

# **A13 Cultural Values Assessment & Connecting with Country Framework**



**FINAL REPORT: REDACTED**

**JUNE 2024**

# **APPIN (PART) PRECINCT PROJECT: ABORIGINAL CULTURAL VALUES ASSESSMENT AND CONNECTING TO COUNTRY**



**PREPARED FOR:**

**WALKER CORPORATION PTY LTD**

**WATERS CONSULTANCY PTY LTD**

**HISTORY • CULTURE • HERITAGE**





All cultural sites mapping has been redacted from this version of the report as requested by First Peoples cultural knowledge holders and cultural advisors.

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Cover image: Looking west from Cultural Site N: Ridgeline Movement Corridor

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# **Acknowledgement of Country**

**We respectfully acknowledge the Dharawal, Dharug and Gundungara Peoples as Traditional Custodians of Country in western Sydney.**

**We pay respect to Elders past and present and thank them for their continuing care of Country, culture, and community.**

**We wish to acknowledge the trauma and pain that sits within this Country from the events of the Appin massacre.**

**We extend our gratitude to all those who shared their cultural knowledge and cultural concerns for this Country. We hope that this report can contribute to recognition and respect for this Country and for the First Peoples who speak for it.**







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#### NOTE ON LANGUAGE

- A reference to First Peoples should be read as encompassing the term 'Aboriginal' in any references in legislation, regulation or policy and guidelines.
- There are quotes in this report from documents written by Europeans in the nineteenth and early twentieth centuries. They have been included because of the information they provide about the lives of First Peoples. Please be aware that the language and attitudes of the writers can at times be offensive and distressing.

## 1 Introduction

### 1.1 Project background

Waters Consultancy Pty Ltd (Waters Consultancy) was commissioned by Walker Corporation Pty Ltd (the Proponent) to undertake an intangible Aboriginal Cultural Values Assessment (CVA) to inform strategic planning and proposed rezoning of land holdings within the Appin (part) Precinct of the Greater Macarthur Growth Area in New South Wales (NSW). Waters Consultancy was subsequently commissioned by the Proponent to build on the CVA work to develop a project specific response to the Government Architect New South Wales (GANSW) *Connecting with Country Framework* (Framework).<sup>i</sup>

### 1.2 Report purpose

This report considers both the Heritage NSW Aboriginal cultural heritage assessment process and the GANSW's Framework. In the context of the Heritage NSW Aboriginal cultural heritage assessment process this report documents intangible Aboriginal cultural heritage values located within the study area and provides recommendations and safeguards in relation to those identified values. This report supports the application of the principles and commitments of the Framework through the development of specific project aims and recommended actions for implementation and in working to strengthen the Proponent and government agencies understanding and respect for the cultural values of this Country. The cultural mapping, findings, aims and recommendations in this report have been informed and guided throughout by engagement with First Peoples cultural knowledge holders and advisors with connection to this Country (Section 2.1).

This report should be considered in the production of any future Aboriginal Cultural Heritage Assessment Reports within the study area. This report should be read in association with relevant Aboriginal Cultural Heritage Assessment Reports (ACHARs) that detail the findings of archaeological Aboriginal cultural heritage assessment investigations in the study area.

### 1.3 Study area

The broad study area is the Appin and North Appin Precincts (Figure 2) bounded on the south by the Cataract River, on the west by the Nepean River, on the north by Mallaty Creek and on the east by the Georges River. The proposal is located within the Wollondilly Council and Campbelltown Council local government areas. Detailed cultural values mapping and on Country assessment has only occurred within the Proponent's land holdings (Figure 3); detailed cultural values assessment is required within the remaining areas prior to further development.

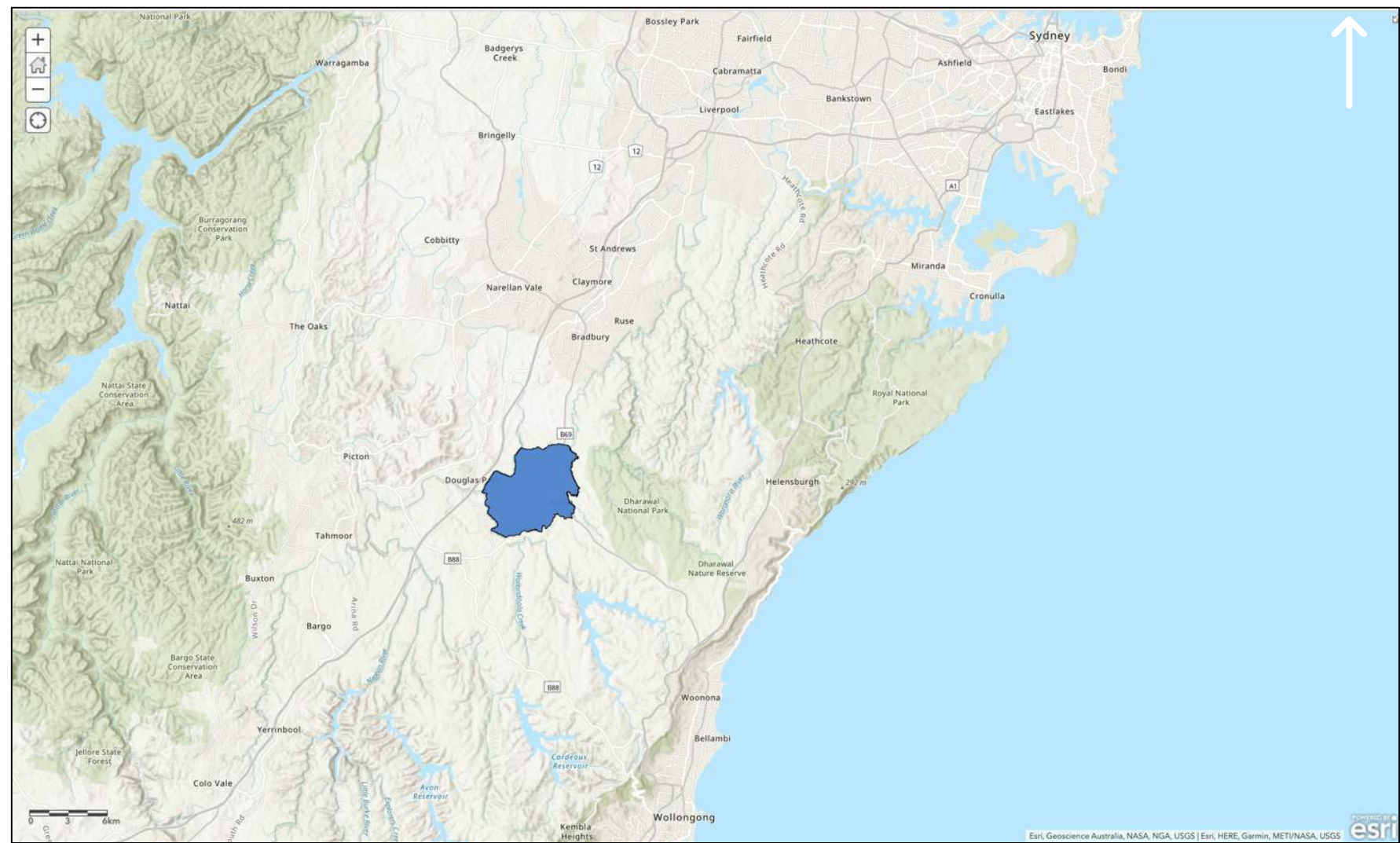


Figure 1: Regional context (Appin & North Appin Precincts shown in dark blue).



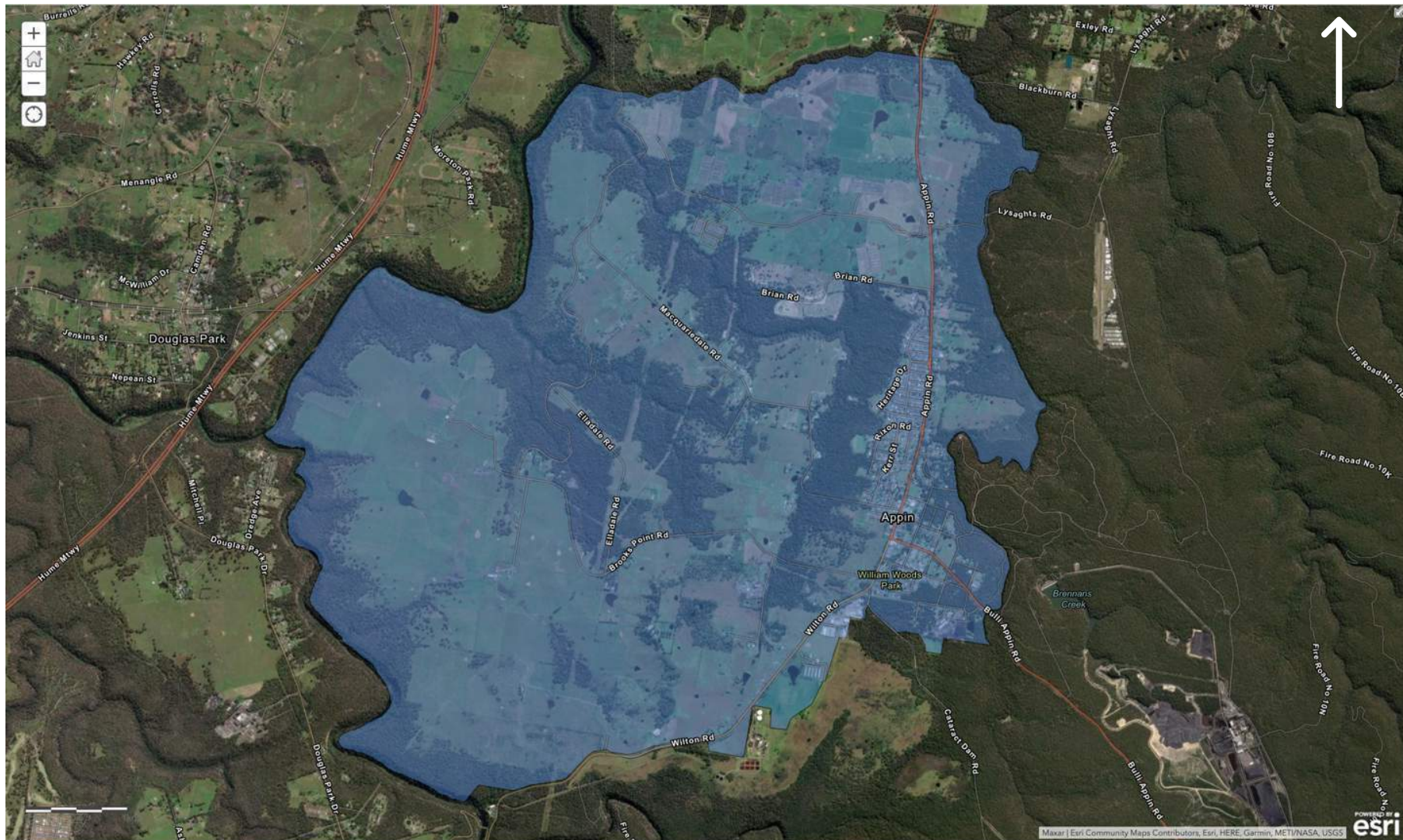


Figure 2: Appin & North Appin Precincts (blue shading).



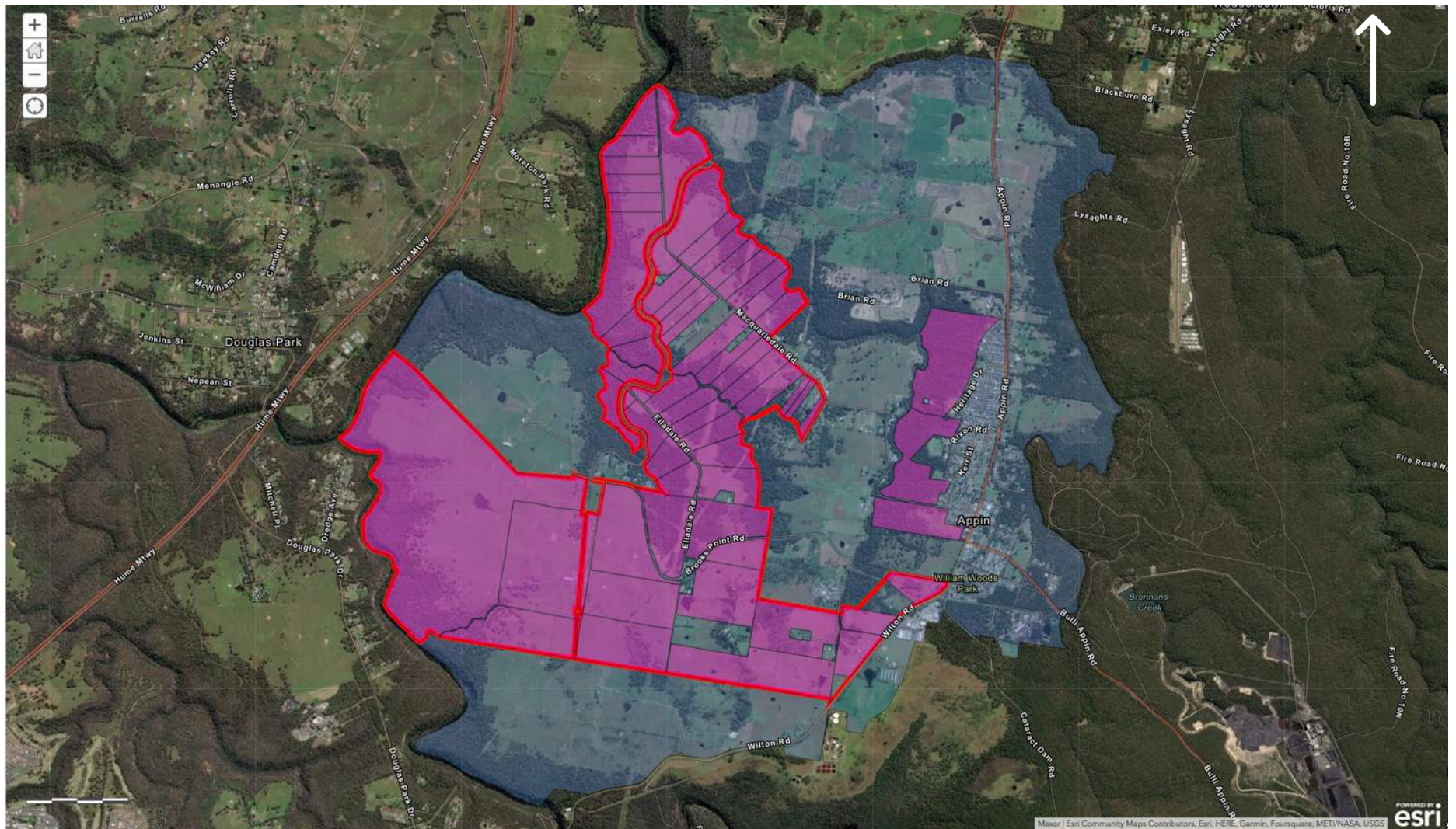


Figure 3: The Proponent's land holdings (pink shading) within Appin and North Appin Precincts (blue shading).

Red outline shows Appin (part) Precinct, note Proponent's land holdings include areas outside the Appin (part) Precinct.

## 2 Assessment approach

The cultural values mapping and assessment and the response to the GANSW Framework that underlies this report has been developed through the input of the cultural knowledge holders identified by the registered Aboriginal parties (RAPs) for the Proponent's proposed Appin (part) Precinct Project (the Project) and built on through input from the cultural knowledge advisors for the Department of Planning and Environment's (DPE) Greater Macarthur Connecting with Country Engagement process (GMAC). Documentary research and historical analysis was undertaken to support and contextualise the cultural assessment.

Consultation with First Peoples cultural knowledge holders is the key component in cultural heritage values assessments. As stated in the guidelines produced by the International Council on Monuments and Sites (ICOMOS) on the application of the Burra Charter to Indigenous heritage,

*"Indigenous people are the relevant knowledge-holders for places of Indigenous cultural significance. Their traditional knowledge and experience must be appropriately used and valued in the assessment of places. Advice may need to be sought on who are the relevant knowledge holders."* (Practice Note: The Burra Charter and Indigenous Cultural Heritage Management, v.1: November 2013)

The assessment of First Peoples cultural heritage values was undertaken collaboratively with the First Peoples communities and identified cultural knowledge holders as detailed in the following section. This is consistent with the guidelines for the assessment of Aboriginal cultural heritage produced by Heritage NSW (formerly known as the Office of Environment & Heritage).

### 2.1 Engagement

This report brings together the outcomes of a cultural values assessment process undertaken in line with the Heritage NSW cultural heritage assessment guidelines,<sup>ii</sup> input provided by DPE from the GMAC process,<sup>iii</sup> and a response to the GANSW Framework.

We wish to acknowledge that as the Appin massacre occurred within the Country of the study area, discussion of the area and potential impacts on it, can be traumatic for community members.

In line with the Heritage NSW process an email was sent on 19 April 2021 to the RAPs<sup>iv</sup> for the Project that included the proposed cultural values assessment methodology for review and comment by 3 May 2021 (Section 9.1). One comment was received on the draft methodology prior to 3 May 2021 (Section 9.2). On 23 April 2021 an email was sent to all RAPs extending the comment period to 17 May 2021 (Section 9.3), no further comments were received. On 20 May 2021 an email was sent to all RAPs with the finalised methodology and a request for the nomination of cultural knowledge holders who should be consulted for the assessment process (Section 9.4). Four individuals were nominated as cultural knowledge holders.<sup>v</sup> One of the nominated individuals chose to identify another



nominated cultural knowledge holder as the appropriate person to speak with.<sup>vi</sup> One of the nominated individuals stated that he was not willing to formally engage in the assessment process.<sup>vii</sup> Subsequently in January-February 2022 he raised concerns regarding his non-involvement in the Heritage NSW assessment process and was offered the opportunity to participate but again declined.<sup>viii</sup> It is noted that he has expressed his understanding of a large portion of the study area as holding very high significance and cultural sensitivity for its association with the Appin massacre; in declining to formally engage he was understood to be expressing his opposition to both the formal assessment process and to any form of impact occurring within these areas.

One of the nominated cultural knowledge holders expressed her understanding of a large portion of the study area as holding very high significance and cultural sensitivity for its association with the Appin massacre and as a matter of cultural safety chose to limit her engagement in the Heritage NSW assessment process to reviewing the outcomes of the cultural mapping. In reviewing the cultural mapping, she stated that while recognising the mapped cultural values she was strongly of the opinion that the wider area of the cultural landscape (Figure 7) was culturally sensitive due to its association with the Appin massacre and further that no form of impact should occur within that wider area.<sup>ix</sup>

Although in one instance limiting and in the other declining formal engagement in the Heritage NSW assessment process, these two nominated cultural knowledge holders<sup>x</sup> have individually provided input on the broad cultural values and significance of the study area through informal discussions and subsequently through GMAC; this report has attempted to represent and respond to the views that have been shared.

Multiple detailed online and in person discussions and an on-site visit have occurred with one nominated cultural knowledge holder.<sup>xi</sup> An online discussion occurred with one nominated cultural knowledge holder to consider the draft cultural mapping outcomes and provide input and knowledges.<sup>xii</sup> The mapping of cultural places and cultural values (Section 6) reflect the outcomes of the input and knowledges from these discussions.

In addition to the Heritage NSW engagement process this report has benefited substantially through input from the GMAC process. The GMAC process included engagement with ten cultural knowledge advisors to assist DPE in developing and implementing the Framework within the Greater Macarthur Growth Area.<sup>xiii</sup> The GMAC cultural sensitivity mapping developed with these cultural knowledge advisors, and further considered during the broader GMAC Aboriginal community engagement, included the current study area. The GMAC cultural sensitivity mapping is considered in Section 5.3.

A preliminary version of this report's project specific commitments and recommended actions for implementation of the Framework were presented to the GMAC cultural knowledge advisors in a series of meetings in May 2022 (as part of a broader presentation by the Proponent on the Project). The discussions and feedback from the GMAC cultural knowledge advisors that emerged from the presentations informed and further developed the Framework aims and recommended actions included in this report (Table 2; Table 4).

A draft of this report was provided to the cultural knowledge holders and RAPs from the Heritage NSW assessment process and the GMAC cultural knowledge advisors for review on 21 November 2023 with a request to provide comments by 15 January 2023, the review period was subsequently extended to 15 February 2024. Four written responses were received on the draft of this report (Appendix G: Responses received to the draft report).

Table 1: Comments received on draft report

Responses received	Comment
<p>Author: Anthony Johnson (Muragadi)</p> <p>Date: 21 November 2023</p> <p>“We have read the project information and Aboriginal Cultural values report for the above project, and we agree with the recommendations.”</p>	<p>Agreement with the recommendations noted.</p>
<p>Author: Darleen Johnson (Murra Bidgee Mullangari Aboriginal Corporation)</p> <p>Date: 11 December 2023</p> <p>“I have read the project information and ACHVA for the above project, and we endorse the recommendations made.”</p>	<p>Endorsement of the recommendations noted.</p>
<p>Author: Glenda Chalker (Cubbitch Barta Native Title Claimants Aboriginal Corporation)</p> <p>Date: 21 February 2024</p> <p>“My comments for the Appin Aboriginal Cultural Values assessment are as follows;</p> <ol style="list-style-type: none"> <li>1. One cannot decline the opportunity of consultation for this process, and then complain that they weren’t involved. Can’t have it both ways.</li> <li>2. I would really like to know more about this Lieutenant Parker and the part that he played in not only the massacre but the decapitation of at least the three individuals</li> <li>3. The account of the massacre by William Byrne states that they shot sixteen, apart from those who they drove into a drive. Differs from the soldiers that they only counted fourteen</li> </ol>	<p>The specific support for Recommendations 33, 34, 35, and 36 noted.</p> <p>Regarding Recommendation 37 we appreciate the feedback and have now added the following comment on engagement for this recommendation:  <i>“Discussion of this commitment should be considerate of the fact that some First Peoples may not wish to reside within this area given its association with trauma.”</i></p> <p>In relation to <b>Cultural Site N: Ridgeline Movement Corridor</b> the view that there should be no roads cutting through the ridgeline is noted; this report has documented the high cultural value of the ridgeline and the importance of maintaining its connectivity. Recommendation 15 addresses this:</p>

<p>4. Recommendation 33, is a recommendation that I support whole heartedly</p> <p>5. Recommendation 34, 35 and 36 area must, in order for the Aboriginal community, along with the wider community to acknowledge and remember the truth of this place.</p> <p>6. Recommendation 37, I do not know how this can happen, but we must also be considerate that Aboriginal people may not want to live on this place.</p> <p>7. Area N. I was of the opinion that the threat of a road through this area was gone, with the relocation to the North. There should be no roads through this area.</p> <p>8. I firmly believe that there is a way forward with an Aboriginal entity taking ownership of not only the Cultural sites, but also the environmental lands on the development. I would seek the support for this to happen with not only Walker, but another significant landowner who overlaps some of these places, and the NSW government.</p> <p>I support this document generally, but am still concerned with the loss of other Aboriginal heritage within this development. I will continue to work with Walker Corporation for the best outcomes for the remaining Heritage that sits outside of the State Heritage listing.</p> <p>I acknowledge the time and research that has gone into not only this document, but also the State Heritage listings by Heritage NSW. I do acknowledge that the listing wasn't more than it is, but a small win is still a win, considering the other option of nothing and destruction. I do have to remain optimistic that Walker Corp will abide by the commitments that they have made in this document."</p>	<p><i>"Any upgrades or construction of new roadways between Brooks Point Road and Wilton Road should be minimal to limit potential impacts on <b>Cultural Site N: Ridgeline Movement Corridor</b>. Any road construction or upgrade must maintain the walkability and visual coherence of the movement corridor.</i></p> <p><i>Any road construction crossing the ridgeline that would involve significant changes to the existing topography levels (i.e. cutting into the ridgeline) would require a land bridge to ensure the integrity, connectivity and sight lines of Cultural Site N are maintained.</i></p> <p><i>Any road construction crossing the ridgeline on the far northern end, where no significant change in existing topography levels would be required, should be designed for minimal impact ensuring maintenance of the existing topography levels and detailed design to support connectivity along Cultural Site N and maintain walkability and visual coherence of the cultural site."</i></p>
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<p>Author: Kazan Brown Date: 1 March 2024</p> <p>"In response to the Appin precinct project Aboriginal cultural values and assessment report. I don't agree with the recommendations. This area is a place of trauma and suffering. Women and children were indiscriminately slaughtered, the lasting effects and trauma. are still evident today within Dharawal and Gundungurra families. Construction at this site will reignite and increase that trauma.</p> <p><b>Not content at shooting at them in the most treacherous manner in the dark, they actually cut the woman's arm off and stripped the scalp of her head over her eyes. On going up to them and finding one of the children only wounded, one of the fellows deliberately beat the infants' brains out with the butt of his musket, the whole of the bodies then left in that state by the party unburied (Throsby, 1816)</b></p> <p>This development will have a negative impact on the local Indigenous community it shows a complete disrespect for Indigenous people, our culture, history and dead. No amount of Indigenous involvement whether it be artwork, street names or land management can justify building houses on a massacre site.</p> <p><b>Cutting off heads so that the NSW Government could inspect them and identify Aboriginal warriors who had been killed was a common method used to provide proof of death during the NSW Frontier Wars. On this occasion, the NSW Government paid thirty shillings and a gallon of rum for each head (Byrne, 1903).</b></p> <p>I also see the use of Peck in this report to be contentious. It is well known Peck made up many of the stories he printed and they were not authentic."</p>	<p>We acknowledge the importance of the concerns expressed regarding the atrocities committed at this place by British soldiers and colonists, the lasting trauma that has resulted for First Peoples, and the perspective that no development should occur in this place.</p> <p>In the context of this report, we have attempted to ensure that the extent of those atrocities is documented, and the ongoing trauma acknowledged (see pp.41-42 for the 1816 account by Throsby and p.46 for a discussion of the desecration of bodies and recommendations 4, 8-13, 34, and 36).</p> <p>Regarding the comment on the use of Peck we acknowledge that his material is of highly variable reliability and have added the following footnote to explain our use of his material in this specific instance:</p> <p><i>"It is noted that there is great variability in how reliable Peck's materials are generally. In many instances it is unclear who, if anyone, shared cultural information with him and in some instances, he is clearly constructing accounts himself. In this instance Ellen Anderson is known to have shared information with Peck and the use of these accounts has been supported by Ellen Anderson's descendants."</i></p>
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### 3 Country, people, and cultural significance

Country holds culture, community and identity through stories and beliefs that are interwoven into the trees, weather, animals, landforms, waterways, places, minerals, and plants, connected through a tapestry underpinned by knowledge and kinship obligations. Relationship to Country and place is a living cultural process that is central to First Peoples identities:

*“There is an insistence in Indigenous cultures on making space one’s own, by relating to that space in terms of an activity performed there, sometimes a singular highly charged activity, sometimes activities repeatedly performed.” (Riebe, ‘Meaning of Place’, 2021)*

First Peoples understandings of place are subtle and complex weaving past, present and future together. Complex webs of interactions with specific places, layered through time and extending into the future, map Country and people together.

*“People are part of Country, and our identity is derived in a large way in relation to Country.” (Dr Danièle Hromek, Budawang/Yuin, quoted in GANSW Framework)*

The urban environment has historically been, and largely continues to be, one that has signalled white privilege and exclusion to First Peoples. There is an opportunity through engaged planning and co-design to create spaces that welcome the lived cultural relationship between First Peoples and Country and support First Peoples to control their social engagement with place.

#### 3.1 Heritage assessment: cultural value and significance

The concept of cultural significance in heritage practice encompasses all the cultural values and meanings that could potentially be associated with Country or with a specific place (site) in Country, intangible and tangible. In the context of First Peoples cultural heritage the cultural and natural values of Country and place are generally indivisible.

Cultural significance is embodied in Country and place: in its tangible or physical form, in the wider cultural landscape that it is in, in the ways it is used or interacted with, and in the associations, stories, and meanings of Country and place to the people and community it holds significance for:

*“Aboriginal cultural heritage consists of any places and objects of significance to Aboriginal people because of their traditions, observances, lore, customs, beliefs and history. It provides evidence of the lives and existence of Aboriginal people before European settlement through to the present... For Aboriginal people, cultural heritage and cultural practices are part of both the past and the present and that cultural heritage is kept alive and strong by being part of everyday life.” (Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, 2011, OEH)*

The concept of cultural significance is used in Australian heritage practice and legislation to encompass all the cultural values and meanings that might be recognised in a place. Cultural significance is often defined as the sum of the qualities or values that a place has with particular reference to the five values – aesthetic, historic, scientific, social and spiritual – that are listed in the *Burra Charter*.

The three key values in relation to First Peoples cultural heritage assessments are the social, spiritual, and historic. Social or cultural value refers to the associations that a place has for a particular community or cultural group and the resulting social or cultural meanings that it holds for them. It can encompass traditional, historical, and contemporary associations. Spiritual value is often subsumed within the category of social or cultural value. It refers more specifically to the intangible values and meanings embodied or evoked by a place to a specific cultural group and that relate to that group's spiritual identity or traditional practices. Historic values refer to the associations of a place with an individual person, event, phase, or activity that has historical importance to a specific community or cultural group.

It is important to acknowledge that the archaeological record, that is tangible material objects themselves, hold significant cultural value to First Peoples of the region and that this value has been expressed during consultations with the RAPS, cultural knowledge holders and cultural knowledge advisors. The nature of cultural significance is such that it is an ongoing process that must allow for the attachment of cultural values and significance to emerging archaeological sites. It is noted, however, that this report is specifically concerned with the identification of intangible cultural sites that are not identifiable through archaeological investigation.

### 3.2 Connecting with Country framework

The GANSW Framework is a document aimed at ensuring that an understanding of Country helps inform the planning, design, and delivery of built environment projects:

*“Through our projects, we commit to helping support the health and wellbeing of Country by valuing, respecting, and being guided by Aboriginal people, who know that if we care for Country it will care for us.” (GANSW Framework)*

The Framework calls for planning and design that places Country at the centre of process by engaging with First Peoples with cultural connections to Country to create places that resonate with history, heritage, and story and that respect and respond to Country.

Through place-led design approaches that are guided by First Peoples cultural knowledge to be responsive to Country, the Framework aims to:

*“[1] reduce the impacts of natural events such as fire, drought, and flooding through sustainable land and water use practices*

*[2] value and respect Aboriginal cultural knowledge with Aboriginal people co-leading design and development of all NSW infrastructure projects*

*[3] ensure Country is cared for appropriately and sensitive sites are protected by Aboriginal people having access to their homelands to continue their cultural practices.” (GANSW Framework)*

This report aims to embed the principles and commitments of a Country centred approach to the Project by developing a series of undertakings (Table 2) to guide development along with recommended actions to support their implementation (Table 4).



### 3.3 Framework undertakings

The GANSW Framework identifies seven commitments and associated principles to fulfill its aims. Table 2 sets out ten undertakings developed in response to the commitments and principles in the Framework and informed by the input from the cultural knowledge holders and cultural knowledge advisors. These ten undertakings will guide the Proponent in implementing the Framework and responding to Country within the current project. Table 2 lists the ten Connecting with Country undertakings, the Framework commitments they address and the recommended actions (Table 4) that relate to their implementation.

Table 2: Connecting with Country Framework Undertakings

No.	Connecting with Country Undertakings	Connecting with Country Framework Commitments (Appendix F)	Relevant Recommendations (Table 3)
1	<i>Respect Country by respecting topography and limiting cut and fill.</i>	1, 4, 7	15, 17, 19
2	<i>Support connectivity within Country by retaining lines of sight and walkable green corridors.</i>	1, 7	7, 9, 10-11, 13-15, 18-20
3	<i>Allow Country to be visible through open green space and view corridors.</i>	1, 7	2, 7-11, 13-16, 18-20
4	<i>Protect key cultural sites by excluding development.</i>	1, 4, 7	1, 2, 6, 8-9, 12-15, 25
5	<i>Support the health of Country (land, plants, animals, sky, water) through rehabilitation, revegetation, native planting, and responsive and sustainable design.</i>	1, 4, 6, 7	2, 5-9, 11, 15, 21, 23-25
6	<i>Facilitate access and capacity to undertake cultural practices on Country.</i>	1, 2, 4, 5, 7	2-5, 21-22, 24, 26, 32
7	<i>Contribute to economic, educational capacity and opportunities for First Peoples.</i>	3, 4, 6	32-41

<b>8</b>	<b><i>Support First People's capacity to manage and care for Country.</i></b>	1, 2, 3, 5, 6, 7	1, 4, 5, 21, 22, 24-26, 32-33
<b>9</b>	<b><i>Amplify the Stories of Country through interpretation, use of First Languages, education, and cultural events. Ensure that First Peoples Intellectual property rights are protected and respected at all times.</i></b>	1, 2, 5	2, 6-9, 13, 15, 20, 25, 27-31, 35-36
<b>10</b>	<b><i>Contribute to reconciliation through acknowledging and telling the shared history of the Appin massacre.</i></b>	2, 4, 5	2, 4, 8-9, 11, 13, 15, 20, 27-28, 35-36

### 3.4 Ongoing engagement and co-design

A Country centred approach to planning and design requires an iterative process of listening and responding to Country and to the First Peoples through working with First Peoples with knowledge of Country. The Framework identifies the requirement for ongoing engagement with First Peoples at key project points.

To successfully implement the undertakings (Table 2) and recommended actions (Table 4) outlined in this report it is essential that:

- a co-design process occurs for key places (sites) to ensure that design outcomes are culturally appropriate and responsive.
- the project team have ongoing respectful engagement with Traditional Custodians, cultural knowledge holders and advisors, and First Peoples communities with traditional, historical, and contemporary connections to Country in relation to the undertakings and recommended actions.
- Indigenous intellectual property rights are recognised and protected. Stories and knowledges shared with the project team by First Peoples people should only be referenced and incorporated with the relevant individual's agreement and involvement.

Any ongoing engagement plan should ensure that it includes the nominated cultural knowledge holders and RAPs through the Heritage NSW process, the appointed cultural knowledge advisors through the GMAC process, and LALCS and other local First Peoples community organisations.

Engagement with First Peoples communities and consultation and guidance from cultural knowledge holders is essential to the assessment of Aboriginal cultural heritage values and significance and to effectively responding to Country in planning and design. Ensuring that First Peoples are recognised as the authoritative voices in these processes is consistent with the guidelines for the assessment of Aboriginal cultural heritage produced by Heritage NSW (formerly OEH),<sup>xiv</sup> the practice notes produced by the ICOMOS on the application of the Burra Charter to Indigenous heritage,<sup>xv</sup> and the intent of the GANSW Framework.<sup>xvi</sup>



#### 4 Context of Country

The Appin area is located on the far southern end of the Cumberland Plain with the Woronora Plateau on its east. The Cumberland Plain, a low-lying subregion of the Sydney Basin, extends from north of Windsor south to Picton and includes Country of the Dharawal, Dharug, and Gundungara peoples. The Woronora Plateau on the east of the Cumberland Plain is slightly higher in altitude and capped with Hawkesbury Sandstone through which broad, shallow valleys, the headwaters of deep gorges, are scored. The topography of Country falls from the Plateau down through the Illawarra escarpment to the coastal plain.

The geographical and ecological position of the study area is central to its cultural value; the area is framed by culturally significant waterways with the Nepean and Cataract Rivers on the south-western border and the Georges River to the east. These rivers and riparian corridors are rich in cultural values - forming travel routes and Story or Songlines, sustaining plant and animal communities, providing areas of rich fishing resources, lined with rocky overhangs that protect artworks, providing shelters for camping, and abundant sources of medicinal plants and healing water places - they have been cared for, conserved, and utilised by First Peoples for thousands of years.



Image 1: 'Confluence of the Nepean River with the Cataract River', c.1930s.

This Country provided a wide range of land-based food resources, including animals such as wallabies and possums, bandicoots, koalas, possums, echidnas and quolls, many bird species including emus and water and swamp birds, and the eels and fish of the many waterways. In November 1802 Francis Barrallier, guided by Gogy a First Peoples man from the

Cowpastures, travelled from Prospect Hill to the Nepean River. The party crossed the Nepean near Menangle just to the north of the Appin area and traversed the swampy Country to the west. Barrallier recorded of the swamps in the area, presumably information shared with him by Gogy, that:

*“In the swamps of Manhangle, Carabeely, and others, enormous eels, fishes, and various species of shells are found, which are sometimes used by the natives as food. They usually feed upon opossums and squirrels, which are abundant in that country, and also upon kangaroo-rats and kangaroo, but they can only catch this last one with the greatest trouble, and they are obliged to unite in great numbers to hunt it.” (Barrallier, 7 November 1802:2 fn 4)*



Image 2: Kangaroo in artwork in shelter on Simpsons Creek (see Section 6.6: Cultural Site F).

A wide range of plants provided foodstuff such as tubers from many plants including ground orchids, lilies and bulrushes, various species of acacia for seeds and gum, fruits and berries from plants such as the native cherry and jasmine, geebung and sarsaparilla. The botanist George Caley travelled to the Cataract River at Appin in 1807 and wrote of people gathering when the *Banksia Ing'era* flowered:

*There are distant hopes of some species of Banksia, affording an useful beverage. Though I knew the Natives suck the honey-juice of them, yet till I went to the Cataract, I was totally ignorant of them collecting the heads of flowers, and steeping them in water, and afterwards drinking it. As I well know the natives preferred sweetness in a greater degree than europeans, it immediately occurred to my mind, that this liquor on being fermented would become an agreeable beverage... The one which the Natives had been using, was the B. spinalosa: they call it Ing'gra, or rather Ing'era... I have heard that different tribes assemble frequently where Ing'era is abundant, purposely to drink it, which may be truly called a native feast.” (Caley, 7 October 1807:2)*

A substantial pharmacy of medicinal plants were utilised from Country along with fish poisons and dyes, different woods for the production of tools such as bowls, boomerangs,



paddles, spears and digging sticks, local and imported stones to make axes, grinding stones, and spear points, bark for constructing canoes and shelters and fibre to produce string. A wealth of detailed place-based knowledge underpinned the capacity of the First Peoples to utilise and manage the diverse resources of Country while managing and maintaining ecological balance; with the intrusion of the British and the colonisation of Country much has been lost.



Image 3: Banksia spinalosa

The impact of British appropriation of land for pastoral and agricultural use had a devastating impact on the economic, cultural, and religious worlds of First Peoples. The introduced stock animals were in direct conflict with the environmental economies of First Peoples; cattle and sheep are destructive of water sources, decimate grasslands, and compete with native animals for resources. Timber-getters felled the forest stands along the creeks first, creating erosion, affecting water quality, and reducing aquatic resources. The agriculturalists cleared the land and enclosed it, destroying traditional plant and animal resources while viewing the crops they replaced them with as their exclusive property in a reflection of the colonist's failure to recognise First Peoples ownership and stewardship of Country.

This geographic and ecological description of the area is mirrored in the understanding and perception of the landscape expressed by the knowledge holders, and by the community more broadly, as an area traversed by an interconnecting network of physical, social, and spiritual meanings. The term 'associative cultural landscape' refers to such complex understandings of landscape. The World Heritage Convention of UNESCO defines an associative cultural landscape as one that has, *"powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be*

*insignificant or even absent.*" (UNESCO, 1996). Mythological sites and beings are imprinted in the topography of the landscape and the energy or sentience of the mythological being is understood as remaining in the physical environment. In this sense the mythological beings, and their pathways, are seen as animating the landscape. This belief system is common to all totemic Australian geographies and underpins the importance of the link to country to First Peoples identity.

This inscription of meaning onto the landscape applies not only to the actions of mythological beings but also to the actions of the ancestors and events in historical time. The inscription of meaning onto the landscape, a process captured in the term Dreaming, is not restricted to a distant and mythological past but is a continuous cultural process, "... a way of 'pre-understanding' that 'signs and topographises' the land, provided a culturally conditioned conceptual framework within which people are empowered to create new meanings." (Tamasari & Wallace, 2006:215)

Relationship to Country and place is a living cultural process that is central to First Peoples identities. Complex webs of interactions with specific places, layered through time and extending into the future, map Country and people together. This report maps spatial locations within the Appin area that hold cultural values relating to living on, using, and managing Country, Ceremony, travel, Stories, teaching places and the history of dispossession and colonial violence. This Country holds a wide range of other values that are not spatially specific including the cultural values of the fauna and flora linked to this place, the water that travels through it, and the knowledge of the skies and seasons.

The Country that Appin sits within is part of an extensive cultural network that links together the Blue Mountains, the Cumberland Plain, the Southern Highlands, the Woronora Plateau, the Illawarra Escarpment and the coastline and oceans. Movement corridors (pathways) link together nodes in the landscape related to resource-rich areas, mythological movement patterns, and places of ceremonial and spiritual importance. The cultural understanding of individual sites situates them within this complex interlinked series of pathways and places created by the patterns of movement of mythological beings and First Peoples. These pathways extend through the country of neighbouring groups, linking people and places together in a complex network of social and ceremonial links. Through these networks people travelled not only across their own Country but those of surrounding peoples, coming together for ceremony, trade, and to share resources and harvests.

Traditional pathways hold great cultural value despite the interference with their continued use. A significant pathway to the Appin area is the ridgeline that runs from the Cataract River, near Wilton Road, north towards Simpsons Creek and Brooks Point Road. This ridgeline is a movement corridor or pathway that links the Cataract River to the cultural gathering place near where Simpsons and Elladale Creeks run into the Nepean River. Along the ridgeline there is a high point where you can see across Country to other significant cultural places; line of sight places are highly significant in First Peoples cultures and this high place is important as a location for orienting oneself within Country and as a significant teaching place. The experience of the Appin massacre and the events that followed added another layer of historical meaning and association to the significance of this culturally valued ridgeline.





Image 4: The Ridgeline seen from below (south west).

Pathways also played an important part in the relationship between First Peoples and the colonists. In this region, as is the case throughout Australia, the tracks through Country used by the British colonists, which form the basis of the subsequent formal road system, frequently followed traditional movement corridors (pathways). The networks of pathways that had been developed and maintained by First Peoples over many thousands of years underlies the current road infrastructure, highlighting the key role that First Peoples played in guiding early British colonists through Country.

One of the first tracks that the British regularly used to travel from the Cumberland Plain down the Bulli Pass to the Illawarra was through Appin, the track was steep and difficult for stock to navigate. In 1825 Alexander Harris arrived in Sydney from England and soon after travelled down to the Illawarra from Appin, commenting that:

*“Indeed, I could not but wonder how the road we were now pursuing from Appin towards the coast had been discovered. I was not then aware that the aborigines are so well acquainted with the bush as to be able to point out the most practicable tracks in any direction.” (Harris, 1847:[23])*

The botanist George Caley had travelled through this region in the early 1800s, one of the earliest colonists to do so. Caley was frequently in the company of Daniel Moowattin, a young First Peoples man from the Parramatta area who worked closely with Caley, guiding, teaching, and translating for him during his botanical journeys. Caley recorded that:

*“The tract of Forest land lying between George’s River and the Nepean leading to the Cataract is called by the Natives Warronmatta...” (Caley to Governor King, 25 September 1807:2)*

This is probably the source of the name Wianamatta, later applied specifically to the culturally important Wianamatta (South) Creek. Caley appears to have learnt this name for the area from Moowattin, who he described as:

*“... the best interpreter of the more inland natives language of any that I have met with – I can place that confidence in him which I cannot in any other – All except him are afraid to go beyond the limits of the space which they inhabit, with me (or indeed with any others). And I know this one would stand by me until I fell, if attacked by any strangers. His name is Moowattin.” (Caley to Banks, 3 November 1808:3)*

In 1807 or 1808 Moowattin was travelling through the Appin region with other local First Peoples when he heard and saw a dramatic waterfall:

*“[Moowattin] The Native who resides with me having been to get me a Cola [Koala], on his way, observed one night a loud noise [to be] the surf beating on the beach of the sea. Enquiring of the other Natives who were accompanying him, and some of them being inhabitants of this part, if that was not the cause, he was told it proceeded from water tumbling down a high rock. The next day he had an opportunity of seeing the place, as it was in the line of their route. The river, he said, washed a rocky bed, ran into a small bason-like cavity and formed a whirlpool, from thence it was soon pushed down a high precipice into a loop pond, with perpendicular sides. The water was foaming of a milk white, and there was a continued fog. On questioning him about the height and the distance he heard it, the first I computed might be about 12 yards, and the latter about 5 miles. He complained of the rock being slippery, and the precipice frightful to look down. None of the other Natives would venture near it, and were in pain concerning him, [representing] it the place from whence the Devils originated. Hearing such a story as this I was anxious to know where it was, and to visit it as early as possible. I learned it was upon the Nepean river higher up than the Cow pastures.” (Caley to Governor King, 25 September 1807:1)*

The refusal to go near the waterfall by the local First Peoples that Moowattin was travelling with would appear to be due to the waterfall being a sacred men’s business place. In the 1920s Ellen Anderson, a senior Dharawal woman with connections to Country extending from the Sydney and Illawarra coastal plains inland to the Georges River, shared cultural stories and knowledge with the schoolteacher and poet C.W. Peck. While Peck’s published versions of what Ellen Anderson shared with him are heavily anglicised, resulting in the loss of cultural information, they are nonetheless valuable records.<sup>1</sup> Ellen Anderson told him of a sacred men’s business place on the Cataract River near Appin that was part of the ceremonial network linking the plains to the coast:

*“There is, in a gully near Appin, a place that was sacred for, possibly, many thousands of years. The gully is deep, and the head of it is a big round water-hole*

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<sup>1</sup> It is noted that there is great variability in how reliable Peck’s materials are generally. In many instances it is unclear who, if anyone, shared cultural information with him and in some instances, he is clearly constructing accounts himself. In this instance Ellen Anderson is known to have shared information with Peck and the use of these accounts has been supported by Ellen Anderson’s descendants.

*with precipitous sides, over one of which the water pours in a roaring, tumbling spraying fall. The fall is governed now by the gates and spillways of the Cataract Dam, but until that was built it was governed only by the rains that fell and the winds that blew. And the way down to the pool was always difficult.*



Image 5: A.J. Perier, 'Appin Falls', c.1905.

*None but the priest ever descended there, and when he did he carried with him the flint rod that served as the bell in the church steeple of the white man does – to call – but with the difference that the bell calls the people, and the flint called the gods or the spirits. Tap, tap, tap, tap went the flint on the sandstone, and ages of tapping wore a hole that is not even seen by the great majority that clamber there now, much less understood. My Black Princess [Ellen Anderson] heard of that Sacred Place when she was a tiny child. She has never been to Appin, but her father and other great men of her group have been there and they told of the Sacred Spot when they returned to the coast.*

*It was a church, and nothing else, yet built, not with hands, but by the will of the God that the aborigines knew. Our name for the Princess is Ellen, and Ellen's eyes glowed when she told the writer of her God. And how they glowed when the writer told Ellen of the Sacred Spot near Appin, and when he showed that he knew the meaning of the worn hole and the ages of tapping! "The place is 'kulkul,'" said Ellen, "and 'kurringaline,' and yet it is not 'pourangiling.' No 'kurru' are there!" (Peck, 1933:11-12)*



Moowattin and Ellen Anderson were probably both describing the Appin Falls on the Cataract River. In mid 1807 Caley travelled to the Cataract River to view the waterfall that Moowattin had described:

*"I made every preparation for a journey to this Cataract, and completed it in July but I did not find it altogether as the Native had represented, not that he gave me any wrong information, but the water being a foot lower, and which I perceived would make a material difference. In measuring the perpendicular height as near as I could get to the water, which was done by one of the men letting down a line to me below, was 51 feet 4 inches, but the height noted upon a bed of large stones, which I computed was about 2 or 3 yards above the surface of the pond, so that the fall may be estimated at 20 yards... On examining the river upwards it became very wide, and seemingly deep on leaving the shallow rocky bed. It came from the northeast so far as I could see up it, which was more than a mile, but it certainly must come from the south eastward."* (Caley, 25 September 1807:1)

Caley attempted to name what is now known as the Cataract River in honour of Moowattin:

*"... the Cascade one I shall call Moowattin, to commemorate the memory of the Native to whom I am indebted not only for the discovery of the Cataract, but for causing me to undertake the journey, whereby other discoveries were made."* (Caley, 25 September 1807:2)

Caley recorded the name of the falls as Carrung-Gurring, his source presumably was Moowattin who would have learnt the name from the local First Peoples he travelled through the area with.

