



Extension of Glenmore Park Planning Proposal, Mulgoa, NSW

Historic Heritage Assessment


Prepared for Mirvac Homes (NSW) Pty Ltd and Vianello Holdings Pty Ltd

April 2022

Document control

Project no.:	5767
Project client:	Mirvac (NSW) Pty Ltd and Vianello Holdings Pty Ltd
Project office:	Sydney
Document description:	Heritage impact assessment
Project Manager:	Sam Richards
Authors:	Duncan Jones, Jess Cuskelly and Marika Low
Internal review:	Duncan Jones and Clare Anderson
Document status:	FNL REV 03
Local Government Area:	Penrith

Document revision status

Authors	Revision number	Internal review	Date issued
Duncan Jones and Jess Cuskelly	D 01	Duncan Jones	10/04/2018
Sam Richards	R 01	Duncan Jones	26/04/2018
Marika Low	R 02	Clare Anderson	24/03/2020
N/A 	R 03	N/A	05/04/2022

Niche Environment and Heritage

A specialist environmental and heritage consultancy.

Head Office

Level 3, Suite 2, 93 George Street
Parramatta NSW 2150
All mail correspondence to:
PO Box 2443
North Parramatta NSW 1750
Email: info@niche-eh.com

Sydney

0488 224 888

Central Coast

0488 224 999

Illawarra

0488 224 777

Armidale

0488 224 094

Newcastle

0488 224 160

Mudgee

0488 224 025

Port Macquarie

0488 224 999

Brisbane

0488 224 036

Cairns

0488 284 743

© Niche Environment and Heritage, 2020

Copyright protects this publication. Except for purposes permitted by the Australian Copyright Act 1968, reproduction, adaptation, electronic storage, and communication to the public is prohibited without prior written permission. Enquiries should be addressed to Niche Environment and Heritage, PO Box 2443, Parramatta NSW 1750, Australia, email: info@niche-eh.com.

Any third party material, including images, contained in this publication remains the property of the specified copyright owner unless otherwise indicated, and is used subject to their licensing conditions.

Cover photograph: View west from The Northern Road (Source: Niche, 2018)

Executive Summary

Niche Environment and Heritage Pty Ltd (Niche) were commissioned by Mirvac Homes (NSW) Pty Ltd (Mircvac Homes) and Vianello Holdings Pty Ltd (Vianello) to undertake a historical heritage impact assessment for the proposed planning proposal for residential development located on the periphery of Glenmore Park and Mulgoa (the Subject Area). The Subject Area is situated within a semi-rural locality of Mulgoa, approximately 7 km south of Penrith and approximately 32 km west of Parramatta CBD.

The purpose of this assessment is to identify and assess the heritage significance of listed items within and within proximity of the Subject Area which may be impacted by a future rezoning. A preliminary desktop non-Aboriginal (historic) archaeological assessment of the Subject Area has been prepared and validated by a site inspection. This assessment also appraises relevant heritage planning controls for development within the Subject Area.

The assessment concluded that there were no listed heritage items within the Subject Area, and that historic heritage items located in proximity to the Subject Area would not be impacted by the subdivision and planning proposal. The assessment also concluded that no potential areas of non-Aboriginal (historic) heritage significant archaeological relics are likely to be located within the Subject Area.

The Subject Area is located within the boundaries of two areas established in the Penrith LEP 2010 which have developmental controls to preserve landscape character in these regions, partly to ensure that heritage significant views and vistas are not impacted by development (Clause 7.5 and 7.18). This assessment concludes that the planning proposal would not adversely impact the heritage requirements of these LEP clauses. This assessment also concludes that there would be no adverse impacts to heritage items protected under Part C7.1 of the Penrith DCP 2014.

This report concludes that there are no further non-Aboriginal heritage constraints on the rezoning planning proposal and the future residential development of the Subject Area. This assessment should be provided in support of the rezoning submission to Penrith City Council for the Subject Area.

Table of Contents

Executive Summary	ii
1. Introduction.....	1
1.1 Project site	1
1.2 Proposed activity.....	1
1.3 Project scope and report outline	1
1.4 Authorship and acknowledgements	2
2. Regulatory and Assessment Framework.....	2
2.1 Preamble	2
2.2 National and Commonwealth Heritage Registers.....	2
2.3 NSW Heritage Act 1977.....	4
2.4 NSW Environmental Planning & Assessment Act 1979.....	4
2.5 Penrith Local Environmental Plan 2010	5
2.6 Penrith Development Control Plan 2014	7
3. Historical Context	11
3.1 Preamble	11
3.2 Development of the Penrith area	11
3.3 Development of the Subject Area	11
3.4 The Mulgoa Valley	12
3.5 Orchard Hills Cumberland Plains (CHL #105317)	13
3.6 Modern Development.....	14
4. Description and Site Setting.....	17
4.1 Preamble	17
4.2 Subject Area	17
4.3 Adjacent areas to the Subject Area.....	18
4.4 Nearby Heritage Items.....	19
4.5 Archaeological Potential	22
5. Assessment of Significance	24
5.1 Significance framework.....	24
5.2 Significance Statement of Significance.....	24
6. Heritage Impact Assessment.....	30
6.1 Proposed Works.....	30
6.2 Direct impacts to heritage items.....	30
6.3 Indirect (visual) impacts to heritage items.....	30
6.4 Penrith LEP 2010 Heritage and Scenic Conservation Areas.....	31
7. Conclusions and Recommendations	33
7.1 Conclusions	33
7.2 Recommendations	33
References	34
Annex 1: March 2022 Masterplan for Mulgoa Planning Proposal (REV E)	35

List of Figures

Figure 1: General location of the Subject Area	3
Figure 2: Location and extent of the Subject Area.....	1
Figure 3: Heritage items within proximity to the Subject Area (Source: Niche and LPI).....	9
Figure 4: Location of LEP “Mulgoa Valley” and “Land with Scenic and Landscape Values”	10
Figure 5: c1868 Mulgoa Parish Map showing John Wood, John Jamison and Henry Fulton land grants in association with the approximate location of the Subject Area circled in blue (Source LPI).....	12
Figure 6: 1890s plan of the Mulgoa Irrigation Canal, which crosses The Northern Road approximately 1.3 km to the south of the Subject Area (Source: NLA)	14
Figure 7: 1951 aerial image of the Subject Area showing largely cleared pastoral land with an absence of significant structures.....	16
Figure 8: Aerials of Subject Area	23
Figure 9: March 2022 Masterplan for Mulgoa Planning Proposal.....	35

List of Tables

Table 1: National heritage register results in proximity to the Subject Area.....	2
Table 2: State heritage listed items near the Subject Area.....	4
Table 3: Heritage items listed on the LEP in proximity to the Subject Area.....	5

1. Introduction

1.1 Project site

Niche Environment and Heritage Pty Ltd (Niche) were commissioned by Mirvac Homes (NSW) Pty Ltd (Mircvac Homes) and Vianello Holdings Pty Ltd (Vianello) to undertake a historical heritage impact assessment for the proposed planning proposal for residential development on the periphery of Glenmore Park and Mulgoa, NSW (the Subject Area). The Subject Area is situated within a semi-rural locality of Mulgoa, approximately 7 km south of Penrith and approximately 32 km west of Parramatta CBD. The location and extent of the Subject Area is shown in Figure 1 and Figure 2. The Subject Area comprises the following land parcels:

- Lot 2/DP224861
- Lot 19/DP244610
- Lot 2/DP1224642
- Lot 1/DP1224642
- Lot 18/DP244610
- Lot 19/DP244610
- Lot 25/DP244610
- Lot 26/DP244610
- Lot 27/DP244610
- Lot 28/DP244610
- Lot 29/DP244610
- Lot 30/DP244610
- Lot 31/DP244610
- Lot 5/DP29081
- Lot 3/DP29081
- Lot 2/DP29081
- Lot 1/DP29081
- Lot 4/DP29081
- Lot 6/DP29081
- Lot 8/DP29081
- Lot 1/DP1088989
- Lot 1/DP795841.

The purpose of this assessment is to identify and assess the heritage significance of listed items within proximity of the Subject Area which may be impacted by the future development of the site. A preliminary desktop non-Aboriginal (historic) archaeological assessment of the Subject Area has been prepared and the findings verified by a site inspection. This assessment also appraises relevant heritage planning controls for development within the Subject Area.

1.2 Proposed activity

Mircvac Homes and Vianello are preparing a Planning Proposal to submit to Penrith City Council which would facilitate the rezoning of the Subject Area. The rezoning will enable the residential development of approximately 205 hectares of existing rural land. Portions of the existing E3 (Environmental Management) and RU2 (Rural Landscape) zoned land are to be rezoned to R1 (General Residential) or R2 (Low Density Residential) as well as open space and retail offering to facilitate the suburban development of the Subject Area. A Masterplan for the updated planning proposal (dated 31 March 2022) has been provided in Annex 1 (Figure 9) at the end of this report.

1.3 Project scope and report outline

To complete this historic heritage assessment, the following tasks were undertaken:

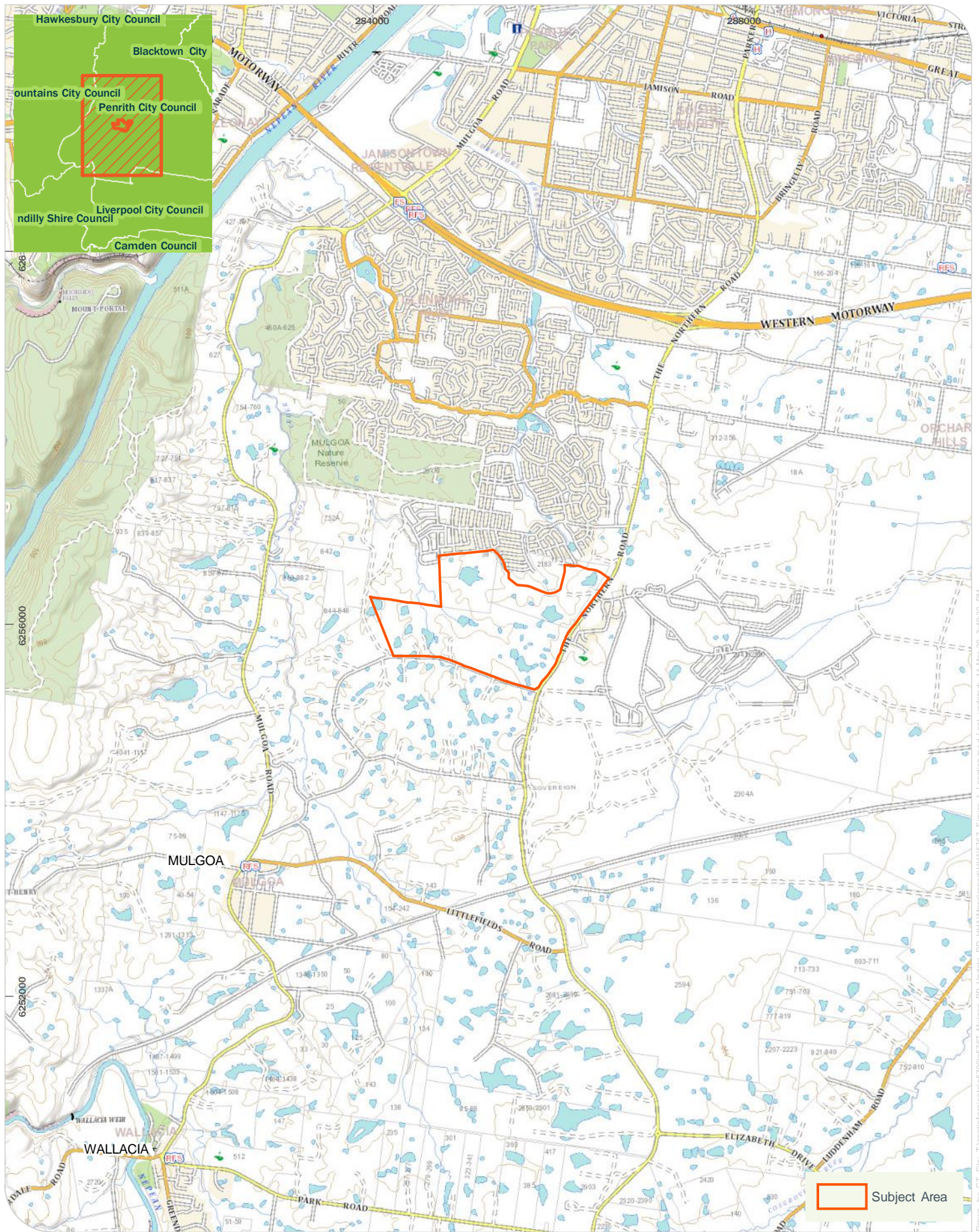
- Identification of relevant State and local heritage planning controls that would be relevant to the Project (Section 2).
- Historical research to understand the past land use and heritage values of the Subject Area and surrounding area (Section 3).
- Site inspection of the Subject Area to assess any potential impacts (Section 4).
- Statements of significance for any heritage items in or near the Subject Area (Section 5).
- Impact assessment of the future development on the heritage values and significance of the surrounding heritage items (Section 6).
- Provision of management recommendations (Section 7).

