

Historical Heritage Assessment
Appin (Part 2) Precinct
Wollondilly Shire Local Government Area

Prepared for Walker Corporation Pty Ltd
Prepared by Niche Environment and Heritage | 4 October 2024



Acknowledgement of Country

We acknowledge to Traditional Owners of the many lands on which we live and work. We pay respects to First Nations Elders past and present and thank them for their continuing care of Country, culture and community.

Document control

Project number	Client	Project manager	LGA
5947	Walker Corporation	Deirdre-Lewis Cook	Wollondilly

Version	Author	Review	Status	Date
D1	Riley Finnerty and Carly Todhunter	Niche internal	DRAFT	
D02	Deirdre Lewis-Cook	Walker Corporation	DRAFT	17 July 2023
D03	Deirdre Lewis-Cook	Updates to mapping	DRAFT	5 September 2024
REV01	Deirdre Lewis-Cook	Updates to mapping	FINAL	4 October 2024

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Executive summary

The Project

Niche Environment and Heritage Pty Ltd (Niche) was commissioned by Walker Corporation Pty Ltd (the Proponent) to undertake a Historic Heritage Assessment (HHA) to support the Appin (Part 2) Precinct Plan (*the precinct plan*) and Appin (Part 2) Precinct Structure Plan (*the Structure Plan*).

The HHA will provide information about any heritage constraints within the Subject Area and provide management recommendations and mitigation strategies to inform any future works.

The objectives of the report are as follows:

- To determine the historical context of the Subject Area.
- To determine constraints and strategies that may arise as a result of the archaeological potential of the Subject Area.
- To prepare a report documenting the evidence, conclusions and recommendations of this work.

Planning proposal

The Proponent has prepared the subject submission to rezone 98.92 hectares (ha) of land (the Site) within the Appin Precinct from RU2 Rural Landscape to the following zones:

- Urban Development Zone
- Zone 1 Urban Development (UDZ)
- Special Purposes Zone
- Zone SP2 Infrastructure (SP2)
- Conservation Zone
- Zone C2 Environmental Conservation (C2)

The Site is known as the Appin (Part 2) Precinct. The Site directly adjoins the Appin (Part 1) Precinct – refer to Figure 1.

Project location

The Subject Area is situated within the suburb of Appin and is located 54 kilometres (km) southwest of Sydney and 26 km north-west of Wollongong, New South Wales (NSW) (Figure 1). The Subject Area is located within the Wollondilly Shire Local Government Area (LGA), County of Cumberland, Parish of Appin, within the boundaries of the Tharawal Local Aboriginal Land Council (LALC), on the traditional lands of the Dharawal people. It is located within the Appin and North Appin Precincts and comprises five properties as detailed in Table 1.

Table 1. Subject Area components

Property description	Address	Area (approximate)	Current zoning	Proposed zoning
Lot 32 DP736923	110 Macquariedale Road, Appin	61.2 ha	RU2 Rural Landscape	<ul style="list-style-type: none"> • Part UD Urban Development (<i>majority</i>) • Part C2 Environmental Conservation (<i>eastern and western portions</i>) • Part SP2 Infrastructure (<i>narrow section in the middle of property</i>)

Lot 1 DP1000355	90 Macquariedale Road, Appin	0.23 ha	RU2 Rural Landscape	C2 Environmental Conservation
Lot 3 DP804375	775 Wilton Road, Appin	36.6 ha	RU2 Rural Landscape	UD Urban Development and C2 Environmental Conservation
Lot 1 DP804375	525 Wilton Road, Appin	1.41 ha	RU2 Rural Landscape	UD Urban Development and C2 Environmental Conservation
Lot 2 DP804375	690 Wilton Road, Appin	1.6 ha	SP2 Water Supply System	No proposed changes

Historical framework

Large parts of the Appin area were first granted by Governor Lachlan Macquarie in 1811. Other large tracts of land within the area were subsequently granted in 1812, 1815 and 1816. The large estates of Lachlan Vale, Teston Farm, Hardwicke Estate, Middle Point Farm and Macquariedale Estate were formed following the grants. The Subject Area was utilised primarily for agricultural and pastoral purposes during this phase.

Significantly, the Subject Area held a pivotal role in the build up to, and subsequent Appin Massacre. At least 14 Aboriginal men, women and children were killed during the massacre, with the Dharawal and Gungungurra Cultural Route located outside of the south-western boundary of the Subject Area. This area of the Appin Massacre includes the hanging trees (McGees Hill) Sorry Place, Ridgeline Camping Place and Vantage Teaching Place.

By the mid-19th Century, many of the large estates had been subject to subdivision and had been sold off into smaller farm lots. The land continued to be used for farming and cattle, but on a smaller scale than the first phase of larger estates. Throughout the 20th Century, the rural landscape which encompasses the Subject Area continued to be primarily used for agricultural and pastoral purposes.

Residential structures and ancillary buildings related to both phases of 19th and 20th Century occupation of the Subject Area are recorded in the archival histories of the area and were identified as archaeological resources during a site inspection.

Relationship to Identified Heritage Items

Four listed items are located within proximity to the Subject Area (Figure 4). These items include:

- Elladale Cottage (Item# I11) is situated in proximity to the Subject Area (located approximately 300 metres (m) west of Lot 32 DP 736923) and is assessed as being of local significance.
- Northampton Dale Group (Item# I13) is situated in proximity to the Subject Area (located approximately 500 m north of Lot 3 DP804375). These items are assessed as being of local significance.
- Windmill Hill Group, including Brennan's Farm, Larkin's Farm, and Winton's Farm (I17) (approximately 60 m to the east), is assessed as being of local significance. Also, Windmill Hill Group, including ruins (SHR# 01931) (approximately 530 m to the east) is assessed as being of state significance.
- The Appin Massacre Cultural Landscape (SHR# 02067) is situated in proximity to the Subject Area (located approximately 300 m south-west of Lot 32 DP 736923 and adjacent to Lot 3 DP804375) and is assessed as being of state significance.

Recommendations

On the basis of this HHA it is recommended that:

Heritage constraint	Recommendations	
Dharawal and Gungaharra Cultural Route identified with the Appin Massacre	1.	Consultation should be undertaken with knowledge holders identified in the Appin Massacre Cultural Landscape listing and the associated report submitted as part of the listing process. This is to assist in the documentation of the cultural values of the place and in the development of mitigation strategies for the potential location of the Cultural Route associated with the Appin Massacre on the southern boundary of the Subject Area.
All	2.	A Statement of Heritage Impact (SoHI) must be undertaken for the entire Subject Area to assess the potential impacts prior to any construction works being undertaken. The SoHI will build upon research undertaken for this HHA and will consider specific impacts and mitigation measures for each item.
All	3.	This HHA assessment undertaken for the Subject Area should be used to inform potential layout designs and plans for future development. This should reflect and interpret the historic value of the Subject Area.

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1. Introduction

1.1 Project background

Niche Environment and Heritage (Niche) have been engaged by Walker Corporation (hereafter referred to as 'the Proponent') to prepare a Historic Heritage Assessment (HHA) to support the Appin (Part 2) Precinct Plan (*the precinct plan*) and Appin (Part 2) Precinct Structure Plan (*the structure plan*) (**Error! Reference source not found.**; hereafter referred to as the 'Subject Area').

The Subject Area is situated within the suburb of Appin and is located 54 kilometres (km) south-west of Sydney and 26 km north-west of Wollongong, New South Wales (NSW) (Figure 1). The Subject Area is located within the Wollondilly Shire Local Government Area (LGA), County of Cumberland, Parish of Appin, within the boundaries of the Tharawal Local Aboriginal Land Council (LALC), on the traditional lands of the Dharawal people.

The Proponent has prepared the subject submission to rezone 98.92 hectares (ha) of land (the Site) within the Appin Precinct from RU2 Rural Landscape to the following zones:

Urban Development Zone

Zone 1 Urban Development (UDZ)

Special Purposes Zone

Zone SP2 Infrastructure (SP2)

Conservation Zone

Zone C2 Environmental Conservation (C2)

The Site is known as the Appin (Part 2) Precinct. The Site directly adjoins the Appin (Part 1) Precinct – refer to Figure 1.

1.1.1 The Appin (Part 1) Precinct Planning Proposal (PP-2022-3979)

In November 2022, the Proponent lodged a Planning Proposal (PP-2022-3979) to rezone part of the Appin Precinct.

PP-2022-3979 (referred to as the Appin (Part 1) Precinct) proposes to rezone the land from RU2 Rural Landscape to Urban Development Zone (UDZ), C2 Environmental Conservation and SP2 Infrastructure via an amendment to State Environmental Planning Policy (Precincts – Western Parkland City) 2021.


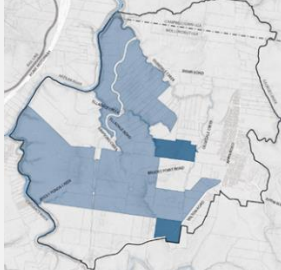

The UDZ will facilitate approximately 12,000 dwellings. The C2 zone will facilitate the conservation of 470 ha of endangered ecological community and help implement the Office of the NSW Chief Scientist & Engineer (NSW Chief Scientist) recommendations.

The new zones are accompanied by a structure plan outlining the intended land uses. In addition, the Proponent produced an Appin and North Appin Precincts Indicative Plan to illustrate how the new zones might fit within the broader precinct as land is developed. The Indicative Plan has no statutory weight and will be refined as further planning proposals are prepared.

These plans are summarised in Table 2.

Table 2. PP-2022-3979 title and purpose of plans

<p>(1) APPIN & NORTH APPIN PRECINCTS INDICATIVE PLAN</p> <p><i>Broader context and for information purposes only. It has no statutory weight. It identifies:</i></p>	<p>(2) APPIN (PART 1) PRECINCT PLAN (THE PRECINCT PLAN)</p> <p><i>It shows the land proposed to be rezoned and incorporated into a new</i></p>	<p>(3) APPIN (PART 1) PRECINCT STRUCTURE PLAN (THE STRUCTURE PLAN)</p> <p><i>Structure plan for the Site, showing staging of release areas.</i></p>
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<ul style="list-style-type: none"> • Higher-order transport network • Centres hierarchy • School sites • Conservation areas • Residential areas • Cultural Sites and Connections 	<p>schedule in the Western Parkland City SEPP 2021.</p> <p>The precinct plan contains the development provisions (clauses and maps) applicable to the Site and is used in assessing development applications.</p>	<p>Development is to be generally consistent with the structure plan. It illustrates land use components including (but not limited to):</p> <ul style="list-style-type: none"> • Low and medium-density residential • Retail and employment centres • School • Open space • Drainage network/basins • Transport network
 <p>(21,000 dwellings)</p>	 <p>(12,000 dwellings)</p>	 <p>(12,000 dwellings)</p>

1.1.2 Population growth

Greater Sydney's population is projected to grow to approximately 6.1 million by 2041 – over a million more people than currently live in the Sydney region.

The NSW Government has identified Growth Areas to accommodate the population that will choose to live in greenfield areas (new suburbs). The Greater Macarthur Growth Area (GMGA) is one such growth area and is a logical extension of the urban form of south-west Sydney. The GMGA is divided into precincts. The Appin Precinct and North Appin Precinct are the southernmost land release precincts of the GMGA. The goal is to deliver 21,000 dwellings.

The rezoning and release of land for development will achieve this goal.

1.1.3 The Appin (Part 2) Precinct Planning Proposal

The Appin (Part 2) Precinct Plan (the precinct plan) shows the proposed new zones. 'The precinct plan' will be incorporated into the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 and contain the provisions (clauses and maps) that will apply to 'the Site.' 'The precinct plan' envisages the delivery of the following:




- 1,312 dwellings (as a mix of low-density, medium density and apartments)
- 30,312 square metres (sqm) of gross lettable retail/commercial floor area
- 16.91 ha conservation land

The planning proposal submission is aligned with strategic land use planning, State and local government policies, infrastructure delivery and PP-2022-3979. The development potential is tempered by a landscape-based approach that protects the environment and landscape values, shaping the character of new communities. A series of residential neighbourhoods are to be delivered within the landscape corridors of the Nepean and Cataract Rivers, supported by local amenities, transit corridors and community infrastructure.

The submission includes a hierarchy of plans. The plans and their purpose are summarised in Table 3.

Table 3. The subject planning proposal's plans and proposal

<p>(1) APPIN & NORTH APPIN PRECINCTS INDICATIVE PLAN</p> <p>Broader context and for information purposes only. It has no statutory weight. It identifies:</p>	<p>(2) APPIN (PART 2) PRECINCT PLAN (THE PRECINCT PLAN)</p> <p>It shows the land proposed to be rezoned and incorporated into a new</p>	<p>(3) APPIN (PART 2) PRECINCT STRUCTURE PLAN (THE STRUCTURE PLAN)</p> <p>Structure plan for the Site, showing staging of release areas.</p>
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<ul style="list-style-type: none"> • Higher-order transport network • Centres hierarchy • School sites • Conservation areas • Residential areas • Cultural Sites and Connections 	<p>schedule in the Western Parkland City SEPP 2021.</p> <p>The precinct plan contains the development provisions (clauses and maps) applicable to the Site and is used in assessing development applications.</p>	<p>Development is to be generally consistent with the structure plan. It illustrates land use components including (but not limited to):</p> <ul style="list-style-type: none"> • Low and medium-density residential • Retail and employment centres • School • Open space • Drainage network/basins • Transport network
 <p>(21,000 dwellings)</p>	 <p>(1,312 dwellings)</p>	 <p>(1,312 dwellings)</p>

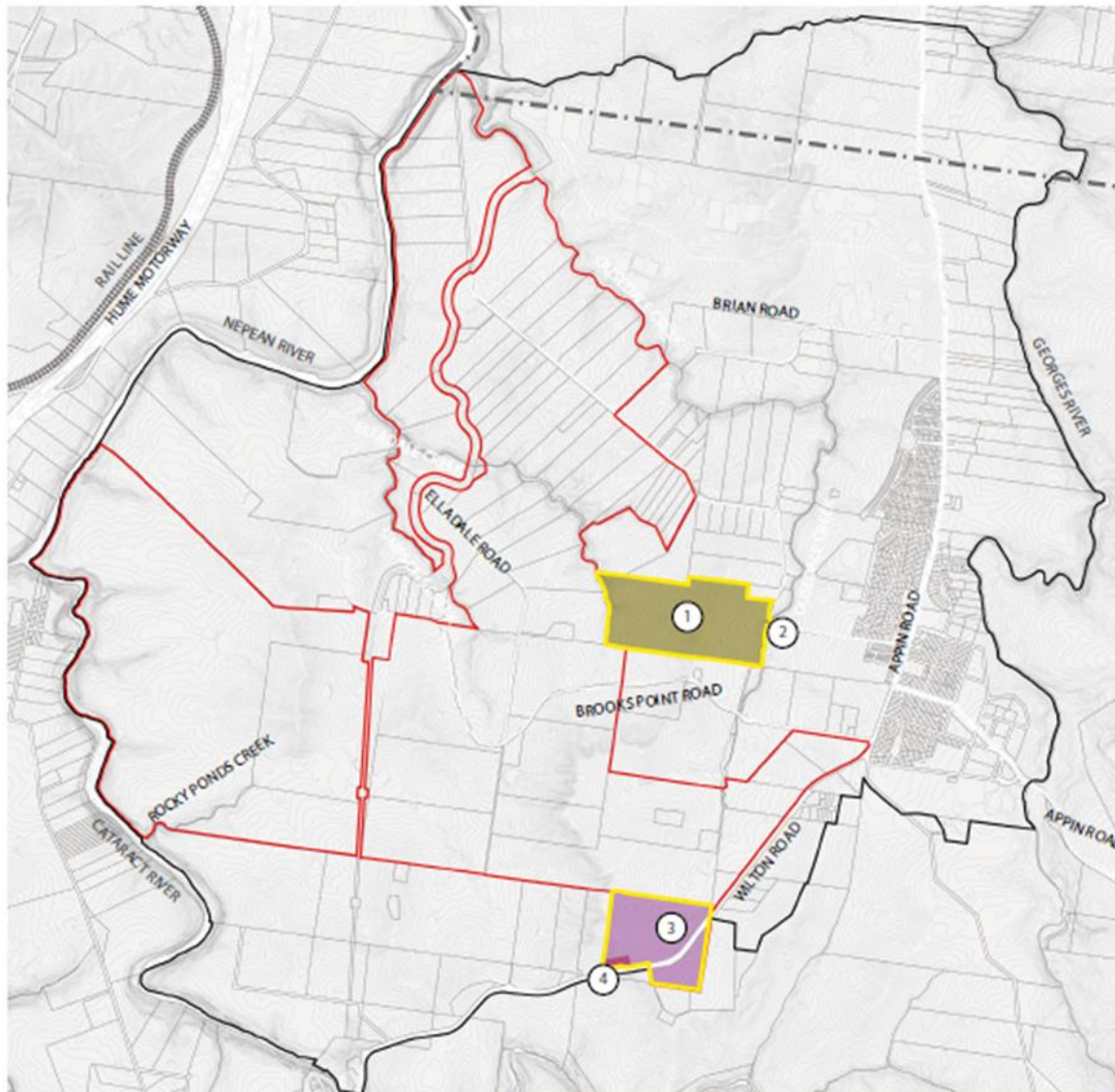
Refer to Figure 1 and Table 3 for key attributes of the precinct plan and structure plan area.

