

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

27 June 2022

Item no	(Leave blank)
Application Number	RZ-6/2021
Proposal	Planning proposal to amend HOB and FSR of the LLEP 2008 relating to land at 61-71 Goulburn Street, Liverpool
Recommendation	Proceed to Gateway determination
Planning Officer	Cameron Jewell, Senior Strategic Planner

1. EXECUTIVE SUMMARY

In December 2021, Willowtree Planning submitted a planning proposal (**Attachment 1**) prepared on behalf of Sacco Building Group to amend development standards on six lots ('the site') at 61-71 Goulburn Street, Liverpool to facilitate development of a private hospital with associated consulting suites and retail uses. Following an initial assessment, a revised planning proposal was submitted to Council on 20 May 2022 reducing the height and FSR of the proposal.

The application has been submitted pursuant to Section 3.33 of the *Environmental Planning and Assessment Act (EPAA) 1979* and the proposal is referred to the Liverpool Local Planning Panel in accordance with Section 2.19 of the *EP&A Act 1979* for advice.

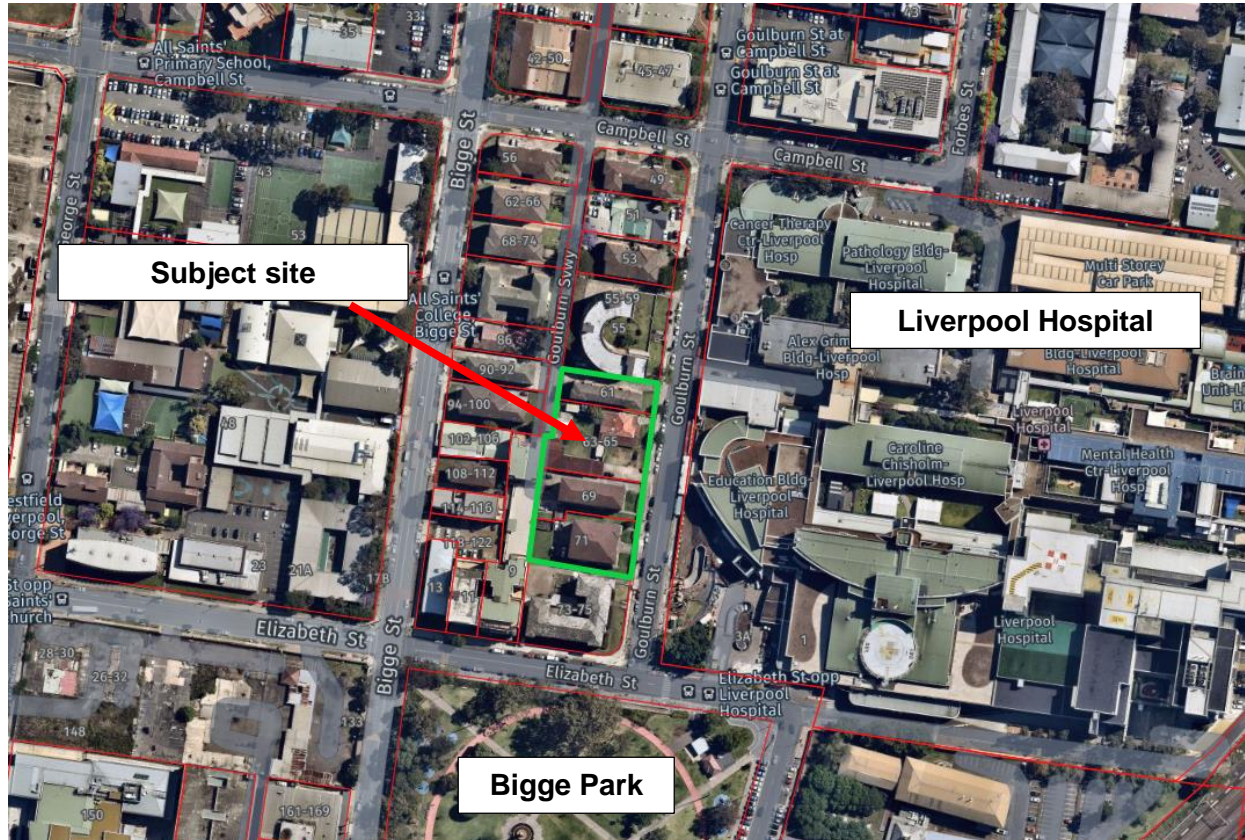


Figure 1: Subject site. Source: Nearmap

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The planning proposal seeks to amend height of building (HOB) and maximum floor-space ratio (FSR) controls that apply to the site. The proposed change to HOB is from 35m to 79m. The proposed change to the FSR control is from a base of 2.5:1 (increasing to 3.5:1 under Clause 4.4(2)(c)) to 6.9:1. The proponent initially sought a HOB of 91m and FSR of 7.9:1.

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.

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 Infrastructure SEPP.

As the current zone permits a range of uses, including residential flat buildings (RFBs), Council staff have informed the proponent that the proposed planning controls should be designed in such a way that any increase in development standards on the site is only available for the purposes of a health services facility and associated uses.

