

**Appendix A. 2025 Yarra Bend Park (H2398), Yarra Bend Northcote 1
(H7922-0142): Archaeological Impact Assessment (Andrew Long
and Associates 2025)**

Yarra Bend Park (H2398)

Yarra Bend Northcote 1 (H7922-0142)

Archaeological Impact Assessment



Sponsor: North East Link Program- a Branch of Major Road Projects Victoria, a division of the Victorian Infrastructure Delivery Authority, an administrative office of the Department of Transport and Planning

Heritage Advisor: Jonathan Howell-Meurs

Authors: Jonathan Howell-Meurs

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PO Box 2471 Fitzroy BC
Victoria 3065 Australia

Andrew Long + Associates Pty Ltd
ACN 131 713 409
ABN 86 131 713 409

Executive Summary

Andrew Long and Associates Pty Ltd (ALA) have prepared this assessment on behalf of North East Link Program (NELP) - a Branch of Major Road Projects Victoria (MRPV), a division of the Victorian Infrastructure Delivery Authority (VIDA), an administrative office of the Department of Transport and Planning (DTP) for the proposed construction of a shared user path and bridge across the Yarra River within the curtilage of Victorian Heritage Register (VHR) place: Yarra Bend Park (H2398) and partly within the extent of Victorian Heritage Inventory (VHI) place Yarra Bend Northcote 1 (H7922-0142).

This report combines the results of a desktop assessment and results of previous investigations undertaken during the preparation of approved Cultural Heritage Management Plan 15576 to assess subsurface archaeological potential within the study area. In addition, archaeological management recommendations and contingencies are presented at the end of this report.

The desktop assessment reviewed the land use history, historical places, and a series of primary sources (mapping and photographs) to assess areas of archaeological potential within the study area. The assessment concluded that archaeological evidence of 19th and 20th century historical activities if present is likely to be highly limited and disturbed given the apparent absence of any intensive use of the impact zone and the subsequent disturbances associated with construction of the Eastern Freeway and other more recent activities.

Approvals from Heritage Victoria will be required prior to work within the VHR and VHI place extents. Recommendations for the project, including archaeological investigations are included in Section 6.

Only archaeology documented in the historical record can be identified by a predictive historical archaeological assessment. There remains a possibility that archaeological evidence of earlier or previously unidentified occupation of the site will be identified during the project.

An unexpected finds protocol should be established for the project in consultation with Heritage Victoria to manage the identification of previously unknown archaeology uncovered by the project works. The discovery of places or archaeological features during construction can be readily managed under the requirements of the *Heritage Act 2017*.

This report has been prepared by ALA for North East Link Program and may only be used and relied on by North East Link Program for the purpose agreed between ALA and North East Link Program as set out in the introduction of this report. ALA otherwise disclaims responsibility to any person other than North East Link Program arising in connection with this report. ALA also excludes implied warranties and conditions, to the extent legally permissible. The services undertaken by ALA in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report. The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. ALA has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared. The opinions, conclusions and any recommendations in this report are based on assumptions made by ALA described in this report. ALA disclaims liability arising from any of the assumptions being incorrect.

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1 Introduction

1.1 Preamble

The following assessment has been prepared on behalf of North East Link Program (NELP) - a Branch of Major Road Projects Victoria (MRPV), a division of the Victorian Infrastructure Delivery Authority (VIDA), an administrative office of the Department of Transport and Planning (DTP) for the proposed construction of a shared user path (SUP) and bridge across the Yarra River within the curtilage of Victorian Heritage Register (VHR) site: Yarra Bend Park (H2398) and extending into the place extent of Victorian Heritage Inventory (VHI) place Yarra Bend Northcote 1 (H7922-0142). Yarra Bend Park (H2398) was formally included on the VHR in April 2021 covering a section of the previously registered VHI place Yarra Bend Park Northcote 1 (H7922-0142). The purpose of this archaeological impact assessment is to identify areas of subsurface historical archaeological potential within VHR Yarra Bend Park (H2398) and VHI Yarra Bend Northcote 1 (H7922-0142) and to make recommendations regarding the investigation of any identified potential archaeology in consideration of the *Heritage Act 2017*.

Places on the VHR are protected from harm by Section 87 and 88 of the *Heritage Act 2017* (Vic). Archaeology associated with VHR places may be managed in accordance with an issued permit (87(4), 88(4)). Archaeological places listed on the VHI are protected from harm under Section 123 of the *Heritage Act 2017* (Vic). Section 4 of this report considers the areas of archaeological potential within the site.

The key objective of the assessment was to assess the study area for potential historical archaeology and provide advice regarding the associated statutory requirements under the *Heritage Act 2017* (Vic).

The key procedural requirements of the assessment were as follows:

- Review the project description to identify areas of historical heritage sensitivity;
- Review existing records through the VHR, VHI and Heritage Overlays (HOs), including from the Heritage Victoria's (HV) mapping layer; other registers and previous reports in order to document places of heritage value (buildings and other structures or complexes, landscape features, trees); and areas of archaeological potential associated with the study area;
- Review available historical aerial imagery, historical maps and plans, historical newspapers and other written sources;
- Prepare a focused land use history of the study area, used to enhance an understanding of heritage places and inform the predictive modelling for historical archaeology;
- Conduct a pedestrian survey to inform the level of archaeological potential associated with existing and possible archaeological sites identified during the desktop assessment.

Section 4 discusses archaeological potential within the study area, section 5 presents an overview of impacts from the proposed development to potential archaeology identified by the assessment. Recommendations regarding statutory requirements and archaeological investigation are presented in section 6.

Consideration of the *Planning and Environment Act 1987*, the *Environment Protection and Biodiversity Conservation Act 1999* and built heritage requirements under the *Heritage Act 2017* are not within the scope of this assessment.

1.2 Study Area

The study area to which the proposed works apply is located within the suburbs of Fairfield and Kew, in the Local Government Authority areas of the City of Yarra and the City of Boroondara respectively.

The study area is located entirely with Yarra Bend State Park being bounded to the south by the alignment of the Eastern Freeway and its eastern extremity crosses the Yarra River immediately north of the Eastern Freeway (Figure 1 and Figure 2).

1.3 Site significance

For the purposes of the following sections the two listed places – Yarra Bend Park Northcote 1 (H7922-0142) and Yarra Bend Park (H2398) are discussed together.

Yarra Bend Park (H2398) is listed on the VHR for its aesthetic, architectural and historical importance to the State of Victoria. The following statement of significance is taken directly from the Victorian Heritage Database (VHD) Report for the site (documented in full within Appendix 1):

What is significant?

The Yarra Bend Park including all the land, trees, plantings, open parkland, roads and paths, asylum gate pillar, golf club house and course, and all archaeological deposits associated with the former Merri Creek Protectorate Station, Merri Creek Aboriginal School, Native Police Corps Headquarters, the Yarra Bend Lunatic Asylum, Fairhaven Venereal Disease Clinic and Fairlea Women's Prison.

How is it Significant?

Yarra Bend Park is of historical and archaeological significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A - Importance to the course, or pattern, of Victoria's cultural history.

Criterion B - Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Criterion C - Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Why is it Significant?

Yarra Bend Park is significant at the State level for the following reasons:

Yarra Bend Park is historically significant for its associations with a number of government initiated and/or operated institutions from the mid-nineteenth to the late-twentieth centuries and for its long association with active and passive recreational use. [Criterion A]

Aboriginal cultural connection pre-existed the formation of Melbourne by tens of thousands of years. Yarra Bend Park is historically significant as a place of contact and interaction between Aboriginal and non-Aboriginal people in the formative years of Victoria's development. This resulted in the establishment of institutions near the confluence of Merri Creek and the Yarra River, including the Merri Creek Protectorate Station, Merri Creek Aboriginal School and Native Police Corps Headquarters. [Criterion A]

Yarra Bend Park is significant for its associations with Billibellary, Ngurungaeta (leader) of the Woiwurrung (who was buried near the confluence of the Yarra River and Merri Creek in 1846) and Assistant Protector William Thomas. Their mutually respectful relationship, which extended to

Billibellary's son Simon Wonga, was instrumental in the negotiation of land for Aboriginal people, which led to the establishment of Coranderrk Aboriginal Station near Healesville. [Criterion A]

Yarra Bend Park is significant as the location of Victoria's first asylum. The Metropolitan Lunatic Asylum, later known as the Yarra Bend Lunatic Asylum, was the first asylum established in Victoria in 1848 and was constructed in a 'village style'. [Criterion A]

Yarra Bend Park is historically significant for the ongoing development of facilities for active and passive recreational use, including open parkland, walking tracks and sporting grounds. [Criterion A]

Yarra Bend Park is an uncommon example of an expansive inner-city area which has remained largely undeveloped and retains a high potential for significant archaeological evidence of government initiated and/or operated institutions. [Criterion B]

Yarra Bend Park is archaeologically significant for its potential to contain features, deposits and/or artefacts that relate to various government initiated and/or operated institutions, their establishment, use and change over time, and landscape and garden features. As a place of intensive institutional use, Yarra Bend Park has a high potential to contain a well-preserved and distinct historical archaeological landscape, which has high potential to provide information which is not currently understood. [Criterion C]

Yarra Bend Park Northcote 1 (H7922-0142) now comprises sections of the Yarra Bend Park which are now peripheral to the VHR place and is of significance in relation to potential archaeological features relating to the use of the park and immediately adjacent areas

1.4 Scope of Works

NELP are proposing to construct a shared user path adjacent to the northern side of the Eastern Freeway in Fairfield. The works will include a new bridge crossing of the Yarra River.

The proposed works for the SUP will generally be in the order of 300 mm in depth, however deeper excavations will be required for the construction of bridge piers, bridge abutments, pits for counters, maintenance bays, and conduits.

1.5 Legislative Requirements

Heritage Victoria is the State Government body that administers the *Heritage Act 2017* (Vic). The *Heritage Act 2017* (the Act) serves to protect all categories of historical cultural heritage relating to the non-Aboriginal settlement of Victoria that includes historic buildings, shipwrecks and archaeological sites. The main purpose of the *Heritage Act 2017* is to provide protection, conservation and registration for all archaeological artefacts and sites as well as the establishment of the Heritage Council and VHR and the VHI.

Victorian Heritage Register

The VHR exists under the *Heritage Act 2017* and provides protection to places or objects of state significance. Places located on Commonwealth owned/managed lands do not fall within the jurisdiction of Heritage Victoria. The Heritage Council, which is established under the Act, determines what places/objects are included on the VHR. Under sections 87 to 89 of the Act, it is an offense to remove, relocate or demolish, damage or despoil, develop or alter, or excavate, all or any part of a

registered place without obtaining the appropriate permit from the Executive Director of the Heritage Victoria.

The *Heritage Act 2017* requires criteria to be used when assessing the cultural heritage significance of places and objects and determining whether those places or objects warrant inclusion in the VHR (refer to Section 11 (1k) of the Act). New VHR places are assessed against the following Heritage Criteria:

- a) Importance to the course, or pattern, of Victoria's cultural history.
- b) Possession of uncommon, rare or endangered aspects of Victoria's cultural history.
- c) Potential to yield information that will contribute to an understanding of Victoria's cultural history.
- d) Importance in demonstrating the principal characteristics of a class of cultural places and objects.
- e) Importance in exhibiting particular aesthetic characteristics.
- f) Importance in demonstrating a high degree of creative or technical achievement at a particular period.
- g) Strong or special association with a particular present-day community or cultural group for social, cultural or spiritual reasons.
- h) Special association with the life or works of a person, or group of persons, of importance in Victoria's history.

The Yarra Bend Park (H2398) was listed on the VHR in 2021 (VHD Report, 2021).

Victorian Heritage Inventory

The VHI exists under the *Heritage Act 2017* and provides protection to places or objects identified as historical archaeological sites, areas or relics on the register, as well as all known areas where artefacts are located or occur and any private collections which include archaeological artefacts. The Act provides blanket protection for all historical archaeological places in Victoria that are 75 years old or older. The VHI is a statutory listing of all known historical archaeological sites in Victoria, except for Commonwealth owned/ managed places, which do not fall within the jurisdiction of HV. The VHI includes sites whose archaeological significance ranges from low to high, including places with archaeological potential. The VHI listing associated with the study area is shown in Figure 3.

Under section 127 of the *Heritage Act 2017* a site card must be submitted to HV within 30 days of the identification of an archaeological site. Under the *Heritage Act 2017* an archaeological site is defined as;

- a place (other than a shipwreck) which –
 - a) contains an artefact, deposit or feature which is 75 or more years old; and
 - b) provides information of past activity in the State; and
 - c) requires archaeological methods to reveal information about the settlement, development or use of the place; and
 - d) is not associated only with Aboriginal occupation of the place.

For an archaeological site to be approved for inclusion on the VHI it must meet both Thresholds A and B as outlined in HV's *Guidelines for Conducting Historical Archaeological Surveys* (2024). These Thresholds are outlined below.

