

# Planning Proposal

to amend Wingecarribee Local Environmental Plan 2010 to include 2, 4 & 6 Myrtle Street, Bowral, within the Bowral Conservation Area and create a new heritage item at 26 Elizabeth Street, Moss Vale

Prepared in accordance with the Local Environmental Plan Making Guideline (December 2021)  
Version 1.1 for Agency Referrals and Gateway lodgement

Prepared by Wingecarribee Shire Council

Council has categorised the Planning Proposal as Standard

April 2022

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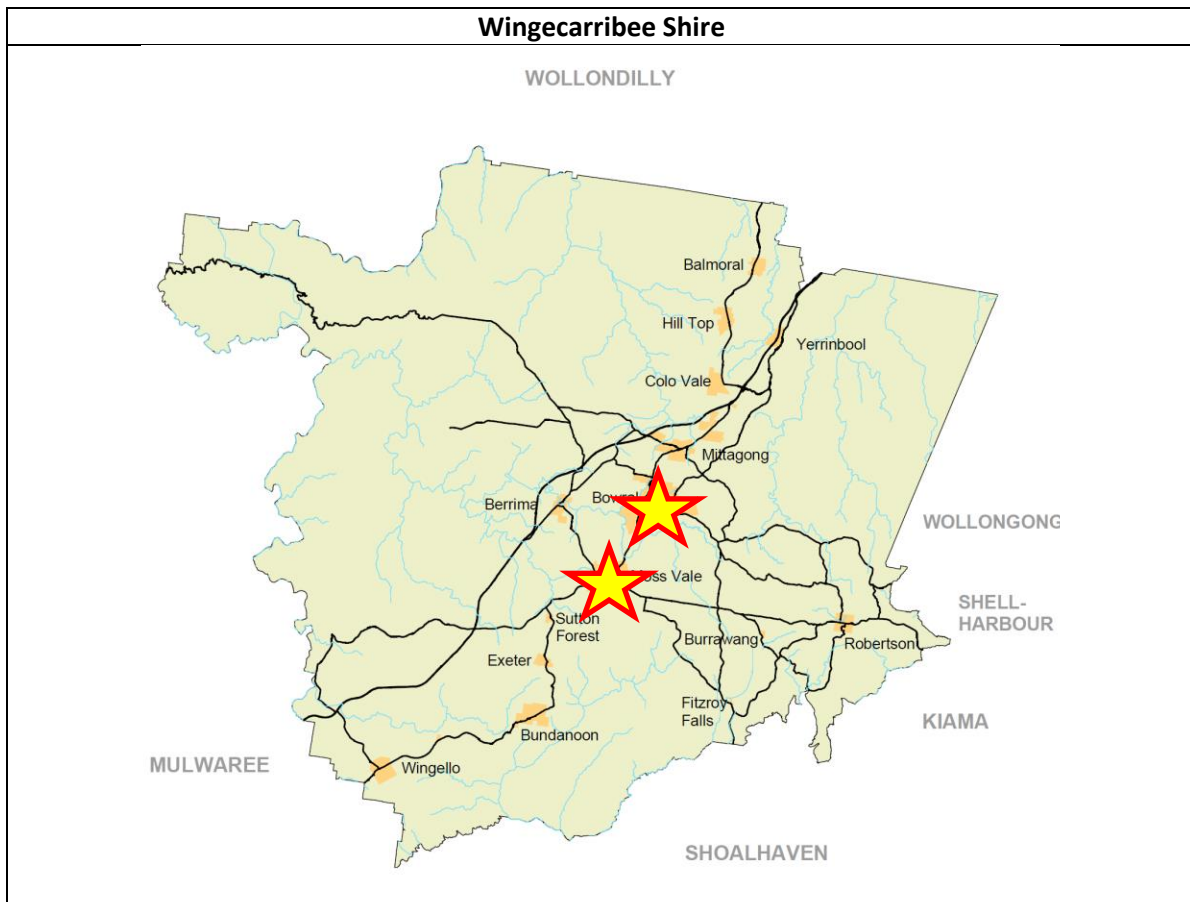


## Appendices to the main Planning Proposal report

1	Government Gazette notice for Interim Heritage Order No. 12 and Interim Heritage Order No. 13 published on 19 November 2021
2	Report to Council and Minutes 8 December 2021 re Interim Heritage Orders Nos. 12 & 13
3	Report to Council and Minutes 16 March 2022 re Planning Proposal and Heritage Assessment
4	Delegation Request Form

## Site Location, Description & Background

<b>Legal Description</b>	Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898 Lot 1 DP 986025 and Lot 110 DP 87731
<b>Property Address</b>	2, 4 and 6 Myrtle Street, Bowral 26 Elizabeth Street, Moss Vale



**Figure 1: Location Map (Shire wide)**

## Description & Background

This Planning Proposal relates to four sites: three neighbouring properties in Myrtle Street, Bowral, and one in Elizabeth Street, Moss Vale, comprising two lots. **Figure 2** and **Figure 5** show the locations of the sites in the context of the towns of Bowral and Moss Vale, respectively, and **Figure 3** and **Figure 7** display aerial photographs of the sites.

### 2, 4 & 6 Myrtle Street, Bowral

These sites are located on the eastern side of Myrtle Street, Bowral, between Merrigang and Shepherd Streets. 2 & 4 Myrtle Street each contains a modest rendered brick and Marseilles terracotta tile roofed dwelling surrounded by established gardens with many mature tree species including a large pin oak, a large Liquidambar, numerous large conifers, a large Himalayan cedar (deodar), established maples and various smaller ornamental and fruit trees. Additionally, no. 4 contains a fine trachyte retaining wall and trachyte paths in excellent condition. No. 6 Myrtle Street contains a recently renovated house and garden. The houses were built contemporaneously in 1949. Due to the topography which sees the ground level rise from Myrtle Street at a gradient of approximately 1:6 or 16%, all houses gain vehicular access from Oak Lane to the rear, creating a distinctive streetscape in Myrtle Street with no driveways or garages visible from the street on the eastern side.

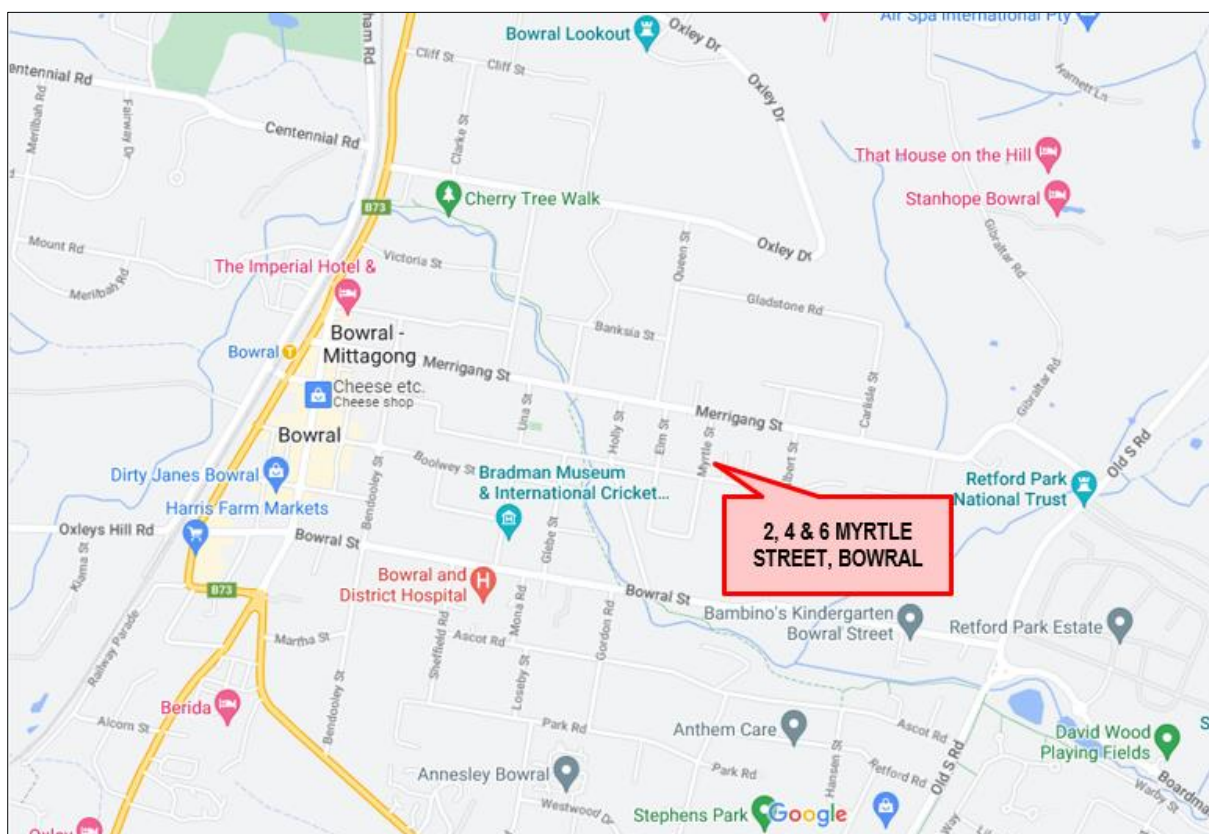


Figure 2: The location of 2, 4 & 6 Myrtle Street in the context of Bowral (source: Google Maps)



The houses were very likely designed and built by prominent Bowral based and prolific local builder, Alf Stephens Jnr from Alf Stephens & Sons Pty Ltd, although the original 1949 building applications have not been located in Council's records.



Figure 3: Aerial photo of 2, 4 and 6 Myrtle Street (Source: Nearmap, December 2021)



The Myrtle Street sites are zoned R3 Medium Density Residential with a minimum lot size of 700m<sup>2</sup>. No. 2 Myrtle Street is 1,743m<sup>2</sup> in area, no. 4 is 1,623m<sup>2</sup> in area, and no. 6 is 1,620m<sup>2</sup> in area.



Figure 4: Photo of 2, 4 and 6 Myrtle Street from Myrtle Street (January 2022)

#### 'Karingal', 26 Elizabeth Street, Moss Vale

The site known as 'Karingal' is located on the southern side of Elizabeth Street between Robertson Road and Valetta Street in Moss Vale. The property comprises two allotments: Lot 1 DP 986025 which contains the house and Lot 110 DP 877316 which contains the bulk of the garden, including the site of the former tennis court. **Figure 5** shows the location of 'Karingal' in the context of the town of Moss Vale and **Figure 7** shows an aerial photo of the property.

The house was built c.1927 (Interwar period) in a Californian Bungalow style out of dark local bricks (Bowral bricks) on trachyte foundations with a terracotta tile roof and matching brick and trachyte front fence that spans the width of the nearly 50 metre street frontage. The house is substantially intact although some alterations have been made over time. The grounds are substantially intact except for several senescent trees that were removed near the rear boundary, a large oak tree removed at the front of the house after being seriously damaged by a lightning strike in 2013, and the removal of the tennis court which has been replaced by a parterre garden immediately adjacent to the house to the east. **Figure 6** shows a photo of 'Karingal' from the street.

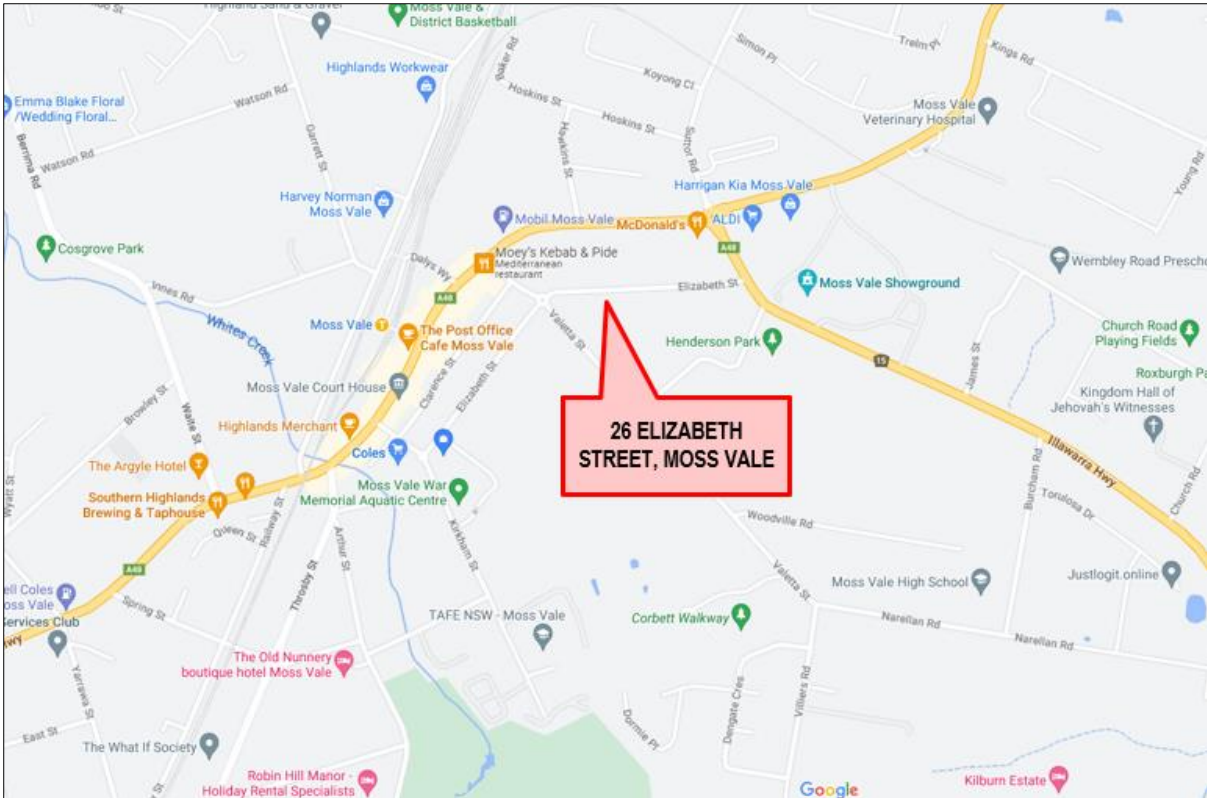


Figure 5: The location of 26 Elizabeth Street in the context of Moss Vale (source: Google Maps)



Figure 6: Photo of 'Karingal' from the street showing the gardens and brick & trachyte fence (January 2022)



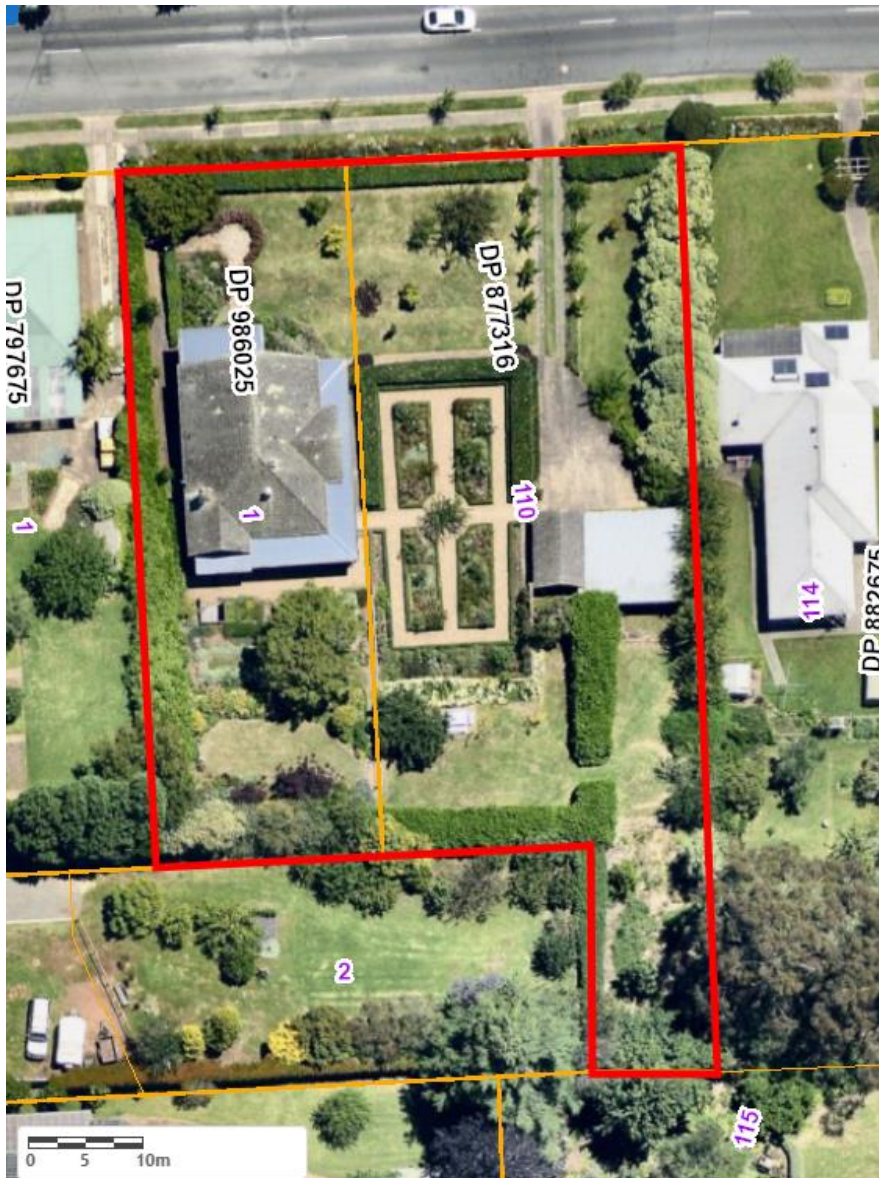


Figure 7: Aerial photo of 'Karingal' with cadastral boundaries (Source: Nearmap, December 2021)

Elizabeth Street, including no. 26, is zoned R3 Medium Density Residential and has a minimum lot size of 700m<sup>2</sup>. The total site area of the two lots that comprise 'Karingal' is 3,239m<sup>2</sup> making it the second largest land holding in this section of Elizabeth Street. (No. 8 Elizabeth Street is significantly larger than the subject site but contains an early 20<sup>th</sup> Century single dwelling and a multi-unit housing development dating from the mid-20<sup>th</sup> Century.) Given the size of the site and the medium density zoning, the site is under development pressure as a desirable development site.

### Interim Heritage Orders and Heritage Assessments

In late 2021, concern was separately expressed by members of the community to Council regarding a complying development proposal to demolish the house at 4 Myrtle Street, Bowral, and replace it with terrace style housing, and two development proposals over 26 Elizabeth Street, Moss Vale, for medium density housing and subdivision. Given the threat to the potential heritage significance of these properties, two interim heritage order (IHOs) were made under delegations given to the Council by the Minister. Interim Heritage Order No. 12 over 2 & 4 Myrtle Street, Bowral, and Interim Heritage



Order No. 13 over 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette on 19 November 2021. The Gazette notice is included as **ATTACHMENT 1**. The IHOs were reported to Council on 8 December 2021 and a copy of that report is included as **ATTACHMENT 2**.

On 2 March 2022, the heritage assessments for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, were reported to the Wingecarribee Local Planning Panel meeting. The officer's recommendations were supported by the Planning Panel and the report was subsequently presented to the Ordinary Council meeting of 16 March 2022 for the consideration of the Interim Administrator. A copy of that report (together with attachments) is included as **ATTACHMENT 3**. The officer's recommendations were endorsed by the Interim Administrator, as follows:

#### MN 2022/44

1. *THAT the Panel supports the heritage assessment and proposed heritage listing of “‘Karingal’ Interwar bungalow and garden including brick and trachyte fence” comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.*
2. *THAT the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area.*
3. *THAT the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add “‘Karingal’ Interwar bungalow and garden including brick and trachyte fence” as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.*
4. *THAT the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.*
5. *THAT Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.*
6. *THAT the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.*

(It is acknowledged that points 1 – 3 of the above resolution refer in error to the Panel. An report to amend this resolution to replace references to “the Panel” with references to “Council” will be considered by Council on 20 April 2022.)

## Part 1 - Objectives & Intended Outcomes of the Planning Proposal

### Objective

The objective of this Planning Proposal is to provide ongoing protection for four sites that have been assessed as having heritage significance in Bowral and Moss Vale.

### Intended Outcomes

- To include 2, 4 and 6 Myrtle Street, Bowral, within the existing Bowral Conservation Area.
- To include 26 Elizabeth Street, Moss Vale, as a new heritage item to be called *“Karingal’ Interwar bungalow and garden including brick and trachyte fence”*.
- To provide protection to properties using existing heritage provisions contained in the Wingecarribee Local Environmental Plan (WLEP) 2010 and applicable Development Control Plans.

## Part 2 - Explanation of the Provisions

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

Add to Schedule 5, Part 1 (Heritage Items) the following new item:

Suburb	Item Name	Address	Property description	Significance	Item No.
Moss Vale	‘Karingal’ Interwar bungalow and garden including brick and trachyte fence	26 Elizabeth Street	Lot 1 DP 986025 and Lot 110 DP 877316	Local	I1521

- To achieve the intended outcomes of the Planning Proposal the following amendments to WLEP 2010 maps will be required:

Map(s) to be Revoked	Map(s) to be Adopted
Heritage Map – Sheet HER_007C 8350_COM_HER_007C_020_20170327	Heritage Map – Sheet HER_007C (as amended)
Heritage Map – Sheet HER_007E 8350_COM_HER_007E_020_20170123	Heritage Map – Sheet HER_007E (as amended)

## Part 3 - Justification of Strategic & Site-specific Merit

### Section A – Need for the Planning Proposal

#### 1 - Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is the result of a combination of in-house assessment and consultant assessment of the heritage significance of two neighbouring sites in Myrtle Street, Bowral (nos. 2 & 4) and 26 Elizabeth Street, Moss Vale. No. 4 Myrtle Street and 26 Elizabeth Street were both subject to proposed developments which threatened the heritage significance of these properties and were the cause of concern for members of the community who requested Council issue Interim Heritage Orders over both properties. Interim Heritage Order No. 12 over 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 over 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette on 19 November 2021.

The heritage assessments, undertaken in accordance with the NSW Heritage Manual and the NSW Heritage publication “Assessing Heritage Significance”, concluded that the house, grounds and front fence at 26 Elizabeth Street, Moss Vale, were worthy of local heritage listing being found to have met five out of the seven heritage assessment criteria on a local level (namely historical, associational, aesthetic/technical, rarity and representativeness). This reinforced the findings of a 2009 study by heritage consultants on behalf of Council that recommended that the site be heritage listed.

The heritage assessment for 2 & 4 Myrtle Street, Bowral, did not demonstrate strong heritage characteristics in the buildings themselves, but heritage significance was considered to be present in the association with the probable builder, the fact that the group of three (including no. 6) is still extant, and the high streetscape character values. As a result, the in-house heritage assessment concluded that protection of streetscape values could be achieved through inclusion of the properties within the existing Bowral Conservation Area which lies just to the west of Myrtle Street.

#### 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 of achieving the statutory local listing of a heritage item and to include a property within a heritage conservation area.



## Section B – Relationship to the Strategic Planning Framework

### 3 - Will the Planning Proposal give effect to the objectives and actions of the SE & Tablelands Regional Plan (including any draft plans or strategies)?

The Wingecarribee Shire is within the area subject to the South East and Tablelands Regional Plan 2036. This plan is currently under review and a draft is not yet available. The relevant sections of the current plan (2036) are addressed below in relation to this Planning Proposal:

#### Vision

In its Vision, the Regional Plan recognises that there are areas of distinct character and heritage that are celebrated by their communities within the Region. Identification and listing of areas and sites of cultural heritage provides greater certainty for property owners and developers.

#### Goal 1: A Connected and Prosperous Economy

- **Direction 9: Grow Tourism in the Region** – heritage tourism is a strong tourism theme in the Wingecarribee Shire and one that continually attracts tourists to the area. The enhancement of heritage tourism through the protection of historic places and streetscapes assists in maintaining and growing tourism within the Shire.

Although there are no specific Actions under this Goal or Directions that directly relate to heritage, the Planning Proposal is consistent with Goal 1.

#### Goal 2: A diverse environment interconnected by biodiversity corridors

There are no Directions or Actions relevant to heritage under this Goal. However, the Planning Proposal does not affect or undermine any of the Directions or Actions under Goal 2.

#### Goal 3: Healthy and Connected Communities

- **Direction 23: Protect the region's heritage** – the identification of places of heritage significance through heritage studies and heritage assessments is consistent with this direction. The Planning Proposal is consistent with Action 23.1 (Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local strategies) and Action 23.3 (Conserve heritage assets during local strategic planning and development).

The Planning Proposal is consistent with the relevant Direction and Actions under Goal 3.

#### Goal 4: Environmentally sustainable housing choices

- **Direction 24: Deliver greater housing supply and choice** – this direction focuses on delivery of greater housing supply and choice which should be achieved while protecting areas of high value, including high cultural heritage value. The subject sites are identified as being of heritage value that warrant protection.

It is recognised that heritage listing of places has a direct impact on developability of those places as heritage mainly has a subduing effect on developability. The four sites that are subject to this Planning

Proposals are within existing R3 Medium Density Residential zone and heritage listing or inclusion in heritage areas will limit the amount to which these sites can be developed for housing. However, planning is responsible for orderly and appropriate development and limiting development on heritage significant sites and within heritage areas is justified. Therefore, the Planning Proposal is consistent with Goal 4.

#### Local Government Narratives

One of the stated priorities for the Wingecarribee Shire in the Local Government Narratives section of the Regional Plan is to “protect the Shire’s valued heritage assets”. This Planning Proposal is consistent with that priority.

#### 4 - Is the Planning Proposal consistent with Council’s adopted and endorsed Local Strategic Planning Statement and Local Housing Strategy?

