

CONSULTATION INFORMATION PACK

Application for authorisations under the *Aboriginal Heritage Act 1988* (SA)

Sibelco Australia Limited – Gillman Project

- Applicant:** Sibelco Australia Limited
- Application Type:** Authorisations under sections 21 and 23 of the *Aboriginal Heritage Act 1988* (SA)
- Application Area:** The whole of the land located at 102-122 Eastern Parade, Gillman, South Australia 5013
- Proposed Activities:** Ground disturbing activities to facilitate the development of the land including: uncovering and excavating an Aboriginal ancestral burial and reburying it in an alternative location within the application area; excavations to facilitate the demolition and removal of existing sheds, warehouses, car parking, storage facilities and existing underground services; construction of a new access road; excavation and trenching for new underground services; excavation works for the construction of new warehouses and other associated infrastructure; and general landscaping.

Figure 1 – Eastern Parade, Gillman facing north-east (image courtesy of the Applicant)



INTRODUCTION

The Premier of South Australia, who is responsible for the *Aboriginal Heritage Act 1988* (SA) (Act), has received an application for authorisations under sections 21 and 23 of the Act from Sibelco Australia Limited (Applicant). The Applicant is the owner of a 4.28-hectare commercial/industrial property at 102-122 Eastern Parade, Gillman, South Australia 5013, some 14 km north-west of Adelaide (Property) – see Figure 1, Figure 2 and Figure 3.

The Applicant seeks the authorisations to enable it and certain future owners to develop the Property. The Applicant has sought for the authorisations to apply over the Property in its entirety (Application Area), as shown bounded in purple on the maps at Figure 4 and Attachment 1.

An ancestral Aboriginal burial site is known to exist within the Application Area – see Figure 4 and Attachment 1.

Section 21 of the Act makes it an offence to excavate land to uncover Aboriginal sites, objects and/or remains (together ‘Aboriginal heritage’) without the Premier’s authorisation, whilst section 23 of the Act makes it an offence to damage, disturb or interfere with Aboriginal heritage without the Premier’s authorisation.

If authorised under the Act, the following activities would be undertaken within the Application Area: uncovering and excavating a known Aboriginal ancestral burial and reburying it in another location within the Application Area; excavations to facilitate the demolition and removal of existing sheds, warehouses, car parking, storage facilities and existing underground services; construction of a new access road; excavation and trenching for new underground services; excavation works for the construction of new warehouses and other associated infrastructure; and general landscaping (Project).

Prior to considering whether to grant an authorisation, section 13 of the Act requires the Premier to understand and consider the views of a range of interested Aboriginal parties. Aboriginal Affairs and Reconciliation (AAR) conducts this consultation on the Premier’s behalf, seeking the views of Traditional Owners, the State Aboriginal Heritage Committee (Committee), and other Aboriginal parties that the Premier considers may have an interest in the matter.

The information in this consultation information pack is based upon information provided to AAR by the Applicant and the Purchaser.

**Figure 2 – Corner of Eastern Parade and Martin Avenue, Gillman facing north-east
(image courtesy of the Applicant)**



Figure 3 – Eastern Parade, Gillman facing south-east (image courtesy of the Applicant)



Figure 4 - Application Area Map (image created by AAR)



PROJECT INTRODUCTION

The Applicant advises that the Property was established in the 1950s by a minerals processing company, and that it has been primarily used since for the production and processing of industrial raw materials, such as talc and white clays.

The Applicant wishes to sell the Property and has negotiated a contract of sale with Gillman Industrial Park Pty Ltd (Purchaser). The Purchaser is a property investment and development company. The Applicant seeks authorisations under the Act to conduct a range of ground disturbing works to further develop the Property. The Applicant advises that the proposed development would disturb to a known Aboriginal burial site that exists within the Application Area (Figure 4 and Attachment 1).

As such, the sale of the Property to the Purchaser is conditional upon the Applicant moving the Aboriginal remains to an alternative location within the Property. It is proposed this occurs with authorisations under the Act and under a cultural heritage management plan (CHMP) agreed by the Kurna Yerta Aboriginal Corporation RNTBC (KYAC) (Project Stage 1).