Threshold A (archaeology):

- The place meets the definition of an archaeological sites under the Act; and
- It can be demonstrated that the site contains archaeological features, associated artefacts and/or deposits; and/or
- Documentary evidence and/or oral history, landscape features, visible site fabric or other information indicates a likelihood that the site contains archaeological remains; and
- The archaeological remains are, or are likely to be, in a condition that will allow information to be obtained that will contribute to an understanding of the site.

And

Threshold B (place history):

- The site evidences (or is likely to evidence) an association with a historical event, phase, period, process, function, tradition, movement, custom or way of life; and
- The site history is of significance within a state, regional, local, thematic or other relevant framework.

Archaeological sites which do not meet these thresholds are considered to be of low archaeological value and do not warrant inclusion on the VHI. HV's *Policy for Determining Low Archaeological Value* is presented in Appendix 1.

Under Section 123 of the Act, it is an offence to knowingly or negligently deface, damage or otherwise interfere with, or carry out an act, likely to endanger a site recorded in the VHI; or an archaeological site which is not recorded in the VHI, without obtaining the appropriate consent or consent exemption from the Executive Director of HV.

Consent from HV is required to disturb or destroy historical archaeological sites, places, buildings or structures listed on the VHI. An application may be made to the Executive Director for a Consent to Disturb or Destroy an archaeological site or relic listed on the VHI under Section 124.

Heritage Overlays

Places of heritage significance to a locality can be protected by a Heritage Overlay. Heritage Overlays are contained within local council planning schemes and assist in protecting the heritage of a Local Government Authority. The governing legislation is the *Planning and Environment Act 1987*. Heritage Overlays may include places of local significance as well as places included in the VHR. A Permit is required from the relevant Council prior to commencing works which impact a Heritage Overlay. The Yarra Bend Park (H2398) has a corresponding Heritage Overlay on the City of Yarra Planning Scheme; (HO535), however, Council Permits regarding heritage are superseded by the VHR listing and permit requirements through Heritage Victoria.

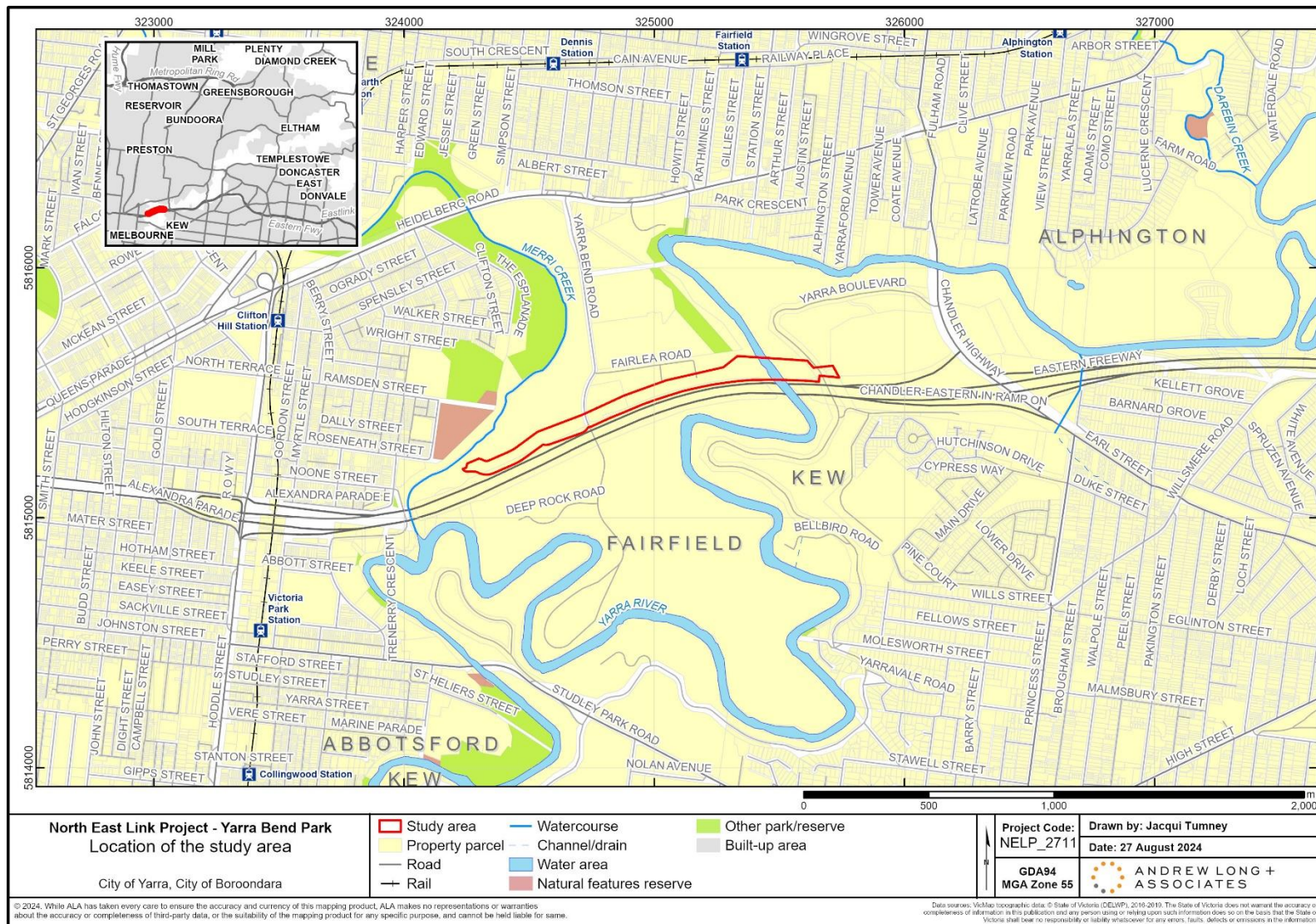


Figure 1: Location map of the impact zone

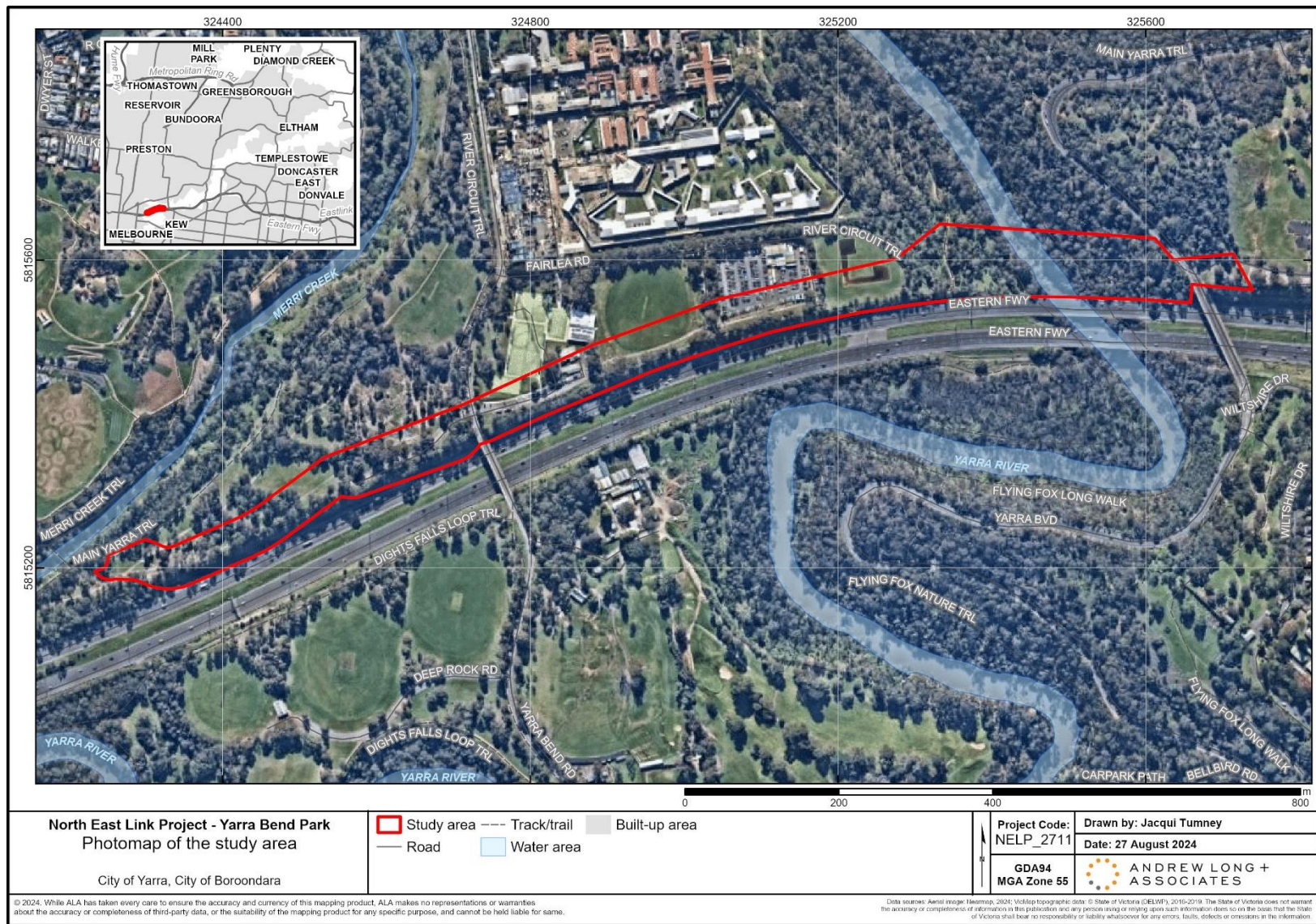


Figure 2: The impact zone overlaid on a current aerial imagery.

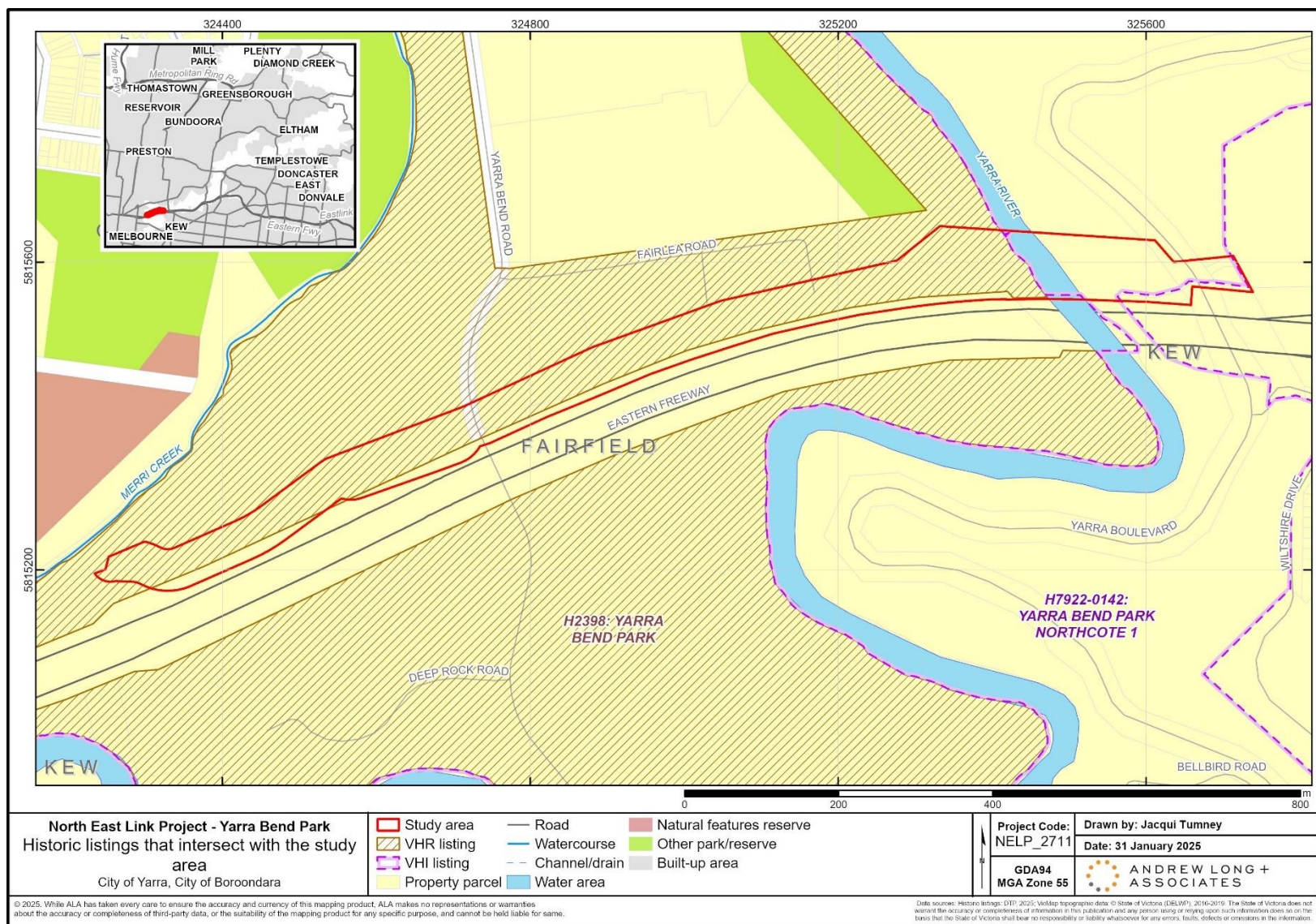


Figure 3: The impact zone showing sections within the VHR place (brown hatching) and sections within the VHI (dashed purple outline).