#### Wingecarribee 2040: Local Strategic Planning Statement

The Wingecarribee 2040: Local Strategic Planning Statement (LSPS) was adopted by Council on 24 June 2020. The following Planning Priorities and Actions under the umbrella of “Our Places” in the LSPS are relevant to this Planning Proposal. A comment on each is provided.

LSPS Priority & Action	Comment
<b>Planning Priority 6.1: Maintain the unique character of our towns and villages, separated by rich natural areas and rural landscapes</b>	
Action i. Adopt a place-based approach to planning in local towns and villages to ensure that their special character is preserved.	The identification of elements within towns and villages that require protection and place-based controls is consistent with this action.
<b>Planning Priority 6.2: Identify, protect and promote our cultural and built heritage</b>	
Action i. Continue to implement best practice management and assessment of both Aboriginal Cultural Heritage and Non-Aboriginal Heritage sites in collaboration with the community.	Best practice management of heritage sites commences with identification and assessment in accordance with the heritage assessment criteria and subsequent listing, if warranted. The proposed listing of ‘Karingal’ and the inclusion of properties in Myrtle Street within an existing heritage conservation area is consistent with this action.
Action ii. Review and maintain heritage listings in Wingecarribee LEP to facilitate the conservation of the Shire’s heritage.	The Planning Proposal is consistent with this action to ensure that the list of heritage items is dynamic and is added to and reviewed regularly and as potential items are identified.

Furthermore, the Bowral Precinct Plan contained in the LSPS identifies “Heritage precincts and individual items of Heritage” as contributory elements in the character assessment of Bowral. The

expansion of the Bowral Conservation Area to include properties in Myrtle Street will be adding to these contributory elements of Bowral.

#### Wingecarribee Local Housing Strategy: Housing Our Community

The Wingecarribee Local Housing Strategy: *Housing Our Community* (LHS) was initially adopted by Council in June 2020 and amended in July 2021. It identifies the needs, demand, constraints and opportunities for housing throughout the Wingecarribee Shire. It identifies potential new areas for housing and existing potential within existing towns and villages. Under Planning Priority 1 (Promote infill development and increased densities in appropriate locations, and facilitate a greater mix of housing types to ensure our housing stock is reflective of the needs of our community) the value of heritage is recognised in context:

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

Although the Planning Proposal may have the effect of reducing development potential on these sites, it is in the context that preservation of heritage is important to the community and to provision of housing at the expense of heritage assets will not be tolerated by the community. Therefore, this Planning Proposal is not inconsistent with the Local Housing Strategy.

#### Wingecarribee 2031 Community Strategic Plan

In addition to the Local Strategic Planning Statement and Local Housing Strategy, the *Wingecarribee 2031 Community Strategic Plan* (CSP) (2017) reflects the community's aspirations and needs for the future. The community's vision for Wingecarribee 2031 is "A healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment".

The CSP articulates the community's vision, goals and actions under the five key areas of Leadership, People, Places, Environment and Economy. The listing of new heritage items is identified as strategy 3.2.3 (Identify, protect and promote places of significant cultural heritage) under the key area of *Places* and 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 Planning Proposal is consistent with that goal and strategy.

### 5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The s9.1 Ministerial Direction 1.1 gives legal effect to the Minister's Planning Principles and requires that 'due regard' be given to them in the assessment of Planning Proposals, where their consideration should support improved planning outcomes. The following sections of the Planning Proposal have been prepared with regard to the Minister's Planning Principles.



The Planning Principles of most direct relevance to this Planning Proposal is that under the following Theme:

Theme	Intent of the Planning Principles
<b>Natural Environment &amp; Heritage</b>	Principles for the natural environment and heritage recognise the fundamental importance of protecting, conserving and managing NSW's natural environment and heritage. They help balance the needs of built and natural environments, respecting both the innate and economic value of the state's biodiversity and natural assets.

Specifically, the identification, conservation and management of heritage is embodied within Planning Principle No. 3.13 which states:

*3.13 Heritage protection, conservation and management strategies should be included in strategic and land use planning to avoid or minimise any negative heritage impacts from development, as well as provide innovative opportunities to enhance and celebrate NSW's rich heritage.*

Identification of places of heritage significance and the subsequent listing of these places provides greater certainty in the planning and development of these sites and surrounding areas. This Planning Proposal seeks to list places that have been assessed as being of heritage significance.

## 6 - Is the Planning Proposal consistent with applicable SEPPs?

*NB: SEPPs which do not apply to Wingecarribee Shire have been excluded.*

<b>SEPP (Biodiversity and Conservation) 2021</b>	<i>to preserve, conserve and manage NSW's natural environment &amp; heritage</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0722</a>
<p><b>Assessment – Consistent</b></p> <p><i>Chapter 2 (Vegetation in non-rural areas) of this SEPP only applies to removal of trees on heritage sites and in heritage areas where the removal is of a minor nature and would not adversely affect the heritage significance of the heritage place (clause 2.10). The change in heritage status for the subject properties will restrict vegetation removal under this SEPP and will ensure that only tree removals that do not affect the heritage significance are undertaken under this SEPP.</i></p> <p><i>Chapters 3 and 4 (Koala Habitat Protection) of the SEPP are not relevant to the subject sites because they are individually and collectively less than 1 hectare and are disturbed sites and contain little, if any, native vegetation.</i></p> <p><i>Chapters 5, 6, 9, 10, 11 and 12 of this SEPP are not relevant as they do not apply to the Wingecarribee Shire.</i></p> <p><i>The Planning Proposal is consistent with Chapter 7 (Canal estate development) of this SEPP. There is no proposed canal estate development associated with this Planning Proposal or sites.</i></p>	

The subject sites are within a drinking water catchment covered by Chapter 8 (Sydney Drinking Water Catchment) of the SEPP. Referral to WaterNSW has been undertaken as required by this SEPP and Ministerial Direction 3.3 (Sydney Drinking Water Catchments). Should the Planning Proposal proceed to public exhibition, the WaterNSW response would be included and this Assessment updated accordingly.

**SEPP (Building Sustainability Index: BASIX) 2004**

to ensure consistency in the implementation of the BASIX scheme throughout the State  
<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2004-0396>

**Assessment – Consistent**

The provisions of this SEPP would apply at any subsequent Development Application stage.

**SEPP (Exempt and Complying Development Codes) 2008**

to provide streamlined assessment processes for development that complies with specified development standards  
<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572>

**Assessment – Consistent**

The Planning Proposal does not specifically apply to any development applicable under this SEPP. However, it is acknowledged that the opportunities for exempt and complying development will be restricted on the subject properties resulting from this Planning Proposal due to their change in heritage status.

**SEPP (Housing) 2021**

to deliver a sufficient supply of safe, diverse and affordable housing  
<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0714>

**Assessment – Consistent**

This Planning Proposal does not affect the operation of this SEPP except that certain types of complying development may not be available on a heritage site under the SEPP. However, development applications may be accepted for those types of development and proposals that properly address heritage matters would be capable of approval.

**SEPP (Industry and Employment) 2021**

to grow a competitive and resilient economy that is adaptive, innovative and delivers jobs  
<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0723>

**Assessment – Consistent**

Only Chapter 3 (Advertising and Signage) is potentially applicable to the lands subject to this Planning Proposal although the proposal does not specifically apply to signage. However, it is acknowledged that the opportunities for signage may be restricted on the subject land under this Policy resulting from this Planning Proposal due to the change in heritage status.

<b>SEPP No. 65—Design Quality of Residential Development</b>	<i>to improve the design quality of residential apartment development in New South Wales</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2002-0530">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2002-0530</a>
<b>Assessment – Consistent</b>  <i>The subject properties are zoned R3 Medium Density Residential where residential flat buildings are permissible with consent. However, the sites in both Bowral and Moss Vale are within areas designated by the respective DCPs where residential flat buildings are not permissible. Therefore, this SEPP would not be applicable on these sites.</i>	
<b>SEPP (Planning Systems) 2021</b>	<i>to provide a strategic and inclusive planning system for the community &amp; the environment</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0724</a>
<b>Assessment – Consistent</b>  <i>The Planning Proposal does not affect the application of this SEPP.</i>	
<b>SEPP (Regional Precincts) 2021</b>	<i>relates to State significant precincts, Activation precincts and other specific precincts including the Southern Highlands Regional Shooting Complex</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0727</a>
<b>Assessment – Consistent</b>  <i>This SEPP is not applicable to this site. (The only site in the Wingecarribee Shire to which this SEPP is applicable is the Southern Highlands Regional Shooting Complex located at 430 Wattle Ridge Road, Wattle Ridge.)</i>	
<b>SEPP (Primary Production) 2021</b>	<i>To support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0729</a>
<b>Assessment – Consistent</b>  <i>This SEPP is not relevant to this Planning Proposal. The Planning Proposal applies to the land in a residential zone in an existing urban area. Therefore, the Chapter 2 (Primary Production &amp; Rural Development) of this SEPP does not apply.</i>	
<b>SEPP (Resilience and Hazards) 2021</b>	<i>to manage risks and building resilience in the face of hazards</i> <a href="https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730">https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0730</a>
<b>Assessment – Consistent</b>  <i>The provisions of Chapter 3 (Hazardous and Offensive Development) and Chapter 4 (Remediation of Land) SEPP are the only part of this SEPP applicable to Wingecarribee Shire.</i>	



*The Planning Proposal applies to land within the R3 Medium Density Residential zone. Hazardous and offensive industries are prohibited in the R3 zone. Therefore Chapter 3 does not apply to this Planning Proposal.*

*The subject sites have been in residential usage for more than 70 years and the lands are not considered to have any significant contamination risk. The Planning Proposal does not seek to change the use or the zoning of the subject sites. Therefore, Chapter 4 of this SEPP is not likely to apply.*

**SEPP (Resources and Energy) 2021**

*to promote the sustainable use of NSW's resources and transitioning to renewable energy*

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0731>

**Assessment – Consistent**

*The Planning Proposal does not affect the application of this SEPP. However, certain types of exempt development under this SEPP may be restricted by the change in heritage status anticipated by this Planning Proposal. Exempt development on heritage sites is normally restricted activities that have a minor or negligible effect on heritage significance.*

**SEPP (Transport and Infrastructure) 2021**

*to provide well-designed and located transport and infrastructure integrated with land use*

<https://legislation.nsw.gov.au/view/html/inforce/current/epi-2021-0732>

**Assessment – Consistent**

*Only Chapters 2 (Infrastructure) and 3 (Educational establishments and child care centres) of this SEPP potentially apply to this Planning Proposal.*

*Opportunities for exempt and complying development under Chapter 2 may be affected by the change in heritage status of the properties. However, given the subject properties are in private ownership, it would be unlikely that the SEPP provisions would be exercised on these sites.*

*The Planning Proposal does not apply to any existing educational establishments or child care facilities. Educational establishments and early education and care facilities are permissible with consent in the R3 Medium Density Residential zone, and Chapter 3 would apply to these types of land uses should development consent be sought.*

## 7 - Is the Planning Proposal consistent with applicable s9.1 Ministerial Directions?

<b>1- Planning Systems</b>	<i>The Principles for Planning Systems support the broader NSW planning framework, including its processes and collaborative approaches to strategic and land use planning and decision making. They seek to achieve long-term, evidence-based, strategically led planning that is inclusive, democratic, responsive to the community and the environment, and ensures decisions are transparent and prompt.</i>
<b>1.1 Implementation of the Minister’s Planning Principles</b>	
<i>The objectives of this direction are to: (a) give legal effect to the Minister’s Planning Principles and ensure the document, including the concept of sustainable development, is given regard in the assessment of planning proposals, and (b) support improved outcomes through consideration of planning principles that are relevant to the particular planning proposal.</i>	
<b>Assessment – Consistent</b>	
The Planning Proposal recognises and responds to the relevant Minister’s Planning Principles as well as to the thematic SEPPs and the following Ministerial Directions.	
The identification, conservation and management of heritage is embodied in the Minister’s Focus Area No. 3: Biodiversity and conservation. Planning Principle No. 3.13 states:	
3.13 Heritage protection, conservation and management strategies should be included in strategic and land use planning to avoid or minimise any negative heritage impacts from development, as well as provide innovative opportunities to enhance and celebrate NSW’s rich heritage.	
Identification of places of heritage significance and the subsequent listing of these places provides greater certainty in the planning and development of these sites and surrounding areas. This Planning Proposal seeks to list places that have been assessed as being of heritage significance.	
<b>1.2 Implementation of Regional Plans (previously 5.10)</b>	
<i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i>	
<b>Assessment – Consistent</b>	
Question 3 in Section B of this Planning Proposal has addressed the relevant parts of the South East & Tablelands Regional Plan.	
<b>1.3 Development of Aboriginal Land Council land (previously 5.11)</b>	
<i>The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.</i>	
<b>Assessment – Consistent</b>	
This Direction currently only applies in the Central Coast local government area.	

<b>1.4 Approval and Referral Requirements (previously 6.1)</b>
<i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>
<b>Assessment – Consistent</b> This Planning Proposal involves the identification of heritage items and to list and manage them in accordance with existing provisions in the Wingecarribee Local Environmental Plan 2010.
<b>1.5 Site Specific Provisions (previously 6.3)</b>
<i>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</i>
<b>Assessment – Consistent</b> This Planning Proposal does not involve any change in zoning or any site specific provisions.
<b>1.6 Parramatta Road Corridor Urban Transformation Strategy</b>
<b>1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>
<b>1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>
<b>1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation</b>
<b>1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor</b>
<b>1.11 Implementation of the Western Sydney Aerotropolis Plan</b>
<b>1.12 Implementation of Bayside West Precincts 2036 Plan</b>
<b>1.13 Implementation of Planning Principles for the Cooks Cove Precinct</b>
<b>1.14 Implementation of St Leonards and Crows Nest 2036 Plan</b>
<b>1.15 Implementation of Greater Macarthur 2040</b>
<b>1.16 Implementation of the Pyrmont Peninsula Place Strategy</b>
<b>1.17 North West Rail Link Corridor Strategy</b>
None of these place-based Directions apply to Wingecarribee Shire.

<b>2- Design &amp; Place</b>	<i>The Principles for Well-designed Places establish quality design approaches for new development, public spaces and the environment. They promote the design of places that are healthy, sustainable, prosperous, and supportive of people, the community and Country.</i>
<i>There are currently no directions under this focus area.</i>	

<b>3- Biodiversity &amp; Con- servation</b>	<i>The Principles for Natural Environment &amp; Heritage recognise the fundamental importance of protecting, conserving and managing NSW’s natural environment and heritage. They help balance the needs of built and natural environments, respecting both the innate and economic value of the state’s biodiversity and natural assets.</i>
<b>3.1 Conservation Zones (previously 2.1 Environment Protection Zones)</b>	
<i>The objective of this direction is to protect and conserve environmentally sensitive areas.</i>	
<b>Assessment – Consistent</b>	
The sites subject of this Planning Proposal are not within an existing environmental or conservation zone and are not defined as environmentally sensitive land.	
<b>3.2 Heritage Conservation (previously 2.3)</b>	
<i>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</i>	
<b>Assessment – Consistent</b>	
The Planning Proposal seeks to conserve environmental heritage places that are the subject of Interim Heritage Orders and have undergone a heritage assessment in accordance with the NSW Heritage Guidelines. The Wingecarribee Local Environmental Plan 2010, which is a standard instrument LEP, contains compulsory clause 5.10 relating to heritage conservation. The new heritage places would be subject to these provisions once they are included as a heritage item and within a heritage conservation area.	
<b>3.3 Sydney Drinking Water Catchments (previously 5.2)</b>	
<i>The objective of this direction is to protect water quality in the Sydney drinking water catchment.</i>	
<b>Assessment – Consistent</b>	
Most of Wingecarribee Shire, including the subject sites, is within the area designated as Sydney drinking water catchment. Referral to Water NSW has been undertaken as required by this Ministerial Direction and the SEPP (Biodiversity and Conservation) 2021. Should the Planning Proposal proceed to public exhibition, the WaterNSW response would be included and this Assessment updated accordingly.	
Although the Planning Proposal applies to land within the Sydney Drinking Water Catchment, it seeks to maintain the existing zoning and land use of the subject land and create a new heritage overlay which will likely have a subduing effect on development potential, thereby helping to protect water quality.	
<b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b>	
<i>Not applicable to Wingecarribee Shire</i>	
<b>3.5 Recreation Vehicle Areas (previously 2.4)</b>	
<i>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</i>	
<b>Assessment – Consistent</b>	
The Planning Proposal does not seek to enable development for a recreation vehicle area.	

<b>4- Resilience &amp; Hazards</b>	<i>The Principles for resilience &amp; Hazards aim to improve responses to natural and development-related hazards, and climate change. They support methods to consider and reduce risk. The principles promote healthy, resilient and adaptive communities, urban areas and natural environments.</i>
<b>4.1 Flooding (previously 4.3)</b>	
<i>The objectives of this direction are to:</i> <i>(a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i> <i>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i>	
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not within a flood planning area or probable maximum flood as identified in the Bowral Floodplain Risk Management Study 2009, the Wingecarribee River Flood Study 2014 or the Whytes Creek Floodplain Risk Management Study 2020 (Moss Vale) adopted by Council and current at this time.	
<b>4.2 Coastal Management (previously 2.2)</b>	
<i>Not applicable to Wingecarribee Shire</i>	
<b>4.3 Planning for Bushfire Protection (previously 4.4)</b>	
<i>The objectives of this direction are to:</i> <i>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</i> <i>(b) encourage sound management of bush fire prone areas.</i>	
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not located in a mapped fire prone area. However, the Myrtle Street properties are around 30 metres from the edge of the mapped bush fire prone land to the north. Consequently, the Rural Fire Service have been included in the Agency referrals for this Planning Proposal and should this Planning Proposal proceed to public exhibition this Assessment will be updated accordingly and the Rural Fire Service’s response attached.	
<b>4.4 Remediation of Contaminated Land (previously 2.6)</b>	
<i>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. (NB: In order to meet the requirements of this Direction every site-specific Planning Proposal must include a Preliminary Site Inspection report.)</i>	
<b>Assessment – Consistent</b> The Planning Proposal applies to lands that have been in residential use for at least 70 years and are not likely to be contaminated.	



<b>4.5 Acid Sulphate Soils</b>
<i>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.</i>
<b>Assessment – Consistent</b>
There are currently no mapped acid sulphate soils within Wingecarribee Shire.
<b>4.6 Mine Subsidence &amp; Unstable Land</b>
<i>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</i>
<b>Assessment – Consistent</b>
The lands subject to the Planning Proposal are within Bowral and Moss Vale and are not located within a mapped Mine Subsidence Area and have not been identified as unstable in any other way.

<b>5- Transport &amp; Infrastructure</b>	<i>The Principles for Transport &amp; Infrastructure support innovative, integrated and coordinated transport and infrastructure, that is well-designed, accessible and enduring. They seek to optimise public benefit and value by planning for modern transport and infrastructure in the right location and at the right time.</i>
<b>5.1 Integrating Land Use and Transport (previously 3.4)</b>	
<i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i>	
<i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i>	
<i>(b) increasing the choice of available transport and reducing dependence on cars, and</i>	
<i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i>	
<i>(d) supporting the efficient and viable operation of public transport services, and</i>	
<i>(e) providing for the efficient movement of freight.</i>	
<b>Assessment – Consistent</b>	
The Planning Proposal seeks to provide heritage protection for two discrete areas within the towns of Bowral and Moss Vale. This action would not create additional infrastructure demands, as the subject sites are already developed for residential uses.	
<b>5.2 Reserving Land for Public Purposes (previously 6.2)</b>	
<i>The objectives of this direction are to:</i>	
<i>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</i>	
<i>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>	
<b>Assessment – Consistent</b>	
The Planning Proposal does not apply to any land or zonings identified for public purposes.	

### 5.3 Development Near Regulated Airports and Defence Airfields (previously 3.5)

*The objectives of this direction are to:*

- (a) ensure the effective and safe operation of regulated airports and defence airfields;*
- (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and*
- (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

#### **Assessment – Consistent**

The lands subject to the Planning Proposal are not located near a regulated airport or defence airfield.

### 5.4 Shooting Ranges (previously 3.6)

*The objectives are to:*

- (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,*
- (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,*
- (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.*

#### **Assessment – Consistent**

The lands subject to the Planning Proposal are not in the vicinity of any existing shooting ranges.

## 6- Housing

*The Principles for Housing foster long-term, strategic-led and evidence-based approaches to guide a strong supply of well-located homes. They support the delivery of safe, diverse, affordable and quality designed housing that meets the needs of Aboriginal and local communities.*

### 6.1 Residential Zones (previously 3.1)

*The objectives of this direction are to:*

- (a) encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) minimise the impact of residential development on the environment and resource lands.*

#### **Assessment – Consistent**

This Direction applies as the Planning Proposal affects existing R3 Medium Density Residential zoned land. The Planning Proposal does not seek to alter the boundaries of the existing zone or the existing minimum lot size. However, it seeks to include the subject properties as a new heritage item and within an existing conservation area, in order to protect the local heritage of the Shire. This will have the effect of confining future development on these properties to that which is respectful of the heritage values of the sites/area.

## 6.2 Caravan Parks and Manufactured Home Estates (previously 3.2)

*The objectives of this direction are to:*

- (a) provide for a variety of housing types, and*
- (b) provide opportunities for caravan parks and manufactured home estates.*

### **Assessment – Consistent**

The Planning Proposal does not identify land suitable for caravan parks nor alter existing opportunities for caravan park development.

## **7- Resilient Economies**

*The Principles for Resilient Economies support diverse, inclusive and productive employment opportunities across the state to make NSW more economically competitive. They promote the supply of strategic employment lands, innovative industries and centres as a focus for activity and accessibility.*

### **7.1 Business and Industrial Zones (previously 1.1)**

*The objectives of this direction are to:*

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified centres.*

### **Assessment – Consistent**

The Planning Proposal applies to existing R3 Medium Density Residential zoned land and does not affect employment lands.

### **7.2 Reduction in non-hosted short-term rental accommodation period**

*Not applicable to Wingecarribee Shire*

### **7.3 Commercial and Retail Development along the Pacific Highway, North Coast**

*Not applicable to Wingecarribee Shire*

## **8- Resources & Energy**

*The Principles for Resources & Energy promote the sustainable development of resources in strategic areas and a transition to low carbon industries and energy. They support positive environmental outcomes and work towards the net zero emissions target and continued energy security, while also promoting diversified activity in regional economies.*

### **8.1 Mining, Petroleum Production & Extractive Industries**

*The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.*

### **Assessment – Consistent**

The Planning Proposal does not seek to alter any existing opportunities for mining, petroleum production or extractive industries.

<b>9- Primary Production</b>	<i>The Principles for Primary Production support and protect the productivity of important agricultural lands. They enhance rural and regional economies through a sustainable, diverse and dynamic primary production sector that can meet the changing needs of a growing NSW.</i>
<b>9.1 Rural Zones (previously 1.2)</b>	
<i>The objective of this direction is to protect the agricultural production value of rural land.</i>	
<b>Assessment – Consistent</b>	
The Planning Proposal does not apply to any existing rural lands and does not seek to rezone land to a rural zone.	
<b>9.2 Rural Lands (previously 1.5)</b>	
<i>The objectives of this direction are to:</i>	
<i>(a) protect the agricultural production value of rural land,</i>	
<i>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</i>	
<i>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</i>	
<i>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</i>	
<i>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</i>	
<i>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</i>	
<b>Assessment – Consistent</b>	
The Planning Proposal applies to R3 Medium Density Residential zoned, proposing no change of zoning and, therefore, does not affect rural lands.	
<b>9.3 Oyster Aquaculture (previously 1.4)</b>	
<i>The objectives of this direction are to:</i>	
<i>(a) ensure that ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and</i>	
<i>(b) protect ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i>	
<b>Assessment – Consistent</b>	
This Direction does not apply to Wingecarribee Shire.	
<b>9.4 Farmland of State &amp; Regional Significance on the NSW Far North Coast</b>	
<i>Not applicable to Wingecarribee Shire</i>	

## Section C – Environmental, Social & Economic Impacts

**8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the Proposal?**

The Planning Proposal applies to existing medium density residential zoned land which has previously been developed for residential purposes. No critical habitat or endangered vegetation is known to be identified on the subject lands, and no threatened species, populations or ecological communities have been identified or are likely to exist on the subject lands. The Planning Proposal seeks to protect and retain existing vegetation on the land.

**9 - Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

There are not likely to be any environmental effects as a result of the Planning Proposal. In fact, the heritage listing of the site in Moss Vale and the extension of the Bowral Conservation Area to include additional properties will constrain development potential, thereby reducing negative environmental impacts, including loss of trees and potential loss of habitat within the established gardens on the subject properties.

**10 - Has the planning proposal adequately addressed any social and economic effects?**

There are possible social and economic effects on the existing property owners as any future development of the sites will be restricted due to the heritage status of the properties. However, there are social benefits and potential economic benefits for the surrounding property owners resulting from the protection of these sites and their gardens.

Some individual economic and social impact is considered to be reasonable in the context of protecting sites of local heritage significance from inappropriate development.

## Section D – Infrastructure (Local, State & Commonwealth)

**11- Is there adequate public infrastructure for the Planning Proposal?**

Yes. The Planning Proposal will not result in any additional burden on existing public infrastructure. In fact, the reduction in development potential could help to alleviate future infrastructure burden.





## Section E – State and Commonwealth Interests

### 12 - What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?

As mentioned in the Site Location, Description & Background section of this Planning Proposal, three of the four sites are subject to interim heritage orders (IHOs) that expire on 19 November 2022. In addition, there is a current Land and Environment Court appeal against the issuing of one of the IHOs over one lot of the site at 26 Elizabeth Street, Moss Vale. Due to the time constraints imposed by the IHOs and the concerns about the Court appeal, Council has undertaken agency referrals to Heritage NSW, the Rural Fire Service and WaterNSW concurrently to submitting the Planning Proposal for a Gateway Determination. Following the receipt of the Gateway Determination and before the commencement of public exhibition, this Planning Proposal will be updated relative to the agency responses and copies of their submissions attached.

