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10,000 year old cultural artefacts removed from site by developer.

A motion was passed in Shoalhaven City Council last night to support Jerrinja LALC's call for State and Federal governments to put a moratorium on Sealark housing developments in West Culburra.

As a result of the motion, Shoalhaven Council will also recommend to NSW Heritage that Sealark's AHIP (Aboriginal Heritage Impact Permit) for work at East Crescent Culburra Beach be revoked. Shoalhaven Council will request Sealark cease their development of that site, and that they return significant cultural material to the site in accordance with Jerrinja cultural practice and lore.

Speaking in favour of the motion, Jerrinja Local Aboriginal Land Council (JLALC) CEO Alfred Wellington said:

"The entire process of the archaeological investigation of this site has been highly distressing, offensive, insulting and caused ongoing trauma to Jerrinja people. The more the site was investigated, the more artefacts were uncovered and I saw firsthand the impact the sitework had on our younger generation of cultural heritage officers. "

In light of this important cultural and archaeological discovery at East Crescent, and of the Jerrinja cultural connection between Sealark's other development sites at West Culburra and South Culburra, JLALC called for Sealark developments to stop to allow for independent and up to date ecological and archaeological assessments of the proposed works.

Mr Wellington said:

" Both myself and our Elders met with Sealark and Halloran Trust representatives numerous times, seeking an end to senseless destruction of such a significant site but they have refused to work with us in a meaningful way. This is cultural vandalism and it has to stop."

Councillor John Kotlash who put forward the motion to Shoalhaven Council, likened the removal of the Jerrinja artefacts to the destruction of Juukan Gorge by Rio Tinto in 2020.

The motion was carried by the Shoalhaven Council. What happens now rests with Heritage NSW and the developer.

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(Photos available on request)

BACKGROUND

Sealark has owned the East Crescent site for 20 years. Even prior to their ownership, archaeological reports had shown the presence of artefacts, and Jerrinja Elders had indicated the potential for burials on site.

As is often required under the NSW planning process, Sealark's Development Application for a 14 lot subdivision on this site required an Aboriginal Heritage Impact Permit (AHIP), which are sadly typically permits to destroy. The AHIP for this project was granted in 2020 following an Aboriginal Cultural Heritage Assessment including participation by Jerrinja Elders, which showed moderate to high cultural significance.

During AHIP salvage excavations in 2020 and 2021 it became apparent that the number of artefacts on the site (almost 19,000) was far greater than originally anticipated. Experts date these artefacts back to between 5,000 and 10,000 years. The artefacts shed light on Jerrinja Cultural practise in the area and represent a significant archaeological find, not only to the Aboriginal community but to Australia's cultural heritage.

In April 2022, the JLALC's pro bono lawyers unsuccessfully applied to Heritage NSW to revoke the AHIP permit. This request was supported by an independent Cultural Values report by a respected Archaeologist. On May 6th 2024, the JLALC's lawyers wrote to Heritage NSW enquiring about the status of the JLALC's AHIP permit revocation request. They received a response from Heritage NSW acknowledging that: "the protracted nature of this matter has caused distress to members of the Land Council," and went on to assure the JLALC that "Heritage NSW... will continue to work with all parties to resolve this matter as soon as possible." There has been no attempt by Heritage NSW to resolve the matter or to revoke the developer's permit.

The distress and trauma experienced by members of the Jerrinja community is ongoing. The JLALC have made numerous attempts to engage with the developer in an attempt to get them to understand and appreciate the significance of the land at East Crescent and its critical connection to the cultural landscape of nearby South and West Culburra, and to the site at Callala Bay, where further Sealark developments are proposed.

In a recent letter to Sealark, Alfred Wellington emphasised: "the critical importance of seeing the landscape through our cultural ways of looking at Jerrinja country, that these 4 sites are interconnected and form part of a broader and highly significant cultural landscape, and that the ecological values of the sites form an inexorable part of our cultural values."

In his council deputation on August 12th, Mr Wellington re-iterated his appeal to Sealark "to cease their development and return the artefacts to their rightful place. No other outcome is appropriate. There is no way to mitigate cultural harm of this magnitude."