

Richmond Road Widening between M7 and Townson Road

Statement of Heritage Impact

July 2025



Acknowledgement of Country

Transport for NSW acknowledges the traditional custodians of the land on which the Richmond Road Widening between M7 and Townson Road project is proposed.

We pay our respects to Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of NSW.

Many of the transport routes we use today – from rail lines, to roads, to water crossings – follow the traditional Songlines, trade routes and ceremonial paths in Country that our nation's First Peoples followed for tens of thousands of years.

Transport for NSW is committed to honouring Aboriginal peoples' cultural and spiritual connections to the land, waters and seas and their rich contribution to society.



Approval and authorisation

Title	Richmond Road Widening between M7 and Townson Road: Statement of Heritage Impact
Accepted on behalf of Transport for NSW by:	
Signed	
Date:	

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Artefact has not engaged directly with any Aboriginal stakeholders in the Cultural Values component of this report but has relied upon the purported results of engagement carried out by TfNSW and reported by TfNSW.

Executive summary

Transport for NSW proposes to upgrade a portion of Richmond Road, including widening between the M7 Motorway and Townson Road, Marsden Park. The project proposes the widening of a 2.2km stretch of road within the Richmond Road corridor. The upgrade area would be between Yarramundi Drive, Glendenning (southern extent) and Townson Road, Marsden Park (northern extent). The other main feature in the study corridor would be the intersection of Richmond Road with Rooty Hill Road North and the M7 Motorway on and off ramps.

The proposed works involve:

- A six-lane upgrade along Richmond Road, between M7 and Townson Road
- dual right-turn lanes from Richmond Road to Rooty Hill Road North
- dual right-turn lanes from Richmond Road to M7 entry ramp (southbound)
- retaining the bridge structure over Bells Creek for southbound traffic on Richmond Road
- new adjacent bridge structure for the northbound carriageway with integrated shared path along the western side
- a new single lane flyover exit ramp from the M7 Motorway to Richmond Road (northbound)
- realignment of the M7 northbound exit ramp to better direct traffic to the proposed flyover (exit ramp from the M7 Motorway to Richmond Road) and at-grade access on Rooty Hill Road North
- staged pedestrian crossings at the intersection of Richmond Road with Townson Road and Alderton Drive.

Artefact Heritage and Environment has been engaged by Stantec on behalf of Transport, to prepare a Statement of Heritage Impact (SoHI) which would identify historical heritage and archaeological relics that may be impacted by the proposed works, determine the level of heritage significance of each item, assess the potential impacts to those items, recommend mitigation measures to reduce the level of heritage impact and identify other management or statutory obligations. This statement of Heritage Impact will form part of the documentation required under the *Heritage Act NSW 1977* and the *Environmental Planning and Assessment Act 1979*.

Overview of findings

- A portion of the proposed works are within the heritage curtilage of the Blacktown Native Institution (BNI) heritage item, listed on the State Heritage Register as item #01866
- A portion of the proposed works are adjacent to the heritage curtilage of the Colebee and Nurragingy Land Grant heritage item, listed on the State Heritage Register as item #01877
- The proposed works would result in an **adverse impact (major)** on the historical significance, social and cultural values of the Blacktown Native Institution. The social and cultural values include the cultural landscape in which the project area and BNI are located
- Proposed works have the potential to impact on unconfirmed burials within the BNI in the vicinity of Bells Creek and in the norther-eastern portion of the site. Given the sensitivities involved with burials, an approach to managing this potential in certain parts of the site is proposed to be developed together with the DSMG and the Aboriginal community. The methodology for these investigations would be developed as part of a separate ARDM should the project be determined to proceed¹
- Proposed works have the potential to impact on archaeological remains associated with a former timber hut on the Williams grant. Methodologies to mitigate this impact will be addressed in a separate HAA and ARDM should the project be determined to proceed
- The proposed works would result in **little to no** adverse impacts to the significant values of the Colebee and Nurragingy Land Grant

¹ Artefact Heritage, Richmond Road Widening between M7 and Townson Road, Historical Archaeological Methodology & Research Design, April 2025

- The cumulative impact of the REF Scope on the heritage significance, visual and cultural values of the BNI would be **adverse (major)**.
- The proposed works would impact the cultural values (including the First Nation's cultural landscape) of the BNI which are inseparable in their nature and reach into deep time as well as the future. The interconnection of cultural values reflects the location of the BNI within a broader cultural landscape which includes the Colebee and Nurragingy land grant and stretches beyond it.

Approval pathway

Transport requires the preparation of a REF and relevant specialist studies to assess the potential impacts of the proposal. The REF is required to fulfil the requirements of Division 5.1 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act), and to consider all matters affecting, or likely to affect, the environment as a result of the proposal. The Statement of Heritage Impact assessment by Artefact Heritage would form part of the REF and would be undertaken within the upgrade area defined as the Richmond Road Widening between M7 and Townson Road.

Works within the Blacktown Native Institution would require an application for an approval under Section 60 (s60) of the *Heritage Act 1977* (NSW) as outlined in Section 2.4.2 of this report. The cultural sensitivity of the site and the scope and scale of the proposal requires third party independent assessment. The s60 application should be supported by this Statement of Heritage Impact. The remaining proposal works can proceed under the Transport for NSW's *Unexpected Heritage Items Procedure*.

The application for a Section 60 approval must make reference to Aboriginal archaeological salvage works being undertaken in accordance with an Aboriginal Heritage Impact Permit under Section 90 of the *National Parks and Wildlife Act 1974*.

Recommendations and mitigation measures

To further reduce the impacts of the project as assessed from the concept design, the following additional mitigation measures are recommended to be adopted:

- The Transport for NSW's *Unexpected Heritage Items Procedure* be implemented during all ground disturbing works.
- Consultation with relevant stakeholders, to discuss the project, design iterations and mitigation strategies for impacts to the cultural values and environment of the place.
- Consultation with the Dharug Strategic Management Group (DSMG) should be an ongoing commitment undertaken as part of this project.
 - Ongoing consultation with the DSMG will ensure that the proposed design continues to receive input from relevant stakeholders throughout detailed design and construction of the project. This would also be in accordance with best heritage practice as per the Connecting with Country framework, and consistent with Transport for NSW Policies including *Principles and Framework for Aboriginal Engagement, Ngiyani Winangaybuwan Bunmay and Dhawura-ngilan*.
 - Stakeholder input from the DSMG should be fed into the detailed design for the project.
 - Detailed design development should take into consideration the findings and recommendations of the *Conservation Management Plan 2023, Connecting with Country 2024* and *LCVIA 2024* reports.
- Should consultation and detailed design result in changes which require submission of a new or revised REF, the consultation process should be documented in the REF and in supporting documentation like a new or addendum SoHI or consistency assessment.
- Attempts to identify appropriate representatives of the Sydney Maori community with links to the BNI site were undertaken as part of the REF public exhibition, which proved unsuccessful.
- In keeping with the opportunities outlined in the *Conservation Management Plan 2023, Connecting with Country 2024*, and as per the possible mitigation measures outlined in the Heritage NSW Guidelines for preparing a statement of heritage impact, avenues for interpretation should be implemented within the Study Area. Opportunities for interpretation may include:
 - Interpretation could be included in the design of structures to assist in minimising the visual impact of the proposal and provide a positive outcome.

- Engaging local artists to design suitable artworks to be added to the flyover and/or retaining wall could assist in mitigating the adverse visual impact caused by the new structures.
 - Interpretation should be sensitively designed and respond to what is appropriate for the project's corridor and interface with the broader Blacktown Native Institution site. The project should seek the input of the DSMG to ensure the interpretation is acceptable and consistent in communicating the BNI's story and that of the broader cultural landscape.
- Endangered vegetation in the wider cultural landscape (and within the Study Area) should be maintained in discussion with DSMG.² Endangered species include Cumberland Plains Shale Woodlands, River-Flat Eucalyptus Forest and Castlereagh Ironbark Forest.³
- Vegetation within the BNI should be maintained and protected in discussion with DSMG:
 - Where possible trees should not be removed in the BNI. Casuarina and Eucalypt trees especially should be maintained.
 - If tree removal cannot be avoided, a replanting program should be prepared in consultation with the DSMG to ensure the correct species are planted.
 - Seed bank capture prior to any vegetation disturbance should be investigated and implemented where possible.
 - Prior to removal of trees, discussion with DSMG should be undertaken, providing the community the opportunity to reuse the trees in the broader context of the BNI site before their disposal.
- Safe animal movement corridors should be maintained in discussion with the DSMG
- Vegetation clearing should be discussed and designed in consultation with the DSMG regarding their appropriate location in an area which would minimise impacts to significant vegetation and cultural sites within the Study Area is recommended. The extent of the clearing should seek to be reduced where possible.
- Landscaping and vegetation planting should seek to replace exotic species with species endemic to the area (including grasses). Species used for landscaping would be discussed with the DSMG as part of the ecological regeneration of the BNI.
- A program for tree planting to help minimise the landscape and setting impacts of the works should be undertaken with reference to Transport's Offsetting program and in discussion with DSMG in relation to appropriate species selection and planting locations.
- An archaeological assessment should be prepared during development of detailed design to investigate the potentially significant archaeological resource on the eastern side of Richmond Road, south of the Colebee and Nurragingy land grant and within the Sylvanus Williams grant. The archaeological assessment should determine whether the archaeological resource is associated with Nurragingy and whether it is proposed to be impacted during works and therefore requires archaeological management.
- The archaeological testing methodology to be included in the AMRD for the investigation of unconfirmed burials should be prepared in consultation with relevant stakeholders. The outcomes of that testing program must inform detailed design.
- Further consultation with DSMG should be implemented for resolution of the following items during design development and construction of the project. DSMG's concerns include, but are not limited to, the following items:
 - The Grandmother tree should be protected from accidental damage.
 - Concerns about wildlife connectivity including affects from the proposed use of a site at the north edge of the SHR curtilage as an ancillary facility for construction should be addressed in consultation with DSMG
 - Protection of existing trees and flora from damage by construction activities.

² Nguluway Design Inc, 2024, Connecting with Country, p.12

³ Cumberland Plains Shale Woodlands, <https://threatenedspecies.bionet.nsw.gov.au/profile?id=20403>, accessed 4/6/25; River-Flat Eucalyptus Forest, <https://threatenedspecies.bionet.nsw.gov.au/profile?id=10787>, accessed 4/6/25; Castlereagh Ironbark Forest, <https://threatenedspecies.bionet.nsw.gov.au/profile?id=10174>, accessed 4/6/25

- Water ways should be protected and restored and not impacted by construction activities.
- Construction noise from the proposed works, operational noise from the bridge and expanded traffic corridor, and the removal of vegetation in the BNI threaten the site as a place of quiet and reflection. Considerations of noise elimination, reduction and naturalisation of the area require further discussion with DSMG. Construction of planted earth berms should be considered in keeping with *Conservation Management Policy 71*, to improve the BNI setting and maintain atmosphere of quiet and reflection.
- Long term access to the site
- Impacts on Bells Creek, the location of proposed structures and infrastructure and whether this impact can be reduced
- Interpretation outcomes which seek to mitigate the visual impacts of the flyover, retaining wall and bridge
- An archaeological assessment should be prepared to investigate the potentially significant archaeological resource on the eastern side of Richmond Road, south of the Colebee and Nurragingy land grant and within the Sylvanus Williams grant. The archaeological assessment should determine whether the archaeological resource is associated with Nurragingy and whether it is proposed to be impacted during works.
- An application for an approval under Section 60 of the *Heritage Act 1977 (NSW)* should be prepared, including provisions for archaeological management. The s60 application will also need to make reference to Aboriginal archaeological salvage works being undertaken in accordance with an Aboriginal Heritage Impact Permit under Section 90 of the *National Parks and Wildlife Act 1974*.
- Both the Section 60 and Section 90 approvals need to be in place prior to the commencement of ground disturbing works within the curtilage of the Blacktown Native Institution site.

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Terms and acronyms used in this assessment

Term / Acronym	Description
AMP	Archaeological Management Plan
ARD	Archaeological Research Design
Artefact	Artefact Heritage and Environment Pty Ltd
BDCP 2015	<i>Blacktown Development Control Plan 2015</i>
BLEP 2015	<i>Blacktown Local Environmental Plan 2015</i>
BNI	Blacktown Native Institution
CMP	Conservation Management Plan
Construction boundary	Where all construction activities would be undertaken, allowing space to construct the road formation, fencing and ancillary facilities. Refer Figure 1-1.
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Heritage Act	<i>NSW Heritage Act 1977</i>
LEP	Local Environmental Plan
LGA	Local Government Area
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NSW	New South Wales
NTHR	National Trust (NSW) Heritage Register
NWGA	North West Growth Area
Operational boundary	Where all operational phase and maintenance activities would be undertaken. Refer Figure 1-1.
REF	Review of Environmental Factors
RNE	Register of the National Estate
S170	Section 170 Heritage Register under the <i>Heritage Act 1977</i>
SHR	State Heritage Register
SoHI	Statement of Heritage Impact
SSI	State Significant Infrastructure
Study area	The geographic boundary which defines the extent of the investigations supporting the proposal. Refer Figure 1-1..
The Minister	Commonwealth Minister for Environment and Water
The proposal	Richmond Road Widening between M7 and Townson Road
TISEPP	<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>

1. Introduction

1.1 Proposal identification

The proposal assessed in this Statement of Heritage Impact (SoHI) includes upgrading the portion of Richmond Road around the Rooty Hill Road intersection. The summary description of works as provided to Artefact by Transport includes:

- Six lane upgrade along Richmond Road between M7 and Townson Road
- Dual right-turn lanes from Richmond Road to Rooty Hill Road North
- Dual right-turn lanes from Richmond Road to M7 entry ramp (southbound)
- Dual, continuous left-turn lane from Rooty Hill Road North to Richmond Road (Richmond bound)
- Retained bridge structure over Bells Creek to be used for the Blacktown-bound carriageway of Richmond Road
- New adjacent bridge structure for the Richmond bound carriageway
- Relocated pedestrian bridge over Bells Creek or integrate pedestrian facilities on the new bridge for the Richmond-bound carriageway
- Widening the M7 northbound exit ramp to provide an additional right turn lane at the intersection with Rooty Hill Road North
- Exit ramp off M7
- Ancillary facility at 136 South Street, Marsden Park.

The project design as provided by Transport is appended to this proposal.

The objectives of the proposal are to:

- Reduce transport cost by improving travel times and reducing congestion.
- Support economic growth and productivity by providing road capacity for projected freight and general traffic volumes.
- Improve road safety in line with the NSW Road Safety Strategy 2012-2021, Safe System Directions and Safer Roads Key Focus.
- Improve quality of service, sustainability and liveability.
- Minimise impacts on the environment.'
- Identify and minimize impacts on the Aboriginal social and cultural values of the project area.

1.2 Study area

The study area (Figure 1-1) encompasses Richmond Road and adjacent areas, starting just north of the Hollinsworth and Townson Road intersection with Richmond Road and continuing south just past the M7 Motorway to Yarramundi Drive. The study area includes an eastern portion of Hollinsworth Road (about 150 metres) and a western portion of Townson Road (about 150 metres), both intersecting Richmond Road. Similarly, it includes an eastern portion of Langford Drive (about 100 metres) and a western portion of Alderton Drive (about 50 metres), both also intersecting Richmond Road.

The study area includes a portion of the SHR listed items known as the Blacktown Native Institution (SHR 01866) and Colebee and Nurragingy Land Grant (SHR 01877).

The study area is adjacent to land subject to impact as part of the M7 Widening, which is a separate Transport project. Discussion and assessment of the M7 Widening works are not provided in this report.

The study area also includes 136 South Street in Marsden Park for an ancillary facility.

1.3 Authorship

This SoHI has been prepared by Monika Sakal (Heritage Consultant), Elizabeth Bonshek (Senior Heritage Consultant), Sarah-Jane Zammit (Senior Associate) and Stephanie Moore (Senior Associate) with input and review provided by Jenny Winnett (Technical Director), Sam Higgs (Team Leader) and Josh Symons (Technical Executive) all from Artefact Heritage.

1.4 Purpose of the report

Transport requires the preparation of a REF and relevant specialist studies to assess the potential impacts of the proposal. This SoHI has been prepared by Artefact on behalf of Transport and will form part of the REF.

The purpose of this SoHI is to describe the existing environment of the study area, examine known and potential heritage values within the study area and document the potential impacts of the proposal on the heritage significance of known and potential heritage values. The report also details measures to avoid, mitigate, or manage the identified impacts.

1.5 Methodology

The preparation of this SoHI has been undertaken at 80% concept design. As such, any significant deviations from the 80% design included in the 100% detailed design should be assessed in an addendum SoHI.

Preparation of this SoHI has included background research, statutory and non-statutory heritage register searches, assessment of significance, physical inspection, assessment of archaeological potential, and assessment of impact. This report provides advice regarding heritage approval pathways and makes recommendations for ongoing management, as required.

1.6 Limitations

This SoHI is limited to providing assessment and guidance in accordance with the requirements of the *Heritage Act 1977* (Heritage Act) and the *Environmental Protection and Assessment Act 1979* (EP&A Act.). This report does not present an assessment of Aboriginal cultural values or archaeological potential as managed under the *National Parks and Wildlife Act 1974* (NPW Act).

Additionally, no external consultation was undertaken as part of this SoHI. Consultation, including with the DSMG, as the main land holders of the BNI Site, is being conducted by Transport for NSW as part of the project. The social and cultural values included in this report were drawn from existing reports together with a summary of the social and cultural values expressed by DSMG to Transport. Feedback from subsequent engagement will be included once completed.

Two site inspections were undertaken, one encompassing Transport owned lands, and one examining areas outside Transport ownership. This SoHI includes a desktop review using aerial imagery and mapping software for the areas not accessible during the site inspection. Inaccessible areas include those which could not be safely accessed and private property. Further information is provided in Section 4.4.1.

Artefact is not responsible for any gaps in publicly available data or registers.



Figure 1-1: Location and extent of the study area

2. Legislative and policy context

2.1 Overview

This section discusses the heritage management framework, notably legislative and policy context, applicable to the proposed development and study area.

2.2 Identification of heritage listed items

Heritage listed items were identified through a search of relevant state and federal statutory and non-statutory heritage registers:

- National Heritage List
- State Heritage Register (SHR)
- Section 170 Heritage and Conservation Registers
- Blacktown Local Environmental Plan 2015 (BLEP 2015)
- Register of the National Estate (RNE)

National Trust of Australia (NSW) register.

Items listed on these registers have previously been assessed against the heritage assessment guidelines relevant to their peak governing body. Items of state or local significance have been assessed against the NSW Heritage Assessment guidelines, in accordance with the *NSW Heritage Act 1977* (the Heritage Act). Assessments of heritage significance as they appear in relevant heritage inventory sheets and documents, are provided in this assessment.

There are several items of legislation that are relevant to the current study area. A summary of the relevant Acts and the potential legislative implications are provided below.

2.3 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a legislative framework for the protection and management of matters of national environmental significance, that is, flora, fauna, ecological communities and heritage places of national and international importance. Heritage items are protected through their inscription on the World Heritage List, Commonwealth Heritage List, or the National Heritage List. The EPBC Act stipulates that a person who has proposed an action that will, or is likely to, have a significant impact on a World, National or Commonwealth Heritage site must refer the action to the Minister for the Environment and Water (hereafter the Minister). The Minister will then determine if the action requires approval under the EPBC Act. If approval is required, an environmental assessment would need to be prepared. The Minister would approve or decline the action based on this assessment. A significant impact is defined as “an impact which is important, notable, or of consequence, having regard to its context or intensity.” The significance of the action is based on the sensitivity, value and quality of the environment that is to be impacted, and the duration, magnitude and geographic extent of the impact. If the action is to be undertaken in accordance with an accredited management plan, approval is not needed, and the matter does not need to be referred to the Minister.

2.3.1 National Heritage List

The National Heritage List has been established to list places of outstanding heritage significance to Australia, including places overseas. There are nine matters of national environmental significance, these include Australia's world heritage properties (as listed on the World Heritage List), national heritage places, wetlands of international importance (listed under the Ramsar Convention), migratory species, listed threatened and ecological communities, Commonwealth marine areas, the Great Barrier Reef Marine Park, nuclear actions including uranium mining, and water resources in relation to coal seam gas developments and large coal mining developments.

There are **no items** listed on the National Heritage List within the study area.

2.4 Heritage Act 1977

The NSW *Heritage Act 1977* (Heritage Act) provides protection for items of 'environmental heritage' in NSW. 'Environmental heritage' includes places, buildings, works, relics, movable objects or precincts considered significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. Items considered to be significant to the State are listed on the SHR and cannot be demolished, altered, moved or damaged, or their significance altered without approval from the Heritage Council of NSW.

2.4.1 State Heritage Register

The SHR was established under Section 22 of the Heritage Act and is a list of places and objects of particular importance to the people of NSW, including archaeological sites. The SHR is administered by Heritage NSW, and includes a diverse range of over 1,700 items, in both private and public ownership. To be listed, an item must be deemed to be of heritage significance for the whole of NSW. For works to an SHR item, a Section 60 application must be prepared for works that are not exempt under Section 57(2) of the Heritage Act.

There are **two listed items** on the State Heritage Register within the study area:

- Blacktown Native Institution (SHR No. 01866)
- Colebee and Nurragingy Land Grant (SHR No. 01877).

2.4.2 Heritage Exemptions

Lot 1 DP 1043661, which is the eastern portion of the Blacktown Native Institution (SHR No. 01866) site, was granted the following site-specific exemption under subsection 57(1) of the Heritage Act in 2011:

Exemption 1. The carrying out of road work or traffic control work, within the meaning of the Roads Act 1993, in connection with the Rooty Hill Road, Richmond Hill Road and / or the proposed Castlereagh Freeway, on land described as Lot 1 in Deposited Plan 1043661, Lot 5002 in Deposited Plan 869400 and / or Lot 5003 in Deposited Plan 869400, is exempt from subsection 57(1) of the Heritage Act 1977, subject to all excavation or disturbance of land being carried out in accordance with any archaeological management plan with which compliance is required by any approval for those works issued under the Environmental Planning and Assessment Act 1979.

Reason/Comment - Should archaeological relics or deposits be uncovered during excavation work, all work must cease in the immediate area. A suitably qualified and experienced archaeologist must be contacted to assess the archaeology and the Heritage Branch should be informed immediately ('Blacktown Native Institution' 2011).

Although the proposed works generally meet the criteria of this site-specific exemption (consisting of road works and facilitating activities), it has been determined in consultation with Transport that the scope and scale of the proposed works requires additional third-party assessment. This is because Transport believes that the intent of the site-specific exemption is to allow road maintenance activities and road widening activities for this part of the BNI site. When the site specific exemptions were made they focused on managing physical (archaeological) impacts to the site. Transport for NSW understands that the site contains significant cultural values and that the proposed design may intersect with the site and its cultural values which exist beyond its archaeology. Although the exemption could be pursued, Transport will seek independent approval of the application s60 for transparency. As such, the decision has been made to proceed with a Section 60 application for the project.

2.4.3 Archaeological relics and works

The Heritage Act also provides protection for 'relics', which includes archaeological material or deposits. Section 4 (1) of the Heritage Act (as amended in 2009) defines a relic as:

"...any deposit, artefact, object or material evidence that:

relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

is of State or local heritage significance”

Sections 139 to 145 of the Heritage Act prevent the excavation or disturbance of land known or likely to contain relics, unless under an excavation permit. Section 139 (1) states:

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

Excavation permits are issued by the Heritage Council of NSW, or its Delegate, under Section 140 of the Heritage Act for relics not listed on the SHR, or under Section 60 for impacts within SHR curtilages. An application for an excavation permit must be supported by an Archaeological Research Design (ARD) and Archaeological Assessment prepared in accordance with the Heritage NSW archaeological guidelines. Minor works that would have a minimal impact on archaeological relics may be undertaken in accordance with the Section 139 (4) exceptions, or an exemption under Section 57 (2) of the Heritage Act.

No known Archaeological Management Plans (AMPs) have been prepared for land within the study area. There is an existing AMP for the Colebee and Nurragingy Land Grant⁴, located immediately adjacent to the study area.

2.4.4 Conservation Management Plans

Under Section 38A of the Heritage Act, a CMP should be prepared for items listed on the State Heritage Register. The CMP should identify the state heritage significance of the item, set out policies and strategies for the retention of its significance and be prepared in accordance with the guidelines outlined by the Heritage Council. The Heritage Act allows for CMPs to be endorsed by the Heritage Council. However, following recent policy changes, CMP endorsement is no longer undertaken except in exceptional circumstances.

There is one CMP relevant to the study area:

- GML 2023, *Dharug Nura: The Blacktown Native Institution Conservation Management Plan (Draft Report)*, prepared for the Dharug Strategic Management Group (DSMG).

Generally, the following policies from the CMP would be relevant to the study area within the Blacktown Native Institution, and the proposed works have been assessed against these policies and sub-policies in Section 9.2.1.

- Leadership – statutory context
- Caring for Nura, Culture and Community – Future use and activities
- Caring for Nura, Culture and Community – New development

2.4.5 Section 170 registers

Under the Heritage Act all government agencies are required to identify, conserve and manage heritage items in their ownership or control. Section 170 requires all government agencies to maintain a Heritage and Conservation Register that lists all heritage assets and an assessment of the significance of each asset. They must also ensure that all items inscribed on its list are maintained with due diligence in accordance with State Owned Heritage Management Principles approved by the Government on advice of the NSW Heritage Council. These principles serve to protect and conserve the heritage significance of items and are based on NSW heritage legislation and guidelines.

A search of the Transport for NSW (formerly Roads and Maritime modes) s170 register was conducted on 20 September 2024, two items are on the register:

- Blacktown Native Institution (SHI number unavailable at time of search)
- Colebee and Nurragingy Land Grant (SHI # 4311607)

⁴ GML Heritage 2012. *Colebee and Nurragingy Lant Grant, 799 Richmond Road, Marsden Park. Archaeological Management Plan*. Report prepared for Legacy Property.

2.5 Environmental Planning and Assessment Act 1979 (NSW)

The *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. The EP&A Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits.

The EP&A Act also requires that local governments prepare planning instruments (such as Local Environmental Plans [LEPs] and Development Control Plans [DCPs]) in accordance with the EP&A Act to provide guidance on the level of environmental assessment required. The study area falls within the boundaries of the Blacktown LGA. Schedule 5 of the *Blacktown Local Environmental Plan 2015* (BLEP 2015) includes a list of items/sites of heritage significance within this LGA.

2.5.1 Blacktown Local Environmental Plan 2015

The study area falls within the boundaries of the Bayside Local Government Area (LGA). Heritage items listed on the BPLEP 2015 are managed in accordance with the provisions of Section 5.10 Heritage Conservation of this LEP

The following items within or in the vicinity (up to 250 meters) of the study area are listed on Schedule 5 of the BPLEP 2015:

- Archaeological Site – Native Institute Site (LEP No. A121)
- Colebee and Nurragingy Land Grant (LEP No. A120).

2.5.2 Blacktown Development Control Plan 2015

The Blacktown DCP 2015 (BDCP 2015) is a supporting document that complements the provisions contained within the BPLEP 2015 and provides specific design detail in regard to sympathetic development on, or in the vicinity of, items listed on Schedule 5 of the BPLEP 2015.

Part A, Section 4.4 Heritage of the BDCP 2015 provides sympathetic considerations for development that is in the vicinity of a heritage listed item. These considerations include ensuring that the character, bulk, scale and height of new development does not unreasonably overshadow a nearby heritage item, that colouring and texture of new materials of a new development is sympathetic to a heritage item, and that views of a heritage item should not be obscured from the point of view of areas of public domain. Refer to Blacktown Development Control Plan 2015 9.2.2 for an assessment against the relevant DCP policies.

This section also includes known archaeological sites and areas of high archaeological significance and provides advice on approval pathways. This section is targeted at the protection of Aboriginal heritage sites in accordance with the provisions of the NPW Act and does not discuss historical archaeological protections. The areas of high archaeological significance noted in the DCP are along major waterways within the BCC boundaries.

2.6 State Environmental Planning Policy (Transport and Infrastructure) (TISEPP) 2021

TISEPP aims to facilitate the effective delivery of transport and infrastructure across NSW. The Transport and Infrastructure SEPP assists local government, the NSW Government and the communities they support, by simplifying the process for providing essential infrastructure in areas such as education, hospitals, roads and railways, emergency services, water supply and electricity delivery.

Generally, where there is conflict between the provisions of the TISEPP and other environmental planning instruments, the TISEPP prevails. While the TISEPP overrides the controls included in the LEPs and DCPs, the proponent is required to consult with the relevant local councils when development “is likely to have an impact that is not minor or inconsequential on a local heritage item (other than a local heritage item that is also a State heritage item) or a heritage conservation area”.

When this is the case, the proponent must not carry out such development until it has (TISEPP 2021 Clause 2.11.2):

- (a) had an assessment of the impact prepared, and

(b) given written notice of the intention to carry out the development, with a copy of the assessment and a scope of works, to the council for the area in which the heritage item or heritage conservation area (or the relevant part of such an area) is located, and

(c) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.

As the two heritage sites are also listed on the SHR, consultation with local Council under the TISEPP is not required.

This project is proceeding under the provisions of the TISEPP, to be self-determined by Transport. It is noted the provisions of the TISEPP do not negate the requirement for approval under the Heritage Act for impacts to SHR listed items.

2.7 Non-statutory Considerations

2.7.1 Register of the National Estate

The Register of the National Estate (RNE) is no longer a statutory list; however, it remains available as an archive. There are **two listed items** on the RNE within the study area:

- Native Institution (RNE Place ID. 15905)

The RNE provides the following description of the Blacktown Native Institution:

The Native Institution was the second attempt by the Colonial Government of New South Wales to place Aboriginal children in a residential institution (the first attempt being at Parramatta). The Native Institution was established on a reserve of land known as Black Town on the Richmond Road in 1823. The Institution was firstly under the control of George Clark and later the missionary William Walker. In January 1825 the institution was closed as the Aboriginal children demonstrated their preference for a less restricted lifestyle by running away from the school. A second attempt was made to run the institution under the supervision of William Hall, a lay missionary of the Christian Missionary Society. In 1827 there were nine Aboriginal children as well as four Maori children from New Zealand, but by 1829 most of the children had died. The Black Town Aboriginal Settlement lingered on until 1833 when it was finally closed and the buildings and land auctioned. The Settlement buildings included the two storey schoolhouse/residence (later to be called Llyodhurst), kitchen, stables, coachhouse and gardens. An open campsite from the historic contact/settlement period has been located on the north-west side of Bells Creek. The presence of this site is consistent with records which state that adult Aborigines were living near the schoolhouse and unsettling the children.⁵

- Indigenous Place (RNE Place ID. 18986).

No information for this item is provided by the RNE.

2.7.2 National Trust of Australia (NSW)

Listing on the National Trust Heritage Register (NTHR) does not impose statutory obligations and is more an indication of the heritage significance held by the community. There are **no items** listed on the NTHR.

⁵ RNE, Native Institution, Richmond Rd, Oakhurst, NSW, Australia, [Australian Heritage Database \(environment.gov.au\)](https://www.environment.gov.au)

2.8 Summary of heritage listings

The study area encroaches on the heritage curtilage of the Blacktown Native Institution and sits adjacent to the Colebee and Nurragingy Land Grant, which are listed on multiple heritage registers. The search of relevant registers was undertaken on 19 July 2024 and 20 September 2024. The results are outlined in Table 2-1 and curtilages of these items are illustrated in Figure 2-1.

Table 2-1: Results of register searches for the study area and adjacent heritage items

Item	Address	Significance	Listing	Relationship to study area
Blacktown Native Institution	Richmond Road, Oakhurst	State	SHR No. 01866 BLEP 2015 No. A121 RNE Place ID. 159505 Transport for NSW s170 ID (unavailable)	Within
Colebee and Nurragingy Land Grant	Richmond Road, Colebee	State	SHR No. 01877 BLEP 2015 No. A120 RNE Place ID. 18986 Transport for NSW s170 ID (#4311607)	Adjacent to

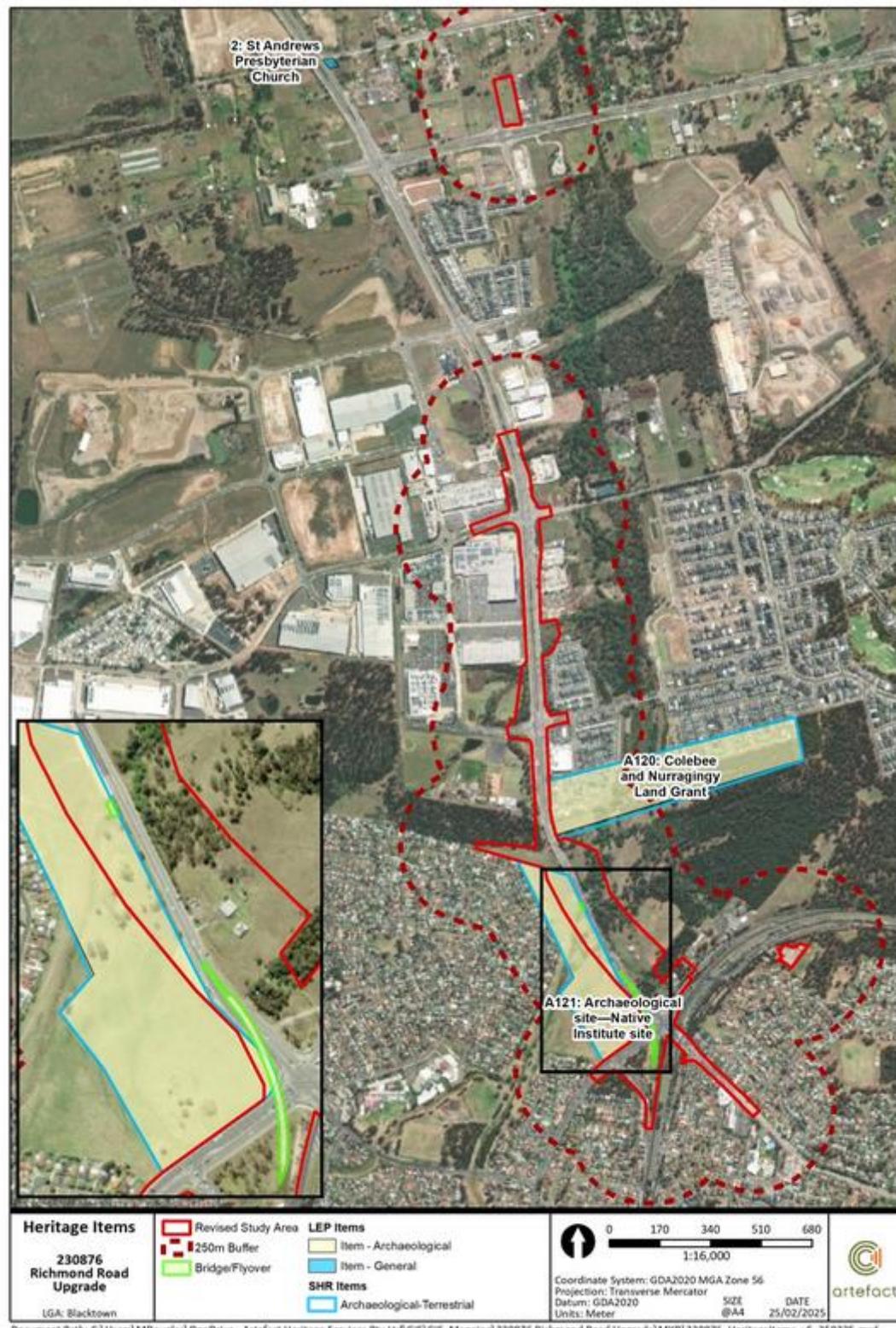


Figure 2-1: Summary of heritage items within and surrounding the proposal

2.9 Cultural values and their protection

Aboriginal cultural knowledge is traditionally bequeathed through oral traditions from generation to generation. Cultural values rest with people, not within the particular study area in which archaeological investigations are undertaken. Cultural values research and documentation can include archaeology contexts, if these are rendered important through engagement with Aboriginal community members.

In Australia, Aboriginal archaeological heritage (tangible heritage) has largely been the focus of legislative protection and regulation. Current legislation in Australia is not considered to provide adequate protection for cultural values (intangible values), although protections for tangible and intangible heritage are included in Federal and NSW legislation to varying degrees.

The importance and significance of cultural values (intangible heritage) has been increasingly recognised in heritage practice over the last decade or so and there are increasingly both domestic and international conventions which have been drawn upon in support of these values.

2.9.1 Recognition of cultural values

The recognition of cultural values has been raised by the United Nations Educational, Scientific and Cultural Organisation (UNESCO). Cultural values refer to ideas, concepts and behaviours that are shared. These values can be associated with particular landscape features or places. Such places are referred to in the UNESCO World Heritage Convention as cultural landscapes. A cultural landscape is one which has

'powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent' (UNESCO 1991).

While tangible heritage can be contained within the purview of cultural values, the latter also includes intangible heritage: i.e. social and cultural actions, performances, and traditional knowledge.

UNESCO identifies five “domains” in which intangible heritage operates:⁶

- Oral traditions and expressions, including language as a vehicle of the intangible cultural heritage
- Performing arts
- Social practices, rituals and festive events
- Knowledge and practices concerning nature and the universe
- Traditional craftsmanship.

UNESCO makes a distinction between tangible and intangible elements, which none the less remain interconnected, as follows:

- material heritage (also called tangible heritage);
- cultural performance or action referred to as a “manifestation” (something made visible or audible) (also called intangible heritage) and
- knowledge and skills (intangible heritage) without which objects cannot be made, actions performed, or social practices enacted.

As noted by the Heritage Chairs and Officials of Australia and New Zealand (HCOANZ) in *Dhawura Ngilan. A vision for Aboriginal and Torres Strait Islander Heritage in Australia* the Federal government has not agreed to the three international conventions that are concerned with intangible heritage⁷. The three conventions are: UNESCO Convention for the Safeguarding of the Intangible Heritage 2003; The Convention of Biological Diversity, and (to some extent) the 1996 World Intellectual Property Organisation (WIPO) Performances and Phonograms Treaty.

⁶ Convention for the Safeguarding of the Intangible Cultural Heritage (<https://ich.unesco.org/en/intangible-heritage-domains-00052>).

⁷ HCOANZ *Dhawura Ngilan. A vision for Aboriginal and Torres Strait Islander Heritage in Australia 2020*: 38-39

For HCOANZ (2020) Aboriginal intangible heritage rests on an equal footing with tangible heritage. Within many Aboriginal communities there was a time of dislocation and upheaval associated with the arrival of colonial settlers. For many, disruption has continued into the contemporary period with the forced relocation of people to reserves; the separation of children from their families under assimilationist policies of the Australian governments that followed and non-government organisations. HCOANZ (2020: 1.1 and 1.2) call for the acknowledgement of Aboriginal and Torres Strait Islander people as custodians of their heritage and for their heritage to be valued as central to Australia's national heritage. In addition, valuing Aboriginal and Torres Strait Islander peoples' heritage combined with a process of truth telling (HCOANZ (2020: 1.2.2) and effective memorialisation can contribute to the process of reconciliation in Australia.

Despite social and cultural disruption and language loss in some communities, Aboriginal people maintain a strong connection to their land and ancestors and collectively possess a wealth of knowledge passed down through the generations. Importantly, in accord with the principles of self-determination (HCOANZ 2020: 3 Best Standard Practice) Aboriginal people should play a leading role in the description of their cultural values.

The five domains identified by UNESCO (above) in which intangible heritage operates do not exclude tangible values but may embrace them. For the purposes of this report, the following definitions of cultural (or social) values have been adopted. These social and cultural values may overlap one with another:

1. Oral traditions and expressions, including language
2. Performing arts
3. cultural performance (action(s) that make something visible or audible)
4. Social practices, rituals and festive events
5. Knowledge and practices concerning nature and the universe (past, present or future)
6. knowledge and skills (intangible heritage) without which objects cannot be made, actions performed, or social practices enacted (past, present or future)

An impact on these values would be an action that the community views as diminishing or detrimental in any way.

3. Historical Background

3.1 Histories of Aboriginal Country

3.1.1 History of the region

Over the last few decades, archaeologists' knowledge of people's presence in Australia has expanded from just a few thousand years in the 1950s, to 25,000 years in the 1960s, then 40,000 years, to now around 60,000 years or more.⁸ Aboriginal history is recognized by archaeologists as reaching into deep time.

Archaeological evidence for Aboriginal people living in the Sydney region from Shaw's Creek west of the Dyarubbin (Nepean) River is dated around 14,000 years ago and numerous other sites in the area have been dated at around 15,000 ago. While Cranebrook Terrace, near Penrith in Western Sydney, has been dated to 41,700 years and a site near Parramatta at 30,000 years old, there is growing consensus among archaeologists and historians that people have lived across the Sydney region from around 50,000 years ago.⁹

More ancient sites lie off the coast and in river valleys, now deep under water. Before the major sea level rise event at the end of the last ice age around 17,000 years ago, Aboriginal people living along the Parramatta River could have walked downstream along the riverbanks to the sea about 30 kilometers beyond the current day coastline. Over generations they would have watched and told stories about the gradual change as the sea rose to fill the 'drowned river valley' of what is now Sydney Harbour until it reached present levels around 6,000 years ago.¹⁰

Given the devastating impact of violent dispossession and disease upon Aboriginal people in the Sydney region during colonization (see below), the precise identification of language groups and historical traditional lands or Country for a given area is often difficult today. Early colonial observer Watkin Tench believed there was at the least coastal and inland dialects of the same language and, while this is challenged by some, there seems to have been an alignment with inland economies of the rivers, creeks and open forests of the Cumberland Plain, and coastal 'saltwater' focused groups.¹¹

⁸ Belshaw, J, Nickel, S, and Horton, C, 'Histories of Indigenous Peoples and Canada', (Thompson Rivers University, 2020); Griffith, B. *Deep time dreaming: uncovering ancient Australia*. (Melbourne, Black Inc. Books, 2018): 112; Karskens, G. 'The colony: A history of early Sydney' (Sydney, Allen & Unwin, 2009): 25.

⁹ Attenbrow, V. 'Sydney's Aboriginal past, investigating the archaeological and historical records'. (2nd edn. Sydney, UNSW Press, 2010): 18-20; Attenbrow, V. 2012. 'Archaeological evidence of Aboriginal life in Sydney', *Dictionary of Sydney*. (Accessed online 15 Feb 2023); Karskens, G., Burnett, G., and Ross, S., 'Traces in a Lost Landscape: Aboriginal archaeological sites, Dyarubbin/Nepean River and contiguous areas, NSW (Data Paper)', *Internet archaeology*, No. 52 (2019): 4; McDonald, J. 'Dreamtime Superhighway. An analysis of the Sydney basin rock art', (Canberra, ANU Press, 2007): 4, 87-94; Nanson, G.C., Young, R.W., and Stockton, E.D., 'Chronology and palaeoenvironment of the Cranebrook Terrace (near Sydney) containing artefacts more than 40,000 years old,' *Archaeology in Oceania* Vol. 22 No. 2 (1987): 77; Williams, A.N., Burrow, A., Toms, P.S., Brown, O., Richards, M. and Bryant, T., 'The Cranebrook Terrace revisited: recent excavations of an early Holocene alluvial deposit on the banks of the Nepean River, NSW, and their implications for future work in the region,' *Australian archaeology* Vol. 83 No. 3, (2017): 100–109; Williams, A.N., Mitchell, P., Wright, R.V.S., and Toms, P.S., 'A terminal Pleistocene open site on the Hawkesbury River, Pitt Town, New South Wales,' *Australian archaeology* Vol. 74 (2012): 85–97;.

¹⁰ Attenbrow, V. 'Sydney's Aboriginal past, investigating the archaeological and historical records' (2nd edn. Sydney, UNSW Press, 2016): 154-155; Birch, G., 'A short geological and environmental history of the Sydney estuary, Australia' *Water wind art and debate— how environmental concerns impact on disciplinary research*, (G.Birch (ed.), Sydney, Sydney University Press, 2007): 219-219; Nunn, P.D. and Reid, N.J, 'Aboriginal Memories of Inundation of the Australian Coast dating from more than 7000 years ago', *Australian geographer*, Vol. 47 No.1, (2016): 11–47.

