

7 CONCLUSION

- 7.1 The Department has reviewed the environmental assessment, issues raised in submissions, submissions report, Statement of Commitments, and technical advice and assistance provided by relevant Government authorities.
- 7.2 The declaration of the project as a critical infrastructure project highlights the strategic need for the proposal to the wider community and the social and economic benefits that delivery of the project will secure:
- creation of up to 1000 construction jobs and up to 1900 operational jobs;
 - multiplier effects associated with attracting and supporting complimentary services and facilities within the Liverpool Town Centre;
 - improved access for staff and patients leading to increased productivity;
 - improved functionality and connectivity facilitating operating efficiencies;
 - provision of 355+ additional beds improving the growing community's access to high level health and hospital services;
 - continuation of strong community and cultural associations with the hospital site;
 - a highly accessible health care facility;
 - consolidation of a knowledge based precinct;
 - provision of jobs creating confidence and community well-being in a locality with higher than average unemployment rates;
 - improved health outcomes for the whole community;
 - creation of better experiences for people using the health care system; and
 - strengthening of primary health and continuing health care in the community.
- 7.3 The importance of the proposal is reinforced through the State Government's Metropolitan Strategy and State Infrastructure Strategy which respectively identify Liverpool and the Hospital as key Government initiatives.
- 7.4 The most significant issue raised during assessment is the future tenure of the existing level crossing and the impacts associated with the proposed Southern Sydney Freight Line and Liverpool Turnback projects. Following the exhibition period the proponent met with representatives the Department and relevant Government authorities to resolve outstanding issues. Consensus was reached between the parties and the Infrastructure Implementation Group within the Premiers Department continues to oversee negotiations relating to detailed design matters within and adjacent to the rail corridor. These discussions will be formalised through a number of planning agreements to be executed between NSW Health, RailCorp, Transport Infrastructure Development Corporation and the Australian Rail Track Corporation.
- 7.5 The proposal is predominantly contained within the Hospital's boundaries, although a small portion of Concept Plan encroaches on land currently occupied by the adjoining TAFE College. The Department notes the sensitivities associated with the heritage significance of the TAFE buildings and has accordingly drafted a set of design principle to guide any future development on that site.

- 7.6 The north link road will require acquisition of land parcels currently owned by RailCorp, Department of Education and Training, Liverpool City Council and Department of Planning. All parties have indicated in principle support for the proposal and have advised they would be willing to enter into a planning agreement with NSW Health to facilitate the proposal.
- 7.7 The Department in its assessment of the proposal considered the existing environment and future strategic plans for the wider Metropolitan region. The Department is of the view that the proposal is sustainable and provides an optimal solution in the context of adjoining existing and proposed land uses.
- 7.8 The combination of the proponent's statements of commitment together with supplementary modifications of approval that are recommended to be imposed by the Minister will effectively mitigate and manage the environmental impacts of the proposal and provide a balanced and acceptable planning outcome between the proposal's impacts, and the public interest.
- 7.9 The strategic benefits of the proposal are such that the Department sees no reason why preparatory site works could not commence immediately.
- 7.10 Consequently, the Department **recommends that the Concept Plan be approved** and in doing so the project application for early works also be approved subject to the imposition of conditions set out in Appendix A.

APPENDIX A. CONDITIONS OF APPROVAL

APPENDIX B. STATEMENT OF COMMITMENTS

APPENDIX C. PREFERRED PROJECT REPORT

APPENDIX D. RESPONSE TO SUBMISSIONS

APPENDIX E. COPIES OF SUBMISSIONS FROM PUBLIC AUTHORITIES

APPENDIX F. ENVIRONMENTAL ASSESSMENT

APPENDIX G. ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Part 3A of the Environmental Planning and Assessment Act 1979 (the Act)

On 1 August 2005, Part 3A was introduced to the Environmental Planning and Assessment Act 1979 (EP&A Act). Part 3A and its accompanying Regulations and Guidelines (the latter yet to be gazetted), contains a new assessment and determination framework for major projects.

The Minister, has formed the opinion that the development to which this application relates is a project for the purposes of Part 3A of the Act. The project application to which this Environmental Assessment report relates has therefore been lodged pursuant to Section 75E of the Act, for approval to carry out a project as defined in Part 3A of the Act.

