



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Environmental Sustainability

v-EP2 Heritage Assessment for "Bethal Cottage", 38 Old Hume Highway, Mittagong (Wingecarribee Interim Heritage Order No 4)

REF: SPM

5650, PN696100, LUA10/0298

The purpose of this report is to present a heritage assessment of the cottage known as "Bethel Cottage" at 38 Old Hume Highway, Mittagong, on which an Interim Heritage Order (IHO) was placed last month. The report recommends that Council proceed with heritage listing of the cottage and that a planning proposal be prepared to facilitate an amendment to the Wingecarribee Local Environmental Plan 2010 to add the item to the schedule of heritage items.

The owner of the property has been invited to address Council.

REPORT

BACKGROUND

"Bethel Cottage" is located at 38 Old Hume Highway (Lot 4 Sec 3 DP 33) on the northern approach into Mittagong and on the southern side of the highway. It is a single storey Victorian weatherboard cottage with corrugated steel roof dating from the 1870s. In April, Council received a development application (LUA10/0298) to demolish the dwelling and erect a new dwelling and signage for display purposes. The potential heritage significance of the cottage was recognised and the Director Environment and Planning signed Wingecarribee Interim Heritage Order (IHO) No. 4 covering the site on 5 May 2010. The IHO was published in the NSW Government Gazette on 7 May 2010.

On 12 May 2010 Council considered a report on the issuing of the IHO over the site and it resolved:

- 1. THAT Council note the actions of the Director Environment and Planning in issuing an Interim Heritage Order over 38 Old Hume Highway, Mittagong.**
- 2. THAT Council consider a further report on whether 38 Old Hume Highway, Mittagong should be a listed heritage item with such report being supported by a heritage assessment of the site prepared by a suitably qualified heritage adviser and presented to Council at its meeting on 23 June 2010.**

HERITAGE ASSESSMENT

On 11 May 2010, Council's heritage advisor, Mr Peter Kabaila, visited the site and conducted a heritage assessment from the street. He has assessed the site as being of local heritage significance under the following heritage assessment criteria:

Historical significance	Part of a grant of 150 acres made to Lt McAlister in 1837. Historically associated with the early development of Mittagong following opening of the railway from Sydney in 1867.
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AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Association significance	Associated with John Mealing, baker, cordial factory owner, and influential businessman who became Mittagong's first Mayor. Also associated with the Hambridge and Caseley families. Both have long links to the history of Mittagong and are pioneering families of the area.
Aesthetic significance	Located in the main street of Mittagong on the Sydney side. One of a group of houses set in a landscape of mature trees. High landmark value because of its location. The building is prominent in the perception of the age of Mittagong to visitors and contributes to streetscape character of the main street of Mittagong.
Rarity	Locally rare as there are not many mid-Victorian vernacular town cottages in Mittagong. There are only three other known cottages surviving of this age and style in the local district, all at Berrima.
Representativeness	Good example of a mid-19th century vernacular town cottage in its existing 19th century townscape, with significant trees surrounding the east and southern boundaries.

Mr Kabaila has recommended that the above assessment information, together with accounts of histories and a chain of title of the property submitted by Mittagong historians Ms Leah Day and Mr Tim McCartney, and the Berrima District Historical and Family History Society be entered into the heritage database and an amendment to the local environmental plan be prepared to place the item on the heritage schedule. The heritage database has been updated (see **Attachment 1**) and the heritage advisor's recommendation is supported. This report, therefore, recommends that an amendment to the Wingecarribee Local Environmental Plan (WLEP) 2010 be prepared to add the item to Schedule 5 (Environmental heritage) and to the Heritage Map.

FUTURE PROCESS

To add the property to Council's heritage schedule within the WLEP 2010, a planning proposal must be prepared and submitted to the Department of Planning's 'gateway' plan-making process. The section below provides a summary of the information that would be included in the planning proposal should Council support the recommendation to list the site as a heritage item.

PLANNING PROPOSAL CONTENTS

A planning proposal to prepare a local environmental plan (either a principal plan or amendment) contains the following four (4) elements:

- Part 1—Objectives or Intended Outcomes of the proposed LEP;
- Part 2—Explanation of the Provisions that are to be included in the proposed LEP;
- Part 3—Justification for those objectives, outcomes and provisions and the process for their implementation; and
- Part 4—Details of Community Consultation.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Part 1—Objectives or Intended Outcomes

To include the property at 38 Old Hume Highway, Mittagong, known as “Bethel Cottage” and situated on Lot 4 Sec 3 DP 33 as a heritage item in the heritage schedule of WLEP 2010.

Part 2—Explanation of Provisions

Amendment of Schedule 5 of the WLEP 2010 to add the following information:

Mittagong	Bethel Cottage	38 Old Hume Highway	Lot 4 Sec 3 DP 33	Local	2681849
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Amendment of the LEP 2010 Heritage Map in accordance with the proposed heritage item map shown at attachment (to be prepared).

Part 3—Justification

SECTION A—NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

The planning proposal has been prepared in response to a Council resolution to heritage list the subject property. The Council's decision was prompted by an Interim Heritage Order placed on the property on 7 May 2010 following the receipt of a development application to demolish the cottage and erect a new dwelling and use it as a display home (LUA10/0298). Council's heritage adviser subsequently undertook a heritage assessment of the property and determined that the cottage was of local heritage significance. This assessment was presented to Council for consideration on 23 June 2010 where it was resolved to add the item to the heritage schedule of the WLEP 2010.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only way to achieve the outcome of heritage listing the property as a local heritage item.

3. Is there a net community benefit?

It is acknowledged that there are likely cost implications to the property owner in heritage listing the building, but the net community benefit of heritage listing this site is the retention of a recognisable and relatively rare (in the context of its location) item of history and heritage for future generations to enjoy. The building's location on the main road into Mittagong gives the cottage landmark value and is an important visual element in the township's northern approach.

SECTION B—RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal deals with a matter of local heritage and has no material impact on the Sydney-Canberra Corridor Regional Strategy.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Both Council's Community Strategic Plan and current Strategic Plan 2002 recognise the role of preserving the Shire's heritage. The preservation of the cottage through heritage listing is consistent with these objectives.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no relevant SEPPs.

7. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

Section 117 Direction 2.3 (Heritage Conservation) is relevant to the planning proposal. The planning proposal is consistent with this direction as it aims to add an additional heritage item to Council's heritage schedule.

