

12.4 Heritage Assessment of 'Yarrabin', 32 Kangaloon Road, Bowral, and Request for Interim Heritage Order

Reference:	5650/9, 5650/4, PN 1705222
Report Author:	Strategic Land Use Planner (Heritage)
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community	
Strategic Plan:	Identify, protect and promote places of significant cultural heritage

PURPOSE

The purpose of this report is to bring to Council's attention the identification of a property in Bowral that has been assessed as having heritage significance to the Wingecarribee Shire and that is under threat of future development. The report presents a heritage assessment that has been undertaken of the property which concludes that the site is worthy and meets the threshold for heritage listing and requests that Council authorise an Interim Heritage Order to protect the property while a Planning Proposal is prepared for the listing of the property and its inclusion in the Bowral Conservation Area.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** Council supports the proposed heritage listing of 'Yarrabin', 32 Kangaloon Road, Bowral (Lot 40 DP 862808) and the extension of the Bowral Conservation Area to include the property.
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 "'Yarrabin' house and garden, including horse chestnut tree (*Aesculus hippocastanum*)" as a new heritage item and to extend the boundaries of the adjacent Bowral Conservation Area to include this property.
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** Council supports the placement of an Interim Heritage Order (No. 11) over 32 Kangaloon Road, Bowral immediately, AND THAT pursuant to Council's resolution, the Interim Heritage Order be valid for 12 months to allow for the preparation and processing of the Planning Proposal.

7. **THAT** the property owner and surrounding neighbours be advised of Council's decision.

REPORT

BACKGROUND

In mid-July 2020, Council officers were approached by concerned neighbours regarding an impending sale of a large site in Bowral with a post-War Bowral house with Moderne style elements surrounded by a mature garden featuring many large trees.

SUBJECT SITE

The site which is the subject of this report is located at 32 Kangaloon Road, Bowral, and is known as 'Yarrabin'. The site is located just to the east of the Kangaloon Road and Bendooley Street intersection and lies outside the Bowral Conservation Area whose eastern boundary excludes the property, but includes the neighbouring properties fronting Bendooley Street—including the subject site's neighbour, 'Beatrice Park', at 90 Bendooley Street (which also includes the corner site at 30 Kangaloon Road which forms part of the 'Beatrice Park' garden) and properties to the south of the site to the golf course. **Figure 1** shows the location of the site relative to the Bowral Conservation Area and **Figure 3** shows a recent aerial photograph of the site.

The site is zoned R2 Low Density Residential, with a minimum lot size of 2,000m², and has a total site area of 5,569m². If subdivided, it would be capable of a maximum of two lots. The site slopes up from the road at a gradient of 1:11 or around 9%. Although there are no recognised watercourses on the land, anecdotally it is a natural drainage course from the rear of properties in Charlton Close to Kangaloon Road. There is documented pooling of water in the front yard, was described by a previous owner as the "bog garden". A Council sewer line runs through the front of the property from east to west and there is a sewer manhole in the front yard.

The site contains a single storey house over a basement garage built in 1951/52 set some 65 metres back from the road and which would have once afforded a view of the Bowral Golf Course. The driveway from Kangaloon Road curves up and around to the house which features a lower level double garage with original timber garage doors with balcony and living spaces above. The house is a typical solidly built rendered masonry building with Marseilles tile roof featuring curved Moderne style elements and timber framed windows and French doors. The house was extended to the rear, filling in a small courtyard, in 1984 to a design by lauded Sydney based heritage architect Howard Tanner. The house is surrounded by a park-like selection of trees, shrubs and gardens, including a remnant orchard in the north-eastern corner of the rear yard. There is a small rectangular swimming pool to the east of the house. The property is bounded on the western sides by a prominent line of Bhutan cypress trees (*Cupressus torulosa*) and on the east by a stand of Arizona cypress (*Cupressus arizonica*), which are visible from both Kangaloon Road and Bendooley Street and are a characteristic planting, similar to the planting of the conifers adjacent to Bowral High School. **Figures 2, 4, 5 and 6** show various photos of the house and garden.

