



## **HERITAGE ISSUES IDENTIFICATION**

### **PLANNING PROPOSAL CHERRYBROOK GATEWAY REVISED REZONING & MASTERPLAN WEST PENNANT HILLS NSW 2125**

29 April 2016  
FINAL

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# **HERITAGE ISSUES IDENTIFICATION**

## **FOR REVISED CHERRYBROOK VILLAGE GATEWAY REZONING & MASTERPLAN, WEST PENNANT HILLS NSW**

### **1.0 INTRODUCTION**

This Statement of Heritage Impact has been prepared in accordance with the standard guidelines of the NSW Heritage Branch to accompany an application for masterplan and proposed works for an area of land within the suburb of Cherrybrook. The subject site comprises a number of allotments within the suburb of Cherrybrook. It is proposed to demolish a number of houses and construct a variety of medium density residential developments within the project site. Details of the Masterplan and proposed works have been prepared by Grimshaw, architects and urban designers.

### **1.1 Requirements for this Report**

A consortium of local residents and land owners are developing a Masterplan for a Cherrybrook Village site. The Masterplan proposes medium to high density residential development within an existing residential area in close proximity to the Cherrybrook Railway Station that is currently under construction.

### **1.2 Methodology**

A physical assessment of the site was undertaken in January 2014 and March 2015 to ascertain the heritage significance of the site and the impact the proposed works would have on the heritage items located within, and in the vicinity of, the study area.

### **1.3 Site Location**

The site is located within The Hills local government area. Castle Hill Road forms the boundary of two local government areas. The south-western side of Castle Hill Road is located within The Hills LGA while the north-eastern side of the road is located within the Hornsby LGA. The site is located in the north-western suburbs of greater Sydney – Castle Hill to the west, West Pennant Hills to the southeast and North Rocks to the south.

The subject site is bounded by Castle Hill Road to the northeast, Highs Road to the northwest, and Staley Court to the southeast. The following existing street addresses form part of the study site (see Figure 2):

- Nos 123, 125, 127, 129, 133, 135 and 137 Castle Hill Road;
- Nos, 1, 2, 3, 4, 5, 6, 7 and 9 Glenhope Road;
- 109 Castle Hill Road (off Staley Court);
- Lot 1 and Nos 18 and 18A Carioca Court; and
- Nos 3 and 5 Matthew Way.

Additional areas included within the Study Area (as of March 2015) are identified as follows:

- Site 2B1 – comprising Nos 6-8 Highs Road;



- Site 2C - comprising Nos 7, 9, 11, 13 and 15 Matthew Way;
- Site 2D1 – comprising Nos 10, 20, 22 and 24 Carioca Way;
- Site 2E1 – comprising No 117 Castle Hill Road;
- Site 2E3 – comprising Nos 6, 8, 10 and 12 Glenhope Road; and
- Site 2E4 – No 11 Glenhope Road.

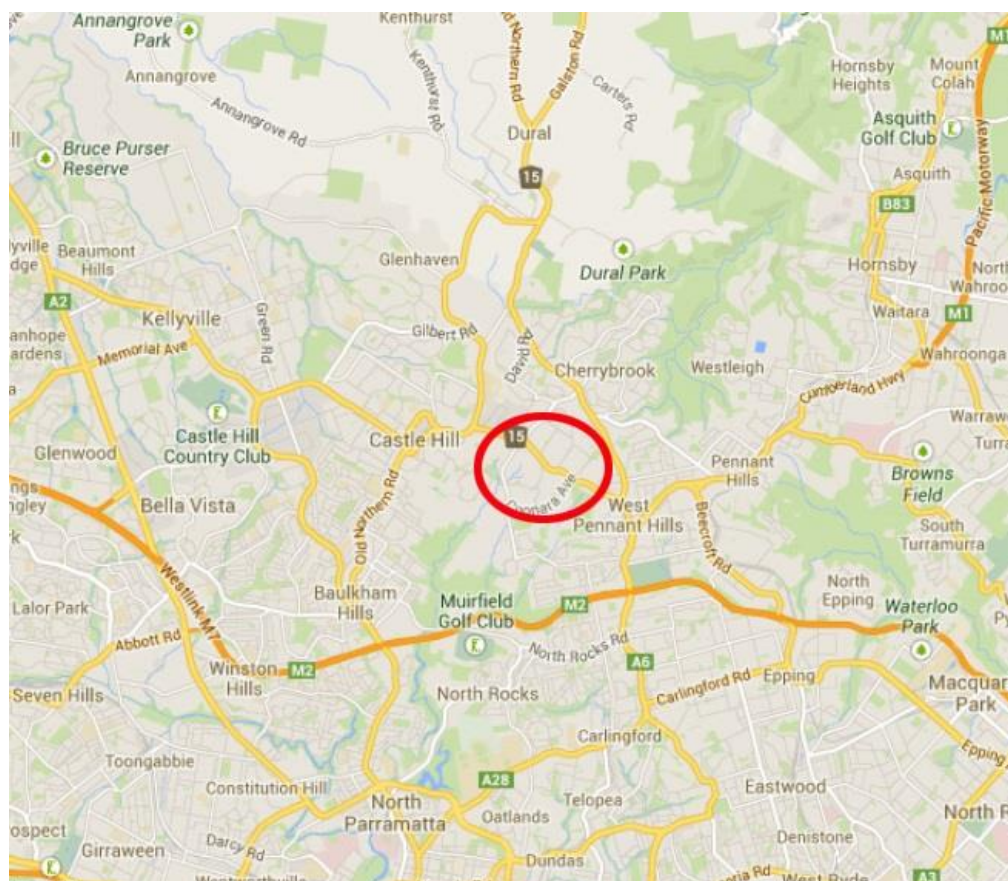


Figure 1 — Location plan showing the subject study area, within the north-western suburbs of Sydney, circled in red with the surrounding suburban context (Source: Google Maps)

In addition to the properties comprising The Cherrybrook Landowners Group, identified in the table over the page, the following properties form part of the Revised Masterplan:

REF	Property Address	Site Area	Lot Boundary
57	15 Staley Court, West Pennant Hills	478 m <sup>2</sup>	Lot 714 DP880259
58	17 Staley Court, West Pennant Hills	519 m <sup>2</sup>	Lot 714 DP880259
59	19 Staley Court, West Pennant Hills	458 m <sup>2</sup>	Lot 715 DP880259

### The Cherrybrook Landowners Group

REF	Property Address	Site Area	
1	1 Glenhope Road, West Pennant Hills	1621.0m <sup>2</sup>	Lot 8 DP 812775
2	2 Glenhope Road, West Pennant Hills	1977.0m <sup>2</sup>	Lot 1 DP 864230
3	3 Glenhope Road, West Pennant Hills	1117.0m <sup>2</sup>	Lot 11 DP 783295
4	4 Glenhope Road, West Pennant Hills	2068.0m <sup>2</sup>	Lot 2 DP 864230
5	5 Glenhope Road, West Pennant Hills	2400.0m <sup>2</sup>	Lot 201 DP 812859
6	7 Glenhope Road, West Pennant Hills	1683.0m <sup>2</sup>	Lot 201 DP 812859
7	9 Glenhope Road, West Pennant Hills	4021.0m <sup>2</sup>	Lot 92 DP 11118147
8	109 Castle Hill Road, West Pennant Hills	2258.0m <sup>2</sup>	Lot 1 DP 785672
9	117 Castle Hill Road, West Pennant Hills	2450.0m <sup>2</sup>	
10	123 Castle Hill Road, West Pennant Hills	1449.0m <sup>2</sup>	Lot 201 DP 812859
11	125 Castle Hill Road, West Pennant Hills	2479.0m <sup>2</sup>	Lot P DP 378655
12	127-129 Castle Hill Road, West Pennant Hills	4679.0m <sup>2</sup>	Lot 1001 DP 800162
13	131 Castle Hill Road, West Pennant Hills	2940.0m <sup>2</sup>	
14	133 Castle Hill Road, West Pennant Hills	4405.0m <sup>2</sup>	
15	135a Castle Hill Road, West Pennant Hills	2802.0m <sup>2</sup>	Lot 1012 DP878641
16	137 Castle Hill Road, West Pennant Hills	2392.0m <sup>2</sup>	Lot 2 Dp 220867
17	139 Castle Hill Road, West Pennant Hills	5002.0m <sup>2</sup>	
18	141a Castle Hill Road, West Pennant Hills	1736.0m <sup>2</sup>	
19	141b Castle Hill Road, West Pennant Hills	3397.0m <sup>2</sup>	
20	143a Castle Hill Road, West Pennant Hills	3847.0m <sup>2</sup>	
21	143b Castle Hill Road, West Pennant Hills	7000.0m <sup>2</sup>	
22	145a Castle Hill Road, West Pennant Hills	2080.0m <sup>2</sup>	
24	145b Castle Hill Road, West Pennant Hills	2116.0m <sup>2</sup>	
25	3 Matthew Way, West Pennant Hills	2161.0m <sup>2</sup>	Lot 27 DP 828183
26	5 Matthew Way, West Pennant Hills	3104.0m <sup>2</sup>	Lot 26 DP 8288183
27	15 Matthew Way, West Pennant Hills	3096.0m <sup>2</sup>	
28	6 Highs Road, West Pennant Hills	5905.0m <sup>2</sup>	
29	8 Highs Road, West Pennant Hills	6038.0m <sup>2</sup>	
30	10 Carioca Court, West Pennant Hills	1006.0m <sup>2</sup>	
31	12 Carioca Court, West Pennant Hills	1021.0m <sup>2</sup>	
32	16 Carioca Way	2060.0m <sup>2</sup>	
33	18 Carioca Way	2351.0m <sup>2</sup>	Lot 1001 DP 800162
34	20 Carioca Way	1741.0m <sup>2</sup>	
35	22 Carioca Way	1735.0m <sup>2</sup>	
36	24 Carioca Way	2211.0m <sup>2</sup>	
37	26 Carioca Way	2187.0m <sup>2</sup>	
TOTAL		100535.0m <sup>2</sup>	

### Sites Included into the Master plan only

REF	Property Address	Site Area	
40	111-113 Castle Hill Road, West Pennant Hills	2450.0m <sup>2</sup>	
41	115a+b Castle Hill Road, West Pennant Hills	5002.0m <sup>2</sup>	
42	10-12 Highs Road, West Pennant Hills	9683.0m <sup>2</sup>	Lot 41-45 DP 1076268
43	1 Matthew Way, West Pennant Hills	2970.0m <sup>2</sup>	
44	7 Matthew Way, West Pennant Hills	1479.0m <sup>2</sup>	
45	9 Matthew Way, West Pennant Hills	1420.0m <sup>2</sup>	
46	11 Matthew Way, West Pennant Hills	1389.0m <sup>2</sup>	
47	13 Matthew Way, West Pennant Hills	1471.0m <sup>2</sup>	
48	14 Carioca Way, West Pennant Hills	2307.0m <sup>2</sup>	
49	6 Glenhope Road, West Pennant Hills	1987.0m <sup>2</sup>	
50	8 Glenhope Road, West Pennant Hills	1970.0m <sup>2</sup>	
51	10 Glenhope Road, West Pennant Hills	2148.0m <sup>2</sup>	
52	12 Glenhope Road, West Pennant Hills	1730.0m <sup>2</sup>	
53	3 Woodleaf Close, West Pennant Hills	1438.0m <sup>2</sup>	
54	11 Willunga Place, West Pennant Hills	965.0m <sup>2</sup>	
55	13 Willunga Place, West Pennant Hills	982.0m <sup>2</sup>	
56	15 Willunga Place, West Pennant Hills	1111.0m <sup>2</sup>	
TOTAL		40502.0m <sup>2</sup>	

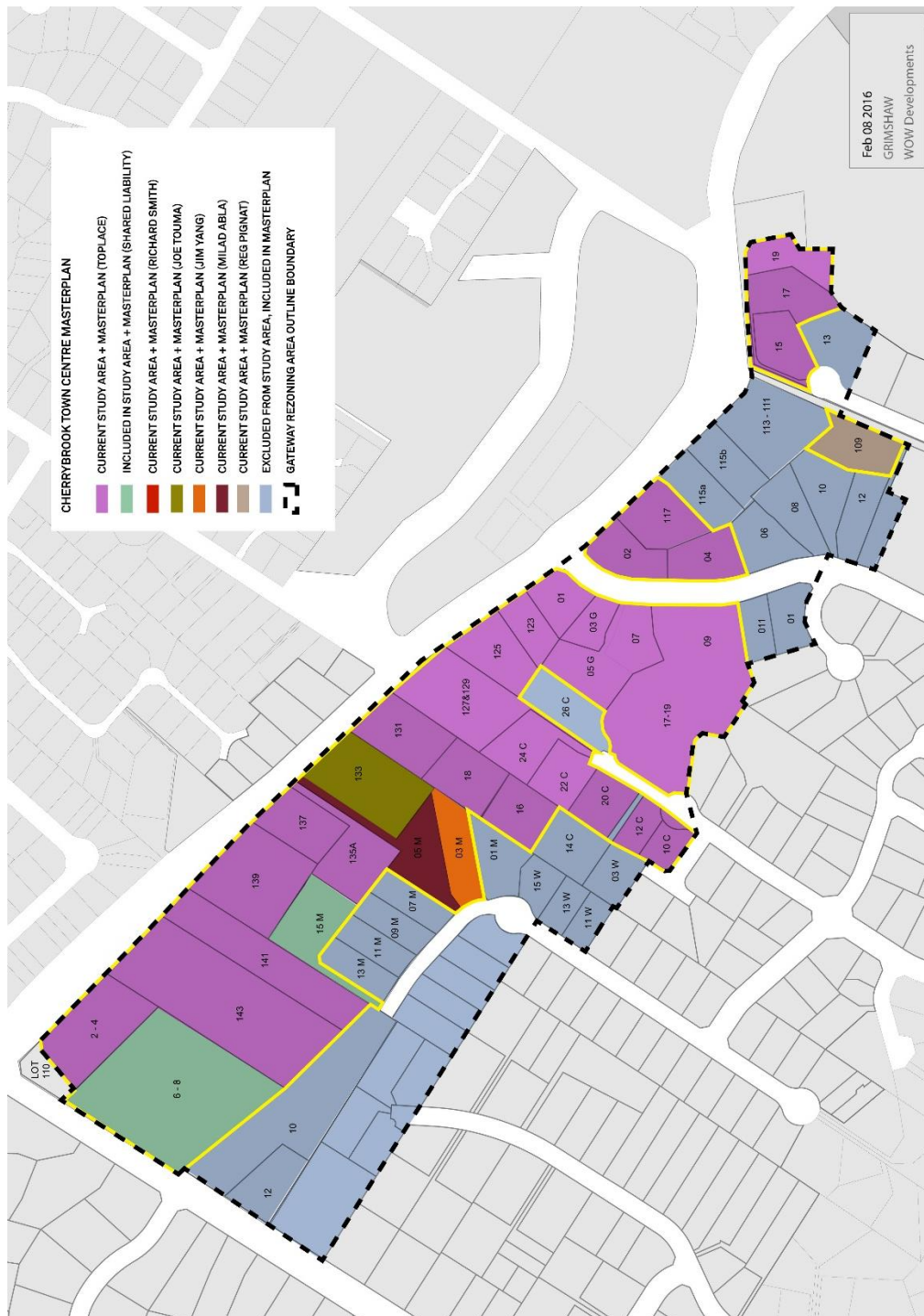


Figure 2 — Landowners Map showing the Revised Cherrybrook Village Masterplan study area for the Rezoning Application (Source: Grimshaw Architects, February 2016)



## 1.4 Heritage Listings

Heritage items are protected by statutory listing in *The Hills Local Environmental Plan 2012*, Schedule 5 Environmental heritage, Part 1 Heritage items. The following heritage item is located within the subject site:

- “Dunrath”, 139 Castle Hill Road, West Pennant Hills (Lot 1, DP 220867) – Local significance - Item No: I198.

In addition, the following heritage item is located in close proximity to the study area:

- “Glenhope”, 113 Castle Hill Road, West Pennant Hills (Lot 7, DP 1012463) – Local significance - Item No: I197.

