



Statement of Heritage Impact

64 Mackillop Drive, Baulkham Hills, Planning Proposal

Prepared for
Aqualand Dee Why Development Pty Ltd

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Contents

Executive summary	vi
1 Introduction	1
1.1 Background.....	1
1.2 Site Location	1
1.3 The Proposal	1
1.4 Methodology	1
1.5 Author Identification.....	2
2 Statutory context	1
2.1 Heritage Act 1977 (NSW)	1
2.2 Environmental Planning and Assessment Act 1979	1
2.2.1 Section 117 Directions.....	1
2.2.2 The Hills Local Environmental Plan 2012.....	2
2.2.3 The Hills Development Control Plan 2012	2
3 Site Context	1
3.1 Historical Background.....	1
3.2 Site Description	1
4 Heritage Impact Assessment	4
4.1 Heritage listing.....	4
4.2 Significance	4
4.3 Archaeological Potential	5
4.4 Proposed impacts.....	5
4.5 Impact assessment.....	5
5 Conclusions and recommendations	xi
References	15

List of figures

Figure 1: Location of the study area and LEP curtilage	1
Figure 2: Parish of Castle Hill map 1897 (LPI) indicating approximate location of the current study area	1
Figure 3: Location of farm house.....	1

Figure 4: Driveway to Mackillop Drive	1
Figure 5: View of the former farm house	1
Figure 6: Updated kitchen	1
Figure 7: Front entrance and lounge room.....	1
Figure 8: Fire place (not original)	1
Figure 9: Bedroom.....	1
Figure 10: View east from the veranda	2
Figure 11: Apartment at the rear of the house	2
Figure 12: Toilet and bathroom	2
Figure 13: Rear laundry.....	2
Figure 14: Remnant garden to the north west.....	3
Figure 15: View north west from the farm house	3
Figure 16: View west along driveway	3
Figure 17: View south west from the farm house.....	3
Figure 18: Small cottage in the centre of the site.....	3
Figure 19: View south west Lot 1002	3
Figure 20: Heritage Map 16 – 17 St Joseph’s Novitiate (The Hills LEP 2012)	4
Figure 21: Proposed amendments to heritage curtilage.	x
Figure 22: Proposed masterplan showing previously approved allotment which has now been removed.	13
Figure 23: Modelling showing views to the heritage item in the background.....	14
Figure 24 Modelling showing proposed development around the heritage item	14

List of tables

Table 1: The Hills LEP 2012.....	6
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Abbreviations

Abbreviation	Description
DA	Development Application
DCP	Development Control Plan
DECCW	Department of Environment, Climate Change and Water
ELA	Eco Logical Australia
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
GPS	Global Positioning System
LCA	Local Control Authority
LEP	Local Environmental Plan
LGA	Local Government Area
NPWS	National Parks and Wildlife Services
NSW	New South Wales
OEH	Office of Environment and Heritage
SEEP	State Environmental Planning Policy
CBD	Central Business District
SHR	State Heritage Register
EPI	Environmental Planning Instruments

Executive summary

Eco logical Australia (ELA) has been commissioned by Aqualand Dee Why Development Pty Ltd (herein referred to as Aqualand) to prepare a Statement of Heritage Impact (SoHI) for a proposed development at Lots 1001 and 1002 on DP 1190982, 64 Mackillop Drive, Baulkham Hills NSW.

Aqualand has exchanged contracts to the above site which has Development Consent 6/2012/JP dated 25 September 2013 for medium density residential development. Aqualand is investigating the feasibility of redeveloping Lots 1001 and 1002 for a higher residential density given the imminent North West Rail Line and nearby Norwest Station. Lot 1002 and the former farm house on the property is a heritage item listed in Schedule 5 (item I7) on *The Hills Local Environmental Plan 2012* (LEP).

This Planning Proposal seeks to amend the LEP to rezone the site from the current split zoning of R2 Low Density Residential and R3 Medium Density Residential to part R3 Medium Density Residential, part R4 High Density Residential, part RE1 Public Recreation and retain existing R2 Low Density Residential. This Planning Proposal includes amendments to the maximum building height development standards to allow varying heights of part 9m, part 12m and part 16m in the proposed R4 High Density Residential land and modifications to the heritage map. The Planning Proposal is accompanied by a masterplan which provides for approximately 110 medium density dwellings comprising of townhouses and small lot dwellings, approximately 270 apartments in low rise residential flat buildings, a public reserve and a communal space incorporating the heritage farmhouse and curtilage.

The property is located in The Hills Shire Local Government Area (LGA), west of Windsor Road in the northern portion of Baulkham Hills. The purpose of this report is to:

- Describe the heritage significance of the farm house (listed as ‘St Josephs Novitiate’);
- Assess what has previously been approved with what is being proposed, and identify any impacts to the heritage item;
- Provide recommendations and mitigation measures.

The assessment has resulted in the following conclusions:

- The heritage item, ‘St Joseph’s Novitiate’, is listed in Schedule 5 of *The Hills LEP 2012* (#17).
- The significance of the property is concerned with aesthetics and views to and from the item.
- A heritage curtilage has been established for Lot 1002 in the LEP, however subdivision within this curtilage has been previously approved (Development Consent 6/2012/JP).
- Part B, Section 2, C.5 of the *The Hills Development Control Plan 2012* (DCP) includes a curtilage and specific controls for development of land at 64 Mackillop Drive, Baulkham Hills.
- An existing development approval for the site provides for two storey building heights surrounding the former farm house.
- The proposed increase in density is unlikely to impact on the heritage item any greater than that currently approved.
- Compared to the previously approved development, the proposal leaves one allotment undeveloped at the entrance to the site which will improve views to and from the item. The long vista from the west down to the house is being maintained. The new proposal also provides for two storey building heights to the north and lower bulk and scale to the south and south west.
- Retention of the house in perpetuity and use by the residents will enable access to and appreciation of the heritage item.

- The proposal is unlikely to have any impact on any known or potential historical or Aboriginal archaeological resource.
- A heritage impact statement at the DA stage is likely to be required to address materials, colours and landscaping.

The following recommendations are applicable:

- Where possible the tennis court should be located to the north of the house or fencing used that does not obstruct the farm house from Mackillop Drive.
- Mature planting should be retained wherever possible.
- Mature plantings should not be removed to make way for a swimming pool or tennis court where possible.
- The farm house and mature plantings will require protection during any future development of the site.
- Tree screening should be considered around the house to obscure views of any surrounding future development.
- This report recommends a change to the DCP curtilage to encompass land that will no longer proposed for development to the east of the house on Mackillop Drive and modify the curtilage south of the house to exclude the proposed allotments. This change to the curtilage will ensure the views to and from Mackillop Drive and the farm house are preserved. It is also recommended that the listing on the LEP Heritage Schedule be modified to reflect the status of the heritage item.

