

6 July 2018

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held in **Council Chambers, Civic Centre, Elizabeth Street, Moss Vale** on **Wednesday 11 July 2018** commencing at **3.30 pm**.

Yours faithfully

Barry W Paull

Acting General Manager

SCHEDULE

3.30pm	Council Meeting begins
5.30pm	Questions from the Public to be read out
7.40pm	Closed Council

RUNNING SHEET

ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale

on Wednesday, 11 July 2018 at 3.30 pm.

Time	Item
3.30pm	Opening of meeting – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded and the Council Chamber now has 24 Hour Video Surveillance.
	Acknowledgement of Country - Cllr L A C Whipper
3.32pm	Opening Prayer – Pastor Nick Losurdo, Christian City Church Bowral
3.35pm	<ul style="list-style-type: none"> • Apologies (<i>if any</i>) • Adoption of Previous Minutes – Wednesday 27 June 2018 • Business Arising (<i>if any</i>) • Declarations of Interest (<i>if any</i>) • Mayoral Minute (<i>if any</i>) • Public Forum (<i>if any</i>) <p>Motion to move into Committee of the Whole - Cllr P W Nelson</p> <ul style="list-style-type: none"> • Visitor Item - Nil • Council Reports
5.30pm	Motion to move into Council and the Mayor resumes the Chair
5.30pm	<p>Questions from the Public - <i>to be read</i></p> <p>Continuation of Council Reports</p> <p>General Business Questions</p> <p>Questions with Notice</p> <p>Notices of Motion</p>
7.40pm	Closed Council
8.00pm	Meeting Closed

Barry W Paull
Acting General Manager



Business

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
4. **APOLOGIES**
Nil
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting of Council held on 27 June 2018
6. **BUSINESS ARISING FROM THE MINUTES**
7. **DECLARATIONS OF INTEREST** 1
8. **MAYORAL MINUTES**
9. **PUBLIC FORUM**

COMMITTEE OF THE WHOLE

10. VISITOR MATTERS

OPERATIONS, FINANCE AND RISK

Nil

CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

Nil

11. EN BLOC MOTION

12. OPERATIONS FINANCE AND RISK

- 12.1 Renewal of the Lackey Park, Moss Vale and Australia Avenue,
Berrima Sewer Pump Stations 2

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

- 13.1 Development Applications Determined from 28 May 2018 to 24 June
2018 6
- 13.2 Development Applications Received from 28 May 2018 to 24 June
2018 14
- 13.3 Draft Agency Information Guide 24
- 13.4 Interim Heritage Order and Consideration of Heritage Listing of
OLSH, 2-18 Centennial Road, Bowral..... 41
- 13.5 Service Delivery Review, Southern Region Livestock Exchange107

Mayor to resume chair at 5.30 pm

COUNCIL MATTERS

14. GENERAL MANAGER

Nil

15. DELEGATE REPORTS

16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

Nil

19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

- 20.1 Notice of Motion 19/2018 - Use of Libraries Fund for Mittagong Library111
- 20.2 Notice of Motion 18/2018 - Reclassification of 1A Rainbow Street Mittagong to Community Land113
- 20.3 Notice of Motion 20/2018 - Request to Endeavour Energy not to erect concrete poles in Berrima115
- 20.4 Notice of Motion 21/2018 - Councillor information session on review of Developer Contributions Plans.....117

21. GENERAL BUSINESS

Nil

22. CLOSED COUNCIL

Moving into Closed Session.....118

22.1 Renewal of the Lackey Park, Moss Vale and Australia Avenue, Berrima Sewer Pump Stations

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

23. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council
Adoption of Closed Session

24. ADOPTION OF COMMITTEE OF THE WHOLE

25. 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

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

Recording of Ordinary and Extraordinary Meetings of Council

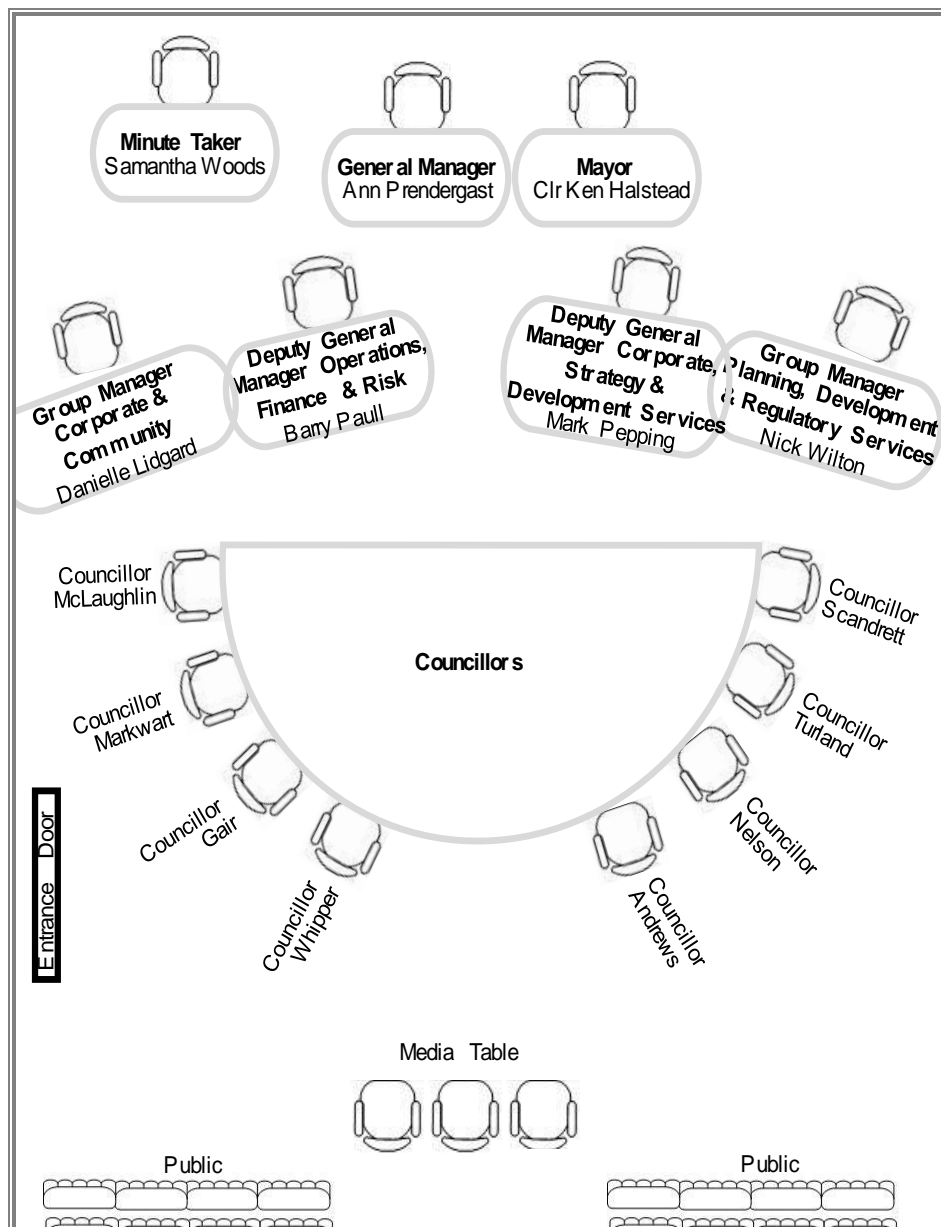
As authorised by the *Local Government Act 1993*, Wingecarribee Shire Council records the proceedings of the Ordinary and Extraordinary Meetings of Council to ensure accurate transcription of resolutions.

Recording of meetings by members of the media is permitted only for the purpose of verifying the accuracy of any report concerning such meeting. Broadcasting of any sound recording is not permitted. Video recording is also not permitted. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of Council without prior permission of the Council.

The Council Chamber now has 24 Hour Video Surveillance.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 July 2018



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.

APOLOGIES

Nil at time of print.

DECLARATIONS OF INTEREST

101/3, 101/3.1

The provisions of Chapter 14 of the *Local Government Act 1993* regulate the way in which Councillors 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.

COMMITTEE OF THE WHOLE

12 OPERATIONS FINANCE AND RISK

12.1 Renewal of the Lackey Park, Moss Vale and Australia Avenue, Berrima Sewer Pump Stations

Reference:	6330/18.6
Report Author:	Senior Project Manager
Authoriser:	Manager Projects and Contracts
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Renewal of the Lackey Park, Moss Vale and Australia Avenue, Berrima sewer pump stations project.

RECOMMENDATION

1. **THAT** the report concerning the Tender for Renewal of the Lackey Park, Moss Vale and Australia Avenue, Berrima sewer pump stations, be considered in Closed Council – Item 22.3.

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

REPORT

BACKGROUND

Both sewer pump stations have been showing signs of advanced deterioration, which in turn will require their complete renewal.

REPORT

Council has sought tenders for suitable and qualified contractors to provide a lump sum tender for the scope of works. The full scope of works was detailed in the design drawings and tender documents.

In accordance with the *Local Government (General) Regulation 2005* part 7, section 163(1), Council is required to invite tenders where estimated expenditure is greater than \$150,000 (GST inclusive).

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 July 2018

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



This report presents the assessment relating to the advertised tender.

ADVERTISING

The tender advertising period was from the 27 February 2018 to 20 March 2018 (21 days).
The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	Tue 20 Feb 2018
Newspaper – Southern Highlands News	Tue 20 Feb 2018
Council's Website	For the duration of the advertising period
Council's e - Tendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of nine (9) tender submissions were received:

Company Name Com	Location	Postcode
Athassel Civil Pty Ltd	Bronte	2024
Chiverton Estate Pty Ltd Trading As Thompsons Irrifab Pty Ltd	Cowra	2794
EMT Pty Ltd	Seven Hills	2147
Gongues Constructions Pty Ltd	Cameron Park	2285
Ledonne Constructions Pty Ltd	Blakehurst	2221
Metwest Engineering Pty Ltd	St Marys	2760
MMA Civil Contractors	Leichhardt	2040
POONINDIE Pty Ltd	Blayney	2799
Precision Civil Infrastructure Pty Ltd	Springwood	2777

LATE TENDERS

No late tenders were received.

TENDER EVALUATION

A Procurement Evaluation Plan was developed which outlined the pre-determined selection criteria, the criteria weightings, and members of the tender evaluation panel.

Each submission was evaluated against the specified criteria by the tender evaluation panel with a scoring system based from 0 to 10 and weighted according to the pre-determined criteria.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



SELECTION CRITERIA

The pre-determined criteria used to evaluate the tender were as follows:

Mandatory Criteria:

Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection

Tenderers were required to meet the mandatory criteria to be eligible to be shortlisted and progress any further in the evaluation process.

Non-Cost Selection Criteria & Weighting:

Non-Cost Selection Criteria	Weighting
Criteria	
<i>Capability - Design, Fabricate & Construction of SPS</i>	10%
<i>Experience – Past with Council</i>	10%
<i>Specifications/Fit for Purpose</i>	5%
<i>Quality Assurance</i>	5%
<i>Contractor commitment to use Australian Made or Manufactured products, particularly steel.</i>	10%
Total	55%

Summary of Selection Criteria & Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	55%
Total Cost Criteria	45%
Total	100%

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Not applicable.

CONSULTATION

Community Engagement

Tenders are part of a commercial arrangement and therefore no community engagement is required.

Internal Consultation

Extensive consultation has taken place between Council's procurement area and operational areas. This consultation included scope, technical requirements and evaluation methodologies.

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REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



External Consultation

Tenders are part of a commercial arrangement and therefore no external consultation is required.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

This tender has been conducted in accordance with Part 7 of the *Local Government (General) Regulation 2005*.

RELATED COUNCIL POLICY

Council's Procurement Guidelines have been used to inform the tender process.

CONCLUSION

The tender evaluation summary and recommendation are documented in the report to Council's Closed Committee.

ATTACHMENTS

There are no attachments to this report.

Barry Paull

Deputy General Manager Operations, Finance and Risk

Friday 6 July 2018

13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 28 May 2018 to 24 June 2018

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 28 May 2018 to 24 June 2018.

RECOMMENDATION

THAT the information relating to the lists of Development Applications Determined for the period 28 May 2018 to 24 June 2018 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE Date range: 24 May 2018 to 24 June 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	17/1527	Aljenweir 820 Old Hume Highway Alpine NSW 2575 Lot 8 DP 245509	AR Balla, JL Balla	New Dwelling	27/10/2017	106	109	215	31/05/2018
2	17/1573.04	1091 Sheepwash Road Avoca NSW 2577 Lot 66 DP 751303 Lot 67 DP 751303 Lot 5 DP 114685	SP Grant	Section 96 Modification (Modify location of on-site wastewater disposal)	18/05/2018	0	21	21	08/06/2018
3	18/0217	964 Sheepwash Road Avoca NSW 2577 Lot 1 DP 602938	CJ Mockett	Residential Alterations and Additions (Extend existing dwelling and new shed with attached secondary dwelling)	02/03/2018	0	88	88	30/05/2018
4	18/0183	2 Elms Place Balmoral NSW 2571 Lot 303 DP 835493	Warehousing And Logistics Pty Ltd	New Secondary Occupancy (Detached)	23/02/2018	0	96	96	30/05/2018

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**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES**

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
5	14/0833.05	13 Market Place Berrima NSW 2577 Lot 1 DP 815156	South Highland Pty Ltd	Section 96 Modification (change of use from tearoom to café with liquor license)	19/01/2018	0	140	140	07/06/2018
6	18/0151	730 Greenhills Road Berrima NSW 2577 Lot 13 DP 1025773	CI Francis, LG Francis	Residential Alterations and Additions (Indoor swimming pool)	16/02/2018	2	101	103	30/05/2018
7	17/1292.05	33 Park Road Bowral NSW 2576 Lot 1 DP 118990	HJ Nicol, GS Nicol	Section 96 Modification (Remove conditions 15 & 16 pertaining to contributions)	26/04/2018	0	32	32	29/05/2018
8	17/1633	6 Boolwey Street Bowral NSW 2576 Lot 21 DP 802519	HJ Johnson	Commercial Alterations and Additions (Install 1.1 metre high boundary fence at Shop 1 and 2)	17/11/2017	163	31	194	31/05/2018
9	17/1678	32-36 Wingecarribee Street Bowral NSW 2576 Lot 1 DP 787395	Tranda Holdings Pty Ltd, Robert Johns Lawyer Pty Ltd	Subdivision (2 Lots)	28/11/2017	0	204	204	20/06/2018
10	17/1691	3/37-39 Ascot Road Bowral NSW 2576 Lot 3 S/P 73917	TW Sheahan	Residential Alterations and Additions (Addition of sunroom to existing dwelling)	30/11/2017	0	195	195	13/06/2018
11	17/1740	16 Shepherd Street Bowral NSW 2576 Lot C DP 155874	RC Bailey	New Dwelling	11/12/2017	166	23	189	20/06/2018
12	18/0122	1 Warendra Street Bowral NSW 2576 Lot 18 DP 8795 (Akas 58 Bendooley St)	NCK Lo, ALN Lo	Residential Alterations and Additions (Alterations to existing dwelling and new dual occupancy)	08/02/2018	0	110	110	30/05/2018
13	18/0167	136 Mittagong Road Bowral NSW 2576 Lot 151 DP 1209641	S Todd	New Dwelling	20/02/2018	15	85	100	01/06/2018
14	18/0196	73 Sir James Fairfax Circuit Bowral NSW 2576 Lot 309 DP 1234848	TH Cowper, VN Cowper	New Dwelling	26/02/2018	17	91	108	15/06/2018
15	18/0259	17 Edward Riley Drive Bowral NSW 2576 Lot 108 DP 1227641	TD O'Brien, RI Toomey	New Dwelling	12/03/2018	21	56	77	30/05/2018
16	18/0276	5 Warwick Close Bowral NSW 2576 Lot 224 DP 1239600	MD Laughton	Dual Occupancy (attached)	15/03/2018	12	63	75	29/05/2018

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**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES**

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
17	18/0299	48 Sir James Fairfax Circuit Bowral NSW 2576 Lot 332 DP 1234848	D Fernandez, JN Fernandez	New Dwelling	20/03/2018	7	71	78	07/06/2018
18	18/0316	75 Sir James Fairfax Circuit Bowral NSW 2576 Lot 310 DP 1234848	TF Neven, Ma Beal	New Dwelling & Swimming Pool	22/03/2018	43	47	90	21/06/2018
19	18/0413	14 Thompson Street Bowral NSW 2576 Lot 7 DP 24267	Am Brady, CD Forrester	Residential Alterations and Additions (New Shed)	13/04/2018	0	49	49	01/06/2018
20	18/0422	1 Mansfield Road Bowral NSW 2576 Lot 1 DP 740799	AS Springett, YL Springett	Alterations and Additions to stable building	16/04/2018	42	7	49	05/06/2018
22	18/0437	27a Centennial Road Bowral NSW 2576 Lot 2 DP 1029289	JH Griffiths, PJ Griffiths	Residential Alterations and Additions (carport)	19/04/2018	0	62	62	20/06/2018
21	18/0500	20 Gibraltar Road Bowral NSW 2576 Lot 4 DP 867717	RG Alderden, BA Alderden	Residential Alterations and Additions (Garage)	02/05/2018	0	51	51	22/06/2018
22	18/0609	460 Kangaloon Road Bowral NSW 2576 Lot 22 DP 792646	Bong Bong Picnic Race Club Ltd	Temporary Event (2 days) Piefest	23/05/2018	0	22	22	15/06/2018
23	18/0686	5 Miro Crescent Bowral NSW 2576 Lot 500 DP 857561	JA Curley, PM Curley	Residential Alterations and Additions (New awning & door from rumpus room)	13/06/2018	0	5	5	19/06/2018
24	17/1434	161 O'Briens Road Bullio NSW 2575 Lot 10 DP 1007910 Lot 11 DP 1007910 Lot 12 DP 1007910 Lot 13 DP 1007910 And 7 More	Demmpend PTY LTD	Subdivision (3 Lots)	13/10/2017	126	126	252	22/06/2018
25	18/0102	14 Bromhall Road Bundanoon NSW 2578 Lot 11 DP 831816	SM Cunningham	Dual Occupancy (Detached)	05/02/2018	0	123	123	08/06/2018
26	18/0102.01	14 Bromhall Road Bundanoon NSW 2578 Lot 11 DP 831816	SM Cunningham	Subdivision (2 Lots)	05/02/2018	0	123	123	08/06/2018
27	18/0499	12 Bamburgh Place Bundanoon NSW 2578 Lot 19 DP 1102297	RR McConnell, AK McConnell	Residential Alterations and Additions (Flat Roof Patio Awning)	02/05/2018	0	33	33	04/06/2018
28	18/0564	66-68 Old Wingello Road Bundanoon NSW 2578 Lot A DP 383443	J Finlayson, CB Huynh	Residential Alterations and Additions (Detached studio)	15/05/2018	0	36	36	21/06/2018

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 July 2018

**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES**

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
29	17/1792	56 Yean Street Burradoo NSW 2576 Lot 2 DP 1008062	DH Loxton, JA Loxton	Section 96 Modification (Enclose carport and add panel lift door. Increase carport width and height by 300mm)	19/12/2017	0	171	171	08/06/2018
30	17/1793	56 Yean Street Burradoo NSW 2576 Lot 2 DP 1008062	DH Loxton, JA Loxton	Residential Alterations and Additions (Garden Store Room and Terrace Pergola)	19/12/2017	0	171	171	08/06/2018
31	18/0081.05	5a Eridge Park Road Burradoo NSW 2576 Lot 2 DP 1214696	VM Aspinall, A Koop	Dual Occupancy (Attached)	16/05/2018	0	28	28	14/06/2018
32	18/0192	1 Holly Road Burradoo NSW 2576 Lot 2 DP 1137728	BW Denton, LR Denton	New Dwelling	26/02/2018	33	78	111	18/06/2018
33	18/0552	49 Sunninghill Avenue Burradoo NSW 2576 Lot 1 DP 259630	PD Vassie, LA Connell	Demolition of existing dwelling	10/05/2018	10	19	29	09/06/2018
34	17/1688	2990 Canyonleigh Road Canyonleigh NSW 2577 Lot 22 DP 1022958	SDW Lyle, NE Turner, PJM Lyle	Residential Alterations and Additions (Stables)	29/11/2017	0	189	189	07/06/2018
35	17/1754	910 Tugalong Road Canyonleigh NSW 2577 Lot 4 DP 261422	South Highland Pty Ltd	Commercial Premises (Construct rural outbuilding for the purpose of olive processing)	13/12/2017	37	138	175	07/06/2018
36	18/0344	2341 Tugalong Road Canyonleigh NSW 2577 Lot 6 DP 707845	RE Jamieson, FE Jamieson	Swimming Pool	27/03/2018	0	64	64	30/05/2018
37	16/0529.03	1 Emerald Court Colo Vale NSW 2575 Lot 16 DP 1212335	SB Reilly	Section 96 Modification (Reduce size of Dwelling 1)	05/03/2018	0	107	107	20/06/2018
38	18/0176	17 Jasmine Street Colo Vale NSW 2575 Lot 2 Sec 13 DP 2389	T Mazzeo	Subdivision (2 Lots)	22/02/2018	0	95	95	29/05/2018
39	18/0216	16 Daphne Street Colo Vale NSW 2575 Lot 9 Sec 10 DP 2389	MA Evans	Residential Alterations and Additions (New Shed)	02/03/2018	0	90	90	01/06/2018
40	18/0253	5 Orchid Street Colo Vale NSW 2575 Lot 2 DP 247847	S Henderson, AJ Henderson	Residential Alterations and Additions (New Garage)	09/03/2018	0	102	102	20/06/2018
41	18/0301	29 Wilson Drive Colo Vale NSW 2575 Lot 1 DP 711934	MG Crawford, LG Crawford	Dual Occupancy (Detached)	20/03/2018	29	49	78	07/06/2018
42	18/0426	1-9 Church Avenue Colo Vale NSW 2575 Lot 2 DP 1010179	S Perinich, M Perinich	Farm Building	17/04/2018	11	46	57	13/06/2018

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 July 2018

**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES**

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
43	17/1648	1 Loftus Parade Exeter NSW 2579 Lot 1 DP 626008	WJ Dartnall, EM Dartnall	Residential Alterations & Additions (New dining room & conservatory)	21/11/2017	0	202	202	12/06/2018
44	17/1715	1 Carmen Lane Exeter NSW 2579 Lot 1 DP 1189585	KR Kinghorn, DI Kinghorn	New Dwelling	05/12/2017	0	184	184	07/06/2018
45	18/0169	133 Sallys Corner Road Exeter NSW 2579 Lot 4 DP 239258	RJ Hayward, MJ Hayward	New Dwelling	20/02/2018	50	49	99	01/06/2018
46	18/0311	Tally Ho 19 Cornwall Road Exeter NSW 2579 Lot 13 DP 243503	Tristar Holdings Pty Ltd	Residential Alterations and Additions (Convert garage to rumpus room & cellar. New detached double garage)	21/03/2018	0	90	90	20/06/2018
47	18/0329	85 Westgrove Road Exeter NSW 2579 Lot 6 DP 1018748	JL Purdie, MA Collins	Residential Alterations and Additions (New Shed)	23/03/2018	0	88	88	19/06/2018
48	18/0412	81 Devon Road Exeter NSW 2579 Lot 69 DP 243731	WW Morgan, M Morgan	Residential Alterations and Additions (shed)	13/04/2018	0	69	69	21/06/2018
49	18/0424	35 Middle Road Exeter NSW 2579 Lot 4 Sec 6 DP 3373	JC Hines, LA Hines	New Dwelling	17/04/2018	0	66	66	22/06/2018
50	17/1166	Glenquarry Park 431 Tourist Road Glenquarry NSW 2576 Lot 4 DP 1134160	NF Mackay	Residential Alterations and Additions (New kitchen, conservatory, scullery and laundry)	24/08/2017	203	81	284	05/06/2018
51	17/1118.04	2061 Wombeyan Caves Road High Range NSW 2575 Lot 51 DP 773817	SL Achilles	Section 96 Modification (Decrease dwelling footprint)	01/06/2018	0	10	10	12/06/2018
52	16/0768.02	130 Wattle Ridge Road Hill Top NSW 2575 Lot 1 DP 1219571	CM Mallia	Section 96 Modification (Swimming Pool)	01/06/2018	0	12	12	12/06/2018
53	07/0614.02	9 Darlington Drive Hill Top NSW 2575 Lot 13 DP 857632	WJ Lawrence	Section 96 Modification (changes to entry and dwelling layout)	18/12/2017	0	163	163	30/05/2018
54	17/0571	8 King Street Mittagong NSW 2575 Lot 62 DP 789382	GI Haslinger, Sa Haslinger	New Dwelling	08/05/2017	335	50	385	29/05/2018
55	17/1079	37 Bowral Road Mittagong NSW 2575 Lot A DP 339380	LA Morante	Continued Use of Existing Carport	09/08/2017	273	28	301	07/06/2018
56	17/1671.05	290 Old Hume Highway Mittagong NSW 2575 Lot 100 DP 829534	ML Nightingale, JM Curran	Section 96 Modification (Modify Stormwater Drainage)	11/05/2018	0	24	24	04/06/2018

