

Richmond Road Widening between M7 and Townson Road

Statement of Heritage Impact
November 2024



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:	Maddy Mukerjee, Project Development Manager
Signed	<i>Maddy Mukerjee</i>
Date:	20/11/2024

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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 an approximate three kilometre 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 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 for a Review of Environmental Factors.

Overview of findings

- The proposed works are within the heritage curtilage of the Blacktown Native Institution heritage item, listed on the State Heritage Register as item #01866
- 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 little to no physical impacts and moderate adverse visual impacts to the Blacktown Native Institution
- The proposed works would result in a no physical and little to no visual impacts to the Colebee and Nurragingy Land Grant
- The study area has a generally **low potential** to contain archaeological remains, including low potential for the identification of unmarked burials. The proposed works would be unlikely to result in physical impacts to surviving archaeological resources within the Blacktown Native Institution.

Approval pathway

Transport requires the delivery of a REF that addresses the current road congestion issues while considering and accommodating the projected road user growth. 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 project 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*.

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.

Recommendations and mitigation measures

It is recommended that:

- The Transport for NSW's *Unexpected Heritage Items Procedure* be implemented during all ground disturbing works.
- Consultation with relevant stakeholders, including relevant parties for the Colebee and Nurragingy Land Grant should continue to be undertaken, with any additional consultation and outcomes during detailed design captured in an addendum to this SoHI. Consultation with the Dharug Strategic Management Group have been 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 the life of the project. This would also be in accordance with best practice heritage as per the connecting with Country framework, and consistent with Transport for NSW Policies including *Principles and Framework for Aboriginal Engagement, Ngilyani Winangaybuwan Bunmay*.
 - Mitigation measures should align with stakeholder input from DSMG and feed into the project through the detailed design development, with refinement through inputs in Designing with Country and LCVIA.
- Consultation with the Sydney Maori community should be undertaken and managed through early design Have Your Say consultation and through REF public exhibition.

In keeping with the Opportunities outlined in the CMP 2023, Designing with Country, 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 Blacktown Native Institution. An opportunity for interpretation could be located on the flyover and/or retaining wall on the Blacktown Native Institution facing side, to assist in minimising the visual impact of the structures 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.
- An archaeological assessment should be prepared during 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.
- 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, ancillary facilities and temporary and permanent sediment basins. 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

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.

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.

1.3 Authorship

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

1.4 Purpose of the report

Transport requires preparation of a REF for the proposed widening works that takes into account all matters affecting, or likely to affect, the environment as a result 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 Dharug Strategic Management Group, as the main land holders of the Blacktown Native Institution Site, is being conducted by Transport for NSW as part of the project and will be captured in an addendum to this SoHI.

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.

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 Nurranginy 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 Grant¹, 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 8.2.1.

- 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)

¹ GML Heritage 2012. *Colebee and Nurragingy Land 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 BLEP 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 BLEP 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 compliments the provisions contained within the BLEP 2015 and provides specific design detail in regard to sympathetic development on, or in the vicinity of, items listed on Schedule 5 of the BLEP 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 8.2.2 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 Lloydhurst), 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.²

- 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.

² RNE, *Native Institution, Richmond Rd, Oakhurst, NSW, Australia*, [Australian Heritage Database \(environment.gov.au\)](http://australianheritagedatabase.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

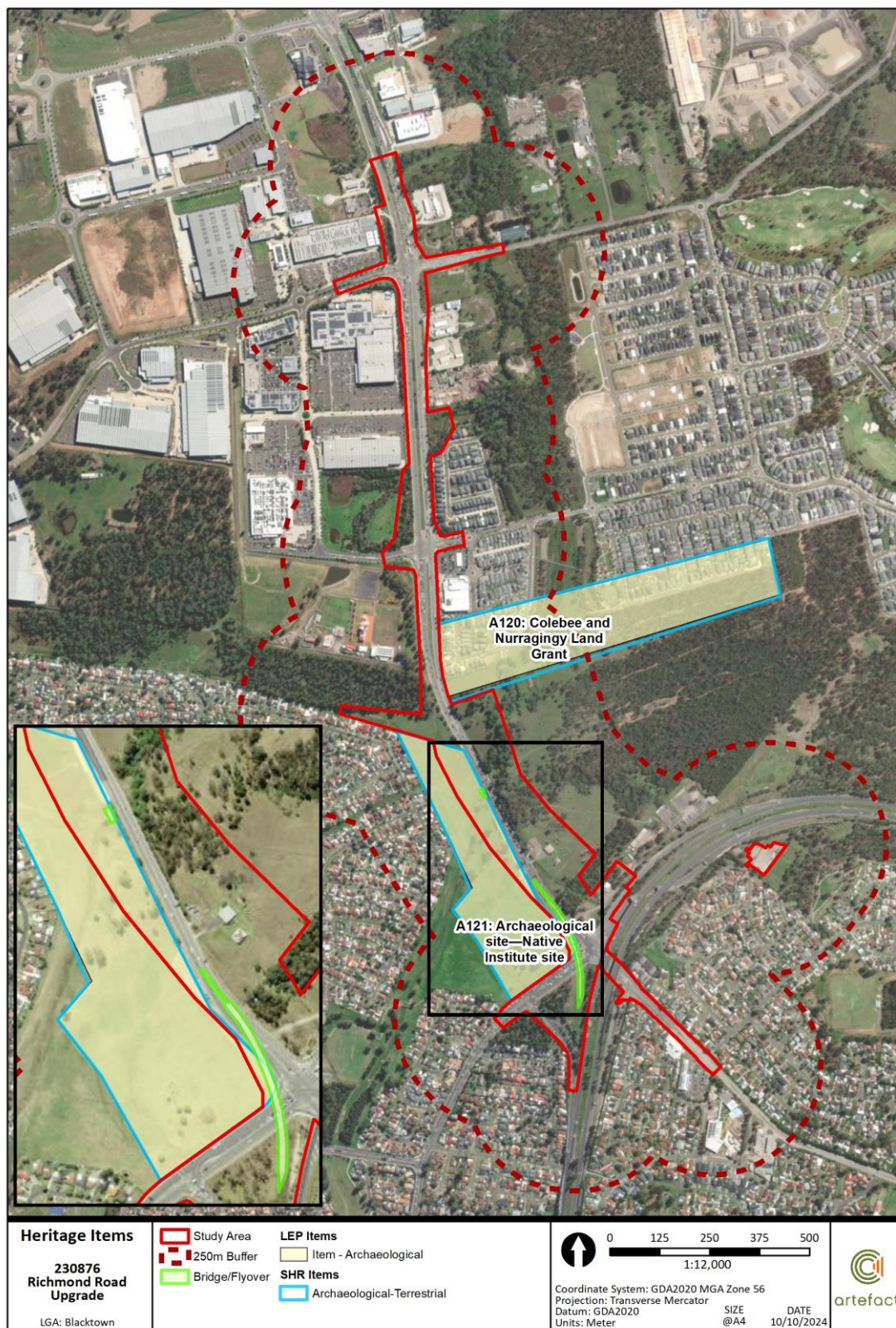


Figure 2-1: Summary of heritage items within and surrounding the proposal

3. Historical Background

3.1 Aboriginal history

Many Aboriginal people, like other Indigenous or First Nations people around the world, have been living on Country for ‘time immemorial’ – that they have always been here, and their origins lie in the creation of the land and animals. As Sydney Elder and Wiradjuri activist Auntie Jenny Munro expresses:

‘...from time immemorial, we believe as Aboriginal people, Australia has been here from the first sunrise, our people have been here along with the continent, with the first sunrise. We know our land was given to us by Baiami, we have a sacred duty to protect that land’³

Over the last few decades, archaeologists’ knowledge of deep human time 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.⁴

Archaeological evidence of Aboriginal people living in the Sydney region from Shaw’s Creek west of the Dyarubbin (Nepean) River is dated at 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.⁵

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.⁶

Given the devastating impact of violent dispossession and disease upon Aboriginal people in the Sydney region during colonisation, 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

³ Munro, in Currie, J., ‘Bo-ra-ne Ya-goo-na Par-ry-boo-go yesterday today tomorrow an Aboriginal history of Willoughby’. (Willoughby City Council in association with the Aboriginal Heritage Office Northern Sydney Region, 2008): 4

⁴ 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.

⁵ 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;.

⁶Attenbrow, 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.

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.⁷

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.⁸

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.⁹

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.¹⁰

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.¹¹

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

⁷Stanner, 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.

⁸; 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.

⁹ 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.

¹⁰Attenbrow, 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).

¹¹Attenbrow, 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.

rich, luxuriant grass ... except where recently burnt'.¹² 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.¹³

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 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 signaling stations and lookouts, and shell middens became the limestone for the bricks and mortar of early colonial buildings.¹⁴

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.¹⁵

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 – 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!''¹⁶

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 1816.¹⁷

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

¹² 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.

¹³ 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.

¹⁴ 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.

¹⁵ 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.

¹⁶ 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).

¹⁷ Gapps, S., 'The Sydney Wars: conflict in the early colony, 1788-1817', (Sydney, NewSouth Books, 2018): 125-155, 226-255

creation and other stories told to R. H. Mathews by Gundungurra (Gandangarra) people in 1901 were carried on for generations and survive today.¹⁸

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.¹⁹

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 as Sackville in the northwest.²⁰

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.²¹

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 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 1823.²²

¹⁸ 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.

¹⁹Irish, 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).

²⁰Irish, 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).

²¹ Testimony given to Artefact, (Blacktown Native Institution, n.d).

²²Parry, N., 'Lock, Maria (1805–1878)', *Australian Dictionary of Biography*, (National Centre of Biography, ANU, 2005, accessed online 16 October 2024).

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 1829.²³

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.²⁴

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'.²⁵ 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 1843.²⁶

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.²⁷

Descendants of Maria Lock continued to live near Blacktown carrying knowledge of their ancestors and their Country down to this day. Some Darug 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.²⁸

3.1.1 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 ('Colebee and Nurragingy Land Grant' 2011). 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" ('Colebee and Nurragingy Land Grant' 2011). Reverend Samuel Marsden, a landholder in the Parish of Rooty Hill and a Christian missionary who served as the colonial leader of the

²³ 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.

²⁴ Hassall, 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.

²⁵ Brook, J. and Kohen, J.L., 'The Parramatta Native Institution and the Black Town: a history', (Sydney, New South Wales University Press, 1991).

²⁶ Parry, N., 'Lock, Maria (1805-1878)', *Australian Dictionary of Biography*, (National Centre of Biography, ANU, 2005, accessed online 16 October 2024).

²⁷ Parry, N., 'Lock, Maria (1805-1878)', *Australian Dictionary of Biography*, (National Centre of Biography, ANU, 2005, accessed online 16 October 2024).

²⁸ Goodall, 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).

Church of England, had received similar instruction, however was also encouraged to 'reform' the Aboriginal people through "moral and religious instruction" ('Colebee and Nurragingy Land Grant' 2011). 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 ('Colebee and Nurragingy Land Grant' 2011). Macquarie enthusiastically agreed to the proposal and established the Black Native Institution of NSW at Parramatta, installing Shelley as the manager ('Colebee and Nurragingy Land Grant' 2011). Using what historians have termed a "language of concealment" (Gapps 2018), 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 (Gapps 2018). Furthermore, Stephen Gapps has argued that Macquarie's "military plans were wedded to his ideas on how to 'civilise'" Aboriginal people (Gapps 2018).

3.2 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 3-6), 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 3-7) the first land grants were to:

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

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 (GML Heritage 2012). Governor Macquarie appears to have strategically planned this settlement and carefully considered the land grants in the area (GML Heritage 2012).

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 ('Colebee and Nurragingy Land Grant' 2011). 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 (GML Heritage 2012). 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 (GML Heritage 2012). Macquarie believed that Nurragingy, who farmed and domesticated animals, would be a good influence on the married couples, who he sought to assimilate (GML Heritage 2012).



Figure 3-1: Windsor Distract 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)

3.2.1 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 sterling²⁹. The location of the hut is unknown, although the Windsor District map of 1842 (Figure 3-2) 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 Institution³⁰ and utilised for cattle grazing³¹. 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 children³².

²⁹ Jack Brook 1996, "Blacktown : A Name of Character" (Blacktown and District Historical Society, 1996), <https://heritagenw.intersearch.com.au/heritagenwjsui/handle/1/6938>.

³⁰ GML Heritage 2012, p. 14

³¹ Brook 1996

³² GML Heritage 2012, p. 14

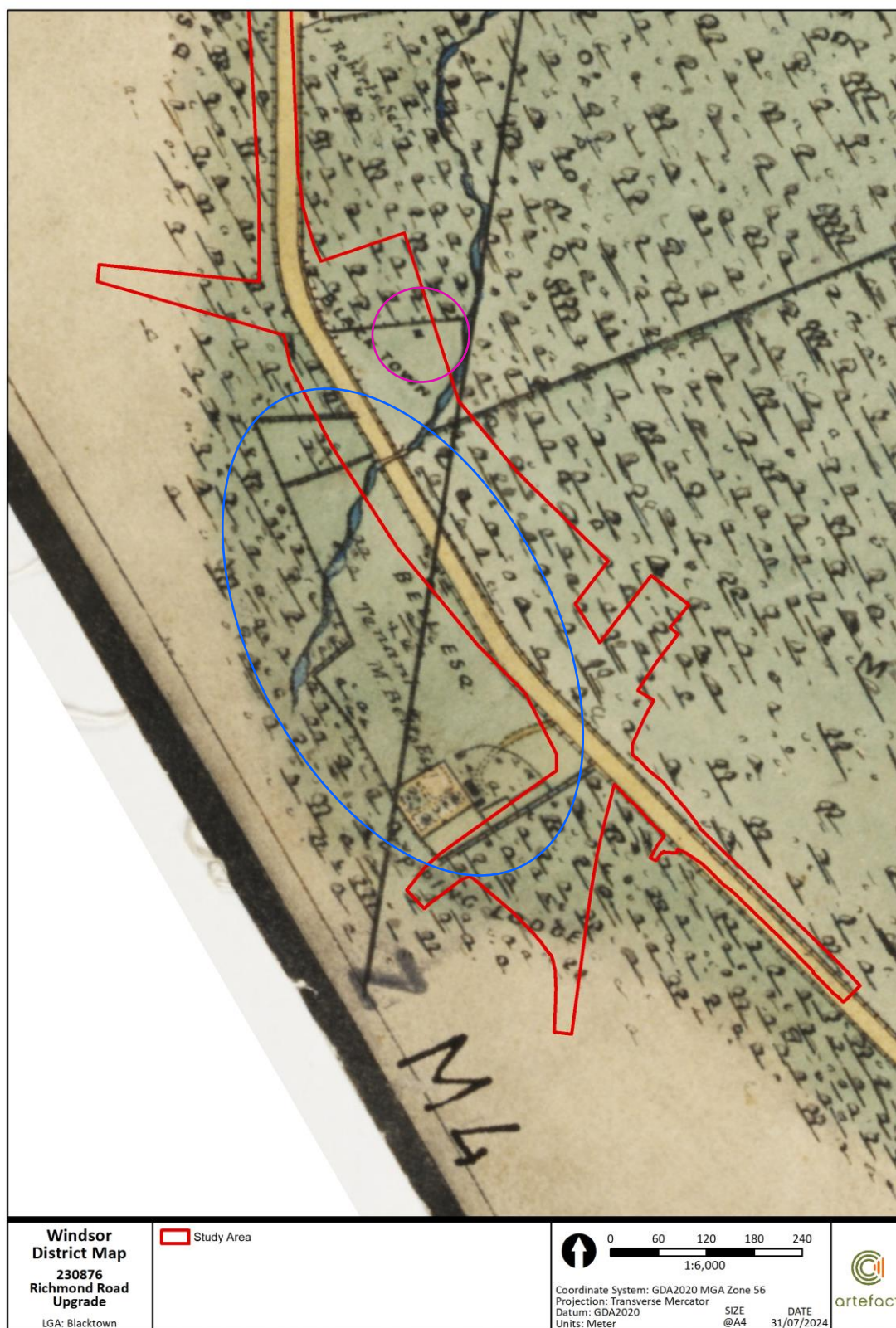


Figure 3-2: Portion of Windsor District Plan 1842 showing possible location of Nurragingy's Hut (pink) and the Blacktown Native Institution site (blue) .(Source: State Library NSW Z/M4 811.1122/1842/1 with Artefact markup)

3.3 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.³³ In 1810, Cartwright arrived in Sydney with his wife, children, and Marsden.³⁴ Upon arrival in the colony, Cartwright first served at the temporary church at Green Hills in the Hawkesbury.³⁵ 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.³⁶ 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 Liverpool³⁷ 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,³⁸ a missionary who had accompanied Samuel Marsden to New Zealand and had subsequently settled in Sydney.³⁹ Hall’s purchase coincided with the closure of the Blacktown Native Institution (see Section 3.5).

