

# AGENDA

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

**Wednesday 3 August 2022**

The meeting will commence at **2:00 pm**

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

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Table Of Contents

<b>1 OPENING OF THE MEETING .....</b>	<b>5</b>
<b>2 ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>5</b>
<b>3 APOLOGIES.....</b>	<b>5</b>
<b>4 DECLARATIONS OF INTEREST.....</b>	<b>5</b>
<b>5 PLANNING PROPOSALS.....</b>	<b>6</b>
5.1 Post Exhibition Report - Planning Proposal For Heritage Protection Affecting 2-6 Myrtle Street, Bowral, And 26 Elizabeth Street, Moss Vale .....	6
5.2 Planning Proposal 2021-3571 Post Exhibition Welby Garden Centre . .....	175
<b>6 DEVELOPMENT APPLICATIONS .....</b>	<b>205</b>
<b>7 MEETING CLOSURE .....</b>	<b>205</b>

**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

## **Council Chambers**

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## **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 Post Exhibition Report - Planning Proposal for heritage protection affecting 2-6 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale**

<b>Report Author:</b>	<b>Strategic Land Use Planner (Heritage)</b>
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**Authoriser:** Executive Manager Strategic Outcomes

#### **PURPOSE**

The purpose of this report is to detail the outcomes of the public exhibition of a Planning Proposal to include land at 2, 4 and 6 Myrtle Street, Bowral, within the Bowral Conservation Area and to include 26 Elizabeth Street, Moss Vale, as a heritage item in Schedule 5 of the Wingecarribee Local Environmental Plan 2010. The report recommends that the Planning Proposal be endorsed and sent to the Department of Planning and Environment for finalisation.

<b>Applicant / Proponent</b>	Wingecarribee Shire Council
<b>Owner</b>	Various (4 affected properties)
<b>Consultants</b>	N/A
<b>Notification</b>	Public Exhibition held 8 June to 8 July 2022 (inclusive)
<b>Number Advised</b>	41 property owners and interested parties/groups
<b>Number of Submissions</b>	26
<b>Current Zoning</b>	R3 Medium Density Residential (all sites)
<b>Proposed LEP Amendment/s</b>	<ul style="list-style-type: none"> <li>To include 26 Elizabeth Street, Moss Vale, as a new heritage item in Schedule 5 of the Wingecarribee Local Environmental Plan (WLEP) 2010.</li> <li>To include 2-6 Myrtle Street, Bowral, within the Bowral Conservation Area and 26 Elizabeth Street, Moss Vale, as a new heritage item on the Heritage Map of the (WLEP) 2010.</li> <li>To include a savings provision relating to development applications received but not determined in clause 1.8A of the WLEP 2010.</li> </ul>
<b>Department's PP reference</b>	PP-2022-1345
<b>Political Donations</b>	Nil
<b>Recommendation</b>	To endorse and proceed with the Planning Proposal.

**OFFICER'S RECOMMENDATION**

1. **THAT** the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to add a new heritage item called “‘Karingal’ Interwar bungalow and garden including brick and trachyte fence” at 26 Elizabeth Street, Moss Vale (Lot 1 DP 986025 & Lot 110 DP 877316) into Part 1 of Schedule 5 (Heritage items) and shown coloured brown on the Heritage Map; and include 2-6 Myrtle Street and the adjacent part of Myrtle Street within the Bowral Conservation Area as shown outlined and hatched in red on the Heritage Map be endorsed.
2. **THAT** the Planning Proposal be forwarded to the Department of Planning and Environment for completion.
3. **THAT** the following amendments be made to the heritage inventory sheet for ‘Karingal’ at 26 Elizabeth Street, Moss Vale:
  - a. The description be updated to indicate that the property comprises two lots.
  - b. The references to the “small lot” from 2009 Heritage Survey be deleted, amended or qualified.
  - c. The history be updated to include details of the separate acquisition of the two lots.

**REPORT**

**BACKGROUND**

This report relates to a Planning Proposal affecting three (3) sites in Bowral and one (1) in Moss Vale. The sites in Bowral are located at 2, 4 and 6 Myrtle Street and are described as Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, respectively. These sites are shown on **FIGURE 1**. The site at Moss Vale is located at 26 Elizabeth Street and comprises two lots: Lot 1 DP 986025 which contains the house and part of the front boundary wall/fence and Lot 110 DP 877316 which contains the vehicular entry, garage, the bulk of the garden including the former tennis court and remainder of the front boundary wall/fence. This site is shown on **FIGURE 2**.

On 19 November 2021, Interim Heritage Order No. 12 for 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 for ‘Karingal’, 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette following community concerns about development proposals affecting 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale. On 8 December 2021, a report was presented to Council on these Interim Heritage Orders (item L.1) which provided information and background to the issuing of these Interim Heritage Orders. Council resolved as follows in relation to that item:

***MN 378/21***

***MOTION*** moved by Interim Administrator

**THAT**

1. *The report be noted.*
2. *A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.*

The heritage assessments were finalised and reported to the Wingecarribee Local Planning Panel along with a draft Planning Proposal on 2 March 2022. The Panel supported the officer's recommendation, and the matter was subsequently reported to Council together with the Local Planning Panel's advice on 16 March 2022, where it was resolved:

***MN 2022/44***

***MOTION*** moved by Interim Administrator

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

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1. *THAT the Panel supports the heritage assessment and proposed heritage listing of “Karingal’ Interwar bungalow and garden including brick and trachyte fence” comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.*
2. *THAT the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area*
3. *THAT the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add “Karingal’ Interwar bungalow and garden including brick and trachyte fence” as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.*
4. *THAT the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.*
5. *THAT Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.*
6. *THAT the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.*

This resolution was subsequently amended at the Council meeting of 20 April 2022 following consideration of a report which sought to correct references to “the Panel” in the resolution as adopted by Council on 16 March. The resolution made at the 20 April meeting is as follows:

**MN 2022/71**

**MOTION** moved by Interim Administrator

1. *THAT Council supports the heritage assessment and proposed heritage listing of “Karingal’ Interwar bungalow and garden including brick and trachyte fence” comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.*
2. *THAT Council supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area*
3. *THAT Council supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add “Karingal’ Interwar bungalow and garden including brick and trachyte fence” as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.*
4. *THAT the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.*
5. *THAT Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.*
6. *THAT the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.*





**Figure 1:** 2, 4 and 6 Myrtle Street, Bowral (outlined) in the context of the surrounding area (Source: Nearthmap, 16 April 2022)



**Figure 2:** 26 Elizabeth Street, Moss Vale (outlined) in the context of the surrounding area (Source: Nearmap, 16 April 2022)

### **PLANNING PROPOSAL**

A draft Planning Proposal was prepared for the Local Planning Panel and Council consideration in March 2022. Following endorsement of the Planning Proposal, some minor technical updates were made (in response to intervening changes in legislation and Departmental Planning Proposal guidelines) and it was submitted to the NSW Department of Planning and Environment (NSWDPE) on 15 April 2022 for a Gateway Determination. Agency referrals were also made on that date to the Rural Fire Service, WaterNSW and Heritage NSW.

### **Summary of the Proposed Amendment to Wingecarribee Local Environmental Plan 2010 and the Intended Effect of the Planning Proposal**

The objective of the Planning Proposal is to provide ongoing protection for four sites in Bowral and Moss Vale that have been assessed as having heritage significance.

The intended outcomes of the Planning Proposal (as stated on page 11 of the Planning Proposal at **ATTACHMENT 1**) are:

1. To include 2, 4 and 6 Myrtle Street, Bowral, within the existing Bowral Conservation Area.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

2. To include 26 Elizabeth Street, Moss Vale, as a new heritage item to be called “‘Karingal’ Interwar bungalow and garden including brick and trachyte fence”.
3. To provide protection to properties using existing heritage provisions contained in the Wingecarribee Local Environmental Plan (WLEP) 2010 and applicable Development Control Plans.
4. To provide for a savings provision to apply for any development application lodged but not yet determined prior to the making of the LEP.

To achieve the stated objective and outcomes, amendments are required to the WLEP 2010 and its accompanying Heritage Map.

The following amendments are required to the WLEP 2010 instrument:

1. Add to clause 1.8A Savings provision relating to development applications the following sub-clause (where *Amendment No xx* is replaced by the actual amendment number, once made):

**Clause 1.8A Savings provisions relating to development applications**

Insert after clause 1.8A(4)—

(5) An amendment made to this Plan by *Wingecarribee Local Environmental Plan 2010 (Amendment No xx)* does not apply to a development application made but not finally determined before the commencement of the amendment.

2. Add to Schedule 5, Part 1 (Heritage Items) the following new item:

Suburb	Item Name	Address	Property description	Significance	Item No.
Moss Vale	‘Karingal’ Interwar bungalow and garden including brick and trachyte fence	26 Elizabeth Street	Lot 1 DP 986025 and Lot 110 DP 877316	Local	11521

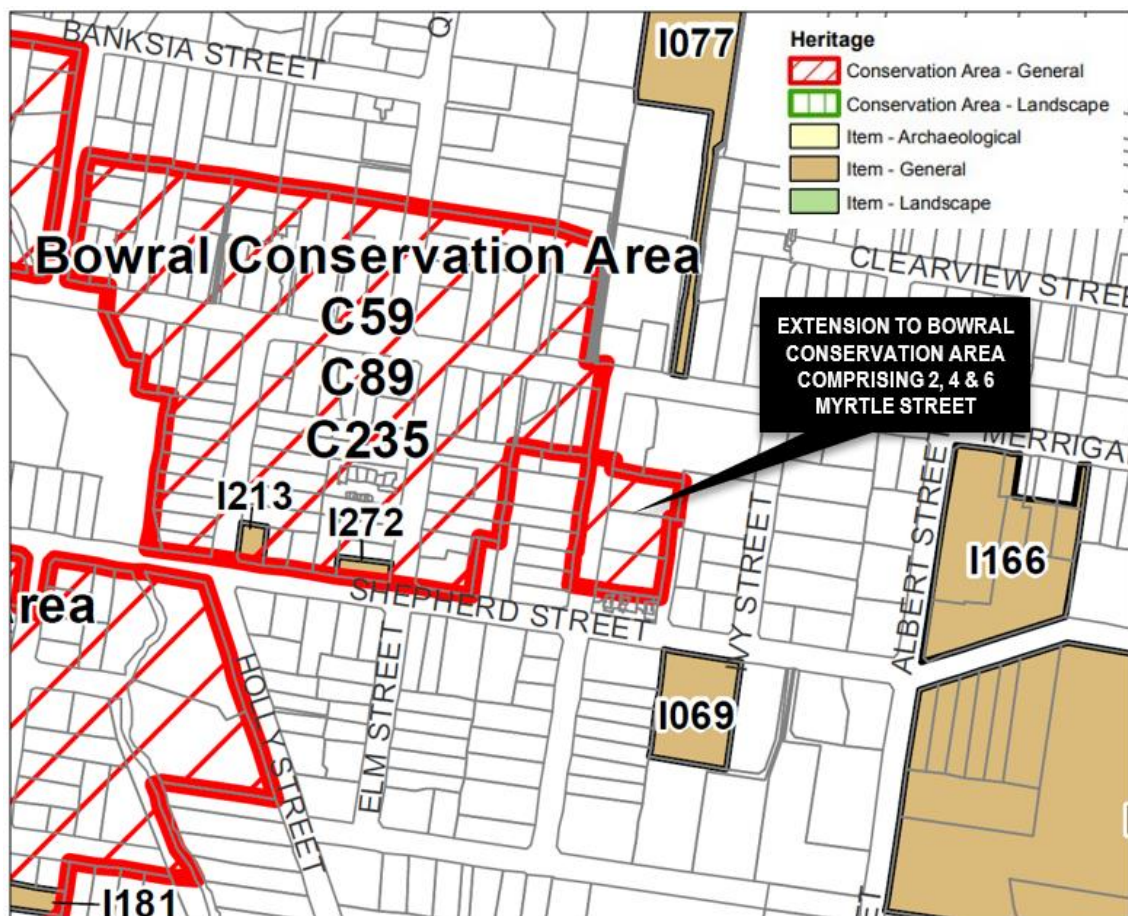
The following amendments are required to the WLEP 2010 Heritage Map:

1. Replace existing Sheet HER\_007C of the Heritage Map (Map Sheet ID Number: 8350\_COM\_HER\_007C\_020\_20170327) with an amended version (currently Map Sheet ID number: 8350\_COM\_HER\_007C\_020\_20220714) showing 2-6 Myrtle Street, Bowral and the adjacent Myrtle Street road reserve outlined and hatched in red to indicate its inclusion in the Bowral Conservation Area. This change is indicated on **FIGURE 3**.

Map(s) to be Revoked	Map(s) to be Adopted
Heritage Map – Sheet HER_007C 8350_COM_HER_007C_020_20170327	Heritage Map – Sheet HER_007C 8350_COM_HER_007C_020_20220714 (or as amended)
Heritage Map – Sheet HER_007E 8350_COM_HER_007E_020_20170123	Heritage Map – Sheet HER_007E (as amended) 8350_COM_HER_007E_020_20220714 (or as amended)

1. Replace existing Sheet HER\_007E of the Heritage Map (Map Sheet ID Number: 8350\_COM\_HER\_007E\_020\_20170123) with an amended version (currently Map Sheet ID number: 8350\_COM\_HER\_007E\_020\_20220704) showing the two lots comprising 26 Elizabeth Street, Moss Vale coloured light brown to indicate it as being a heritage item (general). This change is indicated on **FIGURE 4**.

Draft amending maps have been produced and are currently with the NSWDPPE for checking. Consequently, if changes are required to these maps before the amendment is finalised, the amending Map Sheet ID numbers quoted above will change.



**Figure 3:** Extract from the draft map amendment (Map Sheet ID Number: 8350\_COM\_HER\_007C\_020\_20220714) for 2, 4 and 6 Myrtle Street, Bowral

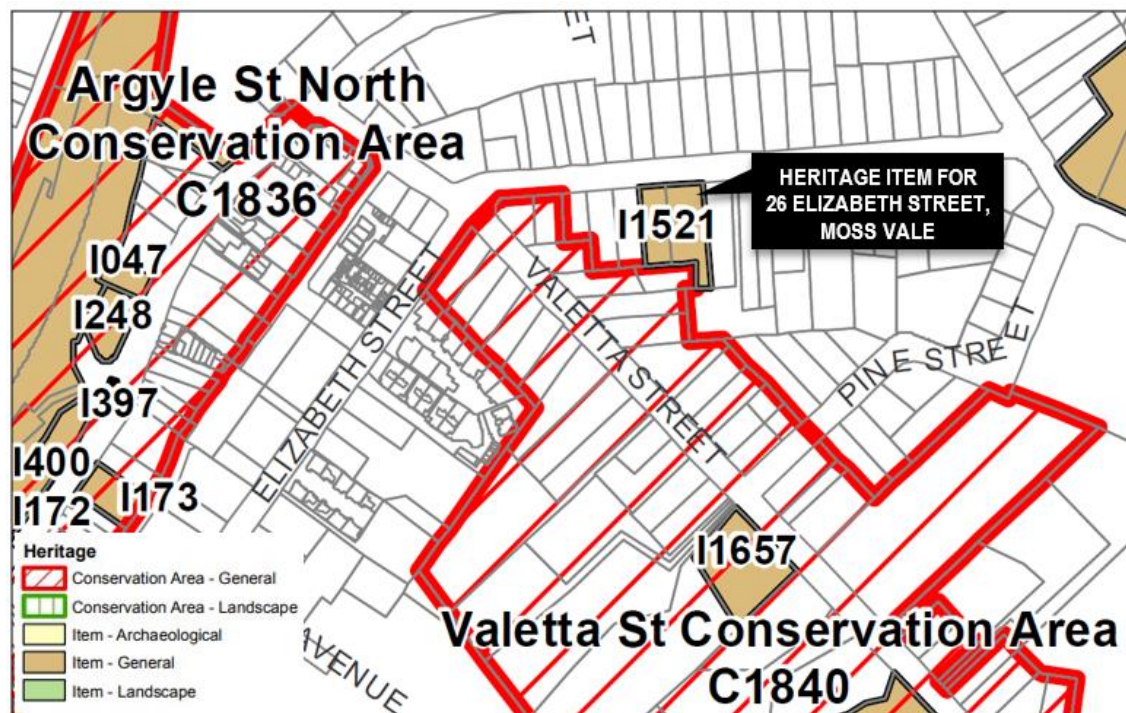


Figure 4: Extract from the draft map amendment for Heritage Map HER\_007E (Map Sheet ID Number: 8350\_COM\_HER\_007E\_020\_20220714) for 26 Elizabeth Street, Moss Vale

#### Gateway Determination and Agency Referrals

The Gateway Determination was issued by the NSWDPPE on 23 May 2022.

The Gateway Determination requires Council to:

- Update the Planning Proposal to remove references to the Minister's Planning Principles that had been recently revoked.
- Update the Planning Proposal to include comments made by WaterNSW's in their submission, including a copy of their correspondence.
- Update the Planning Proposal to include a reference to a savings provision to apply to any development application lodged but not yet determined.
- Undertake public exhibition in accordance with applicable guidelines and together with required supporting documentation for a minimum period of 20 (working) days.
- Undertake notification of the public exhibition in accordance with requirements.
- Undertake consultation with the Rural Fire Service and Heritage NSW.
- Complete the LEP amendment on or before 23 February 2023.

A copy of the Gateway Determination is included as Attachment 5 to the Planning Proposal at **ATTACHMENT 1**.

The letter from the Department accompanying the Gateway Determination specified that Council had not been authorised to be the local plan-making authority for this Planning Proposal. This is due to there being a current appeal before the Land and Environment Court initiated by the owner of 26 Elizabeth Street, Moss Vale, in relation to the Interim Heritage Order over part of the site. This means that if adopted by Council, the Planning Proposal will be sent to NSWDPPE for finalisation.

A response to Council's Agency referral was received from WaterNSW on 10 May 2022 and a response was received from Heritage NSW on 27 May 2022.

WaterNSW raised no objection to the proposal and made the following comments:

## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022**

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1. The amendments have few implications for water quality. However, the minimisation of opportunities for complying development is acknowledged and future development will be subject to full development assessment with the need to comply with State Environmental Planning Policy (Biodiversity and Conservation) 2021 in relation to water quality.
2. The Proposal has given due consideration to section 9. 1 Ministerial Direction 3.3 relating to the Sydney Drinking Water Catchment. WaterNSW Concur with Council's conclusion that heritage provisions will likely have a subduing effect on development potential of the sites, thereby protecting water quality.

### Heritage NSW:

1. acknowledges Council's heritage assessments have been undertaken in accordance with the Heritage Council of NSW's criteria for listing at a local level,
2. encourages the identification and listing of the new heritage item.

The Rural Fire Service (RFS) acknowledged receipt of the Planning Proposal referral on 21 April 2022 but no formal response has been received at the time of writing, despite a phone call and email to follow up with them. The Gateway Determination requires that each agency be given 30 days (assumed to be working days) to provide a comment. As it has been in excess of 40 working days since the referral request was made, and in excess of 30 working days since the receipt of the Gateway Determination it is considered that the RFS has been given sufficient time to respond to Council's referral of the Planning Proposal and has not made a submission in that time.

The comments of WaterNSW and Heritage NSW were included within the Planning Proposal, as well as the amendments required by NSWDE in the Gateway Determination and the Planning Proposal was placed on public exhibition. A copy of the Planning Proposal and its attachments as publicly exhibited comprises **ATTACHMENT 1** of this report.

### **PUBLIC EXHIBITION**

Public exhibition of the Planning Proposal occurred between Wednesday 8 June and Friday 8 July 2022 (inclusive) in accordance with the requirements of the Gateway determination. Notice of the public exhibition appeared in Council's "Community Update" on Council's website on 8, 15, 22 and 29 June and 6 July 2022. In addition, affected landowners were notified in writing and an article appeared in the Council's e-newsletter (reaching some 5,000 people).

The Planning Proposal on exhibition was accompanied by the following supported documents (which formed attachments to the Planning Proposal):

1. Government Gazette notice for Interim Heritage Order No. 12 and Interim Heritage Order No. 13 published on 19 November 2021
2. Report to Council and Minutes 8 December 2021 re Interim Heritage Orders Nos. 12 & 13
3. Report to Council and Minutes 16 March 2022 re Planning Proposal and Heritage Assessment
4. Report to Council and Minutes 20 April 2022 re Confirmation of Resolution
5. Gateway Determination 23 May 2022
6. Agency Response from WaterNSW
7. Agency Response from Heritage NSW.

The Planning Proposal and its attachments as publicly exhibited comprises **ATTACHMENT 1** of this report.

### **SUBMISSIONS**

## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022**

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26 submissions were received resulting from the public exhibition, all of which—except two submissions made on behalf of the owner of 26 Elizabeth Street, Moss Vale—are in support of the Planning Proposal (i.e. 24 out of 26 submissions).

A breakdown of the submission makers is as follows:

- 3 submissions were from or on behalf of two of the owners of the four affected properties
- 2 submissions were from a local interest group (Australian Garden History Society, Southern Highlands Branch)
- 9 submissions were from residents of Elizabeth Street, Moss Vale, including two from adjoining neighbours of 'Karingal', 26 Elizabeth Street
- 6 submissions were from other residents of Moss Vale
- 3 submissions were from residents of Bowral
- 2 submissions were from residents of the Southern Highlands outside Bowral and Moss Vale
- 1 submission was from an interested party who resides outside the Southern Highlands.

The main issues raised in submissions in support of the Planning Proposal were:

- Heritage is an integral part of the distinct character of the Southern Highlands
- Loss of heritage means lost connections to the past
- Iconic and landmark homes with high build quality (especially 'Karingal') need to be preserved
- References to the inappropriateness of the development proposals for 26 Elizabeth Street (these proposals have now been withdrawn)
- Concern about inappropriate development at the expense of heritage and the loss of amenity
- Need to protect the built and landscape character of the towns as these are valued by the community
- Concern about Southern Highlands towns becoming like suburbs of Sydney.

The main issues in objection from the two submissions made by a solicitor and a heritage consultant on behalf of the owner of 26 Elizabeth Street, Moss Vale, centred around the current appeal in the Land and Environment Court over the Interim Heritage Order affecting the garden lot (Lot 110 DP 877316) of 'Karingal', 26 Elizabeth Street. As reported to the Local Planning Panel on 2 March and Council on 16 March 2022, the heritage assessment of the property includes both lots which include the house and garden which have been assessed as forming the curtilage of the item. The space provided by the garden lot as well as the evidence of the tennis court is considered to contribute to the significance of the item and its curtilage and makes a significant contribution to the setting of the house. The brick and trachyte front fence runs along both lots and makes a high visual and historic contribution to the heritage significance of the site and matches the materials used in the house. The heritage assessment has found that the property meets five (5) out of the seven (7) heritage assessment criteria, and it only needs to satisfy one or more to justify a local heritage listing.

In addition, the submissions call for the extension of the public exhibition period to 14 days after a decision is made by the Court on the matter, which is set down for a hearing in late August. It is the owner's solicitor's contention that this extension would not put the property at further risk of harm. However, a delay as set out in this submission would result in the matter being reported back to the Local Planning Panel and Council in November (at the earliest due to Business Paper preparation deadlines), meaning that both Interim Heritage Orders would lapse before the LEP amendment was finalised and jeopardising the NSW Department of Planning and Environment's (NSWDPE) LEP finalisation deadline. The NSWDPE issued the Gateway Determination allowing the Planning

Proposal to be placed on public exhibition and specified the minimum public exhibition period. The exhibition period specified in the Gateway Determination was adhered to and is considered reasonable. Since Council does not have delegation to finalise the Planning Proposal and the plan making authority is instead the NSWDPPE, should the property owner wish to make a submission to the Department following the release of the Court judgment, they could do so at that time.

However, should the Court find in the favour of Council and the public exhibition had been extended, it would open up the opportunity for a development application (DA) to be lodged after the expiry of the Interim Heritage Order(s) and any such DA would be protected by the proposed savings provision in clause 1.8A, detailed earlier in this report, which could be a potential threat to the heritage significance of these properties.

A detailed summary of all the submissions is contained as **ATTACHMENT 2** to this report.

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## **CONSULTATION**

### ***External Referrals***

<b>Referrals</b>	<b>Advice/Response/Conditions</b>
Water NSW	Response received 10 May 2022. The issues and the response to those issues have been summarised earlier in this report.
Heritage NSW	Response received 27 May 2022. The issues and the response to those issues have been summarised earlier in this report.
NSW Rural Fire Service	No response received to date.

### ***Internal Consultation***

Informal internal consultation has occurred with members of the Strategic Outcomes team and the Development Assessment team throughout the process of preparing this Planning Proposal.

### ***Community Engagement***

Public exhibition of the Planning Proposal was conducted between 8 June and 8 July 2022. A total of 26 submissions were received. The details of the public exhibition and the content of the submissions has been covered earlier in this report.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

The listing of these sites would help to protect existing private green space and would limit development to proposals that are sympathetic to heritage and streetscape values.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are economic implications for owners of properties identified as heritage item or within conservation areas. However, this individual loss needs to be weighed against the community values expressed in the Wingecarribee 2031 Community Strategic Plan which value heritage as part of the Shire's vision and identification of heritage places as one of the actions.



## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022**

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- **Culture**

There has been significant community interest in the protection of these sites from proposed developments that do not place the same value in heritage buildings as the community does.

- **Governance**

The Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning & Assessment Act 1979* and the *Local Environmental Plan Making Guideline* published by the Department of Planning and Environment in December 2021.

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### **RELATIONSHIP TO CORPORATE PLANS**

The identification of places of heritage significance is consistent with strategy 3.2.3 (Identify, protect and promote places of significant cultural heritage) under the key area of *Places* and under goal 3.2 (Wingecarribee has maintained a distinct character and separation of towns and villages) in the Wingecarribee 2031 Community Strategic Plan. Council is committed to ensuring that places of heritage significance are identified, assessed and listed, as appropriate. This Planning Proposal is consistent with that goal and strategy. Furthermore, heritage is encapsulated in the community's vision for Wingecarribee 2031 being "a healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment".

Annual Deliverable OP110 from Council's 2021/22 Operational Plan is to "commence preparation of a Planning Proposal to review the current list of heritage items and potential heritage items". 'Karingal' at 26 Elizabeth Street, Moss Vale, is one of the potential heritage items on that list and due to concerns about permanent loss of heritage significance through inappropriate development on the site, the Planning Proposal process for this item was expedited. Similarly, the area of Myrtle Street, Bowral, has been identified in a review of potential heritage sites and areas for inclusion in the Bowral Conservation Area. Similarly, due to the threat of loss of one of the houses by demolition via complying development and the subsequent Interim Heritage Order, the inclusion of properties in Myrtle Street within the Bowral Conservation Area was also expedited and the timing of these actions meant that the properties could be dealt with concurrently.

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### **COUNCIL BUDGET IMPLICATIONS**

The preparation of the Planning Proposal has been undertaken using existing staff resources and there are no additional external resources required to progress the Planning Proposal to finalisation.

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### **RELATED COUNCIL POLICY**

This Planning Proposal seeks to amend the Wingecarribee Local Environmental Plan 2010.

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### **CONCLUSION**

In March 2022, the Local Planning Panel and the Interim Administrator supported a heritage assessment and draft Planning Proposal that seeks to amend the Wingecarribee Local Environmental Plan 2010 include 2-6 Myrtle Street, Bowral, within the Bowral Conservation Area and include 26 Elizabeth Street, Moss Vale, as a heritage item following two Interim Heritage Orders over 2 & 4 Myrtle Street and 26 Elizabeth Street were published in November 2021. Public exhibition of the Planning Proposal was undertaken from 8 June until 8 July 2022 (inclusive) in accordance with the Gateway Determination issued by the NSW Department of Planning and Environment (NSWDPE). This report provides details of the consultations carried out and responses

received. It recommends that the Planning Proposal be endorsed and forwarded to NSWDPPE (as the plan making authority) for finalisation.

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**ATTACHMENTS**

1. Planning Proposal - Myrtle & Elizabeth Streets Heritage Planning Proposal - Public exhibition version with attachments [5.1.1 - 146 pages]
2. Summary of Submissions - Myrtle and Elizabeth Streets Heritage Planning Proposal [5.1.2 - 10 pages]

# **Planning Proposal**

**to amend Wingecarribee Local Environmental Plan 2010 to include 2, 4 & 6 Myrtle Street, Bowral, within the Bowral Conservation Area and create a new heritage item at 26 Elizabeth Street, Moss Vale**

**Prepared in accordance with the Local Environmental Plan Making Guideline (December 2021)**

**Version 2 for Public Exhibition**

**Prepared by Wingecarribee Shire Council**

**Council has categorised the Planning Proposal as Standard**

**June 2022**

*Working with you*

**WSC.NSW.GOV.AU**

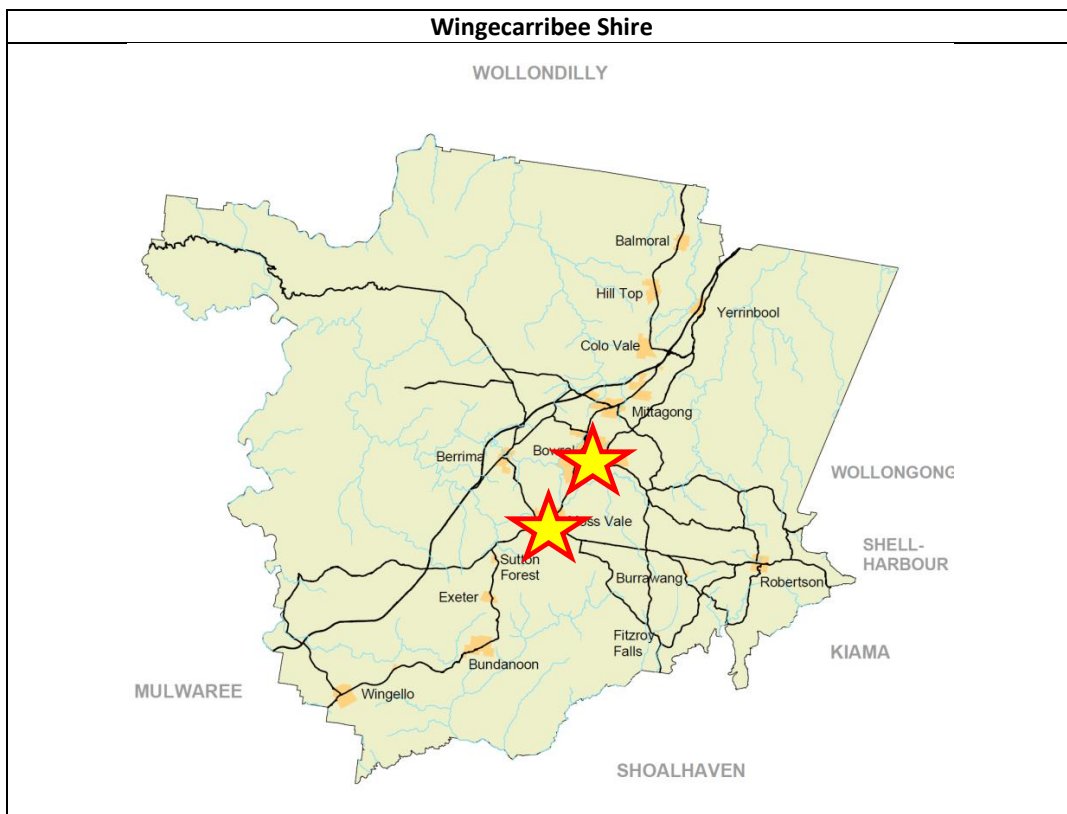


## **Appendices to this Planning Proposal report**

1	Government Gazette notice for Interim Heritage Order No. 12 and Interim Heritage Order No. 13 published on 19 November 2021
2	Report to Council and Minutes 8 December 2021 re Interim Heritage Orders Nos. 12 & 13
3	Report to Council and Minutes 16 March 2022 re Planning Proposal and Heritage Assessment
4	Report to Council and Minutes 20 April 2022 re Confirmation of Resolution
5	Gateway Determination 23 May 2022
6	Agency Response from WaterNSW
7	Agency Response from Heritage NSW

## Site Location, Description & Background

<b>Legal Description</b>	Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898 Lot 1 DP 986025 and Lot 110 DP 87731
<b>Property Address</b>	2, 4 and 6 Myrtle Street, Bowral 26 Elizabeth Street, Moss Vale



**Figure 1: Location Map (Shire wide)**

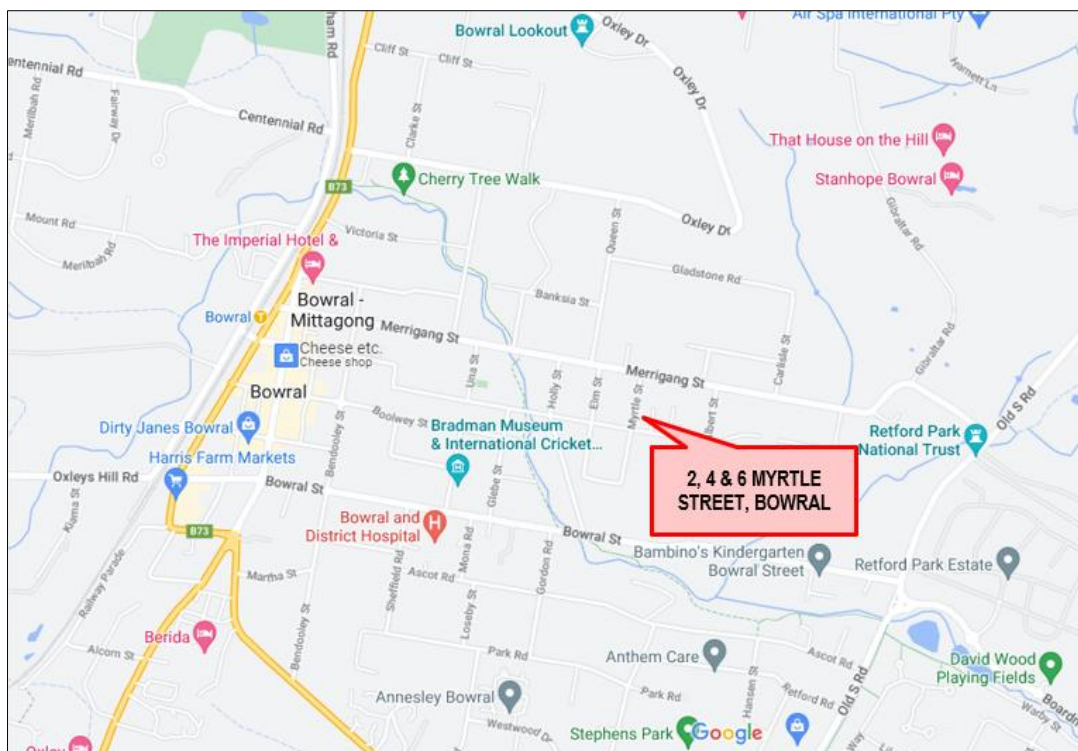
### Description & Background

This Planning Proposal relates to four sites: three neighbouring properties in Myrtle Street, Bowral, and one in Elizabeth Street, Moss Vale, comprising two lots. **Figure 2** and **Figure 5** show the locations of the sites in the context of the towns of Bowral and Moss Vale, respectively, and **Figure 3** and **Figure 7** display aerial photographs of the sites.

#### 2, 4 & 6 Myrtle Street, Bowral

These sites are located on the eastern side of Myrtle Street, Bowral, between Merrigang and Shepherd Streets. 2 & 4 Myrtle Street each contains a modest rendered brick and Marseilles terracotta tile roofed dwelling surrounded by established gardens with many mature tree species including a large pin oak, a large Liquidambar, numerous large conifers, a large Himalayan cedar

(deodar), established maples and various smaller ornamental and fruit trees. Additionally, no. 4 contains a fine trachyte retaining wall and trachyte paths in excellent condition. No. 6 Myrtle Street contains a recently renovated house and garden. The houses were built contemporaneously in 1949. Due to the topography which sees the ground level rise from Myrtle Street at a gradient of approximately 1:6 or 16%, all houses gain vehicular access from Oak Lane to the rear, creating a distinctive streetscape in Myrtle Street with no driveways or garages visible from the street on the eastern side.



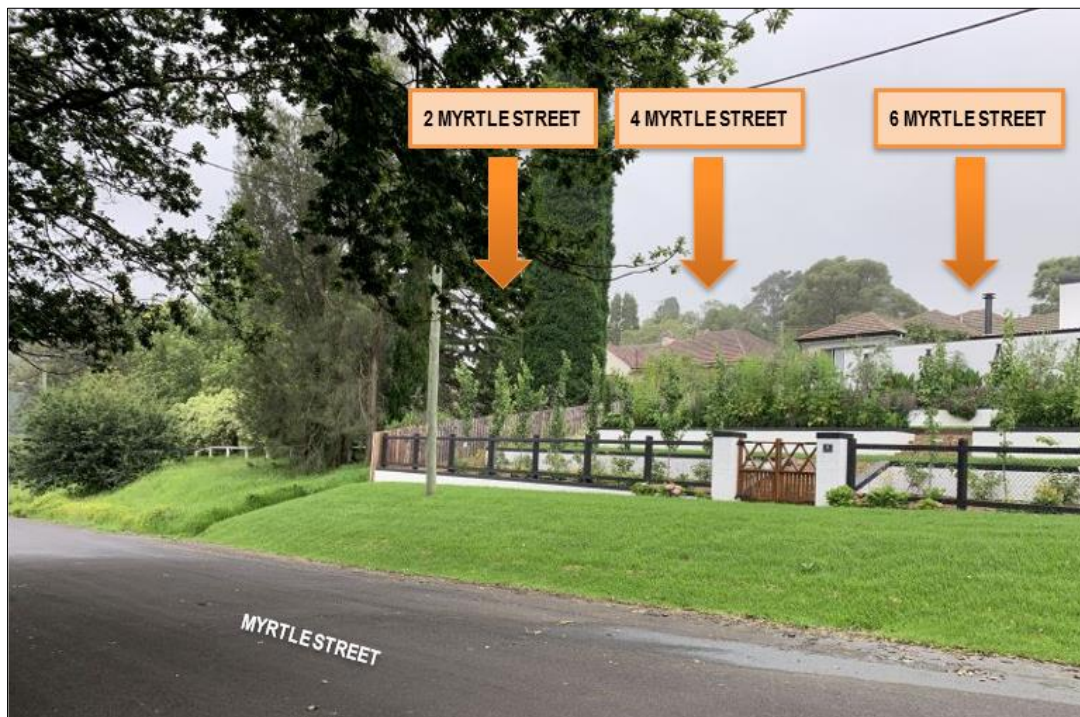
**Figure 2: The location of 2, 4 & 6 Myrtle Street in the context of Bowral (source: Google Maps)**

The houses were very likely designed and built by prominent Bowral based and prolific local builder, Alf Stephens Jnr from Alf Stephens & Sons Pty Ltd, although the original 1949 building applications have not been located in Council's records.



