

APPENDIX A. CONDITIONS OF APPROVAL

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06_116

(File No. 9042493 – 2)

I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- (a) to approve, under Section 750(1) of the *Environmental Planning and Assessment Act 1979*, the concept plan referred to in Schedule 1, subject to the terms and modifications set out in Schedule 1;
- (b) to approve, under Section 75J(1) of the *Environmental Planning and Assessment Act 1979*, the project application referred to in Schedule 2 for the excavation works and structural works up to ground level for the new eight storey core hospital building by granting approval subject to the conditions set out in Schedule 2;
- (c) pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, that the excavation works and structural works up to ground level for the new eight storey core hospital require no further environmental assessment; and
- (d) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the Liverpool Hospital Redevelopment project, as detailed in Schedule 2.

The reasons for the imposition of modifications and conditions are:

- (a) To encourage good urban design and a high standard of architecture.
- (b) To ensure future development is sensitive to adjoining heritage items.
- (c) To adequately mitigate the environmental and construction impacts of the development.
- (d) To reasonably protect the amenity of the local area.

Frank Sartor MP
Minister for Planning

Sydney,

2007

SCHEDULE 1

PART A — TABLE

Application made by:	Health Administration Corporation
Application made to:	Minister for Planning
Major Project Number:	06_0116
On land comprising:	Lots 1-3 DP 827031, Lot 1-3 DP 596770, Lot 101 DP 793557, Lot 2 DP 805696, Lot 1 DP 863491, Lot 1 DP 581947, Lot A DP 432628, Lots A & B 404723, Lot 1 DP 724026, and Lots 2-13 DP 758620.
Local Government Area	Liverpool City Council
For the carrying out of:	Redevelopment of Liverpool Hospital as described in Part C of Schedule 1.
Capital Investment Value	Approximately \$390 million
Type of development:	Concept approval under Part 3A of the EP&A Act
Determination made on:	2 February 2007
Determination:	Concept approval is granted subject to the modifications outlined in Part C of Schedule 1 below.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B — DEFINITIONS

In this approval the following definitions apply:

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Conditions of Approval	The Minister's conditions of approval for the project.
Council	Liverpool City Council
Department, the	Department of Planning
Director-General, the	Director-General of the Department of Planning (or delegate).
EA	<i>Liverpool Hospital Redevelopment Concept Application and Environmental Assessment</i> (including accompanying Appendices) prepared by LFA (Pacific) Pty Ltd for NSW Health and dated August 2006.
Minister, the	Minister for Planning.
Modifications of Approval	The Minister's modifications of approval for the concept plan.
Preferred Project Report (PPR)	<i>Preferred Project Report for the Liverpool Hospital Concept Plan Application</i> (including supporting documentation) prepared by LFA (Pacific) Pty Ltd for NSW Health and dated December 2006.
Proponent	Health Administration Corporation and Sydney South West Area Health Service (of NSW Health)
Statement of Commitments	Statement of Commitments on pages 31-38 of the Preferred Project Report.

PART C — MODIFICATIONS

MAJOR PROJECT APPLICATION No. MP 06_0116

1 TERMS OF THE APPROVAL

1.1 Concept Plan approval is granted for:

- (a) Land use distribution addressing hospital expansion, consolidation, and rationalisation; new hospital building footprints and heights; expanded research and educational facilities; provision of accommodation for students and nursing and medical staff; and accommodation for patient's relatives;
- (b) Vehicular access and car parking arrangements with links to all hospital facilities; grade separated pedestrian access across north-south railway to the eastern campus; new car parking facilities and new hierarchy and layout of internal and external access roads and bridges, including road bridge across the rail line; and new and enhanced hospital entry points;
- (c) Landscaping including new pedestrian links and the introduction of a major east-west pedestrian mall;
- (d) Early works to facilitate construction of a new eight storey core hospital development, associated site infrastructure and the east campus car park;
- (e) Early site preparatory works including utility services divisions, demolition, in-ground engineering services, bulk excavation and temporary accommodations for the construction period; and
- (f) Detailed excavation works and structural works up to ground level for the new eight storey core hospital building.

