

Our Ref: CS – 100728079 - DJT



3 July 2015

Mr Justin Scanlon
PO Box 110
Uraidla SA 5142

Dear Sir

SA Power Networks' Response to your request for an Indicative Estimate

Re: Proposal to Establish A New Electricity Supply Connection at the Proposed Nora Creina Golf Course and Tourism Resort

We acknowledge receipt of your request for an Indicative Estimate Quote dated concerning your proposal to Establish A New Electricity Supply Connection at the Proposed Nora Creina Golf Course and Tourism Resort ('Project').

From our initial analysis based on the information you provided with your request, we believe that your proposed work is of a Negotiated Connection Service type under our current service classification. (Please refer to Annexure 2 for a high-level process flow for this type of connection service provided by us.) More information about our Negotiated Connection Services is available on our website at: <http://www.sapowernetworks.com.au/centric/customers/necfconnections/comminddevconnections.jsp>

This letter seeks to advise you of:

1. An Indicative Estimate Quote for your proposed work.
2. What you need to do next if you decide to proceed with the required work.

1. Indicative Estimate Quote

SA Power Networks has made assumptions with best intentions on both the scope and line route that may be available or suitable, and estimate the project to be in the order of **\$ 2,300,000 (GST inclusive)**.

This estimate is based on the information that you have provided within your initial enquiry dated 3 February 2015.



1090/98

SA Power Networks ABN 13 332 330 749 a partnership of: Spark Infrastructure SA (No.1) Pty Ltd ABN 54 091 142 380, Spark Infrastructure SA (No.2) Pty Ltd ABN 19 091 143 038, Spark Infrastructure SA (No.3) Pty Ltd ABN 50 091 142 362, each incorporated in Australia. CKI Utilities Development Limited ABN 65 090 718 880, PAI Utilities Development Limited ABN 82 090 718 951, each incorporated in The Bahamas.

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NPO-42 06/14

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The scope of works includes:

- Maximum Capacity 277kVA
- A maximum capacity of 400 volt, 400 ampere, three phase service
- An approximately 14.5km overhead and underground 33,000 volt extension from an existing powerline at Lous Lane, Bray
- Conversion of sections of existing SWER powerlines to 33,000 volt along sections of the possible route
- Installation of a 1000kVA padmounted transformer at the proposed resort site

The costs of civil works eg, trenching **is not included** in this estimate.

There are easements required across your land and that of third parties. You as the registered proprietor of the land to be supplied shall grant to SA Power Networks all easements required on your and neighbouring land for no monetary consideration on such terms and conditions as SA Power Networks considers appropriate. You are responsible for the cost of all such easements and a budget cost for this has been included in this estimate. You are also responsible for the notification of other authorities eg, Local Government, to gain approval for access on their land where appropriate.

SA Power Networks are committed to working with our customers to investigate practical, sustainable strategies to lower charges to our customers and to defer the costly requirements of distribution expansion.

While giving consideration to this indicative estimate cost, you might wish to take notice of the following facts:

- A Distribution Use of System Rebate may be deducted from our offer once we receive your electrical load details. This rebate has not been included in this speculative estimate but maybe in the order of **\$ 100,000**.
- SA Power Networks are committed to working with our customers to investigate practical, sustainable strategies to lower charges to our customers and to defer the costly requirements of distribution expansion.
- Demand Management is a method of managing the customer's pattern of energy use on the distribution network, so as to minimise the supply cost to customers whilst maintaining or enhancing customer service. Supply costs include costs of projects associated with augmentation of, or extension to, the distribution network.
- The amount outlined in this indicative estimate is based on the demand requested in your connection enquiry. We are available to discuss possible demand management strategies that may be available to you to reduce your requested demand.



The Electricity Act 1996 and Regulations prescribe penalties of up to \$10,000 for persons who erect buildings or structures in the proximity to powerlines. In addition the Court can order the removal or modification of the building and payment of compensation for the cost of rectifying the situation. Persons intending to erect buildings or structures in the proximity to powerlines should consult with the Office of the Technical Regulator (tel : 8226 5500) for further information regarding the clearances that must be maintained between powerlines and buildings and structures.

This is an **indicative estimate only** and does not commit SA Power Networks or any other contractor to undertake the connection works at the estimated cost. That is, this letter does not constitute a binding offer by SA Power Networks to carry out the connection works at the figure referred to in this letter. In addition, this estimate is based on the information that you have provided to SA Power Networks and, as such, if this information is incomplete or inaccurate, SA Power Networks reserves the right to vary its estimate of the costs involved in carrying out the connection works. In particular this estimate is given without the benefit of other authorities' requirements or a detailed site inspection.

2. What you need to do next?

If you do wish to proceed with this proposal we will need final details of your requirements so that a firm Offer for the works can be prepared. You are thus required to:

1. Complete the **Connection Enquiry form** set out in Annexure 1 and provide the information referred to in Table 1 of that form.
2. Return the completed **Connection Enquiry form** and the requested information to us at the address set out at the top of the form.
3. Pay the appropriate **Offer Preparation Fee** set out in the Connection Enquiry form. Please read on to find out more on this fee.
4. Pay the appropriate Specification Preparation Fee set out in the Connection Enquiry form. Please read on to find out more on this fee.

If you do not wish to proceed with the proposal, please indicate your decision by ticking the box next to "Option 3" in the Annexure 1.

3. What is an Offer Preparation Fee?

We are entitled under the National Electricity Rules to charge a fee for preparing offers in response to connection enquiries from customers. Our offer preparation fee is based on our current estimate of the likely cost of the electricity infrastructure work for your Project. In the case of a large project (i.e. where the project cost is likely to exceed \$100,000) our offer preparation fee is based on our estimate of the actual cost to prepare the offer.

Please note that this fee is non-refundable. However, if you elect to accept our offer the amount of the fee will be deducted from the final amount payable to us in relation to the Project. A tax invoice for the fee will be issued to you on receipt of your payment.



If you do not accept our offer before the end of the prescribed validity period and you subsequently request us to prepare another offer for the same Project, we may require you to make a further Connection Enquiry and pay a further fee for the preparation of that new offer. You must pay this further fee before we start to prepare the new offer.

4. Contestability:

We are required by the National Electricity Rules to inform you that the design and construction of the electricity infrastructure work within your proposed development and the design and construction of any extension to our existing distribution network which may be required to connect the new connection assets to our existing distribution network is contestable work, which means that you may call for tenders for this work in accordance with clause 3.4 of the National Electricity Rules. However, you will need our technical specifications for the design and construction of this work before you may call for tenders.

We may need further information from you in order to prepare these technical specifications. You will also be asked to pay a fee for the preparation of the technical specifications.

We are also required by the National Electricity Rules to inform you that any tenderer for this portion of the Works must submit separate amounts for designing and constructing the connection assets and any required extensions.

Where you elect to engage a contractor to undertake and complete all or a part of the contestable works, the External Contractor Design and Construction Terms will also apply between you and SA Power Networks (these Terms and Conditions are available from the Project Officer assigned to your project upon request).

Which type of offer do you require?

You can request two types of offers in relation to the electricity infrastructure work for your Project. The type of offer you request will depend upon whether you want us to undertake all of the electricity infrastructure work in relation to the Project, or you elect to undertake the project as a contestable venture.

Option 1 – All Work

This option applies where you want us to undertake all of the electricity infrastructure work in relation to the Project. This work will include:

- the design and construction of your new connection assets;
- the design and construction of any extension to our existing distribution network which may be required to connect your new connection assets to our existing distribution network;



- all other work required to complete the connection of your new connection assets and/or extension to our existing distribution network and their commissioning and energisation and;
- our overall project management of this work.

Option 2 – Non-Contestable Work Only

This option applies where you elect to engage an appropriately qualified contractor, to design and construct the contestable components of the electricity infrastructure work for the Project (i.e. the design and construction of your new connection assets and any required extension to our existing distribution network).

Under this option our offer will only relate to the non-contestable components of the electricity infrastructure work for the Project. This work will include:

- all work required to complete the connection of the new connection assets and/or extension to our existing distribution network and their commissioning and energisation;
- compliance inspection and issuing of the 'Certificate of Electrical Compliance' (CEC) for the contestable works and;
- our overall project management of this work.

Please note, if you select Option 2, we may not be able to provide an offer for the Non-Contestable Works until a design has been completed to SA Power Networks Specification **or** the appropriately qualified design contractor you have engaged has provided us a precise scope of works to connect the contestable works to the existing distribution network.

Under **Option 2** you must also pay an additional non-refundable fee for the cost of preparing our technical specification for the design and construction of the contestable work for the Project. The amount of the **specification preparation fee** is set out in the attached Connection Enquiry form.

Once again, we are entitled under the National Electricity Rules to charge a fee for preparing technical specifications. Our specification preparation fee is based on our estimate of the likely cost of the contestable work for your Project and in the case of a large project (i.e. where the project cost is likely to exceed \$100,000) our estimate of our actual cost to prepare the technical specification.



5. Customer Payment

The customer payment associated with the customer demand of 277kVA outlined in your initial enquiry will be calculated in accordance with clause 3.5 of the National Electricity Rules.

The augmentation component of the customer payment will be based on the customer demand above and will be subject to an individual assessment calculation.

Please select the type of offer you would like to receive by ticking the appropriate box in the attached Connection Enquiry form.

If you need any assistance or information please contact Darren Thorogood at our Mt Gambier office on (08) 87241 660 or email darren.thorogood@sapowernetworks.com.au.

Yours faithfully



Stephen Jolly
MANAGER CUSTOMER SOLUTIONS

Encl:

- Annexure 1 - Connection Enquiry Pro-Forma (including Table 1 – Further Information Required)
- Annexure 2 - SA Power Networks - Negotiated Connection Service Process Flow (high-level)



CONNECTION ENQUIRY PRO-FORMA

SA Power Networks Ref: CS – 100728079 - DJT
 Date: 3 July 2015
 SA Power Networks Project Manager: Darren Thorogood
 Contact details: PO Box 686, Mt Gambier SA 5290
 Telephone (08) 87241 660 Facsimile (08) 87241 688
 Email darren.thorogood@sapowernetworks.com.au

Please indicate your decision regarding this project by ticking *one* of the following three boxes.

I/We hereby agree that:

1.	OPTION 1: SA Power Networks to undertake all work (both contestable and non-contestable) for the Project \$ 97,053 (GST inclusive) Offer Fee based on the estimated project cost.	<input type="checkbox"/>
2.	OPTION 2: SA Power Networks to undertake non-contestable work only \$ 97,053 (GST inclusive) Offer Fee based on the estimated project cost. \$ 10,076 (GST inclusive) Specification Preparation Fee based on the estimated project cost.	<input type="checkbox"/>
3.	DO NOT PROCEED: I/We do <i>not</i> wish to proceed with this project	<input type="checkbox"/>

By ticking either box 1 or 2, signing this Acceptance Form and returning it to the SA Power Networks Project Manager nominated above, you are entering into a binding legal contract and undertaking a commitment to pay the amounts referred to in this Contract. That Contract is constituted by this letter (including all of its attachments).

I have enclosed payment for the Offer Preparation Fee, and Specification Preparation Fee, as selected above and request a Tax Invoice to be prepared and issued to the undersigned.

Alternatively if you require a Tax Invoice prior to making payment of the appropriate Fee outlined above, please complete the attached Annexure 1(CONNECTION ENQUIRY PRO-FORMA) and return to our office. SA Power Networks will not commence preparation of the Offer and where appropriate, the Design Specification until payment is received.



SA Power Networks Ref: CS – 100728079 - DJT
Date: 3 July 2015
SA Power Networks Project Manager: Darren Thorogood
Contact details: PO Box 686, Mt Gambier SA 5290
Telephone (08) 87241 660 Facsimile (08) 87241 688
Email darren.thorogood@sapowernetworks.com.au

If the signatory is not the Customer, then the signatory warrants that they are authorised to accept the Offer for and on behalf of the Customer.

Signed by, or for and on behalf of, the Customer:

..... Date
Signature

Name of signatory: (print)

Relationship to Customer: (print)

Customer's ABN: (print)

Company Name: (print)

Address for forwarding Invoices: (print)

Contact Phone: Mobile **Office:**

Please note: if unable to provide an ABN, the Customer must provide a 'Reason for not quoting an ABN' statement on the appropriate Australian Taxation Office form obtainable at http://www.ato.gov.au/uploadedFiles/Content/MEI/downloads/BUS38509n3346_5_2012.pdf.



TABLE 1. FURTHER INFORMATION REQUIRED FROM YOU

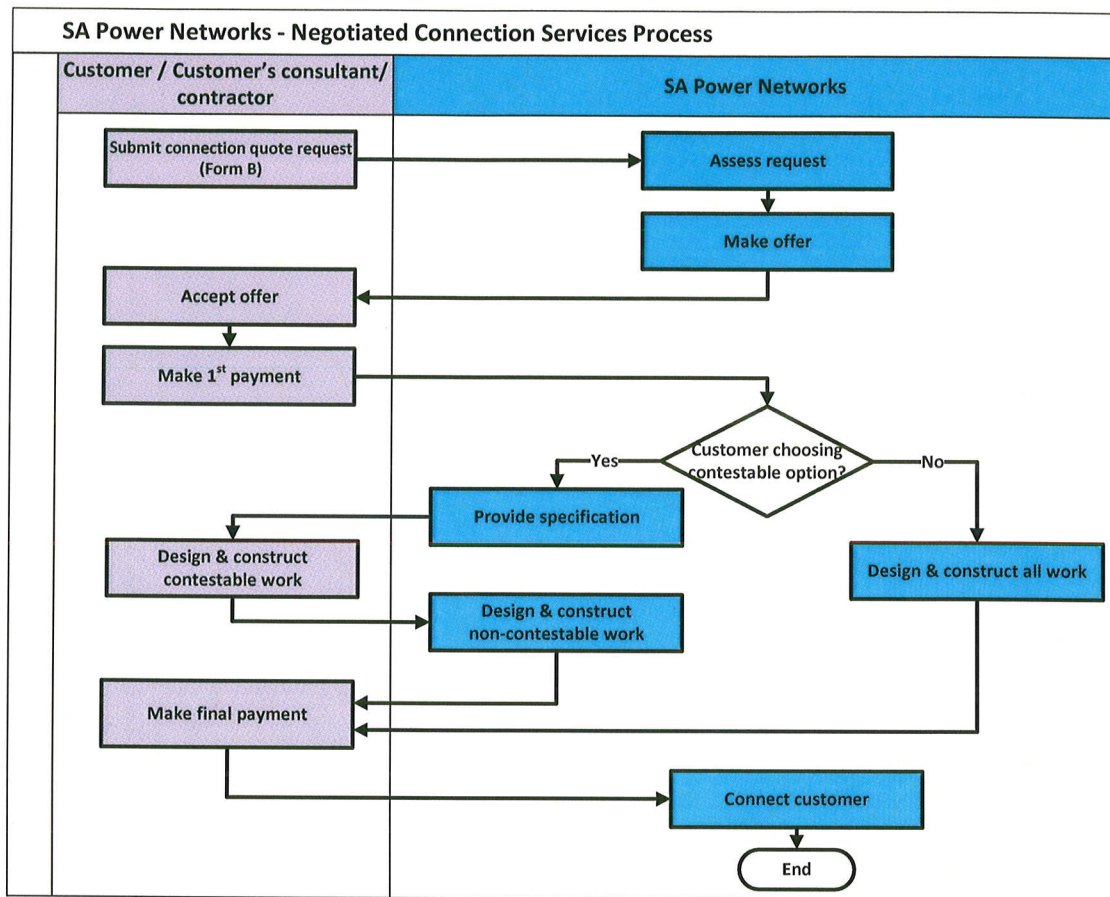
Please provide the requested information for each ticked item.

