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Gateway determination report – PP-2021-4887

Liverpool Planning Proposal – Draft Map Amendment 2 (Liverpool Hospital Helicopter Flight Path)

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Contents

1	Planning proposal	3
1.1	Overview	3
1.2	Objectives of planning proposal	3
1.3	Explanation of provisions	3
1.4	Site description and surrounding area	5
1.5	Mapping	5
1.6	Background	7
2	Need for the planning proposal	7
2.1	Planning proposal	7
3	Strategic assessment	8
3.1	Western City District Plan	8
3.2	Local	9
3.3	Local planning panel (LPP) recommendation	9
3.4	Section 9.1 Ministerial Directions	10
3.5	State environmental planning policies (SEPPs)	12
4	Site-specific assessment	11
4.1	Environmental	12
4.2	Socio Economic Impact	Error! Bookmark not defined.
5	Consultation	13
5.1	Community	13
5.2	Agencies	13
6	Timeframe	13
7	Local plan-making authority	14
8	Assessment summary	14
9	Recommendation	14

Reports and plans supporting the proposal

Relevant reports and plans

Request from South Western Sydney Local Health District and map

Planning Proposal

Council report and resolution

Local Planning Panel Report and Minutes

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Liverpool Local Government Area
PPA	Liverpool Council
NAME	Liverpool LEP 2008 Draft Map Amendment No. 2
NUMBER	PP-2021-4887
LEP TO BE AMENDED	Liverpool LEP 2008
ADDRESS	Liverpool Helicopter Flight Path
DESCRIPTION	Key Sites Maps to be amended
RECEIVED	3/08/2021
FILE NO.	EF21/11662
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) seeks to amend the LLEP 2008 to be consistent with the realigned Helicopter Flight Paths (HFP) as provided by Capital Works & Infrastructure, South Western Sydney Local Health District (SWSLHD) (**Attachment D**).

The three Key Sites Maps, KYS 010, 011 and 014, will be amended to realign the existing HFPs to further north and to the east, as shown on **Figure 1**. No other changes are proposed to the Liverpool LEP 2008.

The objectives of the planning proposal are clear and adequate.

1.3 Explanation of provisions

The objectives and intended outcomes of the Planning Proposal are to be achieved by amending the Key Sites Maps to identify the amended HFP.

On 7 October 2020, Council received a request from SWSLHD to revise the existing helicopter flight path in accordance with the Liverpool Hospital Helicopter Landing Site (HLS) Western Flight Path Analysis (**Attachment D**).

The SWSLHD advised Liverpool Council that the existing and proposed developments in Liverpool CBD are encroaching into and having a material impact (e.g. construction cranes and heights) on the western approach and departure flight paths for the Hospital Helicopter Landing Site (HLS). The

flight path was reviewed, and the analysis resulted in a revised flight path direction that is further north to the existing flight path (**Figures 2 and 3**). The SWSLHD advised Council that the revised flight path was accepted by NSW Ambulance and their helicopter contractor – Toll Helicopters.

To facilitate the proposed changes, the existing helicopter flight paths identified on the Liverpool LEP 2008 Key sites maps (010, 011 and 014) will be amended accordingly to identify the revised helicopter flight path.

The extent of the proposed flight path to the east proposed by SWSLHD was revised by Council. Council's proposed eastern flight path ends at the edge of the 40m height of building area at Scrivener Street, Warwick Farm. Council considered beyond this point there is no likely impacts on land below the path due to the existing lower height limits. The proposed flight path is shown in **Figure 1**.

Council considered the proposal has strategic and site-specific merit, noted the Local Planning Panel's advice, and resolved at its meeting on 28 July 2021 (**Attachment E**) to support the proposal to proceed to the Department for a Gateway determination.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The planning proposal is the best way to achieve the proposed outcome.

