

The URBIS logo consists of the word "URBIS" in a bold, white, sans-serif font. To the right of the text is a white square frame that is partially open on the right side. A white vertical line extends from the top of the page down to the top of the square frame, and a white horizontal line extends from the right side of the square frame across the top of the page.

URBIS

HERITAGE IMPACT STATEMENT

Multiple Properties Along Old
Northern Road and Derriwong
Road, Dural

Prepared for

LEGACY PROPERTY GROUP

13 September 2022

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director, Heritage	Stephen Davies, B Arts Dip Ed, Dip T&CP, Dip Cons Studies, M.ICOMOS
Heritage Consultant	Cecelia Heazlewood, B Arts, M Museum & Heritage Studies
Project Code	P0039101
Report Number	01 13/09/2022 Issue 1

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

Executive Summary.....	1
1. Introduction	2
1.1. Background.....	2
1.2. Site Location	2
1.3. Methodology	3
1.4. Author Identification	3
1.5. The Proposal.....	3
2. Site Description	5
2.1. Site Setting.....	5
2.2. Subject Site	5
2.3. The Heritage Item	8
2.3.1. 873 Old Northern Road	8
3. Historical Overview	9
3.1. Area History	9
3.2. Subject Site History.....	10
4. Heritage Significance.....	15
4.1. What is Heritage Significance?	15
4.2. Heritage Listing	15
4.3. Statement of Significance	16
4.3.1. 873 Old Northern Road, Dural.....	16
5. Impact Assessment.....	17
5.1. Statutory Controls	17
5.1.1. The Hills Local Environmental Plan 2012.....	17
5.2. The Hills Development Control Plan 2012.....	18
5.3. Heritage NSW Guidelines	19
6. Conclusion and Recommendations	23
Recommendations	23
7. Bibliography and References	24
7.1. Bibliography	24
7.2. References.....	24
8. Disclaimer	25

FIGURES

Figure 1 – Locality map with the subject site outlined in blue and the heritage items outlined in red.....	3
Figure 2 – Indicative plan of the proposed rezoning and subsequent subdivision of subject site.....	4
Figure 3 Aerial view of subject site approximately location outlined in red.	5
Figure 4 – Aerial view of subject site outlined in red; individual allotments are indicated in red hatching.	6
Figure 5 – View west from Old Northern Road with a view to the dwelling at 618 Old Northern Road.	6
Figure 6 – View west from Old Northern Road with a view of the vacant structure on 626 Old Northern Road.	6
Figure 7 – View south west from Old Northern Road with views to the façade of 614 Old Northern Road.	7
Figure 8 – View north east from Derriwong Road with views to the rear of 614 Old Northern Road.....	7
Figure 9 – View east from Derriwong Road with views to the rear of 27 Derriwong Road.	7
Figure 10 – View east from Derriwong Road with views to the rear of 27 Derriwong Road.	7
Figure 11 – View east from Derriwong Road with views to the rear of 618 Old Northern Road.	7
Figure 12 – View north-east from Derriwong Road with views to the rear of 21 Derriwong Road.....	7

Figure 13 – View west on Old Northern Road showing the main façade of Dural Public School.	8
Figure 14 – View west on Old Northern Road showing the early school building (c.1887) of Dural Public School.	8
Figure 15 – Façade of the heritage property, 873 Old Northern Road, Dural.	8
Figure 16 – 1840 subdivision plan of the area, approximate location of the subject site indicated in white.....	9
Figure 17 – 1887 Nelson map of the subject area, County of Cumberland. Subject site is approximately indicated in white.....	10
Figure 18 – 1931 Nelson map of the subject area, County of Cumberland. Subject site is approximately indicated in white.....	11
Figure 19 – 1947 aerial of the subject area. Subject site is approximately indicated in white.	12
Figure 20 – 1961 aerial of the subject area. Noting northern portion of subject site not pictured in this aerial.	12
Figure 21 – 1965 aerial of the subject area. Subject site is approximately indicated in red.	13
Figure 22 – 1978 aerial of the subject area. Subject site is approximately indicated in red.	13
Figure 23 – 1986 aerial of the subject area. Subject site is approximately indicated in white.	14
Figure 24 – 1998 aerial of the subject area. Subject site is approximately indicated in white.	14
Figure 25 – The Hills LEP Heritage Map 23 and Hornsby LEP Heritage Map 9 showing heritage listed items in and within the vicinity of the subject site (outlined in red).	15

TABLES

Table 1 Subject Area Individual Details.....	2
Table 2 Assessment against The Hills Local Environmental Plan 2012	17
Table 3 Assessment against The Hills Development Control Plan 2012	18
Table 4 Heritage NSW Guidelines.....	19

EXECUTIVE SUMMARY

Urbis has been engaged by Legacy Property Group to prepare the following Heritage Impact Statement (HIS) for the planning proposal including multiple properties along Old Northern Road and Derriwong Road, Dural (subject site).

The subject site does not contain any identified heritage items or lie within the boundaries of a Heritage Conservation Area (HCA). Notwithstanding, it is in the vicinity of several locally listed heritage items on The Hills Local Environmental Plan 2012 and Hornsby Local Environmental Plan 2013. These include:

- House, 873 Old Northern Road, Dural (Item No.349) Hornsby LGA; and
- Old Northern Road, between Dural and Wiseman's Ferry (Item A12, archaeological) The Hills LGA.

The subject properties primarily consist of vacant lots with some lightweight structures and outbuildings. There are also Post-War dwellings at both 614 and 618 Old Northern Road, dating from the mid-20th Century. The multiple properties within the subject site are currently predominately zoned as Zone RU6 Transition, with Lot 2 DP 541329 being split zoned as both RU6 and SP2 Infrastructure. A planning proposal for rezoning the subject site to Zone R1 or R2 Low Residential allows for residential and neighbourhood scale commercial/retail development. The proposal would also involve the subdivision of several existing allotments on site. The proposal would also involve the subdivision of several existing allotments on site.

Further details of the proposed works are included in Section 1.5. This HIS has been prepared to determine the potential heritage impact of the proposed works on the adjacent heritage items.

An impact assessment of the proposed works has been undertaken in Section 5 of this report. The proposed development has been assessed to have no heritage impact on the adjacent heritage item. Key aspects of the proposal assessment are listed below:

- Residential development in the vicinity of the listed item will not obscure the historic and rural character of the vicinity heritage property. Furthermore, Urban zoning for the area would be in keeping with the existing development pattern in the district.
- The site is located in an area of changing character, particularly the existing commercial development to the south. The subdivision and rezoning would aim to retain the same character and scale of the current Old Northern Road. Additionally, appropriate curtilage separating the listed item from any new development would minimise the impacts of future development.
- Furthermore, the subject site was formed as a part of a series of subdivisions from the mid-late 20th Century. Accordingly, the current allotments do not reflect any heritage significant subdivision patterns. Further subdivision of these allotments would not alter any identified historic subdivision pattern.
- Similarly, the structures and landscaping elements are remnant features from the mid-late 20th Century. A preliminary assessment of these elements indicates they are not of heritage significance.
- No physical works are proposed to any item of heritage significance. However, the proposal may involve minor intersection with Old Northern Road, which is identified in part as an archaeological item under the Hills LEP 2012. Mitigation of these works would be subject to requirements outlined by Transport for NSW.

For the reasons stated above, the proposed works are recommended for approval from a heritage perspective.

1. INTRODUCTION

1.1. BACKGROUND

Urbis has been engaged by Legacy Property Group to prepare the following Heritage Impact Statement (HIS) for the planning proposal including multiple properties along Old Northern Road and Derriwong Road, Dural (subject site).

The subject site is in the vicinity of several locally listed heritage items on The Hills Local Environmental Plan 2012 and Hornsby Local Environmental Plan 2013. These include;

- House, 873 Old Northern Road, Dural (Item No.349) Hornsby LGA
- Old Northern Road, between Dural and Wiseman's Ferry (Item A12, archaeological) The Hills LGA

The multiple properties within the subject site are currently predominately zoned as Zone RU6 Transition, with Lot 2 DP 541329 being split zoned as both RU6 and SP2 Infrastructure. However, a planning proposal is undertaken for rezoning the subject site to R2 Low-Density Residential to allow for residential and neighbourhood scale commercial/retail development. The proposal would also involve the subdivision of several existing allotments on site.