1.2 Objectives of the report

The Appin (Part 2) Precinct Plan zones land for conservation, urban development, and infrastructure. It establishes the statutory planning framework permitting the delivery of a range of residential typologies, retail, education, business premises, recreation areas, and infrastructure services and provides development standards that development must fulfil. Within the proposed urban development zone, 1,312 dwellings and more than 30,000 sqm of gross lettable floor area for retail and commercial space can be delivered.

Refer to Plate 1 and Table 4 for key attributes of the precinct plan and structure plan area.

The purpose of this work is to establish the historical associations and significance of the Subject Area as a means of defining heritage value that may arise from a proposed rezoning of the land. On the basis of this evaluation, management strategies will be determined including measures that may be required to mitigate any impact from future works associated with the rezoning of this land.



LEGEND:

- Appin & North Appin Precinct Boundary
- Appin (Part) Precinct Plan
- Appin (Part 2) Precinct Boundary
- LGA Boundary

LAND OWNERSHIP

- Phillip Nelson Dunbier and Penny Grace Dunbier
- John Joseph McEvoy
- Glynis Rita Patrick

Properties forming the Appin (Part 2) Precinct

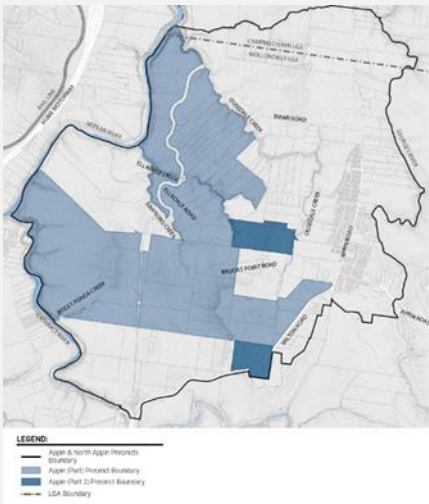
REF	LOT #	PLAN REF	ADDRESS	AREA (HA)
DUNBIER LAND				
1	32	DP736923	110 Macquariedale Road	61.18
2	1	DP1000355	90 Macquariedale Road	0.23
KINGS LAND				
3	3	DP804375	725 Wilton Road	36.61
4	1	DP 804375	525 Wilton Road	1.41

APPIN (PART 2) PRECINCT - LAND OWNERSHIP PLAN

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Plate 1. The boundary of the Appin (Part 2) Precinct

Table 4. Appin (Part 2) Precinct – summary of key attributes

Location		Key Attributes	
Appin (Part 2) Precinct		Area	Total – 300.1 ha Private ownership – 300.1 ha
		LGA	Wholly Wollondilly LGA
		Proposed Dwellings	1,312
		Proposed retail & commercial floor space	30,000+
		Proposed Population	3,705

1.3 Methodology

This HHA conforms to best practice methodology addressed in the following documents:

- “Assessing Heritage Significance” (Heritage Office NSW 2001) and
- “Assessing Significance for Historical Archaeological Sites and Relics” (Heritage Council NSW 2009).

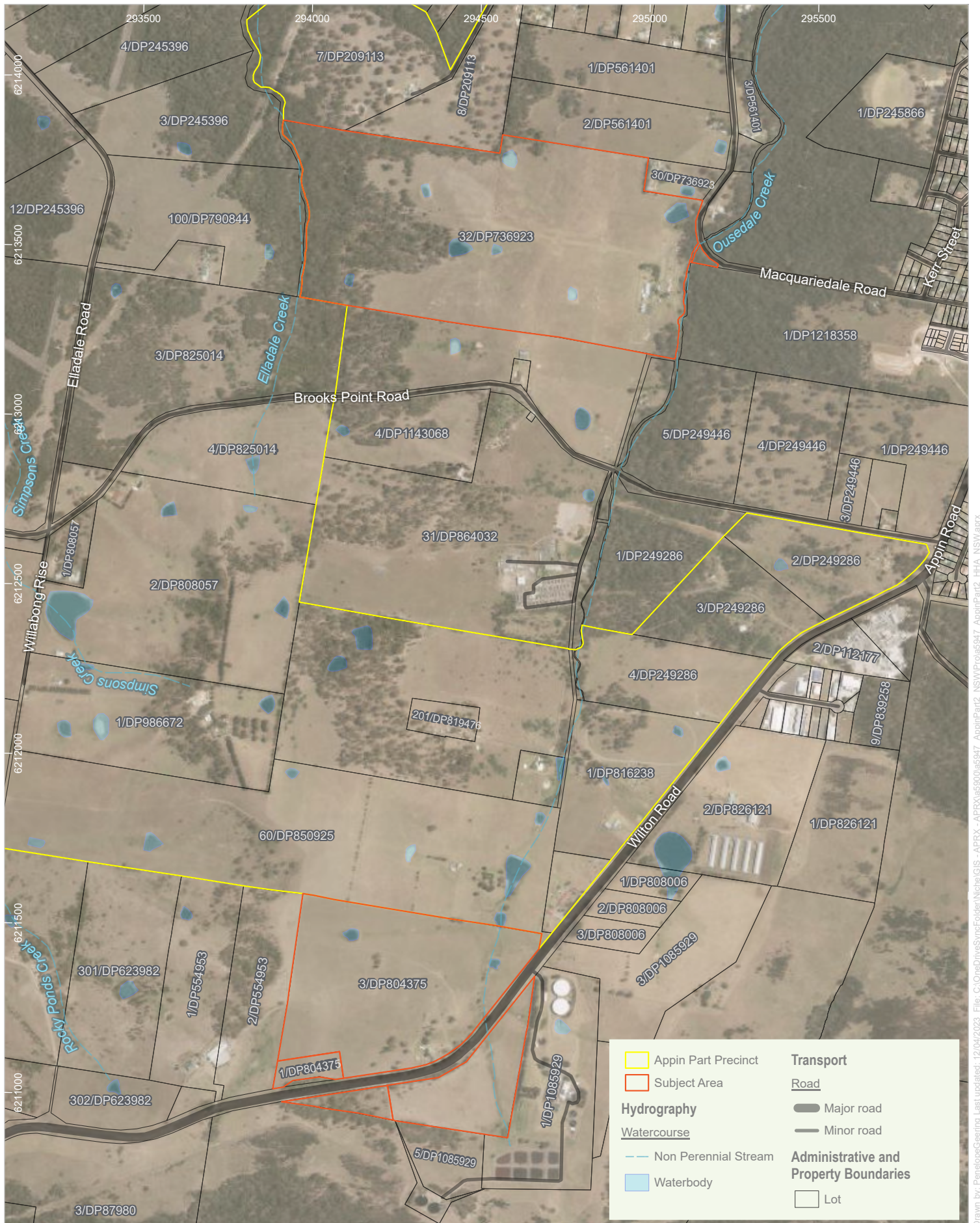
1.3.1 The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (2013)

The Burra Charter outlines a series of best practice principles and measures for heritage investigation and conservation. The Charter is supported by a series of Practice Notes that provide practical advice in the application of the Burra Charter. The Charter was first adopted in 1979 and has been subject to numerous updates with the most recent iteration adopted in October 2013. The policies and legislative guidelines developed by the Heritage Council of NSW are guided by the Burra Charter.

1.4 Authorship and acknowledgements

This report has been written by Riley Finnerty (Heritage Consultant, Niche) and Carly Todhunter (Heritage Consultant, Niche). Original research has been undertaken by Sarah McGuinness and Riley Finnerty (Niche 2022) and Carly Todhunter. The report has been reviewed by Joshua Madden (Principle, Sustainable Heritage). Figures included in this report have been prepared by Penelope Geering (GIS Consultant) and Harrison Binks (Graduate GIS Consultant).

The work draws on existing historical studies and other works; a full bibliography is included at the end of this report.



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2. Regulatory and assessment framework

2.1 Preamble

This section provides a summary of legislation and associated planning instruments designed to protect and conserve heritage items and their values. The management and conservation of historical period heritage and archaeological sites are subject to a range of statutory provisions in the NSW state government legislation. In NSW archaeological evidence and heritage items are afforded statutory protection under the following Acts:

- The *NSW Heritage Act 1977* and
- The *NSW Environmental Planning and Assessment Act 1979* (the EP&A Act).

2.2 Commonwealth and National legislation

2.2.1 *Environment Protection and Biodiversity Conservation Act 1999*

The *NSW Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities, and heritage places. Under the EPBC Act, protected heritage items of significance are listed on the National Heritage List (NHL) or the Commonwealth Heritage List (CHL). The NHL provides protection to places of cultural significance to the nation of Australia, while the CHL comprises natural, Aboriginal, and historic heritage places owned and controlled by the Commonwealth.

2.2.2 The Register of the National Estate

The Register of the National Estate (RNE) is a list of natural, Aboriginal, and historic heritage places throughout Australia. From 19 February 2007 the Register has been frozen, meaning that no places can be added or removed. The RNE was originally established under the *Australian Heritage Commission Act 1975*. In 2004, responsibility for maintaining the Register shifted to the Australian Heritage Council, under the *Australian Heritage Council Act 2003* (AHC Act).

The following Commonwealth and National registers were searched for this assessment:

- National Heritage List (NHL)
- Commonwealth Heritage List (CHL) and
- Register of the National Estate (RNE).

The Subject Area is not listed or within proximity to listed items under any Commonwealth or national register of heritage assets.

2.3 State legislation

2.3.1 *NSW Heritage Act 1977*

The *NSW Heritage Act 1977* affords statutory protection to those items identified as having heritage significance and which form part of the NSW heritage record. The Act defines a heritage item as "a place, building, work, relic, moveable object or precinct". Items that are assessed as having State heritage significance can be listed on the NSW State Heritage Register (SHR). Proposals to alter, damage, move or destroy heritage items listed on the SHR (or protected by an Interim Heritage Order [IHO]), require approval under s60 of the *Heritage Act 1977*.

Archaeological features and deposits are afforded statutory protection by the ‘relics provisions’ of the Act. A relic is defined as “any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and is of State or local heritage significance”. Land disturbance or excavation that will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed is prohibited under the provisions of the Act, unless carried out in accordance with a permit issued under s141 or undertaken in accordance with the Section 139(4) excavation permit exceptions of the Act, or a s60 if the item is a listed item of State significance.

The following State heritage registers were searched as part of this assessment:

- SHR
- State Heritage Inventory (SHI).

No items within the Subject Area are listed on the State Heritage Register, however, a number of listings are situated in proximity. These listings include sites of local and state heritage significance, as detailed in Table 5.

2.3.2 NSW State Agency State Heritage and Conservation (s.170) registers

Under s170 of the NSW *Heritage Act 1977*, NSW government agencies are required to maintain a register of heritage assets under their control or ownership. Each government agency is responsible for ensuring that the items entered on its register under s.170 are maintained with due diligence in accordance with State Owned Heritage Management Principles. Items listed on s170 Heritage and Conservation Registers are listed on the State Heritage Inventory (SHI).

The Subject Area is not listed on any s.170 register.

2.3.3 NSW Environmental Planning and Assessment Act 1979

The NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning process in NSW. The EP&A Act also requires local governments to prepare planning instruments, such as Local Environmental Plans to provide guidance on the level of environmental assessment required.

2.3.4 Local Planning Instruments

The Wollondilly Development Control Plan (DCP) (2016) has provisions that address Heritage Conservation. Part 5 of the Wollondilly DCP states requirements and controls that apply to all development that may impact an area where an item of environmental heritage is listed under schedule 5 of the Wollondilly LEP (2011). Specifically, Section 5.3.4 states that:

Subdivision of land containing a heritage item and/or land within a heritage conservation area or a Landscape Conservation Area:

- Must not compromise or adversely affect any historic layout of the subject lot and heritage significance of the original lot pattern.
- Must not compromise the curtilage of any heritage item or significant complimentary building, garden, driveway or other relic.
- Where a heritage impact assessment is required, it must consider the likely location of future buildings and/or building envelopes.

No heritage listings have been identified within the Subject Area.

As detailed in Table 5, however, a number of state and locally significant heritage listings occur in proximity to the Subject Area.

