

Planning Services

Plan Finalisation Report

Local Government Area: Liverpool

File Number: 16/14676-1

1. NAME OF DRAFT LEP

Liverpool Local Environmental Plan 2008 Amendment No.67 (draft LEP). The draft instrument is at **Attachment LEP**.

2. SITE DESCRIPTION

The planning proposal (PP_2016_LPOOL_006_00) applies to land at Liverpool CBD in the vicinity of Liverpool Hospital (the site).

Liverpool Hospital is located on the eastern edge of Liverpool City Centre (location map at **Attachment D**).

The planning proposals for parts of the Liverpool CBD (Liverpool rezoning Amendment Nos 51 and 52 for the City Centre) in the vicinity of Liverpool Hospital are to allow development of 35 - 45 metres heights. There is concern that the new development controls will potentially encroach on the helicopter Object Identification Surface (OIS) of the Liverpool Hospital emergency helicopter.

3. PURPOSE OF PLAN

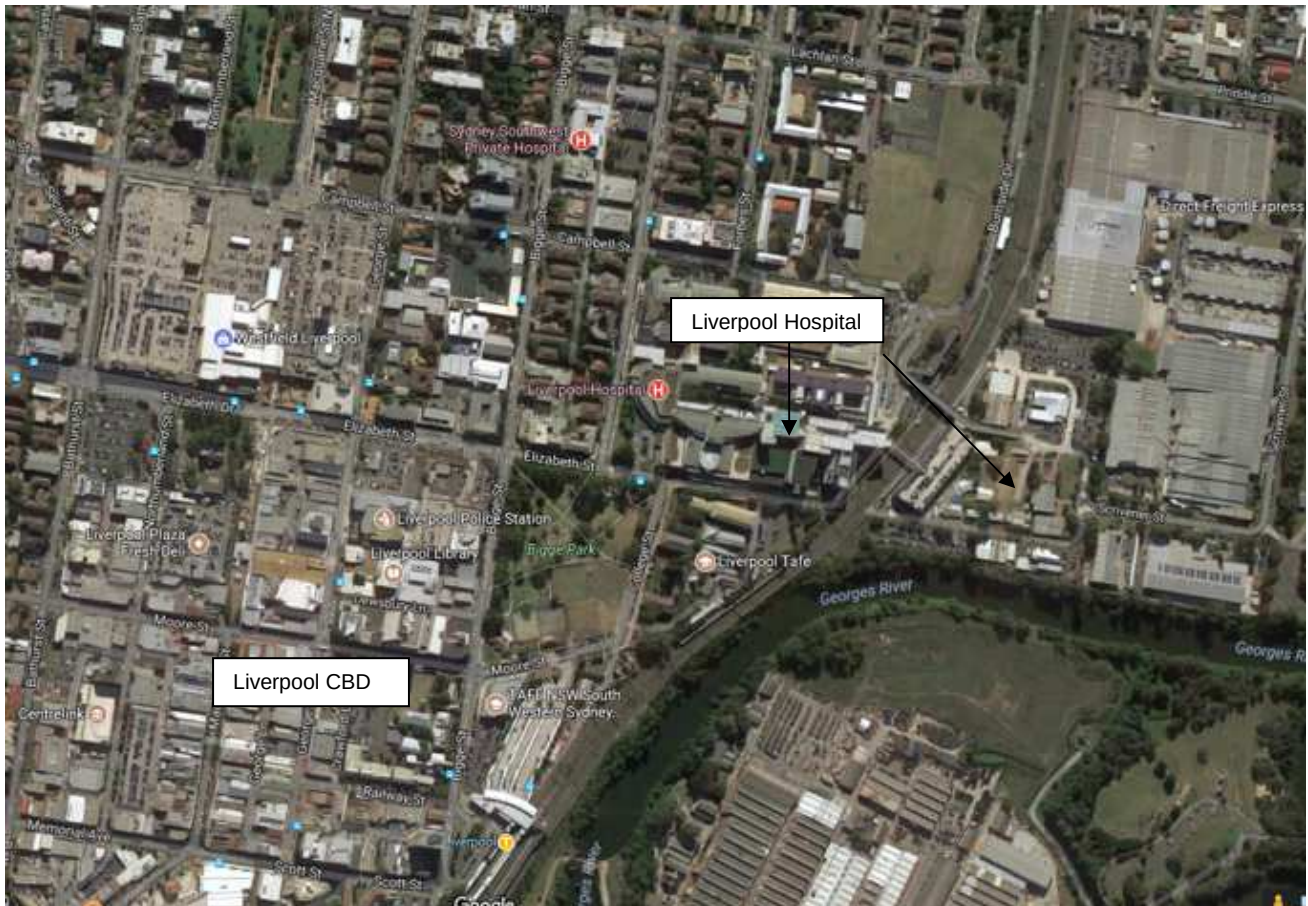
Emergency care helicopter service to and from the hospital plays a vital role in transferring Liverpool Hospital's critically ill or injured patients. There is no current Commonwealth or State legislation protecting the airspace for helicopter landing sites (HLS), where not associated with an aerodrome.