## Part 4 - Maps

The following maps will require amendment:

1. **Heritage Map – Sheet HER\_007C** (current reference 8350\_COM\_HER\_007C\_020\_20170327) which covers the area of Bowral. **Figure 8** indicates the manner in which this map is proposed to be amended.

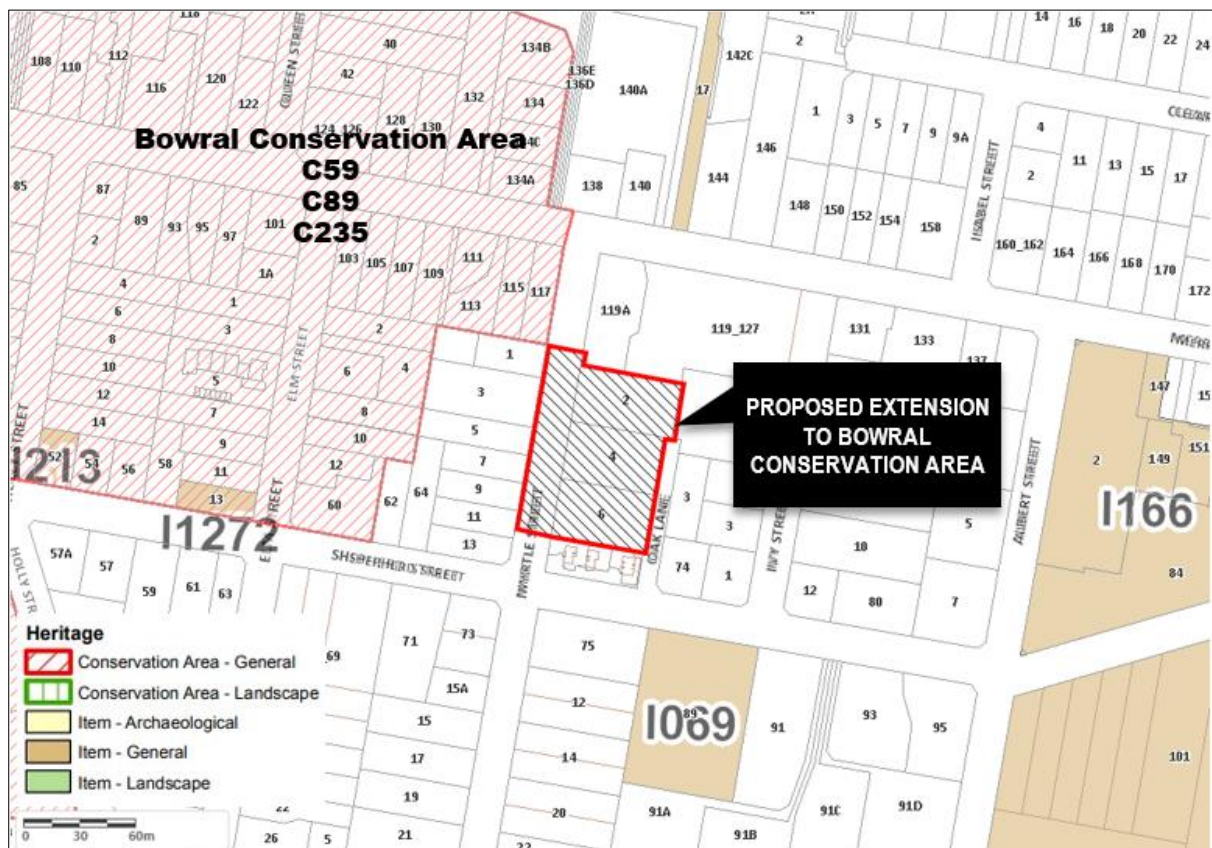


Figure 8: Indicative amendment to the WLEP 2010 Heritage Map (Sheet HER\_007C) for 2, 4 and 6 Myrtle Street, Bowral

2. **Heritage Map – Sheet HER\_007E** (current reference 8350\_COM\_HER\_007E\_020\_20170123) which covers the area of Moss Vale. **Figure 9** indicates the manner in which this map is proposed to be amended.

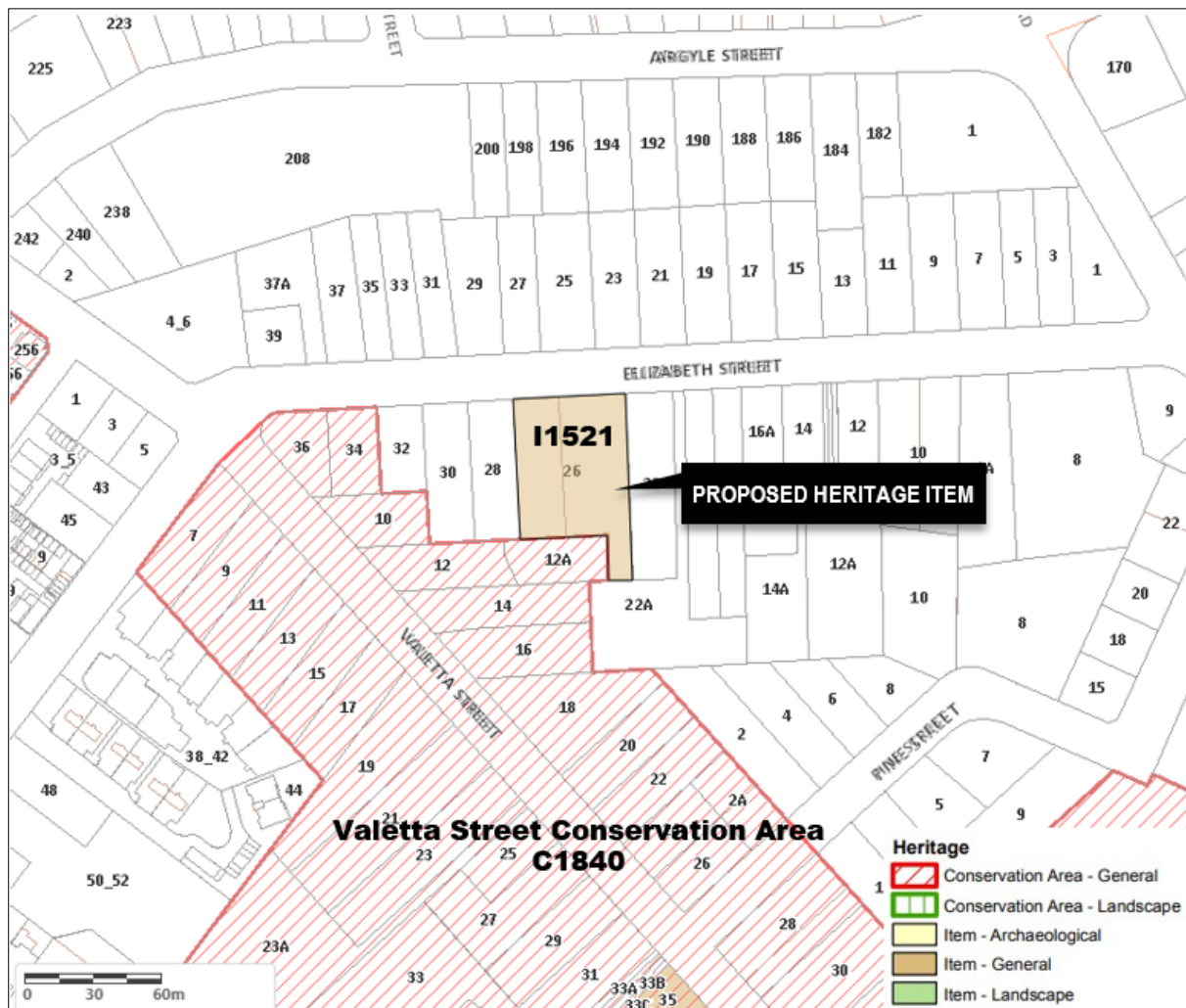


Figure 9: Indicative amendment to the WLEP 2010 Heritage Map (Sheet HER\_007E) for 26 Elizabeth Street, Moss Vale

## Part 5 - Community Consultation

Council has undertaken Agency referrals with Heritage NSW, the Rural Fire Service and WaterNSW.

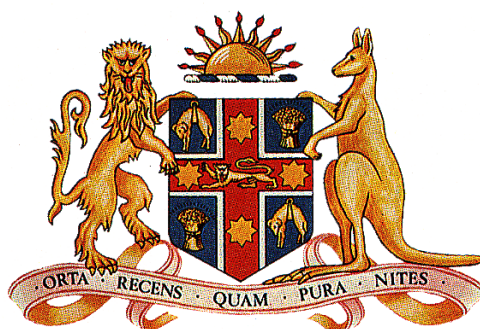
Council will undertake community consultation in accordance with the Gateway Determination.

The principal place of public exhibition will be Council's website, [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au) with copies of all documentation also available at the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577 and the Bowral and Moss Vale Libraries.

## Part 6 - Project Timeline

MILESTONE	INDICATIVE /ACTUAL DATE
Gateway Determination	May 2022
Agency Consultation	April/May 2022
Public Exhibition	June-July 2022
Post exhibition Report to Panel & Council	August 2022
Drafting Request	September 2022
Notification Request & approximate completion date	November 2022

**END OF PLANNING PROPOSAL**



# *Government Gazette*

of the State of

New South Wales

**Number 598–Planning and Heritage**

**Friday, 19 November 2021**

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

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To submit a notice for gazettal, see the Gazette page.



**WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 12**

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.

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The properties situated at 2 and 4 Myrtle Street, Bowral, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 840484 and Lot 1 DP 741837, shown edged heavy black on the plan catalogued WSC IHO 12/21.



**WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 13**

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.

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The property known as "Karingal" situated at 26 Elizabeth Street, Moss Vale, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 986025 and Lot 110 DP 877316, shown edged heavy black on the plan catalogued WSC IHO 13/21.





## LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 December 2021

## REPORT GENERAL MANAGER



## 1. GENERAL MANAGER

### L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale

**Report Author:** Strategic Land Use Planner (Heritage)  
**Authoriser:** Manager Strategic Land Use Planning

#### **PURPOSE**

The purpose of this report is to advise Council and the community of two interim heritage orders issued by Council that came into force on 19 November 2021.

#### **RECOMMENDATION**

##### **THAT**

1. The report be noted.
2. A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.

#### **REPORT**

On 19 November 2021, Interim Heritage Order No. 12 for 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 for 'Karingal', 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette and came into force on that day.

Copies of the Gazette notices are **ATTACHED**.

These Interim Heritage Orders (IHOs) were recommended because of the threat to the sites by current or future potential development proposals. There is evidence that these sites have heritage values that contribute to the history and character of the towns of Bowral and Moss Vale and their retention has been championed by the community who created online petitions and garnered local newspaper coverage of their fight to protect these properties.

Under section 25 of the Heritage Act 1977, an IHO may be placed on items, places and areas that may be found, on further investigation, to be of State or local significance and that are under threat. The IHO process delegated to Councils provides a six-month protection to enable heritage investigations to be carried out. The IHO is extended to 12 months if Council, during the first six (6) months, makes a resolution to include the item in its heritage schedule.

##### **Delegations**

In 2001, the Minister delegated his powers under section 25 of the Heritage Act to certain Councils, including Wingecarribee Shire Council.

These delegations to issue Interim Heritage Orders have been further delegated to Council's Director, Communities and Place in accordance with the delegation provisions of the Local Government Act 1993. The conditions attached to the Ministerial delegations to Council are articulated in the *Local Government Heritage Guidelines* issued by Heritage NSW and have been complied with in relation to the issuing of these IHOs and will continue to be adhered to in any relevant future actions.

## LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 December 2021

## REPORT GENERAL MANAGER

Interim Heritage Order No. 12 – 2 & 4 Myrtle Street, Bowral

These houses are two in a group of three houses along the northern elevated side of Myrtle Street and were constructed contemporaneously (c. 1949/50) by prominent and prolific local builder, Alf Stephens Jnr from Alf Stephens & Sons Builders. They are solidly built mid-20th Century “Bowral houses” and their grouping provides a cohesive streetscape. **Figure 1** shows an aerial view of the houses in context. Photographs and floor plans of the house are available online on real estate websites.

The sites are zoned R3 Medium Density Residential and each site is over 1,600m<sup>2</sup> in area. In 2020, the Low Rise Housing Diversity Code contained within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 came into force in the Shire which allows for dual occupancies, manor houses and terrace style developments to be undertaken under certain circumstances as complying development.



**Figure 1:** Aerial photo (17 August 2021) showing the housing mix in Myrtle Street and the substantial properties at nos. 2 & 4 (subject to IHO No. 12 and outlined in red) and neighbouring no. 6.

Council and neighbours received a notification in early November from a private certifier of lodgement of a complying development application for demolition of the dwelling and construction of terrace housing under the Low Rise Housing Diversity Code at 4 Myrtle Street.

## LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 December 2021

## REPORT GENERAL MANAGER



Members of the community, concerned about the demolition of the house and loss of heritage values, formed the Myrtle Street Action Group and commenced an online petition (on change.org) calling for Council to issue and IHO to protect 4 Myrtle Street from demolition. This petition, called "Save Myrtle St Bowral" has been signed by over 160 persons and Council has also received 20 letters and emails from concerned residents requesting preservation of 4 Myrtle Street via an IHO. There has also been local paper coverage of this matter.

This community action is not surprising given the strong heritage theme reflected in the Community Strategic Plan—Wingecarribee 2031 which is represented in the actions under the key area of Places (namely strategy 3.2.2 to "*identify and protect the unique characteristics of towns and villages to retain a sense of place*" and strategy 3.2.3 to "*identify, protect and promote places of significant cultural heritage*") and the community's vision statement which is "*In 2031 we will be a healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment*".

Council has recently undertaken a review of a number of proposed heritage items deferred by Council in 2012 as well as other potential heritage sites and areas, and this review has recommended that the existing heritage conservation area in Bowral be extended to cover the section of Myrtle Street between Merrigang and Shepherd Streets. That review is expected to be reported to the Local Planning Panel and thereafter to Council in the first quarter of 2022.

Given this recommendation, and that 2 Myrtle Street could also be vulnerable to development under the Low Rise Housing Diversity Code, the IHO was approved covering these two sites. No. 6 has recently been renovated as a single family home and is not under threat but as it forms part of a cohesive group, 6 Myrtle Street will be included in any heritage assessment of the Myrtle Street area.

Interim Heritage Order No. 13 – 'Karingal', 26 Elizabeth Street, Moss Vale

This site is located on the southern side of Elizabeth Street between Robertson Road and Valetta Street.

The property comprises two allotments: Lot 1 DP 986025 contains the house and Lot 110 DP 877316 contains the garden. **Figure 2** shows an aerial photo of the property in the context of surrounding development. The house was built c.1927 (Interwar period) in a Californian Bungalow style out of dark bricks on Trachyte foundations with a tile roof and matching brick and Trachyte front fence that spans the width of the frontage. **Figure 3** shows a photo of Karingal from the street and **Figure 4** shows the gate and the detail of the front fence.

The site is zoned R3 Medium Density Residential and has a minimum lot size of 700m<sup>2</sup>. The total area of the property is 3,239m<sup>2</sup>.



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**Figure 2:** 'Karingal' (outlined) in the context of Elizabeth Street (Nearmap).



**Figure 3:** Photo of 'Karingal' from the street showing the brick and trachyte fence (Photo by B. Townsing, 2020).



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**Figure 4:** Detail of entry gate with aesthetically significant brick and trachyte fence (Photo by B. Townsing, 2020).

On 21 September 2021 a development application (DA 22/0513) was lodged for a 2-lot subdivision of the site with a carport proposed in front of the building line of the existing house. On 23 September 2021 a further DA (DA 22/0535) was lodged for a multi dwelling housing proposal on the proposed subdivided “vacant” lot. These applications were notified to neighbours and there has been a significant interest in these proposals.

Like 4 Myrtle Street, the community is upset about the proposed medium density development on the site, the dramatic reduction in the curtilage of ‘Karingal’, the loss of the garden and the impact on the fence. An online petition (on change.org) has been established by a local resident that requests Council issue an Interim Heritage Order over the site. This petition (called “Place an Interim Heritage Order on Karingal, 26 Elizabeth St, Moss Vale immediately”) has been signed by nearly 1,000 persons and Council has so far received a plethora of submissions lodged against both DAs, many of which specifically request an IHO.

Council has recently undertaken a review of a number of proposed heritage items deferred by Council in 2012 as well as other potential heritage sites and areas. ‘Karingal’ at 26 Elizabeth Street, Moss Vale, was a proposed heritage item deferred by Council in 2012 and the review has confirmed that ‘Karingal’ is of heritage significance and meets the threshold for heritage listing. That review is expected to be reported to the Local Planning Panel and thereafter to Council in the first quarter of 2022. However, the IHO will ensure that the proposed heritage listing of ‘Karingal’ is expedited.

#### Notifications



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Required notifications of the publication of the IHOs have been made to the owners and residents of the affected sites and a general notice appeared in Council's Community Update on 24 November 2021.

Notifications to the Chair of the Heritage Council of NSW, the development applicants and all the community members who made submissions to Council have also been undertaken.

Next Steps

The heritage assessments for the Myrtle Street houses will be undertaken over coming weeks.

The heritage assessment for 26 Elizabeth Street, Moss Vale, has largely been completed as part of the heritage review.

Both assessments will be reported to the Wingecarribee Local Planning Panel and thereafter to Council at the first available meetings of 2022. This report will include recommendations about the heritage listing of the site/s and/or inclusion in a heritage conservation area and the preparation of a Planning Proposal to effect the recommended heritage protection.

**ATTACHMENTS**

1. Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13 published on 19 November 2021

L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale

ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021



## *Government Gazette*

of the State of

New South Wales

**Number 598—Planning and Heritage**

**Friday, 19 November 2021**

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

Each notice in the Government Gazette has a unique reference number that appears in parentheses at the end of the notice and can be used as a reference for that notice (for example, (n2019-14)).

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To submit a notice for gazettal, see the Gazette page.

**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale****ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021****WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 12**

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.

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

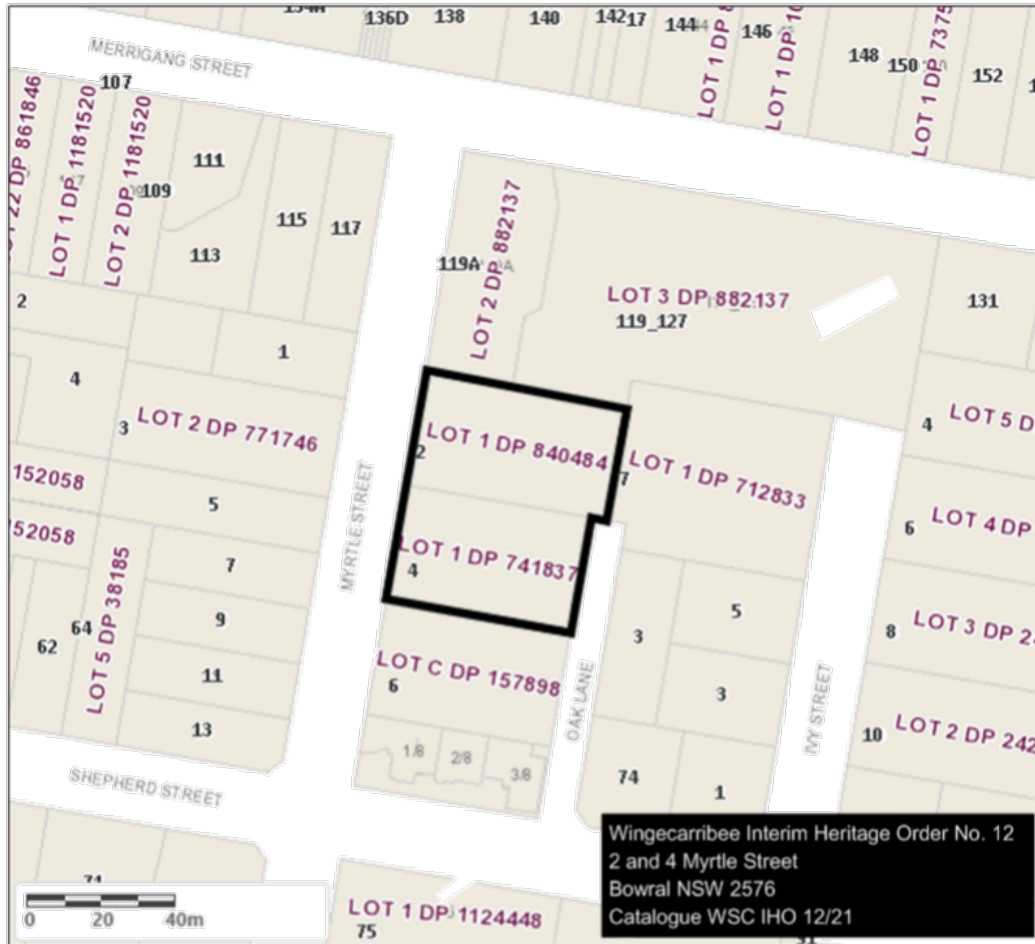
The properties situated at 2 and 4 Myrtle Street, Bowral, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 840484 and Lot 1 DP 741837, shown edged heavy black on the plan catalogued WSC IHO 12/21.

L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale

ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13 published on 19 November 2021



**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale****ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021****WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 13**

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.

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The property known as "Karingal" situated at 26 Elizabeth Street, Moss Vale, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 986025 and Lot 110 DP 877316, shown edged heavy black on the plan catalogued WSC IHO 13/21.



L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale

ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13 published on 19 November 2021



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**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale**

**Report Author: Strategic Land Use Planner (Heritage)**  
**Authoriser: Manager Strategic Land Use Planning**

The Manager Strategic Land Use Planning introduced the item.

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**OFFICER'S RECOMMENDATION**

**THAT**

1. The report be noted.
2. A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.

***MN 378/21***

**MOTION moved by Interim Administrator**

**THAT**

1. ***The report be noted.***
2. ***A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.***

**CARRIED**

## **9.6 Planning Proposal and Heritage Assessment of 2 & 4 Myrtle Street, Bowral, and 'Karingal', 26 Elizabeth Street, Moss Vale—Interim Heritage Orders Nos. 12 & 13**

**Report Author:** Strategic Land Use Planner (Heritage)

**Authoriser:** General Manager

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### **PURPOSE**

The purpose of this report is to present heritage assessments of the properties at 2 and 4 Myrtle Street, Bowral, and the property known as 'Karingal' at 26 Elizabeth Street, Moss Vale, which are the subject of two current Interim Heritage Orders (IHOs). IHO No. 12 for 2 and 4 Myrtle Street and IHO No. 13 for 26 Elizabeth Street were both issued under delegation by Council in November 2021. This report recommends that the Planning Proposal that has been prepared for these sites be endorsed for submission to the Department of Planning and Environment for a Gateway Determination to effect heritage protection of these sites through inclusion on Schedule 5 and on the Heritage Map of the Wingecarribee Local Environmental Plan 2010.

**THIS ITEM WAS REFERRED TO LOCAL PLANNING PANEL MEETING ON 2 MARCH 2022.**

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### **OFFICER'S RECOMMENDATION**

1. **THAT** the Panel supports the heritage assessment and proposed heritage listing of "'Karingal' Interwar bungalow and garden including brick and trachyte fence" comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.
2. **THAT** the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area
3. **THAT** the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add "'Karingal' Interwar bungalow and garden including brick and trachyte fence" as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.
3. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
4. **THAT** Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.
5. **THAT** the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.

**LOCAL PLANNING PANEL ADVICE**

This matter was considered at the Local Planning Panel meeting of 2 March 2022 and the Panel supported the staff recommendation.

**REPORT**

**SUBJECT SITES**

This report relates to three sites, two neighbouring sites in Myrtle Street, Bowral, and one in Elizabeth Street, Moss Vale. The Myrtle Street sites and Elizabeth Street site will mainly be dealt with separately in this report. However, both locations are combined in the same Planning Proposal provided as **ATTACHMENT 4** to this report.

**2 & 4 Myrtle Street, Bowral**

These sites are located on the eastern side of Myrtle Street, Bowral, between Merrigang and Shepherd Streets. Each site contains a modest brick and tile dwelling surrounded by established gardens. The sites comprise two out of three similar dwellings that were built contemporaneously in 1949. Due to the topography which sees the ground level rise from Myrtle Street at a gradient of approximately 1:6 or 16%, all houses gain vehicular access from Oak Lane to the rear, creating a distinctive streetscape in Myrtle Street with no driveways or garages visible from the street. **Figure 1** shows a detailed aerial photograph of the two properties and **Figure 2** shows an aerial photo of the sites in the context of the surrounding area.

The houses were very likely designed and built by prominent and prolific local builder, Alf Stephens Jnr from Alf Stephens & Sons Builders, although the original 1949 building applications were not located. The houses are rendered full brick mid-20th Century “Bowral houses” with Marseilles terracotta tile roofs. They sit high on the slope overlooking Bowral and their grouping provides a cohesive streetscape.

The two houses are surrounded by established gardens with many mature tree species including a large pin oak, a large Liquidambar, numerous large conifers, a large Himalayan cedar (deodar), established maples and various smaller ornamental and fruit trees. The rear yard of the sloping block at no. 4 contains a fine trachyte retaining wall and trachyte paths in excellent condition.



