Fernhill Estate

Conservation Management Plan

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Prepared for
NSW Department of Planning, Industry & Environment

JPA&D

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Radiant Pleats, Mulgoa

Rectangular mansion, sunburnt pink,  
Embracing its half-round portico  
Of radiant pleats, all revival Greek,  
Skirt or soldier’s kilt: who’d know?  

At least the house still stands, from back  
When fellow statelies used to ring  
The slopes of Sydney, issuing smoke,  
Watching for ships that brought everything.  

Most such palaces died of equality  
Or of prone soldiers tucked in white.  
Scant call for film backgrounds killed others  
And a few were razed for spite –  

Rectangular mansion, road-gang red,  
Tall behind its half mushroom  
Of swooped wood rafters, fanning to fit  
The pillared curve of their bow rim.  

*Waiting for the Past*  
Les Murray, 2015
A handsome stone house overlooks by far the most lovely and extensive landscape – as a home view – I ever met with in Australia: and its beauty is much enhanced by the taste and success of the proprietor in weeding out the thinly leafed and unsightly kinds of the gum-tree and preserving only that species of eucalyptus called the apple-tree, which, with its stout gnarled branches and crisp tufted foliage, is, when standing alone or in clumps on parkish looking ground, by no means a bad representative of the English oak. A stranger might imagine himself at the country-house of some substantial English squire there is a unity of homelike landscape unlike anything else of its kind I have met with out of England.

Godfrey Charles Mundy, *Our Antipodes: or, Residence and Rambles in the Australasian Colonies, with a Glimpse of the Goldfields*, 1852
1.0 Executive Summary

1.1 Sites for this Study

This study covers the site of Fernhill Estate, Mulgoa. The property is located at 1041 Mulgoa Road, Mulgoa NSW 2745 and is described as Lot 20 DP 541825, Lot 10 DP 615085 and Lot 11 DP 615085. It is within the Penrith Local Government Area and is currently owned by the NSW Department of Planning, Industry and Environment.

Additional lands located at 1119-1145 and 1147-1187 Mulgoa Road, described as Lot 100 DP 717549, Lot 1 DP 570484 and Lot 6 DP 173159, are owned by the Department, and are listed as items of local heritage significance on the Penrith Local Environmental Plan, but do not form part of the State significant heritage curtilage of Fernhill. These properties are generally referred to throughout this CMP as "additional lands."

1.2 Summary Statement of Significance

The Fernhill Estate has historical, associative, aesthetic, research and representative significance and rarity values at a State level. Fernhill has social significance at a Local level.

The Fernhill Estate comprises an extensive area of modified and natural landscape that provides a picturesque setting for the house completed in 1842 for Edward Cox. The house is sited on a rise with significant views of the Mulgoa Valley and specifically to St Thomas’ Church and Cox’s Cottage. Whilst these views are no longer present, the group of sites, connected to the Cox family demonstrates the family’s ambitions and their changes in wealth and status from 1810 to the 1880s. The sites retain a close and important historical relationship. The Cox family has a particular association with the Mulgoa Valley where they lived for three generations.

Fernhill House was built in the Greek revival style by indentured Irish stonemasons from stone quarried on the site. It is of an exceptionally high quality and is finely detailed. The likely architect was Mortimer Lewis although this has not been definitively proven. Indications are that this was originally intended to be a two-storey house but its full realization was cut short by the 1840s depression.

Fernhill is significant for its cultural landscape, which is a rare Australian example of the practice of modifying the natural landscape to create a park like appearance embellished by cultural features. This park like landscape may have been in part created through the practices of indigenous Australians prior to European settlement. Fernhill is possibly the only intact early Sydney colonial park like estate that was designed relying entirely on indigenous plants and the process of thinning rather than planting. There are significant views within the property.

The Estate and buildings hold the potential for research into pre-colonial history specifically in relation to the land management practices of the indigenous Australians as well as the frontier wars of 1788 to 1817. There is Aboriginal archaeological potential on the western portion of the Estate. There is further research potential in regard to the indentured stonemasons, the winery ruin and the quarries from which the stone for the house was reportedly excavated. The house provides potential for further research into its own original configuration and use especially in the area of the cesspits and roof space.

The landscape and house have been altered in character and detail during the late twentieth century however the original design and use of the house and stables is still easily legible.

Fernhill has social significance as one of the early colonial settlements in the Mulgoa Valley, which contributes to the community’s sense of identity.

Fernhill Estate has areas of environmental significance, including Cumberland Plain Woodland and Shale Sandstone Transition Forest, which are both listed at the State and Federal level as endangered ecological communities.
The additional lands located at 1119-1145 and 1147-1187 Mulgoa Road are listed as local heritage items on the Penrith LEP as “Fernhill” curtilage. A portion of these lands, described as Lot 6 DP 173159, and known as ‘Slab cottage site’, is additionally listed as an archaeological site.

1.3 Key Findings
1. Fernhill Estate is of State Significance as one of the earliest surviving estates in the Sydney Basin. It is associated with the Cox family as 300 acres at the site was granted to Edward Cox. The Cox family was significant in Australia’s colonial history through colonial expansion and extensive pastoral interests.

2. The House is a rare and unusual example of a Greek revival colonial house of exceptional quality that illustrates both the grandeur of a large pastoral estate in Regency period Australia and also the detrimental effects on that estate of the 1840s depression.

3. The architect of the House has not been determined with certainty however the most likely person is the colonial architect Mortimer Lewis.

4. The house and original stables are generally in good condition and retain much of their early detailing.

5. There are two clear phases of development; the original work c. 1840 and a phase of more recent development from the 1950s to the 1980s under two owners, the Darlings and the Andersons. Modifications undertaken to the house and original stables during the second half of the twentieth century have impacted on the original fabric of the buildings in such a way that determining the original fabric with certainty is not always possible.

6. Whilst contributions to the significance of the site have been made in all periods, the later works in some instances conflict with the colonial period works. The earlier period works are considered of the greatest significance and as such should take precedence when interpreting the property.

7. The site reflects the cultural, social and economic aspects of the whole colony at the time of its construction and these aspects particularly of the pastoral class at that time can be interpreted by looking at Fernhill.

8. The landscape elements of the property are significant both for providing a setting for the house and as evidence of several historical approaches to landscape management.

9. The combination of the buildings and landscape as a complete entity are rare as they are relatively intact and most similar estates have been subdivided. The relationship of the property to wider Cox family buildings such as St Thomas Church and Cox’s Cottage still remain and some historic views are likely to be recoverable.

10. Whilst the whole of the Fernhill Estate is covered by Permanent Conservation Order No. 54, (Refer item 5.2 Definition of Curtilage) the different elements within the site are considered to have different levels of significance. (Refer 5.5 Grading of Significance)

11. The neighbouring lands at 1119-1145 and 1147-1187 Mulgoa Road purchased by the Department in 2019 are not State Heritage listed, but are listed on the Penrith Local Environment Plan 2010.

1.4 Critical Recommendations
1. Appropriate uses need to be found for the property as a whole that support its care and maintenance and allow for public access and education whilst protecting and enhancing the heritage values of the property and its built elements.

2. A masterplan should be undertaken for the whole site to determine appropriate uses, suitable locations for those uses, the infrastructure needed to support those uses, suitable locations for
any new building elements that may be required and to set out site specific design guidelines for any proposed new built elements.

3. The existing heritage fabric should be maintained and intrusive elements including the racetrack, new stables and stone wall along the driveway should be removed where practicable.

4. The construction of new buildings on the site should be kept to a minimum with the preference being the adaptive re-use of existing structures. If new buildings are required, they should be sited and designed so as not to visually impact on the built elements that are of heritage significance.

5. If a new intrusive element is essential within buildings or areas of heritage significance to support a new use, the new intrusive element should be confined to within existing elements that have been assessed as being intrusive or of low significance.

6. Provide interpretive material for the site that details the history of the site and buildings. Interpretive material should not be intrusive on the views of the built elements or vistas of the property.

7. The lands at 1119-1145 and 1147-1187 Mulgoa Road could be incorporated into the State Heritage listed curtilage of Fernhill.

8. This Conservation Management Plan should be endorsed by the NSW Heritage Council and adopted by the owner as the key management tool for the site.
2.0 Introduction

2.1 Outline of Tasks Required to be Undertaken in Brief

JPA&D Australia Pty Ltd was engaged by the NSW Department of Planning, Industry and Environment to inspect the site and review existing documentation in order to provide an updated Conservation Management Plan (CMP).

2.2 Definition of the Study Area/Item

This Conservation Management Plan (CMP) relates to the place known as Fernhill Estate, Mulgoa. The property is located at 1041 Mulgoa Rd, and is described as Lot 2 DP 541825, Lot 10 DP 615085 and Lot 11 DP 615085. It is in the local government area of Penrith City Council, and is currently owned by the NSW Department of Planning, Industry and Environment.

Additional lands located at 1119-1145 and 1147-1187 Mulgoa Road, described as Lot 100 DP 717549, Lot 1 DP 570484 and Lot 6 DP 173159, are owned by the Department, and are listed as items of local heritage significance on the Penrith Local Environmental Plan, but do not form part of the State significant heritage curtilage of Fernhill.

The site includes the homestead and former stables, as well as a number of outbuildings and associated structures. These include an entertainment building, a manager's residence, aviaries, loose boxes, a garage, a former winery, a hay barn, a gardener's shed, a covered circular lunging yard, a racetrack, a lake, various walls and fences, bridges, driveways and quarries.

Figure 1. Location map of Fernhill Estate (orange) and additional lands (purple and blue). (Source: JPA&D edit of Sixmaps image 2019)
Figure 2. Aerial image of Fernhill Estate (Source: Sixmaps 2019)

Figure 3. Cadastral plan of Fernhill showing Fernhill Estate (1041 Mulgoa Road) in orange, the additional lands at 1119-1145 Mulgoa Road in light blue and the additional lands at 1147-1187 Mulgoa Road in purple. (Source: JPA&D edit of Sixmaps image 2019)
2.3 Methodology
The Fernhill site was visited in October and November 2018 and all buildings were inspected to the extent possible, measured and photographed. Plans of the Homestead and old stables were drawn up.

The additional lands were visited and photographed in May 2019.

The previous Conservation Management Plan by Paul Davies Pty Ltd, from 2014, was reviewed. That document and the information gathered at the 2018 site visits as well as other secondary texts listed in the reference list at the end of this document, were used as the basis for this Conservation Management Plan. Significant additional research has been undertaken to support this document.


2.4 Limitations
Whilst acknowledging Aboriginal occupation of the area prior to European settlement, this CMP only deals with the European Cultural Significance of the place.

2.5 Identification of Authors
This Conservation Management Plan was written by Dr Jennifer Preston, Architect. Jennifer is prequalified for heritage work under the NSW State Government scheme for Consultants in Construction. Jennifer is a registered architect, a member of the Society of Architectural Historians Australia and New Zealand (SAHANZ) and sits on the Australian Institute of Architects (AIA) Heritage Committee. The CMP was reviewed by Emily Saunders, Architect, and research assistance was provided by Hayley Edmonds of JPA&D Australia Pty Ltd. The CMP was reviewed by Dr James Broadbent. Photographs dated 2018 were taken by Ross Thornton unless otherwise stated.

2.6 Acknowledgments
This project was undertaken on behalf of Scott Courtney of the NSW Department of Planning, Industry and Environment. Assistance was also provided by David Miller of the Department of Planning, Industry and Environment.
3.0 Documentary Evidence

3.1 Thematic History

3.1.1 Introduction

This section provides a brief history of the Mulgoa Township, the development of Fernhill Estate, the Cox family and landscape design in the 19th century. The 2014 Conservation Management Plan for Fernhill by Paul Davies Pty Ltd has been used as a primary source for this document, and additional historic information has been added and is referenced in the footnotes with a bibliography at the end of the document.

3.1.2 Environmental Context

Prior to clearing for grazing in the nineteenth century, the area around Mulgoa was covered by Cumberland Plain woodlands, including rough barked apple (Angophora floribunda), grey box (Eucalyptus microcarpa), forest red gum (Eucalyptus tereticornis) and grey ironbark (Eucalyptus crebra). There was also an area of shale cliff line habitat on the shale-sandstone boundary to the north of Mulgoa.1 Settlers in the nineteenth century, including the Cox family, undertook substantial but selective clearing of the natural landscape in the Mulgoa Valley which resulted in an open park-like landscape with dense forest areas and cleared pastures.

3.1.3 Indigenous History

The Mulgoa Valley, which had a continuous supply of water and plant foods in the gullies and on the flood plain areas, marked an important boundary between two major clans – the Dharug from the plains and the Gundungurra from the mountains. These clans were from separate language groups. The Mulgoa Valley was used by both clans, as groups travelled along it to attend ceremonies, to barter foodstuffs, and during periods of drought used it as a source of food and water. As the Nepean River was a permanent water supply, the lands in close proximity to the river could be relied upon to provide food reserves. Mulgoa means black swan in the local Indigenous language.2

Aboriginal people lived in the valley for thousands of years prior to European contact. The expansion of colonial settlement from Sydney and the consequent clearing of the valley for grazing spelt the end for their way of life, although historical accounts note that the Mulgoa tribe continued to live in a semi-traditional manner until at least the 1840s. Settlers began to arrive in the Mulgoa Valley in the 1810s, quickly resulting in conflicts with the indigenous populations. The Mulgoa area saw numerous bloody encounters between the European and Indigenous inhabitants of the area, especially during periods of drought, when food supplies were scarce.3 However, it appears that the clashes may have been between the Gundungurra clans and the Europeans, rather than the Mulgoa band of the Dharug clan, which remained peaceful.4

In February of 1814 George Cox’s Farm at Winbourne at Mulgoa came under several attacks from “mountain Natives” and the workers defended themselves with muskets.5 Further attacks occurred in August of 1816.6

The conflicts in the area reached a peak in 1816 when Governor Lachlan Macquarie sent troops on an expedition to “kill and capture as many of the hostile Aborigines as could be found”.7 One attack at Mulgoa in August 1816 was noted in the Sydney Gazette where the body of a shepherd belonging to an estate at Mulgoa was found murdered by some “natives” on grazing land near a

1 Doug Benson and Jocelyn Howell, Taken for Granted: The Bushland of Sydney and its Suburbs (Kenthurst: Kangaroo Press, 1990), 85.
4 Kinhill Steams, Mulgoa Valley regional environmental study (Sydney: Kinhill Steams, 1982) 4-1.
7 Kinhill Steams, Mulgoa Valley, 4-2.
farm. Many of his sheep were killed during the attack. When information of the attack reached the European settlers, parties were sent out to murder those responsible.  

During these hostilities the Mulgoa tribe were noted as being peaceful, but their numbers were rapidly declining. In 1826, Indigenous people were working on Cox’s estate, as described in a letter sent in to the Sydney Gazette:  

Being aware that you have always entertained a friendly feeling towards our Aborigines, I am sure it will be satisfactory to you to learn, that the tribe of Mulgoa reaped upwards of thirty acres of wheat for me within the last fourteen days; the work was as well executed as if performed by my best English labourers. The blacks are willing to work, if well fed; but the generality of settlers, I regret to say, think those unfortunate people sufficiently remunerated for their days labour by a gift of a small piece of tobacco and a drink of sour milk. I gave them and their wives three good meals a day, and a moderate quantity of weak rum punch (or what they call bull) in the afternoon. They went to their camp at sun-down, in high spirits, and were amongst the first in the wheat-field in the mornings.

The census in 1828 noted 15 Aboriginal people living at Mulgoa: 7 men, 5 women and 3 children.

3.1.4 The Mulgoa Valley

3.1.4.1 Early exploration and land grants

European exploration of the areas west of the settlement at Port Jackson began in the years immediately following colonization. Significant explorations in the area included Watkin Tench’s expedition in 1789 as far south along the Nepean as Glenbrook Creek; George Evan’s boat trip in 1804 along the Nepean and Warragamba Rivers; George Caley’s expedition in 1807 south along the Nepean River to Wallacia; and Governor Macquarie’s boat trip along the Nepean in 1810 to the Warragamba River.

Colonel William Paterson became Governor of New South Wales in 1809 following the deposition of Governor William Bligh. Throughout his tenure as governor, Paterson distributed a number of land grants across the colony, including in the Mulgoa Valley. Governor Macquarie later stated that Paterson was ‘such an easy going, good-natured, thoughtless man, that he latterly granted Lands to almost every person who asked them, without regards to their Merits or pretensions’. Paterson’s generosity resulted in 67,000 acres being distributed in that year, more than Governor King had granted over 6 years. Macquarie, upon his arrival in 1810, rescinded all of the grants made by Paterson, and redistributed those which he found to be appropriate. From this time, Mulgoa was a key area of settlement in the colony. The area became, for a period, the agricultural showpiece of the colony, with the homes of numerous members of the Cox and Norton families, among others, being consistently of a grand nature.

One such grant was given to Edward Cox, son of William Cox, and would become the basis for the Fernhill estate. Edward was aged four and a half years old at the time, and the application for the grant was made by his mother Rebecca, who stated she required the land. The grant was favourably situated at the confluence of Littlefields and Mulgoa Creeks, and is indicative of the grants made in the valley between 1810 and 1814, being situated on the low undulating hills of the eastern part of the Valley with its shale derived soils.

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8 Sydney Gazette and New South Wales Advertiser, 31 August 1816, 2.
9 Sydney Gazette and New South Wales Advertiser, 23 December 1826, 3.
10 Kinhill Stearns, Mulgoa Valley, 5-1.
12 Macmillan, Paterson.
14 Colonial Secretary’s Correspondence, R. Cox, 13th January 1810, Fiche 3003, 4/1824, No.73, NSW State Records.
The following is a list of land grants to the Cox family in the Mulgoa Valley. The areas marked with an asterisk (*) were part of the Fernhill Estate in the 19th century.\(^{16}\)

- 300 acres to Edward Cox: 1 January 1810*
- 100 acres to William Cox: 8 October 1816
- 200 acres to William Cox: 8 October 1816*
- 820 acres to William Cox: 8 October 1816
- 600 acres to George Cox: 8 October 1816
- 400 acres to Henry Cox: 18 January 1817
- 760 acres to William Cox: 18 January 1817* and
- 850 acres to William Cox: 5 April 1821.*

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**Figure 4.** Early Parish Map of Mulgoa. Edward Cox’s land grant indicated by the red arrow, with the southern border being Littlefields Creek. (Source: Historic Lands Record Viewer NSW)

### 3.1.5 The Cox Family

The extended Cox family played significant roles in the development of the colony throughout the nineteenth century. The history below will deal primarily with the members of the Cox family who resided in the Mulgoa Valley. The Cox family resided in Mulgoa Valley for three generations between the 1810s and 1900s. The different branches of the family were centred on the estates of Glenmore, Winbourne and Fernhill as well as Cox’s Cottage.

#### 3.1.5.1 William Cox (1764-1837)

William Cox arrived in New South Wales on the *Minerva* in 1800 accompanied by his first wife, Rebecca Upjohn, and four of his six sons. Cox was a lieutenant in the New South Wales Corps, as well as its paymaster. Cox had joined the army in 1795, and was appointed to the New South Wales...
Corps in 1797. As a member of the officer class in the fledgling penal establishment, Cox enjoyed the privilege of farming while holding down his normal military duties. Cox quickly secured large areas of farmland, which were characterised by productive Wianamatta Shale derived soils, found on the outskirts of Sydney. Within a year, Cox had acquired 1,500 acres of agricultural land at Petersham, Ryde and Castle Hill.

Figure 5. William Cox, portrait by C. Rodius 1830. *(Source: Mitchell Library, State Library of New South Wales)*
Cox returned to England in 1807 to answer charges brought against him of corrupt behaviour in public office. His time in England coincided with the turbulent years of the Rum Rebellion in the young colony, and during this time his affairs were managed by his wife Rebecca, his eldest sons, and probably James King, his steward in the NSW Corps. Cox returned to New South Wales in 1810, after resigning his military commission in 1809.

Cox’s return coincided with the onset of the governorship of Lachlan Macquarie. The Macquarie era brought political stability to the colony and sustained economic growth. Cox initially settled at Clarendon Farm on the Hawkesbury River, an area which had been settled from 1794 by emancipists at the direction of Governor King. For a number of years Macquarie was particularly interested in encouraging the agricultural potential of this area through the establishment of reserved townships and the administration of justice. Macquarie appointed Cox local magistrate in 1810, as well as entrusting him with the supervision of public works such as Francis Greenway’s Windsor courthouse, which was completed in 1820. Cox was also engaged by Macquarie to supervise the construction of the first road over the Blue Mountains, through mid-1814 and into 1815. Cox was rewarded for this enterprise with a land grant of 2000 acres on the Macquarie River, which he named Hereford.17 In December 1814 William and Elizabeth Cox leased Hobartville from Lieutenant Thomas Atkins and in 1816 they purchased the property from him.