Hall established the area’s first private school on the property, which operated for several decades (located east of the study area).⁴⁰ Each of the Lock children are recorded as having attended the school. An 1842 plan (Figure 3-3) 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.⁴¹

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 3.5). The school was considered to be exceptional.⁴²

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.⁴³ 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.⁴⁴

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 Bibb (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.

³³ 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>.

³⁴ Cable 1966

³⁵ Cable 1966

³⁶ Cable 1966

³⁷ Cable 1966

³⁸ GML Heritage 2012, “Colebee and Nurragingy Land Grant, 799 Richmond Road, Marsden Park - Archaeological Management Plan.”

³⁹ GML Heritage 2012

⁴⁰ GML Heritage 2012

⁴¹ GML Heritage 2012

⁴² GML Heritage 2012

⁴³ GML Heritage 2012

⁴⁴ GML Heritage 2012

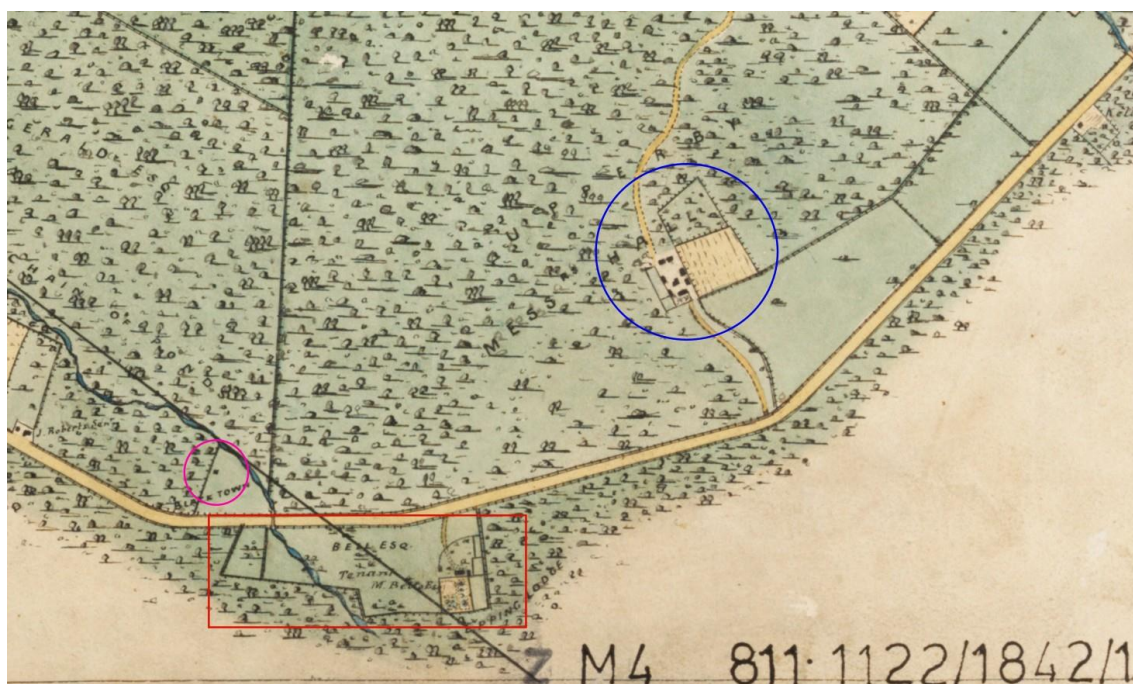


Figure 3-3: Portion of Windsor District Plan 1842 showing the location of Cartwrights buildings (blue) in relation to the Blacktown Native Institution (red) and the possible Nurragingy Hut (pink) .(Source: State Library NSW Z/M4 811.1122/1842/1 with Artefact markup)



Figure 3-4: 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 3-5: 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)

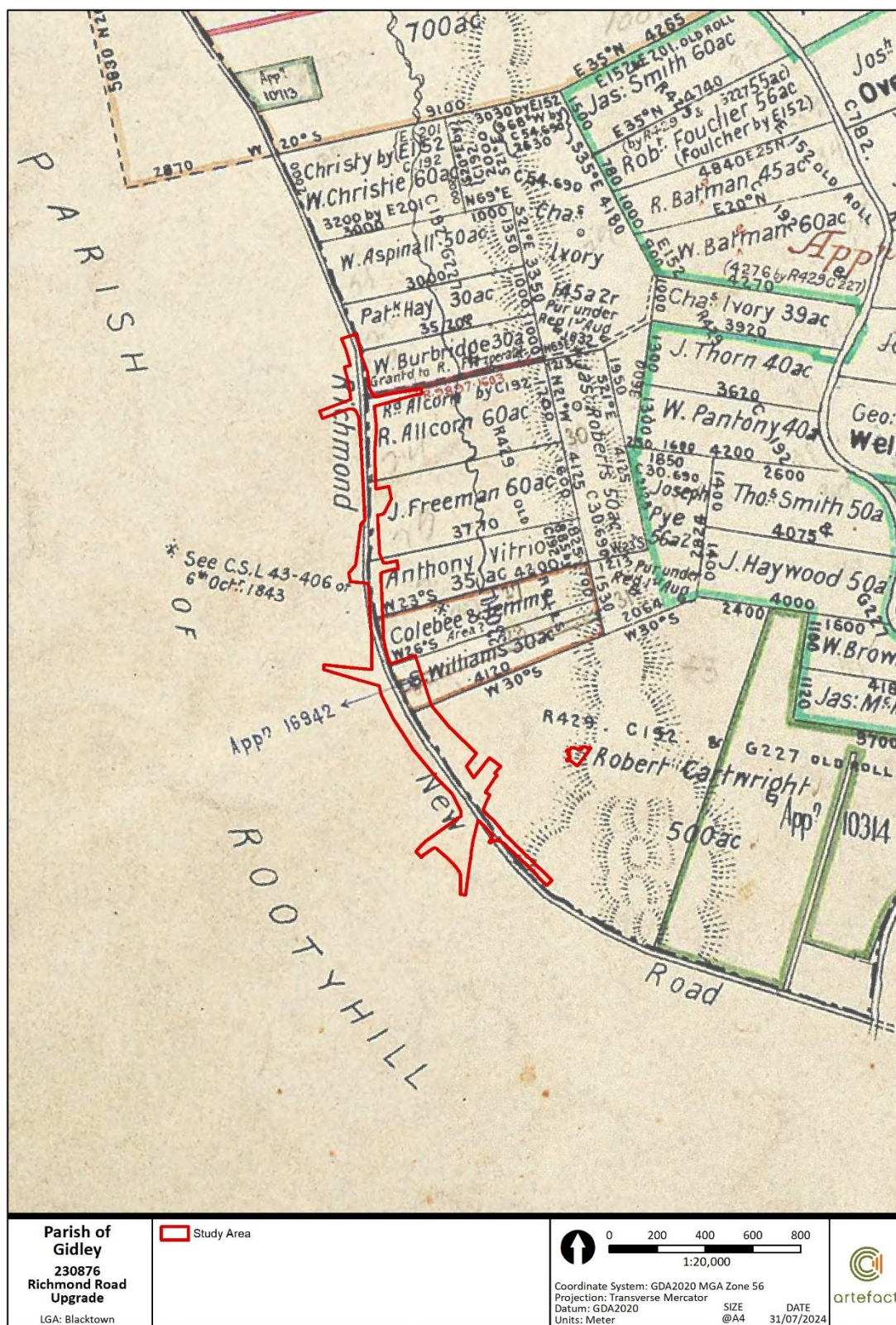


Figure 3-6: 1884 map of the Parish of Gidley showing early land grants in relation to the study area (Source: Historical Lands Records Viewer with Artefact overlay)

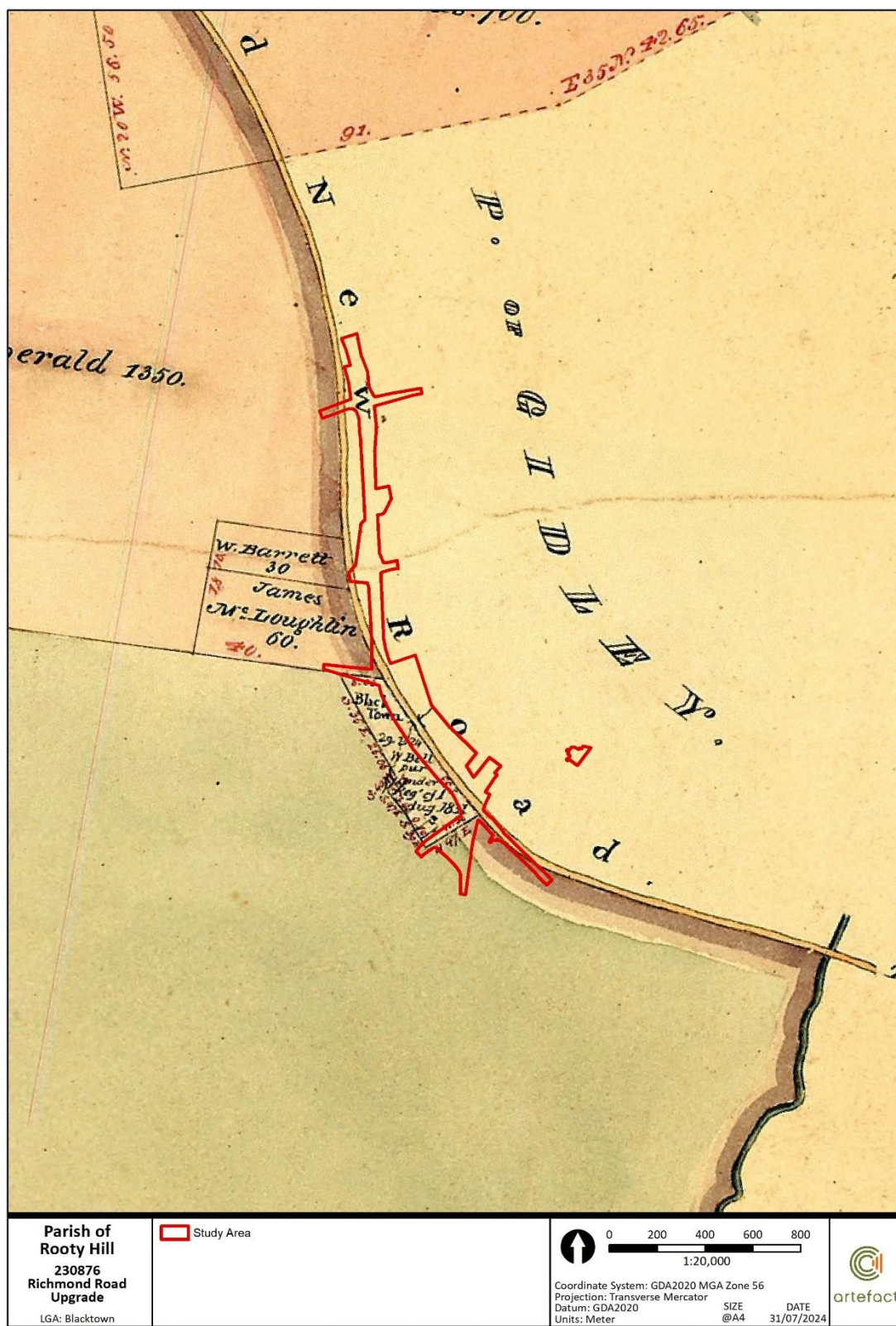


Figure 3-7: 1835 map of the Parish of Rooty Hill showing early land grants in relation to the study area (Source: Historical Lands Records Viewer with Artefact overlay)

3.4 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 (GML Heritage 2012).

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 (‘Colebee and Nurragingy Land Grant’ 2011).

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 (Gapps 2018). 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” (Gapps 2018).

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 (Gapps 2018). 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 (‘Colebee and Nurragingy Land Grant’ 2011). This became the first grant to Aboriginal people in Australian history and was registered in 1819 in Colebee’s name (‘Colebee and Nurragingy Land Grant’ 2011). 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 (‘Colebee and Nurragingy Land Grant’ 2011). 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 (Pascoe 2014).

Governor Macquarie provided Nurragingy with cattle and arranged for a house to be built for him by Sylvanus Williams (GML Heritage 2012). The property was fenced in 1823 at government expense (GML Heritage 2012). Nurragingy’s possessions included a table, iron pot, and tongs, and he received government rations of flour, beef, tea, and sugar (GML Heritage 2012). 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 (‘Colebee and Nurragingy Land Grant’ 2011). Structures built on the grant included a bark and log hut with a chimney, sheds, animals enclosures, fencing, gardens, and vegetable patches and crops (‘Colebee and Nurragingy Land Grant’ 2011). 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 (‘Colebee and Nurragingy Land Grant’ 2011). Maria was a Boorooberongal Dharug woman who was born at Richmond on the Hawkesbury River c. 1805 (Parry 2005). 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 (Parry 2005). In 1824 Maria married Robert Lock, an English convict, in the first official marriage between an Aboriginal woman and European man (Parry 2005). 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 ('Colebee and Nurragingy Land Grant' 2011).

Following the death of Colebee, Maria petitioned Governor Darling for the ownership of Colebee's land while she was living at Liverpool ('Colebee and Nurragingy Land Grant' 2011). 40 acres were granted to Robert Lock on her behalf, however she persisted and was granted an additional 40 acres at Liverpool in 1831 ('Colebee and Nurragingy Land Grant' 2011). 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 ('Colebee and Nurragingy Land Grant' 2011). 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 (Parry 2005).

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 (GML Heritage 2012). 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 (GML Heritage 2012). In 1919, three of these lots were resumed by the Aborigines Protection Board – which were previously allocated to Charles, Clara and William Lock (Blacktown Native Institution CMP, 2023).

