URBIS

HERITAGE IMPACT STATEMENT

345 Appin Road, Appin

Tharawal Country

Prepared for

INGHAM PROPERTY GROUP

25 September 2024

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1. EXECUTIVE SUMMARY

Urbis has been engaged by Ingham Property Group to prepare this Heritage Impact Statement for the property at 345 Appin Road, Appin (hereafter referred to as 'the subject site' or 'the site').

The subject site comprises the allotment of land at Lot 105 Deposited Plan (DP) 1188760, approximately 301ha of land in the North Appin Precinct. The subject site is not a listed heritage item and is not located within a heritage conservation area. A listed heritage item of National, State and local significance is located on the western boundary of the site. The item adjacent to the site is listed as the 'Upper Nepean Water Catchment' as an Indicative Place on the National Heritage List (NHL) (Place ID: 14646) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and as the 'Upper Canal System (Pheasants Nest Weir to Prospect Reservoir)' (SHR No. 01373) on the State Heritage Register (SHR) under the *Heritage Act 1977* (the Heritage Act). The item is also listed as 'Upper Nepean Scheme – Upper Canal) (LEP Item No. I16) under Schedule 5, Part 1 of the *Wollondilly Local Environmental Plan (LEP) 2011.*

This HIS accompanies a Planning Proposal which seeks to amend the *State Environment Environmental Planning Policy (Precincts - Western Parkland City) 2021* to rezone the subject site. This Planning Proposal will ensure the future use of the site aligns with the Greater Macarthur 2040 – An interim plan for the Greater Macarthur Growth Area (Interim Plan) and the Greater Macarthur 2040 Structure Plan (November 2022).

This Heritage Impact Statement provides an assessment of the Planning Proposal for the subject site. Note that no physical works are proposed as part of this application, therefore this report assesses the type of development that the Planning Proposal would facilitate.

A detailed impact assessment has been undertaken within this report. The Planning Proposal is considered acceptable from a heritage perspective and would not result in adverse impacts to the heritage significance of the above item.

Key aspects of the Planning Proposal are as follows:

- Urbis understands that the client is preparing a Planning Proposal to amend the State Environment Environmental Planning Policy (Precincts - Western Parkland City) 2021 seeking to rezone the subject site.
- As per the requirements of the EPBC Act, Urbis has undertaken a self-assessment to determine whether any potential impact to the significance of the NHL item is possible as part of the proposal within the subject site. As the proposal relates to rezoning of the subject site, no works would impact the significance, fabric or views to and from the NHL item. Therefore, there is no potential to impact on Matters of National Environmental associated with the proximate NHL item and a referral is not required under the EPBC Act. Future applications related to physical works will be required to be self-assessed to determine further approval requirements under the EPBC Act.
- The preliminary historical archaeological overview has identified that there is moderate potential for historical archaeological relics of Local significance to occur at the subject site. This could include deeper subsurface features and artefact rich-fill, structural remains of former dwellings and outbuildings, and general discard items. These relics would provide a tangible connection to, and further information on, the Phase 1 and Phase 2 agricultural use of the subject site, which are further significant for their role in the historic development of the region and association with Oxley and Riley (original grantees).
- There are no physical works proposed under this application and therefore there is no potential for heritage impact to be generated by the Planning Proposal.
- Notwithstanding the above, the type of development which is facilitated by the Planning Proposal would have no impact on the item. The CMP for the 'Upper Canal System' item does not link the item's significance with the specific zoning of land around the curtilage. The item, by necessity, is a below ground canal with significance associated with its role within the Upper Nepean Scheme, engineering ingenuity and functionality. The item does not have a distinct visual significance or views/vistas associated. Furthermore, the item runs through an extensive tract of land with varying levels of zoning and intensified development, with the SHR curtilage extending into more developed urban areas around Pheasants Nest to the south and Mount Gilead to the north. Therefore, the rezoning and (in principle) future development within the subject site associated with UD and C2 zones can be reasonably implemented with no detrimental impacts on the significance of the item.

- The proposal complies with all heritage requirements related to the 'Upper Canal System' item, including the EPBC Act, the Greater Macarthur Growth Area 2040 Structure Plan, WaterNSW's Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines' and the Upper Canal Pheasants Nest to Prospect Reservoir CMP.
- Urbis notes that future planning for the subject site is likely to include seeking approval for future physical works, and that all future works will also be subject to heritage and archaeological assessments.

For the reasons above, the Planning Proposal is recommended for approval from a heritage perspective.

RECOMMENDATIONS

Urbis recommends the following mitigation measures be incorporated into the proposal:

- General controls for heritage that manage and mitigate potential impacts to the 'Upper Canal System' heritage item should be incorporated into any future Development Control Plans prepared as part of the Planning Proposal.
- The potential for impact to potential locally significant historical archaeological relics should be investigated at DA Stage, through an Historical Archaeological Impact Assessment. This assessment should be prepared by a suitably qualified archaeologist in accordance with the relevant guidelines and the requirements of the Heritage Act 1977.
- The potential for impacts on Matters of National Environmental significance associated with the adjacent NHL item should be investigated at DA stage.

2. INTRODUCTION

2.1. BACKGROUND

Urbis has been engaged by Ingham Property Group to prepare a Heritage Impact Statement for the property at 345 Appin Road, Appin (hereafter referred to as 'the subject site' or 'the site'). This Heritage Impact Statement provides an assessment of the Planning Proposal for the subject site.

The subject site comprises the allotment of land at Lot 105 Deposited Plan (DP) 1188760, comprising approximately 301ha of land in the North Appin Precinct, Appin. The site is under single ownership and is currently zoned RU2 Rural Landscape in its entirety.

The subject site is not a listed heritage item and is not located within a heritage conservation area. A listed heritage item of National, State and local significance is located on the western boundary of the site. The item is listed as the 'Upper Nepean Water Catchment' as an Indicative Place on the National Heritage List (NHL) (Place ID: 14646) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and as the 'Upper Canal System (Pheasants Nest Weir to Prospect Reservoir)' (SHR No. 01373) on the State Heritage Register (SHR) under the *Heritage Act 1977* (the Heritage Act). The item is also listed as 'Upper Nepean Scheme – Upper Canal) (LEP Item No. I16) under Schedule 5, Part 1 of the *Wollondilly Local Environmental Plan (LEP) 2011.*

Urbis understands that the client is preparing a Planning Proposal to amend the *State Environment Environmental Planning Policy (Precincts - Western Parkland City) 2021* seeking to rezone the subject site. This Planning Proposal will ensure the future use of the site aligns with the Greater Macarthur Growth Area identified in Greater Macarthur 2040 – An interim plan for the Greater Macarthur Growth Area (Interim Plan) and the Greater Macarthur 2040 Structure Plan (November 2022). Further details of the Planning Proposal are included in the report.