1.2 The development shall be in accordance with the following plans and documentation:

<i>Liverpool Hospital Redevelopment Concept Application and Environmental Assessment (including accompanying Appendices) prepared by LFA (Pacific) Pty Ltd for NSW Health and dated August 2006</i>
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<i>Preferred Project Report for the Liverpool Hospital Concept Plan Application (including accompanying plans) prepared by LFA (Pacific) Pty Ltd for NSW Health and dated December 2006</i> <i>Architectural (or Design) Drawings prepared by Suters Architects Pty Ltd</i>
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<i>Statement of Commitments prepared by LFA (Pacific) Pty Ltd for NSW Health and dated December 2006</i>

- 1.3 In the event of any inconsistency between modifications of this concept approval and the plans and documentation referred to above, the modifications of this concept approval prevail.
- 1.4 This concept approval shall lapse on 31 December 2012, unless works the subject of any related project approval are physically commenced on or before that date. The Director-General may extend this lapse date if the Proponent demonstrates to the satisfaction of the Director-General that the hospital proposal remains current, appropriate and reflective of best practice at the date the approval would otherwise lapse.

2 LANDOWNER'S CONSENT

- 2.1 Written land owner's consent must be lodged with any development or project application for any works and / or activities proposed on land not owned by the proponent. Where landowner's consent cannot be obtained any such application must demonstrate to the Department's satisfaction that suitable alternative arrangements can be made (particularly regarding access) with little or no impact to any land not owned by the proponent. Such arrangements must be submitted and agreed to by the Department prior to the

commencement of any construction stage, major construction activity or construction compound (excluding the early works package approved in Schedule 2.

3 PLANNING AGREEMENTS

- 3.1 The planning agreements shall be prepared and executed prior to the lodgement of any subsequent project or development application (excluding the excavation works and structural works up to ground level), or as otherwise determined by the Director General.

4 STAGING

- 4.1 Prior to the lodgement of any subsequent project or development application the Proponent shall develop and implement a Staging Program to outline implementation of this concept approval and all related project approvals.

The Program shall include, but not necessarily be limited to:

- (a) provision of uses, services and facilities;
- (b) gross floor area;
- (c) car parking;
- (d) likely assessment and approval procedures; and
- (e) likely timing of each of the stages.

5 PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS

Core Hospital Future Development Zone – TAFE Site

- 5.1 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* the following environmental assessment requirements apply with respect to the Liverpool Hospital project for development of the core hospital future development zone south of Elizabeth Street and immediately adjoining the TAFE site:
- (a) details of the project, including lot area, proposed use, footprint, maximum height (RL), maximum floor space, setbacks, and maximum number of car parking spaces to be provided;
 - (b) design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours;
 - (c) a detailed project-specific Statement of Commitments, consistent with the Statement of Commitments prepared for the Liverpool Hospital Redevelopment concept plan, with a clear indication of any new or amended commitments relating to the project;
 - (d) a demonstration that the project is consistent with the requirements of this approval and generally consistent with the scope and intent of the concept outlined in the documents above;
 - (e) a demonstration that the project has been designed having regard to the character, scale, form, siting, materials and colour, and detailing criteria identified in the NSW Heritage Office's *Design in Context: Guidelines for Infill Development in the Historic Environment (2005)*;
 - (f) a demonstration that the project has been generally designed to take into account and, where relevant, mitigate against, the heritage impacts of the adjoining TAFE buildings and their recognised curtilages; and
 - (g) a demonstration that best endeavours have been used to develop the site in consultation with TAFE and considered possible options for a health / education joint venture where such a project is feasible;
 - (h) an assessment of potential traffic impacts associated with the construction and operation of the project;
 - (i) general construction impacts associated with the project, and how these impacts will be mitigated, monitored and managed.

Pedestrian Access Principles

- 5.2 The provision of overhead pedestrian bridge links across streets (as opposed to across the rail line) should only be pursued where the proponent can demonstrate they are necessary for functioning (eg: movement of sensitive hospital equipment) and / or safety reasons for hospital patients, and shall be to the Director General's satisfaction.
- 5.3 Any such overhead pedestrian bridge if pursued, shall be visually light and not compromise an active street frontage and positive building address to the street and address "safer by design" and crime prevention principles.
- 5.4 Any subsequent project or development application for the southern most primary landscape zone in the East Campus (Figure 3.09 of the Liverpool Hospital Redevelopment Concept Plan) shall encourage and provide for pedestrian access to the Georges River Foreshore, particularly for hospital staff, patient's and visitors.

