

STATEMENT OF HERITAGE IMPACT

**Proposed subdivision and rezoning at
Lot 3 DP 1096405 & Lot 8 DP 1191647
West Pennant Hills
NSW**



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The following table forms part of the quality management control undertaken by Rappoport Pty Ltd regarding the monitoring of its intellectual property as issued.

Issue	Notes / Description	Date	Initials
1	Draft report (D1) issued for comment.	12 June 2015	CLK
2	Final	18 June 2015	CLK

1.0 INTRODUCTION

1.1 Authors

This Statement of Heritage Impact ('SOHI' or 'report') has been prepared by Paul Rappoport and Carole-Lynne Kerrigan, of Rappoport Pty Ltd, Heritage Consultants.

1.2 The site

The development site includes two allotments, namely Lot 8 DP 1191647 and Lot 3 DP 1096405 (Figure 1 and Figure 13). One of these allotments, Lot 3 DP 1096405 (Figure 2 and Figure 14) is heritage listed and, as such, forms the basis of this SOHI. Referred to as the heritage item throughout this SOHI, it is located at 570 Pennant Hills Road, West Pennant Hills, NSW and falls within the boundaries of The Hills Shire Council local government area.



Figure 1. Aerial view indicating the two allotments, Lot 8 DP 1191647 and Lot 3 DP 1096405 as the development site.
(Source: SIX Maps, <https://maps.six.nsw.gov.au>, accessed 9.6.15)

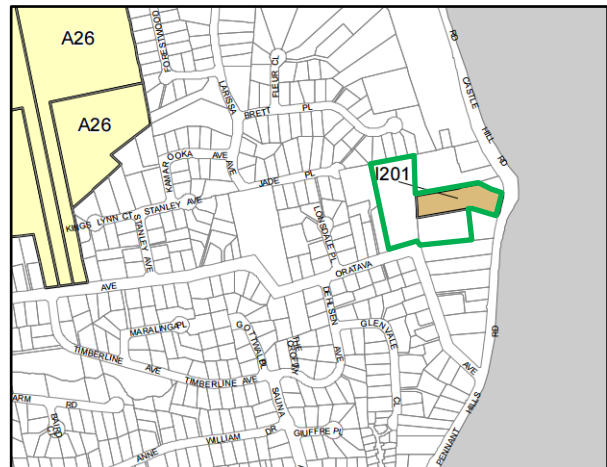


Figure 2. Heritage map indicating the heritage item (I201) in tan within the development site.
(Source: Hills Local Environmental Plan 2012)

1.3 Heritage status

As discussed in subclause 1.2, the heritage item is part of a development site that includes two allotments. The heritage item is listed as item I201 of environmental heritage in the *Hills Local Environmental Plan 2012* (HLEP). It is listed in the NSW State Heritage Inventory under Database #1090062. The heritage item is not within any Heritage Conservation Area. It is also not listed in the National Heritage List, the Commonwealth Heritage List and/or the Register of the National Trust of Australia (NSW).

The heritage item is not in the vicinity of any items of environmental heritage as listed in the HLEP.

1.4 Purpose

Sections 5.10(4) and 5.10(5) of the HLEP require Council to assess the potential heritage impact of proposed alterations to items that are heritage listed. This report has been prepared, on behalf of the owner of the heritage item, to enable Council to ascertain whether or not the proposal (as described in Section 5 below) will have a negative, neutral or positive impact upon the significance of the subject heritage item listed under the HLEP. This assessment is carried out in Section 6 below.

1.5 Methodology

The methodology used in this SOHI is consistent with *Statements of Heritage Impact and Assessing Heritage Significance* published by the Heritage Branch of the NSW Office of Environment and Heritage and has been prepared in accordance with the principles contained in the most recent edition of *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*.

1.6 Limitations

- This SOHI is based upon an assessment of the heritage issues only and does not purport to have reviewed or in any way endorsed decisions or proposals of a planning or compliance nature. It is assumed that compliance with non-heritage aspects of Council's planning instruments, the Building Code of Australia (BCA) and any issues related to services, contamination, structural integrity, legal matters or any other non-heritage matter is assessed by others.
- This SOHI relies solely on secondary sources. Primary research has not been included in this report, other than the general assessment of the physical evidence on site.
- It is beyond the scope of this report to address Indigenous associations with the heritage item.
- It is beyond the scope of this report to locate or assess potential or known archaeological sub-surface deposits on the heritage item or elsewhere.
- It is beyond the scope of this report to assess items of movable heritage.
- Rappoport Pty Ltd has only assessed aspects of the subject building/place that were visually apparent and not blocked or closed or to which access was barred, obstructed or unsafe on the day of the arranged inspection.
- Rappoport Pty Ltd understands that this report is required to supplement a planning proposal for rezoning from E4 to R2. Rappoport Pty Ltd recognizes that rezoning will facilitate a higher yield of lots in a proposed future subdivision. Rappoport Pty Ltd also understands that the current owner of 'Stoneleigh' is in approval of the proposed subdivision and rezoning.
- Rappoport Pty Ltd holds copyright for this report. Any reference to or copying of the report or information contained in it must be referenced and acknowledged, stating the report's name and date and Rappoport's authorship.

2.0 HISTORICAL CONTEXT

2.1 General history

The suburb of West Pennant Hills is situated twenty five kilometres north-west of Sydney. It lies to the west of the junction of Castle Hill Road and Pennant Hills Road, known as Thompson's Corner, and is located west of Beecroft and south-west of the Pennant Hills station. The most likely origin of the name '*West Pennant Hills*' is generally considered to be connected with the botanist Thomas Pennant, an associate of Joseph Banks.¹ The first use of the name '*Pennant Hills*' appears to be in 1800, and in the 1802 Muster an entry is found as follows: '*Ann Bellamy, wife of William Bellamy of Pennant Hills*'.² West Pennant Hills is situated in both the Baulkham Hills and Hornsby shires, although the part of the suburb occupied by the subject property is administered by the Baulkham Hills Shire Council ('Council'). Thompson's Corner, from which traffic is fed onto the M2 tollway, was named after an early storekeeper who provided for the workers on the Strathfield to Hornsby railway line in the late 1880s. During the early years of the colony, huge stands of trees were discovered in this area and Francis White's sawmill was established near to Thompson's Corner. Today some remnant bushland of this previously rural suburb remains in situ amongst the late 20th century and early 21st century proliferation of residential building. The Cumberland State Forest, which is known locally as Shepherd's Bush, was acquired for a State Forest in 1938. The forest was partly planted and the residue was allowed to regenerate naturally. The area supports a forest of blue gum, red mahogany, red apple and ironbark eucalypts which typify the early bushland of the locality.³



Figure 3: c.1927; Thompsons Corner at the intersection of Pennant Hills and Castle Hill roads. (Source: McClymont, *Baulkham Hills*, p.131, from the State Library NSW).

