

Wingecarribee

S H I R E C O U N C I L

AGENDA

of the
Local Planning Panel
held in
Council Chambers,
Wingecarribee Shire Council Civic Centre,
68 Elizabeth Street, Moss Vale
on

Monday 15 July 2024

The meeting will commence at **10:30 am**

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Table Of Contents

1 OPENING OF THE MEETING	5
2 ACKNOWLEDGEMENT OF COUNTRY	5
3 APOLOGIES.....	5
4 DECLARATIONS OF INTEREST	5
5 PLANNING PROPOSALS	6
5.1 Results Of Public Exhibition Of Independent Peer Review Of Draft Community Heritage Study 2021-23	6
6 DEVELOPMENT APPLICATIONS.....	22
7 MEETING CLOSURE	22

Our Mission, Our Vision, Our Values

OUR MISSION

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

OUR VISION

Leadership: *'An innovative and effective organisation with strong leadership'*

People: *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

Places: *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

Environment: *'A community that values and protects the natural environment enhancing its health and diversity'*

Economy: *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

Recording and Webcasting of Local Planning Panel Meetings

This meeting is being recorded and webcast via Council's website and a person's image and/or voice may be publicly broadcast. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast. Any part of the meeting that is held in closed session will not be webcast.

Council requests that everyone in attendance is respectful and uses appropriate language. All speakers should refrain from making any defamatory, discriminatory or offensive comments or releasing any personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory, discriminatory or offensive comments made by persons attending meetings – all liability will rest with the individual who made the comments.

Individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting under the Council's Code of Meeting Practice.

The recording will be available for viewing on the internet for 12 months and retained as a Council record. The recording is subject to copyright.

The meeting must not be recorded by others.

Please ensure that all electronic devices including mobile phones are switched to silent.

The Council Chamber has 24 Hour Video Surveillance.

1 OPENING OF THE MEETING

The Chairperson opened the meeting and welcomed members of the public and the press.

2 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

3 APOLOGIES

Nil at time of print.

4 DECLARATIONS OF INTEREST

The provisions of Chapter 14 of the Local Government Act 1993 regulate the way in which nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the meeting.

Council’s Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

5 PLANNING PROPOSALS

5.1 Results of Public Exhibition of Independent Peer Review of Draft Community Heritage Study 2021-23

Report Author:	Coordinator Strategic Policy
-----------------------	-------------------------------------

Authoriser: **Executive Manager Strategic Outcomes**

PURPOSE

The purpose of this report is to provide details of the Public Exhibition of the Independent Peer Review of the Draft Community Heritage Study and make recommendations about heritage listings arising from the Peer Review and consideration of submissions.

OFFICER'S RECOMMENDATION

THAT:

1. The properties and areas listed as "Yes" in the final column of the List of Recommendations at ATTACHMENT 1 are **SUPPORTED** for heritage listing.
2. The properties and areas listed as "No" in the final column of the List of Recommendations at ATTACHMENT 1 are **NOT SUPPORTED** for heritage listing at this time.
3. The properties and areas listed as "Defer" in the final column of the List of Recommendations at ATTACHMENT 1 are to be **DEFERRED** for further investigation and consultation with a future report to be provided to the Local Planning Panel and Council by June 2025. This includes the proposed Berrima Landscape Conservation Area North and South Extensions and proposed Exeter/Sutton Forest Landscape Conservation Area.
4. The Community Heritage Study 2021-23, as amended by the recommendations of the Independent Peer Review 2024 and additional amendments listed in ATTACHMENT 2 to this report, be **SUPPORTED**.
5. The draft Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to give effect to above supported heritage listings, supported heritage conservation areas and extensions, be **SUPPORTED**. The Planning Proposal seeks to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add new heritage items and new heritage conservation areas and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to give statutory effect to the above supported heritage listings and heritage conservation areas and extensions.
6. The Planning Proposal be sent to the Department of Planning, Housing and Infrastructure with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.

AGENDA OF THE LOCAL PLANNING PANEL MONDAY 15 JULY 2024

7. Interim Heritage Order No. 14 applying to 48-50 Old Hume Highway, Mittagong, comprising Lot 4 DP 876468, be allowed to lapse on 23 August 2024, in recognition that the house has been demolished.
8. The heritage assessment recommending the heritage listing of 2 Pioneer Street, Mittagong, (Community Heritage Study Item No. 434), comprising Part Lot 222 Sec U DP 20, as confirmed by the Independent Peer Review and which is the subject of Wingecarribee Interim Heritage Order No. 15, be SUPPORTED.
9. Interim Heritage Order No. 15 applying to Part Lot 222 Sec U DP 20, 2 Pioneer Street, Mittagong, be extended for a further six (6) months until 23 February 2025 to allow for the preparation and processing of the subject Planning Proposal.
10. The properties nominated as part of the community engagement phase of the Draft Community Heritage Study as detailed in Table 4 to this report be examined for potential heritage recognition as heritage items or conservation areas along with the items marked as deferred AND THAT those items are reported back to the Local Planning Panel by June 2025.
11. Contributory building mapping be undertaken for all existing and proposed heritage conservation areas with the results reflected in the next-generation comprehensive Development Control Plan.
12. The Local Planning Panel and Council consider a final summary report following public exhibition of the Planning Proposal as part of the Gateway process.

