

# Wyong Shire Council

# **ORDINARY COUNCIL MEETING**

# **ENCLOSURES**

Wednesday, 13 February, 2013





### WYONG SHIRE COUNCIL ENCLOSURES TO THE ORDINARY COUNCIL MEETING TO BE HELD IN THE COUNCIL CHAMBER, WYONG CIVIC CENTRE, HELY STREET, WYONG

ON WEDNESDAY, 13 FEBRUARY 2013,

COMMENCING AT 5:00PM

2.1		Proposed Secondary Dwelling to be Incorporated g Two Storey Dwelling at Norah Head	
	Attachment 1:	Draft Conditions of Approval	4
2.2		Detached Secondary Dwelling at Bateau Bay	
	Attachment 2:	Development Plans	9
2.3	DA/1018/2012 S Blue Haven	Single Dwelling and Detached Secondary Dwelling at	
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5.3	Constitutional Recognition of Local Government - First Instalment Payment					
	Attachment 1:	Financial Recognition of Local Government in the Australian Constitution				
5.6	Facilities and E	xpenses Policy for Councillors				
	Attachment 1:	Policy for Facilities & Expenses for Councillors - Final Signed Version - November 2012				
5.7	Adoption of Co	de of Meeting Practice				
	Attachment 1:	WSC Code of Meeting Practice - November 2012				
6.4	Outstanding Q	uestions on Notice and Notices of Motion				

Attachment 1:	Table of Outstanding Questions on Notice and Notices	
	of Motion - 13 February 2013	150

Date: Responsible Officer: Location:	25 January 2013 Tony Maguire 73 Bungary Road, NORAH HEAD NSW 2263 Lot 1 DP 508272, Lot 1 DP 652430 Mrs K Deftereos and Mr G Deftereos
Owner:	MIS & Dellereos and MI & Dellereos
Applicant: Date Of Application: Application No: Proposed Development:	Mrs K Deftereos 28 August 2012 DA/726/2012 Decks & internal alterations to create an attached secondary
Land Area:	dwelling 562.76

### PROPOSED CONDITIONS

1 The development taking place in accordance with the approved development plans reference number 7999, Sheets 1 to 3, prepared by Coastline Building Design and dated 4 September 2012except as modified by any conditions of this consent, and any amendments in red.

### **Certificates – Application and Approval**

- 2 A Construction Certificate is to be issued by the Principal Certifying Authority prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.
- 3 Prior to the occupation or use of the building/structure, an application for an Occupation Certificate for the development must be submitted to and approved by the Principal Certifying Authority.

## **Prior to Release of Construction Certificate:**

The following conditions must be satisfied prior to the release of the Construction Certificate. Conditions may require the submission of additional information with the Construction Certificate Application. Applicants should also familiarise themselves with conditions in subsequent sections and provide plans in accordance with any design requirements contained therein.

### **Contribution Payment Requirements**

4 Prior to the issue of a Construction Certificate, the payment to Council of contributions (as contained in the attached Schedule) under Section 94 of the Environmental Planning and Assessment Act 1979 and Council's Section 94 and Section 94A Contribution Plan. Council's contributions are adjusted on the first day of February, May, August and November. The amount of the contributions will be adjusted to the amount applicable at the date of payment.

### Water and Sewer Services - Design Requirements

5 All water and sewer works or works impacting on water and sewer assets must be designed and constructed to the requirements of Council as the Water Supply Authority. The requirements are detailed in the Section 306 Notice of Requirements letter attached to this consent. **Note:** The Section 306 Notice contains requirements associated with the development that must be completed prior to the issue of the Construction Certificate.

## **Prior to Commencement of Works:**

The following conditions must be satisfied prior to the commencement of site works, including any works relating to demolition, excavation or vegetation removal.

### **Site Requirements**

6 Prior to works associated with the development commencing, the Principal Contractor (or Owner/Builder) is to erect a suitable sign in a prominent position on the development site (not attached to any tree) identifying the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, the name, address and telephone number (including a number for outside of business hours) of the Principal Contractor for the work (or Owner/Builder) and stating that unauthorised entry to the site is prohibited. The required sign is to be maintained for the duration of works associated with the development. Appropriate signs can be collected from Council's Customer Service Centre, where Council is the nominated Principal Certifying Authority with respect to the development.

## **During Construction Works:**

The following conditions must be satisfied during construction works.

### **Approved Plans**

7 A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.

#### **Erosion and Sediment Control - Construction Requirements**

8 Sand and other materials associated with the construction of the development that could potentially be washed off the site during rain periods, are to be stored behind a suitable sediment control barrier.

### **Plumbing and Drainage - Construction Requirements**

9 Council as the Water Supply Authority, under the provisions of the Water Management Act, or in unsewered areas where an onsite sewage management facility is to be installed, is to be notified to undertake inspections of the internal drainage lines, (prior to the pouring of the concrete slab), and external drainage lines inclusive of sewer junction connection, prior to the backfilling of the trenches. These inspections can be arranged by telephoning Council's Customer Contact Centre on (02) 4350 5555 a minimum of twenty-four (24) hours prior to the required time for the inspection. Please note that all drainage inspection fees are to be paid to Council prior to plumbing and drainage works associated with the development commencing.

### **Site Requirements**

- 10 Construction or demolition works involved with the development may only be carried out between the hours of 7.00 am and 5.00 pm Monday to Saturday with no construction or demolition works associated with the development permitted to be carried out at any time on a Sunday or a public holiday.
- 11 During the construction phase of the development, all building materials, plant and equipment must be placed on the site of the development in order to ensure that pedestrian and vehicular access within adjoining public roads, footpaths and reserve areas, is not restricted and to prevent damage to public infrastructure.

## **Prior to Release of Occupation Certificate:**

The following conditions must be satisfied prior to the release of an Occupation / Subdivision Certificate.

### **BASIX Requirements**

12 Prior to the issue of an Occupation Certificate, pursuant to Clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is mandatory that all the commitments listed in the BASIX Certificate applicable to the development are fulfilled.

#### **Building Code of Australia – Compliance Requirements**

13 Prior to the issue of the Occupation Certificate, the building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.

### **Bush Fire – Compliance Requirements**

14 Prior to the issue of an Occupation Certificate, the building shall be completed in accordance with the requirements of AS 3959-1999 - *Construction of Buildings in Bushfire Prone Areas*, for a Bushfire Attack Level of 12.5.

### **Plumbing and Drainage - Compliance Requirements**

- 15 Prior to the issue of an Occupation Certificate, the hot water installation is to be suitably tempered in order that hot water not exceeding 50 degrees Celsius is provided at the outlet of the sanitary fixtures used primarily for personal hygiene purposes. Compliance with this temperature limit is optional for kitchen sinks and laundry tubs under the provisions of AS/NZS 3500, Part 4.2 C1.1.6.2.
- 16 Prior to the issue of an Occupation Certificate, the required rainwater tank is to be provided in the location as detailed within the approved development plans with suitable plumbing connections provided to collect rainwater from the roof area as detailed within the BASIX Certificate applicable to the development. The required rainwater tank is to be installed in accordance with the requirements of the National Plumbing and Drainage Code AS/NZS 3500 and shall be provided with first flow diversion devices fixed to all inflows and a functioning pressure pump plumbed to service all fixtures as detailed within the BASIX Certificate applicable to the development. The required tank must be controlled in order that supplemental flow from domestic mains does not take place until the capacity of the tank has been reduced to 20%.

### **Stormwater – Compliance Requirements**

17 Prior to the issue of an Occupation Certificate, stormwater generated from roof areas of the building and any overflows from rain water tanks installed in conjunction with the development, is to be disposed of to Council's street gutter drainage system. Where provided, the existing kerb stormwater connection is to be utilised.

#### Water and Sewer Services/Infrastructure – Compliance Requirements

18 The obtaining of a Section 307 Certificate of Compliance under the Water Management Act 2000 for water and sewer requirements for the development from Wyong Shire Council as the Water Supply Authority prior to issue of the Subdivision/Occupation Certificate. All works for the development must be approved by Council prior to the issue of a Certificate of Compliance.