¹ McClymont, *Pictorial History Baulkham Hills Shire*, Kingsclear Books, 2003, p.126.

² Gwen Millhouse, *The Settlers of West Pennant Hills Valley 1799 Onwards*, The Hills District Historical Society Publication, 1995, Introduction.

³ McClymont, *Baulkham Hills*, p.127.

The suburb of West Pennant Hills occupies Dharug country.⁴ The Dharug people occupied the inland area of Sydney and unlike the Guringai people of the coastal region were not reliant on shellfish in their diet. In comparison with the larger huts of the coastal Guringai, the Dharug lived in simple bark huts. The Indigenous Dharug group sourced a wide variety of food from the rich alluvial soils of the Hawkesbury River, as well as from the adjacent valleys and hills of the Sydney hinterland.⁵ As the alluvial soils of the Hawkesbury River banks and flood plains and the Wianamatta shale of the Baulkham Hills area sustained the Dharug people, so too these areas were in demand for the early settlers of the Colony. These soils were relatively fertile in comparison to the infertile Hawkesbury sandstone soils adjacent to Port Jackson. The climate of the Baulkham Hills environs, which was hot with little humidity in summer and cool with sunshine and frosts in winter, was suitable for orcharding which was established by George Suttor in the early 19th century.⁶

Baulkham Hills Shire is bounded by the Hawkesbury River in the north and the west, Windsor Road to the south west and the Old Northern Road in the east. Little Cattai Creek and Boundary Road link the Hawkesbury River and the Windsor Road. These boundaries of the shire comprise early transport routes⁷ and many of the roads in this shire are significant from a heritage perspective. In addition to those above, there are the early routes of the Old Pitt Town Road, the Old Windsor Road, Pennant Hills Road and the dray roads of North Rocks.⁸ Early European settlement of Baulkham Hills generally followed the routes to Windsor and Wisemans Ferry, as well as the Hawkesbury River. In addition Pennant Hills Road was developed to the east and Castle Hill Road forged an east-west link across the shire. Showground Road extended this link further to the west to Windsor Road at Kellyville. In the early 19th century large grants were made to Captain Abbott and Thomas Boulton along Old Windsor Road and to John Smith, Andrew McDougall and George Suttor on the Windsor Road. Settlers further south included Hugh Kelly and, south of that, Elizabeth Macarthur who developed *Bella Vista*.⁹

⁴ The subject property is located in the part of the suburb administered by the Baulkham Hills Shire Council.

⁵ Graham Edds & Associates, Baulkham Hills Heritage Study 1993 - 1994, p.5.

⁶ *ibid.*

⁷ *ibid.*, p.4.

⁸ *ibid.*, p.13.

⁹ *ibid.*, p.13.

The Crown grants of the productive land at Toongabbie and around the Hawkesbury to the early settlers exacerbated the food shortage for the Colony so that the government took the step of reserving land for a government farm at Castle Hill, the Castle Hill Government Agricultural Farm, in 1801. The farm reserve covered an area of 34539 acres and comprised the area within Kerrs Road to James Place, through Showground Road to Kellyville and Maroota and back to West Pennant Hills and Castle Hill.¹⁰ By 1803 stone barracks had been erected and the convicts had cleared 300 acres for cultivation which was increased to 700 acres by March 1804. On 4 March 1804 the convicts rebelled culminating in the *Battle of Vinegar Hill* which took place near Rouse Hill and resulted in the hanging of nine convicts. Although no grants were to be permitted within the Government Farm, an exception was made for a French Baron, Verincourt de Clambe, who was given access to 100 acres on the Government Farm to trial the growing of cotton, grapes and coffee. By 1810 the Government Farm was closed by Governor Macquarie.¹¹

In 1819, 71 Crown grants were occupied at Baulkham Hills and Castle Hill and by 1823 most suitable land had been taken up. Between 1823 and 1841 settlement slowed down and poorer land was occupied for mixed farms and citrus orchards. Although mixed farming was essential in the early development of agriculture, when self-sufficiency was vital, fruit growing dominated the Hills region in the 1850s due to the fact that Rust attacked the wheat crops putting an end to grain production as a viable business. Relevant too was the settlement of the Western Plains where the climate was superior for wheat and wool production.¹²

¹⁰ Carr, H., Pullen, N., Wilson, P., and McCluskey, L., *Settlement of Baulkham Hills and Castle Hills Townships 1791 - 1997*, The Hills District Historical Society, 1999, p.7.

¹¹ Carr, *Settlement of Baulkham Hills*, pp.7 & 10.

¹² *ibid.*, pp.11 – 12 and McClymont, *Baulkham Hills*, p.19.