Further details of the proposed works are included in Section 1.5. This HIS has been prepared to determine the potential heritage impact of the proposed works on the pertinent heritage significance of the subject site.

1.2. SITE LOCATION

The details of the individual properties contained within the subject area are outlined in the table below:

Table 1 Subject Area Individual Details

Street Address	Legal Description
614 Old Northern Road, Dural	Lot Y2 DP 1653
618 Old Northern Road, Dural (also known as No. 25 Derriwong Road)	Lot X DP 501233
626 Old Northern Road, Dural	Lot 2 DP541329
21 Derriwong Road, Dural	Lot 2 DP567995
27 Derriwong Road, Dural	Lot 9 DP237576

The location of these properties in relation to listed heritage items or archaeological items in the vicinity is shown in (Figure 1).

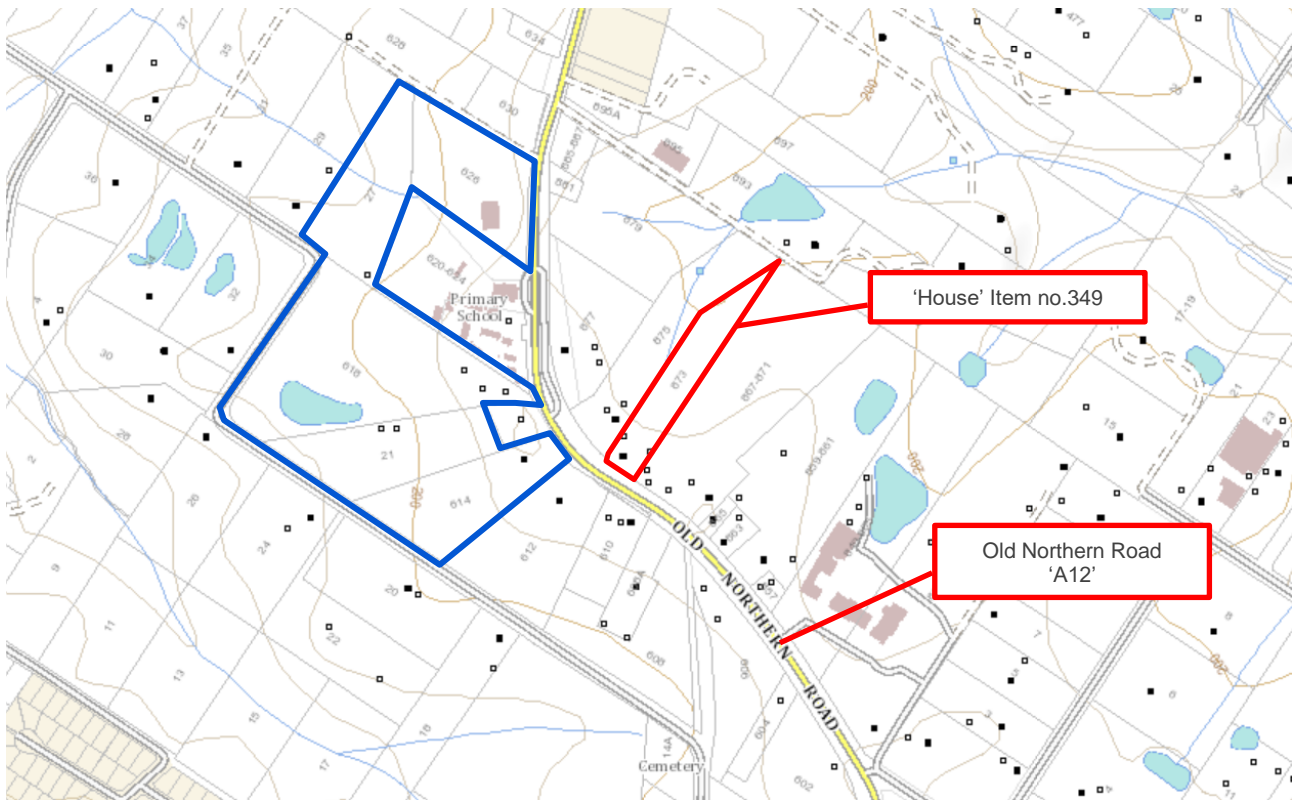


Figure 1 – Locality map with the subject site outlined in blue and the heritage items outlined in red.

Source: SIX Maps, 2022

1.3. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Division guidelines 'Assessing Heritage Significance', and 'Statements of Heritage Impact'. The philosophy and process adopted are guided by the Australia ICOMOS Burra Charter 1999 (revised 2013).

Site constraints and opportunities have been considered with reference to relevant controls and provisions contained within The Hills Local Environmental Plan (LEP) 2012 and The Hills Development Control Plan (DCP) 2012.

1.4. AUTHOR IDENTIFICATION

The following report has been prepared by Cecelia Heazlewood (Consultant). Stephen Davies (Director) has reviewed and endorsed its content.

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

1.5. THE PROPOSAL

The multiple properties within the subject site are currently predominately zoned as Zone RU6 Transition, with Lot 2 DP 541329 being split zoned as both RU6 and SP2 Infrastructure.

A planning proposal for rezoning the subject site to Zone R1 or R2 Low Residential allows for residential and neighbourhood scale commercial/retail development. The proposal would also comprise the subdivision of several existing allotments on site.

The following properties, which are subject to the subdivision proposal include:

- 614 Old Northern Road, Dural
- 618 Old Northern Road, Dural (also known as No. 25 Derriwong Road
- 626 Old Northern Road, Dural

- 21 Derriwong Road, Dural
- 27 Derriwong Road, Dural

This subdivision includes a provision of allotments ranging from standard (600-700sqm), large (1000sqm) and extra-large (2000sqm). The planning proposal concept plan is included below.

At this stage, there are no physical works currently proposed. However, future development of the proposal may involve intersection with Old Northern Road, which is identified in part as an archaeological item under the Hills LEP 2012 (Item A12). Any such intervention with Old Northern Road would be subject to TfNSW requirements. Additionally, a suitably qualified archaeologist may be required to assess future potential archaeological impacts. Recommendations for future treatment of this item concerning the proposed works have been included in Section 6 of this report.

