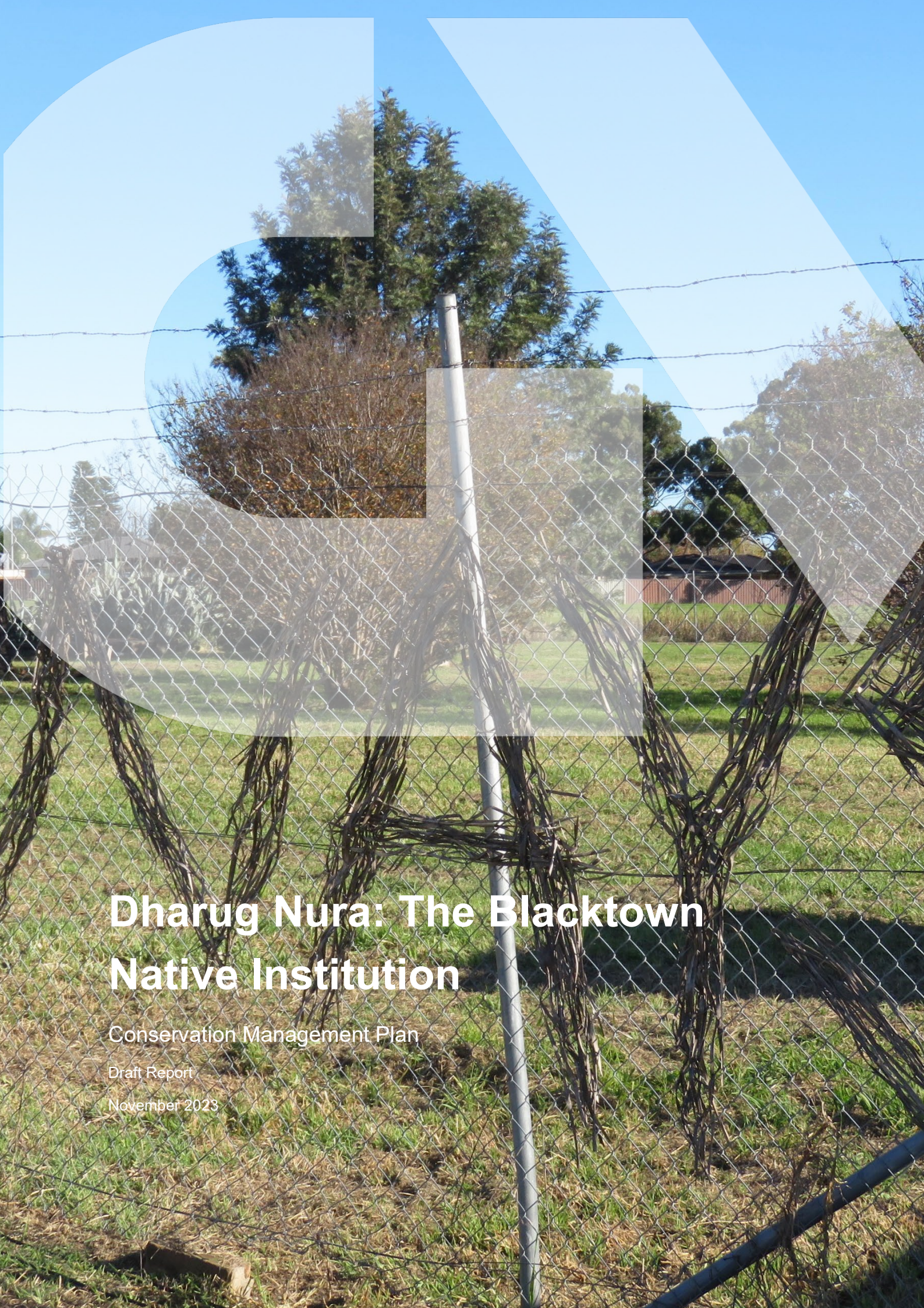

# Dharug Nura: The Blacktown Native Institution

Conservation Management Plan

Draft Report

November 2023

# Warami wellamabami

(Welcome, wherever you are from)

GML HERITAGE

# Mother's Love

Today is good. You have come.

Here, sit and enjoy my gifts,

Warm sandstone, comforting sun,

Watchful birds, cooling breeze, new growth on the gums.

Can you remember me?

I am Enduring, Timeless.

My track is hidden, respecting Mother's face,

Away from unknowing Ones' mistakes.

My sentries sing your welcome,

This place I still keep safe.

Still.

Can you protect me?

I am Enduring, Timeless.

You share no grief this time,

No tears of recognition,

For lost memories,

Lost Dreaming like the last,

Just the peacefulness of knowing

I welcome you.

Can you feel me?

I am Enduring,

Timeless.

Here is Mother's birthing pond,

Pillowed in sandstone,

Foot pedestals in place,

Room for receiving the new one,

Sheltered by the she-oaks and shaded by the gums.

GML HERITAGE

Can you touch me?

I am Timeless,

Enduring.

There,

there is washing-baby place,

Sparkling salt jewels

Encrusting sandstone lace,

After-birthing gifts continuing in the sun

Sending placental pulses

Powering through space

Can you hear me?

I am Timeless,

There, See,

See the Old Ones dancing across me,

Cicadas sing, the thermals rise up my face,

Birds wrapped in stillness,

You are here with me,

You are safe.

I am Timeless,

Enduring,

And cradle you in

Mother's Love.

(Jo Anne Rey 2015)[1]

[1] Rey, Jo Anne 2023, "'Who'd Have Thought?": Unravelling Ancestors' Hidden Histories and Their Impact on Dharug Ngurra Presences, Places and People', *Genealogy (Basel)*, vol 7, No. 2: 41, https://doi.org/10.3390/genealogy7020041.

GML HERITAGE

# Dharug Nura

Caring for Country is a holistic knowledge system that is lived daily, connects animate with inanimate, and embraces the past, present and future. First Nations peoples have been caring for Country—the lands, earth, sky, and waters and all the associated presences—physical and metaphysical—since time immemorial.[1]

Country is alive. It is spoken of like a person: 'we speak to Country, we sing to Country, we worry about Country, and we long for Country'.[2] Country is 'not only our mother - the source of cultural identity and spirituality—it is also the context for human order and inquiry'.[3] In Dharug language, Country is known as Nura.

Dharug people are the traditional custodians of Dharug Nura, an area that covers the majority of the cosmopolitan metropolis of Sydney. Dharug people have been, for many thousands of years, and continue to be, the first custodians of these lands, seas, sky, all the physical diversities, and all the metaphysical spiritualities.

Dharug member Jo Anne Rey notes, 'caring for Country-as-city requires looking beyond the surface landscapes, narratives, and extinction industries. It requires seeing the continuities—the threads of connections—that have woven cultural pasts into surviving agency for sustainable futures'.[4] The concept of Nura bayali, that Country Still Speaks, has been key in the development of this CMP.[5]

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1 Rey, Jo Anne 2023, "'Who'd Have Thought?": Unravelling Ancestors' Hidden Histories and Their Impact on Dharug Ngurra Presences, Places and People', *Genealogy (Basel)*, vol 7, No. 2: 41, https://doi.org/10.3390/genealogy7020041.

2 Government Architect NSW 2020, *Draft Connecting with Country: A draft framework for understanding the value of Aboriginal knowledge in the design and planning of places*, State of New South Wales (Department of Planning, Industry and Environment), Sydney.

3 Foundation for Aboriginal and Islander Research Action 2007, 'Aboriginal people and the land' in J Healey (ed.), *Native Title and Land Rights* (Issues in Society) 256(1), Spinney Press, p 1–3.

4 Rey, Jo Anne 2023, "'Who'd Have Thought?": Unravelling Ancestors' Hidden Histories and Their Impact on Dharug Ngurra Presences, Places and People', *Genealogy (Basel)*, vol 7, No. 2: 41, https://doi.org/10.3390/genealogy7020041.

5 Howitt, Richie 2022, 'Ethics as first method: Reframing geographies at an (other) ending-of-the-world as co-motion', *EPF: Philosophy, Theory, Models, Methods and Practice,* vol 1, No. 1, pp 82–92.

GML HERITAGE

# Cultural warning

All readers are advised that this report may contain images or names of First Nations people who have passed away. This report also contains concepts, terminology and historical evidence that First Nations readers may find sensitive and painful.

GML HERITAGE

# Report register

The following report register documents the development of this report, in accordance with GML's Quality Management System.

| Job No. | Issue No. | Notes/Description | Issue Date |
|---|---|---|---|
| 21-0010 | 1 | Draft Conservation Management Plan | October 2023 |
| 21-0010 | 2 | Revised Draft Conservation Management Plan | November 2023 |

**Quality management**

The report has been reviewed and approved for issue in accordance with the GML quality management policy and procedures.

It aligns with best-practice heritage conservation and management, *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013* and heritage and environmental legislation and guidelines relevant to the subject place.

**Indigenous cultural and intellectual property**

We acknowledge and respect the inherent rights and interests of the Dharug Peoples in Indigenous Cultural and Intellectual Property. We recognise that Aboriginal and Torres Strait Islander people have the right to be acknowledged and attributed for their contribution to knowledge but also respect their rights to confidentiality. We recognise our ongoing obligations to respect, protect and uphold the continuation of First Nations rights in the materials contributed as part of this project.



**Cover image**

*Always*. (Source: Leanne Tobin)

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# Executive summary

The Blacktown Native Institution (BNI) is a profoundly significant heritage place to First Nations people. It is connected to the historical processes of dispossession, colonisation and the implementation of successive governments' policies for 'protection', assimilation, integration and reconciliation which continue to impact on Aboriginal people.

The returning of the BNI site to Dharug ownership in 2018 is a seminal moment in the story of the place and holds significant meaning for the Dharug community today and in supporting Nura bayali (Country Still Speaks). It is also a pivotal point in the Dharug journey of activism, truth telling, healing, resilience and learning to belong together with Dharug Nura.

Dharug self-determination has been celebrated through a series of creative Dharug-led programs, events and activities. These have supported the community in connecting, caring and belonging with Dharug Nura and the regeneration of cultural practices, knowledges, and language. Together, they have helped to create a safe and nourishing environment that facilitates healing of painful individual and collective historical lived experiences and memories.

This Conservation Management Plan (CMP) has been co-developed to support the continuing conservation of the BNI heritage significance and to assist the Dharug Strategic Management Group (DSMG) in the care, control and management of the place on behalf of the community.

The CMP provides an historical overview of the place, a summary of the place in its context, including a physical description and analysis. The community's living and dynamic relationships and associations with the place are also described. This provides insights into the contemporary processes of meaning making, cultural practices and expressions of identity as the community navigates a new future in relation to the place.

The significance of the BNI is reflected in its State Heritage Register (SHR) listing. Notwithstanding this, the Dharug community engagement, and as Section 4 evidences, the current SHR social values assessment will require Dharug community-led review and amendment to more fully document the significant living social attachments and spiritual values.

In discussion with the DSMG it was agreed that this CMP was to accept the existing SHR listing and focus on the management and conservation of the place. This was so resources could be directed towards the development of policy to support the community in responding to the opportunities and constraints, planning and managing change, and aligning with the DSMG's key priorities and programs.

As such, the policy section of this CMP takes on a different format from a 'standard' CMP and has been structured under the following DSMG headings:

- Caring for Culture
- Caring for Community
- Caring for Country
- Leadership and Governance

# Contents Page

# Introduction

# 1 Introduction

## 1.1 Background

From 1823–1829, Dharug Nura (Country) hosted the Blacktown Native Institution (BNI). This is one of the first known places where First Nations/Aboriginal children were forcibly removed from their parents and communities and institutionalised—a practice that took place under racist government policies and continued until the 1970s.

Removing children from their homes, communities and families caused immense disruption, pain, grief and suffering, and the ongoing effects of this trauma are still felt today. During this period, vital connections to Nura were ruptured, affecting people's cultural well-being, including loss of language and sense of identity.

In October 2018, the BNI was returned to the Dharug community. The BNI is held in trust for future Dharug generations, managed and cared for by the Dharug Strategic Management Group (DSMG). The land is the first of Dharug Nura to return to Dharug ownership and is a deeply significant place for Dharug peoples. It strengthens connections to Nura, culture and community as well as supporting processes of truth-telling and healing. However, for Dharug Elders and Traditional Custodians, this land was never forgotten and never ceded, and they have for decades argued its significance.[1]

A living Dharug place, the BNI holds significant meaning for Dharug peoples and is listed on the NSW State Heritage Register (SHR) under the *Heritage Act 1977* (NSW) (the Heritage Act). The BNI is located in Oakhurst, Western Sydney, New South Wales (Figure 1.1), on the southern side of Richmond Road, bound on the east by Rooty Hill Road North and the M7, and on the north and west by Bells Creek and the residential suburb of Hassall Grove (Figure 1.2).

In 2021 DSMG commissioned GML Heritage Pty Ltd (GML) to co-develop a new version of the 2015 Conservation Management Plan (CMP) for the BNI. This updated CMP aims to guide management, limited 'development' on, and use of the BNI in ways that protect, celebrate and commemorate the place's Dharug, colonial and contemporary values.

The CMP aims to reflect Dharug aspirations for the BNI, which DSMG articulates as Caring for Nura (Country), Caring for Community, Caring for Culture, and Caring for DSMG as a sustainable, not for profit organisation devoted to stewardship of the BNI. The 2023 CMP builds on prior versions (last in 2015) and should be considered a living plan, evolving as Dharug connections and community needs change.

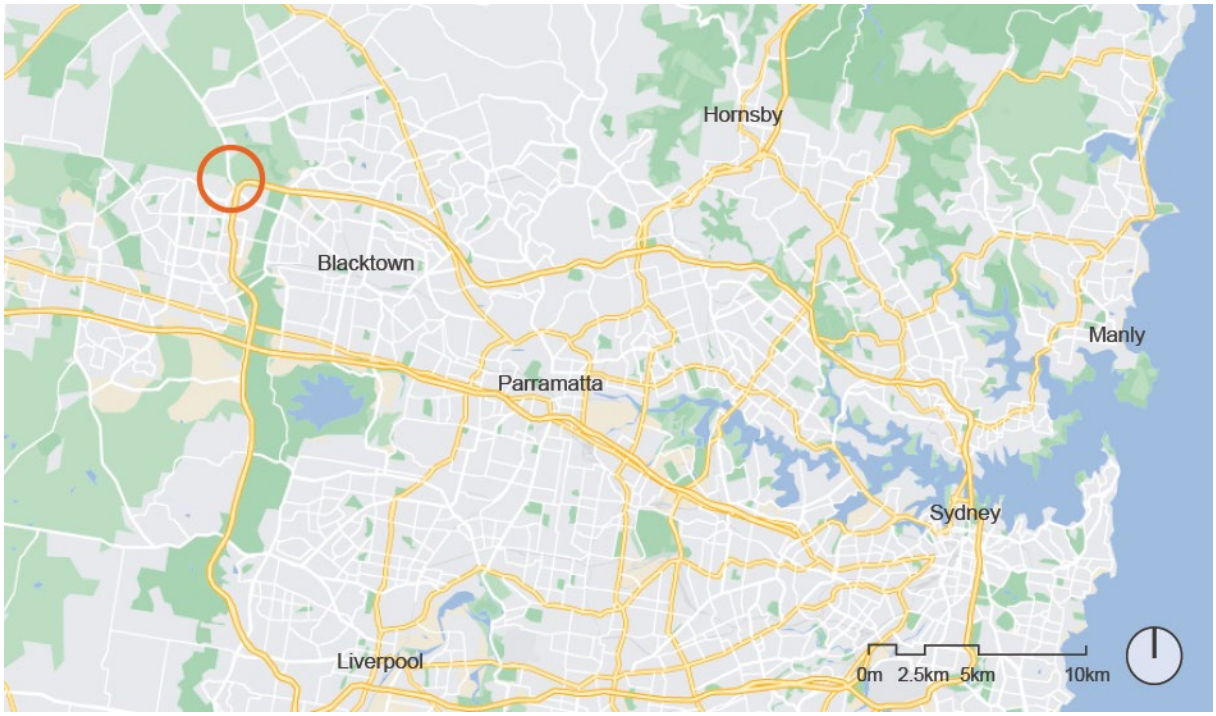



Figure 1.1 The BNI is in Western Sydney, NSW. It is accessible from the M7 and Richmond Road. (Source: Google Maps, with GML additions)


Figure 1.2 Showing the approximate extent of the BNI, noting this boundary does not align with land ownership boundaries, shown in Figure 1.3. (Source: SIX Maps, with GML additions)

## 1.2 Study area and Blacktown Native Institution land ownership

The BNI is located on Dharug Nura on Mittigar Reserve. The study area is 34km west of Sydney and within the Blacktown Local Government Area (LGA); there are currently four owners of the urban lots (Figure 1.3). The DSMG holds title to nearly six hectares, consolidated as Lot 5004 in DP1244410. This land was previously owned by Landcom, as an authority owned by the NSW Government. The title was transferred to DSMG in October 2018. The surrounding landholders are Blacktown City Council, Transport for NSW and NSW Department of Planning. The lots subject to consideration through this CMP include:

- Lot 5004 DP 1244410—DSMG holds this title. The prior title record is Lot 5001 DP 869400 (previously owned by UrbanGrowth NSW);
- Lot 5002 DP 869400—Department of Planning (prior title Lot 3 DP 792478);
- Lot 1 DP 1043661—Transport for NSW (prior title Lot 1 DP 125635); and
- Lot 60 in DP 1055132 and part Lot 5 in DP 792478—Blacktown City Council (prior title Lot 4 DP 792478).

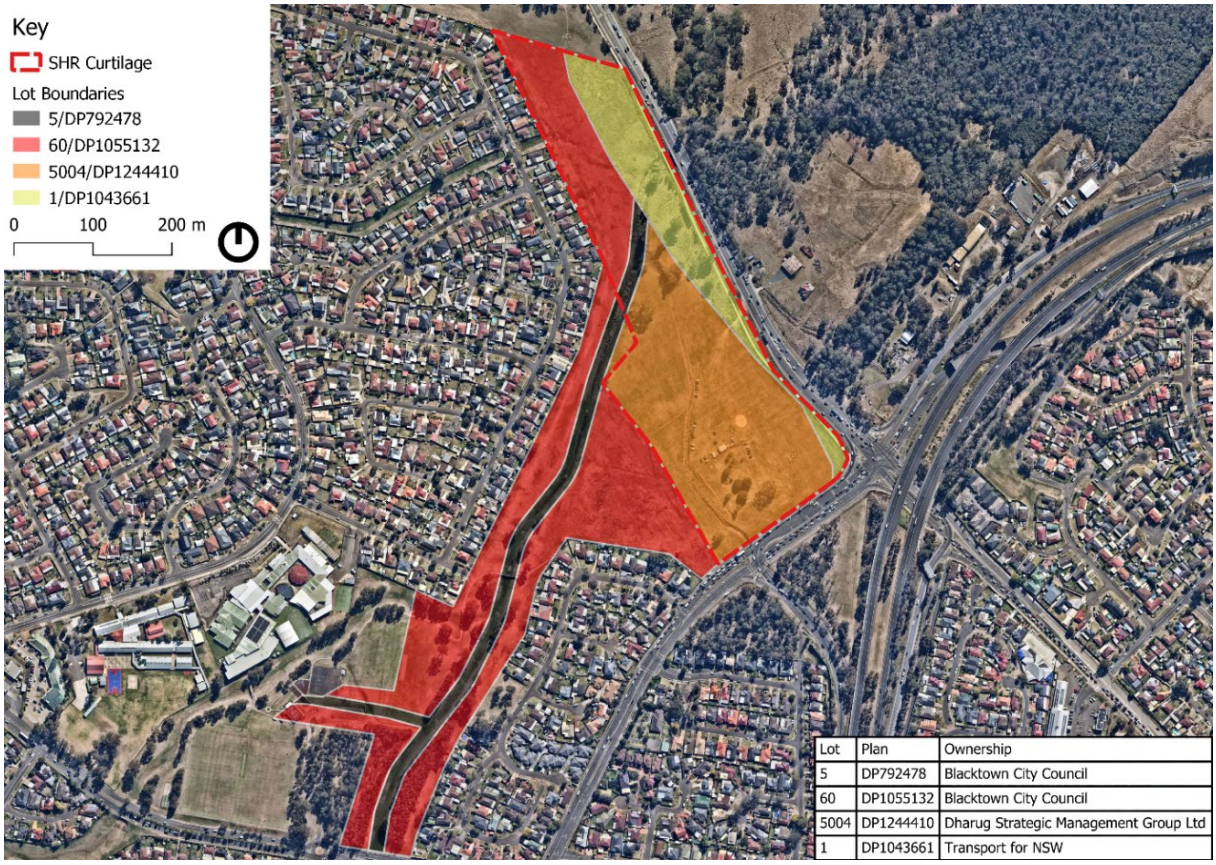



Figure 1.3 Land ownership across the wider BNI area. The orange area is owned and managed by the DSMG. (Source: after DSMG 2023)

### 1.2.1 Dharug Strategic Management Group

DSMG is a not-for-profit company and registered charity that operates as an organisation for Dharug people, managed by Dharug people. DSMG was established in early 2018 after more than seven years of community consultation and negotiation about management of the BNI.

DSMG is immensely proud to accept the role of caring for the BNI and developing a range of activities that will commemorate the place's colonial history, recognise and celebrate its much longer Dharug history, and foster its ongoing place in Dharug futures.

## 1.3 Heritage context

The BNI is an item of state significance on the State Heritage Register (SHR) as 'Native Blacktown Institution' (SHR 01866). The SHR curtilage (which is the area of land subject to the provisions of the Heritage Act) is shown in Figure 1.4.


Figure 1.4 NSW SHR curtilage is shown in red. This land is subject to the provisions of the NSW Heritage Act. (Source: NSW State Heritage Inventory)

The BNI is also listed as an archaeological site on Part 2 of Schedule 5 of the *Blacktown Local Environmental Plan 2015* (Blacktown LEP 2015), identified as 'Archaeological site—Native Institute site' (item number A121).

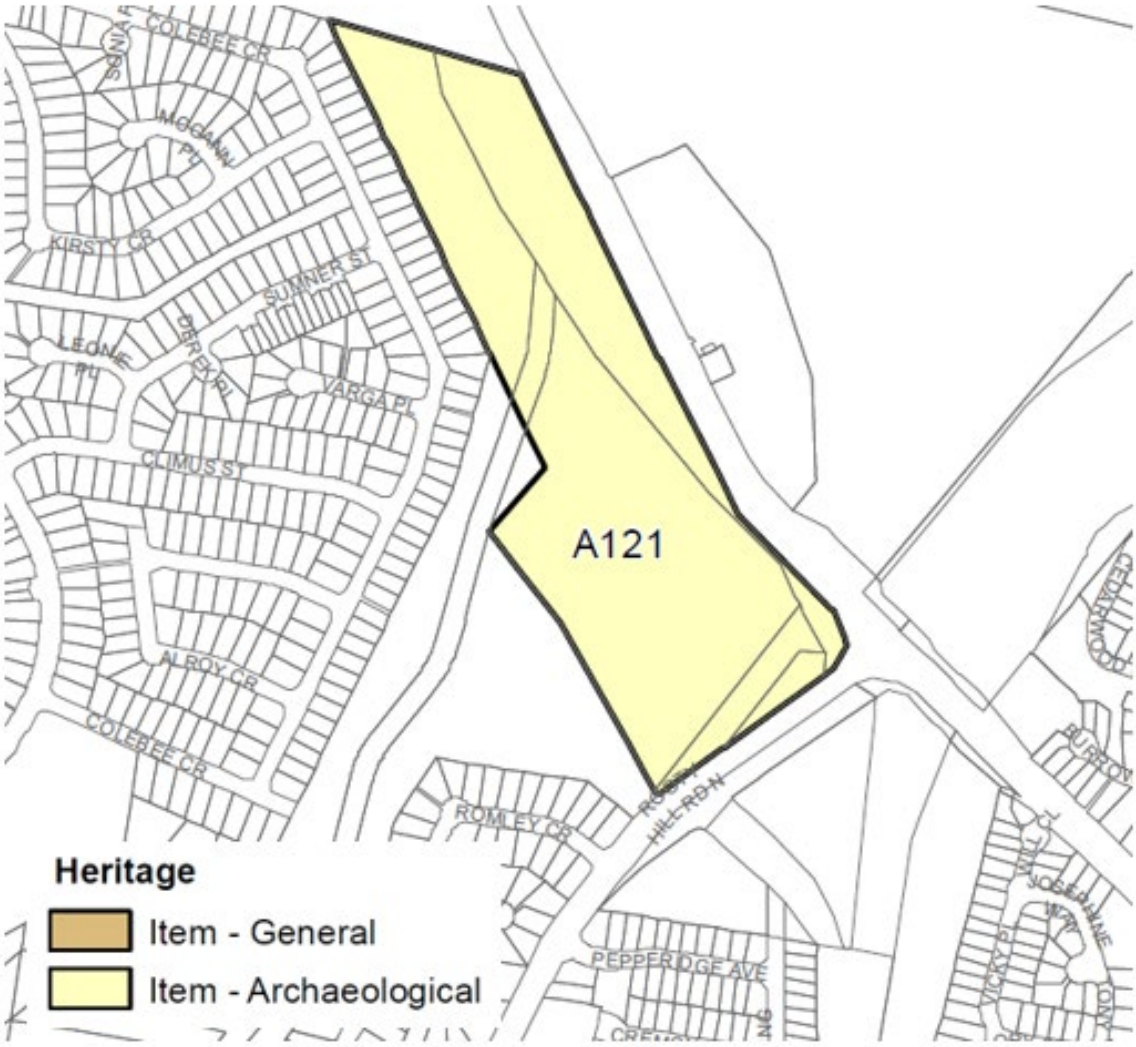



Figure 1.5 Detail from the Blacktown LEP 2015 heritage map showing the BNI (in yellow). (Source: Blacktown LEP 2015)

## 1.4 Layout and language of the Conservation Management Plan

This CMP contains nine sections. The order aims to provide a flow of information relating to first the place, then its significance and finally how to manage that significance. The sections are:

- Section 1—this introduction, which outlines the background to the CMP and provides the legislative context for the place's management.
- Section 2—the history of the BNI, which has been prepared following additional archival research.
- Section 3—the BNI in its context. Provides a summary of the physical place (with changes over the last 10,000 years). A synthesis of the local area's cultural landscape is presented.
- Section 4—an outline of the Dharug community engagement and special attachments with the place. Based on the consultation undertaken for this CMP and broader research.
- Section 5—the analysis of historical archaeological potential associated with the place.
- Section 6— an outline of the significance of the place.
- Section 7—key opportunities and constraints, as of 2023.
- Section 8—policies and actions to address the opportunities and constraints.
- Section 9—the proposed implementation plan.
- Appendix A—the full SHR listing, the standard and site-specific exemptions.

### 1.4.1 Abbreviations

The CMP has been co-developed with the DSMG. The language, framings and approach used within this report are Dharug-centred and Dharug-place-based. The following abbreviations are used in this document.

Table 1.1 Abbreviations used in this document.

| Abbreviations | Meaning | Abbreviations | Meaning |
|---|---|---|---|
| ACHAR | Aboriginal Cultural Heritage Assessment Report | Heritage Act | *Heritage Act 1977* (NSW) |
| AHD | Australian Height Datum | IAP2 | International Association for Public Participation |
| AHIMS | Aboriginal Heritage Information Management System | ICOMOS | International Council on Monuments and Sites |
| AHIP | Aboriginal Heritage Impact Permit | ICIP | Indigenous Cultural and Intellectual Property |
| ARD | Archaeological Research Design | LALC | Local Aboriginal Land Council |
| ASL | Above sea level | LEP | Local Environmental Plan |
| AZP | Archaeological Zoning Plan | LGA | Local Government Area |
| BCC | Blacktown City Council | MCA | Museum of Contemporary Art Australia |

| Abbreviations | Meaning | Abbreviations | Meaning |
|---|---|---|---|
| BNI | Blacktown Native Institution | NPW Act | *National Parks and Wildlife Act 1974* |
| CMP | Conservation Management Plan | NSW | New South Wales |
| CMS | Church / Christian Missionary Society | OEH | Office of Environment and Heritage |
| DCP | Development Control Plan | PAD | Potential Archaeological Deposit |
| DHA | Defence Housing Australia | RAP | Registered Aboriginal Party |
| DSMG | Dharug Strategic Management Group | SEPP | State Environmental Planning Policy |
| ERS | Eastern Regional Sequence | SHR | NSW State Heritage Register |
| EPA Act | *Environmental Planning and Assessment Act 1979* (NSW) | SoHI | Statement of Heritage Impact |
| EPBC Act | *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) | SWP | Stop work procedure |
| GML | GML Heritage Pty Ltd | TfNSW | Transport for NSW |

### 1.4.2 A note on language

There are a number of ways to refer to people, groups of people, or wider communities who are, or are related to, the original inhabitants of a place, and/or lived within a place before the arrival of colonists. Some of these words refer specifically to the Australian context, while other words are used across the world. These words include:

- Indigenous;
- Aboriginal;
- Aboriginal and Torres Strait Islander; and
- First Nations.

In the context of this CMP, the terms Dharug people and Dharug community are used to describe people or groups of people who are the Traditional/First Custodians of the BNI. The terms Aboriginal people/community and First Nations people/community have been used in this CMP to describe groups of Indigenous people who are located in the wider community (both within Australia and abroad) who may have an attachment to the BNI.

### 1.4.3 Heritage terminology

Throughout this CMP we have followed the language of definitions established under the *Australia ICOMOS Burra Charter, 2013* (the Burra Charter)[2], notably:

- *Place* means the site, area, and archaeology of the BNI [Article 1.1]. This is different from the wider cultural landscape, of which the BNI is a component.
- *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations [Article 1.2]. The significance is articulated through the statements developed under the NSW heritage assessment criteria. For the 2023 report, we have built upon the statements gazetted as part of the SHR listing.
- *Curtilage* means area of land that is integral to conserving and interpreting the place's heritage significance.
- *Fabric* means all the physical material of the place [Article 1.3]. In this instance, fabric can be connected with both the archaeological 'relics' (ie fabric which is significant), and introduced materials which do not hold heritage value (such as later phases of concrete).
- *Conservation* means all the processes of looking after a place so as to retain and enhance its cultural significance [Article 1.4].
  Conservation may, according to circumstance, include the processes of: retention or reintroduction of a use; retention of associations and meanings; maintenance, preservation, restoration, reconstruction, adaptation and interpretation; and will commonly include a combination of more than one of these [Article 14].
- *Maintenance* means the continuous protective care of the fabric, contents and setting of a place, and is to be distinguished from repair [Article 1.5]. Repair involves restoration or reconstruction and is not an intended action for the BNI (given the archaeological nature of the significant fabric).
- *Preservation* means maintaining the significant fabric of a place in its existing state and retarding deterioration [Article 1.6]. This is important in the context of vegetation management connected with retaining significant archaeological fabric.
- *Restoration* means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material [Article 1.7]. At the current time, this is not an intended action for this place.
- *Reconstruction* means returning a place as nearly as possible to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric [Article 1.8]. At the current time, this is not an intended action for this place.
- *Adaptation* means modifying a place to suit the existing use or a proposed use [Article 1.9]. Appropriate adaptation is essential in order to facilitate the continued Dharug use, connection and function of this place.

- *Compatible use* means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance [Article 1.11]. In this instance, because the place is viewed as a living being by Dharug people, compatible use must facilitate Dharug interaction with Dharug Nura. This means suitable adaptation, maintenance and preservation driven by the needs of the Dharug community.

# 1.5 Methodology for development of the Conservation Management Plan

This report has been prepared in accordance with the following documents and best practice guidelines:

- *NSW Heritage Manual* (NSW Heritage Office, 1996);
- 'Assessing Heritage Significance' (NSW Heritage Office, 2001);
- *Assessing Significance for Historical Archaeological Sites and Relics* (NSW Heritage Branch, 2009);
- *Statement of Best Practice for Conservation Management Plans* and *Guidance on Developing a Conservation Management Plan* (both Heritage Council of NSW, 2021);
- the principles of *The Conservation Plan*, prepared by James Semple Kerr for the National Trust of Australia (NSW 2000);
- the relevant principles and guidelines of the Burra Charter;
- *Connecting with Country Framework* (Government Architect NSW 2023); and
- *Dhawura Ngilan: A vision for Aboriginal and Torres Strait Islander heritage in Australia* (Heritage Chairs of Australia and New Zealand, 2020).

## 1.5.1 Objectives for the Conservation Management Plan

This CMP details why the BNI is of heritage significance and outlines the policies necessary to manage, conserve and present its significance. The objectives of this CMP are to support DSMG in making decisions that will enable sustainable future use of the BNI and conservation of its heritage significance by:

- understanding the place through investigation of its context, history, physical fabric, social values and research potential;
- presenting the significance of the place as per the current State Heritage Inventory record; and
- developing conservation policies that reflect Dharug ownership and provide pragmatic guidance to ensure activities and actions support continuous protective care, good management and ongoing use.

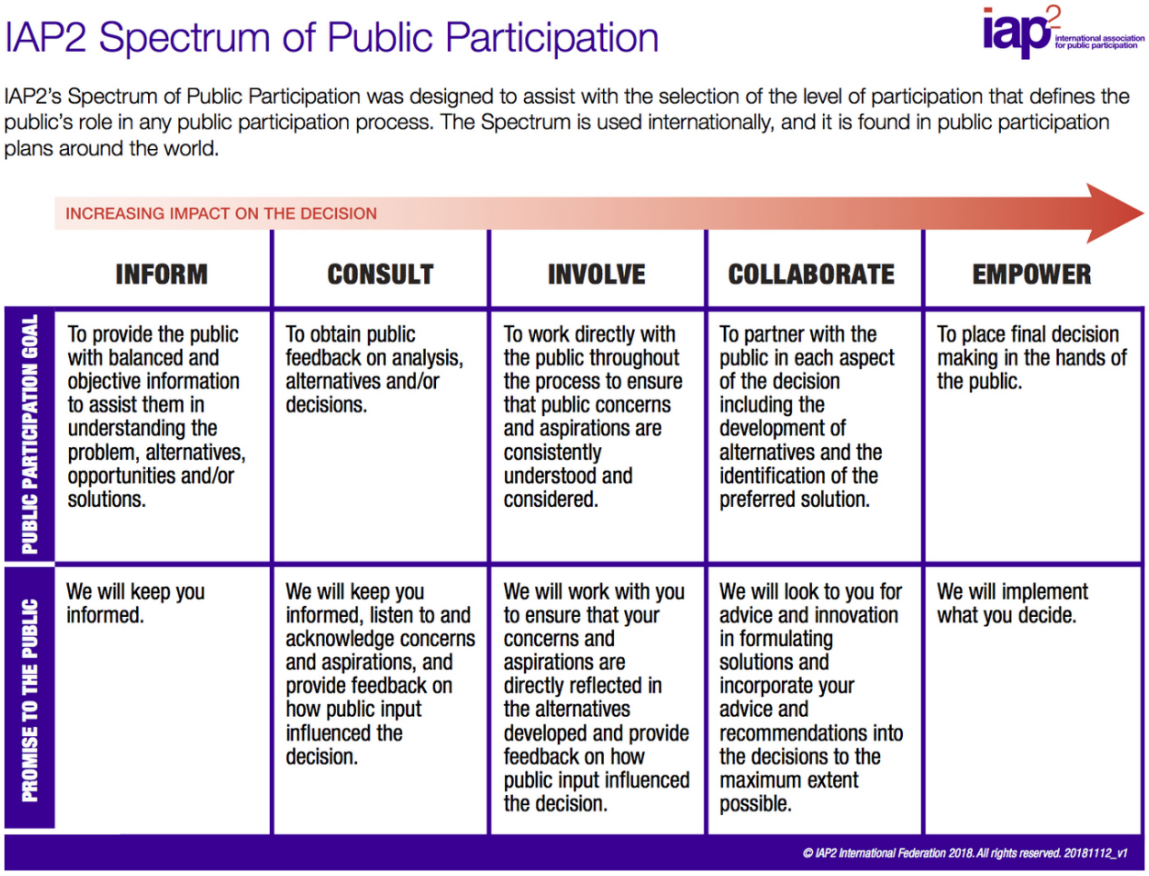
This CMP aims to be a practical document that will guide future planning for the place and provide a standard against which to assess the heritage impact of future proposals.

It is best used when planning activities and works, temporary or permanent. It will assist the DSMG in identifying opportunities, constraints and future uses for the place, which will support the place's significance and enhance its value to the community.

## 1.5.2 Social value research

In co-developing this CMP, GML has worked closely with the DSMG in facilitating decision-making. The methodology developed for this CMP has been informed by trauma-informed research[3]; and the International Association for Public Participation (IAP2) three pillars of public participation—Core Values, Ethics and Spectrum.

The IAP2 Core Values define the expectations and aspirations of the public participation process (Appendix); the Code of Ethics supports and reflects IAP2's Core Values for the Practice of Public Participation and speaks to the actions of practitioners; and the IAP2 Spectrum of Public Participation (Figure 1.6) describes the five modes of participation that fall on a progressive continuum of increasing decision-making.



IAP2 Spectrum of Public Participation

IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION

| | INFORM | CONSULT | INVOLVE | COLLABORATE | EMPOWER |
|---|---|---|---|---|---|
| PUBLIC PARTICIPATION GOAL | To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions. | To obtain public feedback on analysis, alternatives and/or decisions. | To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered. | To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. | To place final decision making in the hands of the public. |
| PROMISE TO THE PUBLIC | We will keep you informed. | We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. | We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision. | We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible. | We will implement what you decide. |



Figure 1.6 IAP2 Spectrum of Public Participation. (Source: IAP2)

A strengths-based trauma-informed approach to heritage also centres power on the community in research and collaborative decision-making.[4] Broadly, a trauma-informed approach supports the mitigation of re-traumatisation, by compassionately and consciously creating an environment where people will not be triggered by situations they may encounter in the heritage setting, such as subjects or stories; providing warning; ensuring consent; not forcing someone to talk about the traumatic experience and re-live the event as a flashback.[5]

Further to this idea is listening and creating safe spaces for people—individually and collectively—who have experienced trauma to speak and holding space for them to do so.[6] This approach can be helpful in the articulation and interpretation of past events at trauma-heritage places by bringing trauma into sharp relief. It can support the elucidation of local and lived experiences of trauma and the profound and painful emotions entangling traumatic events and place, as trauma-heritage landscapes.[7]

An important aspect of a trauma-informed approach is the idea of 'bearing witness'. It denotes trauma as a story that needs to be told for healing to begin.[8]

The act of bearing witness can take narrative form or be articulated through a range of expressions including art, spoken word, dance, performance and photography.[9] Therefore, providing trauma-informed safe spaces for individual and collective trauma to be expressed and witnessed is fundamental to healing.

Importantly, a trauma-informed approach supports and acknowledges the view that not all members of a community want to share or re-tell painful stories with those outside the group. In this case, observations can be made that respectfully observe and gather relevant sources of evidence.

***Methods used***

A range of methods have been used to understand and identify the social value of the BNI, including the nature and size of the community group (or groups) by whom the BNI is valued; the length of time that the community (communities) have retained an attachment to the BNI (time depth); and the intensity of their attachment to the BNI.

Methods for collecting evidence included a combination of background research, observation and direct engagement with the DSMG via in-person meetings, video meetings, phone and email. This included observing interactions (online and in situ); communicating directly with the DSMG; and mediating through the DSMG with the broader community to understand how the place holds meaning for them.

**Background research**: Research into the history and current uses of the place, with an emphasis on its cultural and community setting/milieu. This included accessing websites and reviewing relevant academic research, news coverage and social media activity relating to the BNI.

**Observations**: This approach gathered evidence by respectfully observing the community group(s) for whom the BNI is valued. This included observations of: how the community uses the place; examples of events at the place; websites connected to the place; and whether the place is widely photographed/videoed and shared or tagged on social media (Instagram, Twitter, Facebook, Flickr, Pinterest, YouTube). It also involved collecting photographs and representations of the place from publications and news media.

## 1.6 Limitations

The CMP provides broad and detailed policy guidelines for the ongoing care and use of the BNI. In addition, the CMP provides policy recommendations for implementing detailed work and a framework for prioritising work. The CMP is not intended to be a static document and should be reviewed and revised periodically to incorporate new research and/or in response to changing conditions and values of the place.

Throughout this CMP, the term 'site' has been used sparingly. This aligns with current Dharug beliefs that conceiving the BNI as a clearly delineated heritage 'site' is problematic. This term fails to acknowledge the 'spatial nature of colonisation as a systematic, interlaced, and sustained form of violence'.[10] Instead, the significance of the BNI should be understood through its relationship to Nura or as 'defined and bound by custom and hereditary rights shaped by a priori spiritual forces and imbued with spiritual power'.[11]

Across 2022–2023, community engagement was hampered by several factors, including COVID-19, La Nina weather events, and Sorry Business. A comprehensive, on-Nura community event with Dharug community members was planned for May 2022 and June 2023. The earlier event was cancelled due to wet weather affecting access to the place and a smaller gathering took place in the Blacktown Community Centre; the latter event went ahead but GML consultants were not in attendance. As a result, opportunities for data collection through direct community engagement in 2022 and 2023 were limited.

## 1.7 Authors

The BNI CMP has been prepared, developed and updated over three periods—2004, 2015 and 2023.

The 2004 Draft CMP served as an important foundation document for decision-making. However, it was never finalised owing to a range of unresolved challenges. The 2004 Draft CMP was prepared by then GML specialists—(now Professor) Jane Lydon, (now Professor) Tracy Ireland, Matthew Kelly and Richard Mackay.

The 2015 revised and updated CMP was prepared by the following current and former GML specialists—Julian Siu, Jane McMahon, Michelle Richmond, Dr Janine Major, Dr Tim Owen, Claire Nunez and Richard Mackay.

In collaboration with the DSMG, notably Emeritus Professor Richie Howitt, Dr Michelle Locke and Steve Hughes, this 2023 updated CMP has been prepared by Dr Tim Owen (GML Principal), Dr Charlotte Feakins (GML and Sydney University), Angela So (GML Senior Heritage Consultant), Christiane Moodie (GML Senior Heritage Consultant), and Sharon Veale (GML CEO and Partner).

## 1.8 Acknowledgements

GML gratefully acknowledges Emeritus Professor Richie Howitt, Dr Michelle Locke and Steve Hughes who have provided valuable support and direction over the course of the project. We would also like to thank all Dharug community members for their interest and support in the development of this CMP.

