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**CULTURAL HERITAGE SURVEY OF WAITE STREET RESERVE,
BLACKWOOD AND HAWTHORNDENE OVAL, HAWTHORNDENE,
LOCATED IN THE CITY OF MITCHAM LOCAL GOVERNMENT AREA,
ADELAIDE, SOUTH AUSTRALIA**

A FINAL REPORT TO THE
**KAURNA YERTA ABORIGINAL CORPORATION RNTBC AND
CITY OF MITCHAM COUNCIL**



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Spatial Data

Spatial data captured by Australian Heritage Services on behalf of the respective Aboriginal Groups or Corporations in this document for any newly recorded sites has been obtained by using handheld GPS units using the GDA94 co-ordinate system, utilising UTM coordinates in Zone 54H.

Executive Summary

This report documents the cultural heritage survey and ethnographic field assessment of the Waite Street Reserve, Blackwood; and Hawthorndene Oval, Hawthorndene, situated within the City of Mitcham local government area located to the southeast of the City of Adelaide in South Australia. The cultural heritage survey and assessment of these locations was undertaken on the 20th and the 21st of December 2021 in order to examine the areas affected by proposed development activities and to meet the requirements for the City of Mitcham Council's Community Land Management Plan (CLMP) in the above locations. All of the proposed works will take place within the Kurna Native Title determination boundaries.

The areas were examined by seven native title holders/Traditional Owners from the Kurna Yerta Aboriginal Corporation: Stuart Allison, Gail Malta, Ann Newchurch (Joody), Darren Wanganeen, Irene Wanganeen, Trevor Wanganeen Senior (Boodgie) and Tyrese Wanganeen. In addition, Lynette Crocker was consulted via telephone, and there were also several attempts to consult with Jeffrey Newchurch as well. The Kurna heritage team were accompanied by one archaeologist (Jo Thredgold) and one anthropologist (Fiona Sutherland) from Australian Heritage Services; and by Sean McNamara (Manager – Community Development and Libraries, Mitcham Council), and Marc Fairhead (Graduate Officer/Business Support Officer, Mitcham Council) from the City of Mitcham Council. The Mitcham Council representatives explained the practicalities of construction and operation for the proposed locations and indicated the position of all infrastructure. These areas were examined and cleared for the proposed developments by the stakeholders present.

The December 2021 surveys were undertaken with the permission and involvement of the Kurna Yerta Aboriginal Corporation Registered Native Title Body Corporate (RNTBC). Kurna Yerta Aboriginal Corporation, and their legal representative were supplied with copies of the draft report and have supplied an endorsement of its findings and recommendations to the consultant (see Appendix 1), after having the opportunity to examine it and discuss its contents.

A basic search of the Central Archive (which includes the Register of Aboriginal Sites and Objects), maintained by the Department of Premier and Cabinet – Aboriginal Affairs and Reconciliation, was requested on the 11th of October 2021 to determine the presence and absence of Reported/Recorded Aboriginal sites within the target areas. The results of the search were received on the 18th of October 2021. There are no Reported or Registered Aboriginal heritage sites within the survey areas.

Findings and Recommendations

The survey team examined the proposed development areas as per the request from Mitcham Council representatives. The Kurna Yerta Aboriginal Corporation RNTBC representatives conducting the survey stated that the City of Mitcham Council developments will cause no impacts on any areas or objects that are known to be of cultural importance, and made the following recommendations.

1. The results and recommendations resulting from the cultural heritage survey apply only to the proposed developments of the project detailed in this report. If the City of Mitcham conduct any additional works in the future within the areas given clearance for this project, consultation with the Traditional Owners is necessary and it is possible that those areas may be subject to further heritage assessments in order to assess them for impacts to cultural heritage.
2. Kurna Yerta Aboriginal Corporation RNTBC (KYAC) has recommended that the proposed developments should go ahead subject to the City of Mitcham and their contractors' compliance with the locations and restrictions recommended in this report.
3. KYAC RNTBC has recommended that cultural awareness inductions should be held for all workers at the site, prior to work commencing. The form of delivery of these inductions (i.e. should it be delivered by a Kurna person or organisation) should be discussed further by the Kurna community. The results of these discussions will form the final recommendation about the cultural awareness inductions.
4. KYAC RNTBC has recommended that discussions be conducted between themselves and the Mitcham Council concerning the possible use of archaeological geophysical techniques (e.g. ground penetrating radar) being used prior to ground disturbing works in places where this technique would help to identify buried archaeological features, particularly Kurna burials.
5. KYAC RNTBC representatives recommend that monitors should be engaged during all ground disturbing works in order to minimise the risk of damaging or disturbing any potentially unidentified Aboriginal heritage sites within the survey area.
6. It is further recommended that excavated material from the development areas should be made available for inspection by Kurna Yerta monitors and should not be removed from site until Kurna monitors have checked for cultural material. In addition, excavated material from a development site should be used for backfilling at that site in preference to imported material.
7. It is recommended that Mitcham Council and KYAC RNTBC hold discussions to identify suitable Kurna names and other elements such as artworks, seating, signage that could be incorporated into the park developments. Kurna people should be employed for this work.

8. Cultural Heritage Management Plans (CHMPs) should be developed for Mitcham Council for the parks and reserves within their council area, to assist them to deal appropriately with Aboriginal cultural heritage in the future. The KYAC RNTBC representatives recommended developing separate CHMPs for each location.
9. KYAC RNTBC representatives recommend that Minno Creek at the Hawthorndene Reserve should be rehabilitated, with non-native plants removed and native replanting where appropriate. Kurna people should be employed for this work.
10. It is recommended that further discussions about potential dual naming should be held between Mitcham Council and KYAC RNTBC to identify suitable Kurna names for the Waite Street Reserve and the new Blackwood community centre.
11. A Kurna Yerta representative/monitor should assist the contractor responsible for removing the river red gum at Waite Street Reserve, or if not possible, then clear instructions should be provided to the contractor to ensure that the wood is cut in a way that facilitates its use in future design elements within the Reserve. The wood should be given to Kurna members for use in woodwork and art projects.
12. KYAC RNTBC representatives recommend that an arborist be consulted regarding development activities at Hawthorndene Oval to ensure that excavations do not damage the tree roots to the point where the trees are affected.
13. Further discussions should be held between Mitcham Council and KYAC RNTBC regarding design elements within the new Blackwood community centre that tell Kurna stories and shared history. Kurna artists should be engaged for the production of these elements.
14. It is recommended that Mitcham Council should consider engaging KYAC RNTBC representatives in the future design and redevelopment of the Waite Street Reserve.
15. KYAC RNTBC representatives present recognised that Mitcham Council had engaged them in the early stages of these developments, and recommended ongoing engagement with Kurna in the design stages of similar projects.
16. KYAC RNTBC representatives recommend that the new library in Blackwood should have a Kurna section, with language resources and so on.
17. As the South Australian *Aboriginal Heritage Act 1988 (as amended)* provides protection for any previously unknown sites or archaeological material that may be discovered during the development process, it is

advisable that any earthworks or excavations be conducted with the exercise of due care by the machine operators doing the work.

18. In the event of other Aboriginal cultural material being exposed or observed during works, it is advised that all work that could impact on any material of cultural or scientific significance should cease immediately. In South Australia, an assessment must then be made by staff of the Heritage Team of DPC-AAR, and the relevant Aboriginal heritage organisation, in this instance Kurna Yerta Aboriginal Corporation RNTBC. At that time a determination under Section 12 of the South Australian *Aboriginal Heritage Act 1988 (as amended)* can be made, in order to determine what appropriate action should be taken.
19. If human skeletal remains are discovered, all works must stop and the South Australian Police (SAPOL) contacted immediately, under the South Australian *Coroner's Act 2003*. SAPOL will determine whether or not the remains are Aboriginal ancestral remains. If the remains are determined to be Aboriginal remains and not a crime scene, then the *Aboriginal Heritage Act 1988 (as amended)* applies.
20. The general principles of these recommendations, such as engaging KYAC representatives for works monitoring, consultation with KYAC during project design and planning, and provision of employment to Kurna people for environment rehabilitation, are considered to be applicable across most works on Kurna Country. These recommendations must not, however, be used in place of consultation with KYAC on all future projects, and the relevance of these recommendations to individual projects should be discussed with KYAC.

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Mitcham Council representatives Marc Fairhead (Graduate Officer/Business Support Officer, Mitcham Council), Stephanie Huntley (Property Officer, Mitcham Council), Sean McNamara (Manager – Community Development and Libraries, Mitcham Council), and Matthew Romain (Group Manager, Mitcham Council) for providing project data, and logistical information.

Definitions

Term	Details/Examples
<p>Artefact density Refers to the average number of artefacts within a square metre area, as determined by a brief visual inspection.</p>	<ul style="list-style-type: none"> • Low density: < 1 artefact/m² • Medium density: 1 – 25 artefacts/m² • High density: > 25 artefacts/m²
<p>Artefact types Refers to the kind of artefact based on distinct diagnostic features. Many diagnostic features have been observed as universal indicators of human activities, e.g. flake fractures, grinding marks. Stone artefacts may have also been used for multiple purposes – grindstones were also frequently used as hammers, anvils and cores.</p>	<p>Common artefact types include:</p> <ul style="list-style-type: none"> • Unretouched flakes • Cores • Hammers (or hammer stones) • Anvils • Grindstones • Retouched flakes (includes amorphous retouch, as well as formal types such as scrapers, tulas, points and backed artefacts) • Hearthstones • Manuports – carried to a site but not subsequently modified – examples include pieces of limestone, quartz pebbles, chert nodules, etc.
<p>Condition area Refers to natural features or landforms such as cane grass swamps, sand dunes, claypans and watercourses. Condition areas may not necessarily contain archaeological materials or physical signs of human use or modification, but they are considered to be culturally significant to the Aboriginal representatives who may have responsibilities for these areas part of caring for country (land management).</p>	<ul style="list-style-type: none"> • See <i>Ethnographic (site type)</i> • See <i>Natural (site type)</i> • See <i>Culturally significant</i>
<p>Culturally sensitive Used to describe an area or landform that is likely to contain material culture including subsurface material. This is based on oral histories or other known human occupational patterns within the region or more broadly. Areas confirmed to contain cultural material are usually considered culturally sensitive with respect to their environmental context as well. Culturally sensitive sites can also be culturally significant.</p>	<p>Examples include:</p> <ul style="list-style-type: none"> • Sand dunes • Soft, sandy areas • Areas 200 metres from a water source (generally accepted distance from water sources in South Australia)
<p>Culturally significant Used to describe an object or area that is important under Aboriginal tradition. They may have connections to stories, historic events, key figures or cultural practice. A culturally significant area may not necessarily contain physical evidence of human use or modification. Culturally significant sites can also be culturally sensitive.</p>	<p>Examples include:</p> <ul style="list-style-type: none"> • Tree species (e.g. native pine, myall and mulga) • Cane grass swamps • Claypans
<p>Distribution Refers to the number, density and spread of stone artefacts within a site, as determined by a brief visual inspection.</p>	<ul style="list-style-type: none"> • Focalised/discrete: a distinct concentration of artefacts • Diffuse: artefacts are spread out relatively evenly but thinly across an area • Uneven: distinct gaps or variations in the distribution of stone artefacts in some places over others

Term	Details/Examples
<p>Exclusion Zone Refers to an area containing an archaeological site, plus a protective buffer (generally determined by a combination of perceived risk of disturbance to a site and Aboriginal representatives' recommendations). For Aboriginal heritage surveys, Exclusion Zones will contain Aboriginal cultural material which is protected under the South Australian <i>Aboriginal Heritage Act 1988 (as amended)</i>.</p>	<p>See <i>Archaeological (site type)</i></p>
<p>Raw material Refers to the kind of stone an artefact is made from (also referred to as 'source material'). Although it is difficult to definitively identify a raw material from a small specimen, the five types are generally sufficiently different to allow this. The dominant raw material on a site is listed first, with the second most common raw material listed second and so on, as determined by a brief visual inspection.</p>	<p>Five major stone categories are used:</p> <ul style="list-style-type: none"> • Silcrete • Cherty silcrete • Quartzite • Chert • Quartz
<p>Site Refers to a place where Aboriginal cultural heritage is present, and state or federal heritage legislation applies to all activities at that place. For stone artefact scatters, the site recording threshold used for this survey is a minimum of 5 flaked stone artefacts with an average density of 0.05/m² or greater.</p>	<ul style="list-style-type: none"> • May be ethnographic or archaeological • One or more stone artefacts/scarred tree/hearth • See <i>Ethnographic (site type)</i> • See <i>Natural (site type)</i> • See <i>Culturally significant</i>
<p>Site categories Refers to the categories of sites that are commonly encountered in the study area. Sites may fall under more than one site type.</p>	<ul style="list-style-type: none"> • Ethnographic • Archaeological • Natural
<p>Archaeological (site category) Refers to objects or areas containing physical evidence of human use, occupation, or modification.</p>	<p>Examples include:</p> <ul style="list-style-type: none"> • Burials/Aboriginal ancestral remains • Art sites (including painting and engraving) • Open sites/scatters • Hearths • Quarries • See also <i>Artefact types</i>
<p>Ethnographic (site category) Refers to objects or areas associated with stories, history, or cultural practices under Aboriginal tradition. These sites may not necessarily show evidence of physical human use or modification and may be associated with natural features in the landscape. They can be difficult or impossible to identify without consultation. Ethnographic sites are primarily determined by the Aboriginal representatives.</p>	<ul style="list-style-type: none"> • Mythological • Ceremonial • Dreaming Track/Songline • Named Place
<p>Natural (site category) Refers to objects or areas that are natural features within the landscape. These may not show evidence of human use or modification but may inform the interpretation of past human behaviour. Natural sites can be subject to maintenance and care by certain people or groups under the Aboriginal traditions of caring for country (land management). They can sometimes have ethnographic links.</p>	<p>Examples include:</p> <ul style="list-style-type: none"> • Trees • Claypans • Cane grass swamps • Small, often seasonal water sources (e.g. soaks, rock holes) • Does NOT include larger water bodies (e.g. rivers, creeks, lakes) • See also <i>Culturally significant</i>

1.0 Introduction

This report has been prepared to detail the findings of an Aboriginal cultural heritage survey and ethnographic field assessment of proposed development sites within the City of Mitcham local government area located within the Adelaide metropolitan area, in southern South Australia. It provides some background into the survey, details the survey design and methodology and documents the results from the archival research and the cultural heritage survey, which was undertaken by representatives from the Kurna Yerta Aboriginal Corporation RNTBC (KYAC) and two representatives from their nominated heritage service provider, Australian Heritage Services (AHS) on the 20th to the 21st of December 2021.

The purpose of this heritage survey was to allow the KYAC representatives to assess the proposed exploration areas for cultural heritage values, to make management decisions and supply recommendations to the City of Mitcham Council in regard to their future protection of those cultural heritage values. The survey team examined the proposed development activity areas to assess if the activities can be conducted in a manner that is not harmful to Native Title and cultural heritage, including archaeological and ethnographic sites.

1.1 Archaeological and Ethnographic Survey Participants

The areas were examined by seven native title holders/traditional owners from the Kurna Yerta Aboriginal Corporation: Stuart Allison, Gail Malta, Ann Newchurch (Joody), Darren Wanganeen, Irene Wanganeen, Trevor Wanganeen Senior (Boodgie) and Tyrese Wanganeen. Lynette Crocker was consulted via telephone and attempts were made to contact Jeffrey Newchurch as well. The KYAC representatives were accompanied by one archaeologist (Jo Thredgold) and one anthropologist (Fiona Sutherland) from Australian Heritage Services, and by Sean McNamara (Manager– Community Development and Libraries, Mitcham Council) and Marc Fairhead (Graduate Officer/Business Support Officer) from Mitcham Council

1.2 Aboriginal Heritage Survey Locations

There are two survey locations discussed in this report, the Waite Street Reserve, Blackwood, and the Hawthorndene Oval, Hawthorndene, each with their own development programs. The project areas are located within the City of Mitcham local government area in the foothills of southern Adelaide (see Figures 2 to 8). The northernmost point of the survey areas is the most northern boundary point of the Waite Street Reserve clearance area, which is situated in the main street precinct of Blackwood approximately 9.5 kilometres to the southeast of Adelaide. The southernmost point of the survey areas is the most southern boundary point of the Hawthorndene clearance area, which is situated approximately 12 kilometres southeast of Adelaide CBD (see Figures 1 to 7).

The survey was conducted only on the locations mentioned above. These areas were located on the landscape with the assistance of a Mitcham Council representative using local knowledge and a Global Positioning System

(GPS) unit utilising coordinates (Australian Geocentric Datum 1994/GDA94, Map Zone 54) supplied by Mitcham Council.



Figure 1: Relief map of Australia showing the location of the Work Area Clearance areas

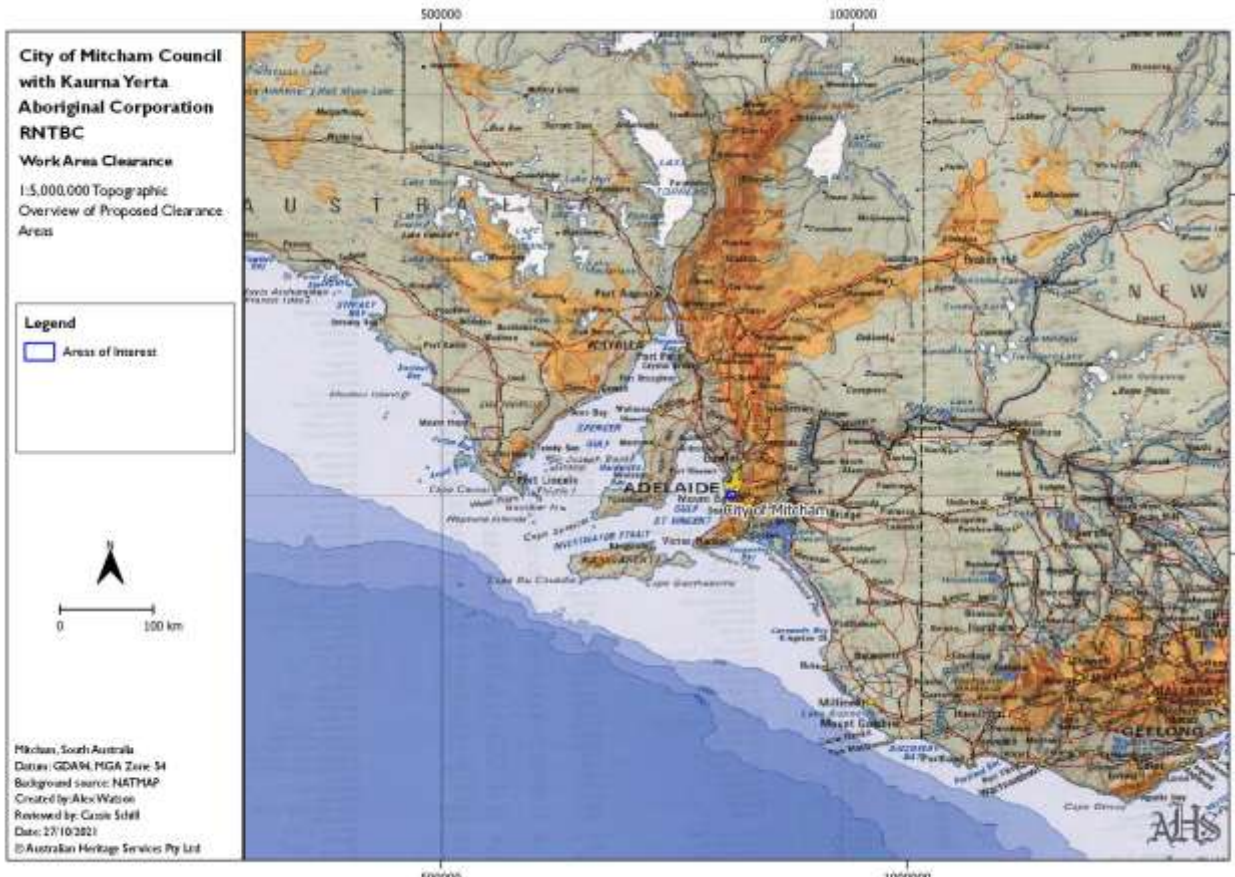


Figure 1: Regional location of the City of Mitcham Council proposed development locations

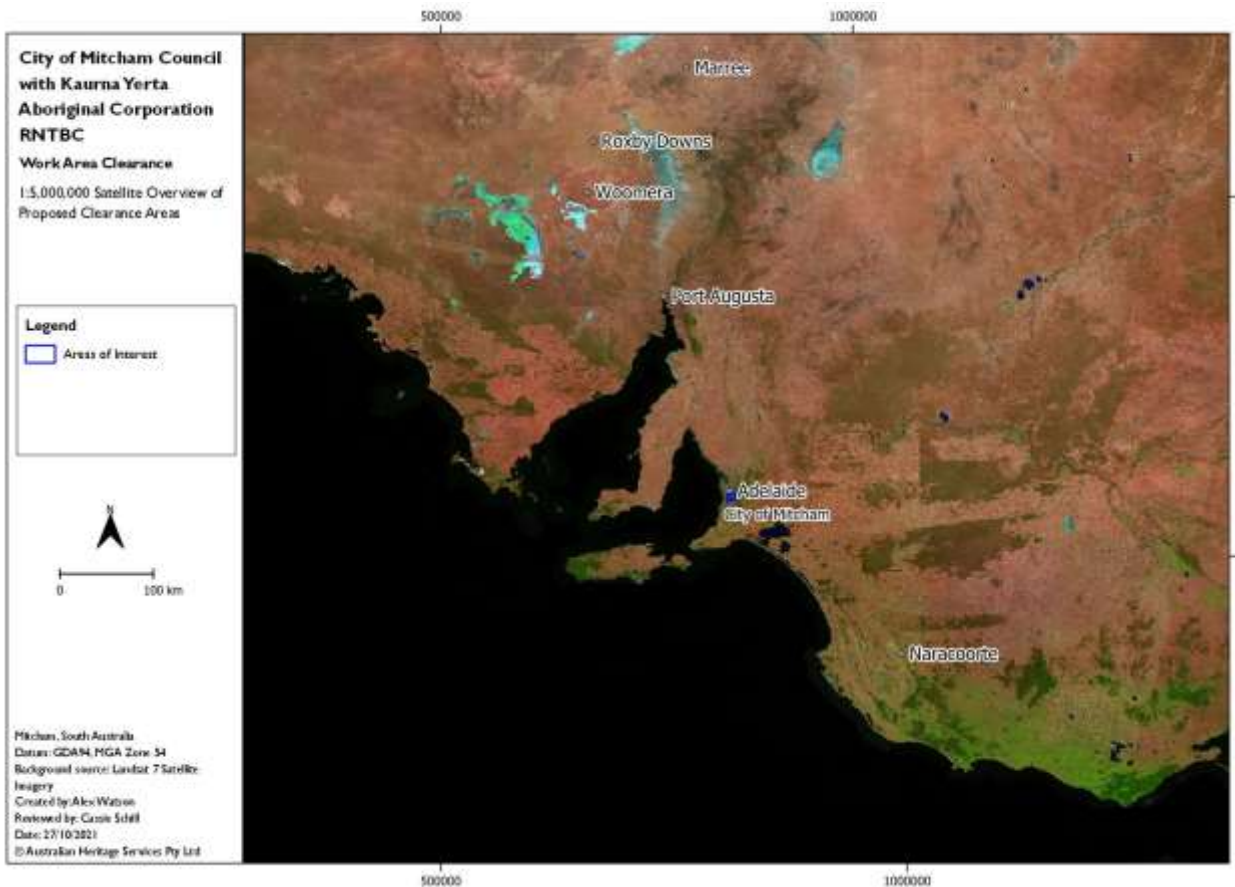


Figure 2: Regional location of the City of Mitcham Council proposed development locations