¹¹ Stanner, W.E.H. 'Aboriginal Territorial Organization: Estate, Range, Domain and Regime', *Oceania* Vol. 36 No. 1, (1965): 1–26; Tench, W., 'A complete account of the settlement at Port Jackson', (Sydney, Sydney University Press, 1793 [2004]): 122; Aboriginal Heritage Office, 'Filling a void: a review of the historical context for the use of the word 'Guringai'', (North Sydney, Aboriginal Heritage Office, 2015); Note: This historical overview does not seek to contest traditional or current definitions of affiliation with Country and acknowledges that multiple interpretations of such identity may exist. A frequently used indication of Country is language identity. However, far more complex factors are known to have often taken precedence over language in determining Aboriginal people's definition of Country. There is debate on the extent and name for the language itself, some preferring to use 'The Sydney Language.' Watkin Tench observed that though the coastal and inland men he met conversed and understood each other, many words for common things bore no similarity while other words were only slightly different.

Prior to colonisation, Aboriginal people in the relatively resource rich Sydney region lived in extended family groups estimated at around 30 to 50 people. These groups were associated with certain territories or places that gave clan members particular social and economic rights and obligations. Each of the estimated 30 clans in the Sydney region had a name often associated with a place or resource such as the Cabro (Gabra) gal (people) at modern day Cabramatta. Clan groups moved around a defined area in response to changing seasons and the availability of food and other resources. European observers mistakenly took this as a nomadic lifestyle, when in fact they moved around a 'limited and deeply known' area. There were also forms of more sedentary agriculture and aquaculture, and villages such as those described by early colonial diarists at Kamay-Botany Bay and later accounts of '70 huts' at Bent's Basin on the Nepean River west of Sydney.¹²

Some areas, particularly resource rich ones, had shared boundaries or reciprocal rights with bordering and neighbouring groups. With appropriate permission and protocols, people could travel through and hunt on other groups' lands. On special occasions such as feasts associated with the beaching of a whale; a kangaroo hunt on the open forests of southwestern Sydney; trading or exchanging stone, tools and other items, as well as ceremonial occasions, people would often travel long distances around and from outside the Sydney region.¹³

With several rivers and estuarine coastal areas, the Sydney region sustained a large population compared to more arid inland areas. Fish and shellfish were a major part of Saltwater peoples' diets. The nawi (tied-bark canoe) was a common sight both day and night in rivers and creeks and was even dexterously paddled off the coast. There are many accounts by early colonists of Aboriginal people in canoes fishing and cooking their catch on small fires on hearth stones within the vessels. Women were the primary fishers from nawi (men usually fished with spears). Women were highly skilled with shell hooks and twine fishing lines and thus played an important economic role in Sydney. They were noted as cradling their children while fishing, as their songs floated across the waters of Sydney Harbour.¹⁴

People living inland across the Cumberland Plain focused on hunting small animals, gathering plants and catching freshwater fish and eels. Banksia flowers, wild honey, varieties of yam and burrawang nuts (macrozamia - a cycad palm with poisonous seeds that require processing to remove toxins) were recorded as important food sources. Xanthorrhoea, also known as the grass tree, had many uses - the nectar was eaten, the stalk used as a spear and the resin as a glue. Small animals such as bandicoots and wallabies were hunted with traps and snares. Watkin Tench noted the skill in cutting toeholds in trees to swiftly climb to hunt possums.¹⁵

The landscape and environment before Europeans arrived was a finely managed one. In 1790 John Hunter observed people 'burning the grass on the north shore opposite to Sydney, in order to catch rats and other animals'. In 1804 Henry Waterhouse described the land around Cowpastures as 'a beautiful park, totally divested of underwood, interspersed with rich, luxuriant grass ... except where recently burnt'.¹⁶ These forests that had been managed by many generations of Aboriginal people through such methods as what is known as 'firestick farming'. Fire was an important tool and also used to open up tracks, to 'clean country', drive animals into the paths of hunters, cooking, warmth, treating wood, cracking open stones and for a place to gather, dance and share stories and knowledge.¹⁷

The Sydney region was a landscape rich with the imprints of activity, art and culture such as rock engravings and paintings, scarred and carved trees, ceremonial rock and mound structures, cooking ovens, villages of bark huts, stone tool quarries, grinding grooves and tool-making sites, burial and other shell middens, and other artefacts. All this activity had a lasting impact on the landscape, and many elements such as rock engravings in particular survive or have been kept intact or cared

12; Attenbrow, V. 'Sydney's Aboriginal past, investigating the archaeological and historical records', (2nd edn. Sydney, UNSW Press, 2010): 78; Gammage, B. 'The biggest estate on earth', (Sydney, Allen & Unwin, 2012): 281-304; Gapps, S, 'Cabrogal to Fairfield City: a history of a multicultural community', (Sydney, Fairfield City Council, 2010): 26-60; Karskens, G., 'The colony: A history of early Sydney' (Sydney, Allen & Unwin, 2009): 36.

13 Gammage, B. 'The biggest estate on earth', (Sydney, Allen & Unwin, 2012); Irish, P., 'Hidden in plain view: the Aboriginal people of coastal Sydney', (Sydney, NewSouth Books, 2017): 22-27.

14Attenbrow, V. 'Sydney's Aboriginal past, investigating the archaeological and historical records,' (2nd edn. Sydney, UNSW Press, 2010): 38; Collins, D. 'An account of the English colony in New South Wales', (Vol 1, London, Cadell & Davies, 1789): 557; Banks, J., 'The Endeavour Journal of Sir Joseph Banks,' (Project Gutenberg webpage, 1770 [2005], accessed online 15 Feb 2022).

15Attenbrow, V. 'Sydney's Aboriginal past, investigating the archaeological and historical records'. (2nd edn. Sydney, UNSW Press, 2010): 41; Kohen, J.L, 'Aborigines in the west: prehistory to the present', (Armidale, Western Sydney Project, 1985): 9; Tench, W., 'A complete account of the settlement at Port Jackson', (Sydney, Sydney University Press, 1793 [2004]): 82; 230.

16 Hunter, J., 'An Historical Journal of the Transactions at Port Jackson and Norfolk Island', (London, John Stockdale, 1793 [1968]); Waterhouse, 'Captain Waterhouse to Captain MacArthur, 12 March 1804', Historical records of New South Wales (HRNSW) Vol. 5, (Bladen, F. M. (ed.), Sydney, Government Printer, 1897): 359.

17 Gammage, B., 'The biggest estate on earth', (Sydney, Allen & Unwin, 2012): 163-185; Griffith, B., 'Deep time dreaming: uncovering ancient Australia', (Melbourne, Black Inc. Books, 2018): 240.

for by community members. Over time, many Aboriginal pathways were taken up by the colonists and made into roads, some still on the same routes today. ‘Kangaroo grounds’ became colonial estates, fishing creeks became drains, hills and peaks used for communication became signalling stations and lookouts, and shell middens became the limestone for the bricks and mortar of early colonial buildings.¹⁸

The large swathes of Hawkesbury sandstone across the Sydney region were the canvas for what has been likened to an enormous open air art gallery – engravings of the outlines of spirit creatures, marsupials, birds, fish, weapons, footprints and even European boats alongside people, showing a continuity that carried on beyond the arrival of British colonisers in 1788. This Sydney art tradition was distinctive from other regions such as inland New South Wales where carved trees were more prominent, or further south where painting dominates. There are more than 4,000 known rock art sites and more than 3,000 rock shelters with pigment or painted art, often featuring hand stencils. The Sydney Basin has been compared to Kakadu National Park in terms of the vast numbers of Aboriginal sites that remain today.¹⁹

Archaeological knowledge of the Cumberland Plain suggests that First Nations people lived here for at least 30,000 years. When settlers arrived the Bidjigal clan of the Dharug language group were living in the area between Rouse Hill and Schofields (GML footnote 2.3 citing Kohen 1993: 21). The Dharug name for the area in which the BNI came to be built was Boongarrubee.²⁰

3.1.2 The cultural landscape of Nura – Country

Nura means Country in Dharug language. Dharug people connect to the Country and the landscape and are the custodians of most of the city of Sydney regardless of the urbanization that has occurred on their Nura. The ideas and concepts presented in the CMP crystallise in varying ways the statement that the Dharug are connected to, and have responsibility for, the land that lies beneath the structures that have been built upon it and which in turn have impacted the Dharug Nura.

Dharug member Jo Anne Rey notes, “caring for Country-as-city requires looking beyond the surface landscapes, narratives, and extinction industries. It requires seeing the continuities – the threads of connections- that have woven cultural pasts into surviving agency for sustainable futures’. The concept of Nura bayali, that Country Still Speaks, has been key in the development of [the BNI’s] CMP²¹

The pre-invasion landscape in which the BNI and Colebee and Nurragingy’s land grant lies is situated between two creek lines —Bells Creek and Eastern Creek— in an environment which would have provided food, sustenance and material for everyday life. The archaeological values of the area²² with four sites located within the BNI itself and nine in close proximity to it, are illustrated in the CMP.²³ Through the adoption of glass and ceramics as materials for tool making contact archaeology²⁴ has demonstrated some of the interactions between Aboriginal people and the settlers and testify to occupation of the area along Bells Creek.

Dharug people have cared for their land since Gunyalungalun (the Creation) and continue to be connected to the land, sky and seas. Customary lores are inscribed through memory and reproduced in women’s and men’s business. Simultaneously, the post invasion landscape is materialized through Dharug people’s relationships with the BNI, and with the Colebee and

¹⁸ Attenbrow, V., ‘Archaeological evidence of Aboriginal life in Sydney’, (Dictionary of Sydney, 2012, accessed online 15 Feb 2023), Gammage, B. ‘The biggest estate on earth’, (Sydney, Allen & Unwin, 2012): xix; Griffith, B., ‘Deep time dreaming: uncovering ancient Australia’, (Melbourne, Black Inc. Books, 2018): 241.

¹⁹ Griffith, B., ‘Deep time dreaming: uncovering ancient Australia’, (Melbourne, Black Inc. Books, 2018): 188; Karskens, G., ‘The colony: A history of early Sydney’ (Sydney, Allen & Unwin, 2009): 32; McDonald, J., ‘Dreamtime Superhighway: An analysis of the Sydney basin rock art’, (Canberra, ANU Press, 2007); Mulvaney, J. and Kamminga, J. ‘Prehistory of Australia’, (Washington DC, Smithsonian Institution Press, 1999): 284, 376-381.

²⁰ GML footnote 2.4 citing Kohen 1985

²¹ Cited in GML (2023) Draft CMP, referencing Jo Anne Rey (2023) “Who’d have thought?”; Unravelling Ancestors’ hidden histories and their impact on Dharug Nura Presences, Places and People”, Genealogy (Basel) Vol. 7, No 2: 41 (<https://doi.org/10.3390/genealogy7020041>) and Richie Howitt, 2022, “Ethics as first method: reframing geographies at an (other) ending-of-the-world as co-motion”, EPR: Philosophy, Theory, Models, Methods and Practice, Vol 1, No 1: 82-82. Accessed 24/2/2025.

²² The CMP provides an overview of the archaeological investigations of the BNI and surrounding area GML 2023: 69ff and GML 2023: 74ff

²³ GML 2023: 75

²⁴ GML 2023: 78ff

Nurragingy land grant. Enduring social connections to Nura are demonstrated through the archaeological evidence of the BNI area (see above) and inscribed in the landscape through knowledge of the location of movement corridors tracking north-south, burial areas, and resource areas (Iron Bark Ridge and Waawarrawaa, shown in Figure 3-1).

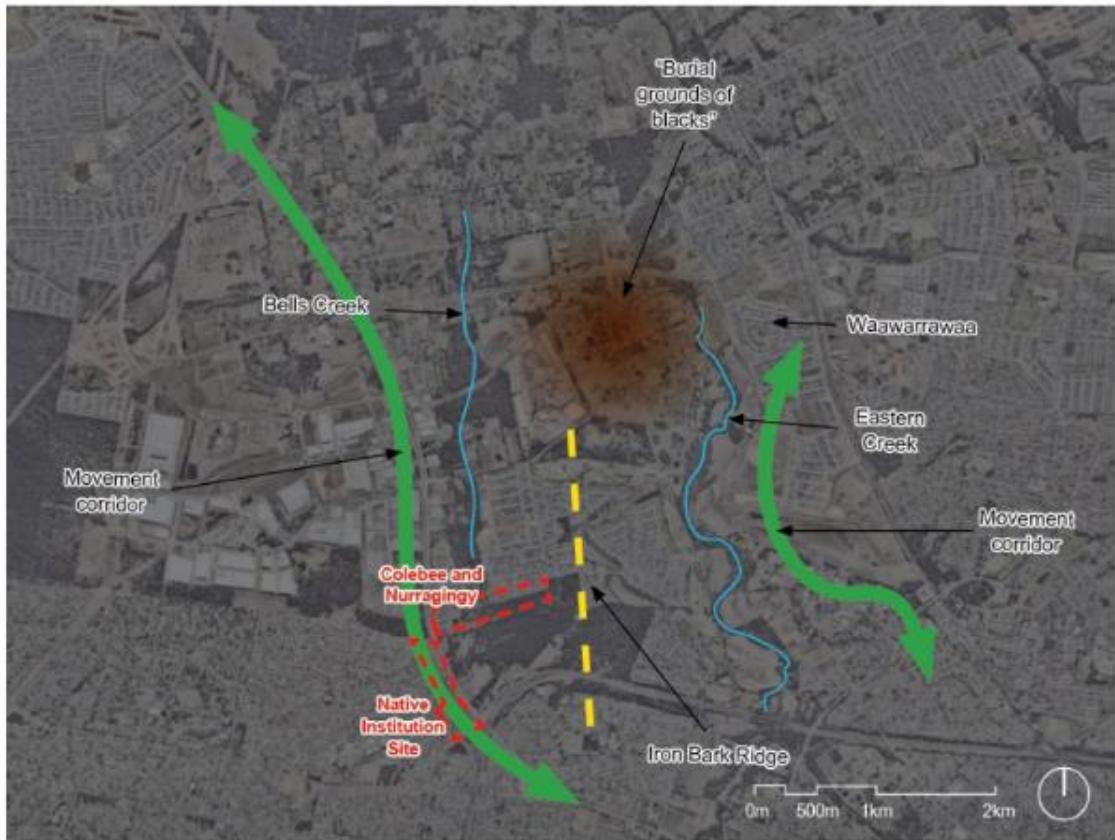


Figure 3.37 Key places and elements of the local Aboriginal cultural landscape, from deep time to the twentieth century. (Source: GML 2023, Figure 11.1)

Figure 3-1. Cultural Landscape (Source: Figure 3.37 GML 2023: Figure 11.1, page 110) Waawarrawaa reflects the location of Pye's land grant.

3.1.2.1 Important cultural places in and around BNI

Nurrangingy's connection to Nurra and the Colebee and Nurrangingy land grant

While the grant of land to Colebee and Nurrangingy has been noted as important because it represents the first land grant to Aboriginal people in Australia, Dharug people have also recounted that it was Nurrangingy who selected the grant because his clan were the traditional owners of the area:²⁵ Nurrangingy was offered land at South Creek but instead selected the grant offer on the Richmond Road, near Joseph Pye's first grant instead. Further, it appears that he stayed on the property while Colebee travelled away.

Dharug people's ability to access Nura under the new colonial conditions was facilitated in this area by Pye who held a government grant on a neighbouring plot of land. Pye's family allowed Aboriginal people access to his land grant and to cross it. Pye was evidently sympathetic to the Aboriginal people he interacted with and named his property with a Dharug name – Waawaar Awaa (spelt Waawarrawaa in Figure 3-1). Pye's estates eventually reached 1,587 acres.²⁶ It appears that Aboriginal people provided useful information to the settlers on Pye's estate, and that in exchange local Aboriginal people worked and lived on Pye's farm for extended periods.²⁷ A mutually agreeable arrangement appears to have been accommodated.²⁸

Ironically, the background to the gifting of grants to Colebee and Nurrangingy was the large-scale alienation of land from the Dharug Nura. Governor Macquarie had alienated 239,576 acres of land between 1810 and 1821 and set aside another 340,999 acres as unexecuted grants.²⁹

Connection to nurra through Bungarribee

The area in which Black Town came to be established was already known by the Dharug as Bungarribee, a Dharug word. The CMP suggests that this name may have referred to the tribal name of those living there prior to settler activity.³⁰

The silcrete quarry at Iron Bark Range

Iron Bark Range, now known as Plumpton Ridge (noted on Figure 3-1 above) is the location of a significant silcrete quarry site and a winter camp and lay in close proximity to Colebee and Nurrangingy's land grant.

Iron Bark Range separated Colebee and Nurrangingy property and Pye's through which Aboriginal people travelled. Iron Bark Range (now known as Plumpton Ridge) is a significant silcrete quarry site.

...Iron Bark Ridge (Plumpton Ridge)...is a significant silcrete quarry site and Brook and Kohen queried whether Nurrangingy was 'the traditional owner of the silcrete outcrop'³¹ providing him with a further connection to this land. The ridge and landforms to the east contain archaeological evidence of long-term Aboriginal occupation and spatially defined activities along almost its entire length, and there is an oral account of the use of Iron Bark Ridge as a winter camp and of the stone on the ridge having significance, although the exact meaning is unknown³² Nurrangingy and Colebee's land grant is positioned at the near centre of the mapped geological expression of the St Marys Formation (the deposit which contains the raw silcrete stone), and the eastern portion of the grant extends to the central

²⁵ GML 2023: 28

²⁶ GML 2023: 21

²⁷ GML 2023:53

²⁸ GML 2023: 22

²⁹ GML 2023: 20

³⁰ Kohen, J. 1986, An Archaeological study of Aboriginal Sites within the city of Blacktown, prepared for Blacktown Council, page 30 cited in GML 2023:35.

³¹ Brook, J and Kohen JL. 1991 The Parramatta Native Institution and the Black Town: A history, New South Wales University Press, Kensington, pp51-52, cited in GML 2023: 28

³² Dominic Steel Consulting Archaeology, Aboriginal Archaeological Due Diligence Assessment. Richmond Road, Marsden Park, NSW. Proposed Residential Subdivision, prepared for the Bathia Group, 2016, pp 21-24; Kohen J. 1991 ibid pp 30-31; MacDonald J. 1986 Preliminary Reconnaissance Schofields Waste Disposal Depot, prepared for the National Parks and Wildlife Service, cited in GML 2023: 28.

*high point of the ridge. In terms of 'selecting' a narrow grant with a connection to this ridge and the St Marys Formation bedrock, the position of the grant appears deliberate."*³³

Burials

A number of references to burials in the broader area and also within the BNI have been recorded, as follows. A suggested location of a burial area titled "Burial ground of Blacks" ³⁴ is provided in Figure 3-1.

Burials at the ridge

In 1986, Billy Pittman former Chair of the Dharug Local Aboriginal Land Council, told Kohen that he, Pittman, was told that male burials were located on the ridge. Further, women were not allowed to cross the ridge but had to go around it.

In an account given in 1986, Joan Halvorsen, who grew up near the BNI, remembers being told not to go to the Iron Bark Ridge.

In addition, Peter Ridgeway referred to the "riverflat opposite the Aboriginal burial ground on Joseph Pye' estate on Eastern Creek"³⁵ . GML undertook archaeological investigations at Schofields Aerodrome, including Pye Farm and Pye family estate "Waawaarawaa" and adjacent orchard. They found lithic material and ceramic and glass pieces which showed evidence of knapping.

Burials north of Richmond Road

In 1982 archaeologist Mary Dallas, was told by Mrs Hilda Workman, great-great-granddaughter of Yarramundy, King of the South Creek Tribe, that she remembers being told that there was an old Aboriginal burial ground north of Plumpton – between Eastern Creek and Bells Creek, north of Richmond Road, further south than Riverstone. Nguluway Design Inc (2024) also includes reference of a burial area between Meadow Road and Jersey Road and north of Stonecutters Ridge Golf Club cited in a report by Mary Dallas.³⁶

Burials within the BNI

Members of the community mentioned the burial of at least two Aboriginal children within the grounds of the BNI, possibly near the former BNI buildings.³⁷ KNC did not find evidence of burials during their archaeological excavations in the Marsden Park Industrial Precinct in 2008 which included the BNI and Colebee and Nurragingy's land grant.³⁸

Burials along Bells Creek

According to Leanne Watson, Darug Custodian Aboriginal Corporation, who contributed to KNC's 2008 Aboriginal Heritage Assessment review:

*Many of the Elders within our group talk about living near and visiting this area and learning from their Elders who lived here...The area along Bell Creek is also a known site of Darug Burials this area should not be touched"*³⁹

Gordon Morton (DACHA) said in 2022 that two children who drowned in ponds were buried nearby.⁴⁰ Dharug people also mentioned burials near Bells Creek⁴¹

³³ GML 2023: 28

³⁴ GML 2023: 110, 112

³⁵ GML 2023: 52

³⁶ Nguluway Design Inc 2024 draft Connecting with Country Report, Richmond Road Widening, 28 November 2024 prepared for Stantec.

³⁷ GML 2023: 42 and 140.

³⁸ GML 2023: 140.

³⁹ Watson to Symons, 29 October 2008 KNC, Marden Park Industrial Precinct: Aboriginal Heritage Assessment, May 2009, Appendix B cited in GML 2023: 41 footnote 105; GML (2023: 140)

⁴⁰ Colebee Land Grant and the Silcrete Mine Site, University of Sydney, A History of Aboriginal Sydney, cited in GML 2023: 42, footnote 106.

⁴¹ GML 2023: 140.

The grandmother tree

While the significance of the grandmother tree has not been made explicit in the CMP, it is a feature that is repeatedly referred to as important. Its location is shown in GML (2023) and below Figure 3-2 and is referred to again in the Connecting with Country Report.⁴²



Figure 3.20 2015 aerial, showing the three major site features. 1: BNI archaeological remains; 2: grandmother tree; 3: concrete silo. The points from which observations and descriptions have been made are annotated Locations 1 to 3. (Source: Department of Lands, with GML additions)

Figure 3-2 Location of grandmother tree (red 2) and archaeological remains (Location 2) (Source: GML 2023: 96)

3.2 History and Colonial encounters

The first encounters between the British colonists and the Sydney people were initially based in curiosity, with both sides attempting to comprehend each other. However, misunderstandings or transgressions of Aboriginal law and protocol soon escalated into violence and retribution. Unarmed convicts outside the encampment at Sydney Cove were increasingly targeted during 1788. However, in April 1789, what Sydney Aboriginal people called galgala or smallpox broke out and more than half - possibly even 80 percent - of the population around Sydney Harbour were dead within a month. Captain John Hunter wrote that 'it was truly shocking to go round the coves of this harbour [seeing] men, women and children, lying dead'. David Collins wrote that those who witnessed the Sydney man Arabanoo's grief and agony could never forget either -

⁴² Nguluway Design Inc (2024) *ibid.*

on being taken on a boat around the harbour Arabanoo ‘lifted up his hands and eyes in silent agony [and exclaimed] ‘All dead! All dead!’⁴³

Despite such massive death and disruption to Aboriginal lives across Sydney, in 1794 resistance warfare against the colonisers began in earnest along the new settlements on the Dyarubbin (Hawkesbury) River and was to carry on through the 1790s, largely under the leadership of the famous warrior Pemulwuy. This ‘constant sort of war’ as one colonist described it, continued until Governor Macquarie ordered the now infamous military campaign across the Sydney region that ended in the Appin Massacre of April 17th 1816.⁴⁴

Sydney Aboriginal society was not static and did not cease after contact with Europeans. Both material and cultural traditions of Aboriginal Sydney continued after the devastation to Aboriginal society, sometimes for example, by incorporating non-Aboriginal materials in traditional elements such as using glass and ceramics to make spear points and other tools. Twenty-nine engraved and pigment art sites have been dated to the period after European arrival. Some creation and other stories told to R. H. Mathews by Gundungurra (Gandangarra) people in 1901 were carried on for generations and survive today.⁴⁵

Many of Sydney's roads and streets today follow the original tracks and pathways that had been used for millennia by Aboriginal people. Indeed, the shape of the city's road networks and the city itself owes a great deal to the early colonists simply taking the easiest and most practical solution in building roads along pre-existing trackways. When the colonists arrived in 1788 and began journeying out from Sydney Cove they often followed pathways, or as Surgeon John White wrote in May 1788, ‘we fell in with an Indian path’. As Sydney language expert Jakelin Troy notes, it often made sense the colonists would use established pathways particularly in avoiding dense forest areas and rugged terrain. Troy has noted how these pathways were used for ‘visiting family, collecting food or conducting ceremonies’. According to Paul Irish, the Europeans pronounced the local Sydney Aboriginal word for a pathway or track as ‘maroo’. Many of these maroo underpin the structure of Sydney to this day.⁴⁶

As the Cumberland Plain became more closely settled during the 1800s, Aboriginal people continued to live near their traditional Country where they could. Some managed to live in the centre of the growing city of Sydney such as a groups of families who caught and sold fish at Circular Quay and others at Rose Bay, while other families continued to live on the outskirts of populated areas such as at La Perouse and at Salt Pan Creek on the Georges River. From the 1880s, others moved to or were forced on to reserves such at Sackville in the northwest.⁴⁷

Government policies of removing Aboriginal children from their parents in order to assimilate them into white society effectively began in 1814. William Shelley, a former missionary from London, proposed to Governor Macquarie a plan for the education of Aboriginal people in ‘useful skills’, including religion and morals, and domestic duties for women and girls in preparation for marriage. Macquarie enthusiastically agreed and established the ‘Black Native Institution of NSW’ at Parramatta, installing Shelley as the manager. Some children were ‘selected’, others coerced and others sent by their families – until they realised they could only visit them once a year at the Annual Feast. Macquarie even ordered that any children captured or orphaned during his 1816 military campaign were to be brought to the school.⁴⁸

Maria Lock, a child of Yarramundi who was reported as ‘Chief of the Richmond Tribe’ and younger sister of Colebee (who was granted land at Blacktown) was one student who excelled. In the 1819 school examinations she took out the major award, competing against almost 100 of the local European children. Maria was born at Richmond Bottoms, on the eastern floodplain of the Hawkesbury River. Her family belonged to the Boorooberongal clan of the Dharug people. On 28 December

43 Hunter, Collins, “They have attack’d almost every person who has met with them” – Re-reading William Bradley’, *The Sydney Wars* (Gapps, S. (Ed.), 2019, accessed online 15 Feb 2023).

44 Gapps, S., ‘The Sydney Wars: conflict in the early colony, 1788-1817’, (Sydney, NewSouth Books, 2018): 125-155, 226-255

45 Artefact, ‘Aspect Industrial Estate’. Aboriginal Cultural Heritage Assessment Report. (Unpublished report to Mirvac, held by Artefact Heritage and Environment, 2022): 18; Goward, T., ‘Aboriginal glass artefacts of the Sydney region’, (Honours Thesis, University of Sydney, 2011); Irish, P. and Gowan, T., ‘Where’s the evidence? The archaeology of Sydney’s Aboriginal history’, Archaeology in Oceania Vol. 47 No. 2, (2012): 61; Meredith, J. 1989, ‘The Last Kooradgie: Moyengully, chief man of the Gundungurra people’, (Sydney, Kangaroo Press, 1989); Smith, J. and Jennings, P., ‘The petroglyphs of Gundungurra Country’, Rock art research Vol. 28 No. 2, (2011): 241.

46 Irish, P., “‘Walking in their tracks’: How Sydney’s Aboriginal paths shaped the city’, (Daniel, S. (ed.), ABC Curious webpage, Sydney, 2018, accessed online 15 Feb 2023); Troy, J., ‘The Sydney Language’, (Canberra, Australian Institute of Aboriginal and Torres Strait Islander Studies, 1994); White, J., ‘Journal of a Voyage to New South Wales’, (Project Gutenberg webpage, 1790 [2003], accessed online 15 Feb 2022).

47 Irish, P., “‘Walking in their tracks’: How Sydney’s Aboriginal paths shaped the city’, (Daniel, S. (ed.), ABC Curious webpage, Sydney, 2018, accessed online 15 Feb 2023).

48 Testimony given to Artefact, (Blacktown Native Institution, n.d).

1814 Yarramundi's clan attended the inaugural annual conference hosted for the Aborigines by Governor Lachlan Macquarie. Maria was admitted to the Native Institution, for tuition by William and Elizabeth Shelley. After winning first prize in the 1819 school examination by 1822 Maria was being 'maternally treated' by Anne, the wife of The Reverend Thomas Hassall, and living in their household at Parramatta. She married 'Dicky', a son of Bennelong and a member of the Richmond clan through his mother. He too had been in the Native Institution but had moved to the household of the Wesleyan missionary William Walker, and was baptized Thomas Walker Coke. Within weeks of his marriage he became ill and died. He was buried on 1 February 1823 at St John's Church of England, Parramatta. At the same church in 1824, Maria married Robert Lock, an illiterate, convict carpenter who had been assigned to work on the construction of the new Native Institution buildings at Black Town (Blacktown) in 1823.⁴⁹

When Governor Macquarie returned to England in 1821 the school suffered from lack of patronage and was moved to what became known as 'the Black's Town' (present day Blacktown) in 1823, but eventually closed in 1829.⁵⁰

Macquarie's efforts to as he called it 'civilise' Aboriginal people also centred on the Annual Feast that began in the same year as the Institution, and with the hope of attracting parents from across the Sydney region to hand their children over to the school. People were recorded having travelled from the south coast and southern highlands in 1843 to attend the feast, which proved a more enduring institution in Parramatta than the school. By the 1830s the practice of issuing blankets at the feast had turned into a kind of census of Aboriginal people.⁵¹

The marriage between Maria and Robert Lock was the first officially sanctioned union between a convict and an Aboriginal woman. In an unusual situation, the convict Robert was assigned to his Aboriginal wife Maria. The Locks settled on a small farm at the Native Institution but later moved to the employ of the Reverend Robert Cartwright at Liverpool. The legacy of Maria's education became evident in March 1831, when she petitioned Governor Darling for her deceased brother 'Coley's (Colebee) grant at Blacktown, opposite the Native Institution. She believed her and her husband were entitled to earn 'an honest livelihood, and provide a comfortable home for themselves, and their increasing family'.⁵² In 1831 forty acres (16.2 ha) 'as near to your present residence as suitable vacant land can be found' were granted to Robert on Maria's behalf, but Cartwright frustrated this claim, as he felt it was injurious to the established buildings on his adjoining allotment. Maria persisted, and in 1833 another forty acres was granted to her at Liverpool in Robert's name. She received Colebee's thirty-acre (12.1 ha) grant in 1843.⁵³

The Locks returned to Blacktown in 1844, acquiring a further thirty acres there. Of their ten children born between 1827 and 1844, nine survived to adulthood. Robert died in 1854. Maria died on 6 June 1878 at Windsor and was buried beside Robert at St Bartholomew's Church of England, Prospect. Her lands at Liverpool and Blacktown were divided equally among her surviving children, and were occupied by her descendants until about 1920, by which time the freehold land was considered to be an Aboriginal reserve (Plumpton), and was revoked by the Aborigines Protection Board. Dozens of families in 2005 trace their descent through Maria to Yarramundi and to his father Gomebeeree, an unbroken link stretching back to the 1740s.⁵⁴

Descendants of Maria Lock continued to live near Blacktown carrying knowledge of their ancestors and their Country down to this day. Some Dharug families knew of their heritage but kept it hidden. Others only found out much later through family history work from the 1980s. Today revitalizing of language and community continues.⁵⁵

⁴⁹Parry, N., 'Lock, Maria (1805–1878)', *Australian Dictionary of Biography*, (National Centre of Biography, ANU, 2005, accessed online 16 October 2024).

⁵⁰ Brook, J. and Kohen, J.L., 'The Parramatta Native Institution and the Black Town: a history', (Sydney, New South Wales University Press, 1991): 23, 51; Article, *The Sydney Gazette and New South Wales Advertiser* (NSW, 1803-1842), (Trove, 17 April 1819, accessed online February 2023): 2d-3a.

⁵¹Hassall, J. S., 'In old Australia: records and reminiscences from 1794', (Brisbane: R. S. Hews & Co., Printers, 1902): 17-20; Gapps, S. 'Cabrogal to Fairfield City: a history of a multicultural community', (Sydney, Fairfield City Council, 2010): 148-151.

⁵²Brook, J. and Kohen, J.L., 'The Parramatta Native Institution and the Black Town: a history', (Sydney, New South Wales University Press, 1991).

⁵³Parry, N., 'Lock, Maria (1805–1878)', *Australian Dictionary of Biography*, (National Centre of Biography, ANU, 2005, accessed online 16 October 2024).

⁵⁴Parry, N., 'Lock, Maria (1805–1878)', *Australian Dictionary of Biography*, (National Centre of Biography, ANU, 2005, accessed online 16 October 2024).

⁵⁵Goodall, H. and Cadzow, A., 'Rivers and resilience: Aboriginal people on Sydney's Georges River', (Sydney, NewSouth Books, 2009): 41; Johnson, D.D., 'Aunty Joan Cooper, through the front door: a Darug and Gundungurra story', (Lawson, Mountains Outreach Community Service, 2003); Kohen, J. L., 'Daruganora: Darug Country – the place and the people. Part 2: Darug Genealogy', (Blacktown, Darug Tribal Aboriginal Corporation, 2009).

3.2.1 Macquarie's assimilation policy

Following the colonisation of New South Wales by British settlers in 1788, the Aboriginal people of Sydney and the surrounding areas experienced dispossession from their traditional country and the appropriation and misuse of their land by the colonists. Natural resources were destroyed or made unavailable to Aboriginal people and land was converted in pastoral estates for grazing and crop growth, among other uses.⁵⁶ The relationship between Aboriginal people and the colonists was complex, and while there are records of amicable relationships (such as Charles Throsby at Glenfield or Samuel Marsden at Mamre), much of the early 1800s on the Cumberland Plain was engaged in war. Attempts for reconciliation were made as early as 1805 in Prospect, however, these did little to resolve tensions in the long term.

Upon arrival in Sydney in 1809, Governor Macquarie was instructed to "conciliate the affection of the Aborigines and to prescribe that British subjects live in amity and kindness with them".⁵⁷ Reverend Samuel Marsden, a landholder in the Parish of Rooty Hill and a Christian missionary who served as the colonial leader of the Church of England, had received similar instruction, however was also encouraged to 'reform' the Aboriginal people through "moral and religious instruction".⁵⁸ In 1814 William Shelley, a former missionary from London, proposed his plan for the collective education of Sydney's Aboriginal people, involving education in 'useful skills', Christian religion and morals, and domestic duties for women and girls in preparation for marriage.⁵⁹ Macquarie enthusiastically agreed to the proposal and established the Black Native Institution of NSW at Parramatta, installing Shelley as the manager.⁶⁰ Using what historians have termed a "language of concealment",⁶¹ Macquarie founded the Native Institution while attempting to downplay the extent of conflict and tension between Australian Aboriginal people and the non-Aboriginal settlers at the time, largely exacerbated by his own military policies.⁶² Furthermore, Stephen Gapps has argued that Macquarie's "military plans were wedded to his ideas on how to 'civilise'" Aboriginal people.⁶³

3.2.2 Early land grants

The first European activity in the area was exploratory; however, this was shortly followed by settlement. The first land grants in the Blacktown region were located at Prospect Hill.

The establishment of roads towards Windsor and the greater Cumberland region allowed settlers to access newly allocated land. Many of these roads, including Richmond Road, were originally a series of tracks providing routes for horse drawn carts, foot traffic and cattle. Richmond Road linked the early settlements of Richmond and Blacktown. In 1816 William Cox was hired by Governor Macquarie to improve the colonial road system, including Richmond Road. By 1822 Richmond Road had been macadamised. These improvements further encouraged settlement of the region and several significant land grants were made.

The study area falls within the Parishes of Rooty Hill (west and south of Richmond Road) and Gidley (east and north of Richmond Road). The earliest land grants were made by Governor Lachlan Macquarie from c.1816 and varied in size. Within the Parish of Gidley (Figure 3-8), land was granted to:

- Anthony Vitrio, 35 acres
- Colebee and Nurragingy, 35 acres
- Sylvanus Williams, 30 acres
- Robert Cartwright, 500 acres.

On the western side of Richmond Road within the Parish of Rooty Hill (Figure 3-9) the first land grants were to:

- W. Barret, 30 acres
- Joseph McLoughlin 60 acres.

⁵⁶ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁵⁷ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁵⁸ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁵⁹ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁶⁰ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁶¹ Gapps, S. 2018. *The Sydney Wars: conflict in the early colony, 1788-1817*. Sydney, NewSouth Books.

⁶² Gapps, S. 2018. *The Sydney Wars: conflict in the early colony, 1788-1817*. Sydney, NewSouth Books.

⁶³ Gapps, S. 2018. *The Sydney Wars: conflict in the early colony, 1788-1817*. Sydney, NewSouth Books.

A large portion of the Rooty Hill Parish remained undedicated for several years, with the exception of William Barrett's' 30 acres and Joseph McLoughlin's 60 acres. Antonio Vitrio and Sylvanus Williams were both ex-convicts who received land from Governor Macquarie.⁶⁴ Governor Macquarie appears to have strategically planned this settlement and carefully considered the land grants in the area.⁶⁵

Colebee and Nurragingy, two Aboriginal men, received their grant in 1816 and were the first Aboriginal people in Australia to be granted land of their choice.⁶⁶ Following the selection of this land grant by Nurragingy, Macquarie gave the opposite grant to Joseph McLoughlin – a police constable who knew Colebee and Nurragingy well (Figure 34). The adjacent grant was given to Reverend Robert Cartwright (Figure 33), a churchman with interest in the education of Aboriginal people and the Parramatta Native Institution.⁶⁷ Eight Aboriginal people who had been successfully 'educated' at the Parramatta Native Institution and were subsequently married (to non-Aboriginal colonists) were granted 5-acre allotments opposite the Colebee and Nurragingy grant, adjacent to McLoughlin's land.⁶⁸ Macquarie believed that Nurragingy, who farmed and domesticated animals, would be a good influence on the married couples, who he sought to assimilate.⁶⁹

⁶⁴ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,
<https://heritagensw.intersearch.com.au/heritagenswjspui/bitstream/1/9677/1/H11879%20-%20COLE.pdf>

⁶⁵ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,
[<https://heritagensw.intersearch.com.au/heritagenswjspui/bitstream/1/9677/1/H11879%20-%20COLE.pdf>](https://heritagensw.intersearch.com.au/heritagenswjspui/bitstream/1/9677/1/H11879%20-%20COLE.pdf).

⁶⁶ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁶⁷ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

⁶⁸ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

⁶⁹ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,



Figure 3-3: Windsor District plan 1842 showing early alignment of Richmond Road. 'Blacktown' is marked with a red circle, while the annotation marked in blue at the left of the image states 'To Richmond'. (Source: State Library NSW Z/M4 811.1122/1842/1 with Artefact markup)

3.2.2.1 Sylvanus Williams

Sylvanus Williams was granted his 30 acres in 1819, located immediately north of Cartwright's grant. Williams was a former convict turned handyman, likely to have been selected for the grant for his ability to assist in constructing the growing Blacktown settlement. Shortly after receiving his grant, Williams was commissioned to build a log and bark roof dwelling for Nurragingy, for which he was paid seven pounds sterling⁷⁰. The location of the hut is unknown, although the Windsor District map of 1842 (Figure 3-4) shows a small structure to the north of the Cartwright grant, which may represent this hut. The mapping indicates that the hut is on the Williams grant, rather than the Colebee and Nurragingy grant further north. It is possible the boundaries of these grants were flexible in practicality during the early years of settlement, with people occupying favourable locations within the amalgamated grants, rather than acting strictly regarding boundaries. Further, early plans of this type were often used to represent the 'idyllic' Australian landscape for reports to England, to encourage settlement and increase Government investment. As such, the location of the structure may not be accurately represented, and it is unclear whether this structure depicted in the plan is the hut constructed for Nurragingy. There is no documentary evidence of Williams constructing other structures within his grant.

As more land was required for the Aboriginal farmers, the Williams grant was sold three years later in 1822. It was purchased by the Blacktown Native Institution⁷¹ and utilised for cattle grazing⁷². By the mid-1840s it had fallen under Maria Locke's possession and combined with her other land grant to form 60 acres. Upon Maria Locke's passing her 60 acres was divided between her nine surviving children⁷³.

⁷⁰ Jack Brook 1996, "Blacktown : A Name of Character" (Blacktown and District Historical Society, 1996), <https://heritagensw.intersearch.com.au/heritagenswjspui/handle/1/6938>.

⁷¹ GML Heritage 2012, p. 14

⁷² Brook 1996

⁷³ GML Heritage 2012, p. 14

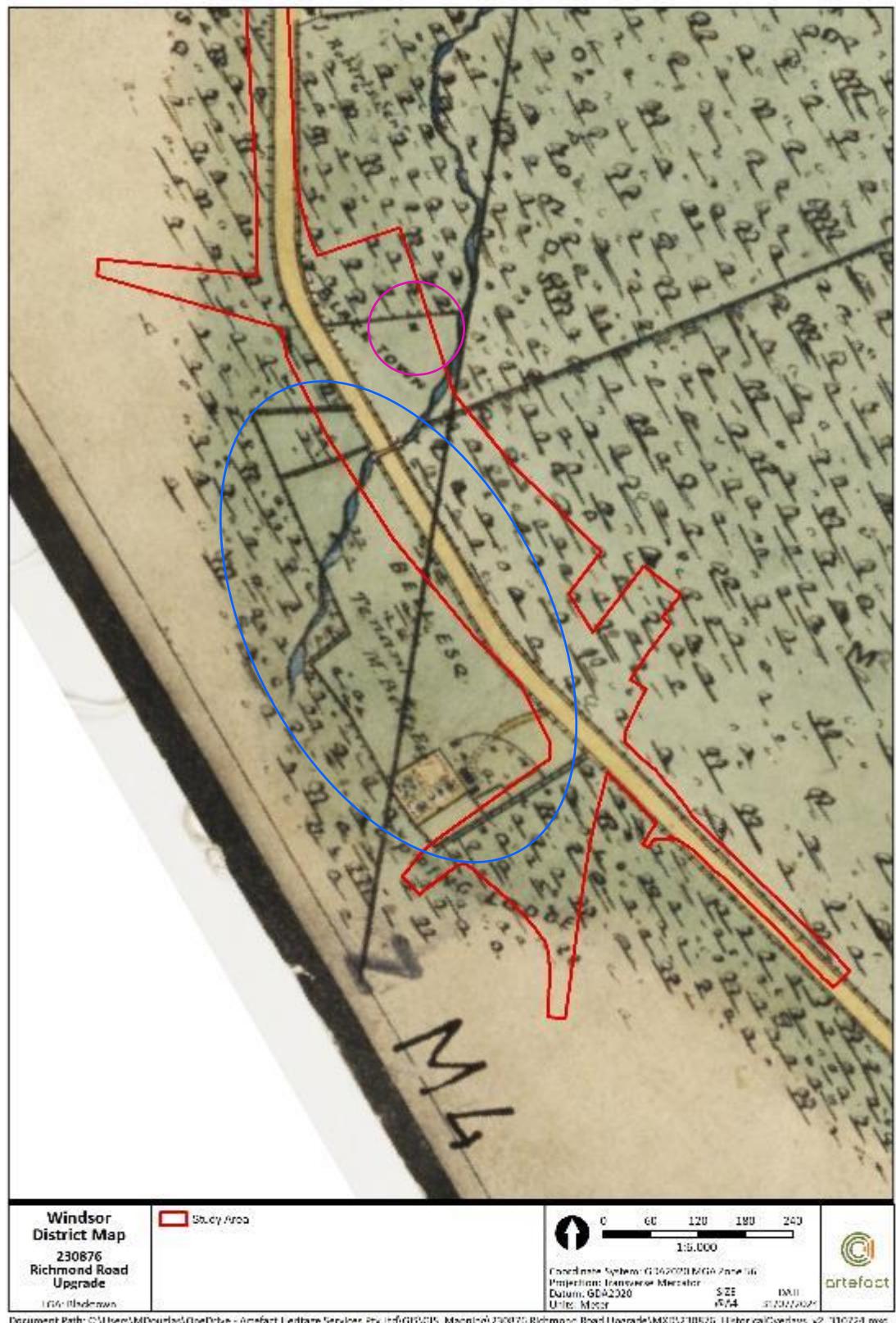


Figure 3-4: Portion of Windsor District Plan 1842 showing possible location of Nurragingy's Hut (pink) and the Blacktown Native Institution site (blue). (Source: State Library NSW Z/M4 811.1122/1842/1 with Artefact markup)

3.2.2.2 Robert Cartwright and William Hall

Robert Cartwright was an English clergyman who was encouraged to migrate to New South Wales by Samuel Marsden, as the colony was in need of more chaplains.⁷⁴ In 1810, Cartwright arrived in Sydney with his wife, children, and Marsden.⁷⁵ Upon arrival in the colony, Cartwright first served at the temporary church at Green Hills in the Hawkesbury.⁷⁶ Subsequently, he was appointed at Windsor and was a popular minister who refrained from becoming involved in public controversies. Cartwright had shown interest in the “welfare” of Aboriginal people, advocating for a town with schools and workshops for Aboriginal children.⁷⁷ In 1816 he received a significant land grant on Richmond Road of 500 acres.