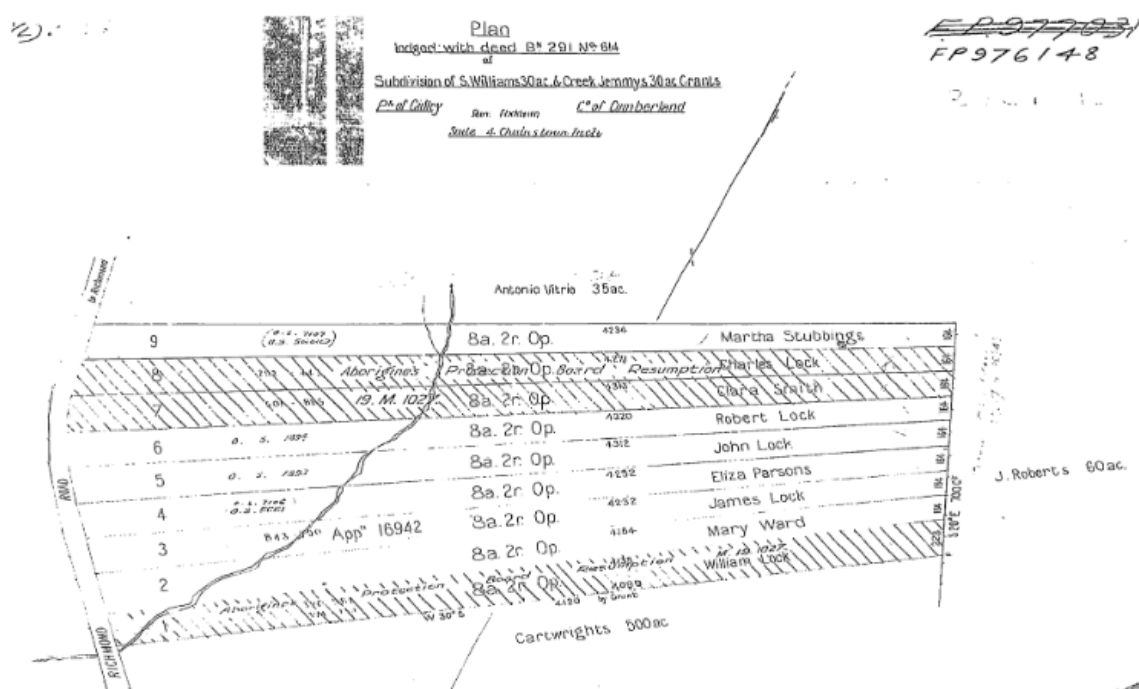


Figure 3-8: Plan originally accompanying the 1884 subdivision of Maria Lock's land into nine allotments. The hatched areas indicate the lots resumed by the Aboriginal Protection Board in 1919, with the reference for the resumed lots given as 19.M.1027 (Source: DP 976148, Department of Lands)

By the 1950s much of the original Colebee and Nurragingy grant was regranted as Crown land and sold ('Colebee and Nurragingy Land Grant' 2011). 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 3-9). 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 (GML Heritage 2012). Aerial imagery from 1955 (Figure 3-10) 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.

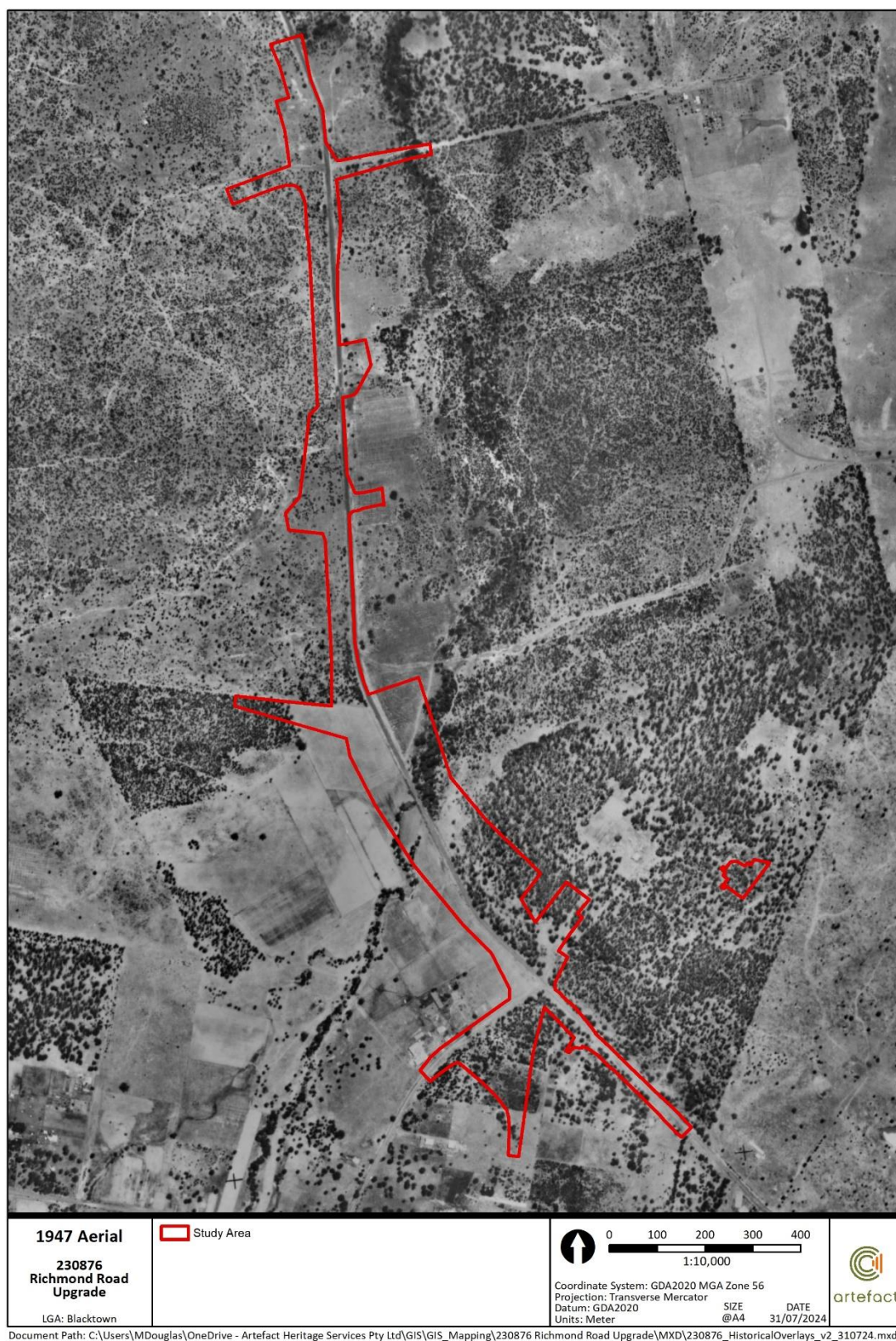


Figure 3-9: Aerial imagery of the study area, 1947 (Source: Department of Lands with Artefact overlay).

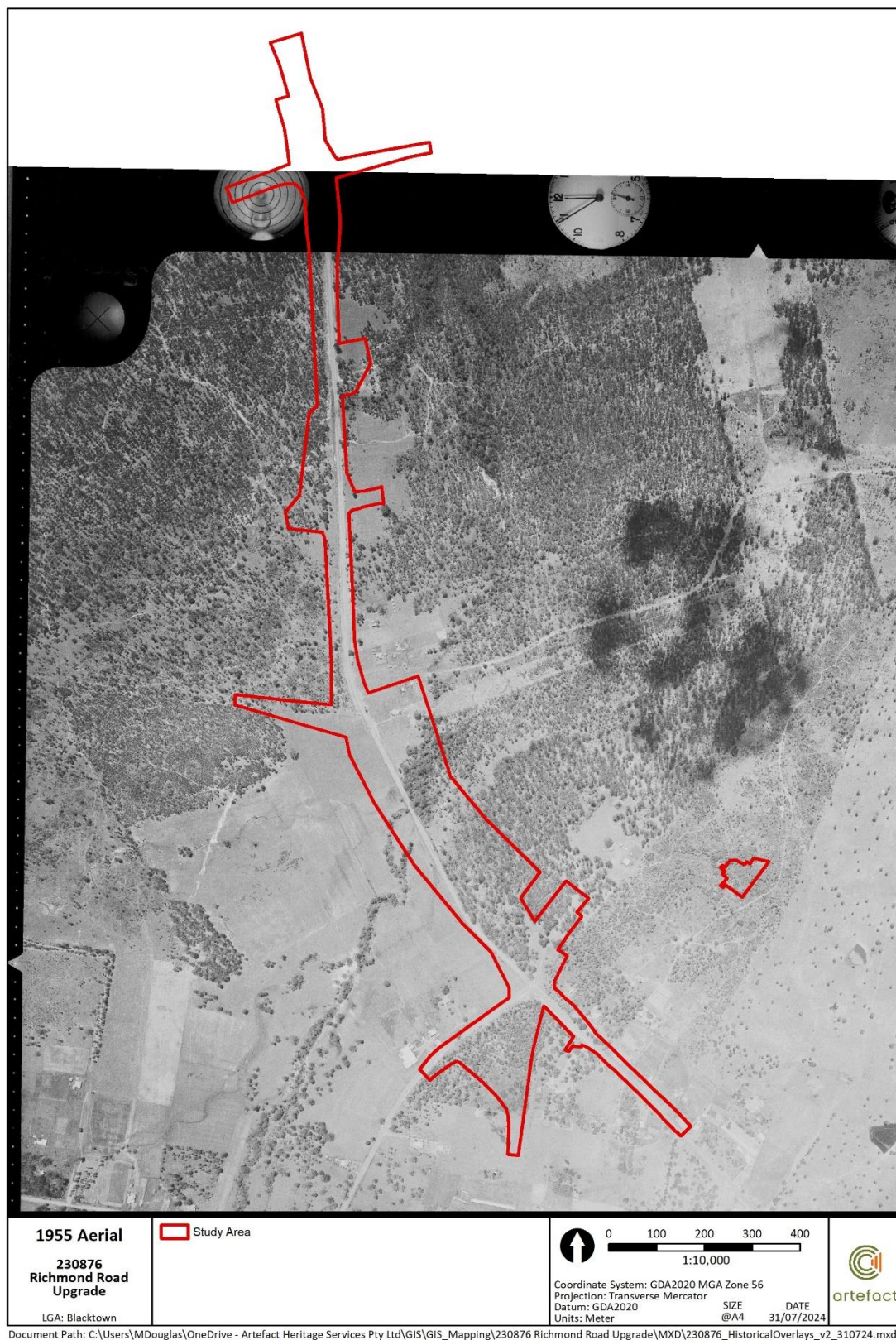


Figure 3-10: Aerial imagery of the study area, 1955 (Source: Department of Lands with Artefact overlay).

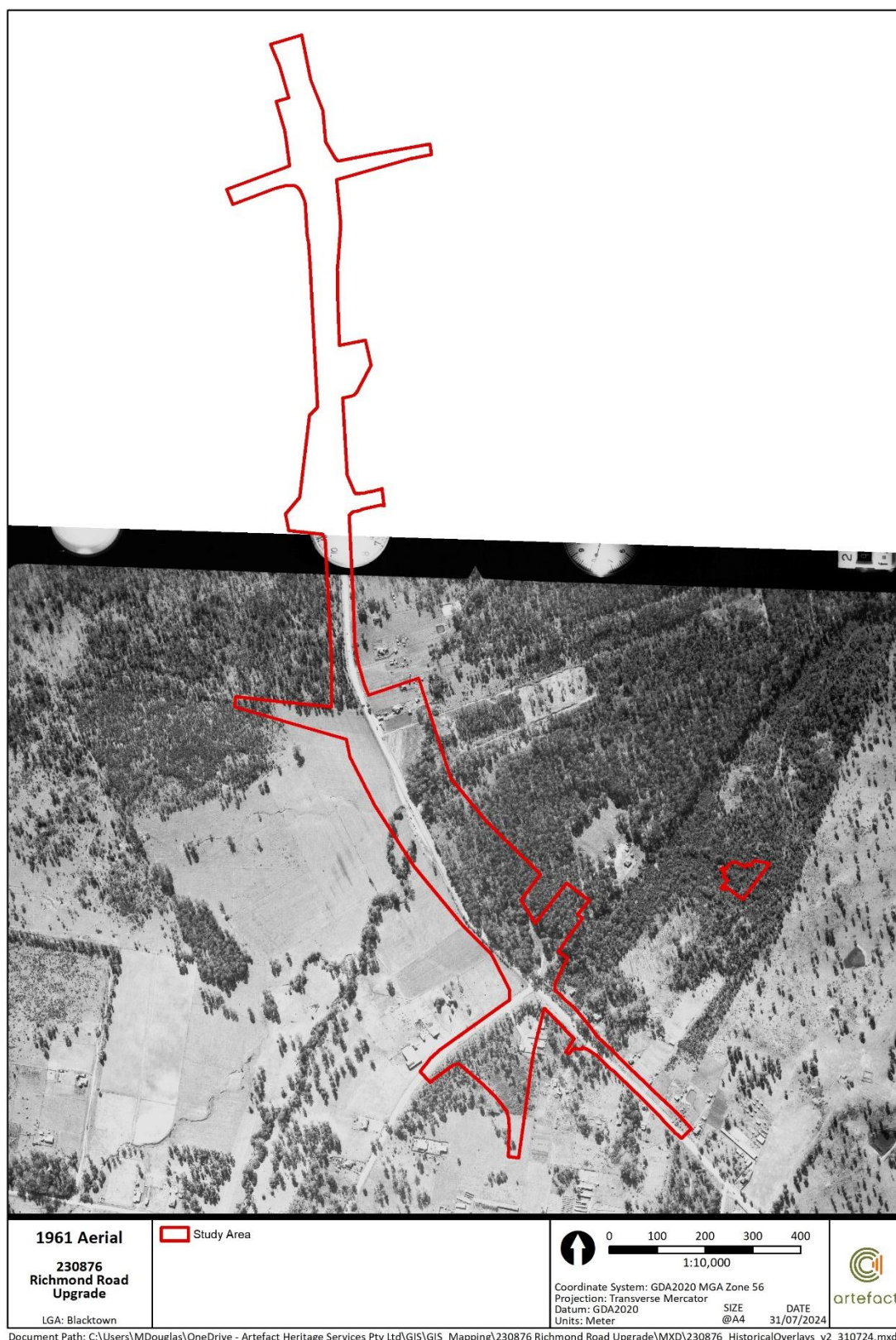


Figure 3-11: Aerial imagery of the study area, 1961 (Source: Department of Lands with Artefact overlay).



Figure 3-12: Aerial imagery of the study area, 1978 (Source: Department of Lands with Artefact overlay).



Figure 3-13: Aerial imagery of the study area, 2005 (Source: Department of Lands with Artefact overlay).

3.5 Blacktown Native Institution

3.5.1 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 Corporation (Norman 2015) and descendants of Colebee and Maria Lock, have been unsuccessful to date (Howden 2012). The land is also significant with contemporary Aboriginal communities as burials of Aboriginal people are believed to be located within the land (Howden 2012). 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 ('Blacktown Native Institution' 2011). Much of the land was returned to Aboriginal people in 2018 ('Blacktown Native Institution' 2011).



Figure 3-14: Blacktown Native Institution Project and Museum of Contemporary Art celebration with Dharug people at the Blacktown Native Institution land (Kucera 2018)

3.5.2 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 ('Blacktown Native Institution CMP, 2023).

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 ('Blacktown Native Institution' 2011). 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 ('Blacktown Native Institution' 2011). 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 ('Blacktown Native Institution' 2011). Rev Marsden had missionary connections with New Zealand and was responsible for bringing Maori children over to NSW and the school (Blacktown Native Institution CMP, 2023).

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 ('Blacktown Native Institution' 2011). 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 3-15) ('Blacktown Native Institution' 2011). The property also contained a separate kitchen, stable, and coach house and the children dug gardens as part of their useful skills educational program ('Blacktown Native Institution' 2011). The opposite land grant, formerly granted to Sylvanus Williams and used for farming, was also purchased for the Institution ('Blacktown Native Institution' 2011).

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 ('Blacktown Native Institution CMP, 2023). 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 ('Blacktown Native Institution' 2011). By May 1825 the institution had reopened as a private boarding house, which was subsequently moved to Parramatta in 1827 ('Blacktown Native Institution' 2011).

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 (Blacktown Native Institution CMP, 2023). This was below the Institution's capacity of 60 (GML Heritage 2018). 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 ('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 (GML Heritage 2018). In 1829 the school was again closed, and in 1831 the building was reported as being in a deteriorated state ('Blacktown Native Institution' 2011). The site was surveyed by Felton Matthew in 1833. Matthew's survey shows the location of the house, kitchens, stable, gardens and creek (Figure 3-16).