SECTION C—ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There is no critical habitat or threatened species on the site.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The most significant environmental effect is the retention of a cottage of landmark value valued by the community.

10. How has the planning proposal adequately addressed any social and economic effects?

There are not likely to be any significant social or economic effects resulting from the planning proposal.

SECTION D—STATE AND COMMONWEALTH INTERESTS

11. Is there adequate public infrastructure for the planning proposal?

Yes. The proposal does not require additional infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

To be addressed following consultation with any State and Commonwealth Public Authorities identified in the gateway determination.

Part 4—Community Consultation

The planning proposal is considered to be of "low impact" and, therefore, it is anticipated that an exhibition period of 14 days will be required. However, it is advised that the duration and extent of community consultation is determined by the Department of Planning in its consideration of the Planning Proposal. Council will notify the Planning Proposal via a public notice in the local newspaper and on Council's web site, and a letter will be sent to the property owner and adjoining landowners, as determined by the gateway determination. Council will also notify relevant community groups and associations such as the Berrima and District Historical Society and the Mittagong Chamber of Commerce.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
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on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

DURATION OF INTERIM HERITAGE ORDER

In accordance with the conditions attached to the Ministerial Order for Authorisations for local councils to make Interim Heritage Orders, an IHO will lapse six (6) months from the date it is made unless a resolution is passed before that date to place the item on the heritage schedule of the local environmental plan. Once such a resolution is made, the IHO is automatically extended to protect the item for a full twelve (12) months from the date that it is made. So, in the case of this property, once a resolution to list it as a heritage item is made, protection under the IHO will extend until 7 May 2011.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil.

POLICY IMPLICATIONS

If Council resolves to proceed with heritage listing the site, this necessitates the preparation of an amendment to the Wingecarribee Local Environmental Plan 2010.

BUDGET IMPLICATIONS

The draft LEP amendment would be undertaken using in-house resources.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The listing of the dwelling will contribute to the environmental heritage of the Shire.

(ii) Social Factors

The protection of the subject cottage and its listing as a heritage item is in the public interest as there has been significant interest in the preservation of this cottage in a prominent location on the northern approach to Mittagong.

(iii) Economic Factors

There are two main costs to be considered. Firstly, the cost of preparing an amendment to the WLEP 2010 will be undertaken using existing in-house resources and budgets. In addition, there are likely to be economic impacts for the property owner by listing the building as a heritage item. However, these costs are no more or less than those experienced by any other property owner of a heritage item.

ATTACHMENTS

There is one (1) attachment to this report, as follows:

1. Heritage inventory sheet for the proposed heritage item of Bethel Cottage. *(Please note that only one (1) photograph has been included in this report but the heritage database contains 13 photographs of the subject property).*



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

CONCLUSION

Council's heritage advisor has made an assessment of the cottage known as "Bethel Cottage" at 38 Old Hume Highway, Mittagong, and has considered it is of local heritage significance and should be listed as a heritage item of local significance on the heritage schedule of the WLEP 2010. The heritage advisor's recommendation is supported by Council officers and it is, therefore, recommended that Council resolve to prepare an amendment to the WLEP 2010.

RECOMMENDATION

1. THAT Council resolve to prepare an amendment to the Wingecarribee Local Environmental Plan 2010 to list Bethel Cottage at 38 Old Hume Highway, Mittagong, (Lot 4 Sec 3 DP 33) as a heritage item in Schedule 5 of the Local Environmental Plan.
 2. THAT Council officers prepare a planning proposal in accordance with the outline contained in this report and send it to the Department of Planning for determination.
 3. THAT Council notify the owner of the property if its decision.
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AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ATTACHMENT 1 - HERITAGE INVENTORY SHEET BETHEL COTTAGE

Wingecarribee Heritage Inventory		SHI Number 2681849
Wingecarribee Heritage Inventory		Study Number
Item Name: Bethel Cottage		
Location: 38 Old Hume Highway, Mittagong		
Address: 38 Old Hume Highway		DUAP Region: Illawarra & Macarthur
Suburb / Nearest Town: Mittagong 2575		Historic region: Sydney
Local Govt Area: Wingecarribee		Parish:
State: NSW		County:
Other/Former Names: Cheam		
Area/Group/Complex:		Group ID:
Aboriginal Area:		
Curtilage/Boundary:		
Item Type: Built	Group: Residential buildings (Category: Cottage	
Owner: Private - Individual		
Admin Codes:	Code 2:	Code 3:
Current Use:		
Former Uses:		
Assessed Significance: Local		Endorsed Significance:
Statement of Significance: Bethel Cottage is of local heritage significance because it is part of an early land grant of 150 acres made to Lt McAlister in 1837 and is historically associated with the early development of Mittagong following opening of the railway from Sydney in 1887		
The cottage is associated with John Mealing, baker, cordial factory owner, and influential businessman who became Mittagong's first Mayor. It is also associated with the Hambridge and Caseley families which have long links to the history of Mittagong and are pioneering families of the area		
Aesthetically, the cottage has important landmark value. It is located in the main street of Mittagong on the Sydney side and is one of a group of houses set in a landscape of mature trees. The building is prominent in the perception of the age of Mittagong to visitors and contributes to streetscape character of the main street of Mittagong.		
Bethel Cottage is locally rare as there are not many mid-Victorian vernacular town cottages in Mittagong. There are only three other known cottages surviving of this age and style in the local district, all at Berrima. The exterior is relatively intact and is in excellent condition.		
The cottage is a good example of a mid-19th century vernacular town cottage in its existing 19th century townscape, with significant trees surrounding the east and southern boundaries.		
Historical Notes or Provenance: SUMMARY OF LAND TITLE DETAILS AND SOCIAL HISTORY		
DP 33		

Date: 03/06/2010

Wingecarribee Heritage Inventory
Full Report

Page 1

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AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Wingecarribee Heritage Inventory

Wingecarribee Heritage Inventory

SHI Number
2681849
Study Number

Item Name: **Bethel Cottage**

Location: **38 Old Hume Highway, Mittagong**

Land was part of the subdivision of Belmore. County of Camden dated 24 September 1867.

Vol.49 Fol. 123 Certificate of Title

Belmore Estate was part of the Lachlan McAllister Grant of 150 acres dated 12 April 1837.

