

## **APPENDIX 11**

Aboriginal Heritage Survey: Thornlie-Cockburn Link  
Project  
(O'Connor, 2017a)

# **ABORIGINAL HERITAGE SURVEY:**

## **THORNIE-COCKBURN LINK PROJECT**

**Report Prepared by R. & E.O'Connor Pty Ltd,**

PO Box 815, Nedlands, WA 6909.

Email: [rocej@inet.net.au](mailto:rocej@inet.net.au)

Tel/Fax (08)93871415.

**For**

**Public Transport Authority,**

Public Transport Centre,

West Parade,

Perth

WA 6000.

**September 2017**

This report is subject to the provisions of the *Australian Copyright Act (Cth) 1968*.

Coordinates listed in this report are MGA Zone 50.

**Aboriginal readers should note that this report contains references to and the names of deceased Aboriginal persons.**

## ABSTRACT

The Public Transport Authority proposes to construct a 17.5 kilometre railway extension from Thornlie to Cockburn Central, which will serve the current and future growth occurring between the Mandurah and Armadale Railway lines. In September 2017, PTA commissioned R & E.O'Connor Pty Ltd to carry out an Aboriginal consultation and a heritage survey of the Thornlie-Cockburn Link Project and produce a report suitable to inform a Notice pursuant to Section 18 of the *Aboriginal Heritage Act 1972* to be submitted to the ACMC in respect of the proposed works, should such submission be required. This document details the methodology, execution and results of that consultative process and Aboriginal heritage survey.

Searches of the Register of Aboriginal Sites at the Department of Planning, Lands and Heritage for the Rail Extension corridor and surrounding land were carried out as a component part of the survey. Register extracts are included in this report as Appendix Four. One registered Aboriginal Site, as follows, is listed in the Register as relevant to the Rail Extension.

- Canning River – Site Number 3538, a mythological and water source site.

This site, which is listed on the Permanent Register has been the subject of a number of previous reports and Section 18 Applications. Because of its status and history, it is the author's opinion that any additional bridgeworks in its vicinity associated with the Project should be preceded by an application pursuant to Section 18 of the *Aboriginal Heritage Act 1972*. The Project involves construction of a new bridge structure across this Aboriginal site.

An initial inspection of the Rail Extension was carried out by the author on 15 September 2017. The morning of Monday, 19 September 2017 was chosen for the meeting and the representatives chosen by SWALSC were notified in the course of the intervening weekend. The proposed works areas were inspected by Ms. M.Yarran, Mr N.Morich, Mr H.Nannup, Ms. T.Walley, Ms. D.Getta, Mr S.Champion, Ms. D.Wynne and Mr T.Walley. PTA was represented on site by Ms. C.Harwood, Senior Environmental Planner for Metronets and Ms. L.Zimmermann, Environmental Officer Infrastructure, Planning and Land Services. R & E.O'Connor Pty Ltd was represented by R.O'Connor and Mr Ted Hart.

In addition to the Canning River Aboriginal Site discussed above, the Aboriginal heritage survey herein documented nominated a wetland area in the proposed Nicholson Road station site as an Aboriginal site. Following the winter rains the wetland area contains surface water and associated reeds indicate that it is a permanent feature. It is located at (MGA Zone 50) 399641E 6452183N. It is a roughly circular shape, with a radius of thirty metres (30m).

As a result of the field survey and database research, the following recommendations are made.

Recommendation One: Public Transport Authority should submit a Notice pursuant to Section 18 of the *Aboriginal Heritage Act 1972* to the Aboriginal Cultural Material Committee in respect of proposed works associated with the Project at Canning River crossing and Nicholson Road Station.

Recommendation Two: A Heritage Information Submission form should be submitted to the Department of Planning, Lands and Heritage in respect of the wetland area at Nicholson Road station site nominated as an Aboriginal site by the Whadjuk survey participants.



Recommendation Three: In view of the possibility of encountering Aboriginal cultural material, Aboriginal monitors should be engaged by Public Transport Authority to attend on site when initial ground disturbance associated with the Project is taking place.

Recommendation Four: Public Transport Authority should arrange for access to the Nicholson Road station site and convene a further meeting of the Whadjuk representatives there before Project construction commences. The northern bank of Canning River where the bridgeworks will take place can be visited at that time also.