The Planning Proposal requires an assessment of the potential impacts to heritage against the relevant local statutory instrument. This Heritage Impact Statement has been prepared to determine the potential heritage impact of the proposal on the adjacent heritage item. The Heritage Impact Statement will accompany the Planning Proposal to the approval body.

2.2. SITE LOCATION

The subject site comprises the allotment of land at 345 Appin Road, Appin. Legally described as Lot 105 DP 1188670, the subject site measures approximately 301ha of pastoral land. The site is located approximately 35km north of Wollongong and 15km south of Campbelltown, with the southern portion of the site administered under the Wollondilly Local Government Area (LGA) and the north-western corner administered under the Campbelltown LGA. The subject site is located on Tharawal Country.

The location of the subject site is provided below.

Figure 1 – Location of the subject site indicated in red.

Source: Sixmaps

2.3. METHODOLOGY

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Division guidelines 'Assessing Heritage Significance' and 'Statements of Heritage Impact'. The philosophy and process adopted is that guided by the Australia ICOMOS Bura Charter 1999 (revised 2013).

The Planning Proposal has been considered with reference to relevant controls and provisions contained within the *State Environmental Planning Policy (Precinct – Western Parkland City) 2021* as well as heritage provisions within the Wollondilly LEP 2011 and the *Wollondilly Development Control Plan (DCP) 2016.*

2.4. AUTHOR IDENTIFICATION

The following report has been prepared by Darrienne Wyndham (Heritage Consultant) and Meggan Walker (Senior Archaeologist). Alexandria Cornish (Associate Director, Heritage) has reviewed and endorsed its content.

Unless otherwise stated, all drawings, illustrations and photographs are the work of Urbis.

2.5. THE PROPOSAL

The intended outcome of this Planning Proposal is to amend *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (**Precincts SEPP**) with a new Appendix to include the site and rezone the land to the following:

- UD Urban Development
- C2 Conservation.

Through a cultural landscape-led approach, the proposed rezoning seeks to deliver high-quality housing with a genuine connection to the region's cultural history, natural assets and the existing Appin township. Altogether, the Draft Structure Plan for the site proposes the following:

- Delivery of approximately 3,000 new dwellings.
- Accommodate a new community of circa. 9,000 people.
- Delivery of key community infrastructure that provides learnings through the traditional custodians to existing and future community members about country.
- Development that will foster the connection to country through initiatives that strengthen the connection between people and the land, flora and fauna.
- Development that reinforces and compliments the character of Appin as a rural village that is a unique and desirable place to live.
- The current proposal is in Planning Proposal stage.

3. SITE DESCRIPTION

3.1. SITE SETTING AND SUBJECT SITE

The site is located approximately 73km southwest of Sydney CBD and 60km southwest of Parramatta CBD. The site is also located in proximity to the Campbelltown-Macarthur Metropolitan Cluster, approximately 15km to the north and approximately 35km south of the Aerotropolis and Western Sydney Airport. These areas are earmarked as key growth areas around the Sydney region; Campbelltown-Macarthur Metropolitan Cluster has the potential to accommodate 31,000 jobs by 2036, while the Aerotropolis is anticipated to provide the potential for 100,000 jobs once fully developed.

The site is largely surrounded by rural and agricultural land. The periphery of the subject site is heavily vegetated and bordered by numerous streams and creeks that converge with the Nepean River. Along Appin Road to the immediate southeast is the existing rural Appin township which consists primarily of low-density residential land uses, supported by local retail, business services and Appin Public School. The site is bound by rural land beyond which is Mallaty Creek to the north, Appin Road to the east, Ousedale Creek to the southwest and the heritage-listed water supply infrastructure associated with the Upper Nepean Scheme to the west.

The subject area is an irregular-shaped lot that measures approximately 301ha in area, currently utilised as pastoral land. The topography of the site ranges from a large level area along the eastern edge to sloping land towards the Nepean River as the site extends west. Photographs of the subject site are provided below.

Figure 2 – View north, typical view of the subject area with rolling hills covered in pasture.

Figure 3– View north-west, typical view of disturbance within subject site.

Figure 4 – View west, area of terracing/earthworks.

Figure 5 – View east, steep sandstone embankments of drainage lines.

4. HISTORICAL OVERVIEW

4.1. ABORIGINAL HISTORIES OF THE LOCALITY

The subject site is situated on the traditional lands of the Tharawal people, who have cared for Country here for tens of thousands of years. The site's natural setting, including a large number of waterways and tributaries, swamplands and forested areas, were rich sources of food, water and shelter for Aboriginal people.

Following the arrival of colonists, the Appin region was a centre of resilience and resistance for Aboriginal people. The Appin region is significant historically for Aboriginal people, with a massacre ordered by Governor Macquarie occurring in 1816 at the Nepean River. This event, which resulted in the deaths of fourteen Aboriginal people, was arguably the most significant massacre event in the history of colonial Sydney and is regarded as a turning point in the Cumberland Plain's occupation.[1] In recent history, the Winga Myamly Reconciliation Group and local Aboriginal community have gathered every April to remember the Appin Massacre.[2] The site of the Appin Massacre has recently been recommended for listing on the State Heritage Register for its exceptional social and cultural value, being the Appin Massacre Cultural Landscape.

4.2. AREA HISTORY

The subject site is part of the most fertile portion of the Cumberland Plain, known in the early colony as the 'Cow Pastures'. The first colonist to visit the area was George Caley, who collected specimens of local botany from the area near the Appin Falls on today's Cataract River and sent them to Joseph Banks in 1807.[3]

Initial interest in the region by colonists peaked following the flooding of the Hawkesbury River to the north in 1809; following the destruction of the colony's wheat crops, settlement was encouraged on the flatter land further south on the plain. The first land grants in the area were issued between 1810-1812, with Governor Lachlan Macquarie travelling to southwest Sydney in November 1810. Macquarie named the area 'Appin' in honour of his wife's home village in Argyllshire, Scotland.[4] Twenty-two subsequent land grants were issued by Macquarie between 1815 and 1817.