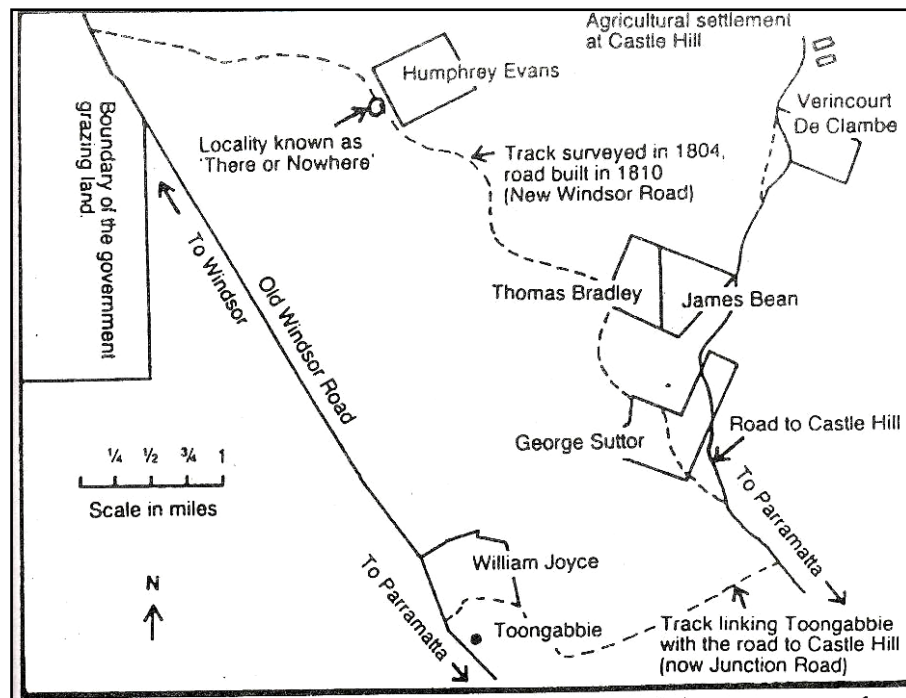


Figure 4: n.d.; Map of pre -1810 roads and tracks in Baulkham Hills and Castle Hill. Note the names of the early settlers of the area such as Macarthur and Suttor as well as a reference to Verincourt de Clambe's land at the Government Farm at Castle Hill. (Source: Silver, *Battle of Vinegar Hill*, p.85 in Edds, *Baulkham Hills Heritage Study*, p. A1.viii)

Following the establishment of orchards in the Parramatta area in the early years of the Colony, and the eventual growth of the citrus industry, Baulkham Hills became the first area outside Parramatta to develop orchards. George Suttor, who was the custodian of the plants Joseph Banks sent out to the emerging Colony, was pivotal in this development and by the 1830s the largest and most productive orchards were Suttor's and Andrew McDougall. Although orange seedlings were not part of Banks' collection of specimens, Suttor managed to acquire lemon and later orange plants from South America which thrived in the well-drained soils of the Hills area.¹³ Baulkham Hills generally and West Pennant Hills in particular became a major centre for orcharding in the 19th century. There were substantial exports of oranges and other fruit by the 1870s. Up until the First World War there was an increase in subdivision for orcharding in the Hills area generally. However by the 1930s orcharding in the Hills area began to decline with the increased competition derived from irrigation areas created around the Murrumbidgee River and the expansion of citrus and passionfruit in the Gosford area. Many orchards were converted from citrus to stone fruit but when the trees became old by the 1950s little serious fruit growing was undertaken in the district.¹⁴

¹³ Edds, *Baulkham Hills Heritage Study*, p.17.

¹⁴ *ibid.*, pp.19 – 20.



Figure 5: c.1902; Fruit growers from the Hills District Fruit Growers Association.
One of the boxes is stencilled with the words 'Pennant Hills'.
(Source: McClymont, *Baulkham Hills*, p.130)

The orchardists of the Hills district were poorly served by transportation and lobbied for rail transport. Eventually, in 1902, a steam tramway which ran from Parramatta Railway Station to Northmead and Baulkham Hills was introduced which was extended to Castle Hill in 1910. The orchardists continued to agitate for a rail service and in 1923 the tramway was replaced by a railway between Westmead and Rogans Hill. In the same year, the coach service which ran between Parramatta and Rogans Hill twice daily was curtailed.¹⁵ Although the freight service improved, the train stations lacked the convenience of the tram stops and the service became unpopular. The train line followed the route of the Old Northern Road and as road traffic increased, congestion became serious resulting in the closure of the entire railway from Parramatta to Rogans Hill in 1932. The rails were raised and over time the platforms and ancillary infrastructure were almost totally eliminated.¹⁶ The M2 Freeway from Old Windsor Road to North Ryde opened in 1997. The opening of the tramway and eventually the railway and improved road systems, coincides with the accelerated subdivision of land adjacent to these amenities for residential use. Between 1910 and 1926 there was much development and subdivision along Old Northern Road, Windsor Road and Castle Hill Road. Much was made of the elevated land and vistas, the climate and the fertile soil in both Pennant Hills and in the Baulkham Hills shire generally. Many second residences or country retreats were built. At the end of the 20th century and the beginning of the 21st century further subdivision of larger estates occurred, and continues to do so, throughout the Baulkham Hills Shire Council area.

¹⁵ Carr, *Settlement of Baulkham Hills*, p.16.

¹⁶ McClymont, *Settlement of Baulkham Hills*, p.13 and Edds, *Baulkham Hills Heritage Study*, p.21.

2.2 Specific history of the site

William Smith was born in Warwickshire, England in 1784. He arrived in the Colony in 1810 on the *Indian* to serve a life sentence. William married Isabella Brown two years later at St John's Church of England, Parramatta, on 7th September 1812. Isabella, a free settler had arrived in the Colony on the *Duke of Portland* in 1807. William was granted a conditional pardon in 1818.¹⁷

James Smith (b.1816), the second son of William and Isabella, married Susannah Bellamy in 1837. They had five sons and seven daughters. In 1843 James Bellamy, Susannah's father, gave his daughter and son in law, James Smith, the 63 acre Thorn grant in the valley area.¹⁸ This property had initially been developed as an orchard by James Bellamy.¹⁹

James Smith purchased Mt Wilberforce in 1855. The present property is the remainder of the 42 acres of the Mt Wilberforce estate.²⁰ It is thought that the first stage of the house, today known as 'Stoneleigh', was built at this time while the extension to the rear was added 10 to 15 years later.²¹ The following description of the house and orchard as described *The Town and Country Journal*, 1888, has been extracted in full from *The Settlers of West Pennant Hills Valley 1799 Onwards*.²²

"The residence of Mr. James Smith, one of the pioneer settlers, is a substantial, well built erection of cut stone, quite above the average country residence, being neat without pretence, and comfortable without bareness. A forecourt full of bloom, and a verdant backing of foliage, set off and heighten the appearance of the abode. The first days of settlement are often hard enough, and impress a hardness upon the pioneer, which subsequent prosperity does not always do away with. As a consequence, homes are left with their original unloveliness grown worse with age. This gives many a visitor and possible settler a bad opinion of life in the country, which is credited with decivilising effects, which do not rightfully belong to it. So, when a residence like that of Mr. Smith's is come upon, it is quite a relief, and, a reproof, to those who, with ample means for better things, are content with primitive savagery.

