

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

Reference:	PN 1812170, 5650/9, DA 19/1088
Report Author:	Strategic Land Use Planner - Heritage Projects
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 for Council to consider a heritage assessment of 102-104 Old Wingello Road, Bundanoon, which is the subject of a current Interim Heritage Order (IHO No. 10) issued under delegation by Council. Should Council support the heritage assessment and the recommendation of this report, a Planning Proposal would be prepared to effect the heritage listing through an amendment to the Wingecarribee Local Environmental Plan 2010.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** Council supports the proposed heritage listing of “Rochester Park’ house and garden” at 102-104 Old Wingello Road, Bundanoon, comprising Lot 32 DP 1205423.
2. **THAT** Council supports the proposed change in minimum lot size of ‘Rochester Park’ from 700m² to 1 hectare (ha).
3. **THAT** a Planning Proposal be prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map to add “Rochester Park’ house and garden” at Lot 32 DP 1205423 as a new heritage item and to amend the Minimum Lot Size map in relation to Lot 32 DP 1205423 from 700m² to 1ha.
4. **THAT** the Planning Proposal be sent to the Department of Planning, Industry and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. **THAT** Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
6. **THAT** Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.
7. **THAT** Interim Heritage Order No. 10 is extended until 22 February 2020 to allow for the preparation and processing of the Planning Proposal.
8. **THAT** the property owner and objectors to the development application (DA 19/1088) be advised of Council’s decision.

REPORT

BACKGROUND

The subject site, known as ‘Rochester Park’, is located at 102-104 Old Wingello Road, Bundanoon, and is described as Lot 32 in Deposited Plan (DP) 1205423. The site is 15,094m² (1.5 hectares) in size and is zoned R2 Low Density Residential with a minimum lot size of 700m².

The site is shown outlined on an aerial photograph in the context of surrounding development on **Figure 1**.



Figure 1: 'Rochester Park' site at 102-104 Old Wingello Road, Bundanoon

The site is not a heritage item and it is not within a heritage conservation area. However, heritage listing of the site was proposed as part of the Heritage Survey 2009.

In 2008/9 a Heritage Study was conducted by heritage consultants engaged by Council that examined a list of potential heritage items compiled by Council in conjunction with members of the community. This project was known as the Heritage Survey 2009. 'Rochester Park' was one of the properties on that list surveyed by the consultants and recommended for heritage listing at that time.

In 2012 the owners of the sites recommended for heritage listing as part of the Heritage Survey 2009 were consulted, invited to attend kiosks to discuss the proposed listing with staff, and asked to provide feedback on the project. The owners of the subject property, 'Rochester Park', were included in this consultation and objected to the listing on the basis of the inaccuracy of the historical information used as a basis for listing. Council subsequently resolved on 28 November 2012 (item cw-CS8), inter alia, that only the

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proposed items supported by their owners proceeded to heritage listing. Those properties were listed as part of Amendment No. 40 to Wingecarribee Local Environmental Plan (WLEP) 2010 which was published on 10 March 2017 and 'Rochester Park' was not included in that amendment due to the previous objection of the owner.

In October 2018 a development application (DA 19/1088) was lodged for a 12 lot subdivision. This application proposed to retain the 'Rochester Park' house on a 3,821m² lot and create 11 other lots throughout the garden area, which would result in the loss of many of trees throughout the site.

Due to concern raised about this proposal by staff and the community, an Interim Heritage Order (IHO) was placed over the property in February 2019 on the advice of Council's Heritage Advisor.

Under clause 25 of the Heritage Act, Council may make an IHO where it considers that an item, on further inquiry or investigation, may be found to be of local heritage significance and that it is being or is likely to be harmed. The proposed subdivision of 'Rochester Park' at 102-104 Old Wingello Road was considered to be of sufficient concern and an IHO was signed under delegation issued to Council.

Interim Heritage Order No. 10 was published in the NSW Government Gazette on 22 February 2019. An IHO issued under delegation is valid for six (6) months and IHO No. 10 will lapse on 22 August 2019 unless Council makes a resolution to add the item to its heritage schedule. Such a resolution extends protection of the proposed item for a further six months in accordance with the Ministerial Order for Authorisation to make Interim Heritage Orders.