REPORT

BACKGROUND

Table 1 provides a comprehensive timeline of the milestones of the Draft Community Heritage Study project, including the Independent Peer Review. The report to the Local Planning Panel of 29 June 2023 and the report to the Council Meeting of 19 July 2023 provide background to the impetus for the Study and heritage listings in the Shire more broadly.

It is noted that the draft Community Heritage Study 21-23 has undergone rigorous review with all due process applied in full to ensure diverse opinions of landowners and community members are heard. Multiple referrals to the Local Planning Panel applied a layer of due diligence, independence and procedural fairness for all stakeholders. The independent peer review by a respected heritage practitioner applied another layer of rigour, resulting in professional advice and recommendations summarised in this report. The 2 rounds of formal public exhibition, representations voiced at Panel and Council Public Forums and 2 rounds of formal submissions provided ample opportunities for all stakeholders to be heard. Further representations are expected to be voiced at upcoming Panel and Council Public Forums and a further and final public exhibition round will occur at the Gateway process.

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Table 1—Milestones of the Draft Community Heritage Study project

Date	Milestone and Commentary
2021-2023	<p>Compilation of the Draft Community Heritage Study 2021-2023</p> <p>The Draft Community Heritage Study was compiled by a Study Team led by the former (non-Councillor) members of Council’s former Heritage Advisory Committee and comprised of members of the Committee and the community with heritage, history and architecture qualifications and experience. The Study was prompted by a Council resolution to re-examine some 250 items that were recommended for heritage listing in a 2009 heritage study but deferred by Council in 2012.</p>
29 June 2023	<p>Initial Consideration of Draft Community Heritage Study 2021-2023 by Local Planning Panel</p> <p>The Draft Community Heritage Study was first considered by the Local Planning Panel and the following advice was given by the Panel:</p> <ol style="list-style-type: none"> 1. <i>The Panel acknowledges the enormous amount of detailed work put into the Wingecarribee Community Heritage Study 2021-2023 by the Study Team and Council planning staff.</i> 2. <i>The Panel supports the commencement of owner and community consultation in accordance with this report of the Wingecarribee Community Heritage Study 2021-2023.</i> 3. <i>The Panel recommends that consideration be given to initiating the Peer Review of the Study concurrently with the proposed community consultation with the final Peer Review to be carried out at the conclusion of the community consultation.</i>
19 July 2023	<p>Council resolution for consultation and public exhibition of Draft Community Heritage Study</p> <p>The Panel’s advice was considered by Council as part of a report on the Draft Community Heritage Study where it was resolved:</p> <p><i>MN 2023/434</i></p> <p><i>THAT:</i></p> <ol style="list-style-type: none"> 1. <i>The Wingecarribee Community Heritage Study 2021-2023 be supported to commence owner and community consultation in accordance with this report.</i> 2. <i>The Study Team and other volunteer contributors be acknowledged and thanked for their significant contribution in research, photography and compilation of the information contained in the Wingecarribee Community Heritage Study 2021-2023.</i>
31 July 2023	<p>Commencement of owner consultations</p> <p>Consultation commences with owners of individual properties affected by the recommendations of the Draft Community Heritage Study. Access to the Draft Study documents was provided by a website link and affected owners of recommended heritage items were invited to attend 15-minute individual one-on-one sessions with Council staff that were conducted from 11 September until 30 October 2023. In total 326 meeting slots were made available to owners on 22 dates and 6 different venues across the Shire.</p>

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Date	Milestone and Commentary
<p>3 October 2023 to 6 November 2023</p>	<p>Public exhibition of Draft Community Heritage Study</p> <p>Public exhibition of the Draft Study commences. Letters were sent to owners of properties within proposed heritage conservation areas and emails were sent to local village associations and heritage groups. Thirteen four-hour community drop-in information kiosks were held between 9 October and 2 November 2023 at six locations across the Shire.</p>
<p>13 December 2023</p>	<p>Council consideration of Peer Review Options</p> <p>Council considers a report on the <i>Draft Community Heritage Study – Options for Peer Review</i> where it was resolved:</p> <p><i>MN 2023/570</i></p> <p><i>THAT Council:</i></p> <ol style="list-style-type: none"> 1. <i>Council receive and note the report and Council Officers play no further role in the matter.</i> 2. <i>Council support the option for peer review of the Community Heritage Study and all submissions received in response to the public consultation process with the view to the final Heritage Study and Planning Proposal being submitted to the NSW Department Planning Department for Gateway Determination no later 30 June 2024.</i> 3. <i>The cost for the independent peer review of the Community Heritage Study and exhibition of same by a suitably qualified heritage contractor reporting directly to the General Manager be considered as part of the December budget quarterly review.</i> 4. <i>In relation to point 2, it will be necessary for the General Manager to prepare a timeline for public exhibition of the final draft study for consideration by both the Planning Panel and Council.</i> 5. <i>The General Manager be delegated authority to place the draft Community Heritage Study, post peer review on public exhibition.</i>
<p>31 January 2024</p>	<p>Appointment of Peer Review consultant</p> <p>The appointment of Mr Robert Staas as the heritage consultant to undertake the independent peer review of the Draft Community Heritage Study is announced.</p>
<p>21 February 2024</p>	<p>Council consideration of update report on Peer Review</p> <p>Council considers a report on the update of the independent peer review where it was resolved:</p> <p><i>MN 2024/7</i></p> <p><i>THAT Council:</i></p> <ol style="list-style-type: none"> 1. <i>Note the update on the appointment of the Consultant to undertake the independent Peer Review of the draft Wingecarribee Community Heritage Study 2021-2023.</i> 2. <i>The proposed timeline for public exhibition of the peer-reviewed draft Study in accordance with Council's Resolution dated 13 December 2023 be the subject of a further report to the March 2024 meeting noting the delegation in place.</i> 3. <i>Allocate \$22,000 at the next quarterly budget review to fund the heritage peer review.</i>