**Figure 1:** Aerial photo of 2 & 4 Myrtle Street (Source: Nearmap, December 2021).

The sites are zoned R3 Medium Density Residential with a minimum lot size of 700m<sup>2</sup>. No. 2 Myrtle Street is 1,743m<sup>2</sup> in area, and no. 4 is 1,623m<sup>2</sup> in area. In 2021, the Low Rise Housing Diversity Code contained within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 came into force in the Wingecarribee Shire which allows for dual occupancies, manor houses and terrace style developments to be undertaken under certain circumstances as complying development in R3 zones. These sites are currently developable under that Code.





**Figure 2:** 2 & 4 Myrtle Street (outlined) in the context of surrounding development (Source: Nearmap, December 2021). The existing Bowral Conservation Area is show hatched in red to the west.





**Figure 3:** Exterior view of 2 Myrtle Street, Bowral (January 2022).

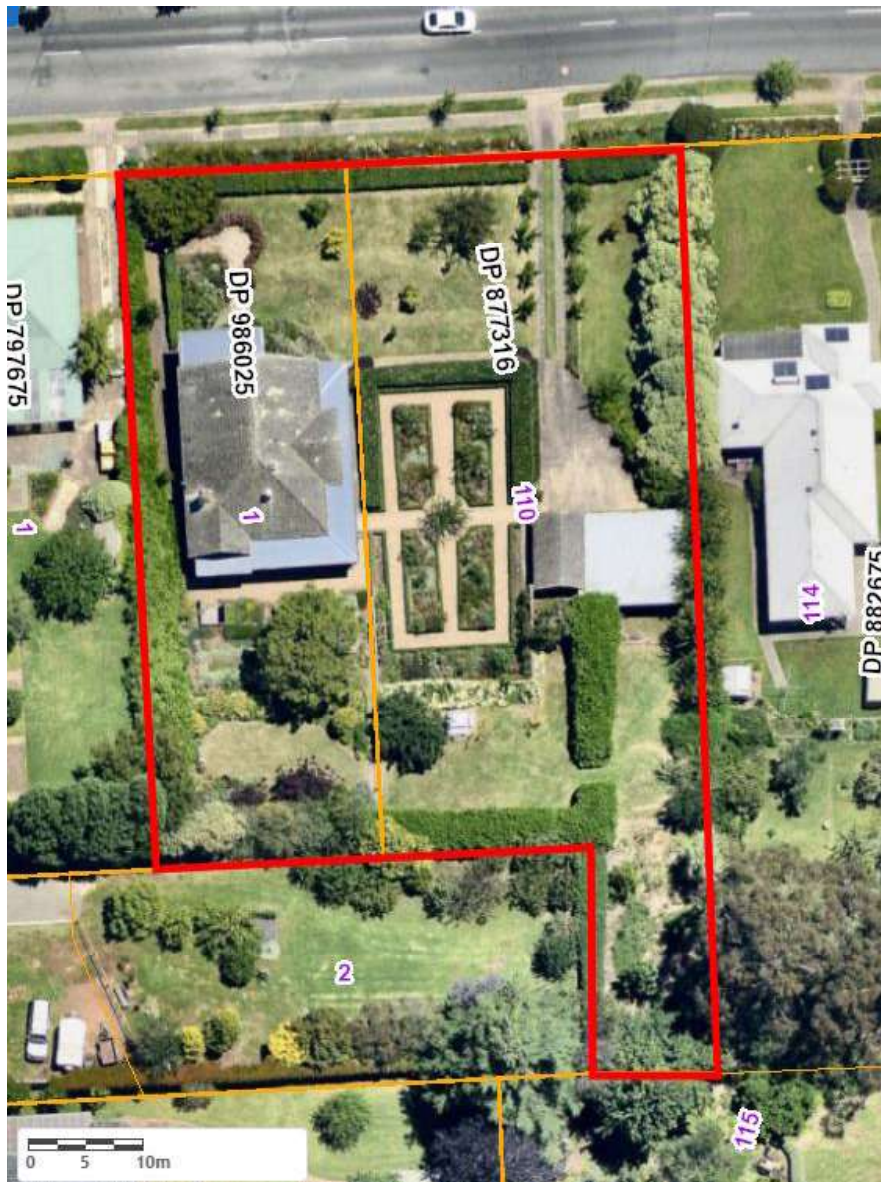


**Figure 4:** Exterior view of 4 Myrtle Street, Bowral (January 2022).

'Karingal', 26 Elizabeth Street, Moss Vale

The site known as 'Karingal' is located on the southern side of Elizabeth Street between Robertson Road and Valetta Street in Moss Vale. The property comprises two allotments: Lot 1 DP 986025 which contains the house and Lot 110 DP 877316 which contains the bulk of the garden. **Figure 5** shows an aerial photo of the property and **Figure 6** shows an aerial photo of the property in the context of surrounding development.

The house was built c.1927 (Interwar period) in a Californian Bungalow style out of dark local bricks (Bowral bricks) on trachyte foundations with a terracotta tile roof and matching brick and trachyte front fence that spans the width of the nearly 50 metre street frontage. The house is substantially intact although some alterations have been made over time. The grounds are substantially intact except for several senescent trees that were removed near the rear boundary, a large oak tree removed at the front of the house after being seriously damaged by a lightning strike in 2013, and the removal of the tennis court which has been replaced by a parterre garden immediately adjacent to the house to the east. **Figure 7** shows a photo of 'Karingal' from the street and **Figure 13** shows the gate and the detail of the brick and trachyte front fence.



**Figure 5:** Aerial photo of 'Karingal' with cadastral boundaries (Source: Nearmap, December 2021).

Elizabeth Street, including no. 26, is zoned R3 Medium Density Residential and has a minimum lot size of 700m<sup>2</sup>. The total site area of the two lots that comprise 'Karingal' is 3,239m<sup>2</sup> making it the second largest land holding in this section of Elizabeth Street. (No. 8 Elizabeth Street is significantly larger than the subject site but contains an early 20<sup>th</sup> Century single dwelling and a multi-unit housing development dating from the mid-20<sup>th</sup> Century.)





**Figure 6:** 'Karingal' (outlined) in the context of Elizabeth Street (Source: Nearmap, December 2021).



**Figure 7:** Photo of 'Karingal' from the street showing the brick and trachyte fence and gardens (January 2022).

## **BACKGROUND**

### Development Proposals

On 21 September 2021 a development application (DA 22/0513) was lodged for a 2-lot subdivision of 26 Elizabeth Street, Moss Vale, together with a proposed carport in front of the building line of the existing house. On 23 September 2021 a further DA (DA 22/0535) was lodged for a multi dwelling housing proposal on the proposed subdivided “vacant” lot. **Figure 8** shows a perspective diagram of the proposals and **Figure 9** shows the proposals on a plan of the site with explanatory annotations.

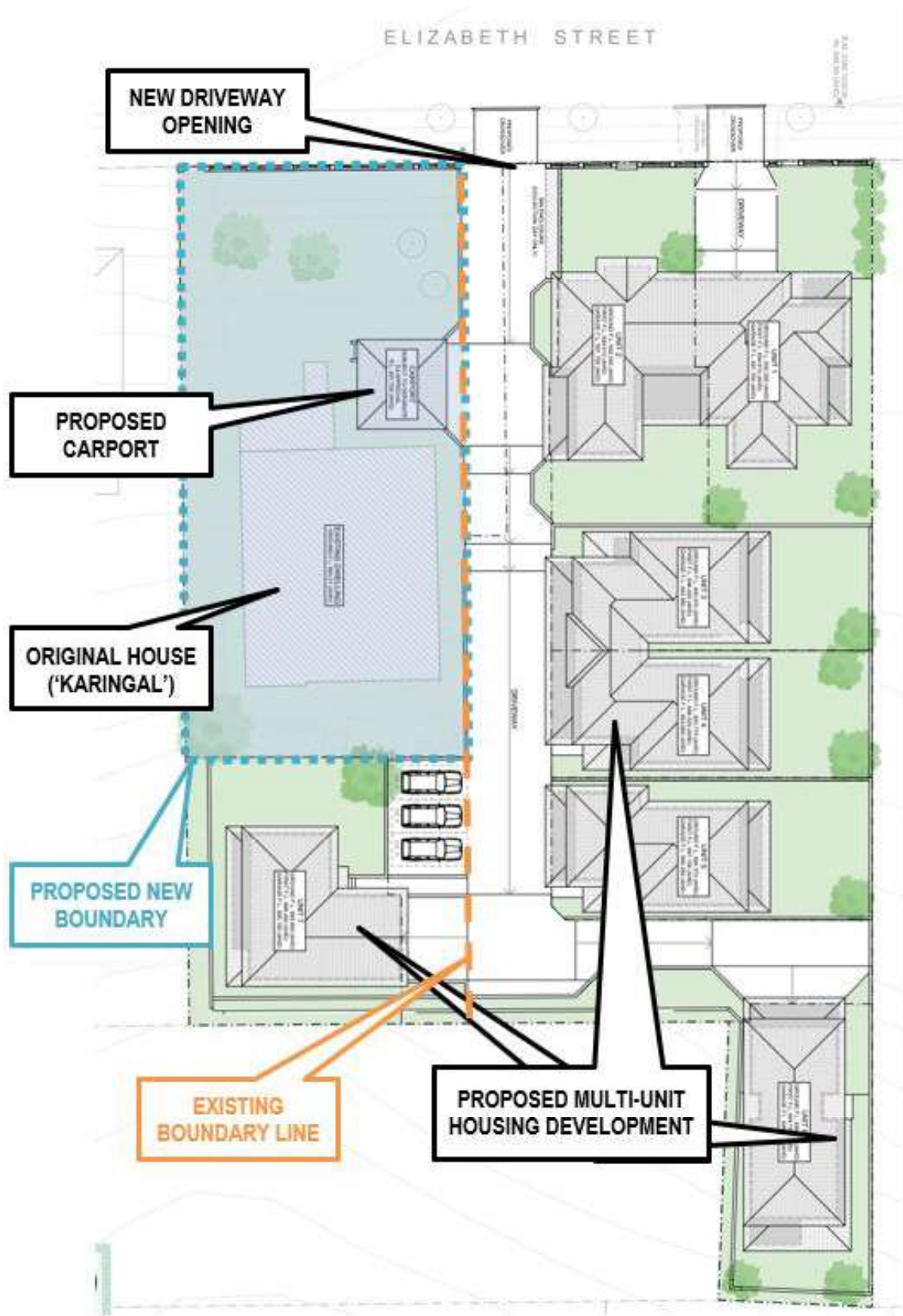


**Figure 8:** Perspective of the proposed multi-dwelling housing development of 26 Elizabeth Street (from DA 22/0535). Also visible is the carport in front of the dwelling (at right) proposed as part of DA 22/0513.

These applications were notified to neighbours and there was significant interest in and concern about these proposals from the community, including a change.org petition urging Council to issue an Interim Heritage Order over the site and newspaper publicity in the Southern Highlands News and the Sydney Morning Herald.

In early November 2021, Council and neighbours were advised by letter from a private certifier that a complying development application had been received for 4 Myrtle Street, Bowral, comprising demolition of the house and construction of terrace houses under the Low Rise Housing Diversity Code, a complying development code under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. In such cases, there is limited to negligible community consultation and plans of the proposal are not made available until after approval has been issued. Like the ‘Karingal’ site, and learning from their experience, a neighbour launched a change.org petition and sought newspaper coverage to encourage Council to issue an Interim Heritage Order over the site to prevent demolition of the central house in a grouping of three.





**Figure 9:** Proposed subdivision and development of 26 Elizabeth Street via DA 22/0513 and DA 22/0535 (from plans provided as part of DA 22/0535 with added annotations).

Issuing of Interim Heritage Orders

Council officers were similarly concerned about the potential adverse impact of the proposals on these properties, particularly on 'Karingal' which had first been recommended for heritage listing in 2009. Consequently, Council staff recommended the making of two Interim Heritage Orders (IHOs) via the delegation under the Ministerial Authorisation to Councils to issue Interim Heritage Orders (2001) pursuant to section 25 of the NSW Heritage Act 1977.

On 19 November 2021, Interim Heritage Order No. 12 for 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 for 'Karingal', 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette and commenced on that day. On 8 December 2021, a report was presented to Council on these Interim Heritage Orders (item L.1). A copy of that report and the corresponding minutes to that meeting are provided as **ATTACHMENT 1**.

A condition of Council issued IHOs under the Ministerial delegation is that they are initially valid for six months to give Council time to undertake a heritage assessment of the property to determine heritage significance. However, if Council resolves to include a place in its heritage schedule (including within a heritage conservation area) the IHO is extended to give a total of 12 months' protection under the Heritage Act. The following section of this report presents the heritage assessments undertaken for the Myrtle Street sites in Bowral and 26 Elizabeth Street, Moss Vale.

**REPORT**

Since the issuing of the Interim Heritage Orders, the complying development proposal at 4 Myrtle Street, Bowral, has not proceeded and both development applications on 26 Elizabeth Street, Moss Vale, have been withdrawn.

Heritage Assessments—General

In NSW and in accordance with the Heritage NSW publication *Assessing Heritage Significance* which forms part of the NSW Heritage Manual, 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 (2001). 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. This report contains an assessment of the Bowral and Moss Vale sites against these criteria.

Heritage Assessment of 2 & 4 Myrtle Street, Bowral

The subdivision of 2, 4 and 6 Myrtle Street occurred in 1949 and was referred to in the plan of subdivision as "part of Lot D of Upper Bowral Subdivision". This subdivision plan is shown on Deposited Plan (DP) 157898 reproduced as **Figure 10**. Interestingly, this plan shows the location of 2 garages surveyed at that time: one for no. 2 which remains extant and the other off Oak Lane which was a double garage with a common wall servicing nos. 4 and 6 Myrtle Street and which was demolished in 2020 as part of the renovation of no. 6.

As previously mentioned, there is evidence that the houses were built at the same time and by the same owner or builder. There are two consecutively numbered building applications lodged in 1949 for nos. 2 and 4-6. While it is unknown who designed these houses but it's likely that they were built



**ATTACHMENT 3** contains a summary of the life and work of Alf Stephens Snr, Alf Stephens Jnr, and their company, Alf Stephens & Sons which operated from 1886 to 1965.

**Figure 11** comprises a 1963 aerial photo overlaid with the current cadastral boundaries and this shows the configuration of the Myrtle Street houses consistent with how they appear today (compare to **Figure 2**). Council's records show that there have been some minor alterations to the houses over time, including a screened room at the Myrtle Street frontage of no. 2 (shown projecting in **Figure 3**), and a flat roofed side addition to the north in 1984; and a 1981 addition to the southern elevation of no. 4 to create two additional bedrooms. Aside from this, the houses are relatively intact and retain their mid-century character.



**Figure 11:** 1963 aerial photo overlaid with current cadastre. 2 & 4 Myrtle Street are outlined.

According to real estate websites, no. 2 Myrtle Street was last sold in 2001 and appears to have been used for rental accommodation in more recent years. Real estate photos available online reveal a very modest and simple rendered masonry building with a terracotta tiled roof, timber windows, timber floors, simple decorative plaster ceilings and picture rails. No. 4 was last sold in

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2021 and photographs available online show an attractive home with some decorative plaster ceilings, timber floors but only some original timber windows remaining. It's likely that some of the original timber windows were replaced as part of the 1981 renovations. No. 6 was last sold in 2019 and extensively renovated in 2021. The renovations included new terrace style landscaping down to Myrtle Street.

Heritage Criterion	Assessment of 2 & 4 Myrtle Street, Bowral
(a) HISTORICAL	
An item is important in the course, or pattern, of NSW's (or local) cultural or natural history.	Of significance to the history of the local area because it illustrates the subdivision and development of the eastern edge Myrtle Street area, in the post-war period. Aerial photos demonstrate this to be at the edge of the Bowral urban area at that time with only scattered development east of Myrtle Street.
(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.	Of significance because of its likely association with Alf Stephens and Sons, prominent Bowral builder. However, this association has not been confirmed.
(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.	<i>Although attractive in their simplicity, the heritage assessment has not found 2 &amp; 4 Myrtle Street to have any strong aesthetic or technical significance.</i>
(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 2 &amp; 4 Myrtle Street to have any strong social significance.</i>

Heritage Criterion	Assessment of 2 & 4 Myrtle Street, 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.	
(f) RARITY	<i>The heritage assessment has not found 2 &amp; 4 Myrtle Street to have any strong research potential.</i>
An item possesses uncommon, rare or endangered aspects of NSW's or the local area's cultural or natural history.	
(g) REPRESENTATIVENESS	<i>The heritage assessment has not found 2 &amp; 4 Myrtle Street to be of particular rarity. These simple "Bowral-style" houses, likely built by Alf Stephens and Sons builders, are still relatively common throughout the Highlands. These particular examples are not of particular importance.</i>
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 above heritage assessment against the seven (7) heritage assessment criteria demonstrates that the houses meet the threshold for heritage listing and as a group of three (with number 6) they form a cohesive group. However, despite there being justification for listing, it is considered that there are more significant examples of post-war building displayed by the same builders that provide better examples for heritage listing. Nevertheless, the strong streetscape character defined by these three large properties perched on the rise above Myrtle Street do warrant protection, but it is considered that this streetscape character can be better protected through inclusion within a heritage conservation area. The Heritage Review 2021 will be proposing an extension to the Bowral Conservation Area to the east that includes these properties, but it is proposed that 2, 4 and 6 Myrtle Street be included in a heritage conservation area as part of the Planning Proposal so that there is continuity of protection following on from the Interim Heritage Order. **Figure 12** shows the proposed amendment to the boundary of the Bowral Conservation Area to include these properties.





**Figure 12:** Proposed extension to Bowral Conservation Area to include 2, 4 and 6 Myrtle Street.

Heritage Assessment of 'Karingal' Interwar bungalow and garden including brick and trachyte fence

The heritage significance of 'Karingal' was first examined in 2009 as part of the Wingecarribee Heritage Survey undertaken by consultants, Architectural Projects, on behalf of Council. That study recommended that the site be heritage listed.

In 2012, Council officers consulted with the owners of the nearly 400 properties proposed for heritage listing as part of the Wingecarribee Heritage Survey. When the results of these consultations were presented to Council with a recommendation to proceed with listing of more than 300 items (including 'Karingal'), Council resolved in November 2012 to defer listing of any property whose owner did not actively support heritage listing. This included 'Karingal' whose then



owner objected to the listing at that time. The deferred items have not been revisited due to staffing shortfalls and competing priorities. No opportunity was given as part of the 2012 consultations for the wider public to comment on the proposed heritage listings as the list of proposed heritage items and those deferred has not been made public and the consultant's report on the Wingecarribee Heritage Survey was also not publicly released.



**Figure 13:** Detail of entry gate with aesthetically significant brick and trachyte fence (2022).

In 2021, members of Council's Heritage Advisory Committee together with members of the community in conjunction with Council's Strategic Land Use Planning Branch have undertaken a review of those deferred recommended heritage items as well as a significant number of other potential heritage items identified by Council officers and members of the community over the past 10 years. As part of this work, additional research has been conducted about 'Karingal' which strengthens its significance to the community and heritage listing of the site is recommended. The Heritage Review 2021 will be reported to the Local Planning Panel (and thereafter to Council) in the first quarter of 2022 with consultations with owners and the wider community occurring shortly thereafter.

The table below presents the updated heritage assessment of 'Karingal'. Ample evidence now exists resulting from work done as part of the Heritage Review 2021 to determine that the 1920s house,

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garden and brick and trachyte front fence display sufficient heritage significance to warrant heritage listing.

Heritage Criterion		Assessment of 'Karingal', 26 Elizabeth Street, Moss Vale	
<b>(a) HISTORICAL</b>			
An item is important in the course, or pattern, of NSW's (or local) cultural or natural history.		Of significance to the history of the local area because it illustrates the subdivision and development of the Elizabeth Street area of Moss Vale in the Interwar period.	
<b>(b) ASSOCIATIONAL</b>			
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.		Of significance because of its association with: <ul style="list-style-type: none"> <li>• Stanley Edward Gibson Browne original owner (in occupation 1927-1955), Moss Vale businessman</li> <li>• Alf Stephens and Sons, prominent Bowral Builder.</li> </ul>	
<b>(c) AESTHETIC/TECHNICAL</b>			
An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area.		Of significance in demonstrating aesthetic achievement in the local area because the beauty of its setting, its garden, architectural form and brick and trachyte fence.	
<b>(d) SOCIAL</b>			
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 'Karingal' to have any strong social significance.</i>	
<b>(e) RESEARCH</b>			

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Heritage Criterion	Assessment of 'Karingal', 26 Elizabeth Street, Moss Vale
<p>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.</p>	<p><i>The heritage assessment has not found 'Karingal' to have any strong research potential.</i></p>
<p><b>(f) RARITY</b></p>	
<p>An item possesses uncommon, rare or endangered aspects of NSW's or the local area's cultural or natural history.</p>	<p>Of significance in demonstrating an uncommon combination of locally designed and built house from locally sourced and unique materials, namely Bowral bricks and trachyte quarried on the slopes of Mt Gibraltar in Bowral.</p>
<p><b>(g) REPRESENTATIVENESS</b></p>	
<p>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.</p>	<p>Of significance in demonstrating the principal characteristics of a class of the local area's heritage in this case a high-quality Californian Bungalow style inspired residence utilising locally made Bowral bricks and locally quarried trachyte foundations and fence.</p>

## **AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 16 MARCH 2022**

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The site exhibits significance of five out of the seven heritage assessment criteria on a local level therefore qualifying it for heritage listing. Heritage listing of this property, including the grounds and the fence along its frontage, is recommended to be heritage listed.

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

*Karingal at 26 Elizabeth Street, Moss Vale, is significant because it illustrates the subdivision and development of the Elizabeth Street area of Moss Vale in the Interwar period and for its association with Stanley Edward Gibson Brown, Moss Vale businessman and original owner (1927-1955), and Alf Stephens and Sons, prominent Bowral Builder. Karingal is also of significance in demonstrating aesthetic achievement in the local area because the beauty of its setting, its garden, architectural form and brick and Trachyte fence and for demonstrating the principal characteristics of a high-quality Californian Bungalow style inspired residence. It is also an uncommon example of a house using unique local materials.*

The updated heritage inventory sheet is contained as **ATTACHMENT 2** which includes additional historical information for the property and contains the above assessment of heritage significance. A summary of the life and work of Alf Stephens Snr, Alf Stephens Jnr, and their company, Alf Stephens & Sons which operated from 1886 to 1965, which supports the associational significance of the Alf Stephens and Sons connection, is contained at **ATTACHMENT 3**.

A comparative assessment of bungalows within the Wingecarribee Shire reveals that there are three bungalows that are currently listed heritage items. Of these, one is an earlier (c.1915) Federation bungalow in Mittagong, and the other two are located in Moss Vale and are of weatherboard construction. All of these are on smaller suburban allotments and none display the grand garden setting and curtilage that are features of 'Karingal'. In addition, none have trachyte foundations or trachyte fencing. However, the Federation and Interwar periods have been long under-represented within the heritage schedule of the Wingecarribee Local Environmental Plan 2010 in favour of places of the Colonial, Georgian and Victorian periods. The 2021 Heritage Review has identified a number of heritage significant bungalows throughout the Shire that it will recommend for heritage recognition. As previously stated, the Review will be reported to the Panel and to Council as soon as possible.

A review of heritage listed bungalows across the State reveals that there are 384 listed items. While the majority of these items are within Sydney, bungalows are represented in many rural and regional local government areas. While the existence of a bungalow is not in itself significant or rare, the fine detailing, locally made/quarried construction materials, and intact site of 'Karingal' make it a fine local example.

### **PLANNING PROPOSAL TO AMEND WLEP 2010 INSTRUMENT AND MAPS**

This report recommends heritage protection of 26 Elizabeth Street, Moss Vale, through heritage listing. Furthermore, it recommends that 2, 4 and 6 Myrtle Street, Bowral, are included in the Bowral Conservation Area.

To effect these changes, a Planning Proposal has been prepared which seeks to:

- Add a new heritage item 'Karingal' Interwar bungalow and garden including brick and trachyte fence comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale, in Part 1 of Schedule 5 of the Wingecarribee Local Environmental Plan (WLEP) 2010.



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- Add 26 Elizabeth Street (comprising Lot 1 DP 986025 and Lot 110 DP 877316) to the Heritage Map of WLEP 2010 as a heritage item (general).
- Add 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, to the Heritage Map of WLEP 2010 as a heritage conservation area (general).

A copy of the draft Planning Proposal is provided as **ATTACHMENT 4**.

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

Due to its nature, there is no requirement for Council to consult with property owners before an Interim Heritage Order is gazetted. However, following gazettal, all affected property owners and residents were notified in accordance with the NSW Heritage Act 1977 and the Local Government Heritage Guidelines prepared by the NSW Heritage Office. In addition, the DA applicants (for DA 22/0513 and 22/0535) along with a number of concerned members of the community members were notified about the gazettal of the Interim Heritage Order.

Should the Planning Proposal be supported, community consultation is a necessary and integral part of the Planning Proposal process. Any proposed amendment to WLEP 2010 is lodged via a Planning Proposal with the Department of Planning & Environment for a Gateway Determination to proceed. Community consultation then occurs in accordance with the Gateway requirements which is normally a 28-day minimum public exhibition period. 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 the Panel and thereafter by Council would be internally referred to relevant staff for comment.

#### **External Communication and Consultation**

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

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### **SUSTAINABILITY ASSESSMENT**

- **Environment**

The listing of these sites would help to protect existing private green space and would limit development to proposals that are sympathetic to heritage and streetscape values.

- **Social**

There are no social issues in relation to this report.

## **AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 16 MARCH 2022**

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- **Broader Economic Implications**

The issuing of Interim Heritage Orders has implications on the owners of those sites as any development proposals are put on hold until the heritage assessment and heritage listing process has been undertaken.

- **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 is consistent with this goal and strategy.

