

8. REPORTS FROM OFFICERS

8.1 No. 2 Kent Street, Minto - St James Anglican Church - Heritage Listing

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.7 - Promote the city's heritage and history, with strong respect for our Aboriginal and Torres Strait Islander history

Officer's Recommendation

1. That Council adopt Amendment No.14 to the Campbelltown Local Environmental Plan 2015 (the CLEP 2015) as proposed by this Planning Proposal which lists the St James Anglican Church as an item of (local) environmental heritage under Schedule 5 of the CLEP 2015.
2. That Council's delegate, the General Manager, make Amendment No 14 to the Campbelltown Local Environmental Plan 2015 under delegation, pursuant to Section 3.36 of the *Environmental Planning and Assessment Act 1979* as authorised by the Minister for Planning and Environment.
3. That Council inform the Department of Planning and Environment of its decision to adopt and make Amendment No 14 to the CLEP 2015.
4. That the residents who made a submission on the Proposal during the public exhibition period be notified of Council's decision.
5. That the landowner be notified of Council's decision.

Executive Summary

Gateway Determination to publically exhibit a draft Planning Proposal for No. 2 Kent Street, Minto also known as St James Anglican Church was issued on 10 August 2018. The draft Planning Proposal which seeks to heritage list the old Church as an item of environmental heritage under Schedule 5 of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) was on public exhibition from 5 September to 12 October 2018.

A total of 9 submissions were received. This report considers these submissions. The report recommends that Council proceed to finalise the draft Planning Proposal and make the amendment.

Purpose

The purpose of this report is to outline a summary of the submissions received during the exhibition period of the potential heritage listing of the St James Anglican Church located at property No. 2 Kent Street, Minto (Lot 12 DP 712599).

A total of nine submissions were received during the public exhibition of the Planning Proposal (the proposal) which included two in-support of the proposal and seven in opposition.

Site

The subject land at No. 2 Kent Street is legally described as Lot 12 DP 712599, and has an area of approximately 3,395m² and is currently zoned R3 – Medium Density Residential under the Campbelltown Local Environmental Plan (CLEP) 2015. The site has a street frontage to Redfern Road and secondary street frontage to Kent Street.

The site contains the old St James Anglican Church, a rectory and church hall. Vehicular access to the land is from Kent Street and via an internal service road through the adjacent property at No. 2 Redfern Road, which is under the same ownership and occupied by the St James Anglican Church.

History

Development application 2837/2016/DA-DEM was lodged with Council on 30 August 2016 for the demolition of the old St James Anglican Church at No. 2 Kent Street, Minto. Council publicly exhibited the application and received eight written submissions and two petitions objecting to the proposed demolition, generally for reasons relating to the potential heritage significance of the building.

The justification provided by the applicant for the proposed demolition referred to the poor structural condition of the building, the associated safety hazard posed to the public users of the site, and prohibitive cost of repairs.

The use of the building for church services had also been surpassed by the multi-purpose church centre building located on the adjacent allotment, providing a more contemporary venue for the local congregation.

Council at its meeting held 18 April 2017, considered a report on the subject development application and resolved to refuse the proposed demolition for the following reason:

Pursuant to the provisions of Sections 79C (1)(d) and 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that having regard for the number of public submissions, the development is not considered to be in the public interest.

The applicant subsequently lodged an appeal with the Land and Environment Court seeking to have the refusal put aside and the proposed demolition of the building approved. As part of Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the *Heritage Act*

1977 to issue an Interim Heritage Order (IHO) to protect the subject building for a six month period so that further detailed heritage investigations could be undertaken.

Council at its meeting held 10 October 2017 considered a report on the proposed IHO for the old St James Anglican Church (attachment 1), in the context of the Land and Environment Court appeal, and resolved:

1. That Council resolve to make an Interim Heritage Order, pursuant to Section 25 of the *Heritage Act 1977* and the delegations provided to it by the Ministerial Order dated 22 April 2013 in the manner detailed in attachment 3 of this report.
2. That subject to recommendation No. 1, Council notify the owner of the subject property that an Interim Heritage Order has been made and notify the public in accordance with Section 28 of the *Heritage Act 1977*.
3. That Council commission further detailed investigations in relation to the site's potential heritage significance and the condition of the building, which can be utilised to determine a final position on listing the site as an item of local heritage significance within Campbelltown Local Environmental Plan 2015.

An IHO for the subject property was prepared and notified by Council in accordance with the above resolution, and became effective on 13 October 2017 for a six month period expiring on 13 April 2018. A copy of the IHO is provided at attachment 2.

Following the making of the IHO by Council, the appeal to the Land and Environment Court was discontinued on 27 October 2017 by consent of all relevant parties. Accordingly, Council's refusal of the subject development application stands, meaning that there is no active appeal or proposal for demolition or works that may impact the subject building.

On 10 April 2018 Council considered an independent heritage report by Heritage 21 to assist Council in making an informed determination on the potential heritage listing of the subject building. Council resolved to support the heritage listing of St James Anglican Church. Listing the St Andrews Anglican Church as a Local Heritage item would require an amendment to Council's CLEP by way of a draft Planning Proposal.

A report on the draft Planning Proposal (the proposal) was presented to the Campbelltown Local Planning Panel on 27 June 2018 which sought advice on the proposed heritage listing of the old church. The Agenda and Minutes of the Local Planning Panel are provided at (attachment 3).

The Panel supported the listing of the Church and advised the following:

The church building, trees and fence:

- comprise one of the last remnant buildings from the original Minto Village
- exhibit historical significance at the local level as remnant evidence of the historical development of the local area
- represents a continuing presence of the Anglican community in the locale for over a century
- provide historical and cultural link to the local area which would be consistent with the directions of the Greater Sydney Region Plan 2018
- demonstrated land mark qualities.

The church building is a local example of significant technical achievement with the church having been dismantled and reconstructed entirely by hand in 10 weeks in 1918 with minimal change to the original fabric.

The proposal to list the old St James Anglican Church under Schedule 5 of the Campbelltown Local Environmental Plan (CLEP) 2015 was sent to the Department of Planning and Environment for Gateway Determination on 3 July 2018. A Gateway Determination was subsequently issued on 10 August 2018 (attachment 4).

Report

The proposal (attachment 5) to list the old St James Anglican Church at No. 2 Kent Street, Minto as an item of the environmental heritage under CLEP 2015 was publically exhibited from 5 September to 12 October 2018.

The public exhibition was notified in public newspaper advertisements and letters were mailed to surrounding land owners and the Office of Environment and Heritage.

Exhibition materials were made available at the Council Civic Centre and Ingleburn HJ Daley Library, Eagle Vale Library and on Council's website. The exhibition material included the following:

- Revised Planning Proposal
- Attachment A – Heritage Report undertaken by Heritage 21
- Attachment B – 10 April Council Report including attachments
- Attachment C - Gateway Determination

A summary of the submissions made during the exhibition period are outlined below along with responses from Council staff.

	Concerns	No. of submissions that address the concern	Council Response
In-Support			
1	Support the retention/listing of the Church.	2	This is the recommendation of the report.
2	Preserves the History of Minto	1	Noted
3	Allows for adaptive reuse of the building	1	Heritage listing potentially expands the range of permissible uses for the building.
4	Architect was Henry Austin Wilshire who designed a number of other buildings in Sydney	1	Noted

Objections			
	Concerns	No. of submissions that address the concern	Council Response
1	The cost to carry out the restoration works would place a huge ongoing burden on the current and future congregation who are ordinary rate payers.	6	Noted
2	Council is going against its own policy and is heritage listing an item without the owner's consent.	4	Noted – not a formal policy.
3	There are discrepancies with regards to the exhibition documents.	3	Council staff became aware of discrepancies and amended the proposal and also extended the exhibition period to conform with required exhibition timeframes and practices.
4	Council has previously advised that the building is not structurally adequate.	3	The building would require work to meet current standards.
5	Cost of repair and renovation at an estimate \$566,115 - 667,205 is a large amount for a small congregation.	3	It is acknowledged that there would be a cost associated with the repair of the church. Heritage listing provides access to the heritage incentives of clause 5.10 in CLEP 2015.
6	The Parish Council have exhausted their options for repairing the old building, and it would not be financially viable for the parish to keep the Church.	3	The cost of repairing the building would be significant. Council is able to provide assistance through the heritage fund grant. Listing also provides potential access to heritage grants and the ability to use the heritage incentives clause in CLEP 2015.
7	The original brickwork has been mismatched.	2	Noted
8	Even if the building was restored, the building would not be suitable for current use due to its lack of adequate heating/cooling and kitchen facilities, and also lack of toilet facilities.	2	It is noted that further work would need to be undertaken to restore the building. Heritage listing would provide access to the heritage incentives clause in CLEP2015 which expands the range of land uses permissible with Councils consent in the building.

9	If the old church is listed it will bring financial hardship to the congregation.	2	Repair works if undertaken would be at a cost. However heritage listing provides access to the heritage incentives of clause 5.10 in CLEP 2015.
10	The Parish Council's intentions were to save the foundation stones along with photos to be placed in a garden among the palm trees.	2	Noted
11	Buttress walls on the north side of the building are not part of the original structure. They were constructed to help stabilise the northern wall of the building. Will these buttress walls be subject to the heritage classification even though it is a relatively new structure? If the buttress walls are covered by the heritage order then any restoration project would not be able to return the building to its original state.	2	Noted. However, the works undertaken after the construction of the church would be considered sympathetic to the structure. Any future work would also need to be sympathetic to the building and its surrounds.
12	The building cannot be repaired.	1	The building has the potential to be restored should the land owner choose to do so.
13	There is no opportunity to re-use the building due to its current state.	1	The opportunity to re-use the building is dependent on the building being made safe.
14	The Heritage 21 and Paul Davies assessments indicate that the building is not of architectural heritage value.	1	Heritage listings do not only rely on architectural value and are assessed through a number of criteria such as aesthetic, architectural and historical association among many others.
15	The old Church has not been used since 1984.	1	Noted
16	Council's \$2,000 through the heritage fund would not be enough.	1	Noted
17	Do not want another derelict building such as Dr Redfern's cottage.	1	Noted

18	The building should not be listed just because of its age. It is not necessarily historical.	1	The Heritage 21 Report makes an assessment based on a range of criteria including historical, aesthetic and historical association.
19	The tile roof does not belong to the original structure. Concrete tiles were not even in use in Australia until the 1920s and 1930s. The original roof was probably slate (as is the case with St. Peter's Church at Campbelltown).	1	Noted
20	Fencing will need to be erected to prevent entrance to the building as it becomes derelict.	1	All landowners have the responsibility to maintain a safe site.
21	The item lost credibility when it was reconstructed.	1	The heritage report demonstrates sufficient reasons to heritage list the building.
22	The cement roof tiles are not a part of the original structure, concrete tiles were not even in use when the church was originally built;	1	The Report produced by Heritage 21 acknowledges that some of the works have been undertaken after the original construction of the church. The heritage listing would increase the potential for heritage grants and provide access to the heritage incentives clause in CLEP 2015.
23	The building is likely to become an eyesore and derelict.	1	All landowners have a responsibility to maintain a safe site. The heritage listing would increase the potential for heritage grants and provide access to the heritage incentives clause in CLEP 2015.
24	No economic analysis has been undertaken by the Council engaged consultant.	1	An economic analysis is not required to assess the building for heritage characteristics.
25	The Church did not receive a letter in relation to the Planning Proposal.	1	Council's database indicates that a letter was sent to the Church.
26	The issues regarding the old church are major and make the church unsafe.	1	It would be up to the landowner to bring the old church in line with safety provisions.

