



Goulburn Mulwaree Council

Planning Proposal to add Wingello Park to Schedule 5

of

Goulburn Mulwaree Local Environmental Plan 2009

16 March, 2020

Version	Comment	Date
1	For Gateway	21 January, 2020
2	Post Gateway – Agency Consultation	20 February, 2020
3	Public Exhibition	16 March, 2020

Introduction

Goulburn Mulwaree Council (GMC) issued on 30 October, 2019 Interim Heritage Order (IHO) No. 1 which applies to the property known as Wingello Park, No. 14597 Hume Highway Marulan (Lot 2 DP 1138469). The IHO will lapse within six months from the date it is made 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 and managing the item; or
2. In the case of an item which, in the Council's opinion, is of State significance, the resolution requests to 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.

In response to the above, Council resolved at its meeting of 17 December, 2019 (Resolution No. 2019/520) that:

1. *The report to amend the provisions of Schedule 1 Items of Environmental Heritage in Goulburn Mulwaree Local Environmental Plan 2009 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 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.*

The Planning Proposal seeks to amend *Goulburn Mulwaree LEP 2009* as outlined in Table 1:

Table 1 Proposed LEP amendments and supporting rationale

Amendment Proposed	Rationale
Include Wingello Park, No. 14597 Hume Highway Marulan (Lot 2 DP 1138469) as an item of environmental heritage to Schedule 5 of the Goulburn Mulwaree Local Environmental Plan 2009.	The intention of this amendment is to provide a heritage listing under <i>Goulburn Mulwaree Local Environmental Plan 2009</i> to a property which is considered to have local significance and potentially Stage heritage significance.

As noted in Part 4 of the Council resolution, Council sought delegation from the NSW Department of Planning, Industry and Environment (DPIE) to make – and determine not to make – the proposed LEP under section 3.36 of the *NSW Environmental Planning and Assessment Act, 1979*. The Gateway Determination dated 17 February, however has not conditioned Council to be the local plan-making authority.

Part 1 – Objectives

1.1 Intended Outcomes

The intended outcome of this Planning Proposal is to amend *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009) to include Wingello Park, No. 14597 Hume Highway, Marulan (Lot 2 DP 1138469) as an item of environmental heritage on Schedule 5.

Council wishes to protect and appropriately manage this site which is considered to be of heritage significance in line with the strategic heritage framework and criteria set out by Federal, State and Local Government.

As outlined in the attached Council Report, a development application (DA/0335/1819) was lodged with Council on 16 May 2019 for alterations and additions to the existing residence at Wingello Park. The DA (DA/102/1415) through the assessment process under Section 4.15 of the *NSW Environmental Planning and Assessment Act, 1979* was found by Council to have a potential negative impact on the heritage significance of Wingello Park which was not listed under Council's local environmental plan. The development application was subsequently determined by refusal by Council on 27 November, 2009.

Goulburn Mulwaree Council (GMC) issued on 30 October, 2019 Interim Heritage Order (IHO) No. 1 which applies to the property known as Wingello Park, No. 14597 Hume Highway Marulan (Lot 2 DP 1138469) (**Attachment 1**). The IHO lapses within six months from the date it is made unless Council passes 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 significance, the resolution requests to 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.

Further to the above, Council resolved at its meeting of 17 December, 2019 Resolution No. 2019/520) (**Attachment 2**) that:

1. *The report to amend the provisions of Schedule 1 Items of Environmental Heritage in Goulburn Mulwaree Local Environmental Plan 2009 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 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.*

This Planning proposal will ensure that the IHO will not lapse and that a more permanent, appropriate and accessible heritage listing of the property is applied. The Planning Proposal process will also facilitate public consultation for the proposed listing.

Part 2 – Explanation of Provisions

The planning proposal seeks to amend the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* by including “Wingello Park” No. 14597 Hume Highway, Marulan (Lot 2 DP 1138469) on Schedule 5 – Items of Environmental Heritage.

The amendment would mean that the provisions of Clause 5.10 Heritage Conservation under the LEP will apply to Wingello Park as follows:

5.10 Heritage conservation

Note.

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Goulburn Mulwaree,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent Development consent is required for any of the following—

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land—*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*

(f) subdividing land—

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required However, development consent under this clause is not required if—

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development—

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The *Goulburn Mulwaree Local Environmental Plan 2009* provides the following definitions in relation to heritage:

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of—

(a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and

(b) an assessment of the impact that proposed development will have on that significance, and

(c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note.

An inventory of heritage items is also available at the office of the Council.

heritage management document means—

(a) a heritage conservation management plan, or

(b) a heritage impact statement, or

(c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the *Goulburn Mulwaree Local Environmental Plan 2010 Heritage Map*.
heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value

The heritage listing is proposed to cover the entirety of Wingello Park (Lot 2 DP 1138469), as there is potential for other parts of the property to have heritage significance upon further investigation.

A savings provision is to apply to any pending development approvals. If a development application has been made before the commencement of this proposed amendment (to land on which this plan will apply) and the application has not been finally determined before that commencement, the application must be determined as if this amendment has not commenced.

This statutory amendment is considered the best way to achieve the desired outcome of protecting and managing items of environmental heritage.

Part 3 – Justification

Section A – Need for Planning Proposal

3.1 Is the Planning Proposal a result of any strategic study or report?

No - A report titled *Planning Proposal to Amend Goulburn Mulwaree (GM) LEP 2009 to Include Wingello Park as an Item of Environmental Heritage in Schedule 5* dated 17 December, 2019 was provided to Council (**refer Attachment 3**) highlighting the need to list the site in Goulburn Mulwaree Local Environmental Plan (LEP) 2009 in order to protect the heritage significance of the site from potentially damaging development and to provide the most appropriate form of ongoing management within the planning system.

3.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed amendments to the *GM LEP 2009* is the most effective way to achieve the desired outcome of protecting environmental heritage for the following reasons:

- Interim Heritage Orders under the *NSW Heritage Act, 1977* are only considered to be a temporary means of protection. These orders and Council's delegations for the use of such orders are limited in time span to six months unless Council resolves to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; or in the case of an item which, in the Council's opinion, is of State significance, the resolution requests to 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.
- There is a Section 9.1 Local Planning Direction requiring LEPs to contain appropriate provisions for the management of heritage items. Council's LEP contains such provisions in Clause 5.10 heritage Conservation. The provisions will apply to Wingello Park if included in Schedule 5 of the LEP.
- LEP listing will result in a publicly accessible and established platform for the identification of heritage items within a local government area (LGA).
- LEP listing will result in the property being identified as an item of environmental heritage on Section 10.7 Planning Certificate so that any potential purchaser or developer is informed of its status.
- Listing in a Development Control Plan (DCP) does not offer the same protection as LEP listing from a legal perspective or under planning legislation.
- Listing in non-statutory lists such as those kept by non-government organisations does not provide the same legislative protection.

Section B – Relationship to Strategic Planning Framework

3.3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes. The Planning Proposal is consistent with the *South East and Tablelands Regional Plan 2036* (SETRP, 2036).

Goal 3 of the SETRP, 2036 seeks to achieve **healthy and connected communities** with a specific direction to protect heritage of the region:

Direction 23: Protect the region’s heritage - Council is acting to protect this site in line with the Regional Plan.

This planning proposal is consistent with the *South East and Tablelands Regional Plan 2036* as it seeks to protect and manage the heritage significance of Wingello Park.

3.4 Is the Planning Proposal Consistent with a council’s local strategy or other local strategic plan?

3.4.1 Goulburn Mulwaree Strategy 2020

Yes - The Planning Proposal is consistent with the *Goulburn Mulwaree Strategy 2020* in terms of the community vision and environmental themes outlined in the strategy.

3.4.2 The Tablelands Regional Community Strategic Plan 2036

Yes - The Planning Proposal is consistent with the *Tablelands Regional Community Strategic Plan (TRCSP) 2030*. Strategy C04 – Recognise and celebrate our diverse cultural identities, and protect and maintain our community’s natural and built heritage.

The planning proposal seeks to protect an identified item of potential local and State heritage significance by including it within Schedule 5 of the *Goulburn Mulwaree Local Environmental Plan, 2009*.