Figure 3: Location of the City of Mitcham Council



Figure 4: Location of the City of Mitcham Council



Figure 5: The location of the proposed Mitcham Council sites request area

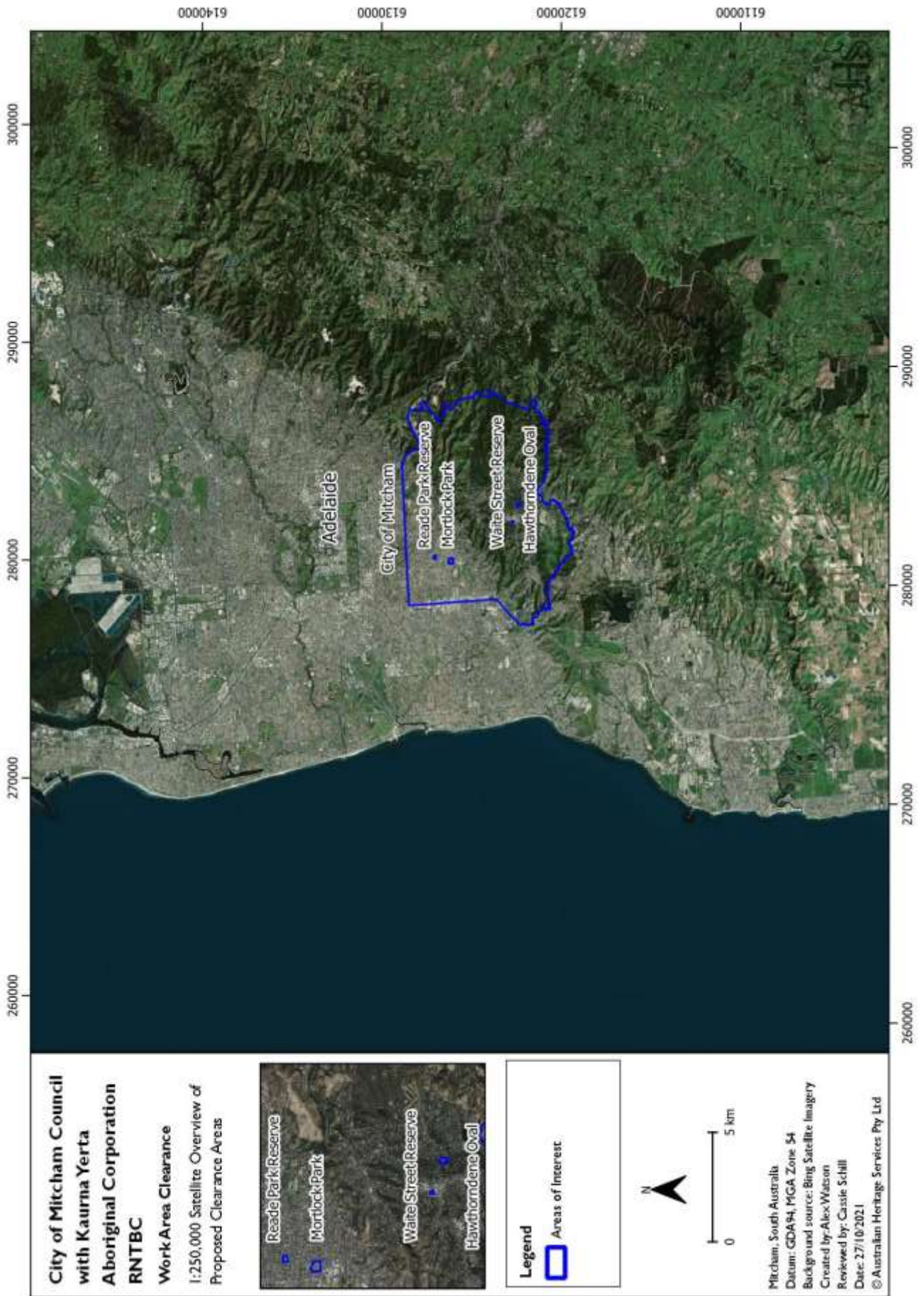


Figure 6: The location of the proposed Mitcham Council sites shown within the boundary of the City of Mitcham

1.3 Environmental Context

The project locations are situated southeast of the Adelaide Central Business District in South Australia. The Waite Street Reserve and Hawthorndene Oval are open-space areas located in built up urban development areas. The project areas experience a Mediterranean climate and are located in a woodland and shrub environment landscape:

“Mediterranean ecoregions are characterised by hot and dry summers, while winters tend to be cool and moist. Only five regions in the world experience these conditions and whilst the habitat is globally rare, it features extraordinary biodiversity of uniquely adapted animal and plant species, and the five areas collectively harbour well over 10 percent of the Earth’s plant species. Most plants are fire adapted, and dependent on this disturbance for their persistence. The Fynbos and southwest Australia shrublands have floras that are significantly more diverse than the other Mediterranean ecoregions. More than 5,500 species of plants have adapted to the forests and scrub of southwestern Australia, with nearly 70 percent being endemic.”

(Department of Agriculture, Water and Environment 2021)

The project locations are located within the Flinders Lofty Block IBRA Bioregion (Interim Biogeographic Regionalisation for Australia, version 7), Sub-Region FLB01, Mount Lofty Ranges, which is located between Yankalilla up to the Barossa Valley (Australian government Department of Agriculture, Water, and the Environment, August 2021). This Flinders Lofty Block Bioregion (see Figure 8) is described as:

“The Flinders Lofty Block bioregion has a general pattern of mountain ranges, ridges and wide, flat plains. Vegetation types are related to landforms with eucalypts on hills and ranges that receive higher rainfall, mulga in the drier areas and sparse low shrubs or spinifex in stony areas”

(Department of Agriculture, Water and Environment 2021)

“Climate varies from north to south. The northern section of the bioregion has a semi-arid and arid climate with hot dry summers and cool mild winters. The southern part of the bioregion has a Mediterranean climate with warm to hot summers and cool moist winters. Generally, the region receives between 250 to 650 mm of rainfall per year, though areas in the higher parts of the Mt Lofty Ranges can receive 1000 mm per year. Most of the rainfall is in winter, which is more reliable in the south.

The land in the north of the bioregion is mainly used for grazing and nature conservation and the land in the south is used for growing cereal crops, grazing and urban development. Forestry and winemaking are significant land uses in the south of the region.”

This bioregion is mostly made up of mountain ranges and wide plat plains. Large areas in the south were cleared for agriculture in the early days of European settlement.

There are many different types of vegetation in this bioregion including tussock grass, chenopod and samphire shrublands, acacia forests and woodlands. Callitris forests and woodlands, eucalypt woodlands, hummock grasslands and mallee woodlands and shrublands.”

(Department of Agriculture, Water and Environment 2021)

The dominant soil types within the project areas are grey, sandy surface soils with overlying yellow and mottled clay of blocky structure on slates, shales and quartzites. The water sources in the project area mostly comprise of riverine or creek drainage lines with shallow beds. Minno Creek is the main catchment within proximity to the project areas. Minno Creek has a catchment area of 18 kilometres squared and is an important sub catchment

of the Sturt River System. The riparian environment comprises of River Red Gums and Acacias. The hydrology of the project areas is described as:

“Adelaide’s Mediterranean climate and topography of slopes and plains, plus human-induced changes to ground cover and drainage, can lead to rapid run-off when it rains. Flooding is most likely to occur after a long duration of rainfall, due to the combined effects of run off from the surrounding urban area and a substantial contribution from the up-stream catchment, which becomes saturated in these long duration storms.”

(Department of Environment and Heritage 2005:13)

The vegetation within the project areas has been extensively modified due to urban development and replacement by introduced species. Prior to colonisation, dominant vegetation communities included a grassy Open Woodland of Grey Box (*Eucalyptus microcarpa*) with native understorey species including Kangaroo Thorn (*Acacia paradoxa*), Golden Wattle (*Acacia pycnantha*), Kangaroo Grass (*Themeda triandra*) and Wallaby Grass (*Danthonia caespitosa*). Along water courses major vegetation communities included River Red Gum with an understorey that includes Silky Tea-tree (*Leptospermum pubescens*), Swamp Wattle (*Acacia retinodes*), the sedge *Cyperus vaginatus* and the rush *Juncus pallidus*. Presently these species are limited in the project areas (Department of Environment and Heritage 2005).

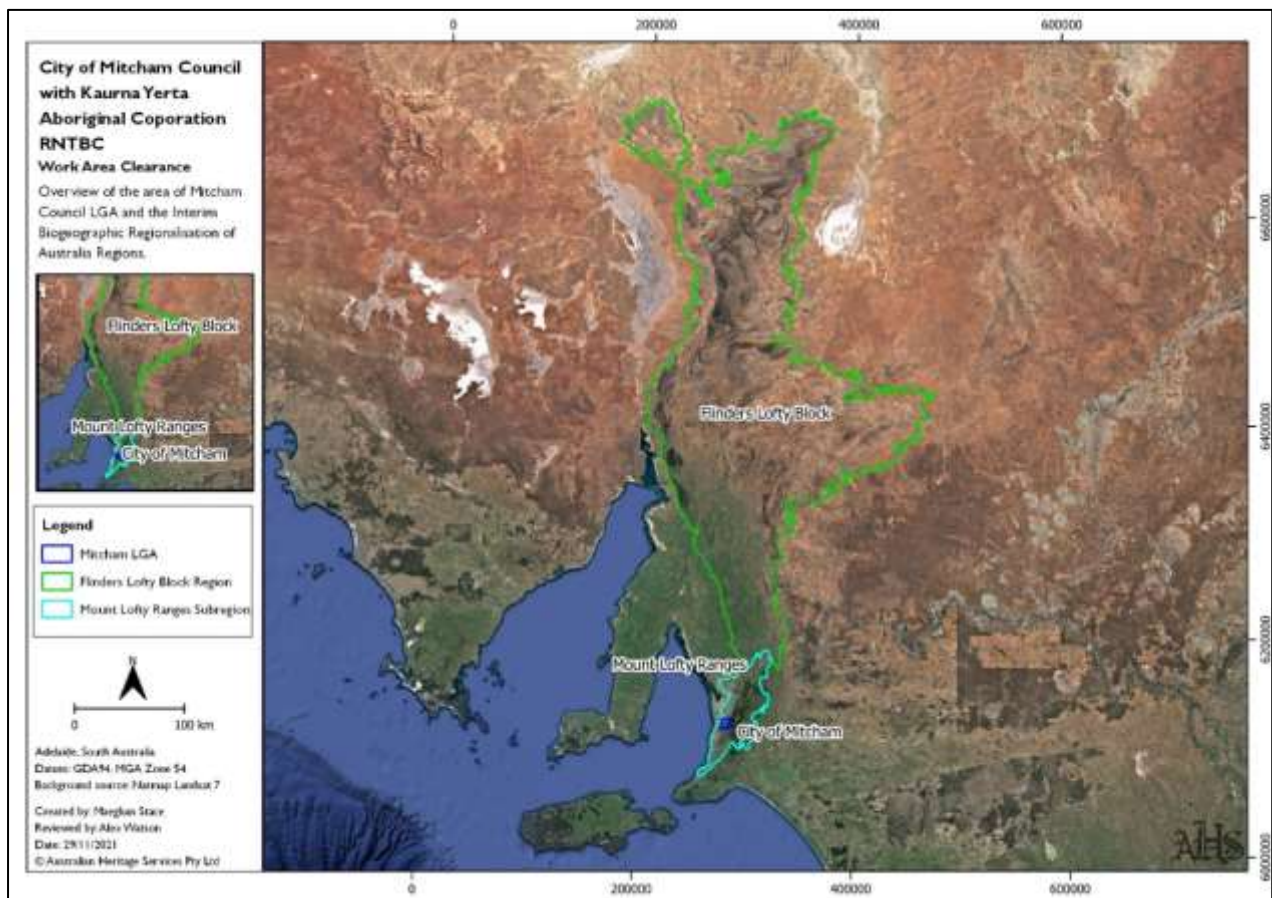


Figure 7: Location of proposed project area (dark blue) against IBRA region: Flinders Lofty Block (green) and the IBRA subregion: Mount Lofty Ranges (light blue)

1.4 Project Description

Mitcham Council is planning to review their Community Land Management Plan across four locations within their local government area to facilitate the construction of recreation services and facilities (shown in Figures 10 to 19). This will include making upgrades to community infrastructure at Waite Street Reserve, Blackwood; Hawthorndene Oval, Hawthorndene; and later at Reade and Mortlock Park, Colonel Light Gardens. This report focuses on the cultural heritage surveys conducted at Waite Street Reserve and Hawthorndene Oval. The upgrades will involve the development of the Blackwood Community Hub at Waite Street Reserve which will cover an area of 571 metres squared; and a new multipurpose facility at Hawthorndene Oval that will include new changerooms for umpires and female athletes, public toilets, and new carparks. The locations and preliminary footprints used in this study were provided by Matthew Romaine (Group Manager, Mitcham Council) and Stephanie Huntley (Property Officer, Mitcham Council). Mitcham Council have requested that the development sites are visited by Kaurna Yerta Aboriginal Corporation representatives and a representative from Australian Heritage Services to assess the heritage values and significance of the place (see Figure 9).

The Waite Street Reserve and Hawthorndene clearance areas program is outlined in the survey request and scope of works document received on the 21st of September 2021. The scope of works and attached maps are included in the correspondence in Appendix 1. Sean McNamara (Manager – Community Development and Libraries, Mitcham Council) and Marc Fairhead (Graduate Officer/Business Support Officer, Mitcham Council) provided the site plans for the survey team to use in the field (see Appendix 1). The areas included in the scope of works were the subject of the Work Area Clearance and are described in this report. The scope of this particular cultural heritage survey was limited to the areas associated with the above Mitcham Council developments (see Appendix 1 for full details).

The following description of the proposed works is taken from the correspondence between Matthew Romaine (Group Manager, Mitcham Council) and AHS dated the 21st of September 2021:

The purpose of the CHS is to inform a review of policies relating to the ongoing management of the land, and to provide an input into the construction process associated with undertaking development on each site moving forward.

Specifically, your quote should provide an estimate for the following deliverables:

- Field work and consultation with relevant Kuarna representatives, and then a report detailing:
 - Desktop Research including details on any previously recorded sites (**Council to source and provide existing archived documents**);
 - Methodology and fieldwork participation;
 - The presence of registered and/or known Aboriginal cultural heritage within the general area;
 - A list of all items and/or sites of Aboriginal cultural heritage, if discovered;
 - Maps identifying the locations and/or boundaries of any Aboriginal cultural heritage sites and/or items, if discovered plus detailing the associated legislative obligations (**Council to investigate integration of these maps into existing GIS systems as a separate project at a later date**);
 - A detailed risk assessment and risk rating assessment to highlight specific areas and risk management recommendations to minimise, mitigate or avoid impacting cultural heritage (if applicable). Assessment to include maps showing high, moderate and low risk areas based on survey;
 - Photographs representing a selection of any Aboriginal cultural heritage sites and/or items, if discovered;
 - An assessment of the traditional, scientific, educational, aesthetic, historical and/or social significance of any Aboriginal items and/or sites recorded, if discovered;
 - Detailed summary of legislative requirements for works taking place in the vicinity of any identified sites or objects of Aboriginal cultural significance (if applicable) and;
 - Recommendations, where appropriate, to address the conservation and management of any Aboriginal sites and/or items, if discovered.

Excerpt from the scope of works documentation provided to Australian Heritage Services by Matthew Romaine (Group Manager, Mitcham Council), on the 21st of September 2021:



Figure 8: Overview of Mitcham Council's proposed Engagement Plan dated 14th of September 2021

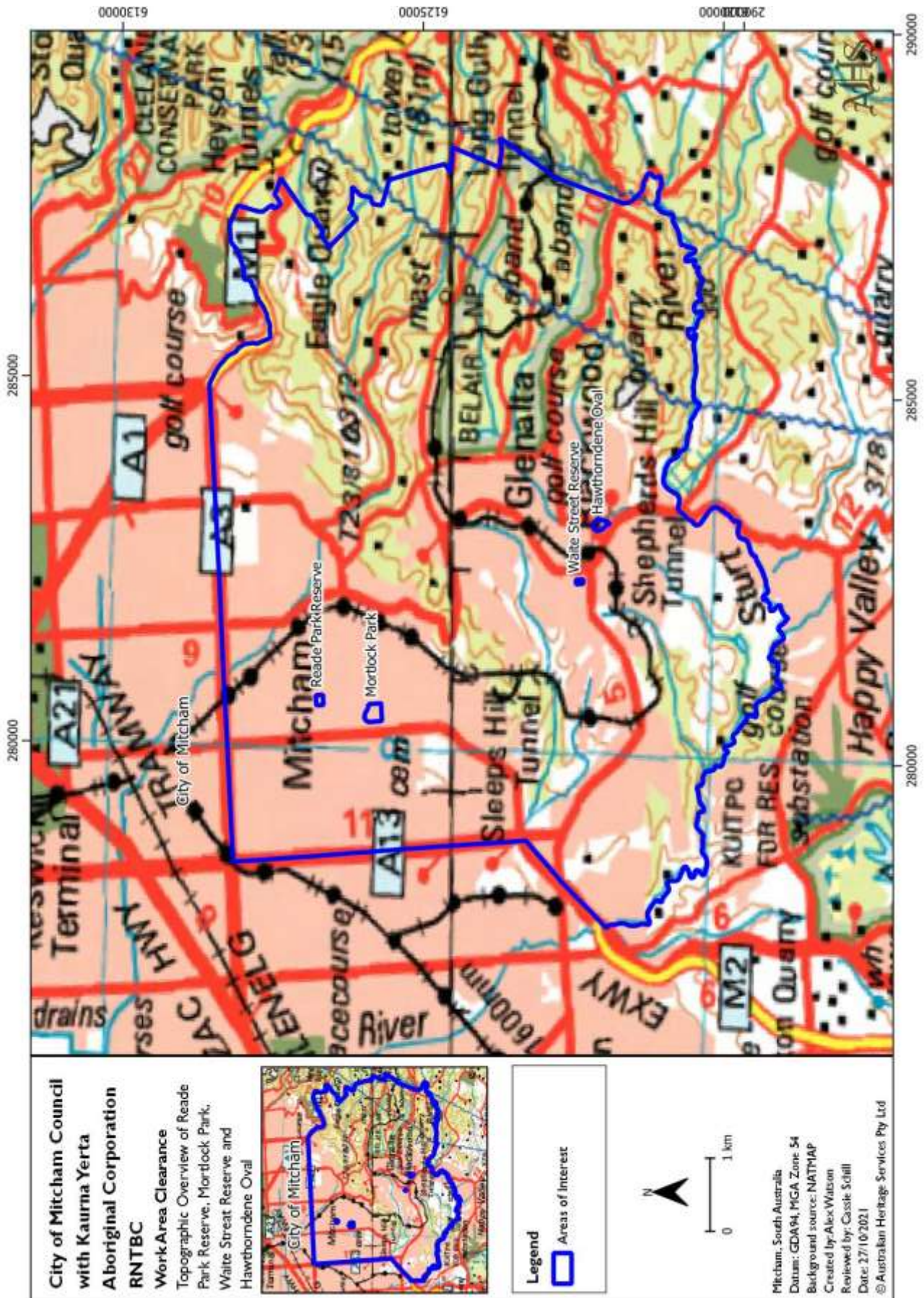


Figure 9: The location of the proposed Mitcham Council heritage survey locations, shown within the boundary of the City of Mitcham

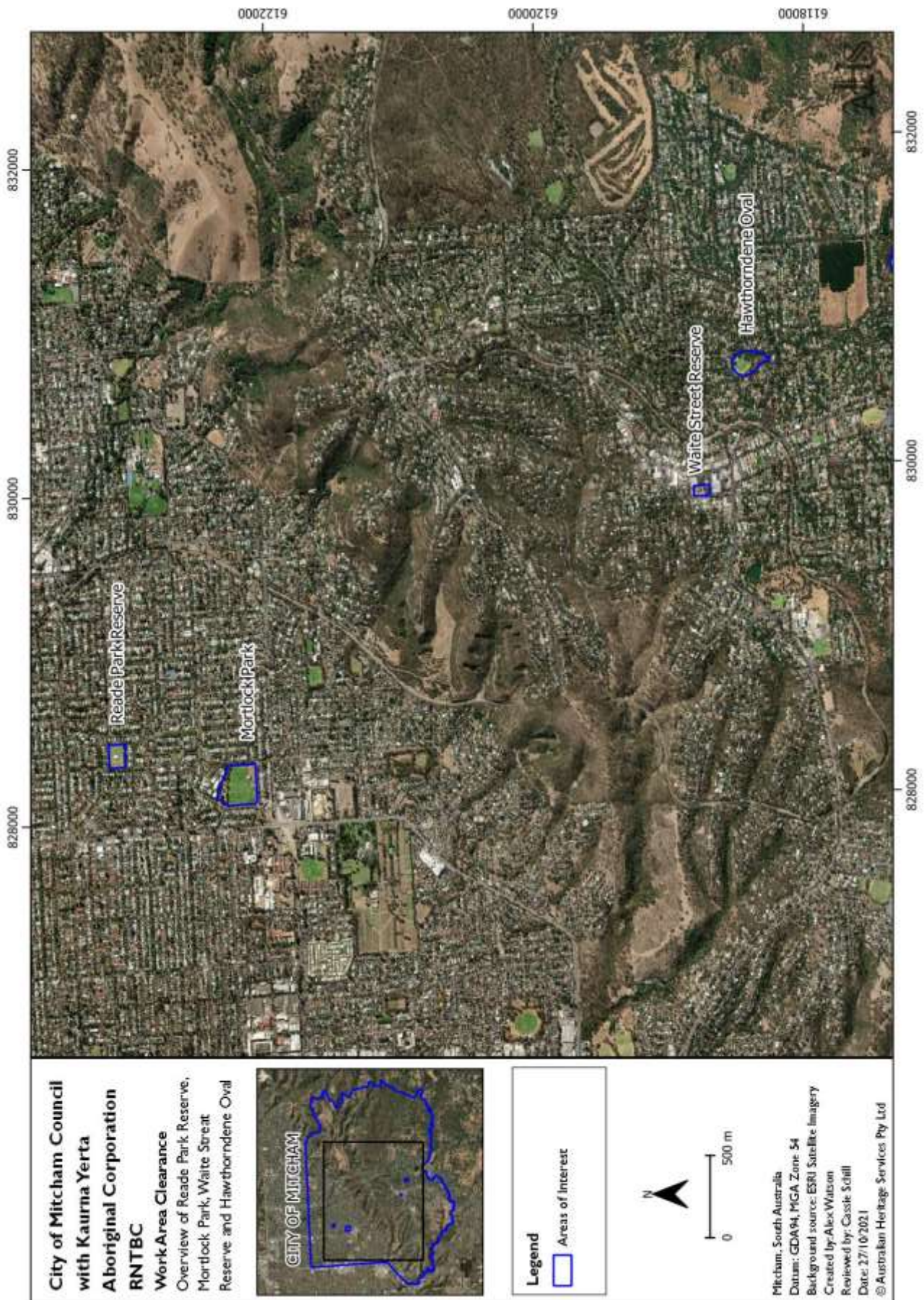


Figure 10: The location of the proposed Mitcham Council heritage survey locations, shown within the boundary of the City of Mitcham



Figure 11: The boundary of Waite Street Reserve

BLACKWOOD COMMUNITY HUB 4 YOUNG STREET BLACKWOOD, SOUTH AUSTRALIA



ARCHITECTURAL DRAWING SCHEDULE

NO.	DESCRIPTION	DATE
01	CONCEPT DESIGN	01/2021
02	SCHEMATIC DESIGN	02/2021
03	PRELIMINARY DESIGN	03/2021
04	FINAL DESIGN	04/2021
05	CONSTRUCTION DOCUMENTS	05/2021
06	CONSTRUCTION	06/2021
07	OPERATIONAL PHASE	07/2021
08	MAINTENANCE PHASE	08/2021
09	RENOVATION PHASE	09/2021
10	DEMOLITION PHASE	10/2021



		CITY OF MITCHAM BLACKWOOD COMMUNITY HUB COVER SHEET & LOCATION PLAN	DESIGNER: PL 2021 DATE: 09/09/21	DesignInc
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Figure 12: Location and view of proposed development at the Waite Street Reserve (described here as ‘Young Street’)



