

Planning Proposal

**Amendment 96 to the Liverpool Local
Environmental Plan 2008**

61-71 Goulburn Street, Liverpool

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Foreword

This report has been based on a planning proposal report prepared by Willottree Planning on behalf of Sacco Building Group (the Proponent) to initiate an amendment to the Liverpool Local Environmental Plan 2008 (LLEP2008 2008).

The planning proposal request was received by Liverpool City Council (LCC) on 15 December 2021, with an amended planning proposal request received on 20 May 2022. Advice was sought from the Liverpool Local Planning Panel (LPP) at its meeting on 27 June 2022. After considering the assessment report, the LPP provided their advice, that the proposal has both strategic and site-specific merit, and supported the planning proposal proceeding to a Gateway determination. The planning proposal was considered at Council's Ordinary Meeting on 31 August 2022 where it received in principle support to be forwarded to the Department of Planning and Environment (DPE) seeking a Gateway determination.

Introduction

A planning proposal request was received from the proponent, Sacco Building Group, to amend development standards land on 6 lots at 61-71 Goulburn Street, Liverpool (SP 18729, Lot 8 Section 41 DP 758620, Lot 20 DP 1113807, Lot 1 DP 25642, Lot 2 DP 610334 and Lot 1 DP 610334). The Proposal intends to facilitate the future development of the site for the Liverpool Private Hospital. The planning proposal seeks to increase both Floor Space Ratio (FSR) and Height of Building (HOB) development standards. This will be facilitated through the addition of a local provision to restrict the increase in building height and FSR to development for the purposes of health services facility and its associated ancillary uses only.

The intent of the planning proposal is to facilitate the development of a private hospital (155 beds), consulting and education suite space (12,540m² GFA) and supporting retail (353m² GFA). This would be contained in a 20-storey building (with four basement levels) with a total GFA of 32,280m².

The planning proposal does not seek to rezone the site, which is currently zoned B4 Mixed Use, as the proposal meets the zone objectives, Retail uses are permitted with consent under the zone, while health services facilities are permitted under the Transport and Infrastructure SEPP.

At Council's ordinary meeting on 31 August 2022, it was resolved that Council:

- 1. Notes the advice of the Liverpool Local Planning Panel.*
- 2. Endorses in principle the planning proposal request to amend the floor space ratio and height of buildings development standards in the Liverpool Local Environmental Plan 2008.*
- 3. Delegates to the Acting CEO (or delegate) to prepare the formal planning proposal including any typographical or editing amendments if required.*
- 4. Forwards the planning proposal to the Department of Planning and Environment pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979, seeking a Gateway determination.*
- 5. Recommends to the Department of Planning and Environment that a detailed economic demand analysis be conditioned as part of any Gateway determination.*
- 6. Subject to Gateway determination, undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination and the Liverpool Community Participation Plan.*

7. *Receives a further report on the outcomes of public exhibition and community consultation; and*
8. *Advises the proponent of Council's decision.*

Background

In February 2020, Council was invited to comment on the Planning Secretary's Environmental Assessment Requirements (SEARs) for a State Significant Development Application (SSDA) pertaining to a private hospital at 61-71 Goulburn Street, Liverpool (Lot 9 Sec 41 DP 758620, Lot 1 DP 25642, Lot 20 DP 1113807, Lot 8 Sec 41 DP 758620, Lot 2 DP 610334 and Lot 1 DP 610334).

The proposal sought a Clause 4.6 variation to depart from the FSR development standard in the LLEP2008 from a maximum of 3.5:1 to 5.1:1. This represented an approximately 46% variation. Council indicated that given the magnitude of non-compliance with the development standard, it would be more appropriate for the changes sought to be progressed through a planning proposal rather than through a Clause 4.6 variation as part of the SSDA application. The Department agreed and in April 2020 advised the proponent to submit a planning proposal to Council to amend development standards before pursuing the SSDA.

In December 2021, Council received a planning proposal request in relation to the subject land, seeking the following amendments to Liverpool Local Environmental Plan 2008 (LLEP2008):

- Amend the maximum height of buildings development standard from 35m to 91m; and
- Amend the floor space ratio development standard from 2.5:1 (increasing to 3.5:1 under Clause 4.4(2)(c)) to 7.9:1.

Following internal consultation, Council staff recommended that the proposal be amended to address concerns relating to bulk and scale, overshadowing of neighbouring residential apartments and Bigge Park, and the amount of speculative floor space provided for consulting and education suite space.

The proponent provided a revised planning proposal request (**Attachment 1**) and supporting documentation to Council in May 2022, which reduced the increase in FSR and HOB development standard previously sought as follows:

- Amend the maximum height of buildings development standard from 35m to 79m; and
- Amend the floor space ratio development standard from 2.5:1 (increasing to 3.5:1 under Clause 4.4(2)(c)) to 6.9:1.

This will be achieved through identifying the site under Schedule 1 of LLEP2008, (Key Site Map), which will apply the increased height of building standard, and floor space ratio, for the development of a Health Service Facility and its ancillary uses as noted within this planning proposal.

This means the HOB and FSR maps are retained as existing, and the Schedule 1 Clause for increased development standards only apply when the development includes the health services facility use and its ancillary uses.

Report structure

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* with consideration to DPE's 'Local Environmental Plan Making Guideline' (September 2022). Accordingly, the proposal is discussed in the following parts:

- Site description
- Statutory planning framework
- Part 1 – Objectives and intended outcomes
- Part 2 – Explanation of provisions
- Part 3 – Justification of strategic and site-specific merit
- Part 4 – Maps
- Part 5 – Community consultation
- Part 6 – Project timeline

Site description

The planning proposal request relates to six lots along 61-71 Goulburn Street, Liverpool (see Figure 1). The site area is approximately 4,674m².

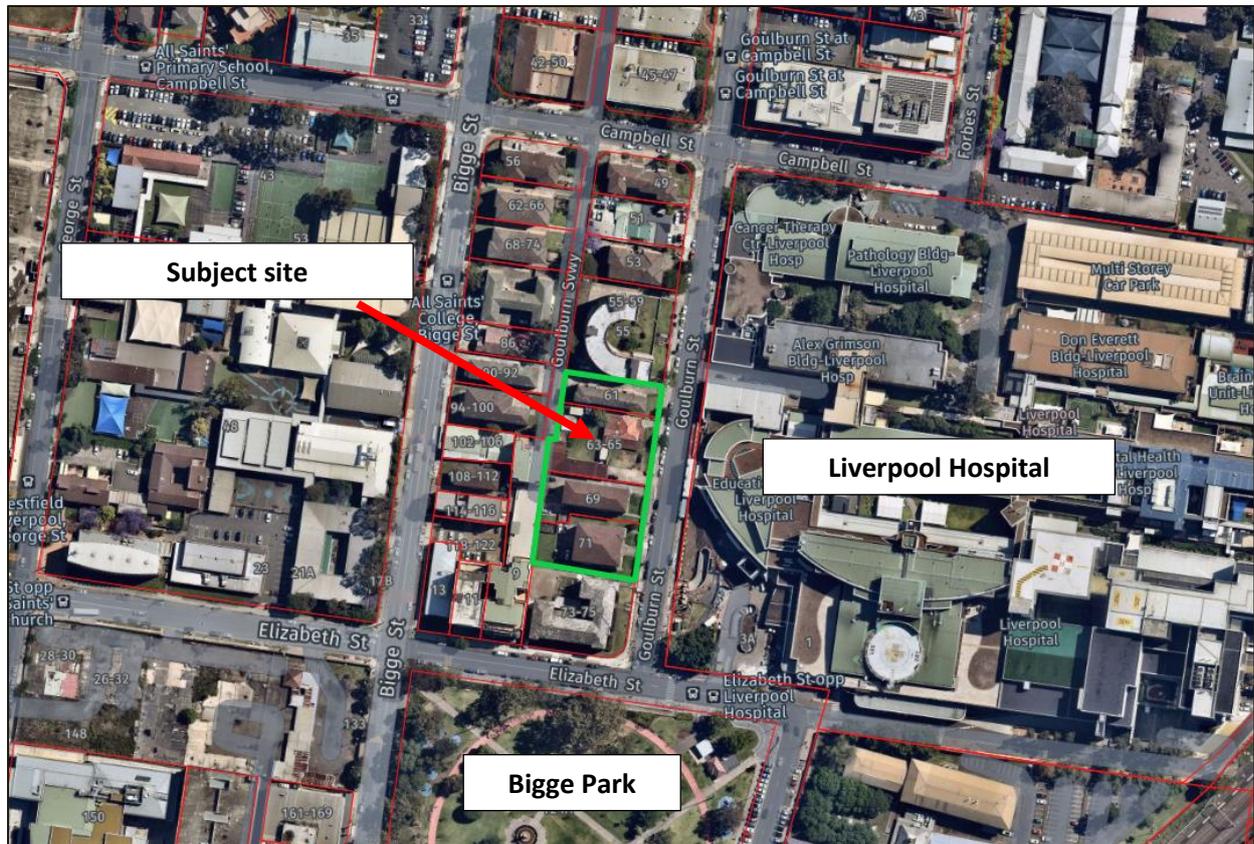


Figure 1: Subject site. (Source: Nearmap)

The site presently comprises three four-storey residential apartment buildings, a single-storey dwelling house and a double-storey detached garage.