Information required	Description	Information, Notes & Feedback (attach information separately as required)
1 <input checked="" type="checkbox"/>	Program Dates <ul style="list-style-type: none"> • Construction Start & Completion • Forecast connection date • "Your Works Program" 	
2 <input checked="" type="checkbox"/>	Supply Type – 3 phase , single phase, other Proposed use/Type of installation Load details	
3 <input checked="" type="checkbox"/>	Tenancy Type – commercial, industrial, residential, apartments or combination	
4	Customer's electrical load requirements (i.e. Maximum Demand – Existing (AS3000))	
5 <input checked="" type="checkbox"/>	Customer's electrical load requirements (i.e. Maximum Demand – Proposed (AS 3000))	
6 <input checked="" type="checkbox"/>	Load Operation Cycle – Existing & Proposed operation cycle (i.e. typical operating times of plant & equipment)	
7 <input checked="" type="checkbox"/>	Motor Starting - Magnitude & incidence per day of anticipated plant inrush currents (i.e. for motors include DOL / Soft Start characteristics)	
8 <input checked="" type="checkbox"/>	Harmonic distortion expected if any (in % odd / even terms)	
9 <input checked="" type="checkbox"/>	Main Switch Board details <ul style="list-style-type: none"> • Consumer mains size / number of cables 	
10 <input checked="" type="checkbox"/>	Drawings & Plans <ul style="list-style-type: none"> • Site Plans - detailed site / location / elevation / plans • Survey Plans - • Sewer • Road Designs 	
11 <input checked="" type="checkbox"/>	Land Title Status (i.e. Torrens, Community, Strata, Other) Installation address	
12 <input checked="" type="checkbox"/>	Easements acquisition responsibility: <ul style="list-style-type: none"> • SA Power Networks overall (if constructed by SA Power Networks) • Customer overall (if constructed by Contractor) 	
13 <input checked="" type="checkbox"/>	Metering: <ul style="list-style-type: none"> • Quantity & Type • Preliminary metering arrangement anticipated (for future confirmation) • Account and / or existing meter numbers & serial numbers for all existing site services 	
14 <input checked="" type="checkbox"/>	Retailer <ul style="list-style-type: none"> • Name of Retailer for proposed single customer consumers greater than 160MWh / annum & where existing tariff structure will not be retained.	
15 <input checked="" type="checkbox"/>	Contact Details - If other than the customer, the nominated agencies and their respective point of contact acting on behalf of the customer re: <ul style="list-style-type: none"> • Overall Project Management • Electrician. • Builder. 	



Annexure 2

SA Power Networks - Negotiated Connection Service Process Flow (high-level)



Traffic and Parking Assessment

Nora Creina Golf Resort, Nora Creina

October 2015

Prepared By:

Satyen Gandhi

B.E. (Civil Engineering)

M.E. (Transport Systems Engineering)

1. Introduction

This report is prepared on behalf of the proponent of Nora Creina Golf Resorts. The report is an assessment of the traffic and parking generation from the proposed development and its impacts on the surrounding road network.

Existing Condition

The proposed development will be located at approximately 12 km south of Robe. Robe is accessed mainly by the road but also has a small airport. Please refer below for the locality plan:



The proposed development will be accessed by Nora Creina Road. Nora Creina Road is a local council maintained road connecting Robe and Beachport. It has default speed limit of 100 km/hr near the development site and is an unsealed road for the majority of its length. There are no traffic data available from Robe Council for Nora Creina Road. However, from preliminary assessment, it's evident that Nora Creina Road predominantly caters for local traffic destined to the facilities abutting the road and/or for coastal areas. As such, the road would experience low levels of traffic. Based on the data available from Locations SA website, there are no recorded crashes along Nora Creina Road in the vicinity of the proposed development.

Proposed Development

The proposed development will see creation of Nora Creina Golf Resort with key facilities to include two 18 hole golf courses, 62 accommodation units (combination of three, four and five star accommodation) and 2 seven star villas with associated resort facilities like pool, spa, vineyard and cattle farm. The access to resort will be provided via new road connection off Nora Creina Road.

2. Traffic and Access

Given the location and resort type facility, this development should not be considered as conventional golf course facility, for the purpose of traffic impact assessment. Due to the destination star accommodations, vine yards along with golf courses, it would attract unique clientele. The resort will attract visitors staying at the facility for multiple nights unlike the conventional golf courses where visitors spend only few hours playing golf. The locals of Robe are likely to visit and use the golf course facilities but they will form minority of the visitor numbers. The majority of visitors to this golf course are likely to be from metropolitan Adelaide, interstate and certainly overseas. Allied to this, there would be less trip demand due to less use of private vehicles.

DPTI 'Trip Generation Rates for Assessment of Development Proposal' and the Roads and Maritime Services (RMS), NSW published 'Guide to Trip Generating Developments' are widely used by traffic practitioners from all over Australia as it provides rates of trip generation for various land uses. However, in this instance both of these publications doesn't provide for Golf Course Resort type of land use. In the absence of suitable traffic generation rates from the aforementioned documents, ITE (Institute of Transport Engineers) Trip Generation Manual is used to derive the trip generation rates which are described in table 1 and 2 below. ITE trip generation manual is international publication used by traffic practitioners worldwide.

Table 1 below estimates the trips generated from the golf course type of land use and table 2 shows the trip generation estimates from 62 accommodation units (combination of three and five star units) and 2 seven star villas. As explained above the proposed development is dissimilar to typical golf course due to Nora Creina Golf Course Resort' unique locality and clientele. Therefore, it's believed 50% discount rate can be applied to the ITE trip generation rates as there would be less reliance of private vehicle use and visitors would be combining the stay at star resort with golf activities.

Table 1 Traffic generation for two 18 hole Golf Courses (ITE land use type – Golf Course)

Time	Trips /Hole	Total Trips (2 X 18 hole golf courses)	50% discount – golf course resort
AM Peak Weekday	2.22	80	40
PM Peak Weekday	2.74	99	50
Peak Hour Saturday	4.59	165	83
Peak Hour Sunday	4.43	159	80

Table 2 Traffic Generation for Accommodation Units including Villas (total of 64 units) (ITE land use type – Recreational homes)

Time	Trips /unit	Total Trips	50% discount – golf course
AM Peak Weekday	0.16	10	5
PM Peak Weekday	0.26	17	9
Daily Weekday	3.16	202	101
Peak Hour Saturday	0.36	23	12
Daily Saturday	3.07	196	98
Peak Hour Sunday	0.36	23	12
Daily Sunday	2.93	188	94

As per the analysis above, it's envisaged that proposed facility would generate peak hour demands of 45-59 vehicles on weekdays and 92-95 vehicles on weekends with maximum daily trips are likely to occur on Saturday (181 vehicles per day). The peak hour traffic is expected to be just over a vehicle per minute. Nora Creina Road has the capacity to accommodate the additional traffic generated by the development. The delivery and waste collection vehicles associated with the golf resort facilities, are likely to be done with typical delivery/waste trucks and would occur outside the busy periods of the day (e.g. early mornings) on permitted times as per development approval and EPA guidelines.

New connection from Nora Creina Road

It's understood that new connection link will be created off Nora Creina Road and this link will provide main access for vehicular traffic from the proposed development. The design of new connection and its intersection with Nora Creina Road will be undertaken as per the requirements of the relevant Australian Standards and Austroads Guidelines.

As outlined above, the connection and its intersection should be designed and installed as per the requirements of Australian Standards and Austroads design guidelines including the requirements of road widths, lighting, and signage and road surface treatments. The new road connection' maintenance responsibility should be negotiated with the local/state road authority, during the road design phase. Given the amount of traffic generation as outlined above, one primary access via Nora Creina Road is considered to be sufficient for the requirements of golf resort' traffic and parking needs.

Construction and traffic activities

It is understood and recommended that a Construction Management Plan (CMP) would be prepared including the details on traffic management, parking management, vehicle access for deliveries and emergency access during the construction phased. This would ensure there are appropriate traffic and parking arrangement in place. The CMP should be prepared before the construction commencement, in conjunction with the local/state authorities.

3. Parking

The proposed golf course resort facility will have 112 parking spaces. The development plan of District Council of Robe does not provide for off-street parking requirements specific to Golf Course type of land use and suggests 'assess on need basis' for hotel accommodation land use.

Institute to Transportation Engineers (ITE)'s publication Parking Generation provides for parking rates of Golf Course.

- Golf Course number of holes = 8.68 car parks / hole, which equates to requirement of 312 car parks for two 18 hole golf courses.

It is important to note that this golf course is substantially different in terms of its accessibility and functionality when compared with conventional golf courses. The majority of the golf course would be 'destination' golfers mixing their holidays with golf and as such, staying at the facility for multiple nights. Also, due to its locality, the golf course would not attract as many visitor golfers when compared with suburban golf course in metropolitan Adelaide. Given the majority of visitors are likely to be non-local; there would be less reliance on private vehicle use. Even at the full occupancy of 62 accommodation units and 2 villas, it is considered that there will be sufficient parking available. Therefore, ITE publication' parking rates are considered to be conservative and a proposed car park facility of 112 car parking spaces are considered to be appropriate for the land use type and functionality of the proposed golf course resort. The proposed parking lay out is in general compliance with the relevant Australian Standards 2890.

4. Summary

- The proposed development comprises of golf course resort with 62 accommodation units (combination of three, four and five star accommodation) and 2 seven star villas and associated facilities.
- The off-street car parking and its layout is considered to be sufficient for the proposed development and generally compliant with Australian Standard 2890 part 1.
- As part of the development a new connection road will be created off of Nora Creina Road. The intersection of this new connection with Nora Creina Road should be designed as per the relevant Australian Standards and Austroads design guidelines.
- During the routine operation of the golf resort, the trip generation of 95 vehicles in peak hour Saturday, can be accommodated within the existing road network adjacent to the subject site.
- It is understood that the construction activity and related parking /traffic movements can be accommodated within the subject site, during the constructions phase. It's also understood that an appropriate construction management plan including traffic management, would be prepared in conjunction with the local and state governments.

5. Conclusion

As per the analysis above, it is considered that the proposed development is not expected to adversely impact on the surrounding road network. The new road connection and its intersection with Nora Creina Road should be designed as per the requirements of relevant Australian Standards and Austroads guidelines. Infrastructure changes related to lighting, signage and drainage should be assessed and undertaken as separate assessment.

Aboriginal Cultural Heritage Survey:

Proposed Nora Creina Resort, Robe, South Australia.

Report to the South East Aboriginal Focus Group and Justin and Damian Scanlon.



ANNIE NICHOLSON

30/03/2015

In conducting this project, I declare that I have:

- undertaken a suitable level of research,
- identified the issues and included all information,
- consulted with traditional owners and organisations with a particular interest, and
- presented the information in this report as accurately as possible.

Annie Nicholson

30th March 2015

EXECUTIVE SUMMARY

A cultural heritage survey was undertaken of the proposed Nora Creina Resort located on coastal land 20km to the south of Robe, in the South East of South Australia. The study was conducted for the proponents Justin and Damian Scanlon as part of the background studies required to inform the PER submission being prepared for the State Government. The consultant liaised with the South East Aboriginal Focus Group (SEAFG) and a field team of four community representatives was endorsed by the SEAFG. The fieldwork for the study was undertaken between 15th and 17th February 2015 by the consultant in conjunction with Kingsley A'hang, Kerry Clarke Hunt, Doug Nicholls and Veronica Hay.

A portion of the development area had been the subject of an earlier investigation undertaken in relation to an Abalone farm proposal by the same proponents (Wood 2006). This study was undertaken on behalf of Aboriginal Affairs and Reconciliation (AAR) in response to a Section 12 request and resulted in the identification of five new sites (German Point Sites 1-5) and the relocation of one previously recorded site (Errington Hole Midden). Recommendations were made in relation to these sites and the findings of this earlier report are summarized herein.

The present study investigated the remainder of the area proposed for development and resulted in the identification of twelve new areas containing cultural material (Nora Creina Sites 1-12). It is recommended that these be determined to be sites and entered onto the AAR Register of Sites and Objects. Recommendations are made in relation to these and the previously recorded sites located within the development area.

It is recommended that Nora Creina Sites 3, 6 and 9, German Point Site 2 (6323-7077) and the Errington Hole Midden (6323-2633) remain undisturbed by activities associated with the proposed Nora Creina Resort development. It is recommended that management plans be developed for these sites. It is further recommended that all attempts be made to preserve the other sites identified within the development area; Nora Creina Sites 1, 2, 4, 5, 7, 8, 10, 11 and 12, and German Point Sites 1 (6323-7076), 3 (6323-7078), 4 (6323-7079) and 5 (6323-7080). In the event that some of the sites will be disturbed, damaged or otherwise interfered with by the proposed development it is recommended that site mitigation work be undertaken at these locations prior to the commencement of any development activities which may affect the sites.

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Figure 1: Location of proposed Nora Creina Resort development (pg. 7).

Figure 2: Proposed Nora Creina Resort Development; Lots 14,200,201,202 (pg. 8).

Figure 3: Aerial photography of the Nora Creina Resort development area indicating area of previous cultural heritage survey by Wood 2006 (pg. 10).

Figure 4: Original concept plan for proposed Nora Creina Resort development (pg. 11).

Figure 5: Location of sites found during the 2006 cultural heritage survey (pg. 18).

Figure 6: Survey coverage of the proposed Nora Creina Resort development (pg. 23).

Figure 7: Location of sites identified during the cultural heritage survey (pg. 25).

Figure 8: Aboriginal sites recorded shown on proposed development concept plan (pg. 27).

Plate 1: Rocky coastline adjacent to the development area (pg. 20).

Plate 2: View across the coastal dunefield (pg. 21).

Plate 3: Lakes lining the inland side of the coastal dunefield (pg. 22).

Cover page: Midden recorded during the Nora Creina survey (Nora Creina Site 9).

1 Introduction

1.1 Confidentiality

This report does not contain any material that is confidential to Aboriginal tradition and there are no restrictions of gender, age or other status that would preclude potential readers.

1.2 Aboriginal Heritage Act 1988

The *Aboriginal Heritage Act 1988* (the Act) protects Aboriginal sites, objects and remains in all areas of South Australia. The Act is administered by the Aboriginal Heritage Team (within Aboriginal Affairs and Reconciliation, Department of State Development DSD AAR) on behalf of the Minister for Aboriginal Affairs and Reconciliation (the Minister).

Section 20 of the Act requires that any Aboriginal sites, objects or remains discovered be reported to the Minister. The Act defines an Aboriginal site as “An area of land that is of significance to Aboriginal tradition or Aboriginal archaeology, anthropology or history”. If you are the owner of land where Aboriginal sites, objects or remains have been discovered it is your responsibility to report these finds to the Minister (see Appendix 1, DSD-AAR Aboriginal Heritage Guideline 14).

Following the reporting of any such Aboriginal cultural material to the Minister, the next step is to request a determination under Section 12 of the Act as to whether the material reported is deemed to be an Aboriginal site or object under the Act. Once a site or object has been determined to be an Aboriginal site or object under the Act, it will be entered on the Register of Aboriginal Sites and Objects held by DSD-AAR. A registered site has legal status and is recorded on the land title (see Appendix 1 for further details of how to apply for a determination under Section 12, DSD-AAR Aboriginal Heritage Guideline 9).

Section 23 of the Act states that it is an offence to damage, disturb or interfere with any Aboriginal site, object or remains without the authority of the Minister. A proponent or developer must seek an authorisation from the Minister if any ground disturbing activity will result in damage, disturbance or interference to an Aboriginal site, object or remains. Applications for such authorisation need to be made in writing and submitted to the Aboriginal Heritage Team, DSD-AAR (see Appendix 1 for further details on seeking an authorisation under Section 23, DSD-AAR Aboriginal Heritage Guideline 9).

Failure to comply with the South Australian *Aboriginal Heritage Act 1988* will incur penalties. The early commencement of application under Section 12 of the Act is recommended to facilitate project planning and to reduce delays in the planning process.

1.3 Project description

The proponents, Justin and Damian Scanlon, are proposing to develop a golf course resort on a stretch of coastal land they own approximately 20km to the south of Robe in the South East of South Australia (Figure 1). The land proposed for development comprises four allotments, Lots 14, 200, 201 and 202, with the total area involved being 425 hectares (Figure 2). This comprises approximately 225 hectares of dunes and beachfront land. For the purposes of this report the development will be referred to as the Nora Creina Resort. As part of the development planning process a PER is being prepared for submission to the State Government and one of the requirements of this process is to undertake an Aboriginal cultural heritage survey.