Vol.282 Fol.92 Certificate of Title

Land purchased by Levine Wilhelmine Henriette Frericks, widow, from Charles Julius Mueller and Wolf Christopher Wilhelm Barteis, being Lot 4, Section 3, in the Town of Belmore, Parish of Mittagong, County of Camden on 12 April 1877

No.30628 Memorandum of Transfer

Levine Wilhelmine Henriette Frericks transferred the land to John Mealing, of Nattai, a baker for £20 on 30 September 1878.

Vol.380 Fol.188 Certificate of Title

Certificate of Title issued in name of John Mealing on 23 October 1878.

No.34342 Memorandum of Transfer

John Mealing transferred the land to Ann Hambridge, widow of George Hambridge, for £20 on 7 June 1879

Vol.439 Fol. 124 Certificate of Title

Certificate of Title issued in name of Ann Hambridge on 17 June 1879.

No. 6026 Application by Transmission

An application was made by John Mealing, cordial manufacturer of Mittagong, for transmission of the land to him on 2 December 1891.

No.192423 Memorandum of Transfer

John Mealing transferred the land to John White, of Mittagong, a railway inspector, on 29 February 1892.

No.196334 Memorandum of Transfer

John White transferred the land to Martha Ann Peachey, widow, on 4 June 1892.

No.15269 Application by Transmission

An application was made by Isabella Penton, wife of Henry Charles Penton, of Mittagong, for transmission of the land to her on 18 November 1913

No.A609770 Memorandum of Transfer

Isabella Penton transferred the land to Walter Sheather, of Mittagong, a storekeeper, on 13 August 1920.

No.B30655 Application by Transmission

An application was made by Edith Bessie Sheather, of Mittagong, widow, for transmission of the land to her on 20 December 1923.

No.B435724 Memorandum of Mortgage

Wingecarribee Heritage Inventory

Date: 03/06/2010

Full Report

Page 2

This report was produced using State Heritage Inventory database software provided by the Heritage Office of New South Wales.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Wingecarribee Heritage Inventory

Wingecarribee Heritage Inventory

SHI Number
2681849
Study Number

Item Name: **Bethel Cottage**

Location: **38 Old Hume Highway, Mittagong**

A mortgage from Edith Bessie Sheather to W C Douglass Limited was undertaken on 6 November 1926

No.B555455 Memorandum of Transfer

W C Douglass Limited (mortgagee exercising power of sale) transferred the land to John Ryan, of Mittagong, malster dated 9 August 1927.

No.277492 Memorandum of Transfer

John Ryan transferred the land to Ernest Caseley, of Mittagong, malster, on 21 August 1934

No.P153798 Section 93 Application

An application was made by Ruby Caseley of Mittagong, widow, for transmission of the land to her on 13 February 1975.

No.P9439071 Section 93 Application

An application was made by Arthur Bruce Caseley, landscape gardener and Winifred Marie Kazsa, widow, both of Mittagong, for transmission of the land to them as joint tenants, on 9 October 1975.

No X678262 Memorandum of Transfer

Arthur Bruce Caseley and Winifred Marie Kazsa transferred the land to Kevin English and Lannie Dalziel as joint tenants on 17 July 1988.

A BRIEF APPRAISAL OF THE PROPERTY AND SOME OF ITS OWNERS

The Belmore Estate was subdivided in 1867 shortly after the subdivision by the Fitz Roy Iron Works of the nearby New Sheffield estate in 1864.

The Belmore Estate was handled by B Frenchs a Sydney agent who advertised the estate as follows:

FOR SALE, or to LET on LEASE. Allotments in the township of Belmore, close to the Mittagong Railway Station and the Fitz Roy Iron Works, opposite New Sheffield. Apply to B Frenchs, 2 Bridge Street.

Sydney Morning Herald, 24 August 1867, p.3:5, 'For Sale.'

Mr Frenchs was a director of the Fitz Roy Iron Works.

Mrs Frenchs, the purchaser from others of Lot 4, also bought several other allotments of land at the same time in 1877 which may indicate that there was no dwelling thereon

John Mealing, who later became the first mayor of Mittagong, purchased the property from Mrs Frenchs in 1878 and sold it shortly afterwards to a widow, Ann Hambridge. Mealing later took possession of it

It might be possible that John Mealing erected the cottage in 1878.

Date: 03/06/2010

Wingecarribee Heritage Inventory

Full Report

Page 3

This report was produced using Enke Heritage Inventory database software provided by the Heritage Office of New South Wales.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Wingecarribee Heritage Inventory

Wingecarribee Heritage Inventory

SHI Number

2681849

Study Number

Item Name: **Bethel Cottage**

Location: **38 Old Hume Highway, Mittagong**

The Penton family had connection with the Mittagong Maltings.

Mrs Sheather conducted a boarding house from the cottage.

John Ryan worked at the Mittagong Maltings

Ernest Caseley worked at the Mittagong Maltings

The Caseley family owned the cottage for fifty-four years.

Kevin English was a parish priest at Greenacre and purchased the property in conjunction with his housekeeper Lannie Dalziel.

Rev. Kevin English of Greenacre Catholic Parish died 16 February 2002
<http://www.catholicdirectory.com.au/listings/results>

Lannie Dalziel died in 2009.

A discussion with Bruce Caseley revealed:

- Parents originally at Fitzroy.
- Burnt out in 1939 fires.
- Came to house on corner of street – lived there 6 months (Lot 1).
- This house is in name of Regan – was Jones' from the Maltings.
- Then father bought No.38.
- All the rooms had outside doors because it was a guest house and men from the Maltings stayed there.
- Mrs Sheather ran the boarding house.
- The garage was a washhouse
- Laundry and bathroom added later
- In the spare room under window different weatherboards
- In 1988 a priest Father Kevin English of the Greenacre Catholic Parish bought the house.
- He had a housekeeper by the name of Dalziel and she stayed there whilst he came during the early part of the week.
- He got cancer and died about 6 or 7 years ago
- Dalziel died last year.
- In 1988 there were some alterations made to the house. When the wallpaper was taken off planks running up and down the walls were discovered
- Kevin English had a friend who was a carpenter and he used to come and do a lot of work inside the house

Researched and prepared by Leah Day and Tim McCartney. Mittagong historians
34-36 Murchison Street
Mittagong 2575