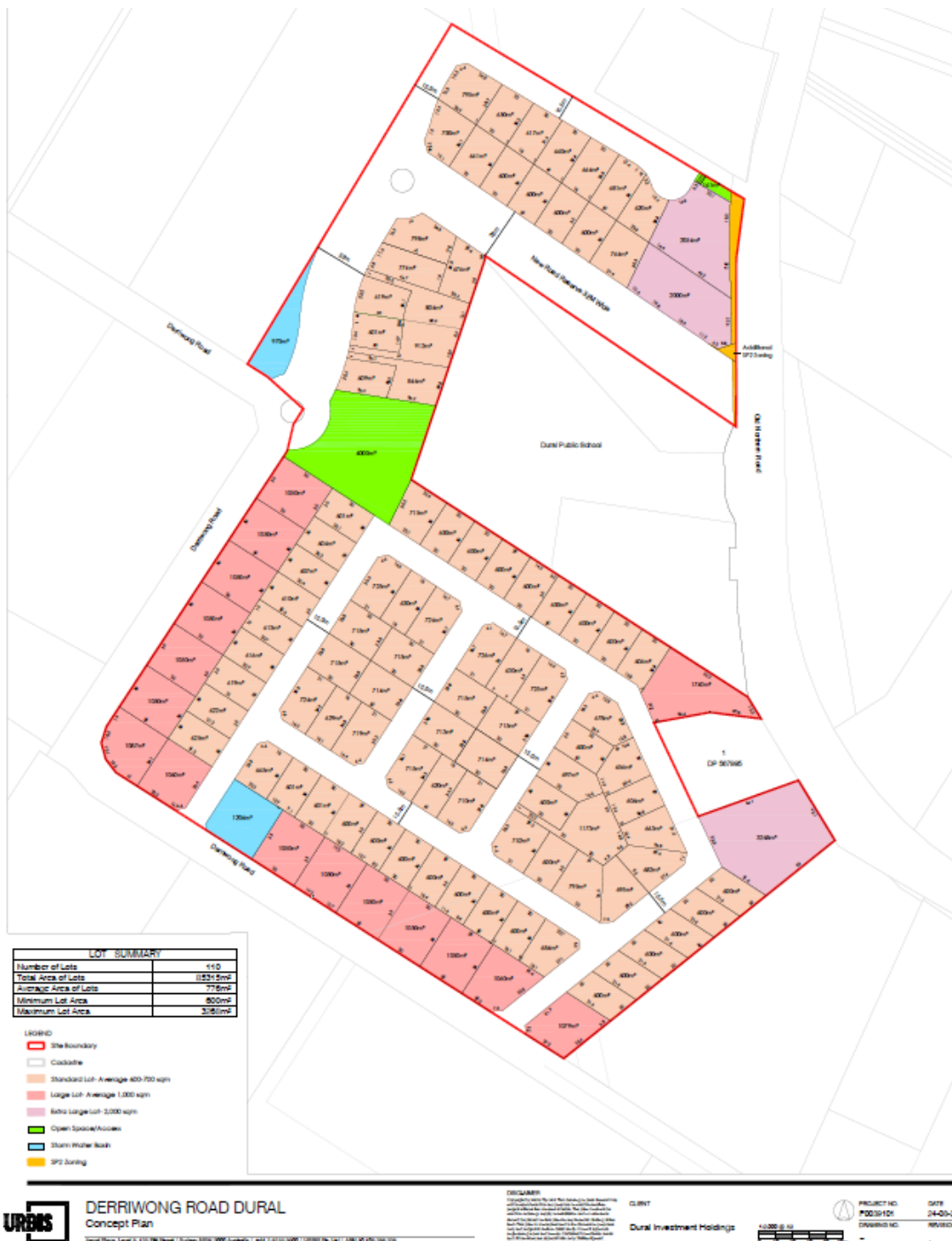


Figure 2 – Indicative plan of the proposed rezoning and subsequent subdivision of subject site.

Source: Urbis, 2022

2. SITE DESCRIPTION

2.1. SITE SETTING

The site is located between Old Northern Road and Derriwong Road in Dural. Dural is a semi-rural suburb, 36 kilometres north-west of the Sydney central business district. It is part of the Hills District in North-western Sydney and is partially located in both the Local Government Areas (LGA) of Hornsby Shire and The Hills Shire. The central thoroughfare in Dural, Old Northern Road, is a major historic road linking Sydney with the Hunter Valley. Historically, Dural was a rural suburb used for fruit growing and timber cutting.

Much of the surrounding area is agricultural, with an emerging residential/commercial subdivision pattern. Especially of note is the residential subdivision growth south and south-east of Dural extending from Cherrybrook, Kellyville and to the west in Hornsby.



Figure 3 Aerial view of subject site approximately location outlined in red.

Source: SIX Maps, 2022

2.2. SUBJECT SITE

As discussed above, the subject site contains four existing properties, including:

- 614 Old Northern Road, Dural
- 618 Old Northern Road, Dural (also known as No. 25 Derriwong Road)
- 626 Old Northern Road, Dural
- 21 Derriwong Road, Dural
- 27 Derriwong Road, Dural

The location of each allotment within the subject site is indicated in the image below.

The subject site is located north of the Round Corner development in Dural. Orchards, plant nurseries and market gardens are common in the area. However, low-density housing development is located to the south-west of the subject site, and a large commercial and industrial precinct is located south-east.

There are occurrences of built development on the subject site, including a brick dwelling at 618 Old Northern Road and a rendered brick dwelling at 614 Old Northern Road. As with many buildings in the vicinity, the dwellings present to Old Northern Road and have a series of contemporary additions and later shed buildings to the rear.

A vacated concrete and brick structure is also located to the east on 626 Old Northern Road. Several other small-scale outbuildings and sheds are dispersed on the other subject allotments. The subject allotments are largely cleared and vacant with minimal landscaping features, notwithstanding some remnant fruit trees from the orchards that dominated the area in the past. There is, however, a large pond to the south-west on 618 Old Northern Road.

Dural Public School is within the boundaries of the site at 622 Old Northern Road, Dural, and is surrounded by the subject allotments. The school comprises a complex of buildings dating from the late 19th Century to the late 20th Century. The earliest building on site is the original timber school building c.1887. Other development within the immediate vicinity of the subject site generally consists of residential/commercial buildings with several outbuildings on a large allotment.

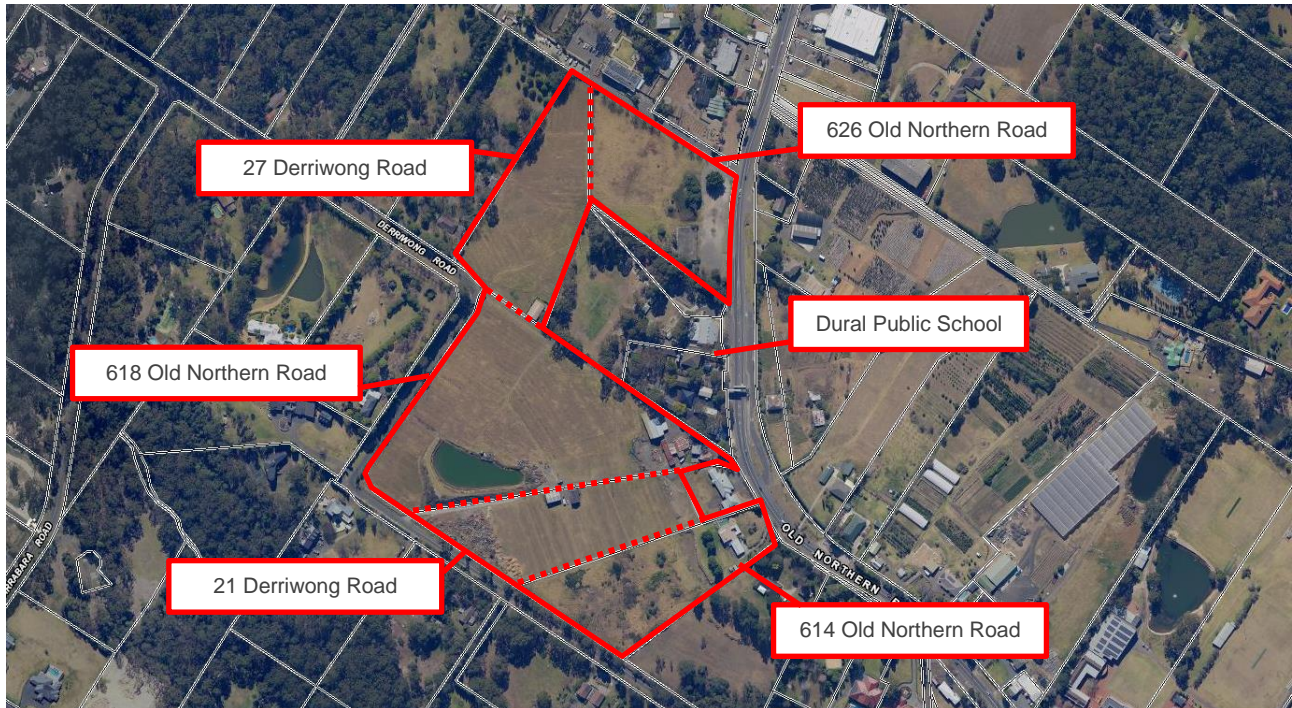


Figure 4 – Aerial view of subject site outlined in red; individual allotments are indicated in red hatching.

Source: SIX Maps, 2022. Annotations by Urbis.



Figure 5 – View west from Old Northern Road with a view to the dwelling at 618 Old Northern Road.

Source: Google Maps, 2022



Figure 6 – View west from Old Northern Road with a view of the vacant structure on 626 Old Northern Road.

Source: Google Maps, 2022



Figure 7 – View south west from Old Northern Road with views to the façade of 614 Old Northern Road.

Google Maps, 2020



Figure 8 – View north east from Derriwong Road with views to the rear of 614 Old Northern Road.

Google Maps, 2020



Figure 9 – View east from Derriwong Road with views to the rear of 27 Derriwong Road.

Google Maps, 2020



Figure 10 – View east from Derriwong Road with views to the rear of 27 Derriwong Road.

Google Maps, 2020



Figure 11 – View east from Derriwong Road with views to the rear of 618 Old Northern Road.

Google Maps, 2020



Figure 12 – View north-east from Derriwong Road with views to the rear of 21 Derriwong Road.

Google Maps, 2020



Figure 13 – View west on Old Northern Road showing the main façade of Dural Public School.

