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DUNMORE LAKES SAND PROJECT – STAGE 5 MODIFICATIONS DUNMORE, NSW

Aboriginal Cultural Heritage Assessment Report Response

The Illawarra Local Aboriginal Land Council has reviewed the report in relation to the proposed Dunmore Lakes Sand Project – Stage 5. We would like to record our objection to this development proceeding due to the significant cultural and environmental damage that would occur. We would also like to draw attention to the fact that the Aboriginal community, and I am sure the wider community generally does not believe that the destruction of this area through the expansion of the sanding mining facility is in keeping with the expectations and values we hold for this area. Furthermore, we would contest that the economic impact which may be attributed to this project and its State Significant Status does not align with the cost that will be borne by the community in the future. It is our recommendation that this development does not proceed and that all extractive industries are restricted from further development in this environmentally and culturally significant location.

To support our position on this matter we would like to draw attention to the findings in the report which we believe support our recommendation. We also note that the objectives of this report were to assess impacts of the proposed expansion activities and develop appropriate mitigation measures. In this instance we do not support any mitigation measures as the area concerned is considered to be of very high cultural significance to the local community.

Firstly we note that three (3) Aboriginal archaeological sites were identified in the proposed pit expansion area: DLS Boral AFT 1, DLS Boral AFT 2 and DLS Boral AFT 3. All three sites would be impacted by the proposed works as identified in the report.

1.1 Aboriginal cultural values

The report acknowledges that the archaeological significance of the identified Aboriginal sites was determined by their research value, representativeness, intactness and rarity and that on the basis of these criteria, sites DLS Boral AFT 1 and DLS Boral AFT 2 display moderate-high archaeological significance and site DLS Boral AFT 3 displays low archaeological significance. While we agree with the high significance finding identified, we contest the reasoning and the process used for this rating. We assert the fact that Aboriginal people and our cultural history should not have its importance ranked by its research value, combined with structures that have been determined by a values position of non-Aboriginal people. Furthermore, we recognise that this landscape and area holds significance that can't be constrained to scientific value. The destruction of this area will eliminate, without the potential for repair, a significant cultural and environmental landscape which has already seen the destructive hand of western values. We therefore demand that this continued destruction and undervaluing of Aboriginal history stop and that we rightfully be respected as the custodians of this land, as you cannot return what you continue to destroy.

The Illawarra Local Aboriginal Land Council's view and our position on this development is further supported through the recorded consultation with the 19 registered Aboriginal stakeholders in the report. These stakeholders identified that the study area has cultural heritage value to the local Aboriginal community. In particular, Aboriginal stakeholders expressed the cultural importance and significance of the landscape around the study area. The Land Council would contest and challenge that the actual comments by these stakeholders would have been presented in a stronger voice and elevated that significance of the area, which would have not just indicated that the area has cultural heritage value, but high cultural heritage value and that the area had high cultural importance which included the overall landscape associated to the area.

The report recommends that the mitigation program should comprise of an archaeological salvage, undertaken prior to the commencement of the proposed works, where portions of significant Aboriginal sites would be impacted by the proposal. The Land Council and the Aboriginal community identifies the entire precinct as being significant and as one cultural site. This is due to the connectedness of the landscape features and to destroy any aspect of this landscape would destroy the entire site in our view. The report identifies significant Aboriginal sites as exhibiting at least moderate archaeological value and that two sites within the study area require salvage excavation: DLS Boral AFT 1 and DLS Boral AFT 2. Again, it is the view of the Aboriginal Land Council that this under represents the significance of this site and the potential destruction of a highly valued and culturally significant area.

The report identifies the significance of the DLS Boral AFT 1 and DLS Boral AFT 2 archaeological resource as residing in the information it contains, its intactness and rarity in the local region. It further highlights that sites DLS Boral AFT 1 and DLS Boral AFT 2 contain a large number and diverse range of cultural material, have largely intact stratified deposits, and are in fair to good condition with some surface disturbance. The rarity of the archaeological landscape and selective nature of the identified Aboriginal objects means that recovery of the sites' information will offer substantial scientific and cultural knowledge. In this regard, salvage excavation of DLS



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Boral AFT 1 and DLS Boral AFT 2 is a suitable heritage outcome for the archaeological sites as it will retrieve and curate a representative sample of the information exhibited by the archaeological sites. The Land Council agrees with the value of these areas, however we do not support the salvage of items in this location. The significance of this site to the Aboriginal community is because it is intact and we would like it kept in this way. The likelihood of any activity uncovering even more significant cultural material is high and we would like our values respected as per the Burra Charter.

DLS Boral AFT 1	AHIMS tbc	Moderate-High significance	Total Impact	Salvage excavation to mitigate impact
DLS Boral AFT 2	AHIMS tbc	Moderate-High significance	Total Impact	Salvage excavation to mitigate impact
DLS Boral AFT 3	AHIMS tbc	Low significance	Total Impact	No mitigation required

1.2 Heritage register searches

The Land Council acknowledges that a search of the Aboriginal Heritage Information Management System (AHIMS) database was conducted to identify registered (known) Aboriginal sites or declared Aboriginal places within or adjacent to the study area.