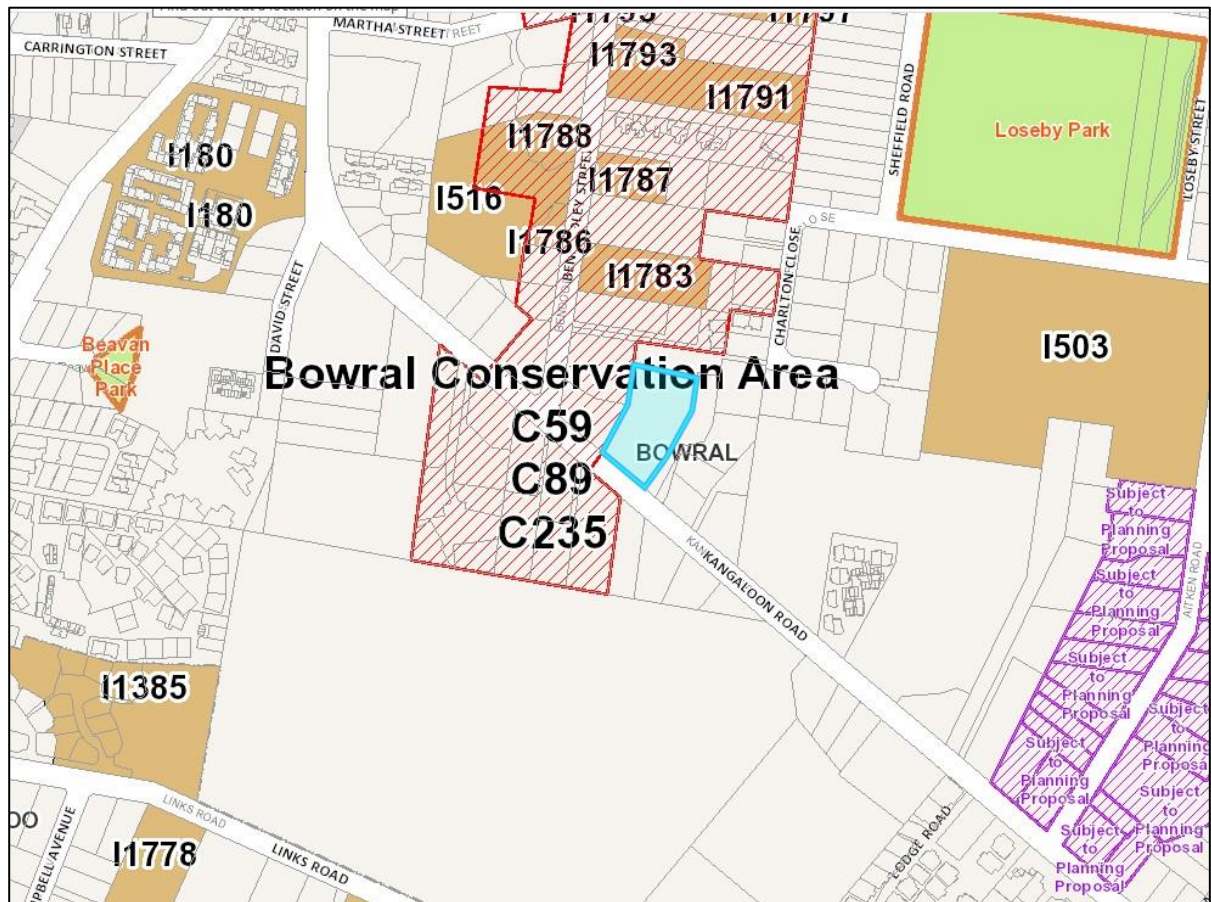


Figure 1: Location of subject site (outlined in blue) relative to the Bowral Conservation Area (red hatched area). The draft Aitken Road Conservation Area can be seen to the east shown outlined and hatched in purple with the notation “Subject to Planning Proposal”.



Figure 2: Photos of 'Yarrabin' garden: (L) looking north from Kangaloon Road; (R) looking south from house toward Kangaloon Road (July 2020).



Figure 3: Aerial photo showing the vegetation of 'Yarrabin', 32 Kangaloon Road, Bowral.



