



IRF122/4120

## Gateway determination report – PP-2021-7276

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Proposed Liverpool Private Hospital, 61-71 Goulburn  
Street, Liverpool

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans                             |
|--|
| Attachment A – Planning Proposal                       |
| Attachment D – Applicant’s Planning Proposal, May 2022 |

Attachment E - Liverpool Innovation Precinct Land Use and Precinct Strategy, September 2019

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Attachment F – Urban Design Report, May 2022

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Attachment G – Traffic Impact Assessment, May 2022

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Attachment H – WSUD and Stormwater Report, November 2021

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Attachment I – Visual Impact Assessment, November 2021

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Attachment J – Preliminary Aboriginal Cultural Heritage and Historical Archaeological Report, December 2021

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Attachment K – Historical Impact Statement, 6 May 2022

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Attachment L – Preliminary Site Investigation, 10 December 2021

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Attachment M – Noise and Vibration Impact Assessment, 30 November 2021

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Attachment N – Market Needs Analysis, 28 April 2022

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Attachment O – Social and Economic Assessment, 4 May 2022

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Attachment P – Architectural Plans, no date

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Attachment Q – Council Decision (31 August 2022)

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Attachment R – Local Planning Panel Report and Minutes (June 2022)

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# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |  |
|---------------------------------|--|
| <b>LGA</b>                      | Liverpool  |
| <b>PPA</b>                      | Liverpool City Council   |
| <b>NAME</b>                     | Proposed Liverpool Private Hospital (670 jobs)   |
| <b>NUMBER</b>                   | PP-2021-7276   |
| <b>LEP TO BE AMENDED</b>        | Liverpool LEP 2008   |
| <b>ADDRESS</b>                  | 61-71 Goulburn Street, Liverpool   |
| <b>DESCRIPTION</b>              | SP 18729, Lot 8 Section 41 DP 758620, Lot 20 DP 1113807, Lot 1 DP25642, Lot 2 DP 610334, Lot 1 DP 610334 |
| <b>RECEIVED</b>                 | 26/09/2022   |
| <b>FILE NO.</b>                 | <a href="#">IRF21/4120</a>   |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required          |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal    |

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The planning proposal seeks to facilitate the development of a health services facility (Liverpool Private Hospital) comprising a 20-storey building (plus basement levels) that will accommodate 155 beds, medical consulting suites, education spaces and ancillary retail.

The objectives of this planning proposal are clear and adequate.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Liverpool LEP 2008, as outlined in **Table 3** below.

**Table 3 Current and proposed controls**

| Control | Current      | Proposed   |
|---------|--------------|------------|
| Zone    | B4 Mixed Use | No change. |

|                                |   |   |
|--------------------------------|---|---|
| Maximum height of the building | 35m   | 79m   |
| Floor space ratio              | <p>Maximum FSR of up to 3.5:1.</p> <ul style="list-style-type: none"> <li>Under Clause 4.4, the site is mapped with an FSR of 2.5:1.</li> <li>Despite Clause 4.4, Clauses 4.4(2B) and (2C) facilitate an FSR of 3.5:1 for sites over 1,000m<sup>2</sup> in the Liverpool City Centre that are zoned B4 Mixed Use zone.</li> </ul> | <p>6.9:1</p> <p>Note: no incentive provisions will be applicable.</p>   |
| Site Specific Provision        | N/A   | Additional local provision to limit the proposed increased height and FSR to health service facilities and ancillary uses only. |
| Number of jobs                 | 0   | 670   |
| Number of homes                | Approx. 50  | 0   |

The planning proposal includes references to amendments to HOB and FSR provisions and a site-specific clause to achieve the objectives of this planning proposal. A condition has been included in the Gateway determination to clarify the explanation of provisions and explain which controls best achieve the objectives of the proposal.

## 1.4 Site description and surrounding area

The site has an area of approximately 4,600m<sup>2</sup> and contains three four-storey residential apartment buildings (71, 69 and 61 Goulburn Street) and a single-storey dwelling with a double-storey detached garage (63 Goulburn Street) (**Figure 1**).

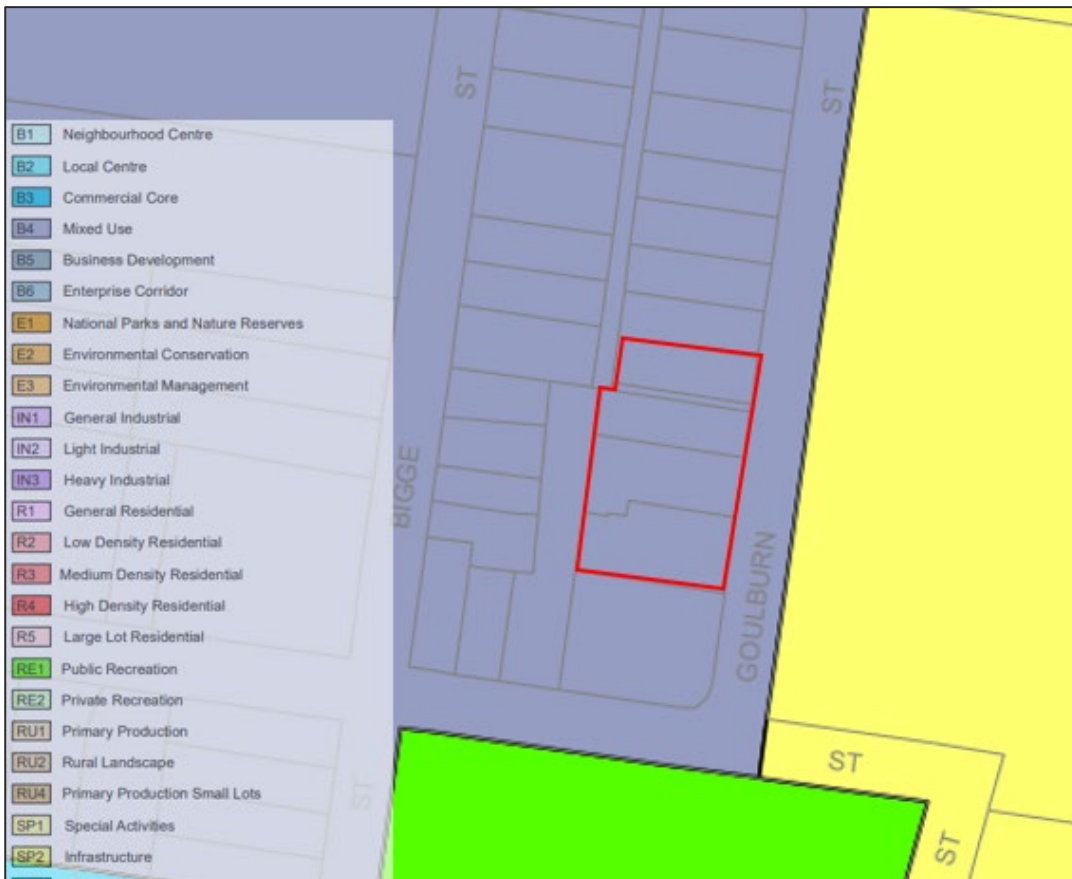
The site fronts Goulburn Street to the east. The street block is bound by Campbell Street to the north, Elizabeth Street to the south and Bigge Street to the west (**Figure 2**). Development in the block comprises several residential flat buildings to the north, west and south of the site, and office and medical service buildings to the west and south. These buildings range in height between one and six storeys.