The site is in the Liverpool City Centre to the north of Bigge Park and directly adjacent to Liverpool Hospital (**Figure 2**). The block is bounded by Campbell Street to the north, Elizabeth Street to the south and Bigge St to the west. It is approximately 500m from Liverpool Train Station.

The site is zoned B4 Mixed Use under the Liverpool LLEP2008, with the adjacent hospital zoned SP2 (Health Services Facility and Educational Establishment) and Bigge Park to the south which is zoned RE1 Public Recreation. There is land zoned R4 High Density Residential immediately to the north. It is surrounded by residential apartment buildings to the north, south and west, and Liverpool Hospital to the east.

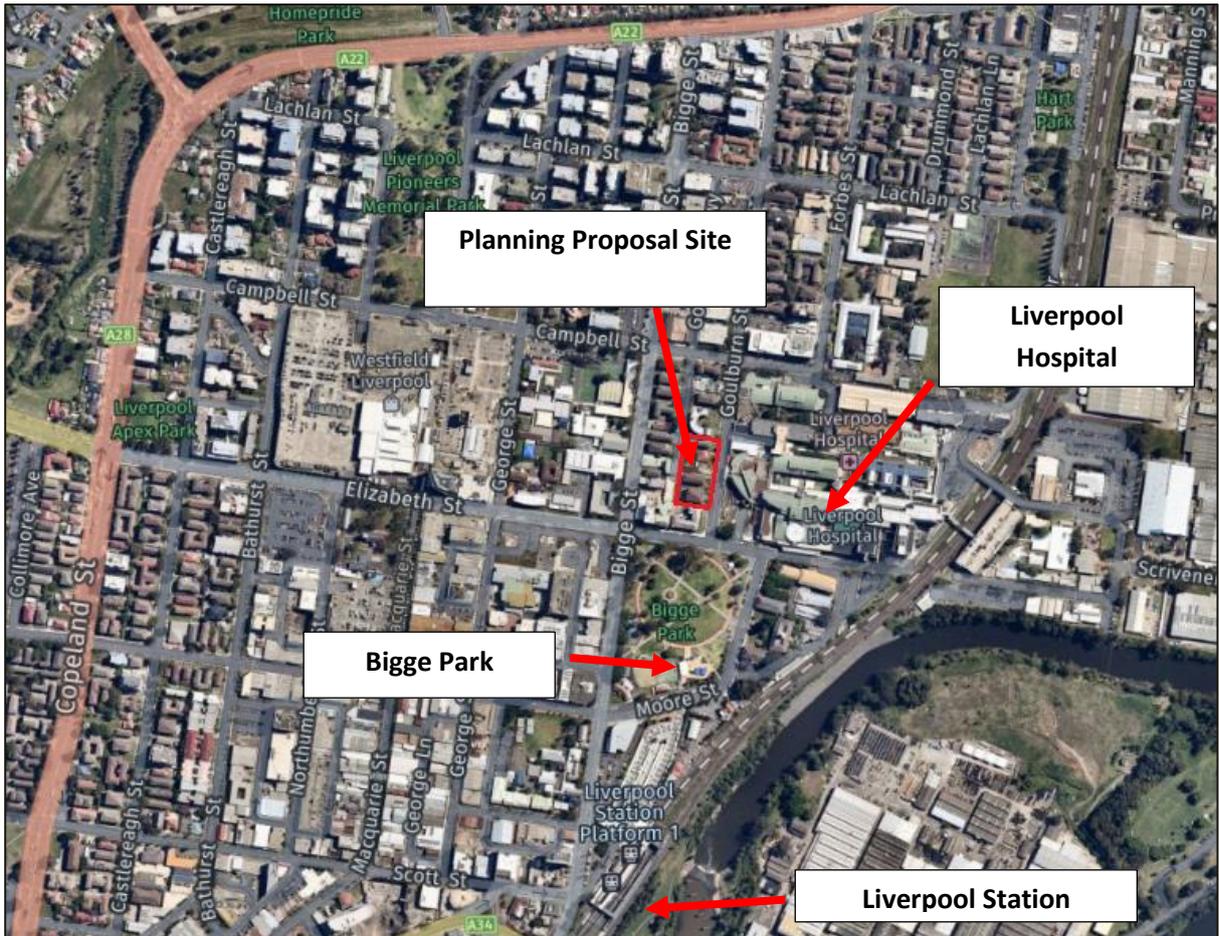


Figure 2 Locality (Source: LCC Geocortex)

The proposal falls within an area known as the Liverpool Innovation Precinct (**Figure 3**). The Land Use Analysis and Precinct Strategy for the Liverpool Innovation Precinct indicates there is desire for a new private hospital with close connectivity to key clinical functions of Liverpool Hospital.

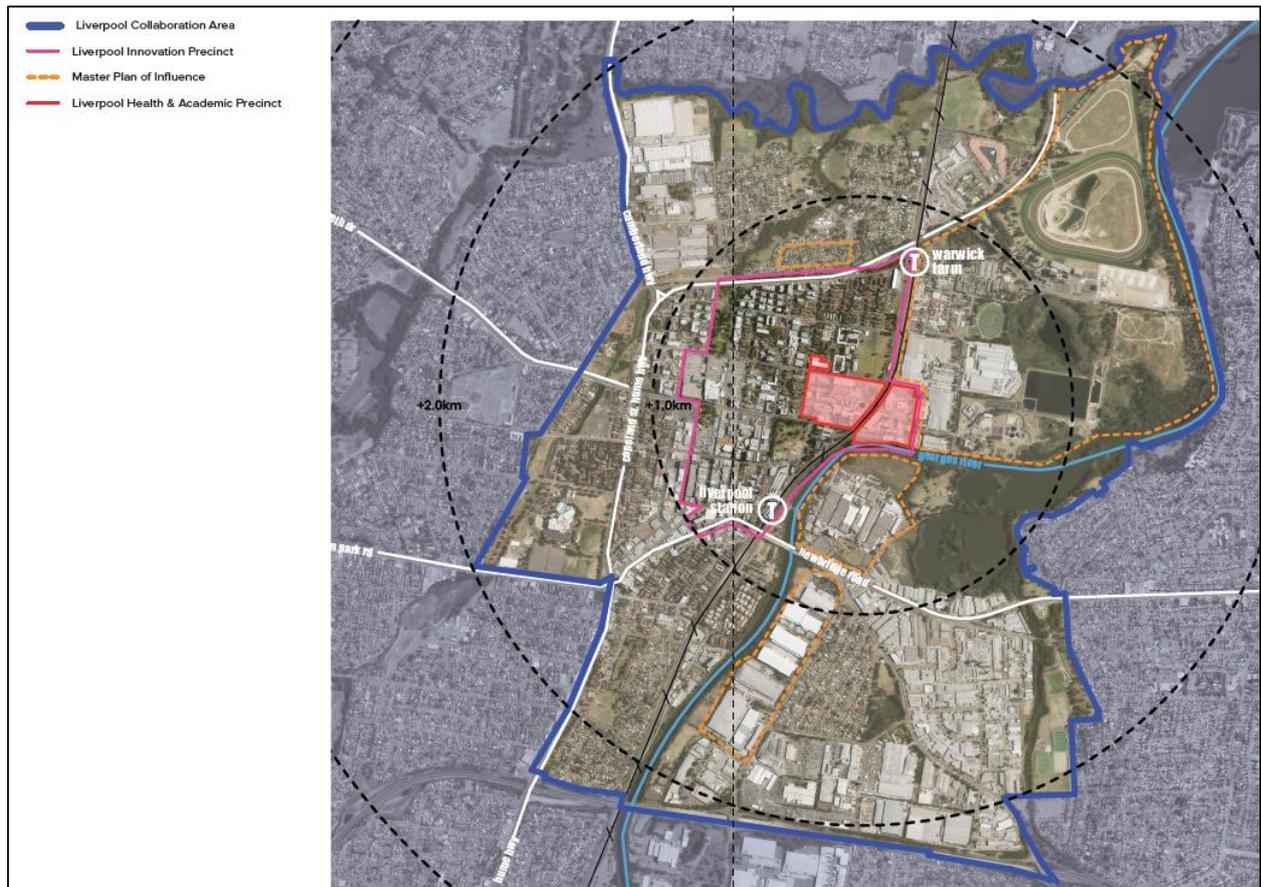


Figure 3 Liverpool Innovation Precinct boundary (Source: GCC)

The site also contains an easement for the drainage of water, which is proposed to be relocated.