Figure 4: Photo of 'Yarrabin' house: (L) looking north from front garden; (R) looking north-west from front corner of house (July 2020).



Figure 5: Views south: (L) view of the northern elevation of the house showing the central Howard Tanner 1984 extension; (R) view south toward Kangaloon Road from the rear corner of the house showing the boundary planting of Bhutan cypress (*Cupressus torulosa*).



Figure 6: The locally rare mature horse chestnut tree (*Aesculus hippocastanum*).

HERITAGE ASSESSMENT OF 'YARRABIN'

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 (now Heritage NSW) 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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 August 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



listing on the State Heritage Register an item must meet two or more of these criteria on a State level.

The following assessment of the heritage significance of 'Yarrabin' has been undertaken by Council's Strategic Land Use Planner (Heritage) with critical input from members of the Heritage Advisory Committee and historical data provided by members of the community.

Heritage Criterion	Assessment of 'Yarrabin', 32 Kangaloon Road, Bowral
(a) HISTORICAL	
An item is important in the course, or pattern, of NSW's (or local) cultural or natural history.	Although the property demonstrates post-War development of Bowral, it has not been assessed as being significant under this criterion.
(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.	<p>The garden is significant for its associations with Tim and Keva North, devoted gardeners and authors, who owned and lived in the house from 1983 until 1994 and who rehabilitated the garden which had been neglected since the 1960s.</p> <p>Tim and Keva North were pioneer writers on the subject of garden history and were early members of the Australian Garden History Society which commenced in 1980. Tim was an early Secretary to the Society and in June 1983 they renamed their previous <i>Garden Cuttings</i> magazine <i>The Australian Garden Journal</i>. From 1983 to 1988 the Journal was produced from 'Yarrabin' and then from an office in Bowral.</p> <p>The house is significant at a local level for its possible association with local builder of note, Alf Stephens & Son, whose building firm continued through the mid-twentieth century. The house has a sympathetic 1984 rear addition by prominent architect Howard Tanner, who is renowned for his contribution to heritage architecture.</p>



Heritage Criterion	Assessment of 'Yarrabin', 32 Kangaloon Road, Bowral
(c) AESTHETIC/TECHNICAL	
<p>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>	<p>The garden contains a number of significant trees. The most important of which is the horse chestnut, <i>Aesculus hippocastanum</i>. This tree is significant for its age and comparative rarity for a tree of this maturity. This tree is mentioned in Tim North's, "Garden Cuttings: Reflections from and Australian Gardener". (1999. New Holland Publishers: Sydney). Individual significant trees are the Beech and the 2 Kanzan cherries at the top of the stairs. Also present may be a Tilia, also mentioned in the "Garden Cuttings" book. Trees significant as a group (i.e. can remove 1 or 2 but not all) are the row of <i>Cupressus torulosa</i> on the western boundary and the collection as a whole of mature trees throughout the garden.</p> <p>The garden is significant locally as an example of a prominent garden open to the public under the open gardens scheme from the late 1950s to the early 1960s. It was featured on the cover of The Australian Women's Weekly on 1 November 1961 and featured prominently in descriptions and photographs in Tim North's book "Garden Cuttings".</p> <p>The whole garden has strong landscape significance as a characteristic post-War 'Bowral' house surrounded by a large garden. The maturity of the garden and the height of many of the trees give it landmark significance in the immediate area.</p>
(d) SOCIAL	
<p>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.</p>	<p>The garden has a strong association with the Southern Highlands gardening community as one of the many magnificent private gardens opened to the public in what has become a tradition of Open Gardens in the area. 'Yarrabin' was one of the featured open gardens for Bowral's inaugural Festival of Flowers in 1958 (which became the annual Tulip Time Festival for which Bowral is famed). 'Yarrabin' won awards for its garden between 1958 and 1962 when it was opened by the then owners, Roy and Gwen Green. It was featured on the cover of the Australian Women's Weekly on its 1 November 1961 issue.</p> <p>Socially the garden is significant as a preeminent show garden over a period of many years, including the years under the stewardship of the Greens and the Norths. The large gatherings and tours to the garden organised by the Norths contribute to the Social significance, particularly with their association with the Australian Garden History Society.</p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 August 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Heritage Criterion		Assessment of 'Yarrabin', 32 Kangaloon Road, Bowral	
(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.		The site has not been assessed as being significant under this criterion.	
(f) RARITY			
An item possesses uncommon, rare or endangered aspects of NSW's or the local area's cultural or natural history.		The European horse chestnut (<i>Aesculus hippocastanum</i>) located at the top of the curve of the driveway is significant for its age and comparative rarity for a tree of this maturity. There is only one other known species in the Southern Highlands of larger proportions, and that is within the grounds of Anglewood.	
(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.		The house is a good representative example of a solidly built home of the 1940s with Moderne influences, typical of the Southern Highlands and representative of the style of houses designed and built in the region during the Interwar and Post-War periods. The garden and its palette of trees is representative of the era of gardens from the 1950s and 1960s. During the 1950s to the 1980s, <i>Cupressus torulosa</i> was the plant of choice for windbreaks across the district.	