Submissions made during the public exhibition of the proposal identified a range of concerns associated with the potential listing of the old building including the structural integrity of the building, feasibility of undertaking the schedule works which would cost between \$566,115 and \$667,205 and the heritage significance of the building as identified by Paul Davies, the Heritage Consultants engaged by the landowner.

The independent assessment undertaken by Heritage 21 (attachment 6) acknowledges that the old church does not display any particular creative achievement however the building does demonstrate landmark qualities. The old church is largely intact which includes scale, built form and dimensions which are all readily eligible including four palm trees and the front fence which also form part of the proposed heritage listing.

The independent assessment acknowledges that a number of additional works have been undertaken over time and have been introduced such as the timber partitions which created the narthex and the upper level internally. The St James Anglican Church also displays a strong social significance to the Anglican Church and the greater locale of Minto. The church is one of the last remaining remnant buildings within the Minto town centre.

Under Clause 5.10 of the CLEP 2015, heritage conservation incentives would be applicable to the old church should the heritage listing of the old church proceed, which would allow the consent authority to grant consent to development even though the development for that purpose would otherwise not be allowed by the CLEP 2015.

The proposed heritage listing of the Church does not prohibit the land owner from lodging a future development application for the demolition of the old church or other development proposals. If the old church was not heritage listed there would also be no guarantee that a development application for demolition would be granted consent as evidenced by Council's previous refusal.

Recommendations outlined within the report undertaken by Heritage 21 indicate that the building should be retained and conserved (including the significant landscape elements such as the front fence and four palm trees) and that repair works are required in order to restore full structural integrity to the building.

Delegation to Make the Plan - Amendment No 14 to the CLEP 2015

As part of the Gateway Determination and after considering the nature of the Planning Proposal, Council was authorised by the Department as the local plan-making authority for this amendment (amendment No 14) to the CLEP 2015.

Accordingly, should Council endorse the Draft Planning Proposal as publicly exhibited, Council can require the General Manager make Amendment No 14 to the CLEP 2015 under delegation.

However, prior to the making of the plan, Council would need to obtain an opinion from the Parliamentary Counsel in relation to the drafting of this Amendment.

Conclusion

A total of nine submissions were received during the exhibition of the draft Planning Proposal to heritage list the old St James Anglican Church at No. 2 Kent Street, Minto.

The public exhibition of the draft Planning Proposal has raised issues relating to the cost of works, safety and feasibility of heritage listing and the change of Council's historical approach to heritage listing, as previously owner's consent was required prior to adding a new item to Council's heritage list. These matters are addressed in this report.

It is recommended that Council adopt the draft Planning Proposal and proceed to make Amendment No 14 to the CLEP 2015 under delegation.

Attachments

1. Council Report of 10 October 2017 (contained within this report)
2. IHO Notice (contained within this report)
3. Campbelltown Local Planning Panel Agenda and Minutes of 27 June 2018 (contained within this report)
4. Gateway Determination Heritage Listing of St James Church (contained within this report)
5. Revised Draft Planning Proposal - Heritage Listing (contained within this report)
6. Heritage Data Form - St James Anglican Church (contained within this report)



14.1 No. 2 Kent Street, Minto - St James Anglican Church Interim Heritage Protection Order

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.7 - Promote the city's heritage and history, with strong respect for our Aboriginal and Torres Strait Islander history

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(e) and (g) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following: -

information that would, if disclosed, prejudice the maintenance of law and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Officer's Recommendation

1. That Council resolve to make an Interim Heritage Order, pursuant to Section 25 of the *Heritage Act 1977* and the delegations provided to it by the Ministerial Order dated 22 April 2013 in the manner detailed in attachment 3 of this report.
2. That subject to recommendation No. 1, Council notify the owner of the subject property that an Interim Heritage Order has been made and notify the public in accordance with Section 28 of the *Heritage Act 1977*.
3. That Council commission further detailed investigations in relation to the site's potential heritage significance and the condition of the building, which can be utilised to determine a final position on listing the site as an item of local heritage significance within Campbelltown Local Environmental Plan 2015.

Purpose

To assist Council with its consideration of using certain provisions within the *Heritage Act 1977* in relation to an ongoing Land and Environment Court appeal following the Council's refusal of a development application proposing the demolition of the original St James Anglican Church building.

Ordinary Council Meeting

10/10/2017

Property Description	Lot 12 DP 712566, No. 2 Kent Street, Minto
Application No	2837/2016/DA-DEM
Applicant	St James Anglican Parish
Owner	Anglican Church Property Trust, Diocese of Sydney
Provisions	<i>Heritage Act 1977</i> <i>Land and Environment Court Act 1979</i> <i>Environmental Planning and Assessment Act 1979</i>

History

Council received a development application seeking approval to demolish the original St James church building at the subject property in August 2016.

During the assessment and exhibition of the development application, Council received a number of submissions in objection to the proposal.

Council at its meeting held 18 April 2017 resolved to refuse the development application for the following reason:

Pursuant to the provisions of Sections 79C(1)(d) and 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, it is considered that having regard for the number of public submissions, the development is not considered to be in the public interest.

Upon receipt of the refusal, the applicant lodged an appeal against Council's decision with the Land and Environment Court, seeking to have the refusal put aside and the demolition of the building approved.

Report

On receipt of the notice of appeal lodged against Council's decision to refuse the application for the demolition of the St James Church, officers engaged the services of Marsdens Law Group to represent Council in its defence of the refusal. As part of the representation offer and with the agreement of officers, it was considered prudent to seek independent heritage significance advice regarding the church building.

At present, the building is not listed as an item of heritage significance.

Marsdens engaged a well-known heritage specialist firm (Rappoport Pty Ltd, trading as Heritage 21) to consider the heritage significance of the church. The firm has completed its study of the church and provided a report on the heritage significance of the church. This report/study will be used to assist Council's position, and defence of its refusal of the application to demolish the building.

The heritage significance assessment can be found in its entirety at Attachment 1 to this report.

In summary, the heritage significance assessment found that:

- a. Despite some minor structural issues, the building seems relatively intact from the exterior; and
- b. St James Anglican Church embodies historical, associative, aesthetic, social, and representative values, and is also significant for its rarity in the local context. The building demonstrates continuing links with the Anglican community of New South Wales, was designed by a prominent Federation-era architect, and is a rare and highly intact relic of the early development of Minto Village.

Further to this, the assessment report makes three key recommendations, which are reproduced below:

1. Listing on Campbelltown Local Environmental Plan 2015 (CLEP)

The building should be listed as a locally significant item of environmental heritage in Schedule 5 of the Campbelltown Local Environmental Plan 2015, in recognition of the contribution the place makes to the historical environment of Minto. The rarity of places in Minto, listed as heritage items in Schedule 5 of the CLEP, makes this action all the more important.

2. Interim Heritage Order

Heritage 21 strongly recommends Campbelltown Council, as a delegate of the NSW Heritage Minister, place an Interim Heritage Order on St James Anglican Church. This action would impose a moratorium on any works at the site for a period of up to 12 months, to allow Council to make a full assessment of the heritage significance of the place (such as the one presented in this report).

3. Remedial Works

An assessment of the current condition of the subject building should be undertaken by a suitably-qualified structural engineer. Such a report should also detail remedial works to be undertaken to restore the building and address the identified structural failures.

Of relevance in the immediate short term, and with particular regard to the ongoing Court matter is recommendation 2, which is discussed in more detail later in this report.

Interim Heritage Order – *Heritage Act 1977*

The *Heritage Act 1977* is the pre-eminent piece of legislation created for the protection of post European settlement heritage in NSW. The *Heritage Act 1977* (the Act) provides for various means to protect heritage items, including (but not limited to) listing in state and local registers and the issuance of conservation orders.

One such means of limited protection of potential heritage items available to Council under the Act, is the issuing of an Interim Heritage Order (IHO).

A short explanation of interim orders is located on the Office of Environment's website. It reads:

Interim Heritage Orders are made by the Minister on the recommendation of the Heritage Council, or by local councils under delegation.

The purpose of an Interim Heritage Order is to provide a breathing space of no more than 12 months during which a full heritage assessment can be completed. Temporary in nature, the majority of Interim Heritage Orders are made in response to community representations or concerns raised by local government.

Councils can only make IHO in those circumstances where a potential heritage item, place or area:

- is or is likely to be of heritage significance
- is under threat of demolition or unsympathetic alteration
- does not have statutory heritage protection under the *Environmental Planning and Assessment Act 1979* or the *Heritage Act 1977*.

The above circumstances are considered to apply to the subject site and its current situation.

In this regard, Council is conferred delegations to impose IHOs pursuant to an instrument made under the *Heritage Act 1977* in 2002 and a more recent update in 2013.

Additional information prepared by the Office of Environment and Heritage regarding the IHO process is provided at Attachment 2 to this report.

Correspondence received from Marsdens during preparations for a hearing on the matter, suggests that Council's position in defending its refusal would be strengthened should an IHO be imposed on the subject item.

The IHO process can be commenced by way of Council resolution, with the interim order made pursuant to Section 25(2) of the *Heritage Act 1977*, which reads:

A council authorised under this section may make an Interim Heritage Order for a place, building, work, relic, moveable object or precinct in the council's area that the council considers may, on further inquiry or investigation, be found to be of local heritage significance, and that the council considers is being or is likely to be harmed.

A draft IHO made in the prescribed format is found at attachment 3 to this report.

Under Council's delegation, the maximum period of time an IHO can be made is 6 months. However, this can be extended by way of a further resolution within that initial 6 month period to place an item on a local heritage register. In these circumstances, the Order's expiry period extends to 12 months from the date of its making.

According to the NSW Heritage Office's Local Government Heritage Guidelines publication:

Council must establish whether a potential heritage item is of local or State significance within a reasonable time frame. As soon as possible after an Interim Heritage Order is made, the Heritage Advisor, council heritage officer or consultant should undertake a detailed assessment of the heritage significance of the item. The assessment should be prepared in accordance with Heritage Council guidelines. In some instances it may be necessary for council to engage a consultant with particular expertise to carry out the assessment.

It would be intended to undertake the further necessary studies to support the site's listing as an item of heritage significance should the IHO be made. As mentioned earlier, it is considered likely that this additional work would assist Council's defence of its decision to refuse the application to demolish the church.

Pursuant to Section 26 of the Act, a council is not required, before making an IHO, to notify any person who will be affected by the order of the intention to make the order.

The IHO becomes effective upon its appearance in the Government Gazette and upon notification of its making to the owner.

Council already has an extensive listing of heritage significant items under its planning instruments, which has ensured that to date there has been no need to utilise the protection mechanisms of the IHO process.

It is important to note that where the Land and Environment Court decides to approve the demolition of the subject building, Council would no longer have the power to make an IHO on the subject building i.e. the making of an IHO must be completed before the Court (or any other authority) makes a decision that allows the demolition of the subject building.

An owner can appeal the making of an IHO to the Land and Environment Court. It is considered likely that should such an appeal be made with the Court against the IHO, such an appeal would be joined to the existing appeal against Council's refusal of the development application.

Conclusion

Council has refused a development application to demolish the original St James Church building at No. 2 Kent Street, Minto.

The applicant subsequently lodged an appeal with the NSW Land and Environment Court against Council's refusal of the application to demolish the church.

As part of Council's defence of its decision to refuse the application, specialist heritage advice was sought to consider the building's potential heritage significance.

The specialist advice has found that the church has potential heritage significance and recommends that Council issue an Interim Heritage Order on the property and the item to protect it for a maximum of 12 months until such time that further detailed investigations can be undertaken, moving to the item being listed as locally significant in Council's local environmental plan.

Council's established position in relation to listing items of heritage significance has been that it would not do so without the agreement of the landowner. Council's position was held to ensure that there is no motive for owners wanting to diminish the heritage value of properties (by way of neglect) that are being considered for listing.