## **Ongoing Operation:**

# The following conditions must be satisfied during use / occupation of the development.

No Conditions

## SCHEDULE OF CONTRIBUTIONS

Shire Wide Regional Open Space	\$88.65
Shire Wide Performing Arts Centre & Public Art	\$205.20
Shire Wide Administration	\$39.40
Toukley District Community Facilities Works	\$1,859.95
Toukley District Community Facilities Land	\$449.30
Toukley Open Space Works	\$2,210.40

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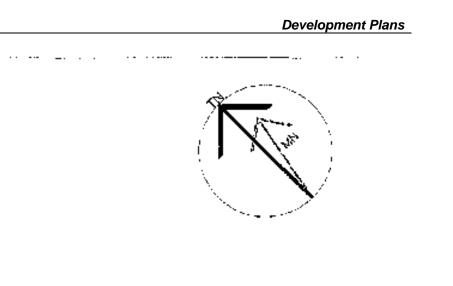
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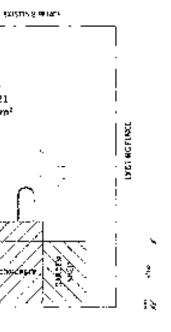


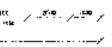
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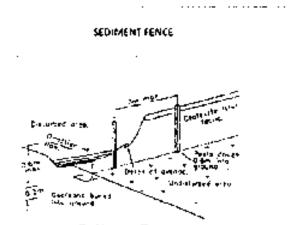


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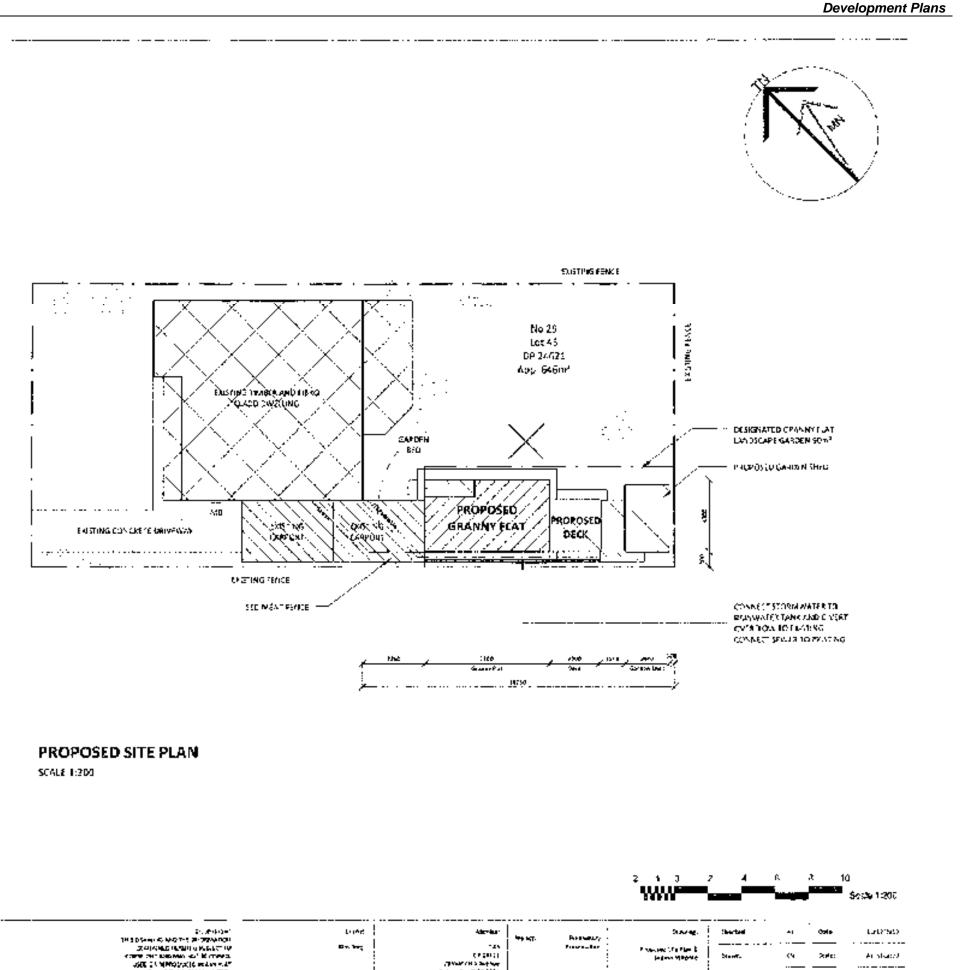
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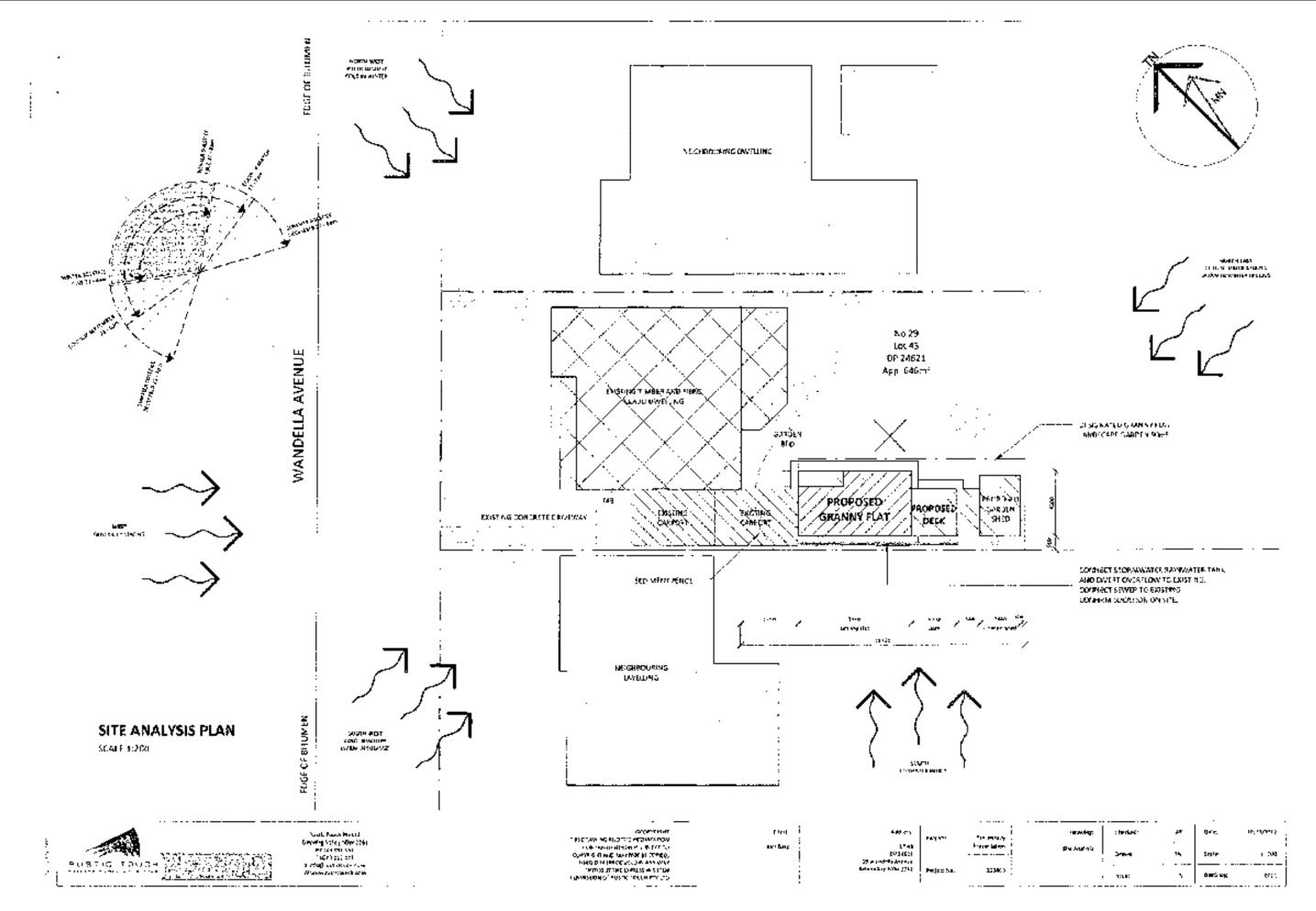
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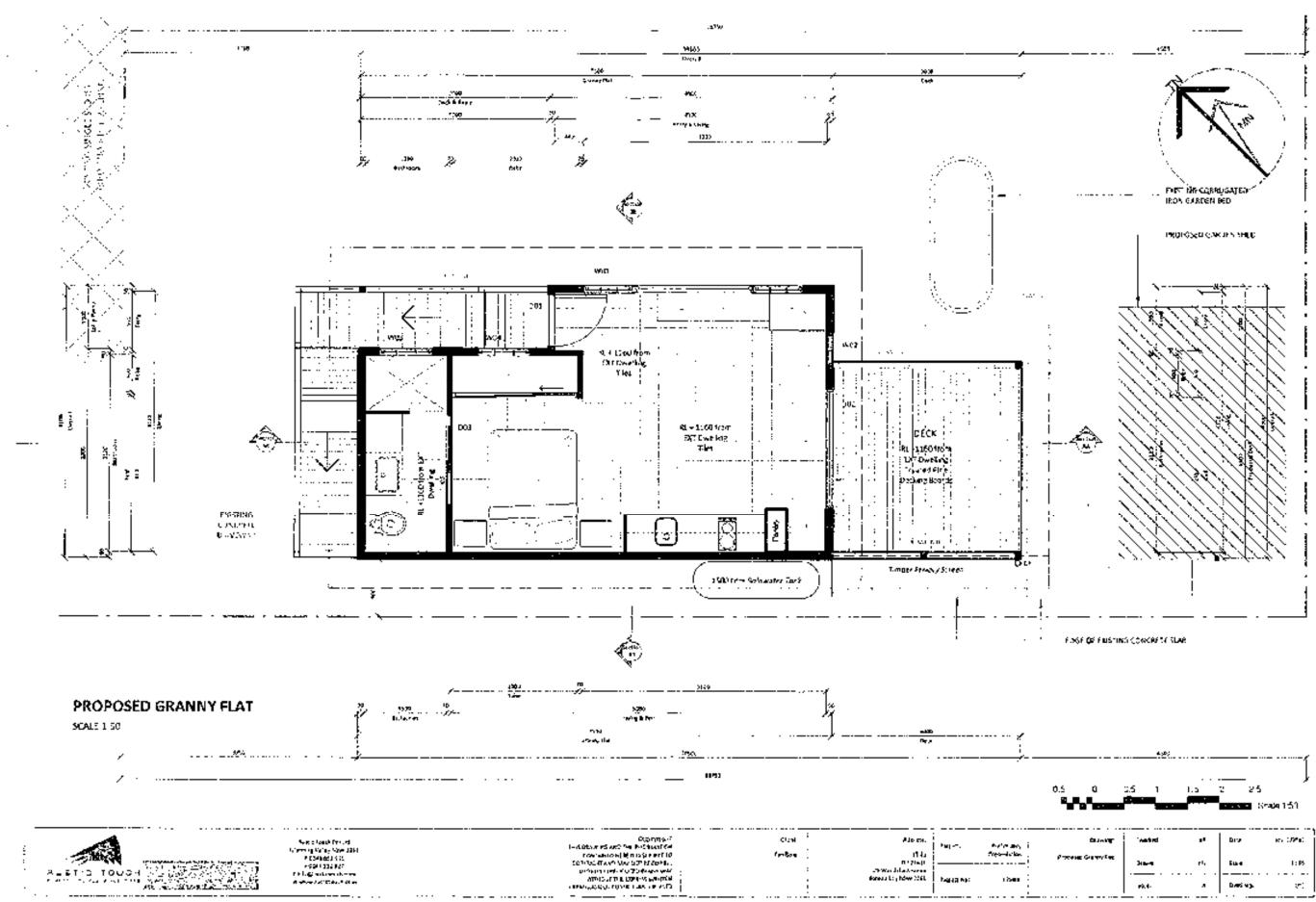
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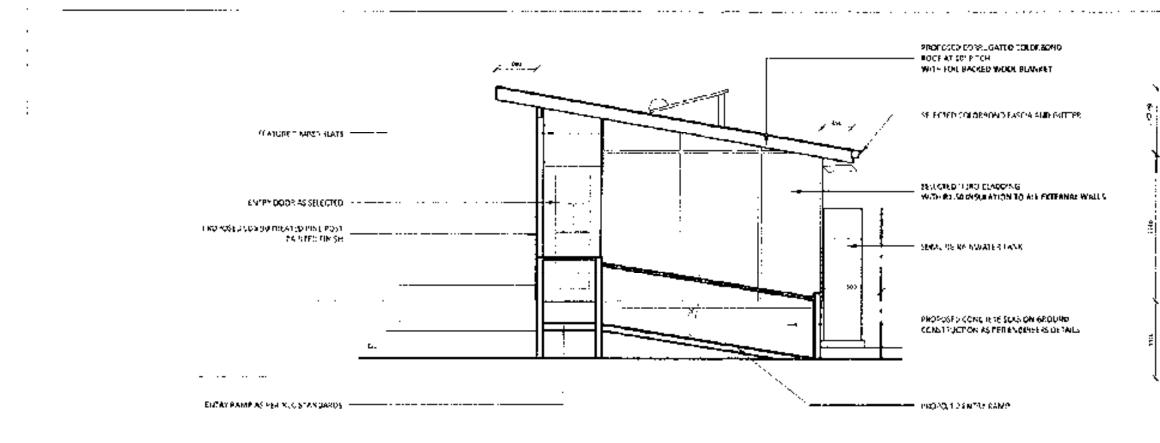