"Being of stone the house is well fitted to face the zephyrs, which howl in winter at times up the long western slope and across the narrow crest of Pennant Hills at Mount Wilberforce, as Mr Smith calls his place. The country on Smith's side of the ridge drops suddenly. For a spell the hill face goes swooping down evenly, and then pulls up to go on more gently, and, with a front breaking up into wrinkling gully and cross-slope, merging at last at the hill foot into the level bottom lands of the Parramatta river system. Over these there is for miles a gallant eye-sweep of pasture and corn land, primal woodland, and exotic orchard. The fruit trees are of old standing. Many of the pears are fifty years old, and are bearing well; loads of toothsome fruit being gathered from them. The Windsor

¹⁷ Millhouse, Gwen, *The Settlers of West Pennant Hills Valley 1799 Onwards*, Hills District Historical Society. 1987, pp. 5-9.

¹⁸ *ibid.*

¹⁹ Heritage Inventory Sheet, Ref I201. The Hills Shire Council.

²⁰ *ibid.*

²¹ *ibid.*

²² Millhouse, Gwen, *The Settlers of West Pennant Hills Valley 1799 Onwards*, Hills District Historical Society. 1987, pp. 5-9.

pear a fine eating kind, and profile, attained a great size as a tree, rooting down well into the dark soil, which, varying in depth from 10" to 2', did well with the fruit trees.

James Smith conveyed the 42 acre 'Mount Wilberforce' farm to Arthur, his fifth son, and the 100 acre 'Home Farm' to George Thomas, his second son, before his death in 1879.²³ In 1895 Arthur sold approximately one perch of the land where James had built a store near the house. Arthur subsequently sold 2 smaller lots before transferring the remaining 38 acres of land to his brother, George in 1900.²⁴ George continued to work the orchard and run a dairy with his sons. George's sons, Norman and Les acquired the property as Tenants in Common in 1913.²⁵ Norman lived in the stone house built by James Smith. He named the house 'The Grove'. Norman and Les continued to run the dairy and orchard until they commenced selling small acreages as farms in 1919. By 1920 the whole area had been subdivided and by 1930 the land passed out of the Smith's hands.²⁶



Figure 3. Aerial view of the site in 1943. The 'Stoneleigh' residence is indicated.
(Source: Kai Ling Australia Pty Ltd)

²³ Millhouse, Gwen, *The Settlers of West Pennant Hills Valley 1799 Onwards*, Hills District Historical Society. 1987, pp. 5-9.

²⁴ *ibid.*

²⁵ *ibid.*

²⁶ *ibid.*

3.0 PHYSICAL EVIDENCE AND SETTING

The development site includes Lot 8 DP 1191647 and Lot 3 DP 1096405 (Figure 1 and Figure 14). The heritage item, Lot 3 DP 1096405, on the development site (Figure 2 and Figure 15), is located at 570 Pennant Hills Road, West Pennant Hills, NSW and falls within the boundaries of The Hills Shire Council local government area. The heritage item forms the basis of this SOHI.

As discussed in subclause 1.2 the proposed development site includes Lot 8 DP 1191647 and Lot 3 DP 1096405 (Figure 1 and Figure 14). As the heritage item includes Lot 3 DP 1096405 only, Lot 8 DP 1191647 does not form part of this assessment.

The 6,582sqm heritage item includes the scheduled item 'Stoneleigh' on Lot 3 DP 1096405, at 570 Pennant Hills Road. It is located at the junction of Pennant Hills Road and Castle Hill Road. 'Stoneleigh' is located on level ground towards the east of the heritage item and in close proximity to the road. The 2286sqm area immediately surrounding 'Stoneleigh' includes landscaped gardens, a swimming pool, storage shed and workshop. To the west of the swimming pool an approximately 1metre high masonry retaining wall provides a separation between the level landscaped area, incorporating 'Stoneleigh' and associated outbuildings, and a 4296sqm grassed area that slopes towards the south west. The south-western most corner of this portion of the site includes mature trees that extend along the southern boundary (Figure 4).

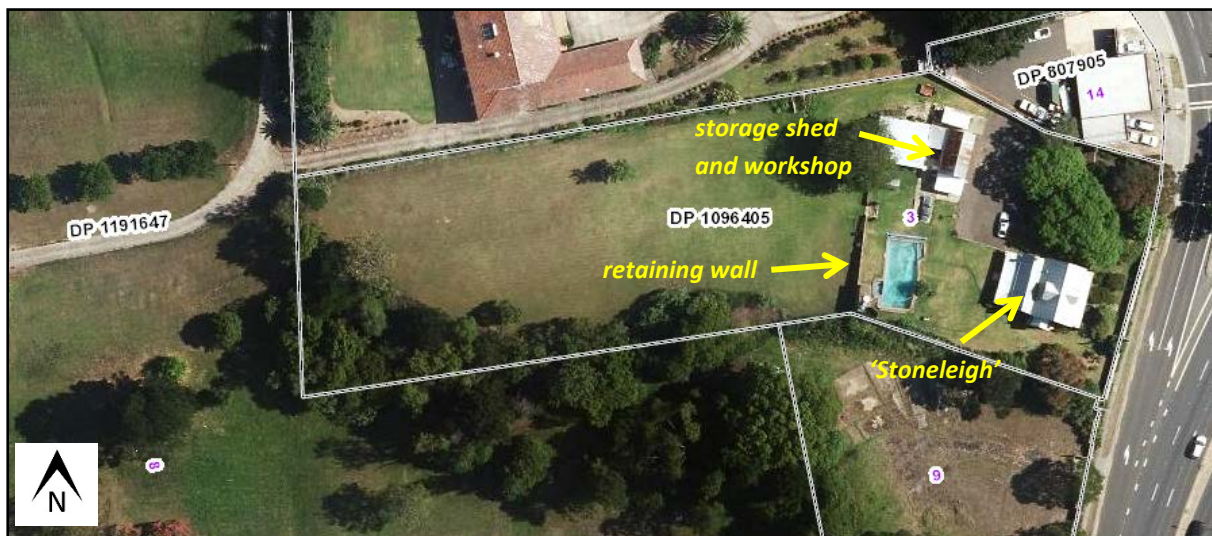


Figure 4. An aerial view of the heritage item indicating features.
(Source: SIX Maps, <https://maps.six.nsw.gov.au>, accessed 9.6.15)

The following photographs provide a visual survey of the site and its setting.