In forming the opinion, the Minister also authorised submission of a concept plan for the project.

STATE ENVIRONMENTAL PLANNING POLICIES

Section 75R of the Act excludes the application of all environmental planning instruments other than State Environmental Planning Policies (SEPPs) that specifically relate to the project. Whilst there are no such SEPPs and therefore the Department is not required to take into account any State policy, the Department has considered those State policies that would have applied prior to the declaration of the redevelopment as a critical infrastructure project.

State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP)

The Major Projects SEPP outlines the types of development declared a project for the purposes of Part 3A of the Act. For the purposes of the Major Projects SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within it.

On 6 April 2006, the Minister formed the opinion that the project is a development which meets the criteria of Clause 18, Group 7 of Schedule 1 of the SEPP – Health and Public Service Facilities. The Minister satisfied himself that the development is development for the purposes of a hospital with a Capital Investment Value (CIV) of \$390 million, which exceeds the \$15 million threshold identified in the SEPP. Accordingly, the Minister the approval authority.

On 29 September 200, the Minister formed an opinion pursuant to Clause 6A of the Major Projects SEPP that the proposal is development described in Schedule 5 of that Policy and therefore is a critical infrastructure project.

State Environmental Planning Policy 11 – Traffic Generating Developments (SEPP 11)

The development satisfies Criteria (o) of Schedule 2 in SEPP 11, namely:

The erection of a building for the purposes of a hospital with accommodation for 100 or more beds or the enlargement or extension of a building for the purposes of a hospital where that enlargement or extension provides accommodation for 100 or more beds.

The RTA was consulted on 29 August and has not provided a response to date.

State Environmental Planning Policy No. 55 (Remediation of Land) (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying that certain considerations be made by the

consent authority when determining development applications in general, and where relevant, land has been appropriately remediated.

The proponent has prepared a preliminary investigation of the land concerned in accordance with the contaminated land planning guidelines. The *Stage 1 Environmental Site Investigation Report* included a site inspection, review of geology and groundwater conditions and limited soil sampling and analyses. The Report's conclusions and recommendations are as follows;

- No obvious on-site or nearby off-site activity was present that could be expected to generate significant soil or groundwater contamination.
- Contaminated imported fill material and asbestos clad buildings are considered to be the only potential contamination sources. Accordingly, it is recommended that a licensed asbestos contractor be engaged to monitor and certify asbestos removal.
- No elevated levels of contaminants or significant quantities of contaminated soils have been detected to date. Further assessment should be undertaken where significant amounts of soil will be exposed / disturbed. Such investigations should occur following removal of the existing buildings on the site.
- Further analysis of samples for waste classification will be required if off-site disposal of excess soil is undertaken as part of the proposed development.
- Groundwater was not considered to be a significant resource in the area and on that basis had not been considered in detail to date. Investigation of groundwater conditions may be required at a later date especially where significant soil contamination is encountered.
- During demolition and / or excavation works, the site should be regularly inspected by experienced environmental personnel to assess any unexpected conditions or subsurface facilities that may be discovered. Demolition should also be undertaken in accordance with *Australian Standard AS 2601 – 2001: The Demolition of Structures*.

Based on the above, the site is considered suitable for the proposed development subject to the above recommendations. The proponent's Statement of Commitments incorporates all recommendations made within the *Stage 1 Environmental Site Investigation Report* which the Department believes can be satisfied during the proposed early works. The Department has recommended a modification be imposed requiring all future project applications to demonstrate full future compliance with SEPP 55 requirements.

OTHER ENVIRONMENTAL PLANNING INSTRUMENTS (EPI's)

Section 75R(3) of the Act provides that EPI's (other than State Environmental Planning Policies) do not apply to or in respect of a critical infrastructure project. The Department has nevertheless undertaken an assessment of relevant LEP provisions applicable to this project as set out below.