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 July 2018

**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES**

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
57	18/0365	Aranda Park 294 Diamond Fields Road Mittagong NSW 2575 Lot 1 DP 575272	Thwaite Pty Limited	Residential Alterations & Additions (Swimming Pool, Tennis Court, Pavilion)	03/04/2018	16	41	57	31/05/2018
58	18/0466	14a Spencer Street Mittagong NSW 2575 Lot 2 DP 1232376	ES Goh, CA Goh	New Dwelling	24/04/2018	0	45	45	08/06/2018
59	18/0478	21 Southey Street Mittagong NSW 2575 Lot 4 DP 580448	T Wilhelmi, SL Wilhelmi	Residential Alterations and Additions (Enclose existing rear porch. Construct new rear porch)	26/04/2018	0	48	48	14/06/2018
60	15/0228.06	140 Nowra Road Moss Vale NSW 2577 Lot 7 DP 632169	CW Harvey, SB Harvey	Section 96 Modification (internal layout and window changes)	23/05/2018	0	7	7	30/05/2018
61	15/0269.04	591 Argyle Street Moss Vale NSW 2577 Lot 8 DP 1128462	V Corp Constructions Pty Limited	Section 96 Modification (Alter fencing, porch roof, water tank, retaining wall and change first floor external cladding to weatherboard)	29/03/2018	0	78	78	15/06/2018
62	17/1811	7 Vanessa Place Moss Vale NSW 2577 Lot 48 DP 800631	ME Hamilton	Residential Alterations and Additions (Carport)	20/12/2017	0	170	170	09/06/2018
63	18/0031	73 Lytton Road Moss Vale NSW 2577 Lot 1 DP 746930	M.V.I.S.C Pty Ltd	Mixed Use Development (Bulky goods premises, light industry & storage premises)	15/01/2018	120	36	157	22/06/2018
64	18/0238	16 East Street Moss Vale NSW 2577 Lot 1 DP 1064895	NU Meehan, ARJ Meehan	New Dwelling	08/03/2018	0	97	97	13/06/2018
65	18/0317	44 Church Road Moss Vale NSW 2577 Lot 23 DP 854027	PJ Dalby, B Dalby	Swimming Pool	22/03/2018	34	54	88	19/06/2018
66	18/0508	36 Valetta Street Moss Vale NSW 2577 Lot 1 DP 1071732	SJ Reynolds, RM Reynolds	Residential Alterations and Additions (Attached garage and loft rumpus room)	03/05/2018	0	42	42	15/06/2018
67	17/1491	570 Kareela Road Penrose NSW 2579 Lot 2 DP 1055825	JD Hescott, JE Hescott	New Dwelling	20/10/2017	95	124	219	28/05/2018
68	17/0137.01	80 Bong Bong Road Renwick NSW 2575 Lot 53 DP 1040663	JC Brown, RK Marshall	Section 96 Modification (Deferred Commencement of 3 Lot Subdivision)	10/05/2018	0	39	39	19/06/2018

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES**

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
69	17/1689	45 Lawn Avenue Robertson NSW 2577 Lots 41-42 Sec 2 DP12742	P Schonberger	Residential Alterations and Additions (Extend dwelling to include sunken lounge and paved terrace)	29/11/2017	70	116	186	04/06/2018
70	18/0321	233 Wallaby Hill Road Robertson NSW 2577 Lot 1 DP 731833	RP Sorensen	Demolish existing Shed & Construct 2 x New Sheds	22/03/2018	34	48	82	13/06/2018
71	12/0322.02	8 Vaughan Avenue Robertson NSW 2577 Lot 901 DP 632846	RG Garske	S96 Modification (changes to the verandah and deck, removal of awning to shed and removal of a window in dwelling)	10/04/2018	0	49	49	30/05/2018
72	18/0601	The Dairy 216 Oldbury Road Sutton Forest NSW 2577 Lot 1 DP 746268	RA Ferguson, JE Ferguson	Private Burial Site	22/05/2018	0	6	6	28/05/2018
73	17/1705	32 Mittagong Street Welby NSW 2575 Lot 10 Sec 14 DP 759070	LH Turner	Residential Alterations and Additions (Convert existing studio into 2 bedroom detached secondary dwelling)	01/12/2017	0	187	187	06/06/2018
74	17/1467.04	183 Wildes Meadow Road Wildes Meadow NSW 2577 Lot 1 DP 875773	BJ Dolphin, LG Dolphin	Section 96 Modification DA (Convert existing garage to kitchen and living spaces. New garage/shed)	04/04/2018	0	81	81	18/06/2018
75	18/0347	16 Gascoigne Street Willow Vale NSW 2575 Lot 3 Sec 16 DP 792	JE Hall, TJ Turner	Residential Alterations and Additions (shed)	27/03/2018	44	38	82	18/06/2018
76	18/0201	31 Pine Tree Road Wingello NSW 2579 Lot 2 DP 1123259	SJ Parmenter, KE Parmenter	New Dwelling	27/02/2018	21	84	106	13/06/2018

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



REFUSED APPLICATION

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	17/1296	23 Jellore Street Berrima NSW 2577 Lot 5 Sec 5 DP 758098 Lot 6 Sec 5 DP 758098	FA Sofield	Continued Use (storage shed)	15/09/2017	0	272	272	14/06/2018

Reasons for Refusal:

1. The subject building is located wholly within the High Risk and Medium Risk Flood Precincts. Cabanas and garden sheds are not a permissible form of development in the High Flood Risk Precinct pursuant to clause A5.3.3 of the Berrima Village DCP.

(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended)

2. The subject building is non-compliant with the prescriptive flood controls of clause A5.3 of the Berrima Village Development Control Plan specifically in relation to floor level, structural soundness and flood affectation.

(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended)

3. Approval of the proposal would not be in the public interest as Council cannot be satisfied that:

- a. The proposal is compatible with the flood hazard of the land,
- b. The proposal will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties
- c. The proposal will not pose a risk to life and property during a flood event.

(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, as amended)

ATTACHMENTS

There are no attachments to this report.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



13.2 Development Applications Received from 28 May 2018 to 24 June 2018

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan: Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

The purpose of this report is to update Councillors on the Development Applications received in the period from 28 May 2018 to 24 June 2018

RECOMMENDATION

THAT the information relating to Development Applications Received from 28 May 2018 to 24 June 2018 be received and noted.

RECEIVED APPLICATIONS BY DATE RANGE Date range: 28 May 2018 to 24 June 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	18/0665	141 Old South Road Alpine NSW 2575 Lot 1 DP 375156 Lot 4 DP 129067	MH Colgan	Residential Alterations and Additions (Swimming Pool)	08/06/2018		#PENDING		
2	18/0656	32 Bresnahans Lane Avoca NSW 2577 Lot 1 DP 806923	BM Buschman	Residential Alterations and Additions (Swimming Pool)	06/06/2018		#PENDING		
3	18/0648	30 Balaclava Street Balaclava NSW 2575 Lot 41 DP 1199153	GA O'Connor, JA Vettoretti	Subdivision (4 Lots)	04/06/2018		#PENDING		
4	18/0745	35 Railway Parade Balmoral NSW 2571 Lot 210 DP 1240094	CM Lucaci, NI Lucaci	Residential Alterations and Additions (Shed)	22/06/2018		#PENDING		
5	18/0743	Bendooley Estate 3020 Old Hume Highway Berrima NSW 2577 Pt Lot 3 DP 584423	Antikvorem Pty Ltd	Stables Function Centre (Increase number of functions from 52 to 156 per year. Increase	22/06/2018	✓	#PENDING		

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**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES**

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
				parking spaces from 51 to 74. Increase patrons and staff to 192 persons per event. Construct new entry/exit air lock and cloak room)					✓
6	18/0618	12-14 Bundaroo Street Bowral NSW 2576 Lot 31 Sec B DP 975353	MI Miller, EJ Miller	Change of Use (Chinese Remedial Massage & Facial)	28/05/2018		#PENDING		
7	18/0620	2 Minnows Drive Bowral NSW 2576 Lot 2 DP 869173	JJ Walker	Swimming Pool	28/05/2018		#PENDING		
8	18/0621	7 Centennial Road Bowral NSW 2576 Lot 14 DP 1160069	Destin Pty Ltd	Temporary Use of Land (Ice Skating Rink)	28/05/2018		#PENDING		
9	18/0630	144 Bowral Street Bowral NSW 2576 Lot 4 DP 773104	NSW Land & Housing Corporation	Residential Alterations and Additions (Alterations to existing building to improve ease of access)	30/05/2018		#PENDING		
10	18/0638	7 Kokoda Place Bowral NSW 2576 Lot 67 DP 1062100	DG Stedman, P Stedman	Residential Alterations and Additions (Change internal layout)	31/05/2018		#PENDING		
11	18/0643	421-425 Bong Bong Street Bowral NSW 2576 Lot 1 DP 744028	Bowral Garage Development Pty Ltd	Commercial Premises (Restaurant/Café and 16 Residential Apartments)	01/06/2018		#PENDING		✓
12	18/0657	50 Woodbine Street Bowral NSW 2576 Lot 1 DP 986183	BL McGregor	Secondary Dwelling (Detached)	06/06/2018		#PENDING		
13	18/0659	9 Edward Street Bowral NSW 2576 Lot 25 Sec C DP 14661	SL Hoffman, DG Hoffman	Residential Alterations and Additions (Demolish existing garage and sheds. Construct two storey extension to rear of dwelling)	06/06/2018		#PENDING		
14	18/0667	2 Merilbah Road Bowral NSW 2576 Lot 15 DP 20804	SM Giles, RJ Strange	Residential Alterations and Additions (Extensions to existing dwelling. Detached double garage. Swimming Pool)	08/06/2018		#PENDING		

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**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
15	18/0668	Cotswold Cottage 54 Centennial Road Bowral NSW 2576 Lot 9 DP 26372	WA Wiesener	Demolition of existing dwelling. Construct new dwelling.	08/06/2018		#PENDING		
16	18/0684	Milton Park 201 Horderns Road Bowral NSW 2576 Lot 8 S/P 32202	SI Moss	Residential Alterations and Additions (New study)	13/06/2018		#PENDING		
17	18/0686	5 Miro Crescent Bowral NSW 2576 Lot 500 DP 857561	JA Curley, PM Curley	Residential Alterations and Additions (New gable skillion awning)	13/06/2018		#APPROVED	19/06/2018	
18	18/0719	24 Soma Avenue Bowral NSW 2576 Lot 152 DP 551920 Lot 153 DP 551920	KT Smith	Subdivision (2 Lot Boundary Adjustment)	20/06/2018		#PENDING		
19	18/0724	29-31 Holly Street Bowral NSW 2576 Lot 91 DP 1060477	G Studd, H Studd	New Dwelling	20/06/2018		#PENDING		
20	18/0729	2 Alfreda Street Bowral NSW 2576 Lot 1 DP 1121110	AJ Sinclair-Thomson, MC Doman	Swimming Pool	21/06/2018		#PENDING		
21	18/0739	4 Bloomfield Close Bowral NSW 2576 Lot 11 DP 1231895	AJ Wheeler, LD Wheeler	Residential Alterations and Additions (Detached 3 Car Garage)	22/06/2018		#PENDING		
22	18/0673	48-52 Old Hume Highway Braemar NSW 2575 Lot 2 DP 1078394	AI Healy, CM Healy	Storage Shed & Water Tank	08/06/2018		#PENDING		
23	18/0698	4 Tyree Place Braemar NSW 2575 Lot 2 DP 1149654	Bunnings Properties Pty Ltd	Demolition of bulky goods tenancy & extend building envelope for new Timber Trade area. Replace existing sprinkler tanks. Relocate existing fire pumps. Extend café & playground. New canopy over entry to nursery. Reconfigure parking.	15/06/2018		#PENDING		✓
24	18/0716	3 Tyree Place Braemar NSW 2575 Lot 10 DP 1142634	Pennells Property Group Pty Limited	Two Warehouses	19/06/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
25	18/0669	160 O'Briens Road Bullio NSW 2575 Por 17 DP 751256	MI Kean, KE Kean	Residential Alterations and Additions (Extend dwelling, additional decking and new covered entry)	08/06/2018		#PENDING		
26	18/0697	100 Bullio Trig Station Road Bullio NSW 2575 Lot 1 DP 1238932	G Head, RC Head	New Dwelling	15/06/2018		#PENDING		
27	18/0022.01	Aged Care Facility 18 Hill Street Bundanoon NSW 2578 Lot 31 DP 1015355	Warrigal Care	Section 96 Modification (Stormwater – retain swale)	21/06/2018		#PENDING		
28	18/0647	16-18 Ellsmore Road Bundanoon NSW 2578 Lot 19 DP 12553 Lot 20 DP 12553	JS Hutchison, LH Hutchison	Subdivision (Boundary Adjustment)	04/06/2018		#PENDING		
29	18/0649	38 Rochester Drive Bundanoon NSW 2578 Lot 19 DP 1220014	MI Garske, KA Garske	New Dwelling	04/06/2018		#PENDING		
30	18/0354.03	7 Holly Road Burradoo NSW 2576 Lot 2 DP 776178	MI King	Section 96 Modification (Alter internal layout. Add covered patio. Delete Porte Cochere)	19/06/2018		#PENDING		
31	18/0653	25 Werrington Street Burradoo NSW 2576 Lot 311 DP 1064000	A Adamopoulos, A Adamopoulos	Subdivision (2 Lots)	05/06/2018		#PENDING		
32	18/0663	13 Hurlingham Avenue Burradoo NSW 2576 Lot 123 DP 719021	GS White, DJ White	Continued Use (carport)	07/06/2018		#PENDING		
33	18/0670	12 Patchway Place Burradoo NSW 2576 Lot 56 DP 793882	SA Kennedy- Green, AI Kennedy- Green	Subdivision (2 Lots)	08/06/2018		#PENDING		
34	18/0677	40 Burradoo Road Burradoo NSW 2576 Lot 31 DP 1061441	SI Little, DJ Little	Residential Alterations and Additions (Swimming Pool)	12/06/2018		#PENDING		
35	18/0738	53 Holly Road Burradoo NSW 2576 Lot 3 DP 32898	WA Alvaro, R Alvaro	Demolition of existing dwelling, garage & carport. Construct new dwelling, gatehouse & outbuildings	22/06/2018		#PENDING		

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**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
36	10/0452.02	Links Road Burradoo NSW 2576 Lot 12 DP 270760	Petson No 2 Pty Limited, No Hope Investments Pty Limited	Section 96 Modification (Delete loft and staircase. Alter shape of conservatory)	04/06/2018		#PENDING		
37	18/0622	29 Dale Street Burrawang NSW 2577 Lot 12 Sec 4 DP 2660	Street Of The Fishing Cat Pty Ltd	Residential Alterations and Additions (Extend two bedrooms. New ensuite)	28/05/2018		#PENDING		
38	18/0720	26 Azalea Street Colo Vale NSW 2575 Lot 7 DP 1239087	SF Martin	New Dwelling	20/06/2018		#PENDING		
39	18/0735	60 Wattle Street Colo Vale NSW 2575 Lot 20 Sec 23 DP 2944	IR Cameron, AV Cameron	Subdivision (4 Lots)	21/06/2018		#PENDING		
40	18/0736	85 Devon Road Exeter NSW 2579 Lot 68 DP 243731	S Lillyman, GD Mackay	Residential Alterations and Additions (Alter workshop studio to include bedroom, bathroom and laundry)	21/06/2018		#PENDING		
41	13/0205.01	61 Sallys Corner Road Exeter NSW 2579 Lot 101 DP 1205383	Australian Property Syndicates P/L	Section 96 Modification (Relocate Pylon Sign – McDonald's)	19/06/2018		#PENDING		
42	18/0682	1280 Nowra Road Fitzroy Falls NSW 2577 Lot 26 DP 703229	NI Holt MA Holt	Residential Alterations & Additions (Add 2 nd Storey & construct 2 bedrooms and rumpus)	12/06/2018		#PENDING		
43	18/0723	Sproules Lane Glenquarry NSW 2576 Lot 1 DP1054254	Pym Equipment Pty Limited	New Dwelling. New Shed & Secondary Dwelling (detached)	20/06/2018		#PENDING		
44	17/1118.04	2061 Wombeyan Caves Road High Range NSW 2575 Lot 51 DP 773817	SI Achilles	Section 96 Modification (Amend Water Storage and Wastewater Management)	01/06/2018		#APPROVED	12/06/2018	
45	16/0768.02	130 Wattle Ridge Road Hill Top NSW 2575 Lot 1 DP 1219571	CM Mallia	Section 96 Modification (Swimming Pool)	01/06/2018		#APPROVED	12/06/2018	
46	17/1104.04	55 Cumberteen Street Hill Top NSW 2575 Lots 27-29 Sec 52 DP 1384	NI Ellick	Section 96 Modification (Modify Garage)	04/06/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
47	18/0687	3 Charles Street Hill Top NSW 2575 Lot 2 DP 1168465	T Driessen, P Piercy	Residential Alterations and Additions (Patio)	13/06/2018		#PENDING		
48	18/0699	133 Orford Road Kangaloon NSW 2576 Lot 52 DP 751277	JD Angeles	Farm Stay Accommodation – 2 Buildings	15/06/2018		#PENDING		
49	15/1265.03	44 Waverley Parade Mittagong NSW 2575 Lot 3 DP 1087566	J Maxwell	Section 96 Modification (Replace approved carport with 1 bed unit with carport beneath)	22/06/2018		#PENDING		
50	16/1363.01	10 Frankland Street Mittagong NSW 2575 Lot 1 DP 109208	Wingecarribee Shire Council	Section 96 Modification (Amend DA conditions 9, 36, 41 & 42)	28/05/2018	✓	#PENDING		✓
51	17/0624.01	1 Nero Street Mittagong NSW 2575 Lot 1 DP 815702	CA Hulbert, JG Hulbert	Section 96 Modification (Occasional use of site as open garden - from 12 month time period to in perpetuity)	29/05/2018		#PENDING		
52	17/1112.02	146a Oxley Drive Mittagong NSW 2575 Lot 13 DP 1034789	MI Ryan, LM Ryan	Section 82A Review (Dispute reasons for refusal – zoning and environmental impact)	08/06/2018		#PENDING		
53	18/0625	Service Station 115 Main Street Mittagong NSW 2575 Part Lot 222 Sec U DP 20	Bains Sony Holdings Pty Ltd	Hand Car Wash	29/05/2018		#PENDING		
54	18/0631	59b Southey Street Mittagong NSW 2575 Lot 403 DP 1190040	AI Jacobs, DL Jacobs	New Dwelling	30/05/2018		#PENDING		
55	18/0637	6 Bourne Close Mittagong NSW 2575 Lot 11 DP 248417	D Mulquiney	Residential Alterations and Additions (Extension – new entry & lounge)	31/05/2018		#PENDING		
56	18/0658	30 Spring Street Mittagong NSW 2575 Lot 5 DP 715822	S Kadric	Subdivision (2 Lots) & 2 New Dwellings	06/06/2018		#PENDING		
57	18/0709	4 Apple Gate Close Mittagong NSW 2575	NP Cummins, JI Cummins	Subdivision (2 Lot Boundary Adjustment)	18/06/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
		Lot 9 DP 614099 & Coonong 288 Old Hume Highway Mittagong NSW 2575 Lot 2 DP 979713							
58	18/0717	9 Station Street Mittagong NSW 2575 Lot 2 DP 1151022	LG O'Connor- Henderson, M Henderson	Commercial Alterations and Additions (Extend & Convert existing building to Boarding House. Construct two storey building for garage & office)	19/06/2018		#PENDING		✓
59	16/1313.04	618-620 Argyle Street Moss Vale NSW 2577 Lot 1 DP 217785	PB Lilley, CI Lilley	Section 96 Modification (Reduce window height. Remove loft guest suite. Remove in-slab heating system)	29/05/2018		#PENDING		
60	17/1506.05	16 Simon Place Moss Vale NSW 2577 Lot 52 DP 800631	M King, S Tuddenham	Dual Occupancy (Detached)	19/06/2018		#PENDING		
61	18/0619	597 Argyle Street Moss Vale NSW 2577 Part Lot 1 DP 1075066	J Jarrett, C Jarrett	Subdivision (2 Lots)	28/05/2018		#PENDING		
62	18/0626	6 Spring Street Moss Vale NSW 2577 Part Lot 4 DP 880538 Part Lot 5 DP 880538	The Uniting Church Property	Alterations and Additions to Church Hall (New Covered Terrace, New Entry Door, Internal alterations)	29/05/2018		#PENDING		
63	18/0644	9 Torulosa Drive Moss Vale NSW 2577 Lot 120 DP 1232222	S Ryan, J Richardson	New Dwelling	04/06/2018		#PENDING		
64	18/0651	Moss Vale High 21 Narellan Road Moss Vale NSW 2577 2/740888 & 2/232103 & 1/343982 & 1- 2/445189 & 1/782364 & 1/7 82368 & 1/782432 - Area 6.83h	Department Of Education	Commercial Sign	05/06/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
65	18/0654	31 Narellan Road Moss Vale NSW 2577 Lot 102 DP 1232222	LJ Yan	New Dwelling	05/06/2018		#PENDING		
66	18/0671	5 Cherry Tree Close Moss Vale NSW 2577 Lot 54 DP 838431	A Deck, J Deck	Residential Alterations and Additions (Sunroom)	08/06/2018		#PENDING		
67	18/0672	37 Kings Road Moss Vale NSW 2577 Lot 3 DP 731776	J Choo, EL Bowland	Residential Alterations and Additions (shed)	08/06/2018		#PENDING		
68	18/0691	7 Warrawong Drive Moss Vale NSW 2577 Lot 108 DP 1232222	L Chesterfield, L Chesterfield	New Dwelling	14/06/2018		#PENDING		
69	18/0713	11 Torulosa Drive Moss Vale NSW 2577 Lot 121 DP 1232222	RJ McDonald, EJ McDonald	New Dwelling	19/06/2018		#PENDING		
70	18/0741	33 Narellan Road Moss Vale NSW 2577 Lot 103 DP 1232222	BM Bamford, AL Guy	New Dwelling	22/06/2018		#PENDING		
71	18/0744	Civic Centre 68 Elizabeth Street Moss Vale NSW 2577 Part Lot 3 DP 1108992	Wingecarribee Shire Council	New Roof, building envelope upgrade, courtyard infill	22/06/2018		#PENDING		
72	06/1154.02	104-106 Taylor Avenue New Berrima NSW 2577 Lot 21 DP 1122805	G Hanratty, K Hanratty	Section 96 Modification (Modify Service Centre)	01/06/2018		#PENDING		
73	15/0836.03	Eden Park 61 Yeola Road Robertson NSW 2577 Lot 30 DP 1134747	RI Meyers	Section 96 Modification (Stables - additional bathroom & laundry to first floor)	13/06/2018		#PENDING		
74	18/0640	122 Wallaby Hill Road Robertson NSW 2577 Lot 4 DP 590435	D Pascoe, A Townsend	Residential Alterations and Additions (Horse Float Garage)	01/06/2018		#PENDING		
75	18/0646	32 Conflict Street Sutton Forest NSW 2577 Lot 7 Sec 3 DP 758938 Lot 8 Sec 3 DP	KI Lozell	Residential Alterations and Additions (Sunroom, Deck & Swimming Pool)	04/06/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
		758938							
76	18/0710	368 Exeter Road Sutton Forest NSW 2577 Lot 1 DP 1213201	Totomo Pty Ltd A Morgan Family Trust	3 Water Storage Facilities & Bore	18/06/2018		#PENDING		
77	18/0727	54 Village Road Sutton Forest NSW 2577 Lot 6 DP 815530	M Anstee, K Alvis	New Dwelling & Tennis Court. Convert existing dwelling to farm stay accommodation.	20/06/2018		#PENDING		
78	18/0711	40 Stonequarry Creek Road Weraí NSW 2577 Lot 1 DP 785702	A Le Cras	Industrial Agricultural (Convert existing farm shed to butchery & meat products production)	18/06/2018		#PENDING		✓
79	18/0746	551 Myra Vale Road Wildes Meadow NSW 2577 Lot 22 DP 626594	R Denning	Residential Alterations and Additions (New bedroom & ensuite)	22/06/2018		#PENDING		
80	18/0703	60 Railway Terrace Willow Vale NSW 2575 Lot 10 Sec 8 DP 792	R Falla, M Falla	Change of Use (Residential)	15/06/2018		#PENDING		
81	18/0715	8 Ritchie Road Willow Vale NSW 2575 Lot 9 Sec 1 DP 2687	P Rust	New Dwelling	19/06/2018		#PENDING		