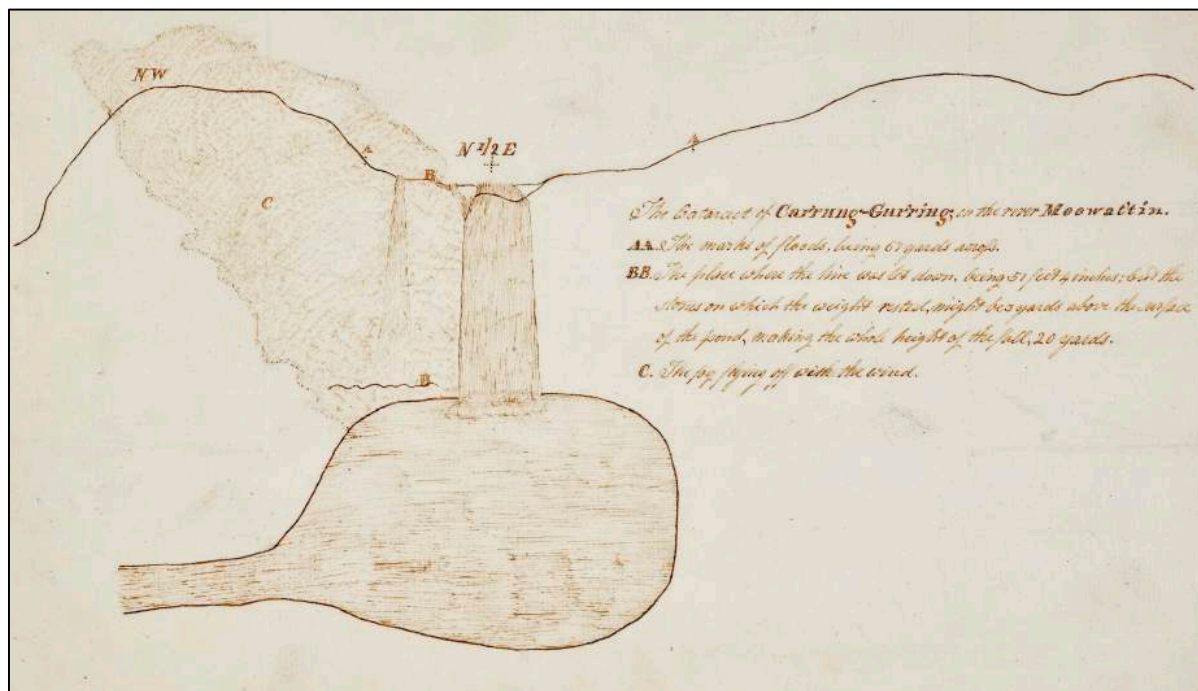


Figure 4: George Caley, 'The Cataract of Carrung-Gurring', 1807 (Caley, 25 Sept 1807:5)



The figure on the previous page (Figure 4) shows Caley's drawing of the cataract on which he noted:

*"The Cataract of Carrung-Gurring, on the river Moowattin.*

*AA. The marks of floods, being 67 yards across.*

*BB. The place where the line was let down, being 51 feet 4 inches; but the stones on which the weight rested might 3 yards above the surface of the pond, making the whole height of the fall, 20 yards.*

*C. The fog flying off with the wind."* (Caley, 25 September 1807:4)

British colonisation of the Country now known as Western Sydney began in the 1790s and was originally focused on the Hawkesbury River and the immediate vicinity of Parramatta, however, repeated flooding events there affected the colony's agricultural capacity. Following the floods of 1809, the decision was made by the colonial government to extend settlement into what they referred to as the 'forest lands' located south and west of Parramatta and including the Appin district. The first permanent British colonisation in the study area occurred in 1811 and within only a few years most of the area had been 'granted' to several interconnected British settler families.

As occurred throughout Australia the intrusion of the British into the region resulted in a loss of autonomy and a loss of access to Country. The British intrusion led to a decline in population through the impact of multiple factors including conflict, resource depletion, sexual violence, alcohol, and introduced diseases. Joseph Mason, a Hampshire political activist for better conditions for agricultural labourers and universal suffrage was convicted and transported to New South Wales and was an assigned convict on Hannibal Macarthur's Westwood estate on the Nepean River to the north of Appin from 1831 to 1837. Following his pardon and return to England he wrote a private memoir of his time in New South Wales. Speaking in general terms about the expansion of British occupation of Country and the responses of First Peoples whose Country was being overrun he stated:

*"... as the matter stands at present (sic) there is constant warfare between blacks and whites. Some have affirmed that they evinced a favourable disposition towards their white neighbours and are glad when they settle among them but such is not the case in general, an opposit (sic) feeling manifesting itself an ? which they make as soon as they can speak English plain enough to be understood; which is, "What for white fellows come and sit down on our land"? To which interrogation a taunting and uncoth (sic) reply is often made as follow; "Go along with you, you black b-----r.["] Even in the settlements were (sic) blacks and whites are on more friendly terms, and the former receive a great deal of food from the latter, they do not like some of the proceedings of the white men[.] It is a custom with the men on some of the farms to go out with guns on moon light nights to shoot oppussoms in the trees for amusement and some times they sell the skins to the hatters in Sydney for three shillings a dozen. This is a thing which the blacks cannot approve of and they are not scrupulous in telling you so."* (Mason, 1837:141-2)

Reckless use of resources by the British, alongside land management practices of extensive clearing and burning of vegetation, ploughing, and drainage of swamps and wetlands, rapidly impacted on Country through both environmental alteration and the ongoing dispossession of First Peoples from their capacity to care for and manage their Country.

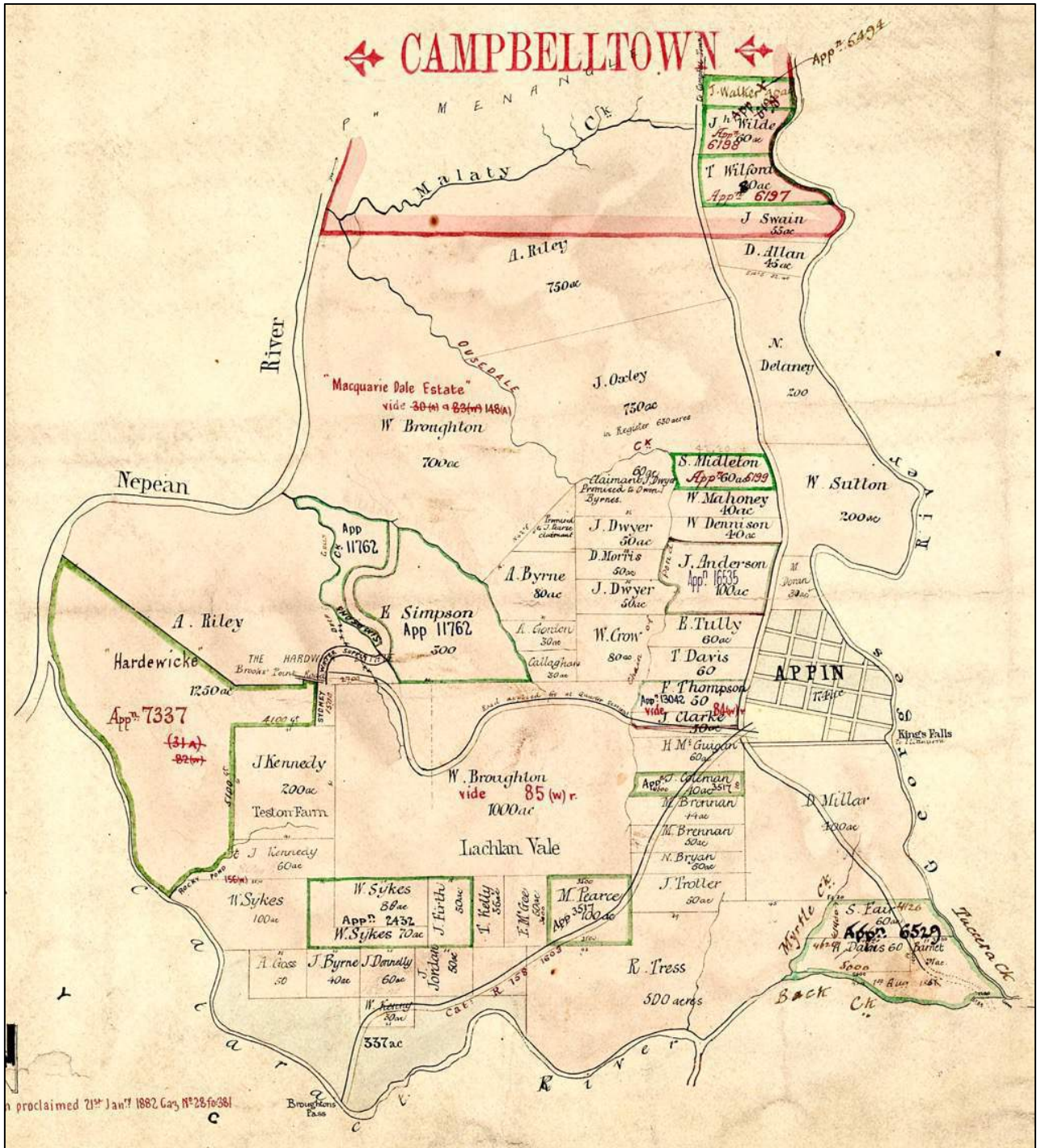
This loss of access and control did not, and does not, alter rights and responsibilities to Country:

*“Aboriginal traditional owners do not perceive the failure to retain control over their lands as a loss of the relation of actual ownership of the land. Validation of ownership is vested in acceptance by one’s own localised kin groups and other local groups. While ownership is thus it remains intact. The opinions of outsiders are not relevant to the Aboriginal view... For Aboriginal peoples there is no way to lose land. Today people still say - ‘this is my/his/her/our country’. This is not a relationship that can be terminated.” (Riebe, 2002:35).*

In the immediate study area William Broughton held Lachlan Vale, an area of 1,000 acres initially, John Kennedy held the neighbouring Teston Farm, William Sykes held Mount Britain adjoining Teston and Lachlan Vale to the south, while Alexander Riley held Hardwick on the Nepean River and Andrew Hume held Hume Mount on the other side of the Nepean. Edward Simpson later held Middle Point Farm lying between Simpson and Elladale Creeks, and to the north, between Elladale and Ousedale Creeks, William Broughton added Macquarie Dale to his holdings and Alexander Riley added Ousedale Estate to the north. Many of these families were closely connected through marriage, William Broughton’s wife Elizabeth Simpson nee Kennedy was the sister of John Kennedy. John and Elizabeth’s aunt, also Elizabeth Kennedy, married Andrew Hume. Edward Simpson was the son of Elizabeth Simpson nee Kennedy from her first marriage. John Kennedy’s wife Caroline Byrne was the daughter of Sarah Sykes (previously Byrne), the wife of William Sykes.

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Map 2: *Parish of Appin*, 7 October 1867.



The rapid impact on Country through deforestation and cultivation can be seen in this account by Governor Lachlan Macquarie who visited the area in 1814 during his tour to inspect the Cow Pastures:

*"... we proceeded by a short but very rough Road to the Farm of Wm. Broughton Esqr. which he has been pleased to name "Lachlan Vale". -- Here he is now building a large one story weather Boarded House with two Wings, on a very lofty Eminence commanding a very extensive prospect. -- Mr. Broughton has cleared a considerable proportion of his Farm, and has some fine looking Fields of Wheat growing, looking healthy & promising.*

*From Mr. Broughton's we proceeded to the next Farm belonging to his Brother in Law Mr. John Kennedy, within a few Hundred yards of one- another. Mr. Kennedy has done a great deal in improving his Farm; having cut down much Timber, and having now several extensive Fields of very fine looking Wheat, with a good Farm House and Garden...*

*From Mr. Kennedy's, we proceeded to see the Farm of Mr. Sykes about Half a mile further to the Southward and at present the most Southern one in Appin. This man has, with small means, made wonderful exertions, having cleared and cultivated a large proportion of his Farm, and there is every appearance of his having an abundant Crop of Wheat this Season." (Governor Macquarie, 4 October 1814).*



Image 6: Sykes Farm (Mount Britain) from Teston Farm, 2022.

Around the same time that the first intensive British intrusion was occurring in the Appin area it was also occurring in the Illawarra, initially through the cedar trade rather than land

grants. By around 1815 there was permanent British settlement in the Illawarra with several colonists running cattle at Five Islands that had been brought down from the Cowpastures through the Appin area and down the Bulli Pass.

As had occurred earlier on the Hawkesbury the expansion of the colony was met with a complex mixture of resistance and engagement. First Peoples responses to the British invasion and colonial dispossession varied amongst individuals, groups, and context, and ranged from direct attacks on the colonists and their occupation of Country, attempts to impose reciprocity through harvesting colonists' crops, to developing relationships and leveraging skills and labour to remain on Country.

The harvesting of maize and other crops by Aboriginal people were referred to by the colonists as 'raids' and were a frequent focus of conflict. The colonists regarded the crops they planted, like their cattle, sheep, and pigs, as exclusively theirs and saw any attempt by First Peoples to share in these resources as 'theft'. On the other hand, almost all the colonists seem to have regarded themselves as having a right to freely access the resources of the Country, be that fish, kangaroos, bark, and honey, or the land itself. The perspective of those whose Country was being overrun and resources overused was undoubtedly different. First Peoples' societies are based on reciprocity, where all relationships must involve mutual exchange not one-way transactions. Looked at from this understanding the colonists' use of Country and resources would imply, at the very least, a reciprocal right to share in the colonists' resources.

In 1814 the Sydney basin was in drought after a series of dry summers, heightening tension and fuelling conflict over food resources. A series of retaliatory murders began when three ex-NSW Corps soldiers working on a farm on Mallett Creek saw a group of First Peoples – in an act of forced reciprocity – harvesting part of the farm's crop and responded by shooting at the group and killing a young boy. The *Sydney Gazette* gave an account of the series of killings that followed:

*"It appears from the information received, that on Saturday last privates of the Veteran Company, in the district of Appin, fired on a large body of the natives who were plundering the corn fields of a settler, and refused to desist, at the same time making use of every term of provocation and defiance, and in token of a determined spirit, menacing with their spears. A native boy was unfortunately killed, and the small party was immediately attacked with a promptitude that put it out of their power to re-load. They were compelled to fly: and two escaped; but the third, whose name was Isaac Eustace, was killed on the spot. This unhappy rencontre (sic) took place on the grounds of one Milehouse, contiguous to which lay the farm of a settler of the name of Bucher, which being also reported to be attacked, a party of 14 went thither to prevent injury, if possible, to the persons residing on it. The mangled body of the deceased Eustace had been previously found, stripped, and one of the hands taken from the wrist. The party fell in with a groupe (sic) of the natives, and fired upon them:- they fled, leaving a woman and two children behind them, dead. The next day they made an attack on a stock-keeper's hut belonging to Mrs. McArthur, when the stock-keeper, Wm. Baker, and a woman named Mary Sullivan, generally called Hirburt,*

*were both killed... Without offering an opinion to which side the first act of aggression may justly be attributed, we feel confident in asserting that every effort will be used by Government in ascertaining the fact; and we have every hope that the measures judiciously acted upon will put a speedy termination to those evils to which the lonely settler is exposed..." (Sydney Gazette, 14 May 1814:2).*

Governor Macquarie reported on the killing of the woman and two children by the colonists that:

*"Some Hostilities have been lately exhibited in the remote parts of this Settlement by the Natives, who have killed one Soldier and three other Europeans... I have caused enquiry to be made into the Motives that might have produced it, and from thence I have learned that Some idle and ill disposed Europeans had taken Liberties with their Women, and had also treacherously attacked and killed a Woman and her two children whilst Sleeping, and this unprovoked cruelty produced that retaliation whereby Persons perfectly innocent of the Crime lost their lives." (Governor Macquarie to Earl Bathurst, 7 May 1814)*

Charles Throsby was a key figure in British expansion in the Illawarra and Southern Tablelands regions, his knowledge acquired in part through the relationships he developed with many First Peoples who guided him through Country. Throsby later identified Bitugally as the husband and father of the woman and children who were murdered at Lachlan Vale; the woman and children were reportedly buried by John Kennedy (see Section 6.8: Cultural Site H).



Image 7: Willy wagtail on post, near Cultural Site H.

There were ongoing though intermittent instances of conflict in the wider region over the next two years with several targeted attacks by First Peoples on colonists and their farms including at Lachlan Vale and Bringelly. In 1815-1816 across the southwest Cumberland Plain the First Peoples were having some success in driving back the colony's occupation. Governor Macquarie reported in early 1816 that:

*"... the Native Blacks of this Country, Inhabiting the distant Interior parts, have lately broke out in Open Hostility against the British Settlers residing on the Banks of the River Nepean near the Cow Pastures, and have Committed most daring Acts of Violence on their Persons and Depredations on their Property... Many of the Settlers have entirely Abandoned their Farms in Consequence of the late Alarming Outrages." (Governor Macquarie to Earl Bathurst, 18 March 1816)*

On 9 April 1816 Governor Macquarie responded by ordering three military detachments to sweep across what is now known as Western Sydney; in his diary he described his actions and reasons:

*"The Aborigines, or Native Blacks of this Country, having for the last three years manifested a Strong and Sanguinary Hostile Spirit, in repeated instances of murders, outrages, and Depredations of all descriptions against the Settlers and other White Inhabitants residing in the Interior and more remote parts of the Colony, notwithstanding their having been frequently called upon and admonished to discontinue their hostile Incursions and treated on all these occasions with the greatest kindness and forbearance by Government; — and having nevertheless recently Committed several cruel and most barbarous murders on the Settlers and their Families and Servants, killed their Cattle, and Robbed them of their Grain and other Property to a considerable amount, it becomes absolutely necessary to put a stop to these outrages and disturbances, and to adopt the strongest and most coercive measures to prevent a recurrence of them, so as to protect the European Inhabitants in their Persons & Properties against these frequent and sudden hostile and sanguinary attacks from the Natives. — I therefore, tho, very unwillingly felt myself compelled, from a paramount Sense of Public Duty, to come to the painful resolution of chastising these hostile Tribes, and to inflict terrible and exemplary Punishments upon them without further loss of time; as, they might construe any further forbearance or lenity, on the part of this Government, into fear and cowardice.*

*In pursuance of this resolution, and on the grounds of the most imperious necessity, arising from their own hostile, daring, outrageous, and sanguinary Proceedings, I have this Day ordered three Separate Military Detachments to march into the Interior and remote parts of the Colony, for the purpose of Punishing the Hostile Natives, by clearing the Country of them entirely, and driving them across the mountains; as well as if possible to apprehend the Natives who have committed the late murders and outrages, with the view of their being made dreadful and severe examples of, if taken alive. — I have directed as many Natives as possible to be made Prisoners, with the view of keeping them as Hostages until the real guilty ones have surrendered themselves, or have been given up by their Tribes to summary Justice. — In the*



*event of the Natives making the smallest show of resistance – or refusing to surrender when called upon so to do – the officers Commanding the Military Parties have been authorized to fire on them to compel them to surrender; hanging up on Trees the Bodies of such Natives as may be killed on such occasions, in order to strike the greater terror into the Survivors.” (Governor Macquarie, 10 April 1816)*



Image 8: Lachlan Vale from Brooks Point Road, 2022.

On 5 April 1816, hearing of the proposed military actions, the colonist Charles Throsby wrote to the chief magistrate D’arcy Wentworth expressing his concern that the wrong individuals were being targeted and that attacks on First Peoples would be indiscriminate:

*“Having been informed this morning that His Excellency the Governor is about taking some steps to prosecute the natives, I feel it necessary in consequence of my former information, and having been at your farm with your son where we heard some of the most absurd assertions and obstinate threats of vengeance, against several of the natives, whom I have every reason to suppose are perfectly innocent of any of the murders that have recently taken place, those I allude to are Bitngally; Dull; Yellooming: and some others, natives of the places where Mr Oxleys stock are, for I am convinced had they been inclined to have committed such crimes they would most certainly have murdered some of that Gentlemen’s men, not that I mean to assert they were not assisting in the murders of the men on Mr Broughtons farm last year, but when the cause is considered it cannot be so much wondered that savage ferocity should seek revenge for the barbarity practized by our own countrymen on the persons of the wife and two children of the former and a child of the latter, which perhaps is not sufficiently known, that the people not content at shooting at them in the most treacherous manner in the dark, but actually cut the womans arm off and stripped the scalp of her head over her eyes, and on going up to them and finding one of the children only wounded one of the fellows deliberately beat the infants brains out with the butt end of his*

*musket the whole of the bodies where then left in that state by the (brave) party unburied as an example for the savages to view the following morning, therefore under these circumstances I hope I may be pardoned in asserting that I do not wonder at the savages then seeking revenge in retaliation. The whole of these men I have seen since that time, have been in the woods with some of them and had had much conversation with them, and as far as I can judge by the manners and dispositions of the natives I firmly believe they are now perfectly friendly towards the white people, With respect to Gogee and his family with Nighgingall and his family they have within my own knowledge been in this Neighbourhood and to and fro about my home for the last three months, Boodbury, young Bundle, with their familys and several others are now here the whole of whom I also have heard threatened...*

*I am well aware that the fears and aversion of the ignorant part of white people will lead them to accuse the whole, indiscriminately, from there it is to be hoped, steps will as much [as]possible be taken to prevent any friendly native being injured, least the lives of some of our stockmen or others in remote unprotected situations may fall a sacrifice in retaliation.” (Throsby to Wentworth, 5 April 1816)*



Image 9: Gully near Simpsons Creek, 2022.

Governor Macquarie’s instructions to Captain Schaw, who was to sweep around the north and west of the Cumberland Plain, included a direction to:

*“... use every possible precaution to save the lives of the Native Women and Children but taking as many of them as you can Prisoners...Being desirous to procure Twelve Boys and Six Girls – from between four and Six years of age – for the Native Institution at Parramatta, you will select and secure that number of fine healthy good-looking children from the whole of the Native Prisoners of War*

*taken in the course of your Operations, and direct them to be delivered up to the Supt. of the Native Institution at Parramatta immediately on their arrival there.”*  
(Governor Macquarie to Captain G.B. Schaw, 9 April 1816)

The detachment that set out for the Appin area was led by Captain James Wallis, his instructions from Governor Macquarie read:

*“In consequences of accounts received last Night and this morning from Liverpool, stating that large Bodies of Hostile Natives have assembled in the Districts of Airds and Appin, and are now Committing all sorts of outrages and Depredations on the Persons and Properties of the Settlers residing in those Districts; I have deemed it expedient to order a Military Force to proceed under your Command early tomorrow morning to Liverpool, and from thence into those Districts infested by the Natives for the purpose of subduing them and protecting the Inhabitants from their further incursions and outrages...*

*... taking Prisoners all such Natives as you may fall in with on your march thither, and sending them back to Liverpool... In case you meet or fall in with any considerable Body of Natives, you will desire your Native Guide to summon them to surrender themselves as Prisoners to you; and in the event of their refusing so to do, making any show of resistance, or running away, you are to fire upon them, and compell them to surrender. Such Native men as may be killed on such occasions, you are to cause to be hanged on Trees in conspicuous parts of the Country where they fall.”* (Governor Macquarie to Captain James Wallis, 9 April 1816)

Captain Wallis and his detachment of soldiers arrived at Lachlan Vale on 12 April 1816:

*“Marched my detachment to Mr. Broughtons farm, halted there on the hill in view of the house, and proceeded with Lieut. Parker and Mr. Hume to Mr. Kennedys, on my questioning Mr. K.[--] he informed me there were some inoffensive natives on his farm, but were afraid to be seen by me, I assured him I would not molest men of this description, he sent them assurances of this, and they soon made their appearance unarmed. On inquiring their names and looking in the Governors List I found two of them were proscribed, Yallaman and Battayälie, I told Mr. Kennedy I must make Prisoners of them, he assured me they were harmless, innocent men, guiltless of any of the recent murders, protected his and Mr. Broughtons farm and that if I took them, he must abandon the country, he offered to go down to Sydney next day to see the Governor, and if his Excellys. wished he would be amenable for their appearance. Hume warmly seconded this and said he had seen the Governor erase their names from the guilty list; from all those circumstances I was induced to defer putting his Excellys. instructions into force.”* (Captain Wallis, 12 April 1816)

Three days later Wallis recorded that, “... Mr. Kennedy brought me a letter from the Governor, am happy he approves of my conduct with regard to Yallaman and Battayälie...”  
(Captain Wallis, 15 April 1816)





Image 10: Looking southwest over Country from the Ridgeline, 2022.

Over the previous days Captain Wallis had been attempting to find where the local First Peoples were camped as they presumably moved around trying to avoid the soldiers. Wallis had assistance from some of the colonists while others he believed were deliberately misleading him about where people were camped. On April 16 Wallis recorded that he:

*“Went to the banks of Georges river, and among the settlements to procure information, this evening Tyson returned and informed the natives were still at Broughtons, that there were [--- ---] amongst these, and that a man would arrive in the night from Thos. Nobles, a prisoner, with information, About Eleven OClock he came and informed me Noble had [---] their camp at sunset.” (Captain Wallis, 16 April 1816)*

In the early hours of 17 April 1816, a group of Dharawal and Gundungara men, women and children were ambushed in their camp near the Cataract River. Wallis recorded these events in his official journal:

*“A little after one OClock A.M. we marched, Noble joined us, and led us where he had seen the natives encamped, the fires were burning but deserted, we feared they had heard us and were fled, a few of my men who wandered now heard a child cry. I formed line ranks [---] and pushed on through a thick brush towards the precipitous banks of a deep rocky creek, the dogs gave the alarm, and the natives fled over the cliffs, a smart firing now ensued, - it was moonlight the grey dawn of morn appearing, so dark as to be able only to discover their figures bounding from rock, to rock - before marching from quarters, I had ordered my men to make as many prisoners as possible, and to be careful in sparing, and saving, the women and children my principal efforts were now directed to this purpose, I regret to say some had been shot, and others met their fate by rushing in despair over the precipice. I was however partly successful, I led up two women and three children they were all that remained to whom death would not*



*be a blessing, t'was a melancholy but necessary duty I was employed upon, fourteen dead bodies were counted in different directions, the bodies of Durell and Kinnabygâl I had considerable difficulty in getting up the precipice, I regretted the death of an old native Bâlyin and the unfortunate women and children from the rocky place they fell in, I found it would be almost impossible to bury them, I detached Lieut Parker with the bodies of Durell and Kinnâbygal, to be hanged on a conspicuous part of a range of hills, near Mr Broughtons, and after to lay in ambush, at a ford where it was expected Boodbury was with the other natives to pass. In the camp we found abundance of plundered potatoes and corn, and numbers of spears clubs &c, Mr Kennedy afforded me much assistance in supplying me with carts, ropes &c - at his and Mr Sykes request I left a Corporal and three privates to protect them from the revengeful fury of the natives, till I received the Governors commands, the prisoners I forwarded in a cart... Liverpool..." (Captain Wallis, 17 April 1816)*



Image 11: Rocky Ponds Creek with the Ridgeline in the background, 2022.

Wallis recorded that fourteen people were killed as they ran from the soldiers' guns, an unknown number were critically injured, two women and three children were captured and imprisoned, and the bodies of Durell and Kinnâbygal were hung on trees on the ridgeline. The hanging of bodies in prominent places to strike fear into others was a simplified version of the practice known as gibbeting or 'hanging in chains' that was in use by British civil and military authorities and codified in Britain under the Murder Act (1752-1832). The practice was also used in the colony of New South Wales with some convictions that had a sentence of death also including an order for the executed person's body to be 'hung in chains'.

In a further act of desecration, the skulls of Durell and Kinnâbygal were removed and sent to Britain. In a book published in 1820 in the United Kingdom on phrenology an illustration (drawn) was included with the description stating that it was:

*“... drawn from the skull of Carnimbeigle, a chief of New South Wales, who was killed by a party of the 46<sup>th</sup> Regiment, in 1816. His skull is now in our possession, having been presented to us by Mr Hill, Surgeon, R.N. who received it from Lieutenant Parker of the 46<sup>th</sup>.” (Mackenzie, 1820:233-234)*

It appears that Lieutenant Parker, who was the soldier directed by Captain Wallis to hang their bodies on the ridgeline, gave the skulls of these two men to a naval surgeon, Mr. Hill, who presented them to Sir George Mackenzie in Edinburgh. Sir George Mackenzie was a Scottish geologist and a founding member of the Phrenological Society of Edinburgh. Phrenology is based on a belief that certain brain areas have specific functions and the size and shape of these areas tell one something about a person’s capacities and personality. The key belief of phrenology is that the size and shape of these brain areas can be determined by examining people’s skulls. Its height of popularity was between 1800 and 1850, after which it became increasingly dismissed as a ‘pseudo science’, though it remained an influential theory in the wider European community into the early twentieth century. There were scientists and pseudo scientists across all fields of study who used skeletal remains, in particular skulls, to support racist theories of ‘race’ hierarchies and white superiority. First Peoples suffered the theft of relatives’ bodies and the desecration of graves for these stolen bodies to be used to support racist theories that were in turn used to attempt to justify the dispossession and brutality of colonisation.

The history of the desecration of graves is one that lives on strongly in the community memory of First Peoples throughout Australia and continues to be a source of distress and anger today:

*“... the plundering of burial places has long been remembered in many [First Peoples] communities and... there is a wealth of evidence dating back to the early years of white settlement confirming that Indigenous communities sought forcefully to protect burial places and the taking of remains for scientific or other ends.” (Turnbull, 2017:7)*

The skulls of Durell and Kinnâbygal, along with the skull of a woman whose name is not known, have been returned to the care of the National Museum of Australia but they are yet to be returned to Country.

Writing in 1837 Joseph Mason, who had arrived in the colony some fifteen years after the Appin massacre, recorded what he learnt of the events:

*“They killed two or three persons on an estate about 10 miles from Westwood, and I believe one or two in another direction and had these murders been traced to their origin, probably the fault would have been found to rest with the white men rather than the blacks for in addition to their feeling themselves aggrieved at the white people setting down as they call it in their land, they[y] are often further exasperated by their new neighbours takeing (sic) away their women and*

*when thus provoked they gave full scope to the spirit of revenge, which I believe is nothing but what is common to all savages. For these murders martial law was proclaimed against them and they were slaughtered without mercy wherever they were found. About 15 miles from Westwood is a place still known by the name of the [“]Soldiers flat”, where a party of military were stationed to scour the bush and shoot as many as they could find of the unfortunate aborigines; and this severity I believe was practiced during the administration of one who bore the dignified appellation of “the philanthropic Governor”.” (Mason, 1837: 139)*

William Byrne was the stepson of William Sykes, who held the original ‘grant’ of Mount Britain adjacent to Lachlan Vale; he lived at Appin from 1812 when he was around 4 years of age and his sister married John Kennedy who held Teston Farm. In reminiscences published in 1903 William Byrne recorded his family’s oral history of the conflict at Appin from 1814 through to 1816:

*“After we arrived [at Appin], there was considerable trouble with the blacks. This was largely due to the fault of the settlers themselves, who often treated the blacks with a great deal of cruelty. Outrages by both blacks and whites extended over the years 1813, 1814, and 1815, up till 1816, when the settlers were granted military protection. Our neighbours were Commissary Broughton and Mr. John Kennedy, my brother-in-law. The latter treated the aboriginals very kindly, and was very popular with them in consequence.*

*The first murder of the blacks was by an old soldier named Hewett, who was a servant on the Broughton estate, and saw some of them in the cornfields. He and two other men fired a volley into them. The blacks, however, showed fight. They killed Hewett, cut off his hands, and went round to the settlers mockingly asking them to place a piece of bread in the outstretched palm, which they worked by pulling the sinews.*

*After this Mr. Broughton’s men went into Campbelltown and brought out a party of settlers, who fired into the blacks’ camp and killed an inoffensive old woman and two children. The blacks found out the names of these men – Price and Noonan- and laid in wait for them on the plantation. They killed Noonan on the spot, but Price, though he had several spears sticking into him, managed to run about 200 yards, as far as Mr. Kennedy’s gates, when a well-directed spear went through his heart. My eldest sister went past the body a few minutes later, but she was unharmed. The fact that Mr. Kennedy had buried the lubra and two piccanninnies I have just mentioned, and fenced the graves off on his ground, probably had something to do with this.*

*After this the blacks expressed their determination of murdering a white woman and two children as a blood revenge. They were then under the leadership of a chief named Wallah, and one day surrounded my brother John. Things looked pretty queer for him till Wallah interfered, and said ‘No; him mother give um bread; no kill.’ Shortly after they crossed the river and killed an old man and his wife who lived in a hut by themselves. The Government then sent up a detachment of soldiers, who ran a portion of the tribe into a drive, shot sixteen of them, and hanged three on McGee’s Hill. They afterwards cut off the heads and*



*brought them to Sydney, where the Government paid them 30s. and a gallon of rum each for them. After this we had three soldiers billeted on each homestead, and things were fairly quiet after 1816, when they were removed back to Sydney.” (William Byrne, May 1903:105)*

It is clear from Byrne’s account that he understood the attacks on the colonists to be targeted and that those, such as his immediate family and that of his brother-in-law John Kennedy, who maintained good relationships with local First Peoples were safe from retaliation. As Throsby stated such distinctions were rarely made by the parties of colonists and military who instead “... *accuse the whole, indiscriminately...*” in their attacks on First Peoples.

The actions of the British military on 17 April 1816 inscribed lines of pain, trauma, and ongoing sorrow onto this Country. In producing this report, we have heard people speak of the horror of what happened here and of the pain that comes from knowing the blood of one’s ancestors soaked this ground. The events of that day continue to reverberate through time to the present.



Image 12: Scribbly Gum bark and Acacia flowers, Appin.

There are few documentary references to First Peoples in the region in the 1800’s, while this may in part reflect the reduction in population from the impacts of colonisation, it also reflects that those writing about the region were focused on the activities and concerns of the colonists. The absence of references to First Peoples in the immediate area after 1816 likely reflects that this had become a place of avoidance after the Appin massacre, as it remains for many First Peoples today.



Nonetheless in the documentary traces that remain we can see the ongoing presence of First Peoples individuals and communities throughout the wider region. The missionaries James Backhouse and George Walker, members of the Society of Friends (Quakers), travelled through the region in 1836; in October of that year while travelling through the Bargo Brush area to the southwest of Appin Backhouse described how they:

*"... met several companies of Blacks. Some of the women had considerable quantities of Native Currants, the fruit of *Leptomeria acida*, that they were carrying in vessels scooped out of the knots of the gum-tree, some of which will hold several quarts." (Backhouse, 18 October 1836)*

Two days later, on arriving at Camden Backhouse noted the presence of a First Peoples community:

*"... we accompanied William Macarthur, to his noble mansion, at Camden, which is of two stories, built of beautiful sandstone, and finished in style equal to that of the dwellings of the upper class, in England. The gardens are extensive, and well laid out. Many of the beautiful, native plants, are here cultivated successfully, for ornament; and a grassy lawn looks very English, but to preserve it, much watering is required in summer..... Some families of Blacks are regularly rationed at Camden, on the score of justice; the present proprietors, and their father, to whom they succeeded, rightly considering, that this was due to the people, whose lands themselves had occupied." (Backhouse, 20 October 1836)*

One of the devastating impacts of British colonialism was the increasing interference with First Peoples capacity to move through Country for ceremony, trade, and resource sharing. Within the wider region that the Appin area is part of people managed to continue to practice ceremony into the mid 1800s. In letters between John Macarthur and his wife Elizabeth Macarthur there are references to a ceremonial gathering in 1824 at Camden Park, on the Nepean River to the north of Appin:

*"We had the grandest Corrobboree here last night I ever saw. There must have been at least a Hundred and Twenty men, with a Multitude of Women and children – they have been collected from all parts of the Coast – and to-day they rise and proceed to Bathurst to slay and eat – our Natives do not join the expedition, and look very suspiciously on this host – I fear they have made sad inroads on the poor Settlers' Corn over the water – ours of course is untouched – they observe a pretty general rule not to touch the resources near home, if supplies can be procured at a distance." (Macarthur, 1824)*

This gathering brought together people from the coast with those of the Cumberland Plain, coming together to travel over the mountains to the Bathurst plains. Backhouse and Walker were travelling through Kangaroo Valley in 1836 where they encountered a gathering of people who were going to the Cow Pastures:

*"It is a place of resort for the Blacks, three tribes of whom are now upon it.... One of the tribes here had in it forty men. The three tribes were from Shoal Haven, Bong Bong and belonging [to] the Kangaroo-Ground. They are all about to visit*

*the Cow Pastures to learn a new song!, an object for which they sometimes travel far.” (Backhouse, 1836)*

The increasing impacts of colonisation throughout the 1800s impacted on First Peoples capacity to maintain the complex network of pathways that linked peoples together and increasingly prevented such ceremonies occurring. There were many First Peoples communities in the wider area in the 1800s and 1900s including at Camden on the Nepean River, at Stonequarry Creek near Picton, on the Georges River, in the Burragorang Valley, at Salt Pan Creek near Liverpool, at La Perouse, and along the Illawarra coast at Coomaditchy (Coomaditchie) Lagoon, Tom Thumb’s Lagoon and Red Point [Hill 60]. While not all these communities are still present at these locations, they all continue to exist in the memory and histories of the First Peoples of this Country.

The knowledge and Story of ceremony remain today. Country continues to hold the stories that formed it and carries the past of all those who have lived on, managed, and cared for it, linking them to the First Peoples who live on and care for Country today. In the words of one of the key people who speaks for this Country, Aunty Glenda Chalker: *“It’s living Country not just dying Country.”* Through the implementation of the recommendations in this report the opportunity exists to create a place of healing through respectful truth-telling on Country.

## 5 Cultural Sensitivity Mapping

The Country that the current project sits within is of marked cultural sensitivity due to the events of the Appin massacre of 1816. The extent of Country that is understood as holding sensitivity varies from the wider area associated with the events to the specific localities.

### 5.1 2021 Petition

In 2021 a petition was launched on the change.org site calling for the protection of the Appin massacre site from development. The map below shows the area identified as sensitive in the petition.



Figure 5: Appin Massacre cultural landscape (yellow outline) as shown in 2021 online petition.<sup>xvii</sup>

The 2021 petition expressed the sorrow and distress linked to this Country because of the Appin massacre and called for a halt to development:

***“We, the Dharawal and Gundungurra family groups, and all First Nation family groups, are the descendants of those who were slaughtered at the Appin Massacre. We are calling on the NSW government to protect the Appin massacre site from future development. This area should never be built on. It’s a place of trauma, great sorrow and death. Development on this land will yet again trigger that trauma for our communities. We strongly reject the proposal and investigation by the department of Environment, Climate Change and Water NSW as well as by any other government or non-government organisations into future development opportunities and impacts. Please sign and share our petition to tell the government to keep Appin massacre site free from any development, including Walker’s housing development application.”<sup>xviii</sup>***

## 5.2 Nomination to the State Heritage Register

In July 2021 the Heritage Council of NSW and the Aboriginal Cultural Heritage Advisory Committee (ACHAC) co-nominated the Appin massacre cultural landscape for listing on the State Heritage Register, for its shared Aboriginal and non-Aboriginal cultural heritage values.

During 2021 and 2022 Heritage NSW investigated the cultural heritage values of the Appin massacre cultural landscape listing through historical research and engagement with community members. The work undertaken for this report also informed Heritage NSW in their listing process. On 25 November 2022 the Appin Massacre Cultural Landscape was formally listed on the State Heritage Register (SHR).<sup>xix</sup> The gazetted curtilage for the listing is shown on the following page. The statement of significance can be seen on the State Heritage Inventory at <https://www.environment.nsw.gov.au/topics/heritage/search-heritage-databases> (SHR No. 02067 Appin Massacre Cultural Landscape).

The State Heritage listing states that:

*“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 archaeological 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 following Cultural Sites identified in this report are directly relevant to the areas referred to in the SHR listing:

Area 1: Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place

Area 2: Cultural Site H: Rocky Ponds Creek Burials Sorry Place

Area 3: Not identified as cultural sites, however, see Recommendation 31.

Area 4: Cultural Site N: Ridgeline Movement Corridor, Cultural Site M: Travelling Camp, Cultural Site L: High Sight-Line Teaching Place, Cultural Site K: McGees Hill Sorry Place.

Area 5: Cultural Site N: Ridgeline Movement Corridor linking to Cultural Site F: Gathering Place.



## Heritage Council of New South Wales



## State Heritage Register - SHR 02067, Plan 3294

## Appin Massacre Cultural Landscape

Gazettal Date: 25 November 2022

0 375 750 1,125 1,500  
Metres

Scale: 1:30,000 @A4

Datum/Projection: GCS GDA 1994



## Legend

- Land Parcels
- SHR Curtilage
- Roads
- LGAs
- Suburbs

Figure 6: State Heritage Register Listing Map for Appin Massacre Cultural Landscape.

### **5.3 GMAC Cultural Sensitivity Mapping**

During the GMAC engagement process cultural sensitivity mapping was developed (Figure 7) through engagement with cultural knowledge advisors and confirmed through broader Aboriginal community engagement.<sup>xx</sup> It is high level sensitivity mapping identifying broad areas that require further assessment and engagement prior to any potential development. The GMAC cultural sensitivity mapping identified a large area of Country on the Cataract River as holding cultural sensitivity for its association with the Appin massacre as well as other cultural values. The more detailed cultural mapping undertaken for the Heritage NSW process within the large area of cultural sensitivity was also confirmed through the GMAC cultural knowledge advisor engagement process. The next section presents the outcomes from the detailed cultural mapping that has occurred within the study area, including within the areas identified in the petition and the GMAC process as culturally sensitive.



Figure 7: GMAC Cultural Sensitivity Mapping.<sup>xxi</sup>

## 6 Detailed Cultural Mapping Outcomes

The detailed cultural mapping was initially developed through the Heritage NSW Aboriginal cultural heritage assessment process; the GMAC process has contributed additional inputs and review. The cultural mapping and recommendations have been developed through the shared knowledge and understandings of the cultural knowledge holders and cultural knowledge advisors.

Table 3: Summary of Sites of Cultural Value

Item	Description	Appin Precinct	Proponent's land holdings
<b>Cultural Site A: Nepean River</b>	The Nepean River is a culturally significant waterway. It was and is an important resource area that also holds Story sites (downstream of the project area).	Partial	Partial
<b>Cultural Site B: Cataract River</b>	The Cataract River is a culturally significant waterway. It was and is an important resource area that also holds Ceremony sites (upstream of the project area).	Partial	Partial
<b>Cultural Site C: Georges River</b>	The Georges River is a culturally significant waterway with resource and living places and Story and Dreaming sites.	Partial	No
<b>Cultural Site D: Elladale and Simpson Creeks</b>	Elladale and Simpson Creeks hold cultural value as waterways; they are central to the value of Cultural Site F: Gathering Place.	Yes	Partial
<b>Cultural Site E: Ousedale and Mallaty Creeks</b>	Mallaty and Ousedale Creeks hold cultural value as waterways; the portion of Ousedale Creek running parallel to Appin Road includes a Chain of Ponds that holds specific cultural value.	Yes	Partial
<b>Cultural Site F: Gathering Place</b>	A culturally significant area utilised traditionally for gatherings of people on Country. Closely linked with Cultural Site D: Elladale and Simpson Creeks and Cultural Site A: Nepean River that framed Country and provided a resource rich ecosystem.	Yes	Partial
<b>Cultural Place G: Camping Place</b>	A culturally significant camping place located on the eastern banks of the Cataract River and associated with resource rich areas of Cultural Site A: Nepean River and Cultural Site B: Cataract River.	Yes	Partial
<b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place</b>	The burial place of an Aboriginal woman and two children killed by British settlers during the warfare that preceded the 1816 Appin Massacre. <b>This is a highly sensitive site.</b>	Yes	Partial
<b>Cultural Site I: Broughton &amp;</b>	This site has been referred to as the location of the Appin massacre in much of the secondary	No	No



Item	Description	Appin Precinct	Proponent's land holdings
Jordans Pass Cultural Area	literature and is understood as such by many community members. <b>This is a highly sensitive site.</b>		
Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place	This site is considered the probable location of the 1816 Appin massacre. <b>This is a highly sensitive site.</b>	Yes	Partial
Cultural Site K: McGees Hill Sorry Place	McGees Hill (Sorry Place) is understood to be the location where the British military displayed the bodies of Durelle and Cannabaygal, two First Peoples men killed by the soldiers during the 1816 Appin massacre. Located on Cultural Site N: Ridgeline Movement Corridor. <b>This is a highly sensitive site.</b>	Yes	No
Cultural Site L: High Sight-Line Teaching Place	A culturally significant location that provides views across Country connecting culturally significant places and facilitates the teaching of Country and Story. Located on Cultural Site N: Ridgeline Movement Corridor (Pathway).	Yes	Yes
Cultural Site M: Travelling Camp	A traditional travelling camping place located on Cultural Site N: Ridgeline Movement Corridor (Pathway).	Yes	No
Cultural Site N: Ridgeline Movement Corridor	Indicative location of a culturally significant ridgeline and movement corridor (pathway) linking Cultural Site F: Gathering Place with Cultural Site B: Cataract River and extending east to the Illawarra coast. It is also associated with Cultural Site L: High Sight-Line Teaching Place. It is also significant for its association with the events of the Appin massacre.	Partial	Partial
Cultural Site O: Movement Corridor (Illawarra to Hawkesbury)	Indicative location of a culturally significant traditional and historical movement corridor (pathway) that links the Illawarra coast and the Cumberland Plains.	Yes	Partial
Cultural Site P: Movement Corridor to Georges River	Indicative location of a culturally significant traditional movement corridor (pathway) linking Cultural Site C: Georges River to Cultural Site B: Cataract River. This area was identified through GMAC.	No	No
Cultural Site P: Kings Falls	Area of cultural sensitivity associated with a major movement corridor linking the Illawarra to the north.	Partial	No
Cultural Site R: Georges River Cultural Area	An indicative location for a culturally significant area located on the Georges River. This area was identified through GMAC.	No	No

Item	Description	Appin Precinct	Proponent's land holdings
<b>Cultural Site S: Georges River Headwaters</b>	The headwaters of the Georges River hold cultural significance for their association with Dreaming stories and the creation of Country. This area was identified through GMAC.	No	No

There are further places of cultural sensitivity and value that have been mapped through the GMAC process and the cultural values heritage assessment that fall outside the study area. These include a culturally sensitive area lying between Moreton Park Road and the western side of the Nepean River, an area associated with the events leading up to the Appin Massacre on the northern side of Murrumbidgee Creek, and a ceremonially significant area on the Cataract River that includes the Appin Falls. These areas require further detailed cultural value assessment prior to any potential development outside the study area.