**Figure 3: Aerial photo of 2, 4 and 6 Myrtle Street (Source: Nearmap, December 2021)**

The Myrtle Street sites are zoned R3 Medium Density Residential with a minimum lot size of 700m<sup>2</sup>. No. 2 Myrtle Street is 1,743m<sup>2</sup> in area, no. 4 is 1,623m<sup>2</sup> in area, and no. 6 is 1,620m<sup>2</sup> in area.



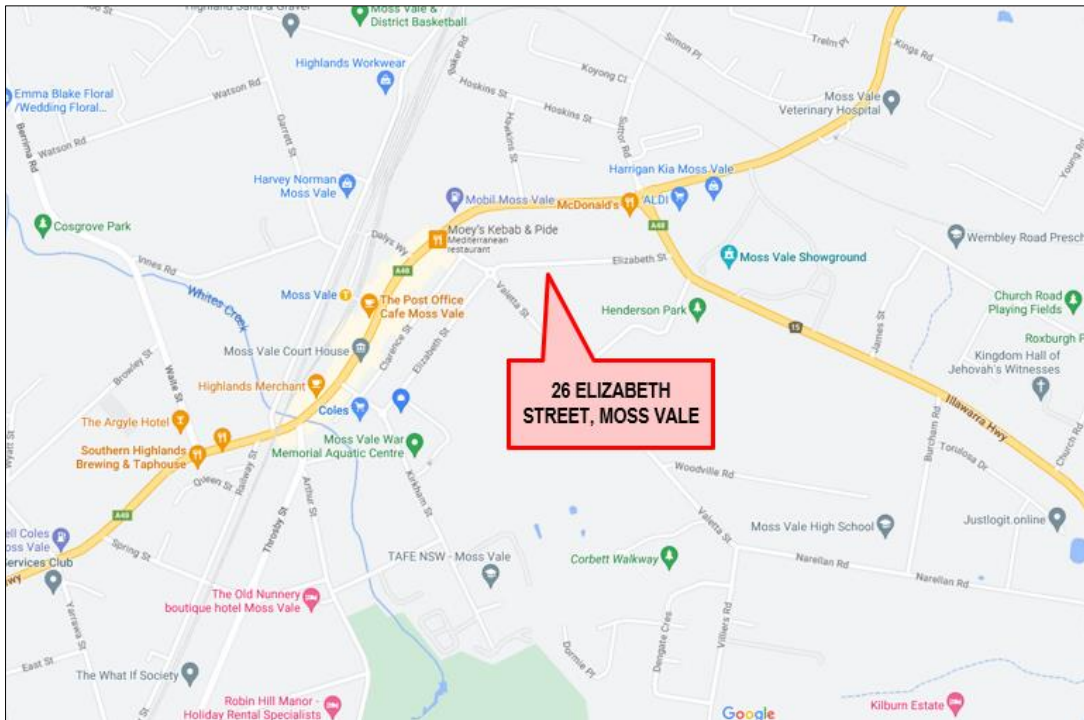
**Figure 4: Photo of 2, 4 and 6 Myrtle Street from Myrtle Street (January 2022)**

'Karingal', 26 Elizabeth Street, Moss Vale

The site known as 'Karingal' is located on the southern side of Elizabeth Street between Robertson Road and Valetta Street in Moss Vale. The property comprises two allotments: Lot 1 DP 986025 which contains the house and Lot 110 DP 877316 which contains the bulk of the garden, including the site of the former tennis court. **Figure 5** shows the location of 'Karingal' in the context of the town of Moss Vale and **Figure 7** shows an aerial photo of the property.

The house was built c.1927 (Interwar period) in a Californian Bungalow style out of dark local bricks (Bowral bricks) on trachyte foundations with a terracotta tile roof and matching brick and trachyte front fence that spans the width of the nearly 50 metre street frontage. The house is substantially intact although some alterations have been made over time. The grounds are substantially intact except for several senescent trees that were removed near the rear boundary, a large oak tree removed at the front of the house after being seriously damaged by a lightning strike in 2013, and the removal of the tennis court which has been replaced by a parterre garden immediately adjacent to the house to the east. **Figure 6** shows a photo of 'Karingal' from the street.





**Figure 5: The location of 26 Elizabeth Street in the context of Moss Vale (source: Google Maps)**



**Figure 6: Photo of 'Karingal' from the street showing the gardens and brick & trachyte fence (January 2022)**



Figure 7: Aerial photo of 'Karingal' with cadastral boundaries (Source: Nearmap, December 2021)

Elizabeth Street, including no. 26, is zoned R3 Medium Density Residential and has a minimum lot size of 700m<sup>2</sup>. The total site area of the two lots that comprise 'Karingal' is 3,239m<sup>2</sup> making it the second largest land holding in this section of Elizabeth Street. (No. 8 Elizabeth Street is significantly larger than the subject site but contains an early 20<sup>th</sup> Century single dwelling and a multi-unit housing development dating from the mid-20<sup>th</sup> Century.) Given the size of the site and the medium density zoning, the site is under development pressure as a desirable development site.

#### Interim Heritage Orders and Heritage Assessments

In late 2021, concern was separately expressed by members of the community to Council regarding a complying development proposal to demolish the house at 4 Myrtle Street, Bowral, and replace it with terrace style housing, and two development proposals over 26 Elizabeth Street, Moss Vale, for medium density housing and subdivision. Given the threat to the potential heritage significance of these properties, two interim heritage order (IHOs) were made under delegations given to the Council by the Minister. Interim Heritage Order No. 12 over 2 & 4 Myrtle Street, Bowral, and Interim Heritage

Order No. 13 over 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette on 19 November 2021. The Gazette notice is included as **ATTACHMENT 1**. The IHOs were reported to Council on 8 December 2021 and a copy of that report is included as **ATTACHMENT 2**.

On 2 March 2022, the heritage assessments for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, were reported to the Wingecarribee Local Planning Panel meeting. The officer's recommendations were supported by the Planning Panel and the report was subsequently presented to the Ordinary Council meeting of 16 March 2022 for the consideration of the Interim Administrator. A copy of that report (together with attachments) is included as **ATTACHMENT 3**. The officer's recommendations were endorsed by the Interim Administrator, as follows:

**MN 2022/44**

1. *THAT the Panel supports the heritage assessment and proposed heritage listing of "Karingal' Interwar bungalow and garden including brick and trachyte fence" comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.*
2. *THAT the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area.*
3. *THAT the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add "Karingal' Interwar bungalow and garden including brick and trachyte fence" as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.*
4. *THAT the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.*
5. *THAT Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.*
6. *THAT the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.*

On 20 April 2022 the above resolution was amended to replace references to *the Panel* with *Council* to ensure that there was no ambiguity. This resolution is reproduced below and the full report is included as **ATTACHMENT 4**:

**MN 2022/71**

1. *THAT Council supports the heritage assessment and proposed heritage listing of "Karingal' Interwar bungalow and garden including brick and trachyte fence" comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.*
2. *THAT Council supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area.*
3. *THAT Council supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add "Karingal' Interwar bungalow and garden including*

*brick and trachyte fence” as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.*

4. *THAT the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.*
5. *THAT Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.*
6. *THAT the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.*

On 15 April 2022 the Planning Proposal was submitted to the Department of Planning and Environment via the NSW Planning Portal with a request for a Gateway Determination. The submission included a request for delegation of plan making functions to Council under section 3.36 of the Environmental Planning & Assessment Act 1979. Agency referrals were also undertaken on 15 April 2022 to Heritage NSW, WaterNSW, and the Rural Fire Service. Responses have been received from Heritage NSW and WaterNSW which are summarised in Part in Part 5 of this Planning Proposal (**see page 32**). No response has been received from the Rural Fire Service.

The Gateway Determination was issued on 23 May 2022, a copy of which is provided at **ATTACHMENT 5**. Council was not, however, provided with delegation to exercise its plan making functions in relation to this Planning Proposal under section 3.36 of the Environmental Planning & Assessment Act 1979.

## Part 1 - Objectives & Intended Outcomes of the Planning Proposal

### Objective

The objective of this Planning Proposal is to provide ongoing protection for four sites that have been assessed as having heritage significance in Bowral and Moss Vale.

### Intended Outcomes

- To include 2, 4 and 6 Myrtle Street, Bowral, within the existing Bowral Conservation Area.
- To include 26 Elizabeth Street, Moss Vale, as a new heritage item to be called “Karingal’ Interwar bungalow and garden including brick and trachyte fence”.
- To provide protection to properties using existing heritage provisions contained in the Wingecarribee Local Environmental Plan (WLEP) 2010 and applicable Development Control Plans.
- To provide for a savings provision to apply for any development application lodged but not yet determined prior to the making of the LEP.

## Part 2 - Explanation of the Provisions

To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

- Add to clause 1.8A Savings provision relating to development applications the following sub-clause (where *Amendment No xx* is replaced by the actual amendment number, once made):

### Clause 1.8A Savings provisions relating to development applications

Insert after clause 1.8A(4)—

(5) An amendment made to this Plan by *Wingecarribee Local Environmental Plan 2010 (Amendment No xx)* does not apply to a development application made but not finally determined before the commencement of the amendment.

- Add to Schedule 5, Part 1 (Heritage Items) the following new item:

Suburb	Item Name	Address	Property description	Significance	Item No.
Moss Vale	‘Karingal’ Interwar bungalow and garden including brick and trachyte fence	26 Elizabeth Street	Lot 1 DP 986025 and Lot 110 DP 877316	Local	11521



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

To achieve the intended outcomes of the Planning Proposal the following amendments to WLEP 2010 maps will be required:

<b>Map(s) to be Revoked</b>	<b>Map(s) to be Adopted</b>
Heritage Map – Sheet HER_007C 8350_COM_HER_007C_020_20170327	Heritage Map – Sheet HER_007C (as amended)
Heritage Map – Sheet HER_007E 8350_COM_HER_007E_020_20170123	Heritage Map – Sheet HER_007E (as amended)

## **Part 3 - Justification of Strategic & Site-specific Merit**

### **Section A – Need for the Planning Proposal**

#### **1 - Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?**

The Planning Proposal is the result of a combination of in-house assessment and consultant assessment of the heritage significance of two neighbouring sites in Myrtle Street, Bowral (nos. 2 & 4) and 26 Elizabeth Street, Moss Vale. No. 4 Myrtle Street and 26 Elizabeth Street were both subject to proposed developments which threatened the heritage significance of these properties and were the cause of concern for members of the community who requested Council issue Interim Heritage Orders over both properties. Interim Heritage Order No. 12 over 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 over 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette on 19 November 2021.

The heritage assessments, undertaken in accordance with the NSW Heritage Manual and the NSW Heritage publication “Assessing Heritage Significance”, concluded that the house, grounds and front fence at 26 Elizabeth Street, Moss Vale, were worthy of local heritage listing being found to have met five out of the seven heritage assessment criteria on a local level (namely historical, associational, aesthetic/technical, rarity and representativeness). This reinforced the findings of a 2009 study by heritage consultants on behalf of Council that recommended that the site be heritage listed.

The heritage assessment for 2 & 4 Myrtle Street, Bowral, did not demonstrate strong heritage characteristics in the buildings themselves, but heritage significance was considered to be present in the association with the probable builder, the fact that the group of three (including no. 6) is still extant, and the high streetscape character values. As a result, the in-house heritage assessment concluded that protection of streetscape values could be achieved through inclusion of the properties within the existing Bowral Conservation Area which lies just to the west of Myrtle Street.

#### **2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?**

The Planning Proposal is the only way of achieving the statutory local listing of a heritage item and to include a property within a heritage conservation area.

**Section B – Relationship to the Strategic Planning Framework**

**3 - Will the Planning Proposal give effect to the objectives and actions of the SE & Tablelands Regional Plan (including any draft plans or strategies)?**

The Wingecarribee Shire is within the area subject to the South East and Tablelands Regional Plan 2036. This plan is currently under review and a draft is not yet available. The relevant sections of the current plan (2036) are addressed below in relation to this Planning Proposal:

Vision

In its Vision, the Regional Plan recognises that there are areas of distinct character and heritage that are celebrated by their communities within the Region. Identification and listing of areas and sites of cultural heritage provides greater certainty for property owners and developers.

Goal 1: A Connected and Prosperous Economy

- **Direction 9: Grow Tourism in the Region** – heritage tourism is a strong tourism theme in the Wingecarribee Shire and one that continually attracts tourists to the area. The enhancement of heritage tourism through the protection of historic places and streetscapes assists in maintaining and growing tourism within the Shire.

Although there are no specific Actions under this Goal or Directions that directly relate to heritage, the Planning Proposal is consistent with Goal 1.

Goal 2: A diverse environment interconnected by biodiversity corridors

There are no Directions or Actions relevant to heritage under this Goal. However, the Planning Proposal does not affect or undermine any of the Directions or Actions under Goal 2.

Goal 3: Healthy and Connected Communities

- **Direction 23: Protect the region's heritage** – the identification of places of heritage significance through heritage studies and heritage assessments is consistent with this direction. The Planning Proposal is consistent with Action 23.1 (Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local strategies) and Action 23.3 (Conserve heritage assets during local strategic planning and development).

The Planning Proposal is consistent with the relevant Direction and Actions under Goal 3.

Goal 4: Environmentally sustainable housing choices

- **Direction 24: Deliver greater housing supply and choice** – this direction focuses on delivery of greater housing supply and choice which should be achieved while protecting areas of high value, including high cultural heritage value. The subject sites are identified as being of heritage value that warrant protection.

It is recognised that heritage listing of places has a direct impact on developability of those places as heritage mainly has a subduing effect on developability. The four sites that are subject to this Planning



Proposals are within existing R3 Medium Density Residential zone and heritage listing or inclusion in heritage areas will limit the amount to which these sites can be developed for housing. However, planning is responsible for orderly and appropriate development and limiting development on heritage significant sites and within heritage areas is justified. Therefore, the Planning Proposal is consistent with Goal 4.

Local Government Narratives

One of the stated priorities for the Wingecarribee Shire in the Local Government Narratives section of the Regional Plan is to “protect the Shire’s valued heritage assets”. This Planning Proposal is consistent with that priority.

**4 - Is the Planning Proposal consistent with Council’s adopted and endorsed Local Strategic Planning Statement and Local Housing Strategy?**

Wingecarribee 2040: Local Strategic Planning Statement

The Wingecarribee 2040: Local Strategic Planning Statement (LSPS) was adopted by Council on 24 June 2020. The following Planning Priorities and Actions under the umbrella of “Our Places” in the LSPS are relevant to this Planning Proposal. A comment on each is provided.

LSPS Priority & Action	Comment
<b>Planning Priority 6.1: Maintain the unique character of our towns and villages, separated by rich natural areas and rural landscapes</b>	
Action i. Adopt a place-based approach to planning in local towns and villages to ensure that their special character is preserved.	The identification of elements within towns and villages that require protection and place-based controls is consistent with this action.
<b>Planning Priority 6.2: Identify, protect and promote our cultural and built heritage</b>	
Action i. Continue to implement best practice management and assessment of both Aboriginal Cultural Heritage and Non-Aboriginal Heritage sites in collaboration with the community.	Best practice management of heritage sites commences with identification and assessment in accordance with the heritage assessment criteria and subsequent listing, if warranted. The proposed listing of ‘Karingal’ and the inclusion of properties in Myrtle Street within an existing heritage conservation area is consistent with this action.
Action ii. Review and maintain heritage listings in Wingecarribee LEP to facilitate the conservation of the Shire’s heritage.	The Planning Proposal is consistent with this action to ensure that the list of heritage items is dynamic and is added to and reviewed regularly and as potential items are identified.

Furthermore, the Bowral Precinct Plan contained in the LSPS identifies “Heritage precincts and individual items of Heritage” as contributory elements in the character assessment of Bowral. The

expansion of the Bowral Conservation Area to include properties in Myrtle Street will be adding to these contributory elements of Bowral.

Wingecarribee Local Housing Strategy: Housing Our Community

The Wingecarribee Local Housing Strategy: *Housing Our Community* (LHS) was initially adopted by Council in June 2020 and amended in July 2021. It identifies the needs, demand, constraints and opportunities for housing throughout the Wingecarribee Shire. It identifies potential new areas for housing and existing potential within existing towns and villages. Under Planning Priority 1 (Promote infill development and increased densities in appropriate locations, and facilitate a greater mix of housing types to ensure our housing stock is reflective of the needs of our community) the value of heritage is recognised in context:

*Council is committed to increasing housing choice and diversity but is equally committed to protecting and enhancing the heritage and character of our towns and villages and ensuring that new housing is consistent with the values and expectations of our community.*

Although the Planning Proposal may have the effect of reducing development potential on these sites, it is in the context that preservation of heritage is important to the community and to provision of housing at the expense of heritage assets will not be tolerated by the community. Therefore, this Planning Proposal is not inconsistent with the Local Housing Strategy.

Wingecarribee 2031 Community Strategic Plan

In addition to the Local Strategic Planning Statement and Local Housing Strategy, the *Wingecarribee 2031 Community Strategic Plan* (CSP) (2017) reflects the community's aspirations and needs for the future. The community's vision for Wingecarribee 2031 is "A healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment".

The CSP articulates the community's vision, goals and actions under the five key areas of Leadership, People, Places, Environment and Economy. The listing of new heritage items is identified as strategy 3.2.3 (Identify, protect and promote places of significant cultural heritage) under the key area of *Places* and under goal 3.2 (Wingecarribee has maintained a distinct character and separation of towns and villages). Council is committed to ensuring that places of heritage significance are identified, assessed and listed, as appropriate. This Planning Proposal is consistent with that goal and strategy.

**5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?**

There are no other relevant State and regional studies.

**6 - Is the Planning Proposal consistent with applicable SEPPs?**

*NB: SEPPs which do not apply to Wingecarribee Shire have been excluded.*

<b>SEPP (Biodiversity and Conservation) 2021</b>	<i>to preserve, conserve and manage NSW's natural environment &amp; heritage</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722</a>
<p><b>Assessment – Consistent</b></p> <p><i>Chapter 2 (Vegetation in non-rural areas) of this SEPP only applies to removal of trees on heritage sites and in heritage areas where the removal is of a minor nature and would not adversely affect the heritage significance of the heritage place (clause 2.10). The change in heritage status for the subject properties will restrict vegetation removal under this SEPP and will ensure that only tree removals that do not affect the heritage significance are undertaken under this SEPP.</i></p> <p><i>Chapters 3 and 4 (Koala Habitat Protection) of the SEPP are not relevant to the subject sites because they are individually and collectively less than 1 hectare and are disturbed sites and contain little, if any, native vegetation.</i></p> <p><i>Chapters 5, 6, 9, 10, 11 and 12 of this SEPP are not relevant as they do not apply to the Wingecarribee Shire.</i></p> <p><i>The Planning Proposal is consistent with Chapter 7 (Canal estate development) of this SEPP. There is no proposed canal estate development associated with this Planning Proposal or sites.</i></p> <p><i>The subject sites are within a drinking water catchment covered by Chapter 8 (Sydney Drinking Water Catchment) of the SEPP. Referral to WaterNSW was undertaken as required by this SEPP and Ministerial Direction 3.3 (Sydney Drinking Water Catchments). WaterNSW has no objection to the proposal and acknowledges that the amendments have few implications for water quality. Furthermore, WaterNSW states that new development on these sites will require compliance with the SEPP as part of the DA process, including neutral or beneficial effect on water quality and adherence to WaterNSW's current recommended practices and standards, as well as concurrence from WaterNSW. The Planning Proposal is consistent with Chapter 8 of the SEPP.</i></p>	

<b>SEPP (Building Sustainability Index: BASIX) 2004</b>	<i>to ensure consistency in the implementation of the BASIX scheme throughout the State</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2004-0396">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2004-0396</a>
<p><b>Assessment – Consistent</b></p> <p><i>The provisions of this SEPP would apply at any subsequent Development Application stage.</i></p>	

<b>SEPP (Exempt and Complying Development Codes) 2008</b>	<i>to provide streamlined assessment processes for development that complies with specified development standards</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572</a>
<b>Assessment – Consistent</b>	
<i>The Planning Proposal does not specifically apply to any development applicable under this SEPP. However, it is acknowledged that the opportunities for exempt and complying development will be restricted on the subject properties resulting from this Planning Proposal due to their change in heritage status.</i>	
<b>SEPP (Housing) 2021</b>	<i>to deliver a sufficient supply of safe, diverse and affordable housing</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714</a>
<b>Assessment – Consistent</b>	
<i>This Planning Proposal does not affect the operation of this SEPP except that certain types of complying development may not be available on a heritage site under the SEPP. However, development applications may be accepted for those types of development and proposals that properly address heritage matters would be capable of approval.</i>	
<b>SEPP (Industry and Employment) 2021</b>	<i>to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723</a>
<b>Assessment – Consistent</b>	
<i>Only Chapter 3 (Advertising and Signage) is potentially applicable to the lands subject to this Planning Proposal although the proposal does not specifically apply to signage. However, it is acknowledged that the opportunities for signage may be restricted on the subject land under this Policy resulting from this Planning Proposal due to the change in heritage status.</i>	
<b>SEPP No. 65—Design Quality of Residential Development</b>	<i>to improve the design quality of residential apartment development in New South Wales</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2002-0530">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2002-0530</a>
<b>Assessment – Consistent</b>	
<i>The subject properties are zoned R3 Medium Density Residential where residential flat buildings are permissible with consent. However, the sites in both Bowral and Moss Vale are within areas designated by the respective DCPs where residential flat buildings are not permissible. Therefore, this SEPP would not be applicable on these sites.</i>	

<b>SEPP (Planning Systems) 2021</b>	<p><i>to provide a strategic and inclusive planning system for the community &amp; the environment</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724</a></p>
<p><b>Assessment – Consistent</b></p> <p><i>The Planning Proposal does not affect the application of this SEPP.</i></p>	

<b>SEPP (Regional Precincts) 2021</b>	<p><i>relates to State significant precincts, Activation precincts and other specific precincts including the Southern Highlands Regional Shooting Complex</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727</a></p>
<p><b>Assessment – Consistent</b></p> <p><i>This SEPP is not applicable to this site. (The only site in the Wingecarribee Shire to which this SEPP is applicable is the Southern Highlands Regional Shooting Complex located at 430 Wattle Ridge Road, Wattle Ridge.)</i></p>	

<b>SEPP (Primary Production) 2021</b>	<p><i>To support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729</a></p>
<p><b>Assessment – Consistent</b></p> <p><i>This SEPP is not relevant to this Planning Proposal. The Planning Proposal applies to the land in a residential zone in an existing urban area. Therefore, the Chapter 2 (Primary Production &amp; Rural Development) of this SEPP does not apply.</i></p>	

<b>SEPP (Resilience and Hazards) 2021</b>	<p><i>to manage risks and building resilience in the face of hazards</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730</a></p>
<p><b>Assessment – Consistent</b></p> <p><i>The provisions of Chapter 3 (Hazardous and Offensive Development) and Chapter 4 (Remediation of Land) SEPP are the only part of this SEPP applicable to Wingecarribee Shire.</i></p> <p><i>The Planning Proposal applies to land within the R3 Medium Density Residential zone. Hazardous and offensive industries are prohibited in the R3 zone. Therefore Chapter 3 does not apply to this Planning Proposal.</i></p> <p><i>The subject sites have been in residential usage for more than 70 years and the lands are not considered to have any significant contamination risk. The Planning Proposal does not seek to change the use or the zoning of the subject sites. Therefore, Chapter 4 of this SEPP is not likely to apply.</i></p>	

<b>SEPP (Resources and Energy) 2021</b>	<p><i>to promote the sustainable use of NSW's resources and transitioning to renewable energy</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731</a></p>
<p><b>Assessment – Consistent</b></p> <p><i>The Planning Proposal does not affect the application of this SEPP. However, certain types of exempt development under this SEPP may be restricted by the change in heritage status anticipated by this Planning Proposal. Exempt development on heritage sites is normally restricted activities that have a minor or negligible effect on heritage significance.</i></p>	

<b>SEPP (Transport and Infrastructure) 2021</b>	<p><i>to provide well-designed and located transport and infrastructure integrated with land use</i></p> <p><a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732</a></p>
<p><b>Assessment – Consistent</b></p> <p><i>Only Chapters 2 (Infrastructure) and 3 (Educational establishments and child care centres) of this SEPP potentially apply to this Planning Proposal.</i></p> <p><i>Opportunities for exempt and complying development under Chapter 2 may be affected by the change in heritage status of the properties. However, given the subject properties are in private ownership, it would be unlikely that the SEPP provisions would be exercised on these sites.</i></p> <p><i>The Planning Proposal does not apply to any existing educational establishments or child care facilities. Educational establishments and early education and care facilities are permissible with consent in the R3 Medium Density Residential zone, and Chapter 3 would apply to these types of land uses should development consent be sought.</i></p>	

**7 - Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?**

<b>1- Planning Systems</b>	<i>The Principles for Planning Systems support the broader NSW planning framework, including its processes and collaborative approaches to strategic and land use planning and decision making. They seek to achieve long-term, evidence-based, strategically led planning that is inclusive, democratic, responsive to the community and the environment, and ensures decisions are transparent and prompt.</i>
<b>1.1 Repealed</b>	
<b>1.2 Implementation of Regional Plans (previously 5.10)</b>	
<i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i>	
<b>Assessment – Consistent</b>	
Question 3 in Section B of this Planning Proposal has addressed the relevant parts of the South East & Tablelands Regional Plan.	
<b>1.3 Development of Aboriginal Land Council land (previously 5.11)</b>	
<i>The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</i>	
<b>Assessment – Consistent</b>	
This Direction currently only applies in the Central Coast local government area.	
<b>1.4 Approval and Referral Requirements (previously 6.1)</b>	
<i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>	
<b>Assessment – Consistent</b>	
This Planning Proposal involves the identification of heritage items and to list and manage them in accordance with existing provisions in the Wingecarribee Local Environmental Plan 2010.	
<b>1.5 Site Specific Provisions (previously 6.3)</b>	
<i>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</i>	
<b>Assessment – Consistent</b>	
This Planning Proposal does not involve any change in zoning or any site specific provisions.	

- 1.6 Parramatta Road Corridor Urban Transformation Strategy
- 1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan
- 1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan
- 1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation
- 1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor
- 1.11 Implementation of the Western Sydney Aerotropolis Plan
- 1.12 Implementation of Bayside West Precincts 2036 Plan
- 1.13 Implementation of Planning Principles for the Cooks Cove Precinct
- 1.14 Implementation of St Leonards and Crows Nest 2036 Plan
- 1.15 Implementation of Greater Macarthur 2040
- 1.16 Implementation of the Pymont Peninsula Place Strategy
- 1.17 North West Rail Link Corridor Strategy

None of these place-based Directions apply to Wingecarribee Shire.

**2-  
Design &  
Place**

*The Principles for Well-designed Places establish quality design approaches for new development, public spaces and the environment. They promote the design of places that are healthy, sustainable, prosperous, and supportive of people, the community and Country.*

*There are currently no directions under this focus area.*

**3-  
Biodiversity  
& Con-  
servation**

*The Principles for Natural Environment & Heritage recognise the fundamental importance of protecting, conserving and managing NSW's natural environment and heritage. They help balance the needs of built and natural environments, respecting both the innate and economic value of the state's biodiversity and natural assets.*

**3.1 Conservation Zones (previously 2.1 Environment Protection Zones)**

*The objective of this direction is to protect and conserve environmentally sensitive areas.*

**Assessment – Consistent**

The sites subject of this Planning Proposal are not within an existing environmental or conservation zone and are not defined as environmentally sensitive land.

**3.2 Heritage Conservation (previously 2.3)**

*The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*

**Assessment – Consistent**

The Planning Proposal seeks to conserve environmental heritage places that are the subject of Interim Heritage Orders and have undergone a heritage assessment in accordance with the NSW Heritage Guidelines. The Wingecarribee Local Environmental Plan 2010, which is a standard instrument LEP, contains compulsory clause 5.10 relating to heritage conservation. The new



heritage places would be subject to these provisions once they are included as a heritage item and within a heritage conservation area.
<b>3.3 Sydney Drinking Water Catchments (previously 5.2)</b>
<i>The objective of this direction is to protect water quality in the Sydney drinking water catchment.</i>
<b>Assessment – Consistent</b> Most of Wingecarribee Shire, including the subject sites, is within the area designated as Sydney drinking water catchment. Referral to Water NSW has been undertaken as required by this Ministerial Direction and the SEPP (Biodiversity and Conservation) 2021. WaterNSW has responded and has no objection to the proposal and acknowledges that the amendments have few implications for water quality. Furthermore, WaterNSW states that new development on these sites will require compliance with the SEPP as part of the DA process, including neutral or beneficial effect on water quality and adherence to WaterNSW’s current recommended practices and standards, as well as concurrence from WaterNSW. The Planning Proposal is consistent with this Direction.
<b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b>
<i>Not applicable to Wingecarribee Shire</i>
<b>3.5 Recreation Vehicle Areas (previously 2.4)</b>
<i>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</i>
<b>Assessment – Consistent</b> The Planning Proposal does not seek to enable development for a recreation vehicle area.

<b>4- Resilience &amp; Hazards</b>	<i>The Principles for resilience &amp; Hazards aim to improve responses to natural and development-related hazards, and climate change. They support methods to consider and reduce risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments.</i>
<b>4.1 Flooding (previously 4.3)</b>	
<i>The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i>	
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not within a flood planning area or probable maximum flood as identified in the Bowral Floodplain Risk Management Study 2009, the Wingecarribee River Flood Study 2014 or the Whytes Creek Floodplain Risk Management Study 2020 (Moss Vale) adopted by Council and current at this time.	

<b>4.2 Coastal Management (previously 2.2)</b>
<i>Not applicable to Wingecarribee Shire</i>
<b>4.3 Planning for Bushfire Protection (previously 4.4)</b>
<i>The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas.</i>
<b>Assessment – Consistent</b>  The lands subject to the Planning Proposal are not located in a mapped fire prone area. However, the Myrtle Street properties are around 30 metres from the edge of the mapped bush fire prone land to the north. Consequently, the Rural Fire Service have been included in the Agency referrals for this Planning Proposal and should this Planning Proposal proceed to public exhibition this Assessment will be updated accordingly and the Rural Fire Service’s response attached.
<b>4.4 Remediation of Contaminated Land (previously 2.6)</b>
<i>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. (NB: In order to meet the requirements of this Direction every site-specific Planning Proposal must include a Preliminary Site Inspection report.)</i>
<b>Assessment – Consistent</b>  The Planning Proposal applies to lands that have been in residential use for at least 70 years and are not likely to be contaminated.
<b>4.5 Acid Sulphate Soils</b>
<i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</i>
<b>Assessment – Consistent</b>  There are currently no mapped acid sulphate soils within Wingecarribee Shire.
<b>4.6 Mine Subsidence &amp; Unstable Land</b>
<i>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i>
<b>Assessment – Consistent</b>  The lands subject to the Planning Proposal are within Bowral and Moss Vale and are not located within a mapped Mine Subsidence Area and have not been identified as unstable in any other way.

<b>5- Transport &amp; Infrastructure</b>	<i>The Principles for Transport &amp; Infrastructure support innovative, integrated and coordinated transport and infrastructure, that is well-designed, accessible and enduring. They seek to optimise public benefit and value by planning for modern transport and infrastructure in the right location and at the right time.</i>
<b>5.1 Integrating Land Use and Transport (previously 3.4)</b>	
<i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i>	
<i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i>	
<i>(b) increasing the choice of available transport and reducing dependence on cars, and</i>	
<i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i>	
<i>(d) supporting the efficient and viable operation of public transport services, and</i>	
<i>(e) providing for the efficient movement of freight.</i>	
<b>Assessment – Consistent</b>	
The Planning Proposal seeks to provide heritage protection for two discrete areas within the towns of Bowral and Moss Vale. This action would not create additional infrastructure demands, as the subject sites are already developed for residential uses.	
<b>5.2 Reserving Land for Public Purposes (previously 6.2)</b>	
<i>The objectives of this direction are to:</i>	
<i>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</i>	
<i>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>	
<b>Assessment – Consistent</b>	
The Planning Proposal does not apply to any land or zonings identified for public purposes.	
<b>5.3 Development Near Regulated Airports and Defence Airfields (previously 3.5)</b>	
<i>The objectives of this direction are to:</i>	
<i>(a) ensure the effective and safe operation of regulated airports and defence airfields;</i>	
<i>(b) ensure that their operation is not compromised by development that constitutes an obstruction,</i>	
<i>hazard or potential hazard to aircraft flying in the vicinity; and</i>	
<i>(c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i>	
<b>Assessment – Consistent</b>	
The lands subject to the Planning Proposal are not located near a regulated airport or defence airfield.	
<b>5.4 Shooting Ranges (previously 3.6)</b>	
<i>The objectives are to:</i>	
<i>(a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</i>	
<i>(b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent</i>	

<p>land, (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>
<p><b>Assessment – Consistent</b></p> <p>The lands subject to the Planning Proposal are not in the vicinity of any existing shooting ranges.</p>

<p><b>6- Housing</b></p>	<p><i>The Principles for Housing foster long-term, strategic-led and evidence-based approaches to guide a strong supply of well-located homes. They support the delivery of safe, diverse, affordable and quality designed housing that meets the needs of Aboriginal and local communities.</i></p>
<p><b>6.1 Residential Zones (previously 3.1)</b></p>	
<p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.</p>	
<p><b>Assessment – Consistent</b></p> <p>This Direction applies as the Planning Proposal affects existing R3 Medium Density Residential zoned land. The Planning Proposal does not seek to alter the boundaries of the existing zone or the existing minimum lot size. However, it seeks to include the subject properties as a new heritage item and within an existing conservation area, in order to protect the local heritage of the Shire. This will have the effect of confining future development on these properties to that which is respectful of the heritage values of the sites/area.</p>	
<p><b>6.2 Caravan Parks and Manufactured Home Estates (previously 3.2)</b></p>	
<p>The objectives of this direction are to:</p> <p>(a) provide for a variety of housing types, and (b) provide opportunities for caravan parks and manufactured home estates.</p>	
<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal does not identify land suitable for caravan parks nor alter existing opportunities for caravan park development.</p>	

<p><b>7- Resilient Economies</b></p>	<p><i>The Principles for Resilient Economies support diverse, inclusive and productive employment opportunities across the state to make NSW more economically competitive. They promote the supply of strategic employment lands, innovative industries and centres as a focus for activity and accessibility.</i></p>
<p><b>7.1 Business and Industrial Zones (previously 1.1)</b></p>	
<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.</p>	

<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal applies to existing R3 Medium Density Residential zoned land and does not affect employment lands.</p>
<p><b>7.2 Reduction in non-hosted short-term rental accommodation period</b></p>
<p><i>Not applicable to Wingecarribee Shire</i></p>
<p><b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b></p>
<p><i>Not applicable to Wingecarribee Shire</i></p>

<p><b>8- Resources &amp; Energy</b></p>	<p><i>The Principles for Resources &amp; Energy promote the sustainable development of resources in strategic areas and a transition to low carbon industries and energy. They support positive environmental outcomes and work towards the net zero emissions target and continued energy security, while also promoting diversified activity in regional economies.</i></p>
<p><b>8.1 Mining, Petroleum Production &amp; Extractive Industries</b></p>	
<p><i>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</i></p>	
<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal does not seek to alter any existing opportunities for mining, petroleum production or extractive industries.</p>	

<p><b>9- Primary Production</b></p>	<p><i>The Principles for Primary Production support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i></p>
<p><b>9.1 Rural Zones (previously 1.2)</b></p>	
<p><i>The objective of this direction is to protect the agricultural production value of rural land.</i></p>	
<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal does not apply to any existing rural lands and does not seek to rezone land to a rural zone.</p>	
<p><b>9.2 Rural Lands (previously 1.5)</b></p>	
<p><i>The objectives of this direction are to:</i></p> <ul style="list-style-type: none"> <li><i>(a) protect the agricultural production value of rural land,</i></li> <li><i>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</i></li> <li><i>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</i></li> <li><i>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</i></li> <li><i>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on</i></li> </ul>	

<p><i>rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</i></p>
<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal applies to R3 Medium Density Residential zoned, proposing no change of zoning and, therefore, does not affect rural lands.</p>
<p><b>9.3 Oyster Aquaculture (previously 1.4)</b></p>
<p><i>The objectives of this direction are to: (a) ensure that ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and (b) protect ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i></p>
<p><b>Assessment – Consistent</b></p> <p>This Direction does not apply to Wingecarribee Shire.</p>
<p><b>9.4 Farmland of State &amp; Regional Significance on the NSW Far North Coast</b></p>
<p><i>Not applicable to Wingecarribee Shire</i></p>

**Section C – Environmental, Social & Economic Impacts**

**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?**

The Planning Proposal applies to existing medium density residential zoned land which has previously been developed for residential purposes. No critical habitat or endangered vegetation is known to be identified on the subject lands, and no threatened species, populations or ecological communities have been identified or are likely to exist on the subject lands. The Planning Proposal seeks to protect and retain existing vegetation on the land.

**9 - Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

There are not likely to be any environmental effects as a result of the Planning Proposal. In fact, the heritage listing of the site in Moss Vale and the extension of the Bowral Conservation Area to include additional properties will constrain development potential, thereby reducing negative environmental impacts, including loss of trees and potential loss of habitat within the established gardens on the subject properties.

**10 - Has the planning proposal adequately addressed any social and economic effects?**

There are possible social and economic effects on the existing property owners as any future development of the sites will be restricted due to the heritage status of the properties. However, there are social benefits and potential economic benefits for the surrounding property owners resulting from the protection of these sites and their gardens.

Some individual economic and social impact is considered to be reasonable in the context of protecting sites of local heritage significance from inappropriate development.

**Section D – Infrastructure (Local, State & Commonwealth)**

**11- Is there adequate public infrastructure for the Planning Proposal?**

Yes. The Planning Proposal will not result in any additional burden on existing public infrastructure. In fact, the reduction in development potential could help to alleviate future infrastructure burden.

