

KALAMUNDA ACTIVITY CENTRE

HISTORICAL AND ABORIGINAL HERITAGE BASELINE ASSESSMENT

15 DECEMBER 2017
PA1490
DRAFT
PREPARED FOR KALAMUNDA CITY COUNCIL

URBIS

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EXECUTIVE SUMMARY

This report has been prepared to provide an overview of the known historic and Aboriginal heritage values in and around the Study Area, to provide a baseline understanding of future investigation, planning, and consultation that may be required for delivery of the Kalamunda Activity Centre Plan (KACP).

Assessment has been desktop based and has involved research into the development of the area, searches of historic and Aboriginal heritage registers and databases and a review of previous cultural heritage assessments undertaken in and around the Study Area.

A total of 25 heritage listings for historic places were identified within the Study area, including one precinct comprising 11 places. Two places were identified as having a State level of heritage value – Stirk Cottage and the Kalamunda Hotel and Original Kalamunda Hotel. Remaining registered heritage places were recorded as having a local level of heritage value.

Aboriginal heritage searches identified three known sites within the Study Area, two of which are registered. The Poison Gully Creek site is located in the northern portion of the Study Area, while the Helena River site is located along the eastern boundary. Both sites are listed as mystical sites with intangible heritage values, and as such detailed information on their location and significance is unknown without further investigation or assessment.

It is recommended that known heritage places, including their heritage curtilages be mapped and recorded appropriately in the KACP. Consideration should also be given to consultation with the Kalamunda and District Historical Society and the Whadjuk People, to identify any sites of value within the Study Area that have not been included on heritage registers and to explore any opportunities for interpretation of the heritage values of the area in the future activity centre.

1. INTRODUCTION

Urbis Pty Ltd (Urbis) has been commissioned by the City of Kalamunda to deliver an Activity Centre Plan for Kalamunda Town Centre (the Study Area).

This report presents a baseline assessment of the constraints and opportunities arising from the historic heritage and Aboriginal heritage values of the place.

1.1. SITE LOCATION

Kalamunda is located at the eastern limits of the Perth Metropolitan Area. It is approximately 25km east of the Perth CBC, and is generally sited between the Kalamunda National Park and Mundy Regional Park.

The irregularly-shaped Study Area generally comprises the town centre of Kalamunda. It is generally bounded at north by Elizabeth Street, east by the alignments of Dixon Road and Schmitt Road, south generally by Collins Road, and west by Canning and Kalamunda Roads.

The Study Area in relation to Perth is shown in Figure 1, and the Study Area boundary is shown in Figure 2.

1.2. REPORT PURPOSE

To deliver the Kalamunda Activity Centre Plan (KACP), a high-level identification of the constraints and opportunities arising from the place's existing planning framework, local environmental context, and physical site constraints is required. This will afford understanding of matters that require future investigation or analysis for the future planning of the Study Area.

This report provides an overview of the known historic heritage values of the Study Area, and the Aboriginal heritage values in and around the Study Area, to provide a baseline understanding of future investigation, planning, and consultation that may be required for delivery of the KACP.

1.3. METHODOLOGY

The preparation of this baseline assessment has involved the following:

- Search of the Western Australia 'inHerit' database of historic heritage places;
- Search of the Department of Planning, Lands and Heritage Aboriginal Heritage Inquiry System (AHIS) database;
- Review of relevant literature to provide a brief Ethnohistorical background of the Study Area and surrounds, to provide context for an understanding of the heritage values of the place.

1.3.1. Limitations

This assessment has been undertaken at desktop level only;

- A site inspection for the purposes of heritage assessment or identification has not been undertaken;
- No consultation with Aboriginal groups has been undertaken for the purposes of this assessment;
- Searching the AHIS database has been online only via the public search tool. No site files have been reviewed.