'Yarrabin' is considered to be of local heritage significance and the overall statement of significance for the proposed heritage listing is as follows:

'Yarrabin' is significant as a representative example of a 1950s and 1960s garden in the Southern Highlands set on a large allotment and using a typical palette of trees and plants from that era. The site is associated with Tim and Keva North, authors and prominent members of the Australian Garden History Society who owned the house from the early 1980s until the early 1990s. It has social significance attached to the Open Gardens scheme and the early beginnings of the Bowral Tulip Time Festival. The house is a simple local example of a post-War simplified Moderne style which may have been built by prolific local builders, Alf Stephens & Son.

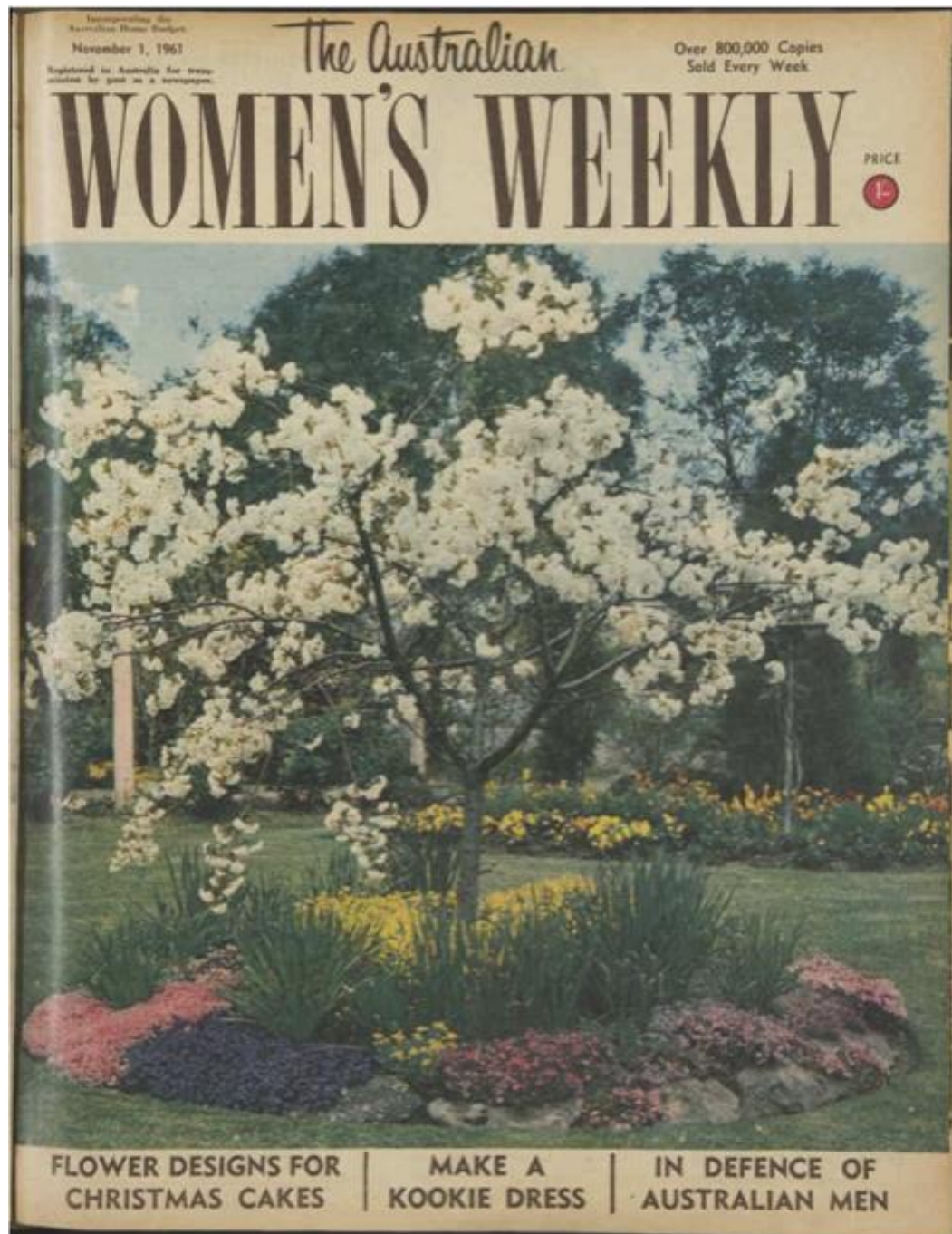


Figure 7: 1 November 1961 cover of the Australian Women's Weekly featuring the garden of 'Yarrabin' as referred to in heritage assessment criteria (c) and (d).

In addition to the proposed heritage listing of the site, this report recommends that the boundaries of the Bowral Conservation Area be extended to include 'Yarrabin' whose gardens make a significant contribution to this conservation area.

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 heritage protections "for a

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 August 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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).

This report requests that Council issue an IHO over this site to protect the house, gardens and trees while heritage listing is being pursued. In order for an IHO to be able to be issued under delegation to Council, there are a number of conditions that need to be met, which are detailed below together with comments in relation to the subject site.

IHO Condition	Officer Comment
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. Wingecarribee Local Environmental Plan (WLEP) 2010 contains heritage items in Schedule 5. The subject property is not included as a heritage item, nor is it within a heritage conservation area shown on the WLEP 2010 Heritage Map.
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	This report includes a heritage assessment of the site which concludes that the house and its garden satisfies 5 out of 7 of the heritage assessment criteria on a local level and therefore meets the threshold for listing as a heritage item.
ii) the item is being or is likely to be harmed.	The site has recently been sold following the death of the elderly former owner. There is reasonable verbal evidence that the site has been purchased with the intention of demolishing the house and garden and developing the site, possibly for seniors housing, which is permitted with consent on the site. Attempts have been made to contact the current owner on record with no response at time of writing. In addition, the real estate agent responsible for the sale was unable to provide any information about the new owner's intention for the future of the property.
