

AGENDA

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

Thursday 29 June 2023

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

**AGENDA OF THE LOCAL PLANNING PANEL
THURSDAY 29 JUNE 2023**

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Our Mission, Our Vision, Our Values

OUR MISSION

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

OUR VISION

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

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

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

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

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

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

Recording and Webcasting of Local Planning Panel Meetings

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The meeting must not be recorded by others.

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The Council Chamber has 24 Hour Video Surveillance.

1 OPENING OF THE MEETING

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

2 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged country:

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

3 APOLOGIES

Nil at time of print.

4 DECLARATIONS OF INTEREST

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

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

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

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

5 PLANNING PROPOSALS

5.1 Community Heritage Study 2021-23 - endorsement for community consultation

Report Author: Strategic Land Use Planner (Heritage)

Authoriser: Executive Manager Strategic Outcomes

PURPOSE

The purpose of this report is to present the Community Heritage Study 2021-23 to the Local Planning Panel for endorsement for owner and community consultation.

Applicant / Proponent	Wingecarribee Shire Council
Owner	Various
Consultants	N/A
Notification	N/A
Number Advised	N/A
Number of Submissions	N/A
Current Zoning	N/A
Proposed LEP Amendment/s	Subject of a future Planning Proposal to amend Schedule 5 (Environmental heritage) of the Wingecarribee Local Environmental Plan 2010.
Political Donations	N/A
Recommendation	The Wingecarribee Community Heritage Study 2021-23 be supported to commence owner and community consultation in accordance with this report.

OFFICER'S RECOMMENDATION

The Wingecarribee Community Heritage Study 2021-23 be supported to commence owner and community consultation in accordance with this report.

REPORT

BACKGROUND

Heritage management in NSW

In NSW the *NSW Heritage Act 1977* sets the framework for heritage management, conservation and enforcement, and the *Environmental Planning and Assessment (EP&A) Act 1979* provides the framework for the NSW planning system. Local government is the primary manager of heritage in NSW, principally through its Local Environmental Plans (LEPs) and Development Control Plans (DCPs). LEPs that are formed under the EP&A Act and the *Standard Instrument—Principal Local Environmental Plan* (this includes the Wingecarribee Local Environmental Plan 2010) contain lists of heritage items, heritage conservation areas and archaeological sites for each local government area in Schedule 5 of the LEP.

Heritage items are often thought of as singular buildings, but in fact heritage items can comprise buildings, gardens, works, objects, trees and structures, and are often a combination of these. In this report, ‘heritage item’ will mainly refer to a statutory heritage item listed in Schedule 5 of WLEP 2010 and the terms ‘potential heritage item’, ‘deferred item’ or ‘heritage place’ refer to places with heritage significance or potential heritage significance that do not yet benefit from statutory listing.

Heritage listings in Wingecarribee Shire

Recognition of heritage places first appeared in statutory planning instruments in the Wingecarribee Shire in 1984. These were added to over time through a number of LEP amendments, including significant heritage amendments in 1998 and 2004. The current Wingecarribee Local Environmental Plan (WLEP) came into force on 16 June 2010. Schedule 5 of WLEP 2010 currently contains 413 heritage items, 17 heritage conservation areas and 9 archaeological sites.

There have been a number of heritage studies within the Shire over the years, one of the most significant being the Wingecarribee Heritage Survey 2009, undertaken by heritage consultants Architectural Projects Pty Ltd on behalf of Council. This survey resulted in the inclusion of 81 properties within Schedule 5 of WLEP2010 under Amendment No. 40 made on 28 November 2012. However, a decision on many potential heritage items was deferred, and the full list of recommended items from the 2009 Heritage Survey was never published, nor was the study in its entirety ever formally adopted by Council.

One difficulty with this situation is that, since 2012, there have been several properties identified in the 2009 heritage survey for which development applications have been received and not all have been considered by staff to be sympathetic or appropriate given the information provided in the 2009 survey. Interim Heritage Orders were issued on four properties following the lodgement of applications, two of which resulted in heritage listing of the sites. This is not considered to be a strategic or transparent way to manage heritage properties.

Furthermore, continual and broadening amendments to the State Government’s *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* allow for a range of development types (including demolition, dual occupancies and medium density style housing in certain areas) without the need for a development application with only minimal community notification. This remains an ongoing concern, particularly in relation to the loss of traditional building stock and the subsequent impact on the character of the towns and villages of the Southern Highlands.