1.4 Authorship and acknowledgements

Revision 1 (2018) of this report was prepared by Jessica Cuskelly (Heritage Consultant, Niche) and Duncan Jones (Senior Heritage Consultant, Niche) and reviewed by Duncan Jones (Senior Heritage Consultant, Niche).

Revision 2 (2020) of this report was undertaken by Marika Low (Heritage Consultant, Niche) and reviewed by Clare Anderson (Senior Heritage Consultant, Niche).

Revision 3 (2022) of this report was to update the latest Masterplan dated 31 March 2022 Rev E.



Drawn by: GT File: T:\spatial\projects\5700\5767_Mulgoa_PP_Update_DO_HHA\Map\report\HHA5767_Figure_1_Location.mxd Last updated: 11-Mar-20 3:40:22 PM

2. Regulatory and Assessment Framework

2.1 Preamble

The following subsections present a summary of relevant State and local legislation and associated planning instruments designed to conserve significant heritage items and their values. The results of heritage register searches undertaken on 10 March 2020 are presented in the relevant subsections and are shown in Figure 3.

2.2 National and Commonwealth Heritage Registers

Under the Environmental Protection and Biodiversity Conservation Act 1999 Amendments (No. 88, 2003), two mechanisms have been created for the protection of heritage places of National significance (<http://www.environment.gov.au/heritage/places/national/index.html>) – the National Heritage List (NHL) and the Commonwealth Heritage List (CHL). The NHL provides protection to places of cultural significance to the nation of Australia, while the CHL comprises natural, Aboriginal and historic heritage places owned and controlled by the Commonwealth.

The Register of the National Estate (RNE) is a non-statutory list of important places maintained by the Commonwealth as a publicly available archive and educational resource. The existence of an entry for a place in the RNE does not in itself create a requirement to protect the place under Commonwealth law. Nevertheless, information in the RNE may continue to be current and may be relevant to decisions about protection and management.

The Australian Heritage Database (AHD) is maintained by the Department of the Environment and Energy (DoEE). The AHD contains records of CHL, NHL and RNE places.

A search of the AHD was undertaken on 10 March 2020. There are no items within the Subject Area listed on CHL or the NHL. One item adjacent to the Subject Area is listed on the CHL while eight items (including the item listed on the CHL) are listed on the RNE within proximity of the Subject Area. (Figure 3) A summary of these heritage listings is provided in Table 2 below.

Table 1: National heritage register results in proximity to the Subject Area

Item Name	Register	Place No.	Address	Property Description	Legal Status
Orchard Hills Cumberland Plain Woodland	CHL	105317	The Northern Rd, Orchard Hills, NSW, Australia	Orchard Hill Cumberland Plain Woodland consists of a large area of remnant and revegetating woodland south of Penrith.	Listed Place
	RNE	102211			
Fernhill	RNE	3109	Mulgoa Rd, Mulgoa, NSW, Australia	Single storey stone house with central semi-circular bay on the eastern elevation. Stone flagged verandah, roof supported on Doric columns, stone flagged entrance and extensive cellar with stone cantilevered stair. Interior ceilings are lofty as house was originally designed for two storeys. Roof is of corrugated iron.	Non-statutory listing
Fernhill Setting	RNE	3110	Mulgoa Rd, Mulgoa,	Fernhill is a consciously created rural landscape in the English landscape tradition. Significant elements are the hill	Non-statutory listing

Item Name	Register	Place No.	Address	Property Description	Legal Status
			NSW, Australia	setting of the house and entrance drive including the drive, bridges, pond and estate landscaping in English park style.	
Mulgoa Group and Landscape	RNE	3108	Mulgoa Rd, Mulgoa, NSW, Australia	A group of three individually listed buildings retaining the original visual relationship to each other and demonstrating the ambitions and changes in wealth and status of an important early colonial family from 1810-80s. The landscape between the Church and the Cottage and Fernhill is exceptionally important. Has remained virtually unaltered since 1850s. This landscape is a unique piece of evidence of a very rare attitude in the mid-nineteenth century towards the natural environment.	Non-statutory listing
Mulgoa Natural Area	RNE	13461	Sir John Jamison Circuit, NSW Australia	Mulgoa Natural Area incorporates a section of Mulgoa Creek along its western boundary, several creeks, a high cliff or outcrop and extensive areas of remnant or regenerating woodland communities. The natural outcrop exposes a sequence of the Wianamatta Group, including Minchinbury Sandstone. The place contains significant remnants of the endangered Cumberland Plain Woodlands ecological community which is characteristic of Wianamatta Shale in the western Sydney region.	Non-statutory listing
St Thomas Anglican Church and Cemetery	RNE	3111	St Thomas Rd, Mulgoa, NSW, Australia	The hammer beam roof of St Thomas' was the first example of a medieval style open timber roof in a New South Wales Church and the building as a whole is only existing example of a reasonably intact late 1830s Gothic Revival rural Anglican parish Church in the State. Most of Church has not been drastically altered, a fact which makes it unique among Anglican Churches.	Non-statutory listing
The Cottage	RNE	3112	St Thomas Rd, Mulgoa, NSW, Australia	Perhaps the oldest weatherboard cottage in New South Wales; in proportion and roofline being one of the finest early colonial bungalows and still retains its rural setting. Oldest building in the Mulgoa / Wallacia Valley and oldest surviving Cox house. Historical and visual relationship between Cox's first house, their Church and Fernhill are most important. This relationship is still intact.	Non-statutory listing

2.3 NSW Heritage Act 1977

The *NSW Heritage Act 1977* (Heritage Act) is a statutory tool designed to conserve historic and environmental heritage in NSW. It is used to regulate development impacts on the State's historical heritage assets. The Act defines a heritage item as *'a place, building, work, relic, moveable object or precinct'*.

To assist with the management of the State's heritage assets, the Act distinguishes between items of Local and State heritage significance:

'Local heritage significance', in relation to a place, building, work, relic, moveable object or precinct means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

'State heritage significance', in relation to a place, building, work, relic, moveable object or precinct means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

Archaeological features and deposits are afforded statutory protection by the relics provisions of the Heritage Act (as amended in 1999). S.139 [1] states that:

A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

A search of the State Heritage Inventory was conducted on 10 March 2020. Items listed on the State Heritage Register in proximity to the Subject Area are listed in Table 2 and mapped in Figure 3.

Table 2: State heritage listed items near the Subject Area

Item Name	SHR #	Gazettal date.	Address	Property Description	Significance
Glenmore (5045381)	00074	02.04.1999	754-760 Mulgoa Road, Mulgoa, NSW 2745	Historic Landscape	State
Cox's Cottage (5045078)	00171	02.04.1999	2-24 St Thomas Road, Mulgoa, NSW 2745	Homestead Complex	State
St. Thomas Anglican Church and Cemetery (5045436)	00426	02.04.1999	St Thomas Road, Mulgoa, NSW 2750	Church and Cemetery	State
Fernhill, house, outbuildings and landscape (5045436)	00054	02.04.1999	1041-1187 Mulgoa Road, Mulgoa, NSW 2745	Historic Landscape	State

2.4 NSW Environmental Planning & Assessment Act 1979

The *NSW Environmental Planning and Assessment Act 1979* (EP&A Act) establishes the framework for heritage values to be formally assessed in the land use planning and development consent process and requires that environmental impacts are considered prior to land development; this includes impacts on heritage items. The Act also requires that local governments prepare planning instruments (such as Local

Environmental Plans) in accordance with the principles of the legislation to provide guidance on the level of environmental assessment required.

2.5 Penrith Local Environmental Plan 2010

Each Local Government Area (LGA) is required to create and maintain a Local Environmental Plan (LEP) that identifies and conserves Aboriginal and historical heritage items. The Penrith LEP came into effect in 2010. A search of the LEP was undertaken on 10 March 2020. Heritage items are listed in under the LEP in proximity to the Subject Area are summarised in Table 3 below.

Table 3: Heritage items listed on the LEP in proximity to the Subject Area

Suburb	Item name	Address	Property description	Significance	Item no
Glenmore Park	Scarred tree and Aboriginal artefact scatter	Lot 2000 Bradley Street	Lot 2000, DP 1204777	Local	878
Mulgoa	Regentville Mansion & Vinyard Terracing Site	460a-626 Mulgoa Road	Lot 40, DP 840799	Local	271
Mulgoa	Glenmore	754-760 Mulgoa Road	Lot 3, DP 701949	State	124
Mulgoa	The Cottage "Cox's Cottage"	1012-1046 Mulgoa Road and 2-24 St Thomas Road	Lots 2-4, DP 241971	State	125
Mulgoa	St Thomas' Anglican Church and Cemetery	43-57 and 59-119 St Thomas Road	Lot 1, DP 996994; Lot 1 DP 1035490	State	126
Mulgoa	Mulgoa Road Alignment (Former Mulgoa Road)	St Thomas Road	NA	Local	844
Mulgoa	Slab Cottage Site	1177-1187 Mulgoa Road	Lot 6, DP 173159	Local	A858
Mulgoa	Mulgoa Public School Building, hall residence and trees	1189-1193 Mulgoa Road	Lot 1, DP 853475	Local	130
Mulgoa	Passadena - House	45-61 Allan Road	Lot 1, DP 227674	Local	132
Mulgoa	St. Marys Catholic Church	1262-1266 Mulgoa Road	Lot 10, Section E, DP 2121	Local	133
Mulgoa	Weatherboard Cottage (Cottage)	1296 Mulgoa Road	Lot 2, DP 226343	Local	134
Mulgoa	Winbourne house	1315 Mulgoa Road	Lot 4, DP 854076	Local	138
Mulgoa	Irrigation canal	Mulgoa Road, Queenshill Drive, Littlefields Road and The Northern Road	Lots 5, 6, 8 and 9, DP 1046980; Lot 181, DP 230752; Lots 5 and 6, DP 718233	Local	137

2.5.1 Land Use Zoning

The land is part zoned RU2 Rural Landscape and E3 Environmental Management under Penrith LEP 2010. Each zone contains objectives that future development must be consistent with. Some of these objectives help identify features on the land which are relevant to determining historic or cultural values of the land. For the land within the E3 Environment Management Zone one objective is to “protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.”

There are no other objectives for the E3 zone or the RU2 Zone which are relevant to this study.

2.5.2 Other Provisions

There are other clauses in the LEP which may specifically relate to identifying and setting a framework for consideration of Aboriginal and historical heritage items. These are:

2.5.2.1 Clause 5.10 and Schedule 5

The heritage provisions of the Penrith LEP are set out under Clause 5.10. The LEP recognises individual buildings, sites, places, archaeological sites and landscapes of both State and local significance as specific heritage items within Schedule 5. The LEP also lists heritage conservation areas which cover one or many built or landscape items that are listed in their own right. These items are also listed in Schedule 5 of the LEP.

Before granting consent, Penrith City Council must consider the effect of the proposed development on the heritage significance of the item or area concerned. Council may 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.

Under the Penrith LEP 2010 there are no listed heritage items within the Subject Area.

2.5.2.2 Clause 7.18 Mulgoa Valley

The Subject Area is situated adjacent to the “Mulgoa Valley” as defined under Clause 7.18 of the LEP. Clause 7.18 pertains to the heritage controls for development within the area defined in the LEP as “Mulgoa Valley”.

The objectives of Clause 7.18 relevant to the study are:

- b) to protect and enhance the rural landscape of the valley, including its agricultural qualities, cultural heritage values and the setting of the villages of Mulgoa and Wallacia,*
- c) to ensure development in the valley (including rural living opportunities) protects and utilises its tourism and recreational potential and is consistent with conserving its rural and natural landscape, heritage and agricultural qualities,*

Clause 7.18(3) states *Before granting development consent for any purpose on land to which this clause applies, the consent authority must be satisfied of the following:*

- b) that the proposed development will not adversely affect the historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of any heritage item in the valley,*
- d) that the proposed development will not detract from the “Vistas of heritage items” specified on the Scenic and Landscape Values Map,*

- h) *that Aboriginal and non-Aboriginal cultural heritage resources on the land will not be adversely affected,*
- i) *that the view from Mulgoa Road and the rural setting of the villages of Mulgoa and Wallacia will not be adversely affected,*

Figure 4 outlines the locations of the Mulgoa Valley outlined in clause 7.18 in comparison to the Subject Area. The Subject Area is not located within the Mulgoa Valley.