Following Project Stage 1 works and the sale of the Property to the Purchaser, a range of ground-disturbing works are proposed to enable the development of the Property (Project Stage 2), subject to all necessary approvals and consents. The Applicant seeks for the authorisations to extend for 20 years.

KNOWN ABORIGINAL HERITAGE IN THE APPLICATION AREA

AAR's central archives contain a record for one known Aboriginal site within the Application Area. As the central archives are a non-exhaustive record of Aboriginal heritage across the state, it is possible that other unrecorded Aboriginal heritage exists within the Application Area.

Gillman Eastern Parade Aboriginal Burial Site (6628-8168)

The information about the burial site in this document is based upon a first-hand account of its discovery and a newspaper article from *The Advertiser* on 23 September 1995 (see Figure 5).

The Gillman Eastern Parade Aboriginal Burial site (site 6628-8168) was discovered in 1995 during the construction of a raw materials bunker along the northern boundary of the Application Area, adjacent to Martin Avenue. The remains were discovered approximately 0.6 m below ground level. The remains comprise the complete skeletal remains of an adult female. The remains were found in association with archaeological materials including stone tools, emu shell and seashells.

Upon discovering the remains, the previous Property owner ceased excavations. AAR understands that the discovery was then attended by AAR's predecessor agency, Department of State Aboriginal Affairs (DOSAA) and SA Police (SAPOL). Following this inspection, the remains were retrieved and reburied approximately 0.6 m from the original discovery location, and at a depth of between 0.5 and 1.0 m.

Following the reburial of the skeletal remains, AAR understands that a concrete raw materials bay was constructed over site 6628-8168. The site came to the Applicant's attention in 2019 during the sale process for the Property

Figure 5 - 1995 newspaper article (image courtesy of The Advertiser)



PREVIOUS HERITAGE ASSESSMENTS UNDERTAKEN

IHC - Eastern Parade, Gillman – Preliminary heritage advice report

In 2019, the Purchaser, in conjunction with the Applicant, engaged Independent Heritage Consultants (IHC) to prepare a preliminary heritage report for the Application Area. This report found that the region supported large groups of Aboriginal people given its proximity to the coastline, rivers, estuaries, and wetland environments. This is evidenced by the density of Aboriginal burial sites and cemeteries, earthen mound sites, shell middens and campsites throughout the region. Extensive use of the landscape by Kurna people is also evidenced by historic accounts by European colonists, and more recently by historians and archaeologists.

Despite site 6628-8168 not being listed on the central archives in 2019, the IHC report did reference the 23 September 1995 article in *The Advertiser* (Figure 5). Given so, the IHC report concluded that the Application Area should be considered 'high-risk' for containing sub-surface Aboriginal heritage. The IHC report also advised that if avoidance of the 1995 burial discovery, or any other Aboriginal sites was not possible, authorisation under the Act would be required.

August 2020 – IHC site inspection and consultation report - Kurna

In August 2020, the Applicant engaged IHC to provide further advice on the management of Aboriginal heritage within the Application Area. On 20 August 2020, a consultation meeting and heritage inspection was attended by representatives of the Kurna community, the Applicant and IHC.

The Kurna representatives expressed a preference for site 6628-8168 to be retained in place. They also expressed an interest in the development of a CHMP and 'repatriation framework' to manage the known site, and to manage any other heritage discoveries made within the Application Area. The Kurna representatives further advised that if future owners of the land wished to develop it, site 6628-8168 should be managed by a CHMP agreed to by Kurna, and consistent with conditions imposed under any authorisations under the Act.

During the inspection, IHC recorded the original burial location, as well as the reburial location, using a hand-held GPS unit. As a result of this on-site inspection, AAR prepared a site card for the burial using information provided by IHC and the Applicant. AAR accessioned the site card onto the central archives on 2 August 2021.