The property owner was informed of the issuing of the IHO directly after it was published in the NSW Government Gazette and a public notice appeared in the local newspaper.

A copy of IHO No. 10 as it appeared in the NSW Government Gazette is included as **ATTACHMENT 1**.

Due to several issues with the application, the most significant of which was that the subdivision was not considered to respect the heritage significance of the property, the development application (DA 19/1088) has now been withdrawn by the applicant.

Prior to 2019, the property was the subject of a large 33 lot subdivision (LUA 04/0353) which reduced the boundaries of the 'Rochester Park' property and subdivided its 'paddocks'. The development application was approved in 2005 and commenced circa 2015. **Figure 2** shows the extent of the property in 2000 (4.135 hectares or 41,350m²) as compared to its current extent (1.5 hectares or 15,094m²) and the change in landscape over time.

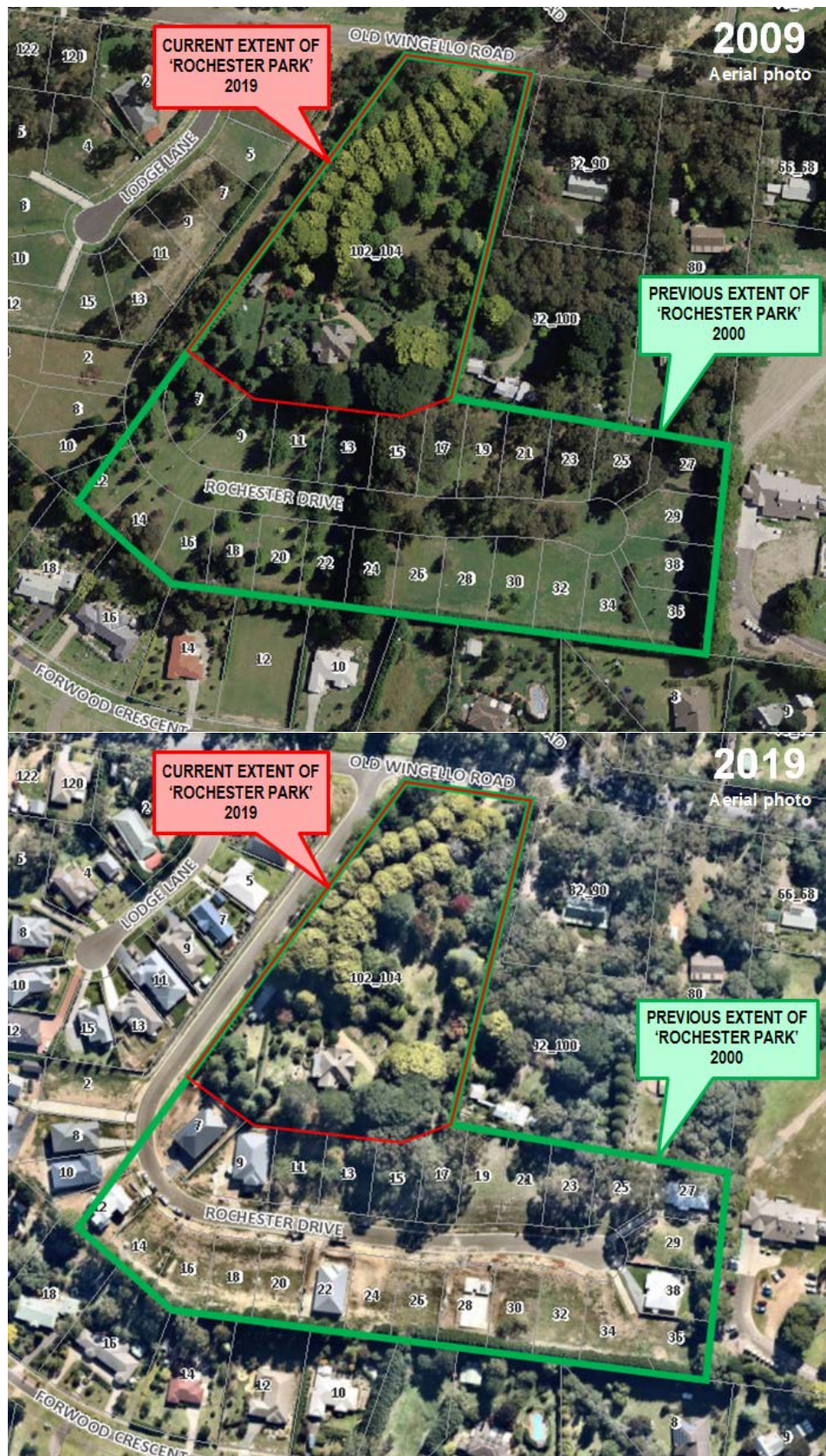


Figure 2: Changes in 'Rochester Park' boundaries and vegetation over time

'ROCHESTER PARK' HOUSE AND GARDEN

'Rochester Park' is an Arts and Crafts style bungalow constructed c.1920s of weatherboard with stone foundations with a fibrous cement shingle roof. The house and gardens are described as follows:

The house exterior displays steep pitched shingled roofs, sandstone columns, timber verandah posts, ornamental verandah brackets, casement windows, batted gables and roughcast chimney typical of the style. Interior period style features include sandstone fireplace surround, decorative joinery and timber batted ceilings.

Important features of the gardens include the sandstone gateway and curved driveway, densely planted with mature trees. In the past the property was subdivided with, however, a significant curtilage retained by protection of the gateway, curved driveway and dense landscape buffer of established trees.

Figures 3, 4 and 5 contain photos of the property and its gardens.



Figure 3: 'Rochester Park' house as viewed from the main driveway, surrounded by gardens (2019)



Figure 4: 'Rochester Park' in 1966 when named 'Bonaventure' (courtesy L. Anderson, Bundanoon)



Figure 5: 'Rochester Park' entrance gates with mature driveway planting (2009)

The Bundanoon History Group assisted Council in preparing historical notes for the property which were used in the significance assessment.

HERITAGE ASSESMENT

