
9.3 Update and Draft Wingecarribee Community Heritage Study 2021-2023 and Independent Peer Review

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PURPOSE

The purpose of this report is to provide an update on the Community Heritage Study 2021-2023 process including the public exhibition of the Independent Peer Review 2024 which is currently underway and upcoming milestones.

OFFICER'S RECOMMENDATION

THAT

1. Council receive and note the Update and Draft Wingecarribee Community Heritage Study 2021-2023 and Independent Peer Review report.
2. A further report be submitted to Council following consideration by the Local Planning Panel.

REPORT

BACKGROUND

The following table provides a timeline of the milestones of the Draft Community Heritage Study project.

Date	Milestone and Commentary
2021-2023	Compilation of the Draft Community Heritage Study 2021-2023 The Draft Community Heritage Study was compiled by a Study Team led by the former (non-Councillor) members of Council's former Heritage Advisory Committee and comprised of members of the Committee and the community with heritage, history and architecture qualifications and experience. The Study was prompted by a Council resolution to re-examine some 250 items that were recommended for heritage listing in a 2009 heritage study but deferred by Council in 2012.

**AGENDA OF THE ORDINARY MEETING OF COUNCIL
WEDNESDAY 19 JUNE 2024**

Date	Milestone and Commentary
29 June 2023	Initial Consideration of Draft Community Heritage Study 2021-2023 by Local Planning Panel The Draft Community Heritage Study was first considered by the Local Planning Panel and the following advice was given by the Panel: 1. <i>The Panel acknowledges the enormous amount of detailed work put into the Wingecarribee Community Heritage Study 2021-2023 by the Study Team and Council planning staff.</i> 2. <i>The Panel supports the commencement of owner and community consultation in accordance with this report of the Wingecarribee Community Heritage Study 2021-2023.</i> 3. <i>The Panel recommends that consideration be given to initiating the Peer Review of the Study concurrently with the proposed community consultation with the final Peer Review to be carried out at the conclusion of the community consultation.</i>
19 July 2023	Council resolution for consultation and public exhibition of Draft Community Heritage Study The Panel's advice was considered by Council as part of a report on the Draft Community Heritage Study where it was resolved: <i>MN 2023/434</i> THAT: 1. <i>The Wingecarribee Community Heritage Study 2021-2023 be supported to commence owner and community consultation in accordance with this report.</i> 2. <i>The Study Team and other volunteer contributors be acknowledged and thanked for their significant contribution in research, photography and compilation of the information contained in the Wingecarribee Community Heritage Study 2021-2023.</i>
31 July 2023	Commencement of owner consultations Consultation commences with owners of individual properties affected by the recommendations of the Draft Community Heritage Study. Access to the Draft Study documents was provided by a website link and affected owners of recommended heritage items were invited to attend 15-minute individual one-on-one sessions with Council staff that were conducted from 11 September until 30 October 2023. In total 326 meeting slots were made available to owners on 22 dates and 6 different venues across the Shire.
3 October 2023 to 6 November 2023	Public exhibition of Draft Community Heritage Study Public exhibition of the Draft Study commences. Letters were sent to owners of properties within proposed heritage conservation areas and emails were sent to local village associations and heritage groups. Thirteen four-hour community drop-in information kiosks were held between 9 October and 2 November 2023 at six locations across the Shire.

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Date	Milestone and Commentary
13 December 2023	Council consideration of Peer Review Options Council considers a report on the <i>Draft Community Heritage Study – Options for Peer Review</i> where it was resolved: <i>MN 2023/570</i> <i>THAT Council:</i> <i>1. Council receive and note the report and Council Officers play no further role in the matter.</i> <i>2. Council support the option for peer review of the Community Heritage Study and all submissions received in response to the public consultation process with the view to the final Heritage Study and Planning Proposal being submitted to the NSW Department Planning Department for Gateway Determination no later 30 June 2024.</i> <i>3. The cost for the independent peer review of the Community Heritage Study and exhibition of same by a suitably qualified heritage contractor reporting directly to the General Manager be considered as part of the December budget quarterly review.</i> <i>4. In relation to point 2, it will be necessary for the General Manager to prepare a timeline for public exhibition of the final draft study for consideration by both the Planning Panel and Council.</i> <i>5. The General Manager be delegated authority to place the draft Community Heritage Study, post peer review on public exhibition.</i>
31 January 2024	Appointment of Peer Review consultant The appointment of Mr Robert Staas as the heritage consultant to undertake the independent peer review of the Draft Community Heritage Study is announced.
21 February 2024	Council consideration of update report on Peer Review Council considers a report on the update of the independent peer review where it was resolved: <i>MN 2024/7</i> <i>THAT Council:</i> <i>1. Note the update on the appointment of the Consultant to undertake the independent Peer Review of the draft Wingecarribee Community Heritage Study 2021-2023.</i> <i>2. The proposed timeline for public exhibition of the peer-reviewed draft Study in accordance with Council's Resolution dated 13 December 2023 be the subject of a further report to the March 2024 meeting noting the delegation in place.</i> <i>3. Allocate \$22,000 at the next quarterly budget review to fund the heritage peer review.</i>

