



VIRTUS HERITAGE



CASTLEREAGH TOURISM DEVELOPMENT

39 – 65 Old Castlereagh Road, Castlereagh, NSW

CONNECTING WITH COUNTRY REPORT

Final v2 | January 2025

Prepared for Morson Group

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Acknowledgement of Country

Virtus Heritage acknowledges the Traditional Custodians of the land on which this project was undertaken and pays respect to Elders past, present and emerging.

Content Warning

Aboriginal and Torres Strait Islander people are warned that this publication may contain names and images of deceased people, descriptions of traumatic historic events and parts of Country that have been impacted by development.

Disclaimer and cultural restrictions

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All queries related to the content, or to any use of this report must be addressed to Dr Mary-Jean Sutton.

Executive Summary

Virtus Heritage was engaged by the Morson Group to prepare a Connecting with Country Report for the Castlereagh Tourism Development at 39–65 Old Castlereagh Road, Castlereagh NSW. The project area is located within the Penrith Local Government Area (LGA), within the locality of Dharug Country within the Deerubbin Local Aboriginal Land Council's (DLALC) area.

The proposed scope of works as provided by Morson Group includes construction of a Tourism Development comprising a Hotel, Fast Food Outlets, Indoor Recreation Facilities, Neighbourhood Shops, and a Club. Car Parking will be provided as multi-level above ground and on grade parking.

CONSULTATION FOR CULTURAL INPUTS AND VALUES

The project area lies within the boundaries of the Deerubbin Local Aboriginal Land Council (DLALC). Consultation for this assessment was undertaken by Virtus Heritage with Deerubbin LALC (**Section 4**).

Contents

Disclaimer and cultural restrictions	3
Executive Summary	4
1. Introduction	7
1.1 Terminology note.....	7
1.2 Project Description	7
1.3 Project team and qualifications.....	7
1.4 Acknowledgements	8
2. <i>Connecting with Country</i> Framework rationale and relevant legislation	9
2.1 the Burra Charter	9
3. Country and Design.....	13
3.1 Country centric Design	13
4. Consultation for Cultural Input & Values	15
4.1 Defining Community and Rights Holders	15
5. THINKING: Communing with Country.....	17
5.1.1. Archaeological Context.....	17
4.1.2 Context of Country.....	19
6. FEELING: Sensing Country	21
7. BEHAVING: Being on Country and Site Strategy	24
7.1 Signage and Artwork	26
7.2 Aboriginal materiality and colour palettes	30
7.3 Waterway Inspiration.....	31
7.3.1. Shaws Creek Aboriginal Place	31
7.3.2. Connection to Penrith Lakes and the Blue Mountains	33
8. CARING: Ongoing opportunities and conclusions	36
8.1 Cultural awareness induction/Training.....	36
REFERENCES	38
Appendix A Indigenous Cultural and Intellectual Property (ICIP)	41
Appendix B Design Principles (Audax Urban 2024).....	42

Appendices

Appendix A. Indigenous Cultural and Intellectual Property (ICIP).....	41
Appendix B. Design Principles (Audax Urban 2024)	45

Figures

Figure 1. Viewsheds (NSW DPIE 2021).....	10
Figure 2: Yellomundee Regional Park (Source: NSW National Parks, n.d.).....	11
Figure 3. Human-centred vs Country centred design (Source: Steffan Lehmann 2010).....	14
Figure 4. Cultural practices and behavioural change systems (Source: Government Architect NSW 2023) .	17
Figure 5. 1955 Aerial Photograph.....	18
Figure 6. 1965 Aerial Photograph.....	18
Figure 7. 1978 Aerial Photograph.....	19
Figure 8. 1998 Aerial Photograph.....	19
Figure 9. QLD Welcome to Country signage (Source: Southwest Hospital and Health Service, 2022).....	27
Figure 10. Parkes Shire Welcome to Country signage (Source: First Languages Australia, n.d.)	27
Figure 11. Mural of Uncle Wes Marne (Source: Pearce 2023).....	28
Figure 12. Galibalalaa Mural at Cranebrook Community Centre (Source: Street Art Cities 2001)	28
Figure 13. Gur Atkamlu (Sea Blanket) (Source: Australian Museum 2020).....	29
Figure 14: Turtle, made by Ellarose Savage (Source: Australian Museum 2020).....	30
Figure 15. Sand blasted-glass panels at Kempsey Hospital (Source: National Aboriginal Design Agency, n.d.).	31
Figure 16. Engravings of Kangaroo at Shaw's Creek (Source: Hiking the World 2023).....	32
Figure 17: Potential access pathways (Source: Morson Group).....	33
Figure 18: Paramatta Riverside Walk A (Source: Weekend Notes 2016	34
Figure 19. Paramatta Riverside Walk B (Source: Weekend Notes 2016).....	34
Figure 20. Paramatta Riverside Interpretive Sign (Source: Weekend Notes 2016).....	34

TABLES

Table 1. Assessment of the Burra Charter Values within the Project Area.....	10
Table 2. Summary of Consultation	15
Table 3. Flora in the study area.....	21
Table 4. Dharug words for animals.....	23
Table 5. Aboriginal – led Cultural Heritage Organisations.....	36

1. Introduction

Virtus Heritage was engaged by the Morson Group to prepare a Connecting with Country Report for the Castlereagh Tourism Development (CTDP). The project is located at 39–65 Old Castlereagh Road adjacent to the Nepean Business Park within the Penrith local government area (LGA) and in the Castlereagh neighbourhood.

1.1 TERMINOLOGY NOTE

Across Australia and the Sydney Basin, there are numerous cultural groups of Aboriginal and Torres Strait Islander descent. In this report, we strive to use the specific names of cultural groups and landscape features wherever possible. Virtus Heritage recognises that the terms "Traditional Owners" or "Traditional Custodians," "Aboriginal," and/or "Torres Strait Islander" are used when general terms are necessary or when the specific names of cultural groups are unknown. Dharug (also *Dharuk*, *Dharug*, *Daruk*) is the traditional language group of the Aboriginal people belonging to the inland areas of western Sydney. The name *Dharug* was not recorded by Europeans until late in the 19th century, when it was applied, not entirely clearly, to people who belonged to Camden, Campbelltown, Liverpool and Penrith, possibly extending up to the Hawkesbury River and east to the Sydney coast (Macquarie Dictionary 2019). We have attempted to integrate Dharug words in this report where culturally appropriate. During the review of the draft report, we look for input on the use of words throughout the report and will revise as needed.

Note: The Aboriginal community hold cultural knowledge and or/historical connection or contemporary cultural connection to Country/places in the LGA. The *United Nations Declaration on the Rights of Indigenous Peoples* states that Indigenous peoples have the right to free, prior and informed consent before approval of any project affecting their lands or territories and other resources.

Only the Aboriginal community can provide comment on the intangible and cultural and spiritual values of Aboriginal cultural heritage and must be consulted to provide cultural information. Planning or legislative advice or information should be sought from Council, Planning, Legal and/or Heritage expert/consultant. A heritage expert/consultant can also assist in the assessment of other heritage values including scientific, aesthetic and historical values for heritage places and objects.

1.2 PROJECT DESCRIPTION

The project is described by the Morson Group includes construction of a Tourism Development comprising a Hotel, Fast Food Outlets, Indoor Recreation Facilities, Neighbourhood Shops, and a Club. Car Parking will be provided as multi-level above ground and on grade parking.

1.3 PROJECT TEAM AND QUALIFICATIONS

This project was completed with the following team members:

- Directed and peer reviewed by Director, Dr Mary-Jean Sutton (PhD, Department of Archaeology and Anthropology, University of Queensland; Hons Prehistoric and Historical Archaeology, University of Sydney) with assistance by Dr. Alice Buhrich (PhD, Department of Archaeology, James Cook University, Hons Archaeology University of New England.)
- This report and the Connecting with Country elements of the project were managed and compiled by Anthropologist, Anya Graubard (B. Arts, Hons. Anthropology, University of Nebraska-Lincoln).
- GIS Mapping was prepared by Shaun Sewell (GIS Analyst).

The Walk on Country was undertaken by Anya Graubard, guided by Steven Randall (Sites Officer, Deerubbin Local Aboriginal Land Council), attended by Peter Morson (Director, Morson Group), Joshua West (Graduate Architect, Morson Group).

1.4 ACKNOWLEDGEMENTS

We would like to acknowledge the assistance of the following individuals for the completion of this report:

- Steven Randall, Sites Officer, Deerubbin Local Aboriginal Land Council
- Peter Morson, Director, Morson Group
- Joshua West, Graduate Architect, Morson Group
- Karla Castellanos, Director, Audax Urban Design
- Dean Boone, Director, Distinctive Living Design

2. *Connecting with Country* Framework rationale and relevant legislation

The Government Architect NSW works span across the government, private sector, and community; the goal of which is to improve social, environmental and economic outcomes for NSW and communities. The Government Architect New South Wales' *Connecting with Country Framework* (2023) incorporates aspects of the following legislation:

- NSW Environment and Heritage's *Due Diligence Code of Practice for the Protection of Aboriginal Objects* (DECCW 2010).
- *NSW Environmental Planning and Assessment Act 1979 1.3 (f)*: 'to promote sustainable management of built and cultural heritage (including Aboriginal cultural heritage) and *1.3 (g)*: 'to promote good design and amenity of the built environment'.
- *NSW Aboriginal Land Rights Act 1983*.

It also incorporates the principles of the following policies:

- *OCHRE: Opportunity, Choice, Healing, Responsibility Empowerment* and Urban Design for Regional NSW, and
- *Better Placed: An integrated design policy for the built environment of NSW*.
- *Designing with Country (Government Architect 2023)*
- UNESCO/ICCROM/ICOMOS/IUCN (2023). *Enhancing Our Heritage Toolkit 2.0: Assessing Management Effectiveness of World Heritage Properties and Other Heritage Places. Paris, UNESCO*.

The aim of the Framework is to link "NSW Government policy intent with the processes of designing and planning the built environment." By implementing this framework, Aboriginal people are able to guide Country centred approach under the ideology that if "we care for Country, Country will care for us".

2.1 THE BURRA CHARTER

The *Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance*, 2013 (ICOMOS Australia 2013, hereafter referred to as the 'Burra Charter') provides guidance for the conservation and management of places of cultural significance (cultural heritage places) and is based on the knowledge and experience of Australia ICOMOS members. Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility. The Burra Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers, and custodians. The Burra Charter defines cultural significance as the "aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects" (ICOMOS Australia 2013).

Importantly, the Burra Charter includes both tangible *and* intangible heritage settings, which may include:

structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible. Meanings generally relate to intangible dimensions such as symbolic qualities and memories.

Aboriginal cultural heritage sites are therefore assessed following the categories of significance developed under the Burra Charter (**Table 1**).

