

**MUSEcape**

**Proposed Glenlee Precinct Rezoning:  
Non-Indigenous Heritage Assessment**



*Prepared for*  
**Michael Brown Planning Strategies Pty Ltd**  
*on behalf of the*  
**Glenlee Consortium**

by  
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**Figure 1 Front Cover** View from Caley Drive, The Australian Botanic Garden, Mount Annan, southwest to the Glenlee Precinct Study Area, showing existing visual impact of the Sada Services Pty Ltd coal washery stock pile. In the distance is the Razorback Range. (Photo: C Betteridge, 11 October 2013)

## Executive Summary

This Non-Indigenous Heritage Assessment has been prepared by Chris Betteridge, **MUSEcape** Pty Ltd for Michael Brown Planning Strategies Pty Ltd on behalf of the Glenlee Consortium. The report acknowledges the 2009 history of the site prepared by Tony Prescott, Historyworks Pty Ltd, with updates mainly to take into account changes to legislation, modifications to the boundary of the study area and changes to the Planning Proposal itself.

The report provides analysis of documentary and physical evidence relating to the Study Area and its environmental context and an assessment of the non-indigenous cultural heritage values against the criteria established by the Heritage Council of NSW. Reference is made to the separate studies of the Visual and Landscape Assessment of the Precinct (**MUSEcape** Pty Ltd) and the 'Aboriginal Heritage Due Diligence Assessment, Glenlee Precinct Rezoning' (Cultural Heritage Connections).

The report finds that the area of the historic former Glenlee estate, which includes the Study Area, is a cultural landscape of exceptional significance and includes elements of Aboriginal heritage significance, association with influential early European settlers and the exceptional composition of the architecture and setting of Glenlee House.

Current heritage listings are identified and the various national, state and local statutory controls relevant to the Study Area are discussed and a conservation management strategy proposed. Potential heritage impacts arising from the Planning Proposal are assessed, with cross-reference to the other reports cited above.

This report finds that the proposed development concept will have no adverse impact on post-European settlement heritage within the disturbed parts of the site itself but has the potential to have an impact on a highly significant cultural landscape (including the less altered parts of the site) if appropriate controls and development guidelines are not implemented.

The Indigenous Heritage report also identifies a potential impact on Aboriginal cultural heritage and makes recommendations concerning site protection or salvage and further investigation that should be followed. The Visual & Landscape

Assessment report also identifies potential impacts on a significant landscape and recommends very detailed development guidelines, controls and management to mitigate that impact.

Overall, no fundamental objection is raised to the proposed development concept on heritage grounds, but it is strongly emphasised that the recommendations of these three reports should be adopted in order to manage impacts on significant heritage qualities, both within the site itself and 'in the vicinity'.

It is also found that the legal framework for protection of the heritage qualities of the wider area is significantly impeded by an artificial administrative split between three LGAs (Camden, Campbelltown and Wollondilly) and it is recommended that consideration be given to undertaking studies to identify the wider settings of heritage items and examining the feasibility of ensuring full assessment of the impact of 'in the vicinity' developments on heritage items and their settings that may lie across these three local government boundaries.

## **1.0 Introduction**

### **1.1 Background**

It has been identified that within the Glenlee Precinct Study Area there is an opportunity to provide for enhanced industrial employment opportunities in a locality that is strategically positioned relative to its historical / current land usages and potential transport linkages with its consequential "flow on" economic benefits. It is identified as a future employment area in the Department of Planning and Infrastructure Metropolitan Strategy. It is a strategic site and therefore its rezoning needs to enable it to be used for its best and highest use. All options for development should be investigated with emphasis on long term use. Realisation of the development potential of the precinct requires an understanding of the capability / suitability of the land to support future industrial development;

At the same time, the opportunity exists to manage the potential impacts of the development upon the built and natural environment within and around the study area and in fact provide for environmental enhancement via environmental conservation outcomes. Such study is also to adhere to the principles of ecologically sustainable development (ESD) and will be required to demonstrate how the principles and programs of ESD will be integrated into the development.

The Planning Proposal approved in July 2013 for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act* 1979 (EP&A Act) is for the following:

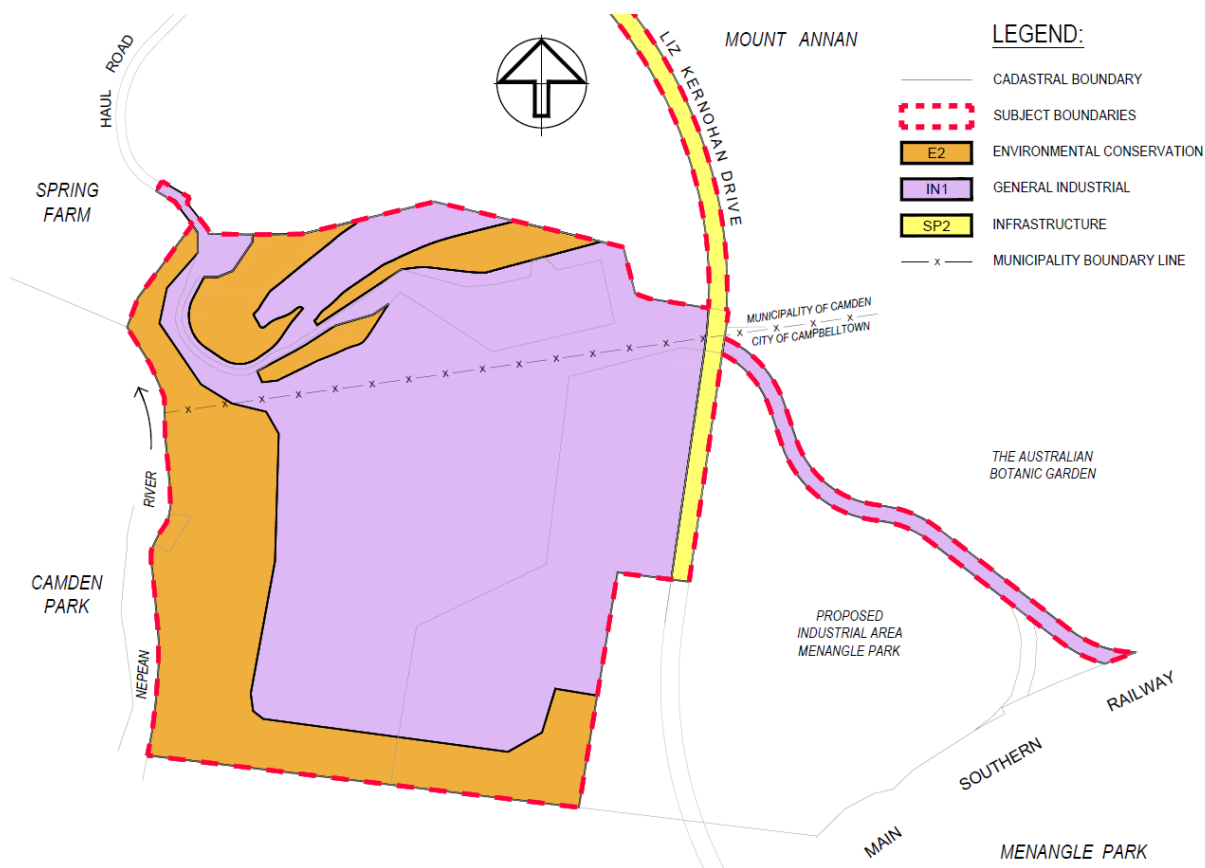
- rezoning of land at Glenlee to IN1 General Industrial, SP2 Infrastructure and E3 Environmental Management;
- application of a minimum lot size of 2000m<sup>2</sup>;
- application of a maximum building height of 11 metres and maximum floor space ratio (FSR) for land proposed to be zoned IN2;
- removal of certain development controls on land proposed to be zoned SP2 and E3;
- identification of land at Liz Kernohan Drive on the Land Reservation Acquisition Map; and,

### **1.2 Purpose of this Report**

This report was commissioned by Michael Brown Planning Strategies Pty Ltd on behalf of the Glenlee Consortium comprising:

- Sada Services Pty Ltd;
- J & W Tripodi Holdings Pty Ltd (Camden Soil Mix); and
- Glenlee Properties Pty Ltd (TRN Group).

It provides an assessment of the non-indigenous cultural heritage values of the Glenlee Precinct Study Area and adjoining lands. It has been prepared as one of the baseline studies to inform the planning for future development of the site and is complemented by an assessment of the indigenous heritage (Vanessa Hardy, Cultural Heritage Connections Pty Ltd, June 2013) and a visual and landscape analysis (Chris Betteridge, **MUSEcape** Pty Ltd, February 2014).



**Figure 2** Glenlee Proposed Zoning. (Source: Geolyse 2016)

### 1.3 Heritage Listings

There are no heritage-listed items or areas within the site itself. However, the site is in proximity to places that have national, State and / or local heritage significance.

These are listed by national and State heritage and planning agencies and by three Councils: Camden, Campbelltown and Wollondilly. (The Wollondilly LGA includes part of the Camden Park land on the western side of the Nepean River, opposite the Study Area, which lies on the eastern side of the river.)

The listings are as follows:

#### **National (National Heritage List (NHL) and Commonwealth Heritage List (CHL))**

At this stage there are no places within the Glenlee Precinct Study Area or its vicinity that are on either the NHL or the CHL. This does not imply that there are no items of national significance in the area but that they have not been assessed for possible listing under the current national assessment criteria. However, a number of places in the vicinity of the Study Area were previously listed on the Register of the National Estate (RNE). Established in the mid-1970s, this is now a non-statutory archive and listings on it have no legal effect but are a guide to national significance values.)

### **(Commonwealth Register of the National Estate (RNE))**

- Glenlee
- Camden Park
- Camden Park Garden and Nursery
- Home Farmhouse [Belgenny]
- Macarthur Family Cemetery
- Menangle House
- Menangle Railway Viaduct

Of the above places, Glenlee and parts of Camden Park are within the visual catchment of the Study Area. Menangle House and the Menangle Railway Viaduct are not within the visual catchment of the Study Area.

### **State (State Heritage Register (SHR) under the NSW Heritage Act)**

(The SHR is a list of places of State significance for NSW. These listings control development within the defined listing curtilage, the consent authority being the Heritage Council of NSW.)

- Glenlee estate, including outbuildings, garden and gatelodge, (SHR listing no. 9 being land to the east of the Main Southern Railway as shown in plan HC 5) (See Figure 10)
- Camden Park estate and Belgenny Farm (SHR listings nos. 341 and 1697 being land to the south and west of the Nepean River as shown on plans HC 798 and HC 1922) (See Figure 9)

Also listed on the SHR for the general area but outside the visual catchment of the Study Area are parts of the Upper Canal System (Pheasants Nest to Prospect Reservoir), Sugarloaf Farm and the Menangle rail bridge over the Nepean Area.

### **State (Section 170, NSW Heritage Act)**

NSW Government departments and agencies are required to maintain registers of significant heritage assets in their ownership or under their care, control and management.

Listed for Camden LGA under the Heritage Act (section 170) are several elements within the former Camden Park estate but now in NSW government ownership, including the Elizabeth Macarthur Agricultural Institute (EMAI), Belgenny Farm, Belgenny Cottage, Cottage Monument, Dairy No.2, the Macarthur family cemetery and the Macarthur's Original Bloodline Sheep Flock.

Listed for Campbelltown LGA is Sugarloaf Farm, Menangle Road, Gilead.