Prompted by these concerns, Heritage Advisory Committee Chair, Councillor Graham McLaughlin, and Alternate Chair, Councillor Peter Nelson, submitted a Notice of Motion to the 13 May 2020 Ordinary

Council Meeting to bring a report back to the Council on progressing the potential heritage items deferred in 2012. The resolution is as follows:

MN 146/20

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

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

PASSED

Review of the deferred potential heritage items

One of the criticisms of the Wingecarribee Heritage Survey 2009 was the lack of robustness of the data due to the limited project scope of and funding for the project. Heritage Studies take an enormous amount of work and councils often have insufficient financial resources to engage a heritage consultant to undertake the site visits and historical research that is required to produce compelling evidence to justify heritage listings in a well-rounded study.

One method to address this resourcing problem is the Community-Based Heritage Study Model. This model is articulated in guidelines originally produced in 1999 and revised a number of times since, by the then NSW Heritage Office (now Heritage NSW) entitled *Community-Based Heritage Studies: A Guide*. This model is still strongly supported by Heritage NSW. A copy of the guide is available from their website at <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/community-based-heritage-studies-guide-130215.pdf>.

In September 2020, a Study Team comprising a group of local professionals with heritage qualifications, expertise and interests was formed to undertake a review of the previously deferred recommended items and other items identified through development applications, field work, examination of historical and contemporary aerial photography, real estate listings, local knowledge and existing and new historical research.

The Study Team undertook field work, photography, research, documentation, assessment and recommendations of potential heritage items that form this Study. The Study also benefitted from many months of work by local volunteer researchers across the Shire. The Study Team and all other persons listed in the Preliminary Report contained at **ATTACHMENT 1** have volunteered their time, skills and knowledge at no financial cost to Council whatsoever. A conservative estimate is that this work would require a budget of at least \$100,000 if undertaken by professional consultants.

The Study has been undertaken within the context of the NSW Heritage Management Framework and following the best-practice guidelines [Investigating Heritage Significance](#) and [Assessing Heritage Significance](#) produced by Heritage NSW. In addition, the headings used in the State Heritage Inventory (a database containing information about heritage places throughout the State) were used as a template for the information presented in the Heritage Evidence Sheets to facilitate logical transfer of data onto the State Heritage Inventory at a later date.

In accordance with the Heritage NSW publication *Assessing Heritage Significance* each item was assessed against the NSW heritage assessment criteria at a local level, as follows:

NSW HERITAGE ASSESSMENT CRITERIA (ON A LOCAL LEVEL)	REFERRED TO AS
Criterion (a) —An item is important in the course, or pattern, of the local area’s cultural or natural history.	Historical significance
Criterion (b) —An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.	Associational Significance

NSW HERITAGE ASSESSMENT CRITERIA (ON A LOCAL LEVEL)	REFERRED TO AS
Criterion (c) —An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.	Aesthetic or Technical Significance
Criterion (d) —An item has strong or special association with a particular local community or cultural group for social, cultural or spiritual reasons.	Social Significance
Criterion (e) —An item has potential to yield information that will contribute to an understanding of the cultural or natural history of the local area.	Research Potential
Criterion (f) —An item possesses uncommon, rare or endangered aspects of the cultural or natural history of the local area.	Rarity
Criterion (g) —An item is important in demonstrating the principal characteristics of a class of the local area’s cultural or natural places, or cultural or natural environments.	Representativeness

To be considered for local heritage listing, an item must meet one or more criteria on a local level.

This formidable body of work provides Council with a remarkable knowledge base, comprising three volumes:

- **Preliminary Report** which contains the background information, methodology details, a summary of the findings of the Study and recommendations. This document also appends the full Heritage Survey 2009 documents. A copy of the Preliminary Report is contained at **ATTACHMENT 1** and the Heritage Survey 2009 documents (474 pages in total) are contained at **ATTACHMENT 2**.
- **Preliminary Spreadsheet** which lists all the places examined in the Study and provides identifying information including item name and address and summary information on the Study findings for each item, sorted alphabetically by locality and address. A copy of the spreadsheet has been provided as a **CONFIDENTIAL ATTACHMENT UNDER SEPARATE COVER**. However, it is intended that the spreadsheet will be made publicly available as an attachment to the Council Report following consideration by the Wingecarribee Local Planning Panel.
- **Preliminary Heritage Evidence Sheets** contain the evidence and recommendation for each place, grouped by locality. The Heritage Evidence Sheets have been provided as a **CONFIDENTIAL ATTACHMENT UNDER SEPARATE COVER**. However, these will be made publicly available as part of the public consultation phase of this project.

