



# **Hackham Code Amendment - Aboriginal and Historical Heritage Report**

# Hackham Code Amendment - Aboriginal and Historical Heritage Report

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Prepared by EBS Heritage for Holmes Dyer Pty Ltd

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## GLOSSARY AND ABBREVIATION OF TERMS

AH Act	<i>Aboriginal Heritage Act 1988</i>
CHMP	Cultural Heritage Management Plan
cm	centimetre(s)
CT	Certificate of Title
DEW	Department for Environment and Water
DPC-AAR	Department of the Premier and Cabinet – Aboriginal Affairs and Reconciliation
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
HP Act	<i>Heritage Places Act 1993</i>
ILUA	Indigenous Land Use Agreement
km	kilometre(s)
LCA	Local Council Area
m	metre(s)
mm	millimetre(s)
n.d.	no date
PAD	Potential Archaeological Deposit
RC	Risk Classification
RNTBC	Registered Native Title Body Corporate
SA	South Australia(n)
SAM	South Australian Museum
sq km	square kilometre(s)
the Council	South Australian Heritage Council
The Register	DPC-AAR Register

## EXECUTIVE SUMMARY

EBS Heritage was engaged by Holmes Dyer to undertake Aboriginal and historical cultural heritage investigations for the potential rezoning of land in the outer metropolitan area of Hackham, South Australia. As the project has been on-going since 2019, the investigations were undertaken in three different stages. All stages are detailed within this report.

This cultural heritage report summarises the relevant heritage protection legislation, the search results of the Register of Aboriginal Sites and Objects and other registers, research relating to past occupation and land use, the identification of any known heritage sites or potential for unknown heritage, the assessment of the risk of project works harming any heritage, and heritage management recommendations determined from the desktop analysis and risk assessment.

### Native Title

The project area is within the Native Title Determination of the Kaurna Peoples (SCD2018/2000). The Determination proclaims 17 Sections within the determination area as Native Title Land, none of which are located within the project area. Native title rights and interests therefore are not applicable over the land in the project area. The project area land though is within the Kaurna Peoples Native Title Determination Area and as such it is recommended that the Kaurna Yerta Aboriginal Corporation be informed of the code amendment out of courtesy and respect for the Traditional Owners. The relevant legislation is the *Native Title Act 1993* and the *Native Title Act (South Australia) 1994* (NTSA Act).

### Desktop Results

There are no Aboriginal sites, objects, cultural and/or spiritual histories recorded within the project area. The majority of the project area is considered a **low** risk of encountering either surface or sub-surface Aboriginal sites, objects or remains. The western side of the project area close to South Road and any waterways, including ephemeral waterways are considered to have a **moderate** risk of encountering surface or sub-surface Aboriginal sites, objects or remains, given the proximity of the project area to the coast and the Onkaparinga River, and the proximity to high-risk landforms and previously recorded finds.

No Commonwealth heritage places protected by the *Environment Protection and Biodiversity Conservation Act* (EPBC Act), were identified within the project area. No places of National or State heritage significance protected by the *Heritage Places Act 1993* (HP Act) were identified within the project area. There are three Local Heritage Places protected by the *Heritage Places Act 1993* (HP Act); one each on land titles CT 5742/224, CT 5745/169 and CT 5407/987. Each of the certificates of title are covered by a Local Heritage Place Overlay under the Planning and Design Code. The Overlay seeks to maintain the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.

As there are no known cultural heritage sites within the project area, and either a moderate or low risk of encountering any, there is no legal obligation to consult with the native title holders or undertake a cultural heritage survey prior to the code amendment application. This does not preclude the proponent from ensuring that any surveys or other types of work do not disturb unidentified and unrecorded sites as legally required by the AH and HP Acts.

## Recommendations

While it has been concluded that there is either a **moderate or low** risk of disturbing surface or sub-surface Aboriginal or historical cultural heritage, it is recommended that any works proceed with caution. Accordingly, EBS Heritage advise Holmes Dyer and its partners and contractors to consider the following recommendations:

### **Recommendation 1: Implement a Stop Work / Site Discovery Procedure**

To mitigate against damage or disturbance of an unknown site or object of significance, it is recommended that all staff and contractors are provided with a Stop Work/Site Discovery Procedure in the event of an unexpected find. A copy of the document should also be accessible in the site office.

For convenience a site discovery procedure has been included in the appendix of this report (Appendix 1).

### **Recommendation 2: Consult with the Registered Native Title Body Corporate**

As a courtesy and out of respect for the Traditional Owners, notify the Kaurna Yerta Aboriginal Corporation of the proposed works and advise them that an Aboriginal heritage desktop assessment has been undertaken which determined that the likelihood of disturbance to unknown Aboriginal sites or objects is considered to be a moderate risk in the vicinity of South Road and any waterway and a low risk throughout the rest of the project area.

### **Recommendation 3: Ensure protection of Local Heritage Places**

Maintain the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.

## Table of Contents

<b>1</b>	<b>INTRODUCTION.....</b>	<b>1</b>
1.1	Scope of works .....	1
1.2	Project Area .....	1
1.2.1	Stage 1 - Desktop assessment undertaken November 2019 .....	3
1.2.2	Stage 2 - Desktop assessment undertaken August 2021 .....	3
1.2.3	Stage 3 - Desktop assessment undertaken November 2021 .....	4
1.2.4	Geology and Topography .....	4
1.2.5	Hydrology .....	7
1.2.6	Native Title .....	9
1.3	Limitation of the report .....	9
<b>2</b>	<b>COMPLIANCE AND LEGISLATIVE SUMMARY.....</b>	<b>10</b>
2.1	Commonwealth Legislation .....	10
2.1.1	Environment Protection and Biodiversity Conservation Act 1999 .....	10
2.1.2	Aboriginal and Torres Strait Islander Act 2005 .....	10
2.1.3	Native Title Act 1993 .....	10
2.2	SA State Legislation – Aboriginal Heritage .....	11
2.2.1	Native Title Act 1994 .....	11
2.2.2	Aboriginal Heritage Act 1988 .....	11
2.3	SA State Legislation – European Heritage .....	11
2.3.1	Heritage Places Act 1993 .....	11
2.3.2	Planning, Development and Infrastructure Act 2016 .....	12
2.4	City of Onkaparinga Review of Local Heritage Places .....	12
<b>3</b>	<b>METHODOLOGY .....</b>	<b>13</b>
3.1	Desktop Assessment .....	13
3.1.1	DPC-AAR Register Search .....	13
3.1.2	Archival Research .....	13
3.1.3	Previous Work / Consultancy Reports .....	13
3.2	Heritage Risk Assessment .....	13
3.2.1	Site Predictive Statements .....	13
<b>4</b>	<b>STAGE 1 RESULTS .....</b>	<b>15</b>
4.1	DPC-AAR Register Search .....	15
4.2	SA Museum Database .....	15
4.3	Australian Heritage Database .....	16
4.4	SA Heritage Places Database .....	16
<b>5</b>	<b>STAGE 2 HERITAGE RESULTS.....</b>	<b>17</b>



5.1	DPC-AAR Register Search.....	17
5.2	SA Museum Database.....	17
5.3	Australian Heritage Database.....	19
5.4	SA Heritage Places Database.....	19
<b>6</b>	<b>STAGE 3 HERITAGE RESULTS.....</b>	<b>24</b>
6.1	DPC-AAR Register Search.....	24
6.2	SA Museum Database.....	24
6.3	Australian Heritage Database.....	24
6.4	SA Heritage Places Database.....	24
<b>7</b>	<b>PREVIOUS REPORTS AND ARTICLES.....</b>	<b>25</b>
<b>8</b>	<b>HISTORICAL LAND USE.....</b>	<b>26</b>
8.1	Aboriginal Heritage.....	26
8.2	European Heritage.....	28
<b>9</b>	<b>ABORIGINAL SITE PREDICTIVE STATEMENTS.....</b>	<b>29</b>
<b>10</b>	<b>SUPPLIMENTRY HERITAGE REQUIREMENTS.....</b>	<b>32</b>
10.1	<i>Aboriginal Heritage Act 1988</i> - Section 21, 23 or 29(1)(b) application.....	32
10.2	<i>Heritage Places Act 1993 (SA)</i> - Section 27 Permit.....	32
10.3	Cultural Heritage Survey.....	32
10.4	Cultural Heritage Management Plan.....	32
<b>11</b>	<b>CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>33</b>
<b>12</b>	<b>REFERENCES.....</b>	<b>35</b>
<b>13</b>	<b>APPENDICES.....</b>	<b>37</b>
	Appendix 1 – Stop Work/Site Discovery Procedure.....	37
	Appendix 2 – Native Title Determination Map.....	38
	Appendix 3 – DPC-AAR Register Search Stage 1 (Remove if report made public).....	40
	Appendix 4 – DPC-AAR Register Search Stage 2 (Remove if report made public).....	45

## List of Tables

Table 1.	Land parcels within the project area - Stage 1.....	3
Table 2.	Land parcels within the project area - Stage 2.....	3
Table 3.	Land parcels within the project area - Stage 3.....	4
Table 4.	Native Title determination area.....	9
Table 5.	Registered ILUA.....	9
Table 6.	Native Title land types.....	10

Table 7. Aboriginal Groups with interest in the project area. ....	15
Table 8. Items recorded in vicinity of the project area. ....	15
Table 9. Aboriginal Groups with interest in the project area. ....	17
Table 10. Items recorded in vicinity of the project area. ....	17
Table 11. Local Heritage Places identified within the Stage 2 project area. ....	19
Table 12. Sites and exposures at Huntfield Heights. ....	25
Table 13. Predictive Risk Assessment for Aboriginal sites/objects. ....	29

## List of Figures

Figure 1. The Onkaparinga north east of Noarlunga circa 1926. State Library of South Australia - B3318. ....	7
Figure 2. Sand mining area shown within Stage 2 project area. ....	18
Figure 3. Local Heritage Place (ID 5298) – view of front of property. ....	20
Figure 4. Local Heritage Place (ID 5298) – view of northern side of the outbuildings. ....	20
Figure 5. Local Heritage Place (ID 5300) - view of front of property. ....	21
Figure 6. The locations of the previously recorded Aboriginal archaeological sites at Huntfield Heights (Source: Luebbbers 2004), from Woods 2005. ....	25
Figure 7. Clan areas identified by Tindale (1940). ....	26

## List of Maps

Map 1. Location of the project area. ....	2
Map 2. Land Systems applicable to the project area. ....	6
Map 3. Hydrology of the project area. ....	8
Map 4. Location showing local heritage places within the project area. ....	22
Map 5. Likelihood of disturbing unknown Aboriginal sites during development. ....	31



# 1 INTRODUCTION

EBS Heritage was engaged by Holmes Dyer to undertake an Aboriginal and historical cultural heritage assessment that will inform a Code Amendment proposal in Hackham, South Australia (SA). The proposal includes establishment of housing, access roads and associated infrastructure, across approximately 200 hectares (ha) between Hepenstal Road Hackham and the Onkaparinga River at Old Noarlunga (Map 1).

EBS undertook a desktop assessment and follow up field assessment of the project area to investigate potential cultural landscapes and to review the local heritage sites within the project area.

## 1.1 Scope of works

EBS Heritage were engaged to determine whether there are any key heritage risks associated with the proposed rezoning and to provide detail on the requirements to protect and avoid damage, disturbance and/or interference to Aboriginal or historical archaeological/anthropological sites, objects or remains. The scope of works entailed:

- Identify relevant local, State and Commonwealth legislative requirements;
- Search the Department of the Premier and Cabinet – Aboriginal Affairs and Reconciliation (DPC-AAR) Register for any Aboriginal sites/objects within the greater area;
- Search the Commonwealth and State heritage register for any Commonwealth, State or Local heritage places within the greater area;
- Native Title Register search;
- Identify and review primary and secondary information sources and previous heritage reports to aid in understanding the history, past use, and development of the surrounding land;
- Undertake a cultural heritage risk assessment to determine the likelihood of unrecorded cultural heritage sites still being present and determine the potential impacts;
- Prepare recommendations to manage the risk of any potential impacts the proposed activities could have on places of heritage significance during future works; and
- Provide recommendations to assist in planning for heritage clearances and approvals.

## 1.2 Project Area

The project area is located 28 km south of Adelaide and 7 km north of McLaren Vale in the City of Onkaparinga Local Government Area, the Hundred of Noarlunga, and within the Green Adelaide Landscape Management Region, South Australia (Map 1). The project area is within the Native Title Determination of the Kaurna People.



Map 1. Location of the project area.

**1.2.1 Stage 1 - Desktop assessment undertaken November 2019**

Stage 1 of the project area is located on the eastern side of Main South Road and on the southern side of Hepenstal Road opposite the Onkaparinga Views and Hepenstal Park developments. This stage of the project comprises approximately 74 hectares of private land and road reserve divided into 16 parcels of land that are currently used for a variety of rural functions (Table 1).

**Table 1. Land parcels within the project area - Stage 1.**

Plan Parcel	Title	Land Use	Plan Parcel	Title	Land Use
D20769 A11	CT5196/788	Vacant Land - Rural Residential	D20769 A19	CT5444/770	Rural Residential House
D20769 A12	CT5261/538	Rural Residential House	D20769 A20	CT5451/694	Olives
D20769 A13	CT5777/657	Rural Residential House	D20769 A21	CT5166/991	Rural Residential House
D20769 A14	CT5236/418	House and Livestock (Non-Viable)	D20769 A22	CT5243/758	Rural Residential House
D20769 A15	CT5451/99	Horses and Riding School	D20769 A23	CT5506/793	Rural Residential House
D20769 A16	CT5289/730	Rural Residential House	D20769 A24	CT5251/966	Rural Residential House
D20769 A17	CT5444/702	Vines - Irrigated	D20769 A25	CT5777/658	Rural Residential House
D20769 A18	CT5451/101 (part)	Vines - Irrigated	F152985 A99	CT5566/881	Rural Residential House

**1.2.2 Stage 2 - Desktop assessment undertaken August 2021**

Stage 2 of the project area is located on the eastern side of Main South Road and abuts the southern end of Stage 1. This stage of the project comprises approximately 129 hectares of private land and road reserve divided into 9 parcels of land that are currently used for a variety of functions (Table 2).