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.⁴⁵

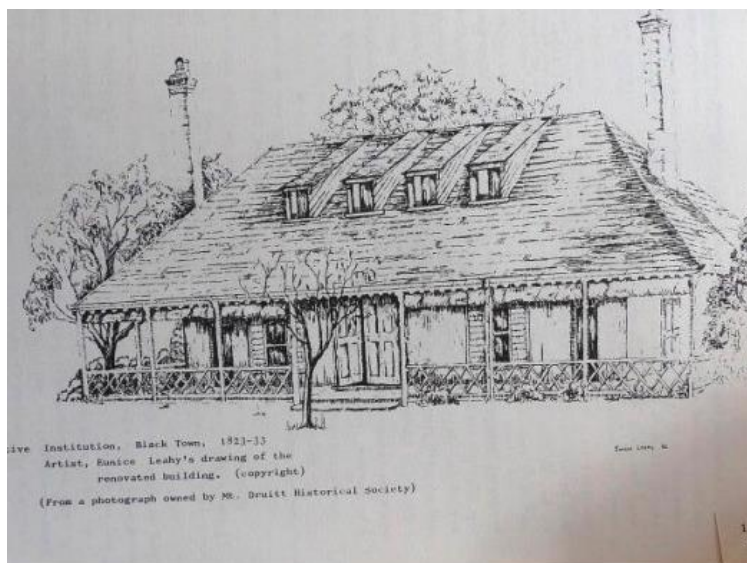


Figure 3-15: The Blacktown Native Institution Building (Source: Blacktown Native Institution Project).

⁴⁵ GML 2023. Dharug Nura: Blacktown Native Institution Conservation Management Plan

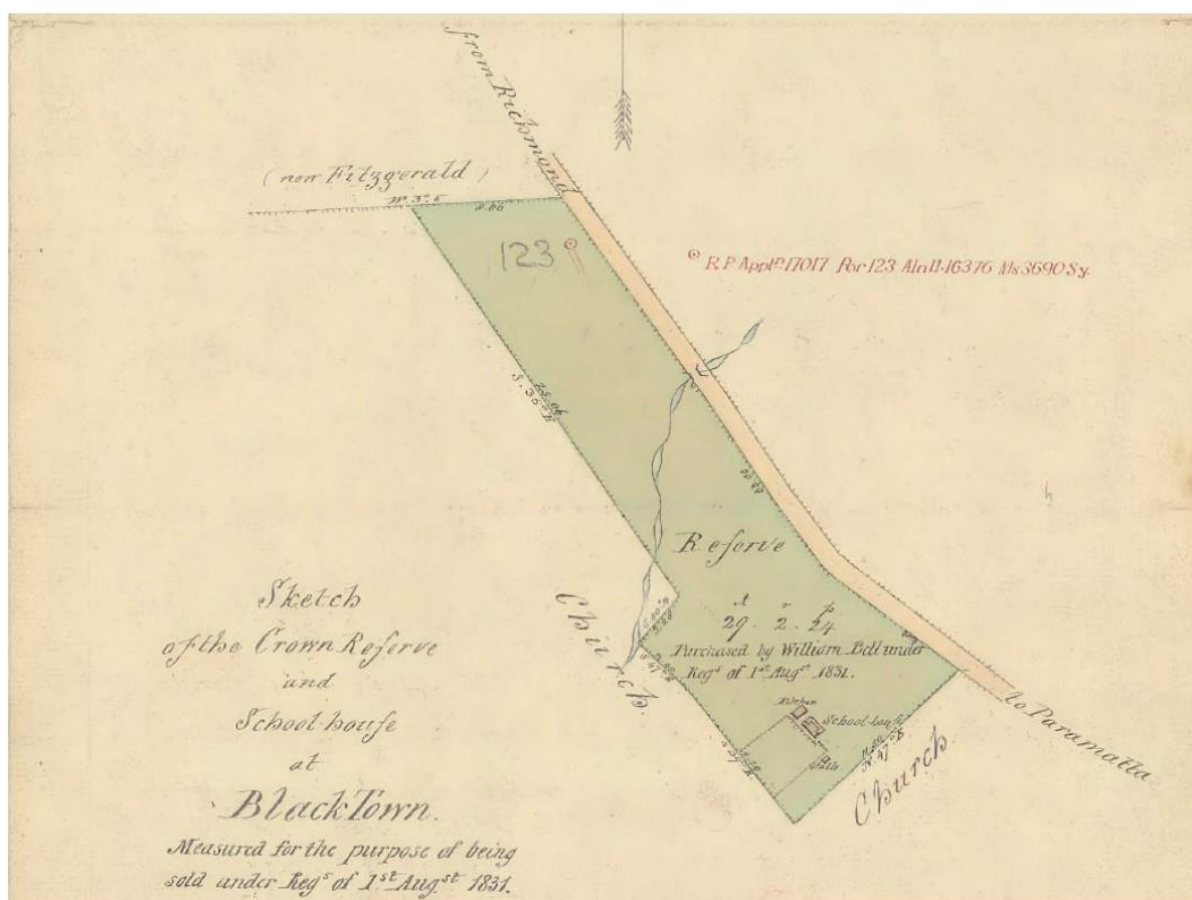


Figure 3-16: Felton Matthew's Survey of the Blacktown Native Institution, 1833 (Source: NSW Land Titles Office, 134-690)

3.5.3 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'. ('Blacktown Native Institution CMP, 2023). 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 3-1).

In 1877 Epping Lodge was purchased by Sydney Burdekin, who named it Lloydhurst ('Blacktown Native Institution' 2011). 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 ('Blacktown Native Institution' 2011). 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 (GML Heritage 2012). 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 (GML Heritage 2012). The Lock family were 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 (GML Heritage 2012).

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 3-17 and Figure 3-18). In 1899 Sydney Burdekin died, and the former Blacktown Native Institution site was purchased by Robert Smith, and then by Harry Woolnough in 1910 ('Blacktown Native Institution' 2011).

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 (GML Heritage 2012).

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 (GML Heritage 2012). 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 (GML Heritage 2012). Some historical records suggest only three of the nine lots – those which had been previously purchased by Sydney Burdekin - were claimed by the Board (GML Heritage 2012).

In 1914 the Blacktown Native Institution land was subdivided into five blocks and purchased by the Wardrop family in 1920 ('Blacktown Native Institution' 2011). The Native Institution building was destroyed in a fire in 1924 and a fibro house was built on its ruins ('Blacktown Native Institution' 2011).

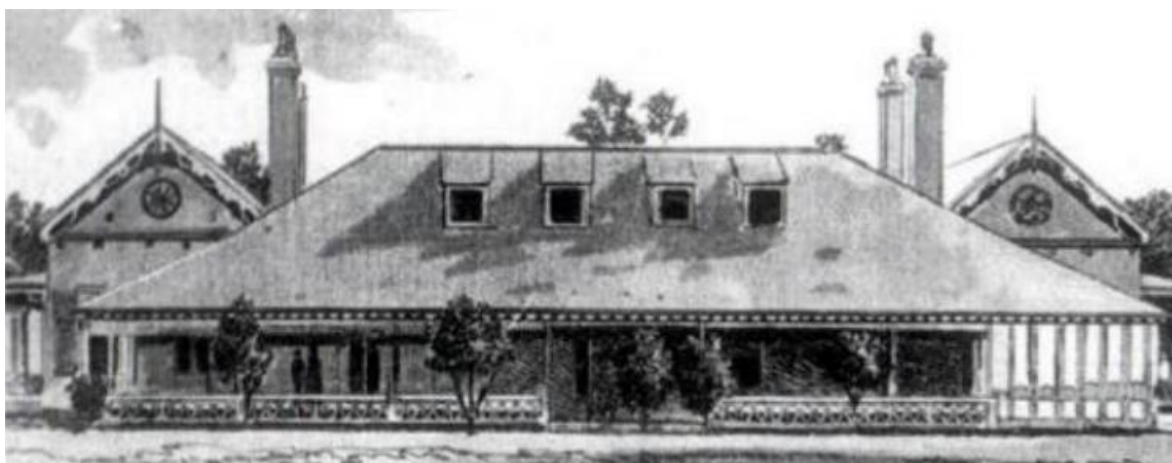


Figure 3-17: Blacktown Native Institution – now Lloydhurst in 1900 (Source: Blacktown City Library)



Figure 3-18: Lloydhurst, c.1900 (Source: Mount Druitt Historical Society)

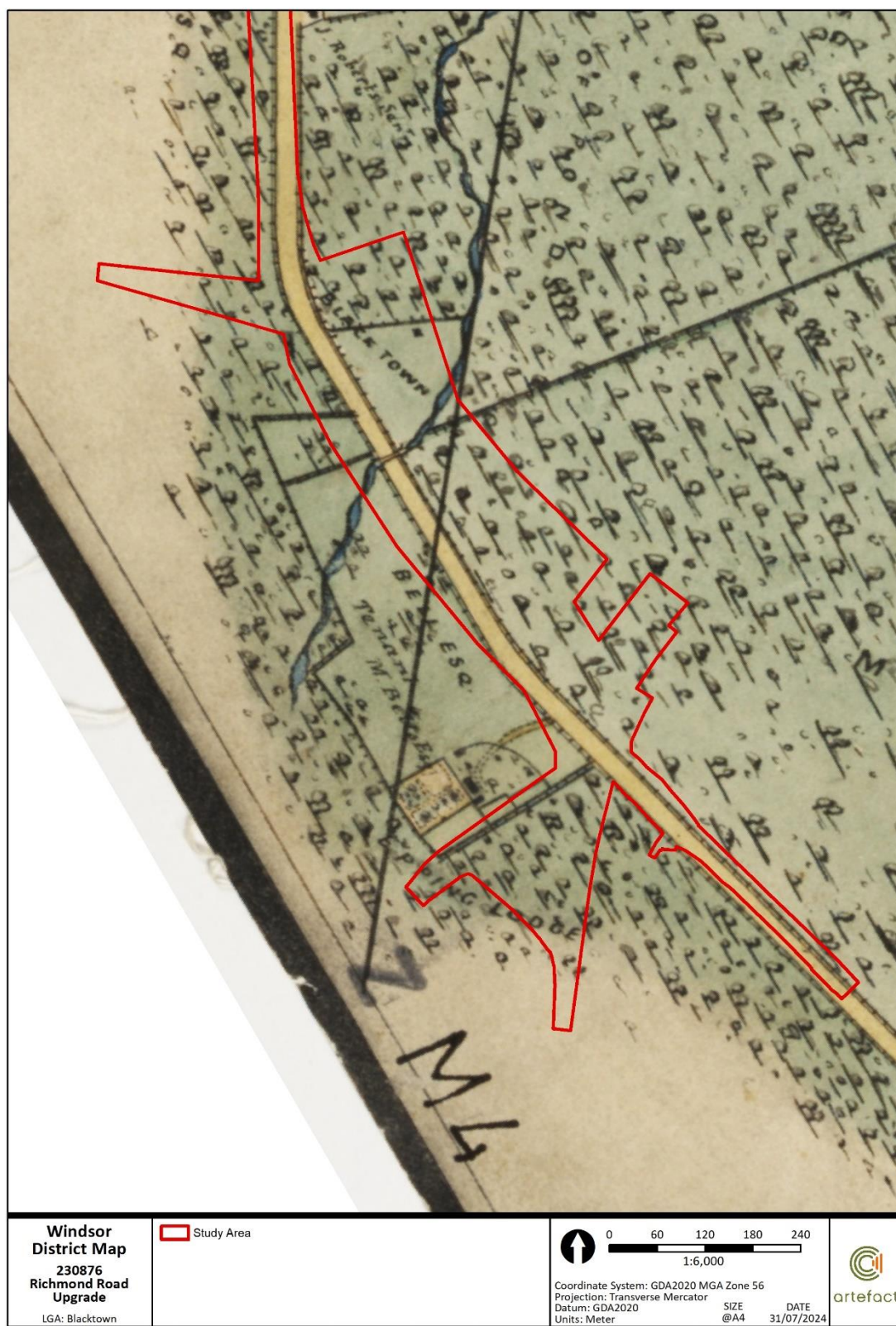


Figure 3-19: Detail of the Blacktown Native Institution - 'Epping Lodge' - in Windsor District Plan, 1842 (Source: SLNSW)

3.5.4 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 ('Blacktown Native Institution' 2011). 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 ('Blacktown Native Institution' 2011).

3.6 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) ('Colebee and Nurragingy Land Grant' 2011). 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 3-13) 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.

4. Existing Environment

4.1 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 Blacktown Native Institution 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 4-16. The reporting has been presented in this fashion to provide spatial control to the results and simplify the discussion of the existing environment.

4.2 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 4-1. 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 4-1 View north along Richmond Road from Townson Road intersection

4.3 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 4-2). 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 4-2: View south along Richmond Road within IU2

4.4 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 4-3). 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.

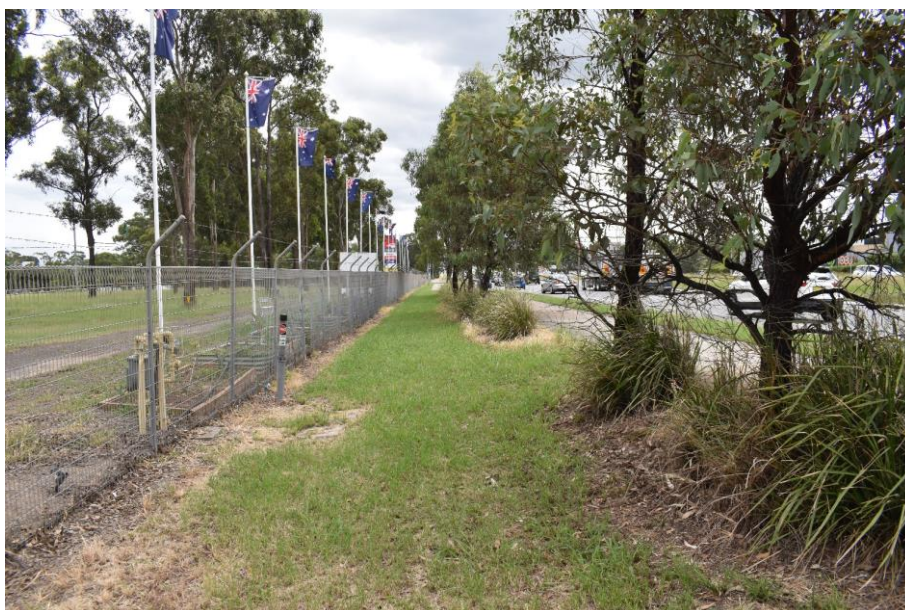


Figure 4-3: View north along Richmond Road, showing landscaped areas

4.5 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 4-4 to Figure 4-7.

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



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



Figure 4-5: Lot 1 DP 1043661, cleared greenfield area, with tall overgrown grass, dense tree canopy at the northern edge, view northwest



Figure 4-6: Lot 1 DP792478 cleared greenfield area, with tall overgrown grass, dense tree canopy at the northern edge, view west



Figure 4-7: Lot 1 DP792478 showing dumped household rubbish, view north

4.6 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 Nurrungy 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 4-8: North view of gravel road and industrial materials at Colebee Yard



Figure 4-9: View southwest towards Blacktown Native Institution with Richmond Road behind the private property Lot 49 DP1104950



Figure 4-10: East view of the clearing with dense tree canopy to the rear on the Colebee and Nurragingy Land Grant site



Figure 4-11: View to existing M7 flyover from Blacktown Native Institution site, view southwest



Figure 4-12: View south along Richmond Road towards proposed flyover



Figure 4-13: View south from Colebee Yard to M7 Motorway and location of proposed flyover

4.7 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 Blacktown Native Institution site (Figure 4-14). 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 4-14: View north across the Blacktown Native Institution site from Rooty Hill Road



Figure 4-15: View southwest across Blacktown Native Institution site at location of proposed flyover, looking towards M7 and Rooty Hill Road

4.8 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.

4.9 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.