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Attachment 2



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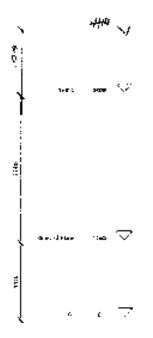
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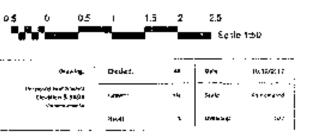
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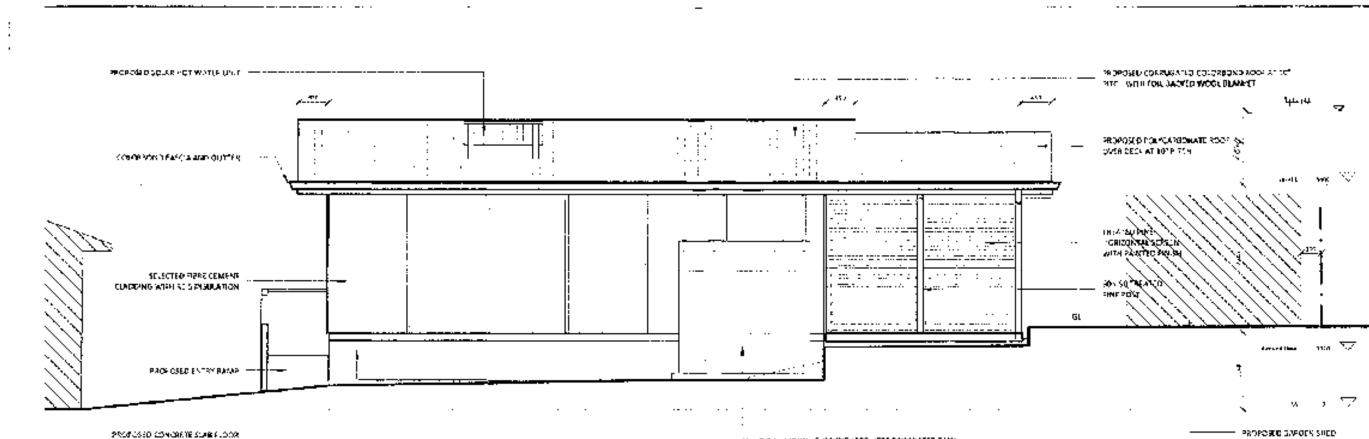
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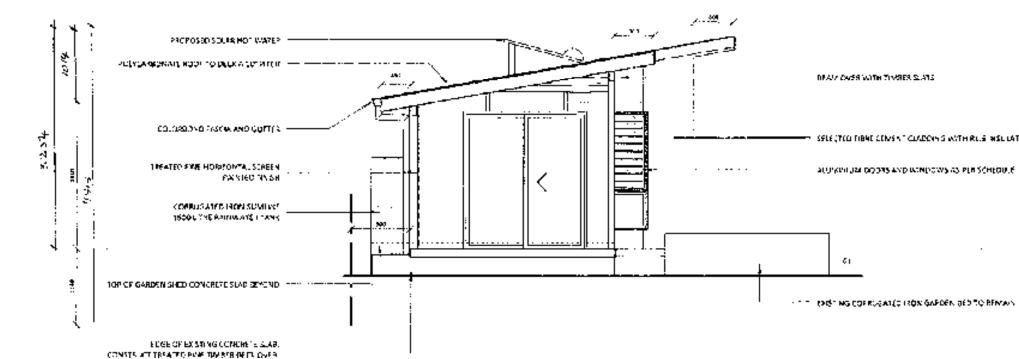


