

## AGENDA - LPP

<b>Meeting:</b>	Georges River Local Planning Panel (LPP)
<b>Date:</b>	Thursday, 17 February 2022
<b>Time:</b>	4.00pm
<b>Venue:</b>	Online Meeting
<b>Participants:</b>	Stephen Alchin (Chairperson) John Brockhoff (Expert Panel Member) Milan Marecic (Expert Panel Member) Erin Sellers (Community Representative)

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<b>1. On Site Inspections - Carried out by Panel Members prior to meeting</b>	
<b>2. Opening</b>	
<b>3. Consideration of Items and Verbal Submissions</b>	
<b>LPP005-22</b>	<b>Planning Proposal No. 2022/0002 - listing of 80 Boronia Parade Lugarno as a heritage item</b> (Report by Manager Strategic Planning)
<b>4. LPP Deliberations in Closed Sessions</b>	
<b>5. Confirmation of Minutes</b>	

**REPORT TO GEORGES RIVER COUNCIL  
LPP MEETING OF THURSDAY, 17 FEBRUARY 2022**

LPP005-22

<b>LPP Report No</b>	<b>LPP005-22</b>	<b>Development Application No</b>	<b>PP2022/0002</b>
<b>Site Address &amp; Ward Locality</b>	Planning Proposal No. 2022/0002 - listing of 80 Boronia Parade Lugarno as a heritage item Peakhurst Ward		
<b>Proposed Development</b>	To amend the Georges River Local Environmental Plan 2021 by: <ul style="list-style-type: none"> <li>• listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and</li> <li>• mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map.</li> </ul>		
<b>Owners</b>	Mrs C H Milford & Ms J E Matthei		
<b>Applicant</b>	Georges River Council		
<b>Planner/Architect</b>	GML Heritage		
<b>Date Of Lodgement</b>	31/01/2022		
<b>Submissions</b>	N/A		
<b>Cost of Works</b>	N/A		
<b>Local Planning Panel Criteria</b>	Direction from the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the charter of the Georges River Council Local Planning Panel 2018 both specify that the Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination (approval).		
<b>List of all relevant s.4.15 matters (formerly s79C(1)(a))</b>	N/A		
<b>List all documents submitted with this report for the Panel’s consideration</b>	Attachment 1 - Planning Proposal – 80 Boronia Parade Lugarno Attachment 2 - Glenlee, 80 Boronia Parade Lugarno, Heritage Assessment dated 6 January 2022 prepared by prepared by GML Attachment 3 - Copy of notice in NSW Government Gazette on 28 January 2022 Attachment 4 - Inventory Sheet for “Glenlee”, 80 Boronia Parade Lugarno (NOTE: REFER TO THE PLANNING PROPOSALS PAGE ON COUNCIL’S WEBSITE FOR ALL THE ATTACHMENTS)		
<b>Report prepared by</b>	Manager Strategic Planning		

<b>Recommendation</b>	<p>That the Georges River Local Planning Panel note and acknowledge the heritage significance of “Glenlee” 80 Boronia Parade Lugarno and recommend that Council:</p> <p>a) Support the listing of Glenlee, at 80 Boronia Parade, Lugarno as a local heritage item on the heritage schedule of the Georges River Local Environmental Plan 2021 which contains the appropriate provisions for protecting and managing the item.</p>
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|  | <p>b) Support the State listing of “Glenlee”, at 80 Boronia Parade, Lugarno, and</p> <p>c) Endorse the forwarding of Planning Proposal PP2022/0002 to the NSW Department of Planning, Industry and Environment (DPIE) to request a Gateway Determination under Section 3.33 of the EP&amp;A Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:</p> <ul style="list-style-type: none"> <li>a. listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and</li> <li>b. mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map.</li> </ul> |
|--|---|

<p><b>Summary of matters for consideration under Section 4.15</b></p> <p>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	<b>N/A</b>
<p><b>Legislative clauses requiring consent authority satisfaction</b></p> <p>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?</p>	<b>N/A</b>
<p><b>Clause 4.6 Exceptions to development standards</b></p> <p>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?</p>	<b>Not Applicable</b>
<p><b>Special Infrastructure Contributions</b></p> <p>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<b>Not Applicable</b>
<p><b>Conditions</b></p> <p>Have draft conditions been provided to the applicant for comment?</p>	<b>N/A</b>

**Site Plan**

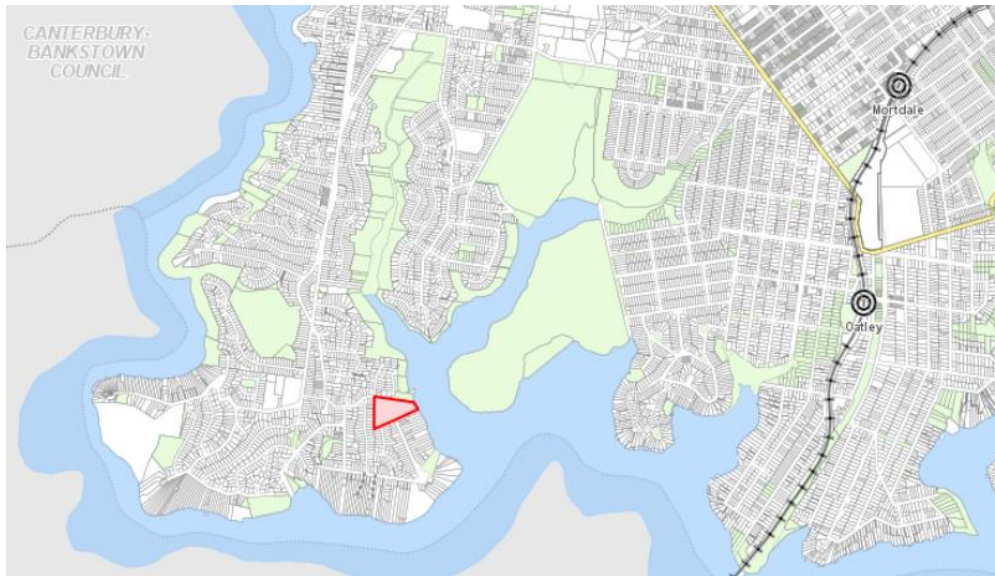


Figure 1 - Locality of the Site

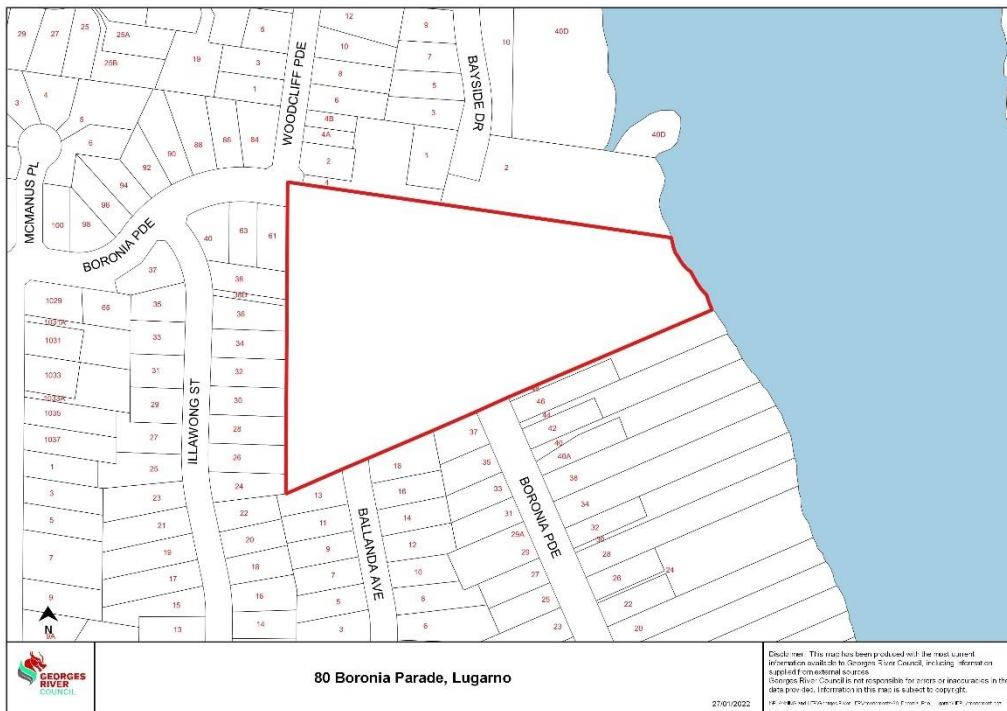


Figure 2 – The Site

**Executive Summary**

**Proposal**

1. This Planning Proposal (PP2022/0002) seeks to list No. 80 Boronia Parade Lugarno (also known as “Glenlee”) (“Site”) as a heritage item in Schedule 5 Environmental heritage of the Georges River Local Environmental Plan 2021 (GRLEP2021). The Planning Proposal does not seek to amend the zoning, FSR, height nor any other LEP provisions relating to the Site.

2. The heritage listing of the site is supported by a heritage assessment report commissioned by Council. Council appointed GML Heritage Consultants to investigate if the Site is of local and State significance. GML lodged the Heritage Assessment Report for Glenlee, at 80 Boronia Parade, Lugarno (“Report”) on 6 January 2022. The Report concludes that the Site has cultural significance at the State level under the NSW Heritage Office’s criteria (f) and (g) and at the local level under the NSW Heritage Office Heritage Assessment Guidelines criteria (a), (b), (c), (d) and (e). The heritage criteria are explained further in the body of this report. The GML Report recommends that Council list the Site on Schedule 5 of the Georges River Local Environmental Plan 2021 (“GRLEP”) as it is heritage significant and that it be considered for State heritage listing.
3. This report has the following Attachments that are available on the Council’s Website at: <https://www.georgesriver.nsw.gov.au/Development/Planning-Controls/Planning-Proposals>
  - a. **Attachment 1** - Planning Proposal Request
  - b. **Attachment 2** - GML’s Heritage Assessment
  - c. **Attachment 3** – Interim Heritage Order No. 164 Glenlee 80 Boronia Parade Lugarno dated 28 January 2022
  - d. **Attachment 4** – Heritage Inventory Sheet for Glenlee 80 Boronia Parade Lugarno

#### Site and Locality

4. The Site is identified as Lot 1 DP 10359, Parish of St George, County of Cumberland; known as 80 Boronia Avenue, Lugarno NSW 2210. Refer to **Figures 1 and 2** above.
5. The entire site is approximately 25,432m<sup>2</sup> and includes extant vegetation, relatively undisturbed landscape setting, existing built cottage, buildings comprising 6 sheds and outbuildings surrounding the existing cottage, that together provide strong and important surviving evidence of the early 20th century way of life in the locality.