iii) the Interim Heritage Order is confined to the item determined as being under threat.	The proposed Interim Heritage Order is confined to the subject site at 32 Kangaloon Road, Bowral.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 August 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



IHO Condition	Officer Comment
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.	No potential item or site of significance to the Aboriginal people has been identified on the subject site.
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 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 site is not: <ul style="list-style-type: none">• a current heritage item, or• within a heritage conservation area, or• covered by another order under the Heritage Act, or• 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: <ul style="list-style-type: none">• 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: <ul style="list-style-type: none">• 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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 August 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



IHO Condition	Officer Comment
<p>5. An interim heritage order made by a council must contain the following condition:</p> <ul style="list-style-type: none">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; andc) 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."	<p>The interim heritage order would be issued with the condition as stated. However, since this report also includes the heritage assessment required by this process, it is assumed that the IHO will be valid for the full 12 months.</p>

PLANNING PROPOSAL TO AMEND WLEP 2010 INSTRUMENT AND MAPS

Should Council support the recommendation of this report to heritage list 'Yarrabin' at 32 Kangaloon Road, Bowral, and extend the Bowral Conservation Area to include the site, a Planning Proposal will be prepared by Strategic Planning Branch staff. The Planning Proposal will seek to amend the WLEP 2010 and would comprise the following:

1. Addition of a new heritage item in Part 1 (heritage items) of Schedule 5 of the WLEP 2010: "Yarrabin' house and garden, including horse chestnut tree (*Aesculus hippocastanum*)" comprising Lot 40 DP 862808 at 32 Kangaloon Road, Bowral.
2. Addition of 32 Kangaloon Road, Bowral as a new heritage item on the Heritage Map.
3. Extension of the eastern boundary of the Bowral Conservation Area to include 32 Kangaloon Road, Bowral, on the Heritage Map.