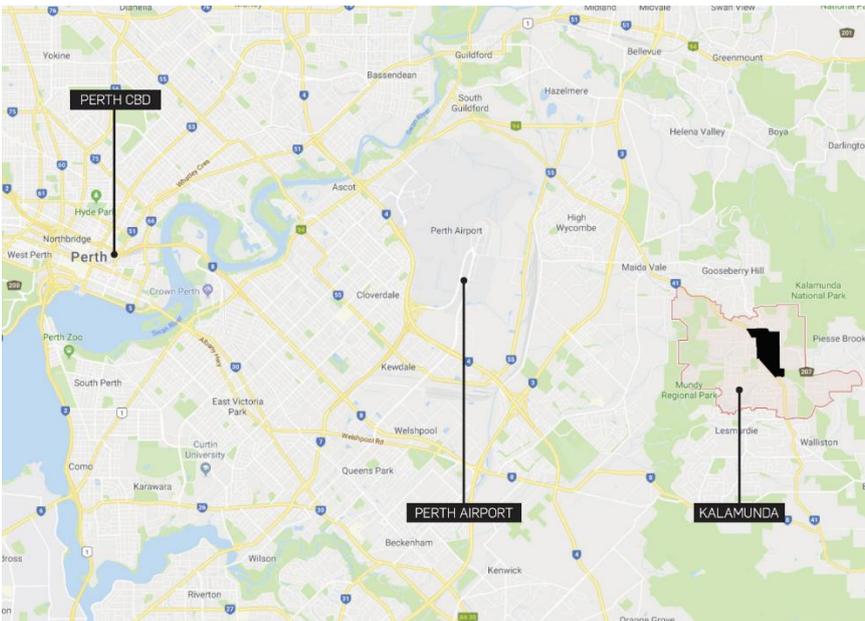


Figure 1 – Study Area, indicated in black, with proximity to Perth

Source: Urbis 2017

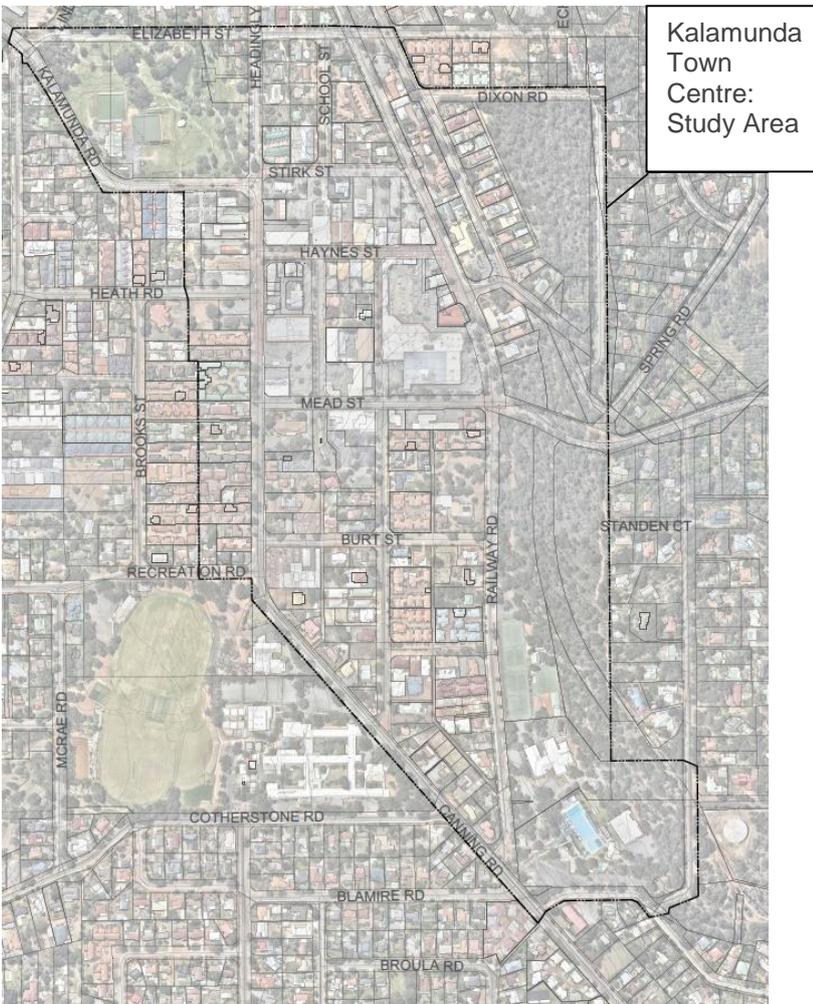


Figure 2 – Study Area

Source: Urbis 2017

2. ETHNOHISTORICAL BACKGROUND

This Section is presented to provide context for an understanding of the heritage values of the Study Area.

The Shire of Kalamunda *Municipal Heritage Inventory* (Hocking Heritage Studio (HHS) 2015) provides a comprehensive documentation of the history and development of Kalamunda. The Section below is based on information contained in that document.

The brief background information about the Aboriginal history of the Study Area and surrounds has largely been adapted from the South West Aboriginal Land and Sea Council (2017), and previous archaeological or desktop assessments relevant to the area.

Limited additional research has been undertaken, and is referenced where necessary.

2.1. ABORIGINAL BACKGROUND

The south-west of Western Australia is recognised as having been originally inhabited by the Noongar peoples. The Noongar comprise 14 different language groups, with Whadjuk (or Wajuk) geographically sited in the Perth region. Whilst there are challenges to Tindale's allocation of tribal boundaries (Yates Heritage Consulting 2014), the territory of the Whadjuk is described by Tindale (1974 in Amergin Consulting 2013:21) as being *from the Swan River and northern and eastern tributaries inland to beyond Mount Helena; at Kalamunda, Armadale, Victoria Planes, South of Toodyay, and western vicinity of York; at Perth; south along the coast to near Pinjarra.*

Traditionally, the Noongar observed six seasons (first and second summers, autumn, first and second rains and wildflower season), which dictated subsistence patterns and occupational behaviour (South-West Aboriginal Land and Sea Council (SWALSC) 2017). Hunting and gathering of terrestrial resources was most common, as the south-west Aboriginal peoples were inland people rather than coastal (Yates Heritage Consulting 2014). Diet was diverse, including berries, honey, roots and tubers, goanna, witchetty grubs, kangaroo, emu and birds' eggs, and fishing was commonplace. Around Kalamunda these activities were mostly undertaken in the area's Karri and Jarrah forests. Production of stone tools was an important activity to aid resource procurement and use, with axes, scrapers, hafted blades and spears used for hunting and cutting of meats; and mullers and grindstones commonly used for working seeds and grains.

There was traditionally a strong division of labour for resource acquisition, with men undertaking fishing and hunting, and women usually conducting gathering, but women are also recognised as having specialised skills in hunting turtles and frogs (SWALSC 2017). These terrestrial resources were not only used for subsistence, but for all aspects of life, such as the use of skins for cloaks, sinew for stone tool hafting; and natural resources collected, such as bark, reeds and grasses were also used for making weapons, bags, ceremonial items such as head dresses, and some were used medicinally (SWALSC 2017).

Nature, and all natural features are believed to have been created by ancestral spirit beings, and by conducting ceremony as custodians of the land, Aboriginal people would regenerate and reinvigorate places of spiritual significance and continue generational links to ancestral spirit beings (Berndt 1979 in Human Terrains 2016; Yates Heritage Consulting 2014). The passing down of Dreaming stories and ceremony as part of oral tradition was an essential component of Noongar culture and spirituality.

Noongar spirituality is centred around the *Waugul*, the rainbow serpent and giver of all life. The Darling Ranges represent the body of the *Waugul*, and its movement across the landscape created the courses of the region's watercourses, particularly the Swan and Canning Rivers. The *Waugul* is present in all water sources of the south-west, including wetlands (SWALSC 2017; Human Terrains 2016).

Strang and Langton (2002,2004; 2006 in Amergin Consulting 2012) identify the central importance of water in Aboriginal cosmologies, and a cultural responsibility for Aboriginal people to look after water and associated spiritual beings. Watercourses often served as territorial 'boundaries', and sites of trade and ceremony. Amergin Consulting further cite researchers (2012:19) who note that notions of 'water is life' and 'water is the birth of everything' underpin Noongar beliefs about the natural order of all things. Many water sources, and tracks connecting them, are recognised sites of economic development, places of law, birth, marriage, occupation, camping, and death for Whadjuk people (Human Terrains 2016). The seasonal movement of family groups often followed water courses and associated tracks, believed to have been formed by ancestral spirit beings (Human Terrains 2016).

The arrival of the British and establishment of the Swan River Colony encroached on the traditional lands of the Noongar, resulting in restriction of traditional subsistence practices. Where possible, the Noongar stayed on Country but this often required working for farmers for very little pay, and a gradual dependence on government rations.

2.2. 19TH CENTURY SETTLEMENT AND DEVELOPMENT

Initial British settlement in the early 19th Century was centred on the Swan River Colony, established on the Swan River at present-day Perth, in 1829. Settlement of the Kalamunda region did not occur until the late 1800s, likely on account of the difficult terrain and thickly timbered landscape of the Darling Range (HHS 2015).

In 1864, seeking to exploit the Jarrah timbers, a sawmill was established on the Canning River by Benjamin Mason. The families who came to the region to work at the mill eventually established the foundations of Carmel, Walliston and Pickering Brook (HHS 2015:21), and the Mason & Co tramway was the second railway in the Swan River Colony (Kalamunda and Districts Historical Society 2017).

The first blocks in Gooseberry Hill (Kalamunda) were taken up in the early 1870s, and generally used for sheep grazing. It was commonplace in the early years of settlement to have farming land, yet live in an alternative location; or to lease property to others to clear and establish (HHS 2015:22). William Mead was one of the first settlers to own and occupy his farm, establishing a dwelling in 1873. Small farms and dwellings were gradually established in the wider area, and in 1881, Frederick Stirk established his property, Headingly Hill, with his wife Elizabeth. The establishment of this property would ultimately lay the foundation for the future town site of Kalamunda.