The proponent has proposed an additional local provision that restricts development consent being granted unless the consent authority is satisfied that the building is used for the purposes of health services facility and its associated ancillary uses only.

Council staff believe a better option would be to identify the site on the 'Key Sites Map' with a provision whereby FSR and HOB increases can only be accessed for the purposes of a health services facility. Nonetheless, Council will work with the Department of Planning and Environment (DPE) and the NSW Parliamentary Counsel's Office (PCO) to draft controls that best meet the intent of the planning proposal.

Since its lodgement, the planning proposal has undergone pre-Gateway public exhibition for 28 days in accordance with Council's Community Participation Plan. No submissions from the community were received. A submission was invited from the South West Sydney Local Health District (SWSLHD), which indicated minor concerns related to emergency vehicle management, and crane intrusion into the helicopter flight path, however indicated that further advice could be provided once the proposal is referred post-Gateway.

It is found that the planning proposal demonstrates strategic merit. The planning proposal also demonstrates site-specific merit, following agreed changes to address concerns related to scale and overshadowing of local open space.

Council officers recommend that the planning proposal proceeds to Gateway, subject to consideration by the elected Council.

2. SITE AND LOCALITY DESCRIPTION

History

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.

The proposal sought a Clause 4.6 variation to increase FSR controls from a maximum of 3.5:1 to 5.1:1. This represented an approximately 46% increase in the control as currently applies in the Liverpool Local Environmental Plan 2008 (LEP). Council indicated that given the magnitude of increase to development standards, it would be more appropriate for the changes sought to be progressed through a planning proposal to Council 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.

An initial planning proposal was submitted to Council in December 2021 and was revised in May 2022 to reduce FSR and HOB sought, following initial Council comments.

The Site

The planning proposal relates to six lots along 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) (see **Figure 1**). The site covers approximately 4,674m².

The site presently comprises three four-storey RFBs, a single-storey dwelling house and a double-storey detached garage structure.

The site is currently zoned B4 Mixed Use (**Figure 2**) and has additional permitted uses under Schedule 1 of the LEP, whereby:

- Development for the purposes of light industry is permitted with consent but only if the industry is medical research and development; and
- Development for the purposes of office premises is permitted with consent but only with respect to the medical or health industries.

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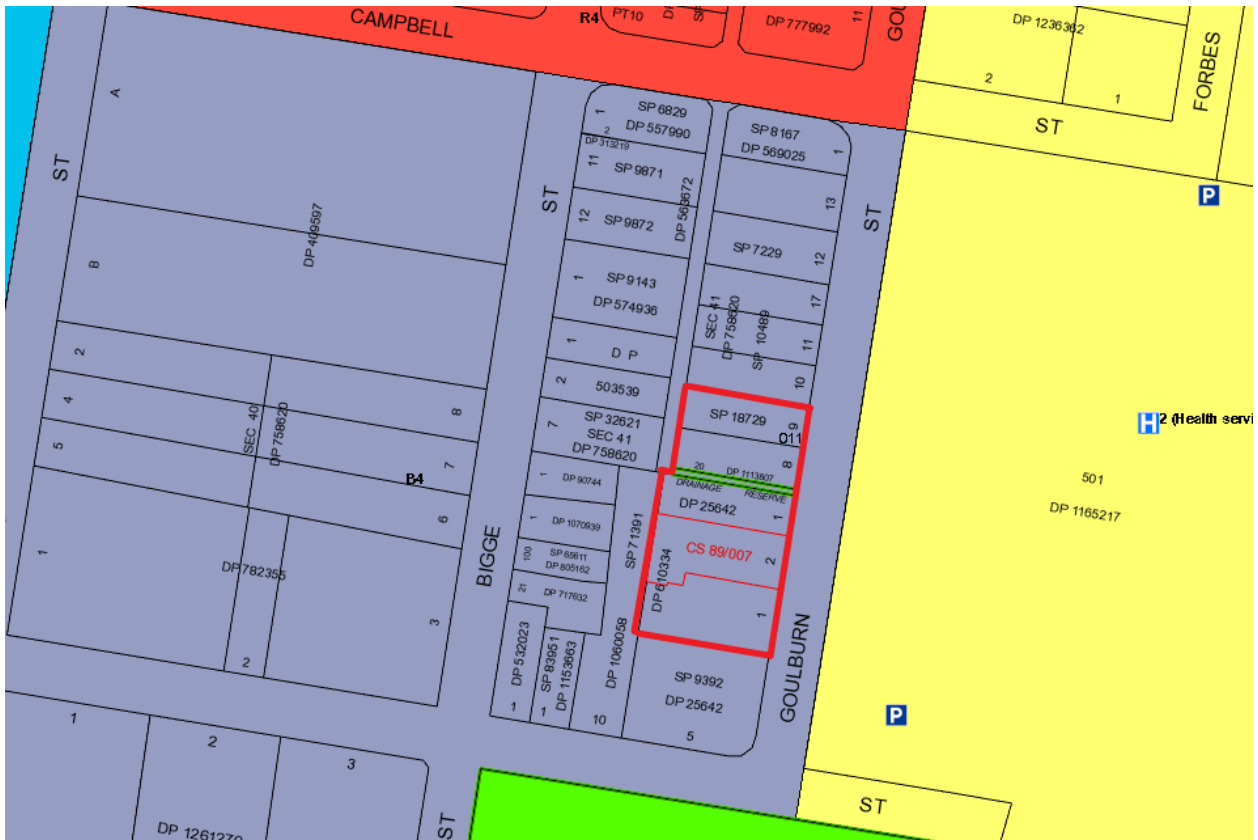


Figure 2: LLEP 2008 Zoning

The site currently has an FSR of 2.5:1 (and up to 3.5:1 pursuant to Clause 4.4(2)(c) of the LLEP2008) and a HOB of 35m.