## 1.9 Endnotes

[1] Andrew, B and Hibberd, L 2022, 'The Blacktown Native Institution as a Living, Embodied Being: Decolonizing Australian First Nations Zones of Trauma Through Creativity', *Space and Culture* 25(2), pp 168–183.

[2] Australia ICOMOS Inc, *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance 2013*, Australia ICOMOS Inc, Burwood, VIC.

[3] Feakins, C, Barrett, E and Bower M, 2023, 'Trauma-Heritage: Towards a Trauma-Informed Understanding of Heritage', *International Journal of Heritage Studies* (forthcoming).

[4] Feakins, C, Barrett, E and Bower M, 2023, 'Trauma-Heritage: Towards a Trauma-Informed Understanding of Heritage', *International Journal of Heritage Studies* (forthcoming).

[5] Ibid.

[6] Atkinson, J 2002, '*Trauma Trails, Recreating Song Lines: The Transgenerational Effects of Trauma in Indigenous Australia*', Spinifex Press.

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] Andrew, B and Hibberd, L 2022, 'The Blacktown Native Institution as a Living, Embodied Being: Decolonizing Australian First Nations Zones of Trauma Through Creativity', *Space and Culture*, 25(2), pp 168–183.

[11] Ibid.

# History and Aboriginal connections post-1788

# 2 History and Dharug connections post-1788

## 2.1 Introduction

This section of the report provides an overview of the history of the BNI. It builds on the histories presented in the 2004 and 2015 draft CMPs. GML has undertaken further archival research and this history incorporates that new research.

In contrast to earlier versions, this history is consciously circular—its beginning is the same as the end. It echoes the circularity of Dharug cultural connections, knowledge, values and practices, and helps to disrupt the colonial pre-invasion and post-invasion structure of the dominant narrative.

The place's history therefore flows from this section (Section 2, a more formal history), through Section 3 (the context and description of the BNI), into Section 4. Section 4 examines Dharug peoples' enduring connections to Nura, from deep time to the present, and future. It has been developed in collaboration with Dharug Traditional Custodians.

### 2.1.1 Dharug Nura: Always was, always will be

Dharug people have occupied, managed and cared for their traditional lands across millennia—since Gunyalungalung or the Creation. Their connections to all the physical diversities, including lands, seas and sky, is multiplex, and intimately and eternally connected. These traditional ritualised customary lores (laws) are governed within women's and men's business and inscribed through memory and visual literacies or symbols (Figure 2.1). These symbols are all around us and permanently located within the environment on open rock surfaces, caves and markings on trees. While some symbols are made by humans, others are made by Creational ancestral beings and contain deep story lines of information in sacredness.[1]

One of the most common symbols used in Dharug culture is the circle. It represents cosmological aspects of cultural place and spiritual space. Circular impressions left on rock surfaces also indicate forms of sacredness; expressions of connections to cultural place within mind, body and emotions. This is evident by the many circular images engraved on rock surfaces within Dharug Country that often includes concentric circular forms. These forms acknowledge the harmonies within the external and internal worlds.[2]

Figure 2.1 Visual knowledge of relationships to cultural place and spiritual space; Acrylic painting on canvas by Belanjee, illustrating concentric circles of cultural connections within place and radiating lines of the relationships within space. (Source: Cameron 2015, Figure 3)

The Cumberland Plain, as it became known by colonists after invasion, is the traditional Country of the Dharug-speaking peoples. Recent research suggests First Nations peoples have been connected to and occupying this land for at least 30,000 years—extending as far back as the Pleistocene period. Most archaeological sites in Australia can only be dated to within the last few thousand years, or from the Holocene period. For this reason, the archaeology of the Cumberland Plain area and Dharug Country tells an important story about First Nations connections to Nura, extending from deep time to the present.

Archaeological evidence in the area is largely comprised of culturally modified stone. This is because organic materials, such as wood, bone and shell, decay when buried in the ground for great stretches of time. Archaeologists have identified chronological changes in artefact form and shape, referred to as the Eastern Region Sequence, a model used to date archaeological sites. The archaeology provides important information about tool uses, manufacturing techniques, and technological changes and more broadly, illuminates greater understanding about the movement of people and the flow of information across vast geographic networks.

## 2.2 Colonial invasion: early land grants at Eastern Creek

The Bidjigal clan of the Dharug language group inhabited the area between Rouse Hill and Schofields.[3] Around the point of colonial invasion the Dharug name for the wider study area was Boongarrunbee, but it soon became known as the 'Black Town'.[4] In 1806 government surveyor James Meehan undertook the first land survey of Eastern Creek.[5] Until 1815 the colonial government reserved the region for 'Government Purposes' (Figure 2.3). As a result, few European settlers lived in the area for the first 27 years of the British colony, and it is likely the land remained occupied and subject to traditional Aboriginal use throughout a period where other lands were being denied to them.

From around 1814 to 1817, roughly the same time as the colonial government issued most of the land grants in and around the study area, the colony also experienced heightened violence between settlers, the military and Aboriginal people across the Cumberland Plain. This conflict led Governor Lachlan Macquarie to undertake several conciliatory strategies to establish some form of peace.

Tw0 factors were integral to the later Aboriginal presence in the Schofields area. Firstly, on 25 May 1816 Macquarie promised two Aboriginal men, Colebee and Nurragingy, 30 acres of land 'on the South Creek' in recognition of their assistance to the government. The location they chose was on Richmond Road, near Eastern Creek and Joseph Pye's first grant in the area. Secondly, in 1823 the Native Institution, a boarding school for Aboriginal children established in 1814, was relocated from Parramatta to Eastern Creek. The Native Institution was placed at a site on the southwest side of the Richmond Road, opposite Colebee and Nurragingy's grant. These two decisions led to the area around the Native Institution and Colebee and Nurragingy's grant becoming known as 'Black Town'.

This section provides an overview of the development and the post-colonial use by Aboriginal people of the area around Colebee and Nurragingy's land grant, Blacktown Native Institution and Pye Farm. It is based on new archival research, consultation with local Dharug people, and work previously prepared by several historians, including Jack Brook, Dr James Kohen, Dr Jane Lydon, Minna Mühlen-Schulte, Nick Pitt and Michelle Richmond.

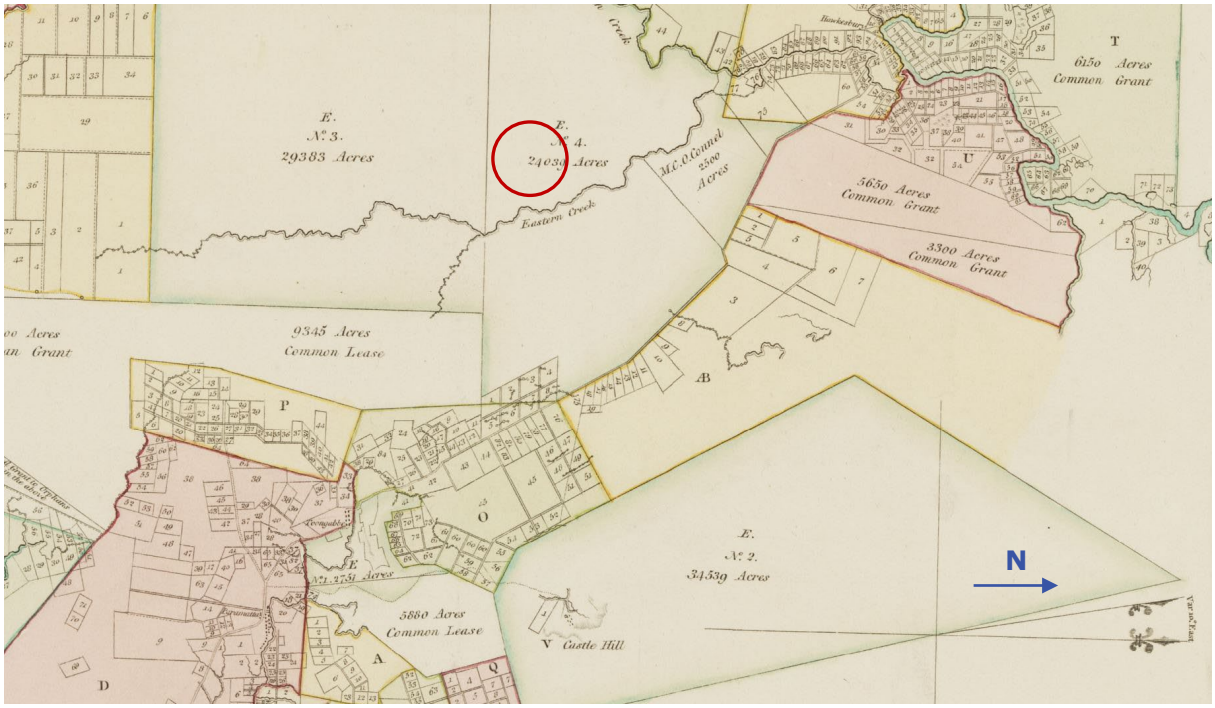



Figure 2.2 Detail of *Plan of the allotments of ground, granted from the Crown in New South Wales, 1814* by J Burr and J & G Ballisat. Sections marked 'E' were 'Grounds reserved for Govt purposes'. The approximate location of the BNI is circled, and approximate north is indicated. (Source: State Library of NSW Dixson Map Collection, Cb 81/1 with GML overlay)

The first grant along Eastern Creek in this area was to Maurice O'Connell in 1810. O'Connell was Macquarie's aide-de-camp and was well connected in colonial government circles. He received a large grant of 2500 acres in the vicinity of the present-day suburb of Riverstone.[6] Following a further 1000-acre grant to O'Connell in March 1814,[7] the colonial administration began to grant land in the region (often referred to as South Creek) from June 1815.

Macquarie issued large numbers of land grants around Eastern Creek, roughly bounded by the Richmond and Windsor roads. At that time the region was known as the District of Bathurst or sometimes Bathurst the Less (Figure 2.3). The term was in widespread use in the early to mid-1820s until the county of Cumberland (most of the Sydney Basin bounded by the Nepean and Hawkesbury rivers) was divided into geographical parishes in 1834. The area was then given the less confusing name of Parish of Gidley.


Figure 2.3 Detail of SA Perry's *An outline map of the settlements in New South Wales*, 1817, showing the District of Bathurst (circled) with approximate north indicated. (Source: National Library of Australia nla.obj-230710546 with GML overlay)

Macquarie's grants in this area were mostly for small farms adjacent to the Richmond Road and Eastern Creek (sometimes known as East Creek). A small number of larger farms away from these natural and cultural landmarks were also granted. The grants were given in batches, approximately every year. Reflecting the general practice at the time, colonists were given permission to settle in a certain area and began clearing and farming the land before the land was surveyed, the grants being formally issued at a later date. The median size of these grants was fairly small, at only 60 acres. Most grants near the study area were issued in or before April 1821 (Table 2.1).

Throughout his time as governor (1810–1821), Macquarie alienated 239,576 acres (96,952 hectares) of Dharug Nura, plus 340,000 acres of unexecuted grants.[8]

Table 2.1 Analysis of land grants given in the District of Bathurst or Parish of Gidley. (Source: NSW State Archives, 'Land grants and leases [Registers]')[9]

| Date* | Number of grants | Total area granted (acres) | Mean size of grants (acres) | Median size of grants (acres) |
|---|---|---|---|---|
| Before 1815 | 3 | 4200 | 1400 | 1000 |
| 10 June 1815 | 18 | 2639 | 146.6 | 53 |
| 31 Oct 1815 | 1 | 700 | 700 | 700 |
| 8 Oct 1816 | 8 | 1750 | 218.8 | 85 |
| 13 Jan 1818 | 21 | 5390 | 256.7 | 70 |

| Date* | Number of grants | Total area granted (acres) | Mean size of grants (acres) | Median size of grants (acres) |
|---|---|---|---|---|
| 31 Aug 1819 | 16 | 3160 | 197.5 | 60 |
| 5 April 1821 | 8 | 370 | 46.25 | 50 |
| After April 1821 | 13 | 1271.5 | 97.8 | 60 |
| Total | 88 | 19,480.5 | 195.2 | 60 |

*Dates obtained by reference to original grant register available on Ancestry.com.

## 2.3 Pye Farm

On 8 October 1816, John Pye (1769–1830) received a grant of 85 acres in the District of Bathurst, bordering Eastern Creek.[10] His eldest son, Joseph Pye (1796–1853), also received a grant of 85 acres immediately to the south on the same date.[11]

By 1817 Joseph Pye was living at his farm at Eastern Creek. His wife, Elizabeth, likely also lived with him. Their first son, Joseph, was born in 1819.[12] Most of the property was used for grazing sheep and cattle, but small areas (around 10 acres each) were planted with wheat and maize, the two main cereal crops grown by colonists on the Cumberland Plain at the time.

In 1825 Pye advertised his property at Eastern Creek for lease. The advertisement described the property as:

> TO be LET, for a Term of not less than three, five, and not exceeding seven years, that valuable Estate, the Property of Mr. Joseph Pye, situate on the-East Creek, within about 6 miles of Windsor, and only 12 from Parramatta. It consists of 870 acres, 60 of which are stumped, and 670 enclosed in Paddocks, and in luxurious cultivation. It is well watered, being at the Banks of an extensive Creek. There is a good garden, dwelling-house, farm, out-houses, and newly-planted garden and orchard, of 5 acres. For Particulars apply to the Proprietor, on the Premises, who will be happy to meet with an early and respectable Tenant.[13]

The property was not leased, and Pye remained at Eastern Creek. By 1832 Joseph Pye owned and managed a large quantity of lands either side of Eastern Creek. Over the next 16 years he gradually purchased neighbouring farms, building up an estate of 1587 acres, turning a small farm into the centre of a moderately large Cumberland Plain estate (Table 2.2, Figure 2.5).

For local Aboriginal people this ownership was important, because Pye was familiar to them and (we understand) allowed Aboriginal people access onto and across his lands. The relationship between the Pye family and local Aboriginal people has not been recorded in diaries, journals, or books. There are a few scant pieces of information available, and some tantalising clues that these two groups interacted regularly.

These include a connection with local Dharug culture through the name of Pye's homestead, 'Waawaar Awaa'.

Joseph Pye appeared to have had early interactions with local Aboriginal people. In 1821, the *Sydney Gazette* reported that two calves had been killed by eagle hawks on Pye's farm:

> On Wednesday last, two calves were killed at the Eastern Creek, on the farm of Mr. Joseph Pye, by eagle hawks. One was three, and the other six weeks old; and they were selected from eight others. When first discovered dead, it was supposed the animals had been shot, the skin being perforated in several parts of the body; but, upon closer inspection, the native dogs were pronounced to be the depredators; from which aspersion, however, these harmless animals were amply vindicated by a decision of the natives upon the singular occasion, who reported that the eagle hawks were the perpetrators, and that it was nothing uncommon with these animals to pounce upon a kangaroo while feeding, drive the long beak into the back of the neck clasp the animal with its claws, and then beat the defenceless captive with its wings till life became extinct. To confirm the assertion of the natives, three of these formidable birds were seen hovering about the place where the animals had been killed, and one of them in a little time was shot; it measured from the tip of one wing to the tip of the other, seven-and-a-half feet; and to judge from its proportionate size, the strength of the animal must be past belief.[14]

The report shows how the settlers initially wanted to blame fellow settlers, and then 'native dogs' (ie dingos) for the deaths of the two calves, until local Aboriginal people offered another explanation. The exchange demonstrates that during the early nineteenth century settlers and Aboriginal people could exchange information about the landscape. It also suggests that Joseph Pye or his assigned convicts were on occasion willing to listen to local Aboriginal people when they offered information.

We understand from some historical records (which are discussed through the history presented below) that local Aboriginal people worked on Pye's farm and were able to stay for extended periods on the land.

Table 2.2 Land granted to or purchased by Joseph Pye in the Parish of Gidley, County of Cumberland. (Source: Primary Application Packet no 2, Series 13012, Container 10/26628, Item PA7381, NSWSA; 'Parish of Gidley, County of Cumberland' 4th edition, 12 Oct 1964, NSW Dept. of Lands, NLA nla.obj-57069195-1)

| Portion no. | Grantee | Date of grant | Date of purchase by Pye | Area (acres) |
|---|---|---|---|---|
| 45 | John Pye | 1816-10-08 | 1825-11-16 | 85 |
| 46 | Joseph Pye | 1816-10-08 | 1816-10-08 | 85 |
| 50 | John Pye | 1818-01-13 | | 300 |
| 40 | John Haywood | 1815-06-10 | 1818-06-06 | 50 |

| Portion no. | Grantee | Date of grant | Date of purchase by Pye | Area (acres) |
|---|---|---|---|---|
| 38 | William Pantony | 1815-06-10 | 1818-08-21 | 40 |
| 33 | Robert Foucher | 1815-06-10 | 1820-08-11 | 56 |
| 34 | Robert Bateman | 1815-06-10 | 1820-08-11 | 45 |
| 35 | William Bateman | 1815-06-10 | 1820-08-11 | 60 |
| 37 | John Thorn | 1815-06-10 | 1820-08-11 | 40 |
| 39 | Thomas Smith | 1815-06-10 | 1820-08-11 | 40 |
| 32 | James Smith | 1816-10-08 | 1821-10-05 | 60 |
| 47 | George Suttor | 1815-06-10 | 1823-10-23 | 100 |
| 8 | Joseph Bigg | 1822-11-01 | 1824-08-11 | 200 |
| 41 | William Brown | 1815-06-10 | 1826-11-23 | 30 |
| 42 | James M'Manus | 1815-06-10 | 1826-11-23 | 40 |
| 10 | Joseph Ward | 1815-06-10 | 1828-04-21 | 0 |
| 44 | James Chisholm | 1815-06-10 | 1830-06-23 | 150 |
| 49 | James Chisholm/Joseph Pye | 1831-10-19 | 1831-10-19 | 50 |
| 11 | James Chisholm/Joseph Pye | 1831-10-19 | 1831-10-19 | 100 |
| 31 | Joseph Pye | 1832-05-15 | 1832-05-15 | 56 |

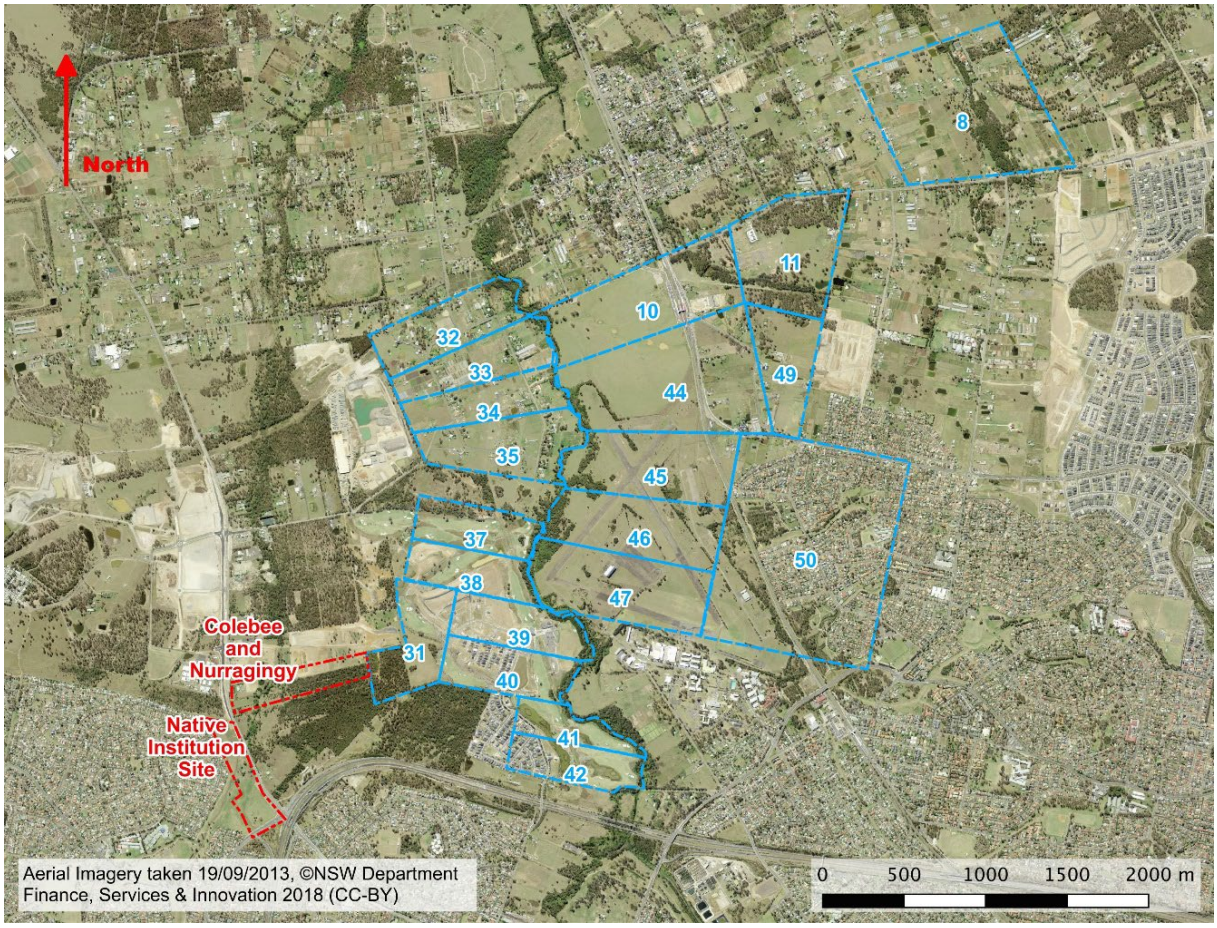



Figure 2.4 Land granted to or purchased by Joseph Pye in the Parish of Gidley, County of Cumberland, with portion numbers (in blue), and the location of Colebee and Nurragingy's land grant and the Native Institution location (in red). (Source: composite overlay by GML using grant boundaries and portion numbers in 'Parish of Gidley, County of Cumberland' 4th edition, 12 Oct 1964, NSW Department of Lands, NLA nla.obj-57069195-1.)

## 2.4 Colebee and Nurragingy

A period of drought between 1814 and 1816 resulted in the escalation of violence between settlers and Aboriginal people, particularly along the Hawkesbury and Nepean rivers. When the local Aboriginal people found their traditional food resources gone, they took the settlers' crops and animals that had replaced them. European settlers saw this as theft and often shot, poisoned and killed Aboriginal people, which resulted in reprisals and violence; crops and property were burnt, and there were retribution killings. These actions have come to be referred to as a war between Aboriginal people and the colonial invaders.[15] By April 1816 Macquarie sought both to respond to and end the violence. He ordered a punitive expedition against Aboriginal people across the Cumberland Plain.

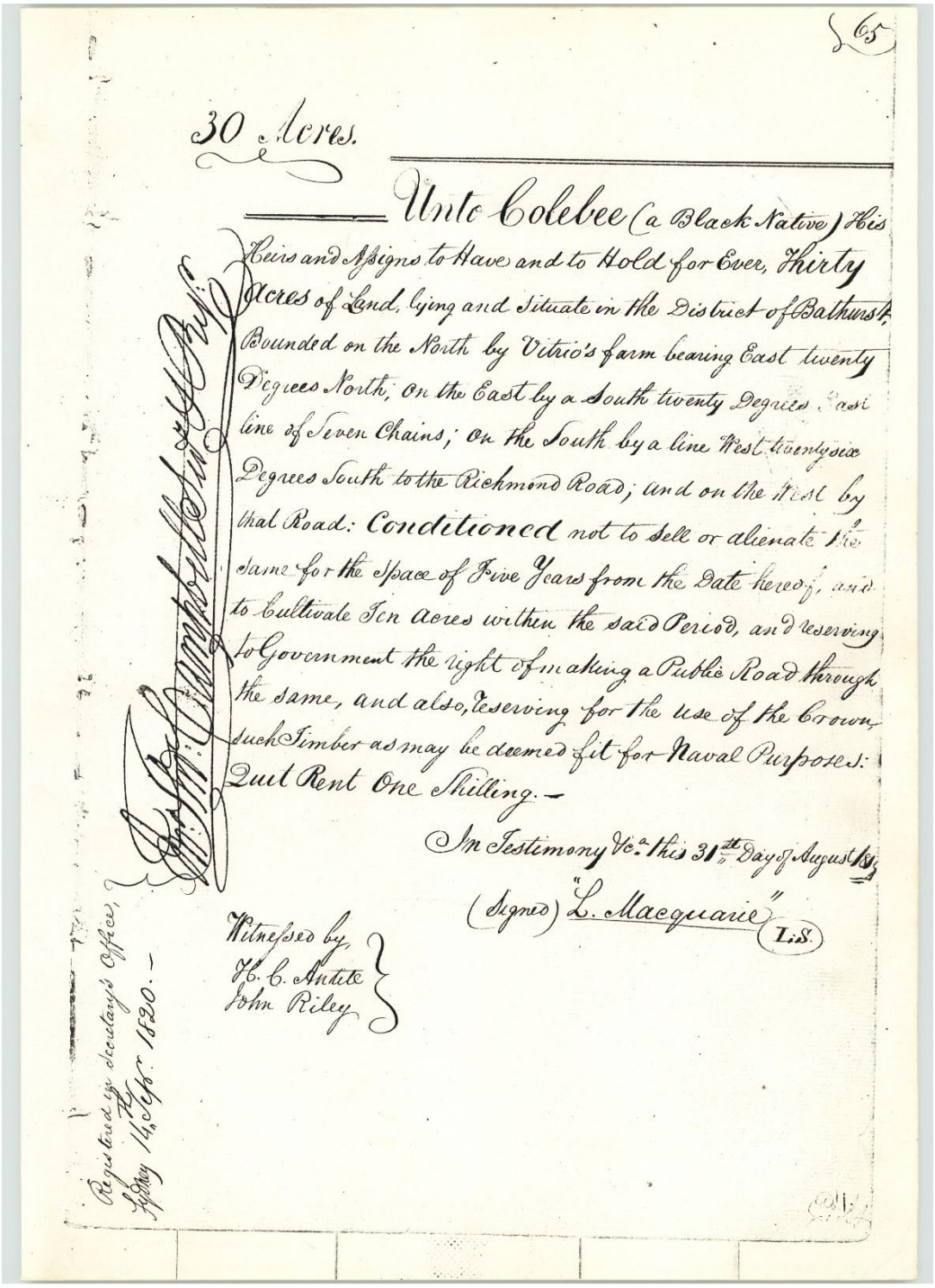
Macquarie sent groups of soldiers from Sydney to Cowpastures, Appin, Parramatta and Windsor districts and along the banks of the Nepean. He directed the soldiers to capture or kill Aboriginal people involved in the disputes with settlers. A number of Aboriginal guides accompanied these parties, including Colebee and Nurragingy.[16]

Nurragingy was from the Eastern Creek and South Creek area. Colebee was from the Richmond area, the son of Yarramundi, a karadji (doctor) of the Burraberongal people. In 1791 Yarramundi and his father, Gomebeeree, had met Governor Arthur Phillip and Watkin Tench along the banks of the Hawkesbury River. Phillip and Tench were being guided by Cadigal men Boladeree and Colebee. The name Colebee sometimes causes confusion, in that Colebee of the Burraberongal and Colebee of the Cadigal were the same person. Cadi Colebee was described as being about 35 years old in 1789 by Captain (later Governor) John Hunter. Colebee of the Burraberongal would have been a child in 1791, and it is suggested he may have been renamed after Cadi Colebee to commemorate the 1791 meeting.[17]

Following the expedition of 1816, which culminated in the Appin massacre[18], Macquarie presented Nurragingy, who was also called Creek Jemmy, with a breastplate inscribed 'Chief of the South Creek Tribe'. In recognition of their involvement in the expeditions, Macquarie jointly granted Colebee and Nurragingy 30 acres of land. Macquarie wrote on 25 May 1816:

> On this occasion I invested Nurragingy, (alias Creek-Jemmy. —) with my Order of Merit by presenting him with a handsome Brass Gorget or Breast Plate, having his name inscribed in full — as Chief of the South Creek Tribe. — I also promised him and his friend Colebee a Grant of 30 acres of land on the South Creek between them, as an additional reward for their fidelity to Government and their recent good conduct.[19]

This grant is widely recognised as the first colonial land grant given to Aboriginal people in Australia, and is listed on the NSW State Heritage Register.[20] The grant was registered in 1819, but only in Colebee's name (Figure 2.5).[21] This has led to a great deal of confusion over the ensuing years. Early parish maps sometimes show ownership of the site as 'Colebee & Creek Jemmy' or 'Colebee & Jemmy' (Figure 2.6) and sometimes 'Colebee otherwise Creek Jemmy' (Figure 2.7). On the original document, held at NSW State Archives & Records, someone has later written in pencil after Colebee's name 'otherwise Creek Jemmy'[22]. Brook and Kohen suggest an 'unenlightened historian in more recent times' may have mistaken Colebee's alias to be Creek Jemmy, and with 'helpful' concern for later researchers, added the words to the original document in pencil'.[23]



65

30 Acres.

Unto Colebee (a Black Native) his Heirs and Assigns to Have and to Hold for Ever, Thirty Acres of Land, lying and Situate in the District of Bathurst: Bounded on the North by Vitrio's farm bearing East twenty Degrees North, on the East by a South twenty Degrees East line of Seven Chains; on the South by a line West twenty six Degrees South to the Richmond Road; and on the West by that Road: Conditioned not to sell or alienate the same for the Space of Five Years from the Date hereof, and to Cultivate Ten Acres within the said Period, and reserving to Government the right of making a Public Road through the same, and also, reserving for the use of the Crown such Timber as may be deemed fit for Naval Purposes: Quit Rent One Shilling.—

In Testimony &c. this 31st Day of August 18[illegible]

(Signed) "L. Macquarie" L.S.

Witnessed by
H. C. Antill
John Riley

Registered in Secretary's Office, Sydney 14th Sept. 1820.—

Figure 2.5 Copy of the original 30-acre grant to 'Colebee (a Black Native)' in 1819. (Source: NSW Land Registry Services)

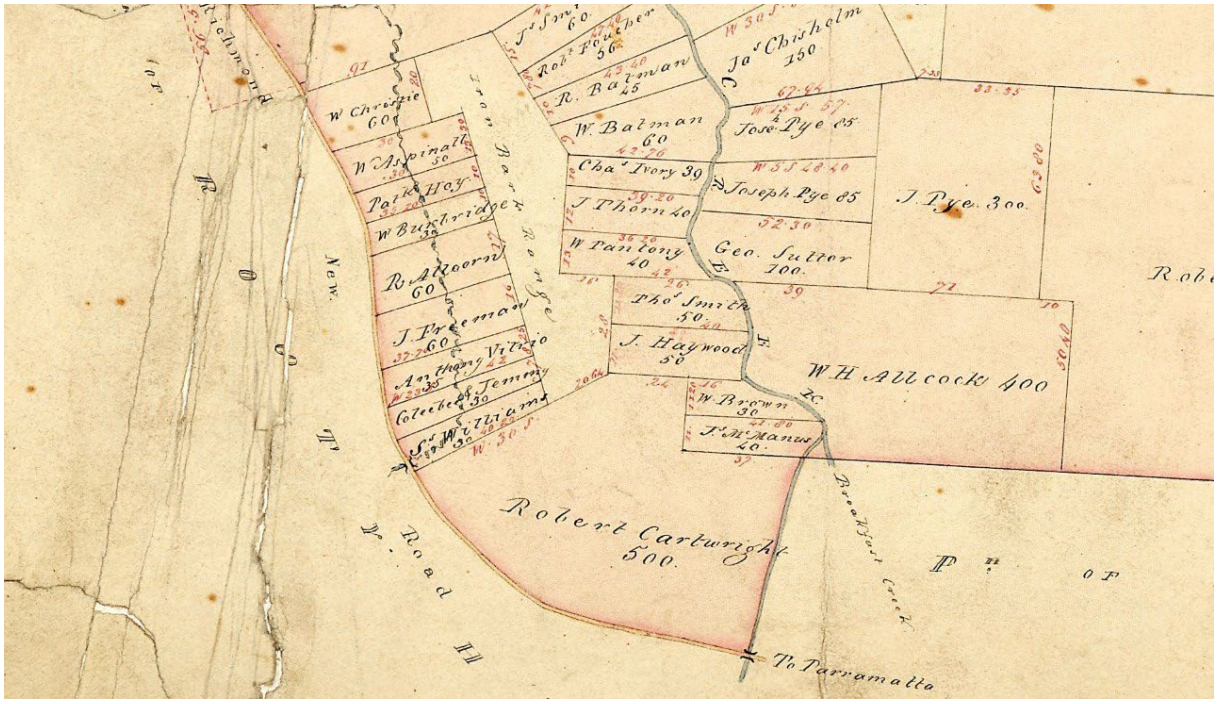



Figure 2.6 Undated early plan of the Parish of Gidley, showing Iron Bark Range. The plan identifies 'Coleebee & Jemmy' as the grantees. This plan most likely dates before 1832, as Joseph Pye's grant within the range is not shown. (Source: Historical Land Records Viewer, NSW Land Registry Services)

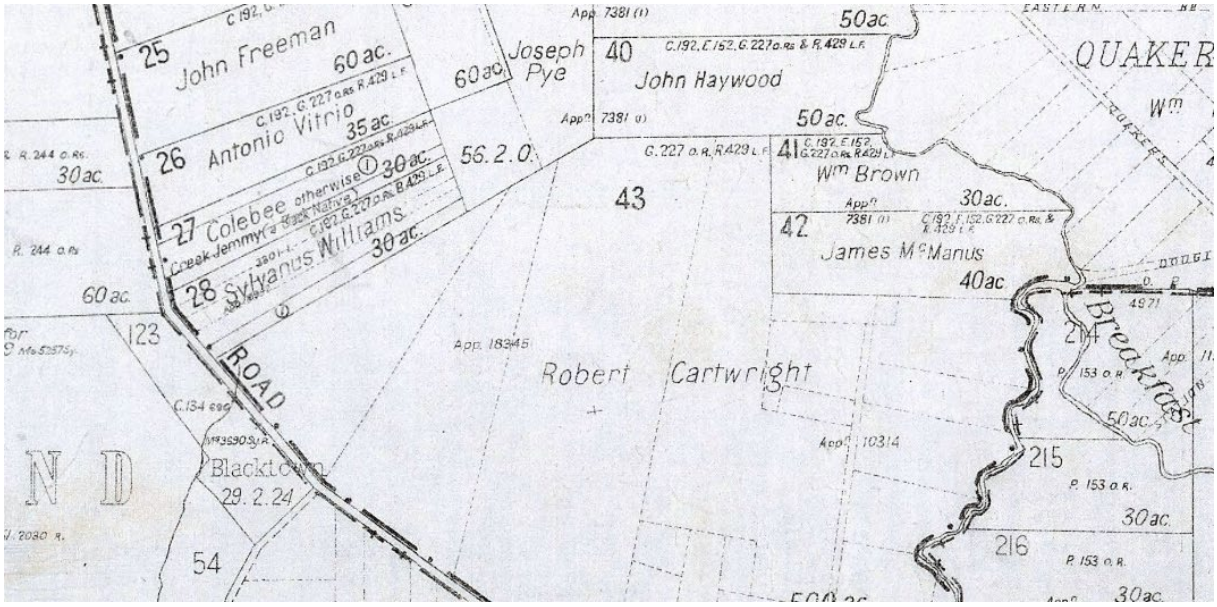



Figure 2.7 Detail from a parish map dated 1908 showing the Colebee and Nurragingy land grant (Portion 27), which is incorrectly identified as 'Colebee otherwise Creek Jemmy'. The former Blacktown Native Institution location, identified as 'Blacktown', can be seen on the opposite side of Richmond Road a little farther south. (Source: Historical Land Records Viewer (HLRV), NSW Land Registry Services)

Brook and Kohen have speculated as to why the grant was registered only in Colebee's name. They suggest that Nurragingy 'would simply not be able to understand how a piece of paper gave him land that his ancestors had owned for thousands of years. Macquarie may have, on reflection, realised this. Colebee, therefore possibly more attuned to European ways, was granted the land on condition he shared it with Nurragingy'.[24]

We would like to suggest another possible reason for the grant being registered only in Colebee's name. Based on our research for this project and experience with working with early NSW land grants, it was rare for a grant to be registered in two people's names. While Macquarie's intention was to provide the grant to both men, it was the norm to register only one person. Perhaps because Colebee's name came first in the alphabet or it was easier for a white clerk to spell, it was the only name written down.

Whatever the reason, there is certainty among Dharug people today, as well as ourselves and Brook and Kohen, that the land was selected by Nurragingy, not Colebee. This is because Nurragingy's clan were the traditional owners of this area. Nurragingy showed his attachment, as over the next 10 years as he remained on the grant while Colebee would regularly leave. In September 1819 Colebee was one of three Aboriginal men to sail as part of the crew on the brig *Glory of Richmond* from Richmond to Sydney, Tasmania and Kangaroo Island.[25] Colebee also worked in the District of Windsor as a constable, although in September 1822 John Harris complained to the Colonial Secretary that 'Coleby, the Black Constable is seldom or never seen at the Black Town, but constantly away with Natives'.[26]

Along the eastern boundary of the grant is Iron Bark Ridge (Plumpton Ridge), which is identified on some of the Parish of Gidley plans (Figure 2.6, Figure 2.8 and Figure 2.9). It is a significant silcrete quarry site and Brook and Kohen queried whether Nurragingy was 'the traditional owner of the silcrete outcrop',[27] providing him with a further connection to this land. The ridge and landforms to the east contain archaeological evidence of long-term Aboriginal occupation and spatially defined activities along almost its entire length, and there is an oral account of the use of Iron Bark Ridge as a winter camp and of the stone on the ridge having significance, although the exact meaning is unknown.[28] Nurragingy and Colebee's land grant is positioned at the near centre of the mapped geological expression of the St Marys Formation (the deposit which contains the raw silcrete stone), and the eastern portion of the grant extends to the central high point of the ridge. In terms of 'selecting' a narrow grant with a connection to this ridge and the St Marys Formation bedrock, the position of the grant appears deliberate.

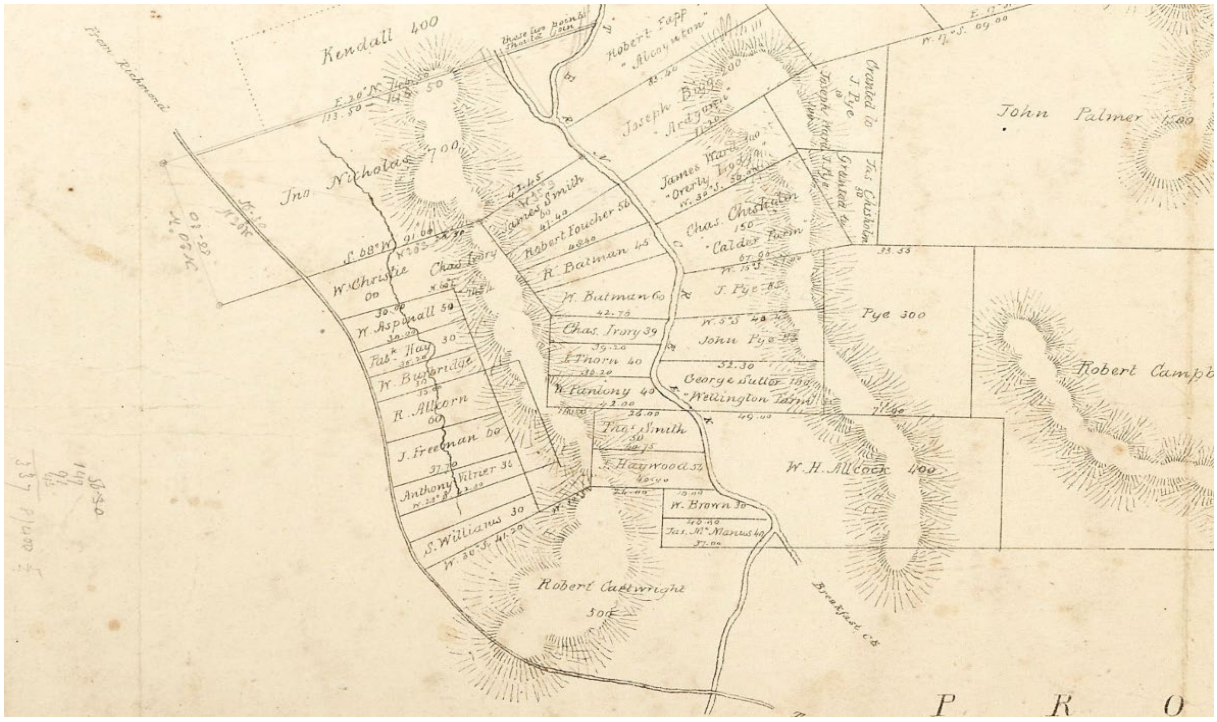



Figure 2.8 Detail from an undated plan of the Parish of Gidley, showing the extent of Iron Bark Range. This plan most likely dates before 1832, as Joseph Pye's grant within the range is not shown. (Source: Historical Land Records Viewer, NSW Land Registry Services)

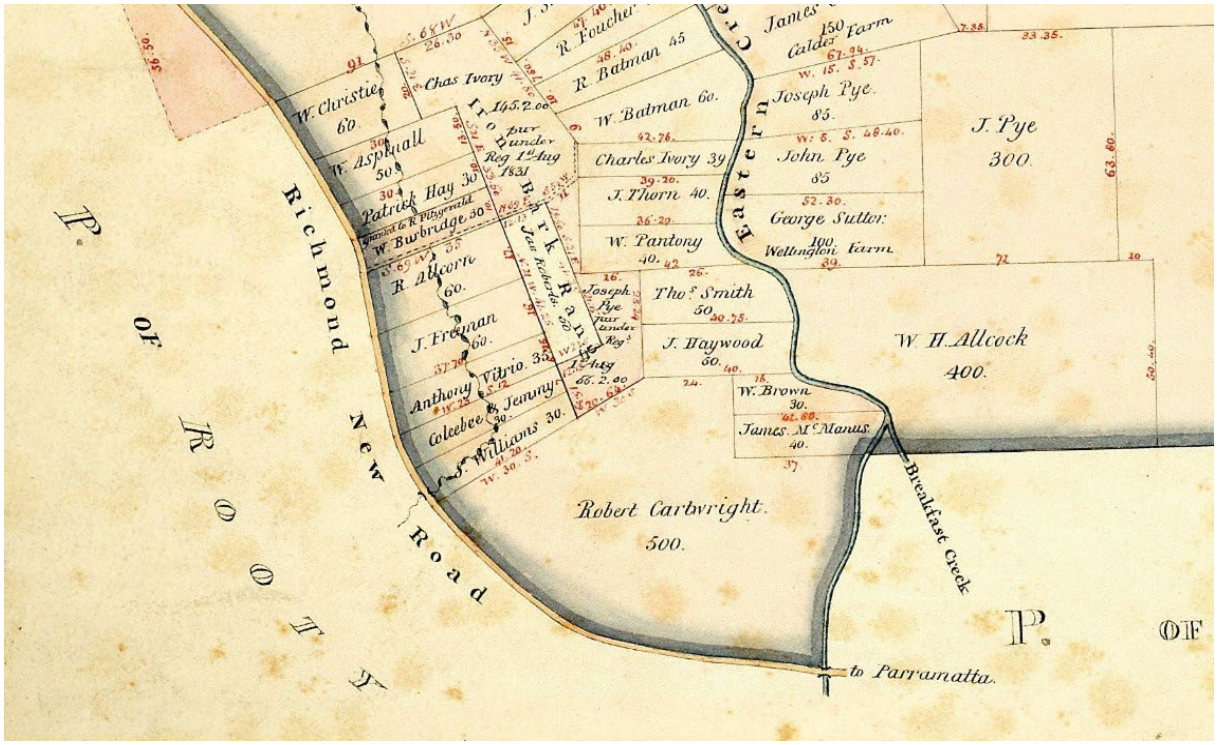



Figure 2.9 Detail of a c1835 plan of the Parish of Gidley, showing the land grants along and upon the Iron Bark Range. (Source: Historical Land Records Viewer, NSW Land Registry Services)

The ridge also has ritual significance for Aboriginal people. In 1986 Billy Pittman, the former Chair of the Dharuk Local Aboriginal Land Council, recalled to Kohen that he was told there were male burials on the ridge and women were not allowed to cross the ridge. As a child, Billy Pittman would walk from Riverstone to Penrith and could walk in a straight line across the ridge, but women and girls had to walk around. Joan Halvorsen, who grew up near the BNI, remembered in 1986 being told not to go on to the Iron Bark Ridge, supporting Billy Pittman's account.[29]

Other members of the local contemporary Aboriginal community have discussed other burials near the study area. In 1982, archaeologist Mary Dallas was told about a burial ground near the study area by Hilda Workman. Dallas wrote:

> Mrs Hilda Workman, the great great grand daughter of Yarramundy King of the South Creek Tribe, has lived in the district all her life. She remembers being told of an old Aboriginal burial ground north of Plumpton. She could not remember its exact location but places it between Eastern Creek and Bells Creek north of Richmond Road and further south than Riverstone.[30]

On an 1842 plan of the District of Windsor, Surveyor J Musgrave drew the land within the Windsor District that was along Richmond Road. On his plan he included the former Blacktown Native Institution (closed in 1829), Blacktown and 'Waawaarawaa' (Pye's homestead). To the north of Pye's homestead, along the road to Parramatta, Musgrave has marked a location along trees as 'Burial Grounds of the Blacks' (Figure 2.10).