Under the LLEP 2008, the site currently has an FSR development standard of 2.5:1 (and up to 3.5:1 pursuant to Clause 4.4(2)(c) of the LLEP 2008 and a HOB development standard of 35m.

The northern part of the site is impacted by the helicopter flight path for Liverpool Hospital, which is illustrated on the Key Sites Map (**Figure 5**). LLEP 2008 *Section 7.17A Hospital helicopter airspace* states:

- (1) *The objective of this clause is to protect hospital helicopter airspace.*
- (2) *Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority—*
 - (a) *refers the application for development consent to the chief executive of the relevant local health district, and*
 - (b) *considers any submission to the consent authority by the chief executive made within 21 days of the referral, and*
 - (c) *is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace.*



Figure 5 Key Sites Map (Source LLEP 2008)

While this is not a prohibition on development, the Local Health District comments are required to be taken into consideration when assessing a development application. If the proposal receives a Gateway determination, it is expected that consultation occurs with the Local Health District at the exhibition stage.

The site is also part of the Bigge Park Heritage Conservation Area (**Figure 6**). Prior to any development within the Conservation Area or alteration to any building, structure or landscape feature, a Statement of Heritage Impact is to be prepared to assess the impact of the proposal on the significance of the Conservation Area.



Figure 6 Heritage Map (Source LLEP2008).

Delegation of plan making functions

This planning proposal seeks to make a relatively minor amendment to the LEP 2008. As such, Council is seeking authority of plan making functions pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Part 1 – Objectives and intended outcomes

The Proposal intends to facilitate the future development of the site for the Liverpool Private Hospital. The planning proposal seeks to increase both Floor Space Ratio (FSR) and Height of Building (HOB) development standards through the addition of a local provision. This will limit the additional building height and FSR to a development for the purpose of a health service facility and associated ancillary uses as outlined in this planning proposal. This will be achieved by identifying the site as a Key Site Map under Schedule 1 of LLEP08

The intent of the planning proposal is to facilitate the development of a private hospital (155 beds), consulting and education suite space (12,540m² GFA) and supporting retail (353m² GFA). This would be contained in a 20-storey building (with four basement levels) and a total GFA of 32,280m².

Part 2 – Explanation of provisions

The objectives of the intended outcomes of the planning proposal will be achieved by including a site specific provision by identifying the site under schedule 1 of LLEP08 to enable the desired outcome of health services facilities are delivered on site.

The planning proposal seeks to amend the allowable HOB from 35 to 79m, and FSR from a base of 2.5:1 (increase to 3.5:1 under clause 4.4(2)c) to 6.9:1. This will be achieved through a site-specific provision which allows additional height and floor space ratio for the development of a health service facility and associated ancillary uses including medical and educational uses.

To facilitate the proposed change, the following LEP 2008 maps is to be amended:

Key Site Map

- KYS_11 (4900_COM_KYS_011_005_20220505)

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the planning proposal

3.1 Is the planning proposal a result of an endorsed LSPS strategic study or report?

The planning proposal is not the result of any endorsed strategic planning statement, strategic study or report. It is however generally consistent with the relevant overarching principles contained in the local, district and metropolitan strategic documents. These documents include the following:

- Greater Sydney Regional Plan – A Metropolis of Three Cities
- Western City District Plan
- Local Strategic Planning Statement – Connected Liverpool 2040

Further detail in respect of alignment with these documents is set out in Section B (Relationship to strategic planning framework).

3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered the best means of achieving the objectives and intended outcomes as indicated in Part 1 of this planning proposal. The proponent originally intended to develop a proposal as a State Significant Development. However, given the increase in development standards required above

what is currently contained in the LLEP 2008, it was considered a planning proposal was required to achieve the desired outcome.

Section B – Relationship to the strategic planning framework

DPE’s Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site-specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

3.3 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)?

a. Strategic Merit

The planning proposal is consistent with relevant regional, sub-regional or district plan or strategies. The most relevant State and District plans that guide the land use direction for the site, are

- Greater Sydney Regional Plan – A Metropolis of Three Cities
- Western City District Plan

Greater Sydney Regional Plan – A Metropolis of Three Cities

The current metropolitan strategy applicable to the site is the NSW Government’s Greater Sydney Region Plan (2018). Relevant directions from the metropolitan strategy are noted at Table 1 below.

Table 1 Consistency with the Regional Plan

Objective	Comment
A collaborative city	
<i>Objective 5 Benefits of growth realised by collaboration of governments, community and business</i>	This objective includes an action to deliver on Collaboration Areas. The planning proposal is aligned with the Liverpool Collaboration Area Place Strategy, which acknowledges Liverpool’s health and academic precinct, and includes the following action: “Action 12: Identify and deliver new and enhanced social infrastructure including children’s, youth, health and aged care services, libraries, and cultural, community and civic facilities within current and future people-centred precincts of the Collaboration Area”.
A city for people	
Objective 6 Services and infrastructure meet communities’ changing needs	This objective relates to the provision of social infrastructure that reflects the needs of the community.

Objective	Comment
	<p>The Proposal indicates that the development would provide key social infrastructure (health services) in a designated health precinct in close proximity to a growing population.</p> <p>The planning proposal provides evidence that additional private hospital beds are required within the South West Sydney Local Health District (SWSLHD) and within Liverpool, which is supported by Council's City Economy team.</p> <p>The proposed private hospital would be located close to the established public hospital, other health services, education establishments and surrounding transport infrastructure in proximity to residential communities, and, as such, the proposed development on the site would contribute to the realisation of the '30-minute city'.</p>
A well-connected city	
<p>Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</p>	<p>This objective focuses of delivering the 30-minute city and intends to “Co-locate activities in metropolitan, strategic and local centres”.</p> <p>The proposed private hospital would be located close to the established public hospital, other health services, education establishments and surrounding transport infrastructure in proximity to residential communities, and, as such, the proposed development on the site would contribute to the realisation of the '30-minute city'.</p>
Jobs and Skills for the city	
<p>Objective 21 – Internationally competitive health, education, research and innovation precinct</p>	<p>This objective supports the co-location of health and education facilities, and services that support the precinct and growth of the precinct. The location of a private hospital in close proximity to Liverpool Hospital is supported and is consistent with the Liverpool Innovation Precinct Land Use Analysis and Precinct Strategy.</p>
A city in its landscape	

Objective	Comment
Objective 30 – Urban Tree canopy cover is increased	The planning proposal is accompanied by landscape plans which show the ability for the development to increase urban tree canopy on the site.

Western City District Plan

The site is located within the Western City District and the applicable District Plan is the Western City District Plan (2018), as established by the Greater Sydney Commission in March 2018. Relevant directions from the Western City District Plan are noted at Table 2 below.

Table 2 Consistency with the Western City District Plan

Planning Priority	Comment
Infrastructure and collaboration	
<i>Planning Priority W2</i> <i>Working through collaboration</i>	The proposal indicates it will provide key social infrastructure (health services) in a designated health, education and innovation precinct, aligned with the Liverpool Collaboration Area Place Strategy.
Liveability	
<i>Planning Priority W3</i> <i>Providing services and social infrastructure to meet people’s changing needs</i>	The proposal indicates that development will facilitate the co-location of infrastructure (health services) in a strategic centre close to public transport and is supported by market needs analysis. It is considered that the proposal meets this priority.
Productivity	
Planning Priority W9 Growing and strengthening the metropolitan cluster	Liverpool is indicated as part of the metropolitan cluster and is also identified as a health precinct. This priority includes Objective 21: “Internationally competitive health, education, research and innovation precincts.” The addition of a private hospital to the Liverpool Innovation Precinct will strengthen the precinct, and is aligned with Council policy, as indicated in the Table 3.
Planning Priority W11	The proposal indicates that the proposed private hospital would promote the growth and evolution

Planning Priority	Comment
Growing investment, business opportunities and jobs in strategic centres	<p>of the health and education precinct and would support job creation and service provision within Liverpool metropolitan centre and collaboration area.</p> <p>An economic impact assessment has been conducted which indicates a total of 670 ongoing jobs would be created by the development. The development is supported by Council's City Economy team.</p>
Sustainability	
Planning Priority W15 Increasing urban tree canopy cover and delivering Green Grid connections	The planning proposal is accompanied by landscapes plans which show the ability for the development to increase urban tree canopy on the site.

