16 Aboriginal heritage

16.1 Introduction

This section describes the relevant legislation, and investigations and aspects of Aboriginal cultural heritage that may be affected by the proposed Northern Expressway.

16.2 Legislative requirements

16.2.1 Commonwealth

Aboriginal and Torres Strait Islander Protection Act 1984

The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 provides a way for the Australian Government Minister for Families, Community Services and Indigenous Affairs to make declarations regarding the protection of an Aboriginal site when the Australian Government Minister of Environment and Water Resources is satisfied that, under State or Territory law, there is ineffective protection of the place from the threat of injury or desecration. Declarations made under this Act may involve restricting activities and/or access to an Aboriginal site.

Native Title Act 1993

The Native Title Act 1993 recognises the existence of an Aboriginal land ownership tradition where connections to country have been maintained and where Acts of government have not extinguished this connection.

16.2.2 State

Aboriginal Heritage Act 1988

The Aboriginal Heritage Act 1988 protects all Aboriginal sites within South Australia. Under Section 23 of the Act, it is an offence to ‘damage, disturb or interfere’ with Aboriginal sites, objects or remains unless approval has been obtained from the State Minister for Aboriginal Affairs and Reconciliation. The Aboriginal Heritage Act 1988 also makes it an offence to not report the discovery of an Aboriginal site to the State Minister for Aboriginal Affairs and Reconciliation.

16.3 Aboriginal heritage assessment methodology

The Aboriginal cultural heritage assessment has been undertaken in line with DTEI’s Cultural Heritage Guidelines (Transport SA 1999) and included the following investigations:

• a literature review and desktop search of archives and registers to identify relevant heritage data relating to the study area

• identification of archaeologically sensitive areas in the study area based on landforms, levels of disturbance and the distribution of previously recorded sites in the area

• consultation with relevant Aboriginal groups
• field surveys carried out in conjunction with Aboriginal groups and a qualified archaeologist to identify and record artefacts and sites of Aboriginal cultural heritage significance
• monitoring of drilling operations in sensitive archaeological areas (e.g. near the Gawler River)
• assessment of the potential effect of the proposed Northern Expressway on places of Aboriginal cultural heritage significance.

16.4 Existing cultural heritage

16.4.1 Archaeological and anthropological background

The proposed Northern Expressway is located within the traditional lands of the Kaurna Aboriginal group. In pre-colonial times there were more than 20 Kaurna local clans along the plains from Crystal Brook in the north to Cape Jervis in the south. There were large-scale summer gatherings and ceremonial progressions along the coastline, fishing, meeting and trading with visitors from other tribes, and following and celebrating the journeys of creation of Ancestors of the Dreaming such as Tjirbruki (Tindale 1987). During winter, the Kaurna moved inland to more sheltered locations in the Mount Lofty Ranges foothills (Tindale 1987) and to villages along the coastal streams.

A correspondent wrote to the Editor of the *Adelaide Advertiser* newspaper in January 1906 about the Aboriginal history and archaeological sites of the northern plains around the area identified for the proposed Northern Expressway:

...the tribe of Aboriginals afterwards known as the Adelaide tribe, because their haunts embraced the plains between the neighbourhood of Brighton and that of Gawler, used to make the Little Para, which runs through Salisbury, a rendezvous. Early settlers have often told stories of their meetings with companies of natives in the district, on their way north...There are few localities where better evidence of the popularity of the place as a native resort in the early days can be found than along the banks of the serpentine water-course, and even trees bear testimony to the boat-building industry of the coloured race...Further evidence of the fact that the natives used to congregate there has been found on many occasions by the turning over of small hillocks on the slopes near the creek, which had been built up by generations in the process of baking the game and fish on which the blacks used to live. The remains of numerous Aboriginal ovens have been unearthed, and the soil, which was little else than decomposed vegetable matter and ashes, has been spread over many of the gardens as manure... In addition to these facts the discovery of Aboriginal skeletons and skulls at various times along the Para has proved beyond a doubt that the place was a burial ground also long before the white man took possession of the country. (*Adelaide Advertiser* 22/1/1906)

Such an overview identifies the Adelaide plains as having the potential to contain significant Aboriginal sites, of which several have been previously recorded adjacent to the proposed Northern Expressway route. The broader study area offered a diverse range of high resource value habitats to the Kaurna, including open grasslands, densely wooded alluvial wetlands and watercourses such as the Gawler River and Smith Creek. The Gawler River is a particularly sensitive archaeological landscape. Such an area provided freshwater, raised and well-drained camping areas, and also attracted game such as kangaroos.