A road was opened in February 1814, connecting Sydney to the Liverpool area. This road, which would become known as the Appin Road, was extended to Appin in 1815.

Macquarie's subsequent land grants imposed strict conditions on the grantees, with requirements that the lands should produce successful amounts of crops and stock produce within the first five years of their ownership to avoid the land reverting to the Crown.[5] These conditions were met and exceeded by all landowners, with the rich soils of the area producing important supplies of corn, barley, wheat and oats for the emerging colony. By the 1820s, Appin was producing up to 45 bushels an acre, roughly twice the average of other areas in the Campbelltown district.[6] This agricultural use evolved into cattle, pigs and sheep grazing in the 1870s-80s and dairies in the early 1900s.

In the 1860s, the supply of fresh water to the Sydney colony became an issue, with the third supply of water becoming less reliable. The Upper Nepean Scheme, comprising two diversion weirs within the Upper Nepean River catchment, began construction in 1869.[7] Water was gravity fed from the catchments to a reservoir at Prospect. The Upper Nepean Scheme delivered the first water to Sydney in 1886 and became fully operational in 1888. It is still used in an altered form today.

Directly adjacent to the subject site, a canal system of some 64 kilometres was integrated into the local rivers during the 1880s, which fed into the weirs and the Prospect Reservoir. The canals were of various shapes

[1] Campbelltown City Council, 2020. *Campbelltown Aboriginal History Booklet*, page 6.

[2] Campbelltown City Council, 2020. *Campbelltown Aboriginal History Booklet*, page 6.

[3] Whitaker, Anne-Maree, 2005. *Appin: The Story of a Macquarie Town*. Kingsclear Books.

[4] Ibid.

[5] Liston, Carol, 1988. *Campbelltown: The Bicentennial History*. Allen and Unwin.

[6] Percival, Syd, 1992. Chronicles of Appin, NSW. Campbelltown and Airds Historical Society.

[7] State Heritage Inventory, 2010. Upper Canal System (Pheasants Nest Weir to Prospect Reservoir). State Heritage Inventory. Accessible at: https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051481

and sizes to correspond with the topography of the land, lined with shale or sandstone in soft land and unlined when the canal cuts through rocky areas.[8]

4.3. SITE HISTORY

The subject site covers two of the early land grants, that of John Oxley (630 acres) in 1817 and Alexander Riley (750 acres) in 1812. The land grants were located just east of the large estate owned by William Broughton. John Oxley was a surveyor and explorer with close ties to the Macquarie and Macarthur families, while Riley was a merchant and pastoralist. Both grants were utilised exclusively for agricultural purposes, with Oxley running sheep on his property. A parish map in Figure 5 shows the extend of Oxley and Riley's landholdings.

There is historic evidence to suggest the Riley had some security issues at his Ousedale estate, where trespassers seeking timber, firewood, rails, palings, shingles or to graze their own animals were often injured and subsequently instructed to cease access. The list of items being removed from Riley's estate, including rails, palings and shingles, suggests that some built structures were present on the site, although Riley did not inhabit the site himself being in this time abroad.[9]

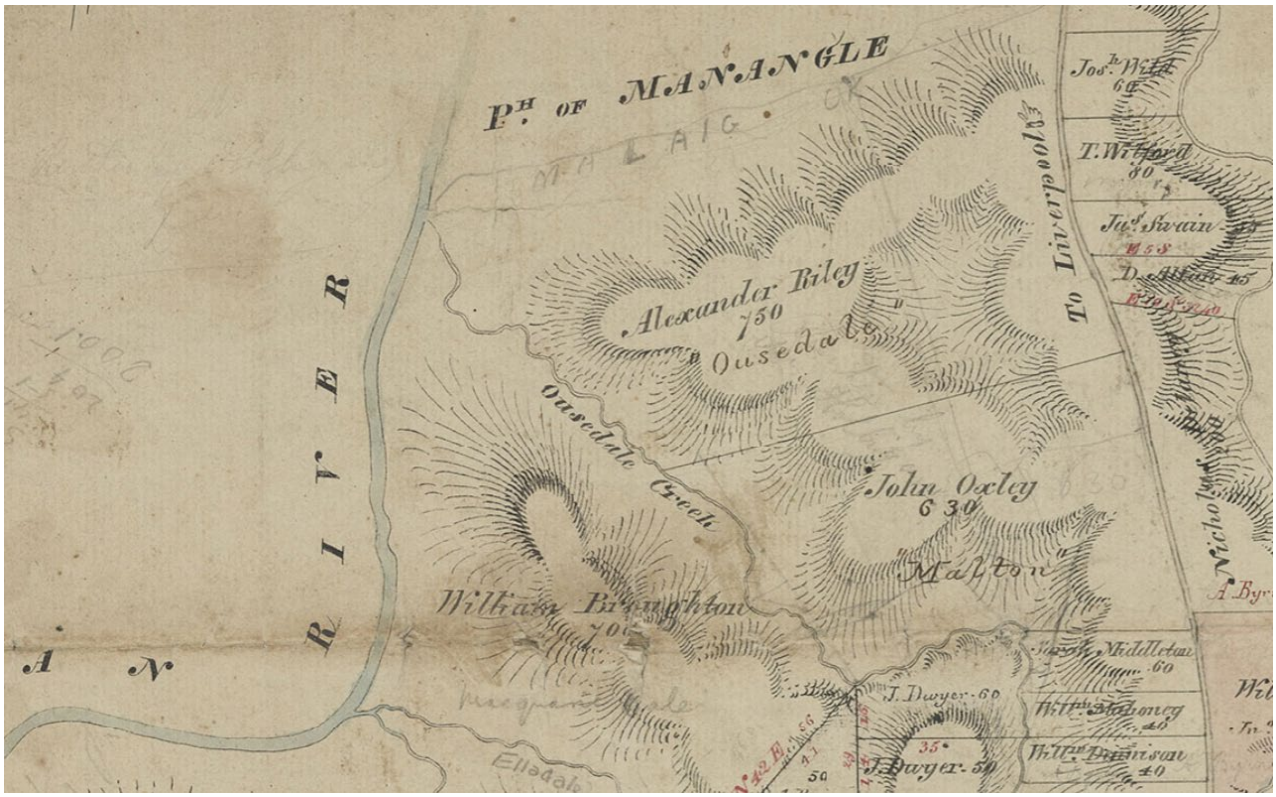

Figure 6 – Historical parish map of the subject site, 1820s.