The adaptive reuse of the farm house has been proposed. The building retains a number of original features but has also undergone alterations and additions.

- The following features of the farm house should be retained:
 - The original room layout of the building;
 - The decorative brick and stone work;
 - Front entry, doors and stained glass;
 - Original doors and window openings;
 - Original fittings such as door handles, architraves, ceiling roses, picture rails, skirtings and mouldings, sliding doors, glass doors, cupboards, window seat.
 - Floor boards;
 - Roof and chimney.
- The following features can be altered or removed:
 - Carpet;
 - Fireplace;
 - All kitchen, bathroom and laundry fittings and coverings;
 - Safety screens or doors and windows;
 - Rear accommodation and garage addition;
 - Clothes line and concrete path.
- In the unlikely event that unexpected historical or Aboriginal archaeological objects or deposits are uncovered during development works it would be necessary to cease works, and contact a qualified Archaeologist to assess the significance of the material and recommend whether further investigation is required.

1 Introduction

1.1 Background

Eco logical Australia (ELA) has been commissioned by Aqualand Dee Why Development Pty Ltd (herein referred to as Aqualand) to prepare a Statement of Heritage Impact (SoHI) for a proposed development at Lots 1001 and 1002 on DP 1190982, 64 Mackillop Drive, Baulkham Hills NSW.

Aqualand has exchanged contracts to the above site which has Development Consent 6/2012/JP dated 25 September 2013 for medium density residential development. Aqualand is investigating the feasibility of redeveloping Lots 1001 and 1002 for a higher residential density given the imminent North West Rail Line and nearby Norwest Station. Lot 1002 and the former farm house on the property is a heritage item listed in Schedule 5 on The Hills Local Environmental Plan (LEP) 2012 (item I7).

The property is located in The Hills Shire Local Government Area (LGA), west of Windsor Road in the northern portion of Baulkham Hills. The purpose of this report is to:

- Describe the heritage significance of the farm house (listed as 'St Joseph's Novitiate')
- Assess what has previously been approved with what is being proposed, and identify any impacts to the heritage item
- Provide recommendations and mitigation measures.

1.2 Site Location

Baulkham Hills is a suburb north-west of Sydney approximately 31 km from the Sydney Central Business District (CBD). Mackillop Drive is located to west of Windsor Road and north of the M7 West Link. The heritage listed farm house is located at the eastern end of Lot 1002.

1.3 The Proposal

This Planning Proposal seeks to amend the LEP to rezone the site from the current split zoning of R2 Low Density Residential and R3 Medium Density Residential to part R3 Medium Density Residential, part R4 High Density Residential, part RE1 Public Recreation and retain existing R2 Low Density Residential. This Planning Proposal includes amendments to the maximum building height development standards to allow varying heights of part 9m, part 12m and part 16m in the proposed R4 High Density Residential land and modifications to the heritage map. The Planning Proposal is accompanied by a masterplan which provides for approximately 110 medium density dwellings comprising of townhouses and small lot dwellings, approximately 270 apartments in low rise residential flat buildings, a public reserve and a communal space incorporating the heritage farmhouse and curtilage.

1.4 Methodology

This SoHI has been prepared in accordance with the NSW Heritage Manual 'Statements of Heritage Impact' (2002) and 'Assessing Heritage Significance' (2001) guidelines. The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999.

The proposal has been assessed in relation to the relevant controls and provisions contained within The Hills LEP 2012 and The Hills Development Control Plan (DCP) 2012.

1.5 Author Identification

This report has been prepared by Lorien Perchard, Consultant Archaeologist (BA Hons [Archaeology] University of Queensland) and reviewed by Karyn McLeod, Senior Archaeologist/Heritage Specialist (BA Hons [Archaeology] University of Sydney, MA Cultural Heritage, Deakin University).



Figure 1: Location of the study area and LEP curtilage

2 Statutory context

The conservation and management of historic heritage takes place in accordance with relevant Commonwealth and State legislation, and local government planning and development controls. The project area is affected by a number of statutory controls for the planning and management of cultural heritage. The following legislation applies to the proposed works.

2.1 Heritage Act 1977 (NSW)

The *Heritage Act 1977* (NSW) provides protection of the environmental heritage of the State which includes places, buildings, works, relics, movable objects or precincts that are of State or local heritage significance.

The NSW State Heritage Register (SHR) is the statutory register under Part 3A of the NSW Heritage Act. Listing on the SHR means that any proposed works or alterations (unless exempted) to listed items must be approved by the Heritage Council or its delegates under section 60.

Archaeological features and deposits are afforded statutory protection by the ‘relics provision’ whether they are listed heritage items or not. The ‘relics provision’ requires that no archaeological relics be disturbed or destroyed without prior consent from the Heritage Council of NSW. To determine if an area has historical archaeological potential or relics an assessment is made using the guidelines ‘Assessing Significance for Historical Archaeological Sites and Relics’ (Heritage Branch 2009). Permits are issued under Section 140 of the Act, or Section 60 for State significant relics. There are a number exceptions and exemptions under Section 139(4) of the Act and Section 57(2) for State significant relics for minor activities that would not adversely affect significance. The Heritage Council must be notified of the discovery of a relic under Section 146 of the Heritage Act 1977.

State Government Agency’s Section 170 register includes items that have been identified as having state or local level significance and are owned or managed by State government agencies.

2.2 Environmental Planning and Assessment Act 1979

2.2.1 Section 117 Directions

The Environmental Planning and Assessment Act 1979 (EP&A Act) requires that consideration is given to environmental impacts as part of the land use planning process. In NSW, environmental impacts are interpreted as including cultural heritage impact. Planning Proposals are submitted to the Minister for Planning for a Gateway Determination under s56 of the EP&A Act 1979. The Act also provides for Directions from the Minister for plan making under Part 3 of the Act. These are known as s117 Directions and include direction 2.3 *Heritage Conservation*. The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of:

(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,

(b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*

(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

A planning proposal may be inconsistent with this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or their delegate) that:

The environmental or indigenous heritage significance of the item etc is covered by existing or draft environmental planning instruments, legislation or regulations that apply to the land; or the provisions of the planning proposal that are inconsistent are of minor significance.

The Act also controls the making of Environmental Planning Instruments (EPIs) such as LEPs and State Environmental Planning Policies (SEPPs). LEPs commonly identify, and have provisions for the protection of local heritage items and heritage conservation areas.