**Section E – State and Commonwealth Interests**

**12 - What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?**

As mentioned in the Site Location, Description & Background section of this Planning Proposal, three of the four sites are subject to interim heritage orders (IHOs) that expire on 19 November 2022. In addition, there is a current Land and Environment Court appeal against the issuing of one of the IHOs over one lot of the site at 26 Elizabeth Street, Moss Vale. Due to the time constraints imposed by the IHOs and the concerns about the Court appeal, Council has undertaken agency referrals to Heritage NSW, the Rural Fire Service and WaterNSW concurrently to submitting the Planning Proposal for a Gateway Determination. Following the receipt of the Gateway Determination and before the commencement of public exhibition, this Planning Proposal will be updated relative to the agency responses and copies of their submissions attached.



## Part 4 - Maps

The following maps will require amendment:

1. **Heritage Map – Sheet HER\_007C** (current reference 8350\_COM\_HER\_007C\_020\_20170327) which covers the area of Bowral. **Figure 8** indicates the manner in which this map is proposed to be amended.

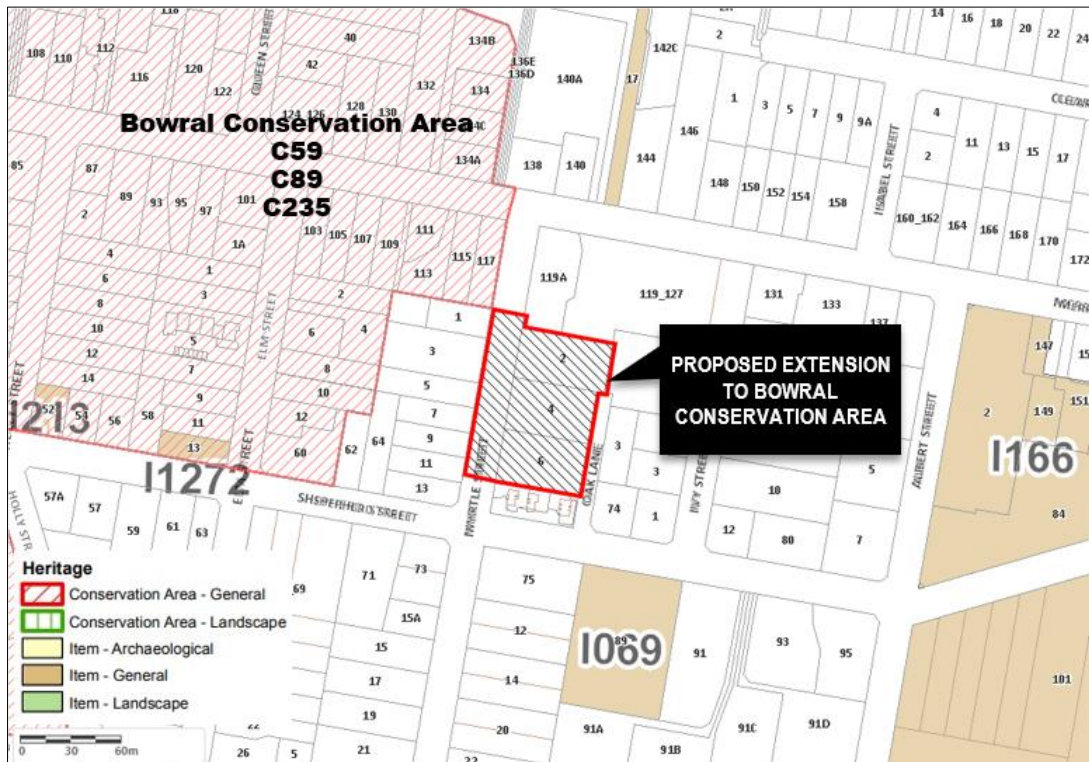
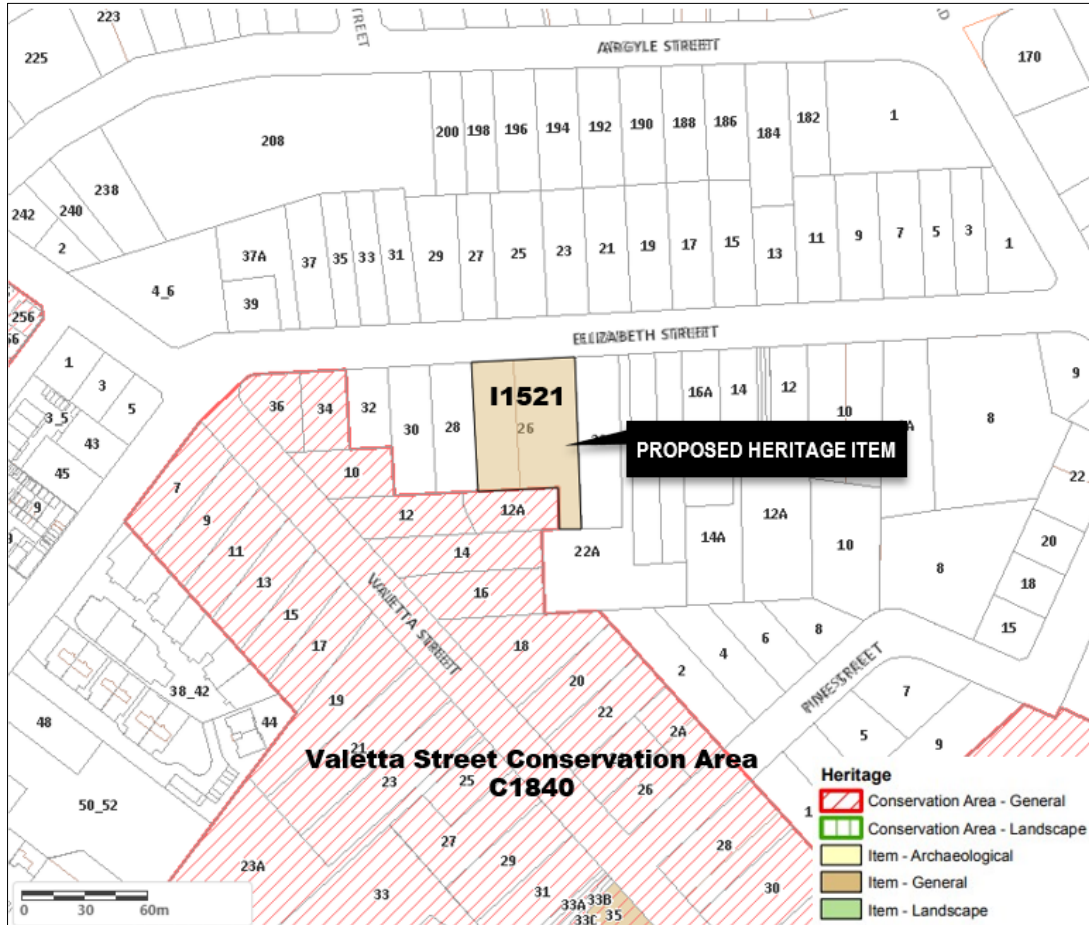


Figure 8: Indicative amendment to the WLEP 2010 Heritage Map (Sheet HER\_007C) for 2, 4 and 6 Myrtle Street, Bowral

- Heritage Map – Sheet HER\_007E** (current reference 8350\_COM\_HER\_007E\_020\_20170123) which covers the area of Moss Vale. **Figure 9** indicates the manner in which this map is proposed to be amended.



**Figure 9: Indicative amendment to the WLEP 2010 Heritage Map (Sheet HER\_007E) for 26 Elizabeth Street, Moss Vale**

## **Part 5 - Community Consultation**

Council has undertaken Agency referrals with WaterNSW, Heritage NSW and the Rural Fire Service.

WaterNSW was notified on 15 April 2022 and their response dated 10 May 2022 is included as **ATTACHMENT 6**. In summary, WaterNSW has no objection to the proposal and makes the following comments:

- The amendments have few implications for water quality. However, the minimisation of opportunities for complying development is acknowledged and future development will be subject to full development assessment with the need to comply with State Environmental Planning Policy (Biodiversity and Conservation) 2021 in relation to water quality.
- The Proposal has given due consideration to section 9.1 Ministerial Direction 3.3 relating to the Sydney Drinking Water Catchment. WaterNSW Concur with Council's conclusion that heritage provisions will likely have a subduing effect on development potential of the sites, thereby protecting water quality.

Heritage NSW was notified on 15 April 2022 and their response dated 27 May 2022 is included as **ATTACHMENT 7**. In summary, Heritage NSW:

- acknowledges Council's heritage assessments have been undertaken in accordance with the Heritage Council of NSW's criteria for listing at a local level,
- encourages the identification and listing of the new heritage item.

The NSW Rural Fire Service (RFS) was notified on 15 April 2022 and a response has not been received to date (7 June 2022). None of the sites are mapped as bush fire prone land but the Myrtle Street properties are proximate to mapped bush fire prone land.

The Gateway Determination has required public exhibition for a period of 20 working days. The following public exhibition dates have been set which comply with the Gateway Determination:

**Wednesday 8 June to Friday 8 July 2022, inclusive (22 working days)**

The principal place of public exhibition will be Council's consultation website *Your Say Wingecarribee* [www.yoursaywingecarribee.com.au](http://www.yoursaywingecarribee.com.au) with a hard copy of all documentation available at the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577 and at the Bowral and Moss Vale Libraries.

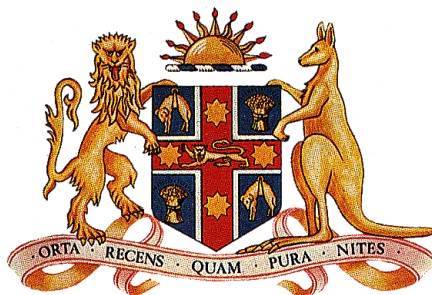
## Part 6 - Project Timeline

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	May 2022
Agency Consultation	April/May 2022
Public Exhibition (commencement and completion)	8 June- 8 July 2022 (22 working days)
Consideration of submissions	July 2022
Post exhibition Report to Panel & Council	3/17 August 2022
Submission to the Department for finalisation	Late August 2022
Gazettal of LEP amendment	October 2022

## Delegation

The Planning Proposal has been determined NOT to be delegated to Council which means that the Department of Planning and Environment will retain the plan making function under s.3.36 of the *Environmental Planning & Assessment Act 1979* to independently finalise the proposal taking into account all views.

**END OF PLANNING PROPOSAL**



# *Government Gazette*

of the State of

New South Wales

**Number 598–Planning and Heritage**

**Friday, 19 November 2021**

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

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To submit a notice for gazettal, see the Gazette page.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 1

**WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 12**

Under Section 25 of the *Heritage Act 1977* Wingecarribee Shire Council does by this order:

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

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

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

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The properties situated at 2 and 4 Myrtle Street, Bowral, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 840484 and Lot 1 DP 741837, shown edged heavy black on the plan catalogued WSC IHO 12/21.



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 1

**WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 13**

Under Section 25 of the *Heritage Act 1977* Wingecarribee Shire Council does by this order:

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

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

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

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The property known as "Karingal" situated at 26 Elizabeth Street, Moss Vale, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 986025 and Lot 110 DP 877316, shown edged heavy black on the plan catalogued WSC IHO 13/21.



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 1





## 1. GENERAL MANAGER

### L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale

Report Author: Strategic Land Use Planner (Heritage)  
Authoriser: Manager Strategic Land Use Planning

#### PURPOSE

The purpose of this report is to advise Council and the community of two interim heritage orders issued by Council that came into force on 19 November 2021.

#### RECOMMENDATION

##### THAT

1. The report be noted.
2. A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.

#### REPORT

On 19 November 2021, Interim Heritage Order No. 12 for 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 for 'Karingal', 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette and came into force on that day.

Copies of the Gazette notices are **ATTACHED**.

These Interim Heritage Orders (IHOs) were recommended because of the threat to the sites by current or future potential development proposals. There is evidence that these sites have heritage values that contribute to the history and character of the towns of Bowral and Moss Vale and their retention has been championed by the community who created online petitions and garnered local newspaper coverage of their fight to protect these properties.

Under section 25 of the Heritage Act 1977, an IHO may be placed on items, places and areas that may be found, on further investigation, to be of State or local significance and that are under threat. The IHO process delegated to Councils provides a six-month protection to enable heritage investigations to be carried out. The IHO is extended to 12 months if Council, during the first six (6) months, makes a resolution to include the item in its heritage schedule.

##### Delegations

In 2001, the Minister delegated his powers under section 25 of the Heritage Act to certain Councils, including Wingecarribee Shire Council.

These delegations to issue Interim Heritage Orders have been further delegated to Council's Director, Communities and Place in accordance with the delegation provisions of the Local Government Act 1993. The conditions attached to the Ministerial delegations to Council are articulated in the *Local Government Heritage Guidelines* issued by Heritage NSW and have been complied with in relation to the issuing of these IHOs and will continue to be adhered to in any relevant future actions.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022  
ATTACHMENT 2**

**LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
Wednesday 08 December 2021  
**REPORT GENERAL MANAGER**



Interim Heritage Order No. 12 – 2 & 4 Myrtle Street, Bowral

These houses are two in a group of three houses along the northern elevated side of Myrtle Street and were constructed contemporaneously (c. 1949/50) by prominent and prolific local builder, Alf Stephens Jnr from Alf Stephens & Sons Builders. They are solidly built mid-20th Century “Bowral houses” and their grouping provides a cohesive streetscape. **Figure 1** shows an aerial view of the houses in context. Photographs and floor plans of the house are available online on real estate websites.

The sites are zoned R3 Medium Density Residential and each site is over 1,600m<sup>2</sup> in area. In 2020, the Low Rise Housing Diversity Code contained within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 came into force in the Shire which allows for dual occupancies, manor houses and terrace style developments to be undertaken under certain circumstances as complying development.



**Figure 1:** Aerial photo (17 August 2021) showing the housing mix in Myrtle Street and the substantial properties at nos. 2 & 4 (subject to IHO No. 12 and outlined in red) and neighbouring no. 6.

Council and neighbours received a notification in early November from a private certifier of lodgement of a complying development application for demolition of the dwelling and construction of terrace housing under the Low Rise Housing Diversity Code at 4 Myrtle Street.

**LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 December 2021

**REPORT GENERAL MANAGER**



Members of the community, concerned about the demolition of the house and loss of heritage values, formed the Myrtle Street Action Group and commenced an online petition (on change.org) calling for Council to issue and IHO to protect 4 Myrtle Street from demolition. This petition, called “Save Myrtle St Bowral” has been signed by over 160 persons and Council has also received 20 letters and emails from concerned residents requesting preservation of 4 Myrtle Street via an IHO. There has also been local paper coverage of this matter.

This community action is not surprising given the strong heritage theme reflected in the Community Strategic Plan—Wingecarribee 2031 which is represented in the actions under the key area of Places (namely strategy 3.2.2 to “*identify and protect the unique characteristics of towns and villages to retain a sense of place*” and strategy 3.2.3 to “*identify, protect and promote places of significant cultural heritage*”) and the community’s vision statement which is “*In 2031 we will be a healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment*”.

Council has recently undertaken a review of a number of proposed heritage items deferred by Council in 2012 as well as other potential heritage sites and areas, and this review has recommended that the existing heritage conservation area in Bowral be extended to cover the section of Myrtle Street between Merrigang and Shepherd Streets. That review is expected to be reported to the Local Planning Panel and thereafter to Council in the first quarter of 2022.

Given this recommendation, and that 2 Myrtle Street could also be vulnerable to development under the Low Rise Housing Diversity Code, the IHO was approved covering these two sites. No. 6 has recently been renovated as a single family home and is not under threat but as it forms part of a cohesive group, 6 Myrtle Street will be included in any heritage assessment of the Myrtle Street area.

Interim Heritage Order No. 13 – ‘Karingal’, 26 Elizabeth Street, Moss Vale

This site is located on the southern side of Elizabeth Street between Robertson Road and Valetta Street.

The property comprises two allotments: Lot 1 DP 986025 contains the house and Lot 110 DP 877316 contains the garden. **Figure 2** shows an aerial photo of the property in the context of surrounding development. The house was built c.1927 (Interwar period) in a Californian Bungalow style out of dark bricks on Trachyte foundations with a tile roof and matching brick and Trachyte front fence that spans the width of the frontage. **Figure 3** shows a photo of Karingal from the street and **Figure 4** shows the gate and the detail of the front fence.

The site is zoned R3 Medium Density Residential and has a minimum lot size of 700m<sup>2</sup>. The total area of the property is 3,239m<sup>2</sup>.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 2

**LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
Wednesday 08 December 2021  
**REPORT GENERAL MANAGER**



**Figure 2:** 'Karingal' (outlined) in the context of Elizabeth Street (Nearmap).



**Figure 3:** Photo of 'Karingal' from the street showing the brick and trachyte fence (Photo by B. Townsing, 2020).



**Figure 4:** Detail of entry gate with aesthetically significant brick and trachyte fence (Photo by B. Townsing, 2020).

On 21 September 2021 a development application (DA 22/0513) was lodged for a 2-lot subdivision of the site with a carport proposed in front of the building line of the existing house. On 23 September 2021 a further DA (DA 22/0535) was lodged for a multi dwelling housing proposal on the proposed subdivided “vacant” lot. These applications were notified to neighbours and there has been a significant interest in these proposals.

Like 4 Myrtle Street, the community is upset about the proposed medium density development on the site, the dramatic reduction in the curtilage of ‘Karingal’, the loss of the garden and the impact on the fence. An online petition (on change.org) has been established by a local resident that requests Council issue an Interim Heritage Order over the site. This petition (called “Place an Interim Heritage Order on Karingal, 26 Elizabeth St, Moss Vale immediately”) has been signed by nearly 1,000 persons and Council has so far received a plethora of submissions lodged against both DAs, many of which specifically request an IHO.

Council has recently undertaken a review of a number of proposed heritage items deferred by Council in 2012 as well as other potential heritage sites and areas. ‘Karingal’ at 26 Elizabeth Street, Moss Vale, was a proposed heritage item deferred by Council in 2012 and the review has confirmed that ‘Karingal’ is of heritage significance and meets the threshold for heritage listing. That review is expected to be reported to the Local Planning Panel and thereafter to Council in the first quarter of 2022. However, the IHO will ensure that the proposed heritage listing of ‘Karingal’ is expedited.

#### Notifications

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 2**

**LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 December 2021

**REPORT GENERAL MANAGER**



Required notifications of the publication of the IHOs have been made to the owners and residents of the affected sites and a general notice appeared in Council's Community Update on 24 November 2021.

Notifications to the Chair of the Heritage Council of NSW, the development applicants and all the community members who made submissions to Council have also been undertaken.

Next Steps

The heritage assessments for the Myrtle Street houses will be undertaken over coming weeks.

The heritage assessment for 26 Elizabeth Street, Moss Vale, has largely been completed as part of the heritage review.

Both assessments will be reported to the Wingecarribee Local Planning Panel and thereafter to Council at the first available meetings of 2022. This report will include recommendations about the heritage listing of the site/s and/or inclusion in a heritage conservation area and the preparation of a Planning Proposal to effect the recommended heritage protection.

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**ATTACHMENTS**

1. Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13 published on 19 November 2021

L.1 Interim heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale

ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021



## *Government Gazette*

of the State of

New South Wales

**Number 598—Planning and Heritage**

**Friday, 19 November 2021**

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal, see the Gazette page.



**L.1** Interim heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale

**ATTACHMENT 1** Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021



**WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 12**

Under Section 25 of the *Heritage Act 1977* Wingecarribee Shire Council does by this order:

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

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

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

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The properties situated at 2 and 4 Myrtle Street, Bowral, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 840484 and Lot 1 DP 741837, shown edged heavy black on the plan catalogued WSC IHO 12/21.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

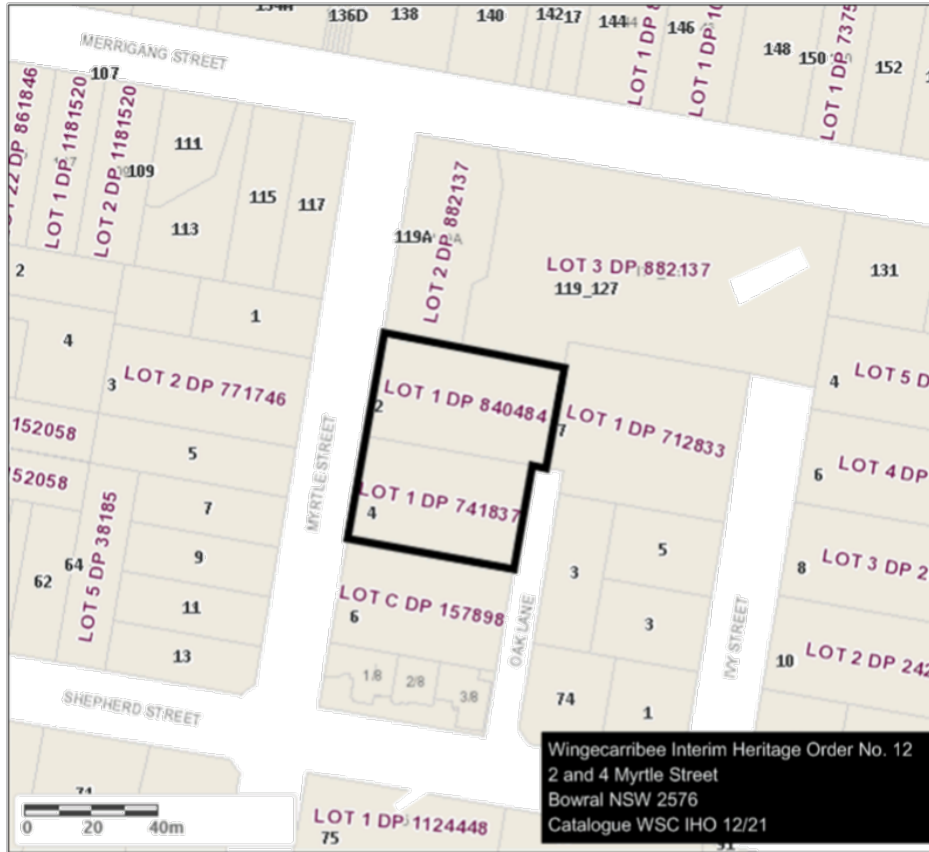
Wednesday 8 December 2021

**ATTACHMENT 2**

ORDINARY MEETING OF COUNCIL

L.1 Interim heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale

ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13 published on 19 November 2021



**L.1** Interim heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale

**ATTACHMENT 1** Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021



**WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 13**

Under Section 25 of the *Heritage Act 1977* Wingecarribee Shire Council does by this order:

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

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

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

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The property known as "Karingal" situated at 26 Elizabeth Street, Moss Vale, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 986025 and Lot 110 DP 877316, shown edged heavy black on the plan catalogued WSC IHO 13/21.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

**ATTACHMENT 2**

ORDINARY MEETING OF COUNCIL

Wednesday 8 December 2021

L.1 Interim heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale

ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13 published on 19 November 2021



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 2

MINUTES OF THE ORDINARY MEETING OF COUNCIL  
Wednesday 8 December 2021



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**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale**

**Report Author:** Strategic Land Use Planner (Heritage)  
**Authoriser:** Manager Strategic Land Use Planning

The Manager Strategic Land Use Planning introduced the item.

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**OFFICER'S RECOMMENDATION**

THAT

1. The report be noted.
2. A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.

**MN 378/21**

**MOTION** moved by Interim Administrator

**THAT**

1. *The report be noted.*
2. *A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.*

**CARRIED**

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

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**9.6 Planning Proposal and Heritage Assessment of 2 & 4 Myrtle Street, Bowral, and 'Karingal', 26 Elizabeth Street, Moss Vale—Interim Heritage Orders Nos. 12 & 13**

**Report Author: Strategic Land Use Planner (Heritage)**

**Authoriser: General Manager**

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**PURPOSE**

The purpose of this report is to present heritage assessments of the properties at 2 and 4 Myrtle Street, Bowral, and the property known as 'Karingal' at 26 Elizabeth Street, Moss Vale, which are the subject of two current Interim Heritage Orders (IHOs). IHO No. 12 for 2 and 4 Myrtle Street and IHO No. 13 for 26 Elizabeth Street were both issued under delegation by Council in November 2021. This report recommends that the Planning Proposal that has been prepared for these sites be endorsed for submission to the Department of Planning and Environment for a Gateway Determination to effect heritage protection of these sites through inclusion on Schedule 5 and on the Heritage Map of the Wingecarribee Local Environmental Plan 2010.

**[THIS ITEM WAS REFERRED TO LOCAL PLANNING PANEL MEETING ON 2 MARCH 2022.](#)**

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**OFFICER'S RECOMMENDATION**

1. **THAT** the Panel supports the heritage assessment and proposed heritage listing of "'Karingal' Interwar bungalow and garden including brick and trachyte fence" comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.
2. **THAT** the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area
3. **THAT** the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add "'Karingal' Interwar bungalow and garden including brick and trachyte fence" as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.
3. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
4. **THAT** Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.
5. **THAT** the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

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**LOCAL PLANNING PANEL ADVICE**

This matter was considered at the Local Planning Panel meeting of 2 March 2022 and the Panel supported the staff recommendation.

**REPORT**

**SUBJECT SITES**

This report relates to three sites, two neighbouring sites in Myrtle Street, Bowral, and one in Elizabeth Street, Moss Vale. The Myrtle Street sites and Elizabeth Street site will mainly be dealt with separately in this report. However, both locations are combined in the same Planning Proposal provided as **ATTACHMENT 4** to this report.

**2 & 4 Myrtle Street, Bowral**

These sites are located on the eastern side of Myrtle Street, Bowral, between Merrigang and Shepherd Streets. Each site contains a modest brick and tile dwelling surrounded by established gardens. The sites comprise two out of three similar dwellings that were built contemporaneously in 1949. Due to the topography which sees the ground level rise from Myrtle Street at a gradient of approximately 1:6 or 16%, all houses gain vehicular access from Oak Lane to the rear, creating a distinctive streetscape in Myrtle Street with no driveways or garages visible from the street. **Figure 1** shows a detailed aerial photograph of the two properties and **Figure 2** shows an aerial photo of the sites in the context of the surrounding area.

The houses were very likely designed and built by prominent and prolific local builder, Alf Stephens Jnr from Alf Stephens & Sons Builders, although the original 1949 building applications were not located. The houses are rendered full brick mid-20th Century “Bowral houses” with Marseilles terracotta tile roofs. They sit high on the slope overlooking Bowral and their grouping provides a cohesive streetscape.

The two houses are surrounded by established gardens with many mature tree species including a large pin oak, a large Liquidambar, numerous large conifers, a large Himalayan cedar (deodar), established maples and various smaller ornamental and fruit trees. The rear yard of the sloping block at no. 4 contains a fine trachyte retaining wall and trachyte paths in excellent condition.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---



**Figure 1:** Aerial photo of 2 & 4 Myrtle Street (Source: Nearmap, December 2021).

The sites are zoned R3 Medium Density Residential with a minimum lot size of 700m<sup>2</sup>. No. 2 Myrtle Street is 1,743m<sup>2</sup> in area, and no. 4 is 1,623m<sup>2</sup> in area. In 2021, the Low Rise Housing Diversity Code contained within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 came into force in the Wingecarribee Shire which allows for dual occupancies, manor houses and terrace style developments to be undertaken under certain circumstances as complying development in R3 zones. These sites are currently developable under that Code.



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---



**Figure 2:** 2 & 4 Myrtle Street (outlined) in the context of surrounding development (Source: Nearmap, December 2021). The existing Bowral Conservation Area is show hatched in red to the west.



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

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**Figure 3:** Exterior view of 2 Myrtle Street, Bowral (January 2022).



**Figure 4:** Exterior view of 4 Myrtle Street, Bowral (January 2022).

'Karingal', 26 Elizabeth Street, Moss Vale

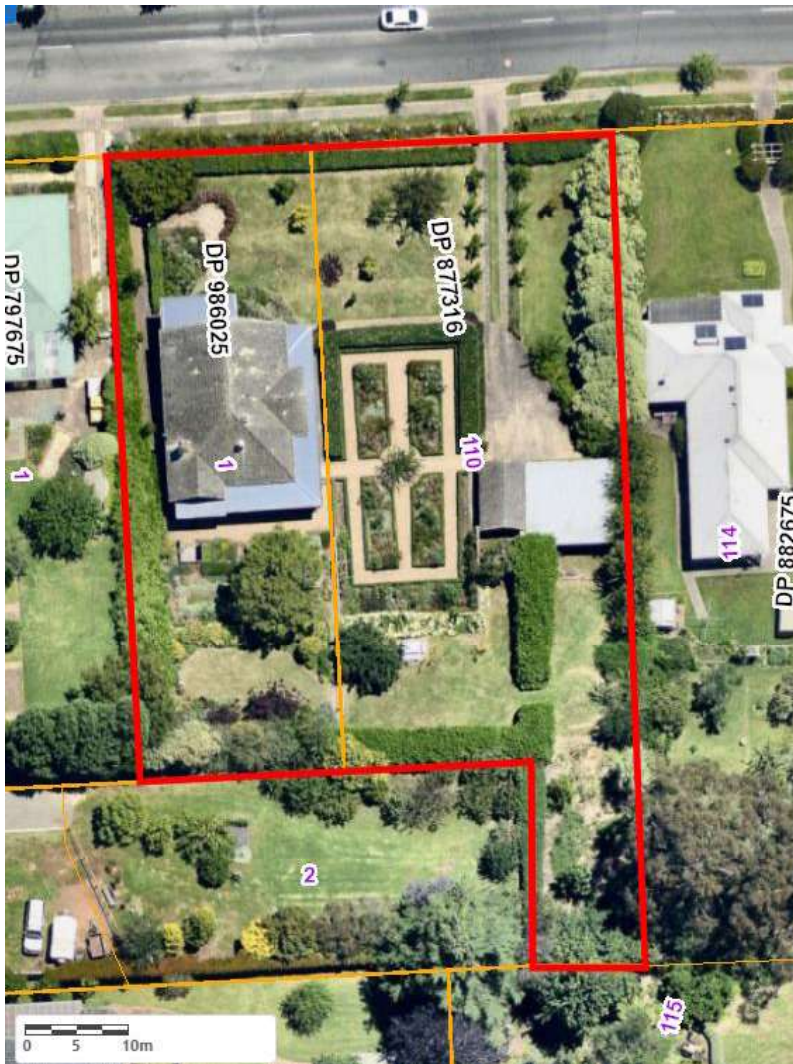
The site known as 'Karingal' is located on the southern side of Elizabeth Street between Robertson Road and Valetta Street in Moss Vale. The property comprises two allotments: Lot 1 DP 986025 which contains the house and Lot 110 DP 877316 which contains the bulk of the garden. **Figure 5** shows an aerial photo of the property and **Figure 6** shows an aerial photo of the property in the context of surrounding development.

The house was built c.1927 (Interwar period) in a Californian Bungalow style out of dark local bricks (Bowral bricks) on trachyte foundations with a terracotta tile roof and matching brick and trachyte front fence that spans the width of the nearly 50 metre street frontage. The house is substantially intact although some alterations have been made over time. The grounds are substantially intact except for several senescent trees that were removed near the rear boundary, a large oak tree removed at the front of the house after being seriously damaged by a lightning strike in 2013, and the removal of the tennis court which has been replaced by a parterre garden immediately adjacent to the house to the east. **Figure 7** shows a photo of 'Karingal' from the street and **Figure 13** shows the gate and the detail of the brick and trachyte front fence.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---



**Figure 5:** Aerial photo of 'Karingal' with cadastral boundaries (Source: Nearmap, December 2021).

Elizabeth Street, including no. 26, is zoned R3 Medium Density Residential and has a minimum lot size of 700m<sup>2</sup>. The total site area of the two lots that comprise 'Karingal' is 3,239m<sup>2</sup> making it the second largest land holding in this section of Elizabeth Street. (No. 8 Elizabeth Street is significantly larger than the subject site but contains an early 20<sup>th</sup> Century single dwelling and a multi-unit housing development dating from the mid-20<sup>th</sup> Century.)

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---



**Figure 6:** 'Karingal' (outlined) in the context of Elizabeth Street (Source: Nearmap, December 2021).



**Figure 7:** Photo of 'Karingal' from the street showing the brick and trachyte fence and gardens (January 2022).

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

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**BACKGROUND**

**Development Proposals**

On 21 September 2021 a development application (DA 22/0513) was lodged for a 2-lot subdivision of 26 Elizabeth Street, Moss Vale, together with a proposed carport in front of the building line of the existing house. On 23 September 2021 a further DA (DA 22/0535) was lodged for a multi dwelling housing proposal on the proposed subdivided “vacant” lot. **Figure 8** shows a perspective diagram of the proposals and **Figure 9** shows the proposals on a plan of the site with explanatory annotations.



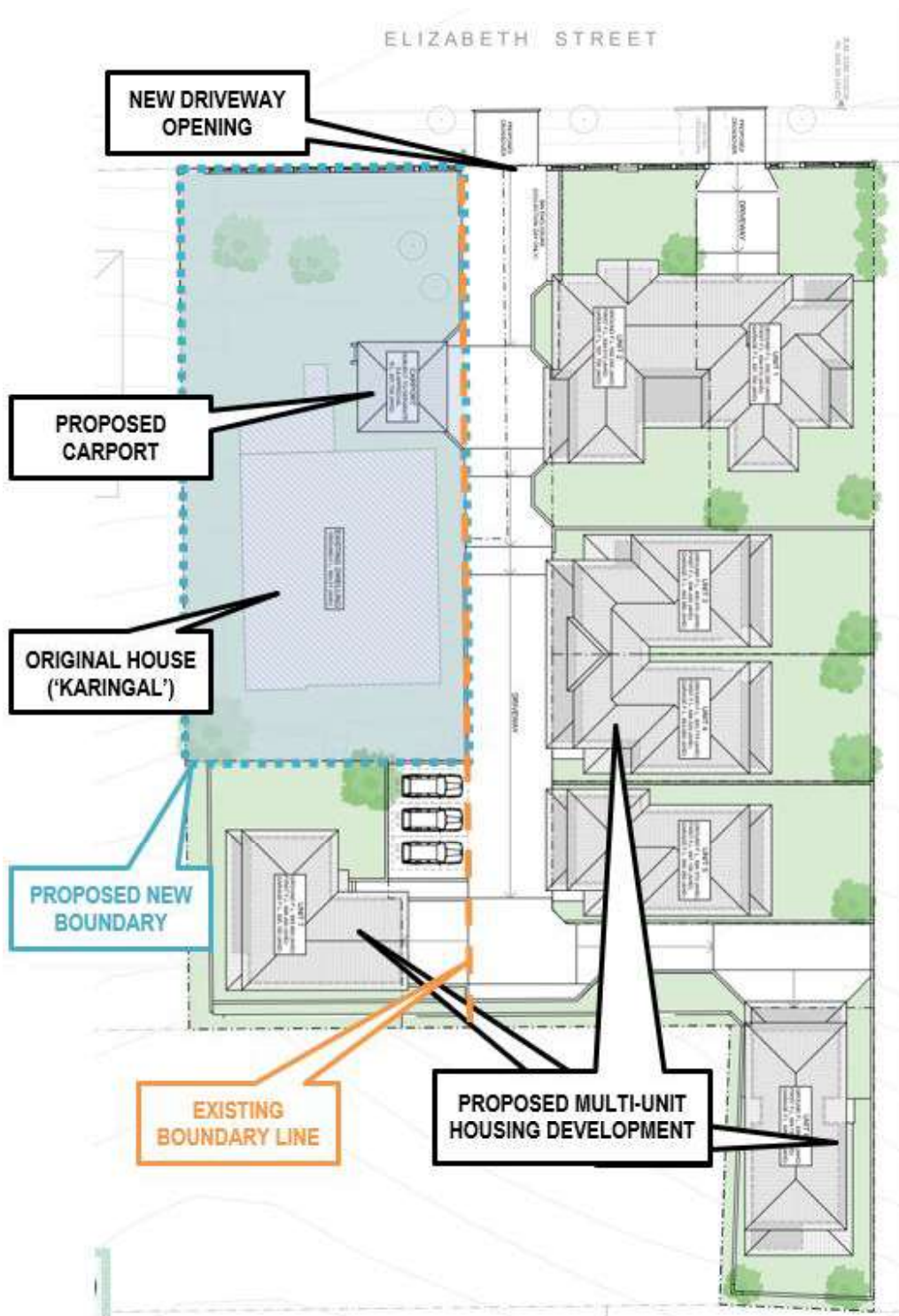
**Figure 8:** Perspective of the proposed multi-dwelling housing development of 26 Elizabeth Street (from DA 22/0535). Also visible is the carport in front of the dwelling (at right) proposed as part of DA 22/0513.

These applications were notified to neighbours and there was significant interest in and concern about these proposals from the community, including a change.org petition urging Council to issue an Interim Heritage Order over the site and newspaper publicity in the Southern Highlands News and the Sydney Morning Herald.

In early November 2021, Council and neighbours were advised by letter from a private certifier that a complying development application had been received for 4 Myrtle Street, Bowral, comprising demolition of the house and construction of terrace houses under the Low Rise Housing Diversity Code, a complying development code under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. In such cases, there is limited to negligible community consultation and plans of the proposal are not made available until after approval has been issued. Like the ‘Karingal’ site, and learning from their experience, a neighbour launched a change.org petition and sought newspaper coverage to encourage Council to issue an Interim Heritage Order over the site to prevent demolition of the central house in a grouping of three.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



**Figure 9:** Proposed subdivision and development of 26 Elizabeth Street via DA 22/0513 and DA 22/0535 (from plans provided as part of DA 22/0535 with added annotations).

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---

Issuing of Interim Heritage Orders

Council officers were similarly concerned about the potential adverse impact of the proposals on these properties, particularly on 'Karingal' which had first been recommended for heritage listing in 2009. Consequently, Council staff recommended the making of two Interim Heritage Orders (IHOs) via the delegation under the Ministerial Authorisation to Councils to issue Interim Heritage Orders (2001) pursuant to section 25 of the NSW Heritage Act 1977.

On 19 November 2021, Interim Heritage Order No. 12 for 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 for 'Karingal', 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette and commenced on that day. On 8 December 2021, a report was presented to Council on these Interim Heritage Orders (item L.1). A copy of that report and the corresponding minutes to that meeting are provided as **ATTACHMENT 1**.

A condition of Council issued IHOs under the Ministerial delegation is that they are initially valid for six months to give Council time to undertake a heritage assessment of the property to determine heritage significance. However, if Council resolves to include a place in its heritage schedule (including within a heritage conservation area) the IHO is extended to give a total of 12 months' protection under the Heritage Act. The following section of this report presents the heritage assessments undertaken for the Myrtle Street sites in Bowral and 26 Elizabeth Street, Moss Vale.

**REPORT**

Since the issuing of the Interim Heritage Orders, the complying development proposal at 4 Myrtle Street, Bowral, has not proceeded and both development applications on 26 Elizabeth Street, Moss Vale, have been withdrawn.