**Although mapped as individual features the various elements of the cultural landscape must be understood as interconnected elements of Country that link together people, place, and Story.**

Specific recommended actions to conserve, protect or interpret Cultural Sites A-S, where located within the Proponent's land holdings, are discussed in the following sub-sections (Sections 6.1- 6.19).

A series of recommended actions have been made for application at a project or precinct wide level. These recommended actions aim to safeguard the cultural heritage values of Cultural Sites A-S, support the health and wellbeing of Country, and increase the capacity of First Peoples to continue their reciprocal relationships with Country. In Table 4 see:

- Construction Phase: Actions 1 to 3
- Structure and Master Planning Phase: Actions 17 to 20
- Green and Blue Grid Infrastructure: Actions 21 to 24
- Design and Interpretation Phase: Actions 25 to 31
- Capacity for Managing Country: Actions 32 to 34
- Social Infrastructure: Actions 35 to 37
- Economic Opportunities for First Peoples: Actions 38 to 39
- Educational Opportunities for First Peoples: Actions 40 to 41

The site-specific recommended actions and the project or precinct wide recommended actions require joint implementation to achieve successful outcomes.

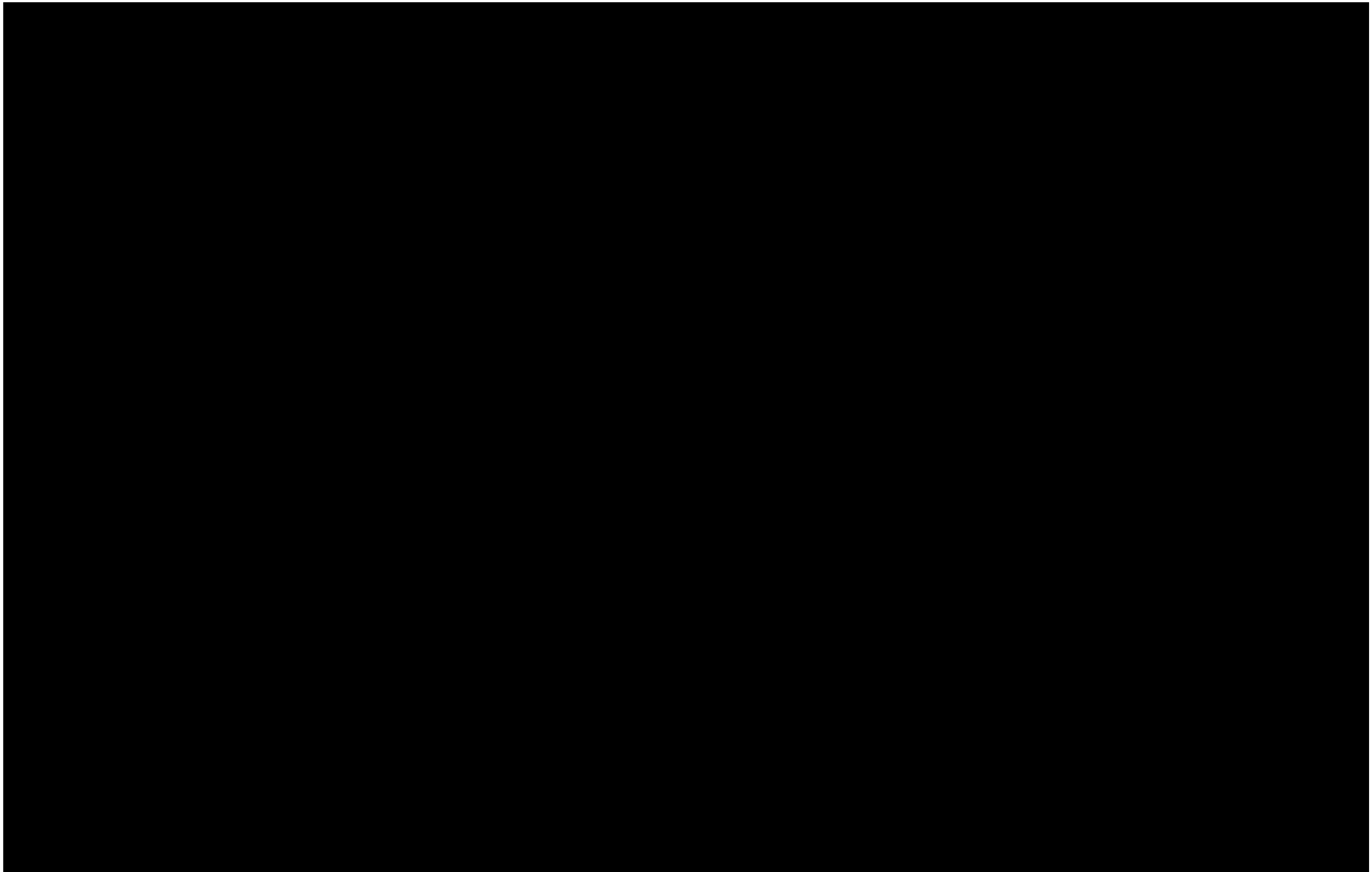


Figure 8: Cultural Sites A to S.





Figure 9: Cultural Sites A to S (red line identifies Appin Precinct).

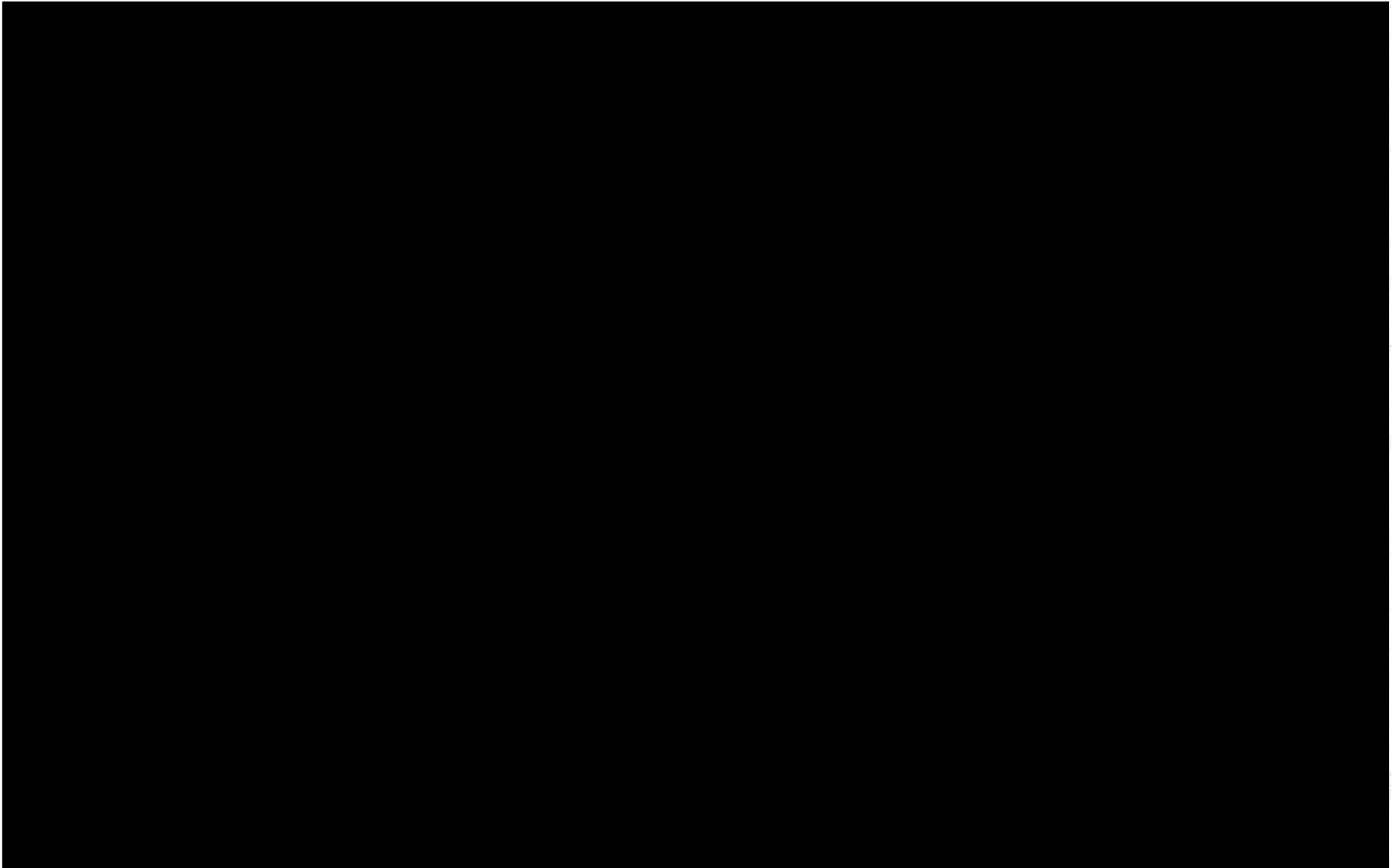


Figure 10: Cultural Sites A to S showing the Proponent's land holdings (pink shading).

## 6.1 Cultural Site A: Nepean River

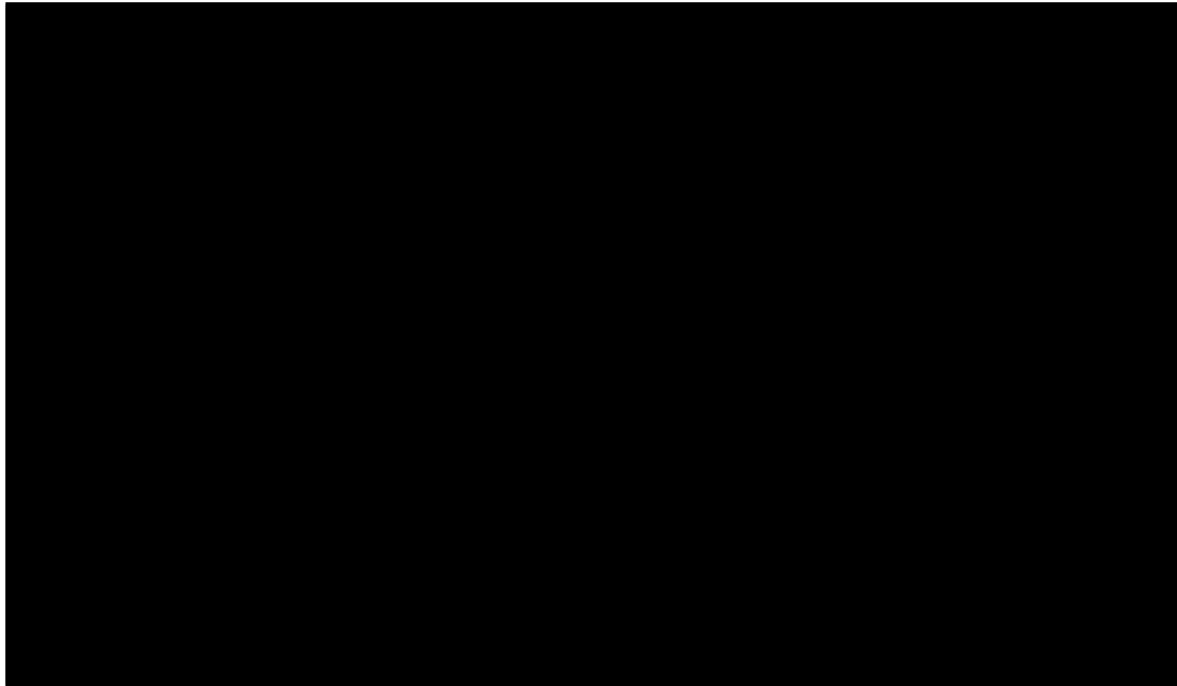


Figure 11: Nepean River (cultural waterway marked in blue)

**Discussion:** The **Nepean River** runs along the north-west of the study area. The Nepean River is of cultural significance being both an important resource waterway, a movement corridor, and the location of culturally significant Story sites (downstream of the project area).

**Impact:** Indirect. This cultural site is partially located within the Proponent's land holdings.

**Recommended Actions:** Culturally appropriate management of the Nepean River within the project requires consideration of:

- Rehabilitation and revegetation of the river and the riparian corridor.
- Prioritising retention of existing native vegetation.
- Revegetation with local plant species and communities.
- Inclusion of plant species utilised for cultural activities.
- Use of culturally appropriate and valued plant species in revegetation.
- Opportunities for First Peoples to manage and care for Country.
- Provision of access opportunities for First Peoples to support cultural practice and connection.

Where the Proponent transfers lands and/or waters to government agencies the responsibility for implementing these recommended actions must also be transferred.

See Recommended Actions 5, 21, 22, 24, 25.



## 6.2 Cultural Site B: Cataract River

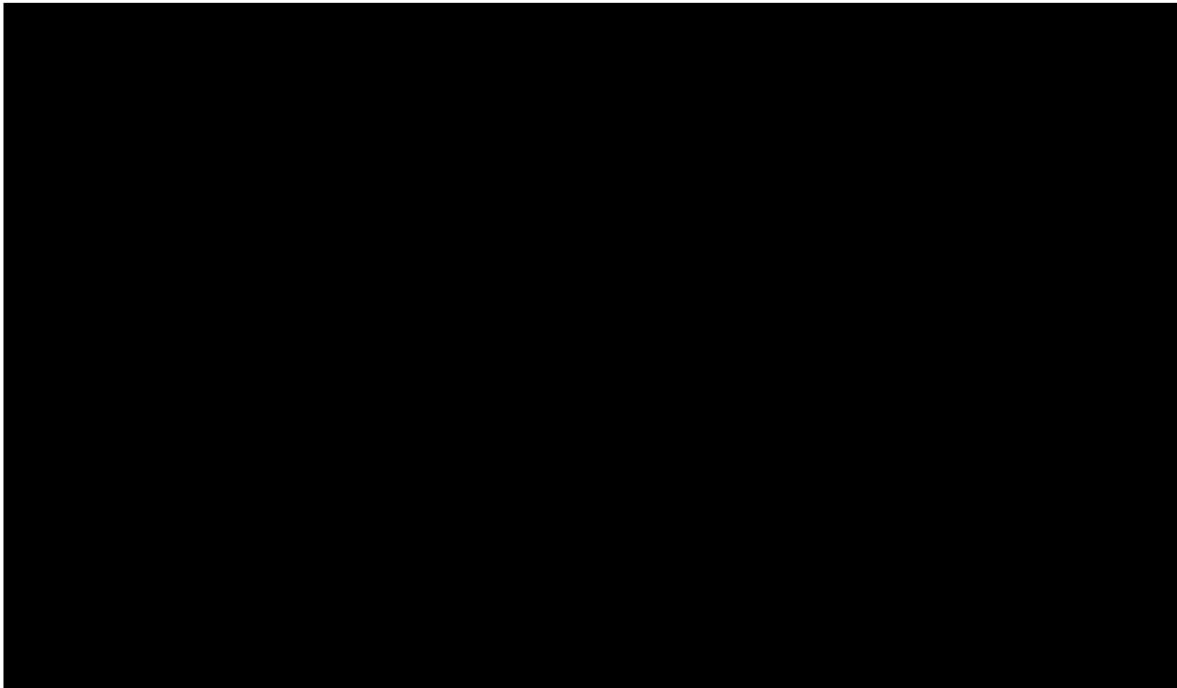


Figure 12: Cataract River (cultural waterway marked in blue).

**Discussion:** The **Cataract River** runs along the south-west of the study area. The Cataract River is of cultural significance being both an important resource waterway and the location of culturally significant Ceremony sites (upstream of the project area).

**Impact:** Indirect. This cultural site is partially located within the Proponent's land holdings.

**Recommended Actions:** Cultural management of the Cataract River within the project requires consideration of:

- Rehabilitation and revegetation of the river and the riparian corridor.
- Prioritisation of retention of existing native vegetation.
- Revegetation with local plant species and communities.
- Inclusion of plant species utilised for cultural activities.
- Use of culturally appropriate and valued plant species in revegetation.
- Opportunities for First Peoples to manage and care for Country.
- Provision of access opportunities for First Peoples to support cultural practice and connection.

Where the Proponent transfers lands and/or waters to government agencies the responsibility for implementing these recommended actions must also be transferred.

See Recommended Actions 5, 21, 22, 24, 25.

### 6.3 Cultural Site C: Georges River



Figure 13: Georges River (cultural waterway marked in blue).

**Discussion:** The **Georges River** runs along the east of the study area. The Georges River is of cultural significance being both an important resource waterway, linked to culturally significant living places, and the location of culturally significant Story sites.

**Impact:** No. This cultural site is not located within the Proponent's land holdings.

#### 6.4 Cultural Site D: Elladale and Simpsons Creeks

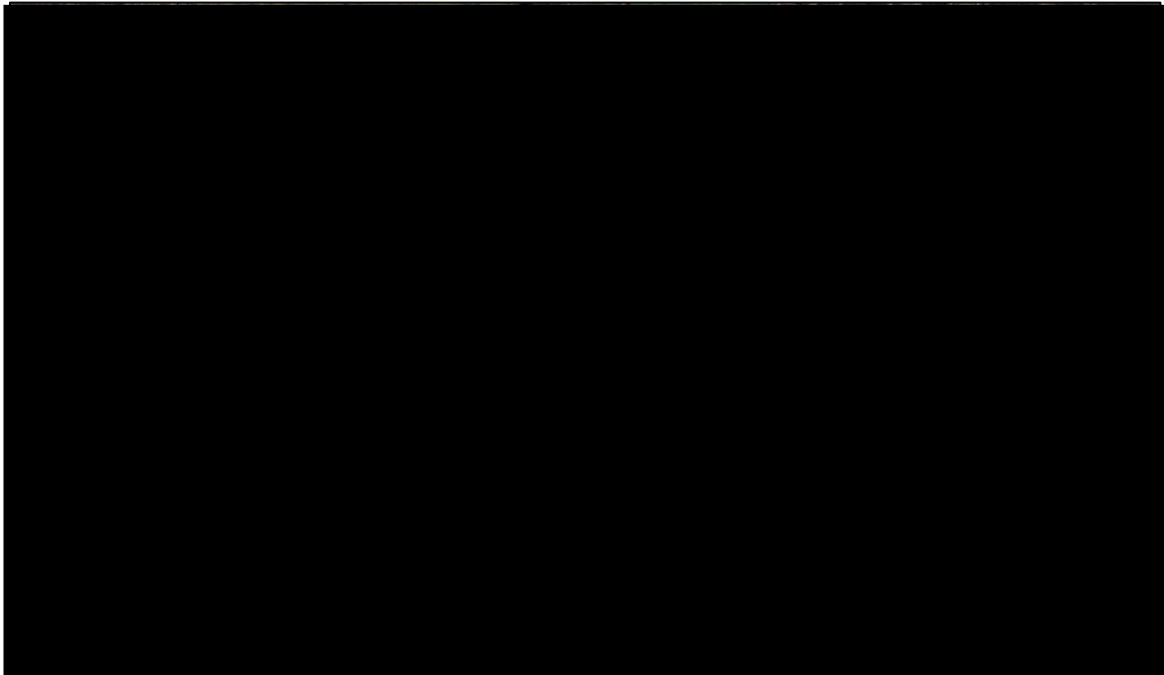


Figure 14: Elladale & Simpson Creeks (cultural waterways marked in blue).

**Discussion: Elladale and Simpson Creeks** are located within the study area, running north-west into the Nepean River. Elladale and Simpson Creeks are of cultural significance as waterways which frame Cultural Site F: Gathering Place.

**Impact:** Yes. This cultural site is partially located within the Proponent's land holdings.

**Recommended Actions:** Cultural management of Elladale & Simpson Creeks within the project requires consideration of:

- Rehabilitation and revegetation of the creeks and riparian corridors.
- Prioritisation of retention of existing native vegetation.
- Revegetation with local plant species and communities.
- Inclusion of plant species utilised for cultural activities.
- Use of culturally appropriate and valued plant species in revegetation.
- Opportunities for First Peoples to manage and care for Country.
- Provision of access opportunities for First Peoples to support cultural practice and connection.
- Co-design with First Peoples within development areas.

Where the Proponent transfers lands and/or waters to government agencies the responsibility for implementing these recommended actions must also be transferred.

See Recommended Actions 5, 21, 22, 24, 25.



## 6.5 Cultural Site E: Ousedale and Mallaty Creeks

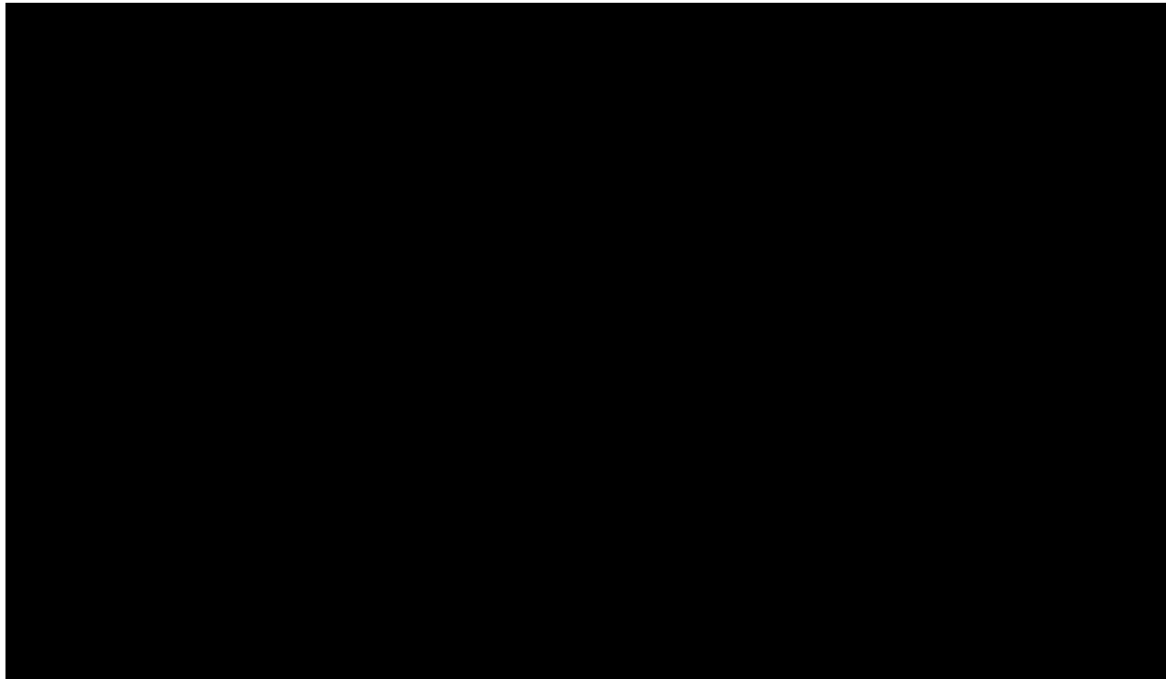


Figure 15: Ousedale & Mallaty Creeks (cultural waterways marked in blue).

**Discussion: Ousedale & Mallaty Creeks** are located within the study area, Ousedale Creek runs north-west into the Nepean River while Mallaty Creek runs west to join Ousedale Creek near its junction with the Nepean River. Ousedale and Mallaty Creeks are of cultural significance as waterways. The section of Ousedale Creek that runs north to south (parallel to Appin Road) includes a Chain of Ponds that holds cultural value.

**Impact:** Yes. This cultural site is partially located within the Proponent's land holdings.

**Recommended Actions:** Cultural management of Ousedale and Mallaty Creeks within the project requires consideration of:

- Rehabilitation and revegetation of the creeks and riparian corridors.
- Prioritisation of retention of existing native vegetation.
- Revegetation with local plant species and communities.
- Inclusion of plant species utilised for cultural activities.
- Use of culturally appropriate and valued plant species in revegetation.
- Opportunities for First Peoples to manage and care for Country.
- Provision of access opportunities for First Peoples to support cultural practice and connection.
- Co-design with First Peoples within development areas.

Where the Proponent transfers lands and/or waters to government agencies the responsibility for implementing these recommended actions must also be transferred.

See Recommended Actions 5, 21, 22, 24, 25.

## 6.6 Cultural Site F: Gathering Place

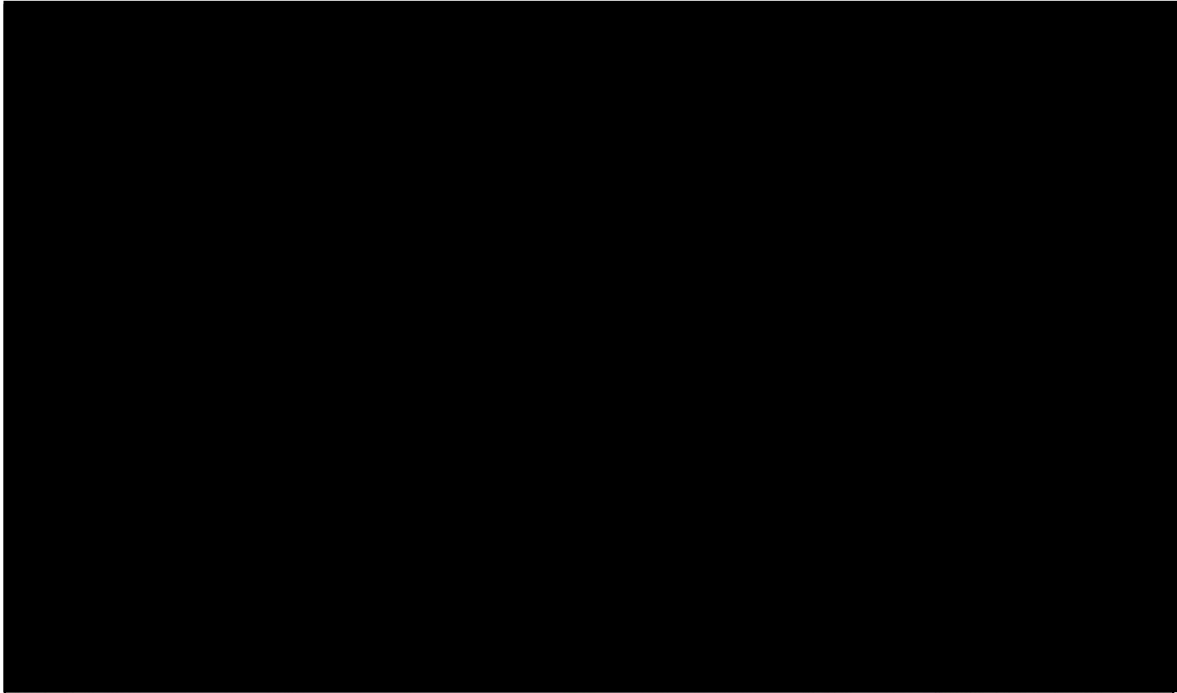


Figure 16: Gathering Place (shaded yellow).

**Discussion:** The Gathering Place is framed by Elladale and Simpson Creeks that join and flow together into the Nepean River. This cultural site was utilised for gatherings of people on Country in an area abundant in water, plant, and animal resources. It is understood that Ceremony occurred in this general area though the exact location is not known.

**Impact:** Yes. This cultural site is partially located within the Proponent's land holdings.

**Recommended Actions:** Any development in this area to be limited to open passive and active green space supporting recreation and residents and community gatherings. Co-design with First Peoples should occur throughout Cultural Site F to ensure that it reflects and respects the cultural values of Country through:

- Built design reflecting Country through use of culturally meaningful shapes, colours, and materials.
- Inclusion of public artworks by First Peoples artists reflecting the Country and Story.
- Appropriate landscape plantings.
- Inclusion of culturally appropriate motifs in design elements including footpaths and public spaces.
- Naming of streets and infrastructure in local First Peoples languages.
- Development of on-site interpretation materials
- Provision of cultural gathering spaces for First Peoples to support cultural practice and connection.

See Recommended Actions 5, 6, 21, 22, 24, 25, 26, 27, 28, 29, 30.

## 6.7 Cultural Site G: Camping Place

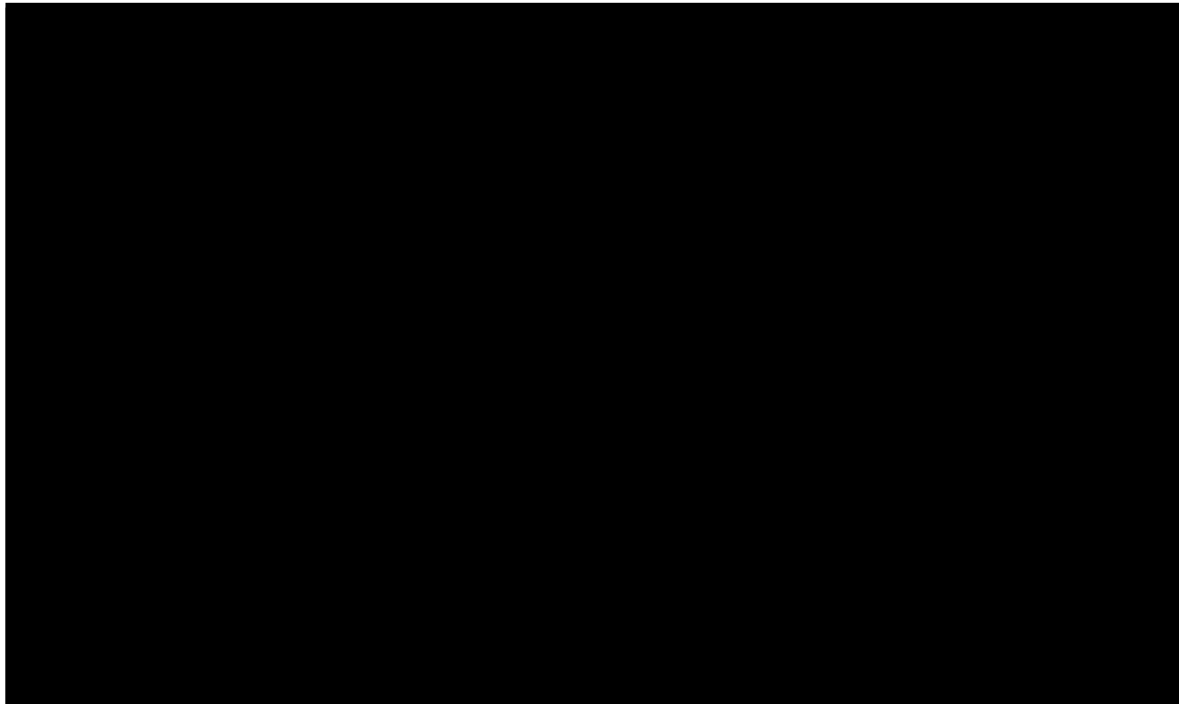


Figure 17: Camping Place (shaded yellow).

**Discussion:** The Camping Place lies along the Cataract River near its junction with the Nepean River. The flat areas on the eastern side of the Cataract River were utilised as living places while the riverine corridors provided a resource rich environment.

**Impact:** Yes. This cultural site is partially located within the Proponent's land holdings.

**Recommended Actions:** Detailed design of open space, landscaping, pedestrian networks, streetscape, and interpretation within the urban capable lands within the boundaries of this cultural site to occur through co-design with First Peoples to ensure the neighbourhood reflects and respects Country through:

- Built design reflecting Country through use of culturally meaningful shapes, colours, and materials.
- Inclusion of public artworks by First Peoples artists reflecting the Country and Story.
- Appropriate landscape plantings.
- Inclusion of culturally appropriate motifs in design elements including footpaths and public spaces.
- Naming of streets and infrastructure in local First Peoples languages.
- Development of on-site interpretation materials
- Provision of cultural gathering space(s) for First Peoples to support cultural practice and connection.

The area of overlap with **Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place** is to be considered separately. See Recommended Actions 5, 7, 21, 22, 24, 25, 26, 27, 28, 29, 30.

## 6.8 Cultural Site H: Rocky Pond Creek Burials Sorry Place

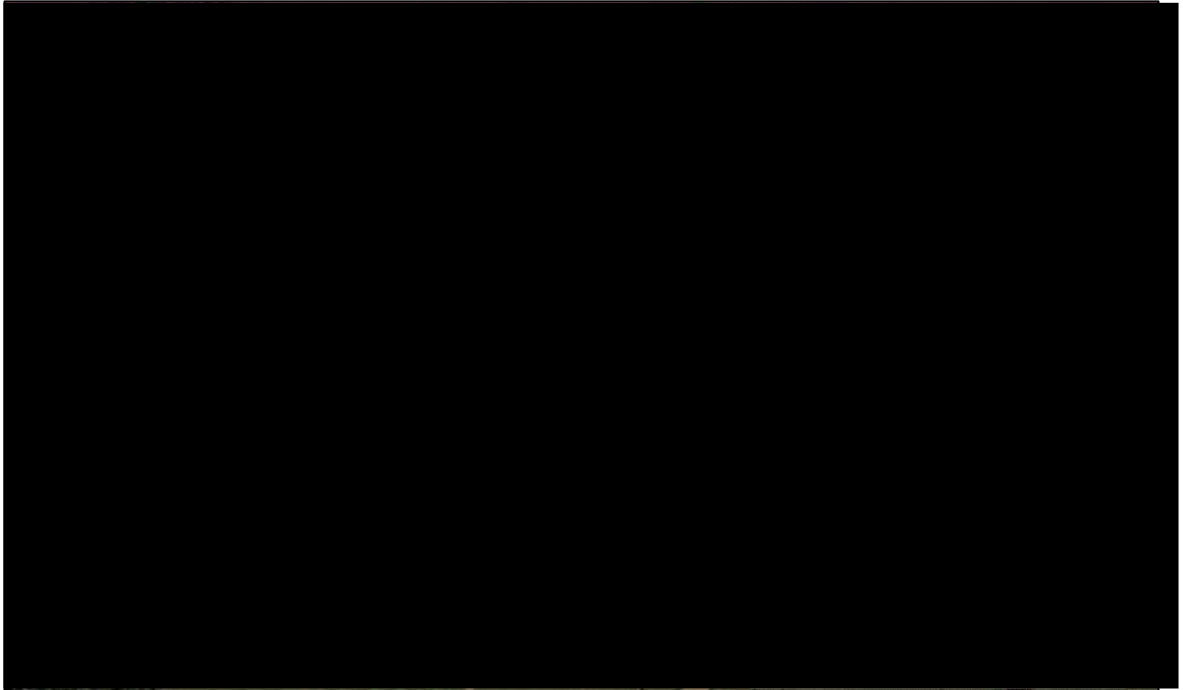


Figure 18: Rocky Ponds Creek Burials Sorry Place (shaded yellow).

**Discussion:** This site is the location of the burial of an Aboriginal woman and two children killed in 1814 by a party of British settlers during the warfare that preceded the 1816 Appin massacre. The exact location of the burials within the demarcated area is uncertain due to contradictory data within the available sources. **This is a highly sensitive site.**



Image 13: Rocky Ponds Creek Burials Sorry Place, 2021.



**Impact:** Yes. This cultural site is partially located within the Proponent's land holdings.

**Recommended Actions:** Within the boundaries of this cultural site no built development should occur. Trust models to implement First Peoples ownership and management of this cultural site should be considered during engagement and implemented where possible.

The area must be planned as passive open green space in a First Peoples led co-design process with consideration given to:

- appropriateness of a memorial to the deceased individuals.
- control of access to the site.
- First Languages naming.
- landscape plantings.
- culturally appropriate motifs, artworks, and interpretation material.

Green space connections to be maintained or created to provide visual lines of sight and walkable links between this cultural site and **Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place** and **Cultural Site N: Ridgeline Movement Corridor**. In addition, planning should ensure the capacity to extend these links to the following two locations that sit outside the Proponent's land holdings: **Cultural Site K: McGees Hill (Sorry Place)** and **Cultural Site I: Broughton & Jordans Pass Cultural Area**.

See Recommended Actions 8, 10, 11, 18, 19, 20, 25, 34.

## 6.9 Cultural Site I: Broughton & Jordans Pass Cultural Area

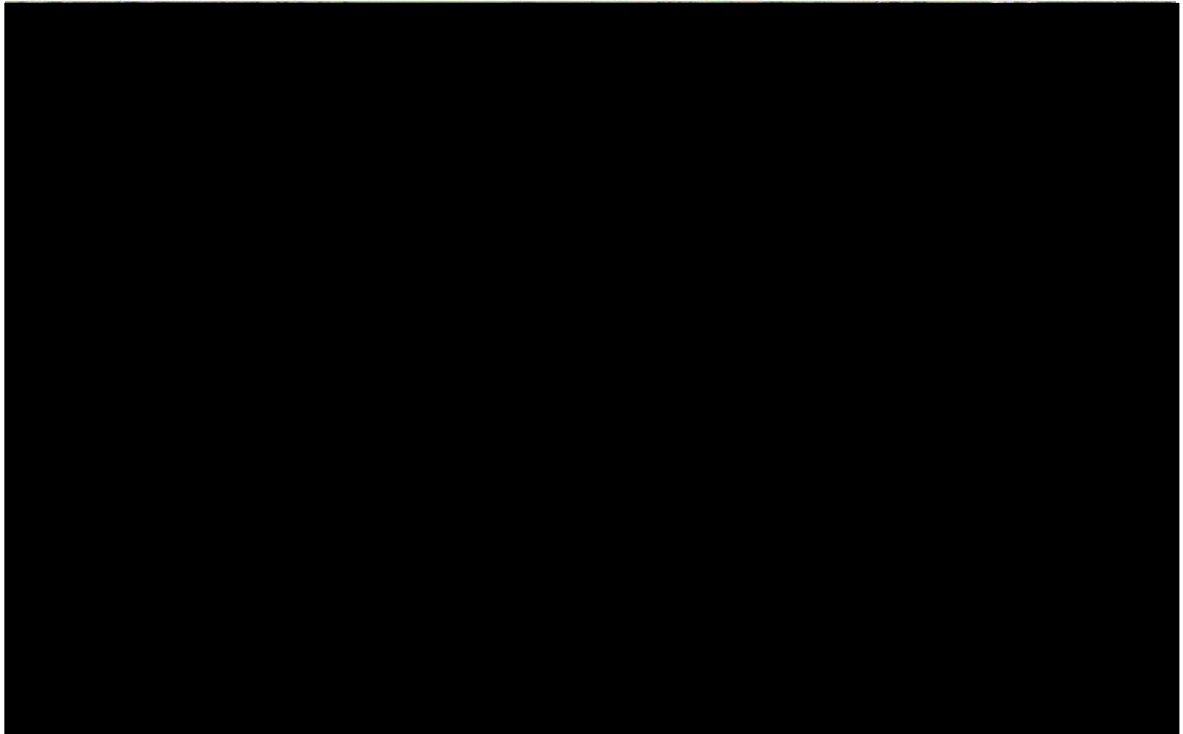


Figure 19: Cultural Site I: Broughton & Jordans Pass Cultural Area (shaded yellow).

**Discussion:** This site has been referred to as the location of the Appin massacre in much of the secondary literature and is understood as such by many community members today. However, it is considered that the more probable location of the Appin massacre is that recorded as **Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place**. This assessment is based on consultation with cultural knowledge holders, analysis of the available documentary records and consideration of the geography of the Country and the pattern of land holdings. However, due to its long-standing association with the events of the Appin massacre in public memory, and its location within the wider cultural landscape, this cultural site must be considered a **highly sensitive site**. This site also includes areas of cultural sensitivity and value identified during GMAC that hold significance for cultural reasons unrelated to the Appin massacre events.

**Impact:** No. This cultural site is not located within the Proponent's land holdings.

**Recommended Actions:** It is recommended that planning allow for green space connections to create visual corridors and walkable links between **Cultural Site I: Broughton & Jordans Pass Cultural Area** and **Cultural Site N: Ridgeline Movement Corridor**, **Cultural Site K: McGees Hill Sorry Place**, **Cultural Site H: Rocky Pond Creek Burials Sorry Place** and **Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place**.

See Recommended Action 20.

## 6.10 Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place

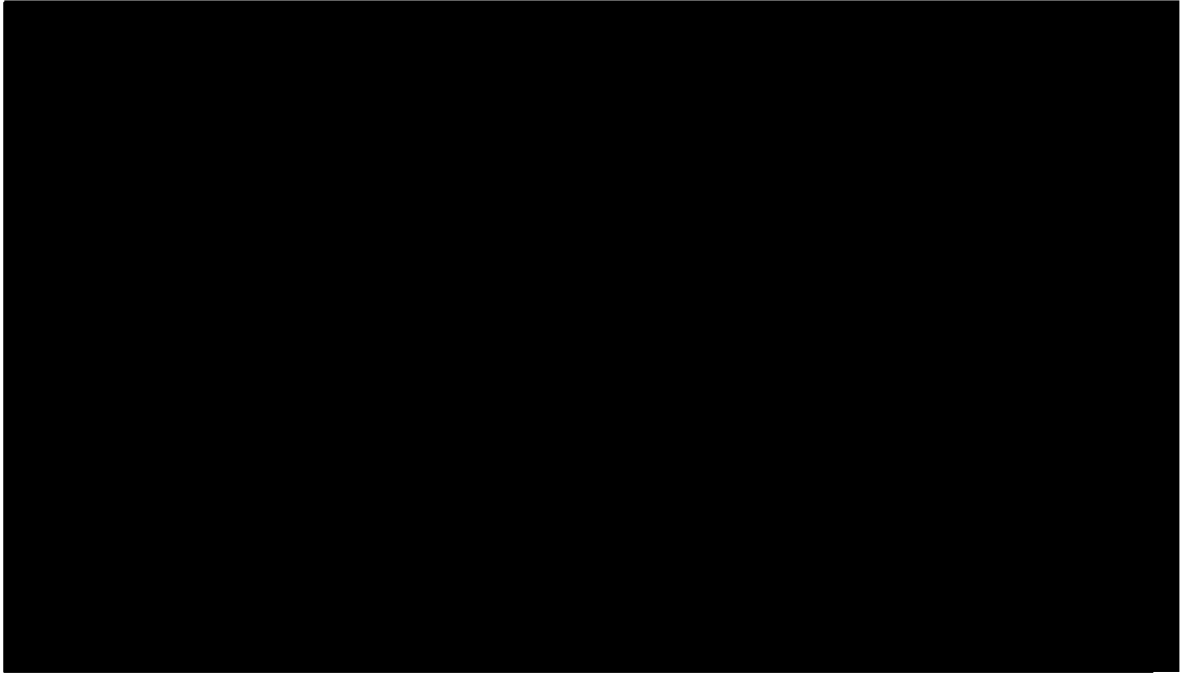


Figure 20: Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place (shaded yellow).

**Discussion:** An area located at the junction of Rocky Ponds Creeks and the Cataract River. This is considered the probable location of the Appin massacre based on consultation with cultural knowledge holders, analysis of the available documentary records and consideration of the geography of the Country and the pattern of land holdings. **This is a highly sensitive site.**



Image 14: Looking from Cultural Site H: Rocky Pond Creek Burials Sorry Place to Cultural Site J.

**Impact:** Yes. This cultural site is partially located within the Proponent's land holdings.

**Recommended Actions:** No built development should occur within the boundaries of this cultural site. The area should be planned as passive green space in a First Peoples led co-design process with consideration given to:

- Location of walkway(s) and track(s).
- Control of access to the site.
- Culturally appropriate motifs, artworks, and interpretation material.

Green space connections to be maintained or created to provide visual lines of sight and walkable links between this cultural site and **Cultural Site H: Rocky Ponds Creek Burials Sorry Place** and **Cultural Site N: Ridgeline Movement Corridor**. Planning should ensure the capacity to extend these links to the following two locations that sit outside the Proponent's land holdings: **Cultural Site K: McGees Hill Sorry Place** and **Cultural Site I: Broughton & Jordans Pass Cultural Area**.

Trust models to implement First Peoples ownership and management of this cultural site should be considered during engagement and implemented where possible. Where the Proponent transfers land and/or waters to government agencies the responsibility for implementing these recommended actions must also be transferred.

See Recommended Actions 9, 10, 11, 18, 19, 20, 25, 34.



### 6.11 Cultural Site K: McGees Hill (Sorry Place)

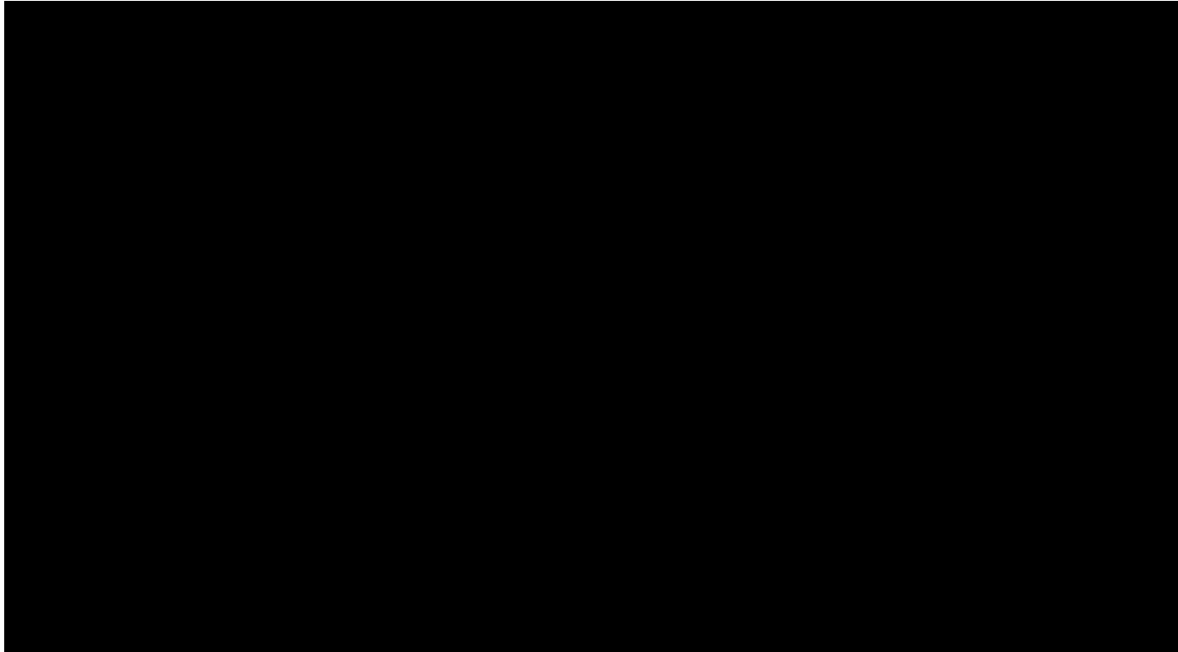


Figure 21: Sorry Place (McGees Hill) (shaded yellow).

**Discussion:** Located along **Cultural Site N: Ridgeline Movement Corridor** this cultural site (McGees Hill) is understood as the location where the British military hung the bodies of Durelle and Cannabaygal, First Peoples men who were killed by the military in the 1816 Appin massacre. The military's actions, including hanging the bodies of Durelle and Cannabaygal on a high point, was in line with the orders of Governor Macquarie. **This is a highly sensitive site.**



Image 15: Sorry Place (McGees Hill) from Wilton Road.

**Impact:** No. This cultural site is not located within the Proponent's land holdings.

**Recommended Actions:** It is strongly recommended that no development occur within **Cultural Site K: McGees Hill Sorry Place**. Given community concerns regarding potential vandalism it is recommended that interpretative materials refrain from identifying this location.

See Recommended Action 12.

