

**PLAN 01****Planning Proposal to amend the Liverpool Local Environmental Plan 2008 to realign Liverpool Hospital's Helicopter Flight Paths**

<b>Strategic Direction</b>	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
<b>File Ref</b>	174998.2021
<b>Report By</b>	Murray Wilson - Executive Planner
<b>Approved By</b>	David Smith - Acting Director Planning & Compliance

**EXECUTIVE SUMMARY**

Council resolved at the 28 April 2021 meeting to prepare a planning proposal (**Attachment 1**) to update the relevant Key Site Maps in the Liverpool Local Environmental Plan 2008 (LEP) relating to hospital helicopter airspace in accordance with the updated helicopter flight paths (HFPs). Council also resolved to forward the planning proposal once drafted to the Liverpool Local Planning Panel (LPP) for advice.

The planning proposal was considered by the LPP on 31 May 2021. The LPP advised that the planning proposal should proceed to the Department of Planning, Industry and Environment (DPIE) for a Gateway determination (**Attachment 2**).

This report recommends that Council endorses the planning proposal and to forward it to DPIE seeking a Gateway determination.

**RECOMMENDATION**

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses the planning proposal to amend the relevant Key Site Maps in the Liverpool Local Environmental Plan 2008 relating to hospital helicopter airspace in accordance with the updated helicopter flight paths;
3. Delegates to the CEO to make any typographical or other editing amendments to the planning proposal if required;

4. Forwards the planning proposal to the Department of Planning, Industry and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, seeking a Gateway determination, with a request that Council be authorised as the local plan making authority;
5. 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; and
6. Receive a further report on the outcomes of public exhibition and community consultation.

## REPORT

### Site Description and Locality

This planning proposal applies to numerous lots (Figure 1) within the suburbs of Ashcroft, Heckenberg, Liverpool, Mount Pritchard, Warwick Farm and Chipping Norton.

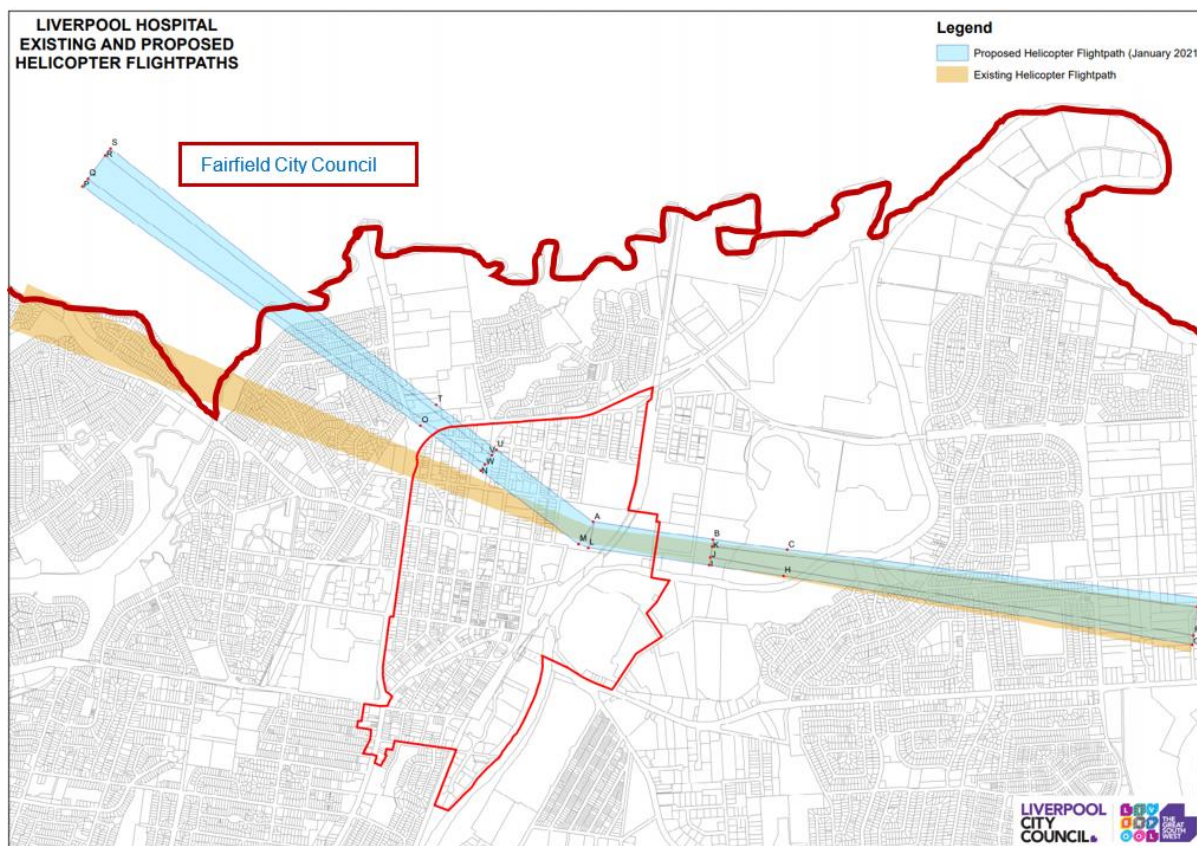


Figure 1: Location of existing and proposed Helicopter Flights Paths (rising from Liverpool Hospital's HLS)