Table 5: Heritage items of relevance to the Subject Area

Subject Area component	SHR listing distance from Subject Area	Listing	Details
110 Macquariedale Road, Appin	Elladale Cottage (Item# I11) (approximately 300 m west)	<i>Wollondilly LEP 2011</i>	The site is identified as having social and historical significance through its association with the early development of the region and its association with two locally significant individuals- Reverend Sparling and Rachel Henning.
	Appin Massacre Cultural Landscape (SHR# 02067). The boundary of the listing is approximately 300 m to the southwest however this boundary has been negotiated for the SHR listing and is part of a broader cultural landscape.	State Heritage Register	The site is recognised for its historic, associative, aesthetic, social, research, rarity, and representative values. The area is Area 5 of the group listing and is referred to as the Dharawal and Gundungurra Cultural Route and Corridor to Gathering Place (Heritage NSW 2022). It is significant as a continuation of the cultural route and a corridor to an identified gathering place situated immediately to the northwest. The area is known to have been impacted previously by the construction of a gas main and potentially also by previous sub-surface mining activities. The archaeological significance of the area has been assessed, nonetheless, to be high.
90 Macquariedale Road, Appin	None	N/A	N/A
775 Wilton Road, Appin	Windmill Hill Group. Including Brennan's Farm, Larkin's Farm, Winton's Farm (I17) (approximately 60 m to the east)	<i>Wollondilly LEP 2011</i>	Expansive listing recognises a number of locally significant farms which are recognised for their local heritage significance.
	Windmill Hill Group, including ruins (SHR# 01931) (approximately 530 m to the east)	State Heritage Register	The site is recognised as fulfilling the historical, aesthetic, research, rarity and representative criteria for state heritage listing. The Windmill Hill Group is recognised as having moderate to high archaeological research potential.
	Northhamptondale Group - House, Trees, Slab Farm, Outbuildings, Stables (I13) (approximately 270 m to the northwest)	<i>Wollondilly LEP 2011</i>	The site is recognised for its historic, social and aesthetic significance. The listing identified the Northhamptondale Group as connected to the historical development of Appin and significant for its association with two important settler families of the district (the Broughton and Percival families).
525 Wilton Road, Appin	Appin Massacre Cultural Landscape (SHR# 02067). The southern boundary of the listing is located immediately to the north; however, the boundary has been negotiated for the SHR listing and is part of a broader cultural landscape.	State Heritage Register	The site is recognised for its historic, associative, aesthetic, social, research, rarity, and representative values. The area is Area 5 of the group listing and is referred to as the Dharawal and Gundungurra Cultural Route and Corridor to Gathering Place (Heritage NSW 2022). It is significant as a continuation of the cultural route and a corridor to an identified gathering place situated immediately to the northwest. The area is known to have been impacted previously by the construction of a gas main and potentially also by previous sub-surface mining activities. The archaeological significance of the area has been assessed, nonetheless, to be high.

690 Wilton Road, Appin	Appin Massacre Cultural Landscape (SHR# 02067). The southern boundary of the listing is located 140 m to the north; however, the boundary has been negotiated for the SHR listing and is part of a broader cultural landscape.	State Heritage Register	Same as above (525 Wilton Road, Appin).
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3. Historical context

This section analyses primary and secondary archival sources to define the physical evolution and associations of the Subject Area. This analysis informs the archaeological assessment.

3.1 Historical overview

3.1.1 Pre-European landscape

The Appin area is the traditional country of the Dharawal people. Tindale identified the Dharawal boundaries as being from the south side of Botany Bay to the north of the Shoalhaven River and running inland to the Campbelltown and Camden area (Attenbrow 2010: 34; SA Museum 2010). Traditional Owner Glenda Chalker describes the Appin and Douglas Park area as being 'Gundungurra and Dharawal tribal country' as the area is a transitional boundary between the Dharawal and their westerly neighbours, the Gundungara (Attenbrow 2010: 23, DEC 2007: 7). Attenbrow (2010: 35) points out that such boundary mapping, undertaken as it was in the nineteenth century is indicative at best; however, there appears to be reasonably strong agreement between those who have mapped language boundaries that the Douglas Park area is indeed a transitional boundary between the Dharawal and Gundungara.

It is generally accepted that Aboriginal occupation of Australia dates back at least 40,000 years (Allen and O'Connell 2003). The result of this extensive and continued occupation of the Sydney Basin, of which the Woronora Plateau is a part, has left a vast amount of accumulated depositional evidence. The oldest date generally considered to be reliable for the earliest occupation around the region comes from excavations at Parramatta where archaeological material has been dated to 30,735 ± 407 Before Present (BP) (McDonald 2005).

3.1.2 Early European exploration of the Appin area

The first Europeans arrived in the Appin region in the last decade of the 18th Century. They discovered a large herd of cattle that had developed from animals that had escaped from the early Sydney settlement. This led to the area becoming known as 'Cowpastures' (Dallas, 2014). A government campaign was instituted to capture some of the cattle to supply beef to the colony, with a number of small camps and posts established around the area to protect the cattle from poachers. Governor King issued a proclamation in 1803 to prevent any non-government-sanctioned access into the region (Dallas, 2014).

Expeditions to explore and map the region were undertaken in 1802 and 1804 by explorer and naturalist George Caley (Whitaker, 2005). A letter from Caley to Sir Joseph Banks described a river and waterfall he visited after hearing about it from an Aboriginal guide Moowattin:

'I made every preparation for a journey to this Cataract and completed it in July last...Its breadth during the time of floods is 67 yards, but at the present the water was confined to about 8 yards. This rise of a few feet would greatly increase it. On examining the river upwards it became very wide, and seemingly deep on leaving the shallow ledge. It came from the northward as far as I could see it, which was more than a mile, but it certainly must come from the southeastward (quoted in Whitaker, 2005 p. 4).'

Caley's use of 'cataract' in his diary to describe the falls lead to the naming of Cataract River. He recorded the local Aboriginal name as 'Carrung-gurrung' (Whitaker, 2005 p.4).

3.1.3 Permanent European settlement of the Appin area

Governor Macquarie first visited the region in January 1810 and named the area Appin after the town in the Scottish Highlands where his wife was born (Whitaker, 2005). He granted the first tracts of land in Appin in 1811 and 1812, including 1000 acres to William Broughton located to the north and south of the Subject Area, named Lachlan Vale (Table 6). Between 1815 and 1816 another twenty-two land grants were issued in the area including William Broughton's 700 acres to the north of the Subject Area, named Macquariedale. Over the following few years, much of the wider Appin area was given in grants of various sizes. Each grant required a certain amount of land to be cleared and farmed where success within 5 years had to be shown, otherwise, the land would revert to Crown land. As a result, the native open woodlands became open fields impacting the resources of the Dharawal people. The impacts led to the rising conflict and open hostilities between local Aboriginal groups and early settlers in the Appin region. In 1828, there were 233 residents at Appin and throughout the 1820s more grants were made and other town sites were founded.

The names of the first grantees are shown in Table 6 below.

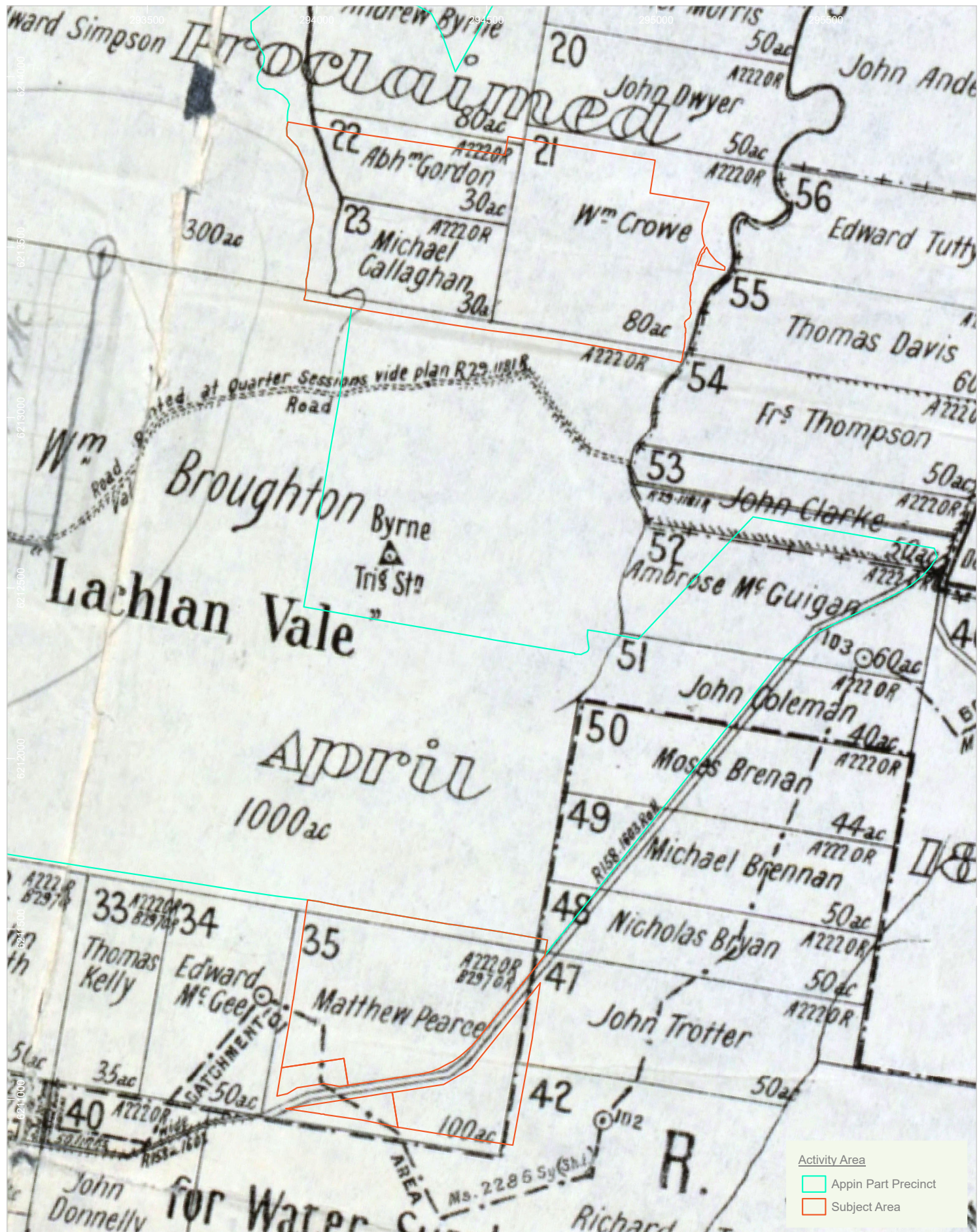
A 1905 parish map (Figure 4) also shows the original grantees and their properties.

Table 6: Appin's earliest land grants (Source: Whitaker, 2005).

Date of grant	Grantee	Estate name	Size
22 May 1811	William Broughton	Lachlan Vale	1000 acres
22 May 1811	John Kennedy	Teston Farm	200 acres
25 August 1812	George Best		60 acres
25 August 1812	Andrew Hamilton Hume	Hume Mount	100 acres
25 August 1812	Alexander Riley	Hardewicke	1250 acres
25 August 1812	Reuben Uther	Gilead	400 acres
10 June 1815	John Butcher		30 acres
10 June 1815	William Harris		40 acres
10 June 1815	Thomas Horton		30 acres
10 June 1815	John Jones		100 acres
10 June 1815	Joseph Marcus		30 acres
10 June 1815	Robert Myles		40 acres
10 June 1815	William Sykes	Mount Britain	80 acres
20 June 1816	William Broughton	Macquarie Dale	700 acres
8 October 1816	Michael Brennan		50 acres
8 October 1816	Moses Brennan		44 acres

By the turn of the 20th Century, settlement of the local Appin district had expanded. The township of Appin was surveyed in 1832 and the town plan was completed and approved by Governor Bourke in 1834. It provided the necessities for local settlers including a permanent post office. In 1836, James Backhouse passed through the town and described it as having two public houses, a few slab huts and a wooden lock-up. According to the 1905 Parish of Appin map (Figure 4), land holdings to the west of the Appin township had been divided with properties extending between 50 and 80 acres on average. Larger properties,

including those owned by William Broughton, Alexander Riley, and John Oxley dominated the surrounding local area with their frontage to the Napean River and Killadale, Oakdale and Mallaty Creeks.



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3.1.4 First grants – surrounding larger estates

The Estates and its management

The Lachlan Vale Estate is the southernmost of the large estates granted by Governor Macquarie (SHI Database No. 2690076), located to the north and south of the current project area. William Broughton received the 1000 acres in 1811 and he was named for the Governor (Whitaker, 2005 p.35).

Broughton was an absentee landlord for periods of the estate's history as he was stationed at Hobart for several periods (Parsons, 1966). The estate would have been under the control of an estate manager and various labourers in these periods. The Lachlan Vale estate was also advertised for let at various times (Classified Advertising, 1826). The archival record also suggests that part of the estate was leased as tenant farms by the mid-19th century (SHI Database Number 2690075).

The Macquariedale Estate was granted to William Broughton on 20 June 1816 (Whitaker, 2005). It comprised 700 acres and was located to the north of Broughton's Lachlan Vale holdings. Broughton and his family are likely to have used Macquariedale as their main residence from at least the 1820s (Sydney Herald, 11 April 1842). It is not clear when the Macquariedale cottage was constructed.

It appears that Elizabeth Kennedy returned to live at Lachlan Vale at some time following her husband's death, until her own death in 1843. Her death notice describes her as "of Lachlan Vale" (Family Notices: The Sydney Morning Herald, 25 December 1843).

The Appin Massacre

The early decades of the 19th Century saw significant unrest and often open hostilities between local Aboriginal groups and European settlers in the Appin region and the wider Cumberland Plain. This period is known as the Cumberland Wars.

The Lachlan Vale Estate was at the frontline of some of the hostilities. In 1814, three soldiers killed a Gundungara boy who was taking maize from a field on the estate. One of the soldiers was speared and killed in response, leading to a series of retaliation attacks and atrocities across the region including the killing and mutilation of a Gundungara woman and three children. Following the revenge killing of a stock keeper and his wife in Bringelly, Governor Macquarie visited the area and declared that justice had been satisfied and all attacks were to cease (Karskens, 2015).

Hostilities did not end with this proclamation, and the men who had killed the Gundungara woman and children were speared by Gundungara warriors on the Lachlan Vale estate. This led Macquarie to establish an official party of armed civilians and local Aboriginal guides to search for the perpetrators. The party was unsuccessful, however, later events in 1816 at Bringelly saw the Governor form a second party with military personnel. Three detachments of soldiers were sent out to roam the entire colony and to track down, capture or kill all Aboriginal people they encountered, including women and children. Macquarie ordered any bodies to be hung from trees to better strike fear into the survivors (Karskens, 2015).

The detachment under Captain Wallis headed towards the Appin district, where they encountered Gundungara warriors Bitgully and Yelloming on John Kennedy's Teston farm. Both warriors were on a wanted list, but Kennedy convinced Wallis that they had been removed from the list and were there to protect the farm from hostile attack. Wallis then left to search other farms in the area but returned to Lachlan Vale in the early morning of 17 April 1816 following a tip-off that Aboriginal people were camped on the estate. The detachment encountered an abandoned campsite, with still burning fires. One of the soldiers heard a child's cry, so the detachment immediately formed a line rank and pushed through the

deep bush towards the noise. The line of soldiers opened fire ahead of them and the Aboriginal men, women and children fled to their deaths over the 60 m high precipitous gorge of the Cataract River. Others were wounded or shot dead by the detachment (Karskens, 2015).

The official records suggest that 14 bodies were identified following the massacre, including those of warriors Durelle and Cannabayagal. The bodies of the warriors were strung up in trees on a hill on the Lachlan Vale estate. A later account by William Byrne suggests that the official death toll from the massacre is likely to be much higher. He also recounted that three bodies were strung up on McGee's Hill and that their heads were removed and sent to Sydney and later Scotland (Karskens, 2015).

The massacre and Governor Macquarie's offensive failed to eliminate the leaders of the attacks and a spate of further violence followed to the north. By May of 1816, Macquarie had changed tact and had established a campaign of 'banishment' that sort to remove Aboriginal people from around towns and farms and to prohibit settlers from harbouring, concealing or providing food and provisions to Aboriginal people. This strategy proved a much more effective tool than a military campaign (Karskens, 2015).

The rightful ownership of Lachlan Vale was brought into contention following the death of William Broughton (Plate 2). A Supreme Court case indicates that the children of Broughton and his first wife brought a case against the children of Broughton and Elizabeth Kennedy to sue for land ownership (NSW Government Gazette, 1856). The subdivision of the estate was dependent on the results of the case. This assessment was not able to identify the ruling of the Supreme Court; however, the estate was subdivided in 1856.