Part of the area currently proposed for development was the subject of an earlier cultural heritage survey conducted in 2006 in relation to a more restricted proposal to develop an abalone farm (Wood 2006). The abalone farm development did not go ahead due to changes in the economic climate. The 2006 study was undertaken across Lot 200 and the coastal portion of Lot 201 as well as along the access track proposed from the Nora Creina road through Lot 14. The results of this earlier study are summarized in Section 2.4 below. The current study involves an inspection of the remainder of the development area (see Figure 3 indicating location of development area and the extent of earlier survey).

At this stage it is proposed that the Nora Creina Resort will comprise the following aspects:

- two 18-hole golf courses
- clubhouse
- a range of on-site accommodation
- restaurant
- retail outlet
- boutique vineyard
- boutique beef farm
- walking trails
- water sports
- maintenance compound
- associated infrastructure for energy and water supply, and wastewater treatment

The proponents are proposing a golf course development that follows the natural contours of the coastal land with turf being applied to areas without large scale excavation work being required. The aim is to integrate the development into the existing landscape wherever possible. The concept plan, while fluid at this stage, proposes that the golf course will be situated across the coastal dune areas, with the accommodation options, restaurant, clubhouse and other key infrastructure being developed on the raised cleared areas in the central portion of the development

area. The boutique vineyard and beef grazing will be established on the cleared land on the inland side of the property.

The original concept plan proposed 12 months ago is included as Figure 4 to give the reader an indication of the developments proposed. It should be noted however that this plan still includes the abalone farm but this is no longer a part of the development program.

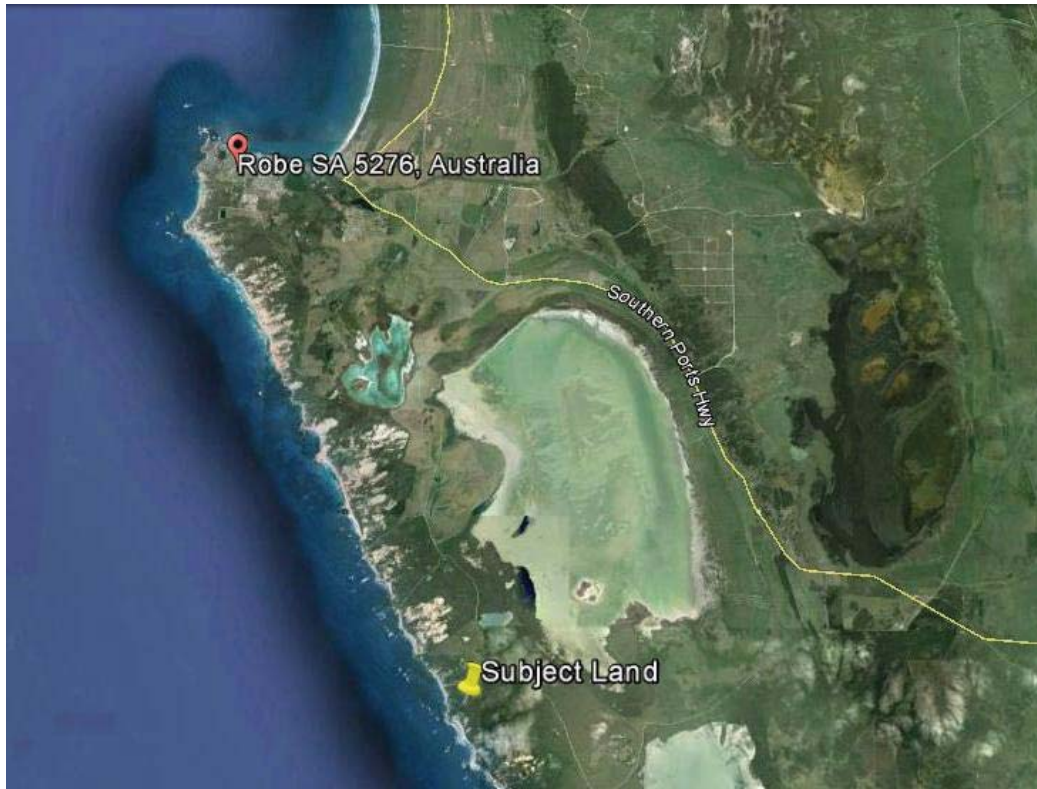


Figure 1: Location of proposed Nora Creina Resort development.

1.4 Study aims

This report details the results of the cultural heritage survey and the associated consultation process carried out in relation to the Nora Creina Resort. As noted above, a portion of the development area was the subject of an earlier cultural heritage assessment (Wood 2006) while the remainder of the development area forms the subject of this report. The results of this earlier study are summarized in the present report. This earlier report provided a comprehensive discussion of relevant ethno-historical and archaeological reference material and research. This material has been summarized for the purpose of the current report rather than presented in full again. Such duplication is considered unnecessary and it is anticipated that both reports will be used to inform the PER submission.

In accordance with AAR requirements for cultural heritage surveys the aims of the present study are as follows:

- Conduct a review of information held by AAR that relates to the proposed development area to identify any Aboriginal sites or objects known in the study area. This includes a search of the Register of Aboriginal Sites and Objects for any listings within the proposed development area as well as any relevant reports and other information contained in the central archive.



Figure 2: Proposed Nora Creina Resort development; Lots 14, 200, 201 and 202.

- Consult with AAR staff in regards to the project methodology in relation to the field survey and the Aboriginal community consultation process.
- Undertake a literature review of relevant ethno-historical and anthropological material and archaeological research to provide a cultural context for this study.
- Consult with traditional owners and Aboriginal people and organisations with an interest in the study area and arrange for community representatives to work with the consultant during the field survey.
- Undertake an Aboriginal cultural heritage survey of the study area and, in conjunction with the above review, identify any anthropological and/or archaeological sites and objects and assess whether the sites and objects are significant according to Aboriginal archaeology, anthropology and history.
- In conjunction with the representatives of the traditional owners and interested Aboriginal individuals and/or organisations make management recommendations in relation to any cultural material identified within the study area.
- Prepare a comprehensive report which documents the findings of the information reviewed, the consultation process, the methodology and results of the field survey and the recommendations made in relation to the cultural material identified.
- Prepare site cards for all new sites identified and submit these to AAR (in accordance with Section 20 of the *Aboriginal Heritage Act 1988*, see section 1.2 above).

Following the completion of the cultural heritage survey and reporting process the next step for the proponent is to submit an application under Section 12 of the *Aboriginal Heritage Act 1988* to seek a determination by the Minister as to whether the sites recorded are deemed to be sites under the Act and entered on the Register of Aboriginal Sites and Objects accordingly. In the event that any of the sites identified within the development area are to be damaged, disturbed or otherwise interfered with as a consequence of the development plans the proponent is advised to apply for authority to do this from the Minister under Section 23 of the Act (see section 1.2 above and Appendix 1).

1.5 Consultation and timing

The proponents, Justin and Damian Scanlon, contacted the consultant in late November 2014 to undertake a cultural heritage survey of the Nora Creina Resort development area. Initially, the proponents had contacted Vivienne Wood, the consultant who undertook the earlier cultural heritage assessment for the abalone



Figure 3: Aerial photography of the Nora Creina Resort development area indicating area of previous cultural heritage survey by Wood 2006 (shown in blue).

farm proposal in 2006. Ms Wood made initial enquiries to AAR in relation to the current development proposal - including a search of their Site Register and Central Archive - the results of which are contained in this report. However, as time progressed it turned out that due to other commitments she was unavailable to undertake the further work required in relation to the current Nora Creina Resort development proposal.

The consultant, Annie Nicholson, contacted Ms Wood and had a number of discussions in regards to both the proposed field survey of the Nora Creina Resort development and the associated Aboriginal consultation process. The results of the previous cultural heritage investigation undertaken in 2006 (for the abalone farm) were discussed as were the management recommendations made in relation to the

sites identified during this survey. Discussions were also had about the broader area now being proposed for development. The nature of cultural materials likely to be encountered, including the extent and condition of any such materials was discussed. Ms. Wood also provided background information relating to changes in the structure of community heritage organisations over recent years in this part of the South East region. This was particularly useful as the consultant last worked in the area 19 years ago.

Contact was then made with AAR and the Nora Creina Resort development discussed. AAR staff indicated that they have had recent discussions with the proponents (the Scanlons) together with their planner, Mark Baade of SK Planning in relation to the Aboriginal Heritage requirements for the PER document. At the request of the proponents the consultant provided AAR with a written methodology for the proposed cultural heritage survey.

The consultant visited AAR prior to heading into the field to undertake the cultural heritage survey. This provided an opportunity to discuss the proposed field strategy and the nature and condition of cultural materials likely to be encountered. The scale and make up of the proposed development was discussed and potential management options for cultural material identified within the area were



Figure 4: Original concept plan for proposed Nora Creina Resort development.

considered. Discussions were also had about the condition of Aboriginal sites in the region generally, most specifically the site management issues arising from uncontrolled vehicle access in foredune areas where extensive Aboriginal midden deposits are most commonly located. The management issues relating to the previously recorded site Errington Hole Midden that was revisited during the 2006 survey were also discussed (see Section 2.4).

AAR provided the consultant with advise in relation to the Aboriginal community groups operating in the area and indicated that the South East Aboriginal Focus Group (SEAFG) run through the Natural Resource Management Branch was the appropriate contact point. Contact was made with the Aboriginal Engagement Officer for this group, David New, and the Chairpersons – Kingsley A’hang and Robyn Campbell – were contacted. The Chairperson of Kungari – Irene Watson - was also contacted.

Discussions were held over December and January about putting a field team together to undertake the cultural heritage survey of the Nora Creina Resort development. The consultant attended the next SEAFG meeting held in Kingston on 13th February 2015. At this meeting the Nora Creina Resort development was discussed and the proponents made a presentation to the Focus Group. A field team was endorsed to undertake the cultural heritage survey in conjunction with the consultant. Those chosen to represent the Aboriginal community were Kingsley A’hang, Kerry Clarke Hunt, Doug Nicholls and Veronica Hay. Doug Nicholls was also involved in the 2006 cultural heritage survey. The field survey for the current project was conducted between the 15th and 17th February 2015.

There are currently no Native Title claims over the study area. However, Bianca Lena of South Australian Native Title Services (SANTS) was contacted. Bianca is the field officer for the South East region and she has had preliminary discussions with the Aboriginal community. As there is no Native Title claim over the Nora Creina Resort development area SANTS has not received notification of the proposed development. Given this situation SANTS has no comment regarding the Native Title situation on this land. Nevertheless, discussions with SANTS reinforced the consultant’s understanding of the SEAFG as an inclusive group representing the key Aboriginal families from the area.

2 THE STUDY AREA

2.1 Environmental description

The study area is located approximately 20km to the south of Robe in the South East of South Australia (see Figure 1). It consists of both cleared grazing land and coastal dune fields. The cleared land forms the inland portion of the property and is located between the coastal dune field and the Nora Creina road (Lot 14 and part of Lot 201

see Figures 2 and 3). This land has been used for cattle grazing over many years and was presumably cleared over 100 years ago.

The coastal dune field is part of a narrow coastal dune system that extends along this section of the coast and is known as the Robe Range (Laut *et al.* 1977:14). The active foredunes overly older consolidated dunes that are exposed along the shore in the form of low cliffs. The active foredunes have become increasingly consolidated since the 1990s when cattle grazing was controlled and then ceased through the fencing of the dune system. In the 1950s the dune field was almost entirely mobile and the dunes became aligned in a roughly east west directly virtually perpendicular to the coast. This is highly unusual and is considered to be a consequence of cattle movement from the inland grazing land to water point on the coast. Today there are only a few small patches of exposed sand generally associated with areas of limestone pavement that are resistant to vegetation cover.

The previous owner of the land planted many exotic species across parts of the dune system so the regenerated vegetation exhibited across the dunes today consists of a mix of local species and introduced species. Weeds have also invaded in some areas. The vegetation is generally dense with thick undergrowth characterising much of the dune field.

The adjacent coastline has recently been declared a marine park. It is a high energy coast consisting of sandy beaches and low headlands bordered by fringing reef. Extensive lagoons set back from the coast were once connected to the sea by narrow outlets. Lake Eliza to the east of the Nora Creina Resort development area is an example of such a lagoon and those at Robe and Beachport were once open to the sea.

There are a number of smaller lakes within the proposed development area. These are part of a string of lakes known as the Karinya Coastal Lakes Complex that extends from Robe to Nora Creina (DENR 2010). While these lakes have been subject to vegetation clearance in the past fencing over the last 10 years and associated revegetation have contributed to the establishment of an important wetland habitat. These lakes form a corridor which links up with the Little Dip Conservation Park in the north and heritage listed land to the south towards Nora Creina settlement.

2.2 Ethno-historical information

As mentioned above, the report prepared for the previous cultural heritage survey conducted in 2006 contains a comprehensive review of the ethnographic literature as it relates to Aboriginal customs, traditions and occupation in the South East of South Australia. This material is summarised below for the purposes of this report and the reader is referred to the earlier document (Wood 2006) for further details.

The proposed Nora Creina Resort lies within country belonging to the *Bunganditj* and people identifying as *Bunganditj* are recognised as the traditional spokespeople for

this country. Early researchers such as Tindale (1974) and Campbell (1934, 1939, with Noone 1943) recorded the *Bunganditj* as living along the coast from Guichen Bay to the Glenelg River and inland to Reedy Creek.

In the past there were a number of different dialect groups within the larger *Bunganditj* area and several of these are remembered today with particular families identifying as linguistic subgroups of the *Bunganditj*. There are a number of different Aboriginal organisations operating within the South East region and in many cases these reflect family or kinship groups identifying as particular linguistic subgroups.

Bunganditj people now live in many different towns across the South East as well as further afield. The pressures and requirements of life today mean that people often need to travel far from their core country in order to gain employment or for education, health or other reasons. Family ties are diverse with people having married into other groups and thus having links to several different parts of the country.

The South East Aboriginal Focus Group (SEAFG) coordinated through the Natural Resource Management (NRM) Board is the organisation that currently represents the different family groups and this is the organisation that at present deals with cultural heritage matters.

The ethno-historical records indicate that in the past this part of the South East was occupied in a seasonal manner with Aboriginal people tending to be concentrated along the coast in the summer months and then retreating inland to more sheltered locations on higher ground when weather conditions deteriorated and abundant rain filled the coastal swamps (see Foster 1983).

In summer people camped along the coast collecting shellfish and catching fish by both spear and net. Crayfish, yabbies and crabs were also caught. The most common shellfish collected were the turbo and the common limpet although a range of other species including variety of limpets, top shells, periwinkles, abalone, and chiton were also exploited. During these times people camped at open camp adjacent to the shoreline often close to areas where freshwater flowed into the sea. A range of plant foods were available in the coastal dunes during the summer months; fruits such as the native cherry, native apple and native current as well as a number of different tubers and roots (see Luebbers 1978).

Other coastal resources such as whales and seals were likely to have been exploited but more commonly in the rougher winter months. These larger animals would have been opportunistically scavenged when found washed up on the shore during forays to the coast after stormy weather (see Luebbers 1978, Foster 1983).

Winter camps were more sedentary affairs with huts built at preferred campsites on high ground tucked away from the prevailing winds. The huts were built from logs and covered in turf or skins were also used to cover them (see Foster 1983). During these times people subsisted more on mammals such as kangaroos, wallabies,

possums and wombats as these animals also retreated inland to higher ground as the coastal swamps expanded. These animals also provided a range of raw materials (bone and sinew) for use in the manufacture a variety of tools as well as skins for use as cloaks and hut coverings. The swamps themselves were also a focus for food resources as they were rich in waterfowl and other birdlife as well as plant foods and small swamp fish (see Foster 1983 and Luebbers 1978).

Historical sources indicate that a range of wooden implements were manufactured by the *Bunganditj* including boomerangs, spears, spear throwers, clubs, shields, and digging sticks. Most of these were made from sheoak trees. Baskets and mats were woven from coastal grasses, as well as from reeds and rushes found around the swamps (Pretty *et al.* 1983).

