

The Sandon Point

Volume 1, Issue 1

A Community Bulletin for the Protection of Sandon Point

A FORM GUIDE TO THE PLAYERS

THE LOCAL COMMUNITY

A genuinely eclectic mix of local identities, surfers, coal miners, steel workers, retirees, professionals, students, families, the employed and unemployed, locals and blow-ins. Over the years, they have galvanized into an unusually cohesive and culturally-enriching group. The strength of their commitment has resulted in a 24-hour on-site picket & information centre which has been operating for one year. The community's Valentine's Day blockade of earthmoving and construction equipment being brought on site (before a court hearing had finished), took place in front of 60 police, and security guards who toted guns and dogs. This display of their resolve demonstrates the depth of their fury at the manner in which this development proposal has been managed from the outset.

SANDON POINT ABORIGINAL TENT EMBASSY (SPATE)

At Mc Cauley's beach, the Embassy is staffed 24 hours a day, and has been in existence for over a year. Here, indigenous people have come at the request of the most senior law man in NSW, 94-year old elder Uncle Guboo Ted Thomas. Their role is to keep watch over the land- in particular, a known sacred burial site. **Roy (Dootch) Kennedy** is the main spokesperson for SPATE.

STOCKLAND, THE DEVELOPER

Stockland Constructors Pty Ltd is part of a multi-billion dollar investment company specialising in commercial, retail and residential real estate developments.

Nick Greiner, a former NSW premier, is vice president on Stockland's board of directors. He famously resigned as Premier as a result of an inquiry by his very own Independent Commission Against Corruption. After leaving politics, he accepted a position on the board of a giant multi-national tobacco corporation- perhaps a little ironic given his heavy personal involvement in the ground-breaking Quit Smoking campaign. - *No doubt his experience comes in handy in such a political stoush.* Stockland employee, **Nick Duncan**, in charge of the Sandon Point development project, is assisted by **Paul Hedge**.

WOLLONGONG CITY COUNCIL (till recently, ruled by the Labor Party)

Historically of dubious repute, the council was taken to the Land & Environment Court by Stockland for not approving their development within a set time limit.

The council is headed by mayor **George Harrison**, who, in 1999, was declared by Justice Einfeld of the Supreme Court in a separate matter to be 'unconscionable and willing to lie under oath'.

The council is also in dispute with **Ray Hannah**, a multi-million-dollar purchaser of additional land at Sandon Point. (His land was previously owned by ex-mayor, **Frank Arkell**.) Hannah claims that Council revoked the zoning approval for a caravan park and housing estate that they "guaranteed" him at purchase. This particular part of the Sandon Point site was subsequently acknowledged to be regularly flood and sea-

Overview of the Issue

The latest battle in the long-running saga over the future of land located between Thirroul & Bulli, namely Sandon Point & McCauley's Beach, is far from over. The current dispute is between a Sydney-based property developer, Stockland, and the local community.

The issues are wide-ranging and complex. This bulletin gives an overview of important past and recent events. Keeping it close at hand will enhance your understanding of future developments in the situation. (no pun intended!).

In 2000, Stockland submitted development applications to Wollongong Council for "Stages 1-6" of a new suburb it proposes to develop on the land lying between Thirroul & Bulli. The division of

the project into 20 stages so far, disguises the enormity of the proposal. If allowed to proceed, close to 1200 new dwellings would be built (including many on an existing factory site) - equating to an additional 3000 people in the area. The current population of Thirroul is 5400. There are no plans for infrastructure such as roads, shops, car parks, transport, schools, hospitals, police presence, community facilities and sewerage

affected and as such, is undevelopable. As of May '02, the status of Ray Hannah's land remains unresolved.

THE SKELETONS

A fully intact, ceremonial grave of great cultural significance was archaeologically exhumed following its discovery in the McCauley's Beach dunes, after a big storm in March, 1998. It contained a perfectly undisturbed skeleton, surrounded by ceremonial and sacred objects. This man was a **Kuradji** ('Clever fella'), buried around 6000 years ago.