Table 1. Assessment of the Burra Charter Values within the Project Area

Categories of Significance	Statement of Values
Aesthetic	Aesthetic value refers to “the sensory, scenic, architectural and creative aspects of the place” and is often linked with social values (OEH 2011). This value may refer to the visual nature of the landscape and “smells and sounds associated with the place and its use” (OEH 2011). The features that contribute to its aesthetic value are symbiotic and include, but are not limited to plants, animals, geology, water and view. Furthermore, these aesthetic visual values of the landscape are connected to its social and cultural values. The natural aesthetics of the project area have been severely impacted by extensive urbanisation from past land use, making it difficult to see the original landscape. Figure 1 of Section 2.3 is a diagram within the PLDCP which shows the Key Views and view sheds in the Penrith lakes area. The project area does not fall within any of the key views or view sheds identified on Figure 1. (the project area is represented by the purple box on Figure 1). Figure 1. Key views  <i>Figure 1. Viewsheds (NSW DPIE 2021)</i>

Categories of Significance	Statement of Values
	The project area is situated on land that is part of a broader cultural landscape bearing evidence of thousands of years of use and occupation by Aboriginal People. Both the landscape and waterways near Castlereagh (which include Cranebrook lagoon, the previous alignment of Cranebrook Creek and the Nepean River – hereto referred to as <i>Yandhai</i> in Dharug), sustained generations of local Aboriginal groups, who were present when the first British colonists settled the area. Views to these waterways are not visible from the project area.
Historic	Historic value “refers to the association of a place with a historically important person, event, phases or activity in an Aboriginal community” (OEH 2011). The historic values of the project area relate to the continued connection of the Aboriginal people of the region to the place through the invasion and contact periods. The project area is situated within a broader cultural landscape with historic significance. To date, there is no documented historical significance specific to the project area site, largely due to its exclusion from development under the Penrith Lakes scheme. The Aboriginal community in the Sydney region, including Castlereagh, remains strong and vibrant today. The Dharug people maintain a deep connection to Country and actively preserve their culture and history through organisations such as the Deerubbin LALC, Dharug Custodian Aboriginal Corporation, and others. Yellomundee Regional Park, located within the traditional land of the Boorooberongal clan of the Dharug people, holds significant historical value. Shaws Creek Aboriginal Place within the park highlights this connection.  <i>Figure 2: Yellomundee Regional Park (Source: NSW National Parks, n.d.)</i>
Scientific/archaeological	The scientific values of the project area are related to the cultural elements of the land. The scientific values of the archaeological significance of the project area

Categories of Significance	Statement of Values
	have not been previously investigated or assessed within previous archaeological research undertaken in the locality. Rarity and representativeness: There are no registered sites on AHIMS within or within the vicinity of the project area. Research potential: This section is based on a preliminary assessment; further research is being undertaken in order to obtain supplementary previous archaeological reports (including a former Aboriginal Heritage Impact Permit and associated report covering the project area) that may require further revision to this section. Educational potential: As a result of the previous land use history the project area does not have any known scientific/archaeological educational potential.
Social value	Social (or cultural) values refers to the contemporary associations and attachments First Nations people have to an areas or place. The guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW notes that “Social or cultural value is how people express their connection with a place and the meaning that place has for them. Places of social or cultural value have associations with contemporary community identify. These places can have associations with tragic or warmly remembered experiences, periods or events. Communities can experience a sense of loss should a place of social or cultural value be damaged or destroyed. There is not always a consensus about a place’s social or cultural value” (OEH 2011). Per DLALC’s suggestion and understanding the Connecting with Country Framework, social values should be reinforced by thoughtfully incorporating cultural values into project design, fostering a deeper community-wide appreciation and understanding of these principles.
Spiritual value	Spiritual value refers to “the tangible values and meanings embodied in or evoked by a place which give it important in the spiritual identity, or the traditional knowledge, art and practices of a cultural group. Spiritual value may also be reflected in the intensity of aesthetic and emotion response or community associations and be expressed through cultural practices and related places”.

3. Country and Design

Under Section 2 of the *Connecting with Country Framework* (Government Architect New South Wales 2023), Country, in the terms used for this report, includes living and non-living elements, holding everything within the landscape including Earth, Water, and Sky Country – including the animals, people, plants and the stories that connect them.

Per the Australian Institute of Aboriginal and Torres Strait Islander Studies (AITSIS, n.d.); Country (capital 'C'), contains "complex ideas about law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity" (AITSIS, n.d.)

Aboriginal cultural heritage and connections to Country include tangible and intangible values, such as Song Lines, Dreaming stories and ceremonies passed from generation to generation, as well as physical objects and places. These important objects and places provide evidence of the diverse values, activities and knowledge of Aboriginal people who co-existed with the natural environment by living in harmony with the land they cherish and, which the Aboriginal communities now manage and protect for future generations (Department of Planning and Environment Website, About Aboriginal Cultural Heritage Webpage).

There is no single way to define Country, as its descriptions vary from person to person, shaped by the traditions and knowledge handed down through family and community.

3.1 COUNTRY CENTRIC DESIGN

Section 3 of the *Connecting with Country Framework* (Government Architect NSW 2023) identified the need for project teams to "make a clear commitment to act in ways that can delivery positive outcomes for Country and community." By implementing Country centred design over human centred design, project teams can place environment at the centre of the design process, rather than people (refer to **Figure 3**). The aim of eco-centred design this context is to create positive outcomes for Country (such as healthy Country, healthy community, protection of Aboriginal cultural heritage, cultural competency). Section 3.2 of the Framework specifies that prioritising people and their needs being at the centre of design considerations within a hierarchical system leads to overlooking landscape and natural values.

By considering natural systems that see people, animals, plants and resource at an equal level and understanding their interconnection, significant contributions can be made to a more sustainable future. Within Aboriginal communities, people are interconnected to Country and have a cultural responsibility and spiritual relationship which is iterative with their environment. This relationship includes deep attachments that is embedded in oral history and been passed down with cultural lore and responsibility over thousands of years within families and clan groups.

Reframing the approach of project delivery from human centred to Country centred needs to be guided by Aboriginal community.

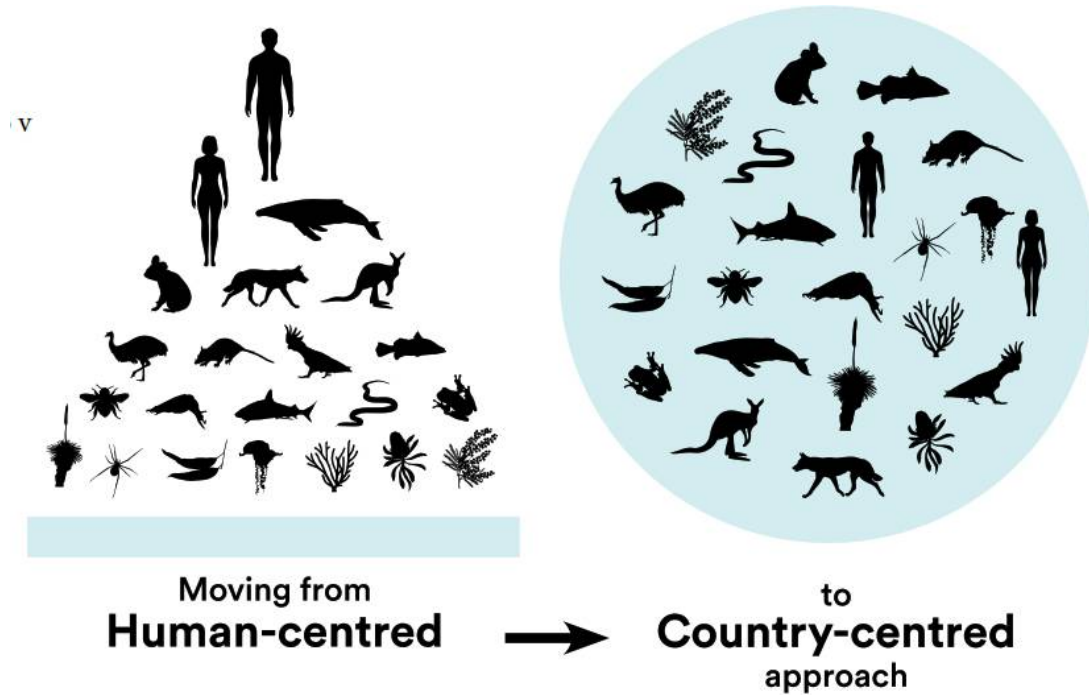


Figure 3. Human-centred vs Country centred design (Source: Steffan Lehmann 2010)

Country centred design is being considered for this project in the form of engagement of Distinctive, a leading Living Design practice specialising in a landscape led design response, delivering environmental and sustainable outcomes” (Distinctive Living Design, n.d.) Distinctive’s team includes landscape architects, horticulturists, designers and artists, who have conducted a comprehensive constraints and opportunities analysis resulting in the drafting of development-specific design principles within a Design Excellence Strategy (DES) drafted by Audax Urban (2024) (see **Appendix B**) to ensure that Country centred design principles are upheld.

4. Consultation for Cultural Input & Values

Aboriginal people are the primary determinants of their culture and heritage, and cultural values can only be assessed and advised by the relevant Aboriginal parties for the locality.

4.1 DEFINING COMMUNITY AND RIGHTS HOLDERS

Within UNESCO World Heritage documentation in the Enhancing Our Heritage Toolkit 2.0 (2003), there is clarification and definitions in terms of community and stakeholders and those who hold rights for heritage (Preserving Legacies Program 2024). These definitions are reiterated here:

Rights-holders are those who have legal or customary rights to the heritage place. Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live.

Local communities are groups of people who possess a direct connection to the heritage place. They may range from Indigenous or traditional peoples to groups of local peoples who live or work in the heritage place, or who hold associations with it. That connection may be tangible as well as intangible or spiritual and has often endured over time.

Virtus Heritage contacted Deerubbin Local Aboriginal Land Council in order to undertake consultation for this project.

A summary of the consultation undertaken for this assessment is provided in **Table 2**.

Table 2. Summary of Consultation

Date	Comment	Method (Email, Phone)	Consultant Response
17 June 2024	Virtus Heritage contacted Deerubbin LALC to arrange DLALC representatives to attend the site inspection and to provide information on the proposed work.	Phone	Acknowledged receipt and confirmed attendance.
25/21 June 2024	DLALC contacted Virtus Heritage to confirm their attendance at the site inspection and to arrange a meeting point.	Phone, email	Virtus Heritage confirmed meeting place and time with DLALC.
25 June 2024	Walk on Country	In Person	N/A
17 July 2024	Virtus Heritage provided the draft Connecting with Country Report for DLALC's review and comment.	Email	
19 July 2024	Virtus Heritage rang Steven Randall to ensure	Post	

		he had received the Connecting with Country Report, Steven requested a hard copy mailed directly to the offices. Virtus Heritage then mailed two hard copies of the Connecting with Country Report for DLALC's review and comment.		
20 th August 2024		Virtus Heritage contacted Steven Randall, who had not yet had a chance to look over the report. Virtus reiterated that if DLALC had any questions or concerns to get in touch for further discussion.	Phone	
4 th September 2024		Virtus Heritage contacted Steven Randall, who confirmed receipt of the Connecting with Country Report. Virtus reiterated that if DLALC had any questions or concerns to get in touch for further discussion.	Phone	Steven confirmed the hard copy of the report was in the DLALC office.
9 th September 2024				

The client has demonstrated a willingness to allocate additional time for this project, allowing for more thorough engagement and collaboration. Should the DLALC provide further input or comments, Morson Group will continue to engage with them through the Aboriginal Cultural Heritage Assessment (ACHA) process that Morson Group has committed to undertaking.