The historical era saw rapid change occur in the South East region with the Aboriginal population being decimated through the introduction of diseases such as smallpox, tuberculosis, pneumonia, influenza and whooping cough. As the traditional lands became acquired by European settlers, the *Bunganditj* became more reliant upon the new settlers for food resources in the form of rations in return for labour on the farms and settlements which sprung up along the coast and nearby areas. The original patterns of seasonal movement and the easy access to the diverse range of traditional resources became replaced by a reliance on unfamiliar food resources and a way of life was changed forever.

2.3 Archaeological research

Archaeological investigations in the South East commenced in the 1930s (see Tindale 1933, McCarthy 1938, Campbell 1934, 1939, Campbell and Noone 1943, Campbell *et. al.* 1946). PhD research by Luebbers in the 1970s and site recording by Wood in the 1990s has added to the archaeological knowledge of the region. This information has been presented in detail in the earlier report prepared in relation to the proposed abalone farm development (Wood 2006) and is summarised here.

Evidence of occupation in this area is considered to fall into two categories; an early period of occupation (10,000-6000 years ago) which focussed around the wetlands and swamps that formed between the Pleistocene dune ridges as a result of rising sea levels and a later period (6,000-to present) which saw the stabilisation of the current coastline and occupation focussing on the exploitation of coastal resources. The early phase occupation sites have been found to contain distinctive stone tool assemblages characterised by larger, blockier tools consisting of a range of scrapers and cores used also as tools.

The later phase of occupation is considered to be characterised by two different types of site distributions – sites dating to the period from 6,000-1,300 years ago tend to be located on hind-dune surfaces as well as present in small numbers up to several kilometres inland, while sites dating from 1,300 years ago to the present day are typically large shell middens located along clifftops and adjacent sanddunes. While this occupation focussed heavily on the shellfish resources available in the

intertidal zone, the inland swamps and wetlands would still have provided important subsistence environments throughout the Holocene as the ethno-historical evidence indicates.

The shell species and stone artefact assemblages associated with the coastal midden deposits have been found to vary. The earlier midden sites have been found to consist predominantly of either cockle (*Plebidonax*) or mussel (*Brachidontes*) shells, both species that are no longer found locally, and low numbers of microlithic stone tools. The more recent sites are predominantly turbo middens with smaller numbers of other species such as limpets and a range of modern reef gastropods. Stone artefacts are present in these sites but few microlithic tools are found with most assemblage being dominated by flakes and flaked pieces of flint (Wood 2006, see Luebbers 1978).

Excavations of midden sites in the Little Dip Conservation Park, 2km to the north of the present study area have revealed results consistent with this site patterning. A turbo midden located on the seaward side of coastal dune was dated to approximately 500 years ago while another midden located on the landward side of the dune and containing *Katelysia* shells was dated to around 8,000 years ago (Cann *et al.* 1991 in Wood 2006).

Coastal archaeological survey work undertaken by Wood (1995) revealed that middens located adjacent to rocky shores and reef platforms are the most common type of site found in the region. While other site types including stone artefact scatters, rockshelters, art sites, burials and quarries were located during this survey of the coast and adjacent hinterland between Kingston and the Victorian border rocky shore middens were by far the most abundant site recorded. The diverse array of edible molluscs available in these coastal zones meant that they were the richest resource zone on the coast and were exploited accordingly.

2.4 Previous cultural heritage survey

A previous cultural heritage survey was undertaken of a portion of the current development area in 2006 for a proposed abalone farm. The extent of this survey is indicated on Figure 3. Six sites were identified during this survey (Figure 5). One of these sites had previously been recorded and was already listed on the AAR Site Register (Errington Hole Midden Site No. 6823-2633). The other five, referred to as German Point Sites 1-5, were new areas of cultural material and have since been listed on the AAR Site Register as follows; Site nos. 6823-7076, 6823-7077, 6823-7078, 6823-7079, 6823-7080 (see Wood 2006 for full site descriptions).

Errington Hole Midden consists of a broad scatter of shell material located on a coastal headland at the northern end of the proposed development area. This is a large site made up of eroding midden material extending semi continuously for several hundred metres along the cliffedge. Some areas of stratified deposit remain. Shell material, largely turbos (*Subnivalia undulata*), rests both on the eroded limestone pavement and the coastal foredune which caps the headland. Other

species present include limpets, abalone, tulip and cartrut shells. Small numbers of stone artefacts are scattered amongst the shells consisting largely of unmodified flakes and flaked pieces made from flint.

The site has suffered the effects of both natural erosion and considerable damage through vehicle and pedestrian activity as beach access is through this site. The site condition was considered to be poor to moderate at the time of the earlier survey and it was recommended that the beach access track be closed. This has not occurred due to requests from the local fishing community that the track remain open. Some fencing and erosion control measures have taken place but with limited success due to the high visitation rates as a consequence of the sites location within the Little Dip Conservation Park.

Of the five new areas of cultural material recorded during the previous cultural heritage survey, four (German Point Sites 1 (6323-7076), 3 (6323-7078), 4 (6323-7079) and 5 (6323-7080)) consisted of low density scatters of shell material and small numbers of flint artefacts. Three of these sites (German Point Sites 1, 3 and 4) were found in deflations located in swales immediately behind the foredunes while the fourth, a considerably smaller site (German Point Site 5), was identified 800m back from the coast on a low dune overlooking a small, semi-permanent wetland. The fifth site recorded during the previous cultural heritage survey (German Point Site 2 (6323-7077) is an extremely dense midden deposit located on a low cliff extending seaward.

The shell species present at all of the sites were predominantly turbo and limpet, species that are available locally on reef platforms along the adjacent rocky shoreline. Following Luebbers (1978,) these sites were considered to date to the recent period, from around 1,300 yeas BP to the present.

The sites were all found to be suffering from the effects of natural erosion with *in situ* deposits of shell material present only at German Point Site 2. German Point Sites 1, 3, 4 and 5 were considered to be of low archaeological significance due to being low density scatters with little if any structure and limited site contents. They also represent a site type that is common in this area. German Point Site 2 was assessed as having moderate to high significance due to the presence of stratified deposits and a large number and range of stone artefacts which together gives the site research potential. The Errington Hole Midden Site was also considered to be of moderate to high significance due to its large size and comparative diversity of content including extremely dense, stratified cultural material.

As mentioned earlier, it was recommended that the five new areas of cultural material identified during the previous survey be determined to be sites and be listed on the AAR Site Register and this has occurred (as noted above). It was further recommended that if the sites were to be impacted by the proposed development that site mitigation work be undertaken. It was suggested that this could involve archaeological test excavations to collect samples for radiocarbon dating. It was also

recommended that management plans be established for those sites not affected by the development.



Figure 5: Location of sites recorded during the 2006 cultural heritage survey (boundary of Nora Creina Resort development area shown in orange).

A further recommendation was made stating that all construction works be monitored by the Traditional Owners. This relates to the concern expressed by Traditional Owners during the course of previous cultural heritage survey about the potential of burials to be present within the study area. The report also drew the developers' attention to the requirement under the *Aboriginal Heritage Act 1988*, that in the event that cultural materials, in particular burials, are found during earthworks associated with the development, that all work should cease immediately and AAR and the relevant Aboriginal organisation be contacted to determine the best way to proceed. It is important to note here that now the current procedure is to notify the South Australian Police (SAPOL) immediately if Aboriginal remains are discovered.

As part of the background research undertaken for this earlier cultural heritage survey the Register of the National Estate was consulted and it was found that there is a site listed 5km to the south of the present study area. This site is located within the Nora Creina Historic Reserve (Database No. 8047) and comprises Aboriginal

middens and rockshelters containing stratified cultural deposit as evidence of Aboriginal occupation of the area (from Wood 2006).

Information held by the South Australian Museum were also reviewed as part of the research conducted for the earlier cultural heritage survey (Wood 2006). Artefact collections from the Robe area are held by the Museum but none derive from the present study area. Similarly, while there are reports of burials being discovered in coastal areas between Robe and Beachport, none were recorded from within the proposed development area.

No sites of mythological significance have been identified in the development area during background research conducted for this and the earlier study (see Wood 2006).

3 SURVEY METHODOLOGY

Three days were spent in the field undertaking the survey of the proposed Nora Creina Resort development (15th-17th February 2015). Prior to the field survey a brief visit was made to the development area by the consultant in conjunction with the proponents, Justin and Damian Scanlon. The proponents indicated the boundary of their land holding which equates to the proposed development area and informed the consultant as to the available vehicle access routes through the area. This visit was made on the morning of 13th February 2015 prior to attending the SEAFG meeting.

The cultural heritage survey commenced by relocating the sites recorded during the earlier 2006 site inspection undertaken within the development area for the previously proposed abalone farm development. The location and extent of this earlier survey is indicated on Figure 3. The area covered by the present study is identified on Figure 6 below (Figure 6 includes areas revisited in order to view the sites identified during the 2006 survey).

The survey initially focused on the coastal parts of the development area (Plate 1). Detailed pedestrian survey was undertaken along the coastline, to the south of the 2006 field area (compare Figures 3 and 6). A series of deflations and exposures of calcrete pavement located immediately behind the foredunes were identified on aerial images of the development area and these were targeted for inspection as potential site locations.

Ground surface visibility was found to be high in the inter-dunal swales and associated areas of calcrete pavement (90-100%). Vegetation was minimal in these areas. The adjacent foredunes exhibited varying degrees of vegetation cover and ground surface visibility varied from poor to moderate accordingly (10-70%).

The coastal dune system that extends inland exhibited a dense cover of vegetation (Plate 2). This dune field was largely de-vegetated as a result of cattle grazing 70



Plate 1: Rocky coastline adjacent to the development area.

years ago and vegetation has reestablished itself incrementally over the last 25 years. Access to vantage points both from the coastal and inland side of this dune system revealed the absence of any deflated areas within this portion of coastal dune band.

Existing tracks through this dune system were driven and inspected for potential site locations. In addition, several forays were made into the dune field from the inland side of two of the lakes bordering the dune field – see Figure 5. In these area vegetation growth was dense however animal tracks and areas of clear ground either on dune crests or beneath larger vegetation allowed for a degree of ground surface visibility (5-30%). The reduced visibility conditions hindered ground surface exposure across much of the rear portion of the coastal dunefield. It was considered that further field time would reveal little additional archaeological information (see Figure 6 for survey coverage map).

Following the inspection of the coastal areas a pedestrian survey was undertaken of the perimeters of the small lakes and semi-permanent wetlands present within the proposed development area (Plate 3). This involved inspecting areas adjacent to the lakes, both the adjacent flats, slopes and nearby areas of raised ground. Visibility in these areas was generally high (50-80%) as the country has been cleared for grazing



Plate 2: View across the coastal dunefield.

and current dry conditions meant that grass growth was limited and there were many areas of exposed ground.

The raised ground in the centre of the development area where much of the infrastructure related to the Nora Creina Resort is proposed was also inspected on foot. Once again visibility conditions were good due to land clearance and limited grass growth (50-80%). The likelihood of sites being located in this area and elsewhere on the open flats away from the lakes was considered low. As a consequence the field team considered the areas inspected (see Figure 6) to be a sufficient sample of these terrain types.

All cultural material identified was recorded using hand-held GPS units (Datum WGS 84). Site cards have been completed and will be provided to AAR, SEAFG and the proponent. Site plans were drawn from Google Earth imagery and site boundaries defined using a series of GPS waypoints taken in the field to ensure accurate identification of the extent of cultural material identified during the survey.



Plate 3: Lakes lining the inland side of the coastal dunefield.

4 RESULTS AND SITE SIGNIFICANCE ASSESSMENT

4.1 Nora Creina Sites

A total of 12 new areas containing cultural material were recorded during the recent cultural heritage survey of the proposed Nora Creina Resort development. All of these were shell middens. Their locations are shown on Figure 6 (NC 1-12) and detailed site descriptions are presented in Appendix II.

The 12 sites recorded range from small, low density surface scatters of shells (NC 4, 11, 12) to medium scatters of shells associated with limited numbers of stone artefacts (NC 1, 2, 7, 8) to extensive scatters of shells and some stone artefacts covering broad areas (NC 5, 6, 10) and other sites which contain *in situ* deposits of stratified shell material and higher numbers of stone artefacts (NC 3, 9).

Most of the sites were found immediately on the coast, either on low cliffs overlooking rocky shorelines (NC 8, 9, 10) or in deflations and across areas of exposed calcrete pavement located immediately behind the foredunes (NC 1, 2, 3, 4, 5, 6, 7). These areas are largely clear of any vegetation cover and the cultural materials are exposed through erosion. While the survey team felt confident in the



Figure 6: Survey coverage of the proposed Nora Creina Resort development area (blue shading indicating areas inspected, boundary of area covered in 2006 survey indicated in green – see Figure 3 for more detail).

site boundaries defined in the field, it is possible that the sites may be larger than recorded with cultural material extending beyond the current boundaries due to reduced visibility conditions in the adjacent areas.

Two sites were found set back from the coast, on the inland side of the coastal dune field (NC 11, 12). These sites were small scatters of individual turbo shells (and one limpet at NC 12) exposed in loose soil and comparatively dense vegetation cover. Once again it may be possible that the sites extend beyond the currently defined boundaries with additional cultural material obscured by vegetation cover.

Nevertheless, it is considered that these sites will remain restricted to small scatters of a limited range of shells, and will remain substantially smaller than the coastal sites.

The most common shell species on the coastal sites is the smaller turbo species, *Subninella undulata*. These shells make up the majority of the surface scatters of shell material as well as the *in situ* stratified lenses. Individual clusters of these shells were identified at a number of the sites. In some cases the shell material is highly fragmented while at other sites the shells are mostly intact apart from where their sidewalls have been smashed to extract the flesh. Turbo operculum are abundant across all the sites, and some appear to have been burnt.

Other shell species present include the larger turbo species (*Turbo torquatus*), the common limpet (*Cellana tramoserica*), a range of other limpets, as well as oyster (*Ostrea angasi*), several species of mussel (*Brachidontes spp.*), abalone (*Haliotis spp.*), cockles and individual shells of a range of large gastropod species including *Pleuroploca australasia*, *Dicathias textiliosa*, *Thais orbita* and *Bullaria botanica*. All of these are rocky shore species available locally on the reef platforms that extend along the rocky shoreline adjacent to the development area.

Some of the mussel shells appear to have become calcified. These shells are located at a couple of the sites and on each occasion are represented by only a small number of individual shells. The shells exhibit thick, lateral ribbing and may represent the species *Brachidontes rostratus* that is no longer common in the local area. Middens of this species of mussel recorded to the south of the study area are considered to date to the earlier phase of coastal occupation between 6000 and 1,300 years ago (see Luebbbers 1978).

Stone artefacts were identified at all but the smallest of the midden sites – no artefacts were found at the two small sites located on the inland side of the coastal dune field (NC 11, 12), nor at the small site located on a small rocky exposure behind the foredunes (NC 4). Artefact totals and densities increase as the size of the midden deposit increases.

Most of the artefacts are made from locally available flint derived from water rolled cobbles. Many of the flint artefacts exhibit a high percentage of nodular cortex reflecting the proximity of their source. Most artefacts are unretouched flakes or flakes pieces, cores or core fragments with little retouch noted on the stone artefacts recorded. A higher number of retouched artefacts as well as thinner, finer flakes were identified at the larger sites. A small number of chert artefacts as well as a few artefacts made from quartzite and poor quality local limestone were identified. At several sites manuports of unflaked limestone rocks were recorded. These were roughly oval, flat rocks possibly used for shell processing.