Figure 1 Subject site, shown in red (source: Six Maps 21/11/22)



Figure 2 Site context (source: Google Maps 21/11/22)



**Figure 3 Current zoning map (source: NSW legislation website 21/1122)**

The site is opposite the Liverpool Public Hospital (Liverpool Hospital) campus, which covers an area of approximately 8.5ha. The campus includes several interconnected buildings, ranging in height between two and five storeys. The hospital's main admissions building and inactive front of the medical training and research buildings is directly opposite the site.

The subject site is located within the Liverpool Hospital Helicopter Flight path.

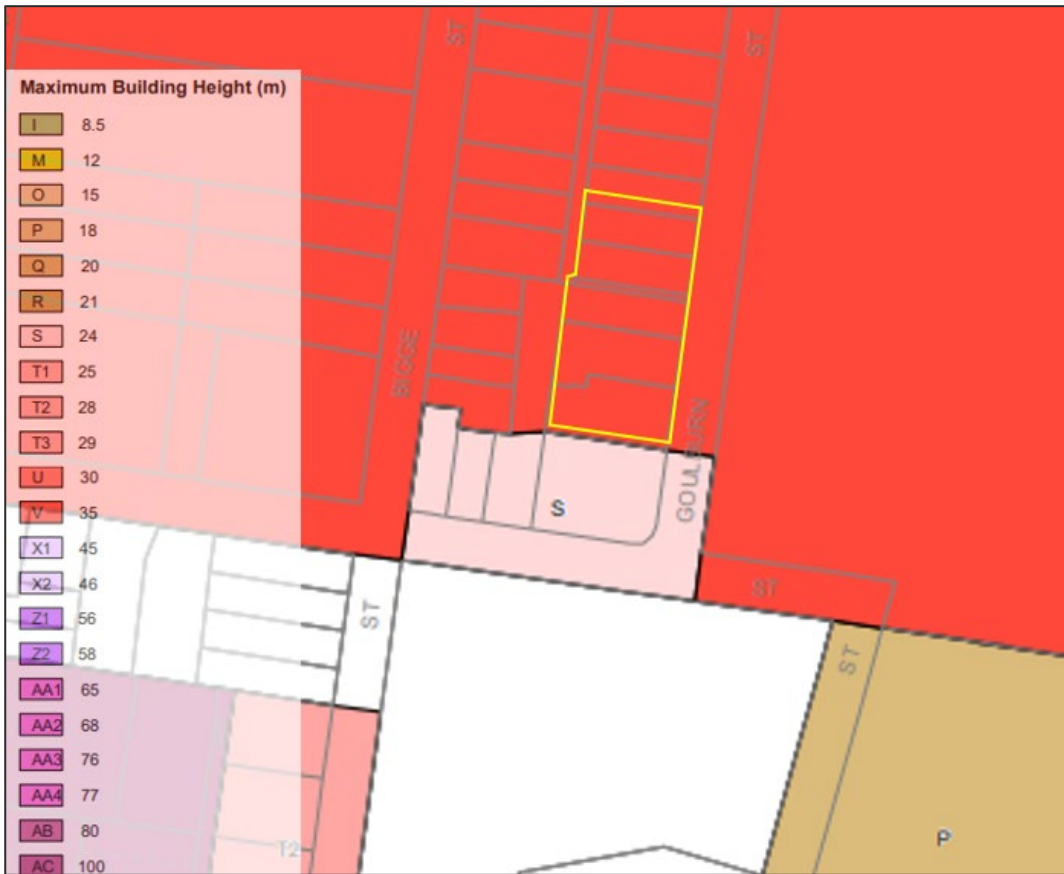
The site is zoned B4 Mixed Use, with the adjacent hospital zoned SP2 (Health Services Facility and Educational Establishment) and Bigge Park to the south is zoned RE1 Public Recreation. There is land zoned R4 High Density Residential immediately to the north of the site (see **Figure 3**).

Considering the locality more broadly, the site is located within Liverpool City Centre, which provides a variety of civic, retail, hospitality, medical, educational and government services. The site is located approximately 150m north of Bigge Park and is approximately 500m from Liverpool Train Station. The Georges River is located approximately 350m south-west of the site. The area is generally flat in topography.

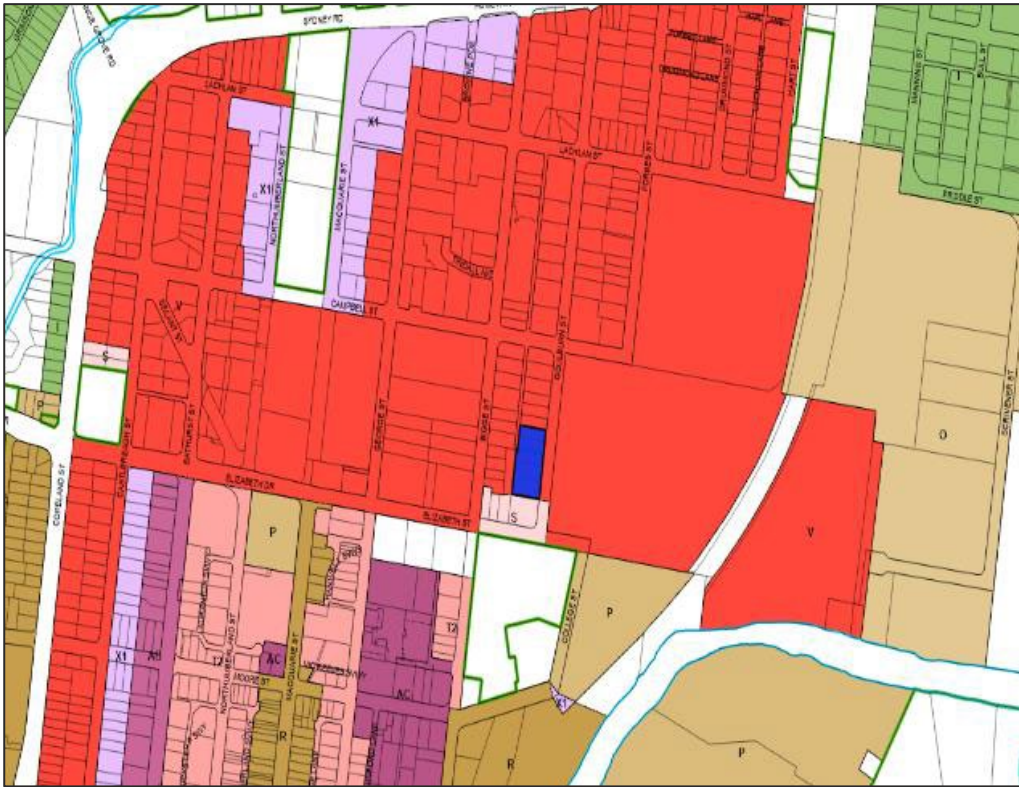
## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the LLEP 2008 maps (**Figures 4 to 9**). While the maps generally illustrate the proposed changes, the Department considers that they require updating to show the amendments at a smaller scale, with clearer detail and relevant map legends. The heading of the proposed Height of Building Map in Table 9 contains an error that also needs to be corrected. These amendments are included as a condition in the Gateway determination.

Council has also proposed a site-specific clause for the site. As discussed in Section 2, the Department considers that the relationship between the map amendments and site-specific clause should be clarified. This is included as a condition of the Gateway determination.

