

# HERITAGE IMPACT STATEMENT



## *Planning Proposal*

Tidapa, 220-360 Chittick Lane, Cobbitty

August 2020 | J4005

**Weir  
Phillips**  
Heritage  
and Planning

Level 19, 100 William Street, Woolloomooloo, NSW 2011  
Phone: (02) 8076 5317

---

## TABLE OF CONTENTS

<b><i>HERITAGE IMPACT STATEMENT</i></b>	<b><i>1</i></b>
<b><i>1 INTRODUCTION</i></b>	<b><i>1</i></b>
<b>1.1 Preamble</b>	<b>1</b>
<b>1.2 Authorship</b>	<b>1</b>
<b>1.3 Limitations</b>	<b>1</b>
<b>1.4 Methodology</b>	<b>2</b>
<b>1.5 Documentary Evidence</b>	<b>2</b>
1.5.1 General References	2
1.5.2 Government Correspondence	2
1.5.3 Maps, Plans and Photographs	2
1.5.4 Heritage Inventory Listing Sheets	2
1.5.5 Planning Documents	2
<b>1.6 Site Location</b>	<b>3</b>
<b><i>2 Heritage Management Framework</i></b>	<b><i>3</i></b>
<b>2.1 The Site</b>	<b>3</b>
2.1.1 Heritage Listings	3
<b>2.2 The Surrounding Area</b>	<b>4</b>
<b>2.3 Relevant Heritage Legislation</b>	<b>4</b>
2.3.1 NSW Heritage Act 1977	4
2.3.2 History of the Denbigh Curtilage	6
2.3.3 State Environmental Planning Policy (Sydney Region Growth Centres) 2006	6
2.3.4 Local Environmental Plan	7
2.3.5 Development Control Plan	7
<b><i>3 HISTORICAL DEVELOPMENT</i></b>	<b><i>8</i></b>
<b>3.1 Original Occupation</b>	<b>8</b>
<b>3.2 Early European Settlement</b>	<b>8</b>
<b>3.3 Denbigh Estate</b>	<b>9</b>
<b><i>4 SITE ASSESSMENT</i></b>	<b><i>14</i></b>
<b>4.1 The Site</b>	<b>14</b>
4.1.1 Lots 2-5, D.P. 239612	14
<b>4.2 The General Area</b>	<b>18</b>
<b><i>5 ASSESSMENT OF SIGNIFICANCE</i></b>	<b><i>20</i></b>
<b>5.1 Summary of Existing Citations and Listings for the Site</b>	<b>20</b>
<b>5.2 Heritage Items within the Vicinity of the Site</b>	<b>20</b>
5.2.1 Local Heritage Items	20
5.2.2 State Heritage Items	20
<b>5.3 View Corridors</b>	<b>24</b>
5.3.1 View Corridors from Denbigh	27
<b>5.4 Comparison of nearby historic homestead curtilages</b>	<b>29</b>
<b><i>6 PLANNING PROPOSAL</i></b>	<b><i>35</i></b>

---

<b>7</b>	<b><i>EFFECT OF LEP 2010 AMENDMENT</i></b>	<b>37</b>
7.1	Method of Assessment	37
7.2	Effect of <i>LEP 2010</i> Amendment on Denbigh.	37
7.2.1	Question 1	37
7.2.2	Question 2	38
7.2.3	Question 3	39
7.3	Assessment under Denbigh Curtilage Study 2008	39
<b>8</b>	<b><i>CONCLUSIONS</i></b>	<b>41</b>

---

## **1 INTRODUCTION**

### **1.1 Preamble**

This Heritage Impact Statement (HIS) accompanies a Planning Proposal for the formal amendment of the land use zone from RU1 Primary Production to facilitate future urban development of the *Camden Local Environmental Plan 2010 (LEP 2010)* at Lots 2-5 of Deposited Plan (D.P.) 239612 at 220-360 Chittick Lane, Cobbitty, New South Wales.

The site is located within Camden Council. The principal planning instrument for the site is the *Camden LEP 2010*. The site is not listed as a heritage item but is located adjacent to 'Denbigh Estate' listed on the State Heritage Register under the auspices of the *NSW Heritage Act 1977*. This item is also listed under Schedule 5 of Appendix 1 – Oran Park and Turner Road Precinct Plan 2007 under the *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006*.

In order to assess the heritage impact of the proposed change to the planning controls on heritage items within the vicinity of the site, a heritage management document must be submitted with the Planning Proposal. The appropriate heritage management document in this instance is an HIS.

Under Part 5.10 of the LEP 2010:

*(4) Effect of proposed development on heritage significance  
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 under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

*(5) Heritage assessment  
The consent authority may, before granting consent to any development:  
(a) on land on which a heritage item is located, or  
(b) on land that is within a heritage conservation area, or  
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),  
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

This report has been prepared at the request of the owners of the site and accompanies indicative concept plans prepared by Sitios Urban Design.

### **1.2 Authorship**

This statement has been prepared by Anna McLaurin, B.Env (Arch), M.Herit.Cons, Elliot Nolan, B.A. (Anc.Hist.Hons.), M.Mus.Herit.Stud., M.Herit.Cons (cand.), and James Phillips, B.Sc.(Arch), B.Arch, M.Herit.Cons.(Hons), of Weir Phillips Heritage & Planning.

### **1.3 Limitations**

A detailed history of the site and a full assessment of significance to NSW Heritage Division standards were not provided for. The history contained in this statement was compiled from readily available sources listed under Section 1.5 below.

An Aboriginal history and assessment was not provided for. This has been provided by Artefact which accompanies this application.

---

## **1.4 Methodology**

This HIS has been prepared with reference to the NSW Heritage Division publications *Statements of Heritage Impact* (2002 update) and *Planning and Heritage* (1996) and also with reference to the Council planning documents listed under Section 1.5 below.

## **1.5 Documentary Evidence**

### **1.5.1 General References**

- City Plan Heritage (2018) *Heritage Impact Statement – Proposed Catherine Field Primary School*. Sydney NSW
- Design 5 – Architects Pty Ltd., (2006) *Denbigh Curtilage Study*. Sydney, NSW
- Design 5 – Architects Pty Ltd., (2008) *Denbigh Conservation Management Plan*. Sydney, NSW
- EConPlan, (2016). *Residential Subdivision 160-360 Chittick Lane, Cobbitty*.
- Paul Davies Pty. Ltd. (2005) *St Pauls Anglican Church and Heber Chapel, Cobbitty – Conservation Management Plan*. Sydney, NSW

### **1.5.2 Government Correspondence**

- NSW Heritage Office (6 December 2005 ) Letter to Mr. Edward O'Grady regarding Heritage Council State Heritage Register Committee Reports of 3 March 2004, and 5 October 2005.

### **1.5.3 Maps, Plans and Photographs**

- R.M. Westmacott, *View in the Cowpastures District* (c. 1840-1846). National Library of Australia.

### **1.5.4 Heritage Inventory Listing Sheets**

- 'Denbigh', State Heritage Register No. 01691.

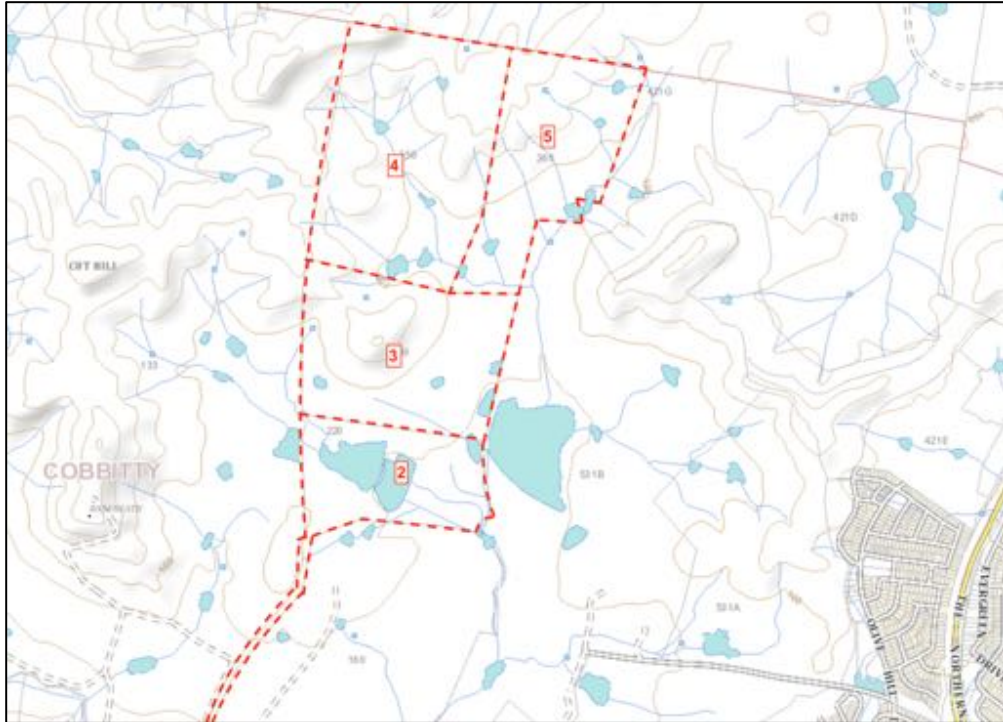
### **1.5.5 Planning Documents**

- *Camden Development Control Plan 2019*.
- *Camden Local Environmental Plan 2010*.
- *NSW Heritage Act 1977*.
- *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006*.

## 1.6 Site Location

Tidapa, Nos. 220-360 Chittick Lane, Cobbitty, is located on the eastern side of Chittick Lane (Figure 1).