5. THINKING: Communing with Country

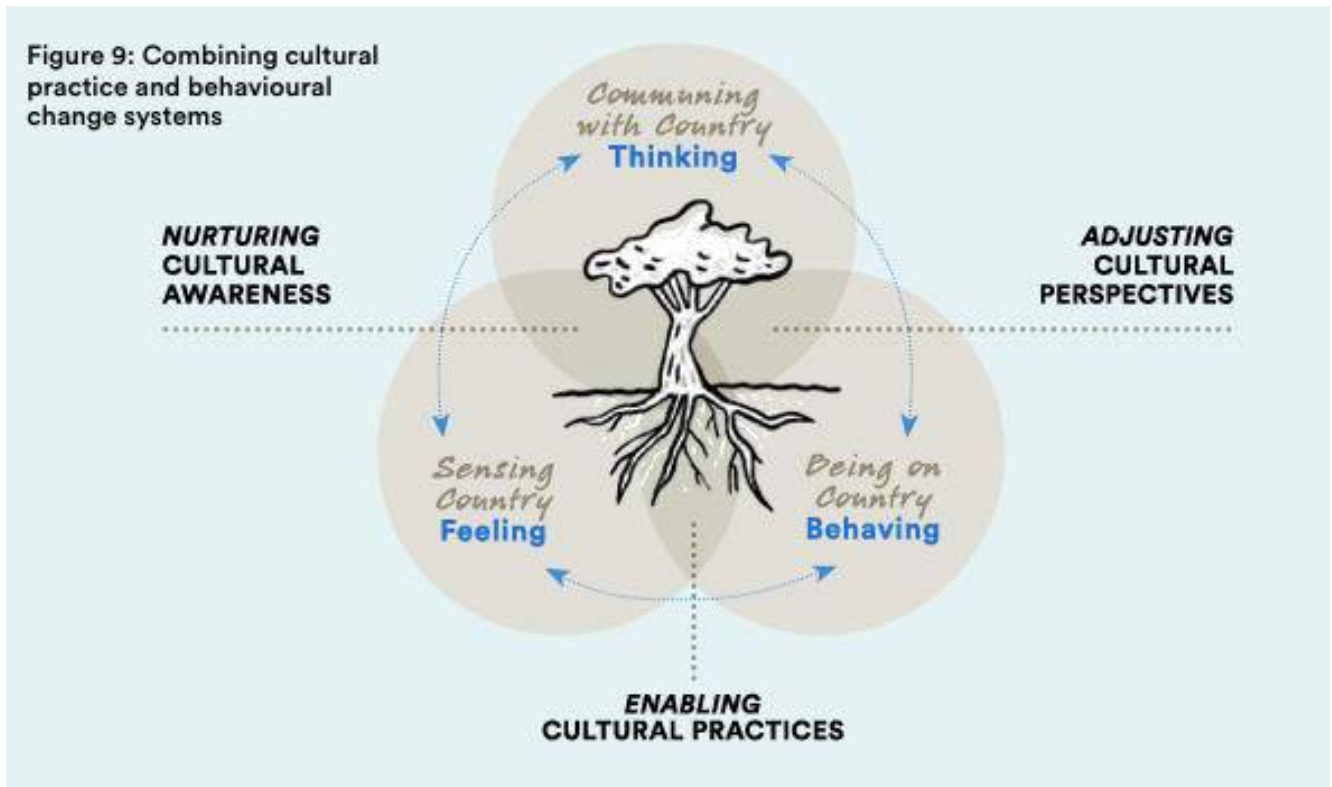


Figure 4. Cultural practices and behavioural change systems (Source: Government Architect NSW 2023)

The *Connecting with Country Framework* (Government Architect NSW 2023:35) proposes a method of learning from cultural practices to inform a new approach to design:

We can consciously cultivate behavioural change, using processes of thinking, feeling and behaving that are informed by the cultural practices of communing, sensing and being on Country. Through this we can gain a deeper insight into traditional knowledge systems that informs a new approach and way of working.

Section 5 details the process of *thinking*, using background information summarised from the Due Diligence Assessment to understand and *commune* with Country in a contextual sense (Virtus Heritage 2024).

5.1.1. Archaeological Context

Biosis (2018) conducted archaeological investigations for a new maintenance shed at the Penrith Regatta Centre at 153 Old Castlereagh Road (1.8 km directly west of the project area) established:

This assessment, combined with the quarrying works that occurred within the study area have led to an assessment of low archaeological potential for the site. It is considered that owing to previous disturbances associated with the land use in the study area (farming, quarrying, and landscaping) that the soil profiles are heavily disturbed and are likely to have been removed and replaced.

Eco Logical (2021) has undertaken an Aboriginal cultural heritage assessment in for the Nepean Business Park, located at 14-98 Old Castlereagh Road (directly opposite the project area on Old Castlereagh Road). After conducting an on-site inspection, echoed Biosis' findings that:

- No Aboriginal objects or places were identified within the study area

- The study area had been subjected to high levels of ground disturbance in the form of sand extraction
- The study area was found to have a low archaeological potential
- The study area through consultation was assessed as having low cultural heritage significance

Both reports recommended that no further archaeological assessments were needed for the respective study areas.

The earliest record for European use of the Penrith Lakes region is a 90-acre land grant to George Fieldhouse in 1803, which included the project area (Biosis 2018). The area was used predominantly for farming due to the rich soils associated with the Yandhi's surroundings. This is evident in historical imagery, particularly the 1955 photographs, which show the project area as part of a larger context of fields (**Figure 5**). In the 1955 photographs one homestead is present within the project area, with two other residential houses appearing by 1978 (**Figure 7**). By 1998 only two housing developments would be present on the project area, which would be the two currently present residential buildings present at the time of reporting (**Figure 7**).

Sand quarrying took place in close proximity to the project area during the 1960s, which did not impact on the project area directly. The project area instead would be unimpacted by the various quarrying projects that took place in the Penrith Lakes area from the 1960s (Eco Logical 2021, Figure 2). The region would be further developed in the 1990s, with the Sydney International Regatta Centre being developed 250m north of the project area. This development would also remove a drainage channel with small dams (visible northeast of the project area in the 1955–1978 aerial photographs). Finally, the Nepean Business Park would be developed just south of the project area across Old Castlereagh Road (Eco Logical 2021).



Figure 5. 1955 Aerial Photograph

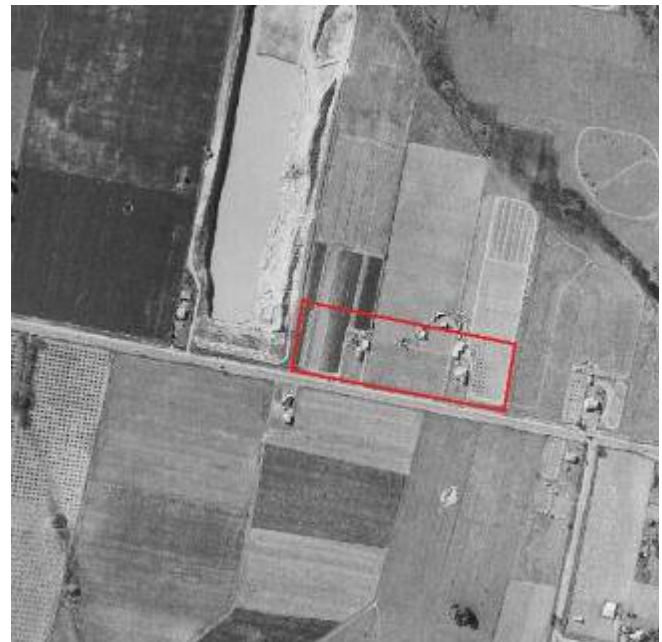


Figure 6. 1965 Aerial Photograph



Figure 7. 1978 Aerial Photograph



Figure 8. 1998 Aerial Photograph

These previous archaeological assessments have been undertaken in areas comparable to the project area. Archaeological sites in the vicinity of the project area for this assessment are located in proximity to the numerous watercourses that traverse the landscape. These assessments, however, note that despite the rich resources for Aboriginal occupation, past land use history has impacted the potential in some contexts for Aboriginal material culture to be extant, and also the integrity of occupation deposits.

4.1.2 Context of Country

Historic information of Aboriginal people living on the land includes relevant archival, historic and ethnohistoric sources. This research will provide the historical narrative of the peoples who have and continue to live in the region.

Local histories often pay little attention to the Aboriginal history of the locality and can present Aboriginal people as invisible, unrelated to important local historical events, or passive victims of colonisation. So, while local historical information will provide important and valuable starting points, when investigating historic values involving Aboriginal people and obtaining oral history is important.

The project area is part of a broader Aboriginal cultural landscape of the Dharug-speaking peoples. The Penrith Lakes area is associated with the Boorooberongal and Mulgoa clans (PLDC 2011, Karskens 2007). The Blue Mountains, Cranebrook Escarpment and Nepean River connect with shared songlines between Dharug, Darkinjung and Gundungurra Nations (PLDC 2011, Blue Mountains City Council 2017).

The Penrith Lakes area was a traditional meeting place for Aboriginal people. Its river and rich soils provided abundant natural vegetation and wildlife which supported Aboriginal people for many generations (New South Wales State Heritage Register. Department of Planning & Environment. H02009, 2024). Extensive evidence of occupation in the area, (both pre and post contact) has been revealed through numerous artefacts collected over 25 years of sand and gravel mining at Penrith Lakes, located to the north, west, and south of the project area (Kohen 1986, 1988–2004, 1997; EMGA 2001; Comber 2005, 2006, 2008; PLDC 2011; New South Wales State Heritage Register, Department of Planning & Environment, H02009, 2024).

In addition to the 85 Aboriginal cultural heritage sites registered within a 4 km radius of the project area, other sites of cultural significance were identified but not formally recorded in the Aboriginal Heritage Information Management System (AHIMS) (ERM 2001; Insite Heritage 2005).

Substantial evidence of stone artefact workshops has been documented along the banks and terraces of Cranebrook Creek and the Nepean River. These areas were likely significant for Aboriginal communities, as they provided a rich source of suitable stones for the manufacture of stone tools. The materials were sourced directly from the river and its adjoining creeks, highlighting the strategic importance of these waterways not only for sustenance but also for cultural and technological activities (Doelman et al., 2015).

One notable site, Cranebrook Creek CC/1 (AHIMS 45-5-0281), is recognised both as an artefact site and as a location associated with Aboriginal Ceremony and Dreaming. This site is situated approximately 1.4 kilometers northwest of the project area, underscoring the broader cultural landscape's richness. The proximity of this site to the project area suggests potential overlaps in historical land use and the need for careful consideration of cultural heritage during any developmental activities in the region.

The first interactions recorded between Europeans and Aboriginal people along the Hawkesbury-Nepean (hereto referred to as 'Dyarubbin') Rivers was recorded by Governor Arthur Philips in 1791. The Aboriginal group identified themselves as 'Buruberongal' and spoke in a dialect of the Dharug language (Eco Logical 2021). These initial interactions were reportedly friendly (though recordings were undertaken by the colonists and therefore biased), but details of gift and food exchanging have been noted. Further colonisation, smallpox epidemics, bush warfare, over exploitation and destruction of natural resources led to the direct theft of Aboriginal children, the effects of which are still felt by the wider Aboriginal community now.

Main food sources in the project area would have included kangaroos, fruit bats, possums and small birds (see **Section 6**), and freshwater mussels and yams growing along Dyarubbin River floodplains. However, by 1795 much of these yam beds had been destroyed and replaced with non-native crops (Eco Logical 2021). Nellie Nah Doongh, or 'Black Nellie' was often referred to as the last of the 'Nepean tribe', living amongst colonists along the Yandhi. Karskens (2019) recounts how Nellie "was about 3 or 4 years old when white people appeared in her country, and the thing that she talked about was how the settlers shot all the game – the soundtrack of invasion was gunfire."