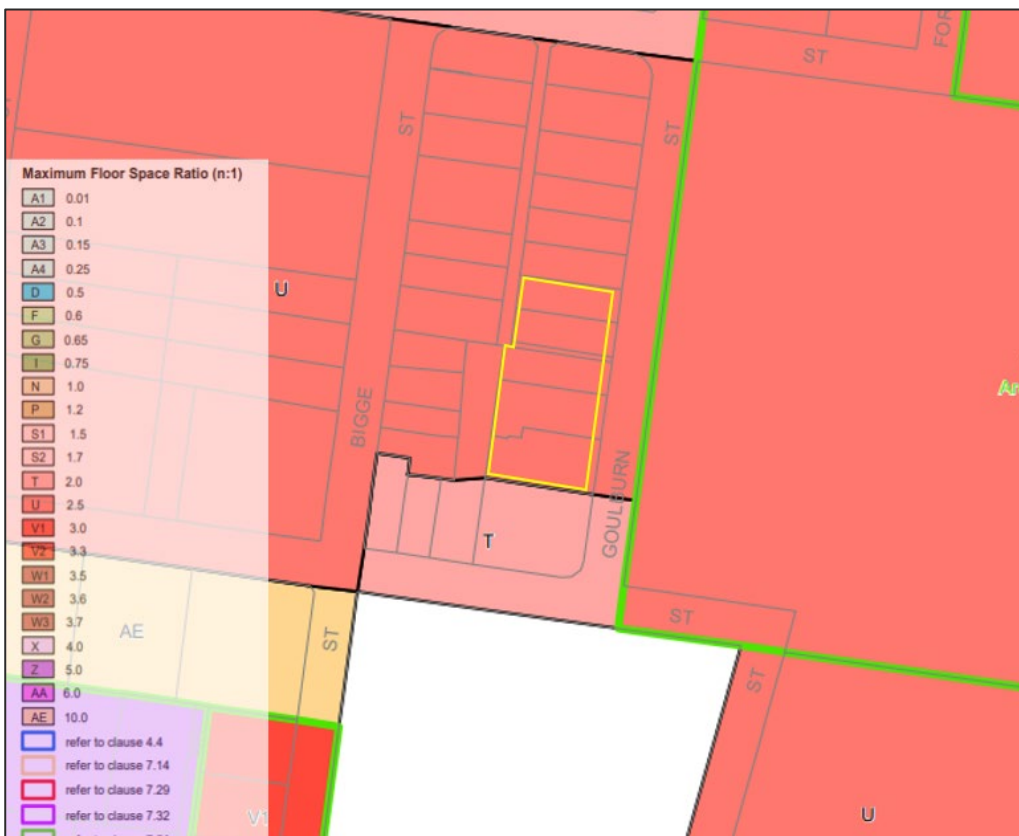


**Figure 4 Current height of building map (source: NSW legislation website 21/1122)**



**Figure 5 Proposed height of building map (source: planning proposal)**

**Note:** This map is incorrectly referred to as the 'Proposed Floor Space Ratio Map'



**Figure 6 Current floor space ratio map (source: NSW legislation website 21/11/22)**

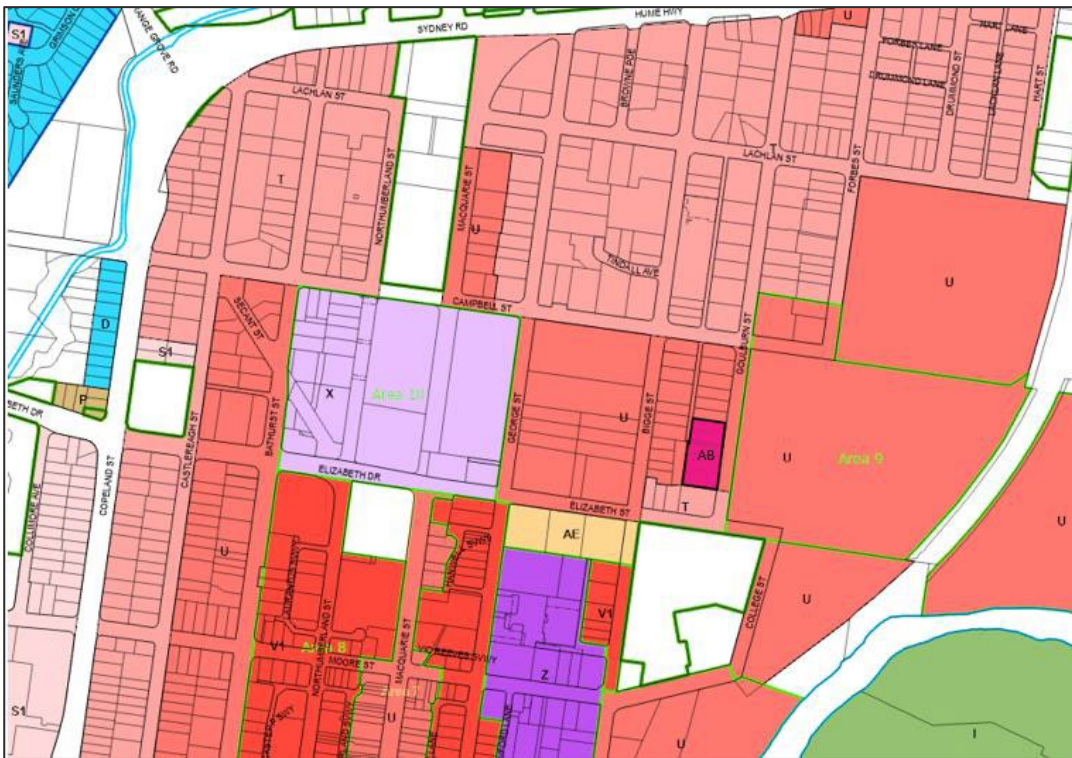


Figure 7 Proposed floor space ratio map (source: planning proposal)