2.2.2 The Hills Local Environmental Plan 2012

The Hills Local Environmental Plan 2012 (The Hills LEP) lists heritage items and heritage conservation areas in Schedule 5 including the 'St Joseph's Novitiate' at 64 Mackillop Drive (Item I7). Section 5.10, Miscellaneous Provisions in the LEP provides objectives and actions that are applicable to all heritage items.

Under the LEP development of land in the vicinity of a heritage item requires the preparation of a heritage management document (heritage impact statement) and Council consent.

2.2.3 The Hills Development Control Plan 2012

The Hills Development Control Plan (DCP) 2012 includes controls and objectives for development in The Hills Shire. General heritage objectives include

Objective

(i) To ensure that development is undertaken in a manner that is sympathetic to, and does not detract from, the heritage significance of heritage items and conservation areas, and their settings.

Controls

(a) Views to and from significant items of natural or cultural heritage should not be impeded by development.

(b) If the development is within the Rouse Hill Development Area, SREP No. 19 will also apply.

(c) All developments must address and comply with the provisions of Part C Section 4 – Heritage.

Part B, Section 2, C.5 of the DCP includes specific controls for development of land at 64 Mackillop Drive, Baulkham Hills (see Section 4.6)

Summary

- Planning Proposals are submitted to the Minister for Planning for a Gateway Determination under s56 of the EP&A Act 1979 and must contain provisions that facilitate the conservation of Historical and Aboriginal places, items and objects.

- There are no State Heritage Register or Section 170 Heritage and Conservation Register items within the study area.
- There are no known archaeological features and deposits in the study area.
- Development within or in the vicinity of a heritage item requires Council consent.
- Specific controls for development of land at 64 Mackillop Drive is contained within The Hills DCP 2012.

3 Site Context

3.1 Historical Background

The first European settlement of the Baulkham Hills Shire occurred in 1794 when Governor Hunter granted the first parcel of land in the region to William Joyce, a pardoned convict. Joyce was granted 30 acres on the Hawkesbury Road (now Old Windsor Road) in what became Baulkham Hills. The name Baulkham Hills was given to the area by Andrew McDougall, a settler from Buckholm Hills, Scotland as it reminded McDougall of his homeland” (Tropman and Tropman 2010). Andrew McDougall was granted 700 acres and the adjoining 500 acres to the north was granted to Mrs Ward. Ward’s land was dissected by Windsor Road and the current study area is a subdivision of land to the west of Windsor Road (**Figure 2**).

The settlement of the district followed its two main arterial systems, the road to Windsor and Wisemans Ferry, and the Hawkesbury River, with the later addition of Pennant Hills Road to the east. Most of the initial land grants followed these lines of communication and access. Many of these roads were constructed by convict labour. The Great North Road constructed in the early 1800s providing a direct form of access to Wisemans Ferry and beyond to the present Hunter Valley (Baulkham Hills Local History).

The early settlers were predominantly timber getters, pastoralists and farmers. Settlers were generally granted lots of 40-100 acres in the district and stocked their land with cattle and sheep and cleared the bush to plant crops of wheat and maize. By the middle of the 19th century, there were enough people in the shire to warrant the opening of the Baulkham Hills Post Office in April 1856. George Suttor and the Mobbs family began planting citrus which proliferated in the mid to late 19th century and orchards developed all over the district. By the early 20th century the dominance of citrus growing was being replaced with stone fruits, poultry, eggs and milk production (The Hills Shire Time Line).

The heritage listed property is a small part of a much larger allotment subdivided from of Mrs Ward’s original 500 acres. There were some scattered small holdings along Cattai Creek, Boundary Road and Windsor Road at this time, however much of the land was vacant and used for agricultural and pastoral activities (Tropman and Tropman 2010).

3.2 Site Description

Baulkham Hills is located in the north-western area of Sydney in The Hills Shire. This area of Sydney is currently experiencing major planning and development ahead of the construction of the North-West Rail Link. The study area is located just to the south west of the main Castle Hill shopping and business area.

The study area is located at 64 Mackillop Drive, Baulkham Hills (**Figure 1**). Mackillop Drive is mostly residential blocks and the most populous suburb in the Hills Shire. The site is the last remaining property on Mackillop Drive that is undeveloped. The study area roughly rectangular in shape and is the remaining portion of a larger rural property, some of which has been approved for subdivision. Lots 1001 and 1002 are bound by Barina Downs Road to the north, Mackillop Drive to the east, and residential subdivision to the south and west. The heritage item includes Lot 1002 and its former farm house (**Figure 1** and **Figure 3**). The building is a symmetrical, single storey, Inter-War period, brick California Bungalow constructed in c1930 (Tropman and Tropman 2016). It is possible the current house replaced an earlier residence or farm house that was located elsewhere on the formerly larger property.