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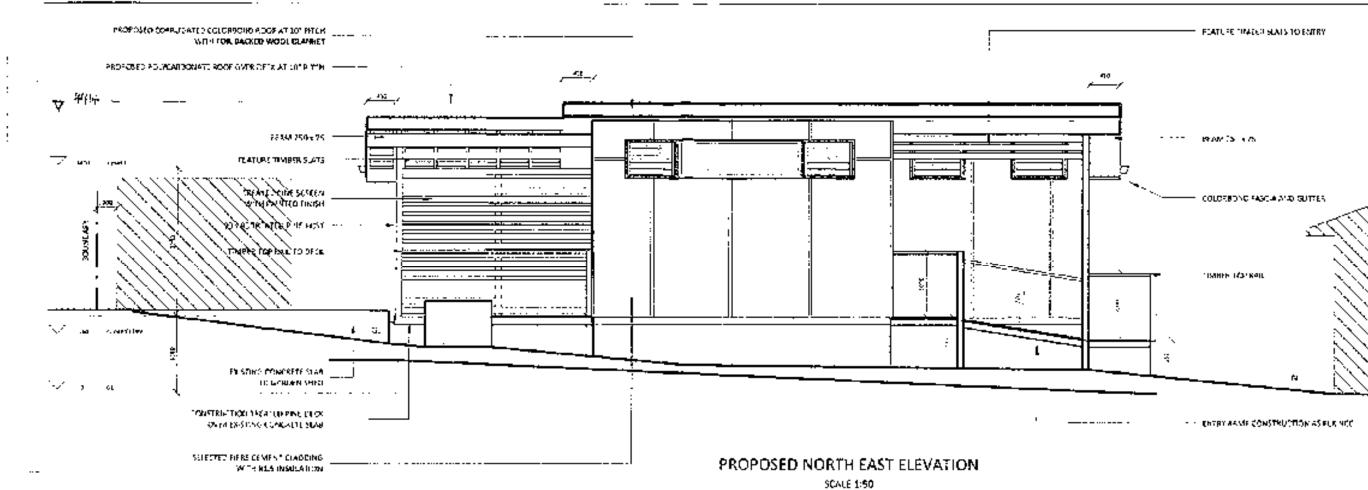
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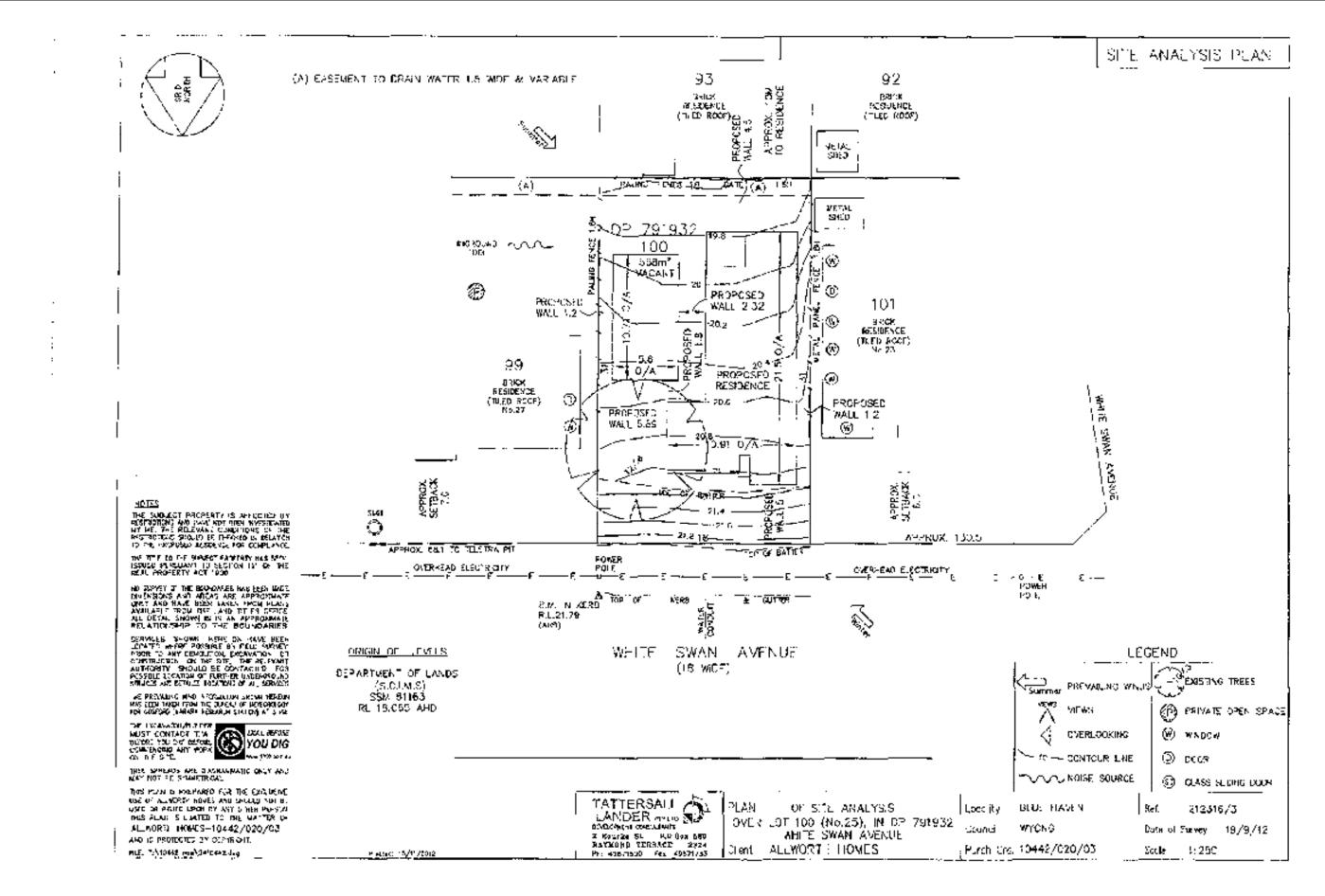
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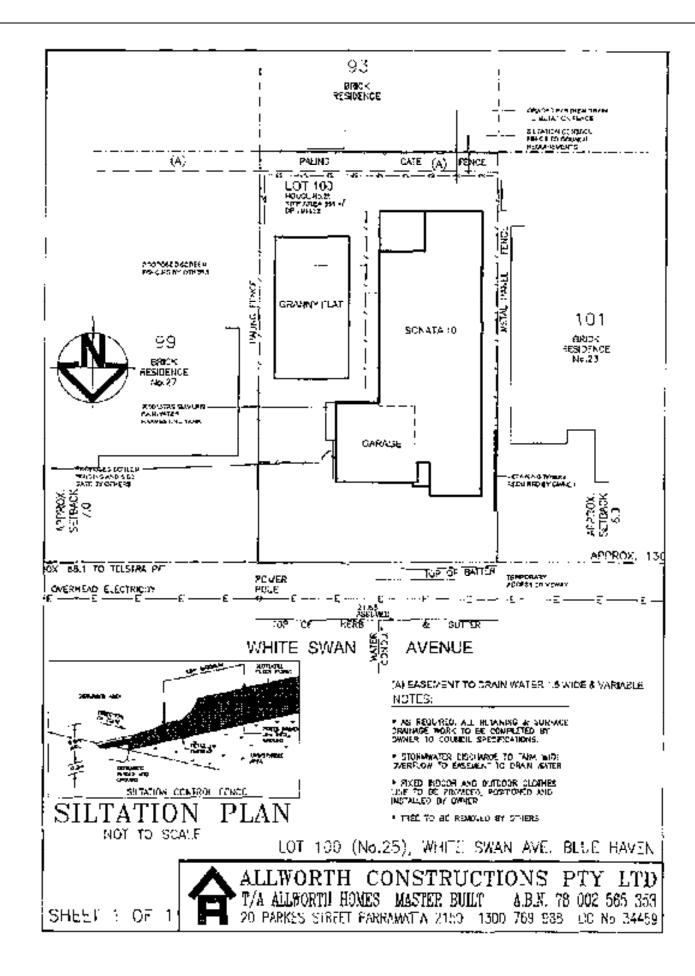


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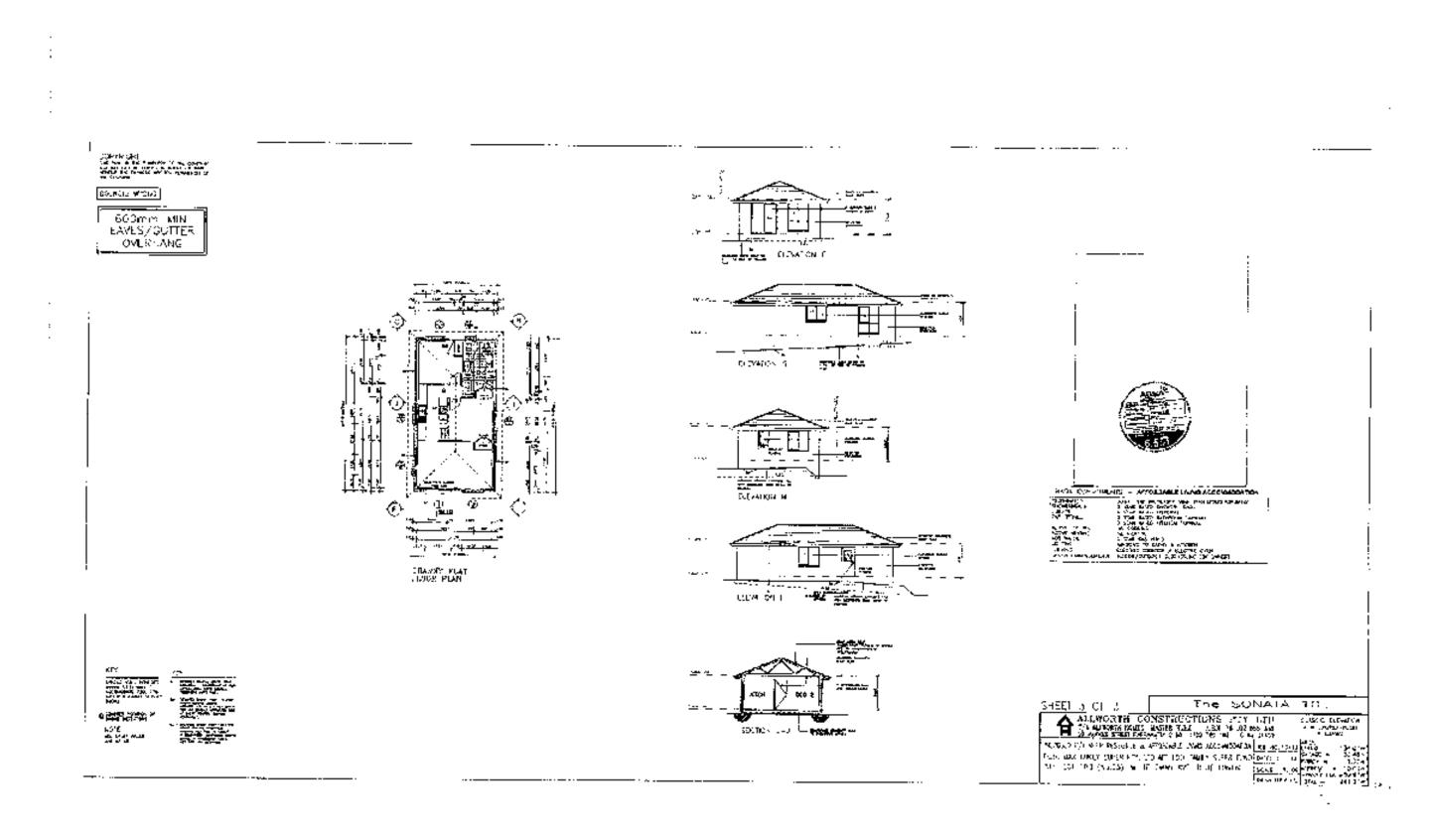
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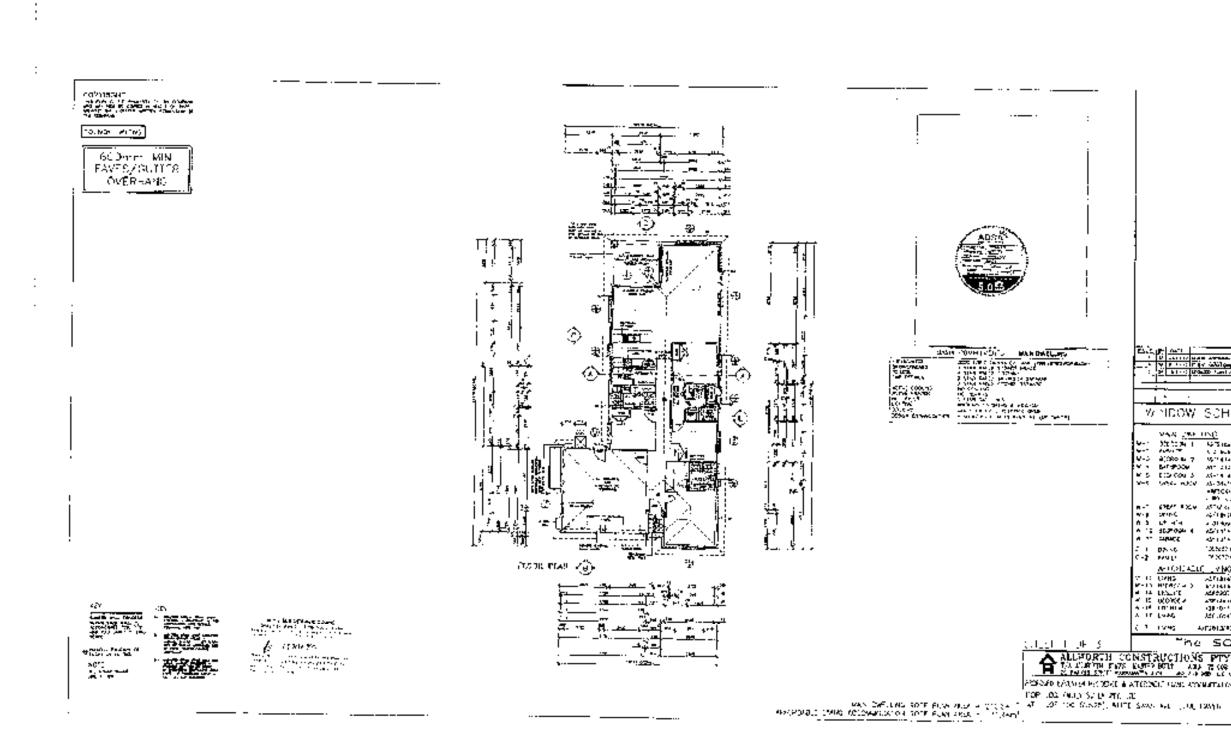