#### Zoning and Permissibility

6. The Site is zoned R2 Low Density Residential under the Georges River Local Environmental Plan 2021. The Site is not identified as a local item of heritage significance in Schedule 5 of the GRLEP 2021 nor in the previous Hurstville LEP 2012.

#### Submissions

7. Nil

#### Conclusion

8. As outlined in this report the Planning Proposal meets both the strategic and site-specific merit tests that are outlined in the Departments’ *Local Environmental Plan Making Guideline* dated December 2021.
9. This report recommends that the Georges River Local Planning Panel note the heritage significance of the Site and recommend that Council:
  - a. Support the listing of Glenlee, at 80 Boronia Parade, Lugarno as a local heritage item on the heritage schedule of the Georges River Local Environmental Plan 2021 which contains the appropriate provisions for protecting and managing the item.
  - b. Support the State listing of Glenlee, at 80 Boronia Parade, Lugarno, and

- c. Endorse the forwarding of Planning Proposal PP2022/0002 to the NSW Department of Planning, Industry and Environment (DPIE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:
  - i. listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and
  - ii. mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map.

## Report in Full

### PROPOSAL

10. The Planning Proposal seeks to amend the Georges River Local Environmental Plan 2021 by:

- a. listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage as follows:

Suburb	Item name	Address	Property description	Significance	Item no
Lugarno	Glenlee	80 Boronia Parade	Lot 1 DP10359	State & Local	I317

- b. mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map. The proposed Heritage Map - Sheet HER\_003 is illustrated in **Figure 3** below.

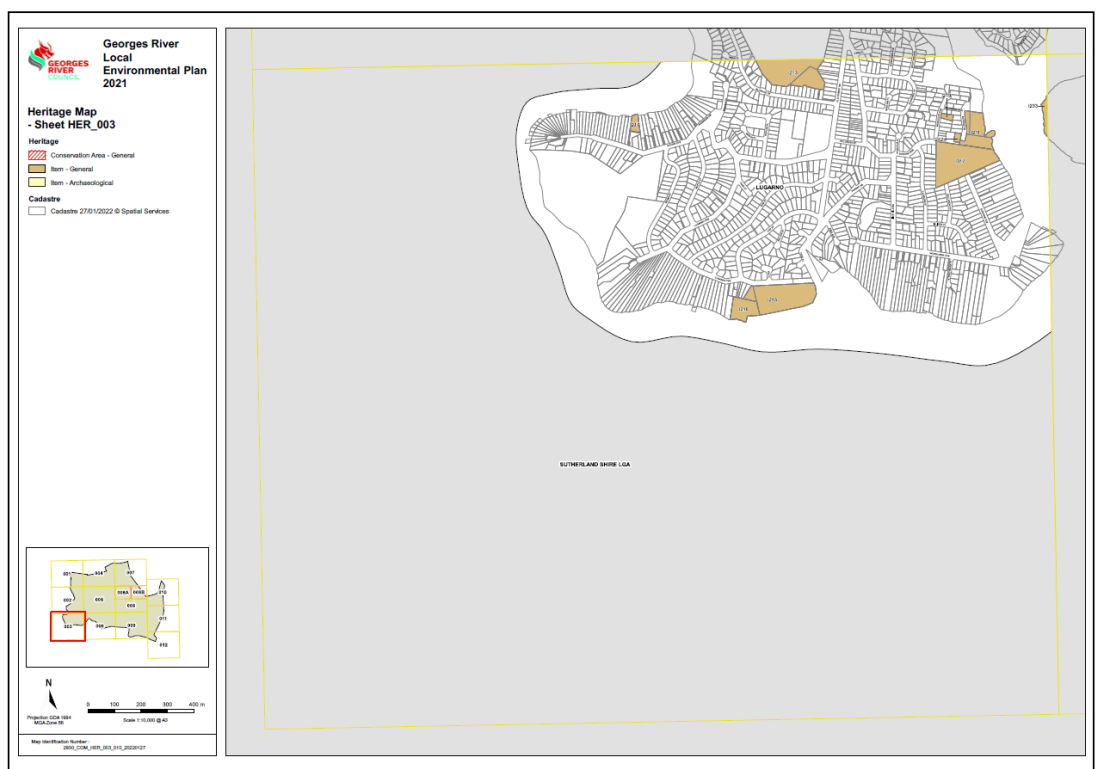


Figure 3 - Proposed Heritage Map Sheet\_003

11. The heritage listing of the site is supported by a heritage assessment report commissioned by Council. Council appointed GML Heritage Consultants to investigate if the Site is of local and State significance. GML lodged the Heritage Assessment Report for Glenlee, at 80 Boronia Parade, Lugarno (“Report”) on 6 January 2022. The Report concludes that the Site has cultural significance at the State level under criteria (f) and (g) and at the local level under criteria (a), (b), (c), (d) and (e). The heritage criteria are explained further in the body of this report. The Report recommends that Council list the Site on Schedule 5 of the Georges River Local Environmental Plan 2021 (“GRLEP”) as it is of heritage significance and that it be considered for State heritage listing.
12. A heritage inventory sheet has been prepared for the draft item and a copy is in **Attachment 4**.
13. The Planning Proposal does not seek to amend the R2 Low Density Residential zoning, FSR, height nor any other LEP provisions relating to the Site.
14. The intended outcome of the Planning Proposal is to:
  - a. List No. 80 Boronia Parade Lugarno as a heritage item in the Georges River Local Environmental Plan 2021 so that Clause 5.10 applies to any proposed development.
  - b. Conserve the environmental heritage of the Georges River local government area.
  - c. Conserve the heritage significance of the site, including associated fabric, settings and views.
  - d. Conserve Aboriginal objects and Aboriginal places of heritage significance.

#### **The Site and Locality**

15. The Site is identified as Lot 1 DP 10359, Parish of St George, County of Cumberland; known as 80 Boronia Avenue, Lugarno NSW 2210. Refer to **Figures 1 and 2** above.
16. The entire Site is approximately 25,432m<sup>2</sup> and includes extant vegetation, relatively undisturbed landscape setting, existing built cottage, buildings comprising 6 sheds and outbuildings surrounding the existing cottage, that together provide strong and important surviving evidence of the early 20th century way of life in the locality.
17. The Site has been in the same ownership for the last 100 years with little improvements in recent years. The dwelling displays the hallmarks and features attributed to the early 20th century Federation to Inter-War period with a likely construction date of early 1900s. The following Photos were taken on 15 November 2021 (refer to **Figures 4 to 5B**).





*Figure 4 – The main house taken from the entry to the Site*



*Figure 4A – The House facing the water*





*Figure 4B – View of the House*





*Figure 4C – View to the water from the side of the house*

18. The land/water interface contains a boatshed and jetty and reflects the long-term ownership of the land by the Matthei family and their oyster farming in the Georges River with mangroves in the tidal river area.





Figure 5 – View of the boatshed and jetty

19. The main constructed access / entrance to the Site is from Boronia Parade provided by a driveway which leads eastward to the existing detached garage and single storey cottage. Extending from the dwelling is a sandstone pathway which zig zags down to the foreshore where the two (2) detached boatsheds have been constructed. The boatsheds are located either side of a timber pier that leads out onto a jetty.
20. The Site also includes a number ancillary garden / shed structures of varying sizes that are scattered across the Site but surround the dwelling house and historically, appear to have been constructed to service the home.



Figure 5A - Shed





Figure 5B -Sheds

21. The survey plans filed with the Class 1 Application Case No. 2021/199083 show some of the existing structures on the Site. An extract from Sheet 4 of the survey plans is provided below in **Figure 6** below.

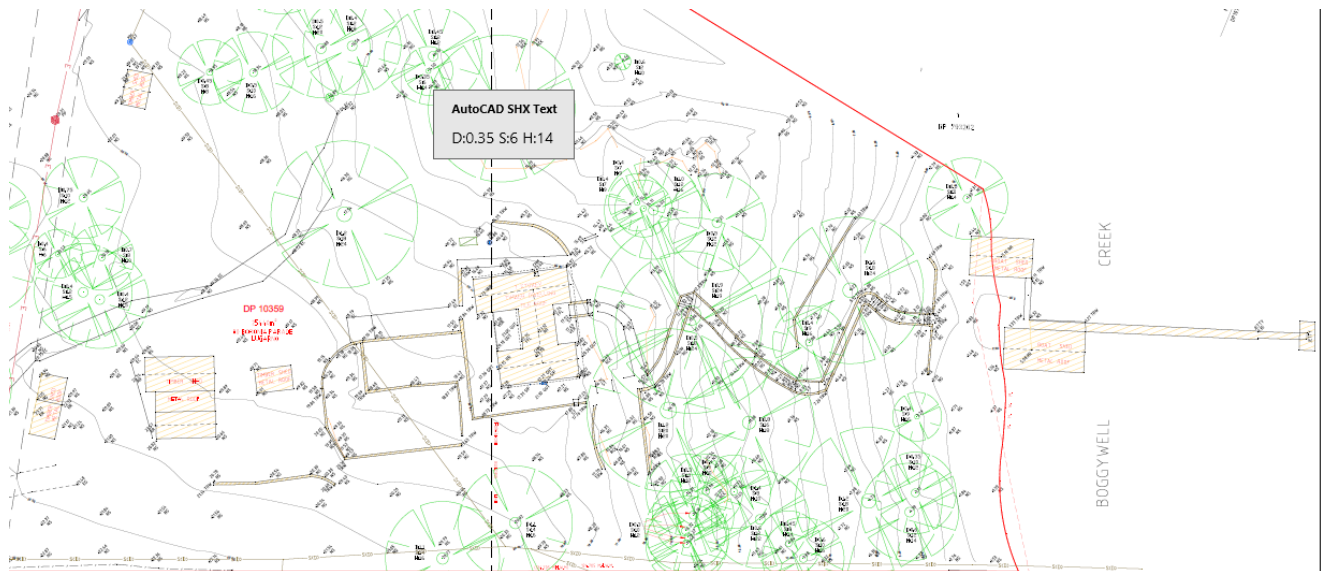


Figure 6 – Extract from Survey Plan lodged with DA

22. Glenlee contains significant large trees and dense vegetation. Landforms across the Site are largely natural, varied in scope and include rocky outcrops and natural water features.