Figure 13: View of the proposed development of the Waite Street Reserve

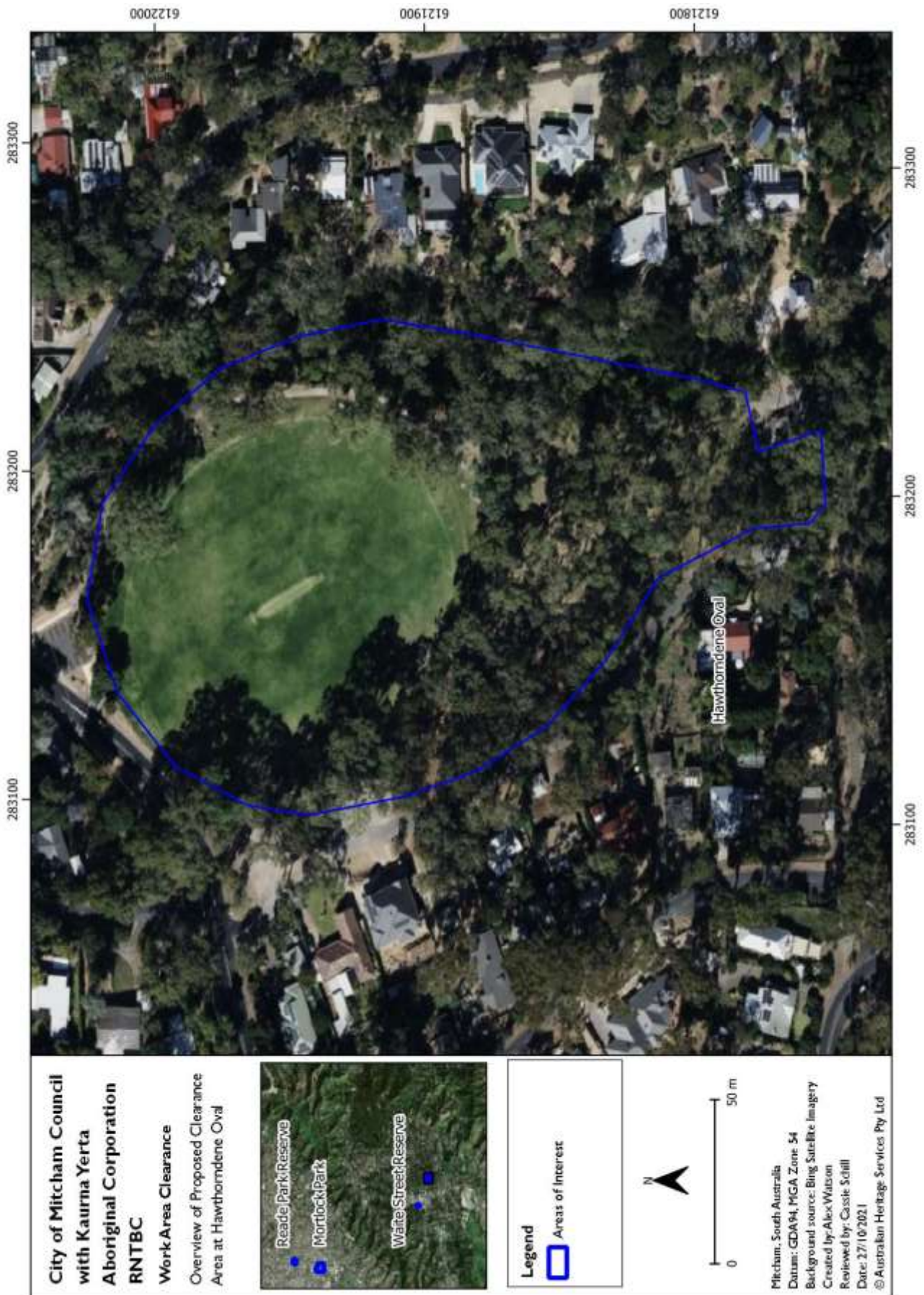


Figure 14: The boundary of Hawthorndene Oval



Figure 15: Location of the proposed development within the boundary of the Hawthorndene Oval

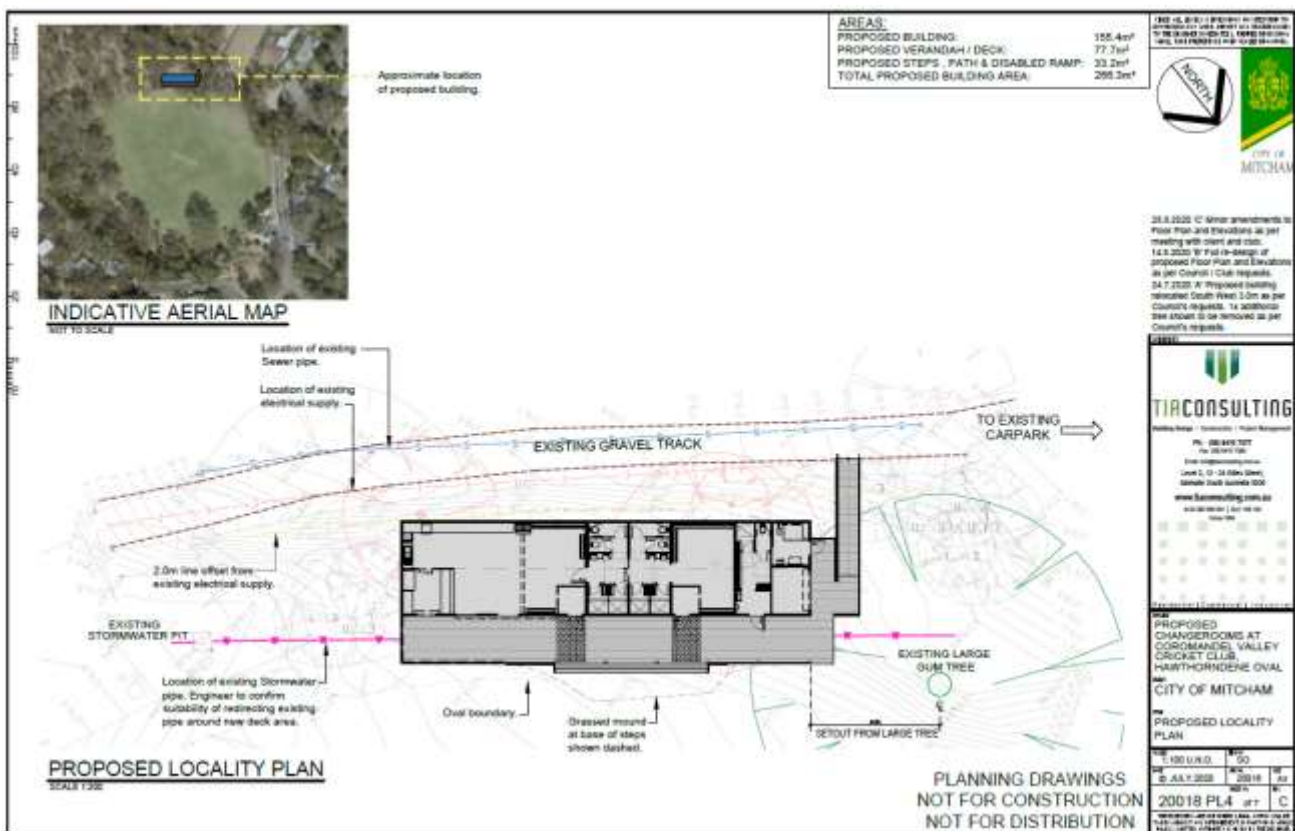


Figure 16: Plan of the proposed changerooms at the Hawthorndene Oval

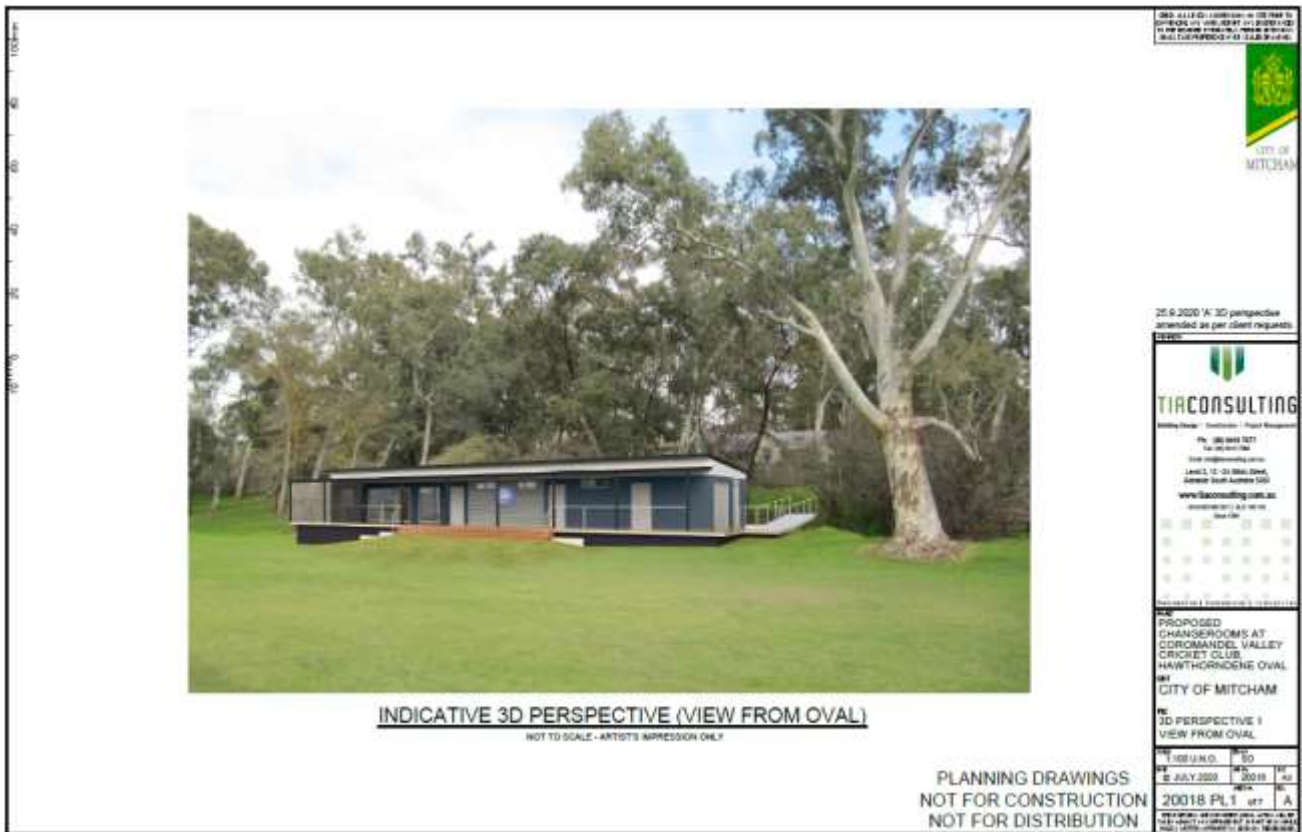


Figure 17: Front view of the proposed changerooms at the Hawthorndene Oval

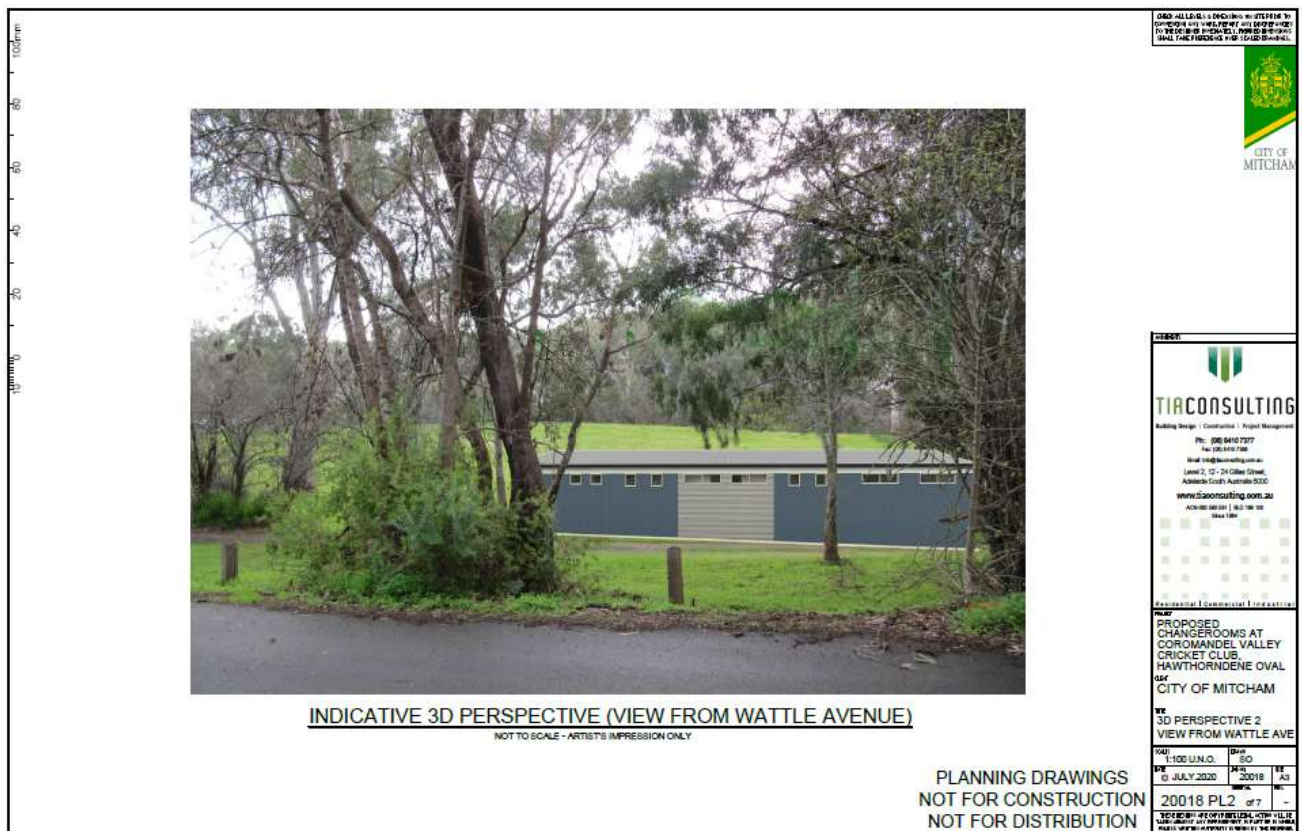


Figure 18: Rear view of the proposed changerooms at the Hawthorndene Oval

2.0 Consultation with the Kurna Yerta Aboriginal Corporation RNTBC

Australian Heritage Services was approached by the City of Mitcham Council to undertake a cultural heritage survey with the Kurna Yerta Aboriginal Corporation RNTBC. The consultation process was multifaceted and involved initially contacting the nominated KYAC representative Tom Jenkin (Manager Corporate and Community Development, South Australia Native Title Services) who provided necessary introductions with Allan Jones (Managing Director, RAW SA) to coordinate the cultural heritage survey with Kurna representatives. This process included consultation which was conducted to explain the exact nature of the developments, to organise the survey and the participation of representatives of the Kurna Yerta Aboriginal Corporation RNTBC to act as cultural heritage officers and cultural heritage consultants in regard to the impacts (if any) of this project on Aboriginal cultural heritage. The consultation process also allows the Aboriginal stakeholders to inform, as far as possible, the consultant and the developers whether there are any Aboriginal sites in the development area that are identified by Tradition or have other cultural significance and therefore are not cleared for development activities.

Prior to and during the cultural heritage survey site clearance maps using detailed satellite imagery, and the Mitcham Council site plans of the proposed development areas were shown to the Kurna Yerta Aboriginal Corporation RNTBC representatives. Copies of the accompanying documentation, spatial data and maps were supplied by Matthew Romaine (Group Manager, Mitcham Council) and Stephanie Huntley (Property Officer, Mitcham Council) on the 18th of October 2021 (prior to the commencement of the survey). The documents are included in full in Appendix 1 of this report.

There is a native title determination over the land that is the subject of this report (Federal Court Number: SAD6001/2000; NNTT Number: SCD2018/001) which was determined on the 21st of March 2018 and came into effect on the 19th of November 2018. The Kurna Yerta Aboriginal Corporation RNTBC are native title holders and they have native title rights and interests recognised in relation to parts of the determination area: *Agius v State of South Australia (No 6)*.

A Kurna cultural heritage team inspected the proposed development project areas on the 20th and 21st of December 2021 (see Plates 1 and 2). The nature and impacts of the proposed works in the development areas were discussed during the survey and any potential impacts on the Aboriginal heritage in the area were considered as a part of this process.

The Kurna Yerta Aboriginal Corporation RNTBC and their representatives were supplied with a draft copy of this report in order for them to read and make comments and to endorse the findings and recommendations that will form a part of the final report. This response from the Aboriginal stakeholders is usually supplied to the consultant concerning a draft report, in order to ensure that their opinion concerning any necessary management measures to take for the Aboriginal heritage of an area is correctly communicated. KYAC have supplied an endorsement of this report to the consultant (see Appendix 1).



Plate 1: Kaurna Yerta Aboriginal Corporation RNTBC representatives with Sean McNamara at Hawthorndene Oval (JT_0300)



Plate 2: Sean McNamara in consultation with Kaurna Yerta Aboriginal Corporation RNTBC representatives at Waite Street Reserve, Blackwood (JT_0313)

3.0 Heritage Protection Legislation

This section outlines information on all the relevant state and Commonwealth legislation designed for the protection of Aboriginal and non-Aboriginal heritage to be considered during this project.

3.1 Aboriginal Heritage Act 1988 (as amended) (South Australia)

The South Australian *Aboriginal Heritage Act 1988 (as amended)* legally protects all Aboriginal sites, objects and remains of significance, registered or not, and provides guidelines for dealing with objects or areas of significance to Aboriginal heritage. The *Act* also protects previously unknown Aboriginal sites, objects and remains. The *Act* was amended in 2017 to include provisions to a new process that encourages early engagement between proponents and relevant Traditional Owners or Recognised Aboriginal Representative Bodies (RARBs) to make decisions and agreements about managing Aboriginal cultural heritage. This included the establishment of the *Aboriginal Heritage Regulations 2017* relating to the local heritage agreement process between proponents and RARBs.

Under Section 3 of the *Act*, an Aboriginal site, object or remains are defined as being of significance according to Aboriginal tradition or to Aboriginal archaeology, anthropology or history. The three classes are each defined:

- ‘Aboriginal site’ – an area of land and includes an area or an area of a class declared by regulation to be an Aboriginal site but does not include an area or an area of a class excluded by regulation from the ambit of the definition;
- ‘Aboriginal object’ – an object or an object of a class declared by regulation to be an Aboriginal object but does not include an object or an object of a class excluded by regulation from the ambit of the definition;
- ‘Aboriginal remains’ – the whole or part of the skeletal remains of an Aboriginal person but does not include remains that have been buried in accordance with the law of the State.

If a site, object or remains are determined to be of significance according to Aboriginal tradition, or of significance to Aboriginal archaeology, anthropology or history then, under Section 12 of the *Act*, the site, object or remains can be entered into the Register of Aboriginal Sites and Objects which is maintained by DPC-AAR (see Section 4.1.1 for more details on the Register of Aboriginal Sites and Objects).

Section 20 of the *Act* puts an onus of responsibility on landowners and occupiers of private land to inform the Minister if Aboriginal sites or objects are discovered on the landscape. Potential Aboriginal sites, objects or remains (in regard to the definition set out in Section 3 of the *Act*) that may be discovered during a cultural heritage survey or in site development work need to be assessed by the Minister in order to determine whether the newly discovered site or object should be included on the Register of Aboriginal Sites and Objects. A determination can be requested from the appropriate Minister under Section 12 of the *Act*, if the person who proposes to take action in relation to the newly discovered site or object and feels that that action may constitute an offence under Section 23 of the *Act*.

Section 23 of the South Australian *Aboriginal Heritage Act 1988 (as amended)* gives legal protection to all Aboriginal sites, objects and remains in South Australia. The *Act* makes it a legal offence attracting a fine and/or imprisonment to damage, disturb or interfere with Aboriginal sites or objects without the permission and written authorisation of the appropriate Minister. Aboriginal objects and remains must also not be removed. If Aboriginal sites, objects or remains are to be impacted upon or destroyed in the process of a development a permit to destroy (under Section 23 of the *Act*) must be gained from the Minister. Therefore, it is advisable that any ground disturbances, earthworks and/or excavations be conducted with due care by the machine operators doing the work in order to prevent a possible breach of Section 23 of the *Act*.

In the case of human remains, the South Australian *Coroner's Act 2003* applies upon discovery, and the South Australian Police (SAPOL) must be contacted immediately. SAPOL will then determine the remains as being, or not being, Aboriginal ancestral remains. If the remains are determined to be Aboriginal remains and not a crime scene, then the *Aboriginal Heritage Act 1988 (as amended)* applies.

Section 37 of the *Act* maintains that nothing in the *Act* prevents Aboriginal people from doing anything in accordance with tradition in relation to Aboriginal sites, objects or human remains, and preserves the rights of Aboriginal people to act according to tradition. This may include undertaking ceremony, management practices and stewardship responsibilities that relate to an Aboriginal site, object or human remains.

The full text of some of the sections of the *Act* has been included as an appendix to this report for information and reference by the stakeholders in this process (see Appendix 2).

3.2 Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)

Whereas the state *Act* provides legal protection for all the physical evidence of past Aboriginal occupation, the Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* deals with Aboriginal cultural property in a wider sense. Such cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. Aboriginal tradition is defined as the body of traditions, observances, customs and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people, and includes any such traditions, observances or beliefs relating to particular persons, areas, objects or relationships.

There is no cut-off date and the *Act* may apply to contemporary Aboriginal cultural property as well as ancient sites. The Commonwealth *Act* takes precedence over state cultural heritage legislation where there is conflict. In most cases, Aboriginal archaeological sites registered under the state act will also be Aboriginal places subject to the provisions of the Commonwealth *Act*.

The Commonwealth *Act* provides a mechanism for the Minister for the Environment to protect an Aboriginal site or place from potential destruction where it is considered that state or territory law is insufficient to the task.

Under Section 21H of the *Act* it is an offence bringing fines of \$10,000 or 5 years' imprisonment for an individual or \$50,000 and up to 2-year prison sentence to contravene a Ministerial declaration where an Aboriginal place is concerned.

3.3 Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The *Environment Protection and Biodiversity Conservation Act 1999* provides a national framework for the protection of heritage and the environment and the conservation of biodiversity. The *Act* is administered by the Australian Department of the Environment. The Australian Heritage Council, established under the *Australian Heritage Council Act 2003*, assesses whether or not a nominated place is appropriate for listing on either the National or Commonwealth Heritage Lists and makes a recommendation to the Minister on that basis, i.e. whether it is of outstanding heritage value to the nation.

The Federal Minister for the Environment is the person that makes the final decision on listing (see www.environment.gov.au/heritage for further details).

The objectives of the *EPBC Act* are:

- to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- to promote the conservation of biodiversity;
- to provide for the protection and conservation of heritage;
- to promote a cooperative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;
- to assist in the cooperative implementation of Australia's international environmental responsibilities;
- to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

The *EPBC Act* protects heritage from actions by the Commonwealth and it protects places on the National Heritage List, the Commonwealth Heritage List, and on Commonwealth land. All proponents, not just the Commonwealth, are required to seek approval for actions that could have a significant impact on the heritage values of these places.

The National Heritage List was established to list places of outstanding heritage significance to Australia. It includes natural, historic and Indigenous places that are of outstanding national heritage value to the Australian

nation. When heritage experts assess if a National Heritage List nominated place is considered to have heritage value they will check to see if the place meets one or more of the set of criteria used in the assessment process.

The Commonwealth Heritage List comprises natural, Indigenous and historic heritage places which are either entirely within a Commonwealth area, or outside the Australian jurisdiction and owned or leased by the Commonwealth or a Commonwealth authority; and which the Minister is satisfied have one or more Commonwealth heritage values. The Commonwealth heritage listing criteria are similar to those of the National Heritage List. The key difference is the level or ‘threshold’ of significance required to meet the criteria. The list can include places connected to defence, communications, customs and other government activities.

The Department of Environment also administered the Register of the National Estate. This list was closed in 2007 and all references to the Register were removed from the *EPBC Act* on the 19th February 2012 and it no longer has a statutory basis.

3.4 Heritage Places Act 1993 (South Australia)

The *Heritage Places Act 1993* is the main non-Aboriginal heritage protection legislation in South Australia. This *Act* includes the South Australian Heritage Register (Part 3 of the *Act*) which consists of a list of state heritage places and state heritage areas. This list has been searched as part of this assessment. Section 16 of this *Act* establishes a set of criteria to be used to assess whether a place qualifies for listing on the South Australian Heritage Register. Buried cultural material (i.e. archaeological artefacts) have relevance under this *Act* as a component of a listed state heritage place’ or state heritage area. It is a requirement under Section 27(2) that the discovery of any ‘archaeological artefact’ of ‘heritage significance’ is reported to the South Australian Heritage Council. Section 36 makes it an offence to damage a heritage place entered onto the South Australian Heritage Register.

The South Australian Heritage Register contains a description or notes with respect to places of heritage value in South Australia. It includes places and related objects of state significance and records other categories of heritage places in South Australia (including local, national and world heritage places) which are protected under legislation.

The Register is administered by the South Australia Heritage Council. The council will provisionally enter a place that is deemed to be of state significance and based on the outcome from the public consultation will either confirm or remove the entry. There are over 2,280 confirmed state heritage places entered in the Register. In addition, 17 state heritage areas have been designated.

