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Cultural Heritage Assessment Report

City of Adelaide Pirltawardli Mini Golf Design Phase

Karna Cultural Heritage Assessment

By: Assoc. Prof. Neale Draper, Aylza Donald, and Andrew Maland

Date: 22 May 2023

Client Name: City of Adelaide

Client Contact: Dean Nugent

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Spatial Data

Spatial data captured by Neale Draper & Associates Pty Ltd for any newly recorded features was acquired using an uncorrected GPS receiver.

Coordinate positions are presented using the MGA94 coordinate system.

Positions recorded using a Garmin GPS Receiver will be up to +/- 10m and typically +/- 3m.

Positions recorded using a Trimble TDC100 will be +/- 5m and typically < +/- 2.5m.

Abbreviations

Term	Meaning
ACHM	Australian Cultural Heritage Management Pty. Ltd., Adelaide (2000-2015), predecessor to ND&A
AAR	Attorney General's Department - Aboriginal Affairs and Reconciliation Division, SA
AHA	SA Aboriginal Heritage Act (1988, 2016)
APLMS	Adelaide Park Lands Management Strategy 2015-2025
CHMP	Cultural Heritage Management Plan
CLMP	Community Land Management Plan, Pirltawardli (Park 1), City of Adelaide
CMT	Culturally Modified Tree
COA	City of Adelaide (formerly Adelaide City Council)
GIS	Geographic Information Systems
GPS	Global Positioning System
IF	Isolated find (usually an isolated artefact)
KNCHA	Kurna Nation Cultural Heritage Association Inc. (predecessor to KYAC)
KPLA	Kadaltilla / Park Lands Authority (formerly Adelaide Park Lands Authority)
KYAC	Kurna Yerta Aboriginal Corporation, representing the Kurna native title holders and Traditional Owners of the Adelaide region, South Australia
NAGC	North Adelaide Golf Course
ND&A	Neale Draper & Associates Pty Ltd (cultural heritage consultants)
PAD	Potential archaeological deposit
RAWsa	RAWsa provide cultural heritage management services for KYAC
SA	South Australia
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples (2007)

Executive Summary

Purpose of the Report

The City of Adelaide (COA) proposes to develop Mini Golf on the existing Par 3 course footprint within Possum Park / *Pirltawardli* (Park 1), on the southern margin of the North Adelaide Golf Course (NAGC) (Map 1-1). In developing an initial proposal, council has prepared a strategic business case (COA 2022a), as well as a feasibility report by Crafter + Mogford Golf Strategies and Golf Business Advisory Services (GBAS) (Crafter Mogford & GBAS 2022), which includes concept designs (Maps 1-2 to 1-4). The concept designs provide only an initial, high-level location and layout for the project and the final design will be a reflection of what outcomes result from this cultural heritage assessment and engagement with the Kurna Traditional Owners.

The City of Adelaide has engaged Neale Draper & Associates Pty Ltd (ND&A) to conduct a cultural heritage assessment (values, impacts, and opportunities) in conjunction with the Kurna Traditional Owners and native Title holders of the Adelaide Region, facilitated by RAWsa on behalf of Kurna Yerta Aboriginal Corporation (KYAC).

Kurna participation and methodology

The project location is near the river (the *Karrawirra Parri*, or Red Gum River) in the *Pirltawardli* (Park 1), which is known to be associated with significant traditional and historic places for Kurna people, and a potentially significant archaeological record of past activities and continuing cultural associations (e.g., Draper et al 2005, Foster 1990, Harris 1999 & 2006, Hemming and Harris 1998). Although the Kurna cultural significance of this location is acknowledged by Council and there is a commemorative and interpretative installation on the southern edge of the park, previous development works in this area previously have not been subject to any formal, cultural heritage management process.

For this reason, Kurna engagement with the development proposal has commenced with a standard Kurna cultural heritage assessment process, with the following steps.

Cultural heritage consultants Neale Draper & Associates (ND&A) have been engaged by Council to prepare a Cultural Heritage Assessment Report for the project. This process includes anthropological and archaeological site inspections and consultation with Kurna representatives, including direct discussions with Kurna and Council representatives on site. Kurna participation has been facilitated by RAWsa, which is contracted to provide cultural heritage management services for Kurna Yerta Aboriginal Corporation (KYAC). KYAC represents the Kurna people for native title and cultural heritage management purposes, pursuant to the 2018 Kurna Native Title consent determination in the Federal Court. RAWsa work has been coordinated by Kurna Cultural Heritage Coordinator Darren Wanganeen. The heritage consultants also have summarised relevant previous research and historical information regarding the site.

An archaeological site inspection of the general project area was conducted by the heritage consultants and Kurna representatives on 14/02/2023, followed by an on-site anthropological consultation on 20/02/2023 and a workshop at the North Adelaide Golf Club on 20/03/2023. Both of the consultation sessions also involved Council staff associated with the project, and the workshop also was attended by the project landscape architects (City Collective). Additional anthropological consultation was conducted with nominated Kurna Elders who were not able to attend those sessions.

The cultural heritage assessment report contains the results of this work, as well as cultural heritage management recommendations from both the Kurna Traditional Owners and the heritage consultants.

Summary and Recommendations

Cultural Heritage Risk Management

The project location at the southern end of the North Adelaide PAR 3 golf course probably retains a substantial archaeological record of traditional Kurna use as a large-scale camping and ceremonial precinct, with a high probability of traditional burials occurring within 1.5m depth of the natural land surface. The early colonial era from 1836 had continued though changing Kurna habitation, as well as the addition of historically significant infrastructure such as the native school, brick shelters, missionary huts, and later the superimposition of the Sappers Quarters. All of these features (Maps 3-1 and 3-2) probably have an archaeological imprint preserved below the surficial development and maintenance of the golf course, and partial revegetation of this area in that process. This land-use history stands in contrast to areas in North Adelaide and across the river in the City where the foundations of colonial and more recent urban construction have caused a deeper and more pervasive impact on the contact period archaeological record.

The mini golf project is conceived as replacing and modifying part of the PAR 3 golf course. Like the existing golf course, its construction primarily would be superimposed above the natural landscape with introduced fill and soil

top dressing, sand etc, rather than intruding into the natural ground surface below. This means it is mostly a low-impact project in terms of potential archaeological disturbance, although in a location with high archaeological sensitivity.

There will be some works associated with the mini golf project that may involve excavation into natural sediments, such as installation of services (water, power, lighting), or planting or removing trees, etc. Those ground-disturbing works have the potential to uncover and disturb significant Aboriginal heritage sites, artefacts, or traditional burials, as well as significant historical archaeological sites from the early colonisation contact period between Aboriginal people and colonial development. Disturbance of such features and items without Ministerial authorisation would be an offence under Section 23 of the SA Aboriginal Heritage Act (1988, 2016 - the AHA). Effective heritage risk management for these potential impacts involves recognising such archaeological features and items if they are uncovered, and before they are disturbed or damaged. There are three main elements to providing an appropriate management response for these heritage risks:

1. Articulate the heritage assets, heritage disturbance risks, and appropriate heritage management response measures in a specific cultural heritage management plan (CHMP) for the project, which will include in its mitigation measures:
2. Kurna cultural heritage and inspection monitoring of excavations and excavated spoil from ground-disturbance within natural sediments on site, with a project archaeologist on call to assist with any potential heritage discoveries; and
3. Induction in Kurna cultural heritage awareness and discovery management procedures for all workers conducting or managing ground-disturbing works for the project.

Any heritage discoveries made during project construction must be protected from disturbance and reported to AAR (AHA Section 20).

SA Aboriginal Heritage Act (1988,2016) Processes

As noted above, it is an offence under the SA Aboriginal Heritage Act (1988, 2016 - AHA) to damage, disturb, or interfere with an Aboriginal site, object or remains without Ministerial (AHA Section 23).

The project area is located within the approximate boundary of reported (but not registered) Aboriginal historic site 6628-503: Adelaide Native Location (Maps 3-1, 3-2). This might not be an AHA Section 23 situation because the project intends to continue the current land use (golf), to update the heritage site information and interpretation for the recorded site, and to avoid any damage to tangible or intangible cultural heritage if possible.

In addition, if any sub-surface archaeological sites, artefacts or burials are encountered during construction work, the implementation of an appropriate CHMP will ensure that any such discoveries are recognised. It may be possible to avoid damage to an archaeological discovery by recording it and leaving it in place with suitable, non-invasive protection (e.g., reburial). However, if the project design cannot accommodate this option and the site, object or remains has to be recorded, salvaged and relocated, then both AHA Section 21 (archaeological excavation) and 23 (disturbance) authorisations would be required from the Minister. Even if an archaeological site discovery creates a new site interpretation and education opportunity, any archaeological excavation or stabilisation work associated with that purpose would require the same authorisations.

This legislation is administered by AAR under the direction of the SA Attorney General, who also is the Minister for this Act. AAR recommends that because the Section 23 application process is complex and may take 9 months to complete, that projects with a high risk of encountering Aboriginal heritage that may require mitigation should apply for a pre-emptive AHA Section 21/23/ 29 authorisation well in advance of project, so that with Aboriginal traditional owner support and participation, heritage discoveries during construction may be salvaged and relocated if necessary with minimal delay.

In March 2023, The SA Government released information on proposed amendments to the AHA.

- To implement the Government's election commitment to increase penalties for offences under the Act.
- The recent decision by the South Australian Supreme Court in *Dare v Kelaray2* (Kourakis 2022) resulted in a need to clarify the obligations to report Aboriginal heritage discoveries. The changes will ensure that heritage discovered while working under an authorisation is reported to the Minister before it may be impacted.

AAR has released new Heritage Impact Procedure guidelines as a result of the Supreme Court decision and in anticipation of the proposed AHA amendments. Where there is a known and previously reported Aboriginal heritage site for which an authorisation to damage, disturb or interfere with heritage has been granted (Section 23), it is not envisaged that reporting for each individual object located within the site will be required, where this is consistent with the nature of objects and artefacts already found and known to exist within the site, other than for discoveries of ancestral remains where compliance with the Protocols and Coroners Act will be required. New discoveries of Aboriginal heritage made outside of known and reported sites within an authorisation area will be

required to be reported as per the new protocols and associated reporting forms, and managed consistent with the conditions of the authorisation. For discoveries in a non-authorisation context the obligations regarding discoveries of Aboriginal Heritage outlined in section 20 of the Act remain.

A decision regarding whether or not this project should apply for a pre-emptive AHA authorisation under Sections 21 (archaeological excavation), 23 (disturbance) and 29 (archaeological dating) should be the subject of further consultation among Council, Kurna, the heritage consultant, and AAR as soon as practicable. If time is available to lodge such an application before project construction commences, it is recommended as a precautionary measure, considering the known cultural heritage significance of the project location.

Colonial Archaeology and the Heritage Places Act (1993)

The Heritage Places Act 1993 (the Act) regulates protection and management of historical archaeology in South Australia.

Significant archaeological sites are protected under the Act, even though it does not refer directly to them. Instead, it provides protection to significant historical (non-Aboriginal) archaeological objects, which includes material remains (artefacts, features, ruins) of past land use deemed to be of heritage significance.

If significant historical objects are likely to be impacted, it is important they are investigated and recorded first so that the information they contain is captured and preserved.

A permit would be required in order to conduct any archaeological excavations following discovery of any significance historical objects, or for their removal. DEW (2022) has published an Archaeological Provisions Guideline for processes under this legislation, which also should be addressed in the Project CHMP.

Opportunities to celebrate Kurna Cultural Heritage

The senior Kurna Elder representatives consulted for this cultural heritage assessment have a very positive view of the capacity for the project not only to avoid significant heritage impacts, but to provide highly important opportunities that build on the principles and priorities of the Adelaide Park Lands Management Strategy, the Pirltawardli CLMP, the City of Adelaide Reconciliation Action Plan, Adelaide's National Park City status, and corresponding aspirations of the Kurna Traditional owners and Native title holders:

- to promote Kurna cultural heritage through truth-telling related to the important cultural and historical significance of the native location,
- to enhance and provide more detailed cultural heritage interpretation and public education,
- to increase recorded knowledge and improve heritage management through a progressive cultural mapping strategy;
- to include appropriate Kurna cultural elements of design, symbology and artwork to provide positive and easily recognisable visual badging for the project, as well as marketing opportunities;
- to provide educational, employment and training opportunities for Kurna, particularly young people looking to the future through participation in and contribution to the project, as well as users of its sporting and cultural interpretation facilities;
- to explore and explain the links between the project area and related places along the Karrawirra Parri (River Torrens), the surrounding Adelaide city and North Adelaide area, and other significant locations further afield;
- to provide Kurna cultural themes and historical interpretation in the design of the mini golf course as a story-telling opportunity, with a view to extending that to the larger scope of the main golf course and establishing cross-references to other linked places in the City of Adelaide and further afield.
- More detailed recommendations from the Kurna consultation process are recorded in Section 4.2 below.