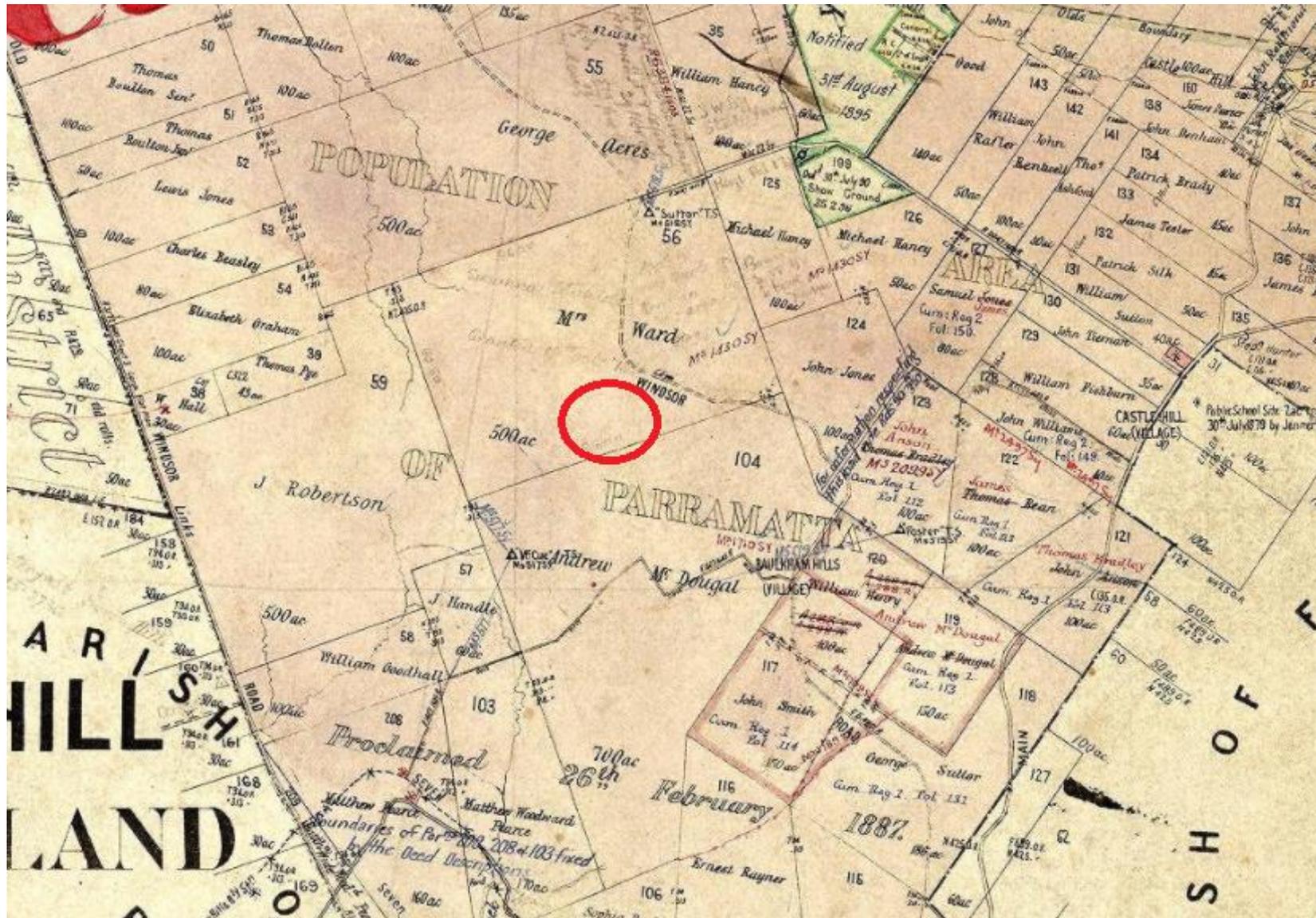


Figure 2: Parish of Castle Hill map 1897 (LPI) indicating approximate location of the current study area

A site inspection was undertaken by Lorien Perchard, ELA Archaeologist, accompanied by Jeff Ellis of Aqualand on Thursday 3rd August 2017. Photographs were taken of the property, its relationship with the former farm house and the wider area (**Figure 4 to Figure 19**).

The former farm house is a medium sized, symmetrical, four-bedroom, single storey dwelling, with garage/sheds and associated outbuildings accessed via a tree lined bitumen private road extending from Mackillop Drive. The house has undergone some renovations in the past when the southern balcony was infilled to form two bedrooms. An additional bathroom and toilet were also added to the rear. The original bathroom and kitchen have been updated. The living room features a sandstone faced fireplace. The house is carpeted throughout but is likely to have timber floorboards. A later building is attached to the western side of the house which was not accessible but appears to be a bedroom small living quarters. A concrete pathway leading to a clothes line is located on the western side of the house.

Records indicate that this building was in existence before 1928, but it is not known if it was built for the Novitiate or acquired since. A Rate Book dating from 1911 shows that 'Bellevue' was the postal address of this property from this date. The St Joseph's Novitiate in Australia was founded by, or closely connected to, Mary Mackillop, Australia's first Roman Catholic Saint" (Tropman and Tropman 2010).

Located just east of the building are remnants of the original garden plantings and fence lines. Agapanthus, crepe myrtle and mature gum trees are located to the east of the house and a mature line of Box Brush trees to the south of the house. A tree lined drive leads to the entrance of the Sister of St Joseph's compound at the western end of the property. The original drive way previously lead to the north-eastern corner of the property. The former farmhouse is situated on the highest part of the study area surrounded by generally undulating terrain and cleared grasslands. Mature plantings are located on the northern, southern and eastern boundaries of the property.

A second dwelling is located on Lot 1002 approximately 250 m west of the former farm house. This building was inspected from the outside only and comprises of a small, single storey, brick, detached house with associated garage. This building is unrelated to the former farm house and is believed to have been constructed sometime in the 1970's by the St Joseph's Novitiate as an extra house for the nuns. This building will be removed to make way for the proposed development as it has no historical relevance to the heritage listing.

Lot 1001 currently comprises of open grassland. The terrain rises moderately from the south boundary towards the central ridge of the property where the former farm house is located. No built structures are located on this Lot, although some bricks and pieces of sandstone were noted in the middle section of the Lot located approximately 25 m from the west boundary.

St Joseph's Novitiate is a place of Public Worship, currently used as a Convent.