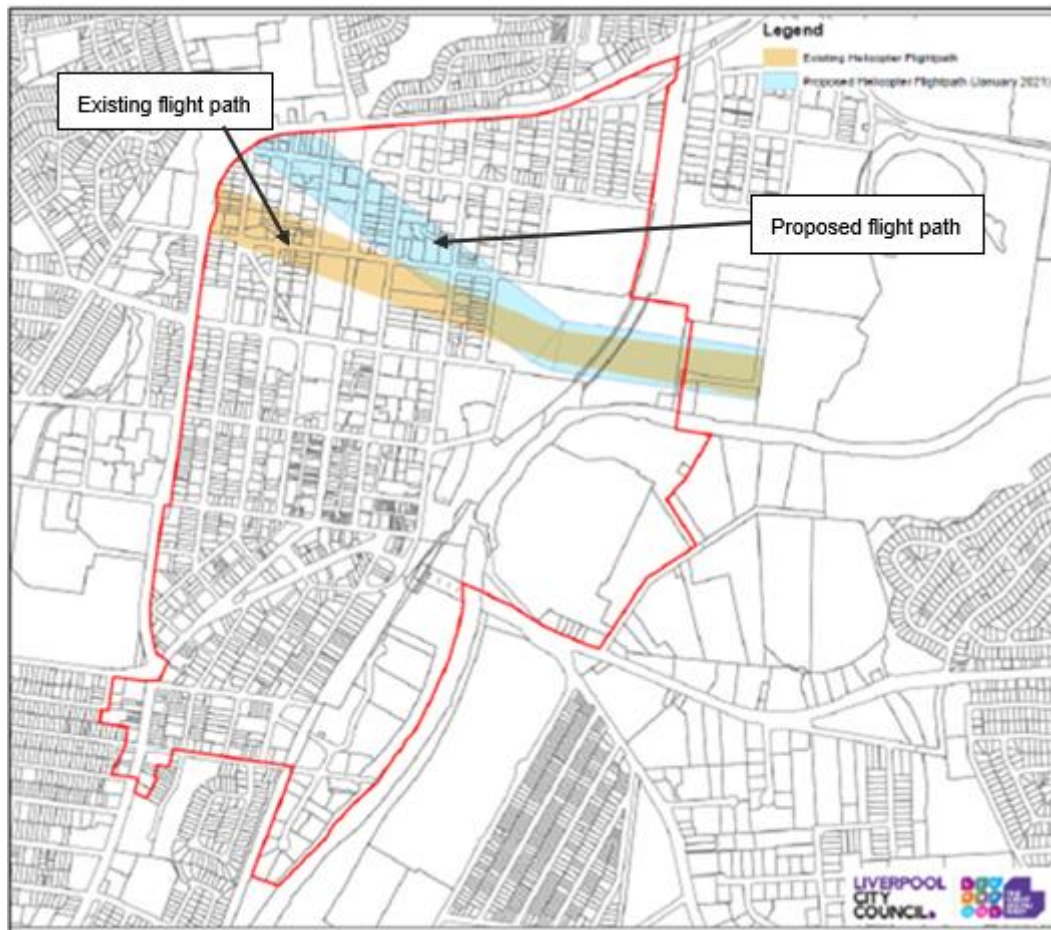


Figure 1 Proposed Helicopter Flight Path

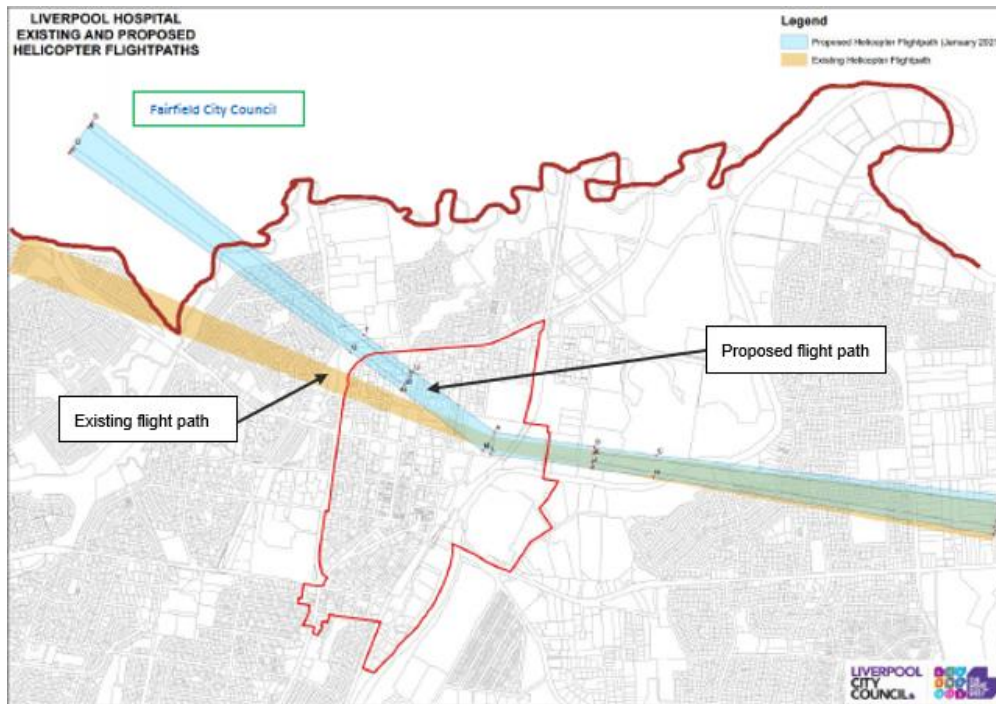


Figure 2 Existing helicopter flight paths and proposed by Liverpool Hospital



Figure 3 Proposed helicopter flight paths, contours and building heights

1.4 Site description and surrounding area

As shown in **Figure 1**, the proposed flight path is mostly within Liverpool LGA and partly within Fairfield LGA. The planning proposal applies to numerous lots within Liverpool LGA only, with the majority of lots contained within the Liverpool City Centre.

1.5 Mapping

The planning proposal will amend the helicopter flight paths on Key Sites Maps (**Figures 4, 5 and 6**) towards the north and east as shown on **Figure 1**.

Unlike the existing Key Sites Maps, the proposed maps in the planning proposal do not clearly identify the height plain/contours for public as depicted in **Figure 3**, for the public to understand the height restriction above the properties. It is recommended that this is clarified, or similar maps be

prepared prior to the public exhibition. Council has been advised of this issue and agreed to update the maps.

It is recommended that prior to public exhibition, Council is to amend the maps to include the height planes/contours similar to the existing Key Sites Maps.

