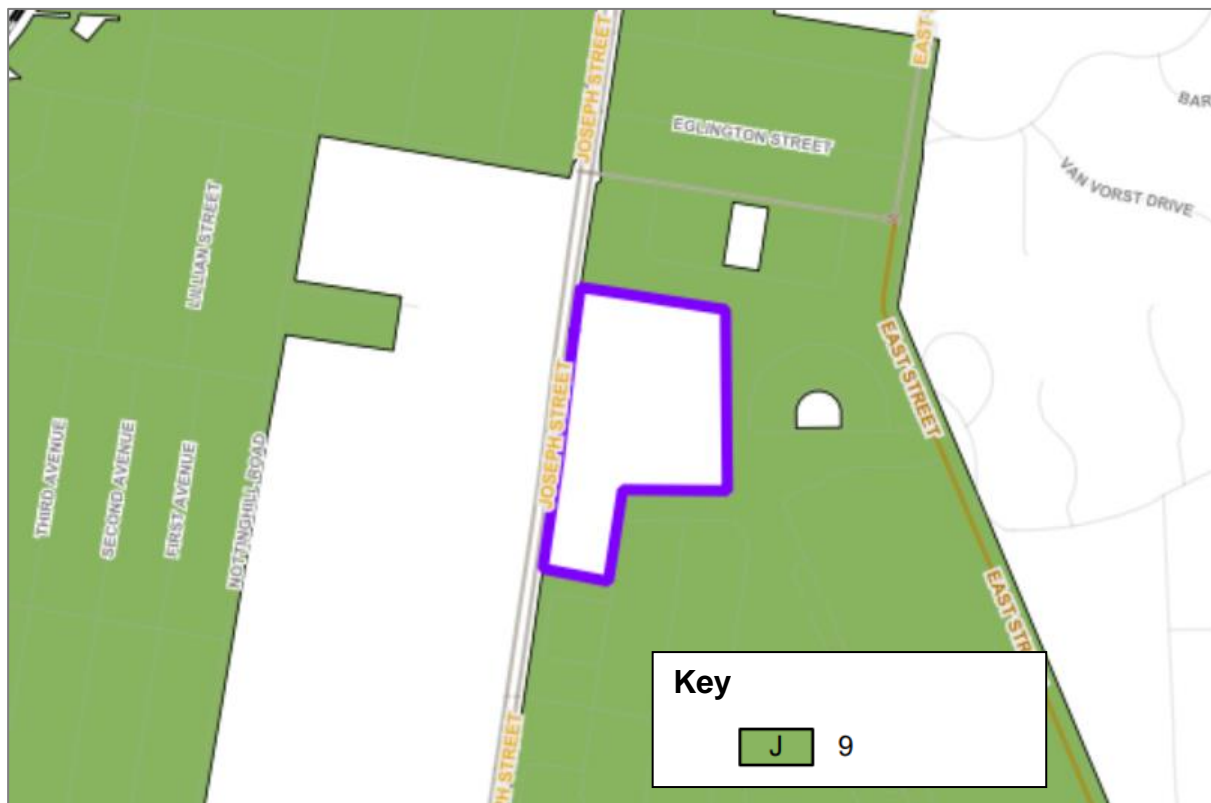


Figure 7: Existing height of buildings



Figure 8: Proposed height of buildings

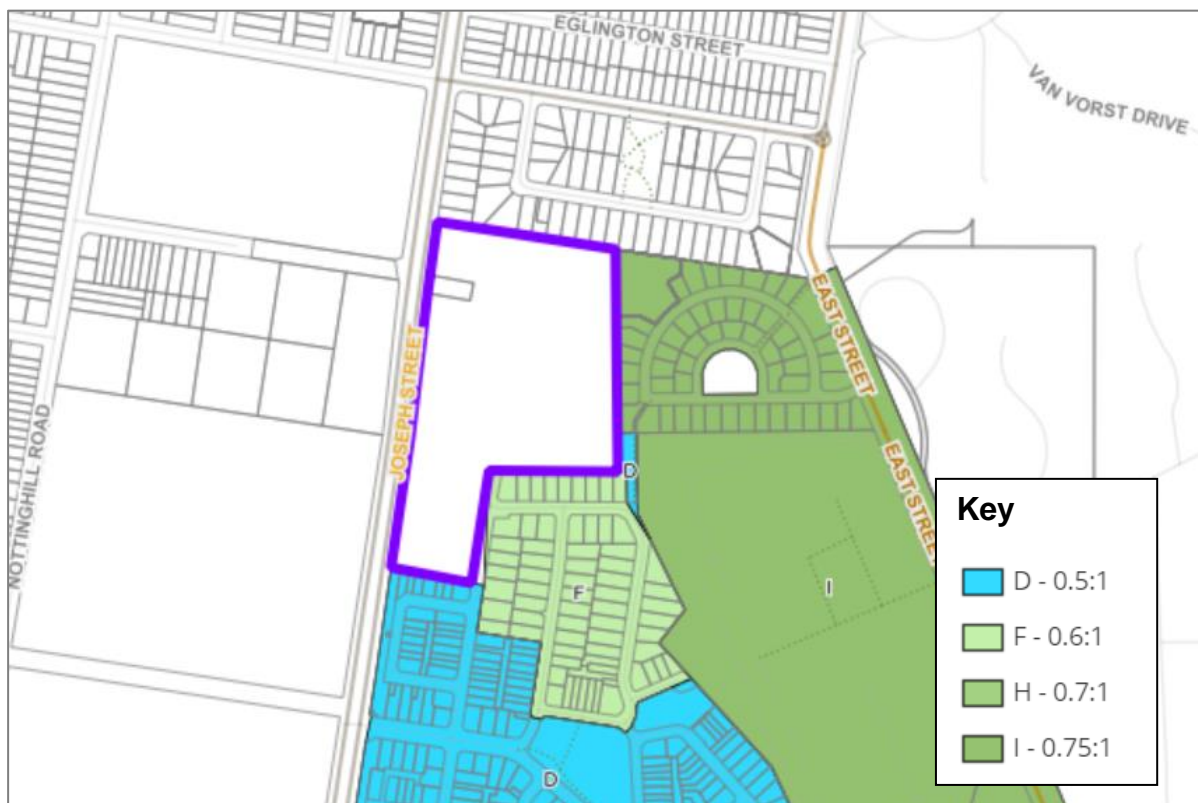


Figure 9: Existing floor space ratio



Figure 10: Proposed floor space ratio

