

**ENVIRONMENT AND PLANNING****Item:** CCL086-22 Glenlee, 80 Boronia Parade Lugarno - Update Report**Author:** Strategic Planner**Directorate:** Environment and Planning**Matter Type:** Environment and Planning

CCL086-22

**RECOMMENDATION:**

That Council receive and note “Glenlee’, 80 Boronia Parade Lugarno – Update Report”.

**EXECUTIVE SUMMARY**

1. The purpose of this report is to provide an update on the actions arising from Council resolution (NM066-22) on the possible Acquisition of Glenlee dated 2 August 2022.
2. This report also provides an update on:
  - a. Part of Council (CCL077-21/ENV048-21) dated 25th October 2021, namely:
    - “(f) *That the General Manager investigate, analyse and model the purchase of Glenlee through development contributions, other external and internal funding sources and submit a separate report to Council*”,
  - b. The State Heritage Listing of Glenlee, and
  - c. The Planning Proposal to list Glenlee as a Local Item in the Georges River Local Environmental Plan 2021.

**BACKGROUND**

3. At its Extraordinary Meeting on 2 August 2022, Council considered a Notice of Motion (NM066-22) on the Acquisition of Glenlee where it was resolved:
 

*That Council takes the following steps to preserve “Glenlee” (Lot 1 DP10359, 80 Boronia Parade, Lugarno) for current and future generations, namely;*

  - (i) *That Council supports of the listing of “Glenlee” on the State Heritage Register by lodging its own submission with the Heritage Council of NSW.*
  - (ii) *That Council encourages residents and organisations to also support the listing of “Glenlee” on the State Heritage Register by inviting them to lodge individual submissions with the Heritage Council of NSW, by publicising the matter on its website and through social and print media.*
  - (iii) *That Council urgently seeks funding commitments for the acquisition of “Glenlee” from:*
    - (a) *Mr James Griffin MP, Minister for Environment and Heritage, and Mr Anthony Roberts MP, Minister for Planning and Minister for Homes, and*
    - (b) *Ms Tanya Plibersek MP, Minister for the Environment and Water, and Ms Linda Burney MP, Minister for Indigenous Australians.*
  - (iv) *That Council, upon consideration of the funding commitments received from the NSW and Commonwealth governments at (iii) above, directs the General Manager to investigate the possibility of the provision of the balance of the*

*funds necessary for the acquisition of “Glenlee” by Council, through sources which have been identified consequent upon Council’s resolution CCL077-21 dated 25th October 2021. Specifically, that the balance of any Council funds deemed necessary for the purchase of “Glenlee” be sourced from external and internal sources and that, in the case of development contributions being identified as a funding source, that Council utilises only those development contributions which have accrued as a consequence of higher density and commercial development in the Peakhurst Ward*

- (v) *That, once the equitable and appropriate acquisition of “Glenlee” has been finalised, that the NSW Government incorporates the property into the nearby Georges River National Park, so that the auspicious National Parks and Wildlife Service will be entrusted with the safe stewardship of this unique property and its environmental, historical and cultural attributes into the future.*
- (vi) *That Council writes to the current owners of 80 Boronia Pd, Lugarno, seeking their permission for Council to enter their property to conduct an assessment on the Natural Heritage Significance of the entire site. A report on the cost of this assessment is to be presented to the next Council meeting.*

## REPORT

4. The following actions have been taken in response to Council resolution (NM066-22) on the acquisition of Glenlee:
  - (i) Letter to Heritage Council of NSW
5. Council staff lodged a submission with the Heritage Council of NSW supporting the listing of ‘Glenlee’ on the State Heritage Register on 19 July 2022. Further information on this matter is addressed later in this report.
  - (ii) Encouragement of residents and organisations to support the listing
6. Council staff also updated the Georges River Council Heritage webpage to advise that the Heritage Council of NSW resolved to give notice of its intention to consider listing ‘Glenlee’, 80 Boronia Parade, Lugarno on the State Heritage Register (SHR), and that Council encourages residents and organisations to support the listing of ‘Glenlee’ on the State Heritage Register by making a submission by the deadline of 10 August 2022.
  - (iii) Letters for funding commitments for the acquisition of Glenlee
7. Council sent letters requesting funding to purchase ‘Glenlee’ to the following ministers on 18 August 2022:
  - a. Mr James Griffin MP, Minister for Environment and Heritage;
  - b. Mr Anthony Roberts MP, Minister for Planning and Minister for Homes;
  - c. Ms Tanya Plibersek MP, Minister for the Environment and Water; and
  - d. Ms Linda Burney MP, Minister for Indigenous Australians.
8. At the time of writing this report, only 1 response has been received – from the Department of Planning and Environment on behalf of the Minister for Planning and Minister for Homes. In summary the letter states there is no funding available to acquire Glenlee under any of the Department’s current programs.
9. A copy of the letter is contained in **Attachment 1**.

