



The New Primary School in Mulgoa Rise

Historical Archaeological Assessment

July 2021

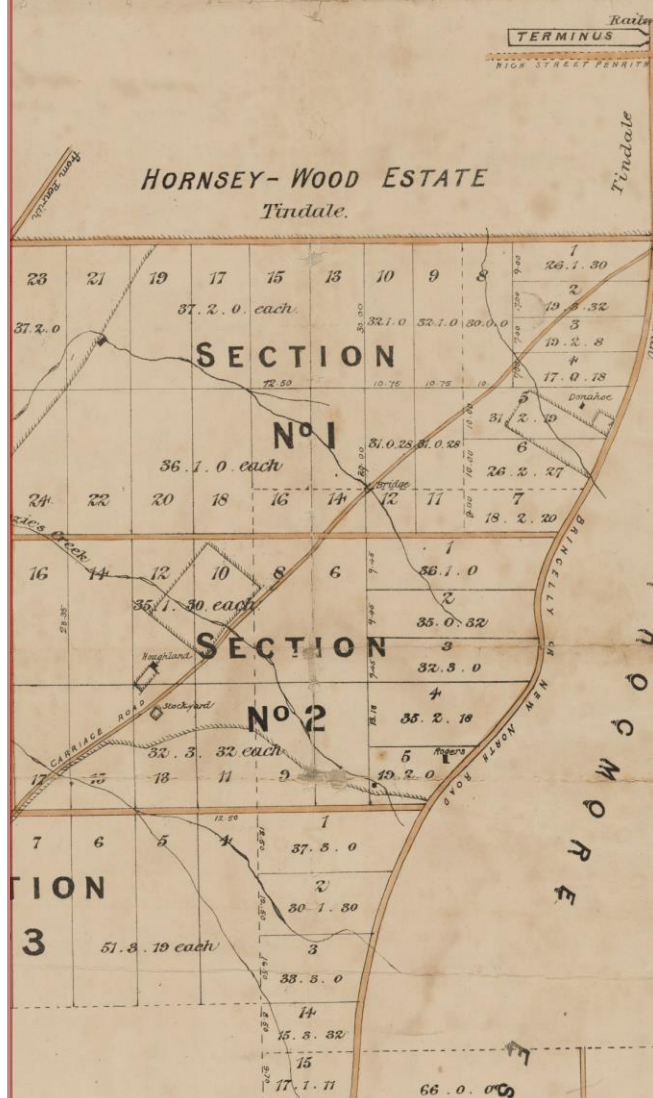
Report to: School Infrastructure NSW

Version: D.2021

CENTRAL DIVISION
REGENTVILLE

FOR SALE BY PUBLIC AUCTION

at the Hotel, Penrith.
MONDAY JAN^y 5th 1863.





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EXECUTIVE SUMMARY

School Infrastructure NSW propose to construct a new primary school at 1-23 Forestwood Drive, Glenmore Park. The school will initially accommodate up to 414 students, with the potential to expand to 1,000 students as demand arises. Any future expansion of the school will be the subject of a separate planning approval.

The Secretary's Environmental Assessment Requirements (SEARs) for this proposal were issued on 2 December 2020. Requirement 7 of the SEARs requires the proponent to:

- *Identify any archaeological potential or archaeological significance on and adjacent to the site and the impacts the development may have on this significance.*
- *Provide a statement of significance and an assessment of the impact on the heritage significance of the heritage items on and adjacent to the site in accordance with the guidelines in the NSW Heritage Manual (Heritage Office and DUAP, 1996) and Assessing Heritage Significance (OEH, 2015).*

To ensure that the historical archaeology of the study area will not be adversely impacted upon by the proposal, Comber Consultants was engaged to undertake this historical archaeological assessment. This report has been prepared in accordance with the NSW *Heritage Manual, Archaeological Assessments*, 1996 and *Assessing Significance for Historical Archaeological Sites and 'Relics'*, 2009.

The subject property is located at 1-23 Forestwood Drive, Glenmore Park NSW 2745 and is known as Lot 1663 DP 1166869 within the boundaries of the Penrith City Council LGA. Historical analysis identified that from 1804 to 1849 the study area formed part of pasture lands within the Regentville Estate. It was later subdivided on a number of occasions from 1849 to the early 1980s and continued to be used for cattle grazing. In the early 1980s the whole of study area was quarried for clay and shale and then backfilled.

As a result, the study area does not contain archaeological potential. Any ephemeral evidence of the former use of the site for grazing which may have existed would have been removed during quarrying.

The report makes the following recommendations:

- 1) It will not be necessary to undertake any further assessment, monitoring or archaeological excavation.
- 2) A permit under either s60 or s140 of the *Heritage Act 1974* is not required.



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COMPLIANCE WITH SEARS FOR SSD 11070211

Table 1: SEARs table identifying relevant SEARs item and where addressed in the report

SEARS Requirement	Report Section
7. Heritage <ul style="list-style-type: none">○ <i>Identify any archaeological potential or archaeological significance on and adjacent to the site and the impacts the development may have on this significance.</i>	Addressed in Section 5 (page 19-21); Section 6 (page 21-23) and Section 7 (page 23-25) of this report.
<ul style="list-style-type: none">○ Provide a statement of significance and an assessment of the impact on the heritage significance of the heritage items on and adjacent to the site in accordance with the guidelines in the NSW Heritage Manual (Heritage Office and DUAP, 1996) and Assessing Heritage Significance (OEH, 2015).	Addressed in Section 6.3 (page 22) and Section 7 (page 23-25) of this report.



1.0 INTRODUCTION

1.1. Background

School Infrastructure NSW propose to construct a new primary school at 1-23 Forestwood Drive, Glenmore. The school will initially accommodate up to 414 students, which the potential to expand to 1000 students as demand arises. Any future expansion of the school will be the subject of a separate planning approval.

The Secretary's Environmental Assessment Requirements (SEARs) for this proposal were issued on 2 December 2020. Requirement 7 of the SEARs requires the proponent to:

- *Identify any archaeological potential or archaeological significance on and adjacent to the site and the impacts the development may have on this significance.*
- *Provide a statement of significance and an assessment of the impact on the heritage significance of the heritage items on and adjacent to the site in accordance with the guidelines in the NSW Heritage Manual (Heritage Office and DUAP, 1996) and Assessing Heritage Significance (OEH, 2015).*

To ensure that historical archaeology of the study area will not be adversely impacted upon by the proposal, Comber Consultants was engaged to undertake this historical archaeological assessment. This report has been prepared in accordance with the *NSW Heritage Manual, Archaeological Assessments*, 1996 and *Assessing Significance for Historical Archaeological Sites and 'Relics'*, 2009. Its purpose is to inform the Environmental Impact Statement (EIS) for this proposal in fulfillment of the above requirement.

1.2. Site location and description

The subject property is located at 1-23 Forestwood Drive, Glenmore Park NSW 2745 and is known as Lot 1663 DP 1166869 within the boundaries of the Penrith City Council LGA. It has an area of 2.997 ha.

The property is located in a residential subdivision area. It represents a rectilinear property cleared of vegetation. To the north is a vacant site that is zoned B2 and is subject to a current DA for a mixed-use commercial and residential precinct. To the east are Council playing fields. A Council car park separates the school site from these fields.

The study area is currently a vacant lot. Results from geotechnical investigations indicate that it is underlain by deep fills, introduced to backfill a former quarry (Appendix B).



Figure 1: General location map



Figure 2: Detailed location map (NSW Govt. SixMaps <https://maps.six.nsw.gov.au>)



Photograph 1: Study area view to north showing the green field site

1.3. Statutory Listings

A search of the State Heritage Inventory and Register and the *Penrith Local Environmental Plan* (LEP) 2010 was undertaken. No statutory listings for the study area have been identified. There are no sites listed for historical heritage values within a 2.5 km radius around the study area.



2.0 LEGISLATION

2.1 Heritage Act 1977

State Heritage Register

s31 of the NSW Heritage Act 1977 provides for the establishment and maintenance of the State Heritage Register by the Heritage Council. s32 allows the Minister to direct the listing of an item which is of State heritage significance and sets out the procedure for listing an item. Under s57 of the Heritage Act a person must not “demolish, despoil, excavate, alter, move, damage or destroy” an item listed on the State Heritage Register without a permit under s60 of the Act.