The following are listed in the following statutory list - *The Hills Local Environmental Plan 2012*, Schedule 5 Environmental heritage, Part 3 Archaeological sites and are located in close proximity:

- Cumberland State Forest, Bellamy Quarry and Sawpit, 89–97 Castle Hill Road, West Pennant Hills (Lots 1–7 and 15–17, DP 11133; Lot 1, DP 343971; Lot 1, DP 338977 and Lot 1, DP 337618) – Local significance - Item No: A26.

The location of these heritage items and conservation area is shown in Heritage Map 24 (Sheet HER\_024) - see Figure 3.

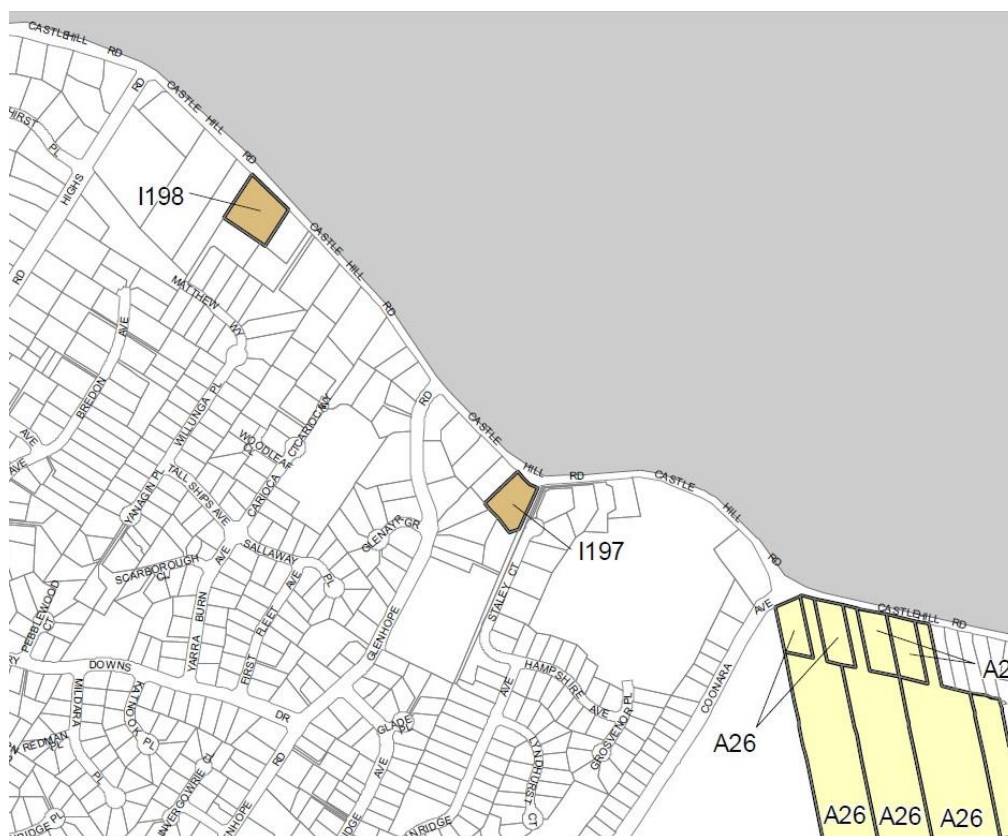


Figure 3 — Location plan showing the heritage items shown in brown and the archaeological item (A26) is shown in yellow (Source: *The Hills LEP 2012*, Heritage Map 24, Sheet HER\_024)

## 1.5 Heritage Significance – “Glenhope”, 113 Castle Hill Road

No statement of significance is provided on the Heritage Branch Inventory for either of the heritage items that form part of the study area.

### **Statement of Significance**

The following statement of significance is taken from the Australian Heritage Database for Glenhope and Grounds, 113 Castle Hill Rd, West Pennant Hills (Place ID 14095):

*Glenhope is an excellent, intact early Federation Queen Anne mansion which is characteristic of its type. It is particularly important for its retained internal finishes and details, which exhibit new trends in late nineteenth century interior decorating. Its prominent location, remnant garden features and mature trees give Glenhope an outstanding setting which is a rare survival in the area.*

### **Description**

The following describes “Glenhope” and Grounds, 113 Castle Hill Rd, West Pennant Hills:

Originally built c 1895-96 for EP Heron, the house was purchased in 1912 by F Salisbury, a citrus orchardist. “Glenhope” is a large two storey early Federation Queen Anne mansion, typically asymmetrical and constructed of tuck pointed red brick with timber trim to the balcony, gables and joinery generally. It has a hipped and gabled terracotta tiled roof with half-timbered gable facades, tall chimneys and an octagonal turret. Coloured glass is used extensively in doors and windows. Internally many original features are intact, including wallpaper, matching frieze, paint finishes and carpet in the drawing room and stencilled paint frieze in the entry and stair lobby. While the Grounds have been much reduced since 1895 many original landscaping features remain including a number of mature trees (firs, pines and palms). Located on the crest of a ridge, the house commands extensive views from the south to the north-west.



Figure 4 — Aerial view of the subject site showing the heritage item of “Glenhope” outlined in red. The principal elevation of the residence, together with verandahs and turret are located on the southwest and west elevations looking towards the valley (Source: NSW Land & Property Information, SIX Maps)





Figure 5 — “Glenhope” (formerly known as Castlefield) undated (post-1895) showing the principal elevation of the residence. This elevation looked down to the orchards in the valley (Source: Reproduced in John McClymont, *Pictorial History of Baulkham Hills Shire*, p127)



Figure 6 — 1943 Aerial showing the residence and gardens of the heritage item of “Glenhope” outlined in red within a rural orcharding context. By 1943, a number of mature trees are evident in the residential gardens south and southwest of the two-storey house (Source: NSW Land & Property Information, SIX Maps)



## 1.6 Heritage Significance - “Dunrath”, 139 Castle Hill Road

The following statement of significance is taken from The Hills Heritage Inventory Sheet (Sheet I197).

### **History**

*Building material came from Llandudno, a house constructed in Bellevue Hill c1850. The house was purchased by Captain Francis De Groot in 1939, demolished and the materials used to build Dunrath at West Pennant Hills. It was named after his birthplace in Ireland. In 1963 the house was purchased by Sir William Dobell who lived there for only one year, but owned the house until 1970. The house was subject to decay and vandalism but has now been renovated.*

### **Description**

The residence is a large single-storey stone residence with Victorian style gables. Unusual windows and doors of generous proportions have small panes and are possibly from an earlier residence. An attic is in the projecting wings at the front. Later additions are located at the rear of the house, as well as a stone pool cabana and 3-car stone garage.

### **Summary Statement of Significance**

The following statement of significance is taken from the Heritage Inventory Sheet (Sheet I198):

*Of historic significance for its association with de Groot and Dobell and for its demonstration of reuse of valuable building materials at a time when building materials were scarce.*



Figure 7 — Aerial view of the subject site showing the heritage item of “Dunrath” outlined in red. The residence has extensive gardens with mature tree plantings that screen the house from views to the valley (Source: NSW Land & Property Information, SIX Maps)



*Figure 8 — 1943 Aerial showing the heritage item of “Dunrath” outlined in red within a rural orcharding context (Source: NSW Land & Property Information, SIX Maps)*

## 1.7 Authorship

The following NBRS+PARTNERS, Architects, heritage personnel prepared this heritage documentation: Lynette Gurr, Senior Heritage Consultant, prepared this Statement of Heritage Impact; Léonie Masson, Historian, prepared the historic overview; and Robert Staas, Associate Director / Heritage Consultant, provided project overview.

## **2.0 HISTORIC OVERVIEW**

### **2.1 Pre-European History**

The following history of Aboriginal people is reproduced in its entirety from EMM (EMGA Mitchell McLennan Planning + Environment + Acoustics), *Archaeological Assessment and Research Design Cherrybrook Station North West Rail Link*, prepared for Baulderstone Pty Ltd, 28 June 2013, p9:

*The majority of information about the social and cultural structure of Aboriginal society before contact with new settlers comes from accounts made by Europeans. These accounts and observations were made after massive social disruption due to disease and displacement. As a result, this information is often contentious, particularly in relation to language area boundaries. The discussion below is based on information obtained from early settlers and explorers in the Castle Hill area.*

*The dominant Aboriginal language group for the study area was the Darug (hinterland) (according to Attenbrow 2010 p.34). Their territory extended from the mouth of the Hawkesbury River inland to Mount Victoria, Campbelltown and Liverpool (Tindale 1974). The surrounding landscape, including the Hawkesbury River, would have yielded freshwater and freshwater fish, crustaceans and shellfish. Men and women fished, women hunted small animals such as lizards and snakes while men hunted the larger animals such as kangaroos (GML 2012c, Hornsby Shire Council 2013). This diet was supplemented by edible flowers and plant roots, honey, berries and fruits. Suitable stone for manufacture of stone tools occurs across the Cumberland Plain. The closest raw material would have been the silcrete of the St Mary's formation at Plumpton Ridge, Eastern Creek and Marsden Park (GML 2012cp.13).*

*The Aboriginal cultural heritage issues onsite have been addressed in GML 2012c.*

### **2.2 Government Grounds and Castle Hill**

Anxious to make the fledgling colony self-supporting, Governor King decided to set up a government farm at Castle Hill in 1801 in addition to the already existing farm at Toongabbie. This new Crown Reserve encompassed 34,539 acres covering a large section of present day Castle Hill and extending north towards Glenorie and Dural<sup>1</sup> which is named 'Government Grounds' in plan shown at Figure 9 and Figure 10. By 1802, the convicts, over 300 men, had made considerable progress in clearing the ground and in a letter addressed to Sir Joseph Banks, dated 5 July 1802, Governor King stated:

*I have begun a new settlement eight miles to the northward of Parramatta, which is doing extremely well. The country and soil is well adapted for cultivation and grazing, and extends equally as well as far as the Hawkesbury.<sup>2</sup>*

By 1803, 300 acres had been cleared ready to sow with wheat, and a stone barrack for the convicts had been commenced. By 1804, 700 acres had been cleared and the barracks completed. The farm was such a success that in December 1804 Governor King reported that the stacks contained 16,000 bushels of wheat.

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<sup>1</sup> Jervis J., 'The Beginnings of the Settlement in the Parish of Castle Hill', *RAHSJ* Vol XV, 1929, p229.

<sup>2</sup> Ibid.





Figure 9 — A new plan of the settlements in New South Wales, taken by order of Government / John Booth, published in London 1810. The Government Grounds is marked as 'E' and coloured green on this plan and indicated with an arrow. (Source: State Library of New South Wales, Z/Cb 81/5)

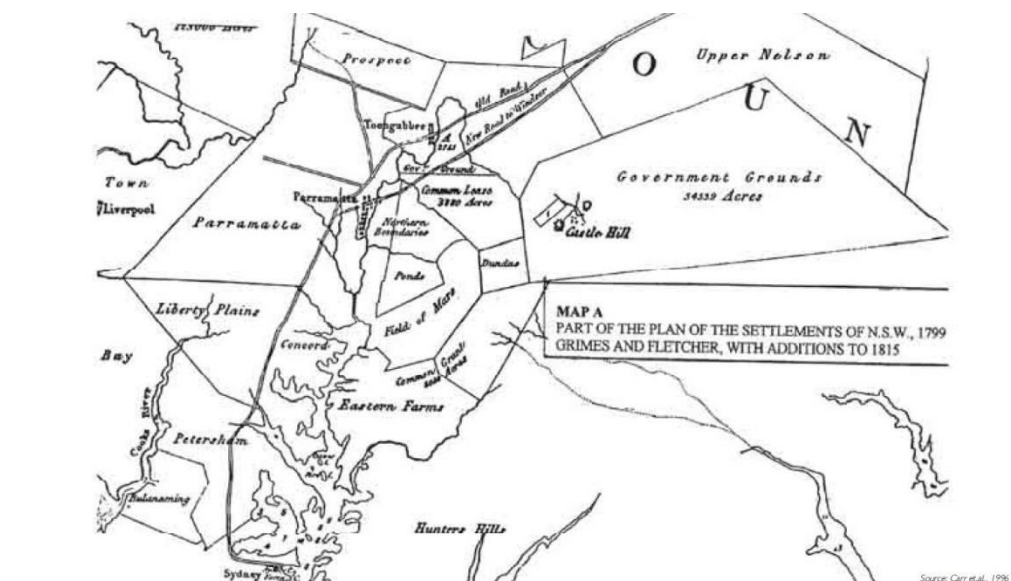


Figure 10 — Part of the Plan of Settlements of NSW, 1799, Grimes and Fletcher, with additions to 1815. (Source: Reproduced in EMM, Archaeological assessment and research design Cherrybrook Station North West Rail Link 2013, Figure 2.1, p10)

When the French naturalist, Peron, visited the site around this time he described it as “*an infant town consisting of a dozen houses and vast tracts of cultivated land*.”<sup>3</sup> It was also at this time that the site was first referred to as Castle Hill.

Peak production came around 1807 with the farm containing one hundred and fifty acres of wheat, 16 acres of barley and oats and 212 acres prepared for maize. Grape vines were also planted but these were not a success.

This initial success was not to continue. From 1805, severe attacks of rust began to affect the crops. By 1809, the area cultivated had declined to 100 acres and the land was said to be worn out.<sup>4</sup> Visitors to the area commented on the dilapidated state of the buildings. The farm became uneconomic to run and it was closed down in 1811 by Governor Macquarie.

In 1801, a road developed from the Hawkesbury Road to connect the Toongabbie and Castle Hill Government Farms and to give access to the private farms located in that area. From Toongabbie to Baulkham Hills, the road was called Toongabbie Road (now Junction Road), and from Baulkham Hills to Castle Hill it was called Castle Hill Road (now Old Northern Road).

The first free European settler at Castle Hill was a Frenchman of noble birth, Baron de Clambe. He had arrived in NSW towards the end of 1801 and was allowed to select land at Castle Hill within the Government Reserve. De Clambe had been Captain of a French regiment taken captive by the British and following his release decided to emigrate to NSW. He experimented with growing cotton and coffee at Castle Hill but lived his life as a recluse void of luxuries. His house was robbed in both the minor convict outbreak in 1803 and the major outbreak in 1804 where 400 convicts from Castle Hill faced a mixed force of the NSW Corps. This battle became known as the Battle of Vinegar Hill and was the first battle in colonial Australian history.

De Clambe’s farm was known as “The Hermitage” and contained 114 acres, part of which was the land relating to this study. In an article in the *Sydney Gazette* on 24 July 1804, the property is described as follows:

*...excellent farm known by the name of the Hermitage containing one hundred and fourteen acres, of which fifty are cleared, eleven and a half under wheat and three laid out in a garden well stocked with fruit trees and vegetables. On the premises there is a small dwelling house, barn etc.*

In 1804, De Clambe died suddenly and his land reverted to the Crown to be re-granted when the Crown Reserve was thrown open in 1818.

Following the closure of the Government Farm, the old barn was re-roofed and converted into an asylum for the reception of convict lunatics with the first superintendent being Rev. Samuel Marsden.<sup>5</sup> This venture was short lived as by 1828 the asylum had become run down and it was decided to remove the patients to Liverpool. The Government Farm was then transferred to the

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<sup>3</sup>Loc cit., p231.

<sup>4</sup>*Heritage Park Plan of Management and Conservation Strategy Castle Hill for Baulkham Hills Shire Council*, May 1991, Section 3 Historical Context by Wendy Thorpe.

<sup>5</sup>Jervis J., op.cit. p234.

Church and Schools Land Corporation as part of the foundation established to support public education.

The new road from Castle Hill to Dural was marked out in 1817 and the road connecting Castle Hill to Pennant Hills was surveyed by James Meehan when he was marking out grants in the locality in October 1816, though it is believed to have been in existence from 1802. The original Old Windsor Road which forms the southwest boundary of the Parish of Castle Hill was constructed in 1794.

In 1818, the Government decided to release the Crown Reserve that had been the government farm site and the land was taken up by 1823 excepting 21 acres which was eventually released in 1865. Before 1822, 22 acres of the Crown Reserve were set aside surrounding the asylum as a town reserve. The following year, all but 165 acres had been taken up. This excluded the 200 acres surrounding the asylum set aside for the Church and School Lands Corporation.