2.5.2.3 Clause 7.5 Protection of scenic character and landscape values

The Subject Area is situated within “Land with scenic and landscape values” as defined under Clause 7.5 of the LEP and the objectives of this clause are:

- a) *to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places,*
- b) *to ensure development in these areas is located and designed to minimise its visual impact.*

Figure 4 outlines the Subject Areas in association to ‘Land with Scenic and Landscape Values’ from clause 7.18 and clause 7.5. The following lots are situated within the ‘Scenic and Landscape Values’:

- Lot 2/DP1224642
- Lot 1/DP1224642
- Lot 27/DP244610
- Lot 28/DP244610
- Lot 29/DP244610
- Lot 30/DP244610
- Lot 31/DP244610
- Lot 5/DP29081
- Lot 3/29081
- Lot 2/DP29081
- Lot 1/29081
- Lot 4/DP29081
- Lot 6/DP29081
- Lot 1/DP1088989
- Lot 8/DP29081
- Lot 1/DP795841

Under Clause 7.5(3), development consent may not be granted for development which adversely impacts these scenic values, including within the visual curtilage of heritage listed items, which is located within this area. The portions of the Subject Area which overlap with the “Land with scenic and landscape values” are illustrated in Figure 4.

2.6 Penrith Development Control Plan 2014

The Subject Area is adjacent to the Penrith landfill site which lies within the “Mulgoa Valley Precinct”, and has specific controls mandated for it in section E9 of the Penrith DCP 2014 (E9 Mulgoa Valley, DCP 2014). The Mulgoa Valley Precinct includes land in the Mulgoa Valley and parts of Wallacia.

These controls are designed to “*conserve the heritage, rural and natural landscape of the Mulgoa Valley, and encourage its development as a rural area emphasising its visual and environmental heritage values.*”

The controls are “*in addition to and support the provisions in LEP relating to Mulgoa Valley and the Villages of Mulgoa and Wallacia. In particular, applicants will need to demonstrate how any proposed development will address the development consent criteria in subclause (3) of the Mulgoa Valley clause of the LEP.*”

In summary, they include siting and built form controls relating to heritage items, important vistas, recommendations for building form, materials and colours, plantings, access, parking, services, fences, entrances, and signage.

Part C7.1 of the Penrith DCP also includes protections to items of European heritage significance to minimise impacts from development. Part C7.1.5 outlines development controls in regards to development

within the vicinity of a heritage item or conservation area. Relevant controls outlined in Part C7.1.5 DCP include the following provisions:

1) A Heritage Impact Statement shall be lodged with a development application for buildings or works in the vicinity of a heritage item or heritage conservation area. This clause extends to development that:

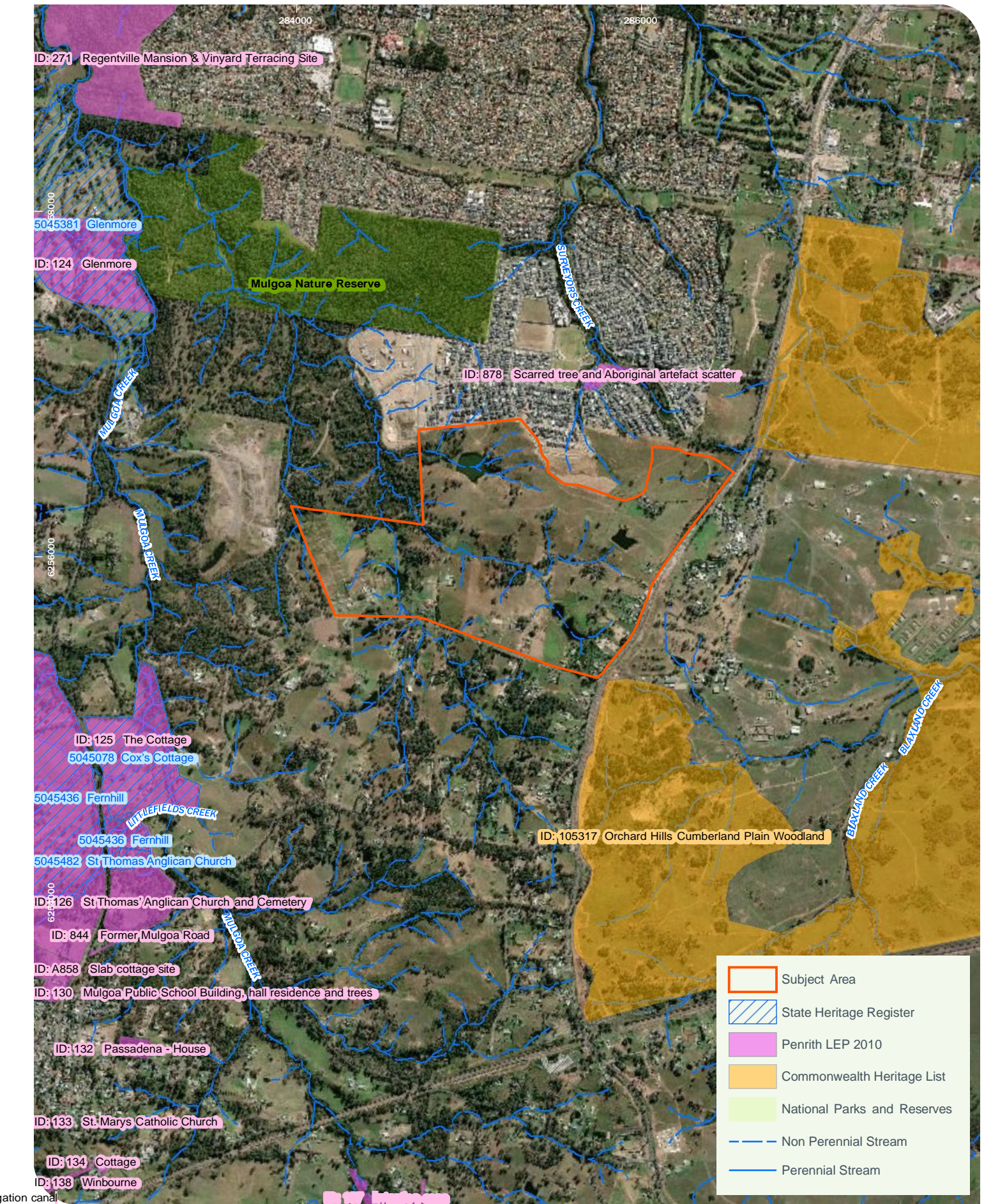
a) May have an impact on the setting of a heritage item or a conservation area, for example, by affecting a significant view to or from the item or by overshadowing it...

2) The following issues must be addressed in the Heritage Impact Statement:

a) The impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item;

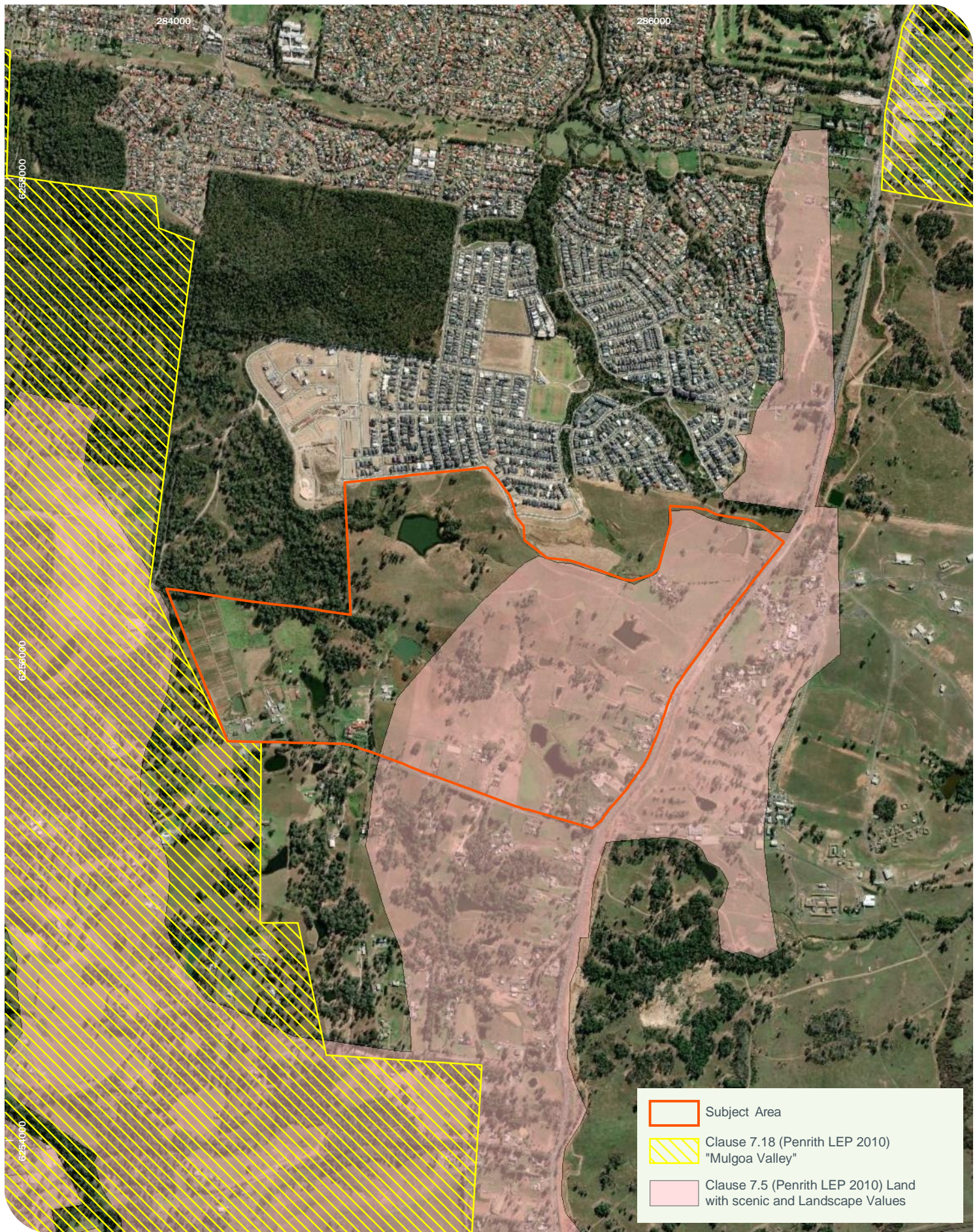
b) Details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works; and,

c) Details of any modification that would reduce the impact of the proposed development of the heritage significance of the heritage item.



ation canal

Drawn by: GT File: T:\spatial\projects\5700as5767_Mulgoa_PP_Update_DD_HHA\Map\report\HHA5767_Figure_3_HeritageItems.mxd Last updated: 3/11/2020 4:08:07 PM



Drawn by: GT File: T:\spatial\projects\as700\as767_Mulgoa_PP_Update_DD_HHA\Map\reports\HHA\5767_Figure_4_LSLV.mxd Last updated: 11-Mar-20 9:50:42 AM

3. Historical Context

3.1 Preamble

The following subsections present a brief summary of historical development of the Subject Area and Penrith more broadly.

3.2 Development of the Penrith area

The first town officially planned in the Penrith area was Castlereagh, on a site chosen by Governor Macquarie and designated in a Government and General Order of 15 December 1810 (Fox & Associates 1987). In 1814 a stockyard had been established there for the government herds of cattle on the western bank of the Nepean River (Fox & Associates 1987). A road that connected Parramatta with the Nepean River had been completed by 1813. This road later became the Great Western Highway, forming not only the main access to the lands of the interior, but soon became the focus of the development in the western part of the County of Cumberland.

As Sydney became established as the chief market for meat and livestock, the great herds of cattle and sheep wended their way in from the west and down from the Hunter Valley to the Homebush and Flemington markets. Many of the cleared areas close to the Great Western Highway and the roads to Windsor became stock resting paddocks.

Railways begun in the early 1850s and changed the character of Western Cumberland almost immediately (Fox & Associates 1987). The timber-getting industry of Western Cumberland also established at this time. The forests which covered the gentle undulating hills stretching from Prospect to the Nepean were largely felled (Fox & Associates 1987).