Recommendation Five: The Aboriginal Cultural Material Committee should recommend to the Minister that formal consent for the Project should be granted, on the grounds that the Whadjuk representatives have given their conditional approval, that disturbance to Aboriginal heritage sites will be minimal and that the proposed railway extension will be of benefit to the general community.

Recommendation Six: Public Transport Authority should give favourable consideration to the non-heritage matters raised by the Whadjuk representatives and listed in Section 3.5 of this report.

## TABLE OF CONTENTS

### 1.0 INTRODUCTION

1.1 Background	1
1.2 Research Brief	2
1.3 Potential Impacts of Proposed Works	4

### 2.0 SOCIAL AND HISTORICAL BACKGROUND

2.1 Anthropological Considerations	5
2.2 Significance	6
2.3 Aboriginal Groups	8

### 3.0 THE SURVEY

3.1 Methodology	9
3.2 Existing Database	10
3.3 Field Inspections and Consultative Meetings	11
3.4 Meeting Discussions	12
3.5 Meeting Outcomes	19

### 4.0 CONCLUSIONS AND RECOMMENDATIONS 21

#### References

Figure One: The Project Area

Figure Two: Canning River Bridge

Figure Three: Nicholson Road Station

Figure Four: Ranford Road Station

Appendix One: Notes on the *Aboriginal Heritage Act*

Appendix Two: Notes on the Recognition of Aboriginal Sites

Appendix Three: Signed Aboriginal Statements

Appendix Four: Register of Aboriginal Sites Extracts

## 1.0 BACKGROUND

### 1.1 Introduction

Metronet is the long-term blueprint for connecting Perth's suburbs, reducing road congestion and meeting the Metropolitan Area's future planning needs. It will ensure that consideration of land-use outcomes is embedded in the design of new infrastructure. As part of that programme, the 17.5 kilometre railway extension from Thornlie to Cockburn Central (the Thornlie-Cockburn Link Project – “the Project”) will serve the current and future growth occurring between the Mandurah and Armadale Railway lines. The Project will provide local residents and employees with better connections and more public transport. It will also allow the introduction of a Mandurah special service for events at Perth Stadium. It addresses the following three local issues:

- Current transport connections are insufficient to cope with expected population growth;
- The radial design of the current passenger rail network creates service gaps and reduces system resilience, limiting passenger mobility; and
- Economic and population growth pressures are leading to increased congestion and crowding across the transport system, adversely impacting the productivity of the system.

In September 2017, Public Transport Authority (PTA) commissioned R & E.O'Connor Pty Ltd to carry out an Aboriginal consultation and a heritage survey of the Thornlie-Cockburn Link Project and produce a report suitable to inform a Notice pursuant to Section 18 of the *Aboriginal Heritage Act 1972* (AHA) to be submitted to the Aboriginal Cultural Material Committee

(ACMC) in respect of the proposed works, should such submission be required. This document details the methodology, execution and results of that consultative process and Aboriginal heritage survey.

## 1.2 Research Brief

The Project area, as detailed in the Activity Notice submitted to South West Aboriginal Land and Sea Council in accordance with the requirements of the Whadjuk Noongar Standard Heritage Agreement, is shown in Figure One; Figure Two details the proposed bridgeworks at Canning River; Figure Three details the design of the proposed Nicholson Road Station and associated car parking facilities; Figure Four shows design of and associated facilities at the proposed Ranford Road Station. In respect of the Project, as thus described, the research brief required R & E O'Connor Pty Ltd to carry out the following duties.

- Assist PTA with the implementation of the Noongar Standard Heritage Agreement (NSHA) as it applies to proposed formal consultations to support a Section 18 application in respect of the above works, should such an application be required.
- Liaison with South West Aboriginal Land and Sea Council (SWALSC) as required.
- Arrange for on-site consultations with the relevant knowledge holders as advised by SWALSC.
- Liaise with attendees to advise meeting times and locations.
- Facilitate and minute consultation sessions.
- Pay all required consultation fees to attendees.