The census of 1851 shows the population of the parish as four hundred and thirty six persons and the number of houses as eighty-seven showing the slow progress of the area.<sup>6</sup>

Most of the early pioneers in the West Pennant Hills / Castle Hill area were farmers on a small scale with most land grants being between 50 and 150 acres. Only a few acquired wealth. The staple industry in the area during the early years of the nineteenth century was wheat growing but crops were frequently ruined by attacks of blight and rust. When the Darling Mills were established at North Parramatta in 1825 the wheat of the district was ground into flour at that establishment.

George Suttor's success as an orchardist induced other settlers to plant trees and soon the district became noted for its orangeries.<sup>7</sup> The land continued to be utilised for orchards and small farms during the early part of the twentieth century. Pennant Hills was described in 1902 as "one of the most charming and salubrious fruit-growing districts of the country of Cumberland". 'St Magnus' continues: "the orchards are well kept, and the dwellings are clean, elegant and costly and the people prosperous and refined".<sup>8</sup>

During the 1940s and 50s, much land in the study area was subdivided and taken up by investors and householders. By 1960, most of the old orchards had been removed as they had become economically unviable and were taken over for extensive residential development.

### 2.3 History of the Study Site

The land relating to this study forms part of three land grants, each of 50 acres fronting Castle Hill Road granted to Daniel Jedd (Jurd), Robert Allan and John Delaney on 13 January 1818 (Portions 38, 39 and 40). The present street pattern and residential development within the study area has resulted from a convoluted and complicated subdivision and re-subdivision of allotments via successive owners. Figure 11 illustrates the land grants

<sup>6</sup> J.M.Brownrigg's map of the Parish of Castle Hill 1856.

<sup>7</sup> Jervis J., 'The Beginnings of the Settlement in the Parish of Castle Hill', *RAHSJ* Vol XV, 1929, p256

<sup>8</sup> "Pennant Hills, Splendid orchards with the finest fruits", *Australian Town and Country Journal*, 3 December 1902, p27.



relevant to the study; this plan does not indicate usage of the land. The following plan at Figure 12 shows part of Portions 38 and 39 in more detail and indicating part of William Henry Allan's farm with orchard and house at the far southern end of the property. As this plan is more particularly interested in the land near Highs Road and its proposed southerly extension, it does not show any specific buildings or orchards towards the Castle Hill Road frontages of the allotments. A slightly later survey of Castle Hill Road (then Pennant Hills Road), dating to 1893, has notations on Portion 39 (Allan) for orchards, while Portion 38 (Jedd, now Black) is apparently undeveloped and is labelled 'grass land'. The 1943 aerial (Figure 15) shows most of the study site comprising orchards.



Figure 11 — Extract from Plan of a connection survey shewing part of the Pennant Hills Road. Date of survey 15 to 31 September 1883. The study site comprises part of the land grants to D Jedd, R Allan and J Delaney. (Source: NSW Land & Property Information, Crown Plan 30-440)

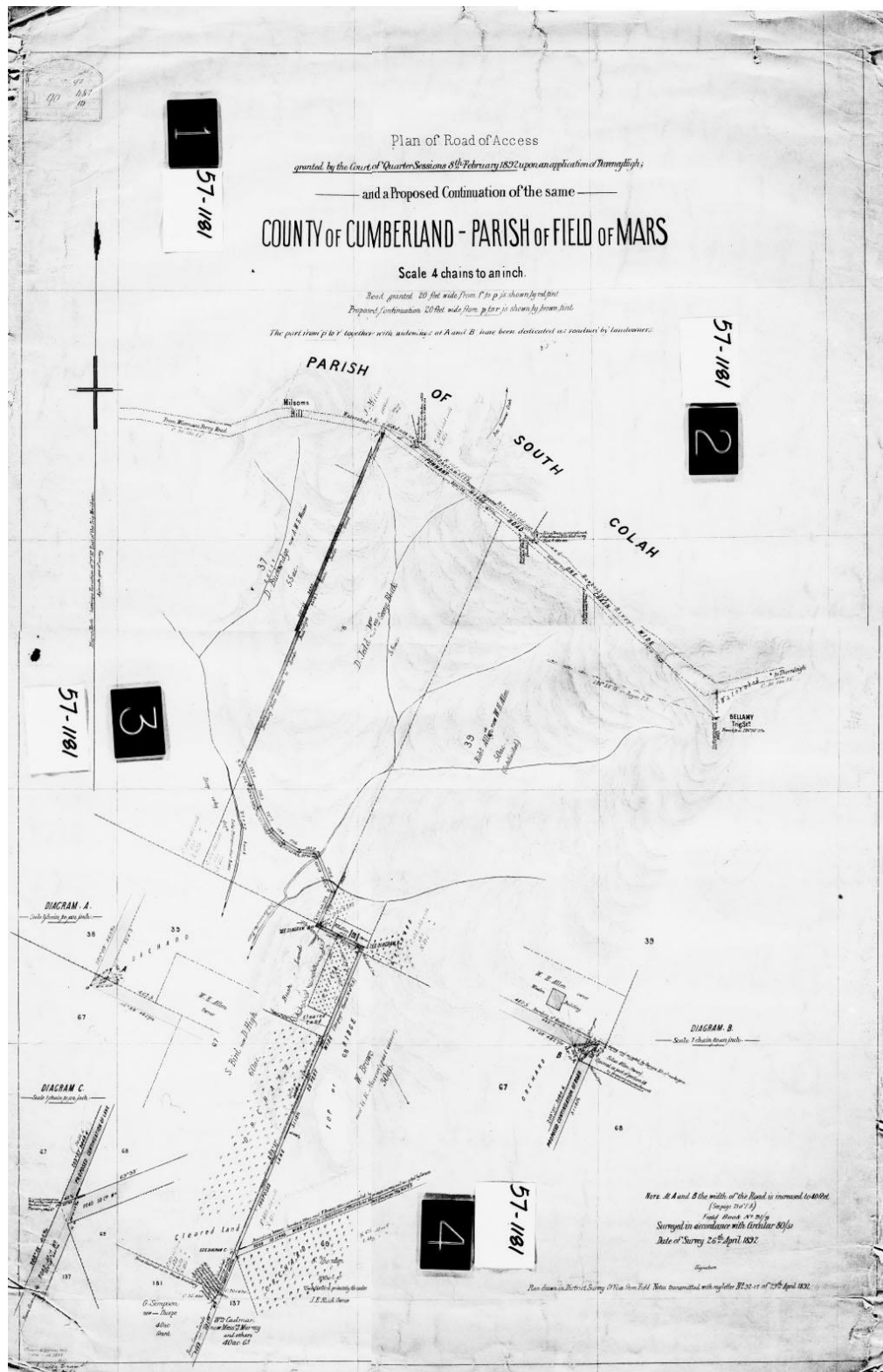


Figure 12 — Plan of Road of Access...and a Proposed Continuation of the same County of Cumberland, Parish of Field of Mars, 1892. Current ownership and occupancy of portions. Note orchards and buildings on the boundary of Jedd and Allan land grants at the southern extent of Highs Road. (Source: NSW Land & Property Information, Crown Plan 57-1181)



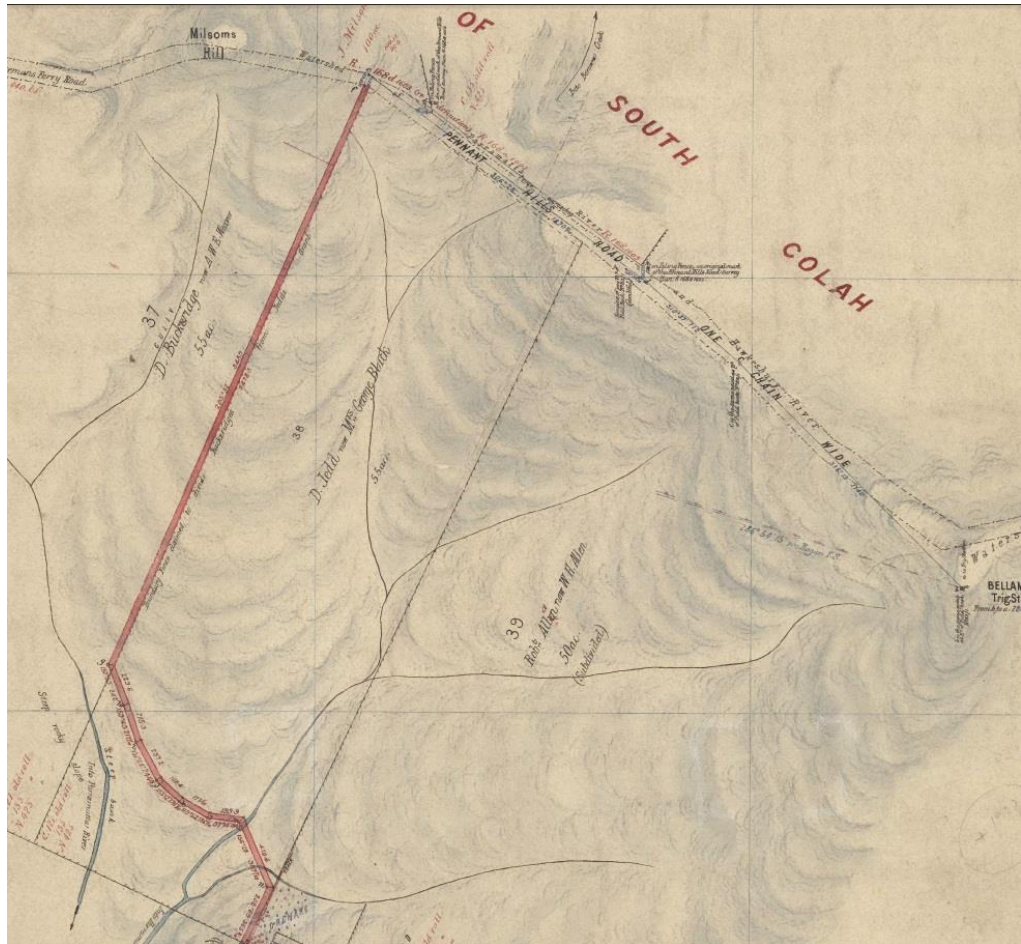


Figure 13 — Extract from Plan of Road Access granted by the Court of Quarter Sessions 8<sup>th</sup> February 1892 upon an application by Daveney High; and a proposed continuation of the same. The road is coloured red thereon being the present named Higs Road. (Source: NSW Land & Property Information, Crown Plan 57-1181R)

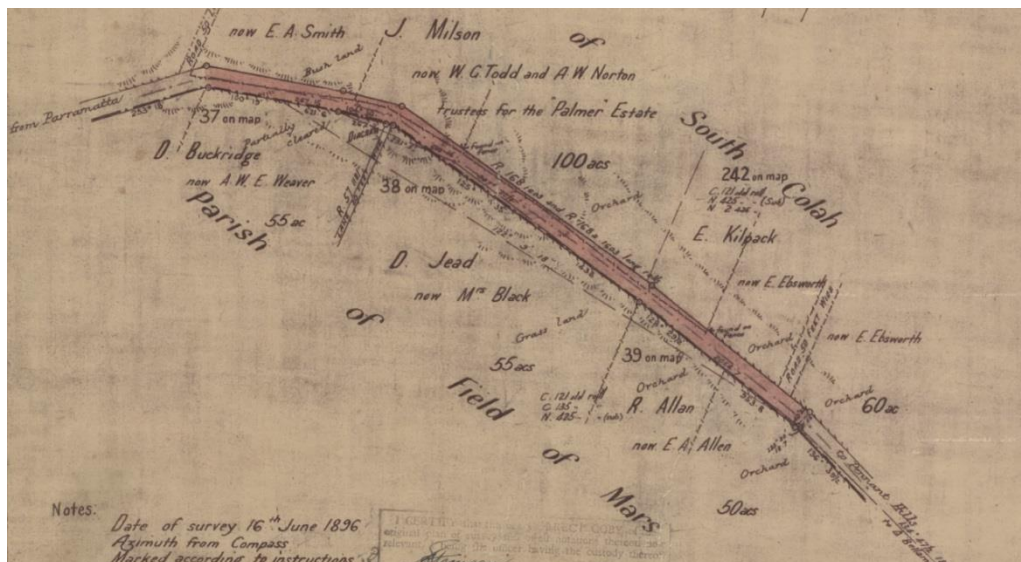


Figure 14 — Plan shewing re-definition of a part of the Pennant Hills Road, 1896. Note that Allan's land grant is marked as 'orchard' whereas adjoining land grant of Jead [sic] is noted as 'grass land'. (Source: NSW Land & Property Information, Crown Plan R168D-1603R)



*Figure 15 — Extract from 1943 aerial of Sydney showing land grant portions relevant to the study site. From right to left: Portion 38 outlined and shaded in pink; Portion 39 divided into the three parts (blue, green and purple); and Portion 40 granted to Delaney shaded yellow. (Source: NSW Land & Property Information, SIX Maps)*



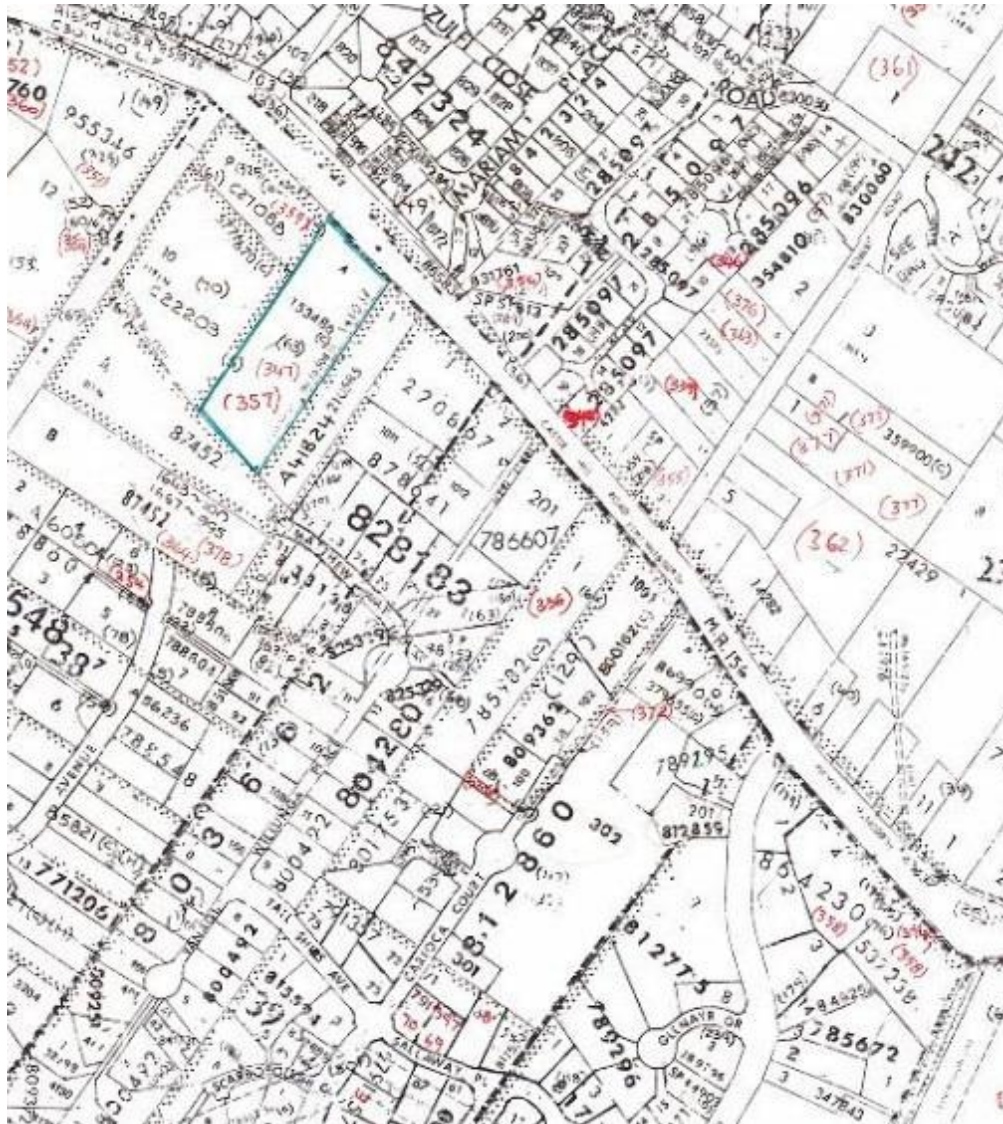


Figure 16 — Extract from CMA Sheet U0060-1 comprising study area. Note the complex street patterns and variety of residential blocks which have resulted from successive subdivision and re-subdivision, especially since the 1940s. (Source: NSW Land & Property Information, HLRV)

## 2.4 Portion 38

Daniel Jedd (usually known as Daniel Jurd or Judd) was one of 272 convicts transported on the *Perseus* and *Coromandel*, arriving in the Colony on January 1802. Following his marriage to Elizabeth Douglas at St Matthews Church of England, Windsor on 28 September 1812, he settled in Pitt Town and had nine children (six boys and three girls). He was granted 50 acres of land situated in the district of Castle Hill (portion 38 of the Parish of Field of Mars) in 1818. He died on 17 August 1833 leaving Elizabeth with nine children.