The site is impacted by the helicopter flight path for the Liverpool Hospital, which is illustrated on the Key Sites Map (**Figure 3**). LLEP2008 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 3: Key Sites Map

While this is not a prohibition on development, Local Health District concurrence will be required.

It should also be noted that Council has finalised a planning proposal to amend the helicopter flight path in the Key Sites Map, to be consistent with realigned flight paths, as indicated to Council by Liverpool Hospital (**Figure 4**), which is awaiting gazettal.

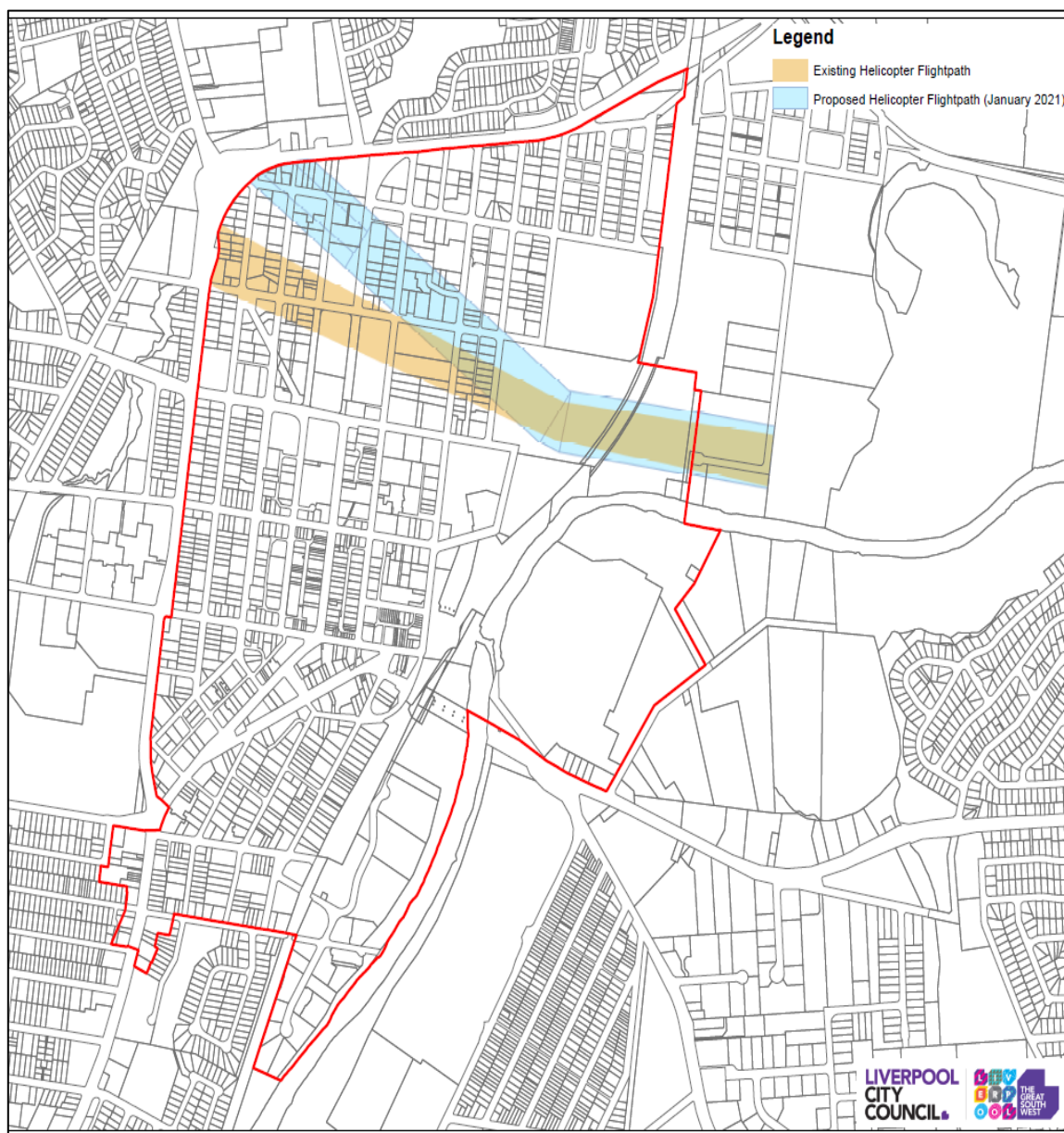


Figure 4: Realigned helicopter flight path

While the realigned flight path would shift the Key Sites Map further north, the northern-most part of the development site would still be affected by the flight path control. Any development on the site would thus require referral to the chief executive of the Local Health District.

