

## 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.

## 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.

<b>Property Description</b>	Lot 12 DP 712599, 2 Kent Street, Minto
<b>Applicant</b>	Campbelltown City Council
<b>Owner</b>	Anglican Church Property Trust Diocese of Sydney
<b>Provisions</b>	Campbelltown Local Environmental Plan 2015 Section 9.1 Ministerial Directions SEPP 55 – Remediation of Lands 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 Greater Sydney Region Plan Western City District Plan Glenfield to Macarthur Urban Renewal Precinct Campbelltown Community Strategic Plan 2017-2027 Campbelltown Residential Development Strategy 2014 Re-imagining Campbelltown Campbelltown (Sustainable City) Development Control Plan 2015
<b>Date Received</b>	Council initiated Planning Proposal

## 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. 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"> <li>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.</li> <li>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>.</li> <li>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</li> </ol>

	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.



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

---