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Date	Milestone and Commentary
20 March 2024	Council consideration of further update report on Peer Review Council considered a further report on the revised timeline for the independent peer review where it was resolved: <i>MN 2024/39</i> <i>THAT Council note the revised proposed timeline for public exhibition of the peer-reviewed draft Study in accordance with Council's Resolutions dated 13 December 2023 and 21 February 2024.</i>
29-30 May 2024	Local Planning Panel consideration of Independent Peer Review 2024 of the Wingecarribee Community Heritage Study

The revised proposed timeline was presented to Council at its meeting held on 20 March 2024:

Timeframe	Milestone
22 January 2024	Peer Review initiated with independent consultant
15 May 2024	Peer Review Finalised
15 May 2024	Consultant presents peer review outcomes to Local Planning Panel (LPP)
29 May 2024	Extraordinary LPP considers peer reviewed draft Heritage Study
30 May 2024	General Manager places peer-reviewed draft Study on public exhibition for 28 days
30 June 2024	Public exhibition concludes
15 and 16 July 2024	Extraordinary LPP considers outcomes of public exhibition and makes recommendations to proceed to Gateway Determination
7 August 2024	Council considers outcomes of peer review and LPP advice and considers proceeding to Gateway Determination

The Draft Community Heritage Study 2021-2023 comprised investigation of 609 individual items and 16 areas, nine (9) of which are new areas and six (6) are extensions to existing conservation areas. Of the 609 individual items, 478 (or 78.5%) were recommended for heritage listing within the Draft Study, 131 (or 21.5%) were not recommended for heritage listing and all 16 proposed areas were recommended as heritage or landscape conservation areas as either standalone new areas or extensions to existing heritage or landscape conservation areas. However, two of these (Sutton Forest/Exeter Landscape Conservation Area and Northern and Southern Extensions to the Berrima Landscape Conservation Area) were recommended by the Draft Study for later implementation.

Owner consultations and public exhibition of draft Community Heritage Study 2021-2023

Owner consultations commenced in early September 2023 following the sending out of a letter to owners of recommended heritage items. The first round of Public Exhibition commenced on 3 October and public exhibition and the submission period closed on 6 November 2023. The submission period was subsequently extended a further 2 weeks to allow for late submissions.

The following consultation and notifications occurred during the consultation and public exhibition period:

- Letters to owners of properties affected by the Draft Community Heritage Study (including those within the proposed heritage conservation areas) and notified community interest and heritage groups. *(Note: owners within the proposed Northern and Southern Extensions to the Berrima*

Landscape Conservation Area and the Sutton Forest/Exeter Landscape Conservation Area were not notified due to the proposed later implementation of these areas. These owners will be consulted at a later date.)

- 26 documents were made available on Council's community engagement platform (*Your Say Wingecarribee* and later *Participate Wingecarribee*) made up of 21 documents comprising the 3 volumes of the Draft Community Heritage Study and 5 supporting documents including fact sheets. A submission form was included on this site.
- Individual one-on-one owner consultation sessions were made available from 11 September until 30 October 2023. In total 326 meeting slots were made available to owners on 22 dates and 6 different venues across the Shire. 143 of these slots were taken up by owners.
- 13 four-hour community drop-in information kiosks were held between 9 October and 2 November 2023 at 6 locations across the Shire. These were open to owners of properties affected by the Draft Study and interested members of the community.

A total of 208 unique submissions were received resulting from the consultations and public exhibition.

Scope of independent peer review

Council resolved at the 13 December 2023 meeting to undertake an independent peer review by engaging a suitably qualified and experienced heritage consultant/contractor to review the recommendations of the Draft Community Heritage Study and review all submissions received and make recommendations about the heritage listing of each property within the Study. The Independent Peer Reviewer that was appointed to undertake the peer review was provided copies of all 208 submissions along with the draft Study documents that were exhibited in 2023.