Another skull was discovered 30 years earlier by, amazingly, the same sharp-eyed residents who spotted the Kuradji's grave.

There is local knowledge of up to 8 more skeletons having been dug up during the installation of sewerage pipes in the 1970s. The trail of their whereabouts has, for the moment, gone cold.

OTHER INDIGENOUS GROUPS IN THE AREA

Five major and four minor groups lay claim to having sacred and enduring cultural links to the site. These groups do not always see eye-to-eye due to familial ties and other political differences.

systems to accompany this massive increase in population. We believe Stockland would take its money & run, while the council would make a killing on skyrocketing rates for *still* no financial input into the area.

Of equal concern to residents is the manner in which this development has been allowed to proceed. We feel troubling decisions have been made at both state and local government levels. There is clear evidence

in numerous instances that illegal acts have been occurring, and that government guidelines are not being followed. Even the Land & Environment Court's verdict was based on flawed evidence. Under these circumstances, the community's collective outrage

necessitated our direct intervention to ensure that the proposed development does not proceed unless all existing laws and statutes are enforced and adhered to.

We are certain that if all the necessary research is *independently* carried out, there will be compelling reasons for a complete rethink of this contentious development proposal.

SOUTH COAST LABOUR COUNCIL (SCLC)

The area's governing union body placed a black ban on the Stockland site in March last year. SCLC leaders, **Arthur Rorris & Peter Wilson** also acted as go-betweens during the recent community blockade of the site. This indicates clear union acknowledgement of the importance of the site.

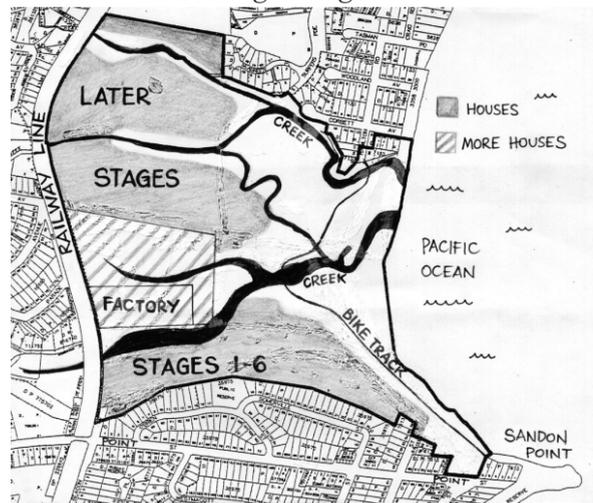
NSW GOVERNMENT DEPARTMENTS *

The following state authorities are involved in granting permission for development of the site: National Parks & Wildlife (NPWS), Dept of Land & Water Conservation (DLWC) Dept. of Urban Affairs & Planning (DUAP)- now called Planning NSW.

Despite years of recommendations that have been consistent in their content, these departments are *suddenly changing their advice* regarding Sandon Point. This, coupled with the *unwillingness to prosecute Stockland over laws they have already breached* on site, places question marks over their ability to oversee any proposed development.

THE STATE GOVERNMENT (LABOR) *

This government subscribes to a policy of urban consolidation. This policy is arguably driven



A Tragedy of Errors

a report of information stated in Parliament by Ian Cohen, MLC

SELECTED COUNCIL COCK-UPS

"Before the Sandon Point development plan had even gone on public exhibition, Wollongong Council general manager, Rod Oxley, stated with supreme confidence in The Illawarra Mercury, that the **entire development was a 'fait accompli' (done deal)**.

Following its exhibition, numerous studies- eg Flora & Fauna, European heritage, Aboriginal heritage have been **ordered by council, but not implemented by the administration**. When questioned over the lack of action, staff reply with words to the effect of 'My manager told me not to do it.'