- **Governance**

This report has been prepared in consideration of guidelines provided by Heritage NSW and the Department of Planning & Environment and the Planning Proposal has been prepared and will be processed in accordance with Departmental guidelines.

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### **COUNCIL BUDGET IMPLICATIONS**

As the Interim Heritage Orders were initiated by Council, no Planning Proposal fees are applicable.

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### **RELATED COUNCIL POLICY**

There is no related Council policy.

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### **CONCLUSION**

In November 2021, Council issued two Interim Heritage Orders under delegation to protect the sites at 2 and 4 Myrtle Street, Bowral, and the property known as 'Karingal' at 26 Elizabeth Street, Moss Vale, from unsympathetic development proposals. This report presents heritage assessments for the sites and has recommended that 26 Elizabeth Street, Moss Vale, be heritage listed and 2, 4 and 6 Myrtle Street, Bowral be included in the Bowral Conservation Area, 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).

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### **ATTACHMENTS**

1. 9.6 - Attachment 1 [9.6.1 - 12 pages]
2. 9.6 - Attachment 2 [9.6.2 - 14 pages]
3. 9.6 - Attachment 3 [9.6.3 - 7 pages]
4. 9.6 - Attachment 4 [9.6.4 - 29 pages]

# AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 16 MARCH 2022

## LATE AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 08 December 2021

REPORT GENERAL MANAGER



## 1. GENERAL MANAGER

### L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale

Report Author: Strategic Land Use Planner (Heritage)  
Authoriser: Manager Strategic Land Use Planning

#### **PURPOSE**

The purpose of this report is to advise Council and the community of two interim heritage orders issued by Council that came into force on 19 November 2021.

#### **RECOMMENDATION**

##### **THAT**

1. The report be noted.
2. A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.

#### **REPORT**

On 19 November 2021, Interim Heritage Order No. 12 for 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 for 'Karingal', 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette and came into force on that day.

Copies of the Gazette notices are **ATTACHED**.

These Interim Heritage Orders (IHOs) were recommended because of the threat to the sites by current or future potential development proposals. There is evidence that these sites have heritage values that contribute to the history and character of the towns of Bowral and Moss Vale and their retention has been championed by the community who created online petitions and garnered local newspaper coverage of their fight to protect these properties.

Under section 25 of the Heritage Act 1977, an IHO may be placed on items, places and areas that may be found, on further investigation, to be of State or local significance and that are under threat. The IHO process delegated to Councils provides a six-month protection to enable heritage investigations to be carried out. The IHO is extended to 12 months if Council, during the first six (6) months, makes a resolution to include the item in its heritage schedule.

##### **Delegations**

In 2001, the Minister delegated his powers under section 25 of the Heritage Act to certain Councils, including Wingecarribee Shire Council.

These delegations to issue Interim Heritage Orders have been further delegated to Council's Director, Communities and Place in accordance with the delegation provisions of the Local Government Act 1993. The conditions attached to the Ministerial delegations to Council are articulated in the *Local Government Heritage Guidelines* issued by Heritage NSW and have been complied with in relation to the issuing of these IHOs and will continue to be adhered to in any relevant future actions.

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#### Interim Heritage Order No. 12 – 2 & 4 Myrtle Street, Bowral

These houses are two in a group of three houses along the northern elevated side of Myrtle Street and were constructed contemporaneously (c. 1949/50) by prominent and prolific local builder, Alf Stephens Jnr from Alf Stephens & Sons Builders. They are solidly built mid-20th Century “Bowral houses” and their grouping provides a cohesive streetscape. **Figure 1** shows an aerial view of the houses in context. Photographs and floor plans of the house are available online on real estate websites.

The sites are zoned R3 Medium Density Residential and each site is over 1,600m<sup>2</sup> in area. In 2020, the Low Rise Housing Diversity Code contained within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 came into force in the Shire which allows for dual occupancies, manor houses and terrace style developments to be undertaken under certain circumstances as complying development.



**Figure 1:** Aerial photo (17 August 2021) showing the housing mix in Myrtle Street and the substantial properties at nos. 2 & 4 (subject to IHO No. 12 and outlined in red) and neighbouring no. 6.

Council and neighbours received a notification in early November from a private certifier of lodgement of a complying development application for demolition of the dwelling and construction of terrace housing under the Low Rise Housing Diversity Code at 4 Myrtle Street.

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Members of the community, concerned about the demolition of the house and loss of heritage values, formed the Myrtle Street Action Group and commenced an online petition (on change.org) calling for Council to issue an IHO to protect 4 Myrtle Street from demolition. This petition, called "Save Myrtle St Bowral" has been signed by over 160 persons and Council has also received 20 letters and emails from concerned residents requesting preservation of 4 Myrtle Street via an IHO. There has also been local paper coverage of this matter.

This community action is not surprising given the strong heritage theme reflected in the Community Strategic Plan—Wingecarribee 2031 which is represented in the actions under the key area of Places (namely strategy 3.2.2 to "identify and protect the unique characteristics of towns and villages to retain a sense of place" and strategy 3.2.3 to "identify, protect and promote places of significant cultural heritage") and the community's vision statement which is "In 2031 we will be a healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment".

Council has recently undertaken a review of a number of proposed heritage items deferred by Council in 2012 as well as other potential heritage sites and areas, and this review has recommended that the existing heritage conservation area in Bowral be extended to cover the section of Myrtle Street between Merrigang and Shepherd Streets. That review is expected to be reported to the Local Planning Panel and thereafter to Council in the first quarter of 2022.

Given this recommendation, and that 2 Myrtle Street could also be vulnerable to development under the Low Rise Housing Diversity Code, the IHO was approved covering these two sites. No. 6 has recently been renovated as a single family home and is not under threat but as it forms part of a cohesive group, 6 Myrtle Street will be included in any heritage assessment of the Myrtle Street area.

#### Interim Heritage Order No. 13 – 'Karingal', 26 Elizabeth Street, Moss Vale

This site is located on the southern side of Elizabeth Street between Robertson Road and Valetta Street.

The property comprises two allotments: Lot 1 DP 986025 contains the house and Lot 110 DP 877316 contains the garden. **Figure 2** shows an aerial photo of the property in the context of surrounding development. The house was built c.1927 (Interwar period) in a Californian Bungalow style out of dark bricks on Trachyte foundations with a tile roof and matching brick and Trachyte front fence that spans the width of the frontage. **Figure 3** shows a photo of Karingal from the street and **Figure 4** shows the gate and the detail of the front fence.

The site is zoned R3 Medium Density Residential and has a minimum lot size of 700m<sup>2</sup>. The total area of the property is 3,239m<sup>2</sup>.



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**Figure 2:** 'Karingal' (outlined) in the context of Elizabeth Street (Nearmap).



**Figure 3:** Photo of 'Karingal' from the street showing the brick and trachyte fence (Photo by B. Townsing, 2020).

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**Figure 4:** Detail of entry gate with aesthetically significant brick and trachyte fence (Photo by B. Townsing, 2020).

On 21 September 2021 a development application (DA 22/0513) was lodged for a 2-lot subdivision of the site with a carport proposed in front of the building line of the existing house. On 23 September 2021 a further DA (DA 22/0535) was lodged for a multi dwelling housing proposal on the proposed subdivided “vacant” lot. These applications were notified to neighbours and there has been a significant interest in these proposals.

Like 4 Myrtle Street, the community is upset about the proposed medium density development on the site, the dramatic reduction in the curtilage of ‘Karingal’, the loss of the garden and the impact on the fence. An online petition (on change.org) has been established by a local resident that requests Council issue an Interim Heritage Order over the site. This petition (called “Place an Interim Heritage Order on Karingal, 26 Elizabeth St, Moss Vale immediately”) has been signed by nearly 1,000 persons and Council has so far received a plethora of submissions lodged against both DAs, many of which specifically request an IHO.

Council has recently undertaken a review of a number of proposed heritage items deferred by Council in 2012 as well as other potential heritage sites and areas. ‘Karingal’ at 26 Elizabeth Street, Moss Vale, was a proposed heritage item deferred by Council in 2012 and the review has confirmed that ‘Karingal’ is of heritage significance and meets the threshold for heritage listing. That review is expected to be reported to the Local Planning Panel and thereafter to Council in the first quarter of 2022. However, the IHO will ensure that the proposed heritage listing of ‘Karingal’ is expedited.

## Notifications

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Required notifications of the publication of the IHOs have been made to the owners and residents of the affected sites and a general notice appeared in Council's Community Update on 24 November 2021.

Notifications to the Chair of the Heritage Council of NSW, the development applicants and all the community members who made submissions to Council have also been undertaken.

#### Next Steps

The heritage assessments for the Myrtle Street houses will be undertaken over coming weeks.

The heritage assessment for 26 Elizabeth Street, Moss Vale, has largely been completed as part of the heritage review.

Both assessments will be reported to the Wingecarribee Local Planning Panel and thereafter to Council at the first available meetings of 2022. This report will include recommendations about the heritage listing of the site/s and/or inclusion in a heritage conservation area and the preparation of a Planning Proposal to effect the recommended heritage protection.

#### **ATTACHMENTS**

1. Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13 published on 19 November 2021



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**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale**

**ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021**



## *Government Gazette*

of the State of  
New South Wales

**Number 598–Planning and Heritage  
Friday, 19 November 2021**

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

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To submit a notice for gazettal, see the Gazette page.

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NSW Government Gazette No 598 of 19 November 2021



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**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale**

**ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021**



**WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 12**

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.

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The properties situated at 2 and 4 Myrtle Street, Bowral, on the land described in Schedule 'B'.

**Schedule 'B'**

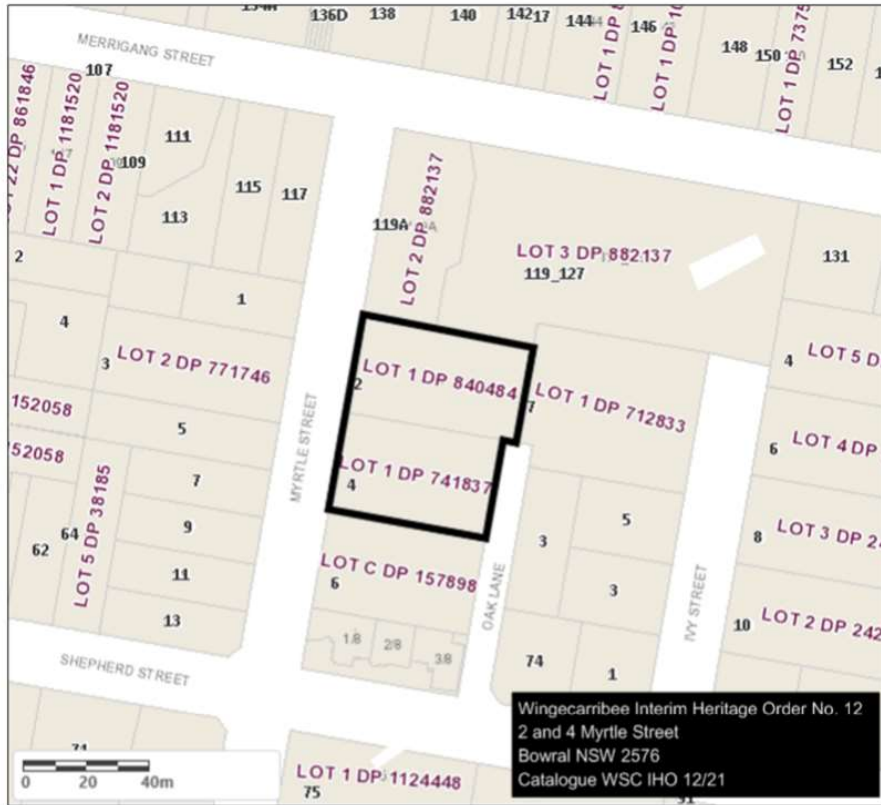
All those pieces or parcels of land known as Lot 1 DP 840484 and Lot 1 DP 741837, shown edged heavy black on the plan catalogued WSC IHO 12/21.

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**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and  
26 Elizabeth Street, Moss Vale  
ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
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**WINGECARRIBEE SHIRE COUNCIL  
HERITAGE ACT 1977  
INTERIM HERITAGE ORDER NO. 13**

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.

Geoff King  
Director, Communities and Place  
Wingecarribee Shire Council  
PO Box 141, Moss Vale NSW 2577

18 November 2021

**Schedule 'A'**

The property known as "Karingal" situated at 26 Elizabeth Street, Moss Vale, on the land described in Schedule 'B'.

**Schedule 'B'**

All those pieces or parcels of land known as Lot 1 DP 986025 and Lot 110 DP 877316, shown edged heavy black on the plan catalogued WSC IHO 13/21.

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26 Elizabeth Street, Moss Vale**

**ATTACHMENT 1 Gazette Notice for Wingecarribee IHO No. 12 and IHO No. 13  
published on 19 November 2021**







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**L.1 Interim Heritage Orders Nos. 12 and 13 for 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale**

**Report Author:** Strategic Land Use Planner (Heritage)  
**Authoriser:** Manager Strategic Land Use Planning

The Manager Strategic Land Use Planning introduced the item.

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**OFFICER'S RECOMMENDATION**

**THAT**

1. The report be noted.
2. A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.

***MN 378/21***

**MOTION** moved by Interim Administrator

**THAT**

1. *The report be noted.*
2. *A report on the heritage assessments of 2 & 4 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale, be presented to the Local Planning Panel and Council in due course.*

**CARRIED**

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

*Wingecarribee Shire Council*

SHI number  
**2681521**  
Study number  
**2020/206**

**Item name:** 'Karingal' Interwar bungalow and garden including brick and trachyte fence

**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee

**Address:** 26 Elizabeth Street  
**Suburb/nearest town:** Moss Vale 2577  
**Local govt area:** Wingecarribee  
**State:** NSW  
**Other/former names:**  
**Area/group/complex:**  
**Aboriginal area:** Gandangara  
**Curtilage/boundary:** Lot 1 DP 986025 and Lot 110 DP 877316  
**Item type:** Built  
**Owner:** Private - Individual  
**Admin codes:**  
**Current use:** Residential  
**Former uses:** Residential  
**Assessed significance:** Local  
**Statement of significance:** Karingal at 26 Elizabeth Street, Moss Vale, is significant because it illustrates the subdivision and development of the Elizabeth Street area of Moss Vale in the Interwar period and for its association with Stanley Edward Gibson Brown, Moss Vale businessman and original owner (1927-1955), and Alf Stephens and Sons, prominent Bowral Builder. Karingal is also of significance in demonstrating aesthetic achievement in the local area because the beauty of its setting, its garden, architectural form and brick and Trachyte fence and for demonstrating the principal characteristics of a high-quality Californian Bungalow style inspired residence. It is also an uncommon example of a house using unique local materials.  
**Historical notes of provenance:** This home was built by Bowral iconic builder Alf Stephens c.1927-28 for Moss Vale businessman Stanley Edward Gibson Browne. It had a frontage of 132 feet and depth of 200 feet and was named "Karingal". After Browne died on 23-2-1955 the home was bought by James Francis "Jim" McAndrew between 1958 – 63. Jim passed away on 18-8-1967 and the family were still in the home in 1980. (Baxter 5/1/2021)  
**Themes:** **National theme** 4. Settlement  
**State theme** Towns, suburbs and villages  
**Local theme** Development of local settler  
**Designer:**  
**Builder:** Alf Stephens  
**Year started:** 1927  
**Year completed:** 1928  
**Circa:** Yes  
**Physical description:** A single storey freestanding Californian Bungalow style brick house that dates from c. 1927-1928 - the Interwar period set on a large 3240 m2 site. Has a dark brick front fence with trachyte stone capping detail to match the main material of the house. Left driveway of concrete strip and lawn leading to a traditional garage at left rear. Site includes side tennis court now converted to garden. The house a prominent projecting gable to the front and below there is are masonry pillar on brick balustrade supported verandahs to the left and right. Both verandahs have some enclosure but discretely done. Rounded bay window to the left front has casement windows with upper sections in leadlight. A very intact house and garden and a fine example of an interwar Californian Bungalow inspired house. (Heritage Review 2021)  
  
A single storey freestanding house that dates from the interwar period set on a medium-sized site with a large brick and Trachyte with rail front fence. (Architectural Projects, 2009)  
**Physical condition level:** Good  
**Physical condition:**

Date: 22/02/2022

Full report

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This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
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*Wingecarribee Shire Council*

SHI number  
2681521  
Study number  
2020/206

**Item name:** 'Karingal' Interwar bungalow and garden including brick and trachyte fence

**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee

**Archaeological potential level:** Not assessed

**Archaeological potential Detail:**

**Modification dates:** Large significant oak damaged by storm and removed from front yard July 2013. Parterre garden adjacent to the house on the eastern side replaced a tennis court of the same footprint between October 2015 and October 2016. Tennis court was shown in sewer diagram prepared by Council in 1938.

**Recommended management:**

**Management:** Management category Management name

**Further comments:**

**Criteria a):** Of significance to the history of the local area because it illustrates the subdivision and development of the Elizabeth Street area of Moss Vale in the Interwar period.  
[Historical significance]

**Criteria b):** Of significance because of its association with:  
[Historical association significance]  
• Stanley Edward Gibson Brown original owner (1927-1955), Moss Vale businessman  
• Alf Stephens and Sons, prominent Bowral Builder.

**Criteria c):** Of significance in demonstrating aesthetic achievement in the local area because the beauty of its setting, its garden, architectural form and brick and trachyte fence.  
[Aesthetic/Technical significance]

**Criteria d):**  
[Social/Cultural significance]

**Criteria e):**  
[Research significance]

**Criteria f):** Of significance in demonstrating an uncommon combination of locally designed and built house from locally sourced and unique materials, namely Bowral bricks and trachyte quarried on the slopes of Mt Gibraltar in Bowral.  
[Rarity]

**Criteria g):** Of significance in demonstrating the principal characteristics of a class of the local area's heritage in this case a high quality Californian Bungalow style inspired residence.  
[Representative]

**Intactness/Integrity:** Substantially intact although some alterations have been made.

References:	Author	Title	Year
	Drysdales Property	For Sale	2014
	David Baxter	Historical Research	2021

Studies:	Author	Title	Number	Year
	Kate Wooll	Database Updating by Strategic Planning Branch		2008
	Architectural Projects Pty	Wingecarribee Heritage Survey		2009
	WSC	Heritage Review 2021	2020/206	2021

Date: 22/02/2022

Full report

Page 2 of 14

This report was produced using the State Heritage Inventory application provided by the Heritage Division, Office of Environment and Heritage

**AGENDA OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

*Wingecarribee Shire Council*

SHI number  
**2681521**  
Study number  
**2020/206**

**Item name:** 'Karingal' Interwar bungalow and garden including brick and trachyte fence

**Location:** 26 Elizabeth Street Moss Vale 2577

Wingecarribee

Parcels:	Parcel code	Lot number	Section number	Plan code	Plan number
	LOT	1		DP	986025
	LOT	110		DP	877316

**Latitude:**

**Longitude:**

**Location validity:**

**Spatial accuracy:**

**Map name:**

**Map scale:**

**AMG zone:**

**Easting:**

**Northing:**

**Listing: Name**

Interim Heritage Order No. 13

**Title**

Heritage Act - Interim Heritage Order  
Potential Heritage Item

**Number**

**ListingDate**

19/11/2021

**Data entry:** Data first entered: 31/08/2007

Data updated: 22/02/2022

Status: Completed



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**Image:**



**Caption:** Karingal - view from Elizabeth Street showing oak tree (damaged by lightning 2013)

**Copy right:** WSC

**Image by:** Architectural Projects Pty Ltd

**Image date:** 04/11/2008

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345c852896db94a460bb515234391de938d.JPG>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb\\_test345c852896db94a460bb515234391de938d.JPG](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb_test345c852896db94a460bb515234391de938d.JPG)

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**Caption:** Karingal - view of garden and pedestrian gate from street

**Copy right:** WSC

**Image by:** Architectural Projects Pty Ltd

**Image date:** 04/11/2008

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**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/34563a6026cd7324d669f7fdafd195d8374.JPG>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/T\\_humb\\_test34563a6026cd7324d669f7fdafd195d8374.JPG](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/T_humb_test34563a6026cd7324d669f7fdafd195d8374.JPG)

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**Caption:** Karingal - view of vehicular entry with fence and garden

**Copy right:** WSC

**Image by:** Architectural Projects Pty Ltd

**Image date:** 04/11/2008

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3455e1658147ec24ce180df6e6baf6d8434.JPG>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb\\_test3455e1658147ec24ce180df6e6baf6d8434.JPG](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb_test3455e1658147ec24ce180df6e6baf6d8434.JPG)

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**Caption:** Karingal - view of house and garden from street

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**Image by:** Architectural Projects Pty Ltd

**Image date:** 04/11/2008

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3458c2e5b2e84d744568e536fde84eb2280.JPG>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb\\_test3458c2e5b2e84d744568e536fde84eb2280.JPG](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb_test3458c2e5b2e84d744568e536fde84eb2280.JPG)

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**Caption:** Karingal - view of house and brick and trachyte fence from Elizabeth Street

**Copy right:** WSC

**Image by:** R. Townsing

**Image date:** 13/10/2020

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345a290eb8daf104a64bbe0ea2de7eb937b.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb\\_test345a290eb8daf104a64bbe0ea2de7eb937b.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Tumb_test345a290eb8daf104a64bbe0ea2de7eb937b.jpg)

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**Caption:** Karingal - driveway entrance showing brick and trachyte gate posts

**Copy right:** WSC

**Image by:** R. Townsing

**Image date:** 13/10/2020

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3457be2acac77b84558809eb50d11eb3ec5.jpg>

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**Caption:** Karingal - view of house from street

**Copy right:** WSC

**Image by:** S.W. Farnese

**Image date:** 12/01/2022

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3459e17d4bbb3ab49b5ae812909ff5c2f1e.jpg>

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**Caption:** View west from Karingal (at left) along Elizabeth Street

**Copy right:** WSC

**Image by:** S.W. Farnese

**Image date:** 12/01/2022

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345ad71f4e0386a4396801344307cd48a1a.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/T\\_humb\\_test345ad71f4e0386a4396801344307cd48a1a.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/T_humb_test345ad71f4e0386a4396801344307cd48a1a.jpg)

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**Caption:** View east from Karingal (at right) along Elizabeth Street

**Copy right:** WSC

**Image by:** S.W. Farnese

**Image date:** 12/01/2022

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/34529f568eb042f445c859a7564f05226bc.jpg>

**Thumbnail url:** [http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/T\\_humb\\_test34529f568eb042f445c859a7564f05226bc.jpg](http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/T_humb_test34529f568eb042f445c859a7564f05226bc.jpg)

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**Caption:** Karingal - detail of brick and trachyte pedestrian gate entry

**Copy right:** WSC

**Image by:** S.W. Farnese

**Image date:** 12/01/2022

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345a0699841ec8b45378d84e53ec0eed00f.jpg>

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'Karingal', 26 Elizabeth Street, Moss Vale

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**Caption:** Map - 'Karingal' 26 Elizabeth Street, Moss Vale

**Copy right:** WSC

**Image by:** WSC

**Image date:** 14/12/2021

**Image number:**

**Image url:** <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/345d04cc89ccf421999e4a0aae9487be2.jpg>

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## **AGENDA OF THE ORDINARY MEETING OF COUNCIL WEDNESDAY 16 MARCH 2022**

### **Biographical Notes and Gazetteer of Work on Alf Stephens & Sons 1886-1965**

Prepared by Dennis McManus December 2021

Alf Stephens and Sons was an important building firm that operated in Bowral in the Southern Highlands of NSW for 79 years over two generations - 1886 to 1965. The company had a big impact on Bowral and nearby towns and beyond in Canberra in a wide range of projects from cottages to mansions, schools, churches, commercial buildings and public buildings.

Major projects included:

- 1895 Bowral Courthouse
- 1897 Berrima Gaol Governor's Residence
- 1914 Empire Cinema in Bowral
- 1919 Bowral Golf Club House
- 1924 four storey Ranelagh Hotel at Robertson
- 1929 Church of England Grammar School in Canberra
- 1930 St Johns Anglican Church in Moss Vale
- 1930 Gibraltar Park Children's Home in Mittagong
- 1933 Bowral Ambulance Station
- 1934 Dormie House at Moss Vale
- 1935 Bowral Hospital
- 1935 Canberra Masonic Hall
- 1938 Canberra Fire Station at Manuka and 10 two storey residences for staff
- 1930s government contracts for hundreds of new houses in Canberra
- 1965 Clubbe Hall at Frensham School in Mittagong.

The following notes draw heavily on Maureen and Bud Townsing's excellent book - A brief history of Alf Stephens & Sons 2020 pages 3-7.

To the Townsing book I have added additional material including more information on Canberra projects and a gazetteer base of buildings erected by the company in date order which can be added to as other company built projects become known. This project greatly assisted by using Trove and in particular a search "Alf Stephens and Sons" provided 217 results across the Bowral District and Canberra.

#### Alf Stephens Snr (1863-1924)

Some of the information that is known about the background of Alf Stephens Snr. before he arrived in Australia, comes from his obituary notice printed in The Methodist 1st March 1924: "he was born at Brixton England in 1863, but spent his early life in Teddington where he became a member of the Rye Lane (Peckham) Baptist Church, and under the ministry of Rev J. T. Briscoe while quite young he confessed Christ. It was also at the same church that he met the lady who became his wife. Coming to Sydney in 1886, he settled in Bowral, where in the absence of a Baptist Church, he joined the Methodists, of which denomination he continued to be a member".

On 28 November 1885, two vessels left England bound for Sydney. One was the Garonne, which arrived in Sydney on 11 January 1886. The other vessel leaving Plymouth was SS. Parthia, with 764 government immigrants on board. The Parthia arrived in Sydney two days after the Garonne.