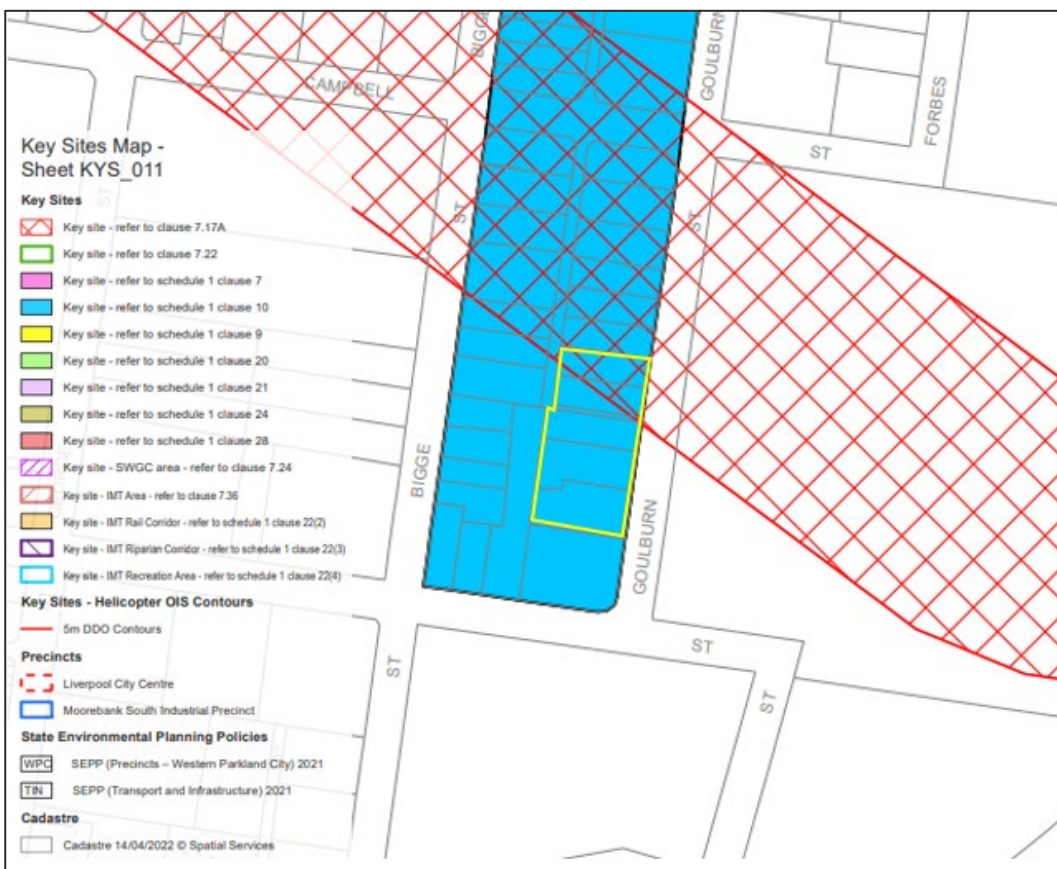


Figure 8 Current key sites map (source: NSW legislation website 21/11/22)



**Figure 9 Proposed Key Sites Map (source: planning proposal)**

## 1.6 Background

In February 2020, Council was invited to comment on Planning Secretary's Environmental Assessment Requirements (SEARs) for a State Significant Development (SSD) application for a private hospital on the site. The proposal sought a Clause 4.6 variation to increase the FSR controls from 3.5:1 to 5.1:1 (approximately a 46% increase).

Council indicated that given the magnitude of the increase, it would be more appropriate for the changes to be sought through a planning proposal. The Department agreed and in April 2020 advised the proponent to submit a planning proposal to Council, before pursuing the SSD application. The Department understands that the SSD application has not been withdrawn, however it is likely to expire in mid-2023.

A planning proposal was submitted to Council on 15 December 2021 seeking to:

- increase the height of building control from 35m to 91m, and
- increase the FSR control from 3.5:1 to 7.9:1.

Following consultation with Council staff, the proposal was revised in May 2022 to reduce the proposed FSR and HOB controls to the current proposal (HOB 79m and FSR 6.9:1).

## 2 Need for the planning proposal

The planning proposal states that while it is not the result of any endorsed strategic planning statement, strategic study or report, it is generally consistent with the relevant overarching principles contained in the Local Strategic Planning Statement (Connected Liverpool 2040), as well as the Greater Metropolitan and Western City district plans. The Department's strategic assessment is provided in Section 3.

The objective of the planning proposal is to facilitate development of the site for a health services facility. The proposed height and FSR are significantly greater than what could be reasonably

considered in a 4.6 variation (generally accepted as +10% of existing controls). It is considered that the objectives and intended outcomes of the proposal cannot be delivered under the current planning framework and a planning proposal is required to amend the LEP.

The proposal seeks to increase the HOB and FSR and map the site on the Key Sites Map to apply a site-specific provision that only allows the increased FSR and HOB for a health services facility and ancillary uses.

The Department considers that a site-specific provision could facilitate the intended outcomes of the proposal. It is appropriate in this circumstance because it:

- Does not reduce the current permissible uses on the site and development opportunities available under the existing planning controls, and
- Provides certainty by limiting the increased height and FSR to the proposed uses.

Applying a site-specific provision of this nature would be unlikely to require updates to the HOB and FSR maps. A condition requiring clarification of the proposed amendments to the Liverpool LEP 2008 has been included in the Gateway determination.

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan – A Metropolis of Three Cities (March 2018).

**Table 4 Regional Plan assessment**

| Regional Plan Objectives   | Justification  |
|--|--|
| <i>A Collaborative City</i><br>Objective 5: Benefits of growth realised by collaboration of governments, community and business. | This objective includes an action to deliver on Collaboration Areas.<br>The planning proposal seeks to facilitate development for a health services facility on a site opposite the existing Liverpool Hospital.<br>This aligns with the Liverpool Collaboration Area Place Strategy, which acknowledges the need for more health and aged care services (Action 12).<br>The proposal is consistent with this objective. |
| <i>A City for People</i><br>Objective 6: Services and infrastructure meet changing community needs                               | This objective relates to the provision of social infrastructure that reflects the need for more health services and facilities to service a growing population.<br>The planning proposal is supported by studies identifying that additional private hospital beds are required in the South-West Sydney Local Health District (SWSLHD).<br>The proposal is consistent with this objective.                             |

|   |  |
|---|--|
| <p><i>A Well-Connected City</i></p> <p>Objective 14: Integrated land use and transport creates walkable and 30minute cities.</p>                | <p>This objective aspires to a 30-minute city in which people can access jobs and services, and encourages initiatives to integrate transport with population and economic growth.</p> <p>The site is located opposite the Liverpool Public Hospital and is in the Liverpool CBD. The proposed private hospital would be located close to the established public hospital, other health services, education establishments and surrounding transport infrastructure. This would contribute to the realisation of the '30-minute city'.</p> <p>The proposal is consistent with this objective.</p>  |
| <p><i>Jobs and Skills for the City</i></p> <p>Objective 21: Internationally competitive health, education, research and innovation precinct</p> | <p>This objective supports the co-location of health and education facilities, and services that support the growth of the precinct.</p> <p>The planning proposal will facilitate development for health services to contribute to the Liverpool Health and Academic Precinct, and the Liverpool Innovation Precinct. Also located in the precinct are the Liverpool Public Hospital, health research facilities such as the Ingham Institute, and tertiary education institutions including NSW TAFE, Western Sydney University, University of NSW and University of Wollongong.</p> <p>The new private hospital is expected to deliver approximately 670 jobs, post-construction.</p> <p>The proposal is consistent with this objective.</p> |
| <p><i>A City in its Landscape</i></p> <p>Objective 30: Urban tree canopy cover is increased</p>   | <p>This objective is to expand the urban tree canopy in the public realm.</p> <p>The site is occupied by existing residential development with approximately 3 trees in the site area. The Urban Design report includes a place design principle for 'the creation of an active and engaging public realm', which includes maximising the tree canopy in streets and public spaces. The proposal also indicates that the podium will include a 'green roof', inclusive of a terrace with planting.</p> <p>The planning proposal has the ability to increase urban tree canopy on the site.</p> <p>The proposal is consistent with this objective.</p>  |

