

Planning Proposal
Palerang *Local Environmental Plan 2014*
amend to include
Lot 6 Section 1 DP 758183 –
7 Turallo Terrace, Bungendore
as an Item of environmental heritage in
Schedule 5



Ref: SF170326
C17108906
PROJ0035/11/9

August 2017

Planning Proposal to amend the *Palerang Local Environmental Plan 2014* to include Lot 6 Section 1 DP 758183 – 7 Turallo Terrace Bungendore as an Item of Environmental Heritage in Schedule 5

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Planning Proposal to amend the *Palerang Local Environmental Plan 2014* to include Lot 6 Section 1 DP 758183 – 7 Turallo Terrace Bungendore as an Item of Environmental Heritage in Schedule 5

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Introduction

This is a planning proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, in relation to a proposed amendment to the *Palerang Local Environmental Plan 2014 (PLEP 2014)*.

The purpose of this planning proposal is to list a weatherboard cottage on Lot 6 Section 1 DP 758183, 7 Turallo Terrace Bungendore as an Item of Environmental Heritage under Schedule 5 of *Palerang Local Environmental Plan 2014*.

Site Description

The legal description of the subject site is Lot 6 Section 1 DP 758183, 7 Turallo Terrace, Bungendore. The land is zoned R2 Low Density Residential. The site is rectangular in shape and has an area of 2046.99m². The site has a frontage to Turallo Terrace of 20.11 metres and a depth of 101.79 metres. The lot is flat and contains a double fronted weatherboard cottage circa 1880's which has been extended to include a linked pavilion at the rear.

The dwelling is sited forward on the lot facing Turallo Terrace, with the remainder of the grounds including a detached carport and large garden with established vegetation. Neighbouring the site to the east, west and south are low density detached dwellings and to the north is Bungendore Pound.

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Figure 1 Locality plan of the subject site and surrounding area.



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Part 1 - Objective

To acknowledge the historical significance of the circa 1880s cottage on Lot 6 Section 1 DP 758183, 7 Turallo Terrace, Bungendore through an amendment to the *PLEP 2014* including the site as an local item of local heritage significance under Schedule 5 *PLEP 2014*.

Part 2 - Outcomes

The intended outcomes of the amended planning proposal are:

1. The amendment of Schedule 5 of *PLEP 2014* to include the weatherboard cottage on Lot 6 Section 1 DP 758183 as a heritage item of local significance.
2. The amendment of Heritage Map Sheet HER_004A of *PLEP 2014* by identifying Lot 6 Section 1 DP 758183 as item of environmental heritage.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

A preliminary assessment was undertaken by David Hobbes Council's Heritage Advisor in 2014. Mr Hobbes recommended that the dwelling should be listed as a heritage item. The preliminary assessment (**Appendix 1**) described the dwelling as:

“The original street facing building is a double fronted weatherboard cottage dating from c, the 1880s originally of three rooms with front and back verandahs it has been extended at the rear and links to a large but well designed two storey pavilion.

The original building has been carefully conserved and restored and retains original fabric including rusticated weatherboard cladding, cedar double hung windows, tongue and groove linings and fireplaces. It is a good example of its type.

The addition is a good example of sympathetic additions which although large do not overwhelm the original building.”

The planning proposal is accompanied by a Heritage Report prepared by Brendan O’Keefe, historian and heritage consultant (**Appendix 2**). The report expands on the historical and social significance of the site to the local community.

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It is evident from the comments by David Hobbes and Brendan O’Keefe that listing the dwelling as a local heritage item has merit. It is recommended that the original external weatherboards, internal wall and ceiling tongue-and-groove timber lining boards, hardwood floorboards, chimneys, hearths, mantles, doors, two front cedar windows containing the original mouth blown cylinder glass and any other component of the building that forms part of cottage which is the subject of this proposal should be included in the listing to ensure the exterior and interiors of the building are protected in the future.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only means of meeting the recommendations of Council’s Heritage Advisor, who identified that the building has merit and should be listed as a heritage item.

Section B – Relationship to Strategic Planning Framework

1. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional strategy or local strategy?

The relevant regional strategy is the *South East and Tablelands Regional Plan 2036* (July 2017). The planning proposal is consistent with the objective of protecting the region’s heritage (Direction 23) and Action 23.2 of conserving heritage assets during local strategic planning and development.

The other relevant regional strategy is the *Sydney-Canberra Corridor Regional Strategy 2008*. The strategy identifies the need for Council to review the scope and quality of the existing list of heritage items and ensure that all places of significance are included in the heritage schedules of local environmental plans.

The listing of the dwelling will ensure the historic cultural heritage of the item will be protected and conserved for future generations, which is consistent with the Cultural Heritage objective of the *Sydney-Canberra Corridor Regional Strategy 2008*.

2. Is the planning proposal consistent with Council’s local strategy or other local strategic plans?

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Table 1: Council strategic plans

Bungendore Land Use Strategy & Structure Plan - 2010	Comment
2.1 Conserve and protect cultural heritage which include post European settlement items.	Listing of heritage items in <i>PLEP 2014</i> schedule 5
Bungendore Heritage Conservation Planning Strategy - 2010	Comment
3 - Assessment of Heritage Significance Criterion (a) An item is important in the course, or pattern of NSW's or the local area's cultural or natural history.	The listing of the dwelling in Schedule 5 of <i>PLEP 2014</i> would ensure that the dwelling is conserved and protected, which reflects the intent of the Heritage Strategy.
Palerang Heritage Strategy 2014/2015-2016/2017	Comment
2.1 Maintain and update Council's heritage database and Geographic Information Systems heritage layer.	Identify and list heritage items in the Palerang Local Environmental Plan 2014
Palerang Community Strategic Plan 2014 – 2024 (2013)	Comment
Focus Area 3: Community & Culture: We have a strong awareness of local heritage and history and a thriving arts and crafts community. Focus Area 4: Rural and Urban Development We value our built heritage and its contribution to our local identity. We acknowledge the benefit that development can bring to our area while recognising the need to conserve our local history, built heritage and rural character.	The listing of the site as a local item of environmental heritage will ensure the dwelling is conserved and protected, which reflects the communities values of its heritage as identified in the Palerang Strategic Plan

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3. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is considered not to be inconsistent with any State Environmental Planning Policy (SEPPs).