## 6.12 Cultural Site L: High Sight-Line Teaching Place

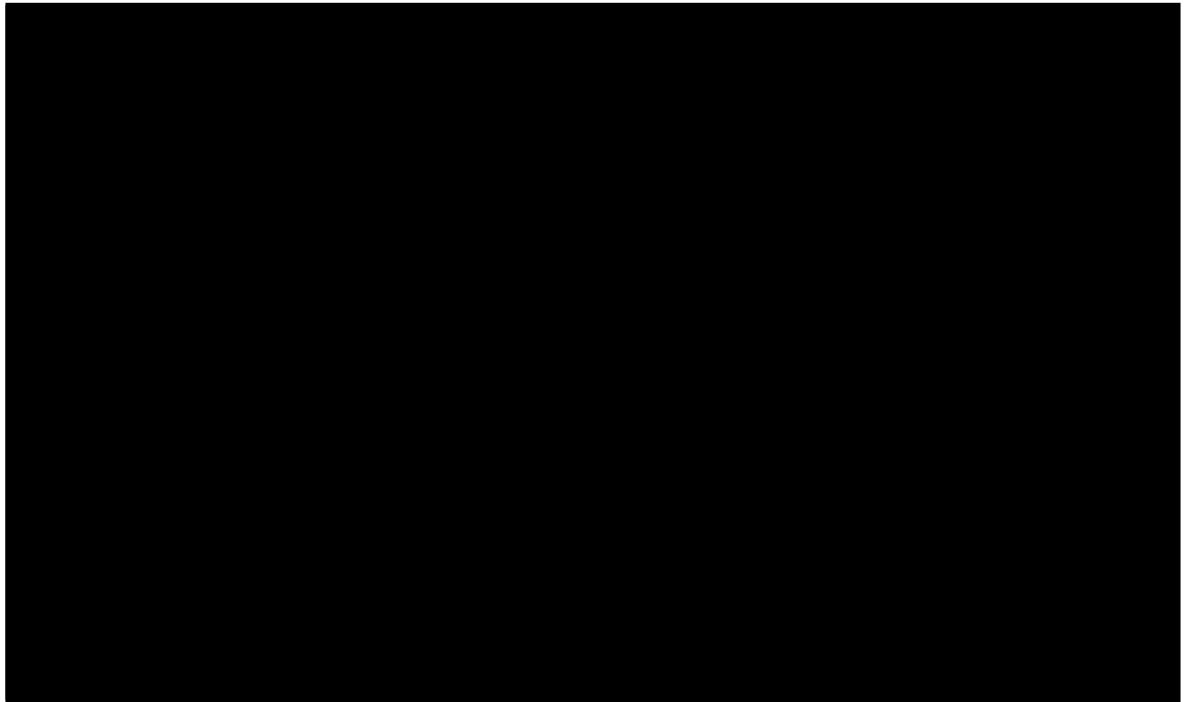


Figure 22: Cultural High Sight-Line Place (shaded yellow).

**Discussion:** This is a culturally significant high-sight line that provides views across Country connecting culturally significant places, including Razorback Ridge and the Blue Mountains to the west and towards the Illawarra Escarpment to the east, facilitating the teaching of Country and Story. This location also provides an opportunity to visually represent key locations linked to the Appin massacre. This cultural place is located adjacent to **Cultural Site M: Travelling Camp** and **Cultural Site K: McGees Hill Sorry Place**; they are all located on the ridge that forms **Cultural Site N: Ridgeline Movement Corridor**.

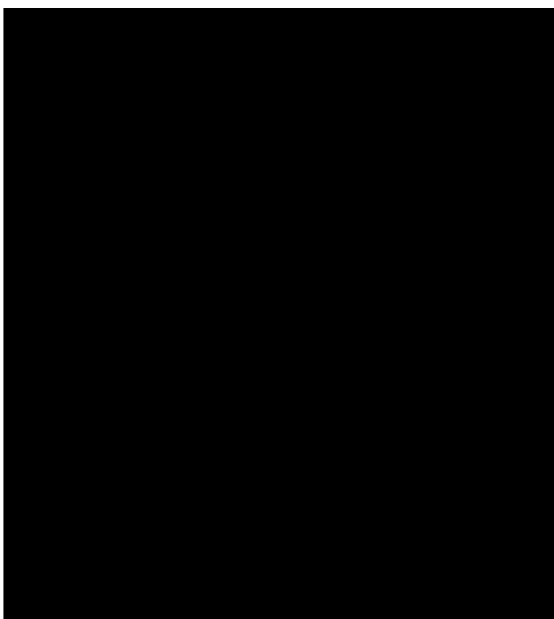


Figure 23: Cultural Sites L, M and K (from top to bottom) (shaded yellow).



Image 16: Looking west from High Sight-Line Teaching Place.

**Impact:** Yes. This cultural site is located within the Proponent's land holdings.

**Recommended Actions:** This cultural site should be incorporated within the proposed GreenWay in Cultural Site N: Ridgeline Movement Corridor and maintained as passive green space. Through a First Peoples led co-design process develop as an interpretation to present:

- The Stories, values, and history of Country.
- Connections across Country to places of cultural significance from the coast to the Blue Mountains.
- Educate residents and visitors to engage appropriately with Country.
- Develop a sense of custodianship of Country for residents.
- Historical events, context, and significance of the Appin massacre.
- Ongoing impacts of the Appin massacre.

See Recommended Actions 13, 16, 25, 27, 28, 31.



### 6.13 Cultural Site M: Travelling Camp

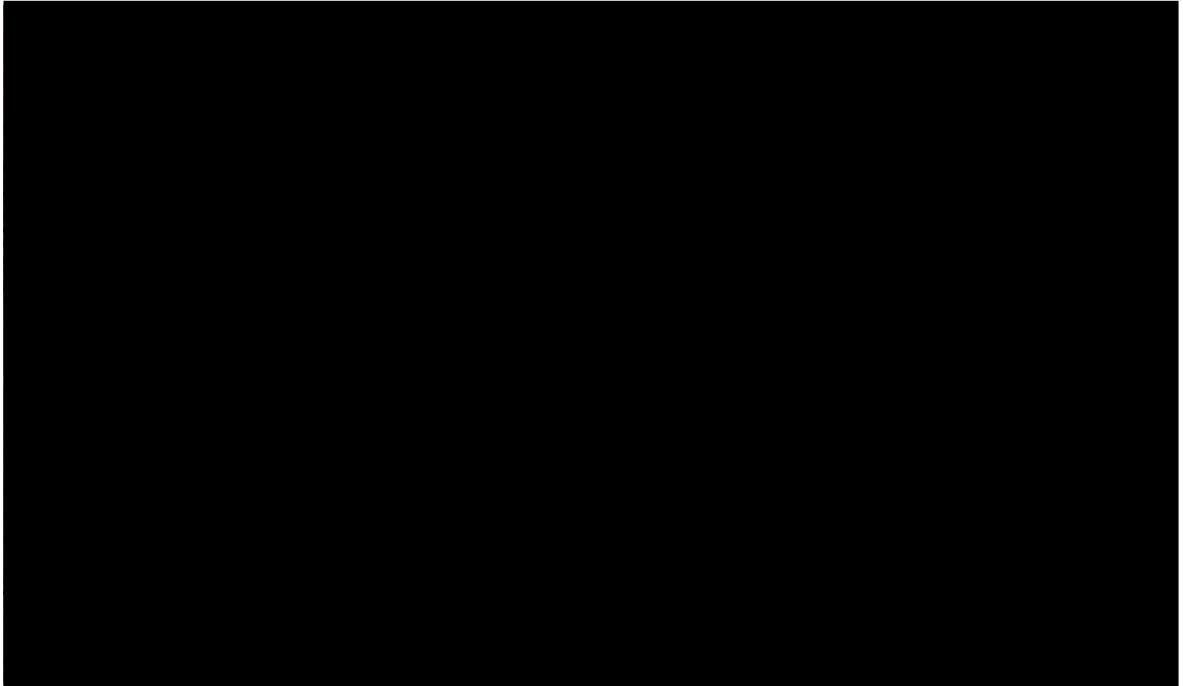


Figure 24: Cultural Travelling Camp (shaded yellow).

**Discussion:** This is a camping place with visibility across Country, it is associated with the culturally significant **Cultural Site M: Ridgeline Movement Corridor**.



Image 17: Travelling Camp.

**Impact:** No. This cultural site is not located within the Proponent's land holdings.

**Recommended Actions:** This cultural site should be incorporated within the proposed GreenWay in **Cultural Site N: Ridgeline Movement Corridor** and maintained as passive green space.

See Recommended Actions 14, 25.

#### 6.14 Cultural Site N: Ridgeline Movement Corridor

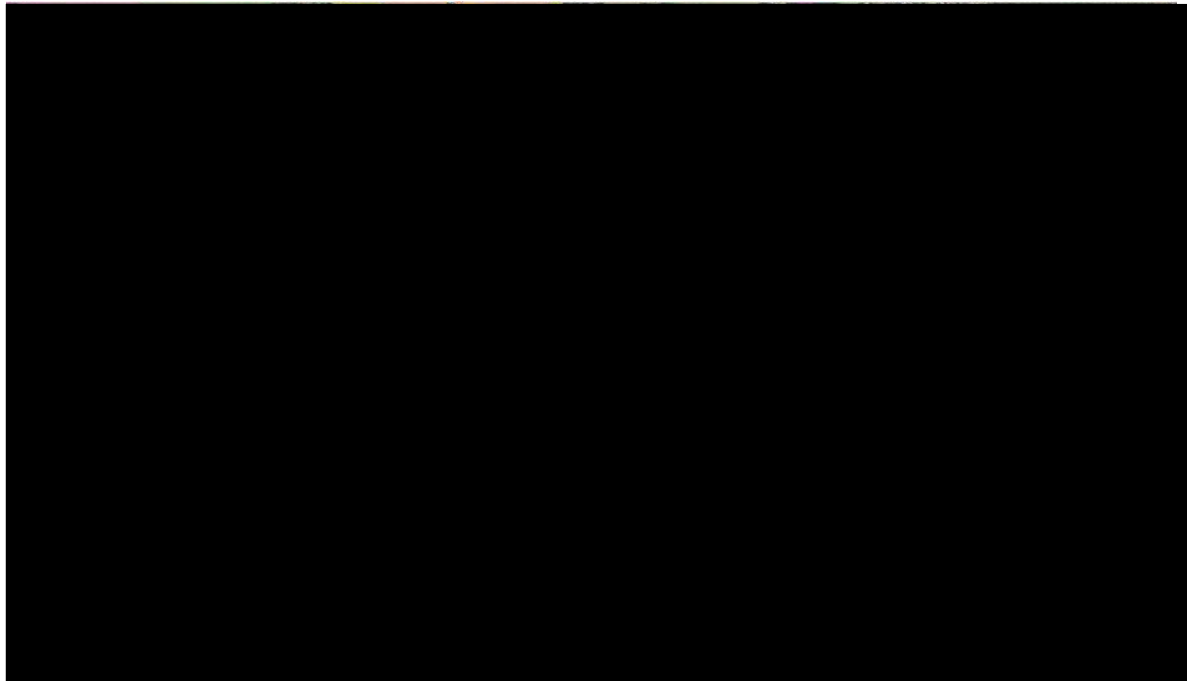


Figure 25: Ridgeline Movement Corridor (indicative location) (shaded orange).

**Discussion:** This ridgeline is a culturally significant cultural site as a movement corridor linking key cultural places including **Cultural Site A: Nepean River**, **Cultural Site B: Cataract River**, **Cultural Site F: Gathering Place** and further east into the Illawarra Escarpment and down to the coast. Movement corridors hold cultural value for their role in linking Country, people and Story. This cultural site also holds historical and cultural meaning for its association with the events of the Appin massacre.

**Impact:** Yes. This cultural site is partially located within the Proponent's land holdings.

**Recommended Actions:** This cultural site should be developed as a GreenWay incorporating cycle and pedestrian movement corridors. The Greenway should create a walkable green link from the catchment lands on the Cataract River through to the junction of Simpson and Elladale Creeks with the Nepean River. Landscape planting within the GreenWay should provide habitat for native wildlife, including birds and insects, and support the capacity for wildlife movement. The GreenWay would ensure the retention of a significant topographic feature of Country, protect culturally significant visual and walkable links across Country and between waterways, and allow for the integration of cultural interpretation material within the Greenway.

Trust models to implement First Peoples ownership and management of this cultural site should be considered during engagement and implemented where possible.

Any upgrades or construction of new roadways between Brooks Point Road and Wilton Road should be minimal to limit potential impacts on **Cultural Site N: Ridgeline Movement Corridor**. Any road construction or upgrade must maintain the walkability and visual coherence of the movement corridor. Any road construction crossing the ridgeline that

would involve significant changes to the existing topography levels (i.e. cutting into the ridgeline) would require a land bridge to ensure the integrity, connectivity and sight lines of Cultural Site N are maintained. Any road construction crossing the ridgeline on the far northern end, where no significant change in existing topography levels would be required, should be designed for minimal impact ensuring maintenance of the existing topography levels and detailed design to support connectivity along Cultural Site N and maintain walkability and visual coherence of the cultural site.



Image 18: Looking north along the Ridgeline Movement Corridor.

The GreenWay should be developed to reflect Country through a First Peoples co-design process to integrate:

- Prioritisation of retention of existing native vegetation (recognising there may be locations where it is impractical for safety reasons).
- Culturally appropriate revegetation with local plant species.
- Design of pathways and cycleways with naturalistic lines (except where impractical for safety reasons).
- Local natural construction materials.
- Culturally appropriate motifs and artwork.
- Cultural values interpretation materials.
- Cultural gathering places.
- Potential for cultural tourism.
- Naming in local First Peoples language.

See Recommended Actions 15, 17, 18, 19, 20, 23, 25, 26, 27, 28, 29, 30, 34.



### 6.15 Cultural Place O: Movement Corridor (Illawarra to Hawkesbury)



Figure 26: Movement Corridor (Illawarra to Hawkesbury) (dashed orange line).

**Discussion:** The indicative location of a culturally significant movement corridor linking First Peoples from the Illawarra coast through the Cumberland Plains north to the Hawkesbury River. The Appin Road runs broadly along this movement corridor.

**Impact:** No. This cultural site is partially located within the Proponent's land holdings but outside the Appin (part) Precinct currently under consideration.

**Recommended Actions:** Although this cultural site lies outside the project area there is potential to reflect its presence and the patterns of movement across Country that it represents in design and interpretation.

See Recommended Action 27 and 28.

## 6.16 Cultural Site P: Movement Corridor Cataract River to Georges River

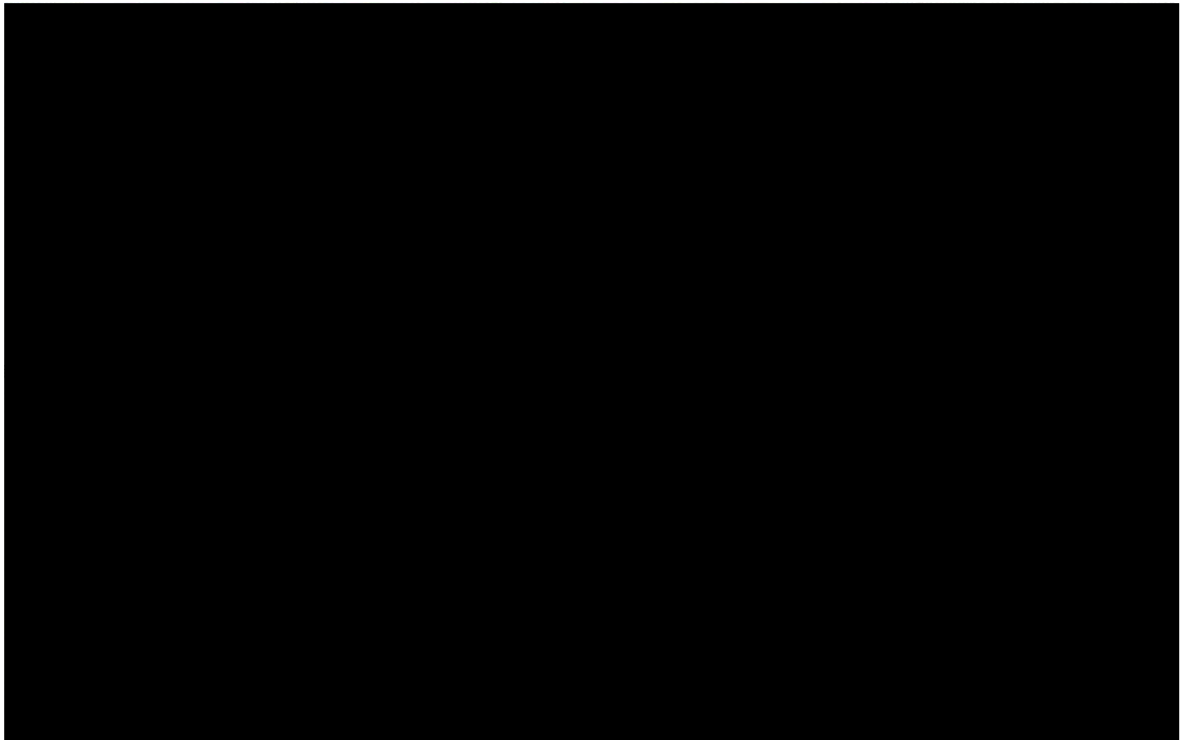


Figure 27: Movement Corridor Cataract River to Georges River (dashed orange line).

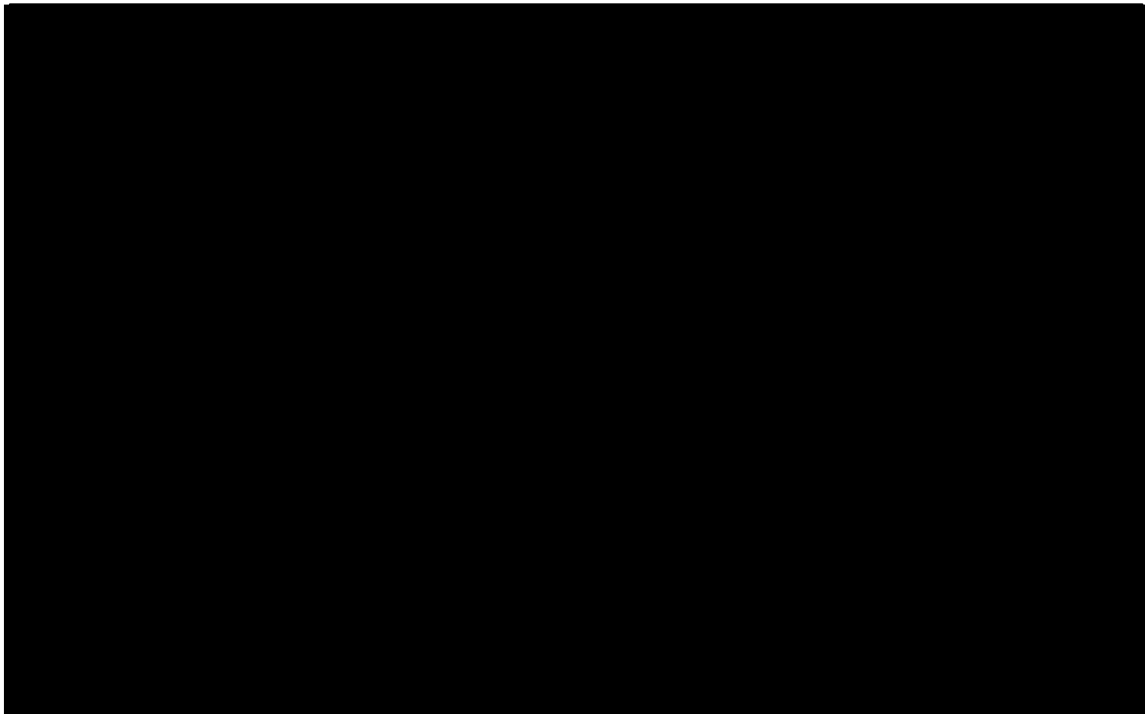
**Discussion:** The indicative location of a local movement corridor running from **Cultural Site C: Georges River** to **Cultural Site B: Cataract River** and linking to specific cultural sites on that river. This indicative movement corridor was identified through GMAC.

**Impact:** No. This cultural site is not located within the Proponent's land holdings.

**Recommended Actions:** Maintain visual line of sight along **Cultural Site P: Movement Corridor Cataract River to Georges River** from **Cultural Site N: Ridgeline Movement Corridor**.

See Recommended Actions 16.

### 6.17 Cultural Site Q: King's Falls Cultural Area



**Discussion:** An indicative location for a culturally significant area associated with **Cultural Place O: Movement Corridor (Illawarra to Hawkesbury)**.

**Impact:** No. This cultural site is not located within the Proponent's land holdings.

### 6.18 Cultural Site R: Georges River Cultural Area

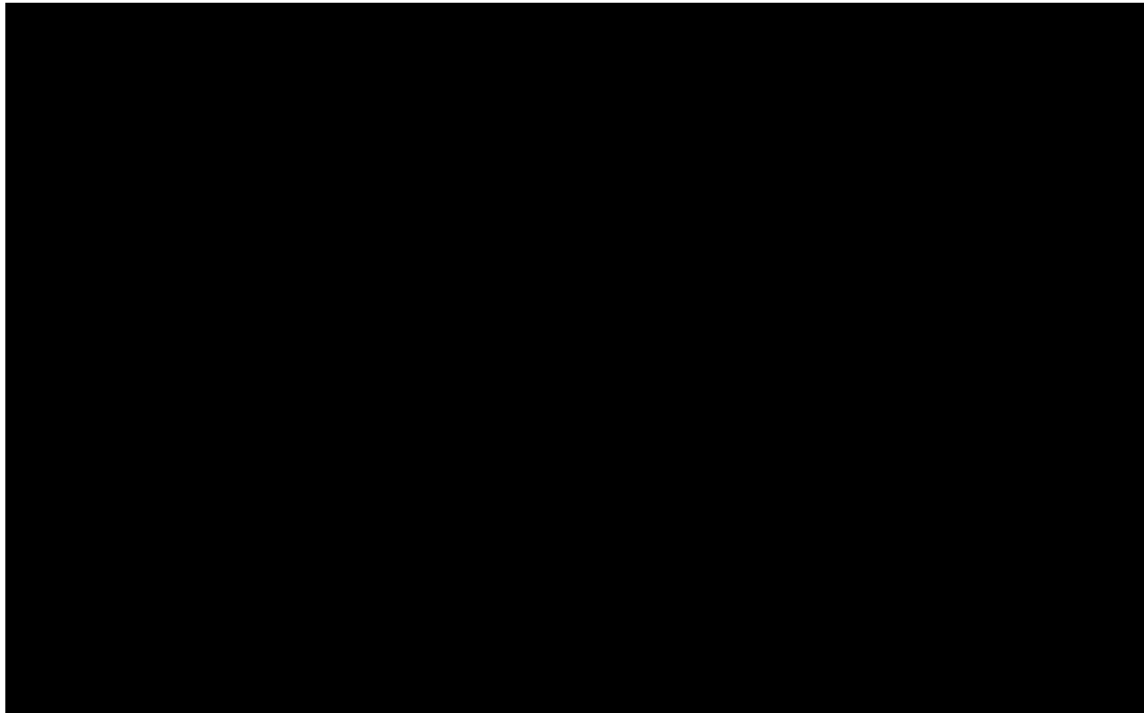


Figure 29: Georges River Cultural Area (shaded yellow).

**Discussion:** An indicative location for a culturally significant area located on the Georges River and identified through GMAC. It is associated with **Cultural Site P: Movement Corridor Cataract River to Georges River** and **Cultural Site I: Broughton & Jordans Pass Cultural Area**.

**Impact:** No. This cultural site is not located within the Proponent's land holdings.



### 6.19 Cultural Site S: Georges River Headwaters

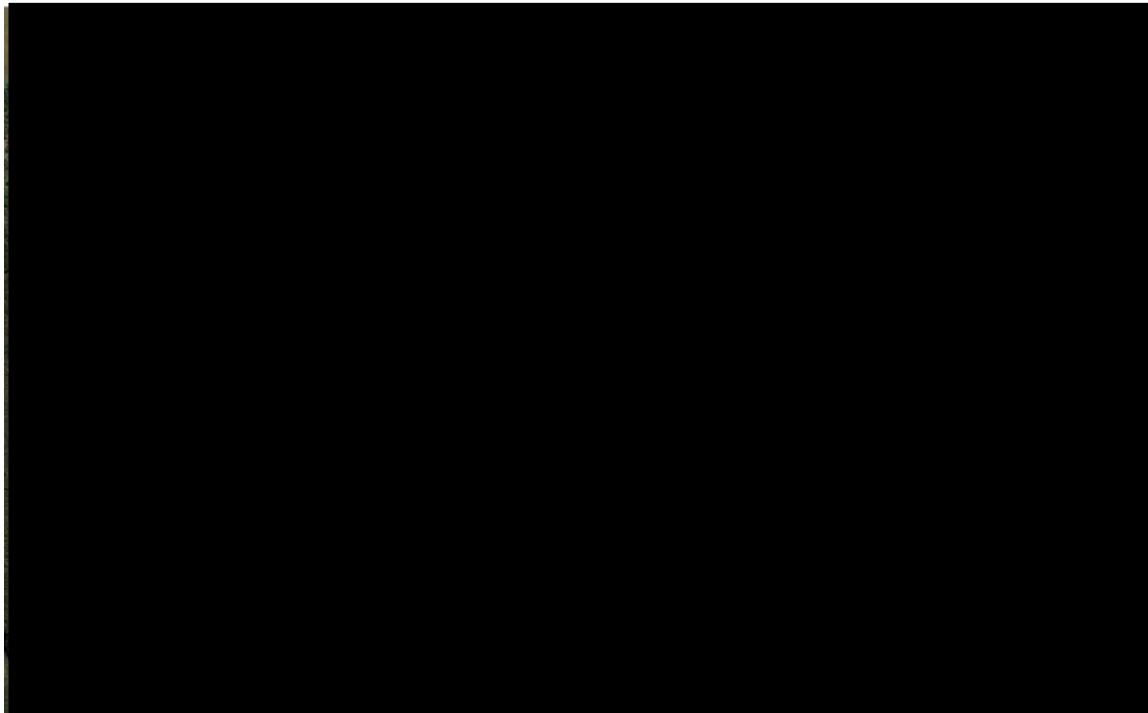


Figure 30: Georges River Headwaters (shaded yellow).

**Discussion:** The headwaters of the Georges River hold cultural significance for their association with Dreaming stories and the creation of Country. This area was identified through GMAC.

**Impact:** No. This cultural site is not located within the Proponent's land holdings.

## 7 Overview of Findings and Recommended Actions

The Country that the study area sits within is a rich cultural landscape that includes significant resource areas, waterways, Story sites, Dreaming tracks, ceremonial grounds, corroboree grounds, burial places, movement corridors, and traditional and historical living places. The study area also holds substantial historical significance and cultural sensitivity as the location of the Appin massacre of 1816, a defining event in the shared history of dispossession and colonisation of First Peoples and their Countries that shaped Australia as a nation.

Within the study area nineteen locationally specific sites of intangible cultural value have been mapped. Of the nineteen cultural sites, one is located fully and ten partially within the Proponent's land holdings (Figure 10). A range of overarching and site-specific actions have been recommended for implementation; these are designed to safeguard, record and respect cultural heritage values and implement the Framework principles to support the health and wellbeing of Country.

Table 4 details the forty-one recommended actions to safeguard the cultural heritage values detailed in Section 6 and to meet the ten *Connecting with Country* undertakings identified in Section 3.3.

Table 4 sets out the Proponent (Walker Corporations) responses and commitments to the forty-one recommended actions.

Table 4: Recommended Actions

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
	<b>Construction</b>				
1	An Aboriginal cultural heritage awareness training package must be delivered as part of the site induction for all contractor(s) and maintenance personnel involved in construction works in the Project. The training package should at a minimum ensure awareness of the cultural significance of the project area, the requirements of the AHMP and relevant statutory responsibilities, and the identification of unexpected heritage items and appropriate management procedures.	The package must be specific to the Country that the project is located within and be developed by a cultural heritage specialist in consultation with First Peoples.	Cultural knowledge holders, cultural knowledge advisors, and RAPs.	First Peoples cultural heritage safeguard & Aim(s) 4.	Pre - construction
2	An Aboriginal Heritage Management Plan (AHMP) should be prepared and implemented as part of the Construction Environmental Management Plan (CEMP). The AHMP should provide specific guidance on measures and controls to be undertaken to avoid and mitigate impacts on Aboriginal cultural heritage during construction. This should include protection measures to be applied during construction, including but not limited to the recommendations set out in this table, as well as contractor training in Country specific cultural heritage awareness and management of Aboriginal heritage values.	Ensure AHMP is developed for all release areas.	Cultural knowledge holders, cultural knowledge advisors, and RAPs.	First Peoples cultural heritage safeguard & Aim(s) 3, 4, 5, 6, 8, 9, 10.	Pre - construction
3	If there is a confirmed discovery of archaeological First Peoples remains consultation must occur with the Knowledge Holders, Cultural Advisors and RAPs in relation to: the development of a Management Plan for proposed works in the relevant area; cultural ceremonies in relation to the human remains and the site of their occurrence; and repatriation of the human remains.	Ensure recommendation is reflected in Unexpected Finds Protocol for Project.	Cultural knowledge holders, cultural knowledge advisors, and RAPs.	First Peoples cultural heritage safeguard & Aim 6.	During construction

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
	<i>Site Specific</i>				
4	Provision within management plans for access to conservation lands and funding to support reburial of ancestral remains of individuals who were killed during the Appin massacre (if considered appropriate by First Peoples).	<p>Inclusion into DCP.</p> <p>Requires direction by First Peoples.</p> <p>Must meet legislative requirements including assessment of location and process.</p>	Cultural knowledge holders, cultural knowledge advisors, and RAPs, and community representatives	First Peoples cultural heritage safeguard & Aim(s) 6, 8, 10.	N/A
5	<b>Cultural Site A: Nepean River, Cultural Site B: Cataract River, Cultural Site D: Elladale and Simpsons Creeks, Cultural Site E: Ousedale and Mallaty Creeks</b> and associated riparian corridors to be rehabilitated and revegetated as needed. Revegetation to occur with local plant species, in particular endemic species. Where present existing native vegetation should be prioritised for retention. Local plant species utilised for cultural activities should be incorporated in revegetation.	<p>Inclusion into DCP.</p> <p>Where the Proponent transfers lands to government agencies the responsibility for implementing these recommended actions must also be transferred.</p> <p>Ensure use of culturally appropriate and valued species within riparian corridors through engagement with First Peoples.</p> <p>Prioritise appropriately qualified First Peoples companies for rehabilitation and revegetation works and supply of plant stock.</p>	Cultural knowledge holders, cultural knowledge advisors.	First Peoples cultural heritage safeguard & Aim(s) 5, 6, 8.	Pre and during construction



No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
6	<b>Cultural Site F: Gathering Place</b> should only be developed as open passive and active green space supporting recreation and residents and community gatherings. Co-design should occur throughout the site to ensure that it reflects and respects the cultural values of Country.	<p>Inclusion into DCP.</p> <p>Supported by a project wide formalised engagement process for collaboration with First Peoples.</p> <p>Co-design with First Peoples to ensure the inclusion of culturally appropriate:</p> <ul style="list-style-type: none"> <li>• landscape plantings.</li> <li>• motifs in elements such as footpaths and public spaces.</li> <li>• built design to reflect Country through use of culturally meaningful shapes, colours, and materials.</li> <li>• provision of cultural gathering spaces.</li> <li>• public artworks.</li> <li>• naming of streets and infrastructure in local First Peoples languages.</li> <li>• on-site interpretation materials.</li> </ul>	Cultural knowledge holders, cultural knowledge advisors, and RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim(s) 4, 5, 9.	Pre-construction
7	Design of open space, landscaping, pedestrian networks, streetscape, and interpretation within <b>Cultural Site G: Camping Place</b> requires a First Peoples co-design process to reflect and respect the cultural values of Country.	<p>Inclusion into DCP.</p> <p>Co-design process supported by a project wide formalised engagement process for collaboration with First Peoples.</p>	Cultural knowledge holders, cultural knowledge advisors, and RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim(s) 2, 3, 5, 9.	Pre-construction

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
		Note that the area of overlap with <b>Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place Appin Massacre</b> needs to be considered separately.			
8	<b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place</b> the area should only be developed as passive open green space through a First Peoples led co-design process.	<p>Inclusion into DCP.</p> <p>Trust model for First Peoples ownership and management of the site should be developed (see Action No: 33).</p> <p>Co-design process supported by a project wide formalised engagement process for collaboration with First Peoples to consider elements such as:</p> <ul style="list-style-type: none"> <li>• appropriateness of a memorial to the deceased individuals.</li> <li>• control of access to the site.</li> <li>• landscape plantings.</li> <li>• culturally appropriate motifs, artworks, and interpretation material.</li> </ul>	Cultural knowledge holders, cultural knowledge advisors, and RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim(s) 3, 4, 5, 9, 10.	Pre-construction
9	<p>No development should occur within <b>Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place</b>.</p> <ul style="list-style-type: none"> <li>• a visual line of sight be maintained between this site and <b>Cultural Site H: Rocky Ponds</b></li> </ul>	<p>Inclusion into DCP.</p> <p>Co-design process supported by a project wide formalised engagement process for collaboration with First Peoples</p>	Cultural knowledge holders, cultural knowledge advisors, and RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim(s) 2, 3, 4, 5, 9, 10.	Pre-construction

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
	<p><b>Creek Burials Sorry Place</b> and any dedicated Memorial Site at this location</p> <ul style="list-style-type: none"> <li>walkway(s) or green corridors (boulevards) be developed to link this site to the <b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place</b> and to any dedicated Memorial Site at this location</li> <li>that the walkway(s) incorporate through a co-design process culturally appropriate plantings, motifs, artworks, and interpretation materials.</li> </ul>	to consider location, culturally appropriate plantings, motifs, artworks, and interpretation materials.			
10	A visual line of site should be maintained between <b>Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place</b> and <b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place</b> .	Inclusion into DCP.		First Peoples cultural heritage safeguard & Aim(s) 2, 3.	Pre-construction
11	A walkable green corridor should be developed to link <b>Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place</b> with <b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place</b> and any dedicated Appin Massacre memorial site (see Action 34).	<p>Inclusion into DCP.</p> <p>Co-design process supported by a project wide formalised engagement process for collaboration with First Peoples to consider location, culturally appropriate plantings, motifs, artworks, and interpretation materials.</p>	Cultural knowledge holders, cultural knowledge advisors, and RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim(s) 2, 3, 5, 10.	Pre-construction
12	No development should occur within <b>Cultural Site K: McGees Hill Sorry Place</b> .	<p>Inclusion into DCP.</p> <p>It is recommended that interpretative materials should not specifically identify this location due to community</p>		First Peoples cultural heritage safeguard & Aim(s) 4.	Pre-construction

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
		<p>concerns regarding potential vandalism.</p> <p>It is noted that this site is not within Proponent's landholdings.</p>			
13	<b>Cultural Site L: High Sight-line Teaching Place</b> should be incorporated within the proposed GreenWay (see Action 14) and maintained as passive green space. The lines of sight to Razorback Ridge, the Blue Mountains, and the Illawarra escarpment to be maintained.	<p>Inclusion into DCP.</p> <p>Potential for development as a visual hub to allow for interpretation materials on:</p> <ul style="list-style-type: none"> <li>• cultural values of Country.</li> <li>• connections across Country to places of cultural significance from the coast to the Blue Mountains.</li> <li>• historical events and context of the Appin massacre.</li> <li>• legacy of the Appin massacre.</li> </ul>	Cultural knowledge holders, cultural knowledge advisors, and RAPs.	First Peoples cultural heritage safeguard & Aim(s) 2, 3, 4, 9, 10.	Pre-construction
14	<b>Cultural Site M: Travelling Camp</b> should be incorporated within the proposed GreenWay (see Action 15) and maintained as passive green space.	Inclusion into DCP.		First Peoples cultural heritage safeguard & Aim(s) 2, 3, 4.	Pre-construction
15	<b>Cultural Site N: Ridgeline Movement Corridor</b> should be developed as a GreenWay providing cycle and pedestrian pathways. The GreenWay to be linked to Cultural Sites, including waterways, through walkable green corridors.	<p>Inclusion into DCP.</p> <p>The GreenWay should be developed to reflect Country through a First Peoples co-design process to integrate:</p>	Cultural knowledge holders, cultural knowledge advisors, and RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim(s) 2, 3, 4, 5, 9, 10.	Pre and during construction

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
	<p>Landscape planting within the GreenWay should provide habitat for native wildlife, including birds and insects, and support the capacity for wildlife movement.</p> <p>Any upgrades or construction of new roadways between Brooks Point Road and Wilton Road should be minimal to limit potential impacts on <b>Cultural Site N: Ridgeline Movement Corridor</b>. Any road construction or upgrade must maintain the walkability and visual coherence of the movement corridor.</p> <p>Any road construction crossing the ridgeline that would involve significant changes to the existing topography levels (i.e. cutting into the ridgeline) would require a land bridge to ensure the integrity, connectivity and sight lines of Cultural Site N are maintained.</p> <p>Any road construction crossing the ridgeline on the far northern end, where no significant change in existing topography levels would be required, should be designed for minimal impact ensuring maintenance of the existing topography levels and detailed design to support connectivity along Cultural Site N and maintain walkability and visual coherence of the cultural site.</p>	<ul style="list-style-type: none"> <li>• prioritisation of retention of existing native vegetation (recognising there may be locations where it is impractical for safety reasons).</li> <li>• culturally appropriate revegetation with local plant species.</li> <li>• design of pathways and cycleways with naturalistic lines.</li> <li>• local natural construction materials.</li> <li>• culturally appropriate motifs and artwork.</li> <li>• cultural values interpretation materials.</li> <li>• potential for cultural tourism.</li> <li>• naming in local First Peoples language.</li> </ul>			
16	Maintain visual line of sight along <b>Cultural Site P: Movement Corridor to Georges River</b> from <b>Cultural Site N: Ridgeline Movement Corridor</b> to Georges River.	Inclusion in DCP.		First Peoples cultural heritage safeguard & Aim(s) 3.	Pre-construction



No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
	<b>Structure and Master Planning</b>				
17	Ensure that master planning works with and respects the topography of Country.	Inclusion in DCP.	Cultural knowledge holders, cultural knowledge advisors.	Aim 1.	Pre-construction
18	Enhance walkability between key areas of Country through walking trails, green boulevards, and vegetation corridors.	Inclusion in DCP.  Ongoing consultation with First Peoples.	Cultural knowledge holders, cultural knowledge advisors.	Aim(s) 2, 3.	Pre-construction
19	Identify and protect view corridors to maintain cultural lines of sight across Country.	Inclusion in DCP.  See Action 10 and 16.	Cultural knowledge holders, cultural knowledge advisors.	Aim(s) 2, 3.	Pre-construction
20	Ensure visual and walkable green space connections between Cultural Sites.	Inclusion in DCP.  Walkability must be maintained between: <b>Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place;</b> <b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place;</b> <b>Cultural Site K: McGees Hill (Sorry Place); Cultural Site I: Broughton &amp; Jordans Pass Cultural Area.</b>  Ongoing consultation with First Peoples in relation to extent of identification and interpretation of cultural values along walking trails.  It is noted that only Cultural Site J and Cultural Site H are located within Proponent's lands; master	Cultural knowledge holders, cultural knowledge advisors, RAPs, and community representatives.	First Peoples cultural heritage safeguard Aim(s) 2, 3, 9, 10.	Pre-construction

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
		planning should ensure that Cultural Site J and Cultural Site H are linked through walkable green space connections and that both are linked to Cultural Site N: Ridgeline Movement Corridor to facilitate subsequent links to Cultural Site K and Cultural Site I.			
	<b><i>Green and Blue Grid</i></b>				
21	Undertake rehabilitation and revegetation of all waterways and riparian corridors. Revegetation to occur with local plant species, in particular endemic species. Where present existing native vegetation should be prioritised for retention. Local plant species utilised for cultural activities should be incorporated in revegetation.	<p>Inclusion in DCP.</p> <p>Where the Proponent transfers lands to government agencies the responsibility for implementing these recommended actions must also be transferred.</p> <p>Ensure use of culturally appropriate and valued species within riparian corridors through engagement with First Peoples.</p>	Cultural knowledge holders, cultural knowledge advisors.	First Peoples cultural heritage safeguard & Aim(s) 5, 6, 8.	Pre and during construction
22	Facilitate access to waterways for First Peoples to support cultural practice and connection through detailed design in urban areas and by embedding access to conservation lands in management models.	<p>Inclusion in DCP.</p> <p>Plans of management for waterways and riparian corridors within conservation lands should provide for access to Country for cultural practice and for First</p>	Cultural knowledge holders, cultural knowledge advisors, RAPs, and community representatives.	Aim(s) 6, 8.	Pre and post construction

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
		Peoples led caring for Country programs.			
23	Ensure adequate green corridors for movement of fauna through conservation areas recognising that native animals are part of Country and hold cultural value.	Inclusion in DCP.  Ensure input from biodiversity specialist on location and design of green corridors.	Cultural knowledge holders, cultural knowledge advisors.	Aim(s) 5.	Pre construction
24	Ensure that landscape design and planting across the project: <ul style="list-style-type: none"> <li>• prioritises retention of existing native vegetation.</li> <li>• integrates local plant species, in particular endemic species.</li> <li>• plans for substantiable plant communities.</li> <li>• highlights plants utilised by First Peoples for foods, medicines, and resources.</li> <li>• incorporates plant species that will support cultural practices on Country.</li> </ul>	Inclusion in DCP.  Identify key plant species of cultural value through research and engagement with First Peoples.  Ensure use of culturally appropriate and valued species within identified Cultural Sites and linking green corridors through engagement with First Peoples.  Develop management strategies for any identified culturally significant plant populations in consultation with First Peoples.	Cultural knowledge holders, cultural knowledge advisors.	Aim(s) 5, 6, 8.	Pre and post construction
	<b><i>Design and Interpretation</i></b>				
25	Within all identified Cultural Sites detailed design must be undertaken through a co-design process with First Peoples.	Inclusion in DCP.	Cultural knowledge holders, cultural knowledge advisors,	First Peoples cultural heritage safeguard & Aim(s) 4, 5, 8, 9.	Pre construction

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
		Supported through a project wide formalised engagement process for collaboration with First Peoples.	RAPs, and community representatives.		
26	Ensure the inclusion of formal and informal gathering space(s) that are culturally welcoming and support everyday use and community events for First Peoples within each land release area.	Requires guidance by First Peoples to ensure gathering spaces are culturally welcoming and appropriately located and managed.  Supported through a project wide formalised engagement process for collaboration with First Peoples.	Cultural knowledge holders, cultural knowledge advisors, RAPs, and community representatives.	Aim(s) 6, 8.	Pre construction
27	Development of a project wide Cultural Landscape Interpretation Strategy to provide high level guidance for production of detailed interpretation strategies for each release area. Strategy will outline: Historical and cultural themes to be addressed, green connectivity network location and design, interpretation development principles.	Inclusion in DCP.  Developed in collaboratively with cultural knowledge holders and cultural knowledge advisors.	Cultural knowledge holders, cultural knowledge advisors.	First Peoples cultural heritage safeguard & Aim(s) 9, 10.	Pre construction
28	Development of interpretation strategies for each release area, guided by the Cultural Landscape Interpretation Strategy, to amplify the Stories of Country, First Peoples, and the shared histories of Appin through digital platforms, interpretative signage, walking trails, and public art.	Inclusion in DCP.  Supported through a project wide formalised engagement process for collaboration with First Peoples.	Cultural knowledge holders, cultural knowledge advisors, RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim(s) 9, 10.	Pre and during construction
29	Use local First Peoples language in the naming of infrastructure including parks, buildings, and streets,	Inclusion in DCP. Noting that nominated names must be	Cultural knowledge holders, cultural knowledge advisors,	First Peoples cultural heritage safeguard & Aim 9.	Pre and during construction

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
	and applied within design and interpretative elements.	<p>approved by the Geographic Names Board.</p> <p>Initial identification of culturally appropriate language names should be led by First Peoples Knowledge Holders and Cultural Advisors.</p> <p>Confirmation of chosen language names should occur through a project wide formalised engagement process with First Peoples.</p>	RAPs, and community representatives.		
30	Incorporate First Peoples art and design in public spaces. Requires First Peoples engagement in design and placement to ensure cultural appropriateness.	<p>Inclusion in DCP.</p> <p>Supported through a project wide formalised engagement process for collaboration with First Peoples.</p>	Cultural knowledge holders, cultural knowledge advisors, RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim 9.	Pre and during construction
31	<p>Develop interpretation nodes as opportunities for embedding materials that:</p> <ul style="list-style-type: none"> <li>tell the Stories, values, and history of Country.</li> <li>educate residents and visitors to engage appropriately with Country.</li> <li>develop a sense of custodianship of Country for residents.</li> </ul>	Potential locations include <b>Cultural Site L: High Sight-Line Teaching Place</b> for sharing an understanding of Country and the Teston Farm complex as an opportunity to tell shared history stories.	Cultural knowledge holders, cultural knowledge advisors, RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim 9.	Pre and during construction
	<b>Managing Country</b>				
32	Support the establishment and funding of First Peoples led caring for Country programs on conservation lands.	Requires support of relevant state government agencies.	Cultural knowledge holders, cultural knowledge advisors,	First Peoples cultural heritage safeguard & Aim(s) 6, 7, 8.	N/A



No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
			RAPs, and community representatives.		
33	Explore potential to embed First Peoples co-management on all conservation lands to support caring for Country.	Requires support of relevant state government agencies.	Cultural knowledge holders, cultural knowledge advisors, RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim(s) 6, 7, 8.	N/A
34	Consider Trust models for First Peoples management and/or ownership of key Cultural Sites in particular: <ul style="list-style-type: none"> <li><b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place.</b></li> <li><b>Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place.</b></li> <li><b>Cultural Site N: Ridgeline Movement Corridor.</b></li> </ul>	Consideration of potential partnerships with local and state government, Aboriginal community organisations and Local Aboriginal Land Councils. It is noted that Proponent's current land holdings only partially encompass each of these Cultural Sites.	Cultural knowledge holders, cultural knowledge advisors, RAPs, and community representatives.	First Peoples cultural heritage safeguard & Aim(s) 6, 7, 8.	N/A
	<b><i>Social Infrastructure</i></b>				
35	Provision of land and funding for design, construction, and maintenance of a First Peoples Cultural Centre to provide community cultural activities and educational programs (if considered appropriate by First Peoples stakeholders).	<p>Inclusion in DCP.</p> <p>Co-design of location and facility to occur through formalised engagement process with First Peoples.</p> <p>Consideration to be given to:</p> <ul style="list-style-type: none"> <li>a Trust model for ownership and management</li> <li>a contributions plan if/where appropriate</li> <li>potential partnerships with local and state government, Aboriginal community</li> </ul>	Cultural knowledge holders, cultural knowledge advisors, RAPs, and community representatives.	Aim(s) 6, 7, 8 9, 10.	Start pre-construction

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
		organisations and Local Aboriginal Land Councils.			
36	Provision of land and funding for design, construction, and maintenance of an Appin Memorial Place. Potential inclusions: <ul style="list-style-type: none"> <li>• natural amphitheatre with seating.</li> <li>• cultural dance area.</li> <li>• open area for community stalls.</li> <li>• parking and amenities.</li> <li>• interpretation materials including signage and sculpture.</li> <li>• circular memorial garden and memorial cairn.</li> <li>• development of a commemorative trail.</li> </ul>	Inclusion in DCP.  Co-design of location and facility supported through formalised engagement process with First Peoples.  Consideration to be given to: <ul style="list-style-type: none"> <li>• a Trust model for ownership and management</li> <li>• a contributions plan if/where appropriate</li> <li>• potential partnerships with local and state government, Aboriginal community organisations and Local Aboriginal Land Councils.</li> </ul>	Cultural knowledge holders, cultural knowledge advisors, RAPs, and community representatives.	Aim(s) 6, 7, 9, 10.	Start pre-construction
37	Commitment to a percentage of affordable culturally responsive housing within each neighbourhood.	Inclusion in DCP.  Culturally responsive housing should consider intergenerational living requirements.  Affordability requires development of social access models (e.g. rent to buy).	Discussion of this commitment should be considerate of the fact that some First Peoples may not wish to reside within this area given its association with trauma.	Aim 7.	N/A

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
	<b><i>Economic Opportunities</i></b>				
38	Develop and implement a project wide First Peoples Participation Strategy that includes: <ul style="list-style-type: none"> <li>procurement and employment participation requirements for works packages in the construction and operational phases.</li> <li>incentives for partner builders to develop or expand First Peoples apprenticeship and traineeship schemes.</li> <li>employment targets in maintenance and retail locations.</li> <li>requirements for First Peoples owned enterprises opportunities in retail locations.</li> </ul>	Implementation by Proponent in all release areas.		Aim 7.	Pre-construction
39	Develop and implement a First Peoples Participation Strategy for Proponent that includes a First Peoples internship program and employment targets across divisions.			Aim 7.	TBA
	<b><i>Educational Opportunities</i></b>				
40	Establish scholarships at regional schools to support First Peoples students.	Implementation by Proponent.  Consideration of potential partnerships with local and state government, Aboriginal community organisations and Local Aboriginal Land Councils.		Aim 7.	TBA
41	Establish scholarships at TAFE and tertiary institutions at undergraduate degree level to support	Implementation by Proponent.		Aim 7.	TBA

No.	Recommended Action	Implementation Considerations	Engagement	Aim	Timeline
	First Peoples students in fields such as environmental science, architecture, urban planning, and engineering.	Consideration of potential partnerships with local and state government, Aboriginal community organisations and Local Aboriginal Land Councils.			