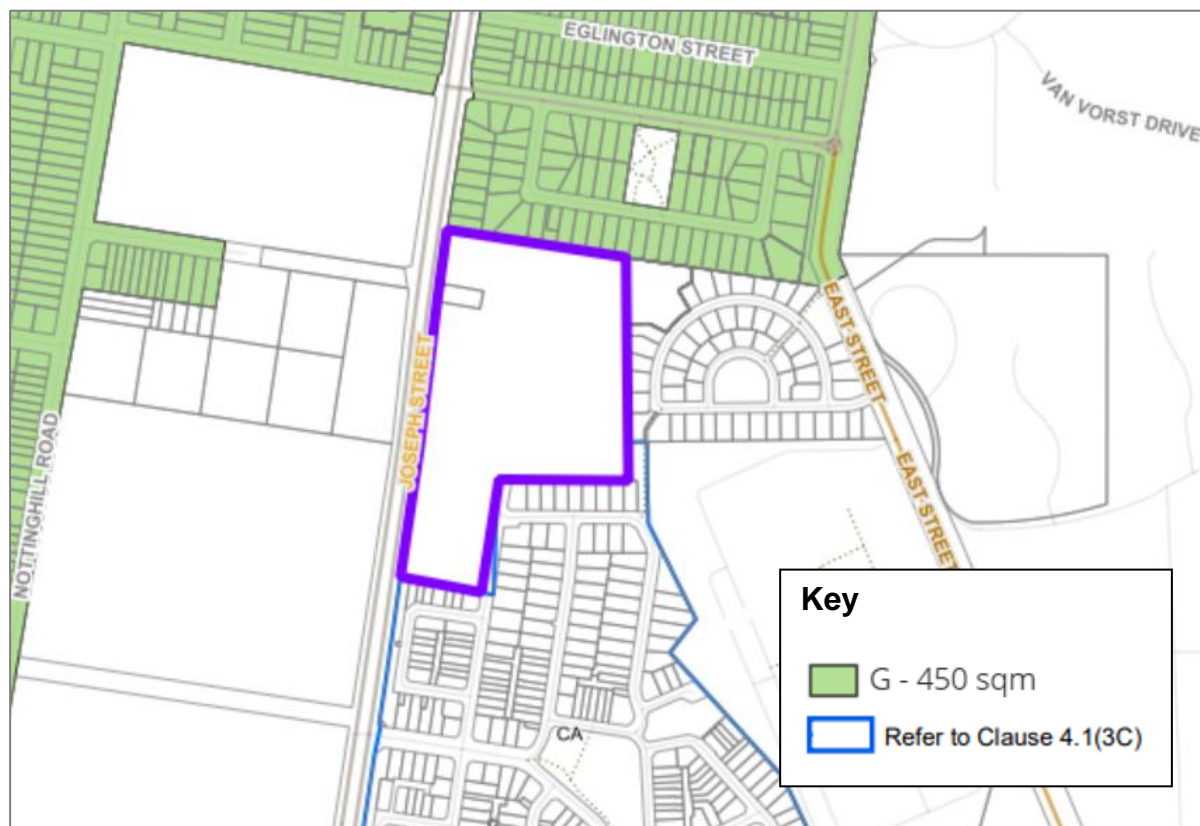


Figure 11: Existing lot size

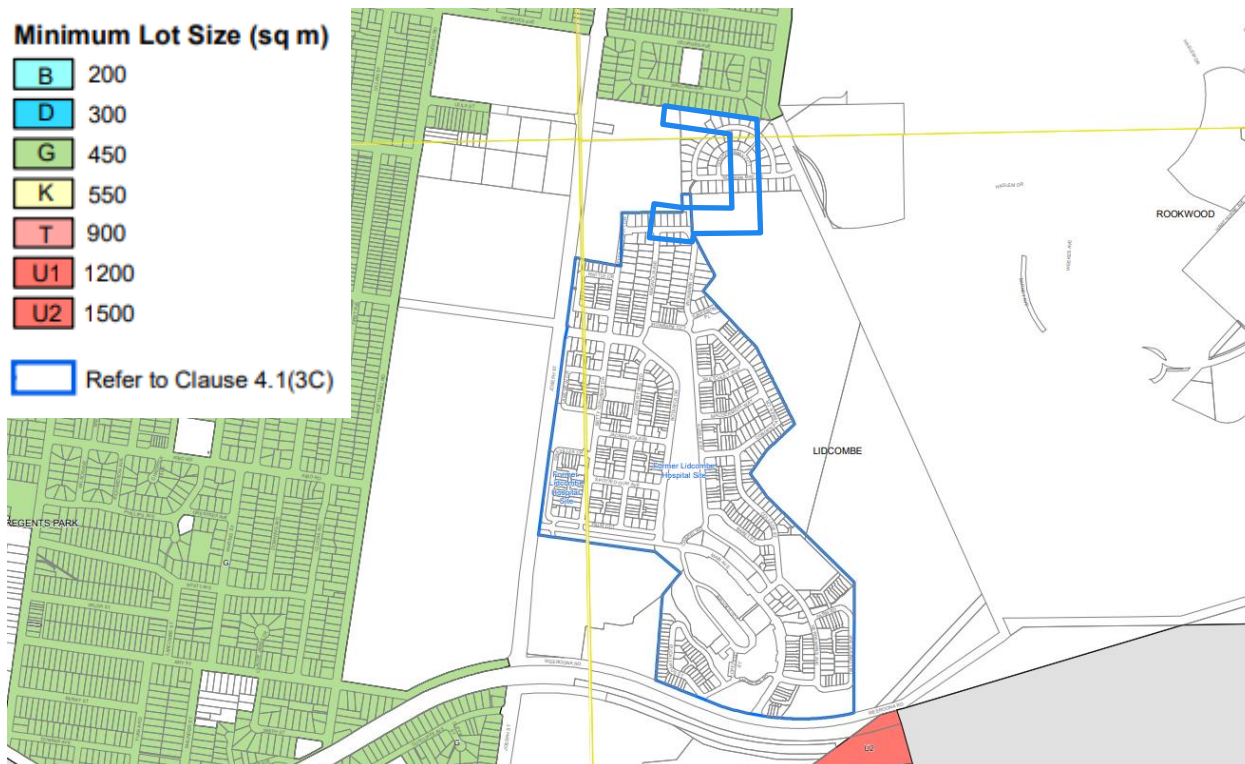


Figure 12: Proposed lot size (see existing Cumberland LEP Clause 4.1(3C) below)

Site provision for minimum lot size (Clause 4.1(3C))

There is an existing clause in the Cumberland LEP that outlines site-specific minimum lot size requirements on adjoining land to the Site, as outlined below. It is proposed that these provisions apply to the residential component of the Site.