Picture 1 – Stirk family outside the Stirk Cottage, c1898

Source: *Picture Kalamunda Image No 64900*



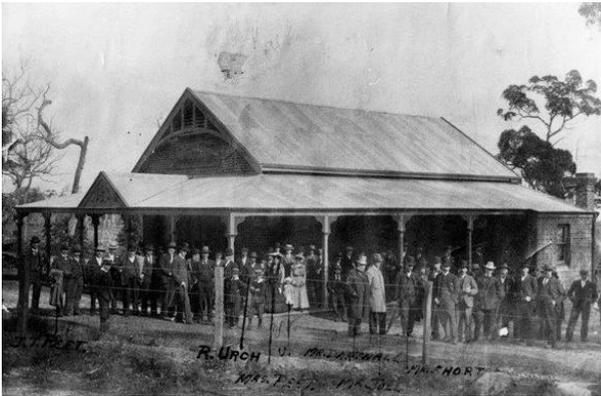
Picture 2 – Strawberry garden at Headingly Hill, with Stirk Cottage at rear, c1890s

Source: *Picture Kalamunda Image No 112800*

The original mill established by Mason had ceased operation by the 1890s, but this industry was revived by Edward Keane, who established the settlement of Canning Mills and created a track between there and Gooseberry Hill which ultimately formed the alignment of present-day Canning Road. Keane also established the vital rail link between the area and Midland in 1891.

Two of Perth's wealthier citizens, Hon Septimus Burt KC and Colonel Edward William Haynes established a property near to the future township of Kalamunda, called Woodlupine. This property was leased to Ah Ling, a Chinese gardener who established an orange orchard. Legislation introduced in 1920 restricted the arrival of Chinese workers, but up until then, Chinese market gardens were a dominant feature of the local landscape particularly the flat lands near the Swan River. These market gardens, including orchards, not only supplied the local market but also the growing population of Perth (HHS 2015:23).

Local European settlers also took an interest in agricultural pursuits, many of whom set up their gardens following losses in the goldfields of Kalgoorlie. The success of the agricultural industry led to the formation of the Darling Range Vine and Fruitgrowers Association in 1895, and the following year the Kalamunda Agricultural Hall was established, becoming the site of the annual Gooseberry Hill Show until after WWII (HHS 2015:24). An Honour Roll would later be established at the Hall, commemorating those who served in WWI. It is noted that the original Roll was later replaced (Picture 4), likely in 1927 when the current Roll was dedicated. A second memorial would be established near the Agricultural Hall following WWII, commemorating those who served in the overseas battlefields.



Picture 3 – Kalamunda Agricultural Hall, 1890s

Source: *All We Need is Right Here*
(allweneedisrighthere.org)



Picture 4 – Honour Roll at Agricultural Hall

Source: *Monument Australia*



Picture 5 – Kalamunda WWII Memorial, 1949

Source: State Library of Western Australia, Call No
008070D

2.3. EARLY 20TH CENTURY DEVELOPMENT

Arising from the establishment of the Stirk farm, the future town site of Kalamunda was surveyed c1898. In 1901 the town, “Kalamunnda”, was officially declared and the first land auctions in the township took place that year. Figure 3 shows the eastern boundary of the surveyed town site as Railway Road, adjacent to the Upper Darling Range Railway line. This line was also known as the ‘Zig-Zag railway line’. The figure also shows the location of a siding.

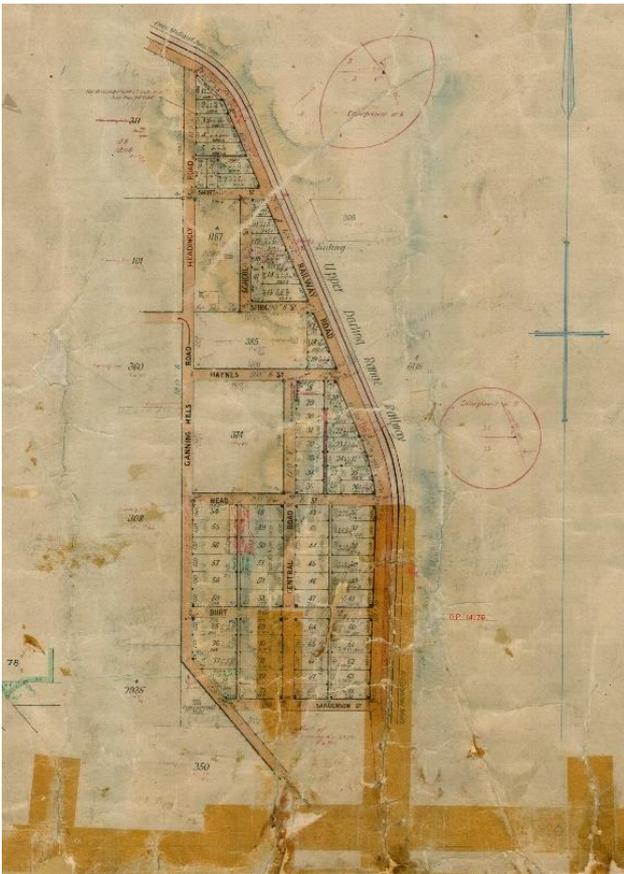


Figure 3 – Kalamunda subdivision 1898. The location shown is encompassed by the Study Area

Source: *State Records Office of Western Australia, Series 235, Cons 3868, Item 181*

The population of Kalamunda and the local area had been steadily increasing, in a large part on account of the success of the Jarrah mills at Canning. The siding could no longer support the capacity of the rail traffic, and a railway station was established at “Kalamunnda” in the early 1900s. The increased access to the township via rail provided further incentive for settlement, and the early 1900s saw much development in the township. This included a two-story brick hotel, commercial stores, private cottage with post office, and a Methodist Church.

Additionally, the Darling Range Roads Board delivered telephone services, sanitary service and a recreation area near the Agricultural Hall (HHS 2015:26-28). The Roads Board would become the Shire of Kalamunda in 1961 following the passing of the *Local Government Act 1961* (HHS 2015), and City of Kalamunda in 2017 (Picture Kalamunda, Image No 221602).



Picture 6 – Kalamunnda Railway Station, c1900

Source: *Picture Kalamunda, Image No. 19700*



Picture 7 – First Kalamunda Hotel, c1902

Source: *All We Need is Right Here*
(allweneedisrighthere.org)



Picture 8 – Synott's Shop, corner of Haynes and Railway Street, 1914.

Source: *Picture Kalamunda, Image No 12800*



Picture 9 – Railway Street, c1918-1920

Source: *Picture Kalamunda, Image No 20400*

Medical facilities were established in Kalamunda in the 1920s. A residence and surgery was established in Central Road for Dr Yule in the early 1920s, however *Picture Kalamunda* notes that the rooms and resident of Dr Yule (Dr Smythe-Yule) was located on Railway Road (Image No. 231700). A small hospital was established in the 'Brown House' in Haynes Street and operated by a resident nurse who also provided medical assistance in nearby Lesmurdie. Additional surgical consulting rooms were constructed along Central Road for Dr Barber who occupied that premises for some 20 years.