PROJECT STAGE 1 – RELOCATION OF SITE 6628-8168

Within Project Stage 1, the Applicant proposes to excavate, remove and relocate site 6628-8168 because damaging the remains would be unavoidable during the proposed development of the Property during Project Stage 2. Accordingly, the Applicant consulted with KYAC members to develop the following strategy for respectfully managing the burial:

1. Archaeological excavation of the skeletal remains would be carried out in accordance with best-practice Australian archaeological excavation techniques, in line with previous examples for the Adelaide region. The excavation would also be undertaken in line with any conditions imposed by the section 21 and 23 authorisations (if granted), as well the CHMP.

2. All reasonable efforts would be taken to recover as much of the human skeletal remains as possible.
3. Sieving of excavated disturbed soils adjacent to site 6628-8168 would be conducted, to collect as much of the previously displaced skeletal remains as possible (i.e. until sterile soils are reached). All excavated soils within site 6628-8168 would be reburied along with salvaged materials.
4. Archaeological test pits would be excavated adjacent to the original burial site to determine if any other archaeological materials or skeletal remains are present. If archaeological materials and/or skeletal remains are discovered during this test-pitting, they would be preserved *in situ* where possible. If it is not possible to preserve these materials *in situ*, they would be recovered in accordance with the CHMP and any relevant conditions of the section 21 and 23 authorisations (if granted).
5. Interim preservation, analysis, management and storage of the remains would be undertaken with support from the Applicant and/or Purchaser, and in agreement with KYAC.
6. Non-destructive analysis of the remains would constitute at least:
 - a) individuation of remains (sorting remains into specific individuals)
 - b) inventory of remains (separate bones itemised per individual)
 - c) basic analysis including individual size, approximate age at death, sex and any specific details such as tooth wear, bone condition and pathologies etc that may yield information regarding the way people lived.
7. Basic archaeological analysis of all artefacts associated with the burial, should they be encountered.
8. Short-term storage of the remains post-analysis, as close as practically possible in a suitable, secure facility provided by the Applicant and/or Purchaser or any purchaser/future owner.
9. Reburial of skeletal remains and any salvaged archaeological materials in a designated reburial area, including an appropriate ceremony. The reburial area would be designed, rehabilitated and managed in accordance with KYAC, Applicant and Purchaser expectations.

The steps above would be undertaken by independent and qualified archaeologists from Integrated Heritage Services Pty Ltd (IHS), in consultation with, and participation from, KYAC. IHS would provide reports to KYAC, the Purchaser and AAR describing outcomes of the heritage management processes detailed above, confirming adherence to any conditions imposed by the authorisations (if granted), as well as providing site card(s) detailing the reburial area.

The Applicant has prepared a map showing the proposed reburial area within the Property (Figure 6) – the proposed reburial area is shaded in yellow). The Applicant and Purchaser advise that the proposed reburial area would be further refined based on the amount of material recovered, subsequent final physical extent of the reburied materials and development and sub-division plans for the Property.

**Figure 6 – Map showing indicative location of the reburial area, shaded in yellow
(image courtesy of IHS)**



PROJECT STAGE 2 - PROPOSED DEVELOPMENT OF THE PROPERTY

The Applicant advises that the sale of the Property is proposed only following the completion of Project Stage 1. The Purchaser then intends to sub-divide and redevelop the Property to create a new commercial/industrial precinct. An indicative conceptual design for the redevelopment of the Property is at Attachment 3. Key elements of Project Stage 2 include:

Demolition and removal existing structures and underground services

The Purchaser proposes to demolish and remove all existing structures currently within the Application Area, including large sheds, warehouses, car parks, storage facilities and associated infrastructure. Existing underground services would also be removed. The Purchaser advises that the depth of excavations required to remove the footings of existing structures, as well as existing services, is unknown. However, it is likely that excavation works would be carried out to a depth of 1-5 m.

Construction of a new internal access road and installation of new underground services

Following removal of existing structures and services, the Purchaser intends to subdivide the land into separate allotments. Following subdivision, the Purchaser would conduct earthworks and excavations to construct a new internal road within the Application Area, to achieve adequate drainage levels across the Application Area, and to extend underground services to each allotment from Martin Avenue.