The site is also part of the Bigge Park Heritage Conservation Area (**Figure 5**). Prior to any development within the Conservation Area or alteration to any building, structure or landscape feature, a Statement of Heritage Impact should be prepared to assess the impact of such proposal on the significance of the Conservation Area.

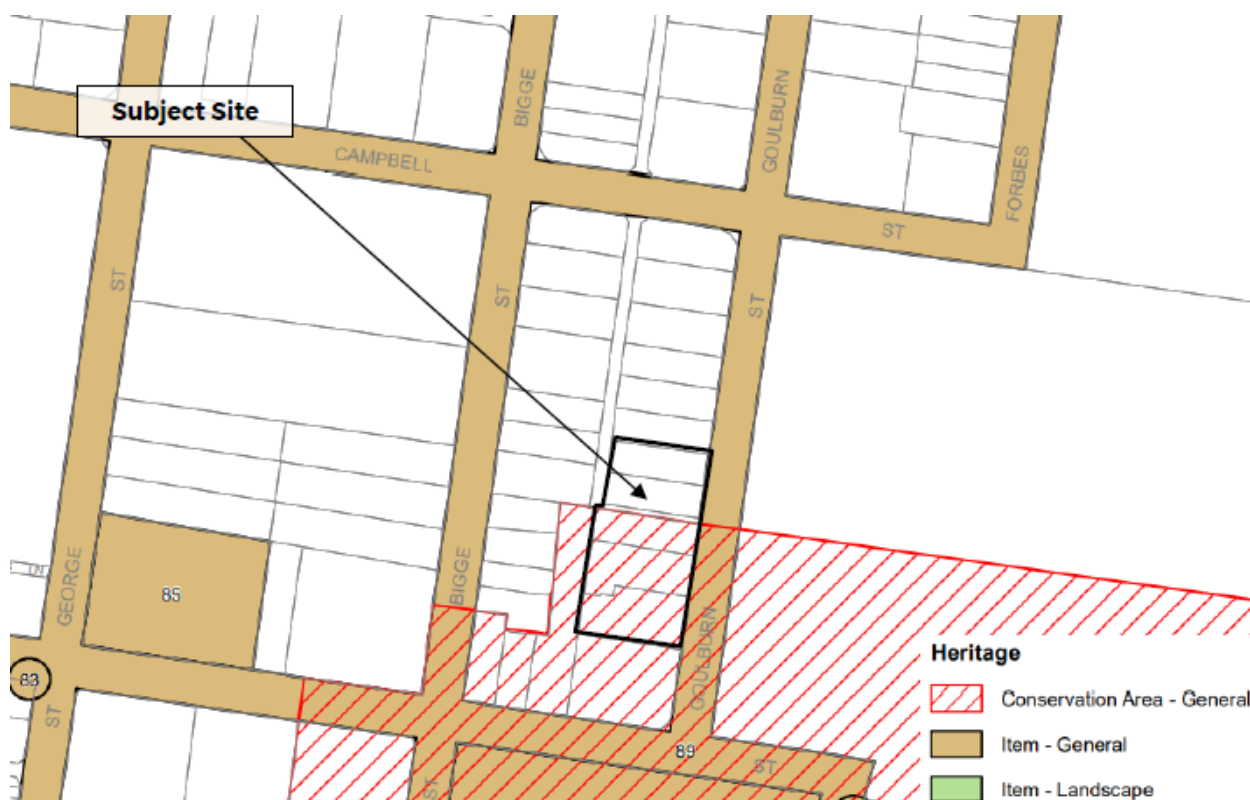


Figure 5: Heritage Map (NSW Legislation 2021).

The Locality

The site is located in the Liverpool City Centre to the north of Bigge Park and directly adjacent to Liverpool Hospital. 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, with the adjacent hospital zoned SP2 (health services facility and educational establishment) and Bigge Park to the south RE1 Public Recreation. There is land zoned R4 High Density Residential immediately to the north of the block. It is immediately surrounded by residential apartment buildings to the north, south and west, and Liverpool Hospital to the east.