The site is identified as Lots 2-5, D.P. 239612. The site located in Camden LGA at Cobbitty, north of Cobbitty Road on the Cumberland Plain. The 212 hectares are bounded by Cobbitty Creek to the east and south and the Western Hills to the west and north that form the boundary of Cobbitty Creek Catchment.



**Figure 1: Site location.**  
SIX Maps, 2020. Annotations by WPH.

## 2 Heritage Management Framework

### 2.1 The Site

The site is not subject to any statutory heritage listings. It is not listed as a heritage item on the National or Commonwealth Heritage List, State Heritage Register, Schedule 5, Part 1 of the *Camden LEP 2010*.

The site is adjacent to the boundary of the South West Regional Growth Centre, established by the NSW State Government build new communities in precincts like Oran Park, Turner Road, East Leppington, Austral and Leppington North, Edmondson Park, Catherine Field and South Creek West.

#### 2.1.1 Heritage Listings

There is one heritage item within the vicinity of the site under the auspices of the *NSW Heritage Act 1977*:

- *Denbigh*. 421 The Northern Road, Cobbitty, NSW. State Heritage Register No. 016911.
- *Denbigh (including homestead, grounds and gardens, slab outbuildings, coach house, stable, dairy and sheds)*. Appendix 1 Oran Park and Turner Road Precinct

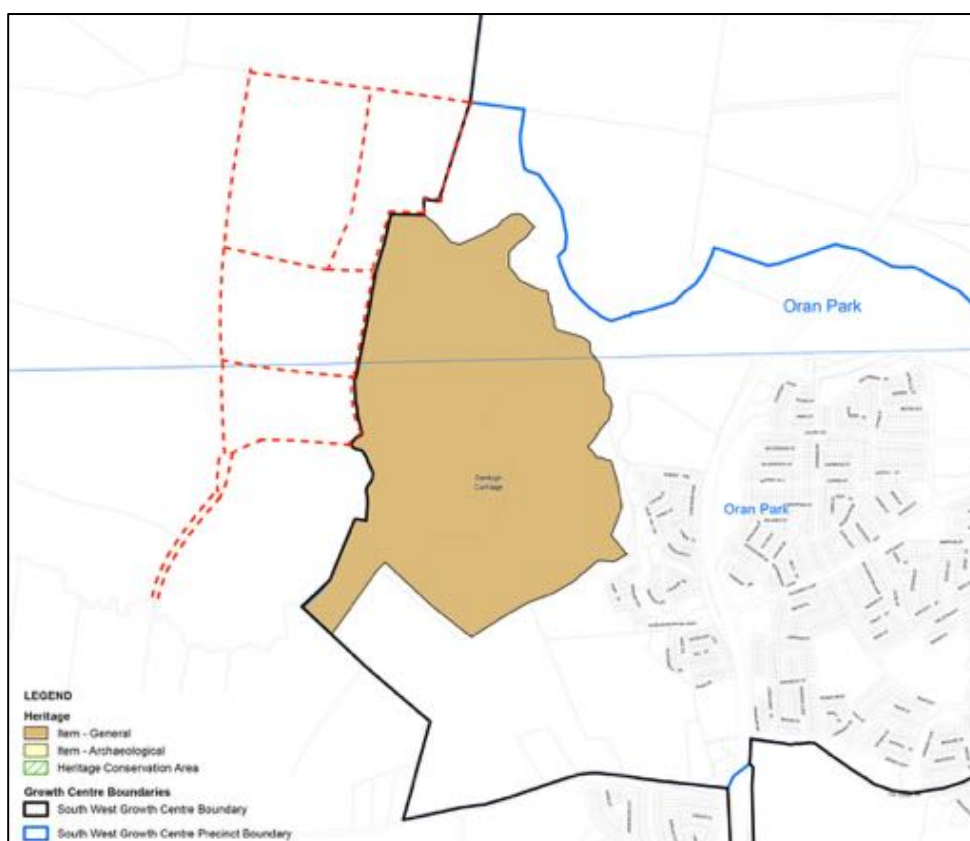
Plan 2007 Schedule 5. State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

This item is also listed by the non-statutory National Trust of Australia (NSW) as '7311'.

## 2.2 The Surrounding Area

The subject site is located within the Camden Council area to the north of Cobbitty Road on the Cumberland Plain. It is primarily rural, however, the suburb of Oran Park lies immediately to the east, while Leppington is to the northeast, Cobbitty to the south and the Badgerys Creek Airport Precinct to the north.

Figure 2 provides a detail from the heritage map Schedule 5 of Appendix 1 – Oran Park and Turner Road Precinct Plan 2007 under the *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006* which identifies heritage items within the vicinity of the site. There are no items listed by Schedule 5 of the Camden LEP 2010 in the vicinity of the site. The subject site boundaries are outlined in red.



**Figure 2: A composite map of Heritage Map 004 and 005 of the Appendix 1 – Oran Park and Turner Road Precinct Plan 2007 under the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006. The site is outlined in red.**

NSW Department of Planning. Annotations by WPH

## 2.3 Relevant Heritage Legislation

In Australia and NSW, heritage listings give rise to statutory requirements to consider the heritage impact of any proposed works on a heritage item. The following requirements are relevant to any works being proposed to the subject site.

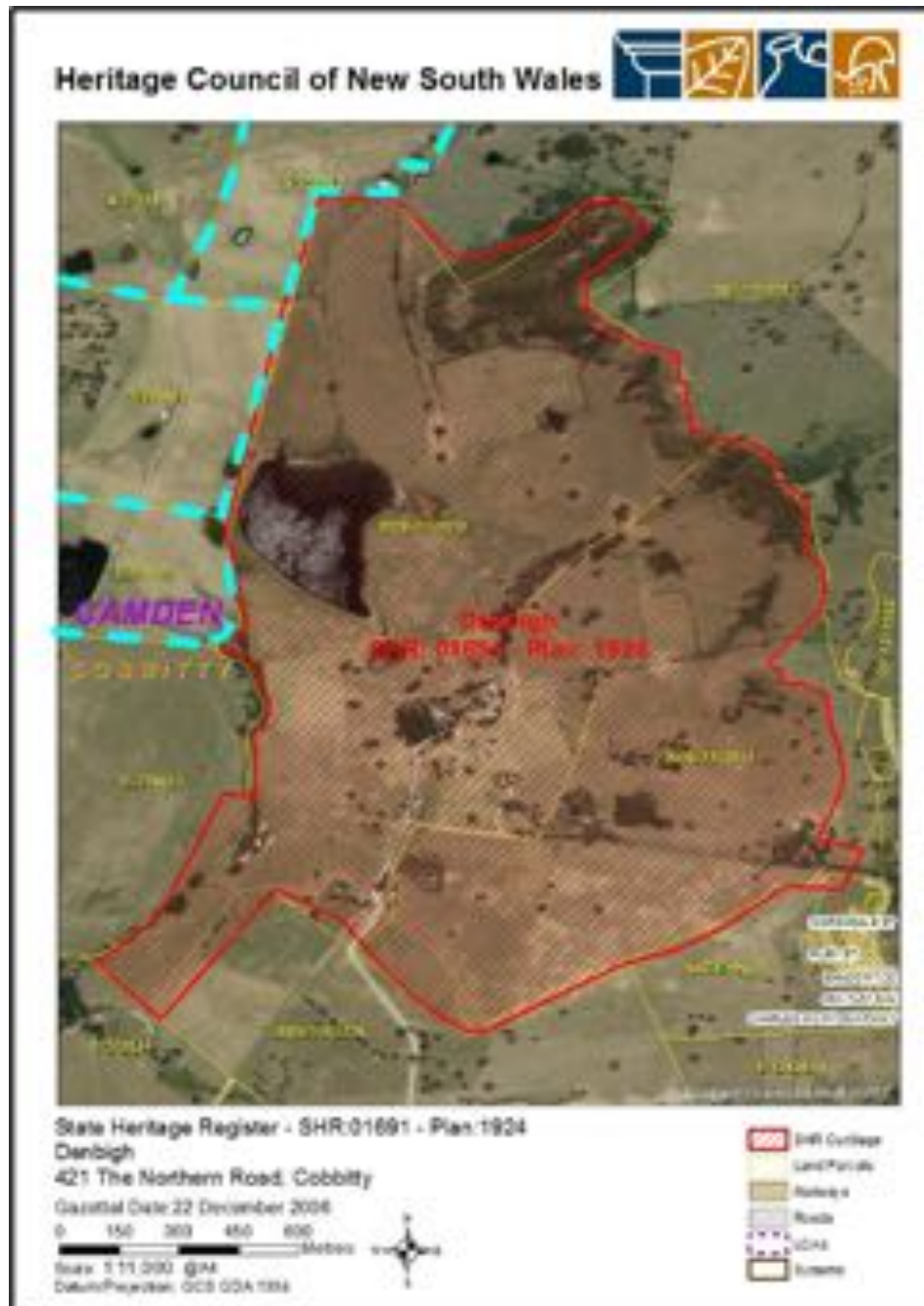
### 2.3.1 NSW Heritage Act 1977



The *NSW Heritage Act 1977* provides statutory obligations for the conservation of items of heritage significance in NSW. Places, buildings, works, relics, movable objects or precincts considered to be of significance for the whole of NSW are listed on the State Heritage Register (SHR). The SHR is administered by the Heritage Division of the Office of Environment and Heritage (OEH) and includes a diverse range of over 1500 items. Any alterations to these assets is governed by heritage guidelines and works cannot be carried out without prior approval from the Heritage Council of NSW.

The proposal requires assessment under the *NSW Heritage Act 1977* as it lies within the vicinity of one item on the State Heritage Register.

- 'Denbigh Estate'. State Heritage Register No. 016911.