- At the completion of the briefings provide a report which
  1. Provides the context for the consultations;
  2. Contains detailed minutes of the consultations;
  3. Provides a concise summary of key items raised during the consultations;
  4. Provides recommendations for PTA regarding significant matters raised during the consultations;
  5. Provides payment records for any consultation fees paid to attendees; and
  6. Is suitable to support a Section 18 Application under the AHA, should such an application be required.
- Assist with the drafting of a Section 18 Notice, as required.

It is noted that, for a report to be suitable to inform a Notice pursuant to Section 18 of the AHA as required above, it, and the consultative process and surveys which it details, should be in such a format that it assists the ACMC to:

- Form an opinion as to whether there is any Aboriginal site on the land in question; and
- Evaluate the importance and significance of any such site.

### 1.3 Potential Impacts of Proposed Works

The environmental impact of the proposed works will be minimal, as the major part will take place within or alongside an existing rail corridor, the Forrestfield to Kwinana Freight Line. Areas not included within that corridor are shown on Figure One and detailed in Figures Two to Four. A new proposed bridge crossing of the Canning River will also involve minimal disturbance to the riparian environment, as bridge footings and pylons will not be positioned within the waterway.

## 2.0 SOCIAL AND HISTORICAL BACKGROUND.

### 2.1 Anthropological Considerations

The Aboriginal political geography of Southwestern Australia has been described in O'Connor (1984), O'Connor, *et al.*, (1985) and O'Connor and Quartermaine (1986 and 1987). The following summarised points are relevant to the present exercise.

2.1.1 Southwestern Aborigines were a distinct sociocultural group in pre-contact times, although dialectal variation occurred within a single southwestern language family.

2.1.2 A regional system of land tenure, based on either kinship or dialectal units existed.

2.1.3 Territorial separateness disappeared soon after European settlement, due to population movements, deaths and the development of fringe camps (and later settlements and "missions").

2.1.4 The development of a widely-scattered population of people of mixed-ethnic background, who live in the southwest of this State, see themselves as sharing a common identity and refer to themselves as "Nyungars", occurred during the nineteenth century. Contradicting that tendency, families were still seen by other Nyungars as "belonging" to specific areas on the basis of connections with the traditional past.

2.1.5 Continuity with that traditional past, knowledge of regional mythology and knowledge of areas of religious significance were passed to the present senior adult generation of Nyungars by a pivotal generation of culture transmitters. Among these, in the Metropolitan Region, were Maitland Sandy, Chitty Hedland, Daglish Granny, Sam Broomhall, Herbert Dyson, Bulylil, Wandil, Lottie Harris and Ollie Worrell and George Winjan and Kitty in the Peel Region.

2.1.6 There is now a determination among the present senior adult generation to protect remaining areas of significance from development.

## 2.2 Significance

Significance is attributed by Aboriginal people to areas in the South West region on the basis of former or current domestic usage, or on the basis of relevance to traditional ritual or mythology. Broadly speaking, this distinction can be viewed as a series of dichotomies between historical and mythological, human and supernatural, or mundane and sacred areas. Thus, one area may be viewed as significant from a historical/human/mundane viewpoint, and another from a mythological/sacred viewpoint.

In addition to the above, a substantial number of Aboriginal sites are mentioned in Hammond (1933), Moore (1885), Bates (numerous dates) and other historical sources. Any sites not known to contemporary Aborigines cannot reasonably be classified as “sites of significance to living Aborigines”. However, rediscovery or realisation of the existence of such sites could lead to an attribution of significance. Thus, the neat compartmentalisation resulting from European academic disciplines may not fit absolutely the Aboriginal models; any archaeological or historical site in the survey region could also be potentially significant to Aboriginal people.

In the course of a previous survey in the Mandurah area, however, a further aspect of significance, which the present author terms “generalised significance” was encountered. This has been touched upon in O’Connor and Quartermaine (1989), but not considered there in detail. The Aboriginal elders from the Mandurah area referred to the undeniable fact that the region’s wetlands and rivers were Aboriginal food and water resources, access tracks and campsites. They also pointed out that those areas were spiritual repositories, not in the sense of the ubiquitous Waugal myth, which has been previously recorded in relation to the Murray and Serpentine Rivers, but in a more general sense which draws on the fundamentals of Aboriginal



philosophico-religious belief. In this belief system all living creatures, including humans, share a common spiritual essence and therefore, by extension, every living being represents a part of the wider spiritual universe. The region's wetlands, as breeding grounds for numerous living creatures, are therefore repositories of this spiritual essence realised generationally by individuals.