3.4.3 Goulburn Mulwaree Heritage Study Review

Yes - The *Goulburn Mulwaree Heritage Study Review* (2018) undertook a review of the existing heritage studies undertaken to date for the Goulburn Mulwaree LGA. The objectives of the Study Review were to:

1. *Identify and record items of heritage significance considered worthy of conservation within the context of an historical, architectural and environmental assessment of Goulburn Mulwaree LGA.*
2. *Draw together existing information to identify and describe the particular environmental*

qualities of Goulburn Mulwaree LGA, its unique and typical areas, assessing the relationships of physical landscape, built environment and townscape which contribute to its recognised character. Include all towns and villages.

3. Review existing heritage items for worthiness for retention as listed on Schedule 5 Environmental Heritage of Council's LEP 2009. Highlight any existing and potential conflicts.
4. Review and where relevant recommend amendments to conservation objectives, policies and strategies for inclusion in Council's Local Environmental Plan and Development Control Plan.
5. Propose priorities for heritage conservation action in Goulburn Mulwaree LGA.

The Study Review identified a number of additional potential heritage items for assessment including the Wingello Stockade (which is located nearby and associated with Wingello Park). The Study did not identify Wingello Park for inclusion, which would appear to be an error of omission rather than a considered exclusion. The site is located at some distance from a public road and has not been nominated for consideration for listing by any heritage groups nor by the general public. The site is listed in 'Appendix 2 - Recommended Listings for the GMLEP 2009' in the *Goulburn Mulwaree Archaeological Management Plan* prepared by Edward Higginbotham and Associates Pty Ltd dated 2010 and has been mentioned in some local history works.

The history of Wingello Park aligns and further develops the story of the development of the early colony of NSW and its expansion into the Southern Tablelands as discussed in the Heritage Study Review.

The Planning Proposal is consistent with the Goulburn Mulwaree Study Review by seeking to add Wingello Park as an item of environmental heritage.

3.5 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies (SEPP)?

Most SEPP's are not applicable to this planning proposal. The Planning Proposal is consistent with the relevant SEPP's outlined below in **Table 2**.

Table 2 Planning Proposal compliance with relevant State Environmental Planning Policy's

State Environmental Planning Policy (SEPP)	Compliance of Planning Proposal
State Environmental Planning Policy (Sydney Water Catchment) 2011	The SEPP requires that development consent cannot be granted unless there is a neutral or beneficial effect on water quality. It is unlikely that the proposed amendment in this Planning Proposal will result in a negative effect on water quality. It is likely that this planning proposal will have a beneficial effect on water quality as it will limit exempt and complying development due to the heritage listing.

3.6 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

The planning proposal is consistent with all relevant s.9.1 directions, consistency with all directions is outlined in table 3 below;

Table 3 – s9.1 Directions

Direction	Justification	Consistent (yes or No)
Direction 1.1 – Business and Industrial Zones	Not applicable as this Planning Proposal does not seek to amend or effect Business or Industrial zoned land.	N/A
Direction 1.2 - Rural Zones	<p><i>A planning proposal must:</i></p> <p><i>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i></p> <p><i>(b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village)</i></p> <p>The planning proposal will not alter any zones or alter the density of future development. It is consistent with this direction.</p>	N/A
Direction 1.3 – Mining Petroleum and Extractive Industries	Not applicable	N/A
Direction 1.4 – Oyster Aquaculture	Not applicable.	N/A
Direction 1.5 – Rural Lands	<p><i>Applies when:</i></p> <p><i>(a) a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary), or</i></p> <p><i>(b) a relevant planning authority prepares a planning proposal that changes the existing minimum lot size on land within a rural or environment protection zone.</i></p> <p><i>A planning proposal to which clauses (a) and (b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</i></p>	Yes - Consistent

	<p><i>A planning proposal to which clause (b) applies must be consistent with the Rural Subdivision Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</i></p> <p>The Rural Planning Principles are as follows:</p> <ul style="list-style-type: none"> (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas, (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State, (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development, (d) in planning for rural lands, to balance the social, economic and environmental interests of the community, (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land, (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities, (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General. <p>The Planning Proposal seeks to add Wingello Park as an item of environmental heritage to Schedule 5 of the LEP. By doing so, the heritage values of the land will be protected from potentially incompatible development. The heritage listing, however, does not affect the range of permissible land uses which currently apply to the RU2 – Rural Landscape zone</p> <p>The Planning Proposal is consistent with this direction.</p>	
<p>Direction 2.1 – Environment Protection Zones</p>	<p><i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i></p> <p><i>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This</i></p>	<p>N/A</p>

	<p><i>requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</i></p> <p>The site is not within an Environmental Zone.</p> <p>The Planning Proposal is consistent.</p>	
Direction 2.2 – Coastal Management	Not applicable.	N/A
Direction 2.3 – Heritage Conservation	<p><i>A planning proposal must contain provisions that facilitate the conservation of:</i></p> <p><i>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i></p> <p>The planning proposal is intended to expand the existing heritage provisions under Goulburn Mulwaree Local Environmental plan 2009 to include the Wingello Park site. This is intended to ensure appropriate consideration of the heritage significance of the site when assessing development applications and also to identify the site as being of significance to the community which may facilitate opportunities for grant funding and protection as appropriate.</p>	Yes the planning proposal is consistent.
Direction 2.4 – Recreational Vehicle Areas	Not applicable	N/A
Direction 2.5 – Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	N/A
Direction 3.1 – Residential Zones	Not applicable	N/A
Direction 3.2 – Caravan Parks and Manufactured	Not applicable	N/A

Home Estates		
Direction 3.3 – Home Occupations	Not applicable	N/A
Direction 3.4 – Integrating Land Use and Transport.	Not applicable	N/A
Direction 3.5 – Development Near Licensed Aerodromes	Not applicable	N/A
Direction 4.1 – Acid Sulphate Soils	Not applicable	N/A
Direction 4.2 – Mine Subsidence and Unstable Land	Not applicable	N/A
Direction 4.3 – Flood Prone Land	Not applicable	N/A
Direction 4.4 – Planning for Bushfire Protection	<p><i>Applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.</i></p> <p><i>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made.</i></p> <p><i>A planning proposal must:</i></p> <ul style="list-style-type: none"> <i>a) have regard to Planning for Bushfire Protection 2006,</i> <i>b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</i> <i>c) ensure that bushfire hazard reduction is not prohibited within the APZ.</i> <p><i>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i></p>	Yes the planning proposal is consistent

	<p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>(i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>(ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which link to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for fire fighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p> <p>The Planning Proposal seeks to add Wingello Park as an item of environmental heritage under Schedule 5 of the Goulburn Mulwaree Local Environmental Plan 2009. The site is identified as being bush fire prone land as such, this Direction applies to this Planning Proposal. The Planning Proposal is consistent with <i>Planning for Bushfire Protection 2006</i>, as it does not facilitate the placement of additional inappropriate development in a hazardous area and will not prohibit bushfire hazard reduction within any APZ's.</p>	
<p>Direction 5.2 – Sydney Drinking Water Catchment</p>	<p>Applies when a relevant planning authority prepares a planning proposal that applies to the hydrological catchment.</p> <p>The Planning Proposal affects land within the Sydney Drinking Water Catchment. Development within the catchment is to have a neutral or beneficial effect on water quality. It is unlikely</p>	<p>Yes the planning proposal is consistent.</p>

that this Planning Proposal will result in a negative effect on water quality as heritage listing only is proposed.

Council has undertaken preliminary consultation with Water NSW which advised by email dated 20 December, 2019 **(Attachment 4)**:

We provide the following comments as a preliminary response to the Proposal:

- *The Planning Proposal will need to take into account and respond to State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and s 9.1 Ministerial Direction 5.2 Sydney Drinking Water Catchment, having regard to any implications for water quality.*
- *With regard to Direction 5.2, and on the understanding that the Proposal involves a heritage listing only (and no changes in zoning or minimum lot size, etc), Strategic Land and Water Capability Assessment (SLWCAs) will not be applicable.*
- *Based on the boundaries of the Interim Heritage Order Curtilage Map, the area includes Uringalla Creek and associated drainage features. These will need to be afforded consideration in the Planning Proposal.*

This a preliminary response only and we seek for the Planning Proposal to be formally referred to us when exhibited.

The site is not connected to town water/sewer services with the existing development serviced by an on-site effluent disposal system. The main dwelling is located within 100m to Uringalla Creek. Future development may allow for further assessment of the adequacy of the existing system in relation to the neutral or net beneficial requirements under the SEPP.