**Figure 3: The curtilage for Denbigh Estate with the subject site boundaries outlined in light blue.**

Office of Environment & Heritage. Annotations by WPH.



---

### 2.3.2 History of the Denbigh Curtilage

In May 2002 the Heritage Office of NSW commenced a "Conservation Strategy for both the Aboriginal and Colonial heritage of the Cumberland Plain". This resulted in sixteen priority nominations. In August 2003 the Heritage Council resolved to give notice of the intention to consider listing seven colonial estates on the State Heritage Register. Six were within the Camden LGA.

In March 2004 Heritage Office agreed to move forward with listing of Denbigh. Denbigh provided the consultant but rejected the provisional curtilage.

In August 2004 the Land Release Advisory Committee met to consider structure plan for the new South West Growth Centre. The provisional curtilage was presented to the committee. It showed very little development in the Cobbitty Valley and protection of most of the Thomas Hassall 1826 Denbigh landholding. On this basis the Committee approved the structure plan. In 2005 the SWGC structure plan was put on public exhibition. At the same time in September 2005, the owners of Denbigh and their consultants met with the Heritage Office and made a formal submission requesting to reduce the heritage curtilage that had been defined by the Heritage Office. The revised curtilage was approximately 190 ha, down from 317 ha.

The McIntosh submission was *"The family in a supporting statement to the curtilage study have highlighted that the potential rezoning of Denbigh as part of the State Government's investigation of the south west for land release would be an obvious source of revenue to assure the ongoing management of the heritage listed property. The family also seeks to highlight the need for the establishment of a mechanism within the planning process to share more equitably the burden of ongoing conservation management of heritage listed properties that contribute to the amenity of future developments."* The Heritage Office replied that it *"recognises that there are opportunities for some urban development to occur on the Denbigh Estate and that this would contribute to the long term conservation and maintenance of Denbigh."*

*"The present Denbigh estate is no longer financially self-sustaining and the family wish to alienate and develop some or all of the less significant areas in order to provide funds and security for the long term retention and conservation of those areas and elements which are crucial to the significance of Denbigh. "This alienation and development of these moderate and low significant areas may be possible as long as their historic associations with Denbigh are, in some meaningful way, retained, respected and interpreted."* The Heritage Office was satisfied that *"in principle the conservation objectives of the curtilage originally recommended for listing by the Heritage Council can be achieved via the amended model proposed for consideration"*.

During this period the owners of Tidapa were not consulted by the Planning Officers or Heritage NSW about the listing process. Under Section 33 of the *NSW Heritage Act 1977*, written notice of the 'affected landowners' was not given. It can be surmised that the established SHR curtilage under the *NSW Heritage Act 1977* established through the abovementioned meetings is considered sufficient to protect both the visual and physical setting of the historic homestead. It can also be reasonably considered that as part of the Denbigh curtilage, Tidapa was not a concern to the heritage significance of Denbigh.

### 2.3.3 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The State Government started planning for the Growth Centres in 2003 to streamline the supply of greenfield land for urban development in Sydney. The strategic vision for the Growth Centre is set out in the North West Structure Plan, which was adopted by the NSW Government in 2006.

---

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is the environmental planning instrument which sets controls for the North West and South West Growth Centres of Sydney.

The site is not located within the South West Regional Growth Centre but is located adjacent to the boundary. 'Denbeigh' which is identified as a heritage item under Appendix 1 Oran Park and Turner Road Precinct Plan 2007 is also located adjacent to the subject site. As such the impact of any future rezoning will have to be considered as part of the submission.

### **2.3.4 Local Environmental Plan**

In NSW, the *Environmental Planning and Assessment Act, 1979 (EP&A Act)* sets out statutory obligations for local governments to take into consideration the impacts to the environment and the community of any proposed development or land-use change. Under the *EP&A Act*, local government must prepare and implement a Local Environmental Plan (LEP) to regulate development within their respective Local Government Area (LGA).

The proposal is assessed with regard to heritage under Section 5.10 of the *Camden LEP 2010* (refer to Section 7.0 of this report). While the site is not in the vicinity of items listed on this plan, the impact of the changes to the LEP have to be considered.

### **2.3.5 Development Control Plan**

Development Control Plans (DCP) provide detailed planning and design guidelines to support the planning controls in the Local Environmental Plan (LEP). The *Camden Development Control Plan* was prepared and adopted in 2019 by Camden Council. It identifies Council's requirements for new works on land to which the *Camden LEP 2010* applies.

Part 2.16 of the *DCP 2019* identifies the following objectives for the preservation of heritage values in Camden:

- a. *Retain and conserve heritage items and their significant elements and settings including views and visual catchment.*
- b. *Retain and conserve where possible, the significant number of heritage places.*
- c. *Retain original elements such as verandahs, balconies, characteristic roof forms, traditional materials, finishes and associated details and traditional planting schemes.*
- d. *Retain and conserve culturally significant items if they are found to have heritage significance.*
- e. *Encourage new and sympathetic uses of buildings to conserve their heritage significance.*
- f. *Protect and conserve heritage in accordance with the principles of the Burra Charter.*
- g. *Ensure that development is undertaken in a manner that acknowledges a heritage place/s, archaeological potential or protects sites of archaeological significance.*
- h. *Encourage routine maintenance for the ongoing conservation of heritage place/s.*
- i. *Ensure that adequate consideration is given to the significance of a heritage place, where demolition or partial demolition is proposed.*

---

### 3 HISTORICAL DEVELOPMENT

#### 3.1 Original Occupation

While an Aboriginal history has not been provided for, it is acknowledged that the original occupants of the Parramatta area were the Dharawal and Gunungarra people.

A more detailed history of the Aboriginal history and settlement of the site is contained in the accompanying report by Artefact.

#### 3.2 Early European Settlement

The Colony of New South Wales was formally established at Sydney Cove on 26 January, 1788. The first settlement was established on the western side of the Tank Stream near Sydney Cove. While a magnificent site for a maritime city, the first settlement at Sydney Cove did not possess the rich soils for the crop-raising required to ensure the immediate survival of the Colony.

The first recorded European exploration in the Camden region occurred in August 1790, when Watkin Tench, William Dawes and George Wogan travelled southwest from Rose Hill (soon to be renamed Parramatta) to 'Pyramid Hill' (now Mount Prudhoe) in the locality of Razorback, approximately 20km south of present-day Maryland. With the exception of the Nepean River, Tench recorded that 'nothing very interesting was remarked upon.'<sup>1</sup>

Renewed interest in the area was fostered by the discovery of a herd of wild cattle in 1795 on the south western bank of the Nepean River, which had bred from the five cows and two bulls that had been landed with the First Fleet in 1788 and subsequently escaped. By the time that the colonists located the herd, it was over sixty strong. While the Aboriginal people knew the area as *Baragil* or *Baragal*, Governor Hunter commemorated the importance of finding the herd to the struggling Colony by renaming it 'Cowpastures.'

One of the earliest descriptions of the area is found in a letter written by Captain Waterhouse to John Macarthur in 1804. Waterhouse stated that:

'After crossing the Nepean to the foot of what is called the Blue Mountains I am at a loss to describe the face of the country other than as a beautiful park, totally divested of underwood, interspersed with plains, with rich, luxuriant grass; but for want of burning off, rank, except where recently burnt. This is the part where the cattle that have strayed are constantly fed – of course, their own selection...it appears that some meadows bordering on the banks of the Nepean River are evidently at times overflowed from the river; but it is not very common and cannot be done without sufficient time to drive away any stock if common attention is paid.'<sup>2</sup>

Figure 4 is typical of depictions of the Cowpastures produced during the first part of the nineteenth century. In the past, these views were considered to be 'romanticised' longings for a European pastoral landscape. New research, however, has shown that they may be accurate depictions that reflect the ways in which the Aboriginal people managed the land prior to European colonisation.

---

<sup>1</sup> Tench cited in Casey & Lowe, September 2016, p.12.

<sup>2</sup> Cited in Tropman and Tropman *CMP February 2017*, p.19. Original reference in *CMP 2017*: Captain Watkin Tench, *Sydney's First Years*, *Library of Australian History*, 1979 edition, pp.209-16.



**Figure 4: R.M. Westmacott, *View in the Cowpastures District* (c. 1840-1846).**  
National Library of Australia

By 1803, attempts had been made to benefit from the wild cattle by establishing stockyards with the intention of killing some for meat and taming others. While the area offered significant promise for grazing because there was little undergrowth to discourage the growth of lush grasses, Governors Hunter, King and Bligh ruled against permitting settlement in the Cowpastures, which was south west side of the Nepean River and outside of the County of Cumberland. The north-eastern bank of the Nepean, opposite Cowpastures, was also kept from colonists, perhaps because of its remoteness.

Grants made during the Rum Rebellion (1808) by Lieutenant Governors Foveaux and Paterson were revoked by Governor Macquarie. James Meehan surveyed the Cook District (later Cook Parish, County of Cumberland), opposite the Cowpastures and Macquarie issued a number of grants in the area between 1810 and 1819. Grants on the south western side of the river, within the Cowpastures, were limited to grants to John Macarthur and his friend Walter Davidson. The Macarthur's established *Camden Park*, still owned by their descendants.

To protect the wild herd, government permission was required to cross the Nepean River. The Macarthurs and Davidsons were exempt from this order. This order effectively restricted all other grants on the eastern side of the River for ten years, instead focusing on the area between Prospect and Camden. The large land grants of 'Macquarie Grove', 'Wivenhoe', 'Kirkham', 'Denbigh', 'Harrington Park' and 'Nonorrah' were all taken up between 1812-1815.