2 Historical Background

2.1 Preamble

This section presents a historical overview relevant to the study area. This research investigates past land use and occupancy of the sections of Yarra Bend Park (H2398) and Yarra Bend Park Northcote 1 (H7922-0142) where works are proposed. The below historical background presents the information contained within the Victorian Heritage Database (VHD) Report for the broader Yarra Bend Park. The impact zone for the proposed works is broadly peripheral to the main activities which have occurred within the broader park. However, it is noted that the central section of the impact zone intersects with the location of the Yarra Bend Lunatic Asylum (c.1848-1924), Fairhaven Venereal Disease Clinic (c.1927-1951) and Fairlea Women's Prison (c.1954-1996) all of which sequentially occupied the same site. The historical uses of the impact zone are dealt with in greater detail in the following section, which assesses relevant historical maps and aerial imagery.

Evidence for historical use of the eastern extremity of the study area is limited and is noted where relevant in the relation to the historical aerial photographs presented at Figure 5 to Figure 10 below.

Please note that pre-Contact Aboriginal cultural heritage associations with the subject land are not dealt with in this report.

2.2 Historical Use of the Study Area

Yarra Bend Park has a multi-layered post-contact history beginning with the use of the place for a variety of government initiated and/or operated institutions in the 1840s. These included the former Merri Creek Protectorate Station, Merri Creek Aboriginal School, Native Police Corps Headquarters and the Yarra Bend Lunatic Asylum, and later, Fairhaven Venereal Disease Clinic and Fairlea Women's Prison. These institutions reflect early interactions between Aboriginal and non-Aboriginal people, and the management of mental health, disease treatment and criminal justice. Yarra Bend Park is also recognised as a place with a long-history of public recreation from the early twentieth century to the present day.

Government initiated and/or operated institutions

Merri Creek Protectorate Station, Merri Creek Aboriginal School and the Native Police Corps (c.1842-1851) Yarra Bend Park was set aside for public use in the late 1830s as a government reserve. The Merri Creek Protectorate Station, Merri Creek Aboriginal School and the Native Police Corps were established at the confluence of Merri Creek and the Yarra River from 1842. William Thomas, Assistant Protector responsible for the Western Port or Melbourne District of the Port Phillip Aboriginal Protectorate, initially built a hut at the location in late 1842 following the abandonment of Nerre Nerre Warren Protectorate Station (VHR H2348). From 1842 many of protectorate functions were transferred from Nerre Nerre Warren to Merri Creek. The location, however, was deserted by the Woiwurrung people following an influenza epidemic in 1847. The Protectorate was abolished in December 1849. From June 1842 until September 1843 the location was also used as the temporary headquarters of the Native Police Corps under the command of Captain Henry Dana.

In 1845 a permanent day school was established by the Collins Street Baptist Church at the location. Edward Peacock, the former Protectorate schoolteacher, was employed as the schoolmaster and was replaced by Francis Edgar in 1848. In 1846 between 22 and 32 children attended the school, and by

1848-1859 the highest number of pupils was 11. The school cultivated wheat, potatoes and other vegetables which were sold to support its operation. Following declined attendance and a flood in 1850, funding was withdrawn by government and the church, and the school closed in 1851. In 1848, the Yarra Bend Lunatic Asylum began operating in parallel to the Merri Creek Aboriginal School, which supplied it with vegetables, eggs and butter.

Yarra Bend Lunatic Asylum (c.1848-1924)

The geography of the Yarra Bend area made it an ideal location for the establishment of a lunatic asylum. During the mid-nineteenth century, colonial gaols sustained significant population pressure and an inquiry found a need to establish a purpose-built facility to manage the mentally ill and to alleviate the stress placed on the gaol system. In 1848 the government established a mental asylum (variously known as Metropolitan Lunatic Asylum/Melbourne Lunatic Asylum/Yarra Bend Lunatic Asylum). The asylum was the first permanent institution of its type in Victoria. The original layout included single-storey, rectangular cells and associated wards. It is likely the Assistant Protector's station and quarters, associated with the earlier Merri Creek Protectorate Station, was incorporated into the asylum's laundry structure. From 1852, the asylum was managed by Thomas Embling (the first Resident Medical Officer), who was instrumental in the formative years of the asylums' administration and recognised for his interest in the 'moral treatment' of the insane, and later, as a parliamentarian.

By 1854 overcrowding of the asylum necessitated its expansion to the north, under the administration of Dr. Robert Bowie (the asylum's superintendent), who had replaced Embling. This involved the construction of additional structures, utilities and more intensive utilisation of open areas. New structures included cottages, a hospital ward, an infirmary ward, 'L' and 'N' wards (housing troublesome and quiet cases, respectively), the Head Warden's Quarters (entrance lodge), staff quarters, roads, pathways, drainage, a gateway, a bluestone and brick ha ha wall, cultivation paddocks, gardens and a cemetery. Bowie was also responsible for the improvement of recreational infrastructure across the asylum grounds, including the creation of an access road into the asylum (from Heidelberg Road) and playing fields including a cricket ground – pivotal in the later development of Yarra Bend as a place of recreation. By the early twentieth century, the facilities of the asylum had declined, resulting in the cessation of patient admissions in 1924. The remaining patients were transferred to Mont Park Asylum the following year. The Asylum officially closed in 1927 and following a public inquiry into the future use of the place, its grounds were made a 'national' park. The asylum was decommissioned, and a large majority of its infrastructure was demolished by Whelan the Wrecker.

Fairhaven Venereal Disease Clinic (c.1927-1951)

By 1927, several buildings of the now-decommissioned asylum had been adapted for use by the Fairhaven Venereal Disease Clinic. The clinic occupied a small area within the present-day Fairlea Reserve between 1927 and 1951. Alterations were made to the buildings in 1927, including the former asylum's hospital building (c.1860), and Infirmary building (c.1906). Additional structures were constructed including a ward block, boiler room, shelter sheds, plumbing infrastructure, covered walkways, drying rooms and detention cells – all contained by a boundary fence encircling the Clinic's perimeter. The Clinic was closed in 1951.

Fairlea Women's Prison (c.1954-1996)

In 1954, the Fairhaven Venereal Disease Clinic was adapted for use as the Fairlea Women's Prison. The prison was the first all-female jail in Victoria, which held inmates relocated from Pentridge Prison. In 1982, a fire destroyed several structures, which initiated an upgrade to prisoner accommodation. By 1986, all remaining asylum structures had been replaced by new Prison facilities and a substantial concrete perimeter wall. After the prison's closure in 1996, all remaining structures were demolished and the area was re-established as open-park land for recreational use.

Recreation

The Deep Rock Swimming Club was established along the western escarpment of the Yarra River in 1906. From 1918, associated activities along the eastern escarpment within Yarra Bend Park saw the beginning of a change in the use from government institutions of the place, towards public recreational use. Following the closure of the asylum in 1927 and a public inquiry into the future use of the place, the Yarra Bend National Park was established (proclaimed in 1926, but not raised to formal national park status). In 1930, Hugh Linaker – Landscape Gardener to the Lunacy Department, was appointed to develop a landscape plan for the 'National Park' – in keeping with its original designation as a government reserve for public-use. Linaker's work signalled the formalisation of Yarra Bend Park as a place for recreational activities, which is reflected in the present day by sport fields, picnic shelters, seating, public amenities, open parkland, walking tracks, and the Yarra Bend 18-hole golf course and club house (1936). In 1928, Kane's Bridge was constructed, providing access to the park from Kew. The Bridge was reconstructed in 1934 due to severe flooding.

The club house for the Yarra Bend Golf Club opened in 1936, further establishing Yarra Bend as a place of recreation. The Public Works Department Chief Architect, Percy Everett, supervised the construction of the distinctive, American-inspired bungalow-style structure. The club house was constructed from trees sourced from the park, rubble stone piers, chimney and Cordova-tiled gabled roofs. Yarra Bend Park continues to develop in response to the demand for recreational areas close to the city.

Fairfield Hospital and Fairfield Park (c.1900s)

From 1900, areas within Yarra Bend were set apart for the Fairfield Hospital (VHR H1878) (c.1901) and the later formalisation of Fairfield Park (c.1912). These places were physically separated from the Yarra Bend Lunatic Asylum and associated grounds and were developed for different functions. For these reasons, Fairfield Hospital and Fairfield Park are not included in the extent of the registration for Yarra Bend Park.

Eastern Freeway – Stage 1 (c.1973-1977)

In the mid-twentieth century, the proposal for the Eastern Freeway alignment was being considered. In 1973, the first of three stages of freeway construction commenced, which bisected Yarra Bend and resulted in the partial destruction of the former Asylum grounds and the Protectorate Station site along the Freeway's alignment. The development of the freeway also resulted in the realignment of the confluence of the Yarra River and Merri Creek. Stage One of the Freeway's construction – which bisects the extent of registration – opened in 1977.

Impacts associated with the construction of the Eastern Freeway as they affected the impact zone were substantial and are presented in more detail in the following sections which assesses a series of historical aerial photographic imagery to detail these impacts. Key impacts included the reduction of a bend of the Yarra River immediately east of the Merri Creek confluence; excavation of a deep cutting to accommodate the freeway; construction of a temporary crossing for construction purposes at the eastern end of the subject land, along with construction of vehicle access routes to this crossing and extensive impacts along the top of the Eastern Freeway cutting through Yarra Bend Park. The central

section of the impact zone has been substantially impacted by a series of construction and demolition events related to the successive institutions which occupied this area. Most recently this location has been substantially modified in association with the development of the Yarra Bend Park – Fairlea Reserve – Netball Courts.

2.2.1 Historical plans and aerial imagery

Figure 4 to Figure 9 present the extent of the impact zone overlaid on the relevant MMBW plans and a series of historical aerial images. The salient points to be taken from these overlays are summarised below:

- MMBW (Figure 4) – there is no apparent overlap between the impact zone and features shown on this plan. The course of Yarra Bend Road and the Yarra Bend Lunatic Asylum are evident within the central section of the impact zone. It is possible that some fence lines overlap with west end of the eastern section.
- 1931 (Figure 5) – the western section of the impact zone overlaps with several playing fields with cricket pitches evident within the impact zone and in adjacent land. Several playing fields are also evident in proximity to the western section, however, there is no indication of such features within the eastern section. Buildings and garden areas associated with the Fairhaven Venereal Disease Clinic are evident in the central section, to the east of Yarra Bend Road. The section east of the Yarra River is lightly treed with no indication of structures or other features or uses.
- 1958 (Figure 6) – the playing fields evident in the earlier imagery have moved and appear to have become more formalised. Whereas previously four cricket pitches were present in the western section only one is present in 1958 with the ground associated with two other nearby pitches extending into the impact zone. Structures and walls of the recently opened Fairlea Women’s Prison are evident in the central section of the impact zone. The eastern section of the impact zone is traversed by Yarra Boulevard and a pedestrian path (?) follows the eastern bank of the Yarra River.
- 1975 (Figure 7) – construction of the Eastern Freeway and associated ground disturbance is evident in this image. Extensive ground modification is evident throughout with substantial impacts evident in association with works at the Yarra River crossing. Earthworks associated with the creation of the Yarra River Bridge abutments are extensive and vehicle access routes have been cut down the slope to the Yarra River on both banks. Ground surface modification is also evident west of Yarra Bend Road. In the far western section of the impact zone the playing fields appear to have been replaced by an athletics track. No real change is evident within the central section of the impact zone.
- 1978 (Figure 8) – Disturbance associated with the construction of the Eastern Freeway remains evident in this image. No real change is evident within the central section of the impact zone. The eastern section around the Yarra River crossing is similarly largely unchanged.
- 1979 (Figure 9) – By this stage the main phase of construction of the Eastern Freeway had been completed in this area and the remediation of impacts is evident within the impact zone. In the west playing fields and the athletics track have been reinstated. Similarly in the eastern section the construction access tracks have been remediated although the temporary access bridge across the river remains. Additional impacts appear to have occurred in relation to the construction of the casting pool just to west of the eastern section. No real change is evident

within the central section of the impact zone. The eastern section around the Yarra River crossing remains largely unchanged.