The *Heritage Places Act 1993* also requires that the South Australian Heritage Register includes:

- local heritage places designated by a development plan

- local heritage zones and policy areas designated by a development plan (i.e. contributory local heritage)
- places within the State entered in any register of places of natural or historic significance kept under the law of the Commonwealth (i.e. the Commonwealth Heritage List, National Heritage List and declared World Heritage Properties)
- State heritage areas
- heritage agreements made under the *Heritage Places Act 1993*

3.5 Native Title Act 1993 (Commonwealth)

The main purpose of the Commonwealth *Native Title Act 1993* is to recognise and protect native title. Native title is the rights and interests in land and waters that Aboriginal and Torres Strait Islanders have under their traditional laws and customs. Further general information about native title can be obtained from the National Native Title Tribunal (www.nntt.gov.au). The *Act* results from the Commonwealth's reaction to the High Court's decision in *Mabo v Queensland (No.2)* and adopts the common law definition of native title, defined as the rights and interests that are possessed under the traditional laws and customs of Aboriginal people in land and waters, and that are recognised by the common law. These rights may exist over Crown land but do not exist over land held as freehold title. The *Native Title Act 1993* recognises the existence of an Indigenous land ownership tradition where connections to country have been maintained and where acts of government have not extinguished this connection.

There is a native title determination over the land that is the subject of this report (Federal Court Number: SAD6001/2000; NNTT Number: SCD2018/001) which came into effect on the 19th of November. The Kaurna Yerta Aboriginal Corporation RNTBC are native title holders and they have native title rights and interests recognised in relation to parts of the determination area: *Agius v State of South Australia (No 6)*.

3.6 Native Title Act 1994 (South Australia)

As stated above, the Commonwealth *Native Title Act 1993* is a part of the Commonwealth's response to the High Court's decision in *Mabo v Queensland (No. 2)* and adopts the common law definition of native title defined as the rights and interests that are possessed under the traditional laws and customs of Aboriginal people in land and waters, and that are recognised by the common law. Provisions with the Commonwealth *Native Title Act 1993* allow for the states to develop their own native title legislation provided the state legislation does not conflict with the Commonwealth *Act*.

South Australia has enacted an alternative state right to negotiate scheme as authorised by the Commonwealth under *Native Title Act 1993* Section 43. This scheme is operative and to date comprises the *Native Title (South Australia) Act 1994*; *Land Acquisition (Native Title) Amendment Act 1994*; *Mining (Native Title) Amendment Act 1994*; *Opal Mining Act 1995* and the *Environment, Resources and Development Court (Native Title)*

Amendment Act 1995. Regulations are in force for all these *Acts* together with Rules of Court for the Environment, Resources and Development Court (ERD).

3.7 Discussion

The majority of the pieces of legislation discussed above do not pertain directly to the work area clearance areas. The provisions of the South Australian *Aboriginal Heritage Act 1988 (as amended)* are of particular relevance to this current project area.

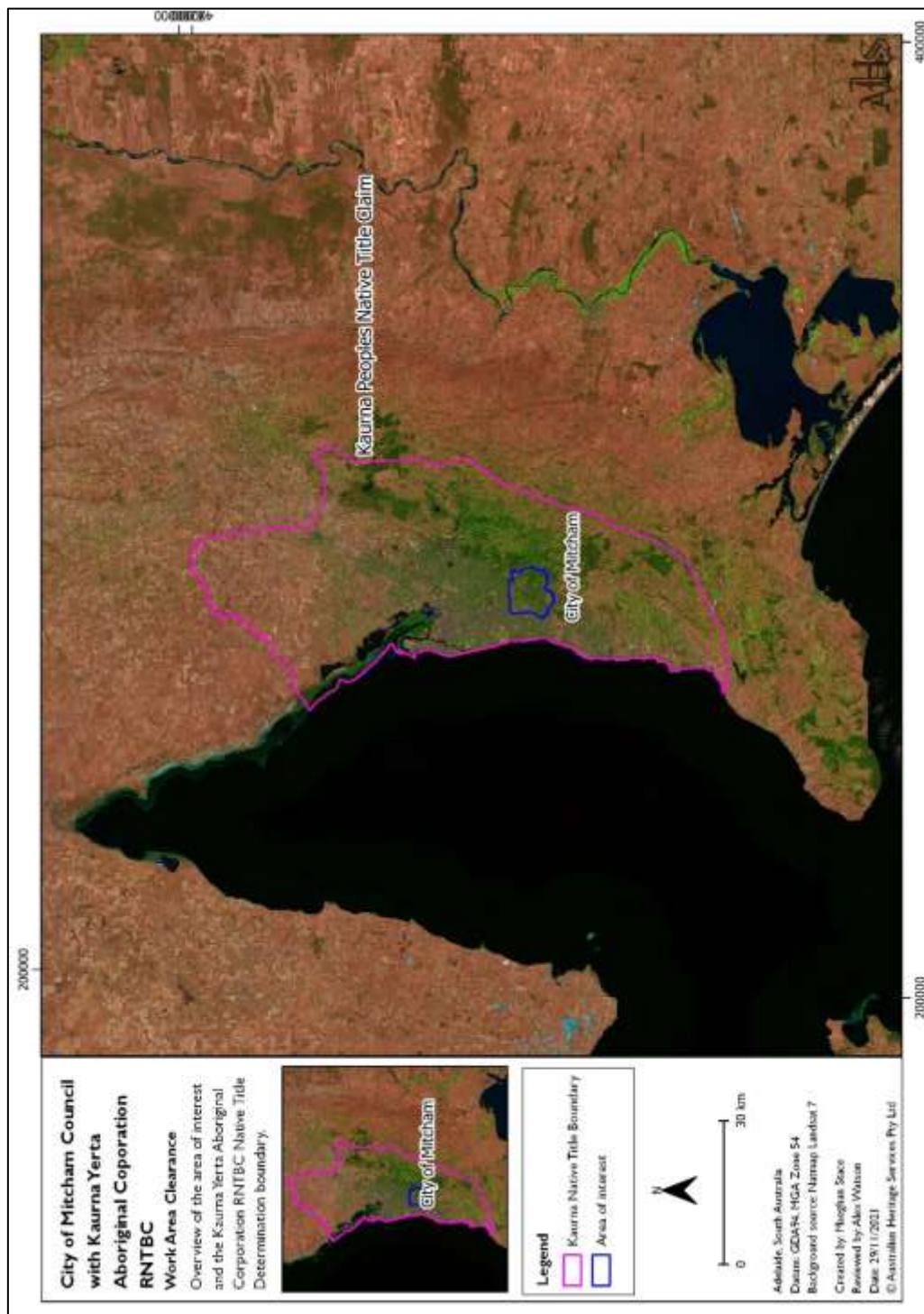


Figure 19: Overview of the Mitcham Council LGA in relation to the Kaurna Peoples Native Title Claim boundary

4.0 Background Research

In order to understand the regional archaeology and assist with the development of a risk assessment for the project area, background research was carried out. This involved a search of the Central Archive and Site Register, as well as a literature search and examination of available published material on regional archaeological studies.

4.1 Register Searches

4.1.1 *The Central Archive and the Register of Aboriginal Sites and Objects*

The Central Archive, which includes the Register of Aboriginal Sites and Objects (Site Register), is maintained by the DPC-AAR. The Central Archive houses site cards, consultancy reports and other documentation for all Registered and Reported Aboriginal sites.

“The Central Archive, which includes the Register of Aboriginal Sites and Objects, is maintained by the Premier and contains information about Aboriginal sites, objects and ancestral remains (burials) across South Australia. Enquiries about the presence of Aboriginal sites in a specified area are made by requesting a search of the Register. The response will be a letter indicating whether sites have been recorded in the area and if relevant, a basic map showing the approximate location of sites. For more detailed information, including map coordinates, permission from the Traditional Owners of the site is required. Visit the Department of the Premier and Cabinet, Aboriginal Affairs and Reconciliation Heritage (DPC-AAR) website to lodge a request for a search of the Register. The central archive is not an exhaustive record of Aboriginal heritage. The local RARB or other Aboriginal representatives may have additional information. Search requests should always be complemented with consultation with the relevant local RARB, or where there is no appointed RARB, with recognised representatives of the relevant Aboriginal communities of the project area.”

(DPC-AAR 2018:1)

The Central Archive contains information about the types of heritage sites that have been recorded in the state of South Australia and are protected by the *Aboriginal Heritage Act 1988 (as amended)*. A search of these records indicates whether a Registered or Reported site or object is present in a proposed project area and also helps to predict the types of Aboriginal sites that might be found in an area of proposed development. This information is then used in determining the potential of a proposed development to impact on recorded or previously unrecorded Aboriginal sites and other areas of cultural significance. As information is restricted, the exact location or details about sites cannot be released without express written permission from the appropriate Traditional Owners.

A search of the Central Archive was requested on the 11th of October 2021 for this study to ascertain the legal status (if any) of the any Aboriginal heritage sites within and around the project area (see Appendix 1). The search parameters included the work footprints of the three proposed project areas. AHS received the results of the search on the 18th of October 2021, which returned no Registered or Reported sites within a 5 kilometre radius of the proposed project areas.

4.1.2 Heritage Registers (World, Commonwealth, National, State and Local)

A search of the various heritage registers and databases was conducted for this study using NatureMaps (managed by the South Australian Government Department for Environment and Water) which provides spatial data of listed heritage places at different levels, i.e., local, state, national, Commonwealth and world. This was cross-referenced with a search of the Australian Heritage Database (managed by the Federal Government Department of Environment and Energy) which contains further details of places across all lists, such as places under consideration or that may have been considered for heritage lists; indicative places, nominated places, destroyed places, etc.

The Mitcham Council local government contains a number of places listed under local and state heritage lists. A one kilometre buffer around each proposed project area was applied to narrow down the search results. The search returned eight local heritage listed sites at Hawthorndene, and one at Waite Street. There are two state heritage listed sites near the proposed project areas, but these will not be impacted by the proposed works (see Tables 1 and 2 for more details). There are no world, Commonwealth, national, local or contributory heritage areas within a one kilometre radius of the proposed project areas.

Heritage ID	Address	Name	Class	Significance/Extent of Listing
3540	1 East Terrace HAWTHORNDENE	House	Local	It displays historical, economic or social themes that are of importance to the local area. This includes façade and side walls, windows, roof form and material, chimneys and veranda.
3541	16 East Terrace HAWTHORNDENE	Watahuna House	Local	It displays historical, economic or social themes that are of importance to the local area; it represents customs or ways of life that are characteristic of local area; it is associated with a notable local personality or event. This includes the form and external fabric of the building, excluding the rear areas.
3542	6 Glenberrie Drive HAWTHORNDENE	House	Local	It displays historical, economic or social themes that are of importance to the local area. This includes facade and side walls including windows, roof form and material, chimneys.
3543	Main Road HAWTHORNDENE	Former Blackwood Experimental Orchard	Local	It displays historical, economic or social themes that are of importance to the local area. This includes the former orchard and exterior walling, roof, porch & windows of stone hut
3544	6 Renfrew Drive HAWTHORNDENE	House	Local	It displays historical, economic or social themes that are of importance to the local area; it represents customs or ways of life that are characteristic of local area. This

Heritage ID	Address	Name	Class	Significance/Extent of Listing
				includes the facade and side walls, windows, roof including veranda & balustrading, chimneys.
3545	27 Suffolk Road HAWTHORNDENE	Suffolk Farm Cottage	Local	It displays historical, economic or social themes that are of importance to the local area. This includes facade and side walls, windows, roof including veranda and balustrading, chimneys, but excluding additions.
3546	80 Turners Avenue HAWTHORNDENE	House	Local	It displays historical, economic or social themes that are of importance to the local area; it represents customs or ways of life that are characteristic of local area; it is associated with a notable local personality or event. This includes facade and side walls including windows, roof form and material, chimneys, veranda and balcony.
3547	97 Turners Avenue HAWTHORNDENE	Cottage	Local	It displays historical, economic or social themes that are of importance to the local area; it represents customs or ways of life that are characteristic of local area; it is associated with a notable local personality or event. This includes facade and side walls including windows, roof form and material, chimneys; carport excluded.
Bkw.010	328 Shepherds Hill Road BLACKWOOD	Wittunga Homestead	Local	Whole building, excluding interior

Table 1: Registered local heritage places near the proposed work area (sourced from the South Australia Heritage Places Database)

Heritage ID	Address	Name	Class	Significance/Extent of Listing
13249	16 Coromandel Parade BLACKWOOD	Verco House & Stables	State	Residential - Large House; Residential - Stables [Residential]
14781	Shepherds Hill Road BLACKWOOD	Wittunga Botanic Garden	State	The garden contains over one hundred Erica species and cultivars which is the largest collection in Australia. The Erica collection is almost entirely the work of Mr Edwin Ashby and his son Keith. In addition to Ericas there is also an extensive collection of Protea and Australian plants. More recently, the garden has established a collection of species endemic to the southern region of South Australia, including the Fleurieu, Yorke and Eyre Peninsulas and Kangaroo Island, the only such collection of its type.

Table 2: Registered State heritage places near the proposed work area (sourced from the South Australia Heritage Places Database)

4.1.3 South Australian Museum Database Searches

If required, searches of the South Australian Museum databases of archaeology, anthropology, and human remains will be requested following consultation with the appropriate Aboriginal groups, as required by the Museum. The South Australian Museum requires written authorisation from the Aboriginal parties in order to allow the Museum to conduct the search for this project. At the time of writing this report, KYAC did not request that such database searches be made.

4.2 Mitcham Council Archive Searches

A search of Mitcham Council’s archives was conducted for the desktop research portion of this assessment using electronic records, photographic collections, and historical resources. Key search terms were targeted towards evidence of Aboriginal heritage occupation and landscape use at Waite Street Reserve and Hawthorndene Oval. The details of searches were entered in the Literature Review and Search Log maintained by Mitcham Council. It is important to recognise that searches included keywords that incorporated inappropriate terms, spellings, and pronunciation. A bank of keywords is being iteratively developed to capture new ideas or search terms as the project progresses. These are logged into Mitcham Council’s Literature Review and Search Log.

4.2.1 Electronic records

Electronic records are stored or referenced within the City of Mitcham’s Enterprise Content Management (ECM) system. Contemporary (current) records are held in the main ‘Document’ silo of the ECM. Older records are available in ‘TRIM’ and the ‘Legacy’ document silos. The TRIM system retains scanned or saved copies of documents; however, electronic copies are not available in the ‘Legacy’ system—although in some cases, a physical record is referenced to an archive box. Archive boxes are held both onsite at Council’s Civic Centre and/or with State Records.

Searching electronic registers with generic terms and keywords will potentially return several hundred/thousand results. Boolean search terms are required to narrow the volume of results returned. For example, emails logged in the ECM, with footers with an acknowledgement of Country, will be picked up in searches that include keywords referencing First Nations people.

An initial test (or proof of concept) search for ‘Kaurna’ in the ECM Document, TRIM Document, and Legacy Document returned n=297, n=6, and n=11 results, respectively. The ECM Document records are generally day-to-day Council governance and transactional business. In terms of TRIM and Legacy, the search returns Level-1 folders, which require the searcher to drill into the structure to determine the actual number of records. For example, the 11 returns in Legacy are Level-1 folders that contain n=46 records. Furthermore, many records are ‘not boxed’, and dates are not always specific to a year—instead, a month and a day only are referenced.

This method (electronic search) may return results unrelated to the cultural heritage narrative we seek. However, due diligence requires that Mitcham Council systematically investigate all possible sources for reference to First Nations landscape use and cultural activity in Council records (historical and contemporary).

4.2.2 Photographic collection

Approximately 3,000 photographs are stored on the eHive portal (Mitcham Local History Service n.d.) in the Mitcham Local History's collection. There is a search function available to non-account holders. It has not been investigated whether being an account holder would provide improved search capability. In the short term, the basic search function is adequate to identify potentially informative images.

The Mitcham Local History Photographic Collection on eHive was searched using keywords. While this is a good collection, with well-described images, keyword searches must be whole words. Two-word suburbs need to be in quotations to successfully incorporate that suburb in the search parameter, for example, "Colonel Light". This constraint may limit results as search terms cannot be part-words or contractions which are useful to account for variable spellings. The results were visually inspected to identify potential candidates to inform the project and/or contribute to the narrative.

4.2.3 Historical resources

Physical (local history) records are located at the Mitcham Heritage Research Centre. Although the filing system is robust, logical, and easy to locate records of interest, there is no electronic register or scan of these records. The Local History Collection is organised by individual suburb or the broader Mitcham District if a document relates to more than one council area.

Each suburb (file) is allocated a 'Subject Code' to identify the specific subject matter, for example, AB—Aboriginal Culture, BI—Biographies, EP—Environment and Physical Geography, PR—Parks and Reserves etc. Initial research began at the Mitcham Heritage Research Centre due to its access to staff and volunteers, their knowledge of the collection, and the current focus on Hawthorndene Oval and Waite Street. Records that were likely to return the best result for these sites were targeted. However, the selection of these targets is a matter of judgement and as such, there is a risk of not identifying (mis)filed records or obscure references in other files.

All Local History Collection files for AA—Anthropology and Archaeology, and AB—Aboriginal Culture were reviewed. Blackwood (BKW) and Hawthorndene (HWD) were reviewed in the following order to locate records for Waite St. and Hawthorndene Oval:

- a. PR—Parks and Reserves;
- b. SR—Sports and Recreation;
- c. EP—Environment and Physical Geography;

- d. AG—Agriculture; and
- e. HS—History.

Any leads identified at the time of review were also investigated.

4.2.4 Other potential resources

Additional resources have been identified during the search process. These include Cultural Heritage Management (CHM) grey literature, research papers, or published sources such as books or peer-reviewed literature. As searches are executed, valid leads will be explored using Mura Collections Catalogue (Sirsi Corporation 2018) hosted by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Google Scholar, etc.

The History of the City of Mitcham (Norman 1953) was systematically reviewed. The index was scanned for keywords. Chapters with the potential to return results, including water supply, landscapes, parks and reserves, quarries, were examined (Norman 1953:151–155, 156–165, 182–203, 223–228). All maps and images were also examined, as were all reminiscences and quotes of early settler-colonists.

The focus of *City of Mitcham Heritage Survey* (Marsden and Brasse 1979) is buildings and structures, yet its scope does include elements of the natural environment. The entire report was reviewed.

4.3 Literature Search

The Mount Lofty Ranges has been subject to numerous archaeological and anthropological studies. Previous research has indicated that Aboriginal sites are common in the region and include rock art, artefacts scatters, campsites, burials, culturally modified trees and rock shelters (Ross and Ellis 1974, Draper 1985, Coles and Draper 1988, Fitzpatrick 1997, ACHM and Draper 2015:6). From the early 1970s the South Australian government recognised the richness and diversity of Aboriginal cultural heritage sites within the region and, therefore, commissioned surveys to inform the planning process of a new major township proposed in Monarto (Gara and Turner 1986:3; Walker, Grant and Nichols 2015:28).

Rock art sites have been a particular focus of archaeological enquiry with the earliest European recording of rock art in the region being conducted by Stirling (1902) near the South Para River, the main body of which is located approximately 48 kilometres northeast of Blackwood and Hawthorndene. Stirling recorded two rock shelters which contained a number of anthropomorphic, zoomorphic and other motifs preserved on the shelter walls. Subsequent studies in the region (see Hossfeld 1926; Tindale and Sheard 1927; Mountford 1957, 1960, Preiss 1964, Gunn 1981) found further examples of painted rock art sites located in shallow caves or rock shelters generally located near a watercourse such as a river or creek. Engraved motifs were not known in the area until two (known as the Marne River Engraving/Painting site and the Mount Barker Creek Engraving/Painting site) were located during an archaeological survey for a proposed route of an ETSA

transmission line from Port Augusta to Cherry Gardens (Gara and Turner 1982, 1986). For both sites, Gara and Turner (1986) noted that other Aboriginal cultural sites such as scarred trees and occupation sites were found nearby (as close as 150 metres to approximately one kilometre).

Previous cultural heritage investigations have been conducted for a variety of development projects around Mount Barker, including desktop surveys, field surveys, risk assessments or in combination (see Johnston 1991, Wood 2006; Fitzpatrick 2007; Freeman 2007, 2017; ACHM 2013a, 2013b, 2015; EBS Heritage 2014a, 2014b, 2014c, 2014d, 2015). These investigations found no new Aboriginal cultural heritage sites, but in some cases identified areas of low, moderate and high risk potential for encountering Aboriginal heritage sites. Areas of high potential included 'undisturbed natural waterways such as rivers and streams; as well as mature trees pre-dating European settlement' (EBS Heritage 2015).

In general, studies reporting on the nature and distribution of archaeological sites in the Mount Lofty Ranges found that:

- Occupation sites such as campsites were most often found adjacent to creeks and streams, usually on sandy banks and overflow areas of larger water courses. Rock shelters also often contained evidence of human occupation including hearths, stone tools and food remains.
- Burials were also commonly found in soft sandy areas near watercourses but were not commonly found within or near campsites.
- Culturally modified trees were most commonly found on the banks of watercourses and were usually River Red Gums. Scars range in size, from large scars used for dishes, shields or canoes; to smaller scars indicative of toe-holds or spikes driven into the wood for climbing the trees.
- Rock art has been found most frequently on the inside surfaces of mic-schist and sandstone rock shelters and caverns found adjacent to creeks, and on the undersides of granite drop-boulders and angled strike-ridges. Rock art made with natural pigments such as ochre is the most commonly found in the region and usually located on the back walls of rock shelters where preservation conditions are ideal. Engravings were found to occur on more exposed surfaces.

(ACHM and Draper 2015:1-14)

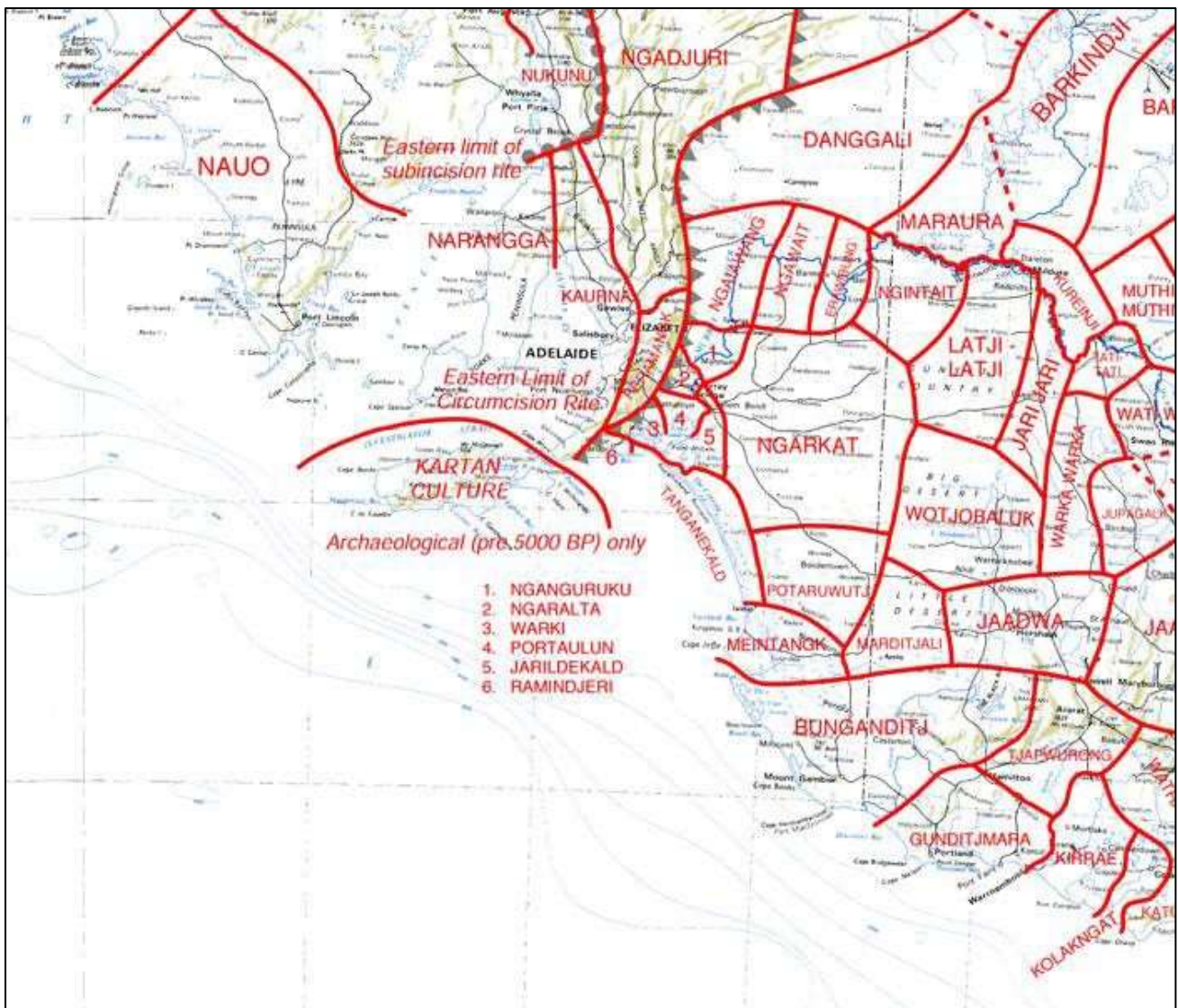


Figure 20: Map indicating the Australian Tribal groups as determined by Tindale (1974), showing the First Nations of the South East #1 native land: the Kaurna people

4.3.1 The Traditional Lands of the Kaurna Peoples

The proposed developments (see Figures 11 and 12) are located within the traditional lands of the Kaurna People, who have a native title determination (see Figures 20 and 21). The Kaurna peoples’ traditional land, or Country extends from Cape Jervis to the south of Adelaide to Crystal Brook to the north, and from the Mount Lofty Ranges to the coast of Gulf of Saint Vincent (Edwards 1971; Groome and Irvine 1981; Hemming 1990). The extent of Kaurna Country is described by Tindale (1974:213) as:

“The 'tribal' territory of the 'Kaurna' extended along the shores of Saint Vincent Gulf from the tip of Cape Jervis, northwards to about Port Wakefield and inland to Crystal Brook, and then down the scarp of the Mount Lofty Ranges.”