In 1818, Cartwright’s request to return to England with his wife was refused by Governor Macquarie. In 1819, Cartwright was transferred to Liverpool⁷⁸ and was appointed as head of the Male Orphan School in 1825. Aboriginal children from the Native Institution were temporarily in his care there.

In 1829 Cartwright’s 500 acres on Richmond Road was purchased by William Hall,⁷⁹ a missionary who had accompanied Samuel Marsden to New Zealand and had subsequently settled in Sydney.⁸⁰ Hall’s purchase coincided with the closure of the Blacktown Native Institution (see Section 3.2.2.4).

Hall established the area’s first private school on the property, which operated for several decades (located east of the study area).⁸¹ Each of the Lock children are recorded as having attended the school. An 1842 plan (Figure 3-5) of the Windsor District shows that Hall had constructed several buildings set back from Richmond Road, cleared and enclosed paddocks and established a vineyard. Following Hall’s death in 1844, the property was inherited by his youngest son, John Silas Hall.⁸²

In 1873 the school was inspected by the colonial Council of Education, who reported that there were 25 Aboriginal children being educated at the school, presumably all descendants of Maria and Robert Lock (see Section 3.2.2.4). The school was considered to be exceptional.⁸³

The inspection had been encouraged by the Anglican Men’s Society who intended to establish an Anglican public school in the region and expected the Lock family and other children in the area to attend and contribute.⁸⁴ The Anglican school was constructed on two acres of land located opposite Hall’s school and opened in January 1875. The school allowed Aboriginal students to attend, being one of the first schools in the colony to do so, and approximately half of the school students were Aboriginal people.⁸⁵

In 1897, the year after John Silas Hall’s death, Robert Cartwright’s land grant was subdivided into several lots and Symonds Road was established. Lots were owned and occupied by Percy Augustus Davis (13 acres; 9 acres; 3 acres), Frank Bibo (15 acres), and Samuel Symonds (86 acres; 14 acres; 5 acres; 3 acres). Four buildings were constructed on Percy Augustus Davis’ 13-acre property and several paddocks and fences were constructed, including along Richmond Road. One building was constructed on Mrs Symonds land on the northern side of Symonds Road. Two buildings were also constructed on Samuel Symonds land on the southern side of Symonds Road. A vineyard and orchard were also installed on the Symonds property, which was referred to as Bald Hill Farm. Adjacent land was subdivided and owned by Emma Jane Horsley, Alice Eleanor Burrowes, Grace Amy Hall, and occupied by William Rowley Horsley.

1947 aerial imagery of the shows that the surrounding land was uncleared, presumably except for paddocks and other cultivated areas. The 1978 aerial imagery shows market gardens, several houses, and larger agricultural sheds established on the land. Similar land use is evident in aerial imagery from the 1980s and 1990s.

⁷⁴ K. J Cable, “Cartwright, Robert (1771–1856),” in Australian Dictionary of Biography (Melbourne University Press, 1966), <https://adb.anu.edu.au/biography/cartwright-robert-1882/text2211>.

⁷⁵ Cable 1966

⁷⁶ Cable 1966

⁷⁷ Cable 1966

⁷⁸ Cable 1966

⁷⁹ GML Heritage 2012, “Colebee and Nurringy Land Grant, 799 Richmond Road, Marsden Park - Archaeological Management Plan.”

⁸⁰ GML Heritage 2012

⁸¹ GML Heritage 2012

⁸² GML Heritage 2012

⁸³ GML Heritage 2012

⁸⁴ GML Heritage 2012

⁸⁵ GML Heritage 2012

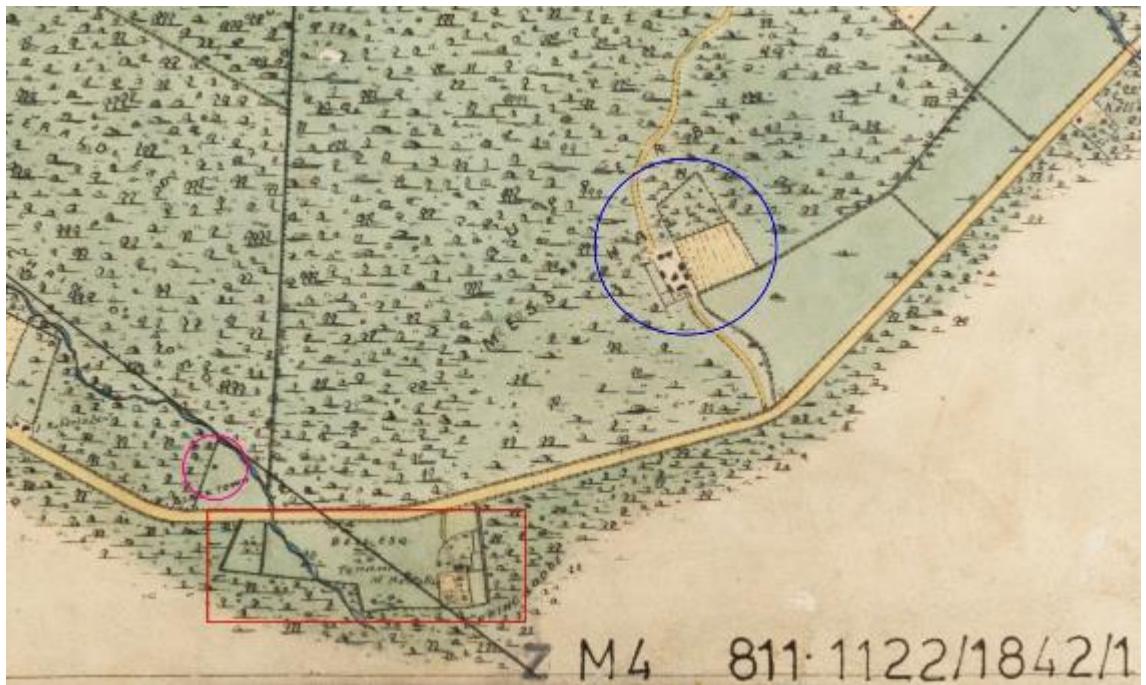


Figure 3-5: Portion of Windsor District Plan 1842 showing the location of Cartwrights buildings (blue) in relation to the Blacktown Native Institution (red) and the possible Nurragingy Hut (pink) .(Source: State Library NSW Z/M4 811.1122/1842/1 with Artefact markup)



Figure 3-6: Detail of 1947 Aerial image showing the portion of the study area that overlaps the Cartwright Grant (Source: Historical Aerial Imagery Viewer with Artefact mark up)

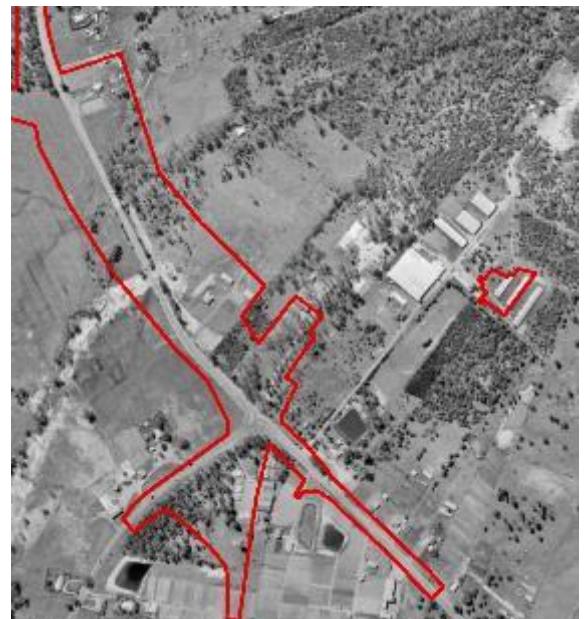


Figure 3-7: Detail of 1978 Aerial image showing the portion of the study area that overlaps the Cartwright Grant (Source: Historical Aerial Imagery Viewer with Artefact mark up)

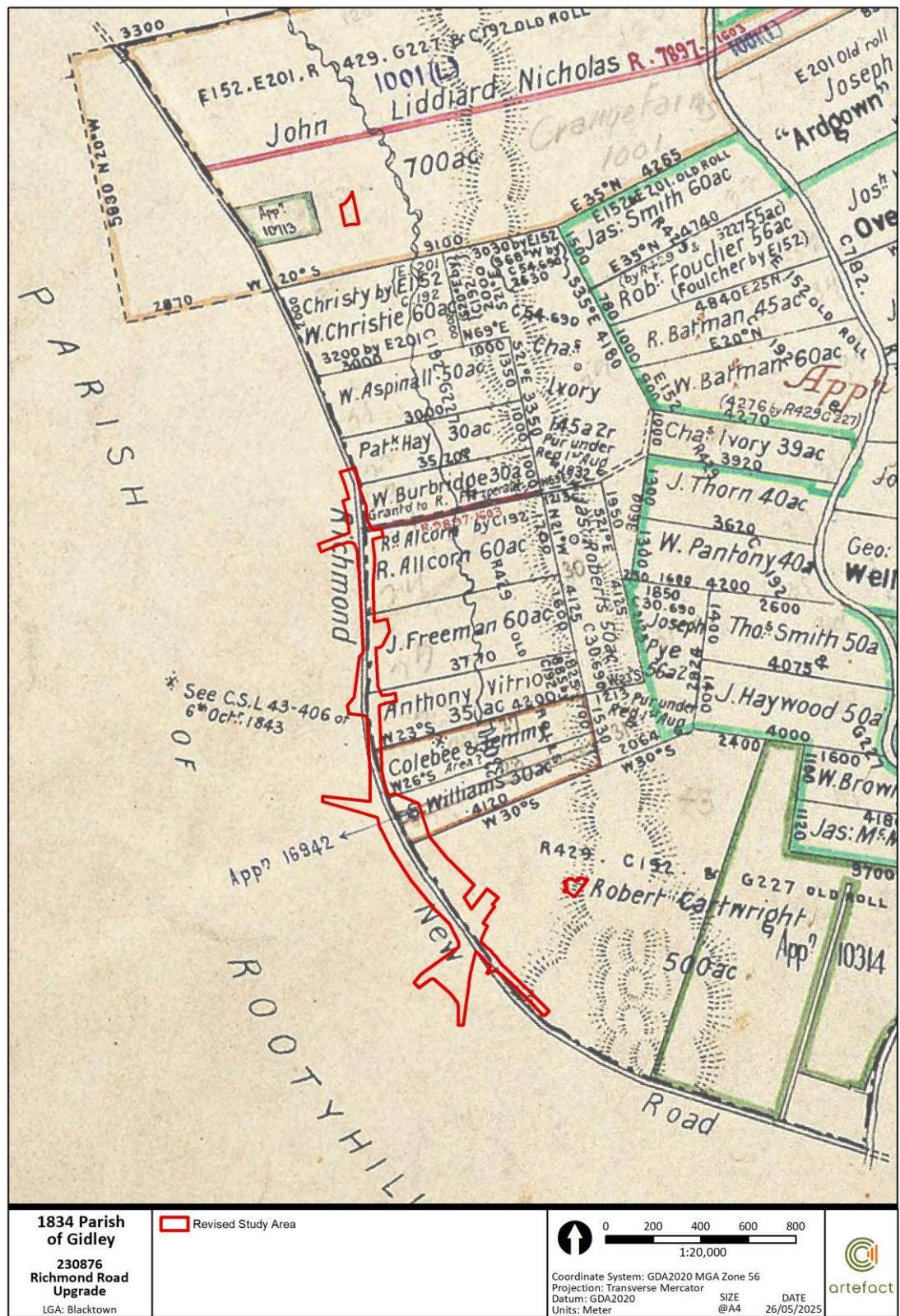


Figure 3-8: 1884 map of the Parish of Gidley showing early land grants in relation to the study area (Source: Historical Lands Records Viewer with Artefact overlay)

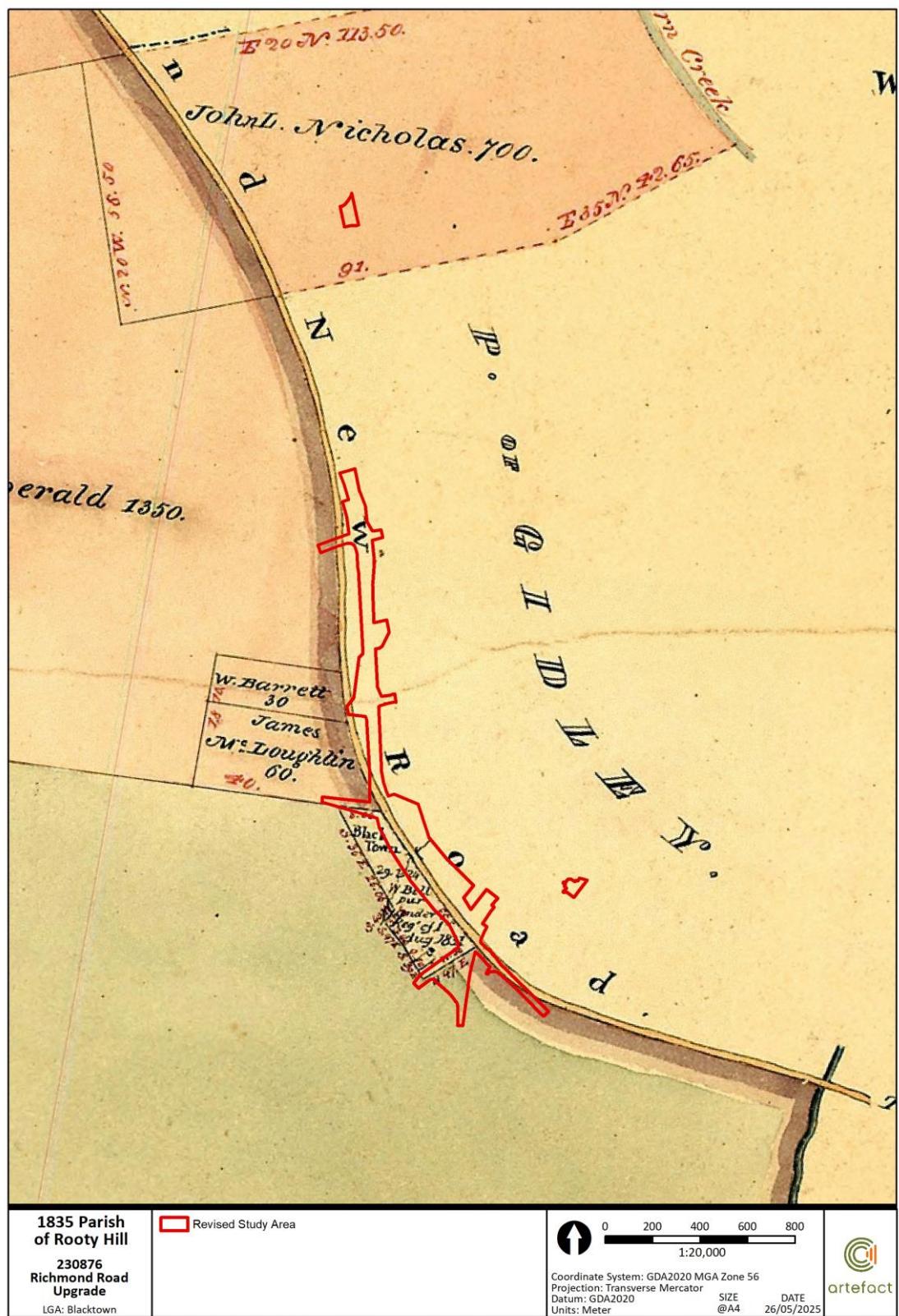


Figure 3-9: 1835 map of the Parish of Rooty Hill showing early land grants in relation to the study area (Source: Historical Lands Records Viewer with Artefact overlay)

3.2.2.3 Colebee and Nurragingy land grant

From 1814 the NSW colony endured an extreme drought which resulted in lost harvests and subsequently, pressure on food supplies for the colony. As traditional food resources used by Aboriginal people had been destroyed or appropriated by Europeans, this limited food supply affected both Aboriginal and non-Aboriginal people and resulted in an escalation in tensions and violence.⁸⁶

Aboriginal people utilising crops were accused of theft by the European land holders. With tensions escalating Governor Macquarie ordered “punitive expeditions” throughout the Cumberland Plain, writing the following in April 1816.⁸⁷

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... I have directed as many Natives as possible to be made Prisoners... 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 (Macquarie 1816).

These ‘expeditions’ were sometimes accompanied by Aboriginal guides. Colebee (please note that this is not the same Colebee who was abducted from Manly Cove by Governor Arthur Phillip) and Nurragingy (sometimes known as Creek Jemmy) were two Aboriginal guides who accompanied the military parties to locate camps and groups of Aboriginal people. It has since been disputed whether Aboriginal guides may have on occasion misled the non-Aboriginal soldiers, however there is little evidence to suggest that the guides were distrusted by the soldiers.⁸⁸ Broadfoot, one of soldiers led by Colebee and Nurragingy went so far as to state “I have every reason to believe that all the guides did their utmost endeavours to find them.”⁸⁹

For their part in the early punitive expeditions, Colebee and Nurragingy, along with other guides, were rewarded with a week worth of food, a quarter pound of tobacco, and blankets for their families.⁹⁰ In the context of widespread dispossession, disease and famine resulting from colonisation, the food payment, and presumed safety from the raids (potentially also for family members), may have been motivating factors to serve as guides, however it was likely a multi-faceted choice made by the guides, exercising their own agency.

Following Colebee and Nurragingy’s participation in the punitive expeditions, Nurragingy was presented with a bronze breastplate engraved ‘Chief of the South Creek Tribe’ by Governor Macquarie. The pair were granted a 30-acre parcel of land on the eastern side of Richmond Road, which was selected by Nurragingy himself as it was in his country.⁹¹ This became the first grant to Aboriginal people in Australian history and was registered in 1819 in Colebee’s name.⁹² The grant included an Iron Bark Range, which featured a ridgeline campsite and silcrete source. Nurragingy grew various crops and practiced animal husbandry and was praised by Macquarie for his success in European agricultural practices.⁹³ It is now generally accepted among archaeologists and historians that prior to colonisation Aboriginal people practiced agriculture and farming, however these agricultural practices were not recognised by the colonists.⁹⁴

Governor Macquarie provided Nurragingy with cattle and arranged for a house to be built for him by Sylvanus Williams.⁹⁵ The property was fenced in 1823 at government expense.⁹⁶ Nurragingy’s possessions included a table, iron pot, and tongs,

⁸⁶ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

⁸⁷ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁸⁸ Gapps, S. 2018. *The Sydney Wars: conflict in the early colony, 1788-1817*. Sydney, NewSouth Books.

⁸⁹ Gapps, S. 2018. *The Sydney Wars: conflict in the early colony, 1788-1817*. Sydney, NewSouth Books.

⁹⁰ Gapps, S. 2018. *The Sydney Wars: conflict in the early colony, 1788-1817*. Sydney, NewSouth Books.

⁹¹ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁹² Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁹³ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁹⁴ Pascoe, B 2014, *Dark emu black seeds: Agriculture or accident?*, Magabala books.

⁹⁵ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

⁹⁶ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

and he received government rations of flour, beef, tea, and sugar.⁹⁷ An Aboriginal community grew on the land, as many families camped on the land to be near their children within the Blacktown Native Institution on the opposite side of Richmond Road.⁹⁸ Structures built on the grant included a bark and log hut with a chimney, sheds, animals enclosures, fencing, gardens, and vegetable patches and crops.⁹⁹ Colebee did not live on the land for more than a few years, however Nurragingy lived at and worked the land until his death in 1833.

Following Nurragingy's death, the land grant was claimed by Colebee's younger sister Maria Lock (please note that the Lock family has been spelled in various sources as Lock or Locke). This report has used Lock as this is how Maria wrote her name in letters to Governor Darling), and by two sons of Nurragingy. As the grant had been registered in Colebee's name only the land was inherited by Maria.¹⁰⁰ Maria was a Boorooberongal Dharug woman who was born at Richmond on the Hawkesbury River c. 1805.¹⁰¹ Her family had attended the inaugural feast at Parramatta held by Governor Macquarie, and Maria was admitted to the Parramatta Native Institution on the same day.¹⁰² In 1824 Maria married Robert Lock, an English convict, in the first official marriage between an Aboriginal woman and European man.¹⁰³ Lock was a convict carpenter who was working on the construction of the Native Institution at Blacktown and was subsequently assigned to his wife until he had served his sentence.¹⁰⁴

Following the death of Colebee, Maria petitioned Governor Darling for the ownership of Colebee's land while she was living at Liverpool.¹⁰⁵ 40 acres were granted to Robert Lock on her behalf, however she persisted and was granted an additional 40 acres at Liverpool in 1831.¹⁰⁶ In 1843 she received formal ownership of the Colebee and Nurragingy land grant, and the couple had ten children who lived on the land with them.¹⁰⁷ They eventually acquired the neighbouring grant which had belonged to Sylvanus Williams (east of Richmond Road) and later the Blacktown Native Institution. Robert died in 1854 and Maria in 1878. Maria was buried at St Bartholomew's Church in Prospect.¹⁰⁸

Of Robert and Maria's ten children, nine survived into adulthood, and the 30-acre grant was divided into nine lots between them. By the time the Lock children inherited the land following Maria's death, many had been married for roughly 20 years and had adult children.¹⁰⁹ In the early 1900s following Federation of Australia, the Lock family were one of very few Aboriginal families who had the right to vote, as they were landowners. Charles, Thomas, Robert Jnr, Robert Snr, William Jnr and William Snr were registered on the Blacktown electoral roll for 1900-1901.¹¹⁰ In 1919, three of these lots were resumed by the Aborigines Protection Board – which were previously allocated to Charles, Clara and William Lock.¹¹¹

⁹⁷ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

⁹⁸ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

⁹⁹ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

¹⁰⁰ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

¹⁰¹ Parry, N 2005, 'Lock, Maria (1805–1878)', *Australian Dictionary of Biography*, viewed 11 August 2023, <<https://adb.anu.edu.au/biography/lock-maria-13050/text23599>>.

¹⁰² Parry, N 2005, 'Lock, Maria (1805–1878)', *Australian Dictionary of Biography*, viewed 11 August 2023, <<https://adb.anu.edu.au/biography/lock-maria-13050/text23599>>.

¹⁰³ Parry, N 2005, 'Lock, Maria (1805–1878)', *Australian Dictionary of Biography*, viewed 11 August 2023, <<https://adb.anu.edu.au/biography/lock-maria-13050/text23599>>.

¹⁰⁴ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

¹⁰⁵ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

¹⁰⁶ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

¹⁰⁷ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

¹⁰⁸ Parry, N 2005, 'Lock, Maria (1805–1878)', *Australian Dictionary of Biography*, viewed 11 August 2023, <<https://adb.anu.edu.au/biography/lock-maria-13050/text23599>>.

¹⁰⁹ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

¹¹⁰ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

¹¹¹ GML Heritage 2023. Dharug Nura: Blacktown Native Institution Conservation Management Plan (Draft). Prepared for Dharug Strategic Management Group.

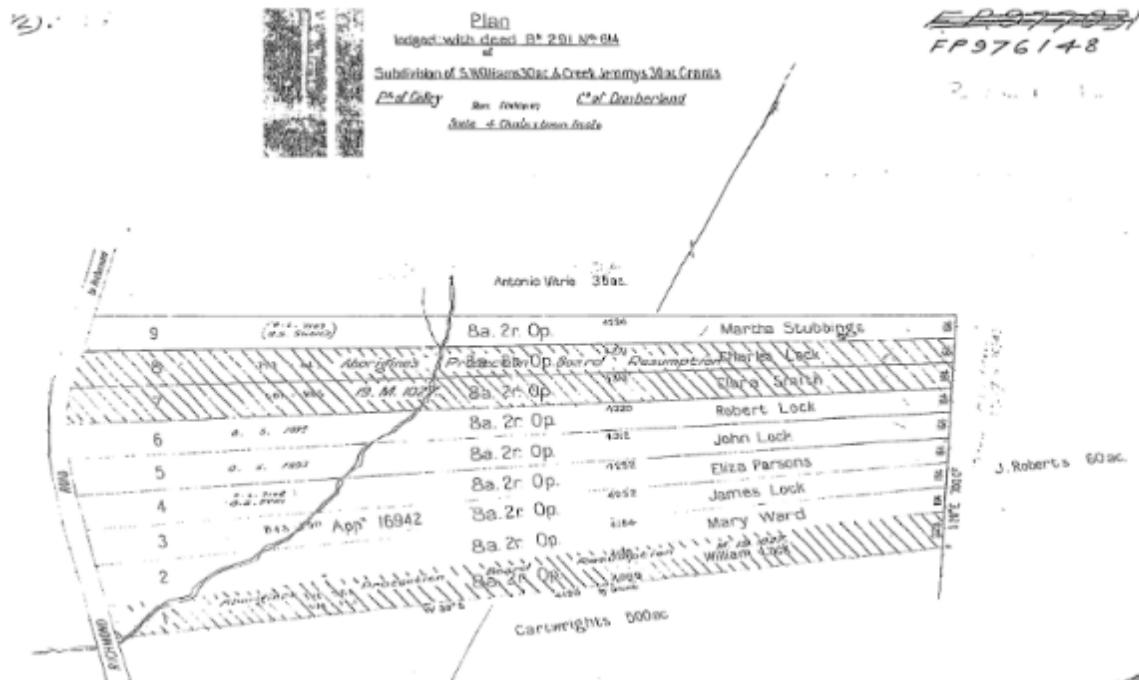


Figure 3-10: Plan originally accompanying the 1884 subdivision of Maria Lock's land into nine allotments. The hatched areas indicate the lots resumed by the Aboriginal Protection Board in 1919, with the reference for the resumed lots given as 19.M.1027 (Source: DP 976148, Department of Lands)

By the 1950s much of the original Colebee and Nurragingy grant was regranted as Crown land and sold.¹¹² 1947 aerial imagery of the land shows that it had been cleared fronting Richmond Road, while dense vegetation is featured towards the back of the land and around Bells Creek (Figure 3-11). A dirt track is evident on the land leading to the east and no structures are present on the property. Lot 6 of the Colebee/Lock land was owned by Dorothy Player throughout the 1930s and early 1940s, and was sold to Francis Herman in 1946.¹¹³ Aerial imagery from 1955 (Figure 3-12) shows that considerable development had occurred on the property, including houses and several sheds and tracks. Light agricultural structures are also present. The semi-rural residential development on the property increased throughout the 1960s and 1970s, as attested to in the historic aerial imagery. Additional land has been cleared on the northern lot, and two large sheds have been constructed. In the late 1980s a dam was constructed on the northern lot.

¹¹² Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

¹¹³ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,



Figure 3-11: Aerial imagery of the study area, 1947 (Source: Department of Lands with Artefact overlay).

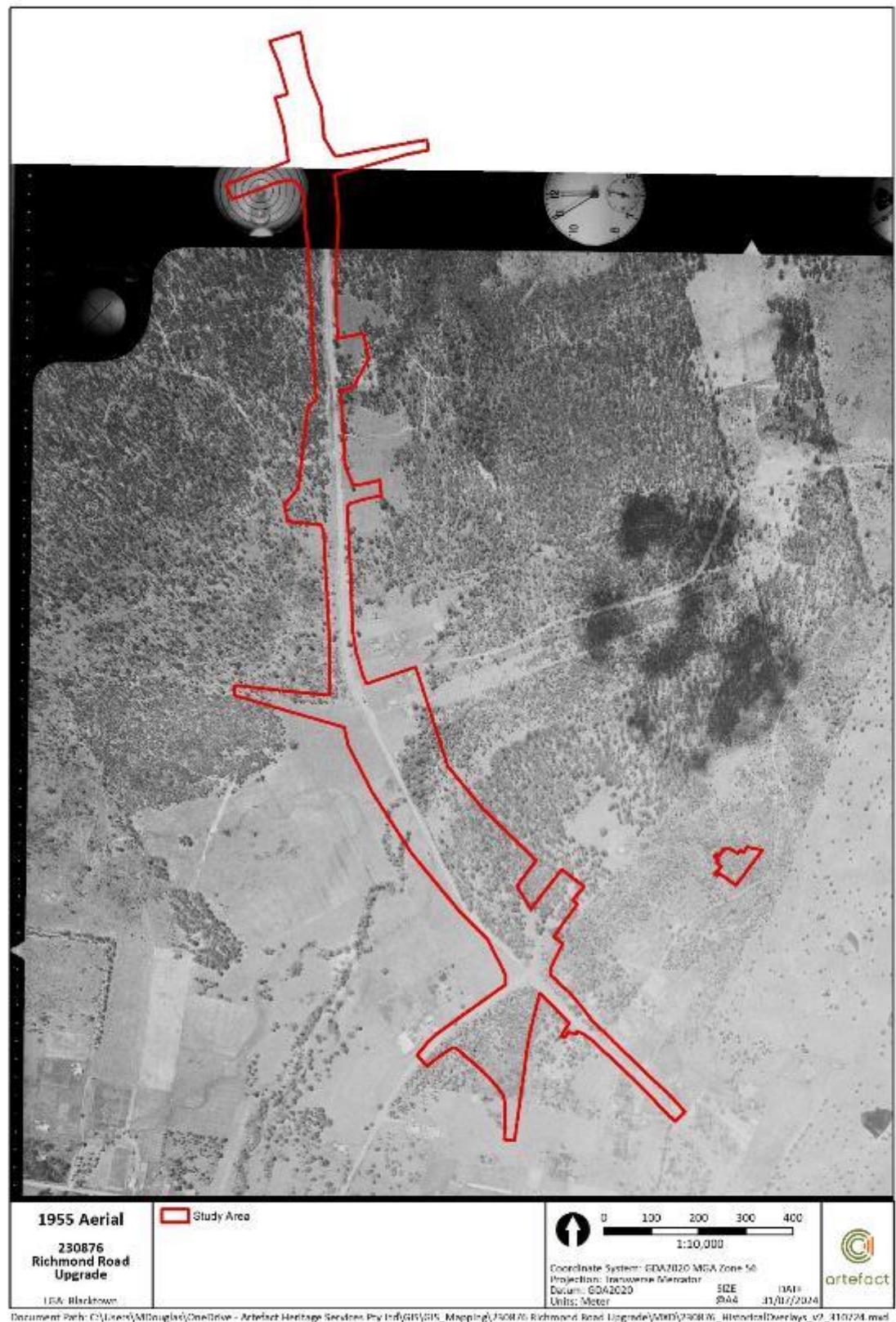


Figure 3-12: Aerial imagery of the study area, 1955 (Source: Department of Lands with Artefact overlay).

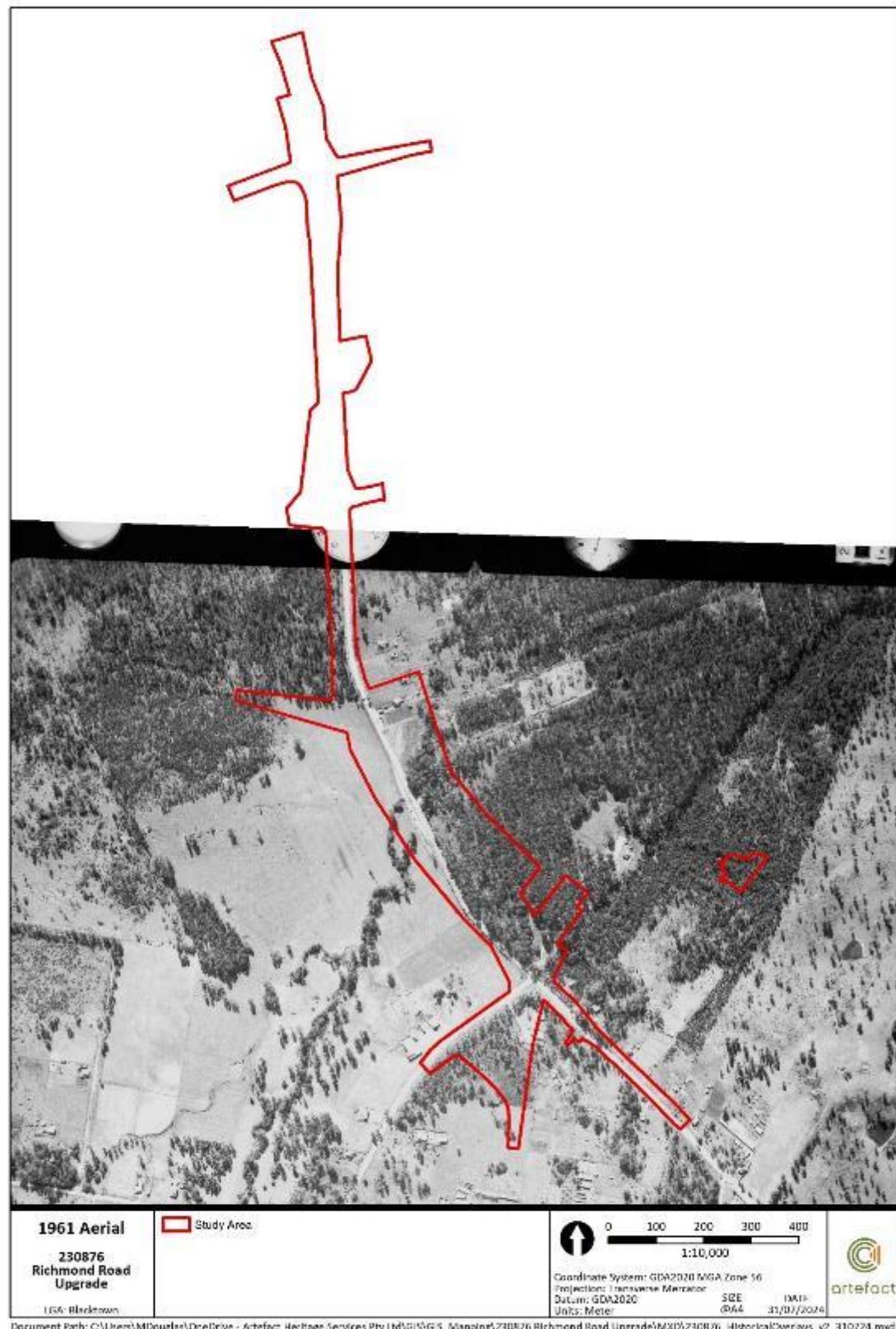


Figure 3-13: Aerial imagery of the study area, 1961 (Source: Department of Lands with Artefact overlay).



Figure 3-14: Aerial imagery of the study area, 1978 (Source: Department of Lands with Artefact overlay).



Figure 3-15: Aerial imagery of the study area, 2005 (Source: Department of Lands with Artefact overlay).

3.2.2.4 Blacktown Native Institution

3.2.2.5 Aboriginal land ownership and maintenance

Aboriginal communities throughout the Blacktown area and Sydney have petitioned for the return of the Blacktown Native Institution and the Colebee and Nurragingy Land Grant to Dharug ownership for several years. Claims of the Colebee/Nurragingy land grant, both through the Darug Tribal Corporation¹¹⁴ and descendants of Colebee and Maria Lock, have been unsuccessful to date.¹¹⁵ The land is also significant with contemporary Aboriginal communities as burials of Aboriginal people are believed to be located within the land.¹¹⁶ The northern part of the Colebee Nurragingy land grant has been incorporated into recent residential development, however the southern half of the grant is undeveloped. The Blacktown Native Institution land has also remained undeveloped and has been involved in a series of interpretive art programs by the Blacktown Native Institution Project in conjunction with the Museum of Contemporary Art.¹¹⁷ Much of the land was returned to Aboriginal people in 2018.¹¹⁸



Figure 3-16: Blacktown Native Institution Project and Museum of Contemporary Art celebration with Dharug people at the Blacktown Native Institution land (Kucera 2018)

¹¹⁴ Norman, H 2015, 'Colebee and Nurragingy's Land Grant', *Dictionary of Sydney*, viewed 14 August 2023, <https://dictionaryofsydney.org/entry/colebee_and_nurragingys_land_grant>.

¹¹⁵ Howden, S 2012, 'Macqaurie's gift to Aboriginal people finally recognised', The Sydney Morning Herald, viewed 14 August 2023, <<https://www.smh.com.au/national/nsw/macquaries-gift-to-aboriginal-people-finally-recognised-20120213-1t26t.html>>.

¹¹⁶ Howden, S 2012, 'Macqaurie's gift to Aboriginal people finally recognised', The Sydney Morning Herald, viewed 14 August 2023, <<https://www.smh.com.au/national/nsw/macquaries-gift-to-aboriginal-people-finally-recognised-20120213-1t26t.html>>.

¹¹⁷ 'Blacktown Native Institution' 2011, viewed 14 August 2023, <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹¹⁸ 'Blacktown Native Institution' 2011, viewed 14 August 2023, <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

3.2.2.6 Foundation of the Blacktown Native Institution

The Native Institution was established in Parramatta in 1814 by Governor Macquarie and missionary William Shelley, for the education of Aboriginal children. Macquarie informed Aboriginal leaders about the Native Institution. Following a conference at the Market Place, Parramatta, in 1814, he encouraged Aboriginal parents to leave their children at the school. Four children were left at the school, including Maria, Colebee's sister, and Kitty, who later became Colebee's wife in 1822. At around 14 years of age, the female attendees were intended to leave the institution and marry Aboriginal men who Macquarie thought would adopt European lifestyles. Married couples would be provided with a farm, furniture stock and farming utensils, and huts were erected for them to live in. The area which Macquarie selected for these farms was close to the Colebee and Nurragingy Land Grant.¹¹⁹

As a result, the land granted to Colebee and Nurragingy in 1819 had led to the establishment of a significant Aboriginal community on the eastern side of Richmond Road. In 1823 the Parramatta Institute was relocated under Governor Brisbane's orders to the Parish of Rooty Hill, located almost directly opposite Colebee and Nurragingy's land grant.¹²⁰ The proximity to the grant and the community it had formed is likely a contributing factor to Governor Brisbane's choice to establish the Blacktown Native Institution in this location.

On 1 January 1823 the Blacktown Native Institution commenced operation as the children were transferred from Parramatta to Blacktown.¹²¹ From 1823 to 1829 the Blacktown Native Institution operated under the direction of the Christian Missionary Society, with Reverend Samuel Marsden the chairman, and George and Martha Clarke running the school.¹²² Rev Marsden had missionary connections with New Zealand and was responsible for bringing Maori children over to NSW and the school.¹²³

At the time there were 14 children housed at the institution, with a small number of sheds and a timber hut which served as a dwelling for the Clarkes.¹²⁴ In mid-1823 a double-storey house with four upstairs bedrooms, two large rooms, four downstairs bedrooms, and outside rooms with verandahs was constructed (Figure 3-17).¹²⁵ The property also contained a separate kitchen, stable, and coach house and the children dug gardens as part of their useful skills educational program.¹²⁶ The opposite land grant, formerly granted to Sylvanus Williams and used for farming, was also purchased for the Institution.¹²⁷

In 1824 the Institution was placed under the control of Reverend William Walker, who sought to reorganise the administration of the Institution, dismissing the Committee which managed the Institution previously.¹²⁸ However, the institution was closed by the end of that year and the remaining inhabitants sent to the Orphan School with Reverend Robert Cartwright, who held the land grant opposite the Native Institution at that time.¹²⁹ By May 1825 the institution had reopened as a private boarding house, which was subsequently moved to Parramatta in 1827.¹³⁰

Seventeen Aboriginal and 5 Māori children were housed at the Blacktown Institution in 1827. The Maori children were taken from the Parramatta school at Rev Marsden's persuasion.¹³¹ This was below the Institution's capacity of 60.¹³² Stock returns from 1827-8 indicate that up to 24 cattle were kept and slaughtered on site as food for the institution during this period

¹¹⁹ GML 2023. Dharug Nura: Blacktown Native Institution Conservation Management Plan

¹²⁰ 'Blacktown Native Institution' 2011, viewed 14 August 2023,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹²¹ 'Blacktown Native Institution' 2011, viewed 14 August 2023,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹²² 'Blacktown Native Institution' 2011, viewed 14 August 2023,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹²³ GML 2023. Dharug Nura: Blacktown Native Institution Conservation Management Plan

¹²⁴ 'Blacktown Native Institution' 2011, viewed 14 August 2023,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹²⁵ GML 2023. Dharug Nura: Blacktown Native Institution Conservation Management Plan

¹²⁶ 'Blacktown Native Institution' 2011, viewed 14 August 2023,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹²⁷ 'Blacktown Native Institution' 2011, viewed 14 August 2023,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹²⁸ GML 2023. Dharug Nura: Blacktown Native Institution Conservation Management Plan

¹²⁹ 'Blacktown Native Institution' 2011, viewed 14 August 2023,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹³⁰ 'Blacktown Native Institution' 2011, viewed 14 August 2023,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹³¹ GML 2023. Dharug Nura: Blacktown Native Institution Conservation Management Plan

¹³² GML Heritage 2018, Blacktown Native Institution - Heritage Impact Statement.

(‘Stock Returns and associated correspondence’ 1827). It has been suggested that the school had significant difficulties maintaining ‘enrolments’, with children frequently removed by their parents or leaving.¹³³ In 1829 the school was again closed, and in 1831 the building was reported as being in a deteriorated state.¹³⁴ The site was surveyed by Felton Matthew in 1833. Matthew’s survey shows the location of the house, kitchens, stable, gardens and creek (Figure 3-18).

Several modern Dharug community members state a belief that burials of Aboriginal children occurred in unmarked graves within and surrounding the Blacktown Native Institution. There is no formal record of these burials, and no evidence of any unmarked graves has been identified to date. It has been suggested that if burials did occur, these would be most likely to be located along Bells Creek, on landforms north of Bells Creek, within the Colebee and Nurragingy Land Grant, or near the former Blacktown Native Institution buildings.¹³⁵

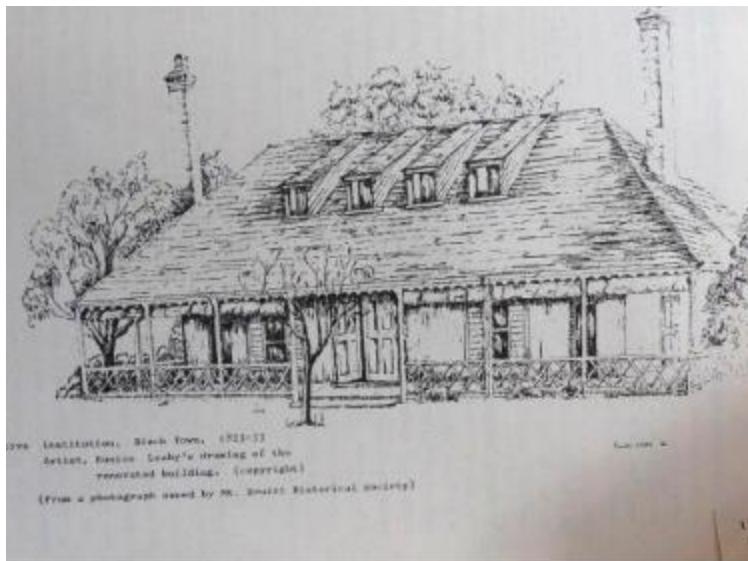


Figure 3-17: The Blacktown Native Institution Building (Source: Blacktown Native Institution Project).

