CONSULTATION INFORMATION PACK

Poonindie Cemetery Works

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

Applicant: District Council of Lower Eyre Peninsula

Application Type: Sections 21 and 23 of the Aboriginal Heritage Act 1988 (SA)

Application Area: The Poonindie Cemetery and the land surrounding it, more particularly, the

> whole of the land in two Crown land parcels bordered by the Tod River in the north, Cemetery Close in the east, King Road in the south and Lincoln Highway in the west at Poonindie, a small township some 17 km north of

Port Lincoln.

Proposed Activities: Ground-disturbing works would involve the following activities within the

Application Area: removing an existing fence and installing a new rabbitexclusion fence and entrance gate; creating a new gravel parking area and access track from the parking area to Cemetery Close; installing a shelter, bench seats and information signs; planting native trees; repairing warrens and depressions using soil sourced from other locations within the local council area; laying gravel to define designated walking paths as well as laying gravel over possible burials in a contrasting colour so they are easily identified; and any additional works that may reasonably be required to

complete the Project.



Figure 1 – View looking southwest from within the Application Area

LIST OF ACRONYMS AND ABBREVIATIONS

AAR	Attorney-General's Department - Aboriginal Affairs and Reconciliation
	, , ,
Act	Aboriginal Heritage Act 1988 (SA)
Applicant	District Council of Lower Eyre Peninsula
Application Area	The Poonindie Cemetery and the land surrounding it, as shown on the map at Attachment 1
BDAC	Barngarla Determination Aboriginal Corporation RNTBC
cemetery	The Poonindie Cemetery at Poonindie, South Australia
Committee	State Aboriginal Heritage Committee
GPR	Ground Penetrating Radar, a method used to scan the ground for subsurface anomalies
Minister	Minister for Aboriginal Affairs
mission	The former Poonindie Mission at Poonindie, South Australia
Plan	The draft Poonindie Cemetery Management Concept Plan prepared, and consulted on, by the Applicant
RNTBC	Registered Native Title Body Corporate

INTRODUCTION

The Minister for Aboriginal Affairs (Minister), 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 the District Council of Lower Eyre Peninsula (Applicant).

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

The authorisations have been sought over the land compromising the Poonindie Cemetery and an area surrounding it, more particularly, the whole of the land in two Crown land parcels bordered by the Tod River in the north, Cemetery Close in the east, King Road in the south and Lincoln Highway in the west at Poonindie, a small township some 17 km north of Port Lincoln (Application Area). See the map at Attachment 1.

The Poonindie Cemetery was recorded by the state government's Aboriginal Heritage Section in the early 1980s and determined by the Minister to be an Aboriginal site in 1990. It is listed on Aboriginal Affairs and Reconciliation's (AAR's) central archives as site 6028-1332 for its historical association with the former Poonindie Mission, which was operated by the Church of England between 1850 and 1894. The Poonindie Cemetery is also a State Heritage Place under the Heritage Places Act 1993 (SA) and is recorded on the Commonwealth's Register of the National Estate, together with other buildings associated with the former Poonindie Mission.

The Applicant acknowledges that the Poonindie Cemetery is currently in a state of disrepair. The Applicant proposes to carry out upgrade works, including ground-disturbing works, within the Application Area. These works would involve removing an existing fence and installing a new rabbit-exclusion fence and entrance gate; creating a new gravel parking area and access track from the parking area to Cemetery Close; installing a shelter with a concrete floor, bench seats, and information signs; planting native trees around parts of the cemetery, parking area and access track; repairing warrens and depressions using soil sourced from other locations within the local council area; laying gravel to define designated walking paths as well as laying gravel over possible burials in a contrasting colour so they are easily identified; and any additional works that may reasonably be required to complete the Project.

Despite the Project being conservation-oriented, the Applicant acknowledges that the works are proposed within an Aboriginal site, and therefore interference with that site by the Project may be inevitable. On this basis, the Applicant has sought the authorisations to avoid any inadvertent breach of the Act in delivering the Project.