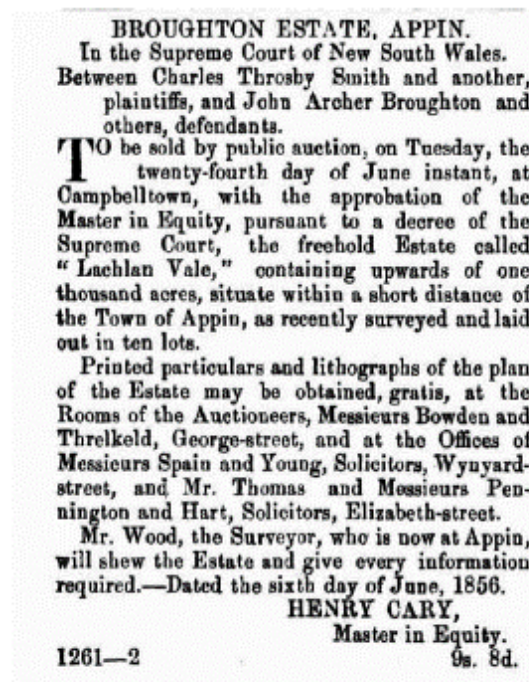


Plate 2: Advertisement of sale of Lachlan Vale Estate (Source: NSW Government Gazette 1856)

Subdivision (1856 to late 19th Century)

In 1856, the Lachlan Vale Estate was surveyed by Peter. J. Wood of Kiama and divided into 10 lots for sale (Whitaker, 2005, Plate 2). Secondary annotations on some of the lots identify the purchasers of those lots following the sale. This evidence indicates that the workers employed on the estate, in many cases, purchased those huts they had occupied before the subdivision.

Later 19th Century farms

After the subdivision of the Lachlan Vale estate, some of the lots purchased were developed as home farms. Examples of this development, which typifies the project area in the latter half of the 19th Century are discussed in the following section about Lots 9 and 6.

Lot 9: Mr Graham and the Lachlan Vale house

Mr Graham is noted on the 1856 plan as the purchaser of Lot 9, containing the Lachlan Vale house. Very little information was uncovered about Mr Graham or the subsequent history of the estate house. Graham was identified as part of an access dispute with the owner of neighbouring Teston Farm (The Sydney Morning Herald 17 November 1857) in the year following the subdivision, but otherwise, no detail about his period on the Lachlan Vale estate was identified.

No information was uncovered to indicate when the Lachlan Vale house was demolished or abandoned.

Lot 6: Mr(s?) Eagles

The estate map from 1856 has a secondary annotation that indicates the purchaser of Lot 6 was named Eagles. The annotation is unclear if it references Mr or Mrs Eagles, however, the historical records indicate that it is likely in reference to Mrs Elizabeth Eagles *nee* Stanton (daughter of John and Elizabeth Stanton of Lot 1). Elizabeth's husband Richard Henry Eagles was transported as a convict on the ship 'Neptune' in December of 1817 and by 1822 was working as a Government Servant for Mr Byrne on a property adjoining Lachlan Vale (Hawkesbury on the Net, accessed July 2020). Elizabeth Stanton worked as a servant for the Broughton family and the two were married in 1825 after receiving official permission to do so from the Colonial Secretary. Richard was later assigned to the Lachlan Vale Estate and all 10 of his and Elizabeth's children were born there. Richard received his government pardon in 1837 and died in 1844.

It appears that at the time of the subdivision in 1856, that Elizabeth was still residing on the Lachlan Vale Estate and later purchased Lot 6. Archer Eagles, the son of Elizabeth and Richard is listed as still residing on the estate in 1868 (First Quarterly List of Registered Cattle Brands, 1868). Elizabeth died in 1883 aged 77 in Appin (Australian Royalty, accessed July 2020).

3.1.5 The original grants and smaller estates

The earliest known alienation of the land that encompasses the Subject Area was part of a grant of 30, 80 and 100 acres made to four individuals. Of these smaller grants, "Lesson's Green" an 80-acre grant to William Crowe bordered William Broughton's "Lachlan Vale" to the south and adjoined (to the north) a 100-acre grant to John Dwyer. The grant bordered both Abh. Gordon and Michael Callaghan's 30-acre grants to the west were situated along Elladale Creek. This in turn bordered "Macquarie Dale", William Broughton's second large 700-acre parcel of land granted in 1816. An even larger property, the 1250 acres of "Elladale", lay to the south of "Macquarie Dale", divided by Elladale Creek to the west of the current Subject Area. It had been granted to Alexander Riley in 1812. Sections of this property were gradually sold off and subdivided. When it was purchased around 1840 by Appin's first resident Reverend, Reverend Sparling, "Elladale" was only 600 acres. To its south, "Elladale" was joined to William Broughton's "Lachlan Vale", which in turn bordered Matthew Pearce's original 100-acre grant. Surrounding the larger "Lachlan Vale" estate, a number of smaller 50 to 100-acre grants were situated on the route back to Appin. These estates included those of John Firth, Edward McGee, John Trotter, Nicholas Bryan, and Matthew Pearce.

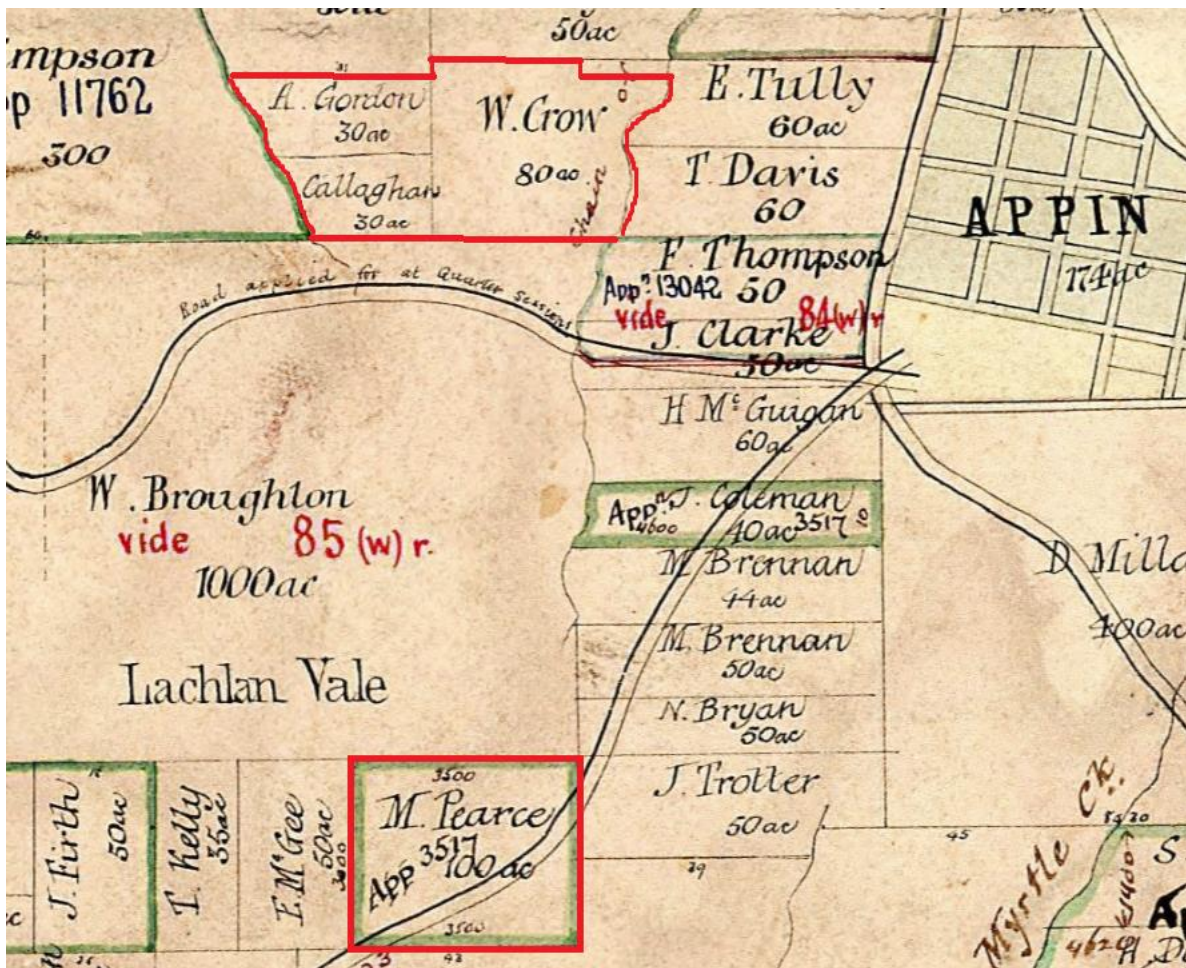


Plate 3. Detail, undated parish map of Appin (1867) showing extend of W. Croew, Abh. Gordon, M. Callagan, M. Pearce's grants (LEP, Historical Records Viewer) (current Subject Area in red).

Matthew Pearce Estate

Pearce arrived in the colony with his wife Martha Parker as free settlers, claiming to have been 'the first free settler from England' who arrived aboard the convict ship 'Surprize' in 1794¹. When the couple were embarked between Feb and Apr 1794, Martha was heavily pregnant and gave birth as the ship lay off in Portsmouth preparing to sail. The child died on board on 1 July 1794.

Initially, Pearce had been granted 100 acres at Seven Hills on arrival and had resided there ever since. Later, Pearce had received a further 100 acres from Macquarie in the Appin district and had been promised a further 200 acres in compensation for the encroachment of a public road on his original grant. With increasing stock numbers, including 150 cattle and a flock of breeding sheep, he requested more land in the grazing counties for himself and his two sons. Governor Brisbane responded with an order for two grants of 60 acres each for the sons. This brought a vigorously worded response from Pearce senior, who wrote:

*'Now I must confess that I felt rather at a Loss to account for the small Grants ordered for my sons as well as no notice being taken of my own application, particularly so when I find that the persons in my Immediate Neighbourhood, who arrived in the Colony some years after myself have shared so liberally Your Excellency's favours'*².

¹ <https://australianroyalty.net.au/tree/purnellmccord.ged/individual/I44145/Matthew-Pearce>

² Ibid.

He complained that he was obliged for lack of land to pay to have some of his cattle and sheep depastured in the County of Argyle. A notation on the document reads “...to have himself 300 acres and his sons to be increased to 100 each...”³. Pearce was active in the management of the Appin properties, including a further 160-acre grant ‘Kings Langley’ in Seven Hills. Pearce died in 1831 and his lands were left to his widow Martha for life, and then to his two sons Matthew Woodward Pearce and William Thomas Pearce.

While settlers established these properties, the village of Appin grew informally. One of the town's earliest buildings, the Anglican school, was constructed around 1815. It was built at Governor Macquarie's request, in anticipation of the region's rapid population growth. There were 562 Europeans living in the Appin area in 1825 (Percival 1992: 26). In 1828, there were 233 residents within the township of Appin itself.

3.1.6 20th century farming

Appin and its surrounding estates remained a rural area into the twentieth century. From the mid-20th Century Appin had undergone declining numbers in farm employment (Niche 2020:13). During this time, mining operations became prevalent within the surrounding landscape and the opening of the Appin Colliery in 1962 aided in the revitalisation of the town. Since the 1970s, the township and others have been slated for greater expansion as part of the Macarthur Growth Centre.

3.2 Historical phases of the Subject Area

Several phases of development have been identified for the Subject Area. These phases are listed in Table 7 below:

Table 7: Summary of Historical phases

Historical phase	Summary of historical phase
The Pre-European Landscape (Pre-1790s)	The Appin area is the traditional country of the Dharawal people. The region provided a rich mosaic of resources for Aboriginal people with rivers and creeks providing fresh water, woodlands and open grass lands home to crucial resources and other raw materials.
Early European exploration into the Appin area (1790s-1810)	Early explorers such as Caley began to visit the area by the late 18 th and early 19 th Centuries. The region became known from cattle that had escaped from the settlement at Sydney had made their way south by 1795. The settlers, like the cows, were attracted by the grass lands as well as soil, timber, and other resources – naming the district the ‘Cowpastures’.
Permanent European Settlement and First Grants (1811-1850s)	1811 saw the first large estates established across the Appin area. Historical plans indicate the presence of large estate houses, outbuildings and workers' huts related to this historical phase. The principal estate was Lachlan Vale, Teston Farm, Hardwicke, Middle Point Farm and Macquariedale. Surrounding these larger estates were smaller 30 to 100-acre lands, often run by individuals and families. The Subject Area is shown to be occupied by a number of individual free settler landowners including William Crowe, Abh. Gordon and Michael Callaghan and Matthew Pearce. These first small land grants represent some of the earliest farms within the ‘Cowpastures’. This phase also saw the Cumberland Wars that resulted in skirmishes between local Aboriginal people, European landowners, and the Government. The Appin Massacre was the culmination of this unrest within the region and within close proximity to the Subject Area.
Subdivision and smaller farms (1850s to late 19 th Century)	From the mid-19 th Century, the larger estates began to be subdivided into smaller estates or farms. These were purchased by several individuals, often who has already been living

³ Ibid.

Historical phase	Summary of historical phase
	on the estates. The farms would remain within the families for generations and remain in the rural areas.
Early 20 th Century to modern day	This historical phase relates to the use of the Subject Area in smaller lots, often passed down through family generations. During this time Appin had undergone declining numbers in farm employment. Additional industries such as mining, and the opening of the Appin Colliery had promoted further growth in the town.

3.3 Conclusions

Analysis of the archival record allows for the following conclusions to be drawn:

- The Subject Area contains and borders some of the oldest and largest land grants in the Appin region.
- The earliest phase of European occupation of the Subject Area likely dates to around 1811, shortly after when William Broughton constructed Lachlan Vale and John Kennedy constructed Teston farmhouse.
- European occupation of the Subject Area was ongoing from this time.
- The earliest known alienation of the land that encompasses the Subject Area was part of several grants of 30, 80 and 100 acres outside of Appin.
- The Subject Area was central to some of the hostilities between European landowners and local Aboriginal groups that lead to the Appin massacre.
- The Subject Area remained a rural area used for pastoral and agricultural purposes throughout the 20th Century.

4. Physical analysis

4.1 Objectives

The purpose of this section is to identify and evaluate fabric that can be used to determine the potential for archaeological resources either in relation to identified heritage items or elsewhere within the Subject Area. This encompasses visible evidence of possible sub-surface sites or evidence that might be visible from past and present aerial imagery.

4.2 Methodology

Analysis of the fabric within the project area encompassed the following tasks:

- Identifying specific features or works from the archival analysis for each property.
- Use of aerial imagery to locate evidence of those places or new sites or works.
- Survey to evaluate those places identified from archival evidence or aerial imagery as well as those only visible from surface traces.
- Evaluation of impacts that may have acted to remove or substantially disturb evidence of past occupation.

4.3 Site inspection

An inspection of the parts of the Subject Area was undertaken in conjunction with an Aboriginal Objects Due Diligence (DD) survey by Riley Finnert6y (Heritage Consultant, Niche), and Ahmad Ali (Senior Development Manager, Walker Corporation) on 29 March and 19 April 2023.