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Date	Milestone and Commentary																		
20 March 2024	<p>Council consideration of further update report on Peer Review</p> <p>Council considered a further report on the revised timeline for the independent peer review where it was resolved:</p> <p style="color: green;"><i>MN 2024/39</i></p> <p><i>THAT Council note the revised proposed timeline for public exhibition of the peer-reviewed draft Study in accordance with Council’s Resolutions dated 13 December 2023 and 21 February 2024.</i></p> <p>The table below shows the revised timeline presented at the meeting:</p> <table border="1" data-bbox="456 611 1410 1283"> <thead> <tr> <th data-bbox="456 611 632 667">Timeframe</th> <th data-bbox="632 611 1410 667">Milestone</th> </tr> </thead> <tbody> <tr> <td data-bbox="456 667 632 757">22 January 2024</td> <td data-bbox="632 667 1410 757">Peer Review initiated with independent consultant</td> </tr> <tr> <td data-bbox="456 757 632 813">15 May 2024</td> <td data-bbox="632 757 1410 813">Peer Review Finalised</td> </tr> <tr> <td data-bbox="456 813 632 902">15 May 2024</td> <td data-bbox="632 813 1410 902">Consultant presents peer review outcomes to Local Planning Panel (LPP)</td> </tr> <tr> <td data-bbox="456 902 632 958">29 May 2024</td> <td data-bbox="632 902 1410 958">Extraordinary LPP considers peer reviewed draft Heritage Study</td> </tr> <tr> <td data-bbox="456 958 632 1048">30 May 2024</td> <td data-bbox="632 958 1410 1048">General Manager places peer-reviewed draft Study on public exhibition for 28 days</td> </tr> <tr> <td data-bbox="456 1048 632 1104">30 June 2024</td> <td data-bbox="632 1048 1410 1104">Public exhibition concludes</td> </tr> <tr> <td data-bbox="456 1104 632 1193">15 and 16 July 2024</td> <td data-bbox="632 1104 1410 1193">Extraordinary LPP considers outcomes of public exhibition and makes recommendations to proceed to Gateway Determination</td> </tr> <tr> <td data-bbox="456 1193 632 1283">7 August 2024</td> <td data-bbox="632 1193 1410 1283">Council considers outcomes of peer review and LPP advice and considers proceeding to Gateway Determination</td> </tr> </tbody> </table>	Timeframe	Milestone	22 January 2024	Peer Review initiated with independent consultant	15 May 2024	Peer Review Finalised	15 May 2024	Consultant presents peer review outcomes to Local Planning Panel (LPP)	29 May 2024	Extraordinary LPP considers peer reviewed draft Heritage Study	30 May 2024	General Manager places peer-reviewed draft Study on public exhibition for 28 days	30 June 2024	Public exhibition concludes	15 and 16 July 2024	Extraordinary LPP considers outcomes of public exhibition and makes recommendations to proceed to Gateway Determination	7 August 2024	Council considers outcomes of peer review and LPP advice and considers proceeding to Gateway Determination
Timeframe	Milestone																		
22 January 2024	Peer Review initiated with independent consultant																		
15 May 2024	Peer Review Finalised																		
15 May 2024	Consultant presents peer review outcomes to Local Planning Panel (LPP)																		
29 May 2024	Extraordinary LPP considers peer reviewed draft Heritage Study																		
30 May 2024	General Manager places peer-reviewed draft Study on public exhibition for 28 days																		
30 June 2024	Public exhibition concludes																		
15 and 16 July 2024	Extraordinary LPP considers outcomes of public exhibition and makes recommendations to proceed to Gateway Determination																		
7 August 2024	Council considers outcomes of peer review and LPP advice and considers proceeding to Gateway Determination																		
29-30 May 2024	<p>Local Planning Panel consideration of Independent Peer Review 2024 of the Wingecarribee Community Heritage Study</p> <p>The Local Planning Panel considered the results of the Independent Peer Review over a two-day extraordinary meeting where the following advice was provided by the Panel:</p> <ol style="list-style-type: none"> 1. <i>The Panel support that the Wingecarribee Community Heritage Study 2021-2023 Independent Peer Review 2024 as attached to these minutes be endorsed for public exhibition for a minimum of 28 days commencing on or before 1 June 2024 and concluding on 30 June 2024 via the Participate Wingecarribee platform.</i> 2. <i>The Panel supports a report on the results of the public exhibition of the Wingecarribee Community Heritage Study 2021-2023 Independent Peer Review 2024 and a draft Planning Proposal to implement the final recommendations be considered by the Local Planning Panel at the conclusion of public exhibition.</i> 3. <i>The Panel notes that the published Peer Review by Robert Staas (ATTACHMENT 1 to the Agenda paper) did not include commentary in relation to a number of submissions received on proposed heritage items. An Addendum Peer Review report by Robert Staas</i> 																		