11 May 2010.

Wingecarribee Heritage Inventory

Full Report

Date: 03/06/2010

Page 4

This report was produced using State Heritage Inventory database software provided by the Heritage Office of New South Wales.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Wingecarribee Heritage Inventory

Wingecarribee Heritage Inventory

SHI Number

2681849

Study Number

Item Name: **Bethel Cottage**

Location: **38 Old Hume Highway, Mittagong**

'BETHEL'

38 OLD HUME HIGHWAY, MITTAGONG

LOT 4 SECTION 3 DP33

The land on which the cottage was built was part of a grant of 150 acres made to Lieutenant Lachlan McAister of the 48th Regiment in 1837. The opening of the railway from Sydney to Mittagong in March 1867 led to the development land in and around the townships along the line and in August 1867, Burchard Frenchs, successfully converted part of this land to Torrens Title and offered it for sale as a private subdivision named Belmore [1]. Frenchs was the Consul in Sydney for the German state of Bremen and a shareholder in the Fitzroy Iron Works at Mittagong [2].

The land was progressively sold off and Lots 4 and 5 of Section 3 were purchased by John Mealing in October 1878 [3]. In June 1879, Lot 4 was purchased by Ann Hambridge, wife of George Hambridge of Naitai.

It would be reasonable to assume that the house was built either by John Mealing or Ann Hambridge and therefore around 1878-1880 [4]. The property remained in the ownership of the Hambridge family until December 1891 when it was transferred back to John Mealing, who almost immediately sold it on to John White, a railway porter.

John Mealing was one of the leading citizens of Mittagong. Born in 1838, he lived in Mittagong from 1867, where he operated a bakery and from 1879 a cordial manufacturing business [5]. In 1889, he became the first Mayor of the newly gazetted Municipality of Mittagong, a position he held on a number of occasions between 1889 and 1912. He seems to have prospered and in 1880 built a large terrace of shops with a residence above, known as Mealings Building. This building survives as an important component of the Mittagong townscape and is on the Wingecarribee Shire Heritage Inventory.

The Hambridge family also has long links to the history of Mittagong and Yerrinbool. The house at 38 Old Hume Highway has passed through remarkably few hands over its 130 year history. The chain of title shows that the property had five owners between 1879 and 1934. Frank Ernest Caseley, a maltster at Toobis Maltings in Mittagong, purchased the house in 1934 and it remained in the Caseley family for the next 54 years, until 1988 [6]. This family has connections to many of the pioneers of the Mittagong area. Throughout their ownership the house was known as 'Cheam' and was carefully maintained as a family home [7].

Shylie Brown and Linda Emery
Berrima District Historical & Family History Society Inc
PO Box 131 Mittagong NSW 2575
6 May 2010

[1] Department of Lands Primary Application 1641, Deposited Plan (DP) 33 (BDHS Archives)

[2] Department of Lands, Certificate of Title Vol 49 Folio 123

[3] Sydney Morning Herald, 20 August 1864, p. 10

[4] Department of Lands, Certificate of Title Vol 390 Folio 186

Wingecarribee Heritage Inventory

Date: 03/06/2010

Full Report

Page 5

This report was produced using State Heritage Inventory database software provided by the Heritage Office of New South Wales.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Wingecarribee Heritage Inventory

Wingecarribee Heritage Inventory

SHI Number
2681849
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[5] The Berrima District Historical & Family History Society does not have access to the transfers for the property which give the purchase prices paid, and therefore an indication as to whether there are improvements on the land.

[6] Post Office Directory 1888

[7] John McColgan, Southern Highlands Story, pp 15,18.

Themes:

Designer: Unknown

Maker / Builder: Built for John Mealing or Ann Hambridge

Year Started: 1878 **Year Completed:** 1880 **Circa:** Yes

Physical Description: Single storey weatherboard and corrugated steel cottage consisting of front and rear wings with a pocket fence on the street alignment. From its stylistic features (flat timber columns, 12 and 4 pane sliding windows, chimney design) it is clear that the building dates from c1870

Physical Condition: Excellent physical condition (2010)

Modification Dates: Unknown. Exterior appears to be substantially original

**Recommended
Management:**

Management:

Further Comments: Identified in the appendices of the Mittagong Conservation Areas Study but incorrectly referenced in the final report (Appendix D)
Refer LUA10/0295 for Demolition of Dwelling Erection of New Dwelling & Signage (For Display Purposes)
Refer Minutes of Council Meeting of 28 April 2010

Criteria a) Part of a grant of 150 acres made to Lt McAlister in 1837. Historically associated with the early development of Mittagong following opening of the railway from Sydney in 1867.

Criteria b) Associated with John Mealing, baker, cordial factory owner, and influential businessman who became Mittagong's first Mayor. Also associated with the Hambridge and Caseley families. Both have long links to the history of Mittagong and are pioneering families of the area.

Criteria c) Located in the main street of Mittagong on the Sydney side. One of a group of houses set in a landscape of mature trees. High landmark value because of its location. The building is prominent in the perception of the age of Mittagong to visitors and contributes to streetscape character of the main street of Mittagong.

Criteria d)

Criteria e)

Criteria f) Locally rare as there are not many mid-Victorian vernacular town cottages in Mittagong. There are only three other known cottages surviving of this age and style in the local district, all at Berrima.

Wingecarribee Heritage Inventory

Date: 03/06/2010

Full Report

Page 6

This report was produced using State Heritage Inventory database software provided by the Heritage Office of New South Wales.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Wingecarribee Heritage Inventory

Wingecarribee Heritage Inventory

SHI Number

2681849

Study Number

Item Name: **Bethel Cottage**

Location: **38 Old Hume Highway, Mittagong**

Criteria g) Good example of a mid-19th century vernacular town cottage in its existing 19th century townscape, with significant trees surrounding the east and southern boundaries

Integrity / Intactness: Exterior of the cottage is relatively intact.