4.1 Minimum subdivision lot size

...

(3C) The minimum lot size for development on land shown edged blue and identified as "Former Lidcombe Hospital Site" on the Lot Size Map is as follows in relation to development for the purposes of—

(a) dwelling houses—

(i) 350 square metres, or

(ii) if a garage will be accessed from the rear of the property—290 square metres, or

(iii) if the dwelling house will be on a zero lot line—270 square metres,

(b) semi-detached dwellings—270 square metres,

(c) multi dwelling housing—170 square metres for each dwelling,

(d) attached dwellings—170 square metres

Development Control Plan

A draft site-specific Development Control Plan (draft DCP) has been prepared to guide the future development of the site. Key elements of the draft DCP include:

- An indicative masterplan, showing the proposed location of proposed landuses and key infrastructure to be delivered on the site. The Proponent would need to obtain subdivision approval from Council prior to before any rezoning occurs.
- Objectives and controls for the proposed movement network and street layout. This includes a requirement for a signalised intersection on Joseph Street to be delivered before occupation of the educational establishment.
- Objectives and controls for the proposed medium density housing, which are consistent with those for the Botanica estate (Former Lidcombe Hospital site) to the south.

Public benefit offer

Through the application of the Cumberland Planning Agreements Policy and Guideline, Council seeks to ensure a fair and reasonable apportionment of the costs and benefits of development and deliver planning outcomes that contribute to a net public benefit for the community.

The Proponent has elected not to enter into a Planning Agreement with Council on the basis that the proposal will deliver a range of public benefits. The Planning Proposal Request is supported by an Assessment of Public Benefits which provides an estimation of the State Government's proposed direct investment into 80 Betty Cuthbert Drive, Lidcombe, and the expected quantitative public benefits derived from the NSW Government's direct investment into the site.

Early consultation

The Proponent carried out community consultation from May to June 2020, before the Planning Proposal Request was lodged with Council.

Council officers placed the Planning Proposal Request on early consultation from 6 October 2021 to 3 November 2021, in accordance with policy requirements. In response, Council received a total of 36 submissions, including eight objections, 20 submissions in support of the proposal and eight neutral submissions. Items covered in the submission included:

- Most submissions expressed strong support for the establishment of a new school on the site
- Many submissions requested for additional uses be delivered on the site as part of the proposal, including open space and commercial/retail uses, to reduce the need for residents to drive to other surrounding areas to access services and facilities
- Concerns about potential impacts associated with the proposed school and residential component, including pedestrian safety, traffic and parking, and amenity impacts such as privacy and noise.

Advice from the Cumberland Local Planning Panel

Council officers reported the Planning Proposal Request to the Cumberland Local Planning Panel on 13 April 2022, recommending that the Panel supports the proposal for the purpose of a Gateway Determination.

The Panel agreed with the Council officer recommendation and requested that certain matters be subject to more detailed consideration including, where relevant, in the preparation of future planning controls for the site. These matters are outlined and responded to below.