**Table 2. Land parcels within the project area - Stage 2**

Plan Parcel	Title	Land Use	Plan Parcel	Title	Land Use
F104513 A16	CT 6239/131	Cereals and Fodder	F40008 A21	CT 5407/987	House and Livestock
F110049 A1	CT 5432/359	Cereals and Fodder	F104518 A22	CT 5432/356	Vacant Land with Minor Improvements (Rural Living)
F151804 A28	CT 5742/224	Cereals and Fodder	F40008 Q25	5823/620	Vacant Land - Urban
F40008 A22	CT 5745/169	Agriculture	F40008 Q 26	CT 5823/620	Vacant Land - Urban
F40008 Q23	CT 5831/331	Water / Sewage Disposal, Median Strips, plantations road reserves standpipe and undefined land which cannot be sold			

### 1.2.3 Stage 3 - Desktop assessment undertaken November 2021

Stage 3 of the project area is located on the eastern side of Main South Road and abuts the southern end of Stage 2. This stage of the project comprises approximately 14.44 hectares of private land and road reserve divided into 18 parcels of land that are currently used for a variety of functions (Table 3). The land is identified as in the suburb of Old Noarlunga.

**Table 3. Land parcels within the project area - Stage 3**

Plan Parcel	Title	Land Use	Plan Parcel	Title	Land Use
F151460 A58	CT 5371/812	House	F40008 A27	CT 5432/352	Vacant Land-Urban
D32407 A101	CT 5421/712	House	F40008 A31	CT 5432/353	Vacant Land-Urban
F19779 A11	CT 5115/509	House	F163759 A91	CT 5502/694	Vacant Land - Rural Residential (No Primary Production)
F40008 A28	CT 5432/361	Vacant Land-Urban	F4195 A2	CT 5502/806	Rural Residential House (House Without Primary Production)
F40008 A32	CT 5432/354	Vacant Land-Urban	F40008 A30	CT 5432/351	Vacant Land-Urban
F151459 A57	CT 5305/856	House	F151458 A56	CT 6144/680	House
F19779 A12	CT 5474/500	House	D92033 A11	CT 6116/963	House
F151457 A55	Ct 5757/579	House	F40008 A29	CT 5432/360	Vacant Land-Urban
D92033 A12	CT 6116/966	Rural Residential House (House Without Primary Production)	F40008 A34	CT 5432/358	Rural Residential House (House Without Primary Production)

### 1.2.4 Geology and Topography

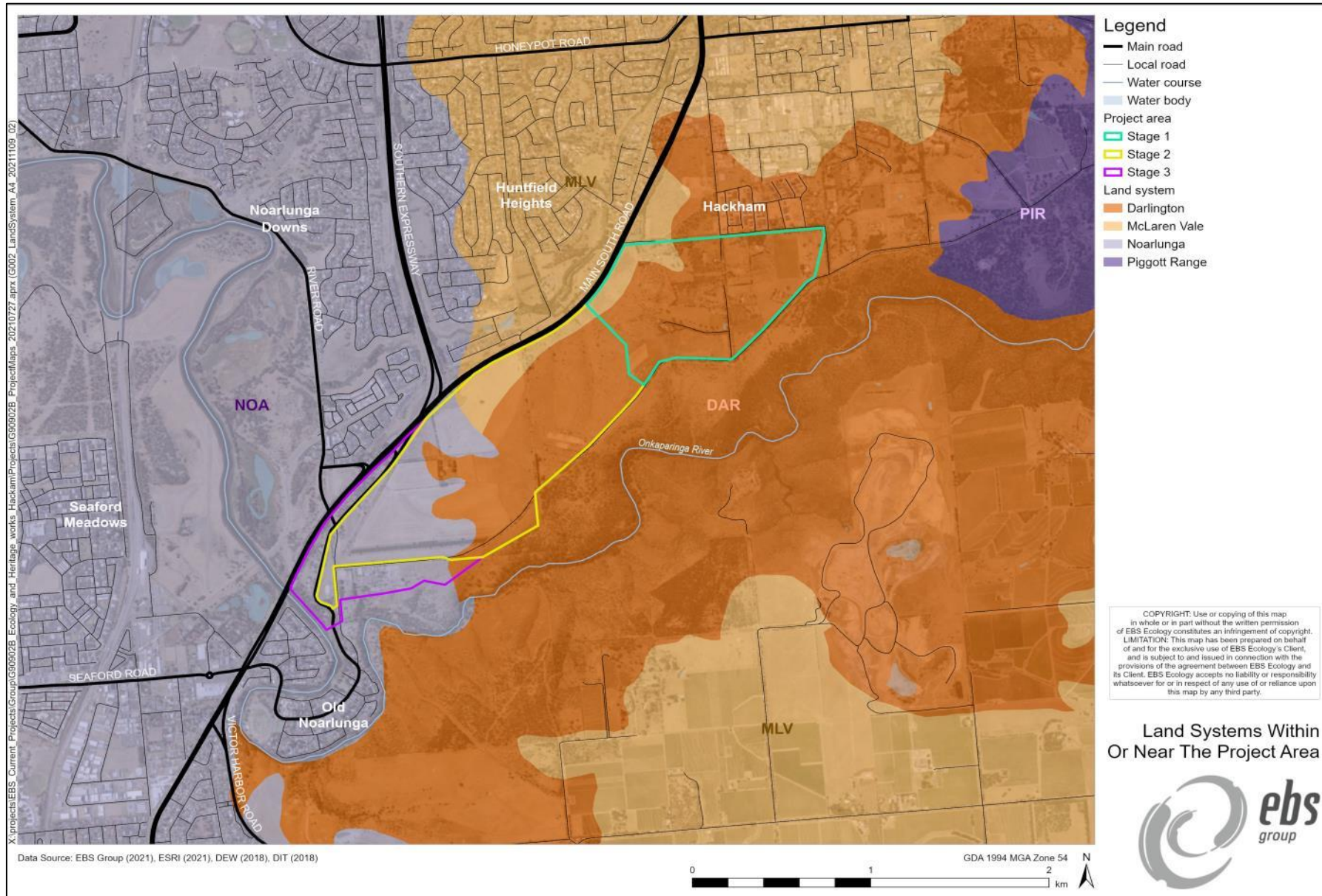
To understand the archaeological context of an area it is important to have a good understanding of local environmental landscape features and the natural resources that were available and utilised historically. The project area falls within three distinct land systems (Map 2).

The McLaren Vale Land System (MCV) covers an area of 132 square kilometres and is characterised by undulating to gently rolling rises. The System lies within a Tertiary depositional basin and although basement rocks underlie the land, they are rarely visible. The Tertiary sequence includes sands, sandy clays, clays and limestones. Sandy sediments have been reworked by wind into deep sand banks, and by water into lower slope and creek flat accumulations (DEWNR n.d., p.1). The majority of soils are loose sandy to hard setting sandy clay loam surfaces overlying clayey subsoils varying from friable sandy clay loams to heavy dispersive clays. Other locally important soils are cracking clays and heavy clay loams, deep sands, shallow sandy loams on limestone and deep alluvial soils (DEWNR n.d., p.2). As shown on the *Woodlands and scrublands of the Southern Adelaide Region in 1836 Map* (Planning SA 2001) at the base of the foot slopes the most common soils are grey-brown sands over limestone with yellow-brown to yellow-red deep sand deposits, the remnants of former coastal dunes, in the remaining areas.



The Darlington Land System (DAR) is characterised by undulating to steep slopes formed on calcareous basement rocks. More than 50% of the land is moderately steep to steep, commonly rocky and with mainly shallow stony loamy soils. Much of this land is in Hills Face reserves or other semi-urban areas. The soils are typically shallow to moderately deep over basement rock. Most are loamy with subsoils varying from well-structured and thick red clays, to highly calcareous clay loams with weathering rock fragments. Many soils on steeper slopes are moderately shallow to shallow directly over rock (DEWNR 2021a).

The Noarlunga Land System (NOA) is characterised by undulating rises extending along the Gulf St. Vincent coast from O'Halloran Hill to Aldinga. Substantial areas are developed for urban uses. The location of the Land System relative to existing urban development suggests that rural activities will probably decline in future. The landscape is typically very gently undulating to undulating, with a gradual fall from the northeast to the southwest. The land surface was probably originally a flat plain, with the elevated plain at O'Halloran Hill a remnant of the older surface. Dissection by watercourses flowing west to the sea has created the present-day topography. In places the down cutting has produced steep sided valleys. The main soils are moderately deep over Hindmarsh Clay, usually within a metre depth. Typical profiles include medium textured calcareous and non-calcareous soils, texture contrast soils and cracking clays. There are limited areas of gradational and texture contrast soils on alluvium, with minor shallow rubbly soils and deep siliceous sands (DEWNR 2021b).



Map 2. Land Systems applicable to the project area.



### 1.2.5 Hydrology

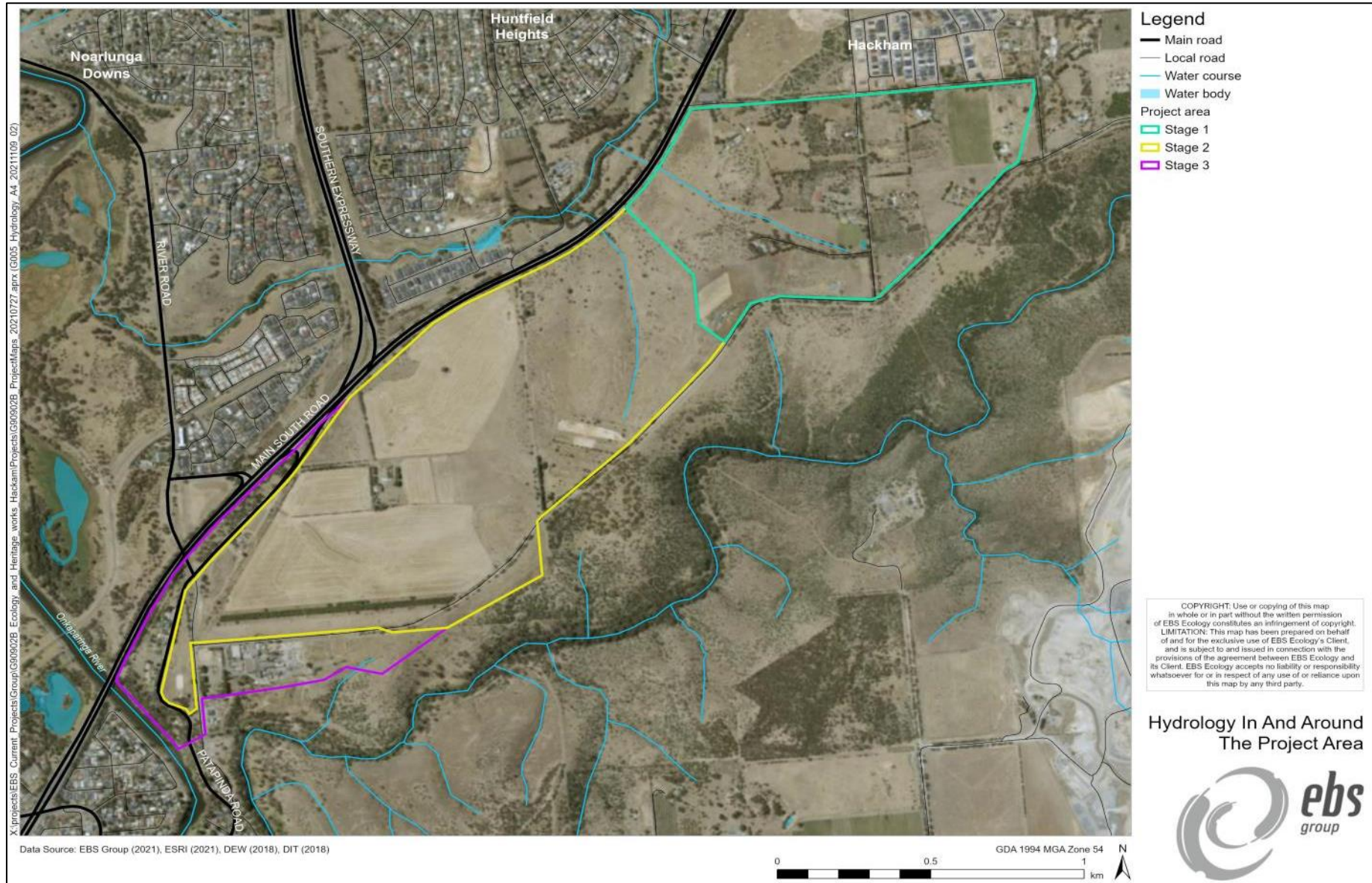
It is important to take into consideration the natural water sources in the region and how these would have affected the occupation of the area by past peoples. The project area at its closest point is 30 m from the Onkaparinga River, a large ephemeral stream that rises south from Mount Torrens and flows south westerly into the Gulf St Vincent at Port Noarlunga South. The Onkaparinga River and the Gulf St Vincent provided a rich source of both flora and fauna. An estuary, a significant breeding area for local marine fish species, extends from Old Noarlunga to the river's mouth.

Projects to regulate the river, the first of which commenced in 1932, means the Onkaparinga River is now controlled by the Mount Bold Reservoir approximately 20 kilometres inland. Downstream from Mount Bold Reservoir is the Clarendon Weir. Much of the river's flow is diverted via a tunnel from the Clarendon Weir to the Happy Valley Reservoir that in turn supplies 40 per cent of Adelaide's water supply. Most years the flow to the reservoir is supplemented by water pumped from the River Murray via a pipeline from Murray Bridge and to maintain levels at Clarendon Weir, water is released only as required. This, together with excessive exploitation have resulted in greatly reduced flows which have changed the Onkaparinga River's hydrological and ecological character (Department for Environment and Heritage 2004, p.17).



Figure 1. The Onkaparinga north east of Noarlunga circa 1926. State Library of South Australia - B3318

The hydrology of the greater area, with its dense network of ephemeral water sources, can be seen in Map 3. As these are naturally occurring drainage systems, they are unlikely to have changed considerably since European settlement with only the frequency and rate of flows most likely affected.