(iv) Investigate the possibility of the provision of the balance of funds necessary for the acquisition of “Glenlee” by Council & (v) That, once the equitable and appropriate acquisition of

“Glenlee” has been finalised, that the NSW Government incorporates the property into the nearby Georges River National Park

10. At the time of writing this report no reply has been received from the Minister for Environment and Heritage; the Minister for the Environment and Water; and the Minister for Indigenous Australians.
11. Council does not have the funds to purchase Glenlee; nor does Council’s S7.11 and S7.12 Development Contributions Plan (“Plan”) include the provision of the purchase of land for open space in Lugarno.
12. The strategy for open space within the Plan is to focus on strategic areas for acquisitions based on the principles of no net loss of open space, improved access and connectivity, innovation, and collaboration. The works in this category are split between lands identified as Land Reserved for Acquisition for Open Space in the Georges River Council Local Environmental Plan 2021 and an acquisitions category in unspecified locations. The criteria for defining unspecified locations for acquisitions is broadly defined as:
  - a. around areas zoned for higher density development
  - b. in areas that can provide additional access to existing open space
  - c. in areas that are currently deficient in open space
13. Under section 7.11 of the Environmental Planning and Assessment Act 1979, Section 7.11 contributions require the demonstration of an increased demand for public amenities and public services arising from development.
14. Based on the above criteria and the provisions of Section 7.11, Council is to note that the Peakhurst Ward which contains the suburb of Lugarno has the highest amount of open space per dwelling in the local government area. As such, at this time there is no strategic justification to acquire the site for open space, as a greater priority currently exists in other parts of the local government area. Furthermore, Lugarno is not an area where the demand for open space is being increased as a result of development or higher densities (such as Kogarah North). The population for Lugarno is forecast to grow on average by around 24 persons per year until 2036, the 15 year timeframe of the plan. Lugarno’s population growth accounts for less than 1.5% of the total population growth in the LGA.
15. At the November 2020 Council Meeting, Council resolved (CCL075-20) to progress the preparation of a detailed Open Space Expansion and Acquisition Plan. This work will provide Council with data/evidence on locations throughout the local government area where there is an existing shortfall of open space and those areas that will experience higher densities of development and population growth requiring increased provision of open space in the future. This information will allow officers to determine if Lugarno will experience a shortfall of open space in the future and whether the Glenlee site could therefore be eligible for inclusion (under legislation) within a local contributions plan. The Plan is being prepared by a team within the Community and Culture Directorate and is due for completion by the end of 2022.
16. It is anticipated that the report on the investigation of funding for the acquisition of Glenlee will be submitted to Council once the *Georges River Open Space Expansion and Acquisition Plan* is completed.

(vi) Council write to the owners of 80 Boronia Parade Lugarno seeking permission to access the Site to conduct an assessment of the Natural Heritage Significance of the entire site

17. Council wrote to the current owners of 80 Boronia Parade, Lugarno, on 23 August 2022 seeking their permission for Council to enter their property to conduct an assessment of the Natural Heritage Significance of the entire site.