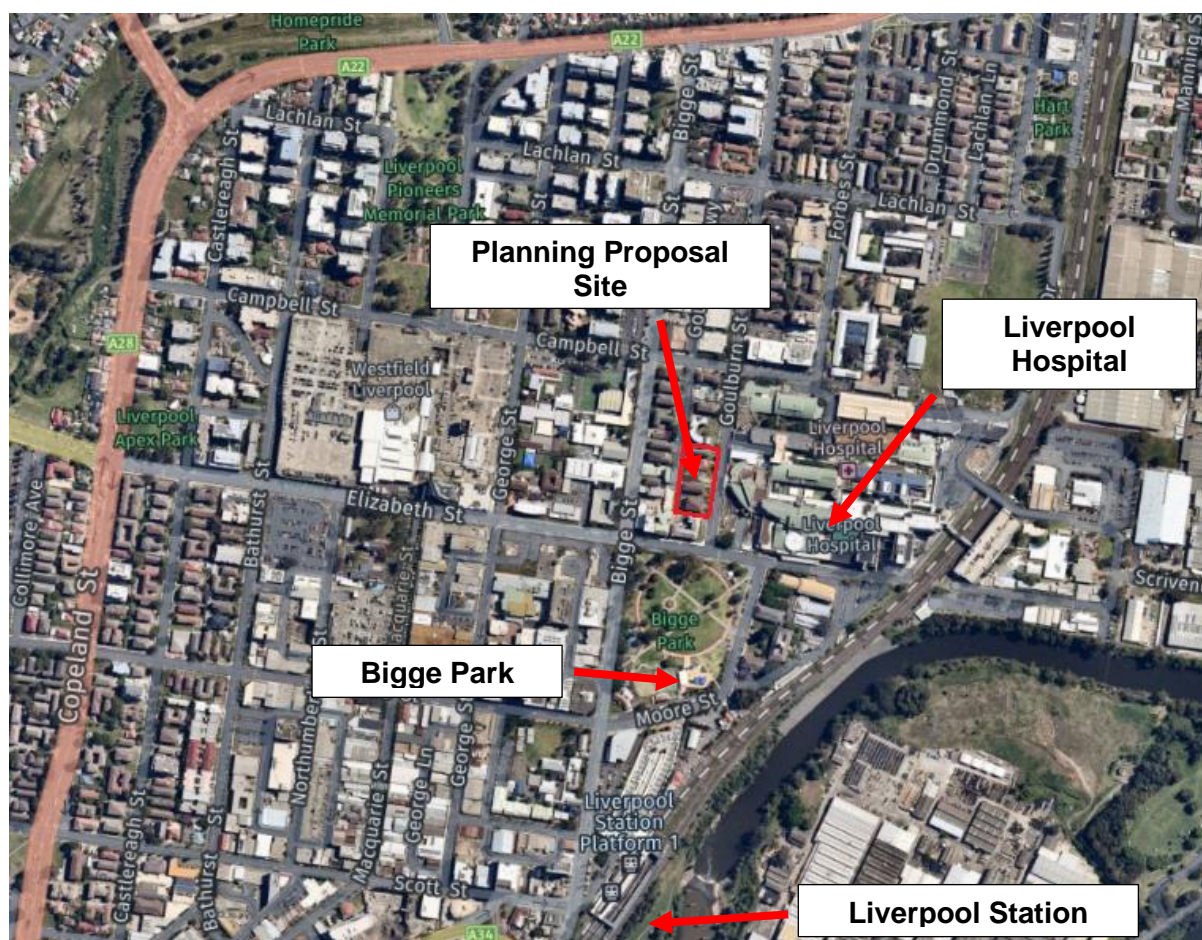


Figure 6: Locality

The proposal falls within an area known as the Liverpool Innovation Precinct (**Figure 7**). The *Land Use Analysis and Precinct Strategy* for the Liverpool Innovation Precinct (**Attachment 2**) indicates there is desire for a new private hospital with close connectivity to key clinical functions of Liverpool Hospital.

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- Liverpool Collaboration Area
- Liverpool Innovation Precinct
- Master Plan of Influence
- Liverpool Health & Academic Precinct