Protection of relics

Under section 139 of the Heritage Act 1977:

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

Under s140 of the *Heritage Act 1977* a s140 permit is required to disturb or excavate a relic.

As defined in the NSW Heritage Act 1977 a “relic”:

...means 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 significance”*

However, as this project will be assessed as a State Significant Development under Division 4.7 of the *Environmental Planning & Assessment Act 1979*, the Heritage Act does not apply. Please see below.

2.2 Environmental Planning and Assessment Act 1979 (EP&A Act)

This project will be undertaken as a State Significant Development (SSD). Under Part 4, Division 4.1 of the Environmental Planning & Assessment Act 1979 (EPA Act). A s140 or s60 permit under the *Heritage Act 1977* is not required for an SSD. The EPA Act is administered by the Department of Planning, Industry and Environment who will provide the consent for this project and for any impact on relics.

s4.41 details the authorisations that are not required for State significant development, as detailed below. S4.41(d) states that approval under the Heritage Act is not required.

- (1) The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—
 - (a) (Repealed)
 - (b) a permit under section 201, 205 or 219 of the Fisheries Management Act 1994,
 - (c) an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977,
 - (d) an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974,
 - (e) (Repealed)
 - (f) a bush fire safety authority under section 100B of the Rural Fires Act 1997,
 - (g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000.



3.0 HISTORY

3.1 Traditional Land of the Darug

Prior to European contact, occupation and subsequent dispossession, the study area was part of the traditional lands of Aboriginal people of the Darug language group. The Darug people are the traditional owners of the main east-west ridge of the Blue Mountains, the northern Blue Mountains and the Cumberland Plain in which the study area is located (Tindale 1974; Attenbrow 2003).

Research by R.H. Mathews, a pioneer linguist and anthropologist, in the early twentieth-century revealed that the Darug (or 'Dharruk' people as he referred to them) inhabited an area adjoining the 'Thurawal' (Dharawal) to the south and Gundungurra and Wiradjuri to the west. Their territory extended along the coast to the Hawkesbury River and inland to Windsor, Penrith and Campbelltown; then from the mouth of the Hawkesbury River to Mount Victoria (Mathews 1901a: 140; Mathews 1901b:155). Archaeological and historical records examined in Sydney's Aboriginal Past identify three distinct groups – the coastal, hinterland and mountain Darug (Attenbrow 2003:23).

The Darug were divided into smaller clans or bands - extended family units consisting of up to sixty people. Each of these clans was named after the area of land where they normally resided, and which the people had traditional links. Current Local Land Council boundaries differ from these 'traditional' boundaries.

There was a complicated system of kinship and totems which prevented certain types of contact. It is difficult to pinpoint exact language boundaries, as information came from early colonists, explorers and ethnographers trying to interpret Aboriginal languages. While territorial boundaries were well defined by tradition, written accounts and mapping by Europeans was compromised by these language differences and lack of cultural understanding. The Darug language is believed to extend from the Western side of the Georges River to Appin and Picton and as far west as the Blue Mountains. The traditional Aboriginal economy was dependent on harvesting resources with only very little modification to the environment, with the Nepean River playing a central part of that economy. People fished from the bank or in canoes and dug for yams and collected various fruits and other food from trees, bushes, and grasses in season.

Resource gathering and patterns of habitation were influenced by the season. Knowledge of food resources influenced the timing for journeys, gatherings and festivals. An intricate knowledge of edible plants, their medicinal uses and practical applications was held by the Darug. Artefacts such as spears, shields and canoes were made from timbers, gums and resins. Nuts, feathers, teeth, ochres, animal skins and plant fibres were used to create decorative clothing, cloaks and ornamentation (DEC 2009:12).

3.2 Early Land Grants (1804-1849)

Permanent European occupation of the study area and the associated dispossession of the Darug people of their traditional land occurred 16 years after the establishment of the colony at Sydney Harbour. The earliest land grant in the Parish of Mulgoa was made by Governor King to Captain Woodriff R.N. in 1804. Woodriff selected a 600 acre (242.8 ha) grant south of the 'Western Road,' to which 400 acres (1.62 ha) was later added. The locality was originally recorded in official documents as the Nepean or Evan District and described in *Well's Gazetteer* of 1848 as:

One of the original districts of the county of Cumberland; bounded on the S. side by Bringelly district; on the E side by the South creek to the Richmond road, thence by that road to the chain of ponds at Larra's farm, and by the Richmond common line to Matthew's farm opposite the Grose river; and on the W. side by the Nepean river.

When the Parish of Mulgoa was gazetted it was described as bound by the Western Road and Parish of Castlereagh in the north, the Nepean River in the west, the Parish of Bringelly in the south, and the Northern Road and Parish of Claremont in the east. A map of the Parish of Mulgoa shows grants ranging in size from 40 acres to 1,500 acres (16 ha to 607 ha) with larger grants made to settlers including Thomas Jamison, his son Sir John Jamison, Robert Cartwright, Sarah Brabyn and members of the Cox and Luttrell families. The location near the Nepean River was recognised by settlers for its potential as grazing and agricultural land.

By the early 1820s Sir John Jamison (1776-1844), the son of surgeon Thomas Jamison, owned one of the larger estates in Mulgoa and it was where he built a grand home known as Regentville (Portion 39). He established a working farm, vineyard

and winery, as well as a variety of small industries on the estate. The land was acquired through grant, inheritance and purchase.

The study area is located in the south western corner of Portion 38 of 460 acres (186.2 ha) granted to Sir John Jamison on 31 August 1819 (See Appendix 1: Land Titles Schedule for all references to land ownership for all references to land ownership). Portion 38 was officially named *Regentville* despite the name usually being associated with the location of Jamison's mansion on *Hawkestone* or Portion 39 (Figure 3).