Future Project and Development Applications

- 5.5 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* the following environmental assessment requirements apply to any subsequent applications made under either Part 3A or Part 4 of the *Environmental Planning and Assessment Act 1979*:
- (a) Noise and Vibration Impact Statement(s) (NVIS) are to be prepared for construction stages, major construction activity and construction compound and submitted with the application for assessment. The NVIS(s) must be prepared by a recognised acoustic consultant and address proposed construction and operational impacts to ensure there are no significant impact on adjoining land uses and no adverse impacts within the hospital from external sources, particularly rail;
 - (b) car parking assessment(s) are to be prepared for each Project Application under Part 3A or Development Application, excluding the construction compound and submitted with the application for assessment. The assessment(s) is to include but not be limited to:
 - i. proposed operational quantum and location of both on-site and on-street car parking spaces for staff, patients, and visitors;
 - ii. proposed operational quantum and location of car parking for people with disabilities having regard to AS 1428;
 - iii. details of any initiatives to reduce modal split and/ or promote usage of public transport that would reduce car parking rates; and
 - iv. provision of temporary car parking requirements for construction workers.
 - (c) an assessment of the construction activities on acid sulfate soils and how related impacts will be mitigated, monitored and managed.

Multi – Deck Car Parking

- 5.6 The impact of new above ground multi-deck parking should be minimised, as viewed from public streets.
- 5.7 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979* the following environmental assessment requirements apply with respect to the Liverpool Hospital project for development proposing multi-deck car parking:
- (a) details of the proposed dimensions (including floor plate size, width, length and height) and parking amounts and rates;
 - (b) design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours;
 - (c) a demonstration that the design of such facilities has sought to minimise visual impact through appropriate quality architectural features, provision of screening or landscape to screen the view, etc;

- (d) a demonstration that safe and secure access will be provided to and from the multi-deck car parking; and
- (e) a demonstration that alternatives have been considered.

6 COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Complaints Procedure

- 6.1 Prior to the commencement of construction of any project associated with this concept approval, the Proponent shall ensure that the following are available for community complaints for the life of each of the projects:
 - (a) a telephone number on which complaints about construction and operational activities may be registered;
 - (b) a postal address to which written complaints may be sent; and
 - (c) an email address to which electronic complaints may be transmitted.
 - 6.2 The Proponent shall make provision for notification of the telephone number, postal address and email address on it's website and at a prominent location for each construction site.
 - 6.3 The Proponent shall record details of all complaints received through the means listed under modification 6.1 of this approval in the Proponent's existing complaints management system.
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SCHEDULE 2

PART A — TABLE

Application made by:	Health Administration Corporation
Application made to:	Minister for Planning
Major Project Number:	06_0116
On land comprising:	Lots 1-3 DP 827031, Lot 1-3 DP 596770, Lot 101 DP 793557, Lot 2 DP 805696, Lot 1 DP 863491, Lot 1 DP 581947, Lot A DP 432628, Lots A & B 404723, Lot 1 DP 724026, and Lots 2-13 DP 758620.
Local Government Area	Liverpool City Council
For the carrying out of:	Demolition, remediation works, service diversions, archaeological assessment, excavation and structural works as described in Part C of Schedule 2.
Capital Investment Value	Approximately \$13.5 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	
Determination:	Project approval is granted subject to the conditions outlined in Part C of Schedule 2 below.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B — DEFINITIONS

In this approval the following definitions apply:

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
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Proponent	Health Administration Corporation and Sydney South West Area Health Service (of NSW Health)
Statement of Commitments	Statement of Commitments on pages 31-38 of the Preferred Project Report.

PART C — MODIFICATIONS

MAJOR PROJECT APPLICATION No. MP 06_0116

1 TERMS OF THE APPROVAL

1.1 Project Application approval is granted for:

- (a) Identification, diversion, relocation and reconnection of existing reticulated services (in-ground and above ground) that may be affected by the proposed demolition of existing buildings and / or earthworks excavation;
- (b) Archaeological assessment and investigations, preparation and implementation of a heritage management plan for monitoring, removal, archiving and protection of materials as required for building demolitions and / or excavation;
- (c) Demolition of South Wing, B Wing, D Wing, Workshops and Linen (corporate services linen and associated workshops), Engineering (engineering offices, workshops and sheds), interconnecting corridors and Ron Dunbier – East Wing;
- (d) Construction of new facades / service wall for the western wing of the existing Ron Dunbier accommodation building;
- (e) Internal adaptation of existing buildings to accommodate dislocated services (as a result of demolitions);
- (f) Bulk excavation;
- (g) Identification, monitoring and removal of hazardous materials following further detailed hazardous material and soil contamination investigations; and
- (h) Structural works to ground level including piling, piers, slabs and columns,