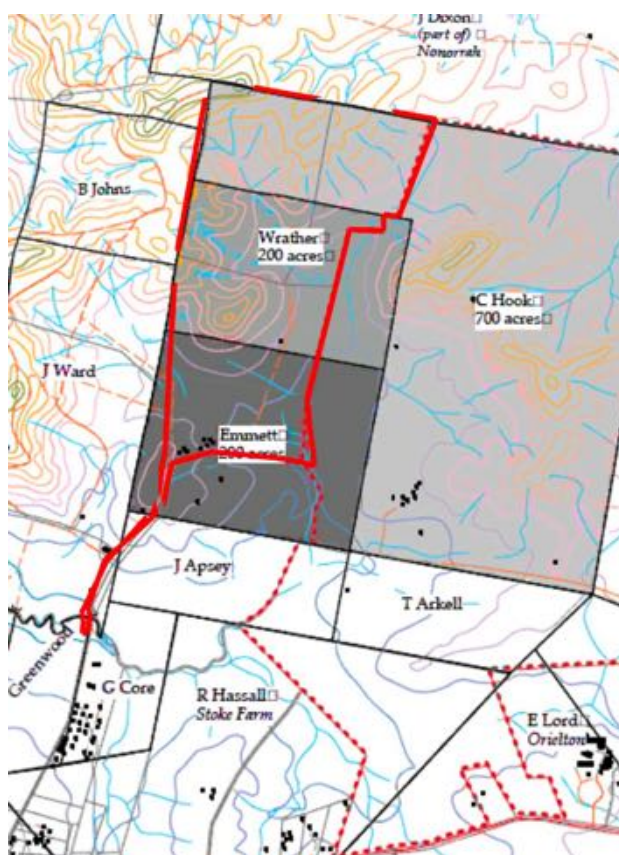
### 3.3 Denbigh Estate

The following is a summary of the historical development of the Denbigh Estate and the subject site, Tidapa:

- The original land grants were to William Emmett and Richard Wrather who in August 1809 each received 200 acres of land.
- In January 1810, as soon as he took up office, Governor Macquarie revoked all of the land grants that had been made in the interregnum after the deposition of Governor Bligh but when surrendered these were, in most cases, re-issued.

By this time William Emmett and Richard Wrather had left the Colony Both had appointed Robert Campbell Junior as their agent and it was Campbell who made application on their behalf for confirmation of their grants.

- An adjoining land grant was made to Charles Hook (where the current Denbigh Homestead is located). Charles Hook arrived in Australia on 25 June 1808 in the ship the Eagle after the coup that had removed Governor Bligh. Hook worked for Campbell & Co. Robert Campbell was put under military arrest suspected of trying to establish a trading monopoly in collusion with Bligh. Campbell was from 1810-1815 sent to England as a witness to the “Rum Rebellion” trials, effectively in exile. Hook was left to run the business. See the map overlay below showing the original land grants of Denbigh and the subject site (outlined in red). It is clear that only a small portion of the site was originally under the control of Thomas Hook. See Figure 5.



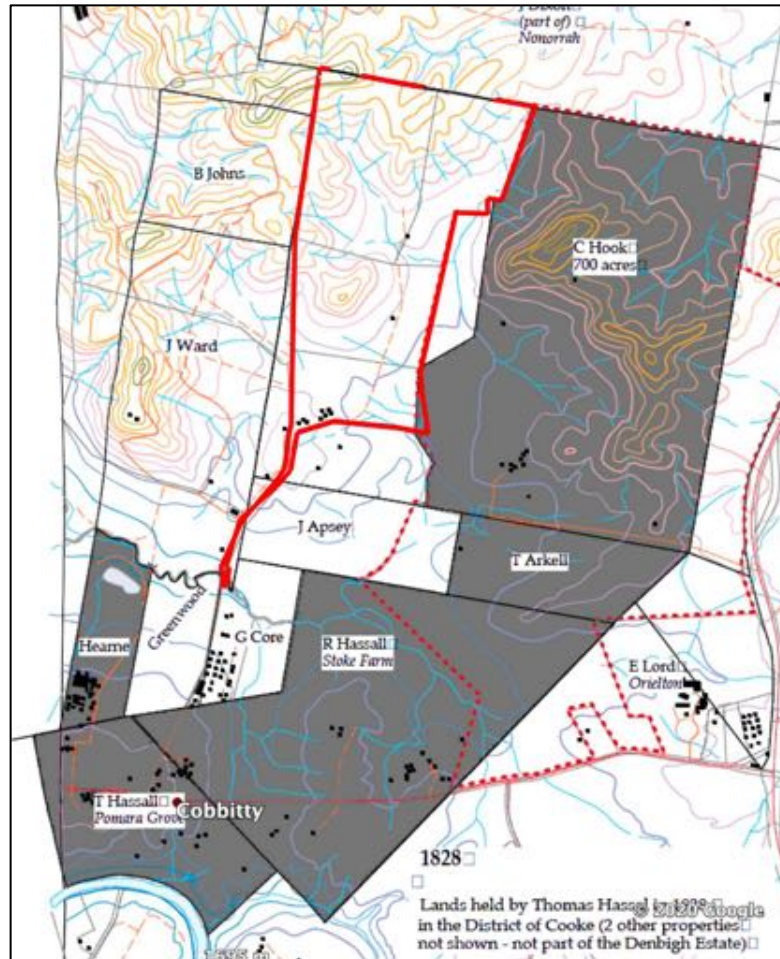
**Figure 5: The original land grant of 1811 showing the original ownership of the site. The red outline indicates the extent of Tidapa.**

Original map by Design5.

- On 30 July 1811 James Meehan surveyed 700 acres of land for Charles Hook. Parts Hook's grant were defined in relation to the existing grants made to William Emmett and Richard Wrather. Hook's property as surveyed by Meehan was described 1,100 acres comprising Hook's own 700 acres and an extra 400 acres 'the farms granted to W M Emmett & R W Mather since purchased by Mr Hook.' Hooks grant was officially signed 25 August 1812.
- Under Hook's management Campbell & Co was bankrupted by 1815/1816 having become paralysed by debts and the company was liquidated. Hook retired to live with the Hassall family at Macquarie Grove in Cobbitty. Since his grant in 1812 Hook had been an absentee landlord. A house on Denbigh was never finished by Hook.



- On 27 November 1826 Thomas Hassall wrote to Robert Campbell expressing his interest in Denbigh, which had just been advertised for sale or lease, enquiring terms. Denbigh was purchased by Thomas Hassall in April 1827 for that sum, and mortgaged to Mrs Hook for half of the purchase price repayable in three years, one of the condition of sale. See the map below of Hassall's Land holdings in relation to Hook's holdings and the subject site outlined in red. See Figure 6.



**Figure 6: The original land grant of 1828 showing the subsequent ownership of Denbigh Estate. The red outline indicates the extent of Tidapa which is not part of either Charles Hook or Thomas Hassall's land holdings.**

Original map by Design5.

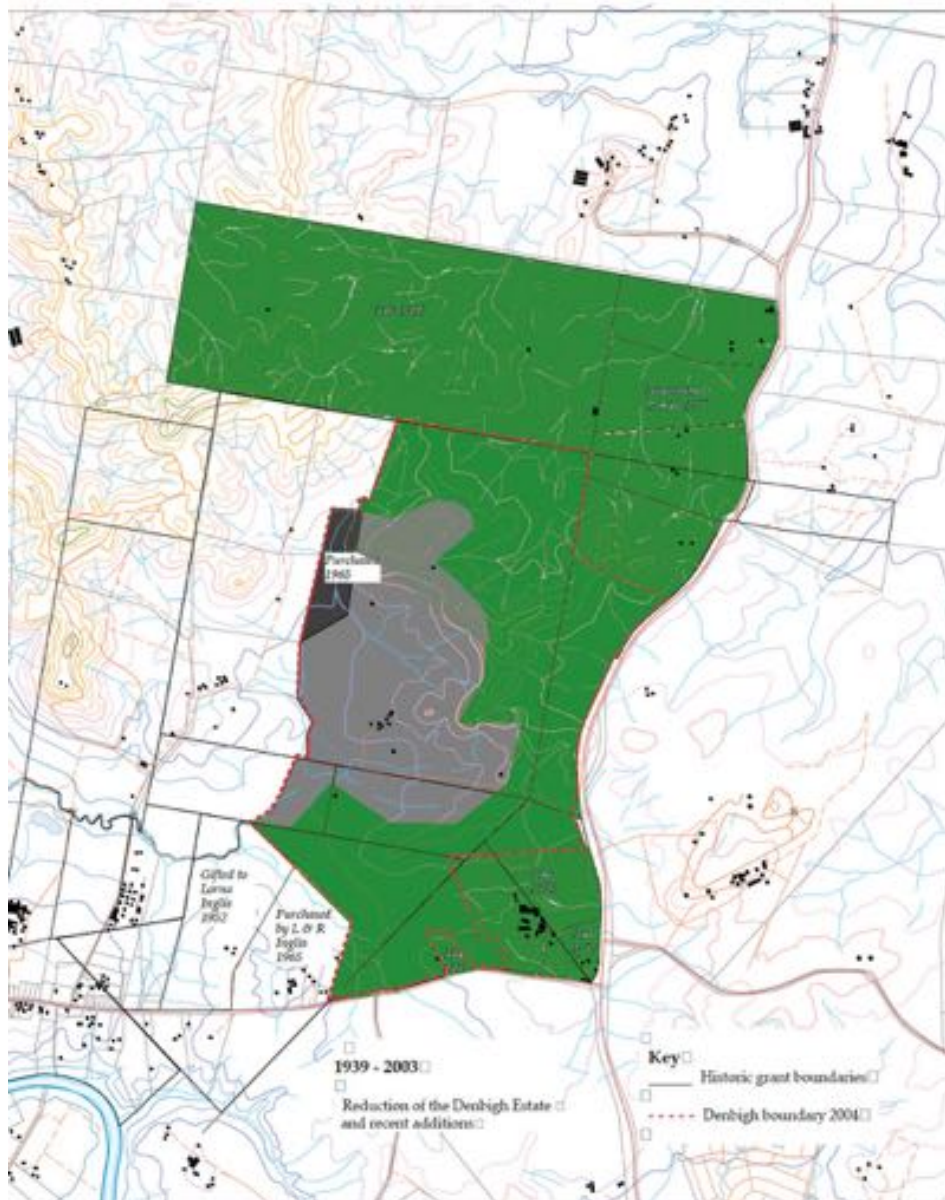
- While Charles Hook's access to Denbigh was limited by surrounding land grants, Thomas Hassall had more options, as his own property extended south across the Cobbitty Road to the river. Access to the Heber Chapel was an essential, while the Cobbitty Road was an important link in the local road network. A private road was made from the southern boundary of Denbigh to the Cobbitty Road, with a lodge on the west side of the Cobbitty Road gate. The line of the road can still be discerned in aerial photographs.
- By the late 1830s the prosperous years were coming to a close. As a result of the cessation of convict labour. It is probable that it was at about this time that he gave up farming on his own account and leased Denbigh to tenant farmers. A number of properties were sold 'to pay his calls' as a shareholder when the Bank of Australia collapsed. The whole of the area bordering Hassall's land on the north, east and south-east came up for sale in July 1840. The lots between Denbigh and the Great North Road on either side of the Denbigh access road would have been an obvious addition but Hassall did not make any purchases, a sure sign that his finances too, were stretched.
- Thomas Hassall, the 'Galloping Parson', died at Denbigh in March 1868. About