The land grant near Castle Hill remained the property of the Jurd family until 1886 when it was sold to Mary Ann Black.<sup>9</sup> *Mary was the wife of George Purves Black and both she and her husband held a publican's licence for various inns in the Wollombi- area and never occupied the property at*

<sup>9</sup> Primary Application 34011, NSW Land & Property Information.

*Pennant Hills. After George died, Mary became the publican at the Travellers' Rest Inn, Wollombi and the 'River Inn', Wisemans Ferry. She retired from this life in 1893 and died in her cottage at Wisemans Ferry in 1922 aged 82. Mrs George Black is named as the owner of portion 38 on the 1892 survey of Pennant Hills Road (Figure 12). A survey of the Pennant Hills Road, three years later, indicates this portion as 'grass land' (Figure 14).*

Emmeline Frances Byrnes and Marian Boyce Byrnes and James Manning Byrnes, trustees of the will of the Honourable William Byrnes, late of Parramatta, exercised their power of sale of the property in November 1899 to Alfred Henry Black for the sum of £650. Prior to the death of the Honourable William Byrnes in 1891 he had lent the sum of £1000 (mortgage) to Mary Ann Black in 1888 and the Trustees of his will honoured the mortgage in 1892; she however defaulted on the loan at the height of the 1890s depression.

According to the 1907-09 Rate Book, portion 38, comprising 55 acres, was owned by Alfred Henry Black, c/- Telegraph Office, 155 William Street Sydney. The unimproved capital value and improved capital value were identically valued at £900, indicating the land was undeveloped.

Black sold the property in 1917 to Emily Naish. She contracted with Ashley Hilson Burwood in 1929 to sell the land, but, probably owing to the Great Depression, Burwood assigned the property to Beatrice Mary Rigby in 1932 for the sum of £2100.<sup>10</sup> Rigby simultaneously subdivided the 55 acres into eleven allotments as shown in Miscellaneous Plan of Subdivision (Old System) 585 (Figure 17).<sup>11</sup> Lots 1, 2, 3 and 4 of this subdivision relevant to the study site are shown shaded yellow thereon.

#### **2.4.1 145 Castle Hill Road and 6-8 Highs Road**

145 Castle Hill Road and 6-8 Highs Road are located on part of Lot 1 of Miscellaneous Plan of Subdivision (OS) 585. Rigby sold this allotment in January 1936 to Sarah Hudson Reece of Castle Hill for £145.<sup>12</sup> The lot at this date comprised four acres and three and three quarter perches of land. The Lot was subdivided into two parcels in 1975.

A further subdivision of the 1975 allotment upon which stands 145 Castle Hill Road occurred in 2001 creating the present allotment and a smaller corner allotment (this last portion of land is not contained within the study area); it is presumed 145 Castle Hill Road was erected at an earlier date. The following year this land was converted to Torrens title which post-dates the initial subdivision of this portion of Lot 1 which occurred in 1975 and was re-subdivided in 1998.

6-8 Highs Road was converted to Torrens title in 2002.

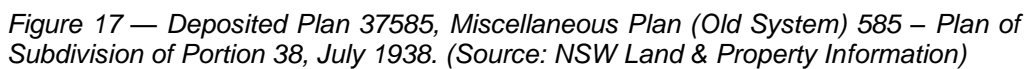
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<sup>10</sup> Old System Deed Bk 1636 No 344, NSW Land & Property Information.

<sup>11</sup> Deposited Plan 37585, NSW Land & Property Information.

<sup>12</sup> Old System Deed Bk 1746 No 447, NSW Land & Property Information.





### 2.4.2 141 and 143 Castle Hill Road

**Lot 2** was sold in August 1936 to Matthew John Morrissey of Parramatta for £220.<sup>13</sup> He promptly re-subdivided the allotment into two as Lots A and B in DP 153486.<sup>14</sup> 141 and 143 Castle Hill Road are presently located on this land.

Morrissey sold Lot A (**143 Castle Hill Road**) in 1953 to Lewis Moncrieff Voysey and Eva Voysey of Rose Bay and it is presumed that the house was erected shortly after as they are listed in Castle Hill Road in the 1958 electoral roll. According to the 1962 electoral roll the Voyseys were living in a house called “Yaramba” in Castle Hill Road. They conveyed the property in 2000 to the McMillan Unit Trust for \$965,000<sup>15</sup>

Lot B (the site of **141 Castle Hill Road**) was registered in 1962 as DP 210585. At this date the land was owned by Shaston Pty Limited which company promptly erected a house thereon. The property was sold in 1987 to Maurice Roy Joseph and Isabelle May Joseph.<sup>16</sup>

### 2.4.3 10, 12 and 14-16 Highs Road and 24, 26, 81 and 83 Bredon Avenue

All of the above named addresses are located on **Lot 4** in Miscellaneous Plan of Subdivision (OS) 585. Beatrice Mary Rigby conveyed that allotment in mid-1933 to Giovanni De Rocco of Castle Hill, farmer for the sum of £3000.<sup>17</sup> De Rocco established a farm on Lot 4 soon after purchasing the land and is noted as the owner and occupied of this land in a 1939 plan of adjoining Lot 3 in Miscellaneous Plan (OS) 585 and being DP 84011. He subsequently re-subdivided Lot 4 into Lots A and Lot B (Registered Plan 6834).

De Rocco sold Lot A in April 1949 to Barbara Markell Cooper for the sum of £1505.<sup>18</sup> They established the “Warilda Stud” upon this land, being 10 Highs Road. The Coopers are listed at Warilda, Highs Road in the 1949 Electoral Roll. The allotment was re-subdivided into two in 2004 to form Lots 41 and 42 DP 1076268 which comprises 12 and 10 Highs Road respectively. 12 Highs Road was presumably erected at this date.

The four houses in Bredon Avenue (Nos 24, 26, 81 and 83) were formed from a re-subdivision of Lot A in 2005 though the present Deposited Plan for the even and odd numbered pairs were registered in 2009 and 2011 respectively.

De Rocco sold Lot B in April 1949 to Charles Oswald James of West Pennant Hills, orchardist for the sum of £530.<sup>19</sup> That allotment was sold in 1951 (in conjunction with Lot 5 in Miscellaneous Plan (OS) 585 to Margaret Cromarty Choat for £5250.<sup>20</sup> She in turn conveyed a half share to her husband Adrian Mostyn Cromarty in 1961 for £2000.<sup>21</sup> The Choats are accordingly listed in the electoral rolls commencing in 1954 at “Kywong, Highs Road” (8 Highs Road).

<sup>13</sup> Old System Deed Bk 1757 No 921, NSW Land & Property Information.

<sup>14</sup> Miscellaneous Plan of Subdivision (Old System) 3486, NSW Land & Property Information.

<sup>15</sup> Old System Deed Bk 4262 No 64, NSW Land & Property Information.

<sup>16</sup> Certificate of Title Vol 9186 Fol 135, NSW Land & Property Information.

<sup>17</sup> Old System Deed Bk 1667 No 995, NSW Land & Property Information.

<sup>18</sup> Old System Deed Bk 2082 No 886, NSW Land & Property Information.

<sup>19</sup> Old System Deed Bk 2083 No 198, NSW Land & Property Information.

<sup>20</sup> Old System Deed Bk 2170 No 327, NSW Land & Property Information.

<sup>21</sup> Old System Deed Bk 2573 No 201, NSW Land & Property Information.

The Choats owned and occupied the property until 1971 when it was sold to Bede William Ireland and Lois Gwen Ireland of Condell Park.<sup>22</sup>

#### 2.4.4 139 Castle Hill Road - 'Dunrath' (formerly 'Llandudno')

Beatrice Mary Rigby sold Lot 3 of Miscellaneous Plan of Subdivision (OS) 585, comprising four acres one rood and eleven perches of land to Gordon Holdsworth Musgrave in August 1937 for the sum of £250.<sup>23</sup> In March 1939, Musgrave conveyed the allotment to Francis Edward de Groot<sup>24</sup> who simultaneously converted the land to Torrens title by Primary Application 34011 forming DP 84011. De Groot also tendered successfully to purchase *Llandudno*, a circa 1864 sandstone residence at the corner of Old South Head Road and Bellevue Hill Road, Bellevue Hill. This house was painstakingly dismantled and transported to West Pennant Hills where it was re-erected with the rear facing Castle Hill Road. The house (located with a current address at 139 Castle Hill Road) was re-named *Dunrath*, after the Irish castle south of Dublin.

The De Groot's lived in *Dunrath* until 1949 when it was sold to Ron R Beck Pty Ltd in October. The De Groots returned to Ireland in 1950. Ron Beck was a "radio entertainer well known for the Atlantic Shows and also subsequently involved in television in Melbourne".<sup>25</sup> In 1951, the property was subsequently vested in the name of Ronald Richard Beck of West Pennant Hills, company director.

**CASTLE HILL**  
**Gentleman's Colonial Style Residence**  
**"DUNRATH," CASTLE HILL ROAD**  
**Beautiful Panoramic Views**

THIS LOVELY HOME, offered with VACANT POSSESSION, occupies a magnificent dress circle position with sweeping views extending to The Gib at Bowral, a picture by day and a fairyland by night. Beautifully constructed of Stone, this Home was originally transferred from Bellevue Hill to its present site by Major de Groot. The woodwork is of Cedar and having Tallowwood floors.

ACCOM. comprises LOUNGE (53ft x 16ft), with 2 open F.P.s. 3 MAIN BEDRMS., with indiv. TILED BATHRMS., SEP. QTRS. and MAID'S QTRS., with OWN BATHROOMS, DINING-RM., Kitch., Laundry, Servery, Study, AGA STOVE, H.W.S., GARAGE and Coke House.

THE GROUNDS, COMPRISING 5 ACRES are beautifully laid out with lawns, rose gardens, fruit trees, and numerous shrubs, as well as natural trees, and with agricultural drains throughout.

**INSPECTIONS INVITED BY APPOINTMENT**  
**DURING WEEK-ENDS PHONE UW2342.**  
Solicitors: **NORTON SMITH & CO.**

Figure 18 — Auction sale advertisement for Dunrath (Source: Sydney Morning Herald, 19 July 1952, p26)

<sup>22</sup> Old System Deed Bk 3008 No 392, NSW Land & Property Information.

<sup>23</sup> Old System Deed Bk 1789 No 246, NSW Land & Property Information.

<sup>24</sup> Certificates of Title Vol 1789 Fol 246 and Vol 1841 Fol 302, NSW Land & Property Information.

<sup>25</sup> Moore, Andrew, Francis de Groot: Irish Fascist, Australian Legend, Federation Press, 2005, p81.

The Becks lived here until 1963 when it was sold by auction to artist, Sir William Dobell. The property was re-subdivided in 1964 (in conjunction with part of portion 39) into several allotments (DP 220867).

During Dobell's ownership, *Dunrath* fell into disrepair and was subjected to vandalism after his death in 1970. Barry and Bruce Spicer, radio announcer and antiques dealer respectively, purchased the house and restored it to its former glory.

#### **2.4.5 137 Castle Hill Road**

The Becks sold Lot 2 in DP 220867 in October 1965 to Albert Vivian Bush of Homebush, company director. The house was presumably erected on this allotment at this date. It changed hands in 1974 to James Franklin Churchill of West Pennant Hills, company director, and again in 1983 to James Franklin Church and Joyce Winsome Churchill as joint tenants. Three years later, Stephen Michael Gilmore and Joy Elaine Gilmore became the registered proprietor of the property, now known as 137 Castle Hill Road.

#### **2.4.6 135 Castle Hill Road**

In late 1964, Ron and Betsy Beck sold Lot 3 DP 220867 to Stuart Allan Slatyer of West Ryde, pharmacist, and his wife, Wendye Naomie Slatyer.<sup>26</sup> No 135 Castle Hill Road was built shortly thereafter as the Slatyer family home. The deed was cancelled in 1988 when DP 778537 was registered, and 135 Castle Hill Road was described as Lot 101. No 135 Castle Hill Road is presently described as Lot 1012 DP 878641.

#### **2.4.7 9-13 and 4-10 Matthew Way**

The several residences in Matthew Way were formed upon a subdivision and re-subdivision of part of Lot 3 of Miscellaneous Plan of Subdivision (OS) 585 commencing in the mid-1970s. The houses are however of comparatively modern date.

### **2.5 Portion 39 and the Allen Family**

Robert Allan (also written as Allen), alias Peter Crawley, arrived in the Colony as a convict aboard the *Marquis Cornwallis* in 1796 and married Mary Wright at St Matthew's Church of England, Windsor in 1812. He was granted 50 acres of land situated in the district of Castle Hill (portion 39 of the Parish of Field of Mars) in 1818. He had occupied the land since 1814.

According to the *Sydney Gazette* 21 July 1821, Allen was indicted for 'receiving stolen goods and harbouring bushrangers' led by William Geary. Mary and their three sons then went to live with James Maher as a 'housekeeper'. Robert was released from prison in 1833 and apparently returned to his farm near Pennant Hills and in 1842 is listed as having two acres of wheat, six acres of maize and six acres of oats. He died intestate on 31 August 1847 whereupon his property was divided between his three sons, James, Bartholomew and Robert, each receiving 17 acres by transfer in 1849.

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<sup>26</sup> Certificate of Title Vol 9731 Fol 207, NSW Land & Property Information.



**Bartholomew Allen** was declared insolvent in 1863 and his property was auctioned. William Mobbs purchased the 17 acres for the sum of £46. However, James Allen purchased it back in 1867 for the sum of £60.

**Robert Allen junior** gave his son William Henry five acres of the 17 acres he inherited from his father. Upon his death, his widow, Mary Ann, sold the remaining land to William Henry who by this date owned 20 acres. According to an account of a visit to his orchard in 1902, a correspondent writes:

*Mr Allen's orchard is in a deep valley, and formed of good land, and is in every way a model situation for fruit growing. Mr Allen is an old and experience fruit-grower; consequently his choice of trees is good and his business prosperous. At this place he has about 49 acres of an orchard.*<sup>27</sup>

Following William Henry Allen's death in 1936, the property was sold to Charles Gladstone Frankish in 1939.

In 1853, **James Allen** married Sarah Bellamy, the daughter of his West Pennant Hills neighbour, and they had a large family. He erected a stone cottage on his 17 acre block and continued to operate an orchard on this property. In 1885, he employed surveyors, Chatfield and Brown, to subdivide his land into five blocks to provide for five of his children. This subdivision included a right-of-way from Castle Hill Road to access the lower blocks. He simultaneously wrote his Will which gave his wife, Sarah, permission to occupy and work the land during the term of her life for the benefit of herself and children under 21 years of age living with her.

According to the 1872 Greville's Post Office Directory, Bartholomew, James and Robert Allen, each described as 'farmer', are listed at Pennant Hills, "17 miles West of Sydney". According to the 1907 Rate Book, the respective owners of parts of Portion 39 are Edmund A Allen, Jane Harvey, Silas Edwin Allen, Ada Beatrice Grant, Robert Cecil Allen, and William Henry Allen. Silas, Robert and William are described as fruitgrowers, with the latter pair respectively on 10 and 20 acres. The 1911-13 Rate Book contains similar information. However, Edmund Ambrose, Silas Edwin, Robert C and William Henry Allen are noted as orchardists of Pennant Hills.