Google Maps, 2022



Figure 14 – View west on Old Northern Road showing the early school building (c.1887) of Dural Public School.

Google Maps, 2022

2.3. THE HERITAGE ITEM

2.3.1. 873 Old Northern Road

The following description of the heritage item in the vicinity of the subject site has been extracted from Heritage NSW State Inventory.

Early Federation weatherboard house. Complex terracotta tiled roof continues down over verandahs. Gabled projection at front with finial. Verandahs on each side returning to sides. Window hood below gable. Main door has sidelights and toplight.



Figure 15 – Façade of the heritage property, 873 Old Northern Road, Dural.

Source: Google Maps, 2021.

3. HISTORICAL OVERVIEW

3.1. AREA HISTORY

It has been claimed that Dural is an Aboriginal word used by the local Dharug language group meaning 'gully' or 'valley'. A map by surveyor James Meehan, dated 1817, shows the location for Dural as 'Doora', and a similar word appeared in the Sydney Gazette in 1805. The Reverend WB Clarke gives Dural the meaning of 'valley' in his diary entry of November 1840. His informant was Nurragingy, a traditional land owner living at North Rocks.¹

In 1817 James Meehan surveyed and marked out a road between Castle Hill and Dural, but it remained a bush track until 1825 when work commenced on the Great North Road. The Great North Road, surveyed in 1825 and completed in 1836, was constructed using convict labour and spanned 264 km, connecting Sydney to the settlements of the Hunter Valley. The Great North Road commences at Parramatta Road, Five Dock, crossing the Parramatta River. It passed through Ryde and Dural before reaching the Hawkesbury River at Wisemans Ferry, 100 km (62 mi) to the north. It then traverses rugged terrain to provide access to Singleton via Broke and Cessnock, Maitland, and Newcastle.²



Figure 16 – 1840 subdivision plan of the area, approximate location of the subject site indicated in white.

Source: State Library of NSW, Call no: Z/M2 811.13/1840/1

The earliest settlers to make a living from the Dural district were timber-getters who cut timber from the forest to service the growing needs of Sydney. The forests of the Dural area stretched from Castle Hill across to Windsor and included ironbark, blue gum, turpentine, cedar, blackbutt, mahogany and wattle trees. The first land grants were given to 30 settlers, including 600 acres, to George Hall in 1819. John Hall still owned property in the area in the 1880s. Another early landowner in the area was George Best, whose farm became a well-known landmark after the Great North Road was built through his property, and he established the 'Half-Way Inn' at Middle Dural in 1831.³

Other pioneers of this time were the Fagan, Waddell, Moulds, Hunt and Roughly families. Many of their descendants still live in the region today. James Roughley donated land to be used for the building of a church. A sandstone chapel, known as St Jude's Church, was built on Old Northern Road circa 1846, with a vestry, apse and shingle roof, plus a bell turret on the western gable. A porch was added soon after. Before

¹ Dictionary of Sydney - Dural

² OEH – Convict History

³ Dural and Round Corner Chamber of Commerce - Dural History

the church's construction, services were held in a timber school building where St Jude's parish hall now stands. Some of the building materials from the old school were used in the parish hall building.⁴

Other settlers followed, and the cleared land and rich soils proved ideal for growing crops and citrus. By 1870 there were dozens of citrus orchards, which drew many workers to the area. As the population increased, additional schools, churches and a police station were established, and the Dural Post Office opened in 1864.

Hornsby and Pennant Hills railway stations, located on the Main Northern line, opened on 17 September 1886. In 1893, a planned train line from Rosehill to Dural would have taken in part of Thomas William's land along the southern end boundary of Dural Road. However, it was not completed. Castle Hill and Cherrybrook stations will be constructed as part of the North West Rail Link in 2019.

Dural is now a semi-rural area with orchards, market gardens and remnant forest. Land blocks average five acres (two hectares) and are popular as hobby farms.⁵

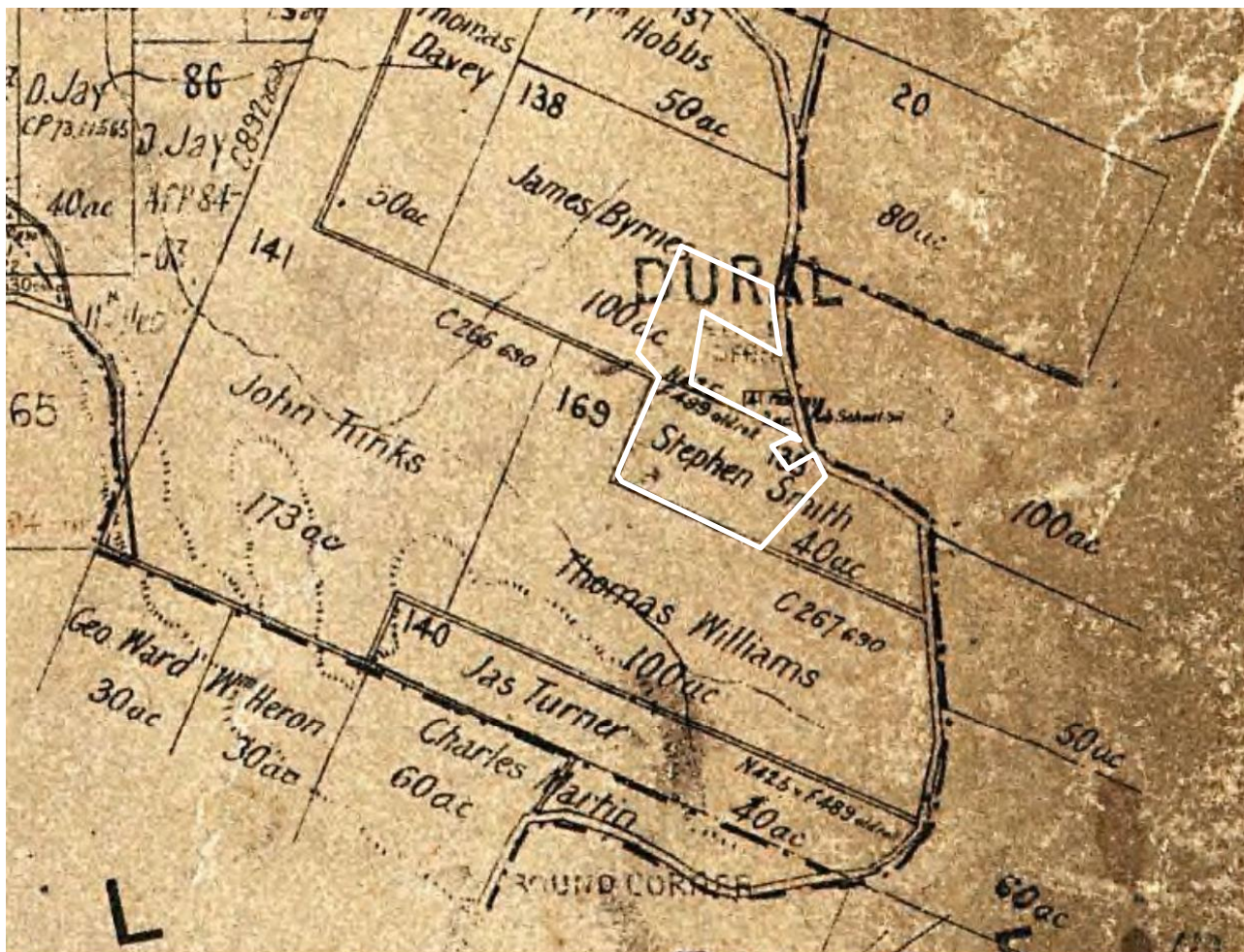


Figure 17 – 1887 Nelson map of the subject area, County of Cumberland. Subject site is approximately indicated in white.

Source: Department of Lands, HLRV Viewer, 2022.