To help identify and avoid the many unmarked burials in the Poonindie Cemetery during Project works, the Applicant engaged Flinders University to carry out a Ground Penetrating Radar (GPR) assessment over parts of the Application Area in September 2022. The GPR assessment and its results are discussed later in this document.

Prior to considering whether to grant an authorisation, section 13 of the Act requires the Minister to understand and consider the views of a range of interested Aboriginal parties. AAR conducts this consultation on the Minister's behalf, seeking the views of Traditional Owners, the

State Aboriginal Heritage Committee (Committee) and other Aboriginal parties that the Minister considers may have an interest in the matter.

Information in this document is based primarily on information provided by the Applicant.

PROJECT BACKGROUND

The Poonindie Cemetery once formed part of the former Poonindie Mission, which operated from 1850 to 1894. The cemetery was used to bury both Aboriginal and non-Aboriginal people. It is no longer used for new burials.

Based on information available to the Applicant, it considers that there may be around 144 burials at the Poonindie Cemetery. There are 38 burials marked by either a headstone or other marker. It is unknown how many of the 144 or so possible burials are those of Aboriginal people.

Given the cemetery's current state of disrepair, and in response to general community concerns, in 2021 the Applicant established a working group to assist in developing an approach to improve the cemetery. In April 2022, the working group became the Friends of Poonindie Cemetery Committee, a subcommittee under the *Local Government Act 1999* (SA), focused on improving the condition of the cemetery. The Friends of Poonindie Cemetery Committee requires Aboriginal representation under its terms of reference.

The development of a draft Poonindie Cemetery Management Concept Plan (Plan) that centres on preserving the cemetery's cultural heritage values has been a key action of this committee. The draft Plan outlines the objectives of the Project, the proposed works, and a proposed ongoing maintenance regime. The Applicant released the draft Plan for council-wide consultation between 22 November and 14 December 2022 and anticipates updating it for council approval after the Minister decides the authorisation request. A website link to the draft Plan which the Applicant consulted on is available here: agd.sa.gov.au/heritage-applications.

ABORIGINAL HERITAGE

The Application Area lies in the Barngarla People's native title lands. Despite this, the former Poonindie Mission, to which the cemetery was attached, holds historical significance for many Aboriginal families across South Australia, and potentially other parts of Australia, who have historical connections to the mission, and/or whose ancestors may be buried at the cemetery.

The Application Area intersects one Aboriginal site recorded on AAR's central archives, namely site 6028-1332: Poonindie Cemetery. The site is determined under the Act, meaning that it is a fact at law that the Poonindie Cemetery is a site of significance to Aboriginal history.

Site 6028-1331: Poonindie Mission is also a determined site on AAR's central archives and is located approximately 350 metres northeast of the Poonindie Cemetery.

As the central archives are a non-exhaustive record of Aboriginal heritage across the state, it is possible that unrecorded Aboriginal heritage (including heritage related to Aboriginal occupation prior to colonisation) exists within the Application Area.

Given the Poonindie Cemetery's close association with the mission, a summary of both site cards in the central archives is set out below.

Site 6028-1331: The Poonindie Mission

The former Poonindie Mission site was recorded in the 1980s and determined in 1990 given its significance to Aboriginal history. The site card states that the mission operated from 1850 to 1896, starting as a 'Native Training Institute' with the aim to bring Christianity to Aboriginal people. Mission residents mostly came from Adelaide, the Murray River region, and later from Port Lincoln and surrounds.

The site card indicates that the mission consisted of a cluster of brick and stone buildings, namely the mission's superintendent's house, Saint Matthew's Anglican Church built in 1854-1855, a well, a bakehouse and a schoolhouse.

Site 6028-1332: The Poonindie Cemetery

Site 6028-1332 intersects the Application Area. The Poonindie Cemetery site card was also recorded in the 1980s and determined by the Minister in 1990.

The site card notes that the cemetery is of historical significance to Aboriginal people "on Eyre Peninsula, West Coast, Yorke Peninsula, Adelaide, Murray and Lakes district [as it] illustrates important aspects of post-contact history".