Map 3. Hydrology of the project area.



### 1.2.6 Native Title

The search of the National Native Title Register identified the Kaurna Peoples as native title holders for the lands within and surrounding Hackham (Table 4). Native title rights exist for 17 parcels of land in the determination; none of these parcels are within the project area, though. A map showing the land area covered by the Native Title Determination is provided in Appendix 2.

**Table 4. Native Title determination area.**

Name	Tribunal File No.	Status	Determination Outcome	Registered Native Title Body Corporate
Kaurna Peoples Native Title Claim	SCD2018/001	Registered	Native title exists in parts of the determination area	Kaurna Yerta Aboriginal Corporation RNTBC

Source: Register of Native Title Claims

The Kaurna Peoples have an Indigenous Land Use Agreement (ILUA) which is a voluntary agreement between the native title group and others about the use of land and waters (Table 5). The Kaurna ILUA area is all of the land and waters the subject of the determination and covers about 3,470 sq km in the vicinity of Adelaide, extending easterly from Gulf St Vincent to the foothills of the Mount Lofty Ranges. When registered, ILUAs bind all parties and all native title holders to the terms of the agreement.

**Table 5. Registered ILUA.**

Name	Tribunal file no	Status
Kaurna People Native Title Settlement ILUA	SI2018/004	ILUA registered 19 November 2018

Source: Register of Indigenous Land Use Agreements.

## 1.3 Limitation of the report

This report was undertaken to the best archaeological practice and its conclusions are based on professional opinion, however limitations in historical documentation and archaeological methods make it difficult to accurately predict sub-surface deposits. It is possible that another professional may interpret the facts and physical evidence in a different way. It is also possible that future research, or new sources, may support different interpretations of the evidence.

It does not therefore warrant that there is no possibility that archaeological material will be located on site.

## 2 COMPLIANCE AND LEGISLATIVE SUMMARY

### 2.1 Commonwealth Legislation

#### 2.1.1 *Environment Protection and Biodiversity Conservation Act 1999*

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the *Environment Protection and Biodiversity Conservation Regulations 2000* provide a national scheme of environment and heritage protection and biodiversity conservation. Under the Act a National Heritage List (for places outside of Commonwealth land) and a Commonwealth Heritage List (for places within Commonwealth land) have been established. The Act stipulates that any action that has, will have, or is likely to have a significant impact on a place of national culture and/or environmental significance must be referred to the Australian Government Minister for the Environment for approval. The EPBC Act is only relevant if a heritage site is entered onto the National Heritage List or the Register of the National Estate.

No sites of national heritage significance were identified within the project area.

#### 2.1.2 *Aboriginal and Torres Strait Islander Act 2005*

The *Aboriginal and Torres Strait Islander Act 2005* is a mechanism to ensure maximum participation of Aboriginal persons and Torres Strait Islanders in the formulation and implementation of government policies that affect them; to promote the development of self-management and self-sufficiency among Aboriginal persons and Torres Strait Islanders; to further the economic, social and cultural development of Aboriginal persons and Torres Strait Islanders; and to ensure coordination in the formulation and implementation of policies affecting Aboriginal persons and Torres Strait Islanders by the Commonwealth, State, Territory and local governments, without detracting from the responsibilities of State, Territory and local governments to provide services to their Aboriginal and Torres Strait Islander residents.

#### 2.1.3 *Native Title Act 1993*

The Commonwealth *Native Title Act 1993* provides a national system for the recognition and protection of native title. The Act recognises the existence of Indigenous land ownership tradition where connections to country have been maintained and where acts of government have not extinguished this connection. Native Title may be partly or wholly extinguished (Table 6).

**Table 6. Native Title land types.**

Indicative land types which may be subject to native title:	
Vacant Crown Land	Beaches and foreshores
State forests and national parks	Land held by the government agencies
Some pastoral leases	Land held in trust for Aboriginal communities
Unalienated Crown land public reserves	Seas, reefs, rivers and other waters that are not privately owned
Native title may be extinguished by:	
Privately owned freehold land including family homes and freehold farms	Valid grants of private freehold land or water
Residential or commercial leases	Exclusive possession of leases
Public works built before 23 December 1996	Mining dissection lease
Community purpose leases	Pastoral or agricultural leases that grant exclusive possession

## **2.2 SA State Legislation – Aboriginal Heritage**

### **2.2.1 *Native Title Act 1994***

The *Native Title Act 1994* establishes a legal framework to manage and resolve the diversity in the rights and interests in lands and waters within South Australia and requires that a Register be kept of records of native title and claims to native title on land in the State. When certain activities or development is undertaken in areas where native title exists or may exist, the developer will need to consider the possible impacts of their actions on native title rights and interests.

### **2.2.2 *Aboriginal Heritage Act 1988***

The South Australian *Aboriginal Heritage Act 1988* (AH Act) is administered by the SA Department of Premier and Cabinet, Aboriginal Affairs and Reconciliation. The legislation ensures that any Aboriginal site, object of significance, or remains are protected, whether previously recorded or not. The AH Act is the most relevant piece of legislation for this Project and the most applicable sections are detailed below:

- Section 20 - An owner or occupier of private land, or an employee or agent of such an owner or occupier, who discovers on the land an Aboriginal site or Aboriginal object must as soon as practicable report the discovery to the Premier;
- Section 23 - It is an offence to ‘damage, disturb or interfere’ with an Aboriginal site, object or remains unless written authorisation is obtained from the Premier;
- Section 35 - Except as authorised or required by the Act, a person must not divulge information relating to an Aboriginal site, object, remains or Aboriginal tradition.

## **2.3 SA State Legislation – European Heritage**

### **2.3.1 *Heritage Places Act 1993***

The *Heritage Places Act 1993* (HP Act) makes provision for the identification, recording and conservation of places and objects of non-Aboriginal heritage significance in SA and the SA Heritage Register documents places that are protected. The HP Act is governed by the Department for Environment and Water (DEW) and the South Australian Heritage Council (the Council).

It is an offence to carry out the following without a permit from the Council:

- Section 26 - Excavate or disturb a State Heritage Place designated as a place of archaeological significance; or remove archaeological artefacts from such a place;
- Section 27 - Excavate or disturb any land (not designated as a place of archaeological significance) for the purpose of searching for or recovering archaeological artefacts of heritage significance; or excavate or disturb any land (not designated as a place of archaeological significance) knowing or having reasonable cause to suspect that the excavation or disturbance will or is likely to result in an archaeological artefact of heritage significance being discovered, exposed, moved, damaged or destroyed; and/or

Section 28 - Damage, destroy or dispose of an archaeological artefact removed from a State Heritage Place designated as a place of archaeological significance (whether removed before or after the entry of that place in the Register) and to damage, destroy or dispose of an object entered in the Register (either as a provisional or confirmed entry).

The Act further stipulates that:

Section 36 - A person who intentionally or recklessly damages a heritage place or engages in conduct knowing that it will or might destroy or reduce the significance to a State Heritage Place can be fined. There is no penalty if damage results from an action authorised by an approval or authorisation under the *Development Act 1993*.

There are no State or Local Heritage Places or Areas recorded within the Stage 1 project area. There are no State Heritage Places within the Stage 2 project area but there are three Local Heritage Places recorded for this area.

Places of **local** heritage value are listed in an inventory attached to the State Heritage Register. The Planning and Design Code should be referred to for guidance around development controls for local heritage places.

### **2.3.2 Planning, Development and Infrastructure Act 2016**

The South Australian *Planning, Development and Infrastructure Act 2016*, used in conjunction with the *Planning, Development and Infrastructure (General) Regulations 2017* and the Planning and Design Code, provides for matters that are relevant to the use, development and management of land and buildings, including by providing a planning system to regulate development within the State, rules with respect to the design, construction and use of buildings, and other initiatives to facilitate the development of infrastructure, facilities and environments that will benefit the community.

The Planning and Design Code implements the requirements of section 66 of the *Planning, Development and Infrastructure Act 2016*. Overlays are layers in the Code under the Act and identify areas where specific Planning and Design policies are applicable, or where an area may be subject to referrals.

There is a Local Heritage Place Overlay for CT 5742/224, CT 5745/169 and CT 5407/987. The Local Heritage Place Overlay seeks to maintain the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.

## **2.4 City of Onkaparinga Review of Local Heritage Places**

As part of the implementation of the new Planning and Design Code, the City of Onkaparinga undertook a review of their local heritage list. In May 2021 Council's Strategic Directions Committee considered a report on findings of Stage 1 of the City-wide heritage review of the Former Hardy's Winery Site, Old Reynella and the nominations received during the community engagement period. Next steps are to review the nominations and present the findings later in 2021. The review will be undertaken by Heritage Consultants to ensure independence and strengthen the integrity of the final outcomes.

No nominations were received to amend or remove any of the three Local heritage places within the project area (City of Onkaparinga 2021).



## 3 METHODOLOGY

### 3.1 Desktop Assessment

#### 3.1.1 DPC-AAR Register Search

A search of the Register of Aboriginal Sites and Objects, maintained by DPC-AAR, was undertaken for the project area. The search identified the presence, or lack of, any reported or recorded sites as defined under Part 1, Section 3 of the AHSA Act;

**Aboriginal site** is an area of land;

- a) That is of significance according to Aboriginal tradition; and/or
- b) That is of significance according to Aboriginal archaeology, anthropology or history.

**Aboriginal object** means an object—

- a) of significance according to Aboriginal tradition; or
- b) of significance to Aboriginal archaeology, anthropology or history, and includes an object or an object of a class declared by regulation to be an Aboriginal object but does not include an object or an object of a class excluded by regulation from the ambit of this definition.

#### 3.1.2 Archival Research

Searches were conducted of the Australian Heritage Database, the South Australian Heritage Places Register, Australian Museum Anthropologic database, the South Australian Museum database. Archives were searched for images, newspaper clippings, journal entries and other primary sources that may contain information about the early uses of the area and early interactions between Aboriginal people and others.

#### 3.1.3 Previous Work / Consultancy Reports

A review of available heritage reports for the general region was undertaken, where applicable. These studies can provide a broad background of the region and provide information on the types and location of sites previously identified near the project area. Some reports remain restricted through confidentiality agreements so are unable to be accessed.

### 3.2 Heritage Risk Assessment

#### 3.2.1 Site Predictive Statements

Site predictive statements are used when undertaking an Aboriginal heritage risk assessment to consider the likelihood of the proposed project works impacting environmental landforms that are most commonly associated with cultural heritage sites. The locations and type of Aboriginal sites that have been recorded within the regional area and information about previous archaeological work are used to inform the predictive statements. There are generally three levels of risk assigned:

- High Risk:** A 'high' risk area contains undisturbed landforms where traditionally cultural heritage sites have been found. Landforms considered to be of 'high' risk include; rock outcrops, caves, dunes, sand hills, natural wetlands, permanent and semi-permanent waterholes and natural springs, some hill and mound formations and some types of remnant native vegetation. Known Aboriginal activity/sites within the area reinforces the risk level.
- Moderate Risk:** A 'moderate' risk area contains landforms that traditionally would have been classified as 'high' risk but have been disturbed by surface activities and/or geotechnical data has indicated that the disturbance has not significantly impacted sub-surface soils. Cultivation, cattle grazing, and construction of roads, tracks, powerlines and other infrastructure do not tend to create substantive sub-surface disturbances; therefore, the proposed works may encounter unidentified sub-surface sites or objects. Known Aboriginal activity/sites within the area reinforces the risk level.
- Low Risk:** A 'low' risk area contains landforms that have been extensively impacted/modified on both the surface and sub-surface levels therefore increasing the probability that cultural heritage sites have already been disturbed or destroyed. High density urban developments, realignment/modification of waterways, utility installations, extraction or removal of sand, quarrying, dredging, land clearance, major contour landscaping, and tunnelling result in significant ground disturbances. No and/or little Aboriginal activity or sites recorded within the area lessens the risk level.

## 4 STAGE 1 RESULTS

### 4.1 DPC-AAR Register Search

EBS Heritage requested a search of the DPC-AAR Register on the 12 November 2019. The search request was for the 16 parcels of land that comprise the project area. A search radius of 5 km was requested because of the proximity of the project area to the coast and to the Onkaparinga River. EBS Heritage was advised that the central archive has thirty entries within 5 km, none of which are within the project area however. The closest reported site is approximately 500 m to the west on the opposite side of South Road.

The results are provided as a guide only and are not an extensive list of all heritage items within an area. Therefore DPC-AAR advises that sites or objects may exist in the project area even though the Register doesn't identify them. The DPC-AAR further provided the details of Aboriginal groups with interests in the area (Table 7). Refer to Appendix 3 for the full letter.

**Table 7. Aboriginal Groups with interest in the project area.**

Name	Chairperson:	Phone	Contact
The Kaurna People	Jeffrey Newchurch	0458 973 692	jeffreynewchurch@hotmail.com
Ramindjeri Heritage Association Incorporated	Christine Walker	0418 276 439	ramindjeri@westnet.com.au

### 4.2 SA Museum Database

The South Australian Museum (SAM) database details Aboriginal cultural material held by the SAM. The database is a valuable tool used to identify cultural activity and assists with determining probability for the potential for sub-surface cultural material to be unearthed in undisturbed soil profiles during works and helps with identifying the types and numbers of materials found previously in the general region.

Most of the collection represents cultural material that was donated to or purchased/collected by the museum. Where available, the database contains information on how the item(s) came into the collection, the location in which it was found and the date it was acquired. Many of the records though are without archaeological context and are often incomplete. The database is therefore used as a guide only.

Thirty items for Hackham were listed in the SAM database (Table 8). The items collected from Holly's Farm, 780 m north of Hepenstal Road in the vicinity of Gates Road, are specifically relevant because of their close proximity to the project area.

**Table 8. Items recorded in vicinity of the project area.**

Hundred	Place Name	Number of items	Items Listed
Noarlunga	Hackham, Sec 39	12	stone material and one human bone
Noarlunga	Hackham, Sec 39, 1½ miles S of	4	skeletal remains
Noarlunga	Hackham, Holly's Farm	2	unknown
Noarlunga	Hackham, 1 mile southeast of	1	unknown
Noarlunga	Hackham	11	unknown

### **4.3 Australian Heritage Database**

The Australian Heritage Database details information about World Heritage places, National Heritage places, Commonwealth heritage places and overseas places of historic significance to Australia, as well as places under consideration. The Database is maintained by the Australian Government Department of the Environment and Energy.