3.2. SUBJECT SITE HISTORY

As discussed above, the subject site has operated as farming lands from the early-mid 1800s to the present day. The site fronts onto the Old Northern Road and has undergone several subdivisions to accommodate the growth of Dural and surrounding suburbs. Parish maps dated between the late 19th and early 20th Centuries reflect this emerging subdivision pattern. A late 19th Century parish map indicates that the subject

⁴ Dural District Anglican Churches – St Judes

⁵ Rowland, J 2008 Dural Dictionary of Sydney [electronic resource]

site was located within two large early allotments owned by James Byrnes (to the north) and Stephen Smith (to the south). The title *James Byrnes* could refer to a notable former minister for public works and Australian politician of the same name. Land Title Records state that James Byrnes and Stephen Smith purchased the allotments in 1823.⁶

Also shown on this map is a small portion of land dedicated for the Dural Public School in its current location. Dural Public School was established in 1869. A Church of England Denominational School had been operating in that location years prior.⁷

Apart from the school, there is little evidence to suggest any notable built development on-site. A parish map of the area from 1931 shows that the earlier allotments had been once again subdivided, with a 'farm' identified at the adjoining west and south-west allotments. Orchardist Frederick Hayman purchased this new subdivided allotment in 1920.⁸ James Byrnes and Stephen Smith still owned the north and south land titles. This map also shows the consistent pattern of subdivision in the area.

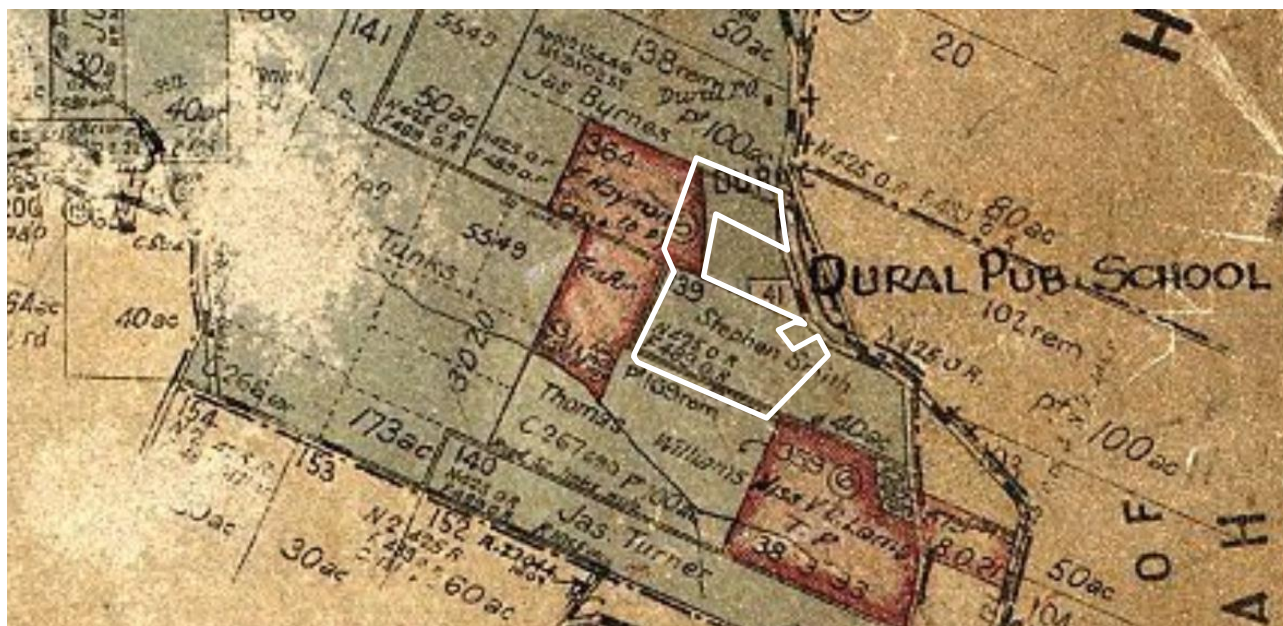


Figure 18 – 1931 Nelson map of the subject area, County of Cumberland. Subject site is approximately indicated in white.

Source: Department of Lands, HLRV Viewer, 2022.

Aerial images from the mid-20th Century indicate that the subject area and surrounds were still primarily used for farming purposes. There are minimal structures and landscaping features (outside of farms) on the site at this time. However, by 1960 the dwellings on 614 and 618 Old Northern Road had been constructed. The physical presentation of these buildings also indicates that they were erected in the Post-War period. By the late 1960s, the dam at 618 Old Northern Road appeared to the south. Additional outbuildings and a structure appeared at the eastern end of 626 Old Northern Road. Other parts of the subject site remained generally consistent farmland.

⁶ NSW Land Registry Services, Appn. 15446

⁷ Dural Public School, 'Brief History of Dural Public School', via: <https://dural-p.schools.nsw.gov.au/>

⁸ NSW Land Registry Services, Vol Fol 6466 36



Figure 19 – 1947 aerial of the subject area. Subject site is approximately indicated in white.

Source: Department of Lands, HLRV Viewer, 2022.

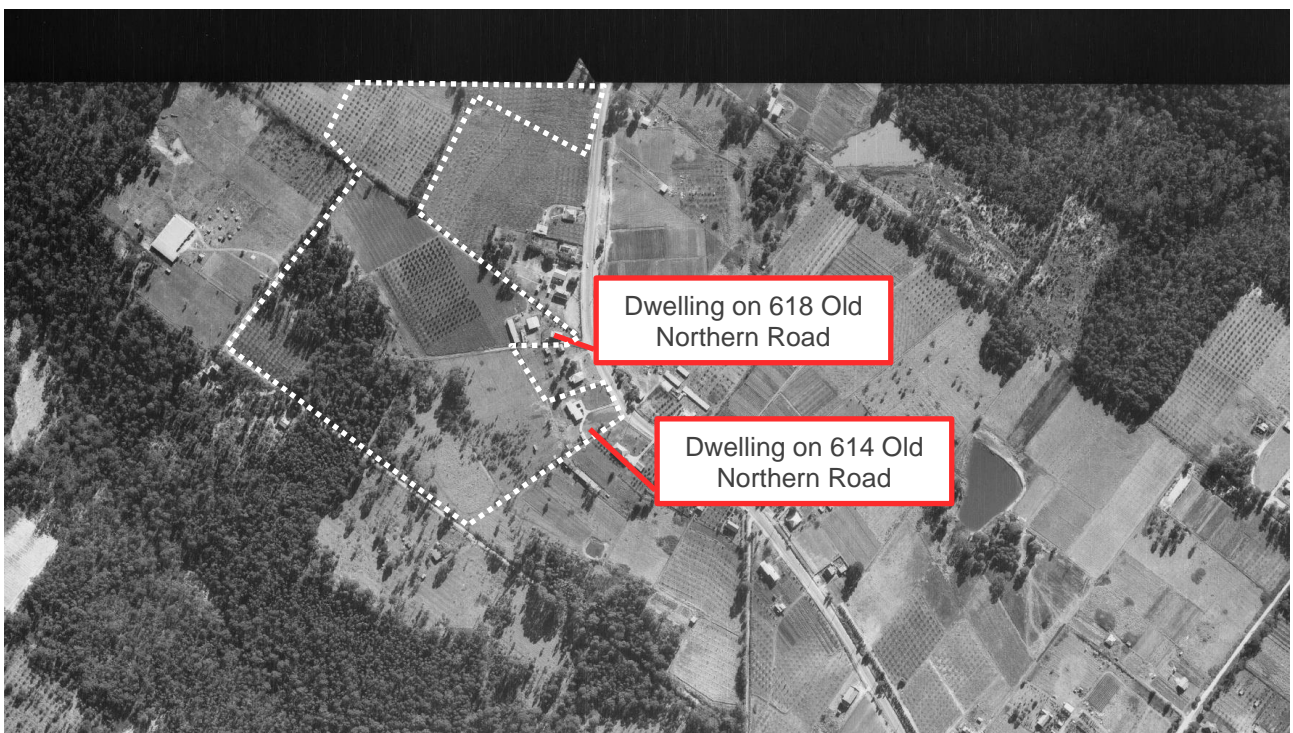


Figure 20 – 1961 aerial of the subject area. Noting northern portion of subject site not pictured in this aerial.

Source: Department of Lands, HLRV Viewer, 2022.