**Cox’s Cottage**

William Cox built Cox’s Cottage in 1811 for his sons, George, Henry and Edward. They all lived at the cottage prior to their marriages and development of their own estates, Winbourne, Glenmore and Fernhill respectively. Cox’s Cottage is one of Australia’s oldest extant timber buildings, it is highly intact, is exceptionally well-cared for by the current owner James Broadbent, and retains its rural setting.

![Figure 6. Cox’s Cottage, Mulgoa, 2019.](image_url)
Figure 7. The Cottage, Mulgoa. The album itself dates from c. 1913-1914; however, it is believed that the photograph of Cox's Cottage dates from c. 1900. (Source: Cox family album, Dixon Library, State Library NSW)

3.1.5.2  Edward Cox (1805-1868)

Edward Cox was the second of William and Rebecca's children to be born in the colony. Edward Cox returned to England in the early 1820s to complete his education. While there he studied wool processing at the Yorkshire mill town of Rawdon near Bradford, Lancashire. Rawdon has a long-standing association with the development of Australia's wool trade, Samuel Marsden's first shipment of wool being processed there in 1807. He returned to the colony in mid-1825. Cox married Jane Maria Brooks (1806-1888), the third daughter of Captain and Mrs Richard Brooks of Denham Court near Ingleburn, in April 1827.

In the 1870s, Jane Maria Cox wrote out an account of her life, which provided some information about the Brooks family's arrival and life in Sydney town. The Brooks family had arrived in Port Jackson on March 8, 1814, after first stopping in Hobart Town. Captain Brooks had been guaranteed land at Farm Cove; however, Governor Macquarie had since incorporated that land into the government domain, and he instead granted Brooks land at Cockle Bay. The Brooks family lived for ten years in a stone cottage at the corner of Pitt and Hunter Streets. Captain Brooks first came to New South Wales captaining the convict transport Atlas in 1802. Sixty-four people died on the two hundred and twenty-two-day journey, prompting an enquiry by Governor King as to whether Brooks had prioritised his private trade supplies over the health and safety of his passengers. Brooks was
cleared and continued to sail regularly to and from Australia. In February 1813 Brooks was shipwrecked near the Falkland Islands, and rowed to Buenos Aires for help.

In February 1828, Edward mortgaged Cox’s Cottage and his 300-acre crown grant to Henry Grattan Douglas for £2,066. The mortgage was discharged in July 1835. This mortgage may relate to improvements to the Cox’s Cottage farm necessitated by his marriage and prospective family. All of Edward and Jane’s children were born at Cox’s Cottage – Christiana (b. 1828), Edward King (b. 1829), Emma (b. 1831), Richard William (b. 1832), James Charles (b. 1834), Jane Maria (b. 1836), Rebecca (b. & d. 1838) and Charlotte (b. 1839).

Edward Cox died age 64 at Bristow Hill (or Lodge), Goulburn, the property of his second son Richard William in May 1868. In the last two years of Edward’s life, he had been a member of New South Wales Legislative Council, and prior to this, between 1851 and 1855, a member of the non-elective Legislative Council. Since 1863 the management of Edward’s vast pastoral interests had been the responsibility of the first son Edward King. Edward Snr had apparently retired at this time, and was living at Fernhill with his wife, sharing an annual allowance of £2,150 provided by his son, which was generated from the family’s pastoral enterprises.

### 3.1.5.3 The Cox estates

The Cox brothers established their own individual estates in the valley from the 1820s – Winbourne, Glenmore and Fernhill. George Cox’s (1795-1868) Winbourne was developed from 1824, shortly after his marriage to Elizabeth Bell of Belmont, Richmond in 1822. Henry Cox’s (1796-1841) Glenmore was developed from 1823 on his marriage to Frances McKenzie, the daughter of Alexander McKenzie, an official of the Bank of New South Wales. Edward Cox’s Fernhill was the last to be developed, but incorporated the earliest of the homesteads, Cox’s Cottage.

The family wealth that provided for the establishment and maintenance of these estates was based on the profits generated through exporting wool to England. William Cox had been developing his merino stud stock through the 1800s, establishing his stock with some of the merinos that came to Sydney in 1797 on the Reliance. The sheep were initially pastured, washed and shorn in the Valley, but increasingly after 1830 this activity took place on stations established in the new frontier lands west of the Blue Mountains. The first of these western stations was the 2000-acre Hereford estate granted to William Cox by Macquarie. William’s sons soon followed. Henry developed pastoral stations centred around Broomee on the Cudgegong River near Mudgee, and by 1830 George had taken up nearby Burrunudulla Station.

Edward Cox developed Rawdon located near Rylstone through a series of land grants totalling 9,400 acres acquired from 1825. It was also known as Dabee after a government village reserve. These outstations were used initially for pasture, with stock being moved over the mountains into the Valley for washing and shearing. With improvements in transport links later in the nineteenth century, the stations developed into substantial homesteads.

By around 1830 the Cox family was in possession of about 9000 acres in Mulgoa Valley. Their neighbours included Sir John Jamison at his 9000 acre Regentville estate, centred on a house completed in 1825, probably to Francis Greenway’s design; Nathaniel Norton’s Fairlight above the Nepean River built c. 1821; and the incumbent of St. Thomas’ Church. The closeness of the community in the Valley is demonstrated by the ties of marriage, with the daughters of Alexander Kenneth Mackenzie marrying Henry Cox of Glenmore, James Norton, the brother of Nathaniel Norton of Fairlight and Rev. J. Troughton, the incumbent of St. Thomas’.

Through the 1830s the extent of Edward Cox’s entitlement to the Cox’s family land in the Mulgoa Valley was formalised through a series of legal deeds of conveyance and memorandum. In June

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22 Old System Deed Bk. C. No. 106, NSW Land Registry Services.
23 Old System Deed Bk. 2 No. 333, NSW Land Registry Services.
24 Sydney Morning Herald, 19 May 1868, 12.
25 Old System Deed Bk. 84 No. 684, NSW Land Registry Services.
26 Old System Deed Bk. 84 No. 684, NSW Land Registry Services.
27 1841 Census of New South Wales. x949, NSW State Records.
1834 George M. Slade’s land grant of 800 acres was conveyed to Edward from his father, and in August 1834, 28 acres of his father’s 820 grant were also conveyed. Subsequently in August 1840, 196 acres 14 perches of Thomas Hobby’s grant of 640 acres were conveyed to Edward from his brother Henry. At the same time, Henry received 339 acres of the previously mentioned Slade grant. All of these lands, together with most of the principal grant of 300 acres made to Edward Cox in 1810, are associated with the Fernhill Estate, which with minor differences, continued to form the land of Fernhill. To the Cox family these lands were known collectively as the ‘mansion’ land.

3.1.6.4 St Thomas’ Church

The Cox family endowed the Church of England with funds and land in Mulgoa to provide for the construction of their local church, St. Thomas’. Ten acres of land was donated by Edward Cox for the Church. Jane Maria Cox recalled that the land that Edward gave for the church was given to him by Mr King, who had worked for his father. King had received the grant of land as he was one of the first soldiers to serve in the new colony.

![Figure 8. St Thomas Church, From the Cox Family Album (Source: Dixson Library, State Library NSW)]

The foundation stone of St Thomas’ was laid on August 22 1836 by Miss Jane Jamison of Regentville, as stated on a commemorative plaque on the church’s exterior. It was completed in 1838. It has been claimed that the church was designed by James Chadley. However, Chadley left...
3.0 Documentary Evidence

for the West Indies before the church was completed and before the tower had been begun. It is therefore possible that the design was based on an English plan which Bishop W.G. Broughton had acquired to help him erect Anglican churches in the colony with the assistance of Governor Bourke’s pound for pound Church Act subsidy for buildings costing at least £600, which was introduced in 1836. Chadley may have merely redrawn one of Broughton’s pattern-book designs to fit the site. In 1851 Canon W.H. Walsh attributed the church’s interior to the first incumbent, the Rev. Thomas Makinson, who designed and carved the chancel furniture. Makinson was appointed after the church had been consecrated.37 The substantial church and glebe lands were carved out of the Coxes’ Fernhill and Winbourne estates; in 1881 George Cox sold 38 acres of land to the Bishop of Sydney (see Section 3.1.7). For the education of the children of the landed families, a classical or grammar school was maintained by the church. A number of Cox family members are buried in the cemetery attached to the church, including Edward Cox and his family. The church and surrounding land is now owned by the Anglican Schools Corporation.

3.1.5.4 Fernhill Estate

The name Fern Hill was in use as early as 1816, as evidenced by a notice in the Sydney Gazette and New South Wales Advertiser by George Cox, advertising for information on a missing horse.38 The first building on the estate was the Cottage, built by William Cox in 1810, however it is located on the eastern side of the current Mulgoa Road, and therefore not on the current Fernhill site. Cox’s Cottage is of State Heritage Significance (SHR 00171). The first building constructed on the current Fernhill site was the old stables, now referred to as the Office, built in 1839.

The house was completed sometime between 1842 and 1845. Whist no documentation has been found to clearly establish the identity of the architect; the house contains features that suggest the architect may have been Mortimer Lewis. Lewis was government architect for 15 years and although

38 Sydney Gazette and New South Wales Advertiser, 15 June 1816. 2.
much of his work was public buildings, he did design some private houses. The long narrow windows, door architraves and use of pilasters at Fernhill are reminiscent of Lewis’s Old Customs House and Hartley Court House. John Verge has been suggested as another possible architect. Verge designed Denham Court for Edward Cox’s father-in-law, Richard Brooks, and stone columns at Fernhill are similarly cut to those at Verge’s Camden Park. However, by 1839 Verge had retired from architecture to take up grazing, and was living at Dungog.

Hanly, Robertson, Hodges and Clinton suggest that Verge may have designed Fernhill, with Lewis overseeing the construction. An advertisement to let Cox’s Cottage in July 1845 names ‘M. W. Lewis, Esq., Colonial Architect’ as a reference for further particulars about the cottage, along with Edward Cox, evidencing a close association with the family and Fernhill.

In his analysis of the design of Fernhill, James Broadbent confidently concludes that Lewis was the architect for the building:

Fernhill is of a very sober disposition, taking its role as a country house very seriously, reflecting the confidence, wealth and social status of the ‘pure merino’ pastoralist who built it. Its design was only partly realized, but even in its unfinished state it is one of the

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42 *Sydney Morning Herald*, 7 July 1845, 3.
grandest and most impressive country houses built in colonial New South Wales. Lewis’s authorship of the house is almost certain, but cannot be proven conclusively.

The building of Fernhill, and the landscaping of the park, was begun in the late 1830s (probably in 1839), and the lintel above the entrance door bears the date 1842. During the years of depression building work somehow continued, but it may not have been until 1845 that Edward and Jane Maria Cox and their family removed from The Cottage to their incomplete mansion.

The design of the house had been modified from two storeys to one, with a temporary wooden porte-cochere, that lasted until the 1950s, on its unfinished entrance front. Nevertheless it boasted a fine set of interiors, of which the drawing room was the most impressive, a large room approximately 32 feet (9.7 metres) long by 22 feet (6.7 metres) wide but increased by a semicircular bow 24 feet (7.3 metres) across, centred along its length, set with five pairs of French doors leading into an encircling colonnade. It was finished with elaborate papier-mâché ceiling and cornice enrichments from C.F. Bielefeld in London, a decorative fountain and basin of composition stone in the centre of the bow, and, in contrast to the Grecian detailing elsewhere, an unashamedly Gothick marble chimneypiece. None of the Verge’s drawing rooms was as grand as this and only his stairhalls are more spatially impressive.

The deceptive overscaling of the exterior which, from a distance, makes the house appear far smaller than it is, and the peculiar heavy-handedness of the detailing and its almost total lack of intricacy, delicacy or subtlety – characteristic of Lewis’s public buildings – suggest the government architect as its designer but, more especially does the imposing form of the drawing room. 43

The house is built on a gently rising hill with panoramic views around the valley. The house appears to have been designed as a two-storey building, and the recession of the 1840s is the likely reason for its construction as a single-storey dwelling. 44 The sandstone was quarried at the property. The quarry is located below the road that leads past the workshop buildings to the north-west of the house. 45

Labour was sourced from Ireland to build the house through the assisted system of immigration. Efforts to increase immigration to the colony from the early 1830s foreshadowed the end of the transportation of convicts and resulted in the creation of two forms of assisted immigration – the ‘government’ system and the ‘bounty’ system. Both systems worked on the premise of immigrants receiving paid passages in return for their anticipated engagement in the colony’s workforce. While the former system was overseen by the Colonial Land and Emigration Commissioners, bounty immigrants were recruited by private shipping agents. The bounty scheme soon gained precedence, and the government scheme was suspended in 1840. 46 The following year saw the arrival of 20,000 migrants as part of the bounty system. This large number was caused in part by the depression that had followed the British financial crisis of 1839. By the time the largest wave of migrants had arrived in Australia in 1841, so too had the very economic conditions that they were escaping, resulting in the suspension of the bounty immigration scheme.

44 Roxburgh, Colonial Houses, 243.
46 Sydney Monitor and Commercial Advertiser, 23 August 1841, 2.
Figure 11. Plan of Fernhill south wall and verandah, 1919. Drawing by John L. Berry, of Hardy Wilson’s architectural firm. (Source: National Library of Australia, Picture No, nla.pic-an2815617)

Jane Maria Cox recalled that they applied for 20 stone masons from Ireland to build Fernhill. Thomas Brady and Michael Meally, both from County Clare, were two of the stonemasons imported by Edward Cox. Both men arrived in Sydney on the Abbotsford, on September 29 1839. Brady and Meally were brothers-in-law, as Brady was married to Meally’s sister, Bridget. Brady arrived with Bridget and their 8 month old son, Thomas, and Meally arrived with his wife, Catherine, and their four children, James (5), Michael (4), Margaret (2), and Thomas (10 weeks). The demographics of migrants to Australia differed from the patterns established in migration to North America and other colonies. The newer colony required not only able bodied men and women, but also the basis of any civilised society, as defined by T.F. Elliot of the Colonial Land and Emigration Commissioners, ‘the natural Police, if I may so call it, of regular Families’. It is understood that the stonemasons lived in the stable while constructing Fernhill.

Jane Maria later recalled that the house was completed four years after the birth of her last child, Charlotte. Charlotte is understood to have been born in 1839. While the year 1842, as carved above the front door, is universally given as the date of completion in accounts of the history of the house, taking possession of the house may have been a drawn-out affair. As late as July 1845 it was reported Cox had “taken possession of a newly erected cottage on another part of the estate of Fern Hill”.

Governor Fitzroy’s aide-de-camp, Colonel Godfrey Mundy, visited Fernhill in the late 1840s. His recollection of this visit was included in his book, Our Antipodes, or Residence and Rambles in the Australian Colonies, with a Glimpse of the Goldfields, published in 1852.
A handsome stone house overlooks by far the most lovely and extensive landscape – as a home view – I ever met with in Australia: and its beauty is much enhanced by the taste and success of the proprietor in weeding out the thinly leafed and unsightly kinds of the gum-tree and preserving only that species of eucalyptus called the apple-tree, which, with its stout gnarled branches and crisp tufted foliage, is, when standing alone or in clumps on parkish looking ground, by no means a bad representative of the English oak a stranger might imagine himself at the country-house of some substantial English squire there is a unity of homelike landscape unlike anything else of its kind I have met with out of England.54

While the ‘parkish’ landscaping of the Fernhill Estate is referred to in Mundy’s account, the various wills of Edward Cox and his immediate family reveal the estate also stocked fallow deer and other game animals and birds in ‘the enclosed park’.55

3.1.5.4.1 Fernhill’s Landscape
Indigenous Cultural Landscape

There are number of observations of the Aboriginal cultural landscapes of the Cumberland and surrounding areas. It is noted in by Burton by that:

‘The underlying geology of the Cumberland Plain and its immediate surroundings is the primary determining factor in the development of the landscape that exists today. These Indigenous landscapes have influenced the nature of human occupation, which in turn has constantly modified them to suit their purposes.’

Burton’s observation can be applied to the Aboriginal management of the Australian landscape.56 This caring for country approach is also argued by Gammage who discusses the use of fire in the 1788 landscape, as part of Indigenous farming practices, managed on a regional, and Australia-wide scale, across a collective of associated plant communities.

Further, Gammage notes that the landscape that European settlers and travellers were greeted near Gundagai with ‘beautiful meadowland bounded by sloping ranges and hills covered in grass and thinly timbered’. Further, in 1831 William Govett saw summits behind Sydney ‘clothed in grass. In general, the ranges are covered in short timber and scrub’.57

While there has been no direct reference to the lands around Fernhill, the Mulgoa Valley formed part of the Forest Lands that;

‘In 1809, after two floods had destroyed the grain crops for the colony, Lieutenant Governor Paterson saw no alternative to settling the ‘forest’ lands of the Cumberland Plain. These lands were the open forests which had resulted from Aboriginal management of the land such as abounds with Grass and is the only Ground which is fit to Graze: according to the local distinction, the Grass is the discriminating character and not the Trees.’58

It is a high probability that much of the land that Fernhill was established on, while being ‘forest’ land as noted above, was of a semi open character and as such could be perceived as having Picturesque qualities. The open vegetated nature of the knoll that Fernhill is located on in early photographs for example could have been lightly vegetated with the ‘forest’ lands on the deeper soils of the valley making the knoll an appropriate location for gaining a prospect across the Mulgoa Valley. This was typical siting for colonial houses with another example being Macquarie Field House, Glenfield, built in 1843.

54 Colonel Godfrey Mundy, Our Antipodes, or Residence and Rambles in the Australian Colonies, with a Glimpse of the Gold fields, (London: R. Bentley, 1855).
55 Will of Edward King Cox, Probate 7668, SAG Reel 3011, Society of Australian Genealogists.
56 Craig Burton, ‘Sydney: Nature, Place and Landscape’ in Philip Thalis, Peter John Cantrill, Peter Mould et al, Public Sydney: Drawing on the City, (Sydney: Historic Houses Trust NSW & Content, Faculty of Built Environment, UNSW, 2013) 184.
European Cultural Landscape

The landscaping of Fernhill Estate in the 1840s and 1850s may have been influenced by the landscaping principles advocated by Thomas Shepherd. Shepherd was a Scottish born and trained landscape gardener who migrated to Australia in 1827. He established the colony’s first nursery and published the colony’s first books on garden design, such as *Lectures on the Horticulture of New South Wales*, published in 1835, and *Lectures on Landscape Gardening in Australia* published posthumously in 1837. He considered a solution to the problems associated with the colonial landscape, the discriminative thinning of the native forest and planting with natives. He believed the clearing and beautification of mansion grounds would improve the monetary value of the estate in the long term.

Fernhill has been described as having a ‘picturesque’ landscape. This appears to be the outcome of the Cox family in laying out the property and its early landscape form consisting of gravel drives and specimen tree planting around the house that survived until the 1960s. Broadbent believes that it is likely that Mortimer Lewis advised Cox on the design of the landscape.59

The term ‘picturesque’ was used during the 18th century in a general sense to describe natural and designed landscapes that would reflect romantic landscape pictures in the manner of 17th century artists. William Gilpin defined the term as ‘a term expressive of that peculiar kind of beauty, which is agreeable in a picture’.60 Picturesque was defined in 1794 as being characterized by qualities such as roughness, wildness, variety, surprise, irregularity and intricacy.61 One of the prominent designers of this style was Lancelot ‘Capability’ Brown who, during the mid-1700s, landscaped many large private estates with smooth undulating grass, clumps, belts and scattering of trees and serpentine lakes formed by invisibly damming small rivers.62 This ‘gardenless’ form of landscape gardening swept away almost all the remnants of the previous formal styles.