Council's legal representative has suggested that Council's position in defending its refusal would be strengthened should an Interim Heritage Order be imposed on the site.

The Interim Heritage Order can be made within days of Council's resolution according to the procedures outlined by the NSW Government Parliamentary Counsel.

It would be intended to gazette the Interim Heritage Order with some haste as the initial conciliation conferencing on the applicant's appeal is being held in late October.

Further recommendations would be provided to Council in the coming months in regard to the future listing of the item in Council's local environmental plan once additional detailed heritage significance and building condition reports is received.

Attachments

1. St James Anglican Church, Minto - Assessment of Significance (distributed under separate cover - confidential in accordance with Section 10A(2)((e)) of the *Local Government Act 1993*)
2. Office of Environment and Heritage Interim Heritage Order information sheet (distributed under separate cover - confidential in accordance with Section 10A(2)((e)) of the *Local Government Act 1993*)
3. Proposed Interim Heritage Order to be published in the NSW Government Gazette (contained within this report - confidential in accordance with Section 10A(2)((e)) of the *Local Government Act 1993*)

14.1 No. 2 Kent Street, Minto - St James Anglican Church Interim Heritage Protection Order

It was **Moved** Councillor Hunt, **Seconded** Councillor Chivers:

1. That Council resolve to make an Interim Heritage Order, pursuant to Section 25 of the *Heritage Act 1977* and the delegations provided to it by the Ministerial Order dated 22 April 2013 in the manner detailed in attachment 3 of this report.
2. That subject to recommendation No. 1, Council notify the owner of the subject property that an Interim Heritage Order has been made and notify the public in accordance with Section 28 of the *Heritage Act 1977*.
3. That Council commission further detailed investigations in relation to the site's potential heritage significance and the condition of the building, which can be utilised to determine a final position on listing the site as an item of local heritage significance within Campbelltown Local Environmental Plan 2015.

001 The Motion on being Put was **CARRIED**.

CAMPBELLTOWN CITY COUNCIL**INTERIM HERITAGE ORDER NO 1**

Under section 25 of the Heritage Act 1977 Campbelltown City Council does by this order:

- i. make an Interim Heritage Order to cover the item of the environmental heritage specified or described in Schedule "A"; and
- ii. declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule "B".

This Interim Heritage Order will lapse six months from the date that it is made unless the local Council has passed a resolution before that date either:

1. in the case of an item which, in the Council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
2. in the case of an item which in the Council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Sydney 10th October 2017

LINDY DEITZ, General Manager, Campbelltown City Council

Schedule "A"

The property known as St James Anglican Church, situated at 2 Kent Street, Minto on land described in Schedule B.

Schedule "B"

All those pieces and parcels of land known as Lot 12, DP 712599 in the Parish of Minto, County of Cumberland.

4.3 Planning Proposal for Old St James Anglican Church

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.9 - Create places where people feel good, are likely to stay, to return to and tell others about their experience

Referral Criteria

Planning Proposals are now required to be forwarded to the Local Planning Panel for advice prior to submission to Gateway.

Executive Summary

- A development application (2837/2016/DA-DEM) was lodged with Council on 30 August 2016 for the demolition of the old St James Anglican Church at No. 2 Kent Street, Minto. Council at its meeting held 18 April 2017, considered a report on the subject development application and resolved to refuse the proposed demolition.
- An appeal was lodged with the Land and Environment Court challenging the refusal and the proposed demolition of the building. In Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the Heritage Act 1977 to issue an Interim Heritage Order (IHO).
- An IHO for the subject property was prepared and notified by Council, and became effective on 13 October 2017. Further investigating where required to be undertaken to confirm as to whether the item had heritage significance.
- Council subsequently considered a report at its meeting on 10 April 2018 which detailed additional investigations undertaken by Heritage 21 to assist Council making an informed determination on the potential heritage listing of the subject building. Council resolved to support the heritage listing of St James Anglican Church. The Heritage 21 study is provided at attachment 2 of this report.
- The independent heritage study supports the heritage listing of the old church for the following reasons:
 - The Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area.
 - It is one of the last remnant buildings from the original Minto Village.
 - The setting including pine trees and fence are all intact from c1930s.
 - The St James Anglican Church represents continuing presence of the Anglican community in the locale for over a century.

Local Planning Panel Meeting

27/06/2018

Officer's Recommendation

That the Campbelltown Local Planning Panel provide advice on the subject draft Planning Proposal which proposes the listing of St James, Minto as an item of the environmental heritage.

Purpose

The purpose of this report is to inform and seek the advice of the Campbelltown Local Planning Panel on a draft planning proposal.

Property Description	Lot 12 DP 712599, 2 Kent Street, Minto
Applicant	Campbelltown City Council
Owner	Anglican Church Property Trust Diocese of Sydney
Provisions	<p>Campbelltown Local Environmental Plan 2015</p> <p>Section 9.1 Ministerial Directions</p> <p>SEPP 55 – Remediation of Lands</p> <p>SEPP 19 – Bushland in Urban Areas</p> <p>SEPP (Exempt and Complying Development Codes) 2008</p> <p>SEPP (State and Regional Development) 2011</p> <p>SEPP (Vegetation in Non-Rural Areas) 2017</p> <p>REP (Sydney harbour Catchment) 2005</p> <p>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment</p> <p>Greater Sydney Region Plan</p> <p>Western City District Plan</p> <p>Glenfield to Macarthur Urban Renewal Precinct</p> <p>Campbelltown Community Strategic Plan 2017-2027</p> <p>Campbelltown Residential Development Strategy 2014</p> <p>Re-imagining Campbelltown</p> <p>Campbelltown (Sustainable City) Development Control Plan 2015</p>
Date Received	Council initiated Planning Proposal

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History

A detailed table of events that have occurred from the date of lodgement of the Development Application to the current status of the property:

Date	Key Events
30 August 2016	<p>A Development application (2837/2016/DA-DEM) was lodged with Council for the demolition of the old St James Anglican Church. Council publicly exhibited the proposal and received eight written submissions and two petitions objecting to the proposed demolition, generally for reasons relating to the potential heritage significance of the building.</p> <p>The justification provided by the applicant for the proposed demolition referred to the poor structural condition of the building, the associated safety hazard posed to the public and users of the site, and prohibitive cost of repairs. The use of the building for church services had also been surpassed by the multi-purpose church centre building located on the adjacent allotment, providing a more contemporary venue for the local congregation.</p>
18 April 2017	<p>Council considered a report on the subject development application and resolved to refuse the proposed demolition for the following reason:</p> <p>Pursuant to the provisions of Sections 79C(1)(d) and 79C(1)(e) of the <i>Environmental Planning and Assessment Act 1979</i>, it is considered that having regard for the number of public submissions, the development is not considered to be in the public interest.</p> <p>An appeal by the Applicant was subsequently lodged with the Land and Environment Court seeking to have the refusal overturned.</p> <p>As part of Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the <i>Heritage Act 1977</i> to issue an Interim Heritage Order (IHO) to protect the subject building for a six month period so that further detailed heritage investigations could be undertaken.</p>
10 October 2017	<p>Council considered a report on the proposed IHO for the old St James Anglican Church, in the context of the Land and Environment Court appeal, and resolved:</p> <ol style="list-style-type: none"> 1. That Council resolve to make an Interim Heritage Order, pursuant to Section 25 of the <i>Heritage Act 1977</i> and the delegations provided to it by the Ministerial Order dated 22 April 2013 in the manner detailed in attachment 3 of this report. 2. That subject to recommendation No. 1, Council notify the owner of the subject property that an Interim Heritage Order has been made and notify the public in accordance with Section 28 of the <i>Heritage Act 1977</i>. 3. That Council commission further detailed investigations in relation to the site's potential heritage significance and the condition of the building, which can be utilised to determine a final position on

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	listing the site as an item of local heritage significance within Campbelltown Local Environmental Plan 2015.
13 October 2017	<p>An IHO for the subject property was prepared and notified by Council, and became effective for a six month period expiring on 13 April 2018</p> <p>A copy of the IHO is provided at attachment 3</p> <p>Following the making of the IHO by Council, the appeal to the Land and Environment Court was discontinued on 27 October 2018 by consent of all relevant parties.</p>
10 April 2018	<p>Council considered an independent heritage report by Heritage 21 to assist Council making an informed determination on the potential heritage listing of the subject building</p> <p>Council resolved to support the heritage listing of St James Anglican Church</p> <p>The Heritage 21 heritage study is provided at attachment 3 of this Report.</p>

Report

1. Assessment of the Planning Proposal

1.1 Summary of Planning Proposal Request

In summary, the planning proposal seeks to amend Schedule 5 of the CLEP 2015 to include the old St James Anglican Church located on No. 2 Kent Street, Minto. The proposal is to list the church and curtilage, but not the whole lot on which the church stands.

A copy of the draft planning proposal is located at attachment 1.

1.2 Justification

The NSW Department of Planning and Environment's (DPE) A Guide to Preparing Planning Proposals – issued under s3.33 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides guidance and information for preparing planning proposals. The preparation of the draft planning proposal has been undertaken in accordance with the latest version of the guide.

1.3 Consideration of Section 9.1 Ministerial Directions

Section 9.1 (formerly Section 117) of the EP&A Act allows the Minister for Planning to provide direction to Council in relation to the preparation of draft local environmental plans.

The directions that are most relevant to this proposal are listed below:

- Direction 2.3 Environment and Heritage
- Direction 3.1 Residential Zones
- Direction 6.1 Approval and Referral Requirements
- Direction 7.1 Implementation of a Plan for Growing Sydney
- Direction 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor

The proposal is consistent with the ministerial directions outlined under Section 9.1.

Further detail and explanation of the relevant Ministerial directions are outlined in the draft planning proposal located in attachment 1 to this report.

1.4 Consideration of State Environmental Planning Policies (SEPPs)

The following SEPPs are applicable to the proposal and have been discussed below:

- SEPP 19 – Bushland in Urban Areas
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017
- REP (Sydney harbour Catchment) 2005
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

Further detail in relation to the relevant SEPPs is outlined in the draft planning proposal which is located in attachment 1 to this report.

1.5 Consideration of the Campbelltown Local Environmental Plan 2015

The subject site is currently zoned R3 – Medium Density Residential with a maximum permissible building height of 9 metres. The subject site forms part of the St James Anglican Church landholdings.

The inclusion of the old church as an item of local significance has merit, taking into consideration the independent heritage assessment undertaken by Heritage 21.

The independent assessment advises that the old church represents a strong cultural and social affiliation to the Anglican community and the local area of Minto. The church demonstrates landmark qualities and significant technical achievement, having been dismantled and reconstructed entirely by hand in 10 weeks with minimal change to the original fabric. The site is one of the last remaining buildings in the local area from the Minto Village era.

The proposal to heritage list the subject site as an item of local significance would not be out of character with the existing adjoining development surrounding the church which is predominantly 2 storeys. Future development of the surrounding sites could see an increase in medium density development between 3-6 storeys which would be facilitated by planning proposals to Council.

Future development of the subject site and surrounding sites would need to consider the heritage item.

2. Strategic Context – Relationship to State and Local Planning Policies

2.1 Greater Sydney Region Plan 2018

The Greater Sydney Region Plan has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years in order to achieve a common goal of having a metropolis of three cities, Eastern, Central and Western. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 725,000 additional homes and create 817,000 jobs by 2036.

The plan also distinguishes that Greater Sydney is the site of the first colonial settlement in Australia and the history and heritage makes a significant contribution to the region's culture and identity. By conserving the subject site, the old church would provide a historical and cultural link to the local area.

2.2 Western City District Plan

As part of the NSW State Government's Greater Sydney Region Plan, Campbelltown is identified as a metropolitan cluster and health and education precinct in the Western City District Plan. The Plan provides guidance in relation to job creation, housing supply and sustainability. The Plan also establishes the need to preserve cultural history including landscapes and heritage.