Local Strategy

Assessment of the proposal with regards to the Local Strategic Planning Statement (LSPS) is detailed in Section 3.4.

b. Site-specific Merit

In addition to meeting at least one of the strategic merit criteria, a planning proposal is required to demonstrate site-specific merit against the following criteria in Table 3 below.

Table 3 Site-specific Merit

Criteria	Planning Proposal Response
<i>Does the proposal give regard and assess impacts to the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)</i>	The site is in a built-up area and has historically been used for the purposes of residential apartment buildings. There is limited vegetation and therefore no significant environmental impact from the proposed building.
<i>Does the proposal give regard and assess impacts to existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates</i>	While there is strategic merit for the location of a health services facility adjacent to the current public hospital, there is not strategic merit for an increase in density for non-health-related development. Council's LSPS and the Liverpool Innovation Precinct Land Use Analysis and Precinct Strategy make clear that the focus for development in this area is in relation to health uses.

Criteria	Planning Proposal Response
<i>Does the proposal give regard and assess impacts to services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i>	<p>The site is within an established urban area. The proposed amendments however seek to intensify the use of the site beyond what is currently permissible under Floor Space Ratio and Height of Building controls under the LEP 2008.</p> <p>Referral to Transport for NSW will likely need to occur, as well as Sydney Water and Endeavour Energy to ensure there is capacity for servicing.</p>

3.4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Liverpool Local Strategic Planning Statement (LSPS)

Table 4 Consistency with LSPS

Planning Priority	Comment
Collaboration	
<p><i>Planning Priority 4:</i></p> <p><i>Liverpool is a leader in innovation and collaboration</i></p>	<p>LSPS action 4.1 indicates states: “Collaborate with Greater Sydney Commission and relevant stakeholders to address the Liverpool Collaboration Area Place Strategy through amendments to the LEP 2008.” The location of a private hospital is noted within the Place Strategy.</p>
Productivity	
<p><i>Planning Priority 10:</i></p> <p><i>A world-class health, education, research and innovation precinct</i></p>	<p>The LSPS notes the importance of health and education for the local government area. The priority reinforces Liverpool’s position as a health leader. It is considered that the location of a private hospital within the precinct would work to meet this priority.</p>

3.5 Is the planning proposal consistent with any other applicable State or regional studies or strategies?

The planning proposal is not inconsistent with SEPPs applying to the land. Further justification is explained in Table 5 below.

3.6 Is the planning proposal consistent with applicable SEPPs?

Several State Environmental Planning Policies (SEPPs) apply to the land. The consistency of the planning proposal with pertinent SEPPs has been provided in Table 5 below. It is noted that SEPPs which the planning proposal will not materially impact nor undermine have been omitted from Table 5.

Table 5 Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment / Consistency
Housing SEPP	The current RFBs may include low-rental dwellings. It may be determined that the development will lead to a reduction in the availability of affordable housing, which would necessitate a contribution under Part 3 of the Housing SEPP at the development assessment stage.
Transport and Infrastructure SEPP	<p>Division 10 of SEPP relates to health services facilities, which includes hospitals. Under the SEPP, development for the purposes of health services facilities may be carried out by any person with consent on land in a Prescribed Zone. The B4 zone is a Prescribed Zone for the purpose of Division 10, and therefore the proposed private hospital is permitted with consent on the site through the SEPP.</p> <p>The SEPP provides for Traffic Generating Development to be referred to Transport for NSW (TfNSW) for concurrence. Details of the development would be confirmed at the DA stage, and any requirement for referral to TfNSW confirmed at this stage. Notwithstanding this, referral of the planning proposal to TfNSW may be a requirement of Gateway.</p>
Resilience and Hazard SEPP	<p>The planning proposal is accompanied by a preliminary site investigation (Attachment 9) which finds a low risk to human health and ecological receptors due to potential pollutants but recommends that a detailed site investigation of soil and groundwater should be undertaken.</p> <p>This may be carried out at the State Significant Development Assessment (SSDA) stage, or as a condition of Gateway.</p>
Industry and Employment SEPP	Any signage associated with future commercial premises on the site would be assessed in accordance with SEPP.
Planning Systems	The SEPP identifies state and regionally significant development and provides considerations of the planning assessment. Schedule 1 identified hospital as being state significant development. Therefore, the SEPP may apply at Development Assessment stage.

3.7 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

Table 6 Consistency with the Ministerial Directions

Ministerial Direction	Comment / Consistency
1.1 Implementation of Regional Plans	This direction requires consistency with the relevant region plan. This has been assessed in 3.3 of this report and has demonstrated consistency with this plan.

1.3 Approval and Referral requirements	The planning proposal is consistent with this Direction as it does not introduce additional concurrence, consultation, or referral requirements.
1.4 Site Specific Provisions	<p>This direction discourages restrictive site-specific planning controls. Whilst the planning proposal does impose a site-specific provision through Schedule 1 of the LLEP, the provision will provide significantly more yield for the development of a health services facility and associated ancillary uses.</p> <p>The site-specific provision will ensure the scale of the proposed development is restricted to a health services facility. This will deliver on the strategic priorities of the precinct while still retaining all the existing permissible uses. Therefore, justifiably consistent.</p>
3.2 Heritage Conservation	<p>The southern portion of the site is located within the Bigge Park Conservation Area, an area of local significance under the LEP 2008.</p> <p>The proposal is accompanied by Preliminary Archaeological Aboriginal Culture and Historical Archaeological Advice (Attachment 7).</p> <p>It found low potential for Aboriginal cultural heritage with no further requirement for further investigations in this regard. It also found no further investigations or assessment was required concerning historical archaeological material. If either Aboriginal or other historical material or relics are found, it is agreed works must stop immediately and appropriate archaeological advice sought.</p> <p>The proposal is also accompanied by a Historical Impact Statement (Attachment 8). It found that the proposal would not impact on the significance of any historical heritage values that may be present within or in the vicinity of the study area.</p>
4.1 Flood Prone Land	<p>The site is not identified as flood prone land or located within a flood planning area as per LEP 2008 maps. The proposed development site is not affected by the Georges River, Cabramatta Creek and Anzac Creek mainstream flooding, hence is not identified under the LLEP2008 maps.</p> <p>The site is identified under the Liverpool CBD Floodplain Management Study (2007), as having overland flood risk. The management study recommended a trunk drainage system, which was constructed in 2012. The latest overland flood study for the Liverpool CBD was undertaken by BMT WBM in 2016. This study has considered the upgraded system in the CBD. The below image shows 1% AEP Flood Extent with the flood depth extracted from the latest study.</p>

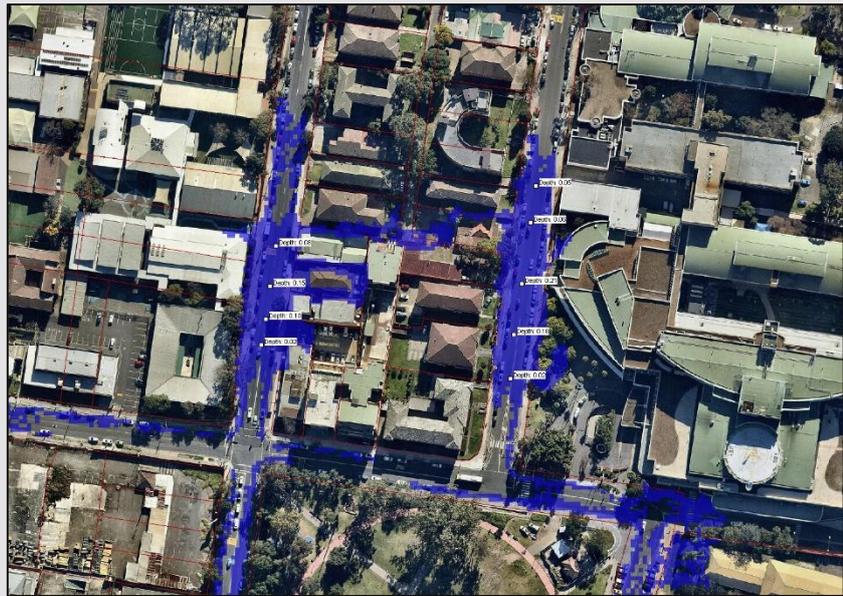


Figure 7 Updated over-land flood risk (Source Liverpool City Council)

Given the overland flood risk is mainly at the street, and to a predicted maximum of 210mm on Goulburn Street, it is considered negligible.