The site inspection targeted areas of historical sensitivity as identified through historical research. The aim of the site inspection was to gather data to contribute to the assessment of the Subject Area, including surface evidence of previous structures, structural evidence of building improvements and subsurface impacts.

The site inspection identified that overall, the Subject Area has undergone extensive historic disturbances. There are isolated areas of earthworks for the construction of dams and areas of ongoing pastoral activity but generally, the subsurface resources are likely to be unimpacted.

4.4 Potential heritage items identified in Subject Area

4.4.1 Northern Subject Area

An aerial from 1947 shows the location of an existing farmhouse located on the Crowe property at 110 Macquaruedale Road (Plate 4). The aerial shows that the property had been heavily cleared of all native vegetation and consists primarily of pastures. A series of outbuildings and agricultural sheds can be seen in the surrounding location. An aerial from 1990 (Plate 5) shows the house structure is situated in much the same location with an extension to the north (Plate 7) and further development to the main residence (Plate 16). Overall, the property shows continued use of the residence and outbuildings for agriculture and farming on the property.

The site inspection targeted this location and identified the existing farmhouse and residence are currently in-use. The site inspection aimed to identify any potential archaeology which may remain on the site.



Plate 4: 1947 aerial showing the location of Crowe farmhouse (Source: LPI Spatial Services).



Plate 5: 1990 aerial showing the location of the farmhouse (Source: LPI Spatial Services).

A number of structures and outhouses were identified during the site inspection, including the existing residence, outbuildings, farm sheds, and stock yards located to the east of the property. The surrounding area has been subject to various phases of construction in the form of farm buildings and nearby residences, and the house itself has been extended and altered. A modern extension to the farm shed is shown to have been built by 1990 and is attached to the dilapidated shed (Plate 7). The shed consists of a timber wall, sandstone footings and a corrugated iron pitched roof (Plate 8 - Plate 12). The structure currently is used for storage, workshop, and farming infrastructure. The surrounds show additional timber outbuildings (Plate 14- Plate 15), a horse walker (Plate 13), and a windmill (Plate 17). The overall farm complex shows the existence of original and modern alterations to the buildings. In particular, the storage sheds, stable and workshop show to contain original timber fabric, sandstone footings and roofing. Historical archaeological remains may be present underneath the existing structure as it is shown prior to 1947 (Plate 5).

Historical imagery shows that the development of Macquariedale Road bypassed the original road by 1990. A bridge is visible in both aerials crossing Ousedale Creek within the current Subject Area (Plate 4 - Plate 5). The site inspection identified the bridge which consists of concrete footings and support, steel beam frames and wooden plank (Plate 18 -Plate 21).



Plate 6: Overview of property with houses, outbuildings and farming infrastructure, facing south.



Plate 7: Renovated extension of the farmhouse, facing east.



Plate 8: External view of farm shed, facing south-east.



Plate 9: Back of farm shed, facing north.



Plate 10: Stable area on the eastern wall of the shed, facing north.



Plate 11: Original sandstone footings, facing north.



Plate 12: Internal shot of shed, facing east.



Plate 13: Horse walker, facing east.



Plate 14: Outbuildings, facing south-east.



Plate 15: Outbuildings, facing south-west.



Plate 16: View of existing modern farmhouse, facing west.



Plate 17: Windmill located on the slope towards the creek, facing north.



Plate 18: Context shot to bridge.



Plate 19: Southern profile of bridge, facing east.



Plate 20: Close-up of bridge fabric, steel beams and concrete supports.



Plate 21: Timber plank across the external beam, facing south.

4.4.2 Southern Subject Area

An aerial from 1947 shows the location of an existing farmhouse located on the Pearce property at 725 Wilton Road (Plate 22). The aerial indicates that a smaller farmhouse and outbuildings with surrounding intensive cropping are evident on the property. An aerial from 1990 (Plate 23) shows the structure and crops in disrepair and the expansion of the southern farmhouse and additional farming infrastructure.

The site inspection targeted this location and identified remains of the smaller farmhouse and overgrown paddocks.

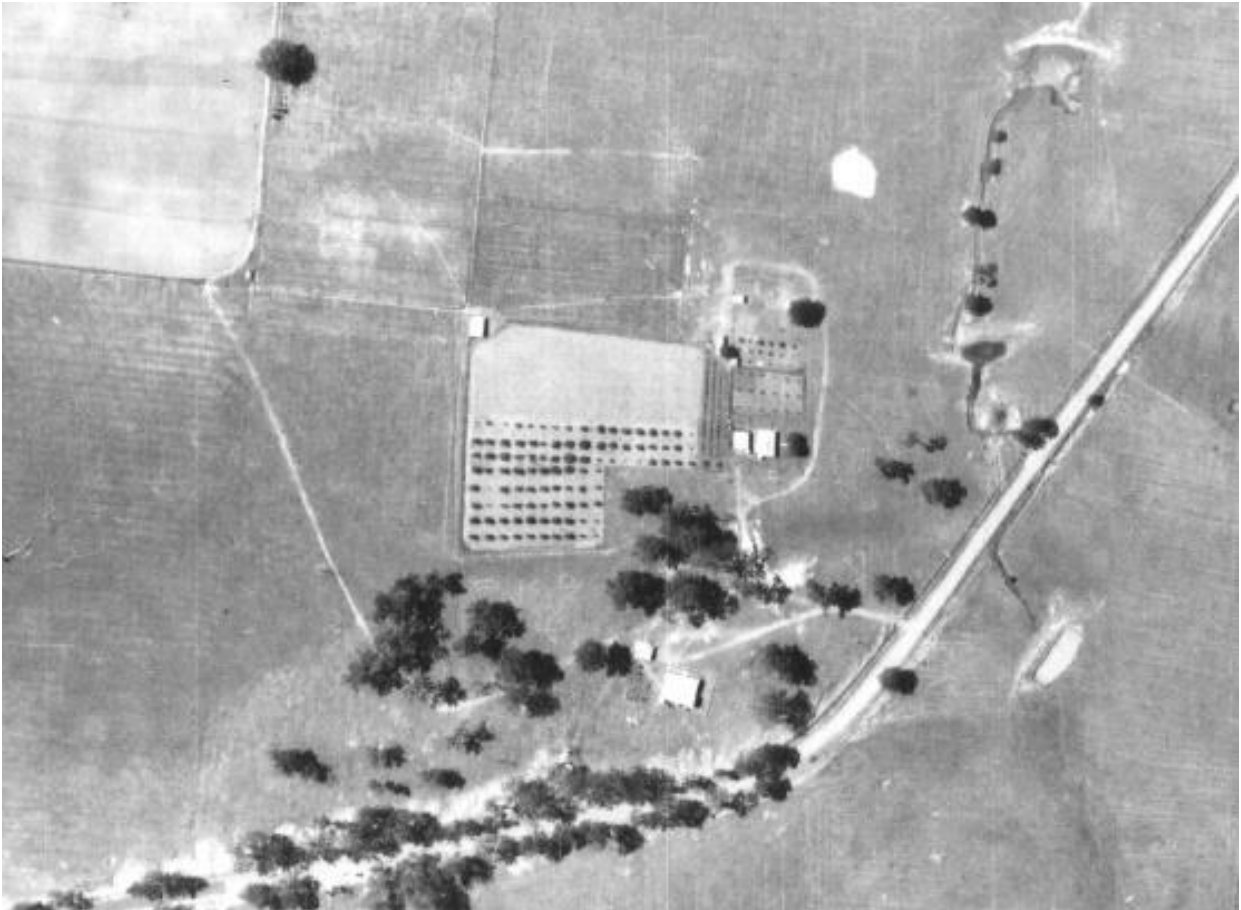


Plate 22: 1947 aerial showing the location of previous small farmhouse and crops (Source: LPI Spatial Services).



Plate 23: 1990 aerial showing the location of existing farmhouse and remains (Source: LPI Spatial Services).

The remaining structure consists of corrugated iron-cladded pitched roof and timber-framed windows (Plate 24). The interiors show timber structure beams and modern rubbish/storage (Plate 25-Plate 26). Externally, hand-carved sandstone blocks and timber posts were located around the remains of the structure (Plate 27-Plate 28). This included sandstone footings and overgrown paths which surrounded the property. A pile of mixed sandstock bricks was located in an overgrown bush, west of the structure (Plate 33). These are likely associated with the removed outbuildings which are no longer standing. Additionally, historical artefacts identified surrounding the structure included a sewing machine, bathtub, and remains of a piano imported from Lexington, Boston USA (Plate 30 -Plate 31). Furthermore, a wooden bridge was identified crossing Ousedale Creek, however, is now in disrepair (Plate 35). The bridge is located north-east of the site and is located on an old cattle path running adjacent to the creek.

The site inspection identified elongated shaped depressions at the top of the hill, located within the western portion of the Subject Area. A mix of modern machine-made brick, rubble, concrete, terracotta pipe, and livestock bones was observed buried within the depressions (Plate 36 -Plate 37).

The area was heavily overgrown and had low ground surface visibility due to grasses and bushes covering the majority of the site. It is very likely that further surface archaeology is located below the vegetation growth. The location is currently used as a paddock for livestock, but the impacts are largely due to disrepair and no occupation.



Plate 24. Corrugated-iron structure, facing west.



Plate 25. Timber window frames, facing north-west.



Plate 26. Timber-pitched roof, facing north.



Plate 27: Hand-carved sandstone blocks.



Plate 28: Front of structure and sandstone blocks, facing north.



Plate 29: Electrical services on the external wall of the structure.



Plate 30: Historical artefact - sewing machine.



Plate 31: Historical artefact- remains of the piano.



Plate 32: Overgrown remains around the structure, facing south.



Plate 33: Brick piles/remains in overgrown bushes, west of the structure. Facing south-west.



Plate 34: Overview of the western facade of the structure, facing east.



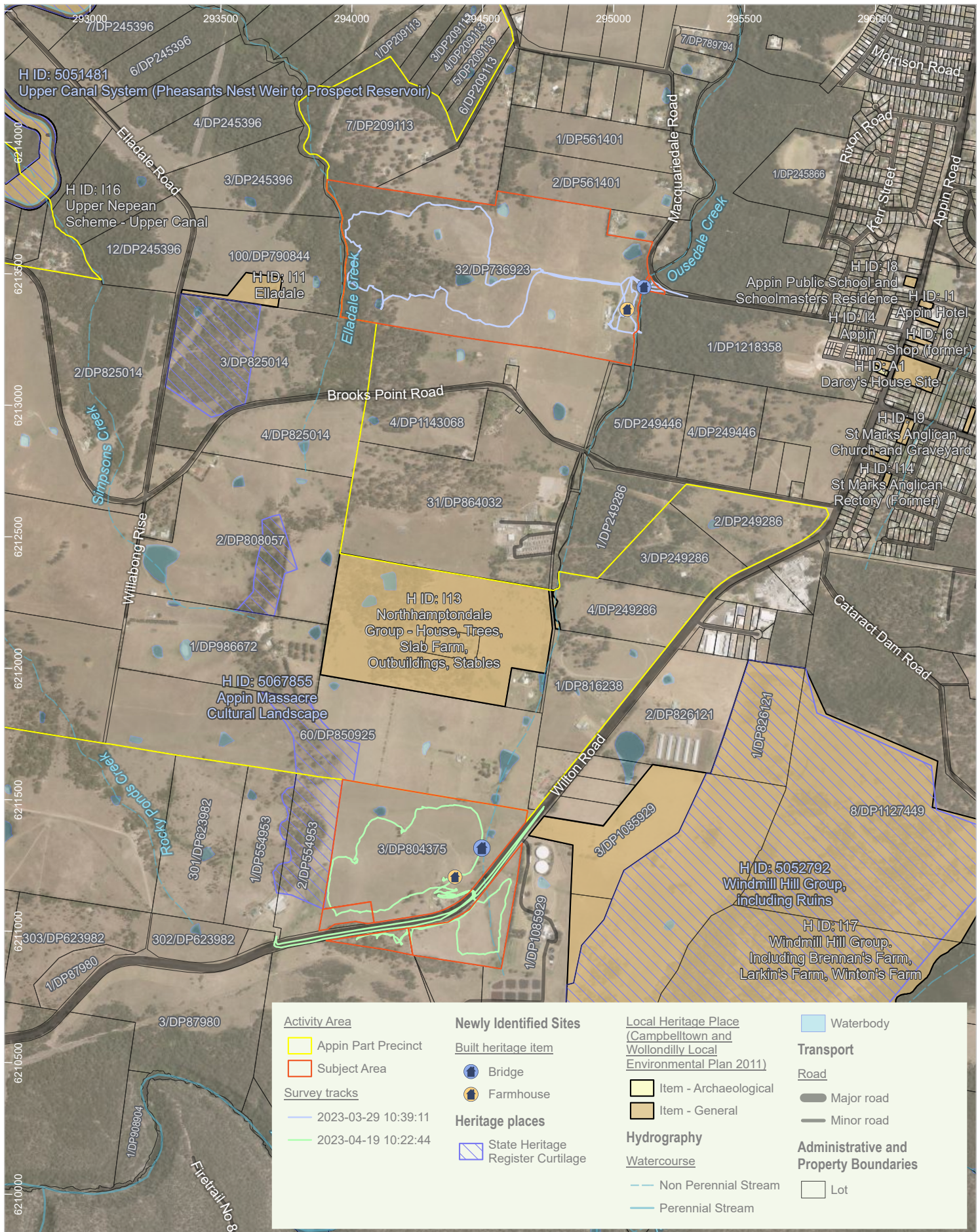
Plate 35: Wooden bridge, facing east.



Plate 36: Context shot of elongated channels with a rubbish dump, facing north.



Plate 37: Close-up of a mixed rubbish dump.



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4.5 Evaluation of physical evidence

The conclusions from the site inspection and desktop analysis can be summarised as follows:

- The site inspection identified evidence of various disturbances across the Subject Area. These include:
 - Widespread vegetation clearance.
 - Prolonged pastoral and agricultural use.
 - Construction of modern buildings and infrastructure.
- Crowe Farmhouse complex are all extant buildings and continually used. Potential subsurface archaeology where existing buildings are located.
- There is surface archaeological evidence of the Pearce farm buildings.
- Low surface visibility at the Pearce property resulted in the subsurface archaeology being unable to be determined.

5. Archaeological potential

This section provides an assessment of the archaeological potential of the Subject Area. This assessment is based on the evidence derived from the archival analysis (Historical Context) and evaluation of physical evidence. This profile contributes to the assessment of the cultural significance of the Subject Area.

Archaeological potential is defined as the likelihood that an area may contain physical evidence related to earlier phases of occupation, activity and/or development. Physical evidence can encompass structural remains and footings, occupational deposits, artefacts and/or features. These archaeological remains have the potential to contribute to our knowledge and understanding of the development of this area and the region and its association with the community using information otherwise unavailable. The potential for preserved archaeological evidence can range from very low to high, as follows:

Table 8: Gradings of archaeological potential

Grade	Definition
Nil	The degree of ground disturbance suggests minimal or no potential for any archaeological evidence to survive
Low	It is unlikely that any archaeological evidence survives
Moderate	Some archaeological evidence associated with a particular historical phase or feature survives. It may be subject to some disturbance.
High	It is likely that archaeological evidence associated with this historical phase or feature survives intact

5.1 Analysis of potential archaeological evidence for historical phases

Table 9 below provides an analysis of the potential archaeological profile from the identified historic phases that may be identified within the Subject Area.