(Tindale 1974:213)

The Kaurna people have a long and detailed history reflected in the archaeological and anthropological record. Written records from explorers, missionaries and professional researchers alike contain observations and stories about the Kaurna people and their lands, notably from Tindale (1974,1987) and German missionaries

Schurmann, Teichelmann, and Meyer, who provide detailed accounts of Aboriginal communities in the districts of Port Lincoln, Adelaide, and Encounter Bay from 1839 to 1846. Clarke (1991:55) notes that a large portion of early colonial writings describe the Kurna people as simply ‘the Adelaide people’ or ‘the Adelaide tribe’. Tindale has been a major influence on the confirmation of Kurna to mean the pre-European Adelaide people.

“Prior to colonial settlement in 1836, the Kurna people lived in and managed the natural environment of the Adelaide region, which provided abundant resources. Skilful indigenous technology was capable of supplying adequate food and shelter without the need to move constantly. This lifestyle led to concentrations of archaeological deposits throughout Kurna Country.”

(Department of Environment and Heritage 2005:13)

The Kurna people have a significant connection to the lands of the Adelaide plains and Mount Lofty Ranges. During the summer months, the Kurna people would hunt, fish, and have large ceremonial gatherings along the coastline, where they would trade with neighbouring tribes (Tindale 1974). In the winter months, the Kurna people would move inland to shelter in the foothills of the Mount Lofty Ranges, traveling via rivers and creeks. Waterways, such as the Brownhill Creek located to the south and River Torrens located to the north of the project area, were utilised as a resource rich pathway to and from the foothills. Minno Creek is of particular interest in this survey, as it runs just outside the eastern border of the Hawthorndene project area and approximately 800 metres east of the Blackwood project area. Minno Creek is a semi-permanent water source which connects with Warriparri/Sturt River to the south, increasing the likelihood that the survey areas will be of archaeological or ethnographic significance. The origin of the creek’s name is unclear; however, the presence of wattle in the area may provide a clue. *Minno* means ‘wattle’ in the Kurna language, and the suburb of Blackwood was likely named after the wattle species *Acacia melanoxylon*, commonly known as Australian Blackwood (Amery 2016:135; SLSA 2022). The creek name is occasionally spelled *Minnow*, which could also refer to the *Galaxias maculatus* (Spotted Minnow) fish which is found in Warriparri/Sturt River and its associated waterways (Native Fish Australia 2022).

In identifying possible Aboriginal occupation patterns in the area, Clarke (1991:58) describes the general seasonal pattern of movement as semi sedentary and that the gathering of food resources utilised both coastal and riverine ecosystems:

“Large numbers of Adelaide Aboriginal people gathered along the coast in the summer months, taking advantage of marine and sand dune-belt food resources, such as coastal berries, shellfish, Crustacea, fish, turtles, nesting sea birds and occasional stranded whales. In autumn there was a general movement of people towards the foothills to make more substantial winter shelters there. This region would have had more firewood available, was close to inland forests where mammals were hunted, and yet was still near to aquatic food sources, such as bulrush roots and freshwater crayfish from the swamps and creeks of the Adelaide Plains. Although this coast/summer - inland/winter pattern was a quasi-sedentary lifestyle, it would not have greatly restricted the utilisation of different ecological zones, due to the close proximity of the Mount Lofty Ranges to the sea. For example, foods such as red gum seed, leaf lerp, Acacia gum and plant nectar, were inland sources chiefly available in the warmer months when the bulk of the population was situated along the coast.”

(Clarke 1991: 58)

The Kurna people moved along accustomed routes from their main camp on which Adelaide or Tandanya (Red kangaroo place) now stands. Adams (1918:23) describes early South Road and Cross Road with a specific note of living in the ‘black forest’ on ‘the South Road.’

“Whilst living on the South Road, many natives [sic] passed on their way to Adelaide from Encounter Bay”

(Adams 1918:23)

This record identifies specific landscape use, movement, and interaction on the fringes of the City of Mitcham. The inference is similar activity did occur within the City of Mitcham, and similar descriptions will be evident in other records. These movements were seasonal with camping sites located in and around important water courses. The earliest European accounts give an insight into Kurna’s habitation patterns and indicate that they lived at a number of semi-permanent sites (Cawthorne 1844:20). A large camp has been identified at Hallett Cove, and more along the Sturt River and its sub-catchments (Dolling 1981:3). For the Kurna people these water courses meant survival in both a physical and spiritual sense. Their connection to land and waters continues today as Kurna people feel a strong connection towards these places. For Kurna people, every aspect of their Country was and is important.

4.3.2 Contact and Impact on Aboriginal People

As with many other Aboriginal groups, the Kurna People were severely affected by European colonisation which made a devastating impact on their populations, culture and history. Contact between early settlers and Aboriginal people is well-documented in the Adelaide metropolitan regions. The first recorded contact between Aboriginal people and Europeans in the Adelaide area was in the 1830s. Just as the Kurna people themselves had made the banks of the Torrens River their meeting place, Colonel Light’s survey team laid out the City of Adelaide assigning similar value to the creeks and water courses that came down from the hills (Warburton, 1981: xviii).

Observations by William Everand in 1838 describes the abundant resources in the surrounding areas of Holdfast Bay as:

(Warburton, 1981: xviii)

“...a chain of freshwater lagoons overgrown with flags and bulrushes about eight feet high and abounding wild ducks. It was a happy hunting ground where Aborigines trapped swans, pelicans, teal, bronze winged pigeons, quail and parakeets, as well as numerous fish in and around the flooded gums, swampy areas, reeds and samphires.”

Helen Thomas, daughter of Mary and Robert Thomas, describes the River Torrens as:

“...it...was very pretty and picturesque; high and steep banks either side, closely covered with beautiful shrubs of all sorts; splendid gum trees also were growing on the banks, and in the stream...which was narrow and deep, small fish were plentiful, and that strange creature the platypus, was occasionally seen on its bank.”

(Kwan 1987:19)

In a similar account an old colonist recalls the natural environs of the Adelaide region from the 1830s as:

“...the luxuriance of the Kangaroo Grass, the native flowers and the fine trees that ornamented the Adelaide Plains. The Black Forest of which but a very small part remains, was a dense wood. This forest spread over the plains from Mitcham...and ended at the corners of South and West Terraces about where the cemetery now is. From Mitcham the big timber ran along under the hills, through Glen Osmond to Beaumont and Burnside. These species were for the most part of the dark species of gum (*Eucalyptus odorata*) from which the title Black Forest probably originated”

(Warburton, 1981:xv)

At contact, the natural economy of the Kaurna people was organised around seasonal patterns of movement and a close observance of flowering cycles. Early encounters between Aboriginal groups and early settlers in Adelaide were described as cooperative in early accounts, with the trade of flour, tea, biscuits, and blankets (Amery 2016; see also Duncan n.d.). This was replaced by the more pragmatic European approach to assess resources in terms of economic productivity, individual land ownership and settled communities with what was deemed a more complex technology (Dolling 1981:6). Edward John Eyre (1845) referred to this as “...blighting and exterminating effects produced upon simple and untutored races by the advance of civilisation upon them.”

Historian Bill Gammage (2011:323) comments that through the impact of colonisation:

“...an ancient philosophy was destroyed by the completely unexpected, an invasion of new people and ideas. A majestic achievement ended. Only fragments remain. For the (Aboriginal) people of 1788 the loss was stupefying. For the newcomers it did not seem great. Until recently few noticed they had lost anything at all. Knowledge of how to sustain Australia, of how to be Australian, vanished with barely a whisper of regret.”

Gammage further adds that Aboriginal biocultural knowledge and land management practices helped shape the continent of Australia, yet were not always immediately obvious to the new settler colonies. This can be surmised from Charles Sturt’s observations of South Australia.

As regards the general appearance of the wooded portion of this province, I would remark, that excepting on the tops of the ranges where the stringy bark grows; in the pine forests, and where there are belts of scrub on barren or sandy ground, its character is that of open forest without the slightest undergrowth save grass ... In many places the trees are so sparingly, and I had almost said judiciously distributed as to resemble the park lands attached to a gentlemen residence in England.

(Sturt 1849 in Gammage 2011:7)

The transition away from Aboriginal stewardship of natural resources to a European agricultural system and development of a town, saw drastic changes to the landscape in a short period of time. Nottle (2002:3) references accounts of Kaurna landscape use in Tandanya (Adelaide) in areas ‘designated for parks’ (see also Mattingley et al.1992). In the City of Mitcham, Nottle suggests that settler-colonists transformed flat Aboriginal meeting places into parks and ovals. This can be observed at Hawthorndene Oval in the project area (see Plate 3).

One firsthand account of an Aboriginal ceremony at a significant creek in a contemporary setting directly places Aboriginal People at a specific location in the City of Mitcham. Thomas Playford born 1837, lived in Mitcham circa 1840's. A facsimile of his handwritten diary circa 1909 was transcribed for research of the City of Mitcham district post 1974 and is located at the MHRC. In his diary (see CoMA: File on the Playford family, MID-BI [Pla], *The Playford Diary, 1909*), Playford discusses ceremonial events, material culture, and the impact 'white people' had on the health and wellbeing of the Indigenous population. He estimates when he arrived at the 'Colony, the 'Adelaide tribe [sic] numbered around 400'.



Plate 3: Football match Hawthorndene oval, 1947 ca P01644WI, sourced from Mitcham Local History Service

“a number of them [sic] used to frequently camp for a few days at a time when I was a boy on the side of the creek near our house’ and recalls his delight when ‘on one occasion they had a grand corrobbery [sic] in Torrens Park, just below Mitcham.”

(*The Playford Diary 1909*)

Playford's father, the Reverend Playford, purchased three one-acre parcels of land (Lot Nos 44, 45, 46) in 1844 in Section 248 (Norman 1953:13, 165; 277). While the Torrens Park reference has not been georeferenced, the location of Playford's childhood home is identified in a photograph as 'Jerusalem', a house built in 1846 for the Reverend Thomas Playford at 32 Albert St, Mitcham—now the site of Sutton Gardens. Extrapolating from the description by Playford, this suggests that Aboriginal people were camping approximately one hundred metres from Sutton Gardens on Brownhill Creek.

While the Aboriginal preference for flat landscapes for gatherings and ceremony may seem a straightforward, logical hypothesis, the settler-colonist accounts are important documented observations of ceremonial practice and landscape use, and Aboriginal-settler interactions in or near the City of Mitcham.

Research from the Adelaide foothills has focused on Culturally Modified Trees (CMTs) (see Plate 4). A report on CMTs in Belair Park, Brownhill Creek Park, Heywood Park, and Coromandel Valley discusses Margret Burton, who identified several CMTs. Burton (no reference given) recalls European families and groups of settlers living in large shelter trees (CMTs) in Coromandel (Knight 2001:5–6)—an excellent example of cultural entanglement. Knight (2001:17) also discusses ‘ovals transformed as corroboree [sic] grounds’. Here, Burton recalls her ancestors post-1866, walking from Brighton to Section 858 at Coromandel. ‘Corroborees’ were observed on the Coromandel and Blackwood ovals. The source supports the significance of the flat topography of contemporary parks and ovals for past ceremonial use. It is a good line of investigation for other ovals and reserves in the district.



Plate 4: Culturally modified tree (foreground) at Hawthorndene Reserve, 1963 P01664WI, sourced from Mitcham Local History Service

Following a lead, looking for references to Tindale in file MID-BI (Ti-To), the story of J.W. Adams published by his daughter Sarah Tilly (nee Adams), 1828-1908, was located. Tilley arrived on the *Buffalo* with her father

in 1836. Her father died circa 1893, but she had her father's early life in the 'colony' published in 1908. There is no direct reference to the City of Mitcham landscape. Still, Adams recalls ceremonial practices in the Adelaide parklands and North Adelaide, names Aboriginal identities, trade and hunting kangaroo in and around central Adelaide. Adams (1908:7) also describes "a 'corroboree' of 'about 500 people assembled on the *flat* [authors emphasis] on the North Adelaide side."

Gara (1986:15) lists artefacts collected from western scarps of the hills including Coromandel Valley, Brownhill Creek, and Blackwood. No coordinates are provided, but a visit to the South Australian Museum with Kaurna Elders to view and potentially provenance these items to Council parks and reserves may enhance the story of Kaurna landscape use and occupation. One specific artefact collected was on Norman B. Tindale's residence 'Kurgle' in Blackwood. One stone artefact (core) was located one foot below the surface (SA Museum accession number A48748). The property has been identified to be in close proximity to the Waite Street Reserve project area.

Material culture noted by Playford includes the use of paint (ochre) on males and wooden instruments, and the use of '*roughly tanned and impervious to water*' blankets of kangaroo, possum and dingo skins. The treatment of the skins, he identifies, protects people from damp. In a macabre twist of what Playford labels '*mistaken kindness*', settler-colonists provided blankets to replace the skins. Aboriginal people wore the blankets wet after rain, which led to lung disease and fatalities associated with consumption (Tuberculosis) (CoMA, File on the Playford family, MID-BI (Pla), The Playford Diary, 1909).

Searches of photographs conducted on the 4th of November 2021 returned 957 images. Twenty-one (n=21) candidates were identified; however, only four (n=4) were potentially informative in terms of the general Hawthorndene oval area and the names and positioning of Aboriginal identities in the LGA. One image of a tree in the reserve to the north of Hawthorndene oval is potentially a culturally modified (Plate 3), and Minno Creek is of particular interest (Plate 5).



Plate 5: Minno Creek, Hawthorndene, 1968 P01568WI, sourced from Mitcham Local History Service

Plate 6 shows the Blackwood Boys Cricket Team of 1956. Some of the boys who may have identified as Aboriginal or Torres Strait Islander do not have full names recorded. The photo caption reads [authors emphasis]:

Blackwood Primary School Grade 7 Cricket Team. Back row: Layton Barnden, Garry Bonner, Michael Stuart, ? **Turner**, **Teddy** ?, ? **Appla**, Ken Dunn, Leslie Bourne, Leighton Barnden, Richard Wilson. Front row: ? **Turner**, Russell Hewett, Graham McKenzie, Robert Searle, Rick Oliver.

The caption is arguably a manifestation of ideologies of an era where the White Australia and Assimilation policies were pervasive in non-Indigenous Australian culture (Behrendt 2003). That is, it was not considered necessary to record the names of all the children who posed for the photograph. Naturally, without historical context, caution toward this provocative statement is warranted. Notwithstanding this, the inclusion of young Aboriginal people in local sport is a meaningful narrative for the mid-twentieth century Mitcham LGA. Furthermore, the caption does offer clues to Indigenous identities—noting that many ‘adopted’ Stolen Generation children had their birth-name changed by white families (Gilbert 2019).



Plate 6: Blackwood Boys Cricket Team, c.1956, sourced from Mitcham Local History Service

4.3.3 *Pastor William Finlayson*

The reminiscence of Pastor William Finlayson in 1885 (Norman 1953:7-8) offer an important narrative of cross-cultural interaction, economics, group numbers etc, as well as (British-colonial) names of Aboriginal identities.

Finlayson recalls his time as a helper on a sheep station at Brownhill Creek in circa 1838. There was a tent 'lower down' where (in 1885) the Mitcham Church stood. He wrote that the "banks of the creek at this place where it issues from the hills was a favoured camping and gathering ground with the natives [sic], as many as one hundred and fifty being there." Finlayson also recalls an altercation between his wife and some local Aboriginal inhabitants who were 'begging', and names three Aboriginal people "'Old William', Mary and her husband Bob, 'wurlie' climbing gum trees for possums".

4.3.4 Hartley Bank House

In Section 1078 near Waite Conservation Reserve, Claremont, Alfred Hardy built a house called Hartley Bank in 1848 (Norman 1953:161). A quote by Hardy's eldest son C.B. Hardy (no date) positions Kaurna people in the landscape and identifies food resources.

Hartley Bank was quite a wild, isolated place in the early days, the hills being infested with wild dogs. Bronzewing pigeons and other game abound. Kangaroos and emus were often seen on the plains, and natives were constantly camped near the house.

4.3.5 Diary of Henry Taylor

There is an itemised list of 'pleasures' in the diary of Henry Taylor c. 1848, who was the original licensee of the Brownhill Creek Tavern in 1850. He recorded the cost of 'grog for kangaroo skins' at 1s 6d (Norman 1953:282). It appears that Taylor is writing of the price of alcohol to use in exchange for skins, providing a clue to economic practice and cultural entanglement.

4.3.6 S.E. Roberts Map Collection

Samuel Edward Roberts, who was a printer and publisher in Adelaide in the nineteenth to early twentieth centuries, produced a collection of 35 maps of Adelaide and surrounding towns. Figure 22 is Roberts's map, c. 1840s, showing some sections of land within the eastern portion of the Hundred of Adelaide. Belair National Park, labelled as 'Government Farm', is situated on the northern border of what is now Hawthorndene and northeast of what is now Blackwood. Not far south of this, in Section 859, Roberts has depicted an Aboriginal camp, accompanied with the term 'NATIVES' [sic]. This indicates the presence of Aboriginal campgrounds in close proximity to the survey area.



Figure 21: Map by S.E. Roberts showing Government Farm (Belair National Park) and surrounding town sections c.1840s, sourced from Trove (call number: MAP Roberts collection 20)

4.4 Discussion

Aboriginal occupation of the Mitcham Council area has been well documented since the mid-1800s. Coupled with the search results from available heritage databases, it is evident that the region is rich in Aboriginal and non- Aboriginal heritage places. A number of cultural heritage investigations have been previously conducted in the region, including near the proposed project areas, and there is a growing body of work. It must be emphasised that current records of known and recorded heritage sites in the project area are not exhaustive and that sites of significance may be uncovered before, during and after the completion of the proposed works. This is also true for areas or objects that may hold Aboriginal heritage values that are not reflected in the available literature, such as anthropological sites.

In general, areas close to watercourses (e.g., creeks, rivers) are considered culturally sensitive areas that are highly likely to contain Aboriginal cultural heritage, including ancestral remains. In South Australia, areas within 200 metres from a watercourse are generally accepted to be considered culturally sensitive and like to contain Aboriginal sites and objects.

5.0 Cultural heritage survey

A quantitative, qualitative and participatory research methodology was adopted as it provided opportunities to conduct field, archival and community-based research in the local government area. In general, the methods were divided in two sections: desktop review and cultural heritage survey.

5.1 Survey Design and Method

The two proposed work areas were inspected and assessed by the Kaurna Yerta Aboriginal Corporation RNTBC. Prior to the site inspections the team examined the project brief, maps (supplied by Mitcham Council) and detailed satellite imagery showing the areas of the Mitcham Council community development areas, situated near Blackwood and Hawthorndene, that are to be modified. The nature and extent of the developments was also discussed during the inspections.

The approach used for conducting this survey was modelled on Bird (1992) and focuses on understanding the connection between pre-contact Aboriginal societies and their environment and reconstructing past land-use patterns in light of this. It allows predictions to be made about the potential location of cultural material based on cultural factors, such as human dependence on water, and environmental factors, such as the location and position of water and other habitable landform types, which can be tested and refined through systematic field survey (Bird 1992).

A combination of a desktop based qualitative analysis of archival material, an ethnographic field assessment involving comprehensive community consultation, and an archaeological field survey was considered the most relevant to the survey results in this case, as it can provide the most insight into past land-use given the absence of available detailed archaeological survey data, a limited archaeological record within the region of the study area and the reasonable size of the study area.

The survey areas were inspected using a pedestrian survey strategy, with archaeological assessments carried out over the proposed project area. The areas were examined with the aid of Mitcham Council site plans and with the assistance of the Mitcham Council representatives. Photographs are taken at all places where archaeological material is found, as well as at all of the development site locations in order to document the area of impact being given clearance, and the ground surface and vegetation present at the time of the field inspections.

Discussions were held with the Aboriginal native title holder/Traditional Owner representatives at the two development sites during the surveys in order to gain their opinion concerning the importance of the proposed development areas to Aboriginal Heritage and affects that the development would have on any archaeological material that may be discovered during a clearance. The results of survey as well as the potential of sub-surface material being present in any of these areas were also discussed.

5.2 Constraints on the survey

The ground surface in the development location in the survey areas was partially obscured (varying from 20%-100% cover) by vegetation cover. It is possible that archaeological material may have been present in parts of the study area but may have been obscured from view because of the vegetation cover at the time of the survey (see Plate 7).



Plate 7: Example of surface coverage at Hawthorndene Oval (JT_303)

6.0 Archaeological and Ethnographic Cultural Heritage Survey Results

Archaeological and anthropological surveys were undertaken for works proposed by Mitcham Council at Hawthorndene Oval on the 20th of December 2021, and at Waite Street Reserve on the 21st of December 2021. These areas were surveyed in full by the Kaurna Yerta Aboriginal Corporation RNTBC representatives.

No cultural heritage material and/or archaeological sites were located on the ground surface or were observed during the survey. The Kaurna Yerta Aboriginal Corporation RNTBC representatives recommend that cultural heritage monitoring is undertaken during ground disturbing works and excavations.

The proposed community development sites inspected during the cultural heritage survey program were located near waterbodies (or within the view shed of waterbodies) which are culturally sensitive environmental features (particularly Minno Creek). These are likely to contain cultural heritage material. When archaeological material is found in these areas it consists predominantly of flaked/ground stone artefacts, occasional quarrying features and charcoal staining or heat retainers from cooking hearths.

The following section of the report consists of Fiona Sutherland's notes that were written at the time of the survey. Please note that spelling of Kaurna names and words still need to be checked by Kaurna representatives and may not be correct in the following transcription of the field notes.

6.1 Hawthorndene Oval survey 20th December 2021

The survey team met at Hawthorndene Oval on the 20th of December 2021. Introductions were made and Kaurna representatives requested Fiona Sutherland to contact Lynette Crocker and Jeffrey Newchurch by phone later that day to record any input about the area from those two senior Kaurna elders. Sean McNamara then explained the proposed works for this location. The existing toilet block will be removed, and new facilities constructed nearby. The new facilities will include changing rooms, toilets and equipment storage, to service the sporting teams who use the oval. Mitcham Council has funding for the cultural heritage survey and consultation but is also looking at a broader context of understanding the cultural heritage of the whole of the Mitcham Council area over the next two years. Fiona Sutherland mentioned the Adelaide City Council's cultural mapping project with Kaurna and suggested Mitcham Council consider a similar project with Kaurna. The day's priority was to look at the area for redevelopment and also recording any other cultural heritage or cultural importance of the area to Kaurna. A discussion followed, which is summarised below:

Ann Newchurch: What about signage and telling people about the stories that relate to here?

Sean McNamara: Yes, we're looking to incorporate some public art and information about Kaurna history and culture.

Marc Fairhead then summarised information from his historical research, including a reference to an Aboriginal ceremony witnessed at what is now Coromandel Valley Oval, and also at Mitcham Reserve. He mentioned that flat areas in the hills that are now used as ovals may well have been gathering places for Kurna in the past, including for ceremonies.

Darren Wanganeen: *Palti* is the word for ceremony. There are also records of ceremonies on what is now Adelaide Oval.

Sean McNamara: At a minimum, we need cultural monitors for ground disturbance related to the new facility.

Trevor Wanganeen: There should be a Kurna name for these places. If there is dual naming, the Kurna name should be first to recognise Kurna people's extensive occupation and use of this area.

Sean McNamara: We're also looking to [consult with the community] to rename the Waite Street Reserve, maybe with a Kurna name. [We really want Kurna contributions to that consultation].

Trevor Wanganeen: You can always have dual naming.

Darren Wanganeen: Kurna have a language group that can assist with this.

Marc Fairhead: In my research I've noticed that some creeks in the council area have Kurna

The survey area is bounded by Minno Creek. Darren Wanganeen stated that it joins up to the Onkaparinga River. There are no cultural heritage sites registered in the immediate vicinity, although Marc Fairhead mentioned there is a culturally modified tree (CMT) further along Minno Creek.