Liverpool Local Environmental Plan 1997

Zoning

The land to which the Liverpool Hospital Concept Plan applies is predominantly zoned 5(a) Special Uses, the objectives of which are:

- (a) *to identify land to owned, used or required to be used by or under the authority of a public authority, and*
- (b) *to permit a range of uses which are compatible with the locality.*

The remaining portions of the site are zoned 2(c) Residential – Flat Buildings, 5(b) Special Uses – Railways, 5(c)

Special Uses – Arterial Road and 6(a) Recreation – Public. Their respective zone objectives are outlined in the Table below:

Zone	Objectives
2(c) Residential – Flat Buildings	<ul style="list-style-type: none"> a) to identify land to be primarily used for residential flat buildings, subject to a height limit, and b) to permit other forms of housing, including dwelling houses, dual occupancy housing, integrated housing, multiple dwellings and housing for aged or disabled persons, and c) to permit other types of development, if they do not adversely affect the amenity of the locality, and d) to permit development which serves the residents of the zone, and e) to permit residents to work at home if that does not adversely affect the amenity of the locality.
5(b) Special Uses – Railways	<ul style="list-style-type: none"> a) to identify land required for existing or proposed railways, and b) to permit a range of uses on that land.
5(c) Special Uses – Arterial Road	<ul style="list-style-type: none"> a) to identify land required for existing or proposed arterial roads, including the widening of existing arterial roads.
6(a) Recreation – Public	<ul style="list-style-type: none"> a) to ensure that there is a sufficient and equitable distribution of open space to meet the recreational needs of residents and to enhance the environment of Liverpool, and b) to ensure preservation of significant landscape elements.

Development must be consistent with the objectives of the zone

Clause 9(4) of Liverpool LEP provides that development consent must not be granted unless regard has been given to:

- (a) *the general objectives and other objectives of the LEP;*
- (b) *the objectives of the zone or smart growth precinct in which the development is proposed to be carried out,*
- (c) *in the case of land within a smart growth precinct, any relevant recommendations for the design and other features of the proposed development are indicated on the precinct map for the precinct; and*
- (d) *The proposed distribution of land uses proposed by the Concept Plan is entirely consistent with the objectives of each of the LEP zones.*

Accordingly, future development will not compromise the intent of any of these zones. The proposal is not situated in a smart growth precinct.

Development which can be carried out with consent

Hospitals are permissible in the 2(c) Residential – Flat Buildings and 5(a) Special Uses zones with development consent. Roads, which are proposed to be located in the remaining 5(b) Special Uses – Railways, part 5(c) Special Uses – Arterial Road, and part 6(a) Recreation – Public zones are also permissible with development consent pursuant to clause 9(4) of Liverpool LEP.

Heritage

The adjoining South Western Sydney Institute of TAFE and Bigge Park, both immediately south of the West Campus are identified as heritage items under Liverpool's LEP. The Liverpool LEP also establishes the Bigge Park Conservation Area, which encompasses the southern section of the Hospital site, Liverpool TAFE and Bigge Park.

The LEP also identifies the Hospital's existing Emergency Building, Liverpool TAFE and 1 Campbell Street as potential archaeological sites. The identification of those structures as potential archaeological sites triggers consideration Clause 77 in Liverpool's LEP during development assessment under Part 4 of the EP&A Act. Whilst

not strictly applicable under Part 3A and particularly not in the case of critical infrastructure projects, those provisions are outlined below by way of reference only:

Clause 77 – Development of known or potential archaeological sites

- (1) The Council may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the National Parks and Wildlife Act 1974) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:
 - a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife, and
 - b) it has notified the Director-General of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent, and
 - c) it is satisfied that any necessary consent or permission under the National Parks and Wildlife Act 1974 has been granted.
- (2) The Council may grant consent to carry out development involving the excavation or filling of land or the erection (involving disturbance of the land) or demolition of buildings on land which is an archaeological site that has non-Aboriginal significance or a potential archaeological site that is reasonably likely to have non-Aboriginal significance only if:
 - a) it has considered an archaeological report, and
 - b) it is satisfied that any necessary excavation permit required by the Heritage Act 1977 has been granted.

Development Control Plans

Liverpool City Council has in excess of 50 Development Control Plans ("DCP") that apply in the LGA. Of those, no more than 10 DCPs would have applied to the Liverpool Hospital redevelopment had it been assessed under Part 4. The majority of these DCPs relate to standard matters such as advertising, waste management and exempt and complying development. The key DCPs that relate to the Hospital are DCP 03 – Parking and Service Provision, and DCP 30 – City Centre.