The appreciation of idealised classical and Arcadian landscapes, such as those designed by Capability Brown, also extended to picturesque natural scenery. Although by the late 19th century the meaning of the term had broadened to describe landscapes that were attractive or scenic, the picturesque attributes of the natural scenery were recognised and appreciated during the early exploration and development of NSW. Some natural landscapes were ‘tamed’ in order to render them more picturesque. Many of the early estates had villas positioned in a semi-natural landscape to take advantage of the picturesque qualities in the natural setting or outlook. The design from scratch of a picturesque landscape was rare in Australia, which already had wild and unimproved landscapes that were naturally picturesque.63

The bamboo clumps used at Fernhill are similar to those used at Bronte House in Sydney, evidencing the theory that Mortimer Lewis was involved in the landscape design of Fernhill. The Italianate style was also associated with the picturesque, such as balustraded terraces or columned pergolas, contemporary versions of which were used by Sorensen at Fernhill in the late 20th century.64

‘Gardenesque’ was a term invented by J.C. Loudon in 1832 to describe a style of garden design that could instantly be recognized as a work of art.65 This distinguished such gardens from those laid out in the picturesque style, which it was argued, were not distinguishable from wild nature, and so could not be considered as works of fine art. Central to the Gardenesque style are plantings where the single plants are allowed to grow without touching other plants, or thinned out, so that as well as being decorative, their natural form and habit can be fully appreciated.

Australian gardening books transformed and popularised the style and followed Edward Kemp than Loudon. Many however, followed Loudon’s recommendation that if indigenous trees were used, they

59 James Broadbent conversation with Jennifer Preston, 10 May 2019.
62 National Trust UK, ‘Why was Lancelot ‘Capability’ Brown so important?’ https://www.nationaltrust.org.uk/features/why-was-lancelot-capability-brown-so-important.
should be planted singly and be ‘recognized as coming under the dominion of art’.\textsuperscript{66} Most of the 19th century Australian landscapes which have been described as picturesque may contain elements of the picturesque, but are better described as resembling an English park or as gardenesque. They may have irregular layouts, rough rockwork and rustic structures, but their design and plantings were intended to display the gardener’s improving hand rather than to be mistaken for the work of unassisted nature.

Bebeah in Mount Wilson, which was lived in by Edward Cox for a period of time, had a distinguished gardenesque landscape, as does Retford Hall in Darling Point. There are many picturesque examples, such as Parramatta Park in Parramatta, Strickland House in Vaucluse and Wynstay Estate in Mount Wilson.

It does not appear that the garden at Fernhill was overly detailed in what is exemplified in the above examples. Fernhill, situated on a commanding rise with commanding views above the Mulgoa valley to the east remained the dominant built form unencumbered with extensive detailed planting around the house. The depression of 1840s with the house being recently completed (originally two designed as two stories) would have diminished expectations for the completion of the landscape around the house. A selection of specimen trees located to the side and rear of the house appear to have been the main plantings. The formal carriage round to the front of the house was set in lawn and on an incline following the natural contours of the site. These contours continued around to the south in front of the ballroom and. Garden detail to the front of the house was minimal with the house taking advantage of the panoramic district views gained from the verandah and front door. Limited specimen planting in lawn provided some immediate interest to the foreground. It may be surmised that where the detailed garden beds to the rear of the house are located, kitchen gardens and the practical purposes associated with a working farm (chickens, orchard etc.), leaving the formal areas to the front of the house open and broad with minimal detailing.

3.1.5.5 The 1840s Depression

The financial crisis of the early 1840s reduced the value of once prized flocks of sheep to nothing. While many of the grazing families of the day, such as Jamison of Regentville, faced financial ruin, the Coxes survived the crisis due to careful management of their estates, prudent mortgages and the family’s political and social influence and power.

The letters of Edward’s brother George, of Winbourne, from this period constantly refer to money difficulties and measures required to avoid debt. Edward’s wife, Jane Maria, referred to these difficulties obliquely as ‘Heavy Clouds hanging about’.\textsuperscript{67} In these difficult circumstances Edward and Jane Maria collectively mortgaged the grants of 300 acres and 800 acres for £4,000 in September 1842 to a consortium of Sydney businessmen.\textsuperscript{68} The extensive pastoral runs on the Cudgegong River at Rylstone were also mortgaged in July 1844 to the Australian Trust Company for £1,000.\textsuperscript{69} Also in 1845, Cox’s Cottage was put up for lease for a period of five years, presumably as another means of restraining household debt.\textsuperscript{70} The property was leased again from 1851 for a period of 15 years to the noted German immigrant Anschau family of vinedressers.\textsuperscript{71} The term of this lease appears to have been cut short, with Edward King Cox and his family residing in the cottage from at least 1856, as his wife was reported as giving birth at Cox’s Cottage in February 1856, October 1857, and again in February 1859.\textsuperscript{72}

\textsuperscript{67} Jane Maria Cox reminiscences.
\textsuperscript{68} Old System Deed Bk. 2 No. 161, NSW Land Registry Services.
\textsuperscript{69} Old System Deed Bk. 7 No. 167, NSW Land Registry Services.
\textsuperscript{70} \textit{Sydney Morning Herald}, 7 July 1845, 3.
\textsuperscript{71} Old System Deed Bk. 41 No. 281, NSW Land Registry Services.
\textsuperscript{72} \textit{Sydney Morning Herald}, 4 February 1856, 8; 19 October 1857, 1; 22 January 1857, 1.
Mortgages on Fernhill and Rawdon were re-financed in September 1851, with new mortgages totalling £4,000 made to John Nodes Dickenson, judge of the Supreme Court.\textsuperscript{73} One of these mortgages was on the three parcels of land that collectively formed the majority of the Fernhill land.

\textsuperscript{73} Old System Deed Bk. 21 No. 557, Bk. 21 No. 564, Bk. 21 No. 565, NSW Land Registry Services.
This mortgage was repaid in January 1856 by which time it would seem the family’s financial problems had been resolved. Edward Cox and his son Edward King embarked on a new expansionary phase, acquiring between 1856 and 1861 numerous parcels of land in the county of Phillip (Gulgong), either for mining or pastoral use, or both. No account of the working of the estate of Fernhill during Edward Cox’s proprietorship has been located, but the surviving letters of his brother, George of Winbourne, are indicative of the Coxes’ style of managing their estates and outstations.

While George managed Winbourne, his son George Henry managed their district stock station Burrundulla at Mudgee with the flocks of sheep in the care of shepherds. As late as 1848 the sheep were moved between the properties over the Blue Mountains following the line of road laid out by William Cox to be washed on the Nepean River and shorn. Winbourne also produced crops such as wheat, corn, oats, barley and lucerne, together with a home garden, vineyard and orchard to produce staple foods, fruit and wine. Unlike Jamison’s Regentville and other properties with frontage to the Nepean River, no industrial activity such as milling and wool manufacture were undertaken on this or other Cox land in the Valley.

3.1.5.6 Edward King Cox (1829-1883)

Edward King Cox was born at Cox’s Cottage, the eldest son of Edward Cox and his wife Jane Maria. His second name was for James King, William Cox’s manager at Cox’s Cottage. After attending the Kings School, Parramatta, Edward King was sent to Europe in 1852 with his brother James Charles (b. 1834) to study sheep breeding in England, France, Hungary and elsewhere. Prior to his return to Australia, in 1855, he married Millicent Anne Standish, the second daughter of Richard J.L. Standish of Gin Lodge, Tralee, County Kerry, Ireland.

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74 Old System Deed Bk. 41 No. 489, NSW Land Registry Services.
75 Old System Deed Bk. 84 No. 684, NSW Land Registry Services.
76 George Cox correspondence, 1846-1867, MLMSS 1150, Mitchell Library.
On their return, Edward King took on the management of the family’s large sheep station at Rawdon, with Cox’s Cottage as the head station. Edward Standish (1856) and Herbert Montgomerie Standish (1859) were born at Cox’s Cottage, and the couple’s other children were born at either Fernhill or Rawdon. Edward King inherited Fernhill Estate following his father’s death in 1868 and reorganised it to concentrate on the breeding of blood horses and shorthorn cattle.

At Cox’s Cottage in 1868 Edward King established a horse stud, including the sires Yattendon, Lord of Linne, Vespasian, Chandos, and later Darebin. Yattendon was the winner of the inaugural Sydney Cup of 1867, and sired two Melbourne Cup winners. Grand Flaneur was trained at Fernhill by Edward King Cox, and won the Melbourne Cup in 1880.\(^\text{77}\)

In 1874 Edward King was appointed a member of the Legislative Council to represent the pastoral interests during Sir James Martin’s tenure as chief justice. Like his father, he was never active in politics. His wool was officially exhibited by the NSW Government at the Paris Exposition Universelle of 1878, winning the grand prize.\(^\text{78}\)

Edward King died at Fernhill in July 1883. On probate his estate of over 2300 acres was valued at £95,572. Under the terms of his will, the Fernhill Estate was broken up between his two eldest sons. The area west of Mulgoa Road was inherited by Edward Standish Cox, which is the Fernhill Estate. The area east of Mulgoa Road was inherited by Herbert Montgomerie Standish Cox, on which stands Cox’s Cottage. Edward King’s widow, Millicent, received Bebeah at Mount Wilson.\(^\text{79}\) The bulk of the house’s early furnishings were removed and given to family members or sold, after his death.\(^\text{80}\) The prize thoroughbred horse stud was disbanded and sold in April 1885.\(^\text{81}\)

Mulgoa Road was an official road as early as 1862. It is listed in the Subordinate Roads of New South Wales as the road from ‘Penrith, via Regentville and Mulgoa, to Greendale’, with £70 allocated for its upkeep that year.\(^\text{82}\)

\(^{77}\) *Australian Town and Country Journal*, 28 April 1900.

\(^{78}\) *Sydney Morning Herald*, 26 July 1883, 5.

\(^{79}\) Will of Edward King Cox.

\(^{80}\) RPA No. 14683, lodged by Henry James Bell, 21 January 1907, NSW Land Registry Services; Will of Jane Maria Cox, Probate No. 6994, Reel 3033, Society of Australian Genealogists.

\(^{81}\) T.S. Clibborn. *Catalogue of the Fernhill Stud* (Sydney: W.M. Maclardy, Printer, 1885).

\(^{82}\) ‘Subordinate Roads of New South Wales’, *Sydney Morning Herald*, 7 November 1862.
3.0 Documentary Evidence

3.1.5.7 Edward Standish King Cox

The death of Edward King brought to an end the era of the Cox family's continuous occupancy at Fernhill. Edward Standish inherited Fernhill from his father. Edward Standish’s primary place of abode was Fernside at Rylstone, where he also managed the longstanding Cox property Rawdon.83

Edward’s widow Jane Maria was permitted to reside at Fernhill for life on an allowance of £1,100. Jane Maria was at Fernhill at the time of her son’s death in 1883, and returned to Fernhill prior to her death in April 1888.84 In the interim, she resided for periods at Bristow Lodge in Goulburn. On her return to Fernhill from Goulburn she brought some of her furnishings.85 The property was placed on the market immediately after the death of Jane Maria, as in August 1888, Mr. Wright of Wright Heaton was reported to have shown an interest in acquiring the property.86

In March 1888, Edward Standish, in conjunction with his brothers Herbert Montgomerie and Alfred (1864-1938), mortgaged the estates of Fernhill and Cox’s Cottage to the Commercial Banking Company of Sydney for £25,000.87 In the following September, the mortgage was reassigned to the new Oriental Bank for an increased sum of £35,399.88 On the repayment of the loan in March 1889, Edward Standish entered into a new mortgage on his Fernhill estate for £6,000.89 This mortgage was advanced by Walter Lamb, the director of the Commercial Banking Company, and Robert Jones Mackenzie. It is understood that both men were related to the Cox family.90 Lamb’s first wife was Jane Cox, daughter of William Cox Jnr of Hobartville, and a niece of Edward Cox.91

3.1.5.8 Mulgoa Irrigation Scheme

The timing of these mortgages coincides with an ambitious scheme to irrigate the Mulgoa Valley with water sourced from Warragamba River. The scheme was promoted by George Chaffey, Henry

83 Mudgee Guardian, 15 August 1918, 2.
84 Sydney Morning Herald, 26 July 1883, 5.
85 Will of Jane Maria Cox.
86 The Nepean Times, 11 August 1888, 4.
87 Old System Deed Bk. 398 No.297, NSW Land Registry Services.
88 Old System Deed Bk. 398 No.298, NSW Land Registry Services.
89 Old System Deed Bk. 411 No.35, Old System Deed Bk. 411 No.36, NSW Land Registry Services.
90 Davies CMP, 2014.
91 Sydney Morning Herald, 1 September 1847, 4.
Gorman, and probably also by Arthur Winbourne Stephen. Chaffey was a Canadian engineer, who had previous success irrigating and subdividing land in California and Mildura. Gorman was a real estate agent and property speculator, a partner then managing director of Gorman and Hardie. Stephen, as his middle name suggests, was a nephew of George Cox of Winbourne. With the coming of the railway to Penrith in 1863, and the onset of fungal disease destroying grain crops, the rural economy of the Mulgoa Valley gradually shifted to fruit growing and dairying. With the proximity to the Nepean and Warragamba Rivers, irrigation was seen as a means of advancing development in the Valley.

The Mulgoa Irrigation Act was passed by State Parliament in December 1890. This permitted the promoters, George Chaffey and Henry Gorman, to:

…establish a system of Irrigation and Water Supply within and adjacent to the Police District of Penrith: to acquire lands to establish Irrigation Works; to authorize (sic) the sale and supply of water for irrigation and domestic use; and to construct, make, and lay dams, weirs, or flood-gates upon or across the Nepean and Warragamba Rivers, and for all other purposes which may be incidental thereto.92

An area of 18,610 acres was proposed to be acquired and subdivided into orchard and township lots.93 This substantial area of land at the time was held by only seven owners including the Cox, Cooper, King and Wentworth families. The land was tenanted by about 300 people and it was hoped closer settlement would dramatically increase this number. Based on Chaffey’s American irrigation developments, George Dibbs, who enthusiastically supported the scheme, believed the population could increase up to 15,000.94 After some construction the irrigation scheme collapsed in 1893 at a time of recessions brought about by a banking crisis. This in turn brought the end of any hope Edward Standish had of disposing of the property.95 The scheme was revived in 1897 and again in 1904.

Edward Standish Cox's Fernhill was affected by the irrigation scheme, and it would seem that Cox entered into a contract with the promoters to sell the estate.96 In contrast, the other affected land holders had simply placed their land under offer.97 Cox’s sale agreement was signed by Arthur Winbourne Stephen and was registered by the registrar General in September 1891; the sale price was £8,300.98

3.1.5.9 The late nineteenth century development of the Mulgoa Valley

In the late-19th century a surge of development occurred in the Valley including Mulgoa Public School (1883), a public hall (1891), hotel (1891) and the post office (1893). The Valley under the Cox and other families had been staunchly Protestant for generations; however, a Roman Catholic church was established at the end of the 19th century. Another change was the commencement of self-governance by the community, with the declaration of Mulgoa Municipal Council on 26 July 1893. A proposal to link the Valley by railway to Liverpool was put forward in 1890.99 Electricity came to Penrith around 1890 by means of a privately-owned electricity generating station, but the municipality was not linked to the Sydney supply until 1931. Water supply pipes were added in 1892.100 By the 1910s the way of life in the Mulgoa Valley that had changed little in the 19th century had come to an end. The old pioneering families over time had disposed of their estates either by sale or foreclosure: Fernhill was removed from the Cox family in 1896 due to a failed mortgage; Winbourne was sold in 1901; and Cox’s Cottage was sold in 1913. The removal of the Cox family from the Valley was the culmination of a gradual withdrawal from their pastoral estates on the Cumberland Plain. The process

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94 NSW Parliamentary Debates, Legislative Assembly 1890, Vol. 50, 6103.
96 Mulgoa Irrigation Act, 1890, Schedule 2, New South Wales Government Gazette, 29/12/1890, 9869.
97 Minutes of evidence taken before the Select Committee on the Mulgoa Irrigation Bill, Votes and Proceedings of the Legislative Council of New South Wales, 1890, Vol. 47, 1493.
98 Old System Deed Bk. 477 No. 873, NSW Land Registry Services.
had begun in the mid-19th century with the sale of Henry Cox’s Glenmore in 1852, the Hawkesbury River properties Clarendon in 1862 and Hobartville in 1877.

3.1.6 Fernhill from the 1890s

### 3.1.6.1 Frederick Thomas Humphrey (1841-1908) and Edward Perry Simpson

In May 1896, the 1889 mortgage over Fernhill was transferred to Frederick Thomas Humphrey and Edward Perry Simpson. The transfer was part of a raft of Trusteehips and mortgages divested by Walter Lamb at this time. Humphrey was a member of the Legislative Council who had been appointed in 1887 and also carried on numerous business activities including official assignee of insolvent estates. Humphrey was very familiar with the Mulgoa irrigation scheme, having presented the private bill to parliament on behalf of the promoters. He was also chairman of the select committee of the Legislative Council appointed in the bill.

The relationship between Edward Standish and Humphrey is not clear, but in consequence of Cox defaulting on the mortgage in 1896, Humphrey and Simpson entered into possession of the property. Why Edward Standish allowed the property to be acquired in this manner is uncertain, but the decision may have related to factors such as the changing social and economic conditions of the day, where the large houses and estates of the 19th century were becoming increasingly unfashionable and expensive to maintain. On the foreclosure of the mortgage in 1896 the new owners installed a tenant. It is possible that this tenant was Celestino Vassella, who is listed in Hall’s Directory of 1895 as a farmer of Fernhill, although by May 1896 he was advertising to rent a dairy farm with his address listed as Kurrajong. Fernhill Estate was owned by Humphrey and Simpson from 1896 to 1906. By 1900, Mr Moorehead was the occupant. Edward Standish’s cousin, George Henry, sold the neighbouring Winbourne estate in 1901 to a Mr Peter Hewitt.

### 3.1.6.2 Henry James Bell

Henry James Bell acquired Fernhill from Humphrey and Simpson in August 1906 for £3,000. It appears Bell was sold the property at a discounted price as Humphrey was his father-in-law, considering the property was valued at £8,300 in 1891, and was later the collateral for a mortgage of £6,000. Bell was a grazier and had married Humphrey’s daughter, Laura Godfrey in 1880.

In the early years of the 20th century the house was tenanted by Richard Beindge Baynes and his family. Baynes was the son of Colonel Baynes of the New South Wales military forces, and was well acquainted with Edward Standish Cox and the Fernhill Estate, having visited the house to arrange for the sale of the furniture on the death of Edward King Cox. Baynes was a long term alderman with the Municipality of Mulgoa, serving as Mayor from 1903 to 1913. He was also an alderman for the Shire of Nepean. In evidence Baynes presented to a parliamentary standing committee on public works in 1904, Baynes stated he occupied the 1000 acres of Fernhill, of which about 700 acres was available for pastoral uses, the remainder consisted of ‘rock and mountain’. Baynes’ principal use of the arable land was for grazing and growing crops for family use.

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101 Old System Deed Bk. 585 No. 995, NSW Land Registry Services.
102 Old System Purchasers Index. NSW Land Registry Services.
103 *The Sydney Mail and New South Wales Advertiser*, 5 July 1890, 6.
104 NSW Parliamentary Debates, Legislative Assembly 1890, Vol. 50, 6112.
107 Hall’s mercantile agency, country directory of New South Wales, 1895, State Library, 981/H.
108 Notation on survey of neighbouring Winbourne completed in 1900. Land and Property Information – DP 58854, Sheet 2. As cited in the Davies CMP, 2014. The authors of this report were unable to locate this survey.
109 *Nepean Times*, 8 June 1901, 8.
110 RPA no. 14683, lodged by Henry James Bell, 21st January 1907. NSW Land Registry Services.
111 Old System Deed Bk. 411 No.35, Old System Deed Bk. 411 No.36, NSW Land Registry Services.
112 953/1880, New South Wales Registry of Births, Deaths and Marriages.
113 ‘Railway from Liverpool to Mulgoa Report’ p.1073.
114 RPA no. 14683, lodged by Henry James Bell, 21st January 1907. Statutory Declaration by Baynes, NSW Land Registry Services.
115 ‘Railway from Liverpool to Mulgoa, Report,’ 1073.
116 ‘Railway from Liverpool to Mulgoa, Report,’ 1073.
Arthur Wigram Allen was a gifted amateur photographer who motored down to Fernhill in January 1906 for lunch. He recorded the visit with a number of photographs now held by the Mitchell Library. These photographs are invaluable in regards to the information conveyed about the early appearance of the house and landscaping of the estate. Figure 17 shows the condition of the porte-cochere on the east elevation of the house, which was removed soon after this photograph was taken and a range of trees planted in the surrounding house garden. Allen was married to Ethel Lamb, daughter of Walter Lamb, who had assisted in the transfer of Fernhill’s mortgage from Edward Standish to Humphery and Simpson.

On 21 January 1907, Bell applied to bring Fernhill under the provisions of the Real Property Act. The site was surveyed for this application and the area given as 957 acres and 26 perches. The new Torrens title was issued on 23 May 1908.