In early 2001, National Parks and Wildlife (NPWS) wrote a detailed letter to Council containing vital information regarding the preservation of flora, fauna & Aboriginal heritage at Sandon Point. This letter was intended to be seen by councillors before they voted on Stage 1. **Council officers withheld this important letter, which prevented its contents from influencing the vote.**"*

THE LAND & DEVELOPERS COURT

Wollongong Council would have you believe that residents' complaints were the cause for the Land & Environment Court case ('a waste of rate-payers' money'). In fact, the case went to court because Stockland did not provide requested information to the Dept. of Land & Water Conservation (DLWC), which prevented Wollongong Council giving the go-ahead. **"During the court case, Wollongong Council did not cross-examine Stockland's witnesses, and gave no chance for presentation of evidence relating to environment, flood danger, infrastructure, Aboriginal heritage, social and traffic impacts. The vast majority of the community's huge volume of concerns about the site was never tested in court"***-a case where WCC spent \$30,000.

"Regarding European heritage, two community members were called to give evidence, but *much of their evidence was censored by Council's legal team.*"* They were then used by Council as scapegoats for a fully anticipated failure of the case, it seems. **It is extremely difficult to win a court case without mounting an adequate defence in our opinion.**

"One of Council's requirements before Court was for Stockland to build its own railway bridge & access road to link up with Hobart St at the highway. This requirement was *waived in a settlement room while the case was running.*

Council emerged to allow an existing road to be used for residential access, with great savings for Stockland.

Unfortunately, this was just one of 19 out of 21 Council requirements dealt with in this manner during the case - all 'resolved' to Stockland's advantage."*

WATERY DEALINGS

"Stockland states that its decision to purchase the land for Stages 1-6 hung on a verbal agreement in 1999 from DLWC which **allowed Stockland to develop as close as 5m to Tramway Creek.**"* (Surveyor's pegs showed Stockland's original plan was to fill and develop *into the creek!*) "Stockland requested an on-site meeting when the designated DLWC officer was on leave, and obtained permission from a relieving officer for a reduction of the creek buffer zone from the usual requirement of 40 m to just 5m. **DLWC, Stockland's own consultant, and the Escarpment Commission of Inquiry (resulting from the disastrous storm flooding of August 1998), all recommend a 40m setback./ buffer zone on both sides of the creek as standard practice. Why has Stockland been given special treatment?**"*

When DLWC later attempted to amend the '5m promise' to a (still inadequate) 20m, Stockland threatened to sue. "Stockland declared that 40m (or even 20m) creek setbacks would have 'rendered the development financially unviable'."* Purchase records prove this statement to be highly debatable.

When the time came, "DLWC chose not to defend in the Land & Environment court its standard practice, on this and other issues related to flooding and water quality. This was because it had recently lost a similar case and was embarrassed by the 5m promise made to the developer."* If only the less well-resourced community could obtain such watertight promises!

"Stockland refers to itself as a 'responsible corporate citizen', 'producing a high-quality development'. **When the next large flood occurs, a Stockland representative admitted that it would be the responsibility of the emergency services to somehow rescue the residents of 200 flood-affected houses. Several of these resident-access roads would be impassable during a severe flood.** Flood insurance would not be available to these residents. Wollongong Council would have to sort out the ensuing mess. WCC would also be leaving itself open to be sued due to its inappropriate zoning of the land and for allowing such a development to occur."*



The Players... (continued) primarily by a lobby group of property developers who are most generous with their political donations. *Stockland is an active member of this lobby group*, and is no slouch when it comes to smoothing the financial ride of both major political parties. The recent buyback announcement of a site earmarked for development at Balmain in Sydney proves that *the State government does have the power to intervene* at Sandon Point.

THE FACILITATION PROCESS

In December last year, the South Coast Labour Council instigated a round-table dispute resolution forum. It is supported by the Deputy Premier and is chaired by **Rick Farley**, an experienced negotiator. Representatives from Stockland, the community, SPATE, Wollongong Council, & SCLC agreed to participate in an attempt to 'find a way forward' in the stalemate situation. The fate of this forum is unclear at

present, due to Stockland's attempt to start construction work at the site in mid-February.