1.2 The development shall be in accordance with the following plans and documentation:

<i>Liverpool Hospital Redevelopment Concept Application and Environmental Assessment (including accompanying Appendices) prepared by LFA (Pacific) Pty Ltd for NSW Health and dated August 2006</i>
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<i>Preferred Project Report for the Liverpool Hospital Concept Plan Application (including accompanying plans) prepared by LFA (Pacific) Pty Ltd for NSW Health and dated December 2006</i> <i>Architectural (or Design) Drawings prepared by Suters Architects Pty Ltd</i>
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<i>Statement of Commitments prepared by LFA (Pacific) Pty Ltd for NSW Health and dated December 2006</i>

- 1.3 In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this approval prevail.
- 1.4 This approval shall lapse on 31 December 2012, unless works the subject of any related project approval are physically commenced on or before that date.
- 1.5 The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project.

2 SPECIFIC ENVIRONMENTAL CONDITIONS

Waste Management

- 2.1 All wastes generated by the project, shall be beneficially reused, recycled or directed to a waste facility lawfully permitted to accept the materials.

Visual Amenity

- 2.2 The Proponent shall ensure that all new external lighting associated with the project is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with AS 4282 – 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

Noise and Vibration Management

- 2.3 The Proponent must consult with education institutions and minimise the impact of noise generating demolition and / or construction works in their vicinity. The Proponent must ensure that such works audible at an institution are not timetabled during important events, such as examination periods, unless arrangements acceptable to the affected institutions are made at no cost to the affected institutions.
- 2.4 Wherever practical, piling activities must be completed using bored piles unless otherwise agreed by the Director-General. If driven piles are proposed, reasons they are required must be specified in the CEMP.
- 2.5 Blasting is not permitted during construction unless otherwise approved by the DEC in an Environmental Protection Licence required under the *Protection of the Environmental Operations Act 1997*.

ENVIRONMENTAL REPORTING**Incident Reporting**

- 3.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable and within 24 hours after the occurrence of the incident. The Proponent shall provide full written details of the incident to the Director-General within seven days of the date on which the incident occurred.
- 3.2 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 3.1 of this approval, within such period as the Director-General may require.
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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.