Heritage Assessments—General

In NSW and in accordance with the Heritage NSW publication *Assessing Heritage Significance* which forms part of the NSW Heritage Manual, an assessment of the heritage significance of a place is to be undertaken with reference to seven (7) specific criteria developed by the NSW Heritage Office (2001). To be eligible for local heritage listing a place must meet one or more of these criteria at a local level. To be eligible for listing on the State Heritage Register an item must meet two or more of these criteria on a State level. This report contains an assessment of the Bowral and Moss Vale sites against these criteria.

Heritage Assessment of 2 & 4 Myrtle Street, Bowral

The subdivision of 2, 4 and 6 Myrtle Street occurred in 1949 and was referred to in the plan of subdivision as "part of Lot D of Upper Bowral Subdivision". This subdivision plan is shown on Deposited Plan (DP) 157898 reproduced as **Figure 10**. Interestingly, this plan shows the location of 2 garages surveyed at that time: one for no. 2 which remains extant and the other off Oak Lane which was a double garage with a common wall servicing nos. 4 and 6 Myrtle Street and which was demolished in 2020 as part of the renovation of no. 6.

As previously mentioned, there is evidence that the houses were built at the same time and by the same owner or builder. There are two consecutively numbered building applications lodged in 1949 for nos. 2 and 4-6. While it is unknown who designed these houses but it's likely that they were built

AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022  
ATTACHMENT 3

AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022

by Alf Stephens Jnr of Alf Stephens & Sons (1886-1965) and likely also designed by this firm. This is reinforced by a surviving building application of 1950 for additions to no. 6 for Dr George Augustus Hardwicke, a doctor from Dulwich Hill. The drawings for the extension were made by Sydney architect A. W. Cozens and the extension of the house to the south was built by Alf Stephens Jnr.

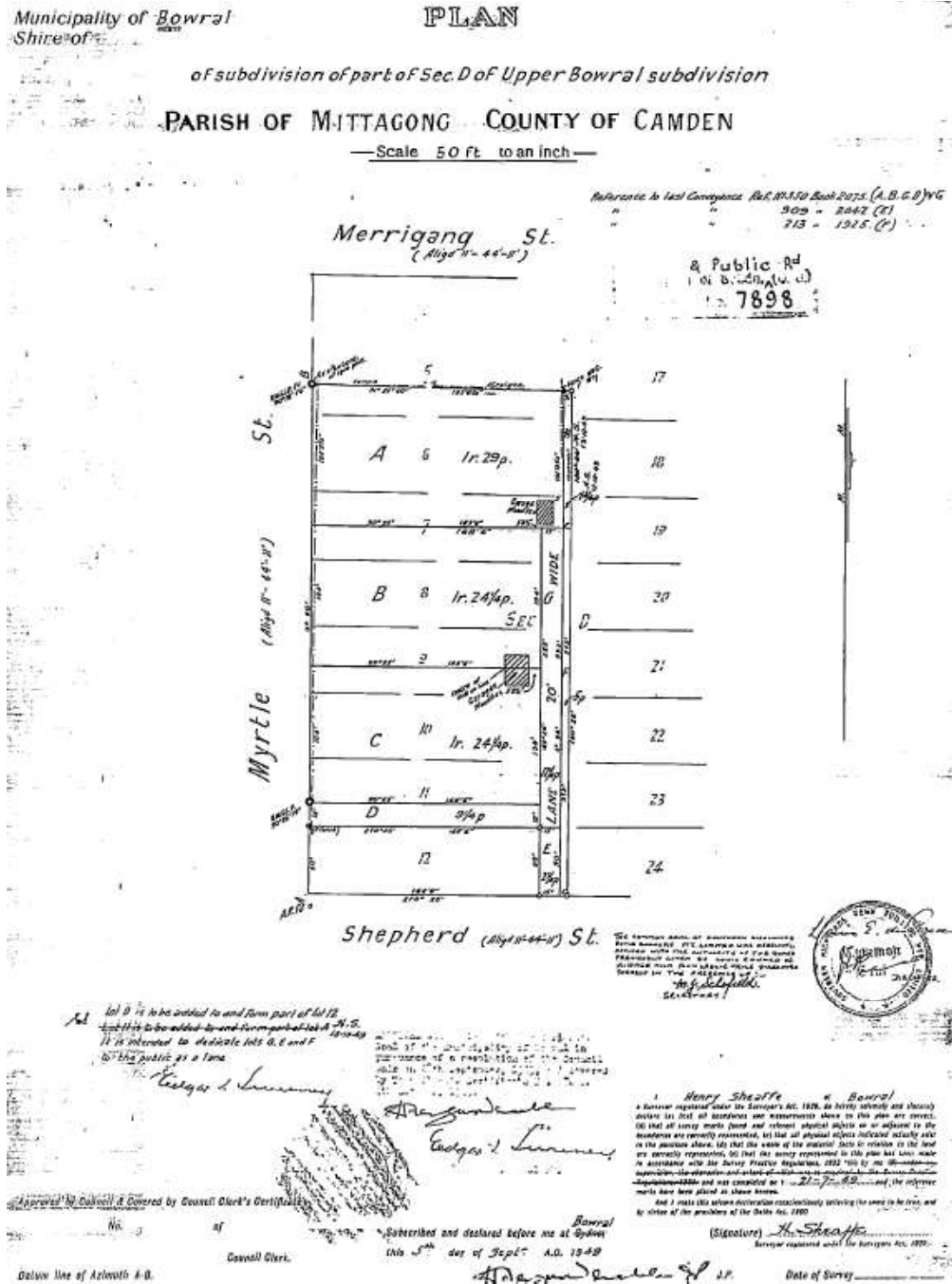


Figure 10: 1949 subdivision of the eastern side of Myrtle Street, Bowral (DP 157898). Garages existing at that time are shown hatched.



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---

**ATTACHMENT 3** contains a summary of the life and work of Alf Stephens Snr, Alf Stephens Jnr, and their company, Alf Stephens & Sons which operated from 1886 to 1965.

**Figure 11** comprises a 1963 aerial photo overlaid with the current cadastral boundaries and this shows the configuration of the Myrtle Street houses consistent with how they appear today (compare to **Figure 2**). Council's records show that there have been some minor alterations to the houses over time, including a screened room at the Myrtle Street frontage of no. 2 (shown projecting in **Figure 3**), and a flat roofed side addition to the north in 1984; and a 1981 addition to the southern elevation of no. 4 to create two additional bedrooms. Aside from this, the houses are relatively intact and retain their mid-century character.



**Figure 11:** 1963 aerial photo overlaid with current cadastrate. 2 & 4 Myrtle Street are outlined.

According to real estate websites, no. 2 Myrtle Street was last sold in 2001 and appears to have been used for rental accommodation in more recent years. Real estate photos available online reveal a very modest and simple rendered masonry building with a terracotta tiled roof, timber windows, timber floors, simple decorative plaster ceilings and picture rails. No. 4 was last sold in

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

2021 and photographs available online show an attractive home with some decorative plaster ceilings, timber floors but only some original timber windows remaining. It's likely that some of the original timber windows were replaced as part of the 1981 renovations. No. 6 was last sold in 2019 and extensively renovated in 2021. The renovations included new terrace style landscaping down to Myrtle Street.

Heritage Criterion	Assessment of 2 & 4 Myrtle Street, Bowral
(a) HISTORICAL	
An item is important in the course, or pattern, of NSW's (or local) cultural or natural history.	Of significance to the history of the local area because it illustrates the subdivision and development of the eastern edge Myrtle Street area, in the post-war period. Aerial photos demonstrate this to be at the edge of the Bowral urban area at that time with only scattered development east of Myrtle Street.
(b) ASSOCIATIONAL	
An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's (or the local area's) cultural or natural history.	Of significance because of its likely association with Alf Stephens and Sons, prominent Bowral builder. However, this association has not been confirmed.
(c) AESTHETIC/TECHNICAL	
An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area.	<i>Although attractive in their simplicity, the heritage assessment has not found 2 &amp; 4 Myrtle Street to have any strong aesthetic or technical significance.</i>
(d) SOCIAL	
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.	<i>The heritage assessment has not found 2 &amp; 4 Myrtle Street to have any strong social significance.</i>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

Heritage Criterion	Assessment of 2 & 4 Myrtle Street, Bowral
(e) RESEARCH	
	An item has potential to yield information that will contribute to an understanding of NSW's or the local area's cultural or natural history.
(f) RARITY	<i>The heritage assessment has not found 2 &amp; 4 Myrtle Street to have any strong research potential.</i>
	An item possesses uncommon, rare or endangered aspects of NSW's or the local area's cultural or natural history.
(g) REPRESENTATIVENESS	<i>The heritage assessment has not found 2 &amp; 4 Myrtle Street to be of particular rarity. These simple "Bowral-style" houses, likely built by Alf Stephens and Sons builders, are still relatively common throughout the Highlands. These particular examples are not of particular importance.</i>
	An item is important in demonstrating the principal characteristics of a class of NSW's (or a class of the local area's) cultural or natural places; or cultural or natural environments.

The above heritage assessment against the seven (7) heritage assessment criteria demonstrates that the houses meet the threshold for heritage listing and as a group of three (with number 6) they form a cohesive group. However, despite there being justification for listing, it is considered that there are more significant examples of post-war building displayed by the same builders that provide better examples for heritage listing. Nevertheless, the strong streetscape character defined by these three large properties perched on the rise above Myrtle Street do warrant protection, but it is considered that this streetscape character can be better protected through inclusion within a heritage conservation area. The Heritage Review 2021 will be proposing an extension to the Bowral Conservation Area to the east that includes these properties, but it is proposed that 2, 4 and 6 Myrtle Street be included in a heritage conservation area as part of the Planning Proposal so that there is continuity of protection following on from the Interim Heritage Order. **Figure 12** shows the proposed amendment to the boundary of the Bowral Conservation Area to include these properties.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



**Figure 12:** Proposed extension to Bowral Conservation Area to include 2, 4 and 6 Myrtle Street.

Heritage Assessment of 'Karingal' Interwar bungalow and garden including brick and trachyte fence

The heritage significance of 'Karingal' was first examined in 2009 as part of the Wingecarribee Heritage Survey undertaken by consultants, Architectural Projects, on behalf of Council. That study recommended that the site be heritage listed.

In 2012, Council officers consulted with the owners of the nearly 400 properties proposed for heritage listing as part of the Wingecarribee Heritage Survey. When the results of these consultations were presented to Council with a recommendation to proceed with listing of more than 300 items (including 'Karingal'), Council resolved in November 2012 to defer listing of any property whose owner did not actively support heritage listing. This included 'Karingal' whose then

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---

owner objected to the listing at that time. The deferred items have not been revisited due to staffing shortfalls and competing priorities. No opportunity was given as part of the 2012 consultations for the wider public to comment on the proposed heritage listings as the list of proposed heritage items and those deferred has not been made public and the consultant's report on the Wingecarribee Heritage Survey was also not publicly released.



**Figure 13:** Detail of entry gate with aesthetically significant brick and trachyte fence (2022).

In 2021, members of Council's Heritage Advisory Committee together with members of the community in conjunction with Council's Strategic Land Use Planning Branch have undertaken a review of those deferred recommended heritage items as well as a significant number of other potential heritage items identified by Council officers and members of the community over the past 10 years. As part of this work, additional research has been conducted about 'Karingal' which strengthens its significance to the community and heritage listing of the site is recommended. The Heritage Review 2021 will be reported to the Local Planning Panel (and thereafter to Council) in the first quarter of 2022 with consultations with owners and the wider community occurring shortly thereafter.

The table below presents the updated heritage assessment of 'Karingal'. Ample evidence now exists resulting from work done as part of the Heritage Review 2021 to determine that the 1920s house,

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---

garden and brick and trachyte front fence display sufficient heritage significance to warrant heritage listing.

Heritage Criterion	Assessment of 'Karingal', 26 Elizabeth Street, Moss Vale
(a) HISTORICAL	
An item is important in the course, or pattern, of NSW's (or local) cultural or natural history.	Of significance to the history of the local area because it illustrates the subdivision and development of the Elizabeth Street area of Moss Vale in the Interwar period.
(b) ASSOCIATIONAL	
An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's (or the local area's) cultural or natural history.	Of significance because of its association with: <ul style="list-style-type: none"> <li>• Stanley Edward Gibson Browne original owner (in occupation 1927-1955), Moss Vale businessman</li> <li>• Alf Stephens and Sons, prominent Bowral Builder.</li> </ul>
(c) AESTHETIC/TECHNICAL	
An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area.	Of significance in demonstrating aesthetic achievement in the local area because the beauty of its setting, its garden, architectural form and brick and trachyte fence.
(d) SOCIAL	
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.	<i>The heritage assessment has not found 'Karingal' to have any strong social significance.</i>
(e) RESEARCH	

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---

Heritage Criterion	Assessment of 'Karingal', 26 Elizabeth Street, Moss Vale
<p>An item has potential to yield information that will contribute to an understanding of NSW's or the local area's cultural or natural history.</p>	<p><i>The heritage assessment has not found 'Karingal' to have any strong research potential.</i></p>
(f) RARITY	
<p>An item possesses uncommon, rare or endangered aspects of NSW's or the local area's cultural or natural history.</p>	<p>Of significance in demonstrating an uncommon combination of locally designed and built house from locally sourced and unique materials, namely Bowral bricks and trachyte quarried on the slopes of Mt Gibraltar in Bowral.</p>
(g) REPRESENTATIVENESS	
<p>An item is important in demonstrating the principal characteristics of a class of NSW's (or a class of the local area's) cultural or natural places; or cultural or natural environments.</p>	<p>Of significance in demonstrating the principal characteristics of a class of the local area's heritage in this case a high-quality Californian Bungalow style inspired residence utilising locally made Bowral bricks and locally quarried trachyte foundations and fence.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---

The site exhibits significance of five out of the seven heritage assessment criteria on a local level therefore qualifying it for heritage listing. Heritage listing of this property, including the grounds and the fence along its frontage, is recommended to be heritage listed.

The overall statement of significance for the proposed heritage listing is as follows:

*Karingal at 26 Elizabeth Street, Moss Vale, is significant because it illustrates the subdivision and development of the Elizabeth Street area of Moss Vale in the Interwar period and for its association with Stanley Edward Gibson Brown, Moss Vale businessman and original owner (1927-1955), and Alf Stephens and Sons, prominent Bowral Builder. Karingal is also of significance in demonstrating aesthetic achievement in the local area because the beauty of its setting, its garden, architectural form and brick and Trachyte fence and for demonstrating the principal characteristics of a high-quality Californian Bungalow style inspired residence. It is also an uncommon example of a house using unique local materials.*

The updated heritage inventory sheet is contained as **ATTACHMENT 2** which includes additional historical information for the property and contains the above assessment of heritage significance. A summary of the life and work of Alf Stephens Snr, Alf Stephens Jnr, and their company, Alf Stephens & Sons which operated from 1886 to 1965, which supports the associational significance of the Alf Stephens and Sons connection, is contained at **ATTACHMENT 3**.

A comparative assessment of bungalows within the Wingecarribee Shire reveals that there are three bungalows that are currently listed heritage items. Of these, one is an earlier (c.1915) Federation bungalow in Mittagong, and the other two are located in Moss Vale and are of weatherboard construction. All of these are on smaller suburban allotments and none display the grand garden setting and curtilage that are features of 'Karingal'. In addition, none have trachyte foundations or trachyte fencing. However, the Federation and Interwar periods have been long under-represented within the heritage schedule of the Wingecarribee Local Environmental Plan 2010 in favour of places of the Colonial, Georgian and Victorian periods. The 2021 Heritage Review has identified a number of heritage significant bungalows throughout the Shire that it will recommend for heritage recognition. As previously stated, the Review will be reported to the Panel and to Council as soon as possible.

A review of heritage listed bungalows across the State reveals that there are 384 listed items. While the majority of these items are within Sydney, bungalows are represented in many rural and regional local government areas. While the existence of a bungalow is not in itself significant or rare, the fine detailing, locally made/quarried construction materials, and intact site of 'Karingal' make it a fine local example.

**PLANNING PROPOSAL TO AMEND WLEP 2010 INSTRUMENT AND MAPS**

This report recommends heritage protection of 26 Elizabeth Street, Moss Vale, through heritage listing. Furthermore, it recommends that 2, 4 and 6 Myrtle Street, Bowral, are included in the Bowral Conservation Area.

To effect these changes, a Planning Proposal has been prepared which seeks to:

- Add a new heritage item 'Karingal' Interwar bungalow and garden including brick and trachyte fence comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale, in Part 1 of Schedule 5 of the Wingecarribee Local Environmental Plan (WLEP) 2010.



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---

- Add 26 Elizabeth Street (comprising Lot 1 DP 986025 and Lot 110 DP 877316) to the Heritage Map of WLEP 2010 as a heritage item (general).
- Add 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, to the Heritage Map of WLEP 2010 as a heritage conservation area (general).

A copy of the draft Planning Proposal is provided as **ATTACHMENT 4**.

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**COMMUNICATION AND CONSULTATION**

**Community Engagement**

Due to its nature, there is no requirement for Council to consult with property owners before an Interim Heritage Order is gazetted. However, following gazettal, all affected property owners and residents were notified in accordance with the NSW Heritage Act 1977 and the Local Government Heritage Guidelines prepared by the NSW Heritage Office. In addition, the DA applicants (for DA 22/0513 and 22/0535) along with a number of concerned members of the community members were notified about the gazettal of the Interim Heritage Order.

Should the Planning Proposal be supported, community consultation is a necessary and integral part of the Planning Proposal process. Any proposed amendment to WLEP 2010 is lodged via a Planning Proposal with the Department of Planning & Environment for a Gateway Determination to proceed. Community consultation then occurs in accordance with the Gateway requirements which is normally a 28-day minimum public exhibition period. This community engagement period allows for property owners and the community to comment on the proposal and any submissions received will be reported to Council for a final decision on whether or not to proceed with the Planning Proposal.

**Internal Communication and Consultation**

Any proposed amendment to WLEP 2010 supported by the Panel and thereafter by Council would be internally referred to relevant staff for comment.

**External Communication and Consultation**

Any proposed amendment to WLEP 2010 supported by the Panel and thereafter by Council would be externally referred to relevant agencies for comment as required by the Gateway Determination.

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**SUSTAINABILITY ASSESSMENT**

• **Environment**

The listing of these sites would help to protect existing private green space and would limit development to proposals that are sympathetic to heritage and streetscape values.

• **Social**

There are no social issues in relation to this report.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

---

- **Broader Economic Implications**

The issuing of Interim Heritage Orders has implications on the owners of those sites as any development proposals are put on hold until the heritage assessment and heritage listing process has been undertaken.

- **Culture**

The listing of new heritage items is one of the strategies identified in the Wingecarribee Community Strategic Plan, Wingecarribee 2031 (amended 2017) under goal 3.2 (Wingecarribee has maintained a distinct character and separation of towns and villages). Council is committed to ensuring that places of heritage significance are identified, assessed and listed, as appropriate. This report is consistent with this goal and strategy.

- **Governance**

This report has been prepared in consideration of guidelines provided by Heritage NSW and the Department of Planning & Environment and the Planning Proposal has been prepared and will be processed in accordance with Departmental guidelines.

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**COUNCIL BUDGET IMPLICATIONS**

As the Interim Heritage Orders were initiated by Council, no Planning Proposal fees are applicable.

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**RELATED COUNCIL POLICY**

There is no related Council policy.

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**CONCLUSION**

In November 2021, Council issued two Interim Heritage Orders under delegation to protect the sites at 2 and 4 Myrtle Street, Bowral, and the property known as 'Karingal' at 26 Elizabeth Street, Moss Vale, from unsympathetic development proposals. This report presents heritage assessments for the sites and has recommended that 26 Elizabeth Street, Moss Vale, be heritage listed and 2, 4 and 6 Myrtle Street, Bowral be included in the Bowral Conservation Area, consistent with the goals of the revised Wingecarribee 2031 Community Strategic Plan 2017 to identify, protect and promote places of significant cultural heritage (Strategy 3.2.3).

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**ATTACHMENTS**

1. 9.6 - Attachment 1 [9.6.1 - 12 pages]
2. 9.6 - Attachment 2 [9.6.2 - 14 pages]
3. 9.6 - Attachment 3 [9.6.3 - 7 pages]
4. 9.6 - Attachment 4 [9.6.4 - 29 pages]

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL  
Wednesday 08 December 2021  
REPORT GENERAL MANAGER



**1. GENERAL MANAGER**

**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale**

**Report Author:** Strategic Land Use Planner (Heritage)  
**Authoriser:** Manager Strategic Land Use Planning

**PURPOSE**

The purpose of this report is to advise Council and the community of two interim heritage orders issued by Council that came into force on 19 November 2021.

**RECOMMENDATION**

**THAT**

1. The report be noted.
2. A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.

**REPORT**

On 19 November 2021, Interim Heritage Order No. 12 for 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 for 'Karingal', 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette and came into force on that day.

Copies of the Gazette notices are **ATTACHED**.

These Interim Heritage Orders (IHOs) were recommended because of the threat to the sites by current or future potential development proposals. There is evidence that these sites have heritage values that contribute to the history and character of the towns of Bowral and Moss Vale and their retention has been championed by the community who created online petitions and garnered local newspaper coverage of their fight to protect these properties.

Under section 25 of the Heritage Act 1977, an IHO may be placed on items, places and areas that may be found, on further investigation, to be of State or local significance and that are under threat. The IHO process delegated to Councils provides a six-month protection to enable heritage investigations to be carried out. The IHO is extended to 12 months if Council, during the first six (6) months, makes a resolution to include the item in its heritage schedule.

**Delegations**

In 2001, the Minister delegated his powers under section 25 of the Heritage Act to certain Councils, including Wingecarribee Shire Council.

These delegations to issue Interim Heritage Orders have been further delegated to Council's Director, Communities and Place in accordance with the delegation provisions of the Local Government Act 1993. The conditions attached to the Ministerial delegations to Council are articulated in the *Local Government Heritage Guidelines* issued by Heritage NSW and have been complied with in relation to the issuing of these IHOs and will continue to be adhered to in any relevant future actions.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

**LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
Wednesday 08 December 2021  
**REPORT GENERAL MANAGER**



Interim Heritage Order No. 12 – 2 & 4 Myrtle Street, Bowral

These houses are two in a group of three houses along the northern elevated side of Myrtle Street and were constructed contemporaneously (c. 1949/50) by prominent and prolific local builder, Alf Stephens Jnr from Alf Stephens & Sons Builders. They are solidly built mid-20th Century “Bowral houses” and their grouping provides a cohesive streetscape. **Figure 1** shows an aerial view of the houses in context. Photographs and floor plans of the house are available online on real estate websites.

The sites are zoned R3 Medium Density Residential and each site is over 1,600m<sup>2</sup> in area. In 2020, the Low Rise Housing Diversity Code contained within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 came into force in the Shire which allows for dual occupancies, manor houses and terrace style developments to be undertaken under certain circumstances as complying development.



**Figure 1:** Aerial photo (17 August 2021) showing the housing mix in Myrtle Street and the substantial properties at nos. 2 & 4 (subject to IHO No. 12 and outlined in red) and neighbouring no. 6.

Council and neighbours received a notification in early November from a private certifier of lodgement of a complying development application for demolition of the dwelling and construction of terrace housing under the Low Rise Housing Diversity Code at 4 Myrtle Street.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

**LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 December 2021

**REPORT GENERAL MANAGER**



Members of the community, concerned about the demolition of the house and loss of heritage values, formed the Myrtle Street Action Group and commenced an online petition (on change.org) calling for Council to issue an IHO to protect 4 Myrtle Street from demolition. This petition, called "Save Myrtle St Bowral" has been signed by over 160 persons and Council has also received 20 letters and emails from concerned residents requesting preservation of 4 Myrtle Street via an IHO. There has also been local paper coverage of this matter.

This community action is not surprising given the strong heritage theme reflected in the Community Strategic Plan—Wingecarribee 2031 which is represented in the actions under the key area of Places (namely strategy 3.2.2 to "identify and protect the unique characteristics of towns and villages to retain a sense of place" and strategy 3.2.3 to "identify, protect and promote places of significant cultural heritage") and the community's vision statement which is "In 2031 we will be a healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment".

Council has recently undertaken a review of a number of proposed heritage items deferred by Council in 2012 as well as other potential heritage sites and areas, and this review has recommended that the existing heritage conservation area in Bowral be extended to cover the section of Myrtle Street between Merrigang and Shepherd Streets. That review is expected to be reported to the Local Planning Panel and thereafter to Council in the first quarter of 2022.

Given this recommendation, and that 2 Myrtle Street could also be vulnerable to development under the Low Rise Housing Diversity Code, the IHO was approved covering these two sites. No. 6 has recently been renovated as a single family home and is not under threat but as it forms part of a cohesive group, 6 Myrtle Street will be included in any heritage assessment of the Myrtle Street area.

Interim Heritage Order No. 13 – 'Karingal', 26 Elizabeth Street, Moss Vale

This site is located on the southern side of Elizabeth Street between Robertson Road and Valetta Street.

The property comprises two allotments: Lot 1 DP 986025 contains the house and Lot 110 DP 877316 contains the garden. **Figure 2** shows an aerial photo of the property in the context of surrounding development. The house was built c.1927 (Interwar period) in a Californian Bungalow style out of dark bricks on Trachyte foundations with a tile roof and matching brick and Trachyte front fence that spans the width of the frontage. **Figure 3** shows a photo of Karingal from the street and **Figure 4** shows the gate and the detail of the front fence.

The site is zoned R3 Medium Density Residential and has a minimum lot size of 700m<sup>2</sup>. The total area of the property is 3,239m<sup>2</sup>.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

**LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
Wednesday 08 December 2021  
**REPORT GENERAL MANAGER**



**Figure 2:** 'Karingal' (outlined) in the context of Elizabeth Street (Nearmap).



**Figure 3:** Photo of 'Karingal' from the street showing the brick and trachyte fence (Photo by B. Townsing, 2020).

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

**LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
Wednesday 08 December 2021  
**REPORT GENERAL MANAGER**



**Figure 4:** Detail of entry gate with aesthetically significant brick and trachyte fence (Photo by B. Townsing, 2020).

On 21 September 2021 a development application (DA 22/0513) was lodged for a 2-lot subdivision of the site with a carport proposed in front of the building line of the existing house. On 23 September 2021 a further DA (DA 22/0535) was lodged for a multi dwelling housing proposal on the proposed subdivided “vacant” lot. These applications were notified to neighbours and there has been a significant interest in these proposals.

Like 4 Myrtle Street, the community is upset about the proposed medium density development on the site, the dramatic reduction in the curtilage of ‘Karingal’, the loss of the garden and the impact on the fence. An online petition (on change.org) has been established by a local resident that requests Council issue an Interim Heritage Order over the site. This petition (called “Place an Interim Heritage Order on Karingal, 26 Elizabeth St, Moss Vale immediately”) has been signed by nearly 1,000 persons and Council has so far received a plethora of submissions lodged against both DAs, many of which specifically request an IHO.

Council has recently undertaken a review of a number of proposed heritage items deferred by Council in 2012 as well as other potential heritage sites and areas. ‘Karingal’ at 26 Elizabeth Street, Moss Vale, was a proposed heritage item deferred by Council in 2012 and the review has confirmed that ‘Karingal’ is of heritage significance and meets the threshold for heritage listing. That review is expected to be reported to the Local Planning Panel and thereafter to Council in the first quarter of 2022. However, the IHO will ensure that the proposed heritage listing of ‘Karingal’ is expedited.

Notifications

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

**LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 08 December 2021

**REPORT GENERAL MANAGER**



Required notifications of the publication of the IHOs have been made to the owners and residents of the affected sites and a general notice appeared in Council's Community Update on 24 November 2021.

Notifications to the Chair of the Heritage Council of NSW, the development applicants and all the community members who made submissions to Council have also been undertaken.

Next Steps

The heritage assessments for the Myrtle Street houses will be undertaken over coming weeks.

The heritage assessment for 26 Elizabeth Street, Moss Vale, has largely been completed as part of the heritage review.

Both assessments will be reported to the Wingecarribee Local Planning Panel and thereafter to Council at the first available meetings of 2022. This report will include recommendations about the heritage listing of the site/s and/or inclusion in a heritage conservation area and the preparation of a Planning Proposal to effect the recommended heritage protection.

**ATTACHMENTS**

1. Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13 published on 19 November 2021



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 8 December 2021

**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale**

**ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021**



***Government Gazette***

of the State of

New South Wales

**Number 598—Planning and Heritage  
Friday, 19 November 2021**

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NSW Government Gazette No 598 of 19 November 2021

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 8 December 2021

**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale**

**ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021**



**WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 12**

Under Section 25 of the *Heritage Act 1977* Wingecarribee Shire Council does by this order:

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

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

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

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The properties situated at 2 and 4 Myrtle Street, Bowral, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 840484 and Lot 1 DP 741837, shown edged heavy black on the plan catalogued WSC IHO 12/21.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

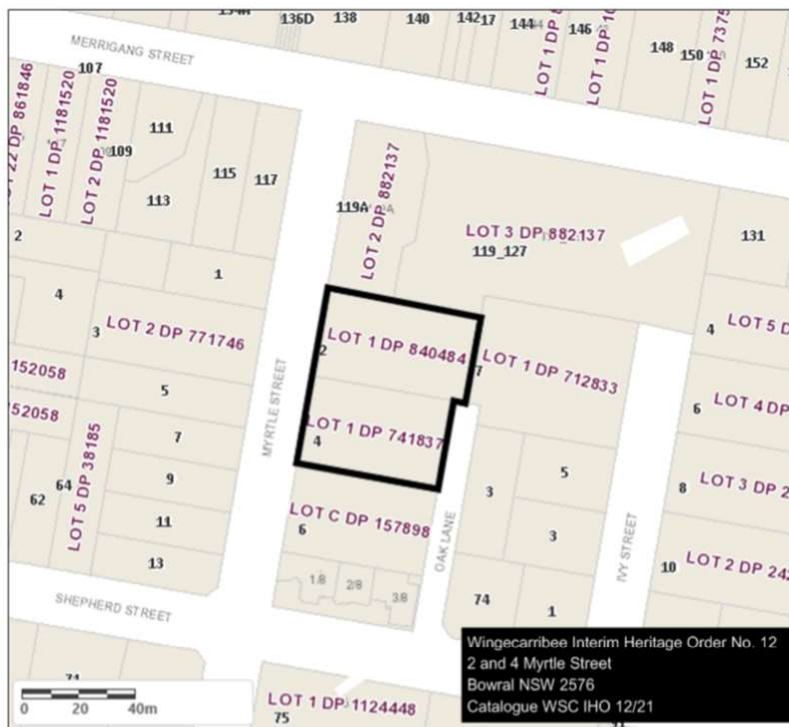
**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 8 December 2021

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**ATTACHMENT 1** Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
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WEDNESDAY 3 AUGUST 2022**  
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**ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
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**WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 13**

Under Section 25 of the *Heritage Act 1977* Wingecarribee Shire Council does by this order:

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

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

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

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The property known as "Karingal" situated at 26 Elizabeth Street, Moss Vale, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 986025 and Lot 110 DP 877316, shown edged heavy black on the plan catalogued WSC IHO 13/21.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 8 December 2021

L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
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ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
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WEDNESDAY 3 AUGUST 2022**  
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**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

MINUTES OF THE ORDINARY MEETING OF COUNCIL  
Wednesday 8 December 2021



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**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale**

Report Author: Strategic Land Use Planner (Heritage)  
Authoriser: Manager Strategic Land Use Planning

The Manager Strategic Land Use Planning introduced the item.

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**OFFICER'S RECOMMENDATION**

**THAT**

1. The report be noted.
2. A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.

***MN 378/21***

**MOTION** moved by Interim Administrator

**THAT**

1. *The report be noted.*
2. *A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.*

**CARRIED**

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

*Wingecarribee Shire Council*

SHI number  
2681521  
Study number  
2020/206

**Item name:** 'Karingal' Interwar bungalow and garden including brick and trachyte fence

**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee

**Address:** 26 Elizabeth Street **Planning:** Illawarra & Macarthur  
**Suburb/nearest town:** Moss Vale 2577  
**Local govt area:** Wingecarribee **Parish:** Bong Bong  
**State:** NSW **County:** Camden  
**Other/former names:**  
**Area/group/complex:** **Group ID:**  
**Aboriginal area:** Gandangara  
**Curtilage/boundary:** Lot 1 DP 986025 and Lot 110 DP 877316  
**Item type:** Built **Group:** Residential buildings (private) **Category:** Bungalow  
**Owner:** Private - Individual  
**Admin codes:** **Code 2:** **Code 3:**  
**Current use:** Residential  
**Former uses:** Residential  
**Assessed significance:** Local **Endorsed significance:** Local  
**Statement of significance:** Karingal at 26 Elizabeth Street, Moss Vale, is significant because it illustrates the subdivision and development of the Elizabeth Street area of Moss Vale in the Interwar period and for its association with Stanley Edward Gibson Brown, Moss Vale businessman and original owner (1927-1955), and Alf Stephens and Sons, prominent Bowral Builder. Karingal is also of significance in demonstrating aesthetic achievement in the local area because the beauty of its setting, its garden, architectural form and brick and Trachyte fence and for demonstrating the principal characteristics of a high-quality Californian Bungalow style inspired residence. It is also an uncommon example of a house using unique local materials.  
**Historical notes of provenance:** This home was built by Bowral iconic builder Alf Stephens c.1927-28 for Moss Vale businessman Stanley Edward Gibson Browne. It had a frontage of 132 feet and depth of 200 feet and was named "Karingal". After Browne died on 23-2-1955 the home was bought by James Francis "Jim" McAndrew between 1958 – 63. Jim passed away on 18-8-1967 and the family were still in the home in 1980. (Baxter 5/1/2021)  
**Themes:** **National theme** **State theme** **Local theme**  
4. Settlement Towns, suburbs and villages Development of local settler  
**Designer:**  
**Builder:** Alf Stephens  
**Year started:** 1927 **Year completed:** 1928 **Circa:** Yes  
**Physical description:** A single storey freestanding Californian Bungalow style brick house that dates from c. 1927-1928 - the Interwar period set on a large 3240 m2 site. Has a dark brick front fence with trachyte stone capping detail to match the main material of the house. Left driveway of concrete strip and lawn leading to a traditional garage at left rear. Site includes side tennis court now converted to garden. The house a prominent projecting gable to the front and below there is are masonry pillar on brick balustrade supported verandahs to the left and right. Both verandahs have some enclosure but discretely done. Rounded bay window to the left front has casement windows with upper sections in leadlight. A very intact house and garden and a fine example of an interwar Californian Bungalow inspired house. (Heritage Review 2021)  
A single storey freestanding house that dates from the interwar period set on a medium-sized site with a large brick and Trachyte with rail front fence. (Architectural Projects, 2009)  
**Physical condition level:** Good  
**Physical condition:**

Date: 22/02/2022

Full report

Page 1 of 14

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**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
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**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

<b><i>Wingecarribee Shire Council</i></b>		SHI number <b>2681521</b>
		Study number <b>2020/206</b>
<b>Item name: 'Karingal' Interwar bungalow and garden including brick and trachyte fence</b>		
<b>Location:</b> 26 Elizabeth Street Moss Vale 2577	Wingecarribee	

**Archaeological potential level:** Not assessed

**Archaeological potential Detail:**

**Modification dates:** Large significant oak damaged by storm and removed from front yard July 2013.  
Parterre garden adjacent to the house on the eastern side replaced a tennis court of the same footprint between October 2015 and October 2016. Tennis court was shown in sewer diagram prepared by Council in 1938.

**Recommended management:**

**Management:** **Management category** **Management name**

**Further comments:**

**Criteria a):** Of significance to the history of the local area because it illustrates the subdivision and development of the Elizabeth Street area of Moss Vale in the Interwar period.  
[Historical significance]

**Criteria b):** Of significance because of its association with:  
[Historical association significance]  
• Stanley Edward Gibson Brown original owner (1927-1955), Moss Vale businessman  
• Alf Stephens and Sons, prominent Bowral Builder.