Levelling of the land and construction of a new internal access road

The Purchaser advises that clean engineered fill would be introduced to the Application Area, and could be piled up to 1 m high. This engineered fill would be used to create the necessary slopes/levels to achieve adequate drainage requirements for the Project.

The Purchaser advises that excavation for a new access road would be determined by the volume of engineered fill introduced. The access road is likely to be up to 20 meters wide, subject to detailed design. The Purchaser advises that excavation depth below the existing ground surface would vary and is likely to only be in localised areas off Martin Ave.

The Purchaser proposes to clear all existing vegetation from the Application Area except for the designated reburial area. Subject to further consultation with KYAC, the designated reburial area is likely to be left partially vegetated to help create a natural space for the reburied materials to reside.

The Applicant would stockpile some topsoil on the Property so that it could be re-used over the top of the engineered fill.

Installation of underground services

To service the newly created allotments, the Purchaser advises that trenching would be required to install new underground services including stormwater, sewerage, water, electrical,

communications and gas. The Purchaser advises, subject to detailed designs, that the new underground services would require trenching to the following approximate depths:

- stormwater trench depths: between 1.0 – 1.5 m
- sewerage trench depths: between 1.5 – 4.0 m
- water trench depths: between 0.75 – 1.0 m
- electrical, communications, and gas trenches: between 0.75 - 1.2 m.

It is likely that these excavations may be between 1-4 meters wide (subject to detailed design).

The Applicant advises that installation of stormwater services would take place along the new internal access road, connecting to existing services that enter the Application Area from Martin Avenue. Installation of sewerage services would also be carried out along the internal access road and connect to an easement on the east boundary of the Application Area. Other services would also connect to each of the new allotments via the new internal access road.

Construction of warehouses and associated infrastructure

Following completion of the above, the Purchaser proposes to construct a series of commercial / industrial buildings / warehouses, each within a separate allotment. Each would be approximately 500 m² in total area. Subject to detailed designs, it is likely that each building would require approximately 4-6 footings of approximately 1.2 m in depth, each supported by two bored piers to a depth of approximately 6 m.

One larger warehouse/building, approximately 10,000 m² in total area, is likely to be built on the largest allotment. The Purchaser intends to create up to 8-10 footings of some 1.2 m in depth, each supported by two bored piers to a depth of approximately 12 m, to support the construction of this larger warehouse/building.

The Purchaser advises that the footing calculations are based upon assumed knowledge of local soil types, and that excavation depths may vary depending upon the actual soil conditions.

Additional infrastructure required by council regulations, such as storm water drainage, would also be installed. This installation would likely be consistent with the underground service construction works detailed above.

CULTURAL HERITAGE MANAGEMENT PLAN

In addition to the measures proposed above, the Applicant and the Purchaser intend to manage Aboriginal heritage within the Property in accordance with a CHMP currently being developed by IHS in consultation with KYAC. The Applicant and the Purchaser intend for the CHMP to be binding upon future purchasers of the land while any authorisations granted continue in force, that is, for 20 years.

The Applicant advises that draft copies of the CHMP were provided to representatives of KYAC, including the KYAC Chairperson, on 4 November 2021. An on-ground inspection of site 6628-8168 was attended by the Applicant, IHS and KYAC on 4 November 2021. The Applicant advises that it intends to use the feedback received during AAR's section 13 consultation process to

inform the final content of the CHMP, in consultation with KYAC. The Applicant says that the CHMP will be finalised following the Premier's decision whether or not to grant the authorisations sought under the Act.

The CHMP will contain provisions for managing site 6628-8168, as well as any other Aboriginal heritage that may be encountered on the Property as part of Project. The Applicant advises that the CHMP will detail procedures for managing inadvertent heritage discoveries in line with best-practice and the conditions of any authorisations granted under the Act.

The Applicant advises that the draft CHMP is intended to bind the Applicant, Purchaser and any future owner of the Application Area for 20 years after the authorisations are granted.

Proposed management of other Aboriginal heritage discoveries

Where possible, any other Aboriginal heritage discoveries made during the Project within the Application Area would be left *in situ*. If inadvertent heritage discoveries cannot be left, they would be salvaged and relocated in accordance with the CHMP and any conditions of authorisations under the Act.