23. Glenlee is located in a predominantly low-density residential area comprised of detached single and two storey dwellings of varying architectural styles and forms. Adjoining the Site to the east is Boggywell Creek (Lime Kiln Bay) in Jewfish Bay which forms part of the wider Georges River catchment. Immediately to the west are the rear yards of a series of homes that front Illawong Street (Nos. 24-38 Illawong Street). To the north-west is the side boundary of No.61 Boronia Street.
24. Adjoining the Site to its north-east boundary is a public park known as Heinrich Reserve (named after one of the early German families which reflect the historic ownership of the area) which is located along Bayside Drive, a cul de sac that terminates close to the Site boundary. To the north-west are the side boundaries of No. 2 Woodcliff Parade and 1 Bayside Drive.
25. To the south of the Site are the side boundaries of a series of detached dwelling houses comprising of No.37 Boronia Parade and Nos. 13 and 18 Ballanda Avenue. Nos. 46-48 Boronia Parade abut the Site to the southeast and these two properties are within a battle-axe allotment formation. Surrounding residential land is zoned R2 Low Density Residential. The
26. There are numerous stormwater discharges and overland flows onto the site from the surrounding area. A creek / water course runs through the Site generally from the southwest to the north east where it enters the river. A 'soggy' area exists in the northwest general area.
27. Surrounding residential land is zoned R2 Low Density Residential. Heinrich Reserve is zoned RE1 Public Recreation. Please refer to **Figure 7** below.



Figure 7 – Extract from GRLEP 2021 Zoning Map

## Background

28. A Development Application (DA2021/0181) was submitted to Council on 6 May 2021 for the demolition of the existing cottage and associated outbuildings, Torrens Title subdivision of one lot into 31 lots and the construction of new roads, drainage and tree removal at No. 80 Boronia Parade, Lugarno (the Site). The DA is currently subject to a court appeal with the NSW Land and Environment Court.

29. The Site is known locally as “Glenlee” and is over 25,000sqm in size fronting the Boggywell Creek with a boatshed and wharf. The Site contains a single storey, detached style dwelling house and a large number of trees, shrubs and associated landscaping. The Site has been in the same ownership for the last 100 years with little improvements in recent years. The dwelling displays the hallmarks and features attributed to the early 20th century Federation to Inter-War period with a likely construction date of early 1900s.
30. The Site is not presently identified as a local item of heritage significance in the GRLEP 2021. However, it is classified by the National Trust (NSW) as an item of high cultural heritage significance. It forms part of the Lugarno Early Settler Precinct Landscape Conservation Area as shown in the extract from the National Trust listing card In **Figure 8**.



Figure 8 - Extract from National Trust Listing Card

31. The existing dwelling-house dates back to 1910 and it is estimated that it was constructed at that time. An examination of 1943 aerial photography extracted from the National Trust Listing Card (see **Figure 9** below) shows that there has been very little change to the Site since 1943, with much of the extant vegetation and landscaped character pre-dating 1943. Therefore, the Site provides uncharacteristically strong and important surviving evidence of the pre-development and urban landscape of the locality, together with strong surviving evidence of the early occupation of the site by the Matthei and Chislett families and their involvement in oyster farming in the Georges River. The Matthei family was one of the best and most well-known commercial oyster farmers at the time and its long term ownership of the land since 1908 has ensured its unique preservation. The Site is presently subject to an option for purchase from the estate of the family.



Figure 9 - 1943 Aerial Image extracted from National Trust Listing Card

32. The Site adjoins a series of local heritage items included as part of Schedule 5 of the Georges River LEP 2021. These items are known as “Woodcliff” at 12 Woodcliff Parade (I219), “The Hermitage” located at 1 Bayside Drive (I212) and the stone wharf and associated pathway (I211) located within the adjacent Heinrich reserve to the north. To the east immediately across the bay is Oatley Park and Baths which is also a recognised local heritage item (I233). Refer to **Figure 10**.

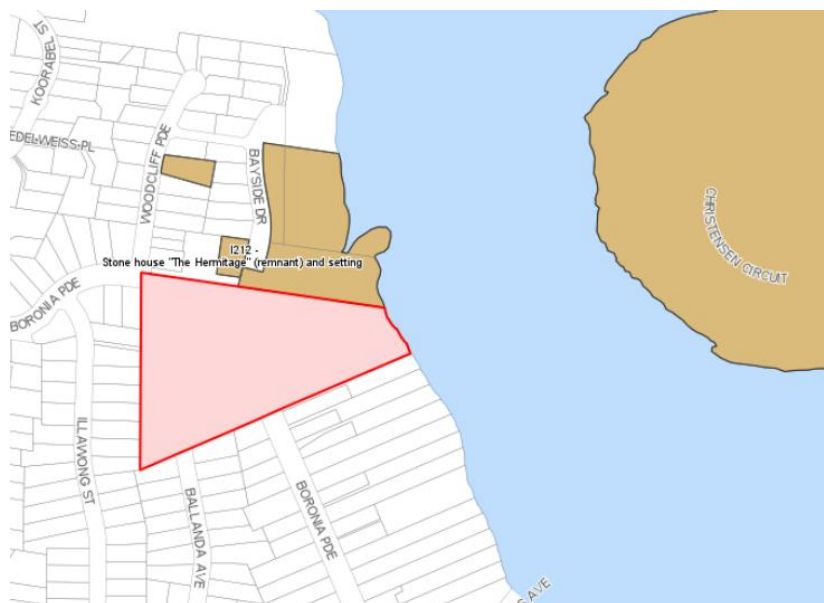


Figure 10 - Extract from current Heritage Map



33. The Site contains significant remnant native vegetation, including mature Smooth-barked Apple-Blackbutt-Red Blackwood open forest and a wide variety of native fauna. Endangered populations of flora and fauna are recorded in the Georges River LGA on the NSW Government's BioNet Atlas and may be present on the Site. The Site is positioned on the foreshore of Boggywell Creek (Lime Kiln Bay) on the Georges River, an important estuarine ecosystem. The large areas of remnant native vegetation on the Site within close proximity to the waterfront yield potential for high natural heritage significance.
34. The National Trust (NSW) listing card for the Site states that it 'has historic significance because of the presence of rare Aboriginal rock engravings'. The Aboriginal Heritage Information Management System (AHIMS) records four sites located within or adjacent to the development as follows:
  - a. 45-6-1713 – Matthei Jetty – comprising a shell midden;
  - b. 45-6-3907 – Glenlee hatchet grinding grooves – comprising two natural pools in the sandstone creek bed with grinding grooves;
  - c. 45-6-3908 – Glenlee rock bowl – comprising a rock bowl formed in the sandstone beside a natural creek; and
  - d. 45-6-3909 – Glenlee Midden 2 - comprising surface shell, bone and charcoal.
35. These sites can be seen in the map below at **Figure 11**.

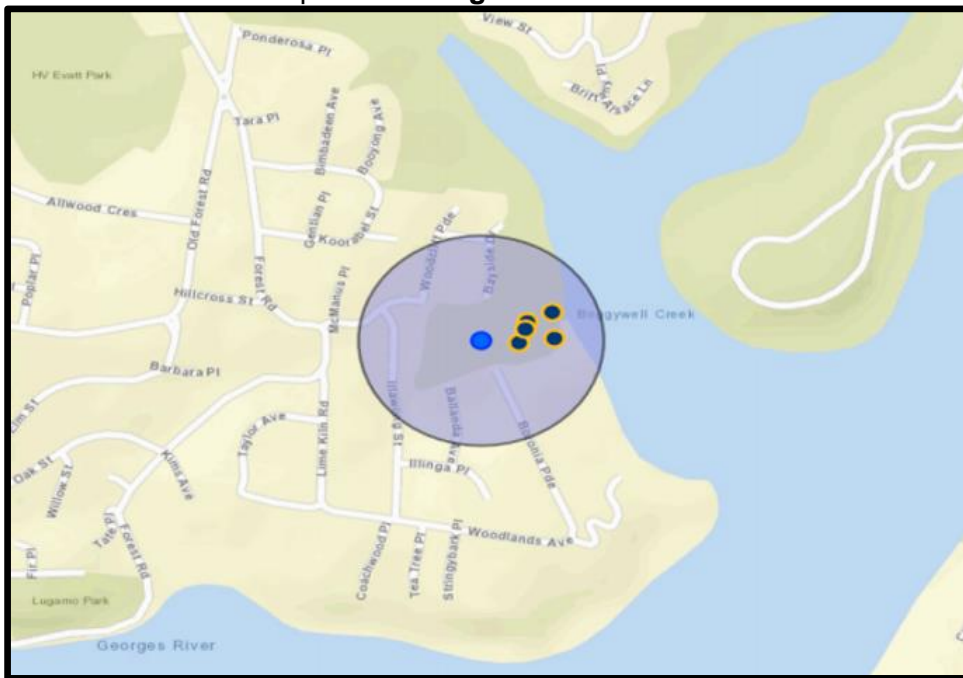


Figure 11 - Location of the four recognised AHIMS sites

*Interim Heritage Order*

36. The Heritage Act 1977 (Section 25(2)) allows councils, subject to the authorisation by the Minister, to make an IHO over a property, where a council has a reasonable belief that the place or item may have potential heritage significance and that a 'threat of harm' either exists or is perceived to exist. In this case, the lodgement of the current DA (DA2021/0181) constituted such a threat of harm.



