



NSW Government  
NSW Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Ref number: 06\_0278

23<sup>rd</sup> January 2013

To whom it may concern

**RE: MAJOR PROJECT APPLICATION – 06\_0278 CALGA SAND QUARRY SOUTHERN  
EXTENSION**

I am writing to lodge a formal objection to the Major Project 06\_0278, Calga Sand Quarry Southern Extension.

Darkinjung LALC is constituted under the *Aboriginal Land Rights Act 1983 (NSW)* and is responsible under section 52(4) of the *Aboriginal Land Rights Act 1983 (NSW)* for:

- a. taking action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law, and
- b. to promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area.

Darkinjung LALCs core business is Land Management and the care and protection of Culture and Heritage within our boundaries. Darkinjung LALC reviews and responds to all Aboriginal Heritage Impact Assessments, this includes liaising with Archaeologists, Developers and other stakeholders, in addition to this we develop, review and monitor Plans of Management for all cultural heritage sites and places, review and respond to all Applications for Aboriginal Heritage Impact Permits.

Darkinjung LALC has been involved in this Proposed Development Application from the 8<sup>th</sup> December 2005. Darkinjung LALC has been actively engaged over the past 7 years conducting site surveys, preparation of Aboriginal Heritage Impact Assessments, Night Recordings, and identification of new Aboriginal sites within the proposed extension area. To date we have conducted 8 site surveys over the 7 years and also formally responded to other professionally produced reports.

Darkinjung LALC has been consistent in our view on this proposed extension of the Calga Sand Quarry. Darkinjung LALC recommendation is NOT to DEVELOP due to the high Aboriginal Cultural and Heritage significance and content in this immediate area.

Darkinjung LALC has now reviewed the latest Preferred Project Report and Attachment 4 Supplementary Aboriginal Heritage Assessment (July 2012) Report.

Darkinjung LALC would like for you to consider the following comments and recommendations regarding this Proposed Extension:

- The subject land and surrounds contain culturally significant *objects* and *places* for Aboriginal people;
- Of particular importance, is the site and surrounds of AHIMS No. 45-3-0119 (also recorded as 45-3-2195), which has immense cultural significance to Aboriginal women;
- Whilst some objects have been recorded upon the subject land, due to the heavily vegetated nature of the site, it is highly likely that the site contains many other objects, sites or places which have not yet been recorded. Further detailed assessments have also been limited by the site tenure (i.e. privately owned land) and limited resources;
- A review of Aboriginal Heritage Assessments for the site reveals significant discrepancies in the location of objects found upon the site. This can be demonstrated by comparing those AHIMS site locations from Fig 4.1 of the Supplementary Aboriginal Heritage Assessment (July 2012) to Figure 8.1 of the same document (noting that Fig 8.1 appears more accurate), to further overlays prepared by ADW Johnson.

**Note:** Many Aboriginal sites listed on the AHIMS data base often are not situated within the location as shown on maps referring to the AHIMS information. Therefore it can be difficult to locate the precise position of many registered Aboriginal sites due to some of the following reasons:

- Registered sites were recorded before the introduction of GPS units.
- In the past many registered Aboriginal sites were recorded on a topographical map with a scale of 1:25000. The co-ordinates were acquired by cross references to easting and northing figures located along the side of the map. The site was then mark as a point on the map and as a result of this, the co-ordinates could be up to 1 millimetre off, on the map, which then results in the sites location recorded as an error of up to 250 metres on the ground.
- Sites were frequently recorded in different datum for example: Some site where recorded in AGD which has now change to GDA 94 therefore the site could be out by as much as 200 metres on the ground.
- Human error, locations of Aboriginal sites may have been incorrectly recorded.
- Inability to visually relocated sites due to thick bush, vegetation, leaf litter, silt and other debris, and hazardous or inaccessible topography.
- Past practices have included the recording a 'starting' coordinate, then describing the pathway to a site, rather than recording the site itself.

Discrepancies as outlined above have resulted in systemic confusion in the field.

- The provision of a buffer or setback is often used to protect and preserve the integrity of a sensitive item or location. In this instance, we do not believe the use of buffers or setbacks is adequate until the extent and accuracy of cultural sites upon the land is fully known and recorded. Accordingly, it would be premature to approve this development until such time that the impact, or potential impact upon cultural sites, including any ameliorator measures for places, are fully understood.

*The accuracy of currently recorded sites is of significant concern, particularly when buffers or setbacks are proposed from those points.*

- The relationship of individual sites (and places) within a broader landscape is often misunderstood or not valued. Fortunately for Aboriginal people of the Central Coast, the Land & Environment Court is placing greater recognition on the cultural landscape as reflected in at least 2 of its recent decisions including *Kirkness V Gosford City Council [2012] NSWLEC 1060* and *Glendinning Minto Pty Ltd V Gosford City Council [2010] NSWLEC 1151* ("Bambara Road")
- The Darkinjung LALC has consistently opposed mining proposals upon the Somersby/ Peats Ridge/Kariong plateau area due to the inter-relationship of individual sites within the broader cultural landscape.

#### **Recommendations:**

- 1) Darkinjung LALC objects to this Major Project Application. We also find that this current format (preferred project report) lacks information directly relating to the potential impact on cultural objects, sites, or places with a broader landscape having cultural significance.

Please find attached four maps that clearly show the Aboriginal registered sites on this property and the cultural significance of the immediate and surrounding area. Due to the sensitive nature and/or location of sites, we request that the attached plans are used for Departmental assessment only and not released for general public viewing.

We note that this preliminary succinct submission has been prepared within limited timeframe due to the Christmas holiday period and can be supplemented, if required by the Department, within 28 days of a request. Darkinjung LALC can also provide an evidential report on the current impact to Aboriginal registered sites and the proposed and possible future impacts on Aboriginal registered sites and sites yet discovered on this property.

If you wish to discuss this matter further please do not hesitate to contact Suzanne Naden Operations Manager on 02 43512930.

Kind regards



Sean Gordon  
Chief Executive Officer