References:	Author	Title	Year
	Kabalia, Peter	Heritage advice for 38 Old Hume Highway Mittagong - 11 May 2010	2010

Studies:	Author	Title	Number	Year
	Peter Freeman Pty Ltd and Jackson - Stepowski	Conservation Area Studies Mittagong & Moss Vale		2006

Parcels:	Parcel Code	Lot/Number	Section	Plan Code	Plan Number
	LOT	4	3	DP	33

Latitude:

Longitude:

Location validity:

Spatial Accuracy:

Map Name:

Map Scale:

AMG Zone:

Easting:

Northing:

Listings:

Name:

Title:

Number:

Date:

Heritage Act - Interim Heritage Order

HQ No. 4

7/05/2010

Potential Heritage Item

Custom Field One:

Custom Field Two:

Custom Field Three:

Custom Field Four:

Custom Field Five:

Custom Field Six:

Data Entry:

Date First Entered: 29/04/2010

Date Updated: 02/06/2010

Status: Completed

Wingecarribee Heritage Inventory

Date: 03/06/2010

Full Report

Page 7

This report was produced using State Heritage Inventory database software provided by the Heritage Office of New South Wales



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Wingecarribee Heritage Inventory

Wingecarribee Heritage Inventory

SHI Number

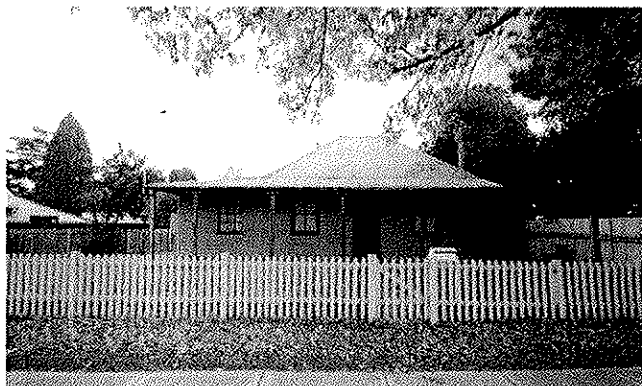
2681849

Study Number

Item Name: **Bethel Cottage**

Location: **38 Old Hume Highway, Mittagong**

Image/s:



Caption: 38 Old Hume Highway Mittagong (2010)

Copyright:

Image by: Wingecarribee Shire Council

Image Date: 11/05/2010

Image Number:

Image Path:

Image File: 1849_12.jpg

Thumb Nail Path:

Thumb Nail File:

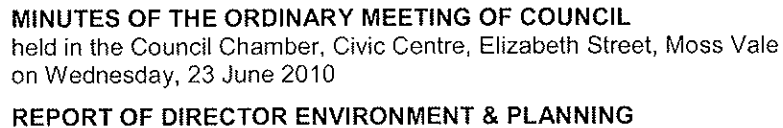
Wingecarribee Heritage Inventory

Date: 04/06/2010

Full Report with Images

Page 8

This report was generated using State Heritage Inventory database software provided by the Heritage Office of New South Wales.



REF: SPM 5650, PN696100, LUA10/0298

.....Cont'd



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 23 June 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

.....Cont'd

VOTING ON THE AMENDMENT

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair		x
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark		x
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

AMENDMENT BECAME THE MOTION

MOTION PASSED

VOTING ON THE MOTION

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair		x
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

that is made available to the relevant local council and the Division of Local Government, Department of Premier and Cabinet as requested. The Register must list the names of all carers involved in the rehoming of animals and the locations of all animals received under the exemption while in the custody of the organisation.

4. The exemption under clause 16 (d) of the Companion Animals Regulation 2008 from the requirements of section 9 of the Companion Animals Act 1998 expires five years from the date of this order, unless revoked or varied at an earlier time.

Date: 28 April 2010.

ROSS WOODWARD,
Chief Executive, Local Government,
Delegate of the Director General,
Department of Premier and Cabinet

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 10 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it has this day assigned the names SHEAFFE LINE, MOUAT LINE and JOHNSTON LINE with the designation of Boundary as shown on Survey Plan FC18, (Federal Capital Survey Plan), also known as NSW Miscellaneous Plan 3054-3040.

Sheaffe Line for that section of the NSW/ACT border from Mount Coree to One Tree Hill and then following the Northern Catchment ridges of the Molonglo River, the Goulburn Cooma railway and the Clear Range, to Corner B35.

Johnston Line for that section of the NSW/ACT border from Corner B35 South along the Clear Range and then Westward to the Boboyan Divide to Corner R87.

Mouat Line for that section of the NSW/ACT border from Mount Coree Southward along the ranges dividing the Cotter and Goodradigbee catchments to Corner R87

The position and the extent for these features are recorded and shown on Survey Plan FC18, (Federal Capital Survey Plan), also known as NSW Miscellaneous Plan 3054-3040 and recorded within the Geographical Names Register of New South Wales. This information can be accessed through the Boards website at www.gnb.nsw.gov.au.

WARWICK WATKINS,
Chairperson

Geographical Names Board,
PO Box 143, Bathurst NSW 2795

GEOGRAPHICAL NAMES ACT 1966

PURSUANT to the provisions of section 8 of the Geographical Names Act 1966, the Geographical Names Board hereby notifies that it proposes to assign the names listed hereunder as geographical names.

Any person wishing to make comment upon these proposals may within one (1) month of the date of this notice, write to the Secretary of the Board with that comment.

Proposed Name: Treharne Cove
Designation: Cove
L.G.A.: Pittwater Council
Parish: Broken Bay

County: Cumberland
L.P.I. Map: Broken Bay
1:100,000 Map: Sydney 9130
Reference: GNB 5112
Proposed Name: Sinclair Point
Designation: Point
L.G.A.: Pittwater Council
Parish: Broken Bay
County: Cumberland
L.P.I. Map: Broken Bay
1:100,000 Map: Sydney 9130
Reference: GNB 5112
Proposed Name: Perrys Beach
Designation: Beach
L.G.A.: Pittwater Council
Parish: Broken Bay
County: Cumberland
L.P.I. Map: Broken Bay
1:100,000 Map: Sydney 9130
Reference: GNB 5112
Proposed Name: Winji Jimmi Bay
Designation: Bay
L.G.A.: Pittwater Council
Parish: Narrabeen
County: Cumberland
L.P.I. Map: Mona Vale
1:100,000 Map: Sydney 9130
Reference: GNB 5112

The position and the extent for these features are recorded and shown within the Geographical Names Register of New South Wales. This information can be accessed through the Board's website at www.gnb.nsw.gov.au

In accordance with section 9 of the Geographical Names Act 1966 all submissions lodged may be subject to a Freedom of Information application and may be viewed by a third party to assist the Board in considering this proposal.

