



DPC19/1477

22 October 2019

GPO Box 2343
Adelaide SA 5001
DX 56201
Tel 08 8226 3500
Fax 08 8226 3535
www.dpc.sa.gov.au

Freedom of information application

I refer to your request received by the Department of the Premier and Cabinet (DPC) seeking access under section 13 of the *Freedom of Information Act 1991* (the Act) to:

I am looking to see all searches of the Central Archive re Aboriginal Heritage requested since 2010 in and around the areas of St Kitts, Hansborough, Dutton, Dutton East, Steinfeld (Stonefield), Frankton, Bagot Well, Koonunga, Ebenezer, Truro, and Eudunda. Specifically, I would like details of: (1) the date of the search (2) who requested the search, (3) the area of the search requested and (4) the results provided.

Under the Act, an agency has 30 days to respond to a freedom of information request. As DPC did not respond to your request within the time frame required, the department is deemed to have refused you access to all documents relevant to your application. However, I have determined to process the request as if the statutory time frame had been met.

A total of 5 documents were identified as answering the terms of your application and I have determined to release these documents in full.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

FOI Disclosure Log

In compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), DPC is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DPC website. A copy of PC045 can be found at the following address: <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars> Please visit the website for further information.

Right to internal review

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be addressed to the principal officer, and
- be lodged at an office of DPC, or emailed to DPCFOIUnit@sa.gov.au within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you have any questions in relation to this matter, please contact Damian Gilbert, Freedom of Information Officer, on telephone (08) 8429 5489 or via email at damian.gilbert@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Kelly Biggins
ACCREDITED FOI OFFICER

Encl Schedule of documents
 Documents for release

Physical Id. DPC14D03946
File No. DPC14/0167



Government
of South Australia

Department of
State Development

Heuzenroeder Lawyers
PO Box 60
TANUNDA SA 5352

Dear Sir/Madam

I acknowledge receipt of your request, received by this office on 14 July 2014, seeking particulars of prescribed encumbrances pursuant to section 7(1)(b)(i) of the *Land and Business (Sale and Conveyancing) Act, 1994* in respect of the following land parcels details

- Reference Number 532803, dated 14/07/2014, Hundred of Dutton, Title reference CT 5479/848, Property Location is 265 Malabeena Road, Dutton.

In relation to the particulars required under regulation 8 of the *Land and Business (Sale and Conveyancing) Regulations 1995*:

1. The Central Archive, which includes the Register of Aboriginal Sites and Objects (the Register), administered by the Department of State Development-Aboriginal Affairs and Reconciliation (DPC-AAR), has an entry for Aboriginal sites on the abovementioned parcel of land. This entry for an Aboriginal site is described as an archaeological site. The approximate location of the site is indicated on the attached map.
2. There are no heritage agreements under the *Aboriginal Heritage Act 1988* (the Act) affecting the land.
3. There are no directions under section 24 of the Act prohibiting or restricting access to, or activities on, a site, or an area surrounding a site on the land.

A statement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* requires disclosure of sites and objects in the Register. The Register does not purport to be a comprehensive record of Aboriginal sites and objects in South Australia and sites or objects may well exist on the land even though the Register does not identify them. All Aboriginal sites and objects are protected under the Act, regardless of whether they are listed in the Register and it is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object (registered or not) without the authority of the Minister. Penalties apply for failure to comply with the Act.

It is advisable to consider that if the planned activity will damage, disturb or interfere with the sites identified or any other un-registered site or object, an application for authorisation must be lodged with the Minister under Section 23 of the Act.

It should be noted that this correspondence only addresses Aboriginal heritage matters in the context of the *Aboriginal Heritage Act 1988* and does not relate to any native title considerations that may, or may not, be relevant to the land area over which you have requested information.

Aboriginal Affairs and Reconciliation

Level 7, 11 Waymouth Street | GPO Box 320 Adelaide SA 5001

Tel (+61) 08 8226 8900 | Fax (+61) 08 8226 8999 | www.statedevelopment.sa.gov.au | ABN 83 524 915 929



For further information, please contact the Aboriginal Heritage Team on telephone (08) 8226 8900.