Figure 16.1 shows the archaeologically sensitive areas, based on the distribution of previously recorded sites and cultural materials in the study area. The distribution of sites reflects the higher resource value represented by the Gawler River and flood plain area. Of particular interest are those areas that provide shelter and protection from flooding such as dunes and elevated areas.
Archaeologically sensitive areas within 1km of project

Figure 16.1 Archaeologically sensitive areas within 1km of project
In addition, the coastal strip west of Port Wakefield Road, between the alluvial and estuarine habitats, has been found to contain numerous mounds and other sites. Mound sites occur as low accumulations of sediment saturated with white ash and charcoal, containing rock material that acts as a heat retainer, such as baked clay fragments, calcrete nodules and river cobbles. Mound sites often contain low numbers of artefacts and small amounts of faunal remains, and are commonly 20–30 m in diameter and less than a metre high. Burials are often located within larger mounds.

A number of mound sites have been located within the Adelaide plains area (Wood 2005), with one of the most significant mound sites on the Adelaide plains being the Greenfields Aboriginal site (ACHM 2000). The Greenfields site is situated just north of the Greenfields wetlands area, and is a low mound (about 80 m in diameter and up to a metre higher than the surrounding plain) on the flood plain of Dry Creek. The food remains found at the site were very well preserved and included fish (snapper, mulloway and bream), birds, shellfish (freshwater mussels, abalone and cockles), crabs, reptiles, kangaroos, wallabies, bettongs, bandicoots and several smaller mammals. There was also fragmented emu shell. Dingo bones are common, and two burials of complete dingoes were also encountered, which signifies a very different status for those particular canines.

The stone artefacts included larger cobble grindstones, hammers and anvils, as well as a variety of cutting tools. These included cobble choppers, knife-like flakes of quartz and quartzite, small chisels and adzes of quartz and imported chert, and small, mass-produced barbs for spears and for saw-knives made from quartz, quartz crystal, silcrete and chert.

The mound also contained many traditional Aboriginal burials. These sites provide a unique record of a permanent Kaurna settlement on the Northern Adelaide Plains and wetlands before European colonisation, for perhaps the preceding 3000 years.

Aboriginal sites such as the Greenfields site, and all recorded Aboriginal sites within the Northern Adelaide Plains, will not be impacted upon during the construction of the proposed Northern Expressway.

16.4.2 Native title

Native title relates to the rights and interests of Aboriginal people in land and waters, according to their traditional laws and customs where they have maintained a continuous connection with their land or waters. Native title rights may include the possession, use and occupation of traditional country. It can also be the right for Native title holders to participate in decisions about how others use their traditional land and waters (National Native Title Tribunal 2000).

Native title may exist in areas where it has not been removed (extinguished) by an Act of Parliament, such as:

• vacant Crown land
• public reserves
• some types of pastoral leases
• land held by government agencies
• land held in trust for Aboriginal communities
• any other public or Crown lands.

Native title is likely to have been extinguished on freehold land and road reserves.
The study area is currently located within the Kaurna Peoples Native Title Claim (SAD6001/00), lodged with the National Native Title Tribunal in 2000. It extends from the Fleurieu Peninsula to the Southern Flinders Ranges.

Legal advice has been received from the Crown Solicitor’s Office that Native title has been extinguished on all parcels of land to be acquired for the Northern Expressway.

16.4.3 Previously recorded/registered sites

A desktop study carried out within the broader study area (Wood 2005) identified six Aboriginal sites currently recorded on the Aboriginal Affairs and Reconciliation Division (AARD) of the Department of the Premier and Cabinet Central Archive, and two additional Aboriginal sites not yet entered onto the AARD Central Archive. Five of these eight sites are Aboriginal burial sites. The proposed Northern Expressway route does not affect any of these eight previously recorded or identified Aboriginal sites.

16.4.4 Field surveys

A surface survey of the proposed Northern Expressway corridor over three days in November 2006, concentrated on areas of high archaeological sensitivity. Kaurna community representatives, DTEI staff and an archaeologist conducted the pedestrian foot survey (Figure 16.1). The purpose of the survey was to identify all visible surface archaeological material and/or features and to record any Aboriginal sites that may be within the corridor of the proposed Northern Expressway.