COMMUNICATION AND CONSULTATION

Community Engagement

Due to its nature, there is no requirement for Council to consult with a property owner before the publishing of an Interim Heritage Order. However, attempts have been made to make contact with the property owner with no response at time of writing. Required notifications will be undertaken in accordance with the NSW Heritage Act 1977 and the Local Government Heritage Guidelines should an IHO be issued.

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 to proceed. 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. Council's Heritage Advisory Committee has been consulted and has been involved in the preparation of the information contained in this report.

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 this site as a heritage item and the extension of the Bowral Conservation Area to cover this site would serve to protect the trees and vegetation on the site.

- **Social**

There are no broader social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

The listing of new heritage items is one of the strategies identified in the Wingecarribee Community Strategic Plan, Wingecarribee 2031 (amended 2017) 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 (NSW DPIE) and Heritage NSW. Any Planning Proposal prepared by Council would be processed in accordance with NSW DPIE guidelines and any Interim Heritage Order would be prepared and issued in accordance with Heritage NSW's Local Government Heritage Guidelines and the Ministerial Order for Authorisation to make Interim Heritage Orders.

COUNCIL BUDGET IMPLICATIONS

As this process has been initiated by Council staff, no Planning Proposal fees would be applicable. All assessment and research has been carried out by existing staff and Council resources with volunteer input from the community and Council's Heritage Advisory Committee.

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 the 'Aitken Road Interwar Housing Group' and the creation of the 'Aitken Road Conservation Area'. A heritage assessment has been undertaken of the property which recommends that it be heritage listed and included within the Bowral Conservation Area. Where heritage significance of a property is identified through proper assessment, Council should support the assessment through heritage listing. This option forms the recommendation contained in this report, as follows:

1. **THAT Council supports the proposed heritage listing of 'Yarrabin', 32 Kangaloon Road, Bowral (Lot 40 DP 862808) and the extension of the Bowral Conservation Area to include the property.**
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 "'Yarrabin' house and garden, including horse chestnut tree (*Aesculus hippocastanum*)" as a new heritage item and to extend the boundaries of the adjacent Bowral Conservation Area to include this property.**
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 Council supports the placement of an Interim Heritage Order (No. 11) over 32 Kangaloon Road, Bowral immediately, AND THAT pursuant to Council's resolution, the Interim Heritage Order be valid for 12 months to allow for the preparation and processing of the Planning Proposal.**
7. **THAT the property owner and surrounding neighbours be advised of Council's decision.**

Option 2

That Council not support the issuing of an Interim Heritage Order but will include the property in the list of proposed heritage items to be considered by Council from the 2012 deferred items list. Should Council not consider the requirements for the issuing of an Interim Heritage Order to be satisfied, the heritage listing of the site can be supported without the IHO. However, this runs the risk of loss or damage to the house and garden and potentially opens the door for lodgement of a development application that might not respect the heritage values on the site.

Option 3

THAT Council ***not support*** the proposal.

Option 1 is the recommended option to this report.

CONCLUSION

A large residential site in the heart of Bowral but just outside the Bowral Conservation Area is under potential threat of inappropriate development resulting in the loss of the significant garden. This report recommends on the basis of a heritage assessment of the site presented in the report, that it be heritage listed and protected in the meantime by an Interim Heritage Order. This approach is consistent with the goals of the Wingecarribee 2031 Community Strategic Plan 2017 to identify, protect and promote places of significant cultural heritage (Strategy 3.2.3).

ATTACHMENTS

There are no attachments to this report.