

COUNCIL AGENDA

ORDINARY COUNCIL MEETING

10 December 2024

PLAN 04

**Planning Proposal - Heritage Listing for Lot 17
Leacocks Lane, Casula**

Strategic Objective	Healthy, Inclusive, Engaging Embrace the city's heritage and history
File Ref	361074.2024
Report By	Rumana Akhter - Community Planning Policy Officer
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 24 July 2024, Council resolved to prepare a Planning Proposal to amend Schedule 5 of the *Liverpool Local Environmental Plan 2008* (LLEP 2008) to include Lot 17 Leacocks Lane, Casula ("Mt Omei") as an item of local heritage significance. A copy of the Council Report (Item – PLAN 07) is provided in **Attachment 2**.

The subject site is currently zoned as C1 National Parks and Nature Reserves and owned by the NSW National Parks and Wildlife Service (NPWS).

As a result of the Resolution of Council, Council staff have prepared a Council-initiated Planning Proposal to include Lot 17 Leacocks Lane, Casula ("Mt Omei") as an item of local heritage significance in the LLEP 2008. A copy of the Planning Proposal Report is provided in **Attachment 1**.

The Council-initiated Planning Proposal was considered by the Liverpool Local Planning Panel (LPP) on 28 October 2024. The LPP advised that the planning proposal demonstrates both strategic and site-specific merit and should proceed to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination. A copy of the Local Planning Report, and associated Meeting Minutes, is provided in **Attachment 3**.

This Report recommends that Council endorses the Council-initiated Planning Proposal to include Lot 17 Leacocks Lane, Casula ("Mt Omei") as an item of local heritage significance in the LLEP 2008 and forwards the Proposal to the DPHI to seek a Gateway Determination.

RECOMMENDATION

That Council:

1. Receives and notes this Report.
2. Receives and notes the advice of the Liverpool Local Planning Panel.
3. Endorses the Council-initiated Planning Proposal to amend Schedule 5 of the *Liverpool Local Environmental Plan 2008* to include Lot 17 Leacocks Lane, Casula ("Mt Omei") as an item of local heritage significance.
4. Delegates to the CEO (or delegate) to make any typographical or other editing amendments to the planning proposal if required.
5. Forwards the Council-initiated Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) 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.
6. Subject to Gateway determination, undertakes public exhibition and community consultation in accordance with the conditions of the Gateway determination and the *Liverpool Community Participation Plan (CPP)*; and
7. Receives a further Report on the outcomes of public exhibition and community consultation.

REPORT

Background

At Ordinary Meeting of Council on 28 February 2024, a Motion of Urgency (Item – MOU 01) was tabled, and subsequently endorsed by Council, seeking an immediate Interim Heritage Order be placed on Lot 17 Leacocks Lane, Casula known as "Mt Omei".

As a result of the Council Resolution, an Interim Heritage Order (NSW Government Gazette No.103) was gazetted on 22 March 2024 for "Mt Omei". The IHO prevents the demolition or unsympathetic alteration of the site for up to six (6) months from the gazettal date.

On 1 May 2024, Council engaged an independent Heritage Consultant, Bronwyn Hanna History & Heritage, to undertake a detailed Heritage Significance Assessment and provide clear recommendations as to whether the property should be heritage listed.

Council received a copy of the draft Heritage Significance Assessment on 17 June 2024 which concluded that the "Mt Omei" property – including the house, gallery and lookout area – is of

local heritage significance under all seven (7) criteria of the Heritage Council of NSW. The draft Assessment also recommended that this part of the property be listed in the LLEP 2008) as an item of local significance.

At the Ordinary Meeting of Council on 24 July 2024, Council resolved to prepare a Planning Proposal to amend Schedule 5 of the LLEP 2008 to include Lot 17 Leacocks Lane, Casula ("Mt Omei") as an item of local heritage significance. A copy of the Council Report is provided in **Attachment 2**.

Site Description and Locality

The focus of the Council-initiated Planning Proposal is located at Lot 17 Leacocks Lane, Casula (Lot 17 DP 554086). The subject site, shown in *Figure 1*, is owned by the NSW NPWS and currently zoned as C1 National Parks and Nature Reserves Land (see *Figure 2*).