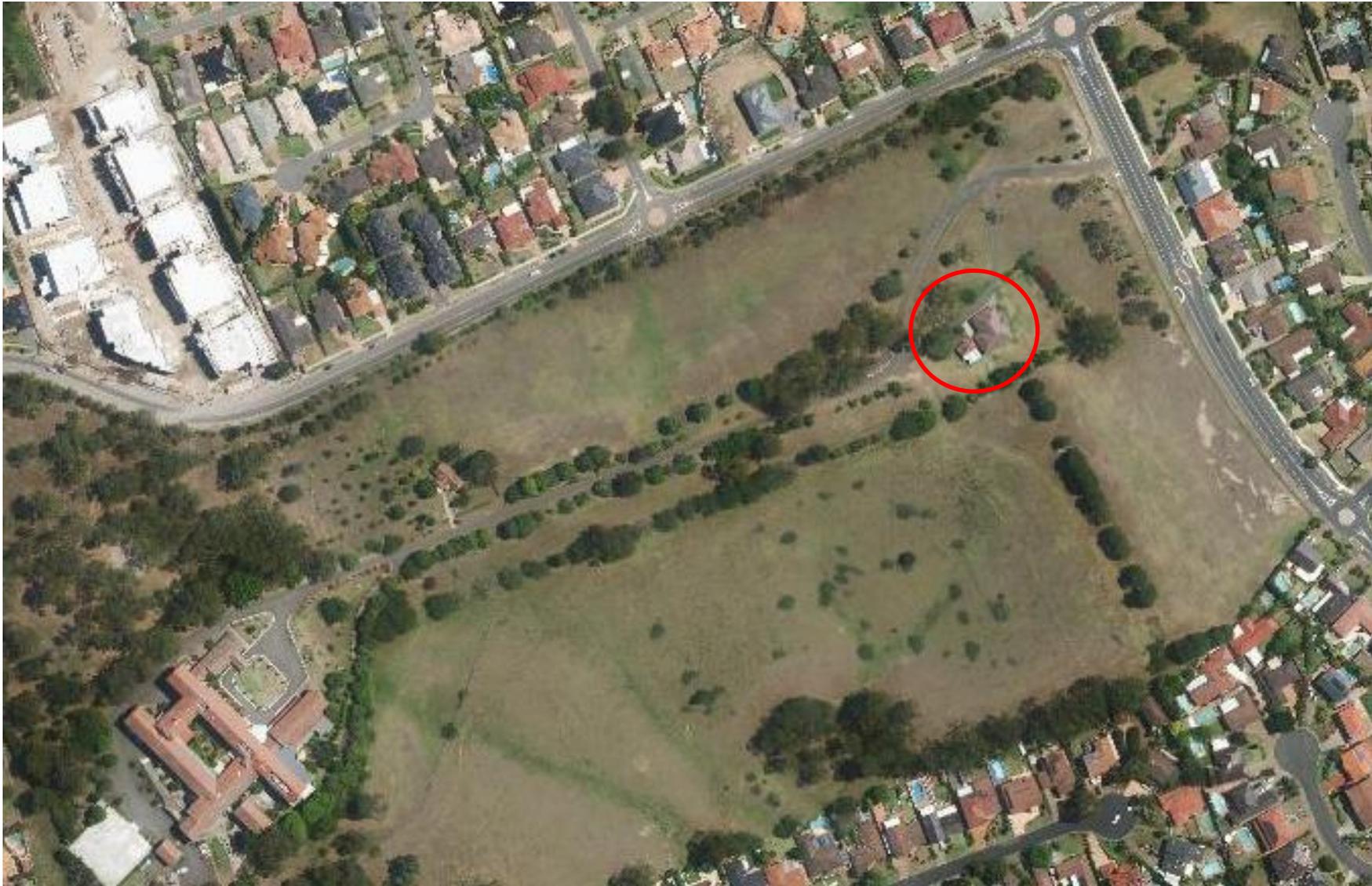


Figure 3: Location of farm house



Figure 4: Driveway to Mackillop Drive



Figure 5: View of the former farm house



Figure 6: Updated kitchen



Figure 7: Front entrance and lounge room



Figure 8: Fire place (not original)



Figure 9: Bedroom



Figure 10: View east from the veranda



Figure 11: Apartment at the rear of the house



Figure 12: Toilet and bathroom



Figure 13: Rear laundry



Figure 14: Remnant garden to the north west



Figure 15: View north west from the farm house



Figure 16: View west along driveway



Figure 17: View south west from the farm house



Figure 18: Small cottage in the centre of the site



Figure 19: View south west Lot 1002

4 Heritage Impact Assessment

4.1 Heritage listing

The study area includes Lots 1001 and Lot 1002 DP 1190982. The heritage item includes Lot 1002 and the farm house which is listed on The Hills LEP 2012 as item number I7 ‘St Joseph’s Novitiate’, a former farm house (**Figure 20**).

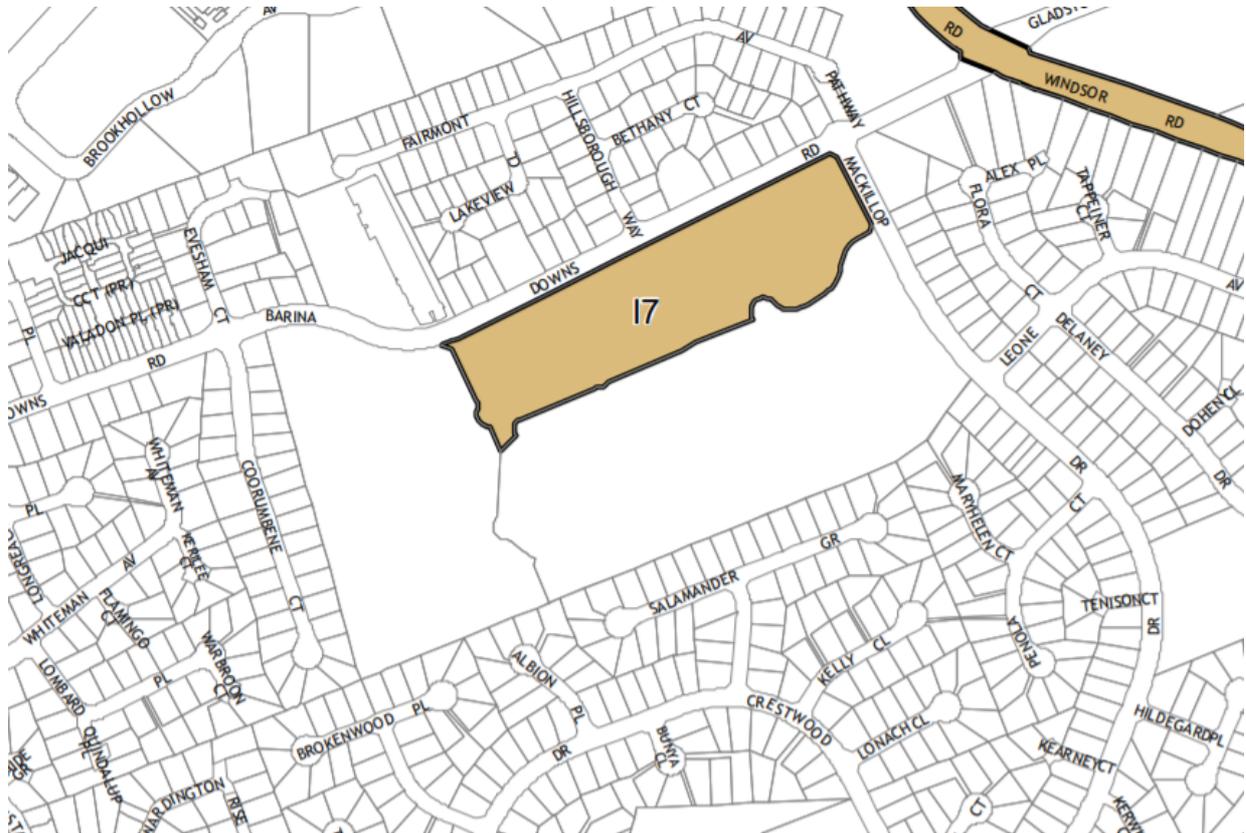


Figure 20: Heritage Map 16 – I7 St Joseph’s Novitiate (The Hills LEP 2012)

4.2 Significance

The brief statement of significance from The Hills LEP 2012 heritage inventory sheet (I7) states;

Fine example of bungalow in original condition.