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Date	Milestone and Commentary
	<p><i>has now been published via the Participate Wingecarribee platform and is an ATTACHMENT to these minutes.</i></p> <ol style="list-style-type: none"> 4. <i>The Panel notes that the Peer Review by Robert Staas followed the same process whether the review was dealt with in the main report or the addendum.</i> 5. <i>The Panel notes a number of submissions were critical of the process followed in the preparation of the Wingecarribee Community Heritage Study. Robert Staas was satisfied that the process followed was sound and the Panel endorses this.</i> 6. <i>The Panel notes the comments of Robert Staas that decisions regarding heritage listing inevitably involve an element of subjectivity and it is not an empirical process. The Peer Review aims to provide an expert assessment.</i> 7. <i>Robert Staas inspected all properties from the public domain and where it was not possible to obtain a full viewing from the public domain, familiarised himself by other means including the material in the Community Heritage Study, Google Street View, Nearmap and other readily available sources.</i> 8. <i>Individual Panel members carried out physical site inspections from the public domain in respect to some properties proposed for heritage listing. The Panel members also considered the material in the study, other material such as Google Street View and Nearmap. The Panel also considered all submissions lodged with Council during the exhibition of the Community Heritage Study and additional information provided by some speakers at the meeting on 29 May 2024.</i> 9. <i>The Panel notes that as part of the exhibition process following this meeting affected property owners (including those properties identified as not warranting heritage listing in the Wingecarribee Community Heritage Study but recommended for listing by Robert Staas in the peer review) will have an opportunity to make a written submission.</i> 10. <i>The Panel did not consider it appropriate at this stage to alter any of the recommendations in the Peer Review or Peer Review addendum. However, the Panel may when it considers the matter on 31 July 2024, make recommendations in that regard.</i> 11. <i>The Panel recommends that Robert Staas be engaged to;</i> <ol style="list-style-type: none"> a. <i>Review the submissions received and considered at the LPP meeting on 29 May 2024</i> b. <i>Review any further submissions received as a result of the exhibition of the Wingecarribee Community Heritage Study Peer Review and Peer Review Addendum</i> c. <i>Review the final statement of significance to be included in the report to be considered by the LPP on 31 July 2024.</i> <p>Note that attachments referred to in the above advice are NOT attached to this</p>

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Date	Milestone and Commentary
	<p>report but are available on the Local Planning Panel page of Council’s website.</p> <p>Note that at the time of the Panel’s advice, the proposed timing of the post-exhibition consideration of the Independent Peer Review by the Local Planning Panel was on 31 July 2024. Due to calendar scheduling the meeting was moved to 15 and 16 July 2024.</p>
<p>19 June 2024</p>	<p>Council consideration of update report on Community Heritage Study and Independent Peer Review</p> <p>Council considered an update report on the Community Heritage Study and Independent Peer Review where it was resolved:</p> <p style="color: green;"><i>MN 2024/167</i></p> <p><u>THAT:</u></p> <ol style="list-style-type: none"> 1. <i>Council receive and note the Update and Draft Wingecarribee Community Heritage Study 2021-2023 and Independent Peer Review report.</i> 2. <i>A further report be submitted to Council following consideration by the Local Planning Panel.</i> 3. <i>It be noted that the staff advised that the recommendation to the panel in relation to the peer review will be that the proposed Berrima Landscape Conservation Area North and South Extensions and proposed Exeter/Sutton Forest Landscape Conservation Area be deferred for further investigations and separate consultations by June 2025.</i> <p>This resolution has been incorporated into the recommendations of this report.</p>

PUBLIC EXHIBITION OF PEER REVIEW 2024

Following consideration of the Independent Peer Review by the Local Planning Panel on 29 and 30 May 2024, the Peer Review 2024 of the Draft Community Heritage Study 2021-23 was placed on online public exhibition on Council’s Participate Wingecarribee website from Friday 31 May 2024 until Sunday 30 June 2024. The Peer Review Report, Spreadsheet and Peer Review Addendum Report were all available for viewing and download along with the numerous volumes of the Draft Community Heritage Study 2021-23 that were on previously on public exhibition from September to November 2023. Further Submissions were invited from property owners and members of the community in relation to the Peer Review Report package.

