

15.3 PLANNING PROPOSAL TO AMEND GOULBURN MULWAREE LEP 2009 TO INCLUDE WINGELLO PARK AS AN ITEM OF ENVIRONMENTAL HERITAGE IN SCHEDULE 5

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Attachments: 1. Interim Heritage Order No. 1 [↓](#) 

Link to Community Strategic Plan:	EN4 Maintain a balance between growth, development and environmental protection through sensible planning C04 Recognise and celebrate our diverse cultural identities, and protect and maintain our community's natural and built heritage.
Cost to Council:	The cost of the rezoning will be funded from operational budgets.
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report to amend the provisions of Schedule 1 – Items of Environmental Heritage in *Goulburn Mulwaree Local Environmental Plan 2009* by adding “Wingello Park” by the Business Manager Strategic Planning be received.
2. Council resolve to prepare a Planning Proposal to amend Schedule 5 of *Goulburn Mulwaree Local Environmental Plan 2009* to include “Wingello Park” 14597 Hume Highway, Marulan (Lot 2 DP 1138469) as an item of environmental heritage.
3. When the Planning Proposal is prepared, a request for a Gateway Determination be forwarded to the NSW Department of Planning, Industry and Environment.
4. The NSW Department of Planning, Industry and Environment be requested to issue delegations so that Council is the Relevant Planning Authority to process the subject Planning Proposal.
5. Council request the Heritage Council make a recommendation to the Minister for Heritage under section 32(2) of the *Heritage Act, 1977* to include the item on the State Heritage Register
6. Council prepare a State Heritage Register (SHR) nomination form for submission to the NSW Heritage Council nominating Wingello Park for inclusion on the State Heritage Register.
7. No fee is applicable for this Planning Proposal as it is being initiated by Council.

BACKGROUND

A development application (DA/0335/1819) was lodged on 16 May 2019 with Council for proposed alterations and additions to an existing residence on the property known as “Wingello Park” 14597 Hume Highway, Marulan (Lot 2 DP 1138469). The application included the demolition of the main living component of the building. A site inspection by staff identified that the building may have heritage significance despite the fact that it is not currently identified in Schedule 5 of *Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009* as an item of environmental heritage.

A subsequent inspection of the property by staff and Council’s Consultant Heritage Advisor, together with the submission by the applicant of a Heritage Impact Statement, confirmed that the property was potentially of local heritage significance and that further information regarding the property and its history was required.

Council's Consultant Heritage Advisor was requested to investigate the significance of the property to determine whether it met the criteria for an interim heritage order under the *NSW Heritage Act, 1977*. Preliminary advice from Council's Consultant Heritage Advisor was that the property was potentially heritage significant.

Council advised in writing and in meetings with the applicant and applicant's representative, that it was not supportive of the application to demolish and replace the c.1835 section of the house and suggested that the development application be withdrawn. Given the potential for the development application to be withdrawn or refused and the potential threat to the item from neglect, or demolition (using complying development provisions), an interim heritage order was made and published in the NSW Government Gazette on 1 November 2019 (Attachment 1).

The applicant advised that the development application would not be withdrawn and sought determination. The development application was deemed refused by Council on 27 November 2019.

A Class 1 Application by the applicant was filed with the NSW Land and Environment Court on 27 November 2019 against Interim Heritage Order No. 1.

REPORT

The purpose of this report is to present a justification for the inclusion of the property known as "Wingello Park" as an item of environmental heritage under Schedule 5 of Goulburn Mulwaree Local Environmental Plan 2009.

Potential Heritage Significance

The following is an extract from the preliminary assessment provided by Council's Consultant Heritage Advisor:

Known History

The following is based on my desktop survey and information provided to me by Council:

Wingello Homestead

- *1824 Robert Mackay Campbell receives a land grant of 600 acres for the farm known as "Wingello"*
- *c.1830 Robert Mackay Campbell marries Ann Hassall and they move into a dwelling at Wingello Park*
- *1835 Robert Hoddle, Surveyor visits Wingello and makes a sketch of the homestead which is held at the Mitchell Library in Sydney. The sketch shows all three components of the homestead including the long north facing wing with high pitched roof and covered sandstone terrace. [Refer Figure 1]*
- *1841 Described by James Larmer, Surveyor as: "three buildings in a U Shape".*