**Criteria c):** Of significance in demonstrating aesthetic achievement in the local area because the beauty of its setting, its garden, architectural form and brick and trachyte fence.  
[Aesthetic/Technical significance]

**Criteria d):**  
[Social/Cultural significance]

**Criteria e):**  
[Research significance]

**Criteria f):** Of significance in demonstrating an uncommon combination of locally designed and built house from locally sourced and unique materials, namely Bowral bricks and trachyte quarried on the slopes of Mt Gibraltar in Bowral.  
[Rarity]

**Criteria g):** Of significance in demonstrating the principal characteristics of a class of the local area's heritage in this case a high quality Californian Bungalow style inspired residence.  
[Representative]

**Intactness/Integrity:** Substantially intact although some alterations have been made.

<b>References:</b>	<b>Author</b>	<b>Title</b>	<b>Year</b>
	Drysdale Property	For Sale	2014
	David Baxter	Historical Research	2021
<b>Studies:</b>	<b>Author</b>	<b>Title</b>	<b>Number</b> <b>Year</b>
	Kate Wooll	Database Updating by Strategic Planning Branch	2008
	Architectural Projects Pty	Wingecarribee Heritage Survey	2009
	WSC	Heritage Review 2021	2020/206 2021

Date: 22/02/2022	<b>Full report</b>	Page 2 of 14
This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage		



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

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<b>Item name:</b> 'Karingal' Interwar bungalow and garden including brick and trachyte fence		
<b>Location:</b> 26 Elizabeth Street Moss Vale 2577		Wingecarribee

Parcels:	Parcel code	Lot number	Section number	Plan code	Plan number
	LOT	1		DP	986025
	LOT	110		DP	877316
<b>Latitude:</b>			<b>Longitude:</b>		
<b>Location validity:</b>			<b>Spatial accuracy:</b>		
<b>Map name:</b>			<b>Map scale:</b>		
<b>AMG zone:</b>			<b>Easting:</b>		<b>Northing:</b>
<b>Listing:</b>	<b>Name</b>	<b>Title</b>	<b>Number</b>	<b>ListingDate</b>	
	Interim Heritage Order No. 13	Heritage Act - Interim Heritage Order Potential Heritage Item		19/11/2021	
<b>Data entry:</b>	Data first entered: 31/08/2007	Data updated: 22/02/2022	Status: Completed		

Date: 22/02/2022

**Full report**

Page 3 of 14

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

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WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

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*Wingecarribee Shire Council*

SHI number  
2681521  
Study number  
2020/206

**Item name:** 'Karingal' Interwar bungalow and garden including brick and trachyte fence

**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee

**Image:**



**Caption:** Karingal - view from Elizabeth Street showing oak tree (damaged by lightning 2013)

**Copy right:** WSC

**Image by:** Architectural Projects Pty Ltd

**Image date:** 04/11/2008

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345c852896db94a460bb515234391de938d.JPG>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/T\\_humb\\_test345c852896db94a460bb515234391de938d.JPG](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/T_humb_test345c852896db94a460bb515234391de938d.JPG)

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Full report

Page 4 of 14

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WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

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**Item name:** 'Karingal' Interwar bungalow and garden including brick and trachyte fence

**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee



**Caption:** Karingal - view of garden and pedestrian gate from street

**Copy right:** WSC

**Image by:** Architectural Projects Pty Ltd

**Image date:** 04/11/2008

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/34563a6026cd7324d669f7fdafd195d8374.JPG>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb\\_test34563a6026cd7324d669f7fdafd195d8374.JPG](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb_test34563a6026cd7324d669f7fdafd195d8374.JPG)

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Full report

Page 5 of 14

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WEDNESDAY 3 AUGUST 2022**  
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**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee



**Caption:** Karingal - view of vehicular entry with fence and garden

**Copy right:** WSC

**Image by:** Architectural Projects Pty Ltd

**Image date:** 04/11/2008

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3455e1658147ec24ce180df6e6baf6d8434.JPG>

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Full report

Page 6 of 14

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**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee



**Caption:** Karingal - view of house and garden from street

**Copy right:** WSC

**Image by:** Architectural Projects Pty Ltd

**Image date:** 04/11/2008

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3458c2e5b2e84d744568e536fde84eb2280.JPG>

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**Full report**

Page 7 of 14

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

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WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

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**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee



**Caption:** Karingal - view of house and brick and trachyte fence from Elizabeth Street

**Copy right:** WSC

**Image by:** R. Townsing

**Image date:** 13/10/2020

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345a290eb8daf104a64bbe0ea2de7eb937b.jpg>

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Full report

Page 8 of 14

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**ATTACHMENT 3**

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**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee



**Caption:** Karingal - driveway entrance showing brick and trachyte gate posts

**Copy right:** WSC

**Image by:** R. Townsing

**Image date:** 13/10/2020

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3457be2acac77b84558809eb50d11eb3ec5.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb\\_test3457be2acac77b84558809eb50d11eb3ec5.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb_test3457be2acac77b84558809eb50d11eb3ec5.jpg)

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Full report

Page 9 of 14

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Wingecarribee



**Caption:** Karingal - view of house from street

**Copy right:** WSC

**Image by:** S.W. Farnese

**Image date:** 12/01/2022

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3459e17d4bbb3ab49b5ae812909ff5c2f1e.jpg>

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Full report

Page 10 of 14

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**Item name:** 'Karingal' Interwar bungalow and garden including brick and trachyte fence

**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee



**Caption:** View west from Karingal (at left) along Elizabeth Street

**Copy right:** WSC

**Image by:** S.W. Farnese

**Image date:** 12/01/2022

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345ad71f4e0386a4396801344307cd48a1a.jpg>

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**Full report**

Page 11 of 14

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**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee



**Caption:** View east from Karingal (at right) along Elizabeth Street

**Copy right:** WSC

**Image by:** S.W. Farnese

**Image date:** 12/01/2022

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/34529f568eb042f445c859a7564f05226bc.jpg>

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**Image:**

Date: 22/02/2022

Full report

Page 12 of 14

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**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

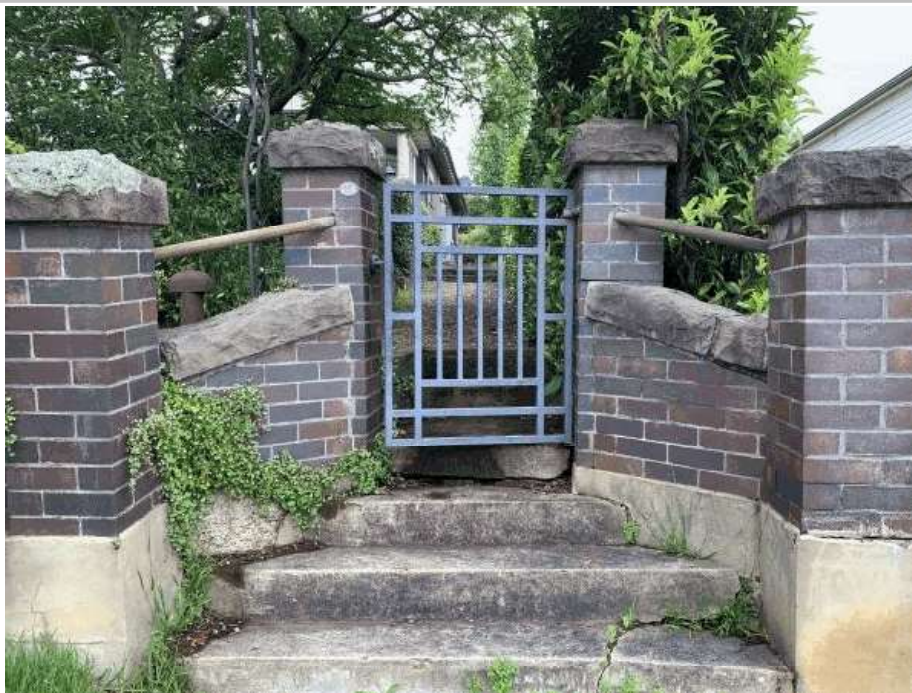
*Wingecarribee Shire Council*

SHI number  
2681521  
Study number  
2020/206

**Item name:** 'Karingal' Interwar bungalow and garden including brick and trachyte fence

**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee



**Caption:** Karingal - detail of brick and trachyte pedestrian gate entry

**Copy right:** WSC

**Image by:** S.W. Farnese

**Image date:** 12/01/2022

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345a0699841ec8b45378d84e53ec0eed00f.jpg>

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Full report

Page 13 of 14

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
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Karingal, 26 Elizabeth Street, Moss Vale

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**Caption:** Map - 'Karingal' 26 Elizabeth Street, Moss Vale  
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**Image number:**  
**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345d04cc89ccfbe421999e4a0aae9487be2.jpg>  
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**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

**Biographical Notes and Gazetteer of Work on Alf Stephens & Sons 1886-1965**

Prepared by Dennis McManus December 2021

Alf Stephens and Sons was an important building firm that operated in Bowral in the Southern Highlands of NSW for 79 years over two generations - 1886 to 1965. The company had a big impact on Bowral and nearby towns and beyond in Canberra in a wide range of projects from cottages to mansions, schools, churches, commercial buildings and public buildings.

Major projects included:

- 1895 Bowral Courthouse
- 1897 Berrima Gaol Governor's Residence
- 1914 Empire Cinema in Bowral
- 1919 Bowral Golf Club House
- 1924 four storey Ranelagh Hotel at Robertson
- 1929 Church of England Grammar School in Canberra
- 1930 St Johns Anglican Church in Moss Vale
- 1930 Gibraltar Park Children's Home in Mittagong
- 1933 Bowral Ambulance Station
- 1934 Dormie House at Moss Vale
- 1935 Bowral Hospital
- 1935 Canberra Masonic Hall
- 1938 Canberra Fire Station at Manuka and 10 two storey residences for staff
- 1930s government contracts for hundreds of new houses in Canberra
- 1965 Clubbe Hall at Frensham School in Mittagong.

The following notes draw heavily on Maureen and Bud Townsing's excellent book - A brief history of Alf Stephens & Sons 2020 pages 3-7.

To the Townsing book I have added additional material including more information on Canberra projects and a gazetteer base of buildings erected by the company in date order which can be added to as other company built projects become known. This project greatly assisted by using Trove and in particular a search "Alf Stephens and Sons" provided 217 results across the Bowral District and Canberra.

**Alf Stephens Snr (1863-1924)**

Some of the information that is known about the background of Alf Stephens Snr. before he arrived in Australia, comes from his obituary notice printed in The Methodist 1st March 1924: "he was born at Brixton England in 1863, but spent his early life in Teddington where he became a member of the Rye Lane (Peckham) Baptist Church, and under the ministry of Rev J. T. Briscoe while quite young he confessed Christ. It was also at the same church that he met the lady who became his wife. Coming to Sydney in 1886, he settled in Bowral, where in the absence of a Baptist Church, he joined the Methodists, of which denomination he continued to be a member".

On 28 November 1885, two vessels left England bound for Sydney. One was the Garonne, which arrived in Sydney on 11 January 1886. The other vessel leaving Plymouth was SS. Parthia, with 764 government immigrants on board. The Parthia arrived in Sydney two days after the Garonne.

On board the Garonne was Alf Stephens Snr., age 22, carpenter. Also on board was Charles Stephens, age 20, carpenter and Geo. E Marston, age 30, a clerk.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

On board the Parthia was Elizabeth Riley, age 24, domestic servant, Baptist, from Surrey. Elizabeth was the lady referred to above, whom Alf had met at the Peckham Baptist Church.

Elizabeth Riley and Alf Stephens Snr. were married on 1 May 1886 by the Reverend John Debenham of St. Jude's Church of England. The ceremony was held in a private house in Bowral. The wedding was witnessed by James Austin and Emily Austin. James Austin undertook contracts for all kinds of wooden buildings, according to an advertisement in the Bowral Free Press of 26 April 1884.

George Marston married Kate Holloway in Sydney on 10 December 1886. In 1891, they opened a shop selling boots, shoes and clothing on the corner of Banyette and Bong Bong Streets.

In 1963, Alf Stephens Jnr. in a letter to respected Bowral Town Clerk and keen historian A.V.J.(Jack) Parry, wrote "Alfred Stephens Senior came out to Australia from Teddington (Middlesex) England in 1885 where his father carried out building works there with eight brothers in the family (all carpenters) and one sister. He was engaged to his wife before leaving England and she followed him a year later when they were married in Bowral. He came direct to Bowral with fellow passengers Mr. and Mrs. Marston who opened a shop on the corner of Banyette and Bong Bong Street".

With a little give and take on the details, this all fits together. Alf Snr. left England in 1885, arriving January 1886. Elizabeth Riley came out on a different ship arriving two days after Alf. They were in Bowral by May 1886 where they married.

Alf Jnr. has also recollected that his father's first job in Bowral was as a carpenter with J.J. Campbell working on a two-storied house in Merrigang Street, built for Dr. Swinton, and later the home of Dr. Harbison.

Within months of his marriage to Elizabeth, the Bowral Municipal Council Rate Book for 1886 shows that Alf Snr. had bought land from the Jamieson Hill Estate at Upper Bowral. The Bowral Rate book for the year commencing 1 February 1887 shows that Alf had a dwelling on lot 19 Elm Street.

The 1895 Bowral Council Valuation book shows that by that year Alf had a new house ("Teddington" a brick villa) on lot 19 Elm Street with a valuation of £450. On lot 18 Elm Street he had a workshop with a valuation of £100. On lot 20 he had a house rented to A. Riggs, worth £150. He also had two houses in Woodbine Street with a value of £300. In later years, Alf Snr. built further houses in Woodbine Street and continued to own some of these all his life.

By 1896/97 Alf Snr. had a house and land in Bong Bong Street valued at £268. By this time, Alf Snr. and Elizabeth also had children. A photograph at "Teddington" - a polychrome brick structure with much style - shows Alf, Elizabeth and three children on the front verandah in about 1894. Alfred Jnr. was born in 1887, Jessie in 1891, Annie in 1893. Other children followed Ethel Grace (1896), Norris (1899), and Phyllis (1904).

Through the late 1880s Alf Snr. was the successful tenderer for a number of small projects. In the early 1890s larger jobs such as the Rose Street bridge, a schoolteacher's residence at Robertson, and Bowral's first fire station came his way.

In 1895, Alf Snr. was the successful tenderer for the Bowral Courthouse. One year and one day after pegging out, this monumental trachyte stone and sandstone building was opened. Alf Senior's reputation was enhanced on a remarkably solid foundation.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

At the same time as he ran the building business, Alf Snr. involved himself in public life - he was elected to represent Glebe Ward on the nomination of his friend Geo. Marston with whom he had travelled out from England. Alf Snr. was Mayor in the years 1899, 1900, and 1904.

Alf Snr. was Circuit Steward and Trustee of the Methodist Church for many years. He was made a magistrate in 1900. He regularly supported Friendly Societies and held office in the local Lodge of Oddfellows.

Alf Snr. played cricket for the Surveyors Camp team, and his son Alf Jnr. was scorer for the team from an early age, joining the team at age 16 after he left school. Alf Snr. was president of the Berrima District Cricket Association from its inception in 1911 until 1915. Alf Jnr. followed him into this position in 1919 and held it to 1960.

In 1913 a Bowling Club formed in Bowral, and Alf Snr. built, at cost, the first 20 by 12-foot club room, located in Corbett Gardens. Alf and Geo. Marston were foundation vice-presidents of the Club, and Alf Snr. was president in 1916, 1917 and 1918.

Elizabeth and Alf Snr. remained in touch with family back in England, travelling back several times. Alf visited in 1898 and he and Elizabeth visited, without the children, in 1906. Prior to his retirement Alf Snr. took the whole family to England in 1913. It was on this trip that Alf Jnr. met his wife-to-be Agnes Lily Peel at a place called Grantham. Alf Jnr. returned to Bowral in April 1914 to be present at his sister Jessie's wedding, to play football as captain of the Bowral team, and no doubt to attend to business. Lily came out to Australia with the other members of the Stephens family on their return journey in September/October 1914. That journey was memorable given the background in 1914 of World War One, their ship the Orontes was chased by the Emden in the Indian Ocean.

In 1917, Alf Snr. retired and went to live at Manly with Elizabeth and youngest daughter Phyllis. By the time he left, he had long since involved his sons in the workings of the business. He directed that Alf Jnr. (now aged 30) take over, and that brother Norris (Norrie) Stephens be brought in when he turned 21. The name of the firm from 1921 was therefore Alf Stephens & Sons (in the plural). The business was relocated from Elm Street to Boolwey Street after Alf Jnr. took over.

Alf Snr. died 6 February 1924. A report in the Southern Mail of 15 February 1924 about the funeral at Manly included the following observations:

“He was a conscientious tradesman...in all his business dealings he was a man of honour...”

“He was a man of exemplary character, always ready to lend a helping hand to deserving men.”

“He had not time for shirkers, but was ever generous in his treatment of those who showed a desire to improve their condition.”

Elizabeth Stephens lived in Manly for a time before returning to Bowral to live at “Dulwich”, (later called “Barkfold”) in Aitken Road with her daughter Ethel Gurney and Vic Gurney. After the death of Alf Snr., Davis and Westbrook held an auction sale of properties from his estate. All cottages and shop buildings sold well, but vacant land was not much in demand on the day.

Alf Stephens Jnr. (1887-1973)

Alf Stephens Jnr was born 14 April 1887 at Elm Street, Jamieson Hill, Bowral. He attended Bowral Public School in Bendooley Street and was Dux in 1902 at the age of 15.

Having met his wife-to-be on the family trip to England in 1913/14 and she having travelled out with the family, Alf Jnr. married Agnes Lily (nee Peel) at the old Methodist Church in Bowral on 22 July

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

1915. Lily had been an elementary school teacher before her marriage. They had a family of three children - Peggy (1916), John Victor (Jack) (1918) and Joan (1920).

Alfred Jnr. was involved in the work of the firm from when in 1903 the firm had a contract to build four railway stations on the Leura line. The family relocated there for the duration of this work. Another early job he was involved in required the cutting into sections and moving of the Upper Bowral Store (Mitchell's Store) in Merrigang Street, which had been bought by his father in 1896 for £116, into Bong Bong Street. Having moved the house into town in 1903, and lived in it for some years Alf Jnr. famously moved it out again in 1926 to Victoria Street, where it still stands.

Alf Jnr. would have worked with his father on many of the earlier projects. Like his father, he involved himself in the Methodist Church and public affairs. He became an alderman of Bowral Municipal Council and served as Mayor for two years in 1928 and 1929. He resigned in December 1929 in order to take a trip to England - in part to seek specialist medical attention for his son.

On the 24<sup>th</sup> December 1952 a meeting was arranged by the then retiring mayor Ald. Venables and the election of the new mayor R H Springett. The Southern Mail noted that Amongst those present was ex-alderman Alf Stephens, who was a member of the Council in 1922, and it was then believed that that it was the most progressive Council. Later at this same event Mr. Alf Stephens said he was in the Council when Ald. Venables first came as an alderman. He had known Mrs Venables for many years as they were schoolmates together. His father came to Bowral in 1885 and Mrs. Venables' father about the same time. He had been an alderman for 20 years and served for two years as Mayor and regarded Ald. Venables as the best citizen of Bowral as he had been 30 years in the Council and served 15 of them as Mayor.

Again so very like his father, Alf Jnr. involved himself in the game of cricket. At Bowral Public School, Alf Jnr. captained the team in school competitions. After leaving School, he played with the Surveyors team. He became President of the Berrima District Association in 1919 and held this position until 1960 when he did not seek re-election. As well Alf Jnr. became captain of Bowral 1st Grade in 1921 in which capacity he also acted until his voluntary retirement in 1960. He involved himself with other district and regional cricket organisations throughout his life. Not without reason was Alf Jnr. widely called "The Skipper".

Inevitably, Alf Jnr. knew Don Bradman. Don's father, George, was employed by the Stephens firm. Don attended Bowral Public School, as had Alf about ten years earlier, and played with school teams before he attracted notice in the local senior teams. When In about 1925, Alf Jnr. and Lily built their "forever home" in Aitken Road, (which they called "Grantham" after the place where they had met), they had a concrete cricket pitch laid to the side of the house, where Bradman and the family and the local team could play.

The mentoring relationship was close and remained so. In 1930, when Alf and Lily were in England, Don visited the Stephens' and their relatives at Grantham on the day before his famous 1930 test cricket match. He signed and dated a book, belonging to Lily - a special album/autograph book she had carried with her when she left England in 1914 to marry, and seemingly took back with her on this voyage. The "Don" included the word Grantham in his evocative inscription, perhaps both thinking of home?

During the years that Alf Jnr. and Norrie Stephens ran the firm it continued to grow and flourish. Major projects in the Southern Highlands include Dormie House at Moss Vale Golf Course, the four storey Ranelagh House (now Robertson Hotel) at Robertson, the Bowral Golf Clubhouse in Kangaloon



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

Road, the former Berrima and District Ambulance Station in Bong Bong Street, Bowral and a major rebuild of the Empire Cinema also in Bong Bong Street, Bowral

Work by the firm in Canberra

In Canberra in 1928 the firm secured a major contract for the Church of England Grammar School. The Robertson Mail of 7/12/1928 reported: *"The Prime Minister laid the foundation stone of the Church of England Grammar School at Canberra on Wednesday. The school will be one of the most modern private schools in the Commonwealth. We congratulate Messrs. Alf. Stephens and Son, of Bowral, upon having secured the contract for the erection of the first section of the buildings, which will cost somewhere about £30,000."*

In the same year, 1928, the firm secured the contract for the Church of England Grammar School Headmaster's Residence.

A considerable volume of other work in Canberra followed including the building of hundreds of houses under government contract. So much so that an advertisement in the Southern Mail in May 1940 the firm could advise:

*"Messr. Alf Stephens and Son, [sic] who as old established builders and merchants of Bowral, have a wealth of experience in the planning and erecting of new buildings and in the supply of all builder's requirements.*

*Their experience is so wide that they are able to ensure a thoroughly reliable job. They are contractors to many Federal and State Departments and have also become known through their many outstanding homes and public buildings erected in this district.*

*Located in Boolwey Street is their extensive and modernly equipped joinery department and timber yards where all the requirements of the building trade are met.*

*During 1939 Alf Stephens and Son erected two houses per week in Canberra, beside a large volume of work in this district. These operations gave continuous employment to approximately 200 men in both centres of activity. All joinery work for these jobs was done in the Bowral yard and the firm is justly proud that no work is done outside for any of their building assignments."*

Newspaper reports from The Canberra Times illustrate the work done in Canberra and a fuller research project for another time:

- 17 November 1933. Erection of ten semi-detached brick cottages at Griffith; price £9,051; contractor Alf Stephens and Son. (D. McManus: These were on lots 12 to 21 in Section 2 at Griffith.)
- 30 March 1935. The contract for the erection of six brick residences on Section 35, Brad-don, has been let to Alf Stephens and Son, P.O. Box 9, Bowral. The con-tract price is £6,117.
- 9 August 1935 The contract for the erection of five brick residences ( including two semi-detached) on Section 36, Reid, has been let to Alf Stephen and Sons, I Bowral, the contract price being £6,573.
- 17 January 1936 The contract for the erection of fourteen brick buildings on sections 17 and 28 Kingston has been let to Alf Stephens and Son, of Bowral, the contract price being £14,997.
- March 5 1936: Extensive development at Kingston during the next few months will see the completion of residential blocks on the corner of Canberra and Wentworth Avenues. A start

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

has been made with the erection of 24 buildings, comprising 31 residences (includes semi detached) , for which the successful tenderer was Messrs Alf Stephens and Son, of Bowral. In the first instance, the plans for these buildings provided for composite construction, with brick outer walls and wooden partitions between the rooms. After consideration, however, the department decided to build in brick throughout, and this will result in a considerable saving in maintenance while providing a more substantial building. Messrs Alf Stephens and Son have secured three contracts for six, eight and 10 buildings. And related to same contract: 15 April 1936 Rapid progress is also being made by Messrs Alf Stephens and Son and 24 buildings comprising 31 dwellings are taking shape on Sections 17 and 28 Kingston.

- 26 June 1936 The tender of Alf Stephen and Son, of Bowral, has been accepted for the
- election of three brick residences on Sections 3 and 13, Griffith. The contract price was £4,457, the date for the completion being fixed at December 19, 1936.
- July 16 1936: At the new residential area in Kingston, Alf Stephens & Son expect to have 31 homes completed in about six weeks' time, while an additional 15 residences of a superior type are in various stages of construction at Reid. This firm is also engaged in the erection of 11 residences at Ainslie.
- July 10 1937: A contract for the erection of five superior type residences at the new suburb of Deakin, has been let to Alf. Stephens and Son, of Bowral, the contract price for the five buildings, inclusive of garages, being £9,873. The date for the completion of the work has been fixed for December 6, 1937.
- 12 November 1938: one of the largest contracts for house construction in Canberra has been let to Alf. Stephens and Sons, of Bowral. This involves the construction, at Sections 33 and 34, Ainslie, of 64 cottages, the contract price being £48,317. Provision has been made for the completion of the contract early in August, 1939.
- 2 October 1939: YARRALUMLA COTTAGES The tender of Alf. Stephens and Sons, Bowral, has been accepted for the erection of six residences at Section 63, Yarralumla, the contract involving the expenditure of £5,832. The date for the completion of the work has been fixed at December 31,
- In 13/9/1935 The Canberra Times reported on MASONIC TEMPLE MODERN DESIGN Construction Commenced A modern design similar to that of the Institute of Anatomy is employed on the Canberra Masonic Temple, the first section of which has been commenced and will be ready for occupation in about six months. The site of the Temple is at the corner of Broughton Street and National Circuit, alongside the Hotel Kurrajong, and it is estimated that the completed building will cost approximately £15,000. The first section at present under construction will be about one third of the ultimate building. It will include lodge room, supper room, board room, and all necessary offices. The design of the completed structure provides for the construction of a second storey, and for the erection of a large auditorium at the rear of the ground floor: When the temple is completed, the temporary office accommodation to be provided in the centre of the first section of the building will be moved to the second storey, leaving a spacious foyer leading from the main entrance right through to the auditorium. The building will be faced with synthetic stone. The design is the work of Messrs. M. J. Moir and K. H. Oliphant, acting in conjunction, and the contract for the first portion has been let to Alf. Stephen and Son, Bowral.
- On 1 July 1939 The Canberra Times reported: on the REID METHODIST CHURCH RENOVATED A full congregation was present at the Reid Methodist Church for a service at which new furnishings, including a Communion Table and a Baptismal Font were dedicated. The 'furnishings formed part of a scheme of alterations to the chancel end of the building. The Holy Table, which has been placed in the central position, is a solid carved oak structure

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

surmounted by a Cross of the same wood. A simple, but finely-designed oak Font has been placed at the north-eastern corner of the nave, while the choir and organ are situated on the opposite side, with suitably carved panellings. The design is in line with the symmetry of the buildings and greatly enhances its beauty. This work, together with certain repairs to the Church fabric, necessitated by a slight outward movement of the wall at the north-western corner, was carried out by Messrs Alf. Stephens and Son, of Bowral. ....The Reid Church, formerly known as the "South Ainslie Methodist Church," was opened in 1927. The present alterations and additions have made the building complete.

- In February 1941 The Canberra Times reported the opening of Woolworths built by Alf Stephens and Sons in Kennedy Street in the Kingston shopping centre

*WOOLWORTHS IN KINGSTON*

*Modern Store in Kingston. One of the most notable additions to the Kingston shopping centre—Woolworths' new store— will open its doors on Thursday, in Kennedy St., Kingston. After many weeks of industrious effort, a modern and imposing building stands on this site, and internally it reflects all the up-to-date improvements which the resources of this extensive organisation have been able to devise. This is the 96th unit of the Woolworths Chain of Stores, which is spread throughout Australia and New Zealand.*

*The new Woolworth building at Kingston is similar in construction, fittings and elaborate finish to those which have become well known throughout the country. The familiar island and side counters, with their facilities for display, have been placed along the full length of the premises.*

*A striking feature to be seen on entering the shop is an elaborate ceiling which has shaded and mottled cornices and umber outlinings on a cream base. Two rows of large sky lights, each opened by a single winding apparatus placed on the floor are let into the ceiling for daylight effect. The walls consist of texture finished Travatine blocks, shaded and lined.*

*The interests of the staff have been kept well in mind. Electric foot-warmers and folding stools have been provided behind the counters, besides lunch rooms for girls and men. A locker is provided for each girl on the staff, and the lunch room is furnished with seats, tables and electrical conveniences. The main shop is 150 feet long by 34 feet wide. The building widens out at the rear to 50 feet and the basement is 50 ft. by 70ft.*

*The building was erected by Alf Stephens and Son, Builder, under the supervision of Kenneth H. Oliphant, Architect.*

Alf Jnr. found time amidst all this to continue playing cricket and be involved in district cricket organisations. He involved himself in Rotary, and on visits to England in 1948 and 1953 spoke at meetings there in many towns. He received a particularly warm welcome at Grantham to which parcels had been sent from Bowral for distribution to the aged and needy. Whilst in England on these occasions, Alf Jnr. also saw some of Don Bradman's most notable cricket matches.

The Southern Highland News of 29 July 1965 carried a report that, after 53 years, Alf Jnr. was retiring. Many of the tradesmen employed by the firm had more than 30 years of experience there. Mr Geoffrey Charles Plater took over as owner.

Alf Jnr. died in October 1973 in Bowral, aged 86. Lily predeceased him in 1971. They were survived by two daughters Peggy and Joan, son Jack having died in 1944.

# Planning Proposal

to amend Wingecarribee Local Environmental Plan  
2010 to include 2, 4 & 6 Myrtle Street, Bowral,  
within the Bowral Conservation Area and create a  
new heritage item at 26 Elizabeth Street, Moss Vale

Version 1 for Council Determination  
February 2022

*Working with you*

WSC.NSW.GOV.AU



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



**Attachments which form part of this Planning Proposal**

1	Interim Heritage Order No. 12 published on 19 November 2021
2	Interim Heritage Order No. 13 published on 19 November 2021
3	Report to Council and Minutes 9 December 2021 re Interim Heritage Orders
4	Report to Council and Minutes 16 March 2022
5	Delegation Request Form

*Please note that these attachments are absent from the Planning Proposal version attached to the Business Paper for the Local Planning Panel meeting of 2 March 2022 and the Council Meeting of 16 March 2022.*

**Address of the Land**

<b>Legal Description</b>	Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898 Lot 1 DP 986025 and Lot 110 DP 87731
<b>Property Address</b>	2, 4 and 6 Myrtle Street, Bowral 26 Elizabeth Street, Moss Vale

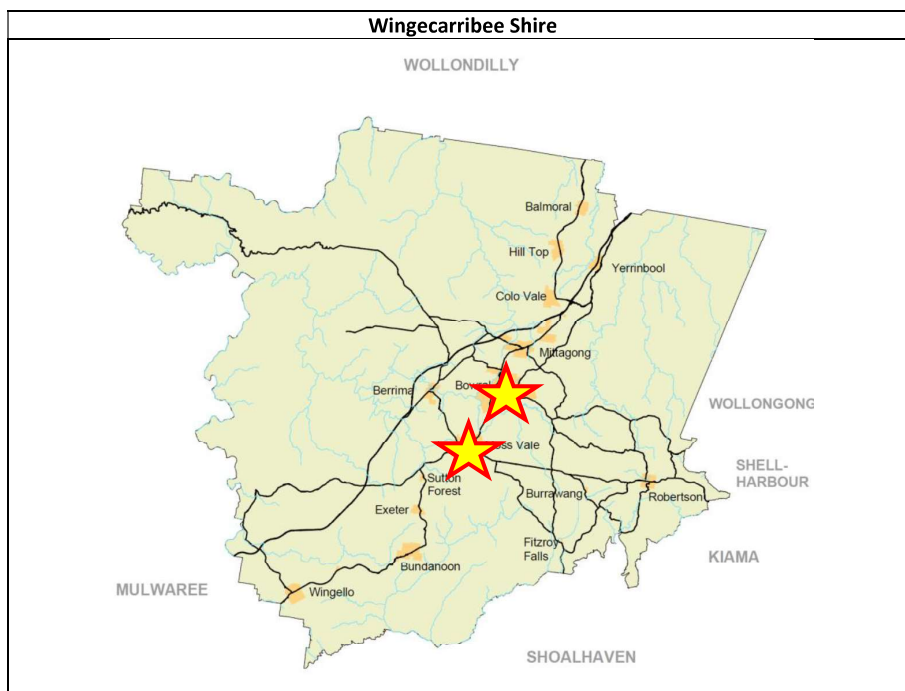


Figure 1: Location Map (Shire wide)



## Site Location & Description

This Planning Proposal relates to four sites: three neighbouring properties in Myrtle Street, Bowral, and one in Elizabeth Street, Moss Vale, comprising two lots. **Figure 2** and **Figure 5** show the locations of the sites in the context of the towns of Bowral and Moss Vale, respectively, and **Figure 3** and **Figure 7** display aerial photographs of the sites.

### 2, 4 & 6 Myrtle Street, Bowral

These sites are located on the eastern side of Myrtle Street, Bowral, between Merrigang and Shepherd Streets. 2 & 4 Myrtle Street each contains a modest rendered brick and Marseilles terracotta tile roofed dwelling surrounded by established gardens with many mature tree species including a large pin oak, a large Liquidambar, numerous large conifers, a large Himalayan cedar (deodar), established maples and various smaller ornamental and fruit trees. Additionally, no. 4 contains a fine trachyte retaining wall and trachyte paths in excellent condition. No. 6 Myrtle Street contains a recently renovated house and garden. The houses were built contemporaneously in 1949. Due to the topography which sees the ground level rise from Myrtle Street at a gradient of approximately 1:6 or 16%, all houses gain vehicular access from Oak Lane to the rear, creating a distinctive streetscape in Myrtle Street with no driveways or garages visible from the street on the eastern side.

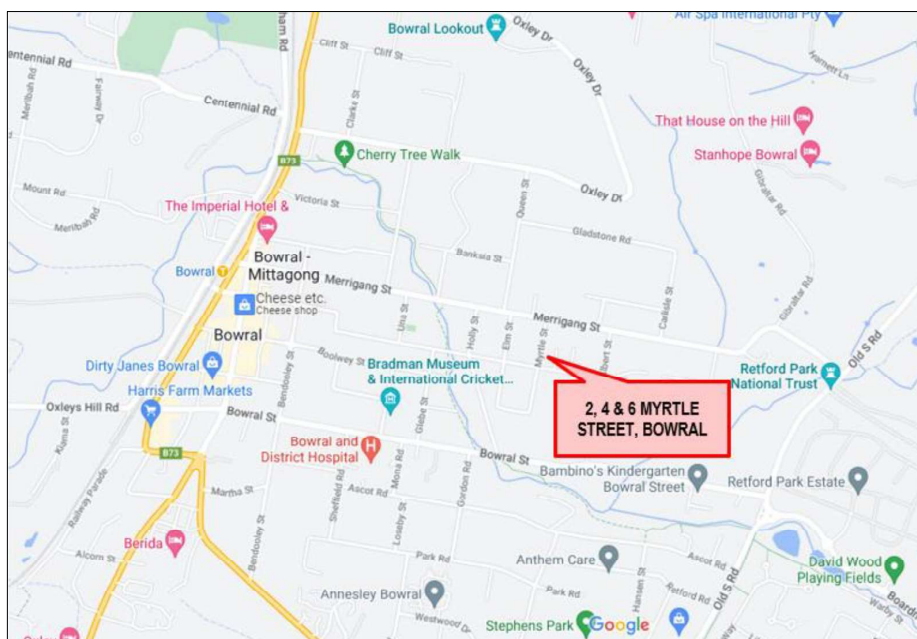


Figure 2: The location of 2, 4 & 6 Myrtle Street in the context of Bowral (source: Google Maps)

The houses were very likely designed and built by prominent Bowral based and prolific local builder, Alf Stephens Jnr from Alf Stephens & Sons Pty Ltd, although the original 1949 building applications have not been located in Council's records.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



Figure 3: Aerial photo of 2, 4 and 6 Myrtle Street (Source: Nearmap, December 2021)

The Myrtle Street sites are zoned R3 Medium Density Residential with a minimum lot size of 700m<sup>2</sup>. No. 2 Myrtle Street is 1,743m<sup>2</sup> in area, no. 4 is 1,623m<sup>2</sup> in area, and no. 6 is 1,620m<sup>2</sup> in area.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



Figure 4: Photo of 2, 4 and 6 Myrtle Street from Myrtle Street (January 2022)

'Karingal', 26 Elizabeth Street, Moss Vale

The site known as 'Karingal' is located on the southern side of Elizabeth Street between Robertson Road and Valetta Street in Moss Vale. The property comprises two allotments: Lot 1 DP 986025 which contains the house and Lot 110 DP 877316 which contains the bulk of the garden, including the site of the former tennis court. **Figure 5** shows the location of 'Karingal' in the context of the town of Moss Vale and **Figure 7** shows an aerial photo of the property.

The house was built c.1927 (Interwar period) in a Californian Bungalow style out of dark local bricks (Bowral bricks) on trachyte foundations with a terracotta tile roof and matching brick and trachyte front fence that spans the width of the nearly 50 metre street frontage. The house is substantially intact although some alterations have been made over time. The grounds are substantially intact except for several senescent trees that were removed near the rear boundary, a large oak tree removed at the front of the house after being seriously damaged by a lightning strike in 2013, and the removal of the tennis court which has been replaced by a parterre garden immediately adjacent to the house to the east. **Figure 6** shows a photo of 'Karingal' from the street.



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

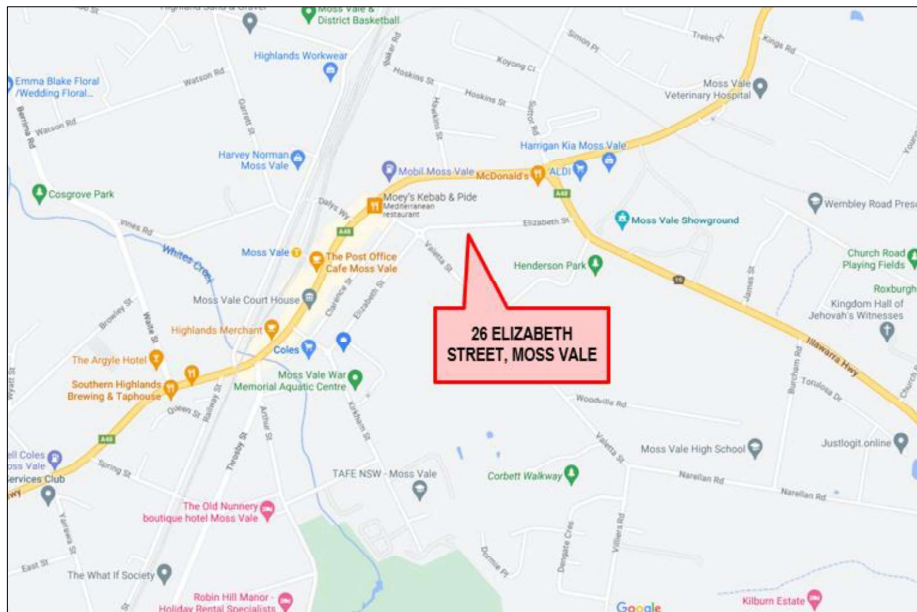


Figure 5: The location of 26 Elizabeth Street in the context of Moss Vale (source: Google Maps)



Figure 6: Photo of 'Karingal' from the street showing the gardens and brick & trachyte fence (January 2022)

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

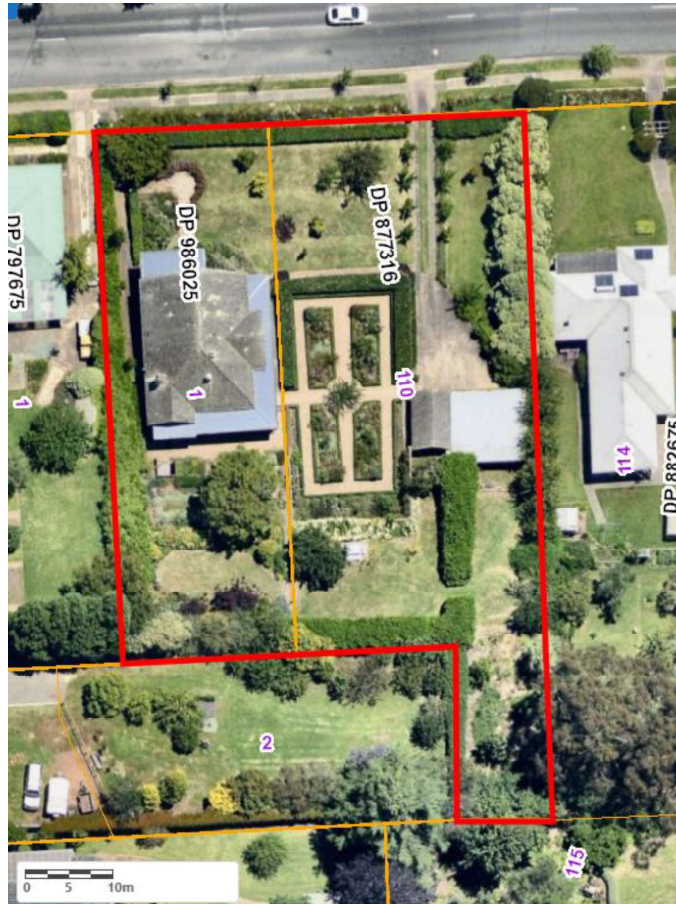


Figure 7: Aerial photo of 'Karingal' with cadastral boundaries (Source: Nearmap, December 2021)

Elizabeth Street, including no. 26, is zoned R3 Medium Density Residential and has a minimum lot size of 700m<sup>2</sup>. The total site area of the two lots that comprise 'Karingal' is 3,239m<sup>2</sup> making it the second largest land holding in this section of Elizabeth Street. (No. 8 Elizabeth Street is significantly larger than the subject site but contains an early 20<sup>th</sup> Century single dwelling and a multi-unit housing development dating from the mid-20<sup>th</sup> Century.) Given the size of the site and the medium density zoning, the site is under development pressure as a desirable development site.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



**Part 1: Objectives or Intended Outcomes**

The intended outcomes of this Planning Proposal are to include 2, 4 and 6 Myrtle Street, Bowral, within the existing Bowral Conservation Area and include 26 Elizabeth Street, Moss Vale, as a new heritage item to be called *“Karingal” Interwar bungalow and garden including brick and trachyte fence*”.

