



ARCHAEOLOGY – HERITAGE – MEDIATION – ARBITRATION

Nepean Hospital Redevelopment, Stage 2

Aboriginal Archaeological Cultural Heritage Assessment Report

November **2021**

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INTEGRATED MANAGEMENT SYSTEM

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EXECUTIVE SUMMARY

Health Infrastructure NSW propose to undertake construction and development for Stage 2 of the Nepean Hospital Redevelopment Project in Kingswood.

Nepean Hospital, which is a major metropolitan referral hospital for Western Sydney and Blue Mountains catchment areas, requires a significant expansion and upgrade of hospital and community-based services to meet to the future health needs of the rapidly growing communities. The project will:

- Deliver Penrith, the Blue Mountains and surrounding communities a contemporary, integrated hospital and community-based health service to meet their needs now, and into the future
- Enable health staff to provide the highest quality of care in a contemporary health setting for decades to come
- Improve access to integrated, person-centred healthcare facility closer to home
- Improve access to innovative, effective and welcoming health services for people living in rural and remote communities in Western NSW.

This project is being undertaken as a State Significant Development under Part 4, Division 4.7 of the *Environmental Planning & Assessment Act 1979* (EPA Act).

An Aboriginal archaeological assessment was undertaken which included background research and a site inspection. Due to the disturbed nature of the site it was concluded that the site does not contain Aboriginal archaeological potential and that it was unlikely that Aboriginal objects would be disturbed by the proposal. That report is appended to this Aboriginal Cultural Heritage Assessment Report (ACHAR).

This ACHAR details the Aboriginal consultation undertaken for the project and was written in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010).

This report makes the following recommendations:

1. There are no constraints to the proposed Nepean Hospital Stage 2 redevelopment in respect of Aboriginal archaeology
2. The Kamilaroi-Yankuntjatjara Working Group (KYWG) and Aragung are concerned that previously undetected or unrecorded Aboriginal objects may be harmed during ground disturbance and have requested that monitoring of excavations be undertaken by the Registered Aboriginal Parties. Please contact:
 - The Kamilaroi-Yankuntjatjara Working Group at: philipkhan.acn@live.com.au to arrange monitoring by the KYWG.
 - Jamie Eastwood at: james.eastwood@y7mail.com to arrange monitoring by of Aragung.

An archaeologist is not required for this monitoring.

3. The RAPs requested that an interpretation strategy and plan be developed and implemented that details the Aboriginal history of the site and the Penrith area. The history and data contained in this report could underpin the interpretation. The interpretation should be undertaken in a range of innovative ways including artworks, landscaping and digital displays.

The following documents have been developed to address interpretation of the landscape. Extensive Aboriginal consultation was undertaken by NSW Health Infrastructure's Aboriginal Liaison Officers with Aboriginal patients, families and visitors to the hospital in the development of these documents. Such consultation is detailed in an Aboriginal Consultation Report prepared by NSW Health Infrastructure. Consultation is also to be undertaken with the Registered Aboriginal Parties in respect of these documents:

- A Landscape Design Report by Arcadia which includes plantings that respond to Connecting to Country and includes interpretative opportunities such as "Healing Landscapes" and "The Story of the Mulgoa People".
- An Arts & Culture Strategy which includes an Indigenous Walk and Multi-Purpose Room with the engagement of a Darug artist to create concepts responding to the cultural heritage of the Darug Nation and reference to Aboriginal medicinal use of vegetation for healing. The Indigenous Walk is to acknowledge Aboriginal connection to Country including the rivers and valleys of the Nepean and Hawkesbury Rivers



4. Another recommendation from the RAPs was that the design and landscaping should consider the Connecting to Country and Designing with Country framework developed by the Government Architect's Office, in the design and interpretation to ensure that consideration of Aboriginal understanding of landscape and environment is included.

The documents listed below have been developed to address Connecting to Country and Designing with Country. Extensive Aboriginal consultation was undertaken by NSW Health Infrastructure's Aboriginal Liaison Officers with Aboriginal patients, families and visitors to the hospital in the development of these documents. Such consultation is detailed in an Aboriginal Consultation Report prepared by NSW Health Infrastructure. Consultation is also to be undertaken with the Registered Aboriginal Parties in respect of these documents:

- A Landscape Design Report by Arcadia which includes plantings that respond to Connecting to Country and includes interpretative opportunities such as "Healing Landscapes" and "The Story of the Mulgoa People".
 - An Arts & Culture Strategy which includes an Indigenous Walk and Multi-Purpose Room with the engagement of a Darug artist to create concepts responding to the cultural heritage of the Darug Nation and reference to Aboriginal medicinal use of vegetation for healing. The Indigenous Walk is to acknowledge Aboriginal connection to Country including the rivers and valleys of the Nepean and Hawkesbury Rivers.
 - The Architectural Schematic Design responds to Connecting to Country through taking inspiration from Country with elements such as "Sky/Blue Haze", "Valley/Earth", "Flora & Fauna", "River/Water" and landmarks of importance to the community such as "Yandhai Bridge-Nepean River", "Claustral Canyon" and "Cliff Top Walk".
5. If any previously unrecorded or undetected Aboriginal objects are unexpectedly uncovered, all work must cease in the vicinity of that object, the area secured, and further advice sought from the consultant and the Aboriginal monitor.

Unexpected finds or objects can include Aboriginal artefacts made from stone, glass or other post contact material such as electricity conductors; shell, burials, hearths etc.

6. An induction should be provided by an archaeologist to all employees, contractors or sub-contractors engaged on this project, detailing their responsibilities under the *National Parks & Wildlife Act 1974* in respect of Aboriginal archaeology and heritage and should include advice:
 - That it is an offence to harm an Aboriginal object without a permit.
 - How to identify an Aboriginal object.
 - If an Aboriginal objects is unexpectedly uncovered, all work must cease in the vicinity of that object, the area secured and the consultant contacted immediately.



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1.0 INTRODUCTION

1.1. Background

Health Infrastructure NSW propose to undertake construction and development for Stage 2 of the Nepean Hospital Redevelopment Project in Kingswood.

Nepean Hospital, which is a major metropolitan referral hospital for Western Sydney and Blue Mountains catchment areas, requires a significant expansion and upgrade of hospital and community-based services to meet to the future health needs of the rapidly growing communities. The project will:

- Deliver Penrith, the Blue Mountains and surrounding communities a contemporary, integrated hospital and community-based health service to meet their needs now, and into the future
- Enable health staff to provide the highest quality of care in a contemporary health setting for decades to come
- Improve access to integrated, person-centred healthcare facility closer to home
- Improve access to innovative, effective and welcoming health services for people living in rural and remote communities in Western NSW.

This project is being undertaken as a State Significant Development under Part 4, Division 4.7 of the *Environmental Planning & Assessment Act 1979* (EPA Act). This report satisfies the Secretary's Environmental Assessment Requirements (SEARS) in respect of Aboriginal cultural heritage. This report has been written in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010).

1.2. Site and description

The study area is located at Derby Street, Kingswood, New South Wales, and is known as Lot 4, DP 1238301. It is within the Local Government area of Penrith City Council. The study area is approximately 13.7 ha.

The study area is developed land containing the existing Nepean Hospital. It is located between the Great Western Highway in the north, Somerset Street in the east, Derby Street in the south and Parker Street in the west. The Nepean Private Hospital is located to the north-west of the study area.



Figure 1: Location map

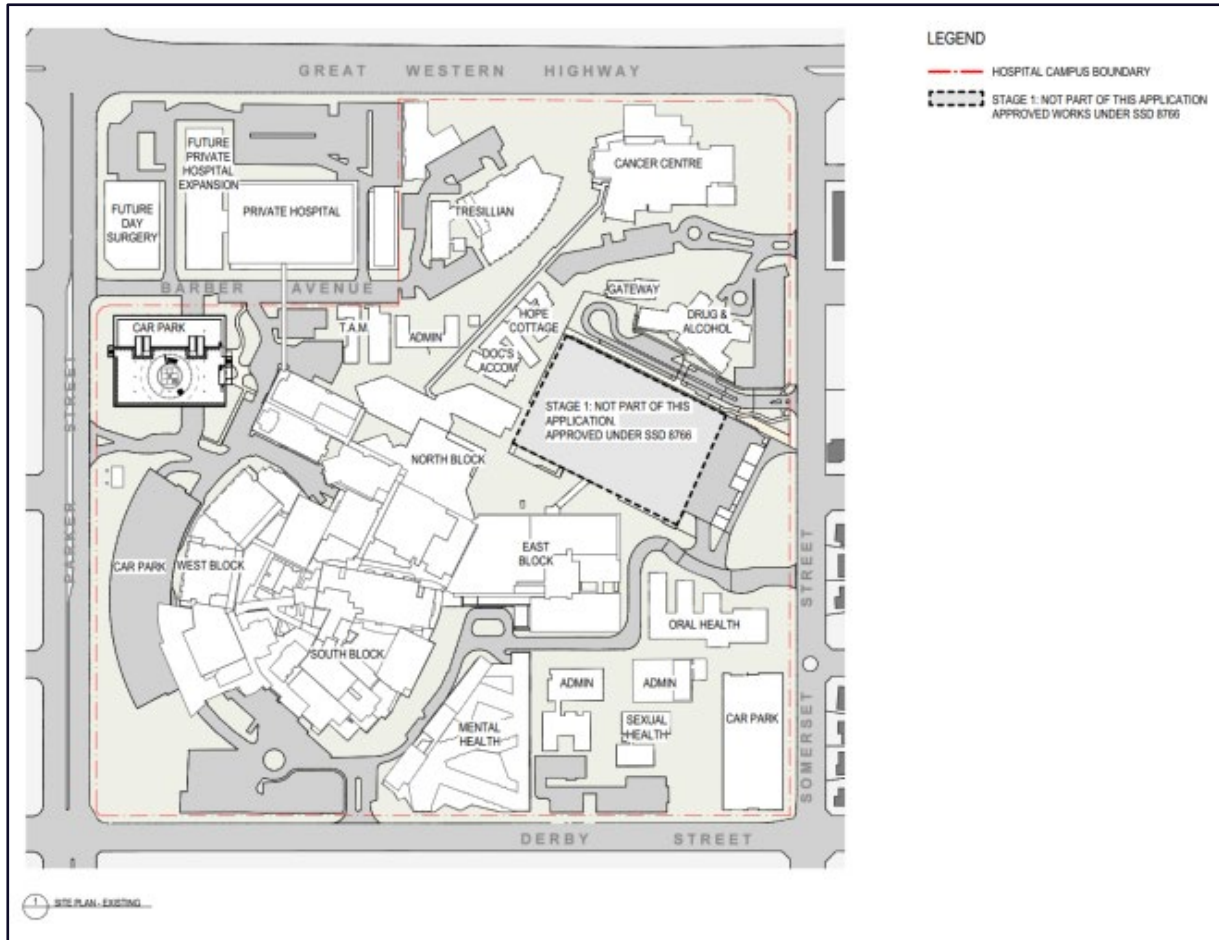


Figure 2: Detailed plan of study area. Note the location of the Stage 1 project area, which is not part of this application (source: BVN Architecture; Appendix B).



Photograph 1: The Nepean Hospital, view from Derby Street.

1.3. Proposal

Stage 2 of the Nepean Hospital Redevelopment Project redevelopment includes the following facilities:

- An Intensive Care Unit
- Medical imaging services and nuclear medicine
- An in-centre renal dialysis unit
- Cardiology services
- More in-patient beds including paediatrics
- Clinical support services including pharmacy
- Staff education and training facilities
- Community health services
- A new front of house and reception area

The project is being assessed as a State Significant Development under Part 4, Division 4.1 of the Environmental Planning & Assessment Act 1979.



Figure 3: Concept design of the proposed new entry of the Nepean Hospital, view from Derby Street. Indicative render issued for the SEARs application (source: BVN Architecture; Appendix B).

1.4. Statutory controls

National Parks & Wildlife Act 1974

The *National Parks & Wildlife Act 1974* (NPW Act) provides protection to all Aboriginal objects and places within New South Wales, as detailed in Part 6 of the NPW Act, which are defined as:

Aboriginal Place

An Aboriginal Place means any place declared to be an Aboriginal Place under section 84. Section 84 states:

The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.

Aboriginal Objects

An Aboriginal object is defined as:



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

Part 6 of the Act states that it is an offence to harm or desecrate an Aboriginal object or Aboriginal place, without an Aboriginal Heritage Impact Permit (AHIP).

As this project is being assessed as a State Significant Development approval under Part 6 of the National Parks & Wildlife Act 1974 will not be required. Please see below.

Environmental Planning and Assessment Act 1979

This project is being undertaken as a State Significant Development under Part 4, Division 4.7 of the *Environmental Planning & Assessment Act 1979* (EPA Act). Section 4.41 of the EPA Act (see below) does not require that a State significant development seek approval under the NPW Act as follows:

4.41 Approvals etc legislation that does not apply

(cf previous s 89J)

- (1) The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—
 - (a) (Repealed)
 - (b) a permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*,
 - (c) an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*,
 - (d) an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*,
 - (e) (Repealed)
 - (f) a bush fire safety authority under section 100B of the *Rural Fires Act 1997*,
 - (g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the *Water Management Act 2000*.
- (2) Division 8 of Part 6 of the *Heritage Act 1977* does not apply to prevent or interfere with the carrying out of State significant development that is authorised by a development consent granted after the commencement of this Division.
- (3) A reference in this section to State significant development that is authorised by a development consent granted after the commencement of this Division includes a reference to any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements under this Part in connection with a development application for any such development.

The Planning Secretary's Environmental Assessment Requirements (SEARS) issued 22nd April 2021, require the following in respect of Aboriginal Cultural Heritage:

8. Aboriginal Cultural Heritage

- *Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) that:*
 - *identifies and describes the Aboriginal cultural heritage values that exist across the site.*
 - *includes surface surveys and test excavations where necessary.*
 - *has been prepared in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010).*
 - *incorporates consultation with Aboriginal people in accordance with Aboriginal Cultural Heritage Consultation Requirements for Proponents (Department of Environment, Climate Change and Water, 2010).*
 - *documents the significance of cultural heritage values of Aboriginal people who have a cultural association with the land.*
 - *identifies, assesses and documents all impacts on the Aboriginal cultural heritage values.*
 - *demonstrates attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR and EIS must outline measures*



proposed to mitigate impacts.

- *demonstrates attempts to interpret the Aboriginal cultural heritage significance identified into the development.*

Any Aboriginal objects recorded as part of the Aboriginal Cultural Heritage Assessment Report must be documented and notified to the Aboriginal Heritage Information Management System (AHIMS) within Heritage NSW of the Department of Premier and Cabinet.

This report satisfies the above requirements, as detailed in Table 1 below

Condition as outlined in SEARS	Section of report that responds to SEARS condition
<p>8. Aboriginal Cultural Heritage Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) that:</p> <ul style="list-style-type: none">○ identifies and describes the Aboriginal cultural heritage values that exist across the site.○ includes surface surveys and test excavations where necessary.○ has been prepared in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010).○ incorporates consultation with Aboriginal people in accordance with Aboriginal Cultural Heritage Consultation Requirements for Proponents (Department of Environment, Climate Change and Water, 2010).○ documents the significance of cultural heritage values of Aboriginal people who have a cultural association with the land.○ identifies, assesses and documents all impacts on the Aboriginal cultural heritage values.○ demonstrates attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR and EIS must outline measures proposed to mitigate impacts.○ demonstrates attempts to interpret the Aboriginal cultural heritage significance identified into the development.	<p>This report is an ACHAR.</p> <p>Section 7.</p> <p>Aboriginal archaeological assessment attached at Appendix B details the surface survey. Due to disturbance within the study area, test excavations are not considered necessary.</p> <p>The archaeological assessment attached at Appendix B has been written in accordance with these publications.</p> <p>Consultation is detailed in Section 5 and all correspondence with the Registered Aboriginal Parties is contained in Appendix A.</p> <p>Section 7.</p> <p>Section 8.</p> <p>Section 9.</p> <p>The following documents have been developed to address this requirement and are referred to in Sections 9 and 10 of this report.</p> <ul style="list-style-type: none">• A Landscape Design Report by Arcadia which includes plantings that respond to Connecting to Country and includes



<p>Any Aboriginal objects recorded as part of the Aboriginal Cultural Heritage Assessment Report must be documented and notified to the Aboriginal Heritage Information Management System (AHIMS) within Heritage NSW of the Department of Premier and Cabinet.</p>	<p>interpretative opportunities such as “Healing Landscapes” and “The Story of the Mulgoa People”.</p> <ul style="list-style-type: none">• An Arts & Culture Strategy which includes and Indigenous Walk and Multi-Purpose Room with the engagement of a Darug artist to create concepts responding to the cultural heritage of the Darug Nation and reference to Aboriginal medicinal use of vegetation for healing. The Indigenous Walk is to acknowledge Aboriginal connection to Country including the rivers and valleys of the Nepean and Hawkesbury Rivers.• The Architectural Schematic Design responds to Connecting to Country and interpretation through taking inspiration from Country with elements such as “Sky/Blue Haze”, “Valley/Earth”, “Flora & Fauna”, “River/Water” and landmarks of importance to the community such as “Yandhai Bridge-Nepean River”, “Claustral Canyon” and “Cliff Top Walk”. <p>No objects identified. However, if any unexpected finds are uncovered during the development they will be documented and notified to AHIMS.</p>
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1.5. Objectives of the Aboriginal Cultural Heritage Assessment Report (ACHAR)

This ACHAR details the results of the assessment and recommendations for actions to be taken before, during and after the proposed activities associated with the project in order to manage and protect Aboriginal objects identified by the investigation, assessment and testing of the study area.

1.6. Authors

This report was prepared by Dr Dragomir Garbov. The history contained in section 2 of this report was written by Caroline Plim, BA (History & Archaeology) Associate Diploma Local & Applied History (PHA NSW & ACT Graduate Member). The report was reviewed, edited and approved by Dr Jillian Comber.

2.0 ABORIGINAL HISTORY

2.1. The Darug

The Darug are the traditional owners of the Cumberland Plain, as well as of the main east-west ridge of the Blue Mountains and the northern Blue Mountains. The study area, located at the foot of the Blue Mountains, at the western edge of the Cumberland Plain, is considered to have been the territory of a group defined by Dr Val Attenbrow as the Hinterland Darug (Attenbrow 2003: 23) (Figure 4).

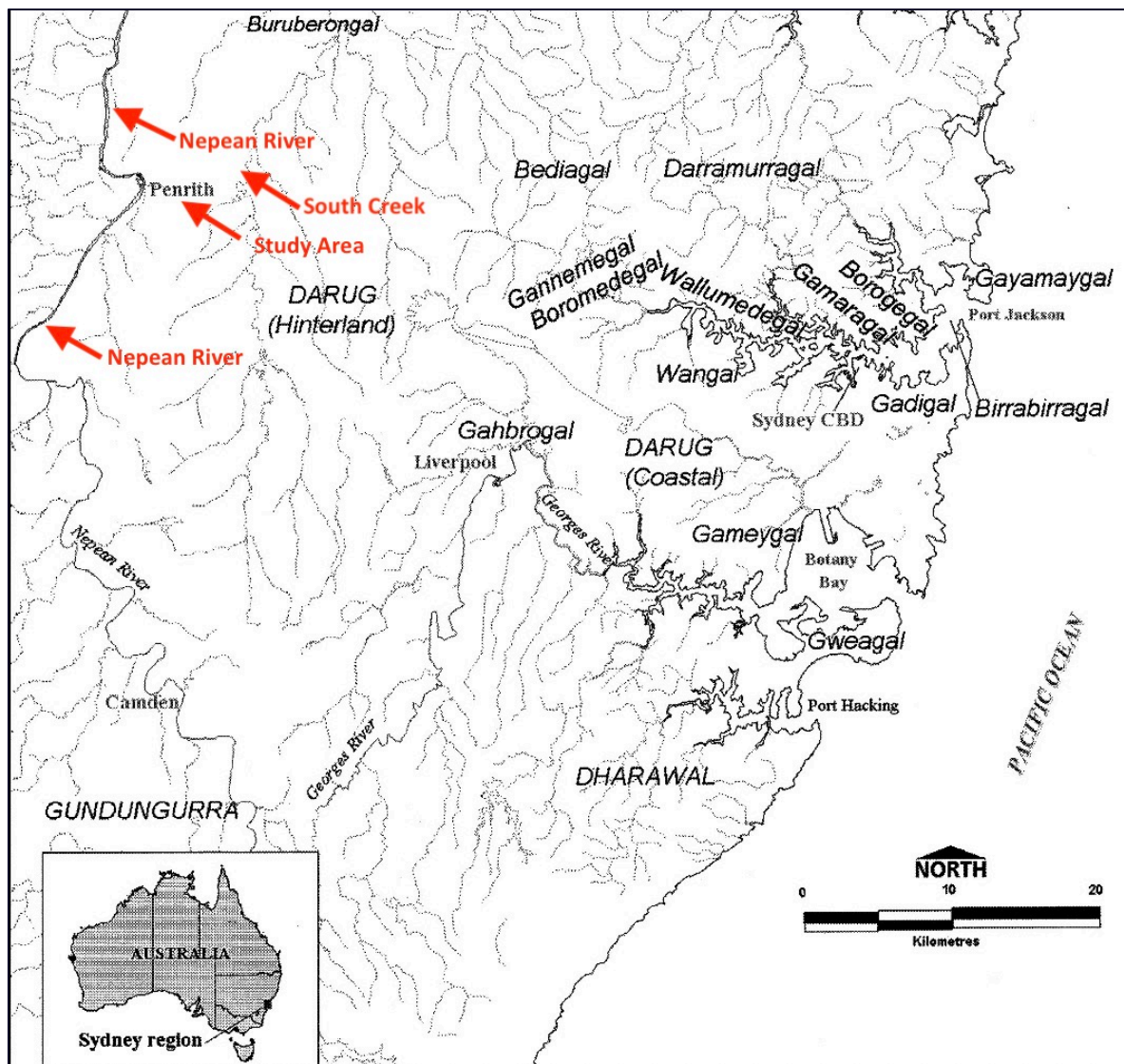


Figure 4: Map showing the territory associated with the Hinterland Darug (Attenbrow 2003: 23)

Research by R.H. Mathews, a pioneer linguist and anthropologist in the early twentieth century proposed that the 'Dharruk' (Darug) inhabited an area adjoining the 'Thurawal' (Dharawal) to the south and Wiradjuri in the west. His research provided evidence that the territory of the Darug extended along the coast to the Hawkesbury River and inland to Windsor, Penrith and Campbelltown; then from the mouth of the Hawkesbury River to Mount Victoria (Mathews 1901b: 155; Mathews 1901a: 140). Archaeological and historical records examined in *Sydney's Aboriginal Past* identify three distinct groups – the Coastal, Hinterland and Mountain Darug (Attenbrow 2003:23).

2.2. Population

Change in the Aboriginal population of the Sydney region before European colonisation is difficult to estimate. Measures of historical changes in site numbers, the number of habitation sites in a region and artefact numbers in individual sites can be used, however interpretation is problematic (Attenbrow 2003:17). The oldest, known habitation



site in the vicinity of the study area is Shaws Creek K2 rock shelter to the west of the Nepean River. Charcoal near the base of the excavation dates to 14,700 years ago suggesting its initial habitation at this time. Although there is data from a variety of sites in the Sydney region from which initial habitation dates have been calculated, Dr Val Attenbrow explains that given the complex variables it is difficult to gauge population growth given periods of stability and fluctuation before colonisation (Attenbrow 2003:20-21).

The Aboriginal population of the Sydney region when the British arrived is not known although estimates have been made based on historical descriptions and archaeological evidence. Based on the people and camps observed, in 1788, Governor Phillip reported that the population in the area encompassing 'Botany Bay, Port Jackson, Broken Bay and the intermediate coast ... cannot be less than one thousand five hundred' (Phillip to Lord Sydney 15 May 1788 HRA 1914 1(1):29). Using this estimate the area bounded by Broken Bay, Botany Bay and Prospect supported a minimum population density of 0.75 persons per square kilometre (1 person per 1.3 sq km) (Attenbrow 2003:17). Colonists west of Parramatta initially assessed the Aboriginal population as having a lower density than the coast. The lower estimate might have been due to the spread of smallpox which killed many people prior to Phillip's 1791 expedition to the Hawkesbury-Nepean River. An estimate of the population of the Western Cumberland Plain made by Dr Jim Kohen in 1995 argued that the population ranged from 500 to 1,000 people within an area of 600 square kilometres, with a minimum density of 0.5 persons per square kilometre (Kohen 1995 in Attenbrow 2003:17).

Decrease in the Aboriginal population after colonisation is documented although, due to lack of a baseline population at 1788, its full impact is hard to be determined. As mentioned previously, one of the causes was an epidemic identified as smallpox and named *gal-galla* by Aboriginal people, as well as other introduced diseases. Smallpox reached the Hawkesbury River preceding European contact in that area. In little more than a year over half of the original inhabitants of the Sydney region died and many bands on the Western Cumberland Plain were unable to maintain traditional social units or kinship groups in the same way that they had previously done (Kohen 1986:324; Attenbrow 2003:21).

Colonists' activities also contributed to a decline in the Aboriginal population by restricting access to traditional land and food sources as well as 'punitive expeditions, guerrilla warfare, and homicides' (Attenbrow 2003 22). Although not a precise reflection of the Aboriginal population, records such as reports made during the annual 'Aboriginal Conferences' at Parramatta from 1814 until 1835, a census in 1828 and 'Returns of Aboriginal Natives' made from c.1832 in New South Wales reflect a general decline in the population. The Nepean or Penrith District was one of the locations where musters and returns were recorded. Although the site of the census is not always identified, the one taken in September 1839 was held at the Penrith Court House at the police offices on the north side of the Western Road immediately north of a property named Hornsey Wood in which the study area is located (Colonial Secretary Main Series of Letters Received, 1826-1982, Item No 4/2433.1, SARNSW).

Missionaries and settlers formally and informally recorded observations of the population of Aboriginal clans. In 1821 Reverend William Walker listed nine 'tribes' of which he described three as 'numerous'. The list included three small groups in the vicinity of the Hawkesbury-Nepean River; one at Mulgoa, near Penrith, and others at Windsor and the Hawkesbury (Walker in Attenbrow 2003:22). Aboriginal people in the Mulgoa Valley and Emu Plains are thought to have continued to live on campsites linked to their traditional land until the 1840s (Kohen 1986:324-325).

2.3. Social Organisation

The earliest colonial records of the indigenous people encountered at Port Jackson generally refer to 'tribes' however it is more likely they were local or territorial clans. Groups seen hunting, fishing, or gathering together were not always from the same clan (though they might have been related by marriage), but were bands or communities sharing the same land (Attenbrow 2003:22).

Late eighteenth-century observers took an interest in and recorded descriptions of groups of Port Jackson Aboriginal people at this time. In 1798 David Collins noted that,

...each family has a particular place of residence from which is derived its distinguishing name. This is formed by adding the monosyllable Gal to the name of the place: thus the southern shore of Botany Bay is called Gwea, and the people who inhabit style themselves Gweagal (Collins 1798 cited in Attenbrow 2003:22).



Groups of Aboriginal people seen at specific places became known to colonists by those place names. The 'Mulgoa Tribe', 'Nepean Tribe' and 'South Creek Tribe' were named after the location they were first seen. In the early nineteenth-century these names were linked to Aboriginal communities recorded in or near the Penrith District. The place name denoting the 'tribe' was sometimes the Aboriginal name for the place and at other times the one adopted by explorers or colonists. Affiliation with a place, or an Aboriginal clan name, is sometimes shown on "Returns of Aborigines". It is not always a reliable indication of an association and sometimes speculative associations were made by the author of a record (Attenbrow 2003:30). Names shown in later Returns sometimes use the name of a male forbear in a patronymic manner. The adoption and use of surnames by Aboriginal people in the nineteenth century warrants further research and might be useful in establishing links to clans in a location.

2.4. Language and Dialects

Although attempts were made by British colonists to learn and record Aboriginal languages and dialects and where they were spoken, methods were not systematic. Naval officer Watkin Tench (c.1758-1833) noted that people spoke 'different dialects of the same language; many of the most common and necessary words, used in life, bearing no similitude, and others being slightly different'. It was observed that although individuals from the coast and from the Hawkesbury were using different dialects to converse, they understood each other without difficulty (Tench 1793: 122 in Fitzhardinge 1979: 230). Tench was intrigued by the variance in the languages considering the geographical proximity of the places they were spoken. He wrote that 'diversities arise from want of intercourse with the people on the coast, can hardly be imagined, as distance inland is but thirty-eight miles; and from Rose Hill not more than twenty, where the dialect of the seacoast is spoken' (Tench 1793: 122 in Fitzhardinge 1979: 231).

William Dawes (1762-1836), David Collins (1756-1810) and Governor Phillip Gidley King (1758-1808) recorded lists of words spoken by the coastal people (Attenbrow 2003: 31). Dawes, a naval officer, and scientist recorded details about pronunciation, verb tenses and sentence construction. A significant characteristic of the Aboriginal language recorded in eighteenth-century colonial records is the use of the suffix '-gal' (man) or '-galleon' (woman). When added to another word it denoted a man or woman from a territorial clan name (Phillip 13 Feb 1790 *HRA* 1(1): 160). The use of '-gal' as a word-ending is a feature of Aboriginal languages found in other parts of Australia. In some areas the suffix was added to a word descriptive of the country in which the community lives. The suffix '-gal' is used in this report as a non-gender-specific term referring to members of a clan of both sexes. The names of some groups of the Sydney region are associated with a local animal food source.

In the late nineteenth and early twentieth century more methodical attempts to record Aboriginal languages were made by anthropologist and linguist R. H. Mathews. By this time however there were few fluent speakers of Sydney languages and dialects (Attenbrow 2003: 31-32). Mary Everitt and R. H. Mathews recorded the geographical distribution of the Sydney language relative to other language groups and making some comparisons.

The Dharruk speaking people adjoined the Thurrawal on the north, extending along the coast to the Hawkesbury River, and inland to what are now Windsor, Penrith, Campbelltown, and intervening towns.

The Dhar'-rook dialect, very closely resembling the Gundungurra, was spoken at Campbelltown, Liverpool, Camden and Penrith, and possibly as far east as Sydney, where it merged into the Thurrawal (Mathews & Everitt 1900:265).

The grammatical structure of groups from the Hawkesbury River to Cape Howe, extending inland to the territory of the Wiradjuri including the 'Thur'rawal, Dhar'rook, Gun'dungur'ra and Ngoonawal' as well as the 'Thoorga' and 'Jirringaŋ' and 'Thâwa' languages was considered to be similar but differing 'more or less widely in vocabulary'. An elderly Darug man Jimmy Lownds (Lowndes) informed Mathews that Gundungurra and Darug people communicated with 'little difficulty' (Mathews & Everitt 1900:265).

Mary 'Minnie' Everitt (1854-1937) who co-authored a number of papers with Mathews made significant contributions to Aboriginal linguistics. Everitt is rarely acknowledged, and little is known about the background to the papers written with Mathews. It has been suggested that she was responsible for documenting 'women's language' and might well have done so in other research (Organ 2001 http://www.qld.royalsoc.org.au/journal_archive/134_12.html).



In 1970 linguist Arthur Capell mapped new boundary alignments based on his research concluding that:

...a dialect of the Darug language, which was spoken on the Cumberland Plain and to the west of the Lane Cove River, was spoken on the "Sydney Peninsula" – an area he described as "extending between the south shore of Port Jackson and the north shore of Botany Bay and as far inland as Rosehill (Parramatta district)" (Capell in Attenbrow 2003:33).

Since the 1970s anthropologists and archaeologists have presented new theories on the boundaries of linguistic and tribal groups in and around the Sydney Basin, and debate on the subject continues. Differing language or dialects are used together with variations in cultural traditions to better understand boundaries between Aboriginal groups. Archaeologist Anne Ross argues that the people of the Sydney peninsula were a different group to the Hinterland Darug and that:

... they had different cultural practices (different diets and subsistence patterns; they referred to each other by different names; and only the coastal people practiced tooth avulsion); they did not speak the same language; and Colbee and Ballederry (from Port Jackson) reacted adversely to the country and the two groups of people they met during Phillip's April 1791 expedition to the Hawkesbury River (Ross 1988: 46-49 in Attenbrow 2003:34).

Variations in the reporting of the expedition by Governor Arthur Phillip, Watkin Tench and David Collins leads to other interpretations (Attenbrow 2003:34). Similarly, Ross's observations do not take into account the Hinterland Darug in areas south of the Hawkesbury, such as along the Nepean River near Penrith.

In 2008 linguists David Wilkins and David Nash re-analysed accounts of the 1791 expedition in conjunction with linguistic evidence from 1790-92 manuscripts and later sources (Wilkins & Nash 2008: 485-507). Their research concluded that the second group of people spoken with near the Hawkesbury River ('Gumbiri', 'Yalamundi' and 'Dyimba' - a father, son and grandson) were Darginung-speakers from the western bank of the Hawkesbury River, and not *Buruberongal*, a Hinterland Darug-speaking clan (Wilkins *et al* 2008 494).

Linguist Jakelin Troy considers that there is insufficient evidence for the production of separate word lists for each Darug dialect and uses the term 'Sydney Language' to describe the Darug language (Attenbrow 2003: 34). Giving some general parameters the extent of the Darug languages and dialects spoken in the Sydney region are described by Attenbrow in *Sydney's Aboriginal Past*. In summary, the Darug hinterland dialect extended throughout the Cumberland Plain from Appin in the south to the Hawkesbury River in the north; west of the Georges River, Parramatta, the Lane Cove River and Berowra Creek coastal dialect. The coastal dialect extended along the Sydney Peninsula (north of Botany Bay, south of Port Jackson, west to Parramatta), as well as the country to the north of Port Jackson, and possibly as far as Broken Bay (2003: 34).

It is essential to emphasise that due to the scarcity of historical documentation and the imprecise nature of boundaries between language groups and descriptions, any language or dialect boundaries mapped today are not conclusive. Notwithstanding this qualification, the adoption of language group names by Aboriginal communities today is important in maintaining 'local identity and affiliations' (Attenbrow 2003: 35). Words found in primary and secondary sources linked to the history of the Castlereagh and Penrith Districts as well as adjacent localities are shown in the Table 2 below.

Word	Meaning	Source
<i>Binhény</i>	Ford across Nepean River near Emu Plains	Barrallier 1802 in Marsh Walsh 1975: 2
<i>Buruberongal</i>	Place or description of country north-west of Parramatta and two hours walking distance from the Hawkesbury River. Approximately north-north-east of the Castlereagh District	Attenbrow 2003: 24, 26
<i>Morroo Moorack</i>	Penrith	Personal communication between Sara Shand and 'Nellie' Nah Doongh c.1890s published in <i>Nepean Times</i> 18 Jul 1914: 3
<i>Mulgoa Mulgowey</i>	Mulgoa – place or people inhabiting area to the south of Penrith near the Nepean River	Attenbrow 2003: 27
<i>Mulgoa</i>	<i>Mul-go</i> = black swan	Collins (1798) 1975 (1): 512
<i>Wianamatta</i>	South Creek – watercourse east of the Nepean River.	Attenbrow 2003: 27



Word	Meaning	Source
<i>Wiana-matta</i>	<i>Wy-an-na</i> and <i>Wy-ang</i> = mother	Collins (1798) 1975 (1): 509
<i>Wiana-matta</i>	<i>Matta</i> – the meaning of this suffix is inconclusive. In some dialects it is thought by linguists to mean ‘having’. There is uncertainty however as to its meaning in words such as ‘ <i>Wianamatta</i> ’. If ‘ <i>Wiana-</i> ’ is a ‘kin’ term it is thought unlikely for ‘ <i>-matta</i> ’ to be a proprietorial suffix.	Steele 2005: 262-263
<i>Yandhai</i>	Nepean River	McCarthy 1963: 18 Note: McCarthy doesn’t cite a primary source
<i>Yarramundi/</i> <i>Yellomundee</i>	The name of a Darug man of the ‘Richmond Tribe’. Watkin Tench met the <i>Cáradyye</i> or doctor in the Hawkesbury. Places such as Yarramundi Lagoon and Yellowmundee Regional Park are named after	Tench (1789) 1979: 230, 232

Table 2: Aboriginal words recorded in primary and secondary sources linked to the history of the Penrith District and adjacent localities.

2.5. Pathways

Research by Eugene Stockton provides information on access routes used by Aboriginal people between the eastern banks of the Nepean River, Glenbrook Creek, the Grose River and the mountains to the west (Stockton 2009: 47). A route was located to the west of the study area between present day Penrith and Emu Plains and others to the north west (Figure 9). Locations thought to be ‘neutral, intertribal and ceremonial areas’ of the Gundungurra and Darug people are delineated by the course of the Erskine and Glenbrook Creeks and the Nepean Gorge to the south of the study area. Stockton explains that tribal territories often corresponded to water catchments. The reverse is true for the Blue Mountains where ridges are more accessible than gullies and gorges (Stockton 2009:46).

2.6. Food and its Acquisition

Marine and Freshwater Resources

The historical and archaeological record provides evidence of species of freshwater fish and shellfish consumed by the Darug of the study area. In 1791 Phillip reported people of the Hawkesbury-Nepean River catching large mullet in the river. David Collins recorded that fish, eels, shellfish, and platypus were caught in freshwater waterways and lagoons. Eels were an important food source in this area and in certain months such as April they relied on eels. Consumption of the unusual *cobra*, a large worm-like shellfish that lives in water-saturated wood, was also noted by early explorers (Collins (1798) 1975: 462-3; Phillip in Hunter 1793: 523; Attenbrow 2003:70).

Shaw’s Creek K2 rock shelter northwest of the study area provides evidence of archaeological evidence of the use of freshwater resources by Aboriginal people near Penrith. Fragments of freshwater mussel shell were identified as *Velusunio ambiguus* (Kohen 1986:124 in Attenbrow 2003:70).

Land Animals, Birds and Insects

The hinterland of the Cumberland Plain supported diverse animal life. Animals known to have been part of the diet of Aboriginal people in the region include kangaroos, wallabies, possums, wombats, koalas, fruit bats, small mammals and marsupials, birds, and lizards. Dingos, koalas, and wombats are noted in historical accounts as being a food source of hinterland groups (Attenbrow 2003:71). Francis Barrallier recorded Aboriginal hunting practices and dietary preferences during exploration of the region commencing on 5 November 1802 in the vicinity of the Emu Plains on the Nepean River, west of the study area (Barrallier 1803 in Marsh Walsh 1975).

The archaeological record does not support historical accounts of possums being prominent in the diet of Aboriginal people (Attenbrow 2003:74). Burnt bone fragments excavated at Shaws Creek K2 rock shelter north west of the study area show that macropods (kangaroos and wallabies) were an important part of the diet of Aboriginal people of the Nepean River near Penrith. The site provides evidence of bird bone fragments (Kohen 1986: 119, 122-124; Attenbrow 2003: 72-73, 74).



The wetlands made up of seasonal or semi-permanent freshwater swamps and lagoons were important sources of fresh water attracting waterfowl and animals. The gullies, creeks and rivers were a habitat of swamp wallabies, antechinus, eels, fish and yabbies also providing a rich resource for the Darug people of the locality (Comber Consultants May 2008: 8). During exploration of the area in 1789 Watkin Tench recorded 'vast flocks of wild ducks swimming in the stream' (Nepean River) near Penrith, west of the study area (Tench 1793:28 in Fitzhardinge 1961: 154). Barrallier observed that Aboriginal people west of the Nattai River (south west of the study area) practiced the same customs and way of life as those of Sydney, Parramatta, and the Hawkesbury. Their food sources consisted of:

'...different species of kangaroos, opossums, squirrels, wild dogs, river and swamp fish, lizard eggs (which they find in the banks of the rivers at a depth of one foot), large ant eggs, colo or monkey (a species of opossum different from the others), wombat, serpents, lizards with red bellies, and other species...' (Barrallier 1802 in Marsh Walsh 1975: 16).