According to John Allen, the Allen's were "a very old family at West Pennant Hills and also at Round Corner here and at New Line Road. When old grandfather (James) died there was quite a family on his side. He divided it up and everybody got a bit of it. My dad's (Silas) was about fifteen acres then there was my Uncle Robert he was next door. He had about the same area. Then there was an Uncle Ambrose he had the top part, I think he had a little bigger area there. Then there was James he had part of the property at West Pennant Hills. Then there was the girls (John's aunts, Agnes, Adelaide, Aida, Sarah)."<sup>28</sup>

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<sup>27</sup> "Pennant Hills, splendid orchards with the finest fruits", *Australian Town and Country Journal*, 3 December 1902, p27.

<sup>28</sup> Oral History Interview with John Allen, interviewed by Frank Heimans, for The Hills Shire Council, 22 June, 2010, transcribed by Glenys Murray, July 2010, <http://www.thehills.nsw.gov.au/external/hillsvoices/johnallen01.htm>, viewed 18 December 2013.

James Allen was seriously injured following an accident when he was knocked down and seriously injured whilst taking his horse out of the cart. The animal became frightened through part of the harness becoming fast on the shaft, which caused him to bolt and drag the cart with it, knocking Mr Allen down".<sup>29</sup> He passed away on 5 September 1894 aged 80 years.

*Mr Allen leaves a numerous family, some of his sons being among the most persevering of our fruitgrowers. In the orchard line mr Allen made a good name for himself and reared a family of 10 sons and daughters, all excepting one of whom are now living on or about the old property, having built themselves nice residences on various parts of its and around.*<sup>30</sup>

Figure 19 comprises a sketch plan of the five allotments as devised to James' five children.

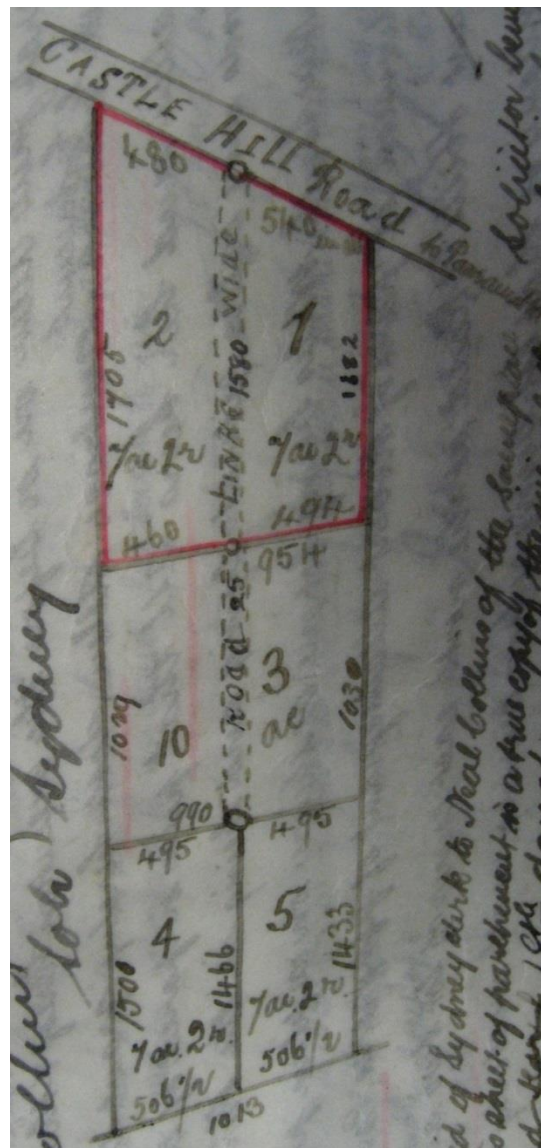


Figure 19 — Block plan accompanying old system deed No. 524 Bk 583. (Source: NSW Land & Property Information)

<sup>29</sup> "Pennant Hills – Death of Mr Allen", *Cumberland Argus and Fruitgrowers Advocate*, 8 September 1894, p8.

<sup>30</sup> Ibid.



### 2.5.1 Lot 1 of James Allen's Subdivision

Sarah Jane Harvey transferred Lot 1 to her husband, Ernest Harvey. The allotment was subdivided in 1948 into three allotments, A, B and C. The accompanying plan (DP 86990) shows a weatherboard cottage on Lot A.

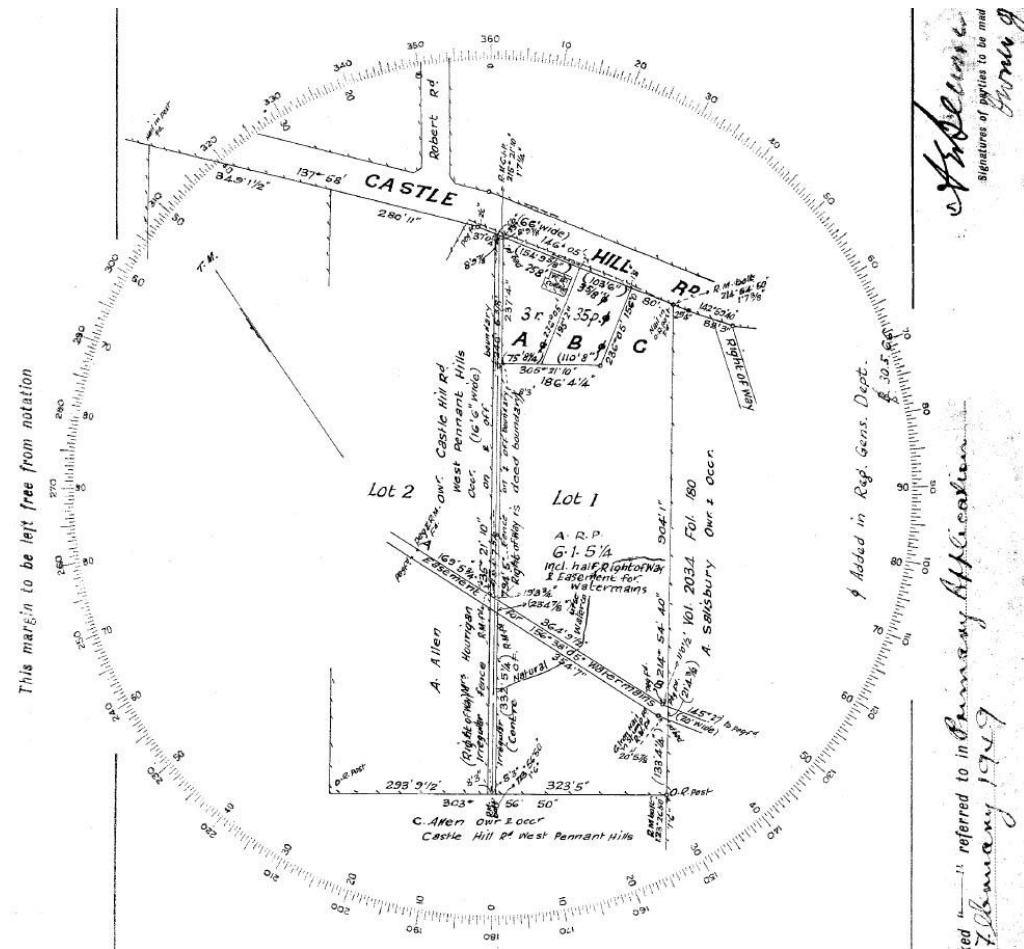


Figure 20 — Deposited Plan 86990. Weatherboard cottage shown on Lot A thereon. (Source: NSW Land & Property Information)

### 2.5.2 Lot 2 of James Allen's Subdivision

Edmund Ambrose Allen received Lot 2 with the stone cottage where he continued to live with his mother, for whom he provided until he went to live at Dural, leaving his son, Reg, living with his grandmother until her death in 1921. Edmund then sold Lot 2 to William Henry Allen, son of Robert Allen junior. The stone cottage was removed to Round Corner.

In 1947, the beneficiaries of William Henry Allen sold the land to J. Williams. According to DP 156481 A. Allen is named as the owner of Lot 2 in the occupation of Mrs Hourigan.

Lot 2 was subdivided in 1948 into Lots A and B, comprising five acres and five perches, and two acres two roods and nineteen and three quarter perches, respectively. The accompanying plan shows a small weatherboard cottage on the Castle Hill Road frontage of Lot A which was sold in 1951 to Samuel Wright Preston of West Pennant Hills, industrial chemist. He lodged

a primary application to convert same to Torrens title.<sup>31</sup> According to the Electoral Rolls, S.W. Preston, formerly of 10 Woonona Avenue, Wahroonga, is listed at Highfields, Castle Hill Road, Pennant Hills by 1949. He lived at 129 Castle Hill Road, until 1990 when the property was subdivided into Lots 1000 and 1001 in DP 800162.

Lot B was owned by T.F. Bakewell of 7 Wingate Avenue, Eastwood in 1949, 1958, J.A. Anderson, of 58 Woonona Avenue, Wahroonga, is noted as the owner.

### **2.5.3 Lot 3 of James Allen's Subdivision**

Robert Cecil Allen received Lot 3 containing 10 acres upon which he erected a weatherboard cottage and cultivated the property growing citrus and summer fruits. He sold his orchard to his son, Garnet, in 1946. Garnet sold the orchard to Arthur Salisbury in 1949.

### **2.5.4 Lots 4 and 5 of James Allen's Subdivision**

Silas Allen was granted Lot 4 in 1885 when he turned twenty-one. His sister, Ada, received Lot 5 in 1896 and promptly sold the land to Silas. In 1934, Silas sold Lots 4 and 5 to William Petersen, retaining a small block and his house, in which the family lived for a few years.

### **2.5.5 11-13 Willunga Place and 10, 12, 20-24 Carioca Court**

The abovenamed properties are located on part of Portion 39 (Allen's land grant). The present subdivision pattern is a result of subsequent re-subdivision of the various land parcels in the ownership of the Allen family (see 0, 2.5.2, 2.5.3 and 2.5.4) from the mid-20<sup>th</sup> century. The residences thereon are comparatively modern buildings erected in the last 30 years.

## **2.6 Portion 40 and 'Glenhope'**

In January 1818, 50 acres of land in the District of Castle Hill was granted to John Delaney. Two years later, he disposed of the land grant to by means of a 99 year lease to Matthew Mucklar of Parramatta for a rent of 1/- per annum. Mucklar sold the land to John Jones in February 1822, however, this deed was not registered. Jones owned the property until November 1841 when he conveyed it by lease and release to John Pye for the sum of £200. Pye died in 1845 and his son John Pye junior died intestate in 1853. Portion 40 was subsequently owned by the Jenner family though the land remained undeveloped.

The Jenner's sold the 50 acre land grant in November 1885 to the Excelsior Land Investment and Building Company and Bank Ltd. In 1890, they sold same to Edith Pape Heron of Castle Hill, widow.<sup>32</sup> She transferred most of the Delaney grant (49 acres two roods and one perches) to her son John Spier Heron of Castle Hill, gentleman,<sup>33</sup> who established an orchard on this land which was described in 1902 as a "very fine one".

*Mr J.S. Heron, a young and enterprising fruit-grower, has a fine orchard and residence on the hill...This orchard is in all 60 acres in*

<sup>31</sup> Primary Application 37195, NSW Land & Property Information.

<sup>32</sup> Certificate of Title Vol 910 Fol 30, NSW Land & Property Information.

<sup>33</sup> Certificate of Title Vol 1190 Fol 186, NSW Land & Property Information.

extent, comprising apricots, plums, a number of kinds of peaches...apples, pears, loquats, lemons and oranges.<sup>34</sup>



Figure 21 — Castlefield, now known as “Glenhope”, undated but post-1895 (Source: Reproduced in John McClymont, *Pictorial History of Baulkham Hills Shire*, p127)

Edith retained the residue of the land upon which *Castlefield* was built shortly thereafter. In 1902, she built another house to the rear of *Castlefield* and went to live there with a companion until her death in 1908. According to the 1907 Rate Book, Elliott R Jacobs c/- Castlefield, Pennant Hills, was the owner of two parts of portion 40 comprising respectively one acres and 45 acres. *Castlefield* was in the occupation of John Spier Heron and his family. The property passed by transmission in 1908 to the Permanent Trustee who in turn conveyed it to John Spier Heron. The following year, he sold the house and grounds to Elliot Ralph Jacobs of Melbourne. Simultaneously, Heron sold a small portion of his orchard property, some four acres and thirty-three and one quarter perches, in July 1909, to Julian Alfred Warren, together with a right-of-way. Warren’s land changed hands to Myrtle Estelle Phillips in 1913, thence Ina Mary Smith by transmission in 1936 and in late 1941 to Charles William Scott and Elizabeth Ida Scott. The residue of the orchard, forty five acres, was sold to Jacobs in August 1909.<sup>35</sup> John and Dora Heron moved to their new home, *Pomona* in Pennant Hills.

*Castlefield* was sold to James Burns of Coogee, gentleman, in February 1912, but his ownership was short-lived. In May the same year, it was transferred to Francis James Salisbury of Annandale, manufacturer. The Salisbury’s renamed the house *Glenhope*. The property was transferred to Arthur Salisbury in 1928. The following year, Arthur attempted to sell the house in conjunction with the Ridlington Estate on the northern side of Castle

<sup>34</sup> *Australian Town and Country Journal*, 3 December 1902, p27.

<sup>35</sup> Certificate of Title Vol 2025 Fol 51, NSW Land & Property Information.



Hill Road. *Glenhope* did not sell at this date and the family continued to live here.

The residue of *Glenhope* was subdivided in 1942 following Francis Salisbury's death. The residue of the property passed by transmission in September to May Salisbury of Pennant Hills, widow, and simultaneously sold part of the land to the south to Charles William Scott. The residue of the land, three acres one rood and fourteen perches, was registered in the name of May Salisbury on a new certificate of title. She continued to occupy the house until her death in 1953. The property passed by transmission in October 1954 to her son Victor Charles Salisbury. Simultaneously, he sold *Glenhope* to George Forrester Orson Mullen in October the same year. William Douglas Salisbury of Pennant Hills, orchardist, purchased the property in October 1969, at which date *Glenhope* was located on Lot 1 DP 537238. Following his divorce, and in accordance with a property settlement, William Salisbury retained a two-thirds share in common with Joan Salisbury who received the remaining one-third share.

A subdivision of *Glenhope* in 2000 further reduced the curtilage of the property.<sup>36</sup> The various recent subdivisions of parts of the *Glenhope* property are shown in Figure 22, Figure 23, Figure 24, Figure 25 and Figure 26 have created 2-12 Glenhope Road and 111, 113 and 115A and B Castle Hill Road which form part of the study site.

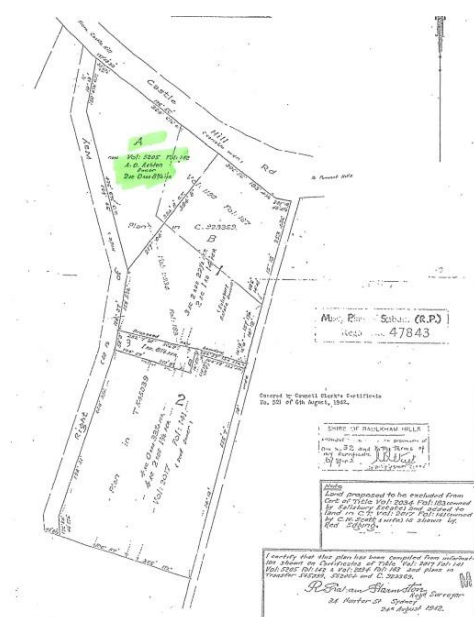


Figure 22 — DP 347843, 1942.  
(Source: NSW Land & Property Information)

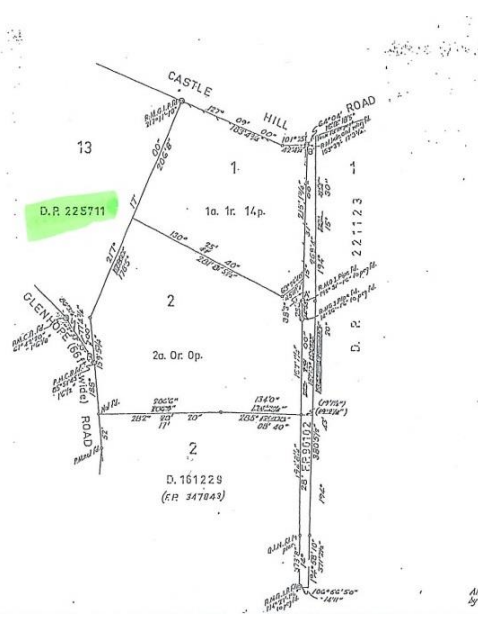


Figure 23 — DP 537238, 1969 (Source: NSW Land & Property Information)

<sup>36</sup> DP 1012463, NSW Land & Property Information. Lot 7 measures 4123m<sup>2</sup>.