In 1871, Penrith was proclaimed a municipality, following a petition from the 176 persons who would be liable to have to pay rates in that area upon incorporation. In 1895, a municipality was proclaimed for Castlereagh, and a town hall built on the Castlereagh Road (Fox & Associates 1987). Municipal status was achieved in 1890 at St. Marys and at Mulgoa in 1893 (Fox & Associates 1987). Amalgamation of these councils with Penrith occurred in 1949 (Fox & Associates 1987). It was not until the 1950s that a strong impetus for growth emerged, and this was tied to the general expansion of the functions of the metropolitan area of Sydney (Fox & Associates 1987).

3.3 Development of the Subject Area

The Subject Area is situated within three land grants of John Wood (1500 acres), Henry Fulton (600 acres) and John Jamison (330 acres). John Wood was a prominent land owner in the district of Bringelly. He had received substantial land grants in the district after his arrival as a free settler in 1818. There were large tracts of land in the Mulgoa area at Bringelly and Wood was granted 1650 acres in two parcels. The largest, 1500 acres, is placed within the Subject Area and named 'Chipping' (British convict transportation registers 1787-1867, State Library of Queensland from British Home Office).

Rev. Henry Fulton arrived in Sydney in 1799 and was tarnished a rebel by the government as he appeared sympathetic to the Irish political cause. He was placed on General Orders to perform divine service in the Hawkesbury area. Fulton and other chaplains had made a name for themselves in the area which court the attention of Macquarie. From then on Macquarie had a high opinion of him and when compelled by orders to reduce his stipend, he compensated Fulton with a grant of 600 acres which is the land situated within the Subject Area.

Sir John Jamison arrived in Australia in 1814. He was a surgeon in the Royal Navy, and in 1800 was the surgeon of H.M.S. 'Gorgon', which was one of the vessels of the battle fleet under Lord Nelson. Because of this and being a man of money Macquarie welcomed him to Australia and on various dates between 1817-1822 he was given four grants of 2620 acres. One of these grants was 330 acres of land which is placed within the Subject Area. (Watson 1917). John Jamison built a famed residence called "Regentville", located to the north-west of the Subject Area, to the south of Penrith and on the banks of the Nepean River. There is no evidence that he developed his other properties in the Mulgoa region for anything other than pastoral grazing.

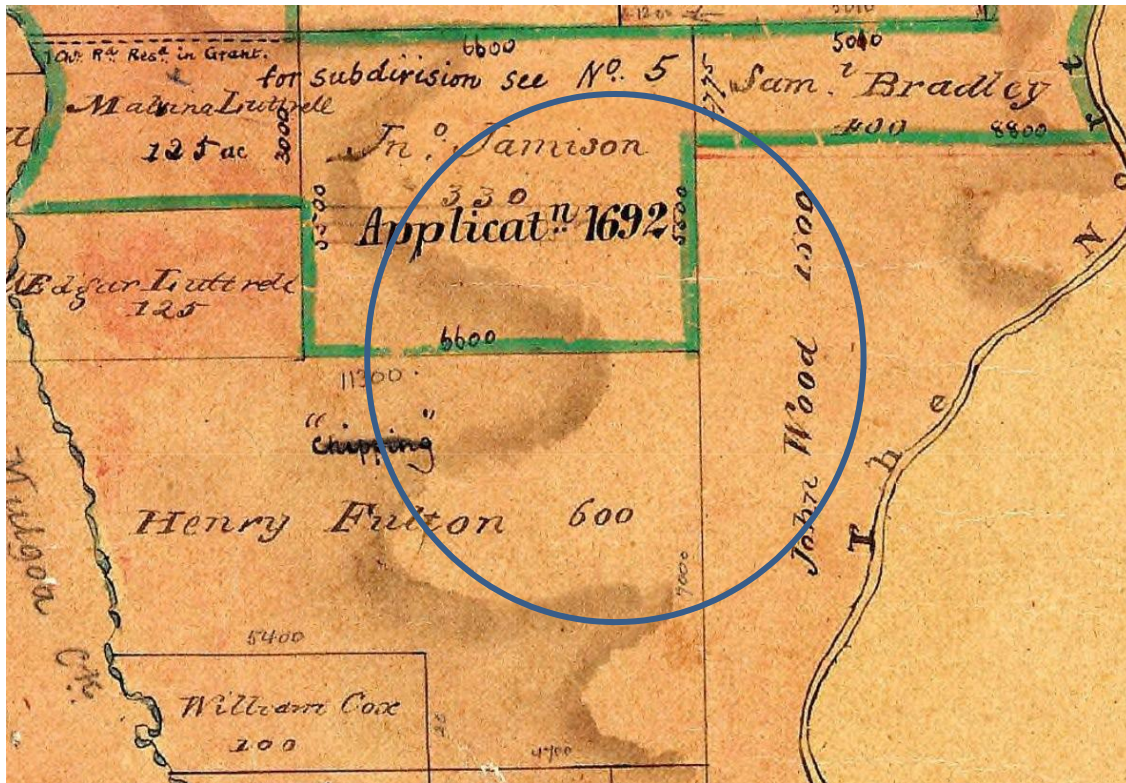


Figure 5: c1868 Mulgoa Parish Map showing John Wood, John Jamison and Henry Fulton land grants in association with the approximate location of the Subject Area circled in blue (Source LPI)

3.4 The Mulgoa Valley

The first recorded exploration of the area was Watkin Tench's expedition in 1789, exploring as far south along the Nepean as Glenbrook Creek. Mulgoa derives its name from an Aboriginal word meaning 'black swan'. The first series of grants were made by Governor Macquarie on 1 January 1810 to William Cox (magistrate) and Sir John Jamison (physician) (Stearns 2000:12). William Cox would be the man responsible for supervising the surveying and construction of the first road over the Blue Mountains between the years 1814-1815. He was also responsible for building the oldest structure in the area, known as The Cottage in 1809, still standing today (OEH 2007).

By the 1830s the substantial properties including Sir John Jamison's 'Regentville', occupied large portions of the Mulgoa Valley. However, few were considered their principal property, as most had acquired extensive properties inland. These estates were used primarily for the grazing of cattle and sheep. Between 1860 and 1885 the Valley became more focused on fruit growing and dairying then for grain and wool production (Stearns 1983:23).

3.4.1 Glenmore (SHR #00074; LEP item #124)

Originally the land on which the Glenmore property now sits was granted to the Luttrell family in 1809, but this parcel was sold off to neighbouring William Cox between 1815 and 1816 (OEH 2005). The land stayed within the Cox family until 1852. The Glenmore homestead was constructed in 1835 as the principal residence of William's brother, Henry (OEH 2005).

Between 1852 and c.1920 the property belonged to the Riley family. In 1854 T.S. Mort sold Glenmore to James Riley (who was later to become the first Mayor of Penrith, in 1871) (OEH 2005). The estate was built as his private home. In the 1860s land use changed in the area from pastoralism to fruit growing and dairying, particularly with the arrival of the railway to Penrith in 1863 and thus ready access of products to the city markets (OEH 2005).

During the 1920s portions of the Glenmore estate were sold off and by 1929 the size reduced to its present boundaries. In 1927 the estate was converted into a golf club and associated course which is still in use today (OEH 2005).

3.4.2 Cox's Cottage (SHR #00171; LEP item #125)

Cox's Cottage was part of the early colonial land grants and purchases to members of the Cox family in the Mulgoa Valley (OEH 2007). The first of these grants (12 hectares) was made in 1809 to infant Edward Cox and confirmed in 1810 by Government Macquarie (OEH 2007). Cox's Cottage or 'the Cottage' c. 1810-1811 was built by Lieutenant William Cox under the supervision of James King, a retired sergeant of the New South Wales Corps (OEH 2007). The farm was well established by 1815 when Governor Macquarie visited the property.

Between 1821 and 1825 George and Henry Cox lived in with their respective wives before moving into their own properties in the Mulgoa area (OEH 2007). By 1843 Edward Cox built a grander Greek Revival style house referred to as 'Fernhill', on the hill to the west of 'The Cottage' on the western side of Mulgoa Road. After Edward Cox died in 1863 the property was passed to his oldest son Edward King Cox, who until 1885 operated a noted racehorse stud at 'The Cottage', producing several famous horses (OEH 2007).

Until the property was owned by the Broadbent family, the house was neglected. James Broadbent has spent many years repairing and restoring the Cottage (OEH 2007).

3.4.3 St Thomas Anglican Church (SHR #00426; LEP item #126)

In 1831 the site was granted to the Anglican Church by William Cox to be used as a church and school (OEH 2004). St. Thomas Anglican Church built 1836-1838 is the only extant example of a reasonably intact late 1830s Gothic Revival rural Anglican parish church in NSW (OEH 2004). The Anglican Church was built by James Atkinson & William Chisholm between 1836 and 1838 and was designed by the Reverend Thomas Makinson and James Chadley (OEH 2004).

3.5 Orchard Hills Cumberland Plains (CHL #105317)

Early grants in Orchard Hills included those to Gregory Blaxland, John Wood, William Cox, Thomas Jamison, and John Smith (ADH 2000). With the arrival of the railway line at Penrith in 1863, the area was heavily intensified through the subdivision of properties (ADH 2000).

During 1890 Mulgoa became the centre of a largely ambitious irrigation scheme as a result of an Act passed in December 1890 for the Chaffey Brothers to establish irrigation in the Police District of Penrith (ADH 2000). The scheme was designed to pump water from the Nepean River and potentially irrigate large areas of St Mary's (ADH 2000). Due to the financial depression in 1890 the scheme was never completed. Today,

there are remnants of the irrigation canal and possible remains of the tunnel under Bringelly (now The Northern Road) located near the junction of the Northern Road and Longview Road approximately 1.3 km to the south of the Subject Area (Figure 6).

Established in 1945 as a storage facility, Orchard Hills is currently maintained as No. 1 Central Ammunition Depot. Partial clearing and grazing occurred at Orchard Hills through the establishment of the storage facility and later the Central Ammunition Depot. Established in 1965, the area was expanded for Naval and Air Force personnel.

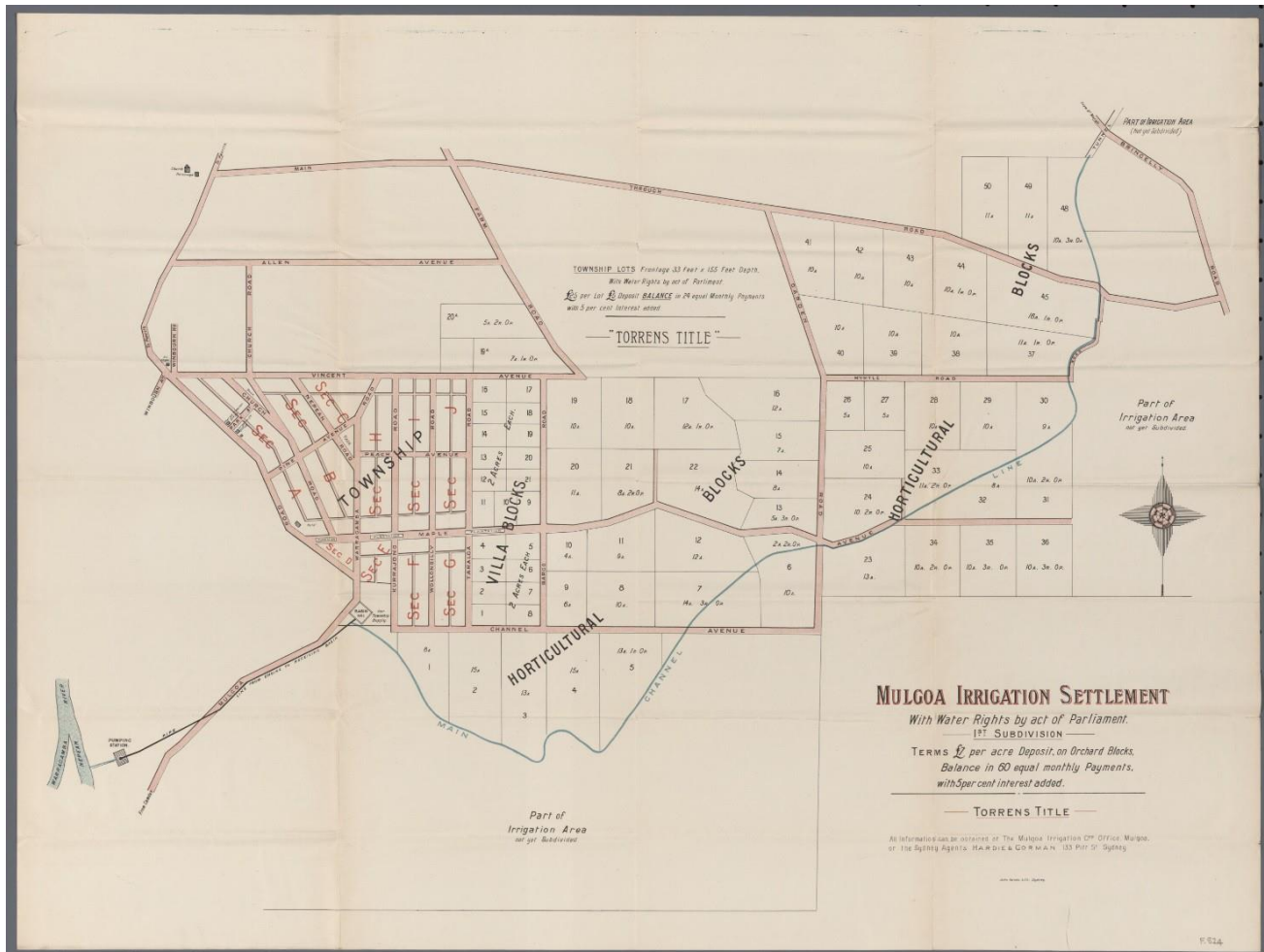


Figure 6: 1890s plan of the Mulgoa Irrigation Canal, which crosses The Northern Road approximately 1.3 km to the south of the Subject Area (Source: NLA)