Plant Foods

It is not known whether all edible or useful plants in the Cumberland Plain, or indeed in the vicinity of the study area, were actually eaten or used by the local clans. Lists compiled from recent research into edible and useful plants in the New South Wales must be used cautiously in the reconstruction of past diets and activities in a specific area (Attenbrow 2003:41). The pre-settlement vegetation of the study area potentially provided a variety of food sources and materials for the Darug. The Grey Box and Red Gum were sources of bark for canoes, shields, and coolamons (containers) while leaves from the Lomandra could have been used for weaving baskets. Eucalyptus flowers rich in nectar and acacia seeds rich in protein, with its bark having medicinal applications, might also have been utilised by Aboriginal people (Low 1989 and Baker *et al* 1986: 136 cited in Comber Consultants May 2008: 8).

Historical records provide evidence of the plant foods utilised by Aboriginal people in the western part of the Cumberland Plain. At Richmond Hill to the north of the study area in 1791 Watkin Tench described the principal food of Aboriginal people as 'animals and some roots (a species of wild yam chiefly) which they dig out of the earth' (Tench 1961: 230). A land-use practice used by Aboriginal people and observed by early colonists was the use of fire, frequently in summer and occasionally in winter. Governor Phillip and Watkin Tench recorded that it was to catch possum and other animals while Governor Hunter recorded that it was used to clear regular tracks and trails, as well as to clear underbrush to dig for edible roots (Hunter 1793 Ch 3; Phillip in Hunter 1793 Ch 20, 21; Tench 1961: 154). Areas of land were still being burnt by Aboriginal people northwest of the study area at Castlereagh on the Nepean River in the 1820s (Attenbrow 2003:42).

2.7. Raw Materials and Trade and Exchange

Aboriginal people utilised stone, wood, bark, resin, ochre and clay that was available within their territory, using them in everyday activities including food procurement, clothing, adornment and shelter. Trade and exchange took place, with objects and resources passing between clans and language groups in exchange for items that were not available in their own territory or of better quality elsewhere. Objects of spiritual or symbolic value were exchanged or given to promote good relations. Sometimes long distances were travelled to procure a material however generally transactions were made through several intermediaries ranging over hundreds of kilometres. By the time traditional Aboriginal trade networks had begun to be recorded those on the Cumberland Plain had all but disappeared. The archaeological record provides evidence of the movement of people and the exchange of materials and valued items in the absence of documentary sources. A survey in 1970 traced a trade route from the Grose River, a source of basalt and chert, to a working floor at Grose Head South where pebbles were broken down into manageable pieces and then transported to living places at Winmalee and other locations. The excavation at Shaws Creek (to the north west) indicates that the bulk of tool-making stone came from the mouth of the Grose River, not from Nepean River gravels (Stockton 2009:45).

2.8. Tools, Weapons and Equipment and their Applications

A range of tools, equipment and weapons were used in daily activities by Aboriginal people to process raw materials and for food collection and carrying. Information about the portable and adaptable items comes from historical accounts and illustrations, objects collected after European settlement, and from archaeological investigations.

Hunting

Stone tools including choppers, steep-edged scrapers and serrated flakes found at Penrith Lakes to the north of the study area 'are among the oldest known signs of certain human presence in Australia'. The artefacts were discovered at the base of gravels laid down more than 40,000 years ago suggesting that Aboriginal people were living and hunting



along the Nepean River (Stockton 2009: 49). Rock shelters at Shaws Creek (K1 and K2) on the western side of the Nepean River provide evidence of diverse stone tool assemblages in the region with a sequence of stone tool technology consistent with other Blue Mountain sites (Stockton 2009: 57). Artefact scatters and axe grinding grooves at Penrith Lakes to the north of the study area are evidence of tool making (Comber Consultants 2008:12-13).

There are few reported accounts of Aboriginal people hunting animals on land on the Cumberland Plain. It is known that the task was predominantly carried out by men, while women and children collected or caught smaller animals and fish. Equipment used for hunting included hunting spears (*kamai*), spear throwers (*womara* and *wiggoon*), axes or hatchets (*mogo*) (Attenbrow 2003: 88). David Collins recorded in *An Account of the English Colony in New South Wales* published in 1798 Aboriginal words used for 'Spears and other Instruments' (Collins (1798) 1975: 509-510). The terms varied from one language group to another and a distinction is made between the design of the spears made by people of the coast and those from the 'wood'. The design of nets for carrying fish also varied. Collins recorded that 'the spear of the wood tribes, *Be-dia-gal*, *Tu-ga-gal*, and *Boo-roo-bir-rong-gal*, were known from being armed with bits of stone, instead of broken-oyster shells' (Collins (1798) 1975:488).

Historical accounts indicate that ground-edged axes were used throughout the Sydney region from the coast to the hinterland. Uses included cutting notches in trees to assist in climbing; widening holes in trees to catch possums; cutting into trees to harvest grubs and honey; and removing bark from trees to manufacture other equipment. Around the time of settlement axes or hatchets were made of a hard stone like flint that was sharpened at one edge and fastened to a stick of about 60cm long by lashing it and securing it with plant gum (Attenbrow 2003:89-90).

There are a few historical accounts of Aboriginal axes and hatchets, their manufacture and use around the Nepean. Dr James C. Cox (1834-1912), a medical practitioner and grandson of William Cox, was born at Mulgoa spending his childhood playing in the surrounding bush. He learnt about native birds and animals from local Aboriginal children with whom he played, starting a lifelong interest in their culture and the stone tools they manufactured and used in daily life. Cox claimed that by 1875 stone tools could no longer be found in Mulgoa (south of the study area) like those found in the 1830s. Cox acquired a collection of hatchets and stone tools from other localities including Baulkham Hills, Kurrajong and the McDonald River which he exhibited to the Linnean Society of New South Wales. Some tools were ploughed-up, while others were dug from shell middens and rock shelters (Cox 1876 (1):21). Cox noted that:

...these hatchets had handles fixed to them by doubling a piece of tough wood round them, the two were then bound together tightly with kangaroo sinews, and the whole plastered with gum of the grass tree. Usually the handle is fixed so that only one end of the stone could be used; but specimens which I have only recently received from the MacDonald River, a tributary of the Hawkesbury, lead me to assume that in some instances the handles (sic) was fixed in the centre of the stone so that both edges could be used (Cox 1876 (1):22-3).

In 1880 James Cox exhibited eight, stone axe heads found during ploughing at Castlereagh on the Nepean Flats. It was suggested that 'they had been deposited in the grave of an aboriginal'. At a later date thirty similar axe heads were found 'under somewhat similar circumstances' on the west side of the Nepean River. Cox described them as 'dioritic' and 'bevilled (sic) to the centre, and not to one side as was sometimes the case in other districts' (Cox 1880 (5): 271-2). In an article in the *Nepean Times* on 18 July 1914 Penrith resident Sara Shand recalled finding several Aboriginal stone axes at *Frogmore*. The property to the east of Bringelly Road and south of the study area was once owned by vigneron Henry Merz and purchased in 1891 by Sara Shand's husband Dr J. Cappie Shand (Vol 143 Fol 105 NSW LRS; *Greville's Post Office Directory* 1872). Circa 1887 Aboriginal woman Nellie Nah Doongh was able to put the location of the axes into context telling Mrs Shand that prior to 'the white man' arriving her home and that of her clan was on Mr Merz's farm (Shand in *Nepean Times* 18 Jul 1914: 3). In the twentieth-century Albie Willett (b.1912) recalled that a number of stone axes were found when ploughing at Woodside, the Willett family farm on Castlereagh Road northwest of the study area (Willett 1997 in Britton & Morris 1999:27).

Traps were used by Aboriginal people for hunting and those seen by David Collins near Richmond Hill in the late eighteenth-century were used to catch both animals and birds. The tapered traps 'constructed of weeds, rushes and brambles' were between 'forty and fifty feet in length' (12 to 15m) and enclosed by a 'small wickered grate'. Earth was built-up on each side of the trap. It was thought that animals were driven into it and then speared when caught in the narrow end. Collins saw a rat in one and the feathers of a quail in another. He noted another type of traps seen near waterholes that consisted of deep holes in the ground covered with grass whereby a bird or small animal would fall in (Collins (1798) 1975:462).



In an expedition west from Parramatta in 1789 Watkin Tench observed various traps used by Aboriginal people near the Nepean River observed what he termed a 'squirrel-trap' and a decoy for catching birds. The squirrel-trap was described as a cavity made in the trunk of a tree. When hunting parties set fire to the surrounding bush (a common custom observed by Tench and others) 'squirrels, opossums, and other animals' would take refuge in the holes from which they were extricated by the hunters. The bird snare seen by Tench was similar to the one described by Collins (Tench 1961:154).

Fishing

Canoes were integral to Aboriginal fishing techniques and those seen on the Hawkesbury-Nepean area were similar to those near the coast which consisted of 'a piece of bark tied at both ends by vines, and the edge of it just above the water' (Tench (1793): 29, 193 in Fitzhardinge 1961:155, 286). In January 1788 William Bradley described canoes at Port Jackson in detail as:

...made of the bark taken off a large Tree of the length they want to make the Canoe, which is gather'd up at each end & secured by a lashing of strong Vine which runs amongst the underbrush, one was secured by small line, they fix spreaders in the inside, the paddles are about 2 feet long in shape like a pudding stirrer, these they use one in each hand & go along very fast setting with their legs under them & their bodies erect ...; from their construction they are apt to leak when any weight is in them, the Man nearest that part of the Canoe (Bradley 1969:68).

Fire was often carried in canoes, 'usually kept on a clay pad', and transported so that it could be used for cooking and warmth when they reached land. Other fishing equipment included spears with single or multiple prongs, sometimes with barbs; fishing lines with hooks; and net bags and traps (Attenbrow 2003: 86, 88). Historical descriptions of these items in other areas cannot be directly linked to those used in the Nepean although it is thought that the items were similar. There were two types of spears used by Aboriginal people for fishing. *Callarr (calara)* were large, four-pronged spears while *mooting (mooting)* were smaller. Colonial observers referred to them as 'fish-gigs' or 'fizz-gigs'. They varied in shaft length (3.7-6 m and sometimes of multiple pieces) with up to four, pointed prongs (about 30cm long), pointed and barbed (shell, fish tooth, animal bone or fish bone). The spear components were lashed together with plant fibre and adhered with plant gum (Attenbrow 2003:87).

It is thought that hollow pieces of timber laid in the river were used to trap eels in the rivers and freshwater lagoons of the hinterland around the Nepean (Attenbrow 2003: 87). In 1798 David Collins observed that Aboriginal people focussed on the trapping of eels in the month of April (Collins 1798 cited in Attenbrow 2003: 87). Evidence of a fish trap on the Nepean River at Castlereagh was reported by Fred McCarthy in 1948 however more recent investigations have not found evidence of the structure (McCarthy 1948 in Attenbrow 2003:102).

Fire and Torches

Fire was central to the lives of Aboriginal people. Generating a flame was an essential skill and lit torches (*boodo*) were carried from place to place providing warmth; for cooking; to burn and clear bushland making travel easier and expose plant foods; as well as a hunting strategy. Watkin Tench among others observed the Aboriginal custom of setting fire to areas of bushland as a hunting technique (Tench 1961:154). Explorers and colonists observed fire being carried in canoes when fishing and travelling. A variety of materials were used to create torches including tea-tree bark, other wood, or reeds (Attenbrow 2003:93). R. H. Mathews, a surveyor and noted anthropologist, observed, and noted some of the methods used by 'bushmen' to light fires. In a demonstration to the Royal Society of New South Wales in 1912 a fungus of a species of *Polyporus* was used as tinder and 'stringy bark for the fire' (Mathews 1912: xviii). As already noted, areas of land were still being burnt at Castlereagh in the 1820s (Attenbrow 2003:42).

European tools, clothes and other goods were given to Aboriginal people and later traded or exchanged for items or information that colonists wanted to acquire. The objects, or materials with which they were manufactured, were utilised, and often cleverly adapted for use in regular activities. Metal tools, such as hatchets, fishing equipment, glass, and pottery in particular soon entered the tool kit of the people of the Cumberland Plain. Broken pottery, glass and other European materials have 'been found in association with surface stone artefact assemblages in the Mulgoa Valley' (south of the study area) (Attenbrow 2003:125).

2.9. Shelter, Clothing, Accessories and Adornment

There are few accounts of the types of traditional shelters, clothing, accessories, and adornments used by Aboriginal people around the Nepean River. An account by William Bradley in 1789 described a blanket or cloak made from skins



found by a party of explorers at an Aboriginal camp in the vicinity of the eastern side of the Nepean River. Bradley described it as:

...a peice (sic), made of the skin of small animals sew'd or laced together, some part was of opossum skin, the rest of some animal the fur much superior; these were curiously carved on the inside, every skin having a different pattern & the whole formed a peice (sic) that was supposed they might use to cover a child with. The needle they used was found; It is a hard peice (sic) of wood much in size and shape of a small bodkin, with which they make holes (it not having an eye) to receive the thread which was found & appears to be the sinewy fibres from the tail of some small animal (Bradley 1969: 167-8).

In 1790 Governor Phillip described a small cloak made of 'opossum and flying squirrel' skins neatly sewn together. The inside face of the skin was 'ornamented in diamonds of curved lines' made by the raising of the skin with a small, sharpened point of a bone. The cloaks were used as a head covering when sleeping or protection from rain. Cloaks made by 'beating the bark of the brown gum tree' were commonly seen (Phillip to Sydney, 13 Feb 1790, *HRA* Vol 1 Ser 1:161). Given the dates of Phillip's observations it is thought they were found in the Hawkesbury-Nepean area (Towle Manuscripts n.d. c.1945 MLMSS 3580). Francis Barrallier's description of cloaks made by mountain Aboriginal people west of the Nattai River in 1802 differed slightly from those seen by Phillip and Bradley (Barrallier 1802 in Marsh Walsh 1975:4).

2.10. Beliefs, Totems, Rituals, Customs and Ceremonies

Traditions

The spiritual and ceremonial life of Aboriginal people of south-eastern Australia was not documented 'from an anthropological perspective' until the late nineteenth-century. By this time many aspects of Aboriginal life and culture had irrevocably changed. Research by the anthropologists R. H. Mathews and A. W. Howitt however shows that the people of south-eastern Australia had similar belief systems, rites and ceremonies. With some variations, information recorded about the Darkinjung, Wiradjuri, Gundungurra and the Yuin people is applicable to the Darug (Attenbrow 2009:116).

Aboriginal people of south-eastern Australia believed in supreme creative beings, totemic creatures, spirits and supernatural beings. They took different forms and names in different areas and were recognised for special powers which they could invoke if traditional laws were broken. Traditionally totems provided Aboriginal people with a link to creation beings and a framework for traditional law. *Karadji* or spiritual leaders played significant roles in performing ceremonies and healing rituals. Spiritual beliefs were celebrated in stories, rituals and ceremonies with some variations between communities. In Darug and Dharawal oral tradition a black bird known as *duwan* is thought to have been a bad omen (Attenbrow 2009:116-117).

Initiation was a rite of passage for young Aboriginal men and women and marked the transition to adulthood. Traditions differed between groups and could include scarification and tooth avulsion for males as shown in Figure 7, and removal of the first joint of the forefinger for women. Studies by David Wilkins and David Nash and Anne Ross reveal linguistic as well as cultural similarities and differences between the Darug and their neighbours north and west of the Hawkesbury River. They point out that members of Phillip's expedition observed that unlike those from the coast, the Aboriginal people to the west of the Hawkesbury did not practice tooth avulsion (Wilkins *et al* 2008: 495, 503). It was however practiced by Hinterland and Mountain Darug (Attenbrow 2009:117). Although only one individual is shown to be missing a front tooth, a portrait of Nepean and Blue Mountains Aboriginal people by Alphonse Pellion in 1819 in Figure 5 shows a Hinterland Darug man whose missing front tooth might have been due to the cultural practice.



Figure 5: Portraits of Blue Mountains Aboriginal people drawn by Alphonse Pellion in 1819. The portraits include two Nepean Aboriginal people at the top, the person on the right hand side has a missing front tooth. Portraits below include Aurang-Jack 'chief of Spring-wood' and his two wives (Blue Mountains City Library reproduced in Stockton 2009: 69)

Ceremonies took place in specially selected sites and the reminiscences of an early nineteenth-century colonist recalled one held near Penrith. The site described was a grassy area accessed through a wattle scrub 'not far from ...a creek mostly composed of chains of water holes ...in the dry weather' (*Nepean Times* 28 Jan 1899:2) the description goes on as follows:

Paths were made in all directions through scrub, traps and snares as used by the black for capturing birds, fish and other animals, were laid and set along these paths, interspersed with weapons of all kinds, such as boomerangs, nulla nullas, spears, womerahs, paddy-melon sticks etc. Figures of animals were rudely cut in the turf, and different devices carved on the larger trees around. The young men who were supposed to have reached their majority were taken by the older ones and led along the paths, and had explained to them, how the traps were set and used, and were presented with a weapon each. They were then taken before the chief of the tribe, who, with a sharp chisel shaped stone knocked out the two front top teeth of each. The pain must be born without flinching, or the young darkie was not admitted into manhood's privileges, one of which was to steal a wife from a neighbouring tribe, as he liked. The young men were then conducted to the gilgai, and put through a series of immersions and duckings, and their skill in swimming and diving tested. The Boro ceremony was the initiating of the young male aboriginals into the estate of manhood, or as it may be termed, into their majority. Although the Boro ceremony was, like somewhat similar ones among the savage tribes of America, rather painful, yet it tested the young men's endurance, and so was supposed to fit them for the hardships of their life, and no doubt the natives of this country had a rather hard time of it.

Detailed 'firsthand' descriptions of initiation ceremonies linked to the study area have not been located and it is likely that increasingly sensitive ceremonies were closely guarded by the Darug and Gundungarra. R. H. Mathews and M. M. Everitt recorded personal accounts by the Gundungarra of their traditional organisation, language and initiation practices. The Gundungarra were neighbours of the Darug to the south and 'chief men of neighbouring tribes' were sometimes 'consulted' as well as invited to include their young men in initiation ceremonies (Mathews *et al* 1900 34:262-281).

There are no historical accounts of the ceremonies associated with the burial of Hinterland Darug. Dependent upon their age and status coastal Darug were observed to have 'simple extended burials or cremation then burial; personal possessions were often buried with them' (Attenbrow 2009:118; Collins (1798) 1975: 499-505). Few Aboriginal burials have been found in the hinterland areas of the Sydney region however Jim Kohen suggests that there are two, intact

burial mounds adjacent to the Nepean River at Penrith (Kohen 1986: 117). In 1880 stone axe heads found by James Cox at Castlereagh on the Nepean Flats (already discussed in Section 2.8 above) were said to have occurred in association with the grave of an Aboriginal person. Axe heads were later found 'under somewhat similar circumstances' on the west side of the Nepean River. Carved trees, associated with burials, and ceremonial bora grounds have not been found in Darug country (Attenbrow 2009:117).

2.11. Marriage, Clan Membership, Status and Alliances

Historical records suggest that marriages between members of the same clan or totemic affiliation in the Sydney region were not allowed. Men could have more than one wife and early accounts indicate that both men and women had more than one partner during their lifetime. At times couples lived with the woman's or the man's family. Clan and totemic links were retained when women moved to their husband's country (Attenbrow 2009:119).

Clan affiliations are an important factor in social organisation in Aboriginal groups of the New South Wales south and central coasts, as well as the Darug. Darug clan membership is through patrilineal descent and children inherit their father's totem. Individuals had personal totems with other associations such as where they were conceived or born. These totems were generally a plant or animal which the individual was not permitted to kill or eat (Attenbrow 2009: 119).

2.12. Artistic Cultural Practices

Rock art is only one of a number of artistic cultural activities practiced by Aboriginal people. Art played an important role in spiritual life and evidence of a meaningful and enduring connection to the landscape. Forms of rock art include engraving or the application of pigment. In the Sydney region it is a simple figurative style generally consisting of a 'realistic representation in outline'. Subjects can be human figures and vertebrate animals and the depiction of human or animal tracks is common (Kelleher 2009:74).

A sandstone outcrop at Shaw's Creek on the western side of the Nepean River (northwest of the study area) shows an engraving of kangaroos and track marks (see Figure 6 below). The rock face also displays a dozen axe-grinding grooves. An engraving of a dog at the site is a non-Aboriginal addition to the rock face. The site at the foot of the Hawkesbury Lookout on the eastern escarpment overlooks the Yellomundee Regional Park. A rock shelter located near the engravings provides archaeological evidence of Aboriginal occupation including stone tools (Kelleher 2009:73, 75). Although accessible via river crossing points, it is not known if the Darug clans on the eastern side of the Nepean River used or had access to Shaw's Creek art site and rock shelter.

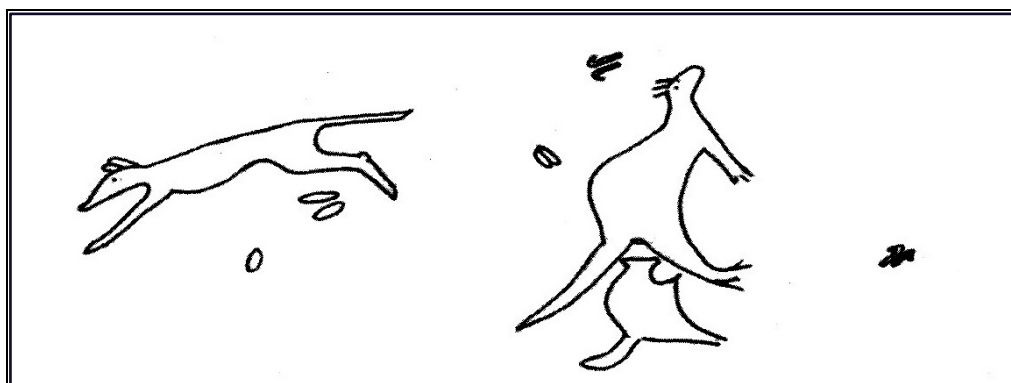


Figure 6: Rock engraving at Shaw's Creek depicting kangaroos and tracks. The dog on the left is thought to be a later, non-Aboriginal engraving (Kelleher 2009: 75).

As already discussed in Section 2.9, artistic works also occurred on a smaller scale including the application of decorative patterns to animal skins and other adornments. Historical records indicate that small, pointed bones were used to incise patterns on skin cloaks such as one found along the Hawkesbury-Nepean River (Attenbrow 2003: 92).



2.13. European Exploration, Contact and Occupation

The first European colonists to reach the Nepean River near Penrith were a party led by Captain Watkin Tench which reached the area on 27 June 1789. They found themselves:

...on the banks of a river, nearly as broad as the Thames at Putney, and apparently of great depth, the current running very slowly in a northerly direction. Vast flocks of ducks were swimming in the stream (Tench 1961:154).

The party proceeded slowly along the river through reeds and undergrowth and over 'coarse sandy ground which Tench observed had recently been flooded to a depth of at least forty feet (12.2m) above the present depth of the watercourse (Tench 1961: 154). Although they did not see or make contact with the Darug there was evidence of their habitation in the locality:

Traces of the natives appeared at every step, sometimes in their hunting-huts, which consist of nothing more than a large piece of bark, bent in the middle, and open at both ends, exactly resembling two cards, set up to form an acute angle; sometimes on marks on trees which they had climbed; or in squirrel-traps; or, which surprised us more, from being new, in decoys for the purpose of ensnaring birds... We also met with two old, damaged canoes hauled up on the beach, which differed in no wise from those found on the sea coast (Tench 1961:154).

On reporting their discovery of the river, the Governor named it the 'Nepean' (after Sir Evan Nepean, Colonial Administrator) and declared it as forming the western extent of the colony. The area was further explored in December that year. After crossing the ford at the Nepean River, a laborious attempt was made to investigate the Carmarthen Hills as they had then been renamed (Tench 1961:158).

Within two miles of Richmond Hill Tench and his party replied to a 'native call'. Communicating across the river a Darug man introduced himself as 'Dee-dò-ra' and appeared to know Gombeeree who accompanied the expedition. Deedora offered the explorers a throwing stick and two spears, and in return he was given beef and bread. Deedora paddled his canoe up the river, accompanying them to Richmond Hill at which point he offered assistance to use the canoe to cross the river. A group of Darug on the other side of the river were alerted and one named 'Mo-rùn-ga' and his companions generously and patiently assisted with the crossing and safe transport of clothes, arms and supplies (Tench 1969: 235-6). With interest in the visitor's exploration, Deedora accompanied Tench up Richmond Hill where a hawk was shot. A hatchet was lent to Deedora to climb a tree to retrieve the bird. The next day the hatchet was given to Deedora in appreciation for his help and as a token of respect (Tench 1961:236-7).

Governor King approved the establishment of a settlement to the south of the Hawkesbury and on the eastern bank of the Nepean River and in 1803 surveyors Charles Grimes and James Meehan were instructed to survey the area (Fox & Associates 1991 (1):17). Darug communities centred around the Nepean River no doubt already knew of, or had indirectly experienced some of the adverse effects of colonisation through communications with Parramatta clans. The extension of the settlement to the Nepean brought Aboriginal people swiftly, and for some catastrophically, into contact of colonists. Some clans dispersed to neighbouring areas, others attempted to establish friendly relations, while others actively resisted the incursions into their territory. Unfortunately, historical records document little about the movements of Aboriginal people around the Nepean in the vicinity of the study area at the time of settlement or in the subsequent decade.

Castlereagh to the north of the study area was the earliest township established in 1810 by Governor Macquarie as an administrative centre for the Evan or Nepean District. In 1825 the southernmost part of the Evan District was renamed the Parish of Mulgoa. Administrative outposts closer to the study area included Penrith on the east side of the Nepean River and Emu Plains on the west bank. In 1815 a police office, lock-up and depot were built on the Western Road at Penrith adjacent to a grant made to John McHenry and the north of John Best's Hornsey Wood in which the study area is located. By 1817 a courthouse was incorporated into the police station (Surveyor's Sketch Book 6 Folio 10, SARNSW; Stacker 2014: 17). A Government Agricultural Farm was established in 1819 at Emu Plains on the west side of the Nepean opposite Penrith. The township of Emu (later Emu Plains) was established in 1832 (HRA Ser I Vol VII: 398; Fox & Associates 1991 (1): 21, 40). The establishment of outposts provided the infrastructure and framework for further development. They created and entrenched physical and cultural barriers in the Nepean, limiting the traditional owners' access to resources, cultural sites, and pathways, as well as disrupting their way-of-life.



Aboriginal pathways were often adopted by European settlers and it is likely that 'The Ford' referred to in historical documents was used traditionally by the Darug to cross the Nepean. A hut built at The Ford by 1805, made it difficult for Aboriginal people to pass without notice or unhindered (*HRA Ser I Vol V: 579*). Clearing of the banks of the Nepean River also had ramifications for the continued viability of traditional food sources as well as exacerbating the effects of flooding along the Hawkesbury and Nepean Rivers.

Historical records show the names of some of the Darug clans living in the region surrounding the study area several decades after settlement. Aboriginal Returns made from 1826 show a clan in this locality given the European name the 'Nepean Tribe'. In 1826 the 'Mulgoa Tribe' was recorded as living to the south in the Bringelly District, and the 'Richmond Tribe' to the north. Subsequent Returns at Penrith (and also at Windsor) record a clan known as the 'South Creek Tribe'. South Creek formed the eastern boundary of the Evan District and is likely to have included Aboriginal clans with traditional ties to the Penrith area (including what is now Kingswood), if not to Richmond and Windsor to the north and Mulgoa to the south. The Returns provide evidence of disruption imposed on Aboriginal people leading to dispersal and resettlement in different areas.

From the time of settlement Aboriginal clans from Mulgoa, Richmond and South Creek appear in Penrith District records, either maintaining shared access rights or due to enforced resettlement. Some clans from the immediate area of settlements congregated on the properties of 'people sympathetic to their situation'. Groups of Aboriginal people spent time on William Cox's estate at Mulgoa to the south of Penrith. Circa 1835 the 'South Creek Tribe' camped on Charles Marsden's property, Mamre, near the junction of South Creek and Eastern Creek to the south-west of the study area (Backhouse 1835 in Mackaness 1965: 200; Kohen 1993: 68 citing Kohen 1985: n.p. Original source not stated).

Reminiscences of life in Penrith indicate that Aboriginal people maintained a presence in the area up to the late nineteenth-century (*Nepean Times* 20 Jun 1914, 8). Gatherings of Aboriginal people described as corroborees were held in the 1930s? near the Emu Ferry Inn and Wilson's Flat near the river. Aboriginal people well-known to the European community included Woolloboi, 'Nellie' and 'Black Stevey.' A man named Stevey was recalled in the memoirs of Granny (Betsy Anne) Cochrane as an Aboriginal man of the district. When he died, many people were said to have attended 'the burial in the church yard' (Menz 2006: 17). Stevey is thought to be 'Black Stephen,' an Aboriginal man whose death was registered in 1861 at Penrith (Reg No 4476 NSW BDM). Woolloboi was employed by Constable Robert Frost as a tracker (*Nepean Times* 23 May 1914, 8; *Nepean Times* 20 Jun 1914 8). Nellie is thought to be the Nellie Na Doongh in Sara Shand's recollections of the late nineteenth-century. A more detailed biography of Nellie Na Doongh is included in Section 2.18 of this history.

2.14. Occupation and Land Use in the Study Area

From 1804 portions of land ranging from 28 to 200 acres (11.33 ha to 80.94 ha) in the District of Evan (Parishes of Mulgoa and Castlereagh) in the vicinity of the study area were granted to settlers for grazing and cultivation (Campbell 1932: 260). The settlements of Penrith provided an administrative and commercial outpost between the town of Parramatta and the Nepean River. The geology of the landscape influenced European land selection and use. The alluvial soils closer to the Nepean River were found to be fertile and farming included grazing and the cultivation of grains, fruit, and vegetables.

The study area is part of 470 acres (190.2 ha) granted to former convict John Best on 24 January 1817 (Grant Ser 6 p112 NSW LRS). Development of farms involved the gradual clearing of native vegetation and adaptation of watercourses for agriculture or grazing. These activities restricted if not prevented Aboriginal people's access to traditional resources and pathways used for countless generations. John Best established himself at Hornsey Wood, living there with his wife and adopted daughter. In 1828 he was reported to have cleared 30 acres (12.14 ha) and grazed three horses and 20 cattle. Best employed two former convicts and a ticket of leave convict (1828 Census; Murray & White 1988: 216).

Former convict John Tindale (or Tindall) purchased the Hornsey Wood in 1828 and is thought to have farmed it in conjunction with other land leased in the district (Memorial 18 Nov 1825, Col Sec's Papers SARNSW). Two areas of Hornsey Wood on the 'Western Road' (later named High Street, Penrith) outside the study area were leased by Tindale for the establishment of a church and for the Rose Inn (*Syd Gaz* 17 Dec 1827: 4; NSW LRS).

A survey dated before June 1852 and shown in Figure 7 provides a brief record of natural and human-made features of the area including Chapman's Lagoon and a gully leading to the Nepean River to the north, a ridge to the east of Mulgoa Road, as well as boundaries of landholdings and built structures.

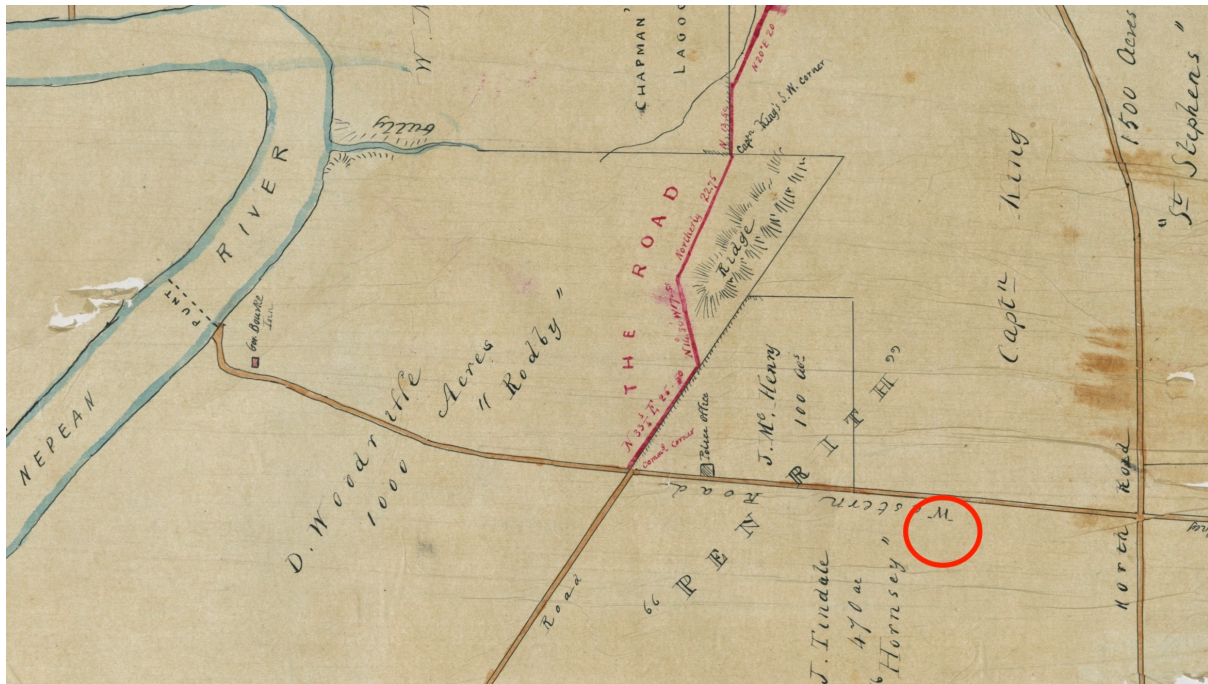


Figure 7: A survey dated before June 1852 provides a record of the landscape and waterways as well as, landholdings and the Police Office in existence at this time. The approximate location of the study area is circled (Surveyor's Sketch Book 6 Folio 10, SARNSW)

2.15. Contact, Negotiation and Aboriginal Resistance

The colony of New South Wales grew rapidly during the 1790s and the land surrounding Parramatta and other settlements no longer provided a 'viable subsistence base' for the traditional custodians, forcing increasing reliance on settlements and settlers for food and other resources. Some Aboriginal people maintained peaceful associations with colonists providing opportunities for the latter to learn about Aboriginal culture and the environment. Rites and ceremonies continued to be held outside of settlements and although some 'events' were observed by colonists, their significance was generally concealed (Attenbrow 2003:15). Despite reports of good relations in some localities, there are numerous accounts of conflict between settlers and Aboriginal people on the Cumberland Plain in the nineteenth century. As the subject of this report is the approximate area between Penrith and Kingswood this history will focus on events that had an impact on Aboriginal communities in the locality while placing it in the context of colonial events generally.

A significant cause of conflict in the Hawkesbury-Nepean area was competition for food resources and restricted access to areas where they were found. Intensive cultivation of the rich floodplain in the Hawkesbury led to the destruction of yam beds and sparked conflict between Europeans and Aboriginal people. Limited access to traditional food sources undoubtedly drew people's attention to corn crops. It was also a source of conflict in other districts along the Nepean River. Settlers were unsympathetic to the plight of Aboriginal people, reacting with force and cruelty due to the high value of the crops resulting from food shortages in the colony (Thomas Fyshe Palmer 13 Jun 1795, ML CY 3570 MSS 948).

In 1795 a detachment of the New South Wales Corps was posted to the Hawkesbury to police the area (Kohen 1985: n.p. (14-15)). In 1802 trouble was reported in the vicinity of Toongabbie and Parramatta (east of the study area) with the 'active, daring leader' and Darug warrior Pemulwuy named as the instigator in attacks on settlers (HRA Ser I Vol III: 582). Pemulwuy is thought to be from the Botany Bay area, north of the Georges River although other records suggest that he was Bediagal or from the 'woods tribe' (Kohen 2005: 318-9). The fatal spearing of Governor Phillip's gamekeeper, John McIntyre (a man known for his cruelty to Aboriginal people) by *Pemulwuy* (c.1750-1802), was the catalyst for the 'first (but unsuccessful) punitive expedition' against Aboriginal communities on the Cumberland Plain (Attenbrow 2003: 14). This was by no means *Pemulwuy's* last act of retaliation against the invaders. With the support of other members of his community he courageously waged armed warfare against the intruders whose settlements were spreading across the Sydney basin (Kohen 2005:318-9).

Tensions between Aboriginal people and colonists at the Nepean escalated in 1814 with an attack at Mulgoa and Bringelly. The *Sydney Gazette* on 7 May 1814 reported that in the previous month the 'mountain natives' had 'become



troublesome' at Mulgoa attacking Mr Cox's men who retaliated by shooting at the Aboriginal people with muskets (*Sydney Gazette* 7 May 1814: 2). A letter from Cox to Macquarie reported that a stock keeper, 'Old Reardon' had been fatally attacked, and three cattle speared (Col Sec Reel 6044 4/1729: 45-48). An overseer was speared, and food and supplies stolen at Shancomore near Bringelly to the south. Similar to other districts, attacks at the Nepean were not just in retaliation for the appropriation of Aboriginal land but to maintain access to food (*Sydney Gazette* 7 May 1814: 2). Absence in historical records of conflict between Aboriginal people and colonists in the late eighteenth and early nineteenth-century in the immediate vicinity of the study area does not mean that it did not occur and, depending on the scale, it might have gone unreported.

In 1814 Governor Macquarie invited Aboriginal communities to a 'conference' at Parramatta with the aim of ameliorating tensions between them and the colonists, as well to convince Aboriginal people to enrol their children in an Aboriginal school established in 1814. The first was held on 28 December 1814 and subsequent yearly conferences and 'feasts' attracted local and regional Aboriginal communities including those from the Nepean, most of whom camped in the vicinity of Parramatta.

At the conference Aboriginal people were divided into 'District Tribes' based on their place of usual 'resort' and 'Tribes' would elect a 'Chief' who the Governor would 'distinguish with an 'honorary Badge'. The nominated Chief was responsible for dispute resolutions within the 'tribe' and accountable to the Governor for their conduct. The conference was seen as an opportunity for Aboriginal people wishing to become settlers to be considered for a land grant, and for parents of children attending the Aboriginal school to see their progress (ML Manuscripts ADD 340, 27 Dec 1814 cited in Brooks & Kohen 1991: 65-6).

Due to the renaming of Aboriginal communities by European names or districts, it cannot be assumed that names used after 1814 represent traditional clan or language group affiliations. Given the impact of dispossession, dislocation, and dispersal it is also likely that new family groups or mixed communities were formed, with groups taking up residence in pockets of bushland on the outskirts of settlements (Comber Consultants 2010: 17). Forced movement of people resulted in the loss of some aspects of Aboriginal culture and the emergence of new groups incorporating people from diverse areas. Reorganisation however ensured the continuation of significant and valued core cultural practices and knowledge in Aboriginal communities.