To preserve a clear flight path, free from obstruction, and to ensure a safe and effective helicopter ambulance service are crucial to maintaining the integrity of the helicopter service.

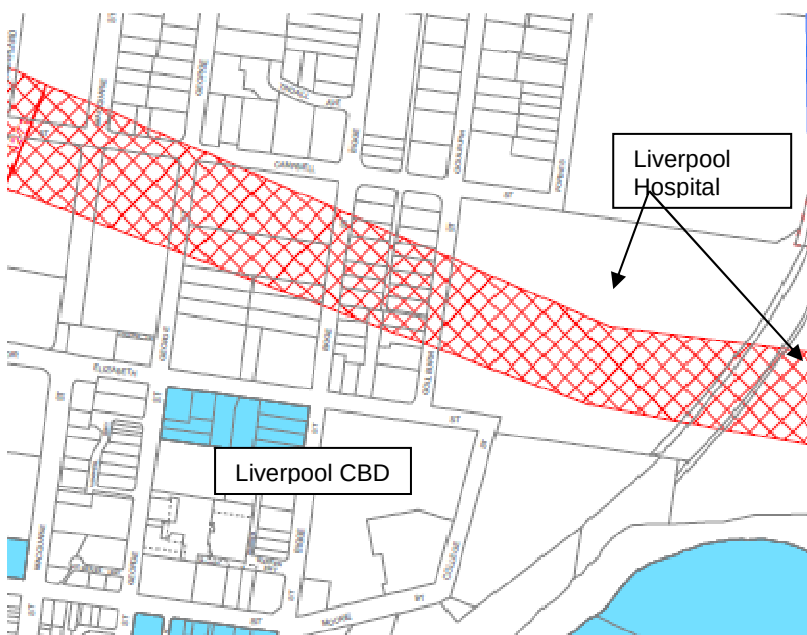
Liverpool Council prepared a planning proposal to ensure protection of the Liverpool helicopter flight path which seeks to:

- require referral of a development application (DA) for works that may intersect the Object Identification Surface (OIS) of the Liverpool Hospital emergency helicopter to the Chief Executive of relevant local health district;
- provide a legislative mechanism requiring Council to consider the impacts of proposed development on the Liverpool Hospital emergency helicopter flightpath;
- require Council to consider any comments made by the authority prior to determination of the DA; and

- ensure consistency and certainty to development assessment process for developments within the CBD.



Location map



Helicopter Flight path (hatched red)

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Liverpool Electorate. Paul Lynch MP is the State Member for Liverpool.

Chris Hayes MP is the Federal Member for Fowler.

To the regional planning team's knowledge, neither MPs have made any written representations regarding the proposal OR provide a brief description of the written views of the State or Federal Member regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required
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5. GATEWAY DETERMINATION

The Gateway determination issued on 21 November 2016 (**Attachment C**) determined that the proposal should proceed subject to conditions.