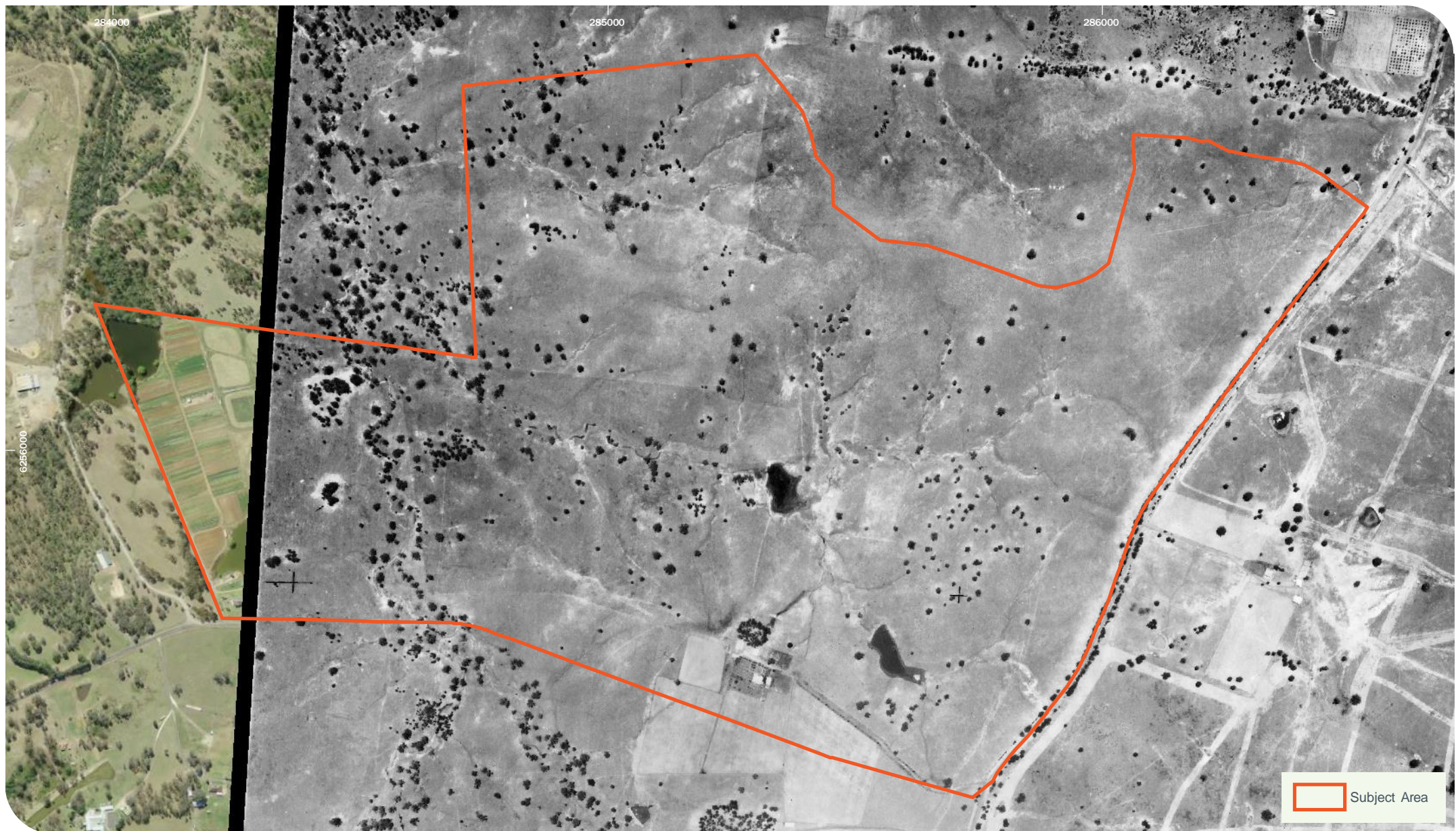
3.6 Modern Development

The area has largely been used for pastoral activities since the early 1800s. The landscape has predominantly been cleared since European settlement. To the east, opposite The Northern Rd, outside the Subject Area, is the Orchard Hills Cumberland Plains (CHL #105317). To the west of the site is a gated road to the Penrith Landfill Depot.

Only one property was located within the Subject Area in the 1951 aerial (Figure 7)¹. During the 1950s the Orchard Hills Defence Establishment was heavily cleared. Since the 1950s the area has been subdivided into further rural estates fronting ChainOPonds Road and The Northern Road.

To the south, outside the Subject Area, are further large rural estates. To the west of the subject area is the Penrith Landfill Depot. North of the site are the housing estates at Glenmore Park. Newly developed residential housing estates are directly adjacent to the Subject Area. The development of the housing estates began in 2012 and was approximately 53 ha. By 2015 the extent of the housing estate was established (approximately 95 ha), although it wasn't until 2017 that properties have been built in the extended area.

¹ Note: In figure 7 the 1951 imagery has been overlaid on top of a modern image from 2018 as the historical imagery for 1951 does not extend/cover the western section of the Subject Area. The modern imagery has been left in full colour to differentiate between historical and modern.



4. Description and Site Setting

4.1 Preamble

An inspection of the Subject Area was conducted on 26 March 2018 by Duncan Jones (Senior Heritage Consultant, Niche) and Jess Cuskelly (Heritage Consultant, Niche). The inspection involved a field survey of the perimeter for the proposed development, assessing view lines within the Subject Area. Access to the Subject Area was not arranged. Nearby heritage listed items were inspected to assess view lines between the items and the Subject Area. Photographs were taken, and any observations noted.

4.2 Subject Area

The Subject Area lies in a predominately rural area of Mulgoa, approximately 7 km south of Penrith. The Subject Area (approximately 205 ha) is located on the eastern ridgeline of the outer edge of the “Mulgoa Valley” precinct. The southern and eastern boundaries of the Subject Area are Chain-O-Ponds Road and The Northern Road respectively. There is very little vegetation within the greater proportion of the Subject Area, with small sections of regrowth in the northwest.

The landscape is predominately open pastoral farmland with drainage channels modified to form agricultural dams on many properties (Plate 1). The Subject Area is relatively hilly and overlooks the Mulgoa Valley (Plate 2). There is a ridge in the northern section of the Subject Area and a small knoll that largely blocks views from the residential development to the north of the Subject Area. There is a small ridge on the western side of the Subject Area that runs eastward. There is a crest on the eastern side that rises approximately 50 m from The Northern Road.



Plate 1: View facing west on The Northern Road (dam in bottom left corner) (Source: Niche 2018)



Plate 2: View facing west along Chain O Ponds Road (Source: Niche 2018)

Properties on the Subject Area front Chain-O-Ponds Road and The Northern Road (Plate 2 and Plate 3). The houses generally date to the late twentieth century with the majority of the houses having wire and wooden post fencing. These properties are predominantly pastoral or market gardening and average around 1.5 ha. The properties are generally single storey residential houses, and are set back from the road by up to 100 m. The houses are predominately large twentieth century brick houses. Many of the houses have palm plantings to the front and side of the properties. There is a private property that is also used as the Mulgoa School of Equitation. There is a market garden property in the western portion of the Subject Area.



Plate 3: Rural property fronting Chain-O-Ponds Road (west view) (Source: Niche 2018)



Plate 4: Rural property fronting Chain-O-Ponds Road (Source: Niche 2018)

4.3 Adjacent areas to the Subject Area

West of the site is the Penrith Landfill Depot and goes as far west as Mulgoa Road behind Nepean Christian School. South of the site are further large rural estates also built around the late twentieth century. Northwest of the Subject Area is the Mulgoa Nature Reserve (213 ha), an area reserved under the *National Parks and Wildlife Act 1974*.



Plate 5: View of revegetated area in west of Subject Area (Source: Niche 2018)

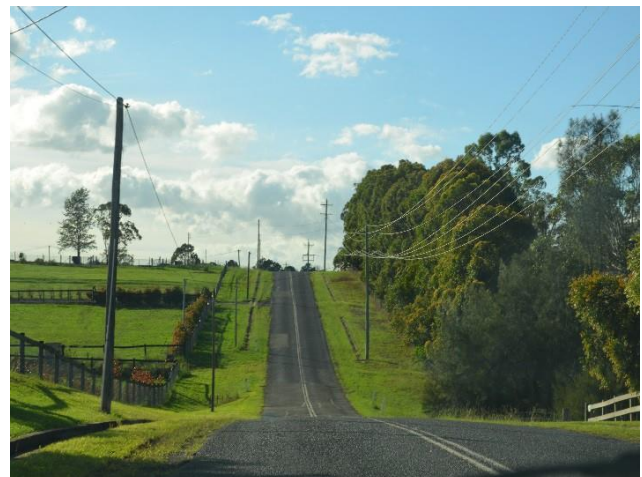


Plate 6: Chain O Ponds Roads facing south (Source: Niche 2018)

Residential housing is located to the north of the Subject Area (Plate 7, Plate 8). The properties are on reasonable sized residential blocks, excluding those areas that have not yet been developed. The houses follow the natural contours of the hills overlooking the Mulgoa Valley. The houses are generally single storey with low-pitched tiled roofs. Further north of the Subject Area are two to three-storey apartment blocks and some two-storey houses.



Plate 7: East view from Glenmore Park Stage 2
(Source: Niche 2018)



Plate 8: view of Subject Area from Glenmore Park Stage 2 facing west (Source: Niche 2018)

4.4 Nearby Heritage Items

There are four items listed on the State Heritage Register and one item listed on the Commonwealth Heritage List within 2 km of the Subject Area. These heritage items were inspected and are described in the subsections below.

4.4.1 Orchard Hill Cumberland Plain Woodland (CHL #105317)

East of the Subject Area, on the eastern side of The Northern Road is the Defence Establishment of Orchard Hill (DEOH). This is surrounded on the north, east and south by the Commonwealth protected Orchard Hills Cumberland Plain Woodland which is approximately 1370 ha in size. This area consists of vegetation remnants and regenerating areas of Cumberland Plain Woodland and Sydney Coastal River Flat Forest (Plate 9 and Plate 10). This item is visible from the eastern boundary of the Subject Area, with clear views of the woodland from the south-eastern corner. The north-east corner of the site consists of sparse to thick regenerating woodland, along with remnant mature woodland overstorey. To the west and south, there are small remnants and regenerating patches are in predominately cleared grasslands with a mixture of native and introduced species.



Plate 9: East view of Orchard Hills Defence Establishment with regrowth of Cumberland Plain Woodland (Source: Niche 2018)



Plate 10: East view of Orchard Hills Defence Establishment (Source: Niche 2018)

4.4.2 Glenmore (SHR #00074; LEP item #124)

The Glenmore Estate is approximately 1.2 km north-west of the Subject Area. It lies between Mulgoa Road and Mulgoa Creek. The land slopes down towards Mulgoa Creek which is the low point of the Mulgoa Valley then falls steeply eastwards to the creek. The area is characterised by a predominantly rural landscape, a golf course along with creek flats, wooded hills and escarpment areas.

The homestead is near the estates centre, close to the ridgeline. Views of the house from the road are obscured by the long bend to the entrance road, the car park and partly by the original stone bar, to its southwest. The driveway from Mulgoa Road approaches the house and barn (converted into the golf pro-shop), through a newly constructed parking area (OEH 2007). The northwest facing side wing has a wine cellar under part of its length, and a disused attic is towards its southwest end (OEH 2007). The opposite wing is single storey, with an extension at the southwest built (c.1970s).