Figure 5. View from 'Stoneleigh' towards the proposed subdivision towards the east. The storage shed and workshop are associated with 'Stoneleigh'. The house in the background is not associated with the subdivision. (Source: Rappoport Pty Ltd, 4.6.11)

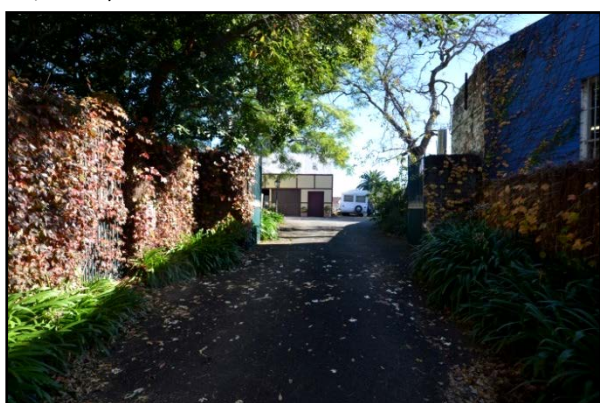


Figure 6. View from Pennant Hills Road towards the entrance gates at 'Stoneleigh'. A storage shed and workshop area associated with 'Stoneleigh' are visible in the background. (Source: Rappoport Pty Ltd, 4.6.11)

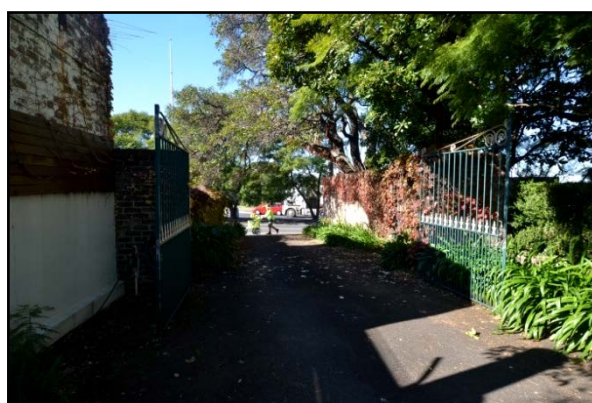


Figure 7. View from near the storage shed and workshop associated with 'Stoneleigh' towards Pennant Hills Road. (Source: Rappoport Pty Ltd, 4.6.11)



Figure 8. View of 'Stoneleigh' from near the masonry retaining wall in the area of the proposed new boundary. A swimming pool is in the foreground. (Source: Rappoport Pty Ltd, 4.6.11)



Figure 9. View from the area of the proposed subdivision towards 'Stoneleigh' in the east. The masonry retaining wall indicates the position of the proposed new boundary. (Source: Rappoport Pty Ltd, 4.6.11)



Figure 10. View across the proposed undulating subdivision landscape site towards the east. The masonry retaining wall associated with 'Stoneleigh' indicates the position of the proposed new boundary. (Source: Rappoport Pty Ltd, 4.6.11)



Figure 11. View across the proposed subdivision from the 'Stoneleigh' towards the west. The ground falls away from the masonry retaining wall associated with 'Stoneleigh' towards the south west. Arrow indicates the position of the masonry retaining wall. The house in the background is not associated with the subdivision. (Source: Rappoport Pty Ltd, 4.6.11)



Figure 12. View from near the storage shed and workshop associated with 'Stoneleigh'. (Source: Rappoport Pty Ltd, 4.6.11)



Figure 13. View across the proposed subdivision indicating the land falling away towards the south west. Arrow indicates a Flame tree in close proximity to the storage shed and workshop. The house in the background is not associated with the subdivision. (Source: Rappoport Pty Ltd, 4.6.11)

4.0 ASSESSMENT OF SIGNIFICANCE

4.1 Statement of Cultural Significance

In order to make an assessment of whether or not the proposed modifications to the heritage item would have either a negative, neutral or positive impact upon the significance of the subject building, it is necessary first to ascertain the significance of the subject building. This assessment is based on the 'Physical Characteristics' and 'Brief Statement of Significance' afforded to reference number I201,²⁷ commonly known as 'Stoneleigh' within the Hills Council Shire.

Physical Characteristics

The following 'Physical Characteristics' have been extracted in full from the Heritage Inventory Sheet, Ref I201.

ARCHITECTURAL STYLE: Mid Victorian

MATERIALS – EXTERIOR: Stone/ iron

OTHER DETAILS OF PHYSICAL APPEARANCE

Two roomed symmetrical cottage of sparrow picked stone with a steeply pitched roof and a four roomed cottage of dressed stone with central hall to the north. New verandah at front supported on an iron lace columns (possibly early). Narrow lace valance and brackets removed in 1960s as also were the shutters to windows. Timber decorated barge boards to the gable ends remains. There have been numerous additions to the house during the 20th century which included large fibro addition to the rear and the first floor attic extension. These have now been removed. The stone building at the rear is possibly the original to which the larger house of dressed stone was adopted pre 1888. Detailed examination is necessary. Barn to rear with attic and skillion to one side retaining some early fabric.

MODIFICATIONS: Large central dormer to main building. New window, new window still to western elevation.

Brief Statement of Significance

The following 'Brief Statement of Significance' has been extracted in full from the Heritage Inventory Sheet, Ref I201.

Evidence of early orcharding/ farming activities of this area in prominent position on City side of the Shire.
Connection with two of the most prominent West Pennant Hills families, the Bellamys and Smiths.

²⁷ Heritage Inventory Sheet, Ref I201. The Hills Shire Council.

5.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development includes two allotments, namely Lot 8 DP 1191647 and Lot 3 DP 1096405 (Figure 14).



Figure 14. Area of the proposed subdivision and rezoning on the development site that includes Lot 8 DP 1191647 and part of Lot 3 DP 1096405 in West Pennant Hills.
(Source: Kai Ling Australia Pty Ltd)

The proposed development on the site will require the subdivision and rezoning²⁸ of a portion of the heritage item (Lot 3 DP 1096405) to the west of a masonry retaining wall into seven rectangular residential lots and access road. An indicative layout of the proposed subdivision and rezoning is presented in drawings by Kai Ling Australia Pty Ltd (Figure 15) dated 11 May 2015 and provided to Rappoport on 2 June 2015. In addition, concept plans for the proposed subdivision and rezoning are presented in undated drawings by Design Cubicle (Figures 16-19) and provided to Rappoport on 17 June 2015. All drawings are partly reproduced below at small scale for reference purposes; the full-size drawings accompanying the application should be referred to for any details.