WARWICK WATKINS, A.M.,
Chairperson

Geographical Names Board
PO Box 143
Bathurst NSW



HERITAGE ACT 1977

Interim Heritage Order No. 4

UNDER section 25 of the Heritage Act 1977 Wingecarribee 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.

Date: 5 May 2010.

SCOTT LEE,
Director Environment & Planning

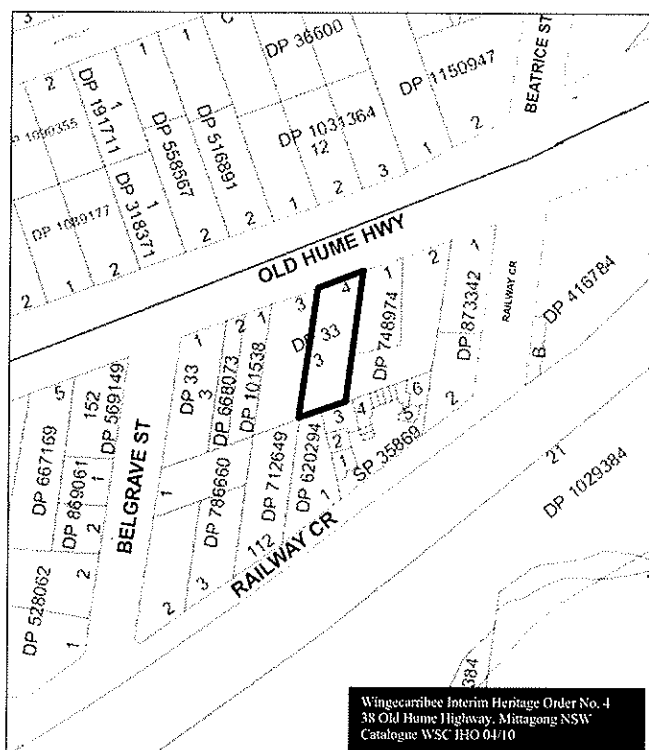
Wingecarribee Shire Council,
PO Box 141,
Moss Vale NSW 2577

SCHEDULE 'A'

The property known as "Bethel Cottage" situated at 38 Old Hume Highway, Mittagong, on the land described in Schedule 'B'.

SCHEDULE 'B'

All those pieces or parcels of land known as Lot 4, Sec 3, DP 33, shown edged heavy black on the plan catalogued WSC IHO 04/10.



HOME BUILDING ACT 1989

ERRATUM

In the notice appearing in the *New South Wales Government Gazette* No. 56 of 23 April, 2010, Folio 1976, under the heading "Home Building Act 1989, Section 31, Education course for issue of owner-builder permit", "pursuant to section 31 (1) (d)" should be replaced with "pursuant to section 31 (2) (d)".

This notice corrects the error and the gazettal date remains the same.

PETER DUNCAN,
Director General,
Department of Services, Technology
and Administration

LOCAL GOVERNMENT ACT 1993

PROCLAMATION

James Jacob Spigelman, A.C., Lieutenant Governor

I, the Honourable James Jacob Spigelman, A.C., Lieutenant Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 218B of the Local Government Act 1993, hereby alter the boundaries of the Area of Gunnedah Shire as described by Proclamation in Government Gazette No. 86 of 19 May 2004 and the Area of Warrumbungle Shire as described by Proclamation in Government Gazette No. 61 of 9 April 2009, by transferring the land described in Schedule A from Gunnedah Shire to Warrumbungle Shire, so that the boundaries of the Area of Gunnedah Shire and the boundaries of the Area of Warrumbungle Shire shall be as respectively described in Schedule B and Schedule C hereto.

Signed and sealed at Sydney, this 21 day of April 2010.

By His Excellency's Command,

BARBARA PERRY, M.P.,
Minister for Local Government

GOD SAVE THE QUEEN!

SCHEDULE A

Land to be transferred

Area about 2.11 hectares – being Lot 3, DP 251701 and part Lot 195, DP 755487.

SCHEDULE B

Gunnedah Shire (as altered)

Area about 4884.94 square kilometres: Commencing at the confluence of Bomera and Coxs Creeks; and bounded thence by Bomera Creek upwards to the north eastern corner of Portion 42, Parish of Tambar, County of Pottinger; by the northern and part of the western boundary of that portion westerly and southerly to the north eastern corner of Portion 46; by the northern boundary of that portion and Portion 9, a line, the northernmost boundary of Portion 33, Parish of Wilson, and the generally northern boundary of Portion 18, generally westerly to the north western corner of the said Portion 18; by a line north to the southern boundary of Portion 63, Parish of Urangera; by part of that boundary, the generally southern boundary of Portion 43, the generally western boundary of the said Portion 43 and Portions 24, 54 and 44 of that parish and Portion 15, Parish of Nombi, generally westerly and northerly to the north western corner of the said Portion 15; by the northern boundary of that portion and Portion 9 and part of the northern boundary of Portion 29, Parish of Bingle, easterly to the south western corner of Portion 25; by the western boundary of that portion and the westernmost and part of the westernmost northern boundary of Portion 100, northerly and easterly to the south western corner of Portion 33; by a line along the western boundary of that portion and Portion 34, northerly to the southern boundary of Portion 87; by part of that boundary and the eastern boundary of that portion; easterly and northerly; by a line along the generally northernmost northern boundary of Portion 101 and the northern boundary of Portion 105 and its prolongation generally easterly to Coxs Creek, aforesaid; by that creek downwards to the generally southern boundary of the Parish of Coagal; by that boundary generally westerly



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 May 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Environmental Sustainability

o-EP5 Interim Heritage Order for 38 Old Hume Highway, Mittagong

REF: DEP

5650, PN696100, LUA10/0298

The purpose of this report is to advise Council about the actions taken and future steps required in response to staff and resident concerns about the heritage significance of the dwelling house at 38 Old Hume Highway, Mittagong, which is the subject of a current development application for demolition.

REPORT

BACKGROUND

In early April, Council received a development application (LUA10/0298) for the demolition of a dwelling house and the erection of a new dwelling and its use as a display home (including signage) at 38 Old Hume Highway, Mittagong. Potential heritage issues were recognised by the assessing officer, despite there being no current or draft heritage listing of the house or property, and it was referred to the Council heritage adviser and Wingecarribee Heritage Advisory Working Group for comment.