The heritage item consists of Glenmore House, first constructed in 1825, the barn and associated outbuildings. The U-shaped homestead with the 2-storey wing faces northwest with remnants of the original tree plantings still surviving. The property began its use as a golf course in 1927 and surrounds the property.



Plate 11: Glenmore Estate (Source: Niche 2018)



Plate 12: Outbuilding converted into Pro Shop (Source: Niche 2018)

4.4.3 Cox's Cottage (SHR #00171; LEP item #125)

Cox's Cottage (c.1810) lies 1.4 km south-west of the Subject Area. The Georgian cottage is one of the oldest weatherboard-clad dwellings in NSW. The cottage is an early colonial bungalow which retains remnants of its original garden. The Cottage is oriented north-east and positioned at the end of the ridge, overlooking the creek to the north and the river flats (OEH 2010).

The block gradually slopes from Mulgoa Road to the creek with a small rise near the road. Two small dams are located on the natural watercourse along the northern boundary which are fed by rain. Views of the cottage are obscured by the topography, with many rolling hills.



Plate 13: View of Cox's Cottage (Source: OEH 2007)



Plate 14: Cox's Cottage (Source: OEH 2007)

4.4.4 St. Thomas Anglican Church (SHR #00426; LEP item #126)

St. Thomas Anglican Church and hall are located approximately 1.8 km west of the Subject Area (Plate 15 and Plate 16). The church is a sandstone Gothic revival style building, with Georgian proportions. The church has early Victorian Gothic Revival details and was the first open timber hammer beam roof in the colony (OEH 2004). North of the Church is the associated graveyard of clustered headstones and classical sandstone monuments, predominantly of the pastoralist Cox family.

The site is on a sloping hillside, bordered with regrowth eucalypt. The church is immediately adjacent the Fernhill and Cox's Cottage estate. An existing driveway to the church is at the northern-eastern end of the site. South of the church are the ruins of the former rectory, destroyed by bush fires in 2003.

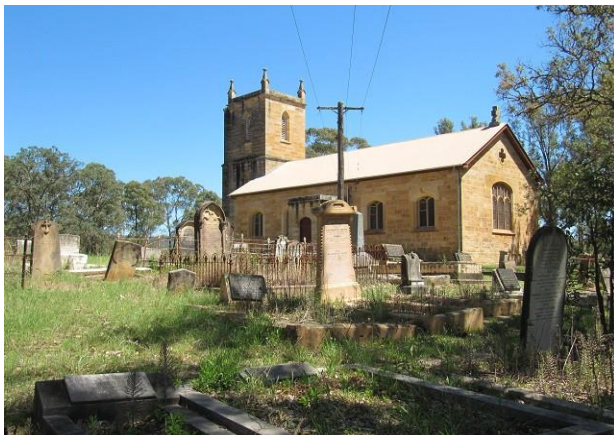


Plate 15 St. Thomas Anglican Church (Source: OEH 2004)



Plate 16 St. Thomas Anglican Church (Source: Niche 2018)

4.4.5 Fernhill (SHR #00054)

Fernhill is approximately 2.8 km west of the Subject Area. The Fernhill estate dates to c. 1845 and comprises of an extensive area of modified and natural landscape (Plate 17 and Plate 18). Fernhill is a single storey ashlar sandstone house. There is a central semi-circular bay on the south-western side, with a stone flagged veranda, curved timber rafters supported by stone Doric columns. The western side of the house is joined by two wings.

West of the main house are the sandstone stables and coach house (c.1839). The stable and coach house are surrounded by course rubble sandstone walls (approximately 14 m x 8 m) of a former possible winery. The site has two bridges and a dam (c.1872).

Fernhill, St. Thomas Anglican Church and Cox's Cottage form a group that retain their original visual relationship to each other in the Mulgoa Valley and demonstrate the landscape within which the early colonial family of the Cox family lived in between 1810 and the 1880s. The landscape between the Cottage, Church and Fernhill have remained largely unaltered since the 1850s.



Plate 17: Fernhill estate (Source: Fernhill estate 2018)



Plate 18: Entrance to Fernhill (Source: Niche 2018)

4.5 Archaeological Potential

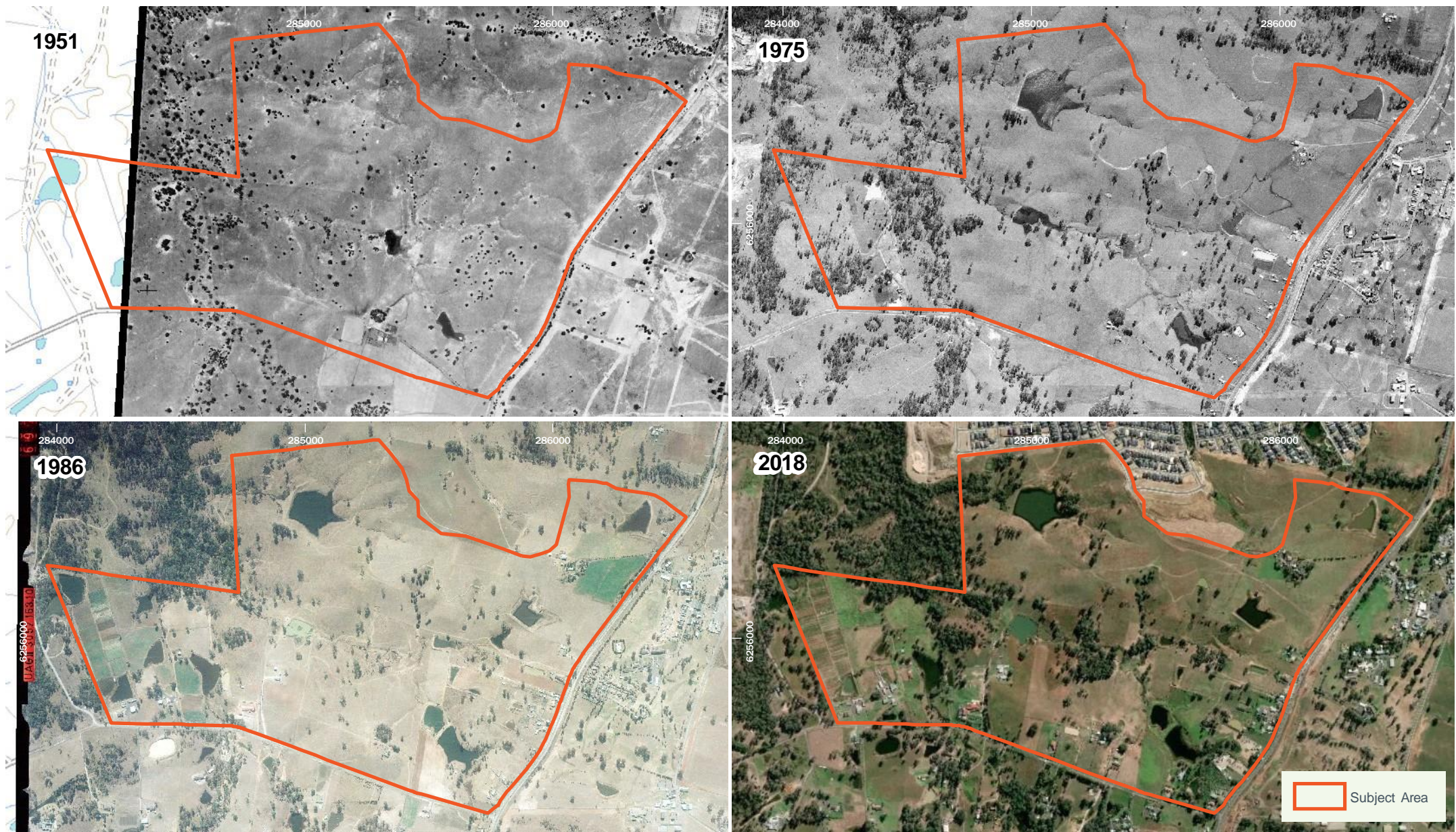
Development within the boundaries of the Subject Area since settlement are largely related to the initial clearing of vegetation to develop the property for pastoral purposes. The majority of the Subject Area was originally granted to John Jamison, which was an extension of his father's land grant on the Nepean River, immediately to the south of Penrith. The Regentville Estate, constructed by Jamison in the mid-1820s, was the main residence of his estate, and was located approximately 3.5 km to the north-west of the Subject Area.

There is no evidence that Jamison utilised his property within the Subject Area for any other purpose than grazing of sheep and cattle. Parish maps of the Subject Area show that the area was not subdivided during the nineteenth century, with the current allotment of rural farming plots likely occurring during the mid- to late-twentieth century.

Aerial imagery from 1951 demonstrates that only one structure was present within the Subject Area at that time, the remainder of the land consisting of open grazing land. This structure is still present within the Subject Area and consists of a metal-roofed non-residential farm building.

The Orchard Hills Cumberland Plain Woodland Commonwealth Heritage Item has remains of the aborted Chaffey Brothers 1890s irrigation scheme. The principal remain of the former channel was a tunnel that was allegedly constructed beneath the Northern Road. Irrigation scheme plans from the 1890s indicate that this tunnel was located near the junction of Longview Road and the Northern Road, significantly (1.3 km) to the south of the Subject Area.

As the Subject Area has been used as a pastoral property, with minimal evidence of construction on the site, up until the late twentieth century, and as any physical remains of the irrigation canal scheme are located outside of the boundaries of the Subject Area, the potential to impact significant non-Aboriginal (historic) archaeological relics in the Subject Area is considered Nil.



Drawn by: GT Last updated: 11-Mar-20 9:54:48 AM File: T:\spatial\projects\56700\56767_Mulgoa_PP_Update_DD_HHA\Map\report\HHA56767_Figure_8_HisAP.mxd

niche
Environment and Heritage

0 400
m
GDA 1994 MGA Zone 56

Niche PM: Marika Low
Niche Proj. #: 5767
Client: Mirvac (NSW) Pty Ltd and Vianello Holdings Pty Ltd

Aerials of Subject Area
Extension of Glenmore Park, Planning Proposal, Mulgoa, NSW -
Historical Heritage Assessment

Figure 8

5. Assessment of Significance

5.1 Significance framework

The *NSW Heritage Manual* guideline, 'Assessing Heritage Significance' (NSW Heritage Office 2001) provides the framework for the following significance assessments and Statements of Significance. These guidelines incorporate the seven aspects of cultural heritage value identified in the *Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013* (Burra Charter) into a framework currently accepted by the NSW Heritage Council. Following the results of the background reviews, historical research and site inspections, significance assessments for identified heritage items are presented in the subsections below.

5.2 Significance Statement of Significance

5.2.1 Glenmore (SHR #00074; LEP item #124)

The statement of significance has been adapted from the State Heritage Register entry for Glenmore.

Glenmore estate is an integral part of a relatively intact rural landscape developed by the pioneering Cox family in the early years of the colony of New South Wales, and subsequently throughout the nineteenth century. It is thus a physical record of the development of farming in Australia in general and the Mulgoa Valley in particular. The remnants of early exotic plantings include some of the finest specimens of their species in New South Wales.

The existing house and garden remnants at Glenmore are a substantial and rare surviving example of an early nineteenth century country residence, adapted for changing uses over time. The estate is associated with significant personalities in state and local nineteenth century history, notably Henry Cox and James Riley. There is archaeological significance in the potential evidence of other buildings and structures on the site. Because of the scarcity of documentary evidence about many aspects of the former homestead, the archaeological resource contains the only remaining evidence.

Glenmore has aesthetic values as a landmark on Mulgoa Road since its construction in 1825. The house and barn, associated large trees and setting, are located on a ridge and are visible from many places. Areas or elements of exceptional significance include, all rooms in the main house and barn constructed before 1920 and the underground cellars and sub-floor spaces (excluding modern alterations). Views and vistas of exceptional significance include, views from Mulgoa Road, the main house towards the creek and between the main house and barn.

Glenmore is historically significant because:

- 1. It is an integral part of a relatively intact landscape consisting of a network of surviving rural properties from the nineteenth century, all intimately associated with the Cox family which demonstrates the landscape and developmental mechanisms of nineteenth century pastoralism in the Cumberland Plain;*
- 2. It is one of the few surviving properties' houses from the very earliest period of development in the Mulgoa Valley;*
- 3. It provides evidence of the development of the home farms in the district as centres of*

conspicuous consumption during the latter part of the nineteenth century;

4. It demonstrates the development of the Mulgoa Valley in the early twentieth century as a tourist attraction, as a result of its historical and aesthetic appeal;

5. It is intimately associated with the Cox family, notable for their role in the early development of the colony;

6. It is associated with the Riley family, notable in the history of the Penrith district

5.2.2 Cox's Cottage (SHR #00171; LEP item #125)

The statement of significance has been adapted from the State Heritage Register entry for Cox's Cottage.