Listed for Wollondilly LGA are Barrigal Monument and Vista, Dairies 4, 8 and 9 (within EMAI), EMAI, the Hamlet Cottages (Orchard Cottages within EMAI) and the Orchard (within EMAI).

### **State (NSW Environmental Planning and Assessment Act)**

(These listings control development within the listed place, the consent authority being defined within the relevant planning instrument.)

(Schedule 1, Hawkesbury-Nepean River Regional Environmental Plan – SREP No. 20)

- Camden Park estate in Wollondilly LGA
- Menangle Weir, Menangle in Campbelltown LGA
- Menangle Railway Bridge, Menangle in Campbelltown LGA
- Menangle Park Racecourse, Menangle Park in Campbelltown LGA

### **Local (NSW Environmental Planning and Assessment Act)**

(These listings control development within the listed place, the consent authority being defined within the relevant Council.)

Camden LGA – Schedule 5, Camden LEP 2010

- “Belgenny Farm” (including colonial homestead, weatherboard cottage, octagonal shed, granary and grounds)

Campbelltown LGA – Schedule 1, Campbelltown (Urban Areas) LEP 2002

- Sugarloaf Farm, Gilead

Campbelltown LGA – Schedule 4, Campbelltown Interim Development Order 15

- “Glenlee”, house, outbuildings, garden and gatelodge situated on lots 1, 2 and 3, D.P. 713646, Glenlee Road, Menangle Park.
- “Menangle House”, house and outbuildings situated on lot 102, being part of lot 1, D.P. 10718, corner Menangle Road and Racecourse Avenue, Menangle Park.
- “Menangle Park Paceway”, Lot 3, D.P. 593211, Racecourse Avenue, Menangle Park.
- “Menangle Railway Viaduct”, rail, bridge and viaduct over Nepean River, Menangle Park.
- “Menangle Weir”, below Menangle Railway Viaduct, Menangle Park.
- “Mount Gilead”, group, house, outbuildings, dam and mill situated on part Lot 1, D.P. 807555, Appin Road, Gilead.
- “Riverview”, lots 1 and 2, D.P. 589899, Menangle Road, Menangle Park.
- “Sydney Water Supply Upper Canal”, generally following western boundary of the local government area of the City of Campbelltown and south, in so far as it traverses land under this Order.
- “The Pines”, lot 2, D.P. 590214, Menangle Road, Menangle Park.

Wollondilly LGA – Schedule 5, Wollondilly LEP 2011

- Camden Park estate, house and gardens
- Camden Park estate – dairy No.8, cottages and orchard sites
- Aboriginal scarred trees
- Dairy No 4 (EMAI Cottage 29)
- Menangle Gate Lodge (former)
- Dairy No 9 (EMAI Cottage 24)

Because the Camden Park estate (including Belgenny Farm) has multiple identified components as well as being an integral whole, the term ‘Camden Park Estate’ is used generically in this report to describe the whole estate including all its component elements, as shown in Heritage Council Plan 1922 – see Figure 22.



In addition to these heritage-listed places, another site protected from development, the Australian Botanic Garden, Mount Annan, administered by the Royal Botanic Gardens and Domain Trust, lies to the north-east of the Study Area.

There are some Aboriginal sites and artefacts (both recorded and newly identified) within the Study Area. (See section 3.2 below and the Aboriginal Heritage Due Diligence Assessment, Glenlee Precinct Rezoning report.)

### **1.4 Authorship**

This report has been prepared by Chris Betteridge, BSc (Sydney), MSc (Leicester), AMA (London), MICOMOS, Director, **MUSEcape** Pty Ltd, specialists in the identification, assessment, management and interpretation of cultural heritage. Chris has extensive knowledge of the local area. While Assistant Director (Community Relations), Royal Botanic Gardens Sydney, Chris had considerable involvement in the development of the Australian Botanic Garden, Mt Annan (formerly Mount Annan Botanic Garden), which adjoins the Glenlee Study Area to the northeast. He has recently had input to the interpretive plan for the Australian Plant Bank at Mt Annan. As a consultant to Rohan Dickson & Associates, Chris provided the landscape and visual assessment input to the Masterplan for Menangle Park, which adjoins the Glenlee Study Area to the southeast. Chris led the consultant team which prepared the draft Conservation Management Plan for the Elizabeth Macarthur Agricultural Institute, adjoining the Glenlee Precinct Study Area across the Nepean River and in 2012 he prepared the assessment of the cultural landscape around the village of Menangle, leading to a decision by Wollondilly Shire Council for a Landscape Conservation Area around the village.

The author fully acknowledges the input by his former colleague Tony Prescott, MA (Hons), MPHA, FAPI Director, Historyworks Pty Ltd who prepared the non-indigenous heritage assessment for an earlier proposal for the Glenlee Precinct in 2009. Tony is a qualified professional historian with extensive conservation knowledge and experience based on over 20 years' work in the NSW Heritage Branch, both in policy and in the field. Tony is an established author and report writer. In recent years he has produced numerous heritage reports for his consultancy Historyworks, including two previous reports on parts of this site:

Camden Soil Mix Heritage Report (2003)  
Jacks Gully Heritage Report (WSN) (2004)

### **1.5 Methodology**

The methodology used in the preparation of this report is broadly consistent with the guidelines of the Heritage Division, Office of Environment and Heritage (formerly Heritage Branch, NSW Department of Planning and Infrastructure and NSW Heritage Office), namely 'Statements of Heritage Impact', and the principles outlined in the Australia ICOMOS Charter for Places of Cultural Significance (the Burra Charter).

The terminology used in this report is consistent with the NSW *Heritage Manual* and the definitions contained in the Burra Charter.

## 1.6 Acknowledgments

The author would like to thank the following for their kind assistance in the preparation of this report:

Mark Brackenbury and staff, Sada Services Pty Ltd;  
 Vanessa Hardy, Cultural Heritage Connections Pty Ltd;  
 Tony Prescott, Historyworks;  
 Michael Brown, Michael Brown Planning Strategies Pty Ltd;  
 Stephen McMahon, Inspire Urban Design and Planning;  
 Stuart Read, Heritage Division, Office of Environment and Heritage;  
 Brian Wilson, 'Glenlee';  
 John Macarthur Stanham, 'Camden Park';  
 John Wrigley and other members, Camden Historical Society;  
 Camden Museum.

## 1.7 Definition of Terms

The following terms from the Burra Charter of Australia ICOMOS have been used in this document.

*Place* means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

*Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, records, *related places* and *related objects*. Places may have a range of values for different individuals or groups.

*Fabric* means all the physical material of the *place* including components, fixtures, contents, and objects.

*Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.

*Maintenance* means the continuous protective care of the *fabric* and *setting* of a *place*, and is to be distinguished from repair. Repair involves restoration or reconstruction.

*Preservation* means maintaining the *fabric* of a *place* in its existing state and retarding deterioration.

*Restoration* means returning the existing *fabric* of a *place* to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

*Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material into the *fabric*.

*Adaptation* means modifying a *place* to suit the existing use or a proposed use.

*Use* means the functions of a *place*, as well as the activities and practices that may occur at the *place*.

*Compatible* use means a use which respects the cultural significance of a *place*. Such a use involves no, or minimal, impact on cultural significance.

*Setting* means the area around a *place*, which may include the visual catchment.

*Related place* means a place that contributes to the *cultural significance* of another place.

## **1.8 Abbreviations**

The following abbreviations may be found in the report text.

AEP - Annual Exceedance Probability (Flood Extent);  
 AHC - Australian Heritage Council;  
 AMP – Archaeological Management Plan;  
 BCA – Building Code of Australia;  
 BFT – Belgenny Farm Trust;  
 CA – Conservation Area;  
 CC – Camden Council;  
 CCC – Campbelltown City Council;  
 CMP - Conservation Management Plan;  
 DA – Development Application;  
 DCP - Development Control Plan;  
 DECCW – NSW Department of Environment, Climate Change and Water;  
 DEP – NSW Department of Environment and Planning;  
 DOP - NSW Department of Planning;  
 DoPI – NSW Department of Planning and Infrastructure;  
 DPI – NSW Department of Primary Industries;  
 EMAI – Elizabeth Macarthur Agricultural Institute;  
 EP & A Act – *Environmental Planning & Assessment Act 1979*  
 EP & A Regulation - *Environmental Planning & Assessment Regulation 2000*;  
 HCA – Heritage Conservation Area;  
 HIS – Heritage Impact Statement;  
 ICOMOS - International Council of Monuments and Sites;  
 IDA – Integrated Development Application;  
 IDO – Interim Development Order;  
 ILP – Concept Master Plan (Indicative Layout Plan);  
 JMAI – John Macarthur Agricultural Institute;  
 JRPP – Joint Regional Planning Panel;  
 LEP - Local Environmental Plan;  
 LMP – Landscape Management Plan;  
 MV – Menangle Village;  
 MVCA - Menangle Village Conservation Area;  
 NPWS – National Parks and Wildlife Service;  
 NT - National Trust of Australia (New South Wales);  
 PCO – Permanent Conservation Area;  
 PP – Planning Proposal;  
 REP – Regional Environmental Plan;  
 RNE – Register of the National Estate;

SEPP – State Environmental Planning Policy;  
 SHR - State Heritage Register;  
 SOHI - Statement of Heritage Impact;  
 TSC Act – *Threatened Species Conservation Act 1995*;  
 WSC – Wollondilly Shire Council.

## **1.9 Measurement Units**

Historical documents relating to the Glenlee Precinct Study Area may have distances and areas measured in imperial units such as miles and acres. These have been converted to metric units and where possible both are shown in the text. Set out below are conversions for some imperial measurement units that may be found in the history and description of the site.

### **Distance**

1 inch = 2.54 centimetres;  
 1 foot = 30.48 centimetres;  
 1 yard = 91.44 centimetres;  
 1 rod = 5 1/2 yards or 16 1/2 feet = 5.0292 metres;  
 1 rood = 5 1/2 to 8 yards, depending on local variations;  
 1 chain = 66 feet = 20.1168 metres;  
 1 mile = 5,280 feet = 1,760 yards = approximately 1.6 kilometres

### **Area**

1 square rod = 1 perch = 30 square yards = 25.29 m<sup>2</sup>;  
 1 rood = 40 square rods or 1/4 acre = approximately 1011.714 m<sup>2</sup>;  
 1 acre = 4,840 square yards = 160 perches = approximately 0.405 hectare

## **1.10 Limitations**

This report relates mainly to the non-indigenous cultural heritage of the Glenlee Precinct Study Area although reference is made to companion studies of the indigenous cultural heritage and the visual and landscape qualities of the site. It is based on research and field inspections. It is possible that further research or the emergence of new sources may support different interpretations of the evidence in this report.

Although this report was undertaken to best heritage practice standards and its conclusions are based on professional opinion, it does not warrant that there is no possibility of further archaeological material being located in subsequent works undertaken on the site.

The register searches undertaken for this report are current only to the date a particular register was searched. In the normal course of events, items are added to or removed from heritage registers and users of this report should check that sites have not been added or removed from a particular register since the date the register was searched.

The Significance Assessment made in this report is a combination of both facts and interpretation of those facts in accordance with a standard set of assessment criteria. It is possible that another professional may interpret the historical facts and physical evidence in a different way.