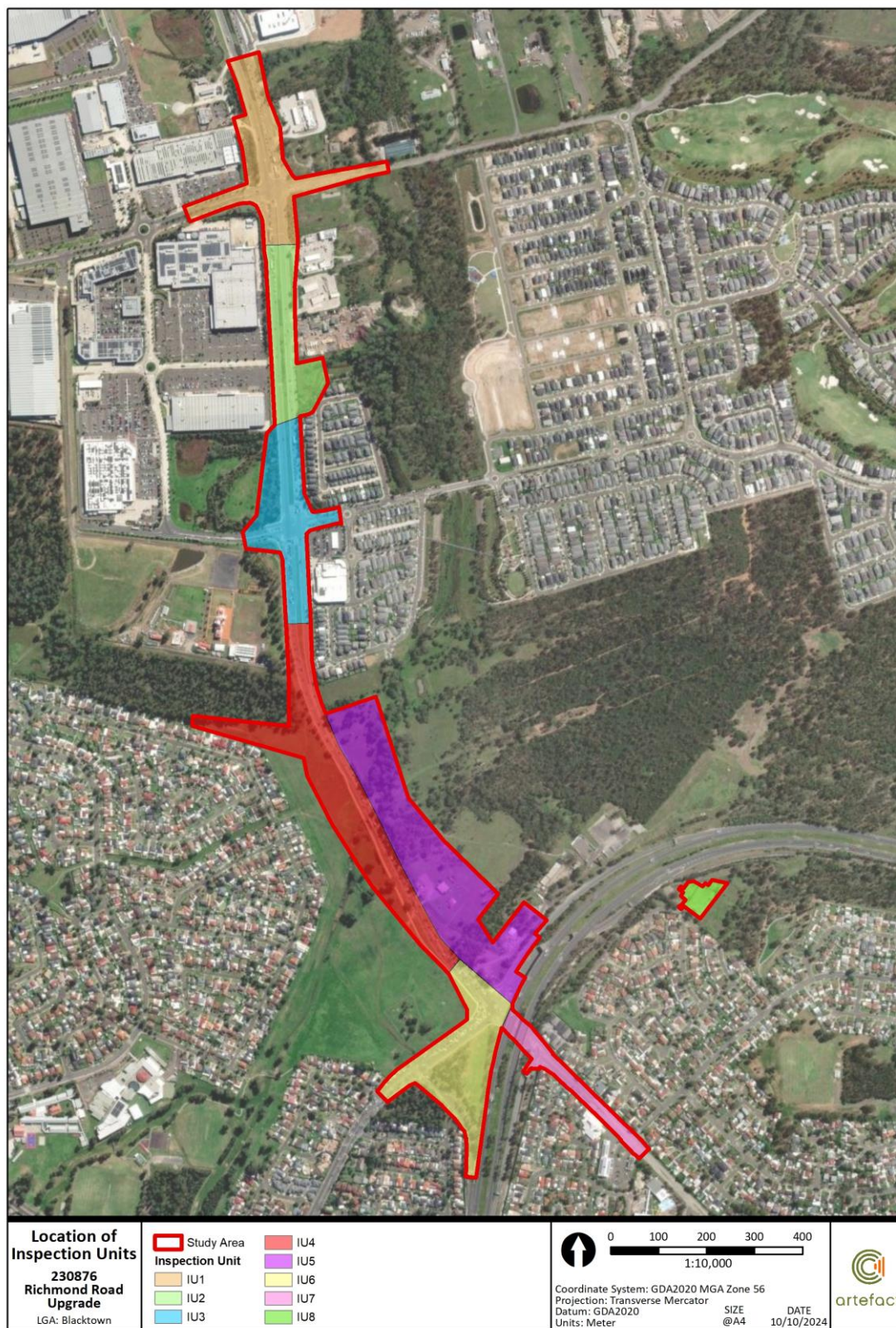


Figure 4-16: Location of Inspection Units

5. Archaeological Assessment

5.1 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.

5.2 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.	<p>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.</p> <p>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.</p>
Banksia Heritage + Archaeology 2005 The Blacktown Native Institution, Plumpton. Archaeological Monitoring Report	<p>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.</p> <p>Historical artefacts were identified within disturbed layers, consisting of glass and ceramics, and modern plastics.</p> <p>No Aboriginal objects were identified.</p>
Aecom 2022 Westlink M7 Widening, Non-Aboriginal Heritage Impact Assessment.	<p>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.</p> <p>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.</p>

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: Lloydhurst 1877-1924 • Phase 4: dairy farm 1924-1985 • Phase 5: Mittaggar 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>

5.3 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 3-10). 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 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. By 1978, two new buildings have been constructed at the southern end of the study area, east of Richmond Road (Figure 3-12). These appear to be a residence and associated outbuildings and sheds. 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 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 3-13). 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.

Table 5-1: Land use phasing of the study area

Phase	Discussion
Phase 1: Informal land use and establishment of Richmond Road (1788-1816)	<ul style="list-style-type: none"> The land may have been informally used prior to the issuance of official land grants. 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. Minor land clearance may have occurred either side of this informal roadway to allow for movement of carriages and livestock. Minimal land clearance is likely to have occurred surrounding Richmond Road.

Phase	Discussion
Phase 2: Formal land grants and 19th Century residences (1816-1899)	<ul style="list-style-type: none"> The settlement of Blacktown was established. Richmond Road was formalised in 1816 by William Cox and later sealed in the 1820s with a Macadam surface. Formal land grants were dedicated, including the Colebee and Nurragingy Grant, the Cartwright Grant, and the Williams Grant. Sylvanus Williams constructed a timber hut for Nurragingy, either on this own grant or on land granted to Williams. The Blacktown Native Institution was established in 1823 and a double storey residence was constructed on the land. 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. 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.
Phase 3: Market gardening and semi-rural use (1899-1980)	<ul style="list-style-type: none"> 'Lloydhurst' was traded after the death of Sydney Burdekin in 1899 and continued to operate in an agricultural capacity. The Blacktown Native Institution buildings burned down in the early 1900s and were replaced with a fibro house. Portions of the Colebee and Nurragingy Grant (now owned by Nurragingy's descendants, The Lock family) 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.
Phase 4: Suburbanisation (1980-present)	<ul style="list-style-type: none"> 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.

5.4 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 5-2.

Table 5-2: 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

Grading	Rationale
Moderate	Analysis demonstrates known historical development and some previous impacts, but it is likely that archaeological remains survive with some localised truncation and disturbance
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

5.4.1 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 Blacktown Native Institution have no identified Aboriginal archaeological potential.
- Phase 2: early settlement 1819-1877
 - Phase 2 has varied archaeological potential within the Blacktown Native Institution. 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 Blacktown Native Institution 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: Lloydhurst 1877-1924
 - Phase 3 within the Blacktown Native Institution 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: Mittaggar 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 5-1.



Figure 5-1: 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 5-2). 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 Blacktown Native Institution site, including a review of previous archaeological investigations⁴⁶. 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).⁴⁷ 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 soil landscapes within the Blacktown Native Institution have been substantially modified and therefore have 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, although GML note that the location holds no soil condition and has been subsequently impacted by infrastructure works.

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.⁴⁸ 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.⁴⁹ 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.⁵⁰ 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*.⁵¹

KNC prepared a PACHCI Stage 3 report for the Richmond Road M7 project.⁵² The PACHCI Stage 3 report identifies one listed Aboriginal site within the area of overlap between the Blacktown Native Institution 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. As such, it was assessed that the site had moderate archaeological potential to demonstrate use of the site prior to the founding of the Blacktown Native Institution.

The summary of archaeological potential from the AZP in relation to the study area is presented visually in Figure 5-2.

The summary of Aboriginal archaeological sites and areas of potential identified by KNC is presented in Figure 5-3.

⁴⁶ GML 2023. Dharug Nura, p. 134

⁴⁷ Banksia Heritage 2005.

⁴⁸ GML 2023. Dharug Nura, p. 140

⁴⁹ GML 2023. Darug Nura, p. 140

⁵⁰ GML 2023. Darug Nura, p. 140

⁵¹ GML 2023. Dharug Nura, p. 140

⁵² 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 5-2: 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)

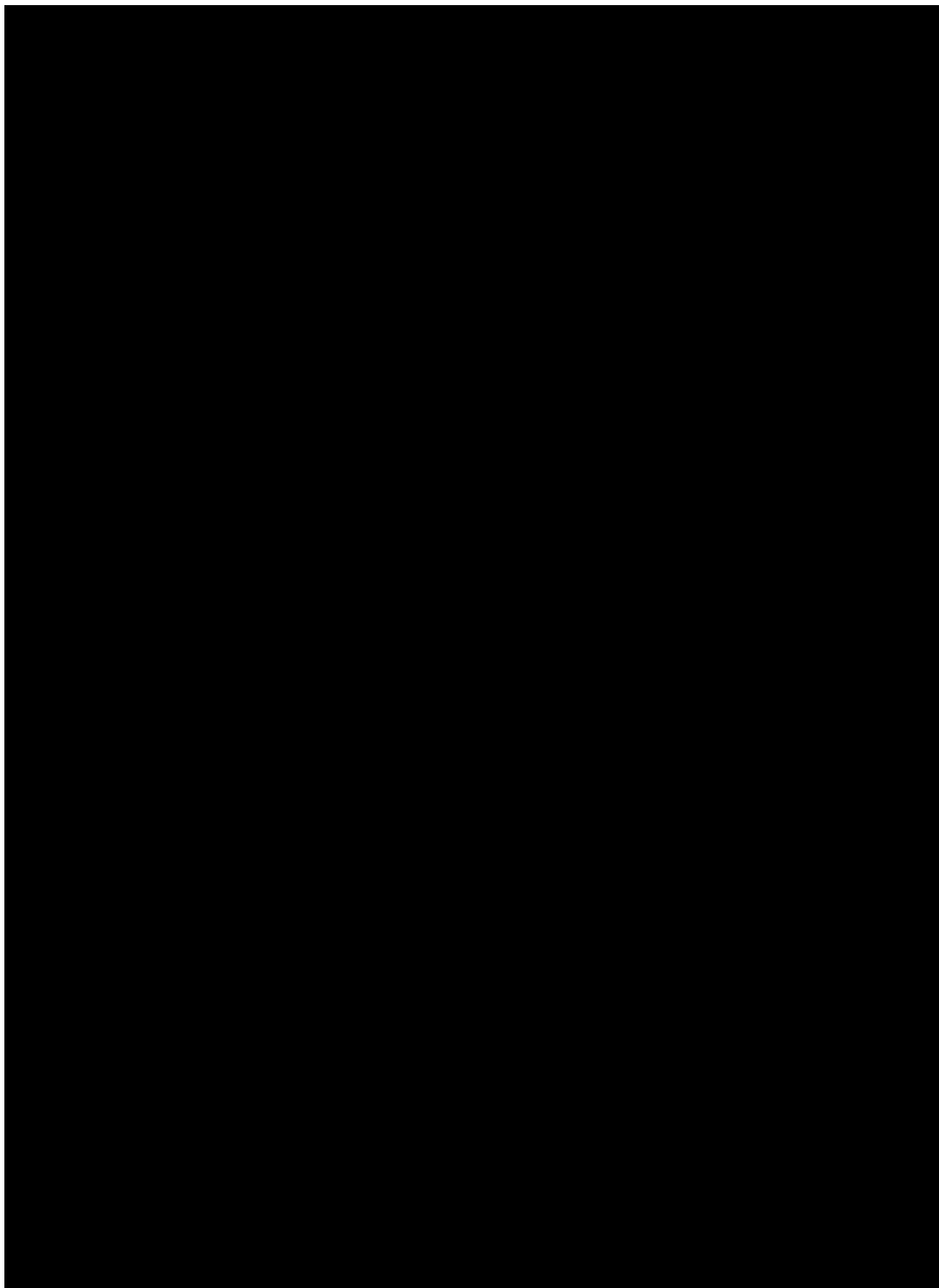


Figure 5-3: Location of Aboriginal archaeological sites within the study area (Source: KNC 2024)

5.4.2 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 Blacktown Native Institution 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 5-1)⁵³. 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.

There is **low archaeological potential** for remains of Phase 2 nineteenth century land clearance, land improvements, or building works associated with early land grants.

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

⁵³ GML 2023. *Dharug Nura: The Blacktown Native Institution Conservation Management Plan*

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.

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

5.5 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 5-3 below.

Table 5-3: 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 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

6. Significance Assessment

6.1 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 6-1). 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 6-1: 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).

6.2 Existing heritage assessments

6.2.1 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 6-2 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 6-2: 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 the school. William Walker protege of Governor Brisbane, and the first missionary to be</p>

Criteria	Discussion
	<p>instructed specifically to minister to the indigenous people of New South Wales, was appointed as manager of the Institute in 1824.</p> <p>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.</p>
C) Aesthetic Significance	The Blacktown Native Institution site does not meet the threshold for cultural significance under this criterion.
D) Social Significance	<p>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.</p> <p>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.</p>
E) Research Potential	The Blacktown Native Institution site has high archaeological potential to reveal evidence, that may not be available from other sources, about of 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.
F) Rarity	The Blacktown Native Institution is a rare site reflecting early 19 th century missionary activity. The site may the earliest evidence of the Colonial Administration's attempts to Christianise and Europeanise Aboriginal children.
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 6.2.1.

6.3 Cultural heritage significance assessment

6.3.1 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.⁵⁴ 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.

6.3.2 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.

6.4 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.

6.4.1 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 remains low potential for unmarked historical Aboriginal burials to be encountered in the portion of the study area along Bells Creek adjacent to Richmond Road. There is low likelihood of identifying these burials, although if human remains that could be conclusively tied to Phase 2 and 3 occupation were identified they would be of great significance to the local Aboriginal community. Historical Aboriginal burials relating to Phase 2 and 3 occupation, if identified, would **meet the threshold for State significance**.

⁵⁴ KNC 2024. *Richmond Road Upgrade M7 to Townson Road, Marsden Park. PACHCI Stage 3*

There is some potential for the identification of a timber structure within land granted to Sylvanus Williams, immediately south of the Colebee and Nurraringy 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 Nurraringy. 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.**

If evidence of post-contact Aboriginal encampments was 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 Nurraringy 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 Nurraringy and/or Sylvanus Williams. Further detailed research is required to investigate this association. If found to be associated with Nurraringy, 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 significant 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.

6.5 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.

The portion of the Blacktown Native Institution site within the study area has limited potential to demonstrate these state significant values, either through standing structures or archaeological remains. . The impact assessment and recommendations in this report have been developed in the context of this understanding.

If identified within the study area, remains of the Blacktown Native Institution site would be considered to be of State significance.

The portion of the study area which falls outside the Blacktown Native Institution holds little cultural significance or archaeological potential. With the exclusion of the potential timber hut located east of Richmond Road, which has been assessed as being of local significance, and has the potential to be of State significance if found to be associated with Nurragingy, the study area holds no other known heritage values.

7. 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).

7.1.1 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.

7.1.2 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 7-1 to Figure 7-5):

- 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 and water quality 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 metres wide 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.
- Rehabilitation of disturbed areas and landscaping.
- Establishment and use of three temporary ancillary facilities during construction.