The 1920s to 1940s saw the establishment of a number of community facilities for the local residents, including facilities for recreation, and facilities to serve community needs. Throughout the 1920s, recreational facilities included Mr Secrett's tennis courts in Haynes Street, and Mr Wallis' swimming pool, tennis courts, cricket pitch and croquet lawn at his property in Lawnbrook Street (HSS 2015:33). Dances and picture shows were held at the Agricultural Hall from 1926, and a variety of fund-raising events were held at the RSL Hall following its construction in c1940.



Picture 10 – The 'Brown House' at 2 Haynes Street, 1925

Source: *Picture Kalamunda, Image No 20600*



Picture 11 – Hayne's Street, showing Secrett's Tennis Courts

Source: *Picture Kalamunda, Image No 29100*



Picture 12 – Opening of the RSL building, c1940

Source: Picture Kalamunda, Image No. 91600

Kalamunda first received electricity supply in 1921, and an official Post Office in 1923. The Post Office was located on Railway Road, but it was moved to the Kalamunda Historical Village in 1975. The image at Picture 13 shows the relocation of the building, and also shows that some modification occurred to the building over time, including a projecting gabled extension at the main elevation. A bus service began operating from 1926, and the town received a new railway station building in 1927. The new station building was erected next to the old, and was reported to be the largest and most important station on the Upper Darling Range Railway, and the only one with a raised platform (Picture Kalamunda Image No 193800). The rail and bus services to the area significantly increased tourism. In 1927 a new hotel was constructed on Railway Road, adjoining the original, and several guest houses were established in the area.



Picture 13 – Post and Telegraph Office, 1925

Source: *Picture Kalamunda, Image No. 192400*



Picture 14 – Relocation of the Post Office, 1974

Source: *Picture Kalamunda, Image No. 46800*



Picture 15 – Bus on the Kalamunda-Perth Bus Service, 1931

Source: State Library of WA, slaw_b3894783_1



Picture 16 – New railway station building, 1949

Source: Picture Kalamunda, Image No. 193800



Picture 17 – Kalamunda Hotels, 1946

Source: Picture Kalamunda, Image No. 72400

A new Roads Board building was constructed in the 1930s, to serve as its administration office. The Board remained there until moving to new premises in Railway Road in 1978 (Picture Kalamunda Image No 221602). A Kalamunda Branch of the Bush Fire Brigade was formed by the Roads board in 1940, to attempt to reduce the almost constant risk of bushfire in the area; however, a fire station would not be established until the 1950s.



Picture 18 – Darling Range Roads Board, Canning Street

Source: *Picture Kalamunda*, Image No. 221602



Picture 19 – Kalamunda Registration and Police Office, formerly Roads Board Office

Source: *Picture Kalamunda*, Image No. 99400



Picture 20 – Kalamunda Fire Brigade 20th birthday, 1979

Source: Picture Kalamunda, Image No. 289600



Picture 21 – Haynes Street Kalamunda

Source: State Library of Western Australia call no 008065D

In 1948 the Roads Board purchased the block of land which formed the original land of the Stirk property to create a recreation reserve. Later, in 1959, the reserve known as Stirk Park was drained and landscaped, and the original cottage restored by community volunteers (HHS 2015).

2.4. MID 20TH CENTURY TO PRESENT

Widespread road improvements in the 1940s led to increased accessibility to Kalamunda and environs by road. This also facilitated increased traffic of goods via road, and the increased accessibility of the interior by road led to the closure of many of the local guesthouses due to low patronage. These factors contributed to the closure of the railway in 1949.

Significantly, in 1953 a pipeline was laid, supplying reliable water to Kalamunda the following year. A police station was also opened in 1955, and a high school in 1959.

The Kalamunda Shire Council commenced an ambitious programme of residential construction and establishment of more community services from the 1960s (HHS 2015). A large Italian population arrived in the region under various Government schemes, and were instrumental in the establishment of Roman Catholic Churches and schools in the local area. A public library was constructed at the top of Haynes Street in 1963, which was later modified and functioned as the Zig Zag Cultural Centre until opening of a new centre c2011.

By the end of the 1960s, the Shire of Kalamunda was the second fastest growing suburb in Western Australia (HHS 2015:36). The town of Kalamunda rapidly became an urban residential area with a bush character, and its population comprised both permanent residents and commuters. Shopping centres, commercial offices, support services, a new post office and private hospital were constructed throughout the 1960s and 1970s. The Kalamunda History Village was created in 1970, and many of the town's older buildings were relocated to the village including the railway buildings, residences, school house and the post office. The History Village is one of the many pursuits of the Kalamunda and Districts Historical Society. Today, local industry includes orcharding, horticulture, animal agistment, poultry, grazing and some sawmilling (City of Kalamunda 2017).



Picture 22 – Holy Family Catholic Church, 1954

Source: *Picture Kalamunda*, Image No. 169400



Picture 23 – Public Library, 1969

Source: *State Library of Western Australia*, Image slwa_b3430721_1

3. HISTORIC HERITAGE

This section provides an assessment of the known historic heritage values within the study.

3.1. LEGISLATIVE CONTEXT

3.1.1. State Legislation

The identification, conservation and protection of places and areas of State cultural heritage significance are provided for in the *Heritage of Western Australia Act 1990* (the Heritage Act). The Heritage Act identifies 'cultural heritage significance' as *in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations*. Part 2, section 5 establishes the Heritage Council of Western Australia, and section 46 provides for the Register of Heritage Places. Section 48 furthers this, affording the designation of Historic Precincts, which includes a group of places that together form a precinct which is of cultural significance, whether or not each individual place has heritage value in its own right.

Under the State Planning Policy 3.5 (Historic Heritage Conservation; prepared under Part 3 of the *Planning and Development Act 2005*) any development, including changes, works or demolition, to a state-registered place requires approval from the responsible planning authority – usually the Western Australian Planning Commission, or a local government, with advice provided by the Heritage Council. Any proposed development of heritage places requires assessment of whether the proposed act will adversely affect the significance of the heritage place, including effects from location, bulk, form or appearance of proposed development.

The State Planning Policy 3.5 provides relevant considerations for development assessment, and development control principles that cover alterations, extensions, change of use or demolition affecting a heritage place; and development within heritage areas.

3.1.2. Local Legislation

Section 45 (1) of the Heritage Act requires local governments to compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance. These local government inventories are widely known as 'municipal inventories'.

The conservation and protection of places and areas of local significance is provided for in the *Planning and Development Act 2005*, which enables local governments to protect heritage places and objects in local planning schemes. Local town planning schemes also enable to designation of Heritage Areas. Heritage places in Kalamunda are protected under the Part 7 of the Shire of Kalamunda Local Planning Scheme No. 3 (26/09/2017).