The previous statement of significance from The Hills Shire LEP 2005 states;

Fine example of bungalow in original condition. The former Farmhouse is a good representative example of an inter-war period California bungalow style residence which was previously situated in a much larger rural landscape. Its prominent location on the ridge within the undulating landscape features makes it a prominent element in the surrounding setting. Any recent alterations to the house do not detract from the high degree of integrity or architectural quality (Tropman and Tropman 2010).

The significance of the former farm house and the allotment is aesthetic, associated with views to and from the building and the setting on a ridge surrounded by open space, and as a good example of an interwar Californian Bungalow.

4.3 Archaeological Potential

The history of land use in the study area demonstrates that the land was cleared for agricultural purposes and used for grazing activities and orcharding during past ownership of the land. The property has been incrementally subdivided and residential development has encroached on the boundaries of the site. There is no evidence of earlier structures above or below ground. The area at the rear of the house was formerly a small dairy, however any evidence is likely to have been removed by the construction of the additional self-contained accommodation building.

Due to the nature of the property as a farm it is unlikely that there is any potential for archaeological evidence related to earlier buildings or land use to survive in the study area.

An Aboriginal archaeological survey of the property was also undertaken. No sites were identified in the study area and it is not identified as a sensitive landform. Disturbance of the study area due to clearing, cropping, gardens, roads and house construction has led to the conclusion that the potential for archaeological evidence related to Aboriginal occupation of the land will be low.

4.4 Proposed impacts

Given the intact nature of the farm house, its situation on a ridge line and views, the proximity and height of the already approved masterplan (6/2012/JP) has resulted in the disconnection of the farm house from its setting in the rural landscape and therefore impacts on its significance and the The Hills LEP 2012 heritage curtilage of the item.



Figure 22).



Figure 22). The long vista from the west down to the house is being maintained. The new proposal also provides for two storey building heights to the north and lower bulk and scale to the south and south west (**Figure 23** and **Figure 24**)

Future alterations and additions to the house are not known at this stage, however a pool on the northern side of the house and a tennis court on the eastern side has been proposed.

4.5 Impact assessment

The proposed development (as with the previously approved development) will impact the heritage curtilage for Lot 1002 as per the Hills LEP 2012, however it is considered that impact on the heritage item will not be of any greater than that currently approved.

The significance of the former farm house and the allotment is aesthetic, associated with views to and from the building and the setting on a ridge surrounded by open space. Due to the existing approved development of the study area, it is considered that if development goes ahead, the house will still retain its aesthetic and representative values however the allotment will have little heritage value in terms of setting and views. The land surrounding the house has little to no historic heritage value other than being

contextual to the building. Views to the heritage item are already restricted by the surrounding mature trees. The property and the farm house do not continue to function as intended and the original allotment has been significantly reduced. The farm house however is intact and has aesthetic significance as a good example of an interwar Californian Bungalow.

The current listing of the item is vague in that it applies to the entire allotment, whilst the information on the Inventory sheet only describes the house. Given significant parts of the allotment have very little to no heritage value, it is recommended that the listing on the LEP Heritage Schedule be modified to reflect the status of the heritage item.

Areas within The Hills Shire and the North West Growth Precincts are experiencing substantial change with redevelopment and investment. The Hills LEP and Development Control Plan (DCP) 2012 aims to manage this change. The objectives of Heritage conservation in The Hills LEP 2012 are stated in Section 5.10 of the LEP and include the conservation of the environmental heritage of The Hills including the fabric, settings, views and heritage significance of heritage items and heritage conservation areas, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.

Table 1: The Hills LEP 2012

Clause	Discussion
<p>Objectives</p> <p>a) to conserve the environmental heritage of the Hills,</p> <p>b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>c) to conserve archaeological sites,</p> <p>d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The proposal, if approved will result in the construction of a large number of new buildings in the adjacent property to the south as well as within the heritage listed property. Development of the listed item has previously been approved.</p>
<p>Requirement for consent</p> <p>(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):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(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,</p> <p>(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,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p>	<p>Subdivision of land that is or contains a heritage item requires a statement of heritage impact. Lot 1002 is a heritage item.</p> <p>The Hills Council as the consent authority is likely to require a heritage impact statement to be prepared that assesses any impacts associated with the materials, colours, finishes and landscaping. This can be undertaken at DA Stage. Those details are unknown and cannot be assessed at this time.</p> <p>No known archaeological sites exist in the study area.</p> <p>No known Aboriginal objects or places exist in the study area.</p>

<p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	
<p>Heritage assessment</p> <p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>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.</p>	<p>64 Mackillop Drive is land on which a heritage item is listed and this report fulfils the requirement for a heritage management document.</p>
<p>Heritage conservation management plans</p> <p>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.</p>	<p>Lot 1002 and the former farm house are not important enough to warrant a Conservation Management Plan.</p>
<p>Archaeological sites</p> <p>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 <i>Heritage Act 1977</i> applies):</p> <p>(a) notify the Heritage Council of its intention to grant consent, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	<p>The study area is not a known or potential archaeological site.</p>
<p>Aboriginal places of heritage significance</p> <p>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:</p> <p>(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</p>	<p>The study area is not an Aboriginal place of heritage significance.</p>

(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.	
<p>Demolition of nominated State heritage items</p> <p>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	The study area is not a State heritage item.

Heritage objectives and controls are set out in the DCP, Part B Section 2 for building height, colour, setbacks, access arrangements, building orientation and presentation to the streetscape for proposed development in relation to heritage items. These controls will need to be addressed in the future development of the site.

Part B, Section 2, C.5 of the DCP includes specific controls for development of land at 64 Mackillop Drive, Baulkham Hills.

Objectives

- (i) To ensure that the subdivision of land on which a heritage building is located does not isolate the heritage building from its setting or context or adversely affect its amenity or privacy.*
- (ii) To ensure that new dwellings erected on land upon which the heritage building is located are sympathetic to the character of the heritage building and its setting.*
- (iii) To ensure that the development of land in the vicinity of a heritage site is undertaken in a manner that complements the heritage significance of the site.*
- (iv) To ensure that development of the site respects the curtilage established by the original garden associated with the heritage item.*

Development Controls

- (a) The heritage curtilage is to be consistent with the area shown edged yellow in Figure 5.*
- (b) Brush box trees located parallel to Mackillop Drive and within the immediate curtilage in Figure 5 shall be retained.*
- (c) The rural qualities of the bitumen avenue with swale drainage lines are to be retained. There shall be no concrete edging.*
- (d) Civil works for stormwater drainage dish drains to be kept away from root zones of trees in the access avenue.*
- (e) A Conservation Management Plan must be produced and submitted to Council to ensure that the existing heritage building is managed appropriately for its heritage values.*
- (f) A landscape plan shall be prepared by a landscape architect experienced in dealing with heritage gardens and is to include at a minimum the following:*

- *The retention of original and or significant landscaping (including plants with direct links or association with the heritage item); and*
- *Details of how new plantings retain significant views to and from the heritage item.*

With regard to control C5(a), the site has previously been approved for development (6/2012/JP). The approval included a road constructed adjacent to the south and west of the heritage item resulting in the loss of a number of mature trees at the rear of the house. The approved development also included development adjacent to Mackillop Drive and the access to the site resulting in restricting views to the heritage item.