The following relate specifically to the central section of the impact zone immediately east of Yarra Bend Road:

- 2000 (Figure 10) – By this stage buildings and features associated with the former Fairlea Women's Prison had been removed and the area converted to parkland.
- December 2021 (Figure 11) – Topsoil stripping across had occurred across the Fairlea Women's Prison site and archaeological investigations were underway to the north of the impact zone.
- March 2022 (Figure 12) – Construction of the Yarra Bend Park – Fairlea Reserve – Netball Courts had commenced by this stage.

The assessment of historical plans and aerial imagery indicates relative limited historical activities within the majority of the impact zone prior to the construction of the Eastern Freeway along with the high levels of landscape modification which was associated with the freeway construction. Prior to construction of the freeway the western section of the impact zone appears to have undergone some level of modification associated with the creation and maintenance of playing fields and an athletics track.

As noted above, the central section of the impact zone, immediately to the east of Yarra Bend Road was the location of buildings and features associated with the Yarra Bend Asylum and subsequently the Fairhaven Venereal Disease Clinic and the Fairlea Women's Prison. The demolition of structures within the central impact zone will have resulted in substantial disturbance to these areas and thus to the archaeological remains of these facilities. However, that this demolition didn't not completely remove all subsurface features and remains is demonstrated by the finding of a Cultural Heritage Management Plan undertaken across the land immediately north of the Eastern Freeway and east of Yarra Bend Road (Dugay and East 2019). Thirty-three test pits were excavated across the area formerly occupied by the Fairlea Women's Prison identifying a number of historical features including 'brick footings, bluestone cobbles, gravel containing ceramic fragments and the former prison running track (Dugay and East 2019, 74). The precise location and composition of these features is unclear as the results of the CHMP assessment as they relate to non-Aboriginal heritage are only partially presented, however, no heritage was identified in the area immediately adjacent to the central impact zone.

Prior to the commencement of construction of the Yarra Bend Park – Fairlea Reserve – Netball Courts at this location it is understood that a programme of archaeological monitoring of turf and asphalt stripping along with targeted historical excavations at the locations of two of the former Yarra Bend Asylum buildings was undertaken. The area subject to monitoring of turf removal and archaeological excavation are evident in Figure 11.

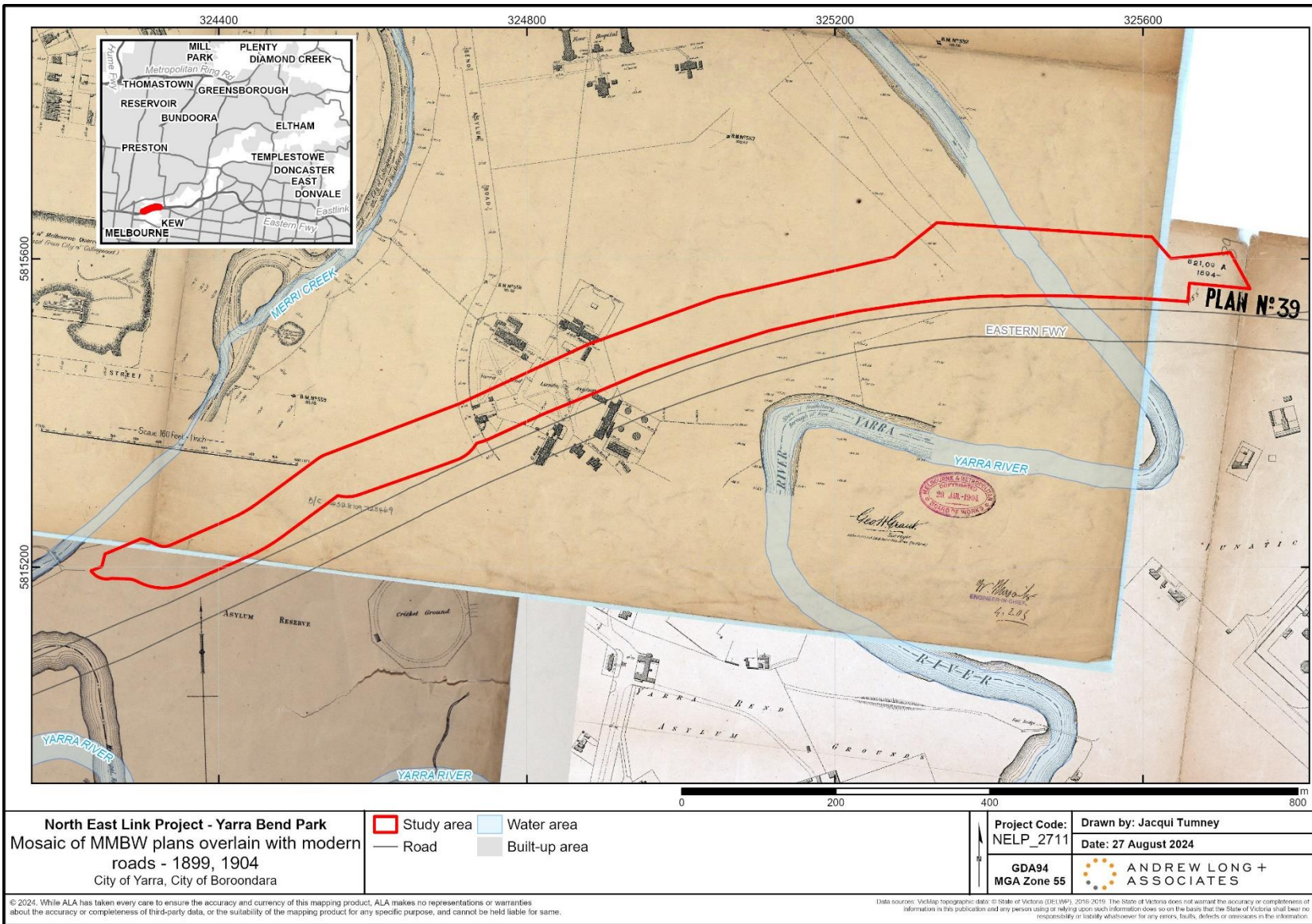


Figure 4: Melbourne Metropolitan Board of Works (MMBW) plan mosaic indicating absence of mapped structures within the impact zone.

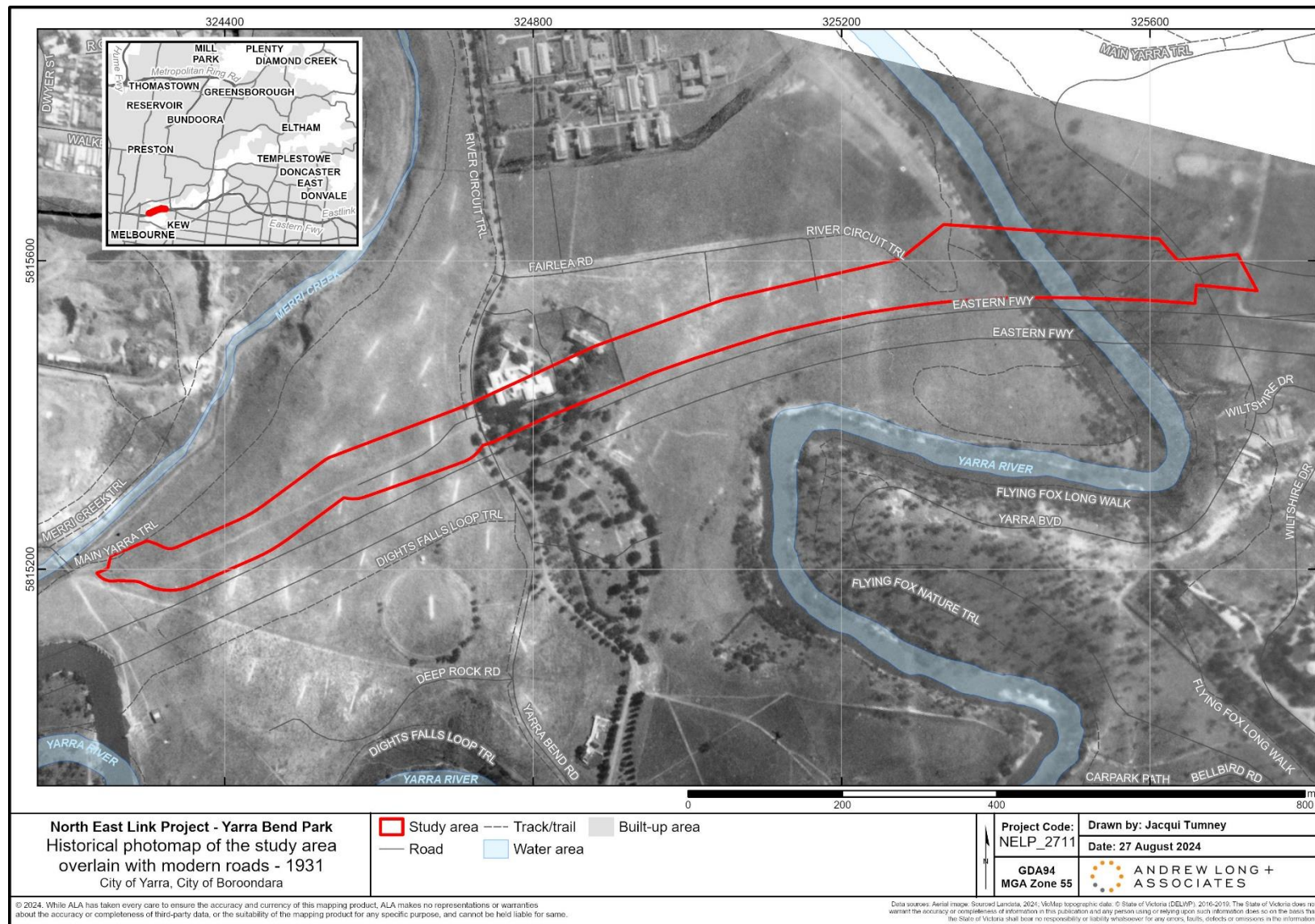


Figure 5: 1931 aerial imagery indicating the absence of structures within the majority of the impact zone although the presence of numerous playing fields in the western section is noted.

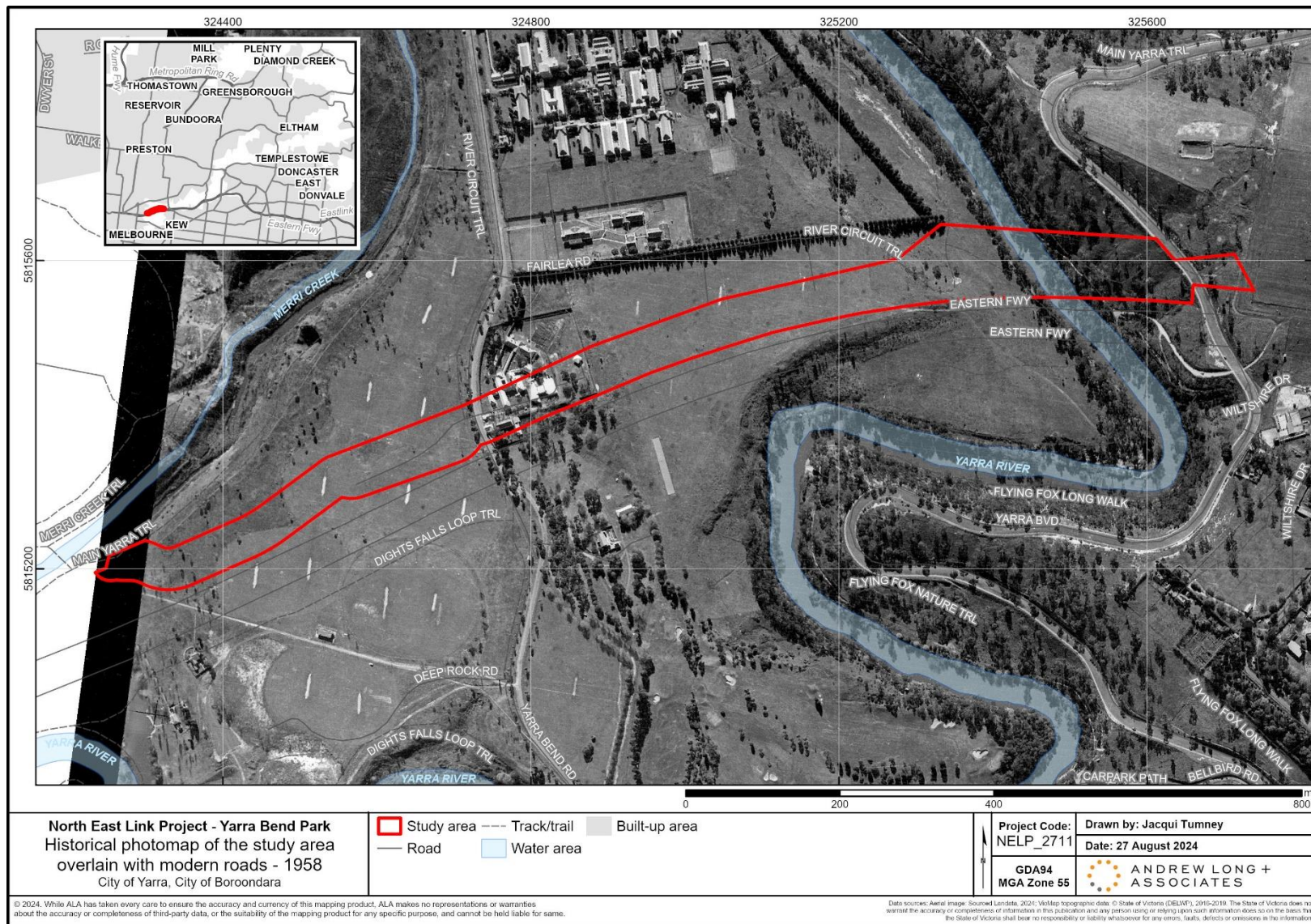


Figure 6: 1958 aerial imagery indicating the absence of structures within the majority of the impact zone. Numerous playing fields still evident in the western section. Yarra Boulevard intersects the with the fare eastern extent of the impact zone.