### **1.11 Disclaimer**

This document may only be used for the purpose for which it was commissioned and in accordance with the contract between **MUSEcape** Pty Ltd (the consultant) and Michael Brown Planning Strategies Pty Ltd (the client) on behalf of the Glenlee Consortium (the landholder). The scope of services was defined in consultation with the client and owner, by time and budgetary constraints imposed by the client and owner, and the availability of reports and other data on the site. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up-to-date information and satisfy themselves that the statutory requirements have not changed since the report was written. **MUSEcape** Pty Ltd accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not intended to be a substitute for site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

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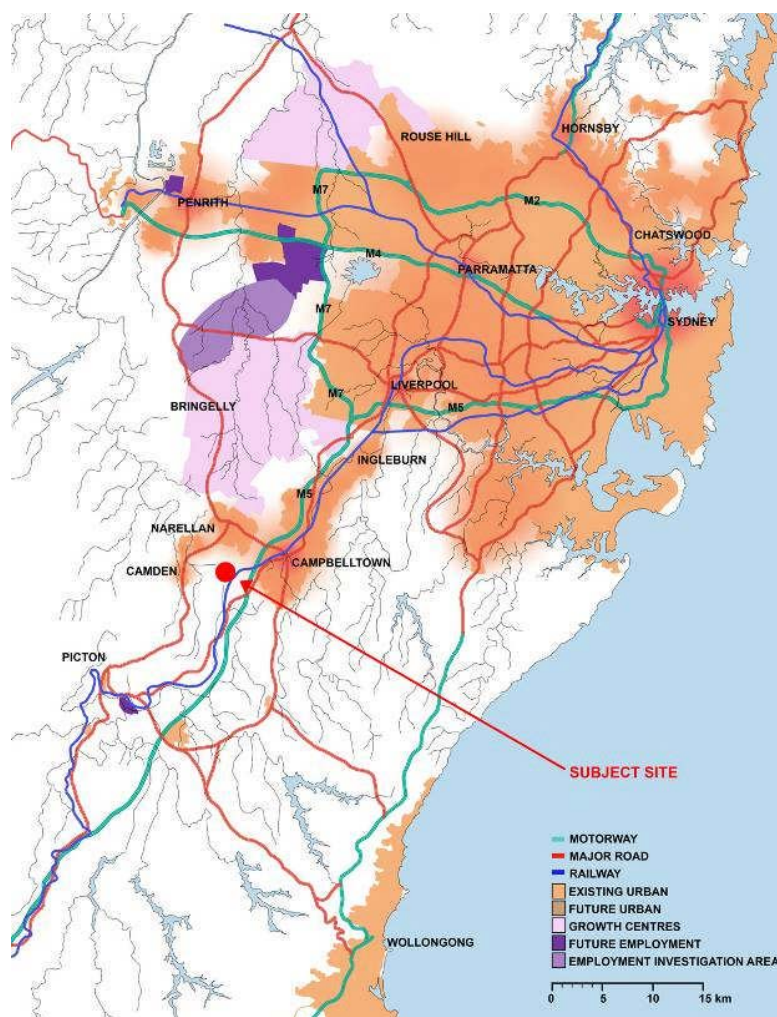
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## 2.0 The Site and its History

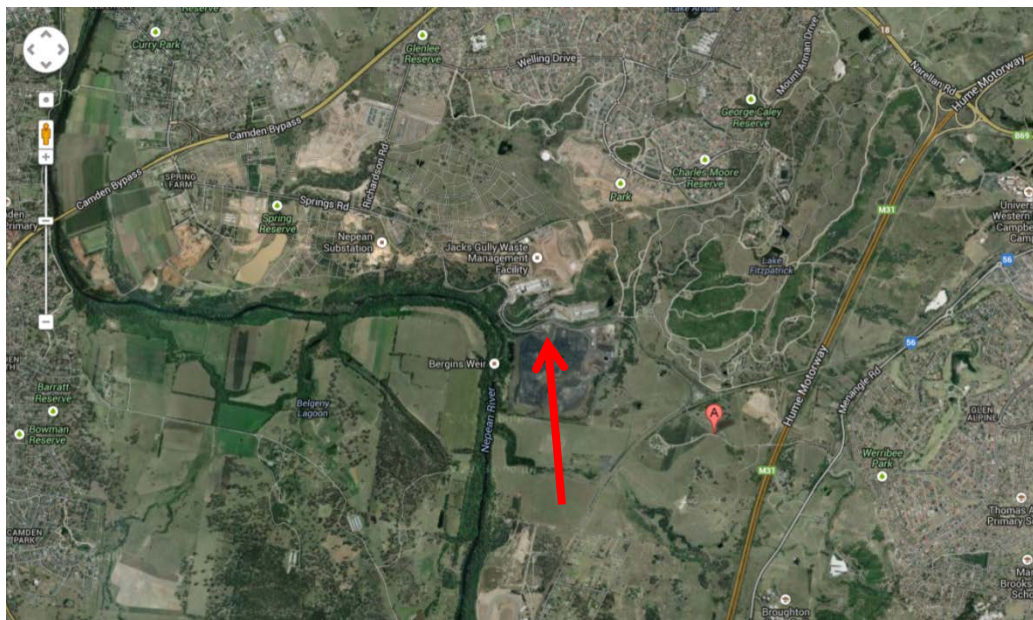
### 2.1 Location



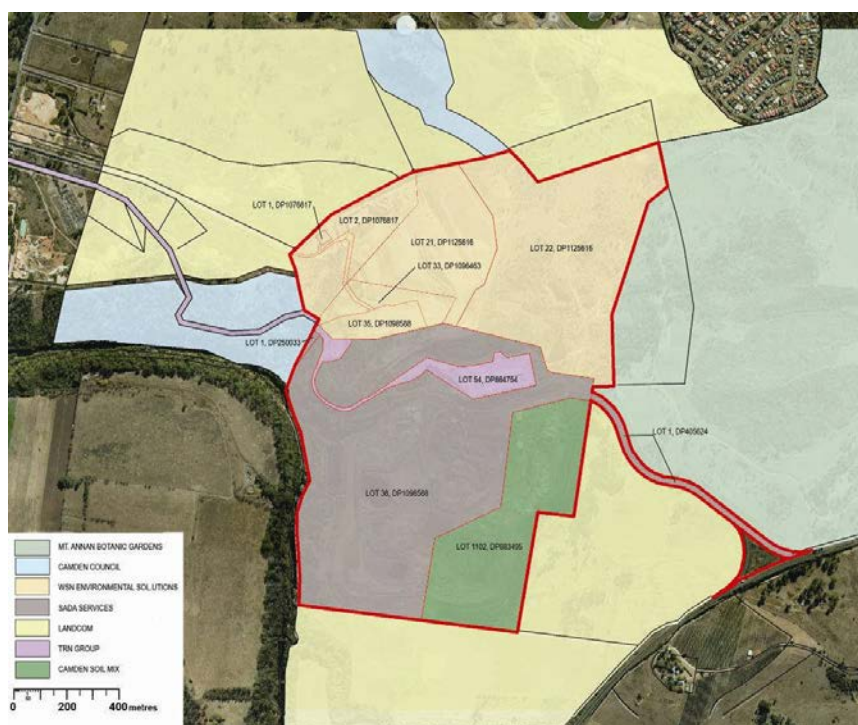
**Figure 3** Map showing location of the Glenlee Study Area in the regional context of Greater Sydney. (Source: Michael Brown Planning Strategies Pty Ltd)

The Glenlee Precinct Study Area is located about 6 kilometres from Campbelltown, 3.5 kilometres from Narellan and 5 Kilometres from Camden. It lies to the immediate west of the M31 Hume Motorway and Main Southern Railway, southwest of The Australian Botanic Garden, Mount Annan and to the immediate southeast of the Spring Farm Residential Release Area. Further, it is located south of Mount Annan and Spring Farm residential areas and the Spring Farm Advanced Resource Recovery Park (formerly Macarthur Resource Recovery Park and originally Jacks Gully Waste and Recycling Centre), northwest of Menangle Park Urban Release Area, including Urban Growth NSW lands and north and east of the Nepean River and its expansive flood plain.

It comprises an area of approximately 105 hectares and includes the activities associated with Sada Services Pty Ltd, Camden Soil Mix and TRN Group, including the interface and relationship with The Australian Botanic Garden, Mount Annan, Menangle Park, the Spring Farm Advanced Resource Recovery Park and other lands generally. It has been estimated that of the Study Area, approximately 70 hectares is capable of supporting future development.



**Figure 4** Map showing the location of the Glenlee Precinct Study Area (arrowed red) in its local context. (Source: Google Maps / MUSEcape Pty Ltd)



**Figure 5** Map showing property descriptions and ownership of lots within the Glenlee study Area and management authorities of adjoining lands. (Source: Michael Brown Planning Strategies Pty Ltd).



**Figure 6** Air photo of the Glenlee Precinct site, proposed Liz Kernohan Drive (both edged red) in relation to Spring Farm Advanced Resource Recovery Park (Jack's Gully) and showing the boundary between Campbelltown and Camden local government areas (dashed blue line). The image shows existing vegetation cover and extent of development within the site. (Source: Inspire Urban Design & Planning, 5 December 2011)

## 2.2 Analysis of Documentary Evidence

The area is part of an alluvial floodplain, with shale deposits at Mount Annan resulting in a unique vegetation community. At the time of arrival of Europeans, the Study Area was part of the lands of the Tharawal indigenous people. They recorded, in a sandstone shelter nearby, cattle that had escaped from the first British settlement at Sydney in 1788 and established themselves on the good grazing ground in the Menangle-Camden district. When the first European squatters arrived in the district after 1800 there was no recorded conflict initially, but the acceleration of the process of land grants produced increasing tension between the settlers and Aboriginal people, culminating in the Appin Massacre of 1816. Gradually thereafter the number of Aborigines diminished through disease and alienation of their traditional hunting grounds.<sup>1</sup>

<sup>1</sup> Spackman and Mossop, *Mount Annan Botanic Garden Site Master Plan*, 2000. Vol. 1, pp. 13-19. For a fuller description of the Aboriginal occupation of the site within its regional context see the Glenlee Precinct Planning Project: Indigenous Archaeological Assessment.



By the mid-1790s, the cattle had been found by the Europeans and a cattle hut was built at Elderslie by 1804. Also at this time, the line of the first road, Cowpasture Road, was surveyed and Governor King granted John Macarthur 5,000 acres to establish a sheep farm. By 1810 John Macarthur held 7,000 acres at Camden Park, on the west side of the Nepean River, eventually to expand to 28,000 acres, on both sides of the river, including the present day village of Menangle. The Macarthur property was a major rural enterprise, experimenting, not only in wool production but also in wheat, cattle, grape-growing and other enterprises. Within this land, the town of Camden was established in 1840<sup>2</sup>.