## 7.1 Proponent Response to Recommended Actions

The forty-one recommended actions were provided to the Proponent (Walker Corporation) to allow their response to be included in the draft and this final report in the interests of transparency and of ensuring that First Peoples cultural advisors and community were provided with as much information as possible.

The Proponent's (Walker Corporation) responses to the recommendations (Table 3) are set out in Table 4 below.

Table 5: Proponent Responses to Recommended Actions and Commitments

No.	Recommended Action	Walker Corporation Response and Commitments
	<b>Construction</b>	
1	An Aboriginal cultural heritage awareness training package must be delivered as part of the site induction for all contractor(s) and maintenance personnel involved in construction works in the Project. The training package should at a minimum ensure awareness of the cultural significance of the project area, the requirements of the AHMP and relevant statutory responsibilities, and the identification of unexpected heritage items and appropriate management procedures.	Walker Corporation:  <i>"The proponent proposes that all contractor(s) and maintenance personnel involved in construction works on the Appin (Part) Precinct also be inducted through a training package on the cultural values of the site to ensure broader awareness of the cultural significance of the project area."</i>  <i>Produced in consultation with a First Nations Reference Group."</i>
2	An Aboriginal Heritage Management Plan (AHMP) should be prepared and implemented as part of the Construction Environmental Management Plan (CEMP). The AHMP should provide specific guidance on measures and controls to be undertaken to avoid and mitigate impacts on Aboriginal cultural heritage during construction. This should include protection measures to be applied during construction, including but not limited to the recommendations set out in this table, as well as contractor training in Country specific cultural heritage awareness and management of Aboriginal heritage values.	Walker Corporation:  <i>"The AHMP will be part of a broader CEMP, and a condition of any subsequent development application."</i>  <i>Produced in consultation with a First Nations Reference Group."</i>
3	If there is a confirmed discovery of archaeological First Peoples remains consultation must occur with the Knowledge Holders, Cultural Advisors and RAPS in relation to: the development of a Management Plan for proposed works in the relevant area; cultural ceremonies in relation to the human remains and the site of their occurrence; and repatriation of the human remains.	Walker Corporation:  <i>"The AHMP and CEMP will include an "Unexpected Finds Protocols" specifically for any potential ancestral First Peoples remains."</i>
	<b>Site Specific</b>	



No.	Recommended Action	Walker Corporation Response and Commitments
4	Provision within management plans for access to conservation lands and funding to support reburial of ancestral remains of individuals who were killed during the Appin massacre (if considered appropriate by First Peoples).	<p>Walker Corporation:</p> <p><i>"The DCP will include provisions and be lodged with the relevant authority.</i></p> <p><i>Conservation Lands ultimately will be required to be transferred to a NSW Government agency with ongoing responsibilities for implementing these recommended actions."</i></p>
5	<b>Cultural Site A: Nepean River, Cultural Site B: Cataract River, Cultural Site D: Elladale and Simpsons Creeks, Cultural Site E: Ousedale and Mallaty Creeks</b> and associated riparian corridors to be rehabilitated and revegetated as needed. Revegetation to occur with local plant species, in particular endemic species. Where present existing native vegetation should be prioritised for retention. Local plant species utilised for cultural activities should be incorporated in revegetation.	<p>Walker Corporation:</p> <p><i>"The DCP will include provisions and be lodged with the relevant authority.</i></p> <p><i>A significant area of these identified Cultural Sites are incorporated, in whole or part, into the NSW Government Cumberland Plain Conservation Plan, which ultimately will be transferred in ownership and ongoing management to the NSW Government.</i></p> <p><i>Where required, the proponent will work with the First Nations Reference Group to produce Vegetation Management Plans (VMP) where required to support proposed development activities.</i></p> <p><i>The VMP's will be lodged with the relevant authority."</i></p>
6	<b>Cultural Site F: Gathering Place</b> should only be developed as open passive and active green space supporting recreation and residents and community gatherings. Co-design should occur throughout the site to ensure that it reflects and respects the cultural values of Country.	<p>Walker Corporation:</p> <p><i>"Cultural Site F is proposed for a portion (west of Transmission lines) to be developed as a Regional Park with adjoining residential and community land uses. The rezoning plans and supporting Draft DCP will include suggested active and passive open space provisions and associated infrastructure that supports the role of sport in enhancing community connections.</i></p> <p><i>The proponent will work with a First Nations Reference Group to define the Co-Design process for this open space, including the production of a Design Brief.</i></p> <p><i>The dedication, embellishment and management of local, district or regional open space will be defined in the relevant VPA."</i></p>
7	Design of open space, landscaping, pedestrian networks, streetscape, and interpretation within <b>Cultural Site G: Camping Place</b> requires a First Peoples co-design process to reflect and respect the cultural values of Country.	<p>Walker Corporation:</p> <p><i>"The proponent will work with a First Nations Reference Group to assist in defining the Co-Design process for this open space, and adjacent residential and community lands subdivision including the production of a Design Brief.</i></p>

No.	Recommended Action	Walker Corporation Response and Commitments
		<i>The dedication, embellishment and management of open space will be defined in the relevant VPA."</i>
8	<b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place</b> the area should only be developed as passive open green space through a First Peoples led co-design process.	<p>Walker Corporation:</p> <p><i>"The proponent will work with a First Nations Reference Group to assist in defining the Co-Design process for this open space, and adjacent residential and community lands subdivision including the production of a Design Brief.</i></p> <p><i>The dedication, embellishment and management of local, district or regional open space will be defined in the appropriate VPA."</i></p>
9	<p>No development should occur within <b>Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place.</b></p> <ul style="list-style-type: none"> <li>a visual line of sight be maintained between this site and <b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place</b> and any dedicated Memorial Site at this location</li> <li>walkway(s) or green corridors (boulevards) be developed to link this site to the <b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place</b> and to any dedicated Memorial Site at this location</li> <li>that the walkway(s) incorporate through a co-design process culturally appropriate plantings, motifs, artworks, and interpretation materials.</li> </ul>	<p>Walker Corporation:</p> <p><i>'The DCP, Structure Plan and associated zoning plans define proposed development and conservation lands adjacent to and including Cultural Site J. The DCP will nominate important sight lines to be reflected in the proposed development. The proponent will work with a First Nations Reference Group to Co-Design the movement corridors.</i></p> <p><i>Cultural Site J is proposed to be incorporated, in part, into the NSW Government Cumberland Plain Conservation Plan, which ultimately will be transferred in ownership and ongoing management to the NSW Government."</i></p>
10	A visual line of site should be maintained between <b>Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place</b> and <b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place.</b>	<p>Walker Corporation:</p> <p><i>"The DCP will identify important sight lines to be reflected in the proposed development."</i></p>
11	A walkable green corridor should be developed to link <b>Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place</b> with <b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place</b> and any dedicated Appin Massacre memorial site (see Action 34).	<p>Walker Corporation:</p> <p><i>"The DCP will identify important green corridors and associated cycle and pedestrian walkways to be reflected in the proposed development."</i></p>
12	No development should occur within <b>Cultural Site K: McGees Hill Sorry Place.</b>	<p>Walker Corporation:</p> <p><i>"The heritage listed site directly adjoins the Proponents land.</i></p> <p><i>The proponent will work with a First Nations Reference Group to develop a Design Brief for open space,</i></p>

No.	Recommended Action	Walker Corporation Response and Commitments
		<i>adjacent residential and community lands subdivision immediately adjoining Cultural Site K."</i>
13	<b>Cultural Site L: High Sight-line Teaching Place</b> should be incorporated within the proposed GreenWay (see Action 14) and maintained as passive green space. The lines of sight to Razorback Ridge, the Blue Mountains, and the Illawarra escarpment to be maintained.	Walker Corporation:  <i>"Cultural Site L is planned to be incorporated into the proposed public open space network.</i>  <i>The proponent will work with a First Nations Reference Group to assist in defining the open space, and adjacent residential and community lands subdivision.</i>  <i>The proponent will work with a First Nations Reference Group to develop a Design Brief for Cultural Site L."</i>
14	<b>Cultural Site M: Travelling Camp</b> should be incorporated within the proposed GreenWay (see Action 15) and maintained as passive green space.	Walker Corporation:  <i>"Cultural Site M is planned to be incorporated into the proposed public open space network. The proponent will work with a First Nations Reference Group to assist in defining the open space, and adjacent residential and community lands subdivision.</i>  <i>The proponent will work with a First Nations Reference Group to develop a Design Brief for Cultural Site M."</i>
15	<b>Cultural Site N: Ridgeline Movement Corridor</b> should be developed as a GreenWay providing cycle and pedestrian pathways. The GreenWay to be linked to Cultural Sites, including waterways, through walkable green corridors.  Landscape planting within the GreenWay should provide habitat for native wildlife, including birds and insects, and support the capacity for wildlife movement.  Any upgrades or construction of new roadways between Brooks Point Road and Wilton Road should be minimal to limit potential impacts on <b>Cultural Site N: Ridgeline Movement Corridor</b> . Any road construction or upgrade must maintain the walkability and visual coherence of the movement corridor.  Any road construction crossing the ridgeline that would involve significant changes to the existing topography levels (i.e. cutting into the ridgeline) would require a land bridge to ensure the integrity, connectivity and sight lines of Cultural Site N are maintained.	Walker Corporation:  <i>"Cultural Site N is planned to be incorporated into the proposed public open space network. The proponent will work with a First Nations Reference Group to assist in defining the open space, and adjacent residential and community lands subdivision.</i>  <i>The Proponent will maintain the Cultural Site N: Ridgeline Corridor and Cultural Trail connection from the Ridge to Cultural Site F: Gathering Place.</i>  <i>It is envisaged that the collector road proposed to link Wilton Road and Brooks Point Road is relocated to avert any requirement for land bridge.</i>  <i>A Land Bridge as suggested for cultural and recreational access, would require extensive earthworks and would result in significant impact on adjoining lands. The resultant tunnel will also be a safety risk for pedestrians on the street.</i>  <i>It is suggested that a consistent pedestrian access can be achieved with a lightweight pedestrian and cycle bridge structure over the cut in a safe alignment.</i>  <i>The overall experience will be consistent with a cultural trail with the pedestrian bridge providing an opportunity for public art and/or co-design.</i>

No.	Recommended Action	Walker Corporation Response and Commitments
	Any road construction crossing the ridgeline on the far northern end, where no significant change in existing topography levels would be required, should be designed for minimal impact ensuring maintenance of the existing topography levels and detailed design to support connectivity along Cultural Site N and maintain walkability and visual coherence of the cultural site.	<p><i>Alternative and linking on grade pedestrian and cycle connections will link to the walkway and bridge.</i></p> <p><i>The proponent will work with a First Nations Reference Group to develop a design brief for Cultural Site N."</i></p>
16	Maintain visual line of sight along <b>Cultural Site P: Movement Corridor to Georges River</b> from <b>Cultural Site N: Ridgeline Movement Corridor</b> to Georges River.	<p>Walker Corporation:</p> <p><i>"The DCP will identify key sight lines including this corridor."</i></p>
	<b>Structure and Master Planning</b>	
17	Ensure that master planning works with and respects the topography of Country.	<p>Walker Corporation:</p> <p><i>"The proponent will incorporate into DCP however in some instances, to meet Council engineering standards, and to design for safe and practical community access, and construction, additional bulk earthworks will be required."</i></p>
18	Enhance walkability between key areas of Country through walking trails, green boulevards, and vegetation corridors.	<p>Walker Corporation:</p> <p><i>"The DCP will identify key movement corridors."</i></p>
19	Identify and protect view corridors to maintain cultural lines of sight across Country.	<p>Walker Corporation:</p> <p><i>"The DCP will identify key sight lines."</i></p>
20	Ensure visual and walkable green space connections between Cultural Sites.	<p>Walker Corporation:</p> <p><i>"The DCP will identify key movement corridors."</i></p> <p><i>The proponent will work with the First Nations Reference Group to assist in defining the Design Briefs for the movement corridors between Cultural Sites."</i></p>
	<b>Green and Blue Grid</b>	
21	Undertake rehabilitation and revegetation of all waterways and riparian corridors. Revegetation to occur with local plant species, in particular endemic species. Where present existing native vegetation should be prioritised for retention. Local plant species utilised for cultural activities should be incorporated in revegetation.	<p>Walker Corporation:</p> <p><i>"The DCP will include suggested provisions for the rehabilitation and revegetation of the Blue-Green Grid across the precinct for endorsement by DPE."</i></p> <p><i>The proponent will work with a First Nations Reference Group to assist in producing Vegetation Management Plans where required to support proposed development activities."</i></p>

No.	Recommended Action	Walker Corporation Response and Commitments
22	Facilitate access to waterways for First Peoples to support cultural practice and connection through detailed design in urban areas and by embedding access to conservation lands in management models.	<p>Walker Corporation:</p> <p><i>"The proponent will work with a First Nations Reference Group to assist in defining the brief to develop a Vegetation Management Plans where required to support proposed development activities.</i></p> <p><i>It will outline requirements on the ongoing management of the waterways and riparian corridors, and nominate the appropriate government authority."</i></p>
23	Ensure adequate green corridors for movement of fauna through conservation areas recognising that native animals are part of Country and hold cultural value.	<p>Walker Corporation:</p> <p><i>"The Appin (Part) Precinct Plan, zoning plans and DCP will outline required green corridors in addition to the conservation lands and Cumberland Plain Conservation lands.</i></p> <p><i>Biodiversity specialists have been extensively consulted on the proposed corridors and open space links to ensure effective safe and sustainable movement of native fauna."</i></p>
24	<p>Ensure that landscape design and planting across the project:</p> <ul style="list-style-type: none"> <li>• prioritises retention of existing native vegetation.</li> <li>• integrates local plant species, in particular endemic species.</li> <li>• plans for substantiable plant communities.</li> <li>• highlights plants utilised by First Peoples for foods, medicines, and resources.</li> <li>• incorporates plant species that will support cultural practices on Country.</li> </ul>	<p>Walker Corporation:</p> <p><i>"Suggested native plant species will be listed for consideration by the First Nations Reference Group.</i></p> <p><i>The Proponent will develop a Landscape Masterplan that will detail the proposed plant species and management strategies for use in public open spaces to support the First Peoples cultural values of the lands."</i></p>
<b>Design and Interpretation</b>		
25	Within all identified Cultural Sites detailed design must be undertaken through a co-design process with First Peoples.	<p>Walker Corporation:</p> <p><i>"The proponent will work with a First Nations Reference Group to assist in defining the Co-Design process for identified Cultural Sites, including the production of a Design Brief."</i></p>
26	Ensure the inclusion of formal and informal gathering space(s) that are culturally welcoming and support everyday use and community events for First Peoples within each land release area.	<p>Walker Corporation:</p> <p><i>"The Proponent will develop a Landscape Masterplan for each Release Area that will detail the proposed public open space design and embellishment, including appropriate locations for gathering spaces and events.</i></p>



No.	Recommended Action	Walker Corporation Response and Commitments
		<i>The proponent will work with a First Nations Reference Group to assist in defining the gathering spaces and culturally welcoming areas are located and managed."</i>
27	Development of a project wide Cultural Landscape Interpretation Strategy to provide high level guidance for production of detailed interpretation strategies for each release area. Strategy will outline: Historical and cultural themes to be addressed, green connectivity network location and design, interpretation development principles.	Walker Corporation:  <i>"The Proponent will develop a Cultural Landscape Interpretation Strategy in consultation with a First Nations Reference Group, for incorporation into the Landscape Masterplan.</i>  <i>A Conservation Management Plan for all NSW Heritage listed areas will inform the Interpretation Strategy."</i>
28	Development of interpretation strategies for each release area, guided by the Cultural Landscape Interpretation Strategy, to amplify the Stories of Country, First Peoples, and the shared histories of Appin through digital platforms, interpretative signage, walking trails, and public art.	Walker Corporation:  <i>"The Proponent will develop a Cultural Landscape Interpretation Strategy in consultation with a First Nations Reference Group, and for incorporation into the Landscape Masterplan.</i>  <i>Interpretation will consider signage, stories, wayfinding, cultural walking trails and public art."</i>
29	Use local First Peoples language in the naming of infrastructure including parks, buildings, and streets, and applied within design and interpretative elements.	Walker Corporation:  <i>"The Proponent will incorporate into the DCP for submission to the relevant authority</i>  <i>The Proponent will develop a master list of potential place names based on local First Nations language, and in consultation with a First Nations Reference Group and submit suggestions to government."</i>
30	Incorporate First Peoples art and design in public spaces. Requires First Peoples engagement in design and placement to ensure cultural appropriateness.	Walker Corporation:  <i>"The Proponent will develop a Cultural Landscape Interpretation Strategy for incorporation into the Landscape Masterplan.</i>  <i>Interpretation will consider appropriate opportunities for public art in consultation with a First Nations Reference Group focused."</i>
31	Develop interpretation nodes as opportunities for embedding materials that: <ul style="list-style-type: none"> <li>• tell the Stories, values, and history of Country.</li> <li>• educate residents and visitors to engage appropriately with Country.</li> <li>• develop a sense of custodianship of Country for residents.</li> </ul>	Walker Corporation:  <i>"The Proponent will develop a Cultural Landscape Interpretation Strategy in consultation with a First Nations Reference Group, and for incorporation into the Landscape Masterplan.</i>  <i>Interpretation will consider signage, stories, wayfinding, cultural walking trails and public art."</i>

No.	Recommended Action	Walker Corporation Response and Commitments
	<b>Managing Country</b>	
32	Support the establishment and funding of First Peoples led caring for Country programs on conservation lands.	<p>Walker Corporation:</p> <p><i>"A significant area of the Cultural Sites is incorporated, in whole or part, into the NSW Government Cumberland Plain Conservation Plan, and within additional public open space and green links.</i></p> <p><i>These open spaces and conservation lands will ultimately be transferred in ownership and ongoing management to the NSW Government, and/or Wollondilly Shire Council.</i></p> <p><i>NSW Government funding to support the application of Caring for Country programs within the subsequent Plans of Management for these lands."</i></p>
33	Explore potential to embed First Peoples co-management on all conservation lands to support caring for Country.	<p>Walker Corporation:</p> <p><i>"These open spaces and conservation lands will ultimately be transferred in ownership and ongoing management to the NSW Government, and/or Wollondilly Shire Council.</i></p> <p><i>NSW Government funding and support should consider the sustainable co-management of these lands between NSW Government and First Nations peoples."</i></p>
34	<p>Consider Trust models for First Peoples management and/or ownership of key Cultural Sites in particular:</p> <ul style="list-style-type: none"> <li>• <b>Cultural Site H: Rocky Ponds Creek Burials Sorry Place.</b></li> <li>• <b>Cultural Site J: Appin Massacre Rocky Ponds Creek Sorry Place.</b></li> <li>• <b>Cultural Site N: Ridgeline Movement Corridor.</b></li> </ul>	<p>Walker Corporation:</p> <p><i>"The Proponent and NSW Government will investigate Trust Funds and similar potential sustainable funding options, that would provide support for the sustainable co-management of these lands between NSW Government and First Nations peoples."</i></p>
	<b>Social Infrastructure</b>	
35	Provision of land and funding for design, construction, and maintenance of a First Peoples Cultural Centre to provide community cultural activities and educational programs (if considered appropriate by First Peoples stakeholders).	<p>Walker Corporation:</p> <p><i>"The suggestion of a First Peoples Cultural Centre has been raised in many locations across the Greater Macarthur Region, and more broadly West Sydney.</i></p> <p><i>The Proponent in partnership with NSW Government, Wollondilly Shire Council, and a First Nations Reference Group, will explore suitable locations, designs and embellishment for the suggested centre, and develop a Design Brief that will inform timing, funding and management.</i></p>

No.	Recommended Action	Walker Corporation Response and Commitments
		<i>A Design Brief and budget will inform the Proponent and NSW Government on potential contribution to this facility, however at this early stage, the scope is not defined adequately for any contribution."</i>
36	<p>Provision of land and funding for design, construction, and maintenance of an Appin Memorial Place. Potential inclusions:</p> <ul style="list-style-type: none"> <li>• natural amphitheatre with seating.</li> <li>• cultural dance area.</li> <li>• open area for community stalls.</li> <li>• parking and amenities.</li> <li>• interpretation materials including signage and sculpture.</li> <li>• circular memorial garden and memorial cairn.</li> <li>• development of a commemorative trail.</li> </ul>	<p>Walker Corporation:</p> <p><i>"The Proponent will develop a Landscape Masterplan that will detail the proposed public open space design and embellishment, including the appropriate provision of land and embellishment for an Appin Memorial Place within one of the nominated cultural Heritage sites as identified in the State Heritage Register – SHR 02067 Plan 3294.</i></p> <p><i>The proponent will work with the First Nations Reference Group to Co-Design this open space.</i></p> <p><i>The Proponent and NSW Government will investigate Trust Funds, and similar potential sustainable funding options, that would provide support for the sustainable co-management of this open space between NSW Government and First Nations peoples."</i></p>
37	Commitment to a percentage of affordable culturally responsive housing within each neighbourhood.	<p>Walker Corporation:</p> <p><i>"Affordable Housing requirement is included the Rezoning of the Appin (Part) Precinct Plan."</i></p>
	<b>Economic Opportunities</b>	
38	<p>Develop and implement a project wide First Peoples Participation Strategy that includes:</p> <ul style="list-style-type: none"> <li>• procurement and employment participation requirements for works packages in the construction and operational phases.</li> <li>• incentives for partner builders to develop or expand First Peoples apprenticeship and traineeship schemes.</li> <li>• employment targets in maintenance and retail locations.</li> <li>• requirements for First Peoples owned enterprises opportunities in retail locations.</li> </ul>	<p>Walker Corporation:</p> <p><i>"The Proponent will develop a First Peoples Participation Strategy where its influence can deliver results.</i></p> <p><i>Major civil and landscape tenders will have provisions for First Peoples participation, and where appropriate, First Nations businesses will have the opportunity to tender and contribute."</i></p>
39	Develop and implement a First Peoples Participation Strategy for Proponent that includes a First Peoples internship program and employment targets across divisions.	<p>Walker Corporation:</p> <p><i>"The Proponent will identify working arrangements with major suppliers and contractors that provide a First Peoples internship program for their operations on Appin."</i></p>

No.	Recommended Action	Walker Corporation Response and Commitments
	<b><i>Educational Opportunities</i></b>	
40	Establish scholarships at regional schools to support First Peoples students.	Walker Corporation:  <i>"The Proponent has established other similar scholarship programs in the past and will identify opportunities for First Nations groups with connection to the Appin area."</i>
41	Establish scholarships at TAFE and tertiary institutions at undergraduate degree level to support First Peoples students in fields such as environmental science, architecture, urban planning, and engineering.	Walker Corporation:  <i>"The Proponent has established other similar scholarship programs in the past and will identify opportunities for First Nations groups with connection to the Appin area."</i>

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- *Parish of Appin, County of Cumberland*, 9 September 1930, New South Wales, Land Registry Services.
- *Parish of Appin*, 7 October 1867, AO Map No.186, New South Wales, Land Registry Services.

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#### Images

Image 1: Anon, '[Confluence on the Nepean River with the Cataract River]' in *Photographs used in NSW trains*, NRS-12932-1-[X2450]-10-93, State Records and Archives of New South Wales.

Image 2: Kangaroo in artwork in shelter on Simpsons Creek (near Brook's Point Road), Site image for Brook's Point 6 (52-2-1881), reproduced from Niche Environment and Heritage, *West Appin Rezoning: Aboriginal Due Diligence Assessment*, 2020, p.25.

Image 5: Perier, A.J., *Appin Falls (Cataract River)*, c.1905, Collection: Home and Away 34627, State Library of New South Wales.

Images 3, 4, 6-18: Korey Moon, Waters Consultancy Pty Ltd, 2021-2022.



## 9 Appendices A to G


**9.1 Appendix A: Email of 19 April 2021 (draft CVA methodology)**

## Appin Project: Draft Intangible Cultural Values Assessment Report (CVAR) Methodology

Kate Waters

Mon 19-Apr-21 12:46 PM

To:

 1 attachments (2 MB)

 Cover Letter Draft Cultural Values Assessment Methodology (Waters Consultancy).pdf;

Dear ,

I'm emailing you in relation to the Appin Project (Walker Corporation) proposed works for which you are a registered stakeholder.

Waters Consultancy has been contracted to undertake an independent intangible cultural values assessment report (CVAR) in relation to the project.

Attached please find a covering letter and our draft CVAR methodology for your review and comment.

If you have any questions please feel free to email or call me on 0417 438146.

I look forward to the opportunity to work with you on this project.

Regards,  
Kate

Kate Waters  
Director

WATERS CONSULTANCY  
66 Balmain Road, Leichhardt NSW 2040  
M: 0417 438146 P: 02 9810 6474  
E: [kate@watersconsultancy.com.au](mailto:kate@watersconsultancy.com.au)



**WATERS**  
CONSULTANCY

**HISTORY • CULTURE • HERITAGE**

[REDACTED]  
[REDACTED]  
[REDACTED]

19 April 2021

**Re: Aboriginal Cultural Values Assessment Report (CVAR) Appin Project (Walker Corporation)**

Dear [REDACTED]

I am contacting you in your capacity as a Registered Aboriginal Party (RAP) for the proposed Appin Project for which the proponent is the Walker Corporation. Waters Consultancy is a specialist heritage and history consultancy firm focused on Aboriginal cultural heritage and history. We have been engaged by Walker Corporation to undertake an independent specialist cultural values assessment of intangible Aboriginal cultural values with the Appin Project area through consultation with Aboriginal cultural knowledge holders.

The CVAR is specifically aimed at recording intangible cultural values knowledge and any associated concerns regarding potential impacts of the proposed Project. In addition to the stand alone CVAR its findings will be incorporated into the Aboriginal Cultural Heritage Assessment Report (ACHAR) which is being undertaken separately by Niche Environment and Heritage.

A draft CVAR methodology is enclosed for your review and comment. All comments on the draft methodology must be received by **3 May 2021**. Comments on the draft CVAR methodology can be provided to Waters Consultancy Pty Ltd on 02 9810 6474 or email at [admin@watersconsultancy.com.au](mailto:admin@watersconsultancy.com.au).

Following consideration of any comments a revised final CVAR methodology will sent out on 5 May 2021 along with a formal request for the nomination of cultural knowledge holders.

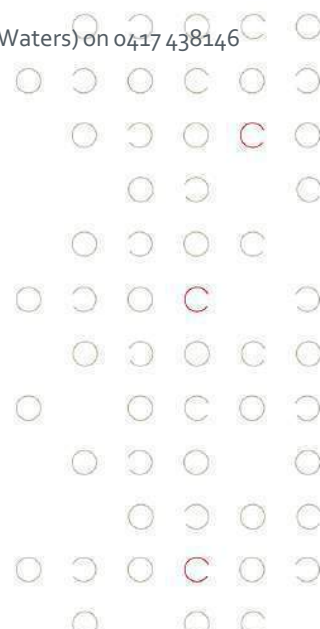
If you have any questions or wish to discuss any aspects of the draft methodology, please call me (Kate Waters) on 0417 438146 or email me at [kate@watersconsultancy.com.au](mailto:kate@watersconsultancy.com.au).

Regards,

Kate Waters  
Director

**WATERS CONSULTANCY PTY LTD** ACN 134 852 314

**PHONE** 02 9810 6474 **EMAIL** [admin@watersconsultancy.com.au](mailto:admin@watersconsultancy.com.au) **ADDRESS** 66 Balmain Road • Leichhardt NSW 2040



## **Appin Aboriginal Cultural Values Assessment Project: Draft Methodology**

Date Issued: 16 April 2021

The proposed approach for the Aboriginal intangible cultural heritage values assessment is to undertake consultation with the identified cultural knowledge holders within a context of historical and ethnographic research into the cultural values of the study area, the wider region within which it is located, and the specific potential impact zone of the Project. The methodology includes undertaking both:

- Consultation with the identified cultural knowledge holders regarding the cultural values of the study area and the specific potential impact zone.
- Historical research in documentary and audiovisual holdings of relevance to the cultural heritage of the study area and the specific potential impact zone.

Sources of historical and ethnographic information will include but are not limited to: archival land records; historical manuscripts; newspaper accounts; site records; and photographic evidence. The documentary and audiovisual holdings of the following institutions would be investigated:

- State Records of New South Wales.
- National Library of Australia.
- State Library and Mitchell Library of NSW.
- Australian Institute of Aboriginal and Torres Strait Islander Studies.
- Heritage NSW (site and assessment records).

An ethnohistorical overview of the study area and the broader cultural landscape it sits within will be produced based on the available records. This overview will assist in the identification, contextualisation and assessment of cultural values within the study area.

Consultation with identified cultural knowledge holders is the central element in cultural values assessments. This recognises that consideration of intangible cultural heritage values and the assessment of significance can only occur through consultation with the relevant cultural communities and cultural knowledge holders.



### **Initial Consultation**

Consultation will be initially undertaken with the Registered Aboriginal Parties (RAPs) to identify those individuals who are regarded as holding cultural knowledge for the country within which the study area is located. Identified cultural knowledge holders may or may not be RAPs. The identified cultural knowledge holders will be contacted and their participation in the assessment process requested.

### **Informed Consent and Cultural Information Management**

Cultural information management protocols, including formal consent agreements, will be developed in collaboration with the cultural knowledge holders to ensure sensitive information is treated appropriately and the moral rights of cultural knowledge holders are protected.

### **Interview Process**

The identified cultural knowledge holders who are willing to participate will be interviewed to gather oral histories relevant to the cultural values and cultural landscapes of the study area. Interviews will be conducted with cultural knowledge holders as one-on-one Zoom and face-to-face meetings. Cultural mapping will occur both on-country and through the use of detailed aerial images and maps. It is recognised that information may be gender sensitive and a male and female consultant will be available to conduct interviews as appropriate.

The assessment of significance of the identified cultural places and landscapes will be undertaken through consultation with the cultural knowledge holders and consideration of the expressed traditional, historical and contemporary cultural values. Consultation would be undertaken with the cultural knowledge holders in relation to appropriate management of any identified cultural values and cultural items within the potential Project impact zone. The development of mitigation measures for potential impacts on the identified cultural places within the study area will be undertaken collaboratively with the cultural knowledge holders and RAPs to reflect their knowledge and understanding of the cultural values.

### **Review of Draft CVAR**

The draft Cultural Values Assessment Report (CVAR) will be provided to the cultural knowledge holders and the RAPs for a 28-day review period prior to finalisation. The proposed research and assessment process for this project has been developed with regard to the ICOMOS guidelines,<sup>1</sup> the United Nations FPIC guidelines,<sup>2</sup> the Aboriginal cultural heritage assessment guidelines of Heritage NSW,<sup>3</sup> and the Indigenous engagement guidelines of the Department of Environment (Cmth).<sup>4</sup>

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<sup>1</sup> See *The Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance, 2013)* and *Practice Note: The Burra Charter and Indigenous Cultural Heritage Management and Practice Note: Intangible Cultural Heritage & Place and Practice note: Understanding Cultural Routes*.

<sup>2</sup> See *Free Prior and Informed Consent: An indigenous peoples' right and a good practice for local communities*, Food and Agriculture Organization of the United Nations, 2016.

<sup>3</sup> See *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, Heritage NSW and *Aboriginal cultural heritage consultation requirements for proponents (2010)*, Heritage NSW.

<sup>4</sup> See *Engage Early: Guidance for proponents on best practice Indigenous engagement for environmental assessments (2016)*, Department of the Environment, Commonwealth of Australia and *Ask First: A guide to respecting Indigenous heritage places and values (2002)*, Australian Heritage Commission.

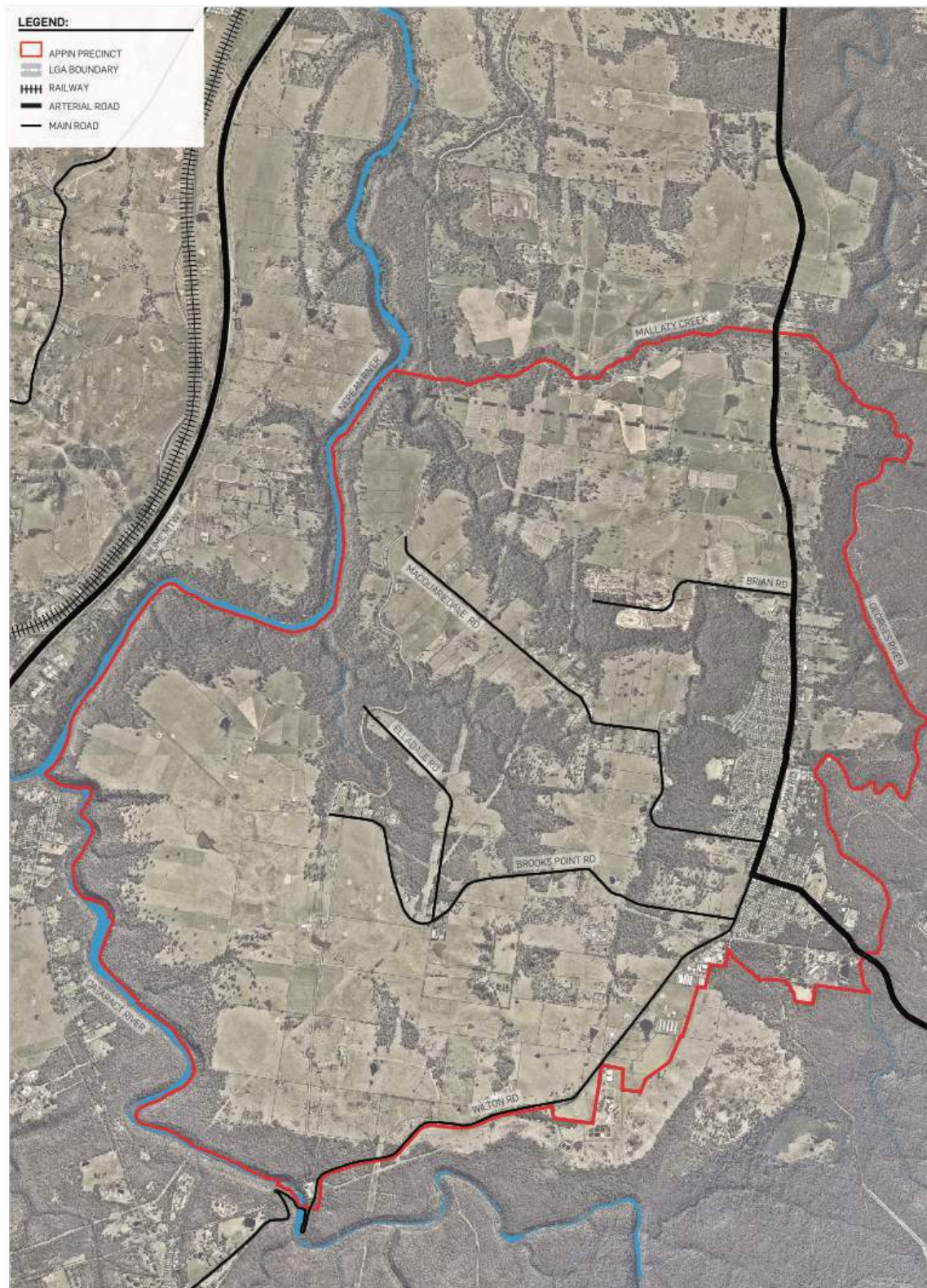


Figure 1: The red outline shows the study area.

**9.2 Appendix B: Response to draft methodology**

Cubbitch Barta Native Title Claimants  
Aboriginal Corporation

[REDACTED]  
[REDACTED]  
26<sup>th</sup> April, 2021.

Waters Consultancy,  
66 Balmain Road,  
LEICHARDT. N.S.W. 2040

Dear Kate,

RE; APPIN PROJECT

Thank you for the opportunity of commenting on the methodology for this project. I am concerned about the possible impacts that this proposed development will have on the significant cultural landscape that exists as part of this proposed project.

I am keen to talk to you about this project, so hopefully there can be a cultural landscape set aside which would take in the massacre site, the burial and the hill where the bodies were hung from the massacre. This area of land could be considerable after taking in all of the facts. The map provided is not the project map, but the larger area of Appin as a whole, is that correct?

I would be happy to assist in any way I can, in order to achieve a good outcome for a cultural landscape.

Yours faithfully,



Glenda Chalker

[REDACTED]  
[REDACTED]

**9.3 Appendix C: Email of 23 April (extension of review period)**



## Reminder Comments Closing 3 May 2021: Appin Project: Draft Intangible Cultural Values Assessment Report (CVAR) Methodology

Kate Waters

Fri 23-Apr-21 2:37 PM

To: Kate Waters <Kate@watersconsultancy.com.au>

Hi All,

This is just a reminder that the comment period for the draft CVAR for the Appin Project closes on Monday 3 May 2021. Thank you to those who have already provided feedback.

If you have any feedback or comments on the draft methodology you can provide them via email or telephone.

If you have any questions please email or you can call me on 0417 438146.

Kind regards  
Kate

Kate Waters  
Director

WATERS CONSULTANCY

M: 0417 438146 P: 02 9810 6474

E: [kate@watersconsultancy.com.au](mailto:kate@watersconsultancy.com.au)

## Extension of Comment Period to 17 May 2021: Appin Project: Draft Intangible Cultural Values Assessment Report (CVAR) Methodology

Kate Waters

Fri 23-Apr-21 5:49 PM

To: Kate Waters <Kate@watersconsultancy.com.au>

Hi All,

The comment period for the draft CVAR for the Appin Project has been extended to 17 May 2021. This provides a 28 day comment period from the original date that it was sent out on 19 April 2021.

We hope that this is of assistance in providing time for you to consider any feedback you may wish to provide.

Thank you to those who have already provided feedback.

Kind regards,  
Kate

Kate Waters  
Director

WATERS CONSULTANCY

M: 0417 438146 P: 02 9810 6474

E: [kate@watersconsultancy.com.au](mailto:kate@watersconsultancy.com.au)

Begin forwarded message:

**From:** Kate Waters <[Kate@watersconsultancy.com.au](mailto:Kate@watersconsultancy.com.au)>

**Subject:** Reminder Comments Closing 3 May 2021: Appin Project: Draft Intangible Cultural Values Assessment Report (CVAR) Methodology

**Date:** 23 April 2021 at 2:37:18 pm AEST

**To:**

Hi All,

#### **9.4 Appendix D: Email of 20 May 2021 (final methodology and nomination request)**

## Nomination of Cultural Knowledge Holders: Appin Project (Intangible) Cultural Values Assessment Report

Kate Waters

Thu 20-May-21 11:23 AM

To: Kate Waters <Kate@watersconsultancy.com.au>

[REDACTED]

1 attachments (2 MB)

210520 Appin Aboriginal Cultural Values Assessment Final Methodology (Waters Consultancy).pdf;

Dear RAPs,

I am writing to you as a registered stakeholder for the Appin Project (Walker Corporation) proposed works. As you are aware Waters Consultancy has been contracted to undertake an independent intangible cultural values assessment report (CVAR) in relation to the project.

A draft methodology for the CVAR was sent out on 19 April 2021 for comment, thank you to all those who provided feedback. Please find attached the final methodology.

We are now calling for RAPs to nominate those individuals who they understand to hold cultural knowledge holders for the Appin project area specifically. The nominated cultural knowledge holders do not have to be RAPs themselves.

Nominations of cultural knowledge holders need to be made by the **4 June 2021** either by email or by calling on 02 9810 6474 or 0417 438146.

All nominated cultural knowledge holders will be asked to participate in assessing and mapping of intangible or non-physical cultural values within the project area for the CVAR.

If you have any questions about the nomination of cultural knowledge holders, or about the CVAR process, please feel free to email or call me (Kate Waters) on 0417 438146.

I look forward to the opportunity to work with you on this project.

Regards,  
Kate

Kate Waters  
Director

WATERS CONSULTANCY  
[REDACTED]

## **Appin Aboriginal Cultural Values Assessment Project: Methodology**

Date Issued: 20 May 2021

The approach for the Aboriginal intangible cultural heritage values assessment is to undertake consultation with the identified cultural knowledge holders within a context of historical and ethnographic research into the cultural values of the study area, the wider region within which it is located, and the specific potential impact zone of the Project. The methodology includes undertaking both:

- Consultation with the identified cultural knowledge holders regarding the cultural values of the study area and the specific potential impact zone.
- Historical research in documentary and audiovisual holdings of relevance to the cultural heritage of the study area and the specific potential impact zone.

Sources of historical and ethnographic information will include but are not limited to: archival land records; historical manuscripts; newspaper accounts; site records; and photographic evidence. The documentary and audiovisual holdings of the following institutions would be investigated:

- State Records of New South Wales.
- National Library of Australia.
- State Library and Mitchell Library of NSW.
- Australian Institute of Aboriginal and Torres Strait Islander Studies.
- Heritage NSW (site and assessment records).

An ethnohistorical overview of the study area and the broader cultural landscape it sits within will be produced based on the available records. This overview will assist in the identification, contextualisation and assessment of cultural values within the study area.

Consultation with identified cultural knowledge holders is the central element in cultural values assessments. This recognises that consideration of intangible cultural heritage values and the assessment of significance can only occur through consultation with the relevant cultural communities and cultural knowledge holders.



### **Initial Consultation**

Consultation will be initially undertaken with the Registered Aboriginal Parties (RAPs) to identify those individuals who are regarded as holding cultural knowledge for the country within which the study area is located. Identified cultural knowledge holders may or may not be RAPs. The identified cultural knowledge holders will be contacted and their participation in the assessment process requested.

### **Informed Consent and Cultural Information Management**

Cultural information management protocols, including formal consent agreements, will be developed in collaboration with the cultural knowledge holders to ensure sensitive information is treated appropriately and the moral rights of cultural knowledge holders are protected.

### **Interview Process**

The identified cultural knowledge holders who are willing to participate will be interviewed to gather oral histories relevant to the cultural values and cultural landscapes of the study area. Interviews will be conducted with cultural knowledge holders as one-on-one Zoom and face-to-face meetings. Cultural mapping will occur both on-country and through the use of detailed aerial images and maps. It is recognised that information may be gender sensitive and a male and female consultant will be available to conduct interviews as appropriate.

The assessment of significance of the identified cultural places and landscapes will be undertaken through consultation with the cultural knowledge holders and consideration of the expressed traditional, historical and contemporary cultural values. Consultation would be undertaken with the cultural knowledge holders in relation to appropriate management of any identified cultural values and cultural items within the potential Project impact zone. The development of mitigation measures for potential impacts on the identified cultural places within the study area will be undertaken collaboratively with the cultural knowledge holders and RAPs to reflect their knowledge and understanding of the cultural values.

### **Review of Draft CVAR**

The draft Cultural Values Assessment Report (CVAR) will be provided to the cultural knowledge holders and the RAPs for a 28-day review period prior to finalisation. The proposed research and assessment process for this project has been developed with regard to the ICOMOS guidelines,<sup>1</sup> the United Nations FPIC guidelines,<sup>2</sup> the Aboriginal cultural heritage assessment guidelines of Heritage NSW,<sup>3</sup> and the Indigenous engagement guidelines of the Department of Environment (Cmth).<sup>4</sup>

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<sup>1</sup> See *The Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance, 2013)* and *Practice Note: The Burra Charter and Indigenous Cultural Heritage Management and Practice Note: Intangible Cultural Heritage & Place and Practice note: Understanding Cultural Routes*.

<sup>2</sup> See *Free Prior and Informed Consent: An indigenous peoples' right and a good practice for local communities*, Food and Agriculture Organization of the United Nations, 2016.

<sup>3</sup> See *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, Heritage NSW and *Aboriginal cultural heritage consultation requirements for proponents (2010)*, Heritage NSW.

<sup>4</sup> See *Engage Early: Guidance for proponents on best practice Indigenous engagement for environmental assessments (2016)*, Department of the Environment, Commonwealth of Australia and *Ask First: A guide to respecting Indigenous heritage places and values (2002)*, Australian Heritage Commission.

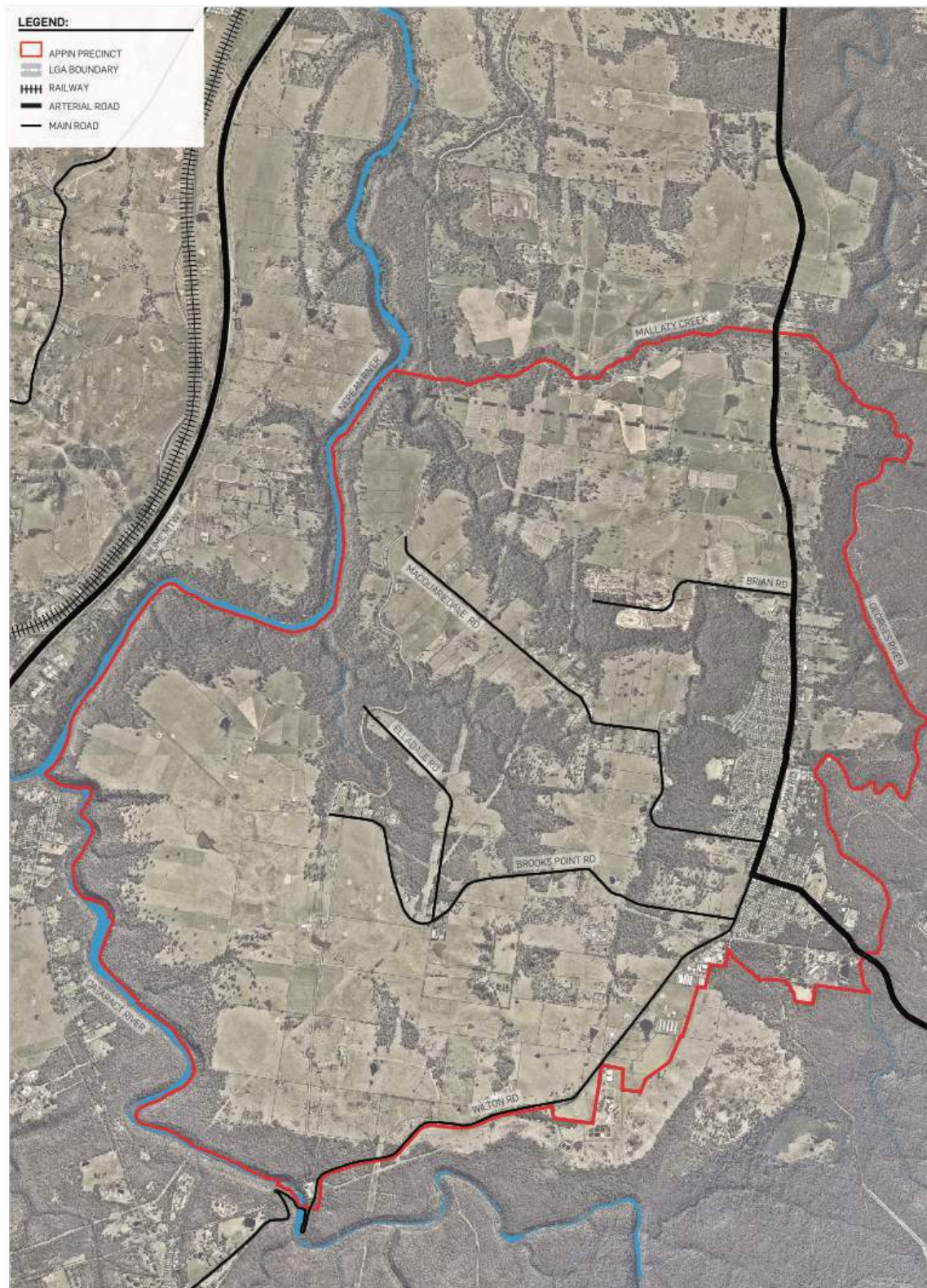


Figure 1: The red outline shows the study area.