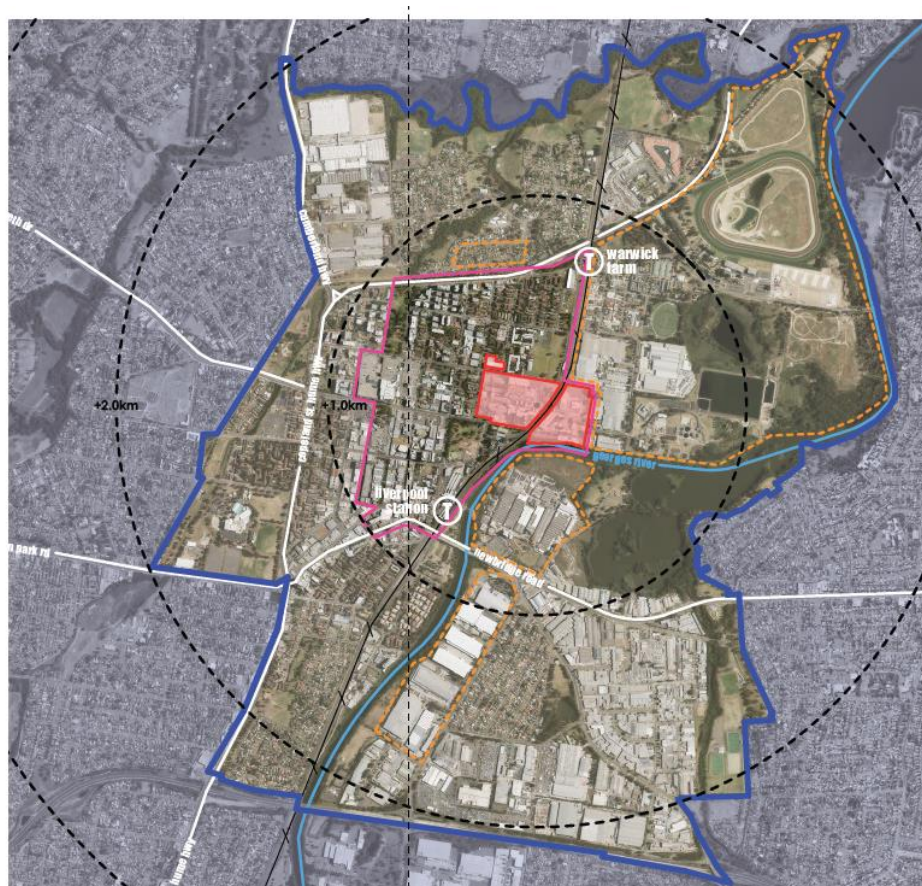


Figure 7: Liverpool Innovation Precinct boundary

3. DETAILS OF THE PROPOSAL

Planning Proposal Summary

This planning proposal was submitted in December 2021 (and revised in May 2022) and seeks to amend the HOB and FSR controls applying to the site to facilitate a building comprising a private hospital (155 beds) health consulting rooms (~12,540m² GFA) and retail (~353m² GFA). Total GFA sought is 32,280m².



Figure 8: Proposed built form concept (source: Hatch Roberts Day)

A summary of the proposed amendments and the existing planning controls are defined below:

	Existing	Proposed
Floor Space Ratio	2.5:1 (with a max of 3.5:1 pursuant to Clause 4.4(2)(c) of the LLEP2008)	6.9:1
Height (max)	35m	79m

The Planning Proposal does not seek to amend the zoning of the site as it is considered consistent with the B4 zone objectives. Commercial premises (i.e., supporting retail) are permitted with consent under the B4 zone and while 'health services facilities' are prohibited in the B4 zone, Clause 57(1) of Infrastructure SEPP indicates the B4 zone as a prescribed zone where 'health services facilities' are permissible.

Council has indicated that the planning proposal should contain provisions so that additional HOB and FSR are only able to be accessed if used for purposes related to health services facilities. The proponent has suggested the following additional local provision:

7.4x Development at 61-71 Goulburn Street, Liverpool

(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.

The suitability of this control is discussed in Part 5 of this report.

The planning proposal is accompanied by several supporting documents, including:

- An urban design report (**Attachment 3**);
- Traffic impact assessment (**Attachment 4**);
- Water sensitive urban design (WSUD) and stormwater report (**Attachment 5**);
- Visual impact assessment (**Attachment 6**);
- Preliminary Aboriginal cultural heritage and historical archaeological advice (**Attachment 7**);
- Historical impact statement (**Attachment 8**);
- Preliminary geotechnical assessment (**Attachment 9**);
- Preliminary site investigation (**Attachment 10**);
- Noise and vibration impact assessment (**Attachment 11**);
- Social and economic assessment (**Attachment 12**); and
- Market needs analysis (**Attachment 13**).

The concept design indicates the potential for a 20-storey building (with four basement levels) that includes nine storeys of hospital use, and 11 storeys of medical and education suites (see **Figure 9**).

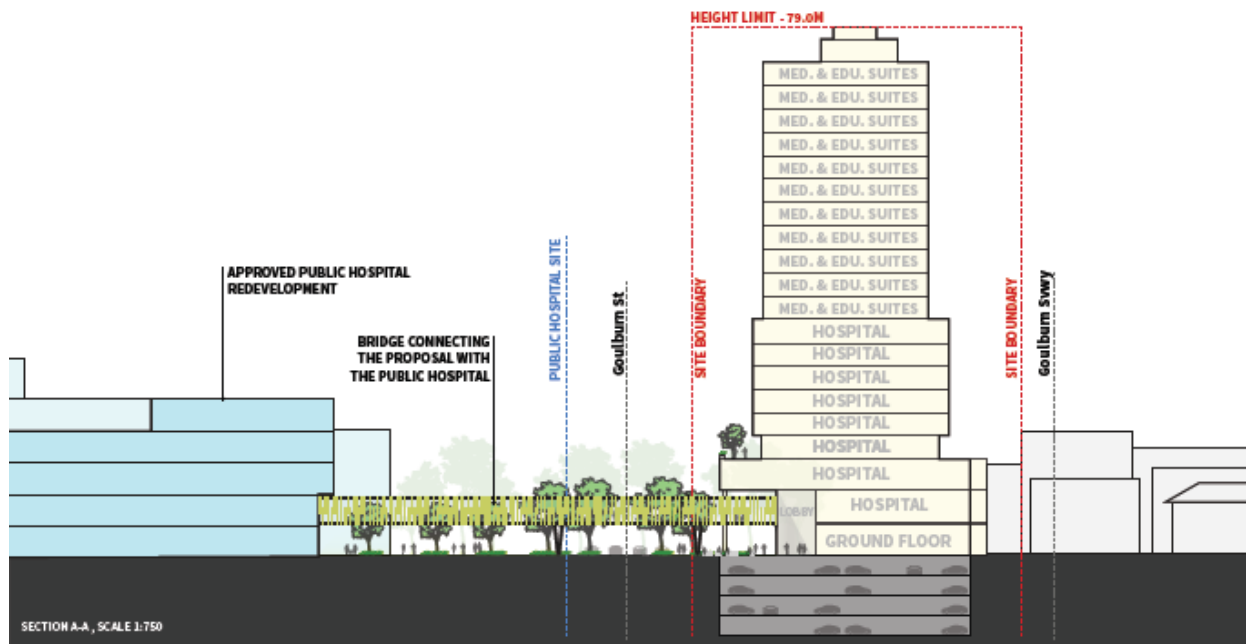


Figure 9: Proposed section (source: Hatch Roberts Day)

4. CONSIDERATIONS FOR STRATEGIC MERIT

The Department's *Local Environmental Plan Making Guideline* includes the following questions to justify the proposal.