THE LOCAL STATE (LABOR) MEMBER

was previously mayor of the local council that oversaw the controversial rezoning of the entire Sandon Point site for residential use. His recent denouncement in State Parliament, of the development and zoning policies of the current local council, indicates he is beginning to feel some political heat in his previously safe seat. (A 9% swing was recorded against him in the 1999 state election.)

THE LOCAL FEDERAL (LABOR) MEMBER

A historically safe political seat has allowed **Dr Stephen Martin** to be locally ineffectual and 'fiddle while Rome burns'. The most recent federal election saw him suffer the nation's largest swing of votes against a sitting member.

(He had to resort to preferences for the first time ever.) Prior to the federal election he had been heard to mumble unfamiliar words sounding something like 'constituency' and 'representation', although having (just) survived the election, it seems his attention has once again been diverted elsewhere.

'BACK TO BULLI' SECESSION MOVEMENT

This is a separate, but closely related issue. Wollongong Council's lack of effective response to residents' concerns of unsuitable developments in their area has resulted in the drive to create a new local council, based on the area covered by the old Bulli Shire. Along with other issues, the council's arguably underhanded and shoddy handling of the Sandon Point proposal has been a major contributor to residents' burgeoning support for secession.

JUSTICE HAS NOT YET BEEN DONE AT SANDON POINT

The scientific research business, like business in any field, relies on customer satisfaction. **“Independent scientific and cultural studies are needed to remove the concern that loyalty to a commissioning client may influence their findings.** Two of many examples of inconsistent findings at Sandon Point are:

- During a council-funded study in 1992, an Aboriginal artefact was found on Stage 1 land. In the 2001 Stockland-funded study, the location of the artefact had *shifted 25 metres*. Needless to say, its location now lay *outside the development boundary*.
- In 1992, a council-funded study revealed that 25-30% of Stage 1 was a *landslip zone*. The piecemeal Stockland-funded study in 2001 failed to address this finding and *cleared the same land for development*. “*“

The Land & Environment Court makes its decisions purely on the evidence provided to it. The only evidence that determined this verdict came from Stockland. Wollongong Council chose not to present any of its or the community’s abundant evidence, including the above examples.

THE GRAB FOR LAND

“In 2001, as an apparent civic gesture, Wollongong Council bought back from Stockland beachfront land for almost \$1 million. Was this a million-dollar donation to the developer? This particular portion of land cannot be developed and will always remain unchanged, no matter who owns it. Stockland had bought the entire allotment from Sydney Water for \$2.1 m, knowing that only 20% was zoned for development.”* (Council has bought back from Stockland less than one-third of the original block.)

“Is this what Stockland means by its pride in ‘the transfer of privately-owned land back into public ownership’?”* (Wollongong Advertiser, 13/2/02). A deal to be proud of indeed!

“The legitimacy of the purchase of this same allotment of land from Sydney Water is a serious cause for concern. It is de facto Crown Land (originally bought with public money in 1950) and has been openly sought by the community to be returned to public open space since the 1980s. **Sydney Water breached its own charter by falsely stating it had consulted Wollongong Council, the local Land Council, the community, and National Parks over the sale.** It was required to consult following the discovery of the ceremonial grave of the 6000 year-old Kuradji man, found during the sale process. Sydney Water sold the land containing at least one documented burial site to Stockland, with its full knowledge of the fact.”* Stockland is also manoeuvring to seize a portion of Gibson Park for access to its suburb. The community is adamant that public land should remain in public hands.

Did You Know?

Stockland’s 2001 half-yearly profit was a record \$121 million. This was a 32% increase on their previous half-year profit. The Sandon Point development would be worth around \$100 million to Stockland, of which Stages 1-6 account for half its potential value.