The Applicant advises that inadvertent heritage discoveries are more likely to be salvaged and relocated where they intersect previously planned infrastructure footprints, and where these cannot be revised.

Any heritage material salvaged during the future development of the Application Area would be reburied within the designated reburial area (Figure 6). The Applicant advises that IHS (or other suitable consultants) would be engaged to salvage any other heritage discoveries, where these cannot be avoided, in consultation and participation with KYAC.

Basic archaeological analysis of all artefacts, recorded in their original context where possible, would be undertaken should they be encountered.

Beyond the CHMP, the Applicant says the Purchaser is committed to adhering to AAR's *Aboriginal Heritage Discovery Protocols* in the event that any additional Aboriginal heritage is encountered during Project works.

SCOPE OF AUTHORISATIONS SOUGHT

The authorisations are sought to apply throughout the Application Area. The Applicant has requested that the authorisations, if granted, allow for:

Project Stage 1:

- excavating, removing and reburying the known Aboriginal remains to an alternative location within the Property to enable Project Stage 2; and

Project Stage 2:

- major earthworks to a maximum depth sufficient to allow for trenching, excavation works and pier boring reasonably necessary to support the Project
- removal of existing soil and organic matter as required to allow for the excavation and construction works detailed above
- addition of imported fill or organic matter
- uncovering, disturbing and/or removing any additional Aboriginal heritage, in accordance with any conditions of the authorisations, if granted.

If granted, the Applicant has sought the authorisations for a 20-year period from the date of authorisations. This 20-year duration has been sought to enable future ground-disturbing activities by the Applicant, and subsequent owners of the Property (including the Purchaser), associated with the maintenance or use of services, facilities or infrastructure in connection with the Project. After the expiration of the authorisations (if granted), any further works on the Property would again be subject to the requirements of sections 21 and 23 of the Act.

The Applicant seeks that the authorisations extend to:

- itself
- any future registered proprietor(s) of the Property or any part of it while the authorisations remain in force
- all employees, agents, contractors and sub-contractors of the above categories where undertaking works in connection with the Project.

If granted, the authorisations would not be listed on the land title certificates of the Property or any sub-divided allotments of it. However, the authorisation instrument, including details of any authorisation conditions would be recorded on AAR's central archives and made available to all future purchasers of the Property for the duration of the authorisations.

If the authorisations are granted, the authorised activities would be permitted only to the extent reasonably necessary while undertaking the Project.

Project timing

If the authorisations are granted by the Premier, the Applicant has advised that Project Stage 1 is intended to commence within approximately three months of the CHMP being agreed by the Applicant, the Purchaser and KYAC. Project Phase 2 would commence within three months of Property settlement following Project Stage 1.

SECTION 13 CONSULTATION

Prior to considering whether to grant any authorisations under the Act, section 13 requires the Premier to take all reasonable steps to consult with the Committee, Traditional Owners and any other Aboriginal parties that he considers may have an interest in the matter.

Invitation for submissions from interested Aboriginal parties

Verbal and written submissions are now invited from all such interested Aboriginal parties. Consultees may make a submission to AAR in person, by phone, letter or email.

Anyone in receipt of this consultation information pack is encouraged to share it with other Aboriginal parties who may also have an interest in the Application Area.

Electronic copies are available online at: dpc.sa.gov.au/heritage-applications.

THE CONSULTATION PERIOD CLOSES ON FRIDAY 24 DECEMBER 2021.

No public meeting is scheduled for this application. However, AAR will endeavour to contact key Traditional Owners and Aboriginal parties with a known interest in the Application Area prior to the closure of the consultation period.