Section A – Need for the planning proposal

Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is not the result of any endorsed strategic study or report. It is noted that the Liverpool Local Strategic Planning Statement (LSPS) Local Planning Priority 10 is 'A world-class health, education, research and innovation precinct'. The Priority states that Council will 'ensure land use planning supports to operation and growth of the precinct for all in the health, education and innovation ecosystem' and 'lead development of the Liverpool Innovation Precinct'.

The Liverpool Collaboration Area Place Strategy (**Attachment 14**) also includes an action to 'locate and develop a private hospital'.

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

A planning proposal is the best means of achieving the intended outcomes, as development for the purposes of a private hospital will require development controls greater than allowed under the LEP. Council staff previously assessed whether the proposal could be supported through a Clause 4.6 variation however determined that the increases proposed were of a scale too great to justify through this provision.

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Section B – Relationship to the strategic planning framework

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)?

Greater Sydney Regional Plan - A Metropolis of Three Cities

The *Greater Sydney Regional Plan - A Metropolis of Three Cities* (Regional Plan) was released in March 2018 and prepared by the Greater Sydney Commission (GSC). The plan encompasses a global metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. The plan envisions for the people of Greater Sydney to live within 30 minutes of their jobs and have access to education and health facilities, services and high-quality places. The Liverpool LGA is located within the Western Parkland City and is identified as a significant metropolitan cluster and future health and education precinct.

Consistency with the relevant parts of the Regional Plan is assessed below in the following table:

Table 1: Consistency with the Regional Plan

Direction	Comment
A collaborative city	
Objective 5 Benefits of growth realised by collaboration of governments, community and business	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	<p>This objective relates to the provision of social infrastructure that reflects the needs of the community.</p> <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>
A well-connected city	
Objective 14 – A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	This objective focuses of delivering the 30-minute city and intends to "Co-locate activities in metropolitan, strategic and local centres".

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Direction	Comment
	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'.
Jobs and Skills for the city	
Objective 21 – Internationally competitive health, education, research and innovation precinct.	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.
A city in its landscape	
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

Section 3.8 of the EP&A Act requires that the planning proposal authority gives effect to any district strategic plan applying to the LGA to which the planning proposal relates. The Western City District Plan provides a series of priorities and actions to guide development and expected growth throughout the district. Relevant priorities and actions are outlined in the table below:

Table 2: Consistency with the District Plan

Planning Priority	Comment
Infrastructure and collaboration	
Planning Priority W2 Working through collaboration	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	
Planning Priority W3 Providing services and social infrastructure to meet people's changing needs	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

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Planning Priority	Comment
	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 Growing investment, business opportunities and jobs in strategic centres	The proposal indicates that the proposed private hospital would promote the growth and evolution of the health and education precinct, and would support job creation and service provision within Liverpool metropolitan centre and collaboration area. 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.
Sustainability	
Planning Priority W15 Increasing urban tree canopy cover and delivering Green Grid connections	The planning proposal is accompanied by landscape plans which show the ability for the development to increase urban tree canopy on the site.

Will the planning proposal give effect to council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Connected Liverpool 2040 - Local Strategic Planning Statement (LSPS)

Council's Local Strategic Planning Statement (LSPS) was endorsed in 2020. Assessment of consistency with the LSPS is as below:

Table 3: Consistency with LSPS

Planning Priority	Comment
Collaboration	
Planning Priority 4: Liverpool is a leader in innovation and collaboration	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." The location of a private hospital is noted within the Place Strategy.
Productivity	
Planning Priority 10: A world-class health, education, research and innovation precinct	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.

Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The planning proposal is not inconsistent with SEPPs applying to the land. Further justification can be viewed under Table 4:

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Table 4: Consistency with SEPPs

Policy	Comment
<i>State Environmental Planning Policy No 1 – Development Standards (SEPP 1)</i>	The planning proposal does not contain provisions that contradict or hinder the application of the SEPP.
<i>State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)</i>	<p>The planning proposal is accompanied by a preliminary site investigation (Attachment 10) 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>
<i>State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)</i>	Any signage associated with future commercial premises on the site would be assessed in accordance with SEPP 64.
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)</i>	The relevant approval pathway for future development would be determined taking account of the relevant LEP and Exempt and Complying Development Codes.
<i>State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)</i>	<p>Division 10 of ISEPP relates to health services facilities, which includes hospitals. Pursuant to Clause 57 of the ISEPP, 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 ISEPP.</p> <p>The ISEPP 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>
<i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i>	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.

Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal addresses the following Directions, pursuant to Section 9.1 of the EP&A Act 1979 (as of December 2021 when the planning proposal was submitted):

Table 5: Ministerial Direction Consistency

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Section	Comment	Consistency
1. Employment and Resources		
Direction 1.1 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.	Consistent
2. Environment and Heritage		
Direction 2.1 Heritage Conservation	<p>The southern portion of the site is located within the Bigge Park Conservation Area, an area of local significance under the LLEP2008.</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>	Consistent
Direction 2.6 Remediation of land	<p>The planning proposal is accompanied by a preliminary site investigation, as required under this Direction. It 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 SSDA stage, or as a condition of Gateway.</p>	Consistent
3. Housing, Infrastructure and Urban Development		
Direction 3.1 Residential Zones	<p>The planning proposal is within a B4 zone where residential development is permissible, and thus this Direction is applicable.</p> <p>The planning proposal does not reduce development standards, rather increases development standards on the site. However, following consultation with Council the</p>	Inconsistent

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Section	Comment	Consistency
	<p>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 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.</p>	
Direction 3.4 Integrating Land Use and Transport	<p>The objective of this direction is <i>"to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <ul style="list-style-type: none"> <i>• improving access to housing, jobs and services by walking, cycling and public transport, and</i> <i>• increasing the choice of available transport and reducing dependence on cars, and</i> <i>• reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i> <i>• supporting the efficient and viable operation of public transport services, and</i> <i>• providing for the efficient movement of freight."</i> <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>	Consistent
4. Hazard and Risk		
Direction 4.1 Acid Sulfate Soils	<p>The site is identified as within a 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 requirements for geotechnical testing can be conditioned or made a requirement through the SSDA process.</p>	Consistent

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Section	Comment	Consistency
Direction 4.3 Flood Prone Land	The site is not identified as flood prone land or flood planning area on LLEP2008's Flood Planning Area Map.	Consistent
Direction 4.4 Planning for bushfire protection	The site is not identified as bushfire prone in the NSW Rural Fire Service (RFS) map.	Consistent
5. Regional Planning		
Direction 5.10 - Implementation of Regional Plans	This Direction requires consistency with the relevant Region Plan. This has been assessed in Table 1 of this report, and has demonstrated consistency with this plan.	Consistent
6. Local Plan Making		
Direction 6.1 – Approval and referral requirements	The planning proposal is consistent with this Direction as it does not introduce additional concurrence, consultation or referral requirements.	Consistent

5. CONSIDERATIONS FOR SITE SPECIFIC MERIT

Section C – Environmental, social and economic impact

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?

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 development.

Are there any other likely environmental effects as a result 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.

The proponent has also since its initial lodgement 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 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.

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 post-Gateway.

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

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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**) finds that the relocation of the easement and overland flows does not add additional impact related to stormwater/overland flow, Council has requested further information to assess the suitability of the engineered solution. This can be provided post-Gateway.

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 and Council received a DA for an RFB, it would have to assess this.

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. Council's LEP 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:

7.4x Development at 61-71 Goulburn Street, Liverpool

(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 LEP 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.

Council staff will further consult with DPE and PCO to develop controls that would tie the increase in height and FSR to the development of health services facilities and associated ancillary uses.

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 13**) 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.

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.

Council has worked with the proponent to revise FSR and HOB to reduce visual impact and overshadowing, with the design and articulation of the building also reducing perceived scale and reducing overshadowing with a stepped design concentrating height to the north of the site. The impacts on Bigge Park are now minor, and neighbouring residential developments can meet SEPP 65 solar access requirements.

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 11**) 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 – State and Commonwealth Interests

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 LLEP 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.

What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Views of State and Commonwealth public authorities will be consulted should a Gateway determination be issued. Relevant public authorities will be identified for consultation at the Gateway determination stage.

6. NEXT STEPS

Following the Panel's consideration, the planning proposal will be reported to Council for consideration. Should the planning proposal request be endorsed, it will be forwarded to DPE seeking a Gateway determination.

Following a Gateway determination in support of the planning proposal, there will be public authority and community consultation and a further report to Council, prior to proceeding with the making of any amendment to the LLEP 2008. It is noted that the provision of various additional studies and clarification may be required by DPE prior to exhibition occurring.

7. CONCLUSION

Pursuant to the requirements of a Guide to Preparing Planning Proposals and relevant Ministerial Directions, this report provides a merit assessment of the planning proposal request.

**LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT**

27 June 2022

The report finds that the proposal in its current form demonstrates strategic merit. The proposal following amendment to HOB and FSR also exhibits site-specific merit. The planning proposal request is presented to the Panel for consideration and advice.

8. RECOMMENDATION

That the planning proposal is supported and any additional advice is provided as required.

9. ATTACHMENTS

1. Planning Proposal report
2. Land Use Analysis and Precinct Strategy for the Liverpool Innovation Precinct
3. Urban Design report
4. Traffic Impact Assessment
5. Water Sensitive Urban Design and stormwater report
6. Visual Impact Assessment
7. Preliminary Aboriginal Cultural Heritage and Historical Archaeological Advice
8. Historical Impact Statement
9. Preliminary Geotechnical Assessment
10. Preliminary Site Investigation
11. Noise And Vibration Impact Assessment
12. Market Needs Analysis
13. Social And Economic Assessment
14. Liverpool Collaboration Area Place Strategy