On board the Garonne was Alf Stephens Snr., age 22, carpenter. Also on board was Charles Stephens, age 20, carpenter and Geo. E Marston, age 30, a clerk.



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On board the Parthia was Elizabeth Riley, age 24, domestic servant, Baptist, from Surrey. Elizabeth was the lady referred to above, whom Alf had met at the Peckham Baptist Church.

Elizabeth Riley and Alf Stephens Snr. were married on 1 May 1886 by the Reverend John Debenham of St. Jude's Church of England. The ceremony was held in a private house in Bowral. The wedding was witnessed by James Austin and Emily Austin. James Austin undertook contracts for all kinds of wooden buildings, according to an advertisement in the Bowral Free Press of 26 April 1884.

George Marston married Kate Holloway in Sydney on 10 December 1886. In 1891, they opened a shop selling boots, shoes and clothing on the corner of Banyette and Bong Bong Streets.

In 1963, Alf Stephens Jnr. in a letter to respected Bowral Town Clerk and keen historian A.V.J. (Jack) Parry, wrote "Alfred Stephens Senior came out to Australia from Teddington (Middlesex) England in 1885 where his father carried out building works there with eight brothers in the family (all carpenters) and one sister. He was engaged to his wife before leaving England and she followed him a year later when they were married in Bowral. He came direct to Bowral with fellow passengers Mr. and Mrs. Marston who opened a shop on the corner of Banyette and Bong Bong Street".

With a little give and take on the details, this all fits together. Alf Snr. left England in 1885, arriving January 1886. Elizabeth Riley came out on a different ship arriving two days after Alf. They were in Bowral by May 1886 where they married.

Alf Jnr. has also recollected that his father's first job in Bowral was as a carpenter with J.J. Campbell working on a two-storied house in Merrigang Street, built for Dr. Swinton, and later the home of Dr. Harbison.

Within months of his marriage to Elizabeth, the Bowral Municipal Council Rate Book for 1886 shows that Alf Snr. had bought land from the Jamieson Hill Estate at Upper Bowral. The Bowral Rate book for the year commencing 1 February 1887 shows that Alf had a dwelling on lot 19 Elm Street.

The 1895 Bowral Council Valuation book shows that by that year Alf had a new house ("Teddington" a brick villa) on lot 19 Elm Street with a valuation of £450. On lot 18 Elm Street he had a workshop with a valuation of £100. On lot 20 he had a house rented to A. Riggs, worth £150. He also had two houses in Woodbine Street with a value of £300. In later years, Alf Snr. built further houses in Woodbine Street and continued to own some of these all his life.

By 1896/97 Alf Snr. had a house and land in Bong Bong Street valued at £268. By this time, Alf Snr. and Elizabeth also had children. A photograph at "Teddington" - a polychrome brick structure with much style - shows Alf, Elizabeth and three children on the front verandah in about 1894. Alfred Jnr. was born in 1887, Jessie in 1891, Annie in 1893. Other children followed Ethel Grace (1896), Norris (1899), and Phyllis (1904).

Through the late 1880s Alf Snr. was the successful tenderer for a number of small projects. In the early 1890s larger jobs such as the Rose Street bridge, a schoolteacher's residence at Robertson, and Bowral's first fire station came his way.

In 1895, Alf Snr. was the successful tenderer for the Bowral Courthouse. One year and one day after pegging out, this monumental trachyte stone and sandstone building was opened. Alf Senior's reputation was enhanced on a remarkably solid foundation.

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At the same time as he ran the building business, Alf Snr. involved himself in public life - he was elected to represent Glebe Ward on the nomination of his friend Geo. Marston with whom he had travelled out from England. Alf Snr. was Mayor in the years 1899, 1900, and 1904.

Alf Snr. was Circuit Steward and Trustee of the Methodist Church for many years. He was made a magistrate in 1900. He regularly supported Friendly Societies and held office in the local Lodge of Oddfellows.

Alf Snr. played cricket for the Surveyors Camp team, and his son Alf Jnr. was scorer for the team from an early age, joining the team at age 16 after he left school. Alf Snr. was president of the Berrima District Cricket Association from its inception in 1911 until 1915. Alf Jnr. followed him into this position in 1919 and held it to 1960.

In 1913 a Bowling Club formed in Bowral, and Alf Snr. built, at cost, the first 20 by 12-foot club room, located in Corbett Gardens. Alf and Geo. Marston were foundation vice-presidents of the Club, and Alf Snr. was president in 1916, 1917 and 1918.

Elizabeth and Alf Snr. remained in touch with family back in England, travelling back several times. Alf visited in 1898 and he and Elizabeth visited, without the children, in 1906. Prior to his retirement Alf Snr. took the whole family to England in 1913. It was on this trip that Alf Jnr. met his wife-to-be Agnes Lily Peel at a place called Grantham. Alf Jnr. returned to Bowral in April 1914 to be present at his sister Jessie's wedding, to play football as captain of the Bowral team, and no doubt to attend to business. Lily came out to Australia with the other members of the Stephens family on their return journey in September/October 1914. That journey was memorable given the background in 1914 of World War One, their ship the Orontes was chased by the Emden in the Indian Ocean.

In 1917, Alf Snr. retired and went to live at Manly with Elizabeth and youngest daughter Phyllis. By the time he left, he had long since involved his sons in the workings of the business. He directed that Alf Jnr. (now aged 30) take over, and that brother Norris (Norrie) Stephens be brought in when he turned 21. The name of the firm from 1921 was therefore Alf Stephens & Sons (in the plural). The business was relocated from Elm Street to Boolwey Street after Alf Jnr. took over.

Alf Snr. died 6 February 1924. A report in the Southern Mail of 15 February 1924 about the funeral at Manly included the following observations:

“He was a conscientious tradesman...in all his business dealings he was a man of honour...”

“He was a man of exemplary character, always ready to lend a helping hand to deserving men.”

“He had not time for shirkers, but was ever generous in his treatment of those who showed a desire to improve their condition.”

Elizabeth Stephens lived in Manly for a time before returning to Bowral to live at “Dulwich”, (later called “Barkfold”) in Aitken Road with her daughter Ethel Gurney and Vic Gurney. After the death of Alf Snr., Davis and Westbrook held an auction sale of properties from his estate. All cottages and shop buildings sold well, but vacant land was not much in demand on the day.

### Alf Stephens Jnr. (1887-1973)

Alf Stephens Jnr was born 14 April 1887 at Elm Street, Jamieson Hill, Bowral. He attended Bowral Public School in Bendooley Street and was Dux in 1902 at the age of 15.

Having met his wife-to-be on the family trip to England in 1913/14 and she having travelled out with the family, Alf Jnr. married Agnes Lily (nee Peel) at the old Methodist Church in Bowral on 22 July

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1915. Lily had been an elementary school teacher before her marriage. They had a family of three children - Peggy (1916), John Victor (Jack) (1918) and Joan (1920).

Alfred Jnr. was involved in the work of the firm from when in 1903 the firm had a contract to build four railway stations on the Leura line. The family relocated there for the duration of this work. Another early job he was involved in required the cutting into sections and moving of the Upper Bowral Store (Mitchell's Store) in Merrigang Street, which had been bought by his father in 1896 for £116, into Bong Bong Street. Having moved the house into town in 1903, and lived in it for some years Alf Jnr. famously moved it out again in 1926 to Victoria Street, where it still stands.

Alf Jnr. would have worked with his father on many of the earlier projects. Like his father, he involved himself in the Methodist Church and public affairs. He became an alderman of Bowral Municipal Council and served as Mayor for two years in 1928 and 1929. He resigned in December 1929 in order to take a trip to England - in part to seek specialist medical attention for his son.

On the 24<sup>th</sup> December 1952 a meeting was arranged by the then retiring mayor Ald. Venables and the election of the new mayor R H Springett. The Southern Mail noted that Amongst those present was ex-alderman Alf Stephens, who was a member of the Council in 1922, and it was then believed that that it was the most progressive Council. Later at this same event Mr. Alf Stephens said he was in the Council when Ald. Venables first came as an alderman. He had known Mrs Venables for many years as they were schoolmates together. His father came to Bowral in 1885 and Mrs. Venables' father about the same time. He had been an alderman for 20 years and served for two years as Mayor and regarded Ald. Venables as the best citizen of Bowral as he had been 30 years in the Council and served 15 of them as Mayor.

Again so very like his father, Alf Jnr. involved himself in the game of cricket. At Bowral Public School, Alf Jnr. captained the team in school competitions. After leaving School, he played with the Surveyors team. He became President of the Berrima District Association in 1919 and held this position until 1960 when he did not seek re-election. As well Alf Jnr. became captain of Bowral 1st Grade in 1921 in which capacity he also acted until his voluntary retirement in 1960. He involved himself with other district and regional cricket organisations throughout his life. Not without reason was Alf Jnr. widely called "The Skipper".

Inevitably, Alf Jnr. knew Don Bradman. Don's father, George, was employed by the Stephens firm. Don attended Bowral Public School, as had Alf about ten years earlier, and played with school teams before he attracted notice in the local senior teams. When In about 1925, Alf Jnr. and Lily built their "forever home" in Aitken Road, (which they called "Grantham" after the place where they had met), they had a concrete cricket pitch laid to the side of the house, where Bradman and the family and the local team could play.

The mentoring relationship was close and remained so. In 1930, when Alf and Lily were in England, Don visited the Stephens' and their relatives at Grantham on the day before his famous 1930 test cricket match. He signed and dated a book, belonging to Lily - a special album/autograph book she had carried with her when she left England in 1914 to marry, and seemingly took back with her on this voyage. The "Don" included the word Grantham in his evocative inscription, perhaps both thinking of home?

During the years that Alf Jnr. and Norrie Stephens ran the firm it continued to grow and flourish. Major projects in the Southern Highlands include Dormie House at Moss Vale Golf Course, the four storey Ranelagh House (now Robertson Hotel) at Robertson, the Bowral Golf Clubhouse in Kangaloon

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Road, the former Berrima and District Ambulance Station in Bong Bong Street, Bowral and a major rebuild of the Empire Cinema also in Bong Bong Street, Bowral

### Work by the firm in Canberra

In Canberra in 1928 the firm secured a major contract for the Church of England Grammar School. The Robertson Mail of 7/12/1928 reported: *"The Prime Minister laid the foundation stone of the Church of England Grammar School at Canberra on Wednesday. The school will be one of the most modern private schools in the Commonwealth. We congratulate Messrs. Alf. Stephens and Son, of Bowral, upon having secured the contract for the erection of the first section of the buildings, which will cost somewhere about £30,000."*

In the same year, 1928, the firm secured the contract for the Church of England Grammar School Headmaster's Residence.

A considerable volume of other work in Canberra followed including the building of hundreds of houses under government contract. So much so that an advertisement in the Southern Mail in May 1940 the firm could advise:

*"Messr. Alf Stephens and Son, [sic] who as old established builders and merchants of Bowral, have a wealth of experience in the planning and erecting of new buildings and in the supply of all builder's requirements.*

*Their experience is so wide that they are able to ensure a thoroughly reliable job. They are contractors to many Federal and State Departments and have also become known through their many outstanding homes and public buildings erected in this district.*

*Located in Boolwey Street is their extensive and modernly equipped joinery department and timber yards where all the requirements of the building trade are met.*

*During 1939 Alf Stephens and Son erected two houses per week in Canberra, beside a large volume of work in this district. These operations gave continuous employment to approximately 200 men in both centres of activity. All joinery work for these jobs was done in the Bowral yard and the firm is justly proud that no work is done outside for any of their building assignments."*

Newspaper reports from The Canberra Times illustrate the work done in Canberra and a fuller research project for another time:

- 17 November 1933. Erection of ten semi-detached brick cottages at Griffith; price £9,051; contractor Alf Stephens and Son. (D. McManus: These were on lots 12 to 21 in Section 2 at Griffith.)
- 30 March 1935. The contract for the erection of six brick residences on Section 35, Brad-don, has been let to Alf Stephens and Son, P.O. Box 9, Bowral. The contract price is £6,117.
- 9 August 1935 The contract for the erection of five brick residences ( including two semi-detached) on Section 36, Reid, has been let to Alf Stephen and Sons, I Bowral, the contract price being £6,573.
- 17 January 1936 The contract for the erection of fourteen brick buildings on sections 17 and 28 Kingston has been let to Alf Stephens and Son, of Bowral, the contract price being £14,997.
- March 5 1936: Extensive development at Kingston during the next few months will see the completion of residential blocks on the corner of Canberra and Wentworth Avenues. A start



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has been made with the erection of 24 buildings, comprising 31 residences (includes semi detached), for which the successful tenderer was Messrs Alf Stephens and Son, of Bowral. In the first instance, the plans for these buildings provided for composite construction, with brick outer walls and wooden partitions between the rooms. After consideration, however, the department decided to build in brick throughout, and this will result in a considerable saving in maintenance while providing a more substantial building. Messrs Alf Stephens and Son have secured three contracts for six, eight and 10 buildings. And related to same contract: 15 April 1936 Rapid progress is also being made by Messrs Alf Stephens and Son and 24 buildings comprising 31 dwellings are taking shape on Sections 17 and 28 Kingston.

- 26 June 1936 The tender of Alf Stephen and Son, of Bowral, has been accepted for the
- election of three brick residences on Sections 3 and 13, Griffith. The contract price was £4,457, the date for the completion being fixed at December 19, 1936.
- July 16 1936: At the new residential area in Kingston, Alf Stephens & Son expect to have 31 homes completed in about six weeks' time, while an additional 15 residences of a superior type are in various stages of construction at Reid. This firm is also engaged in the erection of 11 residences at Ainslie.
- July 10 1937: A contract for the erection of five superior type residences at the new suburb of Deakin, has been let to Alf. Stephens and Son, of Bowral, the contract price for the five buildings, inclusive of garages, being £9,873. The date for the completion of the work has been fixed for December 6, 1937.
- 12 November 1938: one of the largest contracts for house construction in Canberra has been let to Alf. Stephens and Sons, of Bowral. This involves the construction, at Sections 33 and 34, Ainslie, of 64 cottages, the contract price being £48,317. Provision has been made for the completion of the contract early in August, 1939.
- 2 October 1939: YARRALUMLA COTTAGES The tender of Alf. Stephens and Sons, Bowral, has been accepted for the erection of six residences at Section 63, Yarralumla, the contract involving the expenditure of £5,832. The date for the completion of the work has been fixed at December 31,
- In 13/9/1935 The Canberra Times reported on MASONIC TEMPLE MODERN DESIGN Construction Commenced A modern design similar to that of the Institute of Anatomy is employed on the Canberra Masonic Temple, the first section of which has been commenced and will be ready for occupation in about six months. The site of the Temple is at the corner of Broughton Street and National Circuit, alongside the Hotel Kurrajong, and it is estimated that the completed building will cost approximately £15,000. The first section at present under construction will be about one third of the ultimate building. It will include lodge room, supper room, board room, and all necessary offices. The design of the completed structure provides for the construction of a second storey, and for the erection of a large auditorium at the rear of the ground floor: When the temple is completed, the temporary office accommodation to be provided in the centre of the first section of the building will be moved to the second storey, leaving a spacious foyer leading from the main entrance right through to the auditorium. The building will be faced with synthetic stone. The design is the work of Messrs. M. J. Moir and K. H. Oliphant, acting in conjunction, and the contract for the first portion has been let to Alf. Stephen and Son, Bowral.
- On 1 July 1939 The Canberra Times reported: on the REID METHODIST CHURCH RENOVATED A full congregation was present at the Reid Methodist Church for a service at which new furnishings, including a Communion Table and a Baptismal Font were dedicated. The 'furnishings formed part of a scheme of alterations to the chancel end of the building. The Holy Table, which has been placed in the central position, is a solid carved oak structure

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surmounted by a Cross of the same wood. A simple, but finely-designed oak Font has been placed at the north-eastern corner of the nave, while the choir and organ are situated on the opposite side, with suitably carved panellings. The design is in line with the symmetry of the buildings and greatly enhances its beauty. This work, together with certain repairs to the Church fabric, necessitated by a slight outward movement of the wall at the north-western corner, was carried out by Messrs Alf. Stephens and Son, of Bowral. ....The Reid Church, formerly known as the "South Ainslie Methodist Church," was opened in 1927. The present alterations and additions have made the building complete.

- In February 1941 The Canberra Times reported the opening of Woolworths built by Alf Stephens and Sons in Kennedy Street in the Kingston shopping centre

### *WOOLWORTHS IN KINGSTON*

*Modern Store in Kingston. One of the most notable additions to the Kingston shopping centre—Woolworths' new store— will open its doors on Thursday, in Kennedy St., Kingston. After many weeks of industrious effort, a modern and imposing building stands on this site, and internally it reflects all the up-to-date improvements which the resources of this extensive organisation have been able to devise. This is the 96th unit of the Woolworths Chain of Stores, which is spread throughout Australia and New Zealand.*

*The new Woolworth building at Kingston is similar in construction, fittings and elaborate finish to those which have become well known throughout the country. The familiar island and side counters, with their facilities for display, have been placed along the full length of the premises.*

*A striking feature to be seen on entering the shop is an elaborate ceiling which has shaded and mottled cornices and umber outlinings on a cream base. Two rows of large sky lights, each opened by a single winding apparatus placed on the floor are let into the ceiling for daylight effect. The walls consist of texture finished Travatine blocks, shaded and lined.*

*The interests of the staff have been kept well in mind. Electric foot-warmers and folding stools have been provided behind the counters, besides lunch rooms for girls and men. A locker is provided for each girl on the staff, and the lunch room is furn-ished with seats, tables and electrical conveniences. The main shop is 150 feet long by 34 feet wide. The building widens out at the rear to 50 feet and the basement is 50 ft. by 70ft.*

*The building was erected by Alf Stephens and Son, Builder, under the supervision of Kenneth H. Oliphant, Architect.*

Alf Jnr. found time amidst all this to continue playing cricket and be involved in district cricket organisations. He involved himself in Rotary, and on visits to England in 1948 and 1953 spoke at meetings there in many towns. He received a particularly warm welcome at Grantham to which parcels had been sent from Bowral for distribution to the aged and needy. Whilst in England on these occasions, Alf Jnr. also saw some of Don Bradman's most notable cricket matches.

The Southern Highland News of 29 July 1965 carried a report that, after 53 years, Alf Jnr. was retiring. Many of the tradesmen employed by the firm had more than 30 years of experience there. Mr Geoffrey Charles Plater took over as owner.

Alf Jnr. died in October 1973 in Bowral, aged 86. Lily predeceased him in 1971. They were survived by two daughters Peggy and Joan, son Jack having died in 1944.

# Planning Proposal

to amend Wingecarribee Local Environmental Plan 2010 to include 2, 4 & 6 Myrtle Street, Bowral, within the Bowral Conservation Area and create a new heritage item at 26 Elizabeth Street, Moss Vale

Version 1 for Council Determination  
February 2022

*Working with you*

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## Attachments which form part of this Planning Proposal

1	Interim Heritage Order No. 12 published on 19 November 2021
2	Interim Heritage Order No. 13 published on 19 November 2021
3	Report to Council and Minutes 9 December 2021 re Interim Heritage Orders
4	Report to Council and Minutes 16 March 2022
5	Delegation Request Form

*Please note that these attachments are absent from the Planning Proposal version attached to the Business Paper for the Local Planning Panel meeting of 2 March 2022 and the Council Meeting of 16 March 2022.*

## Address of the Land

<b>Legal Description</b>	Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898 Lot 1 DP 986025 and Lot 110 DP 87731
<b>Property Address</b>	2, 4 and 6 Myrtle Street, Bowral 26 Elizabeth Street, Moss Vale

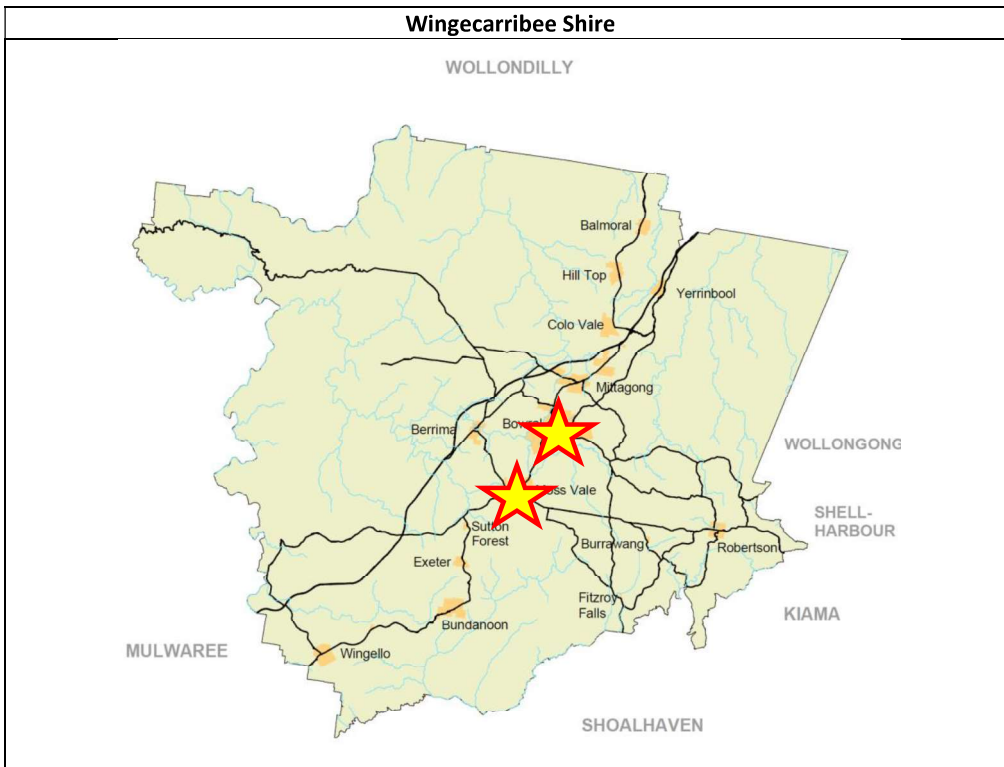


Figure 1: Location Map (Shire wide)





## Site Location & Description

This Planning Proposal relates to four sites: three neighbouring properties in Myrtle Street, Bowral, and one in Elizabeth Street, Moss Vale, comprising two lots. **Figure 2** and **Figure 5** show the locations of the sites in the context of the towns of Bowral and Moss Vale, respectively, and **Figure 3** and **Figure 7** display aerial photographs of the sites.

### 2, 4 & 6 Myrtle Street, Bowral

These sites are located on the eastern side of Myrtle Street, Bowral, between Merrigang and Shepherd Streets. 2 & 4 Myrtle Street each contains a modest rendered brick and Marseilles terracotta tile roofed dwelling surrounded by established gardens with many mature tree species including a large pin oak, a large Liquidambar, numerous large conifers, a large Himalayan cedar (deodar), established maples and various smaller ornamental and fruit trees. Additionally, no. 4 contains a fine trachyte retaining wall and trachyte paths in excellent condition. No. 6 Myrtle Street contains a recently renovated house and garden. The houses were built contemporaneously in 1949. Due to the topography which sees the ground level rise from Myrtle Street at a gradient of approximately 1:6 or 16%, all houses gain vehicular access from Oak Lane to the rear, creating a distinctive streetscape in Myrtle Street with no driveways or garages visible from the street on the eastern side.

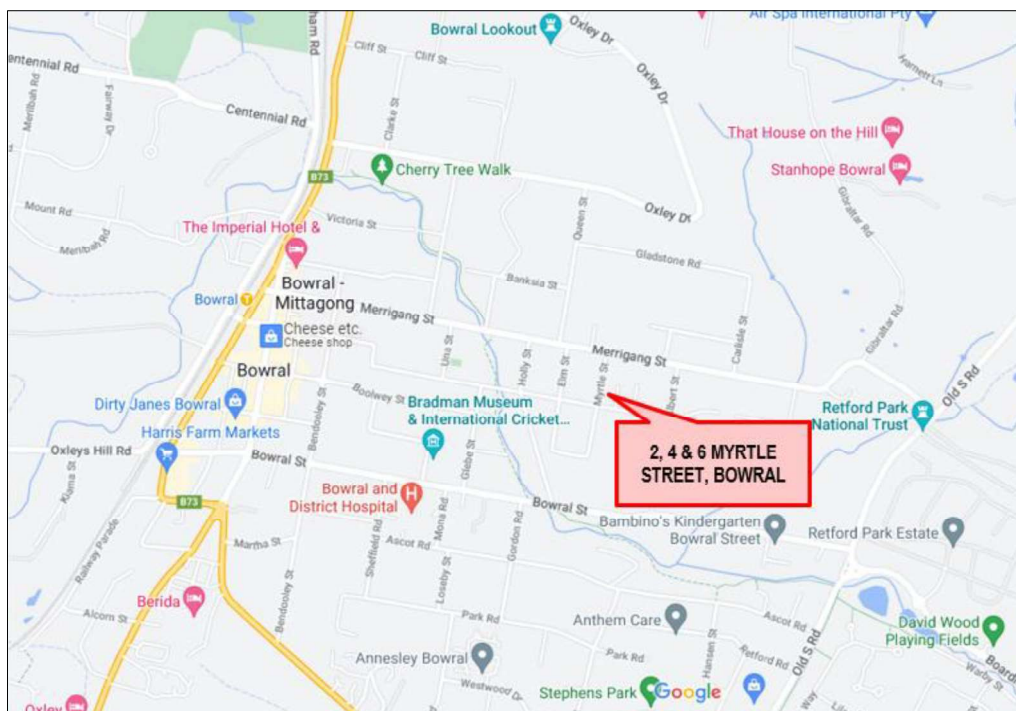


Figure 2: The location of 2, 4 & 6 Myrtle Street in the context of Bowral (source: Google Maps)

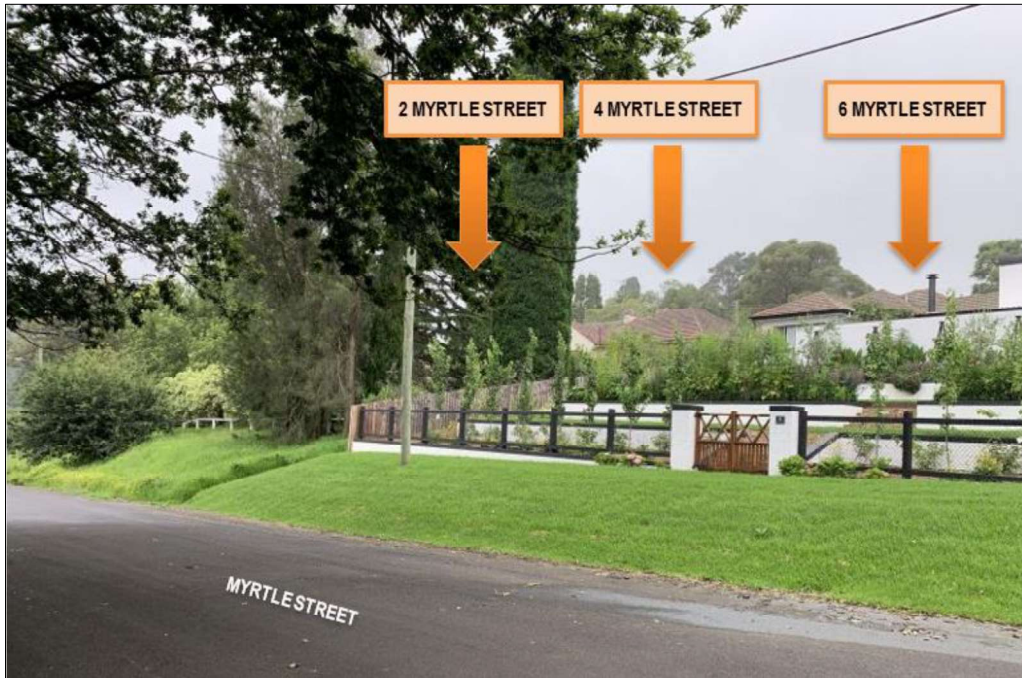
The houses were very likely designed and built by prominent Bowral based and prolific local builder, Alf Stephens Jnr from Alf Stephens & Sons Pty Ltd, although the original 1949 building applications have not been located in Council's records.



