

Kurna Nation Cultural Heritage Association  
14 Coonong Avenue  
POORAKA SA 5095

19 June, 2015  
BHKC Stormwater Project  
PO Box 907  
Unley 5061

**RE: BROWNHILL CREEK / WILLAWILLA  
PUBLIC CONSULTATION SUBMISSION**

Michael Salkeld  
Project Director  
BHKC Stormwater Project

Dear Sir,

We write to you in our capacity as Executive Members of the Kurna Nation Cultural Heritage Association concerning the possible dam sites in Brownhill Creek. As traditional custodians of this land, we wish to have our Kurna views acknowledged during this public consultation.

The Association has a number of concerns regarding the construction of any dam in Brownhill Creek and this letter will set some of them out.

The Letters Patent have been established since the Province of South Australia on 19 February 1836. From this time, areas have been set aside for Aboriginal Descendants and are identified on the Site Card Aboriginal Affairs Reconciliation Development Register. This acknowledges the rights and responsibilities relating to Kurna Aboriginal Heritage, social justice, native title and the protection of significant sites, space and places within identified Parks and Reserves.

The Letters Patent supported the provisions of the South Australian Foundation Act 1834. This support included the recognition of the rights of any "Aboriginal Natives" or their descendants to their Lands they 'actually occupied or enjoyed'.

The Letters Patent protected the Aboriginal People of South Australia and their inherited rights as Traditional Owners to caring for our country.

These Rights have never been recognised by past or present South Australian Governments, nor have they been respected and upheld.

The Brownhill Creek Recreation Park is now part of 'Yurrebilla', of the Greater Mt Lofty Parklands NRM Region. For the Kurna Nation, the site is the gateway to Tjribulky/ Tjribulkie Warraparinga Windy Place of the Sturt River and Reserve.

The Honourable Jay Weatherill, former Minister for Aboriginal Affairs and Reconciliation, in a speech on Proclamation Day held 28 December 2006, referred to the Letters Patent. In that speech, Minister Weatherill said that the letters Patent "expressly provide for the rights of any Aboriginal People". He went on to say that Non-Aboriginal South Australians need to recommit to the promise made to Aboriginal People at the time of the establishment of South Australia.

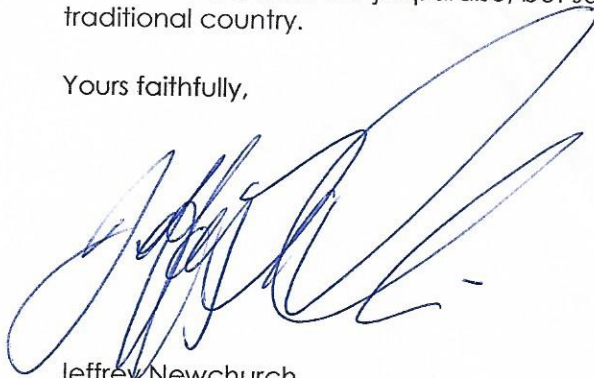
We the Kaurna People call for South Australia's King William IV 1836 Letters Patent to be honoured as a Writ of Right or, in the alternative, to form the framework of a Charter, which is a transfer of property, of certain lands to Wix Priory. This relates to the No Dam campaign to save Brownhill Creek. We the Kaurna people stand together as custodians of Brownhill Creek, a unique and important part of South Australia's Natural and Cultural Heritage. Let it be a present and future legacy for generations to come.

The Association will officially call for ethnographic and archaeological surveys to be carried out to identify, assess, manage and interpret any cultural heritage items, objects and places in Brownhill Creek Recreation Park and Ellison's Gully. This area is Kaurna Country, Wirraparinga.

The Kaurna Cultural Heritage Association supports the project preferred No Dam Option D as it provides the required flood protection while restoring Brownhill Creek / Willawilla.

We urge the Government to also support the preferred project Option D for upper Brownhill Creek and not build any dam in Brownhill Creek Recreation Park or Ellison's Gully, significant sites to the Kaurna people. It is the Association's position that the Government should not jeopardise, but safeguard the future of Brownhill Creek and our traditional country.

Yours faithfully,



Jeffrey Newchurch  
KNCHA Chairperson



Lynette Crocker  
KNCHA Vice Chair