The Peer Reviewer was asked to provide two deliverables for Public Exhibition:

1. **Independent Peer Review Report** with heritage practitioner's professional background, peer review methodology and approach to reviewing submissions and a brief itemised response to submissions. Site visits were also conducted from the public domain.
2. **Independent Peer Review Recommendations Spreadsheet** with Peer Reviewer's final professional recommendation for all 609 items.

Summary of the Independent Peer Review 2024 Findings

Of the 609 individual items contained within the Draft Community Heritage Study, 417 items (68.5%) are recommended in the Peer Review report for heritage listing, 184 items (or 30.2%) are not recommended for heritage listing, and 8 (or 1.3%) are either recommended to be deferred for further study or, in the case of one item, had been demolished since the public exhibition of the Draft Study in 2023.

The majority of items recommended to be heritage listed by the Peer Review were also recommended for listing within the Draft Study. However, the Peer Review has recommended for heritage listing a further 14 items that were not recommended in the Draft Study.

There are 70 items not recommended for heritage listing by the Peer Review that *were* recommended for heritage listing by the Draft Study and of them, 36 items are contained within existing conservation areas, 19 items are contained in proposed conservation areas and 15 items are outside existing or proposed conservation areas.

In relation to conservation areas, 14 of the 16 heritage and landscape conservation areas are recommended for listing as conservation areas by the Peer Review, one (1) area is recommended to be deferred for further investigation, and one (1) area is not recommended. The table below contains a summary of the recommendations for each area.

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Area Name	Peer Review Recommendation
Berrima—Northern and Southern Extensions to the Berrima Landscape Conservation Area	The proposed area should be included as an extension to the Berrima Landscape Conservation Area with a review of the Statement of Significance to exclude references to Sutton Forest and Exeter. <i>Note: this proposed area was recommended for later implementation within the Draft Community Heritage Study 2021-2023.</i>
Bowral—Bowral Northern Entrance Landscape Conservation Area	The proposed area should be included as a new landscape conservation area subject to a review of the Statement of Significance. It is further recommended that a Plan of Management be prepared for this area.
Bowral—Bowral Southern Entrance Heritage Conservation Area	The proposed area should be included as a new heritage conservation area subject to the area being reduced to the western side of Moss Vale Road and the Statement of Significance amended accordingly.
Bowral—Bowral Conservation Area Extension (Shepherd Street North)	The proposed area should be included as an infill extension to the Bowral Conservation Area subject to amendments to “many” early buildings being replaced with “some” early buildings and other corrections.
Bowral—Bowral Conservation Area Extension (Merrigang Street)	The proposed area should be included as an extension to the Bowral Conservation Area.
Bowral—Bowral Conservation Area Extension (Holly and Elm Streets)	The proposed area should be deferred pending a more detailed assessment of its value as a conservation area.
Bowral—Bowral Conservation Area Extension (Glebe Estate)	The proposed area should be included as an extension to the Bowral Conservation Area.
Bowral—Station Street Heritage Conservation Area	Subject to inclusion of the church buildings at the rear, the proposed area should be included as a new heritage conservation area.
Bundanoon—Bundanoon Conservation Area Extension (Church Street)	The proposed area should be included as an extension to the Bundanoon Conservation Area.
Burradoo—Links Road & Bowral Golf Course Heritage Conservation Area	The proposed area should be included as a new heritage conservation area.
Exeter—Exeter Village Heritage Conservation Area	The proposed area should be included as a new heritage conservation area. However, further community consultation should be undertaken regarding the expansion of this area and planning controls for the area.
Kangaloon—Kangaloon Village Heritage Conservation Area	The proposed area should be included as a new heritage conservation area. It is further recommended that a larger Cultural Landscape Area should be identified and analysed.

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Area Name	Peer Review Recommendation
Mittagong—Mittagong Conservation Area Extension	The proposed area should be excluded as an infill extension to the existing Mittagong Conservation Area.
Robertson—Robertson Heritage Conservation Area	The proposed area should be included as a new heritage conservation area.
Sutton Forest—Sutton Forest/Exeter Landscape Conservation Area	The proposed area should be included as a new Cultural Landscape Conservation Area. <i>Note: this proposed area was recommended for later implementation within the Draft Community Heritage Study 2021-2023.</i>
Wildes Meadow—Wildes Meadow Village Heritage Conservation Area	The proposed area should be included as a new heritage conservation area.