In NSW, an assessment of the heritage significance of a place is to be undertaken with reference to seven (7) specific criteria developed by the NSW Heritage Office and contained within the NSW Heritage Manual. To be eligible for local heritage listing a place must meet one or more of these criteria at a local level. To be eligible for listing on the State Heritage Register an item must meet two or more of these criteria on a State level.

A heritage assessment for 'Rochester Park' has been undertaken by Council's Heritage Advisor in accordance with the NSW Heritage Manual. This assessment replaces the previous heritage assessment undertaken by Architectural Projects as part of the Heritage Survey 2009 which lacked detail and contained inaccuracies. While additional historical information can be added to further support the proposed heritage listing, enough work has been undertaken to determine that the c.1929 house and its garden have sufficient heritage significance to warrant heritage listing.

Heritage Criterion		Assessment of 'Rochester Park'	
(a) HISTORICAL			
An item is important in the course, or pattern, of NSW's (or local) cultural or natural history.		'Rochester Park' has played an historical role in the town of Bundanoon serving as a Southern Highlands tourism destination and a retreat for Sydney's prosperous business class.	
(b) ASSOCIATIONAL			
An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's (or the local area's) cultural or natural history.		'Rochester Park' is closely associated with Frederick Manning, Managing Director and Deputy Chairman of Kodak (Australasia) Pty Ltd. The naming of the site appears to correlate with the city in which Kodak was founded, Rochester, in New York.	
(c) AESTHETIC/TECHNICAL			
An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area.		<p>The house is of high aesthetic significance and is important for its many iconic features of the Arts and Crafts period style. The exterior displays steep pitched shingled roofs, sandstone columns, timber verandah posts, ornamental verandah brackets, casement windows, battened gables and roughcast chimney typical of the style. Interior period style features include sandstone fireplace surround, decorative joinery and timber battened ceilings. Refurbishments have been sympathetic to the period style.</p> <p>The aesthetic significance of its landscape is at least of equal importance as the intact house. Important features of the gardens include the sandstone gateway and curved driveway, densely planted with mature trees. In the past the property was subdivided with, however, a significant curtilage retained by protection of the gateway, curved driveway and dense landscape buffer of established trees.</p>	