In total around 600 heritage places were examined and the Study recommends around three-quarters of these be listed as heritage items as well as eight (8) new heritage conservation areas and six (6) extensions to existing heritage conservation areas. The Study also proposes many new items especially in areas where none or few currently exist such as Welby, Robertson, Wildes Meadow and Kangaloon. In addition to new items, the Study recommends new heritage conservation areas and extensions to existing heritage conservation areas.

This report presents the body of work that comprises the Wingecarribee Community Heritage Study 2021-23 for endorsement for consultation with owners and wider public exhibition. The consultation strategy is articulated under the Consultation section of this report. It is intended that a period of direct engagement with the owners of properties that are recommended for heritage listing will occur first, followed by wider community consultation, including with those whose properties are affected

by a proposed heritage conservation area and those whose properties were surveyed but not recommended for listing at this time.

To ensure complete transparency, as part of the community engagement, all of the Heritage Evidence Sheets will be available along with documentation to help owners and the community understand the implications of heritage listing and to dispel myths about what heritage listing means for owners.

Following community consultation it is intended that a further report be presented to the Local Planning Panel and to Council providing details about the consultations including a summary of the number and content of any submissions. This report will also provide final recommendations on heritage listing of properties based on the evidence and the consideration of additional information and submissions by owners.

It is also intended that those reports will include a copy of the Planning Proposal that will be required to effect the recommendations of the Heritage Study and will present a final version of the Study Report. That Planning Proposal will also include a broader review of the listing data for all existing items in Schedule 5 of the WLEP 2010 (namely item name, address, property description, significance and item number) and will include any necessary changes to update that list.

An independent peer review of the Study is proposed to be undertaken before the Final Study is reported to Council together with the Planning Proposal. The purpose of the peer review is to confirm the robustness of the Study and that it has been undertaken in accordance with heritage best-practice.

Following endorsement of the Planning Proposal by the Panel and Council, the statutory Planning Proposal process will commence, including a request for a Gateway Determination from the NSW Department of Planning and Environment which will specify the public exhibition requirements for the Planning Proposal and a timeframe for completion. Due to the level of detail and the mapping requirements for this Planning Proposal, it is assumed that the process will take around 12 months at a minimum.

STRATEGIC ASSESSMENT

Strategic Merit

The Wingecarribee Shire is widely recognised and appreciated for its heritage character. The identification and assessment of potential heritage items is consistent with both regional and local plans and strategies.

South East and Tablelands Regional Plan 2036

The relevant Regional Plan is the South East and Tablelands Regional Plan 2036. Direction 23 of that plan focuses on the protection of the region's heritage and Action 23.1 is to "Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local strategies". In the local government narratives section of the plan, one of five (5) priorities for the Wingecarribee Shire is to *protect the Shire's valued heritage assets*. The preparation of this Study and the Planning Proposal process to implement the Study's final recommendations is consistent with this Plan.

The draft South East and Tablelands Regional Plan 2041

The new Regional Plan, currently in draft form is the Draft South East and Tablelands Regional Plan 2041. This draft Plan provides a vision for the region in 2041, 25 objectives to achieve the vision (under five themes) and strategies and actions under each objective.

Recognition and protection of Aboriginal cultural heritage and non-Aboriginal heritage feature strongly throughout the draft Plan. The Vision chapter of the draft Plan recognises that "each town

offers a unique identity, cultural and heritage attributes". In addition, the local heritage character of each sub-region (of which Wingecarribee is one) is also reinforced.

Under the theme of *Recognising Country, people, and place* the draft Plan recognises that "Providing opportunities to conserve, interpret and acknowledge the region's heritage values, will build an understanding of history and respect for the experiences of diverse communities. Heritage identification, conservation, management and interpretation can allow heritage places and stories to be experienced by current and future generations."

Under this theme is Objective 4 which is to "Preserve the heritage and character of the region's towns and villages" and Strategy 4.1 which states that "Strategic planning and local plans are to provide opportunities to protect, acknowledge, celebrate and enhance Aboriginal and non-Aboriginal cultural heritage values by: [among other things] undertaking heritage studies early to inform conservation and value add opportunities". The action arising from this Strategy states "Work with councils, Heritage NSW and local Aboriginal communities to undertake and implement heritage studies, including Aboriginal cultural heritage studies to inform local land use strategies".