¹³³ GML Heritage 2018, Blacktown Native Institution - Heritage Impact Statement.

¹³⁴ ‘Blacktown Native Institution’ 2011, viewed 14 August 2023,
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>.

¹³⁵ GML 2023. Dharug Nura: Blacktown Native Institution Conservation Management Plan

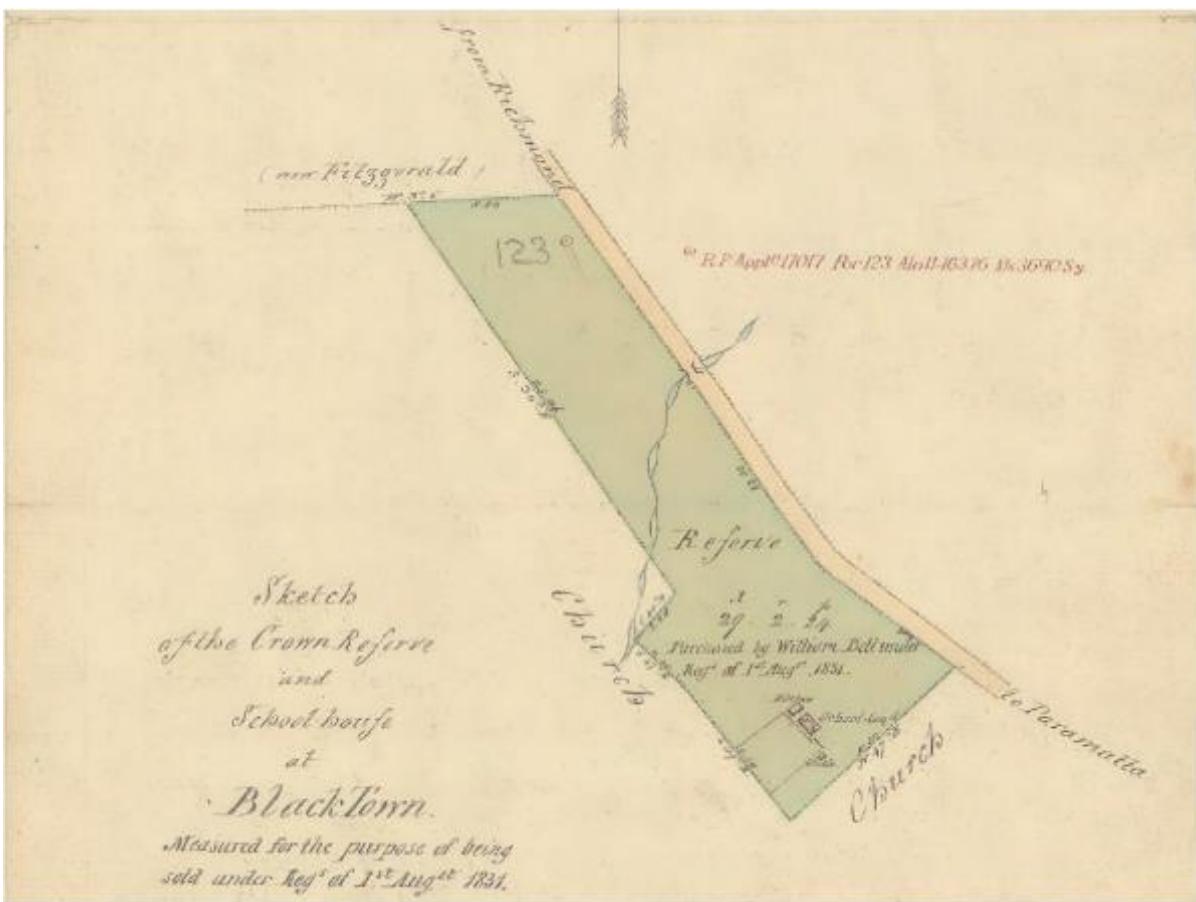


Figure 3-18: Felton Matthew's Survey of the Blacktown Native Institution, 1833 (Source: NSW Land Titles Office, 134-690)

3.2.2.7 Closure of the Blacktown Native Institution: Sydney Burdekin and the Aboriginal Protection Board

In 1833 the former Blacktown Native Institution site was advertised for sale: 'House and premises...together with the allotment of Land on which the same stands measuring 29 acres, 2 roods, and 24 perches'.¹³⁶ The property was purchased at auction by William Bell who renamed the property 'Epping Lodge.' He died in 1843 and the property was inherited by his daughter Maria, who died in 1876. The 1842 Windsor plan shows that an additional garden and a driveway to Richmond Road were constructed by Bell (Figure 3-3).

In 1877 Epping Lodge was purchased by Sydney Burdekin, who named it Lloydhurst.¹³⁷ Burdekin was a prominent colonial politician and Lord Mayor of Sydney. He modified the extant Native Institution building to include a ballroom and made improvements to the property.¹³⁸ Burdekin had become a member of the Aboriginal Protection Board in 1887 and had been involved with the Lock family throughout much of the 1880s and 1890s when Sydney was in a depression and work was limited, especially for Aboriginal people.¹³⁹ In 1887 Burdekin purchased Lot 1 from the Lock family, Lot 7 in 1892, and may have purchased Lot 8, however the Lock family continued to live on this lot until at least 1920.¹⁴⁰ The Lock family were

¹³⁶ 'Blacktown Native Institution' 2011, viewed 14 August 2023, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>.

¹³⁷ 'Blacktown Native Institution' 2011, viewed 14 August 2023, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>.

¹³⁸ 'Blacktown Native Institution' 2011, viewed 14 August 2023, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>.

¹³⁹ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property, <https://heritagensw.intersearch.com.au/heritagenswspui/bitstream/1/9677/1/H11879%20-%20COLE.pdf>.

¹⁴⁰ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property, <https://heritagensw.intersearch.com.au/heritagenswspui/bitstream/1/9677/1/H11879%20-%20COLE.pdf>.

reported by Burdekin as being destitute during this period and he requested government rationing be increased. Burdekin may have purchased the land from the family to provide them with funds.¹⁴¹

Images of Lloydhurst from c.1900 show that the site had been expanded significantly and had been altered to include Tudor revival style facades, a latticed verandah, and symmetrical twin wings at the rear of the house with pitched ornate roofs (Figure 3-19 and Figure 3-20). In 1899 Sydney Burdekin died, and the former Blacktown Native Institution site was purchased by Robert Smith, and then by Harry Woolnough in 1910.¹⁴²

William Lock leased land on the east side of Richmond Road to the Plumpton Aboriginal Mission from 1899 until 1914. The mission established a church near Bells Creek and Willow trees. His location may be marked on the 1928 Crown plan on Lot 85. (GML Heritage 2012, Figure 2.7 p. 26). In 1905 the Church was extended, and a missionary house constructed with a fenced garden. However, by 1908 there was no missionary residing at Plumpton.¹⁴³

The Lock family members had started to sell their individual allotments at Richmond Road from 1911, while other members relocated without selling and left their land unattended. By 1914 the mission had closed, and several members of the Lock family had passed away from serious illnesses.¹⁴⁴ From 1920, the Blacktown Council resumed land with outstanding unpaid rates, including Lock land, which it transferred to ownership of the Public Trustee. The land remained in the ownership of Maria's descendants until c. 1920, when the land was determined to be an Aboriginal reserve - known as Plumpton - and was claimed by the Aboriginal Protection Board.¹⁴⁵ Some historical records suggest only three of the nine lots – those which had been previously purchased by Sydney Burdekin - were claimed by the Board.¹⁴⁶

In 1914 the Blacktown Native Institution land was subdivided into five blocks and purchased by the Wardrop family in 1920.¹⁴⁷ The Native Institution building was destroyed in a fire in 1924 and a fibro house was built on its ruins.¹⁴⁸



Figure 3-19: Blacktown Native Institution – now Lloydhurst in 1900 (Source: Blacktown City Library)

¹⁴¹ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property, <<https://heritagensw.intersearch.com.au/heritagenswspui/bitstream/1/9677/1/H11879%20-%20COLE.pdf>>.

¹⁴² 'Blacktown Native Institution' 2011, viewed 14 August 2023, <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹⁴³ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

¹⁴⁴ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

¹⁴⁵ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

¹⁴⁶ GML Heritage 2012, Colebee and Nurragingy Land Grant 799 Richmond Road, Marsden Park Archaeological Management Plan, prepared for Legacy Property,

¹⁴⁷ 'Blacktown Native Institution' 2011, viewed 14 August 2023, <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹⁴⁸ 'Blacktown Native Institution' 2011, viewed 14 August 2023, <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.



Figure 3-20: Lloydhurst, c.1900 (Source: Mount Druitt Historical Society)

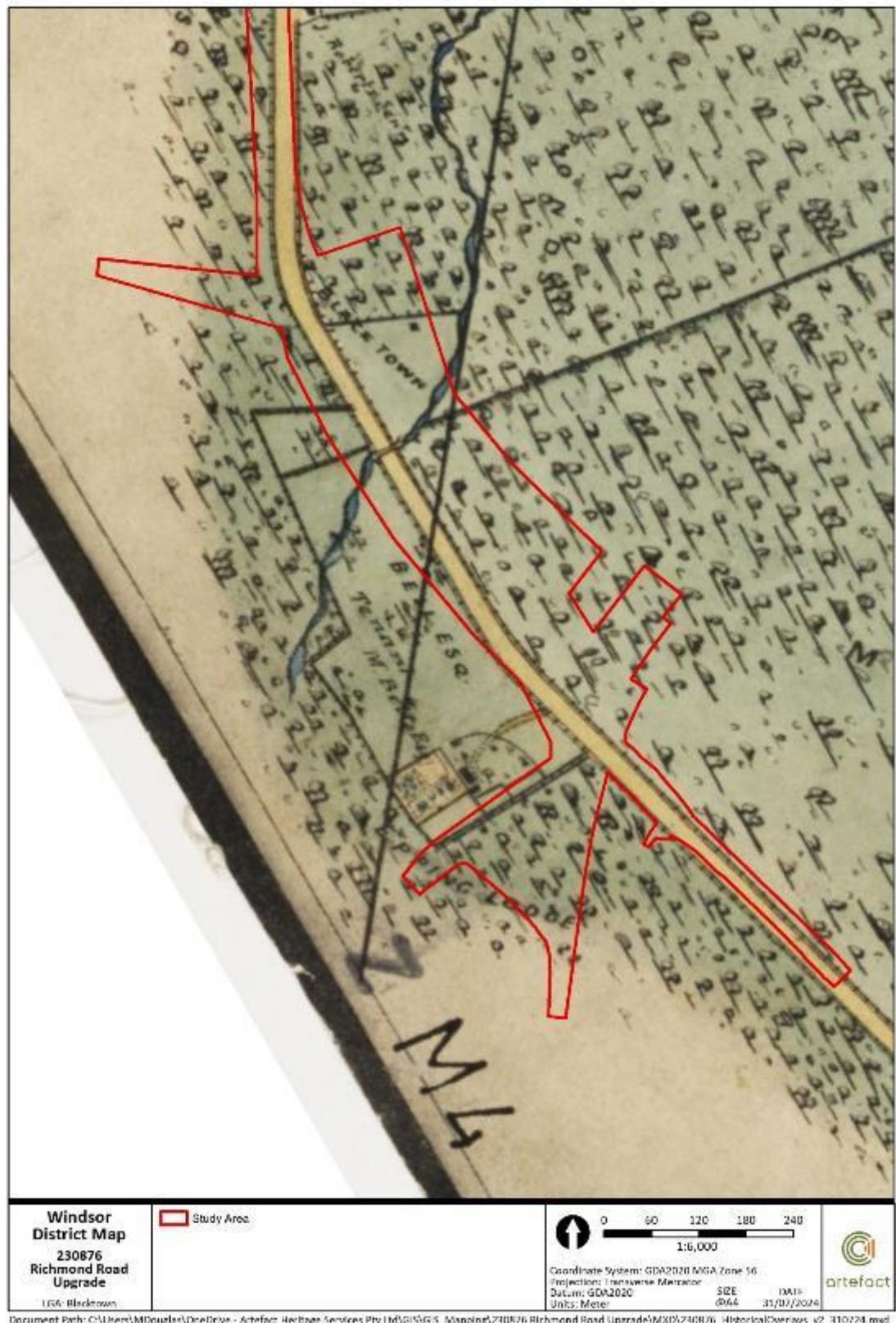


Figure 3-21: Detail of the Blacktown Native Institution - 'Epping Lodge' - in Windsor District Plan, 1842 (Source: SLNSW)

3.2.2.8 Wardrops and associated dairies

Following the purchase of the Blacktown Native Institution land by the Wardrop family, the land was used as a dairy farm until 1985.¹⁴⁹ It is likely that the land was used primarily for grazing and dairy, with milking facilities added to the land throughout the mid-1900s.

Aerial imagery from 1955 until 1977 showcases the gradual development of the land for agricultural purposes. The last aerial from 1977 shows the milking shed and cattle pens that had been built on the southern side of the land facing Rooty Hill Drive. To the north of the property, towards Bells Creek, an interior asphalted road with several trucks is present. Throughout the property there are several exposure patches, and a new circular driveway is evident off Rooty Hill Drive. The land was operated by Associated Dairies for some time, however in 1985 the fibro house was demolished and the land was purchased by Landcom. It was intended that the land would be incorporated into a housing development, however it has remained vacant since.¹⁵⁰

3.3 Nineteenth and Twentieth Century development

Richmond Road was subject to minimal modification throughout the nineteenth and early twentieth centuries. The roadway was not subject to considerable modification until the mid-2000s with the development of the M7 Motorway. In 2005 the M7 was opened, running on a northeast-southwest alignment along the southeast boundary of the study area, and projecting above the Richmond Road corridor. The motorway resulted in upgrades to the surrounding roads, including Richmond Road, and the construction of the Rooty Hill Road slip road. Richmond Road upgrades included conversion to a dual carriageway from the intersection with the M7 north to Townson Road. The western border of the former Colebee/Nurragingy land grant was resumed in 2007 as part of road upgrade works by the Roads and Traffic Authority (now Transport for NSW).¹⁵¹ In 2011, a portion of Richmond Road was widened through the study area as a connection to the M7 Motorway and in preparation for extensive development throughout Marsden Park, which was included as a Western Sydney Growth Centre. At the northern extent of the study area extensive residential and semi-industrial/commercial development has occurred throughout the 2010s, including the opening of the Marsden Park homemaker centre.

The land to the east of Richmond Road (the Williams and Cartwright Grants) remained heavily wooded until the late 1960s. Aerial imagery from the 1960s and 1970s shows the development of an isolated dwelling within these former grant areas. The development remained dispersed, with no substantial subdivision noted in plans or imagery. The suburbs of Dean Park, Hassall Grove, and Marsden Park were developed through the 1970s and 1980s, with intensified development continuing through the 1990s and 2000s.

In 1951, the Castlereagh Freeway Corridor was gazetted for future construction. This corridor includes a connection from Richmond Road near Colebee and the Blacktown Native Institution. That alignment has remained un-developed open green space since 1951. From the 1980s the suburb of Dean Park, now located within Robert Cartwright's grant, was planned. On the western side of Richmond Road, the suburb of Hassall Grove was also developed. By 2005, satellite imagery shows that each suburb is fully established (Figure 3-15) and dense residential subdivision has been built on either side of Richmond Road and Rooty Hill Road. The Blacktown Native Institution land was purchased for subdivision however has remained cleared.

¹⁴⁹ 'Blacktown Native Institution' 2011, viewed 14 August 2023, <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹⁵⁰ 'Blacktown Native Institution' 2011, viewed 14 August 2023, <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>>.

¹⁵¹ Colebee and Nurragingy Land Grant, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>

4. Contemporary social and cultural value of the BNI and the surrounds

This section addresses contemporary social and cultural values of the BNI, especially as expressed by the DSMG.¹⁵²

4.1 The four foundational social and cultural values (themes) of the BNI described by DSMG through the CMP

The DSMG website has a clear statement of its mission and four themes which guide its activities. The four themes articulate their fundamental cultural and social values.

The Mission statement states:

Our mission is to value, celebrate and share Dharug culture and knowledge as a foundation to build strong relationships between Aboriginal and non-Aboriginal Australians to walk together along the journey of truth telling, healing and learning to belong together with Dharug Ngura (Dharug Country). We work to ensure and extend respectful recognition of Dharug people as the traditional custodians of and a continuing presence with Dharug Ngura, including the Blacktown Native Institution (BNI) site and to promote connection to Country and community through culture and ceremony. Specifically, DSMG will act to exercise care and stewardship over elements of Dharug Ngura that return to Dharug care. We continue the journey in remembering and respecting the resilience, strength and spirit of our Elders past, present and emerging, and the Ancestors.¹⁵³

The four themes include:

- Caring for Country
- Caring for Culture
- Caring for Community
- Leadership & Governance.

These four themes are described below:

4.1.1 Caring for Country:

DSMG is responsible for looking after the Blacktown Native Institute site for the Dharug Community. This land is the first of Dharug Nura to return to Dharug ownership. This land is for Dharug people, a place to connect to Country, culture and community. Our Caring for Country programs will work with community and strategic partners to support this important place to become a place of healing and belonging by restoring biodiversity, improving water management, revegetation and environmental restoration programs.¹⁵⁴

¹⁵² The DSMG adopts the use of the terms Dharug people and Dharug community to “describe people or groups of people who are the Traditional/First Custodians of the BNI. The terms Aboriginal people/community and First Nations people have been used in this CMP to describe groups of Indigenous people who are located in the wider community (both within Australia and abroad) who may have an attachment to the BNI” (GML 2023: 8).

¹⁵³ DSMG 2023 Annual Report (<https://www.dsmsg.org.au/post/dsmg-2023-annual-report>)

¹⁵⁴ DSMG website: <https://www.dsmsg.org.au/project-2>. Accessed 1 April 2025.

4.1.2 Caring for Culture:

We celebrate, recognise and promote Dharug culture through language, art, performance and story telling. We create spaces for Dharug community to continue practicing and learning culture. We remember and celebrate our families and the stories of First Contact that transformed Dharug Nura and Dharug lives. We also treasure our deeper history of connection, belonging and knowing through thousands of years of continued culture. We are proud to share opportunities to learn about Indigenous cultures and continue these traditions and stories.¹⁵⁵

4.1.3 Caring for Community:

*DSMG aims to foster strong social and economic foundations for Dharug futures. Our **Caring for Community** programs will develop a range of economic, training and capacity building opportunities for Dharug people to contribute to the region's wellbeing. We will work constructively to support Dharug community groups, working with others to build recognition and respect of Dharug presence and contributions. As custodians for the BNI Site, we will build community and opportunity through partnerships and projects.¹⁵⁶*

4.1.4 Leadership & Governance:

Strong governance and a clear strategic vision are the foundation for building DSMG into sustainable Non-Profit Organisation and to continue supporting the Dharug community into the future. We will lead the DSMG with integrity and transparency, developing the company into a long-term community asset that is trusted by the community.¹⁵⁷

4.2 Restoration and resilience through social and cultural values

While bringing to light painful actions of the past, the DSMG also seeks for reflection, healing and hope that connects to a deep history of connection to Nura through Dharug social and cultural practices:

The BNI Site is not only a place that represents this sad and reprehensible part of colonial history. It is a place of reflection, healing and hope, and connects us to thousands of years of Dharug culture and Nura (Country).¹⁵⁸

The CMP documents the importance of the BNI as a “place of individual and collective memory, trauma, healing and resilience” for Dharug people, Aboriginal people and First Nations people. Their attachments to this place are enduring, emerging and dynamic.¹⁵⁹ The return of the BNI is the first for Dharug Nura and has provided greater agency in decision making. It is understood by Dharug Nura to be crucial for a healing process to reconnect to Nura, culture and community.¹⁶⁰

The site of the BNI represents:

- a place to celebrate and commemorate more recent historical injustices of the BNI

¹⁵⁵ DSMG website: <https://www.dsmsg.org.au/project-2>. Accessed 1 April 2025.

¹⁵⁶ DSMG website: <https://www.dsmsg.org.au/project-2>. Accessed 1 April 2025.

¹⁵⁷ DSMG website: <https://www.dsmsg.org.au/project-2>. Accessed 1 April 2025.

¹⁵⁸ DSMG website: <https://www.dsmsg.org.au/copy-of-about> (accessed 27 March 2025)

¹⁵⁹ GML 2023:116

¹⁶⁰ GML 2023: 116

- a place to celebrate the lives of the children who were taken from their parents and families to live there
- a place which manifests a deep connection to history
- a place with ongoing connections to Dharug ancestors
- a place for performance and creation of culture and connection
- a place to value and share Dharug culture
- a place whose history manifests relationships between Aboriginal people and non-Aboriginal people
- a place in which Aboriginal and non-Aboriginal people can continue to engage in a process of truth telling
- a place for a journey of healing and learning
- a place of belonging.¹⁶¹

The BNI is a place in which actions to restore Dharug culture can be taken.

In 2018, a Dharug community member spoke about a return to an ecology of social life through the work of the BNI.

We were looking at how one might build a resilient ecology – not ecology as a return to nature, but ecology in the broadest possible sense. We felt that this is a long process that involves a considerable amount of healing, over some decades. It requires a set of steps or stages without any preconceptions about what the end result would look like, guided by what is felt to be most important by the community. You can think of this as a sequence of programming bringing a whole lot of events to the site, temporary built structures that might be vehicles for other thing to happen on the site”¹⁶²

This statement places the cultural and social values of the Aboriginal community to the centre of a program to rejuvenate the Nura and Dharug culture facilitated through the restoration of ownership of the land on which the BNI once stood.

The return of the land to the Dharug makes possible a return to self-determination and facilitates cultural production.

4.3 The BNI as both a living entity and a living memorial

Corina Marino, Dharug Community member said:

Nura speaks. The Blacktown Native Institution site is the artist. Guided by her, as a site of Dreaming, her life, her ceremony and songlines. She represents identity, trauma, traditions¹⁶³

In this statement the site of the BNI has been transformed into a Dreaming place with ceremony and songlines with which Dharug people have formed their identity including a history of trauma through colonial action. The BNI becomes a “living entity” and a “living memorial”¹⁶⁴ The concept of a “living entity” and living memorial” has been reflected by Dharug and First Nations people through creative processes held on the BNI since 2018 (see 4.4).

4.4 Performing recovery – arts and cultural practices

The CMP promotes arts practice and cultural performance undertaken in safe places to promote healing. Listening is defined as the mechanism through which safe spaces for engagement can be created. The healing process includes “bearing witness” to allow healing to begin¹⁶⁵

¹⁶¹ GML 2023: 117

¹⁶² GML 2023: 119 citing anonymous source, footnote 4.6

¹⁶³ GML 2023: 120 citing Marino in Andrew and Hibberd (2022) footnote 4.7

¹⁶⁴ GML 2023:120-123.

¹⁶⁵ GML 2023: 12 footnotes 4-8

The act of bearing witness can take narrative form or be articulated through a range of expressions, including art, spoken word, dance, performance and photography. Therefore, providing trauma-informed safe spaces for individual and collective trauma to be expressed and witness is fundamental to healing¹⁶⁶

A number of art installations and performances have been undertaken at the BNI and are discussed in the CMP¹⁶⁷. Artworks have been developed to create counter narratives to the dominate colonial history of “Europeanising Aboriginal people” and “to activate and raise awareness to local people – in effect creating a moving and celebrational memorial”.¹⁶⁸

The BNI is seen as both a vessel with which to create and the artist that guides creations.

Importantly then, not only the location of the former BNI, but the surrounds, are described as a site of trauma for Dharug people and for Aboriginal people/community and First Nations people/community in relation to their treatment by settlers and colonial governments.

The reconnection to Nura forms the process in which healing can take place. The reconnection to Nura is facilitated, or enabled, by access to and engagement with Nura, as demonstrated in detail below. Further encroachment on the Nura at this location reproduces, and perpetuates, the violence of the past. This also reflects ongoing connections and the importance of the place to Dharug and Aboriginal people more broadly today.

The social value of the site (spirit of the place) is evidenced in its ability to provide culturally safe access to Nura, and to enable truth telling, and healing which addresses systemic generational trauma. The site is perceived as a living entity, which facilitates wellbeing through activities of cultural production (cultural and visual art practice).

This concern was specifically voiced by the DSMG in their *Response to the review of environmental factors. Blacktown Native Institution and the Richmond Road Upgrade Project, 7 February 2025* and in the consultation events recorded in Blacktown Native Institute Social Values Extract (see 4.4.2 below).

The site is a memorial to the trauma felt by Dharug people and Aboriginal people which was caused by colonisation although it holds no physical traces of the Stolen Generations. Since 2012 a number of events, exhibitions, performances and ceremonies have been held there and in the Blacktown Arts Centre to acknowledge the “forgotten and disregarded”.¹⁶⁹

4.4.1 Concerns about social and cultural values of the BNI expressed in prior consultation

A number of statements about the social and cultural values of the BNI and surrounding cultural landscape have been made through the statutory consultation process that accompanies archaeological survey and investigations undertaken in the project area.¹⁷⁰ While questions about significance are framed within the context of the Burra Charter definitions of social cultural, aesthetic and historical values¹⁷¹ the following comments have been made.

- DSMG stated that they would “raise STRENUOUS OBJECTION to any proposal that fails to protect the site’s heritage values and its capacity to link to the wider Dharug cultural landscape and its importance to the growing population of the region.”¹⁷²
- DSMG said that “...the new Bells Creek bridge is being built within the Blacktown Native Institution heritage curtilage and the drive is being impacted....” and also that “a warehouse was being built on Dharug Ngara

¹⁶⁶ GML 2023: 12 footnotes 9

¹⁶⁷ see GML 2023: 120 to 127 (for example Flannel Flower Sculpture; Gubangala Gumadangyiningi (Let’s honour his/her spirit); and Gulbangali Dharug Nura, NIRIN).

¹⁶⁸ GML 2023: 123 citing Andrew and PH 2013, footnote 4.19

¹⁶⁹ GML 2023: 123

¹⁷⁰ The process for assessing Aboriginal Cultural Heritage in NSW seeks advice from Registered Aboriginal Parties (people who have registered an interest in the project) about places of cultural value to Aboriginal people in the project area which may or may not be a gazetted Aboriginal place under s84 of the NPW Act (DEECCW 2010 Guideline Aboriginal Cultural Heritage Consultation Requirements for Proponents).

¹⁷¹ DEECCW 2010: 13

¹⁷² KNC 2024 Aboriginal Cultural Heritage Assessment undertaken for the PACHCI stage 3: 39.

(land).¹⁷³ [While the construction of the warehouse refers to a separate Transport project, the warehouse is being constructed within the broader cultural landscape].

- DSMG advised that Dharug Ngara (Country) was “not just the soil, it is the animals, birds, insects ...”¹⁷⁴
- Kamloroi Yankuntjatjara Working Group said: “There are tangible and intangible aspects to the area and surrounding area, these aspects are what makes up our culture not only is there physical aspects relating to our resilience and continuing culture. Rejuvenating and conserving the site is an aspect that is relevant when proposing to develop a site. As Aboriginal people we have to protect conserve and rejuvenate country, and we are obliged to care for country”;¹⁷⁵ that “Plumpton Ridge was significant to Aboriginal people” and requested salvage excavation there.¹⁷⁶ They also stated that “the land is highly significant and spiritual to us Aboriginal people...the waterways and others nearby are significant as they provided drinking water and with them comes an abundance of resources.”¹⁷⁷
- Koori Digs said there were several significant sites in the region with artefacts that “provide insight into the cultural practices and lifestyles of the Aboriginal communities who lived in the region for thousands of years’ and that the ‘preservation and protection of these sites and artifacts are crucial to ensure that they are remembered and respected to create a better future.”¹⁷⁸

KNC’s report included reference to the CMP¹⁷⁹ in its assessment of cultural values, noting the following “significant elements”:¹⁸⁰ the BNI is part of a larger Aboriginal cultural landscape of significance to Dharug people including:

- Plumpton Ridge/ Iron Bark Ridge (a source of silcrete)
- Connection to the Colebee and Nurranginya’s land grant who selected their land grant to access Plumpton Ridge
- Bells Creek, a camping place of Aboriginal families chosen for proximity to the BNI
- A known burial ground on Eastern Creek to the north west of the BNI.
- Connections to Prospect, St Batholomew’s Church and Cemetery and Prospect Primary School.

KNC acknowledged the social value of the BNI as a “living entity and living memorial” which embodied social and spiritual values and the existence of a reciprocal relationship between the Dharug Traditional Custodians and Nura.¹⁸¹

Similar comments were made in the recent Connecting with Country¹⁸² which was undertaken with Dharug members and the DSMG.

The aims of the CwC were:

- To create a place cared for by the Dharug community and shared with other communities to foster friendship and truth telling
- To create a place of deep healing that connects with the land, ancestral spirits and stories of the BNI site
- To create a place for cultural expression including singing, dancing and other cultural practices that creates healing
- To create a place for cultural education and nurturing for children to be proud of their cultural identity

Resonating with the CMP, the BNI is a place for culture and ceremony; for truth telling spaces; inclusive of the role for children in the ongoing custodianship of the land; and acknowledgement of Dharug artists and language. Free movement across water ways and green spaces and the naturalisation of spaces, and planting of endemic species was articulated. The document called for the Creation of a connected community; honouring the spirit of the landscape, healing of Country,

¹⁷³ KNC 2024 Aboriginal Cultural Heritage Assessment undertaken for the PACHCI stage 3: 40. The construction of a warehouse relates to a different project.

¹⁷⁴ KNC 2024 Aboriginal Cultural Heritage Assessment undertaken for the PACHCI stage 3: 40.

¹⁷⁵ KNC 2024 Aboriginal Cultural Heritage Assessment undertaken for the PACHCI stage 3: 39.

¹⁷⁶ KNC 2024 Aboriginal Cultural Heritage Assessment undertaken for the PACHCI stage 3: 40.

¹⁷⁷ KNC 2024 Aboriginal Cultural Heritage Assessment undertaken for the PACHCI stage 3: 40.

¹⁷⁸ KNC 2024 Aboriginal Cultural Heritage Assessment undertaken for the PACHCI stage 3: 39.

¹⁷⁹ GML 2024.

¹⁸⁰ KNC 2024: 40.

¹⁸¹ KNC 2024 Aboriginal Cultural Heritage Assessment undertaken for the PACHCI stage 3: 40.

¹⁸² NGULUWAY DesignInc 2024 Connecting with Country, Richmond Road Widening, 28/11/204 for Stantec

4.4.2 Concerns of the DSMG in response to the Review of Environmental Factors and comments recorded in the Blacktown Native Institute Social Values Extract

Table 4-1 presents comments made by DSMG in response to the Review of Environmental Factors and comments to TfNSW recorded by the latter and provided for this report under the title "Blacktown Native Institute Social Values Extract" and comments recorded in a meeting held on 19 May 2024.

It was clearly stated by DSMG that they considered that "...TfNSW has not acted in good faith to protect the site".¹⁸³

Their comments referred to cultural and social values and the feared impacts of the development upon these. Table 4-1 lists these concerns and includes the source of each comment.

Table 4-1. DSMG selected responses to the Review of Environmental Factors; comments in the Blacktown Native Institute Social Values Extract (both provided by TfNSW); and comment made in Meeting on 19 May 2024.

Document name/source	Page# or Point #	I Cultural Value/s	Impact/ feared impact
DSMG RESPONSE TO THE REVIEW OF ENVIRONMENTAL FACTORS	10 p.3	Blacktown Native Institution at Oakhurst is held by DSMG but there are other areas of Proposed flyover will cause overshadowing to site, affecting the BNI on titles held by solar power access to future Dharug Culture Centre other agencies. The BNI [aspirations for the site] is listed on SHR curtilage	Dharug community plans for the BNI to be a place for Dharug truth-telling and healing. Threatening cultural values diminishes and divides community.
Blacktown Native Institute Social Values Extract	5		Aunty Julie Jones expressed that the BNI site is a place of reflection, healing, hope and connection to thousands of years of Dharug culture beyond its association with colonial practices.
DSMG RESPONSE TO THE REVIEW OF ENVIRONMENTAL FACTORS	7 p.2 10c p.4 10g p.5	Bells Creek - areas of significance to Dharug women around Bells Creek on both sides of Richmond Road	Failure to protect will result in severe and lasting distress to Dharug community. Children were born in the Women's Area around Bells Creek. Women camped around Bells Creek to watch over children in the BNI. Design and location of proposed open channel on north side of Richmond Road and impacts of stormwater flow/flooding to Bells Creek and the BNI are a concern. Noise pollution will disrupt plan for womens' area as peaceful ceremonial area. Not addressed "adequately" in KNC ACHAR. ¹⁸⁴
Blacktown Native Institute Social Values Extract	4		See above

¹⁸³ DSMG Response to the Review of Environmental Factors, 2025 point 7, page 2 and point 10, page 3.

¹⁸⁴ Any advice on cultural values in the KNC's ACHAR is reliant on the information shared by the Registered Aboriginal Parties (RAPs). Several RAPs participated, including DSMG.

Document name/source	Page# or Point #	I Cultural Value/s	Impact/ feared impact
DSMG RESPONSE TO THE REVIEW OF ENVIRONMENTAL FACTORS	7 p.2	Men's camp which operated during the active years of the BNI to watch over children on slope towards Marsden Park	Proposed works will require destroy sections of SHR-listed BNI curtilage. DSMG anticipated the men's camp would not be destroyed and be incorporated into the development of the cultural heritage centre.
	10 p.3	Area north of Bells Creek [lot numbers removed]	DSMG stated that TfNSW "has not acted in good faith to protect the site".
			DSMG stated that the KNC ACHAR was inadequate for understanding cultural values of the BNI. ¹⁸⁵
DSMG RESPONSE TO THE REVIEW OF ENVIRONMENTAL FACTORS	9 pp. 2-3	Area of hangings	Lachlan Macquarie ordered bodies of resisting Aboriginal men to be hanged in trees to strike terror in survivors including along Richmond Road. DSMG considers TfNSW to reinforce power over Dharug cultural landscapes by disregarding Aboriginal cultural perspectives during the Richmond Road Upgrade.
DSMG RESPONSE TO THE REVIEW OF ENVIRONMENTAL FACTORS	10a p.3	Colebee and Nurringy Land Grant (SHR01877)	Cultural values threatened and diminished. The BNI area has historical links to the Colebee and Nurringy Land Grant. "The wider cultural landscape, which encompasses deep Dharug history and colonial history as well as more recent changes, remains readable from the BNI in ways which foster understanding of and belonging to Country" in ways that heal and unify a diverse region.
DSMG RESPONSE TO THE REVIEW OF ENVIRONMENTAL FACTORS	10c p.4	Trees and whole area	Casuarina and eucalypts are valued, and tree removal will be distressing to the community and BNI. Entire area is culturally significant.
DSMG RESPONSE TO THE REVIEW OF ENVIRONMENTAL FACTORS	10d p.4	Ecological restoration program at the BNI	TfNSW project will have major impacts on BNI regeneration and ecological restoration program. Impacts will include disruption to monitoring access sites, dust, changes in water quality and quantity, removing seed bank sources, disrupting birds and animals important for healing Nura
DSMG RESPONSE TO THE REVIEW OF ENVIRONMENTAL FACTORS	10e p.4	Wildlife and landscape connectivity	Two mobs of kangaroos visit almost daily after flood events. Birds, reptiles, amphibians also present. "These animals rely on existing patterns of landscape connectivity particularly the woodland pathway between the BNI and Shanes Park". DSMG concerned that that the proposed "Ancillary facility for construction" proposed at Nth edge outside SHR Curtilage will disrupt the woodland pathway between BNI and Shanes Park, disrupting landscape connectivity for animals.
CMP 2023	p. 119		Image of kangaroos
Connecting with Country report	p. 16		Noni Ross (TfNSW) and Michelle Locke (DSMG) emphasised the importance of retaining endangered vegetation to maintain movement corridors for animals including kangaroos and possums
			DSMG supported underpasses for linking wildlife to the BNI site

¹⁸⁵ See above.

Document name/source	Page# or Point #	I Cultural Value/s	Impact/ feared impact
Blacktown Native Institute Social Values Extract	1 4	Grandmother Tree	Concerns about impact to access to the [Grandmother] tree. The [Grandmother] tree needs to be protected
CMP	p.104		Social value to Dharug people as an important part of BNI commemorations and events
Blacktown Native Institute Social Values Extract	1 4	Possible baby/child burials	R Located in the northeastern corner of the BNI site (exact location unknown)
CMP 2023	p. 140		Believed by community members to be in unmarked graves. There are no formal records of these burials. Mitigation strategies for unexpected burials must be used.
Connecting with Country report	16	Noise pollution	CMP provides recommendations (CMP 2023: 192 and 199).
Connecting with Country report	17	Water	Water has a role in cultural practices in ceremony. Waters should be restored, naturalising 'hard' edges where possible
DSMG RESPONSE TO THE REVIEW OF ENVIRONMENTAL FACTORS	10f	Impacts to community aspirations for the BNI, and constraints to delivery of the site Landscape Masterplan and CMP	Impacts to the BNI's Vision which included restoration of woodland, grassland and wetland across the site, introducing a substantial Dharug Culture centre. It also included buffering the site from road noise using earth wall vegetated with substantial trees.
DSMG meeting on 19 May 2024		Ability to conduct cultural burns would be removed	The community was concerned that cultural burns might not be possible after road widening because the movement of smoke is not under control and smoke might move onto traffic.

Table 4-2 brings together the cultural values referred to sections 3 and 4, in the BNI Social Values Extract and the DSMG comments and the meeting of the 19 May 2024 and places them within the broader themes of the BNI as described in the CMP (and presented in 4.1). This arrangement seeks to bring to the fore and understanding of the nature of the cultural values of the BNI in the terms used, understood, and valued by the DSMG.

Table 4-2. Listing of cultural values within the four themes of the BNI CMP.

BNI Theme of CMP	Element	Location in document
Caring for Community	History of engagement between Aboriginal and non Aboriginal people	4.2
Caring for Community	Process of truth telling	4.2
Caring for Community	Foster truth telling and friendship	4.4.1
Caring for Community	Create a place for healing and connection to ancestral spirits	4.4.1
Caring for Community	Plans for place of truth telling and healing	DSMG comments
Caring for Community	Create a caring place for community	4.4.1

BNI Theme of CMP	Element	Location in document
Caring for Country	Connect green spaces and waterway	4.4.1
Caring for Country	Naturalise spaces	4.4.1
Caring for Country	Casuarina and eucalypts are valued	DSMG comments
Caring for Country	Bungarribee (area now known as Blacktown)	3.1.2.1
Caring for Country	Silcrete quarry	3.1.2.1
Caring for Country	Colebee and Nurragingy land grant	3.1.2.1
Caring for Country	BNI (the Site)	4.1.3
Caring for Country	Bells Creek (especially location of future bridge)	4.4.1
Caring for Country	Plumpton Ridge highly significant	4.4.1
Caring for Country	Colebee and Nurragingy Land Grant is part of the cultural landscape	DSMG comments
Caring for Country	Nura - land, water, animals	3.1.2
Caring for Country	BNI as living entity and creating the BNI songline and ceremony. Spiritual connection; Representing identity, trauma and traditions and a living memorial	4.3
Caring for Country	Dharug cultural landscape as regional, not site specific (beyond the BNI site)	4.4.1
Caring for Country	Importance of land, but also animals and birds	4.4.1
Caring for Country	Waterways highly significant - provide food and resources	4.4.1
Caring for Country	Preserve sites which tell about cultural practices in the past for generation to come	4.4.1
Caring for Country	Plans for regeneration and ecological restoration program	DSMG comments
Caring for Culture	Building a resilient ecology of life / rejuvenating culture	4.2
Caring for Culture	Burials	3.1.2.1
Caring for Culture	Area of hangings	DSMG comments
Caring for Culture	The Grandmother tree	3.1.2.1, BNI Social Vales Extract
Caring for Culture	Areas significant to women not addressed in KNC ACHAR	DSMG comments
Caring for Culture	Men's camp on slope towards Marsden Park, used to watch children	DSMG comments
Caring for Culture	Performing culture to make connections	4.2

BNI Theme of CMP	Element	Location in document
Caring for Culture	Share and value Dharug culture	4.2
Caring for Culture	Celebration and commemoration of historical injustice of the BNI	4.2
Caring for Culture	Celebrate the lives of the children taken	4.2
Caring for Culture	Connect to deep history	4.2
Caring for Culture	Connect to ancestors	4.2
Caring for Culture	Place of belonging	4.2
Caring for Culture	BNI is a Dreaming Place	4.3
Caring for Culture	Create a connected community	4.4.1
Caring for Culture	Protect and rejuvenate intangible aspects which make up culture; conserve and protect Country	4.4.1
Caring for Culture	Journey healing and learning	4.2
Caring for Culture	Place of reflection, healing and hope, connection to 1000s of years of history and beyond colonial contact	BNI Social Values Extract
Caring for Culture	Arts and cultural practices which promote healing	4.4
Caring for Culture	BNI creates safe spaces for cultural performance and counter narratives	4.4
Caring for Culture	Create a place for cultural performance and learning	4.4.1
Caring for Culture	Areas significant to women around Bells Creek and both sides of Richmond Road. Women watched children in the BNI from these places	DSMG comments
Leadership & Governance	Responsibility to care for Country	4.4.1
Leadership & Governance	Include children in custodianship of land	4.4.1
Leadership & Governance	Activate Dharug cultural production through rejuvenation enabled by self-determination (return of land)	4.2
Leadership & Governance	Plans for regeneration and ecological restoration program	DSMG comments

4.5 Summary of the cultural values

The cultural values of the project area as expressed by the DSMG above can be summarised in three themes as follows:

- Spirit of the place
- Ecological restoration
- Places.

4.5.1 Spirit of the place

- DSMG's plan for BNI is for a Dharug truth-telling and healing place
- The BNI is a place for reflection, healing and connection to Dharug culture beyond its association with practices in the colonial period
- The project threatens and diminishes cultural values and the community
- The flyover may jeopardize plans to utilize solar energy at the Dharug Culture Center if it affects future access to solar power
- Noise pollution will affect spiritual connection to Nura and be detrimental to the experience of the place, particularly the women's area at Bells Creek.
- Road widening might affect ability to carry out cultural burns because the movement of smoke is not controllable.
- Water has uses in cultural practices, and water ways should be naturalised to remove hard edges

4.5.2 Ecological restoration

- Trees should not be removed- Casuarina and eucalypts especially should be maintained. But not just trees, the whole area would be impacted through all the construction impacts
- TfNSW impacts disrupt efforts to regenerate and monitor ecological restoration projects within the BNI. Water/dust/disruption of wildlife, removal of seed bank resources
- Endangered vegetation should be maintained, as well as animal corridors.
- Water ways should be restored; quality and quantity of water is important and should not be impacted .
- Connectivity: should be movement corridors for animals (ie woodland pathway between BNI and Shanes Park (Yiraal迪ya National Park) – noting the kangaroo, bird, reptile and amphibian families should be maintained.

4.5.3 Places

- Women's area - Bells Creek on both sides of the Richmond Road. This is a women's area - women camped here and watched children. Noise pollution will disrupt this area. Deep concern about damage to the area through proposed alterations to Bells Creek and its surrounds. Failure to protect will result in lasting distress
- Men's camp - Marsden Park (area north of Bells Creek). The area was a men's camp during the BNI period. From this vantage point the children residing in the BNI could be watched. The DSMG to incorporate this area into the cultural heritage centre. DSMG said that this value had not been adequately addressed in the PACHCI.
- Richmond Road – Aboriginal people were hanged in places along the Richmond Road (the exact location of these is not known)– These acts of violence were the result of colonial conflict –DSMG said that by disregarding the cultural values of the area TfNSW are reproducing violent acts of colonial power.
- Colebee and Nurragingy Land Grant (SHR01877). The project may threaten values of the broader cultural landscape in which the BNI sits, and the historical connection between the two.
- Grandmother tree – need to maintain access to it and protect it. It is an important part of BNI commemoration and events (see Figure 3-2 for the location of the Grandmother tree).
- Baby burial area – Northeastern corner of BNI site (see also burials at 3.1.2.1 and 3.2.2.6). Further consultation required to ensure appropriate mitigation measures are in place.