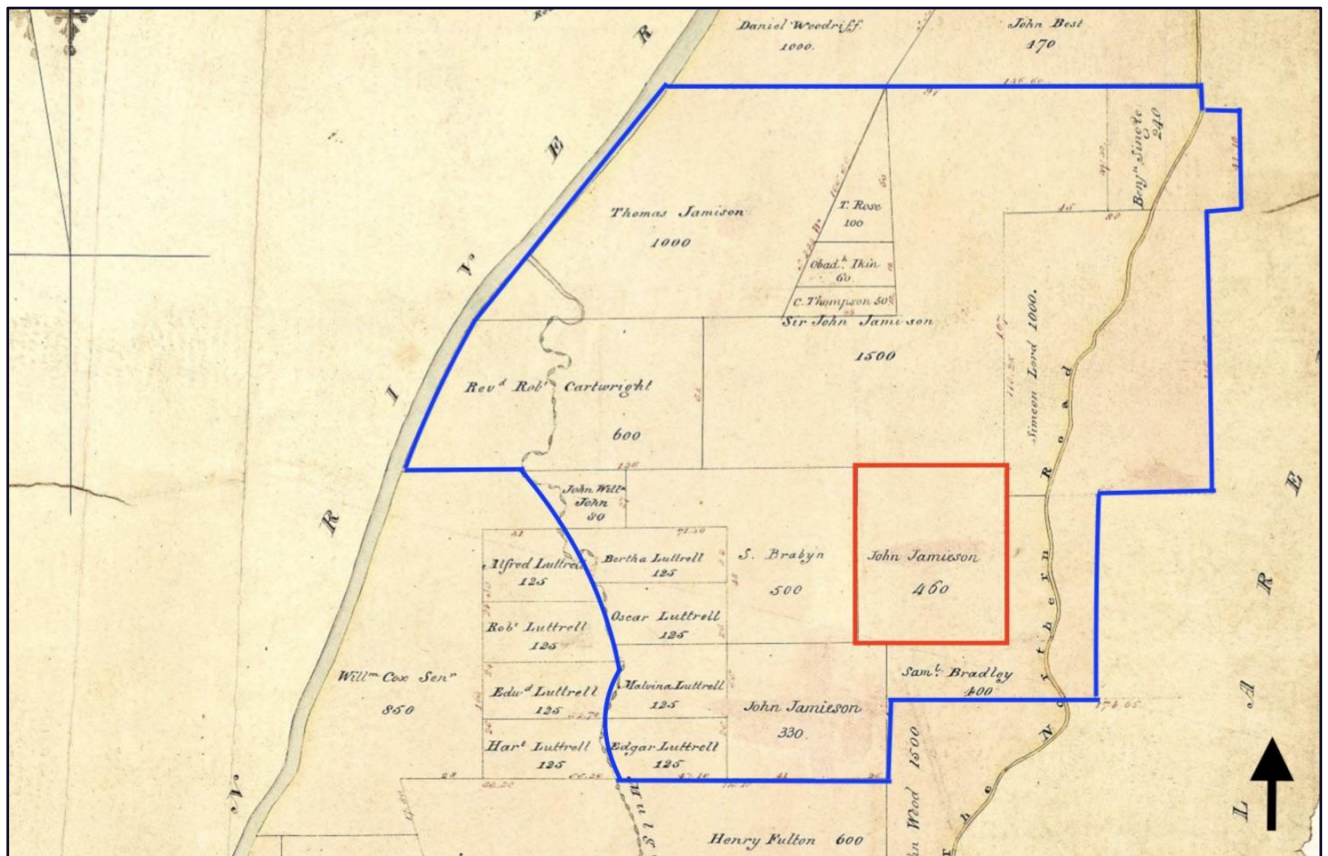


Figure 3: Part of an undated map of the Parish of Mulgoa showing Portion 38 granted to Sir John Jamison on 31 August 1819 (outlined in red) in relation land acquired by Jamison in the Parish of Mulgoa up to 1834 (outlined in blue). Jamison land in the Parish of Claremont to the east is not shown here (Id 140603 NSW LRS; Birmingham & Wilson 1994, 86).

Sir John Jamison (1776-1844) is recognised as historically significant as ‘a physician, landowner and constitutional reformer.’ He was born in Ireland, the eldest son of surgeon Thomas Jamison (c.1753-1811) and his wife Rebecca. Thomas Jamison arrived in the colony as surgeon's mate in the First Fleet. In 1809 son John Jamison was instrumental in controlling an outbreak of scurvy and honoured with a knighthood of the Order of Gustavus Vasa. In 1813 he was made a knight bachelor by the Prince Regent influencing the naming of his Mulgoa Estate, *Regentville*. After his father's death John Jamison inherited several grazing properties close to Sydney, including 1,000 acres (405 ha) near Penrith and some city properties. He arrived in Sydney in the *Broxbornebury* in 1814 to look after his interests (Walsh ADB 1967).

Sir John Jamison developed the *Regentville* Estate centreing around Portion 39 of 600 acres (242.8 ha) originally granted to Reverend Robert Cartwright and named *Hawkestone*. It was here that he commissioned the construction of a mansion built in 1824 from stone quarried on the estate, surrounding it with orchards and vineyards. (Fletcher *JRAHS* 1979 65 (1): 5). The location of the quarry is not known (Figure 4).

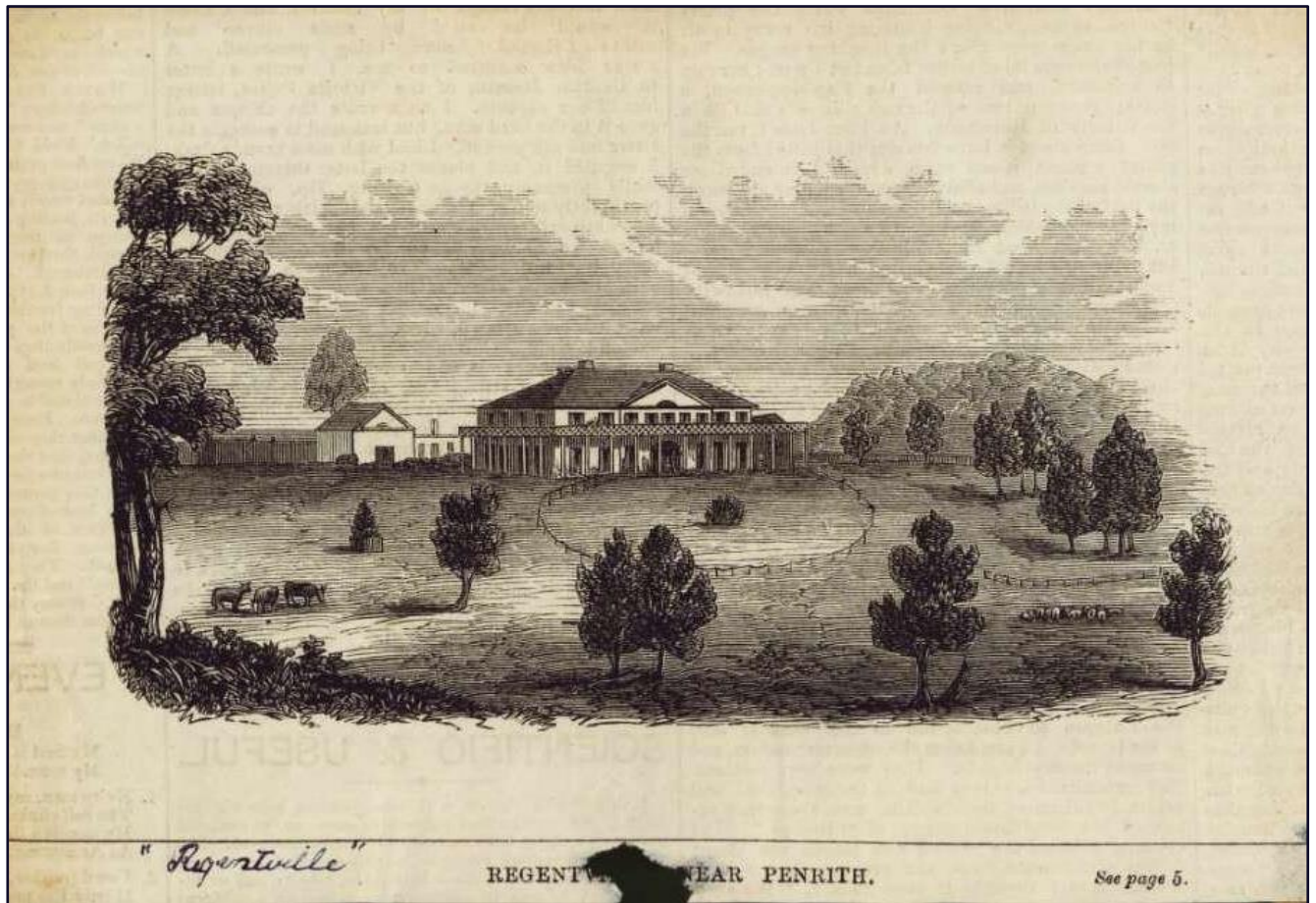


Figure 4: Engraving of Sir John Jamison's Regentville home built on Portion 39 in 1824. Portion 39 lay northwest of Portion 38, the location of the study area (Regentville Near Penrith, c.1840s, NLA; *Sydney Mail* 3 Mar 1877, 5).

The mansion and estate were considered by some to be 'one of the showpieces of the colony.' Based on Brian Fletcher's research in his study of Sir John Jamison (JRAHS 1979 65 (1): 5-6) Graham Connah explains that:

Jamison was an enlightened agriculturalist who cleared land, laid out a park around the house, put up fences, improved pastures, imported English horses for breeding, raised cattle and sheep, grew a variety of crops, fruits and vegetables, and planted a successful vineyard. He practiced crop rotation, manuring, and deep ploughing; used horse drawn cultivation implements, and imported a steam engine... to drive an irrigation pump.

Although most contemporary accounts focus on Jamison's mansion and descriptions of the home paddocks and small industries he established, there are brief accounts of the development of areas for cultivation and grazing. Baron de Bougainville, the French circumnavigator described a visit to Regentville In 1825 including that on a walk through the property that parts of the land were 'denuded of trees, except for the trunks, and enclosed by fences, serves as pasture for the herds' (cited in Connah 1986, AHA 4, 30). Jamison supplied large quantities of meat and grain to the Government Stores. As his flocks and herds increased he acquired land west of the mountains (Murray & White 1988:280).

