

File No: 107/16

6 August 2020

Dear Councillors and Committee Members,

You are kindly requested to attend the Heritage Advisory Committee Meeting of Wingecarribee Shire Council to be held remotely using audio visual link and in Nattai Room, Civic Centre, Elizabeth Street, Moss Vale (subject to permissibility) on Friday 14 August 2020 commencing at 3:00pm.

Yours faithfully

Mark Pepping

Deputy General Manager Corporate, Strategy & Development Services

DISTRIBUTION:

Committee Members - Councillors

Clr G McLaughlin – Chairperson Clr P W Nelson – Alternate Chair

Community Representatives

Mr Simon Bathgate Mr Dennis McManus Mr Ian Stapleton Ms Charlotte Webb

Agency Representatives

Ms Linda Emery – Berrima District Historical & Family History Society
Ms Lyn Barrett – Australian Garden History Society
Ms Mhairi Clark – National Trust of Australia

Staff

Mr Michael Park - Coordinator Strategic Land Use Planning Ms Sarah Farnese – Strategic Land Use Planner (Heritage)

Civic Centre, Elizabeth St, Moss Vale, NSW 2577. PO Box 141, Moss Vale. **t. (02)** 4868 0888 f. (02) 4869 1203 e. mail@wsc.nsw.gov.au ABN 49 546 344 354

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Business

- 1. WELCOME AND APOLOGIES
- 2. ACKNOWLEDGEMENT OF COUNTRY
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING

Heritage Advisory Committee Meeting held on 14 February 2020

4. DECLARATIONS OF INTEREST

5.	AGENDA REPORTS	
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	5.2	Development Applications Notified to the Committee since the Last Meeting
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6. DATE OF NEXT MEETING

The next meeting will be held on Friday 9 October 2020 in the Nattai Room Civic Centre, Elizabeth Street, Moss Vale commencing at 3:00pm.

7. MEETING CLOSURE



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

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'

OUR VISION

OUR VALUES

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'

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

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Acknowledgement of Country

I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.

Declarations of Interest

The provisions of Chapter 14 of the *Local Government Act 1993* regulate the way in which Councillors, Committee Members and 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 Chamber.

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.

Where necessary any Councillor, Committee Member and nominated staff of Council should disclose any interest and the reason for declaring such interest in the matters under consideration at this meeting.

Councillors and Committee Members are requested to complete the appropriate form to be handed up at the Meeting.

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AGENDA REPORTS



5 AGENDA REPORTS

5.1 Update on Heritage Matters

Reference: 5650

Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

The purpose of this report is to update the Committee on non-DA related heritage matters.

REPORT

An update is provided on the following matters:

Welby Park Manor, 28 Old Hume Highway, Welby—Interim Heritage Order No. 8

- Wingecarribee IHO No. 8 gazetted 21 December 2018; lapsed 21 June 2019.
- Report to Council 12 June 2019 recommended listing of 'Welby Park Manor' and associated sites and increase the minimum lot size. Council resolved to defer consideration of the matter for 6 months to allow for further information to be submitted by the owner.
- A report to Council again recommending heritage listing and change in minimum lot size
 was considered by Council on 12 February 2020. Council again resolved to defer the
 matter to allow the owners to present their case to Councillors at a Breiifing Session.
 Due to COVID-19 and unwillingness for the owners to partake in a video conference the
 Brieifing Session is yet to be held.
- Tree clearing that was undertaken on the site in late 2019 is being investigated by Council officers.

Aitken Road Bowral Group—Interim Heritage Order No. 9

- Wingecarribee IHO No. 9 gazetted 18 January 2019.
- Planning Proposal to heritage list 25-27, 33-37 and 39-41 Aitken Road as a heritage item (Aitken Road Interwar Housing Group) and to create a new heritage conservation area (Aitken Road Conservation Area) comprising 12-30 and 25-43 Aitken Road and 56, 58 and 60 Kangaloon Road was exhibited from 15 January to 14 February 2020.
- Report on the public exhibition was considered by Council on 24 June 2020. Council
 adopted the recommendation to proceed with the amendment to the Wingecarribee
 Local Environmental Plan 2010.
- Submission to the Department of Planning, Industry and Environment requesting the amendment be made is being prepared by staff and will be sent off soon.