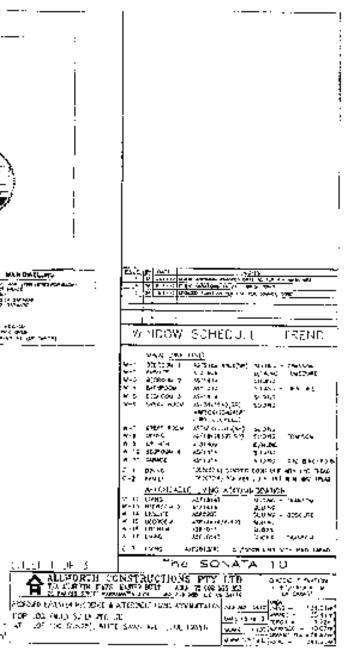
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Development Plans



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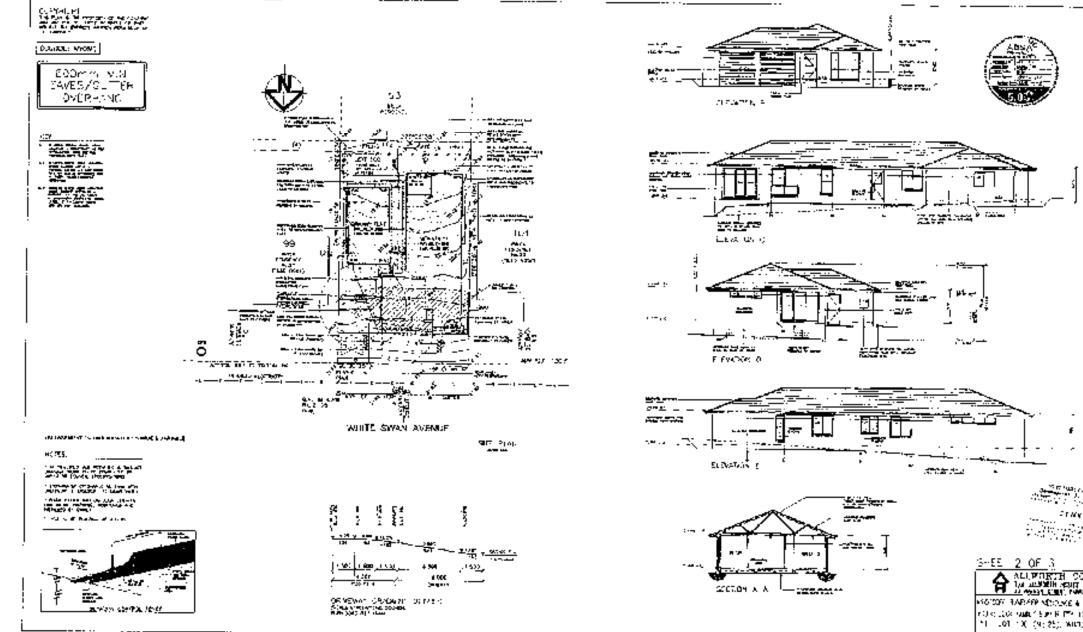