The current proposal has altered the alignment of the previously approved road thus eliminating the need for the removal of the trees. The allotment of land adjacent to the Mackillop Drive and the access to the site will not be developed improving sightlines to the house. A number of allotments have been proposed in part of the formerly approved road that will encroach slightly on the curtilage south of the house. Brush box trees located parallel to Mackillop Drive and within the immediate curtilage have been retained in the curtilage.

ELA suggest the amendment of the heritage curtilage to encompass land that will no longer be developed to the east of the house on Mackillop Drive and modify the curtilage south of the house to exclude the proposed allotments (**Figure 21**).

Overall, the current proposal does not differ substantially from the approved plan in the amount of available open space and road layout. Similar plantings and access will be retained. The new planning proposal has improved the view corridor from Mackillop Drive to the former farm house by leaving a Lot at the entry to the site vacant and creating additional open space. Additional mature trees have also been retained where an internal road was previously approved. Set-backs to the proposed development to the north have also been increased and the long view to the west has been retained. While two storey development has been provided to the north the bulk and scale to the south and south west of the farm house has either remained similar or has been reduced.

The Hills Council as the consent authority is likely to require a heritage impact statement to be prepared that assesses the extent to which any future development would affect the heritage significance of the heritage item to include, reuse, materials, colours, finishes and landscaping and can be undertaken at DA Stage. Recommendations have been provided in **Section 5** with regard to internal alterations.

In addition, development controls C5(e & f) require the preparation of a Conservation Management Plan for the conservation and protection of the farm house and a landscape plan that will manage the conservation of the heritage gardens and any new plantings.



Figure 21: Proposed amendments to heritage curtilage.

5 Conclusions and recommendations

The proposed increase in density is unlikely to impact on the heritage item any greater than that currently approved. It is noted that much of the high density blocks are located to the west of the heritage item. Leaving one allotment undeveloped at the entrance to the site will improve views to and from the item. The long vista from the west down to the house is also being maintained. Retention of the house in perpetuity and use by the residents will enable access to and appreciation of the heritage item.

The assessment has resulted in the following conclusions:

- The heritage item, ‘St Joseph’s Novitiate’, is listed in Schedule 5 of The Hills LEP 2012 (#17).
- The significance of the property is concerned with aesthetics and views to and from the item.
- A heritage curtilage has been established for Lot 1002 in the LEP, however subdivision within this curtilage has been previously approved (Development Consent 6/2012/JP).
- Part B, Section 2, C.5 of the *The Hills Development Control Plan 2012* (DCP) includes a curtilage and specific controls for development of land at 64 Mackillop Drive, Baulkham Hills.
- An existing development approval for the site provides for two storey building heights surrounding the former farm house.
- The proposed increase in density is unlikely to impact on the heritage item any greater than that currently approved.
- Compared to the previously approved development, the proposal leaves one allotment undeveloped at the entrance to the site which will improve views to and from the item. The long vista from the west down to the house is being maintained. The new proposal also provides for two storey building heights to the north and lower bulk and scale to the south and south west.
- Retention of the house in perpetuity and use by the residents will enable access to and appreciation of the heritage item.
- The proposal is unlikely to have any impact on any known or potential historical or Aboriginal archaeological resource.
- A heritage impact statement at the DA stage is likely to be required to address materials, colours and landscaping.

The following recommendations are applicable:

- Where possible the tennis court should be located to the north of the house or fencing used that does not obstruct the farm house from Mackillop Drive.
- Mature planting should be retained wherever possible.
- Mature plantings should not be removed to make way for a swimming pool or tennis court where possible.
- The farm house and mature plantings will require protection during any future development of the site.
- Tree screening should be considered around the house to obscure views of any surrounding future development.
- This report suggests a change to the DCP curtilage to encompass land that will no longer be proposed for development to the east of the house on Mackillop Drive and modify the curtilage south of the house to exclude the proposed allotments. This change to the curtilage will ensure

the views to and from Mackillop Drive and the farm house are preserved. It is also recommended that the listing on the LEP Heritage Schedule be modified to reflect the status of the heritage item.

The adaptive reuse of the farm house has been proposed. The building retains a number of original features but has also undergone alterations and additions.

- The following features of the farm house should be retained:
 - The original room layout of the building;
 - The decorative brick and stone work;
 - Front entry, doors and stained glass;
 - Original doors and window openings;
 - Original fittings such as door handles, architraves, ceiling roses, picture rails, skirtings and mouldings, sliding doors, glass doors, cupboards, window seat.
 - Floor boards;
 - Roof and chimney.
- The following features can be altered or removed:
 - Carpet;
 - Fireplace;
 - All kitchen, bathroom and laundry fittings and coverings;
 - Safety screens or doors and windows;
 - Rear accommodation and garage addition;
 - Clothes line and concrete path.
- In the unlikely event that unexpected historical or Aboriginal archaeological objects or deposits are uncovered during development works it would be necessary to cease works, and contact a qualified Archaeologist to assess the significance of the material and recommend whether further investigation is required.