37. Council considered preliminary heritage advice from Michael Edwards, Heritage Advisor to Georges River Council, dated 11 May 2021 which stated that the Site has potential heritage significance. Mr Edwards in his advice stated that an examination of 1943 aerial photography shows that there has been very little change to the Site since this time, with much of the extant vegetation and landscaped character pre-dating 1943. In this regard, the Site provides uncharacteristically strong and important surviving evidence of the pre-development and urban landscape of the locality, together with strong surviving evidence of the early occupation of the Site by the Matthei and Chislett families. He also stated that the Site retains a number of ancillary boat sheds and wharfs, which, together with the extant dwelling and relatively undisturbed landscape setting, displays important evidence of the early 20th century way of life in the locality and the Site is highly likely to satisfy the Heritage Council of NSW significance assessment criteria in demonstrating historical, associative, technical, rarity and (possibly) representative significance.
38. Given the National Trust (NSW) listing card (refer to Appendix D of the GML Heritage Assessment in **Attachment 2** to this report) and the advice received from Council's Heritage Advisor, Michael Edwards, Council had reasonable belief that the property may have potential heritage significance and that a 'threat of harm' either exists or is perceived to exist having regard to the lodgement of a Development Application (DA2021/0181) and subsequent Court proceedings which seek demolition of existing structures, removal of trees and subdivision of the Site into 31 lots.
39. Council under Section 25 of the Heritage Act 1977 made an IHO over the Site. The IHO was gazetted on Friday, 13 August 2021 and lapsed on 14 February 2022. The IHO allowed further heritage assessments to be undertaken to inform an understanding of the cultural significance of the Site and whether Council should proceed with an application for heritage listing.
40. Council appointed GML Heritage on 8 October 2021 to prepare a heritage assessment of Glenlee to assist Council in determining whether the Site reaches the threshold for listing as a heritage item. The GML Report provides an assessment of the significance of the Site in relation to natural and cultural landscape heritage, Aboriginal cultural heritage and built heritage. The GML Report recommends that Council list the Site on Schedule 5 of the Georges River Local Environmental Plan 2021 ("GRLEP") as it is of heritage significance and that it be considered for State heritage listing.
41. On 24 January 2022 Council was advised that the Minister has decided to make a local IHO over the Site as it has potential local and state heritage values and was at imminent risk when the existing local IHO expired on 14 February 2022. The decision was published in the NSW Government Gazette on 28 January 2022. A copy of the IHO No. 164 is in **Attachment 3**. The IHO is for a period of 12 months.

### **NSW HERITAGE OFFICE HERITAGE ASSESSMENT GUIDELINES**

42. The NSW Heritage Manual guidelines (July 2001) provides the framework for the assessment of the Site. The guidelines incorporate the five types of cultural heritage values (being aesthetic, historic, scientific, social and spiritual values) identified in the Burra Charter into a structured framework which is the format required by heritage authorities in NSW. Under these guidelines, items (or 'places' in Burra Charter terminology) are assessed in accordance with a specific set of criteria.
43. The criteria for assessment established by the Heritage Council of NSW in accordance with Heritage Act is set out in **Figure 12** below:

<p><b>Criterion (a)</b></p> <p>An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);</p>	<p><b>Criterion (e)</b></p> <p>An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);</p>
<p><b>Criterion (b)</b></p> <p>An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);</p>	<p><b>Criterion (f)</b></p> <p>An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);</p>
<p><b>Criterion (c)</b></p> <p>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);</p>	<p><b>Criterion (g)</b></p> <p>An item is important in demonstrating the principal characteristics of a class of NSW's</p> <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul> <p>(or a class of the local area's</p> <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.)</li> </ul>
<p><b>Criterion (d)</b></p> <p>An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;</p>	

Figure 12 - Extract from Assessing heritage significance  
NSW Heritage Manual 2001

## GML HERITAGE'S ASSESSMENT OF THE SITE

44. The Heritage Assessment Report for Glenlee, at 80 Boronia Parade, Lugarno was lodged with Council on 6 January 2022. A copy of the Report is **Attachment 2** to this report.
45. In summary, the Report recommends that the Site be listed as a heritage item in the GRLEP 2021 as well as considered for State heritage listing.
46. The Report is thorough and comprehensive and assesses all the issues related to the Site. In terms of the assessment against the heritage criteria outlined by the NSW Heritage Office Guidelines the following is to be noted:
  - a. **Criterion A (Historical Significance):** Glenlee has cultural significance at a local level under this criterion. The Report indicates that the Site itself has historical significance due to its connection to the practice of oyster farming in the Georges River. The Report states on pages 165 and 166:
 

*Cultivation of oysters in Lime Kiln Bay near the subject site began in 1886 and was a profitable commercial enterprise. The Matthei family, who took over the leases in 1906, continued oyster farming at the site through to 1996. The Mattheis were some of the most prominent oyster farmers in the Georges River area and the practice was one of their primary sources of income.*

*Significant intact features that evidence the historical significance of the site include Glenlee house, the movable heritage elements, the boatsheds and jetty, the cable-pulley engine shed, the orchard, vegetable gardens, cultural plantings, landscape features and outbuildings.*
  - b. **Criterion B (Associative Significance):** Glenlee has cultural significance at a local level under this criterion. The Report indicates on page 166:

*Glenlee has associative significance at a local level for its connection to the Matthei family, who occupied the site continuously for over a century. Originally granted to absentee owner Thomas George Lee in 1856, the site came to be owned by prominent wool broker JH Geddes. While it appears the first structure on the site (since demolished) was constructed during Geddes' ownership, his most significant contribution to the site was the introduction of oysters from his lease in Port Hacking. The site came to be owned by a German immigrant family from Hamburg, the Mattheis, who built Glenlee house soon afterward.*

*The Mattheis were among the early settlers in the area who established farming and orcharding on the site. The Mattheis were particularly involved in developing oyster farming in the area. They were involved in the social life and émigré community of the Lugarno area, being active in the local German Zither Club. They were heavily involved in the Lugarno and District Progress Association, and as such actively contributed to the development of the wider Lugarno area. Like many early settlers, the family subdivided their land, selling off portions which helped to establish early residential development along the river front throughout the twentieth century. The family occupied the site for over a century, and continued oyster farming at the site for 90 years. Their continuous occupation of the site gives Glenlee associative significance to the local community.*

- c. **Criterion C (Aesthetic Significance):** Glenlee has cultural significance at a local level under this criterion. The Report states on pages 166 and 167:

*Glenlee has aesthetic significance to the Lugarno area as a highly intact representation of a Federation European settlement. Glenlee house, built c1906, is a good representation of a modest weatherboard cottage, constructed on sandstone foundations. Despite the introduction of a kitchen extension in the 1950s, the house is highly intact, retaining significant original details including pressed metal ceilings, a fanlight, and decorative gables. The kitchen is similarly representative of a typical 1950s kitchen retaining original joinery and fixtures.*

*Typical of early settlements, Glenlee responds to the natural landscape and topography of the site, situated on a slope and oriented to face the river, taking advantages of the sweeping views across the grounds to the waterfront. These views remain undisturbed and represent the relationship between early settlements and the river. The grounds retain early orchards, gardens, vegetable gardens and fruit trees, with associated landscape elements such as stone retaining walls and stairways, paths, irrigation systems, and cultural plantings, which are characteristic of an early settlement.*

*The scenic character of the site is enhanced by the bushland and tree regrowth which separates the site from surrounding development, preserving its historically isolated setting, as well as a natural water course, and a creek that has been channelled with block sandstone banks. The site has landmark quality in the surrounding area, representing one of the few remaining riverside settlements, and is highly visible along the waterfront, with the boatsheds and jetty visible from Oatley Park.*

*The site retains an array of Aboriginal archaeological evidence. The grinding grooves, water hole and setting of the creek hold an aesthetic value which has been identified as important to the local Aboriginal community.*

- d. **Criterion D (Social Significance):** A thorough, formal social values assessment should be undertaken but it is likely that Glenlee has cultural significance at a local level under this criterion. The Report states on page 167:

*The Glenlee site remains one of the most prominent areas in Lugarno. Its aesthetic and historic qualities are well known and appreciated throughout the local community, whose strong connection to the site is evident in the 'Save Glenlee' campaign, supported by a petition raised by a local MP with over 1,200 signatures. This level of community interest suggests that the site holds social significance in the Lugarno area. Historically, Glenlee had social significance among the community of early settlers residing in the area, and within local immigrant social groups, such as the German Zither Club.*

- e. **Criterion E (Research Potential):** With respect to Aboriginal cultural and archaeological heritage, Glenlee has cultural significance at a local level under this criterion. The Report states on page 168:

*As part of the local First Nations cultural landscape (criterion A), the range of evidence within the site has the potential to yield new information and understanding of these connections, notably from the middle to late Holocene.*

- f. **Criterion F (Rarity):** Glenlee has cultural significance at a state level under this criterion. The Report states on page 169:

*Largely established in the early twentieth century, and developed by the Matthei family, Glenlee is a highly intact early European riverfront settlement with an associated cultural landscape. Despite subdivisions, Glenlee retains much of its original estate and is a rare example of an intact riverfront settlement in NSW. Glenlee house is a modest cottage which, despite later extension, is highly internally intact. The house also contains a significant movable heritage collection which encompasses material relating to the Matthei family and the Lugarno area across the twentieth century. The integrity of the interiors of the house and its collection are likely to be rare within Lugarno, and have potential to be rare within regional NSW.*