	Panel advice/recommendation	Planner response
1.	Identify significant trees in the site-specific Development Control Plan (DCP).	The draft DCP is updated to identify significant trees on the site.
2.	The means of promoting public transport use, including the most effective way of providing bus access and whether bringing buses on to the site is the optimal solution, recognising that these buses may serve more than just the school.	Public bus services are located along Joseph Street with a bus stop directly next to the site. Also, the future State Significant Development Application for the educational establishment will require a Green Travel Plan to ensure the development incorporate ways to encourage public transit use.
3.	The provision of pedestrian linkages from the school to the areas to the east and whether the link as shown on the drawings is sufficient or whether additional linkages should be provided.	The current masterplan is indicative, it is anticipated that future DAs (including for residential uses and the future educational establishment) will consider pedestrian linkages.
4.	The acknowledgment of the adjoining state heritage item being the former Lidcombe hospital site and its associated relationship to the subject site and the need for appropriate planning controls in the DCP to ensure an acceptable development interface with that item.	<p>The overall masterplan for 80 Betty Cuthbert Drive has been designed to reflect the landscaped character of development to the south within the Former Lidcombe hospital site which is reflected in the current DCP controls.</p> <p>Council officers have reviewed the Former Lidcombe Hospital DCP to analyse controls in relation to heritage significance. Section 3.1 of the DCP states: <i>New development is compatible with the overall residential character of the former Lidcombe Hospital site and the heritage core precinct (as identified on the NSW State Heritage Register).</i></p> <p>It is not considered necessary to add any specific controls relating to heritage given the built up nature between the site and the distance between the state listed</p>

		heritage precinct core (see Figure 13 below).
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Table 2: Panel advice and Planner response



Figure 13: The Site (purple outline) and State heritage precinct core (red hatching)

Strategic merit assessment

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

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

The proposal is broadly consistent with the Greater Sydney Region Plan, including:

- Objective 3: Infrastructure adapts to meet future needs. The proposal seeks to deliver an educational establishment and supporting roads and stormwater infrastructure to meet the needs of Cumberland's rapidly growing population.
- Objective 10: Greater housing supply: the proposal provides a greater amount of housing supply than would be possible without the proposed rezoning.
- Objective 11: Housing is more diverse and affordable: The proposal aims to deliver a mix of housing types and sizes, including 'missing middle' attached housing, similar to the Botanica site to the south.
- Objective 14. integrated land use and transport creates a walkable and 30-minute cities: The proposal will improve pedestrian permeability and active transport network. The proposed pedestrian linkage to Ironbark Walkway, new intersection at Joseph Street and pedestrian connection opportunity to Leila Street increase permeability between eastern and western communities, including Berala. The direct pedestrian connection through Ironbark Walkway and Norman May Drive will also improve accessibility to more bus services and regional cycleway network at East Street.

Consistency with the Central City District Plan

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

- Priority C1: Planning for a city supported by infrastructure. The proposal seeks to deliver a new MSL facility, educational establishment, and supporting infrastructure including roads, drainage and pedestrian links.
- Priority C3: Providing services and social infrastructure to meet people's changing needs. The proposal will facilitate redevelopment of a large, underutilised Government site for a mix of land uses, including a new MSL facility and educational establishment.
- Priority C5: Providing housing supply, choice and affordability with access to jobs, services and public transport. The proposal seeks to deliver additional housing in close proximity to established residential neighbourhoods, services and facilities, including public transport.
- Priority C16: Increasing urban tree canopy cover and delivering Green Grid connections. The indicative master plan maintains the landscape character of the site by retaining high and medium value trees to allow for future movement of

species along the green corridor. Trees are also proposed to be retained where possible along the site periphery within the rear side of the proposed residential and the proposed buffer zone to Joseph Street for potential habitats for local species.

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

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

- Objective P4: Improving accessibility within our town centres. The proposal will make it easier for current and future residents to access other nearby centres and surrounding neighbourhoods through the provision of pedestrian and cycle links.
- Objective P5: Delivering housing diversity to suit changing needs. The proposal seeks to deliver a mix of housing types and sizes, similar to the Botanica site to the south.
- Objective P9. Providing high quality, fit-for-purpose community and social infrastructure in line with growth and changing requirements. Redeveloping the site for a school and MSL facility will provide valuable social infrastructure to meet the needs of Cumberland's rapidly growing population.
- Objective P13: Protecting, enhancing and increasing natural and green spaces. The proposal seeks to retain significant vegetation and to provide tree planting along Joseph Street.

Key considerations

Social and economic

- The proposal will deliver social infrastructure to meet the needs of the local area and wider region.
- The proposal will deliver a range of employment opportunities in the health and education sector, with access to Lidcombe TAFE and Sydney University Cumberland Campus.
- In addition to ongoing employment opportunities, the proposal will also result in a temporary increase in construction jobs.