**Part 2: Explanation of the Provisions**

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

Add to Schedule 5, Part 1 (Heritage Items) the following new item:

Suburb	Item Name	Address	Property description	Significance	Item No.
Moss Vale	‘Karingal’ Interwar bungalow and garden including brick and trachyte fence	26 Elizabeth Street	Lot 1 DP 986025 and Lot 110 DP 877316	Local	11521

- To achieve the intended outcomes of the Planning Proposal the following amendments to WLEP 2010 maps will be required:

Map(s) to be Revoked	Map(s) to be Adopted
Heritage Map – Sheet HER_007C 8350_COM_HER_007C_020_20170327	Heritage Map – Sheet HER_007C (as amended)
Heritage Map – Sheet HER_007E 8350_COM_HER_007E_020_20170123	Heritage Map – Sheet HER_007E (as amended)



## Part 3: Justification of Objectives, Outcomes & Process

### Section A – Need for the Planning Proposal

#### 1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is the result of a combination of in-house assessment and consultant assessment of the heritage significance of two neighbouring sites in Myrtle Street, Bowral (nos. 2 & 4) and 26 Elizabeth Street, Moss Vale. No. 4 Myrtle Street and 26 Elizabeth Street were both subject to proposed developments which threatened the heritage significance of these properties and were the cause of concern for members of the community who requested Council issue Interim Heritage Orders over both properties. Interim Heritage Order No. 12 over 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 over 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette on 19 November 2021.

The heritage assessments, undertaken in accordance with the NSW Heritage Manual and the NSW Heritage publication “Assessing Heritage Significance”, concluded that the house, grounds and front fence at 26 Elizabeth Street, Moss Vale, were worthy of local heritage listing being found to have met five out of the seven heritage assessment criteria on a local level (namely historical, associational, aesthetic/technical, rarity and representativeness). This reinforced the findings of a 2009 study by heritage consultants on behalf of Council that recommended that the site be heritage listed.

The heritage assessment for 2 & 4 Myrtle Street, Bowral, did not demonstrate strong heritage characteristics in the buildings themselves, but heritage significance was considered to be present in the association with the probable builder, the fact that the group of three (including no. 6) is still extant, and the high streetscape character values. As a result, the in-house heritage assessment concluded that protection of streetscape values could be achieved through inclusion of the properties within the existing Bowral Conservation Area which lies just to the west of Myrtle Street.

#### 2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the only way of achieving the statutory local listing of an item of heritage and to include a property within a Heritage Conservation Area.

### Section B – Relationship to the Strategic Planning Framework

#### 3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The Wingecarribee Shire is within the area subject to the South East and Tablelands Regional Plan 2036. This plan is currently under review and a draft is not yet available. The relevant sections of the current plan (2036) are addressed below in relation to this Planning Proposal:

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



Vision

In its Vision, the Regional Plan recognises that there are areas of distinct character and heritage that are celebrated by their communities within the Region. Identification and listing of areas and sites of cultural heritage provides greater certainty for property owners and developers.

Goal 1: A Connected and Prosperous Economy

- **Direction 9: Grow Tourism in the Region** – heritage tourism is a strong tourism theme in the Wingecarribee Shire and one that continually attracts tourists to the area. The enhancement of heritage tourism through the protection of historic places and streetscapes assists in maintaining and growing tourism within the Shire.

Although there are no specific Actions under this Goal or Directions that directly relate to heritage, the Planning Proposal is consistent with Goal 1.

Goal 2: A diverse environment interconnected by biodiversity corridors

There are no Directions or Actions relevant to heritage under this Goal. However, the Planning Proposal does not affect or undermine any of the Directions or Actions under Goal 2.

Goal 3: Healthy and Connected Communities

- **Direction 23: Protect the region's heritage** – the identification of places of heritage significance through heritage studies and heritage assessments is consistent with this direction. The Planning Proposal is consistent with Action 23.1 (Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local strategies) and Action 23.3 (Conserve heritage assets during local strategic planning and development).

The Planning Proposal is consistent with the relevant Direction and Actions under Goal 3.

Goal 4: Environmentally sustainable housing choices

- **Direction 24: Deliver greater housing supply and choice** – this direction focuses on delivery of greater housing supply and choice which should be achieved while protecting areas of high value, including high cultural heritage value. The subject sites are identified as being of heritage value that warrant protection.

It is recognised that heritage listing of places has a direct impact on developability of those places as heritage mainly has a subduing effect on developability. The four sites that are subject to this Planning Proposal are within existing R3 Medium Density Residential zone and heritage listing or inclusion in heritage areas will limit the amount to which these sites can be developed for housing. However, planning is responsible for orderly and appropriate development and limiting development on heritage significant sites and within heritage areas is justified. Therefore, the Planning Proposal is consistent with Goal 4.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



Local Government Narratives

One of the stated priorities for the Wingecarribee Shire in the Local Government Narratives section of the Regional Plan is to “protect the Shire’s valued heritage assets”. This Planning Proposal is consistent with that priority.

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

Wingecarribee 2031 Community Strategic Plan

The *Wingecarribee 2031 Community Strategic Plan (CSP)* (2017) reflects the community's aspirations and needs for the future. The community’s vision for Wingecarribee 2031 is “A healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment”.

The CSP articulates the community’s vision, goals and actions under the five key areas of Leadership, People, Places, Environment and Economy. The listing of new heritage items is identified as strategy 3.2.3 (Identify, protect and promote places of significant cultural heritage) under the key area of *Places* and under goal 3.2 (Wingecarribee has maintained a distinct character and separation of towns and villages). Council is committed to ensuring that places of heritage significance are identified, assessed and listed, as appropriate. This Planning Proposal is consistent with that goal and strategy.

Wingecarribee 2040: Local Strategic Planning Statement

The Wingecarribee 2040: Local Strategic Planning Statement (LSPS) was adopted by Council on 24 June 2020. The following Planning Priorities and Actions under the umbrella of “Our Places” in the LSPS are relevant to this Planning Proposal. A comment on each is provided.

LSPS Priority & Action	Comment
<b>Planning Priority 6.1: Maintain the unique character of our towns and villages, separated by rich natural areas and rural landscapes</b>	
Action i. Adopt a place-based approach to planning in local towns and villages to ensure that their special character is preserved.	The identification of elements within towns and villages that require protection and place-based controls is consistent with this action.
<b>Planning Priority 6.2: Identify, protect and promote our cultural and built heritage</b>	
Action i. Continue to implement best practice management and assessment of both Aboriginal Cultural Heritage and Non-Aboriginal Heritage sites in collaboration with the community.	Best practice management of heritage sites commences with identification and assessment in accordance with the heritage assessment criteria and subsequent listing, if warranted. The proposed listing of ‘Karingal’ and the inclusion of properties in Myrtle Street within an existing heritage conservation area is consistent with this action.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



Action ii. Review and maintain heritage listings in Wingecarribee LEP to facilitate the conservation of the Shire’s heritage.	The Planning Proposal is consistent with this action to ensure that the list of heritage items is dynamic and is added to and reviewed regularly and as potential items are identified.
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Furthermore, the Bowral Precinct Plan contained in the LSPS identifies “Heritage precincts and individual items of Heritage” as contributory elements in the character assessment of Bowral. The expansion of the Bowral Conservation Area to include properties in Myrtle Street will be adding to these contributory elements of Bowral.

Wingecarribee Local Housing Strategy: Housing Our Community

The Wingecarribee Local Housing Strategy: *Housing Our Community* (LHS) was initially adopted by Council in June 2020 and amended in July 2021. It identifies the needs, demand, constraints and opportunities for housing throughout the Wingecarribee Shire. It identifies potential new areas for housing and existing potential within existing towns and villages. Under Planning Priority 1 (Promote infill development and increased densities in appropriate locations, and facilitate a greater mix of housing types to ensure our housing stock is reflective of the needs of our community) the value of heritage is recognised in context:

*Council is committed to increasing housing choice and diversity but is equally committed to protecting and enhancing the heritage and character of our towns and villages and ensuring that new housing is consistent with the values and expectations of our community.*

Although the Planning Proposal may have the effect of reducing development potential on these sites, it is in the context that preservation of heritage is important to the community and to provision of housing at the expense of heritage assets will not be tolerated by the community. Therefore, this Planning Proposal is not inconsistent with the Local Housing Strategy.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



**5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

*NB: SEPPs which do not apply to Wingecarribee Shire have been excluded.*

<b>SEPP (Building Sustainability Index : BASIX) 2004</b>
<p>(1) Regulations under the Act have established a scheme to encourage sustainable residential development (<b>the BASIX scheme</b>) under which:</p> <ul style="list-style-type: none"> <li>(a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and</li> <li>(b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.</li> </ul> <p>(2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.</p> <p>(3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.</p>
<p><b>Assessment – Consistent</b> The provisions of this SEPP would apply at any subsequent Development Application stage.</p>
<b>SEPP (Educational Establishments &amp; Child Care Facilities) 2017</b>
<p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</p> <ul style="list-style-type: none"> <li>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</li> <li>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</li> <li>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</li> <li>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</li> <li>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</li> <li>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</li> <li>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</li> <li>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</li> </ul>



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<p><b>Assessment – Consistent</b> The Planning Proposal does not apply to any existing educational establishments or child care facilities. <i>Educational establishments</i> and <i>early education and care facilities</i> are permissible with consent in the R3 Medium Density Residential zone, and the SEPP would apply to these types of land uses should development consent be sought.</p>
<p><b>SEPP (Exempt &amp; Complying Development Codes) 2008</b></p> <p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—</p> <ul style="list-style-type: none"> <li>(a) providing exempt and complying development codes that have State-wide application, and</li> <li>(b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and</li> <li>(c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and</li> <li>(d) enabling the progressive extension of the types of development in this Policy, and</li> <li>(e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.</li> </ul>
<p><b>Assessment – Consistent</b> The Planning Proposal does not specifically apply to any development applicable under this SEPP. However, it is acknowledged that the opportunities for exempt and complying development will be restricted on the subject properties resulting from this Planning Proposal due to their change in heritage status.</p>
<p><b>SEPP (Housing) 2021</b></p> <p>The principles of this Policy are as follows—</p> <ul style="list-style-type: none"> <li>(a) enabling the development of diverse housing types, including purpose-built rental housing,</li> <li>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>(c) ensuring new housing development provides residents with a reasonable level of amenity,</li> <li>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</li> <li>(e) minimising adverse climate and environmental impacts of new housing development,</li> <li>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</li> <li>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</li> <li>(h) mitigating the loss of existing affordable rental housing.</li> </ul>
<p><b>Assessment – Consistent</b> This Planning Proposal does not affect the operation of this SEPP except that certain types of complying development may not be available on a heritage site under the SEPP. However, development applications may be accepted for those types of development and proposals that properly address heritage matters would be capable of approval.</p> <p>Chapter 3, Part 8 (Manufactured home estates) does not apply to land within a water catchment (as prescribed by Schedule 2). The subject sites are within the Sydney Drinking Water Catchment Area and therefore that part of the SEPP does not apply.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<p><b>SEPP (Infrastructure) 2007</b></p> <p>The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—</p> <ul style="list-style-type: none"> <li>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</li> <li>(b) providing greater flexibility in the location of infrastructure and service facilities, and</li> <li>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</li> <li>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</li> <li>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</li> <li>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</li> <li>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</li> </ul>
<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal does not specifically apply to any development applicable under this SEPP. However, it is acknowledged that should any provisions of the SEPP be of future relevance to the subject land, the applicability of the provisions may change as a result of the Planning Proposal (e.g. heritage restrictions and considerations will apply).</p>
<p><b>SEPP (Koala Habitat Protection) 2020 &amp; 2021</b></p> <p>The SEPP (Koala Habitat Protection) 2020 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—</p> <ul style="list-style-type: none"> <li>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</li> <li>(b) by encouraging the identification of areas of core koala habitat, and</li> <li>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</li> </ul> <p>The Policy applies to land within Wingecarribee Shire zoned RU1 Primary Production, RU2 Rural Landscape and RU3 Forestry.</p> <p>The SEPP (Koala Habitat Protection) 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <p>‘Koala SEPP 2021’ provides for three different development assessment processes:</p> <ol style="list-style-type: none"> <li>1. Development on land to which the Policy and an approved koala plan of management applies (clause 10);</li> <li>2. Development on land to which the Policy applies, has an area of at least 1 hectare and to which no approved koala plan of management applies (clause 11);</li> <li>3. Other land to which no approved koala plan of management applies and where the council is satisfied that the land is not core koala habitat (clause 12).</li> </ol> <p>Koala Plans of Management approved under any previous Koala SEPP are taken to be an approved Koala Plan of Management under the Koala SEPP 2021.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<p><b>Assessment – Consistent</b> The sites that are the subject of this Planning Proposal are disturbed sites and contain little, if any, native vegetation. Furthermore, the sites are less than 1 hectare, both individually and collectively. Therefore, the SEPP is not relevant to the subject sites.</p>
<p><b>SEPP (Mining, Petroleum Production &amp; Extractive Industries) 2007</b> The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries - (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and (b1) to promote the development of significant mineral resources, and (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and (d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development - (i) to recognise the importance of agricultural resources, and (ii) to ensure protection of strategic agricultural land and water resources, and (iii) to ensure a balanced use of land by potentially competing industries, and (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.</p>
<p><b>Assessment – Consistent</b> The Planning Proposal does not affect the application of this SEPP. However, certain types of exempt development under this SEPP may be restricted by the change in heritage status anticipated by this Planning Proposal. Exempt development on heritage sites is normally restricted activities that have a minor or negligible effect on heritage significance.</p>
<p><b>SEPP No 33 - Hazardous &amp; Offensive Development</b> This Policy aims— (a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and (c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and (d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and (e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and (f) to require the advertising of applications to carry out any such development.</p>
<p><b>Assessment – Consistent</b> The Planning Proposal applies to land within the R3 Medium Density Residential zone. Hazardous and offensive industries are prohibited in the R3 zone.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<b>SEPP No 50 – Canal Estate Development</b>
This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.
<b>Assessment – Consistent</b> The SEPP does not apply to land within a water catchment (as prescribed by Schedule 2 of the SEPP). The subject land is within the Sydney Drinking Water Catchment Area and therefore the SEPP does not apply.
<b>SEPP No 55 - Remediation of Land</b>
The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—
<ul style="list-style-type: none"> <li>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</li> <li>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</li> <li>(c) by requiring that a remediation work meet certain standards and notification requirements.</li> </ul>
<b>Assessment – Consistent</b> The subject sites have been in residential usage for more than 70 years and the lands are not considered to have any significant contamination risk. The Planning Proposal does not seek to change the use or the zoning of the subject sites.
<b>SEPP No 64 – Advertising &amp; Signage</b>
This Policy aims -
<ul style="list-style-type: none"> <li>(a) to ensure that signage (including advertising): <ul style="list-style-type: none"> <li>(i) is compatible with the desired amenity and visual character of an area, and</li> <li>(ii) provides effective communication in suitable locations, and</li> <li>(iii) is of high quality design and finish, and</li> </ul> </li> <li>(b) to regulate signage (but not content) under Part 4 of the Act, and</li> <li>(c) to provide time-limited consents for the display of certain advertisements, and</li> <li>(d) to regulate the display of advertisements in transport corridors, and</li> <li>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</li> </ul>
<b>Assessment – Consistent</b> The Planning Proposal does not specifically apply to signage. However, it is acknowledged that the opportunities for signage may be restricted on the subject land under this Policy resulting from this Planning Proposal due to the change in heritage status.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<b>SEPP No 65 – Design Quality of Residential Apartment Development</b>
<p>This Policy aims to improve the design quality of residential apartment development in the State. The Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. Improving the design quality of residential apartment development aims:</p> <ul style="list-style-type: none"><li>(a) to ensure that it contributes to the sustainable development of New South Wales:<ul style="list-style-type: none"><li>(i) by providing sustainable housing in social and environmental terms, and</li><li>(ii) by being a long-term asset to its neighbourhood, and</li><li>(iii) by achieving the urban planning policies for its regional and local contexts, and</li></ul></li><li>(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and</li><li>(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and</li><li>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</li><li>(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and</li><li>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</li><li>(g) to support housing affordability, and</li><li>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</li></ul> <p>The Policy also aims to provide:</p> <ul style="list-style-type: none"><li>(a) consistency of policy and mechanisms across the State, and</li><li>(b) a framework for local and regional planning to achieve identified outcomes for specific places.</li></ul>
<p><b>Assessment – Consistent</b></p> <p>The subject properties are zoned R3 Medium Density Residential where residential flat buildings are permissible with consent. However, the sites in both Bowral and Moss Vale are within areas designated by the respective DCPs where residential flat buildings are not permissible. Therefore, this SEPP would not be applicable on these sites.</p>
<b>SEPP(Primary Production &amp; Rural Development) 2019</b>
<p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"><li>(a) to facilitate the orderly economic use and development of lands for primary production,</li><li>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</li><li>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</li><li>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</li><li>(e) to encourage sustainable agriculture, including sustainable aquaculture,</li><li>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</li><li>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</li></ul>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<p><b>Assessment – Consistent</b> The Planning Proposal applies to the land in a residential zone in an existing urban area. Therefore, the SEPP does not specifically apply to this Planning Proposal.</p>
<p><b>SEPP (State &amp; Regional Development) 2011</b></p> <p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> <li>(a) to identify development that is State significant development,</li> <li>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</li> <li>(c) to identify development that is regionally significant development.</li> </ul>
<p><b>Assessment – Consistent</b> The Planning Proposal does not affect the application of this SEPP.</p>
<p><b>SEPP (Sydney Drinking Water Catchments) 2011</b></p> <p>The aims of this Policy are -</p> <ul style="list-style-type: none"> <li>(a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and</li> <li>(b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and</li> <li>(c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.</li> </ul>
<p><b>Assessment – Consistent</b> The subject sites are within a drinking water catchment covered by the Policy. Should a Gateway Determination be received, referral to WaterNSW would occur as required under this Policy and Ministerial Direction 5.2 (Sydney Drinking Water Catchments). Should the Planning Proposal proceed to public exhibition, the WaterNSW response would be included and this Assessment updated accordingly.</p>
<p><b>SEPP (Urban Renewal) 2010</b></p> <p>The aims of this Policy are -</p> <ul style="list-style-type: none"> <li>(a) to establish the process for assessing and identifying sites as urban renewal precincts,</li> <li>(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</li> <li>(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.</li> </ul>
<p><b>Assessment – Consistent</b> The subject land is not within a potential urban renewal precinct identified by the SEPP, therefore the SEPP does not apply to the subject land and the Planning Proposal.</p>
<p><b>SEPP (Vegetation in Non-Rural Areas) 2017</b></p> <p>The aims of this Policy are -</p> <ul style="list-style-type: none"> <li>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</li> <li>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</li> </ul>
<p><b>Assessment – Consistent</b> This Policy only applies to removal of trees on heritage sites and in heritage areas where the removal is of a minor nature and would not adversely affect the heritage significance of the heritage place (clause 10). The change in heritage status for the subject properties will restrict vegetation removal under this SEPP and will ensure that only tree removals that do not affect the heritage significance are undertaken under this SEPP.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



**6. Is the Planning Proposal consistent with applicable Local Planning Directions (s.9.1(2) of the EP&A Act)?**

*Note: The following Directions will come into force on 1 March 2022.*

<b>Focus Area 1: Planning Systems</b>
<b>1.1 Implementation of the Minister's Planning Principles</b>
This Direction applies to ensure that the Minister's Planning Principles are given regard in the assessment of all planning proposals to support improved outcomes.
<b>Assessment – Consistent</b>
The identification, conservation and management of heritage is embodied in the Minister's Focus Area No. 3: Biodiversity and conservation. Planning Principle No. 3.13 states: <i>3.13 Heritage protection, conservation and management strategies should be included in strategic and land use planning to avoid or minimise any negative heritage impacts from development, as well as provide innovative opportunities to enhance and celebrate NSW's rich heritage.</i>
Identification of places of heritage significance and the subsequent listing of these places provides greater certainty in the planning and development of these sites and surrounding areas. This Planning Proposal seeks to list places that have been assessed as being of heritage significance.
<b>1.2 Implementation of Regional Plans</b>
The objective of this Direction is to give legal effect to vision, land use strategy, goals, directions and actions contained in Regional Plans.
<b>Assessment – Consistent</b>
Question 3 in Section B of this Planning Proposal has addressed the relevant parts of the South East & Tablelands Regional Plan.
<b>1.3 Development of Aboriginal Land Council land</b>
The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.
<b>Assessment – Consistent</b>
This Direction currently only applies in the Central Coast local government area.
<b>1.4 Approval and Referral Requirements</b>
The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.
<b>Assessment – Consistent</b>
This Planning Proposal involves the identification of heritage items and to list and manage them in accordance with existing provisions in the Wingecarribee Local Environmental Plan 2010.
<b>1.5 Site Specific Provisions</b>
The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.
<b>Assessment – Consistent</b>
This Planning Proposal does not involve any change in zoning or any site specific provisions.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<b>Focus Area 1: Planning Systems – Place-based</b>
1.6 Parramatta Road Corridor Urban Transformation Strategy
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor
1.11 Implementation of the Western Sydney Aerotropolis Plan
1.12 Implementation of Bayside West Precincts 2036
1.13 Implementation of Planning Principles for the Cooks Cove Precinct
1.14 Implementation of St Leonards and Crows Nest 2036 Plan
1.15 Implementation of Greater Macarthur 2040
1.16 Implementation of the Pyrmont Peninsula Place Strategy
1.17 North West Rail Link Corridor Strategy
<b>Assessment – Consistent</b>
The above Directions do not apply in Wingecarribee Shire.

<b>Focus Area 2: Design and Place</b>
<i>There are no Directions under this Focus Area</i>

<b>Focus Area 3: Biodiversity and Conservation</b>
<b>3.1 Conservation Zones</b>
The objective of this Direction is to protect and conserve environmentally sensitive areas.
<b>Assessment – Consistent</b>
The sites subject of this Planning Proposal are not within an existing environmental or conservation zone and are not environmentally sensitive land.
<b>3.2 Heritage Conservation</b>
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
<b>Assessment – Consistent</b>
The Planning Proposal seeks to conserve environmental heritage places that are the subject of Interim Heritage Orders and have undergone a heritage assessment in accordance with the NSW Heritage Guidelines. The Wingecarribee Local Environmental Plan 2010, which is a standard instrument LEP, contains compulsory clause 5.10 relating to heritage conservation. The new heritage places would be subject to these provisions once they are included as a heritage item and within a heritage conservation area.
<b>3.3 Sydney Drinking Water Catchments</b>
The objective of this direction is to protect water quality in the Sydney drinking water catchment in which Wingecarribee Shire is included.
<b>Assessment – Consistent</b>
Although the Planning Proposal applies to land within the Sydney Drinking Water Catchment, it seeks to maintain the existing zoning and land use of the subject land and create a new heritage overlay which will likely have a subduing effect on development potential, thereby helping to protect water quality. Should a Gateway Determination be issued, it is expected that it will require referral of the Planning Proposal to WaterNSW.



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b>
The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.
<b>Assessment – Consistent</b> This Directions does not apply in Wingecarribee Shire.
<b>3.5 Recreation Vehicle Areas</b>
The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.
<b>Assessment – Consistent</b> The Planning Proposal does not seek to enable development for a recreation vehicle area.
<b>Focus Area 4: Resilience and Hazards</b>
<b>4.1 Flooding</b>
The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not within a flood planning area or probable maximum flood as identified in the Bowral Floodplain Risk Management Study 2009, the Wingecarribee River Flood Study 2014 or the Whytes Creek Floodplain Risk Management Study 2020 (Moss Vale) adopted by Council and current at this time.
<b>4.2 Coastal Management</b>
The objective of this direction is to protect and manage coastal areas of NSW.
<b>Assessment – Consistent</b> This Direction does not apply to Wingecarribee Shire.
<b>4.3 Planning for Bushfire Protection</b>
The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas.
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not located in a mapped fire prone area.
<b>4.4 Remediation of Contaminated Land</b>
The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.
<b>Assessment – Consistent</b> The Planning Proposal does not apply to the land that is or is likely to be contaminated as it has been in residential use for at least 70 years.
<b>4.6 Mine Subsidence and Unstable Land</b>
The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are within Bowral and Moss Vale and are not located within a mapped Mine Subsidence Area.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<b>Focus Area 5: Transport and Infrastructure</b>
<b>5.1 Integrating Land Use and Transport</b>
The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.
<b>Assessment – Consistent</b> The Planning Proposal seeks to provide heritage protection for two discrete areas within the towns of Bowral and Moss Vale. This action would not create additional infrastructure demands, as the subject sites are already developed for residential uses.
<b>5.2 Reserving Land for Public Purposes</b>
The objectives of this direction are to: (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.
<b>Assessment – Consistent</b> The Planning Proposal does not apply to any land or zonings identified for public purposes.
<b>5.3 Development Near Regulated Airports and Defence Airfields</b>
The objectives of this direction are to: (a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not located near a regulated airport or defence airfield.
<b>5.4 Shooting Ranges</b>
The objectives are to: (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not in the vicinity of any existing shooting ranges.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<b>Focus Area 6: Housing</b>
<b>6.1 Residential Zones</b>
The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.
<b>Assessment – Consistent</b> This Direction applies as the Planning Proposal affects existing R3 Medium Density Residential zoned land. The Planning Proposal does not seek to alter the boundaries of the existing zone or the existing minimum lot size. However, it seeks to include the subject properties as a new heritage item and within an existing conservation area, in order to protect the local heritage of the Shire. This will have the effect of confining future development on these properties to that which is respectful of the heritage values of the sites/area.
<b>6.2 Caravan Parks and Manufactured Home Estates</b>
The objectives of this direction are to: (a) provide for a variety of housing types, and (b) provide opportunities for caravan parks and manufactured home estates.
<b>Assessment – Consistent</b> The Planning Proposal does not identify land suitable for caravan parks nor alter existing opportunities for caravan park development.
<b>Focus Area 7: Industry and Employment</b>
<b>7.1 Business and Industrial Zones</b>
The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.
<b>Assessment – Consistent</b> The Planning Proposal applies to existing R3 Medium Density Residential zoned land and does not affect employment lands.
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>
The objectives of this direction are to: (a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and (b) ensure the impacts of short-term rental accommodation and views of the community are considered.
<b>Assessment – Consistent</b> This Direction applies only to Byron Shire Council.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 3

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<b>7.3 Commercial and Retail Development along the Pacific Highway, North Coast</b>
The objectives for managing commercial and retail development along the Pacific Highway are to: (a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route, (b) prevent inappropriate development fronting the highway, (c) protect public expenditure invested in the Pacific Highway, (d) protect and improve highway safety and highway efficiency, (e) provide for the food, vehicle service and rest needs of travellers on the highway, and (f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.
<b>Assessment – Consistent</b> This Direction applies only to local government areas north of Port Stephens Shire Council.

<b>Focus Area 8: Resources and Energy</b>
<b>8.1 Mining, Petroleum Production and Extractive Industries</b>
The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.
<b>Assessment – Consistent</b> The Planning Proposal does not seek to alter any existing opportunities for mining, petroleum production or extractive industries.

<b>Focus Area 9: Primary Production</b>
<b>9.1 Rural Zones</b>
The objective of this direction is to protect the agricultural production value of rural land.
<b>Assessment – Consistent</b> The Planning Proposal does not apply to any existing rural lands and does not seek to rezone land to a rural zone.
<b>9.2 Rural Lands</b>
The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State, (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy.
<b>Assessment – Consistent</b> The Planning Proposal applies to R3 Medium Density Residential zoned, proposing no change of zoning and, therefore, does not affect rural lands.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



<b>9.3 Oyster Aquaculture</b>
The objectives of this direction are to: (a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and (b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.
<b>Assessment – Consistent</b> This Direction does not apply to Wingecarribee Shire.
<b>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</b>
The objectives of this direction are to: (a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.
<b>Assessment – Consistent</b> This Direction does not apply to Wingecarribee Shire.

**Section C – Environmental, Social & Economic Impacts**

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

The Planning Proposal applies to existing medium density residential zoned land which has previously been developed for residential purposes. No critical habitat or endangered vegetation is known to be identified on the subject lands, and the Planning Proposal seeks to protect and retain the existing vegetation on the land.

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

There are not likely to be any environmental effects as a result of the Planning Proposal. In fact, the heritage listing of the site in Moss Vale and the extension of the Bowral Conservation Area to include additional properties will constrain development potential, thereby reducing negative environmental impacts, including loss of trees and potential loss of habitat within the established gardens on the subject properties.

**9. Has the Planning Proposal adequately addressed any social and economic effects?**

There are possible social and economic effects on the existing property owners as any future development of the sites will be restricted due the Heritage status of the properties. However, there are social benefits and potential economic benefits for the surrounding property owners resulting from the protection of these site and their gardens.

Some individual economic and social impact is considered to be reasonable in the context of protecting a sites of local heritage significance from inappropriate development.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022  
ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



**Section D – State and Commonwealth Interests**

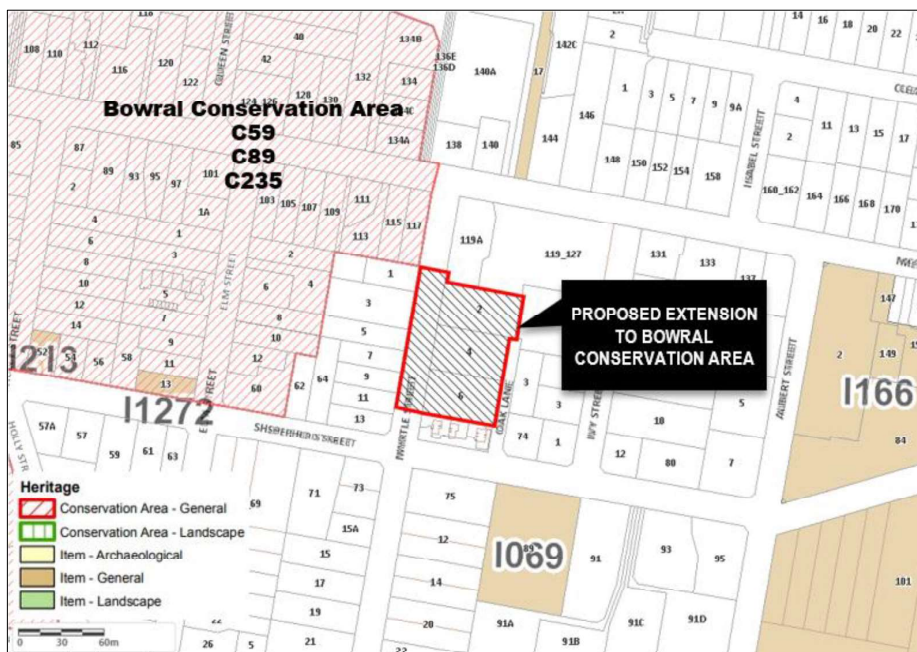
**10. Is there adequate public infrastructure for the Planning Proposal?**

Yes. The Planning Proposal will not result in any additional burden on existing public infrastructure. In fact, the reduction in development potential could help to alleviate future infrastructure burden.

**Part 4: Mapping**

The following maps will require amendment:

- Heritage Map – Sheet HER\_007C** (current reference 8350\_COM\_HER\_007C\_020\_20170327) which covers the area of Bowral. **Figure 8** indicates the manner in which this map is proposed to be amended.



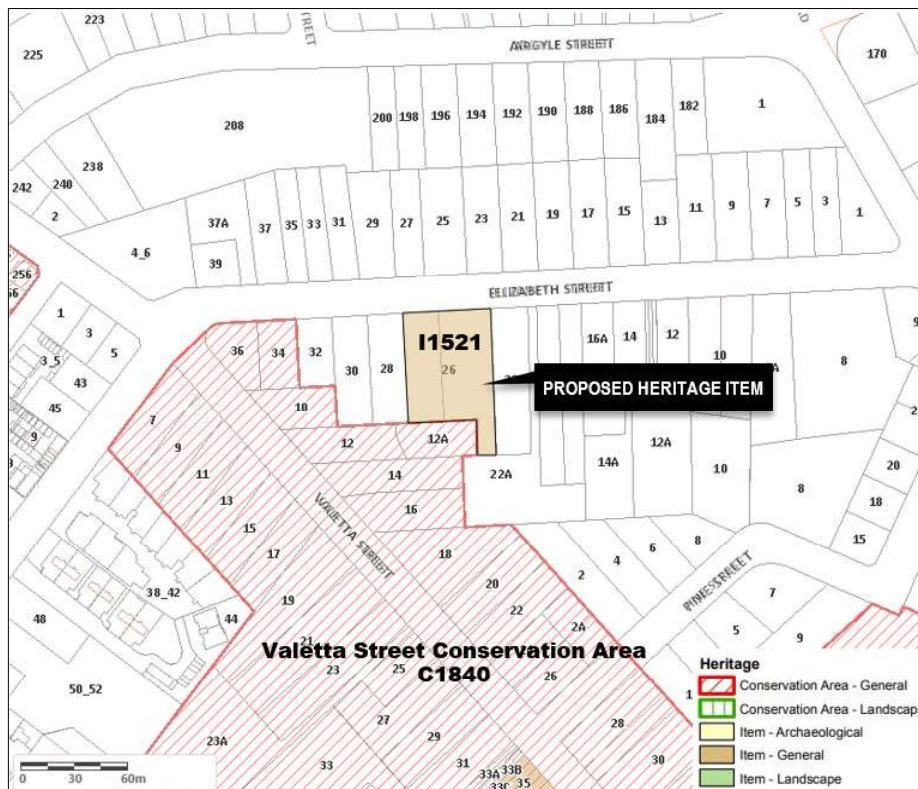
**Figure 8: Indicative amendment to the WLEP 2010 Heritage Map (Sheet HER\_007C) for 2, 4 and 6 Myrtle Street, Bowral**

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



2. **Heritage Map – Sheet HER\_007E** (current reference 8350\_COM\_HER\_007E\_020\_20170123) which covers the area of Moss Vale. **Figure 9** indicates the manner in which this map is proposed to be amended.



**Figure 9: Indicative amendment to the WLEP 2010 Heritage Map (Sheet HER\_007E) for 26 Elizabeth Street, Moss Vale**

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**



**Part 5: Consultation – Agency Referrals**

Council will conduct Agency referrals as required under legislation should a Gateway Determination be obtained. However, it is anticipated that referrals to Heritage NSW and Water NSW will be required.

**Part 5: Consultation - Community**

Council will undertake community consultation in accordance with the Gateway Determination.

The principal place of public exhibition will be Council's website, [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au) with copies of all documentation also available at the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577 and the Bowral and Moss Vale Libraries if and as COVID-19 restrictions permit.

**Part 6: Timeline**

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	April/May 2022
Agency Consultation	May/June 2022
Public Exhibition	July 2022
Report to Council on exhibition of Planning Proposal.	September 2022
S.3.36 Documents to DP&E & PCO.	September 2022
Approximate completion date	November 2022

**Delegation – to be completed by Council if supported**

A Delegation request form accompanies this Planning Proposal.

**END OF PLANNING PROPOSAL**



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

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**9.6 Planning Proposal and Heritage Assessment of 2 & 4 Myrtle Street, Bowral, and 'Karingal', 26 Elizabeth Street, Moss Vale—Interim Heritage Orders Nos. 12 & 13**

**Report Author:** Strategic Land Use Planner (Heritage)

**Authoriser:** General Manager

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**OFFICER'S RECOMMENDATION**

1. **THAT** the Panel supports the heritage assessment and proposed heritage listing of "Karingal' Interwar bungalow and garden including brick and trachyte fence" comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.
2. **THAT** the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area
3. **THAT** the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add "Karingal' Interwar bungalow and garden including brick and trachyte fence" as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.
3. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
4. **THAT** Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.
5. **THAT** the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.

**LOCAL PLANNING PANEL ADVICE**

This matter was considered at the Local Planning Panel meeting of 2 March 2022 and the Panel supported the staff recommendation.

The Manager Strategic Land Use Planning introduced the item.

*MN 2022/44*

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 3**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

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**MOTION** moved by Interim Administrator

1. **THAT** the Panel supports the heritage assessment and proposed heritage listing of “Karingal’ Interwar bungalow and garden including brick and trachyte fence” comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.
2. **THAT** the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area
3. **THAT** the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add “Karingal’ Interwar bungalow and garden including brick and trachyte fence” as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.
4. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. **THAT** Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.
6. **THAT** the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.

**LOCAL PLANNING PANEL ADVICE**

*This matter was considered at the Local Planning Panel meeting of 2 March 2022 and the Panel supported the staff recommendation.*

**DECLARED CARRIED BY THE INTERIM ADMINISTRATOR**

MN 2022/45

**MOTION** moved by Interim Administrator

**THAT:**

1. *Standing Orders be suspended in order to consider one supplementary item and one speaker.*

## **9.2 Planning Proposal and Heritage Assessment of 2 & 4 Myrtle Street, Bowral, and 'Karingal', 26 Elizabeth Street, Moss Vale—Confirmation of Resolution**

**Report Author: Strategic Land Use Planner (Heritage)**

**Authoriser: General Manager**

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### **PURPOSE**

The purpose of this report is to confirm Council's resolution of 16 March 2022 in relation to the Planning Proposal affecting 2-6 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, which contained some ambiguities.