Meanwhile, in 1818, Governor Macquarie had granted 3,000 acres on the eastern side of the river to William Howe, a Scottish free settler. Howe emigrated to NSW in 1815 and was described by the Reverend Samuel Marsden as 'a gentleman of great practical knowledge in agriculture, a man of honour, experience, and sound judgement.' Howe implemented new ideas on agriculture and 'by the 1830s Glenlee estate was one of the best dairy farms in the colony, half a century before dairying was generally practised in the district.'<sup>3</sup>

It is within Howe's estate, called Glenlee after his birthplace in Scotland, that the Glenlee facility is located. By 1820 Howe had expanded his property to over 7,000 acres and was shipping wool to London. By 1824 Howe had occupied Glenlee House which he had built to a design by the architect Henry Kitchen. In 1837 the Reverend John Dunmore Lang visited Glenlee and described it:

*About three miles beyond Campbelltown to the right is the dairy farm or estate of Glenlee. There is a large extent of cleared land on the Glenlee Estate, the greater part of which has been laid down with English grasses, the paddocks being separated from each other by hedges of quince or lemon tree - the usual but seldom-used Colonial substitutes for the hawthorn. The country is of an undulating character, and the scenery from Glenlee house - a handsome two-storey house built partly of brick and partly of a drab-coloured sandstone - is rich and most agreeably diversified.<sup>4</sup>*

Howe was influential in the district, becoming a magistrate and a councillor on the 1843 district Council for Campbelltown, Camden, Narellan and Picton and was a strong advocate for the independence of Campbelltown – partly a reaction to the influence of the Macarthurs of Camden Park. Howe retired from public life in 1845 and died in 1855. The property was sold to James Fitzpatrick in 1859 and it remained in Fitzpatrick's family (with various subdivisions to members of the family) until 1968 when it was purchased by the State Planning Authority (SPA) which gazetted it as a place of historic interest in 1973.<sup>5</sup>

<sup>2</sup> Atkinson, Alan. *Camden*. Melbourne, Oxford University Press, 1988. Wrigley, John. *A History of Camden, New South Wales*. Camden, Camden Historical Society, 2001.

<sup>3</sup> Liston, Carol. *Campbelltown*. Sydney, Allen & Unwin, 1988, p. 46.

<sup>4</sup> Lang, J.D., *An Historical and Statistical Account of New South Wales*, 2nd Edition, Vol. 11, p. 131. See also similar accounts in Rev. J. Taylor, 'Diary of residence in New South Wales, 12 June 1836-19 February 1839', Mitchell Library MS: A3816; Harvard, 'Mrs Matthew Felton's Journal', *Journal of the Royal Australian Historical Society*, vol. 29, part 2, 1943, pp. 120-121.

<sup>5</sup> Andrea Humphreys (Architectural History Services), Heritage Report from Spackman and Mossop, op. cit.

In 1978, Glenlee House was entered on the Register of the National Estate and in 1982 the house and part of its estate (bounded on the west by the Main Southern Railway) was protected by Permanent Conservation Order (subsequently State Heritage Register listing) No. 9 under the NSW Heritage Act. The house is also listed on Campbelltown Local Environmental Plan of 1987. Glenlee House and a remnant of its former property on the east side of the railway are now privately owned again.

Meanwhile the larger estate was designated a Scenic Protection zoning in 1975 and part of it was set aside for development of a botanic garden in 1984. In 1988 the Mount Annan Botanic Garden, administered by the Royal Botanic Gardens Sydney as Australia's largest botanic garden devoted entirely to native flora, was opened.<sup>6</sup> The garden has recently been re-named The Australian Botanic Garden, Mt Annan.

Until the 1950s the Glenlee and Camden Park estates comprised an uninterrupted rural landscape spanning the Nepean River. Glenlee was still a major working dairy farm, its existence only briefly threatened by an unrealised 1946 proposal to take it over for a mental health hospital. However, increasing production of coal from the Burragorang / Nattai River mines to the south-west, and the need to transport it to the export loading plant at Balmain in Sydney, led to purchase of part of the Glenlee estate and construction of a washery and transshipment facility between Mount Annan and the river, in the 1950s. A two-kilometre long rail spur to the facility (called Clinton's siding) was constructed from the Main Southern Railway and opened in December 1958. The line was electrified as part of the extension of metropolitan railway electrification to Campbelltown in 1968.<sup>7</sup> However, the overhead electricity supply for trains on the spur has recently been removed.

The use of the coal facility peaked in the 1960s and 1970s but was scaled down from the late 1980s due to decline and ultimate closure of the Burragorang Valley mines and the potential environmental impact of the facility on the Nepean River - though much of the infrastructure still remains in use and is a significant element in the local landscape. In 1993 the Glenlee Composting Facility commenced operation on the site, producing soil mixes, mulches and topdressing material for rehabilitation of the coal facility and for the horticultural and landscape industries.<sup>8</sup>

To the north of the coal facility site, other industrial uses developed, the TRN Group facility and, the largest, Jacks Gully (later known as the Macarthur Resource Recovery Park and now Spring Farm Advanced Resource Recovery Park). After the State Planning Authority purchase of the Glenlee estate in 1968, the land within Jacks Gully was sold to Clutha Development Pty. Ltd. who quarried the land for sand and shale. In April 1975, the Metropolitan Waste Disposal Authority commenced operation of the waste management centre at the site, following several years of negotiations with Camden Council. The centre's land was leased from Clutha until 1995 when it was purchased by the Authority's successor, the Waste Recycling and Processing Corporation (Waste Service NSW, later WSN Environmental Solutions).<sup>9</sup>

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<sup>6</sup> Humphreys, op. cit.

<sup>7</sup> S.E. Dornan and R.G. Henderson, *The Electric Railways of New South Wales*. Sydney, AETA, 1976. pp. 79-82.

<sup>8</sup> Camden Soil Mix Pty. Ltd., *Glenlee Composting Facility: Environmental Impact Statement*. Sydney, International Environmental Consultants Pty. Ltd., 1996.

<sup>9</sup> Information supplied by Waste Service NSW.

Now operated by SITA Australia (SITA), the Spring Farm Advanced Resource Recovery Park spans 38 hectares and over 100,000 cars and trucks use the park each year.<sup>10</sup>

In addition to the Spring Farm Advanced Resource Recovery Facility, the SITA site also contains a landfill and a Materials Recycling Facility (MRF) which is like a giant factory where the recyclable materials that are collected from homes and businesses are taken to be sorted into different types or “streams” such as paper, plastics and aluminium for sale into local and overseas markets, and a resource recovery area for public drop off.

Through its council collections contract, the Spring Farm site currently services more than 104,000 households in four adjoining council areas. In addition the ARRF accepts, and then transfers, approximately 10,000 tonnes per annum of commercial & industrial waste from local contractors.

In recent years the former Glenlee estate lands to the north and north-west of Jacks Gully have been designated urban release areas and have become the residential estate precincts comprising the suburbs of Mount Annan and Spring Farm.

## 3.0 Analysis of Physical Evidence

### 3.1 Overview

The remnant Glenlee estate, combined with the river basin linking it with Camden Park, still forms a significant colonial rural landscape which the dedication of Mount Annan as a Botanic Garden helps preserve. Glenlee House is a fine example of a Regency colonial homestead, the heritage value of which is augmented by its setting, on the Loudon model, in a cultural landscape which is still very much intact.<sup>11</sup>

The view of this landscape is best appreciated from the ridge of Glenlee Road (off Menangle Road) behind the house. In fact the only significant visual intrusion by modern development into this landscape is the coal facility itself which is visible at the foot of Mounts Annan and Nadungamba. The most visible structure in the facility is the former ‘washery’, but the landscape modifications created by the facility’s artificial ‘plateau’, associated dumps, compost windrows and earthworks are also evident. Views towards Glenlee House from the west, however, are relatively free of intrusive elements if the facility is to one side of or behind the observer.

It should be noted that the facility site itself is highly disturbed (indeed most natural land being buried beneath an artificial plateau) and would have virtually no archaeological potential. Views of the site are at Figures 11-25. The existing visual and landscape context is described in further detail in the Proposed Industrial Employment Land, Glenlee Precinct: Visual & Landscape Assessment (**MUSEcape** Pty Ltd).

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<sup>10</sup> SITA website

<sup>11</sup> Sited below the brow of a hill. J.C. Loudon, *Encyclopaedia of Gardening*. London, Longman et al., 1835.

### **3.2 Aboriginal Archaeological Evidence**

The report 'Glenlee Precinct Planning Project: Aboriginal Heritage Due Diligence Assessment, (Cultural Heritage Connections, June 2013) has examined the site comprehensively and has produced the following findings, based on a division of the site into five zones:

#### **Zone One: Spring Farm Advanced Resource Recovery Park**

This zone occupies 32.2 hectares of land in the northeast corner of the Study Area.

Heavily Disturbed/ Low-Nil Archaeological Potential

There were no recorded archaeological sites on this zone of the Study Area and no new sites were located or expected to occur.

It is recommended that this zone requires no further archaeological action.

#### **Zone Two: Proposed Link/North Road**

This zone occupies the entire northeastern corner of the Study Area and is the least disturbed zone.

Lightly Disturbed/ High Archaeological Potential

Three new sites and one isolated artefact were located in this zone (Glenlee OS 1 2007, Glenlee OS 1 2007, Glenlee OS 1 2007, Glenlee IF 2 2007) despite overall poor visibility in the area. This demonstrates there is considerable potential for further Aboriginal objects and areas of archaeological potential to occur in the area.

It is recommended that, if this area is to be affected by the proposed development, further archaeological investigation would be required. This zone of the Study Area should be subject to a program of systematic sub-surface testing under Section 87 of the NPW Act to establish the nature and extent of any intact deposits. The results of this exercise should then formulate the basis of decisions for ongoing management and further action, if any. This may include preservation of parts of the area and/or salvage of remaining material under Section 90 of the NPW Act.

#### **Zone Three: SADA Coal Washery**

This zone is located in the centre of the site at the southern end it does not however take in the western and eastern extremities of the site and there is no original landscape left intact.

Heavily Disturbed/ Nil Archaeological Potential

There were no recorded archaeological sites on this zone of the Study Area and no new sites were located or expected to occur.

It is recommended that this zone requires no further archaeological action.

#### **Zone Four SADA Coal Washery/Nepean River**

This zone is located along the western extremity of the Study Area between the coal washery fill area and the Nepean River.

Moderately Disturbed/ Low Archaeological Potential

There were no previously recorded archaeological sites on this zone of the Study Area and only one new isolated artefact (Glenlee IF 1 2007) was located. The area has been subject to previous development disturbances and ongoing disturbance in the form of erosion. This area is likely to be subject to rehabilitation and revegetation rather than extensive redevelopment.

It is recommended that this zone requires no further archaeological investigation, however if the proposed development is likely to impact on the site (Glenlee IF 1 2007) a Section 90 application would be required and the artefact should be salvaged.

### **Zone Five: SADA Coal Washery/East**

This zone is located along the eastern extremity and the southeastern corner of the Study Area between the coal washery fill area and the southern and eastern borders of the Study Area.

#### **Moderately Disturbed/ Low-Moderate Archaeological Potential**

There was one recorded archaeological site within this zone of the Study Area (NPWS ID: 52-2-2280). This area is described as being part of an open space area within the Concept Indicative Layout Plan and it may be possible to preserve the site as part of any rehabilitation of the area.

It is recommended that, if possible, the site 52-2-2280 be retained within the open space area of the development. If disturbance to the site is unavoidable a Section 90 permit would be required and the site should be salvaged prior to any development impact. No further additional archaeological investigations are considered warranted in this zone.

In summary, the majority of the study area was assessed as having nil or low indigenous archaeological potential. Only one area of high archaeological potential is recorded along the northern access road portion of the study site. The archaeological potential map, updated to show the 2013 study area is shown in Figure 5 of the Due Diligence Report. Four recorded sites are within or adjacent to the study area (52-2-2280, 52-2-3961, 52-2-3963 & 52-2-3964). These would require protection or further testing and/or an AHIP if any disturbance to the sites were required. Appropriate management for each of the sites and the area of archaeological potential is discussed in Section 5.0 of the Due Diligence Report.

### **3.3 Non-Indigenous Cultural Heritage**

The site has no currently identified items or areas of post-European cultural heritage significance. The whole of the site is a disturbed natural area that was initially used for grazing, after which it was purchased for coal industry-related and other uses.