The results of the survey indicate a clustering of larger, more extensive and diverse sites in near shore areas, both immediately overlooking the present coastline as well

as in deflations located within several hundred metres of the shoreline. Only a couple of very small sites were identified away from these areas. In part this could be seen as a reflection of survey bias towards the deflated areas which characterise the immediate coastal hinterland where conditions of ground surface visibility were increased. The adjacent coastal dunefield is largely heavily vegetated and few deflated areas were identified limiting the opportunity for ground surface inspection. The possibility thus remains that cultural material may be present within sections of the coastal dunefield which were not able to be inspected, although, given the site patterning encountered during both this survey and the 2006 study, it is considered that any such material is likely to be of a sparse and restricted character. However, the possibility remains that burials may be present within this coastal dunefield. Burials have been recorded in similar locations in the south east coastal region although at this stage none have been identified in the Nora Creina area. The SEAFG members are concerned about the possibility of burials and additional cultural material being present in the coastal sand dunes and recommendations have been made to ensure that excavation works be monitored by SEAFG representatives to ensure any cultural material present in these areas is identified and appropriately managed.



Figure 7: Location of sites recorded during the cultural heritage survey; Nora Creina Sites 1-12 (NC 1-12) shown in purple (with sites recorded during the 2006 survey shown in red).

4.2 Site Significance

An assessment of site significance is an intrinsic aspect of cultural heritage surveys. Significance assessment allows the scientific and cultural values of the sites recorded to be quantified and thus assists in the development of management and mitigation options for those sites. Generally, significance assessments allocate a ranking of low, moderate or high and this is based on the specific context of the site. The scientific, or research value of a site will depend on the rarity, quality and representativeness of that site, and on the site's ability to contribute substantially to research (ICOMOS 1992:72-73, see also Pearson and Sullivan 1995). The cultural values of a site are more subjective and difficult to quantify but are nevertheless an essential component of significance assessments.

The recent field survey added 12 sites to the six already recorded within the proposed development area resulting in a total of 18 Aboriginal sites now being known within the proposed Nora Creina Resort development area. As described above, all of the sites are shell middens varying in size and diversity of content. Most are located within the coastal strip, with several being located immediately adjacent to the beach and others extending across deflations and eroded surfaces up to 250m inland. Only a couple of sites were identified away from the coast and these were limited to extremely small scatters of shells.

Several of the middens recorded immediately on the coast represent significant deposits of cultural material. Nora Creina Site 9 is a large midden site eroding out of a foredune located on the edge of a low cliff overlooking a broad expanse of reef platform. The site contains several exposures of *in situ* shell deposit as well as extensive areas of eroding midden material. Nora Creina Site 3, located in a swale immediately behind the foredunes, contains a broad scatter of shell material that appears to represent the deflated remains of a midden mound. The site also contains a small section of what seems to be an *in situ* shell lens. Nora Creina Site 6 is a broad scatter of midden material located a short distance back from the beach in a discrete deflation. The site consists of eroding scatters of shell material, several of which appear to be the remains of discrete midden mounds.

In addition to these sites, two of the sites recorded in the earlier 2006 survey, German Point Site 2 (6323-7077), and the Errington Hole Midden (6323-2633), are also considered to be of high archaeological significance. German Point Site 2 is an extremely dense midden located on a low cliff overlooking the rocky shoreline and the site contains thick layers of *in situ* shell deposits. Both these sites were assessed as having moderate to high significance during the 2006 survey. The significance of the German Point Site 2 is now considered to be greater as middens unaffected by 4WD activities and other human interference are rare along this coast due to increased recreation activities in coastal areas over the last decade. While the

of South Australia. This concern was reinforced through consultation with AAR staff who expressed the view that the last decade has seen a substantial loss of and damage to archaeological cultural material in this coastal area through increased visitation and use of mechanized vehicles to access beaches and near shore coastal environments.

The remainder of the sites recorded during the present survey and the earlier 2006 survey are considered to be either of moderate archaeological significance (Nora Creina Sites 1, 2, 5, 7, 8 and 10) or low archaeological significance (Nora Creina Sites 4, 11 and 12, German Point Sites 1, 3, 4 and 5). Those attributed moderate archaeological significance are middens either containing reasonably varied content or covering considerable areas. While these sites, like all those recorded, have been effected by the processes of natural erosion, none have been impacted by any other form of disturbance such as vehicle activities, and are largely exempt from human visitation. Those sites accorded low archaeological significance are small surface scatters of shells with few, if any, stone artefacts.

Consultation with Aboriginal community representatives during the course of this study has indicated that the community holds strong views about the significance of all evidence of past Aboriginal occupation in the region. Aboriginal sites are seen as an integral part of the broader natural environment and their landscape setting combines with specific site characteristics to present an integrated reflection of Aboriginal occupation of this coastal landscape. As a consequence, all of the sites identified within the proposed Nora Creina Resort development area are considered to be of high significance to Aboriginal tradition.

5 Recommendations

A key outcome of the cultural heritage survey undertaken in relation to the proposed Nora Creina Resort development has been identifying the South East Aboriginal Focus Group (SEAFG) as the appropriate body for all future consultation in regards to the Aboriginal cultural heritage values of the proposed development area. The SEAFG will act as conduit to the broader Aboriginal community. The recommendations highlighted below have been developed in conjunction with the SEAFG working group.

The SEAFG have serious concerns in relation to developments such as the Nora Creina Resort. If this development progresses, the SEAFG strongly recommended that a Heritage Agreement be developed as soon as possible between the proponent and the SEAFG. This agreement will formalise a working relationship between the two parties and stipulate strategies to be implemented in relation to preserving and protecting the cultural material present within the development area. While individual Aboriginal sites are significant in their own right, such sites are seen as part of a larger cultural landscape that requires consideration and protection. The Heritage Agreement would also recognize the cultural values that the Aboriginal

community hold in relation to the land as a whole and would identify ways in which these values could be explored and incorporated within the proposed development.

The following specific recommendations are made in relation to the proposed Nora Creina Resort development area:

- In accordance with Section 20 of the *Aboriginal Heritage Act 1988* it is recommended that the sites recorded during the cultural heritage survey be reported to AAR (Aboriginal Affairs and Reconciliation) and site cards submitted. Copies of the site cards will be provided to the South East Aboriginal Focus Group (SEAFG). It should be noted that while all attempts were made to accurately define site boundaries it remains possible that cultural materials may extend beyond the currently defined site boundaries. It is thus recommended that a minimum buffer zone of 50m be established around the sites to ensure that no inadvertent damage occurs during the works proposed.
- In accordance with Section 12 of the *Aboriginal Heritage Act 1988* it is recommended that the 12 new areas found to contain cultural materials (Nora Creina Sites 1-12) be determined to be sites and included on the Register of Sites and Objects held by AAR (Aboriginal Affairs and Reconciliation).
- It is recommended that Nora Creina Sites 3, 6 and 9, German Point Site 2 (6323-7077) and the Errington Hole Midden (6323-2633) remain undisturbed by activities associated with the development of the Nora Creina Resort. To ensure that no cultural material is damaged, it is further recommended that the site areas (including buffer zones) be clearly marked. This would require the engagement of representatives of the Aboriginal community through consultation with the South East Aboriginal Focus Group (SEAFG). If specialist assistance is requested by the SEAFG, the proponent should seek to engage the services of a specialist to assist in the demarcation of site areas (including buffer zones) to ensure their protection.
- It is recommended that all attempts be made to preserve the other sites identified within the development area; Nora Creina Sites 1, 2, 4, 5, 7, 8, 10, 11 and 12, and German Point Sites 1 (6323-7076), 3 (6323-7078), 4 (6323-7079) and 5 (6323-7080). Once again, a minimum buffer zone of 50m is recommended around the sites to ensure this protection.
- If it is found that any sites are to be disturbed, damaged or otherwise interfered with by the works proposed the proponent is advised to seek an application to the Minister under Section 23 of the *Aboriginal Heritage Act 1988*. It is recommended that site mitigation works be undertaken prior to the commencement of any development activities which may affect the sites.

This would involve a detailed recording of the sites' contents and the possible collection of cultural materials. Any such work would be undertaken by the Aboriginal community through consultation with the South East Aboriginal Focus Group (SEAFG) with the assistance of specialists where requested. It is the request of the SEAFG that all cultural materials remain on site and depending on the nature of the mitigation works undertaken this may require the establishment of a keeping place where any such cultural materials could be housed. Archaeological test excavations may be considered an option in order to obtain shell or charcoal for radiocarbon dating purposes (an application under Section 23 of the *Aboriginal Heritage Act 1988* is also required to undertake test excavation). Once again, any such works should be undertaken by the Aboriginal community (through the SEAFG) with assistance, where required, from specialists. Consideration should be given to the long term on site housing of any cultural materials involved in the above works.

- It is further recommended that all excavation works associated with the Nora Creina Resort development be monitored by Aboriginal community representatives identified through consultation with the South East Aboriginal Focus Group (SEAFG).
- In accordance with Section 20 of the *Aboriginal Heritage Act 1988*, it is recommended that the developer be aware that in the event of cultural material being encountered during excavation works associated with the development that all work should cease and contact made with AAR and the Aboriginal community through the South East Aboriginal Focus Group (SEAFG) to determine the appropriate course of action. In the event that Aboriginal remains are encountered, all work should cease and the South Australian Police (SAPOL) notified (see Appendix 1, DSD-AAR Aboriginal Heritage Guideline 11).
- Development plans prepared for the proposed Nora Creina Resort have incorporated notions of a cultural centre and the development of walking trails as a way to incorporate and highlight aspects of the areas Aboriginal heritage. It is recommended that any such plans be developed in close conjunction with the Aboriginal community through the South East Aboriginal Focus Group (SEAFG).
- It is recommended that serious consideration and an outcome driven commitment be given to the development of employment opportunities for members of the Aboriginal community through consultation with the South East Aboriginal Focus Group (SEAFG) in relation to all stages of the proposed Nora Creina Resort development. To facilitate a positive outcome it is recommended that this be done in conjunction with regional employment

service providers who have proven experience in these areas, such as Burrendies Aboriginal Corporation based in Mt Gambier.

- It is recommended that the next step for the proponent is to develop a Heritage Management Plan, as per the conditions of the PER, for the sites recorded within the development area. This management plan should be developed in conjunction with the Aboriginal community through consultation with the South East Aboriginal Focus Group (SEAFG).

CONTACT DETAILS

South East Aboriginal Focus Group

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Aboriginal Affairs and Reconciliation

Department of State Development

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GPO Box 320,

Adelaide SA 5001 ph 08 82268900

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APPENDIX 1
DSD-AAR Aboriginal Heritage Guidelines



5

Determining sites and objects under section 12 of the *Aboriginal Heritage Act 1988*

DSD-AAR Aboriginal Heritage Guideline

- You can request a determination about whether there are any Aboriginal sites or objects in your project area.
 - Section 12 particularly applies to anyone doing a project that will require ground disturbance.
 - Submit your section 12 application early in the planning stages of your project.
 - Once a site or object has been determined to be an Aboriginal site or object, it will be entered on the Register of Aboriginal Sites and Objects.
 - A registered site has legal status and is recorded on the land title.
- **Section 12 ...** If you want to undertake activities on an area of land, you can seek a determination from the Minister for Aboriginal Affairs and Reconciliation under section 12 of the *Aboriginal Heritage Act 1988* (the Act), about whether a site or object is an Aboriginal site or object as defined by the Act. You may also seek an authorisation pursuant to section 23 of the Act to damage, disturb or interfere with an Aboriginal site or object.
- It is strongly recommended that for developments requiring ground disturbance, a section 12 application is submitted early in the planning stages of the proposed activity, particularly when it is likely that Aboriginal sites, objects or remains may be impacted. This will ensure that adequate time is available for the process to be concluded.
 - Failure to lodge a section 12 application at an early stage may cause delays to the commencement of a project.
 - Following the application and the necessary consultation process, the Minister is then required to determine whether entries should be made in the Register of Aboriginal Sites and Objects or not. It is important to note that this process generally takes between 4 and 6 months to allow for adequate consultation.
- **Applying for a section 12 determination ...** you should provide the following information:
- Name of applicant or organisation
 - Name of contact person and position, and contact telephone number
 - Name of proposed project/development/activity
 - Mailing address
 - Email address
 - A map that clearly shows the nominated area(s) of land, including certificates of title and land ownership
 - Copies of any research (e.g. cultural heritage surveys)
 - Advise the Department of State Development Aboriginal Affairs and Reconciliation (DSD-AAR) if you have any time constraints for delivery of your project



■ **Cultural Heritage Survey ...**

- The Minister will require expert archaeological and/or anthropological opinion in the form of a cultural heritage survey to assist in determining whether the area of the proposed development contains Aboriginal sites or objects that should be entered on the Register of Aboriginal Sites and Objects.
- If you have not done so already, you will be required to engage an archaeologist and/or anthropologist to conduct a cultural heritage survey (see guideline 15 for more advice on this process).
- The survey documentation will be reviewed by DSD-AAR when your application is received.
- If further information is required you will be advised and will need to provide this to DSD-AAR before the consultation process can commence.

- **Consultation ...** DSD-AAR must conduct a consultation process under section 13 of the Act, which may include a public meeting for interested Aboriginal people. The Minister then considers the views of people consulted before granting a determination to register a site.

■ **Minister's Determination ...**

- At the end of the consultation process, DSD-AAR assembles all information about any Aboriginal sites located within the development area, including all written and oral submissions and minutes from the consultation meeting, and the views of the State Aboriginal Heritage Committee.
- This information is provided to the Minister to assist in the decision making process to determine whether or not sites or objects should be included on the Register of Aboriginal Sites and Objects.

- **Registration ...** following the Minister's determination, DSD-AAR will enter any determined sites or objects into the Register of Aboriginal Sites and Objects.

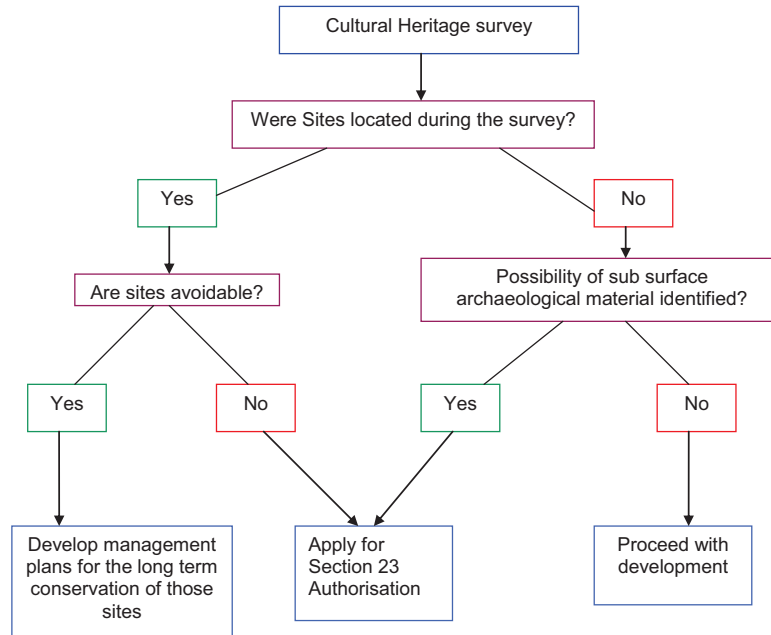
- The Minister may also determine that certain sites or objects are not Aboriginal sites or objects of significance and therefore should not be entered on the Register.
- The section 12 applicant, plus key Aboriginal organisations and individuals who have made oral or written submissions, will be advised of the Minister's determination.
- If sites or objects are present on the land and determined to be of significance, the applicant must then decide if they wish to apply to the Minister, pursuant to section 23 of the Act, to damage disturb or interfere with Aboriginal sites or objects if these sites cannot be avoided during ground disturbing activities.

DISCLAIMER: This document is a guide only and should not be relied on to ensure compliance with the *Aboriginal Heritage Act 1988*. Persons proposing to undertake activities that may damage, disturb or interfere with Aboriginal sites, objects or remains should seek specific advice.