Key Recommendations

The basic mechanisms for activating these opportunities for maximum contribution to cultural heritage reconciliation and celebration objectives are:

- To establish and maintain a Kurna Advisory Committee to participate in the design, planning and implementation process for the project;
- To guide the project construction and implementation process with an appropriate Kurna Cultural Heritage management Plan (CHMP), supported by a Section 21/ 23/ 29 Aboriginal Heritage Act (1988, 2016) if ground-disturbing works associated with construction might impact buried Aboriginal heritage sites, artefacts or burials that are expected to occur within the project area.

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1 Scope of the Cultural Heritage Assessment

1.1 Project Description and Context

1.1.1 Introduction

The City of Adelaide (COA) proposes to develop Mini Golf on the existing Par 3 course footprint within Possum Park / Pirltawardli (Park 1), on the southern margin of the North Adelaide Golf Course (NAGC) (Map 1-1). In developing an initial proposal, council has prepared a strategic business case (COA 2022a), as well as a feasibility report by Crafter + Mogford Golf Strategies and Golf Business Advisory Services (GBAS) (Crafter Mogford & GBAS 2022), which includes concept designs (Maps 1-2 and 1-3). The concept designs provide only an initial, high-level location and layout for the project and the final design will be a reflection of what outcomes result from this cultural heritage assessment and engagement with the Kurna Traditional Owners.

The City of Adelaide has engaged Neale Draper & Associates Pty Ltd (ND&A) to conduct a cultural heritage assessment (values, impacts, and opportunities) in conjunction with the Kurna Traditional Owners and native Title holders of the Adelaide Region, facilitated by RAWsa on behalf of Kurna Yerta Aboriginal Corporation (KYAC).

1.1.2 Adelaide Parklands Management Strategy

The development of the project is intended by the City of Adelaide to provide benefits according to the goals of the *Adelaide Park Lands Management Strategy 2015-2025* (APLMS 2018) in the following manner.

- Pirltawardli / Park 1 is identified in the Adelaide Park Lands Management Strategy (APLMS) 2021-2025 as the 'Golf Links Precinct' with a predominantly sport and recreation landscape.
- The addition of the Mini Golf service offering is considered consistent with the emphasis in the APLMS on broadening the offering of the Park Lands and increase active use of the Park lands.
- The APLMS also seeks to *"Recognise, promote and protect sites of Kurna cultural heritage significance"* as the proposed location is a site of cultural heritage significance for Kurna, this must be considered as the proposal progresses.

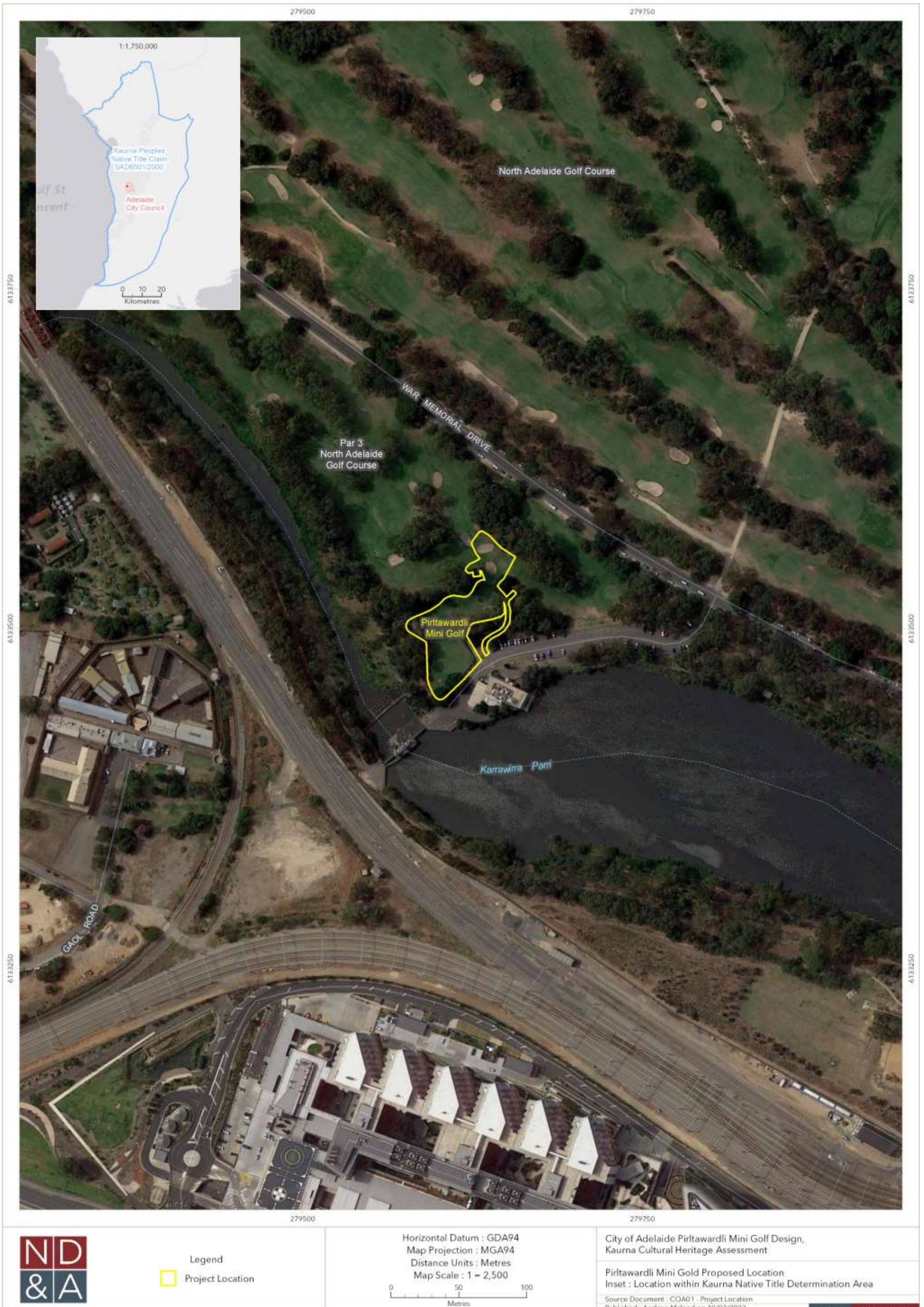
The reference above is to Strategy 5.4, which states:

"Recognise, promote and protect sites of Kurna cultural heritage significance"

While some places of Kurna cultural heritage significance in the Park Lands have been identified, updated cultural mapping is needed to ensure that all sites of Kurna cultural heritage significance are captured. Working collaboratively with Kurna people will help Council to appropriately document, recognise and promote these sites as a means of celebrating living Kurna culture and elements of our collective heritage that are not well understood.

ACTIONS

1. *Map and protect sites of Kurna cultural heritage significance in the Park Lands.*
2. *Acknowledge the ongoing significance of Kurna culture in the Park Lands through:*
 - *public art and monuments*
 - *interpretive signage*
 - *development and promotion of interpretive trails*
 - *incorporating culturally appropriate protocols into Park Lands management regimes*
 - *creation of a Reconciliation Native Garden.*
3. *Celebrate living Kurna culture throughout the Park Lands by:*
 - *interpreting sites of significance to Kurna people*
 - *walking tours such as the Adelaide Kurna Walking Trial*
 - *increasing understanding of Kurna culture and language through site interpretation, public art installations and promoting the dual naming of the Park Lands and Squares.*
 - *Initiate the appointment of a ranger/Kurna heritage officer to provide interpretation and education opportunities for the community.*



Map 1-1: Mini Golf Project Location.



0 10 20 50m

**North Adelaide Golf Course - Par 3 Course
Proposed Mini Golf Development**

Existing Site

>Aerial Photography dated 31.10.2021

January 2022

Sheet **1**

Map 1-2: Mini Golf Design - current facilities (Crafter Mogford & GBAS 2022).



Map 1-3: Mini Golf proposed course design (Crafter Mogford & GBAS 2022).

4. *Recognise the role of the Park Lands as a significant meeting place for Aboriginal people through the creation of a safe and inclusive space for all cultures and people on Kurna land'. (APLMS 2018: 27).*

Strategy 5.5 also is particularly relevant to this project.

"Provide a positive visitor experience of sites of cultural significance

Recent installations of wayfinding signage with interpretive content have greatly enhanced the visitor experience, and added layers of meaning to sites across the Park Lands. As a result, the Park Lands are now easier to access and navigate, and visitors are able to gain a much better understanding of the diverse cultural and historical attributes of the Park Lands.

ACTIONS

1. *Complete the project to install wayfinding signage with interpretive content, and to establish rest areas and lighting at cultural heritage sites.*
2. *Develop an interpretive plan and pursue opportunities for creative and interactive interpretation of cultural heritage to bring the layers of history to life for visitors.*
3. *Supplement interpretive signage with other interpretive techniques such as walking/cycling trails and guided walks/ bicycle rides.*
4. *Develop and promote a cultural heritage hub at an appropriate site within the Park Lands.*
5. *Review approach to developing and accepting memorials in the Park Lands, including the identification of suitable sites for establishing memorials." (APLMS 2018: 27).*

With respect to the project area, the APLMS summary for the 86ha Pirltawardli Park 1 mentions only that:

"The park also contains sites of local heritage interest, such as the Pirltawardli Aboriginal area colonial store and signal station site and memorial" (APLMS 2018: 66).

1.13 Kadaltilla / Park Lands Authority 2020-2025 Strategic Plan

COA also intends the project to reflect the management and protection goals of the *Kadaltilla / Park Lands Authority 2020-2025 Strategic Plan* (KPLA 2020, Appendix 6.1 below). Council's reasoning is that Mini Golf as an activity is broadly consistent with the purpose of KPLA's Strategic plan: *"To conserve and enhance the environmental, cultural, recreational and social importance of the Adelaide Park Lands"*. KPLA's Strategic Plan also places great emphasis on promoting Kurna cultural values and as such this must be considered as the proposal progresses.

"Culture" is one of the four main themes of the Strategic Plan - *"Promote the cultural values of the Park Lands including Kurna culture, heritage and wellbeing"* - including the Key Actions:

"1.1 Make Kurna culture intrinsic to everything we do

1.2 Assist with Kurna cultural mapping." (KPLA 2020 - reproduced as Appendix 6.1 below).

1.14 Pirltawardli (Park 1) Community Land Management Plan

The Community Land Management Plan (CLMP) for Possum Park / Pirltawardli (Park 1) ACC is supportive of golfing activity.

"1.3.18 Support the progressive upgrade and increased usage of the North Adelaide Golf Links golf courses, clubhouse and supporting facilities to improve their viability and use, and broadening of opportunities for social activity and other sporting activities." (CLMP nd: 5).

The CLMP also recognises the Kurna cultural heritage significance of the site now occupied by the Par 3 Course (see Section 3.1 below).

1.15 City of Adelaide Stretch Reconciliation Action Plan 2021-2024.

The City of Adelaide Reconciliation Action Plan has six guiding principles.

THE SIX GUIDING PRINCIPLES

1. Participation

The City of Adelaide will seek the advice and participation of Aboriginal and Torres Strait Islander Peoples on key issues of interest to the community, and will promote cooperative approaches on these issues between the City of Adelaide and Aboriginal and Torres Strait Islander Peoples.

2. Negotiation

The City of Adelaide will enter into a process of negotiation to seek and record the views of local Aboriginal communities about reconciliation and other key issues.

3. Communication and Public Awareness

The City of Adelaide will promote its support for reconciliation to increase public awareness and understanding of the reconciliation process and, in particular, to ensure that the mainstream community is aware of the culture and legitimate aspirations of Aboriginal and Torres Strait Islander Peoples.

4. Service Provision

The City of Adelaide is committed to providing relevant community services and assistance to Aboriginal and Torres Strait Islander Peoples to minimise the disadvantages they suffer, where the responsibility to do so rests with the City of Adelaide, or to advocate for improved services to be provided by other levels of government. The City of Adelaide will develop a policy and programs to encourage

the employment of Aboriginal and Torres Strait Islander Peoples.

5. Cultural Identity and Heritage

The City of Adelaide acknowledges the continuing cultural and spiritual obligations the Kurna People have in their lands and seas, and will seek opportunities to recognise Kurna heritage through physical features of the City of Adelaide and by supporting community cultural activities.

6. Commemoration

The City of Adelaide will work with the Kurna community to celebrate important Kurna celebrations and events linked to significant sites

in the City of Adelaide. (COA 2021-2024: 8).

1.2 Kurna Participation and Cultural Heritage Assessment Methodology

The project location is near the river (the *Karrawirra Parri*, or Red Gum River) in the Pirltawardli (Park 1), which is known to be associated with significant traditional and historic places for Kurna people, and a potentially significant archaeological record of past activities and continuing cultural associations (e.g., Draper et al 2005, Foster 1990, Harris 1999 & 2006, Hemming and Harris 1998). Although the Kurna cultural significance of this location is acknowledged by Council and there is a commemorative and interpretative installation on the southern edge of the park, previous development works in this area previously have not been subject to any formal, cultural heritage management process.