Rochester Park, 102-104 Old Wingello Road, Bundanoon—Interim Heritage Order No. 10

- Wingecarribee IHO No. 10 gazetted 22 February 2019.
- Report presented to 14 August 2019 Council meeting. Council resolved to heritage list the site and to amend the minimum lot size from 700m² to 1ha, thereby extinguishing any subdivision potential.
- Planning Proposal has not yet been prepared and at the IHO has now lapsed.

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- A new DA (20/1139) has been submitted for the same subdivision of the site.
- There is still a Council resolution to heritage list the site and the Planning Proposal will be prepared and sent to the Department of Planning, Industry and Environment as soon as practicable.

Local Strategic Planning Statement and Local Housing Strategy

 The LSPS and LHS, which were exhibited from 18 March to 15 May 2020, were adopted by Council on 24 June 2020 and have been submitted to the Department of Planning, Industry and Environment.

RECOMMENDATION

THAT the report be noted.

ATTACHMENTS

There are no attachments to this report.

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AGENDA REPORTS



5.2 Development Applications Notified to the Committee since the Last Meeting

Reference: 107/16

Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

The purpose of this report is to present a list of development applications (DAs) notified to the Heritage Advisory Committee since the last meeting on 14 February 2020 and to discuss various development application matters.

REPORT

A list of the DAs notified to the Committee will be distributed to members separately before the meeting. The spreadsheet will show DAs notified to the Committee since the last meeting highlighted in yellow at the end of the list and will provide an update on other applications previously notified to the Committee.

Any submissions made on any notified DAs by any member of the Heritage Advisory Committee in their capacity as a member of the Heritage Advisory Committee must be provided to Council staff to be included in the recommendation of this report and, therefore, reflected in the minutes of the meeting.

Please note that the details of all the submissions and comments made since February will be compiled and sent to members for review prior to the meeting.

This item will include discussion of the Committee's recent visit to The Maltings.

THE MALTINGS

On 4 August 2020, members of the Heritage Advisory Committee were invited to a tour of the Maltings in reference to development application 20/1400 (Nominated Integrated Staged Concept Development Application under s5.10(10) of the Wingecarribee Local Environmental Plan 2010 for redevelopment of The Maltings site (Draft State Heritage Item) as a Mixed Use development). The tour was led by the applicant's planning consultant, Kim Samuel, of Elton Consulting, and heritage consultant, Paul Davies.

RECOMMENDATION

<u>THAT</u> the following submissions made on development applications since the last meeting of the Committee be noted:

Property
Application Number
Application For
Date

Comment

Friday 14 August 2020

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ATTACHMENTS

There are no attachments to this report.

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5.3 'Yarrabin', 32 Kangaloon Road, Bowral - Heritage Assessment and Risk of Inappropriate Development

Reference: 5650, PN 1705222

Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

The purpose of this report is to discuss the heritage assessment of 'Yarrabin', the resolution of Council of 12 August 2020 and the ongoing pressure on large historic properties for inappropriate development, including seniors housing.

REPORT

Following representations from local residents expressing concerns over the future of the property, the Heritage Committee visited 'Yarrabin' at 32 Kangaloon Road, Bowral, on 23 July 2020. A report containing a heritage assessment has been prepared for Council's consideration on 12 August 2020. This report recommends that Council endorse an Interim Heritage Order over the site and that the site be heritage listed and included in the Bowral Conservation Area. The site is large (over 5,500m²) and is capable of being developed by a 2-lot subdivision, dual occupancy or a seniors housing development.

Concerns have been expressed by members of the Committee and the Community about historic large properties being purchased for the purpose of seniors living developments, particularly those that have not been identified as being within a heritage conservation area or a heritage item, which affords some protection. It has been pointed out that State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 does not apply in conservation areas within the Sydney metropolitan area, a policy extended until mid-next year. However, the SEPP does not apply to much of the Wingecarribee Shire (including Bowral) as the majority of the Shire is within a catchment area in which the SEPP is excluded. The Wingecarribee Shire is shown relative to the Warragamba and Shoalhaven catchments in **Figures 1 and 2**.

Seniors housing is defined in the Wingecarribee Local Environmental Plan (WLEP) 2010 as follows:

seniors housing means a building or place that is-

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.