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### **OFFICER'S RECOMMENDATION**

1. **THAT** Council supports the heritage assessment and proposed heritage listing of "Karingal' Interwar bungalow and garden including brick and trachyte fence" comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.
2. **THAT** Council supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area.
3. **THAT** Council supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add "Karingal' Interwar bungalow and garden including brick and trachyte fence" as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.
4. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. **THAT** Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.
6. **THAT** the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.

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### **REPORT**

#### **BACKGROUND**

At the Ordinary Meeting of Council on 16 March 2022, the Interim Administrator considered a report titled "Planning Proposal and Heritage Assessment of 2 & 4 Myrtle Street, Bowral, and 'Karingal', 26 Elizabeth Street, Moss Vale—Interim Heritage Orders Nos. 12 & 13", which had been previously considered and endorsed by the Wingecarribee Local Planning Panel on 2 March 2022. These reports presented heritage assessments of 2 and 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, and recommended that 2-6 Myrtle Street, Bowral, be included within the Bowral

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 4**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 20 APRIL 2022**

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Conservation Area and that 26 Elizabeth Street, Moss Vale, be included in the list of heritage items in Schedule 5 of the Wingecarribee Local Environmental Plan 2010.

**REPORT**

There was an administrative error in the preparation of the recommendations of the 16 March 2022 report which resulted in points 1, 2 and 3 of the resolution referring to the Panel (Wingecarribee Local Planning Panel) instead of Council. This report corrects those errors to the recommendations to ensure that there is no ambiguity in the future processing of the Planning Proposal for these sites.

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**COMMUNICATION AND CONSULTATION**

**Community Engagement**

Community engagement requirements for the Planning Proposal were detailed in the 16 March 2022 report.

**Internal Communication and Consultation**

Internal consultation matters for the Planning Proposal were detailed in the 16 March 2022 report.

**External Communication and Consultation**

External consultation matters for the Planning Proposal were detailed in the 16 March 2022 report.

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**SUSTAINABILITY ASSESSMENT**

**Environment**

Environmental issues related to the Planning Proposal were detailed in the 16 March 2022 report.

**Social**

Environmental issues related to the Planning Proposal were detailed in the 16 March 2022 report.

**Broader Economic Implications**

Economic implications related to the Planning Proposal were detailed in the 16 March 2022 report.

**Culture**

Cultural issues related to the Planning Proposal were detailed in the 16 March 2022 report.

**Governance**

This report has been prepared to correct an ambiguity in the Council resolution of 16 March 2022 to ensure that the subject Planning Proposal can be processed without impediment.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 4**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 20 APRIL 2022**

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**COUNCIL BUDGET IMPLICATIONS**

This report does not have any Council budget implications.

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**RELATED COUNCIL POLICY**

There is no related Council policy relevant to this report.

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**CONCLUSION**

This report seeks to correct an administrative error in the resolution of an item considered at the 16 March 2022 Ordinary Council meeting related to the Planning Proposal affecting 2-6 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, and replaces previous references to the Panel with Council.

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**ATTACHMENTS**

Nil There are no attachments to this report.

**9.2 Planning Proposal and Heritage Assessment of 2 & 4 Myrtle Street, Bowral, and 'Karingal', 26 Elizabeth Street, Moss Vale—Confirmation of Resolution**

**Report Author:** Strategic Land Use Planner (Heritage)  
**Authoriser:** General Manager

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**OFFICER'S RECOMMENDATION**

1. **THAT** Council supports the heritage assessment and proposed heritage listing of “‘Karingal’ Interwar bungalow and garden including brick and trachyte fence” comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.
2. **THAT** Council supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area.
3. **THAT** Council supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add “‘Karingal’ Interwar bungalow and garden including brick and trachyte fence” as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.
4. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. **THAT** Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.
6. **THAT** the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.

The Executive Manager Strategic Outcomes introduced the item.

MN 2022/71

**MOTION** moved by Interim Administrator.

1. **THAT** Council supports the heritage assessment and proposed heritage listing of “‘Karingal’ Interwar bungalow and garden including brick and trachyte fence” comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.
2. **THAT** Council supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 4**

**MINUTES OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 20 APRIL 2022**

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3. **THAT** Council supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add “‘Karingal’ Interwar bungalow and garden including brick and trachyte fence” as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.
4. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. **THAT** Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.
6. **THAT** the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.

**DECLARED CARRIED BY THE INTERIM ADMINISTRATOR**



## Gateway Determination

**Planning proposal (Department Ref: PP-2022-1345):** to amend the Wingecarribee Local Environmental Plan 2010 to add land at 26 Elizabeth Street, Moss Vale as a new heritage item and add land at 2, 4 and 6 Myrtle Street, Bowral, within the Bowral Conservation Area.

I Daniel Thompson, the Director, Southern Region, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wingecarribee Local Environmental Plan 2010 as described above should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal shall be updated to:
  - (a) remove the section addressing the previous Minister's Planning Principles on pages 13 and 14 (Section B, Part 5);
  - (b) include a copy of WaterNSW's submission dated 10 May 2022 and address any issues raised within; and
  - (c) include a reference to a savings provision to apply to any development application lodged but not yet determined prior to the making of the LEP.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:

- the NSW Rural Fire Service.

Consultation is also required with the following organisation:

- Heritage NSW.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 5

5. The LEP should be completed on or before 23 February 2023.

Dated 23rd day of May 2022.



**Daniel Thompson  
Director, Southern Region  
Local and Regional Planning  
Department of Planning and Environment  
  
Delegate of the Minister for Planning**

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 6



PO Box 398, Parramatta NSW 2124  
Level 14, 169 Macquarie Street  
Parramatta NSW 2150  
[www.waternsw.com.au](http://www.waternsw.com.au)  
ABN 21 147 934 787

10 May 2022

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2022/34650*

Sarah Websdale Farnese  
Strategic Land Use Planner (Heritage)  
Wingecarribee Shire Council  
PO Box 141  
MOSS VALE NSW 2577

Dear Ms Farnese,

**RE: Planning Proposal – Inclusion of 2, 4 and 6 Myrtle Street Bowral within the Bowral Conservation Area and create a new heritage Item at 26 Elizabeth Street Moss Vale**

Thank you for your referral of 15 April 2022 seeking comments on a Planning Proposal to amend the Wingecarribee Local Environmental Plan 2010 (WLEP) to provide for new heritage-related listings as described above.

WaterNSW has no objection to the Proposal. The amendments have few implications for water quality. However, the amendments will incidentally remove opportunities for new development on these sites to pass as 'complying development'. Any new development will require a full development application (DA) and associated assessment under the *Environmental Planning and Assessment Act 1979*. This in turn means that State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the B&C SEPP) will apply requiring new development to have a neutral or beneficial effect on water quality. Other provisions for the Sydney Drinking Water Catchment will also apply in accordance with Chapter 8 of the B&C SEPP. This includes WaterNSW's concurrence for new developments and to incorporate WaterNSW's current recommended practices and standards. These matters could be added to the Proposal's response to the Chapter 8 provisions of the B&C SEPP (pp. 14-15).

The Proposal gives due consideration to s 9.1 Direction 3.3 Sydney Drinking Water Catchment (p. 20). It notes that the new provisions will likely have a subduing effect on the development potential of the sites affected, thereby helping protect water quality. We generally agree with this conclusion. WaterNSW's Strategic Land and Water Capability Assessments are not relevant here given that the Planning Proposal is only addressing heritage-related matters.

Should you have any questions, please contact Stuart Little ([stuart.little@waternsw.com.au](mailto:stuart.little@waternsw.com.au)).

Yours sincerely

A handwritten signature in black ink, appearing to be 'AK', written over a light blue horizontal line.

**ALISON KNIHA**  
**Catchment Protection Planning Manager**

**AGENDA OF THE LOCAL PLANNING PANEL**  
**WEDNESDAY 3 AUGUST 2022**  
**ATTACHMENT 7**

**From:** "Stela Razzaque" <stela.razzaque@environment.nsw.gov.au>  
**Sent:** Fri, 27 May 2022 11:28:04 +1000  
**To:** "sarah.farnese@wsc.nsw.gov.au" <sarah.farnese@wsc.nsw.gov.au>  
**Cc:** "James Sellwood" <James.Sellwood@environment.nsw.gov.au>  
**Subject:** Response to Planning Proposal 2, 4, 6 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale

**External Email:** This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Hi Sarah

Thank you for the opportunity to provide comment on the planning proposal to list '2, 4 and 6 Myrtle Street, Bowral' within the existing Bowral Conservation Area and to include '26 Elizabeth Street, Moss Vale' as a Local heritage item under *Wingecarribee Local Environmental Plan 2010* (LEP). My apologies that our response is late, we have recently been through a restructure which has impacted on our staff resources.

I note that Council has undertaken heritage assessments of the subject sites, in accordance with the Heritage Council of NSW's criteria for listing at a Local level. Based on the findings, the proposal to list the items on the LEP and Bowral Conservation Area was supported by the Wingecarribee Local Planning Panel. Heritage NSW encourages the identification and listing of this new Local heritage item.

I note that as heritage of local significance is protected under the *Environmental Planning and Assessment Act 1979* and under Council LEPs, Council is the consent authority, and as such:

- listing of new Local heritage items and Heritage Conservation Areas (HCAs), and
- assessment and consideration of impacts on Local heritage items and HCAs rests with Council.

I note that the Heritage Council, and Heritage NSW as its Delegate, do not have a role in the approval of new Local heritage listings and HCAs to LEPs, or in the assessment of impacts to existing Local heritage listed under LEPs. As such, we do not provide advice on planning matters which impact on Local heritage.

Our current legislative responsibilities include the administration of the *Heritage Act 1977* and the administration of the Aboriginal cultural heritage functions under the *National Parks and Wildlife Act 1974*. As we do not have a legislative role in the approval of Local heritage listings or the assessment of impacts to Local heritage, we do not require further referral/consultation on this planning proposal.

If you have any questions about the above, please don't hesitate to contact me.

Kind Regards,

**Stela Razzaque**  
Senior Heritage Planning Officer  
Heritage Assessments  
Heritage NSW

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**  
ATTACHMENT 7

**Department of Planning and Environment**

T 02 8229 2905 E [stela.razzaque@environment.nsw.gov.au](mailto:stela.razzaque@environment.nsw.gov.au)  
[heritage.nsw.gov.au](http://heritage.nsw.gov.au)

Level 6, 10 Valentine Avenue, Parramatta NSW 2150  
Locked Bag 5020, Parramatta NSW 2124

**Working days** Wednesday off



*I acknowledge and respect the traditional custodians and ancestors of the lands I work across.*

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Moss Vale NSW 2577  
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mail@wsc.nsw.gov.au  
ABN 49 546 344 354

## **2-6 Myrtle Street, Bowral and 26 Elizabeth Street, Moss Vale—Heritage Planning Proposal (PP-2022-1345)**

### **Register of Public Exhibition Submissions**

Public exhibition of the Myrtle & Elizabeth Streets Heritage Planning Proposal commenced on Wednesday 8 June 2022 and concluded on Friday 8 July 2022. The Planning Proposal aims to include 2, 4 and 6 Myrtle Street, Bowral, within the mapped area of the Bowral Conservation Area and to include 'Karingal' at 26 Elizabeth Street, Moss Vale, (comprising 2 lots) as a heritage item in Schedule 5 of the Wingecarribee Local Environmental Plan 2010.

There was a total of 26 submissions, including includes letters from both the solicitor and the heritage consultant on behalf of the owner of 26 Elizabeth Street, Moss Vale (sent together), and two letters (sent together) from the Southern Highland Branch of the Australian Garden History Society about each of the sites/areas. The spatial breakdown of the submissions is as follows:

- 3 submissions from or on behalf of two of the owners of the four affected properties
- 2 submissions from a local interest group (Southern Highlands Branch of the Australian Garden History Society)
- 9 submissions from residents of Elizabeth Street, Moss Vale including two from adjoining neighbours of Karingal
- 6 submissions from other residents of Moss Vale
- 3 submissions from residents of Bowral
- 2 submissions from residents of the Southern Highlands outside Bowral and Moss Vale
- 1 submission from an interested party who resides outside the Southern Highlands.

A number of submissions referred to two development applications (DAs) on the site at 'Karingal', 26 Elizabeth Street, Moss Vale: DA 22/0513 (2-lot subdivision and proposed new carport forward of the existing house) and DA 22/0535 (multi dwelling housing proposal on the proposed subdivided "vacant" lot). These DAs were lodged in September 2021 and were withdrawn in late 2021 by the applicant following the issuing of the Interim Heritage Order on the land. No current DAs apply to any of the subject sites.

All 26 submissions are summarised in the table shown in the following pages.

*Working with you*

WSC.NSW.GOV.AU

WINGECARRIBEE - A COAL MINING FREE SHIRE

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

No.	Submission from	Type	Summary of issues	Council Officer's Response
1.	Property owner (Bowral)	Support	Owner of one of 6 Myrtle Street. Supports the proposal and Council's responsiveness to community concerns over the proposed demolition of 4 Myrtle Street.	Noted
2.	Australian Garden History Society (AGHS) Southern Highlands Branch	Support	2-6 Myrtle Street Asking that Council intervenes between heritage and the urban environment. Developers are using complying development resulting in loss of heritage. Alf Stephens & Sons builders have helped create a look in Bowral that is attractive to its residents and visitors. The Landscape Character Study of Bowral's Public Spaces commissioned by the AGHS identifies that landscapes are at risk from development.	Noted
3.	Local resident (Bowral)	Support	Heritage properties add to the beauty and uniqueness of the Southern Highlands. Once gone it can't be recovered.	Noted
4.	Local resident (Bowral)	Support	The houses were built by a master builder using techniques no longer in existence. Houses like this should be preserved as valuable items of community heritage.	Noted
5.	Local resident (Bowral)	Support	The Southern Highlands is distinct and deserves protection. These properties are special to Bowral and Moss Vale and must be preserved. Don't want to become like Sydney. Development should not be at the cost of loss of heritage. Myrtle and Elizabeth Streets are beautiful examples of homes in the area.	Noted
6.	Mills Oakley Solicitors on behalf of property owner of 26 Elizabeth Street, Moss Vale	Objection	Due to an active appeal in the Land and Environment Court regarding the Interim Heritage Order (IHO) applying to Lot 110 DP 877316 [the garden lot] of 26 Elizabeth Street, Moss Vale, the public exhibition should be extended until 14 days after the proceedings are determined.	The appeal against the IHO is separate to the Planning Proposal now being considered. A Planning Proposal could have been initiated without an IHO. However, an IHO provides protection while heritage significance is determined and a Planning Proposal is prepared by Council (if Council resolves to support a heritage listing). The outcome of the appeal will not alter Council's findings on heritage significance or its intention to heritage list both lots that comprise 26 Elizabeth Street, Moss Vale.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

No.	Submission from	Type	Summary of issues	Council Officer's Response
				Furthermore, extending the public exhibition and final reporting of this matter may jeopardise Council's ability to complete the amendment in the timeframe set by the Department of Planning and Environment (NSWDPE) in the Gateway Determination and leave the four lots the subject of the Planning Proposal vulnerable.
			Extension of the public exhibition period is no-risk because a DA cannot be approved while the IHO remains in force (until 19 November 2022).	Disagree that there is no risk. The Planning Proposal applies to one other lot in Elizabeth Street (the IHO and heritage significance of which is not being contested) as well as three other properties in Bowral. Delay of the Planning Proposal could put 4 out of 5 affected lots at risk because should the IHOs lapse, DAs can be lodged before the amendment is finalised and any DA would benefit from the proposed savings provision in clause 1.8A of the Wingecarribee Local Environmental Plan (WLEP) 2010. Should the Court find that the IHO should be revoked over 110, then the revocation would likely be immediate and a DA could be lodged immediately after.
			Should the Court find that Lot 110 is not of local heritage significance then Council would be expected to conclude that the Planning Proposal lacks merit.	Keeping in mind that the Planning Proposal applies to five lots comprising four properties, should the Court determine that the IHO is not valid over part of the Elizabeth Street property and the heritage assessment should not include part of the determined curtilage of 'Karingal', then those findings can be presented to the NSWDPE who is the plan-making authority for this Planning Proposal. The Court judgment, either way, would not invalidate the whole Planning Proposal.
			IHO and the Planning Proposal is a knee-jerk reaction in response to public submissions.	Part of the role of a Council is to advocate for its community. The Wingecarribee community strongly value their heritage character, as articulated in the <i>Wingecarribee 2031 Community Strategic Plan</i> . The community concern about the longevity of these properties coincided with internal studies

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

No.	Submission from	Type	Summary of issues	Council Officer's Response
				being undertaken that identified these properties for heritage protection. The community concerns voiced in 2021 prompted the use of IHOs to provide immediate protection while the process of heritage listing could be expedited for these sites.
			As DAs have been withdrawn there is no need to expedite the public exhibition process and progress the making of the Planning Proposal where no current threat exists.	While the immediate threat to these properties may not still exist, heritage significance has been established, the Planning Proposal initiated and the pathway to finalisation of the Planning Proposal now needs to be followed. Council officers are keenly aware that the IHO mechanism is only available once for a property so if an IHO lapses and a future threat appears before a property is fully protected, Council is limited in its ability to provide further protection.
			Not agreeing to the extension of the public exhibition period is a serious failure of Council in carrying out its obligations in preparing the Planning Proposal in a satisfactory manner.	Council has prepared, consulted and exhibited the Planning Proposal in accordance with the NSWDPPE's <i>Local Environmental Plan Making Guideline</i> (December 2021) and the Gateway Determination issued by the Department in May 2022. It is considered that the proper process has been followed.
			The 2009 Heritage Study [Heritage Survey 2009] does not support that Lot 110 has any heritage significance.	An error in the description of the site as a small site has led to this conclusion by the solicitor. Other documents (dating back to 2012) confirm that it was always Council's intention to include both lots in the listing. The inclusion of the garden lot as part of the curtilage of the house is consistent with the determination of a heritage curtilage articulated in the Heritage NSW publication <i>Heritage Curtilages</i> (Heritage Office and Department of Urban Affairs and Planning 1996).
			Associational significance to the builder (Alf Stephens) is not warranted as there is no evidence that this is an important example of his work.	The workmanship and craftsmanship of houses built by Alf Stephens & Sons builders is recognised in the Southern Highlands and Canberra where the company completed many public and private, commercial and



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

No.	Submission from	Type	Summary of issues	Council Officer's Response
				residential buildings. The heritage assessment does not indicate that Karingal is one of his most important works, but it is of high calibre and quality in terms of materials and design and helps to demonstrate the breadth of buildings produced by this family firm of builders.
7.	Urbis on behalf of the property owner of 26 Elizabeth Street, Moss Vale	Objection	Due to an active appeal in the Land and Environment Court regarding the interim heritage order (IHO) applying to Lot 110 DP 877316 [the garden lot] of 26 Elizabeth Street, Moss Vale, the public exhibition should be extended until the proceedings are determined.	See officer's comment above at no 6.
			Objects to the listing of 26 Elizabeth Street on the basis that Lot 110 should not be included in any future heritage listing of the site.	In accordance with the Heritage NSW publication <i>Heritage Curtilages</i> (Heritage Office and Department of Urban Affairs and Planning 1996), the type of curtilage that has been defined for 26 Elizabeth Street is a lot boundary curtilage that comprises 2 adjoining lots that have been in joint ownership for more than 90 years. The garden lot was purchased by the owner of 'Karingal' in 1929. Council's sewer diagram of 1938 shows the two lots and the tennis court being in existence at that time, demonstrating the strong association between the two lots since at least the 1930s.
			<p>The heritage inventory sheet has a number of inaccuracies, including:</p> <p>a) The description includes Lot 110 without mentioning that it's a separate lot.</p> <p>b) Description of the site as being "medium sized" by a previous "drive-by" heritage study conducted in 2009.</p>	<p>a) The description in the inventory sheet can be amended to include a reference to two lots. However, the heritage database held online by Heritage NSW is currently being upgraded so existing entries cannot be altered at this time.</p> <p>b) There are numerous inaccuracies within the 2009 study, which has prompted the review of several hundred deferred potential heritage items, currently being done. Reference to the medium sized size can be removed or amended from the inventory sheet.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

No.	Submission from	Type	Summary of issues	Council Officer's Response
			<p>c) Although the house is relatively intact, the garden has been altered over time, including the removal of the tennis court.</p> <p>d) The two lots were acquired separately by the original owner. Recognition of two separate lots is more historically accurate.</p> <p>e) Alf Stephens was not involved with Lot 110.</p> <p>f) Associational significance related to Alf Stephens &amp; Sons builders is not supported. Comparative analysis required.</p> <p>g) The parterre garden, which replaced the tennis court, is not of any heritage significance. There is no heritage justification that the tennis court, shed or garage should be included in the heritage listing.</p>	<p>c) It is acknowledged that houses and particularly gardens change over time. However, the relationship between the house and garden and former tennis court is still evident, despite the changes.</p> <p>d) The inventory sheet can be amended to make reference to the two lots. It is not considered that this has a material effect on the heritage assessment that has been undertaken.</p> <p>e) It is acknowledged that Alf Stephens &amp; Sons builders would not have been involved in the establishment of any garden. However, it is unknown whether they built the garage or the front fence.</p> <p>f) While a full comparative analysis of Alf Stephens houses has not been undertaken, a book outlining the work of the firm was produced by local historians Bud and Maureen Townsing in 2020, called <i>A Brief History of Alf Stephens &amp; Sons</i>. The book provides an overview rather than a complete inventory of works but demonstrates the breadth of the body of work, displaying photographs of around 60 buildings in the Southern Highlands built by the firm. The reference to Alf Stephens in the heritage assessment is an indication of quality rather than rarity.</p> <p>g) The heritage significance of the garden is intrinsically linked to the house as part of its curtilage and setting. The location of the tennis court (and some infrastructure related to the tennis court such as the walls) still remains, as does the front fence which ties the two lots together. Council's heritage assessment does not highlight the garage or shed as having significance independent of the house and its setting.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

No.	Submission from	Type	Summary of issues	Council Officer's Response
			<p>h) Lot 110 was bought later.</p> <p>i) The fence was constructed after the dwelling as it continues over Lot 110.</p> <p>j) The existing dwelling is not constructed on a hilltop, ridge or rise and that it has not been assessed to have any current and continued significant view corridors or vistas that should be conserved.</p>	<p>h) This is acknowledged. However, Lot 110 was bought within a few years of the purchase of the original lot and Council plans show the tennis court being in existence in 1938 suggesting that the lot was specifically bought to expand the garden and recreation areas of the property.</p> <p>i) Acknowledged. However, this provides evidence that the original owner always intended that the lots remain together as house and garden.</p> <p>j) The dwelling is sited on the side of a hill and has views to the north over Elizabeth Street toward the railway. Neighbourhood or distant views to the east (across the garden) may have been available at a point in history but are not currently considered significant. It is considered unlikely that any conclusion can be drawn that because there are no views east then the land is not valuable. The original owner may have been more interested in having views over his garden rather than to distant places.</p>
			<p>Concludes that Lot 110 has no contributing heritage significance to the Interwar bungalow, with the exception of the fence, no archaeological research potential, there are no significant views to or from the east that contribute to its setting, there is no remnant fabric of heritage significance and does not contribute to setting outside incidental lot layout.</p>	<p>The heritage assessment undertaken by Council has found that: the garden lot, although altered over time, has historical attachment to the house as being in common ownership since at least 1929 and part of its curtilage; the two lots together are significant as a fine house in a large garden setting; there is significant fabric in the fence that spans both lots; no archaeological research potential has been identified.</p>
8.	Australian Garden History Society (AGHS) Southern Highlands Branch	Support	<p>26 Elizabeth Street Proposal includes loss of gardens and established trees. Provides a green streetscape which is under threat. References made to the inappropriateness of the 2021 DAs. Retention of landscapes contributes to keeping towns cooler. Consideration should be given to heritage listing Karingal.</p>	<p>Noted. DAs have been withdrawn.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

No.	Submission from	Type	Summary of issues	Council Officer's Response
9.	Neighbour (Moss Vale)	Support	Supports the listing of 26 Elizabeth Street, Moss Vale as heritage item. It is considered one of the best properties in the vicinity. Landscape and architectural heritage should be preserved. Strong community sentiment: there were more than 1000 people that signed the petition for the Interim Heritage Order.	Noted
10.	Neighbour (Moss Vale)	Support	Fully supports the proposals for Myrtle and Elizabeth Streets. The sites are important to the community. Protection of historically important sites helps grow heritage tourism which is a strong theme in the area. Housing should not be provided at the expense of heritage assets. The Myrtle and Elizabeth Street properties should be protected for future generations.	Noted
11.	Local resident (Elizabeth St Moss Vale)	Support	Supports heritage protection of 2 and 4 Myrtle Street and 26 Elizabeth Street to prevent inappropriate development.	Noted
12.	Local resident (Elizabeth St Moss Vale)	Support	26 Elizabeth Street. Concerned about the applications. The proposed development is in conflict with the integrity of the street. Negative impact. Unique bungalow. It would be a shame to replace the house and garden with generic townhouse development. People have moved away from Sydney to avoid these types of developments.	Noted
13.	Local resident (Elizabeth St Moss Vale)	Support	Supports and endorses Council's proposal to protect heritage sites in Bowral and Moss Vale. The heritage listing of 26 Elizabeth Street will recognise Alf Stephens, builder and architect. He made a well-documented contribution to the community in his public and private buildings. 26 Elizabeth Street is a good and admired house and garden. Provides connections to the past.	Noted

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

No.	Submission from	Type	Summary of issues	Council Officer's Response
14.	Local resident (Elizabeth St Moss Vale)	Support	Supports heritage order over 26 Elizabeth Street. The property is of great significance to the Southern Highlands. Uniqueness of the Highlands will disappear if houses such as this are lost.	Noted
15.	Local resident (Elizabeth St Moss Vale)	Support	Supports the heritage proposals for the Myrtle and Elizabeth Streets properties.	Noted
16.	Local resident (Elizabeth St Moss Vale)	Support	Objection to DA 22/0513 and 22/0535 re Karingal. The property is of historical value to Moss Vale. The property has been cared for by only 3 families. The site proposed to be left with for the house is very small. Removal of trees will lead to adverse environmental impacts. Increased runoff due to increased hard stand. Increased heat island effect. The proposal is not in keeping with existing development in the area. Increased vehicle movements. Conflict with school buses and school children. Loss of heritage and gardens.	Noted. DAs have been withdrawn.
17.	Local resident (Elizabeth St Moss Vale)	Support	Supports the planning proposal to list 26 Elizabeth Street Moss Vale as a heritage item. Agrees that the proposed development threatens the significance of the property. Supports the heritage assessment that finds Karingal significant in 5 out of 7 criteria. Supports the priorities of the LSPS to maintain the unique character of our towns and villages and to protect and promote cultural and built heritage.	Noted
18.	Local resident (Moss Vale)	Support	Concerned about development proposal at 26 Elizabeth Street. It's one of the best preserved homes in Moss Vale. Townhouse development would desecrate it. Original homes have been lost to development.	DAs have been withdrawn.
19.	Local resident (Moss Vale)	Support	The development should not go ahead as it would change the streetscape and not be in keeping with the landscape. (26 Elizabeth)	DAs have been withdrawn.

**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**

No.	Submission from	Type	Summary of issues	Council Officer's Response
20.	Local resident (Moss Vale)	Support	Karingal (26 Elizabeth Street) is a priceless piece of Moss Vale heritage. Building and garden should be heritage listed. Unit development should not be at the expense of heritage.	Noted
21.	Local resident (Moss Vale)	Support	26 Elizabeth Street should be listed as a heritage item to protect it.	Noted
22.	Local resident (Moss Vale)	Support	Southern Highlands becoming suburban outpost of Sydney. Unique features of town should be protected. Moss Vale is becoming busy with lots of development.	Noted
23.	Local resident (Moss Vale)	Support	Supports the protection of the Myrtle Street and Elizabeth Street properties as a 70+ year resident of the Highlands. There is need to protect heritage items as the area grows.	Noted
24.	Local resident (Other)	Support	Southern Highlands has charm and unique rural character valued by residents and visitors. Along with bushland and rural areas, the character is derived from heritage and historic buildings. Karingal and grounds are attractive and valuable historic assets and an important example of quality workmanship. Worthy of heritage listing.	Noted
25.	Local resident (Other)	Support	Delighted that Council is undertaking this important heritage work.	Noted
26.	Interested party residing outside Southern Highlands	Support	The heritage and history of 26 Elizabeth Street should be preserved.	Noted

## **5.2 Planning Proposal 2021-3571 Post Exhibition Welby Garden Centre**

**Report Author: Strategic Land Use Planner**

**Authoriser: Executive Manager Strategic Outcomes**

### **PURPOSE**

The purpose of this report is to seek to finalise the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Schedule 1 Item 28, being Lots 1,2, 3 8 ,9 & 10 Section 6 DP 75 9 070 Lot 1 DP 1006005 & Lot 2 DP 1019107 Nos. 10 & 12 14 Old Hume Highway Welby. The intended outcomes of this Planning Proposal are to enable the ongoing operation and potential growth of the Welby Garden Centre.

<b>Applicant / Proponent</b>	Wingecarribee Shire Council
<b>Owner</b>	Challenge Southern Highlands
<b>Consultants</b>	Hogan Planning
<b>Notification</b>	Thursday 9 June 2022 to Monday 11 July 2022
<b>Number Advised</b>	25
<b>Number of Submissions</b>	Nil
<b>Current Zoning</b>	R2 Low Density Residential
<b>Proposed Amendment/s</b>	<p><b>LEP</b></p> <p>Amendment to Item 28 of Schedule 1 (Additional Permitted Uses) of the WLEP 2010 to include all of the subject land and extend the range of land uses permitted with consent:</p> <p><b>28 Use of certain land at Old Hume Highway, Welby</b></p> <p>(1) This clause applies to land at Old Hume Highway, Welby, being Lots 1,2,3,8,9 &amp; 10 Section 6 in DP 759070, Lot 1 in DP 1006005 &amp; Lot 2 in DP 1019107.</p> <p>(2) Development for the purposes of landscaping material supplies, plant nursery, garden centre, community facility and light industry are permitted with consent.</p>
<b>Political Donations</b>	Nil
<b>Recommendation</b>	Finalisation of the Planning Proposal BE SUPPORTED.

### **OFFICER'S RECOMMENDATION**

1. THAT the Planning Proposal to amend *Wingecarribee Local Environmental Plan 2010* to with regard to Schedule 1 Item 28, being Lots 1,2,3,8,9 & 10 Section 6 DP 759070, Lot 1 DP 1006005 & Lot 2 DP 1019107, Nos. 10 & 12-14 Old Hume Highway, Welby be endorsed; and
2. THAT the Planning Proposal be finalised in accordance with s.3.36 of the *Environmental Planning & Assessment Act 1979*.

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## REPORT

### **PLANNING PROPOSAL**

#### ***Background***

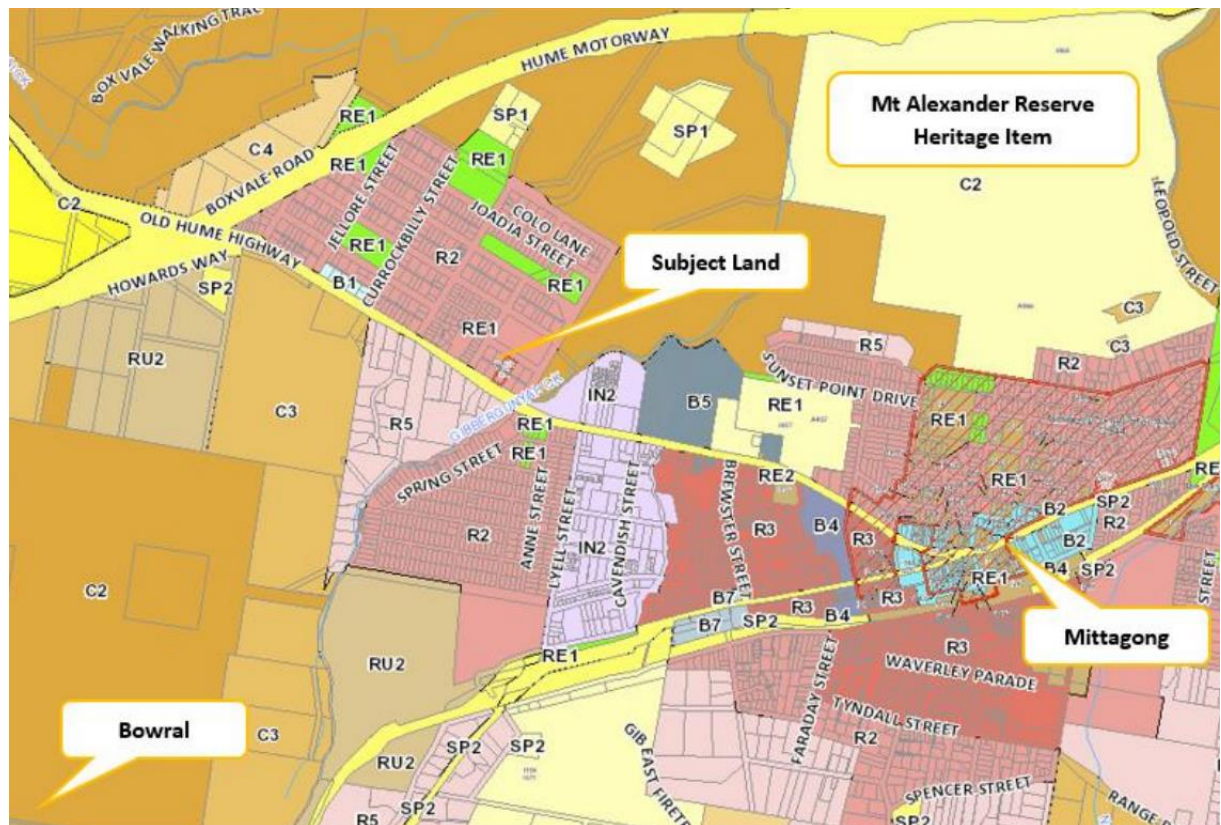
##### ***Previous Rezoning Planning Proposal***

A Planning Proposal was submitted to Council for assessment by Hogan Planning in November 2020 to amend WLEP 2010 with regard to land comprising the Welby Garden Centre - Lots 1,2,3,8,9 & 10 Sec 6 DP 759070, Lot 1 DP 1006005 and Lot 2 DP 10194107, being 10 & 12-14 Old Hume Highway Welby. **Figure 1** below indicates the general location of the subject land while **Figure 2** provides a more detailed map.

The subject land is owned and operated by the Incorporated Association 'Challenge Southern Highlands' as a Not for Profit community based charitable organisation. The business has operated continuously since 1989, providing employment opportunities for over 40 staff with intellectual disabilities through its retail and wholesale plant nurseries, garden maintenance and work crews, assembly of timber pallets, manufacturing spacers for transmitters, soap making and woodworking. The Centre also provides certain commercial services to local businesses and is financially assisted by sponsorship from local businesses, Council and public donations.

The subject land covers an area of some 17,000 m<sup>2</sup>. Consistent with much of Welby, the land is zoned R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup>.





**Figure 1 General Location of Subject Land**



**Figure 2 Immediate Location of Subject Land**

A portion of the subject land is listed as Item 28 in Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010. The Centre has now extended its original site and seeks to also extend its range of permitted land uses. A Planning Proposal which sought to achieve this outcome by rezoning the subject land from R2 Low Density Residential to B5 Business

## **AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022**

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Development was considered by the Interim Independent Advisory Planning Assessment Panel at its Meeting of 7 April 2021, advising that the Planning Proposal be supported and at the Ordinary Meeting of Council of 21 April 2021, it was resolved:

***That a Planning Proposal be prepared under Section 3.33 of the Environmental Planning & Assessment Act 1979:***

- ***To amend Schedule 1 of Wingecarribee Local Environmental Plan 2020 to remove Item 28, and***
- ***Rezone from R2 Low Density Residential to B5 Business Development and remove the 700m2 minimum lot size of land at Lots 1, 2, 3, 8, 9 & 10 Section 6 in DP 759070, Lot 1 DP 1006005 and Lot 2 in DP 1019107, No.s 10 and 12-14 Olde Hume Highway, Welby, being the Welby Garden Centre, and***
- ***Apply a Maximum Building Height of 8 metres, and***
- ***Apply a Maximum Floor Space Ratio of 0.9:1.***

### *Current Schedule 1 Planning Proposal*

Subsequent to commencement of exhibition, the Department provided Council with details of proposed amendments to the Standard Instrument employment zone framework, including draft land use tables for each of the new zones. Of particular relevance, and some concern for the previous Planning Proposal, was that certain Business zones are to be amalgamated under the new Employment zones. Under this proposed amendment, the B5 Business Development zone is to be amalgamated with the B7 Business Park zone into a new E3 Productivity Support zone. This amalgamation will result in a far more extensive set of permissible land uses within the new E3 Productivity Support zone, many of which are mandated permitted with consent.

In view of the location of the subject land among areas of residential development on residential zoned land, it was subsequently considered that the proposed rezoning would no longer be appropriate as it could expose those residential areas to a wide range of potentially incompatible land uses in the future. Furthermore, creating an additional new employment zone would exacerbate the potential adverse impacts of the amalgamated Business and Industrial zones on Welby and the established employment lands hierarchy within Mittagong township.

Therefore, in reporting the exhibition of the previous Planning Proposal to the Local Planning Panel at its Meeting of 2 March 2022, an amended Planning Proposal was also considered and the following advice provided by the Panel.

### ***THAT***

- a) ***The Planning Proposal for the Welby Garden Centre be amended to include the following lots - Lots 1, 2, 3, 8, 9 & 10 Section 6 in DP 759070, Lot 1 DP 1006005 and Lot 2 in DP 1019107, in Schedule 1 of the Wingecarribee Local Environmental Plan 2010***
- b) ***The Planning Proposal for the Welby Garden Centre be amended to include the following land uses – landscaping material supplies, plant nursery, garden centre, community facility and light industry, and***
- c) ***An amended Gateway Determination be sought from the NSW Department of Planning and Environment for the amended Planning Proposal under s3.35 of the Environmental Planning and Assessment Act 1979.***

This advice formed the recommendation of a report to the Ordinary Council Meeting of 16 March 2022 and was ultimately adopted.