The colonisers' approach was extended beyond physical occupation to erasing the presence and identity of the Aboriginal people. By destroying crops, burning homes, and decimating local fauna, they aimed to dismantle the foundation of the Aboriginal way of life, stripping the Aboriginal people of their resources, connections to Country, and will to resist. This strategy reflects a broader Western colonial mindset that prioritises expansion and exploitation over coexistence and mutual respect (see **Figure 3** for eco centric design). Force and violence, justified by a sense of cultural and racial superiority, disregarded the intrinsic value of Aboriginal societies and ecosystems, viewing them as obstacles to be removed. In this context, the "unparalleled severities" (Karsens 2019) employed by colonisers can be seen as part of a deliberate strategy to annihilate the Aboriginal peoples' way of life, thereby facilitating the unchallenged appropriation of their land. The legacy of these actions is profound, having caused lasting trauma and disruption to Aboriginal communities. Understanding this history is crucial for acknowledging the injustices faced by Aboriginal people and for addressing the ongoing impacts of colonisation (Karskens 2019).

However, it is also essential to recognise the resilience and agency of Aboriginal people (especially Western Sydney), where communities continue to assert their cultural identity. A prominent example of this resilience is embodied in the story of Colebee. The son of Chief Yarramundi, Colebee acted as a guide to William Cox during his surveys and construction of a road across the Blue Mountains (Smith 2013). Mills (1997) notes that the remnants of the Aboriginal bands that had occupied the Cumberland Plain began to congregate on properties owned by sympathetic individuals, including William Cox. Colebee and Nurragingy were rewarded for their 'fidelity to Government and their recent good conduct' with a 30-acre land grant in 1819, two years

after the establishment of the Parramatta Native Institution, a residential school in the area (Smith 2013). Governor Macquarie strategically settled Europeans known to Colebee and Nurragingy near Blacktown to assist with the assimilation process (GML 2018). The land was farmed by Nurragingy and his family until the closure of the Blacktown Native Institution in 1883. Colebee passed away in 1831, while Nurragingy was known to be living in the area by 1841, though his exact date of death is unknown (Brook and Kohen 1991:53). Despite extensive modifications and land use changes, the significance of the original Colebee and Nurragingy land grant endures.

During the initial period of contact, the British governor Arthur Phillip sought to establish relationships with the First Nations people and is known to have befriended Woollarawaree Bennelong (of the Wan-gal people). In November 1789, Bennelong was abducted from Manly Cove and stayed in a colonial settlement for six months prior to an escape. He eventually became a valued informant for Governor Philip, travelling on the with the Governor to Britain from 1793 to 1795. Bennelong died on the north shore of the Paramatta River in 1813 and remains a figure representative of early contact between European invaders and First Nations peoples (Smith 2013).

These events highlight the resilience and agency of Aboriginal people with a connection to the project area, who navigated and utilised the colonial system to maintain a connection to their land and culture. Their efforts demonstrate the strength and adaptability of Aboriginal communities in the face of colonisation which continues today.

The Deerubbin Local Aboriginal Land Council (DLALC) continues to uphold its connections to and protect Country, with recent years marking several significant achievements for the council. A notable victory came after a three-year court battle, where the DLALC successfully won a land claim over the Parramatta Gaol and its surrounding areas. This site holds great cultural significance for the Dharug people, serving as an important area before the construction of the jail in 1841 (ABC News 2015).

Additionally, in 2021, the DLALC reached an agreement with the New South Wales (NSW) government to support the development and protection of land managed by the council. This agreement aims to safeguard 1,100 hectares of woodland on the Cumberland Plain, ensuring the preservation of this vital ecosystem (Mirage News 2021). Through these efforts, the DLALC demonstrates its ongoing commitment to preserving its cultural heritage and protecting the natural environment.

6. FEELING: Sensing Country

Section 6 summarises knowledge gained from *sensing* Country, including the Walk on Country undertaken on 25th June 2024, guided by Steven Randall from Deerubbin Local Aboriginal Land Council.

Per the Landscape Concept Plan (Distinctive Living Design 2024), design principles include:

- connecting Sky, Land & Water,
- representing cultural elements
- sense of space for human connection

A selection of locally native trees specified by Distinctive is included in **Table 3** below along with their native uses. Information from the native uses could be used to inform signage at the location of these plants.

Table 3. Flora in the study area

Scientific Name	Common Name	Native Uses/Significance
<i>Eucalyptus fibrosa</i>	Red Ironbark	

<i>Eucalyptus moluccana</i>	Grey Box	Eucalyptus leaves are deeply connected to Aboriginal spiritual health practices, as one of the leaves often being burned in smoking ceremonies.
<i>Allocasuarina littoralis</i>	Black she-oak	The gum can be chewed or made into a jelly by melting in hot water (Bungalook Native Nursery (2024).
<i>Melaleuca decora</i>	Honey Myrtle	Flowers were soaked in water to create a sweet drink, the bark of the myrtle was used for shelters, fires and as an oven bag for earth-cooking (Growing Illawarra Natives, n.d.).
<i>Imperata cylindrica</i>	Blady Grass	Medicinal uses.
<i>Casuarina glauca</i>	Swamp she-oak	Extremely hard and dense wood made for good fuel wood, wood traditionally could be used in shields, clubs and boomerangs as well (Department of Agriculture, Fisheries and Forestry 2019).
<i>Lomandra longifolia</i>	Spiny headed rush mat	Starchy base could be chewed as an energy boost. Leaves could for weaving purposes as well eel traps and nets (Hondow, 2021).

Table 4. Dharug words for animals

Dharug Name	Western translation
<i>Badang</i>	Bettong
<i>Bug-bug / bubug</i>	Boobook (owl)
<i>Din-gu</i>	Dingo
<i>Gulawang</i>	Koala
<i>Walaba</i>	Wallaby
<i>Wambad</i>	Wombat

Translations from Macquarie 2019.

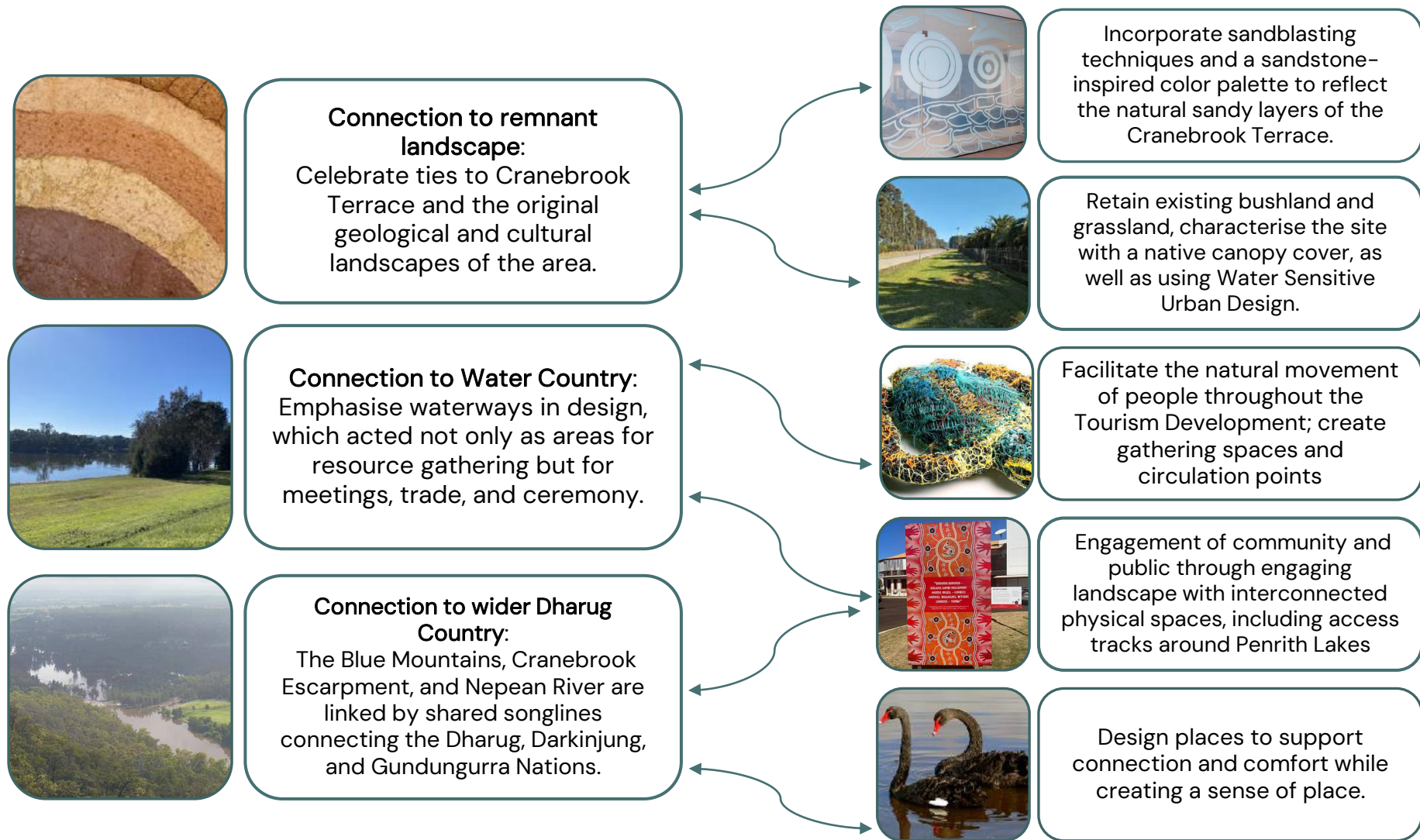
Including Dharug words in public art or signage within the Tourism Precinct can create a deeper connection between the space and its cultural roots. It provides both a visual and linguistic representation of the traditional custodians of the land, fostering a sense of pride and continuity for the local community. Additionally, such integration can promote both cultural awareness and appreciation among visitors and encourage them to engage and learn about Dharug heritage.