Urban design and built form

- The proposed planning controls for the residential component will result in a similar built form outcome as the Former Lidcombe Hospital site to the south.
- The proposed school will be required to meet the design controls and design quality principles in the State Environmental Planning Policy (Transport and Infrastructure) (SEPP) (formerly Education SEPP) and associated Design Guide for Schools.

- The design of the MSL facility has been approved by Sydney Central City Planning Panel.

Traffic and access

- Transport for NSW requirements have been addressed in the masterplan. The concept layout for the master plan includes the introduction of an interim left-in left-out connection to Joseph Street. This connection is to be converted to a signalised intersection before the educational establishment is operational.
- The Proponent will also be required to address local requirements and issues as part of any development application for the educational establishment. A traffic report will be required to show, at a minimum: school and cumulative traffic between 8-9.30am and 2-4pm; sweep path analysis on proposed cul-de-sac; and operational management details for the school.

Environmental

The Planning Proposal Request is supported by a range of technical studies that address the following matters.

- Noise and vibration: The development would impact adjacent residents during both construction and operation. The development would also be subject to significant noise levels from Joseph Street. It is noted that the masterplan provides for large setbacks to, and significant tree planting, along Joseph Street which may help to mitigate noise impacts.
- Trees and vegetation: The site contains 16 trees with high retention value and should be retained and protected wherever possible. All opportunities for retaining these subject trees using design modification and tree sensitive construction techniques should be explored.
- Landscape and visual: The Project has the potential to impact the visual amenity and landscape character of the local area. If the proposal proceeds past Gateway, a site-specific Development Control Plan will be in place to guide the future development of the site.
- Air quality: The focus of an impact on air quality from the proposed project would be during the construction phase, as the proposed land uses would not involve significant air emissions.
- Surface and groundwater: Due to proposed land uses, the project will likely only interact with the ground water through a pollution pathway during construction.
- Heritage: The site does not contain a heritage item, nor are there any heritage items immediately adjacent to the Site.

- Contamination and Acid Sulphate Soils: The site was found to have a low risk of contamination; however, further investigations are recommended before the site is redeveloped.

The above matters will be further considered at development application stage should the proposal proceed to Gateway and finalisation.

Next Steps

Following review of the planning proposal by Council officers and advice provided by the Cumberland Local Planning Panel, the planning proposal is provided for consideration by Council. It is recommended that Council endorse the planning proposal and that this be forwarded to the Department of Planning and Environment for a Gateway Determination. It is also recommended that Council endorse the draft site specific Development Control Plan.

Should Council support the proposal and a Gateway Determination is provided by the Department of Planning and Environment, the planning proposal and site-specific Development Control Plan will be exhibited concurrently. A further report will then be provided to Council.

COMMUNITY ENGAGEMENT

Both the Proponent and Council officers have carried out early consultation on the proposal, as outlined in this report. Further statutory consultation will be carried out by Council officers if the proposal proceeds past Gateway.

POLICY IMPLICATIONS

Policy implications are outlined in the main body of this report.

RISK IMPLICATIONS

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

FINANCIAL IMPLICATIONS

It is noted that the Proponent has elected not to enter into a Planning Agreement with Council on the basis that the proposal will deliver a range of public benefits. On this basis, there are no financial implications for Council.

CONCLUSION

The Planning Proposal Request for 80 Betty Cuthbert Drive, Lidcombe, is consistent with the strategic planning framework and policy context and will deliver a wide range of benefits, including a new MSL facility, educational establishment, and diverse housing. It is recommended that the planning proposal and site-specific Development Control Plan is endorsed, and that the planning proposal is forwarded to the Department of Planning and Environment for a Gateway Determination.

ATTACHMENTS

1. Planning Proposal Request
2. Urban Design Report
3. Draft Site Specific Development Control Plan
4. Department of Education Letter
5. Assessment of Public Benefits (confidential)
6. Traffic and Transport Assessment Report
7. Environmental Assessment Report
8. Preliminary Tree Assessment
9. Habitat Assessment and Targeted Flora Survey
10. Preliminary Contamination and Acid Sulfate Soils Investigation Report
11. Utilities and Services Report
12. Water Cycle Management Report
13. Engagement Outcomes Report - Proponent
14. Summary of Submissions - Council Officer Early Consultation
15. Cumberland Local Planning Panel Advice