**Figure 3: Aerial photo of 2, 4 and 6 Myrtle Street (Source: Nearmap, December 2021)**

The Myrtle Street sites are zoned R3 Medium Density Residential with a minimum lot size of 700m<sup>2</sup>. No. 2 Myrtle Street is 1,743m<sup>2</sup> in area, no. 4 is 1,623m<sup>2</sup> in area, and no. 6 is 1,620m<sup>2</sup> in area.



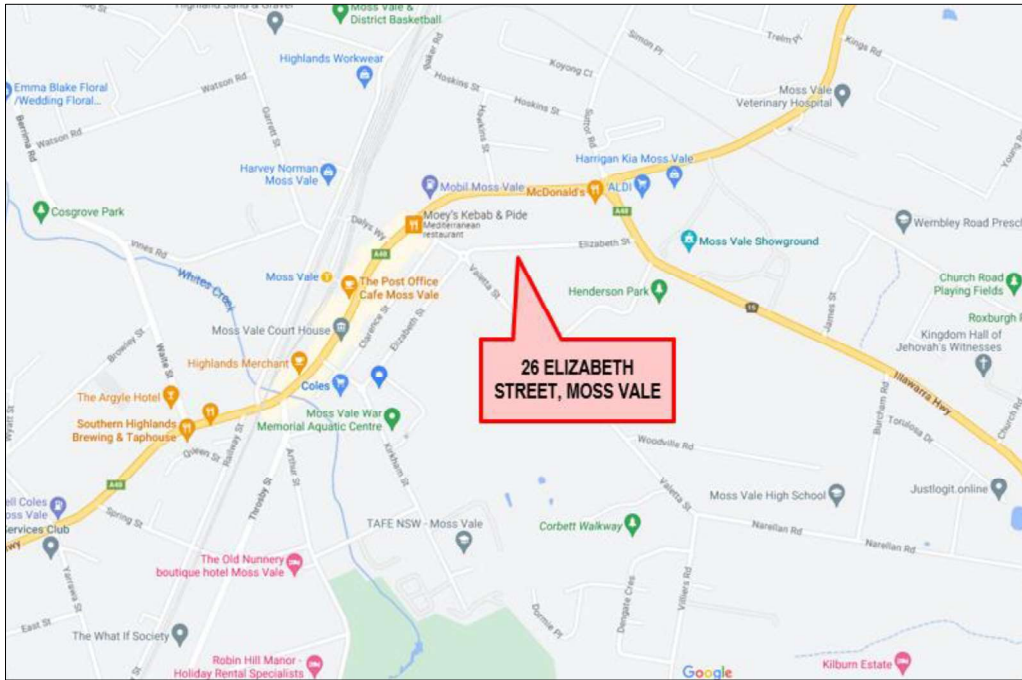


**Figure 4: Photo of 2, 4 and 6 Myrtle Street from Myrtle Street (January 2022)**

'Karingal', 26 Elizabeth Street, Moss Vale

The site known as 'Karingal' is located on the southern side of Elizabeth Street between Robertson Road and Valetta Street in Moss Vale. The property comprises two allotments: Lot 1 DP 986025 which contains the house and Lot 110 DP 877316 which contains the bulk of the garden, including the site of the former tennis court. **Figure 5** shows the location of 'Karingal' in the context of the town of Moss Vale and **Figure 7** shows an aerial photo of the property.

The house was built c.1927 (Interwar period) in a Californian Bungalow style out of dark local bricks (Bowral bricks) on trachyte foundations with a terracotta tile roof and matching brick and trachyte front fence that spans the width of the nearly 50 metre street frontage. The house is substantially intact although some alterations have been made over time. The grounds are substantially intact except for several senescent trees that were removed near the rear boundary, a large oak tree removed at the front of the house after being seriously damaged by a lightning strike in 2013, and the removal of the tennis court which has been replaced by a parterre garden immediately adjacent to the house to the east. **Figure 6** shows a photo of 'Karingal' from the street.

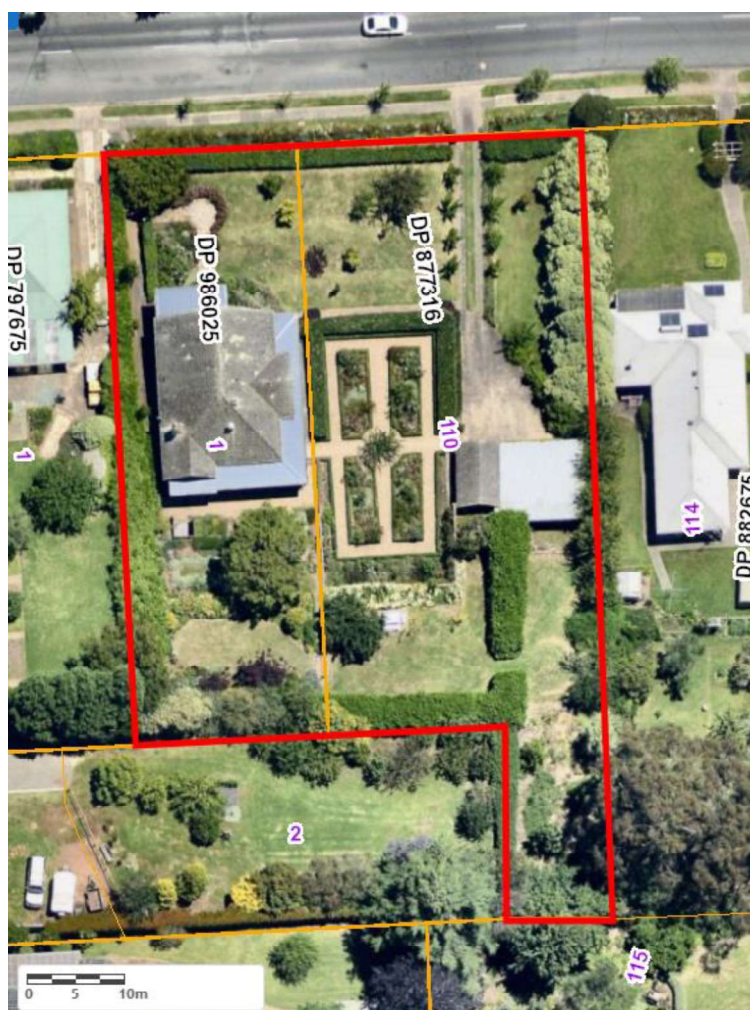


**Figure 5: The location of 26 Elizabeth Street in the context of Moss Vale (source: Google Maps)**



**Figure 6: Photo of 'Karingal' from the street showing the gardens and brick & trachyte fence (January 2022)**





**Figure 7: Aerial photo of 'Karingal' with cadastral boundaries (Source: Nearmap, December 2021)**

Elizabeth Street, including no. 26, is zoned R3 Medium Density Residential and has a minimum lot size of 700m<sup>2</sup>. The total site area of the two lots that comprise 'Karingal' is 3,239m<sup>2</sup> making it the second largest land holding in this section of Elizabeth Street. (No. 8 Elizabeth Street is significantly larger than the subject site but contains an early 20<sup>th</sup> Century single dwelling and a multi-unit housing development dating from the mid-20<sup>th</sup> Century.) Given the size of the site and the medium density zoning, the site is under development pressure as a desirable development site.



## Part 1: Objectives or Intended Outcomes

The intended outcomes of this Planning Proposal are to include 2, 4 and 6 Myrtle Street, Bowral, within the existing Bowral Conservation Area and include 26 Elizabeth Street, Moss Vale, as a new heritage item to be called *“Karingal’ Interwar bungalow and garden including brick and trachyte fence”*.

## Part 2: Explanation of the Provisions

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

Add to Schedule 5, Part 1 (Heritage Items) the following new item:

Suburb	Item Name	Address	Property description	Significance	Item No.
Moss Vale	‘Karingal’ Interwar bungalow and garden including brick and trachyte fence	26 Elizabeth Street	Lot 1 DP 986025 and Lot 110 DP 877316	Local	I1521

- To achieve the intended outcomes of the Planning Proposal the following amendments to WLEP 2010 maps will be required:

Map(s) to be Revoked	Map(s) to be Adopted
Heritage Map – Sheet HER_007C 8350_COM_HER_007C_020_20170327	Heritage Map – Sheet HER_007C (as amended)
Heritage Map – Sheet HER_007E 8350_COM_HER_007E_020_20170123	Heritage Map – Sheet HER_007E (as amended)



## **Part 3: Justification of Objectives, Outcomes & Process**

### **Section A – Need for the Planning Proposal**

#### **1. Is the Planning Proposal a result of any strategic study or report?**

The Planning Proposal is the result of a combination of in-house assessment and consultant assessment of the heritage significance of two neighbouring sites in Myrtle Street, Bowral (nos. 2 & 4) and 26 Elizabeth Street, Moss Vale. No. 4 Myrtle Street and 26 Elizabeth Street were both subject to proposed developments which threatened the heritage significance of these properties and were the cause of concern for members of the community who requested Council issue Interim Heritage Orders over both properties. Interim Heritage Order No. 12 over 2 & 4 Myrtle Street, Bowral, and Interim Heritage Order No. 13 over 26 Elizabeth Street, Moss Vale, were published in the NSW Government Gazette on 19 November 2021.

The heritage assessments, undertaken in accordance with the NSW Heritage Manual and the NSW Heritage publication “Assessing Heritage Significance”, concluded that the house, grounds and front fence at 26 Elizabeth Street, Moss Vale, were worthy of local heritage listing being found to have met five out of the seven heritage assessment criteria on a local level (namely historical, associational, aesthetic/technical, rarity and representativeness). This reinforced the findings of a 2009 study by heritage consultants on behalf of Council that recommended that the site be heritage listed.

The heritage assessment for 2 & 4 Myrtle Street, Bowral, did not demonstrate strong heritage characteristics in the buildings themselves, but heritage significance was considered to be present in the association with the probable builder, the fact that the group of three (including no. 6) is still extant, and the high streetscape character values. As a result, the in-house heritage assessment concluded that protection of streetscape values could be achieved through inclusion of the properties within the existing Bowral Conservation Area which lies just to the west of Myrtle Street.

#### **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 of achieving the statutory local listing of an item of heritage and to include a property within a Heritage Conservation Area.

### **Section B – Relationship to the Strategic Planning Framework**

#### **3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?**

The Wingecarribee Shire is within the area subject to the South East and Tablelands Regional Plan 2036. This plan is currently under review and a draft is not yet available. The relevant sections of the current plan (2036) are addressed below in relation to this Planning Proposal:



#### Vision

In its Vision, the Regional Plan recognises that there are areas of distinct character and heritage that are celebrated by their communities within the Region. Identification and listing of areas and sites of cultural heritage provides greater certainty for property owners and developers.

#### Goal 1: A Connected and Prosperous Economy

- **Direction 9: Grow Tourism in the Region** – heritage tourism is a strong tourism theme in the Wingecarribee Shire and one that continually attracts tourists to the area. The enhancement of heritage tourism through the protection of historic places and streetscapes assists in maintaining and growing tourism within the Shire.

Although there are no specific Actions under this Goal or Directions that directly relate to heritage, the Planning Proposal is consistent with Goal 1.

#### Goal 2: A diverse environment interconnected by biodiversity corridors

There are no Directions or Actions relevant to heritage under this Goal. However, the Planning Proposal does not affect or undermine any of the Directions or Actions under Goal 2.

#### Goal 3: Healthy and Connected Communities

- **Direction 23: Protect the region's heritage** – the identification of places of heritage significance through heritage studies and heritage assessments is consistent with this direction. The Planning Proposal is consistent with Action 23.1 (Undertake and implement heritage studies, including regional Aboriginal cultural heritage studies, to inform local strategies) and Action 23.3 (Conserve heritage assets during local strategic planning and development).

The Planning Proposal is consistent with the relevant Direction and Actions under Goal 3.

#### Goal 4: Environmentally sustainable housing choices

- **Direction 24: Deliver greater housing supply and choice** – this direction focuses on delivery of greater housing supply and choice which should be achieved while protecting areas of high value, including high cultural heritage value. The subject sites are identified as being of heritage value that warrant protection.

It is recognised that heritage listing of places has a direct impact on developability of those places as heritage mainly has a subduing effect on developability. The four sites that are subject to this Planning Proposal are within existing R3 Medium Density Residential zone and heritage listing or inclusion in heritage areas will limit the amount to which these sites can be developed for housing. However, planning is responsible for orderly and appropriate development and limiting development on heritage significant sites and within heritage areas is justified. Therefore, the Planning Proposal is consistent with Goal 4.



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### Local Government Narratives

One of the stated priorities for the Wingecarribee Shire in the Local Government Narratives section of the Regional Plan is to “protect the Shire’s valued heritage assets”. This Planning Proposal is consistent with that priority.

#### **4. Is the Planning Proposal consistent with a council’s local strategy or other local strategic plan?**

##### Wingecarribee 2031 Community Strategic Plan

The *Wingecarribee 2031 Community Strategic Plan* (CSP) (2017) reflects the community's aspirations and needs for the future. The community’s vision for Wingecarribee 2031 is “A healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment”.

The CSP articulates the community’s vision, goals and actions under the five key areas of Leadership, People, Places, Environment and Economy. The listing of new heritage items is identified as strategy 3.2.3 (Identify, protect and promote places of significant cultural heritage) under the key area of *Places* and 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 Planning Proposal is consistent with that goal and strategy.

##### Wingecarribee 2040: Local Strategic Planning Statement

The Wingecarribee 2040: Local Strategic Planning Statement (LSPS) was adopted by Council on 24 June 2020. The following Planning Priorities and Actions under the umbrella of “Our Places” in the LSPS are relevant to this Planning Proposal. A comment on each is provided.

LSPS Priority & Action	Comment
<b>Planning Priority 6.1: Maintain the unique character of our towns and villages, separated by rich natural areas and rural landscapes</b>	
Action i. Adopt a place-based approach to planning in local towns and villages to ensure that their special character is preserved.	The identification of elements within towns and villages that require protection and place-based controls is consistent with this action.
<b>Planning Priority 6.2: Identify, protect and promote our cultural and built heritage</b>	
Action i. Continue to implement best practice management and assessment of both Aboriginal Cultural Heritage and Non-Aboriginal Heritage sites in collaboration with the community.	Best practice management of heritage sites commences with identification and assessment in accordance with the heritage assessment criteria and subsequent listing, if warranted. The proposed listing of ‘Karingal’ and the inclusion of properties in Myrtle Street within an existing heritage conservation area is consistent with this action.

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Action ii. Review and maintain heritage listings in Wingecarribee LEP to facilitate the conservation of the Shire’s heritage.	The Planning Proposal is consistent with this action to ensure that the list of heritage items is dynamic and is added to and reviewed regularly and as potential items are identified.
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Furthermore, the Bowral Precinct Plan contained in the LSPS identifies “Heritage precincts and individual items of Heritage” as contributory elements in the character assessment of Bowral. The expansion of the Bowral Conservation Area to include properties in Myrtle Street will be adding to these contributory elements of Bowral.

Wingecarribee Local Housing Strategy: Housing Our Community

The Wingecarribee Local Housing Strategy: *Housing Our Community* (LHS) was initially adopted by Council in June 2020 and amended in July 2021. It identifies the needs, demand, constraints and opportunities for housing throughout the Wingecarribee Shire. It identifies potential new areas for housing and existing potential within existing towns and villages. Under Planning Priority 1 (Promote infill development and increased densities in appropriate locations, and facilitate a greater mix of housing types to ensure our housing stock is reflective of the needs of our community) the value of heritage is recognised in context:

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

Although the Planning Proposal may have the effect of reducing development potential on these sites, it is in the context that preservation of heritage is important to the community and to provision of housing at the expense of heritage assets will not be tolerated by the community. Therefore, this Planning Proposal is not inconsistent with the Local Housing Strategy.



**5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?**

*NB: SEPPs which do not apply to Wingecarribee Shire have been excluded.*

<b>SEPP (Building Sustainability Index : BASIX) 2004</b>
<p>(1) Regulations under the Act have established a scheme to encourage sustainable residential development (<b><i>the BASIX scheme</i></b>) under which:</p> <ul style="list-style-type: none"> <li>(a) an application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out, and</li> <li>(b) the carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate will be subject to a condition requiring such commitments to be fulfilled.</li> </ul> <p>(2) The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.</p> <p>(3) This Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.</p>
<p><b>Assessment – Consistent</b> The provisions of this SEPP would apply at any subsequent Development Application stage.</p>
<b>SEPP (Educational Establishments &amp; Child Care Facilities) 2017</b>
<p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—</p> <ul style="list-style-type: none"> <li>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</li> <li>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and</li> <li>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</li> <li>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</li> <li>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</li> <li>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</li> <li>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</li> <li>(h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.</li> </ul>



<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal does not apply to any existing educational establishments or child care facilities. <i>Educational establishments</i> and <i>early education and care facilities</i> are permissible with consent in the R3 Medium Density Residential zone, and the SEPP would apply to these types of land uses should development consent be sought.</p>
<p><b>SEPP (Exempt &amp; Complying Development Codes) 2008</b></p> <p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—</p> <ul style="list-style-type: none"> <li>(a) providing exempt and complying development codes that have State-wide application, and</li> <li>(b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and</li> <li>(c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and</li> <li>(d) enabling the progressive extension of the types of development in this Policy, and</li> <li>(e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.</li> </ul>
<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal does not specifically apply to any development applicable under this SEPP. However, it is acknowledged that the opportunities for exempt and complying development will be restricted on the subject properties resulting from this Planning Proposal due to their change in heritage status.</p>
<p><b>SEPP (Housing) 2021</b></p> <p>The principles of this Policy are as follows—</p> <ul style="list-style-type: none"> <li>(a) enabling the development of diverse housing types, including purpose-built rental housing,</li> <li>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>(c) ensuring new housing development provides residents with a reasonable level of amenity,</li> <li>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</li> <li>(e) minimising adverse climate and environmental impacts of new housing development,</li> <li>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</li> <li>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</li> <li>(h) mitigating the loss of existing affordable rental housing.</li> </ul>
<p><b>Assessment – Consistent</b></p> <p>This Planning Proposal does not affect the operation of this SEPP except that certain types of complying development may not be available on a heritage site under the SEPP. However, development applications may be accepted for those types of development and proposals that properly address heritage matters would be capable of approval.</p> <p>Chapter 3, Part 8 (Manufactured home estates) does not apply to land within a water catchment (as prescribed by Schedule 2). The subject sites are within the Sydney Drinking Water Catchment Area and therefore that part of the SEPP does not apply.</p>





<b>SEPP (Infrastructure) 2007</b>
<p>The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by—</p> <ul style="list-style-type: none"> <li>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</li> <li>(b) providing greater flexibility in the location of infrastructure and service facilities, and</li> <li>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</li> <li>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</li> <li>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</li> <li>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</li> <li>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</li> </ul>
<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal does not specifically apply to any development applicable under this SEPP. However, it is acknowledged that should any provisions of the SEPP be of future relevance to the subject land, the applicability of the provisions may change as a result of the Planning Proposal (e.g. heritage restrictions and considerations will apply).</p>
<b>SEPP (Koala Habitat Protection) 2020 &amp; 2021</b>
<p>The SEPP (Koala Habitat Protection) 2020 aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—</p> <ul style="list-style-type: none"> <li>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</li> <li>(b) by encouraging the identification of areas of core koala habitat, and</li> <li>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</li> </ul> <p>The Policy applies to land within Wingecarribee Shire zoned RU1 Primary Production, RU2 Rural Landscape and RU3 Forestry.</p> <p>The SEPP (Koala Habitat Protection) 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <p>‘Koala SEPP 2021’ provides for three different development assessment processes:</p> <ol style="list-style-type: none"> <li>1. Development on land to which the Policy and an approved koala plan of management applies (clause 10);</li> <li>2. Development on land to which the Policy applies, has an area of at least 1 hectare and to which no approved koala plan of management applies (clause 11);</li> <li>3. Other land to which no approved koala plan of management applies and where the council is satisfied that the land is not core koala habitat (clause 12).</li> </ol> <p>Koala Plans of Management approved under any previous Koala SEPP are taken to be an approved Koala Plan of Management under the Koala SEPP 2021.</p>



<p><b>Assessment – Consistent</b></p> <p>The sites that are the subject of this Planning Proposal are disturbed sites and contain little, if any, native vegetation. Furthermore, the sites are less than 1 hectare, both individually and collectively. Therefore, the SEPP is not relevant to the subject sites.</p>
<p><b>SEPP (Mining, Petroleum Production &amp; Extractive Industries) 2007</b></p> <p>The aims of this Policy are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries -</p> <ul style="list-style-type: none"> <li>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</li> <li>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</li> <li>(b1) to promote the development of significant mineral resources, and</li> <li>(c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</li> <li>(d) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development - <ul style="list-style-type: none"> <li>(i) to recognise the importance of agricultural resources, and</li> <li>(ii) to ensure protection of strategic agricultural land and water resources, and</li> <li>(iii) to ensure a balanced use of land by potentially competing industries, and</li> <li>(iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.</li> </ul> </li> </ul>
<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal does not affect the application of this SEPP. However, certain types of exempt development under this SEPP may be restricted by the change in heritage status anticipated by this Planning Proposal. Exempt development on heritage sites is normally restricted activities that have a minor or negligible effect on heritage significance.</p>
<p><b>SEPP No 33 - Hazardous &amp; Offensive Development</b></p> <p>This Policy aims—</p> <ul style="list-style-type: none"> <li>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and <ul style="list-style-type: none"> <li>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and</li> </ul> </li> <li>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</li> <li>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</li> <li>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</li> <li>(f) to require the advertising of applications to carry out any such development.</li> </ul>
<p><b>Assessment – Consistent</b></p> <p>The Planning Proposal applies to land within the R3 Medium Density Residential zone. Hazardous and offensive industries are prohibited in the R3 zone.</p>



<b>SEPP No 50 – Canal Estate Development</b>
This Policy aims to prohibit canal estate development as described in this Policy in order to ensure that the environment is not adversely affected by the creation of new developments of this kind.
<b>Assessment – Consistent</b> The SEPP does not apply to land within a water catchment (as prescribed by Schedule 2 of the SEPP). The subject land is within the Sydney Drinking Water Catchment Area and therefore the SEPP does not apply.
<b>SEPP No 55 - Remediation of Land</b>
The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment— <ul style="list-style-type: none"> <li>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</li> <li>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</li> <li>(c) by requiring that a remediation work meet certain standards and notification requirements.</li> </ul>
<b>Assessment – Consistent</b> The subject sites have been in residential usage for more than 70 years and the lands are not considered to have any significant contamination risk. The Planning Proposal does not seek to change the use or the zoning of the subject sites.
<b>SEPP No 64 – Advertising &amp; Signage</b>
This Policy aims - <ul style="list-style-type: none"> <li>(a) to ensure that signage (including advertising): <ul style="list-style-type: none"> <li>(i) is compatible with the desired amenity and visual character of an area, and</li> <li>(ii) provides effective communication in suitable locations, and</li> <li>(iii) is of high quality design and finish, and</li> </ul> </li> <li>(b) to regulate signage (but not content) under Part 4 of the Act, and</li> <li>(c) to provide time-limited consents for the display of certain advertisements, and</li> <li>(d) to regulate the display of advertisements in transport corridors, and</li> <li>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</li> </ul>
<b>Assessment – Consistent</b> The Planning Proposal does not specifically apply to signage. However, it is acknowledged that the opportunities for signage may be restricted on the subject land under this Policy resulting from this Planning Proposal due to the change in heritage status.