The survey team then visited the location of the proposed development. There was a discussion about the role of Kurna monitors, and also that any trenching for plumbing, electrical cables etc. would also need to be monitored. Sean McNamara pointed out some trees that will need to be removed, but they are not native trees, and no other significant trees will be affected. Stuart Allison mentioned that care will be needed to not disturb the root systems of significant trees during ground disturbing works.

Darren Wanganeen: *Palti* – it brings everything together, links social networks and kinship systems, it's also a time for learning.

Trevor Wanganeen: We should have the Kurna shield at the entrance.

Darren Wanganeen: You can look at the Kurna shield at the Kensington Reserve as an example.

Sean McNamara: Allan Sumner carved a shield in a tree in the [Soldier's Memorial Garden] next to Mitcham Library. There's also a [log] bench and a storyboard. People come and sit and learn. Council is interested in opportunities to share the Kurna story and history.

Sean McNamara then showed the team a picture of the concept design for the new building.

Trevor Wanganeen: You could have the shield on the building.

Sean McNamara: The building is not a social club or anything like that, it's just change rooms, equipment storage, [public toilets, and a small kitchenette].

Darren Wanganeen: Is Council incorporating eco-friendly measures, for example, solar panels? Kurna people want to work with the environment, not against it.

Sean McNamara: Yes. Mitcham Council declared a climate emergency one year ago. This affects all developments and stipulates measures such as using solar, avoiding tree removal etc. There will need to be some trees removed at Waite reserve, but they will be replaced.

Darren Wanganeen: Any replanting should be natives from the local area. We want to look after the whole ecosystem, plants, animals, and this will aid that.

Stuart Allison: What if they were scar trees? Would they be removed?

Sean McNamara: We don't know yet – that's why we need the survey.

Trevor Wanganeen: If there were any scar trees that Council wanted to be removed then there's the whole Section 37 and Section 23 processes that would kick in.

Fiona Sutherland: We need to look at Minno Creek. We already know that all the waterways in Kurna country are significant, and I'll call Lynette and Jeffrey later to record anything they have to say about it.

Darren Wanganeen: It's all connected, there could be all kinds of sites in this area, men's sites, women's sites, ceremonial areas, camping areas. The trees are important, and we also need to be careful of what might be under the ground.

The survey team then walked to Minno Creek, which forms a boundary to the other side of the oval, across from the proposed new facility. The creek will not be touched during the redevelopment, but is part of the cultural context of the survey location

Trevor Wanganeen: Council should rehabilitate the creek, take out all the non-native plants. There should be Kurna participation in this.

Stuart Allison: What machinery are they using for the trenching? Some machinery sucks up all the dirt and takes it away straight away, which is a problem if something is found further along. We need a method of excavation where all the material that is dug up can be checked by monitors before it is removed from the site. Nothing should be taken off site until the excavating work is finished and all the material has been checked. The excavated soil should be used for any backfill and the excess can be removed after it's all been checked by monitors, at the end. There should also be a cultural induction for all workers before work commences.

Stuart Allison, Ann Newchurch and Trevor Wanganeen then discussed other ideas for cultural interpretive elements that could be included, for example, replacing park benches with large logs, which could have some elements of Kurna stories carved into them. Artworks should show how this area links to others. There could be storyboards, signs.

Fiona Sutherland then summarised what had been discussed so far, and Darren Wanganeen related some elements of the cultural significance of the area:

Darren Wanganeen: It's a cultural corridor, connected to Yurebilla (the two ears) and the Mt Lofty Ranges, all the way to Rapid Bay. We acknowledge the neighbouring groups, and their connection to Yurebilla and the Ranges. We acknowledge *Tarnda*, the red kangaroo, as we move onto the plains, all the way to Crystal Brook. Our lore connects us through these stories and explains our kinship system. There's Tjilbruke, the ibis, and his nephew, with the freshwater springs along the coast. It's interesting to note that there are caravan parks now at the locations of the springs. We acknowledge our ancestors, Kudlipinna, who worked with Teichelmann and Schurmann at the Kurna School in 1837, Mullawirrabirka for the southern area, Bookeyana (Point Pearce) is also connected, Ivaritji is buried there in Narungga country. The photo of Ivaritji in the South Australian Museum shows her wearing a skin cloak that was borrowed from Narungga. There's also the snake story connecting us to the Pitjantjatjara and Yankunytjatjara people in the north.

There's the history of colonisation, establishing missions, the stolen generations, the exemptions period, all of that affected us. After the 1967 referendum, people could return to their home, their own country. The old people had kept the stories and the kinship system. Then on the 21st March 2018, Kurna received the consent determination, identifying us as the traditional owners here. Now we want to talk about social inclusion. We are looking for social, economic and cultural opportunities for Kurna. We want employment opportunities in projects. Development is inevitable, but Kurna want to be part of the journey.

Marc Fairhead also mentioned discovering that Tindale had excavated a core from a foot beneath the surface in the ground at his home in Blackwood in the 1950s. Little detail was available, but this reinforced that Kaurna people occupied this region over thousands of years, and there was the potential for subsurface archaeological material in the survey area.

6.2 Waite Street Reserve Survey 21st of December 2021

The same survey team met again at Hawthorndene Oval to inspect a possible culturally modified tree noted at the very end of the survey, as we were leaving the park. The tree was examined and discussed by the whole team. The discussion in the field included a number of reasons why this tree should not be considered as a culturally modified tree: it is the wrong kind of tree for bark removal, this tree is a Manna gum (*Eucalyptus viminalis*) but scarred trees within Kaurna Yerta are usually Black Box (*Eucalyptus largiflorens*) or River Red Gum (*Eucalyptus camaldulensis*); there is very little regrowth over the scar which suggests recent scarring, there is very little regrowth over the scar compared to the small scar at the base of the tree, again suggesting that the scarring is recent; the tree appears to be young; the scar itself appears to be too narrow to be a canoe scar and too big for other uses; there was no evidence of cut marks around the edge of the scar; there was no knowledge amongst the Kaurna representatives of recent use of this tree for cultural purposes, the scar is on the west-facing side of the tree which is likely to expose the tree to sun damage and contrary to traditional practice; scars like this can be caused by lightning strikes. Ultimately, as this tree is not within the proposed development footprint, it was decided that noting this within the report is sufficient action for now (see Plates 8 and 9).



Plate 8: The survey team examining extensive recent scarring on a tree at Hawthorndene Oval (FS_4914)



Plate 9: Scarring on a tree at Hawthorndene Oval (JT_306)

The survey team then travelled to the second survey area, the Waite Reserve in Blackwood (see Plate 10). Sean McNamara explained the development proposal, which includes demolishing the existing community centre and building a larger combined community centre and library. Sean identified trees that were marked for removal as part of the project and stated that Mitcham Council has committed to planting two trees for every one removed. Sean also noted that although the trees were not old enough to be significant trees, he recognised that the Red Gum was a significant species to Kurna people. There would be no other impact on the Reserve as proposed car parks are outside of the current Reserve area. Sean also explained that there is no funding or plan at present for upgrading the Reserve, but he thinks this may occur at some stage after the current construction is completed.

Sean McNamara stated that the outcomes he wanted from today's survey were Kurna views of any cultural heritage or historical significance of the area and what could be included in the design to mark this. The notes below are a summary of the ensuing discussion:

Trevor Wanganeen: This location is a high place; you can see all around. It would be used for camping, watching for fires, other people coming. There's a high probability that there would be subsurface archaeological material [Trevor gave examples of where this has been the case even in developed areas]

Sean McNamara: Mitcham Council has made a commitment to engage cultural monitors during all ground disturbing work. Mitcham Council are also looking to name the new building and rename the Reserve, so any input for that is welcome.

Ann Newchurch: We need that commitment for monitors at all stages of the work.

Sean McNamara: Yes, if that's not the case yet, I'll make sure [that is understood].

Trevor Wanganeen gave examples of other projects, where initial monitoring was done, but when something new came up monitors weren't included. He said that anything new in the project should come back to the community for consultation.

Darren Wanganeen: We want good record-keeping. In case specific people change, the processes for engaging with Kurna remain.

Ann Wanganeen: Councils change their minds, but this decision, to have a Kurna footprint here, should remain, even if the Council changes.

Fiona Sutherland and Sean McNamara clarified through discussion that the decisions made about the two current projects will be kept even if the Council changes.

Trevor Wanganeen: So many projects destroy cultural heritage. It's very important, this is a commitment.

Ann Newchurch: We need a commitment from Mitcham Council to engage with Kaurna, it should be written into the policy framework.

Sean McNamara: This can be embedded in the Reconciliation Action Plan (RAP).

Ann Newchurch & Trevor Wanganeen: It needs to be in policy.

Ann Newchurch: The new library should include Kaurna stories, have our footprint there, engage the community in finding out more about Kaurna.

Darren Wanganeen: Kaurna want consistency with policy.

Sean McNamara discussed Sharon Gollan and her training of senior Council staff in cultural respect and safety. Council wants to keep doing this, and as awareness of these issues grows, this should start being reflected in policy and developments.

Ann Newchurch: Policy should include an acknowledgement of whose country this is and the Kaurna people. Policy has oppressed Kaurna in the past. We're doing it differently now, with Kaurna people involved. Truth-telling needs to happen. This is all a means of engagement. We can include cultural elements in the paving, seating etc. We need to discuss the design phase and how our story is included. We'll share meaningful elements to be included, not our secrets, but cultural elements at the appropriate level.

Sean McNamara: That's the partnership we're talking about.

Ann Newchurch: This is a starting point, but for engagement to be meaningful, we should be involved throughout the project.

Jo Thredgold clarified that developing a Cultural Heritage Management Plan (CHMP) was not included as part of the brief for this project, although the report can include a recommendation that a CHMP be developed.

Trevor Wanganeen: We need specific CHMPs for each project, you can't use the same one for every area because there may be different management needs.

Jo Thredgold: You can have some standard CHMP requirements like monitoring for all ground-disturbing activities and discovery procedures, and then include specific elements relevant to specific locations and activities.

Sean McNamara: A CHMP hasn't been requested by Council, but it will be a recommendation. There are 32 land management plans and we're looking to consider cultural heritage within each of these. But there's no guarantee of CHMPs.

Marc Fairhead: This process is about establishing the methodology.

Fiona Sutherland: CHMPs are about risk management.

Sean McNamara: There is a commitment to do this well.

Trevor Wanganeen: We encounter racism in council decisions. It will be good to get this project done soon to show how it can go if it's done well.

Darren Wanganeen: It is vitally important that Mitcham Council consider a CHMP, for mitigation, risk management, protection of cultural heritage. It provides guidelines, discovery procedures.

Jo Thredgold and Fiona Sutherland discussed how important it is to include traditional owners in the design phase of projects. It can end up saving money and builds the relationships Council wants to have with Kaurna.

Jo Thredgold: What about development in the rest of the Reserve?

Sean McNamara: There are no plans yet, no budget yet, just the intention to improve the Reserve. There is a present opportunity to have input into the Reserve, but it might not happen for a few years. But it could still be named.

Trevor Wanganeen: There's the same situation as yesterday, there could be subsurface archaeology.

Marc Fairhead: You can visualise camping here.

The team discussed other places where a Kaurna footprint has been placed through various means, including artworks, signs, language use. These included Morialta and Brownhill Creek among others. Trevor Wanganeen and Ann Newchurch mentioned examples of sharing Kaurna stories through artworks from Henley Beach and the City of Charles Sturt, including a median strip along Woodville Road.

Ann Newchurch: We need to show Kaurna history, bring a Kaurna presence. In Charles Sturt, they have weaving showing how the local resources were used. We need elements for reflection when people are sitting, relaxing, using the facilities. Even when people are not amenable to learn, we're still planting the seed. We're used to racism.

Marc Fairhead talked about the cone excavated at Tindale's residence, which is 200metres up the street from the Reserve. The survey team then discussed the potential for subsurface archaeology. Darren Wanganeen said that European settlements are usually where Kaurna had camped, where there was water and resources. There was a probability of subsurface archaeology.

Sean McNamara: There was scant desktop research material available, but it was still enough evidence to confirm that this location is likely to be culturally significant.

Fiona Sutherland: Did Kaurna use signal fires?

Darren Wanganeen: Yes, for ceremony, or the birth of children. Different wood was used for different reasons, so you could tell what was being signalled by the smoke. We also practiced firestick farming.

Ann Newchurch: Regarding the design of the community centre, you could have reflections [i.e. stories or other representations of culture] along the corridor that is in the middle of the building, linking the two areas of shops. You could also have this in the staff section, Kaurna stories, history. The staff need to engage with Kaurna too. We want the whole staff to have a relationship with Kaurna.

Sean McNamara: The staff report to me, I can try and lead that.

Ann Newchurch: Kaurna could be involved on special days in the Aboriginal calendar, like NAIDOC week and other significant dates.

Fiona Sutherland: There's also the Colebrook Memorial Park nearby.

Ann Newchurch: That's an important story. It's a sad place but it's part of truth-telling. It needs to be linked up, it's part of that social inclusion. All of this is for our next generation. We weren't allowed to speak language or perform ceremony.

Darren Wanganeen: It had to be done in secret.

Ann Newchurch: We need a legacy and a footprint here to keep it going for the next generations.

Darren Wanganeen: *Cumangka* (sp.?) means coming together, social inclusion. The library is a great resource, a place of sharing information. It's a great place to share Kaurna culture and our shared history We stress the interconnectedness of heritage, culture, identity. It's connected to the landscape, habitat, ecosystems.

Ann Newchurch: And we're connected to other nations, we have meeting places, gatherings for ceremony, trade. We didn't have boundaries like there are now, we knew whose country it was when we travelled.

Darren Wanganeen: Our stories travel and identify where other groups are [discussed example of Cape Jervis].

Some of the survey team then moved to a river red gum, which the Council will need to remove for the new development. Ideas for using the wood as part of improving the Reserve were discussed. Stuart Allison and his brother Ross Allison are carvers, and Allan Sumner has also designed and installed many artworks in the community. Ann Newchurch discussed the need for Kurna to create a register of artists and their specialities, so it was easier to match Kurna people to projects.

Stuart Allison: You could use the wood for benches, but you could also include bug hotels – this helps with biodiversity and education about the environment. You could have a bug hotel set into a tall log, like a totem pole, and include stories, symbols, Kurna names for insects, information plaques. It's about kids learning about culture, language, and the environment.

Ann Newchurch: The tree needs to be retained for Kurna regardless. However it's used, it needs to be cut in a way to allow for that use. The contractor needs specific instructions and the clear direction that the tree is going back to Kurna for our community artists to use.

Sean McNamara: That's 100% doable.

Marc Fairhead: You could have a cultural monitor for the tree cutting, to make sure.

Gail Malta: You also need cultural inductions for the workers and the staff at the community centre. There should be two Elders for this. There should also be training in cultural respect and safety and cultural competencies.

Irene Wanganeen: This is a journey with councils. If this goes ahead, Kurna will have a sense of belonging and we can begin together on the journey of healing.

Darren Wanganeen: It's healing people and it's healing country – that's the NAIDOC theme this year – heal country.

There was a brief discussion about the process of Kurna and council working together in the incorporation of cultural elements in the building design, beginning with a recommendation in the report. Darren Wanganeen expressed his appreciation that Mitcham Council want to work with Kurna from the start of this project.

Fiona Sutherland spoke with Kurna Elder Lynette Crocker on the afternoon of the 21st of December and below is a summary of this discussion:

Lynette Crocker: There is a cultural precinct, or corridor, which is significant to Kurna. It includes the creeks and the waterways, they're all connected. It goes along to Morialta, it's connected to Yurebilla and Uraidla. The waterways and the stories and the culture are all connected, they're all one thing. The waterways are the veins of the country.

Every council is doing its own thing, we need to have a framework agreement on a cultural precinct. We need CHMPs developed with Kurna with each council, and then within each council area there's a series of projects. There are reserves and parks in all the councils, there needs to be cultural mapping. We want a model of shared responsibility with councils. They need to learn about Kurna protocols and language. It's about living with nature, that's spirituality. They could have southern, central and northern regions, following the fault lines that show the country of the clan groups. We need strategic and operational plans, for example, linking up cultural mapping projects across councils and sharing resources. We want to transfer our knowledge about natural resources, bush tucker and bush medicine. We also need long term employment for Kurna in jobs that will aid us to become self-determining.

The new library in Blackwood should have a Kurna section, with language resources and so on.



Plate 10: Waite Street Reserve survey area (JT_314)

7.0 Assessment of Significance

There were no areas containing cultural heritage material identified during the cultural heritage survey. However, the Waite Street Reserve and Hawthorndene Oval project areas are places that are culturally significant to Kaurna Yerta Aboriginal Corporation RNTBC. It is possible that additional sites may be identified during additional phases of the project and if this occurs, an assessment of significance may be required. A brief summary of the terminology and the significance assessment process is included and can be used as reference for all of the stakeholder parties.

7.1 Criteria for significance assessment

The process of assessing significance of cultural heritage involves research, physical investigation of a place, consultation and analysis of the results. Significance may be simple to determine for some objects or places while others may be more complex. There are a number of different considerations that can direct the assessment of the significance of cultural heritage including:

- **Aboriginal significance:** how the site/area is viewed in terms of significance by the local Aboriginal communities
- **Research/scientific potential** of a site or an area: this is based on a number of considerations including the site's contents, structure and integrity
- **Heritage value:** the value that a site has to benefit the general public aesthetically or educationally
- **Natural/environmental value:** the value of a site in relation to the natural world/environment. The natural and cultural values of many Aboriginal sites are closely entwined and, in some cases, indivisible

Heritage significance, in general terms, can be considered within a legislative context. The criteria for the various levels of listing (i.e., local, state, national, Commonwealth and world) offer guidelines for what is considered significant and on what level. For example, the National Heritage List criteria against which heritage values of a place as assessed is provided below, but they can be applied to any level of listing and can be applied to objects or places:

- a. The place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.
- b. The place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.
- c. The place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history;
- d. The place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:
 - i. A class of Australia's natural or cultural places; or
 - ii. a class of Australia's natural or cultural environments.

- e. The place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group.
- f. The place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period.
- g. The place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.
- h. The place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.
- i. The place has outstanding heritage value to the nation because of the place's importance as part of Indigenous tradition.

In addition to the relevant legislation, non-legislative guidelines and documents should also be considered. The *Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013* (Burra Charter 2013a) is particularly relevant with its standards and concepts of 'cultural significance'. The Burra Charter sets a standard of practice for cultural heritage management and to those involved in undertaking works or providing advice relating to places, known and unknown, of cultural significance. This includes places of cultural value to Aboriginal and non-Aboriginal people or communities. The Burra Charter considers the concept of 'cultural significance' as used in Australian heritage practice and legislation to:

“...encompass all of the cultural values and meanings that might be recognised in a place. Cultural significance is the sum of the qualities or values that a place has, including the five values—esthetic, historic, scientific, social and spiritual... Through the processes of investigating the place and assessing each of these values, we can clearly describe why a place is important.”

(Burra Charter 2013b Understanding and assessing cultural significance:1)

7.2 Assessing Significance: Aboriginal cultural heritage

The heritage listing criteria can also potentially be applied to Aboriginal heritage; however, when assessing the significance of an Aboriginal object, site, or remains, it is important to understand the heritage values held by members of the appropriate Aboriginal community or the community as a whole. The South Australian *Aboriginal Heritage Act 1988 (as amended)* considers significance to Aboriginal tradition and recognises the fluidity of 'tradition' in that it is defined as:

...traditions, observances, customs or beliefs of the people who inhabited Australia before European colonisation and includes traditions, observances, customs and beliefs that have evolved or developed from that tradition since European colonisation.

For Aboriginal people, significance can extend to natural environmental features or places that may not show any physical evidence of human modification but are culturally significant. This might include but is not limited to trees, waterholes, rock formations, dunes, etc. The significance of these features can relate to traditional

practices, stories, kinship systems, ceremony or other ethnographic details. In many cases, it is very difficult or impossible to identify culturally significant features or places without consultation with Aboriginal Traditional Owners.

7.3 Effects of Proposed Works on Cultural Heritage

No cultural heritage sites were recorded during the surveys. There is a slight possibility that previously undiscovered Aboriginal sites or cultural material may be affected during the continuing stages of this proposed Mitcham Council project.

If an archaeological site or cultural material is encountered during the construction of these developments, it will then be necessary for the developer to inform the Kurna Yerta Aboriginal Corporation RNTBC and possibly to apply to the Minister of Aboriginal Affairs for a determination under Section 12 of the *South Australian Aboriginal Heritage Act 1988 (as amended)*. If the site is determined to be an Aboriginal Site and subsequently registered it is still possible to continue development activities if an authorisation by the Minister or their delegate (in this instance, the Chairperson of the Kurna Yerta Aboriginal Corporation RNTBC) under Section 23 of the *Act* is issued in order to continue activities that may damage or destroy that site.

8.0 Findings and Recommendations

The survey team examined the proposed development areas as per the request from Mitcham Council representatives. The Kurna Yerta Aboriginal Corporation RNTBC representatives conducting the survey stated that the City of Mitcham Council developments will cause no impacts on any areas or objects that are known to be of cultural importance, and made the following recommendations.

1. The results and recommendations resulting from the cultural heritage survey apply only to the proposed developments of the project detailed in this report. If the City of Mitcham conduct any additional works in the future within the areas given clearance for this project, consultation with the Traditional Owners is necessary and it is possible that those areas may be subject to further heritage assessments in order to assess them for impacts to cultural heritage.
2. Kurna Yerta Aboriginal Corporation RNTBC (KYAC) has recommended that the proposed developments should go ahead subject to the City of Mitcham and their contractors' compliance with the locations and restrictions recommended in this report.
3. KYAC RNTBC has recommended that cultural awareness inductions should be held for all workers at the site, prior to work commencing. The form of delivery of these inductions (i.e. should it be delivered by a Kurna person or organisation) should be discussed further by the Kurna community. The results of these discussions will form the final recommendation about the cultural awareness inductions.
4. KYAC RNTBC has recommended that discussions be conducted between themselves and the Mitcham Council concerning the possible use of archaeological geophysical techniques (e.g. ground penetrating radar) being used prior to ground disturbing works in places where this technique would help to identify buried archaeological features, particularly Kurna burials.
5. KYAC RNTBC representatives recommend that monitors should be engaged during all ground disturbing works in order to minimise the risk of damaging or disturbing any potentially unidentified Aboriginal heritage sites within the survey area.
6. It is further recommended that excavated material from the development areas should be made available for inspection by Kurna Yerta monitors and should not be removed from site until Kurna monitors have checked for cultural material. In addition, excavated material from a development site should be used for backfilling at that site in preference to imported material.
7. It is recommended that Mitcham Council and KYAC RNTBC hold discussions to identify suitable Kurna names and other elements such as artworks, seating, signage that could be incorporated into the park developments. Kurna people should be employed for this work.

8. Cultural Heritage Management Plans (CHMPs) should be developed for Mitcham Council for the parks and reserves within their council area, to assist them to deal appropriately with Aboriginal cultural heritage in the future. The KYAC RNTBC representatives recommended developing separate CHMPs for each location.
9. KYAC RNTBC representatives recommend that Minno Creek at the Hawthorndene Reserve should be rehabilitated, with non-native plants removed and native replanting where appropriate. Kaurna people should be employed for this work.
10. It is recommended that further discussions about potential dual naming should be held between Mitcham Council and KYAC RNTBC to identify suitable Kaurna names for the Waite Street Reserve and the new Blackwood community centre.
11. A Kaurna Yerta representative/monitor should assist the contractor responsible for removing the river red gum at Waite Street Reserve, or if not possible, then clear instructions should be provided to the contractor to ensure that the wood is cut in a way that facilitates its use in future design elements within the Reserve. The wood should be given to Kaurna members for use in woodwork and art projects.
12. KYAC RNTBC representatives recommend that an arborist be consulted regarding development activities at Hawthorndene Oval to ensure that excavations do not damage the tree roots to the point where the trees are affected.
13. Further discussions should be held between Mitcham Council and KYAC RNTBC regarding design elements within the new Blackwood community centre that tell Kaurna stories and shared history. Kaurna artists should be engaged for the production of these elements.
14. It is recommended that Mitcham Council should consider engaging KYAC RNTBC representatives in the future design and redevelopment of the Waite Street Reserve.
15. KYAC RNTBC representatives present recognised that Mitcham Council had engaged them in the early stages of these developments, and recommended ongoing engagement with Kaurna in the design stages of similar projects.
16. KYAC RNTBC representatives recommend that the new library in Blackwood should have a Kaurna section, with language resources and so on.
17. As the South Australian Aboriginal Heritage Act 1988 (as amended) provides protection for any previously unknown sites or archaeological material that may be discovered during the development process,

it is advisable that any earthworks or excavations be conducted with the exercise of due care by the machine operators doing the work.