Submissions

A total of 77 submissions were received during the Peer Review public exhibition period which includes written submissions that were provided to the Local Planning Panel on 29 and 30 May 2024.

- 43 submissions were in respect of 37 properties (3 sites had submissions from both owners and non-owners and 4 sites had 2 or more submissions by owners). All but 5 of the submissions by owners were in objection to the proposed recommendations of the Peer Review report.
- 35 submissions were general in nature or related to proposed heritage or landscape conservation areas and of these 30 were in support of the proposed recommendations of the Peer Review report and the Community Heritage Study more broadly.

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

One late submission was received that comprised a Conservation Management Plan (CMP) for Craigieburn, 43-47 Centennial Road, Bowral, prepared in June 2024 by Weir Phillips Heritage and Planning. This submission supported the heritage listing in accordance with previous submissions and provided further information to support and refine a heritage listing and appropriate curtilage. This submission and CMP was not provided to Mr Staas because it was consistent with his earlier recommendation to heritage list the site. However, it is recommended that the Community Heritage Study be updated to reflect the information provided in the CMP (including heritage assessment and statement of heritage significance) for this property. This recommendation is included within the List of amendments to Community Heritage Study at **ATTACHMENT 2**.

The Local Planning Panel have been provided all submissions made to the Peer Review public exhibition phase. The Independent Peer Review report and the content of submissions, along with any representations voiced at the Public Forum on 29 May 2024 and any final representations that may be voiced at the Public Forum scheduled for 15 July 2024 will be the basis on which the Panel deliberate their final recommendations in the list contained at **ATTACHMENT 1**.

DEFERRED ITEMS

The Peer Review 2024 recommended the deferral of seven (7) items and one (1) area. Table 2 below provides a list of the items recommended for deferral by the Peer Review and provides a reason for deferral. This report recommends that deferred items are examined and subject to any relevant additional consultation with a report to be brought back for the consideration of the Local Planning Panel by June 2025.

Table 2: Items recommended for deferral by Independent Peer Review

Item/area	Reason for deferral
Item No. 334 1970 Kangaloon Road, East Kangaloon	Recommended to be deferred pending further detailed investigation of issues raised by the owners in the submission made to Council regarding the Preliminary Evidence Sheet information.
Item No. 339 2128 Kangaloon Road, East Kangaloon	Recommended to be deferred pending further investigation of the site.
Item No. 343 34 & 42 Bundanoon Road & 47 Jensens Lane, Exeter	Recommended to be deferred pending a separate study to establish significant remains of earlier developments and activities.
Item No. 375 1601 Kangaloon Road, Kangaloon	Recommended to be deferred subject to further detailed investigation of the site.
Item No. 402 565 Diamond Fields Road, Mittagong	Recommended to be deferred subject to further investigation and inspection.
Item No. 474 574-576 Argyle Street, Moss Vale	Recommended to be deferred to allow for investigation and consideration of the heritage value of the group of timber buildings from 574 to 580 Argyle Street, including this site.
Item No. 591 28 Old Hume Highway, Welby	Recommended to be deferred pending further investigation.
Bowral Conservation Area Extension (Holly and Elm Streets)	Recommended to be deferred pending a more detailed assessment of its value as a conservation area.

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Additional matters for consideration

The items and areas listed in Table 3 below are brought to the attention of the Local Planning Panel to assist in their consideration of their final recommendations.

Table 3: Additional matters for consideration by the Local Planning Panel

Item/Area	Peer Review recommendation	Matters for consideration
<p>Item No. 365 1291 Kangaloon Road, Kangaloon</p>	<p>The Peer Review 2024 recommendation was:</p> <p><i>Submission by Brett James Williams providing information regarding recent developments at 'Fernleigh' requesting removal of the main house and some outbuildings from any listing for the site. The submission claims that the property was not one of the early dairy farms identified as a group in the Community Heritage Study but that there may be an early cottage on the site that has some heritage values. No.1291 Kangaloon Road, Kangaloon 'Fernleigh' (early dairy farm) is recommended to be included in the final heritage list subject to further investigation of the site. Potentially this site should be deferred at the current time.</i></p>	<p>The Peer Review recommendation spreadsheet has been marked as "Yes" but consideration could be given to deferring this matter for further consideration.</p>
<p>Northern and Southern Extensions to the Berrima Landscape Conservation Area Berrima</p>	<p>The Peer Review 2024 recommendation was:</p> <p><i>The proposed area should be <u>included</u> in the Gateway submission for the reasons set out in the Preliminary Evidence Sheets to ensure the protection of the unique character of Berrima and to manage any future development that may detract from its State significance.</i></p> <p><i>Wording in the Statement of Significance should differentiate between comments related specifically to Berrima rather than to Sutton Forest and Exeter villages.</i></p>	<p>A resolution was made at the Council meeting of 19 June 2024 in relation to this matter which states (inter alia): <i>It be noted that the staff advised that the recommendation to the Panel in relation to the Peer Review will be that the proposed Berrima Landscape Conservation Area North and South Extensions and proposed Exeter/Sutton Forest Landscape Conservation Area be deferred for further investigations and separate consultations by June 2025.</i></p>