Cox's Cottage or 'the Cottage', dating from 1810, is of State significance as one of the oldest weatherboard-clad dwellings in NSW and probably the oldest occupied residence in the country. Located on the early land grant made to the influential Cox family in the Mulgoa Valley, Cox's Cottage is historically significant and rare at a State level for retaining the original pastoral landscape of its immediate surrounds, providing evidence of colonial settlement patterns in the western part of the Cumberland Plain and of early attempts at farming and viticulture in the Sydney region.

The property has historical associational significance at a State level through several generations of the Cox family, who were important in the development of agricultural and pastoral industries in the colony of NSW, including William Cox, who supervised the first road over the Blue Mountains. The house is of State aesthetic significance as a relatively intact early Georgian cottage and its surrounding fields are also of State significance for providing an intact pastoral landscape setting for the Cottage.

Cox's Cottage is of social significance at a State level for the esteem in which it is held by heritage organisations and other community groups. Cox's Cottage has research potential at a State level for the tangible evidence of its early nineteenth century heritage fabric including the Cottage building itself and the former vineyard terracing on Lot 2 dating from the first half of the nineteenth century. The property is considered likely to contain other archaeological evidence relating to the Cox family period of occupation of the area, including possible building sites and orchard locations.

Cox's Cottage has rarity significance at a State level as an integral part of one of the most significant cultural landscapes in NSW, namely the Mulgoa Valley landscape which is also associated with 'Fernhill' and St Thomas' Anglican Church. This is a designed landscape which includes historic and existing visual links between the three properties and which demonstrates attempts by early European settlers to manipulate the native vegetation to achieve a particular design outcome. Cox's Cottage is also of State significance as representative of early colonial homesteads and cultural landscapes associated with early farming practices in the western part of the Cumberland Plain.

5.2.3 St. Thomas Anglican Church (SHR #00426; LEP item #126)

The statement of significance has been adapted from the State Heritage Register entry for St Thomas Anglican Church.

St. Thomas' Anglican Church is the only extant example of a reasonably intact, late 1830s Gothic Revival, rural Anglican parish church in New South Wales. Its cemetery contains some important early monuments, dating from 1839 and the graves of members of prominent local families (Fox and Associates 1987).

The golden stone church, with attendant cemetery and gravestones, has a considerable aesthetic impact when glimpsed from Mulgoa Road (now St. Thomas' Road). The picturesque graveyard of clustered headstones and notable classical sandstone monuments, predominantly of the Cox family, is on a sloping site alongside, bordered with eucalypt saplings, and complements the church admirably. It remains one of the most romantic rural church settings in New South Wales, and has significance both for its superb landscape value and its relative intactness (Proudfoot, 1987).

The hammer beam roof was the first example of a medieval style open timber roof in a NSW Church and the building as a whole is only existing example of a reasonably intact late 1830s Gothic Revival rural Anglican parish Church in the State. Most of the Church has not been drastically altered, a fact which makes it unique among Anglican Churches.

5.2.4 Fernhill (SHR #00054)

The statement of significance has been adapted from the State Heritage Register entry for the Fernhill Estate.

The Fernhill estate comprises an extensive area of modified and natural landscape which provides the setting for a house completed c.1845 for Edward Cox.

The estate is primarily significant for its landscape which is a rare Australian example of the English landscape school's practice of modifying the natural landscape to create a romanticised natural appearance embellished by a richness of cultural features: for the house which is a fine example of Greek Revival architecture, exceptionally well crafted; and the setting of the estate within the Mulgoa Valley with its modified landscape distinguished by historic colonial era homesteads and the Anglican Church (St. Thomas', Mulgoa).

The estate also demonstrates a unique phase in Australia's history with the rise of the landed pastoral estates, in this instance developed by Edward Cox and his son Edward King Cox (Paul Davies, 2005).

The importance of Fernhill as a group of related sites (along with St. Thomas' Church, Mulgoa, and the Cottage, Mulgoa) is twofold: the landscape is exceptionally significant in its own right irrespective of the buildings, and is as important as the architectural, historic and visual relationships of the buildings themselves.

This group of three sites retain their original visual relationship to each other and demonstrating the ambitions and changes in wealth and status of an important early colonial family (the Coxes) from 1810-1880s. The landscape between the Cottage, the Church and Fernhill has remained virtually unaltered since the 1850s. This landscape is a unique piece of evidence of a very rare attitude in the mid-nineteenth century towards the natural environment.

Fernhill's landscape extends generally from Mulgoa Creek in the east to beyond the ridge of bush behind Fernhill house in the west, from Littlefields Creek in the south to Mayfields Road in the north.

Fernhill setting is an extensive area of modified landscape providing a picturesque approach to the historic Homestead. The landscape is significant for the high degree of creative design achievement, attributed to the original owner, Edward Cox.

It is historically significant for the following reasons:

- the landscape is a rare Australian example of the English landscape school's design technique which modified existing landscapes to create a romanticised natural appearance;*
- the landscape demonstrates a cultural phase in Australia when landscape design was influenced by the teaching of Thomas Shepherd who advocated the adaptation of the English design technique.*

The landscape contains a richness of cultural features such as:

- long vistas to the Homestead;*
 - vistas to St. Thomas' (the family) Church spire from the Homestead;*
 - use of water as a foreground for vistas and views;*
 - ornamental bridges to articulate enframed views;*
- and clumps of trees carefully created by thinning of native bushland (RNE)*

Fernhill is possibly the only intact early colonial garden laid out on the principles of the English Landscape Garden (a landscape "Park" in the picturesque manner) but relying entirely on indigenous plant material and the process of elimination (thinning and tree removal) rather than planting (Broadbent, J., for the National Trust of Australia (NSW) 1981).

While unfortunately somewhat altered in character and detail, Fernhill's remnant exotic trees of the 19th century garden (Bunyas, stone pines, Chinese elms) around the house and the remnant garden layout are a carefully contrived culmination of the more important landscape drive.

Fernhill was probably one of the last buildings completed in the Colonial period of New South Wales architecture. It was the home of Edward Cox, son of William Cox, and as such is intimately linked with much of the early rural development of the colony. Fernhill property retains most of its rural landscape character, including a visual relationship with the Cox family's earlier house Mulgoa Cottage and church, St Thomas' Church of England. (Report to Heritage Council 1978)

Fernhill was constructed of stone quarried on the site and was probably one of the last buildings to be completed in the noble colonial period. It was at this time that the Greek and Romantic Revival period commenced in which the buildings were constructed of imported materials. (RNE).

Believed to be possibly the finest extant Greek Revival temple house in New South Wales (Fox & Associates 1987: MV-4)

The fact that the house was not completed (it is single storey, and was apparently to be two storied) makes it physical evidence of the depression of the 1840s.

Perhaps most significant is its siting. In the truly picturesque sense, it is sited like a Greek temple, on an acropolis of a site, to command the country for miles around. It is also significant as the home of a prominent settler, Edward Cox. (Stapleton, 1983).

5.2.5 Orchard Hills (CHL #105317)

The statement of significance has been adapted from the Australian Heritage Database entry for the Orchard Hills Cumberland Plain Woodland heritage item:

Orchard Hills is almost entirely vegetated with remnants and regenerating areas of Cumberland Plain Woodland and Sydney Coastal River Flat Forest. Cumberland Plain Woodland is listed as an endangered ecological community at both State and Commonwealth level. At State level, Sydney Coastal River Flat Forest is regarded as an endangered ecological community that is under represented in reserves. Orchard Hills is regarded as a core biodiversity area for conservation of both these communities.

The place comprises the least disturbed and largest remaining remnant of Cumberland Plain Woodland. The size of the Orchard Hills remnant provides a comparatively large area of continuous habitat for species likely to be excluded from small and isolated remnants, particularly the Cumberland Plain Woodland bird community. Mature tree heights at Orchard Hills reach 50 metres and include some of the most outstanding examples of Forest Red gum trees remaining in western Sydney.

The tributaries of Blaxland Creek at Orchard Hills are among the least disturbed catchments remaining on the Cumberland Plain and on Wianamatta Shale in western Sydney. Blaxland Creek tributaries are richer in aquatic macro-invertebrate genera than most other creeks in western Sydney. The macro-invertebrate community of this catchment has a high representation of disturbance-sensitive species. Stoneflies, Leptophlebiid mayflies and pollution-sensitive families of caddisflies appear to be confined to such streams within the Cumberland Plain. Orchard Hills therefore acts as a refuge and reservoir of regional conservation significance for such species that are dependant on low levels of agricultural and urban development.

The bush thickknee (Burhinus Grallarius), a rare bird, is listed as endangered in NSW and is regarded as a species of the greatest conservation concern in the Cumberland region. It has been recorded at Orchard Hills.

Orchard Hills has one plant listed as vulnerable in NSW, prickly spider-flower (Grevillea Juniperina). Six other plant species are found in the place which are regarded as being of regional conservation significance. These are spreading bush-pea (Pultenaea Microphylla), fuzzweed (Vittadinia Pustulata), water-milfoil (Myriophyllum Simulans), dwarf skull-cap (Scutellaria Humilis), early nancy (Wurmbea Biglandulosa) and the grass Panicum Obseptum. An additional 32 plant species are found at Orchard Hills which are regarded as inadequately conserved in western Sydney.

The low level of disturbance in the tributaries of Blaxland Creek within Orchard Hills provide a valuable benchmark to measure the degradation of creek systems generally in western Sydney. The absence of fire at Orchard Hills for approximately 50 years provides an opportunity for ecological research on regenerating Cumberland Plain Woodland.

The Orchard Hills Defence site is associated with the Mulgoa Irrigation Scheme established in 1890 by the Chaffey Brothers. At Orchard Hills there are remnants of the irrigation canal, and possible remains of the tunnel under Bringelly (now Northern) Road. The scheme was designed to pump water from the Nepean River and potentially irrigate extensive areas of land towards St Mary's. Stopped by the financial depression of the 1890s the remnants of the distribution canal are evidence of the importance of this area, and of the expansion of irrigation, in the late nineteenth century in NSW. (Australian Historic Themes: 3.11 Altering the environment). It is possible that other historic national estate values may exist on this defence site. As yet these values have not been identified or assessed.

6. Heritage Impact Assessment

6.1 Proposed Works

Mirvac Homes and Vianello are preparing a Planning Proposal to submit to Penrith City Council which will facilitate the rezoning of the Subject Area. The rezoning will enable the residential development of approximately 205 hectares of existing rural land. A Portions of the existing E3 (Environmental Management) and RU2 (Rural Landscape) zoned land are proposed to be rezoned to R1 (General Residential) or R2 (Low Density Residential) as well as open space and retail offering to facilitate the urban development of the Subject Area.

A Masterplan for the updated planning proposal (dated 31 March 2022) has been provided in Annex 1 of this report (See Figure 9).

6.2 Direct impacts to heritage items

There are no heritage listed items located within the Subject Area, nor were any unlisted heritage items identified during historical research or during the perimeter site inspection. As such, there are no direct impacts to any heritage listed items.

Similarly, no identified potential areas of significant archaeological relics have been identified within the Subject Area. Consequently, any physical development at the Subject Area would not result in any impacts to significant archaeological relics.

6.3 Indirect (visual) impacts to heritage items

6.3.1 Heritage items in the Mulgoa Valley

Due to hilly topography and screening vegetation, there are no unobstructed sight lines between the western boundary of the Subject Area and the following four State heritage listed items:

- Cox's Cottage (SHR #00171; LEP item #125)
- Fernhill (SHR #00054)
- Glenmore (SHR #00074; LEP item #124)
- St Thomas Church, Mulgoa (SHR #00426; LEP item #126)

Each of these items is considered significant in part because of their landscape and their heritage views and vistas which assist in preserving the early nineteenth century rural character of each item. However, as the Subject Area would not be visible from any of these items, and in particular the significant views within each site (associated with sightlines between nineteenth century structures and the pastoral landscape that surrounds them), the proposed development would not result in any impacts to these heritage items.

6.3.2 Orchard Hills Cumberland Plain Woodland (CHL #105317)

The Orchard Hills Cumberland Plain Woodland is located within 50 m of the south-eastern corner of the Subject Area, on the opposite side of Northern Road. The south-eastern corner of the Subject Area has clear views from the slight rise in elevation in that location over a significant portion of the Orchard Hills Cumberland Plain Woodland.