By 1814 it was increasingly difficult for Aboriginal people of the Cumberland Plain to catch or procure food using traditional methods. Food-gathering patterns were altered by opportunities offered by Europeans to barter spirits, tobacco and European foods, for fish (Barratt 1981: 71-2). A report in the *Sydney Gazette* published in 1814 after the Aboriginal Conference at Parramatta outlined the problems facing Aboriginal communities who tried to maintain a traditional way-of-life in the face of rapidly expanding settlements:

*... when the weather is cold, the woods afford them little or no food, and they become a prey to many loathsome diseases which poverty entails upon the human frame. The kangaroo has almost disappeared about the Settlements; the opossum, long substituted as their chief dependence, has at length become as scarce; the roots of the earth are by nature too sparingly administered to constitute anything like a dependence to them; and the tribes of each district dare not incroach (sic) upon any other, In the summer those of the coast subsist by fishing; but in the winter, only for the occasional aid they derive from us, their situation would be equally miserable: - And whence have those evils originated, but in the clearing of the immense forests which formerly abounded in the wild animals they lived upon? This admission certainly gives them a claim upon the consideration of the British Settler; and we cannot imagine for a moment, that any one who bears that character will withhold any means that may fall within his power of forwarding the benevolent views of the Native Institution (*Sydney Gazette* 31 Dec 1814: 2).*

The 1816 Aboriginal conference was attended by 179 Aboriginal men, women, and children (HRA Series 1 Vol 9: 342). Incentives in the form of clothing, a blanket and a week's provisions were given to Aboriginal Guides and 'Friendly Natives', as well as to some of their wives (Memo 20 Nov 1816 ML SLNSW DLADD 85 Digitised). At the 1816 conference Mary-Mary was appointed as the 'Chief of the Mulgoa Tribe' and invested with a badge or plate, similar to those given to Colebee, Charley Mulgrave and Pulpin (sp?). A small plate was given to Mulgowy Joe who served as a guide and shown support to colonists. Macquarie promised Mary-Mary, Mulgowy Joe and another man Charley Mulgrave small farms between Mulgoa and South Creek. In an arrangement with Macquarie, Mary-Mary agreed to enrol his daughter Judith in the Parramatta Native Institution (Memo 20 Nov 1816 ML SLNSW DLADD 85).



The establishment of a school for the education and training of Aboriginal children was central to Governor Lachlan Macquarie's assimilation policy instituted in 1814. The school was proposed by William Shelley (1774-1815), a trader and former missionary in Parramatta (Brook & Kohen 1991: 54-5). He claimed to have spoken to a 'number of tribes and individuals' who showed interest in their children attending school and on 20 August 1814 Macquarie instructed that a proposal be drawn up. Shelley began teaching four Aboriginal children to read and write from his home in Parramatta and by December of that year rules and regulations for an institution were gazetted. The live-in school catered for six boys and six girls for a two-year trial period. Reading and writing, as well as domestic, trade and agricultural skills were taught within a general framework of Christian morals and values of the era (Brook & Kohen 1991: 57; Col Sec SARNSW Reel 6038 Frames 0295-0297).

A number of children from Mulgoa and South Creek (south and east of the study area) were enrolled at the school during its years of operation between 10 January 1814 and 28 December 1820. Thirty-seven students in total attended the school during this period. Darug students from the district around the study area included Billy aged 12 from South Creek and enrolled on 10 January 1815, 13-year-old Judith from Mulgoa who was enrolled on the 28 December 1816, and Jenny Mulgaway aged seven from Mulgoa who was enrolled on the 1 January 1818 (Brook & Kohen 1991: 89).

After the 1818 Conference attended by 284 Aboriginal people, Macquarie requested permission to issue additional clothing due to the 'suffering' of Aboriginal people in cold weather. He called for a total of '350 suits of Coarse Cloth' to be sent out annually. According to estimates, supplies were to include clothes for 200 men consisting of a:

...Frock or loose Jacket, a pair of Pantaloon or Trowsers (sic), and a Common Leather Cap for the Head; for about 100 Women, a Jacket and Petticoat; and for 50 children a long Frock or Shirt (HRA Series 1 Vol 10: 95).

Blankets and rations were distributed at the Parramatta conference and at other times in settlements such as Penrith, Sydney, and Windsor. Except for in 1815, conferences were held annually from 1814 until 1835, at times attracting Aboriginal people from up to 100 miles (160 kms) away (Turbet 1989: 12; HRA I/10: 95). In 1821 a record number of some 340 Aboriginal people attended the Conference to farewell Macquarie (Kass *et al* 1996: 81).

2.16. Conflict between Settlers and Aboriginal people, and Punitive Military Expeditions

Conflict between colonists and Aboriginal people continued against the background of Governor Macquarie's attempts to foster a good relationship with Aboriginal communities between 1810 and 1821. Outbreaks of hostility in 1816 led to new and tighter restrictions on the movement of Aboriginal communities in and around settlements. Attacks on settlers were reported at the Nepean, Grose Valley, Hawkesbury, and South Creek, leading to restrictions in these locations and on Aboriginal communities in the settled districts between Sydney and Parramatta. Despite earlier expressions of sympathy with the predicament of Aboriginal people, Governor Macquarie mobilised three military detachments to 'drive away ... hostile Tribes from the British Settlements' (*Sydney Gazette* 11 May 1816: 1; HRA Ser I Vol 9: 139-145, 365; Brook & Kohen 1991: 21, 23, 32).

In correspondence to Lord Bathurst on 10 April 1816 Macquarie ordered,

...Three Detachments of the 46th Regiment under the several commands of Captains Schaw and Wallis, and Lieutenant Dawe of that Corp, to proceed to those Districts most infested and Annoyed by them on the Banks and in the neighbourhood of the rivers, Nepean, Hawkesbury and Grose, giving them instructions to make as many Prisoners as possible... (Macquarie to Bathurst 8 Jun 1816 HRA Ser I Vol 9: 139).

Instructions to Captain Schaw on 9 June 1816 outlined the rationale for the expedition and that the troops assisted by four Aboriginal guides would search districts starting on the western side of the Hawkesbury at 'Kurry-Jong Brush'. Aboriginal people that were found 'either in Bodies or singly' were to be ordered by the guides to surrender as prisoners of war. Those that refused, resisted, or ran away were to be fired on in an attempt to compel them to surrender. Weapons of any captives were to be destroyed. In a callous move, adults who were killed were to,

... be hanged up on trees in conspicuous situations, to strike the survivors with the greater terror. – On all occasions of your being obliged to have recourse to offensive or coercive measures, you will use every possible precaution to save the lives of the Native Women and Children but taking as many of them as you can Prisoners (Col Sec Letters, Reel 6045 4/1734 149-168).



Details beyond these instructions were left to Captain Schaw. Aboriginal guides 'Wm Popum', Creek Jemmy (Nurrangy), Bidgee Bidgee and Harry accompanied Schaw's party, with the first two joining the Detachment at Windsor (Col Sec Letters Reel 6045 4/1734 149-168). Boodbury and Bundell accompanied Captain James Wallis' detachment to Appin and Airds; while Tindall accompanied Lieutenant Charles Dawe's detachment to the Cowpastures (Col Sec Reel 6065 4/1798: 44-47; Reel 6045 4/1735: 7-13). This expedition ended with the indiscriminate massacre of 14 Aboriginal people of the Dharawal nation at a camp at Appin near the banks of the Cataract River.

A proclamation on the 4 May 1816, Macquarie attempted to justify the extreme actions declaring that he was 'reluctantly compelled to resort to coercive and strong Measures' and punish Aboriginal people deemed as perpetrators that were 'found and apprehended' (Macquarie to Bathurst 8 Jun 1816 *HRA Ser I Vol 9*: 142).

The size of groups in which Aboriginal people could travel in or near settlements and farms was limited, as were places that could be visited, or the weapons carried. Large assemblies and 'fighting' were also banned. It became difficult for people to continue cultural practices in large groups or enforce traditional laws through combat. As a 'Counterbalance for the Restriction,' Macquarie offered land and supplies to Aboriginal people who became settlers (Macquarie to Bathurst 8 Jun 1816 *HRA Ser I Vol 9*: 142-3).

Schaw's detachment travelled through the area to the north of Penrith including the settlements of Parramatta and Windsor. They marched to Lieutenant Bell's Farm at North Richmond then moved to the Grose River and 'through the second ridge of Mountains and Kurry Gong Brush', discovering tracks and a recently abandoned camp. The tracks were lost in the deep ravines and the detachment proceeded to Singleton's Mill (east of Windsor). An extract from Schaw's journal indicates that the detachment focused on the Hawkesbury region to the north of the study area. They came as close as the Grose River to the north, on the west bank of the Nepean River (Journal of Detachment SARNSW Reel 6045 4/1735:35-36).

Few Aboriginal people were found in the 23 days of patrols, except in the Airds District (Campbelltown). On the 17 April Wallis' party ambushed an Aboriginal encampment where they met with 'some resistance' (Macquarie to Bathurst 8 Jun 1816 *HRA Ser I Vol 9*: 139-140; *Sydney Gazette* 11 May 1816: 2). Fourteen Aboriginal people were killed and five taken prisoner (two women and three children). On the 12 April Lieutenant Dawe, whose detachment were patrolling the Cowpastures area, reported 'nearly' surprising a small encampment. They reported that they had 'mortally wounded' two Aboriginal people who had 'taken flight' and took a 14-year-old boy prisoner (*Sydney Gazette* 11 May 1816: 2).

Despite the conflict Macquarie continued to hope that Aboriginal people would become settlers or work for settlers. In reports to Lord Bathurst, he took full responsibility for the actions of the Detachments, holding the view that by bringing 'in some of the most troublesome of the Natives who have promised to cease from their Hostility', and 'the examples, which have been made' would bring order to the colony (Macquarie to Bathurst 8 Jun 1816 *HRA Ser I Vol 9*: 139-140).

Hostilities did not stop completely and in August 1816 a shepherd and his flock of sheep at Mulgoa were speared and killed by Aboriginal people (*Sydney Gazette* 31 Aug 1816: 2). Unlike earlier attacks along the Nepean reported in the *Sydney Gazette* in 1814, the method and intensity of the attack was evidence that tensions remained high. Despite the attack at Mulgoa, on 1 November 1816 a proclamation declared that from 8 November 'all hostile operations, military or other against the said Native Tribes' were to cease. Most of the ten Aboriginal 'outlaws' had been killed or apprehended. Those still at large were offered a pardon and 'Protection of the British Government' if they surrendered by 28 December 1816 (*Sydney Gazette* 1 November 1816). In April 1817 Macquarie reported that the colony was again peaceful, and that Aboriginal people Conferences were central to the improved state of affairs (*HRA Series 1 Vol 9*: 342, 366).

2.17. Continuity and Change

Movement, Settlement and Resource Procurement

Some Aboriginal people quickly adopted the European way-of-life promoted by Lachlan Macquarie. Nurrangy of the South Creek Tribe (also known as Creek Jemmy) and Colebee were jointly granted 30 acres (12.14 ha) of land on South Creek in 1816 as a reward for their 'fidelity to the Government and their recent good conduct'. In 1819 they selected land along the Richmond Road adjacent to Bell's Creek and a 'log house' was built for Nurrangy in December of that year (Kohen 1985: n.p. (19); Macquarie Diary 25 May 1816; Col Sec Reel 6020 2/8130: 303-4). The Darug name of the



location is 'Boongarrunbee' however the informal name 'Black Town' was adopted as the name of the district (Kohen 1985: n.p. (19)). Two women from the Native Institution and a number of Aboriginal families were also granted land. The Native Institution moved to the area in 1823 until its closure in 1833. The doubtful quality of the land and lack of adequate advice is thought to have contributed to the failure of the Aboriginal settlement (Kohen 1985: n.p. (19-20)). By the late 1820s some Aboriginal people were no longer able to maintain a traditional existence and worked on farms such as that of William Cox. Others moved to neighbouring areas away from European settlements where they continued, albeit for a short while, to live with less interference from colonists. Commissioner Bigge's inquiry into the colony commented briefly on Aboriginal people. He observed that since 1816 there was less conflict with settlers. Small groups occasionally visited towns or travelled to the coast to fish and some,

... resort to the farms of some of the settlers on the banks of the Nepean, and are sometimes induced to take part in the labours of the farm, or to cultivate a portion of land in maize for themselves. They are not incapable of labour, but they dislike any continued occupation that binds them to the same spot. A very few of them have settled upon portions of land that Governor Macquarie has granted them; and one black native has been made a constable in the district of Windsor, and discharges his duty with fidelity and intelligence (Bigge 1823: 83).

Bigge observed a reduction in the number of Aboriginal people in and around of 'the settled districts' concluding that it was due to restriction of the territory to which they now had access (Bigge 1823: 83).

In 1826 an anonymous correspondent (possibly one of the Cox family) reported the use of Aboriginal labour to harvest crops, praising their efficiency, pointing out how he 'compensated' them in comparison to his neighbours.

...the tribe of Mulgoa reaped upwards of thirty acres of wheat for me within the last fourteen days; the work was as well executed as if performed by my best English labourers. (They are) are willing to work, if well fed; but the generality of settlers, I regret to say, think those unfortunate people sufficiently remunerated for their day's labour by a gift of a small piece of tobacco and a drink of sour milk. I gave them and their wives three good meals a day, and a moderate quantity of weak rum punch (or what they call bull) in the afternoon. They went to their camp at sun-down, in high spirits, and were amongst the first in the wheat-field in the mornings (Sydney Gazette 23 Dec 1826:3).

Missionary James Backhouse met Aboriginal guides, Johnny and Simeon, both from South Creek, in 1835 making the observation that Aboriginal people often assisted in agricultural labour in the area. Johnny's wife, a woman of Aboriginal descent, was educated at the Native Institution at Parramatta. Simeon, who guided them to Penrith, reported that his wife was killed by 'Wild Natives' two years before (Backhouse 1835 in Mackaness 1965: 199-200). Sydney churches took an interest in Aboriginal people and perceived them to be 'in need of salvation'. Between 1820 and 1832 Catholic priests, Fathers Therry and Power baptised 45 Aboriginal people at St Mary's Cathedral in Sydney. Sydney clans were among participants as were Aboriginal people from the South Creek and Cowpastures 'Tribes' east and south of the study area respectively (Barani Website 28/2/2010).

The reminiscences of John Tobias Ryan of Emu Hall on the Nepean include references to Europeans and Aboriginal people associating through employment and at sporting events around the Hawkesbury Nepean area. Relations ranged from confrontational to friendly camaraderie. Ryan's account of a day at Windsor Races in August 1833 (the Hawkesbury Races held at Killarney near Windsor) illustrates both scenarios. The account of Mulgoa Joe, 'the chief of the tribe', of a fight between a drunken soldier and an Aborigine contrasts with stockmen and Aboriginal guides sharing food and entertainment while driving stock to 'Yarra Monday's' Lagoon (Yarramundi) and Penrith (Ryan 1894: 117-118). James 'Toby' Ryan (1818-1899), a butcher, pastoralist, politician and sportsman was born at Birds Eye Corner on the Nepean, brought near South Creek and later settled at Emu Plains. He was known for his outspoken manner, and the 'eccentric prose' of the memoirs is 'reminiscent of his parliamentary speeches' (Andrews 1976: 78-9). A degree of historical and artistic licence is evident in Ryan's memoirs.

Charles Darwin, the noted naturalist wrote briefly about the Aboriginal people of the western Cumberland Plain before his journey over Blue Mountains to Bathurst in 1836. He made observations of people he met near the Emu Ferry Inn on the Nepean River and noted a group of approximately twenty Aboriginal people who passed by at sunset carrying spears and other weapons. All were 'partly clothed' and several spoke a little English. Darwin's interactions with the group assured him that they were not 'degraded beings as they are usually represented', but good-humoured, pleasant and intelligent. He admired their spear-throwing and hunting skills as well as the ability to maintain their traditions in the face of colonisation. Darwin met few Aboriginal people living a traditional lifestyle with most being 'brought-up' in settlements. As shown in other evidence, European diseases, high infant mortality, the extinction of native animals and



the introduction of alcohol were cited by Darwin as contributing to the decrease in the Aboriginal population (Darwin 1836 in Mackaness 1965: 229-30).

Despite significant modifications to their lifestyles and difficulty in openly practicing cultural traditions without interference, throughout the nineteenth-century, Aboriginal people continued to assemble for 'corroborees'. Meetings of families and clans took place at intervals and were recorded in the oral histories of European residents of the Penrith District. Betsy Ann 'Granny' Cochrane née Haynes (1843-1925) recalled her surprise as a young girl when meeting a group of Aboriginal people on her first day in Penrith (c. late 1850s). There were at least one hundred people – men, women, and children - who had come from all parts of the district to have a 'corroboree' near the corner of Station Street, Penrith, west of the study area (Menz 2006: 12). Albie Willett (b. 1912) recalled Aboriginal people camping at Church Lane, Castlereagh (north of the study area) during his childhood Aboriginal people taught his grandfather Thomas Plunkett (b. 1852) to fish and he visited them at their camp in the gully near Church Lane (Willett 1997 in Britton & Morris 1999: 27).

2.18. Health

Food shortages and armed conflict with colonists were not the only challenges facing Aboriginal people. Ongoing contact with European diseases had a devastating impact on communities. The impact of smallpox in 1790 has already been discussed here, but the continuing interruption to a traditional lifestyle and the process of adapting to a European diet and way-of-life left communities prone to other diseases. Influenza had a significant impact on the already depleted Aboriginal population with large numbers dying because of the 'severe distemper' in 1820 (Hassall 1902: 185). Measles outbreaks in the late 1830s resulted in the deaths of Aboriginal people throughout New South Wales (*Sydney Gazette* 16 Jul 1836: 2; Murray & White 1988: 236).

2.19. Recording the Aboriginal Population - Official Records

Following colonisation there was no systematic or comprehensive documentation of the extent of the Aboriginal population, their language group or clan or the extent of traditional land with which they identified. The Colonial Secretary's Papers provide some information on Aboriginal people in the Penrith District in official documents, orders and memorandums. Usually linked to blanket distribution in Parramatta and later in the Penrith District, Census and musters provide a record of some families and individuals as well as the areas in which they were living at the time.

The Colonial Secretary's Papers do not accurately reflect all Aboriginal people living in the district for a variety of reasons. Understandably Aboriginal people were apprehensive of attending events where blanket and supply distribution took place. They not only feared retribution due to conflict with settlers, loss of their children to the Native Institution, and their own loss of freedom and independence. Generally Blanket Returns record people by their Aboriginal and European names of individuals, estimated age, 'Designation Tribe', and 'Place or District of Usual Resort'. The lists are inconsistent, and some details are omitted or illegible.

Records for the Evan, Nepean and Penrith District show that after colonisation clans named the 'Nepean Tribe' and 'South Creek Tribe' had links to the locality around the study area. The South Creek Clan is sometimes included in Windsor District Returns. The Mulgoa Clan, often historically associated with Penrith, are also included in Bringelly District records. Evidence suggests that the South Creek and Mulgoa Clans frequented territory between the Nepean River and South Creek.

A memorandum written by Governor Macquarie is the earliest record located relating to Aboriginal people living in the district surrounding the study area. Mary-Mary (various spellings) and Mulgoa Jack of Mulgoa are included in a list of Aboriginal people to whom rewards were to be given on 20 November 1816 at Parramatta. Each received a set of basic clothing, a blanket, and seven days provisions. Mary-Mary was officially appointed as the 'Chief of the Mulgoa Tribe' and invested with a badge or plate. Mulgowy Joe and three other Aboriginal men were also given small plates in acknowledgement of their services as guides (Misc Papers re Aboriginal Australians c. 1816-1842, ML SLNSW, Call No: DLADD 85).

Mulgoa and South Creek Aboriginal people established a particular rapport with Macquarie and visited Government House on 12 January 1817. Macquarie's journal shows that the 'tribes amounting to 51 (men, women & children) Persons, paid me a visit at Parramatta – and were entertained in the Govt. Domain there by direction of Mrs. Macquarie with Breakfast and Dinner this Day'. The children at the Institution were 'entertained with Fruit and presented to their



Parents & Relatives belonging to those two Tribes'. The numbers quoted are the first indication of the approximate size of the two communities (<http://www.lib.mq.edu.au/digital/lema/1817/1817jan.html>).

From 1826 Returns of Aboriginal populations were based on the administrative district in which they lived. Circa 1821 until c.1825 the Evan District between the Nepean River and South Creek included Penrith and Castlereagh. A Return in 1826 and a Census in 1828 both record Aboriginal people of the district as the Nepean Tribe with a total population of 38 people. Mulgoa Aboriginal people are included in the Bringelly District with a total population of 15 (Coghlan 1894: 195; Sainty & Johnson 2008:15). The South Creek clan are not named in the census.

Between 1832 and 1835 Blanket Returns are one of few documentary records of the Aboriginal people of the Penrith District but the surviving documents do not list the names of individuals, clan names or the area with which they identified. Returns for 1832 and 1833 include ten Aboriginal people in the Penrith District however between c. 1834 and 1835 the number increased from 15 to 30 people. It is possible that the increase reflects the number of people relying on blankets and supplies, rather than a change in the district's population (Col Sec SARNSW Reel 3706, 4/2219.1 Frame 0510; Col Sec SARNSW Reel 3706, 4/6666B.3, Frame 115 p.109).

Returns for Aboriginal people from 1836 are more informative than previous years. They list both men and women and include the Aboriginal and European names of individuals, 'Probable Age', 'Designation Tribe', and 'Place or District of Usual Resort'. Returns for Penrith in 1836 and 1837 were compiled over one to two months and show annotations where changes occurred. Penrith Returns for July 1836 record a population of 25 with the majority identifying with the 'South Creek Tribe'. Two men, Nanan (also known as James Docketty) and Warrawandy (Simon Shock), were from the 'Nepean Tribe'. Simon Shock or Warrawandy appear in later Returns as identifying with the 'South Creek Tribe'. Of the group, eight men were aged 16-30 years and four boys aged six to eight years. The nine women were aged 16-60 years and four girls aged from four to 15 years (Col Sec SARNSW Item 4/2302.1). Despite the wide age range, no infants are included in the list.

Penrith Returns for 1837 were taken in March, May, June and July of that year. The document includes one taken in August 1836. Seven individuals ranging in age from five to 35 years of age are listed in the August 1836, while the Returns made in May, June and July 1837 record 20 named individuals ranging in age from eight to 60 years. Sally ('Native name' - Merry Merry) and Mary ('Native name' - Yalyary or Yalgary) identified as South Creek Aboriginal people, however most entries do not show a designated 'tribe' or 'place of usual resort'. The Aboriginal name 'Merry Merry' is listed next to the European name of four individuals and might have been used as a patronym to indicate a link to a parent, grandparent or elder - Mary-Mary, the Chief of the Mulgoa Tribe. The name 'Warrawandy' also appears in association with a number of individuals of the 'Tribe' (Col Sec SARNSW Reel 3706 4/1133.3 Frame 259).

Compared to other communities in the Sydney region in 1837, Penrith Aboriginal people ranged widely in age and included quite a few children under 15 years old. Except for the August 1837 Return, the individuals recorded all identified with South Creek. The August 1837 Return includes four individuals from more distant clans including the 'Cox's River Tribe', 'Old Burdy's Tribe' and the 'Capertree (sic) Tribe' (Col Sec SARNSW Reel 3706 4/1133.3 Frame 259). The 1838 Returns for Penrith include 35 Aboriginal people, with 24 adult listed by name and 11 unnamed children. Twenty-three were living at South Creek and, while the majority identified as being from the 'South Creek Tribe', three people were recorded as from the 'Nepean Tribe' - Billy (Warranby), Boolugia and John (Woolaby). Pretty Boy or Bullingilla was from the 'Cox's River Tribe' where they usually resided (Col Sec SARNSW Reel 3706 4/1133.3 Frame 321 p.81; Col Sec SARNSW Reel 3706 4/1133.3 p 101 Frame 0341).

Between 1839 and 1840 the recorded population of the Aboriginal community of the Penrith District dropped markedly. Once totalling 23 (12 men, seven women, two boys and two girls), it plummeted to only five men. The population of other districts also decreased, but not to the extent evident in Penrith. In previous years some South Creek Aboriginal people from the Penrith District were included in Windsor Returns, however in years where names are not recorded it is difficult to interpret the extreme change in numbers (Col Sec SARNSW Reel 3706 4/1133.3 p 102 Frame 0342; Col Sec SARNSW Reel 3706 4/1133.3 p103 Frame 0343).

Population or Blanket Returns were not found for the Penrith District after 1840 and it is not known if they were not submitted or have not survived (Col Sec SARNSW Reel 3706 & Reel 1927). The decline in the Darug population over the first hundred years of European colonisation is most clearly illustrated in the District Returns of Aborigines in c.1886-7. Unfortunately, detailed records have not been located, however a table listing the population of each district shows Penrith with only six Aboriginal people (four men, one woman and one child) (SARNSW Reel 1649, 5/18423.2, Frame 549).



In 1891 the adult population at Penrith remained much the same, although the number of children increased. They included a man employed as a labourer; a man and his wife who farmed a block of land; two children in the care of Mr Single; and a child living with her 'aged grandmother' (NSW VPLA 1893: 1122, 1135). John Single owned land at Castlereagh to the north of the study area and Benjamin Single is linked to a grant south of the study area. The woman and her grandchild are thought to be Nellie *Nah Doongh* and Angelina who lived with the Shand family at Penrith for a period from c.1887 (Kohen 2009: 43) (See Section 4.18 Aboriginal people of the Penrith District: Nellie Nah Doongh). In 1891 the Aborigines Protection Board provided the woman and grandchild with assistance in the form of blankets. The other three children noted in the report were being educated; one at public school and two privately (NSW VPLA 1893: 1122, 1135). The clan affiliation of the Aboriginal people at Penrith in 1891 is not shown.

In 1891 the Aboriginal population in neighbouring districts such as Windsor and the Central Cumberland District (Parramatta and Liverpool) were far higher than Penrith and reported to be 91 and 15 respectively (Brook 1999: 8-9). An examination of the 1891 NSW Census indicates that two Aboriginal women lived with families in the South Ward of Penrith - one at Hornsey Wood and the other with the Colless family in High Street. The study area is located within the boundaries of Hornsey Wood (1891 NSW Census NRS 683 SARNSW). By 1892 the Aborigines Protection Board reported that the small population of five Aboriginal people in Penrith included one man, two women and two children. By 1900 the population totalled six, including one man and five children (NSW VPLA 1893: 1122, 1135; NSW VPLA 1901: 412).

Returns and other records relating to Aboriginal people of the Penrith District illustrate the significant and destructive effects of European settlement on the population over more than a century. Not only was there a marked decline in the population, but family and clan groups were broken up and dispersed. Despite a dearth of records documenting the Aboriginal people of the Penrith District, and some inconsistencies in those that do survive, cross-referencing of Aboriginal names of individuals and 'Tribe' names' in the Returns and censuses suggest a close association between the Nepean, South Creek and Mulgoa Aboriginal people in the Penrith District.

2.20. Records of South Creek and Mulgoa Aboriginal Children at the Native Institution

The records of the Native Institution are another source documenting Aboriginal people in the early nineteenth-century. They provide a record of a small number of Aboriginal children and although brief, show students names, approximate age, clan affiliation and academic achievements. Two female students at the school, Judith and Jenny were from the Mulgoa clan and one male student, Billy was from the South Creek clan. Judith is the daughter of *Mary-Mary* the chief of the 'Mulgoa Tribe'. All were reported to read and write well although Judith's health wasn't as good as the others (NSW Aborigines Question, Minutes of Evidence 12 Oct 1838 in Misc Papers SLNSW DLADD 85 (8):56).

2.21. NSW Registry of Births, Deaths and Marriages

Nineteenth-century New South Wales Registry of Births, Deaths and Marriages records sometimes show if an individual was of Aboriginal descent. Although the evidence is limited, it is sometimes possible to link people in Blanket Returns with those in Parish and Birth, Death and Marriage registers.

2.22. Aboriginal Identities of the Penrith District in the Nineteenth and Twentieth-centuries

Mary-Mary, 'Chief of the Mulgowy'

Mary-Mary appears in a number of colonial records as the 'Chief' of Mulgoa. Sources include Governor Macquarie's journal and correspondence, as well as Aboriginal population and Blanket Returns in the Colonial Secretary's Papers. At the Native Conference at Parramatta in 1816 Mary-Mary was appointed as 'Chief of the Mulgoa Tribe' and invested with a plate. A similar plate was given to Mulgowy Joe who had served as a guide. Macquarie promised small farms between Mulgoa and South Creek to Mary-Mary, Mulgowy Joe and another man Charley Mulgrave. As part of the arrangement Mary-Mary enrolled his daughter Judith, in the Parramatta 'Native Institution' (Memo 20 Nov 1816 ML SLNSW DLADD 85 Digitised).

On 12 January 1817 Mary-Mary and Nurragingy, with their respective clans amounting to 51 (men, women and children) visited Lachlan Macquarie at Parramatta. They were 'entertained in the Government Domain ...with Breakfast and Dinner' under the direction of Mrs Macquarie. The seventeen Aboriginal children at the Institution were entertained with 'Fruit and presented to their Parents and Relatives belonging to those two Tribes' (<http://www.lib.mq.edu.au/digital//lema/1817/1817jan.html>). The size of the Mulgoa clan is hard to gauge however in



1821 Wesleyan Minister William Walker considered the clan 'not to be very large' in comparison to other Aboriginal 'tribes in the vicinity of Sydney (William Walker 15 November 1821).

Mulgow Joe or Mulgoa Joe

Mulgow Joe, or Mulgoa Joe, appears in a number of records including Governor Macquarie's journal and correspondence in the Colonial Secretary's Papers. The name 'Mulgow' provides a link with the Aboriginal community resident around Mulgoa in the early nineteenth-century. Governor Macquarie promised Mulgoa Joe and others farms between South Creek and Mulgoa in recognition of their friendship to settlers (Memo 20 Nov 1816 ML SLNSW DLADD 85 Digitised).

Mulgoa Joe and Polly Kabbace are recorded as the parents of Richard whose birth was registered in 1822 (NSW BDM Reg No V1822197 125/1822). The reminiscences of James 'Toby' Ryan identify Mulgoa Joe c.1833 as 'the chief of the tribe' at this time (Ryan 1894: 117-118). Although his status in the Mulgoa Aboriginal community is not confirmed by other sources, it is possible that at this time Mulgoa Joe was an elder of the clan.

'King Charlie'

Little is known of 'King Charlie', reported as the last male of his tribe at the time of his death in July 1885. He was thought to be about 79 years of age and the partner of Nellie Na Doongh (*Nepean Times* 25 July 1885: 2). Other documentary evidence of Charlie's death or burial has not been located.

Nellie Nah Doongh (also known as Queen Nellie, *Na Daang*, Nellie Buddbery, Nellie Clay) From research undertaken by Caroline Plim in March 2010 and updated to May 2021

It is rare to find detailed, nineteenth-century accounts of the life of Aboriginal women in the. An article written by Sara Shand published in the *Nepean Times* in 1914 provides a valuable record of Nellie Nah Doongh who was well-known in the Penrith and Castlereagh districts from the 1830s to the late 1800s. As an elderly woman Nellie was affectionately known to the community as 'Queen Nellie.' When Sara Shand arrived in Penrith with her husband Dr J. Cappie Shand and their family in 1887 Nellie was living in a 'very shaky habitation in Castlereagh' (*Nepean Times* 23 May 1914: 8; *Nepean Times* 18 Jul 1914: 3; Anon. (S. Shand), n.d.). As an older Aboriginal woman Nellie was considered to be the last of the Nepean or 'Castlereagh Tribe'.

As the family of the district's doctor the Shands lived in the doctor's residence Maxwellton on High Street on the corner of Evan Street, Penrith where they lived until 1901 (*SMH* 7 Feb 1939, 17; *Nepean Times* 19 May 1949, 6). Nellie struck up a friendship with Sara Shand and over time was confident enough to come inside the house where she allowed Sara to sketch her. In their conversations they spoke of Nellie's life, the area and Aboriginal culture. With growing confidence, Nellie occasionally visited the Shands with Angelina, a young Aboriginal girl of about 12 years of age. During a period of heavy rain Nellie stayed with the Shand family for about six weeks, during which time the exuberant young Angelina stayed intermittently (*NSW Govt Gazette* Jan 1897; *Nepean Times* 19 May 1949, 6; *Nepean Times* 18 Jul 1914, 3).

Prior to meeting Sara Shand, Nellie was living with Mrs Cork, thought to from Castlereagh, but one day arrived at the Shand's home perched on top of a cart laden with her 'blankets, small bundles of clothes, coffee-pots and billy cans' declaring she had come to stay with the family (*Nepean Times* 18 Jul 1914, 3). Sara spoke affectionately of Nellie describing her as methodical, having an innate modesty, warm-hearted and generous, as well as having a good sense of humour. Although Sara's estimates were uncertain she thought that Nellie was about six or seven years old when Penrith was first settled by Europeans, and possibly in her eighties when they met (*Nepean Times* 18 Jul 1914, 3).

Nellie generously shared her life story with Sara recounting that she was born on land to the south of Penrith owned until 1891 by Henry Merz, a vigneron. Merz's 60 acres (24.28 ha) known as Frogmore (part of Frogmore Farms) was purchased by Dr Shand in December 1891 (Vol 143 Fol 105 NSW LRS; *Nepean Times* 18 Jul 1914, 3; *Greville's Post Office Directory* 1872). Nellie recalled her family living there before 'white' people first settled at Penrith and that there were,

*No houses 'tall; I 'member first White come here -- all Blacks den, no houses, all gunyahs -- ev'ybody
fightin 'nd, black gins cry, black men shout an' git boomerangs an' tings, like for big corroboree.
Oh lor' -- I frightened -- get in bush next memurrer* (*Nepean Times* 18 Jul 1914: 3).



Sara sought to corroborate Nellie's account and a search of the farm on Bringelly Road was conducted. Several stone axes were found leading Sara to the conclusion that there was 'a large camp there' (*Nepean Times* 18 Jul 1914: 3; *SMH* 14 Jan 1887: 4).

Nellie still spoke Darug and shared the meaning of a few words and a song which was sung partly in language and English. The chorus began 'All the land belong to Mr McCarthy' thought by James Kohen to refer to a Castlereagh landholder. With supporting evidence discovered by Lorraine Stacker, Grace Karskens argues that Nellie's reference was to John Macarthur, the large land holder and pastoralist from Camden not James McCarthy (Karskens Aug 2019: 8, 10-12). Supporting the theory of the link, Sara recalled Nellie visiting friends at Camden from time to time. When quizzed about the elderly woman's safety on getting on and off the train Nellie insisted that the 'gentleman at the station took care of her' (Interview titled 'Queen Nellie as told by Mrs Shand,' 1888, Arthur Street Collection, PCL).

Although the words of the song in language were not recorded by Sara, a few place names were recalled. Among them, Penrith was known by Nellie as 'Morroo Moorack', Katoomba meant 'big, big mountains and falling water', and 'Kanimbla' was translated as 'fallen water' (*Nepean Times* 18 Jul 1914: 3). Nellie Nah Doongh's husband was an Aboriginal man known locally as 'King' Charlie who died aged about 79 in July 1885, before the Shand's arrival in Penrith (*Nepean Times* 25 July 1885: 2). Charlie was thought of locally as the last male of his 'tribe' and it is likely that Nellie acquired the title 'Queen Nellie' during their partnership or after his death.

In 1890 Nellie is shown in contemporary sources as 'Nellie Buddbery', but in a later secondary source she is referred to as 'Nellie Clay', the source of which is not known (*Nepean Times* 28 June 1890: 4; *Penrith Star* 16 Jun 1989: 8). The name 'Buddbery' is linked to an Aboriginal man mentioned in Lachlan Macquarie's 1810 journal (*Budbury, Boodbury or Bootbarrie*) and to John Macarthur and the Macarthur family of Camden Park in the Cowpastures (Atkinson 1988: 14, 21, 94, 228-30). Karskens essay cites a relationship between Johnny Buddbery, an Aboriginal tracker and constable, and Nellie at Camden Park in the 1830s before her return to the Nepean around 1865 (Karskens Aug 2019: 10-11; 'Bootbarrie 1768-1833', www.lib.mq.edu.au). Lorraine Stacker's research discovered a photograph of a frail Nellie Nah Doongh in the Courtyard at Camden Park House further confirming Nellie's connection to Camden and the Macarthur family (Karskens Aug 2019: 10-11; Karskens & McKenna 2019: 66; Record No 132466 Camden Libraries).

Alan Atkinson's history of Camden places a woman known as Black Nellie as living with Johnny or 'Yellow Johnny,' a farm hand and constable at or near Camden and born in the area. Atkinson discussions of Aboriginal people associated with Camden suggest that he might not be the same person as Johnny Buddbery, also living at Camden around the same time. He suggests that Nellie's partner 'Yellow Johnny' was actually Johnny or Jackey Tindal, not Johnny Buddbery (Atkinson 1988: 207, 228-232). To complicate matters the same recollections of Nellie and Johnny are also associated with Menangle, where they were said to be living, not Camden. Nellie was said to have visited Menangle with her clan and it was here that she met Johnny who was employed by George Taber to tend an orchard. They were recalled by Tom Bellenger as living there for many years until they moved to Windsor. When she returned to Menangle she reported that Johnny had died but that 'he was a good man.' By all accounts Nellie was a popular woman who visited the district periodically. Several families were kind to Nellie and she was remembered as having 'sterling friends in the good ladies at *Medhurst Vale* and *Mount Pleasant*' (Moloney 1929: 8-9). This is not to say that Nellie didn't visit Camden and know the Macarthur family. Whether from Camden or Menangle (both with links to the Macarthur family) the personable nature of this 'Nellie' very strongly corresponds to that of Nellie who was well-known to the Penrith community.

Another connection to the Macarthurs of Camden Park is revealed in Sara Shand's article where she mentions a shawl worn by Nellie. She explained that it was 'sent out from England for the first Mr MacArthur's wife and was of lovely texture and design'. With an artist's eye Sara explains that 'age, wear and exposure to the weather toned it down to the respectable fadiness which exactly suited Nellie's colouring' (*Nepean Times* 18 Jul 1914: 3).

Sara later painted Nellie's portrait, depicting her in 'glowing colours' due to the 'deep affection' in which she held the elderly woman (*Nepean Times* 18 Jul 1914, 3). The portrait by Sara Shand titled 'Nellie the Cook' that survives today depicts Nellie Nah Doongh in a shawl, possibly the same one from Mrs Macarthur. The portrait was exhibited at the Penrith Show and the Penrith School of Arts. It was also displayed by Alderman Judges with a photograph of Nellie in his window in High Street, Penrith in July 1914. Arthur Judges was a Penrith chemist, former Mayor of Penrith and keen photographer who widely exhibited his work in the Penrith district (*SMH* 14 Feb 1898: 7). Other records exhibited in the window of Arthur Judge's High Street house included a photograph of some stone axe heads as well as Mulgoa Aboriginal people Sarah, Charles and Alick (J. C. Shand Jr & George Bunyan, n.d.; *Nepean Times* 25 Jul 1914, 6). The Shand family sold the portrait of Nah Doongh in 1998. It was lent to the National Gallery of Australia (*Colonial Australian*

Permanent Collection) by the new owner from 2000 to 2001. The portrait was later sold (Pers. Comm. Peter Lane 3 May 2010; Dictionary of Australian Artists; Pers. Comm. NGA 7 Apr 2010; *Nepean Times* 18 Jul 1914: 3; www.daa.org.au). A photograph of the portrait provided by the Peter Lane Gallery is reproduced in Figure 8.



Figure 8: 'Nellie the Cook' painted by Sara Shand, an amateur artist, c. 1893-4 showing Nellie in the shawl and described in an article published in the *Nepean Times* in 1914 (Peter Lane Gallery, n.d.)