Figure 2.10 Detail of a plan of part of the Windsor District contained between the Old Richmond Road and the Road from Windsor by J Musgrave, 1842. (Source: State Library of NSW, IE9574261)

## 2.4.1 Nearby land grants

Three other nearby grants were registered on the same date as the Colebee and Nurragingy grant. It appears Macquarie purposely selected grantees that could provide support to Colebee and Nurragingy, in line with his intentions for settling Aboriginal people:

> … That a Portion of Land shall be Located for the use of adult Natives, which shall be invited and encouraged to cultivate it and that such Assistence shall be rendered them for that Purpose by Government, as may be deemed expedient.[31]

Sylvanus Williams received the 30 acres grant adjacent to Colebee and Nurragingy. Williams was a capable carpenter and could assist them in settling into the farm. In November 1819, Williams was paid £7 to build a hut for Nurragingy. The original written agreement from Macquarie states:

> Silvanus Williams
>
> Agrees to Build a Log House 18 feet Long and 10 feet Wide in the Cleare, with a Petition to forme one Room 8 feet and the other 10 feet, & to Make a Log Chimney and to find one Doare and two Windows, the Roof and Loft to be Covered with Bark, for the Sum of Seven Pounds Sterling.
>
> The above House is for Nurragingy, Chief of the South Creek Tribe.[32]

Nurragingy's hut was partly furnished by the colonial government, and his possessions included a short table, an iron pot and a pair of tongs.[33] Macquarie also provided Nurragingy with cattle.[34]

Joseph McLoughin, a constable and well-known white guide, was given 60 acres opposite to Colebee and Nurragingy. McLoughlin was a member of Macquarie's 1816 punitive expeditions and would have known Colebee and Nurragingy. It was possibly intended to provide a familiar white person with knowledge of Aboriginal culture for the two Aboriginal men to interact with.

Reverend Robert Cartwright was granted 500 acres along Richmond Road, southeast of Colebee and Nurragingy. Cartwright regularly corresponded with Macquarie to express his concern for the welfare of Aboriginal people.[35] In February 1820 Cartwright wrote to Macquarie to provide detailed remarks on Macquarie's proclamation to provide land to Aboriginal people (reproduced above). While most of Cartwright's suggestions were not implemented by Macquarie, it appears Cartwright's suggestion of creating a separate settlement composed entirely of Aboriginal people was adopted. Cartwright wrote:

> …I am persuaded every thing at first must be done for them. On this plan, a few of every tribe may be induced to sit down together in small adjoining allotments or in one general Square appropriated for the use of that particular tribe, and whenever any of the families belonging to such Tribe are inclined to settle, it would be proper to assist in separating a small portion of such land for their particular use. Although there may be difficulties

> attending this plan of settling the Adults, from all that I have seen, I am persuaded it is the only practicable one. Indeed I have my doubts whether any of those Natives, which Your Excellency has settled even in their own Native districts, will turn out well. At all events I expect to see little good result from such a mode of settling them amongst the white people. Whenever one or the other of these Natives settle, as in the instance of the South Creek Chief [Nurragingy], who is one of the best, the rest forsake him, which is a trial too great for these Savages who have ever been accustomed to wander about in companies; But should an Individual belonging to any distant Tribe be induced to settle in a Town composed almost exclusively of their own people, and where perhaps they or their friends have Children in the Establishment, This would be inducement enough to engage him to remain there at least the greatest part of the Year. And it is probable he may in time be completely weaned from his roving habits, and glad to avail himself of such an Asylum in his old Age.[36]

During the early 1820s, Macquarie chose to settle other Aboriginal people close to Colebee and Nurragingy's grant, forming the South Creek settlement known as 'Black Town'. This settlement in turn influenced the decision to relocate the Parramatta Native Institution—a 'boarding school' for Aboriginal children—to a site on the opposite side of Richmond Road to Colebee and Nurragingy's grant.[37]

## 2.5 South Creek settlement: Black Town

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, girls were to leave the institution and marry Aboriginal men who Macquarie thought would adopt a European lifestyle.[38] Married couples were provided with a farm, furniture stock and farming utensils, and huts were erected for them.[39] The area Macquarie selected for the farms was close to the Colebee and Nurragingy grant.

In August 1981 archaeologist Anne Bickford carried out a historical and archaeological investigation of the institution site. Bickford wrote:

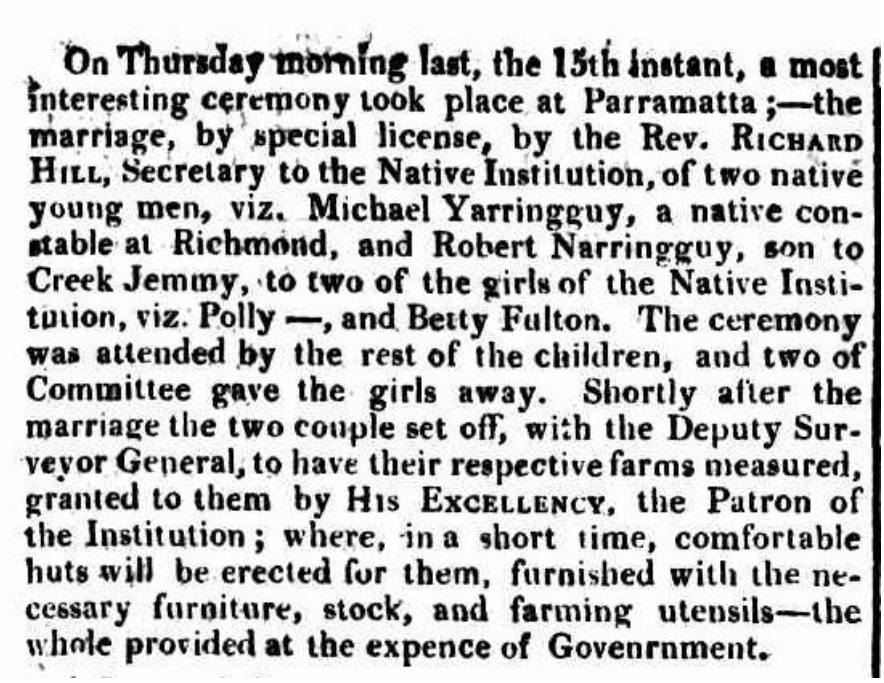
> The sites of the six small cottages and associated small farm plots described in 1824 have not been found. They would have been in the Reserve [referring to the Blacktown Native Institution land], possibly in the portion to the south-east of the Creek, closer to the main school buildings.[40]

Bickford also recorded evidence for a 'contact' campsite on the northwest creek bank, comprising traditional Aboriginal artefacts made from 'stone types foreign to that locality', as well as European ceramics and glass dating to the early to mid-nineteenth

century. She interprets these artefacts as evidence of adult Aboriginal people living here to be near the children in the institution.[41] The same post-contact site was interpreted by Kohen in 1986 as the probable location of the Aboriginal farms, and he continued to interpret the site this way in his other books on the BNI.[42] It appears Kohen's interpretation is based on Bickford's 1981 report and it is unknown if he visited the site for his 1986 project.

We have found no historical or archaeological evidence to indicate the possible location of the six huts, either inside the BNI or in the wider landscape. We presented this information to the BNI stakeholders on 23 July 2022.

Colin Gale told GML that he heard that two of the married couples were given farms to the north of Colebee and Nurragingy's grant. It is also unknown how many acres of land were given to each married couple. In 1821 a newspaper article reported the marriage of Polly (surname unknown) and Betty Fulton, two students of the Parramatta Native Institution, to Michael Yarringguy and Robert Narringguy (Figure 2.11).[43]



On Thursday morning last, the 15th instant, a most interesting ceremony took place at Parramatta;—the marriage, by special license, by the Rev. RICHARD HILL, Secretary to the Native Institution, of two native young men, viz. Michael Yarringguy, a native constable at Richmond, and Robert Narringguy, son to Creek Jemmy, to two of the girls of the Native Institution, viz. Polly —, and Betty Fulton. The ceremony was attended by the rest of the children, and two of Committee gave the girls away. Shortly after the marriage the two couple set off, with the Deputy Surveyor General, to have their respective farms measured, granted to them by HIS EXCELLENCY, the Patron of the Institution; where, in a short time, comfortable huts will be erected for them, furnished with the necessary furniture, stock, and farming utensils—the whole provided at the expence of Govenrnment.

Figure 2.11 Marriage of Michael Yarringguy and Robert Narringguy to Polly and Betty Fulton. (Source: *Sydney Gazette & New South Wales Advertiser* 17 March 1821, p3)

While the article does not mention the size of the grants, it notes that a Deputy Surveyor General measured the farms for the two married couples. Brook and Kohen wrote in 1991 that each family received 10 acres, although Kohen later wrote that each family received 5 acres.[44] We have looked through historical records at the following institutions: the NSW State Library, Trove (National Library of Australia), Ancestry.com and Historical Land Records Viewer (NSW Land Registry Services)—and have not found

any reference to the size of the grants. More information on these farms might be found in the Surveyor General documents at the NSW State Archives and at the NSW Land Titles Office.

### 2.5.1 Formation of the Blacktown Native Institution

William Walker was the first missionary to be specifically instructed in 1821 by the Wesleyan Missionary Society to minister to Aboriginal people of NSW. He first visited Black Town on Sunday 7 October 1821, two years before the Parramatta Native Institution was relocated.[45] He found Black Town to be 'exceedingly delightful', and distributed clothes to the 13 Aboriginal residents in their bark huts. He questioned them on religious scripture but was disappointed on their lack of knowledge. He referred to Black Town as 'Boongarunbee',[46] which may have been Walker's interpretation of the Dharug word today spelt bungarribee.[47] Karen Nelson, daughter of June Workman, told Kohen in 1986 that her great uncle (unnamed) referred to the family as belonging to the Bungarribee Tribe. Kohen suggests it could be the traditional name for the area.[48]

Walker decided that Black Town would be a suitable place for a mission. He named the mission 'Bethel' and subsequently gained Macquarie's approval for his scheme.[49] Elizabeth Macquarie also promised to help Walker, providing him with a list of names of helpful clergymen. Robert Cartwright agreed with Mrs Macquarie in advising Walker to settle at Black Town. This location was regarded by whites as suitably remote from the vices of Sydney town, especially in protecting young Aboriginal women from sexual exploitation.[50]

On 1 December 1821 Thomas Brisbane replaced Macquarie as governor. With the departure of Macquarie, the Anglican missionary Reverend Samuel Marsden[51] worked to displace the Wesleyans from the South Creek area. On 12 December 1821, Marsden wrote to Brisbane offering the Anglican Christian Missionary Society's (CMS) assistance. Two days later, Brisbane appointed Samuel Marsden as the Chairman of the Committee of the Native Institution.[52] On 28 December 1821 the Committee recommended to Brisbane that the Parramatta Native Institution be moved to land adjoining Black Town, and that dwellings, workshops, a school and a chapel be built. The Committee also recommended that 500 acres be reserved for the use of the institution and to be assigned for Aboriginal people to settle on.[53] By 1 February 1822 an Anglican couple, Henry and Mrs Lamb, were sent to South Creek to take charge of the settlement, pending the arrival of Church Missionary Society (CMS) appointees.

CMS missionaries George and Martha Clarke arrived in New South Wales in October 1822. Originally destined for New Zealand, the Clarkes agreed to Marsden's request to oversee Black Town.[54] On New Year's Day 1823 they took up their position, and the children were transferred from the Parramatta Native Institution.[55] A few sheds had been built, but a 'substantial building' would not be completed for another six months and the

Clarkes lived in a small timber hut.[56] George Clarke's first impressions were not good. He described Black Town's residents as 'the most degraded creatures I ever saw'.[57]

Government spending on the institution increased sharply, from slightly more than £185 in 1821 to £539 in 1822 and £962 in 1823.[58] These funds were spent on the building program (begun on 26 April 1822) as well as the purchase of Sylvanus Williams's 30 acres, situated between Colebee and Nurragingy's grant and Cartwright's 500 acres. An assistant schoolteacher, John Harper, was employed in mid-1823. The chapel seems to have been built into the house, which had two storeys, with four bedrooms upstairs, and two large (18ft x 15ft, or 5.4m x 4.5m) rooms downstairs, as well as four small bedrooms and two outside rooms, with a verandah in front and at each end. There was also a separate kitchen, stable and coach house. A well may have been sunk.[59] During this time, Colebee and Nurragingy's land was fenced at government expense.[60]

Barron Field, a judge of the Supreme Court of NSW from 1817 to 1824, visited Black Town in 1823. He noted there were four Aboriginal children and a 'few' Aboriginal children who had a non-Aboriginal parent. He was informed there were 'four tenants of the settling-huts erected for them by the government' but only one tenant was at the settlement during his visit. He was told the tenants would return once a fortnight to receive their rations from the government store. [61]

George Clarke's assessment (in October 1823) of the Aboriginal people was that they were 'the poorest Objects on the Whole habitable Globe'. However, of the children he had 'equally the same hope of them as [he] should of as many European Children'. He was so busy that he had 'not had the opportunity of travelling in order to collect children', but the 'Commodious Mission House' had been finished, with room for at least 60 children.[62] The Clarkes left in February 1824, resuming their trip to New Zealand, presumably leaving the children under Harper's care.[63]

## 2.5.2 Restructure of the Blacktown Native Institution

The administration of the Native Institution was reorganised in early 1824, when Brisbane dismissed the Committee. He placed the school under the control of Walker, the person who first proposed an Aboriginal mission at Black Town.

Walker had written to Brisbane in early December 1821 and had received support for a Wesleyan Aboriginal mission but was discouraged when usurped by Marsden. Walker abandoned his proposal for a mission at Black Town and stayed in Parramatta.[64] He took in Aboriginal boys, including Dickey, a former student of the Parramatta Native Institution. Dickey was the son of Bennelong and his third wife, who Macquarie identified as a member of the Richmond Tribe. Walker developed a close relationship with Dickey, eventually adopting him. Dickey was baptised as Thomas Walker Coke.[65]

Historical records indicate Dickey married Maria, Colebee's sister and one of the first students of the Parramatta Native Institution.[66] Maria is also likely to be the unnamed Aboriginal girl identified in the *Sydney Gazette* as coming first out of 20 Aboriginal and nearly 100 white students in the anniversary school examinations in 1819.[67] Elizabeth Shelley of the Parramatta Native Institution noted Maria's academic ability as 'Spells four Syllable and reads the Bible'.[68] Based on her descriptions, Elizabeth Shelley considered Maria to be more advanced than the other students at the institution. [69] Maria's later letters to the governor demonstrate her written proficiency. Dickey died from an unknown illness a few weeks after their wedding in 1823.[70]

Walker married Eliza Cordelia Hassall, daughter of Rowland Hassall, in 1823. Living at the Hassall home in George Street, Walker regularly accepted and fed Aboriginal people who came to Parramatta. He also housed them in the cottages owned by the Hassall family in Parramatta. Through this, Walker developed a good reputation with many Aboriginal people.[71]

In May 1824 Reverend William Horton travelled to Black Town and described it as being 'in an unpromising stage'. He noted that there were only four children in the school. It is not known why there were only four children at Black Town when Field observed more than four in 1823. Horton saw 'six little cottages with land annexed to each' reserved for Aboriginal farmers in the settlement, but only three were occupied.[72]

With Walker's arrival in mid-1824 the BNI population increased again, but the surrounding area appears to have been unstable. While the settlement's remoteness was desirable in official eyes, Walker wrote to the secretary-general requesting to be reimbursed for '2 Muskets and 2 pistols', which he claimed were:

> absolutely necessary for our protection, at the Native Settlement, which is peculiarly situated in a dreary part of the bush, and around us there are not less than 12, or 1400 Government men of the worst of characters. I need only state one fact, that is, We are literally in the midst of a den of thieves who have not suffered a single week to pass in the last quarter, without making some attempt to rob the house. The concluding part of the drama would doubtless be cruelty, if not murder.[73]

Walker was awarded £5 for each child, and in September a five-year-old boy was brought from Bathurst, where martial law had been declared the previous month.[74] This pattern of bringing children 'procured' during conflict had been established during the school's earliest years. Elizabeth Shelley testified in 1838 that she had 'visited the settlement two or three times during Mr Walker's charge, and found a great many of the old blacks amongst them, and that they were in consequence in a very unsettled state'.[75]

The 'old blacks' were Aboriginal people who were staying at the BNI to be close to their children.[76] They could also have included unrelated Aboriginal people who had come to Walker for food and shelter, as they previously did when he was still living in Parramatta. They may have been Aboriginal people who were curious about the BNI and would come

close to the school, or who were deliberately subverting the institution and disrupting the missionaries' attempts to 'civilise' Aboriginal children. Other local Aboriginal people may have also regularly stopped there.

It is also possible the Aboriginal people that Elizabeth Shelley was referring to were local Aboriginal people who continued to live a more or less traditional lifestyle. Reverend Samuel Leigh, a Wesleyan missionary, visited the settlement in March 1824 and encountered a large group of 'wild natives' resting under the trees.[77] This group had been involved in a conflict associated with the death of Dickey (Bennelong's son and Walker's adopted son). Dickey's aunt had dreamt that his illness was caused by an individual who deliberately murdered Dickey with a poisonous dart. His aunt travelled with her group to Hyde Park to punish Dickey's 'murderer'. Between 300 and 400 Aboriginal people took part in the violent conflict, and some were severely injured. Afterwards the conflict was considered resolved.[78] As Dickey was adopted by Walker and was a member of the Richmond Tribe through his mother and possibly Colebee's brother-in-law, Black Town may have been considered a safe place for the group as they travelled back to Richmond.[79]

### 2.5.3 The other residents of Black Town

The 1824 Melville and Bathurst Population Book lists 24 Aboriginal people, consisting of 11 adults and 13 children in Black Town (Table 2.3). One account reported that girls had absconded from the institution at this time, suggesting that they were unhappy.[80] At the end of 1824 Brisbane closed the institution, amalgamating the native and orphan schools. The few remaining girls went with Walker to his new post at the Female Orphan School.[81]

Table 2.3 Transcribed extract of Aboriginal people listed in the 1824 Melville and Bathurst Population Book. We have edited some historic terms used in this record as they are unacceptable in contemporary usage. (Source: Item 4/1222.2, Reel 1253, NSWSA/Ancestry.com)

| Last name | First name | Years of age | Came free or born in the colony | By whom or how employed |
|---|---|---|---|---|
| Cox | Johnny | [adult] | Born in the colony | Resident at Black Town |
| Cox | Betty | [adult] | Born in the colony | Resident at Black Town, wife of Johnny Cox |
| Cox | Thomas | 2 | Born in the colony | Resident at Black Town, son of Johnny Cox |
| | Colby | [adult] | Born in the colony | Residents at Black Town |
| Colby | Kitty | [adult] | Born in the colony | Resident at Black Town, wife of Colby |
| Colby | Samuel | 1 | Born in the colony | Resident at Black Town, son of Colby |

| Last name | First name | Years of age | Came free or born in the colony | By whom or how employed |
|---|---|---|---|---|
| | Caroline | 9 | Born in the colony | Resident at Black Town |
| | Dickey | 13 | Born in the colony | Resident at Black Town |
| | Fanny | 12 | Born in the colony | Resident at Black Town |
| Fulton | Bobby | [adult] | Born in the colony | Resident at Black Town |
| Fulton | Betty | [adult] | Born in the colony | Resident at Black Town, wife of Bobby Fulton |
| Fulton | Harriett | 2 | Born in the colony | Resident at Black Town, child of Bobby Fulton |
| Fulton | Rowland | 1 month | Born in the colony | Resident at Black Town, child of Bobby Fulton |
| | Ginny | 9 | Born in the colony | Resident at Black Town |
| | Judea | 17 | Born in the colony | Resident at Black Town |
| | Jimmy | [adult] | Born in the colony | Resident at Black Town |
| | Mary | [adult] | Born in the colony | Resident at Black Town, wife of Jimmy |
| | James | 7 | Born in the colony | Resident at Black Town |
| Lock | Robert | [adult] | | [British convict arrived per *Granada* 1820]<br>Assigned to his wife |
| Lock | Maria | [adult] | Born in the colony | Wife of Robert Lock (an Aboriginal woman) |
| | Michael | 3 | Born in the colony | Resident at Black Town |
| | Piggy | 11 | Born in the colony | Resident at Black Town |
| | Sarah | 6 | Born in the colony | Resident at Black Town |
| | Simon | [adult] | Born in the colony | Resident at Black Town |
| | Susan | [adult] | Born in the colony | Resident at Black Town, wife of Simon |

Several of the people in the 1824 Melville and Bathurst Population Book list had ongoing connections with Black Town and the Parramatta Native Institution, including Kitty, Betty Fulton, Betty Cox and Maria Lock (Colebee's sister).[82]

'Colby' almost certainly was Colebee. 'Jimmy' probably was Nurragingy, as he was known as 'Creek Jimmy' or 'Creek Jemmy'. Bobby and Betty Fulton were the son and daughter-in-law of Nurragingy.[83] Johnny and Betty Cox lived in and around the area until at least

1843 (Table 2.4). Betty Cox appears to have been from the 'Cattai' or 'Hawkesbury tribe'.[84] Simon was the brother of Johnny Cox.[85]

Maria, Colebee's sister, married Robert Lock in January 1824. Robert Lock was one of the convict carpenters employed in the construction of the new BNI building. Robert, along with his father Jonathan, had been assigned to work there from December 1822.[86] According to Brook and Kohen, the marriage between Maria and Robert Lock was the first officially sanctioned marriage between a young Aboriginal woman and a British convict.[87] As a convict, Robert Lock was assigned to his new wife.

Following their wedding, they settled on one of the farms allocated for married couples at Black Town. Four acres of land were cleared and fenced, and they lived in a timber hut on the farm. By 1825 the farm was worth at least £25.[88] In 1825 the Locks moved to Cartwright's farm at Liverpool. Robert Lock worked for Cartwright and the Locks built a house on the farm.[89]

## 2.6 Reopening of the Blacktown Native Institution

In May 1825 Archdeacon Scott announced that he had been instructed to re-open the BNI.[90] In June he proposed that the schoolhouse be repaired and, in the meantime, that Reverend Frederick Wilkinson should take up residence as manager of a private boarding-house for European children. This scheme was carried out during 1826, including repairs to the house. In January 1827 Wilkinson, his family and a number of boarders moved to Parramatta.[91]

CMS missionary William Hall and his wife were given charge of the re-opened school. The Aboriginal children from the male and female orphanages were taken there. At Samuel Marsden's persuasion the Maori children were taken there from his Parramatta school, relieving the CMS of this expense.[92]

Scott directed Hall to instruct the children in 'the Common Elements of Education' but also to teach the boys carpentry and the girls plain needlework and spinning 'especially from the down of the opossum which you might employ the parents of the children to collect giving them small presents of tea, sugar or flour in return'.[93] He was to teach both girls and boys to knit items such as stockings from this yarn. Hall was to give the children religious instruction, as well as to read the church service and 'short plain Discourses' on Sundays to convicts working on local roads.[94]

In October 1826 Hall received six girls from the Female Orphan Institution: Fanny, Jenny (Jane Cox), Tonch, Mary Walker, Helen Shangley and Ann Randall. He already had three Maori children, acting as servants to his family.[95] The Maori child known as 'Little Kooley' died in December 1826. Hall received the boys from Cartwright's Male Orphan Institution

in December 1826 to January 1827: By January 1827, there were nine Aboriginal children and four Maori children.[96]

By late 1827 there were 17 Aboriginal and 5 Maori children in the school, but this was still well below the building's capacity of 60 students. The Trustees of the Clergy and Schools Corporation attempted to draw in more students by establishing a Girls' School of Industry at the school and opening enrolments to European children.

Around January 1828 Joseph Pye and another settler, Joseph Barsden, each sent 'a little girl' to board at the Blacktown Native Institution School. According to a letter written by Hall, Pye and Barsden wished the girls 'to be kept apart from the Aboriginal Natives as much as possible; and to be victualled at our table, and treated as our own children.'[97] The School of Industry never eventuated, as those parents who could afford to pay school fees had reservations concerning their children mixing with Aboriginal children.

The Aboriginal children would also rebel against the Archdeacon's regime. In 1828 Hall complained to Marsden and the Clergy and School Committee that the cart wheels were broken and:

> our fresh water at present, is at least, at a distance of a quarter of a mile from us; and that we have no other means of procuring it, than by the boys and girls fetching it all in pails; which gives them a great advantage over us, by remaining too long, and all getting into the ponds to swim, notwithstanding our punishment and cautions against it.[98]

In July, Hall complained that:

> the boys would rather starve than do anything that has the appearance of work. The idea of minding the cattle has driven two of the boys away out of the school, and we have none that we can depend upon … The New Zealanders work well, but the New Hollanders, like prisoners, only lift up the hoe and let it fall again, and they are cunning! — one standing to watch, like a cockatoo, for the rest. They oppose every endeavour made to teach them anything.[99]

He locked the boys up at night due to a fear that they might cause trouble.[100]

While Hall reported that 'our garden and stockyard at present, present a luxuriance of Corn, barley, and culinary Vegetables',[101] the soil was poor and the cattle starved. The Native Institution was impacted by drought and economic depression. Aboriginal parents refused to send their children and some were removed by their families. Among those who removed their children from the school was Nurragingy's son, Bobby. A condition of Bobby's rations had been that his daughter, Harriett, was left at the school, but by August 1827, Bobby had removed Harriett and refused to return her.[102] The following year, 'Black Johnny' also removed his son, leaving only five Aboriginal children in the school.[103] Other children also ran away. The only children who were willingly left by their family were a few that were sick and dying.[104]

Members of the contemporary local Aboriginal community mentioned the burial of at least two Aboriginal children from the BNI. In 2008, Kelleher Nightingale Consulting undertook an Aboriginal heritage assessment of the Marsden Park Industrial Precinct, which included Colebee and Nurragingy's land grant and the BNI. Leanne Watson, as director of Darug Custodian Aboriginal Corporation, wrote as part of her assessment review:

> Many of the Elders within our group talk about living near and visiting this area and learning from there Elders who lived here… The area along Bell Creek is also a known site of Darug Burials this area should not be touched.[105]

Gordon Morton also mentioned in an interview for the History of Aboriginal Sydney project that two children who drowned in ponds were buried nearby.[106] The date and information about possible locations for these burials are unknown.

In addition to the decline of students, Brook and Kohen note that in Macquarie's time the school had cost around £17 per head. Under Hall's supervision, this cost rose to around £28 per head—a substantial amount, especially as most white children in the colony received little or no education.[107] So early in 1829 it was recommended that the school be closed and the children transferred to Cartwright at Liverpool.[108] Cartwright resigned from the Male Orphan School and took charge of 10 Aboriginal children in April, for the sum of £250 per annum.[109]

Hall bought Cartwright's 500 acres at Black Town in April 1829. He constructed a cottage, which he named 'Upperby'. His family ran a small boarding-school there until the 1870s. Hall reported in 1831 that the Native Institution building was deteriorating. In 1832, according to *The New South Wales Calendar and General Post Office Directory*, 'Black Town is now deserted and no vestige of the habitations of the sable settlers remain'.[110]

## 2.7 Following the closure of the Blacktown Native Institution

As Macquarie had originally ordered the land to be set aside and measured out of the Government No. 4 Reserve, the former BNI was deemed to be in government ownership. It was recommended that the house and land be advertised for sale.[111]

In 1832 Governor Richard Bourke requested that the surveyor-general report to the colonial secretary on the extent and status of the land and buildings. The assistant-surveyor, Felton Mathew, surveyed the site of the 'Crown Reserve and Schoolhouse at Black Town' on 2 November 1833. His sketch shows the location of the house, kitchens, stable and gardens, as well as the creek, still known as Gidley Chain of Ponds. No other structures, such as the huts for married couples, are shown on the plan (Figure 2.12).

There are a few possible scenarios for why the huts are not shown on Mathew's plan. Either the huts were not on the former Blacktown Native Institution's land holdings, or Mathew did not think to include the huts, or the huts had been demolished by 1833.

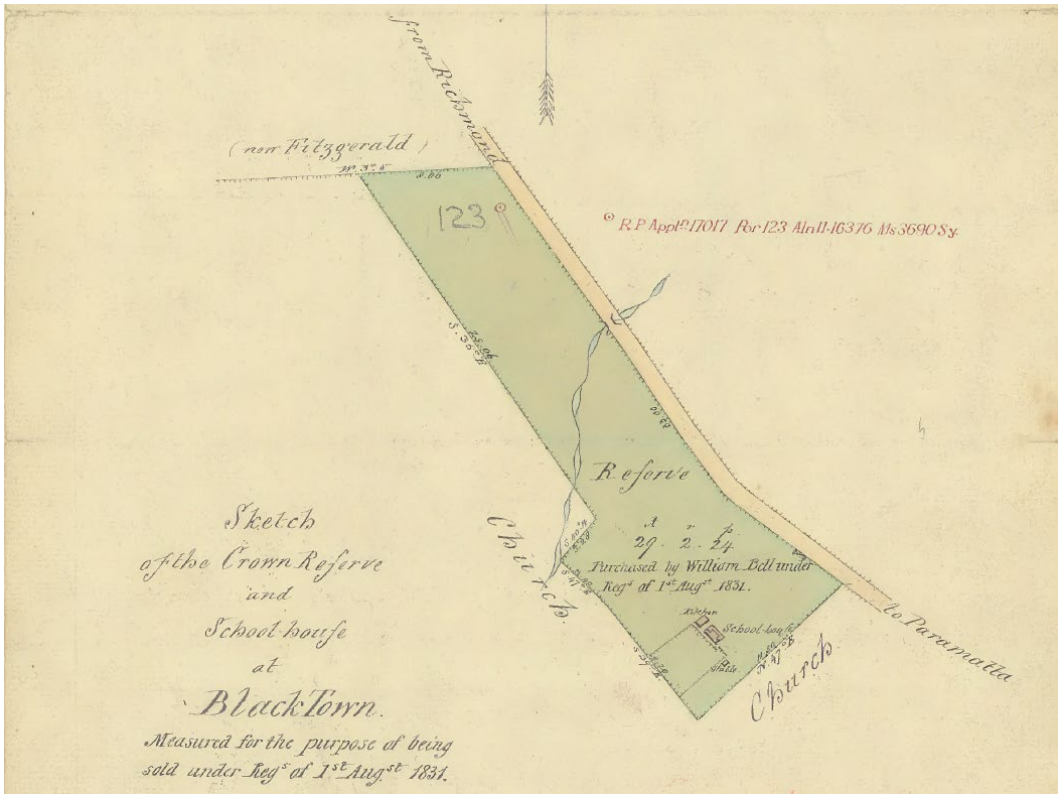



Figure 2.12 1833 sketch of BNI by assistant surveyor Felton Mathew. (Source: NSW Land Titles Office, 134-690)

In 1833 the former BNI 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'. It was described as 'well adapted for an Inn', as follows:

> The House is built in the Cottage form, but has an upper floor, on which are four good bed rooms, two of them containing fire places—on the ground floor, are two public rooms of 18 feet by 15 feet; also four small bed rooms, and two outer apartments for servants; with a verandah in front, and at each end. The out-houses consist of a detached kitchen, stable, and coach-house. There is a covered well of good water; and the Gidley Chain of Ponds intersects the lands. Behind is a large garden, surrounded with a high slab fence and the land is all cleared and fenced.[112]

The almost 30 acres (12.14 hectares) of the former BNI was purchased at auction in 1833 by William Bell for £200. He renamed the property 'Epping' or 'Epping Forest'. Bell had arrived in Sydney in 1788 as a convict on the First Fleet ship *Scarborough*. Convicted at the Old Bailey in London on 14 January 1784 for assault and highway robbery, he was originally sentenced to death. This was later commuted to seven years transportation to NSW.[113] Bell later joined the NSW Corps and achieved the rank of private.

Land titles documents described Bell at the time of his purchase as a former lieutenant in the Royal Veterans.[114] It is not known how Bell used his Blacktown land. However, records from the Department of Lands say he resided at Blacktown, Epping and Windsor, so it is possible he spent some time there. The buildings from the BNI remained on the site.

William Bell died on 22 June 1843 and his Blacktown land was purchased at auction by his daughters (Anna) Maria Bell and Caroline Holmes (Bell) Campbell.[115] Maria Bell owned the property and resided there until her death in 1876.[116] She never married.

In September 1877 well-known Sydney identity Sydney Burdekin purchased the property as his country residence and re-named it 'Lloydhurst'.[117] The BNI buildings were still on the site and in a reasonable condition when purchased in 1877. Burdekin made additions to the former institution building, including a ballroom (Figure 2.13). He also enlarged the site, purchasing surrounding land and increasing the size of the property to around 140 acres. Burdekin employed two full-time Chinese gardeners at Lloydhurst, and this garden supplied fresh vegetables daily to 'Burdekin House in Sydney'. Burdekin became a member of the Aborigines Protection Board on 27 May 1887. He served on the board for 12 years.[118]

Burdekin died in December 1899. Lloydhurst remained with the Burdekin family until 1906 when the family sold the enlarged property to Mr LJ Davis. The house continued to be called Lloydhurst, and was purchased by Robert Smith in 1910 and then sold to Harry Woolnought.[119] In 1920 Mrs Mary Ann Wardrop, widow, purchased the property for £2030. She lived at Lloydhurst with her two sons and two daughters.[120]

In 1924 the house was destroyed by fire. Mrs Wardrop had been out in the yard when she noticed the smoke but by the time she returned to the house it was well and truly alight. The family managed to save some furniture but the house was destroyed. At the time of the fire the house was said to be 'old but in good repair and well kept'.[121] The property was described as consisting of the main building, the kitchen and maid's room, and the dwelling and billiard room. The ground floor of the main building was said to contain 16 rooms and an office with three rooms and an office upstairs. There was also a tennis court.[122]

In 1924, the site was purchased by Harvey and Laura Hart who leased it to Paul Fietz, farmer, in 1932. Ernest Westrup purchased the property in a mortgagee sale in 1933 and remained its owner until 1955. Edgar Scarlett, dairyman, purchased the property in 1955 and is recorded as living on site. Associated Dairies (Blacktown) Pty Ltd purchased the site in 1962, owning the property until 1982.

A fibro house was built on the site of the former BNI building. When Bickford carried out an archaeological investigation of the site in 1981, she recorded that a fibro house stood over the ruins of the former BNI building and dairy cattle were grazed on the rest of the

site. She suggested the fibro house was built in the 1930s or 1940s, with buildings visible in the 1947 aerial. Bickford noted that the sandstock brick footings of Lloydhurst were visible below the front and side walls of the fibro house, and that brick rubble had been re-used in the new footings. Traces of the institution's kitchen, schoolhouse and stable—marked on Felton Mathew's 1833 plan (Figure 2.12)—were also found to the northwest (rear) of the residence, and six areas of sandstock bricks were 'embedded in the ground'.[123]

The fibro house was demolished in 1985.[124]

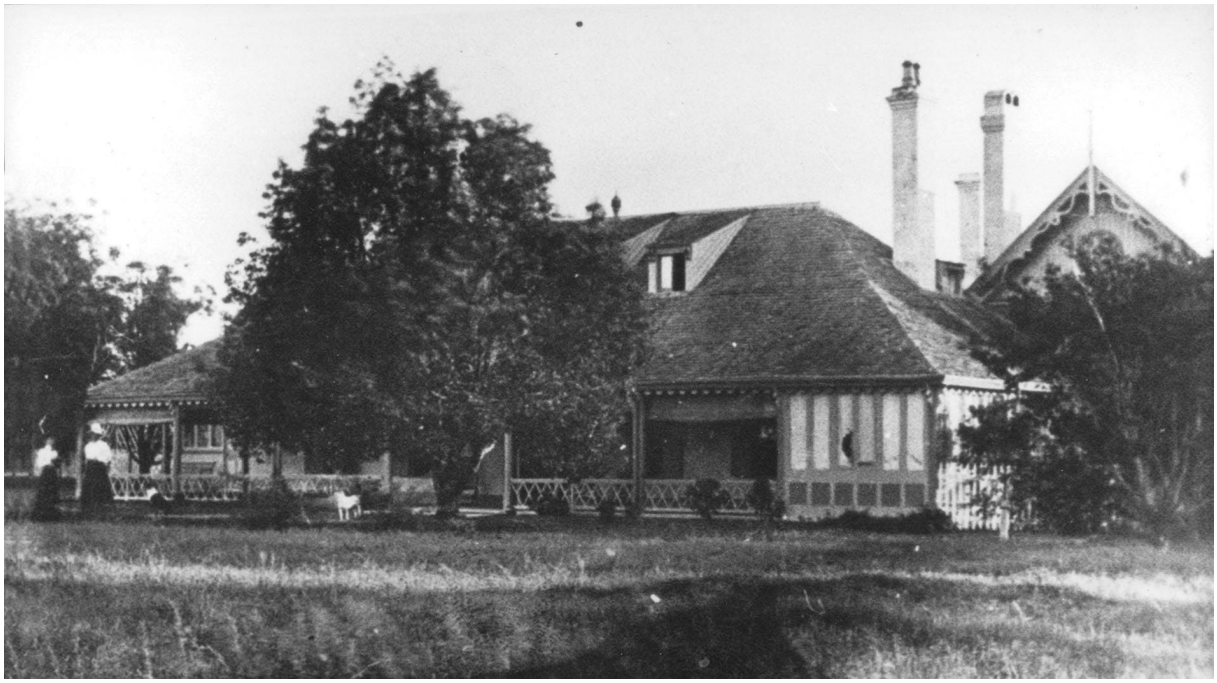


Figure 2.13 'Lloydhurst', the former BNI building, c1906. (Source: Mt Druitt Historical Society)

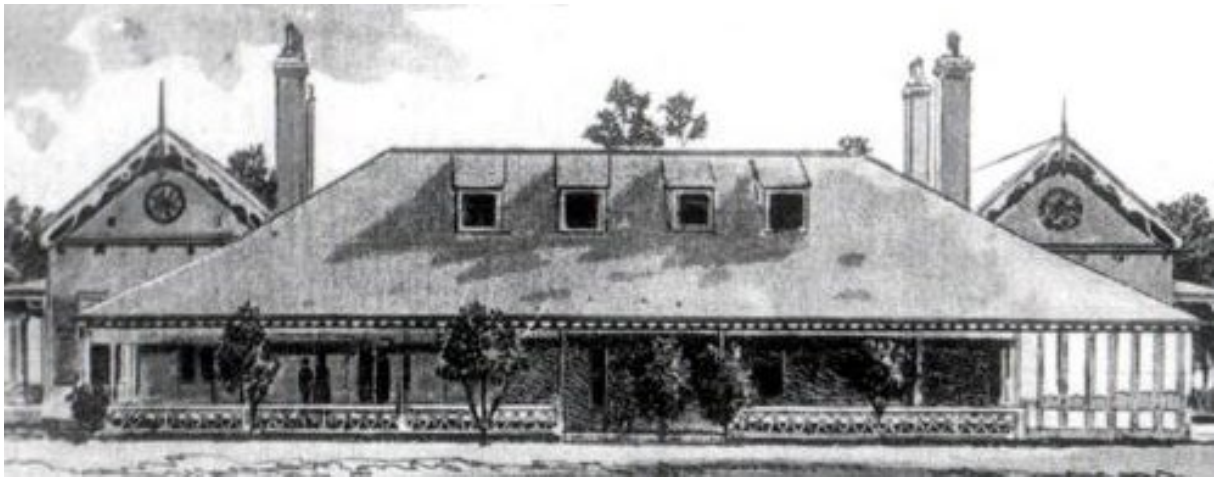


Figure 2.14 c1900 former BNI building. (Source: Blacktown City Library)

# 2.8 Black Town (Part 2)

## 2.8.1 Reopening of the Blacktown Native Institution

There is not a lot of information in the historical records to know for certain what was happening at Colebee and Nurragingy's land grant and the six huts for married Aboriginal couples when the BNIn was reopened in 1826. Twenty-four Aboriginal people were listed as living at Black Town on the 1824 Melville and Bathurst population list, but according to Judge Barron Field, a chairman of the Native Institution who visited in 1823, there were four tenants and only one was at home.[125]

In September 1826 the *Sydney Gazette* published an article about a public meeting led by Colebee at the Windsor Courthouse. The article provides a list of the Aboriginal people at the meeting and the resolutions of several issues:

> To The Editor of the Sydney Gazette
>
> SIR,
>
> A Meeting was this day convened, by the Magistrates of these districts, for the purpose of ascertaining to what beneficial effect the Aborigines could be employed in the Police Department, and for other motives on the bent of good order and amicable feeling: if you conceive it will amuse give it publicity.
>
> I am, Sir,
>
> your faithful
>
> CORRESPONDENT.
>
> PUBLIC MEETING.—One of the most useful and truly interesting Meetings ever recorded in New South Wales, was held at the Court-house, Windsor, on Monday last, August 28th, 1826. It was a truly awful assemblage convened for the most profound purposes. Notice had not been published in the Gazette, and a veil of darkness covered the whole; nevertheless the OBJECTS OF THE MEETING shone with a resplendence, which made clear the truly MUNIFICENT INTENTIONS of the FOUNDER!—
>
> *Present.-- COLEBY, IN THE CHAIR :---*
>
> *Stewards*
>
> *MILES, Chief of Richmond Tribe.*
>
> *MIRANGI, or Creek Jemmy, a Chief.*
>
> *BILL JEBINGE, a Chief of Portland Head Tribe.*
>
> *GILL-MA-BOO JACK, a Chief.*
>
> *And*
>
> *Davy, of the Curry Jong.*
>
> *Narang Jack, of North Richmond.*

*Wool-loom-by, alias Bugle Jack, of Richmond.*

*Stephy, of Curry-Jong.*

*Ba-raa by, of Richmond.*

*Symon, of Black Town.*

*Runaway Jack, of Portland Head.*

*Penny Royal Jack, of Windsor.*

*Bobby, son of Creek Jemmy.*

*Emery, alias the Lawyer.*

*Warren, of South Creek.*

*Crodjie Jack, the Doctor.*

*Ben Bungraa, of Pitt Town.*

*Creek Jemmy, or Niraugi, of South Creek*

*Jonquay, of Wilberforce.*

*Iron-bark Jack, of South Creek*

*Billy Congate of Richmond.*

Coleby (a-rose before the Meeting) and opened the business of the day; he hoped the cloud which had so long been visible in the horizon, would pass away, never to shroud the visage of day from this period; he came prepared at once to read the intentions of the Meeting, and to return thanks to his friend 'EMERY, the lawyer;' but should the experience of 'CRODJIE JACK, the doctor,' lead him to propose any altercation, that he would speak from the impulse of the moment:—

Resolved—That the dark deeds of mankind be looked into by men of spotless character.