7. BEHAVING: Being on Country and Site Strategy

The outcome of the process of shifting our *thinking, feeling and behaving* in relation to Country is behavioural change, enabling a new way of working. Built environment project cycles can embrace and bring together familiar project management conventions and Aboriginal knowledge systems using the following 4 phases as starting point (Government Architect NSW 2023):

1. **Project formation, or Starting with Country**, can be understood as the phase at which we start to form an understanding of Country. Previous archaeological and heritage reports have been undertaken in the area and summarised in the Due Diligence Assessment undertaken by Virtus Heritage for the project area (2024).
2. **Project design** can be understood as a process of **imagining with Country**. Imaging with country involves interpreting cultural narratives and understanding of Country. By engaging Virtus Heritage to undertake a Connecting with Country report and associated research, Morson Group has shown their commitment to understanding the Aboriginal cultural context of the proposed development and incorporating such contextual themes into design.
3. **Project delivery or shaping Country** can include sourcing local raw materials to include in the built form – once you make something from Country it belongs to and has the right to remain on Country. This step also includes looking for opportunities to involve the community in the development process.
4. **Project maintenance** can be understood as part of an ongoing continuum of **caring for Country**. Connecting to Country is an ongoing commitment that extends beyond a project's completion, fostering a lasting relationship with Country. Projects and Country become interconnected, necessitating continuous maintenance and care as part of a unified system. When a project's early phases are guided by Aboriginal knowledge-holders and developed with cultural awareness and a commitment to connecting with Country, this relationship can be mutually beneficial

Key Themes and Site Implementation



7.1 SIGNAGE AND ARTWORK

The Castlereagh Tourism Precinct will directly border the Nepean Business Park, creating a unique interface between commercial and tourism-oriented spaces. To distinctly mark the entrance to the Tourism Precinct and celebrate the cultural heritage of the area, Virtus recommends installing a prominent "Welcome to Country" sign. This sign will acknowledge that the land is Dharug Country, incorporating traditional language to honour the Dharug people and their enduring connection to the land. ***The wording of this signage is suggested, and the proponent will be guided by the comments of the key Aboriginal organisations consulted for this report.***

A Welcome to Country is a significant cultural protocol in which Aboriginal people "on-Country" formally greet visitors at the beginning of an event, meeting, or ceremony. These welcomes are not only a gesture of respect but also an important practice in recognising and honouring the traditional custodians of the land. It is essential that these Welcomes are conducted by appropriate persons, such as recognised Elders in the community, who hold the cultural authority to speak for their Country. The wording for the "Welcome to Country" sign should be carefully crafted to reflect the local Dharug language and cultural nuances. This process should involve direct consultation with Dharug language-speakers or knowledge holders to ensure authenticity and respect. Their input is invaluable in creating a message that accurately conveys the spirit and traditions of the Dharug people. Language should also be incorporated through signage and wayfinding. There is potential for small signs to be placed within the landscaped area explaining the native significance of various plants (refer to **Table 4**). If Dharug language is used onsite, it is also recommended that a QR code accompanying the signage is created with an audio recording of a Dharug person speaking the wording with correct pronunciation.

In addition to the linguistic elements, there is potential for contemporary Aboriginal artwork to be directly incorporated into the signage. This artwork can serve as a visual representation of Dharug culture and history, further enriching the visitor experience. Collaborating with local Aboriginal artists will ensure that the artwork is culturally appropriate and resonant, providing a meaningful and engaging Welcome to all who enter the Tourism Precinct.



Figure 9. QLD Welcome to Country signage (Source: Southwest Hospital and Health Service, 2022)



Figure 10. Parkes Shire Welcome to Country signage (Source: First Languages Australia, n.d.)

During the Walk on Country, Steven Randall (DLALC) specifically mentioned the idea of Aboriginal-designed artwork for the building facades specifically. The Penrith Lakes Draft Development Control Plan (PLDCP) (DPIE 2021:23) aims to integrate urban art within public domain and in key development sites, including the Castlereagh Tourism Development, as well as encourage a consistent art and design theme throughout Penrith Lakes and enrich public spaces through installation of artworks.



Figure 11. Mural of Uncle Wes Marne (Source: Pearce 2023)



Figure 12. Galibalalaa Mural at Cranebrook Community Centre (Source: Street Art Cities 2001)

The mural in **Figure 10** is located at Chifley College Dunheved Campus and depicts a portrait of Dharug Elder Wes Marne (Pearce 2023). Mural of **Figure 11** shows a depiction of a red bellied black snake on the facade of the Cranebrook Community Centre (Street Art Cities 2001). Artworks such as murals can address themes and narratives local to the area, as guided by Aboriginal community.

It is recommended that Morson Group commission a local Aboriginal artist to create façade artwork in consultation with the design team and other Aboriginal knowledge holders (see **Table 5** for a list of potential organisations Morson Group can contact to commission such an artist). Utilising local artists who can express cultural themes throughout the Castlereagh Tourism Development will foster a unified artistic aesthetic, responding to the PLDCP's objectives. For those driving by the Precinct, exterior art offers a glimpse into the vibrant cultural life within. It acts as a form of communication, inviting curiosity and interest from passersby. Bold, creative artworks can draw attention and make the Precinct a memorable landmark that attracts more visitors and increases foot traffic to the area, while integrating urban art into the public space of the Development.

Aboriginal art is certainly not limited to the building facades. Other areas could include interior murals, landscape elements (refer to Distinctive Living Design 2024), and integrated art pieces within public spaces, thereby ensuring that Aboriginal cultural expressions are woven into the fabric of the entire project.

There is a native sculpture opportunity, as suggested by Distinctive Living Design (2024). See **Table 4** for a selection of endemic fauna that could be taken as inspiration for such a sculpture. **Totemic animals or animals central to songlines or Dreamtime stories should only be integrated into design as guided by the Aboriginal community.**

An exemplary sculpture that symbolises of Aboriginal resilience in environmental protection can be seen in ghost net sculptures. Ghost nets, or fishing nets abandoned/lost at sea pose a massive threat to marine wildlife. There are several Aboriginal and Torres Strait Islander communities that are turning these

destructive materials into works of art, raising awareness for the issue and reflecting the struggle that communities still face today in protecting marine life and Water Country.



Figure 13. Gur Atkamlu (Sea Blanket) (Source: Australian Museum 2020)

Artists L-R: Maryann Bourne, Ellarose Savage, Nancy Naawi, Florence Gutchen, Emma Gela, Racy Oui-Pitt (Sea Blanket)

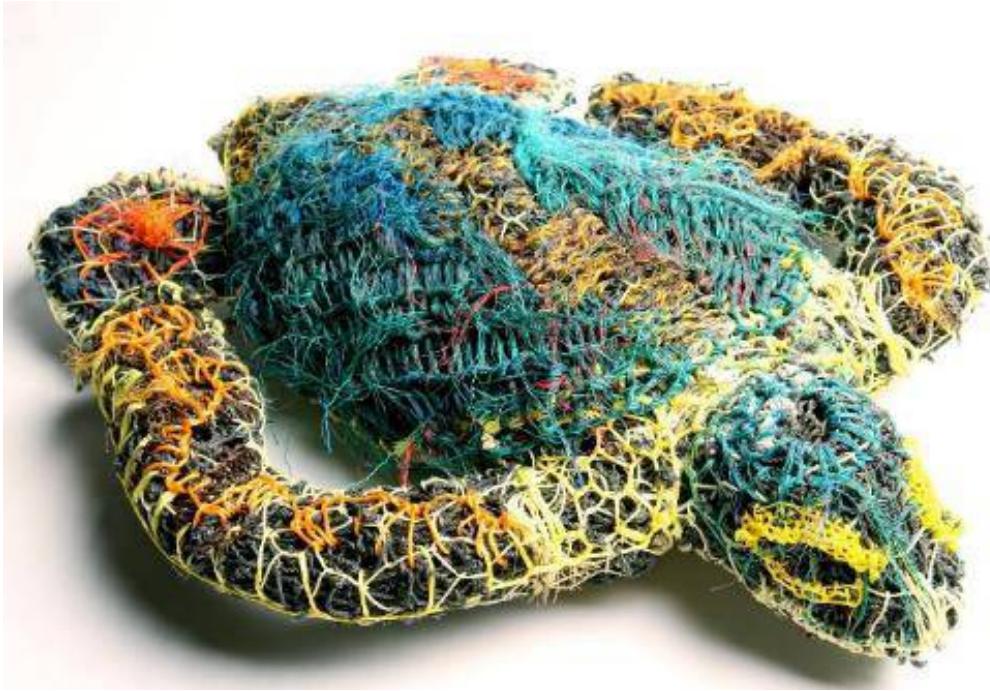


Figure 14: Turtle, made by Ellarose Savage (Source: Australian Museum 2020)

7.2 ABORIGINAL MATERIALITY AND COLOUR PALETTES

Extensive sand quarrying across the Penrith Lakes Scheme has disturbed the original landforms, specifically the sand bodies, dunes and terraces once present in the project area. Sand bodies are a highly sensitive landscapes, both ecologically and aesthetically. They serve as natural barriers against erosion, habitats for various species, and hold significant cultural value, especially within Aboriginal traditions. In designing the project, it is recommended to take inspiration from the character palette that respects and reflects the natural and cultural heritage of the Cranebrook Terrace. This can be achieved by integrating elements that mimic the form, texture, and natural patterns of the dunes into the architecture and landscaping.

Selecting materials that reflect the natural textures and colours of sand bodies, such as sandstone, gravel pathways, and textured concrete finishes, can evoke the feel of sand underfoot.



Figure 15. Sand blasted-glass panels at Kempsey Hospital (Source: National Aboriginal Design Agency, n.d.).

Sandblasted glass can also echo the delicate and intricate patterns found in sand, providing a beautiful and symbolic reflection of light on the waters of the Yandhai. The sand blasted panels in **Figure 14** were designed in consultation with local Aboriginal artists to craft two contemporary Aboriginal designed etched onto large glass panels at the entrance of the Kempsey Hospital (National Aboriginal Design Agency, n.d.)

The translucency and texture of sandblasted glass can create dynamic visual effects, changing with the light and providing a constantly evolving experience for visitors. In addition to the aesthetic benefits, using sandblasted glass can also promote sustainability by utilising durable and long-lasting materials that require minimal maintenance. This aligns with the broader goal of creating a project that is environmentally responsible and respectful of the natural landscape.

7.3 WATERWAY INSPIRATION

Rivers such as the *Dyarubbin* and *Yandhai* were important not only for their resources, but also as connective pathways for Songlines, and Dreaming stories, and are described as living beings. Certain Dreaming stories related to waterways include that of Tiddalick the Frog, who greedily drank up the water from rivers, ponds and creeks and the Great Eel being Gurungatty.

7.3.1. Shaws Creek Aboriginal Place

Due to the heavily disturbed nature of the project area, attention to the cultural significance of nearby Aboriginal sites is paramount. One such site of immense importance is Shaws Creek, a gazetted Aboriginal Place located 7.7 kilometres northeast of the project area. Shaws Creek is described as "the scene of intense and diversified human activity in the Aboriginal past" (Karskens et al., 2019). This site holds major cultural

and historical significance, featuring intact engravings and known axe grinding groove sites situated along the *Yandhai*.



Figure 16. Engravings of Kangaroo at Shaw's Creek (Source: *Hiking the World* 2023)

There was a traditional depiction of a kangaroo in simple figurative style and round-grooved technique that has been further touched up with a metal axe. Alongside was another kangaroo with sharper grooves executed with a metal axe. Its style differed from that of the traditional one, being drawn partly in perspective, with rounded limbs and belly, hind legs separate. Bunyan enquired of old time residents who had long been familiar with the engravings. The story emerged that about 1830 or 1840 the Howell patriarch who owned all the land thereabout had given a steel axe to a local Aboriginal man, a friend of his, who tried out his axe in touching up the old engraving and executing a new one beside it. (Karskens et al., 2019)

Shaws Creek Aboriginal Place is not only significant for its physical artefacts but also for its representation of the rich and diverse history of the Aboriginal people in the region. The engravings and grinding grooves are tangible links to the past, showcasing the ingenuity and daily life of the traditional custodians of the land. This connection to the past makes Shaws Creek a valuable source of inspiration for integrating Aboriginal cultural elements into contemporary developments.

In recognition of this cultural heritage, Steven Randall of the Deerubbin Local Aboriginal Land Council (DLALC) has endorsed the idea of drawing inspiration from Shaws Creek for the design of the Castlereagh Tourism Precinct. Incorporating elements from Shaws Creek can provide a meaningful and respectful nod to the area's rich Aboriginal history. This might involve integrating motifs or designs inspired by the engravings and grinding grooves into the built environment, such as in architectural features, public art installations, or landscape design within the precinct.