In 1824 Jamison offered parts of the estate for lease as 15 to 30 acre (6 to 12 ha) allotments (Syd Gaz 29 Jan 1824, 1). William Riley described the operations at Regentville In December 1830 stating that:

Sir John does not farm extensively, though his lands, both grant and purchase, occupy 10,000 acres, but he rents out a large portion of the arable land, which forms a rich belt along the river to small tenants.



About 1,200 acres (485.6 ha) of land that was 'cleared and stumped' was rented to 40 tenants. Jamison planned to offer more land on similar terms of £1 per acre and 'reducing his own stock to a choice selection of breeds' (Jervis 1946 JRAHS 251). Jamison stated publicly in 1826 that 'the encouragement of a tenantry at moderate rents, regulated by the quality of land would prove profitable to proprietors, and morally beneficial to the industrious cultivators who resided under the watchful protection of landlords of discretion' (Fletcher 1979:7). Evidence that Jamison leased Portion 38 has not been located and it is thought he retained it to graze his own stock in conjunction with adjacent portions extending west and north west to the Nepean River (Z M2 811.1126/1863/1 ML SLNSW).

In December 1842 Sir John Jamison transferred parts of Regentville to his son-in-law William John Gibbes Esquire, also of Regentville, for the amount of £2,232. The conveyance included Hawkestone, the centre of Jamison's estate where the house, gardens were located; the grant named Hayes of 500 acres (202.3 ha) corresponding to Brabyn's grant; and Portion 38 of 460 acres (186.2 ha) originally named Regentville and including the study area. Experiencing financial difficulties due to drought and depression, and with failing health, in October 1843 Jamison granted power of attorney to his sons-in-law William John Gibbes and William Russell (SMH 5 Oct 1843: 3; Fletcher 1979:21). John Jamison died on 29 June 1844 bequeathing it to his wife Dame Mary Jamison who then placed it under the management of trustees.

On 21 December 1847 a portion of the 'splendid estate of Regentville' was offered for sale. It included Hawkestone where the mansion at the centre of Jamison's estate was located, and Portion 38 in which the study area is located. There is no description of land use in Portion 38 but it was advertised as:

... all that piece or parcel of land lying and situate in the district of Evan, in the County of Cumberland, in the Territory of New South Wales, containing by admeasurement 460 acres; bounded on the west side by Brabyn's farm, bearing north by 75 chains; on the north side by 62 chains, 10 links of Jamison's farm, bearing east; on the east side by a south line of 75 chains; and on the south side by a west line of 62 chains, 10 links, commonly called REGENTVILLE (SMH 20 Dec 1847, 4).

Regentville including Lot 1 which included 460 acres of 'Superior Grazing Land' (Portion 38 including the study area) was offered for sale again in November 1849 (SMH 23 Nov 1849, 4). A study of conveyances linked to the study area shows that Portion 38 was not sold and it remained in the hands of the Jamison Estate trustees. It is likely that grazing and agricultural land on the estate were leased or used by the family for this purpose. As happened during Sir John's lifetime, the estate was host to the 'Cumberland Agricultural Society for their annual ploughing matches and exhibition of stock and agricultural produce' (SMH 28 Mar 1848:3). Jamison had been an active member of the Society and the tradition was continued.

3.3 Early Subdivisions (1849-1919)

A subdivision of Regentville was offered for sale by Mort & Co on 1 December 1849. Lot 1 corresponds with Portion 38 in which the study area is located. Portion 38 was described as a farm of 460 acres (186.2 ha) of 'superior grazing land.' The agricultural allotments were promoted to 'farmers and every immigrant' as valuable investments due to the 'certainty of railway communication to the interior' (SMH 23 Nov 1849, 4). Portion 38 was not sold and remained in the hands of Jamison family trustees. In 1855 and 1856 farms at Regentville ranging in size from 30 to 100 acres were offered for lease by a Jamison family trustee William Russell of Penrith (SMH 25 Jan 1855:1; SMH 4 Feb 1856:1).

Under instructions from mortgagees, in January 1863 a new subdivision of the Regentville Estate was offered at auction without reserve. Farms ranged in size from 15 to 125 acres (6 to 50.6 ha) and promoted as areas of 'first class tillage' and 'very superior dairy and grazing farms' close to Sydney markets. In particular, the location offered 'convenient grazing farms or paddocks for the reception of stock pending sale' (SMH 5 Jan 1863:7). Portion 38 and land to the west including that of the Regentville mansion were excluded from the subdivision however the advertisement for the sale of adjacent land provides brief descriptions of the land and potential usage. A subdivision plan prepared for the sale of surrounding allotments shows Portion 38 with a small watercourse running through the southern boundary (Figure 5).

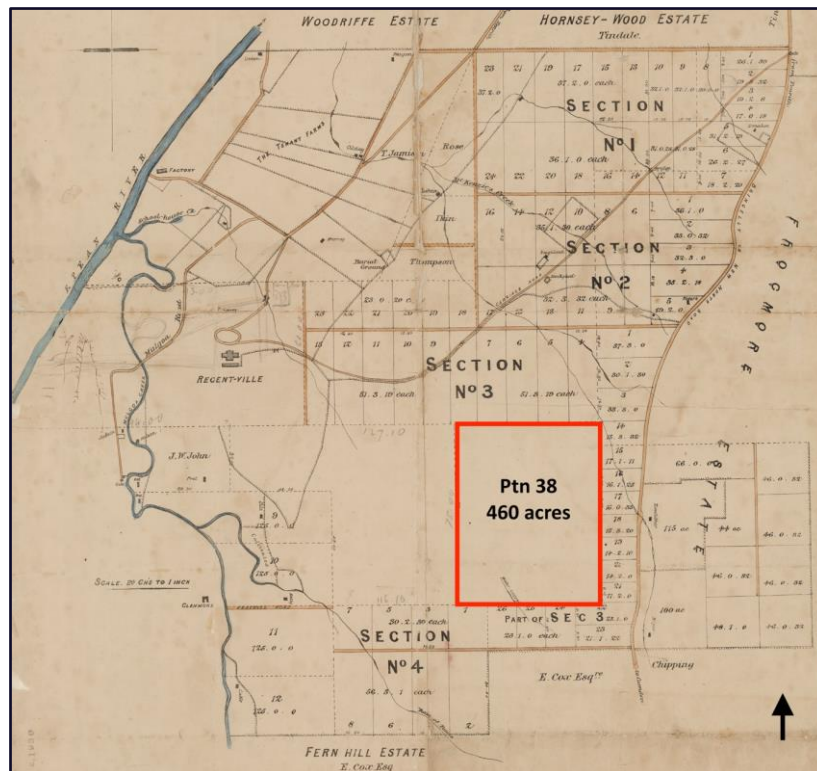


Figure 5: Subdivision plan of Regentville dated 1863 showing Portion 38 of 460 acres outlined in red. A small watercourse is shown running through the southern boundary (Z M2 811.1126/1863/1 ML SLNSW).

Dame Mary Jamison died in 1874 and under a control of a trust, Jamison family descendants retained the control of 1,654 acres 3 roods and 8 perches (669.7 ha) of the estate including Portion 38. The trustees changed at times and by 1874 they included Frederick Jamison Gibbes (grandson of Sir John Jamison), Thomas Carnes Jamison (half-brother of Sir John Jamison) and Alexander Campbell Budge. In 1881 the trustees applied to have the land transferred to Torrens Title at which time the land was surveyed. A survey records Portion 38 of 465 acres 3 roods acres (188.5 ha) as the easternmost piece of land in the estate and west of Bringelly Road. The plan shows a curvilinear topographical feature on Portion 38 (either a raised area or a depression) near the eastern boundary (Figure 6).

