



**Nick Archer**

Project Coordinator  
epm Projects Pty Ltd  
Level 2, 146 Arthur Street,  
North Sydney NSW 2060

Dear Nick,

**RE: SANDON POINT REDEVELOPMENT [MP06\_00094] MODIFICATION 5 RESPONSE TO SUBMISSIONS.**

The following is MDCA's response to the key issues raised in agency submissions on Modification 5 of the Sandon Point redevelopment in relation to Aboriginal Heritage.

**Aboriginal community consultation to be restarted.**

Consultation has not ceased. When MDCA produced the draft ACHAR we distributed it to all the RAPs no responses were received. But on discovering the Illawarra LALC had a new executive we contacted the new CEO Derek Hardman and gave him the opportunity to respond with the Land Council's views on the Draft ACHAR for inclusion in the Final. This involved a meeting in the ILALC office. He had not responded by the time a new CEO was appointed. We have then forwarded the documentation onto Mr Paul Knight and have had discussions with him as recently as the 20<sup>th</sup> May and the 27<sup>th</sup> May 2019.

We do not believe the full consultation process be restarted, simply that the current RAPs be given another chance to respond the ACHAR before it is finalised and accompanies the AHIP. It is noted an AHIP will not be issued without an approved DA. Once the DA is approved the ACHAR and AHIP application for the portion of the site to be impacted upon can be submitted to the OEH.

**Provision of an AHIP**

An AHIP will be required prior to the commencement of any ground works and after consent has been granted in the area of the Aboriginal site. As recommended in the ACHAR this would be for the Impacts to the least significant portion of the known camp site, where artefacts present as very low density background scatter. ie., isolated artefacts distant from any finding of >2 artefacts.

**Measures to appropriately manage construction impacts**

As recommended in the ACHAR the preserved portion of the site will be fenced and secured during the construction phase. The type of fencing should be sufficient to avoid vehicle incursion

and disturbance. On site construction workers would be given an Aboriginal Cultural Heritage Induction to ensure a full understanding of the importance of Aboriginal sites. Those properties abutting the site will require monitoring by the ILALC during their construction to ensure there is no encroachment on the site, by vehicles or other investigative consultants. Consultation with the Illawarra LALC will be essential during this phase.

The management of the Construction impacts for the short term would form part of an **Aboriginal Heritage Management Plan**.

The Plan would define: prohibited and acceptable impacts to the area until all the nearest construction is completed; That nearby works to the archaeological site are correctly defined/described so that impacts can be assessed. For example as long as they do not encroach on the designated boundary plus buffer; suggest methods for plant removal and planting which might impact upon the site; include an unexpected find protocol and advice on reporting; management of sediment traps and predicted on-going water flows; suggest ongoing monitor and periodic inspections to ensure the Plan is being enacted.

The Plan would also provide guidance on medium and long-term consideration of the site in terms of preservation and conservation requirements. These may include introduction of a surface covering of soil or environmental protective materials; protocols for continued engagement of the Aboriginal community; recommendations for any future proposed possible impacts and their management in terms of Aboriginal heritage.

#### **Basis and sufficiency of the buffer to the Aboriginal archaeological site**

The site contains the dispersed and most likely, greatly disturbed remains of the Aboriginal occupations of this land. The Creek and the coast would have been the focus for the more concentrated occupation. Inland, the occupation sites show low density occupation. There have been contradictory and conflicting reports [reported to the LEC] that this land is highly significant for some members of the Aboriginal community. However, the evidence for long term occupation and any focus which might have represented some important Aboriginal activity is not present nor proven.

The dimensions of the proportion of the site to be preserved is based on the areas of greatest density of artefacts. It should be noted that even the greatest densities are extremely low, and the outlying artefacts represent little more than isolated finds or background scatter. In addition, nearby slopes are steep enough to preclude comfortable camping. The buffer described for the site is based on adjacent topography, and the most concentrated remains nearest the creek, and the degree to which adjacent land surface and sub surfaces have been exposed or disrupted.

The factors commonly addressed in the design of archaeological site buffers have been applied in the current context.



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HERITAGE ARCHAEOLOGY HISTORY ▼ ASSESSMENT MANAGEMENT INTERPRETATION

Yours Sincerely

A handwritten signature in black ink that reads 'Mary Dallas'.

Mary Dallas  
26.5.19