The business paper for the Council meeting of 28 April 2010 reported LUA10/0298 in the list of development applications received between 7 and 20 April and stated that it was to be determined under delegated authority.

A question from the public at this meeting raised the issue of historical significance of the house and requested that the development application be discussed and determined by Council.

HERITAGE LISTING AND SIGNIFICANCE

The house is not currently listed as a heritage item under the Wingecarribee Local Environmental Plan (WLEP) 1989 and is not a draft item under the WLEP 2009. However, as part of the Mittagong Conservation Areas Study undertaken in 2005/6 by Peter Freeman Pty Ltd (conservation architects and planners) and Jackson-Stepowski (heritage and planning consultancy) the house was identified as a 19th century cottage in excellent condition and of high integrity and was listed in the final report as a "place on the edge of the New Sheffield precinct with aesthetic heritage value" (Appendix D of final report).

Since the receipt of LUA10/0298 to demolish the house and the subsequent notification of such, there has been a great deal of local interest in the house. The Berrima District Historical Society and local historians have moved quickly to undertake some preliminary research into the house's history. At the time of writing, this research was in its early stages. However, it provides an emerging picture of the history of the place, in particular:

- The "Belmore" subdivision took place in 1867.
- It is not yet clear when the house was built but it was likely in the 1870s.
- Association with former Mittagong Shire Mayor and businessman John Mealing.
- Later associations with worker/s at the Tooth & Co Maltings.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

- The lamp in the front yard is an original gas lamp converted to electricity.

It is possible that the house is the first or one of the first houses in the Belmore subdivision. Given its intactness and its historical associations, it is likely with further research that it will be determined that the house, its outbuildings and the gas lamp will be of local heritage significance.

CONSIDERATION BY THE HERITAGE ADVISORY WORKING GROUP

The matter was discussed by the Heritage Advisory Working Group at its meeting of 30 April 2010. The house and its outbuildings were described as unique and an integral part of the streetscape of the northern approach into Mittagong. Given the threat that the current development application poses to the house, the Heritage Working Group recommended that an Interim Heritage Order be placed on the site.

INTERIM HERITAGE ORDER

An Interim Heritage Order (IHO) is a mechanism under the Heritage Act 1977 which enables Councils that have authorisation (given by the Minister) to issue Interim Heritage Orders "for a place, building, work, relic, moveable object or precinct in the council's area that the council considers may, on further inquiry or investigation, be found to be of local heritage significance, and that the council considers is being or is likely to be harmed" (section 25 of the Heritage Act).

Wingecarribee Shire Council is authorised by the Minister for Planning to issue Interim Heritage Orders. The Minister's authority was sub-delegated in 2004 by Council to the Director of Environment and Planning in accordance with section 377 of the Local Government Act 1993 so that urgent heritage matters can be acted on immediately without requiring a Council resolution. Given that that current development application is for demolition of the house it was felt that action should be taken immediately to prevent its demise. For this reason, the Director of Environment and Planning used his sub-delegation to issue the IHO and Interim Heritage Order No 4 was published in the Government Gazette on Friday 7 May 2010 and is effective from that date.

In justifying the issuing of an IHO for the site, the conditions attached to the Minister's authorisation were examined. These conditions as well as the justification for the issuing of the IHO for the site are set out below:

.....Cont'd



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

.....Cont'd

Conditions	Justification
1. A council must not make an Interim Heritage Order unless: a) an environmental planning instrument, containing a schedule of heritage items derived from a heritage study and provisions for the management of those items, is in force in the local government area.	Yes. WLEP 1989 contains heritage schedules (Schedules 2, 3, 4 and 6) and draft WLEP 2009 contains heritage items and areas in Schedule 5.
b) it has considered a preliminary heritage assessment of the heritage item, prepared by a person with appropriate heritage knowledge, skills and experience, employed or retained by the council and considers that: i) the item is or is likely to be found on further inquiry and investigation to be of local heritage significance, and	Peter Freeman's 2005-6 Mittagong Heritage Conservation Areas study identified the house as having high integrity and in excellent condition and was included in a list of places outside the study area with aesthetic heritage value. In addition, further recent research into the history of the site suggests that there may be associational heritage significance, particularly in relation to 19 th century Mittagong Shire Mayor, John Mealing.
ii) the item is being or is likely to be harmed.	The current development application (LUA10/0298) is for demolition of the house and its outbuildings so the house is under real and potentially imminent threat.
iii) the Interim Heritage Order is confined to the item determined as being under threat.	Yes. The IHO was for the single lot on which the house stands.
c) Where an Interim Heritage Order is made over land which includes an item which on further inquiry and investigation may be of significance to Aboriginal people, council must refer the proposal to the NSW Heritage Office. The Heritage Office will conduct an assessment regarding its significance, and undertake community consultation, before the Interim Heritage Order is made. Council must comply with the recommendations of the NSW Heritage Office, following its referral.	Not applicable. The house relates to development and expansion of Mittagong following the opening of the railway.
2. A council must not make an Interim Heritage Order where: a) the item is listed on: i) an environmental planning instrument ii) the item is within a conservation area identified in an environmental planning instrument	The site is not: • a current heritage item, or • within a heritage conservation area, or • covered by another order under the Heritage Act, or



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

b) the item is covered by an order made pursuant to sections 130 or 136 of the Heritage Act 1977. c) the council has previously placed an Interim Heritage Order on the item. d) the court has granted development consent in relation to the item, that permits the item to be harmed, and the development consent is still in force.	• the subject of a previous interim heritage order, or • the subject of a court granted development consent.
3. A council must not make an Interim Heritage Order (IHO) over a potential heritage item that is located on land: • that is Crown Land • which is being developed for or on behalf of the Crown. • which is subject to a development declared to be "State significant development" under the Environmental Planning and Assessment Act 1979.	The site is not: • owned or being developed for or on behalf of the Crown, or • declared state significant development.
4. A council must not make an Interim Heritage Order in respect of an item (that includes a building, work, relic or place) that is subject to an approval, consent, license, permit, permission or any other form of authorisation, that requires or permits the item to be harmed, and is issued by the Crown, an officer or employee of the Crown or Minister.	The site is not subject to any approval, consent, license, permit, permission issued by the Crown.
5. An Interim Heritage Order made by a council must contain the following condition: a) "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: b) 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 c) 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."	The interim heritage order was issued with the condition as stated.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

A copy of Interim Heritage Order No. 4 as sent to the Government Gazette is attached at **Attachment 1**.

