

Planning Proposal

**Amendment to Schedule 5 of the Liverpool Local
Environmental Plan 2008**

28 April 2022

Table of Contents

Introduction	2
Background	2
Report Structure	2
Delegation of plan making functions	3
Part 1 – Objectives and Intended Outcomes	3
Part 2 – Explanation of provisions	4
Part 3 – Justification.....	8
Section A – Need for the planning proposal	8
Section B – Relationship to strategic planning framework.....	8
Section C – Environmental, social, and economic impact	12
Section D – State and Commonwealth interests	13
Part 4 – Mapping.....	13
Part 5 – Community Consultation.....	13
Part 6 – Project Timeline.....	14
Appendices.....	14

List of tables

Table 1 - List of proposed new additions to Schedule 5.	4
Table 2 - list of proposed amendments to existing items in Schedule 5.	5
Table 3 - Consistency with Regional Plan.....	9
Table 4 – Consistency with Western City District Plan	9
Table 5 – Site-specific Merit.....	10
Table 6 – Consistency with State Environmental Planning Policies.....	11
Table 7 – Consistency with Ministerial Directions	11
Table 8 – Anticipated Project Timeline	14

Introduction

The impetus for this planning proposal is to update Schedule 5 of the Liverpool Local Environmental Plan 2008 (Liverpool LEP 2008) so that the protection and conservation of heritage is maintained in accordance with Liverpool City Council's Community Strategic Plan 'Our Home, Liverpool 2027' and LSPS 'Connected Liverpool 2040'.

This planning proposal amends Liverpool LEP 2008 to:

- Add two new items to the heritage schedule;
- Delete items 4, 5, 27, 36, 57A, 59; and
- Update mapping to reflect proposed changes.

A detailed explanation and justification for each amendment has been provided in Appendix E.

Background

The Liverpool Local Environmental Plan 2008 (Liverpool LEP 2008) came into effect on 29 August 2008. Liverpool LEP 2008 was a wholesale review and update of the previous planning instrument, aimed at supporting growth and development within the LGA, aligned with the South Western Sydney growth precincts. It was also a consolidation of the former Liverpool City Centre LEP 2007 and other instruments in place at the time.

Liverpool City Council continuously reviews the Liverpool LEP 2008 to ensure it aligns with its adopted Community Strategic Plan and delivers positive outcomes for the Liverpool community. 'Our Home, Liverpool 2027' states that Council will protect and preserve Liverpool's heritage including its rural landscape and cultural history.

Since Liverpool LEP 2008 has been in force, a review has been undertaken by Council which has identified several housekeeping amendments needed to improve the accuracy of the instrument. A number of additional potential items within the LGA have also been identified for inclusion in Schedule 5 of the LEP.

The proposed additional items were identified as a result of Interim Heritage Orders issued in October 2020 and February 2021, and the subsequent Heritage Significance Assessments prepared by independent consultants (refer to Appendix A and B).

This planning proposal has been prepared in response to the resolutions of Council as identified in Appendix C and D.

Report Structure

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* with consideration to DPE's 'Local Environmental Plan Making Guideline (December 2021). Accordingly, the proposal is discussed in the following parts:

- Part 1 – Objectives and Intended Outcomes
- Part 2 – Explanation of Provisions

- Part 3 – Justification of Strategic and Site-specific Merit
- Part 4 –Maps
- Part 5 – Community Consultation
- Part 6 – Project timeline

Delegation of plan making functions

This planning proposal seeks to make a minor amendment to the Liverpool Local Environmental Plan 2008. As such, Council is seeking authority of plan making functions pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Part 1 – Objectives and Intended Outcomes

The objectives of this planning proposal are to amend Schedule 5 of the Liverpool LEP 2008 to:

1. include the two items identified through the independent heritage significance assessments; and
2. remove six items which no longer fall within the boundaries of Liverpool LEP 2008 or have been impacted by a major project.