Yours sincerely



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

16 July 2014



**Government
of South Australia**

Department of
State Development

Aboriginal Affairs and Reconciliation

Level 7, 11 Waymouth Street | GPO Box 320 Adelaide SA 5001

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AAR F2017/002609
File No. 2017/000010



**Government
of South Australia**

Department of
State Development

Lee Webb
Senior Specialist (Environmental) Planner
State Commission Assessment Panel
G.P.O. Box 181
Adelaide SA 5001

Dear Lee

Thank you for your correspondence (email) dated 18 September 2017, regarding DA 440/E003/17 Referral – Twin Creeks Wind Farm. The search was based on the parcel details and maps as per the project summary for the development application for development plan consent.

I advise that the central archive, which includes the Register of Aboriginal Sites and Objects (the Register), administered by the Department of State Development, Aboriginal Affairs and Reconciliation (DSD-AAR), has no entries for Aboriginal sites within the proposed development area.

The applicant is advised that sites or objects 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 Light River 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 Minister for Aboriginal Affairs and Reconciliation (the Minister). 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 Minister 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 Minister. 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 various Aboriginal groups/organisations/traditional owners that may have an interest, these may include:

NGADJURI NATION ABORIGINAL CORPORATION

Chairperson: Quenten Agius
Address: 46 Maitland Road POINT PEARCE SA 5573
Mobile: [REDACTED]
Email: Traditionalowners@adjahdura.com.au



**Government
of South Australia**

Department of
State Development

I note that the GHD Consultation Report (2017) refers to the conduct of a stage 1 walkover heritage survey that has been completed with Ngadjuri and Native Title SA, and reference is made to a stage 2 survey to be undertaken after cultural heritage agreement execution. It would be useful to understand what the Proponent's views are concerning this cultural heritage agreement, and for DSD-AAR to be given the opportunity to review it if it and the stage 2 survey is envisaged to be undertaken.

Similarly there is reference by way of attachment to an EBS Desktop Cultural Heritage Assessment. It would be useful to know what the Proponent's intentions are in relation to the recommendations that are made in that report, including the site discovery procedure, a site induction process and the engagement of an archaeologist and Ngadjuri monitors for ground disturbing works. Additionally there is reference in the EBS Report to consideration of a cultural heritage survey, and it would be useful to know the Proponent's view on the conduct of that.

The Volume 1 Project Summary document at page 42 refers to the Aboriginal Heritage Act 1998, this is incorrect and should reference a date of 1988. Elsewhere in the attachments there is reference to aboriginal. This should always be expressed with a Capital "A" (Aboriginal).

It is acknowledged that the Proponent has stated that they are aware of their obligations to comply with the Aboriginal Heritage Act 1988, and DSD-AAR look forward to further updates concerning the conduct and results of an additional heritage survey that has been proposed.

If you require further information, please contact the Aboriginal Heritage Team on telephone (08) 8226 8900 or send to our generic email address dsdaarheritagesites1@sa.gov.au

Yours sincerely

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

11 October 2017

Aboriginal Affairs and Reconciliation

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Physical Id. AHRCA18D0089
File No. AHRCA18/11



Government
of South Australia

Department of
State Development

Rebecca Ebert
St Kitts Preservation Society

Dear Rebecca,

Thank you for your correspondence (email) dated 14 March 2018, regarding the St Kitts Preservation Society's interest in the St Kitts area. The search was based on the map provided.

I advise that the Central Archive, which includes the Register of Aboriginal Sites and Objects (the Register), administered by the Department of State Development, Aboriginal Affairs and Reconciliation (DSD-AAR), has an entry for an Aboriginal site in the area of interest.

This entry for an Aboriginal site is described as one archaeological/historic site. 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 or objects may exist in the area of interest, 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 Register 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 Minister for Aboriginal Affairs and Reconciliation (the Minister). 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 Minister 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 Minister. 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 various Aboriginal groups/organisations/traditional owners that may have an interest, these may include:

NGADJURI NATION ABORIGINAL CORPORATION

Chairperson: Quenten Agius
Address: 46 Maitland Road POINT PEARCE SA 5573
Mobile: [REDACTED]
Email: Traditionalowners@adjahdura.com.au

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**Government
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Department of
State Development

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- The reproduction, copying, downloading, storage, recording, broadcasting, retransmission, distribution, decompilation, or disassembly of any part of the information derived from the central archive is not permitted without prior written consent from the traditional informant and must be in accordance with any associated copyright.