FUTURE ACTIONS

The first step in determining the heritage significance of the site is to undertake a thorough heritage assessment of the property and its elements. Historical research being undertaken by local historians will augment the assessment which will be undertaken by Council's heritage adviser or by another heritage consultant, as appropriate. The results of the heritage assessment will be reported to Council and if the recommendation is to proceed with heritage listing then that report will recommend a resolution to prepare a planning proposal to amend the WLEP 2009 to include the site as a heritage item.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil

POLICY IMPLICATIONS

This action may result in the future preparation of an amendment to the WLEP 2009 to add a heritage item to Schedule 5 of that plan.

BUDGET IMPLICATIONS

The cost of additional heritage assessment on the property will have to be taken into consideration.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors
Nil

(ii) Social Factors
There has been a significant amount of interest in the site resulting from the receipt of the development application for demolition and the IHO will protect this old and prominent dwelling on Mittagong's northern approach until a full and proper assessment of its heritage value can be undertaken.

(iii) Economic Factors
The placing of an IHO on the property will likely have economic implications for the owner/developer.

ATTACHMENTS

There is one (1) attachment to this report:

- 1 Interim Heritage Order No 4.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

CONCLUSION

Interim Heritage Order No 4 published on 7 May 2010 for 38 Old Hume Highway, Mittagong, is a justifiable response to a development application for demolition of a house that it is likely, on further investigation, to be heritage significant. A further report will be presented to Council following the opportunity to discuss the situation with the applicant of LUA10/0298 and review any other relevant information of the heritage significance of the site.

RECOMMENDATION

1. THAT Council note the actions of the Director Environment and Planning in issuing an Interim Heritage Order over 38 Old Hume Highway, Mittagong.
 2. THAT Council consider a further report on whether 38 Old Hume Highway, Mittagong should be a listed heritage item with such report being supported by a heritage assessment of the site prepared by a suitably qualified heritage adviser and presented to Council at its meeting on 23 June 2010.
-

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

HERITAGE ACT 1977

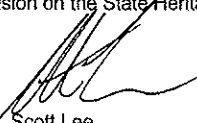
INTERIM HERITAGE ORDER NO. 4

Under Section 25 of the *Heritage Act 1977* Wingecarribee 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.


Scott Lee
Director Environment & Planning
Wingecarribee Shire Council
PO Box 141, Moss Vale NSW 2577

5 May 2010

Schedule 'A'

The property known as "Bethel Cottage" situated at 38 Old Hume Highway, Mittagong, on the land described in Schedule 'B'.

Schedule 'B'

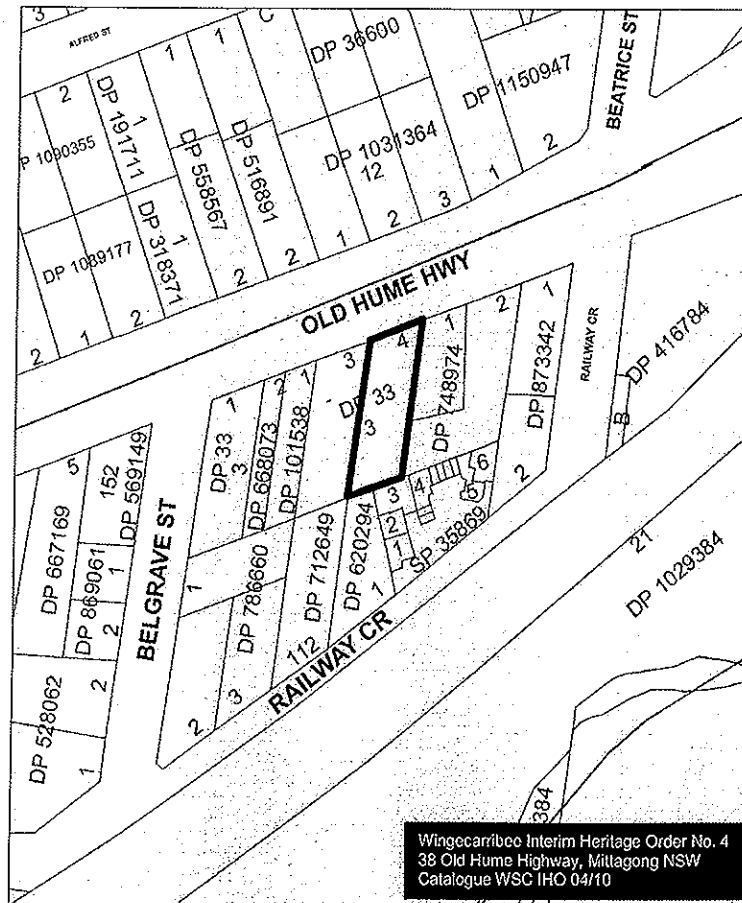
All those pieces or parcels of land known as Lot 4 Sec 3 DP 33, shown edged heavy black on the plan catalogued WSC IHO 04/10.



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING





MINUTES OF THE ORDINARY MEETING OF COUNCIL
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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP5 Interim Heritage Order for 38 Old Hume Highway, Mittagong

REF: DEP 5650, PN696100, LUA10/0298

The purpose of this report is to advise Council about the actions taken and future steps required in response to staff and resident concerns about the heritage significance of the dwelling house at 38 Old Hume Highway, Mittagong, which is the subject of a current development application for demolition.

The Director Environment & Planning addressed Council on this matter.

OC 103/10

The Committee on a **MOTION** moved Clr J R Clark and seconded by Clr G McLaughlin
RECOMMENDED:

1. **THAT** Council note the actions of the Director Environment and Planning in issuing an Interim Heritage Order over 38 Old Hume Highway, Mittagong.
2. **THAT** Council consider a further report on whether 38 Old Hume Highway, Mittagong should be a listed heritage item with such report being supported by a heritage assessment of the site prepared by a suitably qualified heritage adviser and presented to Council at its meeting on 23 June 2010.

PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor's vote in relation to this matter.

Councillor	For	Against
Clr T D Gair	x	
Clr G McLaughlin	x	
Clr J G Arkwright	x	
Clr J R Clark	x	
Clr K Halstead	x	
Clr J Mauger	x	
Clr D Stranger	x	
Clr P B Tuddenham	x	
Clr L A C Whipper	x	