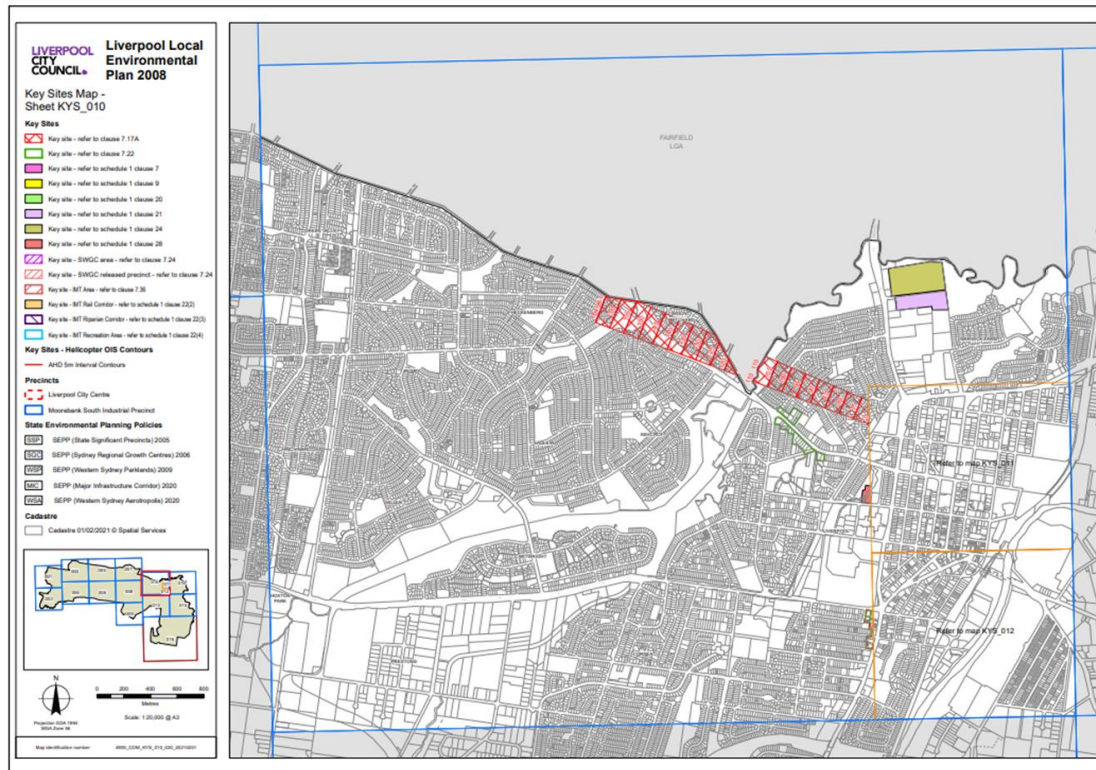


Figure 4 Existing KYS map 010

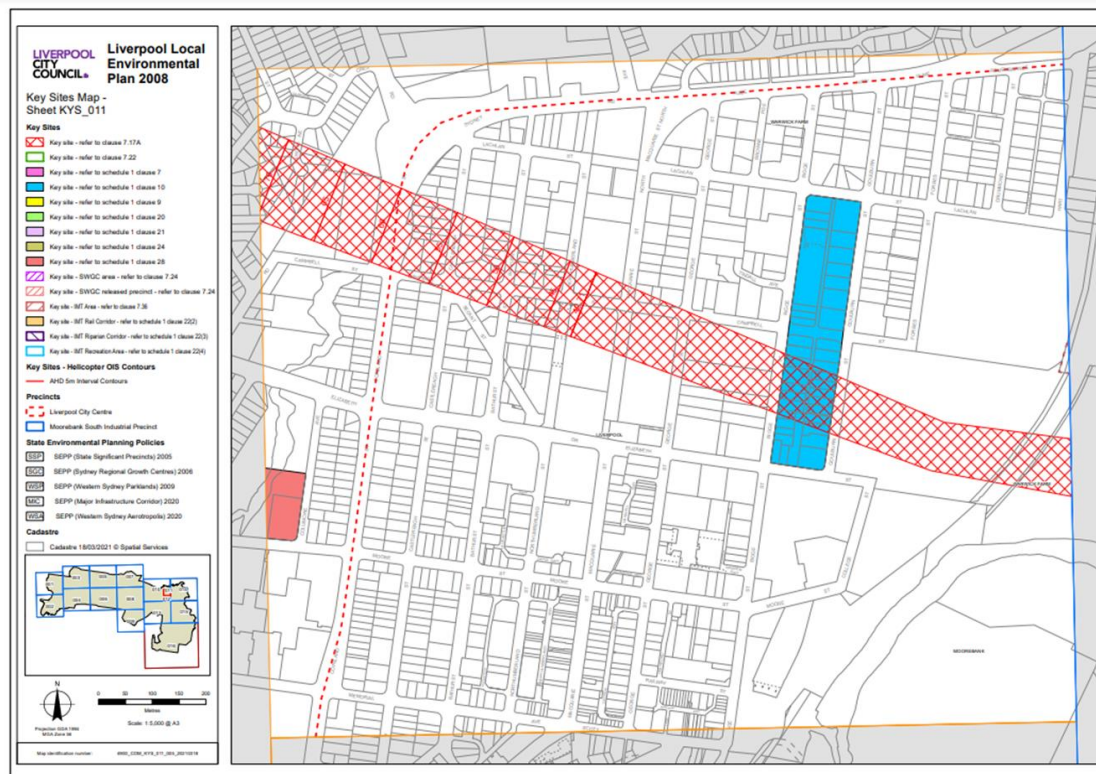


Figure 5 Existing KYS map 011

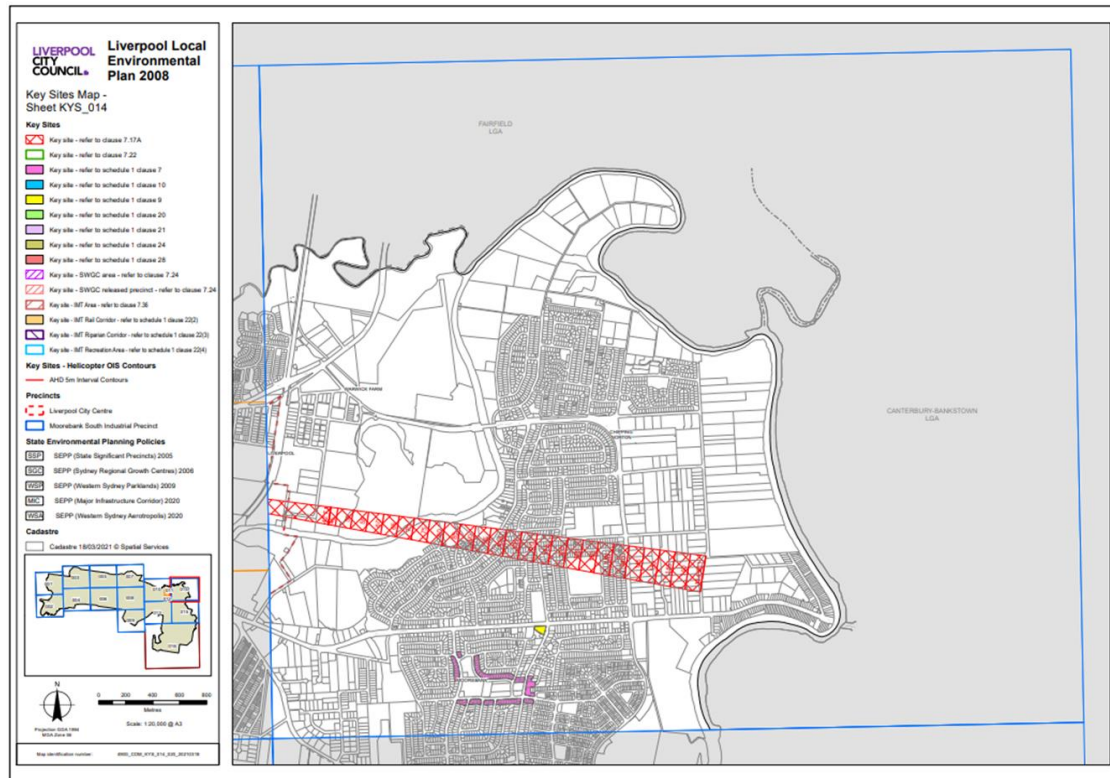


Figure 6 Existing KYS map 014

1.6 Background

In late 2015, there was a concern regarding proposed building height increases in the Liverpool CBD and how the proposed heights may impact air space on the emergency HLS for Liverpool Hospital.

Council determined that there was potential for conflict between development outcomes and Liverpool Hospital's emergency HFPs and examined strategies to protect these flight paths. To ensure the hospital helicopter airspace is protected Clause 7.17A Hospital helicopter airspace was introduced along with the flight paths in the Key Sites Maps into the LLEP 2008 (Amendment 67) in September 2017. The clause does not restrict height of buildings but requires development applications that are under or intrude the HFP to be referred to Liverpool Hospital for comment.

The planning proposal does not seek changes to Clause 7.17A and will continue to apply to all development affected by the helicopter flight path.

2 Need for the planning proposal

2.1 Planning Proposal

Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report.

The planning proposal is not a result of any strategic planning statement, strategic study or report.

Liverpool Hospital is classed as a tertiary referral hospital within the SWSLHD and admits over 3,000 trauma patients, including over 500 seriously injured and poly-trauma patients requiring emergency, Intensive Care or High Dependency admission. Many of the emergency patients are transferred by helicopter. The Hospital's helicopter landing site is crucial to maintaining its tertiary referral status, underscoring the importance of a review of existing planning controls to protect the integrity of the facility.

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. The proposal seeks to ensure the hospital helicopter airspace is protected.

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

The planning proposal to amend the Key Sites Maps are considered the best means of achieving the objectives and intended outcomes. There are no alternative processes to achieve the intent of this Planning Proposal under the LEP.

3 Strategic assessment

3.1 Western City District Plan

The Western City District Plan applies to the site. The District Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

Liverpool is identified as a Metropolitan cluster in the Western City District Plan. The planning proposal will contribute, and is consistent with the priorities for infrastructure and collaboration, and liveability in the plan as outlined in **Table 2**, below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 2 Western City District Plan assessment