---

six months after the death of Thomas Hassall' Charles McIntosh, a Scottish migrant and neighbour leased Denbigh and two adjoining portions of land, on either side of the private road to the house. These two portions, known as Sand Hill (about 180 acres to the west of the road) and Oak Flat (about 280 acres to the east) included all of the original Arkell grant, those parts of Apsey's grant and of Stoke Farm that lay on the east side of Cobbitty Creek and Clark's paddock on the west. No leases for the property were ever registered but an unsigned and undated draft lease, still held at Denbigh, outlines the conditions under which the tenancy of Denbigh and these other portions of land were to operate.

- Charles McIntosh (then aged 29), his younger brothers William (aged 26) and Andrew (aged 24) and his sister Agnes (aged 28) from Forfar in Scotland arrived in Port Phillip in 1841 as assisted migrants on board the *Lysander*.<sup>38</sup> Their early history in Australia is not known, but by 1846 at least part of the family was living in the Cobbitty district, as it was here that Agnes was married.
- From 1875 Charles (the son), James and Andrew McIntosh then all still in their twenties, carried on their family business of farming and dairying in partnership and continued to lease Denbigh from the Hassall estate. Anne Hassall died in 1885 at the great age of ninety-two. In September 1886 Charles, James and Andrew purchased the property that their family had worked for eighteen years.
- From the later 1970s to the present, considerable parts of the Denbigh holdings, as consolidated in 1932,. Figure 7 below highlights the extent to which the Denbigh Estate has been subdivided and sold. The have been sold as follows:
  - 1978 the northern end of Long Bush and the adjacent part of Rose Vale, with a frontage to the west side of the Great North Road, subdivided and sold (162 ha).
  - 1979 land at the corner of Cobbitty Road and the Great North Road subdivided and sold (10.081 ha).
  - 1985 the remainder of Rose Vale sold to Frank Lopresti Investments Pty Ltd (288.5 ha).
  - 1988 an area with a frontage to the Cobbitty Road sold to Mr Teagle (3.643 ha).
  - c. 1998 an area surrounding the three lots disposed of in 1979 at the corner of Cobbitty Road and the Great North Road was sold and became the site for the Macarthur Anglican School (44.51 ha).
  - an additional area on the Cobbitty Road has recently been sold to Mr Teagle, adding to that sold in 1988 (0.708 ha).
  - Land to the west and south are sold for residential development as part of NSW State Government South West Growth Centre.





**Figure 7: Showing the extent of land shaded in green that has since been sold by the McIntosh Family in the last 50 years.**

Original map by Design5. Shading by WPH

---

## 4 SITE ASSESSMENT

### 4.1 The Site

For the following, refer to Figure 8 an aerial photograph over the site and to the survey that accompanies this application.



**Figure 8: Aerial photograph of subject site.**  
SIX Maps, 2020

#### 4.1.1 Lots 2-5, D.P. 239612

The majority of the infrastructure is located in Lot 2 and is currently used for farming operations. This comprises a 1950s weatherboard and fibro cladded cottage that was relocated to the site in the 1970s. To the east are catteryards and a shed and storage tank. A mobile phone tower built in 1999 is located south of Lot 2. A farm shed is located in Lot 3 and a silo is located in Lot 4.

The remainder of the landscape is cleared farming land interspersed with bald hills and the main valley in the eastern side of the site adjoining Denbigh.

Refer to Figure 9 to Figure 13.



**Figure 9: Dwelling in Lot 2.**  
EConPlan, 2016



**Figure 10: Cattle yards, sheds and water tank in Lot 2.**  
EConPlan, 2016



**Figure 11: Phone tower south of Lot 2.**  
EConPlan, 2016



**Figure 12: Farm shed in Lot 3.**  
EConPlan, 2016





**Figure 13: Silo in Lot 4.**  
EConPlan, 2016



**Figure 14: Looking north within Lot 4.**

## 4.2 The General Area

For the following, refer to Figure 15, an aerial photograph over the site and the surrounding area. To the east of the site is the Denbigh Estate subdivision and Catherine Field Subdivision. Figure 16 shows the site in proximity to future residential development.



**Figure 15: Aerial photograph of subject site and surrounding area.**  
SIX Maps, 2020



**Figure 16: Location of the site in relation to future residential development.**  
NSW Department of Environment and Planning 2014 A Plan for Growing Sydney



**Figure 17: View of the high density housing development to the east of the site.**



**Figure 18: Building of the mound to shield Denbigh from the development adjoining.**



---

## 5 ASSESSMENT OF SIGNIFICANCE

### 5.1 Summary of Existing Citations and Listings for the Site

Tidapa, Nos. 160-360 Chittick Lane, Cobbitty:

- Is not listed as a local heritage item under Schedule 5, Part 1 of the *Camden LEP 2010*.
- Is not located within a Heritage Conservation Area under Schedule 5, Part 2 of the *Camden LEP 2010*.
- Is not listed as a State heritage item under the auspices of the *NSW Heritage Act 1977*.

### 5.2 Heritage Items within the Vicinity of the Site

For the following, 'within the vicinity' has been determined with reference to physical proximity, existing and potential view corridors and the nature of the proposed works. Section 2.2 above identifies heritage items in the vicinity of the site. This section covers these items in greater detail.

#### 5.2.1 Local Heritage Items

There are no heritage items within the vicinity of the site under Schedule 5, Part 1 of the *Camden LEP 2010*.

There is one heritage item listed by Schedule 5 of Appendix 1 – Oran Park and Turner Road Precinct Plan 2007 under the *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006*.

#### 5.2.2 State Heritage Items

There is one heritage item within the vicinity of the site under the auspices of the *NSW Heritage Act 1977*:

- **'Denbigh Estate'. State Heritage Register No. 016911.**

The State Heritage Register provides the following Statement of Significance for this item:

*Denbigh is of State significance as an intact example of a continuously functioning early farm complex (1817-1820s) on its original 1812 land grant. It contains a rare and remarkable group of homestead, early farm buildings and associated plantings with characteristics of the Loudon model of homestead siting within an intact rural landscape setting fundamental to its interpretation. The large collection of early farm buildings is perhaps the most extensive and intact within the Cumberland/Camden region.*

*It has historic associations with pioneering Anglican minister Thomas Hassall and its relationship with the early Heber Chapel and the township of Cobbitty. The estate is significant as an early contact point between Aboriginal and European culture and is of social significance for the descendants of the Hassall and Macintosh families. It retains its historic views across the valley to Cobbitty in the west.*

*The place is of scientific significance for its potential to reveal, through archaeology, evidence of both early European farming practices and aboriginal occupation. The significance of Denbigh is considerably enhanced by the extent to which it has retained its form, character, fabric and rural setting (Heritage Office).*

---

*The Denbigh estate is of exceptional cultural significance for its historical, aesthetic, social and technical values.*

*The homestead and attendant farm buildings are an exceptionally rare and intact group of structures dating from the very early 19th century. They demonstrate the aspirations of, and continuous occupation by only 3 families as well as the continuous evolution of their farming and grazing practices over this period. The extant structures, intact pastoral landscape, associated family and public records archives, all combine to make this a very rare and important place in the history and evolution of NSW. This is strengthened by the survival of significant physical and historic links with the surrounding early roads and settlements as well as significant buildings and structures built by the Hassall family, the second family to own the estate. It is one of several important colonial estates in the local area including Maryland, Wivenhoe, Brownlow Hill and Raby.*

*The establishment of the Denbigh farm by Charles Hook (1809-1826), its subsequent ownership and development by the famous 'galloping parson' Thomas Hassall (1826-1886), and then by the MacIntosh family to the present time, connects the place with very important figures in the development of this area of NSW.*

*The physical evidence of Aboriginal occupation of the estate, both prior to and after European arrival backed up by documented evidence of this including ceremonial use, strengthens the integrity and rarity of the continuous physical record of the place. Important named historical Aboriginal figures such as Cannbaygal, a visiting chief from the mountains, are associated with the Denbigh farm, and possibly also Cogy (Cogrewoy) a leader of the 'Cowpastures' Tribe who also acted as guide through the district to Macquarie and Barrallier.*

*The fact that the landscape remains as undeveloped agricultural /pastoral land, retains the sense, both physically and visually of this connection with all of these periods and occupations.*

*The Denbigh farm estate retains a curtilage and setting of exceptional historic and aesthetic significance. Unlike most of its early colonial contemporaries in the Cumberland Plain, it retains this curtilage and setting in a largely uncompromised state, and thus its integrity, from the time of early European occupation.*

*The landscape and setting of the homestead and outbuildings and the views to and from these, provide a very rare and intact early colonial landscape of great beauty and integrity and of exceptional cultural significance to the state of NSW.*

*The Denbigh estate contains areas of varying significance in relation to their role in the curtilage of the place (Design 5, 2004, 37).<sup>3</sup>*

Refer to Figures 15 to 17.