Building work on places entered in the Register of Heritage Places under the Heritage Act, requires approval of the relevant level of government, depending on the level of heritage listing of the place. This includes proposed demolition of a heritage place, and building work on the interior of a heritage building even if its exterior appearance will not be materially affected. A Heritage Impact Assessment is the most likely form of assessment required prior to granting any approvals to work on heritage places, including heritage areas.

3.2. INHERIT DATABASE

Searches of the Western Australia 'inHerit' database was undertaken in December 2017. This register provides a comprehensive database of heritage places and listing in the State, including the State Register, local government inventories, and other non-government lists.

The Municipal Heritage Inventory for the Shire of Kalamunda was also cross-referenced with the results of the inherit search.

3.3. SEARCH RESULTS

The database yielded 42 results for listed places within the Study Area. However, cross-referencing with the Municipal Inventory demonstrated that several entries were 'not recommended for inclusion', and there were some double-ups of numbering on account of multiple names/former names for places. Additionally, the History Village Precinct is entered as a Precinct, with its 11 individual places also entered.

Two places within the Study Area are entered on the State Register. The results are shown below, and mapped at Figure 4.

Table 1: Historic Heritage Entries

inHerit Database Number	Name	Location	Listing	Other Information/ Non-Statutory Listings
1251	Kalamunda Hotel and Original Kalamunda Hotel (24787)	43-45 Railway Road	State Register	Also classified by the National Trust Listed on the Fire & Rescue Service Heritage Inventory
1253	Stirk Cottage	18 Kalamunda Road	State Register Municipal Inventory	Register of the National Estate Classified by National Trust
1250	Road Board Office (fmr)	31 Canning Street	Municipal Inventory	Also known as Police Station/RTA Office
1254	Kalamunda Agricultural Hall	48 Canning Road	Municipal Inventory	Register of the National Estate
1257	St Barnabas Anglican Church	40 Railway Road	Municipal Inventory	Anglican Church Inventory
10359	Holy Family Church	23 Railway Road	Municipal Inventory	Catholic Church Inventory
10362	Turner Residence (fmr)	33 Canning Road	Municipal Inventory	Other Name: Kalamunda Toy Library
10364	RSL Hall	35 Canning Road	Municipal Inventory	
10365	Kalamunda War Memorial	Kosta Oval, Canning Road	Municipal Inventory	
10385	St Barnabas Church	6 Central Road	Municipal Inventory	Other Names: Ambulance Hall/ KADS Hall/Town Square Theatre
10386	Dr's Residence (fmr)	26 Central Road	Municipal Inventory	
10436	Driscoll's Pharmacy	14 Haynes Street	Municipal Inventory	
10452	Stirk Park (including Memorial Trees,	Stirk Park, Kalamunda Road	Municipal Inventory	Other Names: The Dairy Block,

inHerit Database Number	Name	Location	Listing	Other Information/ Non-Statutory Listings
	Connie Anderson Memorial Seat)			Kalamunda Honour Avenue
10512	Burkhardt Seat and Pine Trees	44 Railway Road	Municipal Inventory	
10515	The Hills Gallery	55 Railway Road	Municipal Inventory	Other Names: Cefn, Kalamunda House, Mrs Heath's Boarding House
10517	History Village Precinct		Municipal Inventory	Incorporates: Chambers House (24796) Post Office (24852) Small Post Office (24781) Small Station Building (25340) Big Station Building (24784) Ellis' Cottage (24795) Kalamunda Public Library (24642) Kalamunda State School Building (24800) Kalamunda Railway Station (17584) Herb Circle (17583) McCullagh Cottage (24778)
10536	Secrett's House (fmr)	4 School Street	Municipal Inventory	
13123	Methodist Church (fmr)	7 Mead Street	Municipal Inventory	Other Name: Mundukal Kalamunda Uniting Church (1256) Register of the National Estate

inHerit Database Number	Name	Location	Listing	Other Information/ Non-Statutory Listings
				Classified by National Trust
24787	Old Kalamunda Hotel	43 Railway Road	Municipal Inventory	
24797	Kalamunda Hotel	43 Railway Road	Municipal Inventory	
10434	Thai on the Hill Restaurant	2 Haynes Street	Municipal Inventory	Other Name: Williners Restaurant (fmr)
10513 10514	Kalambra Open Air Picture Gardens (fmr) – site of	47 Railway Road	Merryweather Oud Real Estate	Two separate entries on inHerit. Municipal Inventory identifies as the same site with alternative name.
14520	Kalamunda Fire Station	38 Central Road		Fire & Rescue Service Heritage Inventory
17448	Kalamunda Traffic Office	Cnr Mead Street & Central Road		No information regarding listing is recorded