## Background

In late 2020, Council received correspondence from Liverpool Hospital advising that the Helicopter Flight Paths (HFPs) for their main Helicopter Landing Site (HLS) had been reviewed and realigned. Consequently, it was identified that the Key Site Maps in the Liverpool Local Environmental Plan 2008 (LEP) that identify the hospital helicopter airspace should be amended through the preparation of a planning proposal. The effect of such a planning proposal was to ensure the ongoing effective and safe operation of hospital helicopter airspace.

At its ordinary meeting of 28 April 2021, Council considered a report outlining the need to amend the LEP to realign Liverpool Hospital's HFPs. At this meeting, it was resolved that Council:

- 1. Direct the CEO to prepare a planning proposal to update the relevant Key Site Maps in the Liverpool Local Environmental Plan relating to hospital helicopter airspace in accordance with the updated helicopter flight paths.*
- 2. Forwards the planning proposal to the Liverpool Local Planning Panel for advice in accordance with Local Planning Panel Direction – Planning Proposals dated 23 February 2018.*
- 3. Receives a further report, following the advice of the Liverpool Local Planning Panel on whether the planning proposal should be referred to the Department of Planning, Industry and Environment for a Gateway determination.*

Since the Council resolution, a planning proposal has been drafted (**Attachment 1**).

## Considerations for Strategic Merit and Site-Specific Merit

As outlined in the planning proposal, the proposed LEP amendment has both strategic and site-specific merit. The planning proposal will continue to protect the strategically important HFPs of Liverpool Hospital, an essential health infrastructure facility for Western Sydney.