Nellie Nah Doongh's self-assured and determined personality is clear in the recollections of the Shand family, especially in an account of Nellie's refusal of a marriage proposal from 'Black Jack' of Springwood. At the time of the proposal Nellie was an elderly woman 'crippled with arthritis' and suffering from severe toothache. Dr John Cappie Shand Jr of North Sydney, the son of Sara Shand recounted the story to the Nepean Historical Society. Nellie's suitor Jack, an Aboriginal man from Springwood, was described as '5ft 6in tall, small and unshaven, his age forty to sixty and skin patchy and white'. Dr Shand Jr described Jack's modest house as a one room, slab building with a bark roof and a mud floor. Jack was clearly nervous and to make a good impression was 'spruced up for the occasion'. Despite the offer of plenty to eat including pumpkins and wallaby Nellie curtly declined. She explained that among other reasons Jack belonged to another tribe and would kill her. The brief courtship was never resumed (J.C. Shand Jr & G. Bunyan, n.d.).

The introduction to the story titled 'Nellie's Romance' published in the *Nepean Times* in 1953, is thought to have been written by George Bunyan, a member of the Nepean Historical Society. Bunyan refers to 'Nellie Na Daang' as "'Queen" of the *Booroogerant* (sic) Blacks' (Burraborang) suggesting her connection to Aboriginal people based near Camden but does not shown the source of the information (Dr J.C. Shand Jr, *Nepean Times* 10 Sep 1953, 1). Whether due to her personality, as an elder in the community, or her stature, Nellie made an impression on others in the community. Mrs Sarah Barlow recalled a woman named Nellie as '...a muscular "lubra" (woman)' and of whom she still had a photo. She

remembered the oil painting owned by 'Dr Shand (now living in Sydney)' and 'which he would not part with for any money' (*Nepean Times* 23 May 1914, 8).

It has been more difficult to trace Nellie Nah Doongh in early nineteenth-century Aboriginal musters. A woman of approximately 18 years of age named Nelly of the Nattai Tribe is included in Returns from Stone Quarry in 1837. Unfortunately there is insufficient information to corroborate whether this is Nellie Nah Doongh (Col Sec SARNSW Reel 3706 4/1133.3: 35-36). She is not listed in Penrith Aboriginal Returns between 1836 and 1838.

Finally In the search for Nellie, in 1891 a census of Aboriginal people lists an elderly woman most likely to be Nellie Nah Doongh living with a granddaughter, thought to be Angelina (*NSW VPLA* 1893: 1122, 1135 & App A: 8). Further confirming the connection between Nellie and the Shand family, the 1891 New South Wales Census records a female Aborigine living with them at their High Street, Penrith home (NRS 683 Book 3 Item (2/8409) Roll 2519 p10, SARNSW). By December 1895 Nellie was living alone in the Penrith District and the local Police wrote to the Aboriginal Protection Board requesting that arrangements be made for her care. Earlier that year a request was submitted for the purchase of clothing for an old Aboriginal woman at Penrith. No one was found to take care of her and it was left up to the local superintendent to find her a home. In January 1896 after another request from Penrith Police they were granted permission to rent a cottage for Nellie, 'the last of the Castlereagh Tribe' (Minutes APB 19 Dec 1895: 199, 30 April 1896: 305-8, 30 Jan 1896: 231 SARNSW 4/7111 Reel 2788). Rent of 1/8/8 was paid to W & E Fulton for rent (APB Accounts 7 May 1896: 315 SARNSW 4/7111 Reel 2788).

Sara Shand and Nellie talked about what might happen to Nellie's possessions after her death, and where and how she would be buried. A neighbour Mrs Price, also an undertaker had offered to make her a casket to be buried in but Nellie declared that she wouldn't be going 'into any box' or be cremated (*Nepean Times* 18 Jul 1914: 3; Stevenson 1984: 18). The death of an Aboriginal woman named 'Nellie' was registered at the Newington Asylum, District of Granville on 10 December 1898 however information on the Death Registration transcript (aged 70 years and speaking insufficient English) conflicts somewhat with earlier descriptions of Nellie Na Doongh (NSW BDM Reg No14053/1898). As Karskens points out, it is possible that the age is incorrect and that as English was her second language it had deteriorated with age (Karskens 2019: 18-19). Secondary sources claim that Nellie Nah Doongh is buried in St Stephens Cemetery at Penrith however supporting evidence of the death or a burial at this location has not been found (Anon. (Shand), n.d., Penrith City Library). Surviving Newington Asylum registers of inmates and admission cards do not include a women named Nellie who died there in 1898 (B. Wildie 21 May 2021 SARNSW). Should further research be required Aborigines Protection Board, Penrith District Police and Penrith cemetery records however have the potential to reveal more about the last years of Nellie Nah Doongh's life. Photographs of Nellie in later life are reproduced in Figures 9 and 10.



Figure 9: An undated photograph of Nellie or Nah Doongh c. 1890s. Handwritten notes on the back of the mounted photograph identify her as 'Queen Nellie the last of her tribe – Penrith, NSW taken by A. Judges over 40 years ago (1941)' (RAHS SLNSW Pic Acc 2039 Box 9 No 23)

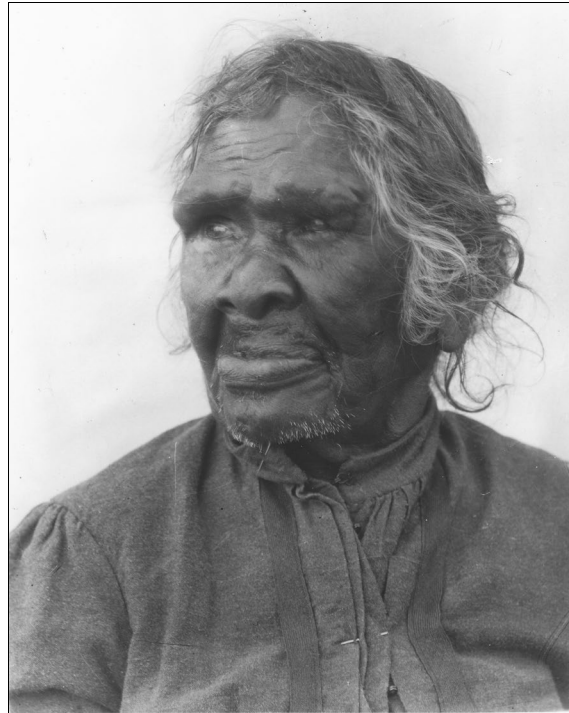


Figure 10: Photographic portrait of Nellie, 'last of the Nepean tribe of Aborigines' dated c. 1890 (Penrith City Library, Picture No LCSL L38; Government Printing Office 1 – 14135, SLNSW, Mar 1920 copy of c 1890s photo)

Research by J. L. Kohen in *Daruganora: Darug Country – Place and the People (Part 1: Prehistory and History)* (2009) postulates that Nellie is the same person as Nelly Oolonga, and Angelina was her great-grand-daughter. Circa 1821 Nelly Oolonga's daughters, Elizabeth and Eleanor, were recorded as being baptised (NSW BDM V1821104 127/1821). Eleanor's father is not recorded, however Elizabeth's father is shown as an Aboriginal man named *Cooman*. Examination of 1836 Aboriginal Returns from Penrith, Parramatta and Liverpool record a number of men named *Cooman* or *Coomun*. Tom Coomun (alternate spelling of the Aboriginal name) aged 30 of the 'South Creek Tribe' is listed in Penrith Aboriginal Returns in 1836 and is shown as having one male child. A note in the Return shows that Tom Coomun had since died (SARNSW Col Sec Reel 3706, 4/1133.3). A Parramatta Return for 1836 shows an individual named Cooman from the 'Concord Tribe', of about 30 years old, with one female child (SARNSW Col Sec Item 4/2302.1). Jim Kohen's research links Nellie with a man named Cooman from the 'Liverpool Tribe' who is recorded in 1836 Liverpool Returns as from the 'Georges River Tribe', of about 36 years old and with a wife. No children are recorded. Cooman of 'Liverpool Tribe' died at Liverpool in 1865 (SARNSW Col Sec Item 4/2302.1; Kohen 2009: 42-43). There is insufficient evidence to link Nellie Nah Doongh from the Penrith District with any of these individuals.

Based on his research Jim Kohen also suggests that Emma Timbery (c.1842-1916), a renowned shellworker and respected elder from La Pouse was a descendent of Nellie Nah Doongh. Kohen's proposes that c.1842 Nellie Oolonga's daughter Elizabeth, known as Betsy, and Hubert Waldren had a daughter Emma at Liverpool. In 1864 Emma married George Timbery and the couple were the parents of Angelina Ardler (née Timbery). Kohen suggests that Angelina Ardler is the same person as the young Angelina who Sara Shand met with Nellie in the late nineteenth-century (Nugent 2005: 381-2; Kohen 2009: 41-49). Research by Grace Karskens does not support Kohen's theories (Karskens Aug 2019: 9-10). Nellie Nah Doongh spent most if not all of her life in the Nepean District at Penrith and Castlereagh, as well as at Camden and was widely acknowledged by the local community as a Penrith Aborigine (*Nepean Times* 28 Jun 1890:4). By all accounts Nellie was a great character with a forthright and honest nature who attracted the interest, care and affection of the people of Penrith and Camden. Importantly unlike many other Aboriginal women of the nineteenth-century, parts of Nellie Nah Doongh's history are documented and make a valuable contribution to an understanding of the Aboriginal history of the Nepean and the history of the wider community.

Woolaboy (or Wooloboi) of the Nepean Clan resident at South Creek (born circa 1809)

An Aboriginal man named John Woolaboy (or Wooloboi) is included in Returns of Aboriginal Natives taken at Penrith in 1836. He was estimated as 27 years old and identified as from the Nepean clan. He was married but Woolaboy's wife was not named. James Docketty or Nanah was the only other Aborigine in the Return identifying as of the same clan. Woolaboy was living at South Creek with other Aboriginal people in the Return (Col Sec Main Series of Letters Received,



1826-1982, Item No 4/2302.1 SARNSW). John Woolaboy is included in Census Returns 1836-37, 1838 and 1839 sometimes identified with the South Creek clan as well as living at South Creek (Col Sec Special Bundles: Aborigines, Reel 3706, 4/1133.3: 2, Frame 259, SARNSW; Col Sec Special Bundles: Aborigines, Reel 3706, 4/1133.3: 81, Frame 321, SARNSW; Col Sec Main Series of Letters Received, 1826-1982, Item No 4/2433.1, SARNSW). The name 'Woolaboy' is also associated with Aboriginal people of the Coxs River, Richmond and Kurrajong Clans (Col Sec Reel 3706 4/1133.3: Frames 276-7 & 333-4 SARNSW).

Mrs Sarah Barlow recalled the Penrith district in the 1830s when there were many Aboriginal people. Aboriginal people she met or knew of were 'Woolloboi,' 'Black Stevey' and 'Nellie', 'a muscular' woman (*Nepean Times* 23 May 1914, 8). Sarah Barlow's father Thomas Frost was a constable in 'the early days,' employing Woolloboi as his tracker. His skill and intelligence were widely recognised (*Nepean Times* 23 May 1914, 8).

Aboriginal people were remembered holding 'corroborees on the banks of the Nepean' in the 1830s and Mrs Barlow claimed to have witnessed several, as well as,

... a 'bora ' (or sacred ground) on, or near "Wilson's Flat," hard by the river. There the youths of the tribes were "transformed" into full-fledged braves by knocking out of one of the front teeth, etc.

Sarah Barlow was born in 1828 and a child during the 1830s. Although her reminiscences haven't been able to be directly corroborated in primary sources they are similar to that of other residents (Reg No 9336/1828 V18289336 1C NSW BDM). Penrith resident, Granny Cochrane (Betsy Ann Haynes) in the 1850s and community memories suggest that at various time Aboriginal people continued to meet in large groups at Penrith into the mid nineteenth century (Menz 2006: 17).

James Docketty (Nanan) of the Nepean Clan residing at South Creek (born circa 1816)

An Aboriginal man named James Docketty or Nanan is listed in Returns of Aboriginal people taken at Penrith in 1836. He was estimated at about 20 years old, had a wife and was from the Nepean clan. Like other Aboriginal people in the Return Woolaboy usually lived at South Creek (Col Sec Main Series of Letters Received, 1826-1982, Item No 4/2302.1 SARNSW). James Docketty doesn't appear in the subsequent Returns and hasn't been traced in other records.

2.23. Aboriginal Population and Organisations in the vicinity of the Study Area, 2018-2021

The lives of Aboriginal people who lived according to traditional ways in the Penrith district were catastrophically altered by European occupation and settlement. Despite the significant impact on their lives, through perseverance and resilience they have retained important and valued core traditions, customs and beliefs that have been passed to later generations.

The 2016 census recorded a population of 196,066 in the Penrith City LGA with 7,511 identifying as Aboriginal (3.9 % of the LGA population) and 88 as both Aboriginal and Torres Strait Islander (Penrith City Council Community Profile 2018). The Deerubbin Local Aboriginal Land Council established in 1983 is one of a number of groups representing the interests of the Aboriginal community in western Sydney and the Blue Mountains (<https://deerubbin.org.au/history/>). Muru Mittigar is a Darug organisation established in 1998 as an initiative of the Aboriginal community of western Sydney that is based at Penrith Lakes north-west of the study area. Muru Mittigar means 'pathway to friends' in the Darug language. The name acknowledges the Darug as the traditional custodians of the locality and works to advance Aboriginal culture. The Muru Mittigar Centre at Penrith Lakes incorporates a cultural museum, native plant nursery, retail gallery, meeting and conference centre, as well as providing a variety of other services promoting Aboriginal cultural heritage. The centre also provides employment and business opportunities for the Aboriginal community (<http://www.murumittigar.com.au>, accessed 14 May 2021).



3.0 ENVIRONMENTAL CONTEXT

3.1. Topography

The study area contains modified flat developed land located in Western Sydney, NSW. The original topography of the local landscape would have comprised rolling low to steep low hills between 50 and 120 m AHD with slope gradients of 5-20%, convex narrow ridges (20-300 m) and hillcrests grading into moderately inclined side slopes with narrow concave drainage lines (Bannerman, Hazleton 2011: 87-91). Circa 200 m south west of the study area there are several remnant seasonal drainage lines and creeks that form first order tributaries of Werrington Creek.

3.2. Geology and soils

The study area is situated within the Luddenham soils landscape characterised by undulating low hills on Wianamatta Group shales, often associated with Minchinburry Sandstone. This landscape unit is characteristic for the southern and western parts of the Cumberland lowlands, but also occurs along the Nepean River south of Penrith. The lithological base is represented by Wianamatta Group of Ashfield Shale (lamine and dark grey shale) and Bringelly Shale (calcareous claystone, shale and lamine) formations (Bannerman, Hazleton 2011: 87-91).

A typical undisturbed soil profile would be represented by A-horizons of dark brown friable loam, silt loam or silty clay loam with moderate to strong structure and porous rough-faced ped fabric and usual depth of 0-10 cm on crests and <10 cm on slopes. These would overlay a B-horizon of <40 cm sandy clay over deeply weathering shale bedrock (Bannerman, Hazleton 2011: 87-91).

3.3. Vegetation

The study area is entirely deforested. Endemic vegetation communities within the study area would have comprised dry sclerophyll open forests with dominant species of spotted gum and grey box. Understorey shrubs would have been represented by blackthorn, coffee bush, forest oak, hickory and hairy clerodendrum, and grasses comprised spear grass and kangaroo grass.

Such vegetation communities would have provided a variety of edible plant species and plants suitable for artefact manufacture. They would have also sustained a diverse fauna including a variety of marsupials, which would have provided a sustainable food resource. The proximity to fresh water also determines the availability of further food resources such as fish and eels.

3.4. Stream Order Modelling

Stream order can be used to predict Aboriginal land use patterns. A first order stream is the smallest tributary that flows into and feeds larger streams but does not normally have any water flowing into it. The joining of two first order streams creates a second order stream and when two second order streams join they form a third order stream. In addition, first and second order streams generally form on steep slopes and flow quickly until they slow down and meet the next order waterway. First order streams are intermittent (Horton 1945; Strahler 1952).

Modelling undertaken by McDonald and Mitchell (1994) on the Cumberland Plain indicates that stream order can be used to predict areas of archaeological potential. The model hypothesis is that in any particular climate and landscape, a threshold catchment area is necessary to allow permanent stream flow or the establishment of waterholes with extended longevity (i.e. months to years). The critical point where these conditions are met appears to be at the junction of two second or third order streams. Such a location is likely to contain more complex sites with a high density of artefacts, whilst second and third order streams are also likely to contain large sites within 100 metres of the watercourse.

Circa 200 m south west of the study area there are several remnant seasonal drainage lines and creeks that form first order tributaries of Werrington Creek.

3.5. Current land use and disturbance

Following the forceful dispossession of local Aboriginal people, the study area was first granted c. 1855. It represented part of the 470 acre land grant of John Best (Figure 11). The study area was used for farming (pasturelands) until the early 1920s when urban development in the area commenced (Figure 12). Currently the study area is a heavily modified and fully developed urban area containing the extant Nepean Hospital Campus.

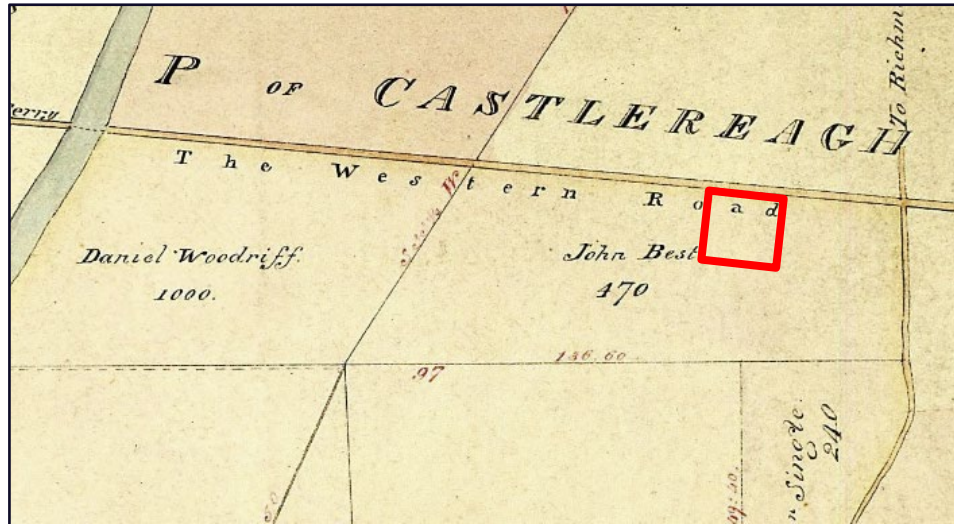


Figure 11: Undated late 19th century parish map showing the land grant of John Best (470 ac). Approximate location of study area in red (source: NSW Historical Lands Records Viewer)



Figure 12: A 1926 parish map of the Parish of Mulgoa showing a 1920s subdivision of the John Best estate. Approximate location of study area in red (source: Trove NLA).



4.0 ARCHAEOLOGICAL CONTEXT

4.1. The Cumberland Plain

Many surveys have been undertaken in the Sydney region which indicate the richness of the archaeological resources and which provide information about Aboriginal occupation within the region. In particular Attenbrow (2003) has excavated a range of sites within the Sydney Basin. The aim of her study was to identify local geographic variation and temporal changes in the subsistence patterns and material culture of the people of this area. She excavated sites at Balmoral Beach, Cammeray, Castle Cove, Sugarloaf Point (Lane Cove River), Darling Mills State Forest, Winston Hills, Vaucluse and Cumberland Street in the Rocks. Dates for initial occupation vary from approximately 10,000 years BP at Darling Mills to approximately 450 years BP at Cumberland Street, The Rocks.

One of the oldest dated occupation for the Sydney region is 15,000 years BP from the Shaws Creek K2 rock shelter on the Nepean River (Kohen 1984; Nanson et al 1987). However, these dates must be considered in association with environmental data related to sea level rises. The Sydney region that we know today was vastly different to the landscape of 15,000 years ago.

The period of maximum glaciation was 15,000 – 18,000 years BP. Therefore, the date of the K2 rock shelter and Attenbrow's Darling Mills site indicate that Aboriginal people lived throughout a period of extreme environmental change. During this period, sea levels were up to 130m below current levels (Nutley 2006:1). About 10,000 years ago as temperatures began rising at the end of the last ice age, the polar ice started melting and sea levels rose. The rising sea levels forced people to abandon coastal sites and move inland, with the result that the oldest coastal sites were inundated.

By about 6,000 years ago rising water levels had flooded the coastal plain forming the Sydney landscape that we know today. The vast majority of sites in the Sydney region date to around 5,000 years BP, after sea levels had stabilised. Whilst research into submerged indigenous sites is now being undertaken (Nutley 2006), there are few sites in the Sydney area that are known to date beyond 10,000 years BP. Therefore, research undertaken to date has focused on subsistence patterns and cultural change, e.g. Attenbrow (2003).

However, many archaeological surveys have been conducted within the Sydney region, particularly on the Cumberland Plain in relation to Environmental Impact Statements. As a result of these studies, which were occasioned by the burgeoning urban expansion extending into the Cumberland Plain, the NPWS recognised the need for a coherent study of the area to fully assess the impact of urbanisation on the natural and cultural heritage of the Cumberland Plain. Smith (1989a) was commissioned by the NPWS to undertake an Aboriginal Site Planning Study to be utilised in the management of Aboriginal sites on the Cumberland Plain. Prior to her study, 307 sites had been recorded on the Cumberland Plain, mainly open artefact scatters (297) with four scarred trees, one carved tree, four axe-grinding grooves and a Mission site (the Blacktown Institute). Smith (1989a:2) added 79 open sites and 29 isolated finds from field surveys related to her study.

Smith's (1989a:3) analysis indicated that site location and site densities were influenced by the availability of water and raw materials. She concluded that other factors such as topography, natural vegetation and soil types did not influence site location. She also identified that the majority of sites recorded have been in the northern sector of the Cumberland Plain, during site surveys of areas threatened by development (Smith 1989a:21). Her field studies (1989a & 1989b:10) confirmed that site densities in the southern Cumberland Plain appear to be lower overall to site densities on the northern Plain.

Since Smith's study, there has been a dramatic increase in development in Western Sydney, resulting in a great deal more archaeological survey and excavation (Comber 1990, 1991, 2006a; McDonald 1989, 2002 & 2005a). This further work has indicated the complexity in the archaeological record of the area that was not previously recognised. For example, sites on permanent water are more complex than sites on ephemeral drainage lines with major confluences being prime site locations. However, McDonald (2005a) reports that archaeological sites are found in a range of landscapes and that their condition is dependent on the amount of impact from European land practices.

McDonald's (2005a) report demonstrates the dynamic nature of stone tool technologies on the Cumberland Plain. She reviewed previous work within a theoretical framework to identify intra and inter-regional variation. She not only identified change over time in the stone tool technology, but the manner in which "stone technologies were organised



in relation to landscape” (McDonald 2005a:np). Her report provides a framework to tentatively date sites through technological analyses and to identify cultural changes.

Her study also indicated that the surface representation of a site on the Cumberland Plain does not necessarily reflect the actuality of that site. Of the excavations conducted by her, sub-surface deposits were present even when there was no surface indication of a site. According to McDonald (2005a:5), “despite artefacts being rare or completely absent on the surface at each of the sites investigated, all six sites were found to contain intact archaeological deposit. Almost 500 square metres were excavated during this Project and almost 35,000 artefacts retrieved.”

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- Fourth-Fifth order creeks (or rivers): Archaeological evidence will be more complex and possibly stratified, reflecting more permanent and repeated occupation on major creeks.
- Third order creeks: Evidence of more frequent occupation such as knapping floors or higher artefact densities will be found in the lower reaches of tributary creeks.
- Second order creeks: Sparse archaeological evidence will be found which indicates occasional use and/or occupation.
- First order creeks: Due to the intermittent nature of water flow only very sparse evidence would be found in the headwaters of upper tributaries such as background artefact scatter.

Kohen’s studies at Penrith confirmed the importance of fifth order creeks and rivers. He recorded over 50 sites in the Penrith area which included open artefact scatters, axe grinding grooves and rock shelters. Kohen (1997:7) indicates that sites occurring throughout the Penrith area “are particularly likely to occur adjacent to the rivers and creeks. The distribution of raw materials associated with the manufacture of stone tools suggests that chert and basalt were carried or traded east from the river gravels and that silcrete was traded or carried from sources near South Creek and Eastern Creek, west towards the Nepean flood plain”.

Comber (2006a & b) also recorded open artefact scatters and scarred trees within the Cumberland Plain. She undertook excavation at two sites at Penrith Lakes known as Camenzulis (2010c) and PL9 (2010d). At PL9 she retrieved more than 1,500 artefacts, including backed blades and an edge ground axe. Her work confirms McDonald’s (2005) and Kohen’s predictive model that sites are more likely to occur adjacent to the rivers and high order creeks. These excavations (Comber 2010c & d) at Penrith Lakes further indicates the possibility that sub-surface archaeological deposits will remain despite disturbance by non-Aboriginal activities and the complexity of such sites. Surveys (2006a & b) undertaken prior to the excavations recorded the areas as being disturbed by agricultural activities. They had been grazed, ploughed, planted with crops and a dam constructed. Only a small number of artefacts were recorded on the surface but over 2,500 artefacts retrieved during excavation.

A survey undertaken by Comber (2008a) and subsequent excavations undertaken by Stening (2011) at Doonside demonstrated that although no surface artefacts were recorded (Comber 2008) substantial subsurface deposits did exist on the site with over 1,000 artefacts being recovered from a highly disturbed context (Stening 2011). This site was located beside Eastern Creek an important 4th or 5th order creek. It is an important watershed with extensive evidence of Aboriginal occupation.

Excavations currently being completed by Comber at the Parramatta North Urban Transformation site (PNUT), which currently contains the Cumberland Hospital and is located on the Parramatta River near Domain Creek and Toongabbie Creek has yielded extensive evidence of Aboriginal occupation. Due to historic ploughing and topdressing no artefacts were observed on the surface. However, over 3,000 artefacts have been recovered from the current program of testing.



4.2. Penrith

A large number of sites have been recorded by Kohen (1997; 1981; 1984a and 1984b) and Comber (2006a and b; 2007; 2008; 2010) within the Penrith area, including at Penrith Lakes which is only approximately 2km to the north of the study area, on the other side of the Nepean River.

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Comber (2006a; 2010) also recorded open artefact scatters and scarred trees. She undertook excavation at two sites at Penrith Lakes known as Camenzulis (2006a) and PL9 (2010). At PL49 she retrieved more than 1,500 artefacts including backed blades and an edge ground axe. Her work confirms the predictive model developed by Kohen that sites are more likely to occur adjacent to the rivers and creeks. In 2006 Comber (2006b) undertook an assessment at Emu Plains, but did not record any sites, although she did recommend sub-surface testing.

In 1986 Rich (1986) undertook a survey for Aboriginal sites for the proposed transmission line between Regentville and Penrith. She identified five open artefact scatters, none of which were recorded within the present study area. A Section 90 Consent to Destroy was issued for all of these sites in August 1987.

Dallas recorded an open artefact scatter (AHIMS 45-5-2414) comprising a hammerstone and a “mudstone” flake which was located approximately 700m to the south west of the present study area along a fence line of a trotting track.

Dallas also recorded an open campsite and potential archaeological deposit (AHIMS 45-5-2416) in close proximity to 45-5-2414. However, the AHIMS site card for AHIMS 45-5-2416 is a replication of the site card for 45-5-2414. Therefore, it is not clear whether these are two separate sites.

An isolated find (AHIMS 45-5-3317), comprising a chert flaked piece and an artefact scatter (AHIMS 45-5-3318) comprising two “mudstone” flakes and three “mudstone” flaked pieces were recorded in a sportsfield located 3km to the north east of the study area in a moderately disturbed context. During a survey by Stening (2013) these sites could not be relocated in the field (Stening 2013).

In 2019 Comber undertook Aboriginal archaeological testing at High Street, Penrith for the Penrith High Street Development. The study area was located on a high river terrace overlooking the Nepean River with the land gently sloping to the west towards Peachtree Creek. A total of 16 1x1 m test trenches were excavated which yielded altogether 42 Aboriginal objects from natural subsoils with a depth of c. 50-70 cm. The soil profiles containing artefacts consisted of an A1 horizon of dark brown fine sandy and silty clay loam and A2 horizon with a similar general structure becoming redder and more compact in the lower strata. Artefacts were retrieved from depths of up to 55 cm. The most commonly occurring raw material was chert comprising 30 out of 41 (73.14%) artefacts within the assemblage. Silcrete comprised five out of 41 (12.2%) of the assemblage; while quartzite comprised three out of 41 (7.31%); glass two of 41 (4.8%); and tuff 2.44% of the total assemblage. Flaked pieces were the most commonly occurring artefact type with 30 out of 41 (73.14%) of the total assemblage; flakes comprised 10 of 41 (24.4%) of the total and a single ground edged tool represented one of 41 (2.4%) of the total.

The evidence from the above review of previous work within the Penrith area indicates that archaeological evidence for past Aboriginal occupation is abundant throughout the area with larger more complex sites occurring near the confluence of the Nepean River and along creeks and rivers. The archaeological evidence also indicates that subsurface deposits can exist even if there is no evidence on the surface and despite subsequent disturbance.

4.3. AHIMS search

An AHIMS search was undertaken on 3 June 2021. This search revealed 10 Aboriginal sites in a 3 km radius around the study area (Figure 13). The majority of sites revealed (90%) represent isolated finds of singular Aboriginal artefacts (3) one site represents a potential archaeological deposit (PAD). This occurrence pattern can be regarded as partially reflective of archaeological potential within the study area, as it rather represents the state of art of archaeological research and heritage assessment in the local area. It is possible that further unrecorded Aboriginal sites are present within the AHIMS search perimeter, closer to or within the study area.

Table 3: AHIMS search results site statistic.

Site Type	Occurrence	Percent
Isolated Find	9	90%
Potential Archaeological Deposit	1	10%
Total	10	100%



Figure 13: Map of the study area showing the location of entries in the AHIMS register.

4.4. Study area

There are no registered Aboriginal sites within the study area and the study area is not an Aboriginal place.

4.5. Site prediction

Prior to colonisation the study area was part of an accessible and diverse landscape offering ample resources. The proximity to water and abundant resources would have made the study area a suitable place for human occupation. The study area may have been used for seasonal camping and food procuring. The lack of significant rock outcrops suggests that the study area would not have been used for industrial activities such as raw material procurement and axe grinding, or for shelter or rock art. Culturally modified trees may have been present within the study area. However as a result of the previous land use of the study area for farming and the current developed hospital site all original vegetation has been removed and it is not expected that culturally modified trees will be located within the hospital grounds. The characteristics of the soil profile indicate that if present, material evidence for Aboriginal occupation within the study area would be located on the ground surface and within the A-horizon soils. However, continuous farming



and the development of the existing Nepean Hospital would have impacted soil profiles extensively. It is highly likely that the A-horizon has been removed with the construction of the hospital and artefacts will not be located on the concrete surfaces of the hospital. Therefore, there is a very low likelihood for Aboriginal sites, objects and potential archaeological deposits to still be retained within the study area.



5.0 CONSULTATION

The following table summarises the consultation undertaken in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*. The letters and emails are attached at Appendix A.

Table 4: Consultation undertaken in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*.

Step	Task Requirement	Action	Date of action	Outcome
4.1.1	Identify if native title exists in relation to the project area.	We undertook a search of National Native Title Tribunal register and registered Indigenous Land Use Agreements	1/6/2021	No Native Title Claims over the study area and no ILUAS
4.1.2	Ascertain, from reasonable sources of information, the names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places. Compile a list of Aboriginal people who may have an interest for the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places	We wrote to the following organisations seeking the names of any Aboriginal people or organisations who may hold cultural knowledge: <ul style="list-style-type: none"> - Deerubbin Local Aboriginal Land Council - Penrith City Council - Greater Sydney Local Land Services (GSLLS) - Heritage New South Wales - Office of Registrar, Aboriginal Land Rights Act 1983 - NTS Corporation 	1/6/2021	<ul style="list-style-type: none"> - GS LLS advised to contact LALC - Deerubbin LALC registered an interest - Penrith City Council directed Comber Consultants to Deerubbin LALC
4.1.3	Written notification and advertisement: Write to the Aboriginal people whose names were obtained in step 4.1.2 and the relevant LALC(s) to notify them of the proposed project. Place a notice in the local newspaper circulating in the general location of the proposed project, explaining the project and its exact location. Notification by letter and newspaper must include: <ul style="list-style-type: none"> (a) the name and contact details of the proponent (b) a brief overview of the proposed project that may be the subject of an application for an AHIP, including the location of the proposed project (c) a statement that the purpose of community consultation with Aboriginal people is to 	We wrote to 63 organisations/people identified in 4.1.2 and shown in Appendix A.	<p>Emails/letters sent on 16/6/21</p> <p>Newspaper Advertisement 1/6/2021</p>	Responses were received as detailed in 4.1.5 below. Copies of letters shown in Appendix A.



Step	Task Requirement	Action	Date of action	Outcome
	assist the proposed applicant in the preparation of an application for an AHIP and to assist the Director-General of HERITAGE NSW in his or her consideration and determination of the application (d) an invitation for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation with the proposed applicant regarding the proposed activity (e) a closing date for the registration of interests			
4.1.4	A minimum of 14 days from the date the letter was sent or notice published in the newspaper to register an interest.	Closing date for registration of interest included in the notification letters and notice in the newspaper was at least 14 days from the date the letters were sent and notices appeared in the newspapers.		Closing date of 30/6/2021 included in letters and emails. Closing dated of 16/6/21 included in advertisement.
4.1.5	Must advise Aboriginal people who are registering an interest that their details will be forwarded to DPC and the LALC unless they specify that they do not want their details released.	RAP's informed by letter/email 16/6/2021 and by advertisement dated 1/6/2021.	16/6/2021	13 organisations registered interest in consultation: <ul style="list-style-type: none"> - Deerubbin LALC - Didge Ngunawal - Wawaar Awaa - Worri Wooliwa - Kamilaroy - Yankuntjatjara - A1 Indigenous Services - Details Withheld - Details Withheld - Aragung - Murrabidgee Mulangari - Darug Custodian - Yulay Cultural Services - Vicky Slater, Wurrumay
4.1.6	Make a record of the names of each Aboriginal person who registered an interest. Provide a copy of that record and copy of the notification from step 4.1.3 to the relevant DPC and LALC within 28 days of closing date for registration of interest.	List of RAP's compiled. HNSW and DLALC notified	30/6/2021	List of RAP's compiled. HNSW and DLALC notified 18/10/2021
4.1.7	LALCs holding cultural knowledge relevant to determining the	Deerubbin LALC is a registered party to be involved in consultation (refer to 4.1.6)	1/6/2021	Steve Randall from Deerubbin LALC registered interest.



Step	Task Requirement	Action	Date of action	Outcome
	significance of Aboriginal objects and places in the proposed project area who wish to register an interest to be involved in consultation must register their interest as an Aboriginal organisation rather than individuals.			
4.1.8	Where an Aboriginal organisation representing Aboriginal people, who hold cultural knowledge has registered an interest, a contact person for that organisation must be nominated. Aboriginal cultural knowledge holders who have registered an interest may indicate they have appointed a representative to act on their behalf. Where this occurs, the registered Aboriginal party must provide written confirmation and contact details of those individuals to act on their behalf.	List of RAPs and contact persons compiled.		<ul style="list-style-type: none"> - Steve Randall, Deerubbin LALC - Paul & Lilly Carroll, Didge Ngunawal - Rodney Gunther, Wawaar Awaa - Daniel Chalker, Wori Wooliwa - Phil Khan, Kamilaroy Yankuntjatjara - Carolyn Hickey, A1 Indigenous Services - Details Withheld - Details Withheld - Jamie Eastwood, Aragung - Ryan Johnson, Murrabidgee Mulangari - Justine Coplin, Darug Custodian - Arika Jolomaki, Yulay Cultural Services - Vicky Slater, Wurrumay
4.2	Presentation of information about the proposed project.	Due to COVID 19 a meeting was not held to present project, ascertain significance, artefact management and any other issues of concern. Instead an information package including methodology and archaeological assessment sent to RAPs for comments	21/06/2021	<p>The following organisations responded in writing:</p> <ul style="list-style-type: none"> - Wawaar Awaa supports methodology. - KYWG supports methodology and requested archaeological monitoring of works. - A1 requested site visit which was not possible due to COVID restrictions but further information provided about the nature of the landscape.
4.3.1-4.3.2	Notification of proposed assessment methodology	This was sent out in the information package.	21/06/21	See above
4.3.3	Gathering information about cultural significance	Information package included a request concerning cultural information.	21/06/21	Information provided about cultural significance is included in the significance assessment in this report.
4.4	Review of draft cultural heritage assessment report	Draft Aboriginal Cultural Heritage Assessment Report sent to RAPs	22/10/2021 With response required by 19/11/2021	<p>The following responses were received:</p> <ul style="list-style-type: none"> - Jamie Eastwood, Aragung who supported the ACHAR and agreed with recommendations. In particular, he supports



Step	Task Requirement	Action	Date of action	Outcome
				<p>the recommendations by KYWG to monitor works.</p> <ul style="list-style-type: none">- Rodney Gunther, Waawaar Awaa Aboriginal Corporation supports the recommendations.- Marilyn Carroll-Johnson, Corroboree Aboriginal Corporation who supports the recommendations.- Kamilaroi-Yankuntjatjara Working Group supports the ACHAR.- Justine Coplin, Darug Custodian Aboriginal Corporation.

Following are the Registered Aboriginal Parties (RAPs)

- Steve Randall, Deerubbin LALC
- Paul & Lilly Carroll, Didge Ngunawal
- Rodney Gunther, Wawaar Awaa
- Daniel Chalker, Wori Wooliwa
- Phil Khan, Kamilaroy Yankuntjatjara
- Carolyn Hickey, A1 Indigenous Services
- Details Withheld
- Details Withheld
- Jamie Eastwood, Aragung
- Ryan Johnson, Murrabidgee Mulangari
- Justine Coplin, Darug Custodian
- Arika Jolomaki, Yulay Cultural Services
- Vicky Slater, Wurrumay

6.0 SITE INSPECTION

A site inspection was undertaken by Veronica Norman of Comber Consultants on the 2nd of September 2021 with George Economy of CBRE Project Management. The whole of the study area was inspected on foot.

The study area consists of a portion of the Nepean Hospital, including the following buildings: Hope Cottage, Medical Accommodation, North Block, Medical Accommodation, Medical Services Loading Dock, Nepean Redevelopment Project Office (Redev Office), Contractors only area, and the area surrounding the new multi-storey car park on the western boundary of the study area.

As indicated by the photographs shown below, the study area is a highly developed hospital campus with concrete and other hard surfaces and extensive landscaping. In some areas where the ground surface was observed, the soil profiles were truncated and clay subsoils were present (Photograph 4-Photograph 6). No A-horizons were observed. Vegetation within the survey unit consisted of regrowth and landscaped gardens.

Due to the level of development across the study area there was nil ground visibility. No mature trees were present within the study area. The study area has been subject to extensive disturbance related to the construction and development of the Nepean Hospital. No Aboriginal objects or areas of archaeological potential were identified within the study area.

Due to the above, the archaeological potential of the study area has been identified as nil.



Photograph 2: Survey unit 1 – view east along Barber Avenue.



Photograph 3: Survey unit 1 - Path to Medical Accommodation, view west.



Photograph 4: Clay subsoils beneath Demountable in revegetated area.