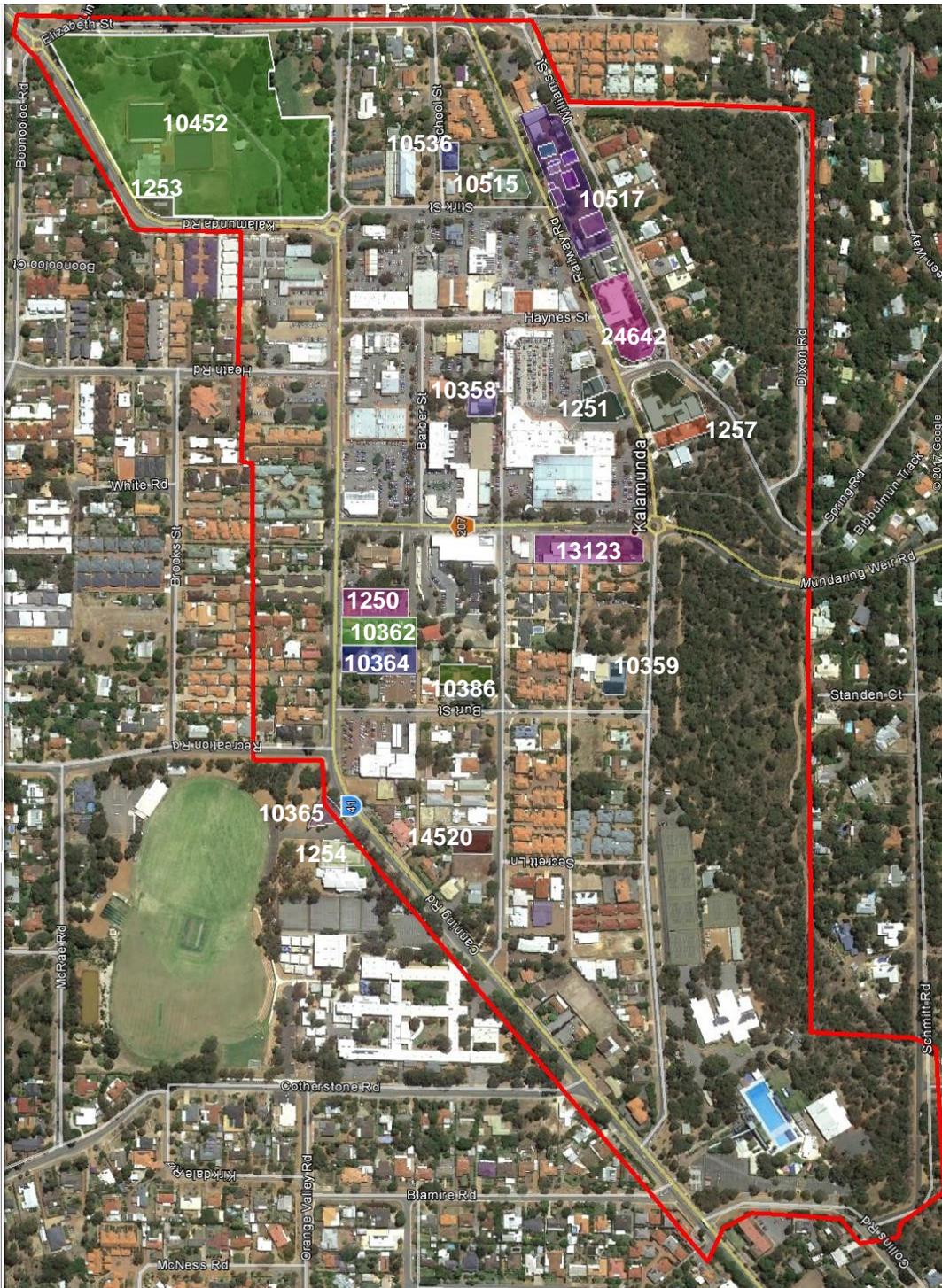


Figure 4 – Heritage Places

Source: Urbis 2017

4. ABORIGINAL HERITAGE

4.1. LEGISLATIVE CONTEXT

Aboriginal heritage in Western Australia is protected by the *Aboriginal Heritage Act 1972* (AHA). It is important to note that all Aboriginal sites that meet the definitions presented below are protected, regardless of whether or not they are officially registered sites.

Section 5 of the AHA defines an Aboriginal site as:

- a) any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;
- b) any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;
- c) any place which, in the opinion of the Committee, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State; and
- d) any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.

Aboriginal site types are diverse and can be in the form of artefacts, mythical sites, repositories, ceremonial sites, grinding grooves, burials, engravings, middens, paintings, or scarred trees (not an exhaustive list). The Aboriginal Heritage Due Diligence Guidelines (Department of Aboriginal Affairs 2013) notes that the views of Aboriginal people are a key factor in assessing and identifying sites. Appropriately qualified anthropologists, archaeologists and historians can also provide valuable assistance.

The Register of Aboriginal sites is established under section 38 of the AHA. All land users are obliged to comply with the provisions of the AHA. Under section 17 of the AHA, a person who excavates, destroys, damages, conceals or in any way alters any Aboriginal site commits an offence, unless he or she acts with the authorisation of the Registrar of Aboriginal Sites (Registrar) under section 16 or the consent of the Minister of Aboriginal Affairs (Minister) under section 18.

4.2. REGISTERED SITES

A search of the Aboriginal Heritage Information System (AHIS) was undertaken in December 2017, using a custom search area centred on the Study Area.

Two Registered sites were identified as potentially having curtilages which extend into the Study Area. These sites types include:

- Mythological site: a place that is connected to the great spirit ancestors, in their various manifestations, of the 'Dreamtime' which continues to the important and of special significance to persons of Aboriginal descent;
- Ceremonial site: a place used for a formal act or series of acts prescribed by ritual, belief in a mythological manifestation, religious belief or observance, protocol or convention that is connected with the traditional cultural life of Aboriginal people past or present;
- Repository/Cache: a place where cultural or utilitarian objects are/were taken, or stored, by Aboriginal people, either past or present.

One Other Heritage Place was also identified within the Study Area, a scarred tree, defined as *a place with one or more tree(s), living or dead, that has been modified by Aboriginal people by removing the bark or wood resulting in the formation of a scar. This sort of modification was and is frequently done for the making of implements, tools, or other materials that were used in traditional cultural practices.*

More detailed information on these sites is provided below.

4.2.1. Site 3758: Helena River

This site is a mythical site, identified as a ceremonial, mythical, repository/cache. Information about this site, including access to site file is restricted, with female access only. For the purposes of this assessment, the

site has been identified through the public search tool (online AHIS) only. On account of the restricted nature of the site details, the exact site location and/or curtilage is not presented. The blue polygon shown in Figures 5 and 6 indicates the general location of the site. Figure 6 demonstrates the breadth of this site.



Figure 5 – Searched Area and site 3758. Site indicated by blue polygon, Study Area indicated by white rectangle

Source: AHIS

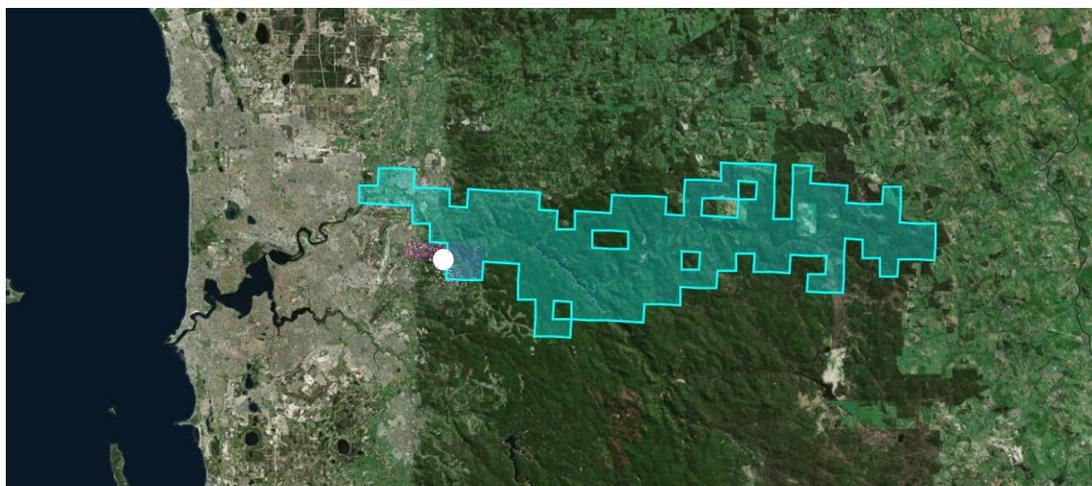


Figure 6 – Searched Area and site 25023. Site indicated by blue polygon, Study Area indicated by white circle

Source: AHIS

Although file access is restricted, several other Aboriginal heritage desktop reports and field assessments have been undertaken in the Kalamunda region, and information about this site has been ascertained from these sources.