**9.5 Appendix E: Email response 8 February 2022**



Wori Woilywa  
ABN: 40218677675

[REDACTED]  
[REDACTED]  
[REDACTED] Daniel  
[REDACTED]

To Deirdre Lewiss-cook Niche

#### Response to Draft aboriginal cultural heritage assessment west Appin

I would firstly like to start by paying respects to mother earth for providing for us secondly biami father for looking over and protecting us and thirdly the sprits for teaching and guiding us.

As cultural people we believe the language that we use and accept is very important. We and other family find that the word aboriginal to be offensive, disrespectful and words that have derived from this word have and are still being used as racist words to demoralise our people. Our self and other family find the words First nations people a lot more appropriate and respectful to the first people, culture of this land and would show a better understanding of our culture. In further to our response we will be using the words First nations people (FNP) or First nations family (FNF) where you have used the words aboriginal in your report. In today's understanding the word Art we believe generally is taken in a creative context that could be undertaken from anyone or anything and could be seen in many ways. We believe the use of the word art of our cultural drawings shows a lack of cultural understanding and respect of our culture. We believe to the not so culturally aware person they generally would place it in the same context as what they currently perceive as art and as a result take away the importance of what it is. We believe a closer representation of our drawn imagers are the stories of the First nations families or country. This would start to show respect to our culture FNP and also start to educate the not so culturally aware.

1. From our perspective the country is our mother we come from mother and we have the responsibility to look after her and everything on her so it is able to sustain everything and intern us. If we fail in this we will no long exist. So everything you see hear smell touch has purpose, meaning in our culture and is part of complex system. As the oldest culture on mother we are not separate or above anything we are a part of this complex system this is why we are the oldest. Our cultural lore holds the stories of our people and our country it gives us our identity, responsibilities and purpose. This proposed project is proposing to have potential impact on 7km2 of country and from a cultural perspective this is what we consider the site. It is sad to see that white colonisation has and is failing to pay the respect and understanding of the FNP culture in which they claim to appreciate and respect. To indicate that only the physical items present with in this area are the only cultural things present shows a perspective that demonstrates little cultural understanding or a deliberate act to underwrite the cultural importance.

2. Before colonisation when the lore of the country and the FNP was being followed free from disruption FNP identity and responsibilities were strong our family connections, responsibilities and





WORI WOILYWA

story right across this country were understood and lived by. To indicate the potential cumulative impacts is only across the proposed subject area and those areas that directly adjoin we believe fails to appreciate, respect and understand our culture. Through colonisation and to present FNP across this nation have been impacted from stealing of country, destroying culture and destroying of physical places and objects. This report fails to even consider what these effects have had on just the dharawal family never the lese our connection across this nation. But any wonder that these type of prospective are present today when you read the FNP occupation & land use section. I feel that the type of prospective that are proposed through this section comes from a white colonist prospective. I find it very wrong that these prospective are put forward then followed by a statement that has some admission that it may be incorrect. As FNP like our fathers and mothers before us that walked there land caring for it and living FNP culture so it was able to sustain their children for perpetuity we are a part of circle. Through colonisation government and businesses have been using our country for their financial benefit. These actions have led to a lot of FNP across this country losing their identity, responsibilities and purpose and these actions have and still are slowly contributing to the breaking down of our culture. Which into day's terms contributes to suicide, higher rates of incarceration, lower living standards, lower life expectancy, mental health problems and the list goes on for FNP.

3. Are you able to pretend that projects that are proposing to damage mother do not have an effect on FNP and are against our cultural values. Would it be ok to know about or I to go to your mother and remove her skin rearrange the layers of the skin expose her to more than likely fatal consequences cover it up profit from it then walk away and whatever happens after hold no accountability, regret or remorse I would think not. When is the taking from our culture and FNP going to stop so our children can have their respect dignity and purpose back?

4. As indicated in your report it is considered a conflict site and the site were our family were murdered at the hands of the white colonists. Across the Sydney basin our land was stolen by the colonist pushing first nations people to the extremities of the stolen land. Then committing murders to remove them all together. We believe the actions that were taken in the lead up and the murders by the white colonist were actions that showed no understanding or willingness to understand our cultural values. As a new culture of selfishness, greed and disconnection was being enforced on our country and first nation people. We see this area as a very sad area for our story and the story of this country with the lasting effects still present in our families today. We have indicated that current assessment methods are not adequate to properly asses this area. We see this as another step of colonisation of removing the physical evidence of FNP across the country and trying to underwrite the importance of the area. By not taking into our cultural values and showing the country and first nations family the respect that is deserved. I would think In the light of reconciliation the first steps that we need to take is to properly recognize the wrong doings of the past and pay them the respect that they deserve. We feel that this area holds more relevance to the history of this county and why we are where we are today then Gallipoli and other places of war offshore. If we fail at this how do you ever think that we can walk this country in peace and harmony together?

5. The current recommendations from this report we believe they are to fill the legislation requirements that would be put in place from the regulator if they were to give the approval for this



project so they are actions that would need to be in place anyways. We believe the actions that would lead to the destruction, modification of 7km<sup>2</sup> of mother that has sustained our people and culture from the beginning needs to hold accountability. With Proper actions that will contribute to the promotion of first nations families culture across our country. In line with self-determination this should be independent and lead by FNP through holding workshops to establish what FNP see as recommendations from a cultural prospective that will contribute to the promotion of our culture.

6. To date we are of the feeling that the importance of this area is not being taken seriously. Demonstrated through lack of action and consultation and the continuation with the normal processes to asses this area. We and a large amount of family believe that to pay proper respect to these murders and the family who lost their lives for their country. The area of country in which we and others see is relevant should be left and allowed to be returned to its natural state. Due to these reasons we strongly disagree with any excavations in the areas you have identified pad WA1, pad WA2, pad WA3 and portions of pad WA4, and pad WA5

7. As indicated through phone conversation and in this FNPCHA this is to inform strategic planning & proposed rezoning of a portion of land within west Appin precinct. Through reading through the FNPCHA we are failing to believe this to be the case and we get the impression that it is to lead to the application for FNPHIP and if this was the case it would be very deceitful to the FNF

8. We are of the understanding that assessments that are carried out concerning FNF culture should be under taken in a cultural sensitive way and be free from biased. We find it hard to believe that this is being followed when the developer with a given agenda to make as much profit as possible for their company is a reviewer of this assessment and then intern has input in to the assessment.

9.

5.4 in light of good consultation practises we believe that were you have used the words in the opinion of the archaeologist that these decisions should be consulted with RFLP. Also should be looked at if this action is present any were else in this report.

5.5 clean fill should be that clean it should not have any waste products of any description present. Be a similar soil to the soil that has been removed and should also be consulted with the RFNP

5.6 We agree with your proposed mesh size but strongly believe that a method used should reduce the material down to only solid objects being present on the sieve. And visually able to distinguish between them.

From a cultural prospective everything has place and reasons it may be there. We don't need to fully understand these reasons to put things into context but we should respect cultural values and live our lives with these values at the forefront of all our decision making. As these values have cared for everything, country and people from the beginning. Handling of any material with cultural significance should be carried out in a respectful manner. Following our cultural values no material should be removed off site. They should be kept as close to where they have been disturbed to be placed back into the country with ceremony as soon possible without excess delay. If there were items disturbed that any RFNP consider a different action to be taken this should be guided by the RFNP to the action taken. With the cultural value of everything is to remain as close to where it has





been disturbed. We understand the need that archaeologist want to record cultural items for their scientific reasons and when carrying out these recordings we propose that a RFNP be present.

10. From being on country through field surveys and walking a few of the creeks that are in the area I would have to question the claim that all the creeks were non-perennial streams. On every occasion that I have been in these creek lines there has been water present. Looking at the vegetation that is present in these creek systems I am sure would indicate that water would be present most of the time. We believe in the not so distant past when the land was cared for by FNP it would have had different characteristics that it currently has. We believe that the actions of Mining, clearing of vegetation, modern agriculture, and higher population within the area are major contributors to the changes through these water ways. By changing the characteristics of water within the area and how much water is present in the system at any one time. For example further to the north of this site there is diary evidence of natural springs being present within the landscape that are no longer present due to these actions.

11. As previously indicated in comments to the survey methodology we are failing to see the consultation requirements being met. Some of the points concerning consultation that have been put forward are

- FNP extensive community consultation
- Community input –meetings, site inspections, project information presentations
- Consider cultural perspectives, views, advice from RFNP

Is it only the views and perspectives that fit with the outcomes in which you won't take on board. We do not believe that extensive community consultation has occurred and that normal consultation has and is currently being followed. As a RFNP for this project I would like to make it clear that we have not been made aware of any of the actions that are suggested that took place for community input. We find this demonstrates the poor standard of consultation to date within this project. We would like to share one of the examples with you that clearly demonstrates the poor standard of consultation that is taking place and we believe the deliberate actions to exclude FNP from having proper input into this proposal. I raised the poor standard of consultation that we believe was being followed in the feedback on the project information & assessment methodology and I quote (you will be consulted throughout the CVA process).what actually happened from that point is:-

- I was informed that Kate Waters was carrying out a CVA and indicated that I would not be a part of this.
- I contacted Kate directly and asked her about our inclusion into this assessment. Her response was that we are not RFNP for this project and that she will be consulting with RFNP for her assessment. She indicated that the information of what RFNP were on this project was supplied to her by niche.
- We know this to be untrue and notified CHD of these actions.
- To this point no one has contacted us
- On the 28-1-21 Kate Waters contacted us and claims responsibility for not including us with this to date and is hoping that we now won't provide input.



We believe these actions clearly show the deliberate actions or major problems within the consultation that has been carried out to date and a total lack of cultural understanding by all involved.

There is reference to comments made during the field survey by Daniel Chalker as confidential we would like these comments included into the report.

12. We are aware that there is a DPI lead assessment currently underway for what is being called the greater MacArthur cultural project in which this proposed area is incorporated into. We believe that this current FNPCHA should not proceed further until this process has taken place or in an agreed position with FNF.

13. I would just like to take the time and look at this whole thing from a cultural perspective from first nations people. The land was never bought and sold, we don't own mother earth the earth owns us each family group was given there promised lands by father to care for and look after. From the time that the colonist arrived on our country they have and failing the culture and first nations people of this country. This country is the country of the first nations people. We should not be seen as part of a process that needs to be undertaken so you can carry out what you want on our country. I see it similar to me coming to your home telling you that I am planning to remove part of your home and replace it with a garden because that is in the best interests for me and what I would like to see. I would not think that you would think that this would be acceptable behaviour but that is what you are proposing. Government, businesses' and people say they understand, respect and appreciate the culture and people of this country and if this were the case they would not be coming to us to tell us what they are planning to do on our country but rather coming to us and asking for our permission to what you are able to do on our country. If you see it or not under this current system you are responsible for taking from our culture. Why should I need to try and justify our culture so it has importance when it has been the culture of this nation since the beginning?

Please feel free to contact us with anything that you may wish to discuss further about our response or clarification on any of the points raised.

*Yunal*

**Daniel Chalker**

*Wori Woilywa*



**9.6 Appendix F: Extract from draft Connecting with Country Framework**

## 3.1

# Statements of commitment and principles for action

To help project teams fulfill their commitment to Country, the principles for action and considerations provided here are practical ways of implementing each of the seven commitments.

Throughout the 12-month testing period, we will work with project teams and Aboriginal communities to understand how these commitments and principles can work most effectively to support the health and wellbeing of Country. For all projects, providing opportunities for Aboriginal people to give guidance and leadership about how to fulfill these commitments will be fundamental to achieving a connection with Country.

## 1.

We will respect the rights of Aboriginal peoples to Indigenous cultural intellectual property, and we will support the **right of Country to be cared for**.

## 2.

We will prioritise Aboriginal people's relationship to Country, and their **cultural protocols**, through education and enterprise by and for Aboriginal people.

## 3.

We will prioritise **financial and economic benefits** to the Country where we are working, and by extension to the Traditional Custodians of that Country.

## 4.

We will share **tangible and intangible benefits** with the Country where we are working, and by extension the Traditional Custodians of that Country, including current and future generations.

### PRINCIPLES FOR ACTION

Connect with Country through first languages in collaboration with local community groups and their recognised Aboriginal knowledge-holders.

Incorporate shared histories of cultural landscapes into project design principles.

Connect with Country by engaging with, and responding to, cultural practices led by community groups and their recognised Aboriginal knowledge-holders with spiritual links to Country.

Include impacts to Country and culture when evaluating economic, environmental, and social benefits and disadvantages of the project.

Develop indicators to measure impacts to Country and culture during project formation.

### CONSIDERATIONS AND CHALLENGES

Work with Traditional Custodians and draw upon available research to understand the connections between the ways of relating and recording knowledge.

How are you building relationships with the Aboriginal community – both the Traditional Custodians and community members from off-Country?

How will the project help Traditional Custodians to continue their practices on Country?

What are the opportunities for education and enterprise for Aboriginal community groups from the earliest stages through to maintenance?

Create a clear framework for identifying the group of people that will benefit from / influence / guide the project – be clear about how views will be considered and how contested ideas will be resolved.

Be clear about how financial benefits of the project (not just engagement fees) will be shared with community.

Agree on what success looks like for the project in terms of the health and wellbeing of Country.

## 5.

We will respect the diversity of Aboriginal cultures, but we will prioritise the local, place-specific **cultural identity of the Country** we're working on.

Aboriginal people will determine the representation of their cultural materials, customs, and knowledge.

## 6.

We will prioritise recognition and **responsibility of Aboriginal people**, supporting capacity building across Aboriginal and non-Aboriginal communities, and across government project teams.

## 7.

We will support Aboriginal people to continue their practices of managing land, water, and air through their ongoing **reciprocal relationships with Country**.

We will create opportunities for traditional first cultures to flourish.

### PRINCIPLES FOR ACTION

Build relationships with local Aboriginal communities and incorporate enterprise opportunities for Aboriginal businesses (local and beyond, existing and emerging) at all stages through the project life cycle, including future opportunities.

Partner with Aboriginal-owned and run businesses and professional services, from project formation through to delivery and maintenance, to help guide design and engagement processes.

Identify and nurture immediate and longer term opportunities to support cultural practice on Country – through the development and delivery of the project as well as future use.

### CONSIDERATIONS AND CHALLENGES

Establish (or learn about) protocols for Aboriginal consultants from off-Country – local government authorities often have information relating to this.

Consider how people are given space to participate. Avoid exploitative processes and allow sufficient budget and time.

What are the opportunities for education and enterprise for Aboriginal community groups from the earliest stages through to maintenance?

How will the project help Traditional Custodians continue their practices on Country?




## **9.7 Appendix G: Responses received to the draft report**

**Re: Appin Project: Cultural Values Assessment - Draft Report for review**

jesse johnson &lt;muragadi@ [REDACTED]&gt;

Wed 22-Nov-23 9:42 AM

To: Kate Waters &lt;Kate@watersconsultancy.com.au&gt;

 1 attachments (9 MB)

Draft Complete Appin (part) Precinct CVAR for distribution.pdf;

Dear Kate,

We have read the project information and Aboriginal Cultural values report for the above project, and we agree with the recommendations.

Kind regards

Anthony  
[REDACTED]

On Tuesday, 21 November 2023 at 01:16:17 pm AEDT, Kate Waters <kate@watersconsultancy.com.au> wrote:

Good afternoon,

We are writing to you as a registered stakeholder (RAP) for the Appin Project (Walker Corporation).

As you may recall, Waters Consultancy undertook an Aboriginal Cultural Values Assessment process, including consideration of the Connecting with Country guidelines, in relation to Walker Corporation's Appin Project. The *Draft Aboriginal Cultural Values Report* (ACVR) is attached for your review and feedback, we apologise for the delay in its provision which was outside our control. The draft ACVR includes at section 7.1 the responses and commitments from Walker Corporation in response to the draft ACVR recommendations.

Could you please provide any comments and feedback by **15 January 2024**. We have provided an extended comment period given that this is a busy time of year.

Feedback and comments can be provided by email to:

adminteam@watersconsultancy.com.au. If you prefer to provide feedback via a phone call, please call me (Kate Waters) on 0417 438146.

If you have any questions regarding the report or wish to discuss any aspects of it, please feel free to contact us via email or give me (Kate Waters) a call on 0417 438146.

I appreciate your time in considering this report and would value any feedback you choose to provide.

Kind regards,  
Kate

Kate Waters  
Director

WATERS CONSULTANCY  
[REDACTED]

M: 0417 438146 P: 02 9810 6474  
E: kate@watersconsultancy.com.au

**We acknowledge the Traditional Owners of the many lands on which we live and work.**


**We pay respect to First Nations Elders past and present and thank them for their continuing care of Country, culture and community.**

**Re: Appin Project: Cultural Values Assessment - Draft Report for review**

Darleen Johnson &lt;murrabidgeemullangari@[REDACTED]&gt;

Mon 11-Dec-23 5:32 AM

To: Kate Waters &lt;Kate@watersconsultancy.com.au&gt;

 1 attachments (9 MB)

Draft Complete Appin (part) Precinct CVAR for distribution.pdf;

Hi Kate,

I have read the project information and ACHVA for the above project, and we endorse the recommendations made.

Kind regards

Darleen Johnson  
[REDACTED]

On Tuesday, 21 November 2023 at 01:16:16 pm AEDT, Kate Waters &lt;kate@watersconsultancy.com.au&gt; wrote:

Good afternoon,

We are writing to you as a registered stakeholder (RAP) for the Appin Project (Walker Corporation).

As you may recall, Waters Consultancy undertook an Aboriginal Cultural Values Assessment process, including consideration of the Connecting with Country guidelines, in relation to Walker Corporation's Appin Project. The *Draft Aboriginal Cultural Values Report* (ACVR) is attached for your review and feedback, we apologise for the delay in its provision which was outside our control. The draft ACVR includes at section 7.1 the responses and commitments from Walker Corporation in response to the draft ACVR recommendations.

Could you please provide any comments and feedback by **15 January 2024**. We have provided an extended comment period given that this is a busy time of year.

Feedback and comments can be provided by email to:

adminteam@watersconsultancy.com.au. If you prefer to provide feedback via a phone call, please call me (Kate Waters) on 0417 438146.

If you have any questions regarding the report or wish to discuss any aspects of it, please feel free to contact us via email or give me (Kate Waters) a call on 0417 438146.

I appreciate your time in considering this report and would value any feedback you choose to provide.

Kind regards,  
KateKate Waters  
DirectorWATERS CONSULTANCY  
[REDACTED]M: 0417 438146 P: 02 9810 6474  
E: kate@watersconsultancy.com.au**We acknowledge the Traditional Owners of the many lands on which we live and work.****We pay respect to First Nations Elders past and present and thank them for their continuing care of Country, culture and community.**

appin

Glenda Chalker [REDACTED]

Wed 21-Feb-24 8:40 AM

To: Kate Waters <Kate@watersconsultancy.com.au>

Dear Kate,

My comments for the Appin Aboriginal Cultural Values assessment are as follows;

1. One cannot decline the opportunity of consultation for this process, and then complain that they weren't involved. Cant have it both ways.
2. I would really like to know more about this Lieutenant Parker and the part that he played in not only the massacre but the decapitation of at least the three individuals
3. The account of the massacre by William Byrne states that they shot sixteen, apart from those who they drove into a drive. Differs from the soldiers that they only counted fourteen
4. Recommendation 33, is a recommendation that I support whole heartedly
5. Recommendation 34, 35 and 36 area must, in order for the Aboriginal community, along with the wider community to acknowledge and remember the truth of this place.
6. Recommendation 37, I do not know how this can happen, but we must also be considerate that Aboriginal people may not want to live on this place.
7. Area N. I was of the opinion that the threat of a road through this area was gone, with the relocation to the North. There should be no roads through this area
8. I firmly believe that there is a way forward with an Aboriginal entity taking ownership of not only the Cultural sites, but also the environmental lands on the development. I would seek the support for this to happen with not only Walker, but another significant landowner who overlaps some of these places, and the NSW government.

I support this document generally, but am still concerned with the loss of other Aboriginal heritage within this development. I will continue to work with Walker Corporation for the best outcomes for the remaining Heritage that sits outside of the State Heritage listing.

I acknowledge the time and research that has gone into not only this document, but also the State Heritage listings by Heritage NSW. I do acknowledge that the listing wasn't more than it is, but a small win is still a win, considering the other option of nothing and destruction

I do have to remain optimistic that Walker Corp will abide by the commitments that they have made in this document

Thank you


Glenda Chalker  
[REDACTED]

## If response to the Appin precinct project Aboriginal cultural values and assessment report.docx

Kazan Brown (via Google Docs) [REDACTED]

Sat 24-Feb-24 8:50 AM

To: Kate Waters <Kate@watersconsultancy.com.au>

 1 attachments (27 KB)

If response to the Appin precinct project Aboriginal cultural values and assessment report.docx.pdf;

### Kazan Brown attached a document



Kazan Brown [REDACTED] has attached the following document:

Hi Kate  
please find my submission attached  
regards  
Kazan



If response to the Appin precinct project Aboriginal cultural values and as...

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA  
You have received this email because kazanbrown@gmail.com shared a document with you from Google Docs.




**edited copy please use this one**

Kazan Brown [REDACTED]

Fri 01-Mar-24 12:41 PM

To: Kate Waters <Kate@watersconsultancy.com.au>

 1 attachments (15 KB)

If response to the Appin precinct project Aboriginal cultural values and assessment report.docx;



In response to the Appin precinct project Aboriginal cultural values and assessment report. I don't agree with the recommendations.

This area is a place of trauma and suffering. Women and children were indiscriminately slaughtered, the lasting effects and trauma. are still evident today within Dharawal and Gundungurra families. Construction at this site will reignite and increase that trauma.

**Not content at shooting at them in the most treacherous manner in the dark, they actually cut the woman's arm off and stripped the scalp of her head over her eyes. On going up to them and finding one of the children only wounded, one of the fellows deliberately beat the infants' brains out with the butt of his musket, the whole of the bodies then left in that state by the party unburied ([Throsby, 1816](#))**

This development will have a negative impact on the local Indigenous community it shows a complete disrespect for Indigenous people, our culture, history and dead. No amount of Indigenous involvement whether it be artwork, street names or land management can justify building houses on a massacre site.

**Cutting off heads so that the NSW Government could inspect them and identify Aboriginal warriors who had been killed was a common method used to provide proof of death during the NSW Frontier Wars. On this occasion, the NSW Government paid thirty shillings and a gallon of rum for each head ([Byrne, 1903](#)).**

I also see the use of Peck in this report to be contentious. It is well known Peck made up many of the stories he printed and they were not authentic.



## 10 Endnotes

<sup>i</sup> The engagement undertaken for this report, and the original draft of this report, were produced with the guidance of the draft guidelines, the final guidelines were produced subsequently. The draft is referenced in this document for consistency with the engagement with First Peoples during the process, there is no incompatibility with the finalised guidelines. *Draft Connecting with Country Framework*, Government Architect NSW South Wales, 2020.

<sup>ii</sup> See Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, 2011, Office of Environment and Heritage (NSW).

<sup>iii</sup> The *Greater Macarthur Growth Area Connecting with Country Framework Aboriginal Engagement Project* undertaken for the Department of Planning and Environment by GHD, in partnership with Zion Engagement and Planning and Waters Consultancy.

<sup>iv</sup> Cubbitch Barta Native Title Claimants Aboriginal Corporation (Glenda Chalker), Tharawal Local Aboriginal Land Council, Kazan Brown, A1 Indigenous Services (Carolyn Hickey), Kamilaroi Yankuntjatjara Working Group (Phil Khan), Butucarbin Aboriginal Corporation (Jennifer Beale), Didge Ngunawal Clan (Lilliee Carroll), Guntawang Aboriginal Resources Incorporated (Wendy Morgan), Barraby Cultural Services (Lee Field), Yurrandaali (Bo Field), Aragung Aboriginal Cultural Heritage Site Assessments (Jamie Eastwood), Waawaar Awaab Aboriginal Corporation (Rodney Gunther), Freeman & Marx Pty Ltd (Clive Freeman), Ngambaa Cultural Connections (Kaarina Slater), Murra Bidgee Mullangari Aboriginal Corporation (Darleen & Ryan Johnson), Wori Woilywa (Daniel Chalker), James Davis, Gilay Consultants (Carol Slater), Muragadi (Jesse Johnson), Merrigarn (Shaun Carroll).

<sup>v</sup> Glenda Chalker, Kazan Brown, Daniel Chalker, James Eastwood.

<sup>vi</sup> James Eastwood identified Aunty Glenda Chalker as the appropriate cultural knowledge holder for consultation.

<sup>vii</sup> Daniel Chalker, telephone, July 2021, and September 2021.

<sup>viii</sup> Daniel Chalker, telephone, December 2021, January 2022, and February 2022. See also letter 8 February 2022 in Appendix E.

<sup>ix</sup> Kazan Brown provided high level input on the cultural significance of the study area and reviewed the cultural mapping and recommendations.

<sup>x</sup> Kazan Brown, Daniel Chalker.

<sup>xi</sup> Glenda Chalker.

<sup>xii</sup> Kazan Brown.

<sup>xiii</sup> The GMAC cultural knowledge advisors were: Glenda Chalker, Raymond Ingre, Kazan Brown, Frances Bodkin, Ivan Wellington, Larry Hill, Pat Laughlin, Mandy Edwards, Robert Bell, and Daniel Chalker (noting that Daniel Chalker chose to withdraw from the GMAC process part way through).

<sup>xiv</sup> See Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, 2011, Office of Environment and Heritage (NSW).

<sup>xv</sup> See The Burra Charter (The Australia ICOMOS Charter for Places of Cultural Significance, 2013) and Practice Note: The Burra Charter and Indigenous Cultural Heritage Management, Version 1: November 2013, Australia International Council on Monuments and Sites.

<sup>xvi</sup> *Draft Connecting with Country Framework*, Government Architect NSW South Wales, 2020.

<sup>xvii</sup> Change.org petition launched in 2021, extract of map provided by Kazan Brown 8 December 2021.

<sup>xviii</sup> <https://www.change.org/p/walker-s-corporation-no-development-at-appin-massacre-area?redirect=false> [petition bolded as per original].

<sup>xix</sup> 'Notice of Listing on the State Heritage Register Under Section 37(1)(b): Appin Massacre Cultural Landscape', *NSW Government Gazette*, No.553-Planning and Heritage, 25 November 2022.

<sup>xx</sup> GHD/Zion Engagement and Planning/Waters Consultancy, *Aboriginal Engagement Outcomes Report: Greater Macarthur Growth Area*, report produced for NSW Department of Planning and Environment, 16 September 2022.

---

<sup>xxi</sup> *Greater Macarthur cultural sensitivity mapping*, developed by GHD/Zion Engagement and Planning/Waters Consultancy from cultural values information provided by the Greater Macarthur Cultural Knowledge Advisors, Figure 5 in *Ibid*, p.22.

# **A14 Aboriginal Objects Due Diligence**

**Aboriginal Objects Due Diligence Assessment**  
**Appin (Part) Precinct Part 2**  
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.

**Please be advised that this report discusses the deaths and burial of past inhabitants of Appin NSW, in particular the Appin Massacre.**

## Document control

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

Version	Author	Review	Status	Date
D1	Riley Finnerty and Kate Morris	Niche Internal	Draft	20/4/2023
D2	Deirdre Lewis-Cook	Client review	Draft	17/8/2023
Rev02	Deirdre Lewis-Cook	Map updates	Final	05/09/2024
Rev03	Deirdre Lewis-Cook	Map updates	Final	04/10/2024

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### Important information about your Report

**Your Report has been written for a specific purpose:** The Report has been developed for a specific purpose as agreed by us with you and applies only for that purpose. Unless otherwise stated in the Report, this Report cannot be applied or used when the nature of the specific purpose changes from that agreed. **Report for the sole benefit of Niche's client:** This Report has been prepared by Niche for you, as Niche's client, in accordance with our agreed purpose, scope, schedule and budget. This Report should not be applied for any purpose other than that stated in the Report. Unless otherwise agreed in writing between us, the Report has been prepared for your benefit and no other party. Other parties should not and cannot rely upon the Report or the accuracy or completeness of any recommendation. **Limitations of the Report:** The work was conducted, and the Report has been prepared, in response to an agreed purpose and scope, within respective time and budget constraints, and possibly in reliance on certain data and information made available to Niche. The analyses, assessments, opinions, recommendations, and conclusions presented in this Report are based on that purpose and scope, requirements, data, or information, and they could change if such requirements or data are inaccurate or incomplete. **No responsibility to others:** Niche assumes no responsibility and will not be liable to any other person or organisation for, or in relation to, any matter dealt with, or conclusions expressed in the Report, or for any loss or damage suffered by any other person or organisation arising from matters dealt with, or conclusions expressed in the Report.

Niche Environment and Heritage Pty Ltd (ACN 137 111 721)  
Enquiries should be addressed to Niche Environment and Heritage  
Suite 2, Level 3, 93 George Street Parramatta NSW 2150  
Email: [info@niche-eh.com](mailto:info@niche-eh.com)

4 October 2024

Mr Ahmad Ali  
Walker Corporation  
Senior Development Manager  
Level 21 Governor Macquarie Tower  
1 Farrer Place, Sydney NSW  
Via email: Ahmad.Ali@walkercorp.com.au

Dear Mr Ali,

**Re: Appin (Part) Precinct Part 2 - Aboriginal Objects Due Diligence Assessment (Niche ref # 5947)**

The result of this assessment indicates that Aboriginal Objects have survived within the Activity Area. The assessment identified one newly recorded Aboriginal cultural heritage site, Appin\_ST\_1 (AHIMS ID# *pending*), within the Activity Area.

The Due Diligence Code states that where a desktop and visual inspection has occurred and concluded that Aboriginal objects are present and/or likely within the Activity Area that cannot be avoided, further investigation and impact assessment is required.

In accordance with the relevant legislative codes and guidelines, and in compliance with the heritage controls outlined in Part 7 Section 7.2 of the Wollondilly DCP (2016), Niche recommends the following measures be undertaken before development occurs on the land:

- No works may proceed until the following recommended investigations are undertaken.
- Aboriginal community consultation is to be carried out in accordance with the (DECCW 2010) *Aboriginal Cultural Heritage Consultation Guidelines for Proponents 2010*.
- An Aboriginal Cultural Heritage Assessment (ACHA) will be required to fully assess the impact of the proposed works on Aboriginal objects and cultural heritage resources within and in proximity to the Activity Area. The ACHA is required to be completed in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).
- All new Aboriginal cultural heritage sites identified during the site inspection be registered through the Australian Heritage Information Management System (AHIMS).
- An Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NSW *National Parks and Wildlife Act 1974* will be required for the identified Aboriginal objects if the proposed harm cannot be avoided.
- All subsequent Aboriginal cultural heritage assessments should be undertaken in accordance with the Greater Macarthur Investigation Area: Archaeological Research Design and Management Strategy prepared by AHMS (2017).

Please do not hesitate to contact me on **0499 774 095** or via email: **rfinnerty@niche-eh.com** if you would like to clarify details of this assessment.

Yours sincerely,



Riley Finnerty  
Heritage Consultant  
**Niche Environment and Heritage**

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## 1. Introduction

---

### 1.1 The Proponent

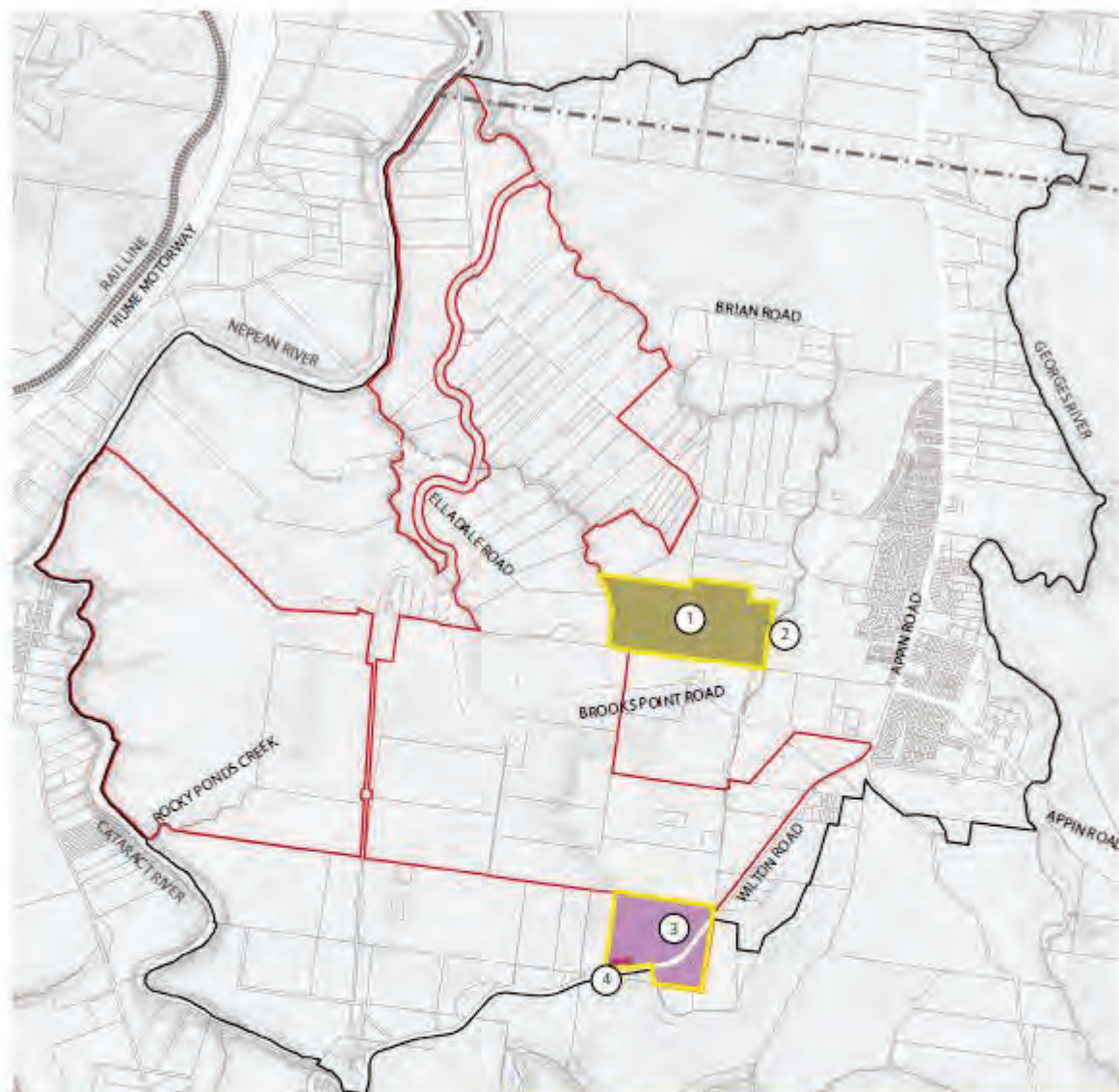
Niche Environment and Heritage Pty Ltd (Niche) have been engaged by Walker Corporation ('the Proponent') to undertake an Aboriginal Objects Due Diligence (DD) Assessment in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010; 'The Due Diligence Code') to support the Appin (Part 2) Precinct Plan (*the precinct plan*) and Appin (Part 2) Precinct Structure Plan (*the structure plan*) (Figure 1; hereafter referred to as the 'Activity Area').

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

### 1.2 The Activity Area

The Activity 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 (Figure 1). The Activity 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 four properties as detailed in Plate 1.

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 square metres (sqm) of gross lettable floor area for retail and commercial space can be delivered (Table 1).



**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.**

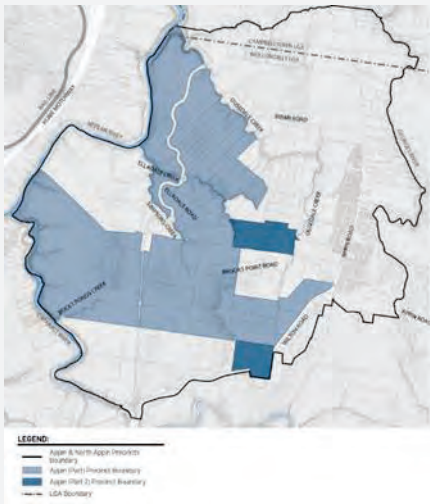
REF	LOT #	PLAN REF	ADDRESS	AREA (HA)
<b>DUNBIER LAND</b>				
1	32	DP736923	110 Macquariedale Road	61.18
2	1	DP1000355	90 Macquariedale Road	0.23
<b>KINGS LAND</b>				
3	3	DP804375	725 Wilton Road	36.61
4	1	DP 804375	525 Wilton Road	1.41

**APPIN (PART 2) PRECINCT - LAND OWNERSHIP PLAN**

1:40,000 @ A4  
DATE: 23-03-23  
REVISION NO:

Plate 1. Boundary of the Appin (Part 2) Precinct

**Table 1. Appin (Part 2) Precinct – summary of key attributes**

Location		Key Attributes	
Appin (Part 2) Precinct		Area	Total – 100.1 hectares (ha) Private Ownership – 100.1 ha
		LGA	Wholly Wollondilly LGA
		Proposed Dwellings	1,312
		Proposed retail & commercial floor space	30,000+
		Proposed Population	3,709

## 1.1 The proposed activity

The Proponent has prepared the subject submission to rezone 100.1 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, Walker Corporation Pty Ltd and Walker Group Holdings Pty Ltd (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.

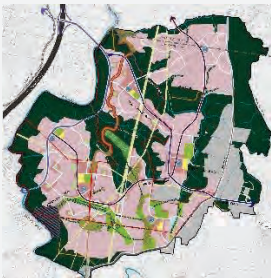
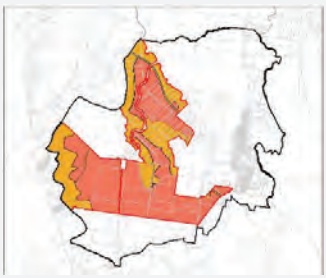

The UDZ will facilitate approximately 12,000 dwellings. The C2 zone will facilitate the conservation of 470 ha of endangered ecological community and help implement the Office of the NSW Chief Scientist & Engineer (NSW Chief Scientist) recommendations.

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 &amp; NORTH APPIN PRECINCTS INDICATIVE PLAN</p> <p><i>Broader context and for information purposes only. It has no statutory weight. It identifies:</i></p> <ul style="list-style-type: none"> <li>• Higher-order transport network</li> <li>• Centres hierarchy</li> <li>• School sites</li> <li>• Conservation areas</li> <li>• Residential areas</li> <li>• Cultural Sites and Connections</li> </ul>	<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 schedule in the Western Parkland City SEPP 2021.</i></p> <p><i>The precinct plan contains the development provisions (clauses and maps) applicable to the Site and is used in assessing development applications.</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> <p><i>Development is to be generally consistent with the structure plan. It illustrates land use components including (but not limited to):</i></p> <ul style="list-style-type: none"> <li>• Low and medium-density residential</li> <li>• Retail and employment centres</li> <li>• School</li> <li>• Open space</li> <li>• Drainage network/basins</li> <li>• Transport network</li> </ul>
 <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


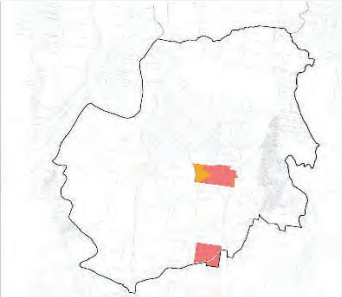

The Appin (Part 2) Precinct Plan (the precinct plan) shows the proposed new zones. 'The precinct plan' will be incorporated into the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 and contain the provisions (clauses and maps) that will apply to 'the Site.' 'The precinct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

- 1,312 dwellings (as a mix of low-density, medium density and apartments)
- 30,312 sqm of gross lettable retail/commercial floor area
- 16.91ha 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 &amp; NORTH APPIN PRECINCTS INDICATIVE PLAN</p> <p><i>Broader context and for information purposes only. It has no statutory weight. It identifies:</i></p> <ul style="list-style-type: none"> <li>• Higher-order transport network</li> <li>• Centres hierarchy</li> <li>• School sites</li> <li>• Conservation areas</li> <li>• Residential areas</li> <li>• Cultural Sites and Connections</li> </ul>	<p>(2) APPIN (PART 2) PRECINCT PLAN (THE PRECINCT PLAN)</p> <p><i>It shows the land proposed to be rezoned and incorporated into a new schedule in the Western Parkland City SEPP 2021.</i></p> <p><i>The precinct plan contains the development provisions (clauses and maps) applicable to the Site and is used in assessing development applications.</i></p>	<p>(3) APPIN (PART 2) PRECINCT STRUCTURE PLAN (THE STRUCTURE PLAN)</p> <p><i>Structure plan for the Site, showing staging of release areas.</i></p> <p><i>Development is to be generally consistent with the structure plan. It illustrates land use components including (but not limited to):</i></p> <ul style="list-style-type: none"> <li>• Low and medium-density residential</li> <li>• Retail and employment centres</li> <li>• School</li> <li>• Open space</li> <li>• Drainage network/basins</li> <li>• Transport network</li> </ul>
 <p>(21,000 dwellings)</p>	 <p>(1,312 dwellings)</p>	 <p>(1,312 dwellings)</p>

### 1.3 Statutory controls

The *National Parks and Wildlife Act 1974* (NPW Act), administered by Heritage NSW, is the primary legislation for the protection of some aspects of Aboriginal cultural heritage in NSW<sup>1</sup>. Part 6 of the NPW Act provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm.

The NPW Act provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution if they later unknowingly harm an object without an Aboriginal Heritage Impact Permit (AHIP).

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* sets out a process for individuals and organisations to follow to determine whether an Aboriginal object will be harmed by an activity, whether further investigation is needed, and whether that harm requires an AHIP.

#### 1.1.4 NSW Environmental Planning & 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 and development consent process and requires that environmental impacts are considered prior to land development; this includes impacts on heritage items. The EP&A Act also requires that local governments prepare planning instruments (such as Local Environmental Plans) in accordance with the principles of the legislation to provide guidance on the level of environmental assessment required.

#### 1.1.5 Wollondilly Development Control Plan 2016

The Wollondilly Development Control Plan (DCP) outlines detailed local provisions for all land within the Wollondilly LGA. Part 7 of the Wollondilly DCP states requirements and controls that apply to all development that may impact on Aboriginal heritage. Specifically, it states that:

<sup>1</sup> For further information visit: <https://www.environment.nsw.gov.au/licences/achregulation.htm>



*An Indigenous heritage and archaeological report must be prepared for any development application on land which contains a known Aboriginal object or Aboriginal Place of heritage significance. The report must be prepared by a suitably qualified archaeologist. The report must be prepared in accordance with the Code of Practice for Archaeological Investigation of Aboriginal objects in NSW.” According to the DCP, a report may also be required for “a proposal (including subdivision) which affects primarily undeveloped land (irrespective of land size) and has the following site features: river frontage, creek line, sandstone exposures at ground level larger than 5m<sup>2</sup> sandstone cliff line or isolated boulder higher than 2m, disturbance to the roots, trunk, branches, of old growth trees, which are native to the Wollondilly Shire and greater than 150 years of age (Wollondilly DCP, 2016).*

#### **1.1.6 Wollondilly Local Environmental Plan 2016**

Clause 5.10 of the Wollondilly Local Environmental Plan (LEP) (2016) outlines the controls for heritage conservation including the conservation of Aboriginal objects and Aboriginal Places of heritage significance. Part 2 outlines requirements that apply to all development that may impact on Aboriginal objects and Aboriginal Places of heritage significance. Specifically, Part 2 (f) (ii) states that development consent is required when subdividing land on which an Aboriginal object is located or that is within an Aboriginal Place of heritage significance.