Resolved—That the stranger of the desert be taken in.

Resolved—That cruelty to animals be prevented by the strictest watchfulness o'er the flocks and herds in these districts.

Resolved—That these districts embrace Black Town and the Blue Mountains.

Resolved—That breaches of the peace be subdued by men of choler.

Resolved—That the company of good men he courted, and that men of solitude shall be always acceptable.

Resolved—That the rivers be protected to the most insignificant jet.

Resolved—That the constabulary be aided on the darkest night,

Resolved—That the sable tribes be not deemed more estimable in our eyes, than those we should esteem for our comforts.

Resolved—That all trespasses be represented in the fairest manner.

'CRODJIE JACK, the doctor,' blushed to disturb the company, but it appeared to him that consequences were shrouded in mystery, therefore he would propose,

Resolved—That ardent spirits be conducive to disorder; and that no Member of this Meeting covet his neighbour's gin!

Resolved—That strangulation be considered an obstinate disease; and that its Symptoms are an altered countenance and loss of appetite.

Resolved—That the Curry-Jong Brush be hereafter considered an exotic!

> Resolved—That 'black' beer, or 'pale' ale, be drank in future in lieu of rum, without choice or distinction.
>
> The Court adjourned till the next Full Moon, to enable all mankind to embrace one object by the light of heaven![126]

In this report Nurragingy's name was spelt Mirangi and Niraugi, but we know it was him as he was also referred to by his alias 'Creek Jemmy'. Nurragingy was identified as being 'of South Creek', as were Warren and Iron-bark Jack. Symon was the only person identified as being from Black Town, and Nurragingy's son Bobby was also present. It is possible that these men were still living at Black Town or staying nearby.

It is interesting that one of the resolutions made by the above group of Aboriginal men was 'That these districts embrace Black Town', as it appeared to white observers that the settlement had been mostly abandoned by Aboriginal people. By 1827 Nurragingy was no longer living permanently on his land grant. In August 1827 John Harper, a Wesleyan missionary, wrote:

> the chief of the South Creek Tribe… was getting on considerably well with his farm at Black Town… but now he prefers an idle vagrant life, delighting to rove from place to and to gain a subsistence by begging.[127]

He neglected his crops and the cattle given to him by Macquarie. Archdeacon Scott wrote to Governor Darling in August 1827, stating:

> The only one, who has Cattle given by the Late Governor Macquarie which have increased under a Person paid for it, totally neglected by himself, is called 'Creek Jemmy' who often asks me to Sell them for Money in order (to use his own Words) by 'Buy a long Coat and Cocked Hat and be a Swell,' a Colonial phrase for a well Dressed Convict…[128]

Nurragingy's request to sell his cattle indicates that he no longer wished to remain on his land—and demonstrates his sense of humour by saying he wishes to be a 'swell'.

In September 1827 *The Australian* published a letter from anonymous writer called 'Humanitas' discussing how Aboriginal people were refusing to adopt a European lifestyle (or the one white people wished to impose upon them). This letter wrote about the failure of the Native Institutions and Black Town, describing the government's attempts to induce parents to leave their children behind with the offer of huts and land were unsuccessful. He noted that only Nurragingy consistently lived and worked on the land but eventually 'at length the place was deserted by all'.[129]

In December 1827 the Native Institution issued two sickles for 'reaping Jemmy's wheat'.[130] There are no other records of agricultural activity by Nurragingy, although he did continue to return to his land to collect his government rations until the BNI was closed in 1829.[131]

As shown in the above 1826 article from the *Sydney Gazette*, Colebee was still living in the district. In 1827 his son Samuel was baptised at Richmond's Catholic Church.[132] By 1831 Colebee was dead. The cause of his death is unknown.[133]

## 2.8.2 Permanent closure of the Blacktown Native Institution

We have examined the blanket lists to see if there were any Aboriginal people recorded as living in the vicinity of the BNI after its closure in 1829. Blanket lists recorded the names and details of Aboriginal people living across the Cumberland Plain. Aboriginal people were required to report to centralised stations at Parramatta, Penrith, Windsor and elsewhere and provide a general location of where they were living. The blanket lists taken in different locations were usually inconsistent in how they recorded the 'District or place of usual resort' but they can provide an indication of an individual's movements. It is also important to note that not all Aboriginal people went to the centralised stations so they could be counted by the government. Some chose to live their lives with minimal interference from the government, or refused to attend as a form of resistance.

Table 2.4 Transcribed extracts from Parramatta Blanket Lists 1834–1844 for people living near Breakfast Creek or Eastern Creek. Note that the column headings are taken from the original lists and use some terms unacceptable in contemporary usage. (Source: Items 4/6666B.3 (Reel 3706) [1836 extract] and 4/2302.1 [other extracts], NSWSA)

| Year | English names | Native names | Probable age | No. of wives | No. of male children | No. of female children | Designation of tribe | Place or district of usual resort |
|---|---|---|---|---|---|---|---|---|
| 23 June 1834 | Johnny | Johnny | 22 | 1 | 1 | 1 | – | Breakfast Creek |
| May to June 1836 | Johnny | Warrawanny | 35 | 1 | 3 | 1 | Warawarra | Eastern Creek |
| | Betty Cox (Johnny's wife) | | 30 | na | – | – | Warawarra | Eastern Creek |
| | Betty | | 20 | na | 1 | – | Warawarra | Eastern Creek |
| | Tommy | | 14 | – | – | – | Warawarra | Eastern Creek |
| | Joseph | | 12 | – | – | – | Warawarra | Eastern Creek |

| Year | English names | Native names | Probable age | No. of wives | No. of male children | No. of female children | Designation of tribe | Place or district of usual resort |
|---|---|---|---|---|---|---|---|---|
| | Harriett | | 15 | na | – | – | Warawarra | Eastern Creek |
| May 1837 | Johnny | Warrawarry | 36 | 1 | 3 | 1 | Warrawarry | Eastern Creek |
| 2 May 1842 | Johnny | Woowerwuda | 40 | 1 | 3 | 3 | Werweraway | Eastern Creek |
| | Betsey | Betsey | 33 | na | – | – | Werweraway | Eastern Creek |
| | Tommy | Tommy | 18 | – | – | – | Werweraway | Eastern Creek |
| | Mary | Mary | 30 | na | – | 2 | Werweraway | Eastern Creek |
| | Joseph | Joseph | 18 | – | – | – | Werweraway | Eastern Creek |
| 1 June 1843 | Johnny | Woorreswoor | 30 | 1 | 3 | 4 | Worrewarry | Eastern Creek |
| | Betty | Betty | 35 | na | – | – | Worrewarry | Eastern Creek |

na = not applicable – = not recorded

The names 'Johnny Warrawanny' and 'Betty Cox (Johnny's wife)' (both with some variations) are consistently recorded on the Parramatta blanket lists (Table 2.4). Both were recorded as living at Black Town in 1824 (Table 2.3). On the Parramatta blanket lists they are identified as being from the 'Warawarra tribe' and residents at Eastern Creek between 1836 to 1843. There was also a Johnny recorded on the Parramatta 1834 blanket list living at Breakfast Creek (Table 2.4). Assuming Johnny from the 1834 list is Johnny Warrawanny (also known as Johnny Cox), it is possible that he and his family were then living at Breakfast Creek, which is south of the Colebee and Nurragingy land grant.

In 1835 missionaries James Backhouse and George Washington Walker were provided an Aboriginal guide named Johnny by Samuel Marsden. The guide was probably Johnny Cox as James Backhouse describes the guide's wife as being a former student at the Parramatta Native Institution. Johnny led the missionaries from Mamre, Orchard Hills, to the home of Charles Marsden, son of Samuel Marsden, at South Creek.[134] Charles

Marsden lived at Tumbledown Barn, near Windsor, at the junction of South Creek and Eastern Creek.[135] James Backhouse also recorded that in the afternoon they 'walked to the side of the Creek' to meet a group of Aboriginal people from the South Creek area who lived at Tumbledown Barn. This group would work on the farms of nearby settlers.[136] However, as Johnny Cox was considered intelligent and able to speak English well, he could work as a guide.

It is interesting that Johnny Cox, Betty Cox and some of the other people on the Parramatta list consistently use the name 'Warawarra'/'Werweraway'/'Worrewarry' for the 'designation of tribe.' The name 'Warawarra' bears clear resemblance to the name 'Waawaarawaa' that the Pye family used for their homestead on Eastern Creek. The first published use of the name 'Waawaarawaa' by the Pye family dates to August 1839.[137]

It is not clear why Joseph Pye decided to name his homestead 'Waawaarawaa'. He had used the name 'Pyebrook' briefly around 1823.[138] More commonly he referred to his farm in advertisements as simply 'Joseph Pye Eastern Creek'.[139] It may have been that Pye sought out a formal name for his homestead after it was rebuilt in the 1830s.[140] It does not necessarily mean that Pye understood the full meaning of the place name, or even if he used it correctly. Nevertheless, the name 'Waawaarawaa' appears to have been associated with Pye Farm by the 1830s, and plausibly pre-dates European contact.

The meaning of the name 'Waawaarawaa' is less certain. The first time a meaning was published, it appeared in a list of Aboriginal place names and their meanings in the 1901 issue of *Science of Man*, the journal of the Royal Anthropological Society of Australasia. There, the name is said to mean 'fresh water'. This publication was based on a survey that the society had sent to police and others during the late 1800s.[141] The same meaning then appeared in a Melbourne-based newspaper, *The Australasian*, probably trawled from the 1901 publication.[142] A search of historical newspapers on Trove indicates that 'Waawaarawaa' was not a common property name at the time. Later profiles of the Pye family and 'Waawaarawaa' again provide meanings for the name (Table 2.5). Mostly these are 'fresh water', but sometimes creative variations were used, such as 'eternal springs of ever running water'.

Table 2.5 Summary of published meanings of 'Waawaarawaa'.

| Meaning | Reference |
|---|---|
| 'Fresh water (Parramatta district)' | *Science of Man* vol 4 no 2, 21 March 1901, p 28 |
| 'Fresh water' | *The Australasian* 22 March 1902, p 35 |
| 'Plenty good water' | *Cumberland Argus* 4 June 1910, p 12 |
| 'Fresh Water, no doubt meant for the Eastern Creek, which traverses the property' | *Daily Telegraph* 16 February 1912, p 6 and *Windsor and Richmond Gazette* 2 March 1912, p 14 |

| Meaning | Reference |
|---|---|
| 'Eternal springs of ever running water' | *Windsor and Richmond Gazette* 22 September 1922, p 12 |

Peter Ridgeway, an ecologist who specialises in the conservation of the Cumberland Plain, provides another meaning for Wara Wara as 'much wind or many spirits'. He stated the 'riverflat opposite the Aboriginal burial ground on Joseph Pye' estate on Eastern Creek' is also named Wara Wara. The following passage from his book *A Wide & Open Land* (2021) provides further detail on his interpretation of the meaning of Wara Wara and its connection to Eastern Creek:

> This is Wara Wara, East or Eastern Creek… 'Wara, Wara, Wara' were the words shouted out at the First Fleet heading past the shore north from Botany Bay. Both Captain John Hunter and officer David Collins recorded the words:
>
> 'As the ships were sailing in, a number of the natives assembled on the south shore, and, by their motions, seemed to threaten; they pointed their spears, and often repeated the words wara wara[143]' and;
>
> 'As we came near them they spoke in a loud dissonant manner, principally uttering these words—warra, warra, war, which we judged to be to tell us to go away'[144]
>
> The colonists did not get a translation of the term at the time, and assumed the words simply meant 'go away', an error many historians peddle today for political simplicity. In reality Wara Wara means much wind or many spirits; it is not surprising that the Darug and Dharawal interpreted these invading bleached-skinned men as spirits…
>
> The same name, Wara Wara—many spirits—was given to the riverflat opposite the Aboriginal burial ground on Joseph Pye's estate on Eastern Creek, a few kilometres upstream of my crossing today. Their spirits live there still. This burial ground had been forgotten in local memory… It was [geologist and amateur historian John] Byrnes who first informed local Darug elders of the site [the burial ground], and in our efforts in 2019 that finally connected the name directly to the burial ground and succeeded in having the site protected from development.[145]

From 2017 to 2018, GML undertook archaeological investigations at the former Schofields Aerodrome, which comprised part of the Pye Farm including the Pye family homestead, 'Waawaarawaa', and the adjacent orchard. Within the orchard site, a high concentration of Aboriginal stone artefacts (lithic materials), as well as small pieces of ceramic and glass with evidence of knapping, were found. More than 300 ceramic and glass pieces were inspected by a lithic expert, and 11 pieces were assessed as having a moderate or high probability of being Aboriginal glass or ceramic artefacts.[146]

With the combination of Ridgeway's description that Wara Wara was the name of the riverflat opposite the Aboriginal burial ground, and Pye naming his family homestead 'Waawaarawaa', combined with the concentration of Aboriginal worked glass and ceramic

artefacts, could it be possible that Johnny Cox and his family lived at the Pye's orchard site during the 1830s?

Further support for this scenario is a 1910 article published in the *Windsor and Richmond Gazette* following the death of John Lock, an Aboriginal man who was the son of Robert and Maria Lock. Although this article is written from the early twentieth-century perspective that aimed to dismiss the Aboriginal identity of people who had European ancestors, it nevertheless indicates that Aboriginal people continued to live on the Pye family farm into the mid nineteenth century. It states:

> Some of them [referring to Robert and Maria Lock's sons] lived with, or married, dark women. In fact three of them did, and these women belonged to a tribe that lived on Pye's place (R. A. Pye's grandfather) I believe…[147]

Robert Adam Pye (1864–1951) was a Windsor pharmacist and the grandson of Joseph Pye.[148] Research by Kohen has shown that all nine surviving children of Robert and Maria Lock married Aboriginal spouses. One of their sons, Robert, married Sarah Cox, the daughter of Johnny and Betty Cox.[149] It is possible that this article is referring to Johnny and Betty Cox's family living on Pye Farm.

### 2.8.3 Postscript—Nurragingy

Between 1834 and 1841 Nurragingy was recorded as living at South Creek on various blanket lists for the Windsor District (Table 2.6). There were up to 26 other Aboriginal people, including his wife and their sons, recorded as living at South Creek and designated as being from South Creek Tribe on the Windsor blanket lists. Some of the Aboriginal people were probably encountered by James Backhouse and George Washington Walker at Tumbledown Barn.

Table 2.6 Transcribed extracts from Windsor Blanket Lists 1834–1841 for people living near South Creek. Note that the column headings are taken from the original lists and use some terms unacceptable in contemporary usage. (Source: NRS-906-1-[4/1133]-4/1133.3)

| Year | English names | Native names | Probable age | No. of wives | No. of male children | No. of female Children | Designation of tribe | Place or district of usual resort |
|---|---|---|---|---|---|---|---|---|
| 21 May 1834 | Creek Jemmy | Naigungni | 52 | 1 | 1 | | South Creek | South Creek |
| | Simon | | 42 | | 1 | | | |
| | Long George | Johngni | 47 | 1 | | | | |

| Year | English names | Native names | Probable age | No. of wives | No. of male children | No. of female Children | Designation of tribe | Place or district of usual resort |
|---|---|---|---|---|---|---|---|---|
| | Bobby | | 32 | | 2 | 1 | | |
| | Billy | Creek Jemmy's son | 27 | | | | | |
| | | Byon | 32 | 1 | 3 | 1 | | |
| June 1837 | Creek Jemmy | Naigungni | 55 | 1 | | | South Creek | South Creek |
| | Simon | | 45 | | 1 | | | |
| | Long George | Jongui | 50 | 1 | 1 | 1 | | |
| | Bobby | | 35 | | | 1 | | |
| | Billy | Creek Jemmy's son | 30 | | | | | |
| | | Byon | 35 | 1 | | | | |
| | Adam | | 25 | | | | | |
| | White Johnny | | 25 | 1 | | | | |
| | Johnny | Simon's brother | 35 | 1 | 2 | | | |
| May 1838 | Creek Jemmy | Naigungni | 56 | | | | South Creek | South Creek |
| | Simon | | 46 | | 1 | | | |
| | Long George | Jongui | 51 | 1 | | 1 | | |
| | Bobby | | 36 | 1 | 1 | 1 | | |
| | Billy | Creek Jemmy's son | 31 | | | | | |
| | Adam | | 26 | | | | | |
| | White Johnny | | 26 | 1 | | | | |

| Year | English names | Native names | Probable age | No. of wives | No. of male children | No. of female Children | Designation of tribe | Place or district of usual resort |
|---|---|---|---|---|---|---|---|---|
| | Johnny | Simon's brother | 36 | 1 | 2 | 2 | | |
| 1 May to 31 Aug 1841 | Creek Jemmy | Naigungni | 58 | 1 | 1 | | South Creek | South Creek |
| | Philip | | 17 | | | | | |
| | Long George | Jongui | 52 | | | 1 | | |
| | Jack | Congo Murrell | 37 | 1 | | | | |
| | Bobby | | 37 | 1 | 1 | 1 | | |
| | Billy | Creek Jemmy's son | 32 | | | | | |
| | White Johnny | | 27 | | | | | |
| | Johnny | Simon's brother | 37 | 1 | 4 | 3 | | |
| | | Bonmarry | 28 | | | | | |
| | Jemmy | | 15 | | | | | |
| | Frederick | | 15 | | | | | |

William Walker, a solicitor and parliamentarian from Windsor, recalled in a lecture that between 1837 and 1841 Nurragingy would visit his family home:

> During our residence on Macquarie-street we were frequently visited by a small tribe—or rather the remains of a tribe, of local blacks. They consisted only of King Jamie [Jemmy] and his gin, and two sons, Billy and Bobby. Their camping place was a short distance off, up the South Creek. Jamie wore a brass plate suspended by a string from his neck, bearing his name, and which he said had been given [to] him by good Governor Macquarie.[150]

Walker was 9 years old in 1837, and 62 when he gave his lecture, reminiscing on his 50 years living in Windsor. His narrative suggests that Nurragingy and his family chose to live separately to other Aboriginal people. Walker also recalled a group of Aboriginal

people gathering in Thompson's Square and holding a corroboree with the 80th Regiment of Foot garrisoned at Windsor between 1837 and 1841.

Nurragingy would also visit Reverend William Branwhite Clarke in the early 1840s. William Clarke was a geologist and Anglican minister appointed to the parishes of Castle Hill and Dural. According to Elena Granger, who wrote a biography on Clarke:

> A much appreciated visitor to the Clarkes was Narguigui (Narragingy) chief of South Creek Tribe, quite a gentleman, never drinks! He would come to the door usually to sell them honey, say very precisely 'How do you do, Mr Clarke, Madam?' and inquire after the baby, 'my country's child'. He wanted to know why his people had short flat noses, while white people had long ones. Through this intelligent man Clarke was able to add to the list of Aboriginal words he admired so much, and in return took the chief into his study showing him the globe and pointing out the positions of Australia and England...[151]

It is also possible that Nurragingy visited the Hunter Valley in July 1842. *The Australian* published a letter from 'Sambo/Chief of Eastern Creek' that 'Creek Jemmy and his Tribe' went on a hunting excursion to the Wollombi Ranges due to the 'continued scarcity of *opossums* and *wallabies* in the Hawkesbury District'[152]. Assuming it is Nurragingy, Sambo describes Jemmy as being well-liked in the Wollombi district:

> The circumstance is a matter of great regret to the people of the district, as during Jemmmy's [sic] sojourn in the neighbourhood he was universally beloved and much admired by his convivial companions, and whilst his departure is a matter of sorrow to many…
>
> It is understood, that the ladies of the district intend to present Jemmy with a brass plate, as a testimony of their high regard and gratitude for his unremitting attention to them.[153]

By December 1842, Nurragingy had died.

# 2.9 The Lock family of Richmond Road: 1843–1920

## 2.9.1 Robert and Maria Lock: 1843–1878

On her marriage to Robert Lock, Maria had been promised land and a cow, but only the cow had been received. In 1831 she wrote to Governor Ralph Darling to inform him that her brother Colebee had died, and asked if her brother's grant could be transferred to her:

> To His Excellency Lieut. General Darling, Governor on Chief of New South Wales and its Dependencies.
>
> The Petition of Maria Lock, an Aboriginal Native of New South Wales. Humbly Sheweth

- That on the first establishment of the Native Institution by His Excellency Governor Macquarie, your Petitioner, then a Child, was Placed there by her father the Chief of the Richmond Tribes.
- That Petitioner continued in the School Till she was married to Robert Lock, with whom She has ever since lived, and by whom she has had Two Children.
- That at the time they were married your Petitioner was promised a small Grant of Land, And a Cow as a Marriage Portion.
- That she has since received a Cow, which Has increased to five head, but has never Received any Land.
- That Governor Macquarie gave her Brother Coley a small Grant of Land at Black Town; and as her Brother is now dead, your Petitioner humbly prays that this Grant may be transferred to her, and her Children, or that a small portion of the land adjoining be given to her, whereby she and her Husband may be enabled to feed their Cattle, now Seven in number, earn an honest livelihood, and provide a comfortable home for themselves, and their increasing family.

And your Petitioner shall, as in duty bound, ever pray &c &c &c.

Maria Lock

Liverpool March 3rd 1831[154]

Instead of giving Maria Lock the Colebee and Nurragingy land grant (probably because Nurragingy was still alive), the governor offered her a vacant allotment of 30 to 40 acres of her choice. While Maria Lock was described by Robert Cartwright as being 'very desirous'[155] to return to Blacktown and encouraged to do so by the Colonial Secretary, Maria via Robert Lock was given 40 acres of land in Liverpool in 1833.[156] The land was officially granted to Robert Lock with the condition the land was held 'in Trust for the said Maria Lock during her life for her sole and separate use without the control of her present or future husband she may have and remain in trust for the Heirs of the boy of the said Maria Lock by you her present husband the said Robert Lock begotten'.[157]

Following the death of Nurragingy, both Nurragingy's sons, Bobby and Billy, and Maria Lock made a claim for Colebee and Nurragingy's land grant. As the original land grant had been registered in Colebee's name only, for 'His Heirs and Assigns to Have and to Hold for Ever', the Colebee and Nurragingy land grant was passed to Maria. Land titles documents also record that, by the mid-1840s, Sylvanus Williams's land—which had been purchased by the Native Institution in 1822—was in Maria Lock's ownership, although no record of its transfer could be located.[158] Robert and Maria, with their three existing children, moved from Liverpool to Blacktown and took up residence on the Colebee and Nurragingy land grant. Little information has been located on their period of occupancy except that they had an additional seven children, all born at Blacktown and that they resided on their land. Robert Lock died in 1854. Maria survived him by 24 years, passing away in 1878.[159] On her death the 60 acres at Blacktown and 40 acres at Liverpool were divided between her nine surviving children. The distribution of the lots

and each child's marriage partner is listed below. Their names also appear on a plan of the subdivision (Figure 2.15).

Lot 1 William Lock (b1834, m1880) m Sarah Ann Castles

Lot 2 Mary Lock (b1830, m1850) m Thomas Ward

Lot 3 James Lock (b 1844, d1896) m Sophia Starkey

Lot 4 Eliza Lock (b1834) m William Parsons

Lot 5 John Lock m Jane Starkey

Lot 6 Robert Lock (b1829, m1854, d1891) m Sarah Cox

Lot 7 Clara Lock m Charles Smith

Lot 8 Charles Lock (b1827) m Amelia Morgan

Lot 9 Martha Lock (b1842, m1866, d1888) m William Stubbings

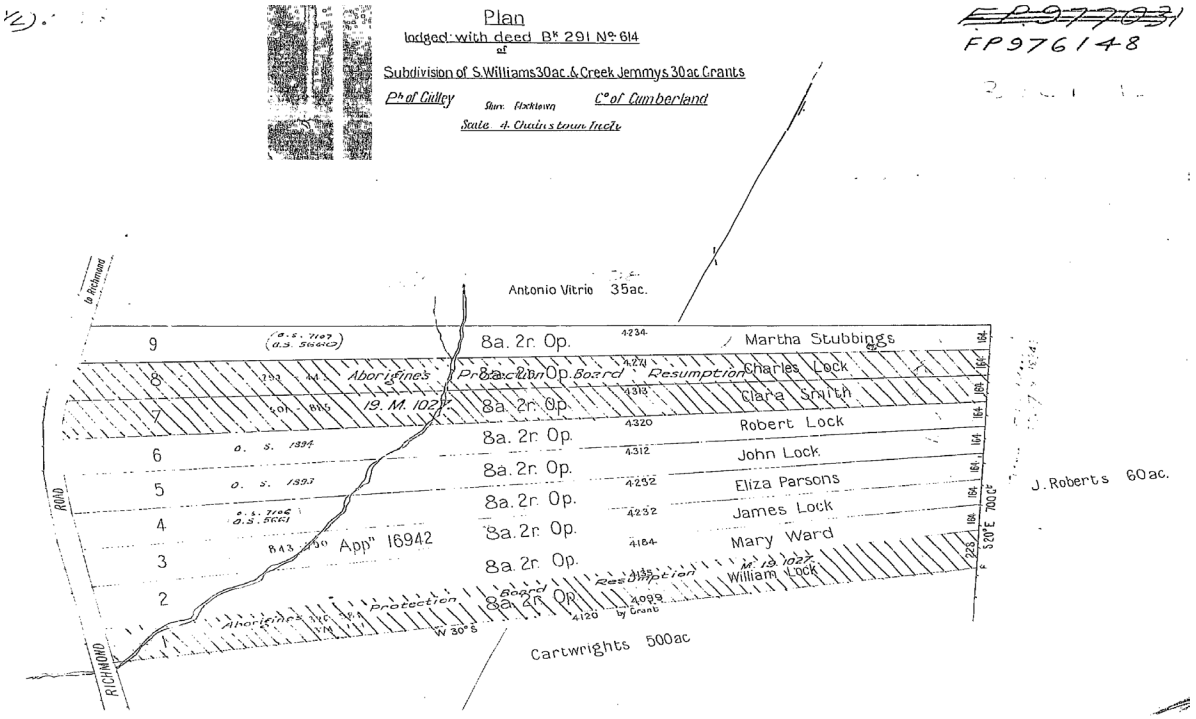



Figure 2.15 This plan originally accompanied the 1884 subdivision of Maria Lock's land into nine allotments for her children and has the names of recipients attached to each portion. Since originally drawn, amendments have been made to the plan showing more recent activity, including the hatched area which indicates the three lots resumed by the Aboriginal Protection Board in 1919. The reference for the resumption is given as 19.M.1027 on each of these allotments. (Source: DP 976148, Department of Lands)

Through council, school, mission, police and newspaper records, a considerable amount of information on the Lock children and their movements has been located. What is clear from these records is that many of them remained on the Blacktown land until about 1920. It is not known if they remained on their individual allotments or lived together on the land, but after about 1900 their land was being referred to as a reserve.

Some of the Lock children married other Aborigines of Dharug descent, and some married convicts or children of convicts who had Aboriginal wives. When the Lock children inherited the land, many had been married for between 20 and 30 years and had grown-up children. Records from the NSW Registry of Births, Deaths and Marriages indicate that most of the children lived, died and had children in the local area.

Previous histories have indicated that the Lock family lived on the property until around 1917, when the Aborigines Protection Board 'acquired' the land. Research has revealed a much more complex history for all nine lots, and that only three of the nine (Lots 1, 7 and 8) were acquired by the board.

### 2.9.2 Additional research

The following additional research of NSW colonial and state records might help to fill gaps in our current knowledge:

- Search for additional maps or plans of the Black Town settlement.
- Surveyor General plans—reference to Polly (surname unknown) and Betty Fulton marriage to Michael Yarringguy, and Robert Narringguy and receiving land in 1821.
- Colonial Secretary Index 1799–1825—records relating to Robert Lock.
  - 1824 Jan: Re permission to marry at Parramatta (Reel 6012; 4/3510 p.137)
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# Understanding the place—the Blacktown Native Institution in its local context

# 3 Understanding the place—the Blacktown Native Institution in its local context

## 3.1 Preamble

Aboriginal people have lived around the Schofields area from time immemorial to the present. Archaeological research in the wider Sydney region has recovered physical evidence for Aboriginal cultural activities spanning 35,000 years.[1] The BNI is a component of post invasion history, being situated within part of a much larger and ancient Aboriginal cultural landscape. The land surrounding the BNI contains places, archaeology, and natural and cultural features that are part of the Aboriginal cultural landscape.

The BNI was located in close proximity to an area of significance to Aboriginal people settlement. The land allocated for the BNI was adjacent to the early colonial land grant (registered in 1819) to two Aboriginal men, Colebee and Nurragingy. The previous section of this CMP has identified long and continuing connections linked to Colebee and Nurragingy's determination to retain Country. Country around the Plumpton Ridge area through the Holocene (the last 10,000 years) was an important source of silcrete (a stone used in tool manufacture). This stone was quarried and worked locally, then traded across the Cumberland Plain, from this strategically located position on traditional trade, movement and communication routes, with the alignment of Richmond Road probably being a main Aboriginal walking route. A known 'burial ground' was located to the northwest of the BNI. Associations and social protocols connected to movement and access around the area continue today with local Dharug people.

The post-invasion landscape established important relationships between the BNI and other colonial sites, such as St Bartholomew's Church and Cemetery at Prospect, and the Plumpton Primary School. For instance, St Bartholomew's contains the unmarked grave of Maria Lock (daughter of Yarramundi, sister of Colebee); Maria was a pupil at the Parramatta Native Institution, who later married convict Robert Lock (who was assigned to work on the construction of the BNI). The 1878 church register describes Maria as the 'last of the Blacktown blacks' even though she and Robert Lock had 10 children and her descendants still live in the region, as well as elsewhere in New South Wales, today.[2]

To most of the thousands of commuters who pass the BNI today it appears as a simple grassed field with a few remnant trees. Sharyn Egan's *Flannel Flowers* sculpture is perhaps the only indication that the place means something different.

This chapter aims to provide an overview of the BNI, with an outline of the environmental context and descriptions of how the place has changed over the last 235 years. A summary of the cultural landscape is provided which contextualises the place in its local context. The descriptions presented are used to underpin the archaeological analysis and provide context for the Dharug's ongoing management.

## 3.2 Environmental context

The local environment (related to the place at the time of invasion to today) provides a context for understanding and describing the BNI within the local cultural landscape.

Surface geology culminates in the landforms, resultant soils and influences the pattern of water courses. The wider region is underlain by Bringelly Shale (Rwb), found across most slopes and flats away from water courses which has led to the development of the residual Blacktown soils. At the regional level the larger incised water courses contain an expression of South Creek alluvium, which is itself derived from the Blacktown soils (Figure 3.1).

The BNI is located across very gently inclined uniform (simple) slopes, with very low relief which falls north to south leading downslope to the channelised Bells Creek. The resulting landform pattern type is a gently undulating plain to gently undulating rise.

Bells Creek is a third order watercourse with a wide catchment draining land from the west. Bells Creek flows northeast and confluences with Eastern Creek, several kilometres upstream. Eastern Creek is one of the major water catchments on the Cumberland Plain and formed a significant cultural feature for Aboriginal people. During the Holocene, Bells Creek would likely have been a chain of small ponds, which collected fresh water and retained pools of water when the main channel ceased flowing. These ponds can be seen in early plans and maps of the area, such as Felton Mathew's 1833 plan (refer to Figure 2.13). Today Bells Creek bears little resemblance to the creek which flowed during occupation of the BNI. Aerial photographs from the 1950s to 1970s (reviewed below) show Bells Creek possessed multiple palaeochannels, small ribbons of former creek channels, which have become infilled with alluvium. Bells Creek has been channelised and a sewerage pipeline cut adjacent to its now straightened course. The BNI land area contains a small drainage line that diverts runoff from Rooty Hill Road North, downslope to Bells Creek. This channel is a recent formation, not a pre-1788 drainage feature. This channel was remodelled in the last three years, although the nature and extent of the works are unknown (Figure 3.3).

Two soil landscapes are associated with the study area (Figure 3.1). Away from Bells Creek are the Blacktown soils, comprising shallow A1 and A2 horizons, over a hard setting B horizon clay. These soils are fertile, suitable for cropping and the agricultural activities described in the annals of the BNI. The flat to shallow sloping landforms on the

lower slopes and terraced flats adjacent to Bells Creek have alluvial South Creek soils. These soils have formed through flood action, with water moving soils downstream over the last 8000 (or so) years. These soils are relatively shallow, with low fertility, but from an archaeological position hold the potential for stratified (time/depth) deposits.

Locally the BNI is positioned on the western side of Iron Bark or the Plumpton Ridge. This landform rises 50m AHD above the surrounding shallow sloping landforms, creating a significant local topographic feature. The BNI is located on the southwest side of this ridge. The geology of the ridge contains surface expressions of the St Marys Formation, which includes silcrete gravel (shown in Figure 3.2). The silcrete gravels were a highly significant resource for Aboriginal people through the Holocene, and archaeological work (reviewed below) has shown how Aboriginal people accessed and used this material. The Iron Bark Ridge is therefore considered a significant landscape feature which informed historical decisions associated with long-term landscape use/access, and ultimately (unknowingly) played a part in the colonial selection of the BNI location.

At the time of British invasion, the locality comprised open woodland, with Cumberland Plain (and Shales Plain) Woodland vegetation communities. Cumberland Plain Woodland has a canopy dominated by species including one or more of *Eucalyptus moluccana* (grey box), *Eucalyptus tereticornis* (forest red gum), *Eucalyptus crebra* (narrow-leaved ironbark), *Eucalyptus eugenioides* (thin-leaved stringybark or white stringybark) and *Eucalyptus maculate* (spotted gum).[3] This vegetation community can differ with quite subtle changes in topography and geomorphology. Grey box is more dominant on elevated lands with better drainage, while forest red gum is dominant on the flat plains and floodplain terrace. Narrow-leaved ironbark occurs as a sub-dominant species in both these topographies. *Angophora floribunda* (rough-barked apple) also occurred on the lower flats. Remnants of these vegetation communities border the BNI today, across Richmond Road.

The BNI buildings were (are) located on north-facing shallow slopes, approximately 200m south from Bells Creek. This position was likely selected as the most upslope site inside the lot, aiming to avoid flooding. It was also close to the main road and provided an elevated location from which to view the downslope fields. Those fields on the southern side of Bells Creek would have faced north and therefore been favourable for cultivation. The orientation of the BNI buildings did not face downslope but aligned northeast to Richmond Road.

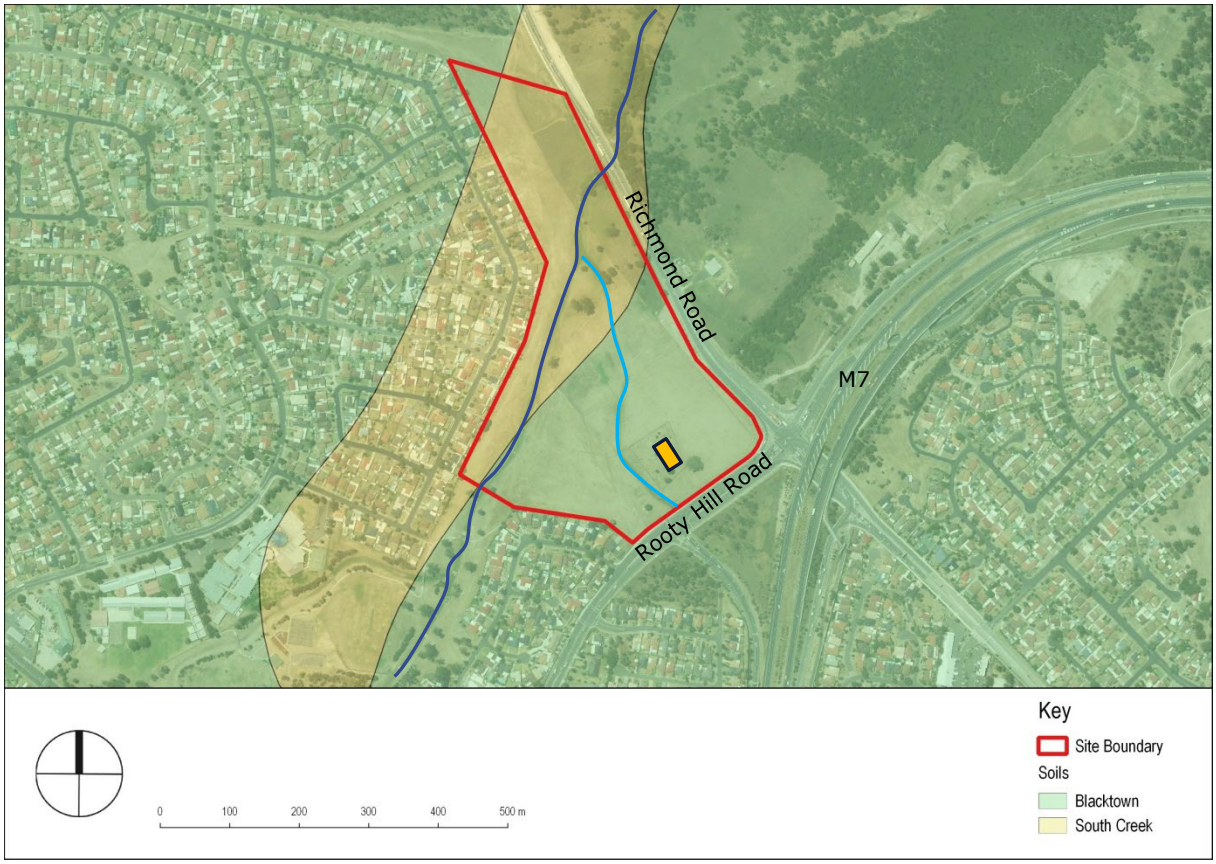


Figure 3.1 Former BNI building (orange), showing the soil landscapes with South Creek alluvium adjacent to Bells Creek (dark blue line). Upslope the soil landscape becomes the residual Blacktown. A recent drainage channel has a course from south to north intersecting with Bells Creek (light blue line). Bells Creek has been significantly altered over the past 70 years. (Source: Google Earth, Department of Lands, with GML additions)

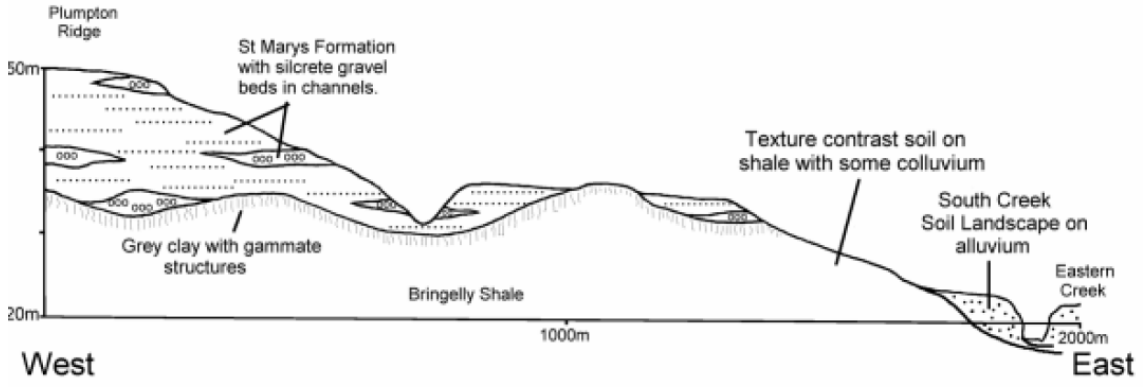


Figure 3.2 The schematic relationship between geology, topography and soil materials in a west to east section across the Colebee Release Area. This section demonstrates how silcrete gravels become exposed at the surface on the slopes which face Eastern Creek. (Source: Mitchell in JMcDCHM 2006, Figure 2[4])

Figure 3.3  Showing excavation works for the drainage channel cut from Rooty Hill Road North south into the BNI, dated between 2020 and 2023. At the time of writing, it is not known which authority implemented these works. The image shows the bank with a cut shallow Blacktown soil profile; a skeletal A1/A2 overlies B horizon clay with evidence of gravels at the horizon interface. (Source: DSMG 2023)

## 3.3 Pre-1788—Aboriginal use

The use of the wider Schofields area by Dharug people prior to colonisation has been well established over the past 40 years—evidence has been recovered from hundreds of archaeological excavations across many locations and landforms. This evidence has been recently synthesised to underpin an analysis of the local Aboriginal cultural landscape,[5] and a summary is presented at the end of this section.