If you do not receive a telephone call, and/or wish to learn more about the Project or lodge a submission, please call AAR on (08) 8226 8900 or write to:

Mr Alex van Wessem
Principal Project Officer (Heritage)
Aboriginal Affairs and Reconciliation
Department of the Premier and Cabinet
GPO Box 2343
ADELAIDE SA 5001
DPC-AAR.CIR@sa.gov.au

When making a submission, consultees should consider and provide responses on the following key questions:

- 1. Should the authorisations sought be granted to the Applicant? Why or why not?**
- 2. If the authorisations are granted, what conditions, if any, should be imposed on them?**
- 3. Are there any other matters that the Premier should be aware of when considering the application?**

Unless otherwise requested, consultees' submissions will be forwarded to the Applicant for comment. Once the public consultation period has closed, submissions and the Applicant's comments about them will be forwarded to the Committee.

The Committee's own views about the Project will then be sought. AAR will collate consultee submissions, the Applicant's responses to them, the Committee's advice, and its own recommendations to the Premier within a single brief to assist him to make a final decision about the application.

AAR is available to answer any questions or provide further information about the Project at any time before the consultation period closes.

ALL SUBMISSIONS MUST BE RECEIVED BY AAR BY FRIDAY 24 DECEMBER 2021.

Thank you for taking the time to consider this consultation information pack. If you are an interested Aboriginal party, AAR strongly encourages you to make a submission before the closing date.

Attachments:

Attachment 1: Map of the Application Area - Eastern Parade, Gillman

Attachment 2: AAR's Aboriginal Heritage Discovery Protocols

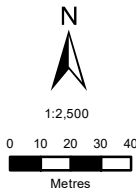
Attachment 3: Proposed plan of division (conceptual)

Sections 21 and 23 Application Area - Sibelco Australia Limited - Eastern Parade, Gillman Project



- Legend**
- AAR Heritage Sites**
- Reported
- Application Area**
- S.21 & S.23 Application Area

- Roads**
- Highway
 - Principal Road
 - Secondary Road
 - - - Minor Road
 - Railways