**Report**

A Gateway Alteration, enabling the new Planning Proposal to proceed was issued by the Department of Planning and Environment (the Department) on 19 April 2022. The alteration described the new Planning Proposal as:

***Planning proposal (Department Ref: PP-2021-3571): to amend Schedule 1, Item 28 in the Wingecarribee Local Environmental Plan 2010 regarding the Welby Garden Centre site to include Lots 1, 2, 3, 8, 9 and 10, Section 6 DP 759070, Lot 1 DP 1006005 and Lot 2 DP 1019107, Old Hume Highway, Welby and add garden centre, community facility and light industry as additional permitted uses (in addition to the existing additional permitted uses of landscaping material supplies and plant nursery).***

Council retained delegation for this Planning Proposal.

It is noted that both *landscaping material supplies* and *plant nursery* are already in the list of additional permitted uses under the current Schedule 1 listing. The other nominated land uses, namely garden centre, community facility and light industry, would all be additional to the current listing. All proposed land uses are defined below.

***landscaping material supplies*** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

***plant nursery*** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

***garden centre*** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

***Community facility*** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

***light industry*** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

It is further noted that any land use approval under Schedule 1 would be subject to a development application and an accompanying statement of environmental effects addressing the appropriateness of the proposed land use on the subject land. With regard to 'light industry' the definition contains the criteria which would need to be addressed before approval could be granted.

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## **CONSULTATION**

### ***External Referrals***

<b>Referrals</b>	<b>Advice/Response/Conditions</b>
WaterNSW	No objections were raised.
DPE – Biodiversity and Conservation Division	No objections were raised.
NSW Rural Fire Service	No objections were raised.

### ***Internal Referrals***

No internal referrals were undertaken.

### ***Public Exhibition***

The Planning Proposal was placed on public exhibition for a period of 32 days from Thursday 9 June to Monday 11 July 2022. Notification letters were sent to 24 property owners in the vicinity of the subject land and details of the exhibition were published on the Community Update page of Council's website throughout the exhibition period. The Planning Proposal was also notified on the What's On Exhibition page of Council's website and documentation could also be viewed on Council's Your Say Wingecarribee website and the NSW Planning Portal.

No submissions were received during the exhibition period.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental impacts in relation to this report.

- **Social**

The proposed amendment to the Planning Proposal would still enable the expansion of employment opportunities and associated benefits for people with disabilities and their families as well as the broader community without jeopardising potential future land use conflicts through Standard Instrument amendments to employment lands zoning and established hierarchy.

- **Broader Economic Implications**

The proposed amendment to the Planning Proposal would still enable the provision of additional employment opportunities for people with disabilities and associated economic growth as well as protecting the established employment lands hierarchy within Mittagong township.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

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**RELATIONSHIP TO CORPORATE PLANS**

No other Corporate Plans are affected by the Planning Proposal.

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**COUNCIL BUDGET IMPLICATIONS**

There are no budget implications associated with the Planning Proposal.

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**RELATED COUNCIL POLICY**

No other Council Policies are affected by the Planning Proposal.

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**CONCLUSION**

The Welby Garden Centre has been operating for many years, demonstrating economic viability and social contribution. The Planning Proposal provides a pathway under Schedule 1 of WLEP 2010 would enable managed growth of the Centre without potentially impacting surrounding land uses and zonings.

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**ATTACHMENTS**

1. Planing ProposalV5- Amended as exhibited [5.2.1 - 23 pages]

# Planning Proposal Welby Garden Centre

to amend Wingecarribee Local Environmental Plan 2010 with regard to Schedule 1 Item 28, being Lots 1,2,3,8,9 & 10 Section 6 DP 759070, Lot 1 DP 1006005 & Lot 2 DP 1019107, Nos. 10 & 12-14 Old Hume Highway, Welby.

Version 5 For Public Exhibition

Prepared by Wingecarribee Shire Council (Strategic Land Use Planning),  
based initially on Version 1 for Council Assessment provided by Hogan Planning  
(November 2020), and subsequent Council updates

June 2022

*Working with you*

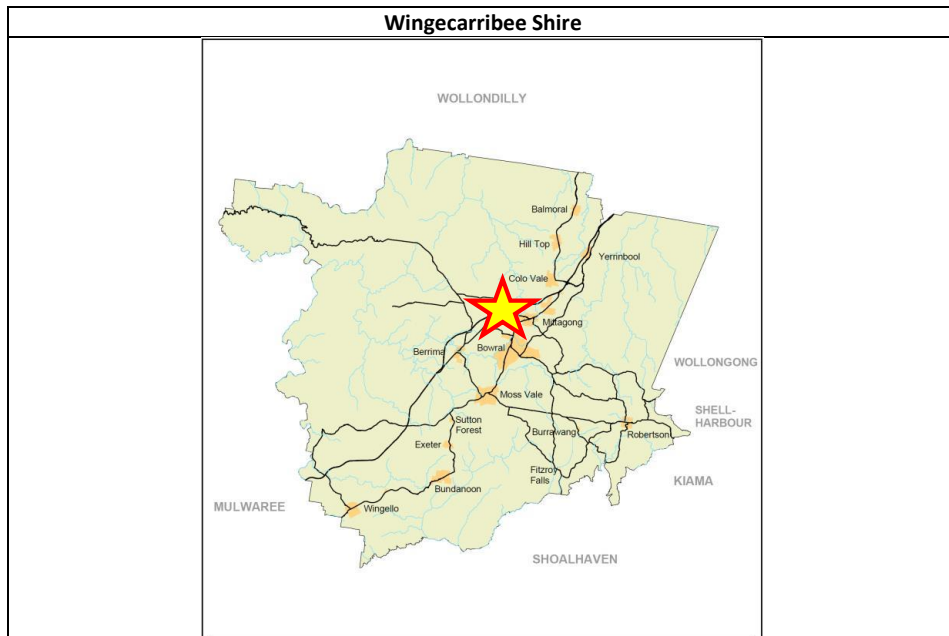
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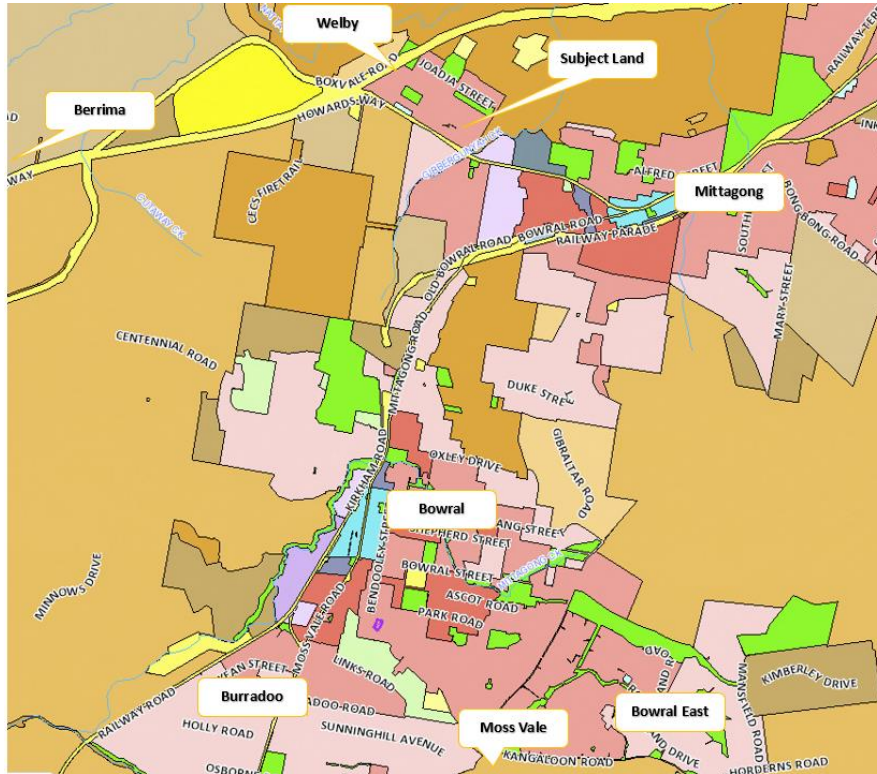




## Location of the Subject Land

<b>Legal Description</b>	Lots 1,2,3,8,9 & 10 Section 6 in DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107
<b>Property Address</b>	Nos. 10 & 12-14 Old Hume Highway, Welby
<b>Description</b>	The subject land is described as the 'Welby Garden Centre' (WGC) plant nursery. It is operated by the Incorporated Association 'Challenge Southern Highlands' as a Not-for-Profit community-based charitable organisation. The business has operated continuously since 1989 from the subject site at the corner of the Old Hume Highway and Bendooley Street in Welby. The business has customer access via Berrima Street to the north of the site, and a staff/deliveries entrance situated on Bendooley Street.





**Figure 1: Surrounding Localities – based on zoning map to assist with clarification**



**Figure 2: The subject land Nos. 10 & 12-14 Old Hume Highway, Welby (Image source: Six Maps).**





**Figure 3: The subject land Nos. 10 & 12-14 Old Hume Highway, Welby includes Lots 1,2,3,8,9 & 10 in DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107 for a combined land area of approximately 1.3 hectares (Image source: Six Maps).**

## Part 1: Objectives or Intended Outcomes

The intended outcomes of this Planning Proposal are to enable the ongoing operation and potential growth of the Welby Garden Centre plant nursery which has been operated by the Incorporated Association 'Challenge Southern Highlands' as a Not-for-Profit community-based charitable organisation since 1989.

## Part 2: Explanation of the Provisions

- To achieve the intended outcomes of the Planning Proposal, the following amendments to the WLEP 2010 instrument would be required:

Amendment to Item 28 of Schedule 1 (Additional Permitted Uses) of the WLEP 2010 to include all of the subject land and extend the range of land uses permitted with consent to include:

Landscaping material supplies

*Plant nursery*

*Garden centre*

*Community facility, and*

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022



*Light industry.*

Currently, Item 28 states:

**28 Use of certain land at Old Hume Highway, Welby**

- (1) This clause applies to land at Old Hume Highway, Welby, being Lots 3 and 8, Section 6, DP 759070 and Lot 2, DP 1019107.
- (2) Development for the purposes of landscaping material supplies and a plant nursery is permitted with consent.

It is proposed to amend Item 28 to state as follows:

**28 Use of certain land at Old Hume Highway, Welby**

- (1) This clause applies to land at Old Hume Highway, Welby, being Lots 1,2,3,8,9 & 10 Section 6 in DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107.
- (2) Development for the purposes of landscaping material supplies, plant nursery and light industry are permitted with consent.

The extent of the Schedule 1 Item 28 affectation is indicated below:



Extent of current Sch 1 designation (red). Subject land (blue)

The proposed land uses are discussed in more detail below.



## Description of the Subject Land



Figure 4: The subject land looking east from the intersection of Bendooley Street with the Old Hume Highway (Image source: Google Maps).



Figure 5: The subject land looking north from the Old Hume Highway (Image source: Google Maps).



**Figure 6: Looking east into the Bendooley Street deliveries and staff entrance to the subject site (Image source: Google Maps).**



**Figure 7: Berrima Street customer entrance looking south into the subject site (Image source: Google Maps).**

The Welby Garden Centre (WGC) website states that the facility provides employment opportunities for 40 plus staff who have intellectual disabilities in the following primary areas as an Australian Disability Enterprise:

- Retail Nursery
- Wholesale Nursery
- Garden Maintenance

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022



- Work Crews.

In addition to the above primary areas, the WGC provides the following commercial services to local businesses:

- Light Packaging – machine wrapping of the Highlands Post free local newspaper;
- Secure Document Destruction.

Other employment generating activities carried out at the site include the assembly of timber pallets, manufacturing spacers for transmitters, soap making and woodworking. The WGC is assisted by sponsorship from local businesses and the Council and receives additional financial assistance from public donations.

Challenge Southern Highlands continues to explore new employment opportunities and has outgrown the restriction to landscape materials supplies and a plant nursery, both activities being permitted over part of the subject land under Item 28 of Schedule 1 (Additional Permitted Uses) of WLEP 2010.

To enable Council to consider a Development Application for the subject land under Schedule 1 of WLEP 2010 seeking approval to undertake the range of land uses sought, the following land uses, as defined in the Standard Instrument Local Environmental Plan, would also need to be included in the Schedule 1 listing for the subject land. Both *landscaping material supplies* and *plant nursery* are already in the list of additional permitted uses. The other nominated land uses, namely *garden centre*, *community facility* and *light industry*, would all be additional to the current listing. All proposed land uses are defined below.

***landscaping material supplies*** means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

***plant nursery*** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

***garden centre*** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

***community facility*** means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,



but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

*light industry* means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

It is noted that the Standard Instrument definition of *Light Industry* is a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

It is further noted that *Light Industry* is also a group term, but all additional uses permitted with consent require approval through the DA process and would need to demonstrate compliance with the definition provided above.

It is noted that any land use approval under Schedule 1 would be subject to a development application and an accompanying statement of environmental effects addressing the appropriateness of the proposed land use on the subject land. As identified above, with regard to *Light Industry* the definition contains the criteria which must be addressed before approval can be granted.

Therefore, the full draft amendment to Schedule 1 Item 28 would be as follows:

**28 Use of certain land at Old Hume Highway, Welby**

- (1) This clause applies to land at Old Hume Highway, Welby, being Lots 1,2,3,8,9 & 10 Section 6 in DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107.
- (2) Development for the purposes of landscaping material supplies, plant nursery, garden centre, community facility and light industry are permitted with consent.

This alteration allows the proponent to still achieve more land use flexibility on the site, but by a mechanism which significantly reduces potential future adverse impacts on the surrounding community.



## Part 3: Justification of Objectives, Outcomes & Process

### Section A – Need for the Planning Proposal

#### 1 - Is the Planning Proposal a result of any strategic study or report?

The initial Planning Proposal was not the result of any strategic study.

An assessment of the Planning Proposal was prepared by Council's Strategic Land Use Planning staff and considered by the Independent Advisory Planning Assessment Panel at its meeting on 7 April 2021. The Panel recommended as follows:

#### PANEL ADVICE

*THAT a Planning Proposal be prepared under Section 3.33 of the Environmental Planning & Assessment Act 1979:*

- *To amend Schedule 1 of Wingecarribee Local Environmental Plan 2010 to remove Item 28, and*
- *Rezone from R2 Low Density Residential to B5 Business Development and remove the 700m<sup>2</sup> minimum lot size of land at Lots 1,2,3,8,9 & 10 Section 6 in DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107, Nos. 10 & 12 -14 Old Hume Highway, Welby, being the Welby Garden Centre, and*
- *Apply a Maximum Building Height of 8 metres, and*
- *Apply a Maximum Floor Space Ratio of 0.9:1.*

The Recommendation was moved at the Ordinary Meeting of 21 April 2021 and declared carried by the Interim Administrator, as indicated below:

#### **MN 112/21**

**MOTION** moved by Interim Administrator V May PSM

*THAT a Planning Proposal be prepared under Section 3.33 of the Environmental Planning & Assessment Act 1979:*

- *To amend Schedule 1 of Wingecarribee Local Environmental Plan 2020 to remove Item 28, and*
- *Rezone from R2 Low Density Residential to B5 Business Development and remove the 700m<sup>2</sup> minimum lot size of land at Lots 1,2,3,8,9 & 10 Section 6 in DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107, Nos. 10 & 12 -14 Old Hume Highway, Welby, being the Welby Garden Centre, and*
- *Apply a Maximum Building Height of 8 metres, and*
- *Apply a Maximum Floor Space Ratio of 0.9:1.*

**DECLARED CARRIED BY THE INTERIM ADMINISTRATOR**

The exhibition of the previous Planning Proposal and the amended Planning Proposal were considered by the Independent Advisory Planning Assessment Panel at its Meeting of 2 March 2022 at which time the Panel provided the following advice.

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022



### PANEL ADVICE

#### THAT

- (a) the Planning Proposal for the Welby Garden Centre be amended to include the following lots - Lots 1,2,3,8,9 & 10 Section 6 DP 759070, Lot 1 DP 1006005 & Lot 2 DP 1019107, and
- (b) the Planning Proposal for the Welby Garden Centre be amended to include the following land uses - landscaping material supplies, plant nursery, garden centre, community facility and light industry, and
- (c) an amended Gateway Determination be sought from the NSW Department of Planning & Environment for the amended Planning Proposal under s3.35 of the Environmental Planning & Assessment Act 1979.

REASONS The Panel generally agrees with the Council Officer's report.

VOTING Unanimous

This advice formed the recommendation to the report to Council of 16 March 2022 and was supported by the Interim Administrator.

### 2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes?

A Planning Proposal is the only mechanism to amend WLEP 2010. The proposed amendment will enable the subject land to continue to develop its business operations.

### Section B – Relationship to the Strategic Planning Framework

### 3 - Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional strategy?

The South East and Tablelands Regional Plan 2036 is the relevant sub-regional strategy. In broad terms, the Strategy seeks to cater for continued growth within the region, without impacting adversely upon local character. A stated objective within the Regional Plan for the Wingecarribee area that is of relevance to the Planning Proposal is to:

*'Facilitate employment growth in nominated centres (including Bowral, Mittagong, Moss Vale, Robertson and Berrima) including home based employment.'*

This Planning Proposal does not contradict the Strategy's further broad aim of protecting the sensitive elements of the natural environment as the site is not sensitive from an ecological or environmental perspective. There are no parts of the site that contain remnant native vegetation or watercourses.





The nature and scale of the Planning Proposal raise no issues of inconsistency concerning the Regional Strategy and is consistent in that it fosters employment generation, specifically for those members of the community who have intellectual disabilities. The Planning Proposal to rezone the land to reflect commercial, employment-generating activities is a localised amendment to the local planning controls that will assist in achieving the stated aims.

**4 - Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?**

**4.1 Wingecarribee Local Housing Strategy**

The Wingecarribee Local Housing Strategy (WLHS) supports residential development through an appropriate supply of residential zoned land to facilitate residential growth. The subject site, although zoned residential land has not been used as such since 1989 when the WGC commenced operations as a Not for Profit business and as a charitable organisation.

The proposed zoning change from R2 Low Density Residential to B5 Business Development would be consistent with the WLHS in that the subject land does not form part of the current or proposed future housing stock of the Wingecarribee Shire. It is noted that the site has operated as a plant nursery and landscape materials supply business for the past 31 years, commencing operations in 1989.

**4.2 Wingecarribee Local Strategic Planning Statement**

The village of Welby is located on the western edge of Mittagong township. There is no specific reference to the village in the Wingecarribee Local Strategic Planning Statement (WLSPS) but the Strategy does identify Mittagong as *'one of our three major towns within the Shire, located to the north of Bowral. The town contains a mix of local businesses with traditional anchor stores including larger scale retail offerings and bulky goods outlets are located 'out of town' at the Mittagong Marketplace to the west of the town centre'*.

These 'out of town' outlets are located within a nearby B5 Business Development zone. It is noted however that proposed amendments to the Standard Instrument will replace the Business and Industrial zones with new Employment zones many of which will comprise the amalgamation of current zones. The new E3 Employment Support will combine the B5 Business Development and B7 Business park zones with a consequent expansion of the range of land uses permitted within the new zone. To rezone the subject land would therefore create the potential for significant land use conflict should the ongoing use of the land change in the future and new land use permissibilities sought under the new E3 zone Employment Support.

Planning Priority 3.1 of WLSPS is that *'our Shire supports businesses and attracts people to work, live and visit'*. The Rationale behind this Priority is:

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022



Wingecarribee Shire Council is committed to developing and promoting the Southern Highlands as a destination in which to live, work, invest, play, learn, visit and enjoy. Our Shire has a healthy and diverse economy, driven by the health, tourism, education, manufacturing, agriculture, construction and professional industry sectors. Our proximity to Sydney, Canberra and Wollongong provides a strong base for economic development, and our natural areas, rural landscapes and vibrant towns and villages will continue to support our visitor economy.

The Planning Proposal supports this priority by reinforcing the valuable ongoing function of the Welby Garden Centre in providing employment for residents with disabilities as well as providing garden products and gardening services for residents across the Shire.

Planning Priority 3.2 of WLSPS is that *'Local business is supported through a connected community'*. The Rationale behind this Priority is:

A strong community forms the foundation on which to build a sustainable local economy.

The Wingecarribee Shire has a diverse range of businesses across a broad spectrum of the economy. Some 98% of all businesses within the Shire are 'small businesses' often owned, operated and staffed by locals. These existing businesses (both small and large) are the foundation of our economy providing local jobs and services to meet the needs of our community.

Council can and will support local businesses to grow through regular engagement, supporting and promoting innovation, and promoting the Wingecarribee as a destination to live, work, learn and play. However, successful business and economic development requires a strong and connected business community, working together with Council to deliver positive outcomes for both the community and the industry.

The Planning Proposal supports this priority by enabling community members with disabilities to remain active and engaged with a sense of purpose. This in turns strengthens the values and connections within and across the community.

### 5 - Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

#### SEPP (Housing) 2021

*The intent of this SEPP is to deliver a sufficient supply of safe, diverse and affordable housing*  
<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714>

#### Assessment – Consistent

*Although the land is zoned R2 Low Density Residential it has been occupied by Challenge Southern Highlands for many years for the current commercial purpose. The Planning Proposal does not seek to rezone the land but to allow additional permitted uses under Schedule 1 of WLEP 2010. Any change to this current commercial land use would still allow the land to be*

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022



subsequently used for housing. Therefore, it is considered that the Planning Proposal is consistent with the SEPP.

<b>SEPP (Transport and Infrastructure) 2021</b>	The intent of this SEPP is to provide well-designed and located transport and infrastructure integrated with land use <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732</a>
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**Assessment – Consistent**

The Planning Proposal will not impact local transport and infrastructure. Therefore, it is considered that the Planning Proposal is consistent with the SEPP.

<b>SEPP (Primary Production)</b>	The intent of this SEPP is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW. <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729</a>
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**Assessment – Consistent**

The Planning Proposal will not impact agricultural land or primary production. Therefore, it is considered that the Planning Proposal is consistent with the SEPP.

<b>SEPP (Biodiversity and Conservation) 2021</b>	The intent of this SEPP is to preserve, conserve and manage NSW's natural environment & heritage <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722</a>
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**Assessment – Consistent**

The Planning Proposal will not impact biodiversity or environmental conservation. A preliminary site inspection confirms there are no potential contamination issues. The Department of Planning & Environment has endorsed this PSI report and the Biodiversity & Conservation section of the Department of Planning & Environment has confirmed it has no issue with the Planning Proposal.

The subject site is located within the Sydney Drinking Water Catchment. Water NSW has no objection to the Planning Proposal and agrees that the Proposal responds to and is consistent with the SEPP. WaterNSW noted that any future development of the site will need to have a neutral or beneficial effect on water quality as required by the SEPP and incorporate WaterNSW's current recommended practices (CRPs). The 2010 Nursery Industry Water Management Best Practice Guidelines are relevant in this regard.

Therefore, it is considered that the Planning Proposal is consistent with the SEPP.

<b>SEPP (Resilience and Hazards) 2021</b>	The intent of this SEPP is to manage risks and building resilience in the face of hazards <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730</a>
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**Assessment – Consistent**

The provisions of Chapter 3 (Hazardous and Offensive Development) and Chapter 4 (Remediation of Land) SEPP are the only part of this SEPP applicable to Wingecarribee Shire. A preliminary

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022



site inspection confirms there are no potential contamination issues. The Department of Planning & Environment has endorsed this PSI report and the Biodiversity & Conservation section of the Department of Planning & Environment has confirmed it has no issue with the Planning Proposal. Therefore, it is considered that the Planning Proposal is consistent with the SEPP.

<b>SEPP (Design and Place) 2021</b>	The intent of this SEPP is to deliver well designed places that enhance quality of life, the environment and the economy
<b>Assessment – Consistent</b>	
Any subsequent development application would be assessed with regard to this SEPP.	

<b>SEPP (Industry and Employment) 2021 –</b>	The intent of this SEPP is to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723</a>
<b>Assessment – Consistent</b>	
The provisions of Chapter 3 (Advertising & Signage) are the only part of this SEPP applicable to land in Wingecarribee Shire. Any subsequent development application would be assessed with regard to this SEPP.	

<b>SEPP (Resources and Energy) 2021</b>	The intent of this SEPP is to promote the sustainable use of NSW's resources and transitioning to renewable energy <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731</a>
<b>Assessment – Consistent</b>	
Any subsequent development application would be assessed with regard to this SEPP.	

<b>SEPP (Planning Systems) 2021</b>	The intent of this SEPP is to provide a strategic and inclusive planning system for the community & the environment <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724</a>
<b>Assessment – Consistent</b>	
The preparation of this Planning Proposal and its processing is being undertaken in accordance with the Department of Planning & Environment's Local Plan Making Guideline. Therefore it is considered that this Planning Proposal is consistent with the SEPP.	

<b>SEPP (Regional Precincts) 2021</b>	The intent of this SEPP is to consider State significant precincts, Activation precincts and other specific precincts including the Southern Highlands Regional Shooting Complex <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727</a>
<b>Assessment – Consistent</b>	
The Planning Proposal does not impact any precincts or facilities associated with this SEPP.	



**6 - Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?**

<b>1-Planning Systems</b>	<i>The intent of these Directions is to support the broader NSW planning framework, including its processes and collaborative approaches to strategic and land use planning and decision making. They seek to achieve long-term, evidence-based, strategically led planning that is inclusive, democratic, responsive to the community and the environment, and ensures decisions are transparent and prompt.</i>
<b>1.1 Repealed</b>	
<b>1.2 Implementation of Regional Plans</b> (previously 5.10)	
<i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i>	
<b>Assessment – Consistent</b>	
<i>The Planning Proposal is consistent with the SE and Tablelands Regional Plan as indicated above.</i>	
<b>1.3 Development of Aboriginal Land Council land</b> (previously 5.11)	
<i>The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</i>	
<b>Assessment – Consistent</b>	
<i>The Planning Proposal does not impact this Direction.</i>	
<b>1.4 Approval and Referral Requirements</b> (previously 6.1)	
<i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>	
<b>Assessment – Consistent</b>	
<i>The Planning Proposal does not impact this Direction.</i>	
<b>1.5 Site Specific Provisions</b> (previously 6.3)	
<i>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</i>	
<b>Assessment – Consistent</b>	
<i>The Planning Proposal does not impose any restrictive site specific controls other than those proposed for Schedule 1 of WLEP 2010.</i>	
<b>1.6 Parramatta Road Corridor Urban Transformation Strategy</b>	
<b>1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>	
<b>1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	
<b>1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation</b>	
<b>1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>	
<b>1.11 Implementation of the Western Sydney Aerotropolis Plan</b>	
<b>1.12 Implementation of Bayside West Precincts 2036 Plan</b>	
<b>1.13 Implementation of Planning Principles for the Cooks Cove Precinct</b>	
<b>1.14 Implementation of St Leonards and Crows Nest 2036 Plan</b>	



<p><b>1.15 Implementation of Greater Macarthur 2040</b>  <b>1.16 Implementation of the Pyrmont Peninsula Place Strategy</b>  <b>1.17 North West Rail Link Corridor Strategy</b></p>
<p><i>None of these place-based Directions apply to Wingecarribee Shire</i></p>

<p><b>2- Design &amp; Place</b></p>	<p><i>The intent of these Directions is to establish quality design approaches for new development, public spaces and the environment. They promote the design of places that are healthy, sustainable, prosperous, and supportive of people, the community and Country.</i></p>
<p><b>Assessment – Consistent</b>  <i>The Planning Proposal specifies which land uses may be considered for the subject land and any subsequent development application will address design and place in more detail.</i></p>	

<p><b>3- Biodiversity &amp; Conservation</b></p>	<p><i>The intent of these Directions is to recognise the fundamental importance of protecting, conserving and managing NSW's natural environment and heritage. They help balance the needs of built and natural environments, respecting both the innate and economic value of the state's biodiversity and natural assets.</i></p>
<p><b>3.1 Conservation Zones (previously 2.1 Environment Protection Zones)</b>  <i>The objective of this Direction is to protect and conserve environmentally sensitive areas.</i></p>	
<p><b>Assessment – Consistent</b>  <i>The Planning Proposal has been considered by the relevant state agencies who advise 'no issues' with it.</i></p>	
<p><b>3.2 Heritage Conservation (previously 2.3)</b>  <i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i></p>	
<p><b>Assessment – Consistent</b>  <i>The Planning Proposal does not impact any Items of Heritage, nor is the subject land within a Heritage Conservation Area.</i></p>	
<p><b>3.3 Sydney Drinking Water Catchments (previously 5.2)</b>  <i>The objective of this direction is to protect water quality in the Sydney drinking water catchment.</i></p>	
<p><b>Assessment – Consistent</b>  <i>The subject land is located within the catchment area. WaterNSW has responded to the Proposal noting that although the current use of the site is to remain, given the proposed change in zoning, WaterNSW has produced a SLWCA for Retail and Commercial uses of the site as allowed by the rezoning which indicates that the water quality risk varies from LOW to MODERATE indicating that the land has HIGH to MODERATE capability for the uses allowed by the proposed amendment.</i></p>	
<p><b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b>  <i>Not applicable to Wingecarribee Shire</i></p>	
<p><b>3.5 Recreation Vehicle Areas (previously 2.4)</b>  <i>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</i></p>	
<p><b>Assessment – Consistent</b>  <i>The Planning Proposal does not impact this Direction.</i></p>	



<b>4- Resilience &amp; Hazards</b>	<i>The intent of these Directions is to improve responses to natural and development-related hazards, and climate change. They support methods to consider and reduce risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments.</i>
<b>4.1 Flooding</b> (previously 4.3)	
<i>The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i>	
<b>Assessment – Consistent</b> <i>The subject land is not identified as being flood prone. Planning Proposal is therefore consistent with this Direction.</i>	
<b>4.2 Coastal Management</b> (previously 2.2)	
<i>Not applicable to Wingecarribee Shire</i>	
<b>4.3 Planning for Bushfire Protection</b> (previously 4.4)	
<i>The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas.</i>	
<b>Assessment – Consistent</b> <i>The subject land is not identified as being bushfire prone. No response was received by RFS during the agency consultation period, however RFS did respond to the previous Planning proposal to rezone the subject land with the following comment - On the basis of the information provided, it is advised that no specific objections to the proposed amendment are raised at this time. It should be noted that no master plan, indicative building layout, building envelope or any information addressing the relevant sections of Planning for Bush Fire Protection (PBP) 2019 has been provided with the referral. As such, any future development application associated with the subject site must be supported by a bush fire report, prepared by a suitably qualified consultant, demonstrating compliance with the requirements of relevant section(s) of PBP 2019.</i>	
<b>4.4 Remediation of Contaminated Land</b> (previously 2.6)	
<i>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. (NB: In order to meet the requirements of this Direction every site-specific Planning Proposal must include a Preliminary Site Inspection report.)</i>	
<b>Assessment – Consistent</b> <i>The Planning Proposal does not impact this Direction. A PSI report has been prepared and approved by the Department and is included in the exhibition material.</i>	
<b>4.5 Acid Sulphate Soils</b>	
<i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</i>	
<b>Assessment - Consistent</b> <i>There currently appear to be no mapped acid sulphate soils within Wingecarribee Shire.</i>	
<b>4.6 Mine Subsidence &amp; Unstable Land</b>	



<i>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i>
<b>Assessment - Consistent</b>
<i>There is no indication that the land is unstable affected by mine subsidence.</i>

<b>5- Transport &amp; Infrastructure</b>	<i>The intent of these Directions is to support innovative, integrated and coordinated transport and infrastructure, that is well-designed, accessible and enduring. They seek to optimise public benefit and value by planning for modern transport and infrastructure in the right location and at the right time.</i>
<b>5.1 Integrating Land Use and Transport</b> (previously 3.4)	
<i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i>	
<i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i>	
<i>(b) increasing the choice of available transport and reducing dependence on cars, and</i>	
<i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i>	
<i>(d) supporting the efficient and viable operation of public transport services, and</i>	
<i>(e) providing for the efficient movement of freight.</i>	
<b>Assessment - Consistent</b>	
<i>There is nothing in the Planning Proposal which would compromise this Ministerial Direction.</i>	
<b>5.2 Reserving Land for Public Purposes</b> (previously 6.2)	
<i>The objectives of this direction are to:</i>	
<i>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</i>	
<i>(b) facilitate the removal of reservation</i>	
<b>Assessment - Consistent</b>	
<i>There is nothing in the Planning Proposal which would compromise this Ministerial Direction.</i>	
<b>5.3 Development Near Regulated Airports and Defence Airfields</b> (previously 3.5)	
<i>The objectives of this direction are to:</i>	
<i>(a) ensure the effective and safe operation of regulated airports and defence airfields;</i>	
<i>(b) ensure that their operation is not compromised by development that constitutes an obstruction,</i>	
<i>hazard or potential hazard to aircraft flying in the vicinity; and</i>	
<i>(c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</i>	
<b>Assessment - Consistent</b>	
<i>There is nothing in the Planning Proposal which would compromise this Ministerial Direction.</i>	
<b>5.4 Shooting Ranges</b> (previously 3.6)	
<i>The objectives are to:</i>	
<i>(a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</i>	
<i>(b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</i>	
<i>(c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</i>	
<b>Assessment - Consistent</b>	



**AGENDA OF THE LOCAL PLANNING PANEL  
WEDNESDAY 3 AUGUST 2022**



*There is nothing in the Planning Proposal which would compromise this Ministerial Direction.*

<b>6- Housing</b>	<i>The intent of these Directions is to foster long-term, strategic-led and evidence-based approaches to guide a strong supply of well-located homes. They support the delivery of safe, diverse, affordable and quality designed housing that meets the needs of Aboriginal and local communities.</i>
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**6.1 Residential Zones (previously 3.1)**

*The objectives of this direction are to:*

- (a) encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) minimise the impact of residential development on the environment and resource lands.*

**Assessment - Consistent**

*Retaining the land within the R2 Low Density residential zone does allow for its ongoing potential use for residential development..*

**6.2 Caravan Parks and Manufactured Home Estates (previously 3.2)**

*The objectives of this direction are to:*

- (a) provide for a variety of housing types, and*
- (b) provide opportunities for caravan parks and manufactured home estates.*

**Assessment - Consistent**

*There is nothing in the Planning Proposal which would compromise this Ministerial Direction.*

<b>7- Resilient Economies</b>	<i>The intent of these Directions is to support diverse, inclusive and productive employment opportunities across the state to make NSW more economically competitive. They promote the supply of strategic employment lands, innovative industries and centres as a focus for activity and accessibility.</i>
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**7.1 Business and Industrial Zones (previously 1.1)**

*The objectives of this direction are to:*

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified centres.*

**Assessment - Consistent**

*The Planning Proposal seeks to support existing commercial development on the site and enable appropriate future expansion.*

**7.2 Reduction in non-hosted short-term rental accommodation period**

*Not applicable to Wingecarribee Shire.*

**7.3 Commercial and Retail Development along the Pacific Highway, North Coast**

*Not applicable to Wingecarribee Shire.*



<b>8- Resources &amp; Energy</b>	<i>The intent of these Directions is to promote the sustainable development of resources in strategic areas and a transition to low carbon industries and energy. They support positive environmental outcomes and work towards the net zero emissions target and continued energy security, while also promoting diversified activity in regional economies.</i>
<b>8.1 Mining, Petroleum Production &amp; Extractive Industries</b>	
<i>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</i>	
<b>Assessment - Consistent</b>	
<i>There is nothing in the Planning Proposal which would compromise this Ministerial Direction.</i>	
<b>9- Primary Production</b>	<i>The intent of these Directions is to support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i>
<b>9.1 Rural Zones (previously 1.2)</b>	
<i>The objective of this direction is to protect the agricultural production value of rural land.</i>	
<b>Assessment - Consistent</b>	
<i>There is nothing in the Planning Proposal which would compromise this Ministerial Direction.</i>	
<b>9.2 Rural Lands (previously 1.5)</b>	
<i>The objectives of this direction are to:</i>	
<i>(a) protect the agricultural production value of rural land,</i>	
<i>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</i>	
<i>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</i>	
<i>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</i>	
<i>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</i>	
<i>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</i>	
<b>Assessment - Consistent</b>	
<i>There is nothing in the Planning Proposal which would compromise this Ministerial Direction.</i>	
<b>9.3 Oyster Aquaculture (previously 1.4)</b>	
<i>The objectives of this direction are to:</i>	
<i>(a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and</i>	
<i>(b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i>	
<b>Assessment - Consistent</b>	
<i>There is nothing in the Planning Proposal which would compromise this Ministerial Direction.</i>	
<b>9.4 Farmland of State &amp; Regional Significance on the NSW Far North Coast</b>	
<i>Not applicable to Wingecarribee Shire</i>	



#### **Section C – Environmental, Social & Economic Impacts**

- 1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?**

The predominant land use of the site is that of a retail / wholesale plant nursery. There is no known critical habitat or threatened species, populations or ecological communities on the subject land. It is considered, therefore, that there will be no adverse environmental effects resulting from the Planning Proposal.

- 2. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

It is considered that there will be no other adverse environmental effects resulting from the Planning Proposal.

- 3. Has the Planning Proposal adequately addressed any social and economic effects?**

It is considered that the Planning Proposal will have a positive social and economic effect in that it will foster further employment opportunities for persons with an intellectual disability through an appropriate Business Land Use Zoning for the WGC.

#### **Section D – State and Commonwealth Interests**

- 4. Is there adequate public infrastructure for the Planning Proposal?**

Existing public infrastructure is adequate for the current operations of the WGC. Any future development proposal resulting from this Planning proposal would be assessed with regard to servicing and infrastructure and would be referred to WaterNSW for concurrence.

### **Part 4: Mapping**

A draft map for the subject land is included in the Planning Proposal.

### **Part 5: Consultation**

- **Agency referrals** - Council undertook the following agency referrals as required by the Gateway Determination and responses form part of the exhibition material. No objections were received.

## AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 3 AUGUST 2022



### o **Community Consultation**

The original Planning Proposal and associated documentation were on public exhibition for a period of 31 days from Wednesday 10 November to Friday 10 December 2021. Further consultation is now being undertaken in accordance with the amended Gateway Determination and Departmental Guidelines.

### **Part 6: Timeline**

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Alteration	Mar 2022
Agency Consultation & Completion of Gateway Requirements	May 2022
Public Exhibition	June 2022
Post exhibition Report to Advisory Panel & Council	August 2022
Drafting of Opinion	September 2022
Making of WLEP 2010 Amendment	October 2022

### **Delegation**

The Planning Proposal is 'Delegated' to Council which means that Wingecarribee Shire Council is authorised to exercise the functions of the Minister for Planning under s.3.36 of the *Environmental Planning & Assessment Act 1979* as have been delegated to it with regard to the Planning Proposal.

### **END OF PLANNING PROPOSAL**

**6 DEVELOPMENT APPLICATIONS**

**7 MEETING CLOSURE**