DCP 03 provides no car parking rates for hospital developments, however it does require the submission of a report to determine parking and traffic requirements. The DCP provides that parking is to be convenient to the distribution of destinations on site site facilities for heavy rigid vehicles are to be provided, and facilities are to be designed to ensure waste collection can be undertaken. As discussed in Section 6, car parking and traffic requirements have been adequately addressed. The proposal also generally complies with the principles of distributing car parkings and ensuring adequate servicing design. Future project applications are required to demonstrate car parking quantum and justification.

DCP 30 applies to the City Centre and contains development guidelines for height, setbacks, solar access and shading, private open space, car parking, materials, heritage considerations, etc. Under the DCP, Liverpool Hospital is recognised as a public facility, but does not outline any specific development controls other than setting a maximum 8 storey (26 metre) height control over the site, subject to "master plan block approval". Similarly the adjoining TAFE site is also recognised a public facility and requires master plan block approval, however the height controls are limited to "predominantly four storeys (14metres)".

The general objectives of the DCP are to:

- (a) *a 24 hour CBD employing a daily workforce of at least 30, 000 persons by 2021;*
- (b) *a CBD is that is both legible and accessible, with significantly increased densities so as to promote a high quality residential, commercial and mixed use precincts;*

- (c) *a retention and maintenance of the fundamental CBD design components including enhanced heritage elements, an active retail openness and a high visual quality in the public domain;*
- (d) *public transport priority with a pedestrian focus occurring within the core area and short term parking provision along the road Ring Road system; and*
- (e) *promotion of initiatives that will provide economic development in the CBD.*

The anticipated employment generation and provision of expanded hospital facilities clearly satisfies the DCPs objectives to increase the local workforce and retain / maintain fundamental CBD design components. The Department's assessments has taken into account the heritage and visual impacts of the proposal and has formed the view that the proposal will have little impact or can be ameliorated through the recommended modifications. The car parking rates and general access arrangements are clear and direct responses to the promotion of public transport usage and diversion of traffic away from the CBD and onto the ring roads. The economic benefits of the proposal have been clearly articulated in Section 6.