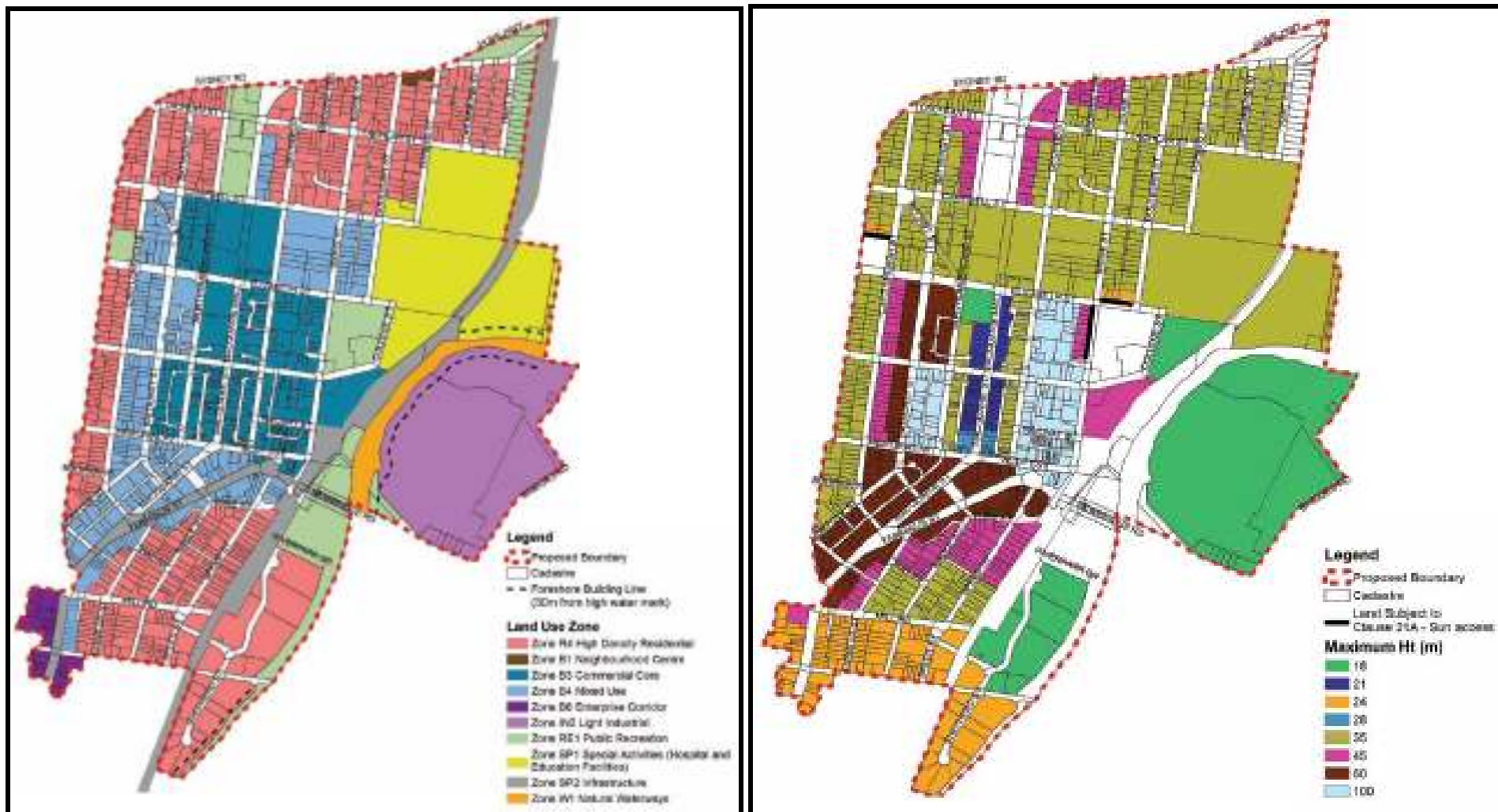
LIVERPOOL TOWN CENTRE STRATEGY

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.