The area of Minto currently has four heritage items and the inclusion of the old St James Anglican Church would promote and enhance the Minto centres civic, cultural and heritage role. Future re-development of the area is anticipated which would be consistent with the Plan's objectives of creating stronger local economies close to jobs and housing. The role of heritage items would allow for the opportunity of adaptive re-use of these areas and would complement re-development in the near future.

2.3 Glenfield to Macarthur Urban Renewal Corridor Strategy

The NSW Government recently finalised the Minto Precinct in the Glenfield to Macarthur Urban Renewal Corridor Strategy which aims to provide better connections between homes, jobs and open space close to seven train stations between Glenfield and Macarthur.

As part of the strategy, Minto has been identified as an employment centre which provides a gateway to the South West and serving the wider growth area. The vision encapsulates Minto as an employment precinct which provides a variety of local based jobs within walking distance of the station and housing. Currently, there are no heritage items within the defined precinct of Minto under the Strategy.

Under the Strategy, the subject site is proposed to include 3-6 storey medium density residential development with proposed green links to Coronation Park.

The Proposal to heritage list the church would potentially have an impact on the Strategy to re-develop land for the purposes of medium density residential. Under the Strategy, future re-development would need to consider the Item and allow for sensible integration.

2.4 Campbelltown Community Strategic Plan 2027

The Campbelltown Community Strategic Plan 2027 is a document which will guide Minto over the next ten years through a series of goals and strategies including, but not limited to housing choice, strengthening the local economy and promoting the use of public spaces.

The strategic plan will assist Council in strategic direction over the next nine years which would include redevelopment of land around Minto Train Station for the purposes of employment and housing. The plan outlines the importance of embracing Campbelltown's rich and cultural history. The heritage listing of the old Church would support the idea of conserving local heritage listed items.

2.5 Concerns relating to the Planning Proposal

In February 2018, a submission was made to Council by Paul Davies Pty Ltd – Architects Heritage Consultants on behalf of the Anglican Church Property Trust in relation to the IHO placed on the building. The submission on behalf of the Anglican Church Property Trust detailed the following reasons not to heritage list the Church:

- The Church was not listed previously or recommended for listing in any previous studies
- Ongoing maintenance costs would increase as a result of the heritage listing
- There would be no feasibility in keeping the structure due to the large cost of undertaking the structural repair works of the church
- Estimated structural repair works would cost \$560,000 to \$660,000 which would be unfeasible to the Parish
- There is no suitable use for the building due to the current structural integrity
- Heritage listing the building would have consequences on the church into the future.

The heritage report submitted by the consultant to the Church outlined that there is not enough merit in listing the old church. The fees and costs associated with the conservation of the church in order to satisfy building and structural requirements are excessive for the Church.

A copy of the submission can be seen as attachment 4.

3. Public Participation

Should the planning proposal proceed through Gateway Determination, community consultation will be undertaken. The specific requirements for community consultation will be provided in the Gateway Determination.

4. Conclusion

The planning proposal seeks to achieve the local heritage listing of St James Anglican Church under Schedule 5 of the CLEP 2015. It is recommended to support the heritage listing of the subject property due to the long standing social and cultural significance to the Anglican community and local community of Minto. The heritage listing of the Church would also be the first within the Minto town centre which would complement the rejuvenation of Minto in line with relevant local and state strategies.

Attachments

1. Draft Planning Proposal (contained within this report)
2. Heritage 21 Study (contained within this report)
3. Interim Heritage Order (contained within this report)
4. Heritage Report (contained within this report)

Reporting Officer

Executive Manager Urban Centres

4.3 Planning Proposal for Old St James Anglican Church

Executive Summary

- A development application (2837/2016/DA-DEM) was lodged with Council on 30 August 2016 for the demolition of the old St James Anglican Church at No. 2 Kent Street, Minto. Council at its meeting held 18 April 2017, considered a report on the subject development application and resolved to refuse the proposed demolition.
- An appeal was lodged with the Land and Environment Court challenging the refusal and the proposed demolition of the building. In Council's legal defence, specialist heritage advice was obtained to consider the building's potential heritage significance. This advice confirmed the potential heritage significance of the subject building, and recommended Council utilise its delegation under the Heritage Act 1977 to issue an Interim Heritage Order (IHO).
- An IHO for the subject property was prepared and notified by Council, and became effective on 13 October 2017. Further investigations were required to confirm whether the item had heritage significance.
- Council subsequently considered a report at its meeting on 10 April 2018 which detailed additional investigations undertaken by Heritage 21 to assist Council making an informed determination on the potential heritage listing of the subject building. Council resolved to support the heritage listing of St James Anglican Church. The Heritage 21 study is provided at attachment 2 of this report.
- The independent heritage study supports the heritage listing of the old church for the following reasons:
 - The Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area.
 - It is one of the last remnant buildings from the original Minto Village.
 - The setting including pine trees and fence are all intact from c1930s.
 - The St James Anglican Church represents continuing presence of the Anglican community in the locale for over a century.

Advice of the Panel

The Panel supports the Planning Proposal to list St James Anglican Church, Minto as an item of the environmental heritage for the following reasons:

1. The church building, trees and fence:
 - comprise one of the last remnant buildings from the original Minto Village
 - exhibit historical significance at the local level as remnant evidence of the historical development of the local area
 - represents a continuing presence of the Anglican community in the locale for over a century
 - provide a historical and cultural link to the local area which would be consistent with the directions of the Greater Sydney Region Plan 2018; and
 - demonstrate landmark qualities.

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2. The church building is a local example of significant technical achievement with the church having been dismantled and reconstructed entirely by hand in 10 weeks in 1918 with minimal change to the original fabric.

Voting

The Local Planning Panel voted 4/0



PP_2018_CAMPB_003_00/IRF18/3912

Ms Lindy Deitz
General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Attention: Mr Ante Zekanovic

Dear Ms Deitz

Planning proposal PP_2018_CAMPB_003_00 to amend Campbelltown Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on date 3 July 2018 in respect of the planning proposal to heritage list the old St James Anglican Church, early palm tree plantings and front fence at No.2 Kent Street, Minto.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 7.7 Glenfield to Macarthur Urban Renewal Corridor, is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to

meet these commitments, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Matthew Black to assist you. Mr Black can be contacted on 02 9860 1553.

Yours sincerely



10/8/18
Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

Encl: Gateway determination
Local plan-making authority reporting template



Gateway Determination

Planning proposal (Department Ref: PP_2018_CAMPB_003_00): to add the old St James Anglican Church, palm tree plantings and front fence at No.2 Kent Street, Minto as a Local Heritage Item to Schedule 5 of the Campbelltown Local Environmental Plan 2015.

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Campbelltown Local Environmental Plan (LEP) 2015 to add the old St James Anglican Church, palm tree plantings and front fence at No. 2 Kent Street, Minto (part of Lot 12 DP712599) as a Local Heritage Item to Schedule 2 should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal, as follows:
 - (a) clarify and amend the DP number pages 2 and 4 of the planning proposal;
 - (b) Clearly describe the trees proposed to be protected within the planning proposal as the proposal currently refers to both 'palm' and 'pine' trees (pages 2, 4, 5, 12 refer);
 - (c) amend Part 2 – Explanation of provisions, Property Description to include Part Lot 12 DP712599
 - (d) Clearly title and attach 'Attachment A' referred to on page 5 of the Planning Proposal;
 - (e) remove the reference to 'Height of Building Maps' on page 12 of the Planning Proposal and amend accordingly;
 - (f) clarify the date of 20 February 2017 shown on page 12 of the planning proposal and amend accordingly;
 - (g) amend Section B to specifically reference the applicable local character and heritage objectives and planning priorities identified in the Greater Sydney Region and Western City District Plans; and,
 - (h) Correct spelling errors, such as 'memembers' and 'neabs' on pages 5 and 6 of the proposal
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 14 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

PP_2018_CAMPB_003_00 (IRF18/3912)



Planning & Environment

3. Consultation is required with the Office of Environment and Heritage (OEH) under section 3.34(2)(d) of the Act. OEH is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 10th day of August 2018.



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

PP_2018_CAMPB_003_00 (IRF18/3912)



Revised Planning Proposal
Heritage Listing

Old St James Anglican Church
No. 2 Kent Street, Minto

September 2018

This Planning Proposal explains the intent of, and justification for, the proposed amendment to insert the 'old St James Anglican Church including front fence and early palm tree plantings located on property No. 2 Kent Street, Minto also known as an item of local heritage significance under Schedule 5 of the *Campbelltown Local Environmental Plan 2015*.

The subject land at No.2 Kent Street Minto is legally described as Lot 12 DP 712599, and has an area of approximately 3,395 square metres and is currently zoned R3 – Medium Density Residential. The site has street frontage to Redfern Road and secondary street frontage to Kent Street.



The site contains the old St James Anglican Church, a rectory and church hall. Vehicular access to the land is from Kent Street and via an internal service road through the adjacent property at No.2 Redfern Road, which is under the same ownership and occupied by the St James Anglican Church Centre.



Figure 2: St James Anglican Church c.1937



Figure 3: St James Anglican Church 2018

The old St James Anglican Church was originally built on the corner of Minto Road and Cumberland Road in 1897. It was dismantled and re-erected on the subject land in 1918. The building is not listed in Campbelltown Local Environmental Plan (CLEP) 2015 as an item of heritage significance.

The St James Anglican Church Centre is a multi-purpose facility that has been used by the local congregation for church services since it was completed in 1985. In this respect, the old St James Anglican Church ceased its primary function as a church in 1985, and was vacated in 2014 due to safety concerns relating to the structural deterioration of the building.

The Planning Proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' August 2016.

Part 1 – Objectives or intended outcomes

A statement of the objectives and intended outcomes of the proposed instrument

The objective of the planning proposal is to list the old St James Anglican Church including palm tree plantings and front fence located on No. 2 Kent Street, Minto (Part Lot 12 DP712599) as an item of local heritage significance in the CLEP 2015.

The palm trees and front fence are located towards the road frontage of Redfern Road and are shown in Figure 4 below.



Figure 4: View of front fence and three palm trees.

The existing R3 – Medium Density Residential zoning and existing development standards currently applying to the site are not proposed to change as a result of the planning proposal.

Part 2 – Explanation of provisions

The planning proposal seeks to amend Schedule 5 Environmental Heritage of the CLEP 2015 by inserting the following:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Minto	Old St James Anglican Church Church including early palm tree plantings located at the front of the church building and the front fence	2 Kent Street	Part Lot 12 DP712599	Local	(To be confirmed)

The planning proposal will result in the amendment to the heritage map by colouring the old church including palm tree plantings and front fence so as to indicate a Heritage Item – General. The proposed revised map is shown in Part 4 – Mapping.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes.

An independent heritage assessment was carried out by Heritage 21 on the site following the making of an Interim Heritage Order. A copy of the heritage assessment report is included at Attachment A.

The heritage assessment outlines the statement of significance as follows:

St James Anglican Church embodies historical, aesthetic, social and representative values, and is also significant for its rarity in the local context.

St James Anglican Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area and the increasing population of the late-nineteenth century. Its relocation represents the growth of Minto as a distinct township and has served the needs of the Anglican community for nearly a century.

The building is associated with two prominent architects of the Federation period – Henry Austin Wilshire (who designed the original building) and John Burcham Clamp (who oversaw the relocation project). Together, Wilshire and Burcham Clamp are associated with over 40 buildings and/or works which are statutorily protected as heritage items in New South Wales. The subject building forms part of their legacies.