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118 Old Form Torrens Register Vol. 1878 Fol. 46, NSW Land Registry Services.
119 Old Form Torrens Register Vol. 1878 Fol. 46, NSW Land Registry Services.
Figure 18. Survey of Fernhill included in Torrens title, Vol. 1878 Fol. 46, issued 23 May 1908. (Source: Historic Lands Record Viewer)

Bell entered into a mortgage to solicitor Alfred Tertins Holdsworth of the Sydney solicitors Holdsworth and Summers on April 14 1908, which was then discharged on June 25 1924. From 1924, toward the end of the Baynes’ period of occupancy, the property was under mortgage to the Australian Provincial Assurance Association Ltd. Baynes’ wife Annie Augusta acquired ownership of the property in 1924 from Laura Godfrey Bell, the widow of Henry James Bell. Baynes and family left Fernhill about 1926, and sold the property in 1930.

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120 Old Form Torrens Register Vol. 1878 Fol. 46, NSW Land Registry Services.
121 Torrens Title Register Vol. 1878 Fol. 46, NSW Land Registry Services.
122 Torrens Title Register Vol. 1878 Fol. 46, NSW Land Registry Services.
123 Torrens Title Register Vol. 3843 Fol. 212, NSW Land Registry Services.
3.1.6.3 The Coles

The tenancy of Fernhill in the late 1920s is unclear. It was reported in both the Nepean Times and the Camden News in 1926 that Fernhill was bought by a Mrs. M. E. Coles of Sandringham. However, there is no record of this sale in the Torrens Purchaser Index, with the title going directly from Annie Augusta Baynes to Hilda Mary Moyes in 1930.

Whether they did buy the estate, or simply rented it, the Coles left Fernhill and the district in early 1929, auctioning off a large number of belongings, including:

- 6 Draught Horses and Sulky Mare
- 1 Pedigree Trotting Mare
- 1 Three-year-old Trotting Gelding
- 1 4-furrow McKay Dise Plough
- 1 2-furrow Mouldboard Plough
- 6 Leaves of Hurrows
- Dray Harness
- 7 Sets Leading Harness
- Sulky Harness Chaffeur
- Wheel Barrow
- Portable Engine
- 2in Centrifugal Pump
- 2500 gal. Gal. Iron Tank
- 5 Stretcher Beds
- 3 Double Beds
- 3 Single Beds
- 4 Wardrobes
- 8 Tables
- 22 Chairs
- 2 Large Wall Mirrors, 7ft x 4ft 6 in
- 2 Polished Tables
- Sideboard
- Large Dining Table
- Bookcase
- Washstands
- 5 Corner Wardrobes
- Drawing-room Suite
- Tables
- 2 Duchess Chests
- Cupboards
- Pictures
- 5 Seagrass Chairs
- Carpets
- Chesterfield Suite
- Palm Stands
- Kitchen Safes
- Kitchen Tables
- Kitchen Utensils
- And a whole lot of sundries

Later that year a school teacher from Forest Lodge was defrauded out of £1000 by a Mr. Elthered Harold Chandler, who pretended to be the owner of Fernhill. Chandler was tried at the Central Police Station in August 1929. This story seems to have even fooled the Nepean Shire Council, with the minutes of the monthly meeting published in November of that year reporting that the Clerk had written to a Mr. Chandler, asking for the particulars of his purchase of the property of Fernhill.
The following excerpt is from a weekly segment in the Sydney Mail in 1937, entitled ‘Roads of Today, Tales of Yesterday by James and Jane’. At this time Fernhill was being used as a boarding house, with the author noting that ‘those who are in charge of it are determined to preserve it’.

Cedar was used with a lavish hand; even unto the linen cupboards. Some mantelpieces are made from stone quarried in Winbourne, in England; others are of a black Bulgarian marble (sic). The kitchen is in keeping with the grandeur of the house, and big enough to have dealt with the demands of that grandeur. Four fireplaces are ranged along the wall, the ceiling is V-shaped and blackened with the smoke of many fires.

Outside we were shown various things of interest, notably the view, which is splendid. In the old days the park must have been a pleasant sight with deer grazing peacefully in pastures green. We saw home-made wire-netting enclosing the huge well which supplied the house, the remains of an old wine press, and a red kurrajong-tree which could be seen from a distance of five miles when in flower. The cellars are tremendous.

The above visit to Fernhill is representative of broader social changes being experienced in Sydney in the 1920s, with improved transport links and increasing leisure time fostering the development of holiday resorts in places such as the Blue Mountains and the Jenolan Caves. In the Mulgoa Valley, George Cox’s old residence Winbourne operated as a leisure resort until it burnt down in the 1920s, and Henry Cox’s Glenmore was developed as a golf links in the 1930s, becoming the Glenmore Country Club in 1937. The attractions of the valley, which encouraged this development, included its high scenic values and the picturesque old homesteads and church, which were compared favourably with ‘the choicest scenery of England’. The area was also readily accessible from Sydney, via the railway to Penrith.

3.1.6.4 The Moyes

The property was put to public auction in February 1930. The property was transferred to Hilda Mary Moyes (nee Bonner), the wife of George Sydney Moyes of Bellevue Hill. The Moyes had married in 1926, and Moyes is described in electoral rolls of the 1930s and 1950s as a grazier resident at Fernhill.

Throughout the 1930s Fernhill was advertised as a holiday destination, initially for ‘afternoon visits’, often with tea provided, and later as a guest house. An advertisement from 1936 describes the property as ‘The Ideal Resort – electric light, sewerage, hot baths, own farm products, ballroom, tennis, riding (free), shooting, bush walks, golf in district, garage.’

The first excursion of the Nepean District Historical Society in 1947 was to Fernhill. Members paid 1 shilling each to look over the house, with the profits going to the “Flood for Britain Fund”.

John Darling’s recollection of the house in the mid-1950s indicates the property and house were poorly managed and maintained under the Moyes. The good work entered into by Baynes, which was recorded by W. Hardy Wilson in 1919, had been gradually falling into ruin. At the time of Darling’s visit to the house in the mid-1950s, the Moyes lived in the eastern-most rooms of the house, leaving the main living rooms and basement vacant and abandoning the southern service wing to errant cattle. Cognisant of the history of the house however, Moyes charged an admission fee of 2 shillings for the visits.

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129 Sydney Mail, 5 May 1937, 43-44.
130 Sydney Mail, 5 May 1937, 44.
131 Sydney Mail, 5 May 1937, 44.
133 Sydney Morning Herald, 22 February 1930, 25
134 Torrens Title Register Vol. 3643 Fol. 212, NSW Land Registry Services
135 Commonwealth Electoral Roll – Macquarie Division – Penrith Polling Place, 1934 & 1938, Macarthur Division – Penrith Polling Place, 1950 and 1955
136 Sydney Morning Herald, 18 April 1936, 7
137 Nepean Times, 25 December 1947, 2
138 Darling pers. comm. 3/03, as cited in Davies CMP, 2014
3.1.6.5 **Twentieth century development of the Mulgoa Valley**

The end of the Second World War in 1945 heralded a new era in the history of Mulgoa Valley, as elsewhere in greater metropolitan Sydney, with the coming of sealed roads, electricity, sewage, and the ever-present pressures of suburban development. The endless march of late-20th century suburban subdivision has not impacted on the Valley around Fernhill, although rural residential development now borders Fernhill to the north and south.

On 1 January 1949 Mulgoa Municipality joined with Castlereagh, St. Marys, and Penrith Municipalities to form one large Municipality of Penrith. In the hills above the valley the mammoth engineering enterprise of the Warragamba Dam construction proceeded through the 1950s. The transport of materials and labour necessitated the upgrading of roads and construction of infrastructure. At Fernhill, Mulgoa Road was realigned in 1949, cutting a new route away from St. Thomas’ Church across the south-eastern boundary of the property, eliminating the horseshoe bend at the north-eastern corner of the estate. The Water Board also reserved an easement across the western half of the property in 1953 for the construction of its aerial ropeway used to transport stone aggregate sourced from the Nepean River at Penrith to the Warragamba Dam construction site below Silverdale. The right of easement was released in May 1967.

While Warragamba Dam was constructed principally for the metropolitan Sydney water supply, a secondary role was the provision of hydro-electricity. In April 1961, the Electricity Commission of NSW placed an easement adjacent to the Water Board easement and added an electricity transmission line.

Prior to 1949 when the Department of Main Roads resumed a portion of the Fernhill Estate for the realignment of Mulgoa Road, St Thomas’ church had been on the grounds of Fernhill. Early maps of the Fernhill grant show the eastern boundary of the property as Mulgoa Creek, now over 300 metres east of the Mulgoa Road alignment. St Thomas’ Road now follows the former path of Mulgoa Road, which was straightened in the realignment, severing the parcel on which the church sits. This has changed the approaches to Fernhill and St Thomas’ Church as well as the perception of the

*Figure 20. Fernhill, 1938. Celebrating the centenary of St Thomas’ Church of England. Note the change in the porte-cochere when compared with Figure 17. The porte-cochere and driveway have since been removed. (Source: Penrith City Council)*
relationships between them. The road construction required large areas of fill and new entry points to these properties.

3.1.6.6 John Darling

In 1955, Fernhill was purchased for £22,500 by Moorilla Pty Ltd, a company that came to own the Fernhill Pastoral Company. Both companies were owned by John Darling. Darling (1923-2015) was a 'World War II fighter pilot, a banker, a director of resources companies, an accomplished international agri-business pioneer and an Australian film industry visionary.' He was a member of a prominent Victorian flour milling family, John Darling and Son, and at the time of the Fernhill acquisition was an influential merchant banker in Sydney. Darling was well connected with Sydney’s business community and his association with, and vision for, Fernhill was noted in the establishment periodical *The Bulletin* in 1958.

The Darlings’ restoration of Fernhill commenced in the late 1950s, with the architectural work being undertaken by the architectural practice Peddle Thorp and Walker. Riddled with white ants, and evidently with its roof having been exposed to the elements for some time, most of the floor structure and the ceiling linings and structure were replaced. The electricity service was upgraded and a sewage service was installed for the first time. The initial phase of this restoration work was completed in early 1963, partially using materials recovered from historic nineteenth century buildings demolished around Sydney at this time. One source of materials was the old Goldsborough Mort wool store at Circular Quay, which Peddle Thorp and Walker were redeveloping for the AMP office tower. It is likely that the present floor structure was recovered from the woolstores. Another source was the old Union Club building, formerly part of the townhouse of Robert Campbell, located in Bligh Street.

When the Darlings moved into Fernhill there was a timber structure supporting the reflection pool along the driveway, and the only dams were the reflecting pool and another in the north-east corner of the property. The house garden had almost completely disappeared with only a few mature trees remaining, the northern driveway was used in preference to the southern or main driveway, and direct view lines existed from Fernhill to St Thomas’ Church and Rectory. In the late 1950s the Darlings built several new dams on the property for spray irrigation, the driveway entry was realigned from the new Mulgoa Road alignment, and shade trees were planted along the northern drive, along Mulgoa Road and in clusters throughout the property, but particularly to the east.

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139 Torrens Title Register Vol. 4423 Fol. 49, NSW Land Registry Services; *Sydney Morning Herald*, 28 September 1991
141 David Adams, “A View from Fern Hill”, *The Bulletin* 10 December 1958, 14
142 *Sydney Morning Herald*, 5 October 1980
144 Darling pers. comm. 2003, as cited in Davies CMP, 2014.
In the early 1960s, D. Hanly, L. Robertson, J. Hodges and R. Clinton from the School of Architecture at the University of New South Wales visited Fernhill and undertook a detailed study. The study included contemporary photographs, detailed drawings and plans, as well as descriptions of the house’s condition and history. Several photographs and plans from this study assist in understanding what the landscape and house looked like at that time. Aspects to note from the study include:

- the porte-cochere and carriage loop were present on the east elevation;
- the location of the underground water reservoir off the west elevation was evident without its present concrete cover;
- there is a lack of formal gardens east, south and north of the house;
- a kitchen garden is present west of the internal courtyard;
- there are some very substantial trees around the house;
- there is a clear fence line extending from the rear of the house to the stables;
- rooms in the south wing were separate servant’s rooms with access from the verandah;
- there is a detached cesspit west of the servant’s wing, now built over with the laundry;
- the kitchen was located in the north wing;
- the master bedroom was much smaller than it is today, the original sitting room being divided into two bedrooms;
- the coal chute remained open with access to two separate basement areas;

145 Hanly et al.
• the guest bedroom was only accessed off the northern verandah;
• the nurse’s bedroom was located between the children’s bedrooms. These rooms all faced
the north service verandah with its then open coal chute;
• the dining room had internal walls to form a scullery and linen cupboard;
• in the basement the only rooms that were paved were the two wine cellars and three kitchen
cellars with the rest of the rooms having a dirt or gravel floor;
• the laundry was located in the externally accessed north-west corner of the basement;
• the buildings had corrugated iron roofs;
• above the verandah on the north elevation of the house there appears to have been panelling
and vents. This is now a flat roof;
• the stone bridges were intact to their original form; and
• the reflecting pool along the driveway (far south of house) was an original element with other
water bodies being added at a later date.

The study\textsuperscript{146} also noted that:
• all the old light fittings in the house were gas lit,
• the original entrance location off Mulgoa Road (north of current main entrance) was not
apparent due to the gradual disappearance of the stone gates and the relocation of the road
entry point due to road works;
• the south façade of the house was entirely visible when you travel over the stone bridges
using the main driveway;
• the driveway continued up the slope parallel to the house ending in a loop outside the
entrance portico;
• the building occupies 9,816 square feet (912 square metres); the ceiling height in the Lobby,
Ballroom, Master Bedroom and Guest Room is 16 feet (4.9 metres); the ceiling height in the
two small bedrooms is 10 feet (3 metres);
• the stone is local Hawkesbury sandstone;
• the meat and general food stores were below the storeroom and pantry;
• the stone walls vary in width from 2 feet (0.6 metres) to 2 feet 6 inches (0.8 metres) generally
to 9 feet (2.7 metres) thick in the children’s bedrooms with 1½ feet (0.5 metres) thick sand
and lime plaster;
• the internal floors were either stone flagging or ironbark timber roughly hewn into 5” wide
boards that created an uneven surface;
• ceilings in the house proper were lath and plaster and cornice and ceiling decorations were
made from papier-mâché in oakleaf and acorn pattern and placed in position in sections then
finely gilded and coloured to suit each room;
• the roof was originally timber shingles.
• there were finely crafted internal shutters in the main part of the house;
• a symmetrical effect in the rooms such as a false door in the Ballroom to match the existing
door into the Drawing Room;
• an unusual doorway existed from the Drawing Room to the Hall;
• the original system of bells that connected various rooms with the butler’s pantry that was
connected with wires and pulleys under the floor;

\textsuperscript{146} Hanly et al.
• heavily panelled doorways in the main part of the house in cedar with elaborate architraves and pediments;
• differently designed skirtings in each main room, cedar stained and varnished in the ballroom and painted elsewhere; and
• a 45 500-gallon (170 000 litre) rainwater reservoir at the rear of the house.

Figure 22. Fernhill, 1961 (Source: National Archives of Australia, Image No. A1200:L39776)  
Figure 23. Fernhill, 1961. (Source: National Archives of Australia, Image No, A1200:L39792)

In 1966 Fernhill Estate was subdivided into two allotments: Lot 1 of 926 acres, and Lot 2, a 25-acre curtilage around the house and the northern right of way from Mulgoa Road. The Title for Lot 2 of DP 541825 was issued to Darling in September 1970.

The Darling years brought commercial development to Fernhill. In 1957 the ‘largest and most up-to-date single-bird cage plant in the Commonwealth’ opened on the property, run by the Fernhill Pastoral Company.147 A wholesale and retail plant nursery, a piggery, and a stonemason’s yard operated by Stonehill Pty Ltd was also established. The chicken hatchery was converted to a nursery in the 1970s. Darling ran 370 head of Poll Hereford cattle, and maintained a wildlife breeding program for albino kangaroos as well as a wildlife sanctuary. Stonehill was managed by Stan Hellyer and John Darling. During the late 1970s and early 1980s, Stonehill was engaged on a number of prominent restoration projects such as Elizabeth Bay House, Hartley Court House, and Cooma Cottage, as well as work at Fernhill.148

Sorensen’s Gardens at Fernhill

The grounds of Fernhill were substantially altered from 1969 under the direction of Blue Mountains landscape architect Paul Sorensen. Sorensen has been described as ‘a man dedicated to improving the aesthetic quality of the environment around him.’149 Sorensen was trained in his homeland of Denmark and elsewhere in Europe. He arrived in Australia in 1915 and began his nursery and garden design business based in Leura. He was to become one of the most respected and well-known garden designers for much of the later 20th century in NSW with well-known gardens including Everglades at Leura and extensive work for the Hoskins family of BHP renown in the Southern Highlands. His designs were based on interpretations of the English landscape movement and European Modernism maximising site features and creating outdoor rooms defined by the use of

147 The Biz, 8 May 1957, 1.  
149 Ratcliffe, Sorensen, 7.
large trees and shrubs or with walls and changes in levels. A wide variety of larger trees and shrubs were used, mainly of a European cultural form with the smaller plants to the client discretion. Trees and large shrubs were seen by Sorensen as the most important element of a garden, and were placed to create a feeling of mystery of what was behind them and the feeling of enclosure and shelter. He used mostly exotic plants, both deciduous and coniferous, but also native plants - the choice depended on "what species he considered the most appropriate for the use to which it was being put". Large-scale garden beds were never intended to be permanent features in Sorensen's designs, as he knew over time tree planting would overshadow them. Sorensen aimed to create a final landscape that would have different qualities of beauty at different times in its development, with planned continuity of change.

Sorensen's paving was rarely formal in design, apart from the entrance to a house, which were usually stone, occasionally brick, and further away from the house often grass or bare earth. The driveway varied in his work from being of minor visual importance to in several gardens being a central feature as seen at Everglades, Gleniffer Brae, Invergowrie and Mahrratta. He took advantage of existing site features, such as the preservation of interesting landforms or trees and often salvaged rock and other material for reuse in the development of a garden. His rule was to respect what was already on the site, both the natural and man-made qualities, and to make the location a desirable one in which to live. Views to the surrounding landscape were incorporated into his designs. Most of his walls were built in stone, but some were brick.

Sorensen always recommended the simplest type of wire fencing so that the view out of the garden was in no way impeded, as the countryside was an important part of the garden. However, he also used to mark the entrance to the property with some form of walling, normally in stone so that significance was given to the arrival in the garden.

When Sorensen started working on the garden at Fernhill the broad open landscape that characterised Fernhill was evident with limited numbers of mature trees located around the house, specifically adjacent to the rear portion of the house to the north and south and included two jacaranda trees, one bunya pine, a few smaller trees and some agapanthus. The landscape close to the house included various farm structures, tank stands, and castor oil bushes and dead wattles. Sorensen provided a level lawn around the house, a concept that appears to have been central to his design of the garden. This required the construction of retaining walls with extensive fill, which in turn required re-planning the carriage loop which was buried in the process of levelling. The carriage loop was replaced with a car court hidden below the retaining wall with an approach stair arriving at the lawn level near a grove of Chinese elms (Ulmus parvifolia) at the end of the large pergola. Elsewhere in the grounds he planted willows amongst other specimen trees.

The levelling of the landscape around the house at Fernhill to create a series of raised and 'dug-in' platforms and features fundamentally changed the character of the setting from colonial to a more contemporary character, and removed most of the gradual views to the house from the broader landscape while retaining the broader panoramic views to the Mulgoa valley and beyond. Sorensen located pergolas at several locations around the house using different designs. These were used to frame views, or to divide or enclose areas, rather than just supporting vines. At Fernhill, Doric order sandstone columns from the demolished Union Club in Bligh Street Sydney were used for the northern pergola with added refinement given by the shaping of the ends of the timbers to a detail sympathetic to the Georgian architecture of the house.

This pergola was covered with flowering White Chinese Wisteria (Wisteria sinensis 'Alba'). It is situated at the northern edge of the north lawn and encloses the area from the access drive beyond. This lawn area was also raised with a substantial stone retaining wall running east west with the

151 Ratcliffe, Sorensen, 12.
152 Ratcliffe, Sorensen, 13.
153 Ratcliffe, Sorensen, 12-14, 145.
154 Ratcliffe, Sorensen, 148.
155 Ratcliffe, Sorensen, 105.
156 Ratcliffe, Sorensen, 147.
service drive set below the new ground level and out of site from the garden. A wide bed of mixed plantings of perennials and shrubs, including camellias and azaleas, forms a backdrop to the pergola when viewed from the house.