### 3.3.1 Archaeology around the Blacktown Native Institution

As part of a broader deep time cultural landscape the pre-1788 BNI 'area' is generally unremarkable—this is evidenced through the archaeological record (Figure 3.4). Landforms adjacent to Bells Creek (in and adjacent to the BNI) have been shown to retain a low density of stone artefacts. Aboriginal Heritage Information Management System (AHIMS) site (45-5-0486) was the first recorded, identified during bulldozing for a causeway through the area in 1985. This archaeological site consisted of a concentration of approximately 250 to 300 artefacts exposed on both sides of Bells Creek. The artefacts were primarily made of silcrete, with some mudstone (IMSTC), quartz and basalt identified eroding from the creek banks. The area of the main exposure was approximately 200 square metres, but artefacts extended along both sides of the bank for approximately 100 metres. This demonstrates (as could be expected) the presence of archaeological deposits within the South Creek alluvial landscape at certain points along Bells Creek. WS PAD 3 (45-5-3322), to the immediate north of the BNI, was archaeologically tested in 2009 and yielded a low density of lithics. A total of 32 silcrete artefacts were recovered from the archaeological trenches and a further 10 artefacts from a surface collection.

The densities of artefacts in these sites are low when considered in the context of the Plumpton Ridge quarry sites, and the outcomes of nearby archaeological excavations along Eastern Creek (with some of the highest densities of lithics recovered in NSW, refer below). The archaeological results suggest that this portion of Bells Creek was used sporadically as part of the wider landscape. The visitation culminated in the deposition of stone materials in selected locations, albeit locations probably only returned to occasionally.

Further details on the Aboriginal sites registered on AHIMS within the BNI are presented in Section 5.

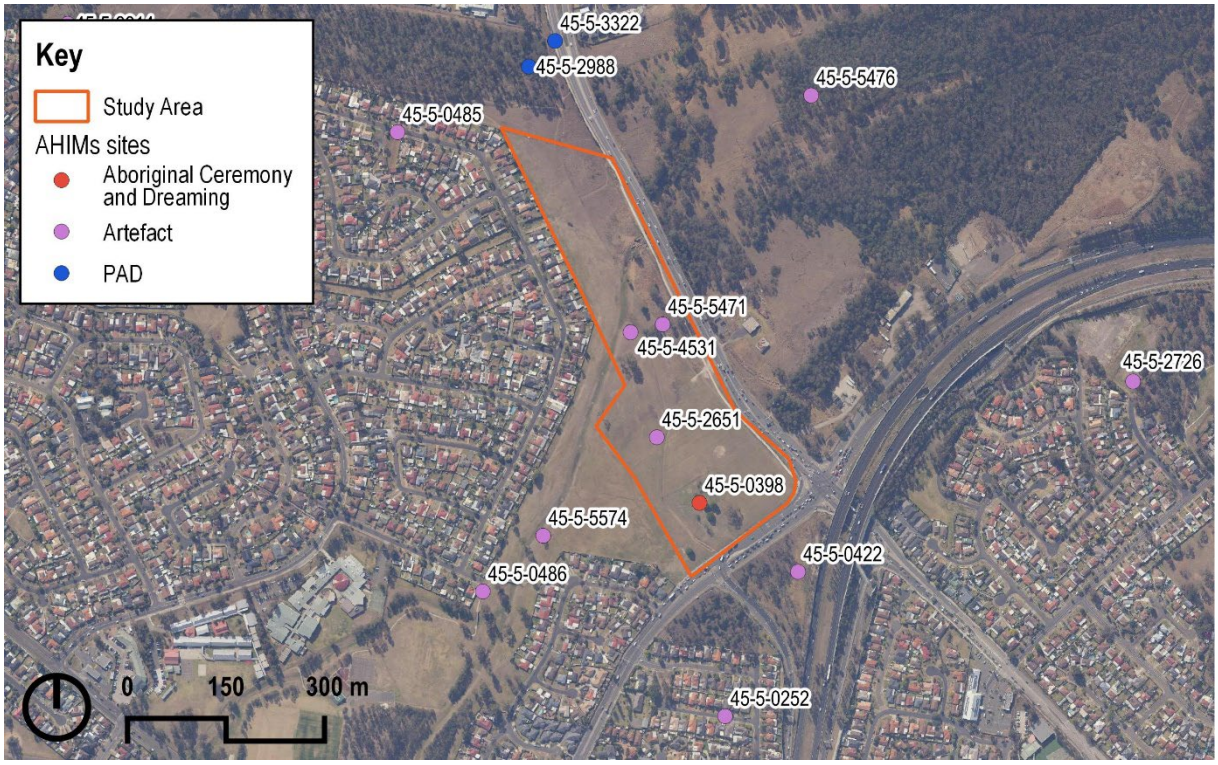


Figure 3.4 AHIMS registered Aboriginal 'sites' in and around the immediate landscape of the BNI. The BNI is registered as 45-5-0398. (Source: NSW AHIMS 2023, over Nearmap, with GML additions)

## 3.3.2 Archaeology around the Ironbark Ridge

The BNI is set within an Aboriginal cultural landscape with archaeological evidence and sediments dated from 6.6 to 5.6ka[6]—the middle to early middle Holocene. This landscape contains several key environmental features including Bells Creek, Eastern Creek and Iron Bark/Plumpton Ridge with its surface expressions of silcrete material.

Land on the western side of Eastern Creek rises steadily to 50m, forming a distinct north–south ridge that dominates the local area. Iron Bark Ridge is very significant from an Aboriginal heritage perspective because of the large outcrop of the St Marys Formation (Ts), which in this instance includes surface silcrete (Figure 3.2 and Figure 3.5). At approximately 2km in length, the ridge contains concentrations of silcrete cobbles and basal silcrete, which in some places has been quarried by Aboriginal people (eg sites SA25 and SA26, Table 3.1). The ridge is the watershed between Eastern Creek and Bells Creek. Archaeological excavations over the last 20 years have targeted Aboriginal places where high density concentrations of worked stone remains held within the Blacktown residual soils and the alluvial South Creek sediments.

Key archaeological excavations are reported in JMcDCHM (2006)[7] and GML (2023)[8]. JMcDCHM led excavations on the western side of Eastern Creek, across seven places

called SA20 to SA 26; GML led excavations on the eastern side of Eastern Creek, across five places called OA1 to OA5. The excavations covered a combined area of 1074m$^2$ and recovered over 95,000 cultural stone artefacts. The locations of these 12 Aboriginal places are shown in Figure 3.5, and a summary of the works are provided in Table 3.1. To our knowledge these excavations have yielded the highest densities of Aboriginal lithics on the Cumberland Plain.

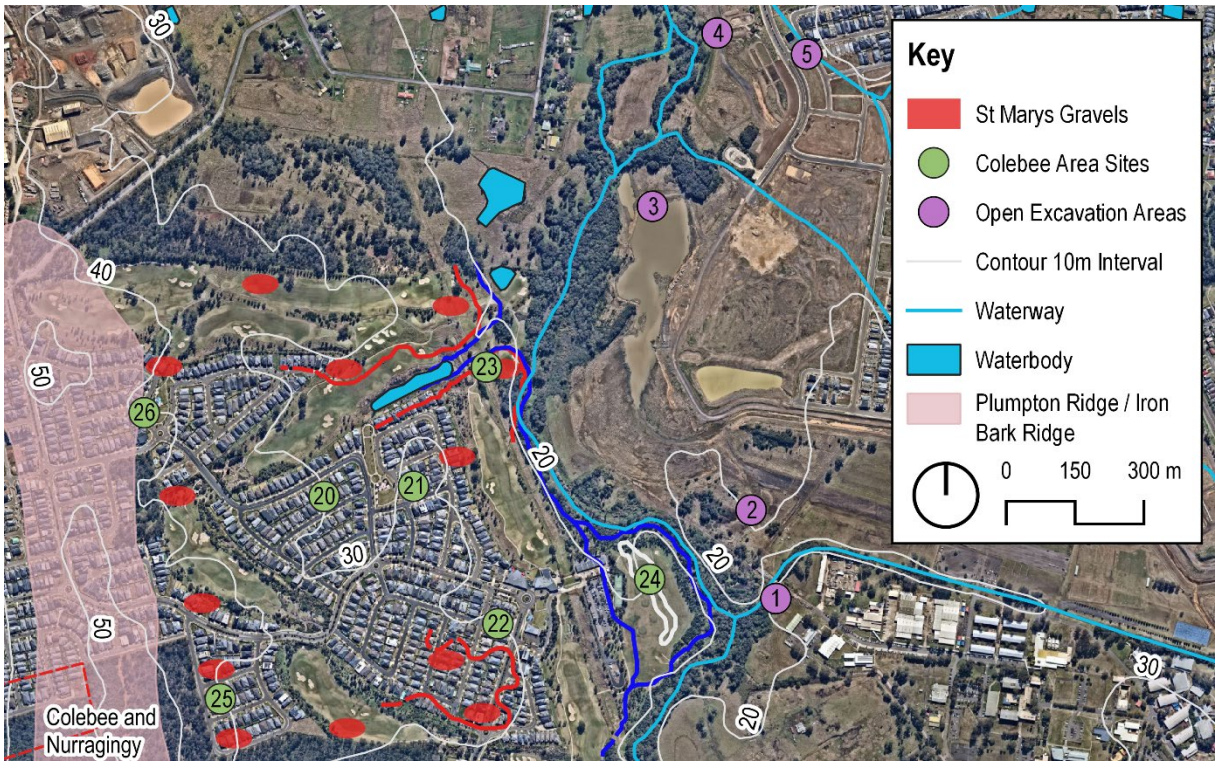


Figure 3.5 The locations of archaeologically excavated sites east of the BNI and Colebee and Nurragingy land grant. Plumpton Ridge was a source of silcrete with many mapped expressions of surface gravels recorded on the ridge and east-facing slopes. (Source: GML 2023, Figure 2.6)

Table 3.1 Summary of cultural lithics recovered from the archaeological excavations at Schofields and DHA, west and east of Eastern Creek, respectively.

| Archaeological site | Area excavated (m$^2$) | Total artefacts | Landform and inferred site use |
|---|---|---|---|
| SA20 | 147 | 8872 | Mid ridge slopes. Blacktown residual soils. Most artefacts were silcrete, with 174 backed artefacts recovered. The shapes and sizes of these varied and included some very elongate items.<br>The site comprises separate activity areas for manufacturing tools. |
| SA21 | 112 | 6646 | Mid ridge slopes. Blacktown residual soils. On a knoll. Large amounts of natural and crenated fracture silcrete were recovered, with intention heat treatment of |

| Archaeological site | Area excavated ($m^2$) | Total artefacts | Landform and inferred site use |
|---|---|---|---|
| | | | silcrete evident. A large amount of raw material was brought to this site.<br>Raw material processing and reduction. |
| SA22 | 106 | 2944 | Mid ridge slopes. Blacktown residual soils. On a crest. Area presented small cobbles of raw silcrete (about 1kg). |
| SA23 | 86 (+49) | 48,873+ | Riverine corridor. South Creek alluvial soils. Low spur. 607 cores and 1100 backed artefacts.<br>Artefact manufacturing over a long period. |
| SA24 | 114 | 1695 | Riverine corridor. South Creek alluvial soils. Flood plain. Lower densities of material and some silcrete gravels.<br>Artefact manufacturing. |
| SA25 | 69 | 9493 | Plumpton Ridge margin. Blacktown residual soils. Silcrete cobbles (< 5kg) on the ground surface. Blocky and angular items which may have resulted from quarrying and reduction activities but which did not show clear signs of flaking. No backed artefacts. The assemblage was consistent with early stages of silcrete reduction, and possibly preparation of cores for transport elsewhere.<br>Quarry and primary reduction area. |
| SA26 | 52 | 1835 | Plumpton Ridge margin. Blacktown residual soils. Silcrete cobbles on the surface. Large silcrete artefacts with high percentages of cortex.<br>A silcrete extraction and processing area. |
| Schofields total | 669 (+49) | 80,358+ | |
| OA1 | 28 | 763 | Riverine corridor. South Creek alluvial soils. Flood plain.<br>Unifacial flaking with cores showing expedient selection of a variety of available lithic items. |
| OA2 | 28 | 448 | Riverine corridor. South Creek alluvial soils. Flood plain.<br>A silcrete knapping concentration. Silcrete was reduced intensively using unifacial and asymmetric flaking, and geometric backed artefacts were made. |
| OA3 | 174 | 6332 | Riverine corridor. South Creek alluvial soils. Flood plain.<br>Different flaking techniques were used during many different flaking activities. Silcrete was reduced by unifacial and asymmetric flaking, with limited bipolar flaking. IMST was flaked predominantly by the unifacial |

| Archaeological site | Area excavated ($m^2$) | Total artefacts | Landform and inferred site use |
|---|---|---|---|
| | | | technique with some use of asymmetric flaking. Quartz was flaked largely by the bipolar technique.<br>Artefact manufacturing over a long period.<br>Phase 3, post-1788, assemblage present—refer below. |
| OA4 | 101 | 6908 | Lower slope, adjacent to the flood plain, but still South Creek alluvium.<br>Silcrete was flaked most often by the unifacial technique with some use of asymmetric flaking and occasional bifacial and bipolar flaking. No IMST cores were recovered but debitage platforms indicated unifacial flaking with some core rotation and limited asymmetric flaking. Most quartz was reduced by the bipolar technique.<br>Artefact manufacturing over a long period. |
| OA5 | 25 | 291 | Lower slope, adjacent to the flood plain, but still South Creek alluvium. Silcrete and IMST were reduced using the unifacial and asymmetric techniques. Quartz may also have been reduced by unifacial flaking. |
| DHA total | 356 | 14,742 | |

### 3.3.3 Post-1788 archaeology at Pye Farm

Further to the stone artefacts, one of the sites, OA3, contained an assemblage created following colonial invasion of the area. This assemblage was located within the same space of the site OA3, demonstrating Aboriginal continued use and connection with this place. The assemblage consisted of 143 glass, 133 ceramic and three flint lithics. These 279 artefacts were described as belonging to the Eastern Regional Sequence (ERS) Phase 3 as they were manufactured from material that could not be obtained by Aboriginal people in Sydney prior to 1788. Analysis[9] identified Aboriginal manufacture, use and/or modification on 28 of the 279 Phase 3 artefacts, or 10 per cent of the assemblage. This included 21 glass artefacts, five ceramic artefacts, and two flint artefacts. Each introduced material type had been used:

- Glass: 16 tools (unflaked) and five deliberately flaked but not used items. The used items provided evidence for:
  - scraping and cutting soft and hard plant material
  - scraping and possibly sawing wood
- Flint: two flaked and used tools. The used items provided evidence for:
  - scraping and cutting soft and hard plant material
  - whittling/planing wood

- Ceramic: four tools (unflaked) and one item deliberately flaked but not used. The used items provided evidence for:
  - scraping and cutting hard plant material
  - whittling/planing wood
- Only two used artefacts (both flint) were also intentionally flaked.

The archaeological deposit at OA3 was located within the grant lands of the Pye family, who eventually owned lands that abutted the eastern margin of the Colebee and Nurragingy land grant (Figure 3.6).


Figure 3.6 Land granted to or purchased by Joseph Pye in the Parish of Gidley, County of Cumberland, with portion numbers (in blue), and the location of Colebee and Nurragingy's land grant and the BNI (in red). (Source: composite overlay by GML 2023, Figure 3.3, using grant boundaries and portion numbers in 'Parish of Gidley, County of Cumberland' 4th edition, 12 Oct 1964, NSW Department of Lands, NLA nla.obj-57069195-1)

We suggest that successive generations of the Pye family held a familiar and friendly relationship with local Aboriginal people. Early plans of Pye farm (eg Figure 3.38) show the name of the Pye family's main residence was 'Waawaarawaa'. We know that following colonial invasion, Aboriginal people attempted to retain traditional links to places of

importance. In this instance OA3 continued to be occupied. Aboriginal people maintained their traditional practices but took advantage of new materials for manufacturing goods. The glass and ceramic items recovered from OA3 (approximately 200m from the Waawaarawaa homestead) bear testament to this process.

During this period of contact and interaction, Aboriginal people procured non-traditional materials and returned to a safe and known location near the homestead. The continued access and use would have provided them with a familiar context for investigating the new materials. The pattern of social interaction between the colonists and Aboriginal people is unknown. The historical records show that Johnny Warrawanny and Betty Cox, husband and wife, lived at Black Town in 1824 and identified with the 'Warawarra tribe', and were residents at Eastern Creek between 1836 and 1843. We name these two individuals and their children as likely individuals inhabiting and continuing their traditions at OA3 in Pye's Orchard throughout this period. Further research could identify an association between this Aboriginal family and the BNI.

From the colonial perspective, life at 'Waawaarawaa' would have been isolating and initially daunting. 'Improvements' (possibly facilitated by convicts) were required to clear the land, produce bricks and construct the homestead. The selection of a location for the homestead was possibly governed by the same natural factors that the Aboriginal inhabitants had to consider—a reliable source of fresh water and the ability to grow a range of foods on the interface of two soil landscapes (alluvial South Creek and residual Blacktown). The homestead was located at a crossroads with routes extending in every direction. This location was possibly a movement corridor for Aboriginal people in the late Holocene, because the colonial formalisation of roads re-used paths created by Aboriginal people.

Johnny Warrawanny, Betty Cox, their family and potentially others, had a cordial and collaborative relationship with the Pye family. Although we do not know the nature of the relationship, we can infer that these Aboriginal people could enter and access the spaces around the homestead long enough to select and remove glass and ceramics and take them to the orchard location. The Pye family must have known this was a traditional or favoured location because of the repeated return of Aboriginal people to this place. Their presence there was long enough for artefacts to be examined, modified and used for traditional purposes. However, it appears that most of the items were perhaps treated as tokens, items which were added to the personal effects of each individual, items never seen before, items with images and pictures of places not experienced. Perhaps for a short period, these tokens were valued, traded and swapped as evidence of the colonial invaders.

Because there were few settlers at Schofields until the 1850s and the distance to Sydney was considerable, a life of isolation and self-sufficiency in this early period was necessary for the colonists. Pye's Farm was successful and continued production until its eventual

acquisition by the Commonwealth in the 1940s or 1950s; however, it is the earliest period, in the 1820–1830s, during initial land clearance and first agricultural practices (when Aboriginal people still lived a form of traditional life in the region) that represents the early contact period cultural landscape.

This period of activity at Pye Farm is directly associated with concurrent establishment of the BNI, from 1821 to 1823, its operation from 1823 until final closure in 1829. The movement of people through the local landscape between important traditional places appears to have been maintained, with the BNI forming the western boundary for these activities, and Pye Farm the eastern.

We now turn to consider the specific development and use of the BNI from its inception in 1821 to today. The final part of this section returns to consider the local Aboriginal deep time landscape, examining questions that arise in association with long- term Aboriginal connections.

# 3.4 Post-1788—description

The following descriptions identify changes to the wider BNI landscape over the last 235 years. These descriptions identify the changing landscape and appearance of the place. We have identified several key impacts which have modified the place and are important in the context of future Dharug management and use.

## 3.4.1 1788 to c1910 description

The history and development of the BNI buildings were described in Section 2 and are not repeated here. The original BNI complex was 'sketched' on a Crown plan in 1833. GIS overlay of this plan clearly demonstrates it is not to scale and is inaccurate. The historical plan identifies three structures: a kitchen, a schoolhouse (with verandas at the front and either end) and a stable—the configuration faced Richmond Road (Figure 3.7). The kitchen was positioned north of the schoolhouse, on a parallel alignment, approximately a third the size of the school. The stables are drawn as a separate building to the south of the main complex. The 1833 sale notice also described a coach house and a covered well. It is uncertain whether the coach house was part of the stables.

The second phase of the BNI complex, from 1877, included an 'expansion' of the school building to include a ballroom. The two images of the building complex (refer to Figures 2.14 and 2.15) show the northern end verandah infilled, and two large symmetrical gable ended buildings located back (west) from the main building.

The configuration of buildings differs between the 1833 'sketch' and c1900s drawing and photograph. Historical records do not evidence any substantial construction program between these two periods; therefore, the configuration and location of original BNI

buildings from the earliest phase should be questioned. Either the 1833 sketch is incorrect, or a reconfiguration and/or reconstruction of the kitchen and stable/coach house buildings occurred between 1833 and 1900. Perhaps the original kitchen was demolished and rebuilt to the rear of the school building, and a second building also constructed at the same time? Alternatively, the 1833 sketch is incorrect and does not show buildings as built on site. Without further archaeological enquiry it is not possible to elucidate the changing configuration over the nineteenth century.

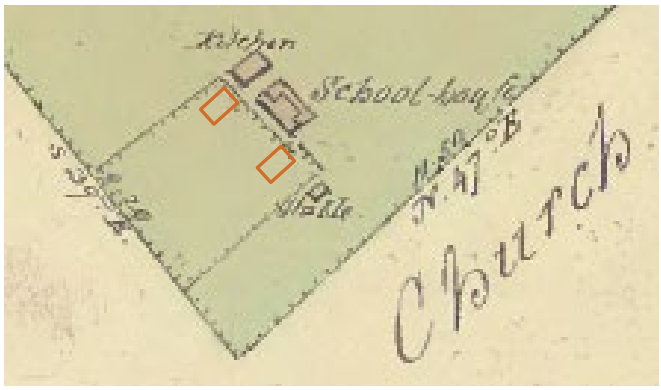


Figure 3.7 Excerpt of an 1833 sketch of BNI by assistant-surveyor Felton Mathew. Annotated to indicate the approximate location and footprint of the two buildings shown in the c1900s photograph. (Source: NSW Land Titles Office, 134-690)

Away from the main BNI structures it is documented that during the operation of the BNI Aboriginal people started to occupy landforms adjacent to Bells Creek on a regular basis. The first archaeological assessment and report on the BNI was prepared by Anne Bickford in 1981.[10] Bickford identified a 'contact' site on the north bank of Bells Creek, comprising traditional Aboriginal artefacts made from 'stone types foreign to that locality', as well as European ceramics and glass dating to the early to mid-nineteenth century:

> A site indicated by stone artifacts, pottery, and pieces of convict brick was found on the north-west side of the Creek… The artifacts were sparsely scattered on the surface over a wide area.
>
> The stone artifacts are flakes and cores of stone types foreign to that locality.
>
> Earthenware pottery sherds were also found. These are honey-glazed, unglazed terra cotta, white glazed, and one sherd of emerald green transfer printed ware. All are early to mid 19th century in date.[11]

Bickford's identification of the lithics being 'foreign' to the area is possibly significant. She was aware of the nature of local silcrete artefacts, and the presence of foreign material perhaps suggests the introduction of material by Aboriginal people outside the Sydney basin. She explained the presence of these artefacts as relating to the Aboriginal adults living there to be near to their children in the institution. Given the known connections between Aboriginal people and this area (refer to the history in Section 2), could those

Aboriginal people inhabiting the landforms north of the BNI be less familiar with the locality and its local lore and customs?

Bickford also noted a scarred tree with an 'oval-shaped piece of bark' removed. This was on the northwestern side of Bells Creek 'near the western Portion boundary'. This tree has not been re-identified and is not on AHIMS.

### 3.4.2 1910 to 1970s description

The middle to later twentieth century history of the BNI is partially recorded through aerial photography. One of the earliest aerial photographs of the BNI is from 1947 (Figure 3.8). The BNI is bound by Richmond Road (east) and Rooty Hill Road (north). Land areas outside the BNI are heavily vegetated and not stripped. The BNI has been stripped of most vegetation and presents a series of square to rectangular paddock fields. The fields appear to have different crops, and some are ploughed. Bells Creek is the dominant feature on the north of the BNI, with a channel lined by mature trees. Small paleochannels (former infilled creek channels) cross the lower slopes of the fields, attesting to the moving nature of Bells Creek likely through the Holocene. Two drainage channels have been cut diagonally across the fields to Bells Creek, draining and diverting waters from the farm complex located in the north of the BNI.

By 1947 the original BNI buildings had been removed and a farm complex developed across and adjacent to the original BNI. The farm complex is well developed, with a range of buildings, tracks, erosion scours and impacts from construction/excavations. Five key items are identified: 1—a fibro cottage; 2—the grandmother eucalypt tree; 3—a concrete silo; 4—a barn; and 5—a milking shed.

Over the approximate location of the original BNI building a small fibro cottage (1) has been constructed (refer to the description from 1981, below); trees and vegetation grow on the north and west sides. A series of (concrete) 'slabs' or garden beds are west of the fibro cottage.

The southwestern part of the place contains a larger milking shed (5) with fenced paddocks to the rear (north). Part of this complex extends west beyond the boundary of the current BNI land 'boundary'.

A two-storey silo (3) is positioned east adjacent to the milking shed (5), and today remains on the southwestern boundary of the BNI land. This silo likely held grain, fed to cows during the milking process. The silo can be used to spatially 'anchor' the farm complex and understand changes between 1947 and the removal of the farm in c1986. A small 'barn' (4) was constructed east from the silo and milking shed; this is identified in the 1981 Bickford description. Finally the grandmother tree (2), a cultural item of importance to Dharug people, grows on the southeast of the BNI complex.


Figure 3.8 A 1947 aerial photograph showing the southern part of the former BNI. The former BNI building is part of a farm complex with many buildings and tracks covering the place. Annotations: 1 is a fibro cottage; 2 is the grandmother tree; 3 is the concrete silo; 4 is a wooden weatherboard barn; and 5 is a milking shed. (Source: Department of Lands)

By 1955 (eight years later), little change has occurred across the wider BNI area (Figure 3.9). The palaeochannels adjacent to Bells Creek remain pronounced. The milking complex appears to have been tidied or cleared with less ground clutter. The shape (form) of each building is quite clear in this photograph. The dairy complex and BNI complex appear to be distinct unconnected zones. By 1965 (Figure 3.10) this situation has changed considerably. The two complexes have been joined by yards and roads. There are two main entrances to the place from Rooty Hill Road, and landscaping has been undertaken for the grassed areas abutting the main road. Cattle can be clearly seen in pens to the north (rear) of the dairy complex.


Figure 3.9 1 October 1955 aerial photograph of the southern part of the former BNI; the farm complex structures are clearly visible. (Source: Department of Lands)


Figure 3.10  1965 aerial photograph of the southern part of the former BNI, showing the development of the place in this period. (Source: Department of Lands)

Through the 1970s substantial change occurred to Bells Creek (Figure 3.11). Extensive excavation and channelling of the creek occurred in 1978. Undated photographs (taken by Jack Brook) show Bells Creek (Figure 3.12) and the cottage and dairy complex. Prior to channelisation, Bells Creek appears to be approximately 3–4m wide, with water and ponds. Vegetation along its banks included a range of mature casuarina and eucalypt. Channelisation of the creek c1978 would have significantly altered the soil landscapes adjacent to the creek within the footprint of works.

Around the cottage and dairy complex, further landscaping works have occurred, including formalisation of the entrance way and garden beds. A driveway entrance road has cut into the ground's surface, and garden beds have substantially altered the original landforms. The main dairy building (5) has been rebuilt in the same location and is now a smaller T-shaped structure. The remodelling of this building separated it from the concrete silo (3).


Figure 3.11  29 March 1978 aerial photograph of the southern part of the former BNI, showing the extent of development relating to the dairy farm. (Source: Department of Lands)

Figure 3.12 BNI prior to 1978(?) showing Bells Creek with water and ponds. The creek does not appear channelised at this time. (Source: Blacktown Memories, reference 014513, Blacktown City Libraries Local History Collection, copyright Jack Brook)

### 3.4.3 1980s to 1990s description

The appearance of the landscape has changed considerably since it was first listed as a heritage item on the Blacktown Local Environmental Plan (LEP) in 1981. In the same year, archaeologist Anne Bickford undertook a historical and archaeological investigation of the area. Her report describes a location where the fibro house (1) stood over the ruins of the BNI, with dairy cattle grazing in the surrounding areas. The fibro house was thought to have been built in the 1930s or 1940s following the destruction by fire of the main BNI building in 1924. Both buildings were constructed to face Richmond Road; however, the entry to the fibro house was modified to face Rooty Hill Road (Figure 3.13). This re-modelling likely occurred between 1978 and 1981, and possibly correlates with changes to the cottage's eastern roof structure around this period.

Bickford recorded that the post-1924 dwelling was built directly over the remains of 'Lloydhurst'. She noted sandstock brick footings visible below the front and side walls and the re-use of brick rubble in the new footings. Traces of the institution's 'kitchen, schoolhouse and stable' to the northwest (rear) of the residence—were also noted in the

form of six areas of sandstock bricks 'embedded in the ground'. These descriptions are important in anchoring the BNI's historical archaeological remains and designating a zone for management. The description does not clarify the dichotomy between the 1833 sketch plan and c1900s photograph of the BNI (described above), but further complicates matters with the introduction of further potential site elements.

Aerial images from the 1980s show a reduction in vegetation around the cottage and dairy complex, and the reduced vegetation along Bells Creek consequent of channelisation.


Figure 3.13 An aerial photograph taken in 26 May 1984. Bells Creek corridor has significantly less vegetation following works in the late 1970s. (Source: Department of Lands)


Figure 3.14 BNI c1980s. View facing west. (Source: Blacktown Memories, reference 041507, Blacktown City Libraries Local History Collection, copyright Jack Brook)

A series of photographs were taken across the BNI in the later 1970s (possibly before 1978) by Jack Brook. These photographs show Bells Creek (Figure 3.13) and distant views to the fibro cottage and dairy complex. Most have been taken at a distance but are useful for understanding the nature of landscape change prior to the demolition of onsite infrastructure.

The closest photograph (Figure 3.14) shows the fibro cottage's (1) east face and modified roof structure. The angle of this photograph is unusual and must have been shot at distance, possibly close to Richmond Road—the effect is to reduce the apparent distance between the three structures.

The fibro cottage has a triangular roof structure with shallow sloping infilled verandas east and west. This cottage presents more as a barn than a cottage; perhaps its use changed in the early 1980s when other alterations occurred to the dairy complex. The barn (4) and concrete silo (3) are visible in this image. Landscaping in front of these features is minimal. Power lines (with poles) run from the northern side of the cottage to the front of the barn, these are also evident in some of the aerial photographs.

The complex of buildings was also photographed from the north (Figure 3.15) and northwest (Figure 3.16), clearly showing the four identified structures. The images show the separation between the cottage complex and the dairy complex, with white fenced pens for cows around the milking shed.


Figure 3.15 BNI c1980s. View facing south. (Source: Blacktown Memories, reference 041506, Blacktown City Libraries Local History Collection, copyright Jack Brook)


Figure 3.16 BNI c1980s. View facing southeast. (Source: Blacktown Memories, reference 041506, Blacktown City Libraries Local History Collection, copyright Jack Brook)

By 1986 the dairy milking shed (5) and fibro house (1) have been demolished (Figure 3.17). The concrete silo (3) remains standing, but the barn (4) has collapsed with wooden timber lying spread across the ground. A grass fire appears to have engulfed the place, burning the fields and fences surrounding the dairy complex.

Five years later in 1991 (Figure 3.18) the land has been re-grassed and vegetation has started to grow within the BNI complex. Land on the southern side of the BNI has been subdivided and residential housing constructed over the former milking shed's location, leaving the silo on the periphery of the property. Bells Creek has been further stripped of vegetation, leaving few remnant trees.

By 1998 (Figure 3.19) the BNI has been scarred and delineated from the dairy complex by the cutting of a drainage channel from Rooty Hill Road North. Bells Creek has been further channelised and straightened, removing the organic curves that were present until 1986. This action likely entirely removed the location identified by Bickford as a contact period area.


Figure 3.17  8 March 1986 aerial photograph of the southern part of the former BNI, following demolition of most of the structures on the land. (Source: Department of Lands)


Figure 3.18  20 September 1991 aerial photograph of the southern part of the former BNI. The dairy complex can be seen as footings. Houses have been constructed over the milking shed's former location. Vegetation has started to grow within the BNI area. (Source: Department of Lands)


Figure 3.19  29 September 1998 aerial of the southern part of the former BNI. Drainage channels are cut through the land from Rooty Hill Road North. (Source: Department of Lands)

## 3.4.4 2013 to 2023 description

Dharug people have regularly visited and inspected the BNI over the past few decades. The DSMG holds an archive of site photographs recording these events. GML has formally participated in these inspections over the last decade.

This section provides a review or summary of the BNI reflecting its appearance and management through the last 10 years. This is a period with management under the direct remit of Dharug people. The description is at two levels: connected with the location of the former BNI buildings; and the wider landscape of the place. The main features described and locations from where observations have been made are shown in Figure 3.20, with the most recent site features identified in Figure 3.21.


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

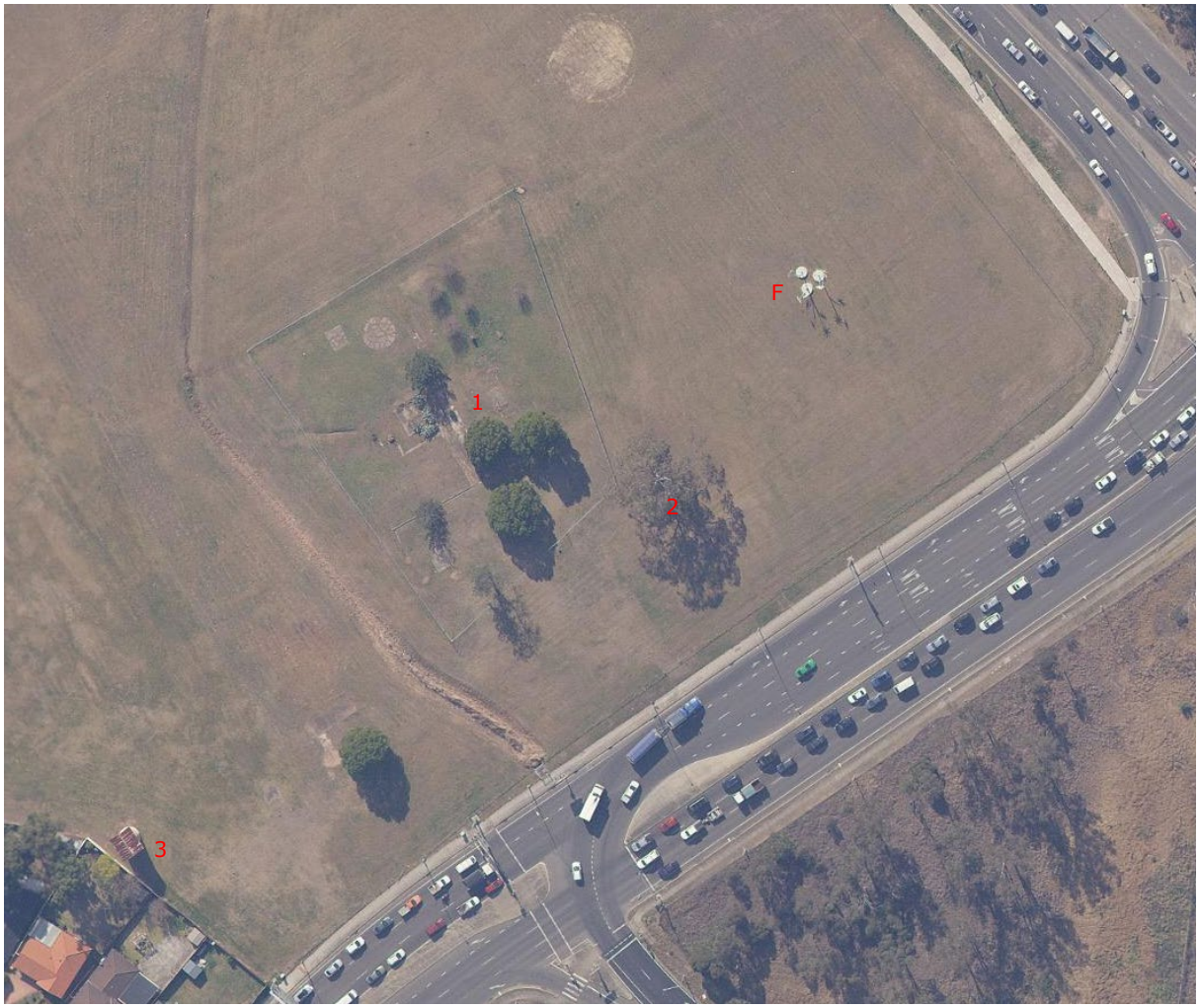


Figure 3.21  2023 aerial, showing the four major features of the place. 1: BNI archaeological remains; 2: grandmother tree; 3: concrete silo; F: flannel flower sculpture. The fence around the BNI archaeological remains is visible. Former dairy farm landscape features are evident abutting Rooty Hill Road North. The surface remains of recent dance circles are visible. (Source: Nearmap, with GML additions)

## The wider Blacktown Native Institution area/landscape

The eastern boundary of the BNI allotment had been fenced with a low timber post and rail fence in order to curtail the rubbish dumping that had been taking place on the land (Figure 3.22 and Figure 3.24). Outside this fence, but still within the curtilage of the study area, a gravel carpark had been laid. In the southern corner is a mid-nineteenth century concrete silo with corrugated iron roof (item 3, Figure 3.23).

Location 1 was situated downslope from where the BNI buildings were formerly located. It was on the southern side of the creek, beneath a eucalypt on a terraced raised flat adjacent to a marshy area of the creek (Figure 3.24). Looking south, a fence and semi-mature vegetation direct views to the BNI. The former location of the BNI buildings is

visible beyond a 'wetlands' area—with a slight fall in ground followed by a rising slope. This wetlands area is connected with the palaeochannels of Bells Creek.

The ruins of the former BNI buildings do not dominate this view; rather they are a small component in a field of green grass, blending into the vegetation of the motorway embankment. Their backdrop is the M7 above Richmond Road and Rooty Hill Road. To the southwest, urban development has blocked the view of the road and traffic. This development is low-rise and not particularly imposing on the landscape/horizon; it creates a visual contrast of shape and colour, against the green field and blue skyline.

The movement of traffic along the binding roads is continuous, as is the sound of vehicles. In semi-quiet moments it is possible to hear bird song in the trees. A cooling breeze from the northeast makes this location particularly pleasant to sit and view the wider area. An appreciation of the immediate wetlands/swampy area is also possible.

Looking north, Bells Creek leads the eye outside and to the north of the BNI. From this location, the wider cultural landscape can be described, although not directly sighted. On the northern and western horizons are ribbons of mature trees, which direct sight and cultural memory lines to the Colebee and Nurragingy land grant area, the Plumpton Ridge and the dense archaeological sites along Second Ponds Creek (Figure 3.25).

Location 2 is positioned in the southwest corner of the Mittigar Reserve adjacent to Bells Creek, with residential housing to the immediate east and west. The location is pleasant with shade from the few trees creating an atmosphere conducive to sitting and looking across the field to the north and east (Figure 3.26).

The view from Location 2 opens across the wide expanse of the green field, with the creek line meandering north (to Location 1) and the shallow slope rising from the creek line to the former location of the BNI buildings (Location 3). The road network does not dominate the view; rather it appears as a narrow band of traffic in the middle distance (Figure 3.27).

Wider views are dominated by the dark-green mature vegetation of the Colebee and Nurragingy Reserve, which extends as a prominent line against the blue sky and stands out starkly. The former BNI place is visible, defined by the reeds at the head of the drainage line, the fence line and the European vegetation which screens the motorway bridge.

Traffic noise is less intense here than from Location 1, travelling across the field as a continuous hum of tyres and air breaks. Being further from the roads, bird song could more easily be heard.

Location 3 is located immediately outside the northern boundary fence of the location of the former BNI buildings, facing downslope with an expansive view stemming the landforms between Locations 1 and 2 (Figure 3.28). From here, the viewer's eye is

directed north via the drainage line down across the shallow slope to the mature trees abutting the drainage line. The rising slope on the other side of the creek is open, with a wide band of mature dark-green trees on the horizon. These trees grow and extend east and west in an 180-degree expanse, behind the residential development from the northwest to the west, and Richmond Road to the east (Figure 3.29).

The residential development presents a sizeable landscape element, although the scale and colour scheme do not detract from the open expanse of the field or the horizon-filled treeline (Figure 3.30). Richmond Road, to the east, acts as a sightline to the horizon, dividing the BNI from the Colebee Nurragingy reserve where traffic movement and noise is continuous and pervasive. There was little evidence for bird life at this location.

Localised views downslope provide an indication of the former field system connected with the BNI, where the former buildings were positioned above the associated farm area. This landscape use can be appreciated today without the presence of a working farm due to the openness of the field and obvious channel of the creek.

Location 3 provided limited shade and, on this occasion, the breeze was less than at areas adjacent to the creek (Locations 1 and 2), making Location 3 hotter and less inviting to sit.

Figure 3.22 Looking northwest to Location 1. A low timber post and rail fence borders the eastern boundary of the BNI. (Source: GML, 2015)

Figure 3.23 The concrete silo (item 3) located in the southern corner of the place, with the fenced archaeological remains of the BNI to the right. (Source: GML, 2015)

Figure 3.24 Looking southeast from Location 1 to the fenced archaeological remains of the BNI indicated by the red arrow. (Source: GML, 2015)

Figure 3.25 Looking northwest from Location 1 to the Plumpton Ridge. (Source: GML, 2015)

Figure 3.26  Looking south to Location 2. (Source: GML, 2015)

Figure 3.27  Looking north from Location 2 to the fenced archaeological remains of the BNI on the right, and Richmond Road beyond. (Source: GML, 2015)

Figure 3.28  Looking southeast to Location 3. (Source: GML, 2015)

Figure 3.29  Looking northwest from Location 3 to the drainage line. (Source: GML, 2015)

Figure 3.30 Looking south from Location 3 to the residential development along the south and western boundaries of the study area. (Source: GML, 2015)

## The former Blacktown Native Institution buildings and landscape

The former BNI buildings have been fenced by a 2m high metal perimeter, with a locked gate, allowing entrance from the southern side. Inside the fence, numerous trees and bushes are growing.