Source: Historical Lands Records Viewer

It appears that Riley had acquired Oxley's land prior to his own death in 1833, when his properties were inherited by his only son William Edward Riley. A notice warning thieves against W.E Riley's estates of Malton and Ousedale appearing in *The Sydney Herald* in 1839.[10]

A notice by Samuel Lyons in *The Sydney Gazette* shows that an early sale attempt was made in 1834, which stated:

[8] State Heritage Inventory, 2010. Upper Canal System (Pheasants Nest Weir to Prospect Reservoir). State Heritage Inventory. Accessible at: https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051481

[9] The Sydney Gazette and NSW Advertiser, 19 August 1824. *Classified Advertising, pg.4*

[10] The Sydney Morning Herald, 2 October 1869, Advertising, pg. 1.

He has received instructions to dispose of the valuable Estates of Ousedale and Malton, situated on the high road from Sydney to Appin…possessing each a Frontage to that Road of upwards of three quarters of a mile, and bounded on all the other sides, with little exception, by a Fresh Water Creek.[11]

The sale did not appear to go through, with attempts cut off by W.E Riley's early death at Raby, close to the Ousedale Estate. Riley died of an 'apoplexy' on the day of his sister-in-law's wedding, when an unwieldy cannon went off in the yard of the estate and blew off a friend's hand.[12] Following his death, a large number of Riley's assets, including angora goats and horses, were sold at auction; however, the fate of the Ousedale and Malton Estates is not known.

By the 1850s, another effort to subdivide the landholdings was lodged, with the subdivision known as the Ousedale and Mallon Estate. The plan for this subdivision is shown in Figure 7. It is understood that this subdivision did not go ahead in its entirety, with the roads shown in the subdivision plan not constructed. However, further advertisement for sales at the estate subdivision in the 1860s do suggest that the land was subdivided into 9 farms, described as follows:

"Comprising about 1000 acres, subdivided into nine farms, containing each 50 acres to 150 acres but so arranged that a purchaser may secure any extent of land he may require. Most of these farms are cleared and have been under cultivation, and there are on some of them comfortable farm residences, fencing, and other improvements…These estates enjoy a reputation second to none in the colony, the greater proportion being superior rich, durable land. One of the grants was a picked selection by the late Surveyor General Oxley, which itself is a sufficient guarantee of value.

…a first-class well-watered farm within a few miles by a good road from railway carriage. The locality is very beautiful; and the land being elevated and of a gentle undulating character, commanding extensive views of the valley of the Nepean and surrounding scenery, retired businessmen could not select a more lovely site for a homestead or country seat".[13]

[11]

[12] The Sydney Times, 17 December 1836, *Domestic Intelligence*, pg 2.

[13] The Sydney Morning Herald, 27 June 1862, *Advertising*, pg.7.

Figure 7 – Subdivision plan for the Ousedale and Malton Estate, c.1850. Note a series of roads and allotments proposed across the site, with some small structures indicated.

Source: Historical Lands Records Viewer

Historical records from the late 19th century are sparse, however it is likely each allotment purchased following the subdivision was continued to be utilised for agricultural purposes, with the requirement to construct residential dwellings and outbuildings to support this use.

In 1884, a large bushfire tore through the land around the subject site, including the Ousedale Estate. An article from the *Newcastle Morning Herald and Miner's Advocate* described the fire at the property:

> *On Mr Byrne's Ousedale Estate the fire got great hold, and swept away 600 or 700 acres of grass, an enormous quality of fencing, and came so near to the homestead that, although fifty or sixty neighbours worked like demons, they had very hard work to save it.*[14]

During the early 20th century, the agricultural use of the subject site continued until the 1970s, with the small farms consolidated into a single entity under the Inghams brand.

In the 1970s, the subject site was consolidated under the ownership of Inghams. The site was used for poultry farming for the next five decades, with industrial chicken sheds erected by Inghams throughout the property. Some small homesteads and dams were also maintained throughout the site's use by Inghams. The poultry farm was closed in 2018.

[14] *Newcastle Morning Herald and Miners Advocate*, 11 February 1884, A Tremendous Bushfire, pg.2.

5. HERITAGE SIGNIFICANCE

5.1. WHAT IS HERITAGE SIGNIFICANCE?

Before making decisions to change a heritage item, an item within a heritage conservation area, or an item located in proximity to a heritage listed item, it is important to understand its values and the values of its context. This leads to decisions that will retain these values in the future. Statements of heritage significance summarise the heritage values of a place –why it is important and why a statutory listing was made to protect these values.

5.2. HERITAGE LISTINGS

The subject site is not a listed heritage item and is not located within a heritage conservation area; however, a listed heritage item of National, State and local significance is located on the western boundary of the site.

The item is listed as follows:

- 'Upper Nepean Water Catchment' as an Indicative Place the NHL (Place ID: 14646) under the EPBC Act
- 'Upper Canal System (Pheasants Nest Weir to Prospect Reservoir)' (SHR No. 01373) on the SHR under the Heritage Act
- 'Upper Nepean Scheme – Upper Canal' (LEP Item No. I16) under Schedule 5, Part 1 of the *Wollondilly LEP 2011.*

The relationships between the subject site and heritage items are shown below.