By embedding these cultural references into the Castlereagh Tourism Precinct, the development can pay homage to the region's Aboriginal heritage, fostering a deeper connection and understanding among visitors and the local community. This approach not only enriches the aesthetic and cultural value of the precinct but also ensures that the historical significance of places like Shaws Creek is acknowledged and preserved within the contemporary landscape.

7.3.2. Connection to Penrith Lakes and the Blue Mountains

Steven Randall supported Morson Group's interest in creating an access track from the project area leading north to the Penrith Lakes from the Tourism Precinct (see black arrows on **Figure 17**).



Figure 17: Potential access pathways (Source: Morson Group)

Permeability in urban design refers to the ease with which people can move through an area. By creating an access track, the design promotes fluid movement, ensuring that various parts of the project area are easily reachable and interconnected. This not only improves the overall functionality of the space but also encourages exploration and engagement with the surrounding natural and recreational amenities.

Incorporating features of waterways within the precinct (through potential access to the Penrith Lakes and artistic and design integrations) will support the Aboriginal community in preserving their unique cultural, spiritual, physical, and economic connection to their land, sky, and waters, especially the waterways directly next to the project area.

It is suggested that pathway designs incorporate visual and sensory elements of water. As an example, the Paramatta Riverside Walk (Figures 17 and 18) follows the northern side of the Paramatta foreshore. The artwork on the path was designed, hand painted and installed by Jamie Eastwood, an Aboriginal artist with ancestral and traditional ties to the Dharug and Ngamba Peoples. Figure 19 shows interpretive signage that explains the significance behind the design and cultural background. Stylistically, Jamie blends traditional Aboriginal techniques, such as 'dot' painting, with contemporary, non-traditional methods, incorporating imagery, vibrant colours, and modern narratives. His art is a fusion of the past, present, and future, representing an Aboriginal artist influenced by both Aboriginal heritage and contemporary Western upbringing. This perspective can offer a compelling dialogue between tradition and innovation to showcase a unique perspective on Aboriginal art in the modern world (Boomalli Aboriginal Artists Co-Operative 2022).



Figure 18: Paramatta Riverside Walk A (Source: Weekend Notes 2016)



Figure 19. Paramatta Riverside Walk B (Source: Weekend Notes 2016)



Figure 20. Paramatta Riverside Interpretive Sign (Source: Weekend Notes 2016)

Maintaining sightlines to the Blue Mountains, located due west of the project area, is paramount in the design of the buildings. To achieve this, the architectural layout should prioritise unobstructed views (where able)

and the strategic placement of windows, balconies, and terraces. Incorporating open congregation spaces within the three buildings on site is also highly recommended. These spaces could include spacious verandahs that not only enhance the aesthetic appeal but also serve functional purposes – such as outdoor areas where community can gather, relax, and enjoy the scenic views of the Blue Mountains.

By prioritising sightlines to the Blue Mountains and incorporating open congregation spaces, the design can foster a harmonious connection between the built environment and the natural landscape, enhancing the overall experience for those who live and work in the area.

8. CARING: Ongoing opportunities and conclusions

This exploration of Aboriginal employment opportunities for the Castlereagh Tourism Development will be informed by the consultation process for the Connecting with Country report. Morson Group is hoping to be guided on potential Aboriginal employment opportunities from Deerubbin LALC or the organisations represented in **Table 5**.

8.1 CULTURAL AWARENESS INDUCTION/ TRAINING

It is recommended that the wider project team and construction team undertake basic cultural awareness training in order to understand the cultural heritage context of the project area. **Table 5** presents a sample of local groups that can assist in cultural awareness training.

Table 5. Aboriginal - led Cultural Heritage Organisations

Organisation	About this organisation	Contact details
Deerubbin Local Aboriginal Land Council	<i>Developing its land to create Opportunities and Benefits for the Aboriginal community in turn strengthening the confidence and self reliance of Aboriginal people and families.</i> (Deerubbin Local Aboriginal Land Council, n.d.)	Ph. 02 4727 5600 e. reception@deerubbin.org.au
Dharug Custodian Aboriginal Corporation	<i>The aim of {DCAC} is to educate the wider community about Aboriginal people and our culture, we assist with educational programs on culture, cultural sensitivity, language and cultural delivery within all education sectors. Education is key to our people moving forward in todays society, our group can also assist with connecting people to community elders and organisations. We have, after many years of community work realised that education is the key to our peoples success, we enjoy assisting our mobs to succeed within the community and the work place with support from community and elders.</i> (Dharug Custodian Aboriginal Corporation, n.d.)	Ph. 0415 770 163 e. info@Dharugcorporation.com.au
Muru Mittigar	<i>Muru Mittigar is a proud Dharug Aboriginal Social Enterprise in Western Sydney. We offer employment, education, and training to our local Indigenous community.</i> <i>And our services include Aboriginal Cultural Awareness Programs, Community Assistance, Financial Services, and services such as Arboriculture, Bush Regeneration, Landscaping and a Providence Native Nursery.</i> (Muru Mittigar, n.d.)	Ph. 02 47 300 400 e. info@murumittigar.com.au muru.nis@murumittigar.com.au

Organisation	About this organisation	Contact details
Merana Aboriginal Community Association for the Hawkesbury	<i>Merana Aboriginal Community Association for Hawkesbury is the first Aboriginal organisation in the Hawkesbury, established in 2003, is celebrating 21 years in 2024. Merana helps the local Aboriginal community with services, programs, cultural activities, special events and advocacy.</i> <i>Our objective is to develop, support and implement programs, positions and resources that address and meet the needs identified by Aboriginal people residing in the Hawkesbury LGA – Cranebrook, Londonderry and Riverstone</i> (Merana Aboriginal Community Association for the Hawkesbury Inc., n.d.)	Ph. 02 4588 5144

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Appendix A Indigenous Cultural and Intellectual Property (ICIP)

INDIGENOUS CULTURAL & INTELLECTUAL PROPERTY (ICIP)

ICIP is a short way of saying Australian “Indigenous Cultural and Intellectual Property”. Sometimes the words “Cultural Heritage” are used to mean the same thing.

1. What is ICIP?

ICIP refers to all the rights that Indigenous people have, and want to have, to protect their traditional arts and culture.

The idea of ICIP is based on the principle of self-determination. ICIP is said to include the following rights:

- Right to protect traditional knowledge and sacred cultural material
- Right to ensure that traditional laws and customary obligations are respected, particularly when money is made from ICIP
 - Eg when a T-shirt is manufactured with a print of a traditional motif on it, the design should be one that is allowed to be used for this purpose.
- Right to be paid for use of ICIP, particularly if it has been used in a way which is inconsistent with traditional laws or without the community's permission
 - Eg if someone copies traditional artwork onto fabric and sells it, then the community is compensated for the illegal use of that work.
- Right to full and proper attribution or naming of the community connected with the ICIP
- Right to prevent insulting, offensive and misleading uses of ICIP in all media
 - Eg an artwork containing traditional knowledge is printed on underwear.
 - Eg a large painting containing traditional knowledge is cut up by a gallery to make 10 small paintings.
- Right to control the recording of cultural customs and expressions, and language which may be essential to cultural identity, knowledge, skill and teaching about Indigenous culture
 - Eg Aboriginal and Torres Strait Island communities can place conditions on an anthropologist who wants to write a book about their languages.

2. What does ICIP cover?

ICIP can cover many different forms of traditional culture and expression. Some of these are:

- writing eg a book, poetry;
- music eg a song;
- performances eg dance, ceremonies;
- artistic work eg painting;
- languages;

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- tangible cultural property eg sacred sites, burial grounds;
- intangible cultural property eg stories passed on orally;
- documentation of Indigenous peoples' heritage in all forms of media eg reports, films, sound recordings.

3. Does Australian law protect ICIP?

Laws all over the world known as "intellectual property laws" protect some of the things that people produce as a result of their intellectual effort. The things protected include artworks and designs.

Australian intellectual property laws *only* protect some forms of ICIP. Australian laws only protect individuals and do not recognize any communal rights. In Australia, the law protects:

- Musical, dramatic, literary and artistic works created by individuals who are living or recently passed away (within 70 years) which are protected by the *Copyright Act 1968 (Cth)* such as paintings, craftworks, sound recordings, films and books. For more information see Arts Law's information sheet on [Copyright](#).
- Moral rights of individual artists. For more information see Arts Law's information sheet on [Moral Rights](#)
- Individual performer's rights. For more information see Arts Law's information sheet on [Performers' Rights](#).
- Designs that come under the *Designs Act 2003 (Cth)*. For more information see Arts Law's information sheet on [protecting your designs](#).
- Medicines, treatments and other products which are 'novel' and 'inventive' can be protected under the *Patents Act 1990 (Cth)*. However a patent is unlikely to be available to protect traditional medicines or treatments based on traditional knowledge handed down over many generations. For more information see Arts Law's information sheet on [Patents](#).

Australian law does **not** protect other aspects of ICIP, including:

- The underlying idea or information that is put into a work eg the story told in a painting;
- A style or method of art eg cross hatching or dot painting techniques;
- Traditional languages;
- Performances such as dance and music which have not been recorded or written down;
- Products or processes based on traditional knowledge such as traditional medicines or methods (for example, traditional methods of weaving).

Need more help?

Contact Arts Law if you have questions about any of the topics discussed above.

Telephone: (02) 9356 2566 or toll-free outside Sydney 1800 221 457

Also visit the [Arts Law website \(www.artslaw.com.au\)](http://www.artslaw.com.au) and the [Artists in the Black website](#) for more articles and information sheets.

Disclaimer

The information in this information sheet is general. It does not constitute, and should be not relied on as, legal advice. The Arts Law Centre of Australia (**Arts Law**) recommends seeking advice from a qualified lawyer on the legal issues affecting you before acting on any legal matter.

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Artists in the Black is a specialised Indigenous program run by the Arts Law Centre of Australia.

Artists in the Black receives financial support from the Australian Government, Department of the Prime Minister and Cabinet, Office for the Arts through its National Arts and Crafts Industry Support (NACIS) program.