Part 2 – Explanation of provisions

To achieve the intended outcomes, this planning proposal seeks to amend Schedule 5 of the Liverpool LEP 2008. Table 1 shows the new additions to Schedule 5 and Table 2 shows the amendments to the existing listings. Appendix E provides further details of each item including the justification.

Table 1 - List of proposed new additions to Schedule 5

Amendment Number	Current Number	Item Name	Item Status	Summary of Amendments
1	-	Federation timber weatherboard cottage Address: 122 Atkinson Street, Liverpool (Lot 52 DP 1090837)	New	<p><i>Amend Schedule 5 Environmental Heritage to include:</i></p> <p><i>Property Description:</i></p> <p>Lot 52 DP 1090837</p> <p><i>Significance:</i></p> <p>Local</p> <p><i>Item number:</i></p> <p>49</p>
2	-	Former Liverpool Scout Hall Address: 124 Moore Street, Liverpool (Cnr Lot 1 DP 10447)	New	<p><i>Amend Schedule 5 Environmental Heritage to include:</i></p> <p><i>Property Description:</i></p> <p>Cnr Lot 1 DP 10447</p> <p><i>Significance:</i></p> <p>Local</p>

Item number:

111

Table 2 - List of proposed amendments to existing items in Schedule 5

Amendment Number	Current Item Number	Item name	Item Status	Summary of Amendments
3	4	Two water tanks (RAAF receiving station site and former water supply to OTC staff) <u>Current Address:</u> 215 Badgerys Creek Road, Bringelly (Lot 10 DP 1235662) & 225-245 Badgerys Creek Road, Bringelly (Lot 1 DP 417901, Lot 1 DP 109666) <u>Address in Schedule 5:</u> Badgerys Creek Road, Bringelly (Lot 1 DP 90328, Lot 1 DP 109666)	Existing	<i>Removal from Schedule 5 - Site is part of the Western Sydney Airport/Aerotropolis area under SEPP (Precincts – Western Parkland City) 2021.</i>
4	5	Former OTC Site Group, including radio receiving station and site of former staff housing <u>Current Address / Address in Schedule 5:</u> 225-245 Badgerys Creek Road, Bringelly (Lot 1 DP 417901, Lot 1 DP 109666)	Existing	<i>Removal from Schedule 5 - Site is part of the Western Sydney Airport/Aerotropolis area under SEPP (Precincts – Western Parkland City) 2021.</i>

5	59	Remnants of former sandstone cottage ("Benera")	Existing	<i>Removal from Schedule 5 - Site was assessed as part of State Significant Development (SSD) 7155 and all potential archaeological matter was recorded and removed as a result of the Prestons Industrial Estate SSD approval.</i>
		<u>Current Address / Address in Schedule 5:</u>		
		5-35 Yarrunga Road, Prestons (Lot 34 DP 2359)		
6	27	Remnants of former farm homestead ("Pemberton")	Existing	<i>Removal from Schedule 5 – Site is now listed in Part 3 Archaeological Sites of Schedule 5 as item AO3.</i>
		<u>Current Address:</u>		
		1500 Greendale Road, Wallacia (Lot 12 DP 1169162), 1510-1520 Greendale Road, Wallacia (Lot 11 DP 1169162) & 1530 Greendale Road, Wallacia (part Lot 2 DP 1115589)		
		<u>Address in Schedule 5:</u>		
		Greendale Road, Greendale (Lot 1 DP 1115589, Lot 2 DP 1115589)		
7	36	Ingleburn village site and lecture hall building (Nissen hut)	Existing	<i>Removal from Schedule 5 – Item was demolished as part of preparation works approved under the Part 3A project for Edmondson Park.</i>
		<u>Current Address:</u>		
		Lot 2 Campbelltown Road, Edmondson Park (Lot 2 DP 1220978), Lot 1 Zouch Road, Edmondson Park (Lot 1 DP 1272931) & Lot 5 Campbelltown Road, Edmondson Park (Lot 5 DP 1272931)		

Address in Schedule 5:

Campbelltown Road, Ingleburn (Part Lot 1 DP 831152, Part Lot 2 DP 831152)