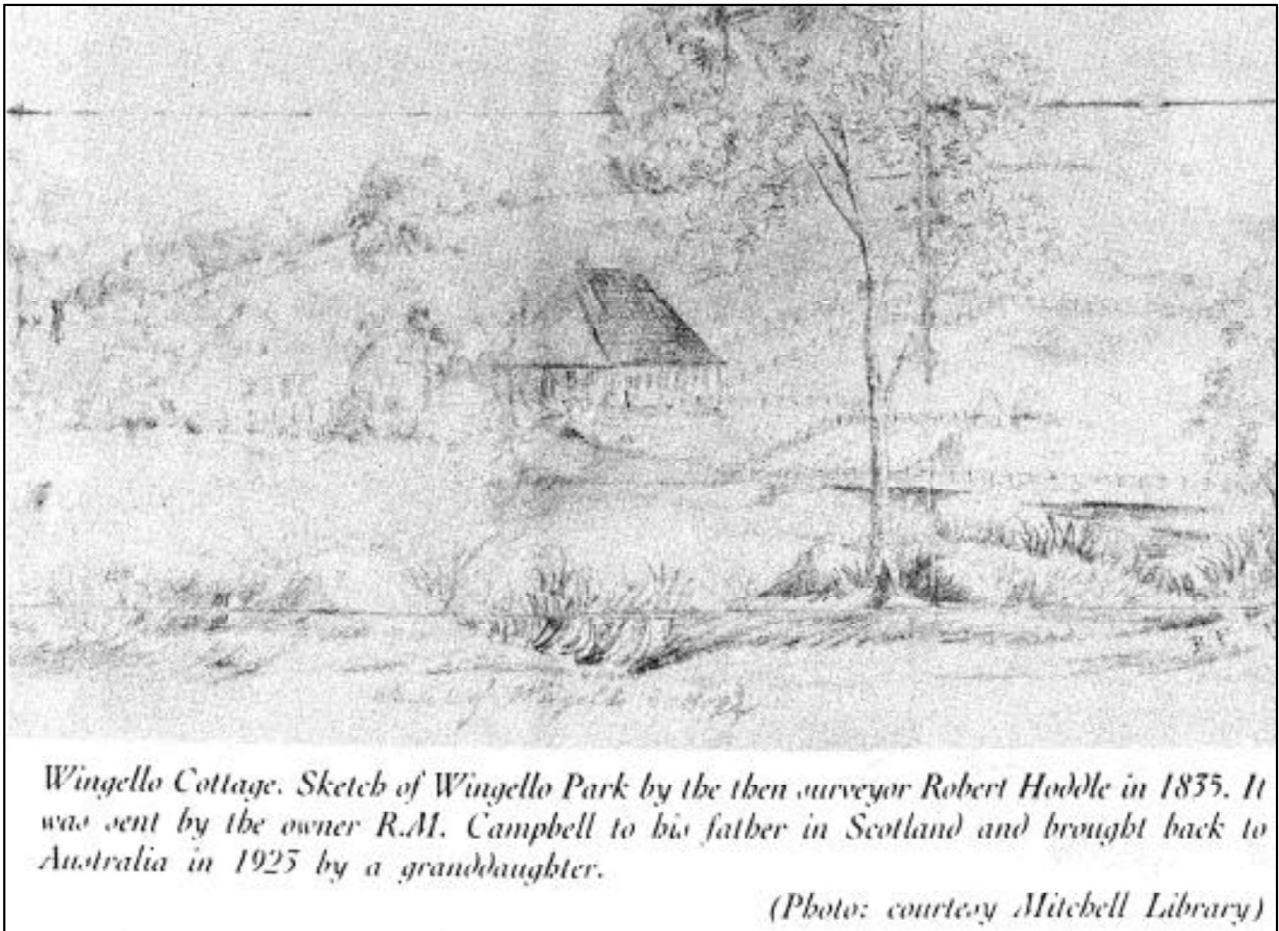


Figure 1 – 1835 Sketch of Wingello Park homestead by Robert Hoddle

- 1846 A further sketch of the homestead which also appears as we see it today. **[Refer Figure 2]**
- 1847 The barn is constructed with sandstone (according to the plaque on the entry portal).
- 1850 Wingello Park offered for sale. Described as follows: ‘Cottage Ornee’, barn (built 1847), a shearing shed, a granary, storeroom, and a patent wool press, also described was the “mail paddock” used by daily mail coaches, and at the entrance the former mounted police station.