Figure 1 – Subject site at Lot 17 Leacocks Lane, Casula (Source: Near Map)

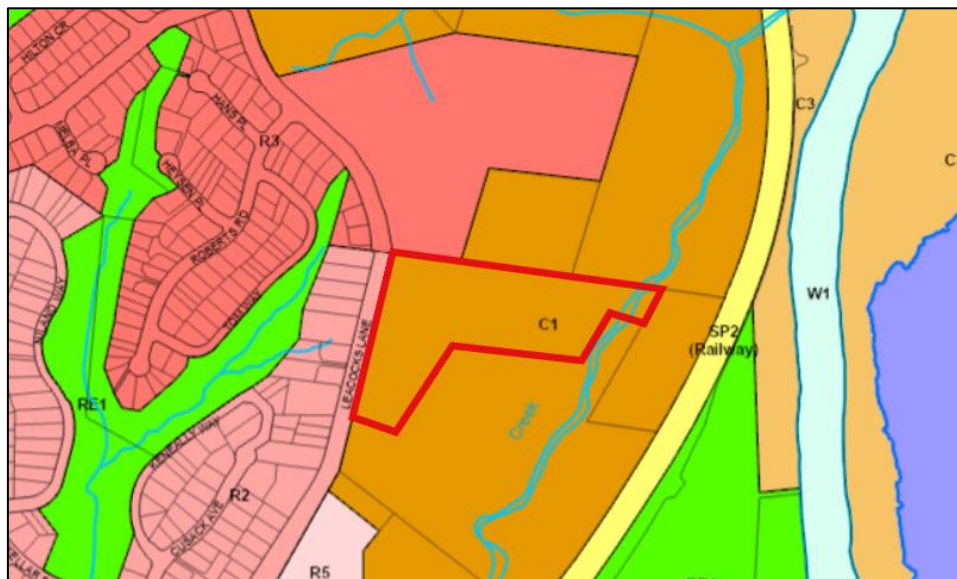


Figure 2 – Land Use Zoning for subject site under LLEP2008 (Source: LCC Geocortex)

The subject site is locally known as Leacock Regional Park. Mt Omei's "built precinct" is an area within the Leacock Regional Park, which is approximately one-hectare in size, comprising five buildings and the lookout area in a bushy landscape with surrounding gardens.

Planning Proposal Summary

The Local Planning Report considered by the Liverpool Local Planning Panel (LPP) is provided in **Attachment 3**. The Report includes a merit assessment of the Council-initiated Planning Proposal against the District and Region Plans, as well as Council's Local Strategic Planning Statement (LSPS).

The Report concluded that the Council-initiated Planning Proposal has both strategic and site-specific merit and will result in a positive social outcome by ensuring the conservation of the sites heritage significance.

Advice of the Liverpool Local Planning Panel

The Council-initiated Planning Proposal was considered by the Liverpool LPP on 28 October 2024. The LPP determined that the proposed heritage listing demonstrated both strategic and site-specific merit and supported the Proposal proceeding to the DPHI for a Gateway determination.

The LPP also recommended that a Conservation Management Plan be prepared to support the on-going conservation of the site. Under the *NSW National Parks and Wildlife Act 1974*, a plan of management is required to be prepare for each Regional Park. Given that a current Plan of Management has already been established for Leacock Regional Park, no further action is required by Council for this matter.

Conclusion

This Report recommends that Council endorses the Council-initiated Planning Proposal to include Lot 17 Leacocks Lane, Casula ("Mt Omei") as an item of local heritage significance in the LLEP 2008 and forwards the Proposal to the DPHI to seek a Gateway Determination

Upon receipt of a Gateway determination, a public exhibition and NSW Government Agency consultation will occur.

Council will receive a future post-exhibition report for a final decision on the Council-initiated Planning Proposal, including any possible amendments resulting from the consultation process, following completion of the public exhibition process.

FINANCIAL IMPLICATIONS

Financial costs associated with the future public exhibition of this Council-initiated Planning Proposal have been accounted for in the 2024/25 FY Budget for the City Planning portfolio.

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	<i>Environmental Planning and Assessment Act 1979</i>
Risk	<p>The risk is deemed to be Low. There is a low risk that if not supported, the Mt Omei 'built precinct' could be demolished and its heritage value lost.</p> <p>Given the recommendations of this Report, the risk is considered to be within Council's risk appetite.</p>

ATTACHMENTS

1. Council-initiated Planning Proposal Report - Heritage Listing for Lot 17 Leacocks Lane, Casula (Under separate cover)

2. Council Report - PLAN 07 - Proposed Heritage Listing for Lot 17 Leacocks Lane, Casula - Ordinary Meeting of Council - 24 July 2024 (Under separate cover)
3. Liverpool Local Planning Report and Minutes - Heritage Listing for Lot 17 Leacocks Lane, Casula - 28 October 2024 (Under separate cover)