



Planning Proposal

***Draft Liverpool Local Environmental Plan 2008
(Amendment 67)***

Liverpool Hospital Helicopter Flight Path

Amendment to Clause 7.17

Proposal to amend LLEP 2008 to require the consent authority to consider the impacts of development on the Liverpool Hospital Helicopter Flight Path.

November 2016

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Introduction

This Planning Proposal has been drafted in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 ('the Act') and the Department of Planning and Environment's *'A Guide to Preparing Planning Proposals'*.

This Planning Proposal seeks to amend the Liverpool Local Environmental Plan (LLEP) 2008 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 Civil Aviation Safety Authority (CASA), Air Ambulance NSW and the Director of Works South West Sydney Local Health District.

The purpose of the Amendment is to provide a legislative mechanism requiring Council to consider the impacts of proposed development on the Liverpool Hospital emergency helicopter flightpath. Council will be required to consider any comment made by the authorities prior to determination of the DA.

Background and Site Identification

Liverpool Hospital is located on the eastern edge (Figure 1) of Liverpool City Centre. Council has assessed that there is potential for conflict between development outcomes and the flightpath of the Liverpool Hospital emergency helicopter. This makes it necessary for Council to examine strategies to protect the helicopter flight path (HFP). Of particular concern is the current height control applied to the northern section of the City Centre, which allows for development between 35-45m. This creates the potential for development to encroach on the helicopter OIS.

Liverpool Hospital is classed as a tertiary referral hospital within the SWSLHD, meaning that it receives patients in critical condition for emergency care. The Hospital's helicopter landing site (HLS) is crucial to maintaining its tertiary referral status, underscoring the importance of a review of existing planning controls in order to protect the integrity of the facility.

Every year, Liverpool Hospital admits over 3000 trauma patients, including over 500 seriously injured and poly-trauma patients requiring Intensive Care or High Dependency admission. The NSW Ambulance Service has protocols which bypass other hospitals within the SWSLHD to transport patients to Liverpool when specific 'serious injury' criteria are met.

Many of Liverpool Hospital's critically ill or injured patients are transferred by helicopter, a service which plays a vital role in the provision of emergency care. An effective and safe helicopter ambulance service relies on both the optimal location of the HLS within the hospital itself, and a clear flight path free from obstruction.

CASA, as the statutory body for safety regulation of civil air operations in Australia, has released operating guidelines for HLS (CAAP 92-2 (2) *Guidelines for the Establishment and Operation of Onshore Helicopter Landing Sites*), however these guidelines do not hold statutory weight. The NSW Ministry of Health, in conjunction with the Ambulance Service of New South Wales has developed 'Guidelines for Hospital Helicopter Landing Sites in NSW'. However, these guidelines do not hold any legal weight either.

In 2015, the Department of Planning and Environment issued Gateway Determinations for the LLEP 2008 - Draft Amendments 51, and 52, both of which sought to rezone parts of the City

Centre, and make changes to other planning controls such as floor space ratio (FSR) and height of buildings (HOB). The resulting public consultation opened up a dialogue regarding airspace and flight paths with a range of key stakeholders, including the SWSLHD, Air Ambulance NSW and CASA.

A report by AviPro (Attachment 2) was commissioned by Air Ambulance NSW and submitted to Council in June 2015 as part of a submission from CASA regarding Amendment 51. The report detailed the current helicopter flight path to Liverpool Hospital. The report recommended that the current flight path be mapped, and enable protective measures for the areas below the flight paths.

In August 2015 the Department of Infrastructure and Regional Development (DIRD) confirmed that CASA was considering changes to regulations which would mandate protection of helicopter flight paths. This regulation remains in initial drafting stages.

On 11 September 2015, a letter from the SWSLHD raised concern with changes to the notification process for development applications, and questioned what the implications would be on the operation of the Liverpool Hospital HLS and flight paths. Council responded to this letter on 16 September 2015, indicating that development in the flight path would be forwarded to Air Ambulance for comment. Under this arrangement, comments from Air Ambulance and Liverpool Hospital hold advisory, rather than regulatory, weight.