District Plan Priorities	Justification
INFRASTRUCTURE AND COLLABORATION	
Planning Priority W1: Planning for a city supported by infrastructure choice and Planning	<p>The proposal will ensure the hospital's infrastructure (emergency helicopter landing site) is protected and maintained to support the existing and growing population within the South Western Sydney Local Health District.</p> <p>The proposal will contribute and give effect to this planning priority.</p>
Planning Priority W2 Working through collaboration	<p>The proposed amendment to the Key Sites Maps will ensure essential health infrastructure (helicopter flight path) is maintained and protected under Clause 7.17A of the Liverpool LEP 2008. Council advises this has been achieved through Council collaborating with Liverpool Hospital to best understand/achieve the outcome to protect the helicopter flight path, which is the critical infrastructure for the hospital.</p>
LIVEABILITY	
<p>Planning Priority W3: Providing services and social infrastructure to meet people's changing needs</p> <p>Planning Priority W4: Fostering healthy, creative, and culturally rich and socially connected communities</p>	<p>The proposal will maintain and improve liveability by providing improved health infrastructure to cater for the growing population within the Western Sydney local health district.</p>

W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies as well as the local strategic direction and objectives, as stated in **Table 3** below:

Table 3 Local strategic planning assessment (source: Planning Proposal)

Planning Priority	Justification
Local Planning Priority 4: Liverpool is a leader in innovation and collaboration	Council has received correspondence from Liverpool Hospital advising that the HFPs for their main HLS have been reviewed and ultimately relocated. To ensure the ongoing effective and safe operation of the helicopter ambulance service is maintained, the LLEP 2008 should be updated to reflect the recent review. The proposed amendment will ensure our planning documents are up-to-date and in accordance with best practice.
Local Planning Priority 9: Safe, healthy and inclusive places shaping the wellbeing of the Liverpool community	The proposed amendment will facilitate the Planning Priority by ensuring the hospital's infrastructure (emergency helicopter landing site) is protected and maintained to support the wellbeing of the Liverpool (and Regional) community.
Local Planning Priority 10: A world-class health, education, research and innovation precinct	The proposed amendment will facilitate the Planning Priority by ensuring the hospital's infrastructure (emergency helicopter landing site) is protected and support Liverpool Hospital as a tertiary referral hospital, magnifying the regional importance of Liverpool's health sector.

3.3 Local planning panel (LPP) recommendation

The planning proposal was considered by the LPP on 31 May 2021 (**Attachment E**). The LPP advised that the planning proposal should proceed to the Department for a Gateway determination. Summary of the LPP's advice and Council's comments are in **Table 4** below.

Table 4 Liverpool Planning Panel advice

LPP Advice	Council Staff Response
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 area to the east (as beyond this there is no likely impacts due to the existing height limits).	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). The relevant key sites maps have been amended in accordance with the realigned helicopter flight paths shaded blue.

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.	Noted.
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.	Council officers will consult with State agencies at the post-Gateway stage as required by DPIE.
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.	Council officers support the LPP's recommendation. Council will further discuss with DPIE outside of the planning proposal process given that the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is state legislation applying to all of NSW.

Council amended the flight path to apply to the area identified in response to LPP's advice, as shown in **Figure 1**.

Department comment:

Council advises the amended eastern (shortened) flight path has not been consulted with the SWSLHD. It is recommended that Council consult with SWSLHD and NSW Ambulance on the amended flight path.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below in **Table 5**:

Table 5 Section 9.1 Ministerial Direction assessment

Directions	Consistent/Not Applicable	Reasons for Consistency or Inconsistency
<p>1.1 Business and Industrial Zones</p> <p>The objectives of this direction are to encourage employment growth in suitable locations and support the viability of identified centres.</p>	Consistent	The flight path is mainly above the city centre. No changes are proposed to the existing business zones.

<p>2.3 Heritage Conservation</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	Consistent	<p>Within the Liverpool City Centre, the HFP is located over, or in close proximity to some heritage conservation items or areas including Liverpool Memorial Pioneer's Park and Bigge Park. This planning proposal does not affect the integrity or ongoing conservation of these sites.</p>
<p>3.1 Residential Zones</p> <p>This Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It also seeks to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure.</p>	Consistent	<p>No changes are proposed to the residential zones.</p>
<p>3.5 Development Near Licensed Aerodromes</p> <p>The relevant objectives of this direction are to ensure the effective and safe operation of regulated airports and defence airfields and to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</p>	Consultation with relevant agencies	<p>The planning proposal does not include any changes to the Liverpool LEP 2008 instrument. Clause 7.17A will still apply to the proposed helicopter flight path.</p> <p>Council advised that the planning proposal will not compromise the operations of Bankstown Airport (including aircraft flying in the vicinity) which is approximately 5km away.</p> <p>It is recommended the Bankstown Airport is consulted.</p>
<p>6.3 Site Specific Provisions</p> <p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.</p>	Consistent	

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

It is not expected that the planning proposal will have impact on any critical habitat or threatened species, populations, or ecological communities.