Table 2: Assessment of relevant SEPPs against the planning proposal

State Environmental Planning Policies (SEPP)	Relevance	Consistency and Implications
<i>SEPP 1 – Development Standards</i>	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	Not Applicable. This does not apply to the <i>Palerang Local Environmental Plan 2014</i> as per Clause 1.9 (2).
<i>SEPP No. 14 – Coastal Wetlands</i>	The SEPP ensures that the coastal wetlands are preserved and protected in the environmental and economic interests of the State.	Not Applicable. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 19 – Bushland in Urban Areas</i>	The SEPP ensures that bushland within urban areas are protected and preserved.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 21 – Caravan Parks</i>	The SEPP encourage the orderly and economic development of land used or intended to be used as a caravan park.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP
<i>SEPP No. 26 – Littoral Rainforests</i>	The SEPP ensures littoral rainforests are not damaged or destroyed.	Consistent Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 30 – Intensive Agriculture</i>	The SEPP provides considerations for consent for intensive agriculture.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.

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State Environmental Planning Policies (SEPP)	Relevance	Consistency and Implications
<i>SEPP No. 33 – Hazardous and Offensive Development</i>	The SEPP provides considerations for consent for hazardous and offensive development.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 36 – Manufactured Home Estates</i>	The SEPP assist establish well-designed and properly serviced manufactured home estates in suitable locations.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 44 – Koala Habitat Protection</i>	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 47 – Moore Park Showgrounds</i>	The SEPP ensures the redevelopment of Moore Park Showgrounds is done in a consistent manner.	Not Applicable.
<i>SEPP No. 50 – Canal Estates</i>	This SEPP does not permit new canal estates from the date of gazettal, to ensure coastal and aquatic environment are not affected by these developments.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 52 – Farm Dams and other Works in Land and Water Management Plan Areas</i>	This SEPP requires environmental assessment for large artificial waterbodies that are carried out under farm plans that implement land and water management plans.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 55 – Remediation of Land</i>	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination.	Consistent. The use of the land has been limited to residential and it is unlikely to contain any contaminants.

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State Environmental Planning Policies (SEPP)	Relevance	Consistency and Implications
<i>SEPP No. 62 – Sustainable Aquaculture</i>	This SEPP encourages the sustainable expansion of aquaculture in NSW.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 64 – Advertising and Signage</i>	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 65 – Design Quality of Residential Flat Development</i>	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 70 – Affordable Housing (Revised Schemes)</i>	This SEPP inserts revised affordable housing provisions into environmental planning instruments for land in certain parts of Sydney.	Not Applicable. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP No. 71 – Coastal Protection</i>	The SEPP aims to protect and manage NSW coasts which include public access, visual amenity and native coastal vegetation.	Not Applicable. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP (Affordable Rental Housing) 2009</i>	The SEPP aims to provide a consistent planning regime for providing rental housing.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	The SEPP provides for the implementation of BASIX throughout the State.	Consistent. No new buildings are proposed in the planning proposal. This does not effects the aims and provisions of the SEPP.

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State Environmental Planning Policies (SEPP)	Relevance	Consistency and Implications
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP as no new works are proposed.
<i>SEPP (Housing for Seniors or People with a Disability) (2004)</i>	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP (Infrastructure) 2007</i>	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP (Integration and Repeals) 2016</i>		Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</i>	The SEPP provides policies to protect and enhance the alpine resorts that do not result in adverse environmental, social or economic impacts in the Kosciuszko National Park.	Not Applicable.
<i>SEPP (Kurnell Peninsula) 1989</i>	The SEPP aims to protect the natural environment of the Kurnell Peninsula.	Not Applicable.

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State Environmental Planning Policies (SEPP)	Relevance	Consistency and Implications
<i>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</i>	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources.	Consistent The site is not located within a mines subsidence area and is not within vicinity of any existing or approved mining operations or leases.
<i>SEPP (Miscellaneous Consent Provisions) 2007</i>	The SEPP aims to provide that the erection of temporary structures are permissible with consent across the State. It ensures the safety of persons using temporary structures and protects the environment at the location.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP (Penrith Lakes Scheme) 2008</i>	The SEPP aims to provide development control at the Penrith Lakes Scheme.	Not Applicable.
<i>SEPP (Rural Lands) 2008</i>	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP (State and Regional Development) 2011</i>	The SEPP identifies State significant development and State significant infrastructure and critical State significant infrastructure and confers functions on joint regional planning panels to determine relevant development applications.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP (State Significant Precincts) 2005</i>	The SEPP aims to facilitate redevelopment or protection of important coastal and regional sites of State significance.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP (Sydney Drinking Water Catchment) 2011</i>	The SEPP aims to provide for healthy water catchment, deliver high quality water while permitting appropriate development.	Not Applicable Nothing in the planning proposal affects the aims and provisions of the SEPP.