The events as detailed above, have highlighted the need for, and guided the preparation of, this LLEP 2008 amendment to address the potential conflict between flight path airspace and development.

At its ordinary meeting on 31 August 2016 Council resolved to:

1. Endorse in principle an amendment to the Liverpool Local Environmental Plan (LLEP) 2008 as detailed in the report; and
2. Delegate to the Acting CEO the authority to finalise a Planning Proposal to amend the LLEP and submit to the Department of Planning and Environment for Gateway approval.

Site Identification

This Planning Proposal affects land within the Liverpool City Local Government Area (LGA), located within Liverpool City Centre as designated in LLEP 2008 and as defined by the Key Sites map.

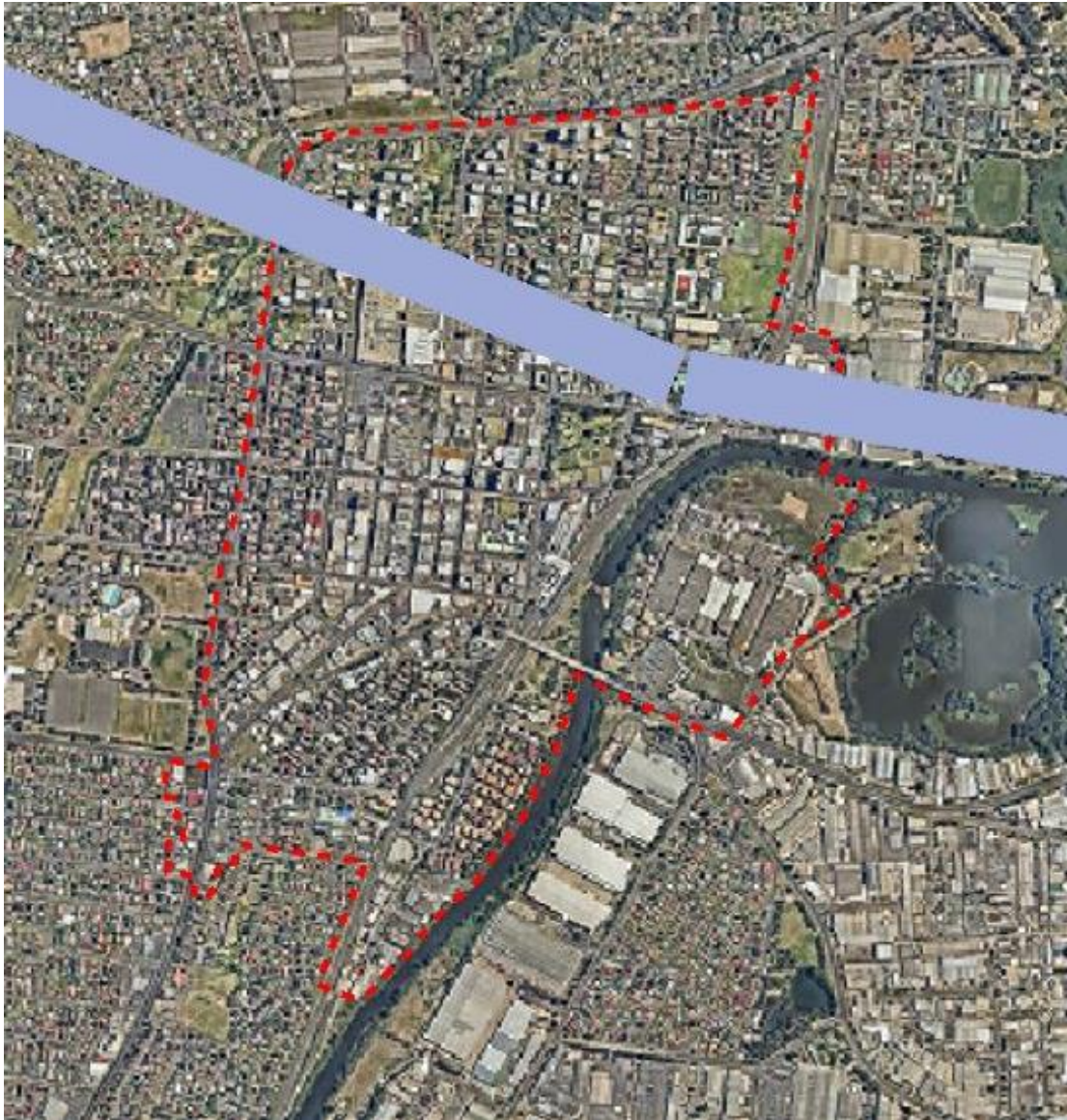


Figure 1: Helicopter Flight Paths for Liverpool Hospital applied over the Liverpool City Centre Key Sites Map.

Part 1- Objectives

The objective of this Planning Proposal is to amend the LLEP 2008 to add a clause which requires referral of development applications for buildings or temporary structures that would intersect the OIS of the Liverpool Hospital Helicopter Flight Path.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved by including a new local provision (draft Clause 7.17A) into the LLEP 2008 that:

- Requires referral of development applications to nominated referral authorities for buildings or temporary structures in nominated areas where the proposed height exceeds the OIS of the Liverpool Hospital HPF.
- Refers DAs to Air Ambulance NSW, CASA and the Director of Works for SWSLHD.

The Clause requires that the consent authority to consider any comments made by the referral authority.

The proposed amendment to the text of the LLEP 2008 would be supported by an amendment to the key sites map (as per Attachment 3).

The proposed draft Clause is as follows:

Draft Clause 7.17A Development in Emergency Helicopter Flight Paths

(1) The objectives of this clause are:

- a. To facilitate the effective and on-going operation of helicopter operations at Liverpool Hospital.
- b. To ensure that the use of the Helicopter Landing Site (HLS) at Liverpool Hospital is not compromised by any proposed development or temporary structure on the flight path of an Air Ambulance NSW.