Figure 1: Wingecarribee Shire relative to the Warragamba Catchment



Figure 2: Wingecarribee Shire relative to the Shoalhaven Catchment

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Seniors housing is a type of *residential accommodation* (separately defined in the WLEP 2010) and is permissible with consent in all residential zones (R2 Low Density Residential, R3 Medium Density Residential and R5 Large Lot Residential). The Development Control Plans for the towns and villages contain development controls based on the SEPP for these types of development. <u>ATTACHMENT 1</u> contains the Seniors Housing controls from the Bowral DCP.

RECOMMENDATION

THAT the report be noted.

ATTACHMENTS

1. Part C8 Seniors Housing of the Bowral Development Control Plan

ATTACHMENT 1 Part C8 Seniors Housing of the Bowral Development Control Plan



BOWRAL TOWNSHIP DEVELOPMENT CONTROL PLAN

PART C - RESIDENTIAL ZONED LAND

SECTION 8 – SENIORS HOUSING



Section 8 Seniors Housing

C8.1 Introduction

Applicants are directed to the definition of Seniors Housing included in WLEP 2010 where such development is permitted with consent in the R2 Low Density Residential and R3 Medium Density zones.

It is noted that, under Schedule 1 of the Seniors SEPP, the SEPP does not apply within Wingecarribee Shire. However, the Seniors Housing provisions in the DCPs make useful reference to the Seniors SEPP to assist applicants in the preparation of development proposals and to assist Council officers in the assessment of Development Applications for Seniors Housing in the R2 Low Density Residential and R3 Medium Density Residential zones as permitted with consent under WLEP 2010.

The following objectives and controls are drawn from the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP) and applicants are directed to the Seniors SEPP to ensure they comply with all assessment requirements.

C8.2 General Objectives

The purpose of these controls is to encourage the provision of seniors housing, including residential care facilities that will:

- increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- (b) make efficient use of existing infrastructure and services, and
- (c) be of good design.

C8.3 Neighbourhood Amenity and Streetscape

The proposed development should:

- recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area;
- (b) retain, complement and sensitively harmonise with Items of Heritage or Conservation Areas;
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:
 - (i) providing building setbacks to reduce bulk and overshadowing,
 - (ii) using building form and siting that relates to the site's land form,

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- (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and
- (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
- be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line,
- (d) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape,
- (e) retain, wherever reasonable, major existing trees,
- (f) be designed so that no building is constructed in a riparian zone.

C8.4 Visual and Acoustic Privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

Note. The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.

C8.5 Solar Access and Design for Climate

The proposed development should:

- ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.

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C8.6 Crime Prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and
- (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

Applicants are directed to Section A5 - Safer by Design for more detailed guidelines and controls.

C8.7 Accessibility

The proposed development should:

- have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

C8.8 Standards for Hostels and Self-Contained Dwellings

A development application made for the purpose of a hostel or self-contained dwelling shall comply with the following standards:

- (a) The size of the site must be at least 1,000 square metres.
- (b) The site frontage must be at least 20 metres wide measured at the building line.
- (c) If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.
- (d) If the whole of the site does not have a gradient of less than 1:10:
- (e) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and
- (f) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.
- (g) Where the site has a variable gradient, the principle identified in clauses (a) and (b) above applies. For example, if 70% of the site has a gradient of less

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- than 1:10, then 70% of the dwellings must have wheelchair access as required by clause (a).
- (h) If more than 50% of the site has a gradient greater than 1:10, development for the purposes of seniors housing is unlikely to be possible.

C8.9 Height Controls

The proposed development must comply with the standards specified below:

- (a) If the development is proposed in a residential zone where residential flat buildings are not permitted:
 - the height of all buildings in the proposed development must be 8 metres or less, and
 - (ii) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this control applies) must be not more than 2 storeys in height, and
 - (iii) a building located in the rear 25% area of the site must not exceed 1 storey in height.
- (b) Clauses (a) (c) above do not apply to a development application made by the NSW Department of Housing, or any other social housing provider.

C8.10 Site Design

- (a) Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.
- (b) Pathway lighting must
 - be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and
 - (ii) provide at least 20 lux at ground level.
- (c) Letterboxes must
 - be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and
 - (ii) be lockable, and
 - (iii) be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.

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C8.11 On Site Car Parking

If car parking (not being car parking for employees) is provided:

- car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and
- (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and
- (c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

C8.12 Entry & Corridors

- (a) Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.
- (b) Widths of internal corridors and circulation at internal doorways must comply with AS 1428.1.