#### **1.1.7 Greater Macarthur 2040 interim plan 2018**

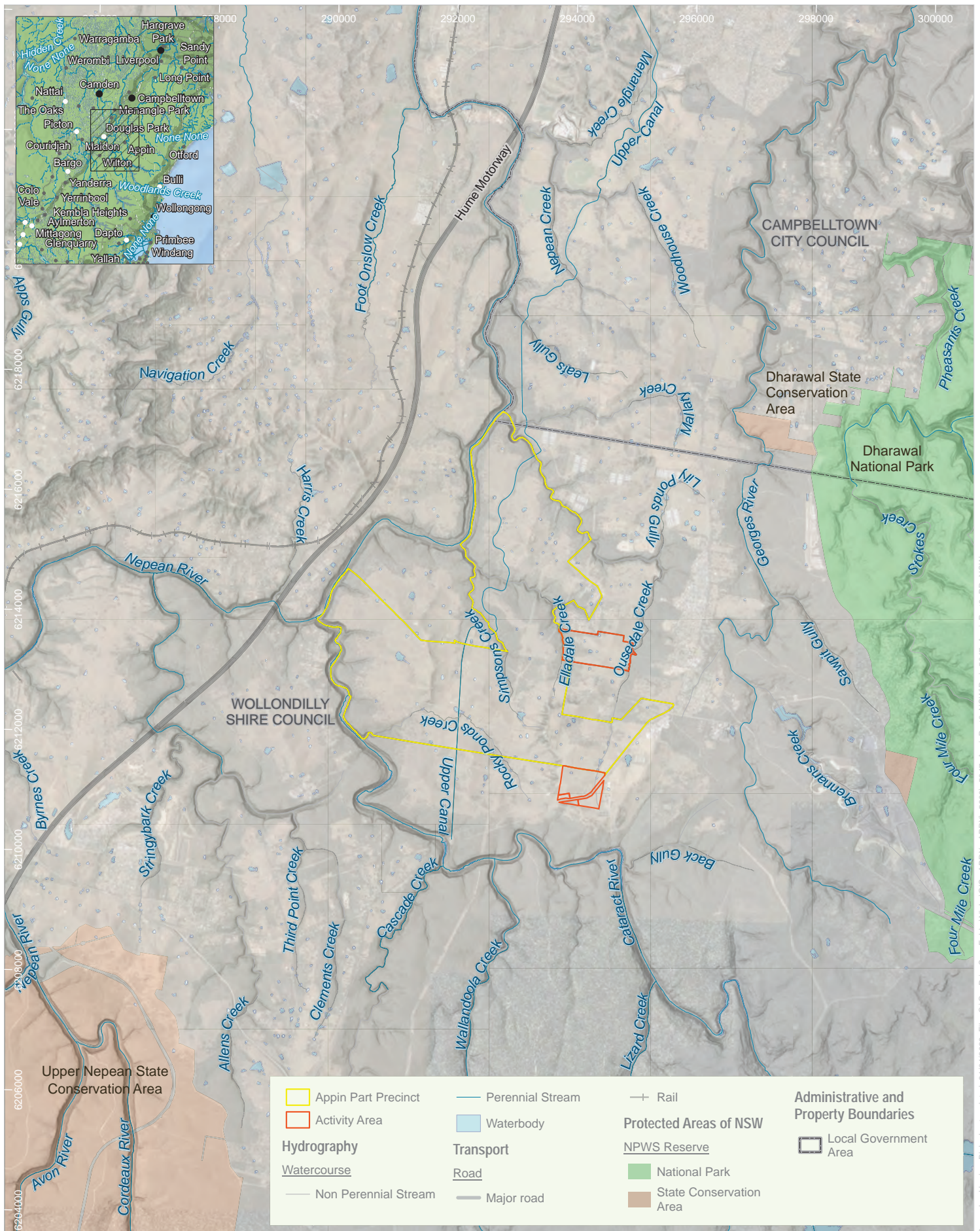
The GMGA centred around Campbelltown-Macarthur contains areas that have been identified and assessed as providing potential for urban development and growth within the precinct. This land use and infrastructure development plan is designed to balance growth within the GMGA and provide local jobs, education, recreation and housing opportunities while preserving significant cultural and environmental values of the area. The plan sets out a long-term vision for the precinct and provides the framework for two elements of the GMGA including the urban renewal of the rail corridor between Glenfield and Macarthur in the north of the GMGA, and the development of land release areas between Menangle Park and Appin in the south of the GMGA. The current Activity Area relates the later of these elements and has been identified as representing ‘Urban Capable Land’ (See DPE 2018: Figure 2).

### **1.4 Objectives**

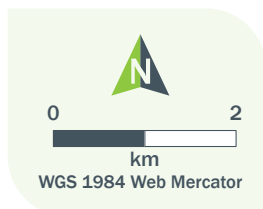
The aim of the assessment was to assess whether Aboriginal objects and/or places are present, or are likely to occur within, or near the Activity Area, if those Aboriginal objects and/or places may be harmed by the proposed works, and if further investigation is required.

### **1.5 Assessment methodology**

This DD follows the process outlined in Plate 2.



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**Location of Activity Area within regional context**

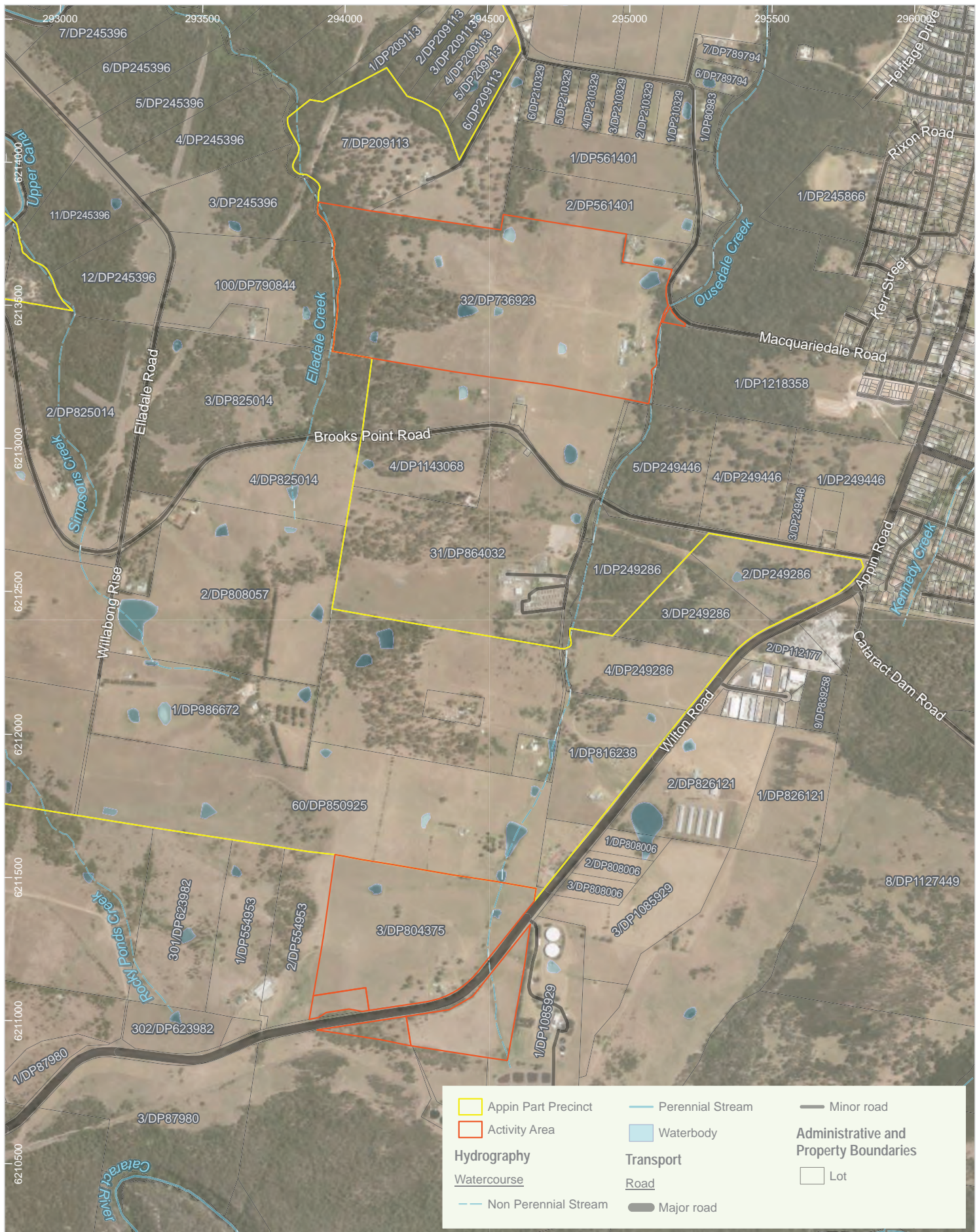
**Appin (Part) Precinct Part 2 - DD**

Niche PM: Deirdre Lewis-Cook  
 Niche Proj. #: 5947  
 Client: Walker Corporation Pty Ltd

**Figure 1**

Airbus, USGS, NGA, NASA, CGIAR, NCEAS, NLS, OS, NMA, Geodatastyrelsen, GSA, GSI and the GIS User Community/World\_Ocean\_Base; NIWA, Geosciences Australia, Esri, GEBCO, DeLorme, NaturalVue | Watercourses, Waterbodies, Road and Rail alignments, Protected areas of NSW © Spatial Services 2021. | Niche uses GDA2020 as standard for all project-related data. In order to ensure that data from numerous sources and coordinate systems is aligned, on-the-fly transformation to WGS1984 Web Mercator Auxiliary Sphere is used in the map above. For ease of reference, the grid tick marks and labels shown around the border of the map are presented in GDA2020, using the relevant MGA zone.





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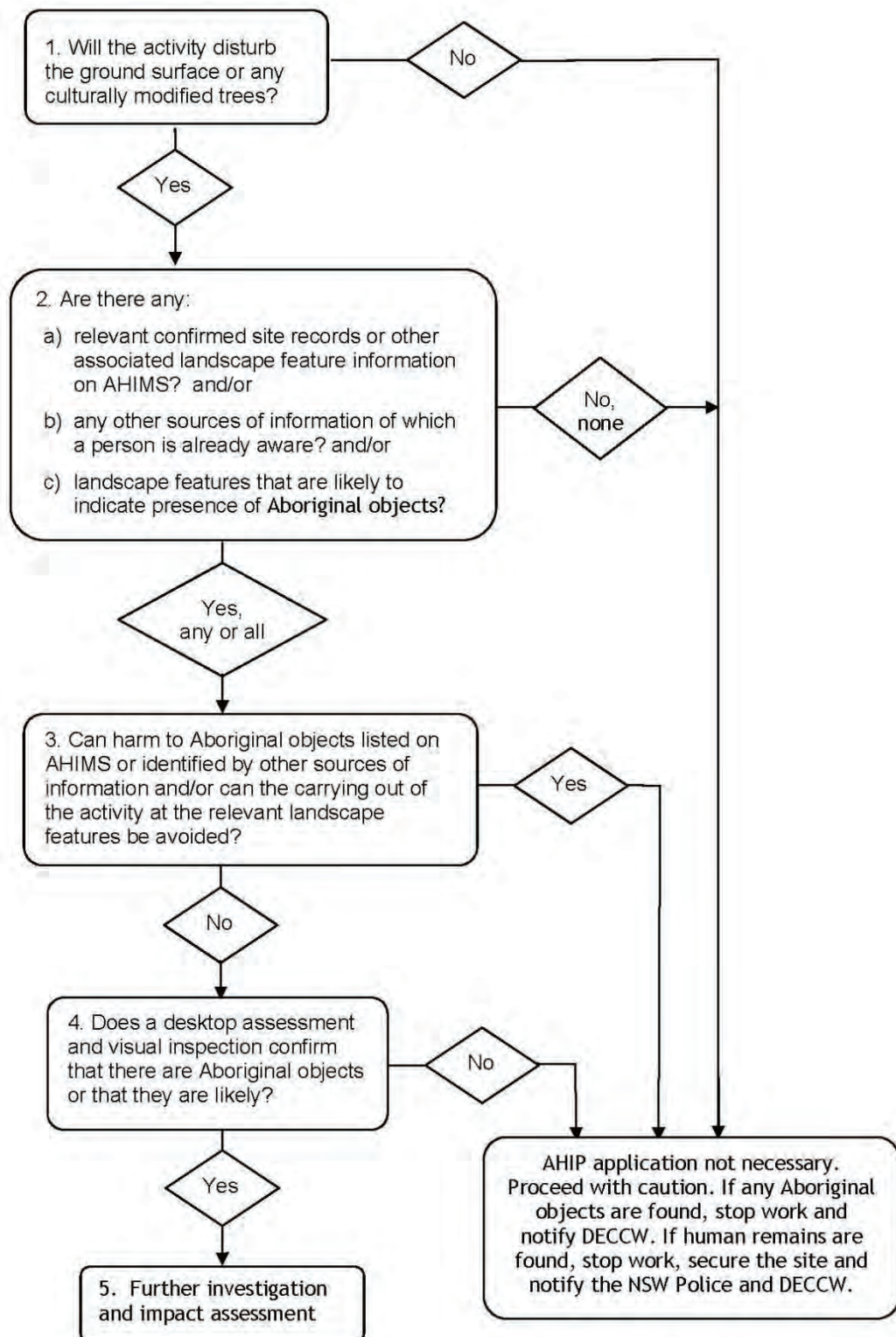


Plate 2: The due diligence assessment process

## 2. Aboriginal objects Due Diligence assessment

### Is the proposed activity a 'low impact activity' as defined by the Regulation?

No.

The activity of rezoning existing RU2 (Rural Landscape) land to UDZ (Urban Development Zone), C2 (Environmental Conservation) and SP2 (Special Infrastructure) land is not one of the low impact activities defined under section 80B of the *National Parks and Wildlife Regulation 2019* ('the Regulation').

### Step 1 - Will the activity disturb the ground surface or any culturally modified trees?

No.

The activity of rezoning existing RU2 (Rural Landscape) land to UDZ (Urban Development Zone), and C2 (Environmental Conservation) land would not disturb the ground surface or any currently registered culturally modified trees.

### Step 2a - Are there any relevant confirmed site records or other associated landscape feature information on AHIMS (or other heritage registers)?

Yes.

#### Heritage registers

##### **AHIMS**

An extensive search of the AHIMS was conducted on 27 March 2023 (AHIMS Client Service ID # 767596) covering the Activity Area for the following area at GDA Zone 56, Eastings: 292370.0 – 296572.0 and Northings: 6210269.0 – 6214575.0. See Attachment 1 for details of the search and Aboriginal cultural heritage sites within the search area.

A total of thirty-nine (39) Aboriginal cultural heritage sites were identified within the wider search area. However, none of these Aboriginal cultural heritage sites are located within the Activity Area (Figure 3). Table 4 provides a summary of the AHIMS sites located within the wider region surrounding the Activity Area. Within the wider search area, Open Camp Sites (artefact scatter or isolated) (n = 12) was the most common Aboriginal site feature documented on the AHIMS register. The next most common was Potential Archaeological Deposits (PAD) (n=8), Isolated Find (n=5), Modified Tree (Carved or Scarred) (n=4), Shelter with Art (n=3), and Shelter with Art and Artefact/s (n=2). The least common site types in the AHIMS search area include Artefact Scatter and Art (n=1), Axe Grinding Groove and Water Hole/Well (n=1), Midden (n=1), Shelter with Artefact/s and Grinding Groove (n=1), Art (Pigment or Engraved) (n=1).

**Table 4: Summary of AHIMS site features within the wider region surrounding the Activity Area**

Site type	Total	Percentage (%)
Art (Pigment or Engraved)	1	3%
Artefact Scatter and Art	1	3%
Axe Grinding Groove and Water Hole/Well	1	3%
Isolated Find	5	13%
Midden	1	3%
Modified Tree (Carved or Scarred)	4	10%

Site type	Total	Percentage (%)
Open Camp Site	12	31%
Potential Archaeological Deposit (PAD)	8	21%
Shelter with Art	3	8%
Shelter with Art and Artefact/s	2	5%
Shelter with Artefact/s and Grinding Groove	1	3%
<b>Grand Total</b>	<b>39</b>	<b>100%</b>

It must be noted that care should be taken when using the AHIMS database to reach conclusions about site prevalence or distribution. The distribution of registered sites does not reflect patterns of occupation, but rather is often indicative of survey coverage and conditions.

### Aboriginal Heritage Impact Permit (AHIP)

A search was conducted of the Department of Planning and Environment (DPE) AHIP Public Register (2021-22) and AHIP Public Register Archive (2010-21) on 27 March 2023. It was determined that no existing AHIPs have been registered over the current Activity Area or immediate surrounds.

### Other heritage registers

Searches of the Australian World Heritage Database, the Commonwealth Heritage List, National Heritage List, State Heritage Register, State Heritage Inventory, the Wollondilly LEP(2011) and the Wollondilly Development Control Plan (DCP) (2016) were conducted on the 27 March 2022. Clause 5.10 of the Wollondilly LEP (2011) outlines the controls for Heritage conservation including the conservation of Aboriginal objects and Aboriginal places of heritage significance.

The searches above concluded that there is one (1) recorded heritage item or Aboriginal place with Aboriginal heritage significance within close proximity to the Activity Area. The Appin Massacre Cultural Landscape (SHR#02067) 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. The curtilage of the item is listed as "All those pieces or parcels of land in the Parish of Appin, County of Cumberland shown on the plan catalogued HC 3294 in the office of the Heritage Council of NSW." (NSW Government Gazette No 553 of 25 November 2022). The larger landscape is represented as a series of five non-contiguous places that are key locations significant to the Appin Massacre:

- 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 archaeological 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.

The Appin Massacre is also listed on the University of Newcastle's Colonial Frontier Massacres map which identifies and records sites of frontier massacres of Aboriginal, Torres Strait Islander and non-Indigenous people across Australia from 1788 to 1930.

Heritage items of national, state, and local significance that were identified to be within 500 m of the Activity Area are shown in Table 5 below illustrated in Figure 3.



**Table 5: Summary of heritage listings within the wider region of the Activity Area**

Heritage register	Items in the Activity Area	Items within 500 m of the Activity Area
Australian World Heritage Database	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
Commonwealth Heritage List	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
National Heritage List	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
State Heritage Register	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Appin Massacre Cultural Landscape (#02067)</li> <li>Windmill Hill Group, including Ruins (#01931)</li> </ul>
Schedule 5 of Wollondilly LEP	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Elladale (I11)</li> <li>Northhamptondale Group - House, Trees, Slab Farm, Outbuildings, Stables (I13)</li> <li>Windmill Hill Group. Including Brennan's Farm, Larkin's Farm, Winton's Farm (I17)</li> </ul>
Development Control Plan	<ul style="list-style-type: none"> <li>N/A</li> </ul>	<ul style="list-style-type: none"> <li>Part 7 of the Wollondilly LEP (2016) outlines the controls for the conservation of Aboriginal objects and Aboriginal Places of heritage significance.</li> </ul>

Assessment of historical heritage constraints associated with the Activity Area is beyond the scope of this DD.





## Step 2b - Are there any other sources of information of which a person is already aware?

Yes.

### The Appin Massacre

The early decades of the 19<sup>th</sup> Century saw significant unrest and often open hostilities between local Aboriginal groups and European settlers in the Appin region and the wider Cumberland Plain.

The Activity Area 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 Lachlan Vale 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 Governor 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).

### Oral history

The location of burials associated with the Appin massacre, likely to be those of Durelle and Cannabayagal have long been considered to be located at the historical corner of Teston Farm. Oral histories passed down since the period of the massacre indicate that the burials are located below bedding stones and blackberry growth. The site card for the burials Rocky Ponds Creek/Brook's Point (AHIMS ID#52-2-1933) details this oral history and situates the site outside the boundary of the Activity Area, approximately 2 km south-west of the current Activity Area.

## Previous heritage assessments within or relevant to the Activity Area

Five previous heritage assessments have been undertaken within close proximity to the current Activity Area.

Table 6 provides an outline of heritage assessments that are relevant to the Activity Area.

**Table 6: Previous heritage assessments within the Activity Area**

Author	Title	Year	Relevance to the Activity Area
Heritage Concepts Pt Ltd	<b>Aboriginal &amp; Historic Archaeological and Cultural Heritage Values: Proposed Rezoning Macquariedale Road, Appin, NSW.</b>	2007	<p>The assessment included a desktop review of historic and Aboriginal cultural heritage values for the proposed rezoning site located on Macquariedale Road, Appin. The target area (Lot 1 DP1218358) for this assessment is directly east of the current Activity Area.</p> <p>A field inspection was conducted which identified four new Aboriginal cultural heritage sites; one artefact scatter and three isolated artefacts, which support the predictive model for Aboriginal cultural heritage sites across the Cumberland Plain. Low-density sites are often associated as background scatters within the Cumberland landscape, evidence of transitory activity.</p> <p>Results of the assessment detailed historic and Aboriginal cultural heritage values, including recommendations for testing, s.90 Consent to Destroy application and surface collection of the four above sites.</p>
Mary Dallas Consulting Archaeologists (MDCA)	<b>Due Diligence Aboriginal Heritage Assessment for Rezoning of Lot 1 DP20779, Lot 1 DP558807 and Lot 4 DP1160566, 40 Appin Road, 55 Macquariedale Road Appin NSW</b>	2014	<p>This archaeological assessment was prepared for Walker Corporation Pty Ltd by MDCA for the proposed rezoning of 40 Appin Road and 55 Macquariedale Road Appin NSW. The study identified 4 Aboriginal cultural heritage sites located within the vicinity of the proposed residential zoning and subdivision. As a result of this. These Aboriginal cultural heritage sites are one artefact scatter and three isolated artefacts, which support the predictive model for Aboriginal cultural heritage sites across the Cumberland Plain. Low-density sites are often associated as background scatters within the Cumberland landscape, evidence of transitory activity. It was recommended that isolated finds AP_A2 (AHIMS ID# 52-2-3527), AP_A3 (AHIMS ID# 52-2-3528) and AP_A4 (AHIMS ID# 52-2-3529) should be considered as being a part of a site complex that has been subject to erosional activity such as slope wash. It was also recommended that testing take place as well as the management of sites AP_A2, AP_A3 and AP_A4 to be considered for preservation. An AHIP will need to be sought in order to impact AP_A1 (AHIMS ID# 52-2-3526) as recommended by MDCA.</p>
Niche Environment and Heritage	<b>Aboriginal Objects Due Diligence Assessment Macquariedale Road, South Appin, NSW</b>	2020	<p>This assessment was prepared by Niche for the proposed geotechnical investigations and borehole samples within the Activity Area. Section 87 of the NPW Regulation defines geotechnical investigations as low-impact activity that is excluded from the definition of harm under the NPW Act1974. However, mitigative strategies were in place in the form of buffers around known registered sites within the</p>

			Activity Area in order to facilitate the geotechnical investigations while also preserving the cultural heritage of the Activity Area.
Niche Environment and Heritage	<b>Aboriginal Cultural Heritage Assessment Report Macquariedale Road Appin, NSW</b>	2021	<p>This assessment was prepared by Niche for the proposed residential subdivision and development of Appin South, located at the consolidated address of 55 Macquarie Road, Appin, NSW, Lot 1 DP 1218358, Lot 1 DP1148758 and Lot 1 DP 249446. The ACHA was to inform the subdivision and development process in order to manage and mitigate harm to Aboriginal objects and cultural heritage values during any future development.</p> <p>A site survey and testing were conducted within the Subject Area with attempts to relocate cultural heritage site AP_A1 (AHIMS ID# 52-2-3526), which were unsuccessful. The testing resulted in no new Aboriginal objects and/or features located within the Subject Area.</p> <p>Overall, the results from this assessment are relevant to the current Activity Area as it demonstrates that the area is likely associated with low-intensity, infrequent and sporadic occupation by Aboriginal people in the past. This is represented by a low-density background artefact scatter (AP_A1; AHIMS ID#522-3526) and Isolated Find (MAC_IF; AHIMS ID# 52-2-4665), indicative of infrequent and sporadic occupation/use of the area by Aboriginal people during the late-Holocene period/last 5,000 years (i.e., the Bondian phase of the eastern regional sequence). The investigations confirm that extensive disturbance to the topsoil and A horizon were observed across the Subject Area as a result of vegetation clearance and past agricultural land use. This has impacted the structural integrity of the soil profile and artefact bearing deposit.</p>
Niche Environment and Heritage	<b>Aboriginal Objects Due Diligence Assessment: 55 Macquariedale Road, Appin NSW</b>	2022	<p>This assessment was prepared by Niche for the proposed geotechnical investigations and borehole samples within the Activity Area. Section 87 of the NPW Regulation defines geotechnical investigations as low-impact activity that is excluded from the definition of harm under the NPW Act (1974). However, mitigative strategies were in place in the form of buffers around known registered sites within the Activity Area in order to facilitate the geotechnical investigations while also preserving the cultural heritage of the Activity Area. This assessment concluded that despite the proximity of the Activity Area to low-order streams there is nil to low potential for Aboriginal objects due to significant ground disturbances associated with historic farming activities.</p>

As part of the *A Plan for Growing Sydney* project, the Department of Planning and Environment (DPE) undertook an investigation to assess the potential for greenfield development south and south-west of the Campbelltown-Macarthur region (i.e., the Greater Macarthur Investigation Area [GMIA]) including the current Activity Area (DPE 2017). A preliminary analysis identified an area potentially suitable for future urban development. As part of the project, Archaeological and Heritage Management Solutions Pty Ltd (AHMS) was commissioned by DPE to undertake an Aboriginal Heritage Gap Analysis of the GMIA to

develop a regional study, characterise the cultural heritage values of the area and identified areas requiring further investigation. The results of this study are of relevance to the current Activity Area as they contribute to the archaeological record of the region and assist in establishing a predictive model for the nature and distribution of Aboriginal sites. The key findings of the study that are of relevance to the current project and Activity Area are summarised below (DPE 2017):

- Historically the area is associated with early agricultural expansion outside of Sydney with large pastoral estates established throughout Appin.
- Environmentally the area is dominated by the Cumberland Plain sub-region and the Sydney Cataract sub-region. The area contains key waterways such as the Nepean, Cataract and Georges Rivers which are recognised to be associated with a high potential for yielding significant cultural sites. In areas where dissecting sandstone is present, there is a high potential for shelter sites, engravings and axe-grinding grooves.
- Several instances of early interaction between Aboriginal and European people are noted to have occurred around Menangle and Menangle Park (as recorded on AHIMS ethnographic database).
- Based on a review of past assessments, Aboriginal cultural heritage site distribution patterns were found to be largely influenced (and limited) by the compliance-based assessments that have occurred in the area. Nevertheless, patterning indicates that sites are generally located within 200 m of larger river systems with sites greater than 500 m away rare and shelter sites are dominant.
- The archaeological predictive model developed for the region broadly states that:
  - Areas of high potential for Aboriginal objects/sites include: the banks of the Nepean, Cataract and Georges Rivers, and Allens, Elladale, Clemens, Cascade, Ousedale and Wallandoola Creeks.
  - The potential for locating significant cultural material in the above-mentioned locations is heightened by the fact that areas adjacent to these waterways and corridors are frequently elevated and remain largely undisturbed by development.
  - The potential for finding evidence for deeply stratified and early Aboriginal occupation in the area in association with these major river systems is demonstrated by results from excavations undertaken by AHMS along Georges River which revealed cultural materials on an elevated ridgeline at Moorebank dating to >20ka.
  - The integrity of some sites, particularly along the Nepean River, may have been affected by flooding events (DPE 2017).

### **Step 2c - Are there landscape features that are likely to indicate the presence of Aboriginal Objects?**

Based on the desktop assessment and site inspection (Section 2, Steps 2a and 2b), the Activity Area contains the following landscape features that are likely to indicate the presence of Aboriginal objects, as identified by the Due Diligence Code:

- Within 200 m of water.
- Located on a ridge top, ridge line or headland.

The perennial Cataract River is approximately 700 m from the Activity Area and runs adjacent to the southern boundary. Additionally, the perennial Nepean, located approximately 3.5 km from the Activity Area, would have provided a reliable source of water and abundant riverine resources. Furthermore, Ousedale Creek, Elladale Creek and a number of non-perennial drainage lines are located within the Activity Area. These minor waterways, according to White and McDonald (2010), have a high potential for PADs. Higher-order drainage lines tend to have higher artefact densities and more continuous distributions than lower-order drainage lines. Landforms with higher densities occur on terraces and lower slopes, and with sparse discontinuous scatters on upper slopes. Higher artefact densities tend to be within 50 m of 2<sup>nd</sup>-order drainage lines. The presence of sandstone outcropping within the Activity Area in association with the



Hawkesbury colluvial soils along the tributaries of the Nepean River represents an additional archaeologically sensitive landscape feature within the Activity Area. The presence of existing registered shelter sites (Ousedale Creek 05; AHIMS ID# 52-2-4447) nearby the Activity Area confirms the potential.

The archaeological characteristics and potential of an area are additionally defined through a range of factors, including stability of the soil matrix, underlying geology, and land use history. The Activity Area sits atop the Picton, Blacktown, and Luddenham soil landscapes (Figure 4).

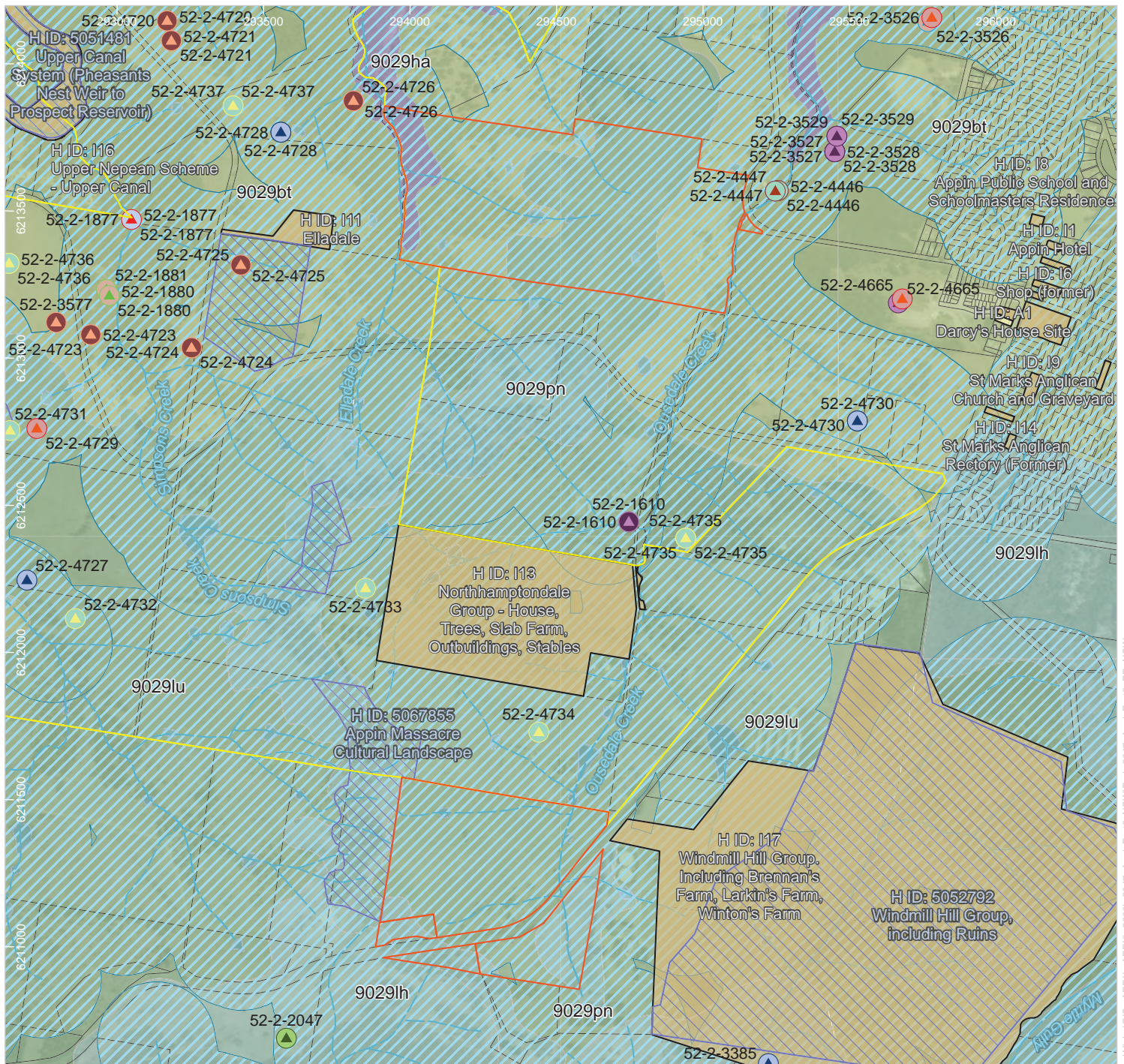
The Picton soil landscape varies from shallow to deep (50-200 centimetres (cm)) with Red and Brown Podzolic Soils on upper slopes; Brown and Yellow Podzolic Soils and Soloths on lower slopes and benches; and Red and Brown Earths on colluvial material. On lower slopes and in drainage lines, the soil is very deep (>300 cm) with Yellow Podzolic Soil and Soloths. The associated geology includes the Wianamatta Group and the associated landscape is characterised by steep to very steep side slopes and terraces. The deep soils associated with waterways are likely to preserve Aboriginal objects. Site types would likely include isolated artefacts, open campsites where suitable geology occurs, and artefacts and/or deposit.

The Blacktown soil landscape is generally shallow to moderately deep (<150 cm) and comprises Red Podzolic Soils and Brown Podzolic Soils on crests, upper slopes and well-drained areas, and deep (150-300 cm) Yellow Podzolic Soils on lower slopes and in drainage depressions and localised areas of poor drainage (Hazelton and Tille 1990). The associated geology is also Wianamatta Group. This soil landscape is known to preserve Aboriginal objects in association with hill crests, lower slopes and flats associated with good outlooks and/or drainage lines. These site types are more likely to comprise isolated stone artefacts rather than more significant concentrations. This landscape is prone to localised erosion, which may impact the integrity of archaeological deposits.

The Luddenham soil landscape is generally shallow (<100 cm) on crests; moderately deep (<150 cm) on upper and lower slopes and drainage lines (Hazelton and Tille 1990). The associated geology comprises the Wianamatta Group which includes Ashfield Shale. Ashfield Shale contains dark grey siltstone which can be used in stone tool manufacture. This soil landscape is likely to preserve Aboriginal objects in association with hillcrests and valleys with water sources nearby. Erosion may have impacted archaeological deposits, however, particularly in areas that have been cleared or grazed or along drainage lines depending on the speed of flow of water. Site types would likely include isolated artefacts, open campsites where suitable geology occurs, axe grinding grooves, rock engravings and shelters with art, artefacts and/or deposit.

The geology of the wider Wollondilly area would additionally have provided a number of resources to Aboriginal people including silcrete, silicified wood, tuff, mudstone, quartz, quartzite and basalt. Suitable pebbles of hard, igneous rock for axes also occur along the Nepean River (JMCHM 2007:11). Silcrete is the most common raw material type used for stone tool making recovered from archaeological sites within the greater Wollondilly area and across the Cumberland Plain and the Cumberland Lowlands, with known sources including the St Marys Formation, Rickabys Creek gravels and terraces along the Nepean River.

The entire Activity Area is currently zoned as RU2: Rural Landscape which means large portions of the Activity Area have been cleared and used for grazing. The potential for in-situ Aboriginal objects is lower on land that has been disturbed by more recent European land use. For instance, major earthworks, construction of dwellings, dams, services and infrastructure may remove the archaeological potential while vegetation clearance, grazing and ploughing may damage or remove the integrity of any archaeological deposits within the top 30 cm of soil.



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 HarrisonBinks Last updated: 24/04/2023

- Appin Part Precinct
- Activity Area

#### Hydrography

- Waterbody
- Hydrology buffer (200m)

#### Watercourses

- Non Perennial Stream
- Perennial Stream

#### Administrative and Property Boundaries

- Lot

#### Soils

#### Soil Landscapes of Central and Eastern NSW

- 9029bt, Blacktown
- 9029ha, Hawkesbury
- 9029lh, Lucas Heights
- 9029lu, Luddenham

- 9029pn, Picton

#### Heritage places

#### AHIMS

- Artefact
- Artefact Scatter
- Axe Grinding Groove and Water Hole/Well
- Axe Grinding Groove, Shelter with Deposit
- Isolated Find

- Midden
- Midden and Artefact Scatter
- Modified Tree (Carved or Scarred)
- Open Camp Site
- Potential Archaeological Deposit (PAD)
- Shelter with Art
- Shelter with Art and Artefact/s

- Shelter with Artefact/s and Grinding Groove

- State Heritage Register Curtilage

#### Local Heritage Place (Wollondilly Local Environmental Plan 2011)

- Item - Archaeological
- Item - General



### Step 3 - Can the harm or the activity be avoided?

Undetermined.

Although there are no registered AHIMS within the Activity Area, the proposed activity transverses some archaeologically sensitive landscape features (refer to Step 2c) and existing Aboriginal cultural heritage sites are registered within close proximity to the Activity Area (refer to Step 2a; Figure 4). The Activity Area is located within 200 m of water and located on a ridge-top which constitute landscapes with elevated archaeological potential. Moreover, the Activity Area is located on the boundary of the Appin Massacre Cultural Landscape which is part of a broader cultural landscape. 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.

Ground disturbance of these landscape features within the Activity Area cannot be effectively determined through desktop analysis alone. Therefore, a site inspection will be required to determine if any previously unidentified Aboriginal cultural heritage sites are present within the Activity Area and immediate surrounds.

### Step 4 - Does a desktop assessment and visual inspection confirm that there are Aboriginal Objects or that they are likely?

Yes.

A desktop and visual inspection confirmed that Aboriginal objects and archaeologically sensitive landscape features are present within the Activity Area (Step 2a and Step 2c).

A visual site inspection was conducted by Riley Finnerty (Niche Heritage Consultant) and assisted by Ahmed Ali (Walker Corporation) on 29 March and 19 April 2023. The photographic record from the visual site inspection is provided in Plate 3 –Plate 12. A comprehensive assessment of the entire Activity Area is required to further assess the archaeological and cultural heritage potential.

The inspection targeted areas within the Activity Area that contained potential archaeologically sensitive landscape features such as areas adjacent to the many creeks and water bodies that exist within the Activity Area (Figure 5). All rock overhangs encountered were inspected for evidence of suitability for past habitation such as evidence for art, surface artefacts and/or sediment accumulation/potential archaeological deposit.

Ground surface visibility (GSV) across the Activity Area was generally low (<10%) with densely vegetated areas and thick pastoral grasses obscuring the ground surface in most areas (Plate 3). Rare areas of exposure included erosional areas where the shallow soil profile has resulted in the surface wash during periods of rain (Plate 10), or around constructed dams (Plate 4). Intact soil profiles were observed around the dams, showing topsoils and light brown silty clay deposits (Plate 9).

Disturbances observed across the Activity Area included widespread vegetation clearances, pastoral and agricultural impacts, construction of roads, tracks and easements and localised areas of earthworks including the construction of houses and farming infrastructure (Plate 11-Plate 12). The Activity Area has predominantly been historically cleared of all vegetation for farming and agriculture with small clusters of mature trees remaining. Any mature trees within the Activity Area were inspected for cultural modification, resulting in the identification of one (1) newly recorded Aboriginal cultural heritage site (Appin\_ST\_1; AHIMS ID# pending) (Table 7).

A portion of the Activity Area at 110 Macquarredale Road has not been disturbed and retains native vegetation and is situated within a highly sensitive landscape (embankment of Elladale Creek). The landscape is in good condition, characterised by an open-woodland forest with minimal GSV and extensive leaf litter (Plate 7 -Plate 8). Any sandstone outcropping was inspected for potential habitation structures and grinding grooves along the creek line (Plate 7).

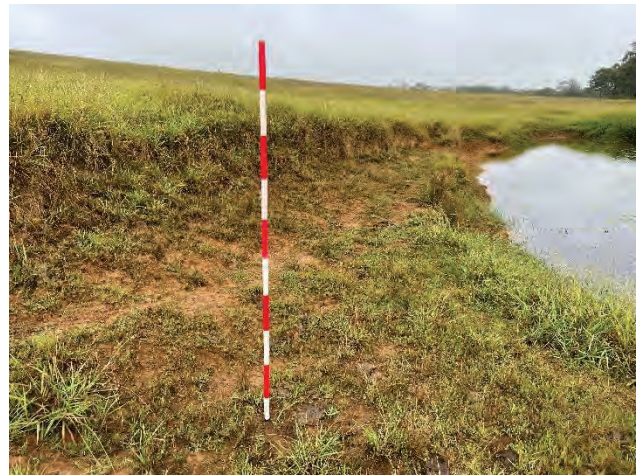
The site inspection also inspected along the existing boundary of the Appin Massacre Cultural Landscape (Item #02067) which identified significant views and vistas from the hill, overlooking the adjacent landscape (Plate 13 -Plate 14). The Activity Area is situated within the broader regional cultural landscape which 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).

As historical disturbance of the northern and southern areas could not be verified during the site inspection for these landforms with elevated archaeological potential and as low visibility hampered identification of any surface archaeological materials, archaeological potential with the southern area of the Activity Area is still likely and therefore requires further assessment. Moreover, during the course of the inspection, one previously unidentified site was identified 'Appin\_ST\_1' (AHIMS ID# pending). Details of this site are included below.





**Plate 3: Example of thick and dense grasses obscuring ground surface visibility, facing east.**



**Plate 4: Example of earthworks for dam construction, facing west.**



**Plate 5: Vegetation clearance and use of the land as pasture, with thick pastoral grass growth facing north. Located at 110 Macquariedale Road.**



**Plate 6: Vegetation clearance and use of the land as pasture, facing north. Located at 725 Wilton Road.**



**Plate 7. Example of a pristine gully and sandstone outcropping (Elladale Creek), facing north.**



**Plate 8. Intact open woodland along Elladale Creek, facing south.**





**Plate 9. Example of an exposed soil profile**



**Plate 10. Example of small exposures from sheet wash and hill erosion, facing south.**



**Plate 11. Example of dam construction, facing north.**



**Plate 12. Example of farming infrastructure, facing southeast.**



**Plate 13: Views at the top of the ridge, along existing curtilage of Appin Massacre (Item #02067) , facing west.**





**Plate 14: Views of the ridgeline within the southern Activity Area, facing north.**



### ***New sites identified within the Activity Area***

A total of one (1) newly recorded Aboriginal cultural heritage site was identified during the site inspection (Figure 5). This included a culturally modified tree (Appin\_ST\_1; AHIMS ID# *pending*) located within the property at 725 Wilton Road (Lot 3/-/DP804375). The site was located on the mid-slope of the hill within a small cluster of remaining mature trees. Details are provided below in Table 7.

Table 7. Summary of newly identified Aboriginal cultural heritage sites.

Site name	AHIMS ID	Site type	Description	Image reference
Appin_ST_1	Pending	Modified Tree	<p>Appin_ST_1 consists of scar on an alive mature <i>Eucalyptus paniculate</i> (Grey ironbark) (Plate 17). The scar is single curved elliptical (coolamon) in shape and is assessed as conforming to the standard scarring morphology accepted for Aboriginal modification (cf. Long 2005). The oval scar has symmetrical tapered ends and sides and is facing 60 degrees north-east. The tree is approximately 20 m in height. No axe marks were visible.</p> <p>The dimensions of the scar are shown as:</p> <p><b>Height</b> = 80 cm</p> <p><b>Width</b> = 20 cm</p> <p><b>Depth</b> = 10 cm</p> <p><b>Tree circumference</b> = 2.8 m</p> <p>Scar regrowth:</p> <p><b>Top-Left</b> = 12 cm</p> <p><b>Top-Right</b> = 10 cm</p> <p><b>Bottom Left</b> =12 cm</p> <p><b>Bottom Right</b> = 12 cm</p> <p><b>Height from ground</b> = 85 cm</p>	<div>  <p>Plate 15. Location of Appin_ST_1, facing east.</p> </div> <div>  <p>Plate 17. Appin_ST_1 modified tree (scar facing north-east).</p> </div>

Additionally, small fine white fibres were observed on the bark of the tree. Likely associated with shedding of livestock within paddock (horses). A large fungal growth is shown to have grown on the scars 'dry face' (Plate 18). This is a result of dry faces providing access for fungi, insects, and fire to the heartwood of a tree and it is for this reason that many scars on non-durable species of eucalypt are hollow.



Plate 16. Close-up of scar



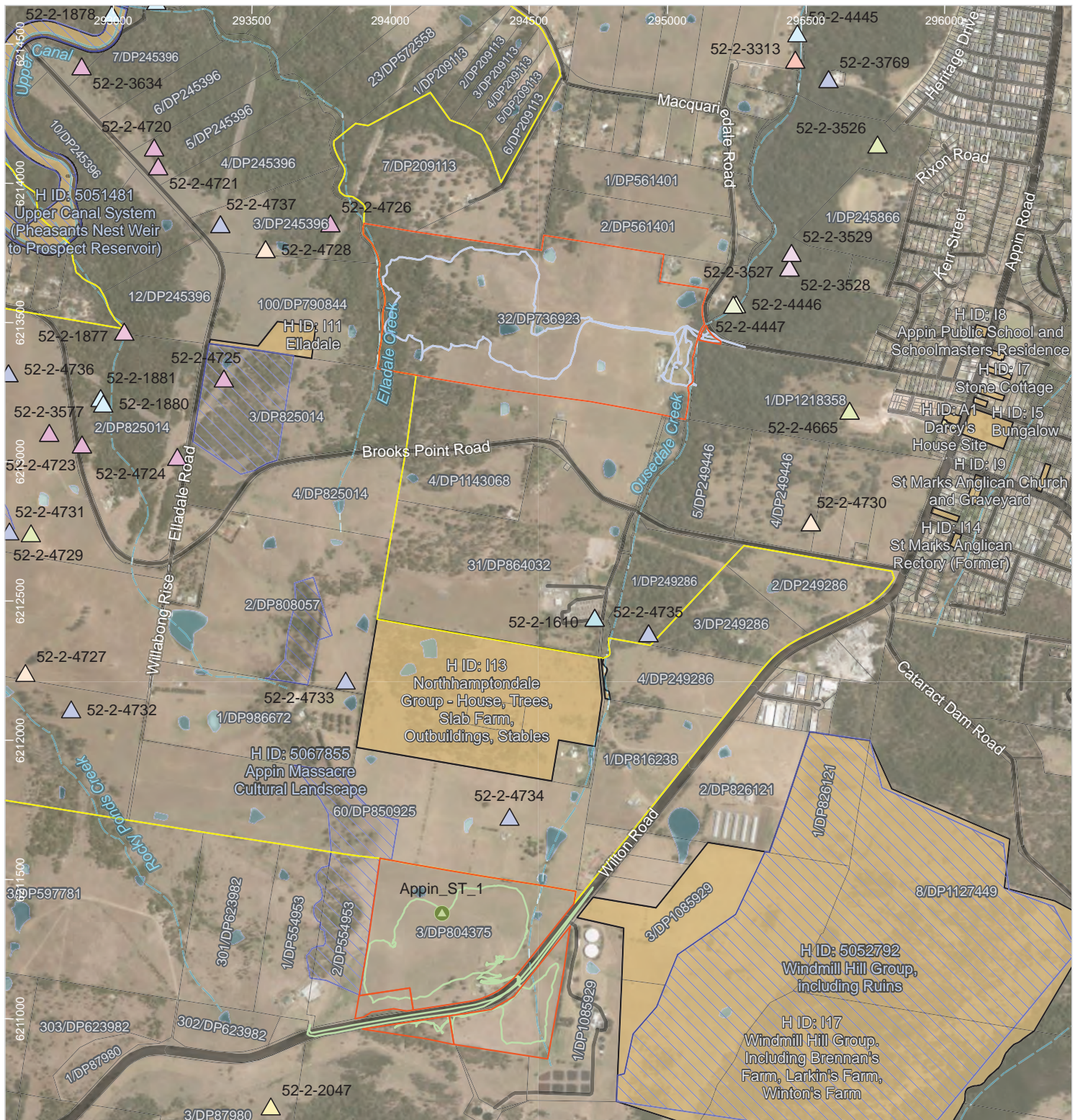
Plate 18. Close-up of tree fungus, growth on scar dry face.

### ***Summary of site inspection***

The results of the site inspection can be summarised as follows:

- One (1) newly recorded Aboriginal cultural heritage site (Appin\_ST\_1) was identified during the site inspection.
- Potential highly significant cultural and social values associated with the Appin Massacre Cultural Landscape were identified in the southern portion of the Activity Area. The proximity to existing heritage curtilages of the Appin Massacre landscape and its association with the Dharawal and Gundungurra Cultural Route, including the Hanging Trees (McGees Hill) Sorry Place, Ridgeline Camping Place and Vantage Point Teaching Place.
- Disturbance is variable across the Activity Area, with intensive farming across the majority of the Activity Area. In particular, disturbance of landform features with elevated archaeological potential cannot be substantiated in the southern area, suggesting potential in the areas is still present.
- Visibility is very low in the open paddocks and fields due to very thick growth of pastoral grasses.
- Visibility is very low within the open forest along Elladale Creek, due to extensive leaf litter.