The Flood Impact Study (**Attachment 14**) has given consideration to the 2022 NSW Flood Inquiry. Specifically it outlines the recommendation relevant to the proposal. The flood impact assessment concludes the proposal has undertaken the recommended approach specified in recommendation 18, and 28. The flood impact assessment reinforces that the development is not affected by mainstream flooding and therefore consistent.

The attached flood impact assessment also states that since the flood extent in the 1% AEP is contained with the stormwater easement site, users can either seek refuge on site to avoid flood waters or evacuate the site towards Goulburn Street. The drawing below highlights possible evacuation routes explored in the Flood Impact Assessment (**Attachment 14**)

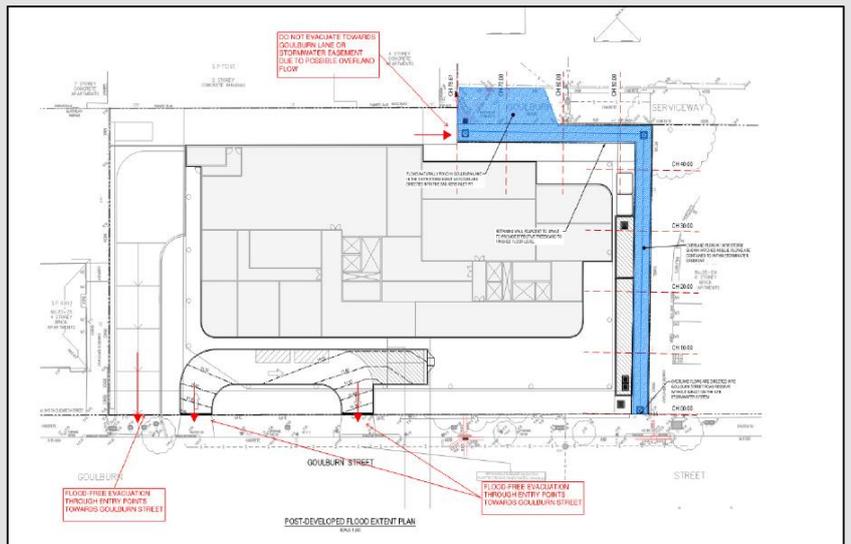


Figure 8 Proposed Evacuation Route outlined in Flood Impact Assessment (Source Henry & Hymes)

In addition, the proposal was referred to Council flood engineers who said they support the proposal in principle, however will be required to work through design specifics during the SSD/DA stage.

Therefore, this proposal is consistent with this direction.

4.3 Planning for Bushfire Protection

The site is not identified as bushfire prone in the NSW Rural Fire service (RFS) map. Therefore, consistent.

4.4 Remediation of Contaminated land

The planning proposal is accompanied by a preliminary site investigation (PSI), as required under this Direction. The results of the PSI indicated the following:

- The site was located in a mixed-use area comprising commercial, industrial properties, and medium / high density residential dwellings. Liverpool hospital is located immediately to the east of the site.
- The majority of the site is underlain by Cenozoic sediments comprising of unconsolidated alluvial clay, silt, sand and gravel deposits. The northern portion of the site is underlain by Middle Triassic sediments comprising shale, carbonaceous claystone, laminate, lithic sandstone, and rare coal.
- Results of desktop searches indicated groundwater to be present within the surrounding area at depths ranging from 1.1m bgl to 8.5m bgl with registered groundwater bores. Groundwater bores within the surrounding area were reported to be used for a mix of monitoring, exploration and research, water supply manufacturing / industry and irrigated agriculture purposes.

	<p>Based on this information the Preliminary Site Investigation considered the risk to health and ecological receptors generally low, and therefore suitable (and or can be made suitable) for the purpose of a health service facility.</p> <p>The PSI does suggest a Detailed Site Investigation to further assess the potential contamination within the PSI, however this is able to be completed during the development application stage.</p>
4.5 Acid Sulfate Soils	<p>The site is identified as being within Class 5 Acid Sulfate Soil Area. The planning proposal is accompanied by a preliminary Geotechnical Assessment (Attachment 9) which indicates extremely low probability of occurrence of acid sulfate soils. The proposal will be required to be carried out in accordance with the Acid Sulfate Soils Manual. Further requirement for geotechnical testing can be conditioned or made a requirement through the SSDA process. Therefore, consistent.</p>
5.1 Integrating Land use and Transport	<p>The objective of this direction is “to ensure that urban structures, building forms, land uses locations, development designs, subdivisions and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> • improving access to housing, jobs and services by walking, cycling and public transport, and • increasing the choice of available transport and reducing dependence on cars, and • reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and • supporting the efficient and viable operation of public transport services, and • providing for the efficient movement of freight.” <p>The planning proposal is deemed to be consistent with this Direction. The site is in a walkable catchment close to Liverpool Train Station, the CBD, bus stops and cycle infrastructure.</p>
6.1 Residential Zones	<p>The planning proposal is within a B4 zone where residential development is permissible, and thus this Direction is applicable. The planning proposal does not reduce development standards, rather increases development standards on the site. However, following consultation with Council the proponent has included a Clause to restrict development on the site to health services facilities. This Clause is considered to be inconsistent with this Direction as it could be considered to contain provisions which will reduce the permissible residential density of land.</p> <p>Council staff suggest that in order to be consistent with this direction, that the planning proposal be revised to add the site as a ‘key site’ on the Key Sites Map, tied to a provision that allows for an increase in</p>

	FSR and HOB for the purposes of health services facilities. This would allow development of the private hospital and associated use with increased FSR and HOB, while allowing other uses permissible in the B4 zone under current development standards. Council will further liaise with DPE and PCO to develop appropriate controls.
Direction 7.1 Business and Industrial Zones	The Proposal is located within a B4 Mixed Use zone and therefore this Direction is applicable. The proposal would increase the amount of commercial floor space on site and encourage employment growth in a suitable location within the city centre and close to public transport.

Section C – Environmental, social, and economic impact

3.8 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

The planning proposal is not expected to affect any critical habitat or threatened species, populations, or ecological communities.

3.9 *Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?*

Helicopter flight path

As indicated in part 2 of this report, the site is marked as being under the helicopter flight path for Liverpool Hospital. As such, the development must be referred to SWSLHD. Council will need to be satisfied that the development does not present a hazard to helicopters using hospital helicopter airspace.

Visual impact and overshadowing

The planning proposal seeks to increase HOB and FSR significantly, in an area that is comparatively low scale at present. As such, the accompanying visual impact assessment (**Attachment 6**) indicates that the proposal would have some moderate/high visual impacts, particularly at Bigge Park / Elizabeth St- Looking into Goulburn St, and a moderate impact from the centre of Bigge Park.

The proposal details a number of measures to reduce perceived bulk and visual impacts, including retention of established trees, landscaping on podium levels, and façade treatment, articulation and colour selection to better blend with landscape.

Since its initial lodgement, the proponent has reduced the height and scale of the building following Council comments. Council staff requested that the planning proposal be revised so that no additional shadow is cast on Bigge Park than that of the maximum allowable building envelope of the adjacent lot to the south. This southern lot has an additional local provision, 7.2 Sun access in Liverpool city centre, that restricts building height in order to protect public space from overshadowing.

Council staff have assessed the overshadowing impacts on the neighbouring residential buildings to ensure SEPP 65 requirements are achievable. SEPP 65 lists several design quality principles which are addressed in **Attachment 16**.

The Architectural concept design (**Attachment 15**) includes shadow diagrams of the surrounding area on 21 June. The proposed development does overshadow the adjoining residential building, particularly during

the morning where the shadow of the proposal extends past Bigge Street. 9 Elizabeth Street, and 73-75 Goulburn Street are most impacted by the development, with 9 Elizabeth Street being predominately in shadow between 8am until 11am. 73-75 Goulburn Street is partially in shadow from 9am until 2pm. Three extracts of the Architectural concept designs are included below. This demonstrates where the shadow extends on 21 June.