The Orchard Hills item is listed on the Commonwealth Heritage List largely due to the remnant native Cumberland Plain floral and faunal species which are conserved there. While the heritage listed item consists of remnant and revegetated woodland, the coverage of native species is not consistent throughout

the site, with extensive areas of exotic introduced species. Critically, the heritage significance of the Orchard Hills item is not related to its views and vistas, and the landscape character that fronts the Northern Road is partially cluttered with fencing and sealed roads for the defence base.

Under the Commonwealth Heritage Criterion A (Processes), the Orchard Hills item is also significant for having preserved remnants of the failed 1890s irrigation scheme which was to construct an irrigation canal with the Nepean that would bring water to western Sydney. This canal did traverse through the Mulgoa area from the Nepean River, however it did so to the south of the Subject Area, south of King Hill Road. Any physical remnants of the canal would not be materially affected by the proposed development.

Due to the Orchard Hills item not possessing heritage significance for its visual character, the proposed development would only result in a neutral impact on the significance of the item.

6.4 Penrith LEP 2010 Heritage and Scenic Conservation Areas

As discussed in Section 2.5.2 of this assessment, the Subject Area partially overlaps with and/or is adjacent to, two landscape areas which are controlled under the Penrith LEP 2010, the “Mulgoa Valley” and “Land with Scenic and Landscape Values”. These areas have been partially established to conserve visual heritage values within their respective areas.

6.4.1 “Mulgoa Valley” scenic area

The Subject Area is located adjacent to the far eastern edge of the “Mulgoa Valley” area controlled under Clause 7.18 of the Penrith LEP 2010. Development in this area is controlled under this clause to ensure that, among other objectives, the cultural heritage values of the Mulgoa Valley are preserved (Clause 7.18.1.b).

The Subject Area is located adjacent to the far eastern ridgeline that borders Mulgoa Valley to the west, and has indirect views of the remainder of the valley. It is presumed that development on this ridgeline could be partially visible from some vantage points within the Mulgoa Valley. However, development in this area would not be visible from any heritage listed items located within the Mulgoa Valley (see Section 6.3.1 above).

Due to the largely obscured sight lines between the Mulgoa Valley and the eastern extent of the “Mulgoa Valley” landscape area, development in the Subject Area would not cause an adverse heritage impact to any heritage item in the area, nor overshadow or introduce significant visual clutter to the wider heritage landscape values of the Mulgoa Valley.

There are no development constraints from the heritage provisions of Clause 7.18 of the Penrith LEP 2010.

6.4.2 “Land with Scenic and Landscape Values”

As illustrated in Figure 4, a large proportion of the Subject Area is located within the area controlled under Clause 7.5 of the Penrith LEP 2010 as an area of “Land with Scenic and Landscape Values”. In this area, the planning proposal must ensure development will be controlled such that areas with scenic value derived from visual sightlines from identified heritage items are protected. Development in these areas should be designed to minimise its visual impact.

As discussed in Section 6.3.1, the western portion of the Subject Area does not possess clear sightlines with any heritage listed items in the Mulgoa Valley. However, significant areas of the north-eastern and south-eastern portions of the Subject Area are located within sight lines of the Orchard Hills Cumberland Plain Woodland Commonwealth Heritage Item. As noted in Section 6.3.2, the Orchard Hills Cumberland Plain

Woodland item is not classified as heritage significant for its views and setting, but rather for its environmental heritage and potential archaeological remains.

As such, there are no development constraints from the heritage provisions of Clause 7.5 of the Penrith LEP 2010.

6.4.3 Penrith DCP Part C7.1 for European Heritage

The Subject Area is located directly adjacent to one heritage listed item – the Orchard Hills Cumberland Plain Woodland Commonwealth Heritage item. As noted in Section 6.3.2, the Orchard Hills Cumberland Plain Woodland item is not classified as heritage significant for its views and setting, but rather for its environmental heritage and potential archaeological remains. Development at the Subject Area would not result in any adverse impacts to the heritage significance of the item.

Other heritage items in the vicinity are not visible from the Subject Area. Development in the Subject Area would therefore not result in any potential indirect (visual) impacts caused by affecting significant views or from overshadowing the item.

As such, there are no development constraints from the heritage provisions of Part C7.1 of the Penrith DCP.

7. Conclusions and Recommendations

7.1 Conclusions

- The Subject Area was originally granted to John Jamison, a prominent early colonial landowner, in the early 1800s. John Jamison resided at the Regentville Estate, north-west of the Subject Area and his holdings within the Subject Area were used as pastoral land. The Subject Area is also located in areas of land originally granted to John Wood and Henry Fulton, however there is no evidence that either landowner used these properties for anything other than grazing, and it is likely that significant historical structures were not present on the Subject Area;
- There are no listed heritage items located within the Subject Area;
- There are four items listed on the State Heritage Register located to the west of the Subject Area:
 - Fernhill, house, buildings and landscape (SHR #00054)
 - Cox's Cottage (SHR #00171)
 - Glenmore (SHR #00074)
 - St Thomas Anglican Church and Cemetery (SHR #00426)
- There is one item listed on the Commonwealth Heritage List located to the east of the Subject Area:
 - Orchard Hills Cumberland Plain Woodland (CHL #105317)
- There would be no indirect (visual) heritage impacts on these items from the proposed development;
- The Subject Area is located within the boundaries of, and/or adjacent to, two controlled areas designated under the Penrith LEP 2010, which have development constraints based partially on the heritage character of these areas:
 - The "Mulgoa Valley" area (Clause 7.18); and,
 - The "Land with Scenic and Landscape Values" area (Clause 7.5).
- Proposed residential development of the Subject Area would not adversely affect any heritage views between significant heritage items within these landscape and scenic areas.
- There are no predicted potential areas of non-Aboriginal (historic) archaeological relics located within the Subject Area; and,
- There are no non-Aboriginal (historic) heritage constraints for development within the Subject Area.

7.2 Recommendations

Based on the results of background heritage register searches, a visual assessment of the perimeter of the Subject Area, and an impact assessment prepared in accordance with the Statements of Heritage Impact guidelines published by the NSW Heritage Office and Department of Urban Affairs & Planning (1996, revised 2002) and best practice as outlined by the *NSW Heritage Manual* it is recommended that:

- There are no further non-Aboriginal (historic) heritage constraints for the planning proposal within the Subject Area;
- In the event that historical archaeological relics are unexpectedly exposed during any future ground excavation, ground disturbing works should stop in the affected area and a suitably qualified historical archaeologist be engaged to assess the extent, condition and likely significance of the remains. Depending on the significance of the relics, notification of the discovery may be required in accordance with S.146 of the *Heritage Act 1977* and further approval may be required if impacts are proposed.

References

ERM. 2006. Stockton Bight Remaining Lands, Cultural Heritage Significance Assessment. Prepared for the NSW National Parks and Wildlife Service.

Department of Environment and Planning. 1984. *Mulgoa Valley Regional Environment Plan No. 13 – Mulgoa Valley – Parts I & II.*

Department of Urban Affairs and Planning. 1996. *NSW Heritage Manual.*

Fox and Associates. 1987. *Heritage Study of the City of Penrith Volume 1.* Prepared on behalf of Penrith City.

Heritage Office and Department of Urban Affairs and Planning. 2002. *Statements of Heritage Impact.* [Online] Available <<http://www.environment.nsw.gov.au/heritage/publications/#S-U>>

PARISH MAPS (<http://images.maps.nsw.gov.au/>)

- 1868 and 1971 Parish of Mulgoa maps

Penrith City Council. 2014. Penrith Development Control Plan E9 Mulgoa Valley.

Stearns, K. 2000. Mulgoa Valley Regional Environmental Study. *Prepared on behalf of Department of Environmental and Planning.*

The Office of Environment and Heritage. 1999. State Heritage Register:

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?id=5045381>

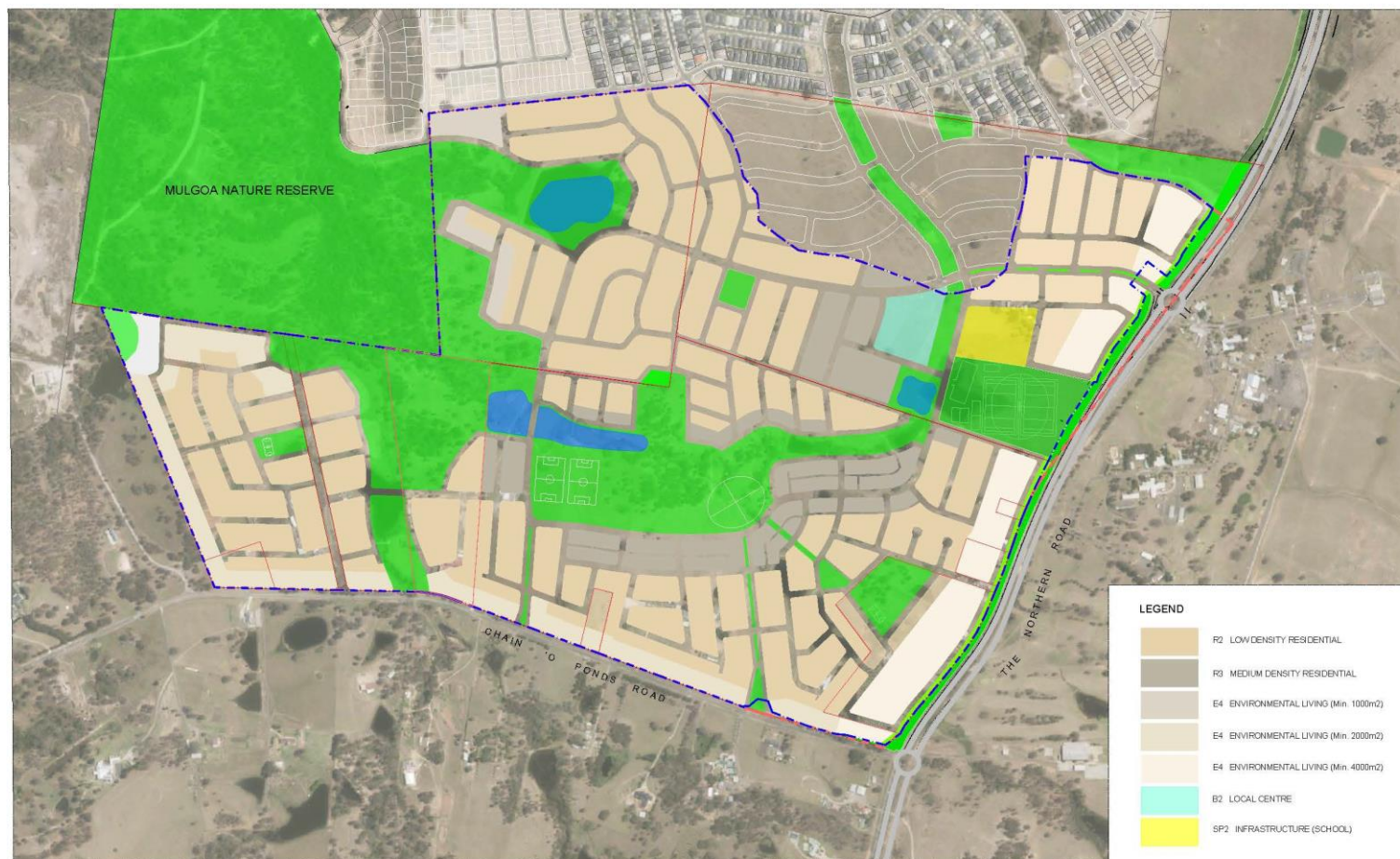
<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045078>

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045482>

Unknown. 1977. *A History of the Land Grants at Mulgoa.* Ian Jack Collection.

Annex 1: March 2022 Masterplan for Mulgoa Planning Proposal (REV E)

Figure 9: March 2022 Masterplan for Mulgoa Planning Proposal



**New CPCP Boundaries
Response**

Mulgoa
Chain-O-Ponds & The Northern Road
Plan A.1 - 4000 m² lots along
The Northern Road

architect:
MIRVAC DESIGN
Level 28/200 George St
Sydney NSW 2000
T 121 5000 0000
mirvacdesign.com.au
urban design
planning
landscape architecture
graphic design

client:
mirvac

date 31-03-2022
job no.

scale @ A1 1:4000
drawing no. PL 01 rev E

Niche Environment and Heritage

A specialist environmental and heritage consultancy.

Head Office

Niche Environment and Heritage
PO Box 2443 North Parramatta NSW 1750
Email: info@niche-eh.com

All mail correspondence should be through our Head Office