*The early orchards, vegetable gardens, fruit trees, and cultural plantings introduced by the Matthei family remain legible in the landscape and are revealing of early agricultural practices. The historic relationship between the house, grounds and river has been maintained, and the significant views to and from Georges River, and early access paths and stairs which lead to the river, have been conserved. Glenlee similarly retains evidence of significant marine activity including a jetty, boatsheds and remnants of a cable-pulley system which demonstrate the use of the river for transportation and attest to a significant period of oyster farming undertaken on the site. The integrity of the setting is rare in comparison to similar settlements which remain in NSW.*

- g. **Criterion G (Representativeness):** For First Nation's heritage, Glenlee has cultural significance at a local level under this criterion. For European heritage values, Glenlee has cultural significance at a state level under this criterion. The Report states on page 170:



*The First Nations archaeological evidence, notably the grinding grooves set within the intact flowing creek, are good representative examples of the site type. The grinding grooves are deeply incised and easily identifiable; they hold good education potential to demonstrate past Aboriginal lifeways.*

*The high degree of integrity and intactness of both the house and its setting make the Glenlee site representative of an early European riverfront settlement, both within the Lugarno area, and NSW more broadly. Glenlee house is a typical Federation cottage, showing the regional preference for weatherboard construction. The introduction of the kitchen in the 1950s is typical of the adaptation of early houses to suit modern needs. The interior of the house is otherwise highly intact, retaining significant original fabric and a movable heritage collection which are representative of the typology, and of the evolution of regional housing more generally.*

*The grounds of Glenlee continue to communicate the site's early function, retaining remnants of the orchard, vegetable garden, and cultural plantings, representative of both the self-sufficiency of the settlement, and the use of the land for commercial agriculture. The important relationship between the river and the settlement is seen in the retention of the jetty and boatshed, providing both transport and industry. The remnants of the cable-pulley system on the site, primarily the shed which housed the system's engine, is a key element which provides evidence of the oyster farming which occurred at the site until 1996. These marine elements are representative of the type and scale of infrastructure employed at oyster farming estates and of the techniques and means by which small growers conducted their farming.*

47. A Statement of Significance has been prepared for Glenlee and is contained in the Report on pages 174 and 175. The Statement concludes with:

*Glenlee is likely to have exceptional significance within NSW as a rare, intact, early European riverfront settlement, with a high degree of representative significance as a demonstration of an early way of life, and of significant activities in NSW.*

48. The Report on Glenlee recommends that a comprehensive conservation management plan (CMP) be commissioned to provide guidance for appropriate future use and conservation of the heritage values of the Site. The CMP would identify for the applicant the opportunities and constraints on the Site and define the solutions – where development can take place without compromising the heritage significance of the Site. A CMP is normally commissioned by the applicant or/and owner.

#### **ASSESSMENT OF THE PLANNING PROPOSAL**

49. The following **Tables 1 to 5** provide a detailed assessment and justification of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported. The tables contain the 12 questions from the Department of Planning, Industry and Environment's *Local Environmental Plan Making Guideline* dated December 2021 which outlines the matters for consideration when describing, evaluating and justifying a proposal.

**Table 1 - Section A – need for the planning proposal**

Question	Considerations
<p>1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?</p>	<p>The planning proposal is not the result of an endorsed LSPS, strategic study or report. It is however consistent with the following Council adopted documents:</p> <ul style="list-style-type: none"> <li>• Council's Community Strategic Plan 2018-2028 contains Goal 1.4 which requires that "Local heritage is protected and promoted." Strategy 1.4.1 requires that Council Recognise the LGA's local heritage through heritage listings in LEPs and protection policies in DCPs.</li> <li>• Georges River Local Strategic Planning Statement 2040 ('LSPS 2040') contains Planning Priority P11. Aboriginal and other heritage is protected and promoted.</li> </ul> <p>The planning proposal is the result of the report by GML Heritage titled Glenlee, 80 Boronia Parade Lugarno, Heritage Assessment dated 6 January 2022. The GML Report assesses the Site against the heritage criteria outlined by the NSW Heritage Office Guidelines. The guidelines incorporate the five types of cultural heritage values (being aesthetic, historic, scientific, social and spiritual values) identified in the Burra Charter into a structured framework which is the format required by heritage authorities in NSW. Under these guidelines, items (or 'places' in Burra Charter terminology) are assessed in accordance with a specific set of criteria.</p> <p>In terms of the assessment against the heritage criteria outlined by the NSW Heritage Office Guidelines the following is to be noted:</p> <ul style="list-style-type: none"> <li>• <b>Criterion A (Historical Significance):</b> Glenlee has cultural significance at a local level under this criterion. The Report indicates that the Site itself has historical significance due to its connection to the practice of oyster farming in the Georges River. The Report states on pages 165 and 166: <p><i>Cultivation of oysters in Lime Kiln Bay near the subject site began in 1886 and was a profitable commercial enterprise. The Matthei family, who took over the leases in 1906, continued oyster farming at the site through to 1996. The Mattheis were some of the most prominent oyster farmers in the Georges River area and the practice was one of their primary sources of income.</i></p> <p><i>Significant intact features that evidence the historical significance of the site include Glenlee house, the movable heritage elements, the boatsheds and jetty, the cable-pulley engine shed, the orchard, vegetable gardens, cultural plantings, landscape features and outbuildings.</i></p> </li> <li>• <b>Criterion B (Associative Significance):</b> Glenlee has cultural significance at a local level under this criterion. The Report indicates on page 166: <p><i>Glenlee has associative significance at a local level for its connection to the Matthei family, who occupied the site continuously for over a century. Originally granted to absentee owner Thomas George Lee in 1856, the site came to be owned by prominent wool broker JH Geddes. While it appears the first structure on the site (since demolished) was constructed during Geddes' ownership, his most significant contribution to the site was the introduction of oysters from his lease in Port Hacking. The</i></p> </li> </ul>

Question	Considerations
	<p>site came to be owned by a German immigrant family from Hamburg, the Mattheis, who built Glenlee house soon afterward.</p> <p>The Mattheis were among the early settlers in the area who established farming and orcharding on the site. The Mattheis were particularly involved in developing oyster farming in the area. They were involved in the social life and émigré community of the Lugarno area, being active in the local German Zither Club. They were heavily involved in the Lugarno and District Progress Association, and as such actively contributed to the development of the wider Lugarno area. Like many early settlers, the family subdivided their land, selling off portions which helped to establish early residential development along the river front throughout the twentieth century. The family occupied the site for over a century, and continued oyster farming at the site for 90 years. Their continuous occupation of the site gives Glenlee associative significance to the local community.</p> <ul style="list-style-type: none"> <li> <p><b>Criterion C (Aesthetic Significance):</b> Glenlee has cultural significance at a local level under this criterion. The Report states on pages 166 and 167:</p> <p><i>Glenlee has aesthetic significance to the Lugarno area as a highly intact representation of a Federation European settlement. Glenlee house, built c1906, is a good representation of a modest weatherboard cottage, constructed on sandstone foundations. Despite the introduction of a kitchen extension in the 1950s, the house is highly intact, retaining significant original details including pressed metal ceilings, a fanlight, and decorative gables. The kitchen is similarly representative of a typical 1950s kitchen retaining original joinery and fixtures.</i></p> <p><i>Typical of early settlements, Glenlee responds to the natural landscape and topography of the site, situated on a slope and oriented to face the river, taking advantages of the sweeping views across the grounds to the waterfront. These views remain undisturbed and represent the relationship between early settlements and the river. The grounds retain early orchards, gardens, vegetable gardens and fruit trees, with associated landscape elements such as stone retaining walls and stairways, paths, irrigation systems, and cultural plantings, which are characteristic of an early settlement.</i></p> <p><i>The scenic character of the site is enhanced by the bushland and tree regrowth which separates the site from surrounding development, preserving its historically isolated setting, as well as a natural water course, and a creek that has been channelled with block sandstone banks. The site has landmark quality in the surrounding area, representing one of the few remaining riverside settlements, and is highly visible along the waterfront, with the boatsheds and jetty visible from Oatley Park.</i></p> <p><i>The site retains an array of Aboriginal archaeological evidence. The grinding grooves, water hole and setting of the creek hold an aesthetic value which has been identified</i></p> </li> </ul>

Question	Considerations
	<p><i>as important to the local Aboriginal community.</i></p> <ul style="list-style-type: none"> <li> <p><b>Criterion D (Social Significance):</b> A thorough, formal social values assessment should be undertaken but it is likely that Glenlee has cultural significance at a local level under this criterion. The Report states on page 167:</p> <p><i>The Glenlee site remains one of the most prominent areas in Lugarno. Its aesthetic and historic qualities are well known and appreciated throughout the local community, whose strong connection to the site is evident in the 'Save Glenlee' campaign, supported by a petition raised by a local MP with over 1,200 signatures. This level of community interest suggests that the site holds social significance in the Lugarno area. Historically, Glenlee had social significance among the community of early settlers residing in the area, and within local immigrant social groups, such as the German Zither Club.</i></p> </li> <li> <p><b>Criterion E (Research Potential):</b> With respect to Aboriginal cultural and archaeological heritage, Glenlee has cultural significance at a local level under this criterion. The Report states on page 168:</p> <p><i>As part of the local First Nations cultural landscape (criterion A), the range of evidence within the site has the potential to yield new information and understanding of these connections, notably from the middle to late Holocene.</i></p> </li> <li> <p><b>Criterion F (Rarity):</b> Glenlee has cultural significance at a state level under this criterion. The Report states on page 169:</p> <p><i>Largely established in the early twentieth century, and developed by the Matthei family, Glenlee is a highly intact early European riverfront settlement with an associated cultural landscape. Despite subdivisions, Glenlee retains much of its original estate and is a rare example of an intact riverfront settlement in NSW. Glenlee house is a modest cottage which, despite later extension, is highly internally intact. The house also contains a significant movable heritage collection which encompasses material relating to the Matthei family and the Lugarno area across the twentieth century. The integrity of the interiors of the house and its collection are likely to be rare within Lugarno, and have potential to be rare within regional NSW.</i></p> <p><i>The early orchards, vegetable gardens, fruit trees, and cultural plantings introduced by the Matthei family remain legible in the landscape and are revealing of early agricultural practices. The historic relationship between the house, grounds and river has been maintained, and the significant views to and from Georges River, and early access paths and stairs which lead to the river, have been conserved. Glenlee similarly retains evidence of significant marine activity including a jetty, boatsheds and remnants of a cable-pulley system which demonstrate the use of the river for transportation and attest to a significant period of oyster farming undertaken on the site. The integrity of the setting is rare in comparison to similar settlements which</i></p> </li> </ul>