The above concept is clearly a development from the commonly held notion that significance is only attributable specifically. However, if Section Five of the *Aboriginal Heritage Act* is carefully considered, it is clear that it would be difficult to argue that areas to which this generalised significance is attributed are not Aboriginal sites within the meaning of the Act, as they are clearly being described by the Aboriginal people concerned as “sacred” places “of importance and special significance to persons of Aboriginal descent”. Nonetheless, the author has been notified by the (then) Department of Indigenous Affairs that the Aboriginal Cultural Material Committee has received legal advice that an attribution of generalised significance by Aboriginal people is insufficient to meet the requirements of Section 5 (b) of the Act. There is therefore a potential dissonance between “Aboriginal sites”, as defined by Aboriginal people, and “Aboriginal sites”, as defined by the Act.

## 2.3 Native Title Matters

On 8 June 2015 the Government of Western Australia signed six individual Indigenous Land Use Agreements (ILUA) with the six native title groups whose Applications for

Determination of Native Title covered the South West Region of the State. These groups are the Yued, Gnaala Karla Booja, South West Boojarah, Wagyl Kaip, Ballardong and Whadjuk. The areas of proposed works considered in this report lie wholly within the area covered by the Whadjuk ILUA. Most components of the above settlement of the Applications will not commence until the ILUAs are successfully registered, an outcome currently being delayed by ongoing legal action. For the avoidance of doubt, this report notes that, regardless of the ultimate outcomes of that legal action, the AHA still applies and will continue to apply at all times.

Under the ILUA, the NSHA created a new uniform approach to Aboriginal heritage surveys, providing all involved parties with a clear and timetabled framework about their obligations in respect of Aboriginal heritage matters and how to deal with those obligations. The implementation of the NSHA came into effect from the settlement date of the ILUAs, namely 8 June 2015. All WA Government land users are required to enter into and follow the NSHA if there is a risk that a proposed activity will unlawfully impact upon an Aboriginal site. Accordingly PTA, as a Government Agency, entered into a NSHA with SWALSC, as representative of the Whadjuk People, and an Activity Notice was duly issued to that Council in respect of the Rail Extension.

### 3.0 THE SURVEY

#### 3.1 Methodology

The survey included five separate stages, as follows:

- (i) examination of existing ethnographic database;
- (ii) On-site inspection of areas of proposed works by the anthropologist to decide upon a suitable venue for the initial survey meeting;
- (iii) consultation with Whadjuk representatives nominated by SWALSC after consideration of the Activity Notice;
- (iv) inspection of areas of proposed works by nominated Whadjuk representatives in the company of the author and PTA Officers;
- (v) report preparation.

SWALSC replied to the PTA Activity Notice mentioned in 2.3 above, advising the need for an Aboriginal heritage survey of the Project Area, nominating a Site Identification Survey methodology. That field methodology is described in the *Aboriginal Heritage Procedures Manual* (2002) as follows.

*Ethnographic research involves the identification and recording of Aboriginal sites, as defined under the Aboriginal Heritage Act, through interviews and field inspections with Aboriginal Consultants. This process has been termed a “site identification survey”*

*During the ethnographic research process, the Aboriginal Consultants are asked about their associations with the area under consideration and whether they know of the existence of any places that might be considered Aboriginal sites.*

*If such places are identified, the Aboriginal Consultants are asked to provide details of their nature and extent. Although the ethnographer may record detailed cultural information about the place(s), this will not necessarily be communicated to the proponent, as it may be deemed highly culturally sensitive by the Aboriginal Consultants.*

### 3.2 Existing Aboriginal Heritage Database

Searches of the Register of Aboriginal Sites for the Rail Extension corridor and surrounding land were carried out as a component part of the survey. Register extracts are included below as Appendix Three. One registered Aboriginal Site, as follows, is listed in the Register as relevant to the Project.