Photograph 5: Vegetated area between Tresillian building and Hope Cottage, view east.



Photograph 6: Ground disturbance of vegetated area between Tresillian building and Hope Cottage, view north west.



Photograph 7: Southern side of car park, view west.



Photograph 8: Southeast corner, view east.



Photograph 9: Northern end of car park, view west.



7.0 CULTURAL HERITAGE VALUES AND STATEMENT OF SIGNIFICANCE

7.1. Preamble

Significance assessment is the process whereby sites or landscapes are assessed to determine their value or importance to the community.

A range of criteria have been developed for assessing the significance which embody the values contained in the Burra Charter. The Burra Charter provides principles and guidelines for the conservation and management of cultural heritage places within Australia.

Following are the criteria which will be used to assess the study area:

Social Value (sometimes termed “Aboriginal” value) which refers to the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present-day Aboriginal community.

Historic Value refers to the associations of a place with a person, event, phase or activity of importance to the history of an Aboriginal community.

Scientific Value refers to the importance of a landscape, area, place or object because of its archaeological and/or other technical aspects.

Aesthetic Value refers to the sensory, scenic, architectural and creative aspects of the place.

Representativeness refers to whether the site demonstrates the principal characteristics of that site and is a good representative example of that site type.

Rarity refers to the degree to which such a site is known elsewhere and whether the site is uncommon, rare or endangered.

7.2. Assessment

Social Values

The Kamilaroy Yankuntjatjara Working Group has advised that the site of the Nepean Hospital contains intangible values regardless of the prior disturbance (see below). These intangible values indicate that the site contains social values because of the connection to Country, representing their past providing a direct link to their ancestors.

The study area has significance to the Aboriginal community as there are intangible and aesthetic aspects that arise within the area. We have a spiritual connection to the land, sky and water ways, this connection is still present even if there is disturbance to the land, more so because we feel something towards the destruction of the land. Our sites have been destroyed all over Sydney and it is sites like this that get missed due to high disturbance meaning our cultural heritage is lost.

Historic Values

The site contains intangible values which provide a spiritual connection to Country and contributes to an understanding of the Aboriginal history of occupation. The urbanisation of the Penrith area combined with the intangible, values described above, contributes to an understanding of the contact and post contact history of Aboriginal people

Scientific Values

The study area does not meet this criterion.

Aesthetic Values

As indicated by the information provided by the Kamilaroy-Yankuntjatjara Working Group the site contains aesthetic values to the Aboriginal community due to their spiritual connection to Country.

Representative Values

The study area does not meet this criterion.



Rarity Values

The study area does not meet this criterion.

7.3. Statement of significance

The Kamilaroy Yankuntjatjara Working Group has advised that the site of the Nepean Hospital contains intangible values regardless of the prior disturbance (see below). These intangible values indicate that the site contains social and aesthetic values because of the connection to Country, representing their past and providing a direct link to their ancestors. The site contains intangible values which provide a spiritual connection to Country and contributes to an understanding of the Aboriginal history of occupation. The urbanisation of the Penrith area combined with the intangible, values described above and below, contributes to an understanding of the contact and post contact history of Aboriginal people

The study area has significance to the Aboriginal community as there are intangible and aesthetic aspects that arise within the area. We have a spiritual connection to the land, sky and water ways, this connection is still present even if there is disturbance to the land, more so because we feel something towards the destruction of the land. Our sites have been destroyed all over Sydney and it is sites like this that get missed due to high disturbance meaning our cultural heritage is lost.

8.0 PROPOSED ACTIVITY

8.1. Proposal

The proposal involves the redevelopment of large parts of the study area including the demolition of extant structures and construction of new structures on the Nepean Hospital Campus. The following new buildings are proposed to be built:

- An Intensive Care Unit
- Medical imaging services and nuclear medicine
- An in-centre renal dialysis unit
- Cardiology services
- More in-patient beds including paediatrics
- Clinical support services including pharmacy
- Staff education and training facilities
- Community health services
- A new front of house and reception area

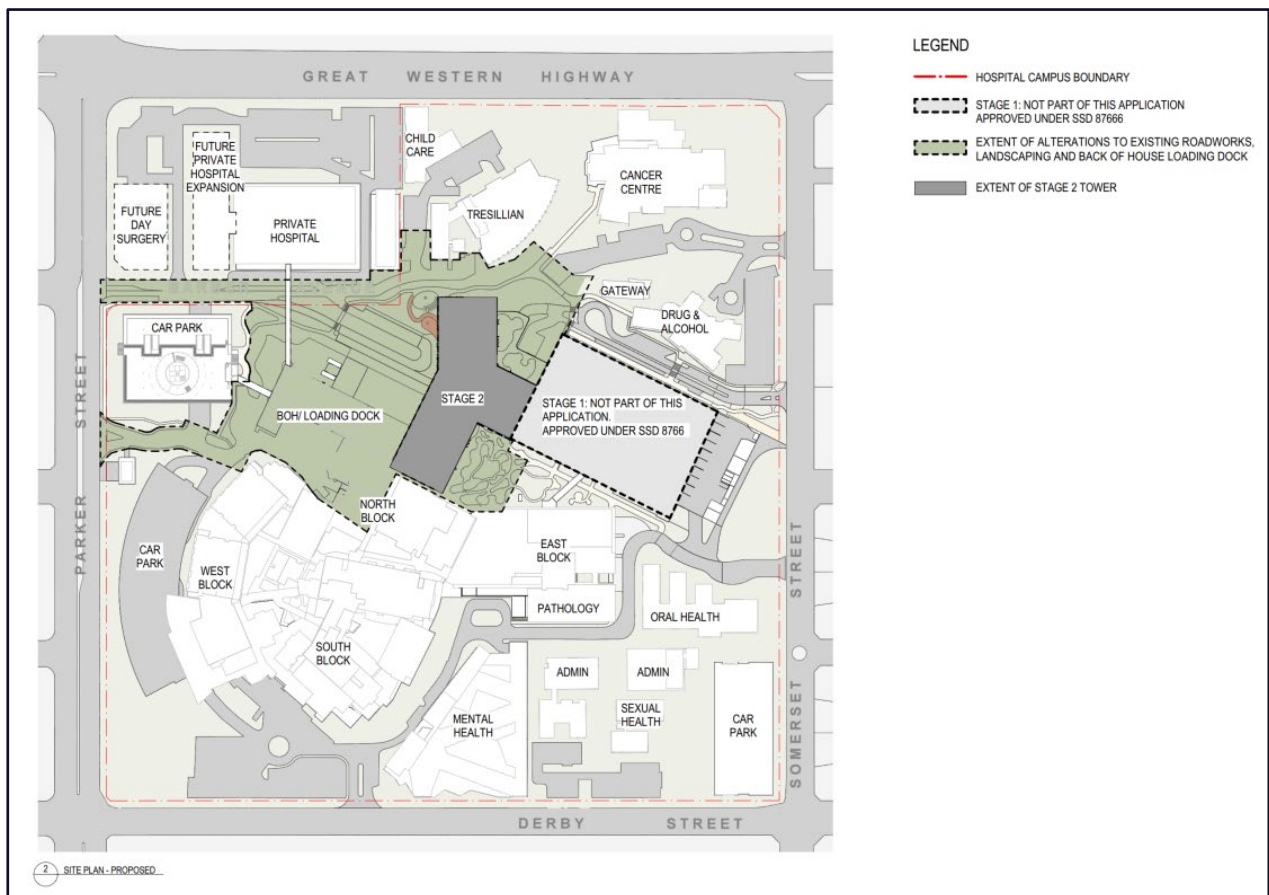


Figure 14: Proposed new site plan issued for the SEARs Application (source: BVN Architecture; Appendix B)

8.2. Impacts

The proposed development will involve extensive impact to the study area. The proposed works will involve extensive ground disturbance including, but not limited to:

- Demolition and clearing
- Cut and fill
- Construction of new buildings
- Construction of service infrastructure

However, due to the highly disturbed nature of the study area, it is not expected that Aboriginal objects remain within the study area, so it is not expected that there will be any impact to Aboriginal objects.



9.0 AVOIDING AND MINIMISING HARM

As it is not expected that Aboriginal objects will be impacted upon by the proposed works, no specific mitigation measures are required.

However, if any previously undetected Aboriginal objects are uncovered during the proposed redevelopment, all works must cease in the vicinity of that object and further advice sought from the consultant.

It should also be noted that the Kamilaroi-Yunkuntjatjara Working Group have recommended that any excavation on the site be monitored by the Registered Aboriginal Parties, as follows:

Thank you for your methodology for Stage II of the Nepean Hospital Redevelopment. The study area has significance to the Aboriginal community as there are intangible and aesthetic aspects that arise within the area. We have a spiritual connection to the land, sky and water ways, this connection is still present even if there is disturbance to the land, more so because we feel something towards the destruction of the land. Our sites have been destroyed all over Sydney and it is sites like this that get missed due to high disturbance meaning our cultural heritage is lost. For this reason, we recommend monitoring by RAPs to be undertaken as a last chance to uncover our cultural heritage. We would also highly recommend a cultural interpretation plan, which could be done in the form of design, native landscaping, art, and digital displays interpreting Australian's long ancient history of the land and its use. We would like to agree to your recommendations, and we support your methodology, we look forward to further consultation on this project.

To address the above issues the reports detailed below have been developed. Extensive Aboriginal consultation was undertaken by NSW Health Infrastructure's Aboriginal Liaison Officers with Aboriginal patients, families and visitors to the hospital, in the development of these documents. Such consultation is detailed in an Aboriginal Consultation Report prepared by NSW Health Infrastructure. Consultation is also to be undertaken with the Registered Aboriginal Parties in respect of these documents:

- A Landscape Design Report by Arcadia which includes plantings that respond to Connecting to Country and includes interpretative opportunities such as "Healing Landscapes" and "The Story of the Mulgoa People".
- An Arts & Culture Strategy which includes an Indigenous Walk and Multi-Purpose Room with the engagement of a Darug artist to create concepts responding to the cultural heritage of the Darug Nation and reference to Aboriginal medicinal use of vegetation for healing. The Indigenous Walk is to acknowledge Aboriginal connection to Country including the rivers and valleys of the Nepean and Hawkesbury Rivers.
- The Architectural Schematic Design responds to Connecting to Country through taking inspiration from Country with elements such as "Sky/Blue Haze", "Valley/Earth", "Flora & Fauna", "River/Water" and landmarks of importance to the community such as "Yandhai Bridge-Nepean River", "Claustral Canyon" and "Cliff Top Walk".



10.0 RECOMMENDATIONS

The following recommendations are made based on:

- Legal requirements under the terms of the *National Parks & Wildlife Act 1974* (as amended), which states that it is an offence to harm or desecrate an Aboriginal place or object without first gaining a permit under Part 6 of the *National Parks & Wildlife Act 1974*.
- Consultation with the Registered Aboriginal Parties as detailed in this report.
- Research into the archaeological record for the Cumberland Plain and the study area.
- Results of the assessment as outlined in this report.

IT IS THEREFORE RECOMMENDED THAT:

1. There are no constraints to the proposed Nepean Hospital Stage 2 redevelopment in respect of Aboriginal archaeology
2. The Kamilaroi-Yankuntjatjara Working Group (KYWG) and Aragung are concerned that previously undetected or unrecorded Aboriginal objects may be harmed during ground disturbance and have requested that monitoring of excavations be undertaken by the Registered Aboriginal Parties. Please contact:
 - The Kamilaroi-Yankuntjatjara Working Group at: philipkhan.acn@live.com.au to arrange monitoring by the KYWG.
 - Jamie Eastwood at: james.eastwood@y7mail.com to arrange monitoring by of Aragung.

An archaeologist is not required for this monitoring.

3. An interpretation strategy and plan should be developed and implemented that details the Aboriginal history of the site and the Penrith area. The history and data contained in this report could underpin the interpretation. The interpretation should be undertaken in a range of innovative ways including artworks, landscaping and digital displays.

The following documents have been developed to address interpretation of the landscape. Extensive Aboriginal consultation was undertaken by NSW Health Infrastructure's Aboriginal Liaison Officers with Aboriginal patients, families and visitors to the hospital in the development of these documents. Such consultation is detailed in an Aboriginal Consultation Report prepared by NSW Health Infrastructure. Consultation is also to be undertaken with the Registered Aboriginal Parties in respect of these documents:

- A Landscape Design Report by Arcadia which includes plantings that respond to Connecting to Country and includes interpretative opportunities such as "Healing Landscapes" and "The Story of the Mulgoa People".
 - An Arts & Culture Strategy which includes an Indigenous Walk and Multi-Purpose Room with the engagement of a Darug artist to create concepts responding to the cultural heritage of the Darug Nation and reference to Aboriginal medicinal use of vegetation for healing. The Indigenous Walk is to acknowledge Aboriginal connection to Country including the rivers and valleys of the Nepean and Hawkesbury Rivers.
4. The design and landscaping should consider the Connecting to Country and Designing with Country framework developed by the Government Architect's Office, in the design and interpretation to ensure that consideration of Aboriginal understanding of landscape and environment is included.

The documents listed below have been developed to address Connecting to Country and Designing with Country. Extensive Aboriginal consultation was undertaken by NSW Health Infrastructure's Aboriginal Liaison Officers with Aboriginal patients, families and visitors to the hospital in the development of these documents. Such consultation is detailed in an Aboriginal Consultation Report prepared by NSW Health Infrastructure. Consultation is also to be undertaken with the Registered Aboriginal Parties in respect of these documents:



- A Landscape Design Report by Arcadia which includes plantings that respond to Connecting to Country and includes interpretative opportunities such as “Healing Landscapes” and “The Story of the Mulgoa People”.
 - An Arts & Culture Strategy which includes an Indigenous Walk and Multi-Purpose Room with the engagement of a Darug artist to create concepts responding to the cultural heritage of the Darug Nation and reference to Aboriginal medicinal use of vegetation for healing. The Indigenous Walk is to acknowledge Aboriginal connection to Country including the rivers and valleys of the Nepean and Hawkesbury Rivers.
 - The Architectural Schematic Design responds to Connecting to Country through taking inspiration from Country with elements such as “Sky/Blue Haze”, “Valley/Earth”, “Flora & Fauna”, “River/Water” and landmarks of importance to the community such as “Yandhai Bridge-Nepean River”, “Claustral Canyon” and “Cliff Top Walk”.
5. If any previously unrecorded or undetected Aboriginal objects are unexpectedly uncovered, all work must cease in the vicinity of that object, the area secured, and further advice sought from the consultant and the Aboriginal monitor.
- Unexpected finds or objects can include Aboriginal artefacts made from stone, glass or other post contact material such as electricity conductors; shell, burials, hearths etc.
6. An induction should be provided by an archaeologist to all employees, contractors or sub-contractors engaged on this project, detailing their responsibilities under the *National Parks & Wildlife Act 1974* in respect of Aboriginal archaeology and heritage and should include advice:
- That it is an offence to harm an Aboriginal object without a permit.
 - How to identify an Aboriginal object.
 - If an Aboriginal object is unexpectedly uncovered, all work must cease in the vicinity of that object, the area secured and the consultant contacted immediately.



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ABBREVIATIONS

AIAS	Australian Institute of Aboriginal Studies
APB	Aborigines Protection Board
Col Sec	Colonial Secretary's Papers
GNB	Geographical Names Board
<i>HRA</i>	<i>Historical Records of Australia</i>
HRNSW	<i>Historical Records of New South Wales</i>
ML	Mitchell Library
n.d.	not dated
n.p.	not paginated
NSW BDM	NSW Registry of Births, Deaths and Marriages
NSW VPLA	NSW Votes and Proceedings of the Legislative Assembly
SLNSW	State Library of New South Wales
<i>SMH</i>	<i>Sydney Morning Herald</i>
SARNSW	State Archives and Records of New South Wales
<i>Syd Gaz</i>	Sydney Gazette
VPLA	Votes and Proceeding of the Legislative Assembly



APPENDIX A: CONSULTATION

WRITTEN NOTIFICATION (Step 4.1.2) 01/06/2021 sent to the following:

- Penrith City Council
- Heritage NSW
- Registrar, Aboriginal Land Rights Act
- Native Title Tribunal (search undertaken of NTT)
- NTS Corp
- Greater Sydney Local Land Services
- Deerubbin Local Aboriginal Land Council

From: Dragomir Garbov

Sent: Tuesday, 1 June 2021 1:44 PM

To: Deerubbin Reception <Reception@deerubbin.org.au>

Cc: Jillian Comber <jillian.comber@comber.net.au>; Economy, George @ Sydney <George.Economy@cbre.com>

Subject: Notification of Aboriginal Cultural Heritage Assessment for the Nepean Hospital Redevelopment Stage 2

Good afternoon,

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood (Lot 4 DP 1238301), within the Local Government area of Penrith City Council.

Comber Consultants has been engaged by Health Infrastructure to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation requirements for Proponents 2010*. I am therefore writing to invite you to register interest in consultation and ascertain if you are aware of any Aboriginal people or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the study area. If so, we would appreciate if you could provide their contact details.

Could you please provide your response by 15 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Thank you for your assistance.

Kind regards,

DR DRAGOMIR GARBOV
ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
M 0448 464 768 F (02) 9799 6011
E dragomir.garbov@comber.net.au





From: Dragomir Garbov
Sent: Tuesday, 1 June 2021 2:21 PM
To: Steve Randall (srandall@deerubbin.org.au) <srandall@deerubbin.org.au>
Cc: Jillian Comber <jillian.comber@comber.net.au>
Subject: Notification of Aboriginal Cultural Heritage Assessment for the Nepean Hospital Redevelopment Stage 2

Good afternoon Steve,

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood (Lot 4 DP 1238301), within the Local Government area of Penrith City Council.

Comber Consultants has been engaged by Health Infrastructure to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation requirements for Proponents 2010*. I am therefore writing to invite you and Deerubbin LALC to express interest in consultation and also to ascertain if you are aware of any Aboriginal people or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the study area. If so, we would appreciate if you could provide their contact details.

Could you please provide your response by 15 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Thank you for your assistance.

Kind regards,

DR DRAGOMIR GARBOV
ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
M 0448 464 768 F (02) 9799 6011
E dragomir.garbov@comber.net.au



From: Dragomir Garbov
Sent: Tuesday, 1 June 2021 1:42 PM
To: gs.service@lls.nsw.gov.au; council@penrith.city; Heritage NSW AHIP applications (heritagemailbox@environment.nsw.gov.au) <heritagemailbox@environment.nsw.gov.au>; information@ntscorp.com.au; adminofficer@oralra.nsw.gov.au
Cc: Jillian Comber <jillian.comber@comber.net.au>; Economy, George @ Sydney <George.Economy@cbre.com>
Subject: Notification of Aboriginal Cultural Heritage Assessment for the Nepean Hospital Redevelopment Stage 2

Good afternoon,

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood (Lot 4 DP 1238301), within the Local Government area of Penrith City Council.



Comber Consultants has been engaged by Health Infrastructure to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation requirements for Proponents 2010*. As required, I am writing to ascertain if you are aware of any Aboriginal people or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the study area. If so, we would appreciate if you could provide their contact details.

Could you please provide your response by 15 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Thank you for your assistance.

Kind regards,

DR DRAGOMIR GARBOV
ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
M 0448 464 768 F (02) 9799 6011
E dragomir.garbov@comber.net.au



From: Dragomir Garbov
Sent: Tuesday, 1 June 2021 2:43 PM
To: adminofficer@oralra.nsw.gov.au
Cc: Jillian Comber <jillian.comber@comber.net.au>
Subject: (updated) Notification of Aboriginal Cultural Heritage Assessment for the Nepean Hospital Redevelopment Stage 2

Good afternoon,

Please disregard my previous message.

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood (Lot 4 DP 1238301), within the Local Government area of Penrith City Council.

Comber Consultants has been engaged by Health Infrastructure to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation requirements for Proponents 2010*. As required, I am writing to ascertain if you are aware of any Aboriginal people or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the study area.

If so, we would appreciate if you could share with us a list of Aboriginal owners for this project area.

Could you please provide your response by 15 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North



Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Thank you kindly for your time and assistance.

Kind regards,

DR DRAGOMIR GARBOV
ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
M 0448 464 768 F (02) 9799 6011
E dragomir.garbov@comber.net.au



Up to date search of Native Title Claims and native title register conducted on 3/6/2021 and again on 12/11/2021– no current claims over the study area and no ILUAS

Search of NNTR undertaken on 12/11/21

Search Register of Native Title Claims

The Register of Native Title Claims (RNTC) contains information about all claimant applications that have been registered. The Registrar is responsible for maintaining the RNTC.

Further information about the RNTC is available.

Tribunal file no.	<input type="text"/>
Federal Court file no.	<input type="text"/>
Application name	<input type="text"/>
State or Territory	New South Wales ▼
Representative A/TSI body area	<input type="text"/>
Local government area	Penrith City Council
Date filed between	<input type="text"/> and <input type="text"/>
Sort by	Date filed ▼
<input type="button" value="Search >"/>	

No results for current search criteria



Search of NNTR undertaken on 3/6/2021:

Search National Native Title Register

The National Native Title Register (NNTR) is a register established under s. 192 of the *Native Title Act 1993* (Cth).

The NNTR contains determinations of native title made by:

- the High Court of Australia
- the Federal Court of Australia
- or a recognised body such as South Australia's Supreme Court and Environment Resources and Development Court.

Further information about the NNTR is available.

Tribunal file no.	<input type="text"/>
Federal Court file no.	<input type="text"/>
Short name	<input type="text"/>
Case name	<input type="text"/>
State or Territory	New South Wales ▼
Registered Native Title Body Corporate*	<input type="text"/>
Representative A/TSI body area	<input type="text"/>
Local government area	Penrith City Council
Determination type	ALL ▼
Legal process	ALL ▼
Determination outcome	ALL ▼
Determination date between	<input type="text"/> and <input type="text"/>
Sort by	Determination date ▼
<input type="button" value="Search"/>	

*Please note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

No results for current search criteria



Search of RILUA undertaken on 3/6/2021:

ILUA name	ILUA type	Subject matter(s)	Tribunal file no	Date registered
Western Bundjalung Amended Settlement Indigenous Land Use Agreement	Area Agreement	Native Title Settlement, Access, Consultation protocol	NI2020/002	04/05/2021
St Ives Pistol Club and Awabakal and Guringai People and Ors ILUA	Area Agreement	Access, Development	NI2020/001	01/09/2020
Cavanbah (Byron Bay) Arakwal Indigenous Land Use Agreement	Area Agreement	Native Title Settlement, Access, Community, Consultation protocol	NI2019/005	20/05/2020
Buronga HealthOne ILUA	Body Corporate	Government, Development	NI2019/006	04/03/2020
Copmanhurst Projects ILUA	Area Agreement	Mining, Infrastructure	NI2019/001	04/10/2019
Barkandji Single Dealings ILUA	Body Corporate	Extinguishment, Tenure resolution	NI2019/004	10/09/2019
Barkandji RNTBC Keltren ILUA	Body Corporate	Extinguishment, Not specified	NI2019/002	30/07/2019
Yaegl Interim Licences ILUA	Body Corporate	Native Title Settlement, Not specified	NI2018/006	20/11/2018
Barkandji Interim Licences ILUA	Body Corporate	Not specified	NI2018/007	20/11/2018
Bandjalang Interim Licences ILUA	Body Corporate	Not specified	NI2018/008	20/11/2018
Gumbaynggirr (Boney) Settlement ILUA	Area Agreement	Extinguishment, Native Title Settlement	NI2018/004	26/07/2018
Gumbaynggirr Wenonah Head ILUA	Area Agreement	Native Title Settlement, Tenure resolution	NI2018/005	26/07/2018
Barkandji Appin Station ILUA	Area Agreement	Native Title Settlement	NI2018/002	13/07/2018
Barkandji Weinteriga and Yobel Station ILUA	Area Agreement	Native Title Settlement	NI2018/003	13/07/2018
Tubba-Gah ILUA	Area Agreement	Native Title Settlement, Co-management	NI2015/001	12/01/2016
Gundungurra Area Agreement	Area Agreement	Native Title Settlement, Consultation protocol	NI2014/001	27/02/2015
Cubbitch Barta Clan of the Dharawal People Indigenous Land Use Agreement	Area Agreement	Access	NI2010/001	16/03/2011
Bundjalung People of Byron Bay (ILUA 2)	Area Agreement	Co-management, Consultation protocol, Extinguishment	NI2006/004	22/04/2008
Ti Tree Lake (Taylor's Lake) (ILUA 3)	Area Agreement	Co-management, Consultation protocol	NI2006/005	22/04/2008
Gundungurra Taralga Wind Farm Agreement	Area Agreement	Development, Commercial	NI2006/002	13/12/2007
Githabul People ILUA	Area Agreement	Access, Co-management, Consultation protocol, Extinguishment, Terms of Access	NI2006/001	15/08/2007
Twofold Bay	Area Agreement	Infrastructure, Transport	NI2001/003	29/04/2002
Powercoal Pty Ltd, Victor Perry, Stephen Seiver & NSW ALC ILUA Area Agreement	Area Agreement	Mining, Large mining	NIA2000/001	29/08/2001
Bundjalung of Byron Bay (Arakwal)	Area Agreement	Development, Community	NIA2001/001	28/08/2001



RESPONSES (Step 4.1.2)

DEERUBBIN LALC

Received 1/6/2021

From: Steve Randall <SRandall@deerubbin.org.au>

Sent: Tuesday, 1 June 2021 2:31 PM

To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>

Subject: RE: Notification of Aboriginal Cultural Heritage Assessment for the Nepean Hospital Redevelopment Stage 2

Hi Dragomir,

Deerubbin LALC has an interest in any Aboriginal cultural heritage within in our Land Council area

regards

Steve Randall

GREATER SYDNEY LOCAL LAND SERVICES

Received 1/6/2021

From: LLS GS Service Mailbox <gs.service@lls.nsw.gov.au>

Sent: Tuesday, 1 June 2021 2:32 PM

To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>; council@penrith.city; OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>; information@ntscorp.com.au; adminofficer@oralra.nsw.gov.au

Cc: Jillian Comber <jillian.comber@comber.net.au>; Economy, George @ Sydney <George.Economy@cbre.com>

Subject: Re: Notification of Aboriginal Cultural Heritage Assessment for the Nepean Hospital Redevelopment Stage 2

Dear Dr Garbov

Thank you for your recent letter seeking assistance to identify Aboriginal stakeholder organisations and persons who may hold an interest in Country at the project area designated in your correspondence.

Greater Sydney Local Land Services (GS LLS) acknowledges that Local Land Services (formerly as Catchment Management Authorities) has been listed in Section 4.1.3.(g) of the Aboriginal Cultural Heritage Consultation requirements for proponents 2010, to support Part 6, of the NSW *National Parks and Wildlife Act 1974* as a source of information to obtain the 'names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places'.

GS LLS understands and respects the significant role and values that tangible and intangible Aboriginal Cultural Heritage holds for First Nations / Aboriginal people with Country. GS LLS also partners with many First Nations communities on Caring for Country projects that aim to protect and enhance those tangible and intangible values in Country including Aboriginal Cultural Heritage. GS LLS considers Aboriginal Cultural Heritage matters in relation to its role in land management and considers cultural heritage issues in the context of Natural Resource Management.

However, GS LLS feels that it is not a primary source of contact for First Nations (Aboriginal) communities or persons that may inform or provide comment on development or planning issues.

GS LLS strongly recommends you contact Heritage NSW to seek their advice on all-inclusive contact lists of persons and organisations who 'speak for Country' and that may assist with your investigation.

Kind regards

Customer Service Team

Greater Sydney Local Land Services

Level 4, 2 - 6 Station St Penrith | PO Box 4515, Westfield Penrith NSW 2750

T: 02 4724 2100

E: gs.service@lls.nsw.gov.au | **W:** www.greatersydney.lls.nsw.gov.au



PENRITH CITY COUNCIL
Received 3/6/2021



Our reference: ECM: 9610077
Telephone: (02) 4732 7777

3 June 2021

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street
NORTH CROYDON NSW 2193

Email: Dragomir.garbov@comber.net.au

Dear Mr Garbov,

Request for information on Aboriginal Stakeholder Groups

Reference is made to correspondence from Comber Consultants dated 1 June 2021, requesting advice regarding the Aboriginal stakeholder groups for the Nepean Hospital Redevelopment Stage 2 at Derby Street, Kingswood.

You are advised that the Deerubbin Aboriginal Land Council is the Land Council that covers the Penrith Local Government area and as such has statute to provide commentary and advice to Council or other organisations in relation to planning documents and development applications.

However, all Aboriginal groups and individuals may be able to comment through broader public consultation processes in line with Council's Community Participation Policy.

Deerubbin Land Council may be contacted by email at staff@deerubbin.org.au, by mail at P.O. Box 40 Penrith BC, NSW 2751 or by phone on (02) 4724 5600.

Yours sincerely,

Development Administration Services



PENRITH CITY COUNCIL

Received 7/6/2021

From: James Heathcote <james.heathcote@penrith.city>

Sent: Monday, 7 June 2021 3:21 PM

To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>

Subject: Re: Notification of Aboriginal Cultural Heritage Assessment for the Nepean Hospital Redevelopment Stage 2

Good Afternoon Dr Dragomir Garbov,

Regarding your enquiry for an Aboriginal Cultural Heritage Assessment for the Nepean Hospital Redevelopment Stage 2, Council's Heritage Advisor has reviewed your enquiry, and recommends that you contact NSW Heritage (State Heritage Department) who may have expertise in this field. Unfortunately, this is not available at Penrith Council.

Kind Regards,

James Heathcote

Development Assessment Planner

E james.heathcote@penrith.city

T [+61247328378](tel:+61247328378) | F | M

PO Box 60, PENRITH NSW 2751

www.visitpenrith.com.au

www.penrithcity.nsw.gov.au

PENRITH
CITY COUNCIL



Follow us

HERITAGE NSW

Received 11/6/2021

From: Paul Houston

Sent: Friday, 11 June 2021 11:35 AM

To: dragomir@comber.net.au

Subject: Rap letter Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood (Lot 4 DP 1238301), NSW"

Importance: High

Dragomir

Please find attached RAP letter for the Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood (Lot 4 DP 1238301), NSW"

If you have any questions please contact me.

Paul Houston, Aboriginal Heritage Planning Officer

Heritage NSW, Community Engagement, Department of Premier and Cabinet

142 Brisbane St, Dubbo NSW 2830

T: 02 68835361, M: 0427832205 | Paul.Houston@environment.nsw.gov.au



Reference: DOC21/447897-2

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street
Croydon NSW 2193
dragomir@comber.net.au

RE: Request for information on Aboriginal stakeholders for an Aboriginal cultural heritage consultation for the "Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood (Lot 4 DP 1238301), NSW"

Dear Dragomir,

Thank you for your letter of 1 June 2021 about Aboriginal cultural heritage consultation for "Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood (Lot 4 DP 1238301), NSW", within the Penrith local government area. I appreciate the opportunity to provide input.

Please find enclosed a list of known Aboriginal parties for the Penrith local government area (Attachment 1) that we consider likely to have an interest in the proposal. Note this is not an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with the 'Aboriginal cultural heritage consultation requirements for proponents 2010' (the CRs).

We would also like to take this opportunity to remind the proponent and consultant to:

- Ensure that consultation is fair, equitable and transparent. If the Aboriginal parties express concern or are opposed to parts of or the entire project, we expect that evidence will be provided to demonstrate the efforts made to find common ground between the opponents and the proponent.

52 Martin Place Sydney ■ GPO Box 5341 Sydney NSW 2001 ■ P: (02) 9228 5555 ■ F: (02) 9228 3935 ■ dpc.nsw.gov.au



If you have any questions about this advice, please do not hesitate to contact me via paul.houston@environment.nsw.gov.au or 02 68835361.

Yours sincerely

Paul Houston
Aboriginal Heritage Planning Officer
Aboriginal Cultural Heritage Regulation - Northern
Heritage NSW
Department of Premier and Cabinet
11 June 2021

ATTACHMENT A

Table 1: List of Aboriginal stakeholder groups within the Penrith LGA - that may have an interest in the project; provided as per the "OEH Aboriginal cultural heritage requirement for proponents 2010".

Organisation/ Individual	Contact Name	Email Address/ Fax / Phone	Postal Address	Additional information
Yulay Cultural Services	Arika Jalomaki (Manager)	0411 048 794 yulayculturalservices@gmail.com	15 Rowley Place, Airids NSW 2560	
Muragadi Heritage Indigenous Corporation	Jesse Johnson	0447 970 049 muragadi@yahoo.com.au	5 Hession Road, Nelson, NSW 2765	
Barraby Cultural Services	Lee Field (Manager)	0431 314 892 barrabyculturalservices@gmail.com	10B Elphin Street, Tahmoor NSW 2573	
Yurrandaali Cultural Services	Bo Field (Manager)	0403 048 263 yurrandaali_cs@hotmail.com	6 Macgibbon Parade, Old Errol Bay NSW 2540	
Deerubbin Local Aboriginal Land Council	Kevin Cavanagh	(02) 4724 5600 F: (02) 4722 9713 srandall@deerubbin.org.au Reception@deerubbin.org.au	Level 1, Suite 3 - 291-295 High Street, Penrith NSW 2750 PO Box 40, Penrith NSW 2751	



Darug Tribal Aboriginal Corporation		02 9622 4081	PO Box 441, Blacktown NSW 2148	
Darug Land Observations	Jamie Workman and Anna Workman	0418 494 951 daruglandobservations@gmail.com	PO Box 173, Ulladulla, NSW 2539	
Darug Custodian Aboriginal Corporation	Justine Coplin	0414 962 766 justinecoplin@optusnet.com.au	PO Box 81, Windsor NSW 2756	
Gunjeewong Cultural Heritage Aboriginal Corporation	Cherie Carroll Turrise	0438 428 805 gunjeewong@yahoo.com.au	1 Bellvue Place, Portland NSW, 2847	
Corroboree Aboriginal Corporation	Marilyn Carroll-Johnson	0415911159 corroboreecorp@bigpond.com	PO Box 3340, Rouse Hill, NSW 2155	
Murra Bidgee Mullangari Aboriginal Corporation	Darleen Johnson Ryan Johnson	0490 051 102 murrabidgeemullangari@yahoo.com.au	PO Box 3035 Rouse Hill NSW 2765	
Bidjowong Aboriginal Corporation	James Carroll	0433 224 324	PO Box 124, Round Corner, NSW 2158	
Kamilaroi Yankuntjatjara Working Group	Phil Khan	0434 545 982 philipkhan.acn@live.com.au	78 Forbes Street, Emu Plains, NSW 2750	
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton	02 9410 3665 or 0422 865 831	Unit 9, 6 Chapman Avenue, Chatswood, NSW 2067	
Warragil Cultural Services	Aaron Slater (Manager)	0481 280 067 Warragil_c.s@hotmail.com		
A1 Indigenous Services	Carolyn Hickey	0411 650 057 cazadirect@live.com	10 Marie Pitt Place Glenmore Park 2745 NSW.	
Amanda Hickey Cultural Services	Amanda Hickey	0434 480 588 amandahickey@live.com.au	57 Gough st emu plains 2750	
Widescope Indigenous Group	Steven Hickey and Donna Hickey	0425 230 693 (Steven) 0425 232 056 (Donna)	73 Russell Street, Emu Plains, NSW 2750	
Dhinawan Culture & Heritage Pty Ltd	Stephen Fields	0411232285 dhinawan.ch@gmail.com		
HSB Consultants	Patricia Hampton	0424 142 216	62 Ropes Crossing Boulevard, Ropes Crossing 2760	
Rane Consulting	Tony Williams	02 88246991 ajw1901@bigpond.com	1 Pyrenees Way Beaumont Hills NSW 2155	
Anthony Williams	Anthony Williams	0456 399 687	Unit 2 / 24 Goodwin Street Narrabeen NSW 2101	
Gunyu	Kylie Ann Bell	gunyuachts@gmail.com		



Walbunja	Hika Te Kowhai	0402 730 612 walbunja@gmail.com		
Badu	Karia Lea Bond	0476 381 207	11 Jeffery Place, Moruya, NSW 2537	
Goobah Developments	Basil Smith	0405 995 725 goobahdevelopments@gmail.com	66 Grantham Road, Batehaven NSW, 2536	
Wullung	Lee-Roy James Boota	0403 703 942	54 Blackwood Street, Gerringong, NSW, 2534	
Yerramurra	Robert Parson	yerramurra@gmail.com		
Nundagurri	Newton Carriage	nundagurri@gmail.com		
Murrumbul	Mark Henry	murrumbul@gmail.com		
Jerringong	Joanne Anne Stewart	0422 800 184 jerringong@gmail.com		
Pemulwuy CHTS	Pemulwuy Johnson	0425 066 100 pemulwuyd@gmail.com	14 Top Place, Mt Annan	
Bilinga	Simalene Carriage	bilingachts@gmail.com		
Munyunga	Kaya Dawn Bell	munyungachts@gmail.com		
Wingikara	Hayley Bell	wingikarachts@gmail.com		
Minnamunnung	Aaron Broad	0402 526 888	1 Waratah Avenue, Albion Park Rail NSW 2527	
Walgalu	Ronald Stewart	walgachts@gmail.com		
Thauaira	Shane Carriage	thauairachts@gmail.com		
Dharug	Andrew Bond	dharugchts@gmail.com		
Gulaga	Wendy Smith	gulagachts@gmail.com		
Callendulla	Corey Smith	cullendullachts@gmail.com		
Murramarang	Roxanne Smith	murramarangchts@gmail.com		
DJMD Consultancy	Darren Duncan	0410 510 397 darrenjohnduncan@gmail.com		
Butucarbin Aboriginal Corporation	Jennifer Beale	(02)9832 7167 butuheritage@gmail.com	PO Box E18, Emerton, NSW 2770	
Didge Ngunawal Clan	Lillie Carroll Paul Boyd	0426 823 944 didgengunawalclan@yahoo.com.au	33 Carlyle Crescent Cambridge Gardens NSW 2747	
Ginninderra Aboriginal Corporation	Steven Johnson and Krystle Carroll	0406991221 Ginninderra.corp@gmail.com	PO BOX 3143 Grose Vale NSW 2754	



Wailwan Aboriginal Group	Philip Boney	0436 483 210 waarian12@outlook.com		
Barking Owl Aboriginal Corporation	Mrs Jody Kulakowski (Director)	0426 242 015 barkingowlcorp@gmail.com	2-65/69 Wehlow St. Mt Druitt	
Darug Boorooberongal Elders Aboriginal Corporation	Paul Hand (chairperson)	0456786738 paulhand1967@gmail.com	PO.Box 14 Doonside NSW 2767	
B.H. Heritage Consultants	Ralph Hampton	0435 785 138 0401 662 531 hamptonralph46@gmail.com	184 Captain Cook Drive Willmot 2770 NSW 95 Mount Ettalong Road Umina Beach 2257 NSW	
Ngambaa Cultural Connections	Nola Hampton	kinghampton@77gmail.com	6 Natchez Crescent, Greenfield Park NSW 2167	
Goodradigbee Cultural & Heritage Aboriginal Corporation,	Kaarina Slater	0417861882 ngambaaaculturalconnections@hotmail.com	1 Morilla Road, East Kurrajong NSW 2758	
Mura Indigenous Corporation	Caine Carroll	0410974236 goodradigbee1@outlook.com	11 Nargal Street Flinders NSW 2529	
Aragung Aboriginal Cultural Heritage Site Assessments	Phillip Carroll	0448824188 mura.indigenous@bigpond.com	33 Bulolo Drive Whalan NSW 2770	
Waawaar Awaar Aboriginal Corporation	Jamie Eastwood	0427793334 0298323732 James.eastwood@y7mail.com	15 Bungonia Street Prestons NSW 2170	
Clive Freeman	Rodney Gunther	Waawaar.awaa@gmail.com	6 Dhugan Close Wreck Bay Aboriginal Community JBT 2540	
Galamaay Cultural Consultants (GCC)	Clive Freeman	Mob:0437721481 Home: 02-44421117 clive.freeman@y7mail.com	121 Robert Street, Tamworth NSW 2340	
Wurrumay Pty Ltd	Robert Slater	Mob:0401 871 526 galamaay@hotmail.com	89 Pyramid street, Emu Plains NSW 2750	
Tocomwall	Kerrie Slater and Vicky Slater	0421077521 wurrumay@hotmail.com	PO Box 76, Caringbah NSW 1495	
Biamanga	Scott Franks	0404 171 544 biamangachts@gmail.com	50B Hilltop Crescent, Surf Beach, 2536, NSW	
Thoorga Nura	Seli Storer	0401 641 299 thoorganura@gmail.com	261 Mockingbird Rd Pheasants Nest NSW 2574	
Wori Woollywa	John Carriage (Chief Executive Officer)	woriwoollywa@gmail.com 0409006216	6 MacGibbon Parade, Old Errol Bay NSW 2540	
Gilay Consultants	Daniel Chalker	0476583565 cal.slater61@gmail.com		
	Carol Slater			



NEWSPAPER NOTIFICATION (Step 4.1.3)

The newspaper notification in *The Daily Telegraph*, Penrith NSW, published online on **01/06/2021 (active till 15/6/2021)** requested responses to be received by COB **16/01/2020**.