In accordance with condition 1 of the Gateway determination, the planning proposal was exhibited for 28 days (from 8 February 2017 to 9 March 2017).

In accordance with condition 2 of the Gateway determination, Council consulted CASA, Bankstown Airport, NSW Ambulance, Commonwealth Department of Infrastructure and Regional Development, Fairfield Council and NSW Health.

The Gateway timeframe to finalise the planning proposal is 12 months which is by 28 November 2017.

The planning proposal is consistent with the conditions in the Gateway determination.

6. PUBLIC CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council from 8 February 2017 to 9 March 2017.

No submissions were received.

7. ADVICE FROM PUBLIC AUTHORITIES

Council consulted CASA, Bankstown Airport, NSW Ambulance, Commonwealth Department of Infrastructure and Regional Development, Fairfield Council and NSW Health.

CASA suggested that provisions which ensure construction cranes are considered as part of the development application should be included. The planning proposal was modified, post exhibition, for the proposed clause to apply to all developments (including construction cranes) under or intrude into, hospital helicopter airspace as identified on the Key Sites maps.

The Commonwealth Department of Infrastructure and Regional Development noted that the proposal does not address the wind-shear arising from developments. Council considered this is a matter which can be considered by referring authority at development application stage.

It is considered Council has satisfactorily addressed the agency comments by the post – exhibition change to address construction cranes (see comments below) and consideration of wind-shear at the development application stage. (Tab Submissions).

8. POST EXHIBITION CHANGES

In response to a request from CASA, Council made a minor post exhibition change to the planning proposal to ensure consideration of development (including construction cranes) under or intrude into, hospital helicopter airspace as identified on the Key Sites maps.

This does not change the intent of the planning proposal and a revised Gateway Determination and/or re-exhibition of the proposal is not considered necessary.

9. ASSESSMENT

The draft plan will provide a legislative mechanism requiring Council to consider the impacts of proposed development on the Liverpool Hospital emergency helicopter flightpath. The provisions will require Council to consider any comments made by the Chief Executive of the relevant local health district, in consultation with CASA and Air Ambulance NSW, prior to determination of the DA. The proposal will also ensure consistency and certainty to development assessment process for developments within the CBD.

At its ordinary meeting on 26 April 2017 Council resolved to finalise the draft amendment. Issues raised by agencies during exhibition have been responded to in the post-exhibition changes.

Section 117 Directions

The consistency of the planning proposal with relevant Section 117 Directions have been appropriately addressed at Gateway determination stage. There are no outstanding Section 117 Directions.

State Environmental Planning Policies

There are no applicable SEPPs for this proposal.

10. MAPPING

The draft plan proposes amendments to the Liverpool LEP 2008 maps KYS 010, 011 and 014. The maps identified the helicopter flight paths, hatched in red, with height details to and from Liverpool Hospital. The maps have been checked by the ePlanning Team and sent to Parliamentary Counsel.

11. CONSULTATION WITH COUNCIL

Under s59(1) of the Act, Council was consulted on the terms of the draft instrument (**Attachment E** – Email from Department consulting on the Draft LEP). Council confirmed

on 22 August, 2017 that the draft plan was correct and that the Plan should be made (**Attachment F** - Email from Council regarding the draft Plan).

12. PARLIAMENTARY COUNSEL OPINION

On 22 August, 2017 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate determine to make the draft LEP because:

- it will provide a legislative mechanism requiring Council to consider the impacts of proposed development on the Liverpool Hospital emergency helicopter flightpath;
- it will enable safe and efficient helicopter transport for seriously ill or injured patients to Liverpool Hospital while providing increased certainty for development in the City Centre.
- the draft plan is consistent with State and Local strategic directions, and the draft National Guidelines being prepared by the National Airports Safeguarding Advisory Group (NASAG) to protect helicopter landing sites (HLS) associated with hospitals (yet to be endorsed for public consultation).

Endorsed:



24/8/17

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Planning Services