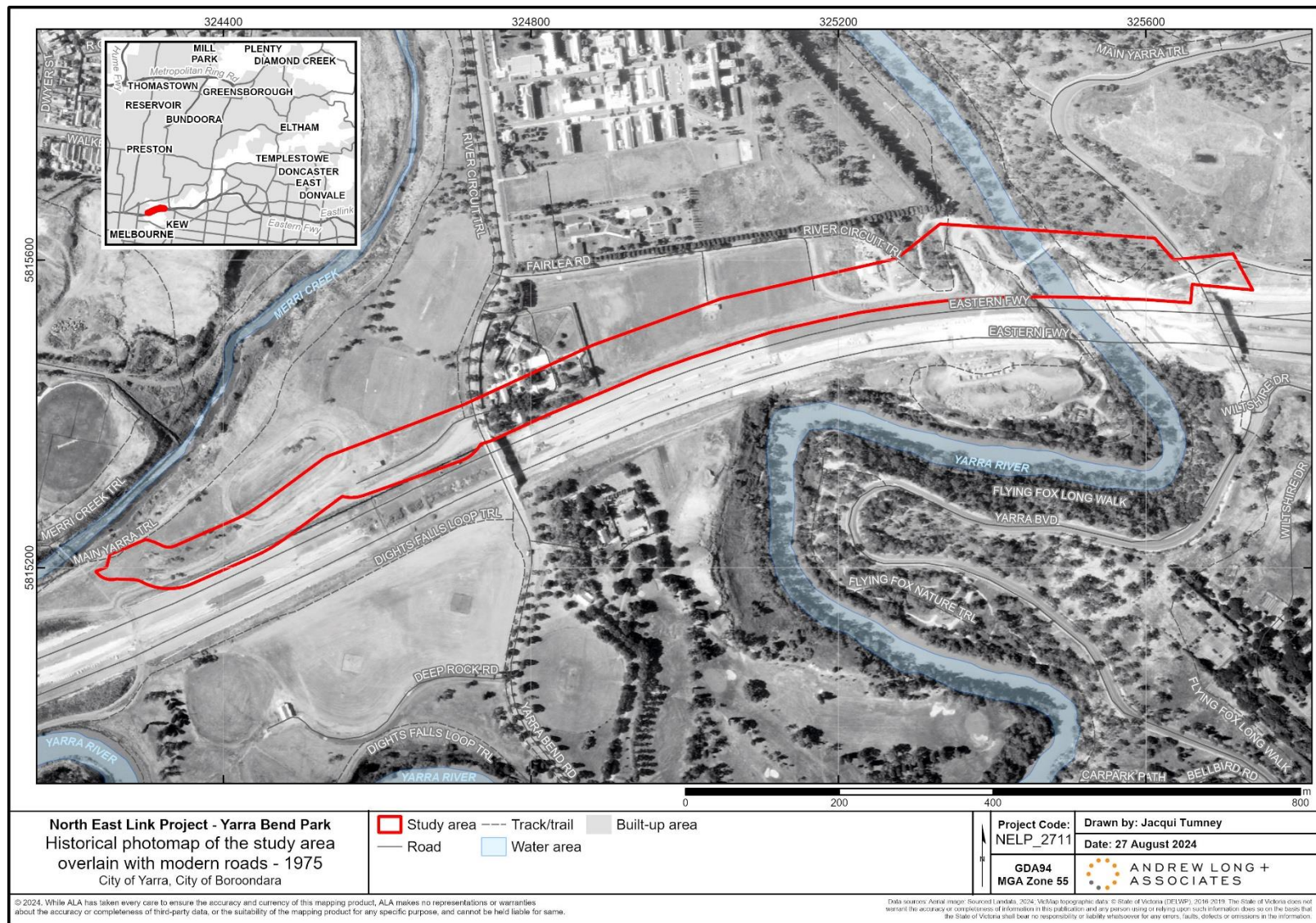


Figure 7: 1975 aerial imagery following the commencement of construction of the Eastern Freeway. Extensive ground disturbance is evident in both the eastern and western sections of the impact zone. Note the temporary construction access across the Yarra River in the eastern section with associated haul roads and travel paths on both sides of the Yarra River.

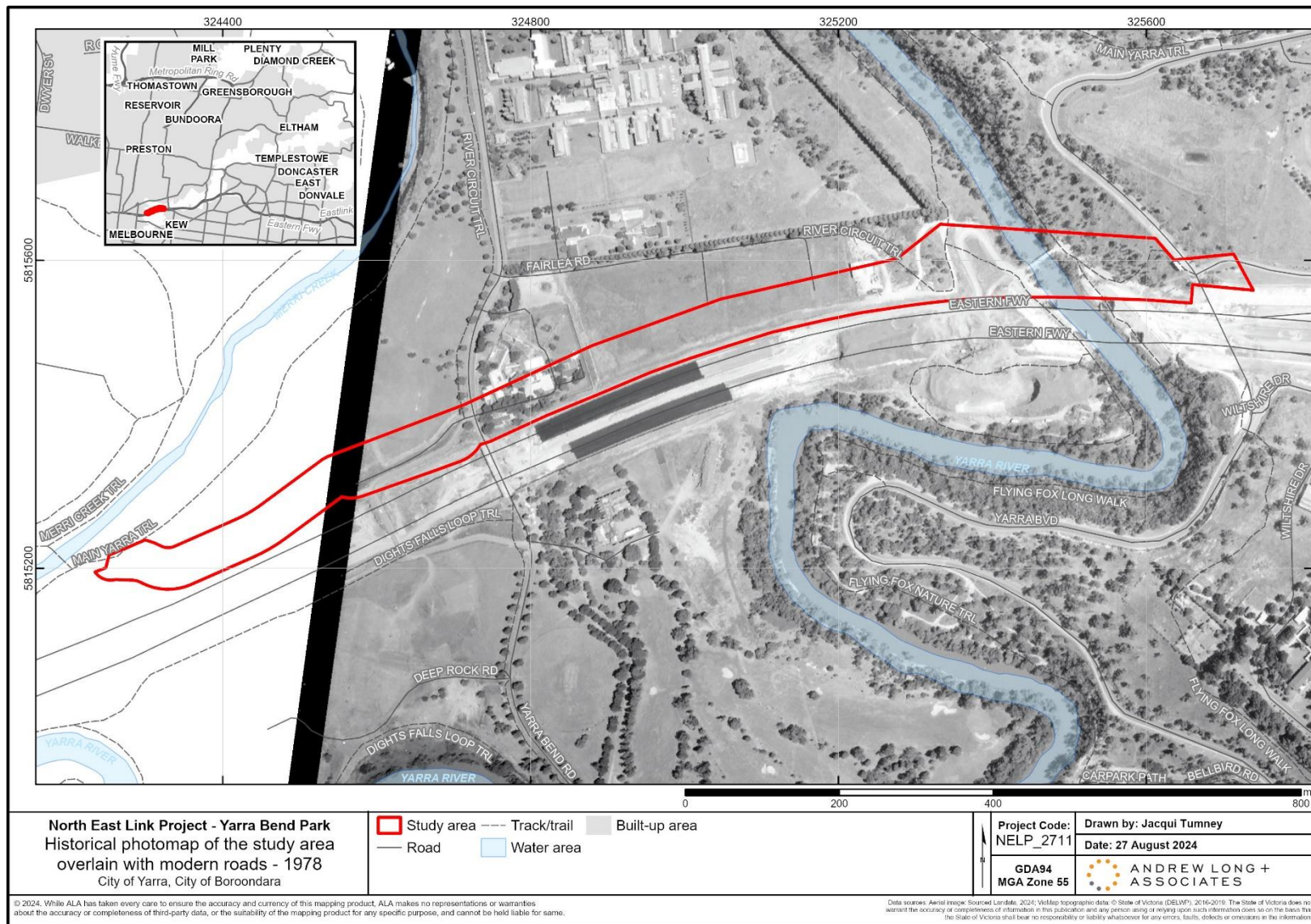


Figure 8: 1978 aerial imagery during the construction of the Eastern Freeway. Extensive ground disturbance is evident in both the eastern and western sections of the impact zone.

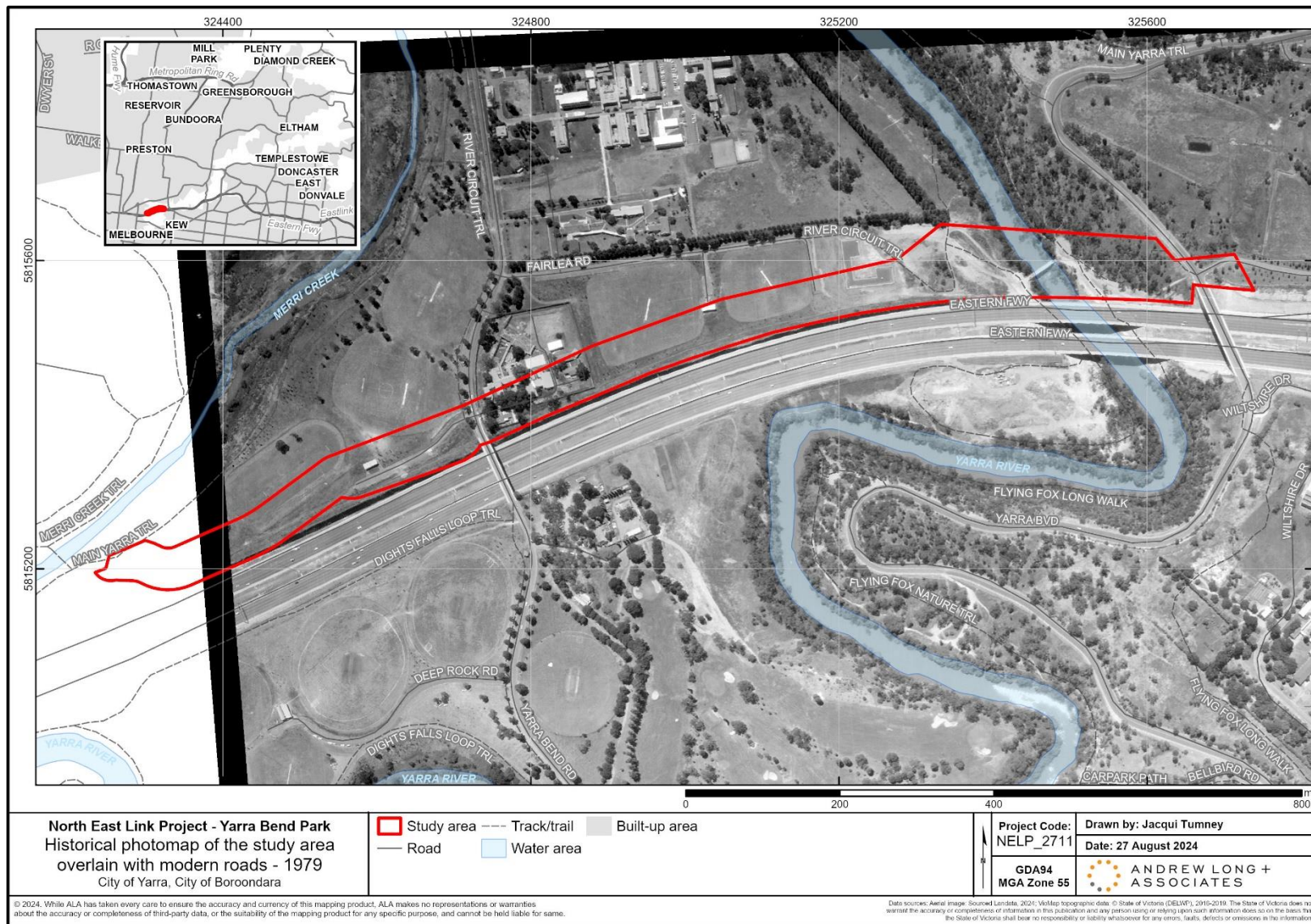


Figure 9: 1979 aerial imagery following completion of construction of the Eastern Freeway. Ground disturbance, particularly in the eastern section is yet to be fully remediated.