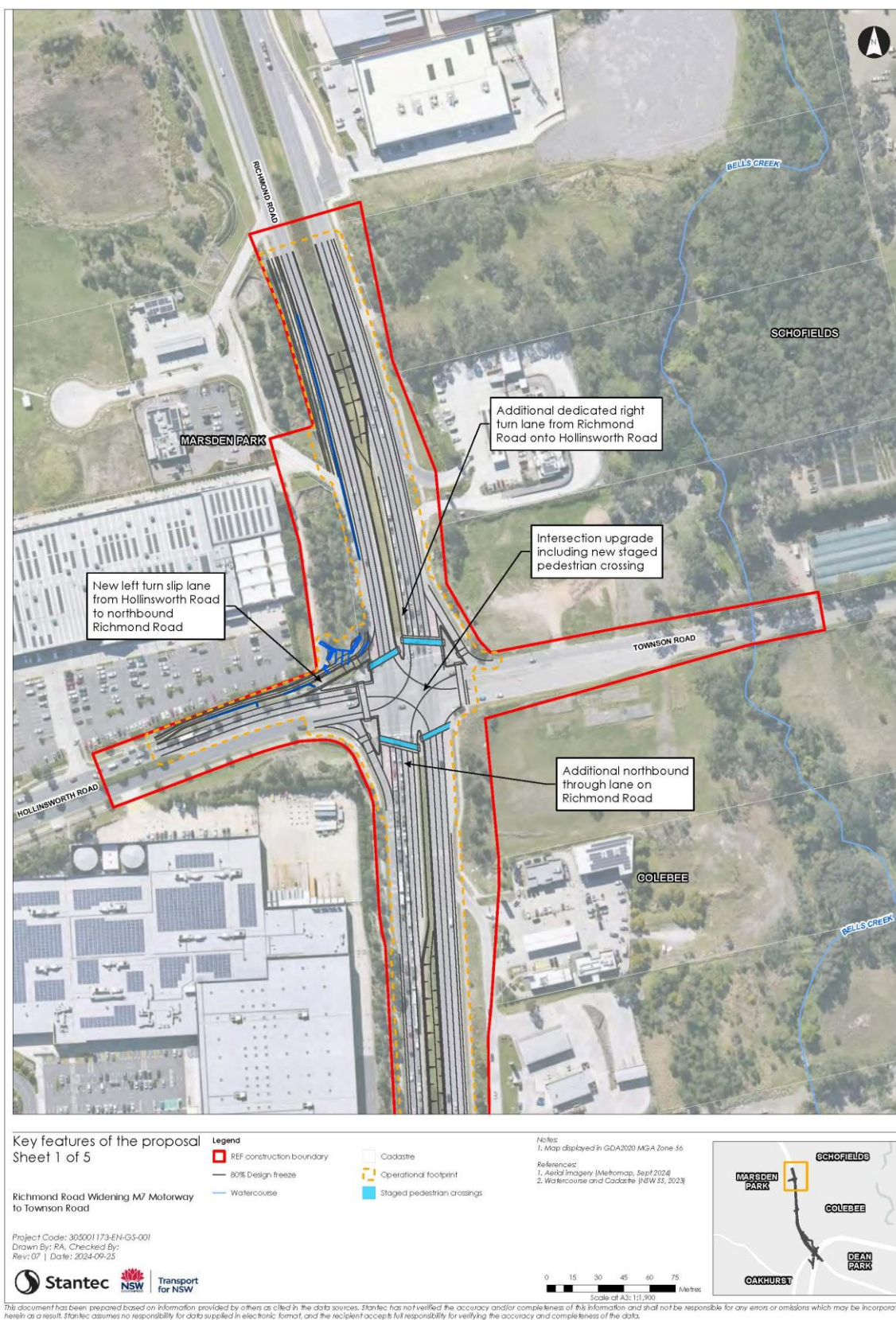


Figure 7-1: Key features of the proposal (Source: Stantec, 2024)

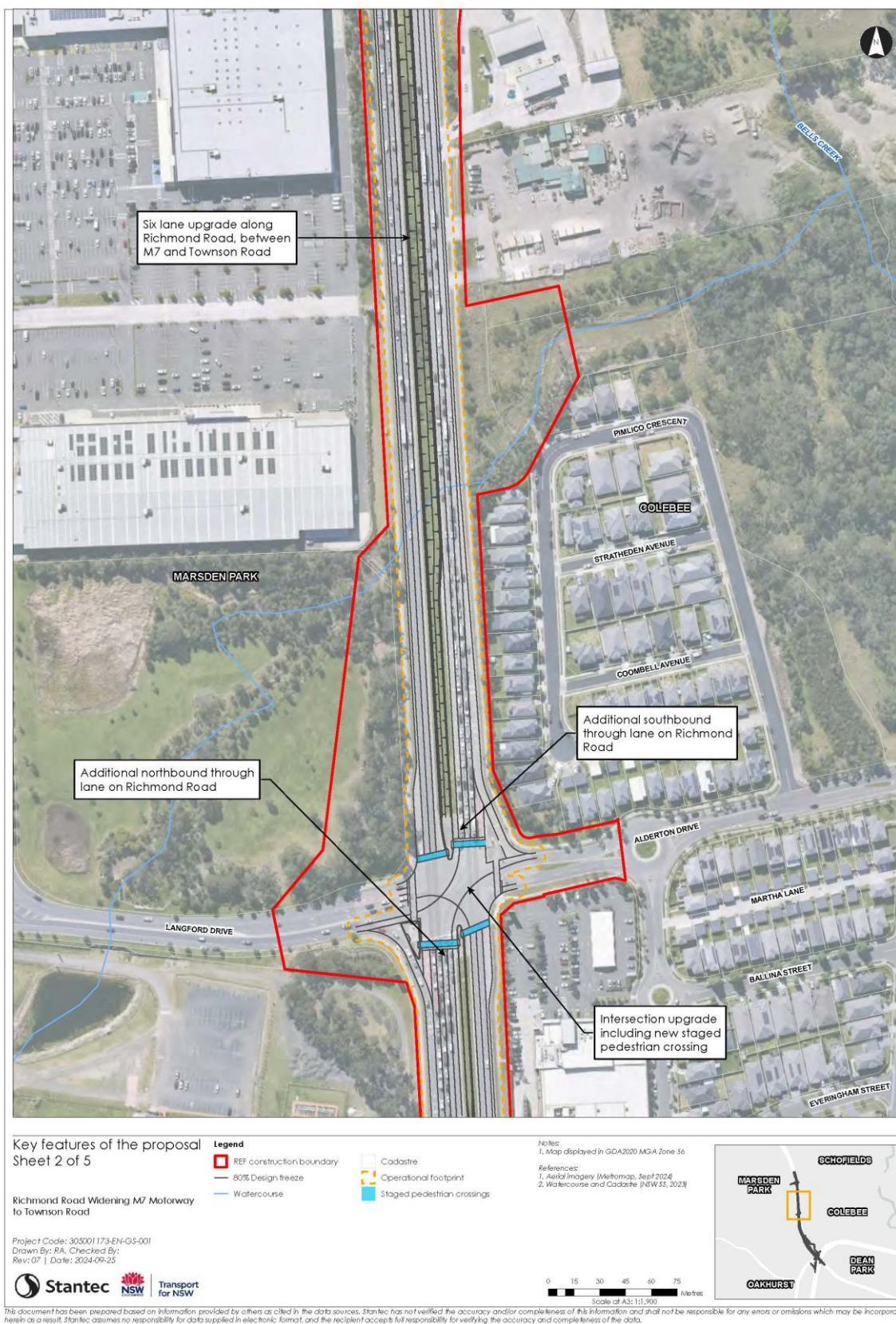


Figure 7-2: Key features of the proposal (Source: Stantec, 2024)

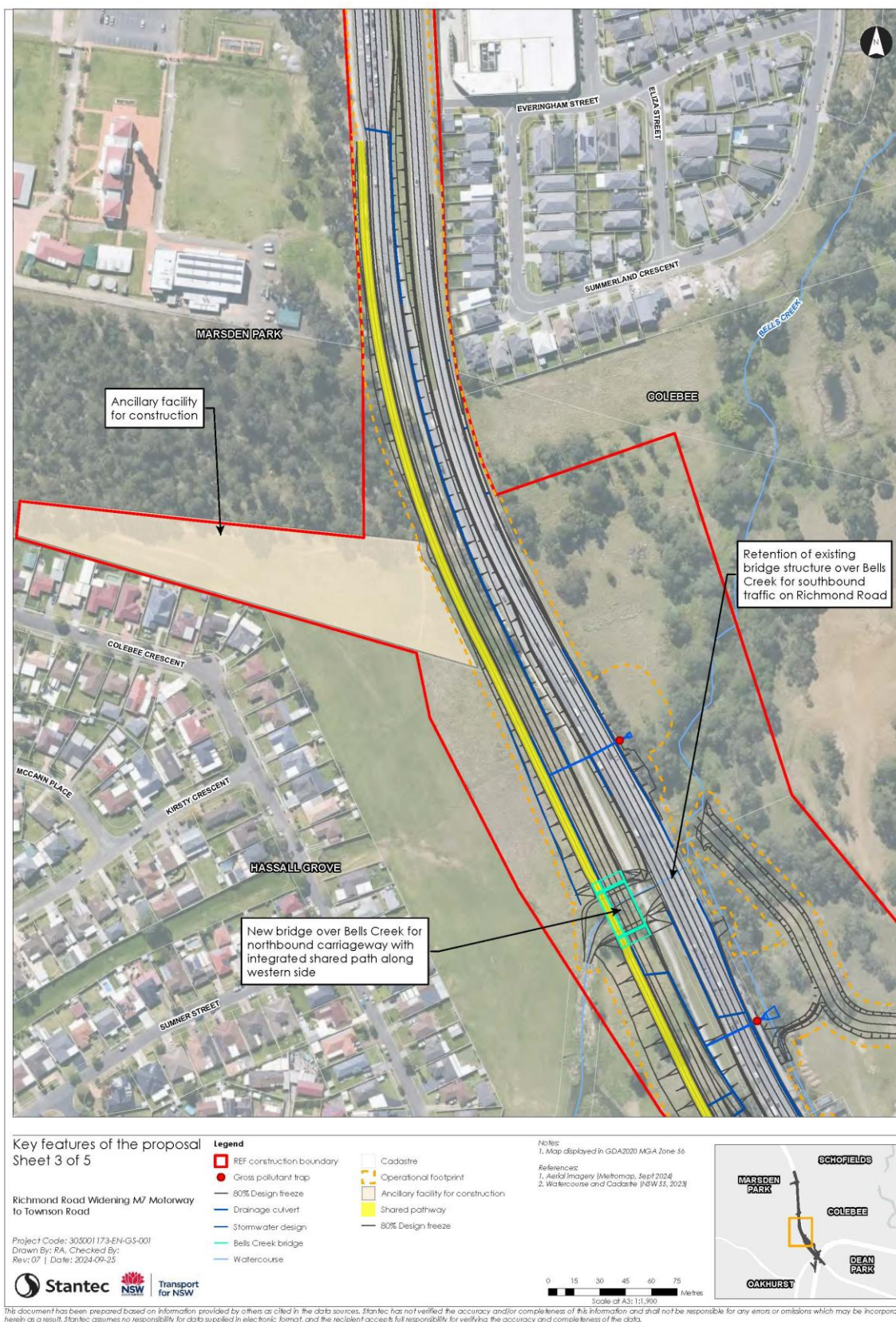


Figure 7-3: Key features of the proposal (Source: Stantec, 2024)

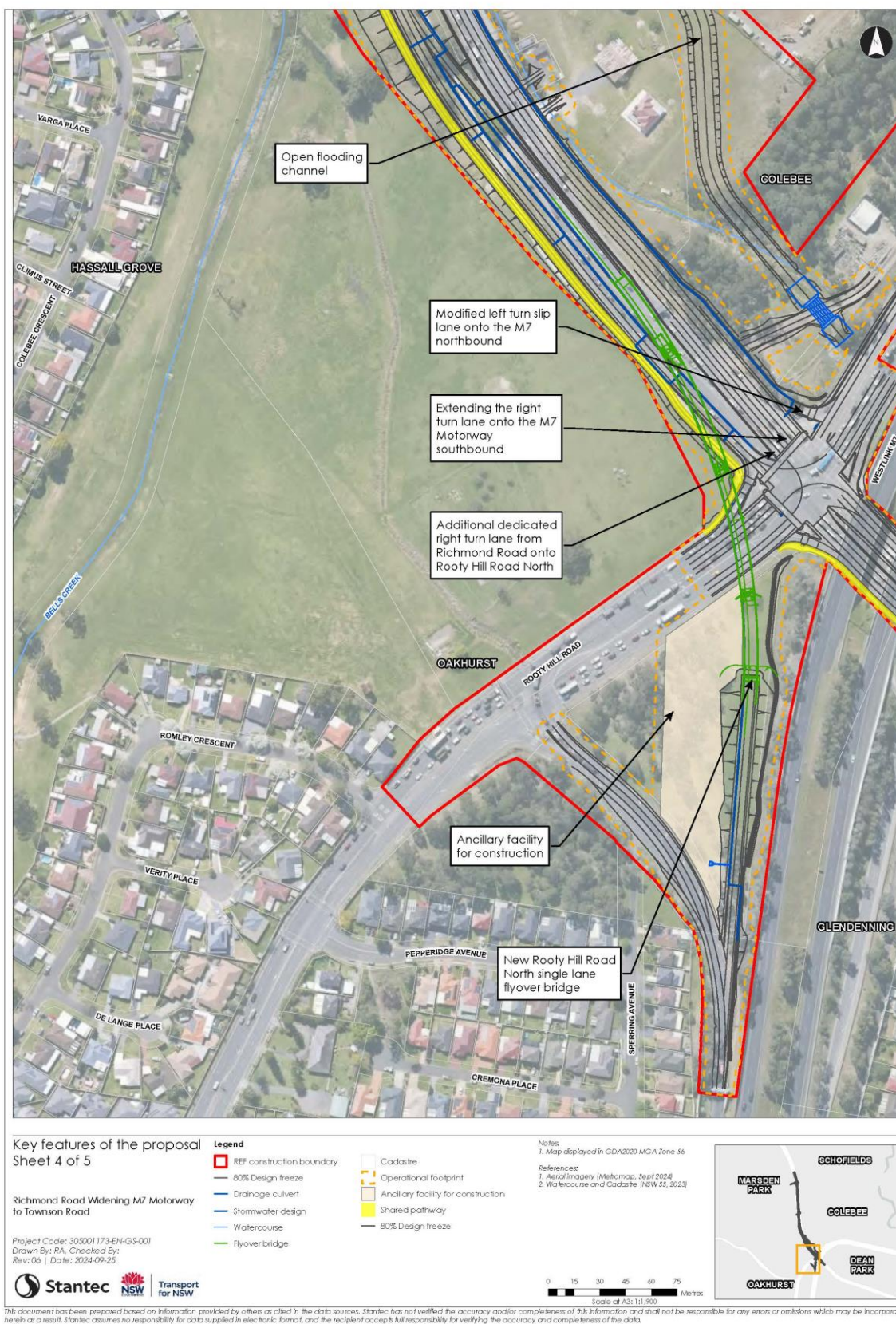


Figure 7-4: Key features of the proposal (Source: Stantec, 2024)