5. Existing Environment

5.1 Site inspection

A site inspection was conducted on 18 August 2023 by Monika Sakal (Heritage Consultant) and Katrina Stankowski (Principal) of Artefact Heritage. The aim of the site inspection was to inspect the area of proposed impacts, inform a preliminary assessment of archaeological potential, and to identify heritage items and heritage significant fabric within and adjacent to the study area that may be affected by the project. The inspection was undertaken on foot and a photographic record was made. The site inspection was limited to Transport for NSW owned land east of Richmond Road and the footpath along the BNI site between the M7, Rooty Hill Road and Richmond Road intersection and no further than the Transport for NSW land on the western side of Richmond Road.

A second site visit was undertaken on 08 February 2024 by Monika Sakal (Heritage Consultant) and Stephanie Moore (Senior Associate) of Artefact Heritage. The inspection was undertaken on foot and a photographic record was made. The site inspection covered the remainder of the study area that was not captured in the earlier inspection.

The site inspection results are reported by Inspection Units (IUs), as shown in Figure 5-18. The reporting has been presented in this fashion to provide spatial control to the results and simplify the discussion of the existing environment.

5.2 Inspection Unit 1

Inspection Unit 1 (IU1) is situated at the north of the study area, extending from 300 metres north of the Townson Road/Hollinsworth Road intersection to 100 metres south of this intersection. IU1 also includes Lot 2 DP1198299 and a portion of Lot 1 DP270819. This inspection unit is dominated by the road corridor, which consists of dual carriageways along Richmond Road and Hollinsworth Road, and a multilane single carriageway along Townson Road. The typical environment within IU1 is shown in Figure 5-1. Lot 2 DP1198299 and a portion of Lot 1 DP270819 are landscaped with screening plantings relating to the large industrial precinct situated to the west of Richmond Road.

No evidence of built heritage or potential archaeological remains were identified during inspection of IU1.



Figure 5-1 View north along Richmond Road from Townson Road intersection

5.3 Inspection Unit 2

IU2 extends from the southern boundary of IU1 to southern edge of the 'Home Consortium' industrial precinct on the western side of Richmond Road. This boundary IU2 includes the Richmond Road Corridor, and a portion of Lots 564 and 565 DP1200170. Access to IU2 was using the public pedestrian paths on either side of Richmond Road. No physical access to of Lots 564 and 565 DP1200170 was undertaken, and these lots were surveyed visually from the footpath. The typical environment within IU2 consisted of the dual carriageway of Richmond Road and surrounding infrastructure, including footpaths and utilities services (Figure 5-2). The ground surfaces have been heavily disturbed through this area during construction of the roadway and utilities.

No evidence of built heritage or potential archaeological remains were identified during inspection of IU2.



Figure 5-2: View south along Richmond Road within IU2

5.4 Inspection Unit 3

IU3 extends from the southern boundary of IU2 to 200 metres south of the intersection of Richmond Road and Aldington Drive/Langford Drive. IU3 encompasses the Richmond Road Corridor between these points and also includes Lot 142 DP1190289, part of Lots 1072 and 1073 DP1190772, and approximately 100 metres of Langford Drive and Aldington Drive. The typical environment with IU3 is characterised by the dual carriageway of Richmond Road and surrounding infrastructure, including footpaths and utilities (Figure 5-3). Lot 142 DP1190289 and Lots 1072 and 1073 DP1190772 were inspected visually only.

No evidence of built heritage or potential archaeological remains were identified during inspection of IU3.



Figure 5-3: View north along Richmond Road, showing landscaped areas

5.5 Inspection Unit 4

IU4 extends from the southern boundary of IU3 to 100 metres north of the intersection of Richmond Road and Rooty Hill Road. IU4 covers the Richmond Road corridor to the eastern edge, and includes part of Lot 481 DP634363, part of Lot 1 DP792478, and Lot 1 DP1043661. IU4 includes transport owned lands within the Castlereagh Freeway Corridor and within the curtilage of the Blacktown Native Institution. The Richmond Road corridor and Lot 1 DP792478 was inspected on foot. Lot 481 DP634363 and Lot 1 DP1043661 were inspected visually from the footpath along the western edge of Richmond Road, due to the dense grasses and marshy conditions.

The inspection noted cleared paddocks with overgrown vegetation fronting residential development further west. The lots inspected contain no structures and no indication of previous development. Bells Creek flows through Lot 1 DP1043661. It was noted that the creek is well vegetated with rushes and other water plants. There is a slight incline to the north along the length of the lots inspected, getting steeper towards Lot 1 DP792478. Typical images from the inspection are provided as Figure 5-4 to Figure 5-7.

No evidence of potential built heritage items, former structures, or areas of archaeological potential were identified within IU4.



Figure 5-4: Bells Creek flowing into Lot 1 DP 1043661, view west



Figure 5-5: Lot 1 DP 1043661, cleared greenfield area, with tall overgrown grass, dense tree canopy at the northern edge, view northwest



Figure 5-6: Lot 1 DP792478 cleared greenfield area, with tall overgrown grass, dense tree canopy at the northern edge, view west



Figure 5-7: Lot 1 DP792478 showing dumped household rubbish, view north

5.6 Inspection Unit 5

IU5 encompasses lands on the eastern side of Richmond Road, opposite IU4 and extending to the same termination point 100 metres north of the intersection of Richmond Road and Rooty Hill Road. IU5 covers part of Lot 101, 102 and 111 DP1109052, Lots 49 and 50 DP1104950, Lot 1 DP1081371. IU5 commences immediately south of the Colebee and Nurragingy Grant.

IU5 was typically characterised by overgrown grassed paddocks with sparse tree coverage. There is a residence, and associated sheds situated within Lot 49 DP1104950. Ground disturbance in this area was generally from construction and agricultural activities, including ploughing and water management. IU5 also includes a portion of the 'Colebee Yard', a Transport operated materials laydown site at the corner of Richmond Road and Rooty Hill Road. The Colebee Yard is accessed from the eastern side of Richmond Road via a gravel driveway. The Colebee Yard contains construction materials and temporary storage sheds. Inspection in this area also included views to the Blacktown Native Institution site from the surrounding landscape, to understand potential visual impact of the proposed works.

No items of built heritage significance or historical archaeological potential were identified within IU6.



Figure 5-8: North view of gravel road and industrial materials at Colebee Yard



Figure 5-9: View southwest towards Blacktown Native Institution with Richmond Road behind the private property Lot 49 DP1104950



Figure 5-10: East view of the clearing with dense tree canopy to the rear on the Colebee and Nurragingy Land Grant site



Figure 5-11: View to existing M7 flyover from Blacktown Native Institution site, view southwest



Figure 5-12: View south along Richmond Road towards proposed flyover



Figure 5-13: View south from Colebee Yard to M7 Motorway and location of proposed flyover

5.7 Inspection Unit 6

IU6 includes the intersection of Richmond and Rooty Hill Roads, extending southwest approximately 300 metres along Rooty Hill Road, and encompassing a triangle of land between Rooty Hill Road, Richmond Road, and the M7 Motorway. IU6 includes the Richmond and Rooty Hill Road corridors, Lot 50, 51, and 52 DP1123597, part of Lot 53 DP1123597, part of Lot 1DP1043661 and part of Lots 111, 112, 120, 121 and 124 DP 1109052.

Only a portion of IU6 was subject to physical inspection, due to the difficulty in accessing the large, grassed lot on foot between Rooty Hill Road and the M7 Motorway. Pedestrian survey was undertaken along Rooty Hill Road and Richmond Road, around the edge of the BNI site (Figure 5-14). Assessment of this area was based largely on historical research and a review of historical aerial imagery.

No areas of potential built heritage or historical archaeological potential were identified within IU6.



Figure 5-14: View north across the Blacktown Native Institution site from Rooty Hill Road



Figure 5-15: View southwest across Blacktown Native Institution site at location of proposed flyover, looking towards M7 and Rooty Hill Road

5.8 Inspection Unit 7

IU7 extends from the southern side of the Richmond Road / Rooty Hill Road intersection to Yarramundi Drive. IU7 includes the Richmond Road Corridor and parts of Lots 107, 121 and 124 DP1109052, and Lots 125 and 126 DP1109052.

IU7 was not subject to physical inspection, as the inspection unit is characterised entirely by road corridor, away from identified heritage items. Assessment of this area was based on historical research and a review of historical aerial imagery. No areas of potential built heritage or historical archaeological potential were identified within IU7.

5.9 Inspection Unit 8

IU8 consists of a proposed construction laydown area situated within Lot 41 DP1187574. This area was not inspected due to access restrictions. Aerial imagery demonstrates that IU8 consists of an existing construction hardstand, likely concrete, which is overgrown with grass in some places.

No areas of built heritage or historical archaeological potential have been identified within IU8 based on the review of aerial imagery and historical research.

5.10 Inspection Unit 9

Inspection Unit 9 (IU9) is a laydown area on South Street, located to the north of the main road widening works on Richmond Road. IU9 consists of the single Lot 4/-DP1205982 which is a level residential block that no longer has the house, but only a few ancillary sheds and garages remain. A recent road widening and construction of a cul de sac on the adjacent block have altered the frontage of the property to South Street. The typical environment within IU9 is shown in Figure 5-16.

No evidence of built heritage or potential archaeological remains were identified during inspection of IU9.



Figure 5-16: View south-east towards South Street showing grassed area with few trees.



Figure 5-17: View north east across study area to shed on adjacent property.



Figure 5-18: Location of Inspection Units

6. Archaeological Assessment

6.1 Introduction

This section discusses the study area's potential to contain historical archaeological resources. The potential for the survival of archaeological remains is significantly affected by activities which may have caused ground disturbance. This assessment is therefore based on consideration of current ground conditions, and analysis of the historical development of the study area.

6.2 Previous archaeological assessments

A number of archaeological assessments have been prepared for the Colebee and Nurragingy Grant and the Blacktown Native Institution. A brief summary of these is presented below for comparative analysis.

Reference	Summary
Bickford 1981 The archaeological investigation of the Native Institute, Blacktown NSW.	Bickford undertook archaeological investigation of the site during the preparation of the Draft Blacktown LEP. The investigation included pre and post contact Aboriginal sites. The post contact sites were distinguished by scatters of stone artefacts and ceramic fragments, identified on the fringes of the school site. Scarred trees were also identified within the site. Bickford also identified the location of the school and dwelling house, constructed over parts of a previous homestead. The school house and outbuildings were identified as remnant surface remains, with potential for further subsurface material in association.
Banksia Heritage + Archaeology 2005 The Blacktown Native Institution, Plumpton. Archaeological Monitoring Report	Banksia undertook archaeological monitoring for a drainage expansion project within the Blacktown Native Institution lands, along the southern portion of the property. Archaeological monitoring indicated that the ground surface had been heavily disturbed, through cut and fill levelling activities. Levelling introduced foreign materials to the site, including road gravels. Historical artefacts were identified within disturbed layers, consisting of glass and ceramics, and modern plastics. No Aboriginal objects were identified.
Aecom 2022 Westlink M7 Widening, Non-Aboriginal Heritage Impact Assessment.	The Westlink M7 widening project extends south from the intersection of the M7 and Richmond Road, to the intersection with Camden Valley Way. The assessment examined the proposed widening works and a 250m radius surrounding the impact area. The 250m radius overlaps with the Blacktown Native Institution lands, although the proposed works were not occurring within the heritage curtilage of the Blacktown Native Institution. In relation to the Blacktown Native Institution, the assessment identified no surface archaeological remains within the M7 study area. The report also identified that the site has been subject to disturbance chiefly relating to the former agricultural use of the site. The report concluded that the Blacktown Native Institution land retained potential to contain archaeological evidence of the schoolhouse, later residence 'Lloydhurst' and the dairy farm which operated on the property.

Reference	Summary
GML 2023 Dharug Nura: The Blacktown Native Institution Conservation Management Plan	<p>GML was commissioned by the DSMG in 2023 to update the CMP for the Blacktown Native Institution site. The CMP presents a comprehensive assessment of past and living cultural values on the site, including an examination of archaeological potential.</p> <p>The CMP identifies that there are 4 listed Aboriginal archaeological sites within the SHR boundary. One of these, identified as 'Aboriginal Ceremony and Dreaming', represents the Blacktown Native Institution itself.</p> <p>The CMP identified 5 phases of historical archaeological development:</p> <ul style="list-style-type: none"> Phase 1: the deep time First Nations use of this landscape Phase 2: early settlement 1819-1877 Phase 3: Llyodhurst 1877-1924 Phase 4: dairy farm 1924-1985 Phase 5: Mittigar Reserve 1985-present <p>The CMP provides a comprehensive assessment of historical archaeological potential, separated by phase and type of anticipated remains. This report uses the CMP assessment to generate an archaeological zoning plan for the site, which is discussed further in Section 5.4 of this report.</p> <p>No areas of archaeological potential identified in the CMP overlap with the study area.</p>
ERM 2004 Colebee and Nurragingy's land grant, Research Design.	<p>ERM prepared an archaeological research design for investigation of the Colebee and Nurragingy land grant, as part of the assessment for the Colebee Release Area. The research design indicated that the grant had low archaeological potential for evidence of occupation related to the original land grant, although any identified evidence would be of high significance. A program of testing and monitoring was recommended.</p> <p>Testing was to be undertaken as a series of thin transects, excavated with a mechanical excavator. If no evidence of Colebee/Nurragingy period occupation was identified, no further works would be required.</p>
ERM 2005 Test Excavation for Colebee and Nurragingy's Farm, Colebee.	<p>ERM undertook testing in accordance with the 2004 research design, aiming to identify potential remains of Colebee and Nurragingy's land grant, and identify potential for child burials within the grant area.</p> <p>The excavation identified modern building materials (brick, tile, glass) within topsoil layers, indicating a broad filling event across the site.</p> <p>Stone and historical artefacts were encountered in all transects, with the majority of artefacts identified within the fill layer. No historical artefacts showed evidence of modification or flaking.</p> <p>No evidence of the remains of Colebee and Nurragingy's farm or any burials was identified.</p>
GML 2012 Colebee and Nurragingy Land Grant Archaeological Management Plan.	<p>GML prepared an AMP for the Colebee/Nurragingy land grant site, located immediately north of the proposal area. The AMP presented an assessment of archaeological potential and significance for the site and provided a series of management recommendations.</p> <p>The site was generally assessed as having nil-low potential, due to previous land disturbances. Any archaeological remains relating to the early land grant would be of high significance.</p>

6.3 Land use summary

The study area has remained largely undeveloped, outside the road corridor, since early European settlement. The 1955 historical aerial imagery shows several lightweight structures within the study area, immediately south of the Colebee and Nurragingy Grant (Figure 3-12). The structures appear to be residences and sheds, connected to Richmond Road by long driveways. There are no structures falling within the study area on the western side of Richmond Road at this time, which was characterised as a two lane carriageway with minimal traffic infrastructure. The northern end of the study area is dominated by partially cleared land and sparse tree coverage.

The proposed ancillary site at 717 Richmond Road would occupy a lot which in 1835 was part of a 500 acre land grant belonging to Rev. Robert Cartwright. The grant was made by the Crown to Cartwright on 31 August 1819; an eastern segment of this grant was subsequently subdivided and today is known as Dean Park.¹⁸⁶ The 1842 Windsor District Plan shows this part of the grant was still wooded and undeveloped by the mid-19th century. Subsequent Parish Maps of Gidley shows the grant being subdivided, however the area immediately surrounding the proposed ancillary site remained whole in 1884, and again in 1947. There is no direct historic evidence of the activities that took place in the 19th century on the undivided parcel of the Cartwright grant where the proposed ancillary site would be located. However, the Blacktown and District Historical Society's *Quarterly Journal* states that the smaller parcels drawn from the original Cartwright grant became farms which "were used to raise livestock, such as horses, cattle, pigs and poultry. Some farms also grew vegetables and fodder for the animals."¹⁸⁷ It is possible such farming activities also took place on the remaining lands of the Cartwright grant over the course of the 19th century. The absence of developments substantial enough to be recorded on the Parish Maps (including the map dated 1947) indicates it retained a rural landscape suitable for farming or raising livestock.

The study area doesn't change through the 1960s, with no further development evident in the historical aerial imagery. No new structures are noted, and Richmond Road remains a small roadway. Bells Creek appears dry in this imagery, with erosion noted on either side of the Creek west of Richmond Road. Richmond Road remains a two-lane carriageway with minimal supporting infrastructure. During the 1970s, further land clearance around the study area occurred, including to the north where residential developments are being established.

Aerial photographs from 1947 (Figure 3-11), 1955 (Figure 3-12), and 1961 (Figure 3-13) show the continued absence of substantial development in the location of the proposed ancillary site at 717 Richmond Road. By 1978, however, it appears substantial land clearing has taken place. The first buildings on the property had been constructed by this time, including the extant farmhouse and two other structures, possibly sheds. These structures have since been demolished, and the extant shed north of the house had been built.

Aerial imagery from 1986 indicates a considerable increase in development within and surrounding the study area. The portion of the study area which overlaps the Blacktown Native Institution site is by this time cleared of trees and densely grassed. Bells Creek appears to be in good condition, with minimal erosion or washout. The eastern side of Richmond Road is heavily cleared, although no new structures within the study area are noted. At the northern end of the study area, large dams have been excavated on the west side of Richmond Road and small commercial/industrial development has occurred on the eastern side. These developments were consolidated throughout the 1990s. Residential subdivision of surrounding suburbs intensified during this time, although minimal development occurred within the study area itself. Richmond Road remained a two-lane road.

Portions of Richmond Road had been converted to dual carriageway by 2005, to accommodate traffic flow off the newly constructed M7 Motorway (Figure 3-15). The northern end of the study area was still a moderately sized roadway with minimal traffic infrastructure. Major developments along Richmond Road have occurred since 2010, with the development of the homemaker centre and shopping precinct and considerable widening of Richmond Road. Supporting traffic infrastructure, including lights and signage, has been installed to support the road upgrade.

Ground disturbance from the latest period of urban growth is likely to have removed all evidence of past land use from the northern portion of the study area. The southern portion remains largely undeveloped, with minimal ground disturbance.

Four phases of historical land use have been established for the study area, as outlined below.

¹⁸⁶ Vondra, K., 1988, in Blacktown and District Historical Society, *Quarterly Journal*, Winter 1988, p. 14

¹⁸⁷ Vondra, K., 1988, in Blacktown and District Historical Society, *Quarterly Journal*, Winter 1988, p. 14

Table 6-1: Land use phasing of the study area

Phase	Discussion
<p>Phase 1: Informal land use and establishment of Richmond Road (1788-1816)</p>	<p>The land may have been informally used prior to the issuance of official land grants.</p> <p>Richmond Road was initially established as a dirt track to Richmond, Windsor and the other settlements in the Hawkesbury. No formal survey or land clearance for the road occurred at this time.</p> <p>Minor land clearance may have occurred either side of this informal roadway to allow for movement of carriages and livestock.</p> <p>Minimal land clearance is likely to have occurred surrounding Richmond Road.</p>
<p>Phase 2: Formal land grants and 19th Century residences (1816-1899)</p>	<p>The settlement of Blacktown was established.</p> <p>Richmond Road was formalised in 1816 by William Cox and later sealed in the 1820s with a Macadam surface.</p> <p>Formal land grants were dedicated, including the Colebee and Nurragingy Grant, the Cartwright Grant, and the Williams Grant.</p> <p>Sylvanus Williams constructed a timber hut for Nurragingy, either on this own grant or on land granted to Williams.</p> <p>The Blacktown Native Institution was established in 1823 and a double storey residence was constructed on the land.</p> <p>The Blacktown Native Institution land was purchased by William Bell in the 1830s and renamed 'Epping Lodge'. It was later inherited by his daughter, who made improvements to the property.</p> <p>The Blacktown Native Institution land was purchased by Sydney Burdekin in the 1870s and renamed 'Lloydhurst'. The Blacktown Native Institution had ceased operations by this time.</p>
<p>Phase 3: Market gardening and semi-rural use (1899-1980)</p>	<p>The site of the ancillary facility was originally part of John Liddiard Nicholas's 1815 700-acre land grant. The grant was later acquired by the Reverend Samuel Marsden who gifted the land to Josiah A. Betts. During this period it was primarily used for agricultural purposes.</p> <p>Aerial photographs from 1947 (Figure 3-11), 1955 (Figure 3-12), and 1961 (Figure 3-13) show the continued absence of substantial development in the location of the proposed ancillary site at 717 Richmond Road. By 1978 however, it appears substantial land clearing has taken place. The first buildings on the property had been constructed by this time, including the extant farmhouse and two other structures, possibly sheds. These structures have since been demolished, and the extant shed north of the house had been built.</p>
	<p>'Lloydhurst' was traded after the death of Sydney Burdekin in 1899 and continued to operate in an agricultural capacity.</p> <p>The Blacktown Native Institution buildings burned down in the early 1900s and were replaced with a fibro house.</p> <p>Portions of the Colebee and Nurragingy Grant (now owned by Nurragingy's descendants, The Lock family)</p>

Phase	Discussion
	were resumed by the Aboriginal Protection Board. The land was used as an Aboriginal Mission.
	Additional agricultural use of the land surrounding Richmond Road increased, supported by the construction of sheds and other infrastructure.
	Upgrades undertaken to Richmond Road, including modern sealing
	Residential development within the surrounding lands, including on the eastern part of the former Colebee and Nurragingy Grant.
	The ancillary facility continued to be used for agricultural purposes.
	The proposed ancillary facility at 717 Richmond Road remains undeveloped throughout most of the 20 th century. Substantial land clearing and construction of the first built structures appear on 1975 aerial imagery.
Phase 4: Suburbanisation (1980-present)	Richmond Road was converted to a two-lane dual carriageway in 2005 and widened to four lanes in 2011. These changes were due to the construction of the M7 Motorway and expected development of Marsden Park.
	Further land clearance and disturbance occurred within the Blacktown Native Institution and the remainder of the Colebee and Nurragingy Grant. Areas remain undeveloped.
	Modern light infrastructure and bulk commercial retailing centres have been established along Richmond Road at Marsden Park, leading to further road, traffic and infrastructure upgrades.
	A residential dwelling and garage was constructed in the 1980s on the site of the ancillary facility, which was then demolished in 2025 with the sheds and garages remaining.
	The proposed ancillary facility at 717 Richmond Road remains undeveloped throughout most of the 20 th century. Substantial land clearing and construction of the first built structures appear on 1975 aerial imagery.

6.4 Archaeological potential

The archaeological potential of the study area is presented in terms of the likelihood of the presence of archaeological remains, considering the land use history and previous impacts at the site. This evaluation is presented using the grades of archaeological potential outlined in Table 6-2.

Table 6-2: Grading of archaeological potential

Grading	Rationale
Nil	No evidence of historical development or use, or where previous impacts would have removed all archaeological potential
Low	Research indicates little historical development, or where there have been substantial previous impacts, disturbance and truncation in locations where some archaeological remains such as deep subsurface features may survive
Moderate	Analysis demonstrates known historical development and some previous impacts, but it is likely that archaeological remains survive with some localised truncation and disturbance

Grading	Rationale
High	Evidence of multiple phases of historical development and structures with minimal or localised twentieth century development impacts, and it is likely the archaeological resource would be largely intact

6.4.1 Blacktown Native Institution Conservation Management Plan – Archaeological Zoning

The Blacktown Native Institution CMP prepared by GML in 2023 provides a comprehensive assessment of archaeological potential within the SHR curtilage. The archaeological assessment presented in the CMP examines both pre-contact Aboriginal and historical archaeological values. The assessment of historical archaeological values identifies five phases of archaeological development, as outlined below:

- Phase 1: the deep time First Nations use of this landscape
- Phase 1 archaeological remains within the study area are assessed in separate reporting prepared for Transport for NSW as part of the NPW Act Aboriginal archaeological assessment. It is noted that some areas of the BNI have no identified Aboriginal archaeological potential.
- Phase 2: early settlement 1819-1877
 - Phase 2 has varied archaeological potential within the BNI. The assessment indicates that there is low potential to identify Contact period archaeology, remains of small sheds or outbuildings, or evidence of land clearance and landscaping. There is moderate potential to encounter remains of waste disposal, such as rubbish pits, and farming activities. The BNI site retains high potential to identify archaeological remains of the schoolhouse and associated deposits, the ancillary buildings including kitchen and service supply infrastructure.
- Phase 3: Llyodhurst 1877-1924
 - Phase 3 within the BNI has high potential for identification of evidence related to the modification of the schoolhouse following sale, and evidence of landscape modifications.
- Phase 4: dairy farm 1924-1985
 - Phase 4 within the Blacktown Native Institution has moderate potential for remains of dairying activities and high potential for evidence of operation of the dairy farm.
- Phase 5: Mittigar Reserve 1985-present (GML Heritage 2023)
 - Phase 5 has high potential for evidence of landscape modifications.

The summary of potential structures associated with these phases is provided in Figure 6-1.



Figure 6-1: Historical archaeological development phases and historical archaeological remains (Source: GML 2023, p. 146 with Artefact overlay)

The CMP also included the preparation of an Archaeological Zoning Plan (AZP) for the site (Figure 6-2). The AZP shows areas of Aboriginal and European archaeological potential and identifies the location of recorded Aboriginal archaeological sites. The AZP identifies that the proposed road widening works associated with the project fall outside the area of historical archaeological potential.

The CMP provided a level of Aboriginal archaeological assessment relevant to the Blacktown Native Institution holistically. For this project, detailed Aboriginal archaeological assessment was undertaken by Kelleher Nightingale Consultants (KNC), under the *Procedure for Aboriginal Cultural Heritage Consultation and Investigation* (PACHCI) Stage 3. The KNC PACHCI report supersedes the Aboriginal archaeological assessment presented by GML in the CMP. The results of the CMP assessment are presented below for completeness of reporting.

The AZP shows that within the northern portion of the site, the study area overlaps with an area of Aboriginal archaeological potential. The CMP provides an overview of Aboriginal archaeological potential within the BNI site, including a review of previous archaeological investigations¹⁸⁸. The CMP provides a summary of Aboriginal archaeological excavations undertaken within the Blacktown Native Institution in 2005 by Austral Archaeology (as reported in Banksia 2005).¹⁸⁹ It is noted that no Aboriginal stone artefacts were identified during the excavations, but that substantial quantities of stone raw materials (including silcrete, quartz and petrified wood) were identified. The CMP further notes that the BNI has been substantially modified and therefore has a lower potential to contain potential 'deep time' Aboriginal archaeological deposits. It is noted that Bickford (1981) identified evidence of potential post-contact Aboriginal encampments along the northern side of Bells Creek. The site was identified by the presence of stone artefacts, earthenware pottery and fragments of convict brick on the north-west side of the creek. Bickford suggests this is consistent with BNI contemporary records referencing Aboriginal people living near the schoolhouse.¹⁹⁰ GML notes that the location holds no soil condition and has been subsequently impacted by infrastructure works, significantly reducing the potential for additional remains associated with this site to remain.

GML also notes the potential for unmarked Aboriginal burials within and surrounding the Blacktown Native Institution site. The potential for burials is communicated by Darug people who state their belief that the burials of Aboriginal children occurred during the operation of the Blacktown Native Institution. Although no burials have yet been identified on the Blacktown Native Institution site, this issue must be treated with sensitivity. As there are no formal records to indicate the location of potential burials, the location of potential human remains is unknown.¹⁹¹ It has been suggested that unmarked graves may be identified along Bells Creek, on landforms north of Bells Creek, within the Colebee Nurragingy Land Grant and near the former Blacktown Native Institution buildings.¹⁹² GML identifies that, if present, unmarked graves could be identified as burial cuts (defined rectangular cuts into soil, particularly into basal clay), remains of coffins, grave goods, and human skeletal remains. GML has recommended that for any ground disturbing works within the DSMG portion of the Blacktown Native Institution site, Ground Penetrating Radar (GPR) survey could be undertaken to better understand the potential for unmarked burials.¹⁹³ This recommendation has not been extended to the Transport for NSW owned lands within the Blacktown Native Institution curtilage, for which the CMP recommends the application of the Transport for NSW's *Unexpected Heritage Items Procedure*.¹⁹⁴

KNC prepared a PACHCI Stage 3 report for the Richmond Road M7 project.¹⁹⁵ The PACHCI Stage 3 report identifies one listed Aboriginal site within the area of overlap between the BNI site and the study area, known as 'Richmond Road Bells Creek AFT 1 (AHIMS 45-5-5471). The site was identified during survey undertaken for the Richmond Road Upgrade project, and consisted of a silcrete flaked piece identified in an area of ground exposure. KNC identified that the object was not indicative of objects associated with use of the property during the tenure of the Blacktown Native Institution BNI. As such, it was assessed that the site had moderate archaeological potential to demonstrate use of the site prior to the founding of the BNI.

The summary of archaeological potential from the AZP in relation to the study area is presented visually in Figure 6-2.

The summary of Aboriginal archaeological sites and areas of potential identified by KNC is presented in Figure 6-3.

¹⁸⁸ GML 2023. Dharug Nura, p. 134

¹⁸⁹ Bickford 1981, p. 15

¹⁹⁰ GML 2023. Dharug Nura, p. 140

¹⁹¹ GML 2023. Dharug Nura, p. 140

¹⁹² GML 2023. Dharug Nura, p. 140

¹⁹³ GML 2023. Dharug Nura, p. 140

¹⁹⁴ Kelleher Nightingale Consultants 2024. Richmond Road Upgrade M7 to Townson Road, Marsden Park. Aboriginal Cultural Heritage Assessment, PACHCI Stage 3. Report to Transport for NSW

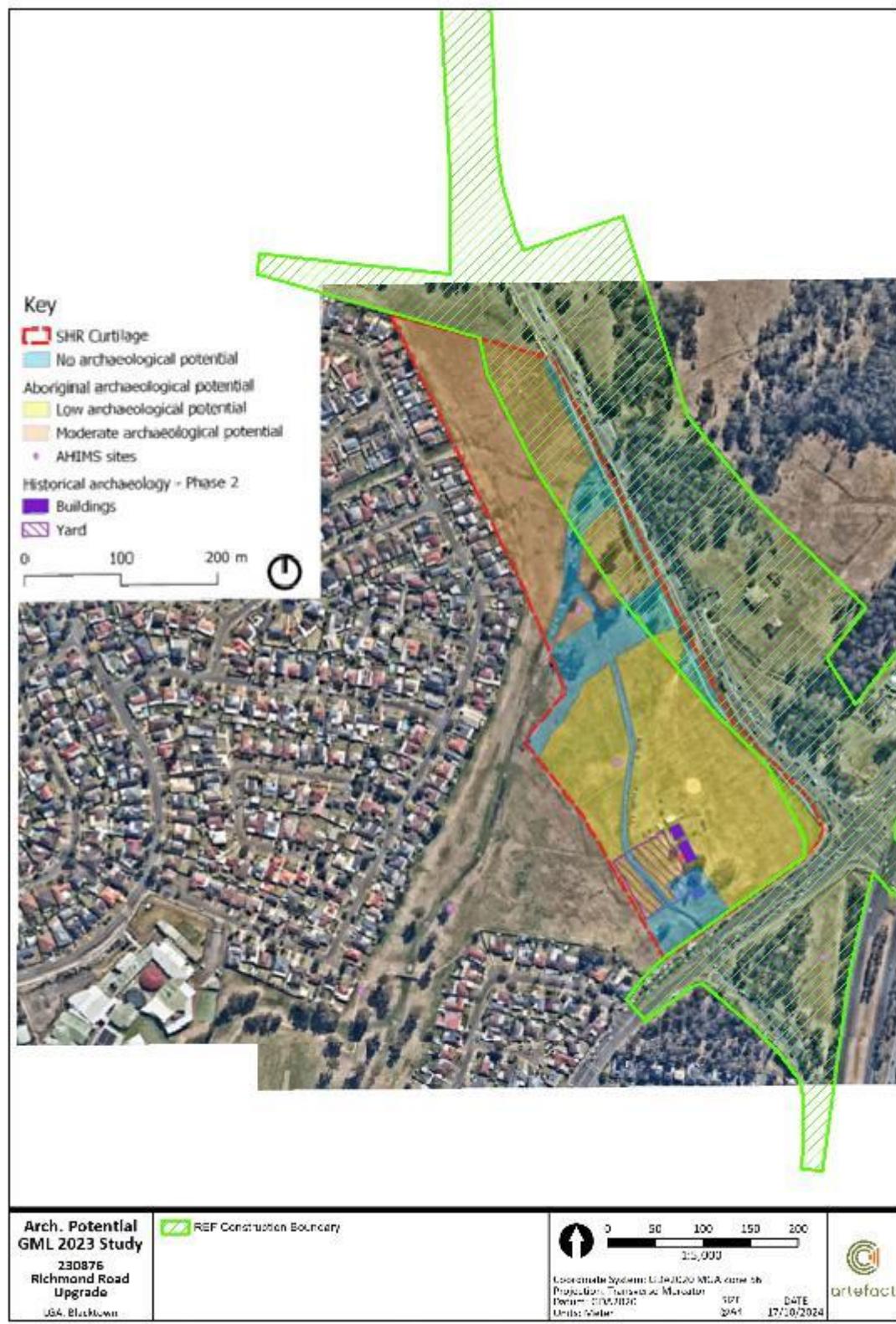


Figure 6-2: Blacktown Native Institution AZP showing registered Aboriginal sites (under NPW Act) and the areas with potential for Aboriginal objects and historical relics (Source: GML 2023 p. 150)

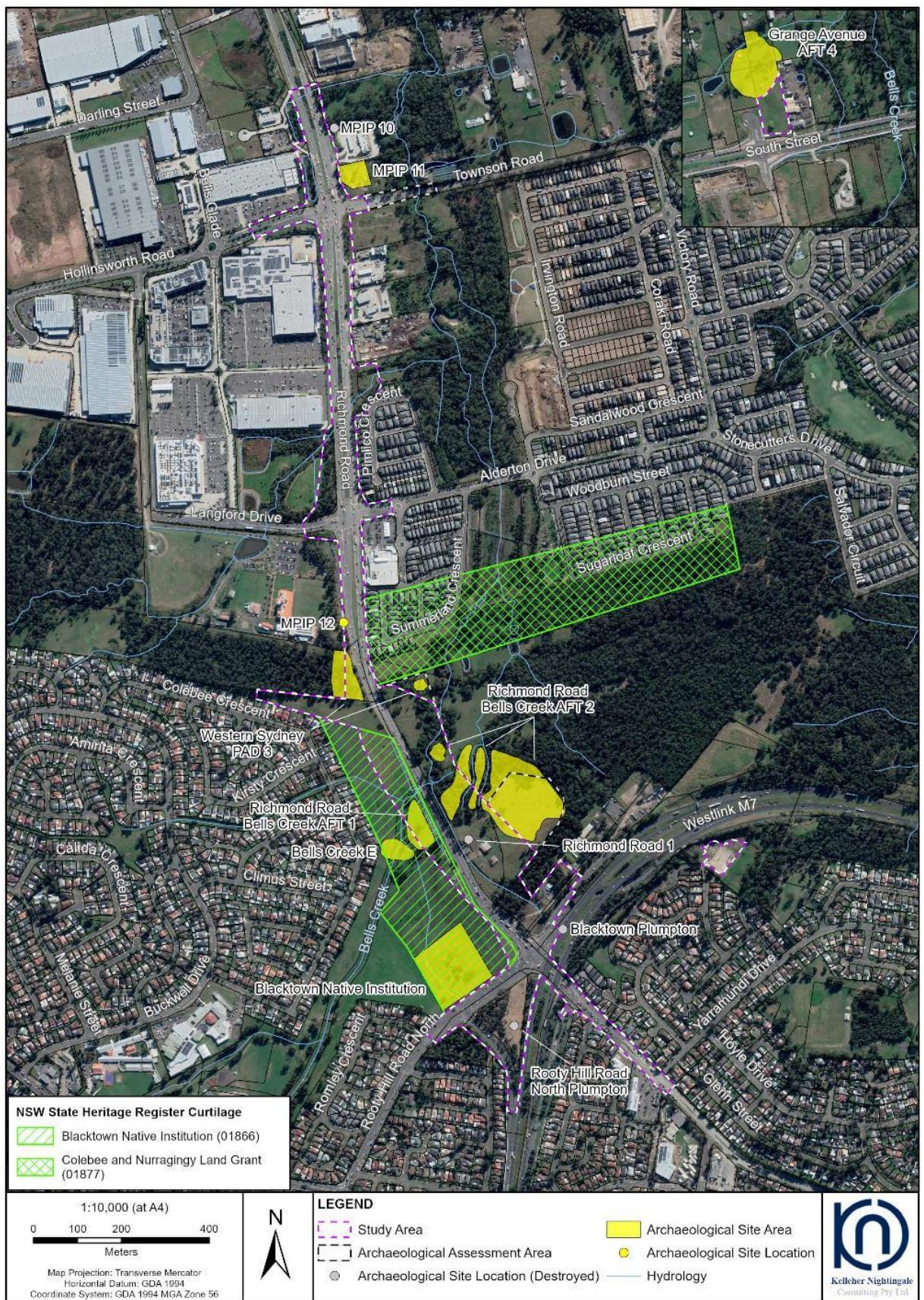


Figure 6-3: Location of Aboriginal archaeological sites within the study area (Source: KNC 2025)

6.4.2 Summary of archaeological potential

Phase 1: Informal land use and establishment of Richmond Road (1788-1816)

Phase 1 land use may have included informal land clearance and the establishment of Richmond Road. Potential archaeological remains may have included evidence of tree clearance, such as tree boles. Early evidence of Richmond Road may include packed earth, flagging and/or postholes along the sides of the roads. The subsequent land use and activity throughout the proposal area, including agricultural practice, road formalisation and upgrades and construction of structures, is likely to have eradicated archaeological evidence of this phase. As evidence from this phase would be present in soil deposits and fills, it is likely that this evidence has been disturbed by subsequent ground disturbance.

As such, there is **nil archaeological potential** associated with this phase.

Phase 2: Formal land grants and 19th Century residences (1816-1899)

The study area contains a portion of the Blacktown Native Institution. There is documentary evidence to suggest ongoing use by Aboriginal people during these early grant periods, with parents camping near the BNI where their children were being kept. As the study area is also adjacent to the Colebee and Nurragingy site, it is important to consider that land boundaries at this time were loosely held, and these activities may have spilled into neighbouring properties. The study area has low potential for evidence of nineteenth century development such as fences, and timber structures. Previous investigations have identified that there is low potential for post-contact Aboriginal camps within the Blacktown Native Institution lands, based on the results of previous survey and excavation and our understanding of modern ground disturbance activities. Similarly, outside the Blacktown Native Institution, locations where Aboriginal camps may have been identified have been subject to ground disturbance resulting from road widening and residential development activities. Material evidence of these activities, if identified, may include rubbish pits or artefact scatters, post holes and tree boles, and artefact scatters.

The Windsor District plan (1842) shows a small structure within the study area, to the south of the Colebee and Nurragingy Grant, potentially representing a cottage. This structure may also be the location of a hut constructed by Sylvanus Williams for Nurragingy, although the purpose of the structure is not documented. It is noted that maps of this type were often stylistic, to demonstrate the merits of the Sydney Colony and may not accurately represent spatial organisations. There is no other documentary evidence to suggest that a structure may have been located here at the time, although there remains low potential that archaeological remains of a structure and associated occupation deposits may be identified.

There is low potential for the identification of unmarked burials associated with children housed and schooled at the Blacktown Native Institution. The potential location of unmarked burials is unknown but expected to be more likely along Bells Creek or the landforms to the north of Bells Creek. Burials would be indicated by the presence of burial cuts (defined rectangular cuts into soil profiles, particularly basal clay), remains of coffins, grave goods, and human skeletal remains.

It is unlikely that structural evidence associated with the Blacktown Native Institution site will be located within the study area. Structural remains and associated areas of archaeological potential have been identified and mapped by GML within the Blacktown Native Institution site, although these areas do not overlap with the study area of this report (see Figure 6-1) ¹⁹⁵. This portion of the Blacktown Native Institution land was likely used for pasture or outdoor activity and the 2023 CMP has shown this area has having low archaeological potential.

The ancillary facility was subject to agricultural use during this period, which was limited and likely left little to no archaeological footprint that was likely impacted by the construction of buildings in the later 20th century.

There is **low archaeological potential** for remains of Phase 2 nineteenth century land clearance, land improvements, or building works associated with early land grants to be located throughout the study area, including the ancillary site.

There is **low archaeological potential** for activities associated with the use of the Blacktown Native Institution site.

Phase 3: Market gardening and semi-rural use (1899-1980)

The study area remained semi-rural during Phase 3, consisting of sparse residential developments and land clearance. Residential development in the area intensified towards the latter period of the phase, although this consolidated development largely took place outside the study area. Minor road upgrades were undertaken during this period, along with ground modifications including development of dams and service infrastructure. Later construction of large commercial precincts is likely to have heavily impacted any archaeological remains associated with this phase in the northern portion of

¹⁹⁵ GML 2023. Dharug Nura: The Blacktown Native Institution Conservation Management Plan

the study area. There may be remnants of this phase within the southern portion of the study area, where development has been limited.

The portion of the Blacktown Native Institution site which overlaps with the study area was also utilised for similar low intensity activities during this period. It is unlikely that evidence of these activities would have survived the heavy ground disturbance resulting from late road widening and land clearance.

There is **low archaeological potential** associated with this phase.

Phase 4: Suburbanisation (1980-present)

Material evidence associated with Phase 4 is likely to be extant, such as existing infrastructure, commercial and residential development. These features would not be considered archaeological.

There are no potential archaeological features associated with this phase within the Blacktown Native Institution site.

The ancillary facility is likely to contain evidence of the later 20th century residence and other recently demolished structures. The recent nature of these potential remains, combined with the significant ground disturbance from demolition and road construction activities, greatly reduces their archaeological value and potential for survival.

There is **nil archaeological potential** associated with the BNI phase.

6.5 Summary of historical archaeological potential

This archaeological assessment has identified **nil to low** potential for historical archaeological remains in the project area. These remains are summarised in Table 6-3 below.

Table 6-3: Historical archaeological potential and significance

Phase	Archaeological remains	Potential
Phase 1: Informal land use and establishment of Richmond Road (1788-1816)	Tree boles, land clearance, early informal road surfaces.	Nil
Phase 2: Formal land grants and 19th Century residences (1816-1899)	Ephemeral evidence of nineteenth century development, including fences, timber structures, and occupation deposits associated with post-contact Aboriginal camps. Aboriginal burials predating and associated with the use of the Blacktown Native Institution.	Low
Phase 3: Market gardening and semi-rural use (1899-1980)	Farm structures, rubbish pits, postholes.	Low
Phase 4: Suburbanisation (1980-present)	Modern infrastructure	Nil

7. Significance Assessment

7.1 Methodology

Determining the significance of heritage items or a potential archaeological resource is undertaken by utilising a system of assessment centred on the *Burra Charter* (Australia ICOMOS 2013). The principles of the charter are relevant to the assessment, conservation and management of sites and relics. The assessment of heritage significance is outlined through legislation in the Heritage Act and implemented through the *Assessing Heritage Significance: Guidelines for assessing places and objects against the Heritage Council of NSW criteria* (Department of Planning and Environment 2023), the *Archaeological Assessment Guidelines* (NSW Heritage Office, 1996) and the document *Assessing Significance for Historical Archaeological Sites and 'Relics'* (NSW Heritage Branch, 2009).

If an item meets one of the seven heritage criteria and retains the integrity of its key attributes, it can be considered to have heritage significance (see Table 7-1). The significance of an item or potential archaeological site can then be assessed as being of local or State significance, or not to meet the threshold for significance. If a potential archaeological resource does not reach the local or state significance threshold, then it is not classified as a relic under the Heritage Act.

'State heritage significance', in relation to a place, building, work, relic, 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 heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item (Heritage Office, 2009).