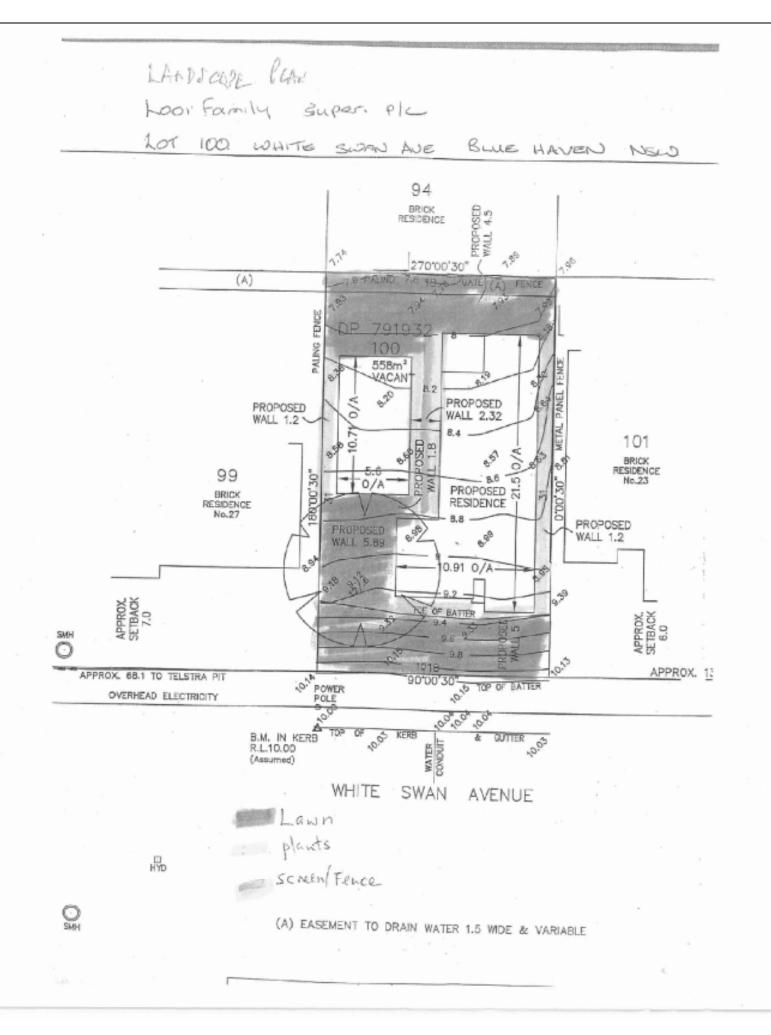
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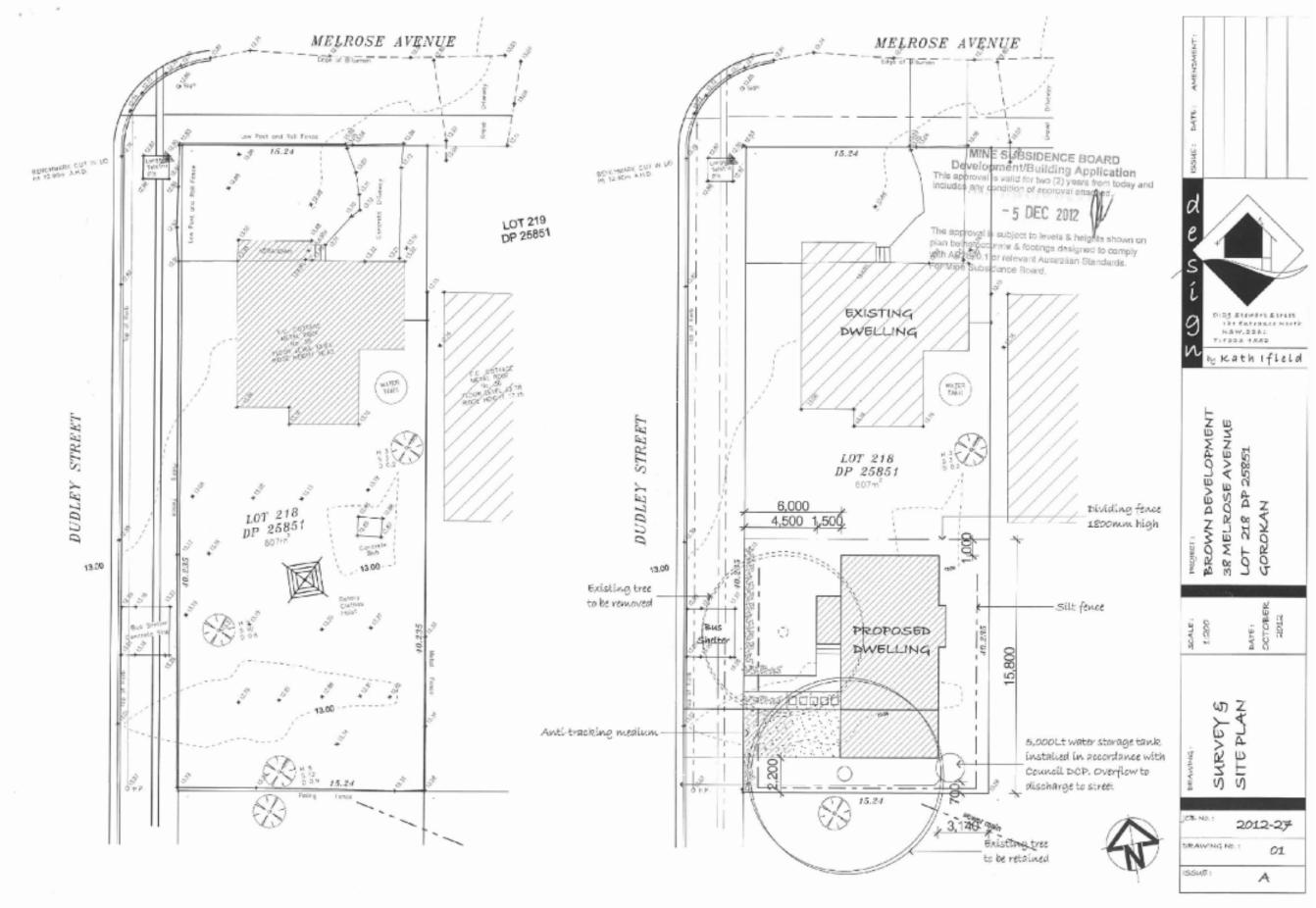
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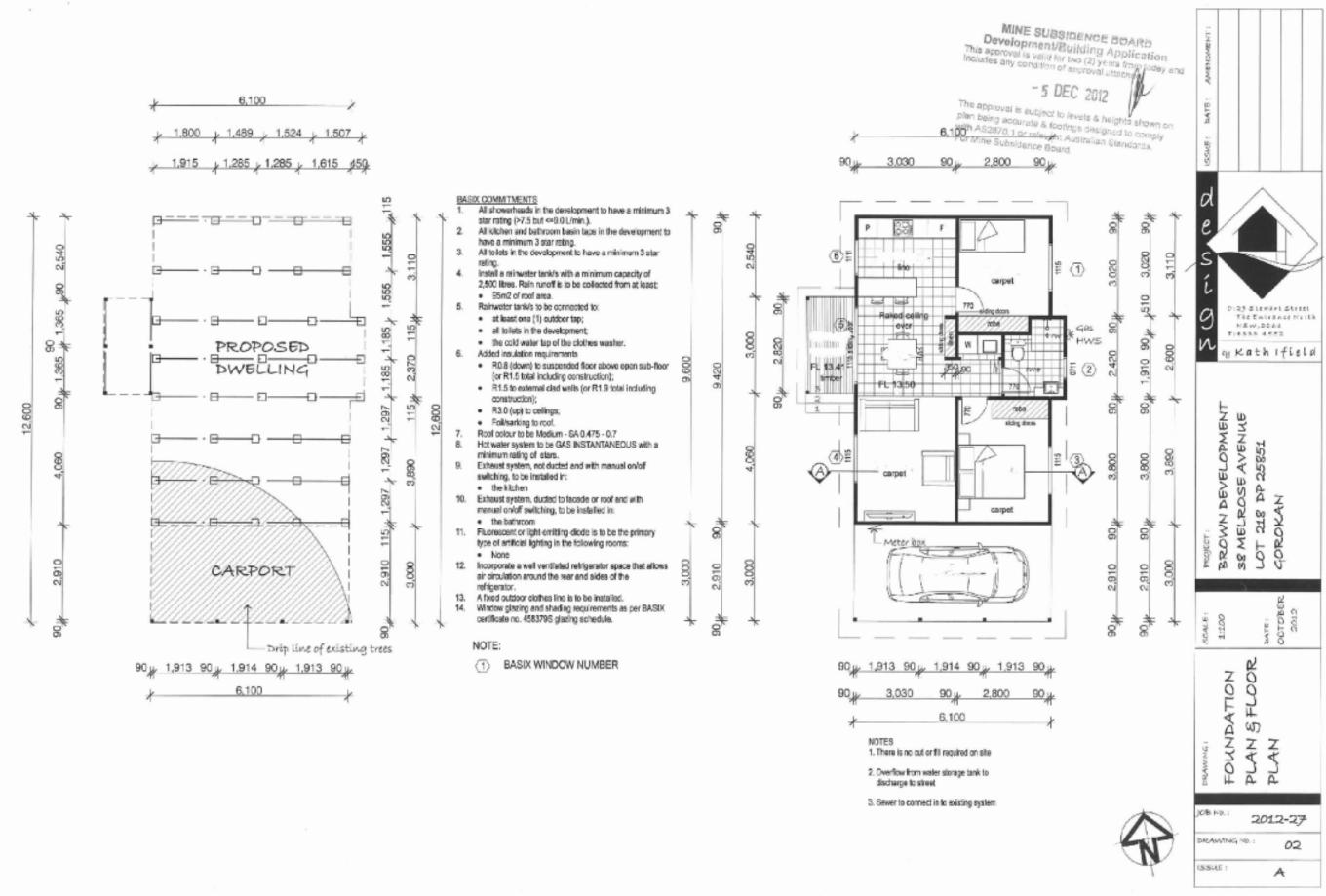