## 3.2 District Plan

The site is within the Western District and the Greater Sydney Commission released the Western District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined 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 5 District Plan assessment

| District Plan Priorities  | Justification   |
|---|---|
| <p>Priority W2 – Working through Collaboration</p>  | <p>The aim of priority is to realise the benefits of growth through collaboration by government, community and business.</p> <p>A new private hospital is consistent with this priority in that it will bring new development for health infrastructure inside or close to the Innovation Precinct, the Liverpool health and education precinct and aligned with the Liverpool Collaboration Area Place Strategy.</p> <p>The proposal is consistent with this priority.</p>   |
| <p>Priority W3 – Providing services and social infrastructure to meet people's changing needs</p> | <p>This priority relates to the delivery of social infrastructure that reflects the needs of the community now and in the future, and optimises land for social infrastructure.</p> <p>The proposed development will address this priority by providing additional health services and infrastructure in an area with a demonstrated need.</p> <p>The proposal is supported by a market needs analysis that outlines the need for additional health services in the area, due to a growing and ageing population.</p> <p>The proposal is consistent with this priority.</p>   |
| <p>Priority W9 – Growing and strengthening the metropolitan cluster</p>                           | <p>This priority aims to deliver the Regional Plan's Objective 21: <i>Internationally competitive health, education, research and innovation precincts</i>.</p> <p>Liverpool City Centre is identified in the District plan as being a 'Metropolitan Cluster' that supports higher order jobs and a wide range of goods and services.</p> <p>The addition of a private hospital would deliver jobs and services to the cluster, co-located with the Liverpool Health and Academic precinct, and help deliver on the Liverpool Innovation precinct.</p> <p>The proposal is consistent with this priority.</p>                              |
| <p>Priority W11 – Growing investment, business opportunities and jobs in strategic centres</p>    | <p>This priority seeks to encourage investment and business activity in centres.</p> <p>The proposal would promote the growth for health and education co-located with the Liverpool Health precinct, and would support job creation and service provision within the Liverpool metropolitan cluster.</p> <p>The economic impact assessment supporting the proposal identifies a total of 670 ongoing jobs would be created by the development.</p> <p>The proposal is consistent with this priority.</p>   |
| <p>Priority W15 – Increasing urban tree canopy cover and delivering Green Grid connections</p>    | <p>This priority aims to increase the urban tree canopy cover.</p> <p>The site is occupied by existing residential development with approximately 3 trees in the site area. The Urban Design report includes a place design principle for 'the creation of an active and engaging public realm', which includes maximising the tree canopy in streets and public spaces. The proposal also indicates that the podium will include a 'green roof', inclusive of a terrace with planting.</p> <p>The planning proposal has the ability to increase urban tree canopy on the site.</p> <p>The proposal is consistent with this priority.</p> |

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies as stated in the table below:

**Table 6 Local strategic planning assessment**

| Local Strategies                   | Justification  |
|------------------------------------|--|
| Local Strategic Planning Statement | <p>The proposal is consistent with the LSPS, including the following planning priorities:</p> <ul style="list-style-type: none"> <li>• Priority 4 – Liverpool is a Leader in innovation and collaboration.</li> <li>• Priority 6 – High-quality, plentiful and accessible community facilities, open space and infrastructure aligned with growth.</li> <li>• Priority 10 – A world class health, education, research and innovation precinct.</li> <li>• Priority 11 – An attractive environment for local jobs, businesses, tourism and investment.</li> </ul> <p>The proposed private hospital would provide an opportunity to strategically co-locate a new health service in the health and education precinct.</p> <p>The proposal addresses the priorities in the LSPS.</p> |
| Local Housing Strategy             | <p>While the proposal will result in the loss of approximately 50 dwellings (located within 3 residential flat buildings and one standalone dwelling), in a key location that is close to transport and services, it is considered that the proposal is generally consistent with the draft Local Housing Strategy because.</p> <ul style="list-style-type: none"> <li>• The local housing strategy states there is sufficient zoned capacity to deliver the forecast housing requirement for the Liverpool LGA.</li> <li>• The site is located in the B4 zone, so the land is not envisaged solely for residential purposes.</li> <li>• The proposal retains existing planning controls that enable residential development.</li> </ul>   |

### 3.4 Local planning panel (LPP) recommendation

The Liverpool Local Planning Panel (LPP) considered the proposal at its meeting on 27 June 2022.

The LPP considered that the proposal demonstrated strategic merit, being located adjacent to the Liverpool Public Hospital and within walking distance to the Liverpool City Centre and train station. The panel also noted that the establishment of a private hospital in the city centre is an objective of the Liverpool Local Strategic Planning Statement, the Liverpool Collaboration Area Place Strategy and the Land Use Analysis and Precinct Strategy for the Liverpool Innovation Precinct.

The Panel expressed concern about an absence of contextual and economic justification for the proposed extent of the uplift in height and FSR standards. In particular, the Panel noted that while the proponent has argued that the total proposed floor area is necessary to secure the intended future tenants, the economic justification supporting this is commercial in confidence.

The Panel was also unable to identify, from any strategic planning documents applying to the land, whether the existing built form character of the surrounding area will change and if so, to what extent.

As such, the Panel raised concerns that the proposal lacked supporting economic and design justifications for the magnitude of the proposed uplift.

The recommendations of the Panel were:

- a) the planning proposal amend the HOB and FSR of the LLEP 2008 relating to land at 61-71 Goulburn Street, Liverpool; and
- b) Council undertake an urban design assessment of the precinct surrounding Liverpool Public Hospital to identify its desired future character and that the planning proposal be assessed against the findings of the assessment prior to finalisation of the planning proposal.

The Department notes the Panel's concerns about the lack of information to support the GFA of the proposal. However, it is generally agreed that the site has demonstrates strategic merit for a private hospital.

The Department considers that the Liverpool Innovation Precinct Land Use and Precinct Strategy (September 2019) (**Appendix E**) provides high-level guidance as to the future use and development of the site and its surrounds, and that the proposal has been submitted with supporting documents including a site-specific urban design report (Hatch Roberts Day, May 2022) (**Appendix F**), a market needs analysis (Urbis, April 2022) (**Appendix N**) and a social and economic impact assessment (HillPDA, May 2022) (**Appendix O**). However, a Gateway condition has been included to require that the proposal provide further justification for the proposed built form.

## 3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

| Directions                           | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency   |
|--------------------------------------|----------------------------|--|
| 1.1 Implementation of Regional Plans | Consistent                 | <p>The proposal gives effect to the vision, land use strategy, goals, directions, and actions of the Greater Sydney Regional Plan as discussed in section 2 of this report.</p> <p>The Department considers that the proposal is consistent with this direction.</p>   |
| 1.4 Site Specific Provisions         | Inconsistent               | <p>The proposal seeks to include the site on the Key Sites Map and apply a site-specific provision to restrict the HOB and FSR increase to the use of a health services facility. It will retain all other permissible uses in the B4 zone.</p> <p>It is considered that a site-specific provision would ensure that development on the scale envisaged by the proposal is restricted to health care uses that deliver on key strategic priorities for the precinct while retaining all existing permissible uses.</p> <p>The Department considers that any inconsistency with this direction is justified. However, a Gateway condition to require that the proposal be updated to clarify the proposed amendments to the Liverpool LEP 2008.</p> |

| Directions                | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency  |
|---------------------------|----------------------------|---|
| 3.2 Heritage Conservation | Consistent                 | <p>The southern part of the site is in the Bigge Park Heritage Conservation Area, an area of local significance under the Liverpool LEP 2008. It has historical value as a colonial town square planned by Governor Macquarie in the early 1800's.</p> <p>The subject site does not contain any heritage items.</p> <p>The proposal includes a Preliminary Archaeological Aboriginal Culture and Historical Archaeological Advice (Austral Archaeology, December 2021) (<b>Attachment K</b>) which found low potential for Aboriginal cultural heritage and did not identify any requirements for further investigations into Aboriginal or historical archaeological material.</p> <p>The proposal is supported by a Historical Impact Statement (Austral Archaeology, May 2022) (<b>Attachment L</b>). It found that the proposal would not impact on the significance of historical heritage values.</p> <p>The Department considers that the proposal is consistent with this direction.</p>  |
| 4.1 Flooding              | Inconsistent               | <p>The objectives of this direction are to ensure the planning provisions that apply to flood prone land are commensurate with flood behaviour and include consideration of potential flood impacts both on and off the subject land. It applies when planning proposal creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>The 2022 NSW Independent Flood Inquiry (the Inquiry) recommended NSW move to a more risk-based approach to flooding and land use planning.</p> <p>While the site is not located within a flood planning area in Liverpool LEP 2008, the Department notes that it is identified as having overland flood risk in the Liverpool CBD Floodplain Management Plan 2007.</p> <p>Accordingly, the Department considers that there is insufficient information to demonstrate consistency with this direction. Conditions have been included Gateway determination to prepare a Flood Impact Assessment which addresses consistency with Ministerial Direction 4.1 Flooding and considers the findings and recommendations of the 2022 NSW Flood Inquiry, including an assessment of evacuation routes and transport modelling. The planning proposal should be updated to address the findings of the assessment.</p> <p>Consultation is required with DPE Resilience and Science, and the State Emergency Service. This is included as a condition on the Gateway determination.</p> <p>The Department considers that the proposal can be consistent with this direction once further information is provided.</p> |