Table 7-1: NSW heritage assessment criteria

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

7.2 Existing heritage assessments

7.2.1 Blacktown Native Institution (SHR No. 01866)

The SHR listing for the Blacktown Native Institution site provides the following statement of significance:

The Blacktown Native Institution is a site of State significance because of its combination of historical, social and archaeological values. The Blacktown Native Institution played a key role in the history of colonial assimilation policies and race relations. The site is notable for the range of associations it possesses with prominent colonial figures including Governor Macquarie, Governor Brisbane, Samuel Marsden, William Walker and Sydney Burdekin.

The Blacktown Native Institution site is valued by the contemporary Aboriginal community and the wider Australian community as a landmark in the history of cross-cultural engagement in Australia. For Aboriginal people in particular, it represents a key historical site symbolising dispossession and child removal. The site is also important to the Sydney Maori community as an early tangible link with colonial history of trans-Tasman cultural relations and with the history of children removed by missionaries.

The Blacktown Native Institution is a rare site reflecting early 19th century missionary activity. The site has the potential to reveal evidence, that may not be available from other sources, about the lives of the children who lived at the school and the customs and management of the earliest Aboriginal school in the colony. The site also has the potential to contain archaeological evidence relating to later phases of land use, including the period the property was owned by Sydney Burdekin. In addition, the site may contain evidence of Aboriginal camps which may provide information about how Aboriginal people, accustomed to a traditional way of life, responded to the changes prompted by colonisation.

Assessment of Significance

The Blacktown Native Institution has heritage significance at varying levels for its historic, associative, aesthetic, social and rarity values. An assessment of significance was prepared by GML Heritage in 2023 within the CMP. The criteria have been summarised in Table 7-2 below. Some criteria hold multiple levels of significance, in these cases the highest level of significance has been summarised below. Refer to the 2023 CMP for the detailed discussion of these criteria.

Table 7-2: Heritage significance assessment for the Blacktown Native Institution (GML Heritage 2023)

Criteria	Discussion
A) Historical Significance	<p>For Aboriginal and non-Aboriginal people the Blacktown Native Institution is an important landmark in the history of black and white relations in Australia. The institution, which operated between 1823 and 1829, reflects the commencement of the historical process of Aboriginal child removal, marking the Colonial Administration's attempts beginning with Governor Macquarie in 1814, to educate and to assimilate Aboriginal children into white society. More specifically, it reflects a colonial policy featuring a belief that Aboriginal children could be 'civilised' through removal from their culture, and a policy of confining Aboriginal people within settlements remote from European society.</p> <p>For the current Aboriginal community, the site provides a link with an early Aboriginal settlement, known from the 1820s as the 'Black Town'. This is where the first land grants were made to Aboriginal people (Colebee and Nurragingy) and farming allotments were taken up, representing the earliest attempts of Aboriginal people to engage with, and to establish their autonomy within, European society.</p> <p>The Native Institution also represents Indigenous objectives and experiences between 1823-1829, including parents' refusal to accept separation from their children, the children's reluctance to conform with European strictures, their resistance to remaining within the institution and their experience of life within it.</p>
B) Associative Significance	<p>The Blacktown Native Institution is notable for the range of associations it possesses with prominent colonial figures. The Blacktown Native Institution is strongly associated with Governor Lachlan Macquarie. Although the Blacktown Native Institution followed Macquarie's original Parramatta initiative, it reflects the outcomes of his policy towards indigenous people. The site is also associated with Governor Brisbane's attempts to develop colonial policy with respect to the indigenous inhabitants.</p> <p>The site is associated with Rev Samuel Marsden and missionary William Walker. Rev. Marsden, a prominent figure in the early the colony, was appointed chairman of the Native Institution Committee by Governor Brisbane in December 1821. Marsden who had missionary connections with New Zealand was responsible for bringing Maori children to</p>

Criteria	Discussion
	the school. William Walker protege of Governor Brisbane, and the first missionary to be instructed specifically to minister to the indigenous people of New South Wales, was appointed as manager of the Institute in 1824.
	The site of the Blacktown Native Institution is associated with the prominent and influential late nineteenth-century figure Sydney Burdekin, who purchased the property in 1877 for use as his country residence. Burdekin was a pastoralist and politician. He served almost continuously in the NSW Legislative Assembly between 1880 and 1894 representing in succession Tamworth, East Sydney and the Hawkesbury. Burdekin was also alderman of Sydney Municipal Council between 1883 and 1898 and Mayor of Sydney Municipal Council between January 1890 and April 1891.
C) Aesthetic Significance	The Blacktown Native Institution site does not meet the threshold for cultural significance under this criterion.
D) Social Significance	The Blacktown Native Institution for the Aboriginal community is a key site symbolising dispossession, child removal and enduring links to the land. For some members of the Aboriginal community it represents a landmark in Aboriginal-European relations, symbolising the continuing need for reconciliation and understanding between blacks and whites.
E) Research Potential	The site is also important to the Sydney Maori community as an early tangible link with colonial history of trans-Tasman cultural relations and with the history of children removed by missionaries. The non-Aboriginal community of Blacktown value the place because of its association with important historical events, processes and individuals, and as the historical heart of Blacktown.
F) Rarity	The Blacktown Native Institution site has high archaeological potential to reveal evidence, that may not be available from other sources, about the lives of the children who lived at the school and the customs and management of the earliest Aboriginal school in the colony. The site also has the potential to contain archaeological evidence relating to later phases of land use, including the period the property was owned by Sydney Burdekin. In addition, the site may contain evidence of Aboriginal camps which may provide information about how Aboriginal people, accustomed to a traditional way of life, responded to the changes prompted by colonisation.
G) Representativeness	The Blacktown Native Institution site does not meet this criterion.

Statement of Significance

The 2023 Draft CMP provides the SHR statement of significance as is concluding summary, see this in Section 7.2.1.

7.3 Cultural heritage significance assessment

7.3.1 Significance of the portion of the study area within the Blacktown Native Institution

As identified throughout this assessment, a portion of the study area overlaps with the SHR listed curtilages of the Blacktown Native Institution. The SHR listing and the CMP (GML 2023) identify that the Blacktown Native Institution site is significant because of its unique combination of historical, social, and archaeological values. The cultural value of this place is well understood and articulated in these existing reports.

This assessment has identified that the portion of the study area which overlaps with the Blacktown Native Institution curtilage is along the outer edge of the historical property boundary, away from the central areas of activity.

It is concluded that the portion of the study area overlapping with the Blacktown Native Institution would continue to meet the threshold for state significance for social, associative and historical values. The currently documented social and historical values will not be impacted by the proposed project works.

This portion of the Blacktown Native Institution also contains Aboriginal archaeological values, as expressed in the project PACHCI report.¹⁹⁶ It is understood that Aboriginal archaeological remains will be impacted by the proposed works; however, intangible social and historical significance will continue to be expressed within this portion of the Blacktown Native Institution. Aboriginal archaeological values within the broader Blacktown Native Institution will also remain intact.

Although this portion of the BNI has low potential to retain historical archaeological remains, if these archaeological remains were identified, they would be expected to meet the threshold for state significance.

7.3.2 Significance of the study area outside the Blacktown Native Institution

This assessment has shown that the portion of the study area outside the Blacktown Native Institution site contains no further listed items and is unlikely to contain previous unidentified heritage values. Based on this assessment, no further assessment of significance has been presented for the remainder of the corridor.

7.4 Aboriginal cultural and social values

The State Heritage listing has established the following themes and items for the BNI which are viewed as historically important.¹⁹⁷

Line item State Heritage Listing – items relating to Aboriginal engagements			
	Australian Theme	NSW Theme	BNI Themes
1	2. Peopling	Ethnic influences	Unknown
2	2. Peopling	Aboriginal cultures and interactions with other cultures	Daruk nation - sites of first contact or early interaction with colonisers
3	2. Peopling	Aboriginal cultures and interactions with other cultures	Cadigal tribe - Eora nation
4	2. Peopling	Aboriginal cultures and interactions with other cultures	All nations - the stolen generations
5	2. Peopling	Aboriginal cultures and interactions with other cultures	All nations - sites evidencing occupation
6	2. Peopling	Aboriginal cultures and interactions with other cultures	All nations - reconciliation events
7	2. Peopling	Aboriginal cultures and interactions with other cultures	All nations - places of battle or other early interactions between Aboriginal and non-Aboriginal peoples
8	2. Peopling	Aboriginal cultures and interactions with other cultures	All nations - controlling dispossessed peoples
9	2. Peopling	Aboriginal cultures and interactions with other cultures	Aboriginal Culture
10	4. Settlement	Towns, suburbs and villages	Aboriginal reserves on urban fringes
11	6. Educating	Education	Aboriginal Schools
12	7. Governing	Welfare	Providing mission reserves
13	9. Phases of Life	Birth and Death	Aboriginal Women's business

¹⁹⁶ KNC 2024. Richmond Road Upgrade M7 to Townson Road, Marsden Park. PACHCI Stage 3.

¹⁹⁷ State Heritage Listing, see <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5051312>.

However, these elements, while of significance in historical terms, do not address the living, contemporary and evolving nature of social and cultural life for Dharug people today. Line items 1, 3, 9, 13 could be re-examined to better account for the contemporary social and cultural values embodied by the site. Such a reformulation would be appropriately carried out through Dharug peoples' and First Nations peoples' input.

The UNESCO domains discussed above (2.9.1) and presented below (Table 7-3) have been assigned a number for ease of use (the assignment of a number does not represent a hierarchy of importance of significance). While specifically listed by UNESCO as intangible knowledge, these categories can accommodate tangible heritage because they include the know-how and knowledge of the creation of objects and things.

Table 7-3. UNESCO domains of intangible heritage

Line items	UNESCO domains
1	Oral traditions and expressions, including language
2	Performing arts
3	Cultural performance (action(s) that make something visible or audible)
4	Social practices, rituals and festive/ceremonial events
5	Knowledge and practices concerning nature and the universe (past, present or future)
6	Knowledge and skills (intangible heritage) without which objects cannot be made, actions performed, or social practices enacted (past, present or future)

7.4.1 BNI themes viewed through the lens of UNESCO domains

By overlaying the UNESCO domains onto the themes of the BNI program an overlap between the elements of both can be seen (Table 7-4).

Table 7-4. Matrix presenting BNI theme, and UNESCO's domains of intangible values

BNI program	BNI Program Responsibility	UNESCO's intangible values
Caring for Country	<p>Land is for Dharug people</p> <ul style="list-style-type: none"> • Support a place of healing and belonging • Through restoration of biodiversity, improving water management, revegetation, environmental restoration 	5. Knowledge and practices concerning nature and the universe
Caring for Culture	<p>Celebrate, recognise and promote Dharug culture through</p> <ul style="list-style-type: none"> • Language • Art • Performance • Story telling 	<p>2. Performing arts</p> <p>1. Oral traditions and expressions, including language</p>
Caring for Culture	<p>Remember and celebrate</p> <ul style="list-style-type: none"> • Families • stories of First contact • history of deep connection and belonging and knowledge through thousands of years of culture 	6. Knowledge and skills (intangible heritage) without which objects cannot be made, actions performed, or social practices enacted (past, present or future)

BNI program	BNI Program Responsibility	UNESCO's intangible values
Caring for Community	<p>Foster strong social and economic foundations for future generations:</p> <ul style="list-style-type: none"> • Capacity building opportunities to promote wellbeing • Support Dharug community groups • Build recognition and respect of Dharug presence and contribution • Build community and opportunity through partnerships and project. 	6. Knowledge and skills (intangible heritage) without which objects cannot be made, actions performed, or social practices enacted (past, present or future)
Leadership & Governance	<p>Development of sustainability for future generations</p>	<p>6. Knowledge and skills (intangible heritage) without which objects cannot be made, actions performed, or social practices enacted (past, present or future)</p> <p>5. Knowledge and practices concerning nature and the universe</p>

7.5 Significant Aboriginal cultural values and their significance

Combining the summary themes of the BNI (section 4.5) with the UNESCO domains and the comments in Table 4-2 it can be seen the cultural values of the BNI cut across the UNESCO domains and the Summary themes. This indicates the dynamic and all-pervading nature of the cultural values described: the cultural values of the BNI are inseparable in their nature and reach into deep time as well as the future. The interaction of the cultural values, seen in Table 4-2, also reflects the location of the BNI within a broader cultural landscape which includes the Colebee and Nurragingy land grant and stretches beyond it. The interconnected nature of the cultural values at the BNI defies the act of segregation required by cultural heritage practice.

Table 7-5: Significant Aboriginal Cultural Values and their Significance

	UNESCO domain	Summary themes (section 4.5)	BNI Theme of CMP (section 4.1)
2	Performing arts	Places	Caring for Culture
2	Performing arts	Spirit of the Place	Caring for Culture
3	Cultural performance (action(s) that make something visible or audible)	Ecological restoration	Caring for Culture
3	Cultural performance (action(s) that make something visible or audible)	Places	Caring for Culture
3	Cultural performance (action(s) that make something visible or audible)	Spirit of the Place	Caring for Community
3	Cultural performance (action(s) that make something visible or audible)	Spirit of the Place	Caring for Culture
4	Social practices, rituals and festive/ceremonial events	Places	Caring for Culture
4	Social practices, rituals and festive/ceremonial events	Spirit of the Place	Caring for Culture
5	Knowledge and practices concerning nature and the universe (past, present or future)	Ecological restoration	Caring for Country
5	Knowledge and practices concerning nature and the universe (past, present or future)	Places	Caring for Country
5	Knowledge and practices concerning nature and the universe (past, present or future)	Spirit of the Place	Caring for Community
5	Knowledge and practices concerning nature and the universe (past, present or future)	Spirit of the Place	Caring for Country
5	Knowledge and practices concerning nature and the universe (past, present or future)	Spirit of the Place	Leadership & Governance
6	Knowledge and skills (intangible heritage) without which objects cannot be made, actions performed, or Ecological restoration social practices enacted (past, present or future)	Leadership & Governance	
6	Knowledge and skills (intangible heritage) without which objects cannot be made, actions performed, or Spirit of the Place social practices enacted (past, present or future)	Caring for Culture	
6	Knowledge and skills (intangible heritage) without which objects cannot be made, actions performed, or Spirit of the Place social practices enacted (past, present or future)	Leadership & Governance	

7.6 Archaeological significance of the study area

The significance assessment of historical archaeological sites and items requires a specialised framework in order to consider the range of values associated with each site/item. This because of the challenges associated with the often unknown nature and extent of buried archaeological remains and judgment is usually based on anticipated attributes. To facilitate assessment of archaeological significance, the NSW Heritage Branch (now Heritage NSW) arranged the seven heritage criteria into four groups (see below). The value of archaeological sources primarily lies in their research potential or the ability to provide additional information about site/item that is not contained in historical records. The following significance

assessment of the study area's potential archaeological remains has been carried out by using these criteria as outlined in the *Assessing Significance for Historical Archaeological Sites and 'Relics'*.

The following significance assessment examines the proposal corridor holistically, including discussion of listed and non-listed portions of the study area concurrently. All efforts have been made to explicitly outline where the assessment relates to listed values and to highlight any variations in the archaeological significance of the study area resulting from this nuance. Where the assessment addresses listed archaeological values, these have been directly tied to the relevant assessment and statement of significance.

7.6.1 NSW Heritage criteria for assessing significance related to archaeological sites and relics

The assessment of significance presented below addresses Phases 2 and 3 only, as Phases 1 and 4 have been determined to have nil archaeological potential.

Archaeological research potential (NSW Criterion E)

Archaeological remains of road establishment and modifications within Phases 2 and 3 are unlikely to be substantially intact, and therefore they are unlikely to contribute to our understanding of early European occupation in the Blacktown region. These archaeological remains would be **unlikely to reach the threshold** for significance under this criterion.

It is unlikely that archaeological remains associated with Phases 2 and 3 use of the Blacktown Native Institution site will be present. The AZP from the CMP (GML 2023) identifies the study area as a location with no historical archaeological potential. If encountered, it is expected that any archaeological remains would not be associated with the main activities being conducted at the site. Any archaeological remains are likely to consist of ephemeral evidence of land use, such as postholes, fences, and the degraded remains of timber structures. These ephemeral and degraded remains would be unlikely to demonstrate clear connections to historical events or people and would not contribute greatly to ongoing research about the Blacktown Native Institution. Archaeological remains from Phase 2 and 3 occupations of the Blacktown Native Institution would be **unlikely to reach the threshold** for significance under this criterion.

There is some potential for the identification of a timber structure within land granted to Sylvanus Williams, immediately south of the Colebee and Nurragingy Grant. This potential structure, which is poorly documented in maps and plans, may have been a simple cottage for Williams himself, or may represent a timber hut constructed for Nurragingy. Further detailed research, outside the scope of this report, is required to assess the likely nature, extent and level of survival of the building. Remains of this hut would likely consist of timber post and baseplate footings or piles and packed earth floors with possible stone or brick chimney and associated artefacts. Depending on the extent and integrity of the remains, the hut site would have potential to provide information on the history of the development of the area and the occupiers and their lifestyle. The potential timber structure **would likely reach the threshold for local significance under this criterion**.

The study area has limited potential to contain archaeological evidence of post-contact Aboriginal encampments as identified by Bickford. As noted by the CMP, this area holds no soil condition and has been subsequently impacted by infrastructure works. If camp sites were identified outside the Blacktown Native Institution, this would reach the threshold of **state significance** for their probable association with the surrounding Blacktown Native Institution and Colebee and Nurragingy Grant.

Association with individuals, events or groups of historical importance (Criteria A, B & D)

Although the study area contains a portion of the Blacktown Native Institution site, which can be clearly tied to individuals who were operating the school or later purchased and modified the land, the types of archaeological remains expected within the study area are unlikely to be tied to these individuals. Rubbish pits, post holes and the remains of lightweight timber structure will be unlikely to present evidence of strong associations to any individual or group, irrespective of the phase of their construction. Further, the AZP presented in the CMP (GML 2023) does not identify any historical archaeological potential associated with the Blacktown Native Institution site. The portion of the study area that overlaps the Blacktown Native Institution is **unlikely to reach the threshold for listing under this criterion**.

There is low potential for the identification of a timber hut on the eastern side of Richmond Road that may be associated with Nurragingy and/or Sylvanus Williams. Further detailed research is required to investigate this association. If found to be associated with Nurragingy, the remains of the timber hut would be likely to meet the **threshold for State significance under this criterion**.

The remainder of the study area has no potential to contain objects that may be associated with any significant individuals or groups. The remainder of the study area is **unlikely to reach the threshold** for listing under this criterion.

Aesthetic or technical significance (Criterion C)

The material remains of Phase 2 and Phase 3 within the study area and outside the Blacktown Native Institution site are unlikely to present aesthetic or technical significance. There is no evidence to suggest innovation or intensive development within the proposal area through the nineteenth and twentieth centuries. Additionally, ephemeral artefact scatters are unlikely to produce aesthetically significant collections.

The study area is in a portion of the Blacktown Native Institution site with no historical archaeological potential. In that area, any unexpected archaeological items would be expected to be highly degraded or not well associated with other structural remains and would not be likely to contain aesthetically or technically significance remains.

The study area is **unlikely to reach the threshold** for listing under this criterion.

Ability to demonstrate the past through archaeological remains (Criteria A, C, F & G)

Archaeological remains associated with Phase 2 and Phase 3 are likely to be dispersed, degraded, and not substantially intact. As such, the remains have low potential to contribute to the archaeological record and expand our understanding of early European land use of the Blacktown region. No remains of the Blacktown Native Institution site are anticipated within the study area.

The study area is **unlikely to reach the threshold** for listing under this criterion.

7.7 Summary of significance

It is acknowledged that the study area sits partially within the curtilage of the Blacktown Native Institution, a highly significant historical and cultural site. This report acknowledges the State significant values held in this place, demonstrated through physical remains and ongoing physical and spiritual connections to land.

Any Aboriginal burials would hold exceptional heritage significance under multiple criteria. Their protection and documentation are vital for acknowledging Aboriginal history, preserving cultural identity, and advancing archaeological and historical understanding. Collaborative research with Aboriginal communities is essential to ensure respectful and ethical engagement with these sites.

Whilst Transport is the current custodian of the part of the study area which sits within the curtilage of the Blacktown Native Institution, the area has social and cultural values to Aboriginal people, particularly the DSMG who are the custodians of the Blacktown Native Institution.

The Aboriginal community recognizes this area and the larger study area as part of a broader cultural landscape which has significant social and cultural values to the history, memory and spiritual connection of the Aboriginal community in this area.

These sites have the potential to provide irreplaceable knowledge about Indigenous burial practices, the effects of colonisation, and the cultural persistence of Aboriginal communities. Given their rarity and potential for further study, they warrant careful protection, respectful management, and collaborative research with Aboriginal stakeholders.

8. Proposed Works

The NorthWest Growth Area (NWGA) has been identified by the New South Wales (NSW) Government as a key area to support urban growth in the greater Sydney region. When developed (2056 forecasts), the NWGA will provide approximately 90,000 homes accommodating 250,000 people. A key part of the identification of the NWGA was its proximity and connection to transport nodes including the M7 Motorway and ease of connection to the M4 Motorway, Sydney Metro and the new Western Sydney Airport.

To unlock the potential of the NWGA, upgrades to transport infrastructure must align with current and forecasted needs, while considering forecasted population and economic growth. Richmond Road already experiences significant congestion, impacting travel times and hindering the potential for economic growth in the area. As the NWGA continues to grow there will be increasing pressure on Richmond Road and the transport network.

As part of the NWGA Transport Strategy, Transport for NSW (Transport) is proposing to upgrade Richmond Road between the M7 Motorway and Townson Road (the proposal). The proposal has the ultimate objectives of relieving the current corridor congestion and providing road capacity that supports growth.

This Statement of Heritage Impact (SoHI) supports the environmental assessment for the Richmond Road Widening Project between M7 and Townson Road (the proposal). The proposal is subject to assessment by a Review of Environmental Factors (REF) under Division 5.1 of *Environmental Planning and Assessment Act 1979* (EP&A Act).

8.1.1 Proposal location

The section of Richmond Road to be upgraded is located in the Blacktown City Council Local Government Area (LGA) and traverses the suburbs of Marsden Park, Colebee, Hassall Grove, Oakhurst, Dean Park and Glendenning.

The location of the proposal is shown in Figure 1-1.

8.1.2 Key features of the proposal

Transport is proposing to upgrade Richmond Road between the M7 Motorway and Townson Road (the proposal). Key features of the proposal include (refer Figure 8-1 to Figure 8-5):

- Upgrade of Richmond Road between the M7 Motorway and Townson Road to six lanes (three lanes in each direction). This would include:
 - road widening between the M7 Motorway and the Alderton Drive / Lanford Drive intersection including a new bridge structure over Bells Creek
 - widening into the median from the Alderton Drive / Lanford Drive intersection to 250 metres north of the Hollinsworth Road / Townson Road intersection.
- Building a new flyover bridge from the M7 Motorway / Rooty Hill Road North off-ramp landing on Richmond Road around 300 metres prior to Bells Creek. This would include:
 - a single lane bridge structure around 250 metres long and 8.4 metres wide for traffic heading northbound on Richmond Road
 - 170 metre embankment at the southern end of the bridge beginning at the M7 Rooty Hill Road North off-ramp, roughly five metres above the existing ground level
 - 150 metre long retaining wall located at the northern end of the bridge within the median of Richmond Road. At its highest point the retaining wall would be 8.4 metres high
 - minor re-surfacing of the existing M7 Rooty Hill Road North off-ramp where the ramp ties into the new flyover.
 - no changes to existing gantry, exit lanes or lane functions on the M7 Motorway.
- Upgrades to the intersection of Richmond Road, Hollinsworth Road and Townson Road including:
 - an additional northbound through lane along Richmond Road (providing three through lanes towards Richmond)

- an additional dedicated right turn lane from Richmond Road southbound onto Hollinsworth Road
- a new left turn slip lane from Hollinsworth Road onto Richmond Road including a pedestrian island and crossing
- staged pedestrian crossings across Richmond Road on the north and south sides of the intersection, with a pedestrian refuge in the median.
- Upgrades to the intersection of Richmond Road, Langford Drive and Alderton Drive including:
 - additional northbound and southbound through lanes along Richmond Road (providing three through lanes in both directions)
 - staged pedestrian crossings across Richmond Road on the north and south sides of the intersection, with a pedestrian refuge in the median.
- Upgrades of the intersection of Richmond Road, Rooty Hill Road North and the M7 ramps including:
 - two dedicated lanes on Richmond Road heading onto the M7 Motorway (southbound on-ramp)
 - two dedicated southbound through lanes on Richmond Road (towards Blacktown)
 - an additional right turn lane from Richmond Road southbound onto Rooty Hill Road North (providing two dedicated right turn lanes onto Rooty Hill Road North)
 - extension of 10 metres for the left turn lane from Richmond Road southbound onto M7 northbound on-ramp
 - relocation of the existing pedestrian crossing on Richmond Road approximately 160 metres south. This would be a new staged pedestrian crossing across Richmond Road, with a pedestrian refuge in the median at the intersection of Richmond Road and the M7 southbound on-ramp.
- Active transport provisions throughout the proposal area including:
 - moving the existing shared pedestrian and bike path on the western side of Richmond Road to be further west. This would be a four metre wide shared pedestrian and bike path on the western side of Richmond Road (between the M7 Motorway to approximately 150 metres south of the Richmond Road / Langford Drive / Alderton Drive intersection) where it would connect to the existing shared path.
- Building a new concrete bridge structure over Bells Creek for the northbound carriageway located approximately 14 metres west of the existing Bells Creek bridge. This would include:
 - a bridge structure around 29 metres long and 18 metres wide
 - three northbound travel lanes
 - a shared pedestrian and bike path on the western side, which replaces the existing boardwalk bridge next to the northbound Richmond Road carriageway.
- Retention of the five bus stops on Richmond Road between Yarramundi Drive and the Richmond Road / Hollinsworth Road / Townson Road intersection. The dedicated bus lanes at the intersection of Richmond Road with Langford Drive / Alderton Drive and Hollinsworth Road / Townson Road are also retained.
- Drainage structures along the proposal including:
 - adjustments to the pits and pipes of the existing stormwater network
 - two gross pollutant traps to the north and south of Bells Creek
 - open flooding channel on the eastern side of Richmond Road roughly between the M7 northbound on-ramp and Bells Creek for flood mitigation purposes. The channel would be around 425 metres long and 10 to 20 metres base width and 2:1 slopes; and 2.5 metres wide slopes. Depth of channel would be approximately 1.2 metres, and would discharge into Bells Creek.
- Roadside furniture including safety barriers, signage, line marking, lighting and fencing.
- Earthwork cutting, embankments and retaining walls to accommodate the widened road alignment, flyover bridge and open flooding channel.
- Modified formal access to four properties along the upgraded sections of Richmond Road.

- Installation of a formal driveway access to the Blacktown Native Institute (BNI) property within the Rooty Hill Road North road corridor, and removal of the informal access track to the property from Richmond Road. Final location to be decided in consultation with DMSG.
- Property acquisition including full acquisition of one property and partial acquisition of two properties.
- Vegetation clearing within the Blacktown Native Institute and along the northern boundary of the construction works to facilitate the open water channel.
- Rehabilitation of disturbed areas and landscaping.
- Establishment and use of five temporary ancillary facilities during construction.

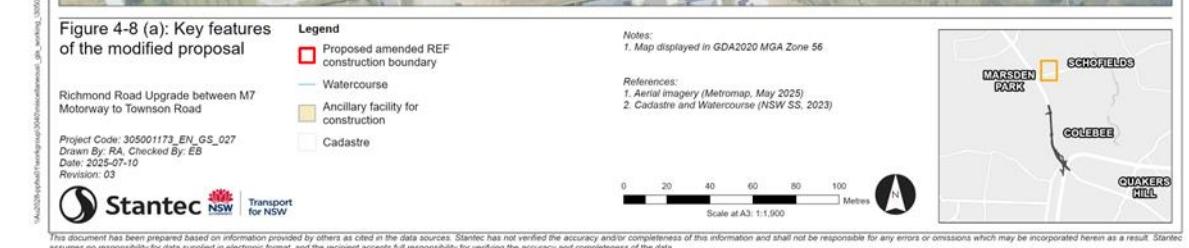
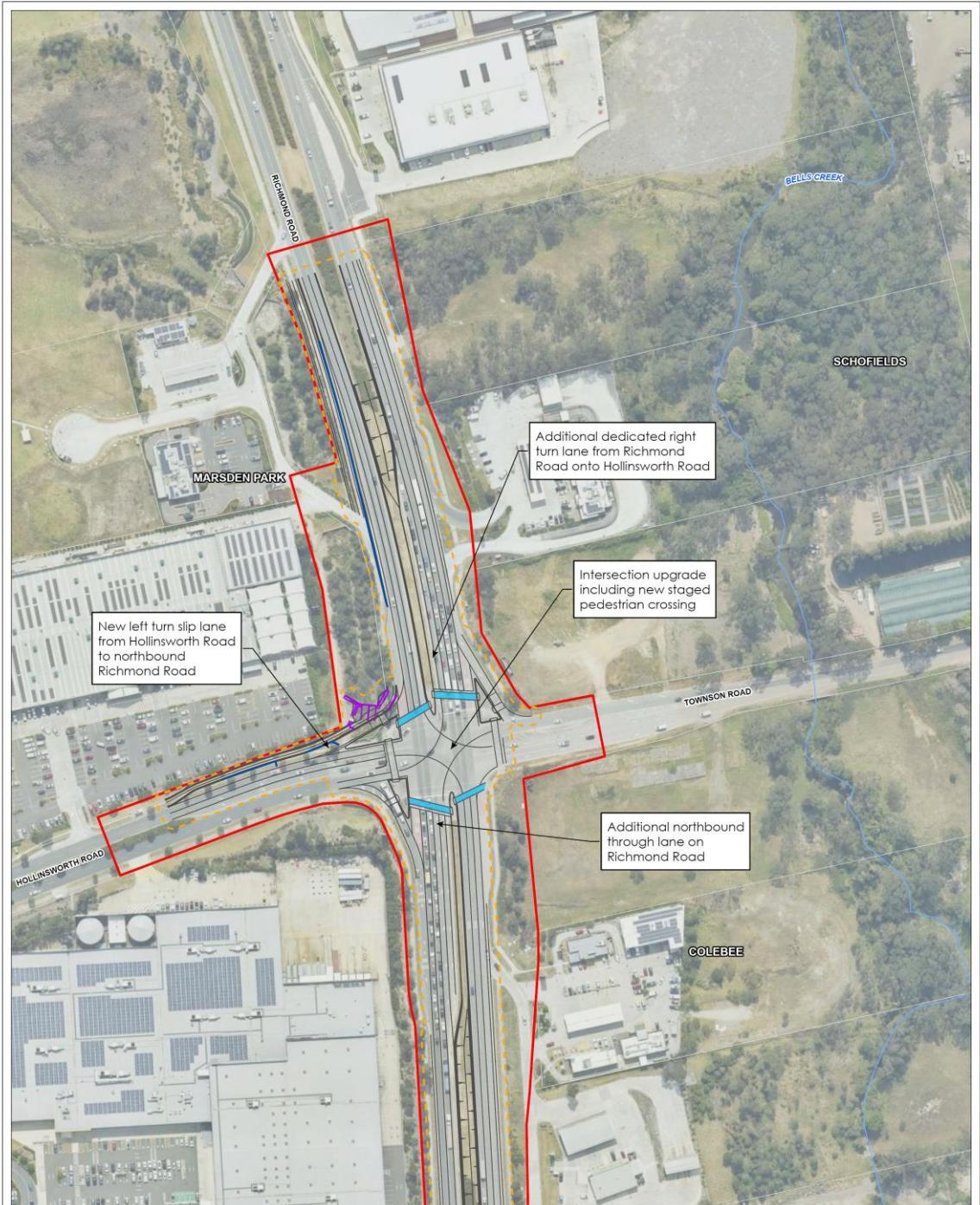


Figure 8-1: Key features of the proposal (Source: Stantec, 2025)



Richmond Road Upgrade between M7 Motorway to Townson Road

Project Code: 305001173_EN_GS_027
Drawn By: RA Checked By: EB
Date: 2025-07-10
Revision: 03

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Figure 8-2: Key features of the proposal (Source: Stantec, 2025)

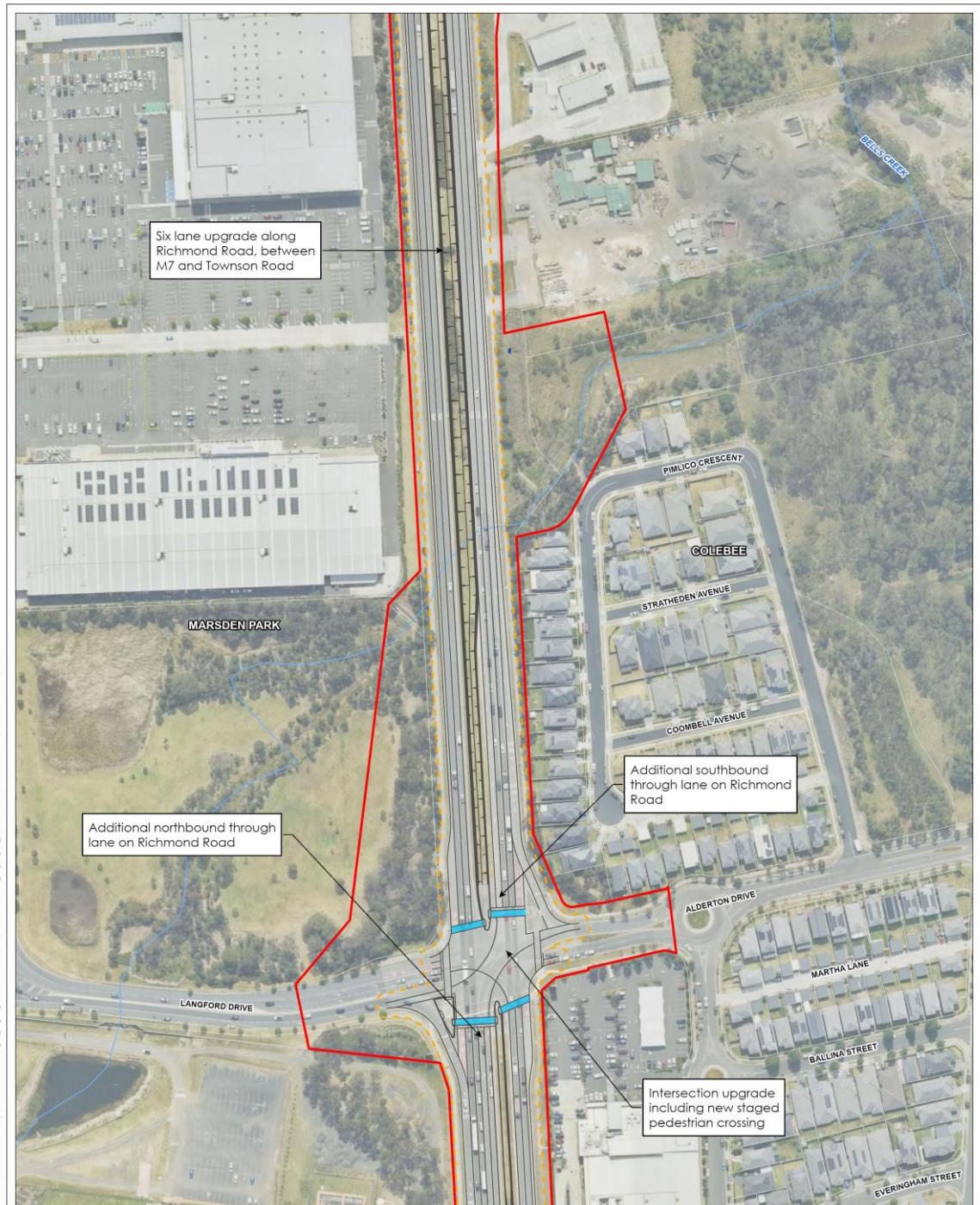


Figure 4-8 (c): Key features of the modified proposal

Richmond Road Upgrade between M7 Motorway to Townson Road

Project Code: 305001173_EN_GS_027
Drawn By: RA Checked By: EB
Date: 2025-07-10
Revision: 03

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Figure 8-3: Key features of the proposal (Source: Stantec, 2025)

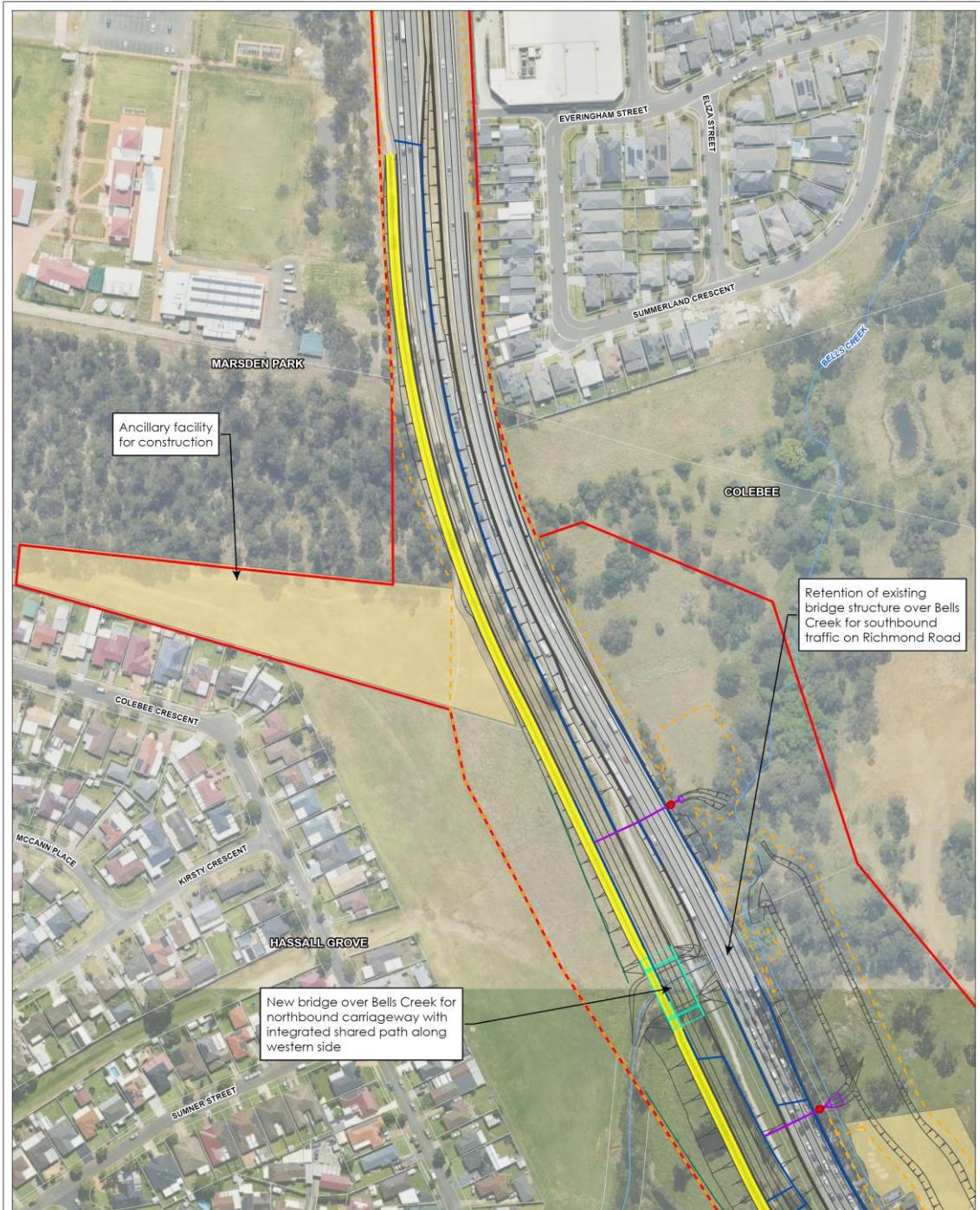


Figure 4-8 (d): Key features of the modified proposal

Richmond Road Upgrade between M7 Motorway to Townson Road

Project Code: 305001173_EN_GS_027
Drawn By: RA Checked By: EB
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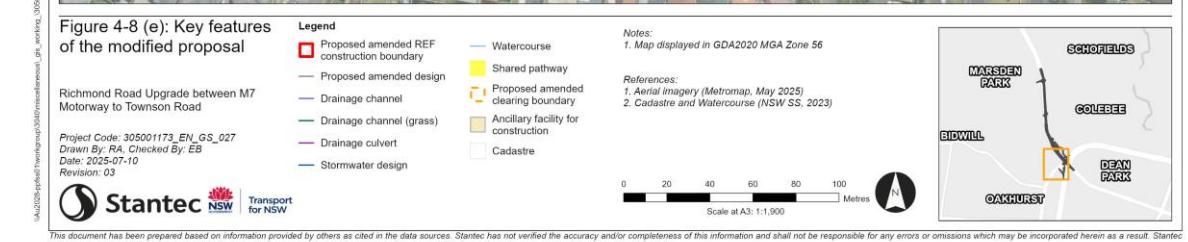
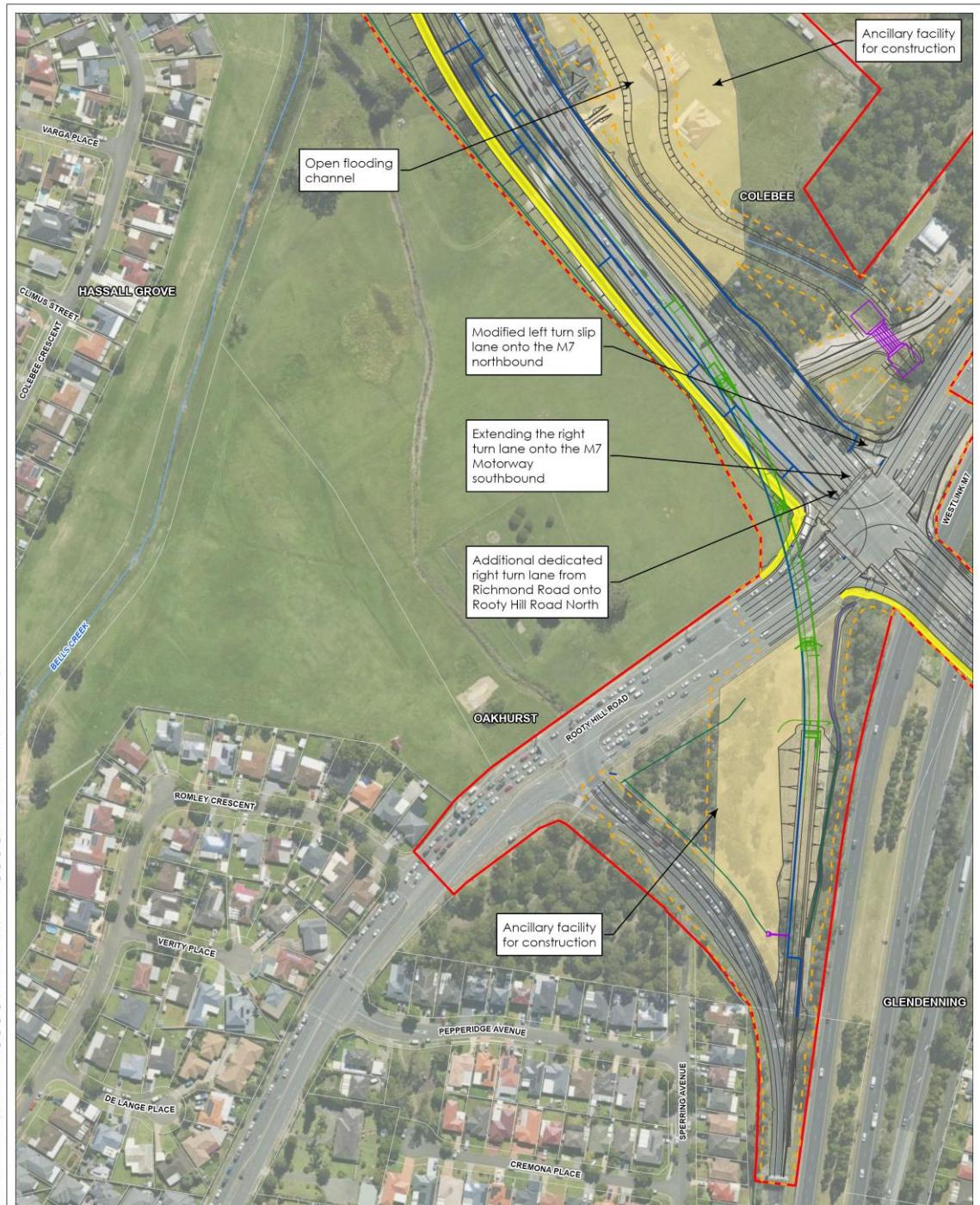
Legend	
■	Proposed amended REF construction boundary
●	Gross pollutant trap
—	Proposed amended design
—	Drainage channel (grass)
—	Drainage culvert
—	Stormwater design
—	Bells Creek bridge
—	Watercourse
■	Shared pathway
□	Proposed amended clearing boundary
■	Ancillary facility for construction
■	Cadastral

Notes:
1. Map displayed in GDA2020 MGA Zone 56

References:
1. Aerial Imagery (Metromap, May 2025)
2. Cadastre and Watercourse (NSW SS, 2023)



Figure 8-4: Key features of the proposal (Source: Stantec, 2025)



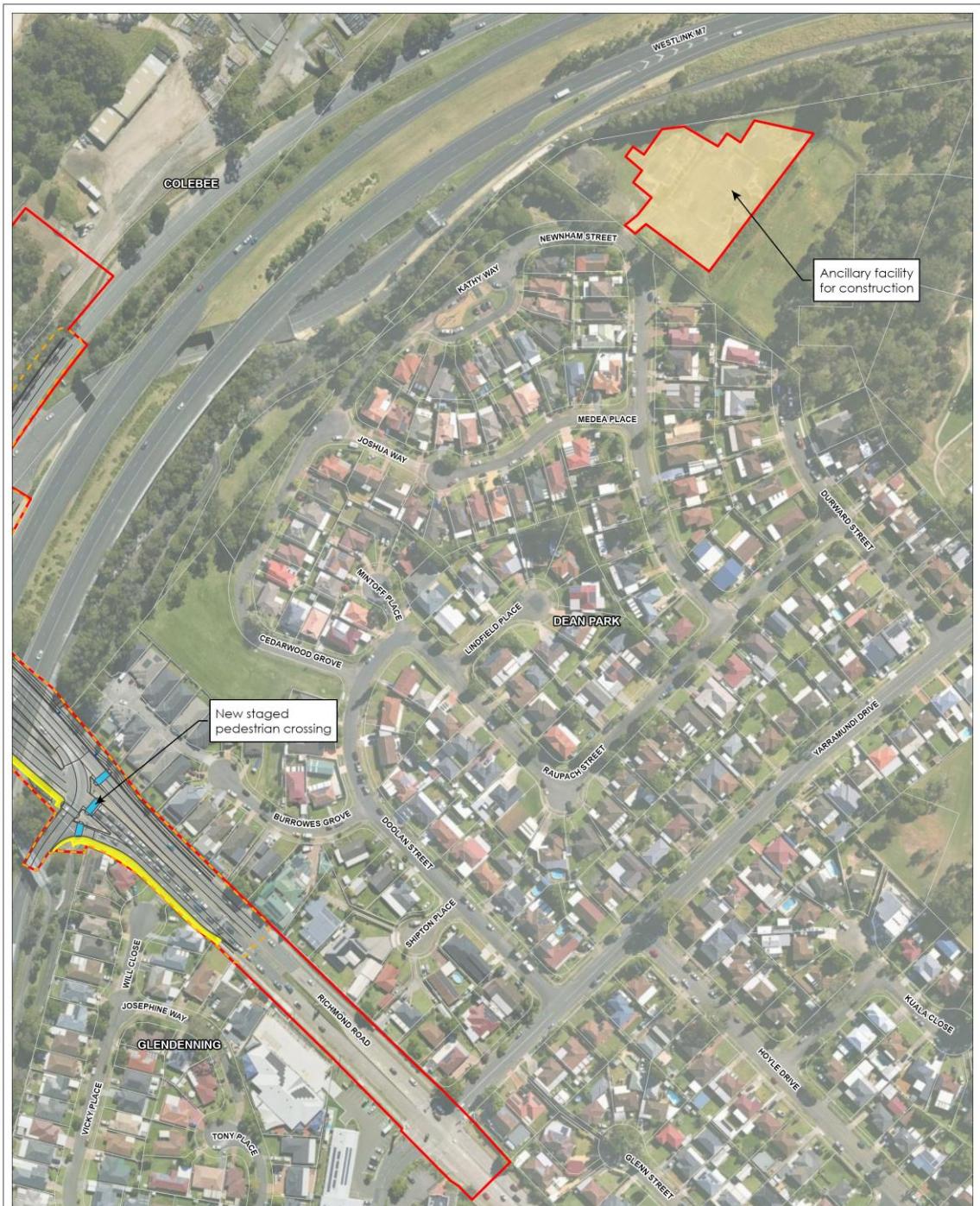


Figure 4-8 (f): Key features of the modified proposal

Legend

- Proposed amended REF construction boundary
- Proposed amended design
- Stormwater design

- Shared pathway
- Staged pedestrian crossings
- Proposed amended clearing boundary
- Ancillary facility for construction
- Cadastre

Notes:

- Map displayed in GDA2020 MGA Zone 56

References:

- Aerial Imagery (Metromap, May 2025)
- Cadastral and Watercourse (NSW SS, 2023)

0 20 40 60 80 100 Metres

Scale at A3: 1:1,900



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Figure 8-6: Key features of the proposal (Source: Stantec, 2025)



Figure 8-7: Vegetation typology within the amended construction footprint (Source: Stantec)



Key plan



Existing view 5 - Rear property boundary of 131 Colebee Crescent, looking east



Proposed view 6 - Rear property boundary of 131 Colebee Crescent, looking east

Figure 8-8: Render of proposed M7 flyover to Richmond Road. (Source: DesignInc 2024)

8.1.3 Construction Staging

The construction staging of the proposal would carefully consider constructability to minimise impact on existing traffic, allow for safe construction access and egress and minimise the construction duration. The construction staging for the proposal would be split into two construction stages as follows (refer Figure 8-9):

- Stage 1 Northern section – Richmond Road between 150 metres south of the Langford Drive and Alderton Drive intersection and 250 metres north of the Hollinsworth Drive and Townson Road intersection.
- Stage 2 Southern section – Richmond Road between M7 southbound on-ramp and 150 metres south of the Langford Drive and Alderton Drive intersection.