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Item/Area	Peer Review recommendation	Matters for consideration
Station Street Heritage Conservation Area 44-54 Station Street, Bowral	The Peer Review 2024 recommendation was: <i>In its current form the buildings are adequately protected by individual heritage listing and are not large enough together to be considered as a Heritage Conservation Area. If combined with the rear properties and the adjoining heritage listed Church and Hall, I consider that the area could be <u>included</u> as a Heritage Conservation Area which demonstrates the early development pattern in this section of Bowral for residential and church use, demonstrating a high degree of aesthetic value in this location.</i>	The Peer Review recommended the proposed area be listed subject to the inclusion of the Church at 6-6A Banyette Street, Bowral. While there will be an opportunity for the Church to be consulted as part of the Planning Proposal exhibition, there is also an opportunity for this area to be deferred to allow consultation to be undertaken before including it in a Planning Proposal.
Sutton Forest/ Exeter Landscape Conservation Area	The Peer Review 2024 recommendation was: <i>This proposed Cultural Landscape Conservation Area is recommended to be adopted for <u>inclusion</u> in the final gateway submission.</i>	A resolution was made at the Council meeting of 19 June 2024 in relation to this matter which states (inter alia): <i>It be noted that the staff advised that the recommendation to the Panel in relation to the Peer Review will be that the proposed Berrima Landscape Conservation Area North and South Extensions and proposed Exeter/Sutton Forest Landscape Conservation Area be deferred for further investigations and separate consultations by June 2025.</i>

ADOPTION OF THE COMMUNITY HERITAGE STUDY

It is intended that the Community Heritage Study will be amended in accordance with the professional and independent advice provided by Mr Staas in the Peer Review 2024 and any recommendations arising from deliberations by the Local Planning Panel. The Panel will consider the latest round of submissions on 15-16 July 2024 from landholders and community members to make final recommendations that may further refine the Community Heritage Study 2021-2023.

The table contained at **ATTACHMENT 2** to this report provides a detailed list of proposed amendments to the Community Heritage Study 2021-23 arising from the Peer Review 2024. It is recommended that these amendments be endorsed and subsequently effected resulting in the adopted version of the Community Heritage Study 2021-23 that will then be published on Council's website as the final adopted Study.

NOMINATED PROPERTIES

As part of the public exhibition of the Draft Community Heritage Study 2021-23 in 2023, members of the community were invited to submit nominations of additional heritage items. In addition, some submissions to the Peer Review also nominated additional site and areas. Table 4 lists each of the nominated sites and provides a comment and recommendation on each.

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Table 4—List of properties/items/areas nominated as part of the Community Heritage Study community engagement phases

Item Name	Comment & Recommendation
Interwar house previously known as 'Sevenacres', 44 Centennial Road, Bowral	Nominated by a member of the Community Heritage Study Team. Research has been provided with the nomination. Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.
'Boorala'—Interwar brick and tile house, 88 Bendooley Street, Bowral	Nominated by a member of the Community Heritage Study Team. Research has been provided with the nomination. Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.
Mandemar Woolshed, 653 Joadja Road, Joadja	Some nominal historical research has been undertaken and staff have visited the site in the last 6 months. Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.
Railway overbridge on Chalker Parade, Hill Top	This item is listed on the National Trust Register and the person who nominated this item provided an article on the history of the Monier Arch construction. Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.
Former Nunnery, 27 Arthur Street, Moss Vale	The site is within the Throsby/Arthur Streets Conservation Area but should be investigated for potential heritage listing. Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.
Former home of Sir William Tyree, Sutherland Park Drive, Burradoo	Architect designed modern home. Contained within the Bowral South New Living Area with retention not proposed in the Masterplan for the site. Recommendation: Investigate for potential heritage listing and/or archival recording and include in a report back to the Local Planning Panel and Council along with the deferred items.
5 Queen Street, Mittagong	This site is already heritage listed and is within the Mittagong Conservation Area, together with its neighbour at no. 3 Queen Street. No. 1 Queen Street is recommended within the Draft Community Heritage Study to be heritage listed in recognition of this relatively intact group of three timber cottages. Recommendation: No action required.
'Osborn House', 96 Osborn Avenue Bundanoon (former Solar Springs and 'The Knoll')	Some information about the history is provided with the nomination. Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Item Name	Comment & Recommendation
61 Merrigang Street, Bowral	<p>No information is provided on this property but the roof form appears to be an early building surrounded by mature plantings.</p> <p>Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.</p>
Medway Hall, 462 Medway Road, Medway	<p>10 nominations were received from members of the community for this item.</p> <p>Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.</p>
Mittagong Renwick Home for Boys, Bong Bong Road, Mittagong	<p>The following elements of the former Renwick Home for Boys are already heritage listed:</p> <ul style="list-style-type: none"> • Renwick subdivision (although this will be reduced to the Good Ja Gah Park containing the conserved silos within a future Planning Proposal) • Suttor Cottage, 66 Bong Bong Road, Renwick • Goodlet Cottage, 80 Bong Bong Road, Renwick • Challoner Cottage, 82 Bong Bong Road, Renwick (also listed on the State Heritage Register) • Rowe Cottage, 129-131 Bong Bong Road, Mittagong • Cutter’s Inn (former Hassal and Jefferis Cottages), 762 Old South Road, Mittagong. <p>The remaining buildings not listed—comprising De Lauret Cottage (86 Bong Bong Road), Heydon Cottage (88-90 Bong Bong Road) and the Scout Hall (88-90 Bong Bong Road)—are included in the Community Heritage Study and recommended for heritage listing by the Study and the Peer Review.</p> <p>Recommendation: No action required.</p>
Baker’s Subdivision comprising 1-11 Aitken Road; former Annesley School for Girls, 10 Westwood Drive and Loseby Park, 2A Park Road, Bowral	<p>Annesley and Westwood buildings of former Annesley School for Girls (10 Westwood Drive) are recommended for heritage listing as part of the Draft Community Heritage Study 2021-23. Research has been provided with the nomination.</p> <p>Recommendation: Investigate for potential heritage listing and/or inclusion in an extension of the existing Aitken Road Conservation Area and include in a report back to the Local Planning Panel and Council along with the deferred items.</p>
Upper Welby Reservoir 1930, 2400 Old Hume Highway, Woodlands	<p>Item of potential engineering heritage.</p> <p>Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.</p>
Lower Welby Reservoir 1908, Welby Recreation Reserve, Old Hume Highway, Welby	<p>Item of potential engineering heritage.</p> <p>Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.</p>