A second pergola is located in the southern garden area separating the tennis court from the house. It is of timber construction but does not appear on the Ratcliffe period drawings suggesting it was added either later by Sorensen or after his involvement on the property.

The development of Fernhill’s garden included a swimming pool, which was situated on a sunken terrace so that views from the house remained unimpeded and hidden from the house. The pool is concealed from the house by a balustraded wall and shrub planting. The pool house is set below the adjoining upper terrace, the paved roof providing a viewing area from the side of the tennis court.

The rose garden at Fernhill, to the west of the northern lawn, is formal in its layout. Sorensen created similar gardens at Rannock, south of Orange. This garden is screened by tall hedges of star jasmine (Trachelospermum jasminoides) with the entrance arched with yellow Banksia rose. The tennis court, which probably dates to Baynes’ occupation, was re-laid and screened by star jasmine and banksias rose during the Andersons development of the property.

Terracing or walled enclosures, like those used at Fernhill, were a European tradition used to protect sensitive plants. Balustrades and stairs were used to accentuate changes of level, such as at the south, west and south east of the house. Retaining walls or stairs often had axial arrangements to the house.

The 1830s stables were partially converted to form a flat. A covered carport was added east of the stables and a small billiard room (since demolished) was constructed to the north.

Sorensen’s design included a lake or reflecting pond to the east of the house, which included an island. This may have been suggested by Angela Darling. It is not clear historically but it appears the present summer house and bridge were later additions by Anderson (after Radcliffe’s 1990 drawing), however a 1979 aerial photograph indicates a simple bridge connecting to the island. Summerhouses were a popular feature for gardens since the 19th century.

Sorensen’s landscape works significantly changed the relationship of the house to its landscape by setting the house on a levelled platform with steep greened banks, stone retaining walls and other built landscape elements. The once open pastoral views to the north and south were impacted by these works, views to the east were partially retained but the introduction of the pond and the changes to the land formation changed the relationship of the house and its approach. Apart from selective replanting of eucalypts to the east of the house, the broader landscape beyond the house garden did not alter substantially from the 1960s to 1970s. Around this time in some of the surrounding areas to Fernhill Estate changes to land use and land ownership saw ongoing land clearance and regrowth.

Philip Cox’s 1972 visit

Fernhill was one of several homesteads featured by Philip Cox in a book published in 1972 on colonial properties. Cox described the gardens in 1972 as “restrained” with the carriageway at the entrance removed giving way to a broad lawn and stone flagged terrace. A clump of Chinese elms had been planted at the side of the house, providing an entry into the newly formed garden which was screened to the north by a pergola. Wisteria and other sweet-smelling vines had been planted around the house.

Cox further described the view from the verandah and principal rooms to the tower of St Thomas’ Church to the east, which is reminiscent of landscapes by Humphrey Repton and ‘Capability’ Brown, when towers of churches were used as romantic elements in the landscape during the 18th century.
in England. The Darlings preserved some of the romance of the colonial garden, such as oranges and olives, and the newly created rose garden, which included verbena, roses, larkspur and hollyhocks. In 1972 Cox’s Cottage was in ruins, but still surrounded by Chinese elms that had been part of their formal gardens.

By July 1970 the carriage loop east of the house had been removed and the Sorensen parking area, stone walls and plantings had been added. The lawn had been levelled and terraced and a looped rear drive had been built to connect to the rear wing of the house. The Sorensen garage had been built to the rear of the house and the rose garden, terraces and stone entry stairs had also been constructed. There were further out-buildings north-west of the house than can be seen in a 1961 aerial photograph of the site. The timber pergola was constructed by this stage north of the house and it appeared that works are underway south of the house with minimal plantings in this area. There were two other unknown buildings north of the house and stables accessed off the road that by this stage provided access to the rear wings of the house.

During the Darlings’ ownership, the house was filled with furniture appropriate to the scale and age of the house, such as the Chinese lacquer barrel chest and the 18th century bureau. The Darlings carefully restored the ceilings of the two major bedrooms, the first of which contains a ceiling rose with a lyrebird tail motif and the second of which contains a cornice comprising Greek Anthemion ornaments approximately 6 inches (15 centimetres) high and 3 inches (7.5 centimetres) wide.\textsuperscript{162}

Cox notes that a “fleeting glimpse of the house from the road and wheeling into the driveway, the house on the hill can be seen”.\textsuperscript{163} He also observes that the original drive to Fernhill was through an avenue of rough-barked apple gums (\textit{Angophora floribunda}) and broad-leaved apple gums (\textit{A. subvelutina}), which lined the winding driveway through the property across stone bridges and gullies.\textsuperscript{164} At the time a fountain sat in the centre of the entrance hall.

External and internal shutters were on the house, as described by Cox in 1972. “The ceiling of the ballroom was painted a soft steel blue with plaster cornices and mouldings gilded to pick up reflected light. Beneath the main house are cellars that are approached by a flight of stairs on the northern verandah. These stairs lead under the stone vaulted roof of the bedrooms, which may have been constructed to take a future load for a second storey. A second cellar exists under the old kitchen wing, now used for bedrooms, which is adjacent to the ashlar stonework reservoir, said to have been constructed by convicts.\textsuperscript{165}

In her 1974 book, \textit{Colonial Houses}, Rachel Roxburgh described the house as having originally been approached by a drive with the eastern elevation having classical severity. She noted that the house has a foundation of three ‘sparrow-picked’ courses with one course of ‘combing’ that is finely jointed. The garden elevation has a little round pointed roof that does ‘not match the dignity of the magnificent colonnade below.’\textsuperscript{166}

\textsuperscript{162} Cox, \textit{Australian Homestead}, 136
\textsuperscript{163} Cox, \textit{Australian Homestead}, 130
\textsuperscript{164} Cox, \textit{Australian Homestead}, 130
\textsuperscript{165} Davies CMP, 2014
\textsuperscript{166} Roxburgh, \textit{Colonial Houses}, 243
Figure 24. The entrance (east) façade at Fernhill. (Source: Cox, *Australian Homestead*, 131)

Figure 25. South verandah of the house (Source: Cox, *Australian Homestead*, 133)
Figure 26. The west of the house (Source: Cox, *Australian Homestead*, 137)

Figure 27. Interior of sitting room (Source: Cox, *Australian Homestead*, 135)
Figure 28. Rear (west) service courtyard (Source: Cox, Australian Homestead, 136)

Figure 29. Detail of verandah on south elevation (Source: Roxburgh, Colonial Houses, 247)

Figure 30. Fernhill, 1975. South-east view of house showing the porte-cochere removed from eastern facade; (Source: Roxburgh, Colonial Houses, 244)
Figure 31. Main entrance hall. The basin is believed to have been originally located in the bay window of the Drawing Room (Ballroom).\textsuperscript{167} It was possibly made of artificial stone. Its current location is unknown. (Source: Cox, Australian Homestead, 139)

\textsuperscript{167} James Broadbent in discussion with Jennifer Preston, 10 May 2019.
Figure 32. Cellars in basement (Source: Roxburgh, Colonial Houses, 245)

Figure 33. Ballroom (Source: Roxburgh, Colonial Houses, 248)
Figure 34. Wall joinery detail plan (Source: Roxburgh 1975: 249)

Figure 35. Window joinery detail elevation (Source: Roxburgh 1975: 249)

Figure 36. Detail door elevation joinery of interior (Source: Roxburgh 1975:250)

Figure 37. Detail door elevation joinery of interior (Source: Roxburgh 1975:250)
3.1.6.7 The beginnings of heritage protections

Statutory measures to protect the heritage values of Fernhill had been inaugurated relatively early through the gazettal in 1960 of about 6 acres round the house and the northern (back) drive to the City of Penrith Planning Scheme Ordinance.168 This gazette followed the proclamation of Fernhill by the Cumberland County Council as a place of historical interest.

With the passing of the NSW Heritage Act in 1977, statutory protection of places of heritage significance came within the control of the state government under the administration of the NSW Heritage Council. The Council soon considered the significance of Fernhill and placed Interim Conservation Order No. 44 on the eastern half of the property in December 1978.

168 New South Wales Government Gazette, 30 September 1960, 3082-3083
This was followed by Permanent Conservation Order No. 54 in July 1981 over the whole property. This gazetted was followed up with the commissioning in 1982 of a heritage study of the Mulgoa Valley, as part of the preparation of a regional environmental plan, subsequently gazetted in 1987 (REP 13).

In the late 1970s, the Darlings devised a scheme for the partial subdivision of Fernhill. The Penrith Council Planning Scheme of that time had a minimum lot size of 40 acres for Fernhill. The Darlings considered these measures too restrictive and, in 1978, proposed an alternative method of subdivision. The proposal related to the southeast corner of the estate, close to Mulgoa Road. It was based on the relocation of 40 historical buildings from elsewhere, to the subject portion of the estate, which would then be developed into a historic settlement. It is understood that the Darlings were inspired by places such as Colonial Williamsburg, Virginia, in the USA. One key difference is that Williamsburg is authentic, with its built fabric preserved to reflect the history of the one-time capital of Virginia. The proposal for Fernhill did not proceed. In 1979, the Darlings were able to subdivide 49.88 hectares to the north-east of the estate from the 374.9 hectares that the site area totalled at the time. The heritage significance of Fernhill was already recognized, so proposals for subdivision were problematic for statutory authorities. The Darlings’ proprietorship of Fernhill ended in 1980 and during this quarter of a century they endeavoured to return Fernhill to “its former glory” with the aim of “leaving something for the nation.”

It is not clear from the available records whether the works undertaken by the Darlings were undertaken with or without approval. It is likely that the various buildings were added through an approval process but very unlikely that the changes to the garden and estate required consent. Consequently, there are few records, apart from the drawings of the bathroom addition provided by PTW architects. It is also noted that while the property was owned by the Darlings it was not subject to a permanent conservation order. That was gazetted on 3 July 1981.

### 3.1.6.8 Warren Perry Anderson

Fernhill was purchased in September 1980 by Owston Nominees No. 2 Pty. Ltd., of which Warren Anderson was a director. The sale price, $2.8 million, was considered an Australian record for a property of that size at that time. Warren Perry Anderson was a West Australian-born property developer who relocated to Sydney in 1978. Anderson’s wealth was generated through his company New World Developments Pty Ltd which consolidated Coles’ New World shopping centre sites. Anderson also acquired Glenmore Country Club, which is centred on Henry Cox’s Glenmore estate, in 1981, as well as the Albert family’s Boomerang at Elizabeth Bay in 1985, and Sir Frederick Sutton’s 50,000 hectare Tipperary pastoral stations in the Northern Territory. Both Fernhill and Boomerang were placed on the market in September 1991. Fernhill was retained by the Andersons; however they were evicted from Boomerang in 1993.

In 1981 Owston Nominees No. 2 Pty. Ltd subdivided Lot 1 in DP 541825, which became Lots 10 and 11 in DP 615085. Lot 10 comprises 374.7 hectares (926 acres) and Lot 11 comprises 49.5 hectares (122 acres). A small area of Cox’s early landholding was alienated at this time on the corner of Mulgoa and Mayfair Roads, which was retained by Darling for his Fernhill Nurseries.

Warren and Cheryl Anderson elected to live at Fernhill. Their involvement at Fernhill followed the pattern set by the Darlings with ongoing development and modification of the house and grounds. In many instances, the Andersons retained the services of the Darling’s contractors and consultants such as Sorensen and Stan Hellyer. Paul Sorensen died on 12 September 1983 so it is likely that work undertaken for the Andersons at Fernhill were at least in part by his son. Works on the site

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169 Sydney Morning Herald, 5 October 1980
170 Australian Financial Review, 17 June 1980
171 Davies CMP, 2014, 68; Sydney Morning Herald, 12 August 1991
172 Sydney Morning Herald, 28 September 1991;
174 Torrens Title Register Vol. 14490 Fol. 187, NSW Land Registry Services
by Sorensen after 1980 include the installation of an ornamental lake with an island east of the house, the terraced approach to the courtyard at the rear (west) of the house, and the transplanting of an ancient Magnolia grandiflora from Sydney into the garden. The Magnolia was severely pruned to reduce its leaf area, planted in compost and sprayed for over a year with liquid fertiliser that irrigated throughout the tree and controlled by a timer so that all parts of the tree were kept supplied.\textsuperscript{176}

Within the first decade of the Andersons’ ownership, the principal interiors of the house were redecorated and new buildings were constructed. A manager’s residence was constructed north of the house in 1981 on the site of a former poultry shed. A saddlery with guest and games rooms was completed in 1983 north of the 1830s stables, which was formerly the location of Darlings’ billiard room. The residence and saddlery were built in sandstone with slate roofs by Stonehill Pty Ltd. The 1830s stables were renovated again, for extra accommodation. A hay shed constructed of stone with a copper roof was constructed along the northern driveway.\textsuperscript{177} There is no record of any of these works being approved.

The Andersons constructed a hallway across the rear of the coal chute to interconnect the cellars and roofed the coal chute. Prior to the 1980s the two cellars were separately accessed and had common access to the coal chute on the northern verandah.

The tennis court was re-laid in loam, the general ground level west of the house was raised, and the termination of the access driveway near the house was re-arranged.

The grounds were also altered with landscaping around the house, and the erection of stonewalls, post and rail fences and pine windbreaks throughout the eastern half of the estate. Various groves of trees were planted around the house. The stone-faced reinforced concrete wall that runs beside the entire length of the southern driveway up to the house and around other access roads on the property was a large undertaking. The stone-faced entrance piers were placed on Mulgoa Road and paddock fencing was established west of the house from 1981. The timber piles in the original reflecting pool along the southern driveway were replaced with a sandstone retaining wall using stone from demolished buildings.

Other works undertaken by the Andersons apparently without approval in the early 1980s include the excavation and rebuilding of the collapsed eastern abutments of the two bridges and the reconstruction of the western abutment in reinforced concrete. A machinery shed was constructed west of the house, as were several sandstone loose boxes in the horse paddocks. Timber post and rail fencing was constructed to the horse paddocks and the whole eastern slope of the property. To the far west of the house a complex of workshops and bird aviaries were constructed, which removed a number of sheds and other structures including a 1950s piggery complex. The dammed lake north of the house was enlarged, as was the lake in the far northeast area of the property. A new dam was constructed on the western hilly section of the property. A high cyclone-type fence was constructed for the deer enclosures. A new 21 stall stable block, mating shed, lunging ring, sand roll and residence and a two-kilometre racetrack were completed by 1983. The railing to the racetrack was painted white in order to comply with the standards necessary for its use as a competitive track.

Additional land was acquired to the north, west and south of the estate, enlarging the landholdings of Owston Nominees from 404 hectares to 704 hectares in the early 1980s.\textsuperscript{178} In 1984, Lots 10 and 11 of DP 615085 of Fernhill were issued to Owston Nominees Pty Ltd. In 1987 the Heritage Council commenced legal proceedings against the owner’s substantial unapproved works undertaken on the property.

The additions and alterations undertaken at Fernhill by the Andersons further changed the relationship of the house and the broader landscape. The views to the church and cottage to the east had disappeared by the mid-1980s through regrowth, new landscape and site changes. The broader landscape changed from a largely ‘park-like’ open landscape to an enclosed and planted landscape. Re-vegetation around the property since the 1980s has further obscured the park-like grounds and strong visual connections that formerly existed.

\textsuperscript{176} Ratcliffe, Sorensen, 106, 148
\textsuperscript{177} Davies CMP, 2005, 77
\textsuperscript{178} Sydney Morning Herald, 28 September 1991
Aerial photographs of Fernhill Estate in 1986 show substantial landscaping works that were undertaken between 1980 and 1986, including the stables complex and racetrack, stone wall leading from Mulgoa Road up the driveway to the house, pond north of the house and new yards and associated timber fencing, mostly west of the house. The orchards were planted by this stage north of the trades’ road. The chicken hatchery had been removed by 1986 and an aviary and other brick farm buildings established north-west of the house.

When Richard Ratcliffe wrote about Paul Sorensen in 1990, he noted that the design of Fernhill’s garden was extant and more or less unaltered. The aerial view of the house and garden around Fernhill Estate in 1994 shows the extent of changes by the Andersons during their period of ownership and occupation, with the landscape features by Sorensen still evident amount the new buildings.

By October 1998 the pines around the lake north of the house were quite established and more trees had been planted south of the house in the enclosed garden. Fernhill was listed on the State Heritage Register (SHR) on 2 April 1999.

In December 2001 bushfires extensively damaged Fernhill Estate. A number of outbuildings including the aviaries, workshops sheds, the winery, a slab cottage near Mulgoa Road (the former Mulgoa Post Office) along with landscape elements and timber fencing were destroyed. Most of these items have not been repaired or replaced.

In November 2002 the Approvals Committee of the Heritage Council of NSW considered a request for “in-principle agreement to prepare a CMP, Heritage Agreement and supporting studies to determine appropriate use of the land to the west of the property’s bush ridgeline and land adjacent to Mulgoa Primary School and to provide an income stream to fund ongoing conservation of Fernhill”. They gave in-principle support to the preparation of a CMP a heritage agreement requiring this as a pre-requisite of any development proposal and informing Penrith Council of the same. In December 2002 Penrith City Council supported the ‘in-principle’ proposal to prepare a CMP and a Heritage Agreement for Fernhill ‘to ensure the effective long-term conservation, management and maintenance of the property’.

Paul Davies Pty Ltd prepared a CMP for Fernhill in 2005 that addressed the whole of the land holding. It was included with other environmental reports in a study for Penrith City Council. In October 2007 the property owner officially requested an amendment of the state listed boundary to Fernhill, which required assessment by the NSW Heritage Branch. This curtilage amendment was deferred as the Heritage Council was assessing priority thematic listings to the SHR.

After a change in the Anderson’s situation and a large auction of the domestic contents of Fernhill homestead, the management of the property changed and receivers were appointed to sell the estate. The Anderson’s collection was auctioned in 2010 by the receivers, Owston, hence the name ‘The Owston Collection’. An article in the Sydney Morning Herald gave details of the auction. As part of that process a revised planning exercise and conservation plan were prepared by Urbis to again consider development around the Estate. The 2010 CMP, which was based on the 2005 CMP, restricted its assessment to the SHR listed property.

Around this period Penrith Council prepared a new LEP that superseded the earlier LEP and SREP 13 for the Mulgoa Valley. The LEP was gazetted in 2010 and is now the local planning instrument that affects the site. This change did not affect the currently SHR listed part of the holding, but the new LEP included a number of properties as heritage items in relation to Fernhill, they are designated as ‘Curtilage of Fernhill’. These properties include: 1147-1187 Mulgoa Road and 10-156 Mayfair Road Mulgoa. A proposal was made in 2017 to rezone 1147-1175 and 1177-1187 Mulgoa Road to zone RUS Village and to amend the minimum lot sizes, but this was denied on the grounds that the proposal did not demonstrate sufficient strategic merit.

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179 “4.2 Fernhill, Mulgoa – CMP and future management/development”, Minutes of the Heritage Council Approval Committee, 6 November 2002

JPA&D Australia Pty Ltd. Fernhill Conservation Management Plan  
Fernhill Estate  
3.0 Documentary Evidence  
page 54
Around 2010 a development application was submitted to Penrith Council to develop a primary school on part of the St Thomas Church lands to the east of Fernhill. The St Thomas site had been sold by the Anglican Church some years earlier to the Anglican Schools Corporation with ongoing use rights of the church. Penrith Council refused the application and the matter was determined by the Land and Environment Court through an appeal. The Court in determining the appeal considered in detail the relationship between the church site, Fernhill and Cox’s Cottage as their visual links through views and vistas was a key argument put forward by Council for not allowing the school development.

The Court determined that the historic relationship between the properties through views and vistas across a colonial landscape had once existed but was no longer extant and that much of the regrowth was on land that was beyond the control of the school. Penrith Council strongly argued, with some success, for the importance of the Cumberland Plain regrowth areas and these areas were protected in the Court decision.
Figure 45. Reflecting pond, designed by Sorensen; timber bridge and summerhouse apparently designed by the Andersons and brought from England. Looking south. (Source: Davies CMP, 2014)

Figure 46. G07, Kitchen, formerly 3 servants’ rooms. Looking west. (Source: Davies CMP, 2014)

Figure 47. Aerial view of house looking east towards Mulgoa (Source: Davies CMP, 2014)
The combination of the Mulgoa Road re-alignment with its embankments and cuttings, changes in the landscape form and the dense re-vegetation of Cumberland Plain Woodland in particular has obscured most of the early views and vistas that existed until the early 1950s. With different ownership of the church lands, Fernhill and the public road reserve, in combination with agreements for BioBanking and Penrith Council’s position (as set out in the appeal over the school development) on the importance of natural vegetation there now appears to be little potential to recover the colonial
views and the seamless landscape link between the church and Fernhill. The Land and Environment Court decision is of importance in considering the value of views and vistas in relation to Fernhill.\textsuperscript{183} The Court approved the school development with conditions, including protection of the woodland areas of the site, and it was scheduled to commence in 2013-14.