Essentially the Planning Proposal is seeking to only amend the heritage layer of mapping and to add Wingello Park into Schedule 5 of the *Goulburn Mulwaree Local Environmental Plan 2009*. There is no proposed change to the zoning, nor to the minimum allotment size. Essentially from a water management perspective, a heritage listing will tighten the planning provisions for this site as it will rule out complying development.

The planning proposal is likely to have a beneficial impact on water quality (given it will exclude exempt/complying development) and further consultation with Water NSW will

	occur should a positive Gateway Determination be received under section 3.34 of the Act.	
Direction 5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	N/A
Direction 5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	N/A
Direction 5.8 – Second Sydney Airport: Badgerys Creek	Not applicable	N/A
Direction 5.9 – North West Rail Link Corridor Strategy	Not applicable	N/A
Direction 5.10 – Implementation of Regional Plans	<p><i>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary), that the extent of inconsistency with the Regional Plan:</i></p> <p style="margin-left: 40px;"><i>a) is of minor significance, and</i></p> <p style="margin-left: 40px;"><i>b) the planning proposal achieves the overall intent of the Regional Plan and does not undermine the achievement of its vision, land use strategy, goals, directions or actions.</i></p> <p>The Planning Proposal is consistent with all parts of the plan and will facilitate the implementation of Goal 3, Direction 23 Protect the region’s heritage as per the <i>South East and Tablelands Regional Plan 2036</i>. As such the planning proposal achieves the overall intent of the Regional Plan and is consistent with the direction.</p>	Yes the planning proposal is consistent
Direction 6.1 –	<i>A planning proposal must:</i>	Yes the

<p>Approval and Referral Requirements</p>	<p>(a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i></p> <p>(b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i></p> <p>(i) <i>the appropriate Minister or public authority, and</i></p> <p>(ii) <i>the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i></p> <p>(c) <i>not identify development as designated development unless the relevant planning authority:</i></p> <p>(i) <i>can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</i></p> <p>(ii) <i>has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p>The planning proposal does not contain a provision that requires concurrence, consultation or referral of development applications beyond the requirements already in place under Clause 5.10 Heritage Conservation under <i>Goulburn Mulwaree Local Environmental Plan 2009</i>.</p> <p>Consultation with the community and relevant Government Agencies will occur should a positive Gateway Determination be received under section 3.34 of the Act.</p>	<p>planning proposal is consistent.</p>
<p>Direction 6.2 Reserving Land for Public Purposes</p>	<p>Not applicable</p>	<p>N/A</p>
<p>Direction 6.3 – Site Specific Provisions</p>	<p>Not applicable - the planning proposal seeks to amend <i>Schedule 5 – Items of Environmental Heritage</i> only and does not propose adding land uses outside of those already within the RU2 Rural Landscape zone under the GM LEP 2009.</p>	<p>N/A</p>
<p>Directions Part 7 – Local Plan Making</p>	<p>Not applicable</p>	<p>N/A</p>

Section C – Environmental, social and economic impact.

3.7 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 proposal?

No. The Planning Proposal seeks to protect the environmental heritage significance of Wingello Park. The listing of Wingello Park as an item of environmental heritage will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

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

There are no environmental effects identified as a part of this Planning Proposal apart from:

- additional provisions relating to heritage management of the site; and
- a limitation on the application of exempt and complying provisions of environmental planning instruments due to the heritage listing.

The following is a locality and context map for Wingello Park. It is noted that the site is considerably large in size with Lot 2 DP 1138469 being comprised of a number of parcels of land.

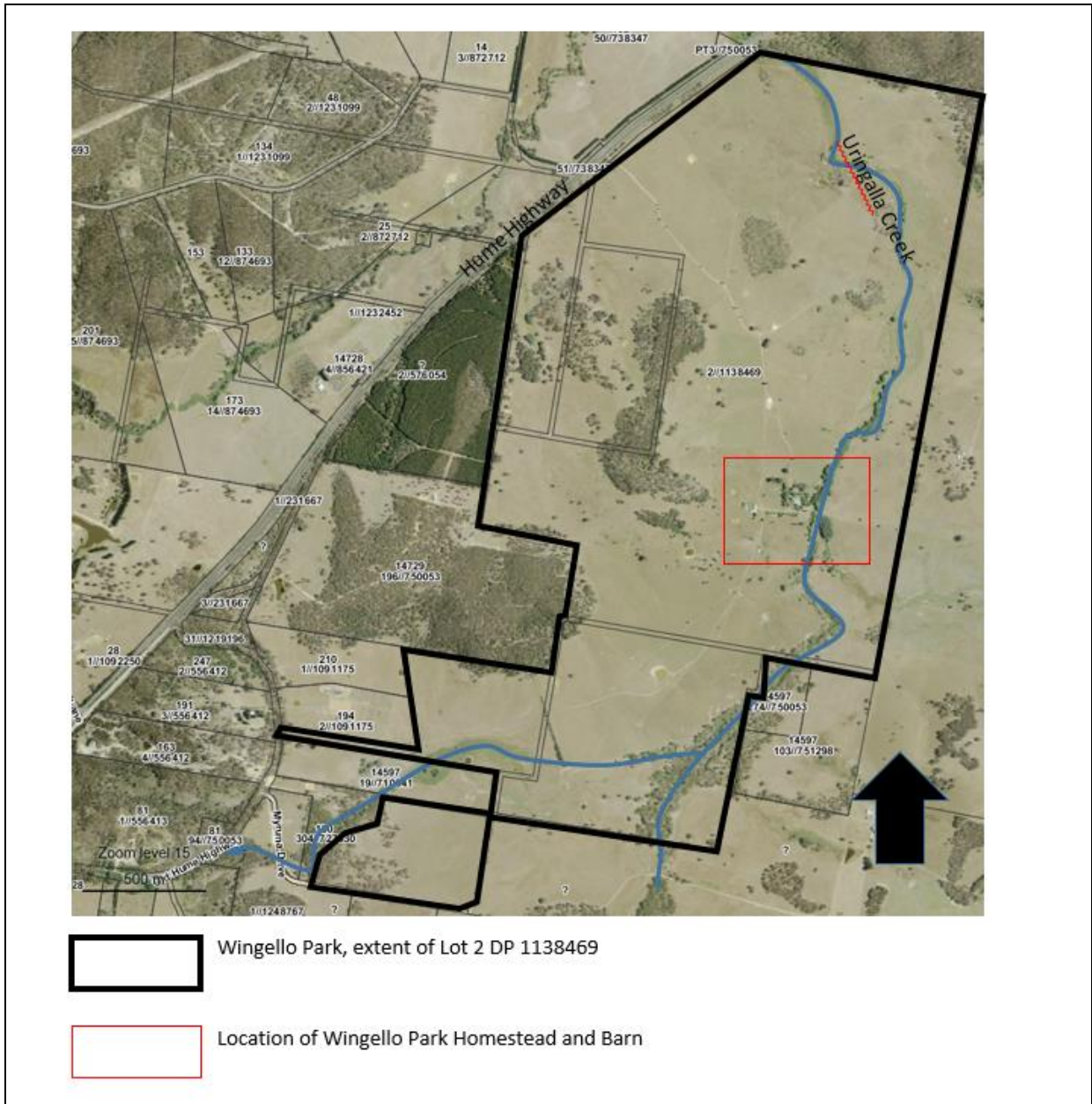
The site is predominantly cleared grazing land with tracts of remnant native vegetation along water courses and on higher sections of hills.

Uringalla Creek traverses the property in a predominantly north – south direction with associated drainage features branching off in an east – west direction.

The site is developed with two dwellings, sandstone barn, yards and paddocks.

The property is not connected to town water and sewer services.

The predominant land use of the site is extensive agriculture.



3.9 Has the planning proposal adequately addressed any social and economic effects?

It is considered that the site has social significance associated with the heritage significance of the site.

A preliminary assessment of heritage significance by Council's Consultant Heritage Advisor, Mr David Hobbes has provided sufficient evidence on which to base a local heritage listing (**Attachment 5**). Council is also of the opinion that the site may be of State heritage significance and is separately nominating the site for consideration for listing on the State Heritage Register. The preliminary assessment mainly considers the European heritage significance of the site. The site does, however, potentially also contain sites of Aboriginal archaeological and cultural heritage significance. An AHIMS search has been undertaken (**Attachment 6**) which identifies that 5 Aboriginal sites are located in or near the Wingello Park Property (Lot 2 DP 1138469).