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Council staff associated with the project. Additional anthropological consultation was conducted with nominated Kurna Elders who were not able to attend those sessions.

The cultural heritage assessment report contains the results of this work, as well as cultural heritage management recommendations from both the Kurna Traditional Owners and the heritage consultants.

2 Aboriginal Heritage Legislation

2.1 Aboriginal Heritage Act (1988, 2016), SA

The South Australian *Aboriginal Heritage Act* (1988, 2016) (AHA) is administered by the Aboriginal Affairs and Reconciliation Division (AAR) of the Attorney General's Department. Any significant Aboriginal heritage site, object or remains, whether previously recorded or not, is covered under the blanket protection of the AHA. The AHA provides the following definition of an Aboriginal site in section 3.

"Aboriginal Site" means an area of land

(a) That is of significance according to Aboriginal tradition; or

(b) That is of significance according to Aboriginal archaeology, anthropology or history."

Aboriginal objects are significant Aboriginal artefacts.

The term "remains" refers to traditional Aboriginal burials, usually comprising skeletal remains and any accompanying grave furnishings.

Section 20 of the AHA is concerned with the Discovery of sites, objects or remains:

" 20. (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."

Any discovery of an Aboriginal site, object or remains must be reported to DPC-AAR under Section 20. This section does not apply to the traditional owner of the site or object or to an employee or agent of the traditional owner (Section 20(2)).

Any archaeological excavations *"for the purpose of uncovering any Aboriginal site, object or remains"* requires Ministerial authorisation under S. 21 of the AHA.

It is an offence under section 23 of the AHA to damage, disturb or interfere with an Aboriginal site, object or remains unless written authorisation from the Minister for Aboriginal Affairs and Reconciliation has been obtained. Penalties for an offence under this section are up to \$10,000 or six months' imprisonment in the case of an individual, or \$50,000 in the case of a corporate body.

It is an offence under section 35 of the AHA to divulge information relating to an Aboriginal site, object, remains or Aboriginal tradition without authorisation from the relevant Aboriginal group or groups. Penalties for an offence against this section are up to \$10,000 or six months' imprisonment.

Section 37 of the AHA provides that *"Nothing in this Act prevents Aboriginal people from doing anything in relation to Aboriginal sites, objects or remains in accordance with Aboriginal tradition"*.

The 2016 amendments to the Aboriginal Heritage Act (1988) update the provisions of the legislation in terms of the recognition of the Representative organisations of Aboriginal traditional owner and native title groups, and associated heritage engagement processes with them. There are provisions for the establishment of Recognised Aboriginal Representative Bodies (RARB) – ideally corresponding to native title holder PBCs, but alternatively may relate to an area or a specific site, object or remains. An applicant for an authorisation under section 21 (approval for archaeological excavations) or section 23 (approval to disturb a site, object or remains) of the AHA can enter

into an agreement with a RARB, consistent with the regulations and guidelines that are being developed. It is anticipated that KYAC could become the RARB for the local region at some stage during the operational life of this project. To date, no RARBs have been appointed under these 2016 legislation amendments, apart from the APY and Maralinga Lands (which also operate under independent State Legislation).

This legislation is administered by AAR under the direction of the SA Attorney General, who also is the Minister for this Act. AAR recommends that because the Section 23 application process is complex and may take 9 months to complete, that projects with a high risk of encountering Aboriginal heritage that may require mitigation should apply for a pre-emptive AHA Section 21/23/ 29 authorisation well in advance of project, so that with Aboriginal traditional owner support and participation, heritage discoveries during construction may be salvaged and relocated if necessary with minimal delay.

In March 2023, The SA Government released information on proposed amendments to the AHA.

- To implement the Government's election commitment to increase penalties for offences under the Act.
- The recent decision by the South Australian Supreme Court in *Dare v Kelaray2* (Kourakis 2022) resulted in a need to clarify the obligations to report Aboriginal heritage discoveries. The changes will ensure that heritage discovered while working under an authorisation is reported to the Minister before it may be impacted.

AAR has released new Heritage Impact Procedure guidelines as a result of the Supreme Court decision and in anticipation of the proposed AHA amendments. Where there is a known and previously reported Aboriginal heritage site for which an authorisation to damage, disturb or interfere with heritage has been granted (Section 23), it is not envisaged that reporting for each individual object located within the site will be required, where this is consistent with the nature of objects and artefacts already found and known to exist within the site, other than for discoveries of ancestral remains where compliance with the Protocols and Coroners Act will be required.

New discoveries of Aboriginal heritage made outside of known and reported sites within an authorisation area will be required to be reported as per the new protocols and associated reporting forms, and managed consistent with the conditions of the authorisation. For discoveries in a non-authorisation context the obligations regarding discoveries of Aboriginal Heritage outlined in section 20 of the Act remain.

2.2 Coroner's Act (2003), South Australia

Any discovery of human remains must be reported to the South Australian Police (SAPOL, specifically the Forensic Science Centre) under Part 5, Section 28 of the Act. Maximum penalty is \$10,000 or two years imprisonment. Section 4 of this document provides a compulsory procedure for reporting any potential discoveries of remains from traditional Aboriginal burials for identification (human remains versus non-human remains), and further reporting to SAPOL of any confirmed human skeletal remains as required by this legislation.

2.3 Aboriginal and Torres Strait Islander's Heritage Protection Act 1984 (amended 2016), Commonwealth

The Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984 provides a mechanism for the Commonwealth Minister for the Environment and Water to make declarations regarding the protection of an Aboriginal area when the Minister is satisfied that, under State or Territory law, there is ineffective protection of the area from a threat of injury or desecration. Declarations made under this Act may involve restricting activities and/or access to an Aboriginal site.

Under section 22 of the *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984, it is an offence to conduct behaviour or partake in an action that contravenes a declaration made by the Minister. Where this relates to an Aboriginal place, the penalties applicable under this section are \$10,000 or imprisonment for five years, or both, for an individual, and \$50,000 for a corporate body. Where an Aboriginal object is concerned, the penalties are \$5000 or imprisonment for two years, or both, for an individual, and \$25,000 for a corporate body.

Applications under this legislation may be made only by Aboriginal Traditional Owners and will only be considered if State-level heritage protection measures have failed to provide protection for a significant Aboriginal Heritage Site, object, or traditional burial. If the requirements of this CHMP are followed, the *Aboriginal and Torres Strait Islander Heritage Protection Act* 1984 should not be at issue.

2.4 Native Title Act (1993), Commonwealth

The Commonwealth Native Title Act 1993 is part of the Commonwealth's response to the High Court's decision in *Mabo v Queensland (No.2)* and adopts the common law definition of native title, defined as the rights and interests that are possessed under the traditional laws and customs of Aboriginal people in land and waters, and that are

recognised by the common law. These rights may exist over Crown Land but do not exist over land held as freehold title.

The *Native Title Act* recognises the existence of an Indigenous land ownership tradition where connections to country have been maintained and where acts of government have not extinguished this connection.

The project is located within the overall boundary of the 2018 Kurna Native Title Determination of native title. RAWsa manages cultural heritage as agents for Kurna Yerta Aboriginal Corporation (KYAC) which is the Registered Native Title Body Corporate for the Kurna Determination Area.

2.5 Heritage Places Act (1993), South Australia

The South Australian *Heritage Places Act* (1993) is the primary European heritage protection legislation in South Australia. This Act includes the SA Heritage Register (Part 3 of the Act), which consists of a list of 'State Heritage Places' and 'State Heritage Areas'. Section 16 of this Act establishes a set of criteria to be used to assess whether a place qualifies for listing on the SA Heritage Register.

Buried cultural material relating to the non-Aboriginal settlement or exploration of Australia (i.e., archaeological sites, features and artefacts) has relevance under this Act as a component of a listed 'State Heritage Place' or 'State Heritage Area'. It is also a requirement under section 27(2) that the discovery of any non-Aboriginal 'archaeological artefact' of 'heritage significance' is reported to the South Australian Heritage Council. Under section 36 of this Act, it is an offence to damage a heritage place entered onto the SA Heritage Register.

3 Cultural Heritage Context

3.1 Summary of Recorded Cultural Heritage Values

An online *Taa Wika* search of the AAR Central Archives (Appendix 6.2) records that the only recorded Aboriginal Heritage Site that intersects the potential project area is Historic Site 6628-503, the Native or Aborigines Location, although the site boundary in the search results is slightly different to the site record.

In addition to providing an initial focus for Kurna consultation and gathering information related to the Aboriginal history and cultural heritage of the Adelaide City Parklands, Hemming and Harris (1998) also produced a draft "*Kurna Statement of Cultural significance for the Adelaide Parklands – Interim*", July 1998.

"Tardanyangga Kurna Yerta

This is the Red Kangaroo Dreaming place of the Kurna people. It was an important place for the Kurna long before the City of Adelaide was established. The Adelaide Parklands and Squares are part of this place and hold special cultural significance for us – the Kurna people.

The setting-up of the City of Adelaide and its Parklands deprived our ancestors of the responsibility for maintaining crucial, culturally meaningful places. On the Parklands the Kurna have suffered to the present day as a result of this dispossession. Invasion has meant continuing alienation, oppression and harassment for us and other Indigenous people. These injustices have been played out in the Adelaide Parklands.

The Parklands have many culturally significant places. These places should be preserved from further encroachment.

We, as Kurna people, must walk on these places to maintain our cultural strength." (Hemming & Harris 1998:5)

The CLMP for Pirltawardli (Park 1) summarises the recorded Kurna cultural heritage significance of the site now occupied by the Par 3 golf course.

"The Adelaide Park Lands are part of the Red Kangaroo Dreaming place, an important place for the Kurna people long before Adelaide was established. There are considerable references to Kurna sites or activities, pre-contact and post-contact for this Park. Pirltawardli (Park 1) has indigenous significance as one of the many parks which comprise the Park Lands as a place where the Kurna people lived.

Pirltawardli (Park 1) is considered an important Kurna and indigenous contemporary significant place because it played a central role in the history of South Australian race relations, it is also of importance for all South Australians'. The stretch of river between Pirltawardli (Park 1) and Tulya Wodli / Bonython Park is culturally significant to the Kurna people in terms of their cultural beliefs.

In particular, a location called Pirltawardli, the first 'Native Location' or 'Aboriginal Location' was formally established and intended by colonial governments to concentrate local aboriginals in one place and provide education. This location has strong cultural values to the Kurna and South Australian Aboriginal communities as well as a role in the state's early development. Over time, the location grew to include an indigenous school, stores and various housing 'sheds'. The first Colonial Store was erected on the upper reaches of the present Golf Course where European food and manufactured goods were sold and where Kurna and European 'offenders' were executed by hanging in the 1840s.

The post-contact Aboriginal associations as to this Park are significant. During the development of the Par-3 golf course oral advice recorded evidence of bones and building materials being uncovered, and renovations to the ground surface of the golf course have disguised the site of the Store. Both sites would contain archaeological evidence, and cultural meanings and significance to the Aboriginal and Kurna communities." (CLMP nd: 8).

Pirltawardli and Tininyawardli feature as one of the interpretation locations on the Adelaide Kurna Walking Trail online (<https://www.experienceadelaide.com.au/blog/kurna-walking-trail/> - 19/04/2023).

The *Kurna meyunna, Kurna yerta tampendi* (recognising Kurna people and Kurna land) Walking Trail guide for the Karrawirra parri (River Torrens) and Adelaide city area was compiled from many Kurna Elders and historical sources and has more detailed descriptions.

"Piltawodli and the dispossession of land

Piltawodli, literally 'brush tail possum house', is the name given to the 'native location' which was reserved for Kaurna meyunna and other Aboriginal people near the Torrens Weir soon after colonisation { see Site 12}.

Piltawodli provided a relatively safe place to live but also allowed colonists to take possession of other Kaurna land. Kaurna children were taught in their own language by two German or Lutheran missionaries, Christian Teichelmann and Clamor Schurmann.

There was insufficient land at Piltowodli for Kaurna meyunna to practise traditional lifestyles though some travelled further to hunt, fish and gather foods.

Before South Australia was proclaimed in 1836, Kaurna women had been kidnapped from Rapid Bay and nearby harbours by sealers operating from the early 1800s from Kangaroo Island. Smallpox devastated Kaurna meyunna during this time, probably killing more than half of the population.

Many Kaurna meyunna died soon after colonisation from introduced diseases including tuberculosis, influenza, measles and typhoid.

By 1870 most Kaurna meyunna who survived the displacement from their traditional lands were living at Point Pearce Mission on Yorke Peninsula or Point Mcleay Mission on Lake Alexandrina. See Site 12 for more information about Piltawodli." (GFSPT n.d.: 9-10).

"Piltawodli

In April 1837 Kaurna meyunna were moved to the 'Native Location' as it was called by the government. Kaurna meyunna called it Piltowodli (brush failed possum home). Captain Walter Bromley, South Australia's second interim Protector of Aborigines, built himself a hut and supervised Kaurna meyunna in building half a dozen shelters.