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State Environmental Planning Policies (SEPP)	Relevance	Consistency and Implications
<i>SEPP (Sydney Region Growth Centres) 2006</i>	The SEPP aims to co-ordinate the release of land for residential, employment development in Sydney growth areas. Provides controls to protect waterways and enhance land with natural and cultural value.	Not Applicable.
<i>SEPP (Three Ports) 2013</i>	The SEPP aims to provide consistent planning regimes for delivering infrastructure on land in Port Botany, Port Kembla and the Port of Newcastle.	Not Applicable.
<i>SEPP (Urban Renewal) 2010</i>	The SEPP aims to establish a process for assessing and identifying sites as urban renewal precincts. It facilitates the orderly and economic development and redevelopment of sites in and around urban renewal precincts.	Consistent. Nothing in the planning proposal affects the aims and provisions of the SEPP.
<i>SEPP (Western Sydney Employment Area) 2009</i>	The SEPP aims to promote economic development and creation of employment in the Western Sydney Employment Area by co-ordinated planning and rezoning of land for employment or environmental purposes.	Not Applicable.
<i>SEPP (Western Sydney Parklands) 2009</i>	The SEPP aims to put into place planning controls that will enable the Western Sydney Parklands Trust to develop into a multi-use parkland for the region of Western Sydney.	Not Applicable.

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4. Is the planning proposal consistent with applicable Minister Directions (s.117 Directions)?

The planning proposal is not considered to be inconsistent with the majority of section 117 directions. The only inconsistency is item 4.3 Flood Prone Land. The lot is located within a flood planning area, however the planning proposal does not seek to create, remove or alter a zone or a provision that affects the flood prone land.

An assessment against any potentially applicable section 117 directions is shown in **Table 3** below.

Table 3: Assessment of all Section 117 Directions

S117 Direction		Consistency of planning proposal
1. Employment and Resources		
1.1	Business and Industrial Zones	Not Applicable.
1.2	Rural Zones	Not Applicable.
1.3	Mining, Petroleum Production and Extractive Industries	Not Applicable.
1.4	Oyster Aquaculture	Not Applicable.
1.5	Rural Lands	Not Applicable.
2. Environment and Heritage		
2.1	Environment Protection Zones	Consistent. The planning proposal is consistent with the Direction as it seeks to protect and conserve a building that has heritage significance to the Bungendore community.
2.2	Coastal Protection	Not Applicable.
2.3	Heritage Conservation	Consistent. The planning proposal is consistent with the Direction as it seeks to protect and conserve a building that has heritage significance to the Bungendore community.
2.4	Recreation Vehicle Areas	Consistent. The planning proposal does not impact on areas for recreational vehicle use.

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S117 Direction		Consistency of planning proposal
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs.	Not Applicable.
3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	Consistent. The planning proposal is consistent with the Direction as it seeks to protect and conserve a building that has heritage significance to the Bungendore community.
3.2	Caravan Parks and Manufactured Home Estates	Consistent. The planning proposal does not contain any items relating to caravan parks or manufactured home estates.
3.3	Home Occupations	Consistent. This planning proposal does not prohibit home occupations as defined in <i>SEPP (Exempt and Complying Development Codes) 2008</i> and is therefore consistent with this direction.
3.4	Integrating Land Use and Transport	Consistent. The planning proposal does not impact on existing provisions as the dwelling exists on the land.
3.5	Development Near Licensed Aerodromes	Not Applicable.
3.6	Shooting Ranges	Not Applicable.
4. Hazard and Risk		
4.1	Acid Sulphate Soils	Not Applicable.
4.2	Mine Subsidence and Unstable Land	Not Applicable.
4.3	Flood Prone Land	Inconsistent The lot is located within a flood planning area, however the planning proposal does not seek to create, remove or alter a zone or a provision that affects the flood prone land.
4.4	Planning for Bushfire Protection	Consistent. The site is not located within a bushfire prone area.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Consistent.

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S117 Direction		Consistency of planning proposal
		The planning proposal does not undermine the vision, strategy or policy of the <i>South East and Tablelands Regional Plan 2036</i> or the <i>Sydney–Canberra Corridor Regional Strategy</i> .
5.2	Sydney Drinking Water Catchment	Not Applicable.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.
5.4	Commercial and Retail development along the Pacific Highway, North Coast	Not Applicable.
5.5 5.6 5.7	All Revoked 18 June 2010	Not Applicable.
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable.
5.9	North West Rail Link Corridor Strategy	Not Applicable.
5.10	Implementation of Regional Plans	Consistent The planning proposal does not undermine the vision, land use strategy, directions and actions strategy of the <i>South East and Tablelands Regional Plan 2036</i> or the <i>Sydney–Canberra Corridor Regional Strategy</i> .
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. The planning proposal does not contain provisions that require referral's to public authorities or the minister.
6.2	Reserving Land for Public Purposes	Consistent. The planning proposal does not remove land for public purpose.
6.3	Site Specific Provisions	Consistent. The planning proposal will not amend an Environmental Planning Instrument (EPI) to allow a particular development prepared to be carried out.

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S117 Direction		Consistency of planning proposal
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Not Applicable.
7.2	Implementation of Greater Macarther Land Release Investigation	Not Applicable.

Section C – Environmental, Social and Economic Impact

- 1. Is there any likelihood that critical habitat or threatened species, population or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The planning proposal will have not have an impact on the biodiversity of the site as it is located in an established residential area which does not contain any known critical habitat or threatened species and there will be no removal of vegetation or change to the site.

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

The planning proposal is not considered to have any other likely environmental effects.