ABORIGINAL CULTURAL HERITAGE ASSESSMENT NEPEAN HOSPITAL REDEVELOPMENT STAGE 2 NOTIFICATION AND REGISTRATION OF ABORIGINAL INTERESTS

1/6/2021

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Hospital Redevelopment Stage 2 project, located at Derby Street, Kingswood, within the Local Government Area of Penrith City Council.

Health Infrastructure has commissioned the preparation of an Aboriginal Cultural Heritage Assessment Report and it may be required to undertake excavation prior to redevelopment of the site.

The proposal is to be assessed as a State Significant Development (SSD) under Part 4 Division 4.7 of the Environmental Planning and Assessment Act 1979. This requires Aboriginal community consultation to be undertaken in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010.

Registrations of interest are being sought from Aboriginal people who hold cultural knowledge that is relevant to determining the significance of any potential Aboriginal objects at this location. This will assist in the assessment of the proposal by the NSW Department of Planning, Industry and Environment.

Please note that the details of Aboriginal people or organisations who register an interest will be forwarded to Heritage NSW and the Deerubbin Local Aboriginal Land Council (DLALC). If you do not want your details forwarded to the DLALC, please specify in your letter when registering an interest that you do not want your details forwarded to the DLALC.

Comber Consultants Pty Ltd has been appointed to undertake the archaeological assessment and consultation.

You can register, indicating the nature of your interest by phone or in writing to:

Dr Dragomir Garbov
Comber Consultants Pty Ltd
76 Edwin Street North
Croydon NSW 2132
Tel: 0448 464...
Jillian.comber@comber.net.au

REGISTRATIONS MUST BE RECEIVED BY COB ON 16 JUNE 2021

Enquire Now

Send Message

Contact details

Jillian Comber

0418 788...

EMAIL INVITATION TO STAKEHOLDERS SEEKING EOI (Step 4.1.4)

Sent on 16/6/2021

From: Dragomir Garbov

Sent: Wednesday, 16 June 2021 2:14 PM

To: 'yulayculturalservices@gmail.com' <yulayculturalservices@gmail.com>; 'muragadi@yahoo.com.au' <muragadi@yahoo.com.au>; 'Lee Field' <barrabyculturalservices@gmail.com>; 'yurrandaali_cs@hotmail.com' <yurrandaali_cs@hotmail.com>; 'daruglandobservations@gmail.com' <daruglandobservations@gmail.com>; 'justinecoplin@optusnet.com.au' <justinecoplin@optusnet.com.au>; 'gunjeewong@yahoo.com.au' <gunjeewong@yahoo.com.au>; Corroboree Aboriginal Corporation <corroboreecorp@bigpond.com>; 'murrabidgeemullangari@yahoo.com.au' <murrabidgeemullangari@yahoo.com.au>; 'philip khan' <philipkhan.acn@live.com.au>; warrangil_c_s@hotmail.com; 'Caza X' <cazadirect@live.com>; 'amandahickey@live.com.au' <amandahickey@live.com.au>; 'dhinawan.ch@gmail.com' <dhinawan.ch@gmail.com>; 'ajw1901@bigpond.com' <ajw1901@bigpond.com>; 'gunyuuchts@gmail.com' <gunyuuchts@gmail.com>; 'walbunja@gmail.com' <walbunja@gmail.com>; 'goobahchts@gmail.com' <goobahchts@gmail.com>; 'yerramurra@gmail.com' <yerramurra@gmail.com>; 'Newton Carriage' <nundagurri@gmail.com>; 'murrumbul@gmail.com'



<murrumbul@gmail.com>; 'jerringong@gmail.com' <jerringong@gmail.com>; 'pemulwuyd@gmail.com' <pemulwuyd@gmail.com>; 'bilingachts@gmail.com' <bilingachts@gmail.com>; 'munyungachts@gmail.com' <munyungachts@gmail.com>; 'wingikarachts@gmail.com' <wingikarachts@gmail.com>; 'walgaluchts@gmail.com' <walgaluchts@gmail.com>; 'thauairachts@gmail.com' <thauairachts@gmail.com>; 'Andrew Bond' <dharugchts@gmail.com>; 'gulagachts@gmail.com' <gulagachts@gmail.com>; 'cullendullachts@gmail.com' <cullendullachts@gmail.com>; 'murramarangchts@gmail.com' <murramarangchts@gmail.com>; 'darrenjohnduncan@gmail.com' <darrenjohnduncan@gmail.com>; 'Butucarbin Heritage' <butuheritage@gmail.com>; 'didgengunawalclan@yahoo.com.au' <didgengunawalclan@yahoo.com.au>; 'ginninderra.corp@gmail.com' <ginninderra.corp@gmail.com>; 'Phillip Boney' <Waarlan12@outlook.com>; 'Barking Owl Aboriginal Corporation' <barkingowlcorp@gmail.com>; 'paulhand1967@gmail.com' <paulhand1967@gmail.com>; 'hamptonralph46@gmail.com' <hamptonralph46@gmail.com>; 'kinghampton@77gmail.com' <kinghampton@77gmail.com>; 'ngambaaculturalconnections@hotmail.com' <ngambaaculturalconnections@hotmail.com>; 'goodradigbee1@outlook.com' <goodradigbee1@outlook.com>; mura.indigenous@bigpond.com; 'James Eastwood' <james.eastwood@y7mail.com>; 'Rodney Gunther' <waawaar.awaa@gmail.com>; 'clive.freeman@y7mail.com' <clive.freeman@y7mail.com>; 'galamaay@hotmail.com' <galamaay@hotmail.com>; 'wurrumay@hotmail.com' <wurrumay@hotmail.com>; 'biamangachts@gmail.com' <biamangachts@gmail.com>; 'thoorganurra@gmail.com'; 'woriwoolywa@gmail.com' <woriwoolywa@gmail.com>; 'cal.slater61@gmail.com' <cal.slater61@gmail.com>

Cc: Jillian Comber <jillian.comber@comber.net.au>

Subject: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Good afternoon,

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

Comber Consultants has been engaged by Health Infrastructure to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation requirements for Proponents* 2010. The purpose of community consultation with Aboriginal people is to assist the Director General in his or her consideration and determination of the application.

Heritage NSW have advised that you are a stakeholder who may have an interest in the project. Therefore, you are invited to register an interest, particularly if you hold cultural knowledge relevant to determining the significance of Aboriginal objects and or/places within the study area. You are also invited to provide the names and contact details of any other Aboriginal persons or organisations who may hold cultural knowledge relevant to the study area.

Please note that a log of responses will be prepared and forwarded to Heritage NSW and the Deerubbin Local Aboriginal Land Council (DLALC). If you do not want your name forwarded to DLALC, please let me know.

Please note that this invitation is for Aboriginal community consultation, which should not be confused with employment. As stated in section 3.4 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* 2010: "Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring". Therefore, responding to this invitation is not an automatic right to employment.

Could you please provide your response by COB on 30 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Kind regards,

DR DRAGOMIR GARBOV
ARCHAEOLOGIST



HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132

M 0448 464 768 F (02) 9799 6011

E dragomir.garbov@comber.net.au



[Like us on facebook](#)

Comber Consultants acknowledges the traditional custodians of the land on which we work and pay our respects to Elders past and present.



LETTER INVITATIONS TO STAKEHOLDERS SEEKING EOI



16 June 2021

Mr Anthony Williams
2/24 Goodwin Street
Narrabeen NSW 2101

Dear Mr Anthony Williams,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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Could you please provide your response by 30 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Mr James Carroll
Bidjawang Aboriginal Corporation
PO Box 124
Round Corner NSW 2158

Dear Mr James Carroll,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Darug Tribal Aboriginal Corporation
PO Box 441
Blacktown NSW 2148

Dear Madams/Sirs,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

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Could you please provide your response by 30 June 2021 to:

Dr Dragomir Garbo
Comber Consultants
76 Edwin Street North
Croydon, NSW. 2193
dragomir.garbo@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbo
Senior Archaeologist



16 June 2021

Ms Patricia Hampton
HSB Consultants
62 Ropes Crossing Boulevard
Ropes Crossing, NSW, 2760

Dear Ms Patricia Hampton,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

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Comber Consultants
76 Edwin Street North
Croydon, NSW, 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Mr Aaron Broad
Minnamunnung
1 Waratah Avenue
Albion Park Rail NSW 2527

Dear Mr Aaron Broad,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

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76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Mr Phillip Carroll
Mura Indigenous Corporation
11 Nargal Street
Flinders NSW 2529

Dear Mr Phillip Carroll,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

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dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Mr John Carriage
Thoorga Nura
50B Hilltop Crescent
Surf Beach NSW 2536

Dear Mr John Carriage,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

Comber Consultants has been engaged by Health Infrastructure to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation requirements for Proponents 2010*. The purpose of community consultation with Aboriginal people is to assist the Director General in his or her consideration and determination of the application.

Heritage NSW have advised that you are a stakeholder who may have an interest in the project. Therefore, you are invited to register an interest, particularly if you hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the study area. You are also invited to provide the names and contact details of any other Aboriginal persons or organisations who may hold cultural knowledge relevant to the study area.

Please note that a log of responses will be prepared and forwarded to Heritage NSW and the Deerubbin Local Aboriginal Land Council (DLALC). If you do not want your name forwarded to DLALC, please let me know.

Please note that this invitation is for Aboriginal community consultation, which should not be confused with employment. As stated in section 3.4 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*: "Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring". Therefore, responding to this invitation is not an automatic right to employment.

Could you please provide your response by 30 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Lee-Roy James Boota
Wullung
54 Blackwood Street
Gerringong NSW 2534

Dear Mr Lee-Roy James Boota,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

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Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



STAKEHOLDER RESPONSES

From: lilly carroll <didgengunawalclan@yahoo.com.au>

Sent: Wednesday, 16 June 2021 2:23 PM

To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>

Subject: Re: Aboriginal Cultural Heritage Ass, Nepean Hospital Redevelopment Stage 2

Hi Dragomir

DNC would like to register an interest into ACHAR Nepean Hospital redevelopment Redevelopment stage 2.

Kind regards

Paul & Lilly Carroll

Directors DNC

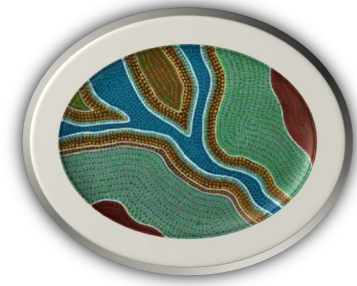
0426823944

[Sent from Yahoo Mail for iPhone](#)



Waawaar A waa A boriginal Corporation

16 June 2021



Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 219

RE: Nepean Hospital Redevelopment Stage 2.

Hi Dragomir,

Please register Waawaar A waa A boriginal Corporation for the proposed Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood.

Waawaar A waa A boriginal Corporation comprises of Aboriginal people that have an interest, cultural connection and cultural knowledge relevant to determining the significance of Aboriginal objects and Places within the project area.

Waawaar A waa A boriginal members, being all Aboriginal have a deep interest and responsibility regarding any potential impacts in the South West Sydney area to Aboriginal objects or places within the traditional cultural areas of **Dharawal, Gundungurra and Darug** and also within the Local Aboriginal Land Council (LALC) boundary areas of **Tharawal, Deerubbin, Gandangara, La Perouse and Metropolitan LALCs**.

Waawaar A waa A boriginal Corporation is a non- profit organisation that aims to actively participate in the assessment processes and management of Aboriginal objects and Aboriginal places due to possible development impacts.

Waawaar A waa A boriginal Corporation seeks to assist in the management of the natural environmental impacts and to provide employment opportunities for Aboriginal people and endeavours to promote Aboriginal culture to educate the broader community about Australia's Aboriginal rich diverse cultural history.

Employment in cultural heritage assessments is a source of income that organisations such as ours can use to contribute to fund beneficial activities and support to the community therefore Waawaar A waa A boriginal requests participation in any survey, test excavations and salvage that may assist in informing the cultural values of the area and also contribute to the aims and objectives of the Waawaar A waa A boriginal Corporation.

Regards

Rodney Gunther
0410 580 962



Wori Woilywa
ABN: 40218677675
261 Mockingbird Road,
PHEASANTS NEST 2574 NSW
M: 0409006216 Daniel
worivoilywa@gmail.com

To whom it may concern

We would like to acknowledge the land owners as the first nation's families of the country. We would like to acknowledge and pay thanks to mother earth for providing for us, Father for looking over us and the sprites for helping guide us. Also we pay our respects to the old the young and the new.

We thank you for your invitation to register for the Aboriginal Cultural Heritage Assessment at 1 Reserve Road, St Leonards, NSW. We would like to be involved in the consultation process and are also able to provide field workers if required.

Thank you again and please feel free to contact me if you require anything further.

Kind Regards

Daniel Chalker
Wori Woilywa
P- 0409006216



From: philip khan <philipkhan.acn@live.com.au>
Sent: Thursday, 17 June 2021 9:46 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: RE: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Hi Dragomir,

Thank you for informing us that **Comber Consultants** will be involved in an Aboriginal Cultural Heritage Assessment at **Nepean Hospital Redevelopment** & that you are inviting Aboriginal organisations to register, if they wish too be involved in the community consultation process.

As a senior Aboriginal person for the past 50yrs, I actively participate in the protection of the Aboriginal Cultural Heritage throughout the Sydney Basin, & particularly throughout Western Sydney, on behalf of Kamilaroi Yankuntjatjara Working Group I wish to provide to you my organisation's registration of interest.

I wish to be involved & participate in all levels of consultation/project involvement. I wish to attend all meetings, participate in available field work & receive a copy of the report.

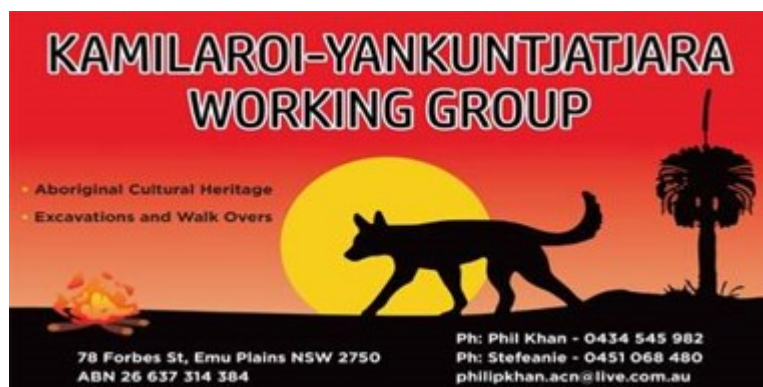
I have attached a copy of Kamilaroi Yankuntjatjara Working group's Public Liability Insurance & Workers Compensation certificate.

Our Rates - \$100 per hour, \$400 half day & \$800 full day (Exc. GST)

Our RAPS have up to 15yrs Cultural Heritage experience in – field work which involves manual excavation (digging), sieving, identifying artefacts, setting up transits, setting up equipment, packing equipment, site surveys & attending meetings.

Should you wish me to provide further information, please do not hesitate to contact me on 0434545982 or Stefeanie on 0451068480.

Kind Regards
Phil Khan





From: Carolyn .H <cazadirect@live.com>

Sent: Sunday, 20 June 2021 6:05 PM

To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>

Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2



INDIGENOUS SERVICES PTY LTD

Contact: Carolyn Hickey

M: 0411650057

E: [Cazadirect@live.com](mailto:cazadirect@live.com)

A: 10 Marie Pitt Place, Glenmore Park, NSW 2745

ACN: 639 868 876

ABN: 31 639 868 876

Hi,
Thank you for your email, I would like to register in being involved in all levels of consultation for this project, such as, Meetings, Reports, Sharing Cultural Information, and available Field Work.

I am a traditional custodian with over 20 years' experience in helping preserve Aboriginal cultural heritage on projects, I hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and values that exist in the project area.

I have attached A1 Indigenous Services Insurances.

Please feel free to contact me on details supplied
Kind Regards,
Carolyn Hickey





From: James Eastwood <james.eastwood@y7mail.com>
Sent: Monday, 21 June 2021 6:25 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Registration



Dear Dragomir

Thank you for your recent invitation to register for Aboriginal Community Consultation in
Regards to the Neapean Hospital Redevelopment Stage 2 project.
Aragung Aboriginal Cultural heritage site Assessments is glad to accept your invitation and
would like to register a expression of interest towards the above mention project for Aboriginal
community consultation .

Kind regards
Aragung
Co / Jamie Eastwood

From: Darleen Johnson <murrabidgeemullangari@yahoo.com.au>
Sent: Monday, 21 June 2021 11:16 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Hi Dragomir,
Please register us for the above project,
Thanks
Ryan Johnson



DARUG CUSTODIAN

ABORIGINAL CORPORATION



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0414962766 Justine Coplin
EMAIL: justinecoplin@optusnet.com.au

Attention Comber Consultants

Date: 210621

Subject: Nepean Hospital Redevelopment Stage 2

Dear Drago

Our group is a non- profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

The Penrith area is an area that our group has a vast knowledge of, we have worked and lived in for many years, this area is significant to the Darug people due to the connection of sites and the continued occupation. Our group has been involved in all previous assessments and works in this area as a traditional owner Darug group for the past 40 plus years.

Therefore, we would like to register our interest for full consultation and involvement in the above project area.

Please contact us with all further enquiries on the above contacts.

Regards



From: Arika Jalomaki <yulayculturalservices@gmail.com>
Sent: Wednesday, 23 June 2021 9:44 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Dear Dragomir,

Yulay Cultural service's would like to register our interest in the above project.

Kind regards,

Arika Jalomaki
0481 251 385

From: Vicky Slater <wurrumay@hotmail.com>
Sent: Monday, 5 July 2021 9:09 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Hi Dragomie

Wurrumay Pty Ltd would like to register an interest for the above project.

Experienced Indigenous Site Officer

Live locally Emu Plains

Current Insurances

.

Returned emails/letters:

Letter to James Carrol was returned

The following three emails bounced back from the following organisations:

- Aaron Slater, Warragal Cultural Services: warragal_c.s@hotmail.com (postal address not provided). Attempts were made, without success to contact Aaron by phone. His number has been disconnected.
- Philip Carroll, Mura Indigenous Corporation. Letter then sent and a response was not received.
- John Carriage, Thoorga Nura: thoorganura@gmail.com. Letter then sent and a response was not received



NOTIFICATION TO HNSW AND LALC (Step 4.1.6) sent 30 June 2021



ARCHAEOLOGY - HERITAGE - MEDIATION - ARBITRATION
ABORIGINAL - HISTORIC - MARITIME

76 EDWIN STREET NORTH, CROYDON, NSW, 2132

T 02 9799 6000

enquiries@comber.net.au

www.comber.net.au

DIRECTORS

DR JILLIAN COMBER | 0418 788 802

DAVID NUTLEY | 0408 976 553

30 June 2021

Heritage NSW

Email: heritagemailbox@environment.nsw.gov.au

Dear Madam / Sir,

Nepean Hospital Redevelopment Stage 2

This letter is being sent as part of Step 4.1.6 of the Aboriginal consultation for the proposed Nepean Hospital Redevelopment Stage 2 in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents, 2010*.

Registration of interest in consultation for this project was received from the following 12 individuals and organisations:

Date	Organisation	Representative	Contact Details	Method of Registration
01/06/2021	Deerubbin LALC	Steve Randall	SRandall@deerubbin.org.au	Email
16/06/2021	Didge Ngunawal Clan	Lilly Carol	didgengunawalclan@yahoo.com.au	Email
16/06/2021	Wawaar Awaa	Rodney Gunther	waawaar.awaa@gmail.com	Email
16/06/2021	Wori Woilywa	Daniel Chalker	woriwoilywa@gmail.com	Email
17/06/2021	Kamilaroy Yankuntjatjara	Phil Khan	philipkhan.acn@live.com.au	Email
20/06/2021	A1 Indigenous Services	Caroline Hickey	cazadirect@live.com	Email
20/06/2021		Details Withheld		Email
20/06/2021		Details Withheld		Email
21/06/2021	Aragung	Jamie Eastwood	james.eastwood@y7mail.com	Email
21/06/2021	Murrabidgee Mulangari	Ryan Johnson	murrabidgeemulangari@yahoo.com.au	Email
21/06/2021	Darug Custodian	Justine Coplin	justinecoplin@optusnet.com.au	Email
23/06/2021	Yulay Cultural Services	Arika Jalomaki	yulayculturalservices@gmail.com	Email

The following newspaper advertisement was placed in the Daily Telegraph, Penrith on 1 June 2021

**ABORIGINAL CULTURAL HERITAGE
ASSESSMENT NEPEAN HOSPITAL
REDEVELOPMENT STAGE 2
NOTIFICATION AND REGISTRATION
OF ABORIGINAL INTERESTS**

ENQUIRE

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Hospital Redevelopment Stage 2 project, located at Derby Street, Kingswood, within the Local Government Area of Penrith City Council.

Health Infrastructure has commissioned the preparation of an Aboriginal Cultural Heritage Assessment Report and it may be required to undertake consultation prior to redevelopment of the site.

The proposed to be assessed as a State Significant Development (SSD) under Part 4 Division 4.2 of the Environmental Planning and Assessment Act 1979. This requires Aboriginal community consultation to be undertaken in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

Registrations of interest are being sought from Aboriginal people who hold cultural knowledge that is relevant to determining the significance of any potential Aboriginal objects at this location. This will assist in the assessment of the proposed by the NSW Department of Planning, Industry and Environment.

Please note that the details of Aboriginal people or organisations who register an interest will be forwarded to Heritage NSW and the Traditional Local Aboriginal Land Council (LALC). If you do not want your details forwarded to the LALC, please specify in your letter when registering an interest that you do not want your details forwarded to the LALC.

Comber Consultants Pty Ltd has been appointed to undertake the archaeological assessment and consultation.

You can register, indicating the nature of your interest by phone or in writing to:

Dr Dragomir Stefan
Comber Consultants Pty Ltd
76 Edwin Street North
Croydon NSW 2132
Tel: 0208 976 553
enquiries@comber.net.au

REGISTRATIONS MUST BE RECEIVED BY COB ON 18 JUNE 2021

Enquire now

Send Message

Contact details

Jillian Comber

0418 788...

COMBER CONSULTANTS PTY LTD
ABN 96 109 670 573



An invitation for expressions of interest was sent via email and per post to the stakeholders, as identified by the relevant NSW Agencies, on 16 June 2021. Stakeholders that could not be reached by email or post were contacted by phone.

The following email invitation was sent on 16 June to the recipients as detailed below:

From: Dragomir Garbov
Sent: Wednesday, 16 June 2021 2:14 PM
To: yulayculturalservices@gmail.com; muragadi@yahoo.com.au; Lee Field <barrabyculturalservices@gmail.com>; yurandaali_cs@hotmail.com; daruglandobservations@gmail.com; justinecoplin@optusnet.com.au; gunjeewong@yahoo.com.au; Corroboree Aboriginal Corporation <corroboreecorp@bigpond.com>; murrabidgeemullangari@yahoo.com.au; philip khan <philipkhan.acn@live.com.au>; warrangil_cs@hotmail.com; Caza X <cazadirect@live.com>; amandahickey@live.com.au; dhinawan.ch@gmail.com; ajw1901@bigpond.com; gunyuuchts@gmail.com; walbunja@gmail.com; goobahchts@gmail.com; yerramurra@gmail.com; Newton Carriage <nundagurri@gmail.com>; murrumbul@gmail.com; jerringong@gmail.com; pemulwuyd@gmail.com; bilingachts@gmail.com; munyungachts@gmail.com; wingikarachts@gmail.com; walgaluchts@gmail.com; thauairachts@gmail.com; Andrew Bond <dharugchts@gmail.com>; gulagachts@gmail.com; cullendullachts@gmail.com; murramarangchts@gmail.com; darrenjohnduncan@gmail.com; Butucarbin Heritage <butuheritage@gmail.com>; didgengunawalclan@yahoo.com.au; ginninderra.corp@gmail.com; Phillip Boney <Waarlan12@outlook.com>; Barking Owl Aboriginal Corporation <barkingowlcorp@gmail.com>; paulhand1967@gmail.com; hamptonralph46@gmail.com; kinghampton@77gmail.com; ngambaaculturalconnections@hotmail.com; goodradigbee1@outlook.com; mura.indigenous@bigpond.com; James Eastwood <james.eastwood@y7mail.com>; Rodney Gunther <waawaar.awaa@gmail.com>; clive.freeman@y7mail.com; galamaay@hotmail.com; wurumay@hotmail.com; biamangachts@gmail.com; thooganurra@gmail.com; woriwoolywa@gmail.com; cal.slater61@gmail.com
Cc: Jillian Comber <jillian.comber@comber.net.au>
Subject: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Good afternoon,

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North



Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Kind regards,

DR DRAGOMIR GARBOV
ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
M 0448 464 768 F (02) 9799 6011
E dragomir.garbov@comber.net.au



Three emails bounced back due to invalid email addresses, as follows:

Warragil_c.s@hotmail.com
mura.indigenous@bigpond.com
thoorganura@gmail.com

Invitation letters were therefore sent to these stakeholders per mail.

One stakeholder, identified by Heritage NSW, Warragil Cultural Services (Manager: Aaron Slater), had no post address provided. Attempts were made to contact this stakeholder by the phone number as provided to no avail as this phone number is disconnected.

The relevant mail invitation examples are provided on the following pages:



16 June 2021

Mr Anthony Williams
2/24 Goodwin Street
Narrabeen NSW 2101

Dear Mr Anthony Williams,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

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Dr Dragomir Garbo
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbo@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbo
Senior Archaeologist



16 June 2021

Darug Tribal Aboriginal Corporation
PO Box 441
Blacktown NSW 2148

Dear Madams/Sirs,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

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Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Ms Patricia Hampton
HSB Consultants
62 Ropes Crossing Boulevard
Ropes Crossing, NSW, 2760

Dear Ms Patricia Hampton,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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Comber Consultants
76 Edwin Street North
Croydon, NSW, 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Mr Aaron Broad
Minnamunnung
1 Waratah Avenue
Albion Park Rail NSW 2527

Dear Mr Aaron Broad,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Mr Phillip Carroll
Mura Indigenous Corporation
11 Nargal Street
Flinders NSW 2529

Dear Mr Phillip Carroll,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

Comber Consultants has been engaged by Health Infrastructure to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation requirements for Proponents 2010*. The purpose of community consultation with Aboriginal people is to assist the Director General in his or her consideration and determination of the application.

Heritage NSW have advised that you are a stakeholder who may have an interest in the project. Therefore, you are invited to register an interest, particularly if you hold cultural knowledge relevant to determining the significance of Aboriginal objects and or/places within the study area. You are also invited to provide the names and contact details of any other Aboriginal persons or organisations who may hold cultural knowledge relevant to the study area.

Please note that a log of responses will be prepared and forwarded to Heritage NSW and the Deerubbin Local Aboriginal Land Council (DLALC). If you do not want your name forwarded to DLALC, please let me know.

Please note that this invitation is for Aboriginal community consultation, which should not be confused with employment. As stated in section 3.4 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*: "Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring". Therefore, responding to this invitation is not an automatic right to employment.

Could you please provide your response by 30 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Mr John Carriage
Thoorga Nura
50B Hilltop Crescent
Surf Beach NSW 2536

Dear Mr John Carriage,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Lee-Roy James Boota
Wullung
54 Blackwood Street
Gerrigong NSW 2534

Dear Mr Lee-Roy James Boota,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

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76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



The following expressions of interest were received:

From: Steve Randall <SRandall@deerubbin.org.au>
Sent: Tuesday, 1 June 2021 2:31 PM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: RE: Notification of Aboriginal Cultural Heritage Assessment for the Nepean Hospital Redevelopment Stage 2

Hi Dragomir,

Deerubbin LALC has an interest in any Aboriginal cultural heritage within in our Land Council area

regards

Steve Randall

From: Lilly Carroll <didgengunawalclan@yahoo.com.au>
Sent: Wednesday, 16 June 2021 2:23 PM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Re: Aboriginal Cultural Heritage Ass, Nepean Hospital Redevelopment Stage 2

Hi Dragomir

DNC would like to register an interest into ACHAR Nepean Hospital redevelopment Redevelopment stage 2.

Kind regards
Paul & Lilly Carroll
Directors DNC
0426823944

[Sent from Yahoo Mail for iPhone](#)

From: Rodney Gunther <waawaar.awaa@gmail.com>
Sent: Wednesday, 16 June 2021 9:00 PM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Hi Dragomir,

Please find attached:

- our letter for registration for the Nepean Hospital Redevelopment Stage 2.
- relevant insurances for future reference.

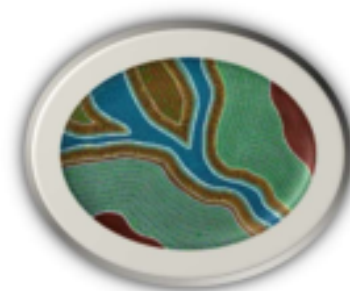
regards

Rodney Gunther



Waawaar Awaa Aboriginal Corporation

16 June 2021



Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 219

RE: Nepean Hospital Redevelopment Stage 2.

Hi Dragomir,

Please register Waawaar Awaa Aboriginal Corporation for the proposed Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood.

Waawaar Awaaa Aboriginal Corporation comprises of Aboriginal people that have an interest, cultural connection and cultural knowledge relevant to determining the significance of Aboriginal objects and Places within the project area.

Waawaar Awaaa members, being all Aboriginal have a deep interest and responsibility regarding any potential impacts in the South West Sydney area to Aboriginal objects or places within the traditional cultural areas of **Dharawal, Gundungurra and Darug** and also within the Local Aboriginal Land Council (LALC) boundary areas of **Tharawal, Deerubbin, Gandangara, La Perouse and Metropolitan LALCs**.

Waawaar Awaaa Aboriginal Corporation is a non- profit organisation that aims to actively participate in the assessment processes and management of Aboriginal objects and Aboriginal places due to possible development impacts.

Waawaar Awaaa Aboriginal Corporation seeks to assist in the management of the natural environmental impacts and to provide employment opportunities for Aboriginal people and endeavours to promote Aboriginal culture to educate the broader community about Australia's Aboriginal rich diverse cultural history. Employment in cultural heritage assessments is a source of income that organisations such as ours can use to contribute to fund beneficial activities and support to the community therefore Waawaar Awaaa requests participation in any survey, test excavations and salvage that may assist in informing the cultural values of the area and also contribute to the aims and objectives of the Waawaar Awaaa Aboriginal Corporation.

Regards

Rodney Gunther
0410 580 962



WORI WOILYWA

Wori Woilywa
ABN: 40218677675
261 Mockingbird Road,
PHEASANTS NEST 2574 NSW
M: 0409006216 Daniel
woriwoilywa@gmail.com

To whom it may concern

We would like to acknowledge the land owners as the first nation's families of the country. We would like to acknowledge and pay thanks to mother earth for providing for us, Father for looking over us and the sprites for helping guide us. Also we pay our respects to the old the young and the new.

We thank you for your invitation to register for the Aboriginal Cultural Heritage Assessment at 1 Reserve Road, St Leonards, NSW. We would like to be involved in the consultation process and are also able to provide field workers if required.

Thank you again and please feel free to contact me if you require anything further.

Kind Regards

Daniel Chalker
Wori Woilywa
P- 0409006216

From: philip khan <philipkhan.acn@live.com.au>
Sent: Thursday, 17 June 2021 9:46 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: RE: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Hi Dragomir,

Thank you for informing us that **Comber Consultants** will be involved in an Aboriginal Cultural Heritage Assessment at **Nepean Hospital Redevelopment** & that you are inviting Aboriginal organisations to register, if they wish too be involved in the community consultation process.

As a senior Aboriginal person for the past 50yrs, I actively participate in the protection of the Aboriginal Cultural Heritage throughout the Sydney Basin, & particularly throughout Western Sydney, on behalf of Kamilaroi Yankuntjatjara Working Group I wish to provide to you my organisation's registration of interest.



I wish to be involved & participate in all levels of consultation/project involvement. I wish to attend all meetings, participate in available field work & receive a copy of the report.

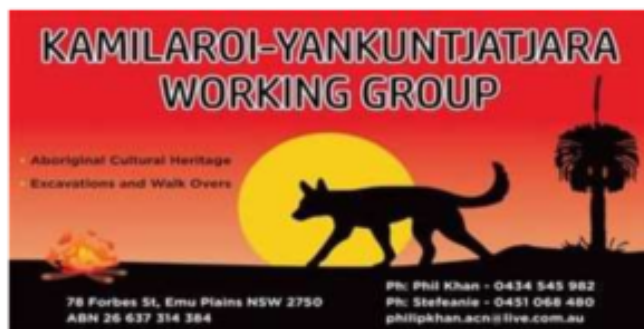
I have attached a copy of Kamilaroi Yankuntjatjara Working group's Public Liability Insurance & Workers Compensation certificate.

Our Rates - \$100 per hour, \$400 half day & \$800 full day (Exc. GST)

Our RAPS have up to 15yrs Cultural Heritage experience in – field work which involves manual excavation (digging), sieving, identifying artefacts, setting up transits, setting up equipment, packing equipment, site surveys & attending meetings.

Should you wish me to provide further information, please do not hesitate to contact me on 0434545982 or Stefeanie on 0451068480.

Kind Regards
Phil Khan



From: Carolyn .H <cazadirect@live.com>

Sent: Sunday, 20 June 2021 6:05 PM

To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>

Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2



Contact: Carolyn Hickey

M: 0411650057

E: Cazadirect@live.com

A: 10 Marie Pitt Place, Glenmore Park, NSW 2745

ACN: 639 868 876

ABN: 31 639 868 876

Hi,



Thank you for your email, I would like to register in being involved in all levels of consultation for this project, such as, Meetings, Reports, Sharing Cultural Information, and available Field Work.

I am a traditional custodian with over 20 years' experience in helping preserve Aboriginal cultural heritage on projects, I hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and values that exist in the project area.

I have attached A1 Indigenous Services Insurances.

Please feel free to contact me on details supplied
Kind Regards,
Carolyn Hickey



20/06/2021 – Details Withheld.

20/06/2021 – Details Withheld.

From: James Eastwood <james.eastwood@y7mail.com>
Sent: Monday, 21 June 2021 6:25 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Registration



Dear Dragomir

Thank you for your recent invitation to register for Aboriginal Community Consultation in Regards to the Nepean Hospital Redevelopment Stage 2 project.



Aragung Aboriginal Cultural heritage site Assessments is glad to accept your invitation and would like to register a expression of interest towards the above mention project for Aboriginal community consultation .

Kind regards
Aragung
Co / Jamie Eastwood

From: Darleen Johnson <murrabidgeemullangari@yahoo.com.au>
Sent: Monday, 21 June 2021 11:16 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Hi Dragomir,
Please register us for the above project,
Thanks
Ryan Johnson



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0414962766 Justine Coplin
EMAIL: justinecoplin@optusnet.com.au

Attention: Comber Consultants **Date:** 210621

Subject: Nepean Hospital Redevelopment Stage 2

Dear Drago

Our group is a non- profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

The Penrith area is an area that our group has a vast knowledge of, we have worked and lived in for many years, this area is significant to the Darug people due to the connection of sites and the continued occupation. Our group has been involved in all previous assessments and works in this area as a traditional owner Darug group for the past 40 plus years.

Therefore, we would like to register our interest for full consultation and involvement in the above project area.

Please contact us with all further enquiries on the above contacts.

Regards



From: Arika Jalomaki <yulayculturalservices@gmail.com>

Sent: Wednesday, 23 June 2021 9:44 AM

To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>

Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Dear Dragomir,

Yulay Cultural service's would like to register our interest in the above project.

Kind regards,

Arika Jalomaki
0481 251 385



ARCHAEOLOGY - HERITAGE - MEDIATION - ARBITRATION
ABORIGINAL - HISTORIC - MARITIME

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T 02 9799 6000
enquiries@comber.net.au
www.comber.net.au

DIRECTORS
DR JILLIAN COMBER | 0418 788 802
DAVID NUTLEY | 0408 976 553

30 June 2021

Deerubbin LALC
Email: SRandall@deerubbin.org.au

Dear Steve Randall,

Nepean Hospital Redevelopment Stage 2

This letter is being sent as part of Step 4.1.6 of the Aboriginal consultation for the proposed Nepean Hospital Redevelopment Stage 2 in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents, 2010*.

Registration of interest in consultation for this project was received from the following 12 individuals and organisations:

Date	Organisation	Representative	Contact Details	Method of Registration
01/06/2021	Deerubbin LALC	Steve Randall	SRandall@deerubbin.org.au	Email
16/06/2021	Didge Ngunawal Clan	Lilly Carol	didgengunawalclan@yahoo.com.au	Email
16/06/2021	Wawaar Awaa	Rodney Gunther	waawaar.awaa@gmail.com	Email
16/06/2021	Wori Woilywa	Daniel Chalker	worivoilywa@gmail.com	Email
17/06/2021	Kamilaroy Yankuntjatjara	Phil Khan	philipkhan.acn@live.com.au	Email
20/06/2021	A1 Indigenous Services	Caroline Hickey	cazadirect@live.com	Email
20/06/2021		Details Withheld		Email
20/06/2021		Details Withheld		Email
21/06/2021	Aragung	Jamie Eastwood	james.eastwood@y7mail.com	Email
21/06/2021	Murrabidgee Mulangari	Ryan Johnson	murrabidgeemulangari@yahoo.com.au	Email
21/06/2021	Darug Custodian	Justine Coplin	justinecoplin@optusnet.com.au	Email
23/06/2021	Yulay Cultural Services	Arika Jalomaki	yulayculturalservices@gmail.com	Email

The following newspaper advertisement was placed in the Daily Telegraph, Penrith on 1 June 2021

**ABORIGINAL CULTURAL HERITAGE
ASSESSMENT NEPEAN HOSPITAL
REDEVELOPMENT STAGE 2
NOTIFICATION AND REGISTRATION
OF ABORIGINAL INTERESTS**

16/06/2021

Health Infrastructure of NSW (HIS) is proposing the Nepean Hospital Redevelopment Stage 2 project, located at Edwin Street, Kingsmead, within the Local Government Area of Penrith City Council.