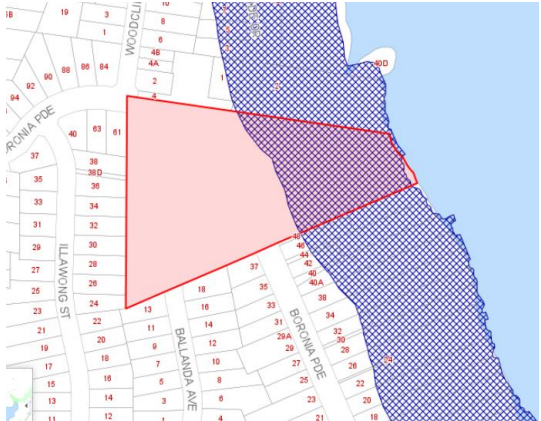
Question	Considerations
	<p><i>remain in NSW.</i></p> <ul style="list-style-type: none"> <li> <b>Criterion G (Representativeness):</b> For First Nation’s heritage, Glenlee has cultural significance at a local level under this criterion. For European heritage values, Glenlee has cultural significance at a state level under this criterion. The Report states on page 170:                     <p><i>The First Nations archaeological evidence, notably the grinding grooves set within the intact flowing creek, are good representative examples of the site type. The grinding grooves are deeply incised and easily identifiable; they hold good education potential to demonstrate past Aboriginal lifeways.</i></p> <p><i>The high degree of integrity and intactness of both the house and its setting make the Glenlee site representative of an early European riverfront settlement, both within the Lugarno area, and NSW more broadly. Glenlee house is a typical Federation cottage, showing the regional preference for weatherboard construction. The introduction of the kitchen in the 1950s is typical of the adaptation of early houses to suit modern needs. The interior of the house is otherwise highly intact, retaining significant original fabric and a movable heritage collection which are representative of the typology, and of the evolution of regional housing more generally.</i></p> <p><i>The grounds of Glenlee continue to communicate the site’s early function, retaining remnants of the orchard, vegetable garden, and cultural plantings, representative of both the self-sufficiency of the settlement, and the use of the land for commercial agriculture. The important relationship between the river and the settlement is seen in the retention of the jetty and boatshed, providing both transport and industry. The remnants of the cable-pulley system on the site, primarily the shed which housed the system’s engine, is a key element which provides evidence of the oyster farming which occurred at the site until 1996. These marine elements are representative of the type and scale of infrastructure employed at oyster farming estates and of the techniques and means by which small growers conducted their farming.</i></p> <p>A Statement of Significance has been prepared for Glenlee and is contained in the Report on pages 174 and 175. The Statement concludes with:</p> <p><i>Glenlee is likely to have exceptional significance within NSW as a rare, intact, early European riverfront settlement, with a high degree of representative significance as a demonstration of an early way of life, and of significant activities in NSW.</i></p> <p>The GML Report recommends that the Site be listed as a heritage item in the Georges River Local Environmental Plan 2021 (GRLEP) as well as considered for State heritage listing.</p> </li> </ul>
<p>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better</p>	<p>The Planning Proposal represents the best mean of achieving the intended outcomes established in Section 3.</p> <p>The Site is not currently listed as a heritage item in Schedule 5 to</p>

Question	Considerations
<p>way?</p>	<p>the Georges River LEP 2021. An interim heritage order was made over the site on 28 January 2022 in order for the Site to be protected whilst Council follows the planning proposal process to list the Site in the LEP. Listing of the Site will still allow its redevelopment but will ensure that the significance of the Site is assessed in accordance with Clause 5.10 of the Council's LEP.</p> <p>The Site is classified by National Trust (NSW) as an item of high cultural heritage significance and value. The Site provides uncharacteristically strong and important surviving evidence of the pre-development and urban landscape of the locality with extant vegetation and landscaped character pre-dating 1943. The Site contains physical remains of pre-European occupation, including items and remnants of the occupation of the land by Aboriginal people, and has a high potential to yield Aboriginal cultural heritage significance. The natural characteristics of the Site, being situated within close proximity to the waterfront and incorporating the land and water interface, together with the relatively undisturbed natural landscape and mature tree canopy, demonstrate high potential for natural historical significance.</p>

**Table 2 - Section B - Relationship to the strategic planning framework**

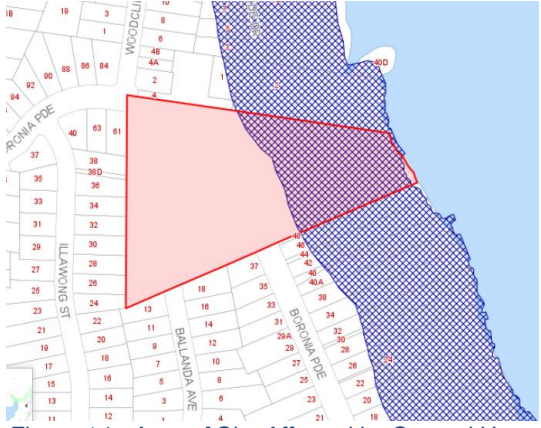
Question	Considerations
<p>3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</p>	<p>The planning proposal will give effect to the objectives and actions of the following plans:</p> <ul style="list-style-type: none"> <li>• <i>A Metropolis of Three Cities – Greater Sydney Region Plan - Objective 13: Environmental heritage is identified, conserved and enhanced and Objective 28: Scenic and cultural landscapes are protected.</i> <i>Comment:</i> The Planning Proposal seeks to list the Site in Schedule 5 of the GRLEP 2021 and therefore identifying and conserving the significance of the Site.</li> <li>• <i>South District Plan - Planning Priority S6 Creating and renewing great places and local centres and respecting the District's heritage &amp; Action 20. Identify, conserve and enhance environmental heritage</i> ... <i>Comment:</i> The planning proposal will respect a significant site in Georges River's history and will conserve its environmental heritage.</li> <li>• <i>Planning Principles</i> On 2 December 2021, the Minister for Planning and Public Spaces Rob Stokes released a new thematic framework underpinned by the Minister's Planning Principles and grouped into nine focus areas to guide planning and development in New South Wales. One of the focus areas is Preserving, conserving and managing NSW's natural environment and heritage. <i>Comment:</i> The planning proposal seeks to protect the Site so its redevelopment can be managed to avoid or minimise any negative heritage impacts from development. It also will protect the Site's Aboriginal cultural heritage</li> </ul>
<p>4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy</p>	<p>The planning proposal is consistent with the endorsed <i>Georges River Local Strategic Planning Statement 2040</i> ('LSPS 2040') and its Planning Priority P11 which states - <i>Aboriginal and other heritage is protected and promoted.</i></p>

Question	Considerations								
or strategic plan?									
5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?	There are no other applicable State and regional studies or strategies.								
6. Is the planning proposal consistent with applicable SEPPs?	<p>The Planning Proposal is consistent with the following SEPPs:</p> <table border="1" data-bbox="564 562 1422 2119"> <thead> <tr> <th data-bbox="564 562 858 591">SEPP</th> <th data-bbox="858 562 1422 591">Comment on consistency</th> </tr> </thead> <tbody> <tr> <td data-bbox="564 591 858 994">State Environmental Planning Policy (Planning Systems) 2021</td> <td data-bbox="858 591 1422 994"> <p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> <li>• SEPP (State and Regional Development) 2011 (State and Regional Development SEPP)</li> <li>• SEPP (Aboriginal Land) 2019 (Aboriginal Land SEPP)</li> <li>• SEPP (Concurrences and Consents) 2018 (Concurrence SEPP)</li> </ul> <p>The Planning Proposal is not inconsistent with the SEPP.</p> </td> </tr> <tr> <td data-bbox="564 994 858 2092">State Environmental Planning Policy (Biodiversity and Conservation) 2021</td> <td data-bbox="858 994 1422 2092"> <p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> <li>• SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</li> <li>• SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</li> <li>• SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</li> <li>• Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</li> <li>• SEPP No 19—Bushland in Urban Areas (SEPP 19)</li> <li>• SEPP No 50—Canal Estate Development (SEPP 50)</li> <li>• SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)</li> <li>• Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997)</li> <li>• (Hawkesbury–Nepean River SREP)</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)</li> <li>• Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</li> <li>• Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP)</li> </ul> <p>The Planning Proposal is not inconsistent with the SEPP.</p> </td> </tr> <tr> <td data-bbox="564 2092 858 2119">State Environmental</td> <td data-bbox="858 2092 1422 2119">This SEPP consolidates and repeals the</td> </tr> </tbody> </table>	SEPP	Comment on consistency	State Environmental Planning Policy (Planning Systems) 2021	<p>This SEPP consolidates and repeals the provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> <li>• SEPP (State and Regional Development) 2011 (State and Regional Development SEPP)</li> <li>• SEPP (Aboriginal Land) 2019 (Aboriginal Land SEPP)</li> <li>• SEPP (Concurrences and Consents) 2018 (Concurrence SEPP)</li> </ul> <p>The Planning Proposal is not inconsistent with the SEPP.</p>	State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p>This SEPP consolidates, transfers and repeals provisions of the following 11 SEPPs (or deemed SEPPs):</p> <ul style="list-style-type: none"> <li>• SEPP (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)</li> <li>• SEPP (Koala Habitat Protection) 2020 (Koala SEPP 2020)</li> <li>• SEPP (Koala Habitat Protection) 2021 (Koala SEPP 2021)</li> <li>• Murray Regional Environmental Plan No 2—Riverine Land (Murray REP)</li> <li>• SEPP No 19—Bushland in Urban Areas (SEPP 19)</li> <li>• SEPP No 50—Canal Estate Development (SEPP 50)</li> <li>• SEPP (Sydney Drinking Water Catchment) 2011 (Sydney Drinking Water SEPP)</li> <li>• Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River (No 2 – 1997)</li> <li>• (Hawkesbury–Nepean River SREP)</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour Catchment SREP)</li> <li>• Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</li> <li>• Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property (Willandra Lakes REP)</li> </ul> <p>The Planning Proposal is not inconsistent with the SEPP.</p>	State Environmental	This SEPP consolidates and repeals the
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State Environmental	This SEPP consolidates and repeals the								