- 3. How has the planning proposal adequately addressed any social and economic effects?**

The planning proposal seeks to protect and conserve a dwelling that has heritage significance to the Bungendore community. The planning proposal will ensure that the dwelling is retained and preserved for future generations. Support for the planning proposal to list the dwelling as an item of local heritage significance is consistent with the *PLEP 2014* objectives and local strategies. It is considered that there are no adverse social and economic effects associated with the listing of the dwelling.

Section D – State and Commonwealth Interest

- 1. Is there adequate public infrastructure for the planning proposal?**

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The planning proposal listing of the dwelling will not place any additional demand on public infrastructure.

2. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with State and Commonwealth public authorities has not been undertaken. It is not viewed as necessary to consult any State or Commonwealth authorities as the privately owned dwelling will be listed as a local item.

Part 4 - Mapping

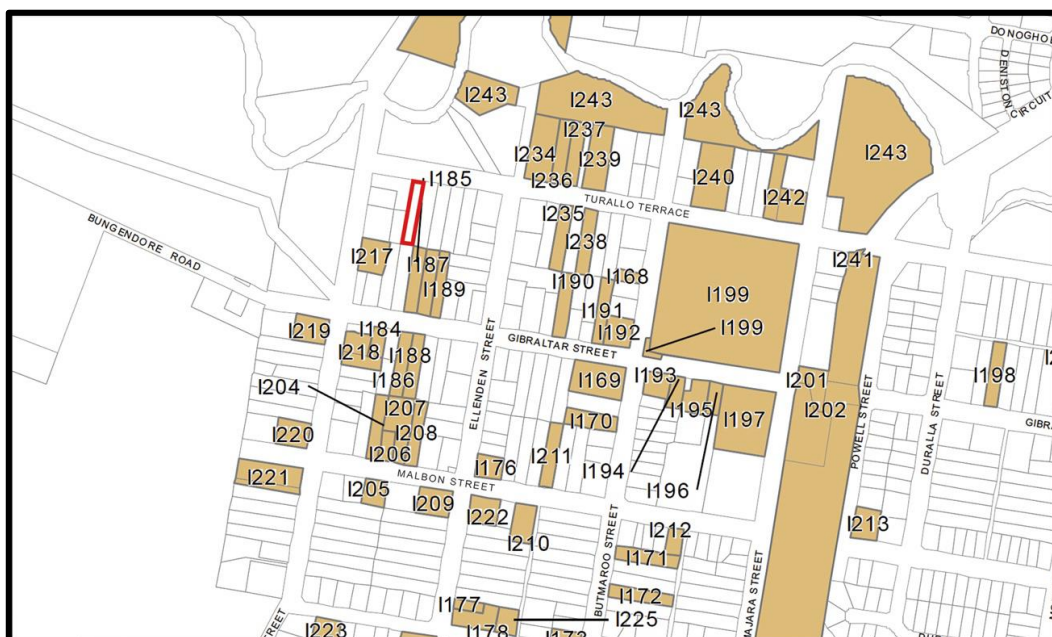
To achieve the intent of the planning proposal, it is proposed to amend the following LEP maps. Council requests the Department to assist with the preparation of the mapping associated with the proposed amendments to comply with the Department's Standard Instrument LEP mapping technical requirements.

MAP SHEET MAP IDENTIFICATION NUMBER:

Heritage Map Sheet HER_004A 6180_COM_HER_004A_020_20170710

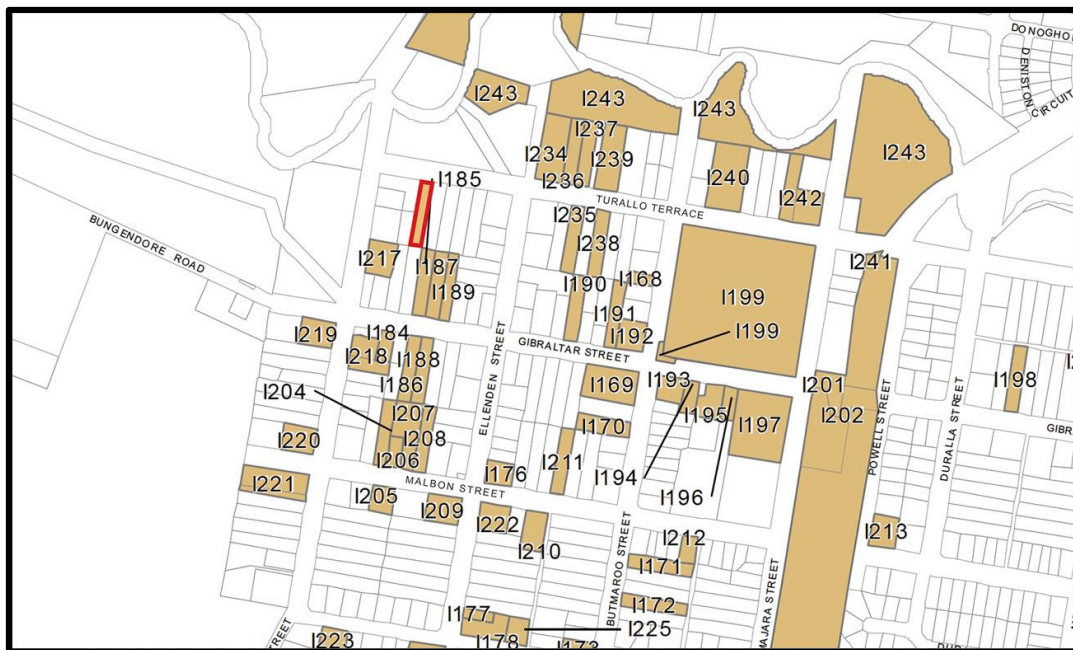
MAP A: PLEP 2014 Heritage Map Sheet HER-004

(a) Current Heritage Map Sheet HER-004A (part) —Palerang



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(b) Proposed Heritage Sheet HER-004A (part) — Palerang



Part 5 - Community Consultation

As the proposal is considered as 'low' impact proposal, it will be exhibited for 14 days in accordance with Section 5.5.2 of a Guide to preparing local environmental plans (LEP), because it is:

- consistent with the pattern of surrounding land use zones and/or land uses.
- consistent with the strategic planning framework.
- presents no issues with regard to infrastructure servicing.
- the amended LEP is not a principle LEP (does not apply to the whole of the local government area or the area encompassed by the PLEP).
- does not re-classify public land.