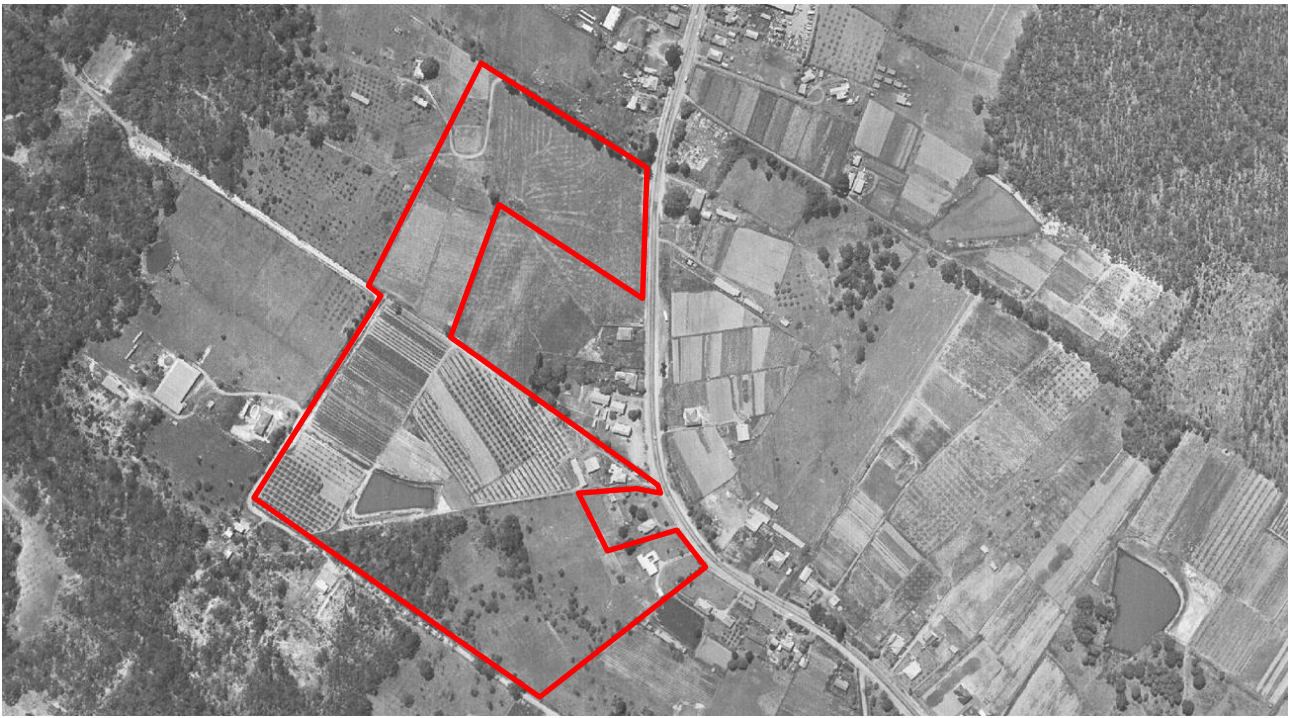


Figure 21 – 1965 aerial of the subject area. Subject site is approximately indicated in red.

Source: Department of Lands, HLRV Viewer, 2022.

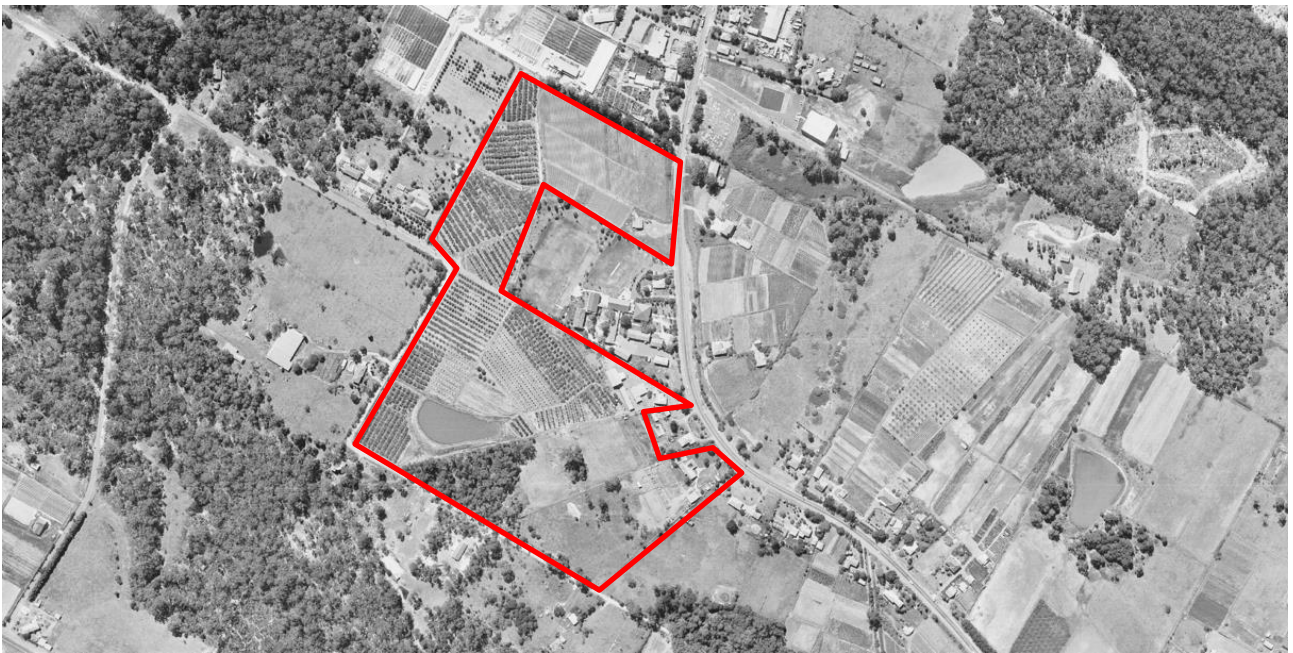


Figure 22 – 1978 aerial of the subject area. Subject site is approximately indicated in red.

Source: Department of Lands, HLRV Viewer, 2022.



Figure 23 – 1986 aerial of the subject area. Subject site is approximately indicated in white.

Source: *Department of Lands, HLRV Viewer, 2022.*



Figure 24 – 1998 aerial of the subject area. Subject site is approximately indicated in white.

Source: *Department of Lands, HLRV Viewer, 2022.*

4. HERITAGE SIGNIFICANCE

4.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage-listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place – why it is important and why a statutory listing was made to protect these values.

4.2. HERITAGE LISTING

Heritage item 349, 'House', 873 Old Northern Road, Dural, lies within the vicinity of the subject site. As stated above, the subject site also lies within the vicinity of Archaeological item A38, 'Old Northern Road'. However, the proposal may involve minor intersection with Old Northern Road, subject to requirements outlined by Transport for NSW. Accordingly, the impact assessment in Section 5 below will not include reference to A38.