Australian Government

National Arts and Crafts Industry Support

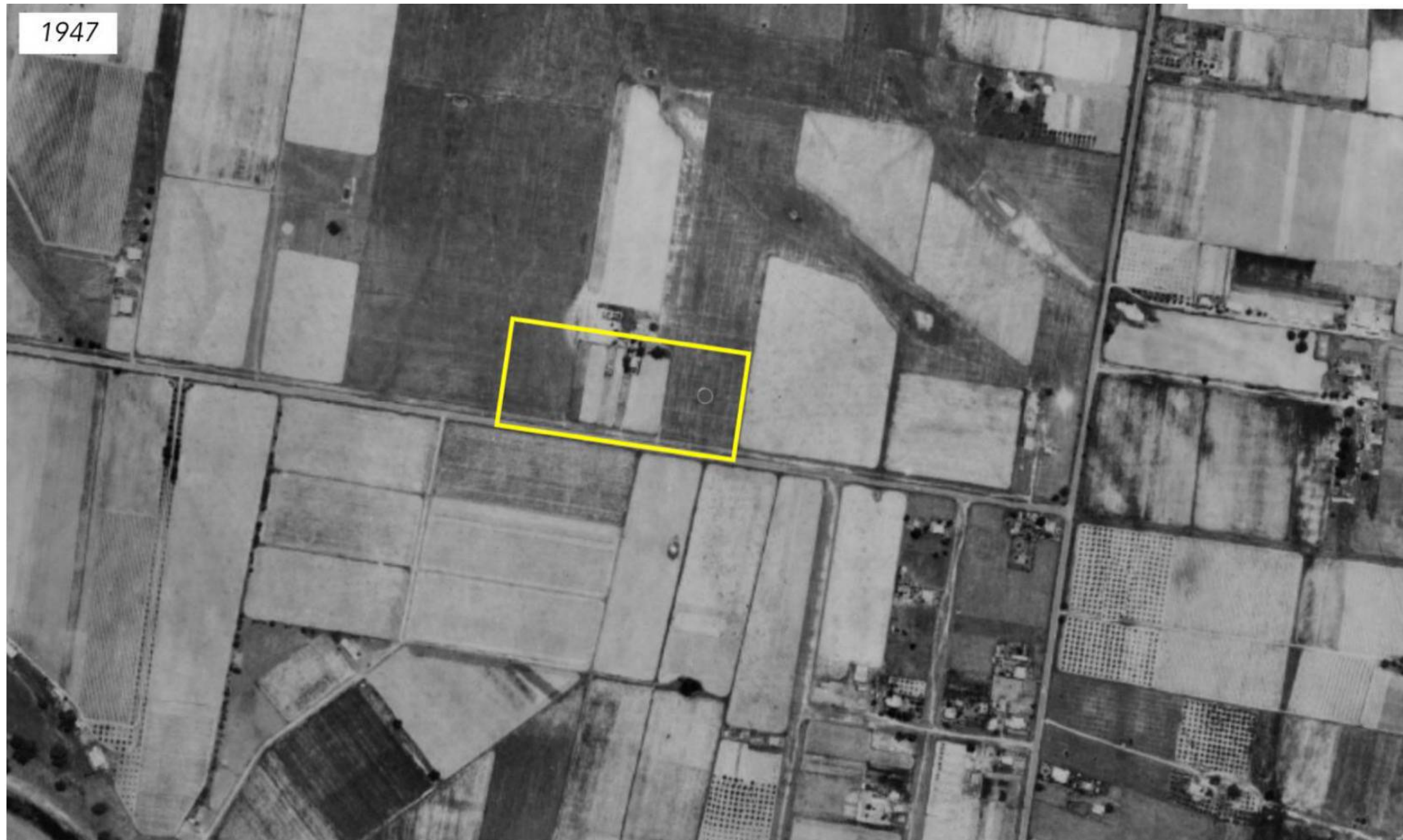
Appendix B Design Principles (Audax Urban 2024)

39-65 Old Castlereagh Rd, Castlereagh

Urban Design Principles

17 July 2024

Principle 1 - Respond to Country



The proposal will aim to respond to the unique aspects of the site's history and natural attributes.

The aim is to respect, protect and restore any contributory aspect of the site to strengthen its cultural values.

Principle 2 - Respond to the Surrounding Context



The proposal will aim to create a positive contextual fit with the area's existing and evolving character and streetscape.

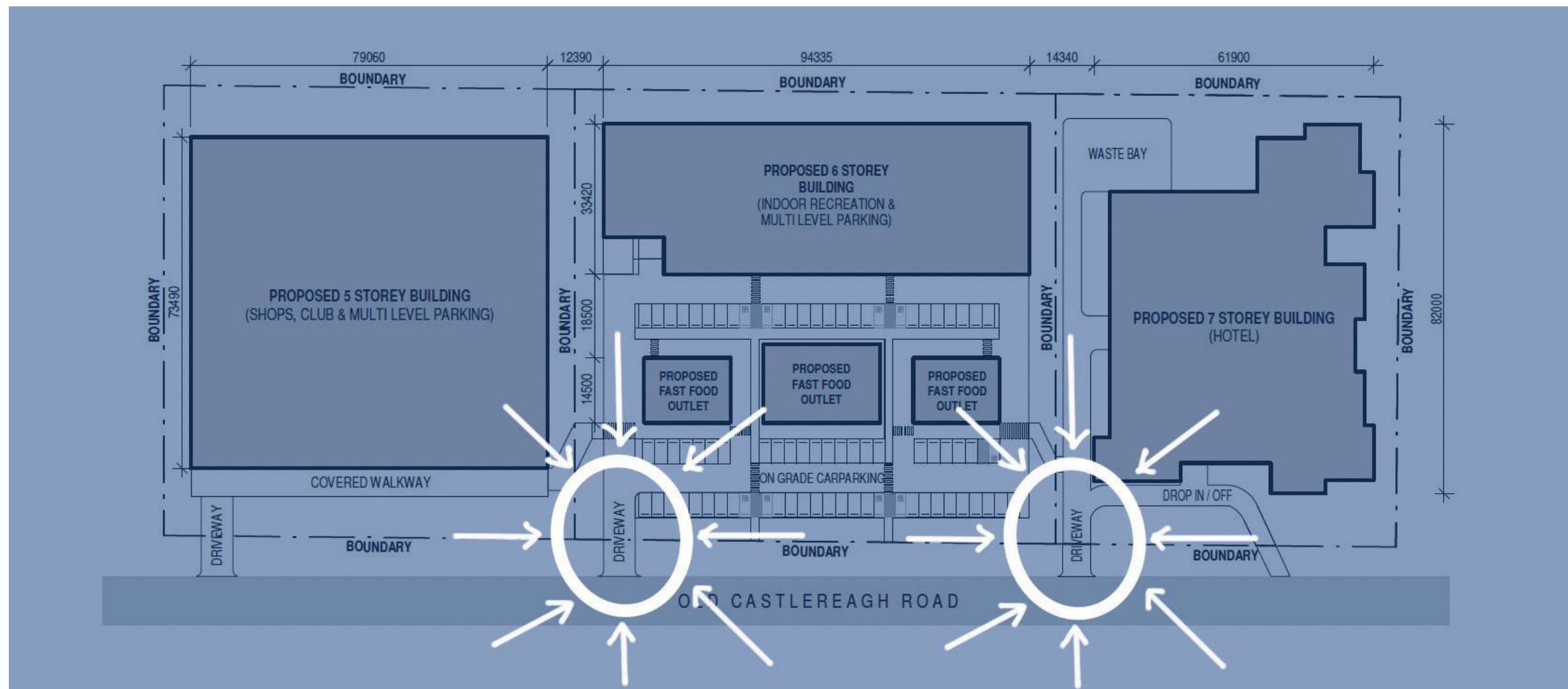
This response will also be informed by the 'Walk through Country'.

Principle 3 - Create a 'Sense of Arrival'

The proposal will create a memorable sense of arrival and a sense of destination.

The goal is to create 'meaning as a destination' in the way that people move throughout the site with the aid of 5 elements:

- Dedicated paths for people through the site
- The definition of edges and perceived boundaries
- Identity or character
- Focal points
- Landmarks, or reference points.



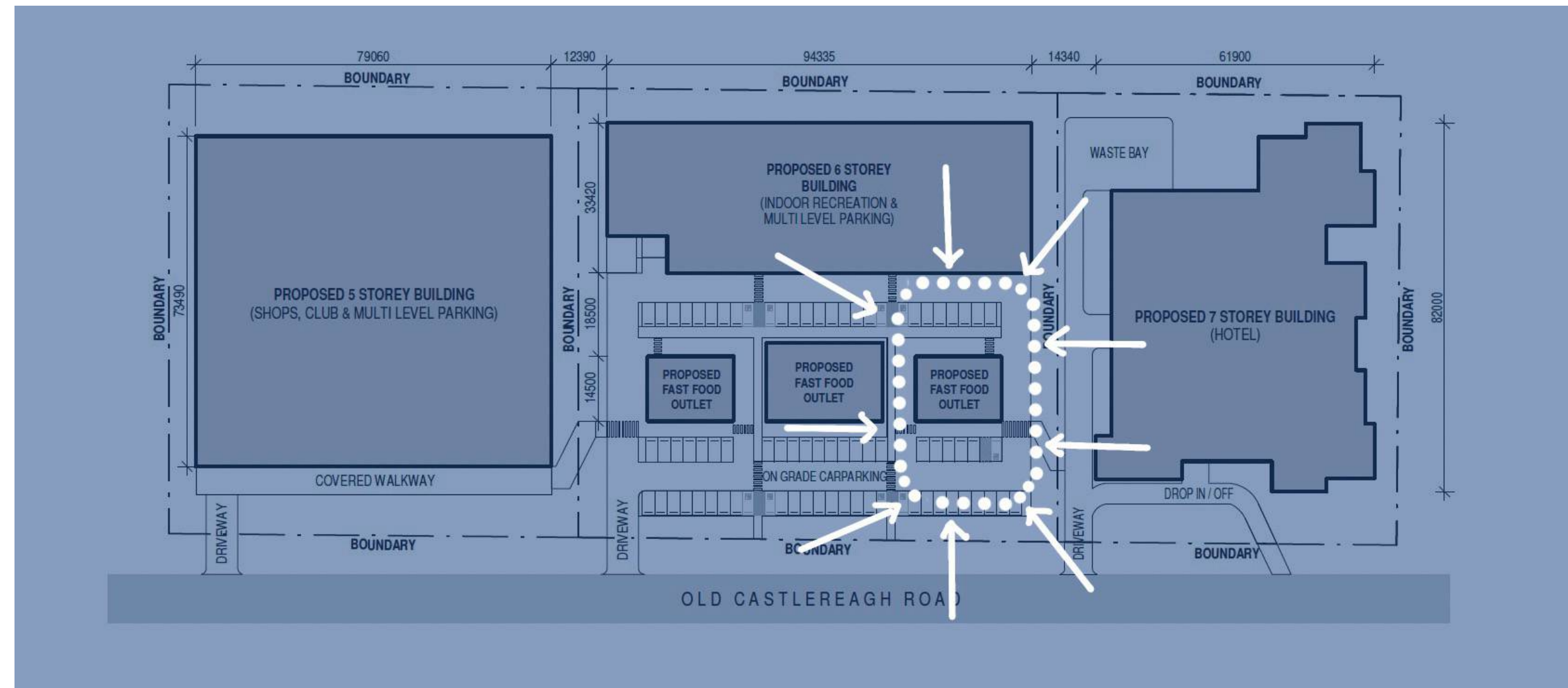
Principle 4 - Create a 'Sense of Place'

The proposal will aim to create a 'sense of place' with a combination of natural and man-made elements that makes a person remember or want to return to a place

The aim is to create a memorable central gathering space or 'Heart' as a place for community congregation and social interaction.