Question		Considerations
	<p>Planning Policy (Resilience and Hazards) 2021</p>	<p>provisions of the following 3 SEPPs:</p> <ul style="list-style-type: none"> <li>• SEPP (Coastal Management) 2018 (Coastal Management SEPP)</li> <li>• SEPP 33 – Hazardous and Offensive Development (SEPP 33)</li> <li>• SEPP 55 – Remediation of Land (SEPP 55)</li> </ul> <p>The Planning Proposal is not inconsistent with the SEPP. The Site is within a coastal use area as identified by the former State Environmental Planning Policy (Coastal Management) 2018. Refer to <b>Figure 13</b> below. The Planning Proposal does not propose a rezoning nor intensification of uses permitted. The Planning Proposal only proposes to amend the Heritage Map to the GRLEP 2021 and not the other maps relating to coastal management.</p>  <p><i>Figure 13 - Area of Site Affected by Coastal Use Area</i></p>
	<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p>	<p>This SEPP consolidates and repeals the provisions of the following 4 SEPPs:</p> <ul style="list-style-type: none"> <li>• SEPP (Infrastructure) 2007 (Infrastructure SEPP)</li> <li>• SEPP (Educational Establishments and Childcare Facilities) 2017 (Education and Childcare SEPP)</li> <li>• SEPP (Major Infrastructure Corridors) 2020 (Corridor SEPP)</li> <li>• SEPP (Three Ports) 2013 (Three Ports SEPP)</li> </ul> <p>The Planning Proposal is not inconsistent with the SEPP.</p>
	<p>State Environmental Planning Policy (Industry and Employment) 2021</p>	<p>This SEPP consolidates, transfers and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>• SEPP (Western Sydney Employment Area) 2009 (Western Sydney Employment SEPP)</li> <li>• SEPP 64 – Advertising and Signage (SEPP 64)</li> </ul>



Question	Considerations								
	<p>The Planning Proposal is not inconsistent with the SEPP.</p> <p>State Environmental Planning Policy (Resources and Energy) 2021</p> <p>This SEPP consolidates and repeals the provisions of the following 2 SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)</li> <li>Sydney Regional Environmental Plan No. 9 – Extractive Industries (No 2 – 1995) (Extractive Industries SREP)</li> </ul> <p>The Planning Proposal is not inconsistent with the SEPP.</p> <p>State Environmental Planning Policy (Primary Production) 2021</p> <p>This SEPP consolidates, transfers and repeals the provisions of the following SEPPs:</p> <ul style="list-style-type: none"> <li>SEPP (Primary Production and Rural Development) 2019 (Primary Production and Rural Development SEPP)</li> <li>Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas) (Central Coast Plateau SREP).</li> </ul> <p>The Planning Proposal is not inconsistent with the SEPP.</p> <p>State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021</p> <p>The Planning Proposal is not inconsistent with the SEPP. The Site is not the subject of a Precinct identified by the SEPP.</p> <p>State Environmental Planning Policy (Housing) 2021</p> <p>The Planning Proposal is not inconsistent with the SEPP. The Planning Proposal does not change the existing zoning, height and FSR provisions relating to the site.</p> <p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</p> <p>The Planning Proposal is not inconsistent with the SEPP.</p>								
<p>7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?</p>	<p>The Planning Proposal is consistent with the applicable Ministerial Directions as follows:</p> <table border="1" data-bbox="564 1704 1426 2103"> <thead> <tr> <th data-bbox="564 1704 858 1738">Directions</th> <th data-bbox="858 1704 1426 1738">Consistency</th> </tr> </thead> <tbody> <tr> <td data-bbox="564 1738 858 1921">1.1 Business and Industrial Zones</td> <td data-bbox="858 1738 1426 1921">Consistent - The planning proposal does not affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</td> </tr> <tr> <td data-bbox="564 1921 858 2013">1.2 Rural Zones</td> <td data-bbox="858 1921 1426 2013">Consistent – The Site is zoned R2 Low Density Residential under the GRLEP 2021.</td> </tr> <tr> <td data-bbox="564 2013 858 2103">1.3 Mining, Petroleum Production and Extractive Industries</td> <td data-bbox="858 2013 1426 2103">Consistent – The Planning Proposal does not have the effect of: (a) prohibiting the mining of coal or other</td> </tr> </tbody> </table>	Directions	Consistency	1.1 Business and Industrial Zones	Consistent - The planning proposal does not affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).	1.2 Rural Zones	Consistent – The Site is zoned R2 Low Density Residential under the GRLEP 2021.	1.3 Mining, Petroleum Production and Extractive Industries	Consistent – The Planning Proposal does not have the effect of: (a) prohibiting the mining of coal or other
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1.3 Mining, Petroleum Production and Extractive Industries	Consistent – The Planning Proposal does not have the effect of: (a) prohibiting the mining of coal or other								

Question	Considerations
	<p>minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development</p>
1.4 Oyster Aquaculture	Consistent – The planning proposal does not propose a change in land use.
1.5 Rural Lands	<p>Consistent – The Planning Proposal does not</p> <p>(a) affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or</p> <p>(b) changes the existing minimum lot size on land within a rural or environment protection zone.</p>
2.1 Environment Protection Zones	Consistent – The Planning Proposal does not apply to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP.
2.2 Coastal Management	<p>Consistent - The Site is within a coastal use area as identified by the State Environmental Planning Policy (Coastal Management)2018. Refer to <b>Figure 14</b> below. The Planning Proposal does not propose a rezoning nor intensification of uses permitted. The Planning Proposal only proposes to amend the Heritage Map to the GRLEP 2021 and not the other maps relating to coastal management.</p>  <p>The map shows a residential area with streets including WOODCUI, JARUNA PDE, HILAWATI ST, BALLANDA AVE, and BURONGA PDE. A red shaded area indicates the site, and a blue hatched area indicates the coastal use area. The site is located between Ballanda Ave and Buronga Pde, adjacent to the coastal use area.</p>
2.3 Heritage Conservation	Consistent - Heritage conservation is covered by a compulsory clause in the Standard Instrument (Local Environmental

Question	Considerations
	Plans) Order 2006. The GRLEP 2021 has adopted the Standard Instrument and does identify such items, areas, objects or places of environmental heritage significance or indigenous heritage significance as are relevant to the terms of this direction on the Heritage Map and relevant Schedule of the LEP. This planning proposal seeks to add No. 80 Boronia Parade Lugarno to Schedule 5 of the GRLEP 2021 and the proposed listing is supported by a heritage assessment.
2.4 Recreation Vehicle Areas	Consistent – The planning proposal does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
2.6 Remediation of Contaminated Land	Consistent – The planning proposal does not rezone the Site which is currently zoned R2 Low Density Residential under the GRLEP 2021.
3.1 Residential Zones	Consistent – The planning proposal does not propose changes to the existing R2 Zone of the Site.
3.2 Caravan Parks and Manufactured Home Estates	Consistent – The planning proposal does not propose to permit development for the purposes of a caravan park to be carried on the Site.
3.4 Integrating Land Use and Transport	Consistent – The planning proposal will not create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.
3.5 Development Near Regulated Airports and Defence Airfields	Consistent – The planning proposal does not propose to rezone the Site.
3.6 Shooting Ranges	Consistent – The planning proposal does not seek to rezone land adjacent to and/ or adjoining an existing shooting range.
3.7 Reduction in non-hosted short term rental accommodation period	Consistent – The Planning Proposal does not identify or reduce the number of days that non-hosted short-term rental accommodation may be carried out within the LGA.
4.1 Acid Sulfate Soils	Consistent – The planning proposal does not seek to change the existing ASS Class 5 for

Question	Considerations
	the site.
4.2 Mine Subsidence and Unstable Land	Consistent – The planning proposal does not permit development on land that: (a) is within a mine subsidence district, or (b) has been identified as unstable in a study, strategy or other assessment undertaken: (i) by or on behalf of the relevant planning authority, or (ii) by or on behalf of a public authority and provided to the relevant planning authority.
4.3 Flooding	Consistent – The planning proposal does not create, remove or alter a zone or a provision that affects flood prone land.
4.4 Planning for Bushfire Protection	Consistent – The Site and it surrounds has not been mapped as bushfire prone land.
5.2 Sydney Drinking Water Catchment	Consistent – The Site is zoned R2 Low Density Residential and is supplied by reticulated water.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.9 North West Rail Link Corridor Strategy	N/A



Question	Considerations
5.10 Implementation of Regional Plans	<p>Consistent – The planning proposal is consistent with:</p> <ul style="list-style-type: none"> <li>• <i>A Metropolis of Three Cities – Greater Sydney Region Plan - Objective 13:</i> Environmental heritage is identified, conserved and enhanced and Objective 28: Scenic and cultural landscapes are protected. <i>Comment:</i> The Planning Proposal seeks to list the Site in Schedule 5 of the GRLEP 2021 and therefore identifying and conserving the significance of the Site.</li> <li>• <i>South District Plan - Planning Priority S6</i> Creating and renewing great places and local centres and respecting the District's heritage &amp; Action 20. Identify, conserve and enhance environmental heritage ...<i>Comment:</i> The planning proposal will respect a significant site in Georges River's history and will conserve its environmental heritage.</li> </ul>
5.11 Development of Aboriginal Land Council land	Consistent – The Planning Proposal does not affect land shown on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019
6.1 Approval and Referral Requirements	Consistent – The Planning Proposal does not seek to make any additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
6.2 Reserving Land for Public Purposes	Consistent – The Planning Proposal does not seek to reserve land for a public purpose.
6.3 Site Specific Provisions	Consistent – The Planning Proposal does not allow a particular development to be carried out.
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A
7.4 Implementation of NorthWest Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
7.6 Implementation of	N/A

