

At Gateway Determination

Planning proposal (Department Ref: PP-2021-7276): introduce a site-specific clause to enable increased height and floor space ratio (FSR) for the purposes of a health services facility and ancillary uses at 61-71 Goulburn Street, Liverpool.

I, the A/Director at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Liverpool Local Environmental Plan 2008 to introduce site specific provisions should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to:
 - a) Confirm how the proposal seeks to amend the Liverpool LEP 2008 and update any relevant maps to be suitable for public exhibition purposes.
 - b) 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.
 - c) Update the shadow diagrams in the concept design to include:
 - a. hourly shadow diagrams between 8am and 5pm on 21 June and hourly vertical shadow diagrams showing the façade of adjoining buildings, and
 - b. shadow diagrams for Bigge Park at 10am and 11am on 21 June.
 - d) Provide a revised visual impact assessment (VIA) that aligns with the current proposal.
 - e) 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 sites immediate surrounds (including the block it is located on, and surrounding blocks).
 - f) Identify and confirm an appropriate solution for the easement relocation, to Council's satisfaction.
 - g) 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.
 - h) Provide additional information with regard to Ministerial Direction 4.4 to confirm that the site is suitable for the proposed use.
 - i) Reflect current numbering of the Ministerial Directions and provide an assessment against Ministerial Direction 1.4 – Site Specific Provisions.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard, as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and

- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- 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.
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority.
6. The LEP should be completed on or before 22 September 2023.

Dated 5th day of December 2022.



Robert Hodgkins
A/Director
Central (Western)
Department of Planning and Environment

Delegate of the Minister for Planning and Homes