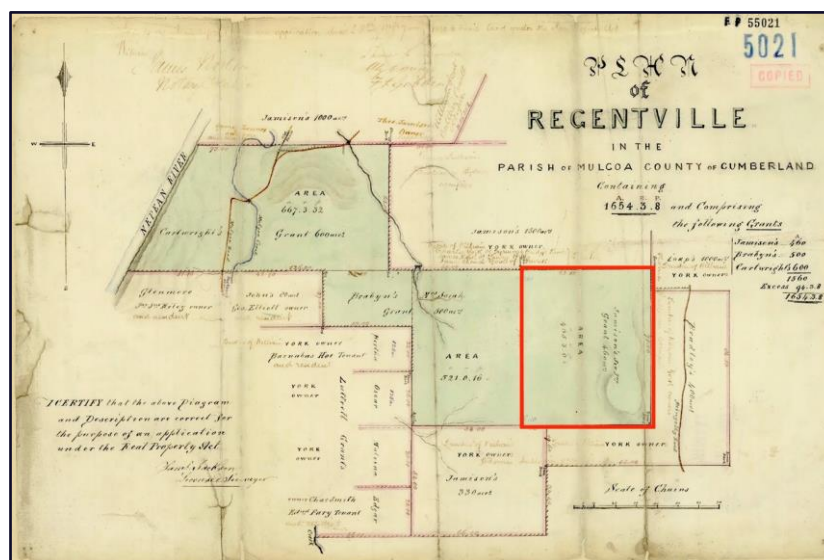


Figure 6: Plan of Regentville of 1,654 acres 3 roods and 8 perches (669.7 ha) surveyed by Samuel Jackson in 1880. The plan shows an unidentified topographical feature (either a raised area or a depression) on Portion 38 near the eastern boundary (DP 55021 NSW LRS).



The Primary Application made in 1881 valued the property at £5,000 and provides evidence of the land's occupants at this time. Tenants of the land extending from Portion 38 in the east to the Nepean River in the west were George Elliott, Patrick Doolan and John Hogan, farmers of Penrith and Thomas Sullivan auctioneer of Sydney. Unfortunately, there is no indication of which land was occupied by each lessee. Investigation of the lessees show that the Elliott, Doolan and Hogan families were linked to farming in the Penrith District from at least 1872 when both Hogan and George Elliott were listed in *Greville's Post Office Directory* as farmers of Regentville.

George William Elliott was known as a fruit grower of Regentville until his death in 1890 (*NSW Govt Gazette* 31 Jan 1890: 1006) and his wife Mary Jane Elliott operated a dairy on 400 acres (161.9 ha) at Regentville (*Nepean Times* 21 Feb 1891:2; *Nepean Times* 10 Dec 1892:2). An inspection of Elliott's dairy by the Nepean Council in 1891 provides evidence of how part of the Regentville Estate including Portion 38 were used and describing it as:

Mrs. Mary J. Elliott, Regentville. Area - 400 acres, 30 cows, 5 stalls. Floor, part stone and part natural surface. Milk and cooler-room. clean. Water, under-ground tank. Cesspit remote from tank. Notice inside of the cowshed. Clean premises (Nepean Times 21 Feb 1891:2).

In the 1890s Elliott's was one of three dairies at Regentville. The other two were operated by John Eaton and William Hollier who grazed small herds there. Similar to Elliott's dairy and indicative of the sort of development at Regentville, Nepean Council reported Eaton and Hollier's Regentville dairies as:

John Eaton, Regentville. Area 1500 acres, 20 cows, 2 stalls. Floor, wood. Milk-room very clean. Water, under-ground tank. Pan closet. Notice conspicuous. Clean premises (Nepean Times 21 Feb 1891, 2).

William Hollier, Regentville, Area 90 acres, 20 cows, stalls. Floor, natural surface, dirty and in holes. Milk-room under same roof as dwelling but does not communicate with it. Water, under-ground tank. Cesspit remote from tank. Notice conspicuous, Clean, except stalls and yard. Improvements required: fill in and drain the cow yard and pave the stalls with stone flags or brick (Nepean Times 21 Feb 1891, 2).

Although Elliott, Hollis and Eaton's dairies cannot be precisely linked to Portion 38 at Regentville the records provide evidence of grazing and milk production linked to Regentville (*Nepean Times* 21 Feb 1891, 2; *Nepean Times* 10 Dec 1892: 20). Mary Elliott lived her entire life at Regentville and died there in 1899 (*Cumberland Argus* 6 May 1899, 5).

In November 1889 Jamison Estate trustees took out a mortgage on the 1,654 acres 3 roods and 8 perches (669.7 ha) including Portion 38 with the Scottish Australian Investment Company Limited. An order for foreclosure was made in 1898 and the company assumed ownership of the property. Some portions unrelated to the study area were sold in 1898 and 1915. From September 1919 until August 1939 Frederick Alexander MacKenzie of Bondi, a dairy farmer leased Portion 38 (including the study area) in conjunction with part of Portion 37 to the west.

3.4 MacKenzie Lease (1919-1939)

Lessee Frederick Alexander MacKenzie is associated with Waverley Dairy and was a well-known breeder of prize dairy cattle and prize-winning milk. MacKenzie was based in the eastern suburbs of Sydney but as land became scarce near the city, herds were transferred to Regentville and possibly other locations on the outskirts of Sydney (*Sydney Mail* 3 Apr 1907:865). Originally known as Mackenzie's Dairy it was founded in the suburb of Waverley in the 1860s. By 1910 it was one of the largest in the Sydney Metropolitan area. Residential subdivision of Waverley reduced the availability of grazing land resulting in operators moving their herds to western Sydney including to Regentville (Waverley Heritage Policy, Sep 2007, 16-17).

3.5 Later leases (1939-1964)

In July 1939 the Scottish Australian Investment Company Limited sold Lots 37 and 38 to Clive Stuart Slade and Keith Rowland Traill, Sydney solicitors. It is not known how they used the land however, like previous owners, it is likely to have been leased for grazing. Clement Lorne Chapman of Sydney Medical Practitioner, and Clifford Charles White of Penrith, grazier purchased Portions 37 and 38 in October 1951. By 1953 the land was transferred to grazier Clifford Charles White of Kingswood. White worked for Farmers and Graziers' Company Ltd and is associated with a farm at Kingswood called *Penville* (*Farmer and Settler* 10 Feb 1928, 7; *Nepean Times* 1 Feb 1940, 1). It is not known how White used Portion 38.



Portion 38 was consolidated with Portion 37 in 1963 then subdivided to create Lot 2 DP 218872 of 884 acres (357.7 ha), retaining land including the study area. By this date plans were being made for the surrounding land to be subdivided and sold for residential development (Figure 7).