DERAILING OF EUROPEAN HERITAGE

History, it seems, is an impediment to money-making. **“In 1992, BHP and Wollongong Council colluded to eliminate the heritage listing of the historic Old Bulli mine to Sandon Point tramway. It was the first built and is the last remaining coal tramway of its kind.** This delisting was discovered by the public, which was only partially successful in forcing the council to reinstate the listing.”*

“In 1996, BHP was preparing to sell up at Sandon Point.”* It appears that their ‘problem’ of the historic tramway had to be dealt with. “On the draft Local Environment Plan (LEP), the route was shown as intact. After public exhibition of this plan, **council officers altered the document without further public consultation. They cut the route at the highway, eliminating the heritage listing on the land for sale.**”* Unfortunately, they were not found out in time. “This action, most likely illegal, resulted in a *direct financial gain for BHP, to the detriment of the public’s right to their history.*”*

For the latest updates, check out:

www.sandon-point.org.au

BUT WAIT, THERE’S MORE

We feel it is a desperately unfortunate situation when laws we believe exist to protect the environment, cultural and public interests can be so successfully flouted by a developer with determination and resources.



“A State-protected wetland ecosystem on the site, namely the Sydney Coastal Estuarine Swamp Forest Complex (SCESFC) was illegally slashed in September last year. Cooksons, a factory at Sandon Point took the blame for it. Cooksons is soon to close and Stockland has earmarked its site for purchase. However, it turns out that the slashed land is actually owned by Stockland. On another slashed SCESFC area, the pattern of slashing exactly matches the development layout in that area.”*

On February 12th this year Stockland attempted to start work. It had succeeded in obtaining from National Parks & Wildlife the consent to destroy Aboriginal relics found during construction (a ‘Section 90’). This consent requires a majority of the five major Aboriginal organizations involved to sign in agreement to such action. **4 out of 5 of these groups did not give their approval.** This situation was the subject of an unprecedented court action under Administrative law, the outcome of which was that the consent was upheld.

The following (known) outright breaches of laws have occurred since September 2001 with no action being taken against their perpetrators:

- The illegal slashing of an endangered forest ecosystem on the site
- The illegal destruction of Aboriginal artefacts
- At least 20 known occurrences of illegal excavations, without Aboriginal site officers
- The NPWS Act has not been adhered to as required by L & E Court
- Illegal earthworks have been occurring on the locked AIR site
- Drilling had started on so-called ‘Stage 7’, for which a DA has not even been submitted.

Space restricts the recording of dozens more dubious decisions, offences and breaches committed so far surrounding this contentious development proposal.

Kuradji more than meets the eye

The Kuradji burial site is one of the three most important Aboriginal burial sites yet discovered in Australia. The Kuradji himself may be 6000 years old- twice as ancient as the Egyptian Pharaohs & three times as ancient as the Roman Forum. The land at Sandon Point-McCauleys Beach holds a record of human activity and culture, dated to at least 6000 years ago- rare in the world.

The archaeological and anthropological significance of Sandon Point cannot be overstated. It has been the traditional meeting, trading and ceremonial place for people from far-flung regions, both coastal and inland, for tens of thousands of years.

"There is an important dreaming track that runs up Bulli Pass. Sandon Point is part of that dreaming track."- Reuben Brown, Elouera elder (This track is also known as the Throsby Track. Charles Throsby was brought down this track by local people in 1817. His 'discovery' resulted in European settlement of the Illawarra region.)

It comes as no surprise then, given such intensive use, that this land is dense with artefacts, middens and burial sites. This would seem to be the reason why *Stockland has, arguably, methodically avoided a comprehensive Aboriginal heritage study from being carried out on its land.* The Kuradji site and surrounding sites remain both inadequately researched and protected due to, in our opinion, collusive behaviour and bureaucratic incompetence. As a matter of course, we feel, the land the Kuradji was found on *should have been resumed from Sydney Water through NPWS's "burial site buyback" policy.* Instead the land was covertly sold to Stockland without the required consultation of various authorities.

Numerous skeletons on the lands in question have been uncovered by heavy seas. During the laying of sewer pipes by the Water Board in the 1970s, eyewitnesses concur that up to 8 graves were exhumed. A further two burials were found by local brothers, Kim and Tony Stephenson, who were walking along McCauley's Beach after large storms in 1974 and 1998. Their uncle had also come across a skull during the 1950s.