Table 9: Historical phases and potential associated archaeological profile

Historical phase	Analysis of archaeological potential associated with the historical phase
Pre 1790s: Pre-European landscape	An assessment of Aboriginal archaeological potential is beyond the scope of this HHA. A Due Diligence assessment was undertaken for the project (Niche, 2023).
The 1790s-1810: Early European exploration into the Appin area	Early explorers such as Caley began to visit the area by the late 18th and early 19th centuries. The potential archaeological resource related to this historical phase is limited as such exploration was transitory in nature and unlikely to leave a permanent archaeological record. The potential for an archaeological profile associated with this phase is nil.
1811-1850s: Permanent European Settlement, Big Estates and First Grants	As detailed in the Historical Context chapter, 1811 saw the first large estates established across the Subject Area. Historical plans indicate the presence of large estate houses, outbuildings and workers huts related to this historical phase. The principal estate was Lachlan Vale, Teston Farm, Hardwicke, Middle Point Farm and Macquariedale. Surrounding these larger estates were smaller 30 to 100-acre lands, often run by individual and families. The potential archaeological resource related to this historical phase may include structural footings, ancillary structures such as cess pits, wells, and fences, as well as landscape archaeology including evidence of farming, gardens and land forming practices. There is also likely to be artefact deposits associated with this historical phase including bottle dumps, rubbish pits, yard deposits and underfloor accumulations.

Historical phase	Analysis of archaeological potential associated with the historical phase
	<p>The preservation of surface archaeological remains such as footings and extant buildings supports the likely preservation of sub-surface resources.</p> <p>This phase also saw the Cumberland Wars that resulted in skirmishes between local Aboriginal people, European landowners, and the Government. The Appin Massacre was the culmination of this unrest within the region and within proximity to the Subject Area.</p> <p>Further, the potential archaeological resources related to this phase may include graves and human remains because of the proximity to existing heritage curtilages of the Appin Massacre landscape. As evidence of Aboriginal use and occupation of the area is likely to remain, the potential for an archaeological profile associated with this phase is high.</p>
<p>1850s to late 19th Century:</p> <p>Subdivision and smaller farms</p>	<p>From the mid-19th Century, the larger estates began to be subdivided into smaller estates or farms.</p> <p>The potential archaeological resource related to this historical phase may include structural footings, ancillary structures such as cess pits, wells, and fences, as well as landscape archaeology. There is also likely to be artefact deposits associated with this historical phase including bottle dumps, rubbish pits, yard deposits and underfloor accumulations.</p> <p>The potential for an archaeological profile associated with this phase is moderate.</p>
<p>Early 20th Century to modern day</p>	<p>This historical phase relates to the use of the Subject Area in smaller lots, often passed down through family generations.</p> <p>The potential archaeological resource related to this phase may include evidence of the demolition of historic buildings and the possible infill of features such as wells and cesspits, as well as modern structural additions and construction of yards and farming infrastructure.</p> <p>The potential for an archaeological profile associated with this phase is high.</p>

5.2 Integrity of the archaeological evidence within the Subject Area

The results of the site inspection combined with knowledge of historical development, indicate that the Subject Area has undergone varying degrees of disturbance. Potential disturbances include widespread vegetation clearance, prolonged pastoral and agricultural use, subsidence related to longwall mining and construction of modern buildings and infrastructure. Determining the scope and integrity of the archaeological profile within the Subject Area is substantially reduced by the disturbances and little primary evidence that exists to describe the works and processes that have occurred here throughout the duration of European occupation commencing from the 1820s. It is possible that a range of archaeological remains are present at the two farmhouse complexes, which may only include ancillary structures including refuse deposits, such as cesspits, and evident of early European settlement historical phases. There may be archaeological evidence relevant to Area 4 of the Appin Massacre Cultural Landscape as it holds potential archaeology which may provide additional information to compare with the existing historical accounts of the massacre. The profile needs to be tested to define the level of integrity.

5.3 Summary of the archaeological potential

This assessment has found that there is a moderate potential for intact archaeological evidence associated with the early settlement and 19th Century use of the Subject Area; a high potential for archaeological remains associated with the 20th Century use of the Subject Area; and nil potential for an archaeological profile associated with the early exploration phase of the Subject Area. This evidence is likely to encompass a diverse range including structural works, landscape works and land-forming, environmental evidence, and cultural evidence of artefacts. There is also a high potential for an archaeological profile associated with the Appin Massacre landscape.

6. Assessment of significance

6.1 Significance framework

The NSW Heritage Manual guideline, 'Assessing Heritage Significance' (NSW Heritage Office 2001) provides the framework for the following significance assessment and Statement of Significance. These guidelines incorporate the seven aspects of cultural heritage value identified in the Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter, 2013 (Burra Charter) into a framework currently accepted by the NSW Heritage Council.

6.2 Contextual values

Determining what, if any cultural values an item or item embodies is the basis for developing management strategies that will retain or enhance those values. The listed items identified within proximity to the Subject Area are Elladale Cottage (Item# I11), Northampton Dale Group (Item# I13), and Windmill Hill Group (Item# I17) These items are assessed as being of local significance for the following reasons:

- Their association with the development of the residential area
- Their role in the development of local and regional economies
- Their role in the development of cultural institutions and ways of life
- For its role in the development of the iron and steel industry and its associations with significant figures in that industry.

Furthermore, the Windmill Hill Group (SHR# 01931) and the Appin Massacre Cultural Landscape (SHR# 02067) are assessed as being of state significance for the following reasons:

- They are recognised as fulfilling the historic, associative, aesthetic, social, research, rarity, and representative criteria for state heritage listing.
- There are recognised as having a moderate to high archaeological research potential.
- The Appin Massacre Cultural Landscape is significant for its associative and social values for its high importance to the Dharawal and Gundungurra people as the site of the brutal murder of their ancestors and their dispossession and displacement from Country. For the Dharawal and Gundungurra this landscape is a place of 'trauma, great sorrow, and death'.
- The archaeological significance of the area has been assessed to be high.

The unlisted items identified during this assessment have no existing assessment of cultural values. The following sections provide this assessment using an analysis of historic heritage themes and an evaluation of significance.

6.2.1 Historic heritage themes

Placing a site within a larger context contributes to evaluating its significance on a regional or national scale. The contextual perspective is made by evaluating the known historical development and associations of a place against themes that have been determined to be characteristic of the evolution of the country and of NSW. The themes are defined in *New South Wales Historical Themes* (NSW Heritage Office 2001). Table 10 discusses the evaluated profile of the items within the Subject Area in relation to those themes.

Table 10: Heritage themes

Australian themes	NSW themes	Local: the Subject Area
2. Peopling Australia	Aboriginal cultures and interactions with other cultures	Interactions demonstrating race relations occurred within the Subject Area. Examples of this include massacre sites, contact sites, campsites and cultural routes.
	Convict	Many of the estates surrounding the Subject Area were run on convict labour. It is likely that the farm estates within the Subject Area were worked or occupied by convict workers.
3. Developing local, regional and national economies	Agriculture	The Subject Area historically had an agricultural focus.
	Pastoralisation	Activities within the Subject Area included the breeding, raising and distribution of livestock for human use.
	Exploration	The ridgeline located within the Subject Area is associated with the Dharawal and Gungahlin Cultural Route, running north-south and rising to 250m AHD, the most elevated terrain within the Appin Massacre Cultural Landscape. This route is also associated with a Vantage Point Teaching Place and a Ridgeline Camping Place.
4. Building settlements, towns and cities	Land tenure	Various forms of ownership and occupancy are evident within the Subject Area, including fences as well as evidence of Aboriginal land tenure including rock art sites, shelters and habitation sites.
	Accommodation	Located within the Subject Area are archaeological house sites, standing house sites, huts and caves.
7. Governing	Defence	The Subject Area is associated with the Appin Massacre Cultural Landscape which is associated with massacre sites. This area also contains McGees Hill, the Hanging Trees Sorry Place which is associated with associated hostile takeover and occupation.
8. Developing Australia's cultural life	Domestic life	The Subject Area contains evidence of domestic activities including artefact scatters, homesteads and arrangement of interior rooms.

6.3 Defining significance

The following section of this report will provide an evaluation of the cultural significance of identified potential heritage items within the Subject Area according to standard assessment criteria and the guidelines defined in Section 2.3 of this report.

6.3.1 Evaluation criteria

The evaluation criteria used to assess cultural significance relate to the value of an item either to the cultural or natural history of a local community or for the state. The criteria are summarised in Table 11 below.

Table 11: Assessment criteria

Criteria	Value	Description
Criterion A	Historical significance	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion B	Associative significance	An item has strong or special association with the life or works of a person or group of persons, of important in NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion C	Aesthetic significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
Criterion D	Social significance	An item has strong or special association with a particular community or cultural group in NSW (or the local area). for social, cultural or spiritual reasons.
Criterion E)	Research potential	An item has the potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
Criterion F	Rarity	An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history (or the cultural or natural history of the local area).
Criterion G	Representativeness	An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places, or cultural or natural environments. (or a class of the local area's cultural or natural places, or cultural or natural environments.)

To be assessed as having heritage significance or cultural value an item must:

- mMeet at least one of the seven criteria of significance and
- Retain the integrity of its key attributes.

Items must be assessed according to their potential value for either the local community or a wider value for the state. An item is assessed to be of state significance if it meets the definition of more than one of the criteria and in the case of relics, its research potential. The NSW *Heritage Act 1977* defines the level of state significance as follows:

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

Local significance is defined in exactly the same terms except for its value to the local community rather than state.

6.4 Contributory significance

The Appin Massacre Cultural Landscape is a listed item within proximity to the Subject Area. As this item can potentially inform the cultural significance of the Subject Area, it is important to understand the existing significance assessment for this item. The item is significant for its associative and social values for its high importance to the Dharawal and Gundungurra people as the site of the brutal murder of their

ancestors and their dispossession and displacement from Country. For the Dharawal and Gundungurra this landscape is a place of 'trauma, great sorrow, and death'. The heritage listing sheet for the Appin Massacre Cultural Landscape outlines the current Statement of Significant for the landscape:

'The Appin Massacre Cultural Landscape is of State heritage significance for its historic, associative, aesthetic, social, research, rarity, and representative values. For the purposes of this SHR listing, which is a negotiated outcome, the larger landscape is represented as a series of five non-contiguous places that are key locations significant to the Appin Massacre, its two year lead up and aftermath:

- Area 1: 1816 Appin Massacre Sorry Place;
- Area 2: 1814 Rocky Ponds Creek Burial (Mount Britain) Sorry Place;
- Area 3: Teston Farm (homestead complex and setting) and Lachlan Vale (homestead complex archeological site and setting) Shared Histories Place;
- Area 4: Dharawal and Gundungurra Cultural Route, including the Hanging Trees (McGees Hill) Sorry Place, Ridgeline Camping Place and Vantage Point Teaching Place.
- Area 5: Dharawal and Gundungurra Cultural Route, Corridor to Gathering Place.

These key locations and their physical and visual interconnections are integral to an understanding of the Appin Massacre story.

The Appin Massacre Cultural Landscape has State significant historic values for its tangible connections with the historical accounts, shared histories and movements related to the 17 April 1816 massacre of Dharawal and Gundungurra peoples by the British military at the command of Governor Macquarie (Area 1). It is also associated with the 1814 murders (Areas 2-3) in the two-year lead up to the massacre, and in the aftermath, the hanging and mutilation of First Nations resistance warriors (Area 4), as well as the 4 May 1816 Proclamation by Governor Macquarie (Areas 1-5). The Appin Massacre Cultural Landscape also has State significant historic values as a landscape representative of the complex relationships between First Nations people and settlers on the colonial frontier (Areas 2-3).

The Appin Massacre is of State heritage significance for its historical importance as one of the most devastating massacre events of First Nations people in the history of NSW (Area 1). The massacre, which was conducted by the military as part of a broad campaign ordered by Governor Macquarie, was one of the few officially sanctioned massacres conducted by the NSW Colonial Government. Due to the direct involvement of Governor Macquarie, it is one of the most documented massacres in Australian history. The movements and actions expressed in the narrative about the massacre, its two-year lead up and aftermath, derived from the historic accounts, remain legible across the landscape.

The massacre also has State significant historic values as an event that led to the 4 May 1816 Proclamation by Government Macquarie and changes to colonial law and regulations. These changes permitted bureaucratic intervention into First Nations people's lives, and the long-term devastating effects of their implementation. The proclamation signalled historic changes to the treatment of First Nations people and their traditional way of life by the Colonial Government. It was also a precedent in the subsequent history of Australian Frontier Wars and massacres. This

edict 'permitted' future responses to resistance conflict and convinced colonists that they had the right to murder First Nations people who resisted the invasion of their Country.

The Appin Massacre Cultural Landscape (Areas 1-4) has State significant associative and social values for its high importance to the Dharawal and Gundungurra people as the site of the brutal murder of their ancestors and their dispossession and displacement from Country. For the Dharawal and Gundungurra this landscape is a place of 'trauma, great sorrow, and death' (Dharawal and Gundungurra Family Groups 2021).

The Appin Massacre Cultural Landscape has State significant associative and social values as a sacred place to the Dharawal, Gundungarra and Dharug people (Areas 1-5). This landscape, encompassing Cataract Gorge (Carrung-gurring), the Cataract River, and its tributaries, has special significance to the Dharawal, its traditional custodians, and extends respect to the Gundungurra and Dharug people, who also have obligations for this Country. Their connection to this land remains strong and was never broken.

The Appin Massacre Cultural Landscape has State significant associative values for its strong connection with Governor Lachlan Macquarie (1762-1824) who ordered the military campaign that led to the massacre and was directly involved in its lead up and aftermath.

The archaeological site of Lachlan Vale (Area 3) has State significant associative values for its strong connection with its owner William Broughton (1768-1821), a long-standing publicservant to the colony.

The topography of the Appin Massacre Cultural Landscape and its key locations have State significant First Nations aesthetic values as it provides natural pathways facilitating traditional practice. Key high points allow for important viewsheds across and within the natural amphitheatre of the Rocky Ponds Creek valley and beyond it to adjacent landscapes. Its spatial relationship in the broader regional cultural landscape further emphasises its connection to camping and gathering places, and the lands of other First Nations people via the identified Dharawal and Gundungurra Cultural Route (Areas 4-5).

The Appin Massacre Cultural Landscape has research potential at a State level in relation to three different areas of study. It can likely provide, through archaeological and anthropological research of Areas 1-5, information on the ancient history of the Dharawal people and their connection to this land. Through historical and archaeological research of Areas 1-4, it can likely shed further light on the specific events of the Appin Massacre, its two year lead up and aftermath and provide us with a fuller understanding of this massacre. Through the historical and archaeological investigation of any archaeological sites at the Lachlan Vale or Teston Farm homestead complexes (Area 2) it could forward our collective knowledge of the everyday lives of colonists during the early nineteenth century. Any archaeological sites in these locations could also provide a greater understanding of how First Nations people interacted with colonists during this period.

The Appin Massacre, as expressed through its cultural landscape, has State significant rarity values within the context of colonial frontier massacres conducted between the 1790s and turn of the twentieth century in NSW. Within this context, the Appin Massacre is an early known massacre that was government sanctioned, perpetuated by the military, and is recorded through substantial historical documents. It is the largest known massacre to have occurred in the Sydney region. It is also rare for its direct association with the 4 May 1816 Proclamation by Governor Macquarie. The

edict was a turning point in the colonial government's treatment of First Nations people due to its comprehensive and far-reaching policies which were designed to disrupt traditional ways of life.