The preparation and implementation of this Study is consistent with Objective 4 and related strategies and actions of the draft Plan.

Wingecarribee 2040 Local Strategic Planning Statement

The Wingecarribee 2040: Local Strategic Planning Statement (LSPS) was adopted by Council on 24 June 2020. A number of priorities and actions under the "Our Places" section of the LSPS are relevant to this Study, as follows:

Planning Priority 6.1: Maintain the unique character of our towns and villages, separated by rich natural areas and rural landscapes

- **Action i. Adopt a place-based approach to planning in local towns and villages to ensure that their special character is preserved.**

The identification and listing of heritage items and heritage conservation areas throughout the Shire supports this action in recognising the significant places that contribute to that special character of our towns and villages and helping to preserve and enhance that character.

Planning Priority 6.2: Identify, protect and promote our cultural and built heritage

- **Action i. Continue to implement best practice management and assessment of both Aboriginal Cultural Heritage and Non-Aboriginal Heritage sites in collaboration with the community.**

Best practice management of heritage sites commences with identification, investigation and assessment of potential heritage items. The Study has been compiled with the assistance of the community and will be the subject of further community consultation and is therefore consistent with this approach.

- **Action ii. Review and maintain heritage listings in Wingecarribee LEP to facilitate the conservation of the Shire's heritage.**

The Study is directly consistent with this action.

Wingecarribee Local Housing Strategy: Housing Our Community

The *Wingecarribee Local Housing Strategy: Housing Our Community* was initially adopted by Council in June 2020 and amended in July 2021. It identifies the needs, demands, constraints and opportunities for housing throughout the Wingecarribee Shire. It identifies potential new areas for housing and existing potential within existing towns and villages.

Under Planning Priority 1 (Promote infill development and increased densities in appropriate locations, and facilitate a greater mix of housing types to ensure our housing stock is reflective of the needs of our community) the value of heritage in context is recognised:

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

The Heritage Study supports this priority by, through a transparent process, identifying properties and areas that are valued and that should be preserved and enhanced, and those areas and sites where there is the potential for appropriate development.

Community Strategic Plan: Wingecarribee 2041

In addition to the Local Strategic Planning Statement and Local Housing Strategy, the *Community Strategic Plan: Wingecarribee 2041* (third edition, 2022) (CSP) reflects the community's aspirations and needs for the future. The community's vision for Wingecarribee, first developed in 2010, still retains a strong theme of heritage in the 2022 CSP. The community's vision is "in 2041 we will be a healthy, respectful and productive community, learning and living in harmony, proud of our heritage and nurturing our environment".

In addition to the vision, the CSP articulates the community's aspirations, goals (including sustainable development goals) and strategies and provides indicative evaluation measures under five key themes of Leadership, People, Places, Environment and Economy. The Heritage Study has direct relevance to the following strategies in the CSP:

- Strategy 1.1.4 under the theme of Governance: *Deliver and implement strategy and planning that supports the community's vision and priorities.*
- Strategy 3.2.2 under the theme of Places: *Identify and protect the unique characteristics of town and villages to retain a sense of place.*
- Strategy 3.2.3 under the theme of Places: *Identify, protect and promote places of significant cultural heritage, including First Nations heritage.*

The preparation, consultation and commitment to identifying, assessing and listing places of heritage significance in part fulfils these strategies, consistent with the community's vision.

Site Specific Considerations

Each potential heritage item has been assessed on a site-specific basis to determine heritage significance and worthiness of heritage listing. The Study's recommendations will be tested through consultation with owners and the broader community.

CONSULTATION

In the course of conducting the Study and researching the proposed items, there has been interaction and consultation with local historians and local groups. However, engagement with owners and the wider community will form a necessary part of the public consultation phase of the Study.

It has been determined that the Preliminary Study will undergo consultation with affected owners and the wider community before the Study is finalised and recommendations made and a Planning Proposal (to effect the recommendations) prepared.

Consultation with potential item owners

Following endorsement of the Study for the purpose of public exhibition by the Panel and Council, a program of consultation and engagement will commence with letters being sent to the owners of items that are recommended for heritage listing, and the owners of properties for which further

information is sought. This letter will contain background information on the Study, links to accessing the Study online (including the Heritage Evidence Sheets), and a fact sheet which explains heritage listing and what it means for owners. Owners will be invited to engage with staff through booked appointments and discrete information sessions. Owners will be invited to make a submission regarding the Study and its findings.