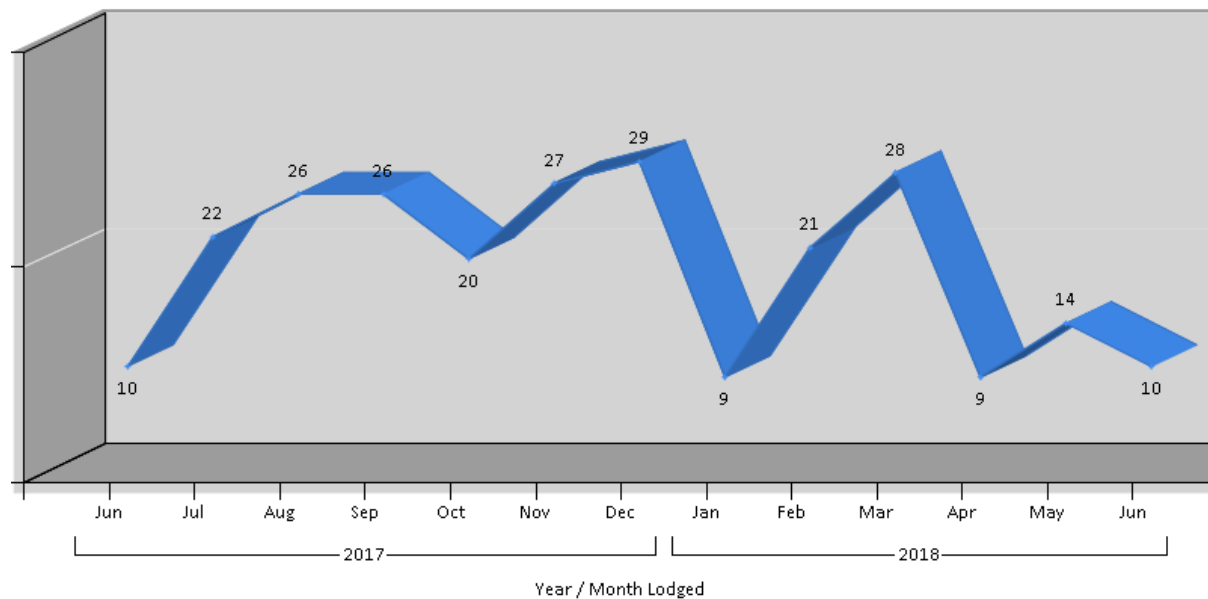
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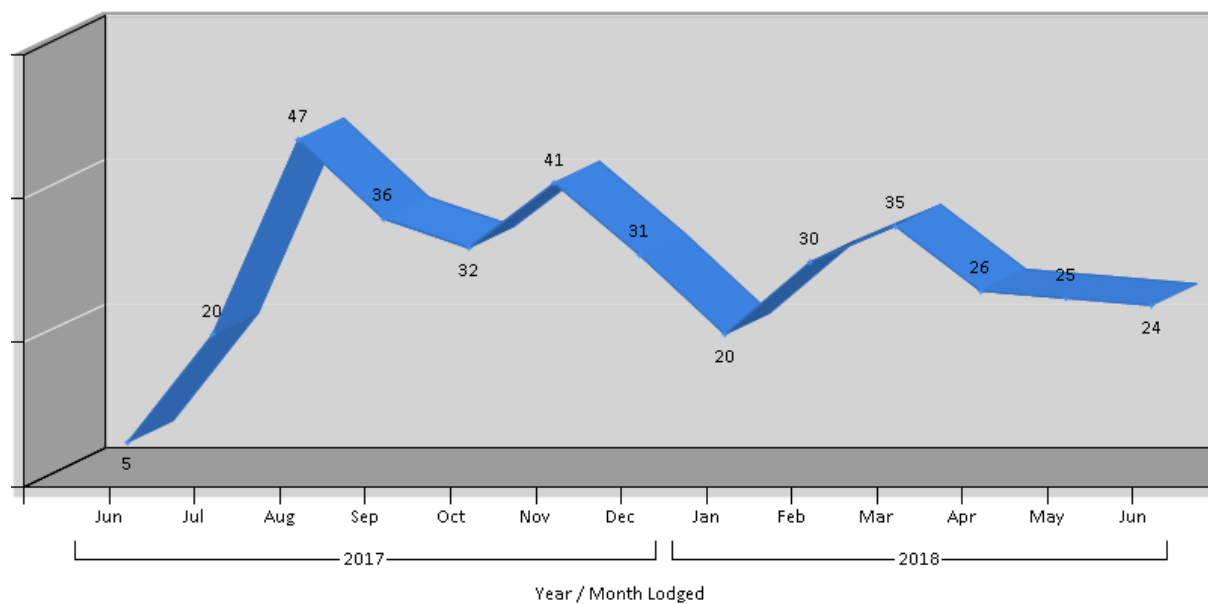
REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Residential New Dwellings



Residential Alterations and Additions



ATTACHMENTS

There are no attachments to this report.

13.3 Draft Agency Information Guide

Reference: 1420/19
Report Author: Senior Governance Officer
Authoriser: Group Manager Corporate and Community
Link to Delivery Program: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report seeks Council's adoption of an Agency Information Guide (Information Guide).

By describing Council's functions, responsibilities and organisational structure, the proposed Information Guide aims to promote a better understanding of Council's work in the community and inform members of the public about the ways in which the community can participate in Council's decision-making processes. It also details the various types of information held by Council and how that information can be accessed.

RECOMMENDATION

THAT the draft Agency Information Guide included at Attachment 1 be adopted by Council.

REPORT

BACKGROUND

On 28 June 2017, Council passed the following resolution (MN 286/17):

1. *THAT the draft Agency Information Guide included as Attachment 1 be adopted by Council.*

Section 21 of the *Government Information (Public Access) Act 2009* (GIPA Act) requires government agencies (including councils) to review its Information Guide and adopt a new Information Guide annually.

REPORT

The GIPA Act obliges government agencies, including councils, to have an Information Guide that meets the requirements of the GIPA Act. Section 20(1) of the GIPA Act prescribes that the Information Guide must:

- (a) describe the structure and functions of the agency, and
- (b) describe the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and

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- (c) specify any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
- (d) identify the various kinds of government information held by the agency, and
- (e) identify the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
- (f) specify the manner in which the agency makes (or will make) government information publicly available, and
- (g) identify the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Council's current Information Guide is made available on Council's website in accordance with the GIPA Act.

In June 2017 the Information Commissioner confirmed to Council that the content of its current Information Guide meets all of the statutory obligations imposed by section 20(1) of the GIPA Act.

The draft Information Guide included at **Attachment 1** is substantially the same as Council's current Information Guide. The only changes are that the hyperlinks have been updated, and an additional hyperlink to the Proactive Release of Information Register on Council's website is inserted.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

This report has no impact on Council's Fit for the Future Improvement Proposal.

CONSULTATION

Community Engagement

The current Information Guide was placed on public exhibition for a period of twenty eight (28) days from 10 May to 6 June 2017, and no submissions were received from the public.

As the only amendments made to the Information Guide provided at **Attachment 1** of this report were the updating of hyperlinks and the insertion of one additional hyperlink, public exhibition of the Information Guide is not required.

Internal Consultation

None required.

External Consultation

Section 22(1) of the GIPA Act provides that an agency must notify the Information Commissioner before adopting or amending an agency information guide and must, if requested to do so by the Information Commissioner, consult with the Information Commissioner on the proposed agency information guide or amendment.

The Information Commissioner was provided with a copy of the proposed Information Guide on 19 June 2018, and confirmed receipt on 20 June 2018. At that time, the Information Commissioner advised Council that any comments the Information Commissioner might wish to make can be incorporated into the next annual review of the Information Guide and published at a later date.

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SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Council is obliged to have an agency information guide in accordance with the requirements prescribed at section 20(1) of the GIPA Act.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

Nil.

OPTIONS

There is only one (1) option available to Council. Council is required to comply with the GIPA Act, and the proposed Agency Information Guide will ensure that Council meets its statutory obligations imposed under section 20(1) of the GIPA Act.

Option 1

Adopt the draft Agency Information Guide (**Attachment 1**).

CONCLUSION

The draft Agency Information Guide has been developed to assist Council to comply with its obligations under the GIPA Act.

ATTACHMENTS

1. Draft Agency Information Guide



ATTACHMENT 1



Government Information (Public Access) Act 2009 Agency Information Guide

Adopted by Council on
28 June 2017 (MN 287/17)



www.wsc.nsw.gov.au



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Introduction

Wingecarribee Shire Council (Council) has adopted this Agency Information Guide (Information Guide) in accordance with section 20 of the *Government Information (Public Access) Act 2009* (GIPA Act).

In order to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, Council is committed to upholding the following objectives of the GIPA Act:

- authorising and encouraging the proactive public release of government information, and
- giving members of the public an enforceable right to access government information, and
- restricting access to government information *only* when there is an overriding public interest against disclosure.

By describing Council's functions, responsibilities and organisational structure, the Information Guide aims to promote a better understanding of Council's work in the community and inform members of the public about the ways in which the community can participate in Council's decision-making processes. It also details the various types of information held by Council and how that information can be accessed.

1 Structure of Council

1.1 About Wingecarribee Shire Council

Wingecarribee Shire (the Shire) covers an area of 2700 square kilometres, and is known to tourists as the Southern Highlands of New South Wales. The main towns are Bowral, Moss Vale, Mittagong and Bundanoon. As well, there are smaller villages including Hill Top, Yerrinbool, Colo Vale, Robertson, Berrima, New Berrima, Exeter, Burrawang, Penrose, Willow Vale, Alpine, Balaclava, Renwick, Wingello, Sutton Forest, Avoca, Fitzroy Falls and Balmoral Village.

A map of the Shire can be accessed at [Wingecarribee Shire Council Map](#).

The current Council came into being on 1 January 1981 following the amalgamation of Mittagong Shire Council, Bowral Municipal Council and the former Wingecarribee Shire Council.

Council's vision for the community, as outlined in the [Community Strategic Plan](#), is for a "healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment."

1.2 Role of Councillors and Mayor

There are nine Councillors who are elected by the residents of the Shire every four years. The role of a Councillor is:

- to be an active and contributing member of the governing body
- to make considered and well informed decisions as a member of the governing body
- to participate in the development of the integrated planning and reporting framework



- to represent the collective interests of residents, ratepayers and the local community
- to facilitate communication between the local community and the governing body
- to uphold and represent accurately the policies and decisions of the governing body
- to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillor.

Every two years, Councillors elect a Mayor and Deputy Mayor for the ensuing 24 months. The role of the Mayor is:

- to be the leader of the Council and a leader in the local community
- to advance community cohesion and promote civic awareness
- to be the principal member and spokesperson of the governing body, including representing the views of the Council as to its local priorities
- to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the council
- to preside at meetings of the Council
- to ensure that meetings of the Council are conducted efficiently, effectively and in accordance with the *Local Government Act 1993*
- to ensure the timely development and adoption of the strategic plans, programs and policies of the Council
- to promote the effective and consistent implementation of the strategic plans, programs and policies of the Council
- to promote partnerships between the Council and key stakeholders
- to advise, consult with and provide strategic direction to the General Manager in relation to the implementation of the strategic plans and policies of the Council
- in conjunction with the General Manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community
- to carry out the civic and ceremonial functions of the Mayoral office
- to represent the Council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level
- in consultation with the Councillors, to lead performance appraisals of the General Manager
- to exercise any other functions of the Council that the Council determines.

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the functions of that office.

A current list of Councillors can be accessed at [Councillors](#).

1.3 Role of the General Manager

The General Manager is responsible for the efficient operation of Council as an organisation and for ensuring the implementation of Council decisions. The General Manager has the following functions:

- to conduct the day-to-day management of the Council in accordance with the strategic plans, programs, strategies and policies of the Council
- to implement, without undue delay, lawful decisions of the Council
- to advise the Mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the Council



- to advise the Mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the Council and other matters related to the Council
- to prepare, in consultation with the Mayor and the governing body, the Council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report
- to ensure that the Mayor and other Councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions
- to exercise any of the functions of the Council that are delegated by the Council to the General Manager
- to appoint staff in accordance with the organisation structure determined under the *Local Government Act 1993* and the resources approved by the Council
- to direct and dismiss staff
- to implement the Council's workforce management strategy
- any other functions that are conferred or imposed on the General Manager by or under the *Local Government Act 1993* or any other Act.

To support the General Manager in the exercise of these functions, there are two Departments of Council – Corporate, Strategy and Development Services, and Operations, Finance and Risk. Each of these Departments is headed by a Deputy General Manager and comprises multiple branches, with the Managers/Group Managers of each branch responsible for the day-to-day operations of their respective areas of authority.

Council's organisational structure can be accessed at [Organisation Chart](#).

2 Council Functions and How They Affect Members of the Public

The functions imposed on Council under the *Local Government Act 1993* include service (non-regulatory), regulatory, ancillary, revenue, administrative, and enforcement functions.

As a service organisation the majority of the functions and activities of Council impact on the public in one way or another. Some examples in respect of each of the broad functions of Council are:

- Service or non-regulatory – the provision of a wide range of property and 'people' services that impact directly on the public, such as:
 - waste removal, treatment and disposal
 - environmental protection and conservation measures
 - civil infrastructure planning, maintenance and construction
 - industry and tourism development and assistance
 - community and sporting facilities.
- Regulatory – the placing of restrictions on developments and buildings to ensure that they meet certain requirements affecting the amenity of the community and do not endanger the safety of any person. Members of the public need to be aware of and comply with such regulations and laws, controlling such things as:
 - water supply, sewerage and stormwater drainage work
 - management of waste
 - installation of structures on land.



- Ancillary – functions that aid the carrying out of the other functions of Council, particularly its service and regulatory functions. These functions only affect some members of the public and include the:
 - power to compulsorily acquire land
 - power to enter land and buildings to carry out inspections.
- Revenue – the ability of Council to raise income through the collection of different kinds of rates and charges. Revenue functions affect the public directly in that revenue from rates and other charges paid by the public is used to fund services and facilities provided to the community. Specifically, revenue functions include:
 - levying ordinary and special rates
 - imposing charges in relation to specified services, such as the provision of water, sewerage or drainage services or the collection of garbage
 - generating income from business activities, land or other investments
 - borrowings and grants.
- Administrative – how Council carries out its functions and makes decisions and how it is made accountable for its actions. These functions indirectly impact on the community through the efficient and effective provision of services and include functions relating to:
 - employment of staff
 - meeting procedures
 - delegation of functions
 - public and professional liability insurance arrangements
 - strategic planning
 - financial management.
- Enforcement – the prosecution of offences under relevant legislation which only affects those members of the public who are in breach of that legislation. Relevant matters include:
 - breaches of the Local Government Act and other relevant legislation
 - recovery of rates and charges
 - parking offences.

There are also additional functions conferred on Council by a number of other Acts. Some of these Acts and the functions they confer include:

<i>Community Land Development Act 1989</i>	planning functions as consent authority
<i>Companion Animals Act 1998</i>	companion animal registration and control
<i>Conveyancing Act 1919</i>	placing covenants on council land
<i>Environmental Planning and Assessment Act 1979</i>	environmental planning
<i>Fire Brigades Act 1989</i>	payment of contributions to fire brigade costs and furnishing of returns
<i>Fluoridation of Public Water Supplies Act 1957</i>	fluoridation of water supply by council
<i>Food Act 2003</i>	inspection of food and food premises
<i>Impounding Act 1993</i>	impounding of animals and articles



<i>Library Act 1939</i>	library services
<i>Protection of the Environment Operations Act 1997</i>	pollution control
<i>Public Health Act 2010</i>	inspection of systems for purposes of microbial control
<i>Recreation Vehicles Act 1983</i>	restricting use of recreation vehicles
<i>Roads Act 1993</i>	roads
<i>Rural Fires Act 1997</i>	issue of permits to light fires during bush fire danger periods requiring the furnishing of information to the Rural Fire Service Advisory Council and its Co-ordinating Committee
<i>State Emergency Service Act 1989</i>	recommending appointment of local controller
<i>Strata Schemes (Freehold Development) Act 1973</i>	approval of strata plans
<i>Strata Schemes (Leasehold Development) Act 1986</i>	approval of leasehold strata plans
<i>Swimming Pools Act 1992</i>	ensuring restriction of access to swimming pools

3 Public Participation

Members of the public can participate in the formulation of Council's policy and the exercise of Council's functions in two distinctive ways. These are representation and personal participation.

3.1 Representation

Local Government in Australia is based on the principle of representative democracy. This means that the people elect representatives to make decisions on their behalf. Councillors are the elected representatives for a Local Government Area and make decisions on behalf of their constituents.

Members of the community are able to raise issues with and make representations to the elected Councillors. The Councillors, if they agree with the issue or representation, may pursue the matter on behalf of the community member thus allowing members of the public to influence the development of policy and the exercise of Council's functions.

3.2 Personal Participation

Councillors meet regularly at Ordinary Council meetings to discuss local issues and make decisions on behalf of the community. All meetings of Council are open to the public and residents are welcome to attend, unless the meeting is closed for a specified reason



under the *Local Government Act 1993*. Further details about Council meetings, including meeting dates, can be accessed at [Council Meetings](#).

There are several committees and working groups which support the exercise of Council's functions. A Council committee is one where all the members of the committee are councillors; however, not all Councillors must be members. The meetings of a Council committee are open to the public. Council also supports a number of advisory committees, reference groups, working groups and external committees. These committees and groups provide a mechanism by which interested residents and stakeholders can provide input into council policy development, direction and practice. In addition, under section 355 of the *Local Government Act 1993*, Council has delegated authority for volunteer committees to manage a number of its halls and sporting fields. Further information about these Committees can be accessed at [Council Committees](#).

With regard to development and planning matters, Council has developed policy documents for *Community Engagement and Notification of Development and Planning Proposals* which can be accessed at [Policies](#). Council provides an online [Application Tracking](#) facility which allows members of the public to see the status and follow the progress of specified applications.

Public exhibitions are a key way for the community to participate in local government. These are advertised in a local newspaper and on Council's website at [Public Exhibitions](#), and can generally be inspected at Council's Civic Centre in Moss Vale and other Council sites as applicable. Members of the community can submit feedback on certain proposed policies, plans, projects or development that Council is considering. It is important for community members to be aware that information provided to Council in correspondence, submissions or requests, including personal information such as names and contact details, may be made publicly available in accordance with the GIPA Act.

Council also has a [Community Engagement Policy](#) which affirms Council's commitment to community engagement and guides how Council involves the community in decision-making processes. Community engagement is tailored to the project, proposal or plan and can include surveys, community workshops, online forums and other participation tools. Members of the public are encouraged to register at www.yoursaywingecarribee.com.au to ensure they are notified about opportunities to take part in community consultation initiatives as well as current and upcoming construction projects. Community members can also register for Council [e-newsletters](#) and stay up-to-date on news and media releases by accessing the following websites and social media accounts utilised by Council:

- www.facebook.com/wingecarribeeshirecouncil
- www.twitter.com/wsc_media
- www.media.wsc.nsw.gov.au.

4 Information Held by Council

Council stores a vast amount of information in relation to its operations and, whilst not exhaustive, the following matters are an indication of the types of information about which records are held:

- Rating of land
- Development of land
- Library services



- Roads and related infrastructure
- Waste management
- Environmental management
- Management of Council-owned public land
- Provision of community facilities
- Financial management
- Employee records
- Correspondence files
- Other Administrative records.

This information can be maintained in hard copy or electronic format. Most electronic files are held in Council's electronic records management system, Enterprise Content Management, though some information is also captured in other information technology tools utilised by Council such as Property & Rating (for revenue, billing and regulatory management) and Conquest (for asset management).

5 Access to Information Arrangements for the Public

Under the GIPA Act, there is a right of access to certain information held by Council, unless there is an overriding public interest against its disclosure.

There is an overriding public interest against disclosure of information if there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure. This is known as the public interest test.

There are 4 main ways in which Council provides access to information:

1. mandatory proactive release
2. authorised proactive release
3. informal release
4. formal access applications.

Any applications for information made under the GIPA Act will be processed in accordance with the requirements of the GIPA Act. To enable the release of as much information as possible, Council is authorised to redact (delete) content from a copy of information to be released, if the inclusion of the redacted information would otherwise result in the existence of an overriding public interest against disclosure of the information.

The manner and form in which Council makes information available may also be influenced by copyright legislation. Copyright protected information may be made available for inspection but copies can only be provided where the copyright owner has provided permission or in other limited circumstances as set out in the Commonwealth *Copyright Act 1968*.

5.1 Mandatory Proactive Release – Open Access Information

The GIPA Act prescribes that Council is to make the following open access information publicly available, free of charge, unless there is an overriding public interest against disclosure of the information:

- Council's Agency Information Guide (this document)



- information about Council contained in any document tabled in Parliament by or on behalf of Council, other than any document tabled by order of either House of Parliament
- Council's policy documents which affect members of the public
- Council's disclosure log of access applications that Council decides to provide access to information for and for which it decides the information may be of interest to other members of the public
- Council's register of government contracts valued at \$150,000 or more
- Council's record of any open access it does not make publicly available on the basis of an overriding public interest against disclosure
- such other Council information as may be prescribed by the regulations as open access information.

The *Government Information (Public Access) Regulation 2009* (GIPA Regulation) requires Council to make the following certain open access information publicly available, free of charge, unless there is an overriding public interest against disclosure of the information:

Information about Wingecarribee Shire Council

- Information contained in the current version and the most recent version of the following records:
 - the model code of conduct prescribed under section 440(1) of the *Local Government Act 1993*
 - Council's adopted Code of Conduct
 - Code of Meeting Practice
 - Annual Report
 - Annual Financial Reports
 - Auditor's Report
 - Integrated Planning and Reporting suite of documents:
 - Community Strategic Plan
 - Resourcing Strategy
 - Delivery Program
 - Operational Plan
 - EEO Management Plan
 - Policy concerning the Payment of Expenses and Provision of Facilities to the Mayor and Councillors
 - Annual Reports of bodies exercising functions delegated by Council
 - any codes referred to in the *Local Government Act 1993*.
- Information contained in the following records (whenever created):
 - returns of the interests of Councillors, designated persons and delegates
 - agendas and business papers of Council and Committee meetings (except any part of a meeting that is closed to the public)
 - minutes of Council and Committee meetings (but restricted in the case of any part of a meeting that is closed to the public to the resolutions and recommendations of the meeting)
 - Departmental representative reports presented at a Council meeting in accordance with section 433 of the *Local Government Act 1993*.
- Information contained in the current version of the following records:
 - land register
 - register of investments
 - register of delegations
 - register of graffiti removal work
 - register of current declarations of disclosures of political donations
 - the register of voting on planning matters.



Plans and policies

- Information contained in the current version and the most recent version of the following records:
 - local policies adopted by Council concerning approvals and orders
 - plans of management for community land
 - environmental planning instruments, development control plans and contributions plans.