The Appin Massacre Cultural Landscape has State heritage significance as a representative example of a landscape of colonial frontier violence. The Appin Massacre, as expressed through its cultural landscape, is also a representative example of a colonial frontier massacre within NSW.

Today, places such as the Appin Massacre Cultural Landscape serve to remind Australia of its history of mistreatment of the traditional owners of this country. These places reclaim First Nations history from the colonial story and ensure that the atrocities of colonial Australia do not fade from the national memory.

Criteria a)

Historical Significance

The Appin Massacre Cultural Landscape is of State heritage significance for its tangible connections with the historical accounts, shared histories and movements related to the 17 April 1816 Appin Massacre of Dharawal and Gundungurra peoples by the British military at the command of Governor Macquarie (Area 1). It is also associated with the 1814 murders (Areas 2-3) in the two-year lead up to the massacre, and in the aftermath, the hanging and mutilation of First Nations resistance warriors (Area 4), as well as the 4 May 1816 Proclamation by Governor Lachlan Macquarie (Areas 1-5). This landscape was a place of frontier conflict between the traditional Aboriginal custodians of NSW and the British government, military and colonists, who dispossessed them of their land, culminating in the massacre of Dharawal and Gundungurra peoples. The key locations of the Appin Massacre Cultural Landscape and their physical, visual and intangible interconnections demonstrate how the powerful story of the Appin Massacre, and its individual chapters, are deeply scarred into the landscape.

The key locations (Areas 1-5) of the Appin Massacre Cultural Landscape are spread across the Rocky Ponds Creek catchment, the gorge and waterways of the Cataract (Carrunggurring) and Nepean Rivers. They are interconnected with the ancient First Nations cultural landscape which remains alive and legible across the creeks (including intermittent streams) and waterholes, ridgelines and highpoints, and remnant Cumberland Plain vegetation (including koala habitat). This cultural landscape features a range of cultural sites and a cultural route that are visually and spatially linked and interconnected. Inscribed across the First Nations cultural landscape is a Macquarie-era 1810s rural landscape of granted farmlands and associated early roadways. Considered as a whole, each of these three landscape layers contribute to imparting the story of the 1816 Appin Massacre, its two-year lead up and aftermath to all Australians.

The Appin Massacre is of State heritage significance, and potentially national significance, for its historical importance as one of the most devastating massacre events of First Nations people in the history of NSW. Unprecedented in terms of the numbers of recorded dead, the Appin Massacre was the focal site of an extensive military campaign, which lasted eight months and involved at least 125 soldiers (Sutton 2022). This represented almost a quarter of all soldiers under Macquarie's command in Australia at the time (Watson 1914). The massacre marked an end to resistance warfare and was a distinctive turning point in the invasion of the Cumberland Plain, and its surrounds, by British colonists.

The massacre, which was conducted by the military as part of a broad campaign ordered by Governor Macquarie, rather than by armed colonists on the frontier, was one of the few officially sanctioned massacres conducted by the NSW Colonial Government. Consequently, as an early colonial massacre, it was a precursor to later massacres on the everexpanding frontier and used as justification for these continuing atrocities. Due to the direct involvement of Governor Macquarie, it is one of the most documented massacres in Australian history. The movements and actions expressed in the narrative about the massacre, its two-year lead up and aftermath, derived from the historic accounts, remain legible across the landscape in terms of both tangible and intangible values.

The original configuration of Macquarie-era colonial farms remains evident across the Appin Massacre Cultural Landscape and demonstrates important aspects of the massacre story. The spatial relationships of Teston Farm, Lachlan Vale (Area 3) and Mount Britain (Area 2) and their intimate proximity to each other and location on highpoints is demonstrative of a defensive settlement pattern. With these first grants, Appin was at the centre of intensive engagement between the invaders and First Nations people. For the colonists, their ability to survey and oversee the surrounding landscape from these elevated positions was vital for survival and control of the contested frontier. The colonists' farms were in effect the first line of defence if conflict broke out. Related by blood and marriage, the settlers' choice of neighbouring land grants was undoubtedly linked to their security, and if required, defence (Gapps 2022). The Mount Britain (Area 2) property located on a spur jutting into the centre of the Rocky Ponds Creek valley, continues to have clear visibility over the valley, to Areas 1, 3, and 4, and its features. This defensive settlement pattern is foundational to understanding the landscape.

The Appin Massacre Cultural Landscape is of State heritage significance as a landscape representative of the complex relationships between First Nations people and settlers on the colonial frontier. Regardless of the nature of these relationships, the invasion of colonists across the Cumberland Plain resulted in the dispossession of the Dharawal people. At Appin, this invasion led to shared histories of violent clashes expressed at Areas 1-4 through historic accounts of murders and reprisals during a time of drought. These events chart the escalation of conflict in the two-year lead up to the 1816 military campaign to remove First Nations groups and individuals from the Cumberland Plain area who were resisting the invasion of their lands. However, based on the historical accounts, Area 3 also demonstrates the shared histories and working relationships First Nations people developed with colonists throughout the period 1814 to 1816. These relationships led John Kennedy, the owner of Teston Farm, to protect a group of First Nations people during the 1816 campaign by negotiating with the military. Settlers such as Warby, Throsby, Kennedy, Broughton and Hume all had working relationships with First Nations people on their farms and depended on their guiding skills in the bush (Gapps 2022).

The Appin Massacre (Areas 1, 3 and 4) is of State heritage significance as an event that led to changes to colonial law that allowed bureaucratic intervention into First Nations people lives, and the long-term devastating effects of their implementation. It signalled historic and tragic changes to the treatment of First Nations people and their traditional way of life by the Colonial Government. The massacre led to a new approach, which was set out by Governor Macquarie in a Proclamation published on 4 May 1816. The Proclamation, designed to convince the colony that peace had returned after a period of warfare, outlined how the 1816 campaign had served to 'strike Terror amongst the surviving Tribes, and deter them from the further Commission of such sanguinary Outrages and Barbarities.' A powerful turning point, the decree encompassed a far-reaching

strategic plan including new regulations that were to be 'rigidly enforced'. These regulations restricted the movements of First Nations people and their ability to carry weapons near colonised areas 'on Pain of being deemed and considered in a State of Aggression and Hostility and treated accordingly'. It banned large gatherings in these areas and proposed a passport system. It offered inducements of land, clothing and supplies to First Nations people who would 'relinquish their wandering, idle and predatory Habits of Life' and their children to the Native Institution. The proclamation demonstrates a wide-ranging approach to destabilise First Nations peoples' traditional way of life through dependence on the Colonial Government for basic needs and re-education of children. Arguably, this proclamation was a precursor to many Colonial Government policies that further served to restrict and control the lives of First Nations people throughout the remained of the nineteenth century. This includes the paternalistic attempts to convert First Nations people to a European way of life and destroy their culture and heritage. The concepts and principles outlined in the document informed the workings of State-run institutions that sought to regulate and control the lives of First Nations people, such as the Aboriginal Protection Board, and has links to the Stolen Generations.

Macquarie's regulations were a tragic precedent in the subsequent history of Australian Frontier Wars and massacres. They outlined that any 'Natives coming armed, or in a hostile Manner without Arms, or in unarmed parties exceeding Six in Number' to farms in the interior, were to be told to depart, and if they committed 'any kind of Depredation, they are then to be driven away by Force of Arms by the Settlers themselves, or troops if they can be called upon'. This edict 'permitted' many future responses to resistance conflict and convinced colonists that they had the right to murder First Nations people who resisted the invasion of their Country. A few years later, at the height of the Bathurst War, Macquarie's proclamation was recalled by some colonists as justification for killing Wiradjuri people (Gapps 2022).

Today, places such as the Appin Massacre Cultural Landscape serve to remind Australia of its history of gross mistreatment of the traditional owners of this country. These places reclaim First Nations history from the colonial story and ensures that the atrocities of colonial Australia do not fade from the national memory.

Criteria b)

Historical Association Significance

The Appin Massacre Cultural Landscape (Areas 1-4) is of State heritage significance for its high importance to the Dharawal and Gundungurra people, as the site of the brutal murder of their ancestors and their dispossession and displacement from Country. For the Dharawal and Gundungurra this landscape is a place of 'trauma, great sorrow, and death' (Dharawal and Gundungurra Family Groups 2021).

The Appin Massacre Cultural Landscape is of State heritage significance for its strong and special association to the Dharawal, Gundungurra and Dharug people (Areas 1-5). This landscape, encompassing Cataract Gorge (Carrung-gurring), the undulating country of the Cataract River, and its tributaries, has special significance, and is sacred, to the Dharawal, its traditional custodians, and extends respect to the Gundungurra and Dharug people who also have obligations for this Country. A place with connections east to the Illawarra and ocean, west to the mountains, and south and west to the tablelands, this location forms part of a much larger landscape, that is crisscrossed with pathways that First Nations people have used for millennia (Areas 4-5).

The Appin Massacre Cultural Landscape is of State heritage significance for its strong association with Governor Lachlan Macquarie (1762-1824) who ordered the military campaign that led to the massacre and was involved in its aftermath. Macquarie is considered to have been the most astute military commander and strategist of all the colonial governors and is a prominent figure in NSW history. As the chief commander from 1810, Macquarie in 1811 bestowed the name of Appin on the district in honour of his wife, Elizabeth's, family background. He assigned Appin's first land grants the same year (Areas 2-3). In 1815, he visited these colonial farmlands, Teston Farm, Lachlan Vale (which was named in his honour), and Mount Britain, and allotted the settlers more land (Areas 1-4). His 1816 instructions for the military campaign and 4 May 1816 Proclamation, officiated over the deep fracturing of First Nations peoples' traditional way of life and their relationship with colonists. Diligent, respected for bringing dignity to the vice regal office (McLachlan 1967), Macquarie's policies towards First Nations people were patriarchal, having long range impacts which caused inter-generational trauma.

The archaeological site of Lachlan Vale (Areas 3) has State heritage significance for its strong association with William Broughton (1768-1821), a long-standing public servant to the colony. He arrived in the colony in 1788 as a young servant to Surgeon John White and became a government storekeeper and Commissary. In the heady times of the NSW Corps rebellion and overthrow of Governor Bligh in 1808 he retained the position and was granted land by Macquarie, which he named 'Lachlan Vale' in honour of the governor. As the owner of this farm and having family connections to the nearby farms owned by John Kennedy (Teston Farm), Andrew Hume (Hume Mount) and William Sykes (Mount Britain), Broughton is strongly associated with this area.

Criteria c)

Aesthetic/Technical Significance

The Appin Massacre Cultural Landscape is of State heritage significance for its First Nations aesthetic values. The topography of the Appin Massacre Cultural Landscape and its key locations provide natural pathways facilitating traditional practice. Key high points allow for important viewsheds across and within the natural amphitheatre of the Rocky Ponds Creek valley and beyond it to adjacent landscapes. Its spatial relationship in the broader regional cultural landscape further emphasises its connection to gathering places and the lands of other First Nations people via the identified Dharawal and Gundungurra Cultural Route (Areas 4-5).

Criteria d)

Social/Cultural Significance

The Appin Massacre Cultural Landscape is of State heritage significance for its social value to the Dharawal and Gundungurra people as the place of the brutal murder of their ancestors by British colonists. Today, this landscape demonstrates the frontier violence that occurred to these First Nations people. For the Dharawal and Gundungurra it is a place of 'trauma, great sorrow, and death' (Dharawal and Gundungurra Family Groups 2021). It allows them to remember and honour the resilience of their ancestors and their resistance to the British invasion and colonisation of their Country.

The Appin Massacre Cultural Landscape is of State heritage significance for its social value as a sacred place to the Dharawal, Gundungarra and Dharug people (Areas 1-5). This landscape, encompassing Cataract Gorge (Carrung-gurring), the undulating country of the Cataract River, and

its tributaries, has special significance to the Dharawal, its Traditional custodians, and extends respect to the Gundungurra and Dharug people who also have obligations for this Country. Their connection to this land remains strong and was never broken.

Criteria e)

Research Potential

The Appin Massacre Cultural Landscape has research potential at a State level for the information it can provide on the ancient history of the Dharawal people and their connection to this land. It is known that the landscape contains an extensive number of surviving Aboriginal cultural sites, which, if studied in a culturally sensitive way using archaeological and anthropological methods, in accordance with the wishes of their custodians, could provide information on the traditional ways of life of the Dharawal people, and how it might have changed over time to adapt to climatic and environmental pressures.

The Appin Massacre Cultural Landscape has research potential at a State level for the light it may be able to shed, through historical and archaeological study, on the specific events of the Appin Massacre, its two year lead up and aftermath. Areas 1-4 of this landscape have shared histories values and are strongly tied to the historic events of the massacre. To date, no comprehensive studies have been undertaken of these physical sites and how the historical and archaeological evidence inherent in these locations may provide additional information to compare and contrast with the existing historical accounts of the massacre. This process would serve to provide a more robust and fuller understanding of the events of the Appin Massacre. Any research should be conducted in a culturally sensitive way and in accordance with the wishes of traditional custodians.

The archaeological potential of the Lachlan Vale and Teston Farm homestead complexes have not been formally examined, but it is possible that a range of archaeological remains are present at these two sites. At Lachlan Vale this conceivably includes the full homestead complex, while at Teston Farm where the homestead survives, it may only include ancillary structures including refuse deposits, such as cesspits. If archaeological deposits are present at these two sites, then they would be of high research potential in a State context, considering both their early date and the comparative opportunity they provide. They could forward our collective knowledge, within the disciplines of history and archaeology, of the everyday lives of colonists during this period. Any archaeological sites in these locations could also provide us with as greater understanding of how First Nations people interacted with these colonists during this period.

Criteria f)

Rarity

The Appin Massacre, as expressed through its cultural landscape, is of State heritage significance for its rarity within the context of colonial frontiers massacres conducted between the 1790s and turn of the twentieth century in NSW. The Appin Massacre is an early known massacre that was government sanctioned, perpetuated by the military, and is recorded through substantial historical documents. It is also the largest known massacre to have occurred in the Sydney region. There are few colonial frontier massacres within NSW that are comparable in terms of the brazenness and openness in which it was carried out by the Colonial Government and military. The Appin Massacre is notorious in this context and is rare in being used to justify later massacres across the colonial frontier.

The Appin Massacre is also rare for its direct association with the 4 May 1816 Proclamation by Governor Lachlan Macquarie. The edict was a turning point in the treatment of First Nations people by the Colonial Government due to its comprehensive and far-reaching policies which were designed to disrupt traditional ways of life by offering seductive inducements, backed by threats of violence. Arguably, this proclamation was a precursor to many Colonial Government policies that served to further restrict and control the lives of First Nations people throughout the remainder of the nineteenth century. This includes paternalistic attempts to convert First Nations people to a European way of life and destroy their culture and heritage. The concepts and principles outlined in the document are the seeds for later state-run institutions that sought to regulate and control the lives of First Nations people, such as the Aboriginal Protection Board, and has links to the Stolen Generations.

Criteria g)

Representative

The Appin Massacre Cultural Landscape is of State heritage significance as a representative example of a landscape of colonial frontier violence. Frontier violence was rife during the colonial expansion of the nineteenth century, which displaced First Nations people through the theft of land, competition for resources and food supplies and the destruction of customs, practices and traditional ways of life. In the wake of these actions, a subversive model for continued colonial expansion across new Australian frontiers was introduced that arguably formed the basis for Colonial, and later State Government policies that aimed to control and restrict the lives of First Nations people.

