

Sandon Point Commission Of Inquiry:

Summary of Aboriginal Heritage Issues Betrayed by New South Wales Planning Minister Frank Sartor

December 28, 2005

In September 2003, Commissioners of Inquiry Kevin Cleland and Dr Mark Carleton sent their Report and Recommendations on Sandon Point COI to then-DIPNR/Planning Minister Craig Knowles. The community had been fighting for years to save this ancient, significant Aboriginal meeting place, engaged in a battle of wits against local and state government. The Commissioners' report vindicated the community's fight, stating "The COI area has significant inherent cultural, ecological and social values ...too important to be compromised by the level of development proposed for residential purposes ... The findings and recommendations in this report provide a strategic basis to implement sustainable coastal planning principles [and] protect significant Aboriginal heritage values."¹

Minister Knowles had previously gazetted Sandon Point's rezoning by Wollongong Council with Lord Mayor David Campbell. As Minister for Sydney Water, Knowles had sold public land to Stockland 1998-9. This land contained known Aboriginal sites including a 6000-year-old burial ground and was rezoned part- residential, part- public open space. Council and the state government insist that all Aboriginal sites are in the open space and protected from development. This is untrue, and when thousands of artefacts were removed from the residential area May 2002 the community commissioned an independent assessment. Professor Peter Hiscock, ANU stone tool expert, identified a huge, intact Aboriginal stone toolmaking site of national importance, up to 6000 years old, August 2002.²

Minister Knowles delayed for two years while Stockland built Stages 1 to 6 on the significant toolmaking site, desecrating millions of artefacts. Meanwhile, WCC, DIPNR/Planning, and developers complained they wanted more

development. In May 2005, Knowles appointed a single consultant Planner - Charles Hill – to write a report suitable for changing the COI. When Minister Sartor succeeded Knowles, the groundwork was laid to reverse the COI findings.

1. Minister Frank Sartor has rejected the COI recommendations for Aboriginal heritage protection and coastal planning, by allowing even more subdivision than Stockland's original masterplan of 400+ lots.
2. Sartor has set up a "Masterplan" committee of Planning, WCC and "landholders" to carve up the land, ignoring the public interest, and the Commissioners' recommendations for:
 - Funding: to the Aboriginal community for "independent advice ...[on] the Aboriginal heritage significance of the COI area."³ Instead, Planning, DEC, and WCC are conducting a secret Aboriginal Heritage study, centered on a Stockland Voluntary Conservation area - required by NPWS/DEC in 2001. Also
 - Protection: "The Kuradji burial site, foredune midden, tool-making site and the artefact site on the Hannah land are significant sites ...and should be protected".⁴ Under Sartor's plan, they will not be protected.
 - Conservation "Including the eastern portions of the AIR and Cookson Plibrico sites as well as the core riparian corridors, would begin to re-establish an important traditional Aboriginal dreaming track and trade route between the coast and the escarpment."⁵ Sartor plans to include those sites in subdivision.
3. Sartor also intends to allow a nursing home plus up to 300 aged care units on the site of Cooksons factory. That would create over-

development - on the Turpentine forest, which is a known Aboriginal women's site.

4. The (Cooksons) Turpentine forest was recommended by the COI for rezoning 7A protection, as remnant natural heritage, and as a known Aboriginal Women's place. Now Sartor has agreed to a \$9 million sale of factory and forest to the Anglican Retirement Village – for up to 300 aged care units. This matter was raised after the COI, as the ARV was not a party to the COI.⁶
5. Sartor has agreed to hand over public land, part of Thirroul's Thomas Gibson park, for Stockland access, yet they have other options. Sartor has also agreed to Wollongong Council's promise to sell Stocklands part of the park for further residential. This is also a possible massacre site⁷ as well as a known-initiation site.⁸ It is also a sacred site to the wider community, who have bitterly opposed acquisition of public space.
6. Sartor will enable Hannah's land to be sold to Stockland, for subdivision and/or infrastructure works. Ray Hannah's land has been subject to two Commissions of Inquiry and an L&E court case won by WCC. All findings stated that the land is floodprone and should be rezoned 7A protection. But Hannah remains unhappy and wants more money than \$1m. offered by WCC. Hannah dumped a large mountain of fill on top of two creeks and a known artefact site – "Sandon Point One" - an archaeological site that is now mysteriously "not registered" at NPWS/DEC.
7. Sartor has ignored several areas identified as burial sites; for example, Aboriginal elders mentioned both Hannah land and the Turpentine area as burial sites.⁹ Another site may be in the vicinity of coral trees, planted by Sydney Water Board. In the 1970's sewage pipelines were lain, and workers disinterred and moved up to 8 burials.¹⁰ Others may

have been removed to Sydney Museum and police stations,¹¹ while local residents have found other burials¹² exposed by the sea.

8. The Commissioners recommended that a blackmailed deal between Stocklands and DIPNR on creek setbacks should not be honored. However, Sartor has agreed to cut riparian setbacks in Stocklands favor, at the expense of the public interest. WCC has adopted a “management plan” to channel the floodplain creeks into drains in an attempt to stop flooding. This would destroy remaining cultural landmarks including campsites, and natural habitat that is cultural heritage.
9. Sartor ignored sites recommended for 7A Protection zoning by the Commissioners, including the dreaming track access via Wilkies Walk, up the escarpment – see Point 2, dot point three. For thousands of years tribes have gathered from along the coast and inland, bringing stones for artefact trade, summoned by colored smoke and meeting for ceremonies. The dreaming track down the escarpment was used to bring the first European to the Illawarra in 1815; it may be the oldest road in the world,¹³ and now it is under threat.
10. Wollongong Council is seeking a NPW Act S90 for a pipe excavation in the scour – site of the coral trees, which may be an Aboriginal burial ground (See 7 above). Council wants to keep the burial land zoning 6A public space, not 7A protection as recommended by the COI. Council can only do this with approval from Minister Sartor.

Above are some but not all of the issues, and instances of how Minister Sartor has clearly reneged on the Sandon Point COI. Apart from court cases paid by the community, we have been subjected to “Facilitation” by Rick Farley a second ‘draft’ DCP, the COI and the Charles Hill ‘report’ - all costing taxpayers thousands of dollars – in an attempt to make the Aboriginal and wider community give up and go away. But we will not.

¹ Sandon Point Commission of Inquiry, Commissioners Cleland & Carleton, September 2003, accompanying letter.

² Appraisal of archaeological studies at Sandon Point, New South Wales, Dr Peter Hiscock. School of Archaeology and Anthropology, Australian National University, Canberra, A.C.T. 0200 "A report prepared for Allan Carriage and the Sandon Point Aboriginal Tent Embassy. August 2002".

³ COI Recommendations, p211.

⁴ Ibid

⁵ Ibid

⁶ Confidential Meeting WCC GM, DIPNR Planning, Anglican Retirement Centre c December 2004, resulting in WCC Labor caucus vote to recommend rezoning to minister. Further information available.

⁷ Elder Guboo Ted Thomas, unpublished thesis Colin Salter 2003.

⁸ Elder Guboo Ted Thomas affidavit 2001.

⁹ Interviews with Geoffrey Simpson and Reuben Brown, Michael Therin Aboriginal Heritage Study 2003.

¹⁰ Pers. Comm. Steven Henry to Jill Walker July 2002, reported to NPWS who took no action.

¹¹ Roy Dootch Kennedy, court affidavit Kennedy vs Stockland 2002.

¹² Stat Dec Kim Stephenson, Tony Stephenson.

¹³ "The Oldest Road" W.G. McDonald, Illawarra Historical Society 1994