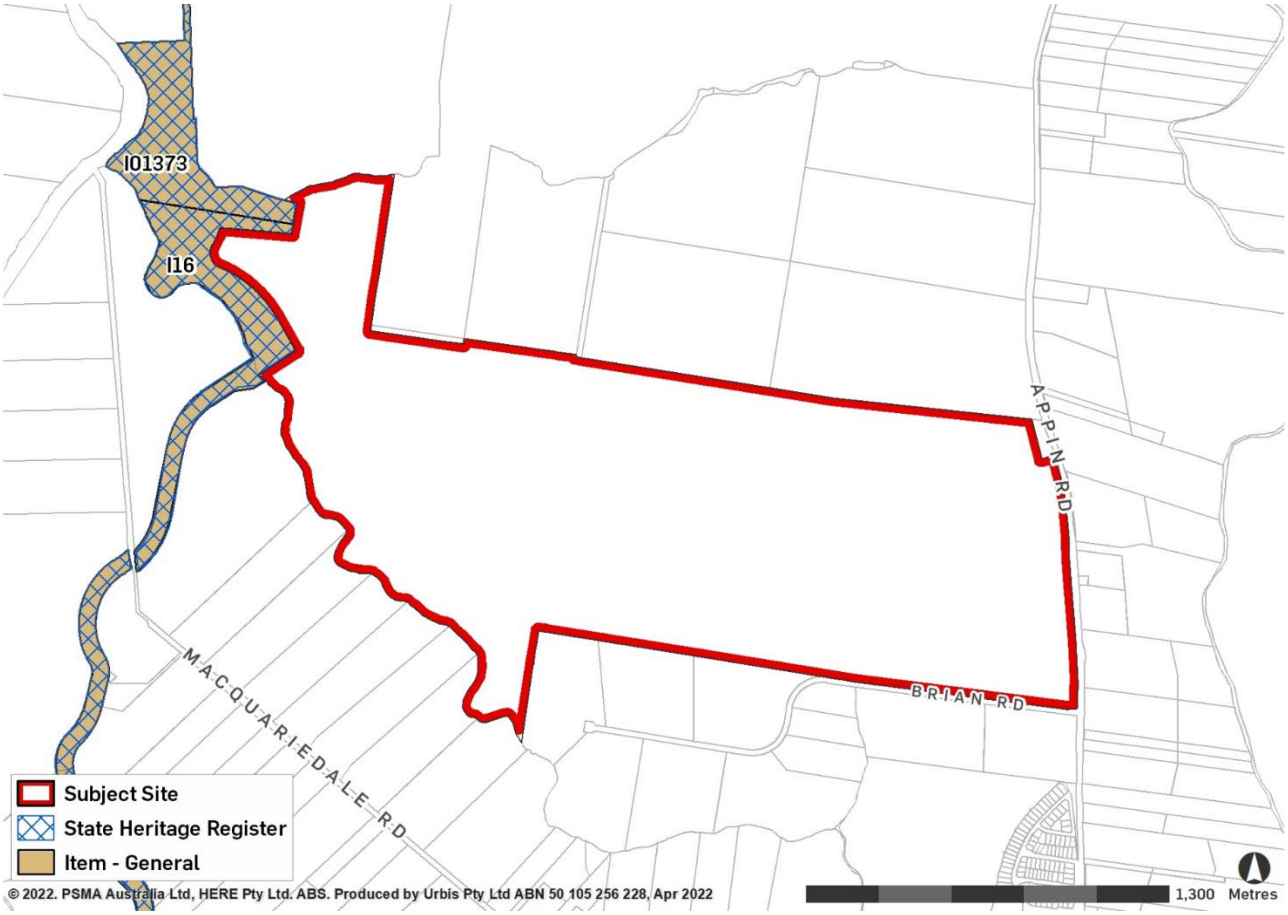

Figure 8 – Locations and relationships of heritage items and the subject site.

5.3. ESTABLISHED STATEMENTS OF SIGNIFICANCE

The established statements of significance associated with the heritage items are provided below.

5.3.1. Upper Nepean Water Catchment

The statement of significance, extracted from the Australian National Database, is as follows:

> *The upper Nepean Water Catchment provides one of the worlds purest sources of water for human consumption. It is also an unparallelled reservoir of evidence on the natural history of the Sydney region, and contains four major dams which are important examples of early Australian engineering. It provides sanctuary for koalas, wallabies, platypus amongst others.*[15]

5.3.2. Upper Canal System (Pheasants Nest Weir to Prospect Reservoir)

The statement of significance, extracted from the State Heritage Inventory, is as follows:

> *The Upper Canal is significant as a major component of the Upper Nepean Scheme. As an element of this Scheme, the Canal has functioned as part of Sydney's main water supply system for over 120 years. Apart from maintenance and other improvements, the Upper Canal has changed little.*
>
> *As part of this System, the Canal is associated with Edward Moriarty, Head of the Harbours and Rivers Branch of the NSW Public Works Department.*
>
> *The Canal is aesthetically significant, running in a serpentine route through a rural bushland setting as an impressive landscape element with sandstone and concrete-lined edges.*
>
> *The Canal is significant as it demonstrates late 19th century techniques of canal building, and evidence of engineering practice. The Canal as a whole is an excellent example of 19th century hydraulic engineering, including the use of gravity to feed water along the canal.*
>
> *The Upper Nepean Scheme is significant because:*
>
> - *In its scope and execution, it is a unique and excellent example of the ingenuity of late 19th century hydraulic engineering in Australia, in particular for its design as a gravity-fed water supply system.*
> - *It has functioned as a unique part of the main water supply system for Sydney for over 100 years, and has changed little in its basic principles since the day it was completed.*
> - *It represented the major engineering advance from depending on local water sources to harvesting water in upland catchment areas, storing it in major dams and transporting it the city by means of major canals and pipelines.*
> - *It provides detailed and varied evidence of the engineering construction techniques prior to the revolution inspired by reinforced concrete construction, of the evolution of these techniques (such as the replacement of timber flumes with wrought iron and then concrete flumes), and of the early use of concrete for many engineering purposes in the system.*
> - *The scheme possesses many elements of infrastructure which are of world and national renown in technological and engineering terms.*

[15] Australian Heritage Database, n.d. Upper Nepean Water Catchment 1/11/092/0034. Department of Climate Change, Energy, the Environment and Water. Accessible at: https://www.environment.gov.au/cgi-bin/ahdb/search

- *Many of the structural elements are unique to the Upper Nepean Scheme.*[16]

5.3.3. Upper Nepean Scheme – Upper Canal

The statement of significance, extracted from the State Heritage Inventory, is the same as the above statement.

[16] State Heritage Inventory, 2010. Upper Canal System (Pheasants Nest Weir to Prospect Reservoir). State Heritage Inventory. Accessible at: https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051481

6. PRELIMINARY HISTORICAL ARCHAEOLOGICAL REVIEW

This section provides a preliminary review of the historical archaeological potential and significance of potential archaeological resources across the subject site.