There are no places listed in the Australian Heritage Database within the proposed project area.

### **4.4 SA Heritage Places Database**

The SA Heritage Places Database shows details about South Australia's local and State heritage places, objects and areas. The Database is maintained by the SA Government Department for Environment and Water. The database holds information relating to places on the SA Heritage Register, Local Heritage Places from SA Development Plans and Contributory Items from SA Development Plans.

There are no places listed in the SA Heritage Places Database within the proposed project area.

## 5 STAGE 2 HERITAGE RESULTS

### 5.1 DPC-AAR Register Search

EBS Heritage requested a search of the DPC-AAR Register (the Register) on the 27 July 2021. The search request was for the 9 parcels of land that comprise the project area. A search radius of 1000 m was requested because of the proximity of the project area to the Onkaparinga River and known Aboriginal Sites. EBS Heritage was advised that the central archive has five entries within 1000 m, none of which are within the project area however. The closest reported site is approximately 330 m to the north-west on the opposite side of South Road.

The results are provided as a guide only and are not an extensive list of all heritage items within an area. Therefore DPC-AAR advises that sites or objects may exist in the project area even though the Register doesn't identify them. The DPC-AAR further provided the details of Aboriginal groups with interests in the area (Table 7). Refer to Appendix 4 for the full letter.

**Table 9. Aboriginal Groups with interest in the project area.**

Name	Contact Officer:	Phone	Contact
The Kurna Yerta Aboriginal Corporation	Tom Jenkin	08 8110 2800	tomj@nativetitlesa.org
Ramindjeri Heritage Association Incorporated	Christine Walker	0418 276 439	ramindjeri@westnet.com.au

### 5.2 SA Museum Database

The South Australian Museum (SAM) database details Aboriginal cultural material held by the SAM. The database is a valuable tool used to identify cultural activity and assists with determining probability for the potential for sub-surface cultural material to be unearthed in undisturbed soil profiles during works and helps with identifying the types and numbers of materials found previously in the general region.

Most of the collection represents cultural material that was donated to, or purchased/collected by the museum. Where available, the database contains information on how the item(s) came into the collection, the location in which it was found and the date it was acquired. Many of the records though are without archaeological context and are often incomplete. The database is therefore used as a guide only.

Thirty items for Hackham were listed in the SAM database (Table 10). Of particular relevance are the sixteen items collected during sand mining operations in 1964, as the northern part of the Stage 2 project area falls within section 39 where the sand mining was undertaken (Figure 2).

**Table 10. Items recorded in vicinity of the project area.**

Hundred	Place Name	Number of items	Items Listed
Noarlunga	Hackham, Sec 39	12	stone material and one human bone
Noarlunga	Hackham, Sec 39, 1½ miles S of	4	skeletal remains
Noarlunga	Hackham, Holly's Farm	2	unknown
Noarlunga	Hackham, 1 mile southeast of	1	unknown
Noarlunga	Hackham	11	unknown





### 5.3 Australian Heritage Database

The Australian Heritage Database details information about World Heritage places, National Heritage places, Commonwealth heritage places and overseas places of historic significance to Australia, as well as places under consideration. The Database is maintained by the Australian Government Department of the Environment and Energy.

There are no places listed in the Australian Heritage Database within the proposed project area.

### 5.4 SA Heritage Places Database

The SA Heritage Places Database shows details about South Australia's State heritage and local places, objects and areas. The Database is maintained by the SA Government Department for Environment and Water. The database holds information relating to places on the SA Heritage Register, Local Heritage Places from SA Development Plans and Contributory Items from SA Development Plans.

There are no State heritage places within the project area, however there are three Local heritage places listed in the SA Heritage Places Database within the proposed Stage 2 project area.

**Table 11. Local Heritage Places identified within the Stage 2 project area.**

Heritage No	Address	Details	Class	Section 23 Information
5298	Main South Road, Hackham	Former Farmhouse	Local	a - it displays historical, economic or social themes that are of importance to the local area.
5299	35 Patapinda Road, Hackham	Dwelling and Outbuildings, former Farm Complex	Local	a - a - it displays historical, economic or social themes that are of importance to the local area. e - it is associated with a notable local personality or event
5300	69 Patapinda Road, Hackham	Dwelling and Outbuildings, former Farm Complex, 'Maidstone'	Local	a – it displays historical, economic or social themes that are of important to the local area.

A site visit was undertaken by an EBS Archaeologist in August 2021 to review the condition of the three properties. The below descriptions of the heritage properties are taken from the Noarlunga Local Heritage Register (City of Onkaparinga, 2003).

#### **Former Farmhouse (ID 5298)**

A single storey symmetrical cottage situated on a large block surrounded by orchards. Currently unoccupied and is in a dilapidated condition. Cottage build some time prior to 1877 and described as house and land which indicates that the property was farmed.

**Heritage significance:** A former farmhouse representative of the early settlement of Hackham, 1840's to 1870's, and the agricultural pursuits of early settlers.

**Site visit:** The site visit confirmed that the house is still unoccupied and it, and the outbuildings are in an extremely dilapidated condition. Located on CT5742/224 which has a heritage overlay.



Figure 3. Local Heritage Place (ID 5298) – view of front of property.



Figure 4. Local Heritage Place (ID 5298) – view of northern side of the outbuildings.

### **Former Farm Complex (ID 5299)**

A linear plan form dwelling constructed of limestone random rubble with brick quoins, dressings and chimneys. The middle section appears to be the original building with later additions to either end. The original section has a verandah at the front, an extension of the main roof. The dwelling is situated on a large property with outbuildings. Probably constructed in the 1860's-70's by Jaoa Emmanuel Antonio and his family. Antonio is listed in the 1877 Noarlunga District Council rates assessment book as paying rates on Sections 20 and 42 (land) and 17, 32, 33, 34 (house and land). Was also the home of Herb Antonio (grandchild of John) until his death in 1978, suggesting continuous ownership by the Antonio family.

**Heritage significance:** A former farm complex representative of the early settlement of Hackham, 1840's to 1870's and the agricultural pursuits of early settlers. It is of added significance for its association with the Antonio family, generous benefactors of the Catholic Parish.

**Site visit:** Not assessed as not visible from the road and did not have permission to access the property. Located on CT5745/169 which has a heritage overlay.

### **Former Farm Complex 'Maidstone' (ID 5300)**

Maidstone is a single storey cottage, originally two rooms. The cottage is situated on a large allotment with four outbuilding, two of which are constructed of limestone rubble. The dwelling was constructed in 1889 by John King and remined in the King family for almost 100 years. The property operated as a mixed farm.

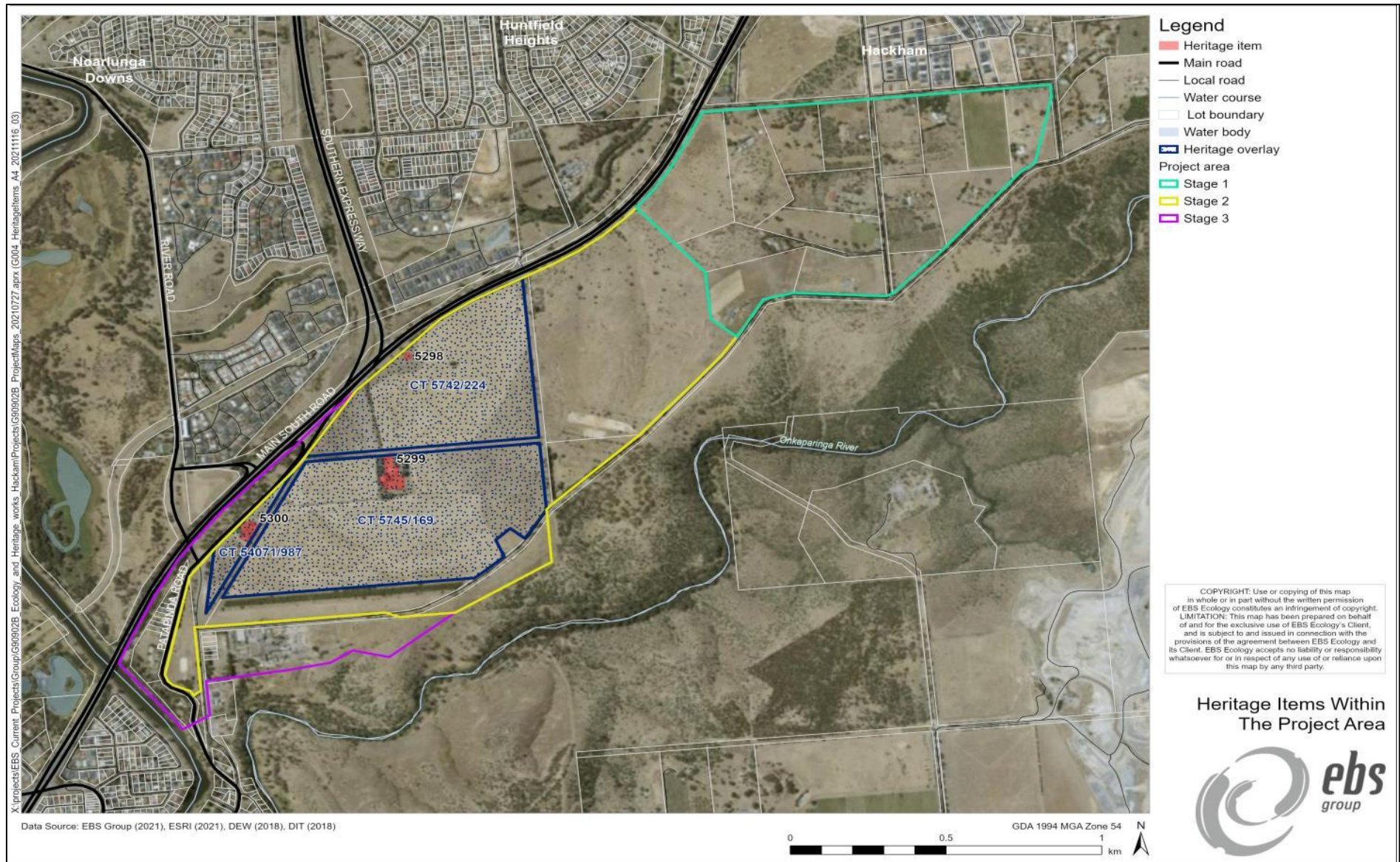
**Heritage significance:** A former farm complex representative of the early development of Hackham and the agricultural pursuits of early settlers.

**Site visit:** The site visit confirmed the house is still occupied and it, and the associated outbuildings are in excellent condition. Located on CT5407/987 which has a heritage overlay.



Figure 5. Local Heritage Place (ID 5300) - view of front of property.





Map 4. Location showing local heritage places within the project area.

As part of the preparation for the implementation of the new SA Government Planning and Design Code which rescinded the Onkaparinga Council Development Plan 2020 on 19 March 2021, the City of Onkaparinga undertook a review of their local heritage list. In May 2021 Council's Strategic Directions Committee considered a report on the findings of Stage 1 of the City-wide heritage review of the Former Hardy's Winery Site, Old Reynella and nominations to add, amend or remove local heritage listings which were received during the community engagement period. Next steps are to review the nominations and present the findings later in 2021. The review will be undertaken by Heritage Consultants to ensure independence and strengthen the integrity of the final outcomes.

No nominations were received to amend or remove any of the three Local heritage places within the project area (City of Onkaparinga 2021).

## **6 STAGE 3 HERITAGE RESULTS**

### **6.1 DPC-AAR Register Search**

EBS Heritage requested a search of the DPC-AAR Register (the Register) for Stage 2 on the 27 July 2021. No additional search of the Register was therefore required for Stage 3 as the search undertaken in July included a 1000 m buffer and this buffer encompassed Stage 3 of the project area.

EBS Heritage was advised in July 2021 that the central archive has five entries within the 1000 m buffer. None of these sites are within Stage 3. The closest reported site is approximately 320 m to the south-east along Patapinda Road.

### **6.2 SA Museum Database**

A search of the South Australian Museum (SAM) database was undertaken in November 2019 and again in August 2021. An additional search was therefore deemed unnecessary.

Results of the two previous searches are available in 4.2 SA Museum Database and 5.2 SA Museum Database sections of the report.

### **6.3 Australian Heritage Database**

The Australian Heritage Database details information about World Heritage places, National Heritage places, Commonwealth heritage places and overseas places of historic significance to Australia, as well as places under consideration. The Database is maintained by the Australian Government Department of the Environment and Energy.

There are no places listed in the Australian Heritage Database within the proposed project area.