The site card further notes that the cemetery at this location was one of two cemeteries used by the mission, the other one having only unmarked graves, which has since been destroyed by ploughing. AAR and the Applicant are unaware of the location of any other cemetery associated with the mission.

The site card noted damage to the cemetery and recommended, amongst other things, that fence repairs be carried out to keep sheep out, and that trees be planted to help "restore some of the original character of the site."

Attached to the site card is a comprehensive inventory and map from the 1980s that depicts the approximate location of marked burials and unmarked 'mounds' in the cemetery that could suggest the presence of a burial. AAR understands that the Applicant has a copy of this map, which helped guide the GPR assessment that Flinders University carried out in September 2022.

Other information on AAR's central archives

AAR's central archives contain numerous reports, maps, photos, and other records that provide extensive information about the history of the former Poonindie Mission and the Poonindie Cemetery.

The following information from records held in AAR's central archives about the former Poonindie Mission and Poonindie Cemetery is noteworthy:

 an archaeological field assessment in 2000 identified wooden, slate, marble, stone, and cement features within the Poonindie Cemetery¹

¹ Griffin, D. 2000, A Christian village of South Australian natives: A critical analysis of the use of space at Poonindie Mission, South Australia, Unpublished honours thesis, Flinders University, Adelaide.

• when the Poonindie Mission closed, 39 Aboriginal residents were moved to the Point Pearce Mission, 16 to the Point McLeay Mission (Raukkan) and four to Wallaroo.²

SA Heritage Places

The buildings associated with the Poonindie Mission and the Poonindie Cemetery are State Heritage Places under the *Heritage Places Act 1993* (SA) listed on the SA Heritage Places Database maintained by the Department for Environment and Water in recognition of their significance to Aboriginal history.

Register of the National Estate

The buildings associated with the Poonindie Mission and the Poonindie Cemetery are also registered on the Commonwealth's Register of the National Estate in recognition of their significance to Aboriginal history. This register was a nation-wide inventory of natural and cultural heritage places (Aboriginal and non-Aboriginal) under the now-repealed *Australian Heritage Commission Act 1975* (Cth). This register was closed in 2007 and now serves as an archive of information for thousands of heritage places across Australia.

The Applicant's GPR assessment – September 2022

In September 2022, under the direction and guidance of the Friends of Poonindie Cemetery Committee, archaeologists from Flinders University carried out a survey of the cemetery using GPR equipment.

The purpose of the GPR assessment was to:

- assess historical ground disturbances that could indicate the location of burials, and
- ensure, as best as possible, that the proposed new rabbit-exclusion fence would incorporate all possible burials within the cemetery.

The GPR assessment covered an area of approximately 4,000 m² within the Application Area, scanning the ground to depths of up to 100 cm.

The results indicate that there are around 88 possible unmarked burials within the surveyed area.³

The results did not indicate that there were possible burials beyond the cemetery's existing fence line.

Flinders University has advised the Applicant that the overall data quality was low, most likely because of the extensive rabbit burrowing. This means that the number of possible burials identified by the assessment should be considered an estimate only.

A map of the GPR results showing the possible unmarked burials within the Poonindie Cemetery is at Attachment 3. The full survey results are available via a website link on AAR's webpage. Hardcopies can be provided upon request to AAR.

² Brock, P. & Kartinyeri, D 1989, *Poonindie, the rise and destruction of an Aboriginal agricultural community*, Government Printer and the Aboriginal Heritage Branch, Department of Environment and Planning, Adelaide.

³ The GPR assessment results state 92 possible unmarked burials; however, the Applicant has since confirmed the number should be approximately 88 as shown on the map at Attachment 3.

PROJECT OVERVIEW

Application Area

The Application Area comprises the whole of the land in two Crown land parcels under the care, control and management of the Applicant. The Application Area is an undulating landscape. The smaller parcel of land was used historically for cemetery purposes and the larger parcel of land around the cemetery was used for agistment. The Application Area abuts the Tod River to the north.

A map of the Application Area is at Attachment 1. Parts of the Application Area are also shown in the images at Figures 1, 2, 3 and 4 (all of which have been provided by the Applicant).