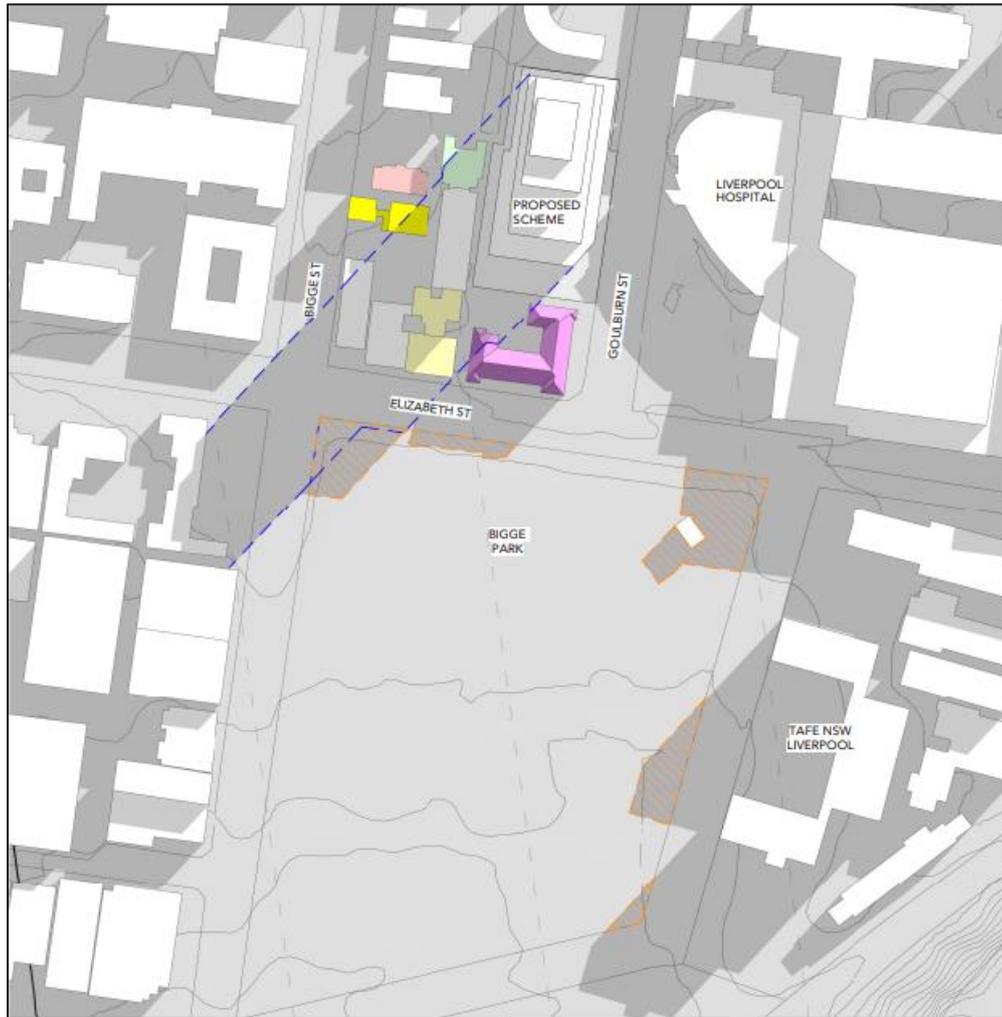


Figure 8, Shadow Diagram 9am 21 June (Source: Team2 Concept Design)



Figure 9: Shadow Diagram 11am 21 June (Source: Team2 Concept Design)

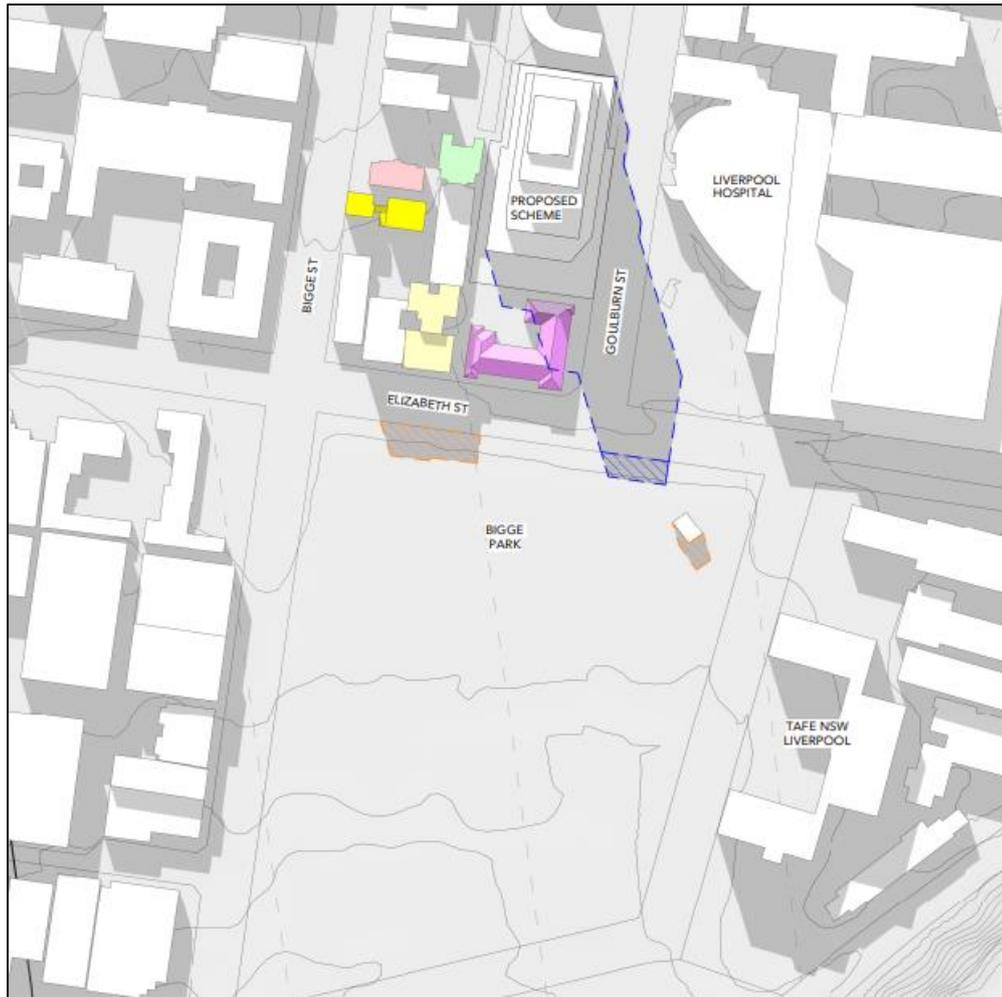


Figure 10: Shadow Diagram 1pm 21 June (Source: Team2 Concept Design)

The proposal has also been assessed against the objectives outlined in the Apartment Design Guidelines. Specifically, Objective 3B-2 states overshadowing of neighbouring must be minimised. The guideline also states, 'where an adjoining property does not currently receive the required hours of solar access, the proposed building ensure solar access, is not reduced by more than 20%'.

The proposals impact on the adjoining properties has been assessed below. This is based on the information provided, and on the 21 June which has the least daylight hours of any day throughout the year.

Address	Impact (21 June)	Comment
9 Elizabeth Street, Liverpool	<p>The development at 9 Elizabeth Street is analysed in two parts, the building fronting Elizabeth Street, and the rear building on Goulburn Swy.</p> <p>Currently, 10 units in the building fronting Elizabeth Street development receive no sunlight. These will be unaffected by the proposed development.</p> <p>The remaining 12 units will all be affected to some degree.</p> <p>With a total of 6 units solar access reducing by 2 hours in the morning, and another 6 units reducing by 1 hour.</p> <p>In the afternoon, 6 units lose an hour of sun between 3 and 4pm.</p> <p>In the rear building, the units are only partially affected with all units still receiving 6+ hours of solar access after the proposed development is complete.</p>	<p>The proposed development will have a notable impact on 9 Elizabeth Steet prior to 11am and after 3pm on 21 June.</p> <p>6 of the unit's solar access will reduce by 50%, and the solar access of the remaining 6 will be reduced by 40%.</p> <p>Whilst this does not align with the recommendation outlined in the Apartment Design Guideline (Objective 3b-2) it is considered appropriate because all units that are affected by the proposal still achieve 4 hours of sunlight on 21 June.</p>
108 Bigge Street	According to Attachment 15 , no units currently receive any solar, as it is overshadowed by existing development.	Whilst the apartments in this development do not comply with SEPP65, the subject proposal does not further exacerbate this.
73-75 Goulburn Street	<p>According to Attachment 15 12 units within this development currently receive 0 hours of sunlight and 3 units receive 2.5hours, this will be unchanged.</p> <p>Two units will gain additional solar access, one for 4.5 hours and another for 2.5hours.</p> <p>Four units will lose sunlight, three for a total of 2.5 hours, and one for 3 hours.</p>	<p>15 apartments in this development currently do not comply with SEPP65, however the development does not affect this.</p> <p>On 21 June, Two units solar access will improve, while another four will lose up to 3 hours of sunlight.</p> <p>The units which do lose sunlight, still achieve the recommended four hours.</p>
114-118 Bigge Street, Liverpool	<p>There are 9 units within the development at 114-118 Bigge Street. 2 of those already receiving 2 hours of solar access or less.</p> <p>As outlined in Attachment 15, only two units will be affected by this proposal. With one unit losing 1hour of sunlight, and another losing 30min.</p>	The reduction is considered acceptable. It meets Objective 3b-2 of the Apartment Design Guideline, and the minimum 4-hour standard.