### **6.4 SA Heritage Places Database**

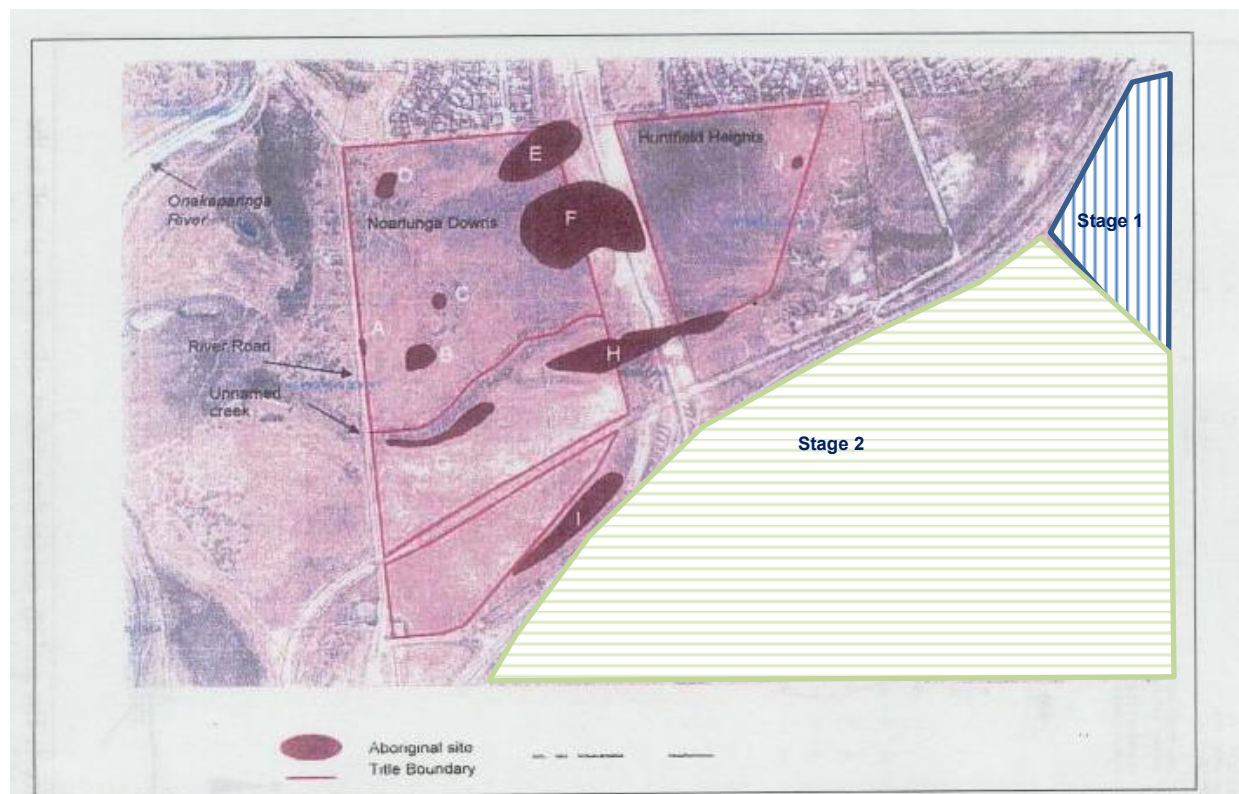
The SA Heritage Places Database shows details about South Australia's local and State heritage places, objects and areas. The Database is maintained by the SA Government Department for Environment and Water. The database holds information relating to places on the SA Heritage Register, Local Heritage Places from SA Development Plans and Contributory Items from SA Development Plans.

There are no places listed in the SA Heritage Places Database within the proposed project area.



## 7 PREVIOUS REPORTS AND ARTICLES

Salvage work for a new housing subdivision at Huntfield Heights, situated on the opposite side of South Road from the project area, was undertaken in 2005. Two known protected sites; DAARE 6628-1916 (A) and 6627-1918 (B), a number of exposures (E, F H and I) recorded in 1995 during survey work for the Southern Expressway, and a further four exposures (C, D, G and J) recorded in 1996 during additional field work were to be either protected or salvaged (Wood 2005). This salvage report clearly demonstrates that there were originally a large number of Aboriginal sites and objects within close proximity to the project area (Figure 6). Based on the position and distribution of the known sites it is likely that they originally extended to the south and east prior to the construction of Main South Road. The sites and the cultural heritage protection outcomes for each site are shown in Table 12.



**Figure 6. The locations of the previously recorded Aboriginal archaeological sites at Huntfield Heights (Source: Luebbers 2004), from Woods 2005.**

**Table 12. Sites and exposures at Huntfield Heights.**

Site ID	Site Name	Outcome
DAARE 6627-5302	E	Salvaged under Section 23 permit
DAARE 6627-5303	F	Salvaged under Section 23 permit
DAARE 6628-1916	A	Protected and incorporated into the residential development as open space
DAARE 6627-1918	B	Protected and incorporated into the residential development as open space
Unknown	C	Protected and incorporated into the residential development as open space
Unknown	G	Protected and incorporated into the residential development as open space
Not site	D	Considered too damaged and dispersed to warrant protection
Not site	H	Considered too damaged and dispersed to warrant protection
Not site	I	Considered too damaged and dispersed to warrant protection
Not site	J	Considered too damaged and dispersed to warrant protection

## 8 HISTORICAL LAND USE

Research into the patterns of Aboriginal and non-Aboriginal land use assists in identifying the risk of disturbing known and unknown cultural sites.

### 8.1 Aboriginal Heritage

There is a long and widespread association of Aboriginal people with the southern districts; the traditional lands of the Kaurna (Adelaide Tribe) peoples. In 1940 Norman Tindale, anthropologist, archaeologist, entomologist and ethnologist with the SAM, prepared a map showing the Kaurna boundaries and those of their neighbours as determined from numerous interviews with Aboriginal people (Figure 7). In his *Aboriginal Tribes of Australia* he described the Kaurna territory as stretching from Cape Jervis to Port Wakefield along the eastern shore of Gulf St Vincent, inland to near Crystal Brook, Snowtown, Blyth, Hoyleton, Hamley Bridge, Clarendon, Gawler and Myponga; from the east side of the Hummock Range to Red Hill and inland to the stringy bark forests of the Mount Lofty Ranges. Tindale estimated that the Kaurna territory was approximately 7,200 sq km (Tindale 1974:213).

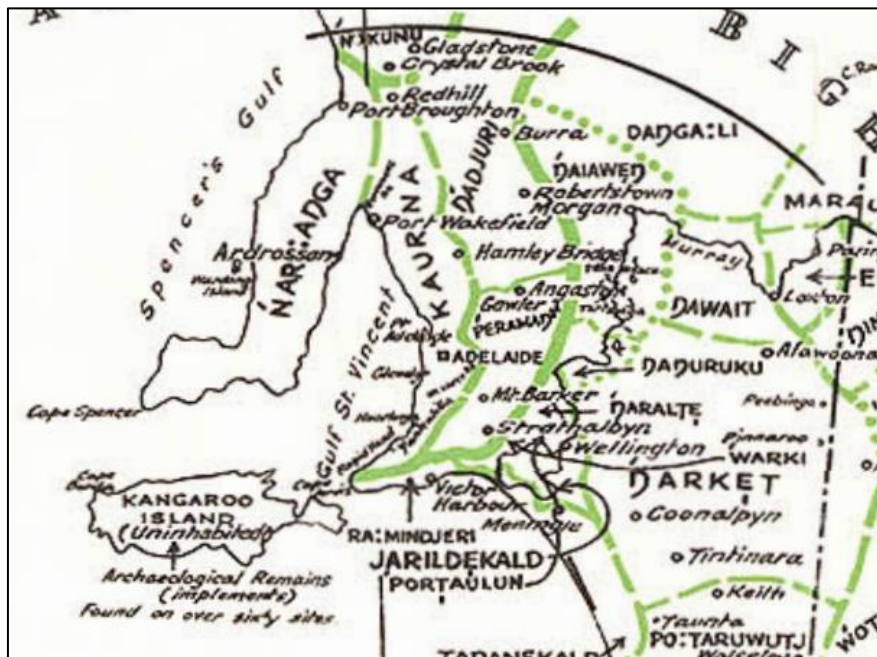


Figure 7. Clan areas identified by Tindale (1940).

The Kaurna lived in a resource rich environment and although they were nomadic, they lived in areas with good sources of fresh water so only seasonal pressures forced them to move. An early account from northern Adelaide describes how groups of Kaurna people would move up and down the waterways, camping at one place for a week and working in exchange for food. Often they would set up their wurlies around large fires which were covered with ashes when the camp was vacated and fanned back to life when the people returned (Whitlock 1989). They constructed various types of shelter, dependent on seasonal needs which sometimes included substantial structures erected during autumn and winter and made from the frame of branches covered with bark, grass, seaweed and earth (Ellis 1976; Ross 1984).

The SA Colonisation Commissioners originally made plans to occupy land only by agreement with the Aboriginal inhabitants; with one-fifth of every 80 acres section of the land to be:

*"... resumed as a reserve for the use of the Aborigines, and the remaining four parts, or 64 acres, to remain with the proprietor as his freehold".*

It was also suggested that small pockets of land be designated within settled areas as refuges for Aboriginal people (House of Commons 1836). However, these proposals conflicted with the *SA Colonisation Act of 1834*. Governor Hindmarsh and Commissioner Fisher ignored the suggestions by the Colonisation Commissioners and it was not until the passing in 1842 of the *Waste Lands Act* that the Governor could start to put aside land for Aboriginal people. By 1860 over forty reserves had been declared. After 1860, it was maintained that the Aboriginal people were not properly using the land put aside for them and it was subsequently resumed and then leased or sold to European settlers. By 1915, only two kinds of land remained for Aboriginal use in settled areas; very small pockets of land unwanted by Europeans and relatively substantial areas of land considered to be poor or unsuitable for European use, that were owned or leased by missionary societies. This land was leased to mission societies for the 'benefit of Aborigines' rather than being granted directly to them (Griffin and McCaskill 1986).

Aboriginal people were heavily and detrimentally affected by the arrival of European settlers to SA. Aboriginal peoples experienced the devastating impact of introduced diseases, including but not limited to influenza and smallpox (Campbell 1983, p.536; Dowling 1997, p.31). A smallpox epidemic spread from the eastern states prior to 1836 and the population was further depleted by contact with other European diseases in the first thirty years after white settlement (City of Salisbury 1985, p.5). It has been estimated that there were 15,000 aboriginal people living in SA in 1788, in 1861 the number had been reduced to 9,000 and by 1881 to 6,346 (Smith 1980). The 1911 Australian Census records a total of 1,439 full-blood Aboriginal people in SA with an additional 893 described as half-caste (Knibbs 1911, p.2054).

A number of historical accounts from the 19<sup>th</sup> Century described the Adelaide tribes in the past tense, with many authors lamenting their extinction or describing them as having moved further up the Gawler River. In the Introductory Chapter for *The Native Tribes of South Australia*, author James Dominick Woods expresses his disappointment that:

*"...not a vestige of the Port Adelaide tribe remains. The Adelaide tribe is extinct, and so are those which dwelt near Gawler, Kapunda, the Burra, the Rufus, etc. In none of these places can a single trace of them be found. They have left no memorials behind them, and their language, as a language, exists no more...The extinction is so complete that it was with the greatest difficulty that Mr. Waterhouse, the Curator of the Museum, could collect a set of their weapons for the Paris Exhibition in the present year (1878)" (Woods 1879:ix).*

It is not known how many Kaurna people there were before European settlement but by 1836 it is estimated the population was about 700 individuals and in 1842 it was noted in the *South Australian Register* that the population was around 650. By 1846 it was observed by the settlers that whole tribes had disappeared and by the 1850's there were only a few remaining Kaurna in the Adelaide area (Lockwood 2017:81). The last surviving full-blood Kaurna, a woman called Ivartiji died in 1929 (Amery 2016, p.1).

## 8.2 European Heritage

Exploration of the Noarlunga area began with the arrival of Captain Collet Barker on April 15<sup>th</sup> 1831 at what is now Port Noarlunga. In April 1837 an expedition was undertaken on foot to recover the only two horses then existing in the colony with the horses being discovered at “Horseshoe” later to become Noarlunga Township. The first official expedition did not commence until June 1837 and its primary purpose was to investigate the reported bad behaviour of the Encounter Bay whalers. It was not until February 1839 that District C was surveyed and the areas of the southern district opened to the public for purchase (Firth and Murton 1979:11).

One hundred and eighty sections, about 30 percent of the land surveyed in the southern district, had been purchased by the end of 1840 but only 72 of them were occupied; 48 by the purchaser and 24 by tenants. Absentee landowners in England, through the right of first choice, had the opportunity of selecting the best land for speculation ventures. The result was that settlement was dispersed, a sparse population was spread across a large area and the population required to develop prosperous towns was not available (City of Onkaparinga 2003, p.5).

The land on which Hackham is situated was bought by James Kingdon who then sold the land to Edward Castle in March 1841. In 1856 Castle had section 25 in the Hundred of Noarlunga surveyed, proclaimed the township of Hackham and then opened up for the land for sale. Castle leased many sections to tenant farmers, but retained sections 6 and 16 for his farm where he erected “Hackham House” (Firth & Murton 1979:11). At the time of its sale in 1884, Hackham House consisted of 14 rooms, cellars, stabling with large underground tanks; 159 acres of land comprising 7 acres of garden and orangery (South Australian Register 1884, p.7).

By 1866, Hackham was linked by a daily coach to Adelaide and it contained a post office, licensed school, and a hotel named the Golden Pheasant Inn. The town did not flourish however and during the 1880s dwindled to virtually nothing more than gardens, farms and wattle plantations. The Inn closed in 1873 and by early 1880 the population was 61 people living in 21 houses. By 1919 the population had risen to 100 but in 1929 the town was described as:

*...one of the first hotels to be erected in the country is still standing in the fast disappearing town of Hackham... a popular resort for the whalers who plied their trade along the coast. ...At that time the country was more thickly populated than now and a coach ran between Adelaide and Morphett Vale (The Mail 1929, p.2).*

Until the suburban development of the late 1960's the land was mainly used for farming, orchards and vineyards and today Hackham has disappeared completely as a separate town and is now incorporated into the expanding suburbs of Adelaide (City of Onkaparinga 2003:10).