The remnant footings of the BNI buildings and notably the later dairy farm buildings and garden are clearly evident, bursting through the low grass cover across the BNI (Figure 3.31 to Figure 3.35). These remains are remnants of the former buildings, the history of the place and its social importance to the Aboriginal community.

One important landscape item is the grandmother tree, which grows to the southeast of the BNI complex (Figure 3.31). This tree holds specific social value to Dharug people being an important part of BNI commemorations and events. The metal fence separates the BNI from the tree, an artificial boundary which acts as an impediment to events.

Figure 3.31 Panorama from inside the BNI fenced area, with a focus on the grandmother tree, east of the BNI archaeological remains. The chain fence separates the remains from the tree and acts as a barrier to movement between the two features. (Source: GML 2023)

The ground level archaeological remains of the BNI are obscured by both low vegetation growth and overlying later concrete slabs from the dairy farm. This surface evidence included brick footings, concrete slabs, a cistern, services and historical artefacts. Remnant garden plantings abut the concrete slabs. A brief review of features is shown in Figure 3.32 to Figure 3.35.

During the many site inspections over the past 10 years, no evidence of either the campsite identified by Bickford, or the extent of brick scatters indicating the outbuildings of the BNI, have been positively identified. Grass cover is often lush which prevents surface exposure and examination of remnant features and material culture. The scarred tree (recorded by Bickford, but not on AHIMS) has not been relocated.

Bells Creek remained discernible, with a low-lying swampy channel running approximately north through the study area. A drainage channel running from Rooty Hill Road North connected with the creek at the northern end of the study area.

Figure 3.32  Mid-twentieth century concrete, over older archaeological footings, with evidence for sand stock bricks being re-used. (Source: GML 2014)

Figure 3.33  Concrete cover over a water cistern. This possibly replaced a former well. (Source: GML 2014)

Figure 3.34 A mid-twentieth century concrete slab and remnant garden plantings. Associated with the later cottage. (Source: GML, 2014)

Figure 3.35 Historical artefact scatters present within the fenced area of the BNI. (Source: GML, 2014)

## 3.5 The local deep time cultural landscape

Associations between Dharug people and the cultural landscape of this wider place is clearly demonstrated by both the rich archaeological record and the enduring social attachments. These associations have been identified through historical events and several known Aboriginal people. The historical enquiries have been supplemented by archaeological data associated with the traditional use of the local landscape over the past 4000−5000 years, and possibly longer. New historical research on the Aboriginal history of the local area has combined the histories of 'Waawaarawaa', the Colebee and Nurragingy land grant and the BNI to investigate, through a series of primary research questions, why this area was important for Aboriginal people.

Many key places and events describe this landscape, from the deep time to the twentieth century. Starting from the mid Holocene around 5000 years ago, we can reconstruct the history of this place from the perspective of traditional Aboriginal ownership, access and importance. The places described are shown in Figure 3.36 and Figure 3.37.

The landforms of this cultural landscape are defined on the eastern side by Eastern Creek, to the centre by the undulating low ridgeline of the Plumpton or Iron Bark Ridge, and on the west by the smaller Bells Creek. Eastern Creek was a faster-flowing, permanent water supply, abundant with food and resources, whereas Bells Creek would have presented a chain of ponds, likely periodically filled with water, perhaps providing a different set of resources. Oral evidence today describes the central ridgeline as a restricted place. Perhaps it was always a restricted space, traversable only by certain individuals or at certain times. These restrictions could be connected with two further traditional places or resources.

The eastern side of the Plumpton Ridge provided surface expressions of silcrete, a valuable and prized commodity used as a predominant artefact-manufacturing material by Aboriginal people from the middle Holocene to the last 1,000 or so years. The upper east-facing slopes of the ridge have cobbles of silcrete, which were excavated and heat-processed on the slopes. The base material was then removed for further processing. This was an industry defined by rules, where no secondary processing or production of tools occurred at the quarries. This suggests ownership and tradition connected to the quarries, possibly governed by the value and restrictions of silcrete availability across the Cumberland Plain. Limiting access to the raw silcrete materials could have been achieved through a general restriction on access to the ridgeline.

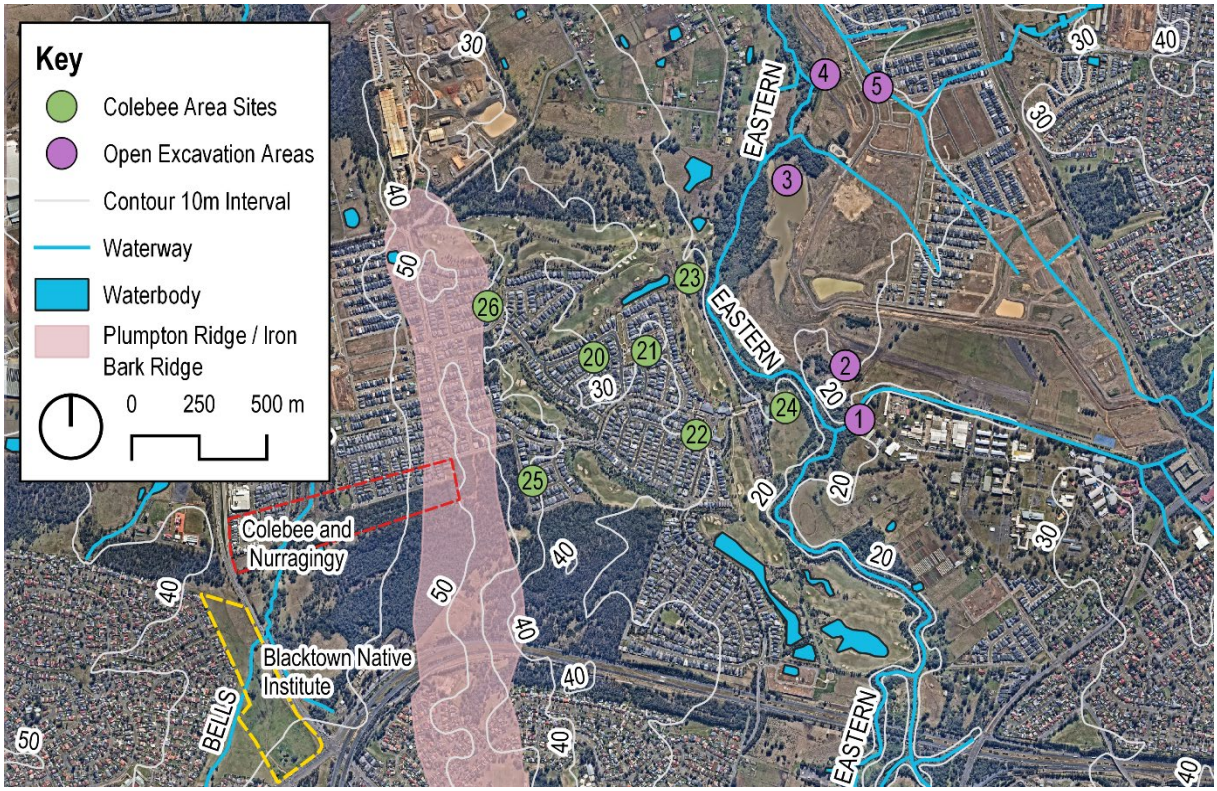


Figure 3.36 Aboriginal places and connections across the deep time cultural landscape. (Source: GML 2023, Figure 11.2)

On the northeastern middle slopes of the ridgeline was a 'burial ground of the Blacks'. Its location is not known, or not given to non-Aboriginal people. We do not understand the burial ground's period of use, its extent and the mode of burial. However, we do know that burial grounds were revered places associated with traditions and restrictions. The position of this burial ground almost acts as a buffer or bounding feature to the northeast, just beyond the outcroppings of silcrete, and north of the dense occupation areas where abundant worked stone artefacts have been recovered. It could have functioned as a landscape marker for those travelling south along the banks of Eastern Creek; a sign which explicitly identified that entry into the area farther south was prohibited.

Landforms between the creeks and ridge were wide alluvial flats covered by open forests that provided numerous plant and animal resources. Within this landscape archaeological excavations have identified nine separate locations with dense evidence of Aboriginal occupation. Three places (SA23, OA3, OA4) hold high artefact densities synonymous with repeat visitation over the middle to late Holocene.

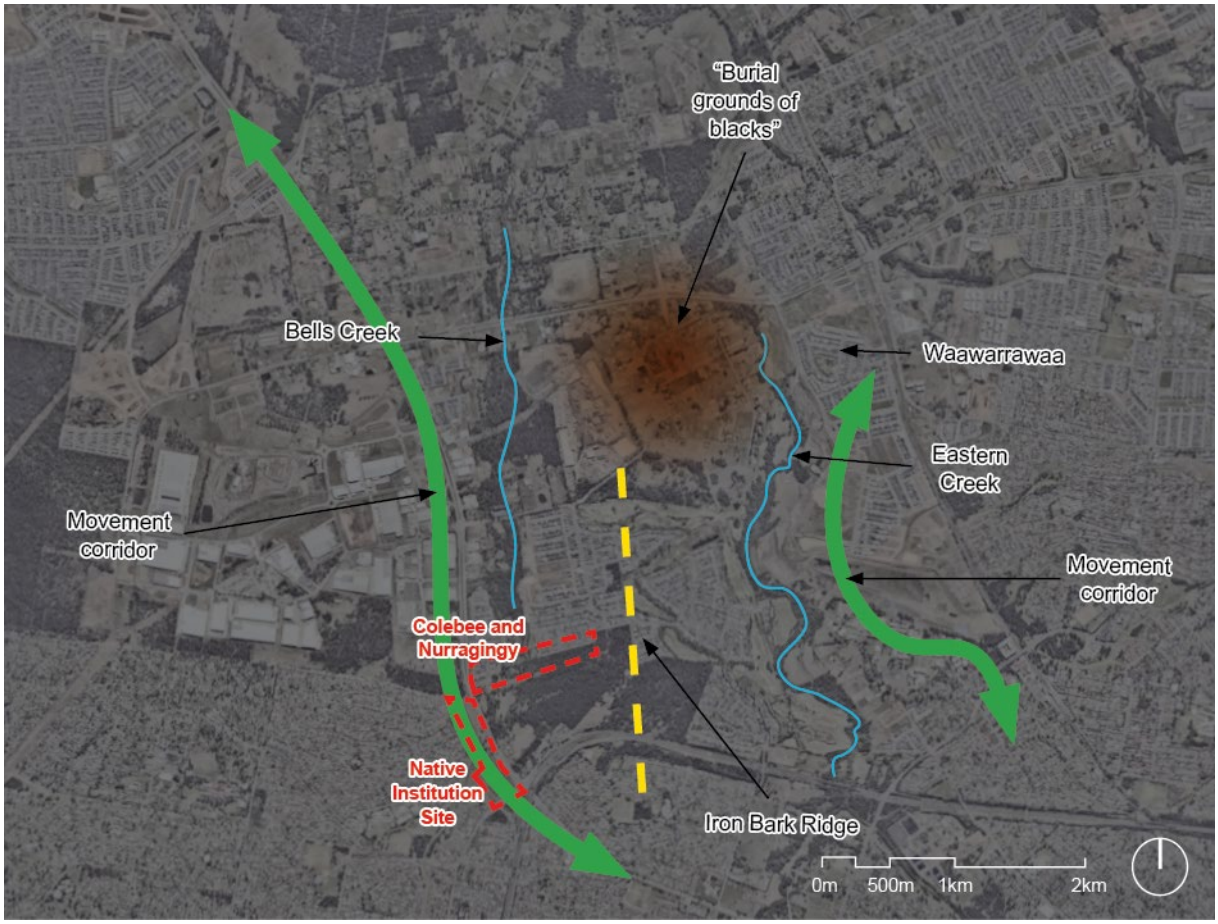


Figure 3.37 Key places and elements of the local Aboriginal cultural landscape, from deep time to the twentieth century. (Source: GML 2023, Figure 11.1)

We have no firm record of Aboriginal movement corridors through this landscape, although the early paths and tracks used by colonists that later became roads are likely former Aboriginal travelling routes (Figure 3.38). To the west, Richmond Road is likely a main corridor, and the smaller tracks along Eastern Creek were likely used on a regular basis for movement through this landscape. However, these small tracks east of the ridgeline intersect with both the burial ground and the northern part of the ridgeline. As such, we note some caveats on ascribing these paths to Aboriginal traditional use.

The use of this cultural landscape evolved over the Holocene; climatic changes altered vegetation communities, and patterns associated with the Eastern Regional Sequence (ERS) altered how and why stone materials and technology changed. However, the most significant social and economic change occurred in 1788 with the invasion by the British. Dispossession of lands across Sydney culminated in loss of material resources and food. We do not know the response by local Aboriginal people until the 1810s, when Nurragingy was given the opportunity of 'owning' a small part of his traditional lands. The historical record shows that Colebee and Nurragingy were offered land on South Creek but managed to select land at Eastern Creek. The land chosen was also a relatively 'late'

grant, following the initial period when other portions of land had already been granted. We suggest that Colebee and Nurragingy specifically asked for land in the region of Eastern Creek, likely in connection with silcrete quarries and ridgeline. The grant issued extended through the centre of this important landscape, from Bells Creek up the middle of the Plumpton Ridge. The grant is central within the north to south ridgeline, overlooking the three quarries on the eastern slopes. From the eastern margin of this grant there would have been a line of sight to Eastern Creek, quarries SA21, 21 and 22, and northeast to the burial ground (Figure 3.36).

One question has always been, why is Nurragingy not on the title to his grant? We suggest this could have been administrative, possibly a combination of factors: Nurragingy is difficult to spell, Colebee is alphabetically before Nurragingy, and grant titles traditionally only have a single name (not two). A clerk issuing the certificate may have simply written the first and shorter name on the certificate.

Nurragingy's act of taking back part of his traditional lands perhaps provided a focal location for Aboriginal people with connection to this area. The historical record makes it clear that Aboriginal people came to the location time and time again. The consequent selection of this area to place the BNI was made based on understanding that a special association existed between Aboriginal people and this Country.

Descriptions of the BNI's history demonstrate how unnamed Aboriginal people lived in and around these early grants, coming and 'disappearing' at will, removing children from the BNI for traditional undertakings. Some Aboriginal people became partially embedded into the colonial system, having Christian marriages and taking further lands and houses. Despite such practices, the non-Aboriginal written record hints at a greater traditional connection to the area. The demonstrated presence (through Phase 3 archaeological materials) for Aboriginal people on Pye Farm and on Bells Creek north of the BNI attests to the continuance of traditional practices, likely through the 1840s—a period surviving the two phases of the BNI. The continued ownership of Colebee and Nurragingy's land grant by Maria Lock and her descendants in the following decades demonstrates a need to be associated with this place. These associations continue to this day, notably through connections between Dharug people and the BNI.

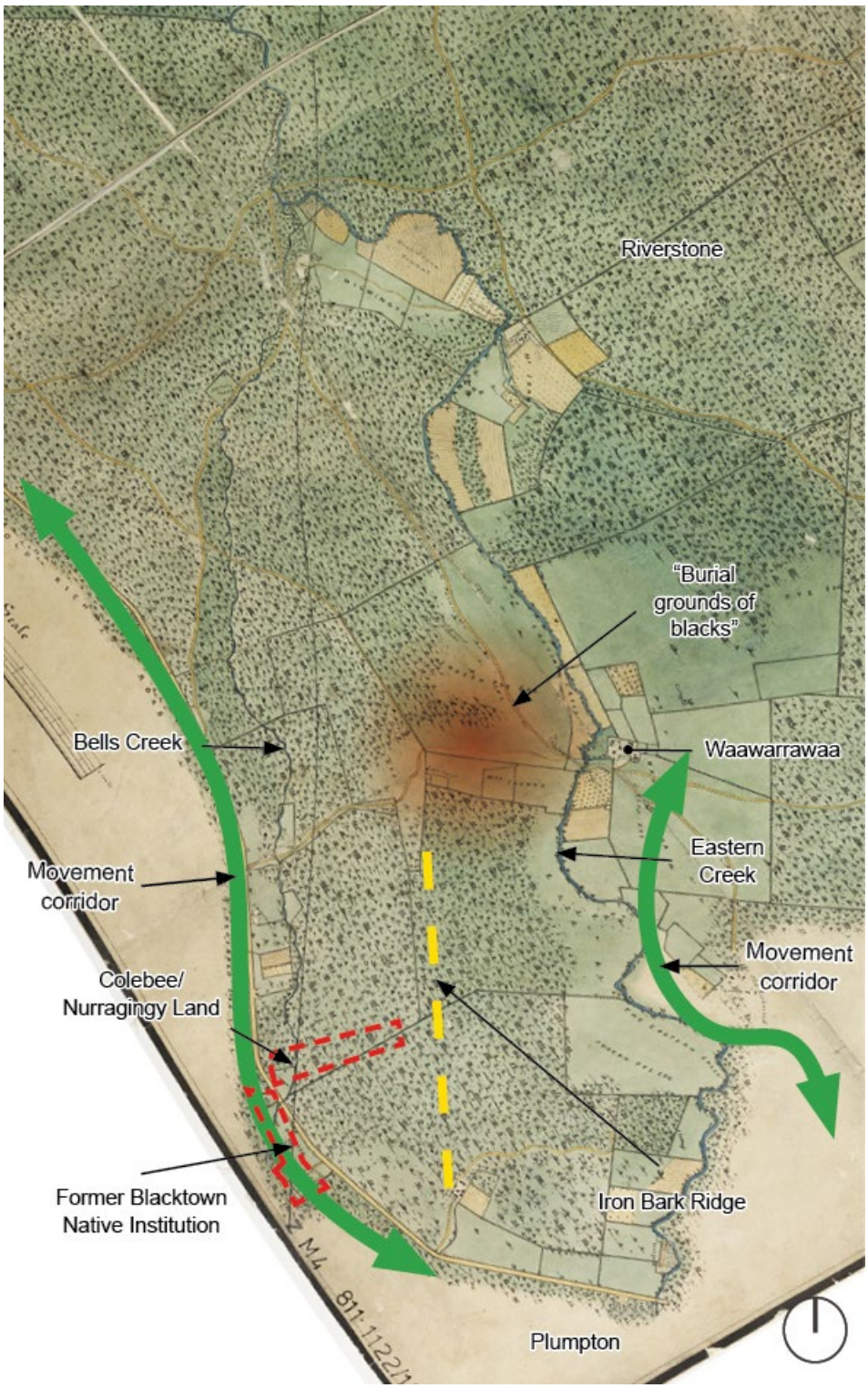


Figure 3.38 Traditional and post-1788 Aboriginal places, with potential annotated movement corridors. (Source: GML 2023, Figure 11.3)

# 3.6 Endnotes

[1] JMcDCHM, Archaeological Salvage Excavation of Site RTA-G1, 109–113 George Street, Parramatta, NSW, report prepared for Landcom, October 2005.

GML Heritage, Parramatta Park George Street Gatehouse—Geomorphology and Aboriginal Archaeology Report, report prepared for Parramatta Park Trust, July 2019.

[2] Hinkson, M and Harris, A, 2001, Aboriginal Sydney, Aboriginal Studies Press, pp 151, 158.

[3] NSW government. Cumberland Plain Woodland. Accessed online 23 May 2023 < https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/1996-1999/cumberland-plain-woodland-endangered-ecological-community-listing>.

[4] JMcDCHM, Archaeological Salvage Excavation of the Colebee Release Area, Schofields, NSW, vol. 1, report prepared for Medalist Golf Holdings Pty Ltd, November 2006.

[5] GML Heritage, Former Schofields Aerodrome. Aboriginal Heritage, Post Excavation Report, report prepared for DHA, February 2023.

[6] AHMS 2017, Former Schofields Aerodrome, Nirimba Drive, Quakers Hill, NSW: Aboriginal Cultural Heritage Assessment Report, p 106.

[7] JMcDCHM, Archaeological Salvage Excavation of the Colebee Release Area, Schofields, NSW, vol. 1, report prepared for Medalist Golf Holdings Pty Ltd, November 2006.

[8] GML Heritage, Former Schofields Aerodrome. Aboriginal Heritage, Post Excavation Report, report prepared for DHA, February 2023.

[9] Munt, S and Owen, T 2021, 'Aboriginal uses for introduced glass, ceramic and flint from the former Schofields Aerodrome, Western Sydney (Darug Country), New South Wales', *Australian Archaeology*, DOI: 10.1080/03122417.2021.1955597.

[10] Bickford A 1981, Blacktown, The Archaeological Investigation of the Native Institute, Blacktown, New South Wales, report prepared for Lyle Marshall and Associates.

[11] Bickford 1981:15.

# Understanding the place—Dharug community attachments

**I am because you are**

The Flame clings to the breeze
And yearns sustenance.
She licks the bark.

The Tree seeks the sun,
And dances with the breeze.
She invites the shade to join her.

The Seed embraces the soil,
And yearns to grow.
She breaks new ground.

The Bee kisses the blossom
And longs for sweet sentience.
New songs are sung.

The human clings to memories
And longs to be.
New dreams entice.

I am because You are.
And embrace Be-ing
We long to Be-long,

And in that Yearning
We make Becoming,
Merging and Emerging
We grow
We know
We respect
Our backbone
Our Home

I am, because You are
Weaving Country.

(Jo Anne Rey, 2020)

# 4 Understanding the place—Dharug community attachments

## 4.1 Introduction

This section provides a review into the recent history and current use of the BNI as a place of individual and collective memory, trauma, healing and resilience. Importantly, recognising that the BNI is considered a safe space and transformative place for Dharug peoples; and is Dharug-owned and managed.

An overview of the range of enduring and emerging community attachments to the BNI is provided, noting that these are living and have changed since the SHR listing of the BNI.

## 4.2 Returning

### 4.2.1 Blacktown Native Institution: Dharug Strategic Management Group

On 13 October 2018, the NSW Government returned BNI to Dharug Traditional Custodians. More than 500 members of the local community attended the ceremony reflecting the place's significant value. A series of creative works were presented that retold the story of Nura, acknowledging the traumatic memory of the BNI, expressed and witnessed in Dharug ways (Figure 4.1).[1]

For the Dharug community, returning the BNI has facilitated greater agency in Dharug-led decision-making processes and has supported collective healing for Nura and the Dharug community. The land that hosts the BNI is the first of Dharug Nura to return to Dharug ownership and is a place for people to connect to Country, culture and community. The DSMG now holds the land in trust.

Figure 4.1 Jannawi Dance Clan performing on 'the form of a sand circle, or bora, shaped to recall a long-neck turtle, an important totem for the local area, with the "neck" forming the entryway to the space'. (Source: Andrew and Hibberd 2022)

The DSMG was established in 2018 as a Dharug-led and managed not-for-profit organisation. It was established after more than seven years of community consultation and many decades of activism by Dharug Elders.[2] Broadly, the DSMG celebrates and commemorates the more recent historical injustices of the BNI, and the everyday lives of children institutionalised there; it recognises and celebrates the deeper history and ongoing connections between Dharug Ancestors and people today.

The DSMG mission is to celebrate, value and share Dharug culture and knowledge as a foundation on which to build strong relationships between Aboriginal and non-Aboriginal Australians. This involves walking together along the journey of truth-telling, healing and learning, and belonging together with Dharug Nura.[3] A key objective of the DSMG is to 'advance the culture and wellbeing of the Dharug people and promote reconciliation, respect and harmony between Aboriginal and non-Aboriginal Australians'.[4] This is achieved through managing and caring for Nura in returning to Dharug ownership and the activation of four key programs:

**Caring for Culture:** DSMG celebrates, recognises and promotes Dharug culture through language, art, performance and story telling. It creates spaces for Dharug community to continue practising and learning culture. It remembers and celebrates families and the

stories of first contact that transformed Dharug Nura and Dharug lives. It also treasures a deeper history of connection, belonging and knowing through thousands of years of continued culture. DSMG is proud to share opportunities to learn about First Nations cultures and continue these traditions and stories.

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

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

**Leadership and Governance:** Strong governance and a clear strategic vision are the foundation for building DSMG into a sustainable non-profit organisation and to continue supporting the Dharug community into the future. The DSMG lead with integrity and transparency, developing the organisation into a long-term community asset that is trusted by the community.

The returning of the BNI to the Dharug community has been an integral part of ongoing healing processes for Nura and Dharug Traditional Custodians. Prior to its return, the BNI 'site' was held under private and government ownership. During that time, the land was used for a range of purposes that caused ecological and cultural degradation. A key objective of the DSMG has been the environmental restoration and cultural recovery of the BNI.

Since the DSMG regained ownership and access to the BNI, significant planning and preparation have commenced to return the grounds to its pre-invasion ecological condition. The restoration of the land supports local ecology and strengthens Nura and the renewal of Dharug community connections by creating a nourishing and culturally safe space that is vital for facilitating memory work, bearing witness, healing and resilience.

The re-storying of place through restorative Dharug care and knowledge creates a more sustainable and Dharug-centred BNI. This is important to Dharug Elders past and present, and also for future generations of Dharug people. This is key for supporting

relationships with presences, places, and practices that maintain resilience, renewal, and regeneration.[5]

A Dharug community member echoed this sentiment and broader Dharug objectives during a cultural workshop in 2018:

> We were looking at how one might build a resilient ecology – not ecology as a return to nature, but ecology in the broadest possible sense. We felt that this is a long process that involves a considerable amount of healing, over some decades. It requires a set of steps or stages without any preconceptions about what the end result would look like, guided by what is felt to be most important by the community. You can think of this as a sequence of programming bringing a whole lot of events to the site, temporary built structures that might be vehicles for other things to happen on the site.[6]

Kangaroos have repopulated the BNI in recent years, a testament to the environmental rehabilitation and healing efforts (Figure 4.2).

Figure 4.2 Kangaroos at the BNI in August 2023. (Source: Richie Howitt)

## 4.2.2 Blacktown Native Institution: A living entity

> Nura speaks. The Blacktown Native Institution site is the artist. Guided by her, as a site of Dreaming, her life, her ceremony and songlines. She represents identity, traumas, traditions.[7]

These are the words spoken by Dharug community member Corina Marino and reflect the healing power of community in practising culture on Nura.[8] It also illustrates the concept and belief by Dharug Traditional Custodians that the BNI is a living entity, a 'layered imagination of spirit and land'.[9] This idea has been keenly expressed by Dharug and other First Nations peoples since 2018, through a range of media, including poetry, academic research, art and performance. This notion is fundamental in acknowledging the agency of the BNI and affirming Dharug sovereignty.

In 2018, *Ngara—Ngaurangwa Byallera* (*Listen, hear, think — The Place Speaks*) was co-commissioned by Blacktown Arts on behalf of Blacktown City Council and C3West on behalf of the Museum of Contemporary Art Australia (MCA). The public event was led by First Nations artists including Tony Albert, Sharyn Egan and Moogahlin Performing Arts.[10] An outcome of the event was the *Flannel Flowers* sculpture by Sharyn Egan, the only permanent monument at the BNI (Figure 4.3).

The sculpture was created after Dharug and local First Nations community groups expressed a strong desire to increase awareness about the site's importance and increase the visibility of the site itself. The 8-metre-tall stand of flannel flowers is the first structure to be erected on the site since the farm buildings were demolished in 1985. Each of the seven flower heads is hand-woven from marine-grade rope.

Creating the flower heads by hand took many hundreds of hours and involved dozens of people from the Blacktown community and beyond, both First Nations and non-First Nations. The women of Baabayn Aboriginal Corporation worked with Sharyn Egan through a series of workshops to start the central coil for each of the flowers. Master weavers Aunty Phyllis Stewart, Uncle Steven Russell and Kristine Stewart, along with Corina Marino, Nathan Leslie and Megan Juresa completed the flowers with great attention to the detail of each petal.[11] Weaving is an important First Nations practice shared across community groups that brings people together through sharing cultural knowledge and stories. This sentiment is expressed in Jo Anne Rey's poem *I am because you are* (2020). Weaving is also central to Egan's practice, and for its capacity to 'process trauma and support healing through the creation of something beautiful'.[12] As Egan commented, 'I'm working on flowers, as flowers are used for all occasions, sad, happy, joyous – it seems to cover all the emotions that are involved in this project.'[13]

Tony Albert's installation *Gubangala Gumadangyiningi* (*Let's honour his/her spirit*), involved working with local community member Julie Jones and 10 local children and their families to reimagine 10 of the children originally at the institution. To help heal the

area, people gifted a memory to the reimagined children by writing it on paper, which was then buried onsite.[14]

Figure 4.3 *Flannel Flowers* at the BNI by Sharyn Egan in 2018. (Photo: Anna Kučera Source: MCA)


Figure 4.4 Tony Albert installing *Gubangala Gumadangyiningi* (*Let's honour his/her Spirit*) (2018) for the BNI commemoration. (Source: *Sydney Morning Herald* 2018)

Figure 4.5 Smoking ceremony by Dharug Traditional Custodian Corina Marino and her son Eli Manawa O Budhawa, and Julie Bukari Webb to launch *Ngara — Ngurangwa Byallara*. (Source: Image courtesy of MCA)

In 2020, the BNI as a living entity idea was woven into a range of creative works by Dharug community members and artists for the 22nd Biennale of Sydney, including the Gulbangali Dharug Nura project titled NIRIN:

> Nura (country) speaks. The Blacktown Native Institution (BNI) site is the artist. Guided by her, as a site of Dreaming, she's life, ceremony and songlines. She represents identity, traumas, traditions, culture, our struggle and survival. She is resilient.
>
> Since colonisation her voice hasn't been heard. Her right to express her truth, ignored. Through ceremony and art, country will rejuvenate, regenerate, heal and resonate our voices and continued and unbroken connection to nura as Dharug people.
>
> We have a profound understanding that the Dharug, as first contact people, know that trauma, deprivation, loss and genocide in Australia started here first. It spread insipidly like dark feelers across all First Nation countries. We believe healing needs to, therefore, start here too and resonate throughout all First Nation countries like a very big ripple in a pond.[15]

The event incorporated six public gatherings to promote the site and its history and encourage community cohesion and connections through being, culture, art and ceremony.

The NIRIN project was developed from a culmination of ongoing and sustained artistic conversations and cultural work from the preceding 10 years. Blacktown Arts developed an exhibition revealing the beginnings of Black(s)Town from a First Nations artist's perspective.

### 4.2.3 Blacktown Native Institution: A living memorial

The BNI today holds no obvious physical traces as a place of Stolen Generations and the trauma experienced by so many individuals. It is a large open green field, abutting two arterial roads and dense housing development. However, as a living and embodied entity, it acts to memorialise its past, and is continually re-animated and re-enacted through Dharug practices and performances on Nura.

Since early 2012, the BNI has inspired many community events, exhibitions and creative works. The BNI-responsive and largely transient works and 'happenings' have included sculpture, print, and painting, and performative practices, including gatherings, yarning circles, workshops, camps, performances in language, song, dance, corroborees, smoking ceremonies and revegetation.

In 2013, the first public art activations at BNI began, facilitated by the Blacktown Arts Centre and the MCA's C3West program. The Blacktown Native Institution Project and exhibition of the same name set out to 'activate and pay homage to the importance of a site in Australian history that is in many cases forgotten and disregarded'.[16] First Nations artists involved in the program included Daniel Boyd, (Kudjla/Gangalu), Karla Dickens (Wiradjuri), r e a  (Gamilaroi/Wailwan/Biripi), Robyn Caughlan (Dharug and Darkinjung), Leanne Tobin (Berooberongal and Wumali clans of the Dharug Nation), and Jason Wing (Biripi people of NSW/Chinese).[17] Their works were based on their collective research as well as the imagined lives of past inhabitants.[18] (Figure 4.6)

The aim of the exhibition installed at the Blacktown Arts Centre (Figure 4.7) and at the BNI was to generate 'counternarratives to contend with the spectre of the colonial eugenic experiment of "Europeanising Aboriginal people" and "to activate and raise awareness to local people—in effect creating a moving and celebrational memorial"'.[19]

Figure 4.6 *Men in black* by Leanne Tobin at the BNI in 2013. (Source: BNI Project/J Leahy)


Figure 4.7 Native Institute Exhibition, installation shot, *Archival Boxes* and documentation of *Sites of Experimentation*, 2013. (Source: Blacktown Arts Centre/J Leahy)

In late 2014, the subsequent stage of the Blacktown Native Institution Project and co-commissioned by Blacktown Arts Centre and the C3West program entitled *Ngara — Ngurangwa Byallara* (*Listen, hear, think — The Place Speaks*) was held. The project involved a two-day artist camp, with activities including a smoking ceremony, a facilitated group discussion on the history and importance of the BNI with input from historian Julia Torpey, storytelling and weaving with Kristine Stewart and Steven Russell (Bidjigal), a community BBQ in the evening, a live Koori Radio broadcast from the BNI, and healing plantings.[20]

In early 2015, a second two-day artist camp was held, and activities included Jungah Weavers teaching stringybark rope weaving led by Phyllis Stewart (Dharawal and Yuin) and Steven Russell, a Koori Radio broadcast from the BNI, and installation performance by Leanne Tobin (Dharug) and Darren Bell (Ngunnawal and Yuin) titled *It Starts Now* (Figure 4.8). The performance led participants on a walk tracing the form of a grass spiral symbolising the 'ongoing ripple effect of colonisation'.[21] The large spiral was made from red woodchips and located near the archaeological remains of the residential school. Community members and visitors were invited to participate in a ceremony, walking in towards the centre of the spiral to lay on branches of green eucalypt leaves in a healing gesture. This was carried out at the same time as weaving workshops that reconnected ancestral memories and interconnected futures.[22]

Dharug artist Leanne Tobin notes:

> As a healing, the spiral also alludes back to the weaving technique of the collecting baskets woven by the Traditional women along the East coast and handed down through many generations. The use of wood-chips on top of the ground gives evidence to what happened here: the mass destruction and clearing of the bushland to make way for farming. Green gum leaves are traditionally used for healing and cleansing in smoking ceremonies and dance. The leaves here, are laid down on top of the woodchips by community members, as a gesture to friendship, unity and healing while also acknowledging and cleansing the pain of the past.

Figure 4.8 Dharug artist Leanne Tobin and participatory performance titled *It Starts Here Now*. (Source: BNI Project)

In late 2015, a third artist camp and community corroboree was held at the BNI, a culmination of a year-long project and building from the previous artist camps. The MCA collaborated with Blacktown Arts Centre and UrbanGrowth NSW to support the event. First Nations artists Darren Bell, Karla Dickens, Steven Russell, Kristine Stewart and Leanne Tobin came together with the community, local artists, academics and historians to produce three intended outcomes: the creation of a website as a keeping place for personal stories about the site; creative direction for future permanent usage of the site; and the creation of new temporary public artworks which were unveiled at the corroboree (Figure 4.9). Wiradjuri artist Karla Dickens created an ephemeral memorial titled *Never Forgotten.* On the BNI perimeter fence were the words 'Loving Memory' in strips of fabric and tied by the attendees (Figure 4.10). In the evening, the fabric was set alight as a memorial to the children of the Native Institution. It was noted that the cloth was a reference to the 'bedsheets of the children' and the burning was a 'cathartic release of grief and suffering'.[23]

Figure 4.9  The local community participating in the event. (Source: BNI Project)


Figure 4.10  Karla Dickens, *Never Forgotten* (2015), installation view, BNI corroboree, 2015, Oakhurst, NSW, co-commissioned by C3West on behalf of MCA, Blacktown Arts Centre on behalf of Blacktown City Council and UrbanGrowth NSW. (Source: BNI Project)

## 4.3 Social values summary

The BNI as both a living entity and living memorial represents a place and being which holds entangled social and spiritual values that nourish and connect Dharug Traditional Custodians to Nura through a reciprocal relationship. These values are enduring, evolving and emerging, and presentation of a social values statement can only reflect the current feelings and associations, which are likely to change, concurrently with the Dharug community's connection with the BNI.

The returning of the land to Dharug ownership in 2018 represents a seminal moment in the story of the place and meaning for the Dharug community today. It celebrates and supports activism, truth telling, healing, resilience and learning to belong together with Dharug Nura.

Dharug self-determination has been celebrated through a series of creative Dharug-led programs, events and activities. These have supported the community in connecting, caring and belonging with Dharug Nura and the regeneration of cultural practices, knowledges, and language. Together, they have helped to create a safe and nourishing environment that facilitates healing of painful individual and collective historical lived experiences and memories.

## 4.4 Endnotes

1 Andrew, Brook and Hibberd, Lily 2022, 'The Blacktown Native Institution as a Living, Embodied Being: Decolonizing Australian First Nations Zones of Trauma Through Creativity', *Space and Culture*, vol. 25, no. 2, pp 168–83, <https://doi.org/10.1177/12063312211073048>.

2 Dharug Strategic Management Group Ltd, Annual Report 2023.

3 Ibid.

4 Dharug Strategic Management Group, <https://www.dsmg.org.au/copy-of-about>.

5 Rey, Jo Anne, 2021, 'Indigenous Identity as Country: The "Ing" Within Connecting, Caring, and Belonging', *Genealogy* (Basel), vol. 5, no. 2, p 48, <https://doi.org/10.3390/genealogy5020048>.

6 <https://landscapeaustralia.com/articles/representation-remembrance-and-the-memorial/#>.

7 Andrew, Brook and Hibberd, Lily 2022, 'The Blacktown Native Institution as a Living, Embodied Being: Decolonizing Australian First Nations Zones of Trauma Through Creativity', *Space and Culture*, vol. 25, no. 2 pp 168–83, https://doi.org/10.1177/12063312211073048.

8 Ibid.

9 Ibid.

10 <https://www.blacktown.nsw.gov.au/Events-and-activities/Blacktown-Arts>

11 Nigel Gladstone (10 June 2018), 'Blacktown "living memorial" to stolen generations opens', *The Sydney Morning Herald*, accessed 10 June 2018: <https://www.smh.com.au/entertainment/art-and-design/blacktown-living-memorial-to-stolen-generations-opens-20180609-p4zkif.html>.

[12] 'Blacktown Native Institution site honoured by artists', *Daily Telegraph*, 8 June 2018, accessed 9 June 2018, available: <https://www.dailytelegraph.com.au/entertainment/arts/sharyn-egans-flannel-flowers-are-a-woven-tribute-to-the-history-of-the-blacktown-native-institution/news-story/0490af436d3efa7c404b289a629f6613?login=1>

[13] Nigel Gladstone, 'Blacktown "living memorial" to stolen generations opens', 2018.

[14] Ibid.

[15] <https://www.biennaleofsydney.art/participants/blacktown-native-institution/>

[16] <http://www.bniproject.com/2013-blacktown-exhibition/>

[17] Andrew, B and Hibberd, Lily 2022, 'The Blacktown Native Institution as a Living, Embodied Being: Decolonizing Australian First Nations Zones of Trauma Through Creativity', *Space and Culture* 25(2), pp 168–183.

[18] Ibid.

[19] Andrew, B and H., P. (2013). 'Blacktown Native Institute Exhibition'.

[20] Andrew, Brook and Hibberd, Lily 2022, 'The Blacktown Native Institution as a Living, Embodied Being: Decolonizing Australian First Nations Zones of Trauma Through Creativity', *Space and Culture* 25(2), pp 168–183.

[21] <bniproject.com/art/artworks/>

[22] Ibid.

[23] Ibid.

# Understanding the place—archaeological analysis

# 5 Understanding the place—archaeological analysis

## 5.1 Introduction

Members of the GML project team have inspected the BNI on numerous occasions in the past five years. While the inspections were limited to a visual analysis, the period and frequency of inspections has allowed for an understanding of the place through different seasons and weather conditions.

The archaeological potential of the BNI comprises two different types of archaeology: the deep time archaeological record relating to First Nations presence, occupation and use of the landscape, notably through the Holocene; and the post-invasion, BNI archaeological deposits connected with the use of this place primarily through the early to middle nineteenth century.

The archaeological resources represent a significant aspect of the place's value. If physically investigated (which is currently not recommended) the post 1788 archaeological record has high levels of scientific potential to provide new information on the layout, use, development and function of the BNI. The need to conserve the archaeological resources in situ therefore must be underpinned by an understanding of what the archaeological resource is, and where it is likely located. To achieve this outcome, we have built on the place's history (Section 2) and understanding of the place in its local context (Section 3). Statements of archaeological potential for both Aboriginal objects (which have statutory protection under the *National Parks and Wildlife Act 1974* (NSW) [the NPW Act]), and historical relics (protected under the *Heritage Act 1977* (NSW) [the Heritage Act]), are provided. These statements underpin the archaeological management policy for the place.

## 5.2 Assessment of soil disturbance

The statements of archaeological potential consider the history and long-term impacts, changes and alterations to the BNI, and are described with respect to the various phases of use associated with the place. Archaeological potential is tempered by the condition and integrity of the soil deposits which hold archaeological materials. We have provided a detailed review of the recent physical history in Section 3.4. This analysis has identified several disturbance activities which include:

- initial clearance and development of the BNI;
- the life of the BNI as a working property in the nineteenth century;

- demolition of the BNI buildings and development of a farming dairy complex;
- demolition ~1985 of the farm house and outbuildings; and
- post-1985 activities which have included:
  - clearing of vegetation;
  - piping of the creek;
  - construction of the sewer (date unknown); and
  - construction of an open drain running north to south through the site.

These activities have altered the condition and integrity of the original soil deposits. Some activities have resulted in the formation of the historical archaeological sites, while others have culminated in the complete loss of soils, and thus potential for Aboriginal objects. The bulk of the land area has been cleared of vegetation and is likely to have been subject to some ploughing from 1877.

The review of historical aerial photographs and site inspections provides an understanding of those areas which have been excavated (cut) through basal clay. These zones have lost all soil integrity and condition, and hold no potential for any archaeological materials. These zones are shown in Figure 5.1.