- Canning River – Site Number 3538. This site, which is listed on the Permanent Register has been the subject of a number of previous reports and Section 18 Applications, the first of which is detailed below. Because of its status and history, it is the author's opinion that any additional bridgeworks in its vicinity associated with the Project should be preceded by an application pursuant to Section 18 of the *Aboriginal Heritage Act 1972*. It is also suggested that any bridge widening should be designed in such a way that no additional piling in the bed or banks of the river is required.

In 1989, on behalf of (then) Main Roads Department, R.O'Connor and G.Quartermaine produced the *Report on a Survey for Aboriginal Sites on the Roe Highway, Welshpool Road to South Street Section*. No archaeological sites were recorded within, or in close proximity to the current Project area in the course of that survey. Aboriginal participants were Mr C.Bodney, Mr P.Bennell, Mr K.Miller, Mr J.Woods, Mr A.Mippy and Mrs V.Mippy. The report includes the following comments on Canning River. *Aboriginal interests in the Canning River have been previously noted in a number of documents prepared for the Water Authority of WA and other agencies by O'Connor and Bodney. Its association with a Waugal myth would appear to be sufficient grounds for its registration as an Aboriginal site within the meaning of the AHA. The accurate definition of a riverine site has become a contentious issue in the years following the protracted dispute between SECWA and the Fringedwellers of the Swan Valley Inc. over the*

*crossing of Bennett Brook by the High Pressure Gas Pipeline. It is clear that in all cases the Aboriginal concept of a site of this nature includes, minimally, the actual ground depression through which the main stream flows and the sub-surface soils to an indeterminate depth. However, the banks and surrounding floodplain may also be seen by Aboriginal people either as a buffer zone or as an integral part of the site. In the case of the Canning River, it is the author's opinion that the Aboriginal site should be seen as the area within the one hundred year flood level.* The Canning River was registered as an Aboriginal site within the meaning of Section 5 of the AHA as a result of this report. However, no mention was made therein of the River's tributaries and therefore these were not at that time included in the registration.

### 3.3 Field Inspection and Consultative Meetings

An initial inspection of the Rail Extension was carried out by the author on 15 September 2017. A suitable meeting point from which the proposed crossing of the Canning River could be viewed was selected. Whadjuk representatives nominated by SWALSC to participate in the field survey were as follows: Mr Stanley Headland, Ms. Myrtle Yarran, Ms. Theresa Walley, Mr Noel Morich, Mr Harry Nannup, Ms. Doris Getta, Mr Simon Champion, Ms. Dianne Wynne and Mr Trevor Walley as reserve, should one of the previous eight not be available. The morning of Monday, 18 September 2017 was chosen for the meeting and the representatives chosen by SWALSC were notified in the course of the intervening weekend. Mr Headland could not be contacted and Mr Walley, nominated as reserve by SWALSC, duly took his place. The meeting took place at the selected point, adjacent to O'Dell Street in Thornlie, beside the Canning River.

PTA was represented on site by Ms. C.Harwood, Senior Environmental Planner for Metronet and Ms. L.Zimmermann, Environmental Officer Infrastructure Planning and Land Services. R & E.O'Connor Pty Ltd was represented by R.O'Connor and Mr Ted Hart.

### 3.4 Meeting Discussions

R.O'Connor (ROC) declared the meeting open at 10:10 at the selected point, within clear view of the Canning River crossing, welcomed all to the meeting and explained its purpose. The PTA representatives then gave a detailed explanation of the Project.

C.Harwood (CH): Although we will follow the existing freight line and the existing passenger line as far as Thornlie, there will be a second passenger line constructed alongside the existing one, so we will require a second bridge to carry the line across the Canning River. From Thornlie there will be two new lines all the way to the joining with the Mandurah line. There will be two new stations: one at Ranford Road and another at Nicholson Road. The Ranford road site is at the current waste recycle and disposal facility; the Nicholson Road site is currently within a construction site where MRWA contractors are building a bridge to carry that roadway across the freight line. Here at Canning River we will not be disturbing the waterway itself as there will be no piles in the river. The bridge will duplicate the existing one, with structures on both banks and a span across the river.

Noel Morich (NM): When will construction start?

CH: Construction will start in 2018 or 2019 to open the railway in 2021.