A heritage listing need not impact upon the predominant land use of the site which is extensive agriculture. Exemptions within heritage listings can be made for agricultural activities, therefore not impacting on the economic viability of the property. Furthermore, Clause 5.10(3) of the *Goulburn Mulwaree Local Environmental Plan 2009* allows some flexibility in terms of Council being able to advise which activities will not require development consent if the property is listed as an item of environmental heritage.

Section D – State and Commonwealth interests

3.10 Is there adequate public infrastructure for the planning proposal?

No further public infrastructure provision is necessitated by this planning proposal.

3.11 What are the views of State and Commonwealth public authorities' consultation in accordance with the gateway determination?

Commonwealth public authorities have not been formally involved in this particular Planning Proposal as it is yet to receive a Gateway Determination. At this early stage it appears unlikely that there will be any issues of interest to Commonwealth authorities.

Preliminary consultation has been undertaken with Water NSW which advised via email dated 20 December, 2019:

We provide the following comments as a preliminary response to the Proposal:

- *The Planning Proposal will need to take into account and respond to State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and s 9.1 Ministerial Direction 5.2 Sydney Drinking Water Catchment, having regard to any implications for water quality.*
- *With regard to Direction 5.2, and on the understanding that the Proposal involves a heritage listing only (and no changes in zoning or minimum lot size, etc), Strategic Land and Water Capability Assessment (SLWCAs) will not be applicable.*
- *Based on the boundaries of the Interim Heritage Order Curtilage Map, the area includes Uringalla Creek and associated drainage features. These will need to be afforded consideration in the Planning Proposal.*

This a preliminary response only and we seek for the Planning Proposal to be formally referred to us when exhibited.

The subject Planning Proposal will be referred to the following State Agencies prior to the public exhibition:

Department of premier and Cabinet (Heritage)
Water NSW
NSW Rural Fire Service

Part 4 – Mapping

The heritage map layer of Goulburn Mulwaree Local Environmental Plan 2009 requires amending to add Wingello Park as shown below.

LEP 2009 - Current Heritage Items



LEP 2009 - Proposed Heritage Items



Part 5 – Community Consultation

Council will commence community consultation post-Gateway Determination. For the purposes of public notification, Council considers that a twenty-eight (28) day (public exhibition period is appropriate.

Notification of the exhibited Planning Proposal will include:

- A newspaper advertisement that circulates in the area affected by the Planning Proposal;
- The website of Goulburn Mulwaree Council

Written notice will be provided to the affected land owner of Wingello Park and to adjoining owners and will:

- Provide a brief description of the objectives or intended outcomes of the Planning Proposal;
- State where and when the Planning Proposal can be inspected; and
- Provide details of how members of the community can make a submission.

Exhibition Material:

- The Planning Proposal, in the form approved for community consultation by the Director General of the Department of Planning, Industry and Environment (DPIE); and
- The NSW DPIE Gateway Determination, and
- Report to Council titled *Planning Proposal to Amend Goulburn Mulwaree LEP 2009 to Include Wingello Park as an Item of Environmental Heritage in Schedule 5* dated 17 December, 2019 and resolution; and
- Post Gateway Determination (pre public exhibition) submissions from Water NSW and NSW Premier & Cabinet (Heritage NSW) – note that the NSW RFS did not provide a written submission within the 21 day time frame.

Part 6 – Project Timeline

Gateway Determination	February 2020
Timeframe for completion of technical studies	No studies identified at Gateway
Timeframe for agency consultations	March 2020
Public exhibition	March - April 2020
Public hearing	Not required.
Consideration of submissions	May 2020
Date of submission of LEP to DoPI	July 2020
Anticipated date of plan made	August 2020
Anticipated date plan forwarded to DoPI for notification	August 2020

Conclusion

Goulburn Mulwaree Council has initiated a planning proposal to modify its *Local Environmental Plan 2009* to add Wingello Park to Schedule 5 – Items of Environmental heritage under *Goulburn Mulwaree Local Environmental Plan 2009*. This follows the making of an *Interim Heritage Order No. 1* upon the site and assessment of potential site heritage significance undertaken with DA/0335/1819 for alterations and additions to the existing residence.

The subject planning proposal is broadly consistent with the *South East and Tablelands Regional Strategy* (SETRS, 2036) and SEPPs. It is also generally consistent with the relevant Local Planning Directions. It is not considered that this planning proposal raises any issues that require further studies or detailed assessment. It is noted that a separate resolution of Council is to nominate the site for consideration for listing on the State Heritage Register under the *NSW Heritage Act, 1977*.

As noted in Part 4 of the Council resolution, Council is seeking delegation from the NSW Department of Planning, Industry and Environment (DPIE) to make – and determine not to make – the proposed LEP under section 3.36 of the *NSW Environmental Planning and Assessment Act, 1979*. The proposed amendments are consistent with adopted strategies and the zone objectives, furthermore, the plan is only of local significance (subject to assessment by Heritage NSW as to the potential State Heritage Register listing). The resolution only seeks delegation for the Council and does not specify that the delegation will extend to a specific officer (such as the General Manager or Director).

Attachment 1

In accordance with Section 44 of the *Roads Act 1993* the land in Lot 1 DP 1253042, Lot 4, 5 & 6 DP 1253044, Lot 7 & 8 DP 1253046 being vested in Eurobodalla Shire Council as operational land, to be given by Council as compensation for other land acquired by Council for the purposes of the Roads Act.

Dr Catherine Dale
General Manager
Eurobodalla Shire Council
PO Box 99, Moruya NSW 2537

(n2019-3360)

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

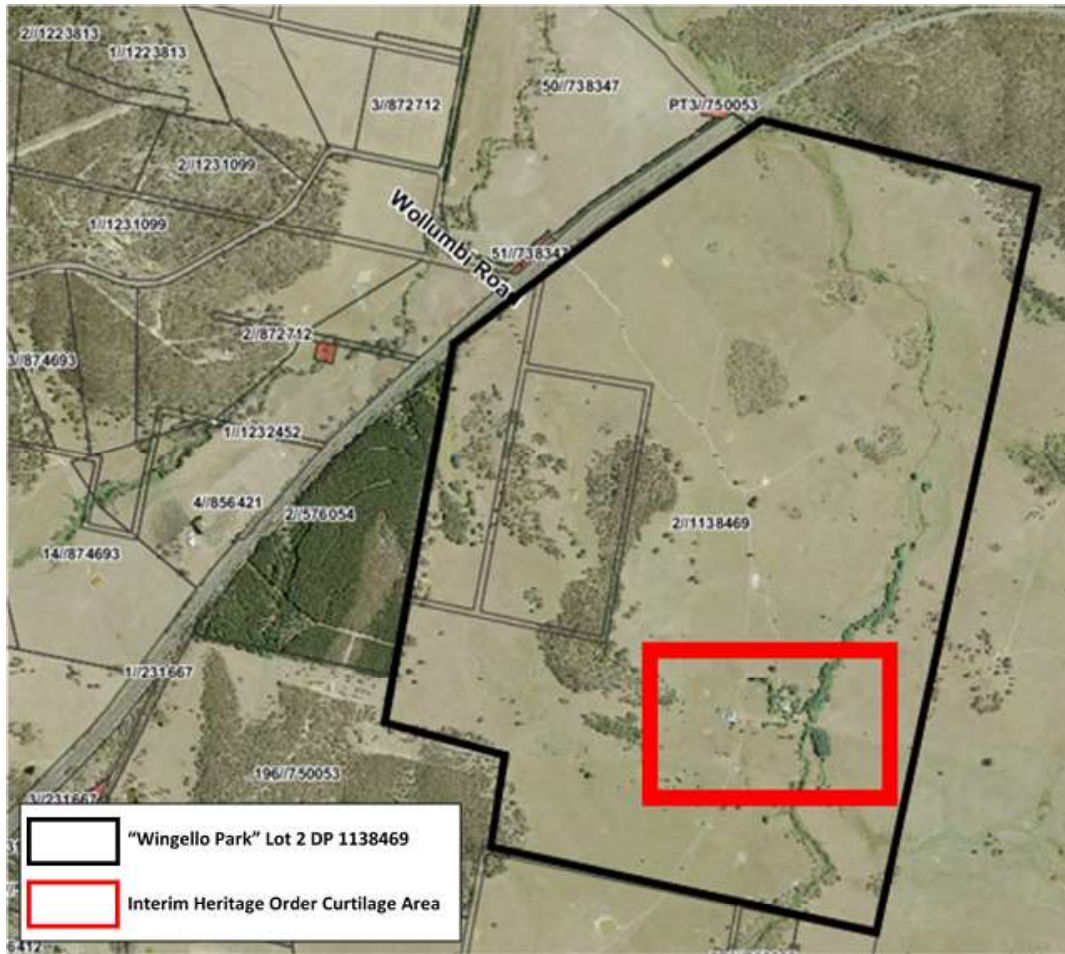
- i. in the case of an item which, in the Council’s opinion, is of local significance, the resolution seeks to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; or
- ii. in the case of an item which, in the Council’s 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