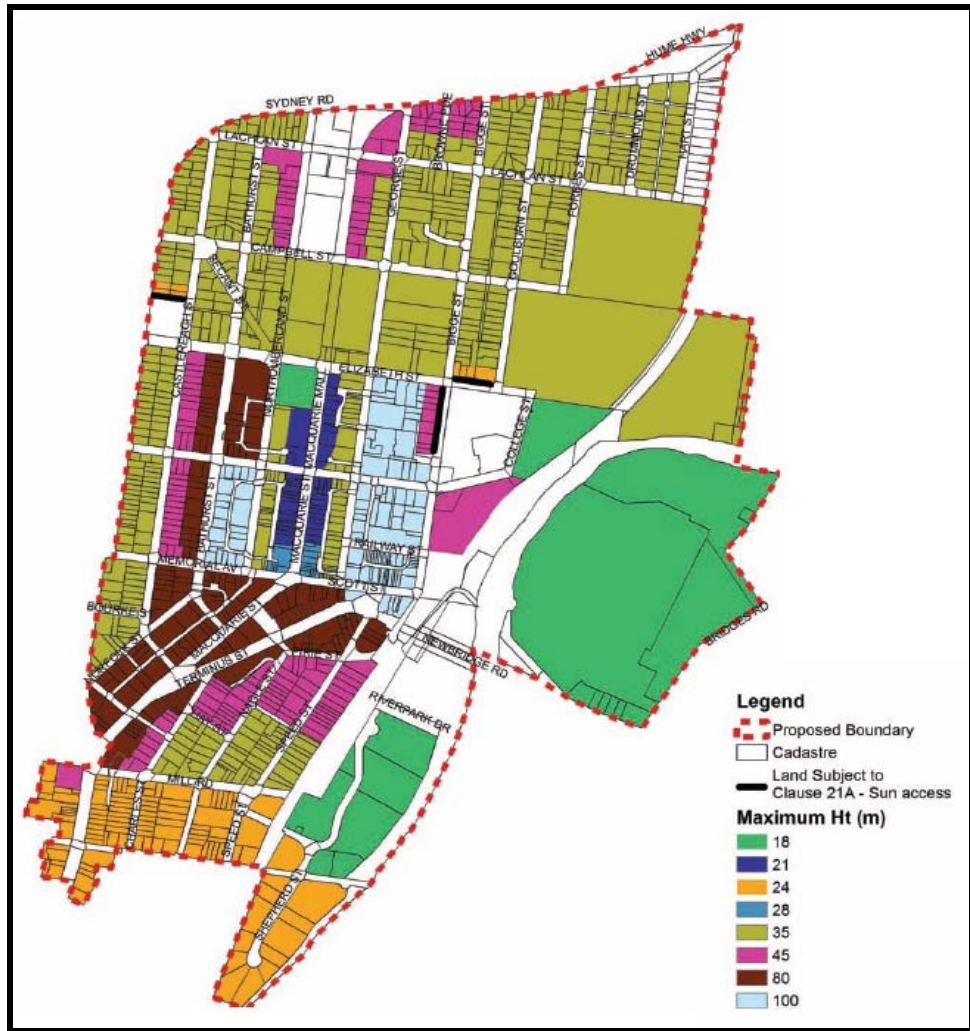
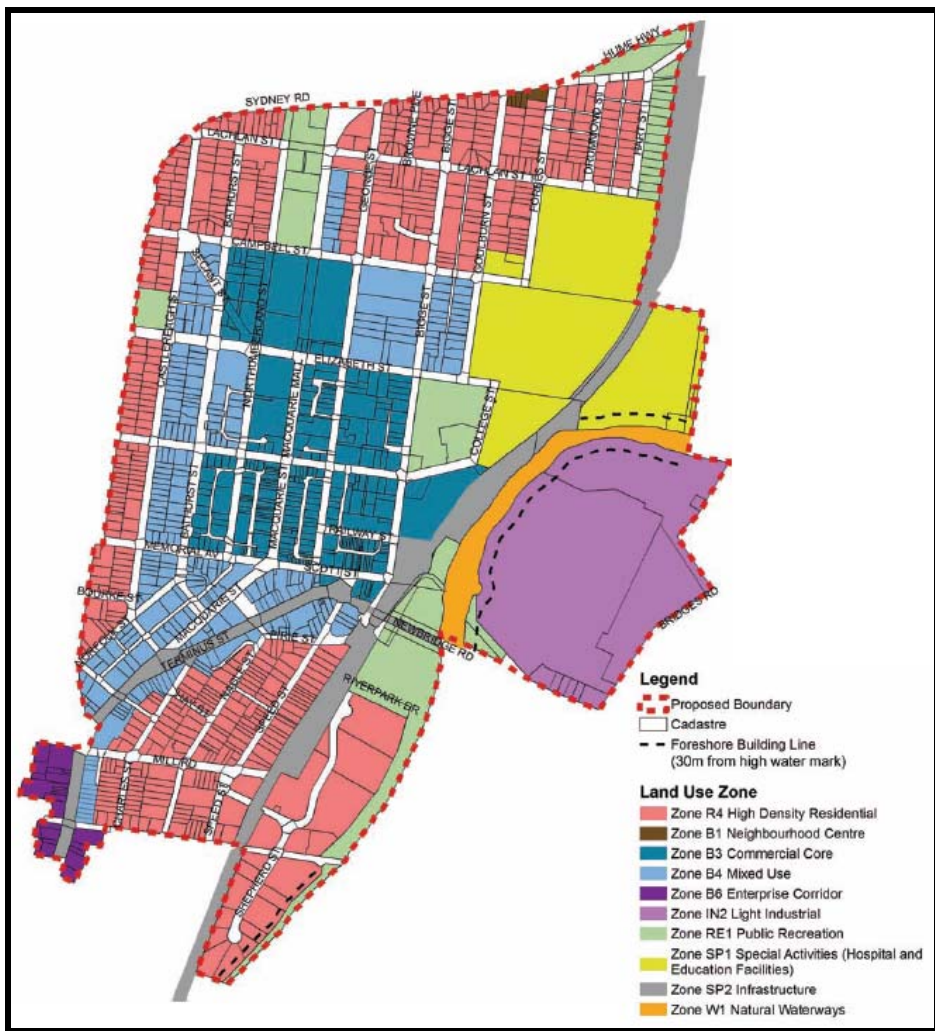
LIVERPOOL TOWN CENTRE STRATEGY

The Department's Cities Taskforce, announced in February 2006, is designed to boost job, housing and lifestyle opportunities in regional cities across NSW. It will also help these cities become drivers of the NSW economy. The Cities Taskforce project is currently focusing on delivering visions and detailed planning and civic improvement strategies for Liverpool in partnership with the relevant local council.