The Appin Massacre, as expressed through its cultural landscape, is of State heritage significance as a representative example of a colonial frontier massacre within NSW. While of a rare nature in being government sanctioned and perpetuated by the military, the Appin Massacre is demonstrative of the principal characteristics of colonial frontier massacres by being recorded through substantial historical documents. This historical knowledge can be used to better understand the events of other massacres, that may not be as well recorded.

Integrity/Intactness

As a pastoral landscape associated with the 1816 Appin Massacre, this cultural landscape has good integrity.'

6.5 Assessment of significance

Following the results of the historical research, each of the identified potential heritage items within the Subject Area is analysed against the assessment criteria. The results are presented in the table below:

Heritage significance criteria	Evaluation of significance criteria for the Subject Area	Level of Significance
Criterion a): Historical Significance	The Subject Area is associated with the first land grants by Governor Macquarie in 1819, with such early farms acting as testing grounds for agricultural practices in the important 'Cowpastures' region. It illustrates similar issues and themes as do heritage-listed places such as the Windmill Hill Group including patterns of middle-level farming and settlement in the Cumberland Plain from the 1820s to the early twentieth century.	<i>The Subject Area is considered to have met the threshold of local significance for this criterion.</i>
Criterion b) Associative significance	The Subject Area is associated with Area 4 of the Appin Massacre Cultural Landscape. The Appin massacre occurred during a period of open conflict between Aboriginal groups and European settlers known as the Cumberland War. The ridgeline located within the Subject Area is associated with the Dharawal and Gungungurra Cultural Route, running north south and rising to 250 m AHD, includes the hanging trees (McGees Hill) Sorry Place, Ridgeline Camping Place and Vantage Teaching Place.	<i>The Subject Area is considered to meet this criterion at a State level and may meet listing at a National level.</i>
Criterion c) Aesthetic or technical significance	The Subject Area holds key high points which allow for important viewsheds across and within the natural landscape. Its spatial relationship in the broader regional cultural landscape further emphasises its connection to gathering places and the lands of other First Nations people via the identified Dharawal and Gundungurra Cultural Route.	<i>The Subject Area is considered to meet this criterion at a State level and may meet listing at a National level.</i>
Criterion d) Social significance	The Dharawal and Gungungurra Cultural Route have a very strong and meaningful significance for Aboriginal Australians, particularly the Dharawal and Gundungara.	<i>The Subject Area is considered to meet this criterion at a State level and may meet listing at a National level.</i>
Criterion e) Research potential	The site holds research potential that may contribute to historical studies of events leading to the massacre and Dharawal and Gungungurra Cultural Route.	<i>The Subject Area is considered to meet this criterion at a State level and may meet listing at a National level.</i>
Criterion f) Rarity	The site is significant for its rarity within the context of colonial frontiers massacres conducted between the 1790s and the turn of the 20 th Century in NSW. It's association with the Appin Massacre Cultural Landscape represents one of the few colonial frontier massacres within NSW that is recorded through substantial historical documents.	<i>The Subject Area is considered to meet this criterion at a State level and may meet listing at a National level.</i>
Criterion g) Representativeness	The site is significant as a representative example of a landscape of colonial frontier violence within NSW.	<i>The Subject Area is considered to meet this criterion at a State level and may meet listing at a National level.</i>

6.6 Statement of cultural significance

The Subject Area was settled by Europeans at a time of rapid expansion of land grants and escalating stock grazing throughout the 'Cowpastures' of the Cumberland Plain. The Subject Area encompasses much of the early agricultural centre of Appin surrounding the large grants of William Broughton. Broughton's land and the surrounding estates and small farms formed a highly representative group of the broader pattern of settlement by wealthier absentee owners, free settler farmers, emancipists and assigned convict stockmen and servants. The Crowe and Pearce estates identified potential archaeological relics of extant farmhouses, outbuildings, and Aboriginal landscape elements across the Subject Area demonstrate physical links to settlement within the Subject Area during the Macquarie era of Australia's history. The Subject Area have historical significance as an example of a 'Cowpastures' free settler farmhouse. It illustrates similar issues and themes that other heritage-listed places do such as the Windmill Hill Group. These elements are considered to hold levels of local significance.

The ridgeline within the southern portion of the Subject Area has significance associative, aesthetic, social, research potential, rarity, and representativeness significance as it relates to the Dharawal and Gungahlin Cultural Route within the Appin Massacre Cultural Landscape. Although the SHR listing boundary borders the property, is part of a broader cultural landscape. The significance of this landscape is its important viewsheds, proximity to Vantage Point Teaching Place, Ridgeline Camping Place and McGees Hill where the bodies of the First Nations resistance warriors, Cannabaygal and Dunelle, and an unidentified woman, were strung up and later mutilated by the military, following the Appin Massacre on 17 April 1816. This site forms a highly significant and material link to events surrounding the Appin massacre, Cumberland War, and broader history of the Indigenous experience of the colonisation of Australia. These elements are considered to hold levels of significance from state to national.

7. Results and discussion

7.1 The proposed re-zoning

The proposal for the Appin (Part 2) Precinct Plan (the 'precinct plan') is to rezone the current Subject Area within the Appin Precinct from RU2 to UDZ, SP2 and C2 zones and incorporated into a new schedule in the Western Parkland City SEPP 2021. The re-zoning will facilitate the land for a range of residential typologies, retail, education, business premises, recreation areas, and infrastructure services.

Apart from subdivision into residential allotments the work entails the creation of several new streets as well as services and landscaping. This is the only proposed plan for the work; there are currently no designs or alternative schemes.

7.2 Management outcomes

Any items and archaeological evidence within the Subject Area are afforded statutory protection under the Heritage Act (1977) to those items identified as having heritage significance and which form part of the NSW heritage record. The Act defines a heritage item as:

"a place, building, work, relic, moveable object or precinct".

Archaeological features and deposits are afforded statutory protection by the 'relics provisions' of the Heritage Act (1977). Specifically, Division 9 Section 139 (1) states:

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

A "relic" is defined as follows:

"any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and is of State or local heritage significance".

Land disturbance or excavation that will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed is prohibited under the provisions of the Act, unless carried out in accordance with a permit issued under s141 or undertaken in accordance with the Section 139(4) excavation permit exceptions of the Act, or a s60 if the item is a listed item of State significance. Proposals to alter, damage, move or destroy heritage items listed on the SHR (or protected by an Interim Heritage Order [IHO]), require an approval under s60 of the Heritage Act 1977.

This assessment has concluded that there may be relics within the Subject Area of local significance and possibly of state significance. Impacts to those relics, as discussed in this report, will require mitigation including the preparation of a Statement of Heritage Impact (SoHI) for the potential location of the Dharawal and Gungahlin Cultural Route associated with the Appin massacre. Furthermore, consultation with Registered Aboriginal Parties (RAPs) in conjunction with an Aboriginal Cultural Heritage Assessment (ACHA) to assist in the documentation of the cultural values of the place, and in the development of mitigation strategies for the potential location of Cultural Route associated with the Appin Massacre outside of the southern boundary of the Subject Area.

Additionally, a SoHI may be required to further understand the potential impacts to any potential archaeological relics relating to the occupation at Crowe and Pearce farms. This may involve testing is due

to the absence of any site-specific hard evidence that confirms the conclusions made in this assessment. Test excavations can be carried out under the provisions of an s139 excavation including those for minimal impacts and testing.

8. Conclusions and management

8.1 Conclusions

This report examined the historic period cultural heritage values of the proposed re-zoning of the Appin (Part 2) Precinct. This assessment determined the cultural values and significance of the Subject Area and components within it, to inform the proposed works. The Subject Area is located within Lot 32/DP736923, Lot 1/DP1000355, Lot 1/DP804375, and Lot 1/DP804375, situated adjacent to the state heritage listed Appin Massacre Cultural Landscape (SHR# 02067). Historical research and a site inspection identified several historical phases and areas of archaeological sensitivity with the Subject Area, especially within landforms associated with the Dharawal and Gungungurra Cultural Route.

It is considered archaeological resources may be present within the Subject Area. Although areas identified within the Subject Area has been disturbed by historical land-use practices, resulting in a moderate potential for intact archaeological evidence associated with the early settlement and 19th Century use of the Subject Area; a high potential for archaeological remains associated with the 20th Century use of the Subject Area; and nil potential for an archaeological profile associated with the early exploration phase of the Subject Area. There is also a high potential for an archaeological profile associated with the Appin Massacre landscape. The proposed works would therefore likely disturb 'relics' within the meaning of the Heritage Act 1977(NSW).

The Subject Area has been assessed as having historical significance. The site as an example of a 'Cowpastures' free settler farmhouse as it illustrates similar issues and themes that other heritage-listed places do such as the Windmill Hill Group. These elements are considered to hold levels of local significance. The southern portion of the Subject Area has significance associative, aesthetic, social, research potential, rarity, and representativeness significance as it relates to the Dharawal and Gungungurra Cultural Route within the Appin Massacre Cultural Landscape. These elements are considered to hold levels of state significance and may meet National level.

8.2 Recommendations

This assessment recommends the following measures to be undertaken, prior to any works be initiated within the Subject Area:

Table 12: Recommendations

Heritage Constraint	Recommendations	
Dharawal and Gungungurra Cultural Route identified with the Appin Massacre	1.	Consultation should be undertaken with Knowledge holders identified in the Appin Massacre Cultural Landscape listing and associated report submitted as part of the listing process. This is to assist in the documentation of the cultural values of the place, and in the development of mitigation strategies for the potential location of Cultural Route associated with the Appin Massacre on the southern boundary of the Subject Area.
All	2.	Statement of Heritage Impact (SoHI) to be undertaken for the entire Subject Area to assess the potential impacts prior to any construction works being undertaken. The SoHI will build upon research undertaken for this HHA and will consider specific impacts and mitigation measures for each item.

Heritage Constraint	Recommendations	
All	3.	This HHA assessment undertaken for the Subject Area should be used to inform potential layout designs and plans for future development. This should reflect and interpret the historic value of the Subject Area.

References

Attenbrow, V. (2010). *Sydney's Aboriginal Past*. (2nd ed). Sydney: UNSW Press.

Australia ICOMOS (2013). *The Burra Charter, The Australia ICOMOS Charter for Places of Cultural Significance*, ICOMOS Australia.

Colonial Secretary's Papers 1788-1825; SRNSW

Department of Planning and Environment, *Environmental Planning and Assessment Act, 1979*.

Henning, R. 1826-1914., *The Letters of Rachel Henning*.

Heritage New South Wales (Heritage NSW). 2022. Appin massacre cultural landscape. Accessed 4 April 2023. <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5067855>

Heritage Office (former), 2001, *Assessing Heritage Significance*. Heritage Council of NSW.

Heritage Office and Department of Urban Affairs & Planning (former), 1996 revised 2002, *Statements of Heritage Impact*.

Karskens GE, 2009, *The Colony: A history of early Sydney*, 1st, Allen & Unwin, Sydney

Mary Dallas Consulting Archaeologists (2014) *Proposed Residential Rezoning Macquariedale Road, South Appin, NSW Initial Historic Heritage Assessment (for Walker Corporation Pty Ltd)*

New South Wales. Department of Lands. 1905, *Parish of Appin, County of Cumberland Land District of Picton, Eastern Division N.S.W* Dept. of Lands, Sydney viewed 1 July 2020 <http://nla.gov.au/nla.obj-233911822>

Niche Environment and Heritage 2020. *D'Arcy's House Site and Adjoining Land - Macquariedale Estate Appin, NSW. Historic-Period Archaeology and Statement of Heritage Impact*. Report prepared for Walker Corporation.

Niche Environment and Heritage. 2022. *Historic heritage constraints assessment- Appin (Part) Precinct Plan*. Report to Walker Corporation Pty Ltd.

Parsons, V., 'Broughton, William (1768–1821)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/broughton-william-1831/text2105>, published first in hardcopy 1966, accessed online 14 July 2020.

Whitaker, A. 2005., *Appin: The Story of a Macquarie Town*. Kingsclear Books

NSW Heritage database:

State Heritage Register Item Number 02067

State Heritage Register Item Number 01931

Trove Articles

1857 'BANCO COURT.', *The Sydney Morning Herald* (NSW: 1842 - 1954), 17 November, p. 4., viewed 27 Jul 2020, <http://nla.gov.au/nla.news-article13003093>

New South Wales Government Gazette (Sydney, NSW: 1832 - 1900), Tuesday 17 June 1856 (No.92), page

1862 'Advertising', *The Sydney Morning Herald* (NSW : 1842 - 1954), 27 June, p. 7. , viewed 07 Jul 2020, <http://nla.gov.au/nla.news-article13230797>

1842 'Advertising', *The Sydney Herald* (NSW : 1831 - 1842), 11 April, p. 4. , viewed 07 Jul 2020, <http://nla.gov.au/nla.news-article12874638>

1862 'Family Notices', *The Sydney Morning Herald* (NSW: 1842 - 1954), 28 July, p. 1., viewed 29 Jul 2020, <http://nla.gov.au/nla.news-article13231893>

1866 'Advertising', *The Sydney Morning Herald* (NSW: 1842 - 1954), 6 February, p. 7., viewed 29 Jul 2020, <http://nla.gov.au/nla.news-article13125939>

1883 'ECCLESIASTICAL JURISDICTION.', *New South Wales Government Gazette* (Sydney, NSW: 1832 - 1900), 28 August, p. 4672., viewed 29 Jul 2020, <http://nla.gov.au/nla.news-article221658025>

1822 'Classified Advertising', *The Sydney Gazette and New South Wales Advertiser* (NSW : 1803 - 1842), 6 December, p. 3. , viewed 29 Jul 2020, <http://nla.gov.au/nla.news-article2181494>

1953 'CONSERVATION DEPARTMENT NOTICES. WATER ACT, 1912-1952.', *Government Gazette of the State of New South Wales* (Sydney, NSW : 1901 - 2001), 30 October, p. 3630. , viewed 27 Jul 2020, <http://nla.gov.au/nla.news-article220297962>

1839 'Advertising', *The Sydney Herald* (NSW : 1831 - 1842), 1 July, p. 3. , viewed 29 Jul 2020, <http://nla.gov.au/nla.news-article12862123>

1841 'Advertising', *The Sydney Herald* (NSW : 1831 - 1842), 12 March, p. 3. , viewed 29 Jul 2020, <http://nla.gov.au/nla.news-article12868225>

Websites

Australian Royalty., Elizabeth Stanton. Accessed 15/7/20
(<https://australianroyalty.net.au/tree/purnellmccord.ged/individual/I63250/Elizabeth-Stanton>)

https://dictionaryofsydney.org/entry/appin_massacre Accessed 8/7/20

Hawkesbury on the Net., Claim a Convict: Richard Eagles. Accessed 15/7/20

<https://www.geni.com/people/William-Broughton-Free-Settler-Charlotte-1788/6000000017977307074>
Accessed 20/7/20

Percival, Syd. 1992. *Chronicles of Appin, NSW*. Campbelltown and Airds Historical Society Inc.

<https://australianroyalty.net.au/tree/purnellmccord.ged/individual/I44145/Matthew-Pearce>

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Accredited BAM assessors (NSW)
Biodiversity Stewardship Site Agreements (NSW)
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Offset brokerage
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