Information about development applications

- Information contained in the following records (whenever created):
 - development applications and any associated documents received in relation to a proposed development including the following:
 - home warranty insurance documents
 - construction certificates
 - occupation certificates
 - structural certification documents
 - town planner reports
 - submissions received on development applications
 - heritage consultant reports
 - tree inspection consultant reports
 - acoustics consultant reports
 - land contamination consultant reports
 - records of decisions on development applications (including decisions made on appeal)
 - a record that describes the general nature of the documents that Council decides are not to be made publicly available on the basis of the following exception.
- This does not apply to so much of the information about development applications which consists of:
 - the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and external configuration in relation to the site on which it is proposed to be erected, or
 - commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.
- Council must keep the record that describes the general nature of the documents that Council decides are not to be made publicly available on the basis of the above exception.

Approvals, orders and other documents

- Information contained in the following records (whenever created):
 - applications for approvals under Part 1 of Chapter 7 of the *Local Government Act 1993* and any associated documents received in relation to such an application
 - applications for approvals under any other Act and any associated documents received in relation to such an application
 - records of approvals granted or refused, any variation from Council policies with reasons for the variation, and decisions made on appeals concerning approvals
 - orders given under Part 2 of Chapter 7 of the *Local Government Act 1993*, and any reasons given under section 136 of the *Local Government Act 1993*
 - orders given under the authority of any other Act



- records of building certificates under the *Environmental Planning and Assessment Act 1979*
- plans of land proposed to be compulsorily acquired by Council
- compulsory acquisition notices
- leases and licenses for use of public land classified as community land
- performance improvement orders issued to Council.

Open access information is made available at the [Proactive Release of Information Register](#) on Council's website, except where there is an overriding public interest against disclosure or to do so would impose unreasonable additional costs on Council. Open access information is also available for inspection on request. Any copies of information which are requested may incur a copying charge per Council's [Fees and Charges](#).

5.2 Authorised Proactive Release

The GIPA Act authorises Council to go beyond the minimum requirements for mandatory disclosure of information and make any information it holds publicly available unless there is an overriding public interest against disclosure of the information. This is a discretionary authority to release information in any manner considered appropriate, free of charge or at the lowest reasonable cost.

Council reviews its authorised proactive release program annually by identifying the kinds of information it holds that should in the public interest be made publicly available and that can be made publicly available without imposing unreasonable additional costs on Council. This may include information that is frequently requested by members of the public or information of public interest that has been released as a result of a formal access application.

Council encourages members of the public to contact Council with suggestions for information which can be considered for authorised proactive release.

5.3 Informal Release

Access to information which is not made available via mandatory proactive release (open access) or authorised proactive release may be provided through informal release. As with the proactive release of information, Council is authorised to release information unless there is an overriding public interest against disclosure. Application should be made to Council by submitting an [Application for Access to Information \(Informal\)](#) form.

Notwithstanding the lodgement of an informal application, Council may require a formal access application to be submitted in certain circumstances as indicated at section 5.4 of this Information Guide.

5.4 Formal Access Applications

Council requires a formal access application to be submitted if the information being sought:

- is not available via proactive or informal release, and
- is of a sensitive nature that requires careful weighing of the considerations in favour of, and against, disclosure, or
- contains personal or confidential information about a third party which may require consultation, or
- may involve an unreasonable amount of time and resources to produce.



Application may be made to Council by submitting the [Application for Access to Information \(Formal\)](#) form, accompanied by the application fee of \$30. Additional processing charges of \$30/hour may be applicable (subject to a discount of 50% in particular circumstances as detailed on the application form).

Please note an application will be invalid if it does not meet the formal requirements for an access application. An application must:

- be in writing
- specify it is made under the GIPA Act
- state an Australian postal address
- be accompanied by the \$30 fee
- provide sufficient detail to enable Council to identify the information requested.

Council's [disclosure log](#) lists information released in response to a formal access application under the GIPA Act that is considered to be of interest to the wider public. It should be noted that applicants can object to inclusion of the information in the disclosure log.

6 Further Information

Should you require any further information or assistance from Council please contact:

Right to Information Officer
Wingecarribee Shire Council
Address: Civic Centre, 68 Elizabeth Street Moss Vale NSW 2577
Mail: PO Box 141 Moss Vale NSW 2577
Phone: (02) 4868 0888 (8.30am to 4.30pm Mon-Fri excl. public holidays)
Fax: (02) 4869 1203
Email: mail@wsc.nsw.gov.au
Web: www.wsc.nsw.gov.au

Additional information in relation to public access to government information and the *Government Information (Public Access) Act 2009* is available from:

Information and Privacy Commission
Address: Level 17, 201 Elizabeth Street Sydney NSW 2000
Mail: GPO Box 7011 Sydney NSW 2001
Phone: 1800 472 679 (9.00am to 5.00pm Mon-Fri excl. public holidays)
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au



Document Control

Version	Date	Reason
1.0	28 July 2010	Initial adoption
1.1	10 August 2011	Minor amendments
1.2	10 August 2012	Minor amendments
1.3	10 October 2014	Minor amendments
2.0	28 June 2017	Substantial revision of structure and updating of content
2.1	TBC	Minor amendments: <ul style="list-style-type: none"> • Hyperlinks updated

Related Policies, Plans and Procedures

- Privacy Management Plan
- Community Engagement and Notification of Development and Planning Proposals
- Community Engagement Policy

Responsible Branch

Corporate and Community

Next review date

June 2018



13.4 Interim Heritage Order and Consideration of Heritage Listing of OLSH, 2-18 Centennial Road, Bowral

Reference:	5650, PN 332300, 17/1822
Report Author:	Strategic Planner - Heritage
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community	
Strategic Plan:	Identify, protect and promote places of significant cultural heritage

PURPOSE

The purpose of this report is to provide Council with an update on the status of the Interim Heritage Order that was placed over the former Our Lady of the Sacred Heart (OLSH) College site earlier this year and provide the opportunity for Council to make a decision about the heritage listing of the site.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT Council recognises the important and heritage significance of the Our Lady of the Sacred Heart site at 2-18 Centennial Road, Bowral, to the people of the Southern Highlands as a former Catholic convent and centre for boarding and education and supports the retention of buildings as part of the development application (DA 17/1822) and their adaptation and incorporation into an integrated design for the reuse of the site.**
2. **THAT Council allow Interim Heritage Order No. 7 to lapse and not proceed with the heritage listing of Our Lady of the Sacred Heart, 2-18 Centennial Road, Bowral, at this time.**
3. **THAT should DA 17/1822 be refused, Council will consider a further report on potential heritage listing of the Our Lady of the Sacred Heart site to protect certain built and landscape elements from demolition under any future development proposals.**

REPORT

BACKGROUND

In 2012, following a heritage study prepared on behalf of Council by heritage consultants Architectural Projects, Council staff commenced notifying and consulting with owners of over 300 places identified as potential heritage items and recommended for heritage listing by the consultants. One of the items recommended for heritage listing was the OLSH site at 2-18 Centennial Road, Bowral. In response to the proposed heritage listing, the Sisters of

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OLSH engaged heritage architect Paul Davies to undertake an assessment of the heritage elements of the site which recognised the heritage potential of the site but recommended that the site not be listed based on the flawed initial assessment by Council.

Following the consultations on the proposed heritage items, Council resolved on 28 November 2012 (MN 329/12) to proceed with the heritage listing of a number of properties whose owners supported their listing but the majority of items were deferred for further consultation. The OLSH site was one of the sites deferred.

On 22 November 2017 Council considered a Notice of Motion regarding the OLSH site and resolved (MN 555/17):

MOTION moved by Cllr G McLaughlin and seconded by Cllr L A C Whipper

1. *THAT Council immediately and with expedition proceed with a Planning Proposal to remove Item 4 of Schedule 1 - Additional Permitted Uses from WLEP 2010.*
2. *THAT Council immediately and with expedition proceed with a Planning Proposal to remove the part of the OLSH Site Bowral zoned RE1 Public Recreation from the Land Acquisition Map of WLEP 2010, noting that the RE1 Public Recreation zone for this part of the OLSH site Bowral is to be retained.*
3. *THAT Council forthwith issue an Interim Heritage Order in respect of the OLSH Site Bowral.*

The Planning Proposal referred to in points 1 and 2 has been prepared and is currently being considered by the Department of Planning and Environment for a Gateway determination. At the time of writing, no decision had been made on the Planning Proposal.

Following the resolution of Council of 22 November 2017, Wingecarribee Interim Heritage Order (IHO) No. 7 was made for the site under delegation from the Minister for Planning and was published in the NSW Government Gazette on 19 January 2018. The IHO for OLSH expires on 19 July 2018. This report provides discussion of the heritage issues relating to the site and provides options for the listing of the site as a heritage item.

On 22 December 2017, a development application for a seniors living development comprising 135 single storey dwelling houses and associated facilities and services (17/1822) was lodged with Council. Due to its capital value of over \$30M, the application has been referred to the Southern Joint Regional Planning Panel (JRPP) for determination. This application has not yet been considered by the Panel.

REPORT

The site and its surrounds

This report relates to the former OLSH site at 2-18 Centennial Road, Bowral which comprises the following ten (10) lots:

- Lot 1 DP 1101892 (containing most of the buildings on the site including the chapel, convent and college buildings, the sports pavilion/amenities block and several outbuildings).
- Lot 2 DP 1101892 (to the west [rear] of the site and comprising mostly paddocks and an outbuilding).
- Lots 4-11 DP 1109214 (along Centennial Road comprising the bulk of the ovals and the former priest's house [on Lot 8]).

The site is bounded by Centennial Road to the north, Mount Road to the south and Kirkham Road to the east. **Figure 1** shows the site outlined on a 2009 aerial photograph.



Figure 1: OLSH Aerial Photograph

As mentioned previously, a number of potential heritage items, including the OLSH site, were deferred by Council in 2012. Therefore, the OLSH site is not currently heritage listed. There are, however, a number of other heritage items in the vicinity of the site. The house directly west of the site is the heritage listed house and garden 'Neerim'. To the north of the site is Council-owned Centennial Park which is also heritage listed. Adjoining the site to the south-west is 'Highdown' at 5 Crago Lane which is a potential heritage item and for which Council has received a recent request from the owner for heritage listing. The location of these properties is shown on **Figure 2** in relation to the subject site.

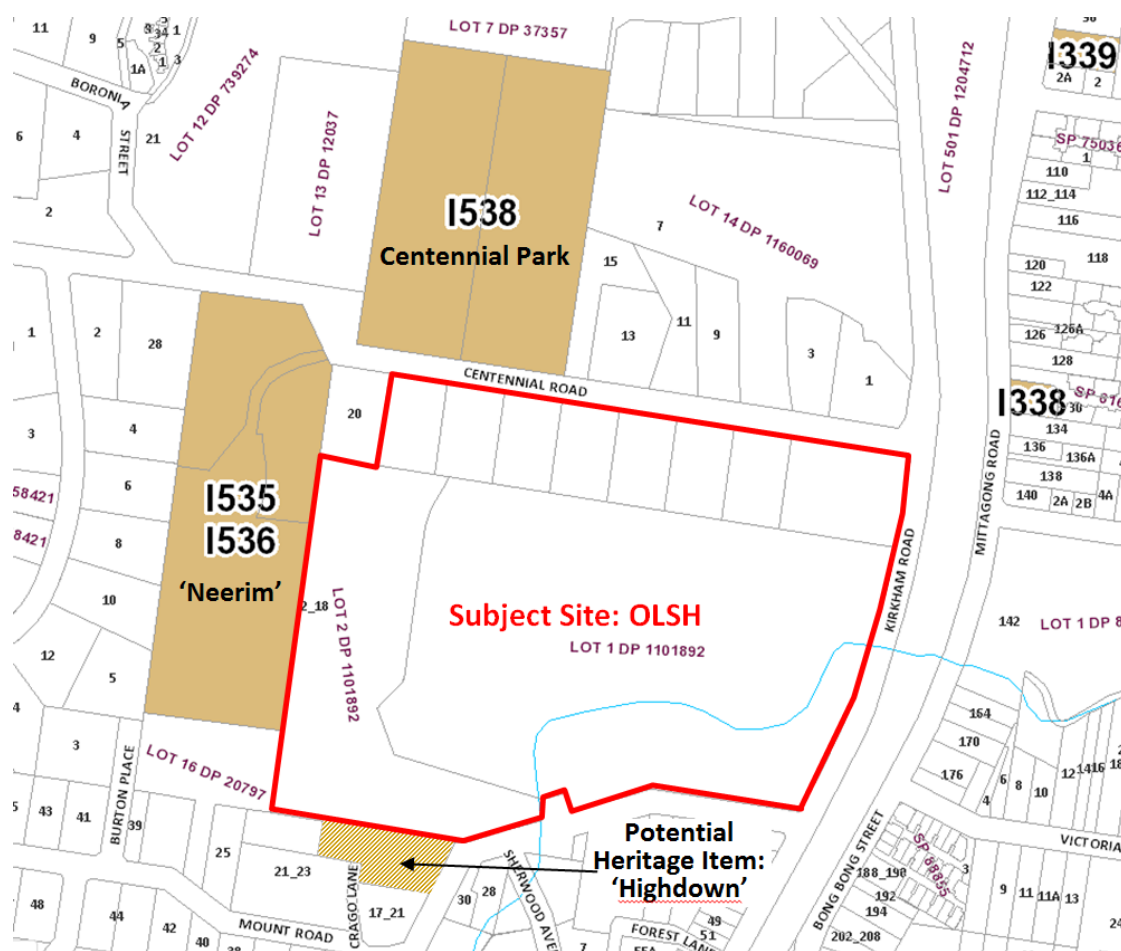


Figure 2: OLSH site showing adjacent heritage items and a potential heritage item

Consideration of Heritage Issues for the OLSH site

A consideration of the heritage potential of the OLSH site for the purpose of this report has been made primarily using the (Draft) Heritage Assessment Report prepared by Paul Davies dated December 2012 and updated cover letter dated 20 December 2017, heritage advice and observations made by Council's Heritage Advisor, Dr Peter Kabaila. The Paul Davies Report and Cover letter (hereafter referred to as the Davies Report) are provided at **ATTACHMENT 1** (the Davies Report is also available as part of the development application documents submitted for DA 17/1822 available for viewing on Council's DA tracker).

The previous proposed heritage listing for the OLSH site for which the notifications and consultations in 2012 were undertaken focused on the landscape elements of the former (original) dwelling on the site called 'Merilbah'. The heritage inventory sheet contained the following statement of significance:

The entry drive for Merilbah, the Laurel hedge, mature remnant trees and siting of the garden with views to Bowral are reminders of the garden's early development as a fine setting for a country residence.

The Davies Report demonstrates that the current driveway arrangement dates from the Sisters' occupation of the site and the construction of the lower oval in the 1950s when the original 'Merilbah' driveway from Kirkham Road was removed. The majority of the vegetation of the driveway also dates from that time and although retention is desirable (and

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proposed as part of the application) these trees likely necessitate careful management to ensure safety and longevity.

Therefore, it is clear that the basis under which Council had previously pursued heritage listing of the site was flawed.

The Davies Report provides an excellent overview of the history of the site and the various periods of building, summarised as follows:

- c.1870s 'Merilbah' likely constructed by local farmer, Robert Graham.
- 1904 Site purchased by Sisters of Our Lady of the Sacred Heart to operate a girls' boarding school.
- 1916 Single storey convent building constructed adjacent to 'Merilbah' homestead. By this time it had become a boys' boarding school.
Priest's cottage constructed in simple Federation style.
- 1922 Second storey added to convent building but character retained.
- 1927 Boys' College building constructed consisting of a three storey block adjacent to the convent/novitate building to the south and a long 2/3 storey dormitory building.
'Merilbah' renamed 'St Joseph Rest House' and became a Sisters of OLSH convalescent home.
- 1930 Chapel opened (September).
Convent space became OLSH novitate which was moved from Kensington. It closed in 1948 when the novices moved to Hartzler Park.
- 1945 South College Wing additions commenced.
- 1948 South Wing completed.
Novitate closed. Novices moved to Hartzler Park.
- 1961 Convalescent home in former 'Merilbah' closed.
- 1955 New oval constructed; Site entry moved to Centennial Road.
- 1959-61 Refurbishment of the Chapel.
- 1964 Former 'Merilbah' homestead demolished. Tennis courts now mark the place where 'Merilbah' once stood.
- 1968-70 Renovation of the Convent. Alterations and Additions to College. Much original fabric of the ecclesiastical buildings lost.
- 1979 College closed. Site became OLSH Education Centre.
- 2004 Convent closed.

The location of the major elements on the site are shown overlaid on a 2009 aerial photograph on **Figure 3**.



Figure 3: Location of the major built elements on the OLSH site.

As it stands today, the site generally is in a poor state of repair due to many years of vacancy and vandalism. The former Convent and College buildings, which had moderate to high architectural merit at the time of building, have been unsympathetically altered over time and much of their original fabric and integrity has been lost. Previous development applications on this site have proposed demolition of all the existing built elements on the site. In contrast, the current development application (17/1822) has been designed with the potential heritage issues of the site in mind and this has resulted in a proposal that recognises the heritage potential (however moderate) of some of the buildings and spaces and has proposed refurbishment and adaptive reuse.

DA 17/1822 comprises:

- Retention of some of the school buildings as part of the communal facilities and administration cluster, namely:
 - Retention/refurbishment of Chapel
 - Adaptive reuse of part of the Boys' College and South Wing including retention and renovation of the auditorium in the South Wing with minor alterations.
- Retention of landscape elements including entry driveway trees.
- Demolition of the convent building which has been unsympathetically altered and retains few heritage values. It is proposed to recover the remaining internal fabric of

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heritage significance including the fireplaces and joinery and re-use these in the public areas of the new building.

- Demolition of the priest's cottage.
- Demolition of all the other outbuildings which do not have any heritage significance.
- Development of an interpretation plan to "integrate the history of the site into the public areas of the place".
- Archival recording of the site and its buildings before changes take place.

The cover letter to the Davies Report makes the following comments about the heritage approach of the application:

A very positive outcome of this proposal is the retention of a large portion of the school buildings even though these buildings do not have high potential heritage significance. There is an inherent value in retaining these elements as part of collective memory of the former site uses and in terms of the desirability of adaptive re-use as a broader principle.

Council's Heritage Advisor, Dr Peter Kabaila, was requested to provide advice on the application. His advice is as follows:

- Seniors living is a good use of the site, provided historic building and landscape elements are reused.
- Interpretation of the history and the buildings on the site should be provided as part of the proposal.
- Archival recording of all elements of the site to be undertaken prior to demolition or change.
- Pedestrian, bicycle and small electric vehicle pathway access to Kirkham Road and Mount Street should be provided.
- Priest's cottage should be retained and integrated into the development. This building is substantially intact and has heritage listing potential.
- Proposal requires careful landscaping.
- Retention of a large number of College buildings is a positive outcome, despite the fact that they do not retain high heritage significance.
- The new development has low scale residential units characteristic of Bowral. Design of proposal generally is appropriate, scale is suitable and units are laid out in what will become a garden setting.

In light of Dr Kabaila's advice, and the appropriate degree of sensitivity to the potential heritage significance of the site with which the applicant has approached the proposal, it is considered, in general terms, that the elements of the site with potential heritage significance have largely been suitably addressed by the proposal and that heritage protection is not necessitated at this time. However, Dr Kabaila's advice raises the following issues and it is recommended that the following matters be included in the assessment of DA 17/1822:

- Retention and renovation of the priest's cottage and its integration into the development.

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- A complete archival recording of the existing site and buildings be undertaken (as mentioned in the cover letter to the Davies Report) and 3 copies submitted to Council.
- A condition should be included in any condition of consent which would protect any archaeological remains discovered in the location of the former 'Merilbah' homestead.
- Provision of connective pathways linking the site to Bowral.

This report recommends that the site not be heritage listed at this time. However, if this proposal is not approved, Council should re-consider a report on the potential heritage listing element of the site.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement beyond that which has already occurred as part of DA 17/1822 would occur if the recommendation to the report is supported. If Council should instead decide to proceed with the option to heritage list the site, a Planning Proposal would be prepared and lodged with the Department of Planning and Environment for a Gateway Determination. Community consultation would then occur in accordance with the Gateway requirements.

Internal Communication and Consultation

Consultation was undertaken with Council's Heritage Advisor, Dr Peter Kabaila, in the preparation of this report. The contents of this report and Council's resolution will be communicated to the Town Planner responsible for liaising with the JRPP in relation to DA 17/1822.

External Communication and Consultation

No external consultation has occurred in the preparation of this report. No external consultation would occur if the recommendation to the report is supported. However, if Council should resolve to heritage list the site the resulting Planning Proposal would be externally referred to relevant agencies for comment as required by the Gateway Determination.

SUSTAINABILITY ASSESSMENT

• **Environment**

There are no environmental issues in relation to this report.

• **Social**

There are no social issues in relation to this report.

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- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

The recognition of buildings and landscape with heritage significance and the incorporation of existing buildings into future development of the site is beneficial to the historical overlay of the site and the town of Bowral, whether or not buildings and elements on the site are formally heritage listed.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other related Council policies.

OPTIONS

The options available to Council are:

Option 1

Option 1 recognises that the current development application has considered and addressed Council's previous concerns about the wholesale loss of buildings and the lack of heritage recognition of the site and from a heritage perspective, and with some minor changes, is a good outcome for the site. This option would allow Interim Heritage Order No. 7 to lapse and Council adopt a wait-and-see approach in relation to the current development application.

Option 2

The other option available to Council is to resolve to heritage list the site in recognition of the site's previous ecclesiastical use. This would see the Interim Heritage Order extended for a further six (6) months to ensure ongoing protection of the site while a Planning Proposal to include the site in Schedule 5 of the Wingecarribee Local Environmental Plan (WLEP) 2010 and the Heritage Map is prepared. If this option were to be Council's preferred option, the listing of the site would probably be incorporated into the administrative review of Schedule 5 of the WLEP 2010 and the Heritage Maps for which a report will soon be prepared for Council's consideration.

Option 1 is the recommended option to this report.

CONCLUSION

The issue of heritage on the OLSH site in Bowral was brought to the fore by a Notice of Motion in November 2017 by Councillor McLaughlin which resulted in an Interim Heritage Order being placed on the site on 19 January 2018. This IHO will lapse on 19 July 2018

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unless Council resolves to heritage list the site. However, difficulty in protecting the buildings, some of which are in poor condition, has been taken into account in preparing this report. Also crucial to the recommended approach is the current development application for a seniors living development which recognises the potential heritage values of the existing buildings on the site. The application's sensitive approach to retention and reuse of some of the buildings forms the basis on which the recommended approach to not proceed to heritage listing of the site at this time is based. While Council's Heritage Advisor recommends some small modifications to the application to effect a better heritage outcome, in general, the proposal represents a good outcome for the site and a positive outcome for the buildings and landscape of potential heritage significance. For this reason, it is not considered necessary at this time to heritage list the site, but should this application not proceed for any reason, Council should re-consider heritage listing the site to afford it some protection from future development proposals.

ATTACHMENTS

1. Heritage Assessment (2012) and Cover Letter (2017) by Paul Davies of the OLSH site

13.4 Interim Heritage Order and Consideration of Heritage Listing of OLSH, 2-18 Centennial Road, Bowral
ATTACHMENT 1 Heritage Assessment (2012) and Cover Letter (2017) by Paul Davies of the OLSH site



ATTACHMENT 1



20th December 2017

The General Manager
 Wingecarribee Council
 Civic Centre
 Elizabeth St Moss Vale 2577

Dear Sir or Madam:

RE DEVELOPMENT APPLICATION CENTENNIAL ROAD BOWRAL

We have been engaged by Waterbrook Retirement Resorts to provide heritage advice for the development application over the former OLSH site in Centennial Rd, Bowral.

In 2012 we were engaged by the sisters to advise them on a potential heritage listing of the property that arose from a review of heritage in the Southern Highlands by Jennifer Hill. That report, which is appended to this letter, sets out the heritage values of the site and also recommends how the place could be treated in terms of heritage listing.

To date the site has not been heritage listed and under the LEP provisions a heritage assessment is not technically required.

The site adjoins a heritage item to the west that does allow for consideration of heritage values in relation to any potential impacts on that place.

Irrespective of the current status of the site with regard to heritage listing, the proposal has been developed around the core heritage features of the site. This brief assessment addresses the salient aspects of the proposal with regard to potential heritage values.