18. In the event of other Aboriginal cultural material being exposed or observed during works, it is advised that all work that could impact on any material of cultural or scientific significance should cease immediately. In South Australia, an assessment must then be made by staff of the Heritage Team of DPC-AAR, and the relevant Aboriginal heritage organisation, in this instance Kurna Yerta Aboriginal Corporation RNTBC. At that time a determination under Section 12 of the South Australian Aboriginal Heritage Act 1988 (as amended) can be made, in order to determine what appropriate action should be taken.

19. If human skeletal remains are discovered, all works must stop and the South Australian Police (SAPOL) contacted immediately, under the South Australian Coroner's Act 2003. SAPOL will determine whether or not the remains are Aboriginal ancestral remains. If the remains are determined to be Aboriginal remains and not a crime scene, then the Aboriginal Heritage Act 1988 (as amended) applies.

20. The general principles of these recommendations, such as engaging KYAC representatives for works monitoring, consultation with KYAC during project design and planning, and provision of employment to Kurna people for environment rehabilitation, are considered to be applicable across most works on Kurna Country. These recommendations must not, however, be used in place of consultation with KYAC on all future projects, and the relevance of these recommendations to individual projects should be discussed with KYAC.

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Appendix 1

Relevant Communications

Mitcham Council

**South Australian Department of Premier and
Cabinet – Aboriginal Affairs and Reconciliation**

Kaurna Yerta Aboriginal Corporation RNTBC

The survey request provided to Australian Heritage Services by Matthew Romaine (Group Manager, Mitcham Council), on the 21st of September 2021.

From: Matthew Romaine <mromaine@mitchamcouncil.sa.gov.au>
Sent: Tuesday, 21 September 2021 1:16 PM
To: ahs.administration@australianheritageservices.com.au
Cc: Mae Stace <mae@australianheritageservices.com.au>; Paul Hill <PHill@mitchamcouncil.sa.gov.au>; Sean McNamara <smcnamara@mitchamcouncil.sa.gov.au>; Anneke Polkamp <apolkamp@mitchamcouncil.sa.gov.au>; Hayley Ashworth <hashworth@mitchamcouncil.sa.gov.au>; Stephanie Huntley <shuntley@mitchamcouncil.sa.gov.au>; Ismail Abuleela <iabuleela@mitchamcouncil.sa.gov.au>
Subject: Attention: Sean Freeman - Request for Quote: Cultural Heritage Surveys

Hi Sean,

I spoke briefly with Mae yesterday who was very helpful.

Could you please provide a written quote to undertake a Cultural Heritage Survey (CHS) at the following sites:

1. Waite Street Reserve, Blackwood
2. Hawthorndene Oval, Hawthorndene
3. Reade and Mortlock Parks, Colonel Light Gardens

The purpose of the CHS is to inform a review of policies relating to the ongoing management of the land, and to provide an input into the construction process associated with undertaking development on each site moving forward.

Specifically, your quote should provide an estimate for the following deliverables:

- Field work and consultation with relevant Kuarna representatives, and then a report detailing:
 - Desktop Research including details on any previously recorded sites (**Council to source and provide existing archived documents**);
 - Methodology and fieldwork participation;
 - The presence of registered and/or known Aboriginal cultural heritage within the general area;
 - A list of all items and/or sites of Aboriginal cultural heritage, if discovered;
 - Maps identifying the locations and/or boundaries of any Aboriginal cultural heritage sites and/or items, if discovered plus detailing the associated legislative obligations (**Council to investigate integration of these maps into existing GIS systems as a separate project at a later date**);
 - A detailed risk assessment and risk rating assessment to highlight specific areas and risk management recommendations to minimise, mitigate or avoid impacting cultural heritage (if applicable). Assessment to include maps showing high, moderate and low risk areas based on survey;
 - Photographs representing a selection of any Aboriginal cultural heritage sites and/or items, if discovered;
 - An assessment of the traditional, scientific, educational, aesthetic, historical and/or social significance of any Aboriginal items and/or sites recorded, if discovered;
 - Detailed summary of legislative requirements for works taking place in the vicinity of any identified sites or objects of Aboriginal cultural significance (if applicable) and;
 - Recommendations, where appropriate, to address the conservation and management of any Aboriginal sites and/or items, if discovered.

There have been (publicly available) reports written for Council meetings in recent times, which should provide sufficient context for each site:

1. Waite Street Reserve, Blackwood (see item 9.5 in the link below):

https://www.mitachamcouncil.sa.gov.au/data/assets/pdf_file/0038/968780/14-September-2021-Full-Council-Agenda.PDF

2. Hawthorndene Oval, Hawthorndene (see item 9.2 in the link below):

https://www.mitachamcouncil.sa.gov.au/data/assets/pdf_file/0029/891245/11-May-2021-Full-Council-Agenda.PDF

3. Reade and Mortlock Parks, Colonel Light Gardens (see item 9.5 in the link below):

https://www.mitchamcouncil.sa.gov.au/data/assets/pdf_file/0038/968780/14-September-2021-Full-Council-Agenda.PDF

This work is time sensitive, and completion is required prior to the end of October 2021.

If you have any questions or require any clarification prior to preparing your estimate, please don't hesitate to contact me directly.

Kind Regards



Matthew Romaine
Group Manager
131 Belair Road, Torrens Park SA 5062
Phone (08) 8372 8888
Mobile 0429 218 708
www.mitchamcouncil.sa.gov.au

Please consider the environment before printing this e-mail.

CITY OF
MITCHAM

I acknowledge the Aboriginal and Torres Strait Islander people as the Traditional Custodians of country throughout Australia and their connection to land and community. I pay my respect to them and their cultures, and to the Elders past, present and emerging.

BLACKWOOD COMMUNITY HUB 4 YOUNG STREET BLACKWOOD, SOUTH AUSTRALIA



ARCHITECTURAL DRAWING SCHEDULE

DRYING NAME	SHEET NO.
CONCEPT DEVELOPMENT PLAN	PL 001
CONCEPT DEVELOPMENT PLAN - ALTERNATIVE 1	PL 002
CONCEPT DEVELOPMENT PLAN - ALTERNATIVE 2	PL 003
CONCEPT DEVELOPMENT PLAN - ALTERNATIVE 3	PL 004
CONCEPT DEVELOPMENT PLAN - ALTERNATIVE 4	PL 005
CONCEPT DEVELOPMENT PLAN - ALTERNATIVE 5	PL 006
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		DesignInc 1000 MOUNTAIN VIEW DRIVE BLACKWOOD, SA 5171 PH: 08 8532 1234 WWW.DESIGNINC.COM.AU
PROJECT NO: 2021/001 SHEET NO: 1/1 DATE: 14 SEP 2021	CLIENT: CITY OF MITCHAM PROJECT: BLACKWOOD COMMUNITY HUB DRAWING: COVER SHEET & LOCATION PLAN	AREA: 1.5 HA ZONING: PL 100 SCALE: 1:500

Site plans for Blackwood Community Hub provided to Australian Heritage Services by Sean McNamara (Manager– Community Development and Libraries, Mitcham Council) dated 20th December 2021



LEGEND

- BLACKWOOD HUB PROJECT
- YOUNG STREET REDEVELOPMENT PROJECT (INDICATIVE)
- FUTURE COMMERCIAL PRECINCT MASTERPLAN (INDICATIVE)



**BLACKWOOD COMMUNITY HUB - \$12M OPTION
PRECINCT PLAN**

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4 YOUNG STREET
BLACKWOOD,
SOUTH AUSTRALIA

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A19-0129
Drawing #:
CD-101

Drawn:
CONCEPT
Issue Date:
10/02/21

Plan No:
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Client:
CITY OF
MITCHAM





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Project
CONCEPT

Project No
A19-0129

Project Name
4 YOUNG STREET
8 BLACKWOOD
SOUTH AUSTRALIA

Project No
CD-102

Project No
10/02/21

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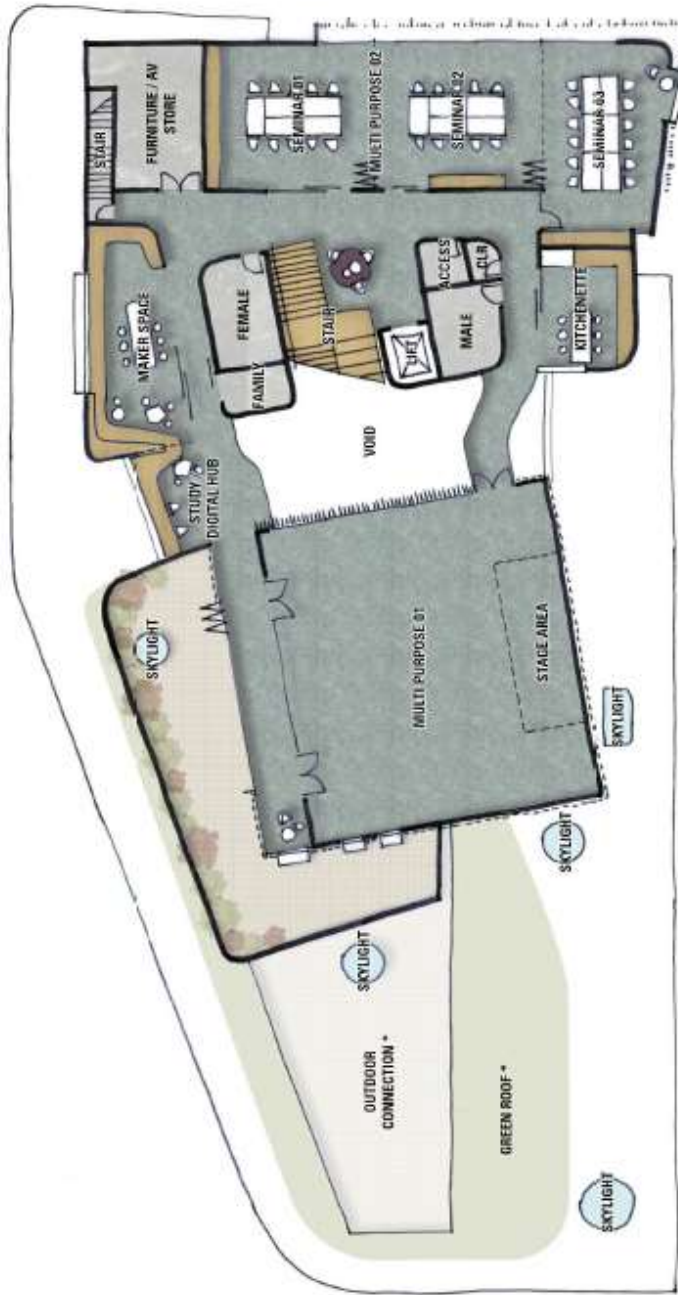
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BLACKWOOD COMMUNITY HUB - \$12M OPTION
GROUND FLOOR PLAN





* GREEN ROOF & OUTDOOR CONNECTION NOT INCLUDED IN \$12M SCOPE OF WORKS





WAITE STREET RESERVE

YOUNG STREET

EAST ELEVATION

SCALE 1:200



WAITE STREET

NORTH ELEVATION

SCALE 1:200



DesignInc

BLACKWOOD COMMUNITY HUB - \$12M OPTION
STREET ELEVATIONS

Project Address:
4 YOUNG STREET
BLACKWOOD,
SOUTH AUSTRALIA

Project #:
A19-0129
Drawing #:
CD-104

Sheet #:
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Client:
CITY OF
MITCHAM



WAITE STREET

YOUNG STREET

SOUTH ELEVATION

SCALE 1 : 200

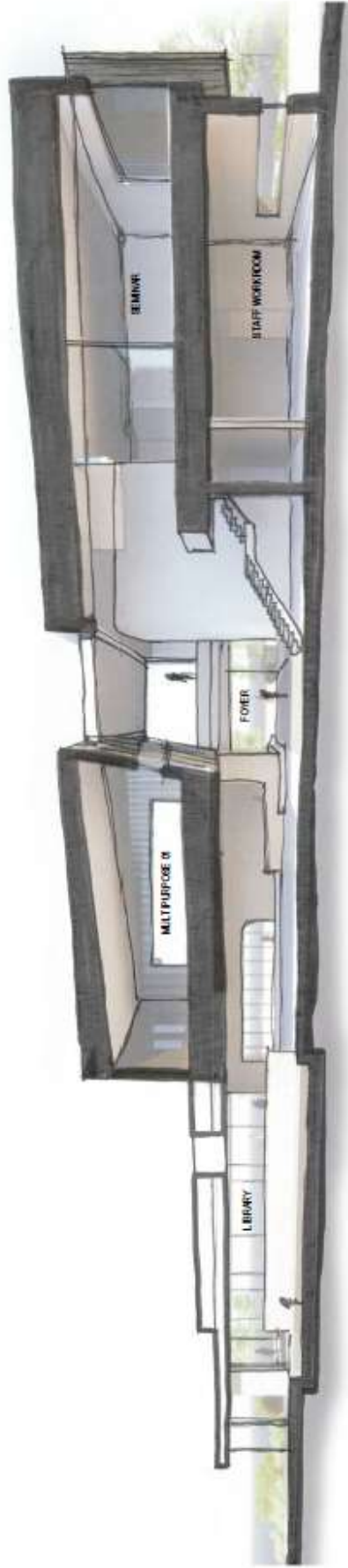


WAITE STREET RESERVE

YOUNG STREET

WEST ELEVATION

SCALE 1 : 200



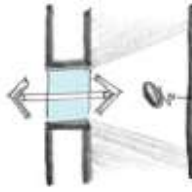
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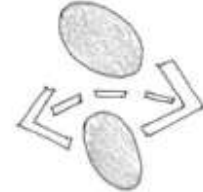
PEDESTRIAN REALM
ACTIVATE THE BUILDING LOGIC WITH A BLUR BOUNDARY BETWEEN INSIDE & OUTDOOR SPACES.



CHILDRENS LIBRARY
CREATE INTERNAL MOMENTS WITH A LARGER VOLUME TO OFFER A VARIETY OF EXPERIENCES TO LIBRARY USERS OF ALL AGES.



SKYWARD CONNECTION
CELEBRATE VERTICAL CONNECTIONS THROUGH SKYLIGHTS, VOIDS & LINK BRIDGES ENCOURAGING USERS TO ENJOY BOTH HORIZONTAL & VERTICAL PLACES.



NORTH / SOUTH CONNECTIONS
FACILITATE CONNECTIONS WITH THE SURROUNDING TOWN AS WELL AS THE NOTION OF AN INTERNAL STREET.



VISUAL CONNECTIONS
CELEBRATE COMMUNITY ACTIVITIES AT THE HEART OF THE BUILDING THROUGH VISUAL & PHYSICAL INTERACTIONS.



FUNCTIONAL VOLUMES & STACKING
EXPLICIT BUILDING PROGRAM & FUNCTION THROUGH USE OF COMPOSITION, FORM & MATERIALITY.



FRAMED VIEWS
CELEBRATE VIEWS & VARIATION OF THE SURROUNDING LANDSCAPE THROUGH CAREFUL PLACEMENT OF WINDOWS & OPENINGS.



DesignInc CITY OF MITCHAM

**BLACKWOOD COMMUNITY HUB - \$12M OPTION
PERSPECTIVE - MAIN ROAD APPROACH**

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4 YOUNG STREET
BLACKWOOD,
SOUTH AUSTRALIA

Project #:
A19-0129
Drawing #
CD-107

Phase:
CONCEPT
Issue Date:
10/02/21

File No:
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NTS

Client:
CITY OF
MITCHAM



DesignInc
CITY OF MITCHAM

**BLACKWOOD COMMUNITY HUB - \$12M OPTION
PERSPECTIVE - YOUNG STREET ENTRANCE**

Project Address
4 YOUNG STREET
BLACKWOOD,
SOUTH AUSTRALIA

Project #
A19-0125
Drawing #
CD-108

Phase
CONCEPT
Issue Date
10/02/21

Revision
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Revised to
NTS

Client
CITY OF
MITCHAM



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**BLACKWOOD COMMUNITY HUB - \$12M OPTION
 PERSPECTIVE - WESTERN STREETSCAPE**

Project Name:
 4 YOUNG STREET
 BLACKWOOD,
 SOUTH AUSTRALIA

Project #:
 A19-0129
 Drawing #:
 CD-109

Task #:
 CONCEPT
 Issue No. #:
 10/00/21

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 Title of file:
 NTS

Client:
 CITY OF
 MITCHAM





Site plans for Hawthorndene Oval provided to Australian Heritage Services by Sean McNamara (Manager–Community Development and Libraries, Mitcham Council) dated 20th December 2021

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CITY OF MITCHAM

215 S. 2020 'A' 3D perspective amended as per client requests.



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PROPOSED CHANGEROOMS AT COROMANTER VALLEY SPORTS CENTRE HAWTHORNDENE OVAL CITY OF MITCHAM

3D PERSPECTIVE 1 VIEW FROM OVAL

SCALE: 100:1 UNO

DATE	REV	BY	CHK
0 JULY 2020	20018	AK	AK
20018 PL1		AK	AK
d7		AK	AK
A		AK	AK

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INDICATIVE 3D PERSPECTIVE (VIEW FROM OVAL)
NOT TO SCALE - ARTIST'S IMPRESSION ONLY

**PLANNING DRAWINGS
NOT FOR CONSTRUCTION
NOT FOR DISTRIBUTION**

100mm
0
20
40
60
80
100mm

100mm 80 60 40 20 0



INDICATIVE 3D PERSPECTIVE (VIEW FROM WATTLE AVENUE)

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CITY OF
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NO. 11/2018 (AS AMENDED) IN RELATION TO THE LOCAL GOVERNMENT ACT 1995 AND THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1996 AND ANY MODIFICATIONS TO THESE ACTS MADE BY SUBSEQUENT LEGISLATION.



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PROPOSED
 CHANGEROOMS AT
 CORMANDEL VALLEY
 CRICKET CLUB
 HAWTHORNDENE OVAL
 CITY OF MITCHAM
 INDICATIVE AERIAL MAP

DATE	100 JUN 18	NO	50
BY	J.A.L.V.2020	CHK	20018_A3
20018 PL3		OFF	JK
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Approximate location
 of proposed building

WATTLE AVENUE

WATAHUNA AVENUE

SYCAMORE CRESCENT

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 NOT FOR CONSTRUCTION
 NOT FOR DISTRIBUTION

INDICATIVE AERIAL MAP
 NOT TO SCALE

155.4m²
 77.7m²
 266.3m²

AREAS:
 PROPOSED BUILDING
 PROPOSED VERANDAH / DECK
 PROPOSED STEPS / PATH & DISABLED RAMP
 TOTAL PROPOSED BUILDING AREA

28.8.2020 VC: Minor amendments to Floor Plan and Elevations as per meeting with client and CMA.
 14.8.2020 B: Full re-design of proposed Floor Plan and Elevations as per Council / CMA requests.
 24.7.2020 X: Proposed building re-oriented South West 3.0m as per Council's requirements. No additional tree shown to be removed as per Council's requests.

PROPOSED LOCALITY PLAN

CHANGEROOMS AT
 COROMANDEL VALLEY
 CRICKET CLUB
 HAWTHORNDENE OVAL
 CITY OF MITCHAM

1:00 U.N.C. 50
 5 JULY 2020 24 2018 4.3
 20018 PL4 art7 C

PLANNING DRAWINGS
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INDICATIVE AERIAL MAP
 NOT TO SCALE

Approximate location of proposed building.

Location of existing Sewer pipe.
 Location of existing electrical supply.
 2.0m fire offset from existing electrical supply.
 EXISTING STORMWATER PIT
 Location of existing Stormwater pipe. Engineer to confirm suitability of redirecting existing pipe around new deck area.



TO EXISTING CARPARK

EXISTING GRAVEL TRACK

EXISTING LARGE GUM TREE

SETOUT FROM LARGE TREE

Gressed mound at base of steps shown dashed.

Oval boundary.

PROPOSED LOCALITY PLAN
 SCALE 1:200



TIA CONSULTING
 Building Design | Construction | Project Management
 Pty. Ltd. (08) 844 03 207
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 Adelaide South Australia 5000
 www.tiaconsulting.com.au
 adelaide@tiaconsulting.com.au
 Perth Office: (08) 9477 9999
 Perth Office: www.tiaconsulting.com.au

PROPOSED LOCALITY PLAN

CHANGEROOMS AT
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 5 JULY 2020 24 2018 4.3
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PLANNING DRAWINGS
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002 - ALL DIMENSIONS ARE IN METERS TO THE FACE OF FINISHES UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.



24.0.2020 1" Building colour amended from Mangrove to Ironstone as per Council's requests 18.9.2020 1" Minimum floor amended as per client request. External colour amended, and slab height amended as per client request. 4.9.2020 1" Minor amendments to floor height and window height per client request. 28.8.2020 1" Minor amendments to floor plan and elevations as per meeting with client and ddb.

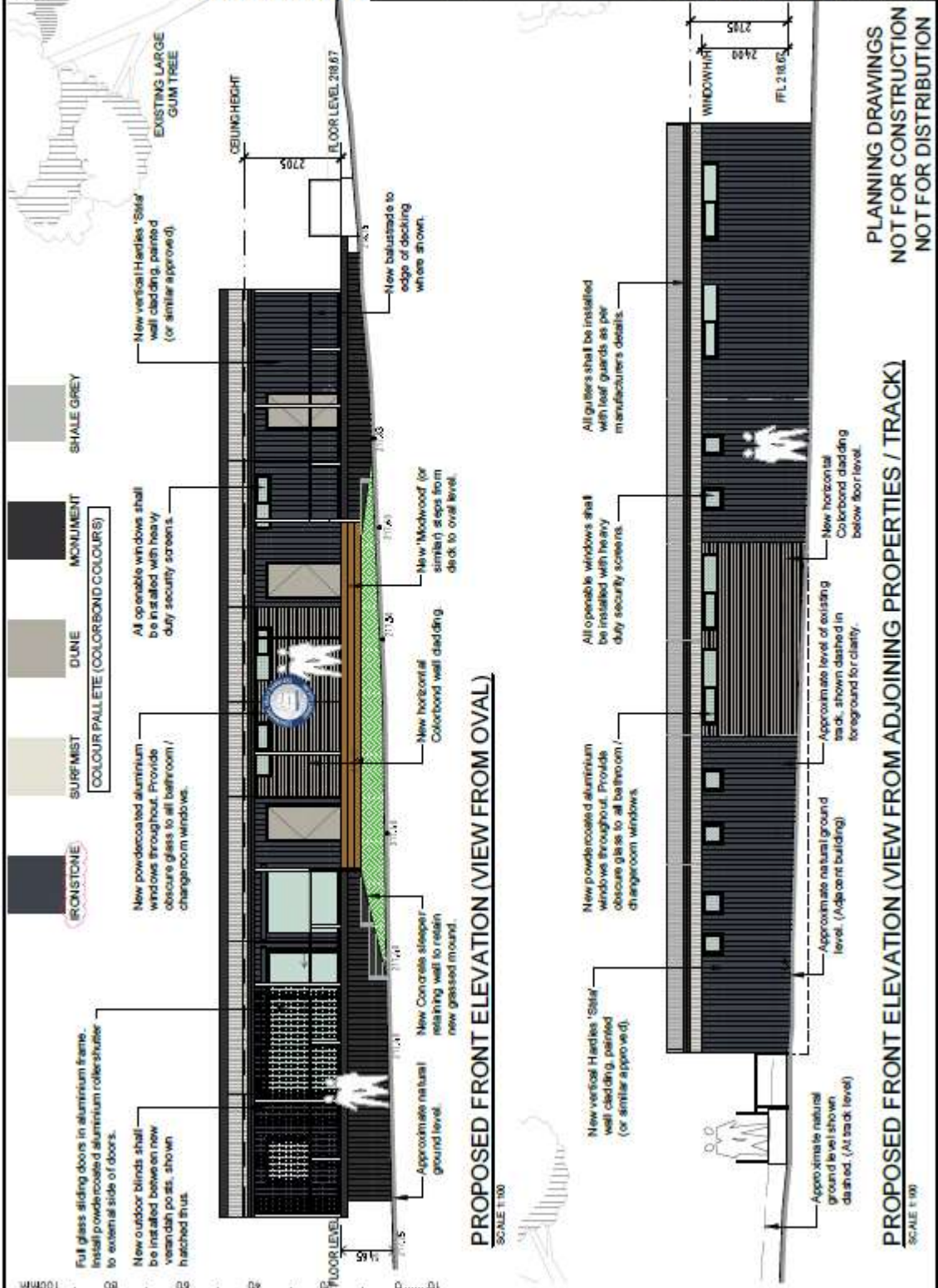
TIRCONSULTING
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 Fax: (08) 848 7708
 Free call 1800 000 000
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 Adelaide South Australia 5000
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 ddb hwb

PROPOSED CHANGEROOMS AT COROMANDEL VALLEY CRICKET CLUB HAWTHORNE OVAL CITY OF MITCHAM

PROPOSED EXTERNAL ELEVATIONS

NO.	001 U.N.O.	18
DATE	5 JULY 2020	2018 PL6 of F
SCALE	1:100	N

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24.9.2020 1" Building colour amended from Mangrove to Ironstone as per Council's requests 19.9.2020 1" External cladding colour amended, as per client requests.
 4.9.2020 1" Minor amendments to Unipol floor, Changeroom 1, ramp, stairs and Access WC as per client requests.
 26.8.2020 1" Minor amendments to floor finish and stairs as per requests with client and U.S.