- | | |
|--------------|---|
| 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

(n2019-3361)

HILLTOPS COUNCIL

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Hilltops Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder

:

Name	Locality
CHERRY TREE CLOSE	Bendick Murrell

Description

Approved 14 lot subdivision of 52 Bendick Murrell Road, Bendick Murrell. Extends North West along Bendick Murrell Road

LARISSA HACKETT, Manager Building and Compliance, Hilltops Council, 189 Boorowa Street, YOUNG NSW 2594

GNB Ref: 0212

(n2019-3362)

Attachment 2

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

RESOLUTION 2019/520

Moved: Cr Peter Walker

Seconded: Cr Carol James

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.**

CARRIED

Attachment 3

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

Author: Kate Wooll, Business Manager Strategic Planning

Authoriser: Warwick Bennett, General Manager

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".*

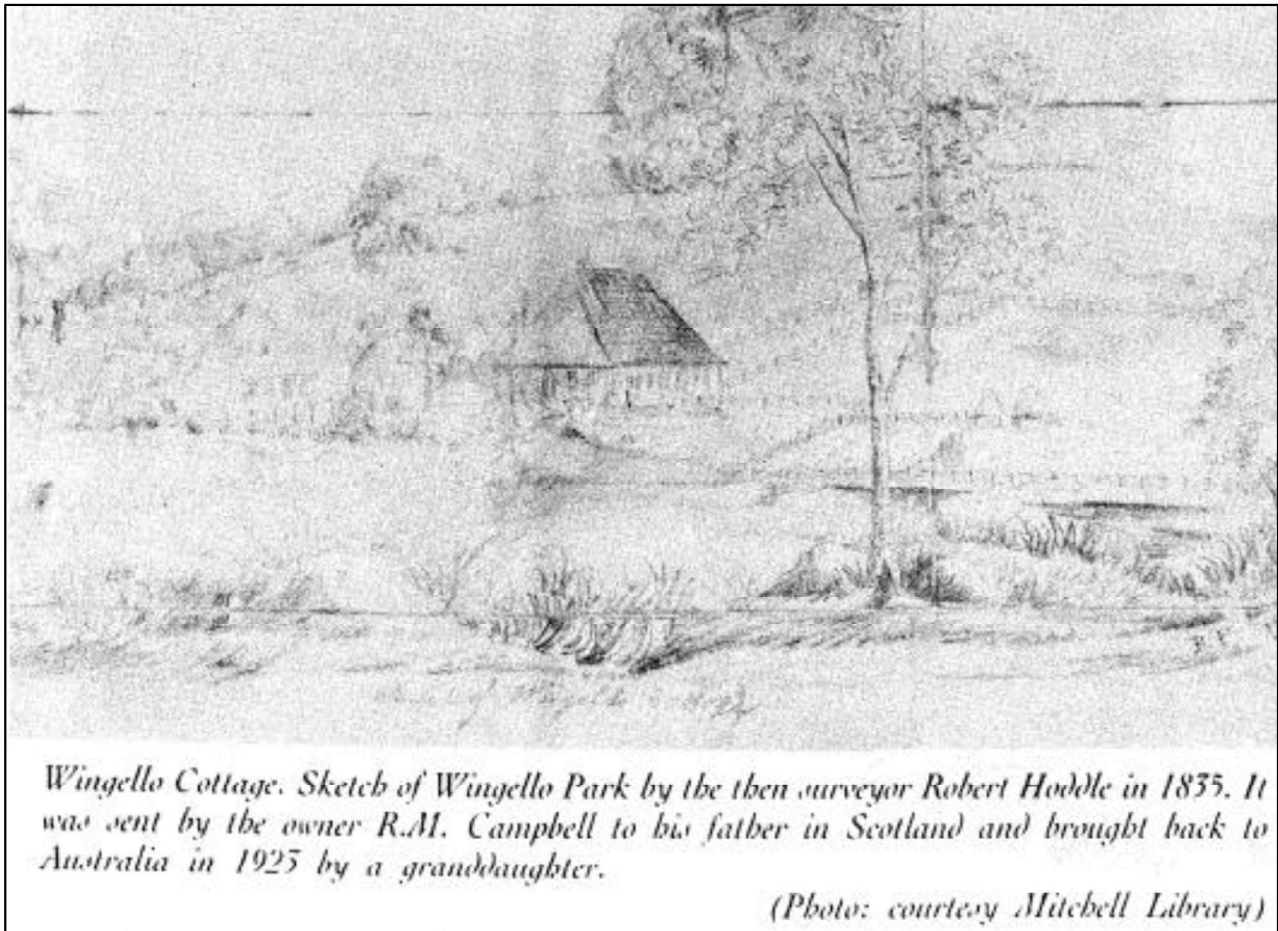


Figure 1 – 1835 Sketch of Wingello Park homestead by Robert Hoddle

- 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.

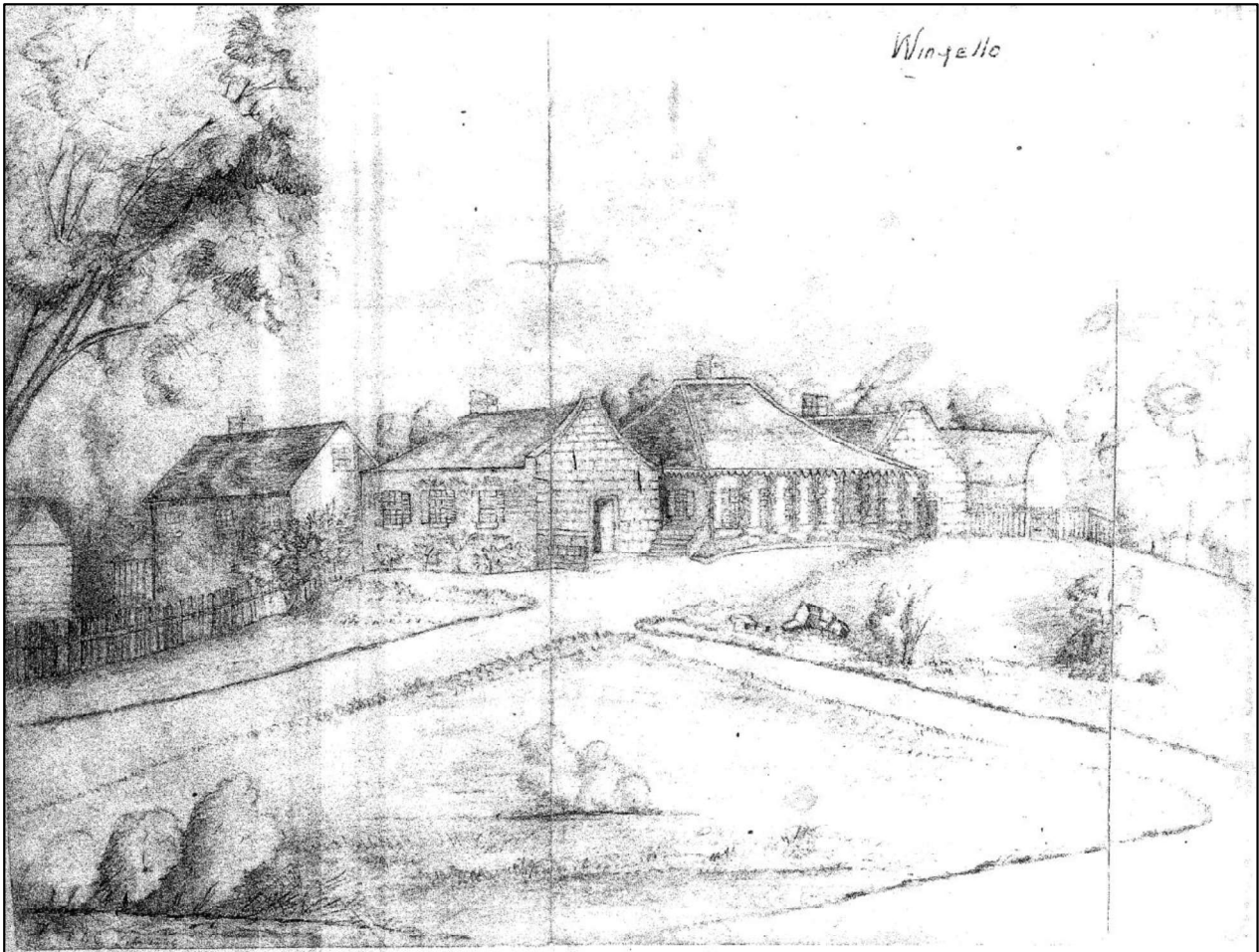


Figure 2 – Sketch 1846 [artist unknown] of the Wingello Park Homestead

- 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.