CONTACT -AAR) on telephone (08) 8226 8900 or email dsdaarheritagesites1@sa.gov.au



Decision making flowchart





EXTRACTS *Aboriginal Heritage Act 1988*

12—Determination of whether site or object is an Aboriginal site or object

- (1) If a person proposes to take action in relation to a particular object and that action may constitute an offence against this Act if the object is an Aboriginal object, the person may apply to the Minister under this section.
- (2) On an application under subsection (1), the Minister must—
 - (a) if the object is entered in the Register of Aboriginal Sites and Objects, give the applicant written notice that it is so entered;
 - (b) if the object is not entered in the Register, determine whether it should be so entered and give the applicant written notice of the determination.
- (3) If a person proposes to take action in relation to a particular area and that action may constitute an offence against this Act if the area is, is part of or includes an Aboriginal site or if an Aboriginal object is located in the area, the person may apply to the Minister under this section.
- (4) On an application under subsection (3), the Minister must—
 - (a) determine whether any entries should be made in the Register of Aboriginal Sites and Objects in relation to sites or objects in the area that are not so entered and give the applicant written notice of the determination; or
 - (b) subject to subsection (5), give the applicant written notice of the location of each Aboriginal site or object in the area that is entered, or that the Minister has determined should be entered, in the Register.
- (5) The Minister must not disclose the exact location of a site or object if, in the Minister's opinion, the disclosure is likely to be detrimental to the protection or preservation of the site or object or to be in contravention of Aboriginal tradition.
- (6) The Minister may, within 20 working days after receiving an application, require an applicant to provide information in connection with the application or to engage an expert acceptable to the Minister to do so.

- (7) Where the Minister requires information to be provided under subsection (6), the Minister must determine the application within 30 working days of receiving that information.
- (8) The Minister may refuse to entertain an application under this section on the grounds—
 - (a) that the area or object is insufficiently identified; or
 - (b) that the application is not genuine; or
 - (c) that the Minister does not have the resources to determine the application.

13 – Consultation on determinations, authorisations and regulations

- (1) The Minister must—
 - (a) before making a determination under this Act; or
 - (b) before giving an authorisation under this Act; or
 - (c) before a site or object is declared by regulation to be an Aboriginal site or object or is excluded by regulation from the ambit of the definition of Aboriginal site or object,take all reasonable steps to consult with—
 - (d) the Committee; and
 - (e) any Aboriginal organisation that, in the opinion of the Minister, has a particular interest in the matter; and
 - (f) any—
 - (i) traditional owners; and
 - (ii) other Aboriginal persons, who, in the opinion of the Minister, have a particular interest in the matter.
- (2) When determining whether an area of land is an Aboriginal site or an object is an Aboriginal object, the Minister must accept the views of the traditional owners of the land or object on the question of whether the land or object is of significance according to Aboriginal tradition.
- (3) This section does not apply to—
 - (a) a determination under section 24(8); or
 - (b) an authorisation under section 27 or 36.

How to apply under Section 23 of the *Aboriginal Heritage Act 1988*

Authorisation to damage, disturb or interfere with Aboriginal sites, objects or remains

A person must not, without the authority of the Minister for Aboriginal Affairs and Reconciliation —

- a) damage, disturb or interfere with any Aboriginal site; or
- b) damage any Aboriginal object; or
- c) where any Aboriginal object or remains are found—
 - (i) disturb or interfere with the object or remains; or
 - (ii) remove the object or remains.

Under the *Aboriginal Heritage Act 1988*, a proponent or developer **must** seek an authorisation from the Minister for Aboriginal Affairs and Reconciliation if any ground disturbing activity will result in damage, disturbance or interference to an Aboriginal site, object or remains.

Requesting an Authorisation

Applications for authorisations may be made in writing using the proforma provided by the Department of State Development, Aboriginal Affairs and Reconciliation (DSD-AAR). Completed applications should be submitted with all the supporting documentation and detail the following:

1. Applicants details

The applicant is the individual or organisation to whom the authorisation will be granted. You will need to provide:

- full name of applicant(s)
- name of the organisation (with ABN)
- business address

A contact person is the person to whom all departmental correspondence related to the application will be addressed. You will need to provide this person's:

- full name and position
- full contact details including telephone and email

2. Authorisation area

You will need to clearly identify the area of land over which an authorisation is sought. This might include a certificate of title reference and/or an exploration lease number. You should also describe the current land use, for example whether it is currently developed or not, and the current condition of the area. You may attach a map clearly outlining the area over which the authorisation is sought and copies of any relevant licences or leases over the area. It is important to indicate:

- whether the application is to cover the whole or only part of a parcel of land or lease.
- who the application will apply to (e.g. applicant only or including any agents, staff and contractors)

3. Project Description

You should clearly describe the proposed ground-disturbing activities and the scale and scope of those activities. Included in your description would be:

- purpose of the activities (e.g. house, hospital, playground)
- nature of the activities (e.g. foundations, infrastructure)
- accurate mapping detailing the precise nature of ground disturbing works including dimensions and coordinates

4. Project Plan

Any planning approvals, allotments or new division numbers that may be issued as part of a development should be detailed. This section should also include:

- proposals for disposal or future use of any soil/spoil from excavation or other ground-disturbing activity
- project timeframes.

5. Stakeholder Consultation and Consent

Applications should detail efforts by the applicant to identify and understand the nature of the Aboriginal heritage in the project area. A search of the Register of Aboriginal Sites and Objects can assist to identify Aboriginal heritage and the relevant Traditional Owners. Not all Aboriginal sites in South Australia are listed on the Register; however, all Aboriginal sites are protected under the *Aboriginal Heritage Act 1988*. An Aboriginal heritage survey of the proposed authorisation area would normally include recommendations regarding the Aboriginal heritage located within the area.

Your application should provide details of the outcomes of:

- any enquiries about Aboriginal heritage in the project location to the Department of the State Development, Aboriginal Affairs and Reconciliation (DSD-AAR)
- contact with Traditional Owners or Aboriginal heritage groups or interests, prior to application
- details of any agreements reached with any Aboriginal parties in relation to the proposed ground disturbing activities.

6. Submitting the Application

Completed applications and all supporting documentation should be submitted with a short cover letter addressed to the Minister for Aboriginal Affairs and Reconciliation to:

Manager, Aboriginal Heritage Team
Department of State Development
Aboriginal Affairs and Reconciliation
GPO Box 320
ADELAIDE SA 5001
Email: dsgaarheritagesites1@sa.gov.au

In four parts of the State the Minister for Aboriginal Affairs has delegated authority to consider applications for authorisations under section 23 of the Act to the relevant Native Title Prescribed Body Corporate. In these areas, applications should be submitted to the Department who will forward it on to the relevant Delegate. The Delegate is responsible for undertaking the consultation process required under the Act and will advise the applicant and the Minister of their decision.

Consultation under the Act

In considering an application for an authorisation, the Minister must take all reasonable steps to consult with any Aboriginal person, traditional owners and Aboriginal organisations that, in the Minister's opinion, have a particular interest in a matter. The Minister must also consult the State Aboriginal Heritage Committee. Consultation would normally be commensurate with the scale and impact of the activity.

The Department of State Development, Aboriginal Affairs and Reconciliation will normally undertake the consultation process required under section 13 of the Act on behalf of the Minister for Aboriginal Affairs and Reconciliation.

The intent of the consultation process is to ensure that all Aboriginal people with an interest in a matter have an opportunity to be heard and their views recorded before a decision is made. Consultation may involve placing advertisements in newspapers, directly seeking comments and involves seeking the advice of the State Aboriginal Heritage Committee.

The timeframe for consultation will vary depending on the complexity of the application and the number of Aboriginal parties that have an interest. Generally, it is endeavoured to complete the consultation process within 1-3 months, however, the consultation process can be impacted by cultural protocols, particularly if there is a death in the community.

Where possible, consultation meetings are held on or near the country being discussed. Consultation may be adapted to take account of cultural requirements, particularly where the impacted Aboriginal site may be culturally confidential or have cultural gender restrictions.

Applicants are normally invited to present their project activities to a meeting of interested Aboriginal organisations, Traditional Owners and Aboriginal community members. At these meetings, applicants should be prepared to answer questions that might include:

- Any action undertaken to mitigate damage to Aboriginal heritage.** Be prepared to describe:
- Any resiting or relocation of the ground disturbing works that has occurred during the project planning stages.
 - Any other options that were considered and why these have been rejected. Evidence to support these decisions would be useful.

- Any public benefit to be gained from the grant of an authorisation to damage Aboriginal heritage.** Be prepared to describe:
- How the proposed project or activity will contribute to the local community, regional, state or national interest. Evidence to support these views would be useful.

State Aboriginal Heritage Committee

The State Aboriginal Heritage Committee is established under the Act and is advisory to the Minister on matters related to the administration or operation of the Act or to the protection or preservation of the Aboriginal heritage.

The Committee meets approximately every six weeks and provides advice on applications seeking the Minister's authorisation. The Minister is required to consult the Committee prior to making a decision on an application.

The Minister will consider the advice of the Committee, but is not required to act in accordance with any particular views expressed by the Committee.

Authorisation Instruments

Authorisations are legal instruments which clearly articulate the scope of an Authorisation, including any conditions. The Minister may decide to attach any conditions to an authorisation that the Minister considers appropriate. Agreements between the applicant and Traditional Owners may form part of the conditions of an authorisation. All instruments are signed by the Minister for Aboriginal Affairs and Reconciliation and a copy is provided to the applicant. Copies may also be provided to the Chair of the State Aboriginal Heritage Committee and any Traditional Owners, Aboriginal organisations and Aboriginal people with an interest in the matter.

DISCLAIMER: This document is a guide only and should not be relied on to ensure compliance with the *Aboriginal Heritage Act 1988*. Persons proposing to undertake activities that may damage, disturb or interfere with Aboriginal sites, objects or remains should seek specific advice.

CONTACT: Department of State Development - Aboriginal Affairs and Reconciliation (DSD-AAR)
Telephone (08) 8226 8900 Email: dsgaarheritagesites1@sa.gov.au

Aboriginal Heritage Act 1988

DEFINITIONS

"**Aboriginal site**" means an area of land—

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

EXTRACTS

Damage, etc., to sites, objects or remains

23. A person must not, without the authority of the Minister—

- a) damage, disturb or interfere with any Aboriginal site; or
- b) damage any Aboriginal object; or
- c) where any Aboriginal object or remains are found—
 - i. disturb or interfere with the object or remains; or
 - ii. remove the object or remains.

Penalty:

- a) in the case of a body corporate—\$50,000;
- b) in any other case—\$10,000 or imprisonment for 6 months.

13 – Consultation on determinations, authorisations and regulations

(1) The Minister must—

- (a) before making a determination under this Act; or
- (b) before giving an authorisation under this Act; or
- (c) before a site or object is declared by regulation to be an Aboriginal site or object or is excluded by regulation from the ambit of the definition of Aboriginal site or object,

take all reasonable steps to consult with—

- (d) the Committee; and
 - (e) any Aboriginal organisation that, in the opinion of the Minister, has a particular interest in the matter; and
 - (f) any—
 - (i) traditional owners; and
 - (ii) other Aboriginal persons, who, in the opinion of the Minister, have a particular interest in the matter.
- (2) When determining whether an area of land is an Aboriginal site or an object is an Aboriginal object, the Minister must accept the views of the traditional owners of the land or object on the question of whether the land or object is of significance according to Aboriginal tradition.
- (3) This section does not apply to—
- (a) a determination under section 24(8); or
 - (b) an authorisation under section 27 or 36.

APPLICATION UNDER SECTION 23 OF THE ABORIGINAL HERITAGE ACT 1988

1. APPLICANT DETAILS

The applicant is the individual or organisation to whom the authorisation will be granted.

Name	
Organisation	
ABN	
Address	

Who will this authorisation apply to?

Applicant only Applicant and others (please detail others, e.g. agents, staff, contractors)

CONTACT PERSON

The contact person is the individual to whom all correspondence related to this application will be addressed.

Name			
Position			
Organisation			
Postal address			
Phone		Mobile	
Email		Fax	

2. AUTHORISATION AREA

Please identify the area of land over which an authorisation is sought:

Address	
Certificate of Title (crown lease or licence reference) Exploration authority or mining lease number (if applicable)	

Is this application to cover the whole or only part of a parcel of land or lease?

Whole Part only

Please attach a site map clearly outlining the area over which the authorisation is sought. This map should include grid references.

Please describe the current land use:

Developed area

Vegetation

Condition:

What is the applicant's association with the land in the proposed authorisation area? (E.g. owner, lessee, agent)

--

3. PROJECT DESCRIPTION

Please describe the purpose of the ground disturbing activities and scale and scope of those activities.

4. PROJECT PLAN

Please provide details of any planning approvals, allotments or new division numbers that may be issued as part of a development (if applicable).

Please describe any proposals for disposal or future use of any soil/spoil from excavation or other ground disturbing activity including the proposed location of any soil/spoil.

Please identify the project timeframes.

5. STAKEHOLDER CONSULTATION AND CONSENT

An Aboriginal Heritage survey of the proposed authorisation area would normally include recommendations regarding the Aboriginal heritage located within the proposed authorisation area. Please attach copies of any Aboriginal heritage surveys undertaken in relation to this authorisation application.

LANDHOLDER INFORMATION

Please list all the landholder information

Land reference	Landowners name	Email	Telephone

TRADITIONAL OWNERS/PERSONS REPRESENTING INVOLVED ABORIGINAL ORGANISATIONS

Name	Organisation/Community	Email	Telephone

Please describe your efforts to identify and understand the nature of the Aboriginal heritage in the project area, including any searches of the Register of Aboriginal Sites and Objects and discussions with Traditional Owners and/or Aboriginal heritage groups or communities.

Please detail any agreements reached with any Aboriginal parties in relation to the proposed ground disturbing activities.

Please attach any documentary evidence (signed and dated letter/s) of permission from the landholder and support from the relevant Aboriginal organisation and any agreements reached in relation to the ground disturbing activities.

6. CHECK YOUR ATTACHMENTS**Your application will not be considered until all attachments are supplied.**

- Site information
- A site map with the proposed authorisation area clearly outlined
- Copies of Aboriginal heritage survey
- Evidence of Landholder access permission
- Evidence Aboriginal organisation support
- Other supporting documents

7. SIGNATURE

Applicant's signature:	
Please Print Name:	
Date:	

PLEASE SEND COMPLETED APPLICATIONS TO:

Manager, Aboriginal Heritage Team
Department of State Development
Aboriginal Affairs and Reconciliation
GPO Box 340
ADELAIDE SA 5001

Email: dsdaarheritagesites1@sa.gov.au



11

If you discover Aboriginal remains...

- do not disturb them, or remove anything
- do not publicise their location
- immediately notify South Australian Police (SAPOL) on telephone 131 444.

Because...

- **strong offence** to Aboriginal people can be caused if burial sites are disturbed
- **it is not appropriate** to show footage of a burial or to talk about its location to anyone
- **cultural and archaeological values** can be diminished if a site is disturbed
- **it may be a crime scene.**

What the law says

Two Acts of Parliament govern the protection of Aboriginal ancestral remains:

- **Coroner's Act 2003** and **Aboriginal Heritage Act 1988¹ (the Act)**

Aboriginal culture is many thousands of years old. Any land may contain Aboriginal sites. Many groups around the Adelaide plains, Riverland and coastal regions buried their dead in middens or other archaeological sites that are easily uncovered through development or other ground works and through natural erosion.

The discovery of Aboriginal ancestral remains is a matter of importance to many stakeholders, and must be dealt with in a sensitive and culturally appropriate way.

What to do...

1. **Do not disturb the remains.** It is an offence, under the Act, to interfere with Aboriginal remains without approval from the Minister. Even if bones have already been disturbed, the closer they are left to their original location the better. Use local sand, dirt or small branches to cover the site if you think it needs protection.
2. **Do not notify or discuss with any media representative.** It is not appropriate to show footage of an Aboriginal burial or draw attention to its location. If it becomes a crime scene, media coverage may distress victims' families and/or local residents.

When you notify the police...

- Tell them bones have been uncovered (a requirement of the *Coroners Act 2003*).
- SAPOL will attend the scene for assessment and ensure it is secured, then bring the Coroner's Office in (Forensic Science South Australia – Forensic SA) to assess the site, either in person or via photographs.
- If it is not a traditional Aboriginal burial, local CIB and Major Crime will be notified.
- If remains are of a traditional Aboriginal person a report will be sent to the Coroner and the Department of State Development Aboriginal Affairs and Reconciliation (DSD-AAR). This process may take several days.