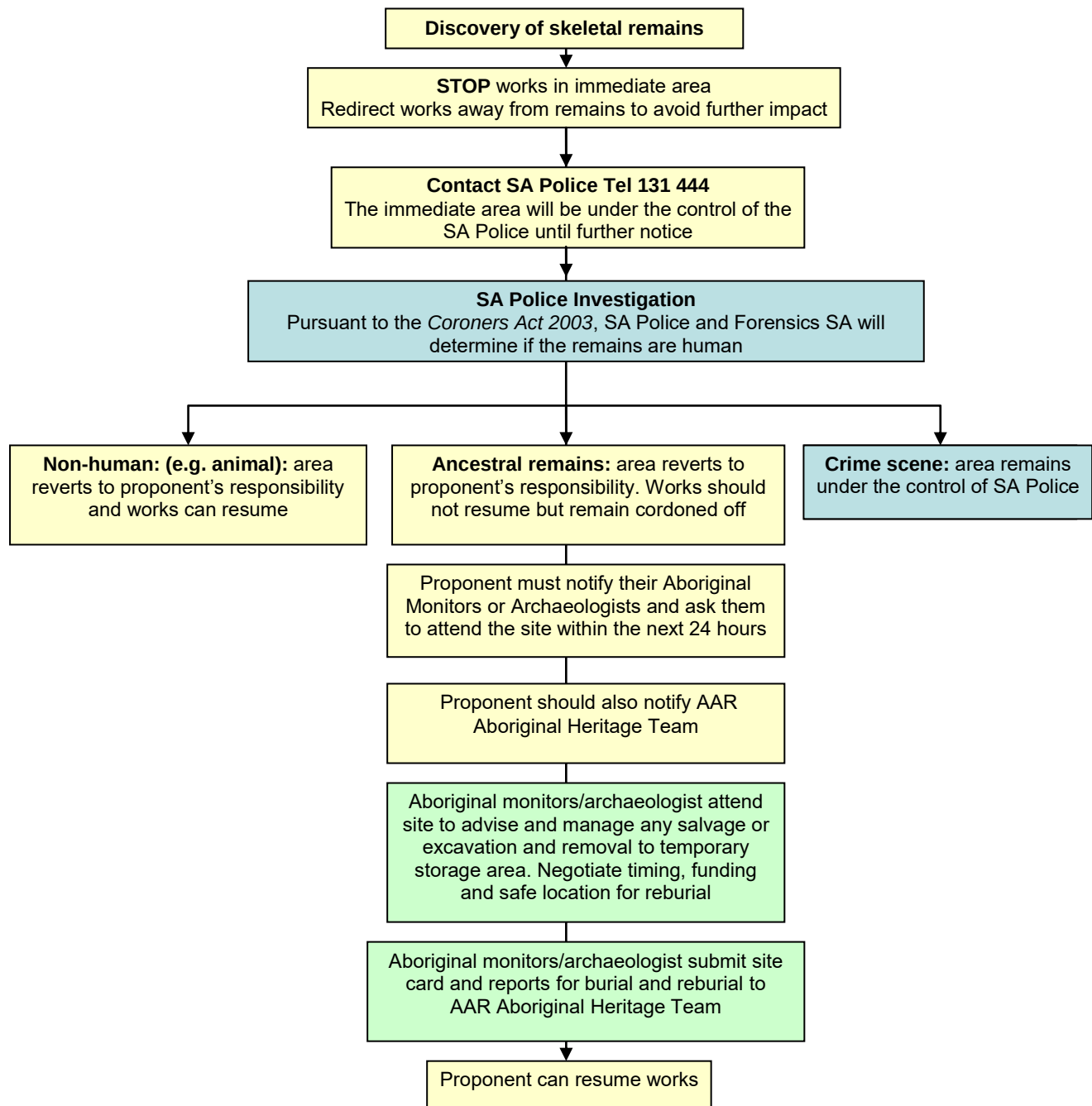


Gillman	
Produced by:	Heritage Information Team Aboriginal Affairs and Reconciliation (AAR)
Data Source:	Roads / Topographic / Parcel ID - LocSA Aerial imagery - DEW Heritage Sites - AAR
Projection:	Lambert Conformal Conic
Date:	Geocentric Datum of Australia 2020
Job No:	2021142_003
Compiled:	10/11/2021
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ABORIGINAL HERITAGE DISCOVERY PROTOCOL For proponents holding a section 23 Authorisation

Dealing with the discovery of skeletal remains

It is recommended that prior to beginning work, proponents undertaking ground disturbing works in high risk areas negotiate with the Aboriginal groups and an archaeologist a plan for managing the discovery of skeletal remains.