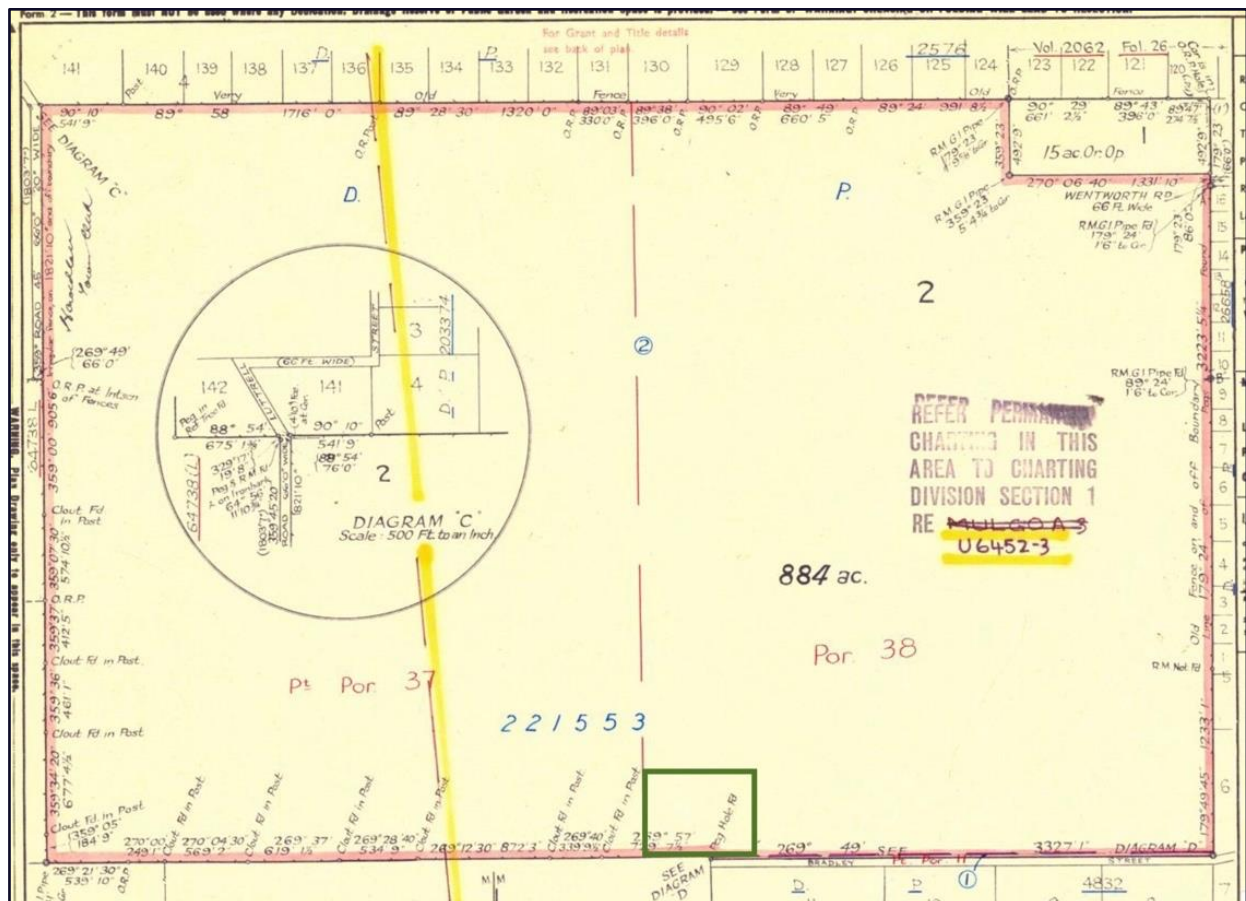


Figure 7: Plan showing the consolidation of Portions 37 and 38 in 1963 and then subdivision resulting in the formation of Lot 2 DP 218872. The study area (outlined in green) is located in the south western corner of the former Portion 38 (DP 218872 NSW LRS)

3.6 Final subdivision, quarry, remediation

In January 1964, a subdivision of Portions 37 and 38 created Lot 4 DP 221553 of 484 acres (195.87 ha) including the study area. In July 1964 consolidation and re-subdivision resulted in the formation of Lot 5 DP 222785 of 700 acres (283.28 ha) including the study area (Figure 8).

In conjunction with extensive residential development in the locality, in 2012 Lot 1801 DP 1166848 (2.943 ha) was formed to create the study area (Figure 9).

In the early 1980s (post 1983) a shale and clay quarry was established on the site that was in operation until the early 2000s. In the 1980s and 1990s, the study area was completely quarried and subsequently remediated (backfilled) with various fills comprising mostly mottled clay (JK Geotechnics 2020).

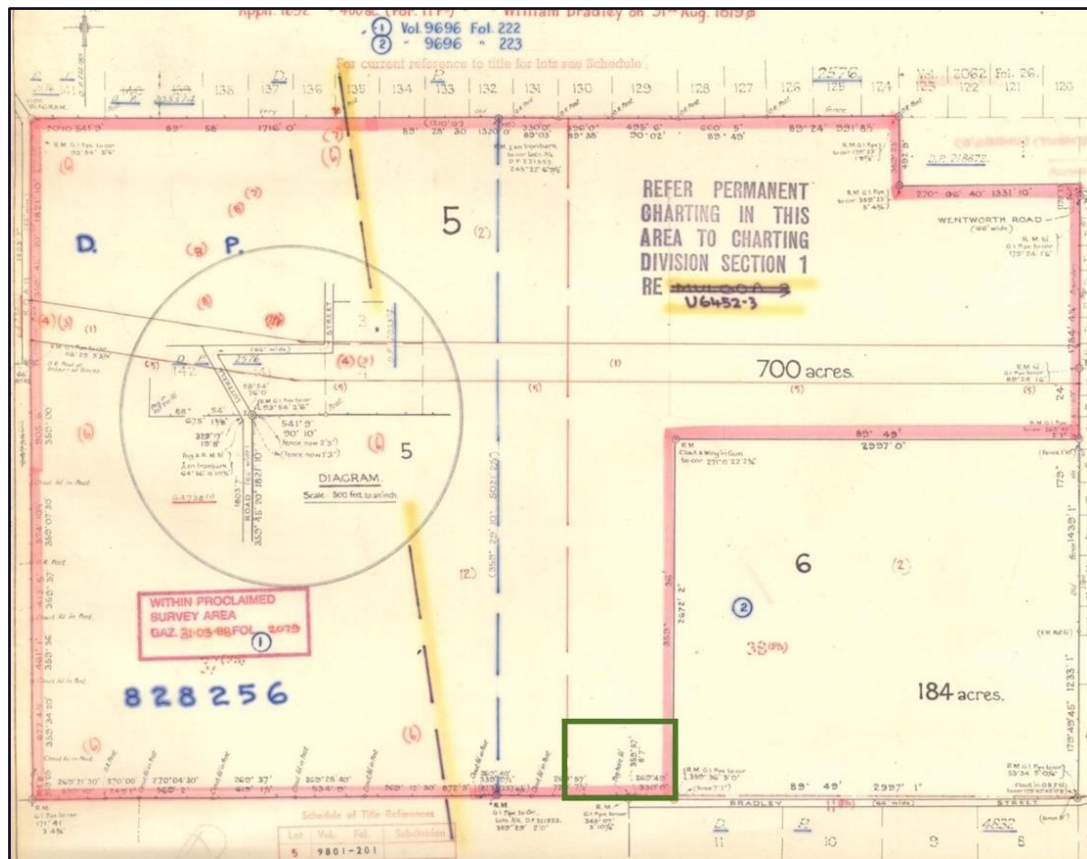


Figure 8: Plan prepared in July 1964 showing the consolidation Portions 37 and 38 and then subdivision to form Lot 5 DP 222785 including the study area, shown outlined in green (DP 222785 NSW LRS).

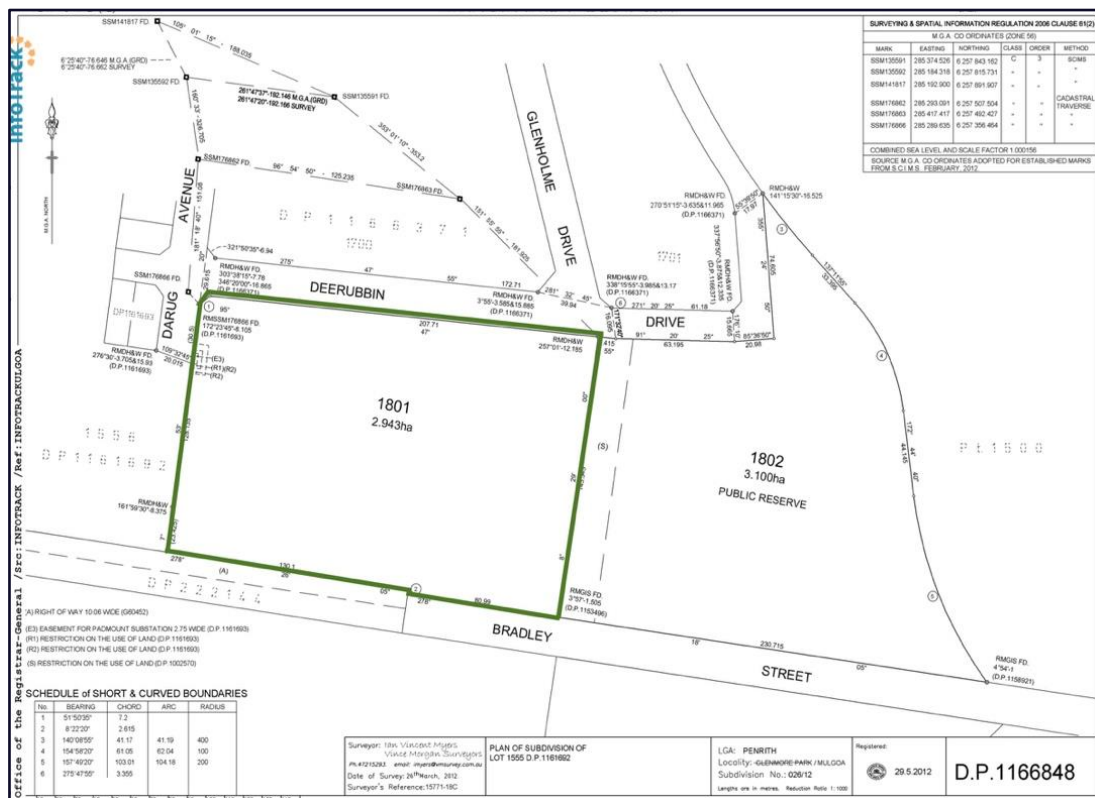
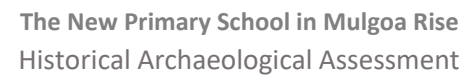


Figure 9: Survey dated 2012 showing the study area Lot 1801 recorded as 2.943 hectares (DP 1166848 NSW LRS).