Figure 10: November 2000 satellite imagery of the central section of the impact zone. Buildings and features associated with the former Farlea Women's Prison have been removed and the area converted to parkland.



Figure 11: December 2021 satellite imagery of the central section of the impact zone illustrating the extent of topsoil stripping and archaeological investigations underway to the north of the impact zone.



Figure 12: March 2022 satellite imagery of the central section of the impact zone showing the continuing construction of the Yarra Bend Park – Fairlea Reserve – Netball Courts.

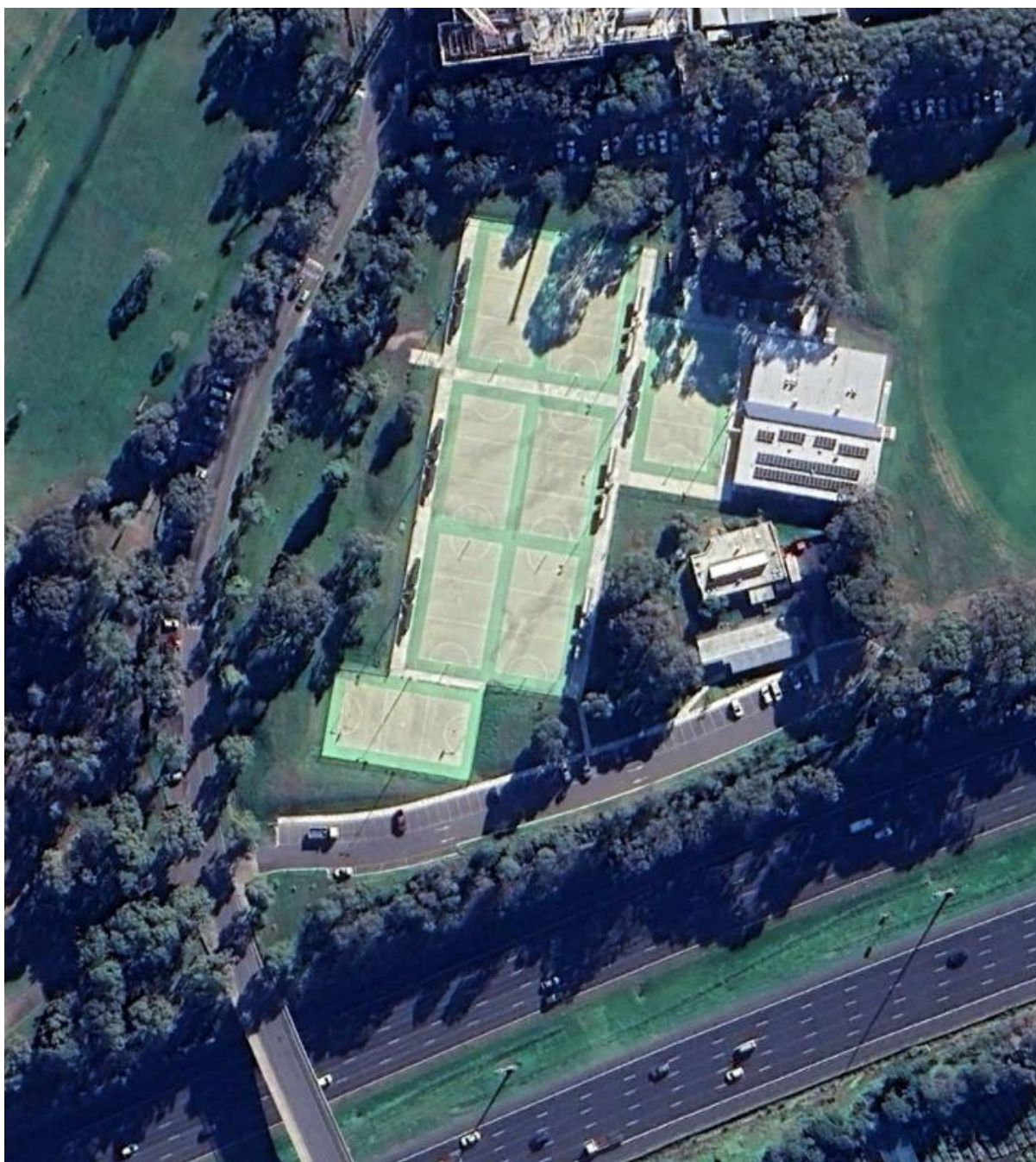


Figure 13: May 2024 satellite imagery of the central section of the impact zone showing the completed Yarra Bend Park – Fairlea Reserve – Netball Courts. Note the impacts along the southern edge adjacent to the Eastern Freeway with evident landscaping adjacent to the car park area.

2.3 Summary

Historically, the majority of the study area has experienced two primary phases of development associated with European occupation. The early reservation of the broader Yarra Bend Park meant that developments across the entirety of the future park were not uniformly intensive. Thus, while the construction of facilities within the park area such as the lunatic asylum resulted in localised greater impacts the impacts associated with the occupation of the impact zone specifically were significantly less intensive. Vegetation clearance and use of the parts of the impact zone for the

creation of playing fields will have resulted in some landscape modification, however, it is not until the construction of the Eastern Freeway that substantial landscape modifications occurred. Until the construction of the freeway occupation of the impact zone can be characterised as relatively passive with no indications of specific foci of historical activity evident. Construction of the freeway resulted in the substantial modification of the land-surface in areas adjacent to the freeway including around the Yarra River crossing at the eastern end of the impact zone. Following construction of the freeway the use of the adjacent land for sports and recreational uses appears to have intensified with, for example, the construction of the anglers casting pool.

The central section of the impact zone has undergone more intensive development commencing with the construction and ongoing use of the Yarra Bend Asylum. Subsequent modifications to the location to adapt it for use as the Fairhaven Venereal Disease Clinic and subsequently the Fairlea Women's Prison would have resulted in substantial impacts to potential archaeological remains. The demolition of the Fairlea Women's Prison in the late 20th century and the more recent construction of the Yarra Bend Park – Fairlea Reserve – Netball Courts will have further negatively impacted the archaeological potential of this section of the impact zone.

3 Site Inspection

3.1 Preamble

A site inspection of the study area was not undertaken as part of this investigation. The impact zone was, however, subject to a pedestrian survey and subsurface testing during the preparation of Cultural Heritage Management Plan (CHMP) 15576. CHMP 15576 was prepared for the North East Link Project for the purposes of investigating and managing Aboriginal cultural heritage values within the project activity area. While these investigations were undertaken for the primary purpose of investigating Aboriginal cultural heritage these investigations were supervised by trained archaeologists. As a consequence, the results of the testing undertaken within and adjacent to impacts zone are instructive from the perspective of identifying the presence or absence of non-Indigenous cultural heritage materials and features and as well as the identification of the levels of disturbance throughout the impact zone, primarily associated with the construction of the Eastern Freeway. The results of these investigations are presented in detail below in lieu of a formal site inspection.

3.2 CHMP Site Investigations

Investigations undertaken during the preparation of CHMP 15576 comprised a standard assessment or pedestrian survey (Survey Area M) of the entirety of the impact zone and complex assessment (subsurface testing) in three testing areas – Testing Areas TA 6, TA 7 and TA 19.

The complex assessment was undertaken prior to the conversion of part of VHI H7922-0142 - Yarra Bend Park Northcote 1 to be included on the Victorian Heritage Register as H2398 – Yarra Bend Park. As a consequence, ground disturbing works were undertaken under Heritage Act consent C1315 issued by Heritage Victoria on 19th September 2018 (see Appendix 2).

A total of three 1x1m test pits and 57 0.5x0.5m shovel test pits were excavated across the three testing areas. Both the standard and complex assessments did not result in the identification of any Aboriginal or non-Indigenous heritage within the impact zone. The complex assessment identified high levels of subsurface disturbance and imported fill with modern refuse inclusions throughout all three testing areas. A number of test pits were terminated due to the identification of suspected asbestos. The results of the testing programme in each area can be summarised as follows:

- TA 6 - majority of TA 6 has been subject previous disturbance which was largely present adjacent to areas of visible previous ground disturbance such as road construction. A sterile clay deposit was encountered at shallow depths (averaging around 200-300 mm). Test pits that exceeded depths of 300 mm contained fill and modern disturbances directly overlying a compact clay.
- TA 7 - majority of TA 7 has been subject to varying levels of previous disturbance. This disturbance is particularly evident adjacent to the areas where road construction has occurred (i.e. Eastern Freeway). A heavily compacted silty clay fill was encountered at shallow depths (averaging around 160-250 mm). Test pit 1x1B was excavated to a depth of 200 mm with a sondage to confirm the level of disturbance, and disturbance was still identifiable at 800 mm with mudstone inclusions and small to large basalt present. It is likely that the area was modified during the construction of the Eastern Freeway, with imported fill utilised to create a stable embankment along the Yarra River.

- TA 19 - majority of TA 19 has been subject to varying levels of disturbance. The stratigraphy of the excavated test pits identified the upper topsoil had previously been removed with natural underlying soils still present.

Representative stratigraphic soil profiles are presented below.