- c. To ensure that new developments do not present a hazard to aircraft arriving or departing from the Liverpool Hospital HLS.

(2) Development consent for a building or temporary structure that exceeds the height of the Object Identification Surface (shown hatched red on the Key Sites Map) must not be granted unless:

- a. Plans of the proposed development, and height and location of any temporary structures, have been provided to the consent authority;
- b. Notice of the proposed development has been given to Air Ambulance NSW, Civil Aviation Safety Authority and the Director of Works for South West Sydney Local Health District;
- c. The consent authority has considered any comments from the referral authorities provided within 21 days; and
- d. The consent authority is satisfied that the proposed development will not present a hazard to helicopters in the helicopter flight path.

(3) In this clause:

Land and airspace is in the helicopter flight path of Liverpool Hospital if the NSW Ministry of Health has notified the consent authority that the land and airspace is in such a flight path.

Object Identification Surface heights for the Liverpool Hospital HLS are determined by the NSW Ministry of Health.

Part 3 – Justification

A. Need for Planning Proposal

Q.1 Is the Planning Proposal a result of any strategic study or report?

No. This Planning Proposal has resulted from discussions with Liverpool Hospital about protecting the integrity of the HFP from encroachment as Liverpool City Centre develops.

Q.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 to achieve a balance between increasing development in Liverpool City Centre and maintaining the safety and efficiency of the HFP. The Planning Proposal will ensure that:

- Building heights within the flight path are not arbitrarily restricted.
- Referral to authorities will be triggered only if the proposed development or temporary structure exceeds the OIS.

B. Relationship to strategic planning framework

Q.3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Metropolitan Strategy – Plan for Growing Sydney

On 14 December 2014 the NSW Minister for Planning released the new Metropolitan Strategy – a Plan for Growing Sydney ('the plan').