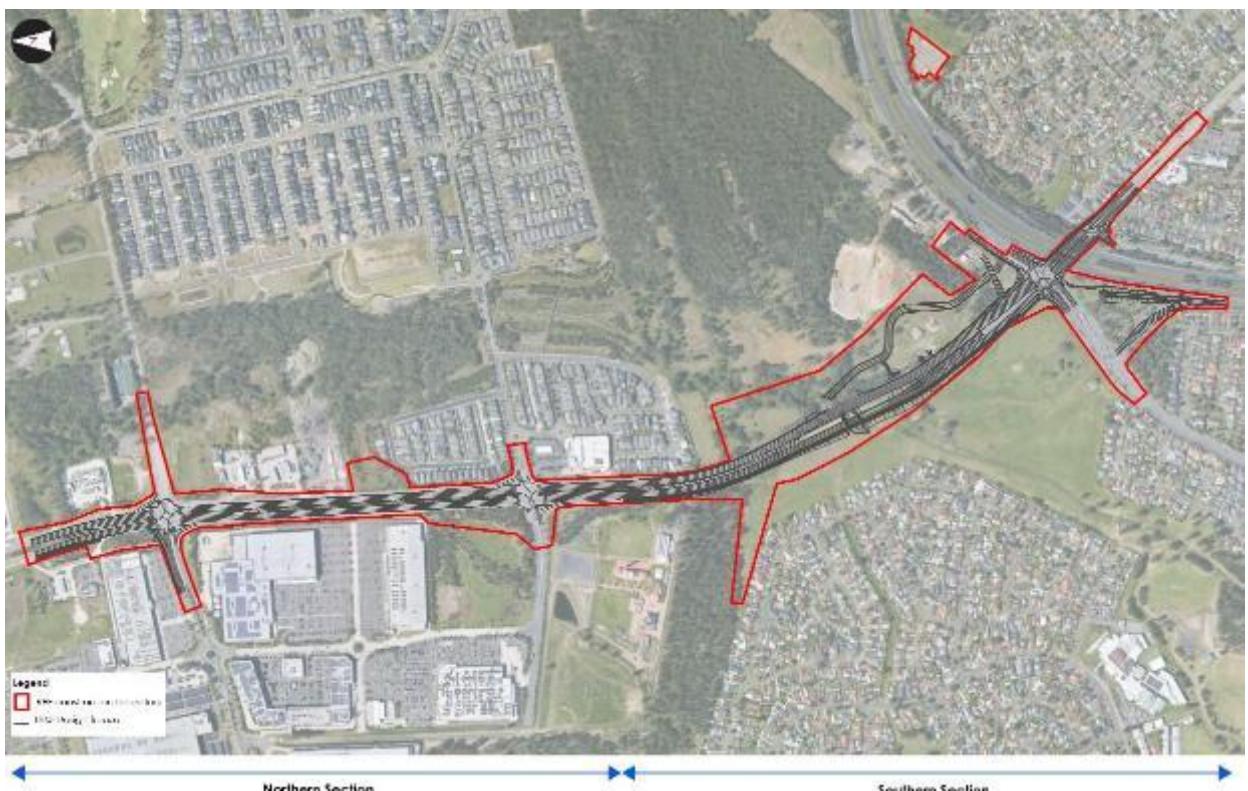


Figure 8-9: Richmond Road construction staging Stage 1 (northern section) and Stage 2 (southern section) (Source: Stantec, 2024)

8.1.4 Design Options Analysis

As part of the design process between 20% and 80% concept design, design workshopping for the M7 ramps and the relocation of the Blacktown Native Institution driveway were optioneered in consultation with key project stakeholders which included the (DSMG) who manage most of the BNI.

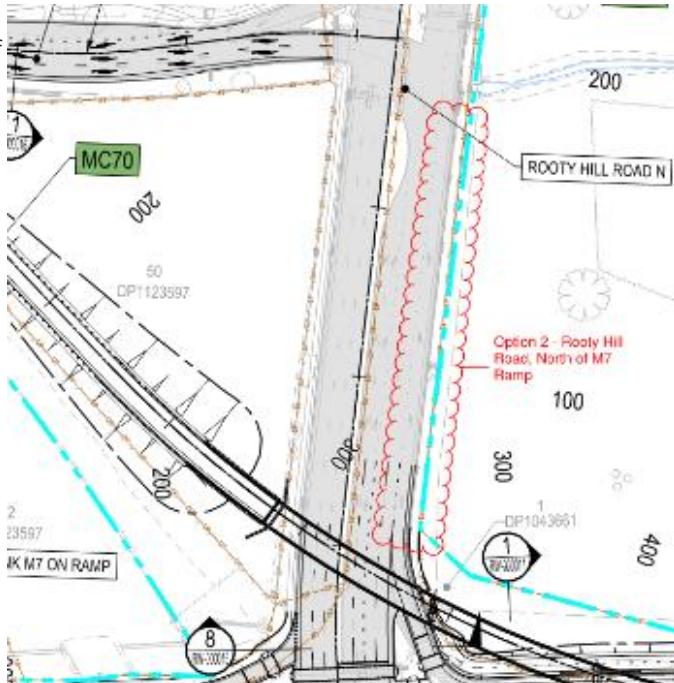
The M7 ramps and flyovers – had three viable options which were analysed and considered for the advantages and disadvantages, whilst also applying an assessment criteria which assesses whether the options are able to achieve the agreed project objectives, delivering greatest benefits whilst minimising the impacts. Each option was rated twice, once in terms of the performance before the completion of the Castlereagh Connection and again after its implementation.

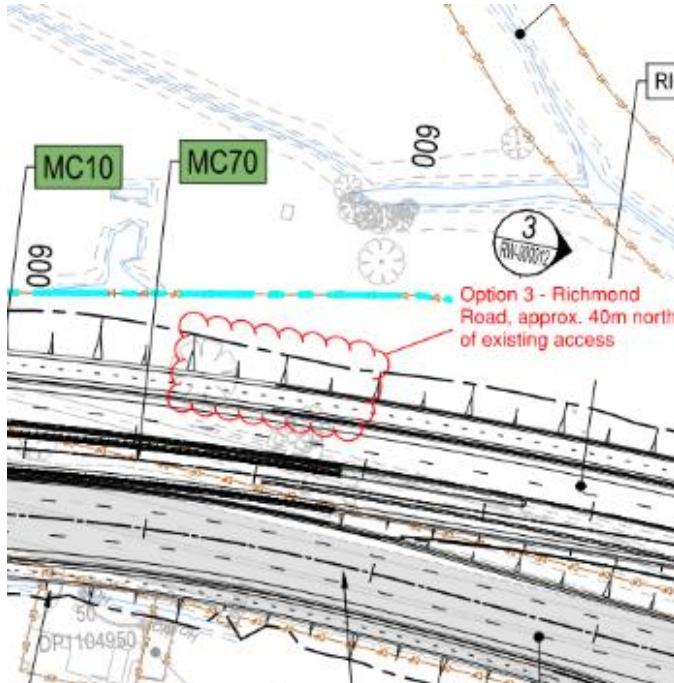
The result of the analysis the consensus recommendation was that Option 2 for the ramps and flyovers was the preferred option. Whilst it was the more expensive option, if funding could be obtained it would provide the best solution for the immediate and long term.

Three options were also considered for the BNI driveway relocation. The options have been outlined in the following table which discusses the pros and cons of the design. On consultation with the DSMG, and assessment of the options against the assessment criteria, Option 2 was also selected, to be finalised and detailed further during detailed design phase. This is discussed further in section 8.1.1 below.

Table 8-1: BNI driveway options analysis

Option	Plan	Streetview	Comments
Option 1: Rooty Hill Road, South of M7 Ramp			<ul style="list-style-type: none"> Location is south of dedicated left, through and right turn lanes on Rooty Hill Road and provides opportunity for road users to access all of the legs on the Rooty Hill Road / Richmond Road intersection BNI will need to construct a crossing of the existing drainage channel located within their land

Option	Plan	Streetview	Comments
Option 2: Rooty Hill Road, North of M7 Ramp			<ul style="list-style-type: none"> Users would need to turn left out of site into the dedicated left turn lane to reduce the risk of potential crashes. This may result in additional travel time. A concrete median may be required to stop road users turning into the through or right turn lane.

Option	Plan	Streetview	Comments
Option 3: Richmond Road, approx.. 40m north of existing access			<ul style="list-style-type: none"> Location is prior to the ramp merge with the M7. Due to the horizontal curve, the proposed piers should not obstruct the sight distance. Potential issue with safe gaps for vehicles to exit the site.

8.1.5 Mitigation Measures

TfNSW is committed to implementing where possible additional mitigation measures to the project to minimise or mitigate impacts to heritage significance, cultural and social values. These additional measures have arisen following input from stakeholders during the REF submission process. These measures include:

- Further design refinement optioneering of elements raised in the REF submission as being of key concern during the tendering process
- Formation of a Working Group with representatives from the DSMG and Transport together to work through the issues raised by the DSMG in this report to inform the detailed design for the project. The outcomes of the Working Group will be used to inform and influence the design development, and governance will be critical in supporting delivery of these outcomes.
- Further discussion and liaison with the DSMG to resolve driveway access to the BNI.

9. Heritage Impact Assessment

9.1 Overview

This section assesses the heritage impact of the proposed works on heritage and cultural values within the study area. Justifications are also provided for the proposed works.

Within this approach, the objective of a heritage impact assessment is to evaluate and explain how the proposed works will affect the heritage value of the study area and/or place. A heritage impact assessment should also address how the heritage value of the site/place can be conserved or maintained, or preferably enhanced by the proposed works.

To consistently identify the impact of the proposed works, the terminology contained in the following table has been referenced throughout this document. The terminology and definitions are based on those contained in guidelines produced by Heritage NSW in the *Material Threshold Policy*.¹⁹⁸

Table 9-1: Terminology for assessing the magnitude of heritage impact.

Impact	Definition
Total loss of significance	Major adverse impacts to the extent where the place would no longer meet the criteria for listing on the SHR.
Adverse impact	Major (that is, more than minor or moderate) adverse impacts to State heritage significance.
	Moderate adverse impacts to State heritage significance.
	Minor adverse impacts to State heritage significance.
Little to no impact*	An alteration to State heritage significance that is so minor that it is considered negligible. * Little to no impact (as opposed to no impact) acknowledges that any change will result in some level of impact/alteration to State heritage significance.
Positive impact	Alterations that enhance the ability to demonstrate the State heritage significance of an SHR listed place.

The assessment of impacts on cultural values cannot be quantified numerically. The following terminology is used to classifying impacts to cultural values and it draws upon comments made by DSMG.

¹⁹⁸ Heritage NSW, *Material Threshold Policy*, 14 February 2020

Table 9-2 Terminology for impacts on cultural values

Impact on Cultural Values	Definition
Not known	The impact on the cultural values of the place is undeterminable at the time of assessment.
Disrupts	The impact would interrupt the ability to understand and appreciate the cultural values of the place
Diminishes	The impact has the ability to reduce the significance and ability to understand and appreciate the cultural values of the place
Harms	The impact would alter or cause detrimental impacts to the significance of the place and the ability to understand and appreciate the cultural values of the place
Destroys	The impact would be so severe that they would demolish or devastate the significance of the place and the ability to understand and appreciate the cultural values of the place
Disregards	The impact neglects and disrespects the cultural values of the place and impacts the ability to provide opportunities to understand and appreciate them
Threatens	The impact endangers the cultural values of the place, and has the ability to alter and impact the significance of the place

9.1.1 Blacktown Native Institution

The BNI is a site of State Heritage significance for its landscape and archaeological remains, as well as its historical, aesthetic, associative, social and cultural heritage values. Whilst the proposed works have been design optioneered to minimise and mitigate impacts to the heritage item where possible, the proposed works would have the potential to have negative heritage impacts on the cultural and social values of the BNI. The BNI is significant to the Dharug people for its ability to connect and evidence the processes of colonisation, dispossession, assimilation, integration, and reconciliation of the Dharug people. It is a site valued for its ability to truth tell, provide a sense of belonging and activism, whilst also regeneration of culture, connection to Nura and healing of trauma.

The proposed works involve the widening of the northbound lanes on Richmond Road, installation of a formal driveway access to the BNI property within the Rooty Hill Road North road corridor and construction of a new flyover abutment walls and retaining wall in the BNI. These works threaten and diminish cultural values of the community through the continued erosion of the land which was returned to the Dharug people in 2018, and the land which is still owned and managed by TfNSW. The works also threaten community aspirations for the site, and their continued connection with the wider cultural landscape.

Road widening works and the construction of the new bridge over Bells Creek within the Blacktown Native Institution curtilage will be undertaken on land owned and managed by Transport. The road widening and bridge construction works will include bulk earthworks, grading, and construction of road infrastructure. This requires the relative ground level to be raised around 1 metre above the existing level. This would result in substantial unsympathetic changes to the landscape, impacting the ability to understand the Women's Area at Bells Creek in association with the overall cultural and physical landscape.

The proposed road widening works are limited to areas of the Blacktown Native Institution site with low historical archaeological potential. Historical archaeological potential in these areas is limited to identification of evidence of BNI contemporary Aboriginal encampments through the presence of artefact scatters and potential unmarked burials. There is not enough documentary evidence to suggest the location of these potential burials, although it is understood they are most likely to be situated in proximity to Bells Creek and may also be located in the northeast corner of the BNI. It is considered unlikely that impact to historical archaeological remains will result from the proposed road widening works within the Blacktown Native Institution. The site identified by Bickford in 1981 as being a potential encampment, evidenced by the presence of earthenware pottery and stone artefacts, has been subject to considerable impact since this time.¹⁹⁹ This site is

¹⁹⁹ GML 2023; p. 138

unlikely to remain intact, and ongoing infrastructure works to the banks of Bells Creek is likely to have impacted any additional sites in the vicinity.

Road widening works and construction compounds on the eastern side of Richmond Road may result in impacts to potential archaeological remains associated with a timber hut on the Williams grant. This structure, which is poorly documented in maps and plans, may represent a small dwelling commissioned for Nurragingy and constructed by Williams. Further detailed research and mapping needs to be undertaken in an archaeological assessment. The archaeological assessment would develop an understanding of the location of the structure and its significance relative to the project's impact and provide advice on management measures, where impact cannot be avoided. It is recommended that this research be undertaken to inform the development of the detailed design and ensure the most accurate project mapping is considered.

The new flyover and retaining wall are to be constructed at the southern end of the BNI site in an area that is already highly visually disrupted by the nearby M7 flyover, and surrounding road and telecommunication infrastructure (road carriageways, overhead traffic light booms, light poles, mobile phone tower). The new flyover and retaining wall will contribute further to the disruption of the setting and visual amenity of the BNI in this highly modified section of the item (refer Figure 8-8). The scale and positioning of the flyover and associated retaining wall would be highly visible within the significant cultural landscape, sitting directly within the horizon view of the site. The site's landscape character and setting would be impacted by this development, and would further impact long-range views and vistas. Whilst the aesthetic and setting are not identified as part of the values which meet the threshold for State significance, the CMP 2023 in Policy 39 has identified that these views, vistas and visual qualities of the overall landscape character of the BNI contribute to the significance of the site, and to its social use as a meeting place and calm location. As such, the proposed flyover and associated retaining wall would result in a large new structure that is not sympathetic to this landscape setting, and would be highly visible in the long-range views from the residential neighbours of the BNI, and provide a substantially large visual obstruction in the immediate setting. Mitigation measures which seek to reduce the visual impact to the site are recommended by the project as outlined in Section 10.3.

The proposed flyover will require the positioning of at least one pier footing within the Blacktown Native Institution site near the intersection with Rooty Hill Road North and Richmond Road. Construction of the pier footings is expected to require ground disturbance through excavation and auguring, which will result in impacts to the ground surface within the Blacktown Native Institution. A review of the AZP prepared for the 2023 CMP shows that the proposed flyover is within an area of low archaeological potential, situated away from the areas of historical activity, however, this area has consequently been identified by DSMG as having the potential to contain unmarked child burials.

The location of the works would be in the vicinity of or overlap with areas in the BNI which are known significant places to the Dharug people, specifically the 'Women's Place' where women camped, watched over children and birthed, and the 'Men's Camp' where men in the community would watch over children. The 'Women's Place' is also an area where possible baby burials may be located, however precise locations are unknown and require further consultation with the DSMG. Works in this area would perpetuate further impact on the social and cultural values of this place within the greater BNI area. These areas around the Bells Creek line towards the north of the BNI site feature ecological communities, flora and fauna, which are significant to the natural and cultural landscape of the BNI. Works in these areas particularly in relation to the construction impacts have the potential to impact endangered vegetation and animal corridors which are significant to the Dharug people's connection with Nura. Whilst this would be temporary, the extent of impact to the endangered vegetation and animal migration, and the ability for the landscape and animals to recover (or how long it would take) is unknown.

Vegetation clearing within the BNI would be required to facilitate construction works, this would be temporary, and the area would be made good after the completion of works.

The vegetation clearing boundaries would require land clearing to the west of Richmond Road, around Bells Creek at the north of the BNI site. Whilst the area is predominantly grassed with exotic species, and does not feature many trees, the additional clearing boundaries would further disrupt efforts to regenerate the land of the BNI, and has the potential to impact animal movement corridors which are significant to Nura. Regeneration efforts at the end of the project may have the potential to mitigate some of these impacts.

The area is also located in the vicinity of the 'Men's Camp' where males in the community would camp and watch children. The clearing of vegetation in this area would impact the natural landscape and the ability for this area to continue to bear witness and tell the story of the 'Men's Camp' within the BNI.

Works along Richmond Road are within the greater cultural landscape of the area, which holds specific history, memories and significance to the Aboriginal community. Works within this area by agencies other than DSMG disregard the cultural significance and value of this part of the BNI perimeter and reproduce aspects of colonial control over this land. Proposed

works within the study area would further alter the cultural landscape and create greater separation of the BNI from this broader cultural landscape.

An optioneering exercise was undertaken by Transport in consultation with DSMG to formalise a new location for vehicular driveway access into the BNI. Option 2 was selected as a balance between improved safety for pedestrians and vehicles as well as ease of implementation. The proposed relocated driveway access as per Option 2 is in an area which is mostly open grass area and would not require the removal of significant landscape elements. Works in this area would be low-lying ground works and would not alter the open views across the Blacktown Native Institution. After the discussion and analysis on the driveway Options preferred Option 2, a Visioning Report was made available for the BNI site. The Visioning Report includes a location of the driveway, which is misaligned with Option 2. Careful placement along the Rooty Hill Road north boundary is advisable. The exact location of the driveway would be subject to further discussion and consultation with DSMG to minimise impacts to the Blacktown Native Institution as part of detailed design development.

The proposed driveway relocation will be entirely within areas of low archaeological potential. The driveway access on Rooty Hill Road North should be located to avoid impact the remains of the Blacktown Native Institution site and its archaeological resources and the Grandmother tree. The final agreed location will be addressed through the mitigation measures proposed by the project, including the Working Group (Section 8.1.5).

The project has separately undertaken Aboriginal community consultation and prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the project area. The ACHAR identified that Aboriginal objects are likely to be found near Bells Creek in the Blacktown Native Institution site on Transport owned land. It is proposed that impact to this site will be managed under an Aboriginal Heritage Impact Permit (AHIP) under the NPW Act. As this activity would be within the curtilage of the Blacktown Native Institution, prior approval to enable this activity, would also be sought under the Heritage Act.

In consideration of the significant social and cultural values which are associated with the BNI and have the potential to be impacted by the proposed works, and taking into consideration the design optioneering and possible mitigation measures, it has been assessed that the proposed works would have an **adverse impact (major)** impact on the heritage significance, social and cultural values of the Blacktown Native Institution. Further discussion and design iterations in consultation with stakeholders including the DSMG through the Working Group may have the potential to mitigate some of the impacts, however overall, due to the substantial change in the BNI and wider cultural landscape and the consequential loss and change to social and cultural values, it is expected despite these mitigation measures that the proposed works would still amount to an **adverse impact (major)**.

While the proposed works have been assessed as having the potential to result in an adverse impact (major) on the heritage significance of the BNI it is important to clarify that this level of impact does not constitute a total loss of significance, nor is it considered to reach a threshold that would justify reconsideration of the site's listing on the SHR.

Although the proposed works will result in a reduction in landscape integrity and visual legibility, the site's historical, associative, social, and research values remain substantively intact. The affected areas do not represent the primary locations of significance or the highest concentration of tangible or intangible values. The BNI will continue to retain State-level significance due to its enduring associations with the history of child removal, institutionalisation, and Aboriginal community identity (historical and associative values). These values remain embedded not only in the physical remnants and cultural landscape but also in the collective memory and ongoing cultural practices of the Aboriginal community. The site's importance as a place of reflection, remembrance, and advocacy—particularly for members of the Darug community and former residents' descendants—remains a cornerstone of its significance.

Although the proposed works would alter aspects of the site's integrity through landscape and visual impacts, the core values underpinning the site's state significance, particularly its associative, commemorative, and symbolic importance, will endure. Design optioneering and engagement with community stakeholders, including the DSMG, have sought to minimise impacts through alignment, interpretation, and landscape response. Further collaboration will continue to play a role in mitigating impacts and enhancing the cultural legibility of the site.

In summary, while the scale and nature of the proposed works justify a classification of an adverse impact (major), the site's core heritage values will remain present, and the BNI will continue to meet key SHR criteria (A, B, D, and E). The core areas of research potential identified at the site, particularly the site of the former homestead, are outside the study area. There are recommended management measures in place to investigate the research potential of the study area. The proposed impacts will not reduce the site's significance to a level that would justify its removal from the SHR.

Impact: Adverse impact (Major)

9.1.2 Ancillary Sites

Establishment of the proposed ancillary facility at 717 Richmond Road is unlikely to result in impacts to significant historical archaeological remains, due to the absence of developments on the site prior to the 1970s. If present, archaeological evidence in this location would likely consist of remains associated with livestock raising and land clearing. Such remains would be unlikely to reach the threshold of local significance. Further archaeological assessment of this location is not required, however this report includes a recommendation to implement TfNSW's unexpected finds procedure as a precautionary measure. It would have a temporary impact on the overall cultural landscape of the Dharug, due to changes during its use as an ancillary site, however this impact would be mitigated once all activities cease on site.

Transport for NSW has identified the need for additional ancillary facilities during construction. It is proposed that these would be located at 136 South Street, Marsden Park, a property which is already owned by Transport for NSW. The site would be used for site offices, and would not be used for other activities such as stockpiling, storage or laydown.

As 136 South Street, Marsden Park is not a heritage item, the proposal to locate ancillary facilities at this location would have no physical or visual impacts on the significance of the site. The closest heritage item (St Andrew's Presbyterian Church) is over 500m away and would not be impacted by the proposed ancillary facilities. The proposed works within the study area would be unlikely to result in impacts to archaeological resources. This report has assessed that there is nil-low potential for the identification of archaeologically significant works or relics within the study area. The immediate surrounds, consisting of areas previously subject to disturbance from road widening activities and agricultural use, also have limited archaeological potential.

9.1.3 Cultural Values considerations

The Richmond Road Upgrade: Landscape Visual Impacts Analysis (DesignInc 2024) acknowledges the Dharug people and the unceded Traditional lands of the Dharug people (Section 2.2). The document quotes part of the Statement of Significance of the state heritage listing specifically citing the “colonial assimilation policies and race relations” of the institution; additionally the BNI “represents dispossession, child removal”; and further has importance “as an early tangible link with colonial history of the trans-Tasman cultural relations and with the history of children removed by missionaries” (SHL cited in DesignInc 2024: section 2.4). Stonecutters Ridge²⁰⁰ (formerly known as Plumpton Ridge) is also mentioned as a “significant open space and green corridor” (DesignInc 2024: section 2.3).

DesignInc 2024 refers to cultural values described in the Connecting with Country Richmond Road Widening Report (Nguluway DesignInc November 2024). The Connecting with Country Report should be considered by the DSMG Working Group in developing recommendations and design opportunities for the project. DesignInc 2024: section 2.4 lists nine cultural heritage considerations and opportunities:

- Working collaboratively with First Nations stakeholders and respond to community aspirations for culturally significant sites
- Draw on the Connecting with Country engagement for cultural interpretation of landscape and new structure
- Acknowledge continuing presence and resilience of Aboriginal culture by creating or highlighting visual and physical connections between significant sites.
- Optimise retention of remaining native/riparian vegetation in the now fragmented Colebee and Nurragingy land grant
- Acknowledge Dharug aspirations for the BNI site
- Maintain access to and within the BNI site and acknowledge possibility of the construction of Dharug Cultural Centre
- Locate a new carpark entry off Rooty Hill Road towards the south-west corner
- Explore potential and approval pathways for mounding to the south-east corner to mitigate impact of road widening
- Select plants, materials and colours that reflect the local topography and seek Aboriginal stakeholders to confirm or refine the material palette.

The above are presented by DesignInc as design opportunities as well as identification of the potential for the inclusion of artworks (DesignInc 2024: Section 3.2.3 Objective 3 and 4.1.5). The importance of Bells Creek waterway which crosses Richmond Road is also noted (DesignInc 2024: Section 2.3).

²⁰⁰ Stonecutters Ridge Golf Club 2025 <https://www.stonecuttersgc.com.au/cms/history/> .Accessed 26 March 2025

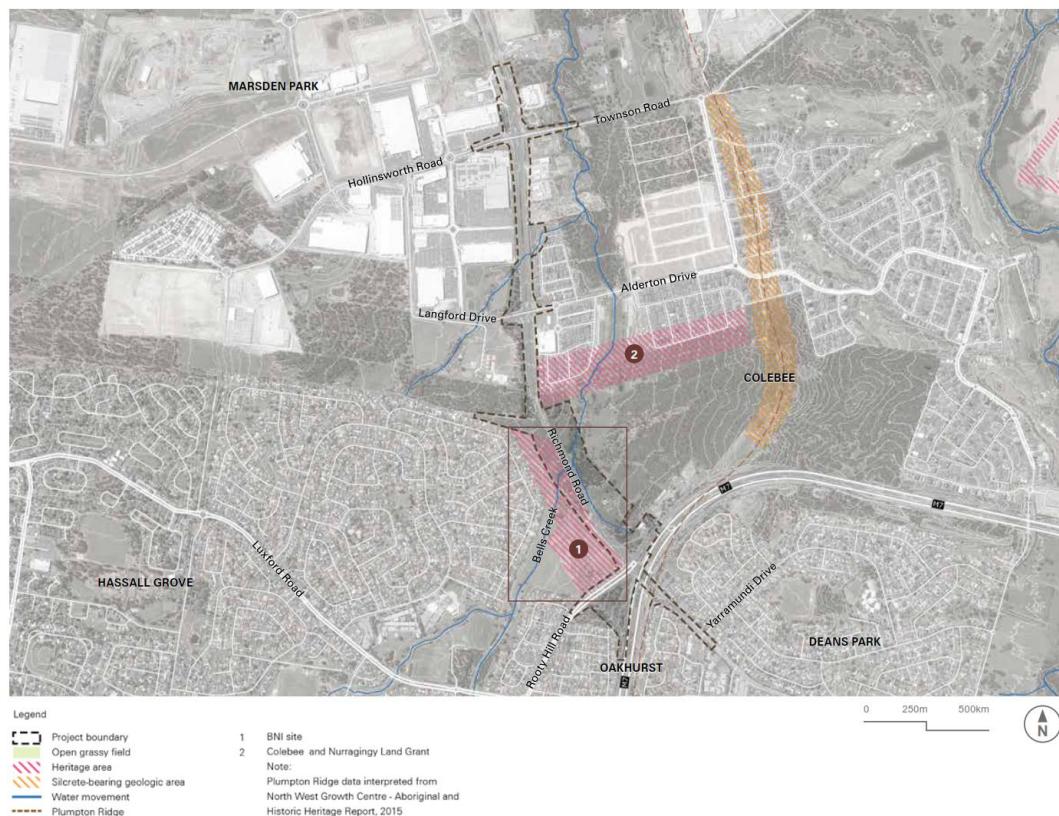


Figure 9-1 Landscape Visual Analysis (DesignInc 2024: figure 3).

DesignInc (2024: Section 2.5). identified the following ecological communities present in the area and suggest these might offer management and mitigation opportunities:

- The Cumberland Shale Plains Woodland
- The Castlereagh Ironbark Forest
- The River-flat Eucalypt Forest.

Design opportunities:

- Retain native vegetation where possible
- Restore critically and endangered ecological communities
- Assist with biodiversity protection and recovery
- Consider bushfire resilience strategies in planting programs (consider species, location and density)
- Include focus on enhancing biodiversity of site and surrounds considering Caring for Country via engagement through Connecting with Country
- Deter kangaroos by establishing a faunal crossing around Bells Creek.

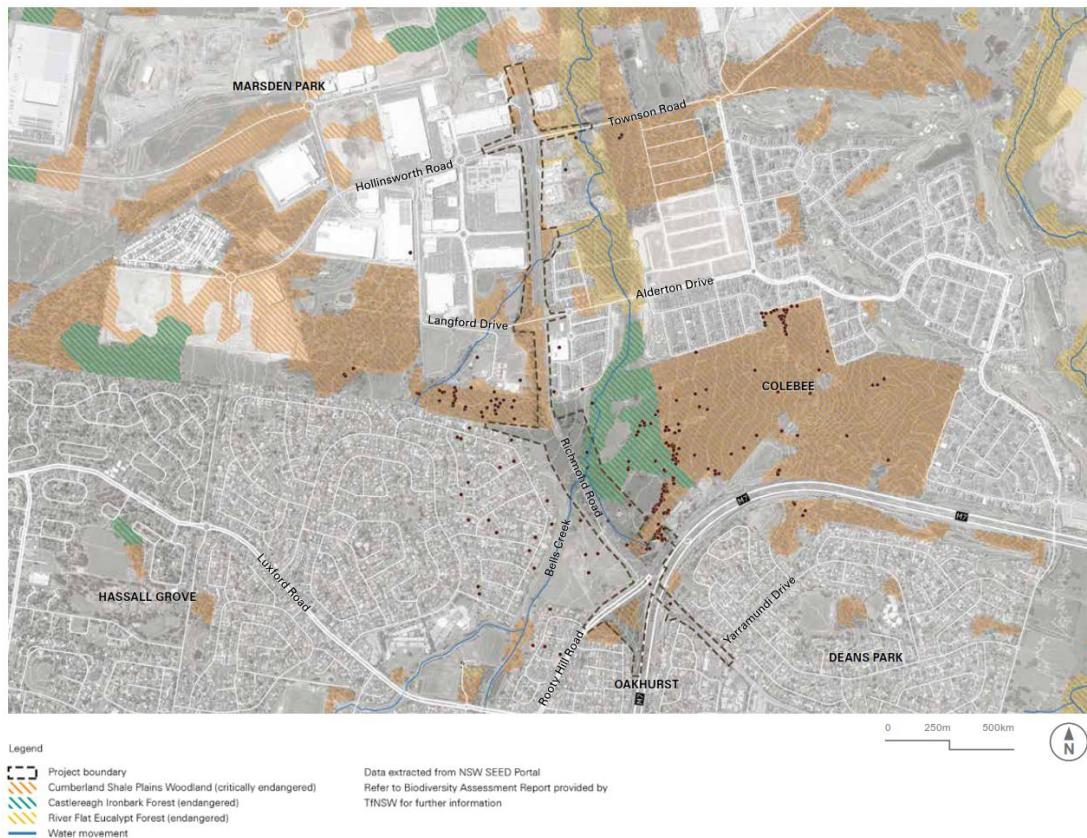


Figure 9-2. Vegetation Communities (DesignInc 2024: figure 4).

Visual representation of water movement across the project area is shown in and the following design opportunities suggested:

- Planting of appropriate species to assist in prevention of erosion, and so mitigate flooding
- Design of appropriate swales and drainage which consider strategies of passive irrigation
- Earthworks/batters graded to fit into the natural landform where possible
- Maintenance/enhancement of scenic view across Bells Creek flood plain.
- Considering Caring for Country via engagement through Connecting with Country and focus on revegetation, especially around Bells Creek to mitigate erosion.

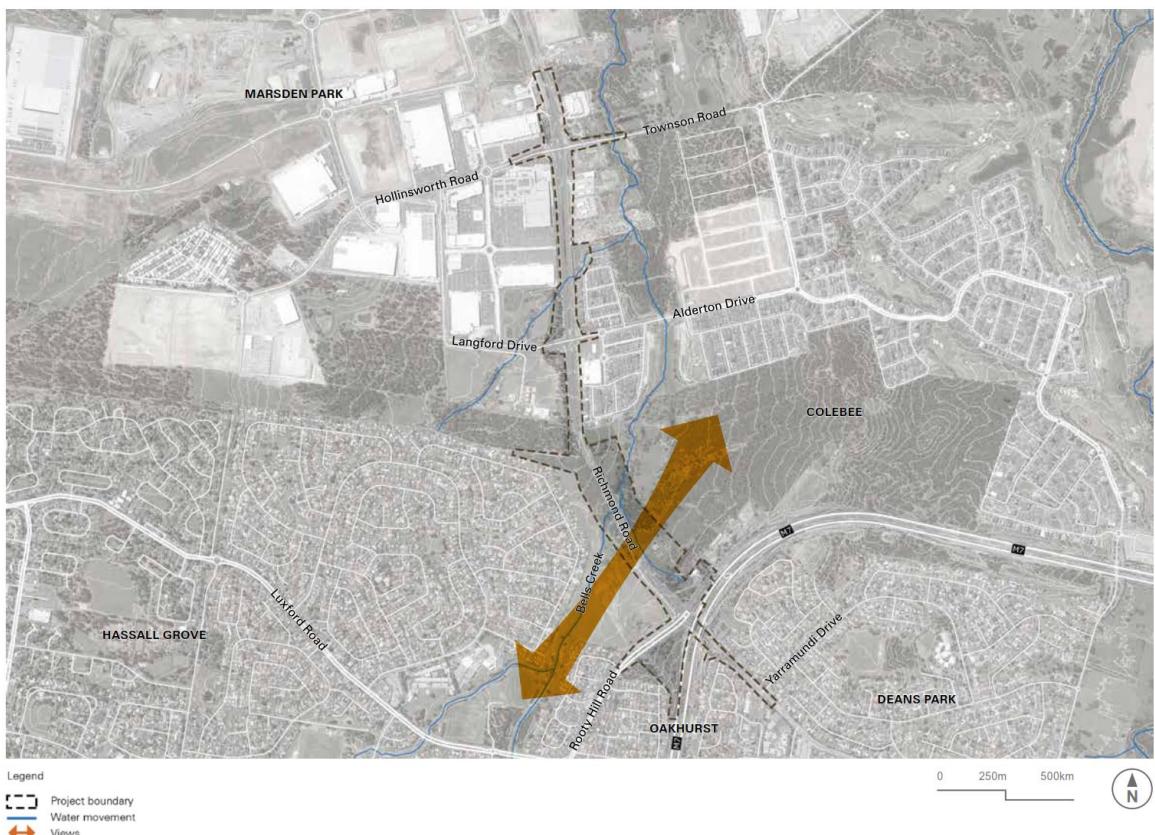
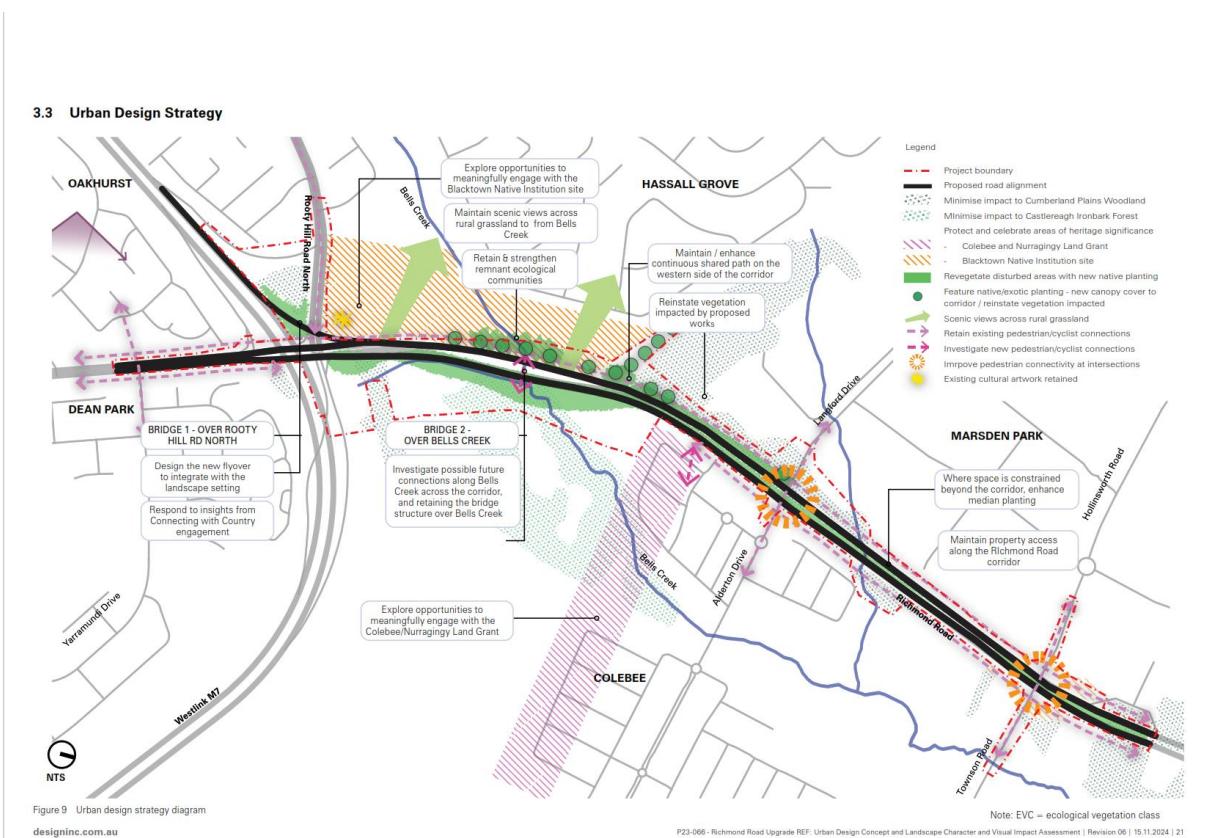


Figure 9-3 Water movement (DesignInc 2024: figure 5). DesignInc's Urban Design Strategy is visualised in Figure 9-4.