The AHIMS search results revealed 29 Aboriginal sites had been recorded within the search area (Figure 5). No Aboriginal places had been declared within the search area and that the Site features ('site types') were listed as per the table below.

Table 2. Registered Aboriginal sites around the study area (AHIMS results)

Site Context	Site Features (Site Type)	Total	%
Open	Artefact	9	31.1
	Shell; Artefact (Midden)	18	62.1
	Shell	1	3.4
	Restricted Site*	1	3.4
Total		29	100

*Discussions were held with the AHIMS registrar regarding the location of the restricted site. It was confirmed that this site is not located within the vicinity of the study area (David Gordon, personal communication, 18/12/2018).

1.1 Previous investigations around the study area

The Land Council would like to highlight and reassert that the AHIMS system only identifies known sites and that during the investigation that contributed to this report, a greater understanding of the occupation of this area was achieved, although the investigations were appropriately limited. Furthermore, that any consideration for development in this area needs to recognise that the whole landscape associated with floodplains along the Minnamurra River are likely to hold high levels of cultural significance to the local Aboriginal community. This is reflected in the numerous previous reports that have been conducted in associated landscapes that are in and around this river system and identified in the report which highlights that overall, previously recorded Aboriginal archaeological sites around the study area demonstrate a variety of site types and geographical locations.

The report proceeds to acknowledge that AHIMS results and background research indicate that a relationship exists between the site type and environmental context, demonstrating the different ways in which Aboriginal people used the landscape and the subsequent archaeological record of these activities. The general assumptions that stem from the results of previous assessments in the estuarine environments point out that various sedimentation processes associated with the infilling of the estuary and the aggrading nature of lower slopes may have resulted in covering of the archaeological sites.

The report highlights the need for test excavations which would most likely determine whether the subsurface archaeological deposit is present. The most likely Aboriginal site types to occur within the study area and its surroundings are artefact scatters often associated with shell middens. They are likely to occur on the well-drained, remnant landforms bordering the estuary resource zones. They often might be exposed by land use practices, such as mining activities and removal of trees, or geomorphological processes, such as erosion and fluvial activity.

As the proposed project area reflects the highlighted landscape it is highly likely that more artefacts will be present. Additionally, in the view of the Aboriginal Land Council, the need for further destructive investigative work is obsolete. No further investigation is needed in this area as the combination of all the previous reports and the investigations during the development of this report continually display that Aboriginal occupation in this area is in keeping with views and cultural histories that have been provided by the local Aboriginal community. We see no need to undertake destruction of our heritage to fulfil what in this instance could prove to be the morbid curiosity of uncovering a burial site or simply because someone or group would like to further understand the Aboriginal occupation of this area. It should simply be enough that Aboriginal people are stating that we occupied this area, it's important to us and that it should be left as is, particularly when we have a significant number of previous investigations which also support this position.



7 Management and recommendations

The Illawarra Local Aboriginal Land Council strongly objects to the management and mitigation measures as identified in the report and recommend a complete cease to pursuing this development further.

Our position of ceasing all prospect of this development proceeding is directly supported by at least 4 articles in the Burra Charter. The Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values and is s a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.



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We therefore highlight several articles in this charter which we believe this develop and the recommendation for salvage ignores in this report. These are:

Article 3. Cautious approach

3.1 *Conservation* is based on a respect for the existing *fabric, use, associations and meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.

Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

5.1 *Conservation of a place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

This development in no way acknowledges these responsibilities on the development of areas with heritage significance.

Article 7. Use

7.1 Where the *use of a place* is of *cultural significance* it should be retained.

A *place* should have a *compatible use*. The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the place.

This project will result in permanent and unrepairable damage and therefore should not proceed

Article 8. Setting

Conservation requires the retention of an appropriate *setting*. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Again, this development is not in keeping with the aspect of the Burra Charter.

Article 15. Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. **The amount of change to a place and its use should be guided by the cultural significance of the place and its appropriate interpretation.**

15.2 **Changes which reduce cultural significance should be reversible, and be reversed when circumstances permit.**

15.3 **Demolition of significant fabric of a place is generally not acceptable.** However, in some cases minor demolition may be appropriate as part of *conservation*. **Removed significant fabric should be reinstated when circumstances permit.**

15.4 **The contributions of all aspects of cultural significance of a place should be respected.** If a place includes *fabric, uses, associations or meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

The whole proposal and the recommendations of this report to place any consequence or importance to the irreparable damage to Aboriginal heritage and the values relating to place and therefore this project and the recommended salvage should not proceed

It is the recommendation of the Illawarra Local Aboriginal Land Council that this project is topped and that no further work is undertaken in relation to the Dunmore Lakes Sand Project.

Regards

Paul Knight
Chief Executive Officer