The Stephensons' 1998 find was archaeologically excavated. Photographs of the grave site, documenting the dig, were taken. (Due to cultural protocol, it may not be possible for these powerful images to be reproduced.) However, enough people, including TV media, attended the dig and have subsequently viewed the photos to attest to the significance of the grave. (After scientific examination, the entire grave was relocated nearby, to a safer, secret location.)

The skeleton proved to be the perfectly undisturbed ceremonial grave of a man recognized by elders to be of great cultural significance- a sacred 'Kuradji' (similar to a shaman). His burial took place up to **6000 years ago.**

Nearby, a preliminary dig by Stockland's archaeologists found a tool workshop site which yielded **1000 relics** from a few small pits. This site's precise location had already been indicated by local elder, Reuben Brown.

The world's most ancient culture still in existence is that of Australia's indigenous people. Local elders know of many more burial and cultural sites at Sandon Point.

Should it be left to the bulldozers to unearth and destroy them? Or has the time come to recognise and treasure this site of world importance that sits on our doorstep? Other nations value and respect their history- are we such philistines as to allow this destruction?



A Regional Park to create local jobs

The Sandon Point site is part of the last remaining green link between the ocean and the escarpment. It is the last remaining coastal open space in the northern Illawarra. Its wetlands are the home of numerous threatened species, including internationally protected migratory birds.

Three ballooning population regions to the north, west and south will link up in the coming years to encircle this area. Given this proximity, one option that warrants very serious consideration is to preserve the area and incorporate it into a regional park. Sandon Point could become the focal point of a string of existing coastal parklands linked by a cycle/ walking track stretching from Thirroul to Kiama. *This proposal meets all the criteria for a NPWS Regional Park.* Jobs would be created by the increased tourist access to the Illawarra from Thirroul to Kiama. Recreational facilities such as bike, roller blade and boat hire shops, food kiosks, restaurants, accommodation, entertainment venues and cultural centres would provide *long-term local employment.* The scenic beauty of the environmentally restored park would provide open space and recreation for the people of the Illawarra, Sydney and Campbelltown, as well as attracting interstate and international visitors to its highlighted wealth of ancient and modern history and culture.

Why would people want to visit an area that looks just like a Sydney suburb? Stockland's suburb would offer very little to the region- but it would squander a unique opportunity to boost the Illawarra's tourism potential.

A Regional Park provides a vision for the *future of the Illawarra*, rather than a short-term money-making venture from which only Stockland employees and their shareholders would benefit. The investment by the NSW Government (and/or others) in land purchase and set-up costs would be an investment in sustainable development in the Illawarra.

The Illawarra is a region with traditionally high unemployment. The economic future of the region lies in *sustainable* development that sets up *long term employment* opportunities. Stockland's claim of its development creating over 300 (short-term) jobs will do very little to benefit Wollongong residents or to reduce unemployment rates in the future. The vast majority of contractors in this development would come from outside the region.

Contractors already involved at Sandon Point are from Sydney, Camden, Penrith, Canberra and Melbourne- anywhere but Wollongong.

The proposed new suburb would effectively

become a dormitory for Sydney workers due to a lack of jobs in the Illawarra. The South Coast rail line is already under extreme stress and would not be able to cope with such an influx of commuters. Many houses in Stages 1-6 would be multi-million-dollar properties with the incomes to afford them only available in Sydney. As such, economic flow-on benefits from the increased population would be restricted. New residents would most likely purchase clothing, household items, and other services in Sydney where choice and familiarity is greater.

The permanent loss of environment and heritage is a massive cost which is difficult to quantify. Once it is gone, it is gone forever.

You could only tell your children what it used to be like here.

Stocklands may start work any day, but the fight to save Sandon Point is ongoing. Visit the picket, or see the website, for more information and join in the campaign. Next Day of Action May 20 all day from 7am at Sandon Point.

Disclaimer:

I, Hamish Brown, accept all editorial responsibility. All material and any opinions expressed in this newsletter have been checked for accuracy and researched as far as possible. I hereby apologise in advance for any inadvertently expressed content or inaccuracy that might arise.