USE

The use of the site for retirement living would seem an ideal use of the site, particularly in contrast to other possible development options. Retaining the site as an entity that provides for use of some of the existing buildings, retention of the significant landscape and allows residents to experience the various areas of the site – open space, entry driveway, retained buildings, creek area, etc. – without the imposition of a standard residential sub-division.

The use supports the potential heritage values of the place.

LANDSCAPE

The landscape of the site falls into four areas:

- The former rural lands
- The gardens and landscape around the buildings
- The treed entry drive including the playing field
- The creek and flood area at the south-east edge of the site that is set down from the balance of the site.

**13.4 Interim Heritage Order and Consideration of Heritage Listing of
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The proposed development occupies the former rural lands and retains some of the existing buildings while removing others and retains areas of the remnant formal garden related to the chapel area, it also retains the entry drive and trees.

The earlier site listing was focussed on the entry drive and trees and what was thought to be remnant elements of the earlier site development as a convent (the first convent was demolished long ago as part of the occupation as a school and convent). It is very unclear as to what, if anything remains from the first phase of use and there is no particular significance in the elements that remain on the site.

The significance of the landscape is principally around the entry driveway with its mature trees and a small area of now overgrown garden to the east of the chapel building. These areas have changed over the life of the site and do not have a particular significant form that relates to a specific period or activity, but collectively the remnant landscape elements have a value as they represent a long-term use of the site.

These elements are retained in the proposal and a detailed landscape approach will be developed to retain their significance and enhance the existing and surviving fabric and plantings.

The area around the creek is zoned for protection and public open space and is to be retained in its current form (with appropriate management).

The former paddocks and rural area and the former playing field are the area proposed for the development of the accommodation for retirement living.

The landscape of the site, as set out in our earlier study and as alluded onto in the initial council report are retained and protected in this proposal.

EXISTING BUILDINGS

There are a number of extant buildings on the site, most in now deteriorating condition as the site has been vacant for a long period of time. The main buildings are interlinked but contain separate structures.

The chapel building remains largely intact and in good condition, it is retained in the proposal and retains its relationship to the adjacent garden area and entry drive. It will continue as a chapel and public space in the development.

The adjacent convent building is proposed for removal. This building that started as a single storey building, had a second storey and wings added and more recently was reworked with a new colonnade and façade, no longer retains external integrity and has limited internal integrity.

While several rooms on the ground floor remain with early features, they are now quite remnant and without context. The proposal is to recover any elements such as fireplaces and some of the remaining joinery and to re-use these elements as part of the detailed fitout of the public areas of the new building. The former convent has not been assessed as a building of particular significance, due to its very altered condition and there is no loss of potential significance from its removal.

The school additions are in three attached but different wings. Two are retained and one is removed. The wing to be removed has no potential heritage significance.

The two wings (southernmost wings) to be retained were boarding and classrooms areas (that are readily adaptable) and the end block, that contains an auditorium, a former residence above and change rooms and amenities below. The auditorium space is retained with some minor changes, the basement level is retained and the upper floors are adapted for new community based uses. The boarding wing is integrated with the new building adjacent.

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A very positive outcome of this proposal is the retention of a large portion of the school buildings even though these buildings do not have high potential heritage significance.

There is an inherent value in retaining these elements as part of collective memory of the former site uses and in terms of the desirability of adaptive re-use as a broader principle.

A small separate cottage, known as the priests cottage, is to be removed. It is a modest structure in poor condition that is interesting in that it separated a space for a priest to visit from the convent, but the building has no other specific heritage value.

Several small outbuildings related to farm use that are not significant are to be removed.

An aspect of the proposal is the ability to provide interpretation related to the history of the site and the various buildings. the public spaces both retained and new provide the space and potential to achieve this and it is recommended that:

- An interpretation plan be developed to integrate the history of the site into the public areas of the place
- An archival recording take place of the buildings and site prior to any works or changes taking place
- A schedule of materials to be recovered from parts of the buildings to be demolished be prepared to assist in interpretation and recovery of potentially significant items.

NEW DEVELOPMENT

The new development is low scale, residential units that are characteristic of the Bowral area. Their design is appropriate, their scale is suitable and they are laid out in what will become a garden setting.

The new development at the centre of the site, that replaces and adds to existing buildings, is similar in design approach, of slightly greater scale as the centre of the development and as community facilities but is also quite low key and appropriate.

SUMMARY

The proposal is an excellent response to the use of the site and retention of a number of built and landscape features that are of potential significance. The proposal integrates a range of buildings and site features in a way that gives them prominence and meaning and retains the important sense of arrival along the entry drive to the approach that centres on the chapel with the other buildings beyond.

Yours faithfully

Paul Davies
B Arch MBEnv Bldg Cons AIA
Chartered Architect

Daughters of Our Lady of the Sacred Heart (OLSH)

Former School + Convent

2-18 Centennial Road

Bowral

Heritage Assessment Report

Draft



prepared for

Daughters of Our Lady of the Sacred Heart

December 2012



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**13.4 Interim Heritage Order and Consideration of Heritage Listing of
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1.0 INTRODUCTION

1.1. LOCATION

The Daughters of Our Lady of the Sacred Heart (OLSH) site at Bowral is addressed 2-18 Centennial Road, Bowral, and is bounded by Centennial Road (north); Kirkham Road (east); Mount Road (south); and shared boundaries with properties Nos. 20-24 Centennial Road, and Nos. 11-21 Mount Road (west); within the Wingecarribee Shire Council area.

The main southern railway line is east across Kirkham Road from the site.



Figure 1: Satellite view of OLSH site, 2-18 Centennial Road Bowral, with site boundaries outlined in red. Note lots within the site outlined in yellow. Note the lots along Centennial Road at the northern boundary give rise to the site's address. The road to the east is Kirkham Road, the road to the South is Mount Road. Source: NSW Lands Dept Six Viewer

The site today includes the following elements:

- Entry gates to Centennial Road
- Convent and school building built in sections from 1916 to 1948, extensively refurbished 1968-1970
- Priest's cottage built 1916
- Cottage 2 circa 1920s with 1970s extension
- Ancillary buildings (primarily sheds and garages)
- 1970s brick oval amenities block
- Driveway with avenue of trees
- Sports ovals

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- Tennis courts
- Garden including: native trees; oak tree; mature conifers; rhododendron hedges; rose garden; fruit tree; and other garden plantings;
- Statues within the garden, including a grotto
- Various paths and stairs dating from the post-1948 period.

1.2. RECENT HISTORY OF THE SITE

The site is managed by the Catholic Order, the Daughters of Our Lady of the Sacred Heart (OLSH), based in Kensington, Sydney. The Order operated a convent and catholic school on the site until 1979, following its purchase by the order in 1904.

Following the cessation of the use of the site as an education centre and retreat in 2004, the Order was approached by Australand/Australian Unity to develop a seniors living establishment on the lower south-east portion of the site (near the intersection of Kirkham Road and Mount Road, east of the creek). In 2007 the Council rezoned the site to 2(a1) Residential and Special Uses. In April 2008 a Development Application (DA) was submitted to the Council by Australand/Australian Unity for a seniors living development on the site.

In July 2008, Wingecarribee Council refused the DA for the seniors living proposal, and the sale of the site to Australand/Australian Unity subsequently did not proceed. Council then resolved to prepare a site-specific DCP for the site, which was adopted in October 2008 (following its public exhibition).

1.3. HERITAGE LISTINGS

The property has not been included in the Wingecarribee Local Environmental Plan 2010 (LEP) or any draft LEP as a heritage item.

However, a Heritage Survey undertaken for Council by Architectural Projects Pty Ltd in 2009 identified the site as a potential heritage item, identified as "O.L.S.H. GARDEN (Formerly Meribah)". This listing was addressed 2-18 Centennial Road and included Lots 1 and 2, DP 1101892; Lot 112, DP 1109214; and Lots 5 to 10, DP 1109214.

Wingecarribee Shire Council subsequently wrote to OLSH in February 2012 advising that "your property has been assessed as having heritage significance". The item in question was identified as "O.L.S.H. GARDEN (Formerly Meribah)", even though the whole of the site is included in the proposed listing.

On 22nd September 2012 Paul Davies Pty Ltd (authors of this report), on behalf of OLSH, objected to the proposed heritage listing of the site (in a letter to Wingecarribee Shire Council), stating that further research on the significance of the site would be undertaken, and a more detailed submission made to the Council once research was completed. Council has since advised that the proposed heritage listing of the site has been deferred.

1.4. THE BRIEF

This Heritage Assessment Report has been prepared on behalf of OLSH, for the purpose of thoroughly assessing the heritage significance of the site to inform a detailed submission to Council.

For this purpose a professional historian has been employed as part of the project team to establish the historical development of the site. A thorough site analysis, including photography of the site, has also been undertaken for this report by Paul Davies, Director, and Chery Kemp, Heritage Specialist.

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1.5. TERMS

The following terms used in this report are defined in the Australian ICOMOS Burra Charter. The definition of terms that are related to curtilage are from the Heritage Office and DUAP 1996 *Heritage Curtilages*.

Adaptation means modifying a place to suit proposed compatible uses.

Compatible use means a use, which involves no change to the culturally significant fabric, changes that are substantially reversible, or changes that require minimal impact.

Conservation means the continuous protective care of the fabric so as to retain its cultural, natural and Indigenous significance. It includes protection, maintenance and monitoring. According to circumstance it may involve preservation, restoration, reconstruction, reinstatement or adaptation and will be commonly a combination of more than one of these. For Indigenous communities, it can include conserving relationships between people and places that embrace spiritual as well as historical values, and protecting Aboriginal sites in order to protect their significance to people.

Cultural significance means aesthetic, historic, historical association, scientific or social value for past, present or future generations.

Fabric means all the physical material of the place.

Indigenous significance refers to Indigenous heritage value and includes Aboriginal sites showing evidence of Aboriginal occupation and Aboriginal places, which are of contemporary or spiritual importance according to Aboriginal culture or custom.

Interpretation means all the ways of presenting the cultural significance of a place.

Maintenance means upkeep of fabric and places to the standards required by the NSW Heritage Act 1977, and does not involve restoration, reconstruction or reinstatement.

Movable heritage is a term used to define any natural or manufactured object or collection of heritage significance.

Natural significance means the importance of ecosystems, biological diversity and geodiversity for their existence value for present or future generations in terms of their scientific, aesthetic and life-support value.

Place means Site, area, building or other work, group of buildings or other works together with associated contents and surround.

Preservation means maintaining the fabric of a place in its existing state and retarding deterioration

Restoration means returning the existing fabric, habitat or place to a known earlier state by repairing degradation, removing accretions or introduced species or by reassembling existing components without the introduction of new material

Reconstruction means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric

Reinstatement or reintroduction means to introduce to a place one or more species or elements of habitat or geodiversity that are known to have existed there naturally at a previous time, but that can no longer be found at that place

Setting means the area around a place, which may include the visual catchment.

Use means the functions of a place, as well as the activities and practices that may occur at the place.

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The following terms are defined in the Heritage Office guidelines Heritage Curtilage (1996). This document illustrates several types of curtilage pertaining to a heritage item. The types of curtilage include the following:

Lot Boundary Heritage Curtilage: the most common type of heritage curtilage comprises the boundary of the property containing the heritage item as shown on the lot plan.

Reduced Heritage Curtilage: This type applies when the heritage curtilage is less than the property boundary, and the significance does not relate to the total lot, but to a lesser area. This type of curtilage is often only defined when subdivision occurs.

Expanded Heritage Curtilage: This type applies when the heritage curtilage may need to be greater than the property boundary. An expanded curtilage may be required to protect the landscape setting or visual catchment of a heritage item.

Composite Heritage Curtilage: This type generally applies to heritage conservation areas.

1.6. ABBREVIATIONS

AHC	Australian Heritage Council
ANHC	Australian Natural Heritage Charter
AHIMS	Aboriginal Heritage Management System (managed by the NSW Office of Environment & Heritage)
BCA	Building Code of Australia
BP	Before Present
CMP	Conservation Management Plan
DOPI	Department of Planning and Infrastructure
DPW	NSW Department of Public Works
EPBC	Commonwealth Environment Protection and Biodiversity Conservation Act 1999
HRNSW	Historical Records of New South Wales
ICOMOS	International Committee on Monuments and Sites
ML	Mitchell Library, State Library of New South Wales
NAA	National Archives of Australia
NHL	National Heritage List (managed by the Australian Heritage Council and the Federal Dept. of Sustainability, Environment, Water, Population and Communities)
NPWS	National Parks & Wildlife Service division of OEH
NSW HB	NSW Heritage Branch (formerly NSW Heritage Office), a division of OEH, reports to the NSW Heritage Council
NSW HC	NSW Heritage Council – advises the OEH, the Minister for Environment & Heritage, and the Minister for Planning & Infrastructure

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OEH	NSW Office of Environment & Heritage
PoM	Plan of Management
RAHS	Royal Australian Historical Society
R & MS	NSW Dept of Roads & Maritime Services
SAONSW	State Archives Office New South Wales
SHFA	Sydney Harbour Foreshore Authority, a division of the NSW Dept of Planning & Infrastructure (DOPI)
SRNSW	State Records of New South Wales
SHR	State Heritage Register
UNESCO	United Nations Educational Scientific and Cultural Organisation

1.7. AUTHORS

This Heritage Assessment Report has been prepared by Paul Davies Pty Ltd., architects and heritage consultants involving the following persons:

Paul Davies	Principal Consultant, Conservation Architect
Chery Kemp	Heritage Specialist
Nicholas Jackson	Historian sub-consultant

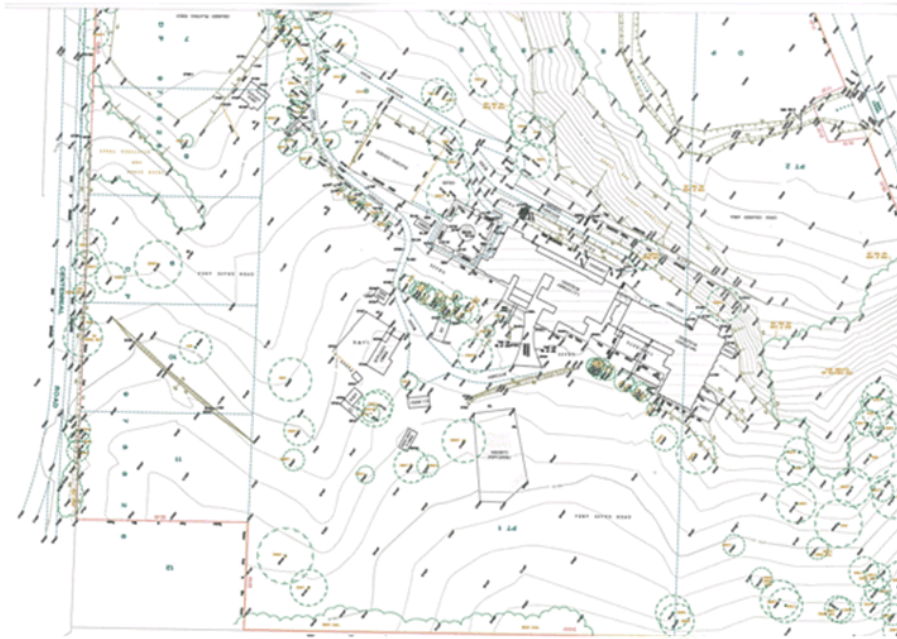
1.8. ACKNOWLEDGEMENTS

The following people and groups have assisted in the preparation of this Plan:

OLSH Provincial Archives, Kensington, Sydney

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Survey of OLSH site, 2-18 Centennial Road, Bowral

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2.0 HISTORICAL OVERVIEW

2.1. ABORIGINAL HISTORY OF WINGECARRIBEE

The following information is drawn from a 2008 University of Wollongong thesis by Sarah Willard Gray¹ and information from a Wikipedia entry for the Gandangara people.

This area was the land of the Gundungarra people (also sometimes spelt Gandangara) with the Wingecarribee River as the source of their food. The name Wingecarribee is derived from the Gundungarra name for the area, "Wingie Wingi Charabie". The Gundungarra people lived between the Nepean River and Lake George (including the Blue Mountains).

An 1836 watercolour by Conrad Martens of Throsby Park shows that at the time there were vast expanses of clear land, which are believed to be the result of fire-stick farming by the Gundungarra people (examples of which remain on the Wingecarribee River in the areas now known as Hoskins Reserve and Bong Bong Common at Moss Vale).

"The early British explorers recorded meeting family groups of Gundungarra people as they traversed the area, though no population figures are compiled. The report of the 1830 Battle of Fairy Meadow suggests that several hundred warriors (or up to 1500) of the "Bong Bong tribe" (Gundungarra) and Wodi Wodi people took part...but by 1833 the Gundungarra people as recorded in the Blanket Returns comprised only 180 people from Picton to Goulburn. A rapid decline in population over a relatively short period together with a relative absence of recorded resistance of the Gundungarra people to the pastoral expansion in 1818-1825"².

"In 1802, the explorer Francis Barrallier met the Gundungara people as his party moved through "The Cowpastures" southwest of Sydney, through the Nattai to the Wollondilly River and up to the heights above where Yerranderie now stands. Barrallier noted in his journal that the Gundungara "themselves build huts for the strangers they wish to receive as friends."³

In 1816, fourteen people were killed near Appin by troops sent by Governor Macquarie during punitive expeditions to capture and kill the Aborigines who had been involved in response to some attacks by Aborigines between 1814 and 1816. The Gundungara killed had probably not been involved in the earlier attacks.⁴

In 1828, there was some interaction between the Surveyor-General, Thomas Mitchell, and the Gandarangara, near Mittagong. Mitchell was supervising road construction. The Gandarangara are said to have composed a cheeky song about the building of the road (perhaps with appropriate mimicry): Road goes creaking long shoes, Road goes uncle and brother white man see. It must have seemed that building a road just to visit kin was

¹ University of Wollongong Thesis, Sarah Willard Gray *Abstracting from the landscape: a sense of place*, 2008, available online at www.uow.edu.au

² Levers, Kim *First Contact/Frontier Expansion in the Wingecarribee Area Between 1798-1821: Exploration and Analysis*, Wollongong, University of Wollongong, 2006, page 81 quoted in University of Wollongong Thesis, Sarah Willard Gary *Abstracting from the landscape: a sense of place*, 2008

³ Fragments of a Song - A Brief Search for Historical Truth, quoted in Wikipedia entry http://en.wikipedia.org/wiki/Gandangara_people

⁴ "British law and guerrilla war". Australian History > Aborigines. hi.com.au (Heinemann Interactive). Retrieved 2006-07-11; AND Kohen, James, *The Darug and their Neighbours*, cited in "Goulburn:Aborigines". Archive associated with Australia Street project. University of Technology, Sydney. Retrieved 2006-07-11; both quoted in Wikipedia entry http://en.wikipedia.org/wiki/Gandangara_people

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unnecessary effort. Men from the Gandarangara also acted as guides for Mitchell at the time.⁵

The Gundungarra people were apparently badly affected by an influenza epidemic of 1846/47, which was particularly severe. In 1848, the Goulburn Bench of Magistrates estimated the number of Aborigines in Goulburn to be 25.

Today, the Gandangara Local Aboriginal Land Council covers 9 local government areas extending through western and southern Sydney, including Parramatta, Penrith, Fairfield, Auburn, Bankstown, Holroyd, Sutherland, Liverpool and Campbelltown Local Government areas.

2.2. OXLEY FAMILY AND WINGECARRIBEE

The discovery of the Boral area by British settlers came in 1798 in the expedition led by John Wilson. Wilson traversed the area between Camden and Mount Bullo near the junction of the Wingecarribee and Wollondilly rivers and thus took in the present day townships of Bargo, Mittagong, Bowral and Berrima.

Settlement in the Bowral area came some years later in 1815 when John JWM Oxley ran cattle at Mount Gibraltar, which the local Aborigines knew as Bowrel. Oxley (1784-1828) was a former lieutenant in the Royal Navy and had been in the colony intermittently since 1802. He was appointed Surveyor General in 1812, and developed a rural estate at Kirkham near Camden from 1810. As Surveyor General, Oxley set about exploring the rich pastoral lands west and north-west of the Blue Mountains, however he chose to expand his land holdings to the south of Camden through grants at Minto in 1816, Appin in 1817, and in 1819 (issued in June 1823) 2,400 acres in the Bowral district inclusive of an extensive frontage to Mittagong Creek or Wingecarribee Creek. The grant was registered in the name Weston (probably a mistake for Westow, the place of his birth in Yorkshire, England), but was otherwise known as Wingecarribee.

In 1825 Oxley had been permitted to purchase an additional 5,000 acres located to the north and east of the original grant at Bowral, but the transaction had not been completed by the time of his death in 1828 at the young age of 42. Oxley had two sons, John Norton (1824-1891) and Henry Molesworth (1826-1867), from his marriage in 1821 to Emma Norton. Subsequently, in 1855, the government gifted Oxley's widow and her two sons the 5,000 acres (in grants of 4,200 and 800 acres) in recognition of Oxley's services for the government.

The focus of Oxley's Wingecarribee grant at Bowral was the property set on Oxley's Hill located to the west of the present day township. By the mid 1840s the Oxley family's pastoral interests had been divided between the sons, with John Norton taking on Kirkham at Camden and the Henry Molesworth settling at Wingecarribee from 1845.

Some 4,200 acres of the Oxleys' 1855 grant was subdivided in 1859 as the Wingecarribee subdivision and offered for sale, initially in leasehold (99 years' leases), by the Oxley brothers. In the subdivision 200 acres was set aside for a town settlement that was originally known Burradoo that by 1867 had become Bowral.

⁵ Encyclopaedia of Aboriginal Australia, cited in "Goulburn:Aborigines". Archive associated with Australia Street project. University of Technology, Sydney. Retrieved 2006-07-11, quoted in Wikipedia entry http://en.wikipedia.org/wiki/Gandangara_people

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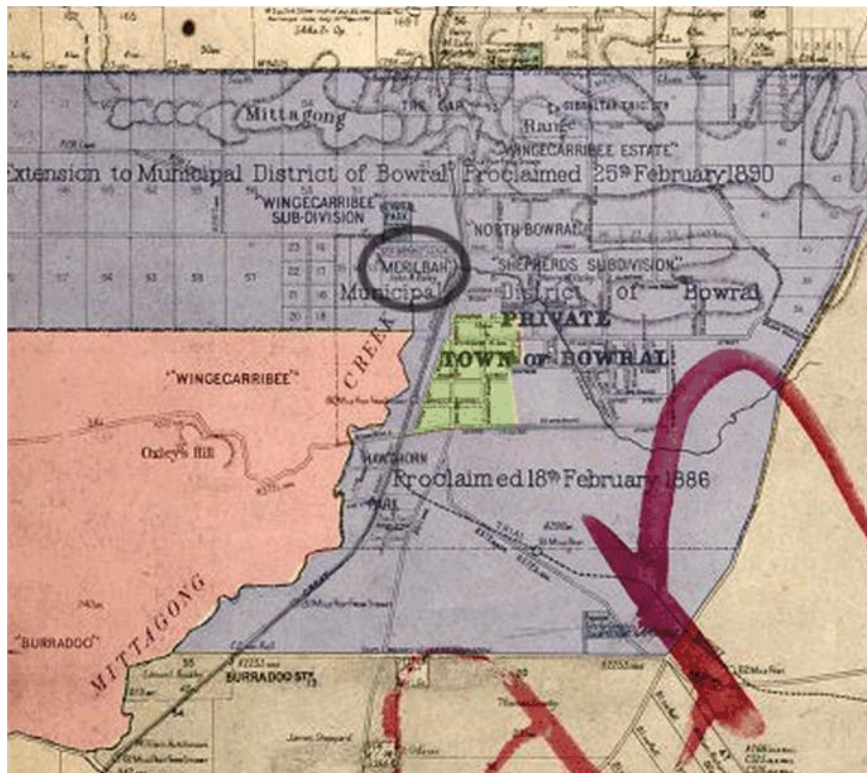


Figure 2: Map of Parish of Mittagong, County Camden (not dated), showing the various land holdings of the Oxley family in the Bowral district: the Wingecarribee grant is shaded red, the grant of 1855 is shaded blue, the private town of 1859 is shaded green. Merilbah, the site of the OLSH property, is circled in black. Source: NSW Lands Department

2.3. MERILBAH

In April 1904 a Sydney accountant named Leonard John Dew representing the Catholic religious community the Daughters of Our Lady of the Sacred Heart purchased around 42 acres of Colonel Roberts' subdivision of the Merilbah estate. This was part of the Oxleys' land holding at Bowral that had been sold in 1873 to a local farmer named Robert Graham. Graham purchased Lots 44, 45, 46 and 52 of the Oxleys' subdivision (being a combined area of around 130 acres) for £326.⁶

Graham's land holding was purchased by Colonel Charles Fyshe Roberts in 1881 for £2,000⁷, so it would seem Graham undertook improvements. Roberts (1837–1914) was a professional soldier who first came to Sydney in the mid 1860s. In 1876 he was appointed colonel commanding all the artillery forces in the colony. Unfortunately, little has been written of his private life⁸, but he would seem to have been in Bowral at some time during the

⁶ Old System Conveyance Book 134 No. 386

⁷ Old System Conveyance Book 228 No. 964

⁸ Walsh, GP, 'Roberts, Charles Fyshe (1837–1914)', Australian Dictionary of Biography, National Centre of Biography, Australian National University

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1880s given he was appointed a trustee of Bowral Park in 1887⁹. In March 1888 Roberts had his estate subdivided, the land then being described as 'the well-known Merilbah Estate belonging to Colonel Roberts. (It) contains about 128 acres of land'. It was stated Roberts had to sell 'in consequence of his intended departure from the district'¹⁰.