**AGENDA OF THE LOCAL PLANNING PANEL
MONDAY 15 JULY 2024**

Item Name	Comment & Recommendation
Boxvale Railway Tunnel (now a walking track), Welby Recreation Reserve, Old Hume Highway, Welby	Item of potential engineering heritage. Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.
Nattai Creek Dam, The Maltings, Nattai Creek and 2 Colo Street, Mittagong	The dam is covered by The Maltings Conservation Area and partially covered by The Maltings heritage item. However, the dam is not mentioned in the existing heritage item inventory sheet. Recommendation: Investigate significance for separate heritage listing associated with the existing Maltings heritage item and conservation area and include in a report back to the Local Planning Panel and Council along with the deferred items.
Nattai Creek Dam, Frensham School, 51 Range Road, Mittagong	Item of potential engineering heritage. Recommendation: Investigate for potential heritage listing and include in a report back to the Local Planning Panel and Council along with the deferred items.
Kangaloon Cultural Landscape	It was suggested by Robert Staas in the Peer Review Report that consideration should be given to a cultural landscape area covering the Kangaloon and East Kangaloon area. Recommendation: Investigate for potential cultural landscape listing and include in a report back to the Local Planning Panel and Council along with the deferred items.
Expansion of Exeter Village Heritage Conservation Area	It was suggested by some residents of Exeter Village and the Exeter Village Association that the proposed Exeter Village Conservation Area should be expanded. Recommendation: Investigate the expansion of the Exeter Village Heritage Conservation Area in conjunction with the Exeter/Sutton Forest Landscape Conservation Area and include in a report back to the Local Planning Panel and Council along with the deferred items.

PLANNING PROPOSAL

Introduction

A Planning Proposal will be prepared based on the final recommendations of the Local Planning Panel to include the final list of recommended heritage items and the list of recommended heritage conservation areas. A copy of the draft Planning Proposal will be attached to the Agenda of the Council Meeting of 7 August 2024. The Planning Proposal will include those properties recommended for heritage listing denoted by a “Yes” in the final column of the List of Recommendations at **ATTACHMENT 1** to this report. Those properties and areas identified as “No” in the final column of the List of Recommendations will NOT be included in the Planning Proposal. Those properties and areas identified as “Defer” in the final column of the List of Recommendations will be the subject of further investigations and consultations and will NOT be included in the Planning Proposal but will be the subject of a report to the Local Planning Panel and Council by June 2025.

STRATEGIC ASSESSMENT

Strategic Merit

The Planning Proposal has been prepared to effect the recommendations of a Shire-wide community based heritage study. The Wingecarribee Community Heritage Study 2021-23 was prepared using local heritage and historical experts who provided their time, expertise and research on a voluntary and nil-fee basis. Following a round of community engagement that included consultation with affected owners and broader public exhibition, the Draft Community Heritage Study underwent an Independent Peer Review consistent with the Peer Review Guidelines published by Heritage NSW. A further round of public exhibition of the Peer Review and consideration of all submissions received during the public exhibition phases of the project has resulted in a recommended list of new heritage items and heritage and landscape conservation areas.