Community consultation will be undertaken in accordance with the Department's guide document 'A guide to preparing local environmental plans'.

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Notification of the planning proposal will be undertaken by the following means:

- a notice in the local newspaper(s).
- placement of the planning proposal in Council's customer service areas (Braidwood, Bungendore and Queanbeyan).
- Posting on Council's website.
- Written notification to landowners adjacent to Lot 6 Section 1 DP 758183.

Part 6 - Project Timeline

It is estimated that this amendment to *PLEP 2014* will be completed by March 2018.

Council requests delegation to carry out certain plan-making functions in relation to this proposal. Delegation would be exercised by Council's Interim General Manager or General Manager of Natural and Built Character.

Task	Anticipated 2016 timeframes
Report to Council (PDRC)	August 2017
Gateway Determination	October 2017
Public Exhibition	November/December 2017
Report to Council including the consideration of submissions	January/February 2018
Submission to Department to finalise the LEP	March 2018

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Appendix A – Preliminary Assessment by Council's Heritage Advisor David Hobbes for 7 Turallo Terrace, Bungendore

PALERANG HERITAGE ADVISORY SERVICE	
Item	7 Turallo Terrace, Bungendore
Heritage Status	• Not listed in Draft Palerang LEP 2013
Matter	The owner Alix Burnett made enquiries about having the place heritage listed.
Advice	The original street facing building is a double fronted weatherboard cottage dating from c. the 1880s. Originally of three rooms with front and back verandahs it has been extended at the rear and links to a large but well designed two storey pavilion. The original building has been carefully conserved and restored and retains original fabric including rusticated weatherboard cladding, cedar double hung windows, tongue and groove linings and fireplaces. It is a good example of its type. The addition is a good example of sympathetic additions which although large do not overwhelm the original building. In my opinion this place has the potential for heritage listing. I note that Council is not proposing to add further items to the current Draft LEP list but that a separate inventory is being maintained of places with potential for future listing when time and resources allow. I recommend that this place be added to the Inventory.
	
David Hobbes Heritage Advisor 21/1/14	

Planning Proposal to amend the *Palerang Local Environmental Plan 2014* to include Lot 6 Section 1 DP 758183 – 7 Turallo Terrace Bungendore as an Item of Environmental Heritage in Schedule 5

Appendix B – Heritage Report by Brendan G. O’Keefe Historian and Heritage Consultant – 7 Turallo Terrace, Bungendore

Brendan G. O’Keefe Historian and Heritage Consultant	ABN: 27 192 919 072
	41 Morton Street Queanbeyan NSW 2620 Phone: (02) 6297 2631 Mobile: 0422 527 400 Email: brendanok19@gmail.com
HERITAGE REPORT: Cottage at 7 Turallo Terrace, Bungendore	
1. Brief Description	
The cottage is a single-storey weatherboard dwelling with a hipped roof covered with sheets of corrugated iron. It has wide, covered verandahs supported on timber posts on the front and two sides, the rear half of the verandah on the western side having been enclosed. There is a rendered brick chimney on the eastern side and another at the rear or southern side of the cottage. Both of these are probably original features. The corrugated iron covering the roof and verandahs has been renewed, as have also, it appears, the posts and floorboards on the verandahs. New timber-framed French doors have been installed in the western side of the main bedroom at the front of the house. New timber-framed windows have also been installed, replacing either original decayed timber frames or later unsympathetic replacements. Inside, the house retains its original tongue-and-groove lining boards and fireplaces. The fireplace in the second bedroom in the southwest corner of the cottage was once much larger as it housed a wood-burning stove on which all meals were cooked in the 1930s. The room thus served as the kitchen and dining room in this period. Sometime after this, the stove was removed and the fireplace made smaller by a partial bricking up. The room opposite, in the southeast corner of the house, was once a storeroom, but has now been converted into a bathroom and wc.	
2. History	
The property with its cottage is situated on the original undivided Section 1 Lot 6, later Lot 6 DP758183, in Bungendore. Along with Lots 7, 8 and 9 of the same Section, Lot 6 was surveyed and measured in March 1838, with the colonial government putting it up for sale by auction on 9 August of that year. Each of the four allotments comprised a ½-acre, the government setting the price at £1 for each lot. All four of the allotments were purchased at the auction by Patrick Callaghan, who paid £4-6-8 for each of them.¹ The identity of Patrick Callaghan is not absolutely certain, but by far the most likely candidate is a Sydney publican and merchant of that name. He was originally a Chandler and soap boiler from Dublin who had arrived in Sydney as a convict aboard the <i>Guildford</i>, though he later claimed he was a free settler. After serving out his sentence, he was appointed a police constable at Appin, an office he held for two years, 1823-24. He then resigned and took up farming on a 60-acre farm he leased at Appin and soon opened a pub as well. His business ventures were clearly financially successful as in 1834 he was able to open an ‘extensive’ general store near the markets in Sydney, advertising that	
¹ ‘Survey of Nos. 6, 7, 8, 9 of Section 1 ... Village of Bungendore’, March 1838; <i>N.S.W. Government Gazette</i>, 11 July 1838, no. 344, p524; 14 November 1838, no. 370, p991.	