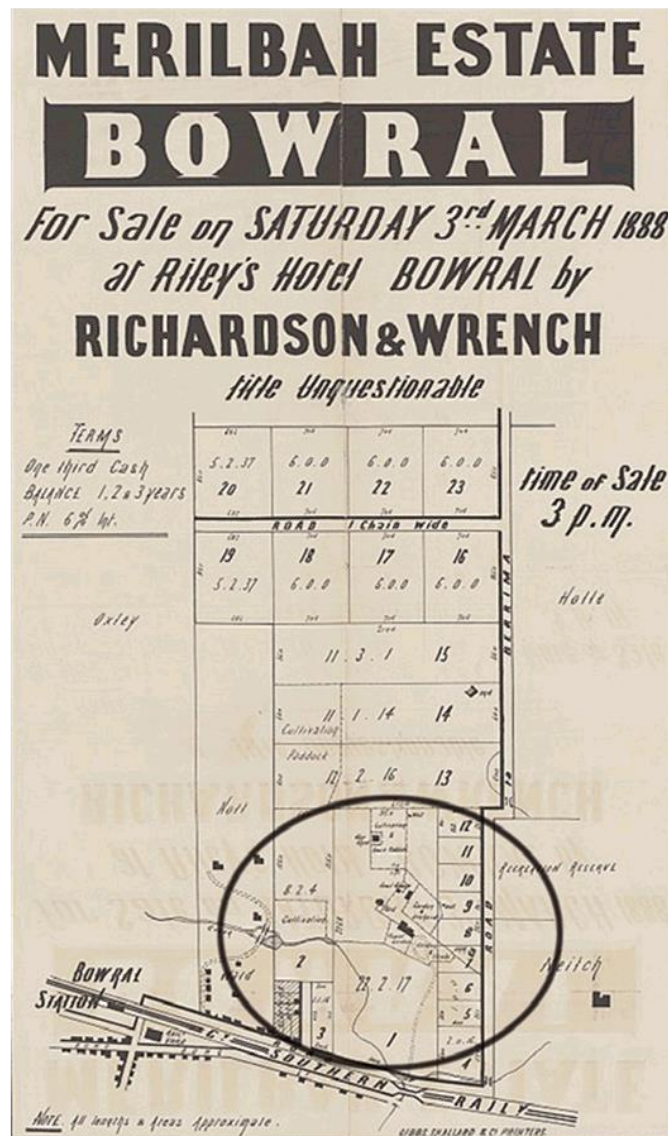


Figure 3: The auctioneer's plan of Colonel Roberts' subdivision of Merilbah. Dated 1888. Source: National Library of Australia (map-ifsp366-v)

⁹ NSW Government Gazette, 4/6/1887, p.7

¹⁰ Advertising, Sydney Morning Herald, 1/3/1888, p.15

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Around 42 acres of Colonel Roberts' subdivision of Merilbah (Lots 1, 2, 4-14) was purchased by Richard Hutchinson Roberts (no relation) in 1888; the core holding with house, outbuildings, and garden being purchased for £3,640¹¹. RH Roberts (1835– 1903) at the time was a member of the NSW Legislative Council (appointed in 1882) and had been the MLA for Camden between 1864-1869¹². Roberts' main property was Robertson Park, Bowral, of 1300 acres, which he established around 1865. He also had extensive interests in sheep grazing centred on Currawang near Goulburn¹³. However, Roberts spent some of his time at Merilbah for his first wife, Susannah (nee Neich) died there in 1897¹⁴. R.H. Roberts died at Robertson Park in 1903¹⁵.

Following Roberts' death both Robertson Park and Merilbah were put up for sale; the sale description of Merilbah being¹⁶:

Comprising 43 acres, subdivided into 5 magnificent residence sites in areas of from 6 to 10 acres.

Lot 1. Merilbah House Block, improved with fine large family homestead, with ornamental grounds, garden and orchard, occupying a most commanding position, overlooking the town, and within 2 minutes' walk of Post office and railway station.

The remaining portions all command excellent positions, with frontages to Centennial and Bowral roads.

¹¹ Old System Conveyance Book 462 No. 322

¹² NSW Parliament website

¹³ 'A New South Wales Stockowner', Australian Town and Country Journal, 12/3/1887, p.23

¹⁴ 'Deaths', Sydney Morning Herald, 26/8/1897, p.1

¹⁵ 'Death of the Hon RH Roberts', Sydney Morning Herald, 18/6/1903, p.7

¹⁶ 'Advertisement', Sydney Morning Herald, 2/4/1904, p.15

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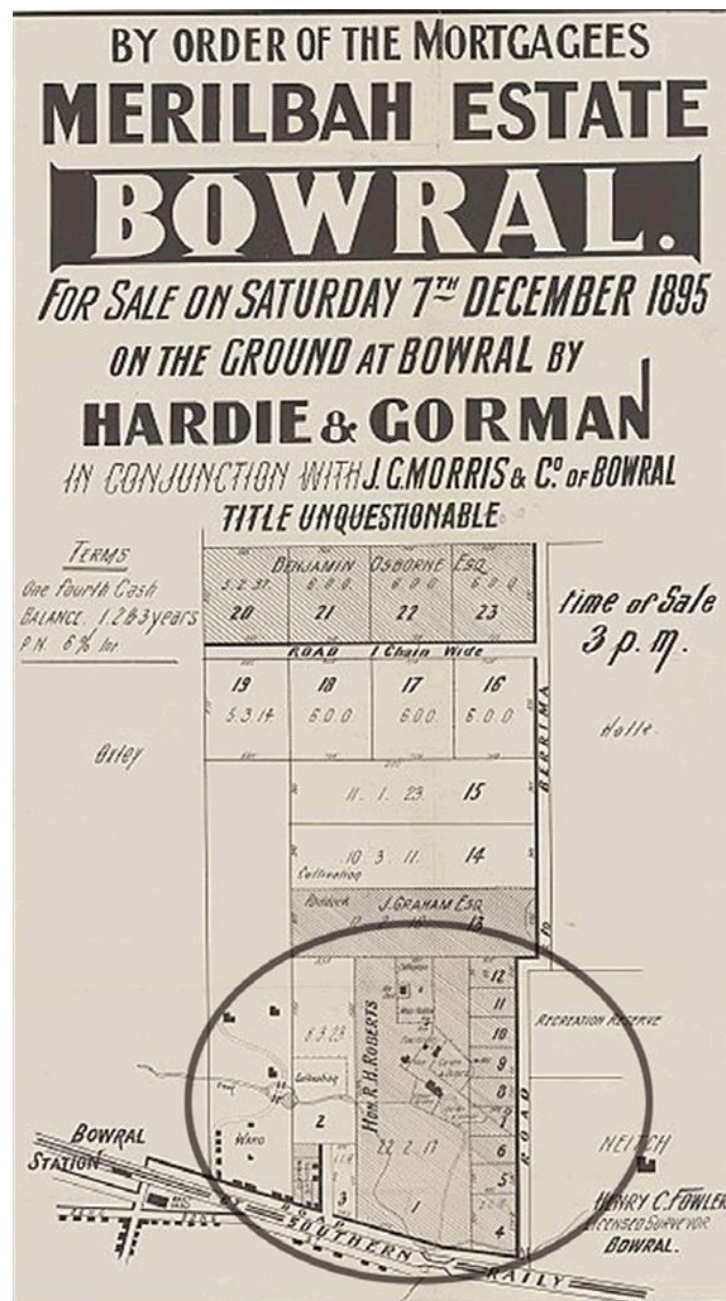


Figure 4: RH Roberts was heavily mortgaged in the 1890s and presumably one outcome was an attempt in 1895 to foreclose on Merilbah. The property however remained in Roberts' ownership until his death in 1903. Source: National Library of Australia (map-isp372-v)

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Figure 5, Figure 6 above: Undated photos of the weatherboard homestead Merilbah, demolished in 1964. Source: OLSH Provincial Archives, Kensington

2.4. DAUGHTERS OF OUR LADY OF THE SACRED HEART

The Congregation of the Daughters of Our Lady of the Sacred Heart was founded by Father Jules Chevalier (1824-1907) at Issoudun in France in 1882. It was a missionary order and its areas of operations in this period were New Guinea, New Britain, Gilbert Islands, etc.

The first missionary sisters arrived in Sydney in January 1885 enroute to New Guinea. However, with no immediate means at hand of transport to the island, at the request of Cardinal Moran, Archbishop of Sydney, the sisters as an interim measure started a school at Botany in 1885, with the Papuan Mission commencing in 1887. At Botany a convent was established but it proved to be too small, remote and otherwise unfavourably sited amongst the noxious industries of that neighbourhood. One outcome was the relocation of the sisters to the Sydney suburb of Kensington in 1894.

Following Henry Parkes' reform of the education system in New South Wales in 1880 that withdrew state funding for church schools, successive Roman Catholic archbishops of

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Sydney (Vaughan and Moran) from the late 1870s and 1880s actively sought the establishment of overseas teaching orders in Australia to operate parochial schools. The sisters had opened a school at Botany in 1885, and at the Kensington site in 1896 a small co-educational school was built beside the convent and a secondary boarding and day school was operated within the convent.

2.5. OLSH SISTERS COME TO BOWRAL IN 1903

The Daughters of Our Lady of the Sacred Heart (OLSH) order came to Bowral in 1903 at the invitation of Father John Carroll (1865-1949) who had been appointed in 1902 to the parish of Moss Vale. There was no parish school and indeed little visible Catholic presence in Bowral at the time. A community of six sisters arrived in Bowral in February 1903 with Sister Bertrand McSweeney, the Superior. At first they rented rooms in Belmore Park, a residence in Belmore Street near the railway station, and it was here they started a primary school for girls. In that year enrolments reached 50, with 11 being boarders who had come from Kensington. The success of the school prompted Father Carroll to lease a stone cottage at the rear of St Thomas Aquinas' Church in Banyette Street and use it for a day school, leaving the boarders and sisters to lodge at Belmore Park. Another school was opened at Berrima in 1903, but this was closed in 1909.

2.6. OLSH SISTERS BUY MERILBAH IN 1904

The sisters at first intended to buy Belmore Park, but as Merilbah estate came on the market they settled on that. On 7 April 1904 the Merilbah estate was auctioned and the sisters bought it for £1,700¹⁷. It comprised an area of around 42 acres and a large weatherboard homestead. The purchase consisted of multiple lots (Lots 1, 2, 4 to 12) and these were never consolidated into one holding. At a later time Lot 3 was purchased, Lot 2 was in part resumed for a road, and Lot 12 was sold. The sisters relocated to their new home on 7 May 1904. At the time there was on the property a dairy, poultry run, orchard and vegetable garden as depicted in surveys of the property prepared for sales in 1888 and 1895.

Following the death of Roberts' first wife, Merilbah seems to have been leased by Miss Nellie Brennan. She was there in 1902¹⁸ (she later lived at nearby Arrankamp) and so was the local golf club that had arranged with R.H. Roberts and Miss Brennan to use around 33 acres for their golf links. Their course was formed and opened by April 1902. Despite initial reservations, the OLSH community permitted the golf club to continue with their lease through until 1916. In this unusual arrangement of golf players using the grounds of a religious sanctuary, occasionally a green had to be relocated to accommodate new buildings. The sisters seem to have reasoned that the rent would assist them in paying off the mortgage. The clubhouse was a cottage named Ulmarra on an adjacent property. The lease arrangement was terminated around the time of the opening of the purpose built convent building in 1916.

¹⁷ Old System Conveyance Book 760 No. 64

¹⁸ Social', *Sydney Morning Herald*, 22/2/1902, p.7

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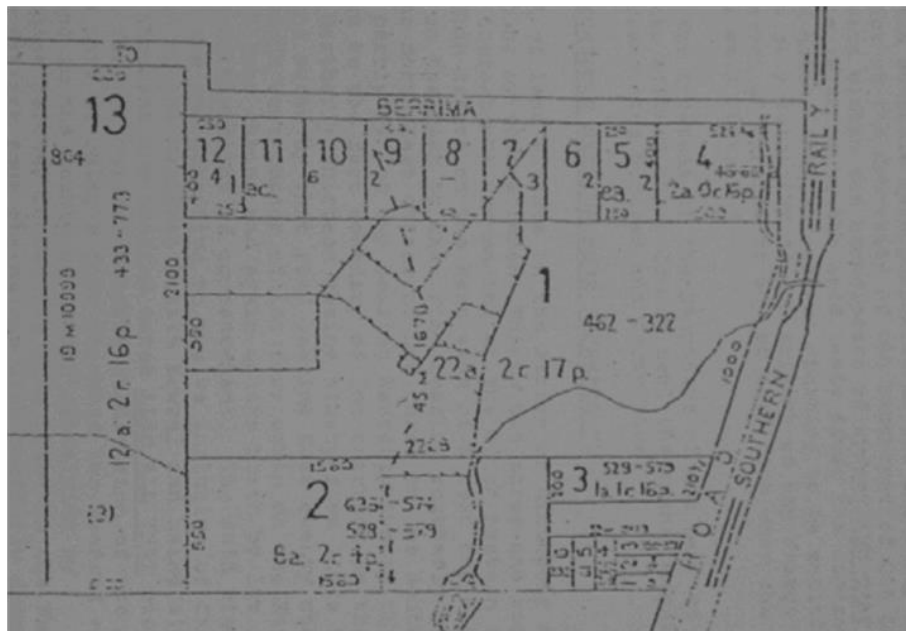


Figure 7: The various allotments in Colonel Roberts' subdivision (DP 978826) of Merilbah, some of which were purchased in 1904 by the OLSH community. Source: OLSH Provincial Archives, Kensington



Figure 8: The golf links at Merilbah. Undated, but 1910s. Source: Stalley, Douglas J, *Bowral Golf Club: 1901-2001*, Panther Publishing and Printing, 2001

The old Merilbah homestead housed both the sisters and boarders until the first purpose built convent was completed in September 1916. The parish day school in Bowral was continued, with the sisters travelling daily between Merilbah and the town. As the Dominican Sisters had opened a girls boarding school in Moss Vale by this time, the OLSH community decided it would be wiser to abandon the girls boarding school and instead open a junior college for boy boarders up to the age of twelve; this college opened in 1904. Between 1904

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and 1916 the boys accompanied the sisters to Bowral township to attend the day school at St Thomas Aquinas' Church.

2.7. THE CONVENT IS BUILT IN 1916

At first there was a handful of boy boarders, but the number increased over the following decade to where by 1915 enrolments had increased sufficiently to permit the building of a one-storey convent that included a dormitory for the boys. In 1922 another storey was added to the convent.

The plans for the convent were prepared by architects Hennessy and Hennessy and completed by March 1915 with the tenders being called in November. The architectural firm was established by Joseph Ignatius Sheerin and John Francis Hennessy in the late nineteenth century. Sheerin and Hennessy and their successors were the favoured architects in numerous Catholic dioceses across New South Wales.

The convent was completed by August 1916 and probably opened in September. The convent was named Our Lady's Mount. The old Merilbah homestead was then used for classrooms and so from 1916 the boys were taught on-site.

Also in 1916 a freestanding priest's cottage was built to accommodate the school's resident chaplain. The first priest appointed to the college was Father Jules Vandel, MSC (1860-1933). The arrangement seems to have been for temporary overnight accommodation, for Father Vandel was the superior at the Douglas Park property of the Missionaries of the Sacred Heart.¹⁹



Figure 9: The convent as built in 1916. A second storey was added in 1922. Undated, but believed to be 1916.
Source: OLSH Provincial Archives, Kensington

¹⁹ 'Rev Father Vandel', *Sydney Morning Herald*, 16/3/1933, p.10

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Figure 10: The priest's cottage built in 1916. Not dated, circa 1920. Source: OLSH Provincial Archives, Kensington

2.8. BOYS COLLEGE BUILT IN 1927

In 1925 construction commenced on an entirely new, purpose built college for the boys. The work seems to have been completed in 1927. It is assumed the architects were again Hennessy and Hennessy, however the architectural drawings have not survived.

As the new wing included classrooms, dining room, etc., the boys were removed from the old Merilbah homestead and it became a convalescent home for sick sisters, especially for those returning from the missions and as such was also a sanatorium for some patients had tuberculosis. The old homestead was then named St Joseph Rest House and it came under an administration separate from the college. The rest home closed in 1961 and the homestead was demolished in 1964. The site of the homestead is today demarcated by the tennis court.

2.9. CHAPEL BUILT IN 1930

The completion of the purpose built college freed space in the convent (erected in stages in 1916/1922) and from January 1930 it became the OLSH community's novitiate, which had formerly been at Kensington. The novitiate closed in 1948 and the novices moved to Hartzler Park, Burradoo.

With the opening of the novitiate a chapel was required and so the existing chapel was built during 1930 and was opened and blessed in September 1930. It is assumed the architects were again Hennessy and Hennessy, though the architectural drawings have not survived.

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Figure 11: From right: The chapel (1930), the convent/novitate (1916/1922), and boys college (1927). Not dated (1930) Source: OLSH Provincial Archives, Kensington



Figure 12: From right: The chapel (1930), the convent/novitate (1916/1922) with sleep outs on the upper veranda, and boys college (1927). Not dated (possibly early 1940s). Source: OLSH Provincial Archives, Kensington

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Figure 13: Side view of the chapel. Not dated (1930). Note that statue in foreground has been moved since and also rotated 90 degrees to face east instead of south Source: OLSH Provincial Archives, Kensington



Figure 14: Interior of the chapel. Not dated. Source: OLSH Provincial Archives, Kensington

2.10. COLLEGE ADDITIONS COMPLETED IN 1948

The boys' college was successful over the 1930s, 1940s and 1950s. In this period the final stage in the physical growth of the college came, with the completion in June 1948 of the south wing of the college. Construction, by contractors EV Campbell Pty Ltd, commenced in late 1945. The original architectural drawings have not survived.

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This building was designed by architect Bolton Millane. Millane (1900-1970) had formed a partnership with Amleto (also known as Hamlet) Agabiti in the 1920s and this continued until Agabiti's death in a car accident in 1938. Agabiti designed in the 1930s the beautiful additions to the OLSH convent at Kensington. Millane was a Melbourne born and educated architect, but practiced mostly in Sydney and country New South Wales. His range of work was generally associated with the Roman Catholic Church. Some domestic work was done, but there were apparently few commercial commissions. Millane also worked on the OLSH novitiate at Hartzel Park.



Figure 15: The south college wing. Not dated (1948). Source: OLSH Provincial Archives, Kensington



Figure 16: The boys' college of 1927 and the south wing of 1948. Not dated. Source: OLSH Provincial Archives, Kensington

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2.11. CHANGES IN THE 1950S AND 1960S

A number of changes to the grounds and buildings occurred in the 1950s. The golden jubilee of the opening of the college was celebrated in 1954 and one outcome of that event was the building of a new oval, which was officially opened in October 1955. The chapel was refurbished over 1959/1961.

From 1968 the convent was completely renovated, and additions and alterations to the college were undertaken. The principal work was completed in early 1970, but work continued periodically over the 1970s to upgrade facilities and for fire compliance. The architects for this work were Sydney George Hirst (1908-2007) and Donald Robert Kennedy (died c.2008). Hirst and Kennedy did most of the new work for the Roman Catholic institutions in the Sydney diocese in the 1950s and 1970s.



Figure 17: Boys playing rugby on the oval formed in 1955. Not dated. Source: OLSH Provincial Archives, Kensington



Figure 18: The additional storey to the college of 1927. Not dated (post 1970). Source: OLSH Provincial Archives, Kensington

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2.12. CLOSURE IN THE 1970S

Problems with staffing the college with appropriately trained religious commenced in the early 1970s. This resulted at first in the gradual appointment of lay teachers from 1973. The intake of boarders was also changed for from 1974 only boarders for Grades 3-6 were admitted (previously Infants to Grade 2 had been admitted also).

Society was also changing and with it the demand for boarding children at primary schools. By 1977 the college was the only boarding school for primary boys operating in the NSW Catholic education system. The 77 boarders at the college represented little more than half the number of boys that had attended in the 1950s and early 1960s. The want of religious to staff the college (and probably also declining enrolments) forced its closure in 1979.

When the college closed, the priest's cottage, which was renovated in 1965, became a retreat for priests, a guest house for visitors, etc. at different times. This use finished in February 2003 and the cottage was locked up.



Figure 19: An advertisement for the boys' college published in 1973. Source: OLSH Provincial Archives, Kensington

2.13. OLSH EDUCATION CENTRE OVER THE 1980S

When the college closed in 1979 there remained 15 sisters. Their vocation in the early 1980s was the care of Vietnamese orphans who stayed at the former college and were educated at a Catholic school in the town.

From 1985 the property became an excursion centre, this being a periodic retreat for small groups of Catholic boys or girls. This activity continued until 2004 with a respite between

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1991-1993 when it closed in order to bring the buildings up to contemporary fire and safety standards. On reopening in January 1994 some 2,600 children attended over the first year.

2.14. CLOSURE IN 2004

Problems with staffing the centre with sisters, and the convent building not being suited for the remaining ageing sisters, are cited as the reasons for the final closure of the facility in June 2004, the year of the centenary of the coming of the OLSH sisters to Merilbah.

Prior to the closure in 2004, the OLSH community had commissioned professional advice in 1984 and 2000 on the development potential of the site.

2.15. POST 2004

Following the cessation of the final use of the site as an education centre and retreat in 2004, the Order was approached by Australand/Australian Unity to develop a seniors living establishment on the lower south-east portion of the site (near the intersection of Kirkham Road and Mount Road, east of the creek). In 2007 the Council had rezoned the site to 2(a1) Residential and Special Uses. In April 2008 a Development Application (DA) was submitted to the Council by Australand/Australian Unity for a seniors living development on the site.

In July 2008, in considering this proposal, Wingecarribee Council refused the DA for the seniors living proposal. The sale of the site to Australand/Australian Unity subsequently fell through.

Also in July 2008 the Council resolved to prepare a site-specific DCP for the site; rezone part of the site for public open space (the portion near the creek where the seniors living development had been proposed), and seek a moratorium on the State Environmental Planning Policy (SEPP) for Seniors Development in the Shire.

In October 2008 the Council adopted the site-specific DCP (following its public exhibition in August 2008). The site-specific DCP is focused on controls around any potential seniors living proposal on the site, however under the heading "Heritage" it requires a heritage impact statement to be submitted with any Development Application for the site, focused on the value of the garden and tree lined driveway, options for adaptive reuse of "identified buildings" and retention of landscape elements, and also requires a survey of Aboriginal heritage, particularly on Lot 4, corner of Centennial and Kirkham Roads.