Public Exhibition

Following an initial period of consultation with owners of properties recommended for heritage listing, wider consultation will be undertaken with owners affected by proposed heritage conservation areas, the owners of properties investigated but not recommended for heritage listing and with the broader community. Owners and non-owning residents affected by proposed heritage conservation areas will be notified by letter, along with non-owning residents of proposed heritage items. In addition, local community and history groups will be notified of the public exhibition of the Study.

The public exhibition of the Study will also be advertised through Council's e-newsletters and on social media and the Study documents will be available online on Council's community engagement website *Your Say Wingecarribee*. Additional information sessions will be conducted during the exhibition period for interested parties to attend.

The community will be given a further opportunity to comment on the Study's recommendations through the Planning Proposal process once it has been prepared, reported through the Panel and Council and a Gateway Determination obtained from the Department of Planning and Environment. The Gateway Determination will dictate the manner and duration of public exhibition for the Planning Proposal.

SUSTAINABILITY ASSESSMENT

- **Environment**

The listing of heritage significant sites throughout the Shire assists in protecting existing private green space (including gardens) and would limit development to proposals that are sympathetic to heritage and streetscape values.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

The Wingecarribee Shire is renowned for its heritage character. Heritage listing of sites and areas serves to maintain this character which, among other things, has a positive effect on tourism.

- **Culture**

Identifying, protecting and promoting places of significant cultural heritage is one of the strategies identified in the Community Strategic Plan: Wingecarribee 2041 under goal 3.2 (Unique towns, villages and rural landscapes) under the Places theme. Council is committed to ensuring that places of heritage significance are identified, investigated and, as appropriate, listed within Schedule 5 of the Wingecarribee Local Environmental Plan 2010 through a formal Planning Proposal process. This report is consistent with this goal and strategy.

- **Governance**

There are no relevant Governance matters in relation to this report. However, the Planning Proposal to be prepared from the recommendations of this Study will be processed in accordance with relevant legislation and Departmental guidelines.

RELATIONSHIP TO CORPORATE PLANS

The Community Heritage Study is consistent with the Community Strategic Plan, the Wingecarribee Local Strategic Planning Statement and the Wingecarribee Local Housing Strategy as detailed in the *Strategic Assessment* section of this report.

COUNCIL BUDGET IMPLICATIONS

The Community Heritage Study was completed using existing Council staff resources and volunteer community resources. In comparison, the Heritage Survey 2009 cost Council in excess of \$50,000 in consultant fees. This Study has examined a similar number of items but has provided superior research and documentation on each item and has also examined and recommended a number of heritage conservation areas. It is very conservatively estimated that the monetary value of the Study is well in excess of \$100,000. No money or expenses have been paid to any member of the Study Committee or to any other volunteers for work done on the Study.

The community consultation and future Planning Proposal will be prepared utilising existing Council resources.

RELATED COUNCIL POLICY

There is no other relevant Council policy.

CONCLUSION

The identification, investigation, assessment and recommendation of potential heritage items is consistent with Council's Community Strategic Plan and other relevant local and regional strategies and is an important way to preserve significant places which are a major contributor to the character that is apparent and valued in the Wingecarribee Shire.

The Community Heritage Study 2021-23 has combined a review of the more than 250 recommended heritage items that were deferred by Council in 2012 with an examination of other identified places of potential heritage significance and has made recommendations for heritage listing of each place based on gathered evidence.

This effort has produced a valuable body of work which will inform potential amendments to the WLEP 2010, as well as improve the quality of design controls within the relevant sections of our town and village Development Control Plans (DCPs) by identifying 'contributory' buildings and landscape features within our Heritage Conservation Areas, enabling improved urban design outcomes in line with community expectations.

Most importantly, it places this knowledge on the public record ensuring ongoing transparency in the management of the Shire's heritage assets.

It is recommended that this Study is released for consultations with owners and the wider community before it is finalised and before a Planning Proposal to advance its recommendations is prepared. The Study is presented for endorsement for consultation and public exhibition in accordance with this report.

ATTACHMENTS

1. Heritage Study 2021-23 Preliminary Report 22 Jun 2023 [**5.1.1** - 44 pages]
2. Wingecarribee Heritage Survey 2009 - complete documents [**5.1.2** - 474 pages]

6 DEVELOPMENT APPLICATIONS

7 MEETING CLOSURE