¹ *Aboriginal ancestral remains* are defined as 'the whole or part of the skeletal remains of an Aboriginal person but does not include remains that have been buried in accordance with the law of the State'.



Talk to your local Aboriginal heritage organisation...

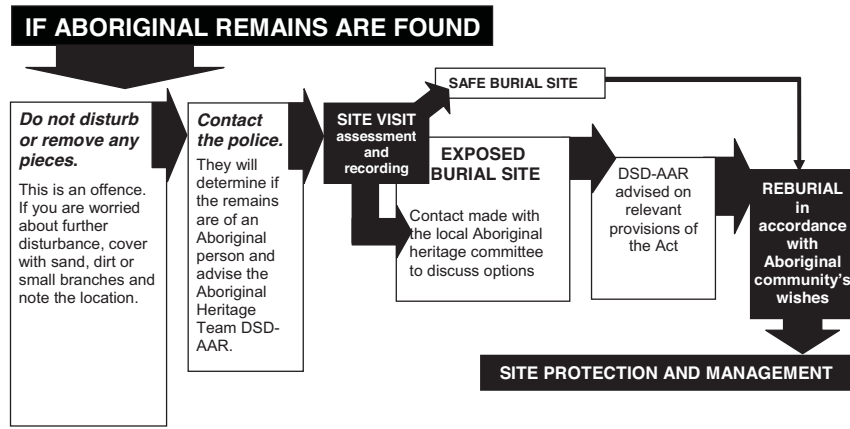
DSD-AAR can provide you with contact details for your local Aboriginal heritage organisation who will know best whether there are Aboriginal sites of significance in the area.

What to do during development earthworks...

1. **Stop work in the area.** There is a possibility that other burials may be present and further ground disturbance may disturb other remains.
2. **Mark the location and flag or fence off the area to prevent further damage.**
3. **Notify the project/site manager.**
4. **Report the findings to SAPOL on 131 444 and DSD-AAR on (08) 8226 8900.**
Nominate a contact person for liaison with SAPOL and DSD-AAR. SAPOL will assess the scene and seek advice from Forensic SA as to whether the bones are ancestral Aboriginal remains or not.
5. **If remains are identified as an Aboriginal burial...** SAPOL will notify DSD-AAR who will then discuss options for proceeding with your nominated contact officer:
 - the local Aboriginal heritage organisation will be advised and involved in all decision-making
 - an archaeological assessment of the site will be required from a suitably qualified archaeologist
 - the site will need to be recorded and this information provided to DSD-AAR and the local Aboriginal heritage organisation.Discussion about relocation of development work to avoid the remains, or reburial of remains within the development, will then commence between the stakeholders.
6. **Allow time for appropriate ceremonial activity by the community.**
7. **Negotiate monitoring agreements.** These are a shared responsibility between the community and the developer, not DSD-AAR.
8. **Record the site.** If the burial is relocated there must be a site card submitted to DSD-AAR for the original location and for the new location.
9. **If the burial site can be avoided...** limit disturbance to that area. DSD-AAR prefers development plans to be altered to prevent further excavation at and around the site. Reburial options include:
 - a) in the same location but deeper down
 - b) in an adjacent location
 - c) in a quiet place somewhere on the development not subject to further disturbance.
10. **If the burial cannot be avoided...** and the community wants to relocate the remains themselves, this meets section 37 of the Act. If not and the continued development of the area is non-negotiable, authorisation is needed from the Minister for Aboriginal Affairs and Reconciliation, under section 23 of the Act to move the remains. During the section 23 process a contingency plan, if other ancestral remains are uncovered, should be discussed.
NOTE: Community consultation may take weeks. Work can continue **after** this process is completed.
11. **Develop a conservation plan**
The burial site should have a conservation plan developed so that an agreed conservation process can be documented and retained as a permanent record. See DSD-AAR Guideline 23.



12. **If the remains are outside the development...** do not disturb or remove any items, camouflage the area with branches or twigs found locally, make notes of the location, take photos if possible, and report it to SAPOL.
13. **Find out if there are known Aboriginal sites in your area of activity**
Apply to DSD-AAR to find out if there are any sites in your area. Include a map of the area (in a 1:100k topographic format, if possible). You will then be advised in writing whether there are sites of significance in the nominated area.



The South Australian *Aboriginal Heritage Act 1988* protects Aboriginal ancestral remains from 'damage, disturbance or interference'.

In practice, this means that you cannot do anything to Aboriginal remains that you come across, including removing bones from the location where you found them, without authority from the Minister for Aboriginal Affairs. The discovery of remains must be reported to the Minister through DSD-AAR on (08) 8226 8900.

DISCLAIMER: This document is a guide only and should not be relied on to ensure compliance with the *Aboriginal Heritage Act 1988*. Persons proposing to undertake activities that may damage, disturb or interfere with Aboriginal sites, objects or remains should seek specific advice.

CONTACT DSD-AAR on telephone (08) 8226 8900 or email dsdaarheritagesites1@sa.gov.au



Aboriginal Heritage Act 1988

DEFINITIONS

"Aboriginal site" means an area of land—

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

"Aboriginal tradition" means traditions, observances, customs or beliefs of the people who inhabited Australia before European colonisation and includes traditions, observances, customs and beliefs that have evolved or developed from that tradition since European colonisation.

EXTRACTS

10 – Confidentiality of archives

- (1) The confidentiality of information entered in the central or local archives that relates to an Aboriginal site or object must be maintained unless—
 - (a) the traditional owners of the site or object have approved disclosure of the information; or
 - (b) where all reasonable steps have been taken to consult the traditional owners but the Minister or organisation keeping the archives is satisfied that there are no traditional owners or that they cannot be identified or located, the Committee (in the case of the central archives), or the organisation keeping the archives (in the case of local archives), has approved disclosure of the information; or
 - (c) the information is made available by the Minister in response to an application under section 12.
- (2) The confidentiality of information entered in the central or local archives that does not relate to an Aboriginal site or object must be maintained unless the Committee (in the case of the central archives), or the

organisation keeping the archives (in the case of local archives), has approved disclosure of the information.

- (3) The disclosure of information from the central or local archives must be on such conditions (if any) as are stipulated by—
 - (a) the traditional owners; and
 - (b) in the case of information made available from—
 - (i) the central archives, the Committee; and
 - (ii) local archives, the organisation keeping the archives.
- (4) A person must not—
 - (a) disclose information from the central or local archives contrary to this section; or
 - (b) fail to comply with a condition referred to in subsection (3).

Penalty: \$10,000 or imprisonment for 6 months.

35 – Divulging information contrary to Aboriginal tradition

- (1) Except as authorised or required by this Act, a person must not, in contravention of Aboriginal tradition, divulge information relating to—
 - (a) an Aboriginal site, object or remains; or
 - (b) Aboriginal tradition.

Penalty: \$10,000 or imprisonment for 6 months.

- (2) Such information may be divulged with the authority of the Minister.

The South Australian Coroner's

Act 2003 requires that any death 'that may be a reportable death' **must** be reported to the State Coroner within a reasonable timeframe.

In practice, this means that you must alert the South Australian Police (SAPOL) if you believe that the remains **may be human**. Potentially this discovery may represent a major crime and must be properly assessed. Even if the likelihood is that the bones are Aboriginal ancestral remains, you should contact SAPOL to confirm their provenance.



14

Discovery of Aboriginal Sites, Objects and Remains

- Section 20 of the *Aboriginal Heritage Act 1988* (the Act) requires that any Aboriginal sites, objects or remains, discovered on the land, are to be reported to the Minister.
- The Act defines an Aboriginal site as: 'An area of land that is of significance to Aboriginal tradition or Aboriginal archaeology, anthropology or history.'
- Any land, developed or undeveloped, can contain Aboriginal sites relating to traditions, spiritual beliefs and ceremonial activities, living patterns and the use of environmental resources such as water, animal and vegetable foods and stone.
- These may be prominent or easily disregarded features in the landscape. Historical sites may have very little material evidence left, but are still known in the oral history of Aboriginal people.

Certain landforms are more likely to be Aboriginal sites or to contain archaeological evidence of Aboriginal occupation. These include:

- Claypans, lakes, rivers and estuaries (stone artefact scatters, shell middens, rock art, stone arrangements, campsites or ovens)
- Rocky outcrops (quarries, rock art, rock holes, stone arrangements, ceremonial/religious sites, stone artefact scatters)
- Dunes, sand hills and sand bodies, especially in the vicinity of water sources, wells, springs, water holes
- Craters and sinkholes
- Areas within 200 metres of Coast and waterways
- Areas within 100 metres of the banks of all other creeks, rivers, watercourses, lakes, waterholes, rock holes, wells and springs, especially in arid areas
- Unusual land features can be likely to have mythological significance
- Bush or forested areas (stone artefact scatters, campsites or ovens)
- Areas of natural vegetation or intact ground surface such as parks, open space and road verges
- Place names are a visible link of the association of a society with the land. Places bearing Aboriginal names, or place names that are English translations of Aboriginal names or reflections of Aboriginal interaction with the landscape (including words such as "Black" or "Spear"), may have significance to Aboriginal people.

Reporting the discovery of Aboriginal sites, objects and remains ...

If you are the owner or occupier of a parcel of land including the lessees of crown land and of mining tenements or an agent of these (staff, contractor, subcontractor) you must report the discovery of any Aboriginal sites, objects or remains to the Minister for Aboriginal Affairs and Reconciliation (the Minister).

Any activity which may be impacting on a site must STOP immediately and contact should be made with the Department of State Development, Aboriginal Affairs and Reconciliation (DSD-AAR) on (08) 8226 8900.



Any skeletal remains found should be left completely undisturbed and the South Australian Police should be notified immediately on 131 444. See guideline 13.

Notifications of the discovery of sites, objects or remains can be made to the Minister through the Aboriginal Heritage Team at DSD-AAR.

When reporting a discovery, provision of the following information is important:

- Location of the site, object or remains – preferably through the use of a GPS in northings and eastings, or indicated on a map
- Approximate area of the site
- Description of how to get to the site
- Your name and contact details
- Name and contact details of the person who discovered the site
- When the discovery occurred
- Photos of the site
- Any other details which may be relevant.

When sites have been located, either incidentally or through cultural heritage surveys, they must be recorded to the highest standard and protected to ensure compliance with the Act. The standard for site recording in South Australia is site cards; these are available from DSD-AAR.

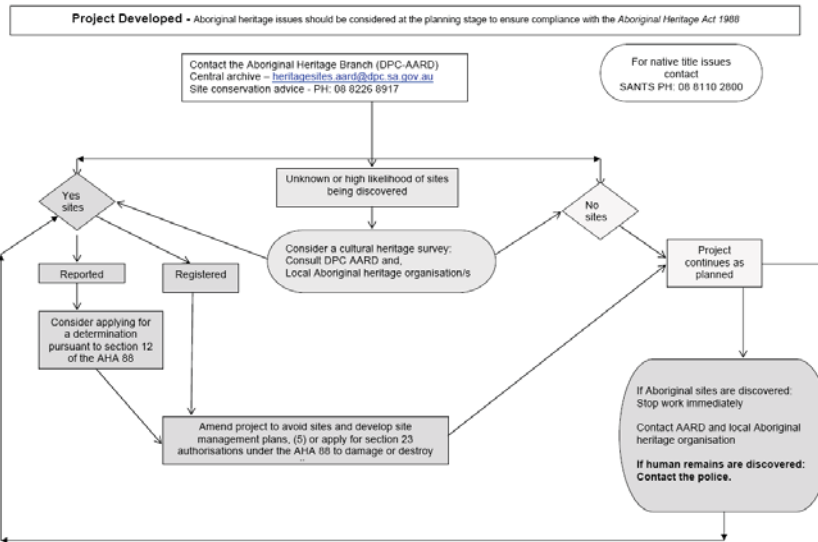
It is expected that cultural heritage practitioners will submit site cards for sites located during cultural heritage surveys to assist land owners or lessees in discharging their responsibilities under section 20 of the Act.

Subject to Section 23 of the Act; A person must not, without the authority of the Minister damage, disturb or interfere with any sites, object or remains. Disturbing Aboriginal sites can cause strong offence to Aboriginal people. The cultural and archaeological values of a site can also be diminished if parts of it are removed or disturbed. Anyone discovering an Aboriginal site should take care not to disturb or damage it. Low impact activities such as re-vegetation or grading may also impact on sites.

DISCLAIMER: This document is a guide only and should not be relied on to ensure compliance with the *Aboriginal Heritage Act 1988*. Persons proposing to undertake activities that may damage, disturb or interfere with Aboriginal sites, objects or remains should seek specific advice.

LIABILITY The Government of South Australia does not accept responsibility for accidents, injuries or loss of income sustained during or because of research or fieldwork supported by DSD-AAR.

CONTACT DSD-AAR on telephone (08) 8226 8900 or email dsgaarheritagesites1@sa.gov.au





Aboriginal Heritage Act 1988

EXTRACTS

12—Determination of whether site or object is an Aboriginal site or object

- (1) If a person proposes to take action in relation to a particular object and that action may constitute an offence against this Act if the object is an Aboriginal object, the person may apply to the Minister under this section.
- (2) On an application under subsection (1), the Minister must—
 - (a) if the object is entered in the Register of Aboriginal Sites and Objects, give the applicant written notice that it is so entered;
 - (b) if the object is not entered in the Register, determine whether it should be so entered and give the applicant written notice of the determination.
- (3) If a person proposes to take action in relation to a particular area and that action may constitute an offence against this Act if the area is, is part of or includes an Aboriginal site or if an Aboriginal object is located in the area, the person may apply to the Minister under this section.
- (4) On an application under subsection (3), the Minister must—
 - (a) determine whether any entries should be made in the Register of Aboriginal Sites and Objects in relation to sites or objects in the area that are not so entered and give the applicant written notice of the determination; or

- (b) subject to subsection (5), give the applicant written notice of the location of each Aboriginal site or object in the area that is entered, or that the Minister has determined should be entered, in the Register.

- (5) The Minister must not disclose the exact location of a site or object if, in the Minister's opinion, the disclosure is likely to be detrimental to the protection or preservation of the site or object or to be in contravention of Aboriginal tradition.
- (6) The Minister may, within 20 working days after receiving an application, require an applicant to provide information in connection with the application or to engage an expert acceptable to the Minister to do so.
- (7) Where the Minister requires information to be provided under subsection (6), the Minister must determine the application within 30 working days of receiving that information.
- (8) The Minister may refuse to entertain an application under this section on the grounds—
 - (a) that the area or object is insufficiently identified; or
 - (b) that the application is not genuine; or
 - (c) that the Minister does not have the resources to determine the application.

13—Consultation on determinations, authorisations and regulations

- (1) The Minister must—
 - (a) before making a determination under this Act; or
 - (b) before giving an authorisation under this Act; or



(c) before a site or object is declared by regulation to be an Aboriginal site or object or is excluded by regulation from the ambit of the definition of Aboriginal site or object,
take all reasonable steps to consult

with—
(d) the Committee; and
(e) any Aboriginal organisation that, in the opinion of the Minister, has a particular interest in the matter; and
(f) any—
(i) traditional owners; and
(ii) other Aboriginal persons, who, in the opinion of the Minister, have a particular interest in the matter.

20.—Discovery of sites, objects or remains

(1) An owner or occupier of private land, or an employee or agent of such an owner or occupier, who discovers on the land—

- (a) an Aboriginal site; or
- (b) an Aboriginal object or remains,

must, as soon as practicable, report the discovery to the Minister giving particulars of the nature and location of the site, object or remains.

Penalty:

- (a) in the case of a body corporate—
\$50 000;
- (b) in any other case—\$10 000 or imprisonment for 6 months.

(2) This section does not apply to the traditional owner of the site or object or to an employee or agent of the traditional owner.

(3) The Minister may direct a person making a report to take such immediate action for the protection or preservation of the remains as the Minister considers appropriate.

(4) A person must not, without reasonable excuse, fail to comply with a direction of the Minister under this section.