2.16. OLSH SITE CHRONOLOGY

Year/date	Event
1904	Daughters of Our Lady of the Sacred Heart Order purchase "Merilbah", already subdivided into a number of lots, and utilise the single storey weatherboard Merilbah homestead as a convent and residence for school boys.
1916	A single storey brick convent/boys boarding school building is constructed, and a brick single storey Priest's cottage for the resident school chaplain. From 1916 boys are taught on the site.
1922	2 nd storey added to the 1916 convent building. The addition was designed by architects Hennessy & Hennessy. The old Merilbah homestead is then used for classrooms. Tennis courts are built behind the new convent.
1925-1927	3-storey purpose-built brick college for boys built, having classrooms, undercroft, boarding, dining and kitchen facilities. The building was probably designed by Hennessy & Hennessy architects, however plans have not been located. Old Merilbah homestead thereafter used as a nun's convalescent home, renamed St Joseph Rest Home.

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Year/date	Event
1930	Brick chapel built onto the northern end of the 1916/1922 convent building, probably designed by architects Hennessy & Hennessy, though plans have not been located.
1948	3-4 storey College additions designed by architect Bolton Millane, attached to the southern end of the 1925-1927 Boys College building. Verandahs to the 1927 wing were enclosed. New stair and path built connecting the convent + school to the creek to the east.
1955	New school oval opened, and presumably the main driveway was relocated to its present position due to construction of the oval.
1961	Rest home in the Old Merilbah homestead closed.
1964	Old Merilbah homestead demolished (site now a tennis court).
October 1965	Priest's cottage renovated.
1968-1970	Convent building completely renovated. Various alterations and additions made to the college designed by architects Hirst & Kennedy (Sydney George Hirst and Donald Robert Kennedy). Works included: <ul style="list-style-type: none"> - colonnade added to ground floor east elevation of 1916/1922/1927 buildings, with upper floor verandah; - port corchere added to east elevation of 1925/1927 college building; - upper façade of 1922 building renovated with all windows changed to aluminium framed; - Internal renovations including complete replacement of internal fitout of 1922 upper floor of 1916 convent building; - Rear and side additions made to 1916-1927 buildings; and - Driveway access to the east front of the buildings constructed.
1979	The school - Our Lady of the Sacred Heart College - closed. Use of site as an education centre/accommodation for refugee children commenced. 15 sisters of the Order remained in residence.
1985	Site became an excursion centre and periodic retreat for Catholic school boys and girls.
1991-1993	Site closed for fire and safety upgrading of buildings.
2004-present	Site closed and became disused. Buildings mothballed. Basic maintenance of grounds continues (e.g. lawn mowing).

2.17. SOURCES

Books

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Other

Information provided by Shirley Turner, daughter of Bolton Millane, in 1996

'Property Investigation: Land at Centennial Road, Bowral', for the Trustees of the Daughters of Our Lady of the Sacred Heart, by Whelans Land Information, November 2000 (held by the Provincial Archive, Kensington)

Letter discussing assessment of real estate at the Bowral property prepared by SJ Laing & Son Pty Ltd, December 1984 (held by the Provincial Archive, Kensington)

Miscellaneous property files, histories, diary, and photographs held by the Provincial Archive, Kensington

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3.0 PHYSICAL ANALYSIS

3.1. INTRODUCTION

Paul Davies Pty Ltd carried out a physical assessment, including photography, of the site on 25 October 2012. This analysis looks at the buildings on the site, the garden and the landscape. It is not a detailed consideration of all fabric but an overview that looks to understand the elements of the place to assist in determining significance. Section 4.6 provides a detailed description of the Graded Areas of Significance on the site.

3.2. BUILDINGS

The buildings on the site are:

- Convent + school building built 1916 (first section ground floor only) to 1948 (last section), refurbished, and alterations and additions undertaken around 1968-1970
- Priest's cottage built 1916 (cottage 1)
- Cottage 2 circa 1920s with 1970s alterations
- Ancillary buildings (primarily sheds and garages)
- 1970s brick oval amenities block

The following outline deals with the major elements of the complex, noting that there have been numerous changes and additions across the buildings.

3.3. 1916 CONVENT

The 1916 form of the convent/school was very fine and the building would have had a good scale relationship with the adjacent residence that also had a long single storey form. Quickly extended with a second storey and presumably some rear additions (not known), the building retained its fine proportions with the main roof effectively being raised a storey.

Sometime after 1930 (based on evidence from figures 11 and 12) the upper verandah was enclosed with glazing. This considerably altered the appearance of the building.

Interestingly even though the school expanded through the 1920s, the convent building remained, at least externally, largely intact until the 1968-70 re-work of the building. This phase of work extensively changed the convent building to a point where it was no longer readable as the earlier building.

This work involved:

- removing the two storey verandahs and building a new brick colonnade and lower and upper terrace
- building a porte-cochere and creating a new major entry to the site between the two former buildings
- linking the building to the 1922 school building on the façade
- rendering the upper level of the front façade
- replacing all of the first floor windows with aluminium window units
- building the upper level driveway across the frontage of the building
- the addition of a series of rear single and two storey additions to accommodate kitchens, laundry etc.
- infilling of the internal courtyard to create a dining and service area
- new stairs to the first floor

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- a new side enclosed cloister to link to the chapel
- refitting completely of the upper floor, removing all joinery and fitout and installing new fitout.
- new ground floor fitout to some rooms including fireplaces and surrounding joinery and new grid ceilings
- creation of new openings throughout the ground floor external walls of the building for the new additions
- new bathroom fitout throughout
- new kitchen and servery fitout
- the addition of steel fire escapes
- creation of a ramped driveway into the rear of the complex

The elements of the early building that survived, apart from the basic structure that is now largely covered over are:

- the entry stair
- windows and French doors and entry door to the ground floor main façade
- fireplaces and surrounds to the two principal rooms
- pressed metal ceilings, doors and skirtings to the two principal rooms

The building is now severely compromised to its early form and retains little integrity. The building also does not comply with the BCA and will require significant upgrade to achieve compliance for any future use. It is in fair overall condition but requires significant maintenance work.



Rear of 1916 building surrounded by 1968-1970 additions. Note the changed windows and the fire escape.

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Interior of 1916 building, ground floor east end showing original French doors with 1968 joinery and grid ceiling fitout.



Interior of 1916 building, ground floor centre room showing original French doors with original fire surround, doors and pressed metal ceiling. This is one of two rooms to remain in the building without major change.



Interior of 1968 infill to courtyard of 1916 building. This is typical of the standard and style of the fitout of most of the building.

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3.4. 1922 SCHOOL BUILDING

When built, the 1922 addition was a well considered design that provided two almost separate buildings, one a central three storey element, the other a flanking three storey building, but set down a level so that it matched the existing convent building on the eastern side. This formal composition of central pavilion with two roughly matching flanking pavilions was a successful design approach that also developed the idea of the central gabled projecting roofs on the older convent with a central roof form on the new building. The central element was connected but clearly separated from the two wings allowing the differences in style and detail to resolve comfortably on the site. The landscaped setting with the lower driveway enhanced this approach. Figures 11 and 12 demonstrate this form and if the chapel is not consider the symmetrical arrangement of the group is aesthetically pleasing and resolved.

The addition of the 1948 building with the consequent (and understandable) enclosure of the verandahs removed the balance of the 1922 design but did not destroy it completely. The 1968-1970 addition however removed and radically changed the building arrangement, resulting in the current awkward and confused external form of the complex.

Much of the external fabric of the 1922 building remains including the verandahs, much of the joinery and some internal fitout. The second floor has had its windows and doors removed using the verandah enclosures as the outer wall. This space was used as a large dormitory. It appears the second floor ceiling was removed at some point and a new raked ceiling installed exposing the roof trusses.

Bathroom fit outs date from the 1960-1970 period and are serviceable but out of date.

Steel bridges have been built to the rear of the building to provide fire egress from the upper level.



Main façade of west wing of the 1922 building, note the infilled verandahs and the removed castellated corner that is apparent in the earlier photos.

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The rear elevation of the 1922 building showing its two and three storey form, note the excavation into the rear bank and the later steel bridges providing egress.



One of the classroom interiors of the 1922 building.



The second floor dormitory interior of the 1922 building. Note the original external joinery has been removed and the verandahs infilled.

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3.5. 1930 CHAPEL

The chapel, designed by Hennessey and Hennessey, is a well-conceived addition to the convent that stands alone as a good if not outstanding example of church design from the period. In contrast stylistically to the other buildings on the site, the architects did not hesitate to design in the current idiom without much consideration of the adjoining buildings. Having noted this, the building sits comfortably on the site and particularly prior to the upper driveway being added in the 1970 period, the building had a slight prominence that was commensurate with its function.

The structure is very typical of the inter-war period with its use of darkish brick tiled roof, curved entry and discrete use of detailing to quoining and entry façade. The small cloister linking to the convent is well-resolved and created a small courtyard that was once presumably landscaped.

The interior design is eclectic with its use of arched openings opposite the sanctuary with flanking statue recesses. The scissor-trussed roof is a simple decorative element that adds some interest to the otherwise very simple interior. The floor was polished timber but is now carpeted.

Without liturgical furnishings the space is somewhat devoid of meaning but remains capable of future use as a chapel or other meeting space.

Comparison to photo 14 (with a current photos) shows the importance of the fitout and also shows the timber floor and schoolhouse lights that are no longer extant.

The ancillary spaces are small and require upgrade.

The building is in fair to good condition, however the exterior requires some work to prevent deterioration from invasive plant growth.

The central wing contains dormitory on the upper level accessed by a pair of timber stairs and a rear steel escape stair, bathroom and a classroom on the middle level and kitchen and servery and service areas on the ground floor.

The building overall is in fair to good condition but requires upgrade for future use and compliance



East elevation of the chapel building with the garden adjacent. The building is modest in all but its main elevation.

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The Chapel from the lower driveway, the stairs appear to date to 1930 although the handrail is probably 1968, originally the path extended to the chapel before the upper driveway was built.



Interior of the chapel.



Interior of the chapel with the sanctuary on the right. Note the arched openings supported on columns.

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3.6. 1948 SCHOOL BUILDING

This is a 3-4 storey face brick building that contains bathrooms and amenities at the lower level, a large school hall at the middle level (of two-storey volume) and boarding and staff accommodation with boarders bathrooms at the upper level.

Designed by architect B Milliner ARAIA and built by EV Campbell, builder in 1948, it was the last major addition to the site and was a substantial addition to the complex.

The building is a modernist design using elements such as steel framed windows, corner windows, an interesting staircase that links all levels and two large communal bathrooms for boarders that are of some interest for their fitout.

The building is robust in its overall design but is not a fine building, nor a well resolved one in terms of its detail. The principal façade is reasonably well resolved as a design, but the balance of the building is awkward and poorly proportioned, being largely functional rather than intentional in its design.

The structure is clumsy and the arrangement of windows and stairs is difficult. The various levels within the building and the adjacent building are not handled comfortably in then the stair design, but the building does contain a well-proportioned hall space, that harks back to the inter-war period for its detail rather than the modernist appearance of the eternal form of the building.

The bathrooms, now non-functional due to changes in privacy and communal bathing requirements are impressive for their scale, the use of tiling and what would have then been modern fittings. They are overlaid by 1960-70 upgrades that contrast with the earlier fitout.

The residence and boarding areas are now sub-standard and the fitout is ordinary and non-distinctive.

To attempt compliance with more current codes (that is current some years ago) substantial external fire stairs have been added and the roof has protective guards in place that appear to have been installed to replace the roof at some point.

To construct the building the sit was cut and filled extensively so that there is a large filled embankment directly below the building. Early photos show the four storey form sitting above a large embankment, but this is now heavily vegetated and the building for is not easy to discern through the landscape when viewed from the surrounding area.

The building is in fair condition but will require substantial work to allow future use including BCA upgrades but also attention to failing steelwork in windows and lintels and the now unworkable bathroom fitouts.

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The main façade of the 1948 building showing its corner steel framed windows and four storey form. The building does not sit comfortably against the 1922 building.



The rather undistinguished west elevation. It now features steel fire escapes and roof protection. The sloped nature of the site can be seen with the building stepping down having an additional lower storey to the south.



The interior of the hall space. This is an impressive large space that retains its original seating. The design is simplistic and the stage modest.

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One of the more interesting details of the main staircase with its small curved landing, it appears the landing extends to align with the rather oddly located column beneath it and has been made a feature of the design. The detailing is a combination of practical elements with a small amount of interesting design.



The upper level bathroom fitout with its combination of 1948 elements in the foreground and background and some 1968 fitout seen in the red tiled vanity units. While interesting, the bathroom fitouts are no longer compliant or suitable for use.

3.7. 1916 PRIEST'S COTTAGE

The simple brick cottage, built at the same time as the convent but to a more modest design, is typical of its time. It has a projecting front gabled bay with a small front verandah, several bedrooms and a small living area and kitchen area. The roof pitch is quite shallow, the roof cladding is corrugated iron and there is limited decoration on the exterior seen in simple verandah brackets. Window and door openings are small and modest. The building is painted brick but would have once been face brick. There is a small enclosed verandah to the rear.

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Internally the detailing is also modest with simple fireplaces and surrounds. Doors are panelled with the rear door having five panels, typical of the Edwardian period. Kitchen and bathroom fitouts have been altered over time.

The building is in fair condition but requires refitting for future use.

The dwelling is set in small partially fenced garden with a front path leading to the drive. There are several mature trees around it and the remnant of an earlier garden.

The house, in comparison of the convent built at the same time (as seen in photos), was very modest and of quite a different design. Being set some distance from the convent building was appropriate. It is possible it was not constructed at the same time as the convent but it must date from a similar period.



1916 Priest's Cottage from the front garden showing the front path. Note the entry door set hard against the entry wall reflecting the modest character of the building.



Detail of the interior of the cottage with a typical room and corner fireplace of modest and unpretentious design.

3.8. COTTAGE 2

This is a highly altered probably c 1920s cottage with a steep pitched roof. The early form of the building can now only be seen in the remnant roof as all other walls and finishes are removed and the building has had numerous additions and changes.

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Now clad in 'log' patterned timber weatherboards (painted) with large aluminium windows, the building has lost all form. It is in fair to poor condition and would require substantial work to allow it to be re-used.



The altered form of the cottage, the pitched roof form is likely to be c1920s but the cladding and windows and all of the interior fitout along with the skillion additions are more recent.

3.9. OTHER ANCILLARY BUILDINGS

The ancillary buildings around the site are difficult to date with any accuracy as they are fairly typical farm and garage structures. Most are clad in AC sheeting and have corrugated iron roofs.

It is clear from analysis of the early site plans that none of the current structures pre-date the convent use or formed part of the earlier farm. It is likely that initially when the order occupied the site they used the various farm buildings and gradually replaced them as need arose.

Garage adjacent to tennis court - Outbuilding 1

This appears to be a building from the 1940-50 periods and was probably constructed to accommodate a car for one of the occupants of the original homestead that stood adjacent. It is timber framed, clad in AC sheet with a corrugated iron roof and a later roller shutter door. It is damaged, out of alignment and in only modest condition.

Outbuilding 2

A timber framed, AC sheet clad and corrugated iron roofed pair of garages, probably for farm equipment. It has a rear skillion addition with a poured concrete base wall, also with AC sheet cladding.

The structure is in poor condition and appears to date to the 1940-50 period.

Outbuilding 3

A steel and timber framed equipment shed with a skillion roof, the building is clad in corrugated iron and has a large open area for accommodating tractors and similar equipment.

This is a typical farm building of the 1950-1960 period. It is non-descript, functional and in fair condition.

Outbuilding 4 - Garden structure adjacent to cottage 2

These are c1940-60 garden structures probably built by various occupants of the dwelling as part of general site improvements. They are in poor condition.

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Outbuildings 5 and 6 - Adjacent to Cottage 2

These are two crudely built workshop type buildings, built in stages of probably recovered materials. They use steel and timber framing, corrugated iron and AC sheet claddings and second hand windows. They have skillion roofs and have no particular value. They are in poor condition.

Outbuilding 7 - Shed c1950-1960

A rustic shed on a concrete floor with bush pole construction, skillion roof and clad in corrugated iron. It contains rough perimeter shelving. It has several openings but appears to have been used for storage and not for vehicle or equipment use.

Outbuilding 8 - Former dairy c 1930-50

A gabled roof structure set on a concrete slab with corrugated iron roof and timber framed walls clad in AC sheet. Now overgrown and in poor condition it contains limited evidence of its former use.

Outbuilding 9 - Incinerator c 1950-60

A simple incinerator wof brick with a concrete lid and a short brick flue. It is non-distinctive and is now in poor condition.



Outbuilding 7



Outbuilding 5

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Outbuilding 3



Outbuilding 2



Outbuilding 1

3.10. AMENITIES BLOCK (C1970S - EXACT DATE UNKNOWN)

This is a brick mono-pitched roofed basic amenities block built on a concrete slab on ground located on the slope roughly overlooking the oval. The construction is simple and the building contains change rooms and a small canteen for use at sports events.

The building has no particular merit functionally or in its design. It is in fair condition but would require refitting for future use.

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It was built over the location of the original driveway to the property and is set into a cut platform into the embankment.



The front façade and covered seating area with the canteen space at the far end.



The rear elevation of the pavilion, the former entry drive was located approximately through the right hand door area..

3.11. THE GROUNDS

The buildings are set in extensive grounds that have remained unchanged in extent from the 1904 acquisition of the property (apart from one lot in the north-west corner that was excised).

The site, in its early use by the order, appears to have been a combination of gardens around the early farmhouse, agricultural land and remnant bushland. This pattern of use has remained, however the balance of uses and vegetation on the site has changed over time.

Merilbah and its setting

At the time of the 1904 acquisition, survey plans indicate that the house was set in gardens noted as having flowers and shrubs, with a rear garden and orchard, had an entry drive and then various paddocks and farm uses including fowl house, pig house, hay shed house paddock, yard, a dam and a well and various areas noted as under cultivation.

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Understandably the cultivated areas included those around the creek. There is no indication of tree cover on the land, however the age of some of the remaining native vegetation indicates it dates back to that time.

The driveway access the main road to the south, extended through the edge of what is now the oval and passed through the amenities building to link to the current drive in front of the priests cottage. From there it formed a loop to the east of the house using a small section of the current drive that extends to the back of the tennis courts.

It is possible that some remnants of the nineteenth century plantings remain and they are likely to be the more mature trees that are located at the fork in the entry driveway and possibly the large oak to the west of the tennis courts which is located on the fence line between the garden and the yard area. Based on the overlaid plans from 1890 and the current survey it can be seen that the construction of the tennis courts, the addition of driveways, the removal of part of the old drive, the construction of the ovals and later buildings has removed most of the setting and garden that existed in 1904.

The Site from 1904

Initially it is likely that the Order made few changes to the site but occupied the land as it was found. It is presumed the farm continued to operate (as it has in various forms since that time). However the 1916 convent construction would have made a considerable change to the garden and surrounding area with the addition of driveways, the removal of outbuildings, the building of the priests cottage and a range of likely but unknown elements.

It is clear from the overlay of plans that the 1916 works changed the nature of the site as buildings were constructed cross fence lines, new fenced areas were established and the setting of the house was enlarged to include the new convent/school building. Access drives to the rear service areas would have been added and presumably with an increase in capacity the farm buildings and areas of cultivation would also have changed.

The 1922 works further changed this and it is likely that if was not already in place that the main front drive (the lower driveway) was added at this time. The site was also cut and filled to commence the large southern embankment with the 1922 building cut into the slope behind and a level forecourt created.

It is also most likely that the second cottage was built around this time, probably for a site or farm manager.

The 1930 chapel construction further changed the site and the garden to the east of the chapel was created after this date and appears to have been developed over time. Its design clearly relates to the chapel, but probably incorporates the large oak tree, which also clearly does not form part of the regular design of the infill garden.

It is also interesting to observe that the 1916 and later works did not align with the original house, however the 1916 cottage did follow the same alignment.

A major change to the site took place in 1955 when the current main oval was built and the entry drive way moved to its current location. The oval was levelled, cut into the embankment and assuming there was tree cover through that area, it was removed.

It is also assumed that the current driveway plantings were commenced at this time and were developed over the next 50 years. The upper driveway plantings of groups of pines probably commenced between 1916 and 1955, as they are more mature plantings.

The final major change was the 1968-70 works that included the demolition of Merilbah and extensive additions around the site. The site works as now observed date from this time and include:

13.4 Interim Heritage Order and Consideration of Heritage Listing of OLSH, 2-18 Centennial Road, Bowral
ATTACHMENT 1 Heritage Assessment (2012) and Cover Letter (2017) by Paul Davies of the OLSH site



- The upper level front driveway
- Most of the ornamental gardens to the front of the convent school building
- The tennis court construction
- Probably the second playing field to the north of the driveway which is also cut and filled
- The rear driveway and retaining walls into the back of the convent
- Some of the farm buildings and their access areas
- Areas of planting

The grounds as now found are largely as developed between 1955 and 1970 with remnant earlier elements that are most clearly seen in the mature tree plantings of eucalypt from the pre-development phase and some remnant trees from the nineteenth century garden.

The broader site probably appears similar to its early form of cleared paddock areas, but it is clear that there has been substantial regrowth along the creek line and on the southern embankment as views seen linearly photos are no longer available.

It is also known that the lower area of the site is flood prone and has been identified in the Wingecarribee LEP as Open Space, which does not allow development to occur. The affected land is to the south of the creek and approximately 10 metres to the north and east of the creek.



The 1955 driveway with its plantings dating from that period onwards. The bitumen finish appears to be relaid over time.

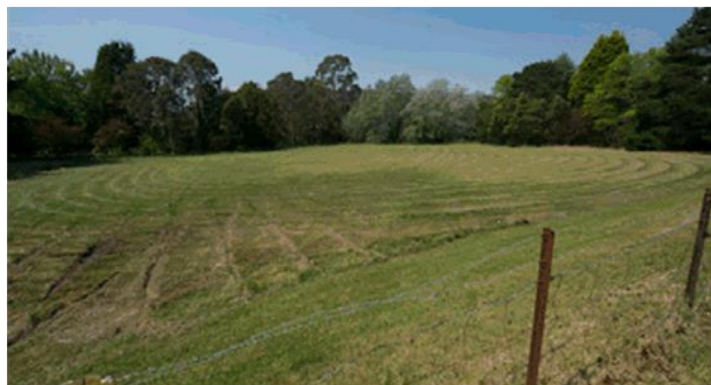
**13.4 Interim Heritage Order and Consideration of Heritage Listing of
OLSH, 2-18 Centennial Road, Bowral
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The 1955 entry gates of brick opening onto Centennial Avenue. These replaced the original entry to the east.



The 1955 oval viewed from the front of the amenities building. The oval is cut into the bank with seating extending around the slope (now overgrown). The original driveway extended through this area.



The second and later playing field to the north of the entry drive. This is built over several of the residential lots and has a large embankment extending along the edge of the driveway behind the tree line. This photo is viewed from the rear of the former priest's cottage.

**13.4 Interim Heritage Order and Consideration of Heritage Listing of
OLSH, 2-18 Centennial Road, Bowral
ATTACHMENT 1 Heritage Assessment (2012) and Cover Letter
(2017) by Paul Davies of the OLSH site**



A general view across the fields behind the school buildings looking north towards the second cottage and outbuildings. For most of its church ownership this area was used for gardens and farming.



The rear of the school looking along the service drive. A large remnant eucalypt that pre-dates site development is on the left.



The rear of the school building showing the cut into the embankment with mid twentieth century plantings forming a windbreak.

13.4 Interim Heritage Order and Consideration of Heritage Listing of
OLSH, 2-18 Centennial Road, Bowral

ATTACHMENT 1 Heritage Assessment (2012) and Cover Letter
(2017) by Paul Davies of the OLSH site



Looking from the driveway to the amenities building through the 1950 period plantings.



The front of the tennis courts with a set of concrete stairs that appear to date to the mid twentieth century. This was the location of the original farm house demolished in 1968.

13.4 Interim Heritage Order and Consideration of Heritage Listing of OLSH, 2-18 Centennial Road, Bowral
ATTACHMENT 1 Heritage Assessment (2012) and Cover Letter (2017) by Paul Davies of the OLSH site



The main entry drive with a vehicle turn around that appears to have been added around 1968. Mature plantings can be seen such as caemllias and rhododendrons. Remnant early eucalypts can be seen in the background. While the plantings are mature (dating from probably the 1960-70 period and now having 40-50 years of growth) they are clearly related to the last stage of site development and do not derive from the early convent establishment or the former farm gardens.



The main entry drive looking east across the front of the tennis courts. It is likely that this drive was created in 1916 when the convent was built, the trees to the left may predate the church ownership. The rhododendron hedge appears to be mid twentieth century.