9.1.4 Impact criteria for Cultural Values based on UNESCO's domains of intangible heritage criteria

Drawing upon UNESCO's domains of intangible heritage criteria established in Section 7.5 impacts on these elements are assessed as either having a detrimental (or diminishing) effect or not. There is no measure to assess the degree of impact.

Table 9-3. Concerns raised by DSMG and the impacts on the cultural values of BNI viewed through UNESCO domains

	UNESCO domains	Concerns raised by DSMG	Impact on Cultural Values
1	Oral traditions and expressions, including language	Not known	Not known
2	Performing arts	Not known	Not known
3	Cultural performance (action(s) that make something visible or audible)	Noise pollution will disrupt plan for women's area as peaceful ceremonial area	Disrupts
5	Knowledge and practices concerning nature and the universe (past, present or future)	Cultural values are threatened, diminished - divide community	Diminishes
5	Knowledge and practices concerning nature and the universe (past, present or future)	Failure to protect social and cultural values will cause severe and lasting distress	Harms
5	Knowledge and practices concerning nature and the universe (past, present or future)	Women's area around Bells Creek will be overwhelmingly impacted by works in the curtilage. Men's camp also located in proximity and potential to celebrate and commemorate familial commitment in the future may be destroyed.	Destroys
5	Knowledge and practices concerning nature and the universe (past, present or future)	DSMG considers TfNSW to be enacting power over Dharug by disregarding their cultural perspective	Disregards
5	Knowledge and practices concerning nature and the universe (past, present or future)	Cultural values are threatened because Land Grant is part of the broader cultural landscape of the Dharug and a connection to deep history and recent history	Threatens
5	Knowledge and practices concerning nature and the universe (past, present or future)	Removal of Casuarina and eucalypts would be distressing, as would the excavation of the site to construct the road	Harms
5	Knowledge and practices concerning nature and the universe (past, present or future)	Interference to regeneration and ecological restoration program	Disrupts
5	Knowledge and practices concerning nature and the universe (past, present or future)	Disruption of woodland pathway (landscape connection) between BNI and Shanes Park	Disrupts

	UNESCO domains	Concerns raised by DSMG	Impact on Cultural Values
5	Knowledge and practices concerning nature and the universe (past, present or future)	Potential for damage to the Grandmother tree by interim access driveway	Threatens
6	Knowledge and skills (intangible heritage) without which objects cannot be made, actions performed, or social practices enacted (past, present or future)	Proposed fly over overshadows site, and has implications for access to solar power as well as having an adverse visual affect	Diminishes

The comments raised by DSMG and listed above in Table 9-3 reflect their concerns that the cultural values of the BNI will be threatened, diminished, harmed, disrupted or disregarded. The impacts on two of the UNESCO domains is unknown.

9.1.5 Cumulative Heritage Impact Assessment for the Blacktown Native Institution

Cumulative impacts refer to the combined, overlaid or added actions and interactions within a particular place associated with the past, present and the reasonably foreseeable future.

The BNI site has been subject to substantial change and erosion of its physical boundaries, fabric, social and cultural values over the years, commencing during the treatment of ancestors by settlers and colonial governments. This has continued to occur with public works and road works occurring in and around the BNI site, despite the land being returned to the Dharug people in 2018. This includes the upgrade of Richmond Road during the mid 2010s (before it was returned to Dharug and before its SHR listing), which selected the current road corridor and widened the road to four lanes. This upgrade included community consultation which supported impacting the BNI site as a means of avoiding the Colebee and Nurragingy Land Grant further north.

The BNI is an area of great significance within a broader cultural landscape and Nura to the Dharug people in this area. The BNI is a significant site for truth telling, regeneration of cultural practices and language, but also healing of trauma. The site bears witness to these practices and the trauma which has occurred, and is important to conserve as a physical connection to the memories imbued in the site.

The proposed works contribute to the continued erosion of the land and ability for the Dharug people to heal and continue cultural practices and socially engage at the site. The CMP identifies a “strengths-based trauma-informed approach to heritage” which “centres power on the community in research and collaborative decision-making.”²⁰¹ The lack of consistent and considered community and collaborative consultation and design or decision-making as part of the REF further adds to the cumulative impact of the proposed works on the cultural and social significance of the site, further perpetuating a sense of trauma and loss to the Dharug people.

The proposed works would result in the potential to adversely impact significant identified places within the BNI, significant burial locations (albeit precise locations unknown), and significant ecological communities. The proposed works would cause further adverse impacts and deterioration of the setting, and the social and cultural values of the site. Although there is a commitment by the project team and government to undertake community consultation with the DSMG and work iteratively to achieve acceptable design choices for both parties, the continued erosion of the cultural and social values caused by previous and current proposal, and the likelihood of future proposals in this area is considered to have the potential for **cumulative impacts (major)** on the BNI site and the broader cultural landscape in this area.

²⁰¹ GML, *Blacktown Native Institution Conservation Management Plan, 2024*, p. 12

9.1.6 Impacts to heritage items in vicinity

This section assesses the potential direct (physical) and indirect (visual) impacts of the proposed works on heritage items within the study area itself and its vicinity. The heritage impacts of the proposed works are outlined in Table 9-4.

Table 9-4: Assessment of heritage impact.

Item Name	Item/Listing Number	Impacts
Colebee and Nurragingy Land Grant	SHR No. 01877 BLEP 2015 No. A120 RNE Place ID. 18986 Transport for NSW s170 ID (#4311607)	The works would not be located within the Colebee and Nurragingy Land Grant and would not impact the overall setting of item. The works would create further alteration to a substantially altered vista, and therefore are considered to have an overall little to no impacts to the item.

9.1.7 Consideration for specific types of work

A statement of heritage impact has been prepared according to Environment and Heritage from the Department of Planning and Environment guidelines for preparing a statement of heritage impact, where matters for consideration related to specific types of works have been assessed in Table 9-5 below.

Table 9-5. Matters for consideration for the proposed road upgrade works

Development	Discussion
Alterations and additions	
Do the proposed works comply with Article 22 of <i>The Burra Charter</i> , specifically <i>Practice note article 22 – new work</i> (Australia ICOMOS 2013b)?	<p>The works in their current state (100% concept design) do not comply with Article 22 of the <i>Burra Charter</i>.</p> <p>The Blacktown Native Institution (BNI) is a site of State Heritage significance for its landscape and archaeological remains, as well as its historical, aesthetic, associative, social and cultural heritage values. Whilst the proposed works have been design optioneered to minimise and mitigate impacts to the heritage item where possible, the proposed works would have the potential to have negative heritage impacts on the cultural and social values of the BNI. The BNI is significant to the Dharug people for its ability to connect and evidence the processes of colonisation, dispossession, assimilation, integration, and reconciliation of the Dharug people. It is a site valued for its ability to truth tell, provide a sense of belonging and activism, whilst also regeneration of culture, connection to Nura and healing of trauma.</p> <p>The proposed works involve the widening of the northbound lanes on Richmond Road, installation of a formal driveway access to the BNI property within the Rooty Hill Road North road corridor and construction of a new flyover abutment walls and retaining wall in the BNI, and a new bridge over Bells Creek. These works threaten and diminish cultural values of the community through the continued erosion of the land which was returned back to the Dharug people in 2018.</p> <p>The proposed works would distort and continue to obscure the cultural significance of the place and detract from its interpretation and appreciation.</p> <p>Future design iterations and consultation with stakeholders, including through a Working Group have been identified as mitigation measures (see Section 8.1.5) and will be the focus of development of detailed design outcomes, which may in future assist the proposed works in complying with Article 22.</p>
Are the proposed alterations/additions sympathetic to the heritage item? In what way (eg. Form, proportion, scale, design, materials)?	The scale and positioning of the flyover and associated retaining wall would be highly visible within the significant cultural landscape, sitting directly within the horizon view of the site. The site's landscape character and setting would be adversely impacted by this development and further reduce long-range views and vistas. Whilst the aesthetic and setting are not identified as part of the values which meet the threshold for State significance, the CMP 2023 in Policy 39 has identified that these views, vistas and visual qualities of the
Will the proposed works impact on the significant fabric, design or layout,	

Development	Discussion
significant garden setting, landscape and trees or on the heritage item's setting or any significant views?	<p>overall landscape character of the BNI contribute to the significance of the site, and to its social use as a meeting place and calm location. As such, the proposed flyover and associated retaining wall would result in a large new structure that is not sympathetic to this landscape setting and would be highly visible in the long-range views from within BNI, and provide a substantially large visual obstruction in the immediate setting.</p>
	<p>A new bridge is proposed to be constructed over Bells Creek. The area around Bells Creek is particularly significant culturally and socially to the community, associated with both women's and men's camps. The new bridge, baffle and landscape changes to raise the road would alter the setting and further erode the understanding of this area within the broader cultural landscape.</p>
	<p>The proposed works also require vegetation clearing within the BNI. These measures would require the removal of significant and native vegetation, and alter the natural landscape. Whilst these works are intended to be temporary and mitigation measures require making the area good, these works are in the vicinity of significant sites within the BNI, which would have a detrimental impact on the land and the ability for these areas to continue to bear witness and tell the story of these places. Works would cause a significant change to the significant landscape environment.</p>
How have the impact of the alterations/additions on the heritage item been minimised?	<p>Early options analysis for the project included detailed consideration of how to upgrade the intersection of Rooty Hill Road North and Richmond Road accommodating the traffic flows from the M7 while minimising impacts to the BNI.</p> <p>Design optioneering is being undertaken in consultation with stakeholders including the DSMG for elements affecting the BNI including but not limited to, the fly over, retaining wall, and driveway access. These aim to balance the requirements of the project while minimising impacts to this significant place.</p> <p>Further design iteration and consultation is proposed as part of the detailed design process (refer Section 8.1.5). This would include the Working Group with the aim to help navigate the significant values of the project and where possible mitigate or minimise impacts.</p>
Are the additions sited on any known or potentially significant archaeological relics? If yes, has specialist advice from archaeologists been sought? How will the impact be avoided or mitigated?	<p>The portion of the Blacktown Native Institution site which is within the study area has limited potential to demonstrate these state significant values through standing structures or archaeological remains. Social and cultural values are an additional consideration to this question. The impact assessment and recommendations in this report have been developed in the context of this understanding.</p>
Works adjacent to a heritage item or within the heritage conservation area	
Will the proposed works affect the heritage significance of the adjacent heritage item or the heritage conservation area?	<p>The works would not be located within the Colebee and Nurragingy Land Grant and would not impact the overall setting of item. The works would create further alteration to a substantially altered vista, and therefore are considered to have an overall little to no impacts to the item.</p>
	<p>Whilst the Colebee and Nurragingy Land Grant would not be physical impacted by the proposed works, the item sits within a broader cultural landscape in this area, and is associated with the BNI. As such, by way of association with this cultural landscape, the proposed works could have the potential to impact on the social and cultural values associated with this particular item.</p>
Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated.	<p>Although proposed to be located at the edge of the BNI, the scale and positioning of the flyover and associated retaining wall would be highly visible within the significant cultural landscape, sitting directly within the horizon view of the site. The site's landscape character and setting would be impacted by this development, and would further impact long-range views and vistas. Whilst the aesthetic and setting are not identified as part of the values which meet the threshold for State significance, the CMP 2023 in Policy 39 has identified that these views, vistas and visual qualities of the overall landscape character of the Blacktown Native Institution contribute to the significance of</p>

Development	Discussion
	<p>the site, and to its social use as a meeting place and calm location. As such, the proposed flyover and associated retaining wall would result in a large new structure that is not sympathetic to this landscape setting, and would be highly visible in the long-range views from the residential neighbours of the Blacktown Native Institution, and provide a substantially large visual obstruction in the immediate setting.</p> <p>Mitigation measures which seek to reduce the visual impact to the site are recommended by the project as outlined in Section 10.3.</p> <p>Due to the low-lying nature of the proposed works adjacent to the Colebee and Nurragingy Land Grant, and the positioning of the flyover further to the south, the proposed works would result in little to no adverse visual impact on the Colebee and Nurragingy Land Grant.</p>
Will the proposed works impact on the integrity of the streetscape of the heritage conservation area?	The proposed works are not located within a Heritage Conservation Area.

9.2 Assessment against relevant policies

9.2.1 Conservation Management Plan policies

The following table records the policies that are assessed as being directly relevant to the proposed works that are within the SHR curtilage and within the heritage buffer zone of the Blacktown Native Institution. A full list of policies can be seen in the Blacktown Native Institution 2023 Draft Conservation Management Plan (GML Heritage 2023).

Table 9-6: Assessment of proposal against CMP policies

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
8.2.1 Leadership – Dharug ownership	1	The Dharug Strategic Management Group, or other suitable Aboriginal owned and managed entity, should continue to own, manage, and steward the Blacktown Native Institution on behalf of the community.	Yes	Proposed works are within Transport for NSW owned portions of Blacktown Native Institution. Ownership of the remainder of the Blacktown Native Institution curtilage was transferred to the DSMG in 2018. The proposed works would not alter this arrangement.
8.2.2 – Leadership – CMP adoption and administration	7	All applications for development and all proposed maintenance and monitoring work shall be assessed against the policies contained within this CMP.	Yes	The proposed works have been assessed in this SoHI against the relevant policies contained in GML Heritage's 2023 <i>Dharug Nura: The Blacktown Native Institution CMP</i> .
8.2.3 Leadership – Statutory context	11	All new development proposals and/or land use practices that may impact upon the significance of the site must be subject to a heritage impact assessment in accordance with the guidelines published by the Heritage Council of NSW, with the intent of ensuring conformity with the policies of this CMP. The heritage impact assessment should be prepared by a competent heritage consultant/archaeologist.	Yes	This SoHI has been prepared by Artefact as the nominated Heritage Consultant for the project. The report has identified the significance values of heritage items in and near the study area, and the possible impacts of the proposed works on those items.
	12	If ground disturbance works are proposed, an archaeologist should assess the potential impacts of proposed works on potential in-situ Aboriginal objects and/or relics	Yes	This SoHI has been prepared by Artefact as the nominated Archaeological Consultant for the project. This report includes an assessment of archaeological potential showing that the study area has nil-low potential to contain relics. Key information from a separate assessment of Aboriginal objects being undertaken by others is replicated here from previous reporting prepared by third party consultants.
	14	Approvals to undertake some works will need to be gained from the NSW Heritage Council and the Department of Planning and Environment under the provisions of the Heritage Act and the NPW Act	Yes	Works within the Blacktown Native Institution would require an application for an approval under Section 60 (s60) of the Heritage Act as outlined in Section 2.4.2 of this report. The s60 application should be supported by this SoHI, and an addendum SoHI which would address any changes and development to the design, particularly within the BNI curtilage.

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
	17	Consultation will occur with relevant Aboriginal stakeholders as part of the any proposed project or works. This consultation should follow the guidelines in the <i>Aboriginal Cultural Heritage Requirements for Proponents</i> (DECCW 2010).	Yes	Consultation with community stakeholders is being undertaken at the time of the writing of this report and as part of the preparation of a separate PACHCI report.
8.2.4 Leadership – Site-specific exemptions	20	Before obtaining approval from consent authorities to undertake works or activities on the site, the DSMG should refer to the existing site-specific exemptions which are included on the State Heritage Inventory sheet for the Blacktown Native Institution's state heritage listing.	Yes	<p>This SoHI has identified two site-specific exemptions for the lots included in the study area:</p> <ul style="list-style-type: none"> • Lot 1 DP 1043661, which is the eastern portion of the BLACKTOWN NATIVE INSTITUTION (SHR No. 01866) site, was granted an exemption for roadworks in 2011 • Lot 41 DP1100854, Lot 101 DP 1109052, Lot 32 DP 1076671, which are contained in the Colebee and Nurragingy Land Grant, were granted exemptions for road works and excavations in 2012 <p>Transport for NSW will not be pursuing the use of the site specific exemptions for these works.</p> <p>Refer to Section 2.4.2 for further details.</p>
8.2.5 Caring for Nura, Culture and Community – Future use and activities	25	<p>In evaluating potential uses for the BNI, the approach should ensure that the place retains its overall significance and character.</p> <p>Future uses for the BNI should support continuing conservation of significant heritage values associated with the BNI.</p>	No	<p>The Blacktown Native Institution (BNI) is a site of State Heritage significance for its landscape and archaeological remains, as well as its historical, aesthetic, associative, social and cultural heritage values. Whilst the proposed works have been design optioneered to minimise and mitigate impacts to the heritage item where possible, the proposed works would have the potential to have negative heritage impacts on the cultural and social values of the BNI. The BNI is significant to the Dharug people for its ability to connect and evidence the processes of colonisation, dispossession, assimilation, integration, and reconciliation of the Dharug people. It is a site valued for its ability to truth tell, provide a sense of belonging and activism, whilst also regeneration of culture, connection to Nura and healing of trauma.</p>
	26	Uses that extend and enhance the expression of significant heritage values associated with the site and continue to foster a connection between people and the place should be encouraged.		<p>The proposed works involve the widening of the northbound lanes on Richmond Road, installation of a formal driveway access to the BNI property within the Rooty Hill Road North road corridor and construction of a new flyover abutment walls and retaining wall in the BNI, as well as vegetation clearing and new bridge over Bells Creek. These works are located in areas which hold specific meaning to the Dharug community and connection to Nura and regeneration of culture. The works</p>

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
				<p>threaten and diminish cultural values of the community through the continued erosion of the land which was returned back to the Dharug people in 2018.</p> <p>These works do not enhance the expression of significant heritage values associated with the BNI and do not assist in fostering connections between people and the place.</p> <p>Further design iteration through the Working Group has the potential to improve the proposed work's ability to satisfy this policy.</p>
	28	<p>The BNI's primary function should continue to be a place for the Dharug community to gather and reflect through participation in cultural events and activities. Any change in the use of the place must continue to support ecological and cultural healing, including but not limited to:</p> <ul style="list-style-type: none"> • Riparian revegetation; • Wetland revegetation • Planting new trees, flowers and other vegetation; • Mowing; • Cultural burnings; • Cultural dancing; and Cultural festivals 	No	<p>Construction works would include vegetation clearing. These measures would be during construction works only, and would be made good after the completion of works. The specifics of these make good works are unknown at the time of writing of this report. As such it is considered the works would likely amount to a visual change to the significant landscape environment due to the works and repair efforts, which can never truly remove changes to the environment, in light of its significant cultural associations with Nura and the Dharug people.</p> <p>A commitment to further mitigation measures and continued design iteration in consultation with the DSMG are outlined in Section 8.1.5.</p> <p>Mitigation measures which seek to reduce the visual impact to the site are recommended by the project as outlined in Section 10.3.</p>
8.2.6 Caring for Nura, Culture, and Community – New development	36	<p>Planning and designing new development will be guided by the Connecting with Country framework.</p> <p>Any proposed new development at the Blacktown Native Institution should conserve significant features and aspects of the place and not detract from or materially impact on the cultural significance of the place. This includes</p>	No	<p>This report has responded to the Connecting with Country report in preparing its recommendations for interpretation and the incorporation of artwork into new structural forms.</p> <p>The Blacktown Native Institution (BNI) is a site of State Heritage significance for its landscape and archaeological remains, as well as its historical, aesthetic, associative, social and cultural heritage values. Whilst the proposed works have been design optioned to minimise and mitigate impacts to the heritage item where possible, the proposed works would have the potential to have negative heritage impacts on the cultural and social values of the BNI. The BNI is significant to the Dharug people</p>

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
		<p>areas which have been identified in this CMP as having historic archaeological potential for Aboriginal or historic relics.</p> <p>The Blacktown Native Institution holds an unknown level of potential for post-1788 human burials, possibly associated with the Blacktown Native Institution phase. The proposed footprint for any new development must consider this potential and implement non-invasive actions to investigate the possibility during the planning phase.</p>		<p>for its ability to connect and evidence the processes of colonisation, dispossession, assimilation, integration, and reconciliation of the Dharug people. It is a site valued for its ability to truth tell, provide a sense of belonging and activism, whilst also regeneration of culture, connection to Nura and healing of trauma.</p> <p>The proposed works involve the widening of the northbound lanes on Richmond Road, installation of a formal driveway access to the BNI property within the Rooty Hill Road North road corridor and construction of a new flyover abutment walls and retaining wall in the BNI, as well as vegetation clearing and temporary water construction measures. These works are located in areas which hold specific meaning to the Dharug community and connection to Nura and regeneration of culture. The works threaten and diminish cultural values of the community through the continued erosion of the land which was returned back to the Dharug people in 2018.</p> <p>The proposed new development will work to minimise physical impact to the Blacktown Native Institution site as far as feasible. Portions of the BNI have been identified as having limited potential to contain Aboriginal burials. Given the sensitivities involved, an approach to managing this potential in certain parts of the site will be developed together with the DSMG and Aboriginal community. A separate report has been prepared by Artefact Heritage.²⁰²</p>
	37	As part of any new development, the construction methodology will be carefully planned prior to the commencement of any works to ensure the heritage significance of the place is not inadvertently or adversely impacted.	Yes	<p>The key features of the construction methodology for the proposed works have been identified and assessed in Section 8.1.2 of this report. Without substantial changes which would mitigate the potential impacts, the proposed works would result in adverse impacts (major) on the historical significance, social and cultural values of the BNI.</p> <p>Refer to Section 9.1 for further details.</p>
	38	Any new development should ensure uses are compatible with the significance of the Blacktown Native Institution and support cultural, social, and economic life in the community.	Yes	<p>The proposed design supports improved vehicular access to the site, which would improve the amenity and safe use of the Blacktown Native Institution for the community. This proposed location is subject to further change and design development on discussion with the DSMG in the Working Group to achieve a suitable long-term outcome.</p>

²⁰² Artefact Heritage, *Richmond Road Widening between M7 and Townson Road, Historical Archaeological Methodology & Research Design*, April 2025

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
		<p>New development should enhance visitor experience and amenity and be compatible with the conservation, commemoration, and celebration of the place's values.</p>		<p>The proposed works to Richmond Road have the potential to impact peaceful contemplation and use in parts of the site, particularly along Richmond Road, and in areas of cultural sensitivity.</p>
	39	<p>New work will retain and enhance important cultural plantings, views, vistas, visual qualities and the overall landscape character of the Blacktown Native Institution.</p>	No	<p>The site's landscape character and setting would be impacted by this development, and would further impact long-range views and vistas. Whilst the aesthetic and setting are not identified as part of the values which meet the threshold for State significance, the CMP 2023 in Policy 39 has identified that these views, vistas and visual qualities of the overall landscape character of the Blacktown Native Institution contribute to the significance of the site, and to its social use as a meeting place and calm location. As such, the proposed flyover and associated retaining wall would result in a large new structure that is not sympathetic to this landscape setting, and would be highly visible in the long-range views from the residential neighbours of the Blacktown Native Institution, and provide a substantially large visual obstruction in the immediate setting along the northern site boundary.</p> <p>The vegetation clearing boundaries would require land clearing to the west of Richmond Road, around Bells Creek at the north of the BNI site. Whilst the area is predominantly grassed with exotic species, and does not feature many trees, the additional clearing boundaries would further disrupt efforts to regenerate the land of the BNI, and has the potential to impact animal movement corridors which are significant to Nura.</p> <p>The area is also located in the vicinity of the 'Men's Camp' and 'Women's Camp' where males and women in the community would camp and watch children. The clearing of vegetation in this area would impact the natural landscape and the ability for this area to continue to bear witness and tell the story of the 'Men's Camp' and 'Women's Camp' within the BNI.</p> <p>The proposed new bridge across the Bells Creek would be in a location of known significant sites to the Dharug people and significant part of the social and cultural values of the BNI. The proposed bridge is in the vicinity of the 'Women's Place' a</p>

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
				<p>location for women to camp and watch children but also birth. The site is significant to the continued narrative of Nura and the BNI, and installation of structures, albeit temporary would have a detrimental impact on the land and the ability for these areas to continue to bear witness and tell the story of these places.</p> <p>Recommended management and mitigation measures are included in 10.3.</p>
	40	New work will be identifiable and should not distort the interpretation of the site's significant cultural values.	No	<p>Whilst the new work will be identifiable, the proposed works involve the widening of the northbound lanes on Richmond Road, installation of a formal driveway access to the BNI property within the Rooty Hill Road North road corridor and construction of a new flyover abutment walls and retaining wall in the BNI, as well as vegetation clearing and temporary water construction measures. These works are located in areas which hold specific meaning to the Dharug community and connection to Nura and regeneration of culture. The works threaten and diminish cultural values of the community through the continued erosion of the land which was returned back to the Dharug people in 2018.</p>
	42	<p>New structures or buildings (both temporary and permanent) are permitted, subject to other planning matters, and may be considered as part of ongoing use of the place by the Dharug community.</p> <p>Ground disturbance in areas of archaeological potential should be avoided and new structures and buildings should be built up from existing ground.</p>	Yes	<p>The proposed works are unlikely to encounter significant archaeological resources contemporary with the occupation and use of the BNI. However, portions of the BNI have been identified as having limited potential to contain Aboriginal burials. Given the sensitivities involved, an approach to managing this potential in certain parts of the site will be developed together with the DSMG and Aboriginal community. A separate report has been prepared by Artefact Heritage.²⁰³</p> <p>An unexpected finds procedure has been established to manage the remainder of the study area in the unlikely event of archaeological deposits being disturbed as a result of the works. See Section 10.3 for further details.</p>
	43	No new structures or buildings (both temporary and permanent) proposed for the Blacktown Native Institution should impact the significant archaeological resources which have the potential to remain in situ.	Yes	<p>Portions of the BNI have been identified as having limited potential to contain Aboriginal burials. Given the sensitivities involved, an approach to managing this potential in certain parts of the site will be developed together with the DSMG and Aboriginal community. A separate report has been prepared by Artefact Heritage.²⁰⁴</p> <p>No impact to potential burials would occur as a result of the project.</p>

²⁰³ Artefact Heritage, *Richmond Road Widening between M7 and Townson Road, Historical Archaeological Methodology & Research Design*, April 2025

²⁰⁴ Artefact Heritage, *Richmond Road Widening between M7 and Townson Road, Historical Archaeological Methodology & Research Design*, April 2025

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
	44	Any new permanent structures must respond positively to the character of the Blacktown Native Institution and demonstrate sympathetic bulk, mass, scale, and materiality, as well as ensure visual impacts are minimised.	No	<p>The proposed new flyover has the potential to cause additional adverse impact to the setting of the Blacktown Native Institution. However, the flyover would be located in an area of the Blacktown Native Institution that is already highly visually disrupted by the nearby M7 flyover, and surrounding road and telecommunication infrastructure (road carriageways, overhead traffic light booms, light poles, mobile phone tower). The visual impact analysis however shows that the proposed flyover and associated retaining wall would be highly visible from long-range views, and therefore would have a substantial visual impact in the immediate setting and views from the Blacktown Native Institution</p> <p>The proposed new bridge across the Bells Creek would be in a location of known significant sites to the Dharug people and significant part of the social and cultural values of the BNI. The proposed bridge is in the vicinity of the 'Women's Place' a location for women to camp and watch children but also birth. The site is significant to the continued narrative of Nura and the BNI, and installation of structures, albeit temporary would have a detrimental impact on the land and the ability for these areas to continue to bear witness and tell the story of these places.</p> <p>Given the overall setting of the Blacktown Native Institution in this area, the visual impact of the new flyover, retaining wall, bridge and associated land works would result in a adverse impact (major).</p> <p>Further design development which takes into consideration options outlined in the LCVIA and recommendations from this report, in conjunction with consultation with DSMG in the Working Group may help to mitigate and minimise the impacts of the design in the landscape.</p>
	45	When planning any new development DSMG should seek to engage early in the process with Transport for NSW (Transport for NSW) and Sydney Water. For instance, an enhanced design solution and outcome for water management may be possible through a connecting with Country approach	Yes	Consultation with the DSMG has been an ongoing commitment undertaken as part of this project.
	46	Opportunities to secure improved outcomes for the Blacktown Native Institution and the community should be	Yes	The proposed design has gone through an optioneering phase with ongoing input from the community and the DSMG. The design would likely result in improved

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
		explored with Transport for NSW and Sydney Water. For instance, an enhanced design solution for water management may be possible through a connecting with Country approach.		vehicular access to the Blacktown Native Institution, which would improve the amenity and safe use of the site.
8.2.9 Caring for Nura and Community – Access to the Blacktown Native Institution	67	<p>Improved pedestrian and vehicular access should be provided for visitors to and throughout the place to ensure improved access to significant heritage values for visitors to the Blacktown Native Institution.</p> <p>Current and potential future movements throughout the place should be considered as part of this process.</p>	Yes	<p>The proposed works have been designed to minimise physical impacts to the Blacktown Native Institution, including the anticipated relocation of the driveway in order to preserve and enhance safe access to the site.</p> <p>The proposed relocated driveway access as per Option 2 is in an area which is mostly open grass area and would not require the removal of significant landscape elements. The site's landscape character and setting would be impacted by this development, and would further impact long-range views and vistas.</p> <p>The design would be subject to further refinement during design development in consultation with the DSMG.</p>
	70	<p>Any new surfaces to support the movement of visitors, including driveways, pathways, roads, and parking zones, should ensure significance is retained.</p> <p>Any new surfaces added to the Blacktown Native Institution must be located well away from areas identified in this CMP as having historic archaeological potential for Aboriginal or historic relics. Alternatively, new surfaces may be built up over existing ground surfaces where guided by specialist advice and where proposed loads are not likely to impact subsurface remains.</p>	Yes	<p>The proposed road upgrades (including the new flyover and widening of Richmond Road) would cause a major adverse impact to the heritage, cultural and social values of the Blacktown Native Institution. The proposed road upgrades are unlikely to cause adverse impacts to significant ground surfaces.</p> <p>Furthermore Artefact, as the nominated archaeological specialist, has identified nil-low potential for BNI-era significant archaeological resources in the areas where the proposed works are taking place. The works are therefore assessed as being unlikely to cause impacts on archaeological resources in the study area.</p> <p>Portions of the BNI have been identified as having limited potential to contain Aboriginal burials. Given the sensitivities involved, an approach to managing this potential in certain parts of the site will be developed together with the DSMG and Aboriginal community. A separate report has been prepared by Artefact Heritage.²⁰⁵</p>

²⁰⁵ Artefact Heritage, *Richmond Road Widening between M7 and Townson Road, Historical Archaeological Methodology & Research Design*, April 2025

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
	71	<p>Any proposed future road upgrades should not give rise to adverse impacts on the heritage significance of the Blacktown Native Institution.</p> <p>Future road upgrades should not compromise the safe access to and from the Blacktown Native Institution.</p> <p>Any road upgrades should consider the creation of planted earth berms to improve the Blacktown Native Institution setting in keeping with healing, quiet commemoration, and enjoyment of cultural practices, traditions, and values.</p>	Yes	<p>In response to comments from the DSMG and to the REF, the project is seeking to avoid impact to the BNI as much as possible. Any types of measures located within the SHR curtilage of the BNI, outside Transport land, would need to be carefully planned together with DSMG and Heritage NSW. Measures should align with stakeholder input and feed into the project through the detailed design development and refinement through inputs in Connecting with Country and LCVIA. Currently none are proposed.</p> <p>Further mitigation measures which have already been established are outlined in Section 8.1.5, and further recommendations provided in this report in Section 10.3.</p>

9.2.2 Blacktown Development Control Plan 2015

The following table records the relevant heritage policies in the DCP and assesses the proposed works against these policies.

Table 9-7: Assessment of proposal against the Blacktown DCP 2015

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with DCP policy? (Yes/No?)	Comments
Objectives	(a)	Ensure that development does not adversely affect the heritage items, heritage groups or archaeological sites as well as their settings, distinctive streetscape, landscape and architectural styles	No	The proposed works, would have a adverse impact (major) on the heritage significance, social and cultural values of the Blacktown Native Institution.
	(b)	Ensure that development in the vicinity of a heritage item is responsive and respectful in terms of height, setback, form and overall design	No	Generally, the proposed works are limited to the ground plane and would be low-scale. The works would however result in construction of a flyover and new bridge, and require raising the relative road level by 1m. These would result in substantial changes and structures within the landscape. Based on the 100% Concept Design, the works however would have an adverse impact (major) on the heritage significance, including the social and cultural values of the Blacktown Native Institution. Further mitigation measures as per Section 8.1.5 may assist in minimising some impacts.
Controls	(a)	Development Applications on land adjacent to and/or adjoining a heritage item must be accompanied by a Heritage Impact Statement	Yes	This SoHI satisfies this requirement.
	(b)	The design and siting of new works must complement the form, orientation, scale and style of the heritage item	No	Generally, the proposed works are limited to the ground plane and would be low-scale. The works would however result in construction of a flyover and new bridge, and require raising the relative road level by 1m. These would result in substantial changes and structures within the landscape. Based on the 100% Concept Design the works however would have a major adverse impact on the heritage significance, including the social and cultural values of the Blacktown Native Institution.

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with DCP policy? (Yes/No?)	Comments
	(c)	Development must maintain significant or historic public domain views to and from the heritage item	No	Generally, the proposed works are limited to the ground plane and would be low-scale. The works however would have an adverse impact (major) on the heritage significance, including the social and cultural values of the Blacktown Native Institution.
	(d)	Development in the same street as a heritage item that is part of a streetscape of buildings of consistent style, form and materials should incorporate the dominant style, form and materials of the streetscape	N/A	N/A
	(e)	Development is not permitted beneath the drip zone of trees that are integral to the significance of a heritage item	N/A	N/A
	(f)	Materials and colours of the façade of new developments must be complementary to an adjoining and/or adjacent heritage item	N/A	N/A
	(g)	Development must have effective screen planting on side and rear boundaries adjoining a heritage item, with planting to achieve a minimum mature height of 10m	No	Future planting and screening would be subject to detailed design and discussions with DSMG Working Group to ensure the approach is consistent with the community's approach to the site's future planning.
	(h)	Front and side fences are to be no higher than the fence on an adjoining heritage item. Front fences should be open and transparent, such as timber picket or metal palisade. Side fences should be timber. No metal panel fencing is to be constructed on the boundary of any heritage item	N/A	N/A

10. Conclusion

10.1 Overview of findings

- A portion of the proposed works are within the heritage curtilage of the Blacktown Native Institution heritage item, listed on the State Heritage Register as item #01866
- A portion of the proposed works are adjacent to the heritage curtilage of the Colebee and Nurragingy Land Grant heritage item, listed on the State Heritage Register as item #01877
- The proposed works would result in **adverse impact (major)** on the historical significance, social and cultural values of the Blacktown Native Institution. The social and cultural values include the cultural landscape in which the project area and BNI are located
- Proposed works have the potential to impact on burials within the BNI in the vicinity of Bells Creek and in the norther-eastern portion of the site. Given the sensitivities involved with burials, an approach to managing this potential in certain parts of the site is proposed to be developed together with the DSMG and the Aboriginal community. This has been addressed in a separate report²⁰⁶
- Proposed works have the potential to impact on archaeological remains associated with a former timber hut on the Williams grant. This will be addressed in a detailed archaeological assessment to be prepared for the Williams grant post submission of the addendum REF
- The proposed works would result in **little to no** adverse impacts to the significant values of the Colebee and Nurragingy Land Grant
- The cumulative impact of the REF Scope on the heritage significance, visual and cultural values of the BNI would be **major**.
- The proposed works would impact the cultural values (including the First Nation's cultural landscape) of the BNI which are inseparable in their nature and reach into deep time as well as the future. The interconnection of the cultural values reflects the location of the BNI within a broader cultural landscape which includes the Colebee and Nurragingy land grant and stretches beyond it..

10.2 Approval pathway

Transport requires the preparation of a REF and relevant specialist studies to assess the potential impacts of the proposal. The REF is required to fulfil the requirements of Division 5.1 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act), and to consider all matters affecting, or likely to affect, the environment as a result of the proposal. The Statement of Heritage Impact assessment by Artefact Heritage would form part of the REF and would be undertaken within the upgrade area defined as the Richmond Road Widening between M7 and Townson Road.

Works within the Blacktown Native Institution would require an application for an approval under Section 60 (s60) of the Heritage Act 1977 (NSW) as outlined in Section 2.4.2 of this report. The cultural sensitivity of the site and the scope and scale of the proposal requires third party independent assessment. The s60 application should be supported by this SoHI. The remaining project works can proceed under the *Transport for NSW Unexpected Heritage Items Procedure*.

The application for a Section 60 approval must make reference to Aboriginal archaeological salvage works being undertaken in accordance with an Aboriginal Heritage Impact Permit under Section 90 of the *National Parks and Wildlife Act 1974*.

An archaeological assessment should be prepared to further examine the area of archaeological potential on the eastern side of Richmond Road as part of the detailed design process. This archaeological assessment should determine the need for any further archaeological management and applicable approvals.

²⁰⁶ Artefact Heritage, Richmond Road Widening between M7 and Townson Road, Historical Archaeological Methodology & Research Design, April 2025

10.3 Recommendations and mitigation measures

To further reduce the impacts of the project as assessed from the concept design, the following additional mitigation measures are recommended to be adopted:

- The Transport for NSW's *Unexpected Heritage Items Procedure* be implemented during all ground disturbing works.
- Consultation with relevant stakeholders, to discuss the project, design iterations and mitigation strategies for impacts to the cultural values and environment of the place.
- Consultation with the Dharug Strategic Management Group (DSMG) should be an ongoing commitment undertaken as part of this project.
 - Ongoing consultation with the DSMG will ensure that the proposed design continues to receive input from relevant stakeholders throughout detailed design and construction of the project. This would also be in accordance with best heritage practice as per the Connecting with Country framework, and consistent with Transport for NSW Policies including *Principles and Framework for Aboriginal Engagement, Ngiyani Winangaybuwan Bunmay and Dhawura-ngilan*.
 - Stakeholder input from the DSMG should be fed into the detailed design for the project.
 - Detailed design development should take into consideration the findings and recommendations of the *Conservation Management Plan 2023, Connecting with Country 2024* and *LCVIA 2024* reports.
- Should consultation and detailed design result in changes which require submission of a new or revised REF, the consultation process should be documented in the REF and in supporting documentation like a new or addendum SoHI or consistency assessment.
- Attempts to identify appropriate representatives of the Sydney Maori community with links to the BNI site were undertaken as part of the REF public exhibition, which proved unsuccessful.
- In keeping with the opportunities outlined in the *Conservation Management Plan 2023, Connecting with Country 2024*, and as per the possible mitigation measures outlined in the Heritage NSW Guidelines for preparing a statement of heritage impact, avenues for interpretation should be implemented within the Study Area. Opportunities for interpretation may include:
 - Interpretation could be included in the design of structures to assist in minimising the visual impact of the proposal and provide a positive outcome.
 - Engaging local artists to design suitable artworks to be added to the flyover and/or retaining wall could assist in mitigating the adverse visual impact caused by the new structures.
 - Interpretation should be sensitively designed and respond to what is appropriate for the project's corridor and interface with the broader Blacktown Native Institution site. The project should seek the input of the DSMG to ensure the interpretation is acceptable and consistent in communicating the BNI's story and that of the broader cultural landscape.
- Endangered vegetation in the wider cultural landscape (and within the Study Area) should be maintained in discussion with DSMG.²⁰⁷ Endangered species include Cumberland Plains Shale Woodlands, River-Flat Eucalyptus Forest and Castlereagh Ironbark Forest.²⁰⁸
- Vegetation within the BNI should be maintained and protected in discussion with DSMG:
 - Where possible trees should not be removed in the BNI. Casuarina and Eucalypt trees especially should be maintained.
 - If tree removal cannot be avoided, a replanting program should be prepared in consultation with the DSMG to ensure the correct species are planted.

²⁰⁷ Nguluway Design Inc, 2024, *Connecting with Country*, p.12

²⁰⁸ Cumberland Plains Shale Woodlands, <https://threatenedspecies.bionet.nsw.gov.au/profile?id=20403>, accessed 4/6/25; River-Flat Eucalyptus Forest, <https://threatenedspecies.bionet.nsw.gov.au/profile?id=10787>, accessed 4/6/25; Castlereagh Ironbark Forest, <https://threatenedspecies.bionet.nsw.gov.au/profile?id=10174>, accessed 4/6/25

- Seed bank capture prior to any vegetation disturbance should be investigated and implemented where possible.
 - Prior to removal of trees, discussion with DSMG should be undertaken, providing the community the opportunity to reuse the trees in the broader context of the BNI site before their disposal.
- Safe animal movement corridors should be maintained in discussion with the DSMG
- Vegetation clearing should be discussed and designed in consultation with the DSMG regarding their appropriate location in an area which would minimise impacts to significant vegetation and cultural sites within the Study Area is recommended. The extent of the clearing should seek to be reduced where possible.
- Landscaping and vegetation planting should seek to replace exotic species with species endemic to the area (including grasses). Species used for landscaping would be discussed with the DSMG as part of the ecological regeneration of the BNI.
- A program for tree planting to help minimise the landscape and setting impacts of the works should be undertaken with reference to Transport's Offsetting program and in discussion with DSMG in relation to appropriate species selection and planting locations.
- An archaeological assessment should be prepared during development of detailed design to investigate the potentially significant archaeological resource on the eastern side of Richmond Road, south of the Colebee and Nurragingy land grant and within the Sylvanus Williams grant. The archaeological assessment should determine whether the archaeological resource is associated with Nurragingy and whether it is proposed to be impacted during works and therefore requires archaeological management.
- The archaeological testing methodology to be included in the AMRD for the investigation of unconfirmed burials should be prepared in consultation with relevant stakeholders. The outcomes of that testing program must inform detailed design.
- Further consultation with DSMG should be implemented for resolution of the following items during design development and construction of the project . DSMG's concerns include, but are not limited to, the following items:
 - The Grandmother tree should be protected from accidental damage.
 - Concerns about wildlife connectivity including affects from the proposed use of a site at the north edge of the SHR curtilage as an ancillary facility for construction should be addressed in consultation with DSMG
 - Protection of existing trees and flora from damage by construction activities.
 - Water ways should be protected and restored and not impacted by construction activities.
 - Construction noise from the proposed works, operational noise from the bridge and expanded traffic corridor, and the removal of vegetation in the BNI threaten the site as a place of quiet and reflection. Considerations of noise elimination, reduction and naturalisation of the area require further discussion with DSMG. Construction of planted earth berms should be considered in keeping with *Conservation Management Policy 71*, to improve the BNI setting and maintain atmosphere of quiet and reflection.
 - Long term access to the site
 - Impacts on Bells Creek, the location of proposed structures and infrastructure and whether this impact can be reduced
 - Interpretation outcomes which seek to mitigate the visual impacts of the flyover, retaining wall and bridge
- An archaeological assessment should be prepared to investigate the potentially significant archaeological resource on the eastern side of Richmond Road, south of the Colebee and Nurragingy land grant and within the Sylvanus Williams grant. The archaeological assessment should determine whether the archaeological resource is associated with Nurragingy and whether it is proposed to be impacted during works.
- An application for an approval under Section 60 of the *Heritage Act 1977* (NSW) should be prepared, including provisions for archaeological management. The s60 application will also need to make reference to Aboriginal archaeological salvage works being undertaken in accordance with an Aboriginal Heritage Impact Permit under Section 90 of the *National Parks and Wildlife Act 1974*.

Both the Section 60 and Section 90 approvals need to be in place prior to the commencement of ground disturbing works within the curtilage of the Blacktown Native Institution site.

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