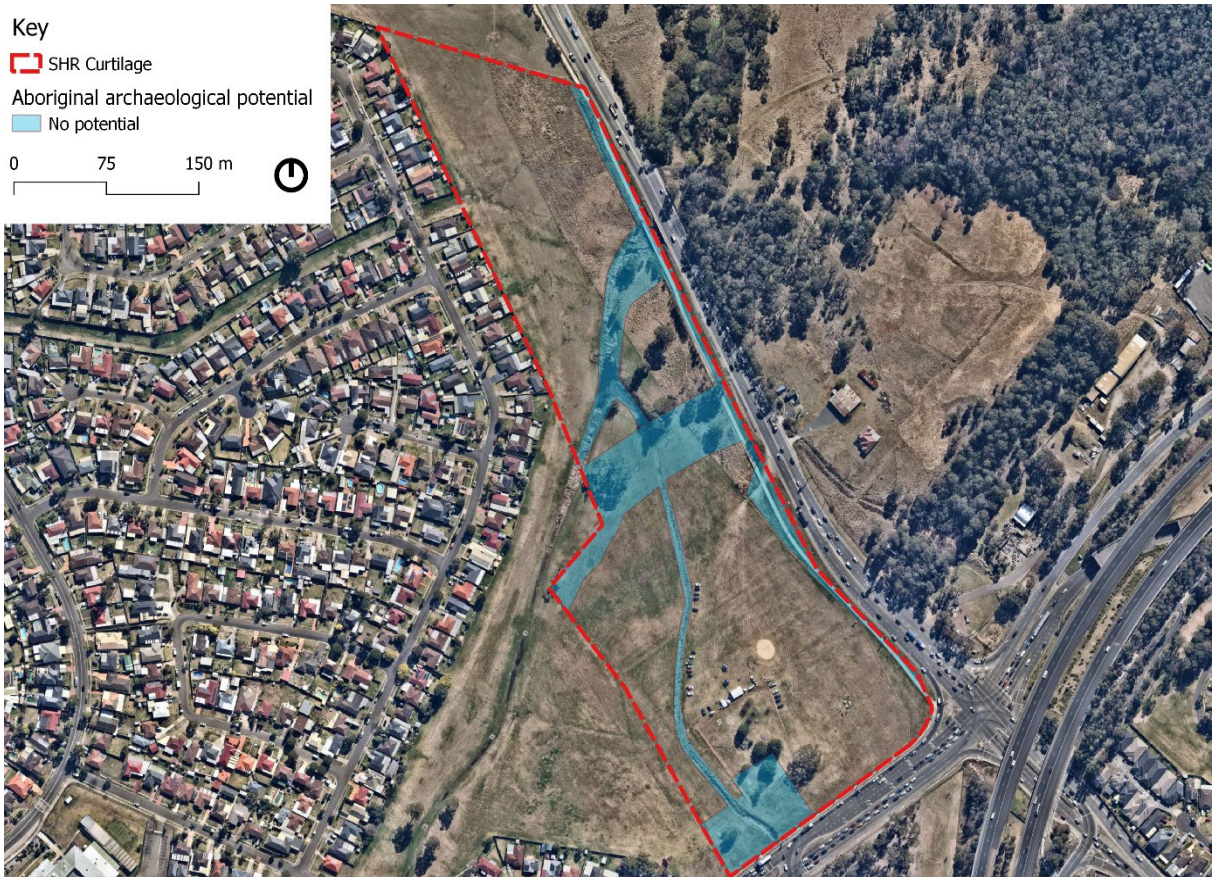


Figure 5.1 Analysis of soil condition and integrity, showing locations which have been significantly impacted by activities since 1788, and thus hold no archaeological potential for either Aboriginal objects or historical relics.

## 5.3 Prior archaeological excavation, 2005

We are aware that prior Aboriginal and historical archaeological excavations have occurred inside the DSMG managed portion of the BNI study area. In 2005 two programs of archaeological investigation were undertaken as part of works for the WM7 (now the M7). Reporting on the program of historical archaeology (Banksia Heritage + Archaeology, 2005[1]) has been reviewed. No report on the Aboriginal archaeology (undertaken by Austral Archaeology) is held with Heritage NSW, but the outcomes are reported on by Banksia.

Aboriginal and historical archaeological works occurred for excavation of the drainage channel which extends from Rooty Hill Road North, north into the BNI, passing on the western side of the BNI. The route of this channel is shown in Figure 5.1 as an area with no archaeological potential. The outcomes were that neither program of archaeology identified any historical relics, foundations or Aboriginal objects.

The summaries for each program of archaeology are provided for reference:

> [Historical archaeology] The archaeological evidence clearly shows that the most recent activity in the past 20-30 years [that is 1970s/1980s to 2005] has resulted in the destruction of probably all potential archaeological deposits dating before it in a large proportion of the site. The most recent phase of site activity is interpreted as being a works or construction depot, probably for road construction works because of the amount of blue metal road base and other fill materials present. This is likely to date from the 1970s to 1980s based on associated artefacts, such as the types of drinks cans and plastic items. This would coincide with the period of subdivision and suburbanisation of Plumpton and Rooty Hill North, and the upgrading of Rooty Hill Road and Richmond Road…
>
> The use as a works site included grading away all surface deposits to the B horizon of the natural soil profile in the area fronting Rooty Hill Road North. A distinct mounding can be seen that corresponds with the thickness of road base and imported fill in the drain cut sections. These occupy the area roughly from the edge of the uncleared grass in front of the Native Institute remains and extending to the modern concrete pad south of the drain, and extending all the way to the road reserve.[2]

The outcomes of soil profiles inform our assessment of archaeological potential and zoning. We note that while a 'works construction site' was hypothesised consequent of the 2005 archaeological works, the review of aerial photographs (refer to Section 3) shows these works were probably connected with the dairy buildings and their landscaping.

> [Aboriginal archaeology] Given the significance of the BNI site to local Aboriginal people, a cultural salvage excavation was undertaken covering the easement of the planned drain widening to allow for the recovery of any Aboriginal artefacts….
>
> Five days of fieldwork were carried out [19-28 April 2005] with the participation of Deerubbin Local Aboriginal Land Council (DLALC), Darug Custodian Aboriginal Corporation (DCAC) and Darug Tribal Aboriginal Corporation (DTAC). During the period, six 5 x 1 metre trenches were excavated along the banks of the existing drainage line (three on each side), in an area extending 25 m from the edge of Rooty Hill Road North which covered the extent of the proposed drain widening. The soils in this area were found to be highly disturbed by recent and historical land use practices. This has resulted in the destruction of the natural topsoil soil profile…
>
> No Aboriginal stone artefacts were found during the course of the excavation although a substantial amount of un-worked raw stone material was recovered. This primarily consisted of red and yellow silcrete, however some was small quartz pieces and fragments of petrified wood were also recovered. This was not unexpected given the site's proximity to Plumpton Ridge, a major silcrete source on the Cumberland Plain…
>
> …it was determined that the excavation demonstrated both the highly disturbed nature of the drain area and the lack of Aboriginal artefactual material in the immediate area. Thus it was concluded at an on-site meeting between member of Austral Archaeology, DLALC, DCAC and DTAC, that no cultural material would be impacted by the widening of the drain.[3]

These outcomes are important and support the analysis for Aboriginal objects, below. The presence of raw silcrete within this landscape position is interesting, and possibly attests to further outcrops of St Marys Formation gravels. Unworked petrified wood would not be expected as part of the baseline suite of raw materials, because it has an extremely low representation within the archaeological assemblages excavated from nearby sites, and the geology of the Cumberland Plain does not present noted sources of the material.

Petrified wood is present as raw material and worked in large quantities in lithic assemblages from the Illawarra, where the material occurs as part of the Illawarra Coal Measures geology. Recent research[4] has demonstrated connections between western Sydney and the Illawarra through the record in stone, and it is possible that raw unworked petrified wood was brought into the region. Alternatively, the petrified wood has been imported recently with other gravels and was washed into the area of the drainage channel. Gravel is also likely the source of the unworked quartz observed.

## 5.4 Aboriginal objects—archaeological potential

### 5.4.1 Identified Aboriginal sites

A search of Heritage NSW's Aboriginal Heritage Information Management System (AHIMS) was undertaken on 8 June 2022. The zone search extended from latitude, longitude -33.7409, 150.83 to -33.7231, 150.8609 with no buffer. The results are shown in Figure 5.2, Figure 5.3 and Table 5.1.

The search identified 45 sites, including distinct artefact scatters and isolated artefacts, an Aboriginal ceremony and dreaming site, Potential Archaeological Deposits (PADs) and a stone quarry. Four sites were found within the SHR boundary (45-5-5471, 45-5-4531, 45-5-2651 and 45-5-0398).


Figure 5.2 AHIMS -registered Aboriginal sites in and around the immediate landscape of the BNI study area. (Source: NSW AHIMS 2022, over Nearmap, with GML additions)

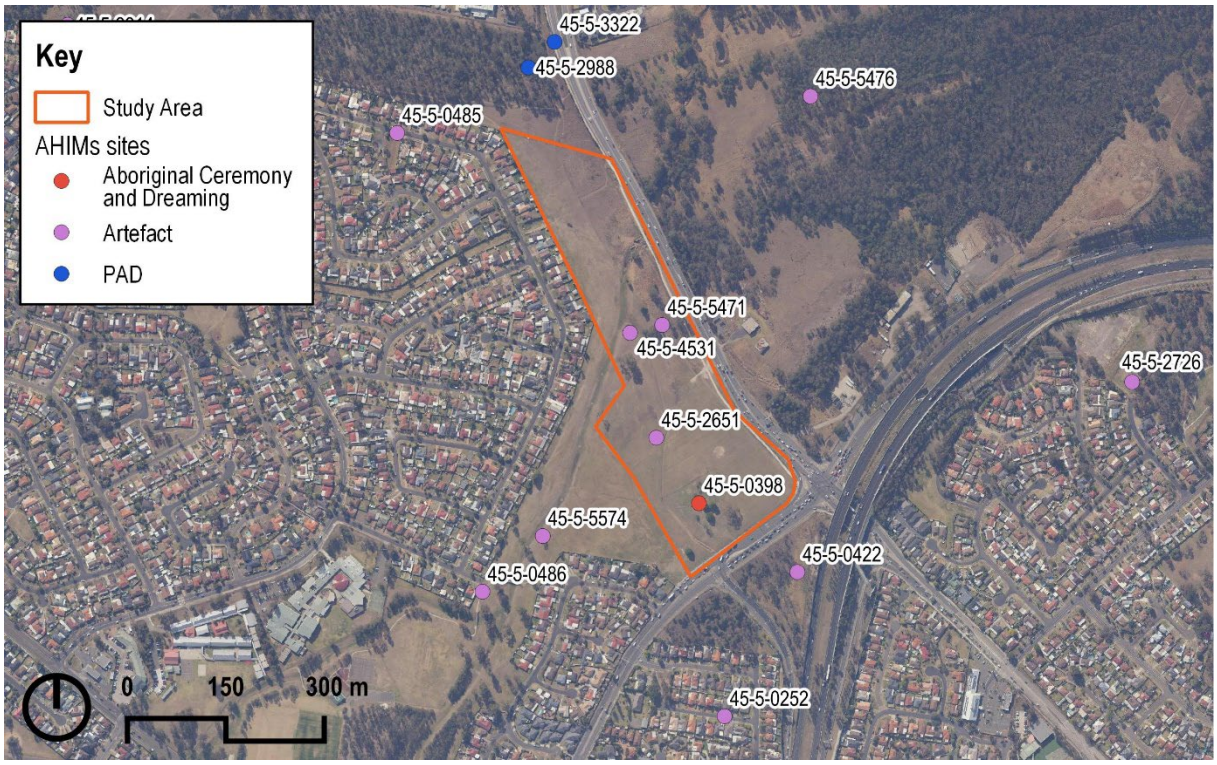


Figure 5.3 AHIMS-registered Aboriginal sites in and around the immediate landscape of the BNI study area. (Source: NSW AHIMS 2022, over Nearmap, with GML additions)

Table 5.1 Summary of AHIMS sites associated directly with the BNI.

| AHIMS site # | Site type | Description | Recorder/comment |
|---|---|---|---|
| 45-5-5471 | Artefact | Artefact found at Richmond Rd Bells Creek | Matthew Kelleher |
| 45-5-4531 | Artefact | Artefact found at Bells Creek | Matthew Kelleher |
| 45-5-2651 | Artefact | Single artefact site | Michael Therin |
| 45-5-0398 | Aboriginal Ceremony and Dreaming | 'Blacktown Native Institute' site | Annie Bickford |

### 5.4.2 Assessment of Aboriginal archaeological potential—Phase 1, deep time connections

The pattern of regional AHIMS sites, and local descriptions from the early 1980s archaeological inspections (prior to the alterations of Bells Creek) suggest the presence of Aboriginal objects on the flat elevated flood plain adjacent to the creek.

Had the BNI not been subject to soil modifications, the regional predictive models[5] indicate that landforms either side of Bells Creek would hold archaeological potential, notably on landforms which faced north, and were connected to raised terraces of alluvium. This potential would have extended 50m to 70m away from the creek. The slope which rose away from Bells Creek could be described as holding a general low potential for Aboriginal objects, with a density reflective of the regional background distribution of material.

However, the BNI, notably the soil landscapes and landforms directly adjacent to the creek, have been substantially modified. Cut and fill activity has significantly altered these landforms, resulting in the low likelihood for any soils to retain integrity or condition either side of Bells Creek. Those areas which have been entirely excavated and hold no Aboriginal archaeological potential are shown in Figure 5.1. In these locations, should any Aboriginal objects be identified, they would likely be displaced, moved downstream by water flow or redeposited from their original context.

Landforms on the southern side of the creek (within 50m of the creek channel) are likely to have been impacted by excavation and deeper excavation works, and thus hold a low level of archaeological potential. It is noted that two AHIMS sites are recorded on these landforms.

Some landforms on the northern side of the creek could hold a moderate level of archaeological potential, where they have been subject to lower excavation/works impacts. This zone contains a series of palaeochannels (refer to the 1978 aerial photograph, Figure 3.8), and could retain micro-terraces with evidence for stone artefact

working adjacent to watercourses. One AHIMS site is recorded in this location, as is the 'campsite' which was recorded by Bickford.

The slopes on the southern side of the creek, rising to the BNI, have been modified by vegetation stripping, farming and ploughing. These impacts have reduced the integrity of soils capable of bearing these deposits, but not lessened the soil's condition. These slopes hold a low level of archaeological potential for stone artefacts deposited through one-off activities.

The area directly associated with the BNI, and notably the post 1924 farm buildings, has been significantly impacted by excavation works. There are areas which hold no Aboriginal archaeological potential. This zone is encapsulated by the AHIMS registry for the BNI (45-5-0398).

Validation of the archaeological potential would require a program of soil sampling and/or archaeological test excavation. However, in summary, it is unlikely that land inside the BNI SHR curtilage retains dense pre-1788 archaeological deposit with good condition and/or integrity. The landforms that could have held such archaeology were generally restricted to those near Bells Creek, and these have likely been substantially altered through creek modification and infrastructure works. The Archaeological Zoning Plan for Aboriginal objects is shown in Figure 5.4.

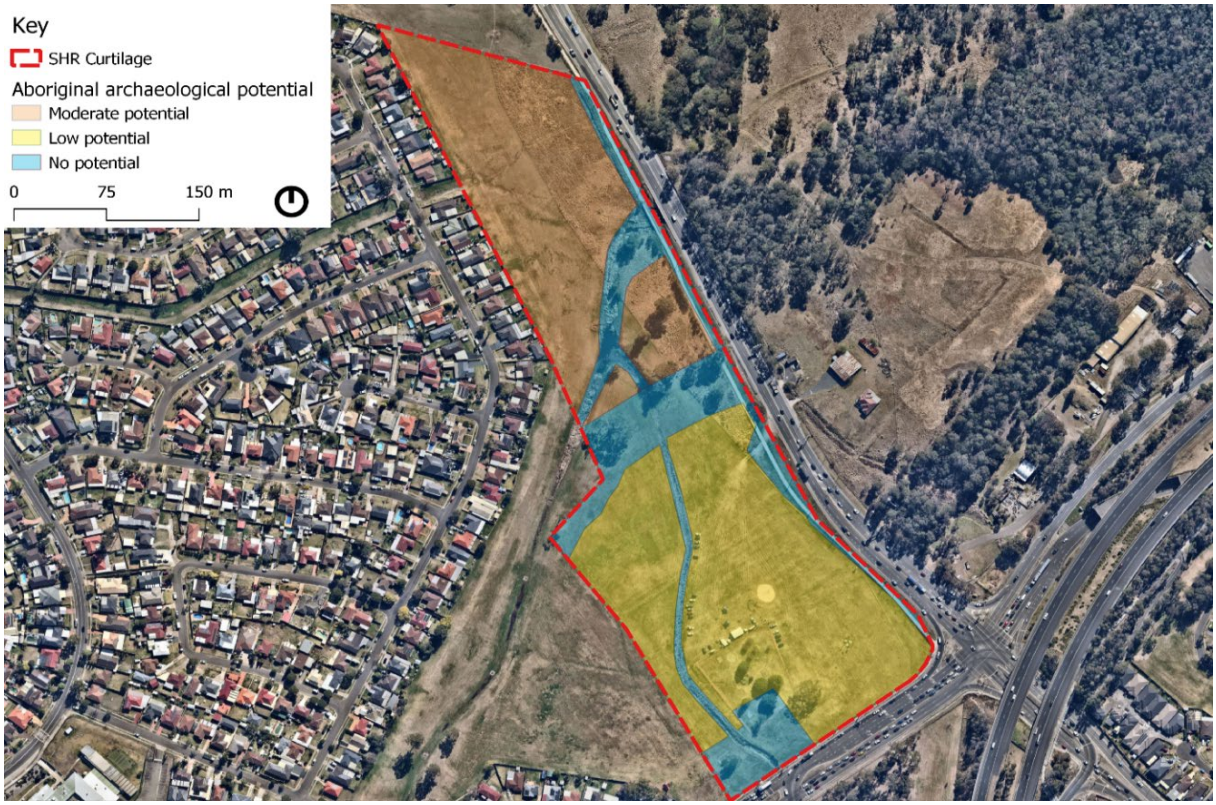


Figure 5.4 Summary of archaeological potential for Aboriginal objects. (Source: Nearmap with GML overlay)

# 5.5 Historical relics—archaeological potential

In order to assess the nature and extent of historical archaeological evidence that may have survived at the BNI, a historical overview—including historical plans and photographs presented in Sections 2 and 3—have been analysed to determine how the site was used during the nineteenth and twentieth centuries.

The following discussion focuses on the potential subsurface archaeological remains, and historical evidence such as structural elements, occupational deposits, yards and paths which relate to the historical phases of development within the study area.

In assessing the potential for historical period archaeology, it is useful to compare this place with another 1820s place. Regentville, near Penrith, was built around 1825 and like the BNI building, Lloydhurst, also burnt down—in this case in the late-nineteenth century.[6] Regentville was located on alluvial soils, on a rise overlooking the floodplain of the Nepean River. Archaeological deposits featured a complex destruction layer, altered through the robbing of building materials and levelling of the site. Underneath this layer many of the deeper features of the house survived intact, including privies, drains and artefact-rich deposits. The destruction layer also yielded archaeologically significant information; however, very few intact underfloor deposits occurred. Phases of occupation of Regentville were able to be determined.

On this basis it could be expected that the BNI contains remnant deposits capable of bearing intact deposits identifiable to phases of demolition and occupation.

## 5.5.1 Phases of archaeological development

The following five main phases of historical development have been identified:

- 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; and
- Phase 5—Mittigar Reserve 1985–present.

### Phase 2: Early settlement 1819–1877

In 1819, Macquarie established a settlement for newly married Aboriginal couples adjacent to Nurragingy's land. Bark huts were built in the area; however, they were probably located to the north of the study area. In 1823, the Parramatta Native Institution was moved to the area which for the first time is referred to as 'Black Town'. Initially, the BNI had only small sheds to house the students and carers. Later a two-storey house containing bedrooms, and possibly a chapel, was built. There was also a separate kitchen, stable and coach house. A well was sunk at some stage. The location of

these features, where known, is shown on Figure 5.5 and Figure 5.6. At the time of its sale into private ownership in 1833 the land was cleared and fenced.

The families of the children living in the institution are also believed to have camped along Bells Creek, with some evidence of these camps recorded by Bickford in 1981.[7] A scatter of stone artefacts, pottery and convict-made bricks was identified on the northwest side of Bells Creek and listed on the AHIMS database as site 45-5-0389. We note this location holds no soil condition and has been impacted by infrastructure works.

Dharug community members have stated over many years a belief that burials of Aboriginal children occurred in and around the BNI in unmarked graves. There are no formal records of such burials, and to date none have been identified. Suggested potential locations for unmarked graves have previously included along Bells Creek, on landforms north of the Bells Creek, within the Colebee and Nurragingy land grant area, and near the former BNI buildings.

If present, unmarked graves could be present of burial cuts (defined rectangular cut marks into the soil, notably into basal clay), remains of coffins, grave goods, and remains of human skeletal members. The condition and integrity of any remains would be location specific, depending on water movement regimes, soil acidity/alkalinity, the depth of burial, and post burial diagenesis.

The potential for graves and burials worries and concerns some Dharug members, and the subject must be treated with care and respect. Any future action within the BNI which could substantially disturb soil horizons must recognise and consider the potential for unmarked graves. Within the DSMG portions of the BNI, consideration to undertaking a high-resolution Ground Penetrating Radar (GPR) survey could be given. This could provide some certainty whether an area held potential for unmarked graves.

All works which disturb the ground inside the listed BNI boundary, except in areas zoned with no archaeological potential (refer to Section 5.5) should have mitigation strategies for unexpected finds and notably potential graves.


Figure 5.5 Phase 2—1833 Sketch of Blacktown Native Institution by assistant-surveyor Felton Mathew. The historical plan has been geo-rectified and is clearly inaccurate with respect to the understood location of the Phase 2 buildings. (Source: NSW Land Titles Office, 134-690)


Figure 5.6 Phase 2—1833 showing the understood location of buildings, which differs spatially from that shown on the plan in Figure 5.5. (Source: Nearmap with GML overlay)

## Phase 3: Lloydhurst 1877–1924

In 1877, the property was bought by Sydney Burdekin and renamed Lloydhurst. Burdekin purchased an additional 140 acres (56ha), and made additions to the institution building, including a ballroom. Historical records indicate a portion of the property was farmed for vegetables. In later records the property was described as consisting of the main building, the kitchen and maid's room, and the dwelling and billiard room. There was also a tennis court. No documentary plans relating to this phase of the place are available, but an approximate location of these remains based on aerial photography is identified in Figure 5.7.


Figure 5.7 Phase 3—the main BNI building was expanded. The most likely extent of this building is shown. (Source: Nearmap with GML overlay)

## Phase 4: Dairy farm 1924–1985

In 1924, the Lloydhurst house was destroyed by fire. A fibro house was built over the remains of the house from the mid-nineteenth century, and the property was used as a dairy farm. It is not known when the other structures on the site were demolished. However, it was likely also during this time, as only one structure (identified as a late-nineteenth century barn) associated with the Lloydhurst phase was recorded by Bickford in 1981. This barn was located to the southeast of the house and has since been demolished. The silo building currently extant at the site likely dates to this period. The physical extent of these buildings is identified in Figure 5.8.


Figure 5.8 Phase 4—the post BNI building farm structures. The main milking shed is located west of the BNI SHR boundary. (Source: Nearmap with GML overlay)

### Phase 5: Mittigar Reserve 1985–present

In 1985 the fibro house and farming buildings, including the barn identified by Bickford, were removed to ground level, with footings and floor surfaces remaining visible on the surface. Further impacts to soil horizons occurred during this period, including excavation of Bells Creek, and a drainage channel cut to the west of the BNI.

## 5.5.2 Analysis of potential archaeological remains

Archaeological potential or the likelihood of survival of archaeological remains (based on the condition and integrity of soils) at a site is generally graded as low, moderate or high, and is defined as follows:

- Low—it is unlikely that archaeological evidence associated with this phase or feature survives.
- Moderate—it is possible that some archaeological evidence associated with this phase or feature survives. If archaeological remains survive, they may have been subject to some disturbance.

- High—it is likely that archaeological evidence associated with this phase or feature survives intact.

The results of the above analysis are summarised below in Table 5.2. The zone with archaeological potential for remains connected with the BNI (Phase 2) is located inside the currently fenced area on site, which is shown spatially in Figure 5.9. NB: this Phase 2 zone includes part of the area with no archaeological potential.

The interplay between historical Phases 2 to 4 is shown in Figure 5.10. It is clear that Phases 2 and 3 buildings have the same spatial areas, although the yards from Phase 2 are larger in extent. Therefore the zone with possible historical archaeological remains with heritage value (Phases 2 and 3 only) is reflected by the extent of Phase 2.


Figure 5.9 Zone with the greatest archaeological potential for historical relics associated with the former BNI. (Source: Nearmap with GML overlay)


Figure 5.10 Showing the interplay between the historical development of the BNI and potential archaeological remains. (Source: Nearmap with GML overlay)

Table 5.2 Potential archaeological features and associated archaeological evidence.

| Phase | Potential archaeological remains | Evidence of disturbance | Archaeological potential |
|---|---|---|---|
| Phase 1: Deep time First Nations connections | Artefact sites, and cultural features such as hearths or ground ovens. | There has been historical disturbance across the site, particularly in the vicinity of the schoolhouse in the south. Locations associated with the creek have been substantially impacted by creek modifications.<br><br>Subsurface deposits within intact natural soil profiles and disturbed contexts are likely to remain across the remainder of the site. | An assessment and zoning plan for Aboriginal objects is shown in Figure 5.4. Some parts of the BNI hold no potential. |
| Phase 2: Early settlement 1819–1877 | Contact period use of European material for traditional Aboriginal purposes. Likely to be associated with sites identified in Phase 1. | There has been historical disturbance across the site, particularly in the vicinity of the schoolhouse in the south. Locations associated with the creek have been substantially | Low, but exists within localised areas retaining natural soil profiles with good |

| Phase | Potential archaeological remains | Evidence of disturbance | Archaeological potential |
|---|---|---|---|
| | (Note—contact period objects could date from 1788). | impacted by creek modifications.<br>Subsurface deposits within intact natural soil profiles and disturbed contexts are likely to remain across the remainder of the site. | condition and integrity. |
| | Evidence of first small sheds, including post holes. | Likely to have been extensively disturbed by subsequent activities including construction of other structures and establishment of farmland. Features such as post holes may survive, cut into lower strata. | Low |
| | Evidence of the BNI, including structural remains of the schoolhouse building and associated underfloor deposits. | Footings recorded in situ below farmhouse in 1981. Footings and associated underfloor deposits are likely to have been only moderately disturbed by its construction and demolition. Underfloor deposits may survive intact. | Moderate to high |
| | Ancillary buildings including kitchen, stable and coach house. | Evidence of these structures was recorded in 1981. | High |
| | Service infrastructure and water supply, including at least one well. | There is documented evidence of a well at the site, which is likely to survive due to the deep excavation required for its construction. There is some evidence of other service infrastructure visible on the surface. | Extant and high |
| | Waste disposal including garbage pits, refuse dumps and privies. | May have been periodically removed or disturbed by subsequent activities or structures. Deeper subsurface features are more likely to survive. | Moderate |
| | Evidence of landscaping surrounding schoolhouse including paths, steps, edging, driveways, flower beds. | May have been obscured or disturbed/removed by subsequent landscaping or activities or structures. | Low |

| Phase | Potential archaeological remains | Evidence of disturbance | Archaeological potential |
|---|---|---|---|
| | Evidence of farming activities, such as post holes marking early boundaries or fence lines, or farming practices, such as stockyards. | Some disturbance associated with subsequent activities or structures in this area. Features such as post holes may survive, cut into lower strata. | Moderate |
| | Evidence of land clearing, such as tree roots, charcoal deposits, artefact scatters, soil deposits. | Likely to have been removed/disturbed by subsequent activities. | Low |
| | Human graves and burials. | | Low |
| Phase 3: Lloydhurst 1877–1924 | Evidence of modifications to the schoolhouse following its sale.<br>Evidence of landscape modifications including operation of vegetable farming, and a tennis court. | Evidence of these structures was recorded in 1981.<br>May have been obscured or disturbed/removed by subsequent landscaping or activities or structures. | High |
| Phase 4: Dairy farm 1924–1985 | Evidence of operation of dairy farm, including construction of the farmhouse and ancillary structures. | Some extant footings are visible within study area. The barn from this period, located in the southwest corner of the site, has been destroyed by residential development. One extant structure on site dates to this period. | Extant and high |
| | Evidence of dairying activities including post holes, slabs, and soil deposits. | Some disturbance associated with subsequent activities or structures in this area. | Moderate |
| Phase 5: Mittigar Reserve 1985–present | Landscape modifications including construction of drainage channel, enclosure of the creek and archaeological remains. | Evidence of latest modifications are extant within the study area. | High |

## 5.6 Archaeological Zoning Plan

The assessment of archaeological potential allows for the development of an Archaeological Zoning Plan (AZP), Figure 5.11. The AZP combines the assessments for Aboriginal objects and historical relics into a single image. The plan contains the following zoning:

- Areas which hold no archaeological potential for either Aboriginal objects or historical relics. These zones have been subject to deep excavation and/or impacts over the last 60 years and are unlikely to retain archaeological deposits. If present, any Aboriginal objects or historical relics inside these areas would likely be displaced and out of context.
- Aboriginal heritage AHIMS sites—these registered locations have previously identified Aboriginal objects and/or Aboriginal values (Section 5.4.1 and Table 5.1). These sites have statutory protection under the NPW Act.
- Aboriginal archaeological low potential—this zone is an undifferentiated slope where any Aboriginal objects are likely to be isolated items, reflective of general Aboriginal movement across this landscape (Section 5.4.2).
- Aboriginal archaeological moderate potential—this zone could retain Aboriginal objects in more concentrated sites, with higher densities of items (Section 5.4.2).
- Historical archaeology (Phase 2)—this zone is associated with the former Phase 2 BNI buildings and yards and later Phase 3 Lloydhurst adaptations (Section 5.5.1). There are likely to be historical relics, foundations, soils and other items which provide evidence for the former BNI structures and connected landscape use.

An overview of the types of potential archaeological items is provided in Table 5.2.

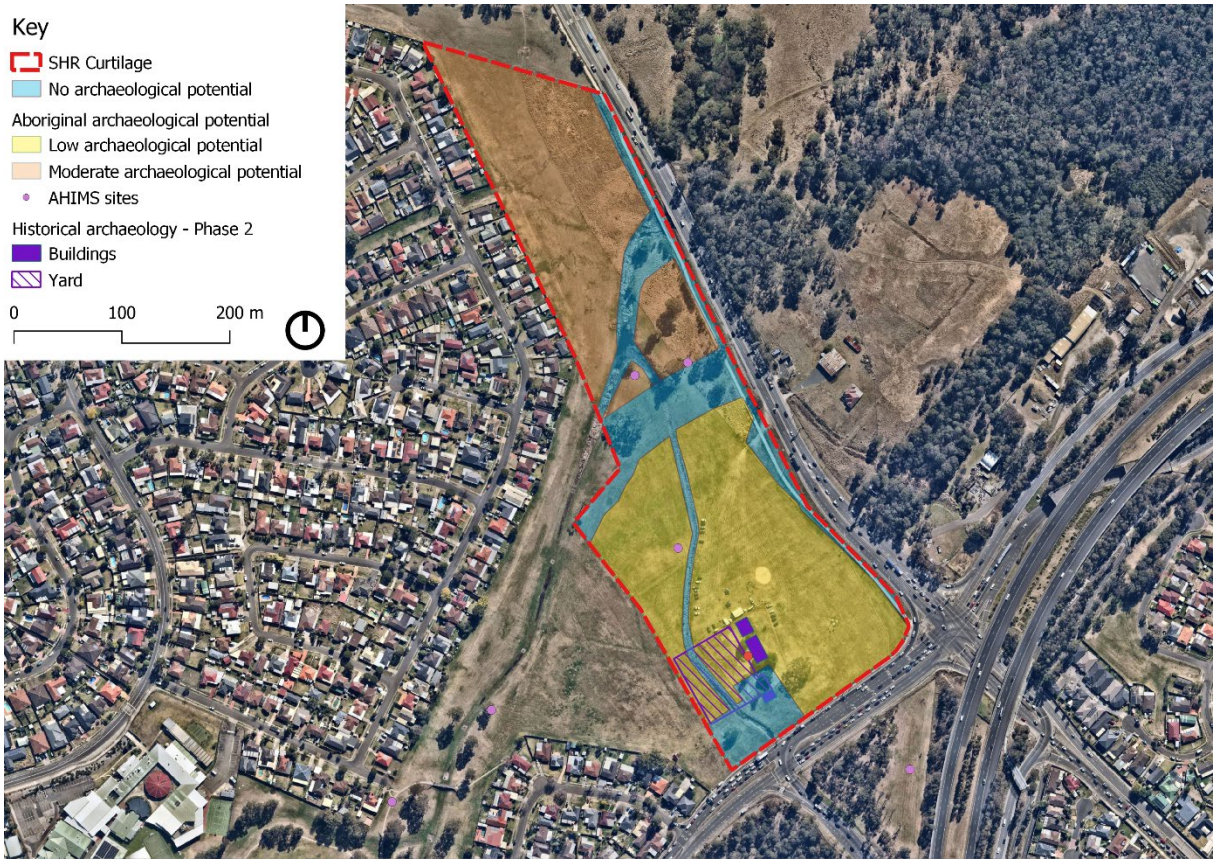


Figure 5.11 BNI AZP showing registered Aboriginal sites (under the NPW Act), and the areas with potetnial for Aboriginal objects and historical relics. (Source: Nearmap with GML overlay)

The AZP can be used for future management of Aboriginal objects and relics across the BNI. Planning activities, including works and options for future use should be cognisant of the designated zones with archaeological potential.

# 5.7 Endnotes

[1] Banksia Heritage + Archaeology 2005, The Blacktown Native Institute, Plumpton: archaeological monitoring report. Report for ALJV.

[2] Banksia Heritage + Archaeology 2005, pp 25–26.

[3] Banksia Heritage + Archaeology 2005, pp 24–25.

[4] Munt, S, White, B and Owen, T 2023, 'Social information inherent in backed artefacts from the Illawarra, western, and southwestern Sydney, NSW', *Australian Archaeology*, DOI: 10.1080/03122417.2023.2218992

[5] Owen, TD and Cowie, D 2017, 'Four Predictive Models to Describe Aboriginal Lithic Artefact Site Patterning on the Cumberland Plain', *Journal of the Australian Association of Consulting Archaeologists* 5(2): 1–13.

White, E and McDonald, J 2010, 'Lithic Artefact Distribution in the Rouse Hill Development Area, Cumberland Plain, NSW', *Australian Archaeology* 70, pp 29–38.

[6] Birmingham, J and Wilson, A 1994, Regentville Archaeological Project 1985–1992, University of Sydney.

[7] Bickford, A 1981, The Archaeological Investigation of the Native Institution, Blacktown, NSW, report prepared for Lyle Marshall and Associates, pp 15–17.

# Understanding the place—significance

# 6 Understanding the place—significance

## 6.1 Introduction

The Burra Charter defines cultural significance as 'aesthetic, historic, scientific, social or spiritual value for the past, present or future generations'. Significance is embodied in the physical fabric of the place, its setting and relationship to other items, the recorded associations with the place and the response the place evokes in the community or in individuals to whom it is important.

In NSW heritage significance assessment is established by the *Heritage Act 1977* (NSW) (the Heritage Act). Under the Act heritage significance is defined at state level in relation to a place, building, work, relic, movable object or precinct, and means significance to the state of NSW in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item. The NSW heritage assessment guidelines, as set out in the Department of Environment and Planning's document *Assessing Heritage Significance* (June 2023), provide a framework for significance assessment and the statement of significance. The guidelines incorporate the five types of cultural heritage values identified in the Burra Charter.

Under these guidelines, items (or 'places' in Burra Charter terminology) are assessed for their heritage values and significance in accordance with the criteria. To apply the assessment criteria, both the nature and degree of significance for the place need to be identified. This is because items vary in the extent to which they embody or reflect key values and in the relative importance of their evidence or associations. The assessment also needs to identify the item's values to its relevant geographical and social context.

This section sets out the heritage significance of the BNI as it is currently described in the State Heritage Register (SHR) listing under the Heritage Act. The existing assessment of heritage significance includes consideration of the original and subsequent layering of fabric, uses, associations and meanings of the place, as well as its relationship to both the immediate and wider setting. The following assessment of significance against each of the criteria is an extract from the online SHR listing for the 'Native Blacktown Institution' (SHR 01866). The statement of significance is also extracted from the SHR listing.

### 6.1.1 Criterion A (Historical significance)

***An item is important in the course, or pattern, of NSW's cultural or natural history.***

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.

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.

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.

### 6.1.2 Criterion B (Historical association)

***An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of NSW.***

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.

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 instructed specifically to minister to the indigenous people of New South Wales, was appointed as manager of the Institute in 1824.

The site of the Blacktown Native Institute 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.

### 6.1.3 Criterion C (Aesthetic/creative/technical achievement)

***An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW.***

The BNI site does not meet the threshold for cultural significance at a State level under this criterion.

### 6.1.4 Criterion D (Social, cultural spiritual)

***An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons.***

The Blacktown Native Institute 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.

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.

### 6.1.5 Criterion E (Research potential)

***An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history.***

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.

### 6.1.6 Criterion F (Rare)

***An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history.***

The Blacktown Native Institution is a rare site reflecting early 19th century missionary activity. The site may contain the earliest evidence of the Colonial Administration's attempts to Christianise and Europeanise Aboriginal children.

### 6.1.7 Criterion G (Representative)

***An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural places; or cultural or natural environments.***

The BNI site does not meet the threshold for cultural significance at a State level under this criterion.

## 6.2 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.

## 6.3 Discussion

The current SHR assessment and statement of significance as it appears on the State Heritage Inventory record has been used in this CMP to identify the opportunities and constraints which are outlined in the following section.

It is noted, however, that the existing assessment and statement of significance is not comprehensive and does not reflect the place's social value. To better reflect the Dharug community's attachments to the place and the contemporary social values that have evolved in more recent times following Dharug custodianship of the BNI and broader cultural and societal changes, the heritage values assessment could be updated.

# Opportunities and constraints

# 7 Opportunities and constraints

Understanding the constraints and opportunities that flow from the heritage values and significance of a place informs conservation policy development.

Constraints typically flow from the legislative planning context, and in the case of the BNI relate to the place's heritage listings, including requirements to protect and conserve the place's heritage significance including areas and attributes where the values are exemplified.

Physical conditions and other requirements apply to the BNI land, including land use zoning, and environmental planning and development controls. Infrastructure, transport, traffic and water to varying degrees also constrain management and change at the BNI. Increasingly, climate change and disaster risk management are key considerations as part of future planning and management of both natural and cultural assets. A lack of human and financial resources to support management and conservation can also be a constraint.

Opportunities for heritage places arise from their heritage values and significance. The values and significance of the BNI demonstrate it contributes to and enriches life in the community, not only for the Dharug and broader First Nations community, but for the diversity of other communities that make up metropolitan Sydney and beyond.

The values and significance of the BNI are changing because of renewed connections to the BNI and to Nura, and notably since the Dharug community became owners and managers of the BNI in 2018. Management and governance by the DSMG therefore provide a strong opportunity for improved community social, economic and cultural health and wellbeing.

This section of the report discusses the constraints, issues and opportunities that flow from the heritage values and significance of the place. Such matters in turn influence the future planning, conservation, management, presentation and use of the BNI.

## 7.1 Legislative context

In NSW, items of heritage significance and archaeological remains (referred to as relics) are afforded statutory protection under the following legislation:

- *Heritage Act 1977* (NSW) (the Heritage Act);
- *National Parks and Wildlife Act 1974* (NSW) (the NPW Act); and
- *Environmental Planning and Assessment Act 1979* (NSW) (the EPA Act).

### 7.1.1 Heritage Act 1977 (NSW)

The BNI is a State Heritage Register (SHR) listed item and certain activities are regulated by the Heritage Act.

The Heritage Act aims to promote the understanding of and conserve and protect NSW's environmental heritage. It is used to regulate the impacts of development on the state's heritage through the assessment and determination of specific permits and applications. The Heritage Act describes a heritage item as a 'place, building, work, relic, movable object or precinct'. Further Heritage Act provisions include interim heritage orders, orders to stop work, standard and site-specific exemptions, and requirements associated with the protection of 'relics'. The Heritage Act constitutes the Heritage Council of NSW.

#### State Heritage Register

The SHR was established under Section 22 of the Heritage Act. It comprises a list of identified heritage items determined to be of significance to the people of New South Wales. The SHR includes items and places such as buildings, works, archaeological relics, movable objects or precincts.

The BNI is listed on the SHR (SHR ID 01866) and is therefore subject to the provisions of the Heritage Act.

#### Section 60

Under Section 57(1) of the Act, the Heritage Council of NSW's approval is required for certain types of works and development within an SHR listed area (often referred to as a 'curtilage') that may have the potential to have a moderate or greater degree of impact on an item's significance. This includes subdivision, works to grounds or structures, or disturbance of archaeological relics where the impact may give rise to a material impact on the significance of a listed item.

To gain approval for works to alter, damage, demolish, move or carry out development on land on which a listed building, work or relic is located, an application must be made to the Heritage Council of NSW (Section 60 application). Section 60 applications can be lodged via the online Heritage Management System and generally this is the approval pathway for following an integrated development application. With Section 60 applications other documents are required including a Statement of Heritage Impact. If ground disturbance is planned and relics are likely to be disturbed, an archaeological assessment and Archaeological Research Design (ARD) will be required with details of the designated Excavation Director.

Standard Section 60 applications apply to works in excess of $150,000. Section 60 applications may be modified under Section 65A. Section 65A modifications are for minor corrections, amendments, clarifications and additional work.

A Section 60 fast track approval pathway is also available. This application is for works and activities that will have or are likely to have a minor impact on the item's significance. The cost of the proposed works should not exceed $150,000. The proposed works should not be covered by standard or site-specific exemptions (see below).

## Relics provisions

The Heritage Act includes several provisions concerning archaeological relics. Section 4(1) of the Act (as amended 2009) defines a 'relic' as:

> Any deposit, artefact object or material evidence that:
>
> (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement; and
>
> (b) is of State or local heritage significance.

The Heritage Act affords protection to all historical archaeological relics under Section 139. The BNI has the potential to contain subsurface deposits and features that would be considered relics under the Heritage Act. The fact that the definition of relic excludes those deriving from 'Aboriginal settlement' means that relics relating to the BNI are clearly covered, but that any relics related to Aboriginal campsites should be seen as protected under the NPW Act.