The coal transshipment facility is of relevance to local history and the rail siding and plateau of coal waste will remain as evidence of that use. The other major item demonstrating that use was the coal loader, which was typical of such equipment used on such coal transshipment sidings. Since then, other industrial uses have developed on the site. The land was part of a historic rural cultural landscape but it has since been artificially built up at its southern end and excavated at its northern end. The only relatively 'original' areas are along the river bank and the higher land in the north-east. However, the site is contiguous with places of high post-European settlement cultural significance and, in this context, most of the changes to the site are highly intrusive.

### **3.4 Summary of Physical Evidence**

The area was occupied by pastoralists who displaced the original Aboriginal occupants from the early 19th century. These new settlers left a legacy of a significant colonial rural landscape which is still remarkably intact and complemented by the early 19th century homesteads Camden Park, on the west side of the river, and Glenlee, on the east side, with significant views between them. Both homesteads are of State significance and Glenlee House, in particular, is an outstanding example of colonial landscape planning to form a picturesque composition.

The Glenlee coal facility, which was established in the 1950s, lies within the viewshed between these two homesteads and represents an intrusive element within this significant landscape. Some attempt has been made to mitigate the intrusion by (not entirely appropriate) plantings around its perimeter.

## **4.0 Assessment of Significance**

### **4.1 Principles**

The concept of 'cultural significance' or 'heritage value' embraces the value of a place or item which cannot be expressed solely in financial terms. Assessment of cultural significance endeavours to establish why a place or item is considered important and why it is valued by the community. Cultural significance is embodied in the fabric of the place (including its setting and relationship to other items), the records associated with the place and the response that the place evokes in the community.

### **4.2 Basis for the Assessment**

The NSW *Heritage Manual*, published by the former NSW Heritage Office and former Department of Urban Affairs and Planning, sets out a detailed process for conducting assessments of heritage significance. The Manual provides a set of specific criteria for assessing the significance of an item, including guidelines for inclusion and exclusion. The following assessment has been prepared in accordance with these guidelines.

The NSW Heritage Council has adopted specific criteria for heritage assessment, which have been gazetted pursuant to the *Heritage Act 1977* (NSW), as amended. The seven criteria upon which the following significance assessment is based apply equally well to places of State or local significance and are outlined below:

Criterion (a) an item is important in the course, or pattern, of NSW's or an area's cultural or natural history;

Criterion (b) an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's or an area's cultural or natural history;

Criterion (c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or an area;

Criterion (d) an item has strong or special association with a particular community or cultural group in NSW or an area for social, cultural or spiritual reasons;

Criterion (e) an item has potential to yield information that will contribute to an understanding of NSW's or an area's cultural or natural history;

Criterion (f) an item possesses uncommon, rare or endangered aspects of NSW's Or an area's cultural or natural history; and

Criterion (g) an item is important in demonstrating the principal characteristics of a class of NSW's or an area's cultural or natural places or cultural or natural environments.

Each criterion of the NSW Heritage Manual is considered in regard to the history and physical evidence of the Study Area. The exact definitions of the criteria are also included. As the criteria of the Burra Charter are very similar to the Heritage Manual, they are not considered separately.

### **4.3 Significance of the Site**

The cultural landscapes associated with the former Glenlee estate give the area an underlying heritage significance. The following assessment of significance, extrapolated from the assessments for The Australian Botanic Garden, Mount Annan and Glenlee House, are relevant to the cultural landscape of the Glenlee locality as a whole<sup>12</sup>:

#### **4.3.1 Criterion A**

*An item is important in the course, or pattern, of NSW's or an area's cultural or natural history.*

The area is the former living and hunting ground of the Tharawal people. Any cultural artefacts, including places of cultural significance, relating to their occupation, are considered to be of exceptionally high significance.

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<sup>12</sup> Humphreys, op. cit. State Heritage Register and Register of the National Estate listings for Glenlee House. Colleen Morris and Geoffrey Britton, 'Colonial Landscapes of the Cumberland Plain and Camden', NSW. Draft final report for the National Trust (NSW), 2000. Criteria used are those for the NSW State Heritage Inventory.

The area is part of the former Glenlee estate, an important 19th century pastoral holding in the Mount Annan / Menangle district. The Glenlee estate was one of the first farms in Sydney's west to make the change from cereal cropping to dairying in the 19th century and the property continued to prosper throughout the 19th and 20th centuries.

The Australian Botanic Garden, Mount Annan site contains remnants of Cumberland Plain Woodland, the dominant vegetation community that was found in the district at the time of first European contact. Many species contained in these remnants pre-date human occupation of the site by at least 50 million years and therefore have the potential to demonstrate evolutionary changes to the flora of the Sydney basin since pre-historic times.

The Australian Botanic Garden, Mount Annan site contains remnants of other endangered ecological communities including Sydney Coastal River Flat Forest and Western Sydney Dry Rainforest, both of which relate to different periods in the site's evolution and demonstrate the evolution of the Mount Annan district in terms of vegetation and landscape.

#### **4.3.2 Criterion B**

*An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's or an area's cultural or natural history.*

The area is associated with Gogy, the leader of the Tharawal people at the time of European exploration and settlement. Gogy was instrumental in establishing a positive relationship between his people and the Europeans and was an important figure in early Colonial history.<sup>13</sup>

The area is associated with William Howe, who established the Glenlee estate. Howe was also instrumental in establishing the Bank of New South Wales in Camden and was an important early colonist. Howe did much to promote pastoral interests in Sydney's west in the 19th century and was one of the first farmers in the district to successfully make the change from cereal cropping to dairying.

The area is associated with James Fitzpatrick and the Fitzpatrick family, who were responsible for the continued expansion of the Glenlee estate and for its operation as a successful dairy farm. The Fitzpatrick family were prominent local citizens and they remained in residence at Glenlee for over a century, demonstrating a remarkable pattern of continued usage of the property.

Glenlee House is also associated with the early colonial architect Henry Kitchen.

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<sup>13</sup> Humphreys, op. cit.



### **4.3.3 Criterion C**

*An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or an area.*

The landscape of the area which relates to the former Glenlee estate is of exceptional aesthetic value as a reminder of the former pastoral industry which once characterised the area.

The Glenlee House group is a rare and significant complex of buildings and plantings, approached by a formal drive and sited with commanding views over the countryside to the west and south-west. It includes the remnant core of a rare early colonial farm estate focussed on the fine and sophisticated Regency design of the main house with its rare recessed portico.

The Glenlee House group is an outstanding example of colonial landscape planning to form a picturesque composition and has direct sightlines to the Camden Park estate and the Great Dividing Range.

The Australian Botanic Garden, Mount Annan site contains remnants of Cumberland Plain Woodland and at least one of these stands is considered to be in good condition. These remnants allow the interpretation and study of native flora and fauna relating to the pre-history of the site.

The Australian Botanic Garden, Mount Annan site contains remnants of other endangered ecological communities including Sydney Coastal River Flat Forest and Western Sydney Dry Rainforest. These remnants allow the interpretation and study of native flora and fauna relating to the pre-history of the site.

### **4.3.4 Criterion D**

*An item has strong or special association with a particular community or cultural group in NSW or an area for social, cultural or spiritual reasons.*

The Australian Botanic Garden, Mount Annan site is of exceptional significance to the Tharawal people and the broader Aboriginal community of the Sydney basin, representing a complex cultural and religious landscape that should be respected in future interpretation of the site.

### **4.3.5 Criterion E**

*An item has potential to yield information that will contribute to an understanding of NSW's or an area's cultural or natural history.*

The area has high archaeological potential associated with its occupation and use by the Tharawal people prior to and after European settlement.

The area has some archaeological potential associated with the former pastoral uses of the site, namely the Glenlee estate.

The Australian Botanic Garden, Mount Annan site has high palaeontologic potential associated with prehistoric flora and fauna of the Sydney basin, particularly in areas that have not been disturbed either by pastoral or horticultural activity.

#### **4.3.6 Criterion F**

*An item possesses uncommon, rare or endangered aspects of NSW's or an area's cultural or natural history.*

The Australian Botanic Garden, Mount Annan site contains the first tissue cultures of the endangered Wollemi Pine (*Wollemia nobilis*) as well as a repository for seeds and other germ plasm of Australian rare and endangered plants in the recently opened Australian Plant Bank.

The Australian Botanic Garden, Mount Annan site contains a number of endangered ecological communities including Cumberland Plain Woodlands, Sydney Coastal River Flat Forest and Western Sydney Dry Rainforest.

#### **4.3.7 Criterion G**

*An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments.*

The area presents some opportunities to study and interpret the lifestyle and culture of the Tharawal people, through interpretation of the landscape and discovery of associated artefacts.

The area presents some opportunities to study and interpret the former pastoral uses of the site, particularly through its relationship with the former Glenlee estate. The Mount Annan Botanic Garden site presents a rare opportunity to study the flora and fauna of the endangered Cumberland Plain Woodland, Sydney Coastal River Flat Forest and Western Sydney Dry Rainforest.

### **4.4 Summary Statement of Heritage Significance**

The area of the former Glenlee estate, which includes the study site, is an historic cultural landscape of exceptional significance and also includes elements of Aboriginal heritage significance, association with early influential settlers and the exceptional composition of the architecture and setting of Glenlee House.

For detail on the Aboriginal heritage significance of the Study Area see the report 'Aboriginal Heritage Due Diligence Assessment, Glenlee Precinct Rezoning' (Cultural Heritage Connections, June 2013) (section 8).

For detail of the visual and landscape qualities of the Study Area see the report 'Glenlee Precinct Rezoning: Visual and Landscape Assessment' (MUSEcape Pty Ltd, January 2014)

## 5.0 Conservation Management

This section discusses the management of heritage within the Study Area in the context of the proposed development.

### 5.1 *Statutory Controls Relating to Heritage*

The nature and level of relevant statutory controls to protect cultural heritage within the Study Area are set out below.

#### 5.1.1 Commonwealth Legislation

##### 5.1.1.1 *Environmental Protection and Biodiversity Conservation Act 1999 (as amended 2003)*

This Act has been amended to protect heritage places of National significance or those heritage places which the Commonwealth owns. The amendment replaced the Australian Heritage Commission with the Australian Heritage Council and created a Commonwealth Heritage list and a National Heritage List. Actions by the Commonwealth or any actions having a significant impact on items on the above two lists or the Register of National Estate (RNE) should be referred to Environment Australia for consideration.

The Australian Heritage Database was searched on 20 January 2014. The site is not listed, but there are non-statutory archival listings on the RNE in proximity (the Glenlee estate and the Camden Park estate), described in section 1.3 above.

#### 5.1.2 New South Wales Legislation

##### 5.1.2.1 *Heritage Act (NSW) 1977*

The Heritage Act 1977 (NSW) provides a number of mechanisms by which items and places of heritage significance may be protected. The Heritage Act is designed to protect both known heritage items, such as standing structures, and items that may not be immediately obvious (such as potential archaeological remains or 'relics'). Different parts of the Heritage Act deal with these different situations.

#### **State Heritage Register**

The State heritage database was searched on 20 January 2014. The site is not listed on the State Heritage Register (SHR) and is not subject to an Interim Heritage Order (IHO) or a listing under section 170 (State-owned heritage) of the Heritage Act 1977 (NSW). Consequently, consultation with the Heritage Council of NSW is not required under Section 83 of the Heritage Act during the preparation of any draft planning instrument that may affect the site.