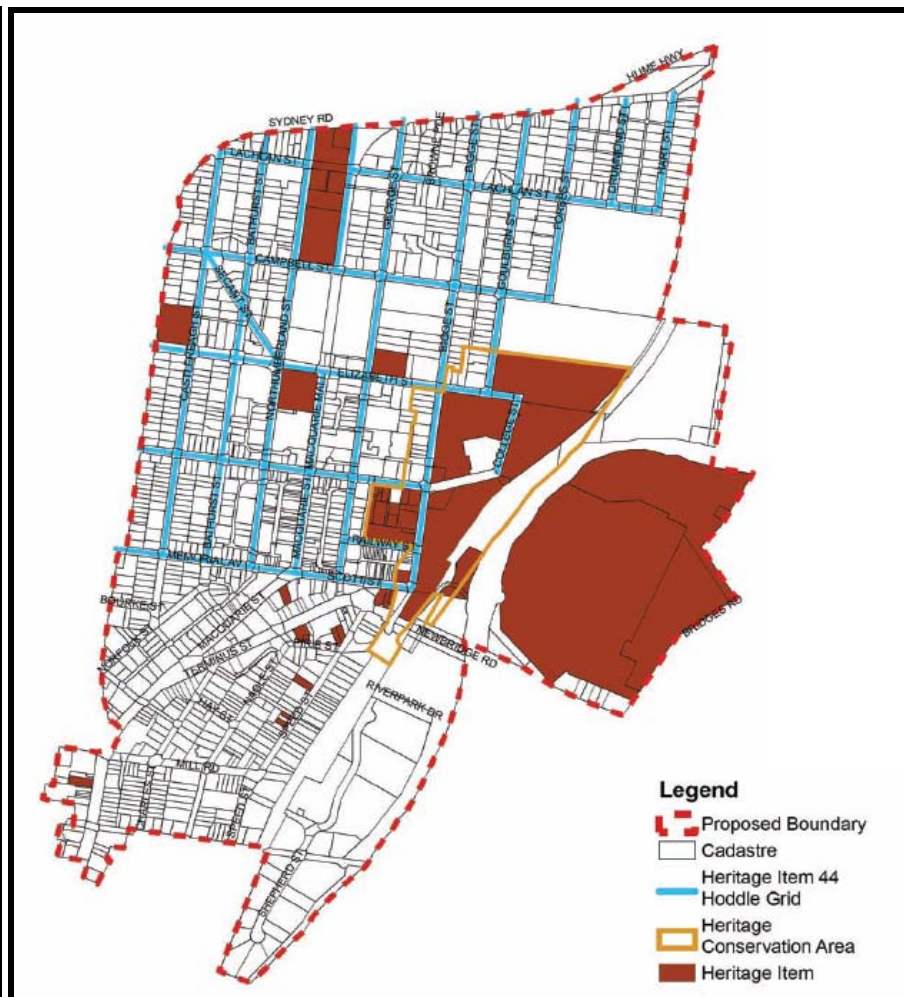
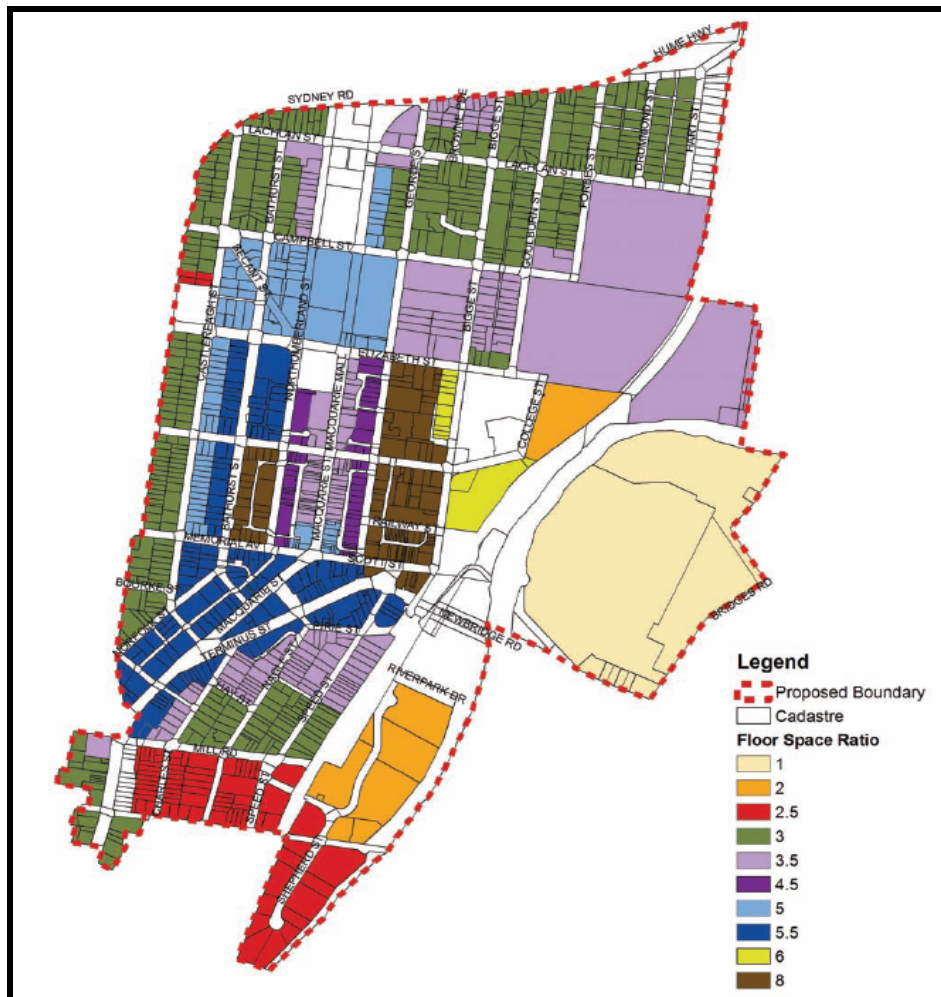
The draft plan comprises 13 vision statements, draft LEP, draft DCP and draft civic improvement plan and describes the context and future directions for the growth of Liverpool city centre. It sets a strategic framework for the City Centre.

