

PLAN 04	Planning proposal to amend Schedule 5 - Environmental Heritage of the Liverpool Local Environmental Plan 2008
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Strategic Direction	Strengthening and Protecting our Environment Exercise planning controls to create high-quality, inclusive urban environments
File Ref	395502.2021
Report By	Lilyan Abosh - Strategic Planner
Approved By	David Smith - Director Planning & Compliance

EXECUTIVE SUMMARY

Council resolved at the 28 April 2021 and 30 June 2021 meetings to prepare a planning proposal to list 122 Atkinson Street, Liverpool and 124 Moore Street, Liverpool in Schedule 5 Environmental Heritage of the Liverpool Local Environmental Plan 2008 (LEP) (Attachments 1 and 2).

Consistent with Council's resolution, a planning proposal has been prepared which lists the above properties in Schedule 5 of the LEP as well as removing other items from Schedule 5 which have been demolished because of previous Part 3A or State Significant Development (SSD) or State Significant Infrastructure (SSI) applications (Attachment 3).

The planning proposal was considered by the Liverpool Local Planning Panel (LPP) on 25 October 2021 as required by the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act 1979. The LPP advised that the planning proposal has merit and should proceed to the Department of Planning and Environment (DPE) for a Gateway determination (Attachment 4).

This report recommends that Council endorses the planning proposal and forwards the planning proposal to DPE seeking a Gateway determination.

RECOMMENDATION

That Council:

1. Notes the advice of the Liverpool Local Planning Panel;
2. Endorses the planning proposal to amend Schedule 5 – Environmental Heritage of the Liverpool Local Environmental Plan 2008;

3. Delegates to the Acting CEO (or delegate) to make any typographical or other editing amendments to the planning proposal if required;
4. Forwards the planning proposal to the Department of Planning and Environment pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979*, seeking a Gateway determination, with a request that Council be authorised as the local plan making authority;
5. Subject to Gateway determination, undertake public exhibition and community consultation in accordance with the conditions of the Gateway determination and the Liverpool Community Participation Plan;
6. Receive a further report on the outcomes of public exhibition and community consultation; and
7. Notify the owners of 122 Atkinson Street, Liverpool and 124 Moore Street, Liverpool of Council's decision to endorse the planning proposal for a Gateway determination and to provide advice on the next steps in the plan making process.

REPORT

Background

This planning proposal seeks to amend the Liverpool Local Environmental Plan 2008 (LEP) to include 122 Atkinson Street, Liverpool and 124 Moore Street, Liverpool in Schedule 5 Environmental Heritage of the LEP. The properties are the subject of Interim Heritage Orders issued pursuant to a Council resolution in November 2020 and February 2021. The Interim Heritage Orders are still in force.

In accordance with the NSW Government guidelines for issuing Interim Heritage Orders, a Preliminary Assessment of Heritage Significance was undertaken for each property, identifying the potential for heritage significance and the need to undertake a more detailed assessment of each property.

In November 2020, FORM Architects were engaged by Council to prepare an Assessment of Heritage Significance for 122 Atkinson Street, Liverpool. The report noted that the building is historically and socially significant and therefore meets the threshold for heritage listing in the LEP.

In March 2021, Edwards Heritage were engaged by Council to prepare an Assessment of Heritage Significance for 124 Moore Street, Liverpool. The report noted that despite the locality evolving over time, the significance of the building as one of the first scout halls in the area and a purpose-built scout hall has not been undermined. Therefore, the property meets the threshold for heritage listing in the LEP.

Planning Proposal

Consistent with Council's resolution, a planning proposal has been prepared which lists the above properties in Schedule 5 of the LEP as well as removing other items from Schedule 5 which have been demolished because of previous Part 3A or State Significant Development (SSD) or State Significant Infrastructure (SSI) applications (Attachment 3).

The planning proposal seeks to amend Schedule 5 of the LLEP 2008 to:

Add:

122 Atkinson Street, Liverpool (Lot 52 DP 1090837)

124 Moore Street, Liverpool (Lot 1 DP 10447)

Remove:

Item 4 – Badgerys Creek Road, Bringelly (Lot 1 DP 90328, Lot 1 DP 109666)

Item 5 – 225-245 Badgerys Creek Road, Bringelly (Lot 1 DP 417901, Lot 1 DP 109666)

Item 59 – 5-35 Yarrunga Road, Prestons (Lot 34 DP 2359)

Item 27 – Greendale Road, Greendale (Lot 1 DP 1115589, Lot 2 DP 1115589)

Item 36 – Campbelltown Road, Ingleburn [Edmondson Park] (Part Lot 1 DP 831152, Part Lot 2 DP 831152)

Item 57A – Moorebank Avenue (Lot 1 DP 1048263)

Planning Assessment

The planning assessment report considered by the Liverpool Local Planning Panel is provided at Attachment 5. It includes an assessment of the merits of the proposal against the District and Region Plans, the Liverpool Local Strategic Planning Statement (LSPS) and the Department of Planning "Guide to preparing planning proposals". The report concluded that the planning proposal has site-specific and strategic merit and will result in the conservation of the sites identified as being historically significant while also removing sites that are no longer required to be listed.

Advice of the Liverpool Local Planning Panel

The planning proposal was considered by the Liverpool Local Planning Panel (LPP) on 25 October 2021 for advice. The LPP supported the planning proposal proceeding to DPE for a Gateway determination.

A summary of the LPP advice and Council's responses are provided in **Table 1**.

Table 1 – LPP Advice and Council Staff Response

LPP Advice	Council Staff Response
<i>The Panel advises Council that it sees merit in the Planning Proposal proceeding, noting that the site owners must be engaged during the statutory process and the community be given the opportunity to comment, and also that descriptors in the documentation need to be checked for accuracy and amended where necessary.</i>	This report includes a recommendation to notify owners of the outcome of Council's decision and to advise of the next steps in the plan making process. Owners will be engaged regularly throughout the next phases of the planning process.

Conclusion

It is recommended that Council endorse the planning proposal and that it be forwarded to DPE for a Gateway determination. This is supported by the advice of the LPP, and Council's assessment that the proposal has both strategic and site-specific merit.

Upon receipt of a Gateway determination, public exhibition and community consultation will be undertaken. Council will then receive a post-exhibition report for a final decision on the proposal including any possible amendments resulting from the consultation process.

CONSIDERATIONS

Economic	There are no economic and financial considerations.
Environment	There are no environmental and sustainability considerations.
Social	Preserve and maintain heritage, both landscape and cultural as urban development takes place.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Environmental Planning and Assessment Act 1979.
Risk	The risk is deemed to be Low. The risk is considered to be within Council's risk appetite.

ATTACHMENTS

1. Council Resolution - 28 April 2021 - CONF 04 - Update on Interim Heritage Orders (Under separate cover)
2. Council Resolution - 30 June 2021 - CONF 06 - Interim Heritage Order - 124 Moore Street, Liverpool (Under separate cover)
3. Planning Proposal (Under separate cover)
4. Local Planning Panel Advice (Under separate cover)
5. Planning Assessment Report to Local Planning Panel (Under separate cover)

6. 122 Atkinson Street, Liverpool - Assessment of Heritage Significance - FORM Architects (Under separate cover)
7. 124 Moore Street, Liverpool - Assessment of Significance - Edwards Heritage (Under separate cover)
8. Draft LEP Amendment Map 1 (Under separate cover)
9. Draft LEP Amendment Map 2 (Under separate cover)
10. Draft LEP Amendment Map 3 (Under separate cover)