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he would 'particularly attend to the orders of Settlers in the District of the Goulburn Plains.' In the same decade, he opened a hotel called *The Shamrock* in George Street and in 1838 transferred its licence to new premises he fitted out at some expense in Campbell Street.²

As his wealth increased, Callaghan began investing or, perhaps more accurately, speculating in land. In the mid to late 1830s, he purchased considerable property in the colony and, with the business prospects he saw in the expansion of settlement in the Goulburn Plains and beyond, it was not surprising that he should cast a speculative eye on Bungendore when the first town lots were offered for sale. The plan of the town was drawn up by surveyor James Larmer in 1837 and the first lots put up for auction the following year.

Callaghan may have had no immediate intention or, indeed, any intention at all of ever erecting buildings on the allotments he purchased in Bungendore. But whatever his intentions might have been, they were abruptly terminated by his untimely death at the age of 39 at his Campbell Street property in Sydney on 6 October 1838. After his death, the colonial government returned to his widow Mary the substantial deposit he had paid for many of his land acquisitions. However, this does not appear to have occurred in the case of the town lots he had bought in Bungendore. They may have remained in the ownership of Mary Callaghan, for an unknown length of time.³

In the 1880s, if not earlier, the property at Section 1 Lot 6 had come into the possession of the owner of the Bungendore flour mill, Alexander McClung.⁴ McClung had been in Bungendore since at least the early 1860s and had opened his mill in the southwest corner of Section 1 near the intersection of Gibraltar and Molonglo Streets in April 1861. As his milling business declined in the late 1880s, McClung looked to divest himself of his Bungendore properties and depart the town. In August 1889, he commissioned the auctioneers, Gale and Company, to auction his properties in the town, including that at Section 1 Lot 6. At the time of the sale, Lot 6 was described as having standing on it two 'modern cottages', one of four rooms, the other of three, both roofed with galvanised iron and both let to 'good tenants at a fair rental.'⁵

The use of the term 'modern' to describe the cottages suggests that they had been erected relatively recently, though it could just as easily represent some exaggeration on the part of the auctioneers. Nonetheless, the style of the cottage at 7 Turallo Terrace points to a date of erection in the 1880s. This would also make sense in the history of Bungendore. As construction of the railway line to Sydney crept closer to Bungendore, local residents envisaged a period of unprecedented growth and prosperity for the town. Thomas Rutledge subdivided a large portion of his estate immediately adjoining the town, while from 1882 to 1886 Bungendore had for the first time not a single vacant residence. In these circumstances, it would have looked a good investment for McClung or whoever might have been the preceding owners of Section 1 Lot 6 to put up cottages for rent on the allotment. McClung, if he was in fact the builder, may even have wanted to provide some accommodation for his employees at the mill.⁶

² *Monitor*, 24 November 1826, p3; *Sydney Gazette*, 7 August 1834, p1; *Sydney Monitor*, 30 July 1838, p1; <http://australianroyalty.net.au/individual.php?pid=124587&ged=purnellmccord.ged>.

³ *Sydney Monitor*, 12 October 1838, p3; *N.S.W. Government Gazette*, 28 November 1838, no. 373, p1049.

⁴ It is possible that a survey of the allotment carried out in 1882 related to McClung's purchase of the property, but this requires confirmation. See letter from surveyor to Messrs Boardman, Allport, Bell and Finlayson Solicitors, Queanbeyan, 19 November 1967.

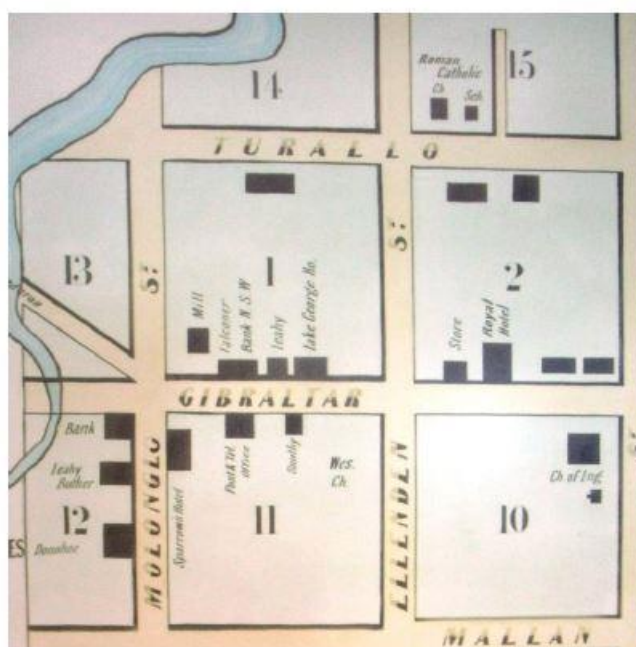
⁵ *The Golden Age*, 25 April 1861, p3; *Goulburn Evening Penny Post*, 17 August 1889, p5.

⁶ Errol Lea-Scarlett, *Queanbeyan District and People*, Queanbeyan, 1968, pp234-5.