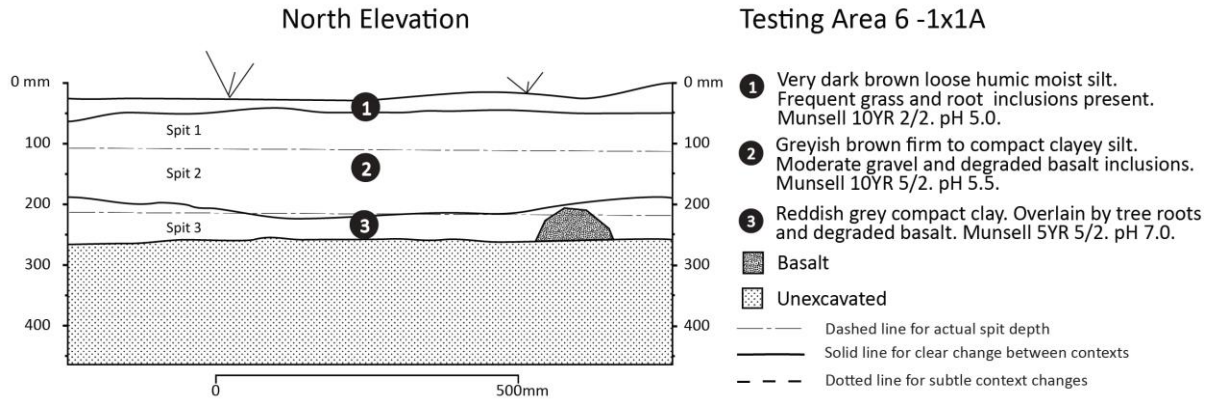


Figure 14: Stratigraphic profile of TA 6 - 1x1A

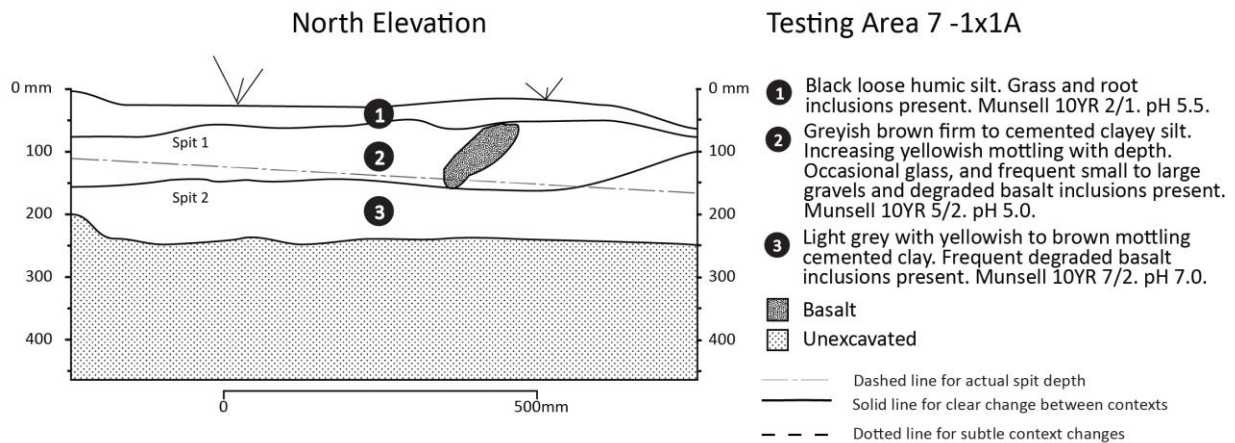


Figure 15: Stratigraphic profile of TA 7 - 1x1A

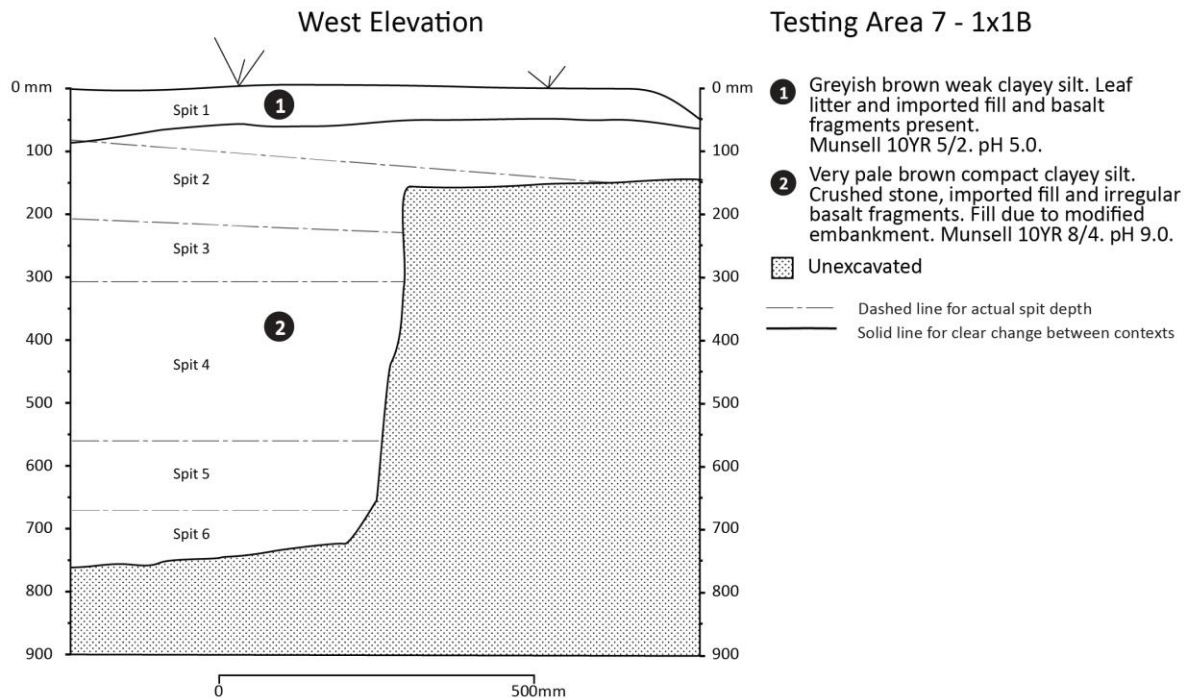


Figure 16: Stratigraphic profile of TA 7 - 1x1B

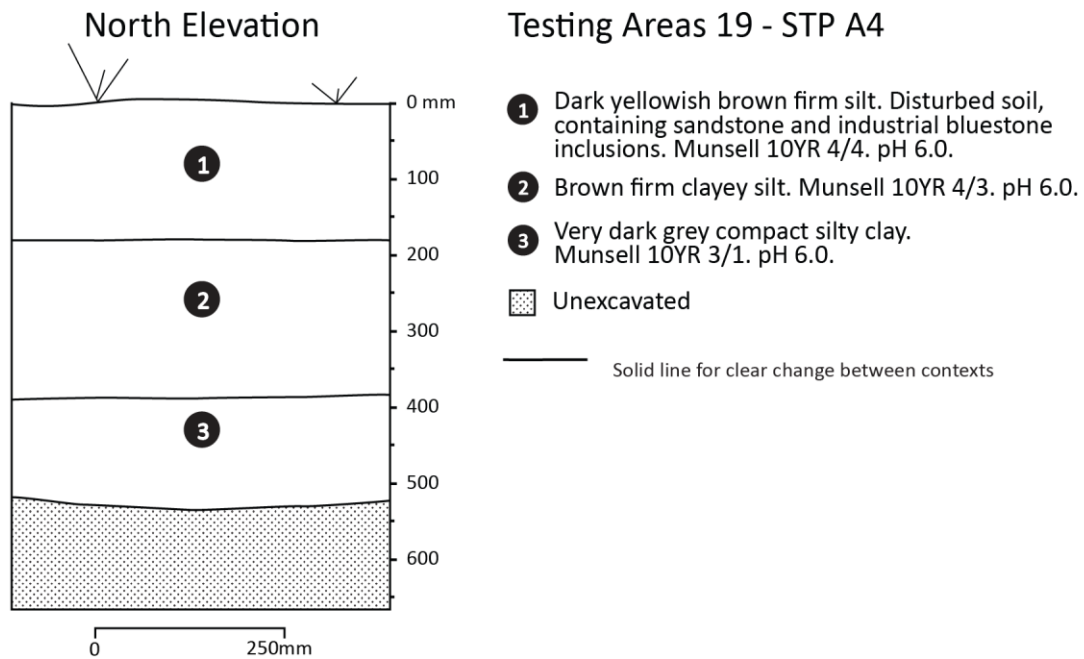


Figure 17: Stratigraphic profile of TA 19 – STP A4

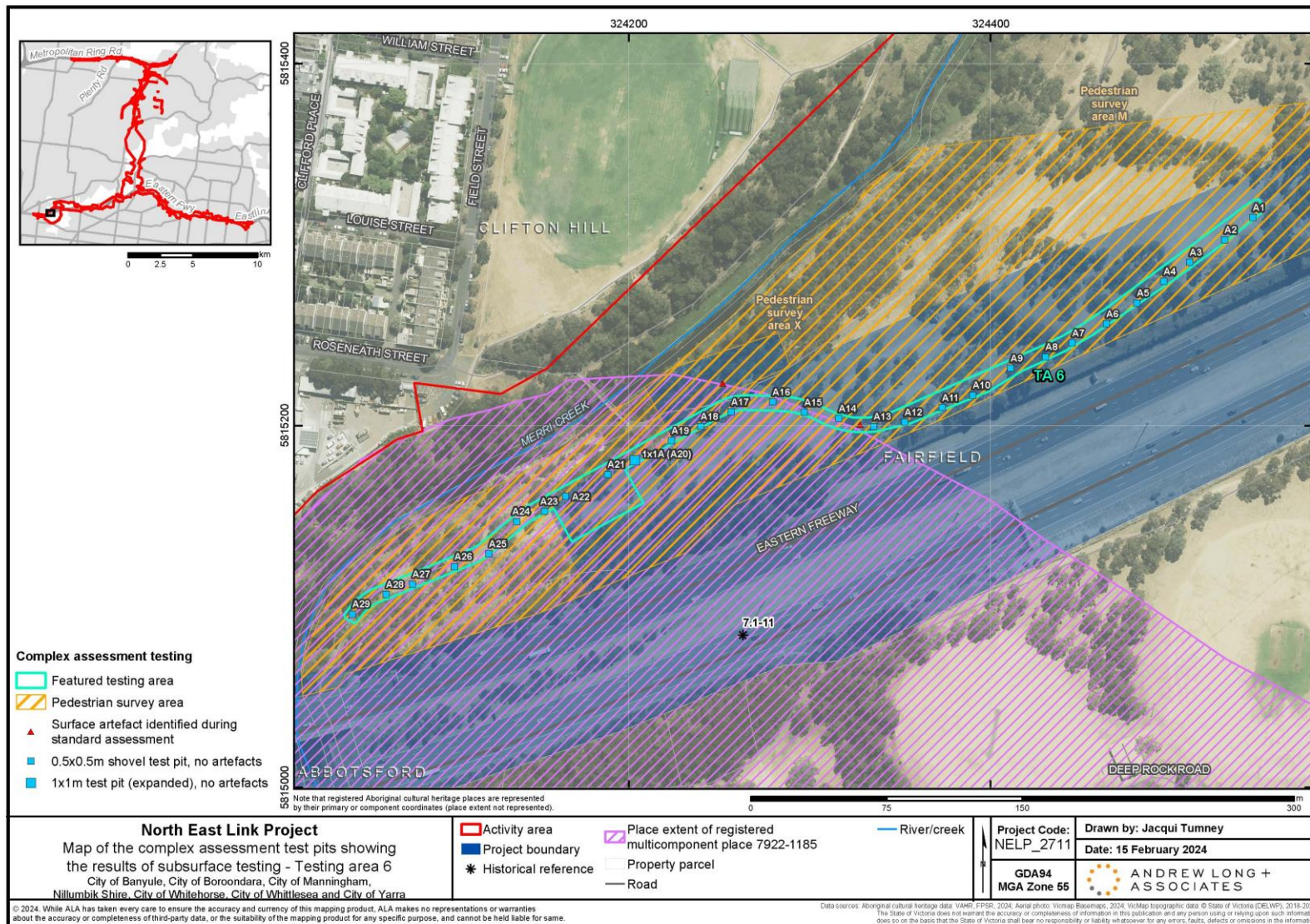


Figure 18: Complex assessment undertaken in Testing Area (TA) 6

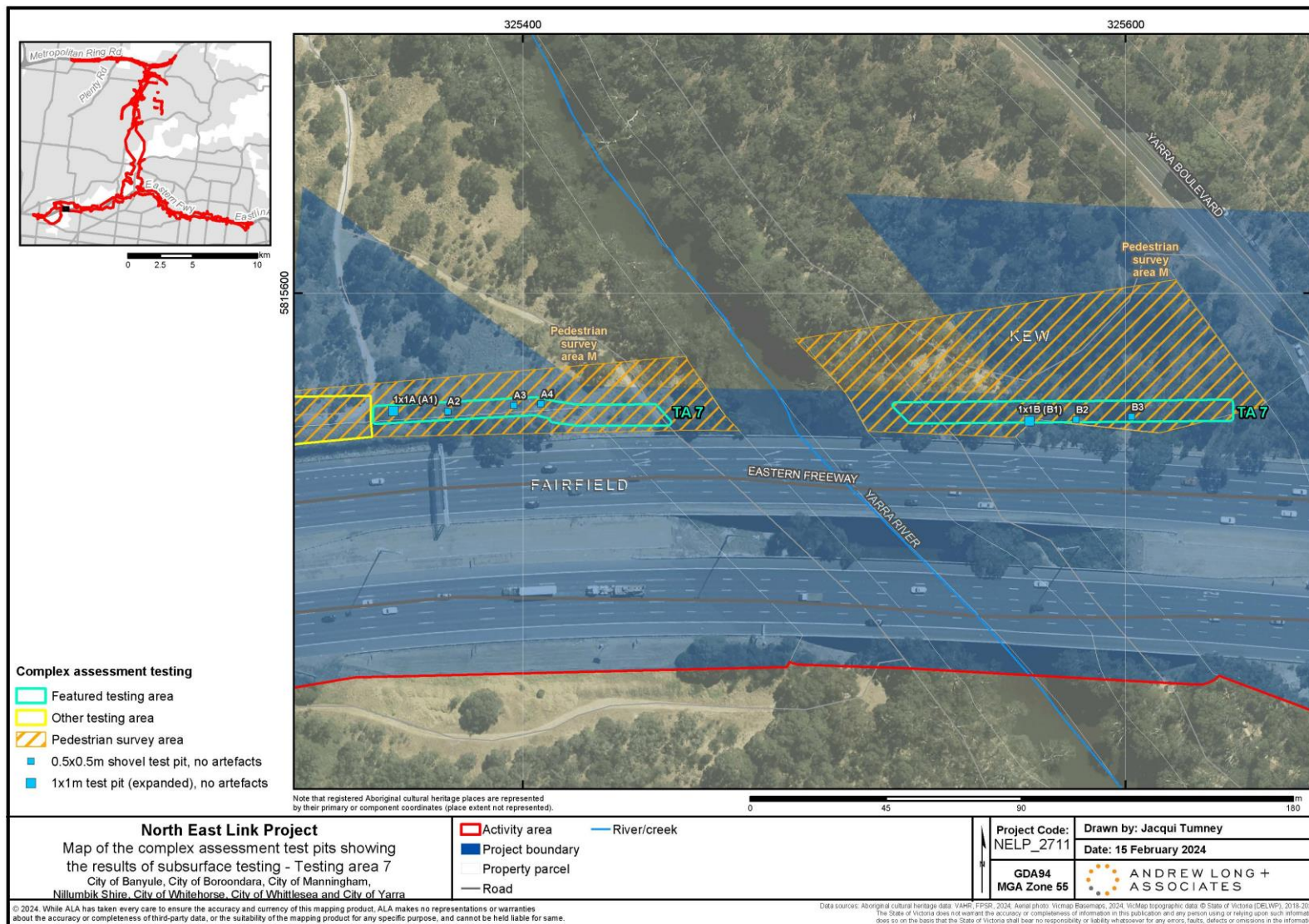


Figure 19: Complex assessment undertaken in Testing Area (TA) 7

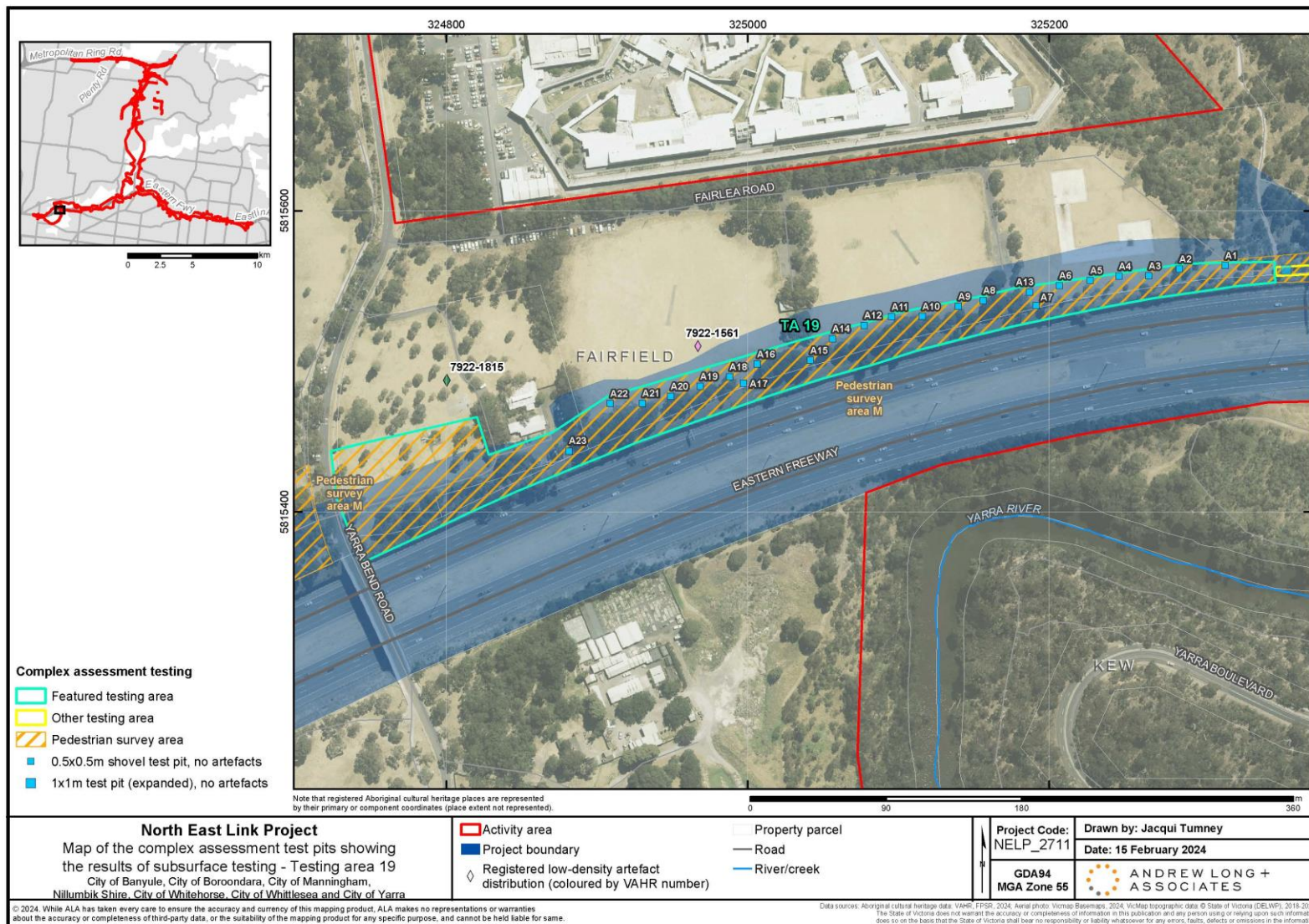


Figure 20: Complex assessment undertaken in Testing Area (TA) 19

4 Archaeological Potential

4.1 Preamble

An assessment of the study area was undertaken to identify areas with archaeological potential. This assessment included a desktop review of available historical aerial imagery, historical maps and plans to develop a detailed background history (section 2) and a site inspection (section 3). The *Heritage Act 2017* defines an archaeological site as;

A place (other than a shipwreck) which –

- (a) contains an artefact, deposit or feature which is 75 or more years old; and
- (b) provides information of past activity in the State; and
- (c) requires archaeological methods to reveal information about the settlement, development or use of the place; and
- (d) is not associated only with Aboriginal occupation of the place.

4.2 Archaeological potential within the study area

The Yarra Bend Park has been reserved for recreational and institutional use for over 180 years. As noted elsewhere, while the occupation of discrete sections of the park has been intensive the occupation of the impact zone has been quite limited by comparison. An examination of historical plans and aerial imagery indicates that the occupation of the impact zone can best be characterised by relatively passive recreational uses with no indication of historical uses resulting in the construction of buildings or other similar features. The primary historical features present within the impact zone consist of playing fields. While creation of these playing fields will have constituted a level of landscape modification, use of these is highly unlikely to have resulted in the development of significant archaeological deposits. Coupled with this low potential the apparently extensive disturbance associated with construction of the Eastern Freeway adjacent to the impact zone has further reduced the potential for significant archaeological remains to be present.

The results of archaeological investigations undertaken during the preparation of CHMP 15576 for the North East Link Project have confirmed this very low archaeological potential and high levels of disturbance and landscape modification.

4.3 Archaeological Significance

The statement of significance from the Victorian Heritage Database (VHD) Report for Yarra Bend Park (H2398) (see Section 1.3) is assessed in this section.

The statement of significance specifically refers to ‘all archaeological deposits associated with’ a variety of government institutions within the broader Yarra Bend Park. It is noted that the majority of the impact zone did not contain these institutions. The central section, immediately east of Yarra Bend Road, traverses the site of the former Yarra Bend Asylum and the subsequent Fairlea Women’s Prison. The site of the former Yarra Bend Asylum has been variously impacted by more recent demolitions and construction events

How is it Significant?

Yarra Bend Park is of historical and archaeological significance to the State of Victoria. It satisfies the following criterion for inclusion in the Victorian Heritage Register:

Criterion A - Importance to the course, or pattern, of Victoria's cultural history.

Criterion B - Possession of uncommon, rare or endangered aspects of Victoria's cultural history.

Criterion C - Potential to yield information that will contribute to an understanding of Victoria's cultural history.

Why is it Significant?

Yarra Bend Park is significant at the State level for the following reasons:

Yarra Bend Park is historically significant for its associations with a number of government initiated and/or operated institutions from the mid-nineteenth to the late-twentieth centuries and for its long association with active and passive recreational use. [Criterion A]

Aboriginal cultural connection pre-existed the formation of Melbourne by tens of thousands of years. Yarra Bend Park is historically significant as a place of contact and interaction between Aboriginal and non-Aboriginal people in the formative years of Victoria's development. This resulted in the establishment of institutions near the confluence of Merri Creek and the Yarra River, including the Merri Creek Protectorate Station, Merri Creek Aboriginal School and Native Police Corps Headquarters. [Criterion A]

Yarra Bend Park is significant for its associations with Billibellary, Ngurungaeta (leader) of the Woi wurrung (who was buried near the confluence of the Yarra River and Merri Creek in 1846) and Assistant Protector William Thomas. Their mutually respectful relationship, which extended to Billibellary's son Simon Wonga, was instrumental in the negotiation of land for Aboriginal people, which led to the establishment of Coranderrk Aboriginal Station near Healesville. [Criterion A]

Yarra Bend Park is significant as the location of Victoria's first asylum. The Metropolitan Lunatic Asylum, later known as the Yarra Bend Lunatic Asylum, was the first asylum established in Victoria in 1848 and was constructed in a 'village style'. [Criterion A]

Yarra Bend Park is historically significant for the ongoing development of facilities for active and passive recreational use, including open parkland, walking tracks and sporting grounds. [Criterion A]

Yarra Bend Park is an uncommon example of an expansive inner-city area which has remained largely undeveloped and retains a high potential for significant archaeological evidence of government initiated and/or operated institutions. [Criterion B]