Extraordinary planning panel meeting of 29 and 30 May 2024

At the Council Meeting of 20 March 2024, it was resolved that the Peer Review of the Community Heritage Study 2021-2023 would be considered by the Local Planning Panel at an Extraordinary Meeting on 29 May 2024 and that public exhibition of the Peer Review would commence on 30 May. An additional day (30 May 2024) was added to the Panel meeting to enable sufficient time for the members of the Local Planning Panel to consider the matter.

An Extraordinary Local Planning Panel was convened for 29 and 30 May 2024 to consider a report on the Independent Peer Review 2024 of the Community Heritage Study 2021-2023. As part of this consideration, the Panel was addressed by 20 property owners, representatives of property owners and members of the Wingecarribee community in public forum. On consideration of the public addresses and the Independent Peer Review reports, the Panel provided the following advice which includes a commentary of their actions during the Extraordinary Meeting:

- 1. The Panel support that the Wingecarribee Community Heritage Study 2021-2023 Independent Peer Review 2024 as attached to these minutes be endorsed for public exhibition for a minimum of 28 days commencing on or before 1 June 2024 and concluding on 30 June 2024 via the Participate Wingecarribee platform.*
- 2. The Panel supports a report on the results of the public exhibition of the Wingecarribee Community Heritage Study 2021-2023 Independent Peer Review 2024 and a draft Planning Proposal to implement the final recommendations be considered by the Local Planning Panel at the conclusion of public exhibition.*
- 3. The Panel notes that the published Peer Review by Robert Staas (ATTACHMENT 1 to the Agenda paper) did not include commentary in relation to a number of submissions received on proposed heritage items. An Addendum Peer Review report by Robert Staas has now been published via the Participate Wingecarribee platform and is an ATTACHMENT to these minutes.*
- 4. The Panel notes that the Peer Review by Robert Staas followed the same process whether the review was dealt with in the main report or the addendum.*
- 5. The Panel notes a number of submissions were critical of the process followed in the preparation of the Wingecarribee Community Heritage Study. Robert Staas was satisfied that the process followed was sound and the Panel endorses this.*

6. *The Panel notes the comments of Robert Staas that decisions regarding heritage listing inevitably involve an element of subjectivity and it is not an empirical process. The Peer Review aims to provide an expert assessment.*
7. *Robert Staas inspected all properties from the public domain and where it was not possible to obtain a full viewing from the public domain, familiarised himself by other means including the material in the Community Heritage Study, Google Street View, Nearmap and other readily available sources.*
8. *Individual Panel members carried out physical site inspections from the public domain in respect to some properties proposed for heritage listing. The Panel members also considered the material in the study, other material such as Google Street View and Nearmap. The Panel also considered all submissions lodged with Council during the exhibition of the Community Heritage Study and additional information provided by some speakers at the meeting on 29 May 2024.*
9. *The Panel notes that, as part of the exhibition process following this meeting, affected property owners (including those properties identified as not warranting heritage listing in the Wingecarribee Community Heritage Study but recommended for listing by Robert Staas in the peer review) will have an opportunity to make a written submission.*
10. *The Panel did not consider it appropriate at this stage to alter any of the recommendations in the Peer Review or Peer Review addendum. However, the Panel may when it considers the matter on 31 July 2024, make recommendations in that regard.*
11. *The Panel recommends that Robert Staas be engaged to:*
 - a. *Review the submissions received and considered at the LPP meeting on 29 May 2024*
 - b. *Review any further submissions received as a result of the exhibition of the Wingecarribee Community Heritage Study Peer Review and Peer Review Addendum*
 - c. *Review the final statement of significance to be included in the report to be considered by the LPP on 31 July 2024*

The Peer Review 2024 documents as considered by the Local Planning Panel are provided as attachments to this report, as follows: **Attachment 1**, (Main Report) **Attachment 2** (Addendum to Main Report) and **Attachment 3** (Spreadsheet).

These documents are currently on Public Exhibition.

Public exhibition of Independent Peer Review 2024

Public exhibition of the Independent Peer Review reports commenced on 31 May 2024 under the delegation of the General Manager and will conclude on 30 June 2024. Public exhibition is being conducted online through Council's Participate Wingecarribee platform at <https://participatewingecarribee.wsc.nsw.gov.au/community-heritage-study> and submissions are being invited through that site. Submissions are due on or before 30 June 2024.