Penalty: \$2 000 or imprisonment for 3 months.

APPENDIX 1

Nora Creina Site Descriptions

Site Name: Nora Creina Site 1.

Site Description: The site consists of a low density scatter of midden material and stone artefacts exposed on an eroded limestone surface and an adjacent sandy deflation. The site extends across an area of approximately 80m (east-west) x 100m. (north-south) and is located immediately behind the foredunes. Additional cultural material was found in a small 10m x 10m deflation immediately to the south of the main scatter separated by a low, vegetated sand hillock.

The midden material was dominated by turbos, predominantly *Subnivalia undulata* with smaller numbers of the larger *Turbo torquatus* found singularly across the site. Turbo operculum were common across the site, some of which had been burnt. Other shells present include the common limpet, as well as a range of other smaller limpets, and a few individual oyster, scallop, chiton, razer fish, and large gastropod shells.

Maximum shell density was 10 shells/m² (*Subnivalia undulata*) with most of this shell material being fragmented.

Small numbers of flint artefacts were identified scattered amongst the shell material. Densities were low (max. 2/m²) with the total number of artefacts present estimated to be approximately 30. The artefacts were mostly made of flint and were either flakes or flaked pieces. Little retouch was identified on the artefacts recorded. Several cores were also located and these exhibited nodular cortex indicating they are derived from small nodules or 'pebbles' of flint. Several burnt limestone rocks were also found at this site.

Site Condition: The site is deflated with the cultural material in some parts of the site resting on an eroded surface characterised by exposures of limestone pavement. In other parts of the site the material is scattered across a sandy surface that is still actively eroding. General condition is moderate.

Site Boundary Grid References:

NC 1	395942	5871797
	395938	5871779
	395958	5871768
	395977	5871766
	395995	5871785
	396020	5871843
	395976	5871893
	395904	5871820
	395945	5871805
	395942	5871750



View looking southeast across Nora Creina 1.



Turbo shells and flint artefact recorded at Nora Creina 1.



Plan of Nora Creina 1 (site area shaded).

Site name: Nora Creina 2

Site description: This is a small site consisting of a low density scatter of shells found in a small swale measuring approximately 30m x 40m with additional material scattered across a further, smaller deflated area 10m towards the coast. The most common species is the turbo, *Subnivalia undulata*, with smaller numbers of individual *Turbo torquatus* shells also present. Other shell species represented include oyster, mussel, oyster, cockle, a range of limpets and a couple of larger gastropods. The maximum density of shells found was 6/m².

A single flint artefact was found at this site.

Site condition: The cultural material is scattered across an actively eroding dune swale. General condition is moderate.

Site Boundary Grid References:

NC 2	395976	5871685
	395975	5871694
	395980	5871721
	395954	5871688
	395956	5871681



View east across Nora Creina 2.



Shell scatter at Nora Creina 2.



Plan of Nora Creina 2 (site area shaded); location of adjacent sites NC 1 and 3 indicated.

Site name: Nora Creina 3

Site description: This site consists of midden material and stone artefacts scattered across a broad dune swale located immediately behind the foredunes. The cultural material rests on the sandy surface of the deflated dune swale and covers an area of approximately 60m (north-south) x 100m (east-west).

The site contains an extensive scatter of turbo shells (*Subnivalia undulata*). These shells are distributed evenly across the seaward part of the site (50m x 50m) and rest on the sandy base of the dune swale. Maximum densities in the order of 30 shells/m² were recorded. There are also many turbo operculum present, some of which have been burnt. Burnt mussel shell was also found.

On the northern margin of this shell scatter a small *in situ* lens of turbo shells was identified eroding out from a low sand bank. Additional *in situ* turbo shells were identified in the north eastern portion of the site where shell lenses were exposed in the eroded face of the dune.

Other shell species represented include the larger turbo (*Turbo torquatus*), the common limpet as well as a range of other limpets, mussels, chitons and several large gastropods.

Most of the artefacts found at the site were made from flint and consisted of either flakes or flakes pieces. A number of flint cores were recorded with high percentage (95%) of nodular cortex. It is estimated that around 50 artefacts are present at the site (max. density 1/m²). Several flat pieces of limestone were found amongst the cultural material. These have been carried to the site, perhaps for use in processing the shells.

Site condition: The main shell scatter is comparatively intact although it has been deflated by natural processes of erosion. This site contains a small amount of *in situ* midden material. General condition is moderate to high.

Site Boundary Grid References:

NC 3	396002	5871573
	396003	5871580
	396045	5871598
	396046	5871621
	396059	5871633
	396066	5871583
	396032	5871572
	396007	5871532
	395995	5871539



View west across main shell scatter at Nora Creina 3.



Nodular flint artefacts recorded at Nora Creina 3.



Plan of Nora Creina 3 (site area shaded); location of adjacent site (NC 2) indicated.

Site name: Nora Creina 4

Site description: This is a small midden located immediately behind the foredunes. A scatter of approximately 30 shells was identified on a small rocky calcrete exposure. The site covers an area of approximately 20m x 20m.

Despite the small number of shells present at this site a range of shell species were identified. The most common were turbos (*Subnivalia undulata* and *Turbo torquatus*). Other species include the common limpet, top shell, cockle, mussel and a couple of individual large gastropods.

No stone artefacts were recorded at this site.

Site condition: The midden material is a combination of eroded shells resting on the surface and others that are embedded in the sandy soil amongst the outcropping rock. General condition is poor.

Site Boundary Grid References:

NC 4	396048	5871445
	396050	5871433
	396035	5871433
	396037	5871444



Plan of Nora Creina 4 (site area shaded); location of adjacent sites (NC 2 and 3) indicated.



Nora Creina 4 is located on a raised rocky area behind the foredunes.



Shell scatter recorded at Nora Creina 4.

Site name: Nora Creina 5

Site description: This site consists of midden material scattered across a broad open area immediately behind the low coastal foredunes. The cultural material is distributed across an eroded area of limestone pavement that extends for approximately 200m in a north south direction roughly parallel to the shoreline. This rocky area varies in width. At its northern end it is approximately 30m wide and then it narrows to a few metres in width before widening out to extend approximately 150m in an east west direction.

The northern end of the site is characterised by a sparse scatter of individual turbo shells (*Turbo torquatus*) resting amongst the outcropping limestone pavement. A cluster of smaller turbos (*Subninella undulata*) is found in the narrow part of the site resting on compacted earth which overlays the limestone pavement. The broader southern part of the site contains the most abundant scatter of midden material. Here a range of shell species are found scattered amongst the eroded limestone outcrops. Turbos remain the dominant species with limpets, cockles, chitons, and oysters also present.

Overall shell densities remain low across the site with only a few clustered concentrations of midden material located – mostly restricted to the smaller turbo species (*Subninella undulata*) and a single cluster of oyster shells (max. 10shells/m²). However, given the spatial extent of the site the total number of shells present is high, with several 1000 shells represented.

A small number of stone artefacts were found scattered amongst the shell material. These consisted of flint flakes or flaked pieces. Artefact densities were low with the site estimated to contain around 50 artefacts in total (max. density 1/m²).

Site condition: This site is highly eroded with the cultural material resting on a rocky limestone pavement. General condition is moderate.

Site Boundary Grid References:

NC 5	396155	5871397
	396181	5871423
	396206	5871425
	396232	5871418
	396240	5871410
	396268	5871412
	396279	5871374
	396255	5871349
	396319	5871333
	396348	5871334
	396386	5871346
	396339	5871402
	396209	5871254



View north west across northern section of Nora Creina 5.



Detail of shell material recorded at Nora Creina 5.



Plan of Nora Creina 5 (site area shaded); location of adjacent site (NC 6) indicated.

Site name: Nora Creina 6

Site description: This site is located in a broad deflation on the landward side of Nora Creina 5. The deflation extends approximately 150m north south by 100m east west. Limestone pavement and an associated compact red soil horizon is exposed across much of the base of this deflation. There is an area of loose sand still present in the north eastern corner of the site.

Midden material was identified across the entire base of this deflation. The shell assemblage was dominated by clusters of the smaller turbo species (*Subninella undulata*). These shells are highly fragmented. Operculum are present in abundance in these clusters and max. shell densities are interpreted to be in the order of 50/m². At the northern end of the site turbo shells are actively eroding from the sand dune on the edge of the site.

Other shell species present include limpets (both the common limpet and a range of other limpets), gastropods (incl. *Thais orbita*), top shells and cockles.

Stone artefacts were found scattered amongst the midden material. These were most commonly made of flint and mostly exhibited a degree of nodular cortex. Some of the flint artefacts had been burnt. A smaller number of artefacts made of chert and silcrete were also recorded. While flakes and flaked pieces were most common, several retouched flakes were also identified. Several limestone manuports were recorded and a number of burnt limestone rocks were found. Artefact densities were low (max. 1/m²) with less than 100 artefacts estimated as present.

Site condition: The site has been deflated by natural erosion but discrete clusters of shell material were still identifiable. General condition is moderate to high.

Site Boundary Grid References:

NC 6	396360	5871487
	396322	5871450
	396306	5871477
	396402	5871529
	396461	5871445
	396412	5871415



View west across Nora Creina 6.



Main scatter of midden material recorded at Nora Creina 6.



Plan of Nora Creina 6 (site area shaded); location of adjacent site (NC 5) indicated.

Site name: Nora Creina 7

Site description: The site is located behind the low coastal foredunes. It comprises a low density scatter of midden material found across a discrete area of limestone pavement immediately to the north of Nora Creina 1. The site area corresponds to the area of the rocky outcrop and covers an area of approximately 80m (east west) x 100m (north south).

The cultural material consists of a low density scatter of turbo shells and operculum (both *Turbo torquatus* and *Subnivalia undulata*). Maximum shell densities are in the order of 6/m². Other shells present include limpets, oyster, chiton and burnt mussel shell.

A small number of stone artefacts were also recorded. These were made of flint and it is estimated that they are around 30 artefacts present at the site, max. density of 1/m². There were several areas of burnt limestone rocks.

Site condition: Site is heavily eroded with the midden material resting on the limestone pavement. General condition is poor.

Site Boundary Grid References:

NC 7	395918	5871966
	395900	5871985
	395871	5871981
	395858	5871890
	395872	5871891
	395881	5871915
	395906	5871913



Plan of Nora Creina 7 (site area shaded); adjacent sites (NC 1 and 10) indicated.



View north west across Nora Creina 7.



Example of shell material recorded at Nora Creina 7.

Site name: Nora Creina 8

Site description: The site consists of a low density scatter of midden material and stone artefacts identified on a rocky limestone pavement extending to the edge of a low ledge overlooking a rocky shoreline. The site area is roughly rectangular, measuring approximately 100m x 80m.

The shell material is highly fragmented and consists predominantly of turbo shells (*Subnivalia undulata*) and operculum. Maximum shell densities are estimated to be 15/m² based on the presence of the central spiral of the turbo shells. Other shells identified include the larger turbo (*Turbo torquatus*), limpet and chiton.

A few flint flakes and flaked pieces were recorded but artefact numbers remained low with less than 10 artefacts noted. Max. density was 1/m². Some burnt limestone rocks were identified.

Site condition: Site is heavily eroded with the midden material resting on the limestone pavement. General condition is poor.

Site Boundary Grid References:

NC 8	395572	5872033
	395569	5871996
	395550	5872002
	395520	5872023
	395534	5872037



Plan of Nora Creina 8 (site area shaded); adjacent sites (NC 9 and 10) indicated.



View west across Nora Creina 8.



Shell material recorded at Nora Creina 8.

Site name: Nora Creina 9

Site description: This site consists of an extensive scatter of midden material. It is positioned on a low cliff ledge overlooking a rocky shoreline. Some of the cultural material is fully eroded and rests immediately on the rocky ledge while other material is exposed on the seaward face of the adjacent foredune and consists of both *in situ* shell lenses and eroding material. The site extends for approximately 100m along the cliff ledge with site width varying between 10 and 20m.

There are several thousand shells represented at this site, predominantly turbos (*Subnivalia undulata*) with both shells and operculum present. Some of the operculum are burnt. Other shell species present include the larger turbo (*Turbo torquatus*), a range of limpets, abalone and several individual shells of other large gastropods. Max. shell densities were in the order of 500/m².

Stone artefacts were present scattered amongst the shell material. These are made of flint and are generally small, reasonably fine primary flakes. A small number were found to exhibit signs of retouch. Artefact densities were moderate with the site estimated to contain several hundred artefacts. Max. artefact density was 5/m². Several limestone manuports were also recorded.

Site condition: Parts of the site have been heavily eroded but the main shell scatter is comparatively intact and contains a considerable amount of *in situ* material. There is some threat to the site from limited motorbike access. General condition is moderate to high.

Site Boundary Grid References:

NC 9	395449	5871961
	395457	5871977
	395471	5871986
	395510	5871966
	395507	5871908
	395561	5871865
	395515	5871938
	395528	5871922
	395592	5871874
	395605	5871859
	395604	5871860



View north from the middle of Nora Creina 9.



View south from the middle of Nora Creina 9.



In situ shell lenses eroding from dune, Nora Creina 9.



Plan of Nora Creina 9 (site area shaded); adjacent sites (NC 8 and 10) indicated.

Site name: Nora Creina 10

Site description: This site consists of a low density scatter of shell material identified across a broad area of limestone pavement located immediately adjacent to the rocky shoreline. The site extends for approximately 100m x 100m with an additional 100m exposure along a narrow extension on the limestone pavement inland (see site plan).

Whole and fragmented turbos (mostly *Subninella undulata*, with some *Turbo torquatus*) were found scattered across the rocky limestone surface. Max. shell densities of 12/m² were recorded based on the presence of operculum and the inner spiral representing individual shells.

Stone artefacts were found scattered at low densities (1/m²) amongst the shell material; with as many as thirty artefacts scattered the 100m x 100m area. These are made of flint and tended to be larger flakes and flaked pieces exhibiting nodular cortex.

Site condition: Site is eroded with the midden material resting on the limestone pavement. General condition is poor.

Site Boundary Grid References:

NC 10	395643	5871849
	395733	5871839
	395752	5871877
	395769	5871844
	395782	5871931
	395789	5871949
	395812	5871974



View south across Nora Creina 10.



Shell material recorded at Nora Creina 10



Plan of Nora Creina 10 (site area shaded); adjacent sites (NC 8, 9 and 10) indicated.

Site name: Nora Creina 11

Site description: This site comprises a sparse scatter of midden material identified at the rear of the coastal dune field. The main cluster consisted of eight turbo shells (*Subnivalia undulata*) and four operculum scattered over a 4m x 2m area located 15m upslope on the inland facing slope of the sand dune. An approximate total of a further 15 turbo shells (or shell fragments) were identified in the adjacent area scattered across a 200m x 50m area.

There is a small swamp at the base of the dune and individual shells are scattered around this feature as well as on an adjacent ridge that overlooks a lake located 150m further inland. The site therefore extends for several hundred meters but cultural material is extremely sparse with shell totals estimated to be in the order of 30 shells.

Site condition: The site has been affected by vegetation clearance and stock traffic. The cultural material is sparse and highly dispersed. General condition is poor.

Site Boundary Grid References:

NC 11	397084	5871726
	397078	5871757
	397138	5871933
	397292	5871869



Plan of Nora Creina 11 (site area shaded).



Nora Creina 11 consists of a small scatter of turbo shell associated with this swamp.



Detail of Nora Creina 11: a small number of turbo shells associated with swamp.

Site name: Nora Creina 12

Site description: This site consists of a low density scatter of shell material located on a sand dune ridge at the rear of the coastal dune field. The site overlooks a small lake. Six fragmented turbo shells (*Subnivalia undulata*) and a single limpet shell were recorded. The shells were identified across a 5m x 2m area.

Site condition: The cultural material is sparse and highly dispersed. The site is degrading through erosion and animal traffic (kangaroo and wombat). General condition is poor.

Site Boundary Grid References:

NC 12 395854 5872948



Location of Nora Creina 12.



Nora Creina 12; located on sand dune adjacent to lake.



Limpet and turbo shells found at Nora Creina 12.