The Plan is the NSW Government's roadmap to achieve its vision of 'a strong global city, a great place to live', and includes a range of goals and associated actions to achieve this vision. Actions that impact this Planning Proposal include:

- Transforming the productivity of Western Sydney through growth and investment; and
- Delivering the infrastructure that is needed.

Under the Plan, the Sydney metropolitan area is divided into sub-regions, with Liverpool City Centre located within the South West sub-region and further identified as a Regional City Centre. Western Sydney Centres generally (Parramatta, Campbelltown, Macarthur and Liverpool) have taken on an increasingly important role within the broader Sydney context, and the plan outlines the importance of directing growth and investment towards these centres.

This Planning Proposal aligns with the Plan's focus on growth and expansion of Western Sydney centres as it will support the ongoing function of Liverpool Hospital as a tertiary referral hospital. The strength of the health services sector in Liverpool City Centre will remain a key economic driver of the LGA more broadly. Maintaining the effective and safe function of Liverpool Hospital's HFP is of obvious importance.

The Plan's vision is underpinned by a number of planning principles. Of particular relevance is Principle 3: *Connecting Centres with a Networked Transport System*, which details the importance of connecting centres with efficient public transport. Specifically, the essence of Principle 3 can be found in the following quote:

Making it easy to get to centres and offering a range of services at centres makes them a focal point for the community and increases prospects for economic growth and job creation (Page 11, NSW Government).

While Principle 3 clearly relates to the provision of effective public transport networks between centres in Sydney, the sentiment behind the principle can be usefully applied to this Planning Proposal in that helicopter transfer of ill or injured patients is an essential transport connection, and Liverpool Hospital acts as a key site within the SWSLHD.

Q.4 Is the Planning Proposal consistent with Council's local strategy or other local strategic plans?

Liverpool City Centre Plan Vision

The Liverpool City Centre Plan (2006), prepared by Liverpool City Council and the NSW Department of Planning and Environment emphasises the regional importance of Liverpool City Centre for Sydney's South West. The vision aims to encourage a diversity of precincts within the City Centre, and notes that the City Centre is home to one of Sydney's major medical precincts based around Liverpool Hospital which services a large portion of residents within Sydney's South West.

This Planning Proposal will support the ongoing prominence of Liverpool's health precinct and is consistent with Council's City Centre Vision.

Growing Liverpool 2023

The Liverpool Community Strategic Plan, 'Growing Liverpool 2023' (2013) reinforces the focus for Liverpool City Centre to be the regional centre for south-western Sydney. Investment and maintenance of strategic partnerships with the health sector is listed as a 'strategic project' to maintain and enhance Liverpool's regional significance. This Planning Proposal seeks to support Liverpool Hospital as a tertiary referral hospital, magnifying the regional importance of Liverpool's health sector.

Q.5 Is the Planning Proposal consistent with the applicable state environmental planning policies?

The Planning Proposal is consistent with the applicable SEPPs. The requirements of each of these are summarised below.

Q.6 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

Section 117 Direction	Consistency / Response
1. Employment and Resources	
1.1 Business and Industrial Zones	Within the Liverpool City Centre, the HFP is located over a small section of B3 – Commercial Core zoned land (corner of George and Campbell Streets). This Planning Proposal will retain the function of the land as a B3 Zone, and will not result in a reduction of total potential floor space for employment uses and related public services.
2. Environment and Heritage	
2.3 Heritage Conservation	Within the Liverpool City Centre, the HFP is located over, or in close proximity to some heritage conservation items or areas including St Luke's Church and Bigge Park. This Planning Proposal does not affect the integrity or ongoing conservation of these sites.