Health Infrastructure has commissioned the preparation of an Aboriginal Cultural Heritage Assessment Report and it may be required to undertake excavation prior to redevelopment of the site.

The proposed work is assessed as a State Significant Development (SSD) under Part 4 Division 4.1 of the Environmental Planning and Assessment Act 1979. This requires Aboriginal community consultation to be undertaken in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

Registrations of interest are being sought from Aboriginal people who hold cultural knowledge that is relevant to determining the significance of any potential Aboriginal objects at this location. This will assist in the assessment of the project by the NSW Department of Planning, Industry and Environment.

Please note that the details of Aboriginal people or organisations who register an interest will be forwarded to Heritage NSW and the Nepean Local Aboriginal Land Council (NLLC). If you do not want your details forwarded to the NLLC, please specify in your letter when registering an interest that you do not want your details forwarded to the NLLC.

Comber Consultants Pty Ltd has been appointed to undertake the archaeological assessment and consultation.

You can register, indicating the nature of your interest by phone or by writing to:

Dr Brigid's Barker
Comber Consultants Pty Ltd
76 Edwin Street North
Croydon NSW 2132
Tel: 02 9799 6000
jillian.comber@comber.net.au

REGISTRATIONS MUST BE RECEIVED BY 05:00 PM ON 16 JUNE 2021

Enquire Now

[View Manager](#)

Contact details
Jillian Comber
0418 788...

COMBER CONSULTANTS PTY LTD
ABN 96 109 670 573



An invitation for expressions of interest was sent via email and per post to the stakeholders, as identified by the relevant NSW Agencies, on 16 June 2021. Stakeholders that could not be reached by email or post were contacted by phone.

The following email invitation was sent on 16 June to the recipients as detailed below:

From: Dragomir Garbov

Sent: Wednesday, 16 June 2021 2:14 PM

To: yulayculturalservices@gmail.com; muragadi@yahoo.com.au; Lee Field <barrabyculturalservices@gmail.com>; yurrandaali_cs@hotmail.com; daruglandobservations@gmail.com; justinecoplin@optusnet.com.au; gunjeewong@yahoo.com.au; Corroboree Aboriginal Corporation <corroboreecorp@bigpond.com>; murrabidgeemullangari@yahoo.com.au; philip khan <philipkhan.acn@live.com.au>; warrangil_cs@hotmail.com; Caza X <cazadirect@live.com>; amandahickey@live.com.au; dhinawan.ch@gmail.com; ajw1901@bigpond.com; gunyuuchs@gmail.com; walbunja@gmail.com; goobahchts@gmail.com; yerramurra@gmail.com; Newton Carriage <nundagurri@gmail.com>; murrumbul@gmail.com; jerringong@gmail.com; pemulwuyd@gmail.com; bilingachts@gmail.com; munyungachts@gmail.com; wingikarachts@gmail.com; walgaluuchs@gmail.com; thauairachts@gmail.com; Andrew Bond <dharugchts@gmail.com>; gulagachts@gmail.com; cullendullachts@gmail.com; murramarangchts@gmail.com; darrenjohnduncan@gmail.com; Butucarbin Heritage <butuheritage@gmail.com>; didgengunawalclan@yahoo.com.au; ginninderra.corp@gmail.com; Phillip Boney <Waarlan12@outlook.com>; Barking Owl Aboriginal Corporation <barkingowlcorp@gmail.com>; paulhand1967@gmail.com; hamptonralph46@gmail.com; kinghampton@77gmail.com; ngambaaculturalconnections@hotmail.com; goodradigbee1@outlook.com; mura.indigenous@bigpond.com; James Eastwood <james.eastwood@y7mail.com>; Rodney Gunther <waawaar.awaa@gmail.com>; clive.freeman@y7mail.com; galamaay@hotmail.com; wurumay@hotmail.com; biamangachts@gmail.com; thoorganurra@gmail.com; woriwoolywa@gmail.com; cal.slater61@gmail.com

Cc: Jillian Comber <jillian.comber@comber.net.au>

Subject: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Good afternoon,

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

Comber Consultants has been engaged by Health Infrastructure to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation requirements for Proponents 2010*. The purpose of community consultation with Aboriginal people is to assist the Director General in his or her consideration and determination of the application.

Heritage NSW have advised that you are a stakeholder who may have an interest in the project. Therefore, you are invited to register an interest, particularly if you hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the study area. You are also invited to provide the names and contact details of any other Aboriginal persons or organisations who may hold cultural knowledge relevant to the study area.

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Could you please provide your response by COB on 30 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North



Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Kind regards,

DR DRAGOMIR GARBOV
ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
M 0448 464 768 F (02) 9799 6011
E dragomir.garbov@comber.net.au



Three emails bounced back due to invalid email addresses, as follows:

Warragil_c.s@hotmail.com
mura.indigenous@bigpond.com
thoorganura@gmail.com

Invitation letters were therefore sent to these stakeholders per mail.

One stakeholder, identified by Hertiage NSW, Warragil Cultural Services (Manager: Aaron Slater), had no post address provided. Attempts were made to contact this stakeholder by the phone number as provided to no avail as this phone number is disconnected.

The relevant mail invitation examples are provided on the following pages:



16 June 2021

Mr Anthony Williams
2/24 Goodwin Street
Narrabeen NSW 2101

Dear Mr Anthony Williams,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

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Comber Consultants
76 Edwin Street North
Croydon, NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Mr James Carroll
Bidjawong Aboriginal Corporation
PO Box 124
Round Corner NSW 2158

Dear Mr James Carroll,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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Comber Consultants
76 Edwin Street North
Croydon, NSW, 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Darug Tribal Aboriginal Corporation
PO Box 441
Blacktown NSW 2148

Dear Madams/Sirs,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Ms Patricia Hampton
HSB Consultants
62 Ropes Crossing Boulevard
Ropes Crossing, NSW, 2760

Dear Ms Patricia Hampton,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

Comber Consultants has been engaged by Health Infrastructure to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation requirements for Proponents 2010*. The purpose of community consultation with Aboriginal people is to assist the Director General in his or her consideration and determination of the application.

Heritage NSW have advised that you are a stakeholder who may have an interest in the project. Therefore, you are invited to register an interest, particularly if you hold cultural knowledge relevant to determining the significance of Aboriginal objects and or/places within the study area. You are also invited to provide the names and contact details of any other Aboriginal persons or organisations who may hold cultural knowledge relevant to the study area.

Please note that a log of responses will be prepared and forwarded to Heritage NSW and the Deerubbin Local Aboriginal Land Council (DLALC). If you do not want your name forwarded to DLALC, please let me know.

Please note that this invitation is for Aboriginal community consultation, which should not be confused with employment. As stated in section 3.4 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*: "Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring". Therefore, responding to this invitation is not an automatic right to employment.

Could you please provide your response by 30 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon, NSW, 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Mr Aaron Broad
Minnamunnung
1 Waratah Avenue
Albion Park Rail NSW 2527

Dear Mr Aaron Broad,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Mr Phillip Carroll
Mura Indigenous Corporation
11 Nargal Street
Flinders NSW 2529

Dear Mr Phillip Carroll,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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Could you please provide your response by 30 June 2021 to:

Dr Dragomir Garbo
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbo@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbo
Senior Archaeologist



16 June 2021

Mr John Carriage
Thoorga Nura
50B Hilltop Crescent
Surf Beach NSW 2536

Dear Mr John Carriage,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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Could you please provide your response by 30 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon, NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



16 June 2021

Lee-Roy James Boota
Wullung
54 Blackwood Street
Gerrigong NSW 2534

Dear Mr Lee-Roy James Boota,

ABORIGINAL CULTURAL HERITAGE ASSESSMENT, NEPEAN HOSPITAL REDEVELOPMENT STAGE 2

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Redevelopment Stage 2, located at Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

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Heritage NSW have advised that you are a stakeholder who may have an interest in the project. Therefore, you are invited to register an interest, particularly if you hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the study area. You are also invited to provide the names and contact details of any other Aboriginal persons or organisations who may hold cultural knowledge relevant to the study area.

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Could you please provide your response by 30 June 2021 to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon, NSW, 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Yours sincerely

Dr Dragomir Garbov
Senior Archaeologist



The following expressions of interest were received:

From: Steve Randall <SRandall@deerubbin.org.au>
Sent: Tuesday, 1 June 2021 2:31 PM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: RE: Notification of Aboriginal Cultural Heritage Assessment for the Nepean Hospital Redevelopment Stage 2

Hi Dragomir,

Deerubbin LALC has an interest in any Aboriginal cultural heritage within in our Land Council area

regards

Steve Randall

From: lilly carroll <didgengunawalclan@yahoo.com.au>
Sent: Wednesday, 16 June 2021 2:23 PM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Re: Aboriginal Cultural Heritage Ass, Nepean Hospital Redevelopment Stage 2

Hi Dragomir

DNC would like to register an interest into ACHAR Nepean Hospital redevelopment Redevelopment stage 2.

Kind regards
Paul & Lilly Carroll
Directors DNC
0426823944

[Sent from Yahoo Mail for iPhone](#)

From: Rodney Gunther <waawaar.awaa@gmail.com>
Sent: Wednesday, 16 June 2021 9:00 PM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Hi Dragomir,

Please find attached:

- our letter for registration for the Nepean Hospital Redevelopment Stage 2.
- relevant insurances for future reference.

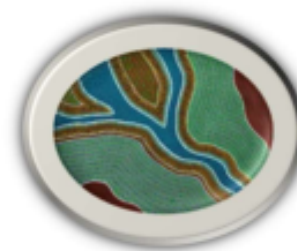
regards

Rodney Gunther



Waawaar Awaa Aboriginal Corporation

16 June 2021



Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon, NSW. 219

RE: Nepean Hospital Redevelopment Stage 2.

Hi Dragomir,

Please register Waawaar Awaa Aboriginal Corporation for the proposed Nepean Hospital Redevelopment Stage 2, located at Derby Street, Kingswood.

Waawaar Awaaa Aboriginal Corporation comprises of Aboriginal people that have an interest, cultural connection and cultural knowledge relevant to determining the significance of Aboriginal objects and Places within the project area.

Waawaar Awaaa members, being all Aboriginal have a deep interest and responsibility regarding any potential impacts in the South West Sydney area to Aboriginal objects or places within the traditional cultural areas of **Dharawal, Gundungurra and Darug** and also within the Local Aboriginal Land Council (LALC) boundary areas of **Tharawal, Deerubbin, Gandangara, La Perouse and Metropolitan LALCs**.

Waawaar Awaaa Aboriginal Corporation is a non- profit organisation that aims to actively participate in the assessment processes and management of Aboriginal objects and Aboriginal places due to possible development impacts.

Waawaar Awaaa Aboriginal Corporation seeks to assist in the management of the natural environmental impacts and to provide employment opportunities for Aboriginal people and endeavours to promote Aboriginal culture to educate the broader community about Australia's Aboriginal rich diverse cultural history. Employment in cultural heritage assessments is a source of income that organisations such as ours can use to contribute to fund beneficial activities and support to the community therefore Waawaar Awaaa requests participation in any survey, test excavations and salvage that may assist in informing the cultural values of the area and also contribute to the aims and objectives of the Waawaar Awaaa Aboriginal Corporation.

Regards

Rodney Gunther
0410 580 962



Wori Woilywa
ABN: 40218477675
261 Mockingbird Road,
PHEASANTS NEST 2574 NSW
M: 0409006216 Daniel
woriwoilywa@gmail.com

To whom it may concern

We would like to acknowledge the land owners as the first nation's families of the country. We would like to acknowledge and pay thanks to mother earth for providing for us, Father for looking over us and the sprites for helping guide us. Also we pay our respects to the old the young and the new.

We thank you for your invitation to register for the Aboriginal Cultural Heritage Assessment at 1 Reserve Road, St Leonards, NSW. We would like to be involved in the consultation process and are also able to provide field workers if required.

Thank you again and please feel free to contact me if you require anything further.

Kind Regards

Daniel Chalker
Wori Woilywa
P- 0409006216

From: philip khan <philipkhan.acn@live.com.au>
Sent: Thursday, 17 June 2021 9:46 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: RE: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Hi Dragomir,

Thank you for informing us that **Comber Consultants** will be involved in an Aboriginal Cultural Heritage Assessment at **Nepean Hospital Redevelopment** & that you are inviting Aboriginal organisations to register, if they wish too be involved in the community consultation process.

As a senior Aboriginal person for the past 50yrs, I actively participate in the protection of the Aboriginal Cultural Heritage throughout the Sydney Basin, & particularly throughout Western Sydney, on behalf of Kamilaroi Yankuntjatjara Working Group I wish to provide to you my organisation's registration of interest.



I wish to be involved & participate in all levels of consultation/project involvement. I wish to attend all meetings, participate in available field work & receive a copy of the report.

I have attached a copy of Kamilaroi Yankuntjatjara Working group's Public Liability Insurance & Workers Compensation certificate.

Our Rates - \$100 per hour, \$400 half day & \$800 full day (Exc. GST)

Our RAPS have up to 15yrs Cultural Heritage experience in – field work which involves manual excavation (digging), sieving, identifying artefacts, setting up transits, setting up equipment, packing equipment, site surveys & attending meetings.

Should you wish me to provide further information, please do not hesitate to contact me on 0434545982 or Stefeanie on 0451068480.

Kind Regards
Phil Khan



From: Carolyn .H <cazadirect@live.com>

Sent: Sunday, 20 June 2021 6:05 PM

To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>

Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2



INDIGENOUS SERVICES PTY LTD

Contact: Carolyn Hickey

M: 0411650057

E: Cazadirect@live.com

A: 10 Marie Pitt Place, Glenmore Park, NSW 2745

ACN: 639 868 876

ABN: 31 639 868 876

Hi,



Thank you for your email, I would like to register in being involved in all levels of consultation for this project, such as, Meetings, Reports, Sharing Cultural Information, and available Field Work.

I am a traditional custodian with over 20 years' experience in helping preserve Aboriginal cultural heritage on projects. I hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and values that exist in the project area.

I have attached A1 Indigenous Services Insurances.

Please feel free to contact me on details supplied
Kind Regards,
Carolyn Hickey



20/06/2021 – Details Withheld.

20/06/2021 – Details Withheld.

From: James Eastwood <james.eastwood@y7mail.com>
Sent: Monday, 21 June 2021 6:25 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Registration



Dear Dragomir

Thank you for your recent invitation to register for Aboriginal Community Consultation in
Regards to the Nepean Hospital Redevelopment Stage 2 project.



Aragung Aboriginal Cultural heritage site Assessments is glad to accept your invitation and would like to register a expression of interest towards the above mention project for Aboriginal community consultation .

Kind regards
Aragung
Co / Jamie Eastwood

From: Darleen Johnson <murrabidgeemullangari@yahoo.com.au>
Sent: Monday, 21 June 2021 11:16 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Hi Dragomir,
Please register us for the above project,
Thanks
Ryan Johnson



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0414962766 Justine Coplin
EMAIL: justinecoplin@optusnet.com.au

Attention: Comber Consultants **Date:** 210621

Subject: Nepean Hospital Redevelopment Stage 2

Dear Drago

Our group is a non- profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

The Penrith area is an area that our group has a vast knowledge of, we have worked and lived in for many years, this area is significant to the Darug people due to the connection of sites and the continued occupation. Our group has been involved in all previous assessments and works in this area as a traditional owner Darug group for the past 40 plus years.

Therefore, we would like to register our interest for full consultation and involvement in the above project area.

Please contact us with all further enquiries on the above contacts.

Regards



From: Arika Jalomaki <yulayculturalservices@gmail.com>
Sent: Wednesday, 23 June 2021 9:44 AM
To: Dragomir Garbov <Dragomir.Garbov@comber.net.au>
Subject: Re: Aboriginal Cultural Heritage Assessment, Nepean Hospital Redevelopment Stage 2

Dear Dragomir,

Yulay Cultural service's would like to register our interest in the above project.

Kind regards,

Arika Jalomaki
0481 251 385



METHODOLOGY LETTERS (Step 4.3.1) sent on 21 September 2021

Dragomir Garbov

From: Dragomir Garbov
Sent: Tuesday, 21 September 2021 11:45 AM
To: Rodney Gunther; Steve Randall; Daniel Chalker; philip khan; Carolyn .H; James Eastwood; justinecoplin@optusnet.com.au; Arika Jalomaki; wurrumay@hotmail.com; lilly carroll
Cc: Jillian Comber; Economy, George @ Sydney
Subject: Nepean Hospital Redevelopment Stage II ACHAR Consultation Letter, Methodology for Assessment and Aboriginal Archaeological Assessment Report
Attachments: Letter re project & methodology.pdf; Nepean Hospital.A.2021.pdf; Methodology.A.2021.pdf

Good morning,

Comber Consultants are undertaking consultation for Stage II of the Nepean Hospital Redevelopment in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

You and/or the organisations you represent are registered for consultation for this project.

Unfortunately, due to the COVID19 restrictions and delays, it will not be possible to hold a consultation meeting for this project. Therefore the attached documents are being sent to you instead.

Please find attached:

- A consultation letter
- A methodology for cultural heritage assessment per the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*
- A draft Aboriginal Archaeological Assessment for this project.

Please note that, due to the level of disturbance on the site, including development of the existing hospital, we have determined that no further archaeological assessment, testing, salvage or monitoring is required for this project.

Could you please review the methodology for consultation and the Aboriginal Archaeological Assessment and provide any comments about the methodology and the proposed project per the letter attached.

Could you please provide any comments by Tuesday **19th October 2021** by email, letter or phone to:

Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon. NSW. 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Thank you again for your involvement in this project. Please do not hesitate to contact me if you would like any further information.

Yours sincerely,

DR DRAGOMIR GARBOV



BA, MA, PhD, M. ICOMOS-ICUCH, Cert IV Hyperbaric Ops SCUBA & SSBA

ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
M 0448 464 768
E dragomir.garbovy@comber.net.au



[Like us on facebook](#)

Comber Consultants acknowledges the traditional custodians of the land on which we work and pay our respects to Elders past and present.

Comber Consultants has a certified integrated management system to the requirements of ISO 9001:2008 (quality), ISO 14001:2004 (environmental), OHSAS 18001:2007 (health and safety) and AS/NZS 4801:2001 (health and safety). This is your assurance that Comber Consultants is committed to excellence, quality and best practice and that we are regularly subjected to rigorous, independent assessments to ensure that we comply with stringent Management System Standards.



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ARCHAEOLOGY - HERITAGE - MEDIATION - ARBITRATION
ABORIGINAL - HISTORIC - MARITIME

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T 02 9799 6000
enquiries@comber.net.au
www.comber.net.au

DIRECTORS
DR JILLIAN COMBER | 0418 788 802
DAVID NUTLEY | 0408 976 553

21 September 2021

TO ALL REGISTERED ABORIGINAL PARTIES

Health Infrastructure of 1 Reserve Road, St Leonards, NSW, proposes the Nepean Hospital Redevelopment Stage 2. It is located in Derby Street, Kingswood, within the Local Government area of Penrith City Council. The proposal will be assessed as a State Significant Development (SSDA).

Comber Consultants has been engaged by Health Infrastructure to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. The purpose of community consultation with Aboriginal people is to assist the Department of Planning, Industry & Environment in their consideration and determination of the application and to assist in determining the significance of the site. Attached please find the methodology for that consultation, for your comment.

Unfortunately, due to COVID19 restrictions it will not be possible to hold a consultation meeting, so this letter is being sent to you instead. This letter describes the project and the proposed methodology for consultation.

The study area is located in Kingswood NSW. Stage 2 of the Nepean Hospital Redevelopment involves a portion of developed land within the hospital campus (Figure 1). The study area is currently taken up by an existing buildings, concrete paving, asphalt roads and garden plantings. The proposal involves the demolition of these features and construction of a building tower (concept plans below).

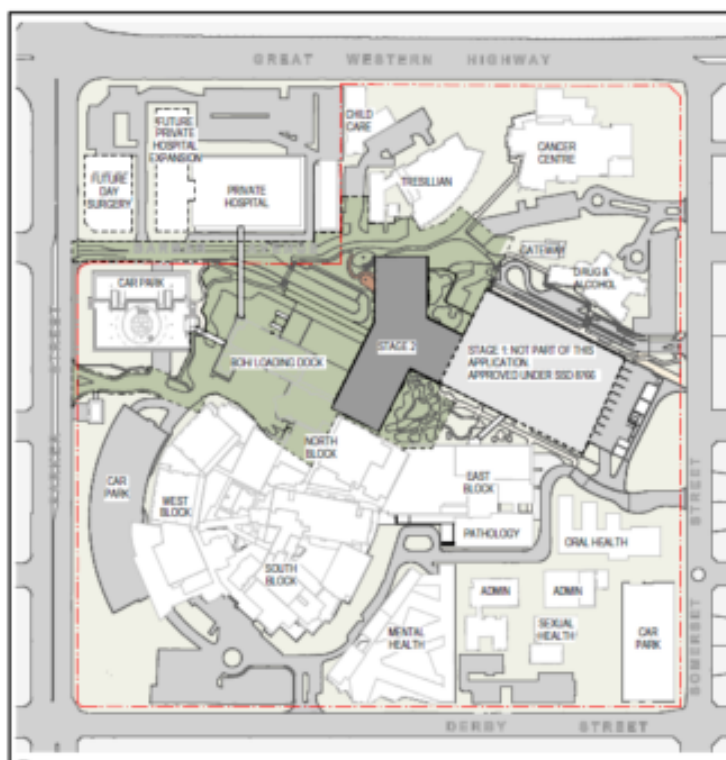


Figure 1: Location of the Stage 2 Redevelopment Tower (dark grey) and associated landscape and road works (dark green) within the Nepean Hospital Campus (in red).



We have undertaken an archaeological assessment of the study area, which is attached. Due to the level of disturbance on the site including development of the existing hospital we have determined that no further archaeological assessment, testing, salvage or monitoring is required. The construction of the hospital has included levelling of the original surface, excavation for existing buildings including basements.



Figure 2: The site of the Nepean Hospital (in red) and AHIMS site in a 3 km radius.

Could you please review the methodology for consultation and the Aboriginal Archaeological Assessment and provide any comments about the methodology and the proposed project. Please let me know if you would prefer any changes to the methodology, or a different methodology.

In accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, if possible, could you also please advise me of the following:

- Are you aware of any archaeological sites on or near the property?
- Can you advise me of the significance of the area?
- Do you have any cultural concerns or issues that should be addressed?
- Is there any confidential or culturally sensitive information that you would prefer not to be detailed in the Aboriginal Cultural Heritage Assessment Report?



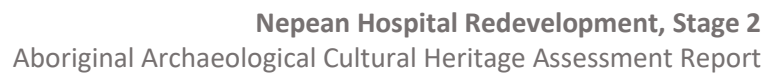
Could you please provide any comments by **Tuesday 19th October 2021** by email, letter or phone to:

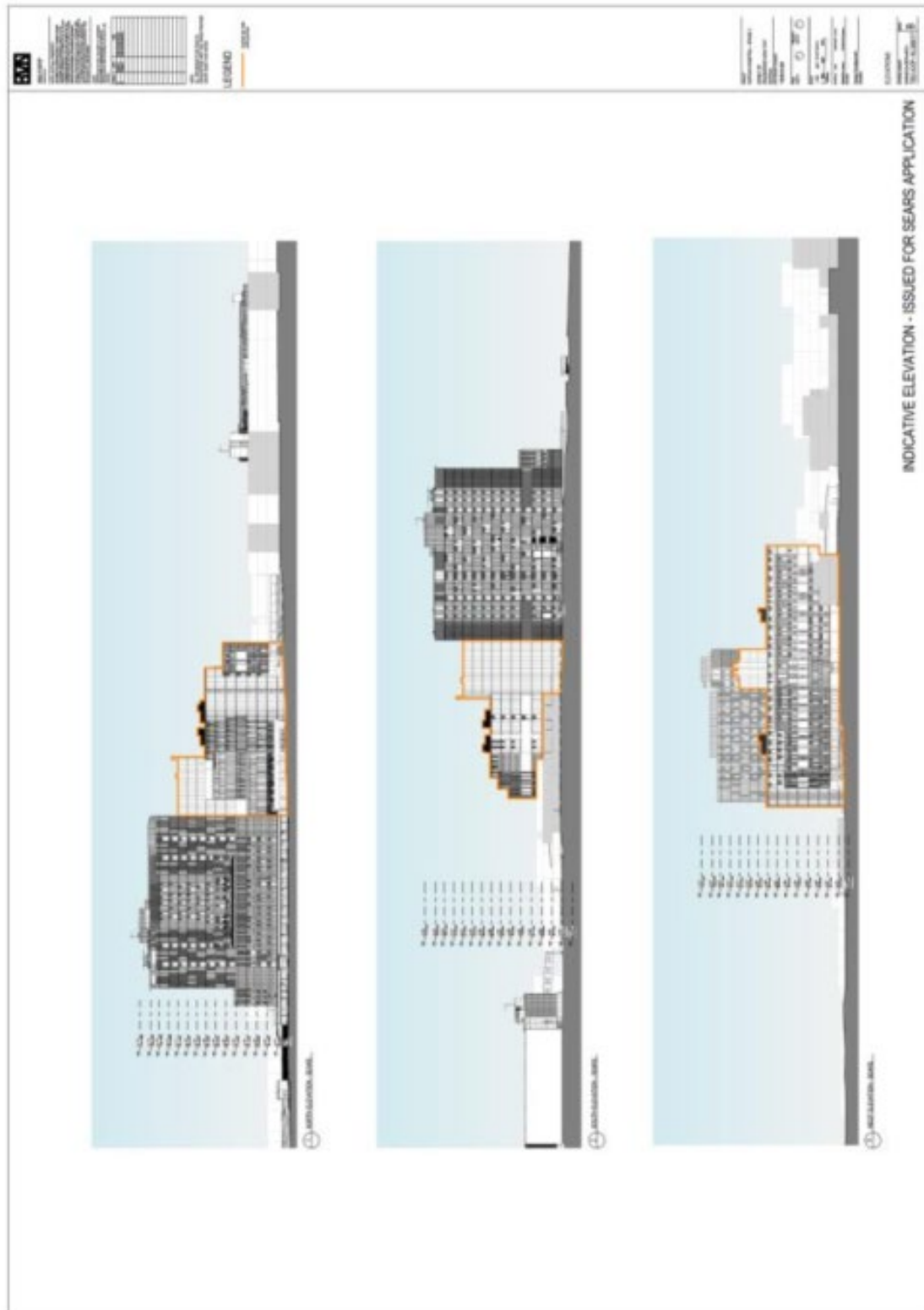
Dr Dragomir Garbov
Comber Consultants
76 Edwin Street North
Croydon, NSW, 2193
dragomir.garbov@comber.net.au
Mobile: 0448 464 768

Thank you again for your involvement in this project. Please do not hesitate to contact me if you would like any further information.

Yours sincerely

Dr Dragomir Garbov
Archaeologist / Heritage Consultant









STAKEHOLDER RESPONSES

From: Rodney Gunther <waawaar.awaa@gmail.com>
Sent: Tuesday, 21 September 2021 12:59 PM
To: Dragomir Garbov
Subject: Re: Nepean Hospital Redevelopment Stage II ACHAR Consultation Letter, Methodology for Assessment and Aboriginal Archaeological Assessment Report

Hi Dragomir,

Thank you for the draft Methodology for the Archaeological Assessment for the Stage II of the Nepean Hospital Redevelopment.

Waawaar Awaa Aboriginal Corporation supports the archaeological assessment of the study area and the draft Methodology for the Archaeological Assessment for the Stage II of the Nepean Hospital Redevelopment for the following reasons:

- An archaeological assessment of the study area was undertaken which included a site inspection.
- The Nepean Hospital site does not contain any registered Aboriginal sites.
- The site is highly disturbed as a result of historical farming prior to the construction of the hospital, followed by the construction and establishment of the present-day Nepean Hospital Campus, and associated service and access infrastructure.
- Due to the high level of disturbance, it is not considered necessary to undertake Aboriginal archaeological testing or salvage.

In addition, please find below responses to your methodology questions:

- Are you aware of any archaeological sites on or near the property? - **None that we are aware of and no sites are registered on AHIMS.**
- Can you advise me of the significance of the area? **High possibility that the area was once occupied by traditional Aboriginal people for one or more purposes prior to colonisation impacts to the area.**
- Do you have any cultural concerns or issues that should be addressed? **None.**
- Is there any confidential or culturally sensitive information that you would prefer not to be detailed in the Aboriginal Cultural Heritage Assessment Report? - **No**

regards

Rodney Gunther



From: Carolyn .H <cazadirect@live.com>
Sent: Wednesday, 6 October 2021 6:26 PM
To: Dragomir Garbov
Subject: Re: Nepean Hospital Redevelopment Stage II ACHAR Consultation Letter, Methodology for Assessment and Aboriginal Archaeological Assessment Report



Contact: Carolyn Hickey
M: 0411650057
E: Cazadirect@live.com
A: 10 Marie Pitt Place, Glenmore Park, NSW 2745
ACN: 639 868 876
ABN: 31 639 868 876

Hi,
I have reviewed the Methodology and think it would be best to have a day where we can have a walkover and look at the site in person.
Kind Regards
Carolyn hickey

From: Dragomir Garbov
Sent: Monday, 11 October 2021 4:08 PM
To: Carolyn .H <cazadirect@live.com>
Cc: Jillian Comber <jillian.comber@comber.net.au>
Subject: RE: Nepean Hospital Redevelopment Stage II ACHAR Consultation Letter, Methodology for Assessment and Aboriginal Archaeological Assessment Report

Hi Carolyn,

Thank you for your response.

Due to Covid restrictions and lockdowns it has not been possible to either hold a meeting or organise a walkover with all the RAPs. However, as the site is completely built up with buildings, concrete paths and roads, the natural ground surface cannot be observed. Due to the high level of disturbance we have concluded that testing is not required. I have attached an aerial photograph of the site, so that you can see for yourself the built up nature of the site, please not that the area hashed in black is not part of the current assessments.

Kind regards,

Dragomir

DR DRAGOMIR GARBOV
BA, MA, PhD, M. ICOMOS-ICUCH, Cert IV Hyperbaric Ops SCUBA & SSBA



ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
M 0448 464 768
E dragomir.garbov@comber.net.au



From: Philip khan <philipkhan.acn@live.com.au>
Sent: Thursday, 7 October 2021 12:47 PM
To: Dragomir Garbov
Subject: Re: Nepean Hospital Redevelopment Stage II ACHAR Consultation Letter, Methodology for Assessment and Aboriginal Archaeological Assessment Report

Dear Dragomir,

Thank you for your methodology for Stage II of the Nepean Hospital Redevelopment. The study area has significance to the Aboriginal community as there are intangible and aesthetic aspects that arise within the area. We have a spiritual connection to the land, sky and water ways, this connection is still present even if there is disturbance to the land, more so because we feel something towards the destruction of the land. Our sites have been destroyed all over Sydney and it is sites like this that get missed due to high disturbance meaning our cultural heritage is lost. For this reason, we recommend monitoring by RAPs to be undertaken as a last chance to uncover our cultural heritage. We would also highly recommend a cultural interpretation plan, which could be done in the form of design, native landscaping, art, and digital displays interpreting Australian's long ancient history of the land and its use. We would like to agree to your recommendations, and we support your methodology, we look forward to further consultation on this project.

Kind Regards
Kadibulla Khan



4.4 Stage 4 – Review of draft cultural heritage assessment report

From: Jillian Comber

Sent: Friday, 22 October 2021 11:03 AM

To: Steve Randall [srandall@deerubbin.org.au] <srandall@deerubbin.org.au>; Lilly Carroll (didgengunawalclan@yahoo.com.au) <didgengunawalclan@yahoo.com.au>; Rodney Gunther <waawaar.awaa@gmail.com>; Daniel Chalker (woriwoolywa@gmail.com) <woriwoolywa@gmail.com>; Phil Khan (philipkhan.acn@live.com.au) <philipkhan.acn@live.com.au>; Jaime Eastwood (james.eastwood@y7mail.com) <james.eastwood@y7mail.com>; Ryan Johnson (murrabidgeemullangari@yahoo.com.au) <murrabidgeemullangari@yahoo.com.au>; Justine Coplin (justinecoplin@optusnet.com.au) <justinecoplin@optusnet.com.au>; Arika Jalomaki (yulayculturalservices@gmail.com) <yulayculturalservices@gmail.com>; Kawul Cultural Services (vicki.slater@hotmail.com) <vicki.slater@hotmail.com>

Cc: Economy, George @ Sydney <George.Economy@cbre.com>

Subject: Nepean Hospital ACHAR

Hi Everyone

Attached please find the draft Aboriginal Cultural Heritage Assessment report in respect of the proposed Stage 2 redevelopment of the Nepean Hospital for your review and comment.

Could you please provide your comments to me by Friday 19th November.

Kind regards

Jillian

DR JILLIAN COMBER

B.A., Litt.B., PhD., M.AACAI, M.ICOMOS

DIRECTOR

ARCHAEOLOGIST

HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132

T (02) 9799 6000 M 0418 788 802

E jillian.comber@comber.net.au





From: James Eastwood <james.eastwood@y7mail.com>
Sent: Sunday, 31 October 2021 1:04 PM
To: Jillian Comber <jillian.comber@comber.net.au>
Subject: Response



Hello Jillian Hope this email find you well

Aragung Aboriginal Cultural Heritage Site Assessments has review the **Neapean hospital Redevelopment stage 2 Aboriginal Cultural Heritage assessment report.**

Aragung appreciates and respects the thought and time given to historical research that has gone into this report .

Aragung supports the above mention report and strongly endorses the recommendation put forth by Kamilarai yankunjatjara working Group along with the recommendation of potential Interpretation works and the need for Landscaping and other aspects of the design development to reflect the connecting with country frame work .

Kind Regards
Aragung
C o / Jamie Eastwood
0427793334

From: Rodney Gunther <waawaar.awaa@gmail.com>
Sent: Thursday, 4 November 2021 8:55 PM
To: Jillian Comber <jillian.comber@comber.net.au>
Subject: Re: Neapean Hospital ACHAR

Hi Jillian,

Due to the disturbed nature of the site Waawaar Awaa Aboriginal Corporation supports the 6 recommendations provided in the draft ACHAR for the proposed Stage 2 redevelopment of the Neapean Hospital.

regards

Rodney Gunther



From: Corroboree Aboriginal Corporation <corroboreecorp@bigpond.com>
Sent: Saturday, 6 November 2021 3:52 PM
To: Jillian Comber <jillian.comber@comber.net.au>
Subject: Re: Nepean Hospital ACHAR

Hi Jillian
We agree with Assessment

Kind regards
Marilyn Carroll-Johnson
Director
Corroboree Aboriginal Corporation
Mob: 0415911159
Ph: 0288244324
E: corroboreecorp@bigpond.com
Address: PO Box 3340
ROUSE HILL NSW 2155

From: Philip Khan <philipkhan.acn@live.com.au>
Sent: Tuesday, 9 November 2021 8:05 PM
To: Jillian Comber <jillian.comber@comber.net.au>
Subject: Re: Nepean Hospital ACHAR

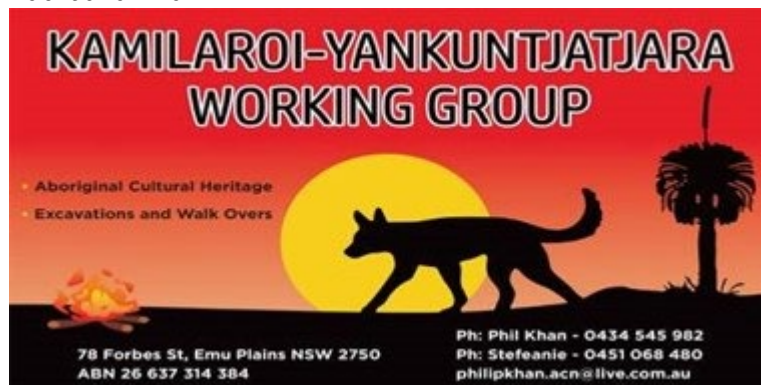
Hi Jillian,

Thank you for your ACHA for Nepean Hospital Redevelopment stage 2

we would like to agree to your recommendations and we support your report, we look forward to further consultations in the future.

Kind Regards

Kadibulla Khan



DARUG CUSTODIAN

ABORIGINAL CORPORATION



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0415770163 Leanne Watson
0414962766 Justine Coplin
EMAIL: mulgokiwi@bigpond.com / justinecoplin@optusnet.com.au

Attention: Comber Consultants

Date:22/11/21

Subject: Nepean Hospital

Dear Jillian

Our group is a non- profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

Our group promotes Darug Culture and works on numerous projects that are culturally based as a proud and diverse group. It has been discussed by our group and with many consultants and researches that our history is generic and is usually from an early colonists perspective or solely based on archaeology and sites. These histories are adequate but they lack the people's stories and parts of important events and connections of the Darug people and also other Aboriginal people that now call this area home and have done so for numerous generations.

This area is significant to the Darug people due to the evidence of continued occupation, within close proximity to this project site there is a complex of significant sites.

Landscapes and landforms are significant to us for the information that they hold and the connection to Darug people. Aboriginal people (Darug) had a complex lifestyle that was based on respect and belonging to the land, all aspects of life and survival did not impact on

the land but helped to care for and conserve land and the sustenance that the land provided. As Darug people moved through the land there were no impacts left, although there was evidence of movement and lifestyle, the people moved through areas with knowledge of their areas

and followed signs that were left in the landscape. Darug people knew which areas were not to be entered and respected the areas that were sacred.

Knowledge of culture, lifestyle and lore have been part of Darug people's lives for thousands of years, this was passed down to the next generations and this started with birth and continued for a lifetime. Darug people spent a lifetime learning and as people grew older they passed through stages of knowledge, elders became elders with the learning of stages of knowledge not by their age, being an elder is part of the kinship system this was a very complicated system based on respect.

Darug sites are all connected, our country has a complex of sites that hold our heritage and past history, evidence of the Darug lifestyle and occupation are all across our country, due to the rapid development of Sydney many of our sites have been destroyed, our sites are thousands of years old and within the short period of time that Australia has been developed pre contact our sites have disappeared.

The Aboriginal cultural heritage consultation requirements for proponents Section 4.1.8 refers to "Aboriginal organisations representing Aboriginal people who hold cultural knowledge". Recent consultation meetings have revealed that many of these Aboriginal organisations and individuals do not hold cultural knowledge of the Western Sydney area. The increasing involvement of such parties in cultural heritage management means that genuine local Aboriginal organisations are unable to properly care for our cultural heritage.

Many Aboriginal organisations listed in the OEH response letter do not contribute to the Aboriginal community of Western Sydney. Individuals listed in the OEH response letter do not represent the community and while they may be consulted with, should not be employed for their own personal financial benefit.

Our organisation is committed to providing benefits back to our local Aboriginal community through such measures as funding the local Aboriginal juniors' touch football team, painting classes for the local children and donating money to various charities. Employment in cultural heritage activities is source of income that organisations such as ours can use to contribute to beneficial activities and support within the community.

Darug custodian Aboriginal Corporation's site officers have knowledge of Darug land, Darug Culture, Oral histories, landforms, sites, Darug history, wildlife, flora and legislative requirements. We have worked with consultants and developers for many years in Western

Sydney (Darug Land) for conservation, site works, developments and interpretation/education strategie.

Darug Custodian Aboriginal Corporation have received and reviewed the report for Nepean Hospital .

We support the recommendations set out in this report.

Please contact us with all further enquiries on the above contacts.

