

Your ref:  
Our ref: P301  
Enquiries: Mr Joel Gilman / 9220 4134 heritage@hc.wa.gov.au



**HERITAGE  
COUNCIL**  
OF WESTERN AUSTRALIA

COUNCIL	
Item No.	9.4-4
No. Pages	6

16 August 2007

Mr Ian Bodhill  
Chief Executive Officer  
Shire of Broome  
PO Box 44  
BROOME WA 6725

FILE:	RES 1647
ACTION OFFICER:	CEO
ACTION:	
RECORD NO:	1070820 - 29102007
FURTHER REFERRAL	Already received
ACTION OFFICER	E-mail /
ACTION REQUIRED	NOTE of RESPOND

Dear Mr Bodhill

### Memorandum of Understanding - Broome Cemetery Japanese/Chinese/Muslim Section

I refer to your ongoing discussions with the Heritage Council, in particular with Ms Christine Lewis, Manager Assessments & Registration and more recently with Mr Joel Gilman, Acting Legal Officer.

I understand that these discussions have focused on the consequences that will flow from Broome Cemetery being entered in the State Register of Heritage Places on a permanent basis. Given that Broome Cemetery continues to be operational, it would be appropriate to clearly identify those circumstances where the Shire of Broome (the 'Shire') would be required to consult with the Heritage Council.

That part of the cemetery which is proposed for permanent registration (the 'Registered Curtilage') is shown on the survey drawing at Annexure 1, *Plan Showing Broome Cemetery - HCWA Drawing No.* The Statement of Significance outlining the cultural heritage significance of Broome Cemetery is provided at Annexure 2.

It is important to clarify the relationship between the Heritage Council and the Shire to ensure a mutually acceptable outcome upon permanent registration - namely the recognition and conservation of this important historical site together with minimal impact on the day to day activities of the cemetery.

Accordingly I propose the following Memorandum of Understanding between our respective organisations.

### Memorandum of Understanding between the Shire of Broome and the Heritage Council of Western Australia

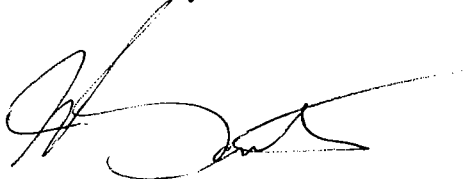
1. The Heritage Council will recommend to the Minister for Heritage that p301 *Broome Cemetery - Japanese/Chinese/Muslim Section* should proceed to interim entry onto the State Register of Heritage Places. The Shire agrees not to oppose permanent registration.
2. The Heritage Council and the Shire acknowledge that upon registration the *Heritage of Western Australia Act 1990* (the 'Heritage Act') requires consultation to take place between the parties regarding certain proposed activities in the Broome Cemetery.



3. The Heritage Council acknowledges that within the Registered Curtilage, there is a markedly lower level of activity than in other parts of the cemetery. In particular, within the Registered Curtilage there is only very infrequent use for new burials in accordance with the wishes of persons who have a connection with existing burial sites.
4. The Heritage Council agrees that the Shire is only required to refer a proposed activity to the Heritage Council pursuant to the Heritage Act in the following circumstances:
  - (a) Where the proposed activity is to occur within the Registered Curtilage and would require an application for approval or licence for development or planning as specified in s78(1) of the Heritage Act; and
  - (b) Where the proposed activity might (whether or not adversely) affect to a significant extent that part of the cemetery within the Registered Curtilage.
5. For the sake of clarification, the following are examples of activities that **do not** fall within the type of proposed activity referred to in part 4(b) above:
  - (a) the creation of new burial sites, including new headstones, within the Registered Curtilage which does not involve the demolition, damage or alteration of any part of the existing historical burial sites including headstones, monuments, railings vaults, arches and mature trees;
  - (b) the ongoing maintenance and repair/restoration where necessary of any part of the existing historical burial sites, provided such activities only involve only like-for-like replacement of materials, paint colours, and so on; and
  - (c) new structures, such as a proposed keeper's cottage, located outside the Registered Curtilage at a sufficient distance so as not to visually or physically impact the cultural heritage significance of the Registered Curtilage.
6. For the sake of clarification, the following are examples of activities within the Registered Curtilage that **do** fall within the type of proposed activity referred to in part 4(b) above:
  - (a) A change in the use of the cemetery;
  - (b) the demolition, damage or alteration of any part of the existing historical burial sites including monuments, railings and mature trees; and
  - (c) addition of new structures, such as arches, walls, buildings or other structures, but not including new headstones for new burial sites, that might affect the visual appearance of the place.
7. The Shire agrees that they will approach the Heritage Council for discussion at the earliest opportunity if there is any doubt regarding the application of part 4 above.

Please arrange execution of the duplicate copies of this letter to indicate acceptance on behalf of the Shire. Please return one signed and dated letter to me, retaining the other for your records.

Yours sincerely



Ian Baxter  
**DIRECTOR**

enc

\_\_\_\_\_  
Ian Bodhill  
**SHIRE OF BROOME**

Date: \_\_\_\_\_

**ANNEXURE 1**

**Plan Showing Broome Cemetery – HCWA Drawing No. 301**



## ANNEXURE 2

### Broome Cemetery – Statement of Significance

*Broome Cemetery - Japanese / Chinese / Muslim Section*, comprising three separate cemeteries within the Broome Cemetery, each with distinctive headstones and alignments specific to the particular culture, and presenting a street frontage to Port Drive, has cultural heritage significance for the following reasons:

the place is a rare example in the State of three non-European cemeteries, in close association to each other, each demonstrating the influences of their separate and distinct cultural traditions through form, materials, script, style, alignment and presentation;

the place has considerable historic value as a record and burial place of the non-Europeans who were pioneers and workers in Broome who contributed much to the economic development of the region and the State through the pearling industry;

the place has aesthetic significance as a fine representative and distinctive cultural example of the specific responses to commemoration by the various cultures involved;

the Japanese cemetery in particular bears testimony to the dangers of the pearling industry, evident in the number of divers lost to occupational hazards such as the bends and the effect of inclement weather;

the place is highly valued by the local and wider community, and by the associated cultural groups. It contributes to their sense of place as the burial place of over a thousand persons who died between the 1890s and the present, many having descendants living locally; and,

the place has the potential to yield information on the non-European populations of Broome.