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Interestingly, the poster plan of October 1884 advertising Rutledge's subdivision, as well as including Bungendore itself, shows one building, quite a large one, on the Turallo Terrace frontage of Section 1. The building, which is shown as very slightly west of the centre of the Section, seems to straddle Lots 4 and 5, but could extend into Lot 6. If the building is to scale and depicted in its correct position, then it is an unexplained entity that no longer exists. This would mean that the cottage at 7 Turallo Terrace had not been built by this time. On the other hand, if the building shown in the map is drawn over-scale and is incorrectly located, it is just possible that it was meant to represent the cottage, indicating that it had been erected by this time and was the first building along that block of the street. The conundrum cannot be resolved at this time.



Excerpt from poster plan of 1884, showing a large building standing in Turallo Terrace between Molonglo and Ellendon Streets. (Original poster held by National Library of Australia.)

It is not known whether McClung managed to sell Section 1 Lot 6 in the auction sale of August 1889, but by the early 1890s at the latest it was owned by Alexander Robinson, a gardener of Sutton Forest. Robinson, who appears not to have resided on the property, sold it to William Thomas Sewell, a grazier later of Thirroul, in about 1893. In that year, Robinson and Sewell went to Bungendore to inspect the property and found an old man, Edward Jones, living in the cottage at the rear of the allotment. Jones, it turned out, had been a 'good fellow' to Robinson's brother, prompting Robinson to ask Sewell if Jones could remain in occupation for the remainder of his life. Sewell agreed and a document was drawn up to formalise the agreement.

The following year, Jones offered the cottage at the front of the allotment, which was apparently vacant, as a home for Mrs Catherine Hennessy and her children. Her husband Richard had recently

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died. According to Mrs Hennessy, Jones, whom she thought was the owner of the property, said she could consider the cottage her own for the rest of her life. After Jones died in 1900, she made repairs to the cottage, erected a new fence and carried out some other works. She also paid the rates on the property from the time that Yarrowlumla Shire was formed in 1906, though she never paid any rent to live in the dwelling.⁷

This situation lasted until 1916 when Sewell at last initiated court action to try to have Mrs Hennessy evicted from the property. Not surprisingly, as she had no title to the land, the jury found in Sewell's favour. At the same time, however, the jury expressed the hope that Sewell would offer some compensation to her for the rates she had paid and work she had carried out. In fact, Sewell had already made an offer of some kind. It seems to have involved a son or other relative of Mrs Hennessy, a labourer named Robert Hennessy, purchasing the property from Sewell. This occurred sometime during the period 1917-19, with Robert Hennessy then occupying the cottage at the front of the lot and Mrs Hennessy moving into the cottage that Jones had formerly occupied at the rear.⁸

But the new state of affairs did not last long. On 6 October 1919, Mrs Hennessy lost her home and all her possessions when the cottage burned down. Worse still, her daughter Gertrude had died the previous day and her body was lying in a coffin in the cottage. It was only with difficulty that both Mrs Hennessy and the coffin containing the body were rescued from the burning building. Deeply affected by Mrs Hennessy's misfortunes, the townsfolk built her a new cottage and she moved into it in April 1920. The new building was not located on Section 1 Lot 6.⁹

Robert Hennessy continued to own and reside in the cottage at the front of the allotment up into the first half of the 1930s. He died in about 1933 and soon the property was purchased by Milton Edward Winter, a local farmer and grazier. Many years later, his son Harry told the current owner of the property that the family lived in the cottage until 1939, that is, for most of the Depression. Harry Winters said that the cottage consisted of four rooms by this time – if it had not contained four rooms from the outset. The family used the room that is now a bathroom and wc as a storage room, while the enclosed part of the verandah on the western side of the cottage served as the children's bedroom. The second bedroom was the kitchen and dining room, with Harry's mother Ethel (*née* Follett) cooking all of the family's meals on the wood-burning stove that stood in the fireplace.¹⁰

Milton Winter sold the property in the mid-1940s to Albert John Hatch, who was or became the manager of Gidleigh Station. Hatch retained ownership of the property and lived in the cottage until about 1967 when he sold it to Uli Tuisk. At the time of the sale, a sketch plan of the property showed the cottage standing on it, together with two or three timber and iron sheds and, midway back next to the western boundary, a weatherboard garage with a galvanised iron roof (see illustration next page).¹¹

⁷ *Queanbeyan Age*, 13 October 1916, p2; Yarrowlumla Shire Valuation and Rate Book [1907-09], C Riding, assessment no. 2628.

⁸ Yarrowlumla Shire Valuation and Rate Book 1917-18-19, C Riding, assessment no. 2210.

⁹ *Queanbeyan Age*, 7 October 1919, p2; 16 April 1920, p2.

¹⁰ Yarrowlumla Shire Valuation and Rate Book 1936-37-38, C Riding, assessment no. 2028; information given by Harry Winter to Alix Burnett.

¹¹ Yarrowlumla Shire Valuation and Rate Book 1948-49-50, C Riding, assessment no. 2080; Department of the Valuer General, N.S.W. – Valuation List [Yarrowlumla Shire, 1964], Valuation No. 555; *Canberra Times*, 16 July 1977, p18 (death notice for Albert John Hatch); letter from surveyor to Messrs Boardman, Allport, Bell and Finlayson Solicitors, Queanbeyan, 19 November 1967.



Tuisk remained the owner of the property until the early 1980s when he sold it to a Mr Kirkland. He in turn sold it to the current owner, Alix Burnett, in 1987.¹²

There have been some changes to the cottage, notably the installation of a set of French doors and the conversion of one room into a bathroom and wc. There has also been some renewal of fabric in the cottage, as in the new CGI roofing, replacement window frames and new timber verandah posts. However, the cottage retains much of its original fabric, as well as its original design, form and size; the large addition to the rear of the cottage does not impact on its original features. As David Hobbes noted, it is a good example of its type.