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Heritage Criterion	Assessment of 'Rochester Park'
(d) SOCIAL	
An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.	<i>The heritage assessment has not found 'Rochester Park' to have any strong social significance.</i>
(e) RESEARCH	
An item has potential to yield information that will contribute to an understanding of NSW's or the local area's cultural or natural history.	'Rochester Park' has potential research value for a study of the emergence of the Arts and Crafts style in Australia.
(f) RARITY	
An item possesses uncommon, rare or endangered aspects of NSW's or the local area's cultural or natural history.	'Rochester Park' is rare in the intactness of its house and gardens.
(g) REPRESENTATIVENESS	
An item is important in demonstrating the principal characteristics of a class of NSW's (or a class of the local area's) cultural or natural places; or cultural or natural environments.	'Rochester Park' is locally significant as a fine intact example of an Arts and Crafts style house.

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

Rochester Park is locally significant as a fine, rarely intact example of an Arts and Crafts style house, set within a landscape of mature gardens. Despite subdivision and shrinkage of its heritage curtilage, Rochester Park retained a prominent position in the Southern Highlands tourism and retreat town of Bundanoon. Over its history since construction and landscaping in the early 20th century, Rochester Park served mostly as a private holiday house, where owners would entertain friends, retaining the significance of its imposing entrance driveway, Arts and Crafts style building and important gardens.

The house is of high aesthetic significance and is important for its many iconic features of the Arts and Crafts period style. The exterior displays steep pitched shingled roofs, sandstone columns, timber verandah posts, ornamental verandah brackets, casement windows, battened gables and roughcast chimney typical of the style. Interior period style features include sandstone fireplace surround, decorative joinery and timber battened ceilings. Refurbishments have been sympathetic to the period style.

The aesthetic significance of its landscape is at least of equal importance as the intact house. Important features of the gardens include the sandstone gateway and curved driveway, densely planted with mature trees. In the past the property was subdivided with, however, a significant curtilage retained by protection of the gateway, curved driveway and dense landscape buffer of established trees.

Rochester Park is closely associated with Frederick Manning, managing director and deputy chairman of Kodak (Australasia) Pty Ltd. The naming of the site appears to correlate with the city in which Kodak was founded, Rochester, in New York.

The site exhibits significance in six of the seven heritage assessment criteria and heritage listing of “‘Rochester Park’ house and garden” is recommended.

SUBDIVISION POTENTIAL OF ‘ROCHESTER PARK’

As previously mentioned, the current minimum lot size of the site is 700m². This gives a theoretical maximum subdivision potential of the site 21 lots. However, in undertaking an assessment of the 12 lot subdivision (DA 19/1088) and an assessment of the heritage significance of the house and garden, it could be argued that any subdivision of the house and garden would result in a poor heritage outcome, but it is clear that by retaining the existing 700m² minimum lot size creates an unrealistic expectation of subdivision potential that is not possible in reality.

It is, therefore, considered to be a best practice approach that together with the heritage listing of the site, the minimum lot size should be changed to restrict further subdivision of the site and to protect the garden and mature trees on the site. It is recommended that the minimum lot size be changed from 700m² to 1 hectare, thereby extinguishing subdivision potential. It should be noted, however, that lack of subdivision potential does not mean lack of development potential. Alternative uses of the site can still be considered using the conservation incentives contained in clause 5.10(10) of the Wingecarribee Local Environmental Plan 2010.

If Council were uncomfortable with extinguishing subdivision potential entirely, other options for an amended minimum lot size are 8,000m², 4,000m² and 2,000m². It should be reiterated, though, that Council officers and Council’s Heritage Advisor consider the actual subdivision potential of the site is low to nil.

PLANNING PROPOSAL TO AMEND WLEP 2010 INSTRUMENT AND MAPS

Should Council support the recommendation of this report to heritage list “‘Rochester Park’ house and garden” at Lot 32, DP 1205423, then a Planning Proposal will be prepared by Strategic Planning Branch staff. The Planning Proposal will seek to amend the WLEP 2010 to add the site to the list of heritage items and to the Heritage Map. In addition, should the amendment of the minimum lot size be supported, this would also form part of that Planning Proposal.