As the Study Area is not listed on the SHR and is not subject to an IHO, the approval provisions of the Heritage Act (Sections 57–79) that relate to the SHR and to IHOs do not apply to it. This, in turn, means that developments proposed for the subject site are not Integrated Development on non-Indigenous heritage grounds, for the purposes of Section 91 of the EPA Act.

There are items in proximity to the site that are listed under the Heritage Act, as described in section 1.3 above.

### **Archaeological Relics (non-Aboriginal)**

This report identifies the Study Area as having post-European heritage significance as part of the cultural landscape of the Glenlee estate, and thus has potential to contain some historical archaeological resources or 'relics' as defined by the Heritage Act. However, a large part of the site has been massively disturbed and this potential is likely to relate only to the remaining undisturbed parts of the site.

A 'relic' is defined by the Heritage Act as:

"any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance".

Section 139 of the Heritage Act protects archaeological 'relics' from being 'exposed, moved, damaged or destroyed' by the disturbance or excavation of land. This protection extends to the situation where a person has 'reasonable cause to suspect' that archaeological remains may be affected by the disturbance or excavation of the land. It applies to all land in New South Wales that is not included on the SHR.

Section 139 of the Heritage Act requires any person who knows or has reasonable cause to suspect that their proposed works will expose or disturb a 'relic' to first obtain an Excavation Permit from the Heritage Council of NSW (pursuant to Section 140 of the Act), unless there is an applicable exception (pursuant to Section 139(4)).

Exceptions to the standard Section 140 process exist. For example, it is possible to carry out works that will disturb or destroy relics without an Excavation Permit where it is demonstrated that the work will have only a minor impact on those relics or where they are demonstrated to be only of low significance. Some specific works, such as pipe laying by Sydney Water, are covered by a blanket exception. Most exceptions to the requirement to obtain an excavation permit under Section 140 of the Act, however, must be approved by the Director of the Heritage Division, NSW Office of Environment and Heritage.

If an exception has been granted and, during the course of the development, substantial intact archaeological relics of State or local significance, not identified in the archaeological assessment or statement required by this exception, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the Heritage Act, 1977. Depending on the nature of the discovery, additional assessment and, possibly, an excavation permit may be required prior to the recommencement of excavation in the affected area. This could act to delay the work on a development.

(In respect of Aboriginal archaeological evidence, see section 3.2 above and the 'Aboriginal Heritage Due Diligence Assessment, Glenlee Precinct Rezoning'.

### **5.1.2.2 Environment Planning and Assessment Act 1979**

Planning and development in NSW is carried out under the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. This legislation allows the making of Regional and Local Environmental plans with provisions that protect heritage items, heritage conservation areas and archaeological sites.

The Study Area is bisected by the Camden / Campbelltown Local Government boundary. (The LGA boundary passes approximately east-west through the Sada land, just south of the railway line – Camden being to the north of the boundary, Campbelltown to the south.) As such, the area is subject to the provisions of local planning controls administered by both Councils. The principal planning controls for this site are embodied in Camden Local Environmental Plan 2010 and Campbelltown Interim Development Order No 15 (as amended) respectively. That part of the subject land within Camden LGA is currently zoned within the Rural 1(a) (Rural “A” 40ha) and Special Uses 5(a) (Waste Management Centre) zones. The land within the Campbelltown LGA is zoned Non-Urban, also with a 40ha minimum area of subdivision. Many of the current activities undertaken in the rural areas of both Councils are conducted under the ‘existing use’ provisions of the planning legislation.

As noted in section 1.3 above, the site is not listed under planning instruments for either LGA nor under SREP No. 20 (based on a search on 20 January 2014). In proximity to the site, however, Glenlee (Lot 1, DP 713646, Glenlee Road, Menangle Park) is listed as a Campbelltown heritage item. In Camden, the closest listed item (in Camden LEP 2010) is Belgenny Farm group, which is part of Camden Park Estate. Between this and the site, however is part of Wollondilly LGA in which Camden Park Estate and components thereof are listed. Camden Park Estate is also listed in the SREP No. 20 - Hawkesbury-Nepean River REP (No.2 - 1997).

Campbelltown Council also has a Heritage Policy Development Control Plan (DCP No. 83), the provisions of which generally relate to matters internal to each site rather than also providing for development outside a site to have regard to the significance of a heritage item in its vicinity. It thus contains nothing to guide assessment of impact on the visual curtilage of Glenlee House.

Camden LEP 2010 clause 5.10, subclause 5 (Heritage Assessment) and subclause 6 (Heritage Conservation Management Plans) have the following provisions that may be relevant to this site:

#### **Development in the vicinity of heritage items**

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.

### **Heritage Conservation Management Plans**

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause. Development of known or potential archaeological sites

### **Archaeological sites**

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

### **Aboriginal places of heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

As the nearest relevant Camden heritage item 'in vicinity' is Belgenny Farm (some 3 km distant at the nearest point), the literal interpretation of subclause 5 may be somewhat stretched in this case. However, in practical terms, the proposal needs to be assessed against a broad cultural landscape that includes Camden Park and the spirit of subclause 5 should be observed. Matters relevant to subclause 8 are covered in the 'Aboriginal Heritage Due Diligence Assessment, Glenlee Precinct Rezoning, while subclause 7 is addressed in section 5.1.2.1 above.

Camden LEP 2010 identifies some sites in Macarthur Road, Elderslie and Spring Farm. Although physically about the same distance from the site as Belgenny Farm, these properties are visually still very remote from the site and are unlikely to warrant consideration in an impact assessment.

Camden Council also has Development Control Plan (DCP) 2011, The General Provisions of this DCP are wide-ranging but, like the Campbelltown one, tend to focus on the specific site rather than dealing with matters 'in vicinity'. However, clause B3.1.5 Cultural and Visual Landscapes is directly relevant to the Study Area.

### **Background**

This subsection is applicable to all potential heritage places listed in Table B5 of the DCP and Figures B8 and B9 or in the vicinity of these places as described in Table B3. In addition, where applicable to the site, all other subsections of B3.1 must be considered.

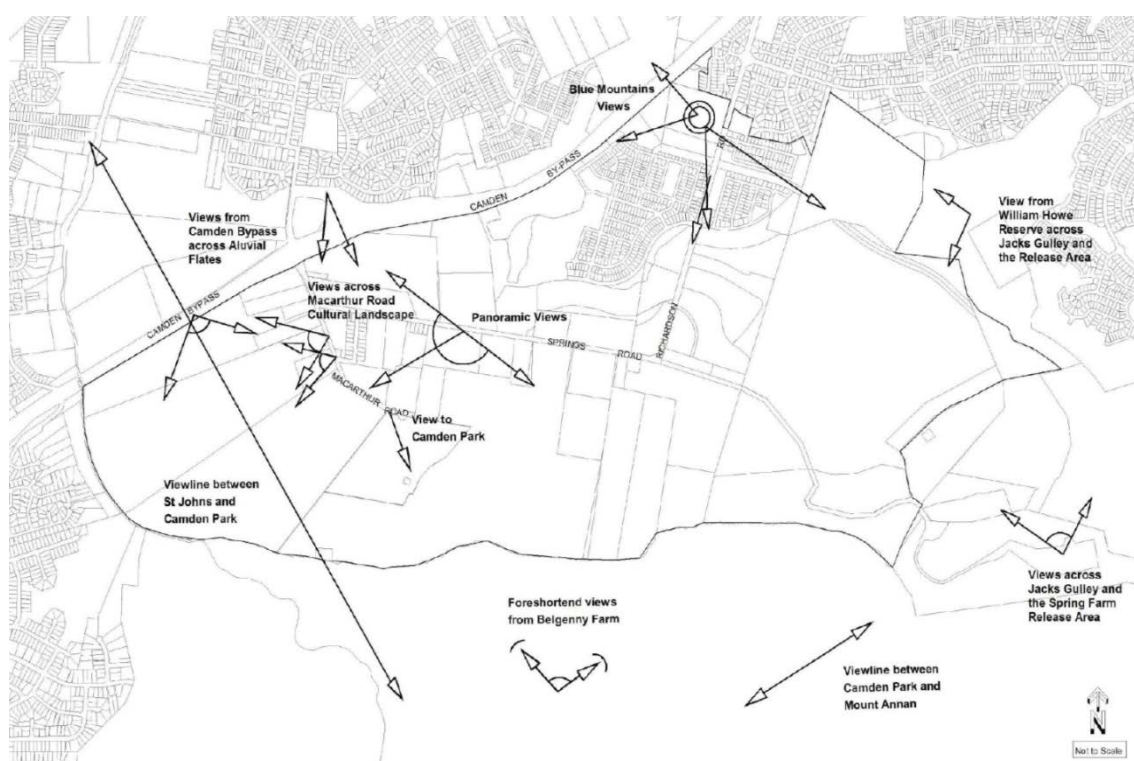
## Objectives

1. Conserve, protect, enhance and interpret Camden's unique Cultural and Visual Landscapes.
2. Promote the importance of broader Cultural and Visual landscapes and an awareness of the impact that individual developments can have on these.
3. Promote view sharing of the Cultural and Visual Landscapes where appropriate.

## Controls

1. Development should optimise the preservation and interpretation of the identified significant Cultural and Visual Landscapes.
2. Curtilages for heritage items established in Conservation Management Plans shall be preserved
3. Avenue plantings and building alignments shall reinforce view corridors where appropriate.

These controls apply to a number of listed and potential items in Elderslie and Spring Farm and the views and vistas in Figure 7 below.



**Figure 7** Copy of Figure B9 Spring Farm Cultural and Visual Landscapes from Camden DCP 2011

Finally, SREP No. 20 contains no provisions relating to places in proximity to a heritage item (being Camden Park Estate in this case).

## **5.2 Management Strategy**

### **5.2.1 Statutory Obligations**

Section 5.1 above identifies statutory heritage controls that may be relevant to this site. The analysis reveals that the site itself is not directly affected by any heritage provisions at Commonwealth, State or local level. Although the site is directly adjacent to places listed under the NSW Heritage Act, SREP No. 20 and by Campbelltown and Wollondilly Councils (and in distant proximity to a place listed by Camden Council), only the Camden LEP 2010 has a provision (subclause 5, cited in section 5.1.3 above) requiring consideration of impact on significance of a heritage item in the vicinity. This provision relates only to items in Camden LGA.

Regarding known or potential archaeological sites, Clause 5.10 of Camden LEP 2010 contains the relevant subclause 8. Section 5.1.2.1 of this report addresses requirements concerning potential post-European settlement archaeological relics. 'Aboriginal Heritage Due Diligence Assessment, Glenlee Precinct Rezoning' (Cultural Heritage Connections, June 2013) report addresses Aboriginal archaeological requirements.

### **5.2.2 Non-Statutory Recommendations**

Notwithstanding the current absence of a specific statutory heritage control, it has been established in this and other studies that the Glenlee landscape as a whole (from Glenlee estate to the Nepean River and beyond to Camden Park) is a cultural and natural landscape of exceptional significance (section 4 above). Accordingly, proposed land uses and development on the site should have regard to the recommendations of the Proposed Industrial Employment Land, Glenlee Precinct: Visual & Landscape Assessment report, as incorporated in this report.