To assist with management of the state's heritage assets, the Heritage Act distinguishes between items of local and state heritage significance.

- 'State heritage significance' indicates significance to the state in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.
- 'Local heritage significance' indicates significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

Section 139 of the Heritage Act prevents the excavation or disturbance of land known or likely to contain relics except in accordance with an excavation permit issued by the Heritage Council of NSW (or in accordance with a gazetted exception to this Section of the Act).

Section 139 of the Heritage Act requires that:

> 1. A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being

discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

2. A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.

As all relics are protected under the Heritage Act, an excavation permit under Section 63 (for areas within the SHR curtilage) or Section 141 (for areas outside the SHR curtilage) of the Heritage Act, must be obtained prior to any works that would disturb or destroy them.

Section 60 excavation permit applications must be supported by an ARD which addresses how the significant information embodied in the relics and their contexts is to be managed, conserved and interpreted—should approval to remove or disturb them be granted.

In addition, Section 146 of the Heritage Act requires that the discovery of any relic, and its location, be reported to the Heritage Council of NSW, regardless of whether an excavation permit has been issued.

The Heritage Council is the approval authority for issuing excavation permits.

## Site-specific and standard exemptions

Section 57(2) of the Heritage Act provides for several exemptions to Section 57(1) approval requirements. Exempt development does not require Heritage Council notification or approval. However, before proceeding with any works, the exemptions need to be carefully reviewed to ensure the proposed activities comply with the specific requirements to assess whether the works or activity can be done under an exemption. If the activity aligns with the description of the exemption and will have little to no impact upon the item's heritage significance, including its significant fabric, and will support its ongoing management the activity may be undertaken without approval.

Site-specific exemptions apply to some SHR items. Site-specific exemptions have been formally gazetted for the BNI. Site-specific exemptions are applied to a place before standard exemptions. Site-specific exemptions provide for other specified works and activities that will not give rise to adverse impacts to be carried out without approval.

### Site-specific exemptions

Site-specific exemptions for the BNI were gazetted on the 18 November 2011 and are included on the online State Heritage Inventory for the item under the Procedures/Exemptions tab. Site-specific exemptions generally enable day-to-day non-invasive management activities that are not covered by the standard exemptions to be carried out without the requirement for approval. Due to the archaeological potential of the BNI, the site-specific exemptions endeavour to allow various minor works to be

undertaken provided they will not impact on potential or known archaeological relics. The location where relics are likely to be identified have been described in the place's Archaeological Zoning Plan (AZP), refer to Section 5.5.

The BNI has two sets of site-specific exemptions. One set relates to activities by Sydney Water and its contractors. Within the BNI SHR listed area all Sydney Water works to assets, including sewage systems, storm water management systems and water supply systems, are exempt for operational requirements, construction, maintenance and repair where such work does not involve excavation or impacts on the archaeological resource.

Other activities are covered by site-specific exemptions and apply to the SHR listed area. These include road work, traffic control, exposure of underground utility services within existing service trenches, and related disturbance or excavation being carried out in accordance with an archaeological management plan. Other excavation and ground disturbance may be undertaken within the SHR listed area without approval provided it accords with an archaeological assessment, zoning plan or management plan and will give rise to a minor impact. This includes any testing to verify the location of relics. Pest management and vegetation management, including weed removal, lawn mowing, and pruning and removal of dangerous trees, provided the stumps are left in the ground, are permitted. Fencing may be repaired, maintained or constructed, subject to the works being in accordance with an archaeological management plan. Temporary change of use and display of notices for site interpretation are permissible activities in accordance with an archaeological management plan.

### Standard exemptions

Standard exemptions apply to all items listed on the SHR and generally include minor and non-intrusive works, such as maintenance works. There are 21 different types of standard exemptions which are listed on the Department of Planning and Environment's website. Exemptions do not apply to the disturbance, destruction, removal or exposure of historical archaeological relics.

## 7.1.2 National Parks and Wildlife Act 1974 (NSW)

The NPW Act provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Indigenous occupation of New South Wales) under Section 90 of the Act, and for 'Aboriginal Places' (areas of cultural significance to the Aboriginal community) under Section 84 of the Act. Aboriginal objects and places are afforded automatic statutory protection in New South Wales whereby it is an offence (without the Minister's consent) to harm an Aboriginal object or declared Aboriginal Place. Currently, known Aboriginal sites are recorded on the Aboriginal Heritage Information Management System (AHIMS), maintained by Heritage NSW. The provisions of the NPW Act protect all Aboriginal objects, sites and declared Aboriginal Places.

The NPW Act defines an Aboriginal object as:

> Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

The protection provided to Aboriginal objects and places applies irrespective of the level of their significance or issues of land tenure. Sites of traditional significance that do not necessarily contain material remains may be gazetted as 'Aboriginal Places' and thereby be protected under the NPW Act. However, areas are only gazetted if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was or is of special significance to Aboriginal culture.

A strict liability offence applies for harm to or desecration of an Aboriginal object or declared Aboriginal Place.[1] The definition of 'harm' includes destroying, defacing, damaging or moving an Aboriginal object or declared Aboriginal Place. The strict liability offence of harming Aboriginal objects has several defences. The two defences relevant to the proposed development are the statutory defence of due diligence through complying with an adopted industry code, and compliance with the conditions of an Aboriginal Heritage Impact Permit (AHIP).

The AZP (Section 5.5) has been prepared to provide the DSMG with a defence against harm inside those zones designated as holding no Aboriginal archaeological potential. Inside these zones, proposed works can be undertaken subject to 'caution', and a stop work procedure for unexpected finds of Aboriginal objects.

### 7.1.3 Environmental Planning and Assessment Act 1979 (NSW)

The EPA Act is administered by the NSW Department of Planning and Environment and provides for environmental planning instruments to be made to guide the process of development and land use.

The EPA Act also provides for the protection of local heritage items and conservation areas through listing on Local Environmental Plans (LEPs) and State Environmental Planning Policies (SEPPs) which provide local councils with the framework required to make planning decisions. Items of environmental heritage are included in LEPs on schedule 5. Heritage provisions in LEPs are included in section 5.10.

#### Blacktown Local Environmental Plan 2015

The *Blacktown Local Environmental Plan 2015* (Blacktown LEP 2015) is the principal environmental planning instrument applying to the land. BNI is listed under Schedule 5, Part 2, of the Blacktown LEP 2015 as an archaeological item (item number A121).

The objectives which relate to items listed on Schedule 5 of the Blacktown LEP 2015 are contained within Clause 5.10 (Heritage Conservation) and are as follows:

**Objectives**

1) The objectives of this clause are as follows—

(a) to conserve the environmental heritage of Blacktown,

(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,

(c) to conserve archaeological sites, and

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Any proposed works to the site must be evaluated in terms of whether they satisfy the objectives which are contained within Clause 5.10 of the Blacktown LEP 2015. Blacktown City Council is the consent authority for applications to undertake alterations and additions to items listed on Schedule 5 of the Blacktown LEP 2015.

Under the Blacktown LEP 2015 the BNI land is zoned 'C3 Environmental Management'. This zone is for the protection, management and restoration of land that has ecological, scientific, cultural or aesthetic qualities, or may require management of specific environmental hazards or processes. Development in the zone must not give rise to any adverse impacts on the special qualities associated with the land. Part of the land is within the Bells Creek pipe channel grass overflow and is subject to risk of flood.

A range of uses are carried out on C3 land with consent. Uses include community facilities; dwelling houses; environmental protection works; flood mitigation works; home industries; kiosks; oyster aquaculture; pond-based aquaculture; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); roads; tank-based aquaculture; and water reticulation systems.

The following development is prohibited within the zone under the Blacktown LEP 2015: industries; local distribution premises; multi dwelling housing; residential flat buildings; retail premises; seniors housing; service stations; warehouse or distribution centres; and any other development not specified.

## Blacktown Development Control Plan 2015

The *Blacktown Development Control Plan (DCP) 2016* (BDCP) is a non-statutory document which supports the Blacktown LEP's implementation. While the BDCP is a non-statutory document, Blacktown City Council as the consent authority for proposed works to places listed on the Blacktown LEP 2015 would require any proposed alterations and additions to the BNI to be assessed against the relevant heritage-related BDCP objectives and controls. Areas of the BNI land are identified as known archaeological sites in the

DCP. Any proposed development is required to minimise ground disturbance in areas of archaeological potential.

# 7.2 Other guidelines and standards

## 7.2.1 ICOMOS Burra Charter

The *Australia ICOMOS Burra Charter, 2013* (the Burra Charter) is widely accepted nationally as the underlying methodology by which all works to sites and buildings of cultural significance are undertaken. Procedures for managing changes and activities at the site should be in accordance with the recognised methodology of the Burra Charter.

The principles of the Burra Charter should be adopted for all matters concerning the BNI. Relevant principles are established in the articles of the Burra Charter.

### Application of the Burra Charter

The Burra Charter defines compatible use as 'a use which respects the cultural significance of a place'. Such a use involves no, or minimal, impact on cultural significance. Rather than the requirement for extensive modification of the building to suit the use, compatible future uses should be selected to suit the existing space and character of the building. Selection of a future use for the BNI site should have consideration for:

- The cultural significance of the place should not be compromised.
- The new use should not detract from the significance of the place, as identified in the statement of significance.
- Significant fabric should be conserved wherever possible.
- Any proposed new uses should not result in an unacceptable level of wear and tear on the building.
- The integration of modern services and facilities should minimise damage to significant fabric or spaces.
- New work to facilitate adaptation should be reversible and should not prevent future conservation.

## 7.2.2 Connecting with Country

The *Connecting with Country Framework* (July 2023) is a document prepared by the NSW Department of Planning and Environment. The aims of the framework are as follows:

> The Framework asks project teams, their clients and leaders to make a clear commitment to act in ways that can deliver positive outcomes for Country and community.
>
> The health and wellbeing of Country will help to:

- reduce the impacts of natural events such as fire, drought, and flooding through sustainable ways of using land and water.
- value and respect Aboriginal cultural knowledge with Aboriginal people co-leading design and development of all NSW infrastructure projects.
- ensure Country is cared for appropriately and sensitive sites are protected by Aboriginal people having access to their homelands to continue their cultural practices.

To support the central commitment, new practices and ways of working, actions and outcomes for built environment projects are proposed.

Section 4 of the *Connecting with Country Framework* titled 'Designing with Country' provides useful processes for bringing an understanding of Country into current design processes and practices.

While this document is non-statutory, when works are proposed at the BNI the framework can be used to help support an enhanced connection with Country through planning and design development.

### 7.2.3 Uluru Statement from the Heart

The Uluru Statement from the Heart seeks changes to the constitution to allow for recognition of Aboriginal and Torres Strait Islander voices to be heard to create a better future for First Nations people, and to allow for self-determination in decision-making. The statement has increased broader public recognition and understanding of Aboriginal peoples' aspirations for a more equitable and inclusive future.

Enshrined in the statement are the key concepts of voice, treaty and truth. These concepts are also relevant to the BNI and its continuing management and conservation. In keeping with the broad objectives of the Uluru Statement from the Heart, the DSMG, Dharug community and other First Nations voices can be empowered by access and engagement with the values at BNI. Aboriginal care, control and management of the BNI also supports Dharug self-determination. Truth telling is also a core part of the community's engagement and activation of the BNI and the provision of Dharug-led programs, events and activities on the BNI can continue to contribute to health, healing and wellbeing.

### 7.2.4 Dhawura Ngilan

*Dhawura Ngilan* is a guideline document prepared by the Heritage Chairs of Australia which includes approaches to First Nations heritage management through the inclusion of 'best practice standards'. The broad principles of the *Dhawura Ngilan* can be used to support and inform approaches to the continuing management and conservation of

heritage values at the BNI. The document includes several key principles including recognition that First Nations people are the custodians of their heritage, and that First Nations heritage is acknowledged and valued as a vital part of Australia's national heritage. Many of the concepts in the guideline are currently embodied in the DSMG approach to management and community engagement at the BNI, but the document does outline key focus areas that may support the DSMG in leveraging for improved outcomes for Aboriginal heritage with government and other organisations and entities.

# 7.3 Key opportunities, issues and constraints

## 7.3.1 Heritage significance

The heritage significance of the BNI is described under the assessment criteria in the SHR listing. Consultation and engagement with the DSMG during the preparation of this CMP has demonstrated that the social values associated with the place have evolved since the citation was last updated in March 2011. Given the resources available for this CMP, efforts were concentrated on policy development to support and guide the future management for the BNI based on the existing significance assessment.

There is an opportunity for DSMG to lead an updated values assessment for the BNI. This would help identify and record the important associations and attachments. Over time this will in turn evidence the important shifts in the course and pattern of the Dharug community's history and changing relationship to the place.

## 7.3.2 Physical constraints

There are some physical constraints associated with the BNI land. This includes the surrounding road network, its low-lying flood-prone location, the water infrastructure that bisects the land area, and the extant archaeological potential that may limit ground disturbance in certain areas.

### Pedestrian access and wayfinding

Wayfinding signage and pedestrian pathways are limited. There is a need therefore to ensure that sufficient wayfinding and pathways are added to the BNI to ensure the ongoing, safe use by the Dharug and wider community.

### Vehicular access and parking

Currently there are several informal vehicular access points connecting the BNI to Rooty Hill Road North and Richmond Road. There is no formal parking area on the site. Future

uses will need to ensure sufficient parking and vehicular access routes are provided in, out and through the BNI.

### Surrounding roads

The BNI is surrounded by significant road infrastructure that poses several constraints.

The surrounding road network includes the Westlink M7 motorway, Richmond Road and Rooty Hill Road North. Now and into the future, the network will be required to carry higher traffic volumes due to population growth in the northwest area. Richmond Road is proposed for upgrade, and the M7 will be widened with an additional lane in each direction to ease congestion. This will bring the total number of traffic lanes to six, three in each direction. Potential impacts arising from the road upgrades on the BNI values and its community use and activation will require sensitive planning and assessment. Given the nature of the surrounding road network, safe pedestrian and vehicular ingress and egress to and from the BNI, requires careful consideration and management.

Road upgrades will generate greater traffic volumes and noise impacts which are not considered compatible with the place's significant values and community use. The noise impacts may change in the future with the increased uptake of electric vehicles.

## 7.3.3 DSMG aspirations

The DSMG is volunteer run, not for profit organisation that is managed by Dharug people to support Dharug people. The DSMG aspire to achieve full cultural activation of the BNI. This includes the following goals and objectives for future use and development of the BNI, which are organised under four key areas of strategic focus:

1. Caring for Culture
    - using the site for cultural events;
    - providing teaching and learning opportunities for all ages;
    - adding signage to the site in language;
    - providing gender-specific spaces and embedding other cultural protocols into all activities which are held on the site; and
    - designing and constructing a Dharug Cultural Centre within the BNI as a permanent structure which can be used for performances, exhibitions, as well as providing educational and working spaces for the Dharug community.
2. Caring for Nura
    - rejuvenating the landscape;
    - using the skills of Dharug people to manage water resources, support the site's biodiversity;

- fostering the Dharug community's connection to Country through planning, construction and successful operation of a community hub; and
- undertaking culturally-led ecological restoration, alongside looking into making partnerships with other members of the wider community to advance this goal.

3. Caring for Community
   - continuing to foster a wider range of opportunities for training, employment and recognition through a range of partnership programs as well as collaboration with governments at local, state and Commonwealth levels, industry partners and other existing community organisations;
   - allowing the BNI to become a place which becomes central to healing the community in relation to past trauma; and
   - building connection to opportunities and a sense of belonging with Nura.
4. Caring for DSMG
   - continuing to work with competent, professional partners and volunteers to establish sustainable and effective systems for shared responsibility, transparency and accountability.

The DSMG aspirations for the BNI are compatible with the place's significant heritage values and their continuing protective care, management and presentation on behalf of the Aboriginal and non-Aboriginal community.

### 7.3.4 Life in the community

The BNI's heritage values are recognised as being of significance to the people of NSW. The DSMG supports and maintains many significant cultural and spiritual values, and historical associations with the BNI. Continuing ownership by the Dharug community, along with ongoing activation, use and access by Dharug people and wider Aboriginal communities for social, environmental, cultural, and educational activities is consistent with the place's heritage values. Creative programming and activation of the BNI has contributed meaningfully to the acknowledgement and understanding of dispossession, dislocation and disruption, while also supporting cultural healing that has contributed to the validation of lived experience and identity within the community. Further, the place presents an opportunity to raise awareness and understanding of Australian history and specifically the treatment of First Nations people under colonisation and successive government policies to the broader public.

Cultural events and activities currently take place throughout the year which may require temporary structures to be set up. In some cases, there may be a need to obtain consent from the relevant consent authorities before each of these events takes place, which may limit the number of events the Dharug community can hold each year. There is an

opportunity to draft additional site-specific exemptions to permit the installation of temporary structures and or movable dwellings without the need to apply for development consent from authorities prior to each event. Use of the AZP should guide locations proposed for these events, ideally restricting activities and items with greater potential for impact to areas with no and low archaeological potential.

### 7.3.5 Interpretation

Aboriginal people are the rightful interpreters of their history and cultural heritage.

Interpretation can support and convey the heritage significance of heritage places. At the BNI, several creative programs have been presented that interpret different aspects of the history and heritage significance of the BNI. Interpretation can contribute to recognising and retaining the cultural significance of a place through building understanding, awareness and engagement.

The place currently has little interpretation. There is an opportunity to implement interpretation initiatives at the BNI to enhance engagement with the surrounding community, with a focus on public awareness and education through interpretative techniques to showcase the site's history and social significance.

Opportunities to interpret the historical archaeological features and objects that may be uncovered during future works should be considered. Interpretation of archaeology could include leaflets and posters, short publications online (such as through social media), and artefact displays and other permanent interpretative devices. Through interpretation, the BNI has the potential to relay its significant history. Overall, there is the opportunity to enrich public knowledge of the significance of the place to the wider public.

### 7.3.6 Future use and new development

The significance of the BNI provides opportunities but potentially also constrains some future uses and development. Ideally to conserve significance, proposed future uses or activities need to be compatible with the place's heritage values, or help advance/recover significant values. Any proposed changes in use or new development will be subject to legislative planning approvals which will vary contingent on the location, extent, type and capital value of the proposed development.

Future uses and new development should avoid significant physical or other impacts on the heritage values of the BNI and instead sustain them for present and future generations. New proposals will need to be carefully evaluated to ensure impacts on heritage values are not material and balance any short-term needs of today's generation with the longer-term needs of future generations.

New development which allows for the ongoing use of the place by the Dharug community, which is appropriately positioned and sited so that the heritage values of the site continue to be conserved, would be appropriate. Formalisation of gathering areas to assist the Dharug community to involve the wider community as part of events, as well as provide education programs to the wider community, would be compatible with the place's values. Increased visitation and wear and tear on the physical landscape will need to be considered carefully so that it can be appropriately managed. Areas with high archaeological potential should be carefully managed, with only superficial surface-based activities or proposals planned in these zones.

Certain activities, such as vegetation planting can be used to enhance the values. This enhancement could be associated with management along the creek corridor, and screening of the intrusive abutting roads. There is also potential for healing for Nura and the Dharug community through the process of ecological restoration.

# 7.4 Endnotes

[1] Department of Environment, Climate Change and Water 2010, *National Parks and Wildlife Act 1974* (NSW), 'Fact sheet 1', September 2010.

# Conservation policies

# 8 Conservation policies

Following the sections outlining the BNI's heritage significance, and the opportunities and constraints, including the DSMG requirements and resources, the condition of the land, its current use, the legislative context, as well as the environmental and urban setting, this section of the CMP sets out the conservation management policies to support and guide the continuing protection and use of the listed heritage place.

The policies have been drafted for the DSMG to assist in good decision making when undertaking day to day activities, or when considering change, including the use of the land, or proposing or planning new development. The conservation policy is directed towards achieving positive heritage outcomes and providing practical guidance. Where a matter falls outside the scope of the conservation policies, the conservation principles can inform decision-making. The principles focus on the key concepts of significance, compatible use, evolution of the place and community engagement. Where necessary, the policies are prefaced by a short discussion outlining the reasoning behind the policies. In particular:

- all decision-makers or persons responsible for the continuing care and management of the BNI should be familiar with and apply the conservation principles and policies;
- the conservation policies are current best practice and reflect both statutory and non-statutory requirements; and
- specific conservation policies have been prepared for activities, landscapes, elements and materials.

The policies seek to:

- retain the cultural significance of the place, including its significant character, elements and fabric;
- provide recommendations for the conservation, including change, of elements and fabric of the place; and
- identify where and how new development can be carried out to ensure compatibility with the significance of the place, life in the community and the place's continuing protection.

## 8.1 Conservation principles

The following conservation principles outline the main objectives for planning and managing the BNI to sustain its significance and to contribute to life in the community for current and future generations.

The following conservation principles underpin the management policies and can be used to inform decisions when matters or activities arise that are outside the scope of the policies.

The conservation principles will support the DSMG in exercising care in their stewardship of Nura, advancing the culture and wellbeing of Dharug people, and promoting reconciliation between Aboriginal and non-Aboriginal peoples, as well as demonstrating their values of:

- Leadership
- Country
- Culture
- Community

| Conservation principles |
| --- |
| The statement of heritage significance and the policy in this CMP will guide the planning, management, conservation and presentation of the BNI for current and future generations. |
| First Nations people are the primary knowledge holders regarding their historical experience and heritage, their active management and continuing engagement in the BNI will contribute to conservation and life in the community. |
| The DSMG with the community, especially those people who have special attachments, associations or interests in the place, or may be affected by planning, management, conservation and presentation of the BNI, should be provided with opportunities to be consulted or involved in management and decision making. |
| Planning, management, conservation, presentation, use and any future development of the place will be carried out in accordance with statutory requirements and the *Australia ICOMOS Burra Charter, 2013* (the Burra Charter) and other relevant and applicable guidelines and standards. |
| Uses and works that would adversely impact on significant areas, elements or fabric or other aspects of significance of the place should only be permitted where:<br>• the use or works makes possible the recovery of aspects of greater significance;<br>• the use or works helps ensure the security and viability of the place;<br>• there is no feasible alternative (eg to meet safety or legal requirements); or<br>• the area, element, feature or other aspect of significance is adequately recorded and, where appropriate, interpreted. |
| The best available research, knowledge, skills and standards should be used to support ongoing and future planning, management, conservation and interpretation at the BNI. Current best practice guidelines such as *Connecting with Country*, *Designing with Country*, *Dhawura Ngilan* and the Uluru Statement from the Heart should be employed to frame and support all work undertaken at the BNI. |
| Robust assessment and analysis, along with good document management and secure storage should support the planning, management, conservation and presentation of the BNI. |

# 8.2 Conservation policies

## 8.2.1 Leadership—Dharug ownership

| Policy # | Policy |
|---|---|
| **Policy 1** | The Dharug Strategic Management Group, or other suitable Aboriginal owned and managed entity, should continue to own, manage and steward the BNI on behalf of the community. |
| **Policy 2** | If the BNI is sold or ownership of the place is transferred, the new owner/s must be made aware of their responsibility to ensure the significance of the place and cultural values associated with the place are retained. |
| **Policy 3** | If the BNI is sold or ownership of the place is transferred, the policies included in this CMP should be reviewed and amended where necessary, in order to ensure the significance of the place is managed and conserved. |

## 8.2.2 Leadership—CMP adoption and administration

| Policy # | Policy |
|---|---|
| **Policy 4** | During the policy adoption and/or policy review process, heritage values and aspects of significance should be considered holistically rather than in an isolated manner, and no one value should take precedence over others, noting that some values may be in conflict. |
| **Policy 5** | This CMP will be distributed to relevant stakeholders. Copies of this CMP should be provided to Blacktown City Council and Heritage NSW. |
| **Policy 6** | The conservation policies set out in this document should be:<br>• adopted and endorsed as a guide to future conservation, management and development of the place;<br>• reviewed by key stakeholders at least once every five years to ensure they remain responsive and relevant to proposed changes in use, management and ownership; and<br>• reviewed when major works are proposed to ensure they are adequately addressed. |
| **Policy 7** | All applications for development and all proposed maintenance and monitoring work shall be assessed against the policies contained within this CMP. |
| **Policy 8** | DSMG should continue to demonstrate strong governance, supported by sound management to ensure compliance with this CMP and its legislative context. |
| **Policy 9** | DSMG should continue to work with competent, professional partners and volunteers that have robust sustainable and effective systems to ensure the continuing conservation of BNI. |
| **Policy 10** | Ensure all contractors and suppliers have required levels of cultural competence and understand the constraints and opportunities following from the heritage significance of the BNI. |

## 8.2.3 Leadership—Statutory context

| Policy # | Policy |
|---|---|
| **Policy 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. |
| **Policy 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. |
| **Policy 13** | Proposed works will be subject to the statutory requirements of the Heritage Act, the NPW Act, the EPA Act and the BLEP 2015. |
| **Policy 14** | Approvals to undertake some work 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. |
| **Policy 15** | Projects involving ground disturbance will comply with the relevant statutory requirements and guidelines relating to Aboriginal objects and Aboriginal cultural heritage, as well as historical European archaeology. |
| **Policy 16** | Any new identified Aboriginal archaeological sites must be registered on the AHIMS database, administered by the Department of Planning and Environment. |
| **Policy 17** | Consultation will occur with relevant Aboriginal stakeholders as part of any proposed project or works. This consultation should follow the guidelines in the *Aboriginal Cultural Heritage Requirements for Proponents* (DECCW 2010). |
| **Policy 18** | An updated values assessment of BNI for the SHR could be considered to reflect the post-2018 BNI identity and its meaning to Dharug and other First Nations people. |
| **Policy 19** | The preparation of a nomination to list the BNI on the National Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (the EPBC Act) should be considered in the future. |

## 8.2.4 Leadership—Site-specific exemptions

| Policy # | Policy |
|---|---|
| **Policy 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 BNI's state heritage listing. |
| **Policy 21** | The DSMG should make use of existing site-specific exemptions which allow for certain activities to take place or be undertaken, without the need to obtain prior consent from the relevant consent authorities. This includes (but is not limited to): |

| Policy # | Policy |
|---|---|
| | • limited types of minor excavation works; and<br>• certain types of vegetation management activities such as weed eradication, lawn mowing, topdressing, tree pruning and the removal of dangerous trees.<br>Care should be taken inside the fenced zone (location with potential for Phase 2 historical archaeology) to undertake activities in a way which does not disturb the soil horizons. |
| **Policy 22** | Consideration should be given to the existing site-specific exemptions which allow different stakeholders access to and management of parts of the BNI. This includes:<br>• Sydney Water Corporation's rights to access and manage their assets, including sewage systems, storm water management systems and water supply systems; and<br>• the carrying out of road work or traffic control work related to upgrades to Rooty Hill Road North and Richmond Road. |
| **Policy 23** | To allow for the ongoing use of the BNI for a range of regular events and activities initiated and led by the Dharug community, additional site-specific exemptions should be prepared by the Dharug people in consultation with other suitable specialists, which should then be provided to the Heritage Council/Heritage NSW for review and then gazettal by the Minister for Heritage. These could include:<br>• temporary parking locations;<br>• signage;<br>• facilities and events overlays and installation; and<br>• construction of on-grade elements for cultural purposes. |
| **Policy 24** | Additional site-specific exemptions, with general conditions, should be drafted and submitted to Heritage NSW for gazettal by the Minister to include the following activities without the need of prior consent from the relevant consent authorities:<br>• holding Dharug community-led events and cultural activities; and<br>• an allowance for addition of the temporary structures on the BNI to support Dharug-led community events and activities may be appropriate subject to other planning considerations. |

## 8.2.5 Caring for Nura, Culture and Community—Future use and activities

| Policy # | Policy |
|---|---|
| **Policy 25** | In evaluating potential uses for the BNI, the approach should ensure that the place retains its overall significance and character.<br>Future uses for the BNI should support the continuing conservation of significant heritage values associated with the BNI. |

| Policy # | Policy |
|---|---|
| **Policy 26** | Uses that extend and enhance the expression of significant heritage values associated with the site and continue to foster a connection between people and the place should be encouraged and supported. |
| **Policy 27** | Any new use must be compatible with the zoning of the land as stipulated in the Blacktown LEP 2015*,* unless the conservation incentive provision under 5.10.10 is considered. |
| **Policy 28** | The BNI's primary function should continue to be a place for the Dharug community to gather and reflect through participation in cultural events and activities. Any change in the use of the place must continue to support ecological and cultural healing, including but not limited to:<br>• riparian revegetation;<br>• wetland revegetation;<br>• planting new trees, flowers and other vegetation;<br>• mowing;<br>• cultural burnings;<br>• cultural dancing; and<br>• cultural festivals. |
| **Policy 29** | Current and future uses of the BNI should also support and allow other people and groups who have an attachment to the place to gather, reflect, hold events and undertake activities within the boundaries of the BNI that are compatible with the place's significance. |
| **Policy 30** | Uses that impact, reduce or obscure the heritage values of the BNI, or which do not respect the current connection First Nations people have with their Country, or are unrelated to the place's history and significance, should be discouraged. |
| **Policy 31** | Uses requiring subdivision of the land or partitioning of significant spaces that would result in an adverse impact upon the significance and character of the place are discouraged. |
| **Policy 32** | Regardless of its use, the name of the place should remain as 'Blacktown Native Institution'. The DSMG and Dharug preferred name for the place is 'BNI'.<br>Dual naming for the place is encouraged. |
| **Policy 33** | The DSMG should take the opportunity to present the cultural heritage significance of the place to visitors by inviting the wider community (both the wider First Nations community as well as non-Aboriginal people) to participate in Dharug community-led activities and events. This is especially important for communicating the significance of the place to the culturally diverse communities around the BNI. |
| **Policy 34** | A community centre could be established at the BNI which:<br>• conserves and presents significant heritage values;<br>• allows for the ongoing use of place by the Dharug community;<br>• supports Dharug community-led cultural activities and events; and<br>• supports the involvement of the wider community as part of Dharug community-led events and activities. |

| Policy # | Policy |
|---|---|
| **Policy 35** | The fence around the BNI archaeological historical site should be reviewed for purpose, intent and location. This dividing boundary should be relocated depending on DSMG future site needs. |

## 8.2.6 Caring for Nura, Culture and Community—New development

| Policy # | Policy |
|---|---|
| **Policy 36** | Planning and designing new development will be guided by the Connecting with Country Framework.<br>Any proposed new development at the BNI 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.<br>The BNI holds an unknown level of potential for post-1788 human burials, possibly associated with the BNI phase. The proposed footprint for any new development must consider this potential and implement non-invasive actions to investigate the possibility during the planning phase. |
| **Policy 37** | As part of any proposed 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. |
| **Policy 38** | Any new development should ensure uses are compatible with the significance of the BNI and support cultural, social and economic life in the community.<br>New development should enhance visitor experience and amenity and be compatible with the conservation, commemoration and celebration of the place's values. |
| **Policy 39** | New work will retain and enhance important cultural plantings, views, vistas, visual qualities and the overall landscape character of the BNI. |
| **Policy 40** | New work will be identifiable and should not distort the interpretation of the site's significant cultural values. |
| **Policy 41** | Landscape improvement works will enhance and restore ecological health and resilience of the BNI land while avoiding impacts on significant heritage values and features.<br>Trees and other plants should not be planted in areas where roots have the potential to interfere with or damage the archaeological remains, or views to and from significant areas of the BNI. |
| **Policy 42** | New structures or buildings (both temporary and permanent) are permitted, subject to other planning matters, and may be considered as part of the ongoing use of the place by the Dharug community.<br>Ground disturbance in areas of archaeological potential should be avoided and new structures and buildings should be built up from existing ground levels. |

| Policy # | Policy |
|---|---|
| **Policy 43** | No new structures or buildings (both temporary and permanent) proposed for the BNI should impact the significant archaeological resources which have the potential to remain in situ. |
| **Policy 44** | Any new permanent structures must respond positively to the character of the BNI and demonstrate sympathetic bulk, mass, scale and materiality, as well as ensure visual impacts are minimised. |
| **Policy 45** | When planning any new development DSMG should seek to engage early in the process with Transport for NSW (TfNSW) and Sydney Water given the assets that both agencies are responsible for within and surrounding the BNI. |
| **Policy 46** | Opportunities to secure improved outcomes for the BNI and for the community should be explored with TfNSW and Sydney Water. For instance, an enhanced design solution and outcome for water management may be possible through a connecting with Country approach. |

### 8.2.7 Caring for Nura—Maintenance

| Policy # | Policy |
|---|---|
| **Policy 47** | Ensure the BNI natural and cultural heritage values are routinely maintained with support of suitably qualified suppliers and contractors, as appropriate. |
| **Policy 48** | Engage with the community and seek opportunities to build capability and capacity through training or employment in the continuing protective care and maintenance of the place. |
| **Policy 49** | Prior to the commencement of onsite works, all contractors and suppliers should be inducted to ensure they understand the obligations and requirements arising from the BNI's heritage significance. |
| **Policy 50** | Develop a landscape maintenance plan to ensure mowing, weeding, pruning, and other routine landscape works do not give rise to potential impacts on heritage values. |
| **Policy 51** | Ensure any future landscape restoration is resilient and planned and designed to withstand the impacts of climate change in Western Sydney. |
| **Policy 52** | Seek opportunities to restore and maintain ecological communities and biodiversity across Country/Nura, including natural waterflows in collaboration with Sydney Water, where such works will not impact on significant in situ archaeology. |
| **Policy 53** | Conduct regular inspections on Nura to ensure routine maintenance is carried out to standard. Seek solutions to issues and problems identified. Review and adjust maintenance routines and plans accordingly. |
| **Policy 54** | Ensure sufficient resources are available for the ongoing maintenance and management of the BNI. |
| **Policy 55** | Keep good records of maintenance work including a description of the work, date of completion, estimated and actual cost, contractor and warranties. |

| Policy # | Policy |
|---|---|
| | This will enable details of treatments such as fungicides, soil enhancement, and plantings to be readily accessible in the future. |

## 8.2.8 Caring for Culture and Community—Recognition

| Policy # | Policy |
|---|---|
| **Policy 56** | The Dharug people will have the right to self-determination and be involved in all decisions which relate to activities, events and future planning of the BNI. |
| **Policy 57** | Dharug people and other Aboriginal people/other First Nations groups must continue to have ongoing access to the BNI. |
| **Policy 58** | All activities and events which take place on the site must respect Traditional Owners and acknowledge their Country/Nura. |
| **Policy 59** | Site management will be supported by collaborative relationships built on respect, trust, listening and an appreciation of diversity. |
| **Policy 60** | Article 13 of the Burra Charter states that the 'co-existence of cultural values should always be recognised, respected and encouraged'. In such a way, the cultural values of not only the Dharug people, but also other people or groups who have an attachment to the BNI, should be respected and appropriately recognised. |
| **Policy 61** | The Dharug as well as other people/First Nations groups who have an attachment to the place will be recognised as having the right to practise and revitalise their cultural practises, traditions and customs. |
| **Policy 62** | The cultural significance of the place and the values associated with the place may change as First Nations culture / Aboriginal culture adapts and evolves. This will be acknowledged, recognised and respected. |
| **Policy 63** | Some stories and information associated with Aboriginal history and cultural heritage may cause Aboriginal people to become concerned and distressed. This will be acknowledged, recognised and respected. |
| **Policy 64** | Protocols and sensitivities that may relate to the sharing of information and knowledge provided by Aboriginal people will be recognised and respected. |
| **Policy 65** | Opportunities to interpret and present Aboriginal history and cultural heritage and the significance of the BNI will be explored in keeping with the place's significance and as determined by the community. |
| **Policy 66** | The heritage values of and significance associated with any historical fabric and/or Aboriginal objects should not be emphasised at the expense of non-physical values. |

### 8.2.9 Caring for Nura and Community—Access to the Blacktown Native Institution

| Policy # | Policy |
|---|---|
| **Policy 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 BNI.<br>Current and potential future movements throughout the place should be considered as part of this process. |
| **Policy 68** | Pedestrian approaches and movements to and throughout the BNI should be appropriately signposted and encouraged where possible. |
| **Policy 69** | The DSMG, or any future stakeholders or owners of the BNI, should consider establishing more permanent infrastructure which supports safe access to, from and throughout the BNI. This may include the addition of surfaces such as bitumen or crushed stone to create:<br>• a dedicated parking area;<br>• vehicular driveways and roadways; and/or<br>• pedestrian pathways. |
| **Policy 70** | Any new surfaces to support the movement of visitors, including driveways, pathways, roads and parking zones, should ensure significance is retained.<br>Any new surfaces added to the BNI must be located well away from areas identified in this CMP as having historic archaeological potential for Aboriginal or historic relics. Alternatively, new surfaces may be built up over existing ground surfaces where guided by specialist advice and where proposed loads are not likely to impact subsurface remains. |
| **Policy 71** | Any proposed future road upgrades should not give rise to adverse impacts on the heritage significance of the BNI.<br>Future road upgrades should not compromise the safe access to and from the BNI.<br>Any road upgrades should consider the creation of planted earth berms to improve the BNI setting in keeping with healing, quiet commemoration and enjoyment of cultural practices, traditions and values. |

### 8.2.10 Caring for Culture and Community—Interpretation, research and education

| Policy # | Policy |
|---|---|
| **Policy 72** | Further research into the place should be undertaken. If relevant, the outcomes should be disseminated to DSMG members and a wider audience. |
| **Policy 73** | Interpretation should be implemented throughout the place to present the history and heritage values of the BNI to visitors as well as the wider community. |

| Policy # | Policy |
|---|---|
| | Different types of interpretation should be planned for inside versus outside the fenced zone. |
| **Policy 74** | All visitors should be offered the opportunity to learn about the place's cultural values through interpretation. |
| **Policy 75** | An inclusive and broad range of stories should be presented across the BNI. |
| **Policy 76** | Signage should be integrated with interpretation to enhance visitors' appreciation and the visitor experience.<br>A wayfinding and interpretive signage strategy should be developed to promote visitor access and enhance the visitor experience and understanding. |
| **Policy 77** | Any interpretation should be planned from the core principle that First Nations people are the rightful interpreters of their history and heritage.<br>In the development of interpretation, cultural and gendered protocols should be respected. Any rights and interests in Indigenous Cultural and Intellectual Property (ICIP) should be protected. |
| **Policy 78** | Interpretation and education of the BNI will emphasise the ongoing significance of the place to various groups of people. |
| **Policy 79** | Interpretation will be developed in order to ensure all stories and perspectives which are able to be shared with the wider public and related to the significance of the site are appropriately captured. |
| **Policy 80** | The mediums for delivery of interpretation can be face-to-face (with a member of the DSMG or other relevant stakeholder), digital (website, social media), physical (pamphlets, signage, art, performances). |
| **Policy 81** | Physical forms of interpretation installed within the place should be placed in suitable locations which do not detract from the BNI's heritage significance and cultural values. |
| **Policy 82** | Future enhancement of the BNI through the implementation of interpretation within the place for educational purposes should be considered as part of any proposed future development of the BNI. |
| **Policy 83** | Explore a range of partnership programs and collaborative opportunities with governments, industry partners and community organisations to develop and support programs and events that foster understanding and appreciation of the BNI's heritage values. |
| **Policy 84** | Seek to collaborate with local schools to support students' education and understanding of Aboriginal history and heritage values at the BNI. |

# Implementation plan

# 9 Implementation plan

This section sets out action plans for implementing the conservation policies discussed in Section 8 of this CMP. The following actions are based upon the principles of the Burra Charter. These actions are not prescriptive but should form a guide for DSMG in prioritising, implementing and achieving the objectives of the conservation policies.

Table 9.1 Priority levels of actions necessary to conserve the BNI site.

| Priority | Timing | Actions |
|---|---|---|
| High | <1 year | Actions needed to rectify problems that could cause immediate risk of damage, loss or detriment to significant fabric, areas or infrastructure. |
| Medium | 1–3 years | Actions that should be planned and implemented within 1 to 5 years in order to reduce the risk of damage, loss or detriment to significant fabric, areas or infrastructure. |
| Low | 3–5 years | Actions forming part of a longer-term management or maintenance strategy, to maintain and enhance significance. |
| Ongoing | | Actions to be commenced within the year and implemented cyclically or continuously in line with work programs. |

Table 9.2 Action plan for policy implementation.

| Action | Priority | Relevant section/policy |
|---|---|---|
| Endorse this CMP and ensure copies are lodged with Heritage NSW and Blacktown City Council. | High | 8.2.2 |
| Review and update this CMP. | High | 8.2.2 |
| Undertake an updated social values assessment for the BNI. | Medium | 8.2.3 |
| Revise and update the State Heritage Register listing for the BNI to reflect contemporary social values. | Low | 8.2.3 |
| Consider nominating the BNI to the National Heritage List under the EPBC Act. | Low | 8.2.3 |
| Develop and submit to Heritage NSW site-specific exemptions to support the ongoing community use and access to the BNI. | Medium | 8.2.4 |
| Develop a masterplan for the BNI which supports continuing community commemoration, access and engagement with the place's heritage values and supports truth telling and healing. | Medium | 8.2.6, 8.2.7 |
| As part of the master planning process review the location and purpose of the fence around the historical archaeology to deliver an improved outcome. | Medium | 8.2.5 |

| Action | Priority | Relevant section/policy |
|---|---|---|
| Develop a landscape maintenance plan to ensure mowing, weeding, pruning and other routine landscape works do not give rise to potential impacts on heritage values. | Medium | 8.2.7 |
| Work with Transport for NSW to ensure continuing safe public access to and egress from the BNI. | High | 8.2.2 |
| Formalise vehicle and pedestrian access and designate a dedicated parking area. | Medium | 8.2.9 |
| Implement non-invasive actions to investigate the possibility of post-1788 human remains at the BNI during the early stages of planning for any proposed new development. | Medium | 8.2.6 |
| Develop a heritage induction for all contractors and suppliers to ensure they understand the obligations and requirements arising from the BNI's significance. | High | 8.2.7 |
| Collaborate with Sydney Water to explore options to enhance and restore the presentation of water flows across Country. | Medium | 8.2.7 |
| Revegetation activities across the BNI. | Medium | 8.2.5 |
| Undertake management actions inside the fenced zone. | Medium | 8.2.5, 8.2.9 |
| Develop wayfinding signage strategy for the BNI. | Medium | 8.2.10 |
| Develop an interpretation strategy for the BNI. | Medium | 8.2.10 |