Therefore in summary, the Planning Proposal that would be prepared, should the approach recommended and justified in this report be supported, would comprise:

1. Addition of Lot 32 DP 1205423 (‘Rochester Park’, 102-104 Old Wingello Road, Bundanoon), as a new heritage item named “‘Rochester Park’ house and garden” in Schedule 5 of the WLEP 2010.
2. Addition of Lot 32 DP 1205423 as a heritage item on the Heritage Map.
3. Amend the minimum lot size of Lot 32 DP 1205423 from 700m² to 1ha on the Minimum Lot Size Map.

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

Due to its nature, there is no requirement for Council to consult with property owners before the publishing of an Interim Heritage Order. However, the property owner was notified in accordance with the NSW Heritage Act 1977 and the Local Government Heritage Guidelines prepared by the NSW Heritage Office.

Should Council support the initiation of the Planning Proposal process as recommended in this report, community consultation is a necessary and integral part in that process going forward. Any proposed amendment to WLEP 2010 supported by Council is lodged with the Department of Planning, Industry & Environment for a Gateway Determination. Community consultation then occurs in accordance with the Gateway requirements but public exhibition for a period of 28 days is normally recommended. This community engagement period allows for property owners and the community to comment on the proposal and any submissions received will be reported to Council for a final decision on whether or not to proceed with the Planning Proposal.

Internal Communication and Consultation

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

External Communication and Consultation

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

SUSTAINABILITY ASSESSMENT

- **Environment**

The listing of the site as a heritage item would serve to protect the house and its mature gardens with a variety of tree and plant species.

- **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**

The Wingecarribee Community Strategic Plan, Wingecarribee 2031 (amended 2017) includes as one of its strategies to "identify, protect and promote places of significant cultural heritage" (strategy 3.2.3) under goal 3.2 (Wingecarribee has maintained a distinct character and separation of towns and villages). Council is committed to ensuring that

places of heritage significance are identified, assessed and listed, as appropriate. This report in part satisfies this goal and strategy.

- **Governance**

This report has been prepared in consideration of guidelines provided by the Department of Planning, Industry & Environment and the Heritage Division of the Department of Premier and Cabinet (formerly of the Office of Environment and Heritage) and any Planning Proposal prepared by Council would also be processed in accordance with Departmental guidelines.

COUNCIL BUDGET IMPLICATIONS

As the Interim Heritage Order was initiated by Council, no Planning Proposal fees are applicable.

RELATED COUNCIL POLICY

There are no related Council policies.

OPTIONS

The options available to Council are:

Option 1

That Council **support** the proposed heritage listing of “Rochester Park’ house and garden” and the change in the minimum lot size. (As mentioned previously in this report, if a lesser than 1 hectare minimum lot size is supported (i.e. 8,000m², 4,000m² or 2,000m²) in lieu of the 1ha minimum lot size recommended, the figure in point 2 of the recommendation should be changed accordingly.) This option forms the recommendation contained in this report, as follows:

1. THAT Council supports the proposed heritage listing of “Rochester Park’ house and garden” at 102-104 Old Wingello Road, Bundanoon, comprising Lot 32 DP 1205423.
2. THAT Council supports the proposed change in minimum lot size of ‘Rochester Park’ from 700m² to 1 hectare (ha).
3. THAT a Planning Proposal be prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map to add “Rochester Park’ house and garden” at Lot 32 DP 1205423 as a new heritage item and to amend the Minimum Lot Size map in relation to Lot 32 DP 1205423 from 700m² to 1ha.
4. THAT the Planning Proposal be sent to the Department of Planning, Industry and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. THAT Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
6. THAT Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.
7. THAT Interim Heritage Order No. 10 is extended until 22 February 2020 to allow for the preparation and processing of the Planning Proposal.

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8. THAT the property owner and objectors to the development application (DA 19/1088) be advised of Council's decision.

Option 2

That Council **not support** the proposed heritage listing and the change in the minimum lot size. This option is not recommended as it ignores the heritage assessment of the nominated sites that has demonstrated that it is eligible for heritage listing. However, should this option be supported, an appropriate resolution would be as follows:

1. THAT Council not support the proposed heritage listing of "Rochester Park' house and garden" comprising Lot 32 DP 1205423 and located at 102-104 Old Hume Highway, Bundanoon.
2. THAT Interim Heritage Order No. 8 be permitted to lapse on 22 August 2019.
3. THAT the property owner and objectors to the development application (DA 19/1088) be advised of Council's decision.