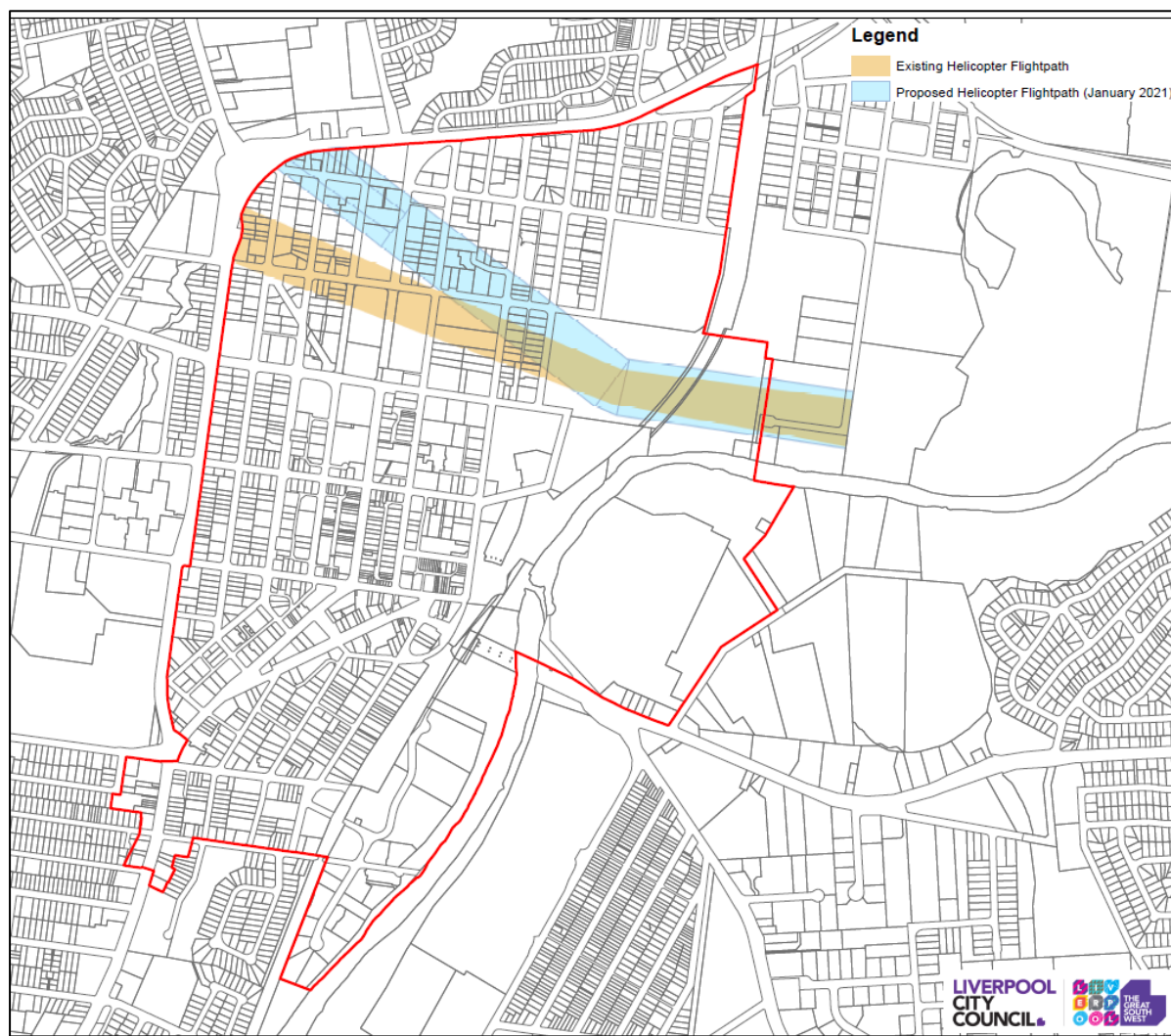
## Liverpool Local Planning Panel

The planning proposal was considered by the Liverpool Local Planning Panel (LPP) on 31 May 2021 for their advice (**Attachment 2**). The LPP supported the planning proposal proceeding to DPIE for a Gateway determination.

A summary of the LPP advice and Council officer's responses are provided in **Table 1**.

Table 1 - LPP Advice and Council Staff Response

LPP Advice	Council Staff Response
<i>Clause 7.17A of LLEP 2008 need only apply to the helicopter flight path as it affects land within the City Centre to the west and to the outer edge of the 40 metre [Height of Building] HOB area to the east (as beyond this there is no likely impacts due to the existing height limits).</i>	<p>Council officers support the LPP's recommendation. However, Council officers recommend the map extend further to the western boundary of land owned by Sydney Water (known as 32 Scrivener Street Warwick Farm).</p> <p>The relevant key sites maps have been amended in accordance with the realigned helicopter flight paths shaded blue in Figure 2.</p>
<i>If the map is amended in the manner described above, there is no need to amend the words of clause 7.17A of LLEP 2008 as it currently exists.</i>	Noted.
<i>Council officers should consult with NSW Health including NSW Health Infrastructure to ensure that the amended flight path takes into account likely future development within the Liverpool Hospital precinct.</i>	Council officers will consult with State agencies at the post-Gateway stage as required by DPIE.
<i>Council officers should consider whether complying development should be excluded on land affected by the flight path, and if so whether any associated amendments are desirable or necessary to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i>	<p>Council officers support the LPP's recommendation. Further discussions will need to occur with DPIE given that the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is state legislation applying to all of NSW.</p> <p>These discussions will occur at the Gateway assessment stage with DPIE.</p>



*Figure 2: Key sits map as amended as per the LPP advice*

As discussed in Table 1, the planning proposal has been amended to apply to the area identified in Figure 2 in response to the LPP advice.

## Conclusion

It is recommended that the planning proposal be forwarded to DPIE for a Gateway determination. This is supported by the advice of the LPP, and Council's assessment that the proposal has both strategic and site-specific merit.

Upon receipt of a Gateway determination, public exhibition and community consultation will be undertaken. Council will then receive a post-exhibition report for a final decision on the proposal including any possible amendments resulting from the consultation process.



**CONSIDERATIONS**

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<b>Economic</b>	Encourage and promote businesses to develop in the hospital health and medical precinct (of the City Centre).
<b>Environment</b>	There are no environmental and sustainability considerations.
<b>Social</b>	There are no social and cultural considerations.
<b>Civic Leadership</b>	Encourage the community to engage in Council initiatives and actions.
<b>Legislative</b>	Environmental Planning and Assessment Act 1979
<b>Risk</b>	<p>Council has identified a strategic risk relating to outdated planning instruments (LEP). This report recommends the LEP is updated to reflect the recent review of Liverpool Hospital Emergency Helicopter Flight Paths.</p> <p>The risk is deemed to be low if the recommendations of this report are adopted.</p>

**ATTACHMENTS**

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1. Planning Proposal (Under separate cover)
2. Local Planning Panel Advice

**Council****COUNCIL DECISION**

**Motion:** **Moved: Cllr Shelton** **Seconded: Cllr Rhodes**

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6. Receive a further report on the outcomes of public exhibition and community consultation.

On being put to the meeting the motion was declared CARRIED

Councillors voted unanimously for this motion.

## Council

## COUNCIL DECISION

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