18. A heritage report was prepared for Glenlee (for GRC) by GML Heritage earlier in 2022 which addressed the Site's cultural history but did not address its natural history.
19. Natural heritage comprises the components of the natural environment that have aesthetic, historic, scientific or social significance or other special value for future generations, as well as for the present community. It consists of land resources, marine, estuarine and inland waters and diverse animal and plant life, and encompasses a broad range of areas, including natural ecosystems, geological sites, water systems, modified landscapes and parks, gardens and significant trees. Examples of natural heritage may include forest ecosystems, old growth, wilderness, rare species, geographic variation, geological and fossil sites, and/or other factors important for long term conservation.
20. The purpose of the Natural Heritage/Ecological Assessment is to identify the Site's natural and biodiversity values and to ensure that any future development or management does not impact on any threatened species, populations, threatened ecological communities (TECs), or other threatened entities.
21. Three consultants were contacted to provide a preliminary cost estimate for a Natural Heritage Significance Assessment / Ecological Investigation for the entire Site.
22. The cost for a Natural Heritage Significance Assessment / Ecological Investigation and engage a suitably qualified and experienced consultant would be in the order of \$10,000.
23. Council received a letter dated 9 September 2022 from Solicitors acting on behalf of the owners of the Site stating that access to the Site has been denied.

#### STATE HERITAGE LISTING OF THE SITE

24. The Heritage Council of NSW considered the nomination on 6 September 2022 and resolved not to recommend the listing of Glenlee on the State Heritage Register (SHR) to the Minister for Environment and Heritage. Council is to note that Heritage NSW does not disclose nominator details without permission of the nominator.
25. A copy of the letter that Council received on 12 September 2022 regarding the State Listing of Glenlee is in **Attachment 2** to this report.
26. The SHR Committee's full resolution 1 to 4 is as follows:
  - In accordance with section 33(1)(d) of the Heritage Act 1977, has considered the submissions received in response to its Notice of Intention to Consider Listing the item known as Glenlee at 80 Boronia Parade, Lugarno.
  - Reaffirms its position that the item known as Glenlee at 80 Boronia Parade, Lugarno, is likely to be of State heritage significance; however, considers that further assessment of the natural and Aboriginal cultural heritage values of the site and a potential amended curtilage and site-specific exemptions are required.
  - Decides not to recommend the listing at this time, with the intention of reconsidering the nomination at a later date.
  - In accordance with section 33(1)(e) of the Heritage Act 1977, give notice of its decision to persons notified under section 33(1)(a).
27. Heritage NSW advised that they will continue to work with Council and the owner in this regard. They note that Council is in the process of assessing the site's natural heritage values and have requested a copy of this study once complete. They have also requested a copy of any Aboriginal Cultural Heritage Assessment Report (ACHAR), should one be prepared and submitted to Council as part of any future development applications for the site.

28. Given that access to the Site has been denied an assessment of the sites' natural heritage values cannot be undertaken.
29. To date Council has not received a ACHAR. It is noted that GML's Heritage Assessment has 6 recommendations. Recommendation 6 is;
- The Aboriginal objects held within the house be inspected (these were not sighted by GML or the MLALC), confirmed to be Aboriginal objects (or otherwise), and an attempt at understanding provenance be made.*
30. Council wrote to the owners on 8 September 2022 requesting access to inspect the Aboriginal objects within the house. No reply has been received but it is assumed that access to the house will also be denied.
31. Council is to note that investigations into issues on privately owned land such as vegetation, contamination, stormwater and heritage do not usually occur outside the development assessment, planning proposal and regulatory framework.

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### **PLANNING PROPOSAL UPDATE**

32. The amendment to the Georges River Local Environmental Plan 2021 to list 80 Boronia Parade, Lugarno, known as 'Glenlee' as a local heritage item was submitted to the NSW Department of Planning and Environment on 16 August 2022 for gazettal. The amendment is expected to come into effect by the end of September 2022.
33. Council will write to all persons who made a submission advising them when the amendment is gazetted.