Although the building is not notable for displaying any particular creative achievement, the building does demonstrate landmark qualities in the area as one of the last remnant buildings from the original Minto Village. It is intact and its original form, scale, and dimensions are readily legible from all perspectives. Its setting – including early palm tree plantings and intact front fence from c. 1930s – remains intact, and serves to enhance the landmark qualities of the building. Additionally, the building displays significant technical achievement, having been dismantled and reconstructed entirely by hand within 10 weeks, with minimal change to original fabric (save the deletion of the front veranda).

St James Anglican Church represents the continuing presence of the Anglican Community in the locale for over a century. Its built fabric displays evidence of community involvement – several renovation works have been undertaken by members of the local community, including extensive working bees in the 1970s. The place also demonstrates ties to the Anglican community in New South Wales, with Wilshire (the original architect) designing the building pro bono, and donations towards the original building made by the trustees of St James Church, Sydney and St Phillips Church, Glebe. In general, the site represents a continuing link between the Anglican Church of NSW and the Anglican community of Minto, and is socially significant.

The subject building is one of the last remnant buildings that date to the early beginnings of Minto Village, and its original form and scale, and setting is readily legible. It is a locally rare item. At the same time, the building is a highly intact example of a simple, late-nineteenth century church building and its continued legibility nears that it is a fine representation of this type of building.

2. Is the planning proposal the best means of achieving the objective or intended outcomes, or is there a better way?

Yes.

The site has been evaluated as satisfying the NSW Heritage Council's criteria for local heritage significance and the planning proposal is the best means of achieving the objective to conserve the old church.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes.

The Planning Proposal is consistent with the relevant objectives and actions outlined in the Sydney Metropolitan Strategy 'A Plan for Growing Sydney', Greater Sydney Region Plan and the Western City District Plan.

Greater Sydney Region Plan 2018

The 'Greater Sydney Region Plan' has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years in order to achieve a common goal of having a metropolis of three cities, Eastern, Central and Western. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 725,000 additional homes and create 817,000 jobs by 2036.

The plan also distinguishes that Greater Sydney is the site of the first colonial settlement in Australia and the history and heritage makes a significant contribution to the region's culture and identity. The Planning Proposal is particularly consistent with Objective 13 'Environmental heritage is identified, conserved and enhanced. By conserving the subject site, the old church would provide a historical and cultural link to the local area and allow for the potential adaptive re-use of the structure in the future.

Western City District Plan

As part of the NSW State Government's Greater Sydney Region Plan, Campbelltown is identified as a metropolitan cluster and health and education precinct in the Western City District Plan. The Plan provides guidance in relation to job creation, housing supply and sustainability. The Plan also establishes the need to preserve cultural history including landscapes and heritage. The proposal would be

consistent with the plan, particularly Planning Priority W6 'Creating and renewing great places and local centres, and respecting the District's heritage'.

The area of Minto currently has four heritage items and the inclusion of the old St James Anglican Church would promote and enhance the Minto centres civic, cultural and heritage role. Future re-development of the area is anticipated which would be consistent with the Plan's objectives of creating stronger local economies close to jobs and housing. The role of the proposed heritage listing of the old St James Anglican Church would allow for adaptive re-use of the building and would complement re-development in the near future and provide a greater connection to the understanding of the area's history for current and future generations.

Glenfield to Macarthur Urban Renewal Corridor Strategy

The NSW Government recently finalised the Minto Precinct in the Glenfield to Macarthur Urban Renewal Corridor Strategy which aims to provide better connections between homes, jobs and open space close to seven train stations between Glenfield and Macarthur.

As part of the strategy, Minto has been identified as an employment centre which provides a gateway to the South West and serving the wider growth area. The vision encapsulates Minto as an employment precinct which provides a variety of local based jobs within walking distance of the station and housing. Currently, there are no heritage items within the defined precinct of Minto under the Strategy.

Under the Strategy, the subject site is proposed to include 3-6 storey medium density residential development with proposed green links to Coronation Park.

The Proposal to heritage list the church would potentially have an impact on the Strategy to re-develop land for the purposes of medium density residential. Under the Strategy, future re-development would need to consider the Item and allow for sensible integration.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Campbelltown Community Strategic Plan – Campbelltown 2027

Yes.

The Campbelltown Community Strategic Plan 2027 is a document which will guide Minto over the next 10 years through a series of goals and strategies including, but not limited to housing choice, strengthening the local economy and promoting the use of public spaces.

The Strategic Plan will assist Council in strategic direction over the next 9 years which would include redevelopment of land around Minto Train Station for the purposes of employment and housing. The Plan outlines the importance of embracing Campbelltown's rich and cultural history. The heritage listing of the old Church would support the idea of conserving local heritage listed items.

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

The following table provides a brief assessment of consistency against each State Environmental Planning Policy (SEPP) relevant to the Planning Proposal.

State Environmental Planning Policies	Comment
SEPP No. 1 Development Standards	Not applicable as Clause 4.6 of the CLEP 2015 negates the need for SEPP 1.
SEPP 14 – Coastal Wetlands	Not applicable.
SEPP 19 – Bushland in Urban Areas	The site does not contain any significant vegetation.
SEPP 21 – Caravan Parks	Not relevant to the proposal.
SEPP 26 – Littoral Rainforests	Not relevant to the proposal.
SEPP 30 – Intensive Agriculture	Not relevant to the proposal.
SEPP 33 – Hazardous or Offensive Development	Not relevant to the proposal.
SEPP 36 – Manufactured Home Estates	Not relevant to the proposal.
SEPP 44 – Koala Habitat Protection	This site does not contain any koala habitat.
SEPP 47 – Moore Park Showground	Does not apply to land within Campbelltown.
SEPP 50 – Canal Estate Development	Not relevant to the proposal.
SEPP 52 – Farm Dams	Not relevant to the proposal.
SEPP 55 – Remediation of Lands	The existing urban use of the land is unlikely to result in land contamination.
SEPP 62 – Sustainable Aquaculture	Not relevant to the proposal.
SEPP 64 – Advertising and Signage	The proposal is not inconsistent with the aims of the Policy.
SEPP 65 – Design Quality of Residential Apartment Development	Not applicable to this proposal.
SEPP 70 – Affordable Housing Schemes	Not relevant to this proposal.
SEPP 71 – Coastal Protection	Not relevant to this proposal.
SEPP (Building Sustainability Index: BASIX) 2004	The proposal is not inconsistent with the aims of the Policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	The proposal is not inconsistent with the aims of the Policy.
SEPP (Affordable Rental Housing) 2009	The proposal is not inconsistent with the aims of the Policy.
SEPP (Exempt and Complying Development Codes) 2008	The proposal is not inconsistent with the aims of the Policy.
SEPP (Infrastructure) 2007	The proposal is not inconsistent with the aims of the Policy.
SEPP (Housing for Seniors or People with a Disability)	It is not proposed to carry out the development under the provisions of this SEPP.
SEPP (Integration and Repeals) 2016	Not relevant to the proposal.
SEPP (Kosciusko National Park) 2007	The SEPP does not apply to the land.
SEPP (Kurnell Peninsular) 1989	The SEPP does not apply to the land.
SEPP (Mining and Extractive Industries) 2007	Not relevant to the proposal.
SEPP (Miscellaneous Consent Provisions)	Not relevant to the proposal.
SEPP (Penrith Lakes Scheme) 1989	Not relevant to the proposal.
SEPP (Rural Lands) 2008	Not relevant to the proposal.

SEPP (State and Regional Development) 2011	The proposal is not inconsistent with the aims of the Policy.
SEPP (State Significant Precincts) 2005	The SEPP does not apply to the land.
SEPP (Sydney Drinking Water Catchment) 2011	The SEPP does not apply to the land.
SEPP (Sydney Region Growth Centres) 2006	The SEPP does not apply to the land.
SEPP (Three Ports) 2013	The SEPP does not apply to the land.
SEPP (Urban Renewal) 2010	The SEPP does not apply to the land.
SEPP (Western Sydney Employment Area) 2009	The SEPP does not apply to the land.
SEPP (Western Sydney Parklands) 2009	The SEPP does not apply to the land.
SEPP (Vegetation in Non-Rural Areas) 2017	The subject site is within a well-established urban area, having historically been used for residential purposes. The proposal will not impact any significant vegetation.

The following table provides a brief assessment of consistency against each Deemed SEPPs relevant to the Planning Proposal.

Consideration of Deemed SEPPs	Comment
REP (Sydney Harbour Catchment) 2005	Not relevant to this Planning Proposal.
Greater Metropolitan Regional Environmental Plan No2 – Georges River Catchment	Consistent. The proposal would not impact on the water quality and river flows of the Georges River and its tributaries.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table provides a brief assessment of consistency against each section 9.1 direction relevant to the planning proposal.

Consideration of s9.1 Directions	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable.
1.2 Rural Zones	Not applicable.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation	Consistent. The planning proposal is consistent with this Direction which will result in the conservation of a

	property in accordance with the NSW Heritage Council's criteria for items of local significance.
2.4 Recreation Vehicle Areas	Not applicable.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent. The subject site is located within a residential zone. The proposal would be consistent with this Direction as the Proposal relates to an established church and in this regard would have no impact on housing choice, infrastructure or the environment.
3.2 Caravan Parks and Manufactured Homes Estates	Not applicable.
3.3 Home Occupations	Not applicable.
3.4 Integrating Land Use and Transport	Not applicable.
3.5 Development Near Licensed Aerodromes	Not applicable.
3.6 Shooting Ranges	Not applicable.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not applicable.
4.2 Mine Subsidence and Unstable Land	Not applicable.
4.3 Flood Prone Land	Not applicable.
4.4 Planning for Bushfire Protection	Not applicable.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable.
5.2 Sydney Drinking Water Catchments	Not applicable.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
5.5 – 5.7	Repealed
5.8 Second Sydney Airport	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.
5.10 Implementation of Regional Plans	Not applicable.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal requests that a condition be implemented requesting comment from the OEH.
6.2 Reserving Land for Public Purposes	The Proposal does not impact on land reserved for public purposes.
6.3 Site Specific Provisions	The proposal is not inconsistent with the aims of the Policy.
7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	The proposal is consistent with the requirements of the strategy as discussed in Part 3 of this Planning Proposal.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3 Parramatta Road Corridor Urban	Not applicable.

Transformation Strategy	
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	<p>The proposal is inconsistent with this Direction as the Proposal will have an impact on the future renewal of the Minto precinct as it will limit the potential redevelopment of the site for the purposes of 3-6 storey development.</p> <p>To limit the impact of the proposal on Direction 7.7, the heritage listing for the site will only apply to the building, fence and palm trees rather than the entirety of the landholding to allow possible medium and high densities in the near future.</p> <p>The heritage listing of the church would also play a vital role in the promotion of local history and would complement future redevelopment of the area.</p>

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations' or ecological communities, or their habitat will be adversely affected as a result of the proposal?

No.

The subject site does not contain any known critical habitat or threatened species, populations' or ecological communities, or any other habitat. Therefore, the proposal will not have an impact on any ecological communities.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No.

The Planning Proposal proposes to include No. 2 Kent Street, Minto as an item of local heritage under Schedule 5 of the CLEP 2015. Accordingly, it is suggested that comments on the proposal should be sought from the Office of Environment and Heritage as a condition of Gateway.

9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is not supported by a social or economic assessment. However, the independent heritage report by Heritage 21 (Shown as Attachment 1) identifies the need for further works to be undertaken in relation to the old church. The report acknowledges the need for repair works due to the slow deterioration of the church. Furthermore, the heritage listing of the old church would not impact on the current existing social configuration of the Anglican Church and its relationship with the local community of Minto.

Section D – State and Commonwealth Interests**10. Is there adequate public infrastructure for the planning proposal?**

Yes.

Services are available in the vicinity of the site. The proposal would not impose any additional demands on local infrastructure, public or community services. The sites are located in close proximity to existing bus and train services.

11. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Consultation would occur with the public authorities identified in the Gateway Determination, including the Office of Environment and Heritage.

Part 4 – Mapping

The Planning Proposal seeks to amend the Campbelltown LEP as proposed below: -

Map	No	Requested Amendment
Heritage Map	Heritage Map HER_007 Date 29 June 2018	Amend the heritage map to include the Old St James Church, front fence and palm trees located on No. 2 Kent Street, Minto as an item of local environmental heritage.

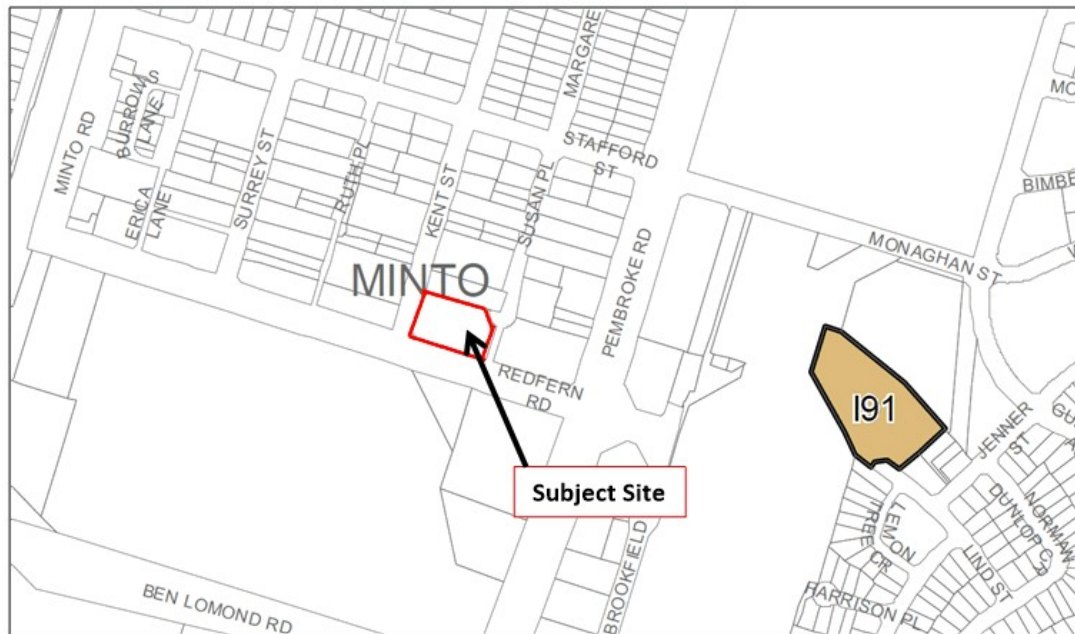


Figure 3: Current CLEP 2015 Heritage Map

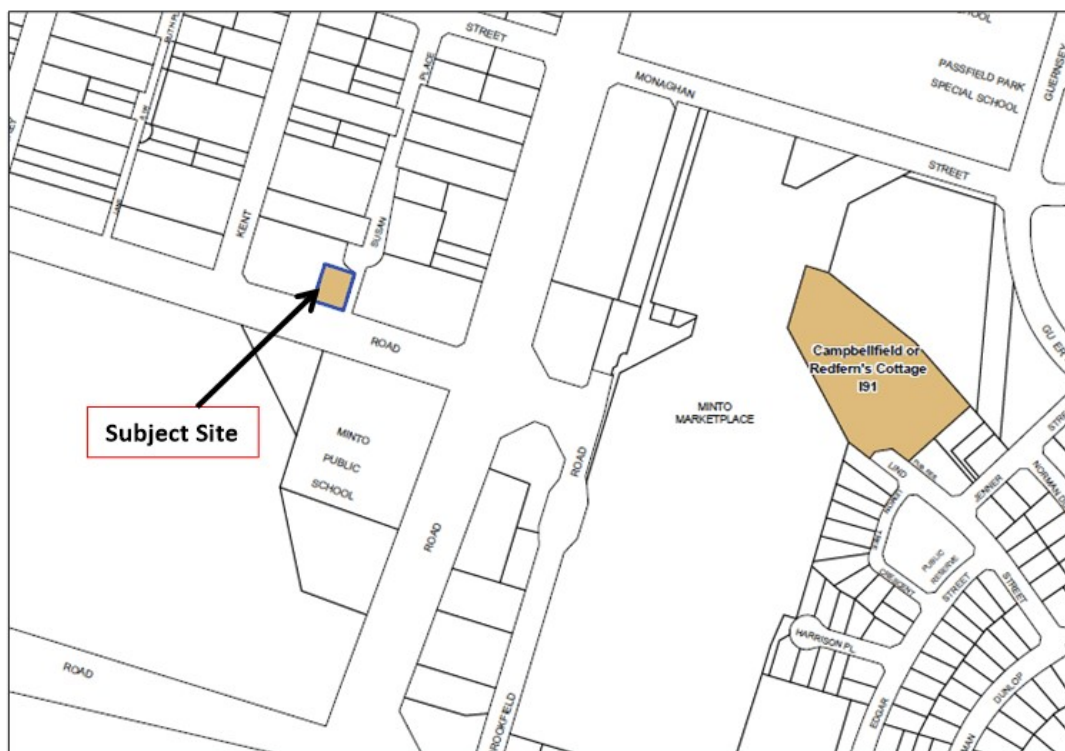


Figure 4: Proposed CLEP 2015 Heritage Map

Part 5 – Community consultation

In accordance with “A guide to preparing local environmental plans” prepared by the Department of Planning and Environment (2016), the consultation strategy would include:

Advertisement in the local newspaper

An advertisement was placed in the Campbelltown-Macarthur Advertiser and Macarthur Chronicle on the 4 and 5 September 2018 for the initial exhibition period and 25 and 26 September 2018 advising of an extension to the exhibition period. The advertisements advised of the locations to view and provide comments on the Proposal.

Advertisement on the Council website

The Planning Proposal would be exhibited on Council’s website (www.campbelltown.nsw.gov.au). Council’s libraries also have access to the website.

Letters to affected owners

A letter was sent to landowners who adjoin or are in close proximity to the site, advising them of the exhibition of the Proposal and inviting submissions.

Displays at the Council Administration Buildings and the local libraries

The Planning Proposal would be displayed at the Council Administration Building, 91 Queen Street, Campbelltown and Eagle Vale and Ingleburn Libraries.

Part 6 – Project Timeline

Weeks after Gateway Determination	Item
10 August 2018	Gateway Determination
5 September 2018	Exhibition Start
20 September	Exhibition extended
12 October 2018	Exhibition End
October/November 2018	Consideration of submissions from exhibition
December 2018/January 2019	Report to Council on submissions
January/February 2019	Request draft instrument be prepared

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ITEM DETAILS							
Name of Item	St James Anglican Church						
Other Name/s Former Name/s	-						
Item type (if known)	Built						
Item group (if known)	Religion						
Item category (if known)	Church						
Area, Group, or Collection Name	-						
Street number	2						
Street name	Kent Street						
Suburb/town	Minto					Postcode	2566
Local Government Area/s	Campbelltown						
Property description	Lot 12 / DP 712599						
Location - Lat/long	Latitude	-34.028673			Longitude	150.846923	
Location - AMG (if no street address)	Zone		Easting		Northing		
Owner	Anglican Church of Australia						
Current use	Vacant						
Former Use	Church						
Statement of significance	<p>St James Anglican Church embodies historical, associative, aesthetic, social, and representative values, and is also significant for its rarity in the local context.</p> <p>St James Anglican Church exhibits historical significance at the local level as remnant evidence of the historical development of the local area and the increasing population of the late-nineteenth century. Its relocation represents the growth of Minto as a distinct township and has served the needs of the Anglican community of Minto for nearly a century.</p> <p>The building is associated with two prominent architects of the Federation period – Henry Austin Wilshire (who designed the original building) and John Burcham Clamp (who oversaw the relocation project). Together, Wilshire and Burcham Clamp are associated with over 40 buildings and / or works which are statutorily protected as heritage items in New South Wales. The subject building forms part of their legacies.</p> <p>Although the building is not notable for displaying any particular creative achievement, the building does demonstrate landmark qualities in the area as one of the last remnant buildings from the original Minto Village. It is intact and its original form, scale, and dimensions are readily legible from all perspectives. Its setting – including early palm tree plantings and intact front fence from c. 1930s – remains intact, and serves to enhance the landmark qualities of the building. Additionally, the building displays significant technical achievement, having been dismantled and reconstructed entirely by hand within 10 weeks, with minimal change to original fabric (save the deletion of the front veranda).</p> <p>St James Anglican Church represents the continuing presence of the Anglican community in the locale for over a century. Its built fabric displays evidence of community involvement – several renovation works have been undertaken by members of the local community, including extensive working bees in the 1970s. The place also demonstrates ties to the Anglican community of New South Wales, with Wilshire (the original architect) designing the building pro bono, and donations towards the original</p>						

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	<p>building made by the trustees of St James Church, Sydney and St Phillips Church, Glebe. In general, the site represents a continuing link between the Anglican Church of NSW and the Anglican community of Minto, and is socially significant.</p> <p>The subject building is one of the last remnant buildings that date to the early beginnings of Minto Village, and its original form, scale, and setting is readily legible. It is a locally rare item. At the same time, the building is a highly intact example of a simple, late-nineteenth century church building, and its continued legibility means that it is a fine representation of this type of building.</p>				
Level of Significance	State <input type="checkbox"/>		Local <input checked="" type="checkbox"/>		
DESCRIPTION					
Designer	Henry Austin Wilshire				
Builder/ maker	T. P. Latter				
Physical Description	<p>Exterior:</p> <p>The subject site is a large allotment located at the intersection of Redfern Road and Kent Street. The property frontage displays a wire and timber fence which, although not original, likely dates to the Inter-War period. Between the fence and the Church building are a series of palm trees, which were planted in the late 1910s. The relatively large, grassed allotment gives ample curtilage for the Church building to stand out as the prominent built form at the site.</p> <p>The Church building itself is of simple form – a single-storey building with a prominent gabled roof with a slight parapet at the front and back. The structure is of polychromatic brick masonry construction, with a roof of cement tile sheeting. At the front of the building is a smaller, enclosed gable element with a pointed arch window fronting the street, which serves as the entry point to the Church. Near the apex of the primary gable, at both sides, is a decorative oeil de boeuf opening.</p> <p>At the side elevations to the east and west, the structure is punctured by an identical fenestration pattern of three, pointed arch windows set into bays created by non-load bearing piers, with doors at the northern ends.</p> <p>At the rear, the Church is supported by two buttresses of brick masonry in a polychromatic tonality similar to that of the primary structure. These were added after the building was reconstructed at the present site in 1918.</p> <p>Interior:</p> <p>Originally, the site would have been divided into two spaces: the front gable entrance, and the nave.</p> <p>Currently, the interior is divided into four spaces: the entrance, a makeshift narthex, the nave, and an upper level (above the narthex, facing into the nave). The narthex and upper level are recent additions of timber construction.</p> <p>The ceiling is of timber planks, with evenly-spaced hardwood trusses. Flooring is timber, and likely early to the construction of the Church.</p> <p>Stained glass windows at the rear wall are visible from within the building.</p>				
Physical condition	A preliminary visual inspection was undertaken in January 2018, which found that the item is in fair condition.				
Archaeological potential	Low – none.				
Construction years	Start year	1897	Finish year	1898 (dismantled and reconstructed 1918)	Circa <input type="checkbox"/>
Modifications and dates	<p>The original building – located on a different site between the townships of Minto and Ingleburn – was dismantled and reconstructed in its present location in Minto in 1918. The reconstructed Church was exactly the same as the original, although the original veranda which extended across the primary elevation of the building had been deleted in the building's second iteration.</p> <p>Other modifications and alterations to the building and the site include:</p>				

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	<p>Late 1910s: Planting of palm trees at the property frontage, Redfern Road</p> <p>1920: Construction of tennis court</p> <p>Late 1920s: Replacement of four Miller kerosene lights – used to illuminate the interior – with three Aladdin lamps (donated by parishioners)</p> <p>August 1938: Installation of electric lights in interior</p> <p>1948: Connection to new city water supply</p> <p>1962: Expansion of Church to obtain adjacent Guild Hall (currently in use at the Children's Centre)</p> <p>1966: Construction of Sunday School Hall (later demolished to make way for new Church building)</p> <p>1975: Erection of rectory building; Retiling of roof of Church building (the cost of which was borne through an interest-free loan from Mary Monkley, a late parishioner)</p> <p>1977: Internal floor varnished; vestry and broom room removed from interior to allow space for organ, communion table, and dais</p> <p>Late 1970s: Renovation of stained glass window at northern end of building in memory of Mr Apps, a late parishioner; Community working bees – repainting all windows and doors of building; clearing moss from southern end of building; replacement of most fencing around Church and rectory buildings</p> <p>1 December 1984: Laying of foundation stone for new Church building, to the south of the original Church – the new Church building, which is currently in use, was opened on 25 May 1985</p>
Further comments	None.