By 1838, a dozen huts were built to accommodate Kaurna meyunna as well as a garden, schoolhouse, storehouse and a residence for the interpreter. Samuel Klose recorded that Kaurna meyunna in Adelaide were referred to as Wito Meyunno (reed people) and, after Piltawodli was established, they were called the Taralye Meyunna (stockade people).

The missionaries, Christian Teichelmann and Clamor Schurmann, who arrived with Governor Gawler in October 1838, lived at Piltawodli. In the 1840s Piltawodli consisted of about 5 hectares.

The Kaurna language was recorded at Piltawodli, from Kaurna meyunna who had settled and built houses there. The names of some are recorded, including Mullawirraburka, Kadlitpinna, Wattiwattipinna, Warrityinna and Tilti Midlaitya.

Teichelmann and Schurmann published a description of the language (2,000 words, grammar and about 200 sentences) in 1840. Teichelmann later recorded much more. Dr William Wyatt, Protector of Aborigines from 1837-1839, and William Williams, the Colonial Store keeper, recorded some additional words and sentences.

William Cawthorne, an artist with an interest in Aboriginal people, their songs, ceremonies and ways of life, befriended Kaurna meyunna living at Piltowodli and made copious records in his diaries during the period 1842 - 1846. He named his son, Charles Wittowitto Cawthorne. His middle name means 'cockatoo feather headdress'. Kaurna meyunna today are relearning and reviving their language and it is increasingly used publicly.

Protest song on cream coloured plaque at Piltawodli

Ngurpo Williamsie's song is a protest song.

Wanti nindo ai kabbo kabba. Ninkoandi kuma yerfa.

'Where have you pushed me lo? You belong to another country.'

It is likely that this song is a protest against the incursion of peoples from the Murray River districts, as well as Europeans, into Kaurna meyunna lands.

Following the massacre of Aboriginal people at Rufus River by overlanders and officials, Protector Moorhouse persuaded several Murray River people to come to Adelaide to prevent more frontier violence and resistance. The River Murray Aboriginal people had resisted the 'overlanders' trampling cattle and sheep through their country.

Kurna meyunna were soon outnumbered, not only by the Europeans, but also by Aboriginal people from outlying areas. This resulted in conflict between the Kurna meyunna and the Murray River peoples. On one occasion the police confiscated and destroyed all the weapons of a group of Aboriginal people who had gathered to fight. Kurna Elder Mullawirroburka made a speech which he asked William Cawthorne to publish. It says in part:

' ... What for you no stop in England Before white man come, Murray black fellow never come here. Now white man come, Murray block fellow come too. ... Let them sit down at the Murray, not here ... You tell Captain Grey to make Murray black fellow go away ... ' (South Australian Register, 24 April 1844).

Piltawodli School

Using the photograph diagram on the plaque as a guide, work out the location of the first school for Aboriginal children in South Australia which opened in December 1839. The school for Kurna children was conducted by the German missionaries. It continued to operate until 1845. A possum used to climb through the floorboards into the school room.

Kurna children were taught to recite the Ten Commandments, prayers and Bible stories in the Kurna language and to sing Kurna hymns written to German melodies. In addition, the children were taught geography and mathematics in English and received religious instruction in both Kurna and English.

Up until 1843, the children lived at home with their parents, though on occasion boys were taken in by the missionaries as domestic servants. From 1843 onwards they were housed in dormitories in accordance with Governor Grey's 'reforms' in order to remove them from the influence of their parents and Kurna culture.

Whilst the German missionaries held Kurna language in high regard, they were contemptuous of Kurna religion and used every opportunity to rubbish Aboriginal beliefs and drive a wedge between the children and Elders, They recorded a number of instances in their journals of arguments they had with Kurna leaders in their attempts to Christianise them.

In July 1845 soldiers demolished all houses belonging to Kurna meyunna here in accordance with Governor Grey's orders that "no longer shall any native remain within the fence". The children were sent to attend the new boarding school on Kintore Avenue (Site 20).

However, in 1846 Piltawodli was re-established for some time at this site when seven sheds were erected on the north side of the Torrens for the Murray and Encounter Bay Aboriginal people and three on the south side of the Torrens for the Kurna meyunna.

Following the 1911 Aboriginal Act, Aboriginal people were forbidden to visit Adelaide without the permission of the Chief Protector. Those who did return to the fringe camps around the city were usually rounded up by the police and sent back to Point Mcleay or Point Pearce.

Today, thousands of Aboriginal people live in the Adelaide metropolitan area. Reconciliation ceremonies involving Kurna meyunna and others are held at this memorial site." (GFSPT nd: 21-24).

3.2 Land Use History and Impacts

3.2.1 Overview

The mini golf project area is situated on the north bank of the Torrens River / Karrawirra Parri in the part of the Adelaide Parklands known by Kurna people as Pirltawardli. Prior to colonisation it was a part of a wider living, foraging, hunting, fishing and ceremonial area for Kurna people. In 1839 the colonial administration attempted to contain Kurna people in a small settlement type arrangement at Pirltawardli but by 1845 the buildings were demolished or made inaccessible and most of the area assigned to sappers and miners. In 1846 ten replacement brick sheds were built but they were not good shelters and by 1851 both Kurna and non-Kurna Indigenous people had moved away from the area. Between the early 1850s and the 1890s the land use is not known, but it may have been cropped or grazed. In the 1890s a nine-hole golf course was established in Montefiore Park and extended to an eighteen-hole course in the early 1920s. A second eighteen-hole course was built in 1950 followed by the 'Par 3 Course' in 1960.

Map 3-1 shows the previously recorded Aboriginal Heritage places and related historic features in the general vicinity of the project location, while Map 3-2 provides a close-up view in more detail. The original Adelaide "Native Location" is a registered Aboriginal historic site (6628-503), with an approximate extent as shown by the dashed oval-shaped area on the map. A different mapping for the area of the "Aborigines Location" mapped in 1842 on the north side of the river only also is shown. A "taa Wika" online search of the Aboriginal Heritage Central Archives was requested from AAR to identify previously recorded and registered Aboriginal Heritage Sites (see Appendix 6.2).

Maps 3-1 and 3-2 also include places (approximately located) from the report by Dr Steve Hemming and Rhondda Harris (1998) *Tarndanyungga Kurna Yerta. A Report on the Indigenous Cultural Significance of the Adelaide Parklands, Adelaide Parklands Management Strategy*. Brief descriptions for these locations summarised from Hemming and Harris (1998) are provided in Table 3-1 below. Additional information is contained in that report, as well as Foster (1990), Harris (1999, 2006) and Draper et al (2005).

Maps 3-1 and 3-2 also show the city section of the recorded Kurna Mythological site Karrawirra Parri (River Torrens), which was reported to AAR (ACHM 2009) but has not been registered (Draper 2015). The site record originally submitted in 2009 included Piltawardli as part of the "site complex" of heritage places with direct physical and cultural connections to the river.

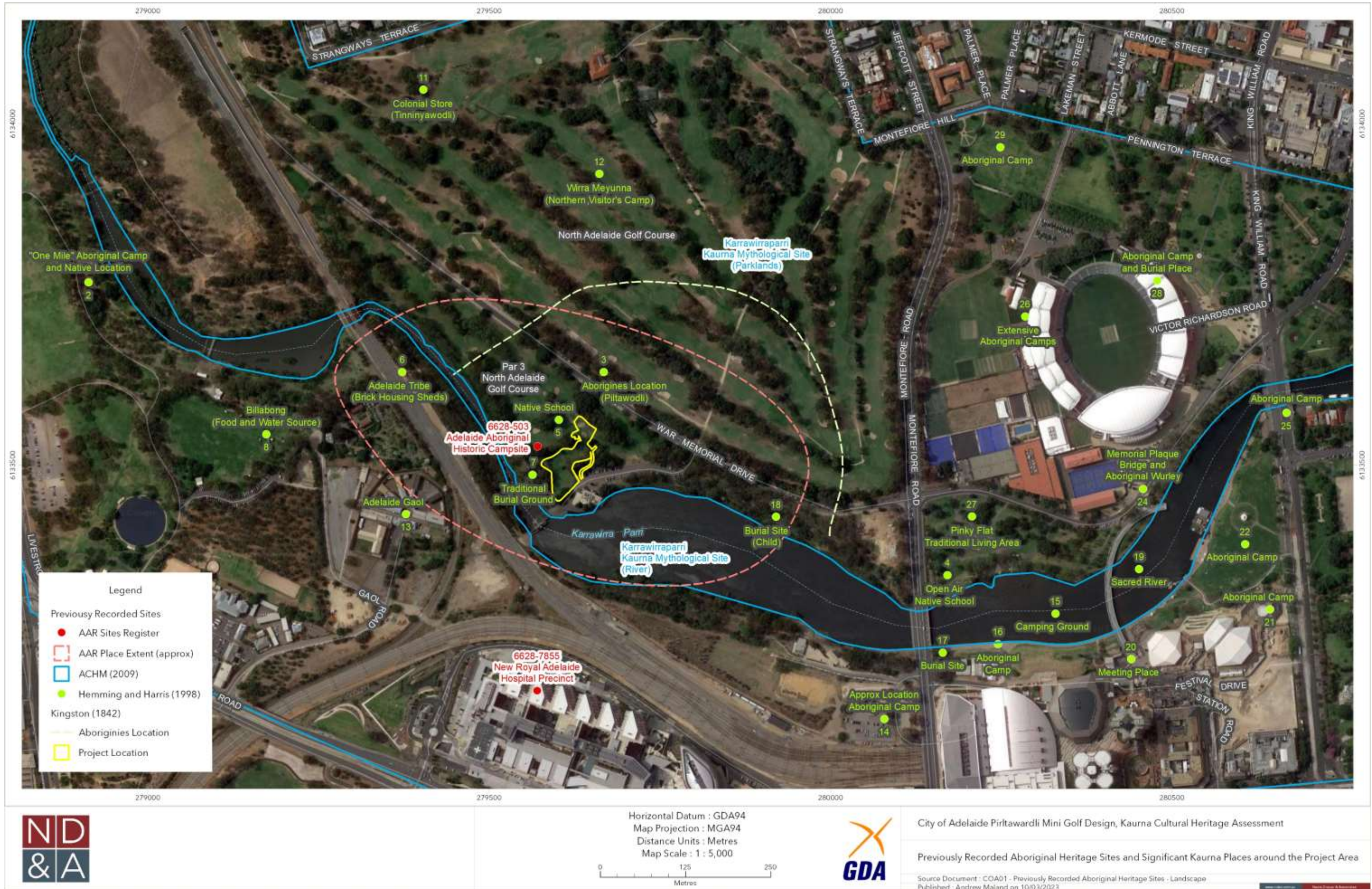
3.2.2 Pre-colonial land use

Prior to colonisation, the areas around the Torrens River / Karrawirra Parri were important living spaces for Kurna. The waterway "was a crucial economic lifeline [where] ... People hunted, fished, gathered a variety of plants for foods and other uses ... (Hemming and Harris 1998:18-19). Pinkie Flat, where Adelaide Oval is now located was "an important camping / living space prior to and after the establishment of the City of Adelaide" (Hemming and Harris 1998:21).