Question	Considerations	
	Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	
	7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
	7.8 Implementation of the Western Sydney Aerotropolis Plan	N/A
	7.9 Implementation of Bayside West Precincts 2036 Plan	N/A
	7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A
	7.11 Implementation of St Leonards and Crows Nest 2036 Plan	N/A
	7.12 Implementation of Greater Macarthur 2040	N/A
	7.13 Implementation of the Pyrmont Peninsula Place Strategy	N/A

**Table 3 - Section C – environmental, social and economic impact**

Question	Considerations	
8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	<p>The Planning Proposal seeks to amend the Georges River Local Environmental Plan 2021 by:</p> <ul style="list-style-type: none"> <li>listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and</li> <li>mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map.</li> </ul> <p>The Planning Proposal is not seeking a rezoning, nor inserting new land uses into the R2 Low Density Residential zoning affecting the site.</p> <p>A Development Application (DA2021/0181) was submitted to Council on 6 May 2021 for the demolition of the existing cottage and associated outbuildings, Torrens Title subdivision of one lot into 31 lots and the construction of new roads, drainage and tree removal at No. 80 Boronia Parade, Lugarno (the Site). The DA is currently subject to a court appeal with the NSW Land and Environment Court. The impacts of the subdivision on critical habitat or threatened species, populations or ecological communities, or their habitats will be dealt with under the Court process.</p>	

Question	Considerations
9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	<p>The Planning Proposal seeks to amend the Georges River Local Environmental Plan 2021 by:</p> <ul style="list-style-type: none"> <li>• listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and</li> <li>• mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map.</li> </ul> <p>The Planning Proposal is not seeking a rezoning, nor inserting new land uses into the R2 Low Density Residential zoning affecting the site.</p> <p>A Development Application (DA2021/0181) was submitted to Council on 6 May 2021 for the demolition of the existing cottage and associated outbuildings, Torrens Title subdivision of one lot into 31 lots and the construction of new roads, drainage and tree removal at No. 80 Boronia Parade, Lugarno (the Site). The DA is currently subject to a court appeal with the NSW Land and Environment Court. The environmental impacts of the subdivision will be dealt with under the Court process.</p>
10. Has the planning proposal adequately addressed any social and economic effects?	<p>The Planning Proposal seeks to list the Site as a heritage item in the Council's LEP so that any development on the Site will need to consider Clause 5.10 of the LEP and the impacts on the heritage significance of the item. The heritage listing of the Site in Schedule 5 of the LEP will not sterilize the site. The Site can be developed.</p> <p>With respect to social impacts, the heritage assessment by GML Heritage states that it is likely that Glenlee has cultural significance at a local level under Criterion D (Social Significance) of the NSW Heritage Office Guidelines. The Report states on page 167:</p> <p><i>The Glenlee site remains one of the most prominent areas in Lugarno. Its aesthetic and historic qualities are well known and appreciated throughout the local community, whose strong connection to the site is evident in the 'Save Glenlee' campaign, supported by a petition raised by a local MP with over 1,200 signatures. This level of community interest suggests that the site holds social significance in the Lugarno area. Historically, Glenlee had social significance among the community of early settlers residing in the area, and within local immigrant social groups, such as the German Zither Club.</i></p> <p>Not protecting the Site through a listing in Schedule 5 of the GRLEP 2021 will have an adverse social impact on the history and development of Lugarno and the wider community.</p>

Table 4 - Section D – Infrastructure (Local, State and Commonwealth)

Question	Considerations
11. Is there adequate public infrastructure for the planning proposal?	<p>The Planning Proposal seeks to amend the Georges River Local Environmental Plan 2021 by:</p> <ul style="list-style-type: none"> <li>• listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage; and</li> <li>• mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map.</li> </ul> <p>The Planning Proposal is not seeking a rezoning, nor inserting new land uses into the R2 Low Density Residential zoning which may result in an increase in the demand for public services and facilities. A Development Application (DA2021/0181) was submitted to Council on 6 May 2021 for the demolition of the existing cottage and associated</p>

Question	Considerations
	outbuildings, Torrens Title subdivision of one lot into 31 lots and the construction of new roads, drainage and tree removal at No. 80 Boronia Parade, Lugarno (the Site). The DA is currently subject to a court appeal with the NSW Land and Environment Court. The public infrastructure impacts of the subdivision will be dealt with under the Court process. A S7.11 Infrastructure contribution will apply to any consent granted by the Court.

**Table 5 - Section E – State and Commonwealth Interests**

Question	Considerations
12. What are the views of state and federal public authorities and government agencies consulted in order to form the Gateway Determination?	On 24 January 2022 Council was advised that the Minister has decided to make a local IHO over the Site as it has potential local and state heritage values and is at imminent risk when the existing local IHO expires on 13 February 2022. The decision was published in the NSW Government Gazette on 28 January 2022. A copy of the notice is in <b>Attachment 3</b> . Council has the support of Heritage NSW.

**SUMMARY OF ASSESSMENT/CONCLUSION**

50. In summary the Planning Proposal seeks to the Georges River Local Environmental Plan 2021 by:

- a. listing No. 80 Boronia Parade Lugarno as a heritage item in Schedule 5 Environmental heritage as follows; and

Suburb	Item name	Address	Property description	Significance	Item no
Lugarno	Glenlee	80 Boronia Parade	Lot 1 DP10359	State & Local	I317

- b. mapping No. 80 Boronia Parade Lugarno as “Item – General” on the Heritage Map. The proposed Heritage Map - Sheet HER\_003 is illustrated in **Figure 3**.

51. The heritage listing of the site is supported by GML Heritage’s Report commissioned by Council which concludes that the Site has cultural significance at the State level under the NSW Heritage Office Heritage Assessment Guidelines criteria (f) and (g) and at the local level under criteria (a), (b), (c), (d) and (e). The GML Report recommends that Council list the Site on Schedule 5 of the Georges River Local Environmental Plan 2021 (“GRLEP”) as the Site is of heritage significance and that it be considered for State heritage listing.

52. The Planning Proposal does not seek to amend the R2 Low Density Residential zoning, FSR, height nor any other LEP provisions relating to the Site.

53. The intended outcome of the Planning Proposal is to:

- a. List No. 80 Boronia Parade Lugarno as a heritage item in the Georges River Local Environmental Plan 2021 so that Clause 5.10 applies to any proposed development.
- b. Conserve the environmental heritage of the Georges River local government area.
- c. Conserve the heritage significance of the site, including associated fabric, settings and views.



- d. Conserve Aboriginal objects and Aboriginal places of heritage significance.
54. The Planning Proposal meets both the strategic and site-specific merit tests that are outlined in the Departments' *Local Environmental Plan Making Guideline* dated December 2021.
55. In terms of Strategic Merit, the proposal:
- Gives effect to the Greater Sydney Region Plan and the South District Plan by identifying and conserving a significant site in Georges River history.
  - Is consistent with the endorsed Georges River LSPS and its Planning Priority P11 which requires the protection of Aboriginal and other heritage.
  - Responds to new evidence (GML's Report) that the Site has *exceptional significance within NSW as a rare, intact, early European riverfront settlement, with a high degree of representative significance as a demonstration of an early way of life, and of significant activities in NSW.*
56. In terms of Site-Specific Merit, the proposal:
- Does not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.
  - Seeks to list the Site as a heritage item in the Council's LEP so that any development on the Site will need to consider Clause 5.10 of the LEP and the impacts on the heritage significance of the item.
  - Will not sterilize the site. The Site can be developed and is currently the subject of a development application before the Court.
  - Through a listing in Schedule 5 of the GRLEP 2021 will have a positive social impact on the history and development of Lugarno and the wider community.
  - Does not result in an increase in the demand for public services and facilities.
  - Has the support of Heritage NSW.

### COMMUNITY CONSULTATION

57. Should the Planning Proposal be supported, it will be forwarded to the delegate of the Minister for Planning and Public Places, requesting a Gateway Determination.
58. If a Gateway Determination (Approval) is issued, and subject to its conditions, it is anticipated that the Planning Proposal will be exhibited for a period of 20 days in accordance with the provisions of the EP&A Act, 1979 and Regulation, 2000 and any requirements of the Gateway Determination.
59. Exhibition material, including explanatory information, land to which the Planning Proposal applies, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries.
60. Notification of the public exhibition will be through:
- Newspaper advertisement in The Leader;
  - Exhibition notice on Council's website;
  - Notices in Council offices and libraries;
  - Letters to State and Commonwealth Government agencies identified in the Gateway Determination (if required); and
  - Letters to adjoining landowners (in accordance with Council's Notification Procedures).

61. The project timeframe will depend on the Gateway Determination date and the required public exhibition period based on the different planning proposal categories. The following is based on a standard planning proposal with a public exhibition period of 20 working days.

#### Indicative project timeline

Stage	Timeframe/date
Consideration by Georges River LPP	17 February 2022
Consideration by council	28 March 2022
Council decision	28 March 2022
Gateway determination	April 2022
Pre-exhibition	May 2022
Commencement and completion of public exhibition period	May to June 2022
Consideration of submissions	July 2022
Post-exhibition review and additional studies	August 2022
Submission to the Department for finalisation (where applicable)	September 2022
Gazettal of LEP amendment	September 2022

62. It is noted that the project timeline will be assessed by the DPIE and may be amended by the Gateway Determination.

#### NEXT STEPS

63. The Planning Proposal will be presented at a future Environment and Planning Committee meeting for consideration, including the LPP recommendations. The minutes of the Environment and Planning Committee meeting will subsequently be considered at a future Council meeting. If the Planning Proposal is endorsed by Council, it will be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination under Section 3.34 of the EP&A Act.