## 9 ABORIGINAL SITE PREDICTIVE STATEMENTS

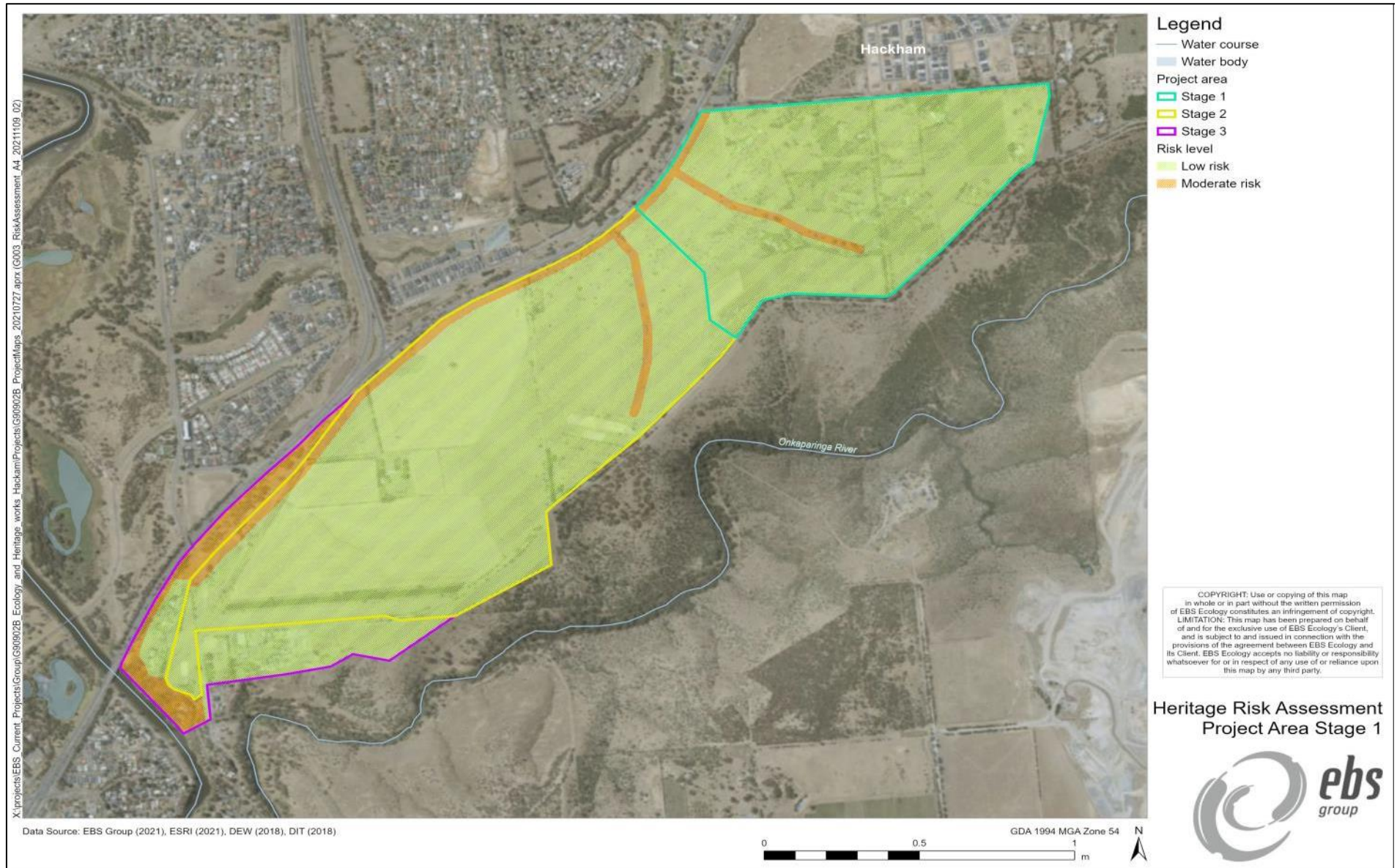
Risk statements are formulated to predict where unknown Aboriginal sites or objects may be found and highlight landforms that might be of cultural significance to Aboriginal people. The risk statements are determined by considering the results of all the database searches, previous reports, historical land use, natural landforms, known Aboriginal heritage and the results of the site visit. The likelihood for the project to encounter unknown Aboriginal heritage sites or objects during development is considered to be moderate for stone artefacts, culturally modified trees, burials and PADs (potential archaeological deposit). These sites are most likely to occur along the western boundary and areas close to the Onkaparinga River and any ephemeral waterways. The results of the predictive risk statements are presented in Table 13 below and Map 5 on page 32.

**Table 13. Predictive Risk Assessment for Aboriginal sites/objects.**

Site Type	Site Description	Associated Landform / Environment	Project Area	Probability	Risk
Stone Artefact Scatters / Isolated	Stone tools such as cores, flakes, scrapers, hammerstones, grinding stones, mullers, axe heads, tulas and tulas slugs. Debris from tool production which may include unmodified flakes and flaked pieces.	Stone artefacts can be located either on the ground and/or in sub-surface contexts. Are commonly found in the open landscape and in rock shelters and on sandy rises on floodplains adjacent to drainage features.	There is a moderate likelihood of finding this type of site on the surface or sub-surface given the number of items previously recorded in the vicinity.	Possible	Moderate
Mound Sites	Mounds are circular or elliptical areas of sandy rises in areas of seasonal flooding. Mounds were used as campsites where there is clay soil that may become damp and sticky during floods. Mounds are usually characterised by the presence of darker soil due to the accumulation of charcoal, burnt earth and organic matter over repeated occupation. Mounds range in size, between 4 to 50 m in diameter and up to 1.5 m in height.	Mound sites, or ' <i>mirnyongs</i> ', are commonly associated with poorly drained soils found in wetland habitats and are found on the margins of the river floodplains.	There is a low risk of encountering sub-surface remnants of this site type as the landforms where this type of site would be found are not present in the project area.	Unlikely	Low
Culturally Modified Trees	This site type consists of trees that have been modified through the removal of bark sections and/or timber. Trees were used to construct canoes, spears, shields and dishes and often were carved for ceremonial purposes. Toeholds were also cut into trees so bird's nests, possums and native honey could be accessed.	These site types can occur anywhere that trees of sufficient age and size are present.	Not all land parcels were able to be accessed, so it is unknown if there are trees of sufficient size within the remnant vegetation. Therefore, there is a moderate likelihood of encountering this site type.	Possible	Moderate

Site Type	Site Description	Associated Landform / Environment	Project Area	Probability	Risk
Mythological Sites / Aboriginal Ceremony and Dreaming	Places of significance to Aboriginal people connected to ceremonial activities or dreaming stories.	They can be present in wide variety of environmental landforms.	There are no recorded sites of this type in the area therefore there is a low likelihood of finding this type of site.	Unlikely	Low
Burials	This site type can include an isolated bone fragment to a complete individual or group of burials. Burials include internments, bundle burials and cremations.	Burials tend to be associated with ridges and lunettes (a wind formed crescent dune) and other sand bodies as well as sandy river or creek banks.	There is a possibility of encountering remnants of this site type along waterways and in sandy soil as there are known burials in the vicinity.	Possible	Moderate
Rock Art	Rock art is found across the continent as paintings, drawings, pecked or abraded imagery and mechanically produced motifs such as stencils.	Inside surfaces of the numerous mica-schist and sandstone rock-shelters and caverns commonly found adjacent the creeks in the ranges.	As the surrounding area does not have any suitable rock outcrops there is a low risk of encountering this site type.	Unlikely	Low
Potential Archaeological Deposit (PAD)	These are areas that have a potential to contain an archaeological deposit. They can be found in association with other cultural material or without. Topography, together with soil type, texture and colour is recognised as a reliable indicator of significant PADs.	They can be located in many different environmental locations including within rock shelters, along creek lines, sand dunes and anywhere a deposit can assimilate.	There is a moderate likelihood of disturbing this type of site along waterways and in sandy parts of the project area. There is a low likelihood of disturbing this type of site in other parts of the project area as the land is stony and not conducive to this type of site.	Possible	Moderate
Historic Sites	These are sites relating to the shared history of Aboriginal and non-Aboriginal people after first contact. Examples include missions, massacre sites, post-contact camping sites.	Not dictated by any landform or environmental factors. More common in areas that had a higher influence by Europeans after contact.	Sites of this type have been reported in the area and it is unlikely that any exist that have not already been reported. Therefore, there is a low likelihood of finding this site type.	Unlikely	Low
Water Holes and Soaks	Water source including rock holes (gnamma) that collect rain water, and natural springs. A soak is a water source where the water has seeped into the sand and is stored below. Often a soak is part of an ephemeral river or creek.	Water holes and natural springs are located anywhere there is natural water and rock formations. Soaks are generally found in sandy desert country.	The project area does not appear to have sufficient rock present nor is it in sandy desert country, therefore there is a low chance of locating this site type.	Unlikely	Low
Quarries	They consist of sources of stone that is used to manufacture stone artefacts. There are also quarries of ochre. Quarries are procurement sites and normally have an associated artefact scatter and areas of reduction or knapping areas.	Located in areas where there are large bedrock outcrops that are available for quarrying.	There are no visible outcrops of raw material suggesting a low probability of locating encountering this site type.	Unlikely	Low





Map 5. Likelihood of disturbing unknown Aboriginal sites during development.

## 10 SUPPLEMENTARY HERITAGE REQUIREMENTS

If Aboriginal or historical sites or objects of significance are located or disturbed, the following additional heritage conditions may be required to ensure compliance with the *Aboriginal Heritage Act 1988* and/or the *Heritage Places Act 1993*.

### 10.1 *Aboriginal Heritage Act 1988* - Section 21, 23 or 29(1)(b) application

A permit can be applied for before commencement of works or may be applied for when Aboriginal items, objects or remains are identified or disturbed during works.

Section 21 - the proponent requires authorisation from the Premier as the Minister responsible for Aboriginal Affairs and Reconciliation to excavate Aboriginal sites as required.

Section 23 - if a site or object of significance cannot be avoided, the proponent requires authorisation from the Premier as the Minister responsible for Aboriginal Affairs and Reconciliation.

Section 29(1)(b) - the proponent requires authorisation from the Premier as the Minister responsible for Aboriginal Affairs and Reconciliation to send samples out of SA for the purposes of scientific testing.

### 10.2 *Heritage Places Act 1993* (SA) - Section 27 Permit

If historical material is discovered during works, notification of the discovery of the site or object is to be made to Heritage South Australia within DEW as is required pursuant to Section 27 of the *Heritage Places Act 1993*. Heritage SA will determine if a permit is required and notify the proponent when works may recommence.

### 10.3 Cultural Heritage Survey

The AH Act does not mandate a requirement for an Aboriginal heritage survey and unless there has been a high probability of disturbance to Aboriginal sites/objects identified in the desktop study, a cultural heritage survey is deemed unwarranted. However, the Proponent may decide it is prudent to undertake an archaeological and/or ethnographical survey prior to any further ground disturbance works being undertaken if Aboriginal objects or sites are discovered during construction.

As no Aboriginal cultural heritage has been identified by the desktop assessment or site visit, and the potential for disturbing unknown sites or objects is considered to be low except along South Road, the Onkaparinga River and any ephemeral waterways, which is considered to be moderate, a cultural heritage survey is not required.

### 10.4 Cultural Heritage Management Plan

A Cultural Heritage Management Plan (CHMP) is drafted in consultation with the relevant Aboriginal representative parties as an outcome of a heritage assessment or survey where Aboriginal heritage has been identified in the project area. The CHMP should detail the nature, extent and significance of any Aboriginal cultural heritage sites identified, and specify recommendations or measures to be taken before, during and after project activities to manage the protection of the heritage.

As no Aboriginal cultural heritage has been identified a CHMP is not required.

## 11 CONCLUSIONS AND RECOMMENDATIONS

The research shows that there is a long and wide spread association of Aboriginal people with the Southern Region, the lands of which are still sacred to the Kaurna people of the Adelaide Plains, who are the Native Title Claimants for the project area. The Ramindjeri of the eastern Hills and the Ngarrindjeri along the Murray and the south coast also have sacred ties and associations with the Southern Region.

The research has highlighted the importance of the Southern Region as a cultural landscape with the environment offering a diverse range of high resource value habitats for Aboriginal people including open grasslands and densely wooded patches which provided sheltered camping grounds, with plenty of fresh water which not only provided a near permanent water source but attracted wildlife and game. The resources of the sea were also abundant and available to the Aboriginal people.

Given that a large number of sites and objects have previously been recorded throughout the greater area, it would normally be anticipated that there would be a high likelihood that unknown Aboriginal sites or objects of Aboriginal significance would be present. There are no known sites however within project area and most of the known Aboriginal sites are on the opposite side of South Road on the western side of the creek line. Only one site of Aboriginal significance was identified on the eastern side of South Road and that site was approximately 320 m south-east of project area.

The *Aboriginal Heritage Act 1988* does not mandate a requirement for a cultural heritage survey and there is no legislative requirement for this to be carried out at the project location. A cultural heritage survey is deemed not warranted as no known sites were identified within the project area. Additionally, the risk predictive statements suggest there is a moderate risk for disturbance to surface and sub-surface sites or objects along South Road, Onkaparinga River and the ephemeral waterways, and a low risk for the remainder of the project area.

Hackham has also been shown to have an extensive history of non-Aboriginal settlement and development albeit by a small group of individuals, until the rapid housing development phase in the 1960s. There are three Local Heritage Places within the project area. The Local Heritage Places are protected by a Heritage Overlay from the Planning and Design Code which seeks to maintain the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse. As the surrounding land has been used for cropping and grazing, and as agricultural activity tends not to leave substantial material remains, there is a low likelihood that works will uncover or disturb any unknown historical heritage sites in locations other than near the Local Heritage Places.

EBS Heritage advise Holmes Dyer and its partners and contractors to consider the following recommendations:

### **Recommendation 1: Implement a Stop Work / Site Discovery Procedure**

To mitigate against damage or disturbance of an unknown site or object of significance, it is recommended that all staff and contractors are provided with a Stop Work/Site Discovery Procedure in the event of an unexpected find. A copy of the document should also be accessible in the site office.

For convenience a site discovery procedure has been included in the appendix of this report (Appendix 1).

**Recommendation 2: Consult with the Registered Native Title Body Corporate**

As a courtesy and out of respect for the Traditional Owners, notify the Kaurua Yerta Aboriginal Corporation of the proposed works and advise them that an Aboriginal heritage desktop assessment has been undertaken which determined that the likelihood of disturbance to unknown Aboriginal sites or objects is considered to be a moderate risk in the vicinity of South Road and any ephemeral waterway and a low risk throughout the rest of the project area.

**Recommendation 3: Ensure protection of Local Heritage Places**

Maintain the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.