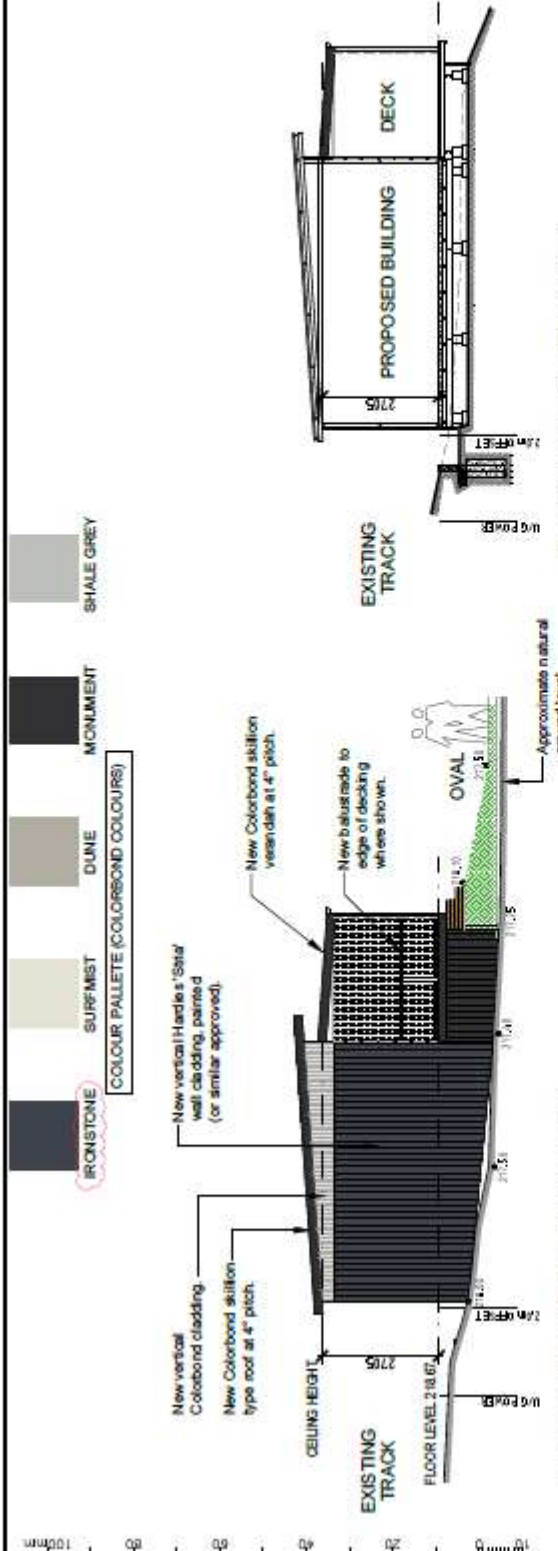
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PROPOSED CHANGEROOMS AT COROMANDEL VALLEY CRICKET CLUB HAWTHORNDENE OVAL CITY OF MITCHAM

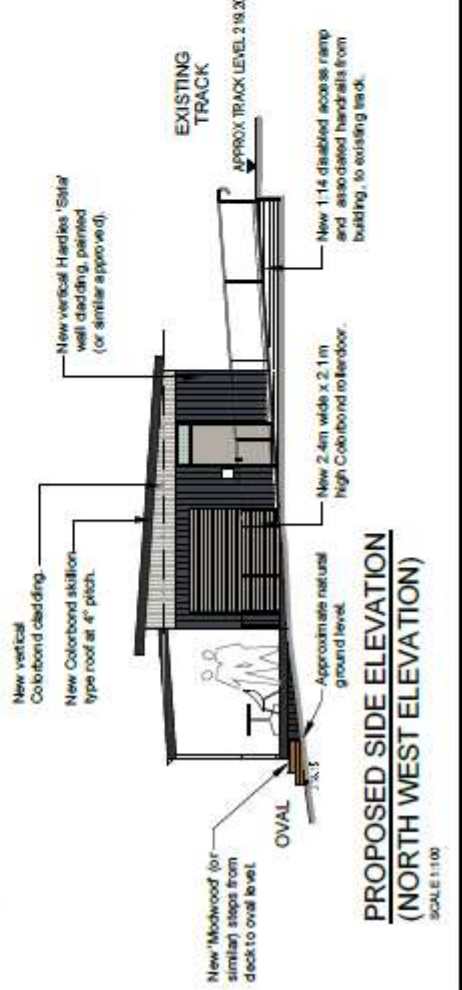
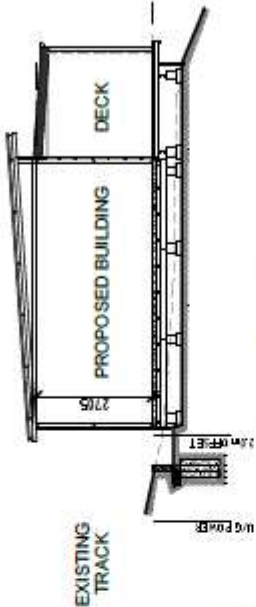
PROPOSED EXTERNAL ELEVATIONS

NO.	REV.	DATE	BY	CHK
1	00	U.N.O.	U.N.O.	U.S.
2	01	JULY 2020	U.S.	U.S.

20018 PL7 of 1 F



INDICATIVE SECTION A-A
 SCALE 1:100



**PLANNING DRAWINGS
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B1153064
File No. DPC21/0084
HIT3919



Government of South Australia
Department of the Premier
and Cabinet

18 October 2021

Antoinette Hennessy
Senior Archaeologist
Australian Heritage Services
GPO Box 2990
ADELAIDE SA 5000

Aboriginal Affairs &
Reconciliation
GPO Box 2343
Adelaide SA 5001
DX 56201
Tel 08 8226 8900
Fax 08 8226 8999

Dear Antoinette

Thank you for your correspondence (email) dated 11 October 2021, regarding 1017 Mitcham-KYAC10-21 for cultural heritage surveys at Mortlock Park, Reade Park and Waite Reserve in the City of Mitcham. The search was based on the kml provided.

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

The applicant is advised that sites or objects may exist in the proposed development area, even though the Register does not identify them. All Aboriginal sites and objects are protected under the *Aboriginal Heritage Act 1988* (the Act), whether they are listed in the central archive or not. Land within 200 metres of a watercourse (for example the River Murray and its overflow areas) in particular, may contain Aboriginal sites and objects.

Pursuant to the Act, it is an offence to damage, disturb or interfere with any Aboriginal site, object or remains (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site, object or remains, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Section 20 of the Act requires that any Aboriginal sites, objects or remains, discovered on the land, need to be reported to the Minister. Penalties apply for failure to comply with the Act.

It should be noted that this Aboriginal heritage advice has not addressed any relevant obligations pursuant to the Native Title Act 1993.

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

KAURNA YERTA ABORIGINAL CORPORATION

Chairperson: Jeffrey Newchurch
Contact Person: Mr Tom Jenkin
Address: c/- SANTS, Level 4, 345 King William Street ADELAIDE
SA 5000
Phone: 08 8110 2800
Email: tomj@nativetitlesa.org

RAMINDJERI HERITAGE ASSOCIATION INC.

Chairperson: Vivienne Greenshields
Address: 56 Tilshead Road, ELIZABETH NORTH SA 5113
Email: ramindjeri@westnet.com.au
Mobile: 0408 368 367
Contact Officer: Christine Walker
Mobile: 0418 276 439

If you require further information, please contact the Aboriginal Heritage Team on telephone (08) 8226 8900 or send to our generic email address dpc-aar.heritagesites1@sa.gov.au

Yours sincerely

**HERITAGE INFORMATION TEAM
ABORIGINAL AFFAIRS & RECONCILIATION**

Endorsement letter from Leslie Wanganeen (Chairperson, KYAC) on behalf of Kurna Yerta Aboriginal Corporation RNTBC (KYAC), provided to Adam Latemore (CEO, RAW Group) and sent to AHS on 23rd of June 2022.



Kurna Yerta Aboriginal Corporation RNTBC

23rd June 2022

Adam Latemore
Chief Executive Officer
RAW Group

Via email: adam@raw-group.com.au

Dear Adam

I am writing on behalf of the Board of the Kurna Yerta Aboriginal Corporation RNTBC (KYAC) in relation to a Cultural Heritage Survey Report provided to the Board for approval.

KYAC is the appointed body to represent Kurna native title holders and has important responsibilities with regard to Kurna cultural heritage across Kurna country. Cultural heritage surveys and associated reports and management plans play an important role in protecting cultural heritage including in relation to infrastructure projects and development.

I confirm that the KYAC Board endorses the 'Cultural Heritage Survey of Waite Street Reserve, Blackwood and Hawthorndene Oval, Hawthorndene' by Australian Heritage Services (dated December 2021).

Please contact me should you require anything further.

Yours sincerely



Leslie Wanganeen
Chairperson

Kurna Yerta Aboriginal Corporation RNTBC
c/- SANTS, Level 4, 345 King William St
Adelaide SA 5000
Ph: 08 8110 2800

Appendix 2

**Sections 12, 19, 20, 21, 22, 23 and 37 of the
South Australian *Aboriginal Heritage Act*
1988 (*as amended*)**

ABORIGINAL HERITAGE ACT 1988 – Part 2: Administration, Division 1: General

Section 12: Determination of whether site or object is an Aboriginal site or object

(1) If a person proposes to take action in relation to a particular object and that action may constitute an offence against this Act if the object is an Aboriginal object, the person may apply to the Minister under this section.

(2) On an application under subsection (1), the Minister must —

- a) if the object is entered in the Register of Aboriginal Sites and Objects, give the applicant written notice that it is so entered;
- b) if the object is not entered in the Register, determine whether it should be so entered and give the applicant written notice of the determination.

(3) If a person proposes to take action in relation to a particular area and that action may constitute an offence against this Act if the area is, is part of or includes an Aboriginal site or if an Aboriginal object is located in the area, the person may apply to the Minister under this section.

(4) On an application under subsection (3), the Minister must

- determine whether any entries should be made in the Register of Aboriginal Sites and Objects in relation to sites or objects in the area that are not so entered and give the applicant written notice of the determination; or
- subject to subsection (5), give the applicant written notice of the location of each Aboriginal site or object in the area that is entered, or that the Minister has determined should be entered, in the Register.

(5) The Minister must not disclose the exact location of a site or object if, in the Minister's opinion, the disclosure is likely to be detrimental to the protection or preservation of the site or object or to be in contravention of Aboriginal tradition.

(6) The Minister may, within 20 working days after receiving an application, require an applicant to provide information in connection with the application or to engage an expert acceptable to the Minister to do so.

(7) Where the Minister requires information to be provided under subsection (6), the Minister must determine the application within 30 working days of receiving that information.

(8) The Minister may refuse to entertain an application under this section on the grounds

- a) that the area or object is insufficiently identified; or
- b) that the application is not genuine; or
- c) that the Minister does not have the resources to determine the application.

ABORIGINAL HERITAGE ACT 1988 – Part 2B: Recognised Aboriginal Representative Bodies

Section 19B: Recognised Aboriginal Representative Bodies

(1) For the purposes of this Act, the Recognised Aboriginal Representative Body for—

- a) a specified area; or
- b) a specified Aboriginal site or sites; or
- c) a specified Aboriginal object or objects; or
- d) specified Aboriginal remains,

is to be determined in accordance with this Part.

(2) Anangu Pitjantjatjara Yankunytjatjara will be taken to be the Recognised Aboriginal Representative Body in respect of the lands (within the meaning of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981).

(3) Maralinga Tjarutja will be taken to be the Recognised Aboriginal Representative Body in respect of the lands (within the meaning of the Maralinga Tjarutja Land Rights Act 1984).

(4) Subject to this Part, a registered native title body corporate (within the meaning of the Native Title Act 1993 of the Commonwealth) will be taken to be appointed as the Recognised Aboriginal Representative Body in respect of the area that is the subject of the relevant native title determination under that Act (including, to avoid doubt, areas within that area in which native title has been extinguished or suppressed).

(5) However, an appointment under subsection (4) will only have effect if the appointment is approved by the Committee (and, to avoid doubt, the Committee may refuse to approve an appointment for any reason the Committee thinks fit).

(6) If the Committee refuses to approve an appointment under subsection (4), that subsection will be taken to no longer apply in respect of the area that is the subject of the relevant native title determination.

(7) A registered native title body corporate that would, but for this subsection, be taken to be appointed as the Recognised Aboriginal Representative Body in respect of a particular area may, by notice given in a manner and form determined by the Committee, elect not to be the Recognised Aboriginal Representative Body in respect of the area, a specified part of the area or a specified Aboriginal site, object or remains within the area.

(8) On giving notice under subsection (7)—

- a) the appointment of the registered native title body corporate as the Recognised Aboriginal Representative Body in respect of the area will be taken to have been revoked; and
- b) if the notice relates to a specified part of an area, or a specified Aboriginal site, object or remains within the area— the registered native title body corporate will be taken to be appointed in respect of the remainder of the area; and

- c) subsection (4) will be taken to no longer apply in respect of the area, or the specified part of the area or specified Aboriginal site, object or remains (as the case requires).

(9) The Committee may, on application, appoint the following persons or bodies as the Recognised Aboriginal Representative Body in respect of a specified area:

- a) in respect of an area that is the subject of a claim to hold native title under the Native Title Act 1993 of the Commonwealth—the registered native title claimants (within the meaning of that Act) in respect of the claim, or specified members of the registered native title claimants;
- b) in respect of an area that is the subject of an indigenous land use agreement under the Native Title Act 1993 of the Commonwealth and is not an area contemplated by subsection (2), (3) or (4)—an Aboriginal party to that agreement, or specified members of an Aboriginal party to the agreement.

(10) The Committee may, on application, appoint a person or body as the Recognised Aboriginal Representative Body in respect of a specified area (other than an area in respect of which there is already a Recognised Aboriginal Representative Body pursuant to subsection (2), (3) or (4)) or a specified Aboriginal site, object or remains.

(11) An application under this section must, if the Committee so requires, be accompanied by—

- a) if a determination of native title covers all or part of any land to which the application relates—a copy of the determination; and
- b) if an indigenous land use agreement has been entered in respect of all or part of any land to which the application relates—a copy of the agreement; and
- c) if an agreement under Part 2 Division 3 Subdivision P of the Native Title Act 1993 of the Commonwealth has been entered in respect of all or part of any land to which the application relates—a copy of the agreement; and
- d) if a native title mining agreement or native title mining determination under the Mining Act 1971 or the Opal Mining Act 1995 applies in respect of all or part of any land to which the application relates—a copy of the agreement or determination (as the case requires); and
- e) if the application relates to a particular area—a description and map of the area in a form determined by the Committee; and
- f) if the applicant is a registered native title body corporate—a copy of the constitution and rules of the body corporate; and
- g) any other document or information that the Committee may reasonably require.

(12) Before appointing a person or body as a Recognised Aboriginal Representative Body under subsection (9) or (10), the Committee—

- a) must be satisfied that the person or body—
 - a. is able to ascertain and represent the views and knowledge of traditional owners of the relevant area in respect of matters relevant to the operation of this Act (including matters that involve gender-specific requirements, or some other qualification, according to the traditions of the traditional owners); and

- b. satisfies any other requirements set out in the regulations or the guidelines for the purposes of this paragraph; and
- b) must comply with any requirements set out in the regulations for the purpose of this paragraph.

(13) The Committee may give written reasons in relation to an appointment or other decision under this section.

(14) A Recognised Aboriginal Representative Body must be a body corporate that— (a) has perpetual succession and a common seal; and (b) can sue and be sued in its corporate name.

(15) If a document appears to bear the common seal of a Recognised Aboriginal Representative Body, it will be presumed, in the absence of proof to the contrary, that the common seal of the Recognised Aboriginal Representative Body was duly fixed to the document.

ABORIGINAL HERITAGE ACT 1988 – Part 3: Protection and Preservation of Aboriginal Heritage

Division A1 – Agreement making with Recognised Aboriginal Representative Bodies

Section 19H: Negotiation of agreement with Recognised Aboriginal Representative Body

(1) Subject to this Act, an applicant for an authorisation under section 21 or 23 (the proponent) may, if there is a Recognised Aboriginal Representative Body in respect of an area, or in respect of an Aboriginal site, object or remains, to which the application relates—

- a) negotiate with the Recognised Aboriginal Representative Body; and
- b) enter into an agreement (a local heritage agreement) with the Recognised Aboriginal Representative Body, in respect of the area, site, object or remains to which the application relates.

(2) A Recognised Aboriginal Representative Body may refuse to negotiate or enter an agreement under this section for any reason it thinks fit.

(3) Each person or body taking part in negotiations under subsection (1) must do so in good faith.

(4) A local heritage agreement must contain the provisions, and set out the information, required by the regulations and the guidelines (and may contain any other provisions the parties to the agreement think fit).

(5) Without limiting subsection (4), the regulations may require a local heritage agreement to contain—

- a) a provision limiting the costs or charges payable in relation to the agreement (whether by reference to a specified amount, a proportion of the total costs of a specified project or otherwise); or
- b) provisions relating to dispute resolution.

(6) A local heritage agreement does not have effect until it has been approved by the Minister under section 19I, and, following such approval, has effect—

- a) if a commencement day that falls earlier than the day on which the authorisation to which the agreement relates takes effect is specified in the agreement—from that day; or
- b) in any other case—from the time the authorisation to which the agreement relates takes effect,

and remains in force until—

- c) if the agreement specifies a day on which it ceases to have effect—that day; or
- d) —
 - a) the authorisation to which the agreement relates ceases to have effect; and
 - b) all requirements under the agreement have been satisfied; or
- e) the agreement is revoked in accordance with this Act, whichever occurs first.

(7) A local heritage agreement may, with the written agreement of all parties to the agreement and with the approval of the Minister, be varied or revoked.

Section 19I: Approval of local heritage agreement by Minister

(1) A local heritage agreement must be submitted to the Minister for approval in a manner and form determined by the Minister.

(2) The Minister must, as soon as is reasonably practicable after receipt of the agreement, determine whether or not to approve the local heritage agreement.

(3) The Minister may approve a local heritage agreement if he or she is satisfied that the agreement satisfactorily deals with Aboriginal sites, objects or remains known to be, or that may be, located in the area affected by the application to which the agreement relates.

(4) The Minister must, in deciding whether or not to approve an agreement, have regard to the matters set out in the regulations and the guidelines for the purposes of this section.

(5) If the Minister is not satisfied of any matters referred to in this section, the Minister may remit the local heritage agreement to the parties to the agreement for further negotiation and agreement.

Section 19J: Minister to grant certain authorisations where local heritage agreement approved

(1) The Minister must grant an authorisation under this Part if a local heritage agreement relating to the application has been approved under section 19I (and it is a condition of every authorisation so granted that the person authorised complies with the terms of the local heritage agreement).

(2) Nothing in this section prevents the Minister from imposing other conditions on an authorisation under section 14 (however, a condition so imposed that is inconsistent with the agreement will, to the extent of the inconsistency, be taken to be void and of no effect).

Section 19K: Enforcement of local heritage agreement

(1) If—

- a) a party to a local heritage agreement fails to comply with the agreement; or
 - b) there is reason to apprehend that a party to a local heritage agreement may fail to comply with the agreement,
- any other party to the agreement may apply to the District Court for an order under this section.

(2) On such an application, the District Court may make such orders as are necessary to secure compliance with the local heritage agreement, or to remedy the default, and to deal with any related or incidental matters.

(3) However, no order for costs is to be made under subsection (2) unless the District Court considers such an order to be necessary in the interests of justice.

Section 19L: Interaction of Division with other provisions

Nothing in this Division prevents a person from acting in accordance with—

- a) the authority of the Minister granted under another provision of this Act; or
- b) an agreement contemplated by Division A2.

ABORIGINAL HERITAGE ACT 1988 – Part 3: Protection and Preservation of Aboriginal Heritage

Division A2 – Agreements affecting Aboriginal heritage under other Acts

Section 19M: Application of Division

This Division applies to—

- a) an indigenous land use agreement under the Native Title Act 1993 of the Commonwealth; or
- b) an agreement under Part 2 Division 3 Subdivision P of the Native Title Act 1993 of the Commonwealth; or
- c) a native title mining agreement under the Mining Act 1971 or the Opal Mining Act 1995; or
- d) an agreement under the Land Acquisition Act 1969 relating to native title rights and made in relation to a prescribed private acquisition (within the meaning of that Act); or
- e) an agreement, or an agreement of a class, declared by the regulations to be included in the ambit of this subsection, approved by the Minister under section 19N for the purposes of this Division.

Section 19N: Approval of agreements to which Division applies

(1) The Minister may, on application or on his or her own motion, by notice in writing, approve an agreement referred to in section 19M for the purposes of this Division.

(2) An approval may be conditional or unconditional.

(3) Before approving an agreement, the Minister must consult with the Committee (and may consult with any other person or body the Minister thinks fit).

(4) The Minister may only approve an agreement if he or she is satisfied that the agreement satisfactorily deals with Aboriginal sites, objects or remains known to be, or that may be, located in the area to which the agreement relates.

ABORIGINAL HERITAGE ACT 1988 – Part 3: Protection and Preservation of Aboriginal Heritage

Division 1 – Discovery of, and search for, Aboriginal sites, objects and remains

Section 20: Discovery of sites, objects or remains

(1) An owner or occupier of private land, or an employee or agent of such an owner or occupier, who discovers on the land

- a) an Aboriginal site; or
- b) an Aboriginal object or remains,

must, as soon as practicable, report the discovery to the Minister giving particulars of the nature and location of the site, object or remains.

Penalty:

- a) in the case of a body corporate \$50 000;
- b) in any other case \$10 000 or imprisonment for 6 months.

(2) This section does not apply to the traditional owner of the site or object or to an employee or agent of the traditional owner.

(3) The Minister may direct a person making a report to take such immediate action for the protection or preservation of the remains as the Minister considers appropriate.

(4) A person must not, without reasonable excuse, fail to comply with a direction of the Minister under this section.

Penalty: \$2 000 or imprisonment for 3 months.

Section 21: Excavating sites, objects or remains

A person must not, without the authority of the Minister, excavate land for the purpose of uncovering any Aboriginal site, object or remains.

Penalty:

- a) in the case of a body corporate \$50 000;
- b) in any other case \$10 000 or imprisonment for 6 months.

Section 22: Access to and excavation of land by authorised persons

(1) Where the Minister has reason to believe that any Aboriginal site, object or remains have been or may be found on or under any land (including private land), the Minister may authorise a person

- a) to enter the land; and
- b) to search for the site, object or remains; and
- c) to excavate the land.

(2) Before entering any land pursuant to an authorisation under this section, the authorised person must give reasonable notice in writing to the owner and occupier (if any) of the land identifying the land affected.

(3) Where any Aboriginal object or remains, or any object or remains that may be an Aboriginal object or Aboriginal remains, is or are found on the land, the Minister, if satisfied that it is necessary to do so for the protection or preservation of the object or remains, may take possession of the object or remains.

(4) The Minister must make good any damage done to land by a person acting in pursuance of this section.

(5) A person must not, without reasonable excuse, hinder or obstruct a person acting pursuant to an authorisation under this section.

Penalty: \$2 000 or imprisonment for 3 months.

ABORIGINAL HERITAGE ACT 1988 – Part 3: Protection and Preservation of Aboriginal Heritage

Division 2: Protection of Aboriginal sites, objects and remains

Section 23: Damage, etc., to sites, objects or remains

A person must not, without the authority of the Minister

- a) damage, disturb or interfere with any Aboriginal site; or
- b) damage any Aboriginal object; or
- c) where any Aboriginal object or remains are found
 - a) disturb or interfere with the object or remains; or
 - b) remove the object or remains.

Penalty:

- a) in the case of a body corporate \$50 000;
- b) in any other case \$10 000 or imprisonment for 6 months.

ABORIGINAL HERITAGE ACT 1988 – Part 3: Protection and Preservation of Aboriginal Heritage

Division 5: Protection of traditions

Section 37: Preservation of right to act according to tradition

Nothing in this Act prevents Aboriginal people from doing anything in relation to Aboriginal sites, objects or remains in accordance with Aboriginal tradition.