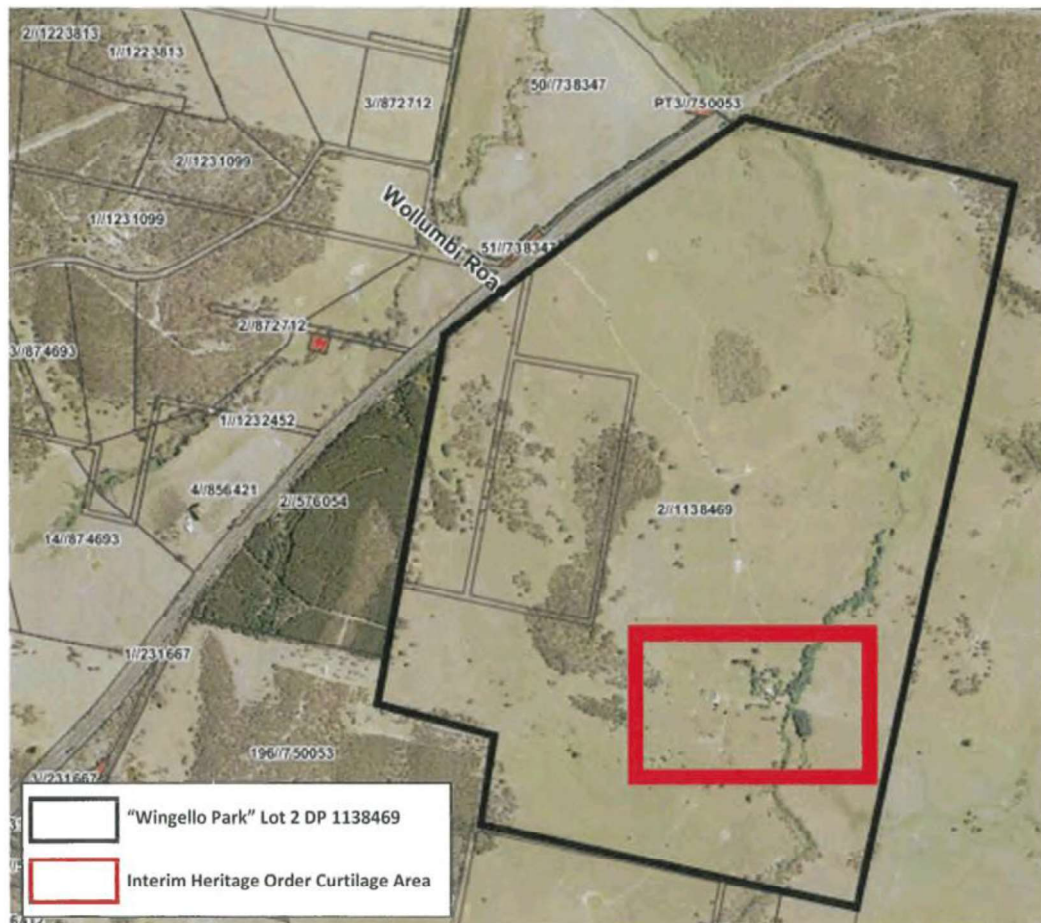


Dated at Goulburn, 30 October, 2019

Mr Warwick Bennett, General Manager, Goulburn Mulwaree Council

- | | |
|--------------|---|
| 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

Attachment 4

Megan Trotter

From: Stuart Little <Stuart.Little@waternsw.com.au>
Sent: Friday, 20 December 2019 10:54 AM
To: Kate Wooll
Cc: Alison Kniha
Subject: RE: GMC - WaterNSW- Preliminary Consultation - Planning Proposal - Wingello Park

Hi Kate,

I have discussed the below email request with Alison Kniha, Catchment Protection Planning Manager.

We provide the following comments as a preliminary response to the Proposal:

- The Planning Proposal will need to take into account and respond to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* and s 9.1 Ministerial Direction 5.2 Sydney Drinking Water Catchment, having regard to any implications for water quality.
- With regard to Direction 5.2, and on the understanding that the Proposal involves a heritage listing only (and no changes in zoning or minimum lot size, etc), Strategic Land and Water Capability Assessment (SLWCAs) will not be applicable.
- Based on the boundaries of the Interim Heritage Order Curtilage Map, the area includes Uringalla Creek and associated drainage features. These will need to be afforded consideration in the Planning Proposal.

This a preliminary response only and we seek for the Planning Proposal to be formally referred to us when exhibited.

If you have any questions, please contact me on 9865 2449,

Many thanks

Stuart

Stuart J Little

Strategic Land Use Planner



PO Box 398, Parramatta NSW 2124

Level 14, 169 Macquarie Street

Parramatta NSW 2150

T: 02 9865 2449

Stuart.little@waternsw.com.au

www.waternsw.com.au

Stay tuned with
our email updates

Subscribe



From: Kate Wooll

Sent: Thursday, 19 December 2019 8:48 AM

To: Environmental Assessments

Cc: Stuart Little

Subject: GMC - WaterNSW- Preliminary Consultation - Planning Proposal - Wingello Park

Hi Stuart,

As discussed earlier this week, Council resolved on 17 December, 2019 to proceed with a Planning Proposal (PP) to amend GMLEP 2009 by including Wingello Park as an item of environmental heritage. In addition to this, Council has also resolved to nominate this property for inclusion on the State Heritage Register (SHR).

It is noted that there is a Class 1 appeal against *Interim Heritage Order No. 1*, and against the decision to refuse the DA associated with this site, I have attached a copy of the Council Report and Resolution which provides more details.

Essentially the PP is seeking to only amend the heritage layer of mapping and to add Wingello Park into Schedule 5. There is no proposed change to the zoning, nor to the minimum allotment size. Essentially from a water management perspective, a heritage listing will tighten the planning provisions for this site as it will rule out complying development.

Council is seeking to use this email as the basis of its preliminary consultation requirements under 9.1 Local Planning Directions 5.2 (5)(e) given the nature of the PP and its lack of impact generally on water quality .

Would you mind confirming that Water NSW has no objection to this approach and whether Water NSW is likely to have any comments on this PP?

If you have any questions, please do not hesitate to contact me.

Regards, Kate

Kate Wooll

Business Manager Strategic Planning

P: 02 4823 4444

Goulburn Mulwaree Council | Locked Bag 22 Goulburn NSW 2580

W: www.goulburn.nsw.gov.au | [Find us on Facebook](#)

Our Vision & Values - One team delivering with **P**assion **R**espect **I**nnovation **D**edication **E**xcellence
Our Mission - To be easy to do business with



Australia's First Inland City

Merry Christmas and Happy New Year!

Attachment 5

DAVID HOBBS HERITAGE CONSULTANT

42/87 CROZIER CIRCUIT, KAMBAH ACT 2902
tel 0421 915 499 email: daverhobbes@gmail.com
abn: 58630721835

Item

Wingello Park Homestead

Heritage Status

Not Listed on Goulburn Mulwaree LEP 2009, Heritage Schedule. The GM LEP Schedule is derived from a heritage study and contains provisions for the management of the scheduled heritage items.

Matter

Heritage Assessment

Background

In September 2019 the current owners lodged a DA to demolish the main wing of the Homestead and to erect a new wing, citing economic issues with repair and conservation.