The coal transshipment facility is unquestionably a component of the local history of the area, the coal industry and the railways and has been documented as such in several sources including this report. However, it comes into conflict - as a highly intrusive element -with a significant cultural landscape. Given the far greater degree of significance of the landscape, it is considered preferable to remove any of these intrusive elements where possible. The railway line is proposed to be largely retained and this in itself will provide evidence of the former use of the site. However, if the railway is ever removed it is recommended that evidence of its alignment be retained on the ground (e.g. in the form of a pathway and interpretation information, or some similar treatment).

## **6.0 Heritage Impact Assessment**

### **6.1 Proposed Development**

A Concept Master Plan or Indicative Layout Plan (ILP) has been prepared as part of the planning process and is depicted at Figure 8 below. In summary, the development will consist of a combination of commercial, industrial and bulk material transport facilities, with some areas set aside for open space. The Spring Farm Advanced Resource Recovery Park is not part of the Planning Proposal.



## 6.2 Post-European Settlement Heritage Impact

Given the extent of disturbance of the site itself, it is concluded that the proposal has no post-European settlement heritage impact on disturbed parts of the site (much of the main Sada lands). However, this report and the Proposed Glenlee Precinct Rezoning: Visual & Landscape Assessment (**MUSEcape** Pty Ltd, February 2014) report find that the site is part of a wider cultural and natural landscape of exceptional significance, only sections of which have been accorded statutory protection. The site lies between three protected areas (Glenlee estate, Camden Park Estate and the Australian Botanic Garden, Mount Annan) that have a significant relationship to each other. Existing development on the site has an impact on this significant landscape and the proposed development has the potential to have a greater impact if design and landscaping controls are not implemented to reduce the potential impact. This impact is elaborated on in section 6.4 below.

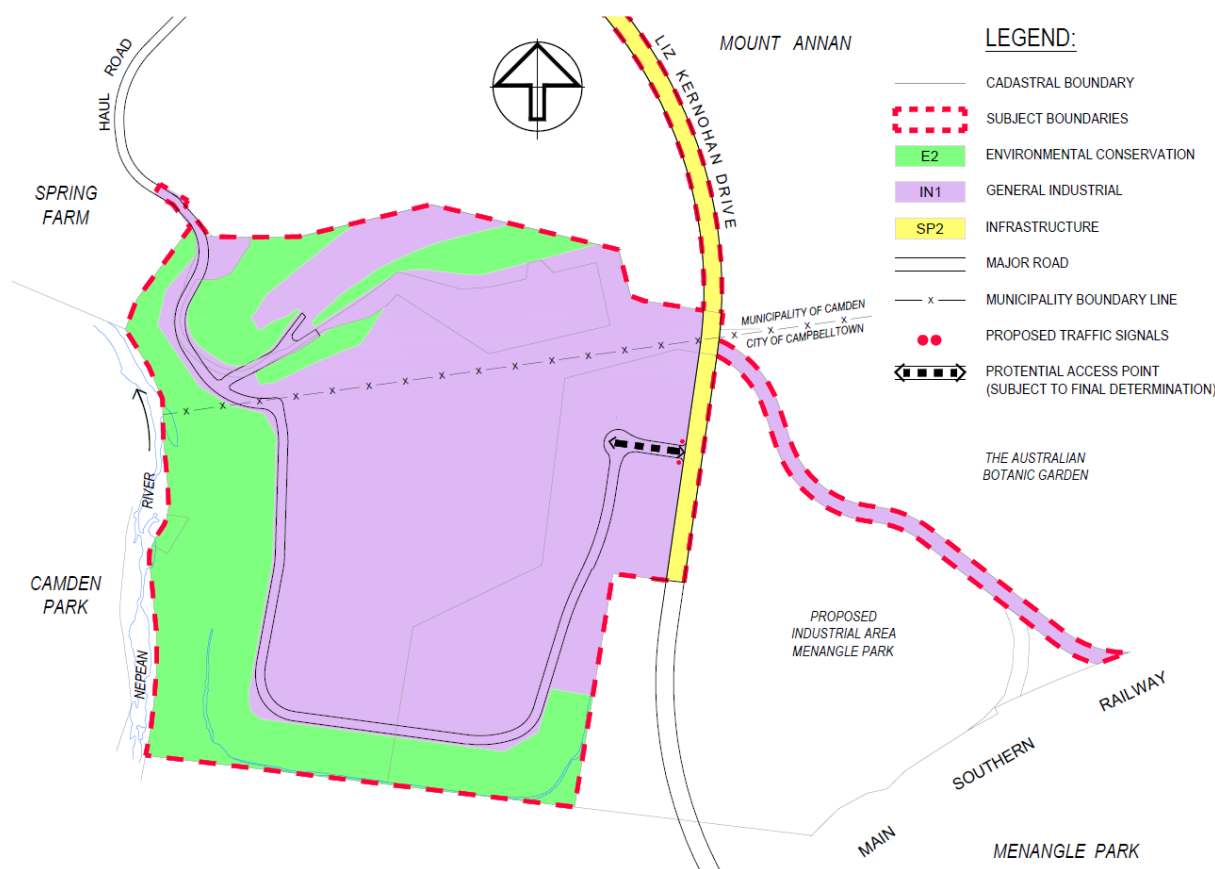


Figure 8 Glenlee Indicative Layout Plan, prepared by Geolyse 2016.

## 6.3 Aboriginal Heritage Impact

The Glenlee Precinct Planning Project: Indigenous Archaeological Assessment (Cultural Heritage Connections) report states that, on the basis of the current ILP, it appears that there will be significant subsurface disturbance as a result of the development and, as such, some or all of the indigenous archaeological sites located in the Study Area are likely to be subject to impact and either partly or wholly destroyed. However, it should be noted that the need for additional Aboriginal archaeological investigation is largely limited to the north-eastern sector of the site and the southern margins. Much of the main Sada lands are so highly disturbed that the likelihood of indigenous archaeological sites is low.

That report should be consulted for detailed information.

#### **6.4 Landscape and Visual Impacts**

The Proposed Glenlee Precinct Rezoning: Draft Visual & Landscape Assessment (**MUSEcape**) report notes that the following factors are important in assessing landscape and visual impacts:

- Determination of visual exposure or visibility and the perception of the proposed building envelopes from viewing points in the public domain – the extent to which the area may be visible from surrounding public areas, the likely number of viewers, the period of the view, view distance and context of the view.
- Distance - the proportion of the total view frame occupied by any one of the proposed development envelopes will decrease with distance. In addition, atmospheric influences tend to reduce the level of contrast between development disturbances and the landscape in which it is located, thus reducing the level of visibility. Also, the level of development disturbance detail visible within the landscape is a factor of the size of the development disturbance and the view distance.
- Visual absorption capacity of the proposed development sites. This is an estimation of the ability of a particular area of landscape to absorb development without creating a significant change in visual character or a reduction in scenic quality of the area. The capacity to visually absorb development is primarily dependent on landform, vegetation and existing development.

That report then includes an assessment (sections 2.3 to 2.9) of impacts on the several landscape areas in proximity, including the Study Area itself, the Australian Botanic Garden, Mount Annan, Glenlee homestead, Menangle Park, the Nepean River corridor, Camden Park Estate and the Spring Farm residential release areas. Of these, the report finds that the greatest potential for adverse impact is on Glenlee homestead and on parts of the Australian Botanic Garden, Mount Annan. Impact on the other areas may be lesser or greater, depending on the distance of various viewpoints.

That report then recommends Development Guidelines (section 3.0) for the Study Area to mitigate the potential impacts. The Proposed Glenlee Precinct Rezoning: Draft Visual & Landscape Assessment report should be referred to for the details of those Guidelines and the Guidelines should be incorporated in the proposed DCP for the site. In point form, the Guidelines cover:

- . General assessment and design principles
- . Natural landform protection
- . Protection of significant views and vistas
- . Road layout, site access and streetscape
- . Siting and orientation
- . Services
- . Tree protection and preservation of remnant bushland
- . Building character and form
- . Outbuildings and ancillary structures
- . Construction method

- . External building materials
- . Building height
- . Building bulk
- . Energy efficiency
- . Shading
- . Verandahs, porches and decks
- . Warehouses, storage sheds
- . Exterior finishes, colour schemes
- . Car parking
- . Garbage collection
- . Fences, gates, berms and acoustic barriers
- . Tree planting and other landscaping
- . Drainage lines and riparian corridors
- . Signage
- . Lighting

Other recommendations are also made for the ILP. These include a recommendation for further analysis of the broad landscape settings of Glenlee homestead and its curtilage, Camden Park Estate, Mount Annan Botanic Garden and identified heritage items in Menangle Park. 3D modelling of major developments is recommended, as well as independent detailed assessments of the likely impacts of each development on Glenlee homestead and Camden Park Estate and their curtilages, Australian Botanic Garden and identified heritage items in Menangle Park and elsewhere within the visual catchment of the Study Area.

The report emphasises that, if the proposed site coverage is to be achieved without undue visual and landscape impacts on nearby heritage items, existing and proposed residential areas and the Australian Botanic Garden, Mount Annan, the implementation of design guidelines as suggested in the report and landscaping guidelines previously recommended by Distinctive Landscapes will be critical. The final location, design and landscaping of new roads in the Study Area will also be critical in minimising impacts on the existing topography and landscape quality. Of particular importance will be the success of screening vegetation to ameliorate the visual impact of new infrastructure and large warehouse and other industrial buildings.

The report concludes that the increase in the number and footprint of buildings compared with the present, changes in the type of development, the construction of new roads and other infrastructure will combine to produce changes in the landscape, but that these changes can be managed within acceptable limits provided strict adherence is paid to development design guidelines, landscape controls and subsequent management. Thus, subject to these provisos, the report considers that the proposed development can be achieved without unacceptable visual and landscape impacts on the State Heritage Register listed properties 'Glenlee' and 'Camden Park Estate' or on the major Government-owned scientific, educational and recreational asset that is the Australian Botanic Garden, Mount Annan

## 6.5 Conclusion

This report finds that the proposed development concept will have no adverse impact on post-European settlement heritage within the disturbed parts of the site itself but has the potential to have an impact on a highly significant cultural landscape (including the less altered parts of the site) if appropriate controls and development guidelines are not implemented.

The 'Aboriginal Heritage Due Diligence Assessment, Glenlee Precinct Rezoning' report (Cultural Heritage Connections) also identifies a potential impact on Aboriginal cultural heritage and makes recommendations concerning site protection or salvage and further investigation that should be followed.

The Glenlee Precinct Proposed Rezoning: Visual & Landscape Assessment (**MUSEscape**) report identifies – like this report – a potential impact on a significant landscape and recommends very detailed development guidelines, controls and management to mitigate that impact.

Overall, no fundamental objection is raised to the proposed development concept on heritage grounds, but it is strongly emphasised that the recommendations of these three reports should be adopted in order to manage impact on significant heritage qualities, both within the site itself and 'in the vicinity'.

It is also found that the legal framework for protection of the heritage qualities of the wider area is significantly impeded by an artificial administrative split between three LGAs. For example, a development in the Camden sector of the site may affect significant sites 'in the vicinity' in Campbelltown and Wollondilly LGAs, but none of the individual planning regimes is able to exercise control over that.

Although the various planning instruments may specifically control development in the vicinity of a heritage item or archaeological site, that is only enforceable within each respective LGA. Given the strong representation of rural heritage in large cultural landscapes in these three LGAs, it is recommended that consideration be given by each Council (or preferably all jointly) to undertaking studies to identify the wider settings of heritage items and examining the feasibility of ensuring full assessment of the impact of 'in the vicinity' developments on heritage items and their settings that may lie across local government boundaries.