²⁸ Rezoning the site from E4 (8 Lots) to R2 (31 Lots) will result in a greater yield.



Figure 15. Area of proposed subdivision of Lot 3 DP 1096405 is indicated by the red dotted line. The portion of the site unaffected by the subdivision is indicated by the blue dotted line.
(Source: Kai Ling Australia Pty Ltd)



Figure 16. Proposed site plan of the development site in West Pennant Hills. (Source: Design Cubicle)

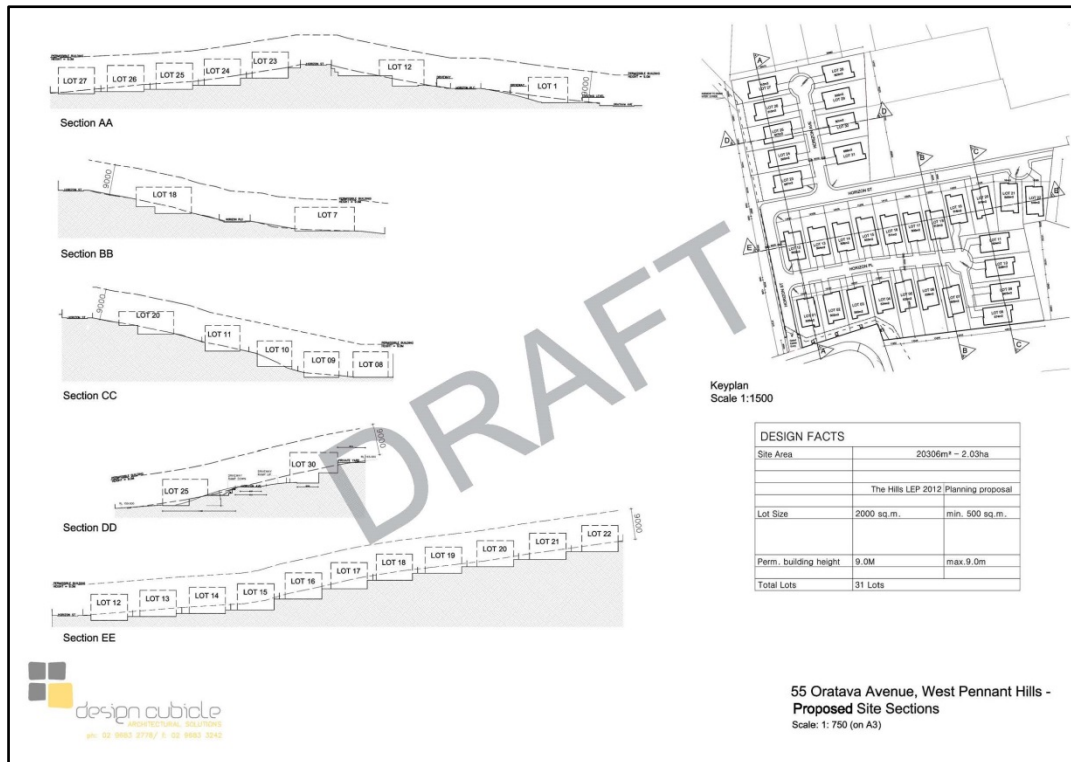


Figure 17. Proposed site sections of the development site in West Pennant Hills. (Source: Design Cubicle)



Figure 18. Proposed site layout massing of the development site in West Pennant Hills. (Source: Design Cubicle)



Figure 19. Proposed site layout massing of the development site in West Pennant Hills. (Source: Design Cubicle)

6.0 ASSESSMENT OF HERITAGE IMPACT

This assessment is based upon: the Statement of Cultural Significance (refer to Section 4.1 of this SOHI); the physical inspection of the site and the graphic evidence (refer to Section 3 of this SOHI); and a review of the pertinent planning instruments and sources relating to heritage aspects of the proposal.

The Statement of Cultural Significance in section 4.1 of this report has determined that the heritage item has historical and social significance. The overall heritage item is part of heritage item reference number I201,²⁹ commonly known as ‘Stoneleigh’ within the Hills Council Shire. We therefore assess the impact that the proposed subdivision and rezoning would have upon ‘Stoneleigh’. To this end, the issues outlined below are addressed.

6.1 Development Control Plan

In TABLE 2 below we assess the proposal against the most pertinent sections of the Hills Development Control Plan (HDCP) 2012.

TABLE 1 : ASSESSMENT AGAINST DEVELOPMENT CONTROL PLAN	
Planning objective/control	Assessment
1.2 Aims and objectives of this DCP (development associated with a heritage item) (i) Facilitate conservation of the Shire’s heritage; (ii) Integrate conservation issues and management into the planning and development control process; and (iii) Ensure that any development with respect to a heritage site is undertaken in a manner that is sympathetic to, and does not detract from the identified significance of the site.	This SOHI has been prepared on behalf of the applicant to assess whether the proposal will have a negative, neutral or positive impact upon the significance of the heritage building on the heritage item.
3.1 Site planning Any new development should be positioned to ensure that the visual prominence, context, and therefore the significance of the existing heritage building and its setting is maintained. Development controls (a) Additions or new structures should: - be located along the least significant elevation or in the least significant part of the setting; - not obscure the street elevation of the existing building; and - be setback further from the street than the existing building. (b) In siting a new addition or building, site features that are considered significant should be retained including the important views/vistas, gardens, fences, outbuildings, mature vegetation or archaeological sites.	It is our belief that the proposed subdivision would meet some of the development controls as: (a) No alterations or additions are proposed to ‘Stoneleigh’ or within the immediate curtilage. (b) The proposed subdivision : - Is not located within the immediate curtilage of ‘Stoneleigh’; - Is located on undeveloped land that slopes away from ‘Stoneleigh’ commencing at the base of a 1m high retaining wall thereby potentially retaining views/ vistas; and (c) No carports or garages are proposed to ‘Stoneleigh’. (d) No garages are proposed to the front of ‘Stoneleigh’. (e) The siting and design principles for the new residences associated with the new subdivision have not

²⁹ Heritage Inventory Sheet, Ref I201. The Hills Shire Council.