The Concept Plan is generally consistent with the relevant vision statements outlined by the draft Strategy as it relates to urban design, pedestrian amenity, heritage, and public domain including the river front. The draft LEP seeks to introduce new controls to the Liverpool Hospital and TAFE sites which are summarised below and the respective maps are attached in Figures G1-4:

- Land Use – SP1 Special Activities (Hospital and Education Facilities) (both Hospital and TAFE)
- Height – maximum 35 metres (Liverpool Hospital), maximum 18 metres (TAFE)
- FSR – 3.5:1, 2:1
- Heritage – approximately half of the West Campus and entire TAFE site are mapped as heritage items and within an conservation area
- Acid Sulfate Soils – the southern most extremity of the East Campus is mapped as ASS Class 1 soils
- Key Sites – neither the Liverpool Hospital or TAFE sites are proposed to be identified as key sites under the draft LEP.



Figures G1-G2: Draft Liverpool LEP Zoning and Height Maps (left to right)



Figures G3-G4: Draft Liverpool LEP FSR and Heritage Maps (left to right)

OTHER ACTS AND APPROVALS

Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1997

The EPBC Act commenced on 16 July 2000. The EPBC Act includes the assessment and approvals system for actions that have a significant impact on:

1. Matters of National Environmental Significance (NES); and
2. The environment on Commonwealth land.

Should an action be determined to likely have a significant impact, an approval from the Commonwealth Minister for the Environment and Heritage is required.

The EPBC identifies seven matters of national environmental significance being:

1. World Heritage properties;
2. National Heritage places;
3. RAMSAR wetlands of international significance;
4. Nationally listed threatened species and ecological communities;
5. Listed migratory species;
6. Commonwealth marine areas; and
7. Nuclear actions.

The Environmental Assessment identified that no NES matters or Commonwealth land are likely to be impacted by the proposal and therefore an approval from the Commonwealth Minister is not required.