The Community Heritage Study was initially prompted by the deferral of several hundred potential heritage items in 2012 that were recommended for heritage listing by a previous heritage study, the Wingecarribee Heritage Survey 2009, and in addition to re-examining the heritage significance of those deferred items, it broadened the scope and took a strategic view to include potential items identified since 2012. Consequently, the Study examined 609 new potential heritage items and 16 potential heritage and landscape conservation areas.

Site Specific Considerations

Each item within the Draft Community Heritage Study has been individually examined, researched and assessed for heritage significance in accordance with the Heritage Council of NSW heritage significance assessment criteria and the NSW Heritage Office publication *Assessing Heritage Significance* (2001) which was in place at the time the heritage assessments were undertaken. It is acknowledged that this document has now been superseded by a 2023 version of *Assessing Heritage Significance*. However, the approach taken by the Study Team in assessing heritage significance against the heritage significance assessment criteria is consistent with the new guidelines.

This detailed approach has meant that the evidence to justify heritage listing for each site is robust and site-specific.

CONSULTATION

External Referrals

No Agency referrals have yet been undertaken. However, it is anticipated that, as a minimum, the Department of Planning, Housing and Infrastructure will require Council to consult with the following State Government Departments and Agencies:

- Heritage NSW
- WaterNSW
- Rural Fire Service.

It is anticipated that these referrals will be initiated following Council's resolution and concurrent with the request for a Gateway Determination.

Internal Referrals

No internal referrals have yet been undertaken on the Planning Proposal, given the final recommendations of the Panel are yet to be known. However, as the Planning Proposal includes

AGENDA OF THE LOCAL PLANNING PANEL MONDAY 15 JULY 2024

some Council owned or managed land, Council's Assets Branch and Property Branch will be notified about the inclusion of those sites in the Planning Proposal.

Public Exhibition

If a Gateway Determination is received to proceed with the Planning Proposal, public exhibition will be undertaken for a period of at least 28 days with the Planning Proposal notified on Council's Participate Wingecarribee website and included in other Council community communications. Letter and/or email notifications will occur to each affected owner of land included in the Planning Proposal.

A report will be brought back to the Local Planning Panel and thereafter to the new Council following public exhibition of the Planning Proposal for endorsement to proceed.

SUSTAINABILITY ASSESSMENT

- **Environment**

The listing of places of heritage significance results in the protection of the setting of those items which can include gardens and trees and helps to ensure that any development proposals do not have an adverse impact on heritage and streetscape values.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

Heritage listing can result in implications for the individual owners of those properties. However, the retention of historic buildings that make a major contribution to the character of the Southern Highlands region and makes it unique also helps to maintain and grow our reputation as a tourist destination and an attractive place to live, which can lead to positive economic benefits to the region.

- **Culture**

The protection of historical places of significance assists in enhancing our community's cultural identity.

- **Governance**

The Planning Proposal has been prepared in accordance with relevant legislation and Departmental guidelines.

RELATIONSHIP TO CORPORATE PLANS

The identification, protection and promotion of places of significant cultural heritage is goal 3.2.3 of the Wingecarribee Community Strategic Plan, Wingecarribee 2041 (April 2023). Council is committed to ensuring that places of heritage significance are identified, assessed and listed, as appropriate. This report and the attached Planning Proposal are consistent with this goal.

COUNCIL BUDGET IMPLICATIONS

The Community Heritage Study 2021-23 and the Peer Review 2024 have been prepared largely by volunteers and through previously identified Council budgets. The examination of deferred items

AGENDA OF THE LOCAL PLANNING PANEL MONDAY 15 JULY 2024

and additional nominated items can largely be done with existing Council resources and staff and with the assistance and input from local historical experts on a volunteer basis.

RELATED COUNCIL POLICY

The related Council policy is the Wingecarribee Local Environmental Plan 2010 that the Planning Proposal seeks to amend.

CONCLUSION

The conclusion of the public exhibition of the Peer Review of the Draft Wingecarribee Community Heritage Study 2021-23 leading to the preparation of a Planning Proposal to effect the recommendations of the Peer Reviewed Community-Based Heritage Study and the Local Planning Panel's recommendations is the culmination of a significant body of work undertaken by community volunteers and Council staff dating back to 2012 when Council deferred for further consultation over 200 potential heritage items recommended by the Wingecarribee Heritage Survey 2009. This report recommends the endorsement of the Community Heritage Study 2021-23 as amended by the Peer Review 2024 and as otherwise detailed in this report and by the deliberations of the Local Planning Panel, and seeks endorsement of the preparation of a Planning Proposal to amend Schedule 5 (Environmental heritage) and the Heritage Map of Wingecarribee Local Environmental Plan 2010 to effect the recommendations of the Local Planning Panel based on the Wingecarribee Community Heritage Study 2021-23 and the Community Heritage Study Peer Review 2024 and to send the Planning Proposal to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

ATTACHMENTS

1. List of Recommendations [5.1.1 - 25 pages]
2. Recommended Amendments to Community Heritage Study 2021-2023 [5.1.2 - 11 pages]

6 DEVELOPMENT APPLICATIONS

There are no Development Applications listed for this meeting.

7 MEETING CLOSURE