C8.13 Bedrooms

At least one bedroom within each dwelling must have:

- (a) an area sufficient to accommodate a wardrobe and a bed sized as follows:
 - in the case of a dwelling in a hostel—a single-size bed,
 - (ii) in the case of a self-contained dwelling—a queen-size bed, and
- (b) a clear area for the bed of at least:
 - (i) 1,200 millimetres wide at the foot of the bed, and
 - (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and
- (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and
- (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and
- (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and
- (f) wiring to allow a potential illumination level of at least 300 lux.

C8.14 Bathrooms

At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:

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- (g) a slip-resistant floor surface,
- (h) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,
- a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:
 - (i) a grab rail,
 - (ii) portable shower head,
 - (iii) folding seat,
- a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,
- (k) a double general power outlet beside the mirror.

C8.15 Other Requirements

- (a) A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.
- (b) Balconies and external paved areas must have slip-resistant surfaces. Advice regarding finishes may be obtained from AS 1428.1.
- (c) Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.
- (d) Switches and power points must be provided in accordance with AS 4299.
- (e) The standards contained in subclause (e) to (n) below apply to any seniors housing consisting of self-contained dwellings and are in addition to the standards set out subclause (a) to (d) above.
- (f) A living room in a self-contained dwelling must have:
 - (i) a circulation space in accordance with clause 4.7.1 of AS 4299, and
 - (ii) a telephone adjacent to a general power outlet.
- (g) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.
- (h) A kitchen in a self-contained dwelling must have:
 - (i) a circulation space in accordance with clause 4.5.2 of AS 4299, and
 - (ii) a width at door approaches complying with clause 7 of this Schedule, and
 - (iii) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:
 - (iv) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),
 - (v) a tap set (see clause 4.5.6),

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- (vi) cook tops (see clause 4.5.7), except that an isolating switch must be included,
- (vii) an oven (see clause 4.5.8), and
- (viii) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- (ix) general power outlets:
 - at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and
 - (ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.
- In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.
- (j) In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.
- (k) A self-contained dwelling must have a laundry that has:
 - (i) a width at door approaches that complies with clause 7 of this Schedule,
 - (ii) provision for the installation of an automatic washing machine and a clothes dryer,
 - (iii) a clear space in front of appliances of at least 1,300 millimetres,
 - (iv) a slip-resistant floor surface,
 - (v) an accessible path of travel to any clothes line provided in relation to the dwelling.
- A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.
- (m) A garbage storage area must be provided in an accessible location.
- (n) Despite the provisions above, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.

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AGENDA REPORTS



5.4 Progressing the Proposed Heritage Items Deferred by Council in 2012

Reference: 5650/4

Report Author: Strategic Land Use Planner (Heritage)

PURPOSE

The purpose of this report is to discuss the planned approach for the progressing of the list of proposed heritage items deferred by Council in November 2012.

REPORT

In 2012, Council consulted with the owners of over 350 properties that had been recommended for heritage listing by consultants on behalf of Council in 2009. In November 2012, Council resolved to heritage list a number of those items (around 80 in total) and the others were deferred pending further consultation with owners. The deferred items were, for the most part, those properties whose owners objected to the heritage listing, or whose owners did not respond to consultations on the proposed listing.

Since that time, staffing and workload has delayed the revisiting of these deferred items, but a number of recommended items have been the subject of subdivision development applications in recent years (including Rochester Park, 102-104 Old Wingello Road, Bundanoon; Whare Tau, Exeter Road, Exeter and Welby Park Manor, 28 Old Hume Highway, Welby). With increasing development pressure, it is now critical that previously identified places of heritage significance are listed to provide some certainty to owners or prospective owners and protect them from inappropriate development.

On 27 May 2020, Council resolved as follows in response to a Notice of Motion submitted by Clr McLaughlin:

MN 146/20

MOTION moved by Clr G McLaughlin and seconded by Clr P W Nelson

<u>THAT</u> a report on the proposed heritage items that were deferred in 2012 be brought back to Council for a resolution to progress these heritage items.

A verbal report will be given on a proposed strategy to advance these items at the meeting. The proposed approach can then be discussed by the Committee.

RECOMMENDATION

THAT the report be noted.

ATTACHMENTS

There are no attachments to this report.

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AGENDA REPORTS



Mark Pepping **Deputy General Manager Corporate, Strategy and Development Services**

Thursday 6 August 2020