Regards

A handwritten signature in black ink, appearing to read 'Justine Coplin', is written over a faint, light blue rectangular background.

Justine Coplin



APPENDIX B: TECHNICAL REPORT



ARCHAEOLOGY – HERITAGE – MEDIATION – ARBITRATION

Nepean Hospital Redevelopment, Stage 2

Aboriginal Archaeological
Assessment

17 September **2021**

Report to: Health Infrastructure NSW

LGA: Penrith City Council

Version: A.2021



DOCUMENT CONTROL

PROJECT NO: NH408

STATUS: FINAL

REV	DATE	PREPARED	EDITED	APPROVED
A	17/09/2021	Dr Dragomir Garbov and Veronica Norman	Dr Jillian Comber	Dr Jillian Comber

INTEGRATED MANAGEMENT SYSTEM

Comber Consultants has a certified integrated management system to the requirements of ISO 9001 (quality), ISO 14001 (environmental), ISO 45001 (health and safety) and AS/NZS 4801 (health and safety). This is your assurance that Comber Consultants is committed to excellence, quality, and best practice and that we are regularly subjected to rigorous, independent assessments to ensure that we comply with stringent Management System Standards.





EXECUTIVE SUMMARY

Health Infrastructure NSW propose to undertake construction and development for Stage 2 of the Nepean Hospital Redevelopment Project in Kingswood, Penrith LGA, NSW.

Stage 2 of the Nepean Hospital Redevelopment Project is being assessed as a State Significant Development (SSD) under Part 5 of the Environmental Planning and Assessment Act 1979. The purpose of this Assessment is to inform an Environmental Impact Statement (EIS) for the project.

This report makes the following recommendations:

1. There are no objections to the proposed Nepean Hospital Stage 2 redevelopment in respect of Aboriginal archaeology
2. In the unlikely event that an Aboriginal object is unexpectedly uncovered, all work must cease in the vicinity of that object, the area secured, and further advice sought from the consultant.

Unexpected finds or objects can include Aboriginal artefacts made from stone, glass or other post contact material such as electricity conductors; shell, burials, hearths etc.

3. An induction should be provided to all employees, contractors or sub-contractors engaged on this project, detailing their responsibilities under the *National Parks & Wildlife Act 1974* in respect of Aboriginal heritage, including the need to cease work if any previously undetected Aboriginal object is uncovered as detailed in recommendaiton 2 above.



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1.0 INTRODUCTION

1.1. Background

Health Infrastructure NSW propose to undertake the construction and development for Stage 2 of the Nepean Hospital Redevelopment Project in Kingswood. The plans are shown at Appendix A. Stage 2 of the Nepean Hospital Redevelopment Project is being assessed as a State Significant Development (SSD) under Part 5 of the Environmental Planning and Assessment Act 1979.

To ensure that the Aboriginal archaeological significance of the project area is not adversely impacted upon by this proposal, Comber Consultants have been engaged to undertake this Aboriginal Archaeological Assessment in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). The purpose of this Assessment is to inform an Environmental Impact Statement (EIS) for the Stage 2 redevelopment.

1.2. Location and description

The Nepean Hospital is located at Derby Street, Kingswood, New South Wales, and is known as Lot 4, DP 1238301 within the Local Government area of Penrith City Council. It falls within the boundaries of the Deerubbin Local Aboriginal Land Council (Deerubbin LALC). The study area has a land area of c. 3.2 ha.

The hospital campus contains developed land, locked between the Great Western Highway in the north, Somerset Street in the east, Derby Street in the south and Parker Street in the west. To the north west of the study area lies the Nepean Private Hospital (Figures 1 and 2).

The Stage 2 redevelopment project area is located at the heart of the Nepean Hospital Campus west of the Stage 1 redevelopment and comprises the construction footprint of the Stage 2 tower and associated works area (Figure).



Figure 1: Location of Penrith indicated by arrow



Figure 2: Showing location of Nepean Hospital in Derby Street



Photograph 1: The Nepean Hospital, view from Derby Street.



2.0 PROPOSAL

Nepean Hospital, which is a major metropolitan referral hospital for Western Sydney and Blue Mountains catchment areas, requires a significant expansion and upgrade of hospital and community-based services to meet to the future health needs of the rapidly growing communities. The NSW Government is investing more than \$1 billion to redevelop the Nepean - Stages 1 and 2. The project will:

- Deliver Penrith, the Blue Mountains and surrounding communities a contemporary, integrated hospital and community-based health service to meet their needs now, and into the future
- Enable health staff to provide the highest quality of care in a contemporary health setting for decades to come
- Improve access to integrated, person-centred healthcare facility closer to home
- Improve access to innovative, effective and welcoming health services for people living in rural and remote communities in Western NSW.

Stage 2 includes the following facilities:

- An Intensive Care Unit
- Medical imaging services and nuclear medicine
- An in-centre renal dialysis unit
- Cardiology services
- More in-patient beds including paediatrics
- Clinical support services including pharmacy
- Staff education and training facilities
- Community health services
- A new front of house and reception area

Figure 3 is a plan of the proposed Stage 2 redevelopment and Figure 4 is a concept design.

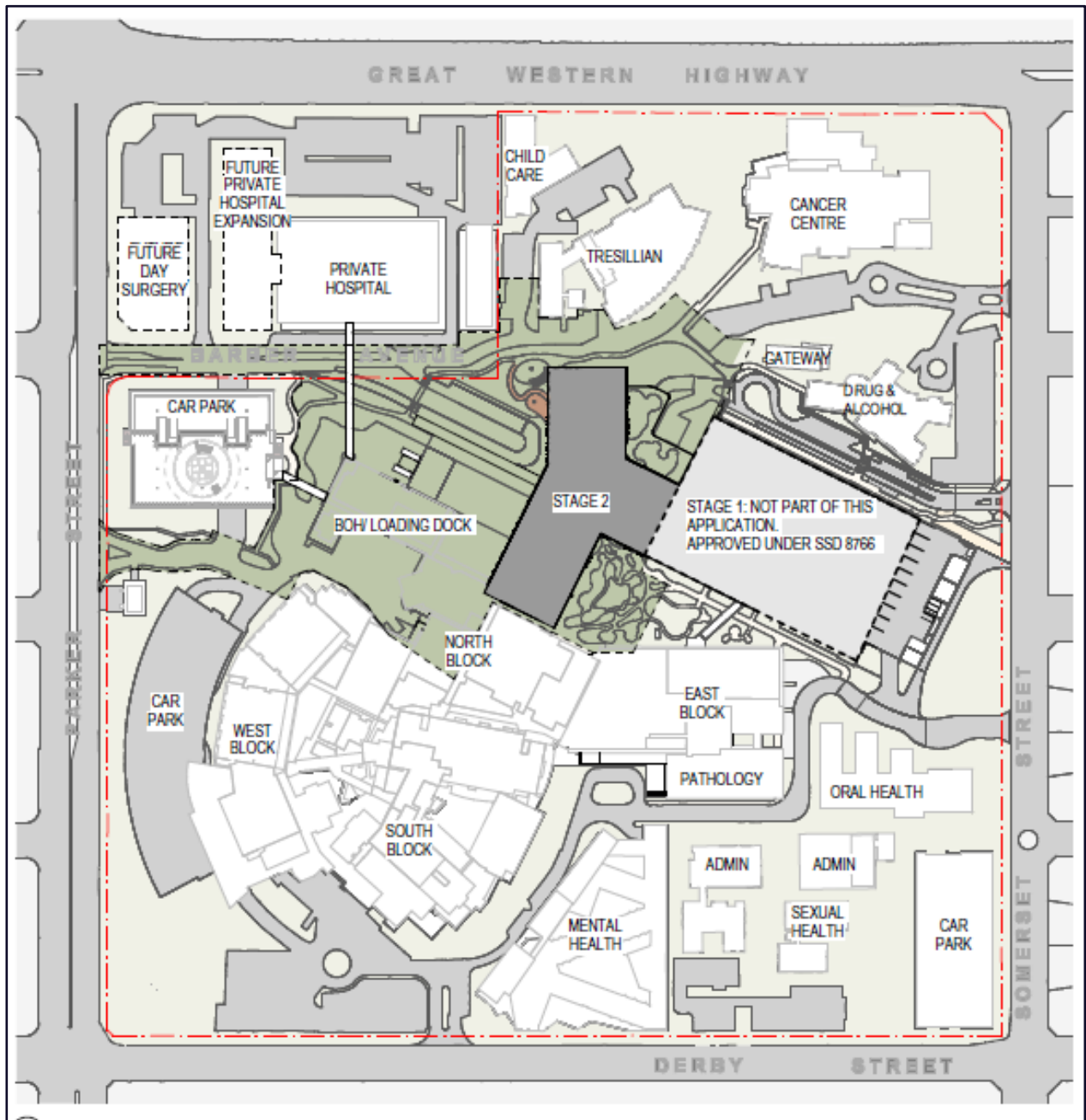


Figure 3: Detailed plan of study area showing the location of the proposed Stage II redevelopment and the area of associated road and landscape works in dark green (source: BVN Architecture; Appendix B).



Figure 4: Concept design of the proposed new entry to the Nepean Hospital, view from Derby Street. Indicative render issued for the SEARs application (source: BVN Architecture; Appendix B)



3.0 METHODOLOGY

This project was conducted in three stages, being background research, field survey and report preparation, as detailed below.

Stage 1: Background Research

Prior to the field component of this project, the Aboriginal Heritage Information Management System (AHIMS) of the Department of Planning Industry and Environment was searched on 1/6/2021. A copy is attached at Appendix B. Site data, associated documents and archaeological survey reports held by AHIMS were reviewed. Environmental information relating to Aboriginal land use was also researched. Such research facilitated an understanding of the potential nature of sites and site patterning in the region, which enabled a predictive statement to be made. It also provided an archaeological and environmental context within which a significance assessment could be made, if any Aboriginal sites were located during the field survey.

Stage 2: Site Inspection

The archaeological site inspection was undertaken by Veronica Norman of Comber Consultants on the 2nd of September 2021 with George Economy of CBRE Project Management. Areas of exposure and landforms deemed to have archaeological potential were targeted for stone artefacts or other evidence of Aboriginal occupation.

Stage 3: Report Preparation

Further archaeological research was conducted, where necessary, to clarify the results of the survey. This report was then compiled and provided to Health Infrastructure NSW. It will also be forwarded to the Registered Aboriginal Parties during consultation.

Aboriginal Consultation

Aboriginal consultation is being undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* and will be presented in a separate Aboriginal Cultural Heritage Assessment Report (ACHAR).



4.0 LEGISLATION

4.1. National Parks & Wildlife Act 1974

The *National Parks & Wildlife Act 1974* (NPW Act) provides statutory protection to all Aboriginal sites within New South Wales. Heritage NSW is the State Government agency responsible for the implementation and management of this Act.

Part 6 of the National Parks & Wildlife Act states that it is an offence to harm or desecrate an Aboriginal object or Aboriginal place, without an Aboriginal Heritage Impact Permit (AHIP). An Aboriginal object is defined as:

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

An Aboriginal Place is defined as:

A place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.

As this project is being assessed as a State Significant Development approval under Part 6 of the National Parks & Wildlife Act 1974 will not be required. Please see below.

4.2. Environmental Planning & Assessment Act 1979

This project is being undertaken as a State Significant Development under Part 4, Division 4.7 of the Environmental Planning & Assessment Act 1979 (EPA Act). Section 4.41 of the EPA Act (see below) does not require that a State Significant Development seek approval under the NPW Act as follows:

4.41 Approvals etc legislation that does not apply
(cf previous s 89J)

(1) The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—

(a) (Repealed)

(b) a permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*,

(c) an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*,

(d) an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*,

(e) (Repealed)

(f) a bush fire safety authority under section 100B of the *Rural Fires Act 1997*,

(g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the *Water Management Act 2000*.

(2) Division 8 of Part 6 of the *Heritage Act 1977* does not apply to prevent or interfere with the carrying out of State significant development that is authorised by a development consent granted after the commencement of this Division.

(3) A reference in this section to State significant development that is authorised by a development consent granted after the commencement of this Division includes a reference to any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements under this Part in connection with a development application for any such development.



5.0 ENVIRONMENTAL CONTEXT

5.1. Topography

The study area contains a modified flat developed landscape located in Western Sydney, NSW. The original topography of the local landscape would have comprised rolling low to steep low hills between 50 and 120 m AHD with slope gradients of 5-20%, convex narrow ridges (20-300 m) and hillcrests grading into moderately inclined side slopes with narrow concave drainage lines (Bannerman, Hazleton 2011: 87-91). Approximately 200 m south west of the study area there are several remnant seasonal drainage lines and creeks that form first order tributaries of Werrington Creek.

5.2. Geology and soils

The study area is situated within the Luddenham soils landscape characterised by undulating low hills on Wianamatta Group shales, often associated with Minchinburry Sandstone. This landscape unit is characteristic for the southern and western parts of the Cumberland lowlands, but also occurs along the Nepean River south of Penrith. The lithological base is represented by Wianamatta Group of Ashfield Shale (lamine and dark grey shale) and Bringelly Shale (calcareous claystone, shale and lamine) formations (Bannerman, Hazleton 2011: 87-91).

A typical undisturbed soil profile would be represented by A-horizons of dark brown friable loam, silt loam or silty clay loam with moderate to strong structure and porous, rough-faced ped fabric and usual depth of 0-10 cm on crests and <10 cm on slopes. These would overlay a B-horizon of <40 cm sandy clay over deeply weathering shale bedrock (Bannerman, Hazleton 2011: 87-91). Should any Aboriginal objects be located within the study area these would be found on the ground surface or within the A-horizon soils. However, given the level of development within the study area, it is highly likely that the A-horizon soils have been removed or greatly modified.

5.3. Vegetation

The study area is entirely deforested. Endemic vegetation communities within the study area would have comprised dry sclerophyll open forests with dominant species of *Eucalyptus maculata* (spotted gum) and *E. moluccana* (grey box). Understorey shrubs would have been represented by *Bursaria spinosa* (blackthorn), *Breynia oblongifolia* (coffee bush), *Allocasuarina torulosa* (forest oak), *Acacia implexa* (hickory) and *Clerodendrum tomentosum* (hairy clerodendrum), and grasses comprised spear grass (*Aristida vagans*) and kangaroo grass (*Themeda australis*; Bannerman, Hazleton 2011: 88).

Such vegetation communities would have provided a variety of edible plant species and plants suitable for artefact manufacture. They would have also sustained a diverse fauna including a variety of marsupials, which would have provided a sustainable food resource. The proximity to fresh water also determines the availability of further food resources such as fish and eels.

5.4. Current land use and disturbance

The following history has been taken directly from historic research undertaken by Caroline Plim for this project (Plim 2021).

The study area was first granted c. 1855 and formed part of the 470 acre land grant to John Best. The study area was used for farming (pasturelands) until the early 1920s when development in the area commenced.

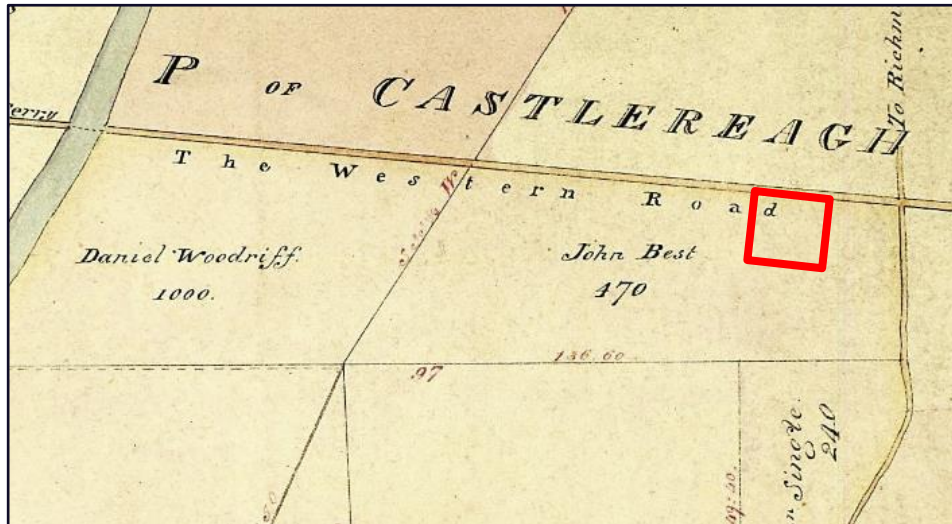


Figure 5: Undated late 19th century parish map showing the land grant of John Best (470 ac). Approximate location of study area in red (source: NSW Historical Lands Records Viewer)

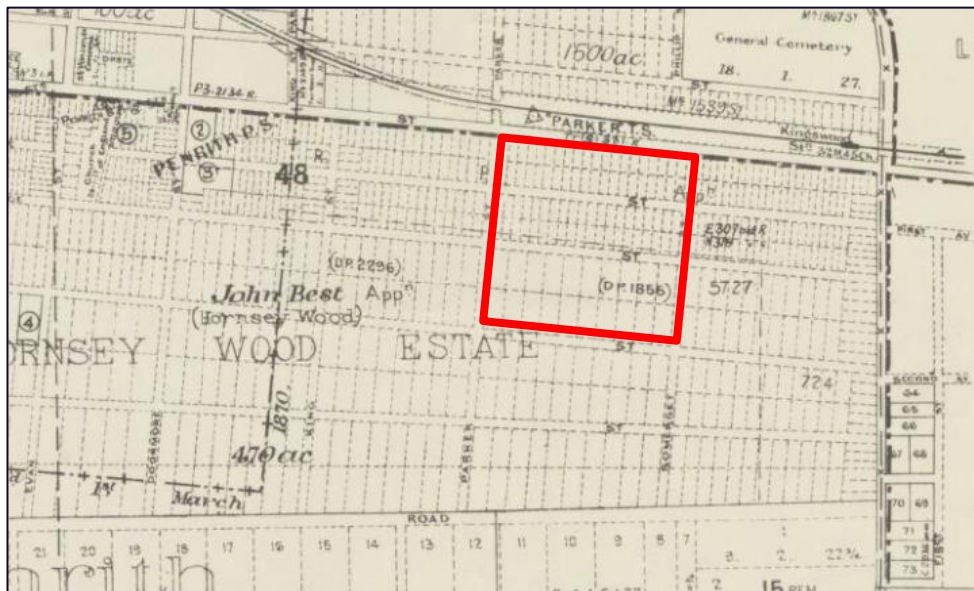


Figure 6: A 1926 parish map of the Parish of Mulgoa showing a 1920s subdivision of the John Best estate. Approximate location of study area in red (source: Trove NLA).

The Penrith District Dispensary and Benevolent Society (later the Penrith Hospital and Benevolent Society) was formed in 1846 to lobby the Government to fund a hospital and in 1855 a grant was made. In 1858 the hospital was built in Cox Avenue, west of Parker Street, and it opened in March 1860. It closed in 1868 but the building remained in use as a shelter for the poor and destitute. From March 1890 a temporary, publicly subscribed hospital opened in premises rented from Mrs Price in High Street (Great Western Road) opposite the Court House. In December 1892, the site of a purpose-built hospital was selected at Lemongrove (King's Bush Estate north of High Street) and the new premises opened in July 1895.

The Penrith Cottage Hospital was renamed the Nepean District Hospital in 1926. Anticipating the need for future expansion, the Hospital Board made plans from the 1930s to purchase a 32 acre 38 ¼ perch (about 13 ha) site from Amy Jones, part of a subdivision of the Hornsey Wood Estate formerly a grant to John Best where the study area is located. The Nepean District Hospital purchased the site in November 1943 (Vol 3332 Fol 240 & Vol 5411 Fol 45 NSW LRS). An aerial photograph of the proposed site and the study area dated 1943 illustrates the open, flat, sparsely treed site on the eastern outskirts of Penrith. The site was intersected by multiple tracks (Figure 7) (Aerial 1943 Six Maps NSW LRS).



Figure 7: An aerial photograph of the future site of the Nepean District Hospital in 1943 with the study area circled (Aerial 1943 Six Maps NSW LRS)

It was not until 1956 that the new facilities for the hospital were completed and opened. The Nepean Hospital has continued to expand and in 2012 is bounded by the Great Western Highway, Parker Street, Derby Street and Somerset Streets. It now lies at the centre of a fully urbanised residential area located within the boundaries of the suburb of Kingswood.

Currently the study area represents a heavily modified and fully developed urban area containing the extant Nepean Hospital Campus as shown in Figure 2.



6.0 ARCHAEOLOGICAL BACKGROUND

6.1. The Cumberland Plain

Many surveys have been undertaken in the Sydney region which indicate the richness of the archaeological resources and which provide information about Aboriginal occupation within the region. In particular Attenbrow (2003) has excavated a range of sites within the Sydney Basin. The aim of her study was to identify local geographic variation and temporal changes in the subsistence patterns and material culture of the people of this area. She excavated sites at Balmoral Beach, Cammeray, Castle Cove, Sugarloaf Point (Lane Cove River), Darling Mills State Forest, Winston Hills, Vacluse and Cumberland Street in the Rocks. Dates for initial occupation vary from approximately 10,000 years BP at Darling Mills to approximately 450 years BP at Cumberland Street, The Rocks.

One of the oldest dated occupation for the Sydney region is 15,000 years BP from the Shaws Creek K2 rock shelter on the Nepean River (Kohen 1984; Nanson et al 1987). However, these dates must be considered in association with environmental data related to sea level rises. The Sydney region that we know today was vastly different to the landscape of 15,000 years ago.

The period of maximum glaciation was 15,000 – 18,000 years BP. Therefore, the date of the K2 rock shelter and Attenbrow's Darling Mills site indicate that Aboriginal people lived throughout a period of extreme environmental change. During this period, sea levels were up to 130m below current levels (Nutley 2006:1). About 10,000 years ago as temperatures began rising at the end of the last ice age, the polar ice started melting and sea levels rose. The rising sea levels forced people to abandon coastal sites and move inland, with the result that the oldest coastal sites were inundated.

By about 6,000 years ago rising water levels had flooded the coastal plain forming the Sydney landscape that we know today. The vast majority of sites in the Sydney region date to around 5,000 years BP, after sea levels had stabilised. Whilst research into submerged indigenous sites is now being undertaken (Nutley 2006), there are few sites in the Sydney area that are known to date beyond 10,000 years BP. Therefore, research undertaken to date has focused on subsistence patterns and cultural change, e.g. Attenbrow (2003).

However, many archaeological surveys have been conducted within the Sydney region, particularly on the Cumberland Plain in relation to Environmental Impact Statements. As a result of these studies, which were occasioned by the burgeoning urban expansion extending into the Cumberland Plain, the NPWS recognised the need for a coherent study of the area to fully assess the impact of urbanisation on the natural and cultural heritage of the Cumberland Plain. Smith (1989a) was commissioned by the NPWS to undertake an Aboriginal Site Planning Study to be utilised in the management of Aboriginal sites on the Cumberland Plain. Prior to her study, 307 sites had been recorded on the Cumberland Plain, mainly open artefact scatters (297) with four scarred trees, one carved tree, four axe-grinding grooves and a Mission site (the Blacktown Institute). Smith (1989a:2) added 79 open sites and 29 isolated finds from field surveys related to her study.

Smith's (1989a:3) analysis indicated that site location and site densities were influenced by the availability of water and raw materials. She concluded that other factors such as topography, natural vegetation and soil types did not influence site location. She also identified that the majority of sites recorded have been in the northern sector of the Cumberland Plain, during site surveys of areas threatened by development (Smith 1989a:21). Her field studies (1989a & 1989b:10) confirmed that site densities in the southern Cumberland Plain appear to be lower overall to site densities on the northern Plain.

Since Smith's study, there has been a dramatic increase in development in Western Sydney, resulting in a great deal more archaeological survey and excavation (Comber 1990, 1991, 2006a; McDonald 1989, 2002 & 2005a). This further work has indicated the complexity in the archaeological record of the area that was not previously recognised. For example, sites on permanent water are more complex than sites on ephemeral drainage lines with major confluences being prime site locations. However, McDonald (2005a) reports that archaeological sites are found in a range of landscapes and that their condition is dependent on the amount of impact from European land practices.

McDonald's (2005a) report demonstrates the dynamic nature of stone tool technologies on the Cumberland Plain. She reviewed previous work within a theoretical framework to identify intra and inter-regional variation. She not only identified change over time in the stone tool technology, but the manner in which "stone technologies were organised in relation to landscape" (McDonald 2005a:np). Her report provides a framework to tentatively date sites through



technological analyses and to identify cultural changes.

Her study also indicated that the surface representation of a site on the Cumberland Plain does not necessarily reflect the actuality of that site. Of the excavations conducted by her, sub-surface deposits were present even when there was no surface indication of a site. According to McDonald (2005a:5), “despite artefacts being rare or completely absent on the surface at each of the sites investigated, all six sites were found to contain intact archaeological deposit. Almost 500 square metres were excavated during this Project and almost 35,000 artefacts retrieved.”

Her study also indicated that the surface representation of a site on the Cumberland Plain does not necessarily reflect the actuality of that site. Of the excavations conducted by her, sub-surface deposits were present even when there was no surface indication of a site. According to McDonald (2005a:5), “despite artefacts being rare or completely absent on the surface at each of the sites investigated, all six sites were found to contain intact archaeological deposit. Almost 500 square metres were excavated during this Project and almost 35,000 artefacts retrieved.” McDonald (2005) also considers that Aboriginal occupation was focussed on the major river systems and characterised by mobility between a small number of sites. As a result of her various studies and applying stream order modelling she (2005) further predicts that the density and complexity of archaeological sites will vary according to stream order, as follows:

- Fourth-Fifth order creeks (or rivers): Archaeological evidence will be more complex and possibly stratified, reflecting more permanent and repeated occupation on major creeks.
- Third order creeks: Evidence of more frequent occupation such as knapping floors or higher artefact densities will be found in the lower reaches of tributary creeks.
- Second order creeks: Sparse archaeological evidence will be found which indicates occasional use and/or occupation.
- First order creeks: Due to the intermittent nature of water flow only very sparse evidence would be found in the headwaters of upper tributaries such as background artefact scatter.

Kohen’s studies at Penrith confirmed the importance of fifth order creeks and rivers. He recorded over 50 sites in the Penrith area which included open artefact scatters, axe grinding grooves and rock shelters. Kohen (1997:7) indicates that sites occurring throughout the Penrith area “are particularly likely to occur adjacent to the rivers and creeks. The distribution of raw materials associated with the manufacture of stone tools suggests that chert and basalt were carried or traded east from the river gravels and that silcrete was traded or carried from sources near South Creek and Eastern Creek, west towards the Nepean flood plain”.

Comber (2006a & b) also recorded open artefact scatters and scarred trees within the Cumberland Plain. She undertook excavation at two sites at Penrith Lakes known as Camenzulis (2010c) and PL9 (2010d). At PL9 she retrieved more than 1,500 artefacts, including backed blades and an edge ground axe. Her work confirms McDonald’s (2005) and Kohen’s predictive model that sites are more likely to occur adjacent to the rivers and high order creeks. These excavations (Comber 2010c & d) at Penrith Lakes further indicates the possibility that sub-surface archaeological deposits will remain despite disturbance by non-Aboriginal activities and the complexity of such sites. Surveys (2006a & b) undertaken prior to the excavations recorded the areas as being disturbed by agricultural activities. They had been grazed, ploughed, planted with crops and a dam constructed. Only a small number of artefacts were recorded on the surface but over 2,500 artefacts retrieved during excavation.

A survey undertaken by Comber (2008a) and subsequent excavations undertaken by Stening (2011) at Doonside demonstrated that although no surface artefacts were recorded (Comber 2008) substantial subsurface deposits did exist on the site with over 1,000 artefacts being recovered from a highly disturbed context (Stening 2011). This site was located beside Eastern Creek an important 4th or 5th order creek. It is an important watershed with extensive evidence of Aboriginal occupation.

Excavations undertaken by Comber (2019) at the Parramatta North Growth Centre (PNGC), which currently contains the Cumberland Hospital and is located on the Parramatta River near Domain Creek and Toongabbie Creek has yielded extensive evidence of Aboriginal occupation. Due to historic ploughing and topdressing no artefacts were observed on the surface. However, over 3,000 artefacts have been recovered from the current program of testing.

6.2. Penrith

A large number of sites have been recorded by Kohen (1997; 1981; 1984a and 1984b) and Comber (2006a and b; 2007; 2008; 2010) within the Penrith area, including at Penrith Lakes which is only approximately 2km to the north of the



study area, on the other side of the Nepean River.

Kohen recorded over 50 sites which included open artefact scatters, axe grinding grooves and rock shelters. Kohen (1997:7) indicates that sites occurring throughout the Penrith area “are particularly likely to occur adjacent to the rivers and creeks. The distribution of raw materials associated with the manufacture of stone tools suggests that chert and basalt were carried or traded east from the river gravels and that silcrete was traded or carried from sources near South Creek and Eastern Creek, west towards the Nepean flood plain”.

Comber (2006a; 2010) also recorded open artefact scatters and scarred trees. She undertook excavation at two sites at Penrith Lakes known as Camenzulis (2006a) and PL9 (2010) located c. 5 km north west of the current study area. At PL49 she retrieved more than 1,500 artefacts including backed blades and an edge ground axe. Her work confirms the predictive model developed by Kohen that sites are more likely to occur adjacent to the rivers and creeks.

In 2006 Comber (2006b) undertook an assessment at Emu Plains c. 5 km west of the study area, but did not record any sites, although she did recommend sub-surface testing.

In 1986 Rich (1986) undertook a survey for Aboriginal sites for the proposed transmission line between Regentville and Penrith. She identified five open artefact scatters, none of which were recorded within the present study area. A Section 90 Consent to Destroy was issued for all of these sites in August 1987.

An isolated find (AHIMS 45-5-3317), comprising a chert flaked piece and an artefact scatter (AHIMS 45-5-3318) comprising two “mudstone” flakes and three “mudstone” flaked pieces were recorded in a sportsfield located 3km to the north of the study area in a moderately disturbed context. During a survey by Stening (2013) these sites could not be relocated in the field (Stening 2013).

In 2019 Comber undertook Aboriginal archaeological testing at High Street, Penrith for the Penrith High Street Development (Penrith CBD), c. 1.5 km north west of the study area. The study area was located on a high river terrace overlooking the Nepean River with the land gently sloping to the west towards Peachtree Creek. A total of 16 1x1 m test trenches were excavated which yielded altogether 42 Aboriginal artefacts from natural subsoils with a depth of c. 50-70 cm. The soil profiles containing artefacts consisted of an A1 horizon of dark brown fine sandy and silty clay loam and A2 horizon with a similar general structure becoming redder and more compact in the lower strata. Artefacts were retrieved from depths of up to 55 cm. The most commonly occurring raw material was chert comprising 30 out of 41 (73.14%) artefacts within the assemblage. Silcrete comprised five out of 41 (12.2%) of the assemblage; while quartzite comprised three out of 41 (7.31%); glass two out of 41 (4.8%); and tuff 2.44% of the total assemblage. Flaked pieces were the most commonly occurring artefact type with 30 out of 41 (73.14%) of the total assemblage; flakes comprised 10 of 41 (24.4%) of the total and a single ground edged tool represented one of 41 (2.4%) of the total.

The evidence from the above review of previous works within the Penrith area indicates that archaeological evidence for past Aboriginal occupation is abundant throughout the area with larger more complex sites occurring near the confluence of the Nepean River and along creeks and rivers. The archaeological evidence also indicates that subsurface deposits can exist even if there is no evidence on the surface and confirms McDonalds stream order modelling.



Figure 2: Map of the study area showing the location of entries in the AHIMS register.

6.3. Study area

There are no recorded Aboriginal sites within the study area and the study area is not an Aboriginal place.

6.4. Site prediction

Prior to colonisation the study area was part of an accessible and diverse landscape offering ample resources. The proximity to water and abundant resources would have made the study area a suitable place for human occupation. The study area may have been used for seasonal camping and food procuring. The lack of significant rock outcrops suggests that the study area would not have been used for industrial activities such as raw material procurement and axe grinding, as well as the establishment of rock shelters, or rock art. Culturally modified trees may have been present within the study area. However as a result of the previous land use of the study area for farming and the current developed hospital site all original vegetation has been removed and it is not expected that culturally modified trees will be located within the hospital grounds. The characteristics of the soil profile indicate that if present, material evidence for Aboriginal occupation within the study area would be located on the ground surface and within the A-horizon soils. Continuous farming and the development of the existing Nepean Hospital Campus would have impacted soil profiles extensively. It is highly likely that the A-horizon has been removed with the construction of the hospital and artefacts will not be located on the concrete surfaces of the hospital. Therefore, there is a very low likelihood for Aboriginal sites, objects and potential archaeological deposits to still be retained within the study area.

7.0 SITE INSPECTION RESULTS

The study area consists of a portion of the Nepean Hospital, including the following buildings: Hope Cottage, Medical Accommodation, North Block, Medical Accommodation, Medical Services Loading Dock, Nepean Redevelopment Project Office (Redev Office), Contractors only area, and the area surrounding the new multi-storey car park on the western boundary of the study area.

As indicated by the photographs shown below, the study area is a highly developed hospital campus with concrete and other hard surfaces and extensive landscaping. No areas of natural ground surface were observed within the study area. In some areas where the ground surface was observed, the soil profiles were truncated and clay subsoils were present (Photograph 4-Photograph 6). No A-horizons were observed. Vegetation within the survey unit consisted of regrowth and landscaped gardens.

Due to the level of development across the study area there was nil ground visibility across both survey units. No mature trees were present within the study area. The study area has been subject to extensive disturbance related to the construction and development of the Nepean Hospital. No Aboriginal objects or areas of archaeological potential were identified within the study area.

Due to the above, the archaeological potential of the study area has been identified as nil.



Photograph 2: Survey unit 1 – view east along Barber Avenue.



Photograph 3: Survey unit 1 - Path to Medical Accommodation, view west.



Photograph 4: Clay subsoils beneath Demountable in revegetated area.



Photograph 5: Vegetated area between Tresillian building and Hope Cottage, view east.



Photograph 6: Ground disturbance of vegetated area between Tresillian building and Hope Cottage, view north west.



Photograph 7: Southern side of car park, view west.



Photograph 8: Southeast corner, view east.



Photograph 9: Northern end of car park, view west.



8.0 SIGNIFICANCE ASSESSMENT

8.1. Preamble

Significance assessment is the process whereby sites or landscapes are assessed to determine their value or importance to the community.

A range of criteria have been developed for assessing the significance which embody the values contained in the Burra Charter. The Burra Charter provides principles and guidelines for the conservation and management of cultural heritage places within Australia.

Following are the criteria which will be used to assess the study area:

Social Value (sometimes termed “Aboriginal” value) which refers to the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present-day Aboriginal community.

Historic Value refers to the associations of a place with a person, event, phase or activity of importance to the history of an Aboriginal community.

Scientific Value refers to the importance of a landscape, area, place or object because of its archaeological and/or other technical aspects.

Aesthetic Value refers to the sensory, scenic, architectural and creative aspects of the place.

Representativeness refers to whether the site demonstrates the principal characteristics of that site and is a good representative example of that site type.

Rarity refers to the degree to which such a site is known elsewhere and whether the site is uncommon, rare or endangered.

8.2. Assessment

Social Values

The study area does not meet this criterion.

Historic Values

The study area does not meet this criterion.

Scientific Values

The study area does not meet this criterion.

Aesthetic Values

The study area does not meet this criterion.

Representative Values

The study area does not meet this criterion.

Rarity Values

The study area does not meet this criterion.

8.3. Statement of significance

The study area does not contain social, historical, scientific, aesthetic, representative or rarity values.



9.0 IMPACT & MITIGATION

9.1. Impacts

The study area has previously been extensively disturbed and impacted upon. Construction of the hospital has truncated the soil profile removing the A-horizon.

The proposed Stage 2 development will involve continue that disturbance and will extensively impact to the study area. The proposed works will involve extensive ground disturbance including, but not limited to:

- Demolition and clearing
- Cut and fill
- Construction of buildings
- Construction of service infrastructure

Due to the previous level of disturbance to the study area with the removal of all original vegetation and soil horizons it is not expected that the current works will impact upon evidence of Aboriginal occupation. Any evidence which may once have existed would have been removed by previous works.

9.2. Mitigation

As it is not expected that Aboriginal objects will be impacted upon by the proposed works, no specific mitigation measures are required.

However, if any previously undetected Aboriginal objects are uncovered during the proposed redevelopment, all works must cease in the vicinity of that object and further advice sought from the consultant.



10.0 RECOMMENDATIONS

The following recommendations are made based on:

- Legal requirements under the *National Parks & Wildlife Act 1974* (as amended), which states that it is an offence to harm or desecrate an Aboriginal object without first gaining a permit under Part 6 of the National Parks & Wildlife Act 1974.
- Research into the archaeological and environmental background of the study area.
- Results of the assessment as detailed in this report.

IT IS THEREFORE RECOMMENDED THAT:

1. There are no objections to the proposed Nepean Hospital Stage 2 redevelopment in respect of Aboriginal archaeology
2. In the unlikely event that an Aboriginal object is unexpectedly uncovered, all work must cease in the vicinity of that object, the area secured, and further advice sought from the consultant.

Unexpected finds or objects can include Aboriginal artefacts made from stone, glass or other post contact material such as electricity conductors; shell, burials, hearths etc.

3. An induction should be provided to all employees, contractors or sub-contractors engaged on this project, detailing their responsibilities under the *National Parks & Wildlife Act 1974* in respect of Aboriginal heritage, including the need to cease work if any previously undetected Aboriginal object is uncovered as detailed in recommendation 2 above.



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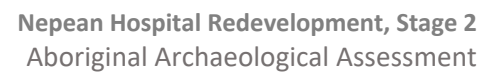
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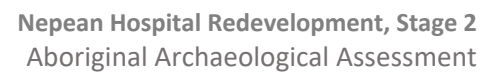
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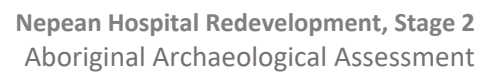
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APPENDIX B: AHIMS SEARCH



Office of Environment & Heritage

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Nepean Client Service ID : 595355

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-2491	Coreeen Ave 1	AGD	56	287070	6263430	Open site	Partially Destroyed	Artefact : -	Open Camp Site	98259,102450,103155,103360
Records										
45-5-2406	ASD1;Kingswood;	AGD	56	290500	6261690	Open site	Valid	Artefact : -	Open Camp Site	
Records										
45-5-2407	ASD2;Kingswood;	AGD	56	290540	6261900	Open site	Valid	Artefact : -	Open Camp Site	
Records										
45-5-3572	CRA1	GDA	56	290616	6260686	Open site	Destroyed	Artefact : -	Open Camp Site	
Records										
45-5-4901	Caddens artefact reburial site	GDA	56	289936	6260751	Open site	Valid	Artefact : -	3023,3274	
Records										
45-5-4920	45-5-4873 reburial	GDA	56	290480	6262491	Open site	Valid	Artefact : -	Permits	
Records										
45-5-4873	229 Victoria Street	GDA	56	290420	6262435	Open site	Destroyed	Artefact : -	Permits	
Records										
45-5-5019	Union Street Penrith	GDA	56	285850	6262985	Open site	Valid	Potential Archaeological Deposit (PAD) : 1	Permits	103872
Records										
45-5-5191	Museum Drive Penrith APT 1	GDA	56	285973	6263538	Open site	Valid	Artefact : -	4477	
Records										
45-5-5485	Harold Corr Athletics Track Artefact 1	GDA	56	290351	6263003	Open site	Valid	Artefact : -	Permits	
Records										
Records										