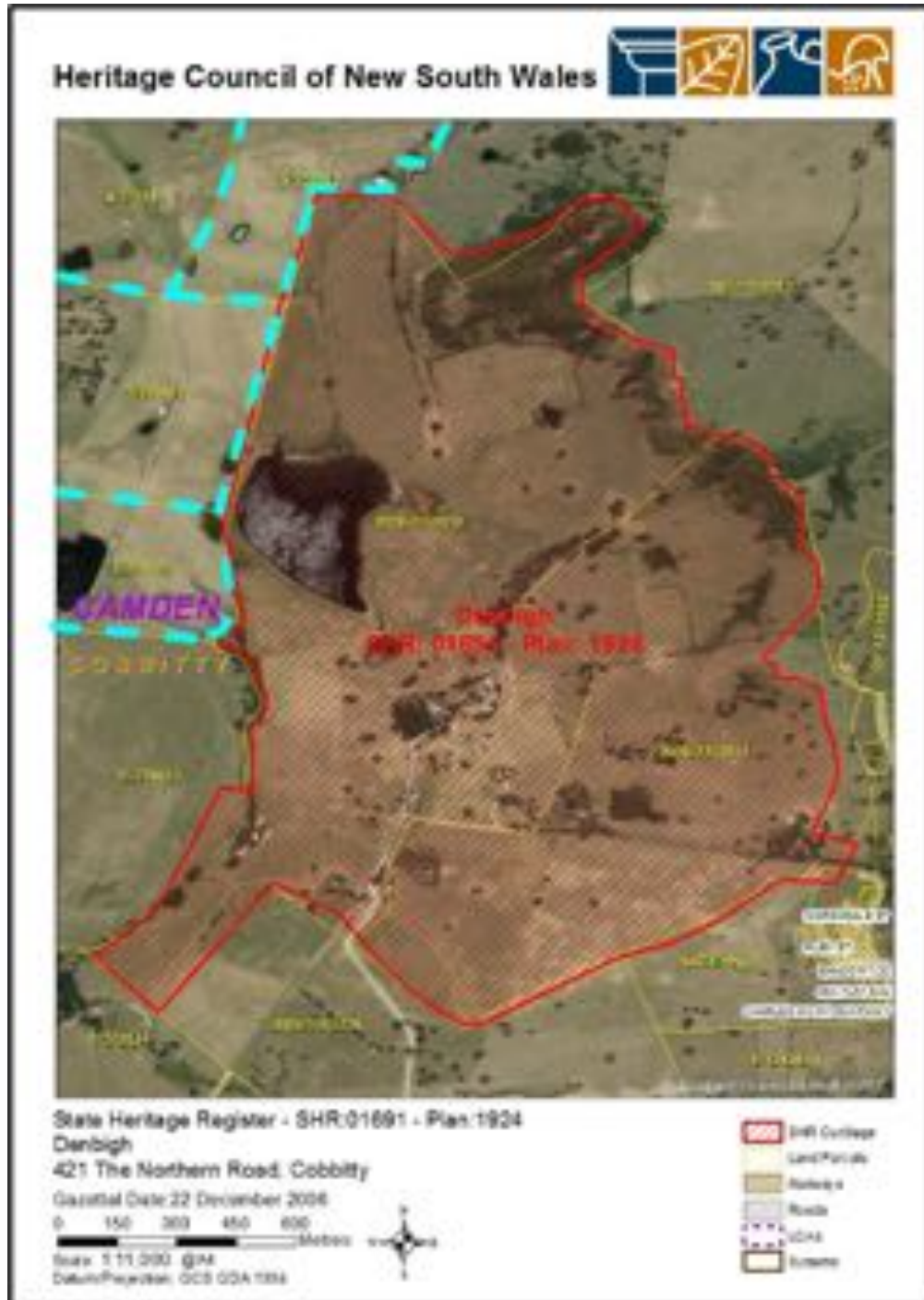
The curtilage for Denbigh sourced from the NSW State Heritage Inventory is outlined in Figure 19 below. Please note the discussion of the history of the Denbigh curtilage in Section 2.3.2

During this period the owners of Tidapa were not consulted by the Planning Officers or Heritage NSW about the listing process. Under Section 33 of the *NSW Heritage Act 1977*, written notice of the 'affected landowners' was not given. It can be surmised that the

---

<sup>3</sup> Office of Environment & Heritage, 'Denbigh', <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5051541>, accessed 20 April, 2020.

established SHR curtilage under the *NSW Heritage Act 1977* established through the abovementioned meetings is considered sufficient to protect both the visual and physical setting of the historic homestead. It can also be reasonably considered that as part of the Denbigh curtilage, Tidapa was not a concern to the heritage significance of Denbigh.



**Figure 19: The curtilage for Denbigh Estate with the subject site outlined in light blue.**  
 Office of Environment & Heritage. Annotations by WPH.



**Figure 20: Front elevation of the Denbigh homestead.**  
Denbigh Curtilage Study – Design 5 2006



**Figure 21: A view overlooking the paddock at the Denbigh Estate.**

### 5.3 View Corridors

For the following, refer to Figure 22, an aerial photograph of the subject site and surrounding area. Tidapa is outlined in red, the main building group of the Denbigh Estate is outlined in white. Views towards the site are indicated by the white arrows.

From the below images it is difficult to discern the main homestead group from the surrounding landscape as it is largely obscured by vegetation surrounding the main group of buildings.



**Figure 22: Aerial photograph of subject site indicating the location of views towards Denbigh.**

SIX Maps, 2020

Refer to Figure 23 to Figure 27.





**Figure 23: View 1 - Looking southeast towards the Denbigh Estate.**



**Figure 24: View 2 - View towards Denbigh Estate from the valley between the knolls.**



**Figure 25: View 3 - Looking southeast towards the knoll on the northern edge of the Denbigh Estate.**



**Figure 26: View 4 - Looking southeast towards Denbigh Estate.**



### 5.3.1 View Corridors from Denbigh

For the following, refer to Figure 27. Figure 22, an aerial photograph of the subject site and surrounding area. The O'Grady Estate is outlined in red, the main building group of the Denbigh Estate is outlined in blue. Views from the site are indicated by the white arrows.

Views towards the subject site are gained from outside the main property group beyond the treeline. This is demonstrated by views 1 and 2. View 3 is demonstrative of the true view of the subject property from within the grounds of the Denbigh Homestead.



**Figure 27: Aerial photograph of subject site indicating the location of views towards Denbigh.**

SIX Maps, 2020. Annotations by WPH.



**Figure 28: View 1 - Looking north.**



**Figure 29: View 2 – looking east towards the dam towards the subject site.**








**Figure 30: View 3 – Looking west from within the Denbigh House Grounds towards the subject site. Note the views of the open landscape and hilly terrain are largely obscured by the existing vegetation surrounding the garden.**

#### 5.4 Comparison of nearby historic homestead curtilages



Denbigh is one of many Colonial era homesteads located within the South Western Growth Corridor experiencing development pressure from the residential development occurring in close proximity. These historic homesteads, most of which are listed on the NSW State Heritage Register have established curtilages to protect their setting which is within range of a 300m-500m radius. These include, Oran Park Homestead, Maryland Homestead, and Oriellan Park Homestead. Other homesteads not included below that have similar developments surrounding include, Gledswood Homestead, Raby House, Studly House, and Mamre Homestead. See the below table of comparable homesteads with new residential development occurring or planned for in the surrounding area:

**Table 1: Comparison of nearby historic homestead curtilages**

<b>Historic Homestead</b>	<b>Supporting documentation</b>
<b>Oran Park Homestead / Catherine Field House.</b>	
SHR No. 01695	<p>The State Heritage Register provides the following statement of significance for the site:</p> <p><i>Oran Park is of state heritage significance as an early surviving cultural landscape in NSW. Part of a 2000 acre land grant, awarded by Governor Lachlan Macquarie to William Douglas Campbell in 1815, Oran Park represents the colonial development of the Cowpastures district in the early to mid-19th century and demonstrates the emergence of country estates for the prominent and wealthy members of the colony.</i></p> <p><i>Oran Park retains a number of layers of fabric that demonstrates the evolution of the property and its use over the last two centuries.</i></p> <p><i>Oran Park is of state heritage significance for its association with a number of prominent people, including: William</i></p>

	<p><i>Douglas Campbell (recipient of original grant and owner of Harrington Park, 1815-27), Edward Lomas Moore (wealthy grazier and large landholder in Campbelltown district, 1871-82) and the Honourable John Dawson-Damer (engineer and motor racing enthusiast, 1969-2002).</i></p>
<p>A photograph of Oran Park Homestead.</p>	
<p>Located to the east of the subject site. below aerial photograph indicates a 500m radius in yellow. The established curtilage has an approximate 300m curtilage surrounding the homestead to preserve its setting.</p>	
<p>A view from the main driveway to the homestead from the public domain. The red star in the above aerial photograph indicates where the photograph was taken from. Note the open setting is mostly preserved with this curtilage.</p>	