I visited the place with Kate Wooll on 3 October 2019. (see my first report dated 11.9.19) Based on that inspection it was my opinion that the place had at least local if not state heritage significance. At that time it was stated in the applicant's SOHI that the buildings were erected in three stages, the first in c. 1827, the second in 1835 and the third post 1840. Based on further information below this appears not to be the case and that at least part of the third stage is earlier than first believed.

In October 2019 GMC agreed to the creation of an Interim Heritage Order on Wingello Park Homestead. This preliminary heritage assessment is required to inform the IHO. Once issued a full heritage assessment will be undertaken to determine the extent and level of heritage significance.

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. Upon close study of the drawing it appears to show the central portion of the main homestead (known as item 3) sited on a slightly raised platform, facing north with a high pitched shingled roof and a row of shuttered French windows on the north (front) elevation. Also shown is a separate building (known as Item 1) to the southeast of the homestead. The building known as Item 2 does not appear.



Wingello Cottage. Sketch of Wingello Park by the then surveyor Robert Hoddle in 1835. It was sent by the owner R.M. Campbell to his father in Scotland and brought back to Australia in 1925 by a granddaughter.

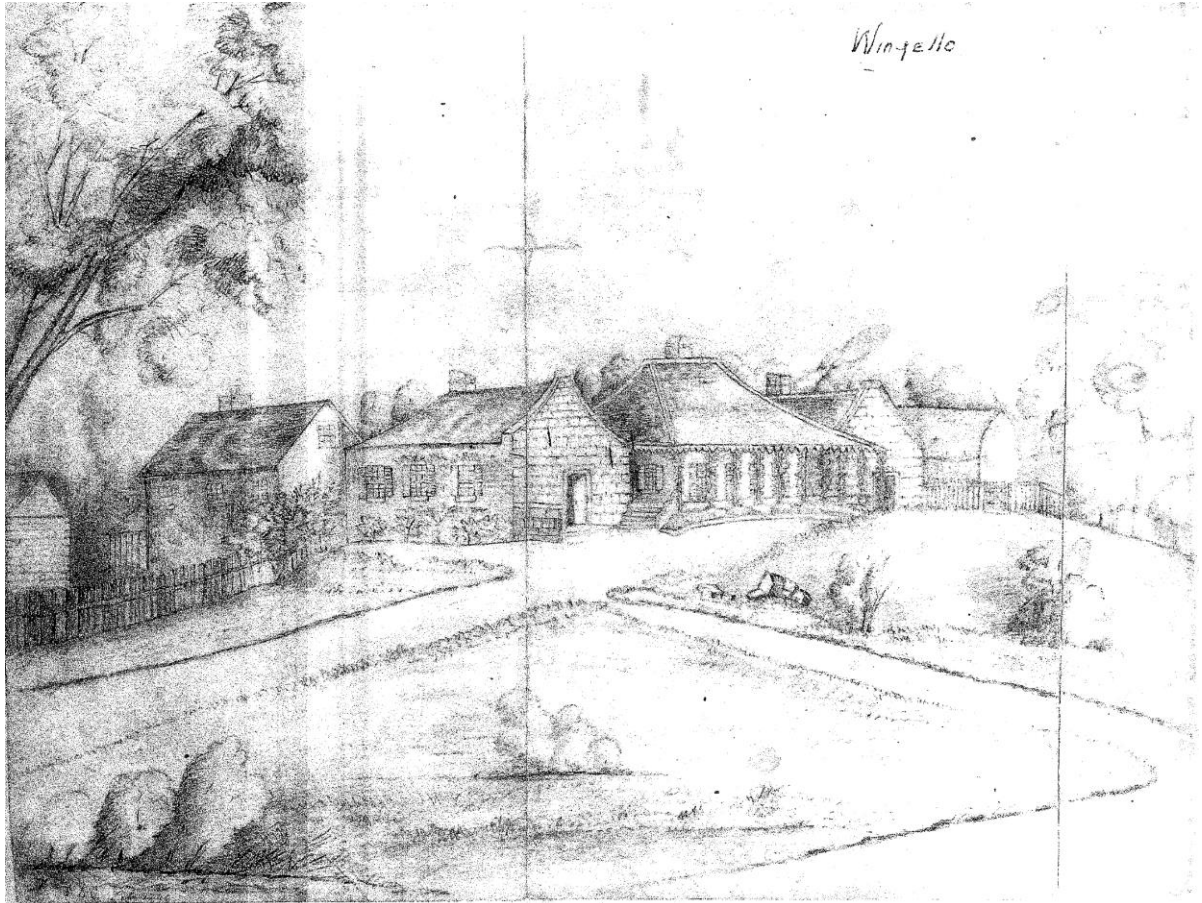
(Photo: courtesy Mitchell Library)

*1835 Sketch by Robert Hoddle
Source XX*

1841 Described by James Larmer, Surveyor as:
"three buildings in a U Shape".

1846 A further sketch of the group of buildings which shows that the original part of Item 3 has been extended to each side and a verandah added on the north elevation. The additions and verandah are covered with a lower pitched skillion roof.

The drawing also shows two flanking stone buildings, each with a parapeted gable and door way on the north side. A set of steps leads to the verandah on Item 3. Item 1 is visible to the left.



Sketch dated 1846, author unknown
Source XX



Photograph taken 5.9.19

- 1847 The barn is constructed with (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.
- 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

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.

Great South Road

1819-1820 First road built from Camden to Goulburn Plains in under direction by Governor Lachlan Macquarie

1833 Road re-routed by NSW Surveyor General Thomas Mitchell, passing close to Wingello Park.

Wingello Stockade

Wingello Park is associated (how?) with the Wingello Stockade and the White Horse Inn

1834 Wingello stockade established with timber shacks for the convicts, a gaol and military police quarters. The stockade was constructed to house convict gangs working on the Great South Road watched over by a military attachment

1839 Convicts gangs moved to Towrang Stockade

1844 On completion of the road the stockade was purchased by Thomas Brown who erected the White Horse Inn on the site.

Physical Description

The following is based on an inspection carried out on 5.9.19:

The complex consists of a grouping of three buildings forming the homestead precinct together with a stone barn c. 200m to the west.

Homestead Precinct

Building 1

A rectangular building comprising three rooms with cellar below and loft storage above. The walls are large sandstone blocks set in coursed ashlar. The pitched gabled roof is clad with corrugated iron trays. The timber windows are not original. The main floor is timber boards on deep handsawn timber joists. There is a large fireplace and chimney. The ceiling is raked over the larger room and lined with timber boards. A highset door gives access to a loft space. There is an enclosed verandah on the western side with a concrete floor. A concrete ramp leads down to Building 2. Recent work includes repointing and some stone replacement on the eastern elevation and the alteration of a single window to a double window with dressed stone sill (not completed).

Building 2

This lies to the north of Building 1 cranked slightly more to the north and with a floor level c. 0.5m lower. The two structures are separated by a gap of c 1.2m which has been filled in with timber framing and cladding and is used as store room. Building 2 is rectangular and comprises two rooms – a small room and large salon style room with French doors onto the north facing stone flagged terrace. The north gable is parapeted. Walls are ashlar stone (slightly different from Building 1) and the roof is clad with corrugated iron trays as per Building 1. There are three Georgian style double hung windows in the east elevation with dressed stone lintels and sills.

Building 3

This lies to the west of Building 2 and is set c. 0.75m higher. It is rectangular in shape and comprises nine rooms of various sizes with a central corridor which is connected to Building 2 via a set of steep timber steps. The walls are stone which has been covered with modern cement render and painted. As with the other buildings the roof is clad with corrugated iron trays. The roof has a steep hipped central section with a shallower pitched wrap around roof on all sides over the end rooms and verandahs. There is a broad stone flagged verandah on the north side and narrower concrete paved verandahs on the west and south sides. The verandahs are supported on simple chamfered timber posts set on stone plinths with a simple fascia beam. The soffit lining is wide timber boards. There is a set of six French doors

on the north elevation – the four central doors are higher than those on the flanks. The doors have glazing to the upper part and moulded timber panels below. There is a single door on the west side and a single door and several double hung windows on the south side. There are three rendered brick chimneys – one central and two flanking. The interior walls have lime rich plaster, timber boarded ceilings and colonial style joinery (doors, skirtings, architraves).