6.1. POTENTIAL

To inform this preliminary assessment, we have considered the history of the site presented in the previous section and the likelihood that relics would be retained resulting from the previous use of the site. Broadly the history of the site can be understood to involve the following phases:

- Phase 1: Original Land Grants, 1812-1850s.
  - The land was originally granted to John Oxley (1817) and Alexander Riley (1812), forming the Ousedale and Malton Estates.
  - While the use of the land during this time was primarily agricultural, there is evidence to suggest that residential improvements were made to the Estates. This includes fencing, and the construction of outbuildings and dwellings likely within the subject site.
  - Newspaper articles referencing the theft of building materials including shingles confirms the presence of built structures during this time. Evidence of such structures could be retained in the form of post holes and other ephemeral remains, or more substantial structural remains of dwellings and outbuildings.
  - The location of residential dwellings at the Estates is unknown, with no historic mapping identified which demonstrates these features. There is little evidence to suggest that Riley or Oxley resided at these properties on a permanent basis.
  - While the likelihood of wells is reduced due to the surrounding natural water sources, there is some potential that cesspits would have occurred at the subject site associated with residences.
- Phase 2: Subdivision, 1850s-1900s.
  - Although historic records for this period are sparse, it is understood that agricultural uses continued at the site following subdivision in the 1850s-1860s. It is unknown as to whether additional improvements were made to the farms following subdivision, although this is likely.
  - It is anticipated that each allotment purchased following the subdivision would likely have been utilised as a farmstead and semi-permanent resident for the new owner, with the requirement to construct residential dwellings and outbuildings to support this use.
  - Archaeological resources associated with this phase could include structural remains of outbuildings, deeper subsurface features and associated artefact rich deposits, ephemeral evidence, and
- Phase 3: Continued agricultural use, 1900-1970.
  - Throughout the 20th century, the subject site continued to be used for agricultural purposes by various landowners.
  - Archaeological resources associated with this phase could include structural remains of outbuildings and farming structures, postholes associated with fencing, and general discard items associated with agricultural practices.
  - It is not likely that deeper subsurface features would occur associated with this phase due to the ongoing use by farmers.
- Phase 4: Inghams, 1970-present.
  - In the 1970s, the subject site was consolidated under the ownership of Inghams. At this time, the site was used for poultry farming.
  - Improvements to the subject site during this phase included some minor terracing, and the construction of poultry sheds and roads throughout the site.

– Archaeologically, structural remains of poultry sheds and terrace walls, as well as general discard items could occur across the site.

As identified above, there is therefore potential that the subject site could retain archaeological evidence associated with historic agricultural activities, including postholes and structural remains of early dwellings and outbuildings. There is also potential for deeper subsurface features including cesspits servicing former residences, and associated artefact-rich fill. The location of potential archaeological resources associated with early phases of occupation including land grants and subdivision if not currently known due to the sparsity of historic records for the region. As mentioned above, it is unlikely that the subject site ever formed a permanent residence for Riley or Oxley, who are the only two notable individuals to historically occupy the subject site. Disturbance at the subject site is historically minimal, with the continuation of agricultural use through to the present day. This continuation in use may result in difficulty in the attribution of archaeological resources to specific phases, with post holes from farm fencing for example unlikely to be distinguishable as belonging to the early 19th century or late 20th century occupation. However, the agricultural use of the subject site and subsequent low disturbance increases the potential that archaeological resources would occur with a fair degree of spatial and physical integrity.

6.2. SIGNIFICANCE

Archaeological significance is assessed using the same criteria as identified in the previous section of the present report. However, when considering archaeological significance items are graded as follows:

- **No Significance –** it is unlikely that any archaeological resources recovered will be attributed significance in accordance with the assessment criteria on a state or local level.
- **Local Significance –** it is likely that archaeological resources recovered will be significant on a local level in accordance with one or more of the assessment criteria.
- **State Significance –** it is likely that archaeological resources recovered will be significant on a state level in accordance with one or more of the assessment criteria.

Archaeological significance has long been accepted as linked directly to archaeological (or scientific) research potential: a site or resource is said to be scientifically significant when its further study may be expected to help answer questions. Whilst the research potential of an archaeological site is an essential consideration, it is one of a number of potential heritage values which a site or 'relic' may possess. Recent changes to the Heritage Act 1977 (Section 33(3) (a)) reflect this broader understanding of what constitutes archaeological significance by making it imperative that more than one criterion be considered.

With regard to the anticipated archaeological resources at the subject site, it is not anticipated that resources associated with the 20th and 21st century agricultural use of the site would hold significance under the identified criteria at a State or Local level. However, structural remains, ephemeral evidence or deeper features associated with the early land grants (Phase 1, 1812-1850s) and the subdivision of the site (Phase 2, 1850s-1900) could be of significance on a Local level for their Historic (Criterion A) and Associative (Criterion B) value, along with their Research Potential (Criterion E), Rarity (Criterion F) and Representativeness (Criterion G). It is not anticipated that such resources would hold aesthetic (Criterion C) or Social (Criterion D) value.[17]

Archaeological resources associated with these phases would represent a significant phase of the history of Appin, and the Cumberland Plain regionally, wherein this area was granted to colonial pastoralists and developed as agricultural estates to provide for the broader colony. Historically, the agricultural history of the region is significant as the means by which the Appin and Campbelltown areas were settled and expanded. The Ousedale and Malton Estates were under the ownership of notable colonial figures including Alexander Riley and John Oxley, and although there is limited evidence for the residence of these individual at the site, there is some potential that resources could occur which would be associated with their ownership and provide evidence for this. The research potential of the site is also significant, due to the sparse historical record of settlement in the region and site specifically. There is no historical documentary evidence available at present which indicates the extent and location of farmstead residences associated with not only the Ousedale and Malton Estates, but their subsequent subdivision. Similarly, little is known regarding the residents and their daily lives.

[17] Heritage Office 2001, Assessing Heritage Significance, Heritage Office, Parramatta.

While structural remains of residences and associated underfloor deposits could provide further clarity regarding the historic use of the site, deeper subsurface features and their associated artefact-rich deposits could provide key insights into the diet, lifeways and socio-economic status of the residents of the site during this period.

With regard to rarity and representativeness, such resources would be rare in the local context with few existing examples of colonial farmsteads existing to the present day, and development in the region continuing to have a cumulative impact on the archaeological record of these periods. Structural remains and other such resources could demonstrate a connection to the early agricultural history of the Appin and Campbelltown regions and provide a tangible connection to this history.

6.3. CONCLUSIONS

On the basis of the above assessment, there is therefore moderate potential that archaeological relics of Local heritage significance could occur at the subject site and be impacted by development in subsequent phases of the current project. Such relics could include structural remains, deeper subsurface features and associated artefact rich fills as well as ephemeral features and general discard items. These relics would provide a tangible connection to, and further information on, the Phase 1 and Phase 2 agricultural use of the subject site, which are further significant for their role in the historic development of the region and association with Oxley and Riley (original grantees).