As per the detailed assessment above, the proposal does have an effect on the neighbouring residential dwellings and will reduce solar access to some units. However, the stepped design does reduce the visual impact and overshadowing, by making the shadow swing across both Bigge Park and the adjoining developments. A large majority of the residential units currently do not currently meet SEPP 65, and these will be unaffected by the proposal. Those that are affected, most still achieve the recommended 4 hours.

Council staff are now comfortable that the revised planning proposal minimises visual impacts and overshadowing, particularly upon Bigge Park, and that minimum SEPP 65 solar access requirements of neighbouring properties can be met.

Built Form:

The concept design indicates the potential for a 20-storey building with four basement levels. This is anticipated to include nine storeys for hospital use, and 11 storeys of medical and education suits. The proposed building envelope looking north / west is shown below:

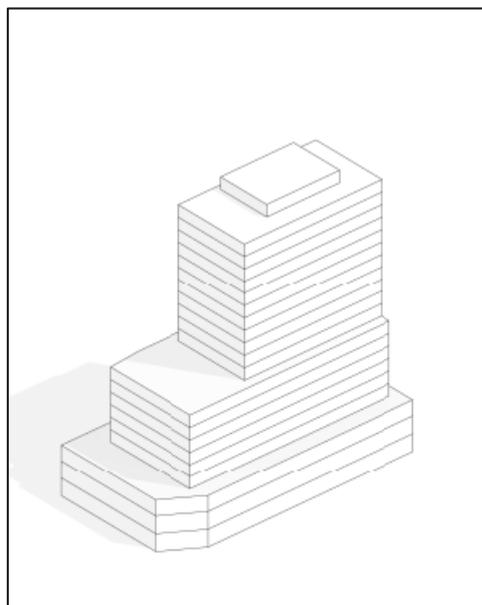


Figure 11: Proposed Envelope looking north each (Source: Team2 Concept Design)

Council has worked with the proponent to revise FSR and HOB to reduce the visual impact and overshadowing. The proposed built form has been designed with an activated ground floor and integrated public domain. The development has been stepped down from the southern side to reduce overshadowing impacts on the adjoining Bigge Park. This also reduces the perceived scale of the building.

The south-eastern corner of the building has also been shaved to create a wider distance between that and the neighbouring property and subsequently reducing the impact on it.

The southern elevations provide additional setbacks of up to 40m from the tower to minimise the shadowing impact to the south. The bulk and massing of the proposal is further reduced through landscaping features at ground and podium levels. This creates a building in the round, which is taller and reduces the width of the shadow.

The below image shows the proposed building envelope within the future context of the immediately adjacent precinct.

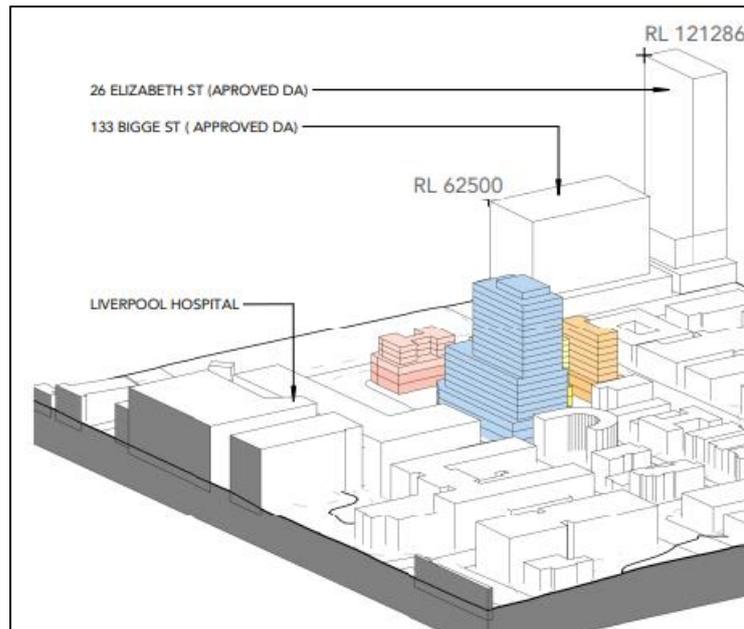


Figure 12: Proposed podium within immediate local context (Source Team 2 Concept Design)

An extract from the visual impact assessment (**Attachment 6**) is included below, this envisions the Liverpool CBD at a future context, and demonstrates how the proposal will sit within the Liverpool CBD.

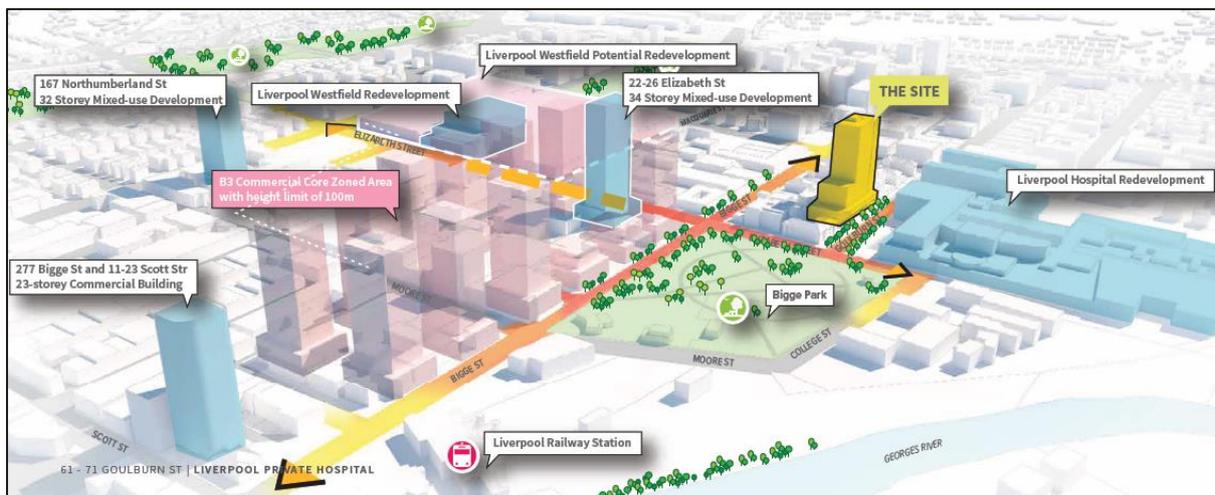


Figure 13: Proposed development within the Liverpool CBD (Source: Team 2 Concept Design)

Traffic and parking

The planning proposal is accompanied by a traffic impact assessment (**Attachment 4**) that indicates that distribution of the traffic generated by the proposal and analysis of the surrounding road network using SIDRA confirm that the key intersections will continue to perform well, with no adverse impacts on the surrounding road network. This considers both the proposal and future expected development.

The report states that the key intersections on the surrounding road network are currently performing with good Levels of Service (LOS) and only moderate average delays. Additions to the road network from the development are not expected to change the LOS, with the surrounding road network anticipated to continue to perform well, with a LOS A reported in all scenarios and peak hour periods, including with the development traffic at opening and following a 10-year horizon.

It concludes that the proposal is considered supportable on transport planning grounds and is not expected to result in any adverse impacts on the surrounding transport network, adding that its close proximity to a range of public transport and services minimises its traffic impacts.

Council's assessment of the report indicates that due to the forecast additional 403 vehicles per hour generated from the proposed private hospital and other planned developments in the city centre, the northbound traffic lane along Goulburn Street between Elizabeth Street and Lachlan Street is likely to be close to or reach its lane capacity by 2033, and thus transport measures will be required. The proposed access arrangement is not supported in its current form, and it is recommended that access is restricted to left in/left out with a raised median island.

Council will also require a draft green travel plan, provision for a future bus stop, provision for disabled parking, and further detail on the funding and delivery mechanism of the proposed pedestrian bridge into the public hospital. The above issues may be addressed at the post-Gateway stage.

Stormwater

The site contains a stormwater easement that runs through the site that currently includes a 450mm diameter stormwater pipe. There is also an upstream catchment that discharges overland through the proposed site.

The proposed building encroaches upon the easement; therefore it is proposed to relocate the easement to the northern boundary, and overland flows redirected around the proposed building footprint. Council has informed the proponent that it can consider an engineered solution that relocates the easement if there are no negative impacts upon stormwater/overland flows.

While an accompanying WSUD and Stormwater Report (**Attachment 5**), and Flood Impact Assessment (**Attachment 14**) finds that the relocation of the easement and overland flows does not add additional impact related to stormwater/overland flow.