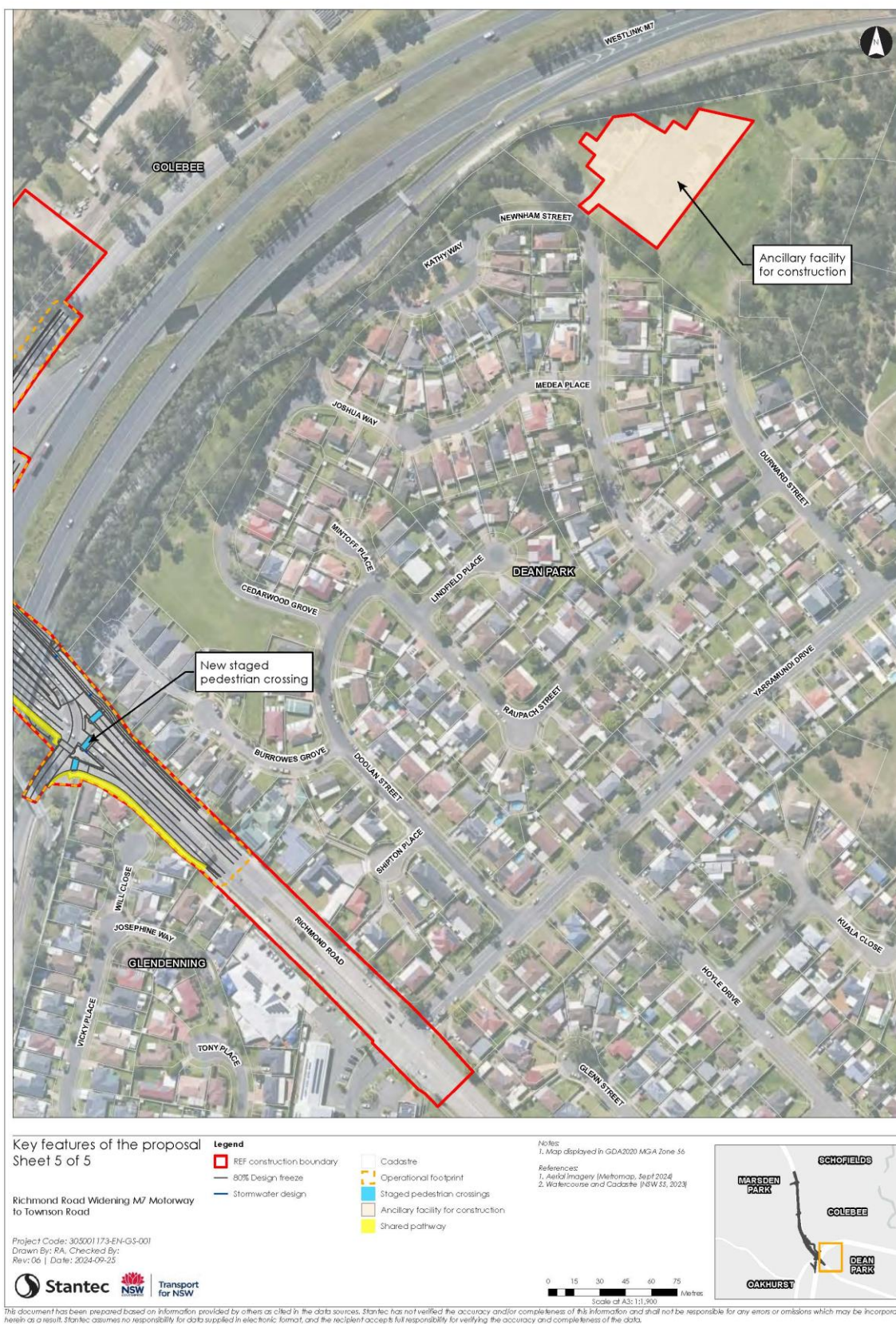


Figure 7-5: Key features of the proposal (Source: Stantec, 2024)



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



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

Figure 7-6: Render of proposed M7 flyover to Richmond Road. (Source: DesignInc)

7.1.3 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 7-7):

- 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.

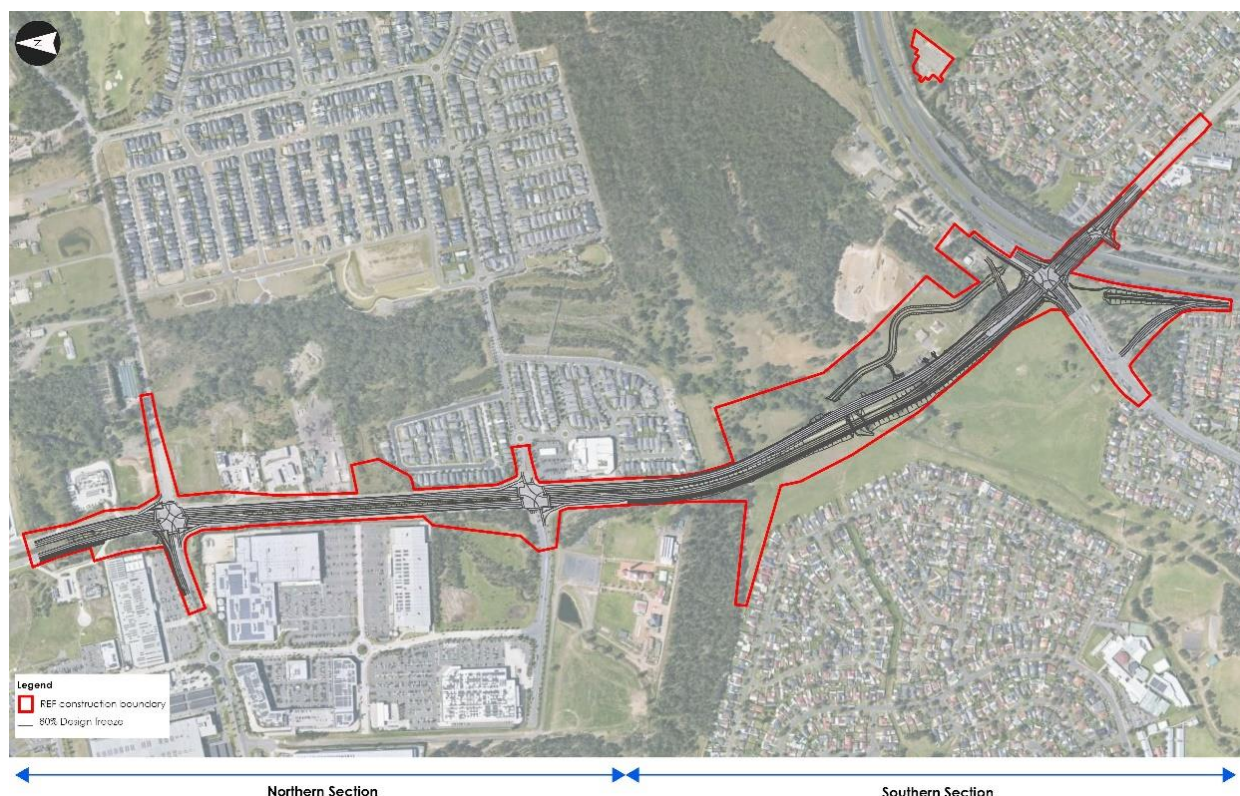


Figure 7-7: Richmond Road construction staging Stage 1 (northern section) and Stage 2 (southern section) (Source: Stantec, 2024)

7.1.4 Design Options Analysis

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

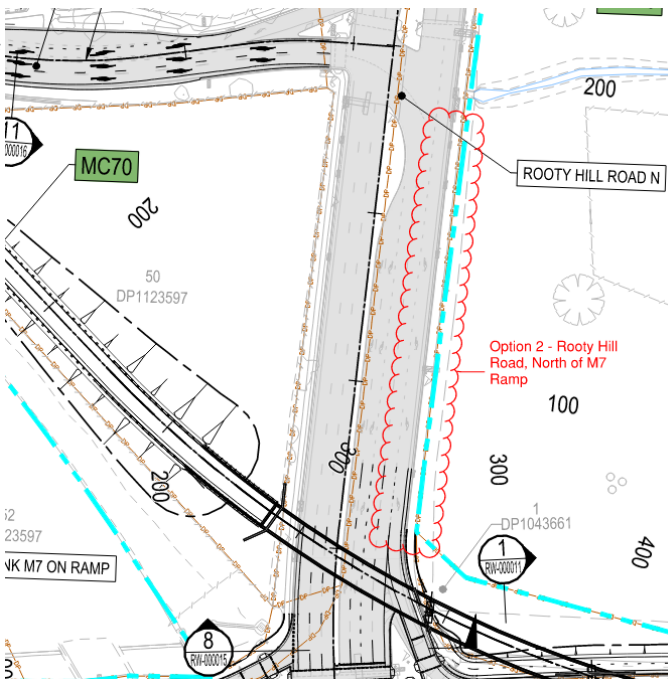

The M7 ramps and flyovers – had three viable options which were analysed and considered for the advantages and disadvantages, whilst also applying an assessment criteria which assesses whether the options are able to achieve the agreed project objectives, delivering greatest benefits whilst minimising 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 Blacktown Native Institution 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 7-1: 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 cross of the existing 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
<p>Option 3: Richmond Road, approx.. 40m north of existing access</p>			<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. Heritage Impact Assessment

8.1 Overview

This section assesses the heritage impact of the proposed works on heritage 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*.⁵⁵

Table 8-1: 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.

Table 8-2: Terminology for heritage impact types

Impact	Definition
Physical	Impacts resulting from works located within the curtilage boundaries of the heritage item.
Potential physical	Impacts resulting from increased noise, vibrations and construction works located outside the curtilage boundaries of the heritage item.
Visual	Impact to views, vistas and setting of the heritage item resulting from proposed works outside the curtilage boundaries of the heritage item.

8.1.1 Blacktown Native Institution

Physical heritage impacts

The Blacktown Native Institution is a site of State Heritage significance for its landscape and archaeological remains, as well as its historical, aesthetic, associative, and social heritage values (outlined above in section 5). The proposed works have been design optioneered to minimise physical impacts to the heritage item where possible. Widening of the northbound lanes of Richmond Road would impact the existing access track on Richmond Road to the site. Installation of a formal driveway access to the BNI property is proposed within the Rooty Hill Road North road corridor. Provision of safe access to

⁵⁵ Heritage NSW, *Material Threshold Policy*, 14 February 2020

the BNI will be retained and enhanced to ensure continued accessibility of the site to the community.. The new flyover, abutment walls and retaining wall to the Blacktown Native Institution are in previously disturbed sections of the road corridor and will have no further adverse physical impact on the heritage item. The selected driveway Option 2 may be an interim location. There is ongoing discussion with DSMG about the final driveway access along Rooty Hill Road North.

As such it is considered that the proposed works would have little or no physical impact on the extant historic plantings or physical remains of the Blacktown Native Institution. Potential impacts to known or potential archaeology are assessed in Section 8.1.3.

Physical impact: Little or no

Visual heritage impacts

The proposed works would require the widening of the northbound lanes of Richmond Road, a new road bridge over Bells Creek that matches the low profile scale of the existing bridge and relocation of the existing driveway access. The works associated with the widened roadway and relocated driveway is negligible in the scale of the larger Blacktown Native Institution site. An optioneering exercise was undertaken by Transport in consultation with DSMG to formalise a new location. 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. Changes to this area would result in **little to no** visual impacts to the setting and visual amenity of the site.

The new flyover and retaining wall are to be constructed at the southern end of the Blacktown Native Institution 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 Blacktown Native Institution in this highly modified section of the item (refer Figure 7-6). 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 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. Overall, it is considered that the impact of the proposed flyover and associated retaining wall would be **moderate adverse** visual impact. Mitigation measures which seek to reduce the visual impact to the site are recommended by the project as outlined in Section 9.3.

Visual impact: Moderate adverse

In relation to potential impacts on the social significance of the Blacktown Native Institution, the need for a relocated and improved driveway access to the Blacktown Native Institution site has been agreed upon in consultation with the DSMG, with the exact location to be finalised as part of detailed design development. The primary aim of the consultation is to ensure that the redefined location for the driveway minimises impacts on the social significance and heritage values of the Blacktown Native Institution to the Aboriginal community and improves accessibility and potential for appreciation.

8.1.2 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 8-3.

Table 8-3: Assessment of heritage impact.

Item Name	Item/Listing Number	Physical impacts	Visual 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. As the works are not within the heritage item they would and have little to no physical impacts to the item.	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 visual impacts to the item.

8.1.3 Impacts to archaeological resources

The majority of the proposed works involve ground disturbing activities within the existing Richmond Road corridor, which would be unlikely to result in impacts to archaeological resources. This report has assessed that there is nil-low potential for the identification of former road surfaces or historical utilities within the road corridor. The immediate surrounds, consisting of areas previously subject to disturbance from road widening activities and agricultural use, also have limited archaeological potential.

No archaeological impacts are expected within the existing Richmond Road corridor.

The proposed works within the Blacktown Native Institution site will include road widening, the construction of a traffic bridge over Bells Creek, and the construction of a flyover connecting the M7 Motorway directly to Richmond Road.

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. 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 Aboriginal encampments 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. It is considered unlikely that impact to historical archaeological remains will result from the proposed road widening works within the Blacktown Native Institution.

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 work to an understanding of the project impact and management measures. impact of proposed works on this structure. It is recommended that this research be undertaken as part of the detailed design submissions, to ensure the most accurate project mapping is considered.

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.

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.

Similarly, 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.

The proposed works within the Blacktown Native Institution site are unlikely to result in physical impacts to known or unknown archaeological resources.

In the unlikely event any unexpected archaeological remains are uncovered within the Blacktown Native Institution during the works, it is recommended that the Transport's *Unexpected Heritage Items Procedure* is in place to ensure appropriate management.

The proposed works east of Richmond Road are likely to result in physical impacts to potential archaeological resources, including the unknown timber hut on the Williams grant.

Further archaeological assessment should be undertaken during the development of detailed design to ensure no impacts to archaeological remains of the timber hut.

8.1.4 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 8-4 below.

Table 8-4. 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)?	Where the proposed works are within the heritage curtilage of the Blacktown Native Institution, they would not distort or obscure the cultural significance of the place or detract from its interpretation and appreciation. The works would be readily identifiable as new. The works are required to improve the Richmond Road corridor and safety which is a positive outcome for the overall road network.
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 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 within Blacktown Native Institution, and provide a substantially large visual obstruction in the immediate setting. The flyover and associated retaining wall would result in a moderate adverse visual impact. ⁵⁶
Will the proposed works impact on the significant fabric, design or layout, significant garden setting, landscape and trees or on the heritage item's setting or any significant views?	The new flyover, abutment walls and retaining wall in the Blacktown Native Institution curtilage are in previously disturbed sections of the road corridor and will have no further adverse physical impact on the heritage item. The proposed works would have no impacts on extant historic plantings or physical fabric as a result of the driveway relocation, and would result in little to no adverse physical impacts

⁵⁶ DesignInc 2024 Urban Design Concept and Landscape Character and Visual Impact Assessment. Chapter 5. Report to Transport for New South Wales.

Development	Discussion
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 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>
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?	The portion of the Blacktown Native Institution site which is within the study area has limited potential to demonstrate these state significant values, either through standing structures or archaeological remains. The impact assessment and recommendations in this report have been developed in the context of this understanding.
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 proposed works would result in little or no adverse physical impact on the Blacktown Native Institution. The proposed flyover and retaining wall would result in a moderate adverse visual impact due to the scale and positioning of the structures, which would impact the setting and long range vistas of the heritage item. As an area of low archaeological potential, the proposed works are unlikely to impact any archaeological remains.</p> <p>The proposed works would not physically impact the Colebee and Nurragingy Land Grant as no works are proposed to be located within the Colebee and Nurragingy Land Grant and the widening would not impact the overall setting of item. The works are limited to low-lying ground works, with the flyover and associated retaining wall located a substantial distance away. The works would create further alteration to a substantially altered vista, and therefore are considered to have an overall little to no adverse visual impacts to the item.</p>
Will the proposed works affect views to, and from, the heritage item? If yes, how will the impact be mitigated.	<p>The proposed flyover and associated retaining wall would have a moderate adverse visual impact due to the scale and positioning of the structures, which would impact the setting and long range vistas of the Blacktown Native Institution.</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 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.

8.2 Assessment against relevant policies

8.2.1 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 8-5: 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. The remaining project works can proceed under the Transport for NSW <i>Unexpected Heritage Items Procedure</i> .