3.1.6.9 The Tripp family

In late 2012 the Tripp family took out an option to acquire Fernhill with the receivers retaining ownership and an interest in relation to development of lands outside the heritage curtilage. The Tripps undertook maintenance and conservation works that included the creation of BioBanking agreements over considerable portions of the Fernhill lands.

Works to the original stables building undertaken in 2013 included:\textsuperscript{184}

- removing vegetation away from the building and build-up of soil at the base of external walls
- removing leaf litter on the roof and in gutters and downpipes, and sealing (where required) to prevent water penetration around fixings
- inspecting and repairing valleys, flashings and cappings, including roof tiles to ensure the building is waterproofed
- new guttering and downpipe to replace damaged sections
- repair of the eastern verandah structure where posts had failed
- repairing (and replacing only if repairs are not possible) the damaged single leaf door to the saddlery
- inspecting the existing surface/subsoil drainage system.

Works to the house undertaken in 2013 included:

- removing vegetation away from the building and build-up of soil at the base of external walls
- removing leaf litter on the roof and in gutters and downpipes, and sealing to prevent water penetration around fixings
- inspecting and repairing valleys, flashings and cappings, including roof tiles to ensure the building is waterproofed
- new guttering and downpipe to replace damaged sections
- removing and/or replacing intrusive equipment in basement rooms B11 and B12
- investigating damp issues to sandstone (B01, B02, B03, B09, B10, B11 and B12) and undertaking remedial works
- repairing the damaged single leaf external door to basement room B01
- spot repairs to walls and ceiling finishes
- inspecting the existing surface/subsoil drainage system;
- cleaning and replacing existing connections between stormwater downpipes and pits
- inspecting and repairing the existing lighting and electrical supply;
- replacement of a number of timber verandah posts and adjacent structure, including roof elements, where posts have rotted and failed

\textsuperscript{183} Stanton Dahl Architects v Penrith City Council Land and Environment Court Decision [2009] NSWLEC 1204

\textsuperscript{184} Davies CMP, 2014
3.1.6.10 Department of Planning, Industry and Environment

The Department of Planning, Industry and Environment purchased the Fernhill Estate in March 2018. The Department bought neighbouring parcels of land at 1119-1145 and 1147-1187 Mulgoa Road in 2019.

3.1.7 Additional lands

The lands at 1119-1145 and 1147-1187 Mulgoa Road were originally part of William Cox’s 820-acre land grant, which was issued by Governor Macquarie in 1816. The entire original grant, plus additional land holdings, was transferred from William Cox to George Cox in 1834.

The land at 1119-1145 Mulgoa Road was bought by the Bishop of Sydney in 1881 for £500.

A 322-acre portion of the remaining estate was bought by George Henry Cox in 1889, and underwent subdivision in the early 20th century.

The land at 1177-1187 Mulgoa Road was the site of what was the first post office at Mulgoa. The first Mulgoa Post office was established in 1863. The early history of the post office is tied to the Fowler family. In her obituary Elizabeth Fowler is described as having had been the post mistress for 32 years. The post office was moved in 1892 to more suitable premises. By 1917 the original building had reportedly fallen into a state of disrepair:

“The post office was then more in the centre of the village or township, and stands next the public school, a witness to the architecture of the day. Unoccupied now as a dwelling, it has become the asylum of vehicles in various stages of decay.”

The land was bought by David Hughes in 1922.

![Figure 52. Land purchased by David Hughes in 1922.](Old Form Torrens Register, Vol. 379, Fol. 184, NSW Land Registry Services)

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185 Grant Register, Serial 8, No. 264, NSW Land Registry Services
186 Old System Deeds, Book 217 No. 180, NSW Land Registry Services
187 Old Form Torrens Register, Vol. 920, Fol. 74, NSW Land Registry Services
188 New South Wales Government Gazette, 4 September 1863, 1919
189 Sydney Morning Herald, 5 November 1929, 15
191 Old Form Torrens Register, Vol. 3379, Fol. 184, NSW Land Registry Services
The property changed hands multiple times before being bought in 1994 by Owston Nominees. Bushfires in 2000 destroyed all physical evidence of the former post office.
The land at 1147-1175 Mulgoa Road was bought by Christina Fletcher in 1927. A portion of this land was resumed by the Commission for Main Roads in 1950 for the rerouting of a section of Mulgoa Road.\textsuperscript{192}

![Figure 55. Land bought by Christina Fletcher, showing the land resumed by the Commission for Main Roads in 1950. (Source: Old Form Torrens Register, Vol. 4011, Fol. 105, NSW Land Registry Services)](image)

These lands were purchased by the Department of Planning, Industry and Environment in 2019.

3.2 Chronology of Development

<table>
<thead>
<tr>
<th>General Event</th>
<th>Date</th>
<th>Site Specific Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrival of William Cox (1764 - 1837) in New South Wales on the Minerva, accompanied by his wife Rebecca and four of his six sons</td>
<td>1800</td>
<td></td>
</tr>
<tr>
<td>Birth of Edward Cox, son of William and Rebecca Cox</td>
<td>1805</td>
<td></td>
</tr>
<tr>
<td>Return of William Cox to England</td>
<td>1807</td>
<td></td>
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<tr>
<td>Surveyor James Meehan surveys the Mulgoa Valley</td>
<td>1809</td>
<td>300 acres granted to Edward Cox by Colonel William Paterson. This grant is revoked upon the arrival of Governor Macquarie.</td>
</tr>
<tr>
<td>Return of William Cox to NSW</td>
<td>1810</td>
<td></td>
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</tbody>
</table>

\textsuperscript{192} Old Form Torrens Register, Vol. 4011, Fol. 105, NSW Land Registry Services
<table>
<thead>
<tr>
<th>General Event</th>
<th>Date</th>
<th>Site Specific Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commencement of Lachlan Macquarie’s term as governor of New South Wales</td>
<td>1 January 1810</td>
<td>Governor Macquarie reissues the land grant to Edward Cox. The Fernhill estate is located principally on this land grant. The name Fern Hills seems to have been given as early as 1810. For some time, the property (300 acres) was managed jointly with that of William Cox by the overseer James King with help from Cox’s sons, George and Henry, and later Edward.</td>
</tr>
<tr>
<td>Cox’s Cottage, to the east of Fernhill, completed</td>
<td>1811</td>
<td></td>
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<tr>
<td>Completion of road over the Blue Mountains, constructed under the supervision of William Cox</td>
<td>July 1815</td>
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<tr>
<td>George Cox (1795-1868) marries Elizabeth Bell</td>
<td>1822</td>
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<tr>
<td>Henry Cox (1796-1874) marries Frances McKenzie</td>
<td>1823</td>
<td></td>
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<tr>
<td>Commencement of development of Henry Cox’s Glenmore</td>
<td>c. 1823</td>
<td></td>
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<tr>
<td>Commencement of development of George Cox’s Winbourne</td>
<td>c. 1824</td>
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<td></td>
<td>1825</td>
<td>Edward Cox (1805-68) returned from England establishing his separate estates at Rawdon and later Cox’s Cottage.</td>
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<td></td>
<td>July 1827</td>
<td>Edward Cox married Jane Maria Brooks (1806-1888) and the family lived at Cox’s Cottage (to the east of Fernhill) for many years</td>
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<td></td>
<td>February 1828</td>
<td>Cox’s Cottage mortgaged to Henry Grattan Douglass</td>
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<tr>
<td></td>
<td>December 1828</td>
<td>Assignment of mortgage from Douglass to James Barnett and others of London</td>
</tr>
<tr>
<td>Death of James King</td>
<td>1829</td>
<td>Birth of Edward King Cox at Cox’s Cottage</td>
</tr>
<tr>
<td>Development of Cox family sheep runs on the Cudgegong River (the area of the township of Mudgee)</td>
<td>c. 1830s</td>
<td></td>
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<td></td>
<td>3 June 1834</td>
<td>Conveyance of Slade’s 800 acres grant from William Cox’s land to Edward Cox</td>
</tr>
<tr>
<td></td>
<td>July 1835</td>
<td>Reconveyance of mortgage on Fernhill</td>
</tr>
<tr>
<td>Foundation stone of St. Thomas’ Anglican Church was laid.</td>
<td>1836</td>
<td></td>
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<tr>
<td>Death of William Cox</td>
<td>1837</td>
<td></td>
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<td></td>
<td>1839</td>
<td>The stable building is said to have been built at this time.</td>
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<tr>
<td>General Event</td>
<td>Date</td>
<td>Site Specific Event</td>
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<tr>
<td>Conveyance of Thomas Hobby’s 196 acres 14 perches to Edward Cox from Henry Cox</td>
<td>1 August 1840</td>
<td></td>
</tr>
<tr>
<td>Conveyance of 339 acres of Slade’s 820 acres from Edward Cox to Henry Cox</td>
<td>1840</td>
<td></td>
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<tr>
<td>Mortgage Edward and Maria Cox to Hastings Edwin and others</td>
<td>30 September 1842</td>
<td></td>
</tr>
<tr>
<td>Mortgage of Edward Cox's land at Rawdon to the Australian Trust Co.</td>
<td>July 1844</td>
<td></td>
</tr>
<tr>
<td>House at Fernhill was completed. Above the door is a date of 1842.</td>
<td>1845</td>
<td></td>
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<tr>
<td>The property was singled out by Governor FitzRoy’s aide-de-camp, Col. Godfrey Mundy, for the way in which its landscape had been moulded by thinning the native tree species.</td>
<td>Late 1840s</td>
<td></td>
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<tr>
<td>Transfer of mortgage held by Hastings Edwin and others to Australian Trust Company</td>
<td>October 1847</td>
<td></td>
</tr>
<tr>
<td>Reconveyance of mortgage to Australian Trust Company, and new mortgage of Edward Cox and Jane Maria his wife to John Nodes Dickenson</td>
<td>7 September 1851</td>
<td></td>
</tr>
<tr>
<td>Cox’s Cottage leased for 15 years.</td>
<td>1851</td>
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<tr>
<td>Marriage of Edward King Cox and Millicent Anne Standish in Ireland.</td>
<td>1855</td>
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<tr>
<td>Reconveyance of 1851 mortgage</td>
<td>18 January 1856</td>
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</tr>
<tr>
<td>Birth of Edward Standish Cox at Cox’s Cottage.</td>
<td>1856</td>
<td></td>
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<tr>
<td>Railway from Sydney to Penrith completed.</td>
<td>1863</td>
<td></td>
</tr>
<tr>
<td>Death of Edward Cox at Bristow Lodge, Goulburn. Fernhill and Cox’s Cottage were passed to his eldest son, Edward King Cox (1829-1883) of Rawden, Mudgee, who carried out at Cox’s Cottage a noted racehorse stud that produced several Melbourne Cup winners.</td>
<td>May 1868</td>
<td></td>
</tr>
<tr>
<td>Edward King Cox’s merino wool wins grand prize at the Paris Exposition Universelle.</td>
<td>1878</td>
<td></td>
</tr>
<tr>
<td>Edward King Cox died at Fernhill. The Fernhill estate was divided. 957 acres was inherited by eldest son – Edward Standish Cox. Herbert Montgomery Standish inherited Cox’s Cottage</td>
<td>July 1883</td>
<td></td>
</tr>
<tr>
<td>General Event</td>
<td>Date</td>
<td>Site Specific Event</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>---------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1885</td>
<td></td>
<td>Fernhill horse stud was sold.</td>
</tr>
<tr>
<td>1888</td>
<td></td>
<td>Death of Jane Maria Cox (Edward’s widow) at Fernhill. House was then left vacant for a number of years.</td>
</tr>
<tr>
<td>March 1888</td>
<td></td>
<td>Mortgage of the Fernhill and Cox’s Cottage lands to the Commercial Banking Company</td>
</tr>
<tr>
<td>September 1888</td>
<td></td>
<td>Assignment of Commercial Banking Company mortgage to New Oriental Bank</td>
</tr>
<tr>
<td>March 1889</td>
<td></td>
<td>Mortgage of Edward Standish Cox to Walter Lamb and Robert McKenzie</td>
</tr>
<tr>
<td>Mulgoa Irrigation Act passed by the New South Wales Parliament. The Mulgoa</td>
<td>December 1890</td>
<td>Agreement to sell Fernhill was signed by Edward Standish Cox and Arthur Winbourn Stephen of Mulgoa.</td>
</tr>
<tr>
<td>Irrigation Scheme was promoted by George Chaffey and Henry Gorman. Fernhill</td>
<td></td>
<td>was affected by the proposal.</td>
</tr>
<tr>
<td>15 May 1896</td>
<td></td>
<td>Transfer of mortgage of Walter Lamb and Robert McKenzie to Frederick Thomas Humphrey and Edward Perry Simpson. Edward Standish Cox defaults on mortgage and property is assigned out of Cox family ownership.</td>
</tr>
<tr>
<td>Sale of George Henry Cox’s Winbourne.</td>
<td>1901</td>
<td>Conveyance of Frederick James Humphrey and Edward Percy Simpson to Henry James Bell, grazier of Goulburn. Fernhill was tenanted by Richard Beige Baynes and wife Annie Augusta, Henry James Bell’s daughter.</td>
</tr>
<tr>
<td>1 October 1906</td>
<td></td>
<td>Mortgage of Henry James Bell to Alfred Tertius Holdsworth and Hon. Frederick Thomas Humphrey</td>
</tr>
<tr>
<td>21 January 1907</td>
<td></td>
<td>Property was brought under the provisions of the Real Property Act. The applicant was Henry James Bell. Surveyed area was 957 acres 26 perches</td>
</tr>
<tr>
<td>23 May 1908</td>
<td></td>
<td>Torrens Title was issued to Henry James Bell for the area of 957 acres 26 perches</td>
</tr>
<tr>
<td>Winbourne destroyed by fire</td>
<td>1920</td>
<td></td>
</tr>
<tr>
<td>7 July 1924</td>
<td></td>
<td>Transfer to Laura Godfrey Bell of Goulburn, widow of Henry James Bell</td>
</tr>
<tr>
<td>17 July 1924</td>
<td></td>
<td>Transfer to Annie Augusta Baynes of estate for life and Reginald Frank Beinge Baynes of estate in remainder</td>
</tr>
<tr>
<td>General Event</td>
<td>Date</td>
<td>Site Specific Event</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>29 September 1924</td>
<td>Transfer to Annie Augusta Baynes</td>
</tr>
<tr>
<td></td>
<td>17 October 1925</td>
<td>Mortgage to Australian Provincial Assurance Association Ltd</td>
</tr>
<tr>
<td></td>
<td>9 July 1930</td>
<td>Transfer to Hilda Mary Moyes, wife of George Sydney Moyes, of Bellevue Hill from Australian Provincial Assurance Association Ltd exercising power of sale</td>
</tr>
<tr>
<td></td>
<td>30 June 1930</td>
<td>Mortgage to Australian Provincial Assurance Association Ltd.</td>
</tr>
<tr>
<td></td>
<td>14 November 1946</td>
<td>Mortgage discharged</td>
</tr>
<tr>
<td></td>
<td>6 June 1950</td>
<td>Resumption of part of land by Department of Main Roads for realignment of Mulgoa Road</td>
</tr>
<tr>
<td></td>
<td>31 July 1953</td>
<td>Transfer of part of land to the Water Board for the overhead ropeway used in the Warragamba Dam construction. The right of easement was released in May 1967</td>
</tr>
<tr>
<td></td>
<td>23 November 1954</td>
<td>Mortgage to Rural Bank of NSW</td>
</tr>
<tr>
<td></td>
<td>22 August 1955</td>
<td>Transfer to Moorilla Pty Ltd, a company owned by Mr John Darling</td>
</tr>
<tr>
<td></td>
<td>1960</td>
<td>Six acres around house and the northern drive were gazetted in the City of Penrith Planning Scheme Ordinance as a place of heritage importance.</td>
</tr>
<tr>
<td></td>
<td>6 April 1961</td>
<td>Easement over part of the land to the Electricity Commission of NSW</td>
</tr>
<tr>
<td></td>
<td>1963</td>
<td>Refurbishment of house undertaken by John Darling completed.</td>
</tr>
<tr>
<td></td>
<td>1966</td>
<td>Subdivision of estate into two lots – a lot of 926 acres, and a 25 acres curtilage around house and the northern right of way from Mulgoa Road.</td>
</tr>
<tr>
<td></td>
<td>1969</td>
<td>Darling and garden designer Paul Sorensen reworked the garden around the house.</td>
</tr>
<tr>
<td></td>
<td>7 September 1970</td>
<td>Title of Lot 2 of DP 541825 issued to John Darling for 25 acres around the house</td>
</tr>
<tr>
<td></td>
<td>December 1978</td>
<td>Interim Conservation Order (No 44) is placed on Fernhill by the Heritage Council of NSW.</td>
</tr>
</tbody>
</table>
3.0 Documentary Evidence

<table>
<thead>
<tr>
<th>General Event</th>
<th>Date</th>
<th>Site Specific Event</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6 December</td>
<td>Subdivision of 49.8 hectares (of the 374.9 hectares) in the north-east of the property, for ownership transfer within the Darling family/estate purposes.</td>
</tr>
<tr>
<td></td>
<td>23 September</td>
<td>Fernhill was acquired by Owston Nominees No. 2 Pty. Ltd., a company owned by Mr Warren Anderson</td>
</tr>
<tr>
<td></td>
<td>July 1981</td>
<td>Permanent Conservation Order No. 54 placed on Fernhill by the Heritage Council of NSW</td>
</tr>
<tr>
<td></td>
<td>c. 1981-1984</td>
<td>Mr Warren Anderson undertakes extensive upgrading and new construction works, including extensive works in the grounds.</td>
</tr>
<tr>
<td></td>
<td>June 1984</td>
<td>Penrith City Council notifies the National Trust of Australia (NSW) of reports of unauthorised building work.</td>
</tr>
<tr>
<td></td>
<td>1984</td>
<td>Lots 10 and 11 of DP 615085 of Fernhill were issued to Owston Nominees Pty Ltd.</td>
</tr>
<tr>
<td></td>
<td>7 July 1987</td>
<td>The Heritage Council commenced legal proceedings against the owner substantial unapproved works undertaken on property.</td>
</tr>
<tr>
<td></td>
<td>1991</td>
<td>Fernhill unsuccessfully placed on the market.</td>
</tr>
<tr>
<td></td>
<td>December</td>
<td>Bushfires extensively damaged the estate.</td>
</tr>
<tr>
<td></td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2012</td>
<td>Fernhill is placed in receivership.</td>
</tr>
<tr>
<td></td>
<td>December</td>
<td>Simon and Brenda Tripp occupy the property and commence conservation works and maintenance.</td>
</tr>
<tr>
<td></td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2018</td>
<td>Fernhill bought by the Department of Planning, Industry and Environment.</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>Neighbouring land at 1147-1187 Mulgoa Road bought by the Department of Planning, Industry and Environment.</td>
</tr>
</tbody>
</table>

3.2.1 Property owners

<table>
<thead>
<tr>
<th>Date</th>
<th>Owner</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1810-1868</td>
<td>Edward Cox</td>
<td>He was aged 4 at the time of the original land grant of 300 acres (121 hectares)</td>
</tr>
</tbody>
</table>
Fernhill Estate

3.0 Documentary Evidence

<table>
<thead>
<tr>
<th>Period</th>
<th>Owner(s)</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1868-1888</td>
<td>Edward King Cox</td>
<td>He inherited the estate from his father on his death in 1868 (eldest son of Edward Cox)</td>
</tr>
<tr>
<td>1888-1896</td>
<td>Edward Standish Cox</td>
<td>He inherited the estate from his father on his death in 1888 (son of Edward King Cox)</td>
</tr>
<tr>
<td>1896-1906</td>
<td>Frederick Thomas Humphrey and Edward Perry Simpson</td>
<td>House was occupied by Richard Beindge Baynes and his family (c. 1900 – 1926)</td>
</tr>
<tr>
<td>1906-1924</td>
<td>Henry James Bell</td>
<td></td>
</tr>
<tr>
<td>1924-1930</td>
<td>Annie Augusta and Richard Beindge Baynes</td>
<td></td>
</tr>
<tr>
<td>1930-1955</td>
<td>Hilda Mary and George Sydney Moyes</td>
<td></td>
</tr>
<tr>
<td>1955-1980</td>
<td>John and Angela Darling</td>
<td></td>
</tr>
<tr>
<td>1980-2012</td>
<td>Owston Nominees No. 2 Pty. Ltd</td>
<td>Warren and Cheryl Anderson occupied the property</td>
</tr>
<tr>
<td>2012-2018</td>
<td>Angas Securities Limited with Simon and Brenda Tripp</td>
<td>Occupied the property December 2012</td>
</tr>
<tr>
<td>2018</td>
<td>NSW Department of Planning, Industry and Environment</td>
<td></td>
</tr>
</tbody>
</table>

3.3 Historical Themes

The Heritage Council of NSW established 35 historical themes relevant to the State of NSW. These themes correlate with National and Local historical themes. Historical themes can be used to understand the context of a place.