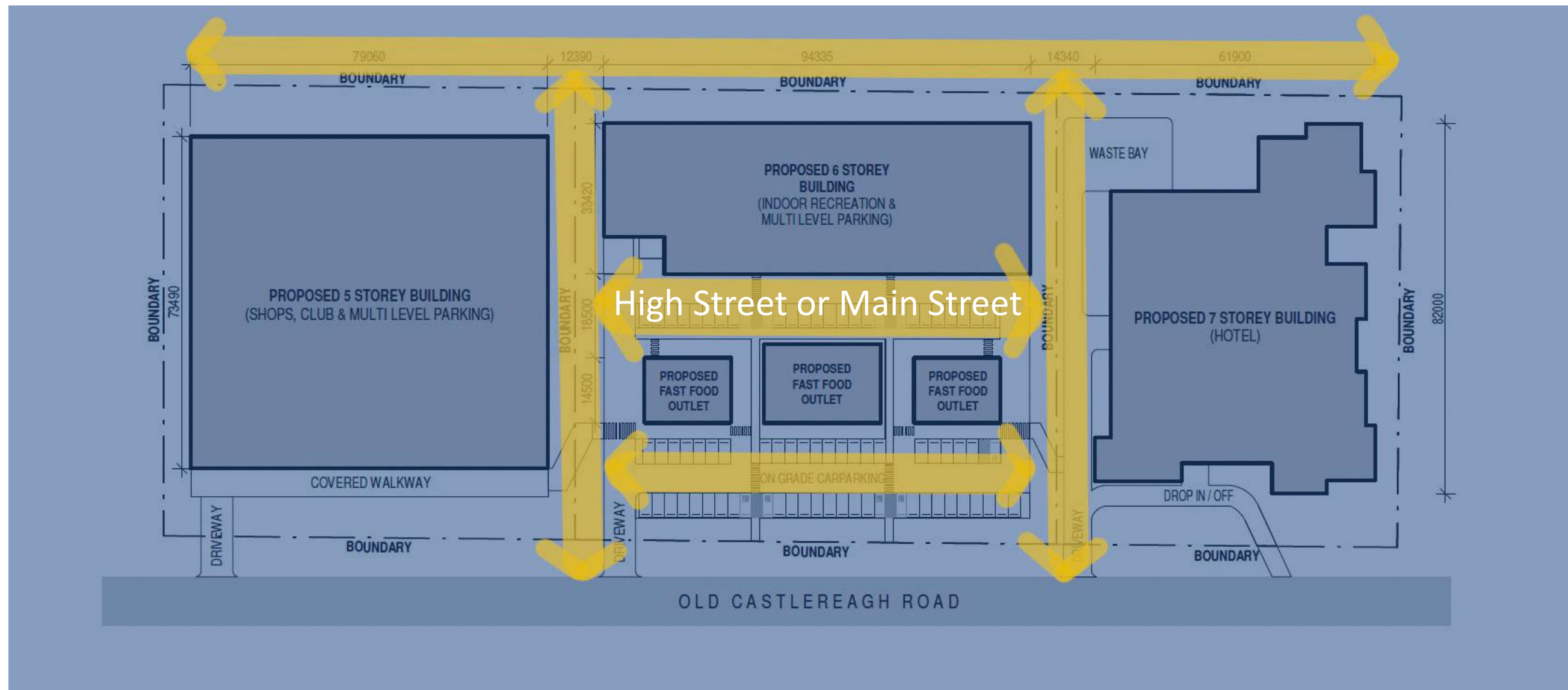
The goal is to create 'meaning as a destination' beyond the services and program offerings.



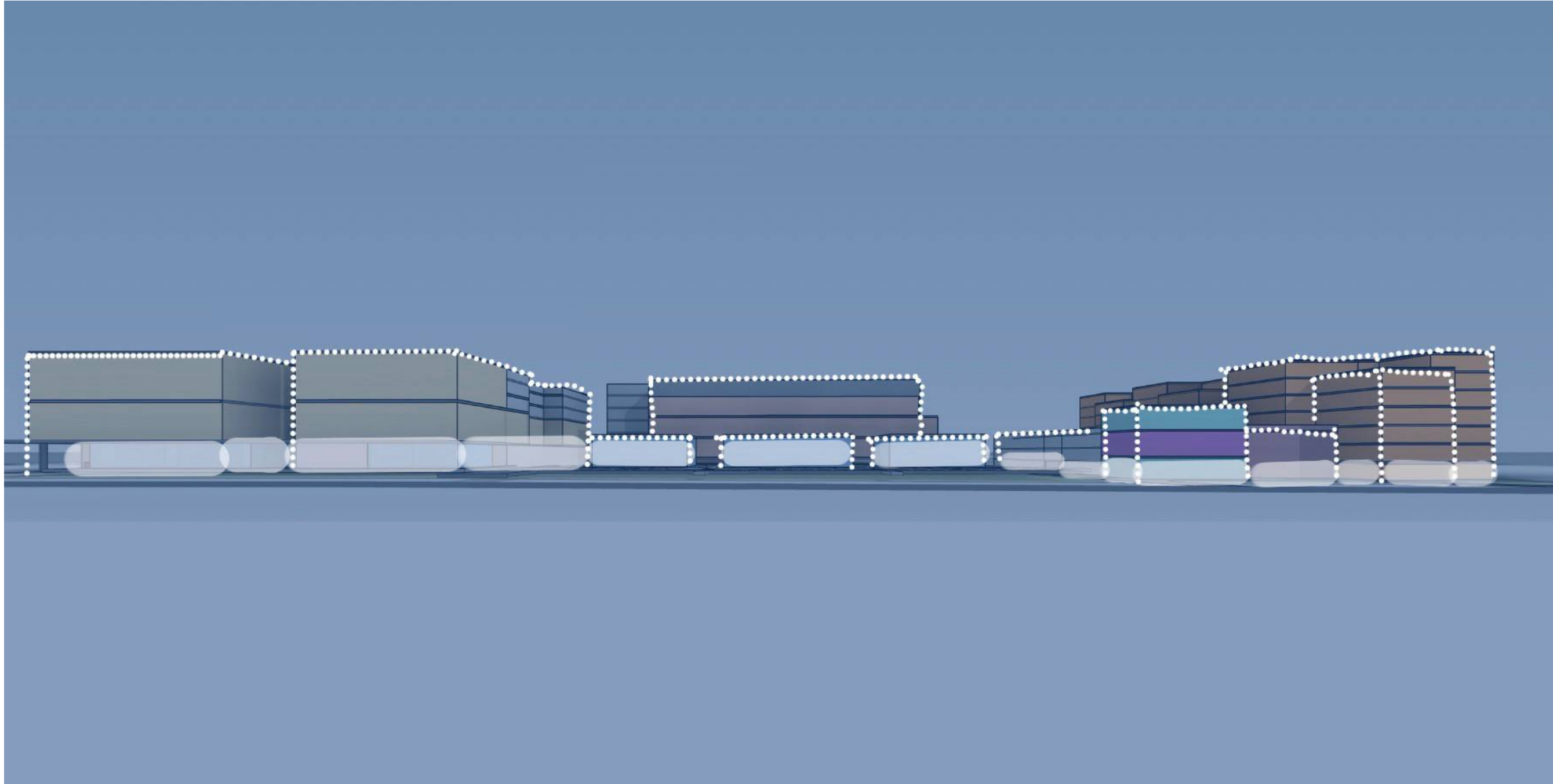
Principle 5 - Increase Connectivity and Permeability

The proposal will aim to create a network of circulation spaces that link the various spaces and program within the site and surrounding destinations.

The idea is to put people first and to encourage gathering and circulation across the open spaces of the site as much as having a purpose or function to visit the buildings on site.



Principle 6 - Respond to Topography and Flooding

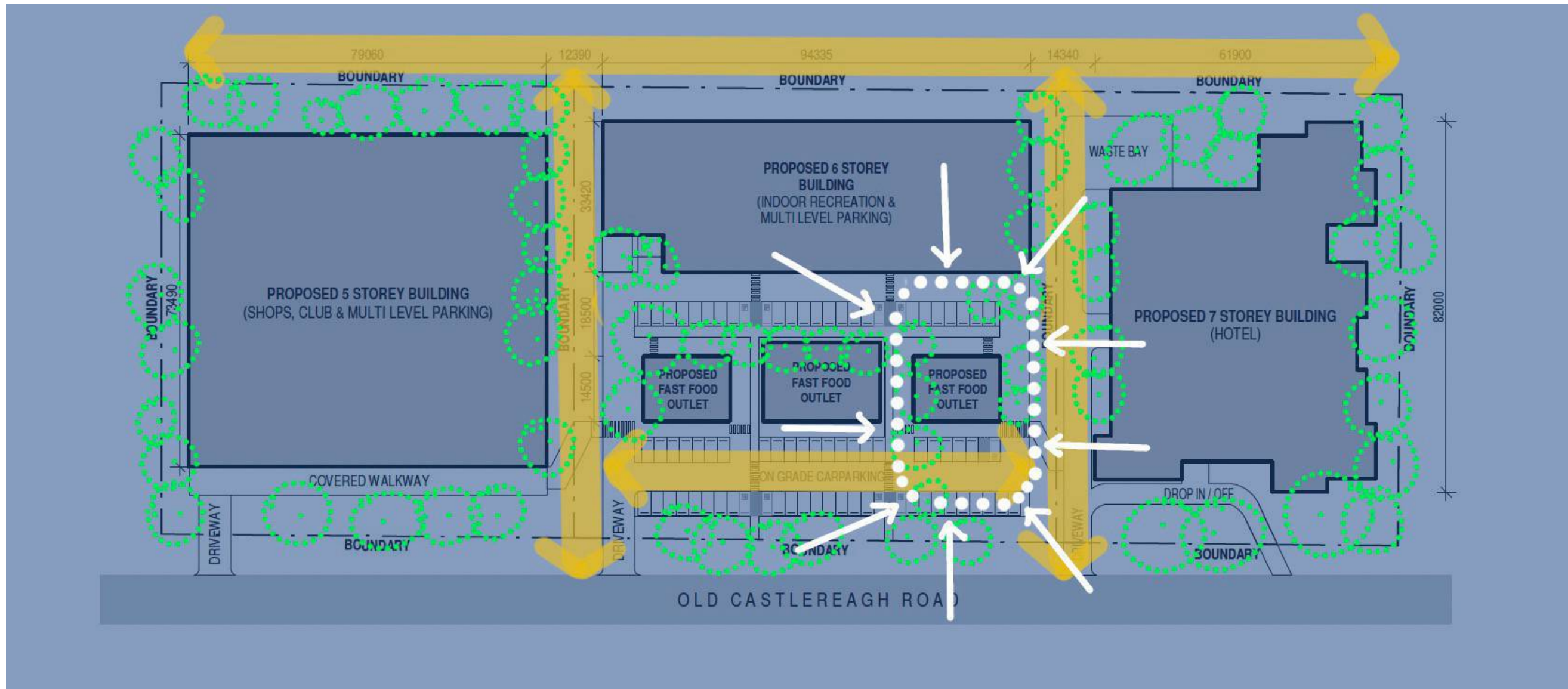


The proposal will respond to the site's existing topography and mitigate the effects of flooding.

The aim is to seamlessly integrate the ground level interface with active uses to promote activation and natural surveillance.

Principle 7 - Integrate Landscape

The proposal will integrate landscape as an integral component of the development.



Principle 8

Achieve High Quality Design

The proposal will exhibit high quality architecture and urban design.

This will be achieved by:

- The modulation, sculpting of 'fine grained' built form
- The introduction of roof features
- The creation of active frontages to all ground level areas
- The utilization of high quality and innovative materials
- The integration with landscape and water sensitive urban design

Principle 9

Create a Responsive Parking Strategy

The proposal will aim to create a responsive parking strategy.

The aim is to prioritise pedestrian movement across the site.

The goal is to sleeve and tuck away vehicles and parking areas.

To introduce innovative parking solutions that minimize the impact of car movements on the site.

Principle 10 - Exhibit Sustainability

The proposal will imbue sustainability.

The aim is to introduce sustainable measures to all aspect of the design including facilities, open spaces and mechanical systems.

The goal is to operate in a sustainable way throughout all stages of the development i.e. demolition, construction and ongoing operation.