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. Refer to Section 2.4.2 for further details.</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 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</p>	Yes	<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 proposed new development will work to minimise physical impact to the Blacktown Native Institution site as far as feasible. The study area has minimal potential for historical archaeological relics.</p> <p>The potential for historical Aboriginal burials has been identified throughout this report and will be managed through the TfNSW <i>Unexpected Heritage Items Procedure</i>, which is consistent with the CMP advice for Transport owned land within the BNI site.</p>

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
		proposed footprint for any new development must consider this potential and implement non-invasive actions to investigate the possibility during the planning phase.		
	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	The key features of the construction methodology for the proposed works have been identified and assessed in Section 7.1.2 of this report. The proposed works have been assessed as resulting in a moderate adverse visual impact to the heritage significance of the Blacktown Native Institution. Physical impacts are anticipated to be little to none . Refer to Section 8.1 for further details.
	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. New development should enhance visitor experience and amenity and be compatible with the conservation, commemoration, and celebration of the place's values.	Yes	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.
	39	New work will retain and enhance important cultural plantings, views, vistas, visual qualities and the overall landscape character of the Blacktown Native Institution.	No	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. Overall, it is considered that the impact of the proposed flyover and associated retaining wall would be moderate adverse . Recommended management and mitigation measures are included in 9.3.

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
	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	The proposed works are unlikely to encounter significant archaeological resources which remain in situ in the boundaries of the Blacktown Native Institution. An unexpected finds procedure has been established to manage the unlikely event of archaeological deposits being disturbed as a result of the works. See Section 8.1.3 for further details.
	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	
	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.	Yes	<p>The proposed new flyover has the potential to cause and 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>Given the overall setting of the Blacktown Native Institution in this area, the visual impact of the new flyover and retaining wall would result in a moderate adverse visual impact.</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.

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
	46	Opportunities to secure improved outcomes for the Blacktown Native Institution and the community should be 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.	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 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	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. Current and potential future movements throughout the place should be considered as part of this process.	Yes	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. 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. 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. Overall, it is considered that the impact of the proposed flyover and associated retaining wall would be moderate adverse
	70	Any new surfaces to support the movement of visitors, including driveways, pathways, roads, and parking zones, should ensure significance is retained. Any new surfaces added to the Blacktown Native Institution must be located well away	Yes	The proposed road upgrades (including the new flyover and widening of Richmond Road) would cause a moderate adverse visual impact to the heritage values of the Blacktown Native Institution. The proposed road upgrades are unlikely to cause adverse impacts to significant ground surfaces.

Overarching policy	Policy bullet point #	Policy detail	Are works consistent with CMP policy? (Yes/No?)	Comments
		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.		Furthermore Artefact, as the nominated archaeological specialist, has identified a nil-low potential for significant archaeological resources in the area 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.
	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 create 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	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 Designing with Country and LCVIA.

8.2.2 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 8-6: 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, primarily the flyover, would have a moderate adverse impact on the visual setting 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, however the flyover would have a moderate adverse impact on the visual setting of the Blacktown Native Institution.
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, however the flyover would have a moderate adverse impact on the visual setting of the Blacktown Native Institution.
	(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, however the flyover would have a moderate adverse impact on the visual setting 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	Yes	Mature and native tree planting is proposed along the Richmond Road boundary of the Blacktown Native Institution to minimise the

				visual impacts of the main road works.
	(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

9. Conclusion

9.1 Overview of findings

- The proposed works are within the heritage curtilage of the Blacktown Native Institution heritage item, listed on the State Heritage Register as item #01866
- 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 **little to no** physical impacts and **moderate adverse** visual impacts to the Blacktown Native Institution
- The proposed works would result in **no** physical and **little to no** visual impacts to the Colebee and Nurragingy Land Grant
- The study area have a generally nil-low potential to contain intact archaeological remains. The proposed works would result in physical impacts to surviving archaeological resources within the Blacktown Native Institution.

9.2 Approval pathway

Transport requires the delivery of a REF that addresses the current road congestion issues while considering and accommodating the projected road user growth. 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 Impacts 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 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 s60 approval must be accompanied by an Archaeological Research Design (ARD) to provide management for potential archaeological remains. Management is recommended in the form of archaeological monitoring and the administration of the *Transport for NSW Unexpected Heritage Items Procedure*. The ARD should examine the potential overlap of Aboriginal and historical archaeological approvals and excavations in the areas of archaeological sensitivity around Bells Creek and should provide detailed monitoring methodologies for the Blacktown Native Institution and the potential location of the timber hut on the Williams Grant. The ARD should be prepared in consultation with the DSMG.

9.3 Recommendations and mitigation measures

It is recommended that:

- The Transport for NSW *Unexpected Heritage Items Procedure* be implemented during all ground disturbing works.
- Consultation with relevant stakeholders, including relevant parties for the Colebee and Nurragingy Land Grant should continue to be undertaken, with any additional consultation and outcomes during detailed design captured in an addendum to this SoHI. Consultation with the Dharug Strategic Management Group have been 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 the life of the project. This would also be in accordance with best heritage as per the connecting with Country framework, and consistent with TfNSW Policies including *Principles and Framework for Aboriginal Engagement, Nginyani Winangaybuwan Bunmay*.

- Mitigation measures should align with stakeholder input from DSMG and feed into the project through the detailed design development, with refinement through inputs in Designing with Country and LCVIA.
- Consultation with the Sydney Maori community should be undertaken and managed through early design Have Your Say consultation and through REF public exhibition.
- In keeping with the Opportunities outlined in the CMP 2023, Designing with Country, 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 Blacktown Native Institution. An opportunity for interpretation could be located on the flyover and/or retaining wall on the Blacktown Native Institution facing side, to assist in minimising the visual impact of the structures, 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 BNI site.

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.

- An application for an approval under Section 60 of the Heritage Act 1977 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 BNI.

10. References

Aboriginal Heritage Office, 2015. *Filling a void: a review of the historical context for the use of the word 'Guringai'*, North Sydney, Aboriginal Heritage Office.

Artefact, 2022. 'Aspect Industrial Estate'. Aboriginal Cultural Heritage Assessment Report. Unpublished report to Mirvac, held by Artefact Heritage.

Attenbrow, VJ 2010, *Sydney's Aboriginal Past. Investigating the Archaeological and Historical Records*. 2nd edn., UNSW Press, Sydney.

Attenbrow, V. 2012. 'Archaeological evidence of Aboriginal life in Sydney', *Dictionary of Sydney*. Accessed 15 Feb 2023 via https://dictionaryofsydney.org/entry/archaeological_evidence_of_aboriginal_life_in_sydney

Banks, J. 1770 [2005]. 'The Endeavour Journal of Sir Joseph Banks,' Project Gutenberg webpage. Accessed 15 Feb 2022 via <http://gutenberg.net.au/ebooks05/0501141h.html>

Belshaw, J, Nickel, S, and Horton, C., 2020. 'Histories of Indigenous Peoples and Canada', Thompson Rivers University, online; <https://histindigenouspeoples.pressbooks.tru.ca/>

Bickford, A 1981, *The Archaeological Investigation of the Native Institution, Blacktown, New South Wales.*, University of Sydney, viewed 14 August 2023, <<https://digital.library.sydney.edu.au/nodes/view/9072>>.

Bickford, A & Sullivan 1984, 'Assessing the Research Significance of Historic Sites', *Site Surveys and Significance in Australian Archaeology*.

Birch, G., 2007. 'A short geological and environmental history of the Sydney estuary, Australia' in G. Birch (ed.), *Water wind art and debate— how environmental concerns impact on disciplinary research*, Sydney, Sydney University Press, pp 214–242.

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

'Blacktown, Parish of Gidley sketch plan - Richmond Rd' 1897, <<https://collection.sl.nsw.gov.au/record/74VvmKwvVlOy/oXDdP6Vd45pZy>>.

Bladen, F.M. (ed.) 1897. *Historical records of New South Wales (HRNSW)*. Vol. 5. 'Captain Waterhouse to Captain MacArthur, 12 March 1804,' Sydney, Government Printer, pp 35 –360.

Brook, J. 'Maria Lock', *Dictionary of Sydney*, http://dictionaryofsydney.org/entry/lock_maria

Brook, J. *Shut out from the World: the Hawkesbury Aborigines Reserve and Mission 1889-1946*, Deerubbin Press, Berowra, 1999

Brook, J & Kohen, JL 1991, *The Parramatta Native Institution and the Black Town : a history*, New South Wales University Press, Kensington.

Cable, KJ 1966, 'Cartwright, Robert (1771–1856)', *Australian Dictionary of Biography*, vol. 1, <<https://adb.anu.edu.au/biography/cartwright-robert-1882/text2211>>.

'Colebee and Nurranginy Land Grant' 2011, <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5056189>>.

Collins, D 1798, *An account of the English colony in New South Wales : with remarks on the dispositions, customs, manners, &c. of the native inhabitants of that country*, London.

Currie, J., 2008. *Bo-ra-ne Ya-goo-na Par-ry-boo-go yesterday today tomorrow an Aboriginal history of Willoughby*. Willoughby City Council in association with the Aboriginal Heritage Office Northern Sydney Region

Daniel, S. 2018. "'Walking in their tracks": How Sydney's Aboriginal paths shaped the city,' *ABC Curious* webpage, Sydney. Accessed 15 Feb 2023 via <https://www.abc.net.au/news/2018-05-17/curious-sydney-aboriginal-pathways/9676076/>

Dawes, 1791. Dawes, W., *Notebooks on the Aboriginal language of Sydney*, DTAC, Sydney, (facs. 2009)

Fowlie, T., c. 1918. 'History of Granville', ML MSS A1492

Gammage, B. 2012. *The biggest estate on earth*. Sydney, Allen & Unwin.

- Gapps, S. 2010. *Cabrogal to Fairfield City: a history of a multicultural community*. Sydney, Fairfield City Council.
- Gapps, S. 2018. *The Sydney Wars: conflict in the early colony, 1788-1817*. Sydney, NewSouth Books.
- Gapps, S. 2019. "They have attack'd almost every person who has met with them" – Re-reading William Bradley', *The Sydney Wars*. Accessed 15 Feb 2023 via <https://thesydneywars.com/>
- 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/heritagenswjsui/bitstream/1/9677/1/H11879%20-%20COLE.pdf>>.
- GML Heritage 2015, Blacktown Native Institution Draft Conservation Management Plan.
- GML Heritage 2018, Blacktown Native Institution - Heritage Impact Statement.
- GML Heritage 2023. Dharug Nura: Blacktown Native Institution Conservation Management Plan (Draft). Prepared for Dharug Strategic Management Group.
- Goodall, H. and Cadzow, A., 2009. *Rivers and resilience: Aboriginal people on Sydney's Georges River*, Sydney, NewSouth Books.
- Goward, T. 2011. 'Aboriginal glass artefacts of the Sydney region'. Honours Thesis, University of Sydney.
- Griffith, B. 2018. *Deep time dreaming: uncovering ancient Australia*. Melbourne, Black Inc. Books.
- Hunter, J. 1793 [1968]. *An Historical Journal of the Transactions at Port Jackson and Norfolk Island*. London, John Stockdale.
- Howden, S 2012, 'Macquarie'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>>.
- Irish, P. 2017. *Hidden in plain view: the Aboriginal people of coastal Sydney*. Sydney, NewSouth Books.
- Irish, P. and Gowan, T. 2012. 'Where's the evidence? The archaeology of Sydney's Aboriginal history', *Archaeology in Oceania* Vol. 47 No. 2, pp 60–68.
- Jo McDonald Cultural Heritage Management, 2005. 'Heritage Conservation Strategy for Aboriginal sites in the lands owned by Valad Funds Management Ltd and Sargents P/L, in the Eastern Creek Business Park (Stage 3) Precinct Plan, Blacktown, NSW'. Report prepared for Valad Funds Management Ltd and Sargents Pty Ltd.
- Johnson, D.D. 2003. *Aunty Joan Cooper, through the front door: a Darug and Gundungurra story*. Lawson, Mountains Outreach Community Service.
- Karskens, G., 2009. *The colony: A history of early Sydney*. Sydney, Allen & Unwin.
- Karskens, G., Burnett, G., and Ross, S., 2019. 'Traces in a Lost Landscape: Aboriginal archaeological sites, Dyarubbin/Nepean River and contiguous areas, NSW (Data Paper)', *Internet archaeology*, No. 52.
- Kohen, J. L., *The Darug and their neighbours, the traditional Aboriginal owners of the Sydney region*, DTAC and BDHS, Blacktown, 1993
- Kohen, JL 1985, *Aborigines in the west : prehistory to the present* / Jim Kohen., Armidale, N.S.W. : Western Sydney Project, 1985., Armidale, N.S.W.].
- Kohen, J.L. 1986. 'An archaeological study of Aboriginal sites within the City of Blacktown'. Report prepared for Blacktown City Council.
- Kohen, J.L. 2009. *Daruganora: Darug Country – the place and the people. Part 2: Darug Genealogy*. Blacktown, Darug Tribal Aboriginal Corporation.
- Kucera, A 2018, Traditional Darug custodians lead the Welcome to Country and Smoking Ceremony to launch Ngara – Nguarangwa Byallara (Listen, hear, think – The Place Speaks), viewed 14 August 2023, <<https://www.mca.com.au/artists-works/c3west/blacktown-native-institution-project-2018/>>.
- Macquarie, L 1816, *The Governors Diary & Memorandum Book Commencing on and from Wednesday the 10th Day of April 1816*, Lachlan and Elizabeth Macquarie Archive at Macquarie University, viewed 11 August 2023, <<https://www.mq.edu.au/macquarie-archive/lema/1816/1816april.html>>.

- Mathews, R.H. 1908 [2003]. *Some mythology and folklore of the Gundungurra Tribe*. Wentworth Falls, J. Smith (ed.).
- Matthews & Everitt 1900, 'The organisation, language and initiation ceremonies of the Aborigines of the south-east coast of N.S.W.', *Journal & Proceedings of the Royal Society of New South Wales*, pp. 262–281.
- McDonald, J. 2007. *Dreamtime Superhighway. An analysis of the Sydney basin rock art*. Canberra, ANU Press.
- Meredith, J. 1989. *The Last Kooradgie: Moyengully, chief man of the Gundungurra people*. Sydney, Kangaroo Press
- Musgrave, J 1842, 'Plan of part of the Windsor District contained between the Old Richmond Road and the Road from Windsor', <<https://collection.sl.nsw.gov.au/record/74VK3akDrDx3/zlXgWEJqmmAPB>>.
- Mulvaney, J. and Kamminga, J. 1999. *Prehistory of Australia*. Washington DC, Smithsonian Institution Press.
- Nanson, G.C., Young, R.W., and Stockton, E.D. 1987. 'Chronology and palaeoenvironment of the Cranebrook Terrace (near Sydney) containing artefacts more than 40,000 years old,' *Archaeology in Oceania* Vol. 22 No. 2, pp 72–78.
- 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>.
- Nunn, P.D. and Reid, N.J. 2016. 'Aboriginal Memories of Inundation of the Australian Coast dating from more than 7000 years ago', *Australian geographer*, Vol. 47 No.1, pp 11–47.
- 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>>.
- Pascoe, B 2014, *Dark emu black seeds: Agriculture or accident?*, Magabala books.
- Smith, J. and Jennings, P. 2011. 'The petroglyphs of Gundungurra Country', *Rock art research* Vol. 28 No. 2, pp 241–249.
- Stanner, W.E.H. 1965. 'Aboriginal Territorial Organization: Estate, Range, Domain and Regime', *Oceania* Vol. 36 No. 1, pp 1–26.
- 'Stock Returns and associated correspondence' 1827.
- Tench, W 1793, *A complete account of the settlement at Port Jackson, in New South Wales*, London.
- Troy, J. 1994. *The Sydney Language*. Canberra, Australian Institute of Aboriginal and Torres Strait Islander Studies.
- White, J. 1790 [2003]. 'Journal of a Voyage to New South Wales', Project Gutenberg webpage. Accessed 15 Feb 2022 via <http://gutenberg.net.au/ebooks03/0301531h.html>
- Williams, A.N., Burrow, A., Toms, P.S., Brown, O., Richards, M. and Bryant, T. 2017. '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, pp 100–109.
- Williams, A.N., Mitchell, P., Wright, R.V.S., and Toms, P.S. 2012. 'A terminal Pleistocene open site on the Hawkesbury River, Pitt Town, New South Wales,' *Australian archaeology* Vol. 74, pp 85–97.