Council's Flooding team has assessed the submitted information and stated the relocation of the easement can be supported in principle. However, the below detailed comments were made, and must be addressed to Council satisfaction at SSD/ DA stage:

'The supplied documentation proposes to reserve the existing overland flow from Goulburn Service Way and redirect upstream against the natural topography and divert around the proposed building. It is suggested to investigate other hydraulically more feasible options in managing the existing overland & stormwater flows from the Service Way'

In addition, Council flood engineer will work through the design of the proposal during the DA / SSD stage. This will include finalising the design of the finished floor levels, and basement design etc.

Development controls

An initial planning proposal provided to Council was simply for an increase in HOB and FSR. However, there would be nothing stopping a proponent from lodging a DA that was not for the purposes of a health services facility. For example, if the controls were amended as above Council could receive a DA for an RFB.

While there is strategic merit for the location of a health services facility adjacent to the current public hospital, strategic merit for an increase in density for non-health-related development has not been considered. Council's LSPS and the Liverpool Innovation Precinct Land Use Analysis and Precinct Strategy

make clear that the focus for development in this area is in relation to health uses. Council's LLEP 2008 has recently been amended to add additional permitted uses for medical-related light industrial on the block the site is located:

10 Use of certain land in Liverpool city centre in Zones B4 and R4

(1) This clause applies to the following land in the Liverpool city centre—

- a) land in Zone B4 Mixed Use, bounded by Bigge Street, Campbell Street, Goulburn Street and Elizabeth Street,*
- b) land in Zone R4 High Density Residential, bounded by Bigge Street, Lachlan Street, Goulburn Street and Campbell Street.*

(2) Development for the purposes of light industry is permitted with consent but only if the industry is medical research and development.

(3) Development for the purposes of office premises is permitted with consent but only with respect to the medical or health industries.

Council staff indicated to the proponent that controls would need to be structured in such a way that the increase in HOB and FSR sought could only be accessed for the purposes of a health services facility.

The proponent has suggested the following additional local provision:

(1) This clause applies to 61-71 Goulburn Street, being SP 18729, Lot 8 Section 41 DP 758620, Lot 20 DP 1113807, Lot 1 DP 25642, Lot 2 DP 610334 and Lot 1 DP 610334.

(2) Development consent must not be granted to the erection of a building on land described in subclause (1) with building height shown on the Height of Buildings Map [as amended] and floor space ratio shown on the Floor Space Ratio Map [as amended], unless the consent authority is satisfied that the building is used for the purposes of health services facility and its associated ancillary uses only.

An LLEP 2008 amendment structured in this way may be inconsistent with the Ministerial Direction on Residential Zones, as it contains provisions that would effectively reduce the permissible residential density of land. Instead, Council staff would prefer the planning proposal to add the development site as a 'key site' on the Key Sites Map, tied to an additional local provision that allows an increase in HOB and FSR to be accessed for the purposes of development of health services facilities only. Health services facilities may also need to be added as an additional permitted use. In consultation with DPE, the addition of a local provision is considered the most appropriate way to facilitate the desired outcome. This outcome does not require amendment to the HOB or FSR maps in LLEP08. Linking the proposal to a local provision will ensure certainty for the proposed Health Services Facility.

Council staff will continue consultation with DPE and PCO to develop a control that will tie the additional height and FSR to the development of a health services facility and ancillary uses as outlined within this planning proposal.

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

Economic effects

The planning proposal has adequately addressed economic effects and is aligned with Council's LSPS's priority on developing a world-class health, education, research and innovation precinct. An accompanying socio-economic impact assessment (**Attachment 12**) indicates that the proposal would generate a total of \$971.6 million in gross economic output during design and construction and generate 2,761 job years during construction. Post-construction, it is estimated the development would generate 670 jobs, with a combined staff remuneration of \$72.7 million a year. Gross value added is estimated at \$91.9 million.

A Market Needs Analysis (**Attachment 11**) is also provided, which identifies the need for hospital beds and consulting space in the study area, finding that sufficient demand exists for the proposed development to occur, and would complement rather than compete with existing health services in the Liverpool City Centre. In the context of Council's desire to grow the Liverpool Innovation Precinct, the development is supported. Following consultation with Council, however, the proponent has reduced the amount of floor space dedicated to private consulting and education suites from 17,100m² to 12,540m² GFA. Under the present proposal, only 4,560m² of the private consulting floor space would be speculative in nature, as discussions with a private hospital operator have indicated that the majority of space would be required by the operator to support private hospital functions.

As per the LPP Minutes (27 June 2022), and Council Minutes (31 August 2023), a more considered Economic Demand Analysis was submitted. The Economic Demand Analysis (Attachment 14) concluded that the South Western Local Health District (LHD) has a much lower provision of hospital beds than the South Eastern and Sydney LHD's. Within the South Western LHD, the ratio of hospital beds is the lowest at 0.84 per 1,000 persons. This is compared respectively to the Southern Eastern LHD at 1.33 per 1,000 persons.

In addition, according to the Economic Demand Report there has been little new privately-led health or medical research development. The Liverpool Health and Academic Precinct has a notable shortfall in the provisions of private hospital bed and medical research floor space. The proposal has potential to increase the amount of private hospital beds in the precinct, and deliver 12,500m² of medical research floor space, and contribute to a growing job base in Liverpool.

As such, it is believed the proposal has addressed the relevant economic effects. It is considered a positive contribution to the area.

Social effects

The socio-economic impact assessment indicates that there are a range of social impacts, both positive and negative, that could occur during the construction and operation phase.

During construction, a range of temporary impacts to amenity, access and way of life during construction are detailed, however it is considered these can be appropriately mitigated through standard plans of management, including a construction management transport plan.

Impacts from the operational phase include visual impact, overshadowing, noise from operation and the potential loss of affordable rental housing units.

While the planning proposal and associated social and economic assessment do not address loss of affordable housing stock, if it is determined that the development will lead to a reduction in the availability of affordable housing, a contribution under Part 3 of the Housing SEPP may be required to compensate for this loss at the development assessment stage.

Regarding noise, a Noise and Vibration Assessment (**Attachment 10**) has been provided. It concludes that the proposed hospital is acceptable and warrants approval subject to the implementation of several mitigation measures that may be conditioned at the SSDA stage.

Positive social effects during the operation stage include increased employment opportunities, encouraging active transport, additional community meeting places, and increased access to healthcare services.

With mitigation measures in place, it is likely that the development of the private hospital and associated development will have a net positive effect.

Section D – Infrastructure (local, state and commonwealth)

3.11 Is there adequate public infrastructure for the planning proposal?

The site is within an established urban area. The proposed amendments however seek to intensify the use of the site beyond what is currently permissible under Floor Space Ratio and Height of Building controls under the LEP 2008.

Referral to Transport for NSW will likely need to occur, as well as Sydney Water and Endeavour Energy to ensure there is capacity for servicing.

Section E – State and commonwealth interests

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

As a part of the Gateway determination, the relevant public authorities will be identified who are to be consulted in relation to the planning proposal. The referral advice provided by the public authorities will be considered, following consultation in the public exhibition period.

Part 4 – Maps

The existing and the proposed changes to the LEP 2008 are shown in the maps below.

Key Site Maps

Table 7 Existing and Proposed Key Site Map



Part 5 – Community consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The planning proposal will be publicly exhibited for at least 28 days in accordance with DPE's 'Local Environmental Plan Making Guideline' (September 2022). The planning proposal exhibition will also be carried out in accordance with Council's Community Participation Plan.

Part 6 – Project timeline

An anticipated project timeline is shown in Table 7.

Table 8 Anticipated Project Timeline

Timeframe	Action
<i>September 2022</i>	Submission of Planning Proposal to DPE
<i>December 2022</i>	Gateway Determination issued
<i>January-February 2023</i>	State agency consultation
<i>April-May 2023</i>	Community consultation
<i>May-June 2023</i>	Consideration of submissions and proposal post-exhibition
<i>June -July2023</i>	Post-exhibition report to Council
<i>July-August 2023</i>	Legal drafting and making of the plan

Appendices

1. Land Use Analysis and Precinct Strategy for the Liverpool Innovation Precinct
2. Urban Design Report
3. Traffic Impact Assessment
4. Water Sensitive Urban Design and Stormwater report
5. Visual Impact Assessment
6. Preliminary Aboriginal Culture Heritage and Historical Archaeological Advice
7. Historical Impact Statement
8. Peer Reviewed Preliminary Site Investigation
9. Noise and Vibration Impact Assessment
10. Market Needs Analysis
11. Social and Economic Assessment
12. Liverpool Collaboration Area Place Strategy
13. Flood Impact Assessment
14. Architectural Concept Design Package
15. Architect Design Quality Statement