Maryland Homestead	
<p>Under consideration for listing on the State Heritage Register as part of the development of the site.</p> <p><i>Camden Local Environmental Plan 2010. Item No. 1</i></p>	<p>The State Heritage Register provides the following statement of significance for the site:</p> <p><i>Maryland is an outstanding complex of early homestead and farm buildings, especially significant for its completeness as a group, its excellent state of preservation, and the intergration of the buildings, garden and magnificent setting. Includes many early buildings in good repair as well as buildings of special architectural interest. The winery and store may be the oldest winery buildings in Australia. Property has been in continuous occupation by only two families for over 130 years. Long associations with the surrounding district.</i></p> <p><i>The Main Building is an important historic grouping, set in magnificent garden and landscape and retaining most original fabric. The outbuildings form a substantial group which are of state significance because they are an important historic grouping and some of the earliest on the buildings on site. They illustrate the diversity of functions associated with early agricultural activity in this area. All are virtually intact.</i></p>
<p>A photograph of the main homestead building. The homestead is located on a substantial rise while the primary outbuildings are located at the bottom of the hill.</p>	
<p>Located to the approximately 4.0km to the north east of the subject site. Maryland is proposed to undergo a large residential subdivision. Maryland Homestead has an advantage that it is located on a significant rise. However the curtilage prescribed is slightly less than 500m which incorporates the existing outbuildings.</p>	



A view from the outbuildings towards the homestead within the protected curtilage zone. The red star in the above aerial photograph indicates the location of the photograph. This is approx. 300m from the future development.





### Orielton Park Homestead

SHR No. 01693

The State Heritage Register provides the following statement of significance for the site:

*Orielton is of state heritage significance to the Camden area for the following reasons:*

- 1) *Orielton is a good representative example of a gentleman's estate from the 1840s, and possibly as early as the 1820s (granted in 1815);*
- 2) *Orielton housed the mill for wheat grown in the area - an important early industry. The continued adaptive reuse of the residence and the outbuildings is an important part of Orielton's history;*
- 3) *Orielton in its stages of construction and the arrangement of its buildings and gardens, illustrates the evolution of an upper-class working farm from early colonial times to the present day, with the occupants appreciating the landscape setting;*
- 4) *The buildings and grounds, in their periods of construction, illustrate the sequence of design elements as the estate grew since 1815;*
- 5) *Orielton homestead represents the layout of a gentleman's estate with views and vistas afforded to and from the homestead over the landscape and important access routes;*
- 6) *Orielton has strong associations with prominent land owners and local gentry since its 1840 occupation to the present Fairfax ownership. It has an association with the World War II air force occupation;*
- 7) *The buildings and layout of Orielton have the ability to demonstrate past estate development and farming practices particularly for wheat and flour production. Archaeological remains would provide insights into past occupation and use;*
- 8) *Orielton is aesthetically significant because it displays elements of Georgian design and detailing which is representative of the area. It also displays Italianate design rare to the area and to rural properties. Orielton's setting in the rural landscape is representative of design philosophies of the time. Its visual links with the landscape and surrounding*

	<p>9) <i>properties is significant; Orielton's setting in the rural landscape is representative of design philosophies of the time. Its visual links with the landscape and surrounding properties is significant;</i></p> <p>10) <i>The gardens surrounding the homestead are significant for retaining plant specimens and garden layouts associated with their early arrangement. The gardens have been arranged to provide a formal garden setting for the homestead, with its signal plantings of Bunya and Norfolk Island pines, providing a distinctive presence of the homestead against the undulating topography</i></p>
View of Orielton Homestead looking north west after being recently restored.	
A 500m radius drawn around Orielton Homestead. Note development occurring to the north and east of the site within 200-300m of the homestead.	

A photograph taken from the road bisecting the curtilage (see red star in aerial above.) This photograph shows that the curtilage is sufficient to retain the understanding of the homestead and its original rural setting.



The proposed visual curtilage envisioned by the Denbigh Curtilage Study by Design 5 is over 2.0km which incorporates the majority of the subject property (Tidapa). This recommended curtilage is contained within the subject property boundaries, held under separate ownership and not within the legally established SHR curtilage under the auspices of the *NSW Heritage Act 1977*. Incorporating a 500m curtilage as indicated by the below aerial photograph indicates that physical and visual setting of Denbigh, within this radius is sufficient to preserve the historic setting of the site.

#### Denbigh Homestead





## 6 PLANNING PROPOSAL

The Planning Proposal has been prepared to amend the *Camden LEP 2010* with regard to the subject site for the rezoning of land to facilitate future urban development.

The indicative concept plans prepared by Sitios Urban Design recognizes the importance of maintaining the historic rural setting of the homestead. The proposed site seeks to offer a 'green backdrop' to Denbigh by only develop the intermediate section between the valley and the ridges of the area to the north west of Denbigh. It is noted that both the visual and physical curtilage of Denbigh is significantly larger than similar historic homesteads in the immediate vicinity undergoing residential subdivision as part of the South Western Growth Corridor. The proposal includes:

- A large lot subdivision layout allowing for increased space for vegetation on each lot.
- Protection of the ridgelines from the development and revegetation with native species.
- Revegetation of the riparian corridors utilising identified existing vegetation, particularly along Regent Dam to provide a visual buffer. Table 2: shows the current and CGI images of the proposed revegetation of the riparian corridors.

This HIS focuses on the scope and impacts of the proposal on the adjacent Denbigh Estate.

Table 2: Current and CGI images of the proposed revegetation of the riparian corridors.

### Current photos



The photograph above of Regents Dam looking towards Denbigh.



Looking north from in front of the Hay Shed.

### CGI of proposed revegetation



A CGI showing increased planting along the riparian corridor.



The same view from in front of the Hay Shed with CGI riparian corridor which obscures much of the intermediate ground where the proposed development will occur.



Looking north west from within the Denbigh Homestead Grounds towards the subject site/



The same view showing the intermediate ground where the proposed subdivision is to occur.



Looking north west over Regents Dam towards the site.



The same image with CGI re-vegetation which obscures much of the site where the proposed subdivision.



Looking north west from in front of the hayshed towards the site.



The same image with CGI re-vegetation which obscures much of the site where the proposed subdivision.



---

## **7 EFFECT OF LEP 2010 AMENDMENT**

### **7.1 Method of Assessment**

The following considers heritage related issues only. It does not consider compliance or otherwise with numerical controls unless non-compliance will result in an adverse heritage impact.

The proposed *LEP 2010* amendment is assessed against the relevant controls with a full understanding of the requirements for Heritage Impact Statements provided by the NSW Heritage Branch publication *Statements of Heritage Impact* (2002 update). These questions are as follows:

- The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons.
- The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts.
- The following sympathetic solutions have been considered and discounted for the following reasons.

### **7.2 Effect of LEP 2010 Amendment on Denbigh.**

#### **7.2.1 Question 1**

**The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons**

The subject site was once historically associated with the Denbigh Estate, where it was part of Charles Hook's farm from 1811-1826. Since 1826 the site has come under separate ownership, independent from the Denbigh Estate, where it has been utilised for farming and grazing purposes. While not part of the Denbigh Estate, it is part of the rural setting, like most other agricultural land in the area. Preserving this setting assists in retaining of the cultural significance of Denbigh. As indicated by a comparison with other nearby historic homesteads, a 500m curtilage is sufficient to protect both the visual and physical setting of the historic homestead. This setting is recognised in the established SHR curtilage under the *NSW Heritage Act 1977*.

There is no physical impact which arises from the change to the controls proposed, and at DA stage, there will be a number of ways in which any visual impact can be addressed through the design of a future residential development. These include:

- Extensive revegetation of riparian corridors and ridges.
- Large lot sizes and appropriate configurations of lots to allow extensive tree planting.
- Establishment of maximum building heights.
- Mandating building placement and setbacks.
- Providing street layouts that aligning with existing topography to minimise cut and fill.
- Require a level of architectural design and use of materials to blend with the surrounding landscape and minimise visual intrusion into view corridors from Denbigh.
- Develop landscape controls that encourage planting of native species.

The proposed rezoning and subsequent subdivision of the subject site offers a sympathetic solution to a context that is changing from a rural identity to residential as the outer fringes of Sydney become urbanised. Unlike many of the surrounding suburban developments, the proposal offers a large lot and low scale subdivision, which

---

allows for increased opportunities for establishing vegetation on individual lots. In addition to the large lot subdivisions, the proposal will also revegetate the riparian corridor between the two properties and of the ridges on the western side of the subject site. This offers an opportunity to preserve the setting of Denbigh and minimise any impact on it while facilitating the proposed use as a large lot subdivision.

The proposed land corridor for the future Outer Sydney Orbital is located to west of the subject site. When completed, this major freight corridor will have a significant visual impact on the rural setting of Denbigh which includes the subject site. By allowing the proposed rezoning and future large lot subdivision with revegetation offers an opportunity to obscure much of the visual impact caused by the Orbital.

### 7.2.2 Question 2

**The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts**

- *Subdividing and developing the subject site will impact upon the visual significance of Denbigh.*

The proposed subdivision of the subject site will have a limited impact upon setting of the homestead complex. It will still be able to be appreciated within the setting of its own discrete valley, contained and defined by the distinctive surrounding hills and ridges. In order to preserve this setting it is proposed to develop the intermediate section between the valley and the ridges of the area to the north west of Denbigh. By developing this section of the site, the majority of the visual impact can be screened through the revegetation of the riparian corridor adjacent to Regent Dam. The mitigating impact of the screening is indicated by the CGI images above. These images also indicate that the ridges of the subject site, the contribute to the intimate theatre-like landscape surrounding the homestead are unaffected by development that may occur as a result in a change of controls.