The Applicant does not intend to undertake Project works across the entire Application Area. Attachment 2 provides a concept plan showing the extent of the Project within the Application Area.

Proposed works

The Project proposes low-impact improvements to the cemetery that would require minimal ongoing maintenance, specifically:

- the construction of a 3 m x 5.5 m gazebo-style shelter that would include slatted sides and Aboriginal artwork from local Aboriginal artists on the shelter floor excavation required for the concrete floor to a depth of 150 mm and supporting poles to depths of approximately 800 mm
- the installation of two bench seats including one under the shelter excavation required to install each bench to depths of approximately 300 mm
- the installation of four information signs excavation required to install each sign to depths of approximately 600 mm
- the removal of the existing fence around the cemetery and installation of a new rabbitexclusion fence and entrance gate potentially supported by bricked pillars – excavation of a trench around the cemetery perimeter to depths of approximately 200 mm
- creating a new gravel parking area for up to six vehicles and access track from the parking area to Cemetery Close
- planting approximately 30 small trees around parts of the cemetery, parking area and access track perimeter excavation to depths of 100 mm
- filling in warrens and depressions caused by rabbits and erosion, using soil sourced from other locations within the local council area
- laying gravel to define designated walking paths as well as laying gravel over possible burials in a contrasting colour so they are easily identified
- any additional works that may reasonably be required to complete the Project.

The Applicant advises that most of the Project works listed above are subject to funding. As such, the Project works may occur across a number of stages, as and when funding becomes available.

Examples of the Project works listed above, as well as an updated concept map showing the approximate positioning of the Project features, are shown in Attachment 2. Please note that the concept plan at Attachment 2 is a more recent version of the draft concept plan that is

attached to the draft Plan (noting that the draft Plan was prepared before the Applicant's GPR assessment occurred in September 2022).

The Applicant advises that the new rabbit-exclusion fence would be similar to the cemetery's original fence and would generally be installed along the same alignment as the existing fence.

The Friends of Poonindie Cemetery Committee, in collaboration with the Port Lincoln History Group, is also working with the Anglican Church to transcribe the names of those who are believed to be buried at the cemetery. It is intended that once this work is finalised, a board listing those names (and potentially a map showing both the marked and possible unmarked burials) would be made available inside the cemetery.

The Applicant has advised that the Project would not involve:

- the removal of any trees
- repairing any damaged headstones
- installing markers to identify unmarked burials.

The Applicant advises that it has a monthly inspection and baiting program in place to help control rabbit numbers. The Applicant further advises that repairing the rabbit warrens and depressions within the cemetery would be undertaken by hand to minimise ground disturbance and to avoid damage to any headstones.

Avoiding possible burials

The Applicant advises that if the Applicant inadvertently encounters any human remains during Project works, it would relocate the relevant Project feature to ensure the remains are avoided. In this context, the Applicant advises that Flinders University will provide the Applicant with a detailed map with coordinates of its GPR assessment results to further assist the Applicant avoid possible burial locations.



Figure 2 – View looking southwest from within the Application Area

Figure 3 – View looking east from within the Application Area



Figure 4 – View from the existing track to the cemetery looking northwest towards the Application Area



ABORIGINAL ENGAGEMENT

The Applicant's Aboriginal engagement on the Project has predominately occurred through its Aboriginal representatives on the Friends of Poonindie Cemetery Committee.

The Applicant advises that it has also approached Barngarla Determination Aboriginal Corporation RNTBC (BDAC) about the Project. AAR understands that BDAC, and/or its former chairperson, has recommended broad Community input into the Project given the Aboriginal people buried at the Poonindie Cemetery came from many Aboriginal communities across South Australia.

The Applicant also advises that during its consultation period for the draft Plan in late 2022, it sent the draft Plan for feedback to the Port Lincoln Aboriginal Community Council, Port Lincoln Aboriginal Health Services, BDAC (through its then chairperson) and Nauo Aboriginal Corporation (through South Australian Native Title Services).