Section 117 Direction	Consistency / Response
3. Housing, Infrastructure and Urban Development	
3.4 Integrating Land Use and Transport	The essence of this Planning Proposal is to cohesively integrate land use and emergency transport. Referral requirements for buildings that encroach the OIS will ensure that development applications for permanent or temporary structures are reviewed by the relevant authority prior to construction.
3.5 Development Near Licensed Aerodromes	The Planning Proposal does not include any changes to the LLEP 2008 that would permit a building to encroach with the Bankstown Airport Obstacle Limitation Surface (OLS) without consent.
5. Regional Planning	
5.8 Second Sydney Airport: Badgerys Creek	The site lies outside the 20 ANEF contour and will not impact the future operation of the Badgerys Creek Airport and associated flight paths.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The Planning Proposal seeks to insert draft Clause 7.17A into the LLEP 2008, requiring referral of a development application that intersects the OIS, and is therefore inconsistent with Ministerial Direction 6.1. Council seeks approval for this referral process from the Department Secretary prior to exhibition. It is considered that additional referrals are justified in this instance for the following reasons: 1. Development in the Liverpool City Centre has the potential to impact on an emergency health service. Professional expertise in healthcare and aviation is required to assess potential impacts, beyond that which is available within Council. 2. Introducing a referral process enables Council to maintain a consistent height control across the City Centre, therefore eliminating the need for arbitrary or inconsistent application of height of building and FSR controls.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The Planning Proposal is consistent with the NSW Government's 'A Plan for Growing Sydney'.

C. Environmental, social and economic impact

Q.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

This Planning Proposal applies to the airspace above a defined area in the Liverpool City Centre. As such, it is not considered that there is any likelihood for the proposal to adversely impact any critical habitats, or threatened species, populations, or ecological communities.

Q.8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the planning proposal. The proposal ensures the efficient and safe movement of helicopter travel to and from Liverpool Hospital.

Q.9 How has the Planning Proposal adequately addressed any social and economic effects?

Social Effects

This Planning Proposal demonstrates that the proposed amendment accords with the relevant strategic planning framework and is likely to result in a net community benefit. Positive social impacts include preservation of the helicopter flight path for seriously ill or injured patients.

Economic Effects

This Planning Proposal demonstrates that the proposed amendment accords with the relevant strategic planning framework and is likely to result in a net economic benefit, particularly with reference to ongoing growth and investment in the health precinct in Liverpool City Centre. The proposal will have a positive economic impact by supporting the health precinct while providing increased certainty for development in the City Centre.

D. State and Commonwealth interests

Q.10 Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will not require any additional, or modification to existing, infrastructure.

Q.11 What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Council recommends that the following public authorities be consulted as a condition of the Gateway determination:

- Department of Infrastructure and Regional Development (DIRD);
- Civil Aviation Safety Authority (CASA);
- NSW Department of Health;
- Air Ambulance NSW; and
- Bankstown Airport.

We seek confirmation of the required public authorities to be consulted in accordance with the Gateway determination directives.

Part 4 – Maps

Please see attached the Key Sites Maps for the Planning Proposal (Key Sites Map, Sheets KYS 010, 011 and 014), which describe the location of the HFP with the Liverpool City Centre.

Part 5 – Community Consultation

The Planning Proposal will be placed on public exhibition in accordance with the Gateway Determination directives. Council will consult with all affected property owners, and broadly with the local community, and recommends a four (4) week exhibition period.

Part 6 – Project Timeline

Section 2.6 of *NSW – A Guide to preparing planning proposals (2012)* requires that all Planning Proposals include a proposed timeframe for delivery of the Planning Proposal.

Date	Action
August 2016	First report to Council.
November 2016	Submission of Planning Proposal.
January 2017	Gateway Determination.
February – March 2017	Public authority consultation.
February - March 2017	Community consultation.
May 2017	Second Council report.
June 2017	Submission to Department to finalise amendment.

Part 7 – Attachments

- Attachment 1 – Report to Council
- Attachment 2 – AviPro report
- Attachment 3 – Key Sites Map
- Attachment 4 – GeoCortex map overlays