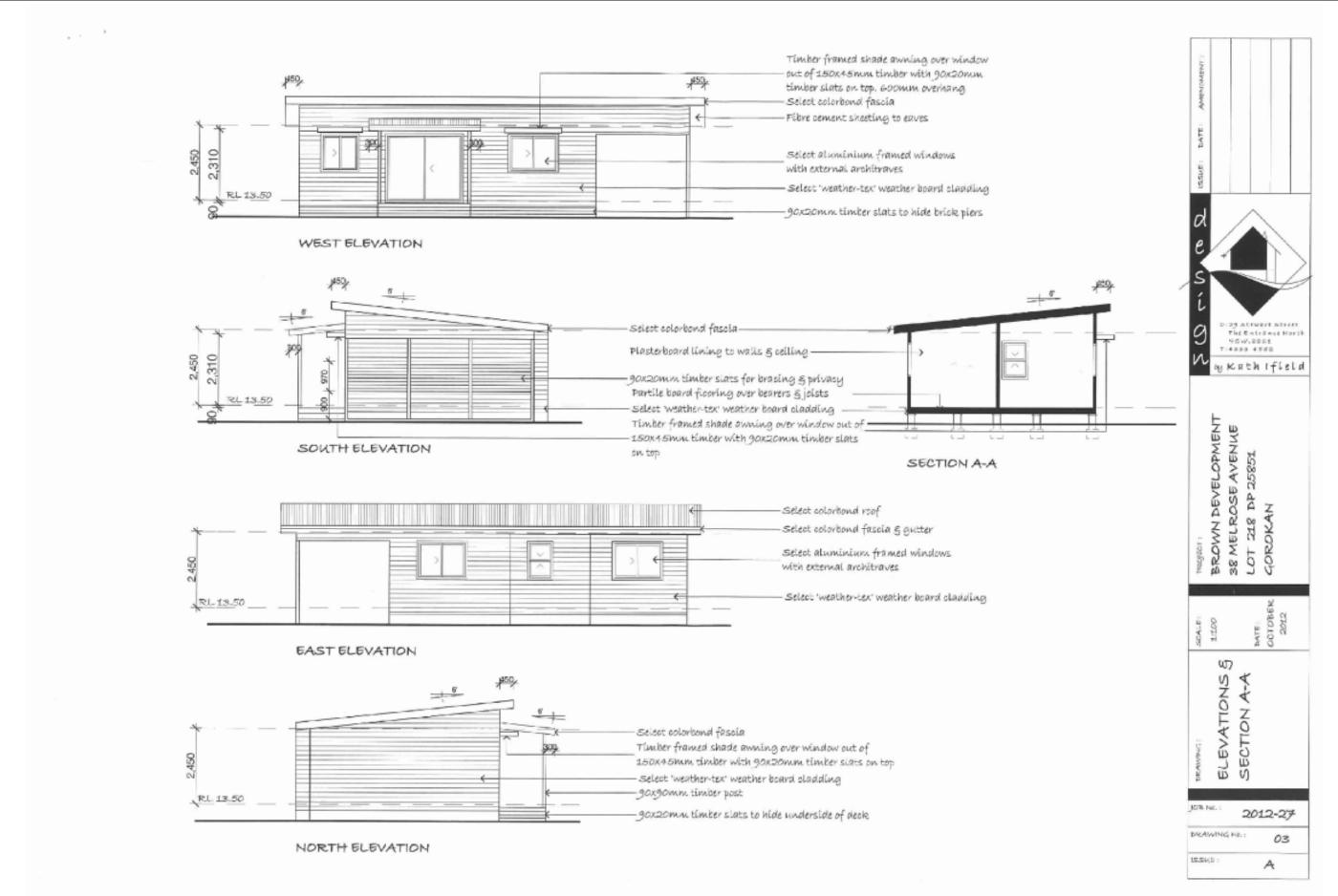


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#### Development Plans



### Development Plans



commercial and residential

## **Options** Feasibility Study

Alison Homestead, Wyong

prepared by Webber Architects



Revision A

File: Study	Options Feasibility	
Study		

Date 29/06/2010

Approved - RB

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#### WA: 2360\_1.5.xx Options Feasibility Study

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4.0	Conclusion
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### 1.0 Overview

The Alison Homestead is a heritage listed building complex located at 1 Cape Road Wyong. It is the oldest house in Wyong and was built by William Alison. William Alison Snr settled in the area and gave Alison Homestead to his eldest son Charles who extended the homestead when he married the granddaughter of Blue Mountains explorer, William Cox. The property passed out of the Alison family in the 1890s and then had various occupants until purchased by Alfred Pearce. The Pearce family ran the property as a market garden for until, after years of lobbying by the Wyong Historical Society, Alison Homestead was set up as a Museum in 1991.

The homestead was, until recently, a historical museum set amidst two hectares of lawns and gardens. However in the early hours of Saturday the 3rd of December 2011, the Alison Homestead was destroyed by fire in an arson attack.

The premises are leased to the Wyong District Museum and Historical Society (The Society) and The Society has requested that Council manage the process of reconstruction on its behalf. Council's insurer has advised they will payout Council's insurance policy for the reconstruction of the premises.

The objective of this report is to evaluate options for the replacement or removal of the Alison Homestead. The report considers the existing condition of the ruins, issues, challenges and opportunities presented by four options put forward by a Council Resolution at their regular meeting on the 9th of May. The report recommends a way forward for council to deal with the ruins of the homestead.

The options presented by council for consideration are:

- 1. Rebuild to previous form using modern day building techniques and materials
- 2. Rebuild to original condition using period building methods and materials
- 3. Redesign and rebuild a new building on the same site
- 4. Demolish, clear the site and terminate the lease of The Society

The report considers each option from the following points

- Present project requirements with opportunities and constraints analysis of the site
- · Describes the four options for the site defined by Council
- Assess the feasibility of each option in terms of meeting the requirements of the site and project requirements.
- Provide a recommendation for the preferred options for the site

The heritage of the site and the structural integrity of the ruins have also investigated. Both a Structural Engineer and qualified Heritage Consultant have been engaged to visit the site and make comments and recommendations about the options for addressing the project. Their reports are appended to this report as appendix 2 and 3 (appendix 1 has been deliberately left blank).

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### 2.0 Project Requirements

This section shows an analysis of the project requirements; including the potential opportunities and constraints for the re-development options for the site. These desires and constraints have been determined from consultation with the Client Representative and The User Group.

The items shown in 2.1 provide the framework in assessing each option and in turn show the feasibility of each option.

#### 2.1 Brief Analysis - Opportunities and Constraints

The following table indentifies two items; the <u>desired</u> site opportunities to be met and possible site constraints which would cause <u>concern</u> to the project option.

Desire	Concern
Retain the "history of the site through heritage items onsite"	History of the buildings may be lost if not appropriately re-built or interpreted into a new design
Avoid false heritage	False heritage may devalue the site culturally
Maintain budget within the insurance payout for the building	Project is required to be run within insurance payout budget
Availability of materials for reconstruction	Original materials are likely to be unavailable to replace the existing building fabric
New building to comply with building standards and codes	A replacement of the original building using original methods may not be allowable under current building codes
Better amenity of new building to suit the desired use of the User Group.	The opportunity to taylor the site to better suit the "museum" nature of the buildings use may be lost if the building is replaced in the same format as the original design.
Site to yield maximum social and community gain for council	Councils investment in the site to produce cultural benefits for the community may be lost if the site is not well used.
Provide a building that is structurally sound for its type	The existing buildings if retained may require structural upgrade to being them to current "Museum" standard

Items shown in grey are assessed below in section 4 under their opposing category.

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#### Option 1 - Rebuild to previous form using modern day building techniques

This option proposes to take the known information about the buildings and produce a copy of them using commonly available building materials and techniques. This would likely include pine framing and glazed ceramic tiles to replace the existing hardwood frames and imported French tiles of the original.

#### Option 2 - Rebuild to original condition using period building methods and materials

Option 2 is to source original material from the period and labourers who are knowledgeable in the construction of the period in order to enable the building to be replaced with exactly the same building systems as the original. Due to the probable cost of this it may not be possible to rebuild the whole homestead and therefore the reconstruction may be limited to part of the original homestead.

#### Option 3 – Redesign and rebuild

Option 3 is to build a new and different building on or close to the original location of the original homestead. This option may incorporate remnants of the original design or may entirely demolish the ruins. The new building would be designed to be reminiscent of the original without trying to mimic it.

#### Option 4 - Demolition the ruins, clear the site and terminate The Society's lease.

The final option to be reviewed is to clear the ruins and make the area safe. This would result in the original facility not being available for The Society's use and therefore Council would need to terminate the lease for the buildings.

Options Feasibility

		ii,		89		64		Total out of 18
future amenity	This option provide no future amenity to the site	ca.	Rebuilding a new building provides the possibility of greater amenity that the original building	ω	Rebuilding the site will allow for social and community use of the site in line with the original building	3	Rebuilding the site will allow for social and community use of the site in line with the original building	Site to yield maximum social and community gain for council /5
future amenity	This option provide no future amenity to the site	UN	This option allows for maximum amenity to for the new building	0	The amenity of the building would be constrained by the original design	0	The amenity of the building would be constrained by the original design	Amenity of new building to better suit the desired use of the site. /5
Micable	This options is not applicable	۵	A new building would allow the designers to not only meet current standards but also re-address site levels and access addressing disabled access to the site as required.	-	Flebuilding the original building in its original from may not allow compliance with some codes.	10	This option would likely be able to provide compliance with current building codes as it allows for elements to be reconstructed with materials and systems that comply with hodays standards, sente non- complaince may still exist for elements such as disabled access	Building to be built to current building codes /3
riginal heritage to The Society spet for further	Little maintenance of original heritage value, the site if un-let to The Society may also become a target for further vandalism	NJ	Some maintenance of original heritage value, new building opens options for interpretation of original building	4	Good maimenance of original heritage value, some materials may not be available and part of the building may not be able to be replaced due to cost	0	This option does not retain any historical benefit of the original building	Retain the "history of the site through heritage items onsite" /5
minate lease	Option 4 Demolish and terminate lease		Option 3 Redesign and rebuild		Option 2 Rebuild with original materials		Option 1 Rebuild with modern materials	Site Desire

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3.0 Evaluation The following Table 1 and Table 2 show an analysis of each option against the known desires and concerns from 2.1 above. A total possible score has been given to each item relating to its importance to the project. The higher the total possible score the higher importance that item holds to the project. Scores have then been allocated to each item the lower according to how the site responded to the desire or concern.

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File: Options Feasibility Date	Total /32	Site Concerns	Site desires		Table 3. Summerv of analysis	Total out of 14	The existing buildings if retained This optimary require structural upgrade concern to being them to current "Museum" standard /2	Original materials are most Not keep not available to replace the existing building 3	Project is required to be run This within insurance payout budget the t	False heritage may devalue the optic 3 culturally culturally	Site Concerns Robuild
27/06/2010	14	10	5	Option 1 Rebuild with modern materials			This option would be abel to address this concern	Not a concern with this option	This option may keep the project within the budget	The modern material and methods in this option would likely devalue the site culturally	Option 1 Rebuild with modern materials
Approved - RB				erials		9	N	ω	4	0	
3-RB Page 7/8	14	8	8	Option 2 Rebuild with original materials			This option would NOT be able to address this concern without additional cost and compromise on authentication	This option may be complicated by this tack of material and knowledge	Original material would most likely not fit within the original budget and may limit the replacement of the building	Rebuilding with original materials would replace the cultural benefit of the site and also provide insight through the documentation process about the period	Option 2 Rebuild with original materials
						6	0	1	2	з	
	28	14	15	Option 3 Redesign and rebuild			This option would be abel to address this concern although any retained protion may require strucutral upgrade	Not a concern with this option	This option would provide the opportunity to taylor the built works to suit the budget	The new building would allow for interpretation of the original building whilst not trying to mimic it	Option 3 Redesign and rebuild
						13	N	ω	ъ	ω	
	11	9.5	2.5	Option 4 Demolish and terminate lease			Not Applicable	Not a concern with this option	This option whilst being within budget may mean a reduced payout for council	The removal of the original homestead would remove some of the cultural value of the site	Option 4 Demoish and terminate lease
				õ		8.5	1.5	ω	ω	1	

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### 4.0 Conclusion

As shown in Evaluation Section 3.0 above, scores for the redesign and rebuilding of the Alison Homestead addresses most successfully the desires and concerns of the brief. It is therefore the most suitable option for the replacement of the facilities.