Option 3

That Council **support** the proposed heritage listing of "Rochester Park' house and garden" but **not support** the change to the minimum lot size. This option is not recommended as it would provide uncertainty to the owners of the site and provide theoretical future subdivision potential. Further subdivision of the site is not supported on heritage grounds. However, should this option be supported, an appropriate resolution would be as follows:

1. THAT Council supports the proposed heritage listing of "Rochester Park' house and garden" at 102-104 Old Wingello Road, Bundanoon, comprising Lot 32 DP 1205423.
2. THAT a Planning Proposal be prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map to add "Rochester Park' house and garden" at Lot 32 DP 1205423 as a new heritage item.
3. THAT the Planning Proposal be sent to the Department of Planning, Industry and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
4. THAT Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
5. THAT Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.
6. THAT Interim Heritage Order No. 10 is extended until 22 February 2020 to allow for the preparation and processing of the Planning Proposal.
7. THAT the property owner and objectors to the development application (DA 19/1088) be advised of Council's decision.

Option 1 is the recommended option to this report.

CONCLUSION

In February 2019, Council issued an Interim Heritage Order under delegation to protect the property known as 'Rochester Park' at 102-104 Old Wingello Road, Bundanoon, from an unsympathetic subdivision proposal (DA 19/1088) that has since been withdrawn. This has

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led to a heritage assessment which concludes that the site meets the threshold for heritage listing to protect the house and its current curtilage, which includes the garden. This report recommends that Council supports the proposed heritage listing of “Rochester Park’ house and garden” and also recommends that the minimum lot size of the site be amended to remove further subdivision potential. The listing of potential heritage items is consistent with the goals of the revised Wingecarribee 2031 Community Strategic Plan 2017 to identify, protect and promote places of significant cultural heritage (Strategy 3.2.3).

ATTACHMENTS

1. Interim Heritage Order No. 10 as published in the NSW Government Gazette on 22 February 2019

**12.5 Heritage Assessment of 'Rochester Park', 102-104 Old Wingello Road,
Bundanoon—Interim Heritage Order No. 10****ATTACHMENT 1 Interim Heritage Order No. 10 as published in the NSW
Government Gazette on 22 February 2019**Council Notices

WINGECARRIBEE SHIRE COUNCIL**HERITAGE ACT 1977****INTERIM HERITAGE ORDER NO. 10**

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

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

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

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

Mark Pepping
Deputy General Manager
Corporate, Strategy and Development Services
Wingecarribee Shire Council
PO Box 141, Moss Vale NSW 2577

14 February 2019

Schedule 'A'

The property known as "Rochester Park" situated at 102-104 Old Wingello Road, Bundanoon, on the land described in Schedule 'B'.

Schedule 'B'

All those pieces or parcels of land known as Lot 32 DP 1205423, shown edged heavy black on the plan catalogued WSC IHO 10/19.

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ATTACHMENT 1 Interim Heritage Order No. 10 as published in the NSW Government Gazette on 22 February 2019



Council Notices



Wingecarribee Interim Heritage Order
No. 10
102-104 Old Wingello Road, Bundanoon
NSW 2578
Catalogue WSC IHO 10/19

Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any information, representation, statement, or advice referred to above.

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Reference:	PN 1812170, 5650/9, 19/1088
Report Author:	Strategic Land Use Planner - Heritage Projects
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 for Council to consider a heritage assessment of 102-104 Old Wingello Road, Bundanoon, which is the subject of a current Interim Heritage Order (IHO No. 10) issued under delegation by Council. Should Council support the heritage assessment and the recommendation of this report, a Planning Proposal would be prepared to effect the heritage listing through an amendment to the Wingecarribee Local Environmental Plan 2010.

The Deputy General Manager Corporate Strategy and Development Services addressed Council on this item

Clr I M Scandrett left the chambers, the time being 04:48pm.

Clr I M Scandrett returned to the meeting, the time being 04:50pm.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.