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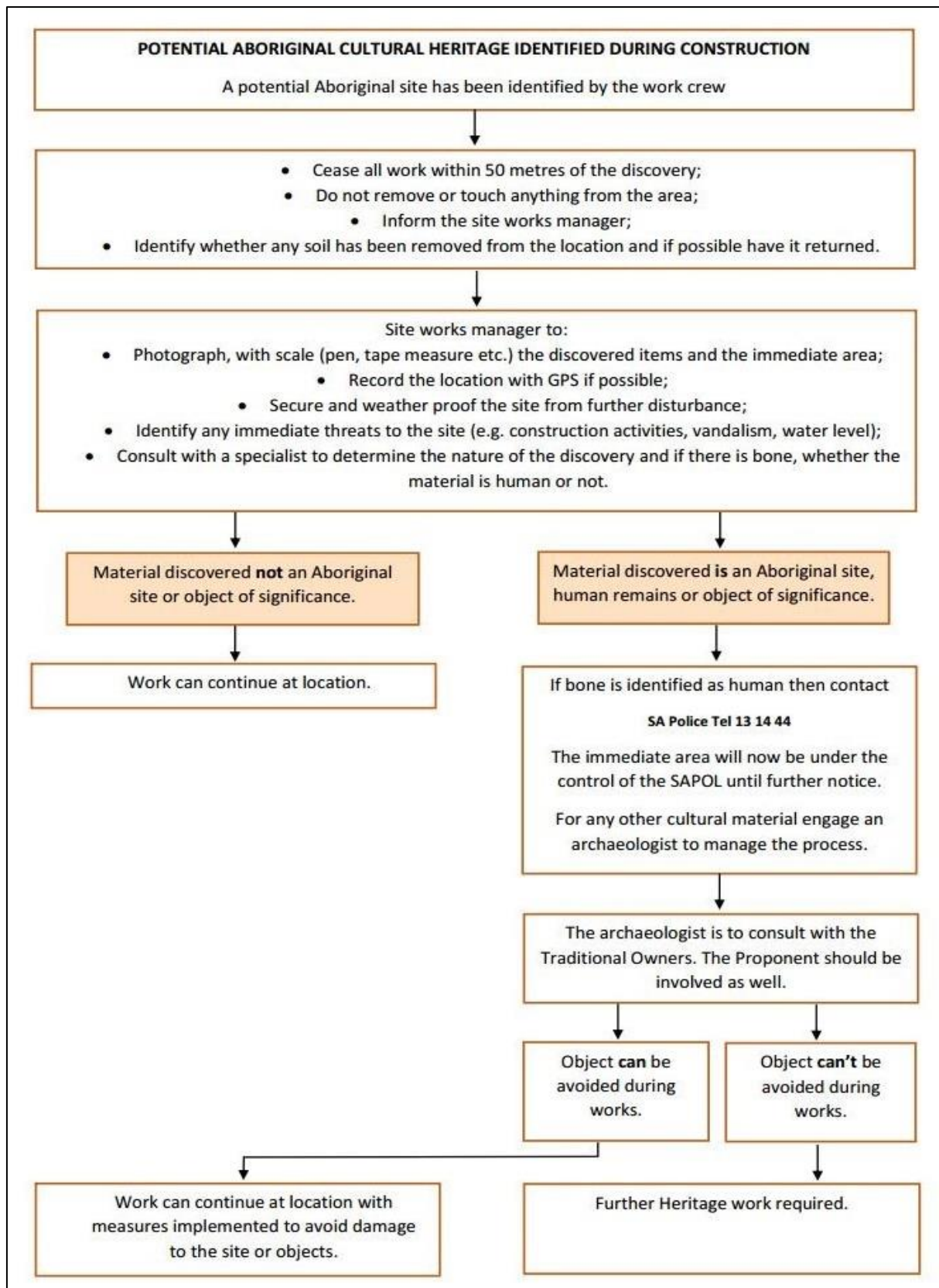
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## 13 APPENDICES

### Appendix 1 – Stop Work/Site Discovery Procedure



## **Appendix 2 – Native Title Determination Map**





**Appendix 3 – DPC-AAR Register Search Stage 1 (Remove if report made public)****ABORIGINAL HERITAGE SITES**

Lisa Salisbury  
EBS Heritage  
125 Hayward Terrace  
Torrensville 5031 South Australia

Dear Lisa

Thank you for the search request dated 19 Nov 2019. The search was based on the spatial file or coordinates provided. The search area is centred on the suburb of HACKHAM. Your reference is 990.

I advise that the central archive, which includes the Register of Aboriginal Sites and Objects (the Register), administered by Aboriginal Affairs and Reconciliation (AAR), has entries for Aboriginal sites within 5000m of this location.

**Cultural Heritage Sites (Point) in the polygon:**

Map Number	Site Number	Site Type	Site Status
6627	1916	Archaeological	Registered
6627	1918	Archaeological	Registered
6527	3017	Burial	Registered
6627	4139	Archaeological	Reported
6527	4370	Archaeological	Reported
6527	4371	Archaeological	Reported
6527	4372	Archaeological	Reported
6527	4373	Archaeological	Reported
6527	4374	Archaeological	Reported
6527	4375	Archaeological	Reported
6627	4470	Archaeological	Reported
6527	4715	Burial	Reported
6527	5587	Archaeological	Reported
6527	5588	Archaeological	Reported
6527	5589	Archaeological	Reported
6627	5919	Burial / Historic	Reported
6627	6759	Burial	Reported
6527	6961	Historic / Cultural	Reported
6527	7743	Archaeological	Reported
6527	7744	Archaeological	Reported

**Cultural Heritage Sites (Area) in the polygon:**

Map Number	Site Number	Site Type	Site Status
6627	1916	Archaeological	Registered
6627	1918	Archaeological	Registered
6627	4139	Archaeological	Reported
6527	4370	Archaeological	Reported
6527	4372	Archaeological	Reported
6527	4373	Archaeological	Reported
6627	4470	Archaeological	Reported
6527	5587	Archaeological	Reported
6627	5919	Burial / Historic	Reported
6527	7743	Archaeological	Reported

Aboriginal Affairs and Reconciliation | Date: Wed Dec 04 2019 11:55:39 GMT+1030 (ACDT)  
Level 16, 30 Wakefield Street | GPO Box 2343 Adelaide SA 5001  
Tel (+61) 08 8226 8900 | Fax (+61) 08 8226 8999 | www.dpc.sa.gov.au | ABN 83 524 915 929





## ABORIGINAL HERITAGE SITES



### Cultural Heritage Sites (Area) in the polygon:

Map Number	Site Number	Site Type	Site Status
6527	7744	Archaeological	Reported

The enclosed map identifies the approximate site location. It should be noted however that the site indicator does not reflect the actual area of the site; as this will vary from site to site, depending on the site information contained in the Central Archive.

The applicant is advised that sites, objects or remains may exist in the proposed development area, even though the Register does not identify them. All Aboriginal sites and objects are protected under the *Aboriginal Heritage Act 1988* (the Act), whether they are listed in the central archive or not. Land within 200 metres of a watercourse (for example the River Murray and its overflow areas) in particular, may contain Aboriginal sites and objects.

Pursuant to the Act, it is an offence to damage, disturb or interfere with any Aboriginal site, object or remains (registered or not) without the authority of the Premier. If the planned activity is likely to damage, disturb or interfere with a site, object or remains, authorisation of the activity must be first obtained from the Premier under Section 23 of the Act. Section 20 of the Act requires that any Aboriginal sites, objects or remains, discovered on the land, need to be reported to the Premier. Penalties apply for failure to comply with the Act. It should be noted that this Aboriginal heritage advice has not addressed any relevant obligations pursuant to the *Native Title Act 1993*.

Please be aware in this area there are Aboriginal groups/organisations/traditional owners that may have an interest. These may include:

#### The Kurna People

**Chairperson:** Jeffrey Newchurch  
**Address:** 4/14 Swift Street Northfield SA 5085  
**Telephone:** 0458973692  
**Email:** jeffreynewchurch@hotmail.com  
**Contact Officer:** Lynette Crocker  
**Telephone:**  
**Email:**

#### Ramindjeri Heritage Association Incorporated

**Chairperson:** Vivienne Greenshields  
**Address:** 56 Tilshead Road Elizabeth North SA 5113  
**Telephone:**  
**Email:** ramindjeri@westnet.com.au  
**Contact Officer:** Christine Walker  
**Telephone:** 0418276439  
**Email:** ramindjeri@westnet.com.au

#### Original Southern South Australian Tribes Indigenous Corporation

**Chairperson:** Mark Koolmatrie  
**Address:** 13 Gillian Close Noarlunga Downs SA 5168  
**Telephone:** 0459371515  
**Email:** tribalownerssouthern@gmail.com  
**Contact Officer:**  
**Telephone:**  
**Email:**

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- The reproduction, copying, downloading, storage, recording, broadcasting, retransmission, distribution, decompilation, or disassembly of any part of the information derived from the central archive is not permitted without prior written consent from the traditional informant and must be in accordance with any associated copyright.
- It is the responsibility of any person provided with information derived from the central archive to:
  - Ensure that the information accessed is not made available, either in electronic or in hard copy format, to any third party.
  - Inform DPC-AAR immediately if they become aware of a third party using information derived for the central archive in contravention to these terms and conditions.

If you require further information, please contact the Aboriginal Heritage Team on telephone (08) 8226 8900 or send to our generic email address [dpc-aar.heritatesites1@sa.gov.au](mailto:dpc-aar.heritatesites1@sa.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read "Perry Langeberg".