SCOPE OF AUTHORISATIONS SOUGHT

The Applicant seeks that the authorisations, if granted, extend to itself and to its employees, agents, consultants, contractors and sub-contractors, in each case where reasonably undertaking works in connection with the Project. If the authorisations sought are granted, the authorised activities would be permitted only to the extent reasonably necessary to undertake the Project, as indicatively shown on the concept plan at Attachment 2.

SECTION 13 CONSULTATION

Prior to considering whether to grant any authorisation under the Act, section 13 requires the Minister to take all reasonable steps to consult with the Committee, Traditional Owners and any other Aboriginal parties with an interest.

An Aboriginal Community consultation meeting will be held for Traditional Owners and any other interested Aboriginal people and organisations from **6:00 pm on Thursday 8 February 2024** at **The Terrace Hotel** located at **208 South Terrace, Adelaide SA 5000**.

Aboriginal people with an interest in this matter may also attend this meeting online in Port Lincoln at 6:00 pm on Thursday 8 February 2024 at the Port Lincoln Airport (PLA) Conference Room (Old PLA Terminal) located at Lincoln Highway, North Shields SA 5607.

A light supper will be provided at both venues; RSVPs are required for catering.

For more information, to RSVP to attend the community meeting or to lodge a verbal submission, please call (08) 8429 9419 or email at AAR.CIR@sa.gov.au

Invitation for submissions from interested Aboriginal parties

Verbal and written submissions are now invited from all 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 have an interest in the Project.

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

CONSULTATION CLOSES ON THURSDAY 22 FEBRUARY 2024.

The Committee will consider all submissions received by the due date.

Aboriginal people with an interest in this matter are encouraged to contact AAR to learn more about the Project and to lodge a submission.

All consultation feedback, submissions and/or requests for further information should be addressed to:

Mr Peter Kapiris

Senior Project Officer (Heritage), AAR Mail: GPO Box 464, ADELAIDE SA 5001

Email: <u>AAR.CIR@sa.gov.au</u> Telephone: (08) 8429 9419

When making a submission, consultees should consider and respond to the following key questions:

- 1. Should the authorisations sought by the Applicant be granted? Why or why not?
- 2. If the authorisations are granted, what conditions (if any) should be imposed on them?
- 3. Will the Project provide you with any direct or indirect benefits (e.g. cultural, financial or personal)?
- 4. Are there any other matters the Minister should consider when deciding this application?

Consultees may request AAR to keep any cultural information in their submission confidential. These requests will be facilitated, where possible, in line with procedural fairness principles. Otherwise, submissions in full will be forwarded to the Applicant for comment. Once the consultation period has closed, consultee submissions and the Applicant's comments about them will be forwarded to the Committee, and the Committee's advice will then be sought.

AAR will collate all submissions, the Applicant's responses to them, the Committee's advice, and its own recommendations to the Minister to assist him to make a final decision about the application.

AAR is available to answer questions or provide further information about the application at any time prior to consultation closing on Thursday 22 February 2024.

Thank you for taking the time to consider this document. If you are an interested Aboriginal party, AAR encourages you to make a submission about this application.

AAR is available to assist people to record submissions if they have any difficulty in doing so.

Attachments:

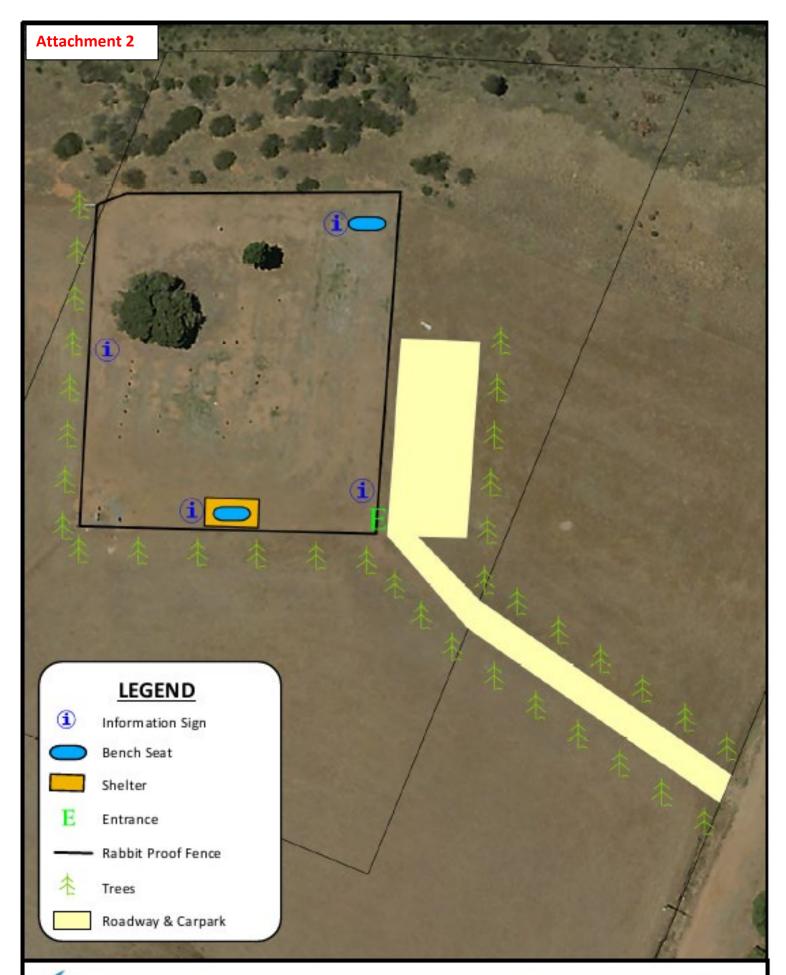
Attachment 1: Map of the Application Area (provided by AAR)

Attachment 2: Concept map showing the various Project features, including example images (provided by the Applicant)

Attachment 3: Map of the GPR assessment results showing the possible unmarked burials within the Poonindie Cemetery (courtesy of Flinders University)









POONINDIE CEMETERY CONCEPT DESIGN

Dated: 19/10/2023

Trees—TBC

Drought tolerant, non-invasive wattle or similar species to provide some colour to the cemetery that requires minimal watering and pruning once established.

Possibly similar to Cummins Cemetery with Grevillea and Melaleuca Wattle



Information Signs (Podium Sign)

Made from recycled plastic from Replas SA (same as the bench seats) with local history printed on the signs. Entrance sign would include more details on the side and possibly a map



Post Size : 125 mm x 125 mm (1.5 m)

Height : 400 mm x 800 mm **Post Colour** : Black, Grey, Green

Plaques : Reverse vinyl print to polycabonate

Other : Artwork created to suit







Bench Seats

Made from recycled plastic from Replas SA

Daintree Seat



Length : 900 mm, 1800 mm, 3600 mm

Slat size : 40 x 90 mm

Slat Colours : Brown, Grey, Blue, Green

Support Colours : Black, Green

Mounting : Free Standing

Weight: : 62 kg









Entrance

Simple entrance gate with the hope small red brick pillars can be built using the bricks from original buildings either side and a black iron access gate. The entrance will include a podium sign with the history of the Poonindie Cemetery.



Poonindie Cemetery Concept Plan—designs

Road / Path / Carpark

Rubble road base for all weather access and Increased mobility access.



Shelter

Design structure as below with 2 enclosed slatted sides (example below)

Perspex boards displaying the names of those believed to be interred within the cemetery attached to the slatted sides.

Floor of the shelter to be concreted with Aboriginal art work painted directly on to the concrete and covered with a protective sealant using a Local Artist if possible.



Above—Example Slatted sides Below—Example shelter form

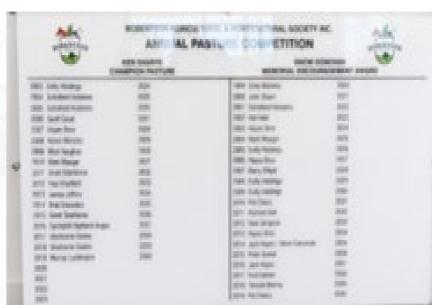




Above—Example artwork for floor of shelter Below—Example Perspex name listing







Map of Interpreted Unmarked Graves