Key

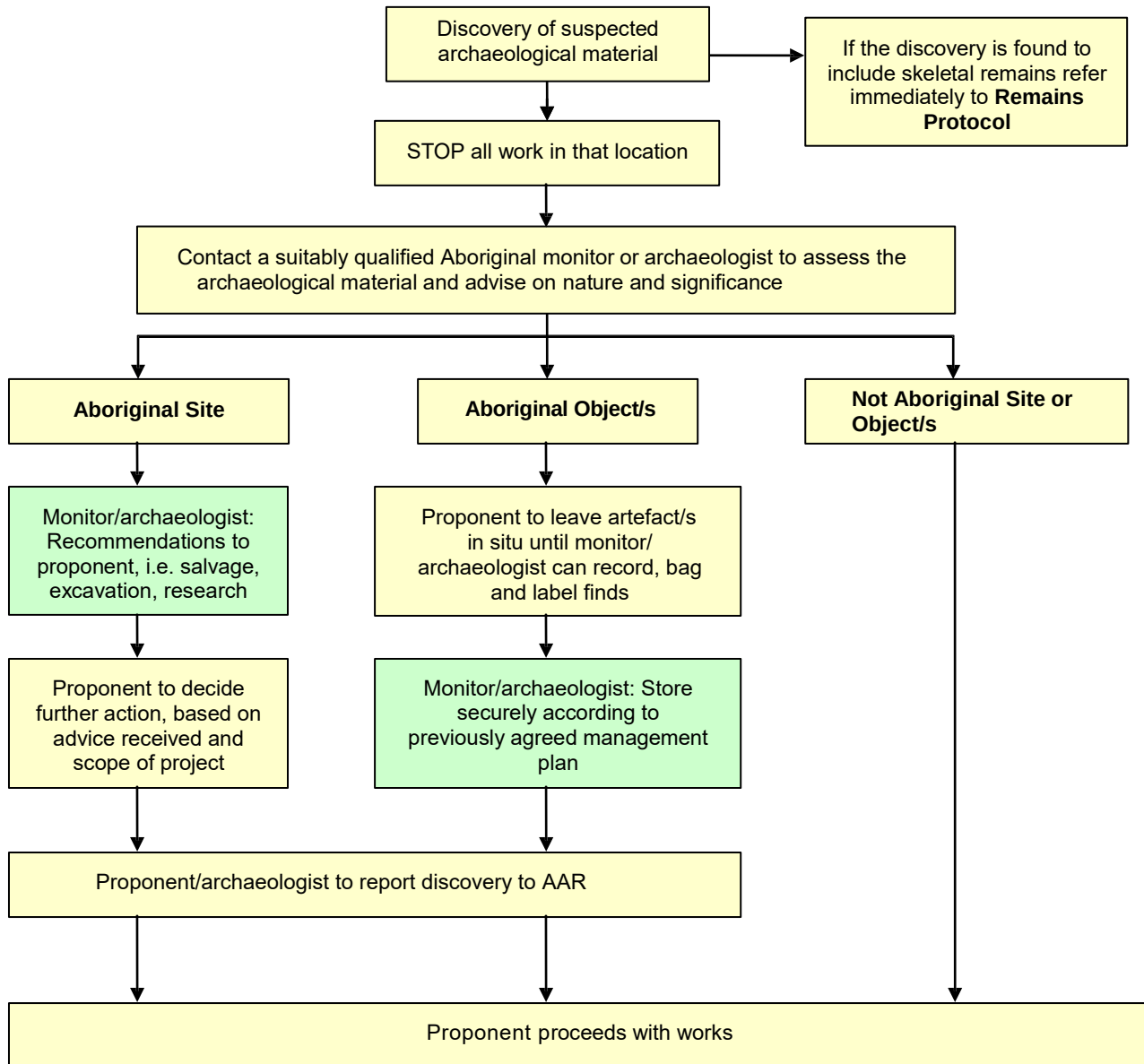
Proponent
SA Police
Aboriginal monitors/archaeologist

As part of project planning, proponents may allocate a secure on-site storage area for the temporary securing of remains, pending reburial.

ABORIGINAL HERITAGE DISCOVERY PROTOCOL For proponents holding a section 23 Authorisation

Dealing with the discovery of Aboriginal sites and objects

It is recommended that prior to beginning works, proponents undertaking ground disturbing works in high risk areas negotiate with Aboriginal groups and an archaeologist a plan for managing the discovery of any Aboriginal sites and/or objects.



Key

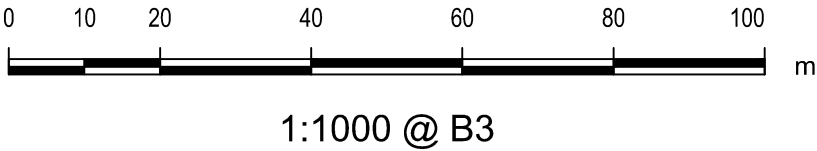
Proponent
Monitor/archaeologist

As part of project planning, proponents may allocate a secure on-site storage area for the temporary securing of objects, pending repatriation.



Development No. / /
City of Port Adelaide Enfield

Proposed Plan of Division
Allotment 1 in D33999
Allotment 23 in F14182
Hundred of Port Adelaide
in the area named
GILLMAN
C'ST 5447/660, 5132/116



Existing Easements
A & B Council drainage
C SAPN Electricity

****Not to be used for detailed engineering design.****

Dimensions and areas are subject to survey.

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LICENSED SURVEYOR

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RHF 03.03.2021	

Alexander & Symonds Pty Ltd
11 King William Street Kent Town,
South Australia 5067
PO Box 1000 Kent Town, SA 5071
DX 209 ABN 93007 753 988

T (08) 8130 1666
F (08) 8362 0099
W www.alexander.com.au
E adelaide@alexander.com.au

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