Perry Langeberg  
**SENIOR INFORMATION OFFICER (HERITAGE)**  
**ABORIGINAL AFFAIRS & RECONCILIATION**

4 December 2019

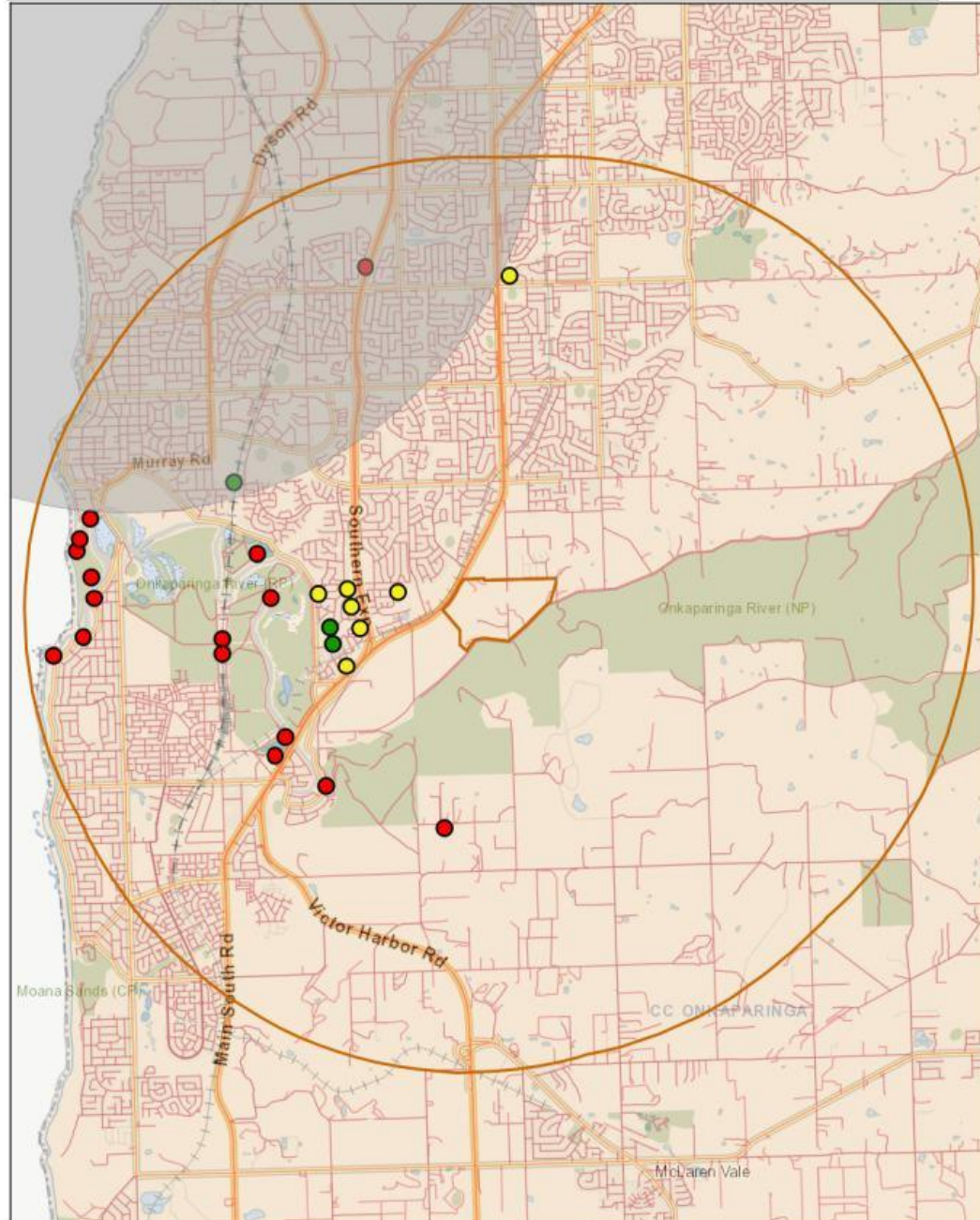




## ABORIGINAL HERITAGE SITES



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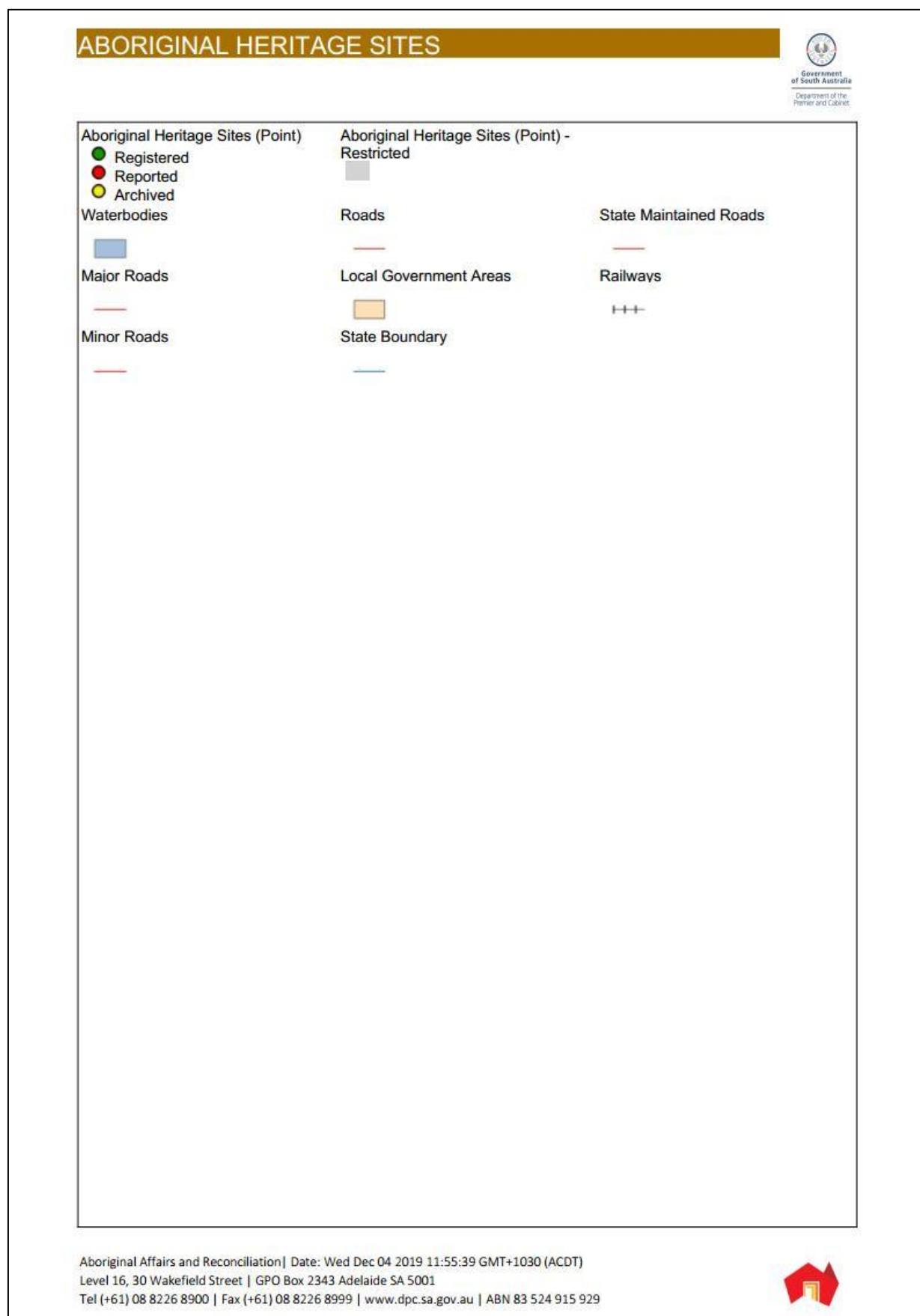


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**Appendix 4 – DPC-AAR Register Search Stage 2 (Remove if report made public)****ABORIGINAL HERITAGE SITES**

Lisa Salisbury  
EBS Heritage  
112 Hayward Terrace  
Torrensville 5031 South Australia

Dear Lisa

Thank you for the search request dated 27 Jul 2021. The search was based on the spatial file or coordinates provided. The search area is centred on the suburb of HACKHAM. Your reference is 2473.

I advise that the central archive, which includes the Register of Aboriginal Sites and Objects (the Register), administered by Aboriginal Affairs and Reconciliation (AAR), has entries for Aboriginal sites within 1000m of this location.

**Cultural Heritage Sites (Point) in the polygon:**

Map Number	Site Number	Site Type	Site Status
6627	1916	Archaeological	Registered
6627	1918	Archaeological	Registered
6527	5587	Archaeological	Reported
6627	5919	Burial / Historic	Reported
6627	6759	Burial	Reported

**Cultural Heritage Sites (Area) in the polygon:**

Map Number	Site Number	Site Type	Site Status
6627	1916	Archaeological	Registered
6627	1918	Archaeological	Registered
6527	5587	Archaeological	Reported
6627	5919	Burial / Historic	Reported

The enclosed map identifies the approximate site location. It should be noted however that the site indicator does not reflect the actual area of the site; as this will vary from site to site, depending on the site information contained in the Central Archive.

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Pursuant to the Act, it is an offence to damage, disturb or interfere with any Aboriginal site, object or remains (registered or not) without the authority of the Premier. If the planned activity is likely to damage, disturb or interfere with a site, object or remains, authorisation of the activity must be first obtained from the Premier under Section 23 of the Act. Section 20 of the Act requires that any Aboriginal sites, objects or remains, discovered on the land, need to be reported to the Premier. Penalties apply for failure to comply with the Act. It should be noted that this Aboriginal heritage advice has not addressed any relevant obligations pursuant to the *Native Title Act 1993*.

Please be aware in this area there are Aboriginal groups/organisations/traditional owners that may have an interest. These may include:

**Kaurna Yerta Aboriginal Corporation**  
**Chairperson:** Jeffrey Newchurch  
**Address:** 3 Carob Crescent CRAIGMORE SA 5114  
**Telephone:** 0458973692

Aboriginal Affairs and Reconciliation | Date: Tue Aug 10 2021 10:02:23 GMT+0930 (ACST)  
Level 16, 30 Wakefield Street | GPO Box 2343 Adelaide SA 5001  
Tel (+61) 08 8226 8900 | Fax (+61) 08 8226 8999 | [www.dpc.sa.gov.au](http://www.dpc.sa.gov.au) | ABN 83 524 915 929





## ABORIGINAL HERITAGE SITES



**Email:** Jeffrey.Newchurch@outlook.com  
**Contact Officer:** Tom Jenkin  
**Telephone:** 08 8110 2800  
**Email:** tomj@nativetitlesa.org

**Ramindjeri Heritage Association Incorporated**  
**Chairperson:** Vivienne Greenshields  
**Address:** 56 Tilshead Road Elizabeth North SA 5113  
**Telephone:**  
**Email:** ramindjeri@westnet.com.au  
**Contact Officer:** Christine Walker  
**Telephone:** 0418276439  
**Email:** ramindjeri@westnet.com.au

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- It is the responsibility of any person provided with information derived from the central archive to:
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  - Inform DPC-AAR immediately if they become aware of a third party using information derived for the central archive in contravention to these terms and conditions.

If you require further information, please contact the Aboriginal Heritage Team on telephone (08) 8226 8900 or send to our generic email address [dpc-aar.heritatesites1@sa.gov.au](mailto:dpc-aar.heritatesites1@sa.gov.au)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Perry Langeberg'.

Perry Langeberg  
**SENIOR INFORMATION OFFICER (HERITAGE)**  
**ABORIGINAL AFFAIRS & RECONCILIATION**

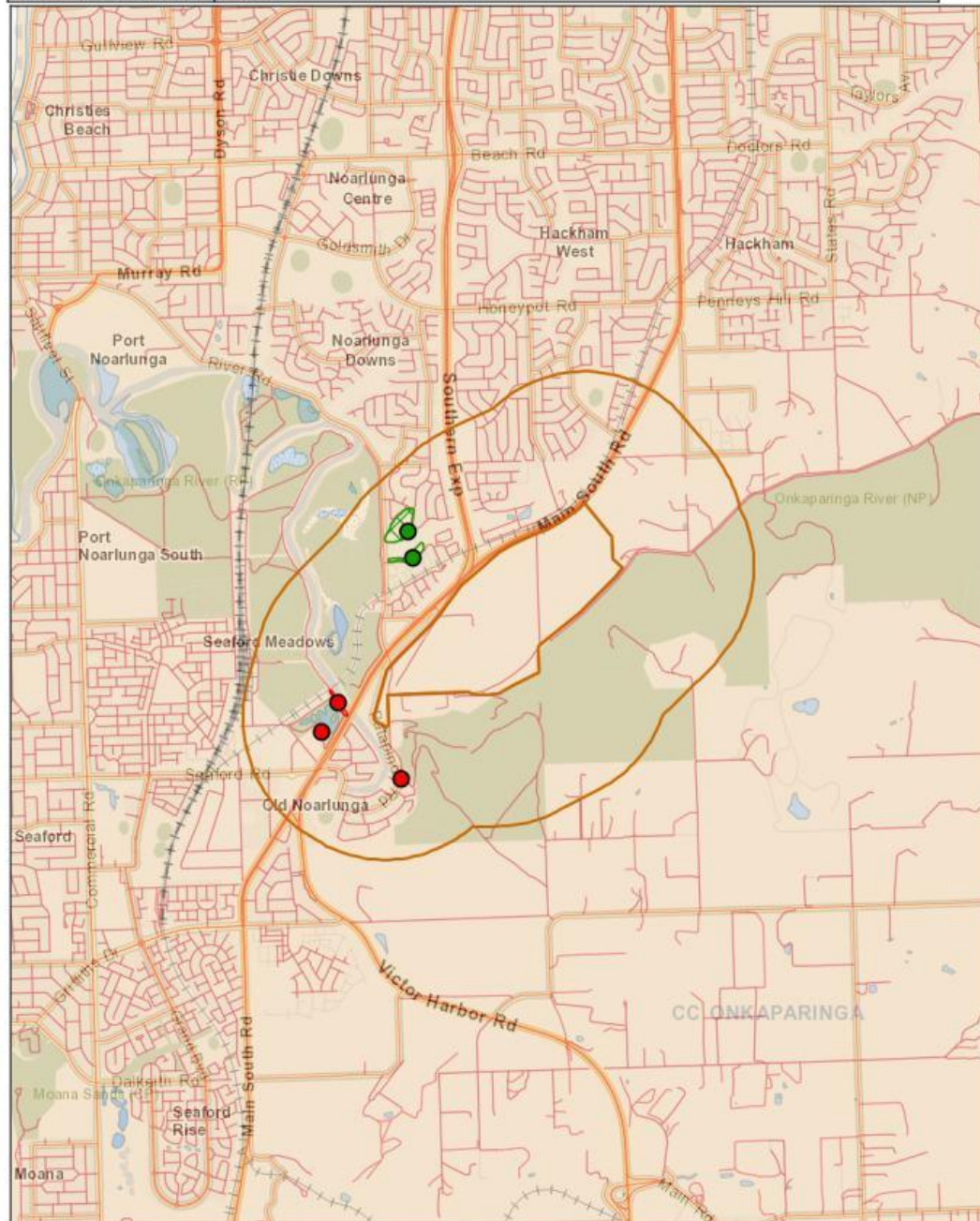
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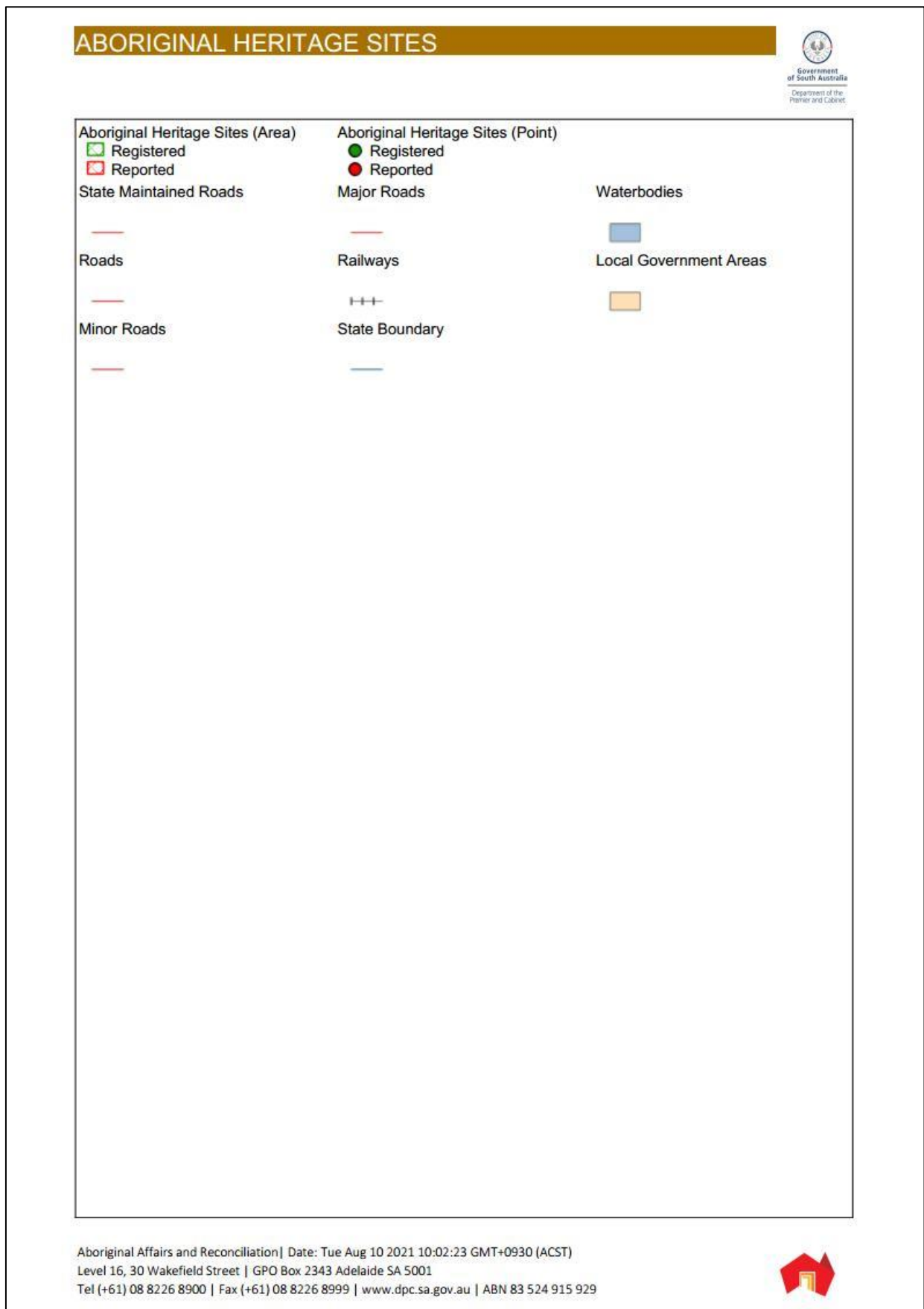


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t. 08 7127 5607