<table>
<thead>
<tr>
<th>Australian Theme</th>
<th>NSW Theme</th>
<th>Local Theme</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Tracing the natural evolution of Australia</td>
<td>Environment – naturally evolved</td>
<td>Rural settlement</td>
<td>Fernhill’s location in the Mulgoa Valley at the foot of the Blue Mountains necessarily influenced its settlement and development. The mountains shaped the life of those living at Fernhill through their pastoral activities on both sides of the mountains.</td>
</tr>
<tr>
<td>2. Peopling Australia</td>
<td>Aboriginal cultures and interactions with other cultures</td>
<td>Push westward</td>
<td>The name ‘Mulgoa’ is a derivative of the indigenous word for ‘black swan’. There are records of clashes occurring at Mulgoa between the aboriginal Australians and the European settlers.</td>
</tr>
<tr>
<td>2. Peopling Australia</td>
<td>Convict</td>
<td>Country estates</td>
<td>It is believed that the 45 000-gallon stone reservoir was constructed from ashlar stonework by convicts.</td>
</tr>
</tbody>
</table>
### 3. Developing local, regional and national economies

<table>
<thead>
<tr>
<th>Industry</th>
<th>Description</th>
<th>DC</th>
<th>Region</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>Country estates</td>
<td>Rural settlement</td>
<td>Fernhill was one of several Cox family estates in the Mulgoa area that had extensive agricultural activities. There have been subsequent agricultural activities at Fernhill including a piggery, chicken hatchery and winery.</td>
<td></td>
</tr>
<tr>
<td>Exploration</td>
<td>Push westward</td>
<td></td>
<td></td>
<td>William Cox supervised the construction of the road across the Blue Mountains.</td>
</tr>
<tr>
<td>Mining</td>
<td>Industrial development</td>
<td></td>
<td></td>
<td>The stone quarry at Fernhill was used to construct the old stables and house on the property and for the construction and repair of buildings outside the property.</td>
</tr>
<tr>
<td>Pastoralism</td>
<td>Country estates; Rural settlement</td>
<td></td>
<td></td>
<td>The Fernhill estate has been critical to the development and improvement of sheep, cattle and horses.</td>
</tr>
<tr>
<td>Accommodation</td>
<td>Rural settlement</td>
<td>Rural villages</td>
<td>The Fernhill Estate illustrates a variety of accommodation types for humans and animals dating from 1839 onwards.</td>
<td></td>
</tr>
<tr>
<td>Utilities</td>
<td>Municipal government</td>
<td></td>
<td></td>
<td>45,000-gallon stone reservoir constructed from ashlar stonework by convicts. An early stone box drain is present on the site. Fernhill has an association with the Warragamba Dam scheme and the hydroelectricity that resulted.</td>
</tr>
</tbody>
</table>

### 5. Working

<table>
<thead>
<tr>
<th>Labour</th>
<th>Country estates</th>
<th>Industrial development</th>
<th>Rural settlement</th>
<th>Rural villages</th>
<th>Push westward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stonemasons were sourced from Ireland through the bounty system of immigration; the men purportedly lived in the 1839 stables while they built Fernhill house.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 8. Developing Australia’s cultural life

| Domestic Life | Country estates | Rural settlement | Fernhill shows the development of a country estate and rural settlement. |

| Creative endeavour | Country estates | Fernhill is likely to have been designed by Mortimer Lewis, a significant Australian colonial architect. The house and stables are both of a high quality from the period. |

| Leisure | Tourism and recreation | Fernhill functioned as a guest house in the 1930s and subsequently visitors paid to tour the house. |
8. Developing Australia’s cultural life

| Religion | Rural settlement | Importance of visual associations between St Thomas Church and Fernhill; Cox family endowed the Church of England with funds and land in Mulgoa to provide for the construction of St Thomas Church; Cemetery contains the graves of members the Cox family. |

8. Developing Australia’s cultural life

| Sport | Tourism and recreation | High quality race horses have been bred and trained at Fernhill. More recently picnic races were held on the site. |

9. Marking the phases of life

| Birth and Death | Recognition of past events | Several generations of the Cox family had connections to Fernhill House. Thomas Church cemetery contains the graves of members of the Cox family. |

3.4 Ability to Demonstrate

The surviving physical fabric of the Fernhill Estate including its built elements and landscapes demonstrates the phases of the property’s history from prior to 1839 up to the present day. In doing so it contributes to an understanding of the National, State and local historic themes as set out in the above table.

The location of the estate contributes to our understanding of the push westward by European settlers and the connection between the discovery of a passage through the Blue Mountains, the building of the road over them and the subsequent expansion of pastoral activities across multiple estates. The size and quality of the house demonstrates the economic development that resulted from this pastoral expansion and the financial crisis of the early 1840s.

The landscape illustrates the modification to a park-like landscape pleasing to a European eye and further developments with garden design from the 1960s.

Fernhill estate is intrinsically connected with the peopling of Australia by Europeans. Mulgoa is a well-documented site of the frontier wars with Indigenous Australians. The push west and the developing of local, regional and national economies initially through the pastoral activities of the Cox family are shown through the location, size and use of the property. The house and original stables are built evidence of the initial development of this economy with later constructions evidencing later economic uses for the site. The work undertaken in constructing the buildings on the property, managing the pastoral activities and running the household and farm contribute to our understanding of workers and work practices. Spaces such as the cellars of the house and the rooms of the original stable block provide physical evidence of this.

The grandeur of the Fernhill Estate and the quality of design and construction of the House and Stables illustrates the development of Australia’s early cultural life drawn on precedents from Britain. The people who have occupied the property over its life have also contributed to the cultural life of the country and this can be gleaned through changes made to the historic structures and the addition of new structures to the property. The refurbishment of rooms within the house in more recent years illustrates the cultural predilections of the owners at the time and their attitudes to history and heritage.

Fernhill estate has marked the phases of life of many families. Members of the Cox family are buried in the nearby St. Thomas’ graveyard and development on the site marks the rise and fall of the financial fortunes of many of its occupants in turn reflecting the movements in the economy of the wider society.
4.0 Physical Evidence

4.1 Identification of Existing Fabric

4.1.1 Landscape

Geology

The surface geology of the Mulgoa area comprises a small outcropping of Hawkesbury Sandstone, strata belonging to the Triassic Wianamatta Group, Quaternary Alluvium associated with the major creek draining the area and a minor occurrence of Tertiary sediments.\(^{193}\)

There are four soil associations found in the Mulgoa Valley:
- Hammondville – from parent materials of the Hawkesbury Sandstone and Ashfield Shale
- Cumberland – coinciding with the Bringelly Shale formation
- Mulgoa – consisting of tertiary sediments which are found in two zones along Mulgoa Road
- Nepean – consisting of Quaternary Alluvium and is typically found close to the river flats.

Topography

Mulgoa Valley is steep and hilly to the west with an extensive plateau zone around Fairlight. The topography varies in height from an average 100 metres above sea level to over 215 metres above sea level. To the east the land is more undulating, ranging in height from 40 metres to 100 metres above sea level.\(^{194}\)

Landform and Vegetation

Mulgoa Valley is characterised by creek flats, wooded hills and escarpment areas. To the west the Valley is steep and hilly, to the east it is more undulating with the creek flats and escarpment associated with Mulgoa Creek at the centre.\(^{195}\) The natural landforms on Fernhill Estate include the hill on which the house is situated and the gently undulating hills and various tributary creeks through the property.

The property is located within the Western Sydney Region of the Hawkesbury-Nepean Catchment. The Nepean River sub-catchment is located downstream of the Upper Nepean sub-catchment, which contains significant dams and protected water supply catchments. The Nepean River is located approximately 500 metres west of the property. Littlefields Creek borders the property to the south.

Under Penrith LEP 2010 much of the property is zoned Environmental Living (Zone E4), however the land east of Mulgoa Road, the wooded hill behind the house and the western land beyond that and parts of the lots along Mayfair Road are zoned Environmental Conservation (Zone E2). This replaces an earlier site zoning that did not include these zones but created flora and fauna corridors through the site. The environmental zoning has the potential to affect the heritage values of the property and will impact on how the estate is managed with regard to both its cultural and natural heritage values.

As Fernhill’s landscape varies in its relation to its physical environment and function. The previous CMP divided the landscape into precincts for the purpose of description and convenience only. This CMP maintains the same precincts.

1: house garden;
2: west and north of house garden;
3: south of southern driveway;

\(^{193}\) Kinhill Stearns, Mulgoa Valley, 3-3
\(^{194}\) Kinhill Stearns, Mulgoa Valley, 3-3, 3-6
\(^{195}\) Kinhill Stearns, Mulgoa Valley, 3-6
4: east of house;
5: north of house and northern driveway;
6: western portion of Fernhill Estate;
7: eastern portion of Fernhill Estate;

Figure 56. Fernhill's landscape precincts or areas.

Much of the present vegetation in the Valley, including Fernhill, has been cleared for grazing and other agricultural purposes. Dry sclerophyll forest covers uncleared or regrowth portions of the valley, which varies between open forest, woodland and low woodland communities. An important feature of the vegetation matrix in the valley area is the extensive parkland areas created by the selective retention of certain native tree species, particularly Rough-barked Apple (*Angophora floribunda*) and Broad-leaved Apple (*Angophora subvelutina*), while other native species were generally cleared.

The figure below illustrates the relative distribution of vegetation communities on the Fernhill Estate. There is Cumberland Plain Woodland throughout paddocks in Landscape Areas 3, 4, 5 and 7, and along Littlefield’s Creek. Cumberland Plain Woodland is listed at the State and Federal level as a critically endangered ecological community, the highest conservation status possible for vegetation communities.

Cumberland Plain Woodland is the name given to the distinct groupings of plants that occur on the clay soils derived from shale on the undulating Cumberland Plain in central New South Wales. The most commonly found trees in the woodland are Grey Box Eucalypts *Eucalyptus moluccana*, Forest Red Gums *Eucalyptus tereticornis*, Narrow-Leaved Ironbarks *Eucalyptus crebra* and Spotted Gum *Eucalyptus maculata*. A variety of other lesser-known eucalypts as well as shrubs, grasses and herbs are also found. It is the dominance of Grey Box and Forest Red Gum that makes the community distinctive. This vegetation community was once widespread in the Plains but has been reduced to a few fragmented strands by human use for farming, industry and housing.196

The remnant apple trees that line the southern driveway are part of the Cumberland Plain Woodland community, but are less frequent. The apple trees are also found within other vegetation communities.

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There is Shale Sandstone Transition Forest throughout parts of the cleared parts of the Estate (LA3 & LA5), and in separate areas of Landscape Area 6 (LA6). This is listed at the State and Federal level as an endangered ecological community.

LA6 is predominantly Sandstone Ridgetop Woodland with two small areas of Western Sandstone Gully Forrest (along creek lines). Both of these vegetation communities are in good condition and are not endangered.

There are two areas of Alluvial Woodland on cleared areas of Fernhill Estate (LA3 and LA5). This community is in relatively good condition and is not endangered.

There is a small area of Shale Sandstone Transition Forest in LA3 and LA3, which is listed as an endangered ecological community at State level only.

4.1.2 Cultural landscape

Fernhill was designed as a picturesque park-like landscape that developed through clearing and modification of the existing native vegetation and cultural plantings adjacent to the house framing views around the house. This was consistent with the principles of picturesque landscapes where significant views and vistas to the rural landscape were gained both within the property and beyond (refer Section 3.1.5.4).

As evidenced by historical aerial photographs, little vegetation was planted around the house with the exception of selected specimen trees, the house occupying the brow of the hill in a grassed setting with turfed banks grading away from the house and gravel drives circling the rise. Views were enjoyed in most directions, in particular the prospect looking to the east over the Mulgoa Valley and district.

This colonial landscape was substantially altered by landscape architect Paul Sorensen in the 1970s and early 1980s. The Andersons made further changes to the cultural landscape throughout the 1980s including planting around the new dam north of the house and throughout the property.

Fernhill’s original land holding has also been extended during the last 30-40 years, adding lands to the north, south-east and west. While these areas do not form part of the original grant, they are linked to the main holding and in some locations are within the view shed of the house. In recognition of the contribution that some of these areas make to the setting of Fernhill, parts of the extended site are now heritage items within Penrith LEP 2010 as part of the Fernhill setting.

A small portion of the area’s natural environment exists on the western portion of the property (Area 6) and revegetation has occurred on many parts of the property.

Fernhill Estate has been impacted by a variety of invasive weeds and introduced fauna species that require ongoing management. Section 5.3 discusses potential issues and opportunities for Fernhill’s cultural landscape.

The following sections describe and discuss each part of the Fernhill landscape using the precincts set out earlier in this plan. For continuity of discussion this section firstly describes each area then discusses opportunities and constraints that may exist for the future use of the areas.

The estate is divided into a series of broader precincts than set out below:

- The house and its immediate garden and working setting
- The open pastoral land, flanked by the driveways that extend from the house to Mulgoa Road.
- The wooded hill behind the house that extends into the woodland.
- The remaining lands that flank these areas.

4.1.2.1 House Garden - Precinct 1

The house garden is defined as the landscaped area around the house. This precinct has been largely modified by landscape architect Paul Sorensen.
The northern edge of the house garden is framed by a pergola with Doric order sandstone columns (reused from the demolished Union Club in Bligh Street Sydney) and a timber superstructure. The ends of the timbers were detailed by Sorensen with a design to be sympathetic to the Georgian architecture of the house. The pergola is covered with White Chinese Wisteria (*Wisteria sinensis* ‘Alba’). The timber elements are now in deteriorated condition. It appears that Sorensen raised the level of the garden to create a level lawn to the north of the house. The rear of the pergola has a mid-height retaining wall separating it from the driveway that extends to the rear of the house. The lawn between the retaining wall and the house is largely on fill.

A rose garden is located directly west of the pergola that is now enclosed by tall hedges of star jasmine (*Trachelospermum jasminoides*) with the entrance arched with yellow Banksia rose. The rose garden was designed in the 1970s by Sorensen. There are sandstone steps leading from the rose garden to the garden area north of the house flanked by the pergola and a stone sundial sits in the centre of the rose garden. These garden areas are benched into the site and are typical of his designs.

![Aerial of House garden house (Source: Google Earth 2018)](image)

East of the pergola is a paved car park and grove of Chinese elms (*Ulmus parvifolia*) that was laid out by Sorensen in the early 1970s. A substantial flight of paved stone stairs lead from the car park to the northern area of the garden with the carpark enclosed by a mid-height sandstone retaining wall. The stairs are the formal access to the eastern elevation and front door of the house. The carparking area, walls and stairs replaced the carriage loop that originally provided formal entrance to the house. Two lamp posts are situated either side of the stair and another set are located either side of the car park entrance. These works involved substantial changes to the land form in the area of the former carriage loop and driveway both excavating the area of the carpark and filling the front lawn area to create a more level platform adjacent to the house.
Directly west of the house is a formal garden designed by Sorensen and modified by the Andersons in the 1980s. There are several stone carved horse heads that line the concrete or stone paved paths in this section of the garden. A flight of sandstone stairs leads from Sorensen’s garage through the west garden and to the rear of the house. Other paths and stairs are concrete and are likely to be later alterations by the Andersons.

Immediately to the west of the house is a covered water reservoir, which is likely to be contemporary with the house – it was lined in the 1980s and covered with a reinforced concrete roof slab. This tank was used for potable water; however, when the Andersons built the large dam north of the house in the early 1980s, this dam provides the household's water supply.

The former stables (1830s), Games building (1980s) and Garage (1970s) are situated to the north-west of the house. Various trees and flowers have been planted in front of the former Stables and Games buildings. Several mature eucalypt trees remain west of the former stables and Games building, that are now set down below the main ground level. It appears that the western side of the two buildings was filled to create a level platform that is retained with a large stone retaining wall that forms the eastern edge of the horse paddocks beyond. Concrete and stone steps and ramps lead...
into this at the northern end of the complex. The Stables and Games room are now surrounded by lawns with paved verandahs.

Sorensen designed a looped driveway that extended from the 1970s garage to the rear of the house. This altered the formal vehicular approach and entry to the house as this is now the only vehicle access to the main house. The Andersons later lined this looped driveway with hedges that block views in all directions and added a small gardener’s shed south-west of the house where there is now a small paved car parking area. Sorensen also designed a sandstone shed to the east of the vegetable garden. The service entry to the house is via the kitchen in the south-west wing with vehicles parking at the end of the extended driveway.

To the south-west of the driveway loop is an open garden with mostly mature trees and some small shrubs. A small aviary is located in this area.

Prior to the works by Sorensen, access drives around the property were largely dirt tracks with little definition. The extensive work in changing levels and creating retaining walls saw most the driveways formalised and regularised. When comparing historical aerial photos from the 1940s into the 1970s and 1980s, the open turfed area to the south of the house was substantially changed from its colonial form by Paul Sorensen by levelling the land, introducing the balustrade, swimming pool at a lower level and adjustments to the tennis court with a pump room and changing rooms under. This hillside to the pastoral lands below, only traversed by the entry drive and clumps of decorative trees. The Sorensen work adjusted the relationship of the house to the pastoral landscape by creating filled platforms, retaining walls, ponds, plantings and pergolas to mediate the house from its rural setting.

The design by Sorenson changed the colonial setting for the garden to a more domesticated character and typical of mid to late 20th century plantings and design. While the broader and pastoral setting of the house essentially remained intact, the detailed landscape design around the house reflects the taste and character of late 20th century landscape design.

Elements of the altered southern garden include:

- a retaining wall and balustrade directly south of the house, which also extends to the south along the side of the tennis court below which is the pool house.
- the swimming pool, introduced by Sorensen, which has had its proportions altered to its current form in the 1980s. The pool is not visible from the house and was purposefully designed as such by Sorensen.
- the tennis court, which was likely constructed in the 1920s. It was re-laid with a sealed surface and screened by star jasmine and banksia roses in the 1970s, and was re-laid in loam in the 1980s.
- a timber pergola running east-west along the northern end of the tennis court
- a small stone retaining wall extending from the kitchen area which accommodated a change of level in the lawn.

South of the pool and tennis court there are Liquidambar styraciflua, Stone Pine \((Pinus pinaster)\), Pinus sp. \((Pinus radiata)\), Jacaranda \((Jacaranda mimosifolia)\), Louis van Houtte \((Ulmus procera)\) and various other cultural plantings. On the landscaped terrace south of the house are Pencil Pines \((Cupressus sempervirens ‘Stricta’)\) and remnant Weeping Cherries \(many of which died between 2010 and 2012\), planted by Anderson.

The terraced lawns south of the house include large Bunya Bunya pines from the Cox’s occupation. The garden to the east of the house appears to be part of Sorensen’s design and contains a reflecting pond directly adjacent to the house. The island in the middle of the pond is accessed over a decorative wooden bridge, which replaced a less ornate timber bridge in the early 1980s. The summerhouse on the island was also established by the Andersons in the 1990s. The pond is on two levels with water pumped to the smaller upper level and cascading over two weirs to the main pond.
The loss of the carriage drive in this area in the 1970s followed by progressive building up of the garden in this location, in addition to further mature trees planted east of the driveway, has progressively contributed to the loss of views to the east towards St Thomas’ Church, Cox’s Cottage and the Mulgoa Valley. There are Willow trees (*Salix babylonica*) and a Jacaranda (*Jacaranda mimosifolia*) planted around the lake by Sorensen.