8	57A	Defence National Storage and Distribution Centre	Existing	<i>Removal from Schedule 5 – Item was demolished as part of the Part 3A and SSD approvals for the Moorebank Intermodal.</i>
---	-----	--------------------------------------------------	----------	-----------------------------------------------------------------------------------------------------------------------------

Current Address:

400 Moorebank Avenue, Moorebank (Lot 21 DP 1256178), 450 Moorebank Avenue, Moorebank (Lot 22 DP 1256178), 500 Moorebank Avenue, Moorebank (Lot 23 DP 1256178), Lot 13 Moorebank Avenue, Moorebank (Lot 13 DP 1251885), 400 Moorebank Avenue, Moorebank (Lot 12 DP 1251885) & Lot 26 Moorebank Avenue, Moorebank (Lot 26 DP 1253673).

Address in Schedule 5:

Moorebank Avenue, Moorebank (Lot 1 DP 1048263)

Part 3 – Justification

Section A – Need for the planning proposal

3.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is not the result of any strategic planning statement, strategic study or report. The planning proposal however aligns with state and regional strategic documents that set out goals seeking to protect, increase and enhance the heritage of South West Sydney. Additionally, the proposal aligns with Council strategies and studies. These documents include the following:

- Greater Sydney Regional Plan – A Metropolis of Three Cities
- Western City District Plan
- Liverpool Local Strategic Planning Statement ‘Connected Liverpool 2040’

Further, the proposed amendments relating to the inclusion of additional items are informed by two separate heritage significance assessment reports. These were undertaken as part of Council’s requirements under delegation for the consideration of Interim Heritage Orders for:

- 122 Atkinson Street, Liverpool
- 124 Moore Street, Liverpool

Both reports identified each property as having a high degree of local significance and meet the criteria for local heritage listing.

The items proposed for removal were identified as being demolished or heavily impacted by previously approved State Significant Development or major infrastructure approvals such as the Western Sydney Airport.

The proposed amendments will improve the level of representation of the heritage of Liverpool within the LEP and provide consistency and clarity to the existing schedule.

3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal is the best and only means of achieving the objectives and intended outcome in Part 1. The planning proposal ensures the two items identified for inclusion will be protected, whilst removing six items which are no longer of significance.

Section B – Relationship to strategic planning framework

DPE’s Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site-specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

a. Strategic Merit

The planning proposal is consistent with relevant regional, sub-regional or district plan or strategies. The most relevant State and District plans that guide the land use direction for the site are

- Greater Sydney Regional Plan – A Metropolis of Three Cities
- Western City District Plan

Greater Sydney Region Plan – A Metropolis of Three Cities

The current metropolitan strategy applicable to the site is the NSW Government’s Greater Sydney Region Plan (2018). Relevant directions from the metropolitan strategy are noted at Table 3 below.

Table 3 - Consistency with Region Plan

Criteria	Comment
<i>Objective 8: Greater Sydney’s communities are culturally rich with diverse neighbourhoods</i>	As the strategy notes, history and heritage makes a significant contribution to the region’s’ culture and identity. The sites identified for listing show key aspects of Liverpool heritage, from the early years of settlement, through the key growth phases of the mid 1800s and mid to late 1900s. The items proposed for removal have either been demolished or heavily impacted as a result of major developments or infrastructure and therefore no longer embody the significance they once had.

Western City District Plan (WCDP)

The site is located within the Western City District and the applicable District Plan is the Western City District Plan (2018), as established by the Greater Sydney Commission in March 2018. Relevant directions from the Western City District Plan are noted at in Table 4 below.

Table 4 – Consistency with Western City District Plan

Criteria	Comment
<i>Priority W6: Creating and renewing great places and local centres, and respecting the District’s heritage</i>	The sites identified for listing represent a key contribution to the local heritage environment and are identified as being worthy of listing. The items proposed for removal have either been demolished or heavily impacted as a result of major developments or infrastructure and therefore no longer embody the significance they once had. The proposed planning amendment is considered to be consistent with the Western City District Plan.