In addition to the Peer Review reports, the Draft Community Heritage Study 2021-2023 and supporting documentation as publicly exhibited in 2023 is also available for viewing and download from the Participate Wingecarribee platform.

Future Steps

Following the conclusion of Public Exhibition, the Local Planning Panel is scheduled to convene an extraordinary meeting on 15 and 16 July 2024 to consider the results of the Public Exhibition of the Independent Peer Review including any submissions, as well as a Planning Proposal to set out the details of how the Wingecarribee Local Environmental Plan 2010 is proposed to be amended to effect the final recommendations of the peer reviewed Community Heritage Study.

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Following the Local Planning Panel consideration of the results of the Public Exhibition of the Independent Peer Review, a report will be presented to Council on 7 August 2024 seeking endorsement of final recommendations of the Independently Peer Reviewed Study and seeking a resolution to endorse the Planning Proposal and send it to the NSW Department of Planning, Housing and Infrastructure for a Gateway Determination.

A Gateway Determination will confirm the consultation required on the Planning Proposal, including consultation with public authorities and a final third round of Public Exhibition. All affected property owners and interested parties will be notified of the details of the post-Gateway Public Exhibition of the Planning Proposal which is likely to occur in early 2025.

Items recommended for deferral by the Independent Peer Reviewer are anticipated to be revisited by Council for further investigations and a separate process by June 2025.

COMMUNICATION AND CONSULTATION

Community Engagement

Affected owners were consulted from September until November 2023 on the Draft Community Heritage Study 2021-2023 and the Draft Study was on public exhibition in October into November 2023 as detailed in this report.

The Independent Peer Review 2024 of the Draft Community Heritage Study 2021-2023 is currently on public exhibition until 30 June 2024 on Council's community engagement website, Participate Wingecarribee.

Internal Communication and Consultation

Council's Assets and Property teams were notified in September 2023 of the inclusion of Council-owned buildings and sites recommended for heritage listing within the Draft Community Heritage Study 2021-2023.

External Communication and Consultation

There have been a number of media releases and external communications relating to the Draft Study and Peer Review, including over 930 letters to owners in September and October 2023 and a further mailout of 803 letters and 336 emails in early May 2024 informing owners, submission makers and other interested parties of the 29-30 May Local Planning Panel meeting and subsequent public exhibition.

SUSTAINABILITY ASSESSMENT

Environment

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

Social

There are no social issues in relation to this report.

Broader Economic Implications

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

Culture

Identifying, protecting and promoting places of significant cultural heritage is one of the strategies identified in the Community Strategic Plan: Wingecarribee 2041 under Goal 3.2 (Unique towns, villages and

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rural landscapes) under the Places theme. Council is committed to ensuring that places of heritage significance are identified, investigated and, as appropriate, listed within Schedule 5 of the Wingecarribee Local Environmental Plan 2010 through a formal Planning Proposal process.

Governance

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

COUNCIL BUDGET IMPLICATIONS

There are no further budget implications arising from this report. The budget allocation for an Independent Peer Review occurred in December 2023. The public exhibition of the Peer Review and the future Planning Proposal will be prepared utilising existing Council resources.

RELATED COUNCIL POLICY

There is no other relevant Council policy.

CONCLUSION

The findings of the Independent Peer Review of the Draft Community Heritage Study have been presented in this report along with a summary of the previous community engagement and exhibition undertaken in 2023.

The Peer Review has produced a list of recommendations along with justification for all 609 individual items investigated as part of the Draft Community Heritage Study along with the 16 proposed heritage conservation areas, landscape conservation areas and existing conservation area extensions.

The Community Heritage Study 2021-2023—Independent Peer Review 2024 is currently on public exhibition until 30 June 2024 following which the results of the public exhibition and the Study recommendations will be considered by the Local Planning Panel on 15 & 16 July for final advice and by Council on 7 August 2024 for the endorsement of the final study recommendations and the processing of the Planning Proposal to amend the Wingecarribee Local Environmental Plan 2010 to effect the final recommendations.

ATTACHMENTS

1. Under Separate Cover - Wingecarribee Independent Peer Review 2024 Vol 1 Main Report [9.3.1 - 104 pages]
2. Under Separate Cover - Wingecarribee Independent Peer Review 2024 Vol 1 Addendum to Main Report [9.3.2 - 17 pages]
3. Under Separate Cover - Wingecarribee Independent Peer Review 2024 Vol 2 Spreadsheet [9.3.3 - 32 pages]