| Directions                           | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency   |
|--------------------------------------|----------------------------|--|
| 4.4 Remediation of Contaminated Land | Inconsistent               | <p>This direction applies as the proposal seeks to develop the site for the purposes of a hospital.</p> <p>A preliminary site investigation (PSI) prepared by ERM (December 2021) (<b>Attachment M</b>) found a low risk to human health and ecological receptors due to potential pollutants but identified the following potential concerns:</p> <ul style="list-style-type: none"> <li>• uncontrolled fill materials associated with historical demolition, filling activities or construction,</li> <li>• impacted surface materials resulting from the degradation of hazardous materials within existing buildings,</li> <li>• impacted groundwater from current or historical chemical or fuel storage at nearby commercial and industrial buildings.</li> </ul> <p>The PSI recommended a detailed site investigation of soil and groundwater be undertaken with any planned change of use and/or construction work.</p> <p>The Department does not consider that the proposal has confirmed that the site is suitable for the proposed used.</p> <p>The Department has assessed that the proposal is inconsistent with this direction and has included a Gateway condition to address the inconsistency.</p> <p>The Department considers that the proposal can be consistent with this direction once further information has been provided.</p> |
| 4.5 Acid Sulfate Soils               | Consistent                 | <p>The site is identified as being within Class 5 Acid Sulfate Soil Area. The proposal's preliminary site investigation (ERM, December 2021) (<b>Attachment M</b>) identified that the site and surrounds have Class 5 Acid Sulfate Soils, and class 1 soils in the buffer area.</p> <p>The proposal has also indicated that future development will be required to be carried out in accordance with the Acid Sulfate Soils Manual.</p> <p>Given the site's classification as a Class 5 Acid Sulfate area, it is not considered that any further studies are required at this stage of the planning process.</p> <p>The Department considers that the proposal is consistent with this direction.</p>   |

| Directions                                  | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency   |
|---|----------------------------|--|
| 5.1 Integrating Land Use and Transport      | Consistent                 | <p>The site is located within walking distance of public transport including Liverpool train station, bus routes and cycle infrastructure.</p> <p>The Department considers that the proposal is consistent with this direction.</p> <p>Additionally, the Department has included a condition on the Gateway determination that Transport for NSW is consulted.</p>   |
| 6.1 Residential Zones                       | Inconsistent               | <p>The planning proposal applies to land in the B4 mixed use zone and therefore affects land in a residential zone.</p> <p>Whilst the planning proposal does not decrease permissible housing land uses, it will result in the loss of existing housing to facilitate redevelopment for a private hospital. Accordingly, the proposal is inconsistent with the Direction as it does not encourage the provision of housing or increase the diversity of housing supply.</p> <p>This inconsistency is justified because:</p> <ul style="list-style-type: none"> <li>As discussed in section 2 the proposal is consistent with the relevant strategic plans and the site is within an Innovation Precinct and is opposite the Liverpool Health and Education Precinct. The strategic plans also make provision for the delivery of housing in other parts of the LGA.</li> <li>A market needs study (Ethos Urban, 2022) supports the proposal which demonstrates there is unmet demand for medical services in Liverpool CBD. It states that the subject site is suitable for the proposed use due to its proximity to Liverpool Hospital and other tertiary educational institutions.</li> </ul> <p>The Department considers that the inconsistency with this Direction is justified.</p> |
| Direction 7.1 Business and Industrial Zones | Consistent                 | <p>The Proposal is located within a B4 Mixed Use zone and therefore this Direction is applicable.</p> <p>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.</p> <p>The Department considers that the proposal is consistent with this direction.</p>  |

### 3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

| SEPPs                                      | Requirement   | Consistent/<br>Not<br>Applicable | Reasons for Consistency or<br>Inconsistency   |
|--|---|----------------------------------|---|
| SEPP<br>Transport<br>and<br>Infrastructure | <p>Chapter 2 – Infrastructure (Part 2.3 Development Controls, Division 10 Health Services Facilities).</p> <p>Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.</p>   | Yes                              | <p>Under Section 2.60(1) of the SEPP, development for Health Services Facilities may be carried out with consent on land in a prescribed zone. The B4 Mixed Use zone is prescribed under Division 10, Cl.2.59 of the SEPP. A proposal for a health services facility is therefore permitted with consent under the SEPP.</p> <p>The SEPP requires any Traffic Generating Development to be referred to TfNSW. While details of the development will be refined at the DA stage, it forms a condition of Gateway that the proposal be referred to TfNSW, for consultation.</p> <p>The proposal is consistent with this SEPP.</p> |
| SEPP<br>Housing                            | <p>Chapter 2, Affordable Housing (Part 3 – Retention of existing affordable rental housing)</p> <p>A consent authority must consider any contribution to, or reduction of affordable housing, if the development will have adverse impacts on the community and if consideration has been given to assisting displaced residents.</p> | Yes                              | <p>The proposal will remove approximately 50 dwellings across four lots. The planning proposal considers that some of these existing dwellings may be affordable housing but has not provided information to confirm this. This will be assessed at the development application stage.</p> <p>The proposal has confirmed that if the development includes the removal of affordable dwellings, a contribution will be required as per the formula stipulated in the SEPP. This will be determined at the development application stage.</p> <p>The proposal is consistent with this SEPP.</p>                                   |
| Industry and<br>Employment                 | <p><b>Chapter 3 – Advertising and Signage</b></p> <p>A consent authority must consider the criteria specified in this chapter when determining an application to display signage.</p>   | Yes                              | <p>Any signage associated with future commercial premises on the site would be assessed in accordance with SEPP.</p> <p>The proposal is consistent with this SEPP.</p>  |

| SEPPs               | Requirement   | Consistent/<br>Not<br>Applicable | Reasons for Consistency or<br>Inconsistency   |
|---------------------|---|----------------------------------|---|
| Planning<br>Systems | <p>Chapter 2 State and regional development (Part 2.2 State Significant Development)</p> <p>Development is declared to be State significant development if it meets specified criteria.</p> | Yes                              | <p>The SEPP identifies the criteria for categorising development as state or regionally significant development. A hospital is identified in Schedule 1.</p> <p>This proposal has previously been submitted as an SSD (#10430) and it is noted that the proposal may progress down through this planning pathway in future.</p> <p>The proposal does not interfere with the application of, and is therefore consistent with this SEPP.</p> |