Local Strategy

Assessment of the proposal with regards to the Local Strategic Planning Statement (LSPS) is detailed in Section 3.4.

b. Site Specific Merit

In addition to meeting at least one of the strategic merit criteria, a planning proposal is required to demonstrate site-specific merit against the following criteria in Table 5 below.

Table 5 - Site Specific Merit

Criteria	Planning Proposal Response
<i>Does the proposal give regard and assess impacts to the natural environment (including known significant environmental values, resources or hazards)?</i>	The site will not have any impact on the natural environment. It seeks to conserve elements of built heritage and recognises past changes which have impacted on existing items.
<i>Does the proposal give regard and assess impacts to the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?</i>	The current uses of each site are residential and community facility, and the proposed listing of 122 Atkinson Street and 124 Moore Street will not change this. The listing will provide opportunities for additional uses which are compatible with the area and subject to consent.
<i>Does the proposal give regard and assess impacts to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?</i>	The planning proposal does not impact on the provision or need for services.

3.4 Is the planning proposal consistent with a Council LSPS that has been endorsed by Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Liverpool Local Strategic Planning Statement (LSPS)

The Local Strategic Planning Statement (LSPS) is Council's long-term plan to shape Liverpool's future which will help guide the development of Liverpool's suburbs and balance the need for housing, jobs and services as well as parks, open spaces and the natural environment.

Local Planning Priority 8, under the Liveability goal of the LSPS, includes the planning priority: '*Community-focused low scale suburbs where our unique local character and heritage are respected.*' The planning proposal seeks to add two additional items, increasing the protection of the local heritage of Liverpool and while six items are proposed to be removed, these are no longer of significance due to them being heavily altered or demolished through state significant development / infrastructure or Part 3A major projects.

3.5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The planning proposal seeks to amend Schedule 5 of the Liverpool LEP 2008 and does not directly relate to any state and regional study or strategy.

3.6 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Several State Environmental Planning Policies (SEPPs) apply to the land. The consistency of the planning proposal with pertinent SEPPs has been provided in Table 6 below. SEPPs which the planning proposal will not materially impact nor undermine are omitted from Table 6.

Table 6 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Comment / Consistency
SEPP (Housing) 2021	This planning proposal will restrict the undertaking of complying development at the properties identified for listing in Schedule 5. It will not however prevent the undertaking of reasonable development that would normally be allowed under this SEPP, through a standard development application.
SEPP (Exempt and Complying Development Codes) 2008	This planning proposal will restrict the undertaking of complying or exempt development at the properties identified for listing in Schedule 5. It will not however prevent the undertaking of reasonable development that would normally be allowed under this SEPP, through a standard development application. Furthermore, under section 5.10 of the Liverpool LEP 2008, there is a provision that allows for minor works or maintenance to be undertaken without the need for a development consent subject to written approval from Council.
SEPP (Transport and Infrastructure) 2021	This planning proposal will restrict the undertaking of complying development at the properties identified for listing in Schedule 5. It will not however prevent the undertaking of reasonable development that would normally be allowed under this SEPP, through a standard development application or where the works are considered to be of minimal impact and through consultation with Council.

3.7 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions)?

Table 7 – Consistency with Ministerial Directions

Ministerial Direction	Comment / Consistency
1.1 Implementation of Regional Plans	Consistency with A Metropolis of Three Cities is outlined in Section B of this report.
3.2 Heritage Conservation	The addition of two items is partially consistent with the requirements of this direction. The removal of six items is inconsistent with this ministerial direction, however these items have already been demolished or subject to

	demolition as a result of development or the Western Sydney Airport and as such no longer hold a degree of heritage significance.
6.1 Residential Zones	The proposed amendments will not dramatically impact on the delivery of housing within the Liverpool Local Government Area. The subject sites are primarily developed to the extent of the existing zoning provisions and as such the inclusion in Schedule 5 would not impact on current site provision.
7.1 Business and Industrial Zones	The planning proposal will result in the listing of one site which is located in a business zone. This amendment will not restrict the use of the building for a commercial purpose but will restrict the future redevelopment potential of the site. It is however considered that this amendment, does not result in the loss of commercial zoned land and is not in contravention of this ministerial direction.