Yarra Bend Park is archaeologically significant for its potential to contain features, deposits and/or artefacts that relate to various government initiated and/or operated institutions, their establishment, use and change over time, and landscape and garden features. As a place of intensive institutional use, Yarra Bend Park has a high potential to contain a well-preserved and distinct historical archaeological landscape, which has high potential to provide information which is not currently understood. [Criterion C]

Assessment – the statement of significance refers to the Yarra Bend Park being ‘archaeologically significant for its potential to contain features, deposits and/or artefacts that relate to various government initiated and/or operated institutions, their establishment, use and change over time, and landscape and garden features’. As previously noted, that none of the listed institutions were located within the impact zone and while the potential for undocumented uses of land adjacent to these institutions being present cannot be ruled out entirely, the degree of landscape modification which has occurred reduces this potential significantly. The potential for ‘landscape and garden features’ is similarly extremely low given the apparent absence of any such features and the subsequent impacts associated with construction of the Eastern Freeway.

4.4 Summary

The MMBW plans and aerial imagery demonstrate an overall absence of structures or defined activities within the impact zone with the exception of playing fields. As a consequence, there is extremely limited historical archaeological potential associated with the impact zone. As noted, this limited potential is further reduced as a consequence of the high level of landscape modification which has occurred in association with the construction of the Eastern Freeway.

5 Impact Assessment

This section considers the impact of the proposed works on archaeological values within the impact zone. The potential impact to significant archaeological values within the impact zone is considered to be very low on the basis of the following key considerations:

- the overall extremely low historical archaeological potential associated with known activities within the impact zone
- the apparent absence of structures or features associated with institutions and facilities specifically referenced in the statement of significance from the Victorian Heritage Database (VHD) Report for the site across the majority of the impact zone
- the high level of more recent landscape modification which has occurred in association with the construction of the Eastern Freeway the potential impact to significant archaeological values within the impact zone is considered to be very low.
- the disturbance to the central section of the impact zone as a result of the recent development of the Yarra Bend Park – Fairlea Reserve – Netball Courts

6 Recommendations

6.1 Preamble

This section outlines ALA's recommendations regarding the impact zone within the Yarra Bend Park (H2398) and Yarra Bend Park Northcote 1 (H7922-0142). Non-archaeological heritage requirements related to the VHR listing must be addressed by a relevant specialist. The *Heritage Act 2017* (Vic) provides blanket protection to all archaeological sites. Approvals from Heritage Victoria – a permit for the VHR place and a consent or consents for the VHI listing – will be required prior to works impacting these places, including archaeological investigations.

6.2 Assumptions and limitations

This report does not include provision for:

- Consultation with stakeholders;
- Preparation of consents/permits.

6.3 General recommendations

6.3.1 Historic Heritage Inductions

It is recommended that all personnel involved in ground disturbing works for the project undertake a Historic Heritage induction which details the archaeological potential and significance of the site and familiarises workers with the archaeological features and artefacts that are anticipated to be identified within the site.

6.3.2 Unexpected Finds Protocol

Whilst a programme of archaeological investigation has not been recommended for the site, it is possible that unexpected archaeology may be encountered during ground disturbing works. Where encountered such archaeology is protected by the *Heritage Act 2017*, therefore it is recommended that an unexpected finds protocol is established for the project.

All workers involved in ground disturbing works should be informed of the Unexpected Finds Protocol during the Historic Heritage induction. A standard unexpected finds protocol includes the following;

- Stop work in the vicinity of the find,
- Barricade or otherwise close off a 5m exclusion zone around the find,
- Notify the nominated Heritage Advisor (archaeologist) of the find, including photos and location information,
- Works may proceed outside the exclusion zone,
- The Heritage Advisor to review find (site inspection, research, consult HV etc as required) and determine whether further investigations are required,
- If the Heritage Advisor concludes the unexpected find is modern, works may proceed unhindered in the location of the find,

- Management measures to be determined in association with heritage advisor and relevant stakeholders.

If an unexpected find is assessed to be historical (i.e. older than 75-years) several outcomes are possible depending on a variety of circumstances, as outlined below.

Where an unexpected find is identified within the extent of, and associated with, an existing VHR site with a current HV issued Permit an excavation and recording methodology can be established with HV under the existing Permit allowing the archaeology to be managed and the proposed works to proceed.

Investigation and recording timeframes for the unexpected find are dependent on the integrity and extent of the find. Isolated artefacts and/or small features can often be recorded within two or three days. However, features of a moderate to large size and/or highly significant features will require longer timeframes to assemble a field team and conduct appropriate levels of investigation.

7 References

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