The formal house gardens around the house are well established and the modifications to the land forms are major and significant and are largely not easily reversible. There are aspects of the garden setting that are not particularly sympathetic to the overall setting of Fernhill and there is capacity to alter the formal gardens where the elements are not identified as sympathetic. The Sorensen changes were dramatic in their impact on the colonial setting of the house.
The establishment of the gardens since the 1970s and regrowth in former view corridors has caused loss of specific views overtime to the east to St Thomas Church, Cox’s Cottage and parts of the Mulgoa Valley. Some of these views are recoverable, refer to Section 4.4.

4.1.2.2 West and North of House Garden - Precinct 2

The landscape directly west and north of the house and house garden has undergone substantial change throughout the late 20th century.

Western Area

In the area west of the house garden once stood a winery building, several aviaries, a chicken hatchery (1958) and piggery (1950s). The chicken hatchery was converted to a plant nursery in the 1970s. The chicken hatchery had been removed by 1986 and an aviary and other brick farm buildings established north-west of the house. The circular aviary and workshop building were added in the early 1980s and the long aviary several years later. The shed and the aviaries were damaged by bushfires in 2000 and only the circular aviary is capable of re-use today.

John Darling advised that he levelled this area to construct the various farm buildings by removing the top of a small knoll and creating a raised platform around its edges. The areas of fill can be clearly seen in the land formation but the extent of other land modification undertaken at that time is not otherwise clear.
There are several fenced paddocks and stone outbuildings in this location with various plantings between the paddocks post-1980s. There is at least one Bunya Bunya pine and several other mature trees in the area between the Manager’s Residence and the aviaries. Lantana is growing west of the 1980s workshop ruin, which is currently a ‘class 5’ weed under Noxious Weed Act. The area has undergone various level changes with filling and levelling with areas now retained by stone walls. There are extensive plantings of exotic trees through this area from the 1980s onwards. The paddocks are fenced mostly with stone walls and wire enclosures and there are stone horse boxes in the main paddocks. It appears that this work, along with the other extensive changes made to the property, was carried out without approvals.

The area is also traversed along its western edge by an easement for power lines that are supported on large steel stanchions that follow the alignment of the earlier ropeway constructed to move materials for Warragamba Dam. This alignment separates the farm areas from the bushland beyond.

The area is also traversed by a north-south roadway along the western edge of the paddocks onto which fronts the former winery.

The items of heritage significance that remain in this area are the remains of the winery and the surrounding early land formations and the alignment of the north-south driveway. It appears that all other structures, retaining walls and many of the levels are late twentieth century and of little or no heritage significance. Many of the outbuildings in this area are damaged or in poor condition.

Northern Area

The Andersons built a manager’s residence in 1981 on the site of a former poultry shed, north of the 1840s house, which was a similar design to that at Elizabeth Farm. To the north east of the 1980s residence they built a large dammed lake and created another access road to its north along the top of the dam wall. Giant bamboo and a willow tree were planted along the road to the north of the lake and to the south there are pine trees and other shrubs. Recently the bamboo has been removed along with some of the dense pine tree plantings that had encroached on buildings, retaining walls, road and lake. All of these elements were constructed without approval and the recent removal of invasive planting was also undertaken without consent.

Sandstone stairs and a timber trellis with a climbing flowering plant are located off the service road connecting to the Manager’s Residence. The area north and south of the Manager’s Residence is grassed with several retaining walls and there is a small stone shed on the opposite side of the access road to the Manager’s Residence garage. There are various trees and shrubs in the rear yard of the Manager’s Residence.

Along the northern edge of the access road directly north of the 1840s house is a photinia hedge and various trees (to the south) including olive trees. Some of these trees were planted by Sorensen, such as the Chinese elms. The hedge was added by the Andersons in the 1980s to screen the new Manager’s Residence from the road and main house.
4.0 Physical Evidence

There is nothing within this area that has particular heritage significance and there has been considerable change to land forms and the addition of the house and the large dam that have made a considerable change to the earlier setting and appearance in this location. The area is out of site of the main house, partially through mature plantings and is now accessed by the lower access road that effectively separates the house entry from access to the northern and western areas. Opportunities may exist for some development within this zone.

4.1.2.3 South of the Southern Driveway - Precinct 3

This precinct is bounded by the racetrack and stables complex to the north, Littlefields Creek to the south, Mulgoa Road to the east and the Water Board Easement to the west.

The current main formal entry to the property is from Mulgoa Road, approximately 500 metres south of the original entry. As noted, the entry was relocated in conjunction with the realignment of Mulgoa Road in 1949 to a more southerly location. Part of the now unused section of road is easily discernible in the landscape and remains flanked by several early apple gums. A random rubble stonewall runs parallel with the driveway from the entry gates to the stone bridges below the house, the Andersons constructed this in the early 1980s. It is a significant new element within the landscape. It is set back some distance from the drive retaining the park-like setting along the length of most of the driveway. The wall is in poor condition in some locations and requires reconstruction.

There is a small dam, formed in the early 1980s, located south-east of the 1980s stables complex. The area east of this and edged by Littlefields Creek is mainly open pasture. Littlefields Creek has become increasingly revegetated through the 1980s and 1990s. Between the creek and the southern access road, there is some natural vegetation (mostly various eucalypt varieties), small shrubs and grassy fields. There is an extension of Littlefields Creek directly south of the entry off Mulgoa Road.
Much of the south-west area has been progressively cleared of vegetation for bushfire safety and to remove various weed species. It is also now predominantly open pasture with clumps of trees. Apart from the construction of the dam and stonewall, the land south of the driveway remains largely in its early form, that is open pastureland with areas of natural vegetation. The addition of the serpentine wall has changed the visual setting along the main drive as it restricts views across the southern pastureland, particularly as the land falls from the drive towards the creek alignment. The area of land between the old and new entry roads is visually significant as the first open area of Fernhill seen on arrival at the property and it reflects the historical development of the site. The early driveway form is also of high significance with its flanking and informally grouped native trees. It is also noted that BioBanking Agreement negotiations have determined that parts of this area have high biodiversity value and as a result BioBanking agreements have recently been put in place to protect some of the natural values of the site along with cultural heritage values. There will need to be careful consideration of interface between natural and cultural values to achieve the desired open rural character for most of the property with other areas protected for their natural values.

4.1.2.4 East of House - Precinct 4

This precinct is bounded by the two access roads, Mulgoa Road to the east and the house garden and access road to the west. The landscape to the east of the house provides picturesque views from the house and its immediate garden to the Mulgoa Valley in the distance and the pasturelands in the foreground. The outlook from the house once included views to St Thomas Church, located picturesquely on a small rise and possibly to Cox’s Cottage, although this diminutive building is set down behind a small knoll limiting any direct views between Fernhill and the building. Over the last three decades, in particular, the Cumberland Plain Woodland has revegetated on parts of the Fernhill site, the road reserve and the church lands removing direct views and vistas between these historic elements, noting that the road deviation in the late 1940s created the physical break between the church and Fernhill lands. The views, that remain are still important and fine but are more immediate, that is within the property, or more distant to the valley beyond.

An early remaining feature of this precinct is the reflecting pond, located north of the southern driveway close to where it heads north towards the house (and currently south-west of the 1980s stables complex). This was part of the original design of the property from the 1840s where the drive curved around the pond giving the visitor a planned view to the house on the rise above, reflected in the pond waters. A stone retaining wall and timber fence around the pool
have altered its appearance and in combination with the now quite dense vegetation located between
the pool and the house and bridges (particularly to the west) and the changes to the house garden
through terracing and the addition of walls, the historic view to the house across this pond has been
lost. The pond and its curved drive however remain as important elements of the landscape. The
western section of this area is also BioBanked. There is opportunity to carefully remove vegetation
both outside and within the BioBanked area to recover some of the open aspect towards the house.
It is also possible (as discussed elsewhere) to remove some of the later stone walling to provide
views across the landscape.

This central pastoral area of the property was substantially changed, mostly during the 1980s, by the
Andersons. The changes include: the construction of the racetrack; the construction of a stables
complex; fencing for new paddocks and the creation of a new layout of paddocks related to the
stable’s development; adding stone loose boxes to some paddocks; new plantings: the enlargement
of several small dams; and various new areas of planting.

The avenue of trees that line the northern driveway was added in the 1980s although tree plantings
existed prior to that time. There were three small dams located in the central area during the 1960s
with another two being added in the 1980s (within the racetrack).

There are several Monterey Pines (Pinus radiata) directly south of the 1980s stables complex,
adjacent to the Lunge yard. There were also stands of pine trees lining the racetrack, most of which
were burnt in the 2000 bushfires. There are also stands of casuarina and willows around the smaller
dams that are not reflective of the earlier form of the landscape. Much of the timber fencing through
this central area has fire damage from the 2000 bushfire. Fire damaged items need to be either
removed or repaired, however introduced tree plantings such as Monterey pines are not appropriate
for the setting.

This precinct also contains the two stone bridges that form a feature of the entry drive. They have
been largely reconstructed and somewhat altered in appearance with stone balustrades added to at
least one bridge but they have also lost their picturesque setting as regrowth now obscures the
approaching views to the structures and the views from the bridges towards the house.

The western edge of the precinct is flanked by a stone wall built in the 1980s that separates the entry
drive from the house garden. The wall is not a dominant or even very noticeable element from within
the garden when looking out, but it blocks nearly all views into the garden and to the house from the
driveway as it winds around the curve of the hill. When first constructed the drive was purposefully
located to reveal the house in the round with the visitor first seeing the house from the south and
then moving around to the north. This is now lost, partially from construction of the wall but more
significantly by the changes to land form within the garden that have removed the even gradient of
the hillside. Consideration could be given to removing the 1980s wall or sections of the wall to open
up the aspect of the house.

Construction of the racetrack resulted in the clearing of some of the early remnant vegetation in this
area, the area once being dotted with individual and small clumps of trees that would have provided
picturesque elements when viewed from the house. The visual change to the open pastoral character
is evident from the aerial photographs and from moving around the site. The racetrack generally
follows the topography that is there, with relatively little cut and fill of the landform, and while apparent
in aerial photographs, apart from its perimeter fencing, it is located comfortably within the landscape.
It is noted that during the Anderson period that the edge of the racetrack was planted with an avenue
of pencil pines, however these were largely destroyed in the 2000 bushfire.

In the recent past the race track has been upgraded with a new rail and an improved grass surface
to accommodate race events.

The addition of the dams within this area and the dense planting around the edges of the water
(items L3, L4 and L5) has also provided quite dense banks of planting when viewed from the front of
the house and driveway. Consideration to removing or thinning areas of introduced planting should
be given to recreate the smaller more random clumps of vegetation within the landscape.
Even though the area remains mostly open and the landform is close to its early overall form, the appearance of the central area has been modified equine timber fencing, formal paddock layout and the white fencing to the racetrack.

![Figure 68. Aerial of landscape east of house garden to Mulgoa Road. (Source: Google Earth 2018)](image)

The stables complex is substantial and whilst it does not interfere with the visual relationship between the house, garden and the central precinct, it is a large imposition on the historic cultural landscape and can be clearly viewed from the house looking south. Consideration should be given to its removal.

### 4.1.2.5 North of House and Northern Driveway - Precinct 5

The landscape area north of the house and the northern driveway entry from Mulgoa Road is bounded to its north by the property boundary running for most of its length along the creek alignment. The area includes a large dam, an orchard and associated farm building, various mature trees, grassy pastures, several enclosed animal pens (figure below), the creek and gorge to the west and areas of regrowth on the slopes north of the creek line. The original land grant and boundary of the SHI listing is approximately the alignment of the creek and the north side of the dam, the 6 lots fronting Mayfair Road are also now listed in the LEP heritage schedule for their contribution to the heritage setting (termed incorrectly ‘curtilage’ in the LEP citation) of Fernhill.

The dam was enlarged in the early 1980s. South of the dam is an orchard which was added in the early 1980s along with the stone-faced farm building set some distance back from the entry road. A large sloping paddock is between the orchard and the dam spillway. High cyclone-type fence were constructed for the deer enclosures in the 1980s in the western part of this area, which may have replaced earlier fencing. A smaller dam is located near Mulgoa Road in a small gully. This area is not visible from any parts of the estate except the immediate surrounding slopes. The northern section of the area, beyond the creek and close to Mulgoa Road connects to established residential lots and is open grassland with some tree cover. It is separated from the main Fernhill lands by the dam spillway and floodway area and the gully and watercourse that extends towards Mulgoa Road. The dam was built without prior approval.
The western area is divided into paddocks with a scattering of eucalypts and presents as an open pastoral landscape. The paddocks extend close to the creek and dam edge where there is dense undergrowth extending into a gorge at the western end of the area. The area adjoins the workshop area to the west and is visually screened from most of the property. Another dam is located to the south immediately below the larger dam providing water for the house.

The landform of the area slopes up from the creek line with the pastureland falling gently from the entry drive towards the north, beyond the creek the land form climbs quickly to the north-west and as noted is largely wooded. The land is zoned as environmental protection for part of this area and is covered by BioBanking agreements.182

Due to the gentle slope of the land to the north and the open tree cover, much of this area falls visually outside the core views and vistas that are available up and down the property, east to west. It is noted that much of this area is within the original Fernhill grant and forms part of the core estate, consequently consideration of uses and possible development has to be seen within that overall heritage value.

4.1.2.6 Western Portion of Fernhill Estate - Precinct 6

The land west of the 1950s easement, that extends to the western boundary of the SHI listing, is mostly natural vegetation with some areas of Cumberland Plain Woodland and endangered Shale Plain Woodland. A large dam is located on the south-western edge of the precinct that is fed by natural springs and the land to the north of the dam is cleared and has been developed as open pasture.

Two quarries have been identified: one below the road that leads past the aviaries and workshop building to the north-west of the house (in an adjacent precinct) and a second on the far bank of the creek opposite.198 A well-formed fire track provides access along the southern edge of the property that connects to the western lands beyond. There is a clearing half way along this track where there is metal stockyard fencing. There are also various stores of materials such as stone along the track. The track extends along the northern edge of the dam. The vegetated hillside is accessed via a

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182 Davies CMP, 2005, 89.

198 Davies CMP, 2005, 89.
number of fire tracks that criss-cross the hillside. The fire tracks are necessary for the management of the whole estate and adjoining lands. At various stages in the history of the site the hillside has been cleared, revegetated and subject to fire and further revegetation. It is now recognised as an area of natural woodland with environmental values that is not suitable for uses apart from ones that protect the woodland value.

Apart from the small pasture area to the western side of this precinct, the landform and vegetation determine that the area needs to be retained as woodland and maintained for its natural values. It is also of heritage significance that the wooded hillside forms the backdrop to Fernhill House and has done so for much of the history of the property. It is noted that the hillside is within the original core estate.

There may be some potential for new uses at the cleared western edge of the precinct.

Figure 70. Aerial of natural vegetation west of house. *(Source: Google Earth 2018)*

### 4.1.2.7 Eastern Portion of Fernhill Estate - Precinct 7

When Mulgoa Road was realigned in 1949, a portion of the Estate remained on the eastern side of the new road, which is now bounded by St Thomas’ Road to the north and east and the St Thomas’ Church to the south. The area has had a substantial amount of revegetation since it was separated from the main estate, which is evident on aerial photographs of the property (below). There are no
built elements except for a recent metal wire fence. There is an open artefact scatter on this site and isolated Aboriginal site finds in the vicinity. The site is traversed by Littlefields Creek.

Figure 71. Aerial of St Thomas Rd and St Thomas Church. (Source: Google Earth 2018)

Over recent years the land has been neglected and is in poorish condition with some weed growth, particularly around the creek.

There is no potential to use the land apart from its current value as a regrowth area as it is located within the visual setting of the church and the former Mulgoa Road. Now with the clear separation of this land from the remainder of Fernhill, it is not seen or understood as part of the Fernhill lands, rather it is seen in conjunction with the church lands.

The land has recently been bio-banked as part of the broader BioBanking on the Estate and will be managed to recover its natural values.

4.1.2.8 Analysis of Landscape and Site Changes since 1947

The site is recorded on a series of aerial photographs dated 1947, 1961, 1970, 1979, 1986, 1994, 1998 and around 2012. While the time interval between the images is not even it falls roughly into a 10 - 15-year cycle. This can be overlaid with the changes in property ownership where the Darlings acquired the property in 1955 and the Andersons in 1980. The photographs and analysis relate to the pre-Darling and pre-Mulgoa Road upgrade state of the site (1947), the Darling works through 1961, 1970 and 1979 just prior to their sale and then following the major works that the Andersons undertook during the 1980s.
Figure 72. Aerial view of Fernhill, 1947. *(Source: NSW Land Registry Services)*

Figure 73. Aerial view of Fernhill, 1961. *(Source: NSW Land Registry Services)*
Figure 74. Aerial view of Fernhill, 1970. (Source: NSW Land Registry Services)

Figure 75. Aerial view of Fernhill, 1979. (Source: NSW Land Registry Services)
Figure 76. Detail of aerial view of Fernhill, 1979. (Source: NSW Land Registry Services)

Figure 77. Aerial view of Fernhill, 1986. (Source: NSW Land Registry Services)
Figure 78. Aerial view of Fernhill, 1986. (Source: NSW Land Registry Services)

Figure 79. Aerial view of Fernhill, 1994. (Source: NSW Land Registry Services)
The following plans compile the aerial photographs and overlay them to illustrate changes to the site. The illustrations are colour coded to each period to identify changes to the place. To allow easy reference each plan has the current site boundaries indicated that include the boundaries of the original estate and the added north and east precincts, however the internal lot arrangements are not shown.

Figure 81 shows the site prior to any upgrade work. The house and stables are the only buildings discernible on the hill, the tennis court exists, the reflection pond remains and there is one small dam to the north. Mulgoa Road has not been realigned and the original north and south drive locations remain in place. The winding character of Mulgoa Road is apparent and the connection between the church and the Fernhill landscape, which at this time was contiguous and very open gives an understanding of how the house and church were linked both physically and visually across the site.

Figure 82 shows the 1947 features overlaid on the current aerial photograph. This illustrates the landscape changes that have taken place, particularly the realignment of Mulgoa Road and the increase in vegetation cover on the site.

By 1961 (Figure 83) The Darlings have added farm buildings to the north-west of the house and four dams. Mulgoa Road has been diverted and the entry points to both driveways have been relocated to allow for the roadworks. The eastern land adjacent to the church has been cut by the roadworks and the road itself has required extensive cut and fill removing the undulating form of the road along with views from the high points into the property. The dam in the eastern precinct has been added but that land does not form part of Fernhill at this time.

The 1970 aerial (Figure 84) shows little change to the overall site that is discernible from 1961 except that there are additional farm buildings to the north-west of the house and 2 small dams in the northern paddocks. Changes have taken place around the house however by this time.

By 1979, (Figure 85) shortly before Darling sells the property, the initial landscaping around the house is complete, the ornamental pond in front of the house is in place, the driveway has been extended to the rear of the house, the billiards room has been added and an orchard has been added.

The mid-1990s (Figure 86) shows a major change in the site with the addition of the race track, stables complex, 4 new dams and one enlarged dam to the north, the orchard reworked and a new
building at its eastern end, further landscaping around the house, a re-arrangement of the entry driveways to the north of the house to separate the main and service roads, new workshop and residential buildings and extensive site plantings.

**Figure 81.** 1947 overlay showing the features extant in 1947 on the 1947 landscape (Source: Davies CMP, 2014)
Figure 82. 1947 features overlaid on 2012 aerial photograph (Source: Davies CMP, 2014)
Figure 83. 1961 features overlaid on 2012 aerial photograph (Source: Davies CMP, 2014)
Figure 84. 1970s features overlaid on 2012 aerial photograph (Source: Davies CMP, 2014)
Figure 85. 1979 features overlaid on 2012 aerial photograph (Source: Davies CMP, 2014)
Figure 86. 1994 - 1998 features overlaid on 2012 aerial photography (Source: Davies CMP, 2014)
Figure 87. Plan of area around house showing areas that have been filled since 1960 (blue shading and areas that have been cut into the natural embankments (yellow))

Figure 87 provides an analysis of the landform changes immediately around the house showing areas that have been excavated and areas that have been filled. The major change to the house setting has been the creation of levelled grassed platforms around the house, to all sides, but varying in character to each side that has involved filling the natural slope and creating either retaining walls or embankments, or in some locations combinations of these to place the house on a flattened hilltop. The illustration indicates the extent of landform change to the house garden and how it has shifted from the gently sloping rural landscape to a formal and structured garden landscape.

4.1.2.9 Additional lands
The Department bought neighbouring parcels of land at 1119-1145, 1147-1175 and 1177-1187 Mulgoa Road in 2019.

The land at 1119-1145 Mulgoa has relatively dense tree cover, and contains a house with a frontage to Mulgoa Road.