Office of the Registrar-General / STC:INFOTRACK / Ref:INFOTRACKULG004

SCHEDULE OF SHORT & CURVED BOUNDARIES

No.	BEARING	CHORD	ARC	RADIUS	No.	BEARING	CHORD	ARC	RADIUS
1	325° 11' 40"	7.35			7	51° 50' 30"	7.2		
2	235° 11' 40"	6.78			8	188° 22' 20"	9.045		
3	320° 41' 40"	6.815			9	88° 00' 30"	11.625		
4	230° 36' 40"	6.755			10	100° 19' 50"	15.155	15.16	200
5	188° 22' 20"	2.005			11	100° 28' 30"	14.15	14.155	200
6	320° 46' 00"	6.825			12	188° 22' 20"	9.065		

DEERUBBIN DRIVE

BLUESTONE DRIVE

BINYANG AVENUE

DARUG AVENUE

FORESTWOOD DRIVE

BRADLEY STREET

LOT 1663
3.00 ha
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3.7 Summary

Historical research suggests that the historical archaeological potential of the study area would be nil.

4.0 SITE INSPECTION

An inspection of the study area was undertaken on 18 September 2020 by Dr Dragomir Garbov, Senior Archaeologist and David Nutley, Director, Comber Consultants. The inspection was undertaken on foot and covered all visible and accessible parts of the study area which would be subject to the proposed ground disturbance works.

4.1 Site Description

The study area is a flat rectilinear heavily modified site with low embankments along its sides. Geotechnical investigations undertaken as part of the current proposal have shown that the site is underlain by deep layers of fill introduced as part of the remediation of the former Mulgoa quarry. Twenty-two boreholes undertaken across the site identified fill down to 12.45 m with the overall depth of fill being unknown (Figure 11; JK Geotechnics 2020).

The fill identified within the study area consists of plastic silty mottled clay (JK Geotechnics 2020; Appendix B).



Figure 11: Geotechnical borehole locations (credit: JK Geotechnics 2020; Appendix B to this report)

4.2 Results

The flat nature of the area as opposed to its surroundings indicate previous land modifications and the background information indicates that the site was subject to quarrying and subsequently backfilled. This was confirmed by the site inspection that indicated the disturbed nature of the site and that no evidence of occupation was noted.



Photograph 2: Study area, view to south west showing flat modified site



Photograph 3: Surface exposure in the south part of the study area showing stone fraction in a matrix of clay fill



Photograph 4: Embankment on the south side of the study area , view to east



Photograph 5: Study area, view to north showing flat modified site



Photograph 6: Study area, view to north west down the embankment on the southern side



Photograph 7: Surface exposure on the eastern side of the study area showing mottled clay fill



5.0 ARCHAEOLOGICAL ASSESSMENT

5.1 Archaeological potential

To undertake an archaeological assessment, it is necessary to assess whether an area contains archaeological potential. For the purposes of this report “archaeological potential” is the likelihood of a site to contain archaeological deposits that are protected by the relics provisions of the NSW Heritage Act 1977.

Such an assessment is guided by an understanding of the site as revealed through historical research and a site inspection. This report contains detailed historical research and the results of the site inspection.

It is useful to identify the level of archaeological potential as low, moderate or high. This indicates the level of impact on the potential archaeological resource and hence the likelihood of intact archaeological deposits remaining. The degree of archaeological potential does not necessarily equate with the identified level of significance. An area may be mostly intact but it may be assessed as having minimal heritage significance.

The following definitions of high, moderate and low archaeological potential will be used to assess the archaeological potential of individual items identified through the historical research.

A high level of archaeological potential indicates that there is a high probability that the archaeological remains of a structure or structures are reasonably intact as there have been little or no impact following the demolition of the known structures.

A moderate level of archaeological potential indicates that there is a medium probability that the archaeological remains of a structure are partially or mostly intact but there has been some impact on its integrity through later development.

A low level of archaeological potential indicates that there is a low probability that the archaeological remains survive as there have been extensive impacts by known later development or works

5.2 Phases of occupation

To assist in determining the archaeological potential the site has been divided into 3 phases of occupation or use as detailed below. This provides a framework which assists in determining archaeological potential, as quite often each successive phase of use has impacted on the previous phase or phases:

Phase 1: Traditional Lands of the Darug People

During this phase the Darug people and their ancestors would have used the area for camping, hunting, fishing and gathering food. The local landscape would have been sustainably managed in order to maintain an abundance of resources and thus uphold the Darug traditional economy.

Phase 2: Pastoral and Farming Lands as Part of Regentsville and Later Subdivisions (1804-1980)

During this phase of occupation, the Darug people were dispossessed from their land and the study area constituted part of a colonial land grant issued in 1804 by Governor King to Captain Woodriff. In the following decades the study area constituted part of the Regentsville Estate and was later subdivided on a number of occasions from 1849 to the early 1980s. Historical analysis clearly shows that although over the nearly 180 years since colonisation the study area frequently changed hands, it was always utilised in the same manner - until the 1980s and the establishment of the Mulgoa Quarry, the study area formed pasture and farming lands.

Phase 3: Mulgoa Quarry and Aftermath (early 1980s till present)

During this phase of occupation the whole of the study area was extensively quarried and then filled. This phase of occupation would have destroyed all archaeological evidence from previous occupation of the study area.

5.3 Assessment of archaeological potential

Geotechnical investigations undertaken in relation to the current proposal indicate that the site was previously quarried and that remediation fill extends to more than 12 m depth from the current ground level. This indicates that the quarrying



activities and subsequent fill would have destroyed any potential archaeological evidence for all previous phases of occupation. The study area does not contain archaeological potential.

5.4 Summary

From colonisation and the first historical land grant in 1804 the study area represented farmland. The study area was quarried and backfilled with more than 12 m of clay fill in the 1980s and 90s. The study area contains no archaeological potential (Table 1).

Table 2: Summary of archaeological potential

Phase	Dates	Activity	Evidence	Archaeological potential per type of evidence	Archaeological potential per phase	Overall archaeological potential
1	Traditional lands of the Darug	This has been assessed in a separate report.	-	-	-	-
2	1804-1980s	Pastoral activities	Evidence destroyed by subsequent phase	Nil	Nil	Nil
3	1980s till present	Quarrying and remediation	Due to quarrying and filling no historical archaeological evidence	Nil	Nil	



6.0 SIGNIFICANCE ASSESSMENT

6.1 Preamble

Significance Assessment is the process whereby buildings, items or landscapes are assessed to determine their value or importance to the community.

The following criteria have been developed by Heritage NSW and embody the values contained in the Burra Charter. The Burra Charter provides principles and guidelines for the conservation and management of cultural heritage places within Australia.

6.2 Assessment

Historical

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

Parts of Sir John Jamison’s Regentville are listed on the State Heritage Inventory (Database No 2260271) and are of historic significance for their important role in the development of the colony of New South Wales. Although the study area is located on land associated with the Regentville Estate, historical research has not identified attributes that confirm that the study area meets this criterion. The archaeological potential within the study area does not meet this criterion.