Helena River site is a listed mythological site, understood to be based on the *Waugul*, and first identified in 1985 (Amergin 2013). The polygon designating the boundary of the site is broad, and presented as such in the public database on account of the restricted access to knowledge. Ethnoscience (2011) note that the boundary actually follows the contours of the Helena River, and Amergin (2013) note that in the South Guildford area the boundary corresponds with a drainage feature associated with the river system, and the

boundary extends 30m either side of the centre line of the drain. It is further noted that specific areas along the river are identified as areas of significance.

4.2.2. Registered Site 25023: Poison Gully Creek

This site is a mythical site, identified as a birth place and water source. Information about this site, including access to site file is restricted, with female access only. For the purposes of this assessment, the site has been identified through the public search tool (online AHIS) only. On account of the restricted nature of the site details, the exact site location and/or curtilage is not presented. The blue polygon shown in Figures 7 and 8 indicates the general location of the site.



Figure 7 – Searched Area and site 25023. Site indicated by blue polygon, Study Area indicated by white rectangle

Source: AHIS



Figure 8 – Searched Area and site 25023. Site indicated by blue polygon, Study Area indicated by white rectangle

Source: AHIS

As with site 3758 above, access to the knowledge about this site is restricted; however it has been discussed in other desktop assessments and field surveys. Information about the site is presented below and adapted from Amergin Consulting (2013).

Poison Gully Creek is a Registered mythological/ceremonial site. It is associated with a minor waterway which runs from the hills around Guildford to the east through Forrestfield. The aboriginal informants consulted with during the preparation of the Amergin report, stated in 2008 that the boundary for this site extends for 30m-50m on either side of the creek's back. The original path of the watercourse is heavily disrupted in places.

This site is understood to have been identified by an anthropologist during survey in 1995, but not registered until 2008 following consultation with senior Aboriginal women. According to the associated report, one group of Aboriginal informants from the Nyungar Circle of Elders identified the whole length of Poison Gully Creek as a site relating to 'women's business'. The informants reported the creek to be a significant site, with both mythological and historical significance. The Aboriginal women interviewed in 2008 stated the entire length of Poison Gully Creek from Kalamunda to Munday Swamp had been a popular place to camp with plentiful supplies of good fresh water, jilgies and turtles.

The informants believed Poison Gully Creek had a significance for Aboriginal women as an area related to 'birthing'. The area was a good place for 'birthing' with access to water, food and red gum medicine. Traditional use of red gum medicine mixed with water was discussed, as was the use of ash and goanna oil on babies. The Aboriginal women were concerned about the environmental impact on Munday Swamp due to the lack of flow into that wetland.

4.2.3. Other Heritage Place 17064: Lot 608 Dixon Road Kalamunda

This site lies within the Study Area. It is identified as a modified tree. Its status is an “Other Heritage Place” – Stored Data/ Not a Site. This shows that place 17064 does not meet the assessment under Section 5 of the AHA. The site location is shown in Figure 9 below.

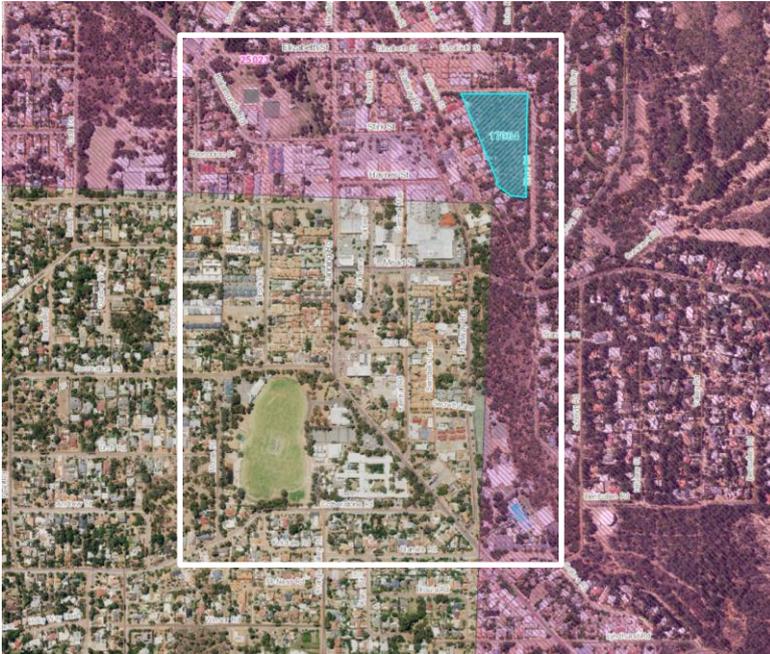


Figure 9 – Searched Area and site 17064

Source: AHIS

4.3. NATIVE TITLE

The *Native Title Act 1993* (Cwlth) (NTA) provides for the recognition and protection of native title rights and interests by which people have maintained a traditional connection to their land and waters since sovereignty. The NTA further provides that native title rights have been extinguished over land that has been subject to particular grants of land tenure (e.g. freehold and leasehold). By contrast, regardless of the underlying land tenure, the AHA applies to all land in Western Australia.

For the purposes of assessment of Aboriginal heritage places, it is important to note that Native Title applies to land tenure and land rights, whilst the AHA affords protection for tangible or intangible Aboriginal heritage sites.

The south-western area has a complex arrangement of Native Title and Indigenous Land Use Agreements (ILUAs). This will be summarised below.

4.3.1. Future Acts

A future act is a proposal to deal with land in a way that affects native title rights and interests. Under the NTA and future acts provisions, native title claim groups have the right to be consulted with, comment on, object and/or negotiate future acts. A future act will be invalid to the extent it affects native title unless it complies with the procedures set out in the NTA. These procedures vary depending on the nature of the future act. Future Acts can include:

- Exploration;
- Mining;
- Prospecting;
- Building public infrastructure;
- Tourist resorts;

- Water licenses;
- Some legislative changes; and
- Some lease renewals.

4.3.2. Indigenous Land Use Agreements

An Indigenous Land Use Agreement (ILUA) is a voluntary agreement between a native title group and others about the use of land and waters. These agreements allow people to negotiate flexible, pragmatic agreements to suit their particular circumstances. ILUAs can cover topics such as:

- native title holders agreeing to a future development;
- how native title rights coexist with the rights of other people;
- access to an area;
- extinguishment of native title;
- compensation;
- employment and economic opportunities for native title groups;
- cultural heritage; and/or
- mining.

4.4. NATIVE TITLE: SEARCH RESULTS

A search of the National Native Title Tribunal (NNTT) 'Native Title Vision' (NTV) was undertaken in December 2017. An active native title claim, the Whadjuk People (WC2011/2009) exists over a broad area around Perth, including the Study Area. This area is shown in Figure 10 below.