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 9 Environmental impact assessment**

| Environmental Impact | Assessment  |
|----------------------|---|
| Flooding             | <p>As discussed in section 3.5 of this report, the site is not located within a flood planning area in Liverpool LEP 2008, however it is identified as having overland flood risk in the Liverpool CBD Floodplain Management Plan 2007.</p> <p>The FMP categorises the southern portion of Goulburn Street (directly in-front of the site) as 'high flood hazard'. It has also modelled the site across 5, 20 and 100 years as having 0.2 – 0.4m flow depth in a flood event.</p> <p>It is noted that the FMP was prepared in 2007, and it is therefore unclear if there has been work undertaken since then to minimise or mitigate flood risk in the Liverpool CBD.</p> <p>The 2022 NSW Independent Flood Inquiry (the Inquiry) recommended NSW move to a more risk-based approach to flooding and land use planning.</p> <p>Given the potential risk of overland flooding on the site, as well as the plan to relocate the stormwater easement it is considered that further information is required to address flood risks and impacts.</p> <p>Conditions have been included in the Gateway determination requiring preparation of a Flood Impact Assessment which addresses consistency with Ministerial Direction 4.1 Flooding and considers the findings and recommendations of the 2022 NSW Flood Inquiry, including an assessment of evacuation routes and transport</p> |

|                |   |
|----------------|---|
|                | <p>modelling. The planning proposal should be updated to address the findings of the assessment.</p> <p>Consultation is required with DPE Resilience and Science, and the State Emergency Service. This is included as a condition on the Gateway determination.</p>  |
| Visual Impacts | <p>The planning proposal seeks a significant increase to height and FSR controls to facilitate the development. While there are a number of taller buildings in the Liverpool city centre, adjoining development is predominately 3-5 storeys in height. The nearby development is older in style - if it were to be redeveloped under the existing controls, buildings could reach between 24m and 35m in height.</p> <p>A visual impact assessment (VIA) (Hatch Roberts Day, November 2021) (<b>Attachment J</b>) submitted in support of the proposal considers the proposal's impact on the surrounding area. It included a series of photomontages that illustrated how the development would look from different vantage points and an assessment of the visual impact at each location based on criteria including sensitivity of the landscape and magnitude of change.</p> <p>The VIA also recommends mitigation measures to limit the visual impact of the proposal (e.g. retention of established trees, landscaping on podium levels, façade articulation and colour selection to better blend with landscape).</p> <p>The Department notes that the VIA was prepared based on a previous scheme. It therefore forms a Gateway condition that a VIA is prepared which aligns with the current proposal, given that both the height and FSR have decreased since the original VIA was prepared in November 2021.</p> |
| Overshadowing  | <p>The increased height of the proposal has potential to create overshadowing impacts on existing residential flat buildings adjacent to the site, and nearby Bigge Park.</p> <p>The proposal has provided limited information to demonstrate how the building envelopes created by the proposed height and FSR provisions would ensure that neighbouring properties retain minimum levels of solar access and the full impact of overshadowing impacts on Bigge Park.</p> <p>It forms part of the Gateway conditions that the planning proposal be updated to:</p> <ul style="list-style-type: none"> <li>• address overshadowing impact on neighbouring residential buildings (including but not limited to 73-75 Goulburn Street, 9 Elizabeth Street and 108 Bigge Street). This should include shadow diagrams and demonstrate that compliance with SEPP 65 requirements is achievable.</li> <li>• update the shadow diagrams for impact on Bigge Park to include the 10am and 11am (21 June).</li> </ul>   |
| Built form     | <p>The proposal seeks significant increases to the permissible height and FSR. While there are a number of taller buildings in the Liverpool city centre, adjoining development is predominately 3-5 storeys in height. As discussed in this report, the LPP and Council raised concerns about whether the existing built form character of the surrounding area will change and if so, to what extent.</p> <p>The Department notes that the proposal has been submitted with a range of supporting documents, including a site-specific urban design report and a social and economic impact assessment. It is also noted that the Liverpool Innovation Precinct Land Use and Precinct Strategy (September 2019) provides high-level guidance as to the future use and development of the site and its surrounds. The Department is not aware of any in-depth urban design studies for the wider precinct that have provided guidance on future built form outcomes.</p>   |

A condition to this effect forms part of the Gateway determination. It forms a condition of the Gateway determination that the planning proposal is updated to provide further justification for the proposed built form, with consideration to the impact on neighbouring residential uses and the alignment with the existing and potential built form of the site's immediate surrounds (including the block it is located on, and surrounding blocks).

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 10 Social and economic impact assessment**

| Social and Economic Impact | Assessment   |
|----------------------------|--|
| Social                     | <p>A social and economic impact assessment was prepared by HillPDA (May 2022) in support of the SSD application and has been included as part of this planning proposal.</p> <p>The assessment identified a range of social impacts that could be expected from the proposal and identified mitigation measures to reduce impacts. Matters addressed include amenity (e.g., noise, vibration, dust etc. during construction, increased overshadowing, loss or reduction of views, emissions from hospital operations), and changes to the character of the area, including loss of residential buildings.</p> <p>The assessment considered that positive social impacts from the proposal would include increased job opportunities, enhanced access to health care services and a reduced demand on the public health care system.</p> <p>The Department considers that many of the negative social impacts identified in the report were addressed with appropriate mitigation measures, many of which are a matter for consideration later in the planning and construction phases. It is considered that social impacts have been suitably addressed for the proposal to proceed to public exhibition and agency consultation.</p> |
| Economic                   | <p>The Social and Economic impact assessment (HillPDA, May 2022) found that the proposal would generate a range of direct and indirect effects, including industry value-add, employment and investment stimulus. The assessment estimated the following as a result of the proposal:</p> <ul style="list-style-type: none"> <li>• \$971.6 million in gross economic output during design and construction</li> <li>• A combined staff remuneration of \$72.7 million a year</li> <li>• 670 jobs post-construction.</li> </ul> <p>A Market Needs Analysis (Ethos Urban, April 2022) (<b>Attachment O</b>) identified, for the South-West study area, in which the proposal sits:</p> <ul style="list-style-type: none"> <li>• An anticipated increase in hospital admissions</li> <li>• A rising gap in hospital beds (currently at -1,810)</li> <li>• A lack of consulting spaces in the study area</li> <li>• A rising demand for training and education spaces</li> <li>• There is a demand that the proposed development would fulfil.</li> </ul>  |

The study also stated that the proposal would complement, rather than compete with, existing health services in the Liverpool City Centre.

The minutes from the Local Planning Panel (LPP) meeting on 27 June 2022 show that the Panel was advised that the total amount of proposed floor area proposed is necessary to secure the intended future tenants, however that the economic justification supporting this was described as commercial in confidence. Council resolved on 31 August 2022 that it be recommended to the Department that a detailed economic demand analysis be conditioned as part of any Gateway determination.

The Department is aware that the proponent has been in discussion with a health-care operator to achieve an optimal mix of hospital and consulting floor space suitable to ensure the appropriate balance of hospital and other floor space, and that a Market Needs Analysis has been undertaken to support the proposal.