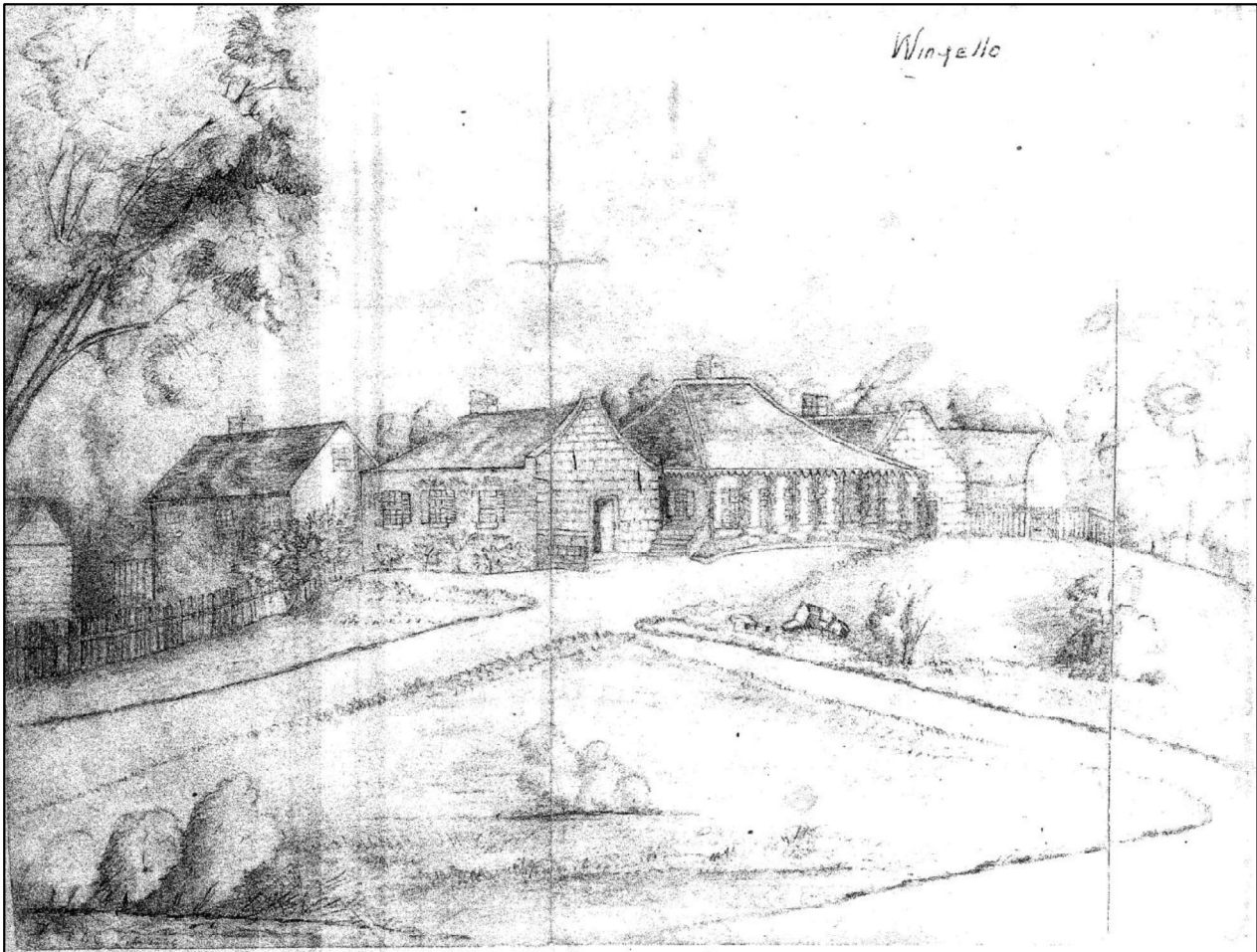


Figure 2 – Sketch 1846 [artist unknown] of the Wingello Park Homestead

- 1864 Wingello Park was the location of an auction of 300 alpacas. In attendance were the Governor of NSW Sir John Young, the Colonial Secretary J. Martin and the Minister for Lands J.B. Wilson.
- 1871 Property purchased by Thomas Holt, owner of adjacent “Arthursleigh”, on a 99 year Lease The lease changed hands several times including to the Sieler family and the Osborne family of Currandooley, near Bungendore.
- c1983 The property was bought by Major General Cullen
- c.2014 Property bought by John Kahlbetzer **[Refer Figure 3 – 2019 photo]**



Figure 3 – Current Photo of Wingello Park homestead

Potential association with the following famous Australians:

- *Robert Mackay Campbell was the Liverpool Magistrate*
- *Ann Hassall was the daughter of Rowland Hassall, famous early colonial preacher and landholder and associate of the Rev Samuel Marsden, Governor Philip Gidley King and Governor William Bligh*
- *Thomas Holt 1811-1888 was a wool merchant, financier, politician with interests in many NSW and QLD pastoral properties, totalling 3 million acres. He was a member of the NSW LA, later the LC and had an interest in the experimentation and acclimatisation of exotic flora and fauna in NSW (hence the alpaca auction).*
- *Robert Hoddle was a highly significant surveyor*
- *Thomas Mitchell was a highly significant surveyor*
- *PJ Osborne was a significant land holder in the area*
- *Paul Cullen was a highly decorated Major General in WW2 who went on to an illustrious career in finance. He started Australia's first merchant bank in 1953.*

Inspections of the property and discussions held with various stakeholders have also made evident that the site, and in particular the building complex being investigated, shows clear signs of convict activity, including but not limited to the layout of the buildings, the construction materials and methods used as well as the presence of a structure that was likely to have been used as a convict lock-up. It has also been suggested that the building complex may have featured on a prominent Cobb & Co. stagecoach route.

An assessment was undertaken against the relevant NSW Heritage Assessment Criteria. The assessment found that the property is associated with a number of themes which are important in the course or pattern of NSW's cultural history.

The assessment also found a strong or special association with the life or works of a person or group of persons of importance to NSW's cultural history. The item is "an excellent and very early example of a colonial homestead in Cottage Ornee style, highly intact although in only fair condition and is a rare surviving example of its type".

Based on the above, the item is highly likely to be of local significance and may be of State significance. The actual assessment for State Heritage Listing can be further evaluated by NSW Heritage following the submission of a nomination form by Council.

Risk to Potential Item

The site is zoned RU2 – Rural Landscape under *Goulburn Mulwaree Local Environmental Plan 2009* and the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* apply to the site including the Demolition Code. Therefore, a complying development certificate (CDC) could be lodged in the absence of a heritage listing or interim heritage order for demolition to a certifier. Once a CDC is issued, Council cannot issue an interim heritage order under the *NSW Heritage Act, 1977*.

Based on the legislation, the owner's and representative's advice and previous unauthorised development, it is considered that there is a risk to the dwelling complex and potentially the barn, due to a lack of heritage listing under GMLEP 2009. Evidently, the current owners are seeking to have more modern accommodation provided on site which could result in harm to the dwelling complex. Demolition of the main section of the dwelling should not be undertaken until:

1. The significance of the dwelling complex is fully established.
2. It is clear that there is no suitable alternate solutions to the demolition of the dwelling should it be established that it is of local or State significance.

State Heritage Register Nomination

The Senior Heritage Operations Officer for Heritage NSW has advised:

- *Council should undertake its assessment regarding the potential local significance of the item;*
- *If this assessment indicates the item is potentially of State significance Council should fill out a State Heritage Register nomination form using the information available. Council should also attach a cover letter providing clear reasons why this item requires SHR listing for its long term protection and conservation. I am happy to assist Council in this process.*
- *We now have a new process where State Heritage Register nominations are triaged and prioritised by the Heritage Council prior to any assessment by Heritage NSW. If the Heritage Council were to prioritise a nomination we could then do a full assessment of the potential State significance of the item in house.*

It is recommended, based on the Heritage Advisor's advice to date that the property may be of State significance and that a State Heritage Register nomination should be submitted by Council to Heritage NSW.

Heritage Listing under *Goulburn Mulwaree Local Environmental Plan 2009*

The best means of protection for the item is a listing under Schedule 5 of Council's Local Environmental Plan. Neither an interim heritage order nor Local Environmental Plan listing prohibits demolition or redevelopment of an item, but listing does allow for a full consideration of the significance of the item, as well as other available options to achieve retention and adaptive reuse as a part of the development application assessment process.

The interim heritage order is only valid for 6 months unless Council passes a resolution before that date and:

1. In the case of an item which, in the Council's opinion, is of local significance, the resolution seeks to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting the item; or
2. In the case of an item which, in the Council's opinion, is of State heritage significance, the resolution requests the Heritage Council to make a recommendation to the Minister for Heritage under section 32(2) of the Heritage Act to include the item on the State Heritage Register.

CONCLUSION

In conclusion, a Planning Proposal is recommended to be prepared and forwarded to the Department of Planning, Industry and Environment for the inclusion of "Wingello Park" as an item of environmental heritage under Schedule 5 of *Goulburn Mulwaree Local Environmental Plan 2009*. Furthermore, that a State Heritage Register nomination be prepared and forwarded to the NSW Heritage Council.

Ultimately, heritage listing under Council's Local Environmental Plan and the State Heritage Register, is the best means of ensuring the appropriate heritage management outcomes for what is a potentially very significant site.