Association

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 cultural or natural history (or the cultural or natural history of the local area)

The study area is associated with Portion 38 of the Regentville Estate granted to Sir John Jamison in 1819. Although associated with Sir John Jamison’s Estate, historical research has not identified attributes that confirm that the study area meets this criterion. The archaeological potential within the study area does not meet this criterion.

Aesthetic/Technical

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

Historical research has not identified attributes that meet this criterion. The archaeological potential within the study area does not meet this criterion.

Social

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

Historical research has not identified attributes that meet this criterion. The archaeological potential within the study area does not meet this criterion.

Research

Criterion (e) – an item has potential to yield information that will contribute to an understanding of NSW’s cultural or natural history (or the cultural or natural history of the local area)

Historical research as well as the fieldwork undertaken for this assessment has not identified attributes that meet this criterion. The archaeological potential within the study area does not meet this criterion.



Rarity

Criterion (f) – an item possesses uncommon, rare or endangered aspects of NSW’s cultural or natural history (or the cultural or natural history of the local area)

Historical research has not identified attributes that meet this criterion. The archaeological potential within the study area does not meet this criterion.

Representative

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.*

or a class of the local area’s

- *cultural or natural places; or*
- *cultural or natural environments*

Historical research has not identified attributes that meet this criterion. The archaeological potential within the study area does not meet this criterion.

6.3 Statement of significance

Although associated with Sir John Jamison’s Regentville Estate, historical research has not identified that the study area is of significance. The archaeological assessment has identified the study area as a backfilled quarry. The archaeological potential within the study area is therefore nil and does not meet the *historical, association, aesthetic, social, research, rarity or representativeness* significance criteria.



7.0 PROPOSAL, IMPACT AND MITIGATION

7.1 Proposal

The proposed development involves the construction and operation of a new primary school at Glenmore Park (Mulgoa Rise). The development will initially accommodate 414 students, with the ability to be expanded to 1000 students when demand requires, which would be subject of a separate planning approval process.

Development approval will facilitate a Core 21 school with 18 learning spaces (LS), plus 2 support classes. The development will also include a school hall, library, staff facilities, and administrative areas built to Core 35, allowing capacity for future expansion. A large assembly area, games court, shared sensory play area and playground will also form part of the development.

The new school will provide the surrounding community access to the school's core facilities and will also provide Outside School Hours Care (OSHC) services to assist working families that commute and work extended hours.

The school is proposed to be open for students in January 2023.

The State Significant Development Application for the project seeks consent for the following key components.

- General learning areas.
- Multipurpose communal hall.
- Covered Outdoor Learning Areas (COLA).
- Administration area.
- Staff area including amenities.
- Student amenities.
- Library.
- Canteen.
- Storage.
- Assembly Area.
- Games Court.
- Shared sensory play area.
- Landscaping.
- Pedestrian circulation.
- Pedestrian access points.
- Internal open space.
- Staff car park with access off Forestwood Drive.
- Bike and scooter parking.
- Bus zone and drop off/pick spaces.
- Pedestrian crossings on Forestwood Drive, Darug Avenue, and Deerubbin Drive.
- Waste collection area.



- Connection of site services, including gas, potable water, sewer, power (including a new sub-station), and the NBN.

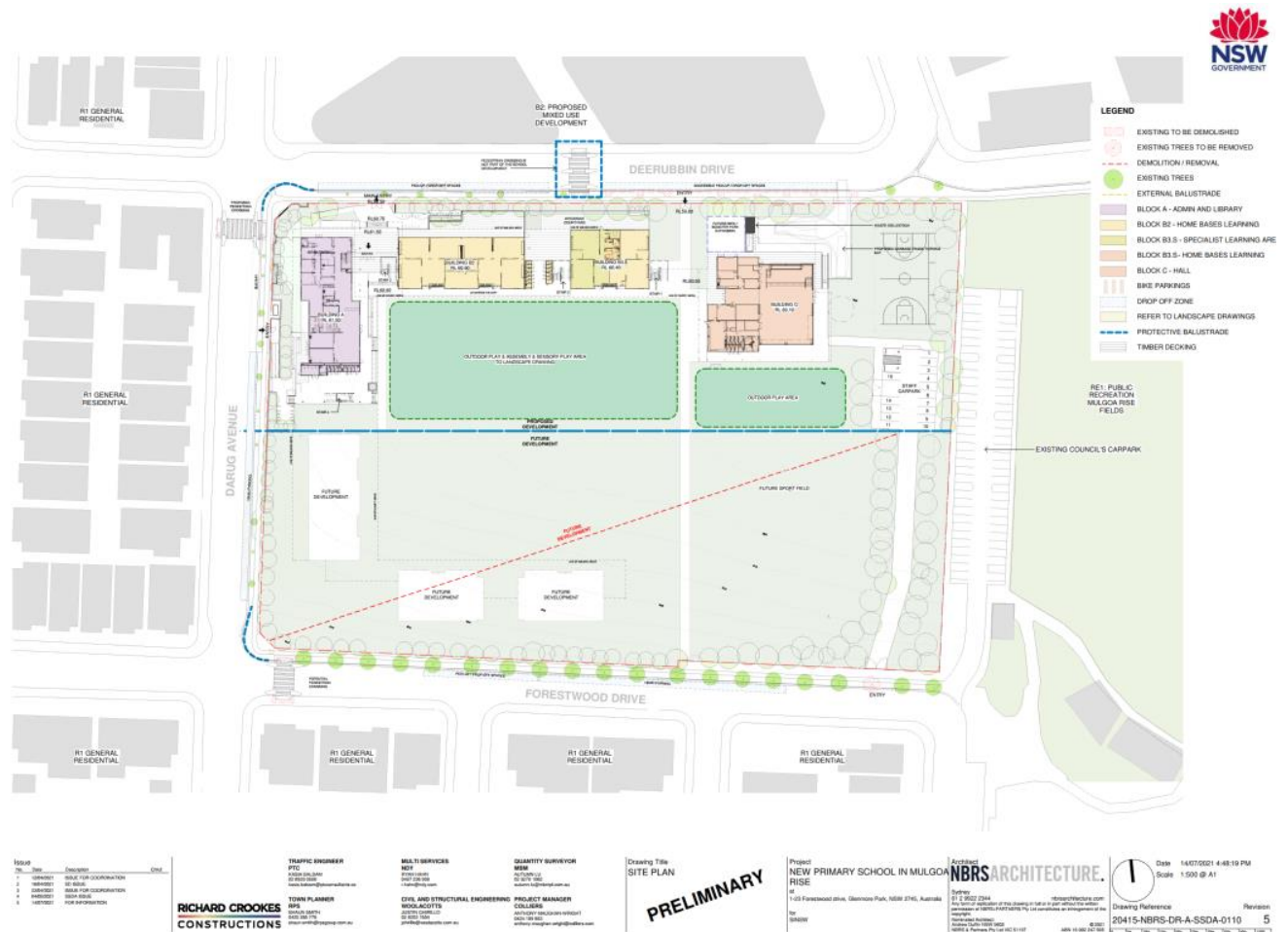


Figure 12: Proposal design (NBRS)

7.2 Impacts and mitigation

This assessment has identified the study area as disturbed land – a backfilled quarry site. As a result, the site has been assessed as containing no archaeological potential. Therefore there will be no impact upon the historical archaeologically.

No further mitigation or management are required. There is no requirement for any further assessment, testing, monitoring or salvage.



8.0 SUMMARY AND RECOMMENDATIONS:

The study area was once part of the Sir John Jamison's Regentville Estate and was used for grazing or pasture until it was sold in 1842 and leased to various people. It appears that throughout this period it was only used for grazing.

In the early 1980s (post 1983) a shale and clay quarry was established on the site that was in operation until the early 2000s. In the 1980s and 1990s, the study area was completely quarried and subsequently remediated (backfilled) with various fills comprising mostly mottled clay (JK Geotechnics 2020).

As a result, the study area does not contain archaeological potential. Any ephemeral evidence of the former use of the site for grazing which may have existed would have been removed during quarrying.

The report makes the following recommendations:

- 1) It will not be necessary to undertake any further assessment, monitoring or archaeological excavation.
- 2) A permit under either s60 or s140 of the *Heritage Act 1974* is not required.



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