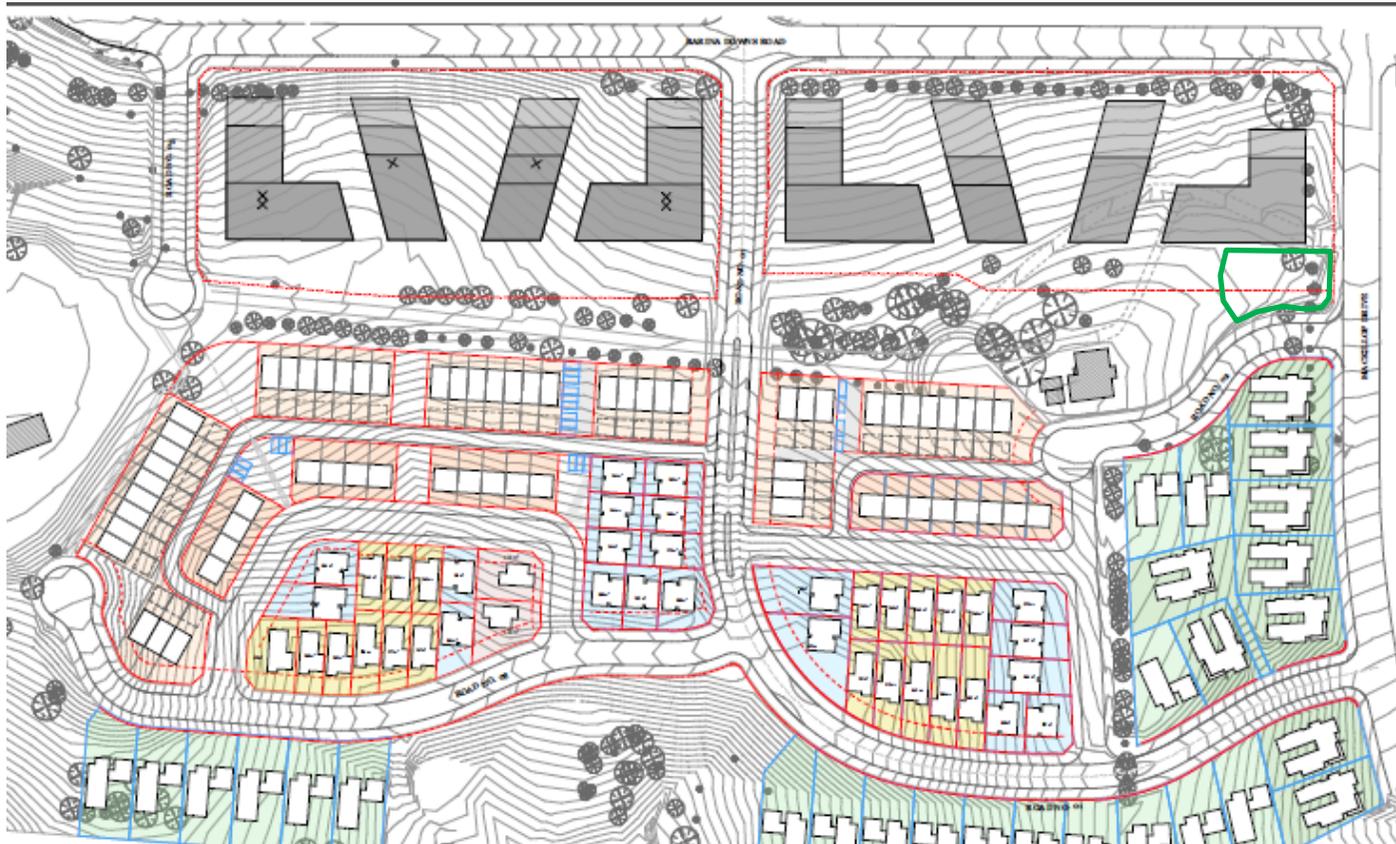


Figure 22: Proposed masterplan showing previously approved allotment which has now been removed.

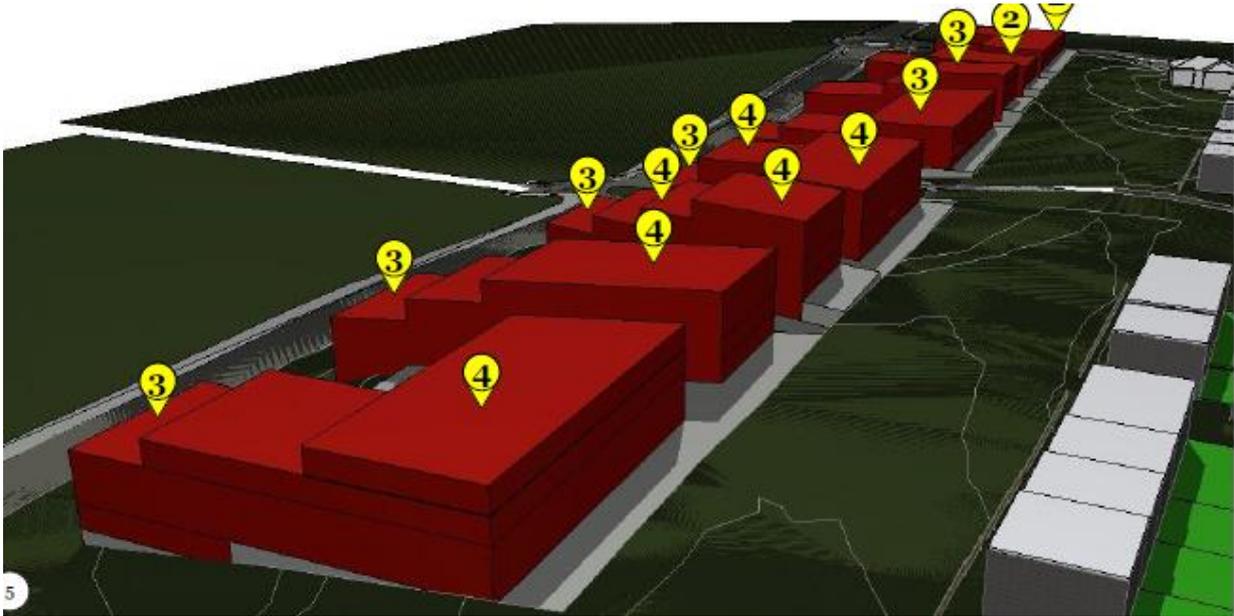


Figure 23: Modelling showing views to the heritage item in the background



Figure 24 Modelling showing proposed development around the heritage item

References

The Hills Local History

<https://www.thehills.nsw.gov.au/Library/Library-e-Resources/Local-Studies-Family-History/>

SHR Listing

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5044989>

The Hills LEP 2012

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The Hills DCP 2012

<https://www.thehills.nsw.gov.au/Building/Planning-Guidelines/The-Hills-Development-Control-Plan>

The Hills Shire Time Line

<https://www.thehills.nsw.gov.au/About-The-Sydney-Hills/History-of-The-Hills-Shire/The-Hills-Shire-Timeline>

Tropman and Tropman 2012 *Staged Development Application Sisters of St Joseph former Farmhouse Building 64 Mackillop Drive Baulkham Hills, NSW Heritage Impact Statement*. Prepared for The Sisters of St Joseph, 9 Mount Street, North Sydney.

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