**GOULBURN MULWAREE COUNCIL
HERITAGE ACT 1977**

Interim Heritage Order No. 1

Under Section 25 of the *Heritage Act 1977*, Goulburn Mulwaree Council does by this order:

1. make an Interim Heritage order to cover the item of environmental heritage specified or described in Schedule "A", and
2. declare that the Interim Heritage order shall apply to the curtilage or site of such item, being the land described in Schedule "B".

The Interim Heritage order will lapse after six months from the date it is made unless the local Council has passed a resolution before that date; and

- i. in the case of an item which, in the Council's opinion, is of local significance, the resolution seeks to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; or
- ii. in the case of an item which, in the Council's opinion, is of State heritage significance, the resolution requests the Heritage Council to make a recommendation to the Minister for Heritage under section 32(2) of the Heritage Act to include the item on the State Heritage Register.

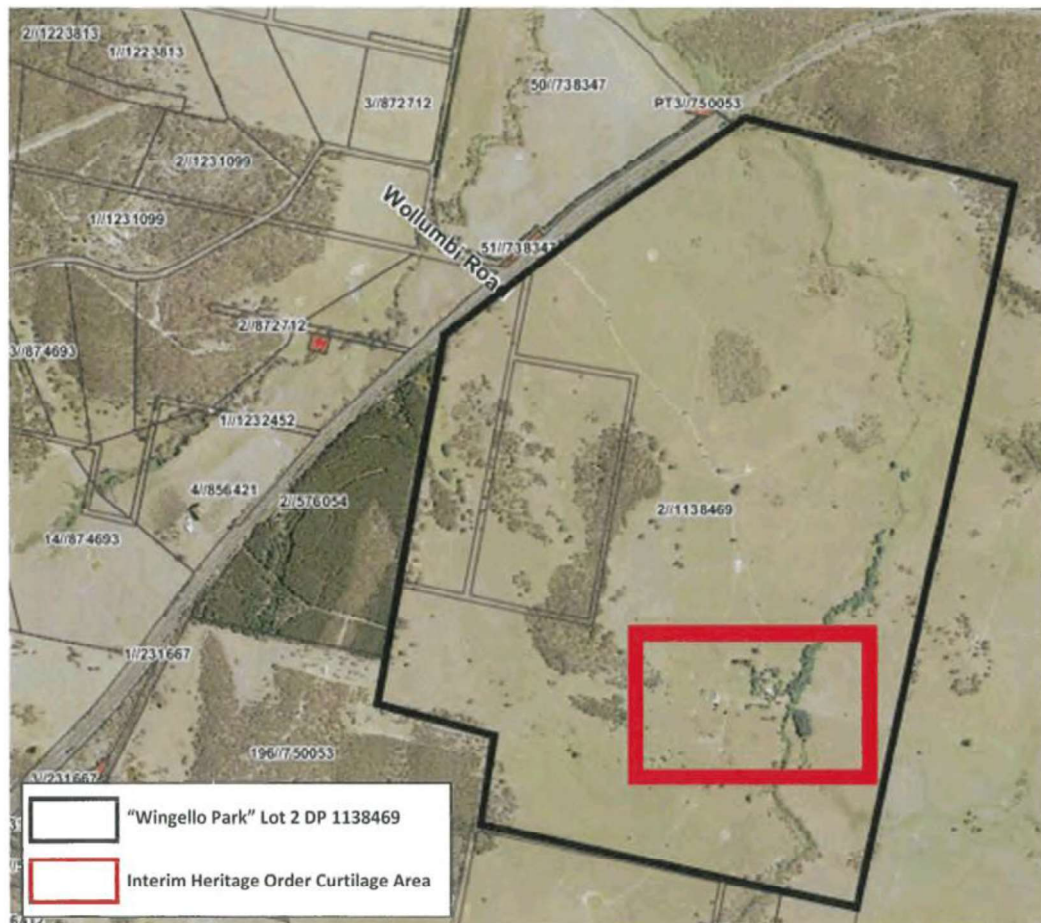


Dated at Goulburn, 30 October, 2019

Mr Warwick Bennett, General Manager, Goulburn Mulwaree Council

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| Schedule "A" | The property known as "Wingello Park Dwelling and Barn Complex" at 14597 Hume Highway, Marulan |
| Schedule "B" | That part of the land known as Lot 2 DP 1138469 which is shown edged heavy red on the plan catalogued Interim Heritage Order Curtilage Map – Wingello Park Dwelling and Barn Complex, as shown on the attached map. |

Land referred to in Schedule B under Interim Heritage Order No. 1:



Interim Heritage Order Curtilage Map – Wingello Park Dwelling and Barn Complex