Due to the identified potential for locally significant relics, further assessment of the historical archaeological potential and impact to anticipated relics should be undertaken as part of future stages of work at the site, and prior to the approval or commencement of ground disturbing works.

7. IMPACT ASSESSMENT

The potential impact of the Planning Proposal is assessed against the applicable heritage-related statutory planning controls which relate to the site and the proposed development.

7.1. ASSESSMENT OF HERITAGE IMPACT

The subject site is currently zoned RU2 Rural Landscape. The Planning Proposal seeks to rezone the subject site in its entirety to UD Urban Development and C2 Conservation.

The subject site itself is not a listed item or located within an HCA; however, the 'Upper Canal System' item, of National, State and Local significance, is located directly adjacent to the western boundary of the subject site. The curtilage of the heritage item and all associated features are located entirely outside of the subject site.

There are no physical works proposed under this application and therefore there is no potential for heritage impact to be generated by the Planning Proposal.

Notwithstanding the above, the type of development which is facilitated by the Planning Proposal would have no impact on the item. The CMP for the 'Upper Canal System' item does not link the item's significance with the specific zoning of land around the curtilage. The item, by necessity, is a below ground canal with significance associated with its role within the Upper Nepean Scheme, engineering ingenuity and functionality. The item does not have a distinct visual significance or views/vistas associated. Furthermore, the item runs through an extensive tract of land with varying levels of zoning and intensified development, with the SHR curtilage extending into more developed urban areas around Pheasants Nest to the south and Mount Gilead to the north. Therefore, the rezoning and (in principle) future development within the subject site associated with UD and C2 zonings can be reasonably implemented with no detrimental impacts on the significance of the item.

The Planning Proposal complies with all requirements related to the 'Upper Canal System' item, including the EPBC Act, the Greater Macarthur Growth Area Interim Plan, WaterNSW's Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines' and the Upper Canal Pheasants Nest to Prospect Reservoir CMP.

Urbis notes that future planning for the subject site is likely to include seeking approval for future physical works, and that all future works will also be subject to heritage and archaeological assessments.

Proposed design for future development at the subject site, including the preparation of a site-specific Development Control Plan, should be carefully considered and have regard for the adjacent heritage item, including height and setbacks.

7.2. STATUTORY CONTROLS

7.2.1. Environment Protection and Biodiversity Conservation Act 1999

The subject site is adjacent to a heritage item of National significance, listed as 'Upper Nepean Water Catchment' (Place ID: 14646), an Indicative Place on the NHL. This item is administered under the provisions of the EPBC Act.

As per the requirements of the EPBC Act, Urbis has undertaken a self-assessment to determine whether any potential impact to the significance of the NHL item is possible as part of the Planning Proposal within the subject site. As the proposal relates to rezoning of the subject site, no works would impact the significance, fabric or views to and from the NHL item. Urbis understands that as this item is located outside the subject site, a referral/full assessment is not required under the EPBC Act.

Urbis notes that the proposed rezoning implies that future physical works will take place within the subject site, and that these future works may require a full impact assessment and referral under the EPBC Act.

7.2.2. Wollondilly Local Environmental Plan 2011

Note: The Wollondilly LEP 2011 provides the current controls for the part of the site that is located within the Wollondilly LGA. It is proposed to rezone the site under the Precincts SEPP. The Wollondilly LEP 2011 has therefore been included for contextual reasons only and the Wollondilly DCP 2016 does not form part of this assessment.

The table below provides an assessment of the Planning Proposal against the relevant provisions for heritage conservation as found in the Wollondilly LEP 2011.

Table 1 – Assessment against Wollondilly LEP 2011.

Clause	Discussion
(1) Objectives The objectives of this clause are as follows: (a) to conserve the environmental heritage of Wollondilly (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The Planning Proposal is in line with the objectives set out in the Wollondilly LEP 2011, as discussed below.
(2) Requirement for consent Development consent is required for any of the following: (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area.	The subject site is not identified as a heritage item, however, is located adjacent to the 'Upper Nepean Scheme – Upper Canal' (LEP Item No. I16) under Schedule 5, Part 1 of the Wollondilly LEP 2011.
(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5), or a heritage conservation management plan is submitted under subclause (6).	This Heritage Impact Statement has been prepared to assess the Planning Proposal with regard to its potential impact on the adjacent heritage items. There are no physical works proposed under this application and therefore there is no potential for heritage impact to be generated by the Planning Proposal.

7.3. UPPER CANAL PHEASANTS NEST TO PROSPECT RESERVOIR CONSERVATION MANAGEMENT PLAN

The Planning Proposal is assessed in relation to relevant recommendations within the Upper Canal Pheasants Nest to Prospect Reservoir Conservation Management Plan by Water NSW (2016).

Table 2 – Upper Canal Pheasants Nest to Prospect Reservoir Conservation Management Plan

Recommendation	Discussion
Policy 35 Make decisions requiring change to the Upper Canal with a clear understanding of the implications for the identified heritage values of the Canal and seek to minimise negative heritage impacts.	The Planning Proposal is located outside of the curtilage of the 'Upper Canal' heritage item. As discussed above, there are no physical works proposed under this application and therefore there is no potential for heritage impact to be generated by the Planning Proposal.
Has this policy been met?	**YES**
Policy 36 Undertake an informal assessment of heritage impact for all proposed works within the Upper Canal corridor to determine if an automatic exemption applies or if a formal Heritage Impact Statement is required.	Urbis notes that the Planning Proposal is located outside of the curtilage of the 'Upper Canal' heritage item. Notwithstanding, a Heritage Impact Statement has been prepared for the Planning Proposal for the sake of thoroughness.
Has this policy been met?	**YES**
Policy 37 Prepare a Heritage Impact Statement for all works requiring an exemption notification or application for approval under the NSW Heritage Act, 1977.	As discussed above, Urbis notes that the Planning Proposal is located outside of the curtilage of the 'Upper Canal' heritage item and approval is not required under the Heritage Act. Notwithstanding, a Heritage Impact Statement has been prepared for the Planning Proposal for the sake of thoroughness.
Has this policy been met?	**YES**
Policy 43 Obtain any necessary heritage and planning approvals or exemptions prior to undertaking changes to the place. Carry out the works in accordance with any conditions placed on these approvals.	The Planning Proposal is located outside of the curtilage of the 'Upper Canal' heritage item, with no changes proposed for within the item's curtilage. As discussed above, this assessment of heritage impact has found that the proposal and (in principle) future development does not require change to the 'Upper Canal' heritage item.
Has this policy been met?	**YES**
Policy 48 For polices regarding new elements within the Upper Canal corridor associated with development outside the corridor see policy section 5.5.9 New Building and Structures and policy section 5.5.10	The Planning Proposal is located outside of the curtilage of the 'Upper Canal' heritage item, with no changes proposed for within the item's curtilage. Urbis notes that future planning for the subject site is likely to include seeking approval for future physical works, and that all