- It is the responsibility of any person provided with information derived from the central archive to:
 - Ensure that the information accessed is not made available, either in electronic or in hard copy format, to any third party.
 - Inform DSD-AAR immediately if they become aware of a third party using information derived for the central archive in contravention to these terms and conditions.

If you require further information, please contact the Aboriginal Heritage Team on telephone (08) 8226 8900 or send to our generic email address dsdaarheritagesites1@sa.gov.au

Yours sincerely

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

03 April 2018

Physical Id. eA736421
File No. 2016/00114



Government
of South Australia

Department of
State Development

Steve Damhuis
Senior Cultural Heritage Consultant
EBS Heritage
3/119 Hayward Ave
TORRENSVILLE SA 5031

Dear Steve

Thank you for your correspondence (email) dated 6 January 2016, regarding the Twin Creek Wind Farm development as per the boundary you provided. The search includes a 1km buffer around the project area.

I advise that the central archive, which includes the Register of Aboriginal Sites and Objects (the Register), administered by the Department of State Development, Aboriginal Affairs and Reconciliation (DSD-AAR), has no entries for Aboriginal sites within the search area.

You are advised that sites or objects 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 or damage any Aboriginal object (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site or object, authorisation of the activity must be first obtained from the Minister 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 Minister. Penalties apply for failure to comply with the Act.

It should be noted that this correspondence only addresses Aboriginal heritage matters in the context of the *Aboriginal Heritage Act 1988* and does not relate to any native title considerations that may, or may not, be relevant to the land area over which you have requested information.

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

NGADJURI NATION ABORIGINAL CORPORATION

Chairperson: Quenten Agius
Address: 46 Maitland Road POINT PEARCE SA 5573
Mobile: [REDACTED]
Email: Traditionalowners@adjahdura.com.au

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**Government
of South Australia**

Department of
State Development

For further information please contact the Aboriginal Heritage Team on telephone (08) 8226 8900.

Yours sincerely

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

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

15 January 2016

Aboriginal Affairs and Reconciliation

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Physical Id. AHRCA18D0116
File No. AHRCA18/11



Government of South Australia

Department of the Premier
and Cabinet

30 April 2018

Antoinette Hennessy
Project Archaeologist
Blackwood Heritage Consulting Pty Ltd

Aboriginal Affairs &
Reconciliation
GPO Box 320
Adelaide SA 5001
DX 452
Tel 08 8226 8900
Fax 08 8226 8999

Dear Antoinette

Thank you for your correspondence (email) dated 5 April 2018, regarding an Aboriginal heritage survey for a proposed wind farm near Kapunda. The search was based on the coordinates of the search quadrant provided and included the requested 20km buffer.

I advise that the central archive, which includes the Register of Aboriginal Sites and Objects (the Register), administered by the Department of the Premier and Cabinet, Aboriginal Affairs and Reconciliation (DPC-AAR), has entries for Aboriginal sites within the proposed development location.

These entries for Aboriginal sites are described in the attached site table. 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 or objects 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 Register 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.

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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 various Aboriginal groups/organisations/traditional owners that may have an interest, these may include:

NGADJURI NATION ABORIGINAL CORPORATION

Chairperson: Quenten Agius
Address: 46 Maitland Road POINT PEARCE SA 5573
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- It is the responsibility of any person provided with information derived from the central archive to:

- o Ensure that the information accessed is not made available, either in electronic or in hard copy format, to any third party.

- o Inform DPC-AAR immediately if they become aware of a third party using information derived for the central archive in contravention to these terms and conditions.

If you require further information, please contact the Aboriginal Heritage Team on telephone (08) 8226 8900 or send to our generic email address dsdaarheritagesites1@sa.gov.au

Yours sincerely



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