- *Subdividing and developing the subject site will impact upon the rural setting of Denbigh.*

The rural setting of Denbigh will change substantially as the outer fringe of Sydney continues to expand adjacent to it. This is exemplified by the development occurring to the north east and east of the site on the Denbigh Estate as part of the NSW State Government's South Western Growth Corridor. This is also evidenced by the continued sale of the Denbigh Estate since the 1970s. See Figure 7. Furthermore, the proposed Outer Sydney Orbital (a proposed future motorway and freight rail line corridor) exists to the north of the subject site, where it will be visible from Denbigh, and will further erode the rural setting. Through the integration of a vegetated buffer between the subject site and Denbigh, the impact of the proposed Outer Sydney Orbital will also be reduced as it would otherwise be visible across open farmland. Much of the understanding of the rural setting of Denbigh is preserved by the generous curtilage established by the State Heritage Register listing as indicated in Figure 19.

Mitigating measures to screen development used on the Denbigh Estate through the construction of the earthen mounds obscures much of the noise and visual impact on large scale subdivision in the immediate setting. The proposed vegetation will also act as a visual buffer to development as a result of the proposed rezoning.

- *The rural character surrounding Denbigh will be eroded by the proposed change in controls.*

The rural character of the area has been steadily changing over the past twenty -five years. Numerous Camden Council reports acknowledge the low agricultural value of the

land and the lack of significance of the beef cattle industry, partly due to the small land holdings in the area. The Camden Local Biodiversity Strategy prepared by Eco Logical Australia in 2013, states that the *“The agricultural value of the lands in this precinct is considered to be low”*

The Draft Camden Rural Lands Study 1996 stated that *“The beef cattle industry is of little significance in the Macarthur region.” “Land values in Camden are too high for farmers to buy a large enough area to run a full scale beef operation. It is understood that beef cattle do not perform as well in the Macarthur Region as in many other regions of NSW because of the coastal climate, and the constraint of animal nutrition from pastures and the low rainfall of the Macarthur area. Existing lot sizes in Camden are the main constraint to economic production levels. If this was removed, then the operations of beef enterprises would be influenced by the degree of pasture improvement possible.”*

The above statement recognises that the current farming practices associated with the site are unsustainable as there is little long-term confidence in continuing farming in the area. Introducing a future residential subdivision with large lot sizes as indicated by the reference design provides a compatible use to the changing context.

### 7.2.3 Question 3

**The following sympathetic solutions have been considered and discounted for the following reasons:**

- *Retaining the subject site for rural use to preserve the setting of Denbigh.*

As outlined above, continuing agricultural practices on the subject site are unsustainable as there is little long-term confidence in continuing farming in the area. While it is recognised that retaining the rural setting of Denbigh would be beneficial to preserving the understanding of its original setting, the land use conflict of adjoining urban development on rural activities has undermined this opportunity. The proposed rezoning of the site for future urban development and associated minimum lot sizes offers the opportunity for a low density, well vegetated transition to the Outer Sydney Orbital which acts as the boundary of south western growth centre residential development area, without causing significant financial burden to the owners of the site.

### 7.3 Assessment under Denbigh Curtilage Study 2008

Policy	Response
<b>Generally</b>	
<b>Policy</b> Denbigh is a property of exceptional cultural significance which depends upon retention and respect for its curtilage in order to retain this significance. Denbigh and its curtilage as defined in this report must therefore be retained, protected and conserved in accordance with the policies set out in this report.	The proposed change in controls will have no impact on the curtilage established around the Denbigh Homestead Complex. No future works as a result in the controls are proposed on the property.
<b>Policy</b> To ensure the survival of the significant use and character of the property, Denbigh is to be retained as a working, privately owned rural property. The boundaries may be adjusted to retain and protect the significant curtilage areas shown red (Exceptional) in the diagram showing Areas of Cultural Significance	Much of the rural property described as significant to the rural setting of the Denbigh Estate is located outside of the property boundaries. It is also noted that Denbigh is now no longer zoned RU1 it is zoned E4 Environmental Living.  Maintaining the subject site as working

<p>and as described in the diagram showing Areas where subdivision and redevelopment is possible.</p>	<p>rural land to preserve the setting of Denbigh presents a significant burden to the owners of the subject site for the following reasons:</p> <ul style="list-style-type: none"> <li>• Land use conflicts arising from intensive livestock farming in urban environments which are being developed within sections of the Denbigh Estate.</li> <li>• Water in the valley is being contaminated by urban development within the catchment which is demonstrated by siltation in Cobbitty Creek which is impacting upon livestock access to suitable water.</li> <li>• Sterilising vast tracks of the subject site from any land use intensification for the purposes of preserving a historic rural setting. The whole burden of providing a setting cannot be borne by neighbouring properties, particularly if sensible and effective measures to ameliorate the impact of development can be put in place. See 2.3.2 which discusses how the current landowners were not consulted during the establishment of the Denbigh visual curtilage.</li> </ul> <p>The proposed rezoning to from RU1 to residential subdivision large minimum lots sizes offers both the opportunity to prevent significant suburban intensification through small lot subdivisions. This type of subdivision is occurring around a number of the other historic homesteads in the vicinity such as Oran Park and Gledswood which has the potential to impact on understanding their original setting but is being managed through landscape controls. The proposed future subdivision offers a low density, well vegetated transition to the Outer Sydney Orbital which acts as the boundary of south western growth centre residential development area.</p>
<p><b>Curtilage</b></p>	
<p><b>Policy</b> Those areas assessed as having Exceptional significance within the Denbigh estate (shown red in the diagram - Areas of Cultural Significance) must be</p>	<p>The cultural significant of Denbigh will be acceptable in terms of the proposed subdivision of the subject site. No physical works are proposed to the Denbigh Estate. As indicated by a</p>

<p>retained, protected and respected as the significant core curtilage or Denbigh in accordance with the following policies. No encroachments, development or changes should occur within these areas which may compromise or place at risk, both in the short or long term, the retention and survival of the cultural significance of Denbigh.</p> <p>This area includes the core visual catchment/setting of the Denbigh homestead group up to and including the ridges and their associated planting which visually define/contain this area; the early stone quarry and access road adjacent to the northern ridge; the entry drive and gates from the North Road; and the two houses, Bangor and Cluny Hill. These areas also include the prehistoric and historic evidence of the Aboriginal association with the place. These areas should be listed as a single curtilage area and managed in such a way as not to diminish the integrity or significance of this single curtilage unit.</p>	<p>comparison with other nearby historic homesteads, a 500m curtilage is sufficient to protect both the visual and physical setting of the historic homestead. This setting is recognised in the established SHR curtilage under the <i>NSW Heritage Act 1977</i>.</p> <p>The design and density of the indicative residential subdivision enables the integration of the landscape to be appreciated as the dominant element in the spirit of a garden suburb or rural village. The large lot sizes proposed allow the potential to plant large trees (up to 10-15 metres) within residential lots as well as large street trees along internal village accessways.</p>
---	--

## 8 CONCLUSIONS

This HIS has considered the impact of the proposed rezoning of the site to facilitate future urban development of the site Tidapa, adjoining the Denbigh Estate, Cobbitty NSW.

The subject site was once historically associated with the Denbigh Estate, where it was part of Charles Hook's farm from 1811-1826. Since 1826 the site has come under separate ownership independent from the Denbigh Estate, where it has been utilised for farming and grazing purposes. While not part of the Denbigh Estate, it is part of the rural setting, like most other agricultural land in the area.

As Sydney outer fringes have continued to expand, much of the rural setting has been eroded and redeveloped for residential purposes, this includes the western and south western parts of the Denbigh Estate. Maintaining a viable farming operation on the site is no longer economically viable. This is due in part to the land use conflicts arising from urban development and lack of confidence in the long-term sustainability of agriculture to justify investment. Other historic homesteads in the locality are experiencing the same development pressures as Denbigh, through subdivision of former rural land for residential use. The curtilages established around these items <500m have allowed the understanding of the original rural setting to be retained while facilitating the required residential development of the South Western Growth Corridor. The existing 500m curtilage is sufficient to protect both the visual and physical setting of the historic homestead. This setting is recognised in the established SHR curtilage under the *NSW Heritage Act 1977*.

Sterilising vast tracks of the subject site from any land use intensification for the purposes of preserving a historic rural setting presents a significant burden to the owners of the subject site. The whole burden of providing a setting cannot be borne by neighbouring properties, particularly if sensible and effective measures to ameliorate the impact of development can be put in place, such as the proposed large minimum lot size residential development.



---

The proposed rezoning is considered an appropriate response to the site without diminishing in the recognised historic setting of Denbigh. It is acceptable for the following reasons:

- The indicative concept plans indicates the intermediate section between the valley and the ridges of the area to the north west of Denbigh is the only section on the site proposed to be developed. The majority of the visual impact can be screened through the revegetation of the riparian corridor adjacent to Regent Dam.
- The proposed revegetation of the riparian corridors will also assist in screening the future Outer Sydney Orbital freight line.
- The proposed rezoning and subsequent subdivision of the subject site offers a sympathetic solution to a context that is changing from a rural identity to residential as the outer fringes of Sydney.

The proposed rezoning of the site for future urban development and associated minimum lot sizes and offers the opportunity for a low density, well vegetated transition to the Outer Sydney Orbital which acts as the boundary of south western growth centre residential development area.