TABLE 1 : ASSESSMENT AGAINST DEVELOPMENT CONTROL PLAN

Planning objective/control	Assessment
(c) Priorities for accommodating car parking or a garage are as follows: • locate at the rear, with access from a rear lane (if possible); • locate at the rear, with access from the front; • locate at the side of the house; or • locate an uncovered paved, gravel or bitumen area at the front (d) Garages forward of the building line should be avoided as they obscure views of the main building and break up the established setback line. (e) The siting and design principles referred to in the annotated illustration on the following page should be applied in any development proposal affecting a heritage building.	yet been developed; however, concept plans (Figures 16-19) prepared by Design Cubicle provide an indicative layout of the proposed development.
3.2 Subdivision (i) To ensure that the subdivision of land on which a heritage building is located does not isolate the building from its setting or context, or adversely affect its amenity or privacy. Development controls (a) Proposals for subdivision should define an appropriate setting or 'curtilage' for the heritage building as part of the heritage impact statement or conservation management plan. (b) In determining the curtilage of a heritage building consideration is to be given to the following: • The original form and function of the heritage building: The type of structure that constitutes the heritage building should be reflected in the curtilage. For example it may be appropriate that a larger curtilage be maintained around a former rural homestead than that of a suburban building; • Outbuildings: A heritage building and its associated outbuildings should be retained on the same allotment; • Gardens, Trees, Fencing, Gates and Archaeological Sites: Features that are considered valuable in interpreting the history and in maintaining the setting of a building should be identified and where possible, retained within the curtilage; • Adjoining Development: Consideration should be given to the likely development expected to occur on the lots proposed to be created which will adjoin the heritage site. In assessing applications, Council shall have regard to its setting, overshadowing and the views to and from the heritage site; • Access Points and Orientation: In order to maintain the historic association of a heritage building with its locality, it is desirable to retain where possible the original access arrangements to the site. The manner in which a heritage building is orientated in respect to public roads contributes to its significance. Creating new street frontages at the rear or side elevations of a heritage building is not desirable;	The proposed subdivision and rezoning is located on land on which a heritage item is located. The proposed subdivision will occur to the rear of 'Stoneleigh' and to the west of a retaining wall that demarcates changes in the landform (level to sloping) and landscape (planted versus grassed open space). The proposed subdivision only implicates the sloping grassed area to the west of 'Stoneleigh' allowing for a suitable curtilage to be retained. Within this curtilage access, outbuildings, gardens, trees and fencing associated with 'Stoneleigh' are retained and are not affected by the proposed future development. As noted in 3.1(e) The siting and design principles for the new residences associated with the new subdivision have not yet been developed; however, concept plans (Figures 16-19) prepared by Design Cubicle provide an indicative layout of the proposed development. This includes: building height max 9m; minimum lot size 500m²; minimum lot width approximately 13m; and approximately 35% landscape area of dwelling site. In addition, the proposed subdivision includes a possible rear access to 'Stoneleigh', ensuring that the original access to the residence along Pennant Hills Road is retained.

TABLE 1 : ASSESSMENT AGAINST DEVELOPMENT CONTROL PLAN	
Planning objective/control	Assessment
- Adjoining Lots: Council may impose restrictions upon the title of a proposed lot that adjoins a heritage site, to ensure that the development of the adjoining land does not adversely affect the cultural significance of a heritage site. This may include height limitations, building setbacks, access arrangements, building orientation, and presentation to the streetscape; and - Visual Links: The significance of many heritage sites includes important visual links from the item to a particular feature such as the street frontage, garden settings, important vegetation, outbuildings, stables, water features, or distant topographical features. These linkages should be retained within the curtilage and should not be obscured by new work.	
3.5 Development in the vicinity of a heritage site (i) 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. Development controls (a) Development on land within the vicinity of a heritage site is not to detract from the identified significance of the place, its setting, nor obstruct important views to and from the site. (b) New structures proposed on land adjoining a heritage building should be of similar scale and proportions to the heritage building. (c) Where development is proposed within the vicinity of a heritage site, the following matters must be taken into consideration: - the character, siting, bulk, height and external appearance of the development; - the visual relationship between the proposed development and the heritage site; - the potential for overshadowing of the heritage site; - the colours and textures of materials proposed to be used in the development; - the landscaping and fencing of the proposed development; - the location of car parking spaces and access ways into the development; - the impact of any proposed advertising signs or structures; - the maintenance of the existing streetscape, where the particular streetscape has particular significance to the heritage site; - the impact the proposed use would have on the amenity of the heritage site; and - the effect the construction phase will have on the well-being of a heritage building.	As noted in 3.1(e) The siting and design principles for the new residences associated with the new subdivision have not yet been developed; however, concept plans (Figures 16-19) prepared by Design Cubicle provide an indicative layout of the proposed development. This includes: building height max 9m; minimum lot size 500m²; minimum lot width approximately 13m; and approximately 35% landscape area of dwelling site. In addition, the proposed subdivision includes a possible rear access to 'Stoneleigh', ensuring that the original access to the residence along Pennant Hills Road is retained.
3.6 New buildings (i) To ensure that new buildings erected on land upon which a heritage building is located are sympathetic to the character of the heritage building and its setting.	As noted in Section 3.2 the proposed subdivision will occur to the rear of 'Stoneleigh' and to the west of a retaining wall that demarcates changes in the landform (level to sloping) and landscape (planted versus grassed