One Aboriginal campsite was identified and recorded by the survey. This site is outside the Northern Expressway route and located on a raised terrace adjacent to the Gawler River. The site contained over 200 stone artefacts on the surface. The artefacts included a range of quartz, quartzite and chert flakes that would have been used for tasks such as scraping and decorating wooden artefacts such as spears and shields, cutting food such as kangaroos and emus, and possibly scraping animal skins to make cloaks and other clothing. The presence of chert flakes, not local to the Adelaide plains, also indicates a trade and exchange system operated between the Kaurna and Aboriginal tribes to the north of the Adelaide plains.

Several other areas with isolated stone artefacts including cutting and woodworking tools, hammer stones and cores were also found along the proposed route. These stone artefacts show that areas of quartz outcropping along the Adelaide plains were targeted by Aboriginal people to make stone artefacts. Figure 16.2 shows examples of stone artefacts found during the Aboriginal cultural heritage survey by DTEI and indigenous representatives.

A further field survey was undertaken with Kaurna community representatives in February 2007. Any relevant findings from this survey will be reported in the Supplement document.

Kaurna representatives have also been monitoring drilling operations in potentially archaeologically sensitive areas along the Northern Expressway route. During this monitoring work, no buried stone artefacts were identified, although it is recognised that any subsurface excavations, particularly along the banks of watercourses, have the potential to encounter a buried Aboriginal site.

16.5 Effects of the project on existing cultural heritage

The Northern Expressway route has been selected and designed to minimise effects on any known Aboriginal cultural heritage sites.
The project will not affect any previously registered sites nor the site discovered during the Northern Expressway Aboriginal cultural heritage survey. A number of scattered artefacts will be managed in consultation with the Kaurna community before earthworks begin, and sensitive archaeological areas will be monitored during construction.

### 16.6 Aboriginal cultural heritage management

#### 16.6.1 Principles adopted to minimise effects

General principles adopted to minimise the effect of the Northern Expressway on Aboriginal cultural heritage include:

- Raising awareness of Aboriginal cultural heritage issues with all planning, design and construction staff to ensure Aboriginal heritage issues are considered during all project phases.

- Working with the Aboriginal community to identify sites and artefacts and to develop protection measures for them.

#### 16.6.2 Measures to minimise effects during planning and design

To manage Aboriginal heritage issues throughout the Northern Expressway route selection and planning phase, desktop research was undertaken to identify any previously recorded Aboriginal sites and all previously known Aboriginal sites were avoided in the proposed Northern Expressway design.

Field surveys within much of the archaeologically sensitive area of the proposed route have identified one unrecorded Aboriginal site which was outside of the proposed project area.

Kaurna community representatives are monitoring drilling operations within sensitive archaeological areas during the planning and design phases.

#### 16.6.3 Measures to minimise effects during construction

Measures proposed to minimise the potential effects of the project on Aboriginal heritage include:

- Development of a cultural heritage management plan to manage scattered artefact and Aboriginal heritage sites.

- Ongoing consultation and liaison with Kaurna community representatives during pre-construction and construction phases of the project.

- Briefing of all construction and site staff working on the project to inform them of their legal obligations should they uncover any Aboriginal cultural material.

- If relevant, preparation of detailed site plans showing areas which must not be disturbed.

- Engaging Kaurna community representatives to monitor earthworks at archaeologically sensitive locations (along the Gawler River and Smith Creek drain) where there is a higher potential for earthworks to uncover an Aboriginal site.

- Immediately ceasing all works if suspected Aboriginal cultural heritage material such as a burial site is uncovered during construction.
Figure 16.2 Field survey and stone artefacts
If a suspected site is discovered, the advice of the Kaurna community and a cultural specialist would be sought and AARD would be advised. Human skeletal remains, if found, would be reported to the nearest police station. If of Aboriginal origin, specific management measures would be developed in accordance with advice of the Kaurna community and the requirements of the *Aboriginal Heritage Act 1988*.

### 16.7 Conclusion

The Northern Expressway will avoid all currently known and recorded Aboriginal sites. Any sites found during construction will be managed in accordance with the environmental management measures outlined in Section 16.

Aboriginal cultural heritage issues will continue to be managed in consultation with the Kaurna community in a way that recognises the significance of the heritage issues and ensures the appropriate level of conservation.