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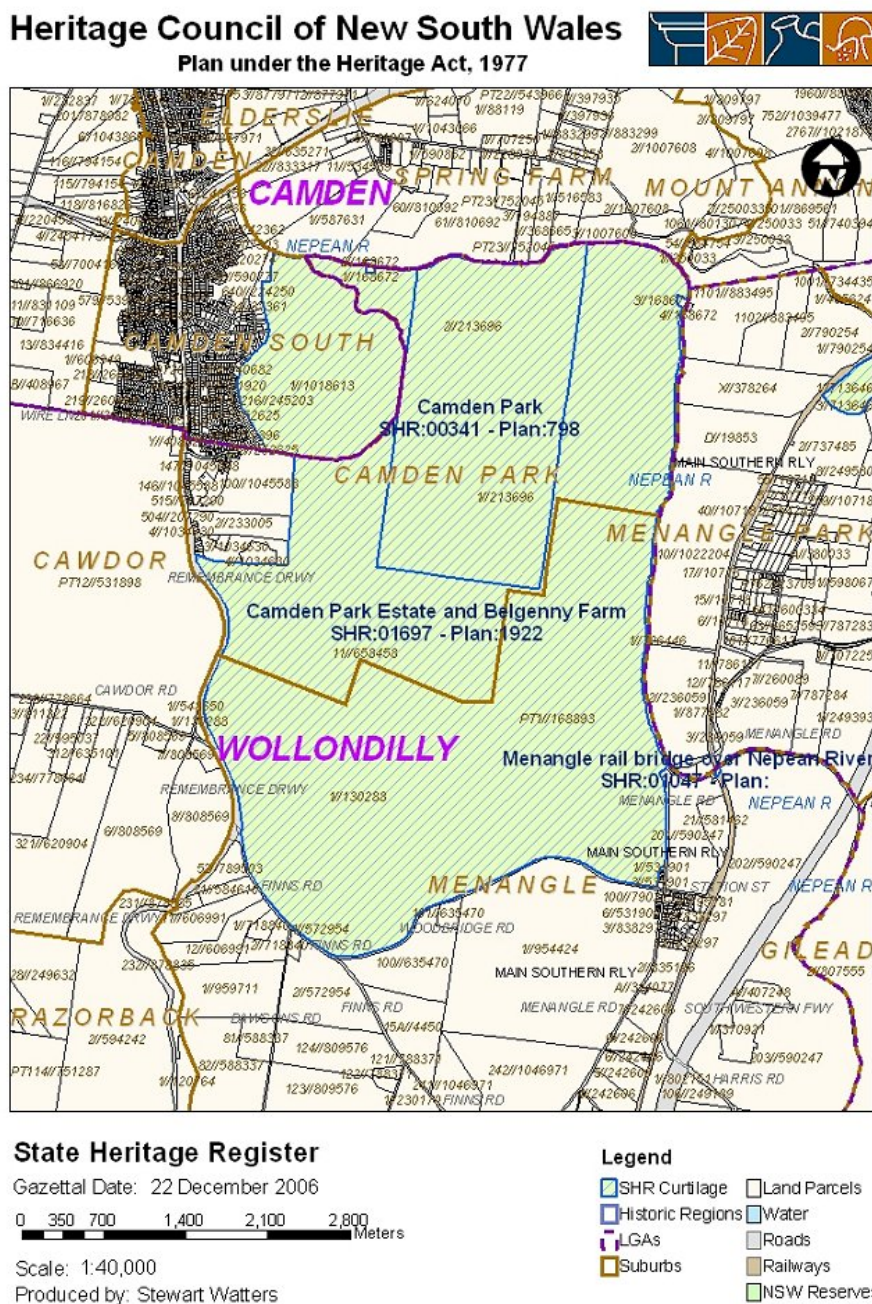
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**Figure 9** NSW Heritage Council plan showing curtilages of State Heritage Register listings on Camden Park Estate. The Study Area is at top right, east of the Nepean River.

# Heritage Council of New South Wales

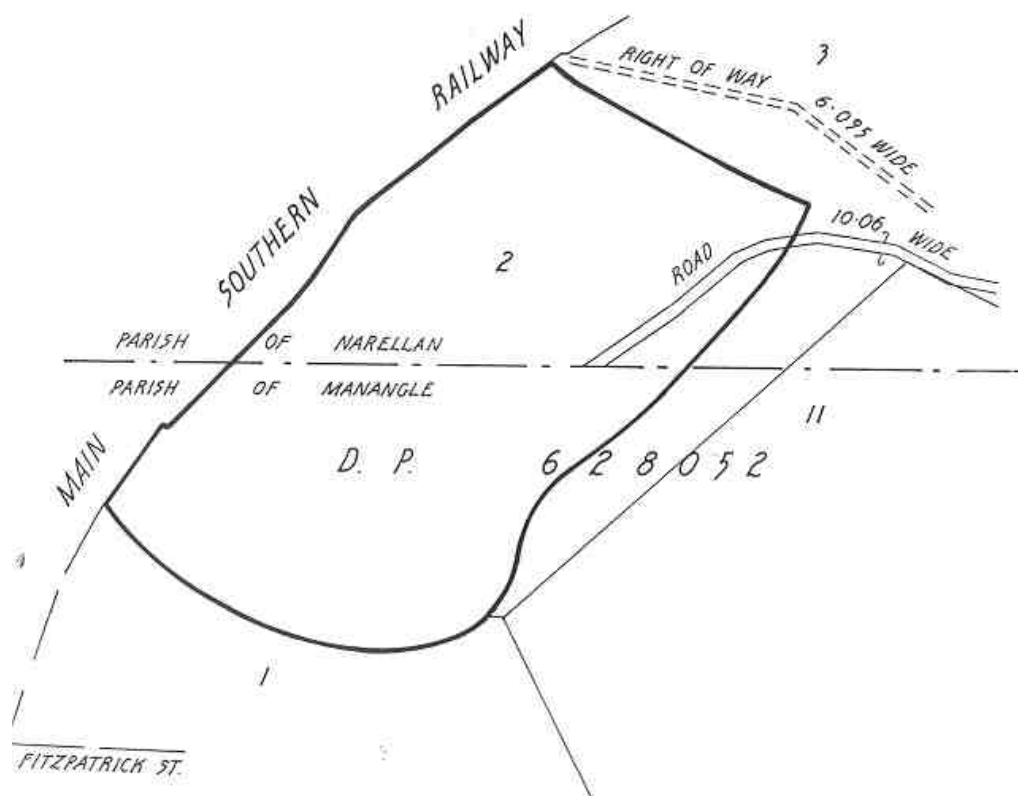
## PLAN

Under the Heritage Act, 1977

Description *Lot 2 D.P. 628052 and part of road - 'Glenlee'*

~~Mun/Shire~~/City *Campbelltown* Locality *Glenlee*  
Parish of *Narellan and Manangle* County of *Cumberland*

Scale *1:5000*



| COMPILED FROM INFORMATION IN         | FILE REFERENCE    | PLAN APPROVED                   | PLAN NUMBER   |
|--------------------------------------|-------------------|---------------------------------|---------------|
| <i>Plans on file</i>                 | <i>H.C. 32097</i> | <i>Cumdatam</i>                 | <i>H.C. 5</i> |
| BY <i>R.E.B.</i> DATE <i>17-9-82</i> |                   | for SECRETARY, HERITAGE COUNCIL |               |

THIS IS THE PLAN REFERRED TO IN ~~INTERIM~~/PERMANENT CONSERVATION ORDER No. *9*

N. S. W. GOVERNMENT GAZETTE No. *150* OF *5-11-82*

SUBJECT LAND SHOWN THUS:

**Figure 10** Plan of curtilage of 'Glenlee' protected by listing on the State Heritage Register. This plan, dated 17 September 1982 has been reduced from the original scale of 1:5,000. (Plan copyright owner: Heritage Council of NSW)



**Figure 11** View south from the Australian Botanic Garden, Mount Annan, showing Glenlee house and outbuildings at left of centre, with parts of the Elizabeth Macarthur Agricultural institute (part of former Camden Park estate) and Razorback Range beyond the Nepean River in the distance. The Study Area is out of site to the right. (Photo: Chris Betteridge, 11 October 2013)



**Figure 12** Panorama across washery waste platform from near southern end of the Study Area, with Sada works to left of centre, wooded ridge beyond to north and Mount Annan the high point to right of centre. (Photo: C Betteridge, 27 September 2013)



**Figure 13** Panorama from the railway spur into the Glenlee site, showing the vegetation along the riparian corridor of the Nepean River and its tributaries, with the elevated land of the Razorback Range to right of centre in the distance. (Photo: Chris Betteridge, 27 September 2013)



**Figure 14** View north-west into Glenlee Precinct, showing western end of the 'Y' of the private rail line spur into the site from the main Southern Railway Line. (Photo: C Betteridge, 27 September 2013)





**Figure 15** Panorama over southern part of Glenlee Precinct from near south-east corner of Spring Farm Advanced Resource Recovery Park, showing major modifications to the original landscape and extensive weed growth. (Photo: C Betteridge, 27 September 2013)



**Figure 16** View from the Study Area into the south-western corner of the Australian Botanic Garden, Mount Annan showing the southern flank of Mount Annan heavily infested with African Olive. (Photo: C Betteridge, 27 September 2013)



**Figure 17** View from grassed area just west of Caley Drive in the Australian Botanic Garden, Mount Annan showing existing visual impact of long, light coloured sheds on the coal washery within the Glenlee site. New development will need to be more articulated, finished in recessive colours and well screened by landscaping. The power lines within the garden pose an additional visual impact. The rail wagons visible to right of centre are stored on the spur line. (Photo: C Betteridge, 27 September 2013)



**Figure 18** Telephoto image from south-east part of the Study Area to 'Glenlee', showing main Southern Railway line across centre of photo, with the house and garden beyond and part of the olive plantation on the slopes to the west of the house. (Photo: C Betteridge, 27 September 2013)



**Figure 19** View from coal washery across Camden Soil Mix site to 'Glenlee', with the house (arrowed) visible immediately to the left of the light-coloured mounds of soil. (Photo: C Betteridge, 27 September 2013)



**Figure 20** View south from the edge of the coal washery elevated land across the flood plain of the Nepean River towards Menangle Park. (Photo: Chris Betteridge, 27 September 2013)



**Figure 21** Panorama from the southern end of the Study Area, showing the edge of the coal washery waste platform (foreground) and the view over the Nepean River riparian corridor, with the Elizabeth Macarthur Agricultural Institute and 'Camden Park' estate beyond and Razorback Range in the distance. The approximate location of the 'Camden Park' mansion is marked by mature araucarias emergent from the tree canopy (arrowed). (Photo: C Betteridge, 27 September 2013)



**Figure 22** Map of the Camden Park Estate, showing Landscape Zones. Belgenny Farm is located in Zone 19. The Macarthur Cemetery is located in Zone 18; The Orchard - Zone 12; and Zone 21 in the shaded area is the Macarthur-Onslow Estate. Map dated 1 April 1989, Copyright owner: DUAP.



**Figure 23** New residential development in the 'Riverside' estate north of the Study Area. (Photo: C Betteridge, 27 September 2013)



**Figure 24** View looking west and north-west over the Recovery Park site. (Photo: C Betteridge, 27 September 2013)



**Figure 25** Panorama over the Spring Farm Advanced Resource Recovery Park site from the northern end of the Study Area showing the eastern end of the Recovery Park site and visually prominent power poles at right. (Photo: C Betteridge, 27 September 2013)