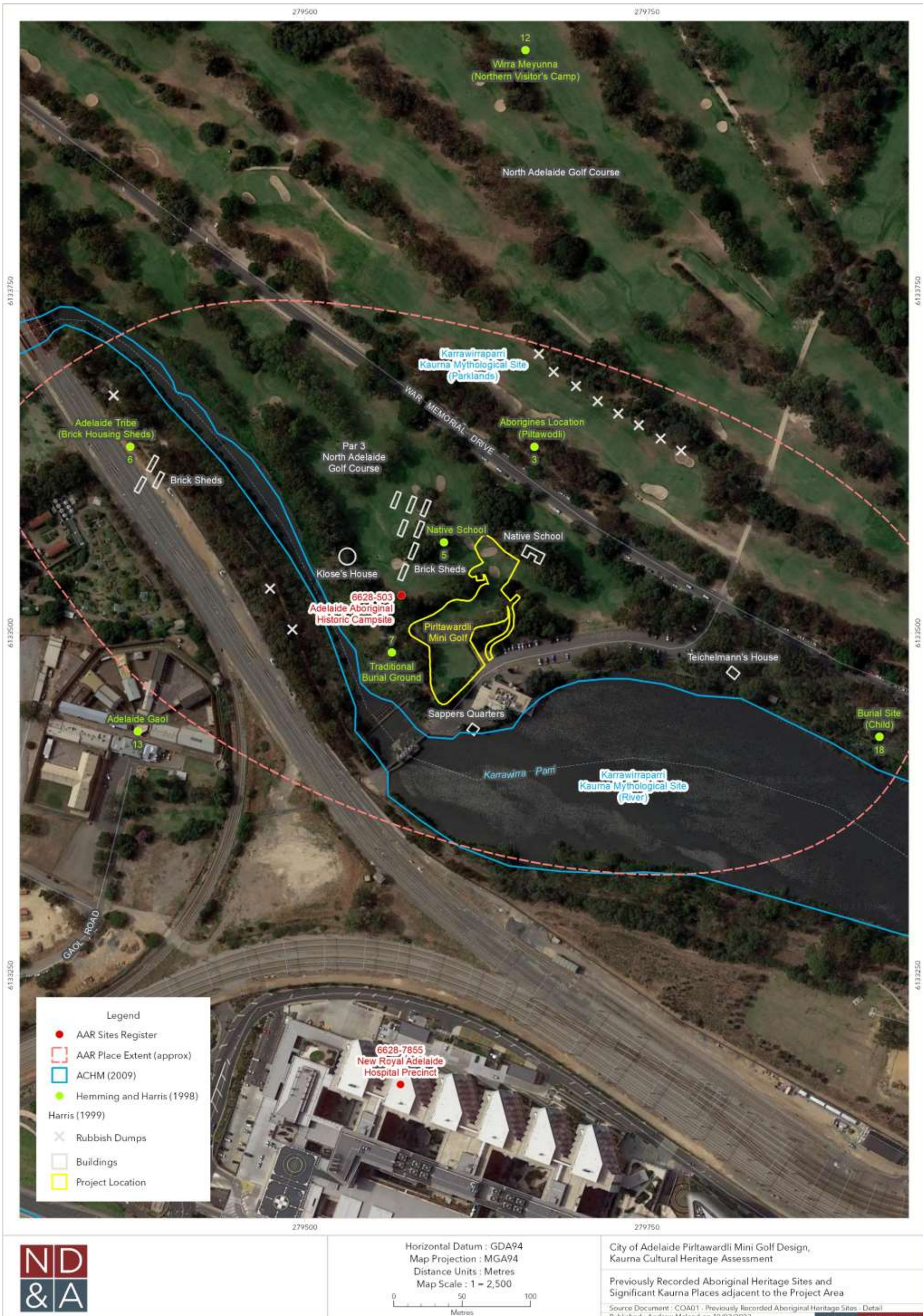
Table 3-1: Summary of significant locations for Kurna cultural heritage on Map 3-1, identified by Hemming & Harris (199).

Name & Site Number	Description	Heritage Values
3 - Aborigines Location/ Piltawodli	Former location of the site is now in the Adelaide Golf Course	The native location – important historical & archaeological sites
5 - Native school		Aboriginal school built in 1839, at the "native location". Children were taught in Kurna language. Site disturbed by golf course, but may be archaeological remains.
6 - 'Adelaide Tribe' sheds	South of River Torrens.	Brick sheds built to house Aboriginal people but only used for short periods. Adelaide sheds S of the Torrens, & sheds for Murray people etc N of River – partly destroyed by golf course, bikeway/walk way etc, but archaeological remains probably remain in situ.
7 - Burials	Banks of the River Torrens west of weir	Traditional burial ground, partly disturbed by golf course but Aboriginal graves exposed by works along river bank (Wilson 1995: 29).
8 - 'Billabong'	Located near the old slaughterhouse and filled in with rubbish in the 1880's.	Billabong would have provided important food and water sources for traditional camps in this area.
11 - Colonial Store/ Tinninyawodli	In golf course south of Strangways Tce.	NW of native location – site of colonial interaction with Aboriginal people, including hangings. Also wood-selling Site partly destroyed by golf course development, but some archaeological features have been noted.
12 - Near colonial or iron stores	Open forest area	Major camping area of wirra meyonna, visitors from the northern forest areas (Gawler, Para River – Gara 1998: 95)

13 - Adelaide gaol	Adjacent to native location, south bank of River Torrens.	Near Piltawodli, and site of imprisonment for many Aboriginal people, as well as hangings. Unmarked Indigenous graves in yard of gaol.
14 - North Terrace – Opie lithograph 1841	Approx. location Aboriginal camp	Aboriginal camp shown between Torrens R & North Terrace – present rail yards
15 - Old ford & first bridge across Torrens	Approx 180 metres east of current Morphett St Bridge	Camping ground around old Morphett Bridge area - Cawthorne diaries (Foster 1991).
16 - Aboriginal Camp, S bank of Torrens, Davenport watercolour	Located near the first bridge on the south side of the River Torrens	Davenport painting depicts Aboriginal camps on both banks of Torrens west of the old bridge. S camps burnt out by police – Cawthorne diary 27/1/1843 & Register 8/12/1847. Limestone(?) quarry shown at left.
17 - Burial site	In the bed of the River Torrens	Burial of Mt Barker (Peramangk) man killed in battle at Holdfast Bay – Cawthorne diaries 24/12/1842
18 - Burial site	North side of river near Morphett St.	Child burial at burial ground in 1846, Chalk notes 7/11/1926 in Tindale notes.
19 - River Torrens/Tanda:njapari/Karrawirraparri	Aboriginal traditional/colonial use of Torrens River general, cultural significance as a “sacred River”	A sacred river for Indigenous people, although the details are culturally confidential. The site of camps, swimming, food, timber, reeds & weaving – sale & barter with colonists. Day MS in Tindale notes. Conflict with colonist’s cf camps & water supply pollution (Register 5/2/1840). Threats of northern sorcerers to charm river & kill colonists.
20 – Meeting place, banks of Torrens	Eg. near Festival Theatre	Important meeting place near the Festival Centre for Indigenous people to meet in City from c. 1930s-1960s.
21 - Tarnda Kanya	Term coined by Rob Amery	Elder Park area – Amery made term cf. ‘tarnda” (red kangaroo totem) + ‘kanya’ (rock) cf, quarrying of culturally significant stone outcrops in this area. (pink/red Hallett Cove Sandstone associated with Tarnda- Draper et al 2005: Figure 10)
22 - Elder Park Aboriginal Camp	Elder Park	Site of Aboriginal camps removed in 1849 (Whitelock 1977: 186) in ‘clean-up’ of Parklands
25 – Aboriginal Camp, Gill painting c.1837	South side of Torrens near King William St Bridge	Old Govt. House in background was in middle of current King William St.
26 - Major living area	Adelaide Oval area & surrounds	Located along northern bank of Torrens where camps, ceremonies, meetings, cooking etc took place. Often traversed by settlers – extensive camps, until at least late 1840s.
27 - Pinky Flat	North side Morphett St bridge	Part of large traditional living area located north of the Torrens, re-occupied during the Depression (late 1920s-1930s).
28 - Adelaide Oval	(see also 26)	camping and burial place – see 26 above, L. O’Brien oral history from G. Elphick. Day MS 1902 (Tindale) records removal of tree burial by police. Indigenous people have performed public corroborees & played football & cricket matches since establishment of the oval.
29 - Montefiore Hill	North Adelaide	Part of traditional living areas. Also location of Col. Light’s statue & outstanding views cf Aboriginal & colonial Adelaide (eg Mt Lofty Ranges). Nixon painting 1845 with Aboriginal camp. Location of Aboriginal tent embassy in 1972.



Map 3-1: Previously recorded Aboriginal Heritage and related historic Sites in the general vicinity of the project area.



Map 3-2: Previously recorded Aboriginal heritage sites and significant Kaurna places - detail.

3.23 The Aborigines Location (also known as the Aboriginal or Native Location)

The colony of South Australia began the year before the initial 'Aboriginal Location', also known as the 'Aborigines Location' or 'Native Location' was set up on the southern side of the Torrens River / Karrawirra Parri in 1837. The first location was in an area proposed for the Botanic Gardens (Foster 1990; Harris 1999; Harris 2006:58-59), followed by the construction of wooden huts, a school and storehouse nearby (Harris 2006: 59-63).

In 1839 a new 'Location' was established on the north bank of the Torrens River / Karrawirra Parri opposite the Adelaide Gaol, in the area known as Pirltawardli (Foster 1990:14; Harris 1999:72-74; Harris 2006:63-67). Kurna people, along with the missionaries and school teachers, built European style dwellings and a schoolhouse, and gardening and cropping activities were carried out (Harris 2006:65-66). Although the colonial administration attempted to contain people and their camps within the official location boundaries, they were not successful (State Records GRG 52/7/1, 18 Feb. 1846 in Harris 1999:8; Schurmann diary 12 Jul. 1839 in Harris 1999:8).

Soldiers demolished the settlement in 1845 (Harris 2006:67). At that time the Native School and the children moved to Kintore Avenue and the sappers and miners moved to Pirltawardli and took over most of the buildings. In 1846 ten brick huts were built within the remains of the Native Location (Harris 2006:68). The missionary Klose (who was still resident at the Native Location) had three of the huts built on the south side of the river specifically for the "Adelaide tribe" to avoid conflict with the Murray and Encounter Bay tribes who used the seven huts on the north side (GRG 35/2, 27 Jul. 1846 & 25 Sep. 1846. SA Public Record Office in Foster 1990:31; Harris 2006:68).

The Native Location operated as an 'official place' until 1845 and continued as an unofficial gathering place until about 1851 (Harris 1999:7) as people moved to areas with trees around Botanic Park and Hackney Bridge (Observer, 2 Feb. 1850 p.3 in Harris 1999:8) or away from Adelaide altogether (Teichelmann diary, 15 Jul. 1845 in Harris 1999:8).

By the 1850s, removal of trees for building material and firewood as well as stock grazing created a bare landscape across the project area. The renowned artist Eugene Von Guerard sketched the panorama of Adelaide shown in Figure 3-1 on 30th July 1855, from a location a little over half a kilometre downstream from the old Adelaide Goal (right of centre on far bank). The former native location, later the Sappers Quarters is on the left, shown with grazing cattle, a fence, and forest behind in the background. Note the wholesale removal of vegetation, and the heavy erosion of the river banks (from Carroll & Tregenza 1986).

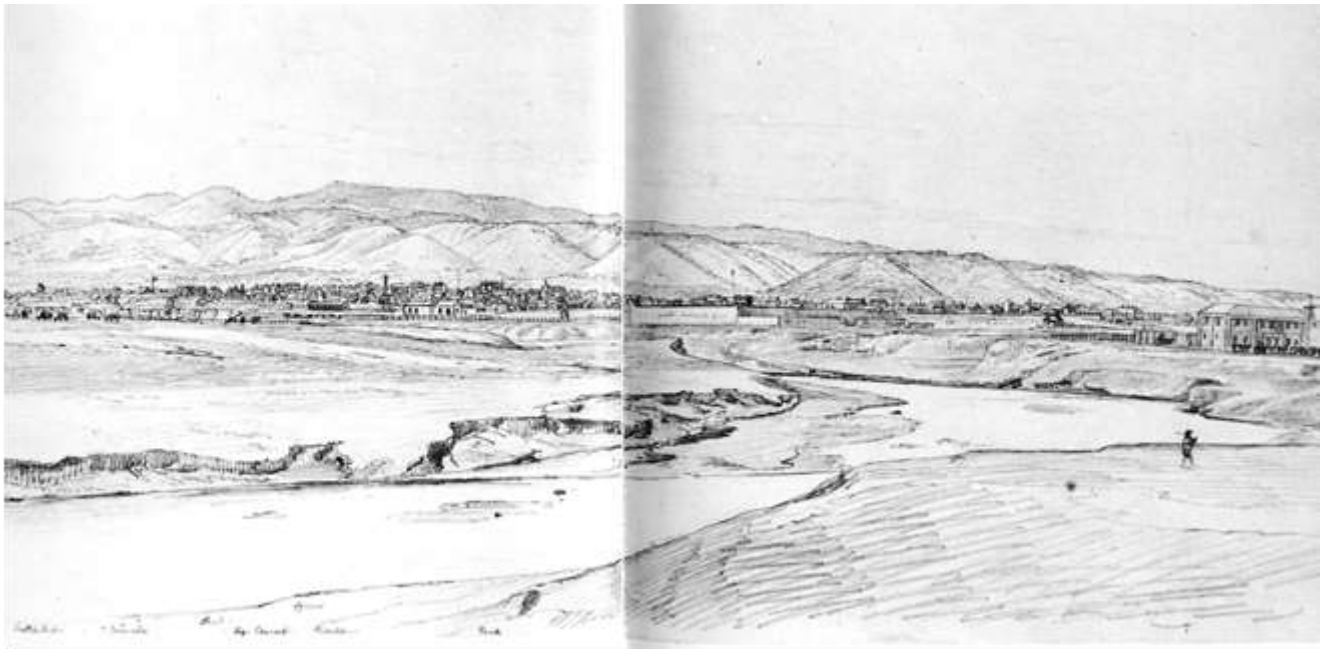


Figure 3-1: Von Guerard sketch July 1855, looking west, with treeless native location on the left bank of the river and the Adelaide goal on the right.

3.24 North Adelaide Golf Club / Municipal Golf Links / North Adelaide Golf Course - 1890s to present

According to Bell's (nd) history of the North Adelaide Golf Club, it was first formed in 1890 by "Mr William Pope ... and a group of professional men [and] ... recorded in City Council records as 'the golf club' and 'Montefiore golf club'". Bell (nd) states that the club began as a nine-hole course in Montefiore Park and was also known as 'Providential Golf Club' in its early days. The club maintained the course and the land was leased from the Adelaide

City Council (Bell undated: np). The location of this original course in relation to Pirltawardli and the Aborigines Location shown on the Kingston (1842) map is not known.