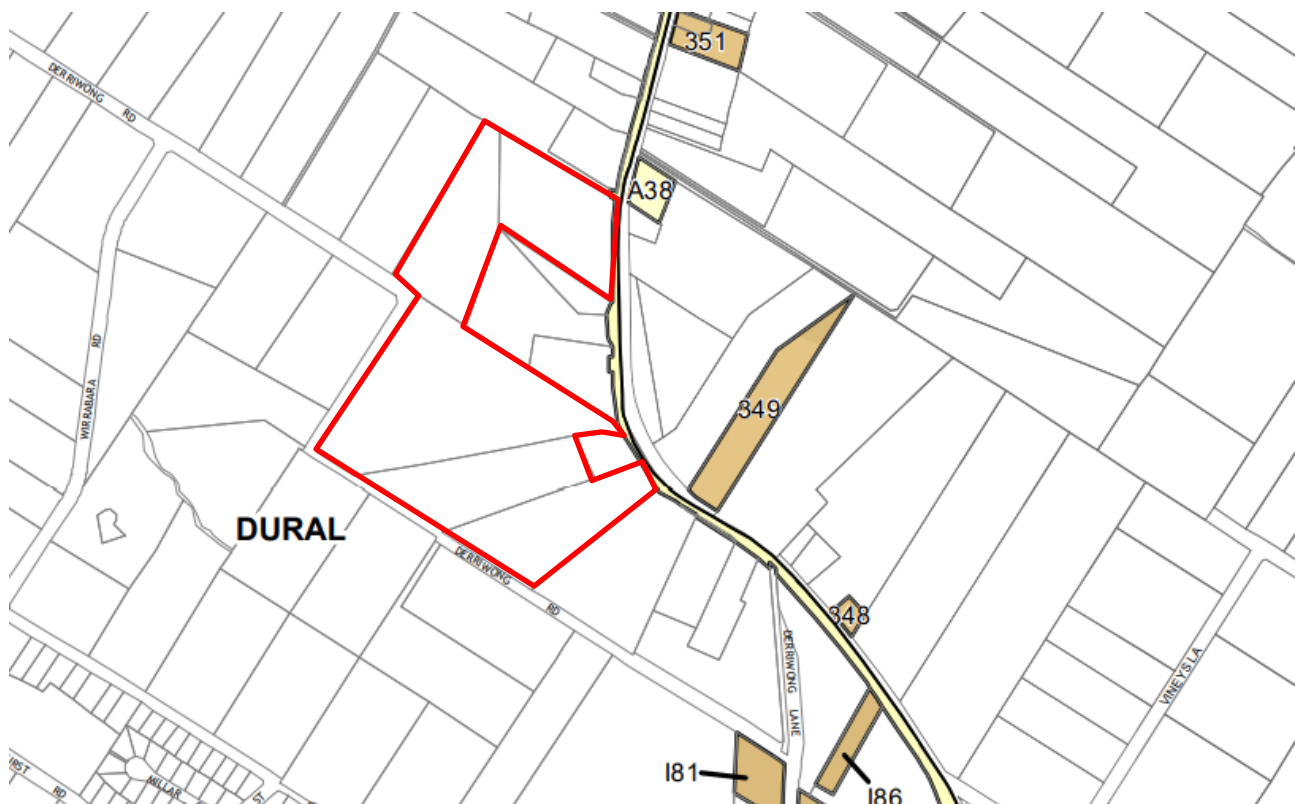


Figure 25 – The Hills LEP Heritage Map 23 and Hornsby LEP Heritage Map 9 showing heritage listed items in and within the vicinity of the subject site (outlined in red).

Source: THE HILLS LEP 2012 HERITAGE MAP 23 & HORNSBY LEP 2013 HERITAGE MAP 9.

Historical research indicates that the subject site is contained within a portion of land purchased by early settlers of the area, Stephen Smith and James Byrnes. However, it is assessed that the subject site does not maintain a meaningful association with either individual. Furthermore, the subject site was formed as a part of a series of subdivisions from the mid-late 20th Century. The current allotments do not reflect any significant heritage subdivision patterns. Further subdivision of these allotments would not alter any identified historic subdivision pattern. Similarly, the structures and landscaping elements are remnant features from the mid-late 20th Century. A preliminary assessment of these elements indicates they are not of heritage significance.

It is assessed that the subject site is currently largely unoccupied, and prior structures have been demolished with negligible remaining fabric. Accordingly, assessing the built heritage significance of the subject site is not appropriate. Notwithstanding, the proposed development will be evaluated against the significance of the heritage item in the vicinity. The established Statement of Significance for the vicinity heritage item (I349) is included below.

4.3. STATEMENT OF SIGNIFICANCE

4.3.1. 873 Old Northern Road, Dural

The following Statement of Significance for the heritage item in the vicinity of the subject site has been extracted from Heritage NSW State Inventory.⁹

*Good example of an early Federation weatherboard house. Much original surviving detail.
Good condition.*

⁹ Heritage NSW State Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1780566>

5. IMPACT ASSESSMENT

Below, the potential impact of the proposal is assessed against the applicable heritage-related statutory and non-statutory planning controls which relate to the site and the proposed development.

5.1. STATUTORY CONTROLS

5.1.1. The Hills Local Environmental Plan 2012

The table below provides an assessment of the proposal against the relevant provision for heritage conservation as found in *The Hills LEP 2012*.

Table 2 Assessment against The Hills Local Environmental Plan 2012

Clause	Response
<p>(1) Objectives</p> <p><i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to conserve the environmental heritage of The Hills Shire Council,</i></p> <p>(b) <i>to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</i></p> <p>(c) <i>to conserve archaeological sites,</i></p> <p>(d) <i>to conserve Aboriginal objects and Aboriginal places of heritage significance</i></p>	<p>As set out in the table below, it is considered that the planning proposal would not diminish the significance of the heritage item in the vicinity. An appropriate curtilage is allowed around the heritage item so that subdivision of the land will not detract from or obscure views to the heritage item within the vicinity.</p>
<p>(2) Requirement for consent</p> <p><i>Development consent is required for any of the following:</i></p> <p>(a) <i>demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</i></p> <p>(i) <i>a heritage item,</i></p> <p>(ii) <i>an Aboriginal object,</i></p> <p>(iii) <i>a building, work, relic or tree within a heritage conservation area,</i></p>	<p>The proposal concerns the subdivision of land in the vicinity of a heritage item. As such, this HIS has been prepared to assess the heritage impact of the planning proposal on the proximate heritage item.</p>
<p>(4) Effect of proposed development on heritage significance</p> <p><i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared</i></p>	<p>No development is proposed at this time. It is generally considered that the planning proposal would be sympathetic to the significance of the heritage item in the vicinity. Urban zoning for the area would be in keeping with the area's existing development pattern.</p> <p>The site is located in an area of changing character, particularly the existing commercial development to the south. The subdivision and rezoning aims to retain the</p>

Clause	Response
<p><i>under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p> <p>(5) Heritage assessment</p> <p><i>The consent authority may, before granting consent to any development:</i></p> <p><i>(a) on land on which a heritage item is located, or</i></p> <p><i>(b) on land that is within a heritage conservation area, or</i></p> <p><i>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</i></p> <p><i>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.</i></p>	<p>same character and scale of the current Old Northern Road. An appropriate curtilage is allowed around the heritage item so that subdivision of the land will not detract from or obscure views to the heritage item within the vicinity.</p> <p>Historical research indicates that the subject site is contained within a former land grant purchased by early settlers of the area, Stephen Smith and James Byrnes. However, it is assessed that the subject site does not maintain a meaningful association with either individual.</p> <p>Furthermore, the subject site was formed as a part of a series of subdivisions from the mid-late 20th Century. The current allotments do not reflect any significant heritage subdivision patterns. Further subdivision of these allotments would not alter any identified historic subdivision pattern.</p> <p>Similarly, the structures and landscaping elements are remnant features from the mid-late 20th Century. A preliminary assessment of these elements indicates they are not of heritage significance.</p> <p>Notwithstanding the above, there is an opportunity to interpret the former usage of the site for farming and orchard purposes. This has been included as a recommendation in Section 6.</p> <p>As no physical works are proposed to any item of heritage significance. However, further developments of the proposal may involve minor intersection with Old Northern Road, which is identified in part as an archaeological item under the Hills LEP 2012 (Item A12). Notwithstanding, any further works are subject to TfNSW recommendations and may require input from a suitably qualified archaeology consultant to assess potential archaeological impacts.</p> <p>This report has been prepared to fulfil this requirement.</p>

5.2. THE HILLS DEVELOPMENT CONTROL PLAN 2012

The table below assesses the proposal against the relevant objective and provisions for heritage conservation as found in *The Hills DCP 2012*.

Table 3 Assessment against The Hills Development Control Plan 2012

Provision	Response
3.2 Subdivision	

Provision	Response
<p>Controls</p> <p>(a) Proposals for subdivision should define an appropriate setting or 'curtilage' for the heritage building as part of the heritage impact statement or conservation management plan.</p> <p>(b) In determining the curtilage of a heritage building consideration is to be given to the following:</p> <ul style="list-style-type: none"> • The type of structure and original form and function of the heritage building should be reflected in the curtilage. • Gardens, Trees, Fencing, Gates and Archaeological Sites that are considered valuable in interpreting the history and setting of a building should be retained within the curtilage; • The likely development expected to occur on the lots proposed to be created which will adjoin the heritage site shall have regard to setting, overshadowing and the views to and from the heritage site; • It is desirable to retain where possible the original access arrangements to the site. The manner in which a heritage building is orientated in respect to public roads contributes to its significance. • Council may impose restrictions upon lots adjoining a heritage item including height limitations, building setbacks, access arrangements, building orientation, and presentation to the streetscape; • Visual Links such as street frontage, garden settings, important vegetation, outbuildings, stables, water features, or distant topographical features should be retained within the curtilage and should not be obscured by new work. 	<p>a) & b) The proposal ensures that there is sufficient curtilage provided between the heritage item within the vicinity and the subject site. As stated above, the heritage item within the vicinity of the subject site is not contained within the subject site nor do they share a boundary.</p> <p>Furthermore, the subject site is not identified as belonging to any significant historical subdivision associated with the heritage item. Nor does it contain any notable landscaping features or buildings of significance to the subject site.</p> <p>In this instance, the proposal would not engender impacts on the boundaries or visual links to the nearby heritage item. Nor would there be any impact on the setting or arrangement of the heritage site.</p>

5.3. HERITAGE NSW GUIDELINES

The proposed works are addressed in relation to relevant questions posed in Heritage NSW's (former Heritage Office/Heritage Division) 'Statement of Heritage Impact' guidelines.