¹² Information from Alix Burnett.

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development in Bungendore's history, as well as with the brief economic boom and full occupancy of dwellings that occurred in the town in this period.

The building and the property as a whole is of some significance for its association with Mrs Catherine Hennessy and her misfortunes, and for the generosity of the Bungendore community in building a new house for her and her family after her cottage at the rear of Section 1 Lot 6 burned down in 1919. The association would be somewhat strengthened if the location of her new house can be found and its survival confirmed.

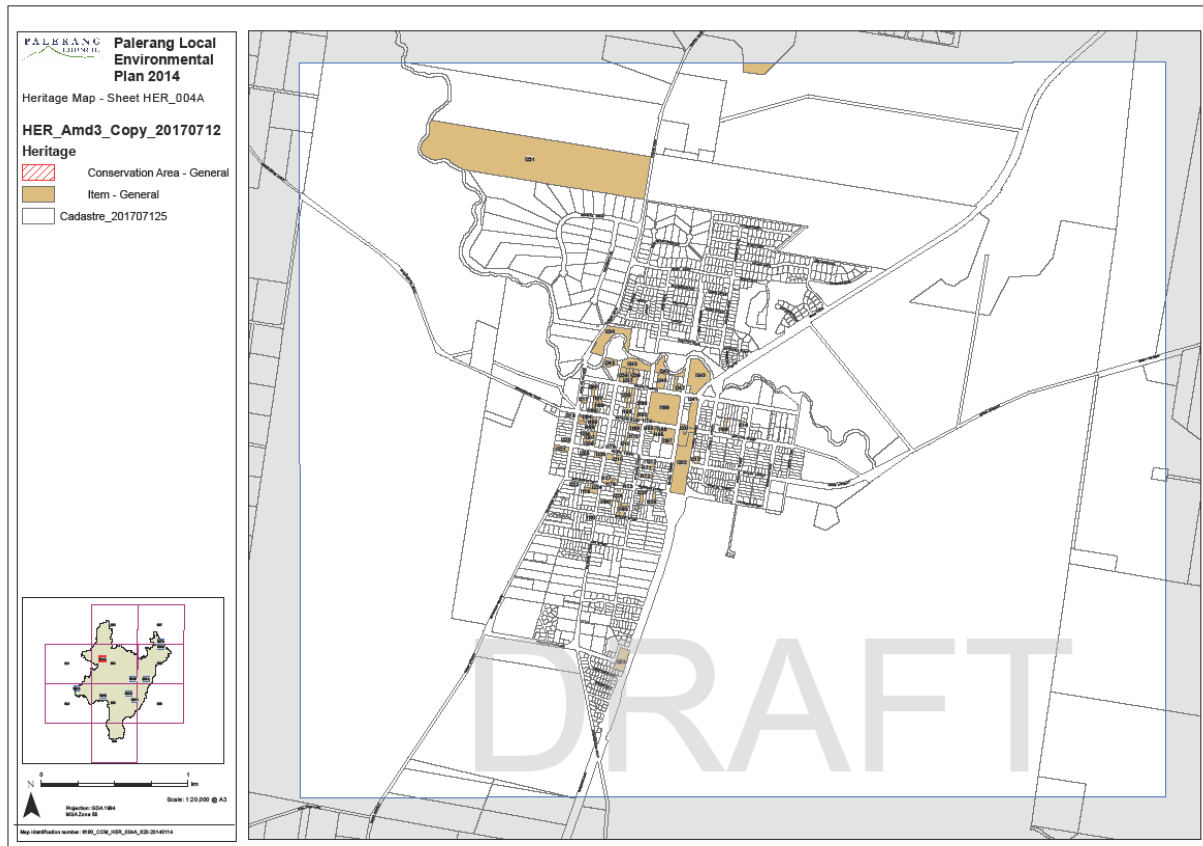
Finally, the cottage is of interest for its association with the Winter family. The cottage retains some physical evidence of the family's residence there from 1933 to 1939, showing how they coped with life in Bungendore during the Depression years.

Brendan O'Keefe

11 November 2016

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Appendix C: Proposed *Palerang Local Environmental Plan 2014* – Heritage Map - Sheet HER_004A



Planning Proposal to amend the *Palerang Local Environmental Plan 2014* to include Lot 6 Section 1 DP 758183 – 7 Turallo Terrace Bungendore as an Item of Environmental Heritage in Schedule 5

Appendix D: Certificate of Title: 7 Turallo Terrace, Bungendore – Lot 6 Section 1 DP 758183

InfoTrack An Approved LPI NSW Information Broker	Title Search	
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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

POLIO: 6/1/758183

SEARCH DATE	TIME	EDITION NO	DATE
4/8/2017	10:53 AM	2	1/5/1998

LAND

LOT 6 OF SECTION 1 IN DEPOSITED PLAN 758183
AT BUNGENDORE
LOCAL GOVERNMENT AREA QUEANBEYAN-PALERANG REGIONAL
PARISH OF WAMBOIN COUNTY OF MURRAY
(FORMERLY KNOWN AS ALLOTMENT 6 OF SECTION 1)
TITLE DIAGRAM CROWN PLAN 1.1004

FIRST SCHEDULE

ALIX SUSAN BURNETT (T X184815)

SECOND SCHEDULE (2 NOTIFICATIONS)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
2 3954466 MORTGAGE TO NATIONAL AUSTRALIA BANK LIMITED

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS POLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS POLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Plan Prop PRINTED ON 4/8/2017

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.