A search of South Australian newspapers in the National Library Trove newspaper data base did not find any records for the Montefiore or Providential golf clubs or golf courses. The earliest mention of the 'North Adelaide Golf Club' is a game with visiting players from Geelong in 1895 (Evening Journal 15/08/1895:2; South Australia Register 15/08/1895:6). The official opening of the Club (Chronicle 15/07/1905:48) and the first General Meeting (Evening Journal 04/08/1905:2) are recorded as taking place in 1905. The term 'North Adelaide Golf Course' is less commonly recorded, and the earliest mention of this term is in 1907, when new greens were opened on the existing nine-hole course (Observer 11/05/1907:17). The first reference to the Adelaide 'Municipal Golf Links' concerns a City Council meeting which discussed the development of a municipal course in the parklands due to the popularity of golf outstripping the capacity of existing courses (Register 05/10/1920).

This new eighteen-hole Municipal Golf Links was officially opened in 1923 (News 11/08/1923:8). During 1941 the Adelaide City Council approved a scheme to plant seventy-six evergreen trees on the course to improve its' appearance, define fairways and provide shelter in bad weather (News 02/06/1941:3). Bell (nd) notes that later in the war a further 276 trees and 64 shrubs were planted, however the source of this information is not specified.

Due to the increasing post war popularity of golf a second eighteen-hole course was proposed in the North Adelaide parklands in 1949 (Mail 20/08/1949:1). Trees were felled during the construction of this course (News 18/01/1950:8 - see Figure 3-2) which was opened in May 1950 (Advertiser 20/05/1950:1). According to Bell (nd) the Adelaide City Council carried out additional tree planting on both the eighteen-hole courses in 1952, and subsequently opened a third course, the 'Par 3' in 1960.



Figure 3-2: Photo from the News in 1950 showing tree-felling for the first golf course. The slope of the land indicates this is further north than the project area.

3.3 Current Cultural Heritage Site Interpretation

On the north side of the Par 3 golf course carpark, adjacent to the project area, is an interpretative installation on the Kurna cultural heritage significance of Piltawardli (possum place) and its early colonial role as the native location (Figure 3-3). The installation consists of several partially buried boulders with illustrated information plaques and one with a bronze statuette of a possum.

The main panel (Figure 3-4) has a short summary of the Kurna cultural heritage significance of the place and shows the approximate locations of the school, brick sheds, and Teichelman's, Schurmann's/ Klose's and the attendants' houses from the 1840s.

Leading the information provided on the main panel are the words:

Wanti nindo ai kabba? Ningkoaindi Kuma yerta.

"Where have you pushed me? You belong to another country."

This Kurna song was sung by Nгурpo Williamsie in 1844 in protest at the invasion of his country.

Commentary on this interpretative signage and sculpture from the *Kurna meyunna, Kurna yerta tampendi* (Walking Trail guide (GFSPT nd) is quoted above in Section 3.1.

The potential to upgrade and expand on Kurna cultural heritage interpretation and education is a key aspect of the mini golf project and Park Land management goals, and for this cultural heritage assessment's Kurna participation process.



Figure 3-3: The Pirltawardli Kurna interpretative installation with part of the mini golf project area in the background.



Figure 3-4: Main information panel at the Piltawardli interpretative installation.

4 Kurna Cultural Heritage Site Inspection Results

4.1 Archaeological Inspection Results

The archaeological site inspection for the mini golf project area was conducted on 14 February 2023 by ND&A heritage consultants Assoc. Prof. Neale Draper and Aylza Donald, with Kurna representatives Tabatha Wanganeen, Lee Miller, Hayley Wanganeen and Tyrese Wanganeen (Figure 4-1). The site inspection team was briefed on the project and assisted by Dean Nugent and Shaun Coulis, City of Adelaide.



Figure 4-1: Archaeological site inspection team briefing at Pirltawardli, 14/02/2023. (Photo: Neale Draper).

As depicted in Von Guerard's 1855 sketch (Figure 3-1 above), the northern river bank at this location is fairly flat, and was denuded of trees in the 1840s, with new plantings later made when the golf course was developed. The current ground surface is almost completely covered by the continuous grass cover of the greens, except for small areas around tree trunks (Figure 4-2). There mounded areas along bunker edges are composed of introduced fill (figure 4-3). Consequently the project location has minimal surface archaeological visibility, except for the disturbed open ground around the trunks of larger trees (but still historical plantings).



Figure 4-2: Project area has very low ground surface visibility except around the trunks of mature trees (historical plantings).



Figure 4-3: Mounded area on the golf course made form imported sandy fill.

No Aboriginal archaeological artefacts or features were observed during the pedestrian inspection of the project area. Some small, semi-rounded cobbles and pebbles seen at the base of a few trees are consistent with a riverbank origin but are in their current location naturally or as fill (Figure 4-4). A pair of ceramic sherds constituted the only colonial artefacts observed. One was a thin white plate fragment, and the other a thick willow pattern sherd form a serving platter or large plate (Figures 4-5 and 4-6). This find is consistent with the identification of potsherds and other colonial-era artefacts in rubbish accumulations mapped by Harris (1999, Harris and Hemming 1998) in this general vicinity.

This landscape is effectively covered by the golf course and associated infrastructure, beneath introduced soil top dressing or built up for bunkers and putting greens, with an essentially intact archaeological landscape preserved beneath. As recorded in Map 3-1, that buried archaeological landscape may include traditional burials, campsites and ceremonial grounds, as well as colonial building foundations and artefacts.



Figure 4-4: Small river cobbles and pebbles at the base of a tree (pen for scale).



Figure 4-5: Colonial willow pattern (left) and white plate ceramic sherds observed at the base of a tree.



Figure 4-6: Find location of two colonial ceramic sherds at the base of a tree.

4.2 Anthropological consultation Results

4.2.1 Anthropological consultation onsite 20/02/2023

The anthropological site inspection and consultation was conducted by ND&A heritage consultants Assoc. Prof. Neale Draper and Aylza Donald on 20 February 2023 with Kurna Senior Elders Aunty Lynette Crocker, Uncle Hussain Bin Abdullah (Neville Highfold) and senior Kurna Representative Anthony (Darren) Wanganeen, who met on site with Dean Nugent, Shaun Coulis and Rachel Tassone, city of Adelaide (Figures 4-7, 4-8). Senior Kurna Elder Jeffrey Newchurch was not able to attend but was briefed and consulted by the heritage consultants on 28 February 2023.

The cultural significance of this location was discussed and confirmed, and discussion centred on the opportunities to promote and provide educational material on Kurna cultural heritage and the Kurna experience of European colonisation and subsequent history.

Aunty Lynette Crocker spoke of the importance of Piltawardli and the surrounding area as a Kurna place in several aspects - the physical and cultural association with the adjacent Karrawirra Parri (River Torrens); the relationship of the Karrawirra Parri, Pirltawardli and other places along the river to features of the night sky in Kurna cosmology; the recording of Kurna language here by Teichelmann and Schurmann (1840) at this location; and the

site of the first colonial Native School. She said that so much of this history on the landscape has been destroyed, with almost nothing visible of the "Kurna footprint" visible on the northern side of the river. All along this river precinct there is a songline. There is the opportunity to tell the truth for the whole landscape, not just this little part. There is a need for truth-telling, to create a legacy for younger generations and also to celebrate and give back - a "reset" to make a difference by putting back a Kurna footprint on the landscape and restoring some of the biodiversity of the landscape.



Figure 4-7: (L-R) Uncle Hussain Bin Abdullah (Neville Highfold), Aunty Lynette Crocker and Anthony (Darren) Wanganeen at Pirltawardli, 20 February 2023.



Figure 4-8: Project consultation meeting with Kurna Elders and City of Adelaide Staff at Pirltawardli, 20 February 2023.

Uncle Hussain said it is a matter of changing disconnection to reconnection - the history of the land, Kurna language, and what can be given back to Kurna people for young people and the future. He said it also is an opportunity to develop engagement guidelines that make sure that it is something everyone can share. Aunty Lynette added that this may be an opportunity to involve Kurna young people from the start, to use this opportunity for re-engagement by having a trail, based on Kurna story and Dreamtime.

Darren Wanganeen explained that Kurna history and the story for Pirltawardli extends outwards beyond the old "Native Location". It includes the whole of the golf course area and connects to adjacent Pinky Flat (see Map 3-1 and Table 3-1), a very important traditional meeting and camping place (now mostly Adelaide Oval). The native school moved from here across the river to Kintore Avenue. There are connections further away, for example to

Poonindie Mission on Eyre Peninsula, where Kurna people from Adelaide were sent after the Native Location was deemed to be a failure. This linkage of places with cultural and historical links is seen as very important for people to understand the Kurna perspective.

The Kurna Elders and City of Adelaide representatives discussed the possibility of holding a series of workshops and regular meetings with Kurna representation to develop the project design and detailed design work, and to see how some younger Kurna people can be involved in the process. Anthony Wanganeen suggested that a Cultural Heritage Management Plan (CHMP) should be developed as well, to provide a brief for further engagement. Aunty Lynette Crocker added that we also should refer to Council's Reconciliation Strategy and the Parklands Management Plan. She noted the importance of the related cultural aspects of land, water, seasons and spirituality in the whole process. Uncle Hussain Bin Abdullah (Neville Highfold) reinforced the importance of establishing cultural protocols as a "road map" of the process, which would be a learning experience. Aunty Lynette also notes that cultural awareness training would be an important feature of the CHMP.

The discussion moved on to the idea of naming the mini-golf holes in Kurna, as a model for the main golf course. As there are 18 numbered holes in a circular journey back to the start, this is like a storyline, and provided the opportunity for storytelling. Pirltawardli also connects to other story-telling places such as the Botanic Gardens, South Australian Museum and Art Gallery and the new Lot 14 Project. There are also connections to the areas of responsibility of the Adelaide Park Lands Authority and Green Adelaide, for example.

Uncle Hussain noted that the Kurna stories and connections associated with this location also are personal ones that continue to the present day. He grew up in this area and swam in the river next to the weir as a teenager, and his brother died just across the river at the old Adelaide goal.

Aunty Lynette emphasised the importance of *Ngapitji Ngapitje* - reciprocity - saying that Kurna people are tired of just being consulted about what happens on their country - instead they want to negotiate. In fact, this is the terminology of used for second guiding principle of the City of Adelaide Stretch Reconciliation Action Plan (section 1.1.5 above).

Aunty Lynette also said that the Kurna apical ancestors (those Elders from the time of colonisation from whom all Kurna people today are descended) need to be recognised and celebrated, for example in statues around Adelaide. Kurna people also were the first stolen generation in South Australia when with the taking of children to board at the native school, and the removal of people from Adelaide to Poonindie and subsequently to other missions. Five or six generations later, young people need a sense of belonging, of ancestry and country, with both their tangible and intangible cultural heritage recognised. Uncle Hussain said that the community wants to be able to bring their children here and tell them their stories and culture up to the present day and that the process of developing this journey needs to be documented visually (e.g., video), not just in writing., so that people can continue to learn from it.

Darren Wanganeen added that it is important for people to see heritage through the lens of living culture, and for Kurna people to be directly engaged and employed throughout the process, as they are "sick of being the janitor". Aunty Lynette agreed, and said that by doing things together, there would be a real "voice" in action for Aboriginal people, and the process of truth-telling could proceed. For example, the importance of the Letters Patent that were intended to protect the rights and interests of Aboriginal people under colonisation need to be widely understood, and the reasons why that process failed. Heritage consultant Neale Draper confirmed that this report would acknowledge the importance of the Letters Patent (issued by the British Colonial Office as a requirement for establishing the colony of South Australia) in underpinning the whole process and how it impacted Aboriginal people. The report also references the City of Adelaide's Reconciliation Action Plan (COA 2021-2024). Uncle Jeffrey Newchurch is the KYAC representative for Councils advisory Reconciliation Committee). There also is an important connection to telling the Kurna story in the development of the Adelaide City Parklands and Rural Landscapes world heritage proposal for tentative listing, which is a major goal in the Adelaide Parklands Management Strategy and Strategic Plan (see Section 1.1 above).

The meeting reflected on the 2018 Kurna Native Title consent determination in the Federal Court - the only capital city in Australia to receive a positive native title determination, and also a consent determination that did not have to be contested at trial. Uncle Hussain additionally referred to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007) in relation to international recognition of Indigenous People's rights in relation to restitution of cultural property (Article 11), and obtaining free, prior and informed consent before taking legislative or administrative measure that may affect them (Article 19), or undertaking projects affecting their traditional lands (Article 32).