Section C – Environmental, social, and economic impact

3.8 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

3.9 *Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?*

The proposed amendments will not adversely affect the environment and are predominately administrative in the removal of items from Schedule 5 and the amendment to details of existing items within the schedule.

3.10 *Has the planning proposal adequately addressed any social and economic effects?*

The social and economic impact of the proposed amendments were considered in the preparation of this planning proposal and the finalisation of the study for the potential heritage items.

The economic and financial impacts of heritage listing are a key consideration in the debate as to whether an object or building should be listed. Research has been undertaken into the economic and financial implications of heritage listing, with the most recent being a report prepared by Urbis in 2011, for Gold Coast Council.

The report states that if the underlying highest and best use of a property is greater than the property's current use, the property's value may be affected by a heritage listing. However, where the zoning is compatible with the current building stock, there will be no impact. It also acknowledged that there are several other factors that will contribute more to the variation of property value than heritage listing, these include:

- Location and condition of the property;
- Its inherent features;
- Upkeep and maintenance;

- Prevailing market conditions; and
- Its underlying highest and best use.

When considering the potential items included for listing, one is located within a R3 Medium Density Residential zone, while the other is in a B4 Mixed Use zone. The listing of these properties will impact on future owners' ability to achieve the full allowance under these zonings. However, as these lots are less than 600sqm with narrow frontages they are unable to be developed singularly and require amalgamation with adjacent lots. The listing does not however prevent reasonable additions to each property as per zoning allowances.

In terms of social impact, heritage and subsequently a heritage item is considered to be a public or social benefit. The retention and protection of items which have identified heritage values is recognised in academic literature as being important to an individual's understanding of place and of their own identity.

The items proposed to be listed, are representative of key aspects in the heritage of Liverpool, from the early years of settlement, through the key growth phases of the mid 1800s and mid to late 1900s and the specific elements of the identity of Liverpool such as the early pioneers and the military history of the area.

Current and previous residents of Liverpool strongly relate to these items and use the associated histories to understand the past and the present. The loss of any potential or current item can have detrimental impacts to the understanding of the history of the area and subsequently the identity of some people.

The proposed items are considered to be critical in adding further evidence to the story of Liverpool and its community, which would subsequently bolster the identity of people within the area, and therefore generate a social benefit.

Section D – State and Commonwealth interests

3.11 Is there adequate public infrastructure for the planning proposal?

Yes, the proposed amendments do not affect the need for infrastructure.

3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

As a part of the Gateway determination, the relevant public authorities to be consulted in relation to the planning proposal will be identified. The referral advice provided by the public authorities will be considered, following consultation in the public exhibition period.

Part 4 – Mapping

All draft maps accompanying this planning proposal are included in Appendix G.

Part 5 – Community Consultation

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The planning proposal will be publicly exhibited for 28 days

in accordance with DPE’s ‘Local Environmental Plan Making Guideline’ (December 2021). The planning proposal exhibition will also be carried out in accordance with Council’s Community Participation Plan.

Part 6 – Project Timeline

An anticipated project timeline is shown in Table 8.

Table 8 – Anticipated Project Timeline

Timeframe	Action
March 2022	Submission of Planning Proposal to DPE
April 2022	Gateway Determination issued
May-June 2022	State agency consultation
May-June 2022	Community consultation
June 2022	Consideration of submissions and proposal post-exhibition
July 2022	Post-exhibition report to Council
August 2022	Legal drafting and making of the plan

Appendices

- A. Heritage Significance Assessment, 122 Atkinson Street
- B. Heritage Significance Assessment, 124 Moore Street
- C. Council Resolution, 28 April 2021
- D. Council Resolution, 30 June 2021
- E. Description and Justification of Amendments
- F. Draft Amended Schedule 5 – Environmental Heritage
- G. Heritage Item Locations in Existing Heritage Maps
- H. Draft Amended Mapping