Table 4 Heritage NSW Guidelines

Clause	Discussion
<p>The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:</p>	<p>Subdivision for low-density residential purposes within the study area would be in keeping with the residential development already existing in the neighbourhood and the changing character of the semi-rural district.</p>

Clause	Discussion
<p>The following aspects of the proposal could detrimentally impact on heritage significance.</p> <p>The reasons are explained as well as the measures to be taken to minimise impacts:</p>	<p>Residential development in the vicinity of the listed item will not obscure the historic and rural character of the vicinity heritage property. Furthermore, Urban zoning for the area would be in keeping with the existing development pattern in the district.</p> <p>The site is located in an area of changing character, particularly the existing commercial development to the south. Subdivision and rezoning should aim to retain the same character and scale of the current Old Northern Road. An appropriate curtilage is allowed around the heritage item so that subdivision of the land will not detract from or obscure views to the heritage item within the vicinity.</p> <p>Furthermore, the subject site was formed as a part of a series of subdivisions from the mid-late 20th Century. The current allotments do not reflect any heritage significant subdivision patterns. Further subdivision of these allotments would not alter any identified historic subdivision pattern.</p> <p>Similarly, the structures and landscaping elements are remnant features from the mid-late 20th Century. A preliminary assessment of these elements indicates they are not of heritage significance.</p> <p>As no physical works are proposed to any item of heritage significance. However, further developments of the proposal may involve minor intersection with Old Northern Road, which is identified in part as an archaeological item under the Hills LEP 2012 (Item A12). Notwithstanding, any further works are subject to TfNSW recommendations and may require input from a suitably qualified archaeology consultant to assess potential archaeological impacts.</p>
<p>The following sympathetic solutions have been considered and discounted for the following reasons:</p>	<p>Not applicable.</p>
<p>Change of use</p> <p>Has the advice of a heritage consultant or structural engineer been sought?</p> <p>Has the consultant's advice been implemented? If not, why not?</p> <p>Does the existing use contribute to the significance of the heritage item?</p>	<p>The subject site and surrounding land will be rezoned from rural to low-density residential. This is considered appropriate as there is an emerging pattern of similar developments.</p> <p>As stated above, the heritage item within the vicinity of the subject site is not contained within the subject site, nor do they share a boundary.</p> <p>An initial assessment of the subject site indicates that it is not identified as possessing any heritage significance.</p>

Clause	Discussion
<p>Why does the use need to be changed?</p> <p>What changes to the fabric are required as a result of the change of use?</p> <p>What changes to the site are required as a result of the change of use?</p>	<p>Notwithstanding, there is an opportunity to interpret the former usage of the site for farming and orchard purposes. This has been included as a recommendation in Section 7.2.</p>
<p>New development adjacent to a heritage item</p> <p>How does the new development affect views to, and from, the heritage item?</p> <p>What has been done to minimise negative effects?</p> <p>How is the impact of the new development on the heritage significance of the item or area to be minimised?</p> <p>Why is the new development required to be adjacent to a heritage item?</p> <p>How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?</p> <p>Is the development sited on any known, or potentially significant archaeological deposits?</p> <p>If so, have alternative sites been considered? Why were they rejected?</p> <p>Is the new development sympathetic to the heritage item?</p> <p>In what way (e.g. form, siting, proportions, design)?</p> <p>Will the additions visually dominate the heritage item?</p> <p>How has this been minimised?</p> <p>Will the public, and users of the item, still be able to view and appreciate its significance?</p>	<p>The planning proposal is designed with regard to the amenity and significance of the heritage item and neighbouring items.</p> <p>The planning proposal is in keeping with the current low residential/commercial development pattern within the area and would not further impact any item of heritage significance.</p> <p>Furthermore, the subject site is not identified as belonging to any significant historical subdivision associated with the heritage item. Nor does it contain any notable landscaping features or buildings of significance to the subject site.</p> <p>In this instance, the proposal would not engender impacts on the boundaries or visual links to the nearby heritage item. Nor would there be any impact on the setting or arrangement of the heritage site.</p> <p>It is beyond the scope of this report to assess</p>
<p>Subdivision</p> <p>How is the proposed curtilage allowed around the heritage item appropriate?</p> <p>Could future development that results from this subdivision compromise the significance of the heritage item? How has this been minimised?</p> <p>Could future development that results from this subdivision affect views to, and from, the heritage item?</p>	<p>The proposal ensures sufficient curtilage between the heritage item within the vicinity and the subject site.</p> <p>A low-density residential subdivision is already present in the area and is considered appropriate for the site. The current proposal, therefore, responds to the existing development pattern within the area.</p> <p>Future developments should have regard for the low-density heritage items in the vicinity.</p>

Clause	Discussion
How are negative impacts to be minimised?	

6. CONCLUSION AND RECOMMENDATIONS

A detailed impact assessment of the proposed works has been undertaken in Section 5 of this report. The planning proposal has been assessed to have no heritage impact on the pertinent heritage significance within the vicinity of the site. Key aspects of the proposal assessment are listed below:

- Residential development in the vicinity of the listed item will not obscure the historic and rural character of the vicinity heritage property. Furthermore, Urban zoning for the area would be in keeping with the existing development pattern in the district.
- The site is located in an area of changing character, particularly the existing commercial development to the south. Subdivision and rezoning should aim to retain the same character and scale of the current Old Northern Road. An appropriate curtilage is allowed around the heritage item so that subdivision of the land will not detract from or obscure views to the heritage item within the vicinity.
- Furthermore, the subject site was formed as a part of a series of subdivisions from the mid-late 20th Century. The current allotments do not reflect any heritage significant subdivision patterns. Further subdivision of these allotments would not alter any identified historic subdivision pattern.
- Similarly, the structures and landscaping elements are remnant features from the mid-late 20th Century. A preliminary assessment of these elements indicates they are not of heritage significance.
- No physical works are proposed to any item of heritage significance. However, the proposal may involve minor intersection with Old Northern Road, which is identified in part as an archaeological item under the Hills LEP 2012. Mitigation of these works would be subject to requirements outlined by Transport for NSW.

For the above reasons, the proposed works are recommended from a heritage perspective, with regard for the proposed recommendations below.

RECOMMENDATIONS

- A Heritage Interpretation Strategy could be considered to interpret the former pastoral and fruit farming usage of the site. This Strategy should be prepared by a suitably qualified heritage consultant. The Strategy should identify significant themes and narratives for interpretation, as well as identify locations, media, and indicative content for interpretation. Interpretation should be considered during detailed design and construction phases in conjunction with the project architect and other specialists as required.
- It is recommended that an Historical Archaeological Impact Assessment (HAIA) be prepared prior to the submission of a Development Application should impacts be proposed to the Old Northern Road (Archaeology Item no. A12, Schedule 5, the Hills LEP 2019).

7. BIBLIOGRAPHY AND REFERENCES

7.1. BIBLIOGRAPHY

NSW Department of Finance and Services, Spatial Services, available at: <<https://maps.six.nsw.gov.au/>>

Google Maps 2020, Aerial view of the subject site, available at:
<<http://maps.google.com.au/maps?hl=en&tab=wl>>.

7.2. REFERENCES

Apperly, R., Irving, R. and Reynolds, P. (eds) 2002, A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present, Angus and Robertson, Pymble.

Australia ICOMOS 1999, The Burra Charter: 2013 The Australia ICOMOS Charter for Places of Cultural Significance, Australia ICOMOS, Burwood.

Heritage Office and Department of Urban Affairs & Planning 1996, NSW Heritage Manual, Heritage Office and Department of Urban Affairs & Planning (NSW), Sydney.

Heritage Office 2001, Assessing Heritage Significance, Heritage Office, Parramatta.

[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

8. DISCLAIMER

This report is dated 13 September 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Legacy Property Group (**Instructing Party**) for the purpose of a Development Application (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