The options are reviewed below in order of rank:

#### Option 3 - Redesign and rebuild

This option provides both the best response to site desires and also the least risk from known concerns. This option will provide benefits of financial flexibility, interpretive heritage options and better amenity for the proposed use of the site by the historical society.

#### Option 2 - Rebuild to original condition using period building methods and materials

Whilst rebuilding the original homestead using original materials and techniques would address issues of false heritage, it is thought that the original materials and workmen capable of executing the construction are likely to not be easily available (if available at all) and the cost of these materials and services would likely be prohibitive. This may mean a reduction in scope area of the restoration / rebuilding and therefore a lower amenity for The Society.

#### Option 1 - Rebuild to previous form using modern day building techniques

Replacement of the original building with a building built to be the same as the original is not recommended. In attempting to replace the original building with matching modern materials, tools and building techniques creates false heritage which would be detrimental to the heritage of the site.

#### Option 4 - Demolition the ruins, clear the site and terminate The Society lease.

The demolition of the existing buildings and termination of the existing lease is not recommended due to the loss of amenity and facility from the site through its closure. Council have also noted that the insurance payout would likely be reduced and therefore produce a net loss to the value of councils asset from both a financial and cultural perspective.

#### Site Recommendation

It is recommended that the Council find Option 3 as the most feasible option in addressing:

- The opportunities and constraints of the site and
- · The analysis of needs for the Users and community.

It is recommended that Option 3 be explored further and Sketch Design options be developed to further determine the feasibility of the project.

Options Feasibility

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# HERITAGE REPORT & RECOMMENDATIONS

**Wyong Shire Council** 

## FIRE DAMAGED ALISON HOMESTEAD WYONG



Prepared by: John Carr Heritage Design Final Report Rev B 18 December, 2012 This page has been left blank intentionally

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3.0	CONCLUSION & RECOMMENDATIONS	17

**Cover:** Fire damage to Room 14 of the Alison Homestead at Wyong. (John Carr) (Photographs in this report are by John Carr unless otherwise noted.)

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John Carr Heritage Design

#### 1.0 INTRODUCTION

The following heritage report has been prepared following the devastating fire in December 2011 that has largely destroyed the Alison Homestead at Wyong, currently home to the Wyong Historical Society.

John Carr Heritage Design has been engaged by Webber Architects on behalf of Wyong Shire Council to provide heritage advice for the proposed redevelopment, which seeks to reconstruct the society's home using insurance funds.

The Homestead is listed on the Wyong Shire Council's Local Environmental Plan as being of Local heritage significance.

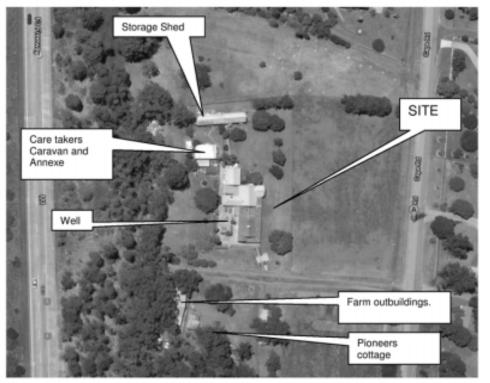


Plate 1: Aerial view of the site (Source Google)

Alison Homestead at Wyong Redevelopment Options

12 December 2012

MAP/SHEET: 10/1 ITEM NO: 62 HERITAGE STUDY REF NO: 22.11 ITEM: Dwelling"Alison Homestead" - Lot 51 Cape Road PROPERTY DESCRIPTION: Lot 51 DP 788246 Cape Road, WYONG STATEMENT OF SIGNIFICANCE: DP 258/74 Historically significant regionally for representing the arrival and locational choice of one of the region's best-known pioneering families. It is of modest 19 6 proneering ramines. It is or modest design although relatively large and has local aesthetic significance. The homestead is regionally significant for its long association with the Alison family and their descendants. Scientifically it is and their descendants. Scientifically it is of regional significance for its potential to reveal information about the lifestyle and working life of a major regional farming pioneer family. It has regional rarity as a survivor of that period and that association.

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Plate 2: Wyong Shire Council's Listing Sheet for the Alison Homestead. (Wyong Shire Council)

Alison Homestead at Wyong Redevelopment Options

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John Carr Heritage Design

#### 2.0 HERITAGE REPORT

#### 2.1 Historical Background:<sup>1</sup>

In 1875 William Alison Snr purchased three Cape properties at Wyong. This, together with other grants and purchases covered an area from Wyong Creek in the south to Jilliby Creek in the west, Wallarah Creek in the north and Budgewoi Lake in the east. Robert Coulter, of Narara, was hired to upgrade the accommodation and it is unclear if a new house was built or the existing cottage renovated. Williams son Charles lived on the property for a while, improving the pasture and grazing cattle as the main form of income.

In 1887 the Great Northern Railway was opened from Newcastle through Wyong and Charles Alison set up a sawmill near the site of the present railway station.

Notes from Phil Morley of the Wyong District Museum & Historical Society explain that the original cottage has a timber shingle roof and internal walls and ceiling were lined with timber lining boards.

The house was extended when original owner Charles Alison married the grand daughter of Blue Mountains explorer William Cox and they had three children between 1891 and 1899. It would have been at this stage that the internal lining boards were removed from the walls and ceilings and metal lath and solid plaster were applied with a smooth plaster finish, decorative plaster cornices and plaster ceiling roses. The economic depression of the late 1890's forced the mortgaging of the property in 1900 and its sale in 1902.

From 1902 to 1919 the property had various owners. The Pearce family purchased the property in 1919 and developed into market gardens. The Department of Main Roads purchased the property in the late 1970's for the Sydney to Newcastle freeway.

The site was leased in the 1980's by the Wyong District Museum & Historical Society who arranged restoration works and renovations in 1990.



Plate 3: Aerial view of the Homestead buildings (Source Google)

An arsonist set fire to the building in the early hours of 3rd of December, 2011, causing extensive damage, particularly to the portion of the Homestead that contained the walls of the original 1870's cottage.

Alison Homestead at Wyong Redevelopment Options

<sup>&</sup>lt;sup>1</sup> Historical notes and photographs provided by Phil Morley of the Wyong District Museum & Historical Society



Plate 4: The Homestead in 1909. (Source - WDM&HS)



Plate 5: The Homestead in the 1980's. (Source - WDM&HS)

Alison Homestead at Wyong Redevelopment Options

12 December 2012

John Carr Heritage Design



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Plate 6: The Homestead in the 1980's noting the remnant timber lining boards adjacent to the lath and plaster walls. (Source - WDM&HS)



Plate 7: The Homestead in the 1980's indicating the floor has been replaced using modern timber joists and flooring, noting the check-outs in the bearer joist.. (Source - WDM&HS)

Alison Homestead at Wyong Redevelopment Options

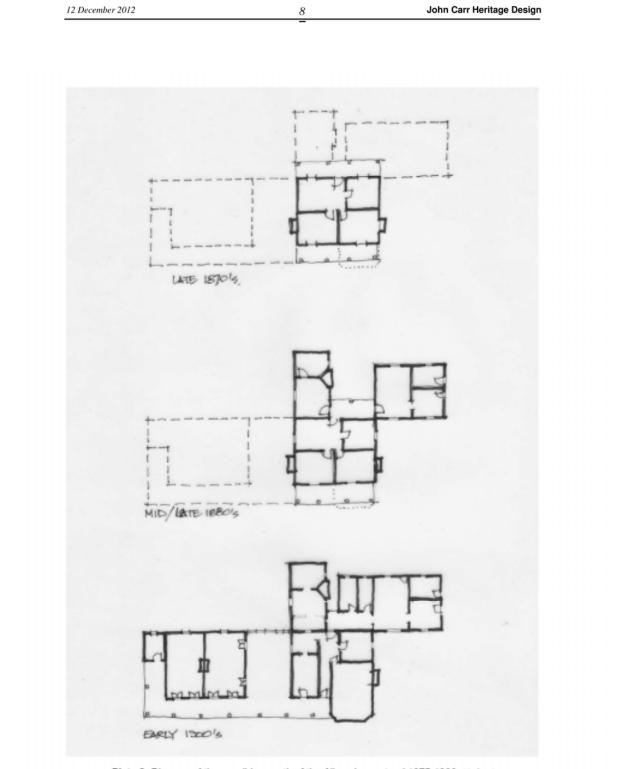


Plate 8: Diagram of the possible growth of the Alison homestead 1875-1900. (J. Carr)

Alison Homestead at Wyong Redevelopment Options