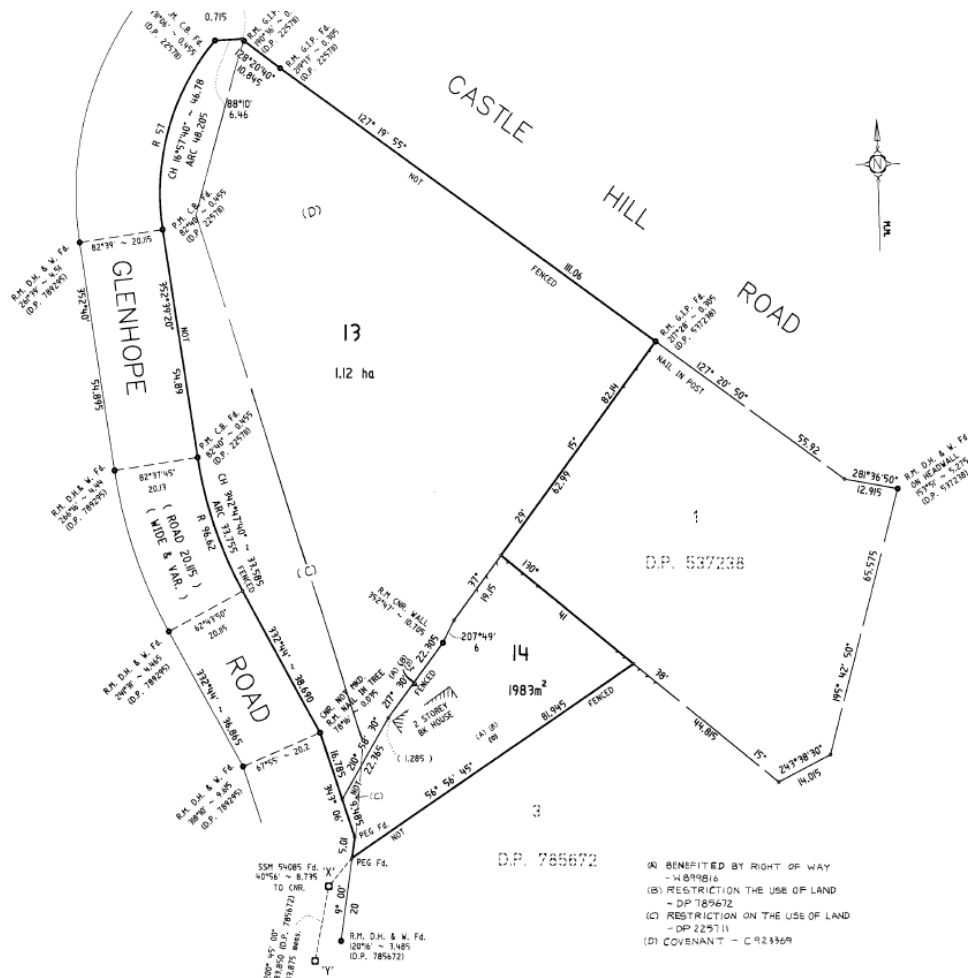


Figure 24 — DP 849852. (Source: NSW Land & Property Information.)

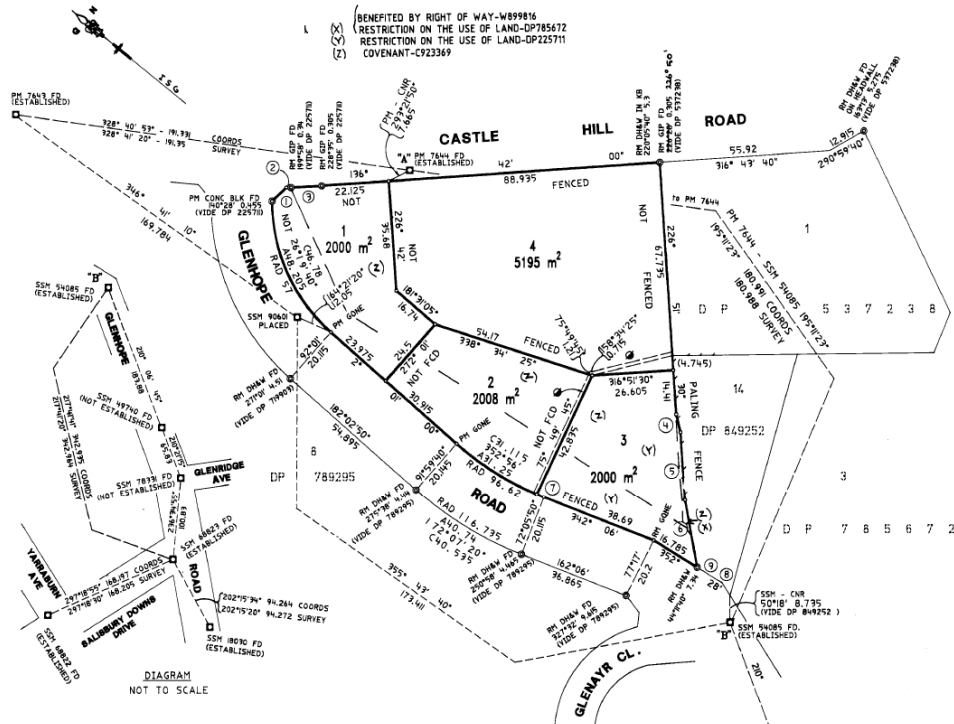


Figure 25 — DP 864230, 1996. (Source: NSW Land & Property Information)

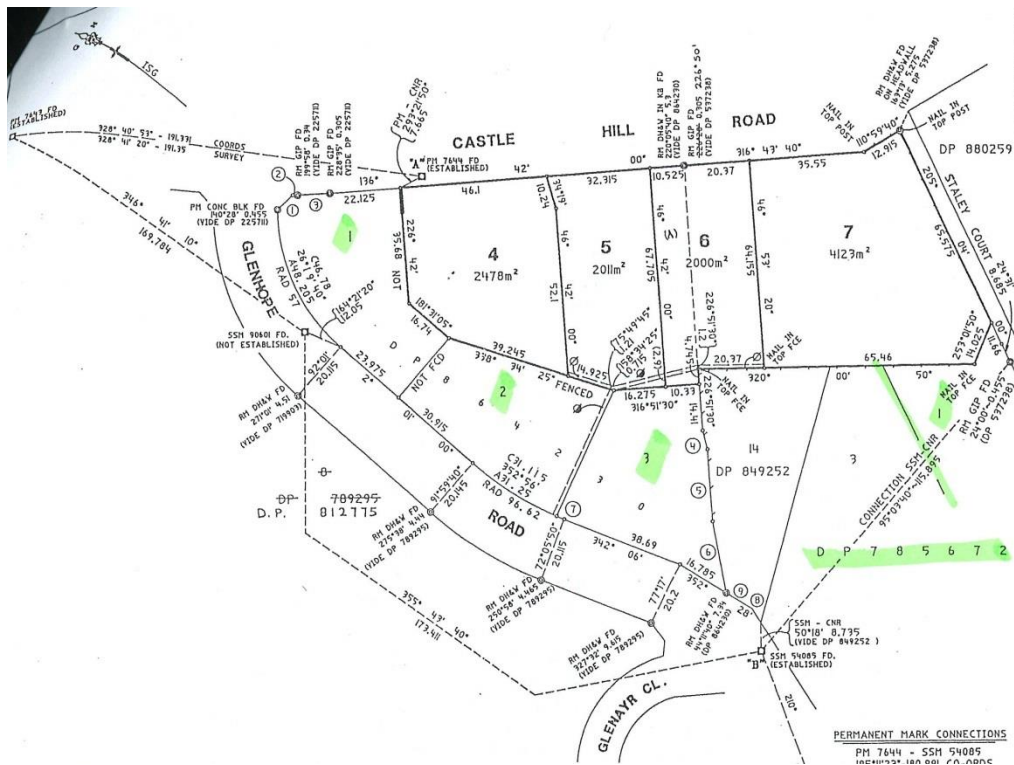


Figure 26 — DP 1012463, approved 2000. (Source: NSW Land & Property Information)



### 3.0 PHYSICAL DESCRIPTION

The author undertook a site visit in January 2014. Castle Hill Road is located along a ridgeline with extensive views out to the southwest. The topography is undulating. An east-west ridgeline runs along Castle Hill Road. The terrain slopes away steeply to the south west. Castle Hill Road slopes downhill from around Stacey Circuit down to midway between Glenhope Road and Highs Road. The Castle Hill Road rises again to Highs Road. At the time of visiting the site, construction of Cherrybrook railway station, major infrastructure works were underway.

The study area is currently low-density residential development dating from the late nineteenth century to the late-twentieth century. The study area is located on the south-western side of Castle Hill Road. Housing stock comprises 1-2 storey, detached houses set on large blocks, with strong landscaped settings and extensive vegetation. Two heritage items are located at the southern and northern extent of the study area - "Glenhope", at 113 Castle Hill Road (see Figure 27 — "Glenhope", No 113 Castle Hill Road, is a heritage item that does not form part of the subject site. Development is proposed on land south and north of its boundaries (Source: NBRSPARTNERS, January 2014) and "Dunrath", 139 Castle Hill Road (see Figure 38 and Figure 39).



Figure 27 — "Glenhope", No 113 Castle Hill Road, is a heritage item that does not form part of the subject site. Development is proposed on land south and north of its boundaries (Source: NBRSPARTNERS, January 2014)



Figure 28 — Staley Circuit is an unsealed track located at the south-eastern extent of the study area. View south from Castle Hill Road (left) and view north near Pignat Place (right). Development is proposed on land at the corner of 109 Staley Circuit and Pignat Place (Source: NBRSPARTNERS, January 2014)



*Figure 29 — Staley Circuit (known as 109 Castle Hill Road), located southeast of the heritage item of “Glenhope”, leads to a semi-rural house and grounds. This forms part of the proposed development site. The site looks southwest to the valley (Source: NBRSPARTNERS, January 2014)*



*Figure 30 — View northwest along Castle Hill Road in front of “Glenhope”, located at No 113 Castle Hill Road. Cherrybrook Railway Station is under construction on the northern side of Castle Hill Road. Mature trees are planted in the front garden of properties (Source: NBRSPARTNERS, January 2014)*



*Figure 31 — View to No 119 Castle Hill Road adjoins “Glenhope” to the west. The property does not form part of the development site (Source: NBRSPARTNERS, January 2014)*





*Figure 32 — View of the eastern side of Glenhope Road showing No 2 Glenhope Road, located at the corner of Castle Hill Road (left). Development is proposed on this land (Source: NBRSPARTNERS, January 2014)*



*Figure 33 — Housing stock located along the south-western side of Castle Hill Road, includes No 1 Glenhope Road (left) on the corner of Castle Hill Road with No 3 Glenhope Road (right), the adjoining site to the south (Source: NBRSPARTNERS, January 2014)*



*Figure 34 — Housing stock on Glenhope Road forms part of the proposed development site (Source: NBRSPARTNERS, January 2014)*





*Figure 35 — No 123 Castle Hill Road is a two-storey brick and tile residence at the similar level to the roadway (left). No 125 Castle Hill Road is a single-storey brick residence with tiled roof, also at a similar level to the roadway (Source: NBRS+PARTNERS, January 2014)*



*Figure 36 — No 131 Castle Hill Road shows the late-20<sup>th</sup> century residence located below road level and set well back from the street alignment (Source: NBRS+PARTNERS, January 2014)*



*Figure 37 — No 133 Castle Hill Road showing residence located a considerable distance lower than road level and set well back from the street alignment (Source: NBRS+PARTNERS, January 2014)*





*Figure 38 — Dunrath, No 133 Castle Hill Road is a heritage item of local significance. The single-storey residence is set back from the street alignment. Owing to the slope of the property away from street level, the house is mostly screened by hedge plantings along the street-facing boundary (Source: NBRSPARTNERS, January 2014)*



*Figure 39 — Dunrath, No 133 Castle Hill Road showing sandstone garage for three vehicles and extensive sloping gardens that form part of the property (Source: NBRSPARTNERS, January 2014)*



*Figure 40 — Dunrath, No 133 Castle Hill Road showing the extensive gardens located south-west of the residence (left) and the picturesque residence with the main elevation of the house facing down to the gardens and valley to the south and south-west (right). The house and well-maintained gardens are used for functions (Source: Google images - websites)*





*Figure 41 — Nos 137 Castle Hill Road is accessed by an unsealed right-of-way and lies north of the subject site (Source: NBRSPARTNERS, January 2014)*



*Figure 42 — Semi-rural land is located northwest of the subject site proposed for residential development (Source: NBRSPARTNERS, January 2014)*



*Figure 43 — Residential development on the north-eastern side of Castle Hill Road and the corner of Robert Road (right). Generally residences on the north-eastern side of Castle Hill Road do not have a principal address to that thoroughfare. High paling fences provide the boundary markers (Source: NBRSPARTNERS, January 2014)*



In 2015, a number of properties were added to the Cherrybrook Town Centre Masterplan study area and the following figures and captions describe the properties located on the sites:

- Site 2B1 – comprising Nos 6-8 Highs Road;
- Site 2C - comprising Nos 7, 9, 11, 13 and 15 Matthew Way;
- Site 2D1 – comprising Nos 10, 20, 22 and 24 Carioca Way;
- Site 2E1 – comprising No 117 Castle Hill Road;
- Site 2E3 – comprising Nos 6, 8, 10 and 12 Glenhope Road; and
- Site 2E4 – No 11 Glenhope Road.



*Figure 44 — No 6-8 Highs Road, West Pennant Hills, is a two-storey facebrick residential development located on the eastern side of Highs Road, south of the corner of Castle Hill Road. This property forms part of Site 2B1 (Source: NBRSPARTNERS, March 2015)*



*Figure 45 — View northeast from the boundary fence of No 6-8 Highs Road to the sloping treed terrain. (Source: NBRSPARTNERS, March 2015)*





*Figure 46 — View north along Highs Road showing the existing residential development and streetscape on the western side of the roadway - opposite Site 2A and 2B1 (Source: NBRSPARTNERS, March 2015)*



*Figure 47 — View north to pedestrian access stairs located on the eastern side of Highs Road, near the corner of Castle Hill Road (Source: NBRSPARTNERS, March 2015)*





*Figure 48 — View east from land lane access to No 2-4 Highs Road, near the corner of Castle Hill and Highs Roads. This property forms part of Site 2A (Source: NBRSPARTNERS, March 2015)*



*Figure 49 — View south from lane access near the corner of Castle Hill and Highs Roads across the sloping terrain to Nos 6-8 Highs Road. This forms part of Site 2A and 2B1 (Source: NBRSPARTNERS, March 2015)*





*Figure 50 — Views northeast from Nos 16-24 Glenhope Road looking towards single-storey residential development above the sloping terrain and rural setting. This land adjoins Site 2E3 (Source: NBRS+PARTNERS, March 2015)*



*Figure 51 — View showing late-twentieth century residences on the western side of Glenhope Road (Source: NBRS+PARTNERS, March 2015)*



*Figure 52 — View showing late-twentieth century residence located at No 6 Glenhope Road. These properties form part of Site 2E3 (Source: NBRSPARTNERS, March 2015)*



*Figure 53 — View showing late-twentieth century residence located at Nos 8, 10 and 12 Glenhope Road. These properties form part of Site 2E3 (Source: NBRSPARTNERS, March 2015)*





*Figure 54 — View showing late-twentieth century residence located at No 11 Glenhope Road on the corner of Glenayr Close. This property forms part of Site 2E4 (Source: NBRS+PARTNERS, March 2015)*



*Figure 55 — View showing late-twentieth century residence located at No 11 Glenhope Road on the corner of Glenayr Close. This property forms part of Site 2E4 (Source: NBRS+PARTNERS, March 2015)*





*Figure 56 — View of No 117 Castle Hill Road, a single-storey residential development dating to the 1970s. This property forms part of Site 2E1 (Source: NBRSPARTNERS, March 2015)*



*Figure 57 — Linear row plantings of mature camphor laurels are located along the Castle Hill Road boundary of “Glenhope” (113 Castle Hill Road) and No 117 Castle Hill Road. Efforts should be made to retain this planting that forms part of Site 2E1 (Source: NBRSPARTNERS, March 2015)*

In April 2016, a revised Masterplan included the following additional landholdings in the eastern portion of the study site – Nos 15, 17 and 19 Staley Court (see current landowner’s map).