<p><b>SEPP No 65 – Design Quality of Residential Apartment Development</b></p>
<p>This Policy aims to improve the design quality of residential apartment development in the State. The Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design. Improving the design quality of residential apartment development aims:</p> <ul style="list-style-type: none"> <li>(a) to ensure that it contributes to the sustainable development of New South Wales: <ul style="list-style-type: none"> <li>(i) by providing sustainable housing in social and environmental terms, and</li> <li>(ii) by being a long-term asset to its neighbourhood, and</li> <li>(iii) by achieving the urban planning policies for its regional and local contexts, and</li> </ul> </li> <li>(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and</li> <li>(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and</li> <li>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</li> <li>(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and</li> <li>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</li> <li>(g) to support housing affordability, and</li> <li>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</li> </ul> <p>The Policy also aims to provide:</p> <ul style="list-style-type: none"> <li>(a) consistency of policy and mechanisms across the State, and</li> <li>(b) a framework for local and regional planning to achieve identified outcomes for specific places.</li> </ul>
<p><b>Assessment – Consistent</b></p> <p>The subject properties are zoned R3 Medium Density Residential where residential flat buildings are permissible with consent. However, the sites in both Bowral and Moss Vale are within areas designated by the respective DCPs where residential flat buildings are not permissible. Therefore, this SEPP would not be applicable on these sites.</p>
<p><b>SEPP(Primary Production &amp; Rural Development) 2019</b></p>
<p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> <li>(a) to facilitate the orderly economic use and development of lands for primary production,</li> <li>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</li> <li>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</li> <li>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</li> <li>(e) to encourage sustainable agriculture, including sustainable aquaculture,</li> <li>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</li> <li>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</li> </ul>





<p><b>Assessment – Consistent</b> The Planning Proposal applies to the land in a residential zone in an existing urban area. Therefore, the SEPP does not specifically apply to this Planning Proposal.</p>
<p><b>SEPP (State &amp; Regional Development) 2011</b></p>
<p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> <li>(a) to identify development that is State significant development,</li> <li>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</li> <li>(c) to identify development that is regionally significant development.</li> </ul>
<p><b>Assessment – Consistent</b> The Planning Proposal does not affect the application of this SEPP.</p>
<p><b>SEPP (Sydney Drinking Water Catchments) 2011</b></p>
<p>The aims of this Policy are -</p> <ul style="list-style-type: none"> <li>(a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and</li> <li>(b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and</li> <li>(c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.</li> </ul>
<p><b>Assessment – Consistent</b> The subject sites are within a drinking water catchment covered by the Policy. Should a Gateway Determination be received, referral to WaterNSW would occur as required under this Policy and Ministerial Direction 5.2 (Sydney Drinking Water Catchments). Should the Planning Proposal proceed to public exhibition, the WaterNSW response would be included and this Assessment updated accordingly.</p>
<p><b>SEPP (Urban Renewal) 2010</b></p>
<p>The aims of this Policy are -</p> <ul style="list-style-type: none"> <li>(a) to establish the process for assessing and identifying sites as urban renewal precincts,</li> <li>(b) to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts,</li> <li>(c) to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.</li> </ul>
<p><b>Assessment – Consistent</b> The subject land is not within a potential urban renewal precinct identified by the SEPP, therefore the SEPP does not apply to the subject land and the Planning Proposal.</p>
<p><b>SEPP (Vegetation in Non-Rural Areas) 2017</b></p>
<p>The aims of this Policy are -</p> <ul style="list-style-type: none"> <li>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</li> <li>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</li> </ul>
<p><b>Assessment – Consistent</b> This Policy only applies to removal of trees on heritage sites and in heritage areas where the removal is of a minor nature and would not adversely affect the heritage significance of the heritage place (clause 10). The change in heritage status for the subject properties will restrict vegetation removal under this SEPP and will ensure that only tree removals that do not affect the heritage significance are undertaken under this SEPP.</p>



**6. Is the Planning Proposal consistent with applicable Local Planning Directions (s.9.1(2) of the EP&A Act)?**

*Note: The following Directions will come into force on 1 March 2022.*

<b>Focus Area 1: Planning Systems</b>
<b>1.1 Implementation of the Minister's Planning Principles</b>
This Direction applies to ensure that the Minister's Planning Principles are given regard in the assessment of all planning proposals to support improved outcomes.
<b>Assessment – Consistent</b> The identification, conservation and management of heritage is embodied in the Minister's Focus Area No. 3: Biodiversity and conservation. Planning Principle No. 3.13 states: <i>3.13 Heritage protection, conservation and management strategies should be included in strategic and land use planning to avoid or minimise any negative heritage impacts from development, as well as provide innovative opportunities to enhance and celebrate NSW's rich heritage.</i> Identification of places of heritage significance and the subsequent listing of these places provides greater certainty in the planning and development of these sites and surrounding areas. This Planning Proposal seeks to list places that have been assessed as being of heritage significance.
<b>1.2 Implementation of Regional Plans</b>
The objective of this Direction is to give legal effect to vision, land use strategy, goals, directions and actions contained in Regional Plans.
<b>Assessment – Consistent</b> Question 3 in Section B of this Planning Proposal has addressed the relevant parts of the South East & Tablelands Regional Plan.
<b>1.3 Development of Aboriginal Land Council land</b>
The objective of this direction is to provide for the consideration of development delivery plans prepared under Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority.
<b>Assessment – Consistent</b> This Direction currently only applies in the Central Coast local government area.
<b>1.4 Approval and Referral Requirements</b>
The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.
<b>Assessment – Consistent</b> This Planning Proposal involves the identification of heritage items and to list and manage them in accordance with existing provisions in the Wingecarribee Local Environmental Plan 2010.
<b>1.5 Site Specific Provisions</b>
The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.
<b>Assessment – Consistent</b> This Planning Proposal does not involve any change in zoning or any site specific provisions.



<b>Focus Area 1: Planning Systems – Place-based</b>
1.6 Parramatta Road Corridor Urban Transformation Strategy
1.7 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor
1.11 Implementation of the Western Sydney Aerotropolis Plan
1.12 Implementation of Bayside West Precincts 2036
1.13 Implementation of Planning Principles for the Cooks Cove Precinct
1.14 Implementation of St Leonards and Crows Nest 2036 Plan
1.15 Implementation of Greater Macarthur 2040
1.16 Implementation of the Pyrmont Peninsula Place Strategy
1.17 North West Rail Link Corridor Strategy
<b>Assessment – Consistent</b>
The above Directions do not apply in Wingecarribee Shire.

<b>Focus Area 2: Design and Place</b>
<i>There are no Directions under this Focus Area</i>

<b>Focus Area 3: Biodiversity and Conservation</b>
<b>3.1 Conservation Zones</b>
The objective of this Direction is to protect and conserve environmentally sensitive areas.
<b>Assessment – Consistent</b>
The sites subject of this Planning Proposal are not within an existing environmental or conservation zone and are not environmentally sensitive land.
<b>3.2 Heritage Conservation</b>
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
<b>Assessment – Consistent</b>
The Planning Proposal seeks to conserve environmental heritage places that are the subject of Interim Heritage Orders and have undergone a heritage assessment in accordance with the NSW Heritage Guidelines. The Wingecarribee Local Environmental Plan 2010, which is a standard instrument LEP, contains compulsory clause 5.10 relating to heritage conservation. The new heritage places would be subject to these provisions once they are included as a heritage item and within a heritage conservation area.
<b>3.3 Sydney Drinking Water Catchments</b>
The objective of this direction is to protect water quality in the Sydney drinking water catchment in which Wingecarribee Shire is included.
<b>Assessment – Consistent</b>
Although the Planning Proposal applies to land within the Sydney Drinking Water Catchment, it seeks to maintain the existing zoning and land use of the subject land and create a new heritage overlay which will likely have a subduing effect on development potential, thereby helping to protect water quality. Should a Gateway Determination be issued, it is expected that it will require referral of the Planning Proposal to WaterNSW.



<b>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</b>
The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast.
<b>Assessment – Consistent</b> This Directions does not apply in Wingecarribee Shire.
<b>3.5 Recreation Vehicle Areas</b>
The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.
<b>Assessment – Consistent</b> The Planning Proposal does not seek to enable development for a recreation vehicle area.
<b>Focus Area 4: Resilience and Hazards</b>
<b>4.1 Flooding</b>
The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not within a flood planning area or probable maximum flood as identified in the Bowral Floodplain Risk Management Study 2009, the Wingecarribee River Flood Study 2014 or the Whytes Creek Floodplain Risk Management Study 2020 (Moss Vale) adopted by Council and current at this time.
<b>4.2 Coastal Management</b>
The objective of this direction is to protect and manage coastal areas of NSW.
<b>Assessment – Consistent</b> This Direction does not apply to Wingecarribee Shire.
<b>4.3 Planning for Bushfire Protection</b>
The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas.
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not located in a mapped fire prone area.
<b>4.4 Remediation of Contaminated Land</b>
The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.
<b>Assessment – Consistent</b> The Planning Proposal does not apply to the land that is or is likely to be contaminated as it has been in residential use for at least 70 years.
<b>4.6 Mine Subsidence and Unstable Land</b>
The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are within Bowral and Moss Vale and are not located within a mapped Mine Subsidence Area.



<b>Focus Area 5: Transport and Infrastructure</b>
<b>5.1 Integrating Land Use and Transport</b>
The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.
<b>Assessment – Consistent</b> The Planning Proposal seeks to provide heritage protection for two discrete areas within the towns of Bowral and Moss Vale. This action would not create additional infrastructure demands, as the subject sites are already developed for residential uses.
<b>5.2 Reserving Land for Public Purposes</b>
The objectives of this direction are to: (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.
<b>Assessment – Consistent</b> The Planning Proposal does not apply to any land or zonings identified for public purposes.
<b>5.3 Development Near Regulated Airports and Defence Airfields</b>
The objectives of this direction are to: (a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not located near a regulated airport or defence airfield.
<b>5.4 Shooting Ranges</b>
The objectives are to: (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.
<b>Assessment – Consistent</b> The lands subject to the Planning Proposal are not in the vicinity of any existing shooting ranges.





<b>Focus Area 6: Housing</b>
<b>6.1 Residential Zones</b>
The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands.
<b>Assessment – Consistent</b> This Direction applies as the Planning Proposal affects existing R3 Medium Density Residential zoned land. The Planning Proposal does not seek to alter the boundaries of the existing zone or the existing minimum lot size. However, it seeks to include the subject properties as a new heritage item and within an existing conservation area, in order to protect the local heritage of the Shire. This will have the effect of confining future development on these properties to that which is respectful of the heritage values of the sites/area.
<b>6.2 Caravan Parks and Manufactured Home Estates</b>
The objectives of this direction are to: (a) provide for a variety of housing types, and (b) provide opportunities for caravan parks and manufactured home estates.
<b>Assessment – Consistent</b> The Planning Proposal does not identify land suitable for caravan parks nor alter existing opportunities for caravan park development.
<b>Focus Area 7: Industry and Employment</b>
<b>7.1 Business and Industrial Zones</b>
The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified centres.
<b>Assessment – Consistent</b> The Planning Proposal applies to existing R3 Medium Density Residential zoned land and does not affect employment lands.
<b>7.2 Reduction in non-hosted short-term rental accommodation period</b>
The objectives of this direction are to: (a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and (b) ensure the impacts of short-term rental accommodation and views of the community are considered.
<b>Assessment – Consistent</b> This Direction applies only to Byron Shire Council.



7.3 Commercial and Retail Development along the Pacific Highway, North Coast
<p>The objectives for managing commercial and retail development along the Pacific Highway are to:</p> <ul style="list-style-type: none"> <li>(a) protect the Pacific Highway’s function, that is to operate as the North Coast’s primary inter- and intra-regional road traffic route,</li> <li>(b) prevent inappropriate development fronting the highway,</li> <li>(c) protect public expenditure invested in the Pacific Highway,</li> <li>(d) protect and improve highway safety and highway efficiency,</li> <li>(e) provide for the food, vehicle service and rest needs of travellers on the highway, and</li> <li>(f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</li> </ul>
<p><b>Assessment – Consistent</b> This Direction applies only to local government areas north of Port Stephens Shire Council.</p>

Focus Area 8: Resources and Energy
8.1 Mining, Petroleum Production and Extractive Industries
<p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>
<p><b>Assessment – Consistent</b> The Planning Proposal does not seek to alter any existing opportunities for mining, petroleum production or extractive industries.</p>

Focus Area 9: Primary Production
9.1 Rural Zones
<p>The objective of this direction is to protect the agricultural production value of rural land.</p>
<p><b>Assessment – Consistent</b> The Planning Proposal does not apply to any existing rural lands and does not seek to rezone land to a rural zone.</p>
9.2 Rural Lands
<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) protect the agricultural production value of rural land,</li> <li>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</li> <li>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</li> <li>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</li> <li>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,</li> <li>(f) support the delivery of the actions outlined in the NSW Right to Farm Policy.</li> </ul>
<p><b>Assessment – Consistent</b> The Planning Proposal applies to R3 Medium Density Residential zoned, proposing no change of zoning and, therefore, does not affect rural lands.</p>



<b>9.3 Oyster Aquaculture</b>
The objectives of this direction are to: (a) ensure that ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and (b) protect ‘Priority Oyster Aquaculture Areas’ and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.
<b>Assessment – Consistent</b> This Direction does not apply to Wingecarribee Shire.
<b>9.4 Farmland of State and Regional Significance on the NSW Far North Coast</b>
The objectives of this direction are to: (a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.
<b>Assessment – Consistent</b> This Direction does not apply to Wingecarribee Shire.

**Section C – Environmental, Social & Economic Impacts**

**7. 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 Planning Proposal?**

The Planning Proposal applies to existing medium density residential zoned land which has previously been developed for residential purposes. No critical habitat or endangered vegetation is known to be identified on the subject lands, and the Planning Proposal seeks to protect and retain the existing vegetation on the land.

**8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

There are not likely to be any environmental effects as a result of the Planning Proposal. In fact, the heritage listing of the site in Moss Vale and the extension of the Bowral Conservation Area to include additional properties will constrain development potential, thereby reducing negative environmental impacts, including loss of trees and potential loss of habitat within the established gardens on the subject properties.

**9. Has the Planning Proposal adequately addressed any social and economic effects?**

There are possible social and economic effects on the existing property owners as any future development of the sites will be restricted due the Heritage status of the properties. However, there are social benefits and potential economic benefits for the surrounding property owners resulting from the protection of these site and their gardens.

Some individual economic and social impact is considered to be reasonable in the context of protecting a sites of local heritage significance from inappropriate development.



**Section D – State and Commonwealth Interests**

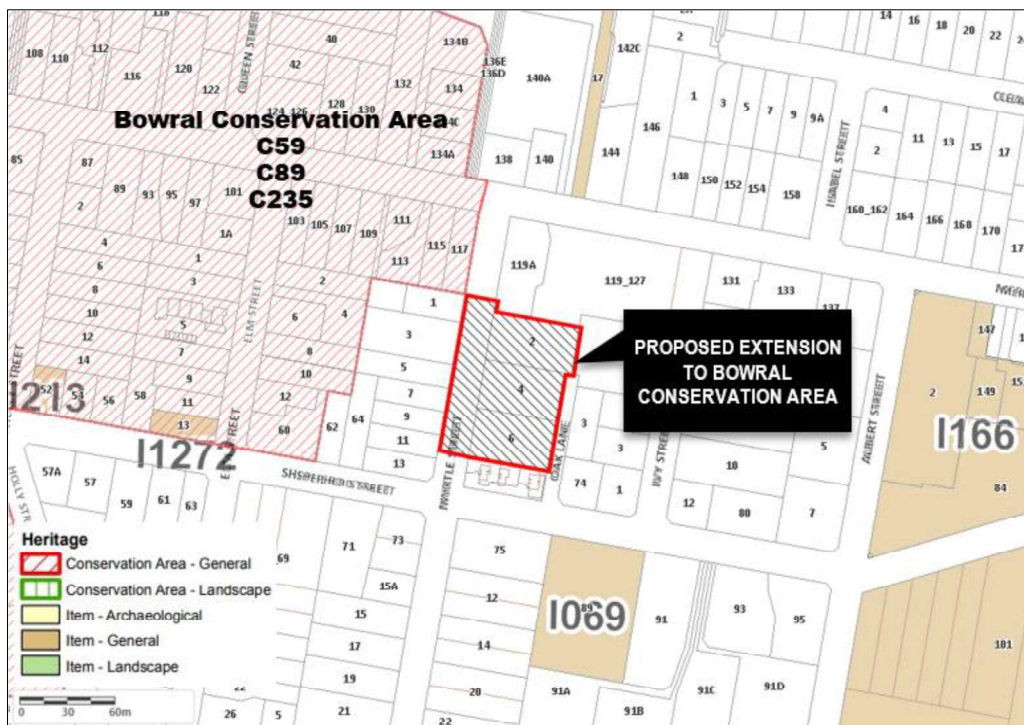
**10. Is there adequate public infrastructure for the Planning Proposal?**

Yes. The Planning Proposal will not result in any additional burden on existing public infrastructure. In fact, the reduction in development potential could help to alleviate future infrastructure burden.

**Part 4: Mapping**

The following maps will require amendment:

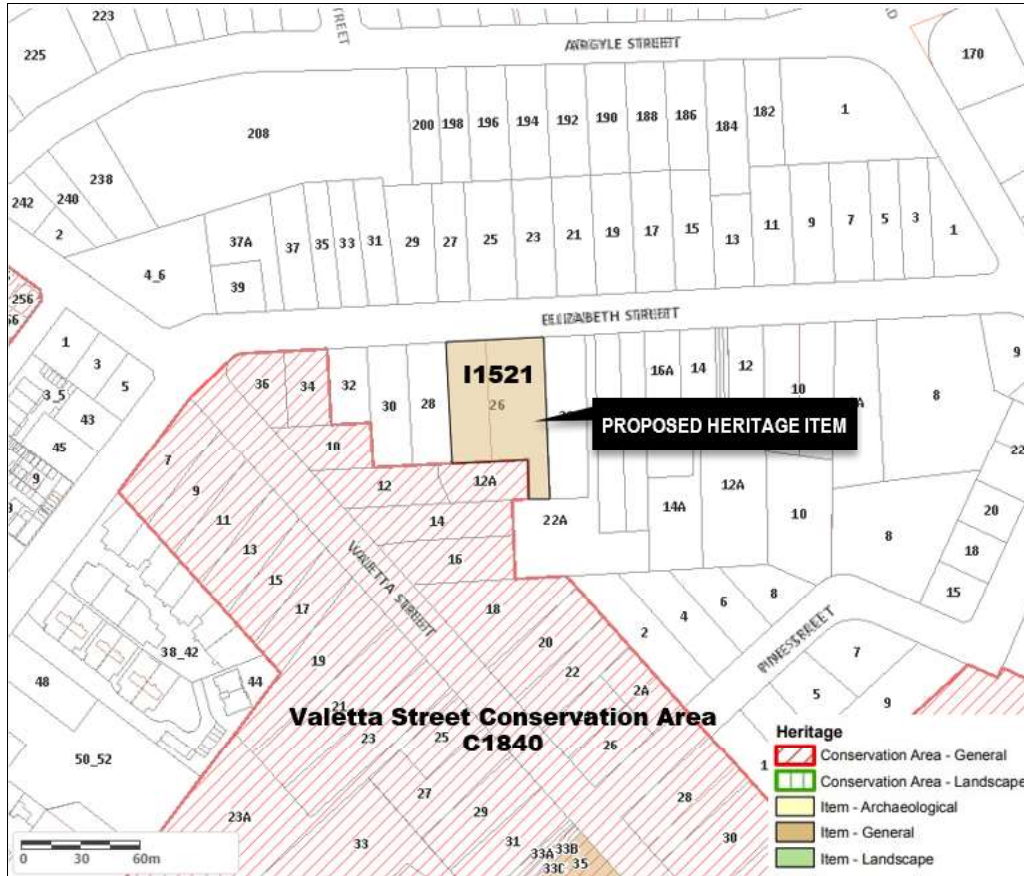
- Heritage Map – Sheet HER\_007C** (current reference 8350\_COM\_HER\_007C\_020\_20170327) which covers the area of Bowral. **Figure 8** indicates the manner in which this map is proposed to be amended.



**Figure 8: Indicative amendment to the WLEP 2010 Heritage Map (Sheet HER\_007C) for 2, 4 and 6 Myrtle Street, Bowral**



2. **Heritage Map – Sheet HER\_007E** (current reference 8350\_COM\_HER\_007E\_020\_20170123) which covers the area of Moss Vale. **Figure 9** indicates the manner in which this map is proposed to be amended.



**Figure 9: Indicative amendment to the WLEP 2010 Heritage Map (Sheet HER\_007E) for 26 Elizabeth Street, Moss Vale**





### **Part 5: Consultation – Agency Referrals**

Council will conduct Agency referrals as required under legislation should a Gateway Determination be obtained. However, it is anticipated that referrals to Heritage NSW and Water NSW will be required.

### **Part 5: Consultation - Community**

Council will undertake community consultation in accordance with the Gateway Determination.

The principal place of public exhibition will be Council’s website, [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au) with copies of all documentation also available at the Customer Service Counter at the Civic Centre, 68 Elizabeth Street, Moss Vale, NSW 2577 and the Bowral and Moss Vale Libraries if and as COVID-19 restrictions permit.

### **Part 6: Timeline**

<b>MILESTONE</b>	<b>INDICATIVE /ACTUAL DATE</b>
Gateway Determination	April/May 2022
Agency Consultation	May/June 2022
Public Exhibition	July 2022
Report to Council on exhibition of Planning Proposal.	September 2022
S.3.36 Documents to DP&E & PCO.	September 2022
Approximate completion date	November 2022

### **Delegation – to be completed by Council if supported**

A Delegation request form accompanies this Planning Proposal.

**END OF PLANNING PROPOSAL**

## 9.6 Planning Proposal and Heritage Assessment of 2 & 4 Myrtle Street, Bowral, and 'Karingal', 26 Elizabeth Street, Moss Vale—Interim Heritage Orders Nos. 12 & 13

**Report Author:** Strategic Land Use Planner (Heritage)  
**Authoriser:** General Manager

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### OFFICER'S RECOMMENDATION

1. **THAT** the Panel supports the heritage assessment and proposed heritage listing of "'Karingal' Interwar bungalow and garden including brick and trachyte fence" comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.
2. **THAT** the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area
3. **THAT** the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add "'Karingal' Interwar bungalow and garden including brick and trachyte fence" as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.
3. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
4. **THAT** Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.
5. **THAT** the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.

### LOCAL PLANNING PANEL ADVICE

This matter was considered at the Local Planning Panel meeting of 2 March 2022 and the Panel supported the staff recommendation.

The Manager Strategic Land Use Planning introduced the item.

MN 2022/44

**MINUTES OF THE ORDINARY MEETING OF COUNCIL  
WEDNESDAY 16 MARCH 2022**

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**MOTION** moved by Interim Administrator

1. **THAT** the Panel supports the heritage assessment and proposed heritage listing of “Karingal’ Interwar bungalow and garden including brick and trachyte fence” comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.
2. **THAT** the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area
3. **THAT** the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add “Karingal’ Interwar bungalow and garden including brick and trachyte fence” as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.
4. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. **THAT** Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.
6. **THAT** the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.

**LOCAL PLANNING PANEL ADVICE**

*This matter was considered at the Local Planning Panel meeting of 2 March 2022 and the Panel supported the staff recommendation.*

**DECLARED CARRIED BY THE INTERIM ADMINISTRATOR**

MN 2022/45

**MOTION** moved by Interim Administrator

**THAT:**

1. Standing Orders be suspended in order to consider one supplementary item and one speaker.

## **ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS**

### **Checklist for the review of a request for delegation of plan making functions to councils**

**Local Government Area:**Wingecarribee Shire

**Name of draft LEP:**Planning Proposal for Myrtle Street, Bowral, and Elizabeth Street, Moss Vale (heritage)

**Address of Land (if applicable):** 2, 4 and 6 Myrtle Street, Bowral and 26 Elizabeth Street, Moss Vale

**Intent of draft LEP:** To include 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area and heritage list 26 Elizabeth Street, Moss Vale.

**Additional Supporting Points/Information:** The Bowral and Moss Vale sites are subject to two Interim Heritage Orders (IHOs) published on 19 November 2021 under the delegation to Councils through the Ministerial Order for Authorisation to make Interim Heritage Orders under section 25 of the Heritage Act 1977. A heritage assessment has been undertaken on the properties (see Council report) in accordance with the NSW Heritage Manual Guidelines.

<b>Evaluation criteria for the issuing of an Authorisation</b>	<b>Council response</b>		<b>Department assessment</b>	
	<b>Y/N</b>	<b>Not relevant</b>	<b>Agree</b>	<b>Not agree</b>
<b>(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)</b>				
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
<b>Minor Mapping Error Amendments</b>	<b>Y/N</b>			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N			
<b>Heritage LEPs</b>	<b>Y/N</b>			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	Y			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	Y			
Does the planning proposal potentially impact on an item of State		Y		



Heritage Significance and if so, have the views of the Heritage Office been obtained?				
<b>Reclassifications</b>	Y/N			
Is there an associated spot rezoning with the reclassification?		Y		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Y		
Is the planning proposal proposed to rectify an anomaly in a classification?		Y		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Y		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Y		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		Y		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		Y		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Y		
<b>Spot Rezonings</b>	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		Y		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		Y		
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		Y		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Y		

Does the planning proposal create an exception to a mapped development standard?		Y		
<b>Section 73A matters</b>				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).</p>		Y		

**NOTES**

- Where a council responds ‘yes’ or can demonstrate that the matter is ‘not relevant’, in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.