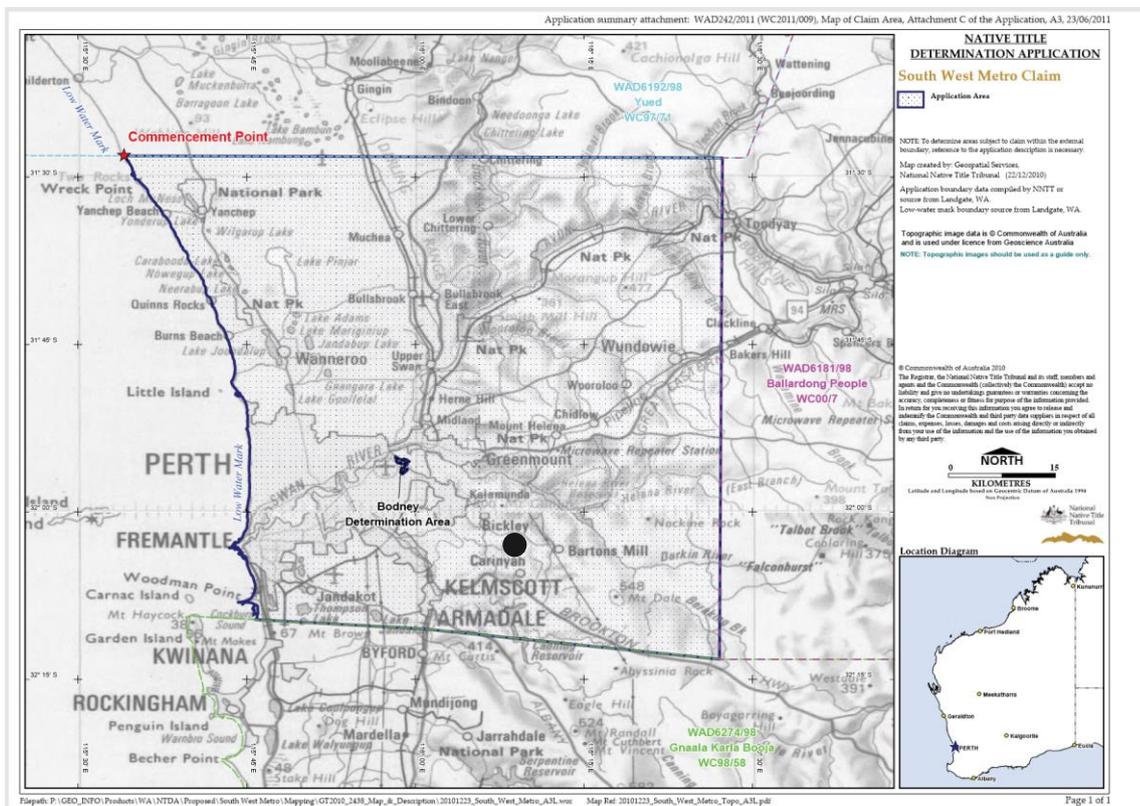


Figure 10 – Boundary of Native Title area WC2011/009, with approximate location of Study Area indicated by black circle

Source: NNTT

4.4.1. South West Native Title Settlement

The South West Native Title Settlement (the Settlement) is the largest native title settlement in Australian history, and will encompass approximately 200,000 km² of land in the south west of Western Australia. The Settlement will surrender Native Title over the determined area, in exchange for a multi-faceted package of benefits for the claimants. The Whadjuk People are one of six Noongar groups that are establishing ILUAs under the Settlement, and are represented by the South West Aboriginal Land and Sea Council. Application for registration of the Whadjuk ILUA was submitted in August 2017 and registration decision is pending.

Once the ILUA is in place, Native Title rights, as defined under the NTA will be annulled. However, the ILUA is presently unregistered, therefore Native Title is still presumed to exist over the Crown Lands subject to the native title claim presented in Section 4.4 of this report.

If the Settlement is overturned, Native Title may still be found to exist over the native title registration area. If this is the case, future development within this area may constitute a Future Act under s39 of the NTA.

4.4.1.1. Noongar Standard Heritage Agreement

The provisions of the Noongar Standard Heritage Agreement (NSHA) apply when proposing an Aboriginal heritage survey on Noongar land to assess potential impacts of a proposed action on Aboriginal heritage.

The NSHA is a new agreement for the south west that will provide a uniform and efficient approach to heritage surveys and land approvals under the AHA. The NSHA came into effect in 2015 and requires government departments, agencies and instrumentalities to enter into a NSHA with the relevant ILUA group when conducting Aboriginal heritage surveys in an ILUA area, unless they have an existing heritage agreement.

5. SUMMARY AND RECOMMENDATIONS

The following section provides a summary of the potential historic heritage and Aboriginal heritage issues that may impact on the formation of the KACP, and future activities associated with its implementation.

5.1. HISTORIC HERITAGE

There are a number of known historic heritage places within the Study Area that are included on the WA State Register, and the Kalamunda Municipal Inventory. These places should be identified in the KACP, to ensure they are considered in any future development of the activity centre. Where future development is proposed, including new development adjacent to heritage places, internal refurbishment of heritage places, or proposed demolition of heritage places, impact assessments will be required to be prepared and approved by the relevant level of government prior to any works taking place.

The Kalamunda and District Historical Society manages a heritage trail in the town. Consideration could be given to consultation with the Society to investigate further interpretive opportunities in future.

5.2. ABORIGINAL HERITAGE

The Study Area is generally developed, and as such future works within these developed areas is unlikely to impact on any unknown Aboriginal sites.

However there are undeveloped areas within the Study Area where potential for Aboriginal cultural heritage significance to remain. Therefore, it is recommended that a full Due Diligence Assessment be prepared in accordance with the Due Diligence Guidelines to provide a more comprehensive understanding of the boundaries and significant aspects of the Registered sites 25023 and 3758 and whether any future works or development of the activity centre may impact on cultural values.

A scarred tree has been identified in the undeveloped land in the north-east of the Study Area. Its current condition is unknown. The eastern boundary of the Study Area includes two sections of relatively undeveloped land, which is mapped as native vegetation. There is potential for previously unknown tangible Aboriginal heritage sites, such as artefact scatters, to be present in these areas.

Where future works to those undeveloped areas is proposed, an Aboriginal heritage survey should be undertaken to assess its potential for Aboriginal heritage sites. The provisions of the NSHA are understood to apply if survey is proposed. Where works are proposed in the north-eastern undeveloped land, the scarred tree should be located and recorded if impacts to it are proposed.

Consideration should also be given to consultation with representatives of the Whadjuk People, to explore any opportunities for interpretation of the Aboriginal heritage values of the area in the future activity centre.

There are complex issues in the south west regarding native title, ILUAs and the Settlement. The application by the Whadjuk for registration of their ILUA is pending. It is recommended that consultation occur with the Land, Approvals and Native Title Unit of the Government of Western Australia, to understand and keep up to date with the progress of the ILUA, and associated future implications. Advice may also be sought from a qualified Native Title lawyer.

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