The Department also noted that the proposal seeks to permit this use as an additional local provision and does not reduce the exiting permissible uses on the land. The Department considers that the proposal is suitable to proceed to public exhibition and should there be any change to the proposed building height following exhibition, then an economic analysis could be provided at finalisation to confirm the ongoing suitability of the site for the proposal.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 11 Infrastructure assessment**

| Infrastructure                                   | Assessment  |
|--|---|
| Liverpool Public Hospital Helicopter Flight Path | <p>The subject site is located under the Liverpool Hospital helicopter flight path. As a protection measure, the flight path is mapped on the Key Sites Map. Under Clause 7.17A of the LLEP 2008, development consent cannot be given to development in the flight path unless the consent authority has:</p> <ul style="list-style-type: none"> <li>referred the application to South West Sydney Local Health District (SWSLHD) for review and considered their response; and</li> <li>is satisfied that the development does not present a hazard to helicopters.</li> </ul> <p>It is also noted that Cl. 7.17A does not provide any specific height triggers for referral to SWSLHD.</p> <p>Liverpool Hospital is a tertiary referral hospital within the NSW hospital network and protecting this flight path is important. It forms a condition of the Gateway determination that both SWSLHD and the Civil Aviation Safety Authority (CASA) are consulted.</p> |

|                       |   |
|-----------------------|---|
| Traffic and Transport | <p>The planning proposal is accompanied by a traffic impact assessment (TIA) (<b>Attachment H</b>), which identifies that an additional 403 vehicles per hour are expected to be generated from the proposal when operating at full capacity. The assessment included a SIDRA analysis of the key intersections and confirmed that they will continue to perform well with the increased load.</p> <p>The assessment notes that the proposal provides a total of 327 car parking spaces. This exceeds the minimum parking requirement of 219 car parking spaces in the Guide to Traffic Generating Developments and 211 spaces requirement in the LEP. The Department notes that any additional parking will be counted towards GFA, which will reduce the potential yield of the building.</p> <p>In addition to the TIA, Council's assessment of the proposal has shown that 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. Council has indicated that it does not support the proposed access arrangements.</p> <p>Council has indicated that it will require a green travel plan, provision for a future bus stop and disabled parking and details on the delivery mechanism of the proposed pedestrian bridge into the public hospital.</p> <p>The Department notes the concerns raised by Council and includes as a condition of the Gateway determination that the proposal also be referred to Transport for NSW.</p> |
| Stormwater easement   | <p>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.</p> <p>The proposed building encroaches upon the easement and seeks to relocate the easement to the northern boundary and redirect overland flows around the proposed building footprint.</p> <p>The Department notes Council is prepared to consider the relocation of the easement if there are no negative resulting impacts upon stormwater/overland flows. The WSUD and Stormwater Report (Henry and Hymas, November 2021) (<b>Attachment I</b>) finds that the relocation of the easement and overland flows does not add additional impact related to stormwater/overland flow.</p> <p>Council has requested further information to assess the suitability of the engineered solution. Accordingly, it forms a condition of the Gateway determination that the proponent works with Council to identify an appropriate solution for the easement relocation prior to finalisation.</p>   |
| Utilities             | <p>The site is located in an established urban area and is occupied by existing residential development which has access to water, wastewater, electricity, gas and telecommunications. These may require upgrading to service the proposal.</p> <p>It is recommended the Sydney Water and the relevant service providers are consulted on the planning proposal. A Gateway condition has been included to this effect.</p>   |

## 5 Consultation

### 5.1 Community

Council did not indicate the number of days they considered adequate for community consultation.

The Department considers that, based on the category of the planning proposal (standard), an exhibition period of 20 working days is required. A condition to this effect has been included in the Gateway determination.

## 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Sydney South West Local Health District
- Civil Aviation Safety Authority
- Department of Planning and Environment – Biodiversity and Conservation Division
- Department of Planning and Environment – Resilience
- Transport for NSW
- Utility providers, including Sydney Water.

## 6 Timeframe

Council proposes a 10 month time frame to complete the LEP.

The Department recommends a time frame of 10 months to ensure it is completed in line with its commitment to reduce processing times. 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.

Given the additional information required to confirm the impacts of flooding on the site, the Department does not recommend 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:

- It is consistent with the objectives and priorities of the Greater Sydney Regional Plan, Western City District Plan and the Local Strategic Planning Statement (Connected Liverpool 2040)
- It is consistent with relevant State Environmental Planning Policies
- It aligns with the Liverpool Collaboration Area Place Strategy and Innovation Precinct
- It delivers additional health services to an area where there is growing demand for health infrastructure
- It will provide 670 ongoing jobs, post-construction.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Confirm how the proposal seeks to amend the Liverpool LEP 2008 and update any relevant maps to be suitable for public exhibition purposes.
- Address overshadowing impact on neighbouring residential buildings (including but not limited to 73-75 Goulburn Street, 9 Elizabeth Street and 108 Bigge Street). This should include shadow diagrams and demonstrate compliance with SEPP 65 requirements is achievable.

- Update the shadow diagrams in the concept design to include:
  - hourly shadow diagrams between 8am and 5pm on 21 June and hourly vertical shadow diagrams showing the façade of adjoining buildings, and
  - shadow diagrams for Bigge Park at 10am and 11am on 21 June.
- Provide a revised visual impact assessment (VIA) that aligns with the current proposal.
- Provide further justification for the proposed built form controls, with consideration to the impact on neighbouring residential uses and alignment with the existing and potential built form of the sites immediate surrounds (including the block it is located on, and surrounding blocks).
- Identify and confirm an appropriate solution for the easement relocation, to Council's satisfaction.
- Prepare a Flood Impact Assessment which addresses consistency with Ministerial Direction 4.1 Flooding and considers the findings and recommendations of the 2022 NSW Flood Inquiry, including an assessment of evacuation routes and transport modelling. The planning proposal should be updated to address the findings of the assessment.
- Address Ministerial Direction 4.4 and confirm the site is suitable for the proposed use.
- Reflect current numbering of the Ministerial Directions and provide an assessment against Ministerial Direction 1.4 – Site Specific Provisions.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Site Specific Provisions and 6.1 Residential Zones are justified; and
- Note that the consistency with section 9.1 Directions Direction 4.1 Flooding and 4.4 Remediation of Contaminated Land are unresolved and will require justification.

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

1. The planning proposal is to be updated to:
  - Confirm how the proposal seeks to amend the Liverpool LEP 2008 and update any relevant maps to be suitable for public exhibition purposes.
  - Address overshadowing impact on neighbouring residential buildings (including but not limited to 73-75 Goulburn Street, 9 Elizabeth Street and 108 Bigge Street). This should include shadow diagrams and demonstrate that compliance with SEPP 65 requirements is achievable.
  - Update the shadow diagrams to include hourly shadow diagrams between 8am and 5pm on 21 June and hourly vertical shadow diagrams showing the façade of adjoining buildings.
  - Provide a revised visual impact assessment (VIA) that aligns with the current proposal.
  - Provide further justification for the proposed built form, with consideration to the impact on neighbouring residential uses and the alignment with the existing and potential built form of the site's immediate surrounds (including the block it is located on, and surrounding blocks).
  - Identify and confirm an appropriate solution for the easement relocation, to Council's satisfaction.
  - Prepare a Flood Impact Assessment which addresses consistency with Ministerial Direction 4.1 Flooding and considers the findings and recommendations of the 2022 NSW Flood Inquiry, including an assessment of evacuation routes and transport

modelling. The planning proposal should be updated to address the findings of the assessment.

- Address Ministerial Direction 4.4 and confirm the site is suitable for the proposed use.
- Reflect current numbering of the Ministerial Directions and provide an assessment against Ministerial Direction 1.4 – Site Specific Provisions.

2. Consultation is required with the following public authorities:

- Sydney South West Local Health District
- Civil Aviation Safety Authority
- Department of Planning and Environment – Biodiversity and Conservation Division
- Department of Planning and Environment – Resilience
- Transport for NSW
- Utility providers, including Sydney Water.

3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

4. The timeframe for completing the LEP is to be 10 months from the date of the Gateway determination.

5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



5/12/2022

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