- 15 Staley Court, West Pennant Hills; Lot 714 DP880259 (478 m<sup>2</sup>);
- 17 Staley Court, West Pennant Hills; Lot 714 DP880259 (519 m<sup>2</sup>); and
- 19 Staley Court, West Pennant Hills; Lot 715 DP880259 (458 m<sup>2</sup>).

The following figure and caption describes the properties:





Figure 58 — Existing residential development at Nos 15, 17 and 19 Staley Court are screened behind a high masonry wall and setback from Castle Hill Road. The residential development is constructed in the late-20<sup>th</sup> century and has little heritage significance. Some native trees are located along the nature strip (Source: Google Maps, downloaded April 2016)

### 3.1 Views from “Glenhope”

The following image provides an assessment of the historic view from the principal rooms and spaces at “Glenhope” to the associated orchards in the valley below (see Figure 59). Existing mature tree plantings interrupt views to the residential development to the west and south west.



Figure 59 — Original views from the principal rooms and main elevation at “Glenhope” were to the west and southwest to the orchards in the valley that formed part of the original property. Current views are to residential development with mature trees screening some of that development (Source: Google Maps with graphic overlay by NBRSPARTNERS)

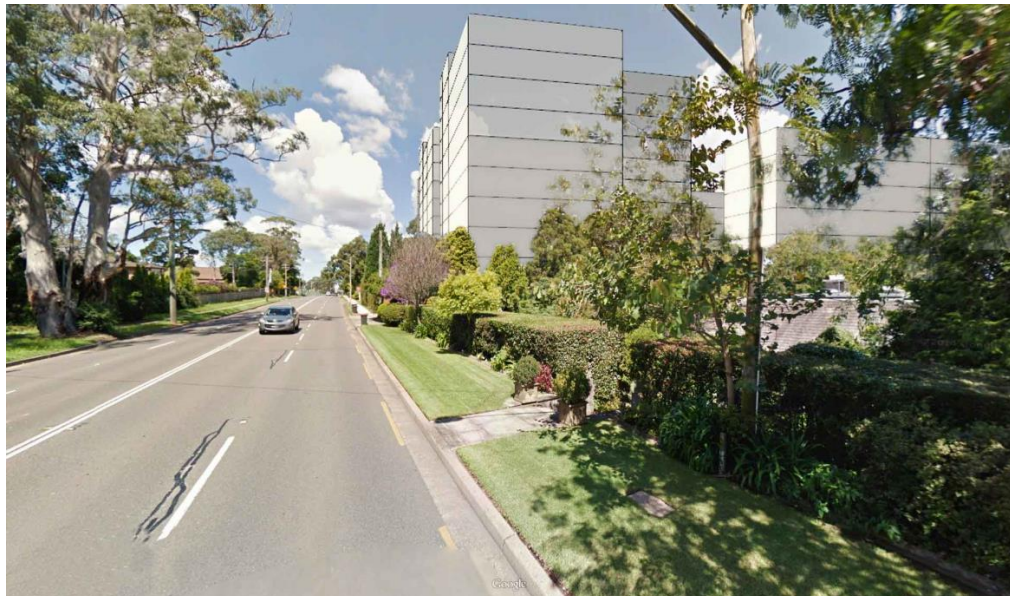


### 3.2 Revised Cherrybrook Village Masterplan - Photomontages

The following photomontages have been prepared by architects, Grimshaw, and show the scale of the proposed medium-density to high density residential development adjoining each of the heritage items.

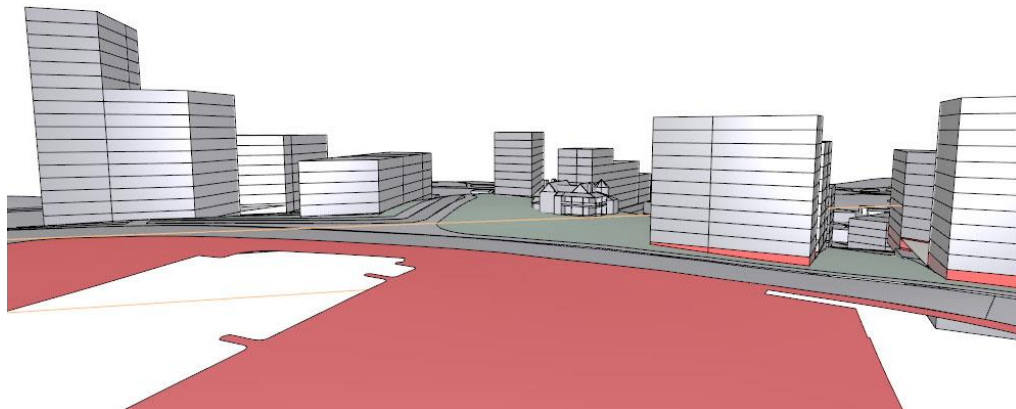


*Figure 60 — Photomontage looking southwest from the garden at “Glenhope”, at 113 Castle Hill Road, to the direction of the proposed 7-storey and 9-storey residential development adjoining the heritage item at 109 Castle Hill Road (Source: Grimshaw Architects, April 2016)*



*Figure 61 — Photomontage looking southeast along Castle Hill Road showing “Dunrath”, located at No 139 Castle Hill Road at right. The proposed 14-storey and 11-storey residential development shown in the distance and adjoining the heritage item. The roof of the heritage item is seen in the lower right-hand corner (Source: Grimshaw Architects, April 2016)*





*Figure 62 — 3D modelling of the proposed development in close proximity to the heritage item of “Glenhope”, located at 113 Castle Hill Road. A 5-storey development adjoins the heritage item on the eastern side of Staley Court while stepped residential tower development (11-storeys and 17-storeys) is proposed further to the east. Ten-storey development is located to the west of the heritage item (Source: Grimshaw Architects, April 2016)*

#### **4.0 THE PROPOSAL**

This Statement of Heritage Impact has been prepared based on the review of the following drawings and documentation prepared by Grimshaw, architects and urban designers, for the Cherrybrook Landowners Group. This documentation forms part of the Revised Gateway Rezoning Application for the land contained within the properties identified in Section 1.3, and as detailed in the proposed Cherrybrook Village Masterplan:

- Revised Cherrybrook Village Masterplan and Gateway Rezoning Application (April 2016).

See also:

- Figure 63 - Cherrybrook Master Plan (April 2016); and
- Figure 64 - Cherrybrook Master Plan Building Heights (April 2016).

#### **4.1 Description of Proposal**

The proposed works for the Cherrybrook Village site are as follows:

- Demolition of existing residential development on the following sites:
  - Nos 123, 125, 127, 129, 133, 135 and 137 Castle Hill Road;
  - Nos, 1, 2, 3, 4, 5, 6, 7 and 9 Glenhope Road;
  - 109 Castle Hill Road (off Staley Court);
  - Lot 1 and Nos 18 and 18A Carioca Court;
  - Nos 3 and 5 Matthew Way; and
  - Nos 15, 17 and 19 Staley Court.
- Retain the following heritage items located within the development site:
  - “Glenhope”, located at 113 Castle Hill Road, West Pennant Hills; and
  - “Dunrath”, 139 Castle Hill Road, West Pennant Hills;
- Rezoning of the subject site from “Zone E4 Environmental Living” for the proposed future development of a series of medium-density and high-density residential blocks, ranging in height from 3-storeys to 21-storeys; and
- Application for subdivision of lots under a community title scheme arrangement.



Figure 63 — Cherrybrook Master Plan (Source: Grimshaw Architects, April 2016)





Figure 64 — Revised Cherrybrook Master Plan Building Heights (Source: Grimshaw Architects, April 2016)

## 4.2 Design Intent Statement

The following Design Intent Statement has been prepared by Grimshaw Architects to describe the project:

### ***Design Vision***

*The vision for the Precinct is for a “Transit Oriented Development” which has direct access to Cherrybrook Station on the North West Rail Link, and which is connected, accessible, permeable with the potential to support an increased density. The Precinct’s development will encourage greater activity around the railway station through the inclusion of suitable land uses to encourage greater use of the public transport network.*

*The vision for the Precinct also seeks to:*

- *Maximise public transport patronage through the appropriate placement of compatible land uses and improvements in accessibility and connectivity through the Precinct and to Cherrybrook.*
- *Represent ‘place making’ through activation of the space, creation of a destination and creation of identifiable landmarks, including an appropriate mix of uses and community facilities.*
- *Create communities that are well connected to employment areas via public transport, pedestrian and bicycle links.*
- *Create integrated open space and public domain spaces encouraging their use and activation by key buildings.*
- *Create liveability through innovation, leading edge design and sustainability.*
- *The proposal is consistent with key principles for Transit Oriented Development in that it: Provides medium to high density residential use development within 400 metres of Cherrybrook Station which provides a rapid and frequent transit service.*
- *Integrates with proposals for the Cherrybrook Station site with local retail, recreational and community uses, therefore stimulating activity around the station.*
- *Applies reduced rates of private car parking while ensuring pedestrian and bicycle connectivity to Cherrybrook Station and nearby employment and education facilities.*
- *Provides liveable and active public domain spaces for the community that integrate with proposed land uses and Cherrybrook Station.*
- *Provides the opportunity to rehabilitate the ecological corridors adjacent to the site.*
- *Provides high quality open space within walking distance of all areas in the Precinct.*

## **5.0 EVALUATION OF HERITAGE CONTROLS**

### **5.1 The Hills Local Environmental Plan 2012**

The statutory controls for the subject site are within *The Hills Local Environmental Plan 2012* (The Hills LEP). The following clauses from The Hills LEP are heritage related and relevant to the subject site:

#### **5.10 Heritage conservation**

##### **(1) Objectives**

*The objectives of this clause are as follows:*

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

##### **(5) Heritage assessment**

*The consent authority may, before granting consent to any development:*

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

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

### **Zone E4 Environmental Living**

#### **Land Zoning Map**

The Land Use Table and Map of The Hills LEP 2012 lists the study area within the Zone identified as “E4 Environmental Living” (see Figure 65). The objectives of the E4 Environmental Living zone are described as follows:

##### **1 Objectives of zone**

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

##### **4.1AA Minimum subdivision lot size for community title schemes**

*(1) The objectives of this clause are as follows:*

- (a) to ensure that land to which this clause applies is not fragmented by inappropriate subdivisions that would create additional dwelling entitlements,*
- (b) to encourage rural cluster subdivision that will ensure the land is developed, managed and conserved in a holistic and sensitive manner where affected by biodiversity.*

*(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:*

- (j) Zone E4 Environmental Living.*

##### **4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings**

*(1) The objective of this clause is to achieve planned residential density in certain zones.*

*(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column*



1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.

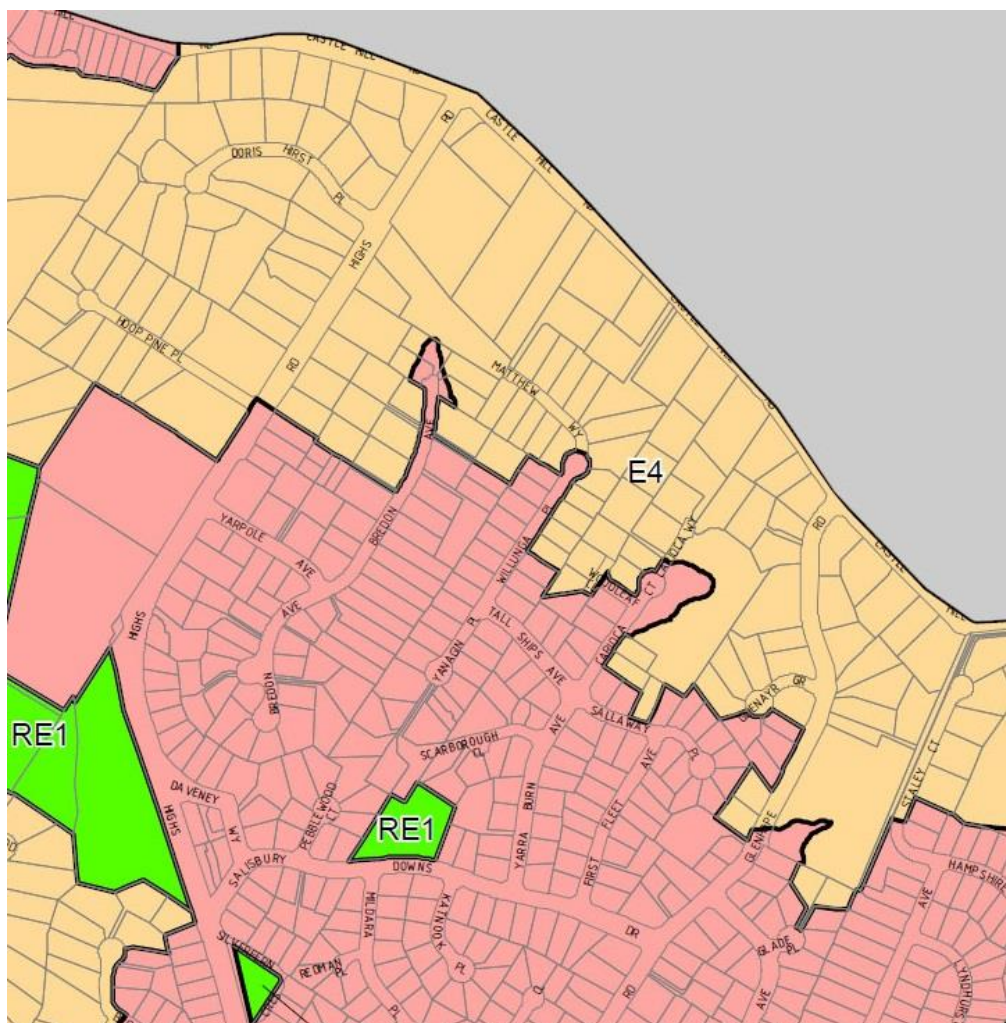


Figure 65 — Land Zoning Map showing the subject site is identified within the zone known as “E4 Environmental Living” (Source: The Hills LEP 2014, Land Zoning Map Sheet LZN\_24)

## 5.2 Compliance with The Hills LEP 2012

Statutory control	This proposal relates to the controls as follows
<i>The Hills LEP</i> , Clause 5.10 Heritage Conservation, (5) Heritage Assessment	<p>Two heritage items are located within the vicinity of the study area and are identified in Schedule 5 Environmental heritage of the LEP:</p> <ul style="list-style-type: none"> <li>▪ “Glenhope”, 113 Castle Hill Road, West Pennant Hills; and</li> <li>▪ “Dunrath”, 139 Castle Hill Road, West Pennant Hills.</li> </ul> <p>This SHI is prepared in accordance with this clause and assesses the extent of impact the proposed development will have on the heritage significance of the heritage items.</p>

### 5.3 Compliance with The Hills Development Control Plan 2012 (Hills DCP)

The Hills DCP, Part C Section 4, 3.2 Subdivision states:

- *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;*
- *Adjoining Lots: Council may impose restrictions upon the title of a proposed lot that adjoins a heritage item, 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 works.*

## **6.0 HERITAGE IMPACT ASSESSMENT**

### **6.1 Heritage Impacts on the Site**

The following assessment is based on the guidelines set out by the NSW Heritage Office publication 'Statements of Heritage Impact', 2002.