Aunty Lynette noted that there were many practical things that need to be done - such as repatriation of Kurna Ancestral burials in the SA Museum from along the river in this city area. Cultural mapping of important cultural heritage places and values in Kurna country also is important, it was mentioned in the SA Governor's speech at the Old Gum Tree at Glenelg at the end of last year, and it features in the Adelaide Parklands Management Strategy

and Strategic Plan (Section 1.1 above). Cultural mapping is a progressive task to be done over time, and Aunty Lynette recommended a 10 year plan would be a good start to the process.

Darren Wanganeen noted that KYAC and RAWsa have an ongoing relationship, which includes cultural heritage management but also seeks opportunities for Kurna employment and traineeships across a wide range of participation in projects. Uncle Hussain added that Kurna youth involvement would be enhanced by applying Kurna badging with symbols such as the red kangaroo, on uniforms, on clothing for sale, as visual banners- the marketing aspects of creating greater public awareness.

Anthony (Darren) Wanganeen is the Kurna contact for City of Adelaide for this project.

On 28 February 2023, the heritage consultants briefed Jeffrey Newchurch on the outcomes of this anthropological consultation and initial meeting with Council staff. He agreed with the direction of comments provided by Kurna Elders and expressed his intention to be involved directly with further Kurna engagement.

4.2.2 Consultation Workshop North Adelaide Golf Club 20/03/2023

A consultation workshop was held at the North Adelaide Golf Club on 20/03/2023, which also involved Council staff associated with the project. Additional anthropological consultation was conducted subsequently with nominated Kurna Elders Lynette Crocker and Jeffrey Newchurch, who were not able to attend those sessions.

The workshop was attended by:

Darren Wanganeen - RAWSA Kurna cultural heritage Coordinator

Uncle Neville Highfold (Hussain Bin Abdullah) - KYAC

Shaun Coulls - City of Adelaide

Rachel Tassone - City of Adelaide

Jared Wilson - City of Adelaide

Peter Scott - City of Adelaide

Nathan Marshall (City Collective Architects)

Simon Lee (City Collective Architects)

Associate Professor Neale Draper - Neale Draper & Associates

Andrew Maland - Neale Draper & Associates

Aylza Donald - Neale Draper & Associates

Apologies were Uncle Jeffrey Newchurch and Aunty Lynette Crocker (Kurna) and Dean Nugent (City of Adelaide, who were unable to attend.

Neale Draper reviewed the results of the research and consultation process to date. Uncle Neville Highfold and Darren Wanganeen emphasised the following points in relation to the project:

- This is an important opportunity to build relationships through working together to celebrate Kurna culture, to create social, cultural and economic benefits and to advance social inclusion. This includes opportunities to address continuing disadvantages (such as unemployment and incarceration) and to change lives for Kurna families and community.
- There are important cultural heritage places and values to be protected under the AHA. As the project design and details are established, there should be an appropriate cultural heritage management plan to guide project implementation. Depending on the final project design and construction plan, an AHA Section 23 authorisation might be needed for the project, with Kurna support.
- The interpretative and badging approach for the project should be to see country through a cultural lens, starting with Pirlta-wardli, the possum place. The perspective to be applied is one of Kurna Dreaming as a knowledge system that describes places for women for men, living places, ceremonial places, burial places, etc. The mini golf project can tell these stories by embedding them in its design. For example, the mini-golf holes could be named in Kurna Language, for example associating each hole with a significant Aboriginal person. Visitors can be provided with an introduction to who Kurna people are and to what the place is in cultural terms. This also is important to younger generations of Kurna people learning about their culture and country.

- Uncle Neville reminded us that Kurna people have strong personal and historical connections here as well - the adjacent Torrens Weir was his teenage swimming place, and the old Adelaide jail opposite is where his brother died (an Aboriginal death in custody). Lynette Crocker later noted that there were other Kurna deaths in custody there as well, including the son of Alice Dixon, who was involved prominently in the national Aboriginal Deaths in Custody Enquiry (and tragically committed suicide). Aunty Lynette also remembers as a girl walking to the Torrens weir at Pirltawardli with other children from her home on Churchill Road just north of the city, and there was a drinking fountain at the weir that was welcome after the thirsty walk, but it was later vandalised.
- This project also can contribute to telling the Adelaide world heritage story, as it is associated with the interactions between Kurna and colonists from the beginning and to the development of the plan for the City of Adelaide and parklands.
- The best way to engage with Kurna Traditional Owners on this project is to establish an advisory Committee to work with the design team throughout the project. Not every Aboriginal person knows everything, so it is important to work together. It also is essential to get Kurna youth involvement as well as Elders. For example, young people (e.g., High School students) could be involved in the design aspects - badging and themes for cultural content.
- The journey itself of developing the cultural content of this project is very important, to capture colourful images, happy experiences, good ways to learn together, to document the ongoing engagement and conversations that make up that journey - as a significant outcome for the project. To put up the story for people to see, and help them understand the links between location, connection and meaning.

In the general discussion that followed, several key points to guide the proposed advisory committee (also envisaged as a "yarning circle" for ideas and their expression) were highlighted:

- The physical design of the mini golf course,
- Cultural interpretation of the location,
- Creating a place for fun, with the stories incorporated into it,
- Providing an immersive experience,
- Taking the approach of learning through play,
- Catering for different age groups¹
- Celebrating the journey.

4.2.3 Consultation with Kurna Elders Jeffrey Newchurch and Lynette Crocker, Pirltawardli 17/04/2023.

Neale Draper met with Kurna Elders Jeffrey Newchurch and Lynette Crocker at the same picnic table (Figure 4-8) at Pirltawardli on 18/04/2023, for a further consultation on the cultural significance and associations of the place, as well as to review the draft cultural heritage assessment report and its recommendations to date.

- Both Jeffrey and Lynette endorsed the draft report and the reported discussion results and recommendations made so far. The establishment of a Kurna advisory committee for the project design and planning was confirmed to be the best way to proceed with Kurna engagement with the project, and both are happy to be involved in facilitating this process.
- It is very important to celebrate the Karrawirra parri as an important and enduring focus of Kurna culture, and also to celebrate Kurna heroes, and the cultural education and theme component of the project can contribute to these goals.
- Uncle Jeffrey suggested that the theme for the project to present to users should include the concept "Time is your friend" - that coming to play mini-golf also provides the opportunity to 'take time out', to relax and contemplate and learn new things - this is complementary to the concept of learning through play already raised.
- Aunty Lynette, with her long association with the Adelaide Region Natural Resources Management Board, also noted that relevance of this project as part of a wider engagement with Kurna cultural landscapes around Adelaide also contributes to the recognition internationally of Adelaide as a "*National Park City*" in 2021, which has a major goal to foster "*Connections between people and nature, Kurna Yarta (Country) and community*" (Green Adelaide 2021, 2022). She also provided several additional documents, including a copy of the important *Kurna meyunna, Kurna yerta tampendi (recognising Kurna people and Kurna land) Walking Trail Guide* (GFMPT n.d. - see Section 3.1 above).

4.3 Summary and Recommendations

4.3.1 Cultural Heritage Risk Management

The project location at the southern end of the North Adelaide PAR 3 golf course probably retains a substantial archaeological record of traditional Kurna use as a large-scale camping and ceremonial precinct, with a high probability of traditional burials occurring within 1.5m depth of the natural land surface. The early colonial era from 1836 had continued through changing Kurna habitation, as well as the addition of historically significant infrastructure such as the native school, brick shelters, missionary huts, and later the superimposition of the Sappers Quarters. All of these features (Maps 3-1 and 3-2) probably have an archaeological imprint preserved below the surficial development and maintenance of the golf course, and partial revegetation of this area in that process. This land-use history stands in contrast to areas in North Adelaide and across the river in the City where the foundations of colonial and more recent urban construction have caused a deeper and more pervasive impact on the contact period archaeological record.

The mini golf project is conceived as replacing and modifying part of the PAR 3 golf course. Like the existing golf course, its construction primarily would be superimposed above the natural landscape with introduced fill and soil top dressing, sand etc, rather than intruding into the natural ground surface below. This means it is mostly a low-impact project in terms of potential archaeological disturbance, although in a location with high archaeological sensitivity.

There will be some works associated with the mini golf project that may involve excavation into natural sediments, such as installation of services (water, power, lighting), or planting or removing trees, etc. Those ground-disturbing works have the potential to uncover and disturb significant Aboriginal heritage sites, artefacts, or traditional burials, as well as significant historical archaeological sites from the early colonisation contact period between Aboriginal people and colonial development. Disturbance of such features and items without Ministerial authorisation would be an offence under Section 23 of the SA Aboriginal Heritage Act (1988, 2016 - the AHA). Effective heritage risk management for these potential impacts involves recognising such archaeological features and items if they are uncovered, and before they are disturbed or damaged. There are three main elements to providing an appropriate management response for these heritage risks:

1. Articulate the heritage assets, heritage disturbance risks, and appropriate heritage management response measures in a specific cultural heritage management plan (CHMP) for the project, which will include in its mitigation measures:
2. Kurna cultural heritage and inspection monitoring of excavations and excavated spoil from ground-disturbance within natural sediments on site, with a project archaeologist on call to assist with any potential heritage discoveries; and
3. Induction in Kurna cultural heritage awareness and discovery management procedures for all workers conducting or managing ground-disturbing works for the project.

Any heritage discoveries made during project construction must be protected from disturbance and reported to AAR (AHA Section 20).

4.3.2 SA Aboriginal Heritage Act (1988,2016) Processes

As noted above, it is an offence under the SA Aboriginal Heritage Act (1988, 2016 - AHA) to damage, disturb, or interfere with an Aboriginal site, object or remains without Ministerial (AHA Section 23).

The project area is located within the approximate boundary of reported (but not registered) Aboriginal historic site 6628-503: Adelaide Native Location (Maps 3-1, 3-2). This might not be an AHA Section 23 situation because the project intends to continue the current land use (golf), to update the heritage site information and interpretation for the recorded site, and to avoid any damage to tangible or intangible cultural heritage if possible.

In addition, if any sub-surface archaeological sites, artefacts or burials are encountered during construction work, the implementation of an appropriate CHMP will ensure that any such discoveries are recognised. It may be possible to avoid damage to an archaeological discovery by recording it and leaving it in place with suitable, non-invasive protection (e.g., reburial). However, if the project design cannot accommodate this option and the site, object or remains has to be recorded, salvaged and relocated, then both AHA Section 21 (archaeological excavation) and 23 (disturbance) authorisations would be required from the Minister. Even if an archaeological site discovery creates a new site interpretation and education opportunity, any archaeological excavation or stabilisation work associated with that purpose would require the same authorisations.

This legislation is administered by AAR under the direction of the SA Attorney General, who also is the Minister for this Act. AAR recommends that because the Section 23 application process is complex and may take 9 months to complete, that projects with a high risk of encountering Aboriginal heritage that may require mitigation should

apply for a pre-emptive AHA Section 21/23/ 29 authorisation well in advance of project, so that with Aboriginal traditional owner support and participation, heritage discoveries during construction may be salvaged and relocated if necessary with minimal delay.

In March 2023, The SA Government released information on proposed amendments to the AHA.

- To implement the Government's election commitment to increase penalties for offences under the Act.
- The recent decision by the South Australian Supreme Court in *Dare v Kelaray2* (Kourakis 2022) resulted in a need to clarify the obligations to report Aboriginal heritage discoveries. The changes will ensure that heritage discovered while working under an authorisation is reported to the Minister before it may be impacted.

AAR has released new Heritage Impact Procedure guidelines as a result of the Supreme Court decision and in anticipation of the proposed AHA amendments. Where there is a known and previously reported Aboriginal heritage site for which an authorisation to damage, disturb or interfere with heritage has been granted (Section 23), it is not envisaged that reporting for each individual object located within the site will be required, where this is consistent with the nature of objects and artefacts already found and known to exist within the site, other than for discoveries of ancestral remains where compliance with the Protocols and Coroners Act will be required. New discoveries of Aboriginal heritage made outside of known and reported sites within an authorisation area will be required to be reported as per the new protocols and associated reporting forms, and managed consistent with the conditions of the authorisation. For discoveries in a non-authorisation context the obligations regarding discoveries of Aboriginal Heritage outlined in section 20 of the Act remain.

A decision regarding whether or not this project should apply for a pre-emptive AHA authorisation under Sections 21 (archaeological excavation), 23 (disturbance) and 29 (archaeological dating) should be the subject of further consultation among Council, Kurna, the heritage consultant, and AAR as soon as practicable. If time is available to lodge such an application before project construction commences, it is recommended as a precautionary measure, considering the known cultural heritage significance of the project location.

4.3.3 Colonial Archaeology and the Heritage Places Act (1993)

This legislation is focussed on historical archaeological objects (non-Aboriginal), but this has a rather broad definition (DEW n.d.a).

The Heritage Places Act 1993 (the Act) regulates protection and management of historical archaeology in South Australia.

Significant archaeological sites are protected under the Act, even though it does not refer directly to them. Instead, it provides protection to significant archaeological objects, which includes material remains (artefacts, features, ruins) of past land use deemed to be of heritage significance.