4.2 Socio Economic Impact

Table 6, below shows the planning proposal will provide significant social and economic benefits to the Liverpool city centre which will be further realised during the detailed design stage.

Table 6 Socio Economic Impact

Socio Economic	Assessment
Socio	The planning proposal is consistent with the relevant strategic planning framework and is likely to result in a net community benefit. It will have positive social impacts as it will protect the helicopter flight path for transporting emergency patients.
Economic	The planning proposal is consistent 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 and ensure the flight path is protected.

Council also made an assessment on the potential impacts of the realignment of the helicopter flight path. Council considered that the proposed flight path is unlikely to have significant impact on the development potential of the existing development controls that apply to the land below the flight path in the **Table 7** below:

Table 7 Assessment of flight paths

Proposed flight path	Council assessment
Western flight path	The HFP at Liverpool Hospital HLS starts at 42.821 AHD and rises to 165.621 AHD at Cabramatta Creek and Hemphill Avenue. Council advises although the realigned HFP will apply to several properties that were not previously impacted, the permitted building heights in these western areas do not penetrate the HFPs and will unlikely restrict the redevelopment of these properties in the future.
Eastern flight path	Council reviewed the HFPs by Liverpool Hospital to the east. Council considered that the height of the HFP at 42.821 AHD at Liverpool Hospital's HLS which rises to 165.621 AHD at Riverside Road Chipping Norton is unlikely to impact on the re-development of the properties and the permitted building heights under the flight path do not penetrate the HFP. But to safeguard any future issues directly east of Liverpool Hospital Council recommended that the eastern HFP is revised and mapped to western boundary of land owned by Sydney Water at Scrivener Street, Warwick Farm in accordance with the map shown in Figure 1 .

Department comment:

It is recommended the realignment is of a minor nature and will not have significant impact on the potential development under the flight path. It is unlikely that the potential development in these

areas will penetrate the proposed HFP. The flight path will be continued to be protected by Clause 7.17A of the LEP.

Council advises the changes made to the eastern flight path has not been consulted with SWSLHD. It is recommended that the SWSLHD and NSW Ambulance be consulted on the proposal.

5 Consultation

5.1 Community

Given the potential impact on a number of sites within the Liverpool CBD, the Department recommends a community consultation period of minimum 28 days.

The exhibition period proposed is considered appropriate, and forms the conditions of the Gateway determination.

5.2 Agencies

The planning proposal specified the following agencies to be consulted.

- Department of Infrastructure, Transport, Regional Development and Communications;
- Civil Aviation Safety Authority (CASA);
- NSW Department of Health;
- Fairfield City Council;
- Air Ambulance NSW; and
- Bankstown Airport.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Department of Infrastructure, Transport, Regional Development and Communications;
- Civil Aviation Safety Authority (CASA);
- NSW Health;
- South Western Sydney Local Health District;
- Fairfield City Council;
- Air Ambulance NSW;
- Sydney Metro Airports (Bankstown Airport); and
- NSW Ambulance.

6 Timeframe

Council proposes approximately 5-6 month's time frame to complete the LEP, between December 2021 and January 2022.

The Department recommends a time frame of 9 months to ensure it is completed in line with its commitment to reduce processing times and the upcoming local elections in December 2021. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is of a minor nature, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal will facilitate, provide and ensure continued protection of essential health services to the existing and future population in the area; and
- the proposed amendment is consistent with the Western City District Plan and the Liverpool Local Strategic Planning Statement as it will ensure the hospital's infrastructure (emergency helicopter landing site) is protected and maintained to support the existing and growing population within the South Western Sydney Local Health District.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days in accordance with the guide to preparing local environmental plans.
2. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
3. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

16/08/2021

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17 August 2021

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Attachments

Attachment	Title
Report	Gateway determination report
A	Planning proposal
B	Gateway determination
C	Letter to Council
D	Request from Liverpool Local Health District
E	Local Planning Panel Report/Minutes
F	Council Report and resolution