HISTORY

Historical notes	<p><u>Beginnings:</u></p> <p>As a result of significant population growth in the region, St James Church of England was first erected on the corner of Minto and Cumberland Roads in 1897 to serve the suburbs of Glenfield, Ingleburn, and Minto. The architect of the building was Henry Austin Wilshire, the youngest son of James Robert Wilshire MLC, second elected Lord Mayor of Sydney. Henry Wilshire was a prominent social figure and architect in the late nineteenth and early twentieth centuries, and at present 12 of his buildings have been afforded statutory protection as heritage items in NSW. Wilshire provided his services pro bono to the Anglican Church for the design of St James Church. Prior to construction of the Church, a sum of approximately £200 was donated by the trustees of St James Church in central Sydney, with a smaller amount given by St Phillips Church in Glebe.</p> <p><u>Construction and Opening:</u></p> <p>The foundation stone for the Church was laid on 13 September 1897 by the Bishop of Bathurst, the Right Reverend Dr C.E. Camidge. The ceremony was seen as a "means of bringing a large gathering of the residents together," and was a well-attended affair which was followed by a fundraising concert. Copies of Sydney and local newspapers from the day of the ceremony were placed in a bottle, which in turn was placed into a portion of the foundation stone. Also in the bottle was a written document recording the names of the principal figures in the ceremony.</p> <p>St James Church was officially opened on Saturday 5 February 1898. The Cumberland Herald wrote at length on the Church's opening, describing a service which had "a very large attendance, which included visitors from all parts of the [Minto-Ingleburn-Glenfield] district." The article goes on to describe the building:</p> <p><i>The foundations are built in solid cement, the walls being 9in. with a 3in. cavity. The gables are 14in. with 3in. cavity, dark grey, with red bricks as a string course ; also, door and window openings which are Gothic. The frames are Oregon with Kauri linings and architraves. The roof is open with framed principals, lined on the top with colonial mahogany and covered with Terra Cotta roofing [sic] tiles. The floors are 4in. x 1in. T.G. best tallow-wood. The chancel windows are fitted with lead lights and tinted glass ; all other windows are frosted. The vestry and organ screens are formed of Oregon and diagonal panels of best Kauri. The whole of the seats, pulpit, reading-desk, and front-table are of the same material. The decoration of interior of walls are French grey Alabastine, with a stencil design</i></p>
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over a dark dado. The principals and rafters are grained, and all other woodwork and furniture varnished throughout, thus producing a very pleasing effect.

St James would soon become a focal point for community gatherings, with many fundraising events held at the Church grounds. For one such event, a marquee was lent gratis to the Church by Dudley and Co., sailmakers located in Sussex Street, Sydney. Captain Thomas Dudley, of Dudley and Co., was a somewhat infamous figure in the late nineteenth and early twentieth centuries. In July 1884, Dudley was on voyage from Southampton, England to Australia on the yacht Mignonette, which became foundered some 1800 miles from the closest shoreline. Dudley, two men, and a young boy were fortunate enough to escape on a boat, but without any provisions. After two weeks with no food or water, Dudley and one of the other men decided to execute and consume the young boy. The three survivors were eventually rescued and taken to Falmouth. Dudley and the other man responsible for the death of the boy were tried at the assizes of Exeter, where they were sentenced to death for cannibalism on the high seas. The sentence, however, was immediately commuted to six months' prison with no hard labour. After moving to Sydney and finding commercial success as a sail maker and ship chandler, Dudley would become the first person in Australia to die of the bubonic plague in February 1900.

Relocation:

Rising populations in the townships of Minto and Ingleburn in the early twentieth century saw St James increasingly unable to serve the two communities for which it was established. A meeting was convened on 25 June 1915 by the Rural Dean of Cobbity and attended by the rectors of Campbelltown and Ingleburn, together with their wardens. Ingleburn expressed a desire for a new church and St James, in its original location on the border of the two towns, was not seen as adequately central to either one or the other. On 15 February 1915, the people of Minto had purchased two blocks of land in proximity to Minto Village, on Kent Street at the intersection with Redfern Road. This would eventually become the new location for St James Church (where it still stands), although at the time there were inadequate funds to move the structure to a new location.

By the mid-1910s St James was only occasionally being used for Church services, with services mainly being held at the Minto School of Arts. During this time, St James would become something of a haven for 'swaggies' – transient itinerant labourers who would pass through on their way to find employment opportunities wherever they existed.

Research suggests that the initial plan was for the final services at the original St James to be held towards the end of 1915. An article from the Campbelltown Herald dated 25 September 1915 writes of a wedding which was "in all probability" the final service to be held at the Church before the relocation.

However, Church records indicate that the final service to be held at the original St James was on Sunday, 21 July 1918. No records detailing the specifics of this service were kept, however following this and through the end of July, workers began the process of cleaning and clearing the new Kent Street site and dismantling the original Church building.

The New Church:

In July 1918, a contract was signed with builder Syd A. Cross and architect John Burcham Clamp for the dismantling and rebuilding of St James Church on the allotment purchased by the parishioners of Minto in 1915. Burcham Clamp was a prominent architect in the late-nineteenth and early-twentieth centuries, responsible for the original St James Hall on Phillip Street, Sydney (since demolished), Victoria Hall, Manly (since demolished to make way for St Matthews Church), and the conversion of a two-storey residence in Rushcutters Bay to house St Luke's Hospital. Clamp was also an active Anglican and served as the building surveyor for the diocese of Sydney – he designed St Matthews Church, Manly and the Sydney Church of England Grammar School (Shore) chapel, North Sydney, and was a founder of the prestigious Cranbrook School in Rose Bay. At present, 29 works designed by or associated with Burcham Clamp have been afforded statutory protection as heritage items in NSW, including two items listed on the State Heritage Register.

The contract for the relocation of St James included a time allowance of 10 weeks, and included the dismantling of the original building, transportation of all material and fabric from the original site to the new, and reconstruction of the Church at the new site. All transport was done by horse and dray, and all work done by hand.

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	<p>The foundation stone for the rebuilt St James – in its current location on Kent Street, Minto – was laid by Anglican Archbishop of Sydney, John Charles Wright, on Saturday 24 August 1918. The day's editions of the Daily Telegraph and Campbelltown Herald were placed in the cavity, along with details of the Church and a silver coin struck in 1918. The original foundation stone was also laid at this ceremony.</p> <p>The rebuilt St James was open for worship by the end of 1918, with a dedication service being held on 19 November and conducted by the Dean and Archdeacon of Sydney, Albert Edward Talbot. Records indicate that it was a well-attended affair, with 162 seated guests and many others standing.</p> <p>The Church in its new location was almost identical to its original iteration, save for the deletion of the original veranda which extended along the primary elevation of the building. There were also plans to insert a Gothic arched-extension to the north of the building to lead to the Chancel and vestry door, although this plan never came to fruition.</p> <p>The Church was officially consecrated on Sunday, 14 October 1934 by the Archbishop of Sydney, Howard W. K. Mowll.</p>
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THEMES	
National historical theme	3. Developing local, regional and national economies 4. Building settlements, towns and cities 8. Developing Australia's cultural life
State historical theme	Events Land tenure Religion

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APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<p>St James Anglican Church demonstrates the development of the Minto-Ingleburn locale towards the end of the nineteenth century, and was constructed to serve the needs of the growing population of the area. The original foundation stone is intact and exhibits this early development of the area.</p> <p>In its current location, the site represents the growth of Minto as a distinct locality and is located within the grounds of the first subdivision of the Minto Township, in the original Minto Village. The second foundation stone is intact and demonstrates this early development of Minto. Today, the Church is one of the final extant buildings from the original Minto Village.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting historical significance at the local level.</p>
Historical association significance SHR criteria (b)	<p>The original design for the Church was that of Henry Austin Wilshire, who was the youngest son of James Robert Wilshire MLC, second elected Lord Mayor of Sydney. Henry Wilshire was a prominent architect in the late nineteenth and early twentieth centuries, and at present 12 of his buildings have been afforded statutory protection as heritage items in NSW. Wilshire provided his services pro bono to the Anglican Church for the design of St James Church.</p> <p>The relocation of St James Church in 1918 was overseen by architect John Burcham Clamp, a prominent architect in the late-nineteenth and early-twentieth centuries. At present, 29 works designed by or associated with Burcham Clamp have been afforded statutory protection as heritage items in NSW, including two items listed on the State Heritage Register.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting associative significance at the State level.</p>
Aesthetic significance SHR criteria (c)	<p>The subject building is not notable for demonstrating any creative achievement, being of a simple form typical of church buildings. Despite its associations with two prominent late-nineteenth and early-twentieth century architects, the building is not considered a major work by either of these designers.</p> <p>However, the building does demonstrate landmark qualities in the area, being one of the last remnant buildings from the original Minto Village. It is intact, and its original form, scale, and dimensions are readily legible from all perspectives. Its setting – including early palm tree plantings and intact front fence from c. 1930s – remains intact, and serves to enhance the landmark qualities of the building.</p> <p>The subject building also displays significant technical achievement, having been dismantled and reconstructed entirely by hand within 10 weeks, with minimal change to original fabric (save the deletion of the front veranda).</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting aesthetic significance at the local level.</p>
Social significance SHR criteria (d)	<p>St James Anglican Church represents the continuing presence of the Anglican community in the locale for over a century. Its built fabric displays evidence of community involvement – several renovation works have been undertaken by members of the local community.</p> <p>The site exhibits ties to the Anglican community of New South Wales, with the building's original architect Henry Austin Wilshire undertaking the work pro bono and donations made for the original building by the trustees of St James Church, Sydney and St Phillips Church, Glebe. The relocation work was overseen by John Burcham Clamp, who was also a prominent figure in the Anglican Church in the early twentieth century.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting social significance at the local level.</p>
Technical/Research significance SHR criteria (e)	<p>There is no evidence to suggest that the building demonstrates construction techniques other than those commonly employed at the time.</p> <p>The subject site therefore does not meet the requirements of this criterion.</p>
Rarity SHR criteria (f)	<p>The subject building is one of the last extant buildings that date to the early beginnings of Minto Village.</p> <p>As such, the site meets the threshold of this criterion and is assessed as being locally rare.</p>

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Representativeness SHR criteria (g)	<p>Although not of notable design, the subject building is a highly intact example of simple, late-nineteenth century local church buildings in New South Wales. Its original form, scale, and dimensions remain highly legible, and its historical setting – including palm trees and front fence – has been retained, despite later development on the allotment.</p> <p>As such, the site meets the threshold of this criterion and is assessed as exhibiting representative significance at the local level.</p>
Integrity	<p>The original form, scale, and dimensions of the Church are readily legible to the present day.</p> <p>Internally, some intrusive fabric has been recently introduced (namely the timber partitions which have created the narthex and the upper level – including the staircase), however this is readily distinguishable from the original fabric.</p> <p>Extant original / early fabric includes: front fence, palm trees, building envelope of brick masonry, timber window frames, roofing, timber doors and surrounds, stained glass windows, and internal flooring.</p>

HERITAGE LISTINGS

Heritage listing/s	None.
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INFORMATION SOURCES

Include conservation and/or management plans and other heritage studies.