#### Activity Area

- Appin Part Precinct
- Activity Area

#### Survey tracks

- 2023-03-29 10:39:11
- 2023-04-19 10:22:44

#### AHIMS

- Art (Pigment or Engraved)

#### Artefact

- Artefact Scatter
- Artefact Scatter and Art
- Axe Grinding Groove and Water Hole/Well
- Axe Grinding Groove, Shelter with Deposit
- Isolated Find
- Midden

#### Midden and Artefact Scatter

- Modified Tree (Carved or Scarred)
- Open Camp Site
- Potential Archaeological Deposit (PAD)
- Shelter with Art
- Shelter with Art and Artefact/s

#### Shelter with Artefact/s and Grinding Groove

#### Newly Identified Sites

- Appin\_ST\_1 - Modified Tree (Scarred)

#### Heritage places

- State Heritage Register Curtilage

#### Local Heritage Place (Campbelltown and Wollondilly Local Environmental Plan 2011)

- Item - Archaeological
- Item - General

#### Hydrography

- Watercourse
- Non Perennial Stream
- Perennial Stream

#### Waterbody

#### Transport

#### Road

- Major road
- Minor road

#### Administrative and Property Boundaries

- Lot



## Step 5 - Further investigations and impact assessment

Yes.

This assessment indicates that Aboriginal objects occur within the Activity Area. One (1) new Aboriginal cultural heritage site was identified during the visual inspection, concluding that Aboriginal objects are present within the Activity Area. The Activity Area contains archaeologically sensitive landscape features that are likely to indicate the presence of Aboriginal objects, as identified by the Due Diligence Code. The proposed activities are located within 200 m of water and are in proximity to ridge top/ ridge lines. Ousedale and Elladale Creek run adjacent and throughout the Activity Area which would have provided a reliable water source, whilst a number of non-perennial order drainage lines are also located within the Activity Area that would have offered Aboriginal people with a range of plant and animal resources throughout the year. Furthermore, the Activity Area is within proximity to a number of Historical Heritage Items, including the location of the Appin Massacre Cultural Landscape (SHR# 02067), giving this area the potential to have contact archaeology as it is a known contact site. The existing heritage curtilages of the Appin Massacre landscape are situated within the broader landscape and are not reflected by the stagnant property boundaries, therefore the Activity Area hold high potential for cultural and social values associated with the Appin Massacre.

As such, further assessment, consultation, and investigation of the Aboriginal heritage constraints within the Activity Area is required prior to any works in accordance with the *National Parks and Wildlife Act 1974* and *National Parks and Wildlife Regulation 2019*. Consideration of how potential impacts could detract from the significance criterion outlined in the State Heritage listing should be included in this additional assessment.

### 3. Conclusions and recommendations

Niche was commissioned by Walker Corporation to complete a DD to support Part 2 of the Appin (Part) Precinct Plan, a portion of land within the Appin (Part) Precinct Structure Plan of the Greater Macarthur Growth Area (GMGA).

Based on this DD, it is confirmed that the proposed works may impact Aboriginal objects within the Activity Area. The assessment identified one newly recorded Aboriginal cultural heritage site, Appin\_ST\_1 (AHIMS ID# *pending*), within the Activity Area.

The Due Diligence Code states that where a desktop and visual inspection has occurred and concluded that Aboriginal objects are present and/or likely within the activity area that cannot be avoided, further investigation and impact assessment is required.

In accordance with the relevant legislative codes and guidelines, and in compliance with the heritage controls outlined in Part 7 Section 7.2 of the Wollondilly DCP (2016), Niche recommends the following measures be undertaken before development occurs on the land:

**Table 8: Recommendations**

Recommendations	
1.	Aboriginal community consultation is to be carried out in accordance with the (DECCW 2010) <i>Aboriginal Cultural Heritage Consultation Guidelines for Proponents 2010</i> .
2.	An Aboriginal Cultural Heritage Assessment (ACHA) will be required to fully assess the impact of the proposed works on Aboriginal objects and cultural heritage resources within and in proximity to the Activity Area. The ACHA is required to be completed in accordance with the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW</i> (OEH 2011).
3.	If required, archaeological test excavations will determine the nature, extent, values and significance of any Aboriginal objects and archaeological deposits. As defined by the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW, 2010c), any works occurring in areas known or suspected to be conflict or contact sites, require an AHIP.
4.	All new Aboriginal cultural heritage sites identified during the site inspection be registered through Australian Heritage Information Management System (AHIMS).
5.	An Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act 1974 will be required for the identified Aboriginal objects if the proposed harm cannot be avoided.
6.	All subsequent Aboriginal cultural heritage assessments should be undertaken in accordance with the Greater Macarthur Investigation Area: Archaeological Research Design and Management Strategy prepared by AHMS (2017).
General	
7.	All workers should be inducted into the Activity Area, so they are made aware of their obligations under the <i>National Parks and Wildlife Act 1974</i> and any conditions of any future AHIP prior and during and after construction activities.
8.	In the event that previously unknown Aboriginal object(s) and/or sites are discovered during the proposed activity, work must stop. A temporary fence is to be erected around the Aboriginal cultural heritage site, with a buffer zone of at least 10 metres around the known edge. An appropriately qualified archaeologist is to be engaged to assess the findings, and notification is to be provided to Heritage NSW. Works should not proceed without advice from Heritage NSW or an appropriately qualified archaeologist.
9.	In the unlikely event that suspected human remains are encountered during construction, all work in the area that may cause further impact, must cease immediately and:

## Recommendations

- The location, including a 20 m curtilage, should be secured using barrier fencing to avoid further harm.
- The NSW Police must be contacted immediately.
- No further action is to be undertaken until the NSW Police provide written notification the Proponent.
- If the skeletal remains are identified as Aboriginal, the Proponent or their agent must contact:
  - Heritage NSW's Enviroline on 131 555; and representatives of the RAPs.
- No works are to continue until Heritage NSW provides written notification to the proponent or their Agent.

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- Wollondilly Shire Council. 2016. Wollondilly Local Environment Plan (LEP) 2016, Sydney, NSW

## Attachment 1 – AHIMS extensive search

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## AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : 5947 AHIMS Search 2023  
Client Service ID : 767596

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status**	SiteFeatures	SiteTypes	Reports
52-2-4736	PAD-WA6	GDA	56	292650	6213322	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
<b>Recorders</b>										
52-2-4725	WA-16	GDA	56	293428	6213320	Open site	Valid	Artefact :-		
52-2-2232	ACC1	AGD	56	292450	6212260	Open site	Valid	Artefact :-		
<b>Recorders</b>										
52-2-3385	LW219 Possible Scarred Tree	GDA	56	295301	6210660	Open site	Valid	Modified Tree (Carved or Scarred) :-		100434
<b>Recorders</b>										
52-2-4416	Searle OUSEDALE CREEK 06	GDA	56	295270	6213627	Closed site	Valid	Art (Pigment or Engraved) :- Artefact :-		
<b>Recorders</b>										
52-2-4603	APPIN FALLS 17	GDA	56	295796	6210332	Closed site	Valid	Art (Pigment or Engraved) :-		
<b>Recorders</b>										
52-2-4727	WA-13	GDA	56	292735	6212247	Open site	Valid	Modified Tree (Carved or Scarred) :-		
<b>Recorders</b>										
52-2-1881	Brooks Point 6	AGD	56	292880	6213050	Closed site	Valid	Art (Pigment or Engraved) :-	Shelter with Art	3655,3665
<b>Recorders</b>										
52-2-3313	MDI	AGD	56	295360	6214320	Open site	Valid	Art (Pigment or Engraved) :- 3, Artefact : 30	833	
<b>Recorders</b>										
52-2-3769	T Russell Ousedale Creek East Bank PAD	GDA	56	295586	6214443	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		101830
<b>Recorders</b>										
52-2-3384	LW219 Isolated Find	GDA	56	295740	6210556	Open site	Valid	Artefact : 1		100434
<b>Recorders</b>										
52-2-4665	MAC_IF	GDA	56	295688	6213254	Open site	Valid	Artefact :-		
<b>Recorders</b>										
52-2-1880	Brooks Point 5	AGD	56	292890	6213030	Closed site	Valid	Art (Pigment or Engraved) :-	Shelter with Art	3655,3665
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## AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : 5947 AHIMS Search 2023  
Client Service ID : 767596

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteStatus**	SiteFeatures	SiteTypes	Reports
52-2-4728	WA-12	GDA	56	293568	6213788	Open site	Valid	Modified Tree (Carved or Scarred) :-		
<b>Contact</b>										
52-2-4733	PAD-WA3	<b>Recorders</b>	Niche Environment and Heritage, Mr. Riley Finnerty				Valid	Potential Archaeological Deposit (PAD) :-	<b>Permits</b>	
<b>Contact</b>										
52-2-2213	PICTON	<b>Recorders</b>	Niche Environment and Heritage, Mr. Riley Finnerty				Valid	Artefact :-	<b>Permits</b>	97779
<b>Contact</b>										
52-2-1610	Ousedale Creek 1:	<b>Recorders</b>	Ms. Trish Saunders				Valid	Shell :- Artefact :-	<b>Permits</b>	2148
<b>Contact</b>										
52-2-4735	PAD-WA5	<b>Recorders</b>	Kerry Navin				Valid	Potential Archaeological Deposit (PAD) :-	<b>Permits</b>	
<b>Contact</b>										
52-2-4723	WA-08	<b>Recorders</b>	Niche Environment and Heritage, Mr. Riley Finnerty				Valid	Artefact :-	<b>Permits</b>	
<b>Contact</b>										
52-2-3648	Jordans Pass 2 (Appin)	<b>Recorders</b>	Niche Environment and Heritage, Mr. Riley Finnerty				Valid	Art (Pigment or Engraved) :-	<b>Permits</b>	
<b>Contact</b>										
52-2-2047	Ashley's Hole: Metropolitan Catchment Area:	<b>Recorders</b>	Mr. Jamie Reeves				Valid	Grinding Groove :- Water Hole :-	<b>Permits</b>	Axe Grinding Groove, Water Hole/Well
<b>Contact</b>										
52-2-4447	OUSEDALE CREEK 05	<b>Recorders</b>	Tony Kondak				Valid	Art (Pigment or Engraved) :- Artefact :-	<b>Permits</b>	
<b>Contact</b>										
52-2-3528	AP_A3	<b>Recorders</b>	Illawarra Prehistory Group, Mr. Bruce Howell				Valid	Artefact : 1	<b>Permits</b>	100570
<b>Contact</b>										
52-2-4729	Searle	<b>Recorders</b>	Heritage Concepts				Valid	Artefact :-	<b>Permits</b>	
<b>Contact</b>										
52-2-4732	PAD-WA2	<b>Recorders</b>	Niche Environment and Heritage, Mr. Riley Finnerty				Valid	Potential Archaeological Deposit (PAD) :-	<b>Permits</b>	
<b>Contact</b>										
52-2-4737	PAD-WA7	<b>Recorders</b>	Niche Environment and Heritage, Mr. Riley Finnerty				Valid	Potential Archaeological Deposit (PAD) :-	<b>Permits</b>	
<b>Contact</b>										

Report generated by AHIMS Web Service on 27/03/2023 for Riley Finnerty for the following area at Datum : GDA, Zone : 56, Eastings : 292370.0 - 296572.0, Northings : 6210269.0 - 6214575.0 with a Buffer of 0 meters. Number of Aboriginal sites and Aboriginal objects found is 39

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## AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : 5947 AHIMS Search 2023  
Client Service ID : 767596

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	SiteStatus**	SiteFeatures	SiteTypes	Reports
52-2-4731	PAD-WA1	GDA	56	292666	6212754	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
<b>Records</b>										
52-2-4724	WA-09	GDA	56	293266	6213035	Open site	Valid	Artefact :-		
52-2-4726	WA-14	GDA	56	293800	6213886	Open site	Valid	Artefact :-		
52-2-4734	PAD-WA4	GDA	56	294493	6211769	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
52-2-3527	AP_A2	GDA	56	295460	6213763	Open site	Valid	Artefact : 1		100570
52-2-3529	AP_A4	GDA	56	295466	6213816	Open site	Valid	Artefact : 1		100570
52-2-4730	WA-10	GDA	56	295557	6212850	Open site	Valid	Modified Tree (Carved or Scarred) :		
52-2-3526	AP_A1	GDA	56	295768	6214212	Open site	Valid	Artefact : 2		100570
52-2-1877	Brooks Point 2	AGD	56	292960	6213290	Closed site	Valid	Artefact :- Grinding Groove :-	Axe Grinding Groove, Shelter with Deposit	3655, 3665
52-2-4720	WA-04	GDA	56	293158	6214144	Open site	Valid	Artefact :-		
52-2-3577	MD04	GDA	56	292802	6213111	Open site	Valid	Artefact : 1		
52-2-3634	Brooks Point 3 [duplicate copy see 52-2-1878]	GDA	56	292890	6214430	Open site	Valid	Artefact :-		3665
52-2-4721	WA-03	GDA	56	293174	6214077	Open site	Valid	Artefact :-		

### \*\* Site Status

**Valid** - The site has been recorded and accepted onto the system as valid  
**Destroyed** - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution  
**Partially Destroyed** - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground  
**Not a site** - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 27/03/2023 for Riley Finnerty for the following area at Datum : GDA, Zone : 56, Eastings : 292370.0 - 296572.0, Northings : 6210269.0 - 6214575.0 with a Buffer of 0 meters. Number of Aboriginal sites and Aboriginal objects found is 39

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## Our services

### **Ecology, biodiversity offsets and natural capital**

Terrestrial ecology  
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### **Heritage management**

Heritage planning and advice  
Archaeology  
Cultural heritage management

### **Environmental planning, approvals and management**

Planning and advisory  
Assessment and approvals  
Management and compliance

### **Geospatial and knowledge management**

Spatial visualisation, storage and analysis  
Insight and risk management  
Field operations support

# **A15 Historical Heritage Assessment**



**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

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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"> <li>• Part UD Urban Development (<i>majority</i>)</li> <li>• Part C2 Environmental Conservation (<i>eastern and western portions</i>)</li> <li>• Part SP2 Infrastructure (<i>narrow section in the middle of property</i>)</li> </ul>

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-19<sup>th</sup> 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 20<sup>th</sup> 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 19<sup>th</sup> and 20<sup>th</sup> 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	
<b>Dharawal and Gungungurra Cultural Route identified with the Appin Massacre</b>	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.
<b>All</b>	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.
<b>All</b>	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.


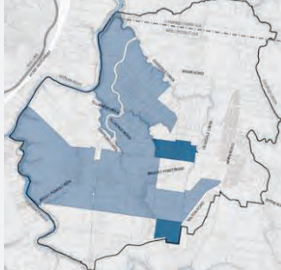

The UDZ will facilitate approximately 12,000 dwellings. The C2 zone will facilitate the conservation of 470 ha of endangered ecological community and help implement the Office of the NSW Chief Scientist & Engineer (NSW Chief Scientist) recommendations.

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 &amp; 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 (<i>THE PRECINCT PLAN</i>)</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 (<i>THE STRUCTURE PLAN</i>)</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"> <li>Higher-order transport network</li> <li>Centres hierarchy</li> <li>School sites</li> <li>Conservation areas</li> <li>Residential areas</li> <li>Cultural Sites and Connections</li> </ul>	<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"> <li>Low and medium-density residential</li> <li>Retail and employment centres</li> <li>School</li> <li>Open space</li> <li>Drainage network/basins</li> <li>Transport network</li> </ul>
 <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 &amp; 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"> <li>• Higher-order transport network</li> <li>• Centres hierarchy</li> <li>• School sites</li> <li>• Conservation areas</li> <li>• Residential areas</li> <li>• Cultural Sites and Connections</li> </ul>	<p><i>schedule in the Western Parkland City SEPP 2021.</i></p> <p><i>The precinct plan contains the development provisions (clauses and maps) applicable to the Site and is used in assessing development applications.</i></p>	<p><i>Development is to be generally consistent with the structure plan. It illustrates land use components including (but not limited to):</i></p> <ul style="list-style-type: none"> <li>• Low and medium-density residential</li> <li>• Retail and employment centres</li> <li>• School</li> <li>• Open space</li> <li>• Drainage network/basins</li> <li>• Transport network</li> </ul>
 <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.

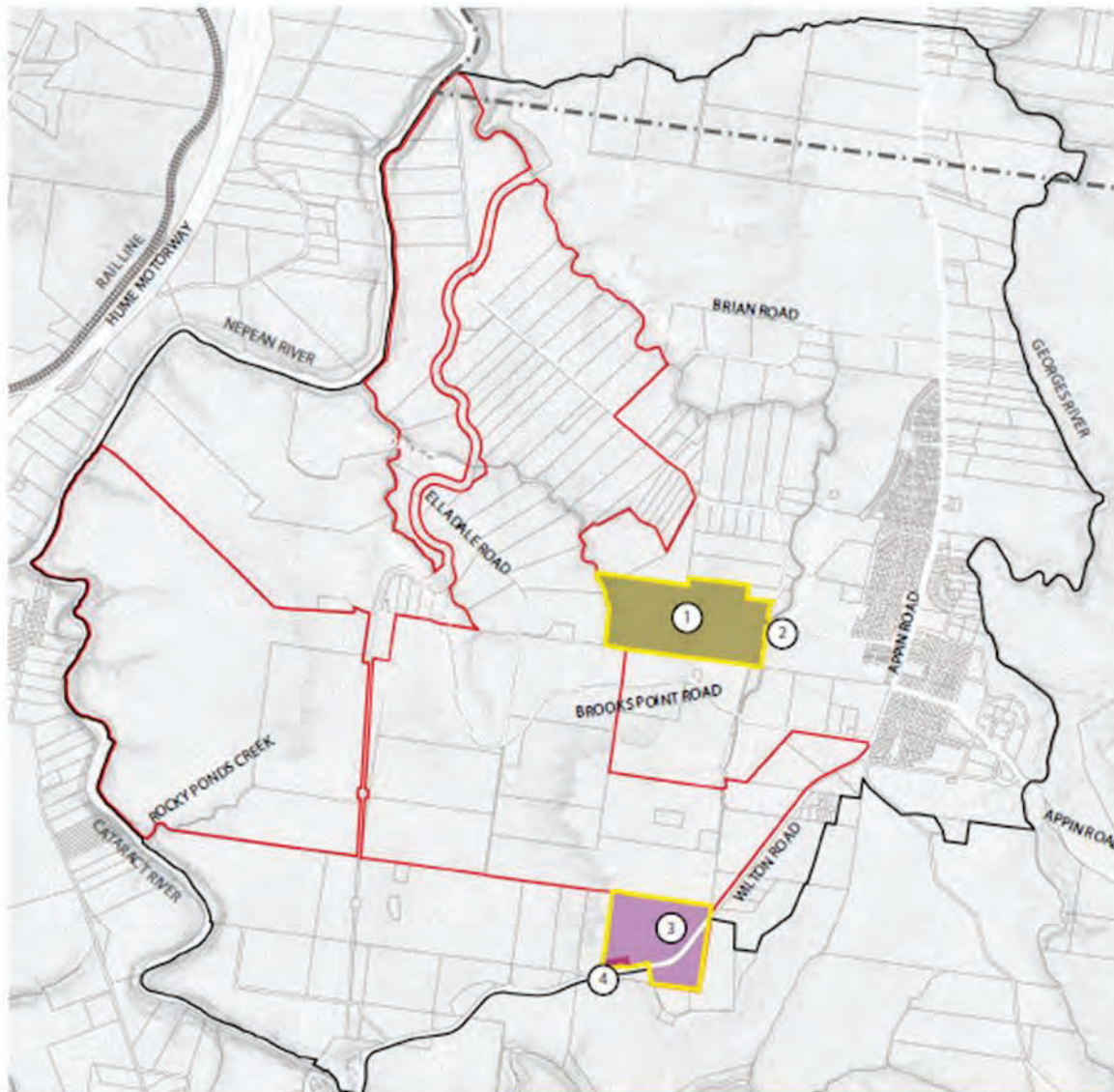
## 1.2 Objectives of the report

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**

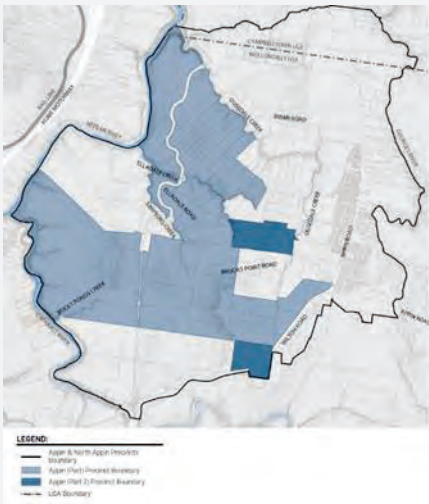
REF	LOT #	PLAN REF	ADDRESS	AREA (HA)
<b>DUNBIER LAND</b>				
1	32	DP736923	110 Macquariedale Road	61.18
2	1	DP1000355	90 Macquariedale Road	0.23
<b>KINGS LAND</b>				
3	3	DP804375	725 Wilton Road	36.61
4	1	DP 804375	525 Wilton Road	1.41

**APPIN (PART 2) PRECINCT - LAND OWNERSHIP PLAN**

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REVISION NO: -

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

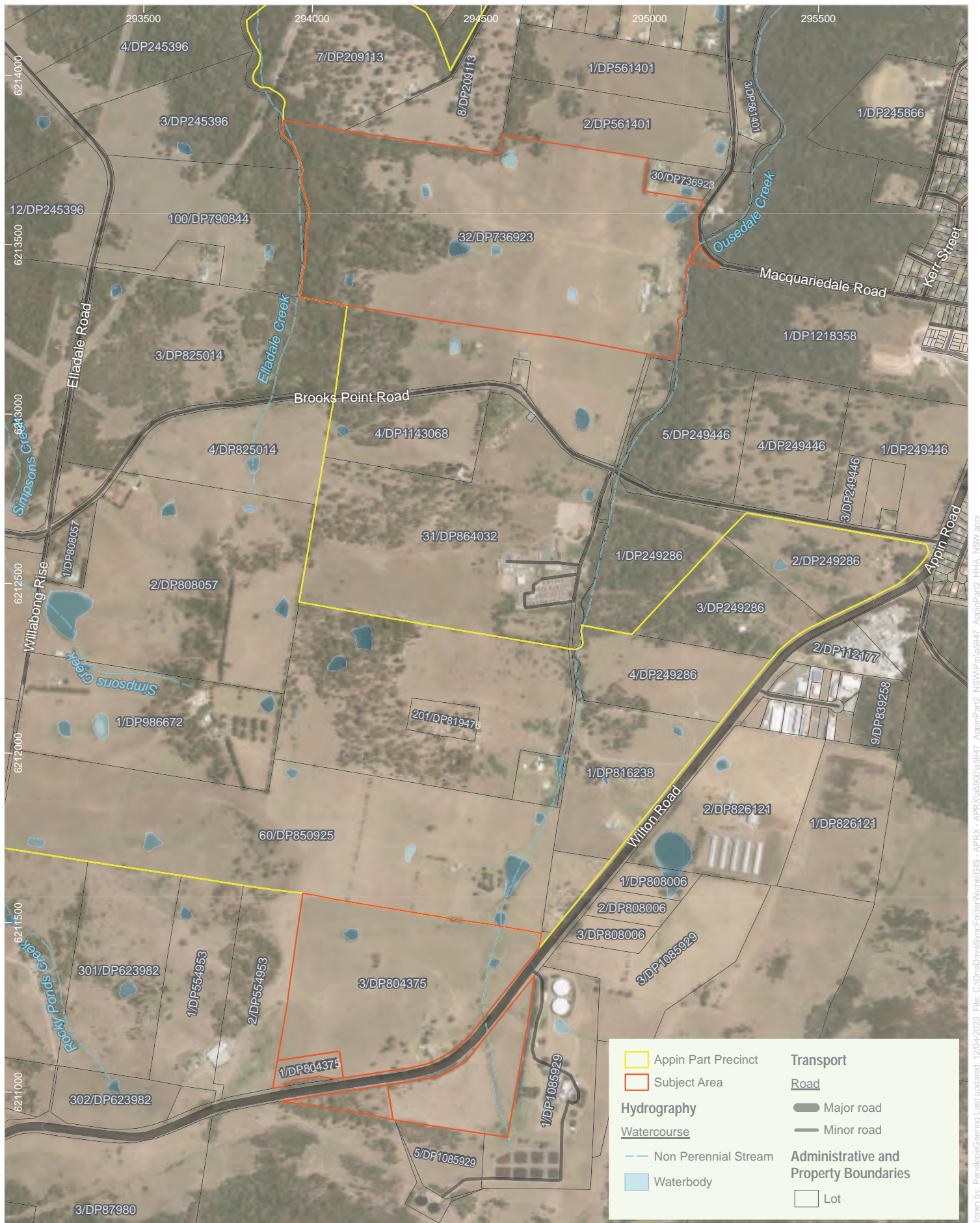
This report has been written by Riley Finnerty (Heritage Consultant, Niche) and Carly Todhunter (Heritage Consultant, Niche). Original research has been undertaken by Sarah McGuinness and Riley Finnerty (Niche 2022) and Carly Todhunter. The report has been reviewed by Joshua Madden (Principle, Sustainable 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

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### 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.*



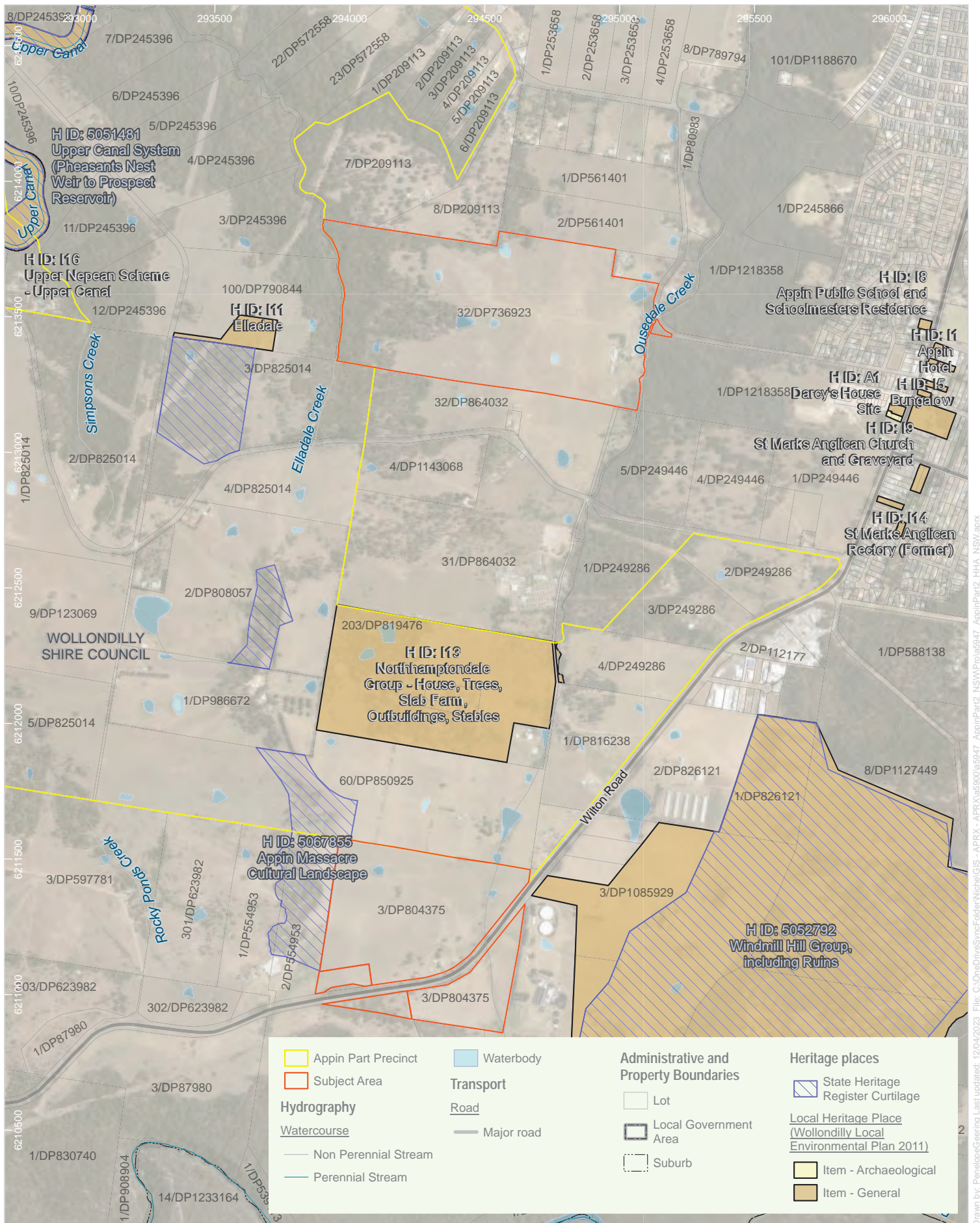
*As detailed in Table 5, however, a number of state and locally significant heritage listings occur in proximity to the Subject Area.*



**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)  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.	<i>Wollondilly LEP 2011</i>  State Heritage Register	The site is identified as having social and historical significance through its associated with the early development of the region and its association with two locally significant individuals- Reverend Sparling and Rachel Henning.  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)  Windmill Hill Group, including ruins (SHR# 01931) (approximately 530 m to the east)  Northamptondale Group - House, Trees, Slab Farm, Outbuildings, Stables (I13) (approximately 270 m to the northwest)	<i>Wollondilly LEP 2011</i>  State Heritage Register  <i>Wollondilly LEP 2011</i>	Expansive listing recognises a number of locally significant farms which are recognised for their local heritage significance.  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.  The site is recognised for its historic, social and aesthetic significance. The listing identified the Northamptondale 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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m  
WGS 1984 Web Mercator

## Heritage listed items

### Appin (Part) Precinct Part 2 - HHA

Niche PM: Deirdre Lewis-Cook  
Niche Proj. #: 5947  
Client: Walker Corporation Pty Ltd

**Figure 3**



### 3. Historical context

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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 18<sup>th</sup> 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.

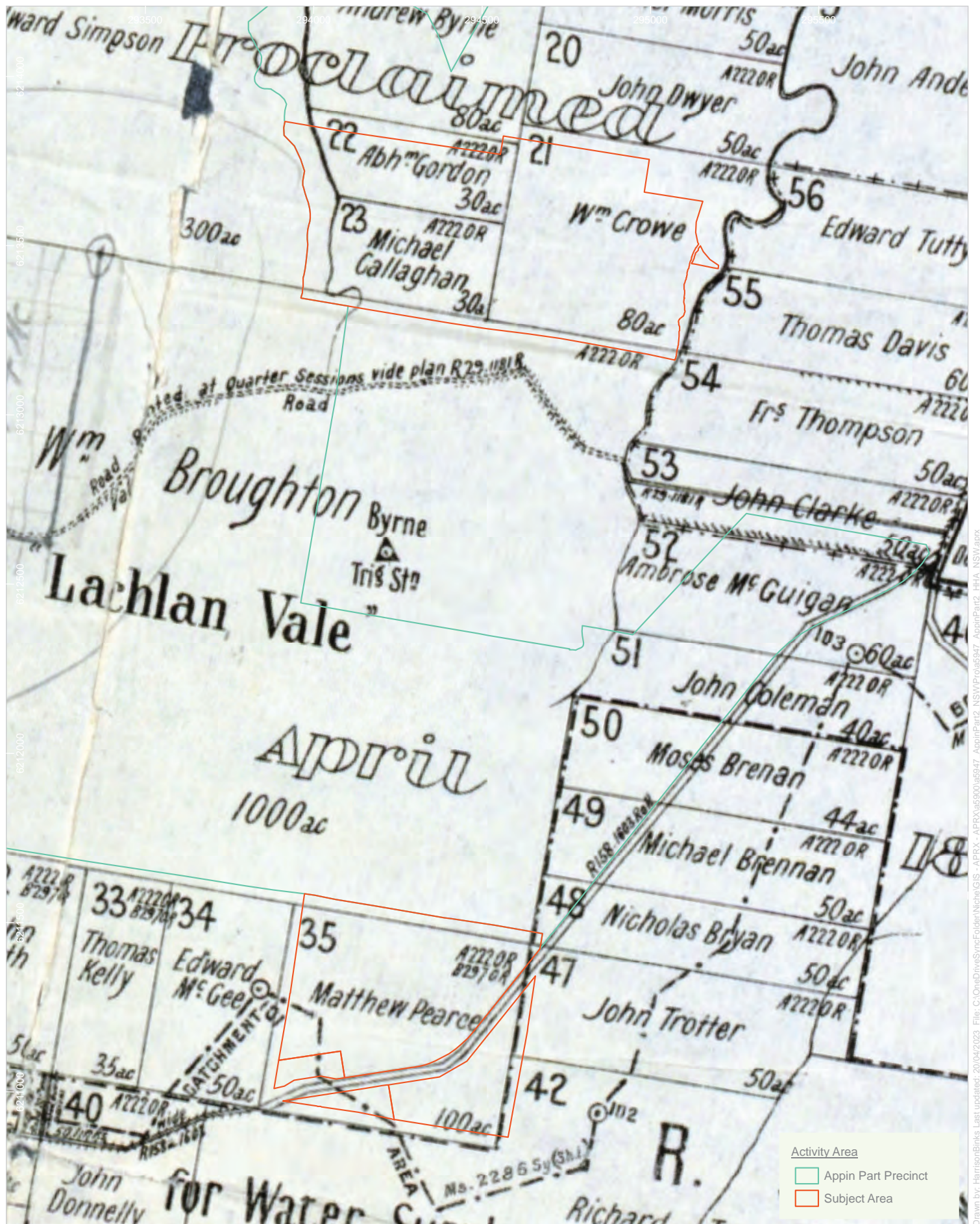
**Table 6: Appin's earliest land grants (Source: Whitaker, 2005).**

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 20<sup>th</sup> 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 19<sup>th</sup> 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).

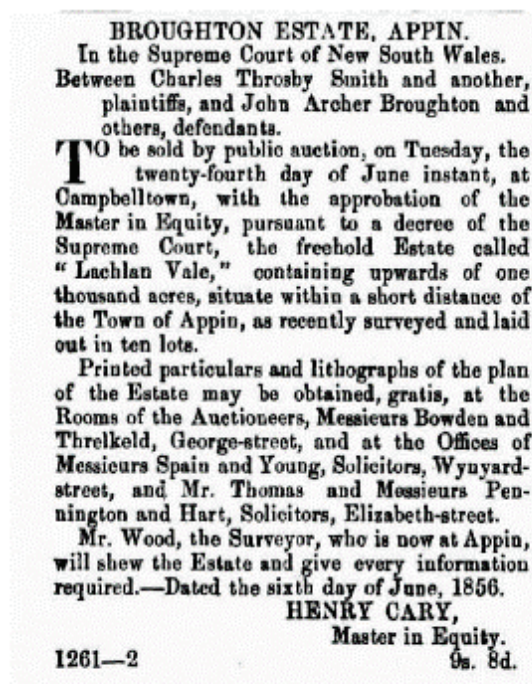
The detachment under Captain Wallis headed towards the Appin district, where they encountered Gundungara warriors Bitgully and Yelloming on John Kennedy's Teston farm. Both warriors were on a wanted list, but Kennedy convinced Wallis that they had been removed from the list and were there to protect 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 19<sup>th</sup> 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 19<sup>th</sup> 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 19<sup>th</sup> 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.



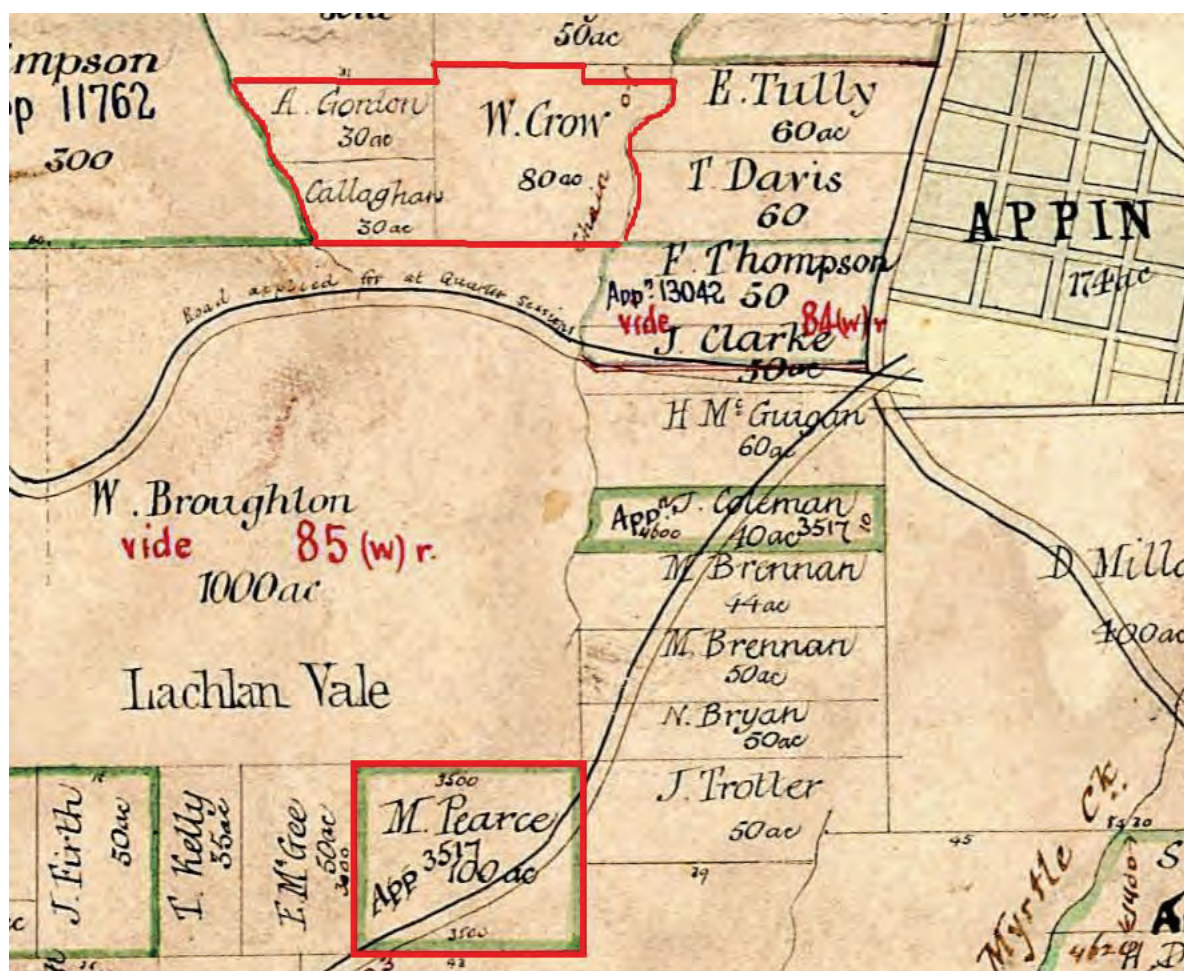


Plate 3. Detail, undated parish map of Appin (1867) showing extend of W. Croew, Abh. Gordon, M. Callagan, M. Pearce's grants (LEP, Historical Records Viewer) (current Subject Area in red).

### 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 1794<sup>1</sup>. 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 stick 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'<sup>2</sup>.*

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

<sup>2</sup> 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...”<sup>3</sup>. 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 20<sup>th</sup> century farming

Appin and its surrounding estates remained a rural area into the twentieth century. From the mid-20<sup>th</sup> 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 <sup>th</sup> and early 19 <sup>th</sup> 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 <sup>th</sup> Century)	From the mid-19 <sup>th</sup> 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

<sup>3</sup> 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 <sup>th</sup> 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 20<sup>th</sup> Century.

## 4. Physical analysis

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### 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.

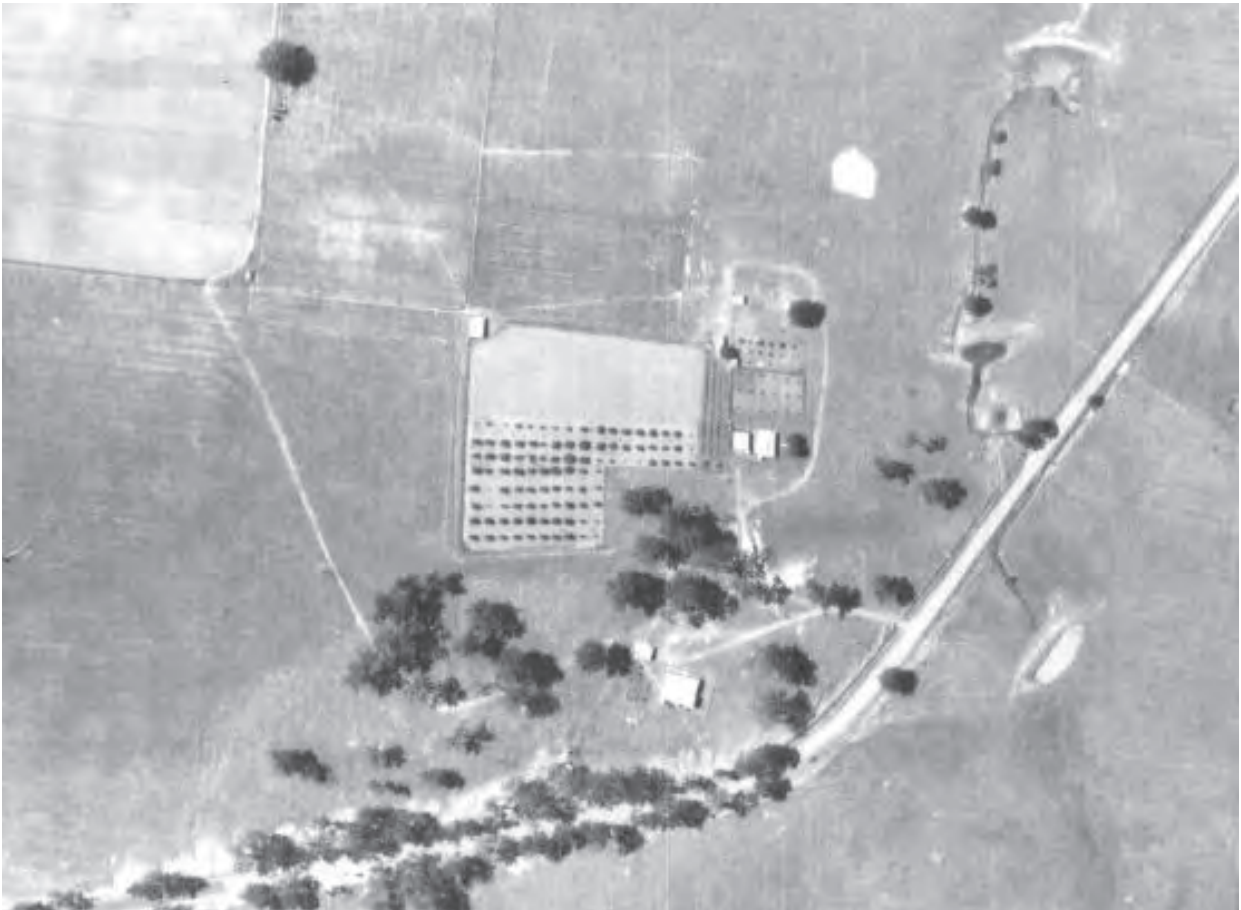


Plate 22: 1947 aerial showing the location of previous small farmhouse and crops (Source: LPI Spatial Services).





**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.**



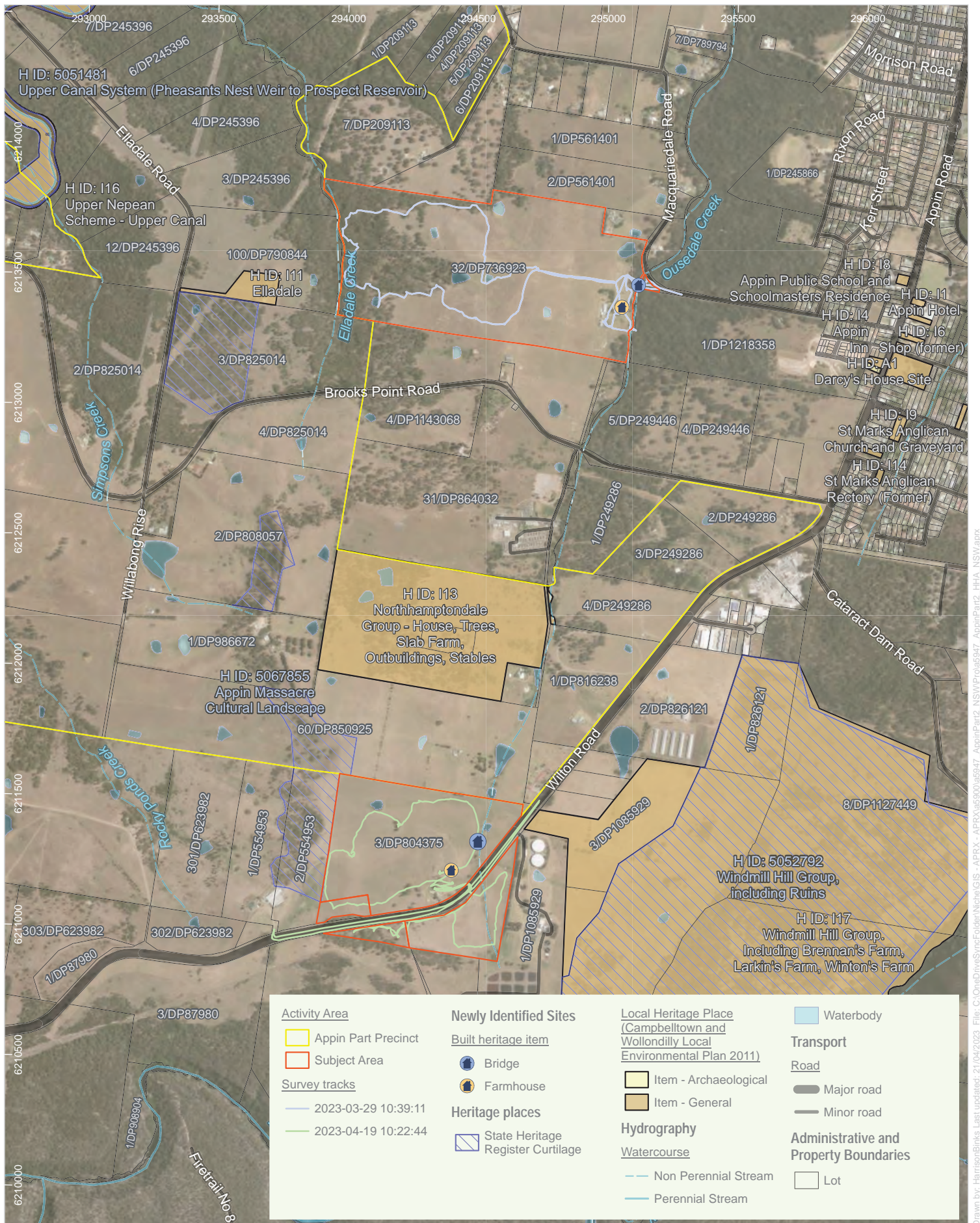


**Plate 36: Context shot of elongated channels with a rubbish dump, facing north.**



**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>
1850s to late 19th Century: Subdivision and smaller farms	<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>
Early 20 <sup>th</sup> Century to modern day	<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

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### 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
<b>Criterion a): Historical Significance</b>	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>
<b>Criterion b) Associative significance</b>	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>
<b>Criterion c) Aesthetic or technical significance</b>	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>
<b>Criterion d) Social significance</b>	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>
<b>Criterion e) Research potential</b>	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>
<b>Criterion f) Rarity</b>	The site is significant for its rarity within the context of colonial frontiers massacres conducted between the 1790s and the turn of the 20 <sup>th</sup> 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>
<b>Criterion g) Representativeness</b>	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

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### 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.

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