Drainage as well as element specific policies for bridges, flumes and fencing in the table of elements in Part 8 of this CMP.	future works may also be subject to heritage and archaeological assessments. Future development within the subject site associated with UD and C2 can be reasonably implemented with no detrimental impacts on the significance of the item. Future works should align with the relevant policies in this CMP.
Has this policy been met?	**YES**

7.4. HERITAGE DIVISION GUIDELINES

The Planning Proposal is addressed in relation to relevant questions posed in the Heritage Division's 'Statement of Heritage Impact' guidelines.

Table 3 – Heritage Division Guidelines

Clause	Discussion
The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:	The subject site itself is not a listed item or located within an HCA; however, the 'Upper Canal System' item, of National, State and Local significance, is located directly adjacent to the western boundary of the subject site. There are no physical works proposed under this application and therefore there is no potential for heritage impact to be generated by the Planning Proposal. Notwithstanding the above, the type of development which is facilitated by the Planning Proposal would have no impact on the item. The CMP for the 'Upper Canal System' item does not link the item's significance with the specific zoning of land around the curtilage. The item, by necessity, is a below ground canal with significance associated with its role within the Upper Nepean Scheme, engineering ingenuity and functionality. The item does not have a distinct visual significance or views/vistas associated. Furthermore, the item runs through an extensive tract of land with varying levels of zoning and intensified development, with the SHR curtilage extending into more developed urban areas around Pheasants Nest to the south and Mount Gilead to the north. Therefore, the rezoning and (in principle) future development within the subject site associated with UD and C2 can be reasonably implemented with no detrimental impacts on the significance of the item. The Planning Proposal complies with all requirements related to the 'Upper Canal System' item, including the EPBC Act, the Greater Macarthur Growth Area Interim Plan, WaterNSW's Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines' and the Upper Canal Pheasants Nest to Prospect Reservoir CMP.

8. CONCLUSIONS AND RECOMMENDATIONS

This Heritage Impact Statement has been prepared to determine the potential heritage impact of the Planning Proposal on the 'Upper Canal System' item, a heritage item of National, State and local significance located on the western boundary of the subject site.

This Heritage Impact Statement provides an assessment of the Planning Proposal for the subject site. Note that no physical works are proposed as part of this application, therefore this report assesses the type of development that the Planning Proposal would facilitate.

A detailed impact assessment has been undertaken in this report. The Planning Proposal is considered acceptable from a heritage perspective and would not result in adverse impacts to the heritage significance of the above item.

Key aspects of the Planning Proposal are as follows:

- Urbis understands that the client is preparing a Planning Proposal to amend the State Environment Environmental Planning Policy (Precincts - Western Parkland City) 2021 seeking to rezone the subject site.
- As per the requirements of the EPBC Act, Urbis has undertaken a self-assessment to determine whether any potential impact to the significance of the NHL item is possible as part of the proposal within the subject site. As the proposal relate to rezoning of the subject site, no works would impact the significance, fabric or views to and from the NHL item. Urbis understands that as this item is located outside the subject site, a referral/full assessment is not required under the EPBC Act.
- The preliminary historical archaeological overview has identified that there is moderate potential for historical archaeological relics of Local significance to occur at the subject site. This could include deeper subsurface features and artefact rich-fill, structural remains of former dwellings and outbuildings, and general discard items. These relics would provide a tangible connection to, and further information on, the Phase 1 and Phase 2 agricultural use of the subject site, which are further significant for their role in the historic development of the region and association with Oxley and Riley (original grantees).
- There are no physical works proposed under this application and therefore there is no potential for heritage impact to be generated by the Planning Proposal.
- Notwithstanding the above, the type of development which is facilitated by the Planning Proposal would have no impact on the item. The CMP for the 'Upper Canal System' item does not link the item's significance with the specific zoning of land around the curtilage. The item, by necessity, is a below ground canal with significance associated with its role within the Upper Nepean Scheme, engineering ingenuity and functionality. The item does not have a distinct visual significance or views/vistas associated. Furthermore, the item runs through an extensive tract of land with varying levels of zoning and intensified development, with the SHR curtilage extending into more developed urban areas around Pheasants Nest to the south and Mount Gilead to the north. Therefore, the rezoning and (in principle) future development within the subject site associated with UD, SP2 and C2 zones can be reasonably implemented with no detrimental impacts on the significance of the item.
- The proposal complies with all requirements related to the 'Upper Canal System' item, including the EPBC Act, the Greater Macarthur Growth Area 2040 Structure Plan, WaterNSW's Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines' and the Upper Canal Pheasants Nest to Prospect Reservoir CMP.
- Urbis notes that future planning for the subject site is likely to include seeking approval for future physical works, and that all future works will also be subject to heritage and archaeological assessments.

For the reasons above, the Planning Proposal is recommended for approval from a heritage perspective.

8.1. RECOMMENDATIONS

Urbis recommends the following mitigation measures be incorporated into the proposal:

- General controls for heritage that manage and mitigate potential impacts to the 'Upper Canal System' heritage item should be incorporated into any future Development Control Plans prepared as part of the planning proposal.

- The potential for impact to potential locally significant historical archaeological relics should be investigated at DA Stage, through an Historical Archaeological Impact Assessment. This assessment should be prepared by a suitably qualified archaeologist in accordance with the relevant guidelines and the requirements of the Heritage Act 1977.
- The potential for impacts on Matters of National Environmental significance associated with the adjacent NHL item should be investigated at DA stage.

9. BIBLIOGRAPHY AND REFERENCES

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[Note: Some government departments have changed their names over time and the above publications state the name at the time of publication.]

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