Condition

The building is in a fair condition. Issues include:

- extensive settlement cracking to walls which have been repaired on numerous occasions
- lifting stone flagging
- dirt and cobwebs
- rusted roof sheeting
- rising damp exacerbated by concreted verandahs and lack of sub floor ventilation
- some areas of missing plaster
- missing mantelpiece
- sections of ceiling missing

Integrity

The building is mainly intact, however the following elements are not original:

- cement rendered walls
- verandah posts and beams
- concrete verandah paving to west and south
- double hung timber windows on south side
- one or two pairs of French doors on north side
- gutters and downpipes
- buttressing to west wall
- various internal alterations

The original form, layout and materials are still highly readable.

Sequence of Development

From examination of the contemporary sketches and analysis of the floor plan and building fabric I surmise that the homestead developed in the following sequence:

1. Building 1 constructed
2. Central portion of Building 3 constructed with high pitched gable roof, no verandah, four sets of French doors on north elevation (depicted in 1835 sketch)
3. Building 3 extended by one room width to the east and west, each with a French door to the north, verandah added (present in 1846 sketch, change of wall thickness in northeast room)
4. Building 2 constructed, including an identical structure to the west of Building 3 (no longer extant) (present in 1846 sketch)
5. North verandah extended across Building 2 (no verandah in 1846 sketch)

Other observations regarding sequence include:

NSW Heritage Assessment Criteria

Criterion	Description	Assessment
	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);	Associated with: Great South Road Convict Labour Policing Pastoralism Agriculture Animal Husbandry Coaching Stops Hospitality
	An item has strong or special association with the life or works of a person, or a group of persons, of importance in NSW's cultural or natural history, (or the cultural or natural history of the local area);	Robert Campbell Ann Hassall Thomas Mitchell Thomas Holt Paul Cullen
	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)	An excellent and <u>very early</u> example of a colonial homestead in Cottage Ornee style, highly intact although in only fair condition
	An item has strong or special association with a particular community or cultural group in NSW (of the local area) for social, cultural or spiritual reasons.	No
	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);	Archaeological potential
	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);	A rare early surviving example of its type
	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> • cultural or natural places; or • cultural or natural environments 	Demonstrates the principal characteristics of: A very early colonial homestead Barn

	(or a class of the local area's <ul style="list-style-type: none"> • cultural or natural places or • cultural or natural environments.) 	
--	---	--

Relevant NSW Historic Themes

See annotated schedule attached.

Comparative Analysis

Glenrock Homestead
248 Highland Way, Marulan

From the SHI:
c. 1840, a very good example of a Georgian style country home. The house is highly significant and of potential for listing on the NSW State Heritage Register for the very fine stonework to the façade. It is this façade which helps to make Glenrock one of the most imposing early houses in the Goulburn district., Built in the early 1840s Glenrock has a long association with the history of the district. The property is further significant for its association with the original owners George Barber and Isabella Hume of the noted Hume family.

Throsby Park
This property is older and more substantial than Wingello Park and has a larger complex of agricultural outbuildings.

Riversdale
This property is younger than Wingello Park and the building fabric better preserved, but it has been subsumed into Goulburn City and has lost much of its pastoral setting.

Lansdowne
33 Bungonia Rd, Goulburn. 1830s

Arthursleigh
Black Horse Farm (formerly Black Horse Inn)
51 Black Horse Lane (Hume Highway), Sutton Forrest
Constructed c.1830s, Wingecarribee LGA

Wandi
16501 Hume Hwy Marulan, built 1843, former Inn

Lockersleigh
1114 Carrick Rd, Carrick is a much later Victorian property.

It is worthy of noting the lack of extant homesteads from this period between Sutton Forest and Goulburn. Many buildings from this period appear to be former inns. To date it appears that the only pastoral properties with homesteads from this era in the northern part of the LGA are Glenrock and Wingello Park. Glenrock is far grander. Wingello Park is a more modest example illustrating settlement during the era of early expansion south of Sydney.

Conclusion

In my opinion the complex at Wingello Park meets several criteria for local heritage listing. With further research I believe it is highly likely that the place will meet several criteria for state listing.

The degree of intactness of the buildings which date from the early period of settlement in the area make the complex likely to be relatively rare.

In my opinion there are several potential risks, including:

- loss or unsympathetic alteration of significant fabric due to unauthorised work (even if undertaken with good intentions)
- if the property remains unlisted potential to use complying development provisions to seek a CDC for demolition
- potential abandonment of the building as a dwelling, leading to decay

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

David Hobbes
Heritage Advisor to Goulburn Mulwaree Council

Updated 20.1.20

Attachment 6

Goulburn Mulwaree Council
184 Bourke Street
Goulburn New South Wales 2580
Attention: Kate Wooll

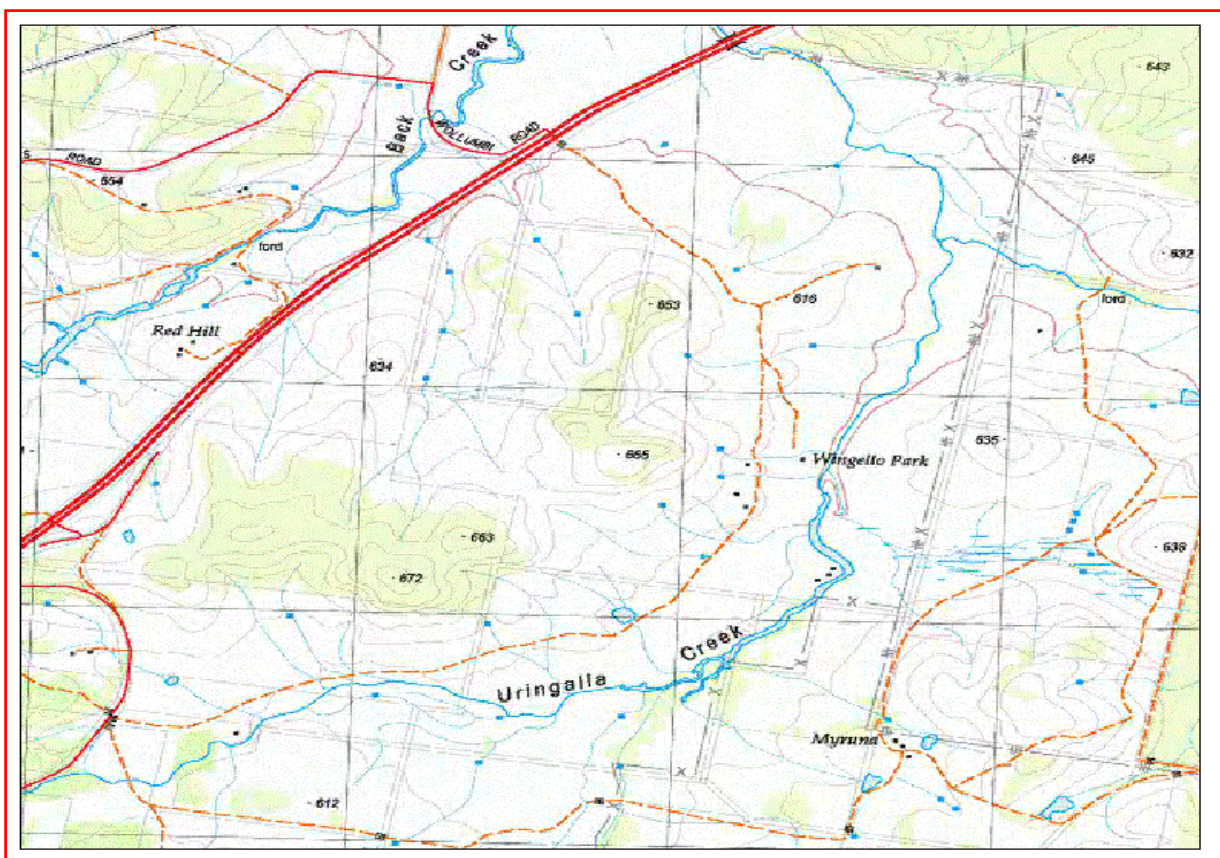
Date: 14 January 2020

Email: kate.wooll@goulburn.nsw.gov.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 2, DP:DP1138469 with a Buffer of 50 meters, conducted by Kate Wooll on 14 January 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

5	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(http://www.nsw.gov.au/gazette\)](http://www.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.