### **6.2 Heritage Impacts in the Heritage Items within the Site**

The *Heritage Act 1977* provides for the management of places listed as having heritage significance. Places located within the site have local levels of significance, are listed on *The Hills LEP 2012* and include:

- "Glenhope", 113 Castle Hill Road, West Pennant Hills; and
- "Dunrath", 139 Castle Hill Road, West Pennant Hills

The heritage item of "Dunrath", located at 139 Castle Hill Road forms part of the development site. The heritage item of "Glenhope" located at 113 Castle Hill Road, has abstained from being part of the rezoning application.

The subject site is currently zoned "E4 Environmental Living". It is proposed to rezone the subject area for medium-density and high-density residential development as part of a community title scheme. The proposed rezoning application retains the heritage items of "Glenhope" (113 Castle Hill Road) and "Dunrath" (139 Castle Hill Road), both located within, and within the context of, the Revised Cherrybrook Village Masterplan study area. The proposed rezoning application respects and enhances the heritage significance of the heritage items by ensuring they are still visible to the public and so continue to appreciate their heritage significance.

The Revised Cherrybrook Gateway Rezoning and Masterplan recommends a substantial increase in the permissible height on the site. Proposed building heights range from one (1) to twenty-one (21) storeys (twenty-one storeys being the height of the gateway towers at Nos 1 and 2 Glenhope Road). Subsequently, consideration must be given to visual and shadowing impacts of the heritage listed sites. There is likely to be some overshadowing of both heritage items throughout the day between equinox and midwinter. The acceptable degree of overshadowing needs to be determined and may result in some need for height changes to the proposed tower buildings.

The Revised Cherrybrook Gateway Rezoning and Masterplan proposes development in close proximity to the two-storey dwelling of "Glenhope" (113 Castle Hill Road). Building heights of the proposed residential blocks located adjacent to, and south of the heritage item, are seven (7) and nine (9) storeys. This scale shift is considerably higher than the maximum height of the heritage item, the ridge line of the roof of "Glenhope". The photomontage (see Figure 60) shows the proposed two residential blocks above the tree canopy. The revised proposal shows buildings to the east of the heritage item, on the eastern-side of Staley Court. The proposed residential development steps up in height from the two-storey heritage item. A taller residential tower is located further east, at a distance from the heritage item. Adverse heritage impacts may be mitigated in the finer-grain design of the proposed built form, selection of materials and articulation of building massing, form and facades.

The proposed development adjacent to and east of the single-storey dwelling of "Dunrath" (139 Castle Hill Road) is up to fourteen (14) storeys in height



along Castle Hill Road. There is the potential of adverse heritage impacts arising from the scale shift of the proposed development and the heritage item. Negative heritage impacts are associated with overshadowing, and the potential to degrade the garden setting to “Dunrath” through insufficient sunlight. Further information should be provided by an arborist to assess the impact overshadowing will have on the heritage significant garden and tree plantings.

The significance of “Dunrath” lies in the relationship between the house and its grounds, particularly its cultural landscape setting to the south – lawns, rose gardens, shrubs and native trees. The principal rooms of “Dunrath” are oriented towards the views to the south and the garden setting. Care must be taken to ensure the significant cultural landscape setting of “Dunrath” is retained as part of the proposed development. The Masterplan proposes the residence and garden be conserved and adapted for community-use. Most of the lot boundary will form part of that community-use. However, the proposed addition of tennis courts in the southern portion of the lot boundary of “Dunrath” will encroach on the rear garden setting. The amalgamation with an adjoining allotment will extend the rear garden. However, it would alter the character of the landscaped setting. An arborist assessment should be prepared to assess the extent of heritage significant landscape elements within the “Dunrath” garden setting south of the dwelling.

An arborist assessment should also include trees and cultural plantings located west of “Dunrath”, proposed for removal for laying out an access road west of the “Dunrath” lot boundary.

### **6.3 New development adjacent to a heritage item**

*How is the impact of the new development on the heritage significance of the item or area to be minimised?*

- “E4 Environmental Living” describes zone for land with special environmental or scenic values where residential development can be accommodated. Development in this zone is to give priority to preservation of the particular environmental qualities of the land. Development must be located so that it does not adversely impact the environmental qualities of the land. E4 allows for low-impact residential development in areas with special environmental or scenic values. This zoning conflicts with the desired character and vision of the study area as a village adjoining Cherrybrook Station and transport interchange, part of the North West Rail Link, and currently under construction. While the study area is currently low-density residential, there is an opportunity to alter this zoning to respond to a new rail link and station at Cherrybrook.
- Much of the study area comprises recent residential development dating from the late-twentieth century to early twenty-first century. Recent development is concentrated along Glenhope Road to the south of Castle Hill Road. A high proportion of dwellings are of sufficient quality to preclude them from potential urban renewal redevelopment opportunity in the short to medium term. This development has little heritage significance and the proposal to demolish the dwellings would be acceptable in heritage terms.

- The Vision and Structure Plan in the North West Rail Link Cherrybrook Station Structure Plan has identified opportunities to increase residential densities within walking distance of the station comprising 3-6-storey, medium-density residential apartment-living development on the southern side of Castle Hill Road. The subject development proposes a range of building heights, from medium-density to high-density development (ie between 3-storeys to 21-storeys in height).

*Why is the new development required to be adjacent to a heritage item?*

- The two heritage items are located within and adjacent to the area proposed for rezoning – “Glenhope” is located within the eastern portion of the study area and “Dunrath” is within the western portion. The heritage impact on the proposed development needs to be assessed to understand the appropriateness and level of heritage impact on the heritage significance of the two heritage-listed places.

*How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*

- There is limited potential to subdivide land upon which each heritage item is located as this may isolate the building from its setting and lot-boundary curtilage. Both heritage items previously formed part of larger allotments. These allotments were subdivided throughout the twentieth century as the land evolved from rural orcharding to suburban development. Both “Glenhope” and “Dunrath” have established grounds with landscaping and cultural plantings that define the extent of the residential property. Both “Glenhope” and “Dunrath” have a reduced heritage curtilage following phases of subdivision of the rural properties with their extensive orchards.
- The residence of “Glenhope”, located at 113 Castle Hill Road and constructed in 1895-96, is orientated with the principal rooms of the house and verandahs looking towards the west and southwest in the direction of extensive orchards that originally formed part of the “Glenhope” property. The rear of the house faces onto Castle Hill Road. The 1943 aerial indicates a number of tree plantings around the residential gardens of “Glenhope” that delineated the residential gardens from the rural orchards. The proposed application for rezoning for medium density residential development will be located on the periphery of this historic visual curtilage. The proposed application for rezoning to the south and to the west, with development up to 9-storeys in height, will be visible above the canopy of the mature plantings on the site when viewed from Castle Hill Road. In addition, the proposed height of the buildings will encroach visually on the view corridor to the valley to the south and southwest. This encroachment will have a negative impact on the heritage significance of the heritage item.
- The residence of “Dunrath”, originally dated to 1864, with materials transported from Bellevue Hills and rebuilt in its current location at No 139 Castle Hill Road. The building is oriented with the rear of the building facing onto Castle Hill Road. The principal historic views were to the southwest in the direction of the former orchards. Mature tree plantings currently screen the heritage item from residential development in the valley to the south and southwest. In addition,

public views from Castle Hill Road to “Dunrath” are obscured by the siting of the dwelling downhill within the steeply sloping terrain.

*How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?*

- No subdivision or development is proposed within the boundaries of the heritage item of “Glenhope”. Subdivision and up to ten-storey development is proposed on the adjoining sites of “Glenhope” – to the south along Staley Circuit and to the west and east along Castle Hill Road. The proposed rezoning of the subject site, adjoining the heritage item will have some negative heritage impact because of the height difference between the proposed development and the two-storey high heritage listed dwelling.
- Retaining the existing lot boundary curtilage and landscape setting of “Glenhope” (including gardens comprising mature trees and gates) will conserve the historic setting and help screen some of the proposed development from the heritage item. The existing mature tree plantings will only partially screen the proposed development. Proposed residential development to the south, comprising 7-storeys and 9-storeys, will be visible above the mature trees and their canopy.
- There is concern that development to the west of the heritage item will overshadow the grounds of the heritage item and have an impact on tree growth and tree health within the garden setting.

*Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*

- In the late-nineteenth and twentieth centuries the subject area was used primarily for orcharding. Early photographic evidence indicates that little built development occurred along Castle Hill Road. Much of the residential development in the subject area is associated with late-twentieth century development. In the light of this, there is unlikely to be significant archaeological deposits in the within the subject site.

*Is the new development sympathetic to the heritage item? In what way (eg form, siting, proportions, design)?*

- “Dunrath” is set below the street level of Castle Hill Road, and not readily apparent from the public domain. The proposed development east and west of “Dunrath” will be 14-storeys in height. This height difference will have some negative heritage impact on the heritage item including overshadowing and scale difference. This adverse heritage impact may be mitigated in the finer-grain design of the proposed built form, through the selection of materials and articulation of building massing, form and facades. However, overshadowing is likely to have a detrimental impact on the garden setting of the place.

*Will the additions visually dominate the heritage item? How has this been minimised?*

- The lots proposed for rezoning are located outside the lot boundary curtilage of “Glenhope”, located at 113 Castle Hill Road. A photomontage (see Figure 60) indicates the height and scale of the residential block proposed south of “Glenhope”. The proposed development will be readily visible above the canopy of the mature tree plantings and will have an adverse heritage impact on views and



vistas from the public domain to the heritage item. We recommend the development be reduced in height to overcome the dominance of the proposed development.

- The photomontage (see Figure 60) conceptually shows the massing and scale of the residential block proposed along Staley Circuit adjoining and south of “Glenhope”. We recommend care be taken in any design development phase to ensure any residential development be designed using recessive colour with a well-articulated form to further reduce the massing and scale of the proposed residential development.
- There is a height difference between the ridgeline of “Glenmore” and the proposed development adjoining the heritage item. Care should be taken to minimise overlooking of the heritage item. Figure 59 indicates the views and vistas from the principal rooms and spaces at “Glenhope” are to the west and southwest. Proposed development should respect the expanded visual curtilage of the heritage item to minimise adverse heritage impacts of encroaching on the views to the south and southwest.
- It is proposed 14-storey residential development adjoin “Dunrath” to the east and west along Castle Hill Road. While substantial mature plantings located within the grounds of the heritage item will partially screen the proposed development, there is the potential for negative heritage impacts associated with overshadowing and privacy issues. These need to be carefully considered to determine the extent of adverse heritage impacts on the heritage item and its garden setting.

*Will the public, and users of the item, still be able to view and appreciate its significance?*

- The northeast elevation of “Glenhope” will continue to be visible from the public realm of Castle Hill Road. Although this elevation is not the principal elevation of the heritage item, it is the elevation that provides the public face of the heritage item. The proposal for 7-storey and 9-storey residential development south of the heritage item will be visible from Castle Hill Road and dominate the two-storey dwelling and its garden setting of mature tree plantings. We recommend the height of the proposed development be below the height of the tree canopy when viewed from Castle Hill Road. In addition, care should be taken to ensure any development off Staley Circuit and south of the heritage item not adversely impact on mature trees planted on the boundary between the development site and those within the gardens of “Glenhope”.
- The heritage item of “Dunrath” is located below the level of the Castle Hill Road. The heritage item is not readily visible to the public when viewed from street level. The proposed development will not change this relationship. The proposal to adaptively re-use the heritage-listed dwelling and grounds as a community facility will provide greater opportunities for the greater public to appreciate its cultural significance. In addition, the proposal for an access road immediately west of “Dunrath” will provide increased opportunities for the public to view the heritage item.

## 6.4 Tree removal or replacement

*Does the tree contribute to the heritage significance of the item or landscape?*

- The grounds of the heritage item of “Glenhope” contain a number of mature tree plantings. These tree plantings contribute to the character of the heritage item. The proposed rezoning application and Masterplan does not remove trees and gardens at “Glenhope”. The mature tree plantings will assist in screening the proposed development from the visual curtilage of the heritage significant places. Overshadowing by any development, particularly to the west, should be carefully considered to ensure the continued health of mature garden plantings.
- The established gardens and mature plantings form part of the cultural significance of the heritage item of “Dunrath”. Much of the significant planting is located to the south of the dwelling. Care must be undertaken to ensure the proposed development does not adversely impact on the culturally significant grounds and plantings.
- Trees within the subject site proposed for rezoning are generally associated with late-twentieth century suburban development and have little heritage significance. However, it is recommended an arborist report form part of the design development of the subject site to ascertain whether any trees have significant values and require retention in the development of the site.

*Why is the tree being removed?*

- The proposal to remove some mature trees on the southern grounds of “Dunrath” is associated with the extension of the grounds and lot boundary to provide additional hard landscaping for community facilities, including tennis courts.
- The proposal to remove trees on the western side of “Dunrath” is associated with the laying out of a vehicular access road. Some trees are located outside the lot boundary of the heritage item, yet contribute to the setting of the place.

*Has the advice of a tree surgeon or horticultural specialist been obtained?*

- For the purposes of applying for rezoning of the subject site, no arborists has been engaged to assess existing trees within the subject site. It is recommended an arborist assessment form part of the design development of the subject site to ascertain whether any trees have significant values and thereby require retention in the development of the site.

*Is the tree being replaced? Why? With the same or a new species?*

- This application does not include a landscape Masterplan. However, landscaping will form part of the design development of the site. Attention must be given to preparing an arborists assessment of the site to identify significant cultural plantings to assist in the landscape design of the site with particular attention given to the heritage listed site of “Dunrath” and landscape management of significant trees that form part of the setting of “Glenhope” and plantings on adjoining sites.

## **7.0 CONCLUSION**

The Revised Cherrybrook Gateway Rezoning and Masterplan, as described above, has the potential to adversely and unacceptably impact upon the identified heritage significance of the heritage listed properties within the study area. There is the requirement to modify proposed development in close proximity to the two heritage items within the Revised Cherrybrook Gateway Rezoning and Masterplan.

The height, density and general form indicated in the Revised Cherrybrook Gateway Rezoning and Masterplan proposal, together with site specific development control plans that follows those characteristics, are likely to have some adverse heritage impact that may be acceptable subject to the following changes to the density of the proposed development:

- Assessment of streetscape impacts, view corridors from heritage items and the interface with heritage items should be undertaken once building forms for the site are proposed.
- Reduce the height of development proposed to the south and southwest of “Glenhope” so any development is screened by the canopy of the mature trees when viewed from the public domain of Castle Hill Road.
- Implementation of appropriate on-site ‘heritage interpretation’ as part of future development. This would require the preparation of a ‘Heritage Interpretation Strategy and Plan’.
- Ensure the proposed development does not overshadow the buildings and grounds of the two heritage items. Unacceptable overshadowing should be avoided because it will result in loss of amenity for the garden setting and negatively impact on tree health.

We endorse the 5-storey residential development proposed east of the heritage item of “Glenhope” (113 Castle Hill Road). While adjacent to the heritage item, it is on the eastern-side of Staley Court, and physically removed due to the street width. Meanwhile, proposed buildings further east step up in height. The incremental increase in height of the proposed residential development away from the heritage item respects its cultural significance and prominence by not encroaching visually and physically through excessive height difference. The proposed eastern-most residential tower development of 11-storeys and 17-storeys, form a gateway to the “village” whilst being located some distance away from the heritage item.



When a specific development arising from the provisions of the Revised Cherrybrook Gateway Rezoning and Masterplan is proposed, the following sets of questions from the NSW Heritage Office (now Heritage Division of the Office of Environment and Heritage) publication, 'Statements of Heritage Impact' (2002), should be addressed:

- Demolition of a building or structure;
- Major additions;
- New development adjacent to a heritage item (including additional buildings and dual occupancies);
- Change of use; and
- New landscape works and features (including carparks and fences).

We are of the opinion and as described above, some further changes should be considered to proposed development in close proximity to the heritage items of "Glenhope" and "Dunrath", to minimise negative heritage impacts of the rezoning application.

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