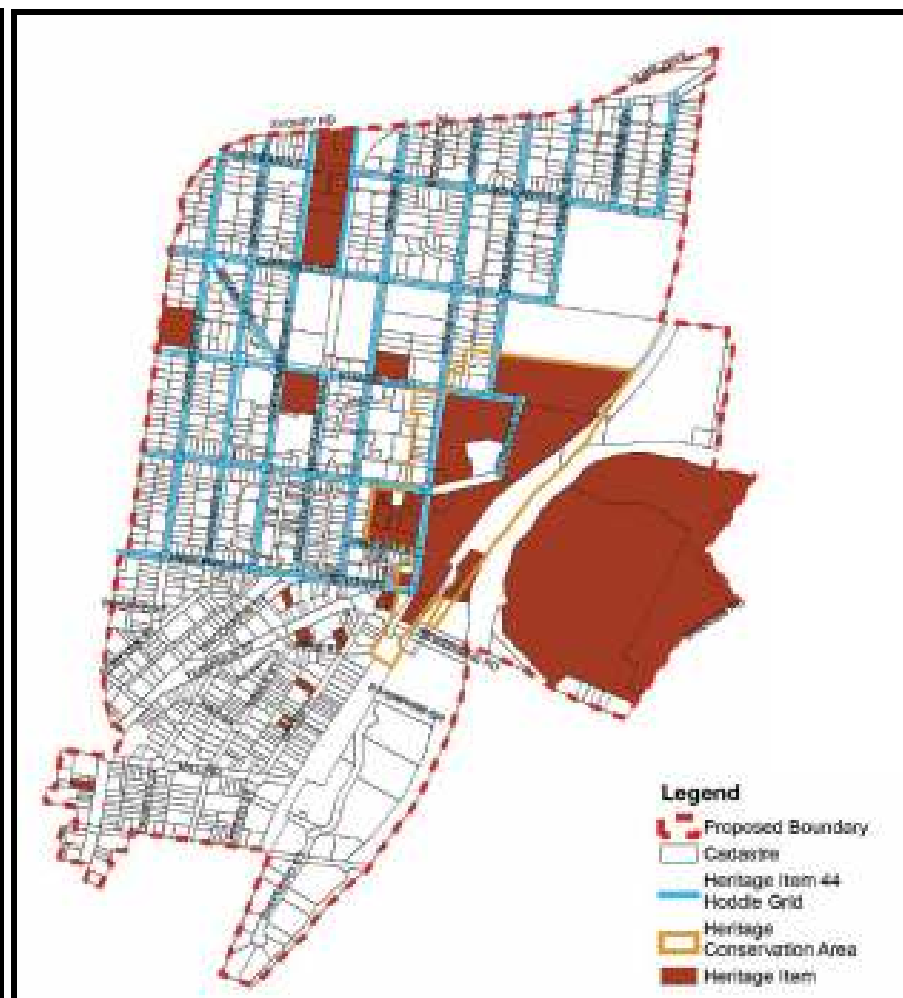
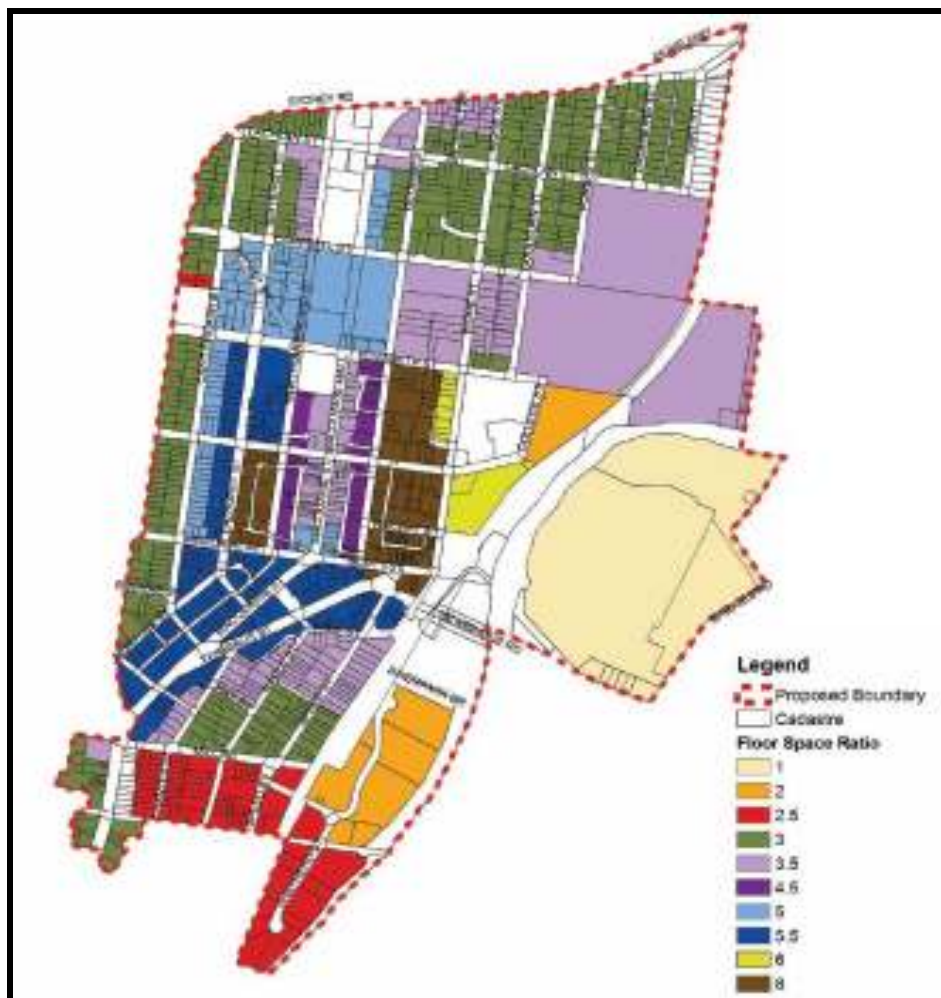
The draft plan comprises 13 vision statements, draft LEP, draft DCP and draft civic improvement plan and describes the context and future directions for the growth of Liverpool city centre. It sets a strategic framework for the City Centre.

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 a 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.