13.4 Interim Heritage Order and Consideration of Heritage Listing of OLSH, 2-18 Centennial Road, Bowral
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Looking towards the tennis courts from the side of the chapel. The intervening garden dates from the middle to later convent period, the garage in the rear is outbuilding 1 and probably was built in relation to the original house and the large oak tree possibly relates to the early garden planting of Merilbah, pre-dating the church acquisition of the site.

An overlay of the 1880s subdivision plan for the site (that shows the site layout with a good level of accuracy) and the current site survey is of interest in understanding how the site has changed and developed over its history.

This analysis is of particular interest and importance as there has been confusion in the heritage assessment of the broader site (undertaken as part of council initiated heritage studies over a number of years) about what remains of the early farming and residential use of the property and if those elements have heritage value.

It is also important as even though the proposed heritage listing of the place is related to the history of Merilbah, the history of the site under OLSH now extends over 100 years in contrast to the early history of around 30 years. Understanding what remains of the convent and school history could also potentially be of heritage significance.

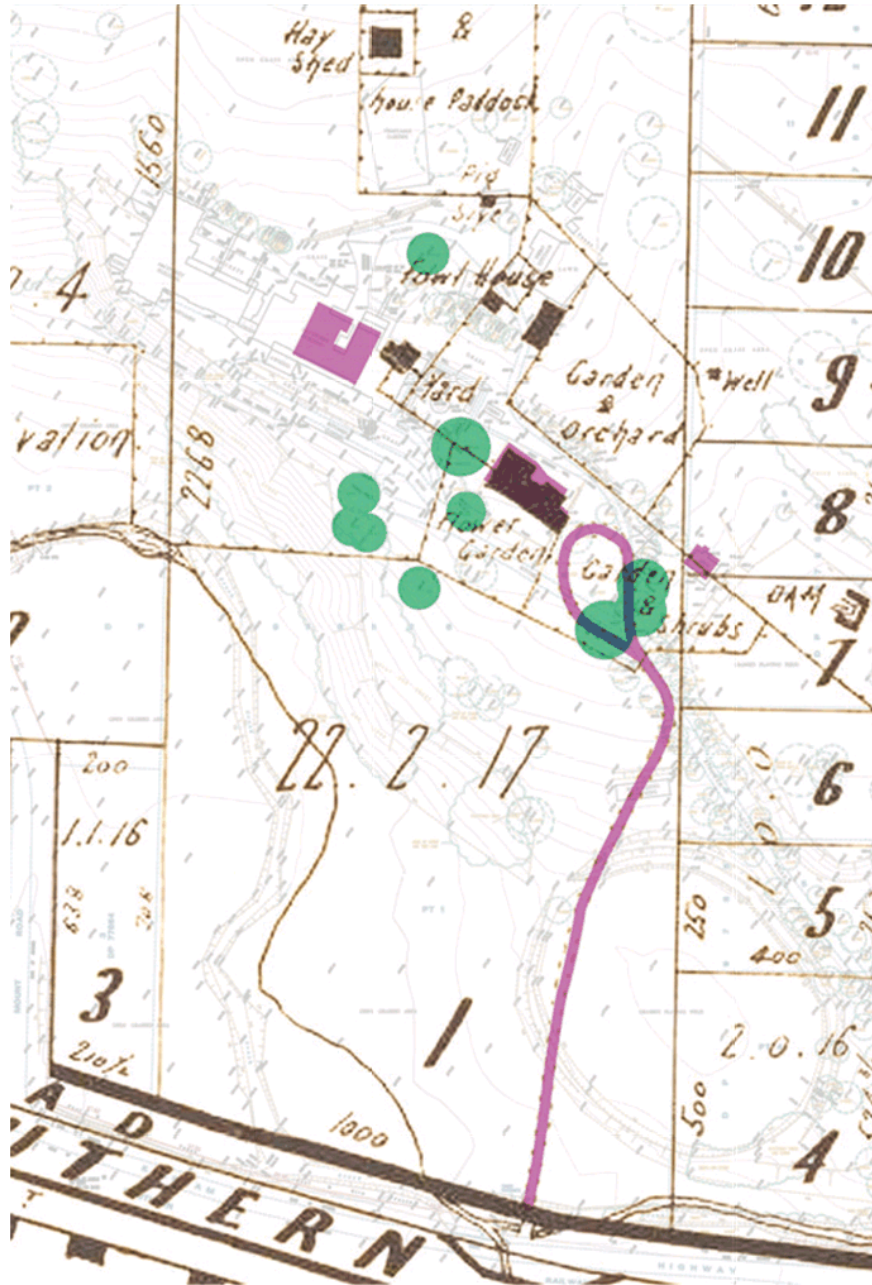
It becomes clear from the analysis that none of the early fabric of the place prior to 1904 remains but several mature plantings are likely to date from that time.

It is also clear from the analysis that very little of the early (pre 1922) convent and school fabric remains with integrity.

This is useful and important when determining what heritage significance the place may have.

13.4 Interim Heritage Order and Consideration of Heritage Listing of OLSH, 2-18 Centennial Road, Bowral

ATTACHMENT 1 Heritage Assessment (2012) and Cover Letter (2017) by Paul Davies of the OLSH site



Overlay drawing showing the changes in the site from the 1880s to the present day. The 1880s sale plan is overlaid on the survey and the early features are coloured to illustrate: the original buildings (black), trees that may remain from the pre 1904 acquisition of the property by the sisters (green) and the 1916 buildings and driveway (pink). This comprises the house Merilbah, the first convent and the priest's house.

**13.4 Interim Heritage Order and Consideration of Heritage Listing of
OLSH, 2-18 Centennial Road, Bowral
ATTACHMENT 1 Heritage Assessment (2012) and Cover Letter
(2017) by Paul Davies of the OLSH site**



Elements to note of interest on the overlay are:

- the former entry driveway across the oval and through the amenities building
- the new driveway from the 1950 period
- the two cut and filled playing fields flanking the 1950's driveway
- the small segment of original driveway adjacent to the former priest's house that is the only part of the early drive to remain, noting however that the driveway itself has changed in detail
- the location of the former Merilbah on the tennis courts
- the location of the earlier gardens around the house that give an indication that some of the mature trees probably date from that time
- none of the early outbuildings or farm elements relate to any of the current building or outbuilding locations
- all of the early fence lines are now gone

Apart from the generally open nature of the site with remnant woodland, almost nothing of the early farm remains on the site.

It is also interesting that the various school and convent developments have also obscured the early and potentially interesting buildings from the 1916 period so that very little remains from the early phases of church use that retains any integrity.

It is also interesting to observe that as the school and convent expanded to the west, the site was heavily modified by cut and filling to create the large embankment that now fronts the main buildings. This changed the more gentle rolling from of the landscape when viewed from the south.

13.5 Service Delivery Review, Southern Region Livestock Exchange

Reference:	200/11.1
Report Author:	Corporate Strategy Projects Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

PURPOSE

This report provides an update on the Southern Regional Livestock Exchange (SRLX) Service Delivery Review.

RECOMMENDATION

1. **THAT** Council await the outcome of the NSW Government Growing Local Economies fund grant application, before considering recommendations of the SRLX Service Delivery Review.
2. **THAT** Council confirm that it is not currently considering the sale of the SRLX as part of the Service Delivery Review process.

REPORT

BACKGROUND

In its Fit for the Future Improvement Proposal, Wingecarribee Shire Council committed to “undertake a comprehensive service review program to ensure that Council is delivering services in the most efficient and effective manner”. Furthermore, the NSW Government has proposed amendments to the *Local Government Act 1993*, which foreshadow a mandatory requirement for all Councils to adopt a program of service reviews.

At the 10 May 2017 meeting, Council endorsed the SRLX as a pilot for the Service Delivery Review Program.

REPORT

The SRLX Service Delivery Review commenced in September 2017 and focused on review and analysis of financials, service delivery models, governance processes, technology, levels of service and stakeholder engagement.

The review was conducted by GHD Pty Ltd on behalf of Council.

In March 2018 GHD presented their findings and recommendations to Council. Further comparative analysis has since been undertaken and considered (see **Attachment 1**).

In February 2018 Council submitted a grant application for proposed upgrade works totalling \$5.5 million, through the NSW Government Growing Local Economies fund.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Council has been advised the application has progressed to the next stage. A detailed business case is being prepared as part of this process.

Once Council is advised of the grant outcome a report to Council will be considered to determine the recommendations of the SRLX Service Delivery Review.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

The Service Delivery Review Program is a key strategy from Council's Fit for the Future Improvement Plan. It is anticipated that service delivery reviews will result in saving and/or organisational efficiencies, and consequently have a positive impact on Council's Operating Performance benchmarks.

COMMUNICATION AND CONSULTATION

Community Engagement

Consultation with stakeholders including producers, livestock agents and buyers was undertaken as part of the service delivery review process.

Council's Southern Regional Livestock Exchange Committee has also been updated throughout the review. Further consultation will occur when Council considers the recommendations of the review.

Internal Communication and Consultation

Internal consultation has taken place with the Executive and the Management Team. Staff have also been consulted during the review.

Further consultation will occur when Council considers the recommendations of the review

External Communication and Consultation

Consultation with Councils and other saleyards throughout NSW has been undertaken as part of the comparative analysis included in the review.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

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- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications in relation to this report.

The outcome of the grant application will enable Council to make decisions regarding funding the proposed upgrade works at the SRLX.

RELATED COUNCIL POLICY

Nil.

OPTIONS

The options available to Council are:

Option 1

That Council await the outcome of the NSW Government Growing Local Economies fund grant application for the proposed upgrade works before considering the recommendations of the SRLX Service Delivery Review.

Option 2

That Council consider recommendations of the SRLX Service Delivery Review prior to the grant application outcomes.

Option 1 is the recommended option to this report.

CONCLUSION

Council is undertaking a service delivery review of the SRLX.

A grant application has also been submitted to the NSW Government Growing Local Economies fund for upgrade works totalling \$5.5 million.

Council is awaiting the outcome of the grant application prior to considering the recommendations of the review.

ATTACHMENTS

1. Saleyards comparative analysis

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Friday 6 July 2018

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13.5 Service Delivery Review, Southern Region Livestock Exchange ATTACHMENT 1 Saleyards comparative analysis

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Ring selling Saleyards comparative analysis								
Saleyard	Owner	Operator	Livestock sold	Selling configuration	2016/17 throughput	2016/17 MLA ranking by turnover of cattle	Operational Structure	Website
2bo Regional Livestock Markets	Dubbo Regional Council	Dubbo Regional Council	Cattle, sheep and goats as required	Pens	199,431 (cattle) 1,437,030 (sheep) 8,432 (goats)	1	Council owned and maintained. 12 agents (handle stock). Council staff manage and maintain. Underpinning development work and improvements.	http://www.drlm.com.au/LivestockMarkets/index.html
gga Wagga Livestock Marketing Centre	Wagga Wagga City Council	Wagga Wagga City Council	Cattle and sheep	Ring	1,656,105 (sheep) 168,725 (cattle)	2	Owned by Council and operates on a completely self-funded financial model that delivers a dividend to Council annually (distributed through regional and rural projects). Agents are responsible for on-site scanning and data entry.	http://www.wagga.nsw.gov.au/city-of-wagga-wagga/business/livestock-marketing-centre
Central Tablelands Livestock Exchange (CTLX) - Carcoar (replacing Inge, Blayney and Bathurst)	Palisade Investment Partners (responsible for finance and ownership)	Regional Infrastructure Pty Ltd (responsible for business development, operation and management)	Cattle and sheep	Pen	129,006	3	Privately owned and managed facility. Part of the Regional Infrastructure Pty Limited network of RLXs. Regional Infrastructure Pty Ltd is responsible for business development, operation and management.	https://rlx.com.au/sites/rlx-central-tablelands-livestock-exchange/rlx-facilities/
Central Rivers Livestock Exchange (CRLX)	Richmond Valley Council	Richmond Valley Council	Cattle	Pen	119,572	4	Council owned and operated. Has undergone recent upgrades and will undergo full operational review to help guide Council in future strategic and business decisions.	http://www.richmondvalley.nsw.gov.au/page/Community_Services/Northern_Rivers_Livestock_Exchange
Central North Regional Livestock Exchange (TRLX)	Palisade Investment Partners (responsible for finance and ownership)	Regional Infrastructure Pty Ltd (responsible for business development, operation and management)	Cattle and sheep	Pen	114,895	5	Privately owned and managed facility. Part of the Regional Infrastructure Pty Limited network of RLXs. Regional Infrastructure Pty Ltd is responsible for business development, operation and management.	https://rlx.com.au/sites/rlx-trlx-tamworth-regional-livestock-exchange/
Gunnedah Saleyards	Gunnedah Shire Council	Agents/Gunnedah Shire Council	Cattle	Pen	91,448	6	Council owned and maintained. 12 agents. Saleyards leased from midday Monday to midday Wednesday with agents responsible for cattle and public. Lease is on annual basis.	http://www.gunnedah.nsw.gov.au/index.php/business/agriculture-saleyards/gunnedah-saleyards
Central Eastern Livestock Exchange - Selkirk (SELX)	SELX Pty Ltd	SELX Operations Pty Ltd	Cattle, sheep and goats	Pen	66,062	7	Privately owned and operated.	http://www.selknow.com.au/
Central Western Regional Livestock Exchange (IRLX)	Palisade Investment Partners (responsible for finance and ownership)	Regional Infrastructure Pty Ltd (responsible for business development, operation and management)	Cattle and Sheep	Pen	60,078	8	Privately owned and managed facility. Part of the Regional Infrastructure Pty Limited network of RLXs. Regional Infrastructure Pty Ltd is responsible for business development, operation and management.	https://rlx.com.au/sites/rlx-inverell-livestock-exchange/
Central West Livestock Exchange	Forbes Shire Council	Forbes Shire Council	Cattle, sheep and pigs	Pen	59,911	9	Palisade's Regional Infrastructure Fund (PRIF) is responsible for finance and ownership. Council owned and operated.	http://www.forbeslx.com.au/
Central Northern Regional Livestock Selling Centre	Upper Hunter Shire Council	Upper Hunter Shire Council	Cattle	Ring	59,119	10	Council owned and operated. Upgrade works of \$11.8 million commenced in June 2018 (funded through a Council loan of \$8.4 and grants).	http://upperhunter.nsw.gov.au/our-facilities/saleyards.aspx
Central Southern Regional Livestock Selling Centre	Wingecarribee Shire Council	Wingecarribee Shire Council	Cattle	Ring	51,359	11	Council owned and maintained. Awaiting grant application outcome for upgrade works.	http://www.wsc.nsw.gov.au/
Central Eastern Regional Livestock Selling Centre	Clarence Valley Shire Council	Clarence Valley Shire Council	Cattle and horses by arrangement	Ring	48,025 (2015/16)	12	Council owned and operated. Council provides and maintains all the infrastructure on site while stock and station agents conduct the sales. The agents provide their own staff to handle livestock and complete administrative duties. Council staff member oversees the running of the sale and monitor legislative compliance. Vendors selling cattle pay a per head fee which the agents collect on Council's behalf. All of the money collected is used to fund council operations and improvements with.	http://www.clarence.nsw.gov.au/cp_themes/metro/page.asp?p=DOC-JDS-51-42-54
Singleton Livestock Exchange	Singleton Council	Singleton Council (going through tender process to lease)	Cattle	Pen	43,966	13		http://www.singleton.nsw.gov.au/index.aspx?NID=180
Central Regional Saleyards	Bowe & Lidbury Pty Ltd	Bowe & Lidbury Pty Ltd	Cattle and Horses	Ring	41,022	14	Privately owned and operated. Monthly and weekly livestock sales, specialising in livestock and clearing sales.	http://www.bowelidbury.com.au/index.php
Central East Livestock Selling Facility (Midale Saleyards)	Armidale Regional Council	Leased to Armidale Livestock Selling Committee.	Cattle	Ring	40,120	15	Council owned, leased to agents committee. Due to merger with Guyra Council operation and lease under review.	http://www.armidale.nsw.gov.au/business/regional-infrastructure/ne-livestock-selling-facility/ne-livestock-selling-facility
Kempsey Regional Saleyards	Kempsey Shire Council	Kempsey Shire Council/agents	Cattle	Ring	36,134 (2015/14)	16	Council owned and managed. Leased on sale day to agents. About to commence a review of operating model looking at several options.	http://www.kempsey.nsw.gov.au/services/saleyards.html

ATTACHMENT 1

COUNCIL MATTERS

20 NOTICES OF MOTION

20.1 Notice of Motion 19/2018 - Use of Libraries Fund for Mittagong Library

Reference:	100/4
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor P W Nelson has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 11 July 2018:

THAT Council investigate the Regional Cultural Fund for rural Councils – Libraries (only) for library infrastructure projects with a view to extending the Mittagong Library.

RECOMMENDATION

Submitted for determination.

Preamble

The 2018-2019 NSW State budget highlighted that the public library grant funding component has been transferred to the Regional Cultural Fund with an amount of \$5 million being available for regional and rural Councils – Libraries (only) for library infrastructure projects.

The Regional Cultural Fund Guide, Round Two includes new information about funding specially for libraries. An excerpt from page two states “There will be \$47 million available in round two, including \$5 million specifically for Regional Public Library Infrastructure Projects.”

COMMENT FROM STAFF

The second round for the Regional Cultural Fund opened on 1 July 2018 and closes on 21 September 2018.

The fund includes \$5million specifically for regional public library infrastructure projects. To be eligible, projects must meet conditions including:

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- The application must demonstrate a co-contribution from non-Regional Cultural Fund sources. This may be in the form of cash or in-kind support,
- The application must show evidence of community consultation;
- Local projects should commence within 24 months, and ideally be completed within three years of funding approval.

At this point in time we have no design plans for any extension of the Mittagong Branch Library apart from replacing the existing roof in the 2018/19 financial year. In the absence of having plans for enlarging the library and not having undertaken community consultation, it is considered that an application would not meet the eligibility criteria. It is further noted that a Customer Service Survey through the Mittagong Library is planned to be undertaken in this financial year.

20.2 Notice of Motion 18/2018 - Reclassification of 1A Rainbow Street Mittagong to Community Land

Reference:	100/4
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor I M Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 11 July 2018:

1. **THAT** the public lands known as Aboriginal Cultural & Community Centre [ACCC] at 1a Rainbow Street, Mittagong be reclassified to Community Land.
2. **THAT** the area on the ACCC lands known as “Mineral Springs” be assessed as a being a Place of Aboriginal Cultural Significance and that this include the scar tree and surrounding grounds.
3. **THAT** both 1 & 2 form part of the proposed lease consultation with the community.

RECOMMENDATION

Submitted for determination.

Preamble

Council is considering a 99 year lease of the ACCC site but it is currently classified as Operational Land. The following applies:

Community land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access (such as a trust deed, or dedication under section 94 of the Environmental Planning and Assessment Act 1979). This gives rise to the restrictions in the Act, intended to preserve the qualities of the land. Community land:

- *cannot be sold*
- *cannot be leased, licenced or any other estate granted over the land for more than 21 years*
- *must have a plan of management prepared for it.*

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On 1 July 1993 certain public land that was vested in, or under the control of council, was automatically classified as community land. This land is set out in clause 6(2) of Schedule 7 to the Act. Any public land that is acquired by or vested in council after 1 July 1993 may be classified by resolution of council. Council staff should detail the acquisition dates of the various parts of this site in the report. The ACCC may already be Community land as parts of it may have been acquired by Council in trust for a particular Community use.

Notwithstanding, the act provides a council must give public notice of a proposed resolution to classify public land as either operational or community land. A period of at least 28 days for public submissions must be given (s.34).

Following such classification, a Plan/s of management be immediately prepared for the ACCC & Mineral Springs site/s. This would:

- be written by council in consultation with the community
- identify the important features of the land (e.g. natural significance, aboriginal sportsground) clarify how council will manage the land, and in particular
- indicate how the land may be used or developed, e.g. leasing.

COMMENT FROM STAFF

The current Mineral Springs Reserve was negotiated for purchase by Wingecarribee Shire Council from the Mittagong RSL between 1984 and 1986 with the land officially registered in the name of Wingecarribee Shire Council on 12 May 1986.

The site was classified as 'Community' land under the *Local Government Act 1993* until its reclassification to 'Operational' land upon the making of Wingecarribee LEP 2010 on 16 June 2010.

It is further noted that if this Notice of Motion is successful it will replace the resolution of Council made on 14 March 2018 which was as follows:

1. **THAT authority be delegated to the General Manager to negotiate the terms and conditions of the Lease with Illawarra Local Aboriginal Land Council for the property known as Proposed Lot 1 Rainbow Street, Mittagong AND THAT it be noted that the term of the proposed Lease is ninety nine (99) years.**
2. **THAT Council give a minimum twenty eight (28) days public notice of its intention to enter into the Lease of Council property referred to in resolution 1 above.**
3. **THAT if no objections are received by Council during the period of public notice, the General Manager and Mayor be delegated authority to execute the Lease referred to in resolution 1 above under the Common Seal of Council (if required) AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.**

A resolution of Council to reclassify the subject land to 'Community' land under the *Local Government Act 1993* will prevent Council from considering a lease in excess of 30 years, therefore the resolution of Council made on 14 March 2018 to negotiate a lease with a term of 99 years cannot be legally implemented.

20.3 Notice of Motion 20/2018 - Request to Endeavour Energy not to erect concrete poles in Berrima

Reference:	100/4
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor L A C Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 11 July 2018:

1. **THAT Council resolve to formally write to Endeavour Energy requesting that the high heritage integrity and value of Berrima Village be acknowledged and as such no concrete poles be erected within the village.**
2. **THAT this letter be forwarded under the signature of the Mayor and General Manager.**

RECOMMENDATION

Submitted for determination.

Preamble

A recent threat by Endeavour Energy to install unsympathetic concrete power poles in Jellore Street Berrima was only averted due to the vigilance of residents and lobbying of the local member and Council to advocate for a better outcome by the installation of wooden power poles.

There are very real concerns that this may only be a temporary compromise and that concrete poles may be erected in this unique heritage village without any consultation or warning.

It is in this light that I seek support from Council to advocate for a permanent exclusion of concrete and/or any power poles or structures that may impact on the village of Berrima or fail to recognise the status of this unique heritage asset.

COMMENT FROM STAFF

Under the provisions of the State Environmental Planning Policy (Infrastructure) 2007, electricity transmission or distribution networks are either development permitted without consent or exempt development. The replacement of poles with similar sized poles, or of associated support structures, for electricity lines for conveying electricity at a voltage of 66kV or less is classified as exempt development except if it is likely to affect a State or

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local heritage item or a heritage conservation area, must involve no more than minimal impact on the heritage significance of the item or area.

The replacement of timber poles with timber poles, like for like in other words, would qualify as exempt development. On the other hand the replacement of a timber pole with a masonry pole would involve different material and therefore has the potential to impact the heritage significance within a heritage conservation which in this case covers the Berrima Village and therefore development consent would be required.

20.4 Notice of Motion 21/2018 - Councillor information session on review of Developer Contributions Plans

Reference:	100/4
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor I M Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 11 July 2018:

THAT Council staff arrange a Councillor briefing session in relation to the review and operation of Developer Contributions Plans within the Shire.

RECOMMENDATION

Submitted for determination.

22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

Section 10B

1. *[Time spent closed to be minimised]* A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):
 - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
 - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
2. *[Qualification of 10A(2)(g)]* A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:
 - a. *are substantial issues relating to a matter in which the council or committee is involved, and*
 - b. *are clearly identified in the advice, and*
 - d. *are fully discussed in that advice.*
3. *[Qualification of 10A(3)]* If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).
4. *[Irrelevant matters]* For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - a. *a person may misinterpret or misunderstand the discussion, or*
 - b. *the discussion of the matter may:*
 - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
 - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

Director General's Guidelines

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

RECOMMENDATION

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the *Local Government Act 1993* as addressed below to consider the following reports that are confidential for the reasons specified below:

- 22.1 **Renewal of the Lackey Park, Moss Vale and Australia Avenue, Berrima Sewer Pump Stations**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Renewal of the Lackey Park, Moss Vale and Australia Avenue, Berrima sewer pump stations project.

2. **THAT** the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.

Barry W Paull
Acting General Manager

Friday 6 July 2018