If significant objects are likely to be impacted, it is important they are investigated and recorded first so that the information they contain is captured and preserved. (<https://www.environment.sa.gov.au/topics/heritage/archaeology>).

Under the Act, objects are defined as:

natural or manufactured objects including geological, palaeontological or speleological specimens, and archaeological artefacts. (DEW n.d.b)

Archaeological artefacts are defined as:

any matter forming part of an archaeological deposit, or any artefact, remains or material evidence associated with

an archaeological deposit, that relates to the non-Aboriginal settlement of South Australia, or to an activity undertaken by a person as part of the exploration of South Australia, but does not include the remains of a ship or an article associated with a ship. (DEW n.d.b).

The *Heritage Places Act* (1993) protects significant historical objects, including archaeological artefacts, from disturbance, damage, destruction, and alteration without a permit. A permit would be required in order to conduct any archaeological excavations following discovery of any significance historical objects, or for their removal. DEW (2022) has published an Archaeological Provisions Guideline for processes under this legislation, which also should be addressed in the Project CHMP.

4.3.4 Opportunities to celebrate Kurna Cultural Heritage

The senior Kurna Elder representatives consulted for this cultural heritage assessment have a very positive view of the capacity for the project not only to avoid significant heritage impacts, but to provide highly important opportunities that build on the principles and priorities of the Adelaide Park Lands Management Strategy, the

Pirltawardli CLMP, the City of Adelaide Reconciliation Action Plan, and corresponding aspirations of the Kurna Traditional owners and Native title holders:

- to promote Kurna cultural heritage through truth-telling related to the important cultural and historical significance of the native location,
 - to enhance and provide more detailed cultural heritage interpretation and public education,
 - to increase recorded knowledge and improve heritage management through a progressive cultural mapping strategy;
 - to include appropriate Kurna cultural elements of design, symbology and artwork to provide positive and easily recognisable visual badging for the project, as well as marketing opportunities;
 - to provide educational, employment and training opportunities for Kurna, particularly young people looking to the future through participation in and contribution to the project, as well as users of its sporting and cultural interpretation facilities;
 - to explore and explain the links between the project area and related places along the Karrawirra Parri (River Torrens), the surrounding Adelaide city and North Adelaide area, and other significant locations further afield;
 - to provide Kurna cultural themes and historical interpretation in the design of the mini golf course as a story-telling opportunity, with a view to extending that to the larger scope of the main golf course and establishing cross-references to other linked places in the City of Adelaide and further afield..
- More detailed recommendations from the Kurna consultation process are recorded in Section 4.2 below.

4.3.5 Key Recommendations

The basic mechanisms for activating these opportunities for maximum contribution to cultural heritage reconciliation and celebration objectives are:

- To establish and maintain a Kurna Advisory Committee to participate in the design, planning and implementation process for the project;
- To guide the project construction and implementation process with an appropriate Kurna Cultural Heritage management Plan (CHMP), supported by a Section 21/ 23/ 29 Aboriginal Heritage Act (1988, 2016) if ground-disturbing works associated with construction might impact buried Aboriginal heritage sites, artefacts or burials that are expected to occur within the project area.

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6 Appendices

6.1 Adelaide Park Lands Authority 2020-2025 Strategic Plan



The Adelaide Park Lands are the largest inner urban park system in Australia. Nationally Heritage listed for their unique design - they are the city's lungs, backyard, playground, meeting space and more. They are there for everyone to enjoy, enhancing physical and mental well-being, and they secure Adelaide's place as one of the planet's most liveable cities.

Purpose

To conserve and enhance the environmental, cultural, recreational and social importance of the Adelaide Park Lands

Guiding Principles

- Preserve and strengthen the integrity of the Adelaide Park Lands
- Promote the values of the Park Lands – as Adelaide's defining feature, and an internationally unique asset
- Contribute to the delivery of The City of Adelaide's Strategic Plan and vision, and the State Government's 30-year plan for Greater Adelaide

Governance

- Maximise utilisation of skills, knowledge and enthusiasm of the Board through effective meetings that foster dialogue and the development of shared thinking
- Develop a high level of knowledge and understanding of the Park Lands amongst Members through regular site visits and briefings
- Seek early input into issues relating to the Park Lands to ensure APLA's advice is timely and relevant.
- Monitor developments subsequent to APLA advice
- Advocate for the value of APLA as a proactive, accountable, independent, skills-based board that advises on Park Lands management and protection

Culture	Environment	Management and Protection	Advice
Promote the cultural values of the Park Lands including Kaurna culture, heritage and wellbeing	Improve community connection with the natural and cultural landscape of the Park Lands	Treat the Park Lands holistically with long term vision	Function as the peak advisory body for policy, development, heritage & management of the Park Lands
Key Actions	Key Actions	Key Actions	Key Actions
1.1 Make Kaurna culture intrinsic to everything we do 1.2 Assist with Kaurna cultural mapping 1.3 Advocate for the featuring of the Adelaide Park Lands in Designed for Life, South Australian Tourism Commission and other promotional campaigns 1.4 Host an annual community forum 1.5 Support the development of World Heritage listing nomination	2.1 Define, protect and enhance landscape values and design qualities 2.2 Provide advice in relation to tree canopy cover, biodiversity and environmental sustainability and improvements 2.3 Regularly review River Torrens water quality, amenity and activation 2.4 Increase the accessibility of information	3.1 Review and improve the Adelaide Park Lands Management Strategy which includes prioritisation of projects 3.2 Review of provisions to influence the Planning and Design Code including National Heritage overlay 3.3 Review the City of Adelaide Community Land Management Plans and State Government Management Plans 3.4 Advocate for State Heritage Listing	4.1 Provide advice on plans, projects and policies for the Adelaide Park Lands 4.2 Engage with City of Adelaide and State Government including input into the Riverbank Masterplan (Karrawirra) 4.3 Review leasing and licensing and event management policies together with other relevant Park Lands use policies 4.4 Strengthen APLA's engagement with City of Adelaide, State Government and adjoining Councils
Measures of Success	Measures of Success	Measures of Success	Measures of Success
<ul style="list-style-type: none"> • Each matter that comes before the Board considers Kaurna culture • Kaurna Cultural mapping used to inform APLA considerations • Increased promotion of Park Lands in all tourism campaigns (City of Adelaide, South Australian Tourism Commission etc) • 1 public forum held per year • Support tentative world heritage listing submission—end of 2021 	<ul style="list-style-type: none"> • Conduct a landscape review to inform the next Adelaide Park Lands Management Strategy • Develop a better understanding of environmental values and trends • Board Members are well informed through regular updates • Regular online Park Lands updates (inclusive of events, trends, gardens & botanical features and items dealt with at APLA) 	<ul style="list-style-type: none"> • An updated Adelaide Park Lands Management Strategy in an easy to use format with a series of (measurable and achievable) prioritised projects • Adelaide Park Lands Management Strategy informs Planning and Design Code and related policy for the Park Lands • Advice sought and provided for the preparation by the State Government of management plans for areas of Park Lands controlled by State Government • State Heritage listing achieved 	<ul style="list-style-type: none"> • Advice of APLA is endorsed and adopted • Senior State Government Officers/ consultants engage with APLA on Riverbank Masterplan (Karrawirra) • APLA initiates a policy review where deemed necessary • Meetings with adjoining Councils to discuss Adelaide Park Lands Management Strategy and other current Park Lands usage related policy
Data and Insights: Request data to provide understandings and insights to assist with decision making			
<ul style="list-style-type: none"> • Kaurna Cultural Mapping • Use of Park Lands • Wellbeing dashboard • Cultural tours • Attendances and visitation • Community wants and needs 	<ul style="list-style-type: none"> • Heat mapping • Biodiversity • Mapping of carbon abatement sequestration • Landscape changes and sustainability • Metrics relating to % of tree canopy 	<ul style="list-style-type: none"> • Net Gain/Loss of Park Lands • Extent of Leases and licences • Built form and building footprints • Changes in use • How the Park Lands have developed and changed 	<ul style="list-style-type: none"> • Projects & policies assessed and recommended by APLA • Mapping of projects and investment

6.2 Taa Wika Search Results: Aboriginal Heritage Central Archives (AAR)

ABORIGINAL HERITAGE SITES



Reference Number:	4562
Buffer Distance (m):	0



EPSG:3107 projection

Aboriginal Affairs and Reconciliation | Date: Fri Apr 28 2023 14:03:04 GMT+0930 (ACST)
 Level 16, 30 Wakefield Street | GPO Box 464 Adelaide SA 5001
 Tel (+61) 08 8303 0738 | www.agd.sa.gov.au | ABN 15 088 976 178

ABORIGINAL HERITAGE SITES



<p>Aboriginal Heritage Sites (Area)</p> <ul style="list-style-type: none"> Registered Reported <p>Aboriginal Heritage Sites (Point)</p> <ul style="list-style-type: none"> Registered Reported <p>State Maintained Roads</p> <p>—</p> <p>Roads</p> <p>—</p> <p>Minor Roads</p> <p>—</p>	<p>Aboriginal Heritage Sites (Point) - Restricted</p> <p>■</p> <p>Major Roads</p> <p>—</p> <p>Railways</p> <p>+++</p> <p>State Boundary</p> <p>—</p>	<p>Aboriginal Heritage Sites (Area) - Restricted</p> <p>□</p> <p>Cadastre</p> <p>□</p> <p>Waterbodies</p> <p>■</p> <p>Local Government Areas</p> <p>■</p>
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Aboriginal Affairs and Reconciliation | Date: Fri Apr 28 2023 14:03:04 GMT+0930 (ACST)
 Level 16, 30 Wakefield Street | GPO Box 464 Adelaide SA 5001
 Tel (+61) 08 8303 0738 | www.agd.sa.gov.au | ABN 15 088 976 178

ABORIGINAL HERITAGE SITES



Neale Draper
PO Box 366 PROSPECT SA 5082
75 MYRTLE STREET
PROSPECT 5082 South Australia

Dear Neale

Thank you for the search request dated 07 Mar 2023. The search was based on the spatial file or coordinates provided. The search area is centred on the suburb of NORTH ADELAIDE. Your reference is 4562.

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

Cultural Heritage Sites (Point) in the polygon:

Map Number	Site Number	Site Type	Site Status
6628	503	Historic	Registered
6628	7855	Cultural	Registered

Cultural Heritage Sites (Area) in the polygon:

Map Number	Site Number	Site Type	Site Status
6628	503	Historic	Registered
6628	7855	Cultural	Registered

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

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

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

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

Kaurna Yerta Aboriginal Corporation

Chairperson: Les Wanganeen

Address: C/- South Australian Native Title Services Level 4 345 King William Street ADELAIDE SA 5000

Telephone:

Email:

Contact Officer: Tom Jenkin

Telephone: 08 81102800

Email: tomj@nativetitlesa.org info@nativetitlesa.org

Ramindjeri Heritage Association Incorporated

Aboriginal Affairs and Reconciliation | Date: Fri Apr 28 2023 14:03:04 GMT+0930 (ACST)

Level 16, 30 Wakefield Street | GPO Box 464 Adelaide SA 5001

Tel (+61) 08 8303 0738 | www.agd.sa.gov.au | ABN 15 088 976 178

ABORIGINAL HERITAGE SITES



Chairperson: Vivienne Greenshields
Address: 56 Tilshead Road ELIZABETH NORTH SA 5113
Telephone: 0408368367
Email: ramindjeri@westnet.com.au
Contact Officer: Christine Walker
Telephone: 0418276439
Email: ramindjeri@westnet.com.au

Terms and conditions for use of information derived from the central archive:

- Information derived from the central archives is confidential under section 10 of the *Aboriginal Heritage Act 1988* (the Act)
- Under section 35 of the Act, information derived from the central archives must not be divulged contrary to Aboriginal tradition unless authorised under these terms and conditions.
- Breaches of sections 10 and 35 of the Act may attract fines of up to \$10,000 or imprisonment for 6 months.
- The Applicant agrees to use the confidential information solely for the approved purpose in line with the specified current or contemplated approved use, subject to any restrictions of use detailed on this request form.
- The Applicant agrees that they are only authorised to disclose or transfer the confidential information to parties listed on this form and in accordance with any restrictions of use detailed on this request form.
- The Applicant agrees that all confidential information must remain marked "confidential", including where the information is shared in accordance with the approved use detailed on this request form.
- The Applicant will keep all information derived from the central archives (either digital or hard copy) in a secure location/format.
- If there has been any unauthorised release or use of any information derived from the central archives other than for the approved purpose and/or approved use in accordance with the restrictions of use, the Applicant will notify AAR immediately.
- All information derived from the central archives (both digital and any hard copies) must be destroyed once no longer required for the approved purpose, unless an updated central archives access information request form has been approved by AAR.

If you require further information, please contact the Aboriginal Heritage Team on telephone (08) 8303 0738 or send to our generic email address AAR.HeritageSites@sa.gov.au

Yours sincerely,

**HERITAGE INFORMATION TEAM
 ABORIGINAL AFFAIRS & RECONCILIATION**

28 April 2023