### **FINANCIAL IMPLICATIONS**

34. No budget has been allocated to fund the Natural Heritage Significance Assessment / Ecological Investigation.

### **RISK IMPLICATIONS**

35. No risks identified.



### **COMMUNITY ENGAGEMENT**

36. The Planning Proposal and supporting documentation were publicly exhibited from 4 May 2022 to 3 June 2022.

### **FILE REFERENCE**

PP2022/0002

### **ATTACHMENTS**

- Attachment [↓](#)1  Letter dated 31 August 2022 from DPE on the funding for Glenlee
- Attachment [↓](#)2  Letter dated 12 September 2022 from Heritage NSW

Department of Planning and Environment



Our ref: MDPE22/1816

Your ref: D22/178082

Mr David Tuxford  
Acting General Manager  
Georges River Council  
PO BOX 205  
Hurstville NSW 1481

Via email: [mail@georgesriver.nsw.gov.au](mailto:mail@georgesriver.nsw.gov.au)

Dear Mr Tuxford

Thank you for your correspondence to the Hon. Anthony Roberts MP, Minister for Planning and Minister for Homes regarding 80 Boronia Parade, Lugarno. The Minister asked me to respond on his behalf.

I acknowledge your Council's request for Government funding to purchase the site to incorporate it into the adjoining Georges River National Park. The Department of Planning and Environment recognises the significance of the site and the community support for it. However, there is no funding available to acquire it under any of our current programs.

Department staff have met with Council staff to discuss the site and the Council has confirmed its priority for new and improved open space is focused in other areas of the local government area, where there is a deficiency in existing open space.

A NSW Government priority is to provide greater access to quality green open public spaces and the Department is running a range of programs for new and improved activation of public spaces. Recently funded projects within the Georges River area can be viewed on the map of investment in public spaces at [www.dpe.mysocialpinpoint.com.au/parksforpeoplemap/map#](http://www.dpe.mysocialpinpoint.com.au/parksforpeoplemap/map#/).

The Council may want to consider contacting the NSW National Parks and Wildlife Service, as they may wish to purchase the land to extend the National Park.

If you have any questions, you are welcome to contact Ms Fiona Morrison, Director, Open Space at the Department on 9274 6013 or [fiona.morrison@planning.nsw.gov.au](mailto:fiona.morrison@planning.nsw.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read "Brett Whitworth".

**Brett Whitworth**  
Deputy Secretary  
Planning Policy

31 August 2022



Department of Planning and Environment

Our ref: DOC22/796760

Ms Catherine McMahon  
Manager, Strategic Planning  
Georges River Council

cmcmahon@georgesriver.nsw.gov.au; mporter@georgesriver.nsw.gov.au

Dear Ms McMahon

**Notice of Heritage Council decision not to recommend State Heritage Register listing**

I am writing to advise, in accordance with section 33(1)(e) of the *Heritage Act 1977*, that the Heritage Council of NSW has resolved not to recommend the listing of Glenlee on the State Heritage Register (SHR) to the Minister for Environment and Heritage. The decision was made at the SHR Committee meeting of 6 September 2022. The SHR Committee's full resolution is provided in full below.

*The SHR Committee:*

1. *In accordance with section 33(1)(d) of the Heritage Act 1977, has considered the submissions received in response to its Notice of Intention to Consider Listing the item known as Glenlee at 80 Boronia Parade, Lugarno.*
2. *Reaffirms its position that the item known as Glenlee at 80 Boronia Parade, Lugarno, is likely to be of State heritage significance; however, considers that further assessment of the natural and Aboriginal cultural heritage values of the site and a potential amended curtilage and site-specific exemptions are required.*
3. *Decides not to recommend the listing at this time, with the intention of reconsidering the nomination at a later date.*
4. *In accordance with section 33(1)(e) of the Heritage Act 1977, give notice of its decision to persons notified under section 33(1)(a).*

We will continue to work with you and the owner in this regard. We understand that Council is in the process of assessing the site's natural heritage values and kindly request a copy of this study once complete. We would also appreciate a copy of any Aboriginal Cultural Heritage Assessment Report (ACHAR), should one be prepared and submitted to Council as part of any future development applications for the site.

We would welcome discussion with Council on this matter. To arrange a meeting, or if you have any questions, please contact Dr Aleisha Buckler, Listings Coordinator at Heritage NSW, Department of Planning and Environment at [aleisha.buckler@environment.nsw.gov.au](mailto:aleisha.buckler@environment.nsw.gov.au) or on (02) 9585 6944.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S L'.

**Sonia Limeburner**  
Manager

Heritage Programs, Coordination  
Heritage NSW  
Department of Planning and Environment  
**As Delegate of the Heritage Council of NSW**  
12 September 2022