Type	Author/Client	Title	Year	Repository
Newspaper	Biz; Camden News; Campbelltown Herald; Daily Telegraph; Evening News; Liverpool Herald; Morning Bulletin; The Sydney Morning Herald.		Various	'Trove': National Library of Australia
Publication	Olaf Brockenhuus-Schack	The Church of St James Parish of Minto, Wollongong Region, Anglican Diocese of Sydney	2010	Myrrh – The Moore Institutional Repository, Moore College Library
Online	Manly Library Local Studies Blog	A Cannibal on North Head	16 January, 2014	Northern Beaches Library
Online	Peter Reynolds	Clamp, John Burcham (1869-1931)	1981	Australian Dictionary of Biography
Online	NSW Office of Environment & Heritage	State Heritage Inventory	Various	NSW Office of Environment & Heritage

RECOMMENDATIONS

Recommendations	<p>Retain and conserve building and setting (including significant landscape elements) within an appropriate curtilage. Repair works should be undertaken – in keeping with the maxim of doing “as much as necessary, but as little as possible” – in order to restore full structural integrity to the building. A suitably-qualified heritage practitioner should be engaged to prepare a Schedule of Conservation Works and to subsequently supervise conservation works.</p> <p>The site should be listed as an item of environmental heritage on Schedule 5 of the Campbelltown Local Environmental Plan 2015.</p> <p>In general, the identified heritage values of the site should be managed in accordance with best practice conservation principles offered by <i>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance</i>, 2013 and pertinent documentation produced by the NSW Office of Environment and Heritage.</p> <p>Any work at the site which carries the potential to impact upon identified heritage values should entail</p>
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	<p>the preparation of a Heritage Impact Statement, to be written by a suitably-qualified heritage practitioner.</p> <p>Any approved works undertaken at the site should be supervised by a suitably-qualified heritage architect and be undertaken by tradespeople experienced with historical building fabric.</p>
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SOURCE OF THIS INFORMATION			
Name of study or report	N/A	Year of study or report	N/A
Item number in study or report	N/A		
Author of study or report	N/A		
Inspected by	N/A		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Heritage 21	Date	February 2018

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IMAGES

Image caption	Primary (western) elevation and front landscape elements (front fence, palm trees).				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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IMAGES

Image caption	Southern elevation.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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IMAGES

Image caption	Rear (eastern) elevation.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

Image caption	Northern elevation.				
Image year	2017	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

Image caption	Entrance at front gable.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

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Image caption	Foundation stones, next to front entrance.				
Image year	2017	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

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Image caption	Entrance to Church inside front gable.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

Image caption	Narthex.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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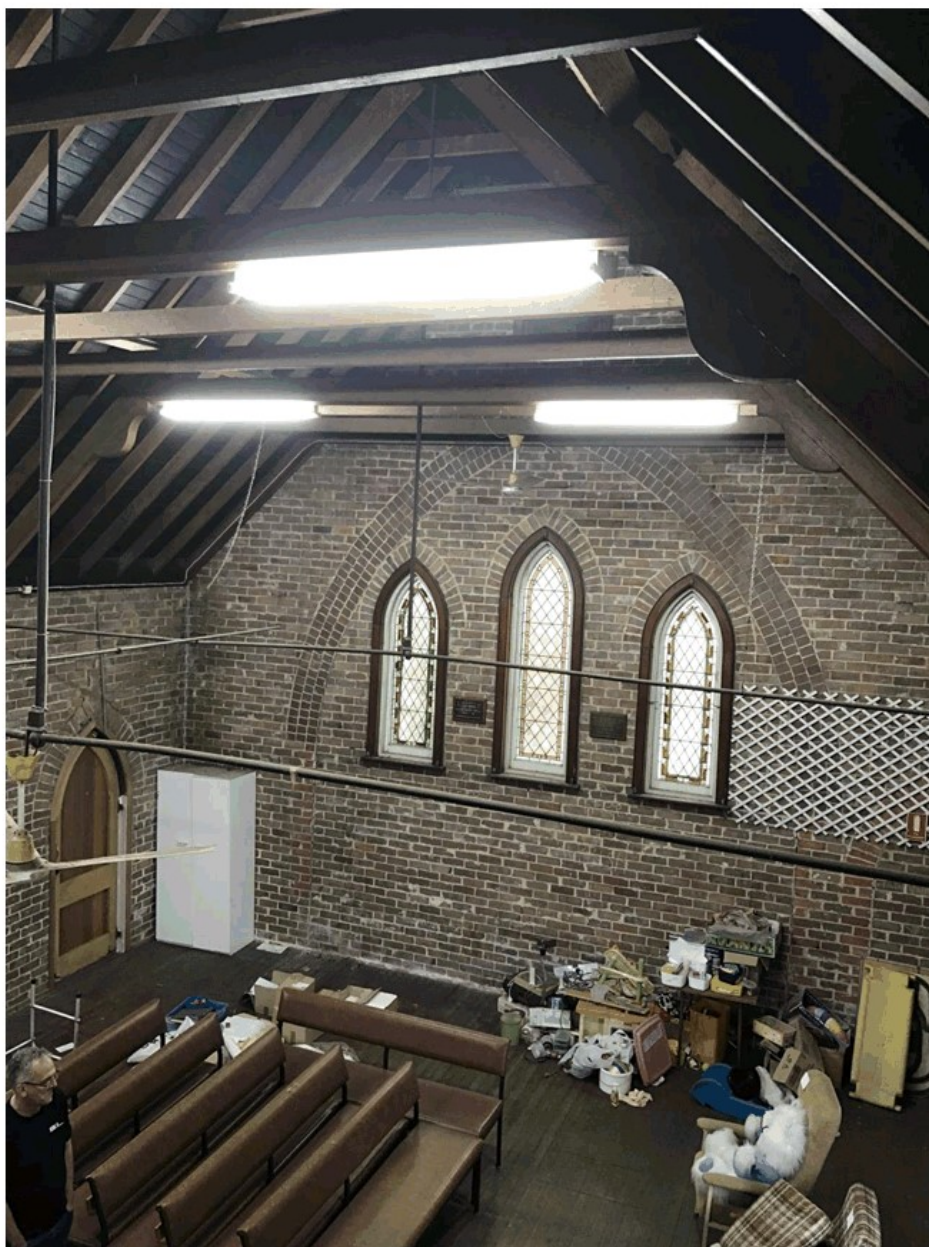
Image caption	Staircase in narthex.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

Image caption	Nave, as viewed from upper level.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

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Image caption	Stained glass windows at rear (eastern) elevation.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

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Image caption	Northern elevation, internal view.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

IMAGES

Image caption	Southern elevation, internal view.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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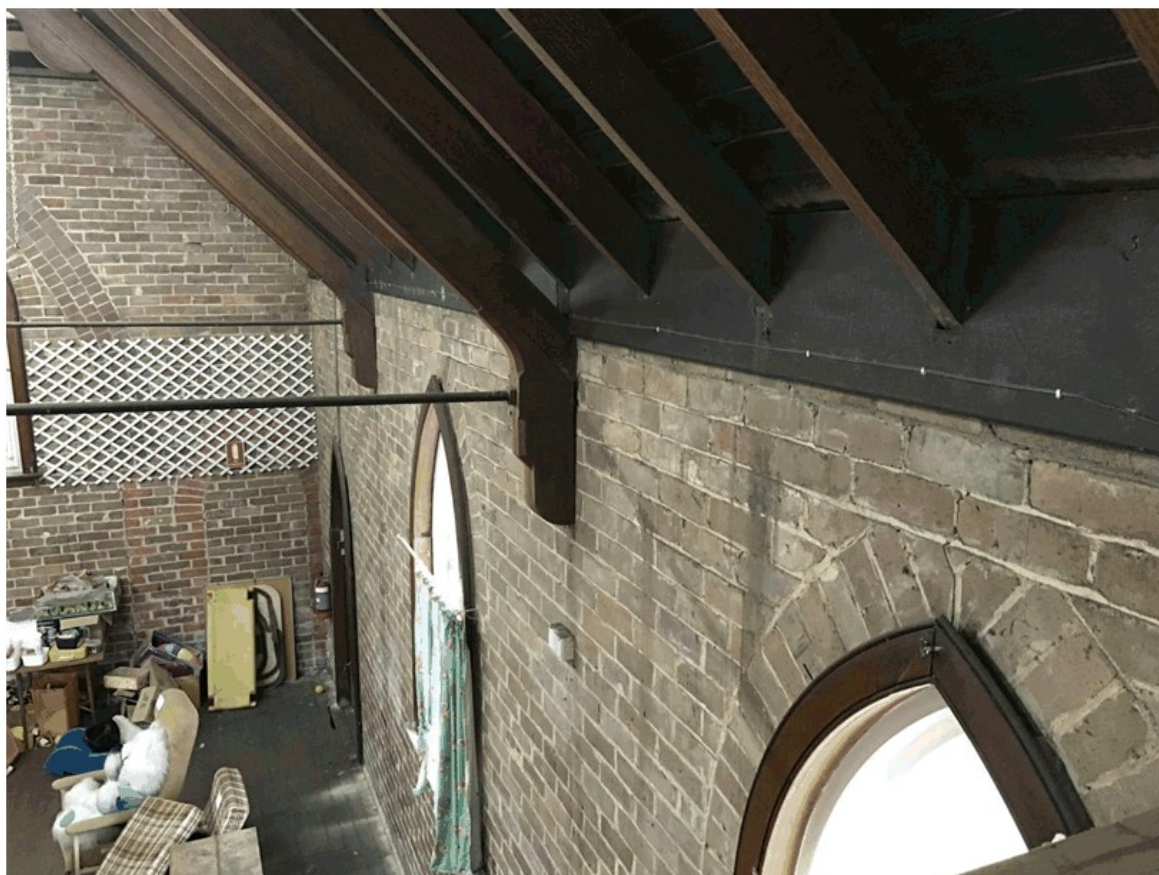
Image caption	Roofing, internal view.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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Image caption	Detail of roofing.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



Heritage Data Form

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Image caption	Detail of floor.				
Image year	2018	Image by	Heritage 21	Image copyright holder	Heritage 21



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Image caption	Original St James Church, located on the intersection of Minto and Cumberland Roads.				
Image year	n.d.	Image by	Unknown	Image copyright holder	Campbelltown & Airds Historical Society



Heritage Data Form

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Image caption	St James Church in its current form and location.				
Image year	c. 1937	Image by	Unknown	Image copyright holder	Campbelltown City Council (Follan Collection, Local Studies Collection)



Heritage Data Form

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Image caption	Current St James Church, with palm trees at front.				
Image year	n.d.	Image by	Unknown	Image copyright holder	Campbelltown City Council (William Bayley Collection, Local Studies Collection)



Heritage Data Form

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Image caption	Current St James Church, as viewed from Kent Street				
Image year	1979	Image by	Unknown	Image copyright holder	Campbelltown City Council (Local Studies Collection)