TABLE 1 : ASSESSMENT AGAINST DEVELOPMENT CONTROL PLAN

Planning objective/control	Assessment
(ii) To ensure that new buildings maintain the historical integrity and visual prominence of the existing heritage building. Development controls (a) Many of the development controls for 'site planning', 'extensions and additions' and 'development in the vicinity of a heritage site' will also apply to the erection of new buildings. However, the following principles are to be applied: • Siting: New buildings should generally be located in the least significant part of the site, normally to the rear of the existing heritage building and should avoid the destruction of any significant elements within its setting such as significant gardens, outbuildings, mature trees, and archaeological features, nor obscure any important visual linkages; • Scale and Proportions: New buildings should not dominate or overwhelm the existing building, especially when viewed from the street frontage. This is to be achieved by a similar or lower roof height; • Form: New buildings should be consistent with the existing building form. The most important aspects being roof type and pitch, verandahs, the size and proportion of windows and other openings; and • Materials, Detail and Colours: The materials, details and colours used in the new building should be complimentary to the existing building. However they should avoid replication of the decorative detail or finishes found on the heritage building, nor re-create 'heritage style' detail. New structures should be more simple and contemporary in design so as to maintain the historical integrity and visual prominence of the heritage building. (b) New garages or carports should:- • be separate from the heritage building where possible; • preferably be of a 'lightweight' construction such as timber with metal roofing; • avoid replication of decorative detail or finishes found on the heritage building; and • be more simple and contemporary in design.	open space). As such it will not implicate the street presence of the building, the building, outbuildings or landscaped gardens; all of which form the primary significance of the heritage item. As noted in 3.1(e) siting and design principles for new residences associated with the new subdivision have not yet been developed and, as such, are not addressed in this SOHI. However, concept plans (Figures 16-19) prepared by Design Cubicle provide an indicative layout of the proposed development. This includes: building height max 9m; minimum lot size 500m²; minimum lot width approximately 13m; and approximately 35% landscape area of dwelling site. In addition, the proposed subdivision includes a possible rear access to 'Stoneleigh', ensuring that the original access to the residence along Pennant Hills Road is retained.
3.7 Gardens, landscaping and fencing (i) To ensure the retention of gardens and other landscape elements that make an important contribution to the significance of a heritage site, the streetscape and the Shire generally. Development controls (a) Original garden elements including mature trees, gardens, shrubs, outbuildings, fences, stonework, pathways and other like features are to be identified and retained in any redevelopment. (b) The re-landscaping of a heritage site or the introduction of new garden features is to be based upon a thorough understanding of,	As noted in Section 3.2 the proposed subdivision will occur to a significant section of the rear of the heritage item and to the west of a retaining wall that demarcates changes in the landform (level to sloping) and landscape (planted versus grassed open space). As such, it will not implicate original garden elements within the curtilage of 'Stoneleigh' (Figure 3). As noted in 3.1(e) siting and design principles for new residences associated with the new subdivision have not yet been developed and, as such, are not addressed in

TABLE 1 : ASSESSMENT AGAINST DEVELOPMENT CONTROL PLAN

Planning objective/control	Assessment
and be sympathetic to the original garden setting and the significance of existing individual elements. (c) Where possible, existing fences that have been identified as significant or that contribute to the overall setting or character of a heritage site are to be retained or repaired, rather than replaced. (d) New fences should either match as closely as possible the original fencing, or if the original fence type is not known, it should specifically relate to the architectural character and period of the existing heritage building with respect to design, materials, colour and height. Old photographs or careful inspection of remaining fabric can often reveal the original fence type. (e) High, solid concrete or masonry fences constructed as sound barriers or for privacy should be avoided. Alternative measures to reduce traffic noise and protect privacy should be investigated, such as double-glazing, internal room layout and landscaping.	this SOHI with regard to fencing. It is noted, however, that concept plans (Figures 16-19) prepared by Design Cubicle provide an indicative layout of the proposed development.

6.2 Heritage Division questions

We are also required to address specific issues raised in the Heritage Division guidelines for the preparation of Statements of Heritage Impact. We address these in TABLE 3 below.

TABLE 2 : ASSESSMENT AGAINST HERITAGE DIVISION QUESTIONS

Question	Assessment
Subdivision	
How is the proposed curtilage allowed around the heritage item appropriate?	The proposed curtilage would retain all significant setbacks around the 1855 'Stoneleigh' residence and outbuildings, including the front setback and both side setbacks. The new rear (western) boundary will not affect the presentation of 'Stoneleigh', or impact on its relationship with Pennant Hills Road. It is noted that the proposed rear boundary, as the masonry retaining wall, is approximately 28 metres from the west facing verandah to the rear of 'Stoneleigh'.
Could future development that results from this subdivision compromise the significance of the heritage item? How has this been minimised?	Rappoport considers the retention of the masonry retaining wall, circulation spaces, outbuildings, gardens, trees and fencing associated with 'Stoneleigh' imperative. This generous area of open space will contribute to the retention of the significance of the heritage item.
Could future development that results from this subdivision affect views to, and from, the heritage item? How are negative impacts to be minimised.	Rappoport considers the retention of the masonry retaining wall, circulation spaces, outbuildings, gardens, trees and fencing associated with 'Stoneleigh' imperative. This generous area of open space will contribute to the retention of the street presentation and views.

6.3 Other issues

Additional matters are addressed below.

TABLE 3 : ASSESSMENT AGAINST OTHER ISSUES	
Question	Assessment
Is the historical use of the site maintained?	The historical use of 'Stoneleigh' as a family residence will be retained.
Are any significant views from, to or across the site views impacted?	Views to and vistas from 'Stoneleigh' from viewpoints along Pennant Hill Road will not be impacted on by the proposed subdivision. Rappoport considers that while the siting and design principles for new residences associated with the new subdivision have not yet been developed, concept plans (Figures 16-19) prepared by Design Cubicle provide an adequate indicative layout of the proposed development.

6.4 Summary

The NSW Heritage Office's 'Statement of Heritage Impact' guidelines require the following aspects of the proposal to be addressed.

TABLE 4 : ASSESSMENT OF GENERAL IMPACT	
Aspect	Assessment
Aspects of the proposal which respect or enhance the heritage significance of the item or conservation areas.	In our view it is recognised that the new boundary will not affect the presentation of 'Stoneleigh' or impact on its relationship with Pennant Hills Road.
Aspects of the proposal which could have detrimental impact on heritage significance.	In our view the proposed subdivision will not be detrimental to the known heritage values of 'Stoneleigh' and outbuildings.

7.0 CONCLUSION & RECOMMENDATIONS

7.1 Conclusion

In accordance with the observations made in Section 6 of this report, Rappoport is of the opinion that the proposed subdivision and rezoning of the development site which would involve the subdivision of the heritage item 'Stoneleigh' would be neutral to the significant section of the heritage site (encompassed in its 1855 residence, outbuildings, garden and masonry wall) as no heritage fabric would be affected and a generous curtilage would be retained around the primary house

7.2 Recommendations

As per the assessment made in this Statement of Heritage Impact, Rappoport recommends that Hills Shire Council considers the rezoning proposal and development application favourably.

8.0 SOURCES

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