R.O'Connor (ROC): Spoke of the original Aboriginal heritage survey carried out for the existing rail link to Thornlie. Recalled that the late Mr Patrick Sullivan Hume had participated.

CH: The original plan for the Mandurah Railway route had a number of options for consideration – one was to build the railway through Thornlie and use the alignment we are now going to use. The tunnel under the Freeway is already in place for us to use.

NM: What is the budget for this work?

CH: Approximately five hundred million dollars.

NM: Will there be opportunities for local Aboriginal content in the tendering process – tendering for contracts.

CH: PTA is looking at a possible Aboriginal Engagement Strategy.

ROC: As Noel will tell you, we have been trying with the Forrestfield-Airport Link, but are having difficulty filling our quotas for Aboriginal employment and contracting.

CH: We hope to learn from that experience.

The group then walked to a position under the existing rail bridge.

CH: You can see here that there is provision for the additional bridge, but also that we are very constrained by the other infrastructure here.

Dianne Wynne (DW): Can the pylons be brought back a bit further from the water?

CH: The problem is that the bicycle path has to stay here, so the constraints do not allow a shift of much more than a half-metre on this bank.

Ted Hart (TH): Just to note that in all earlier consultations, people preferred pylons to be further back from the hundred-year flood level.

CH: Yes, but that is just not possible here because of existing constraints.

DW: It looks like it should be possible on the other side.

CH: Yes, there are less constraints on the other side.

ROC: Will you apply for a Section 18 Ministerial Consent for this work?

CH: Yes.

TH: Will you need another bed and bank permit?

CH: We are investigating that; it depends on where the pylons are going.

NM: You may disturb cultural material on the banks. Will you have our people monitoring works here?

CH: That could be a recommendation of the report.

ROC: Do you wish for that recommendation to be included in my report?

General discussion on the recommendation that monitors should be present during works. A motion was passed unanimously to that effect.

NM: They should be there for the entire Project works.

ROC: Much of those works are along the existing line.

NM: There was never a survey of that line. If you expand out, even in the rail corridor, you may disturb new ground.

NM: Are we going to stop at the other places outside the existing corridor?

CH: That is easy at Ranford Road, but the problem with Nicholson Road is that there is a lot of traffic there. We can probably stop at Willow Ponds Reception Centre and walk from there. But the area is fenced off at present by the MRWA contractors building the bridge across the railway line.

Again, a general discussion took place and a decision was taken to try to get access to the Nicholson Station site. A request was also made by those attending that the maps which are



included in this report as Figures One to Four should be sent to the Whadjuk representatives in attendance by PTA.

ROC: I can supply the addresses to PTA so they can be posted out.

Meeting then reconvened at Willow Ponds Reception Centre car park at 10:55 and the party walked to the MRWA work site, staying outside the works fence.

NM: In all how many bridges will there be?

CH: Apart from the river crossing there will be three: one at Nicholson Road, one at Ranford Road and one at Karel Avenue.

CH: As you can see, currently MRWA is building a bridge to carry Nicholson Road over the freight line and the future passenger line. This does away with railway crossings and the associated dangers and delays. The car park and railway station will be here (showing map included as Figure Three below).

Theresa Walley (TW): There is a nice little pool there, right where the car park will be.

CH: It has surface water in winter.

Unrecorded speaker: There are reeds there.

ROC: In that case it isn't a result of the earthworks going on.

TW: I would like to make a recommendation that the pool should be retained in the landscaping that is going to happen here. Rather than covering it in concrete.

Trevor Walley (TRW): it should be retained. Water is a sacred thing to us.

TW: The Rainbow Serpent is the spirit of the water under the ground. Just as a serpent travels by raising part of the body and then lowering it, the Rainbow Serpent we call the Waugal travels

under the ground and then comes up for a while and then goes down again. These places where he comes up are wetlands and are his sites.

General discussion about this topic and ROC was instructed to include a recommendation from the Whadjuk representatives that the wetland should be preserved through incorporation into a landscaped area within or bordering the proposed car park. The central point of the wetland in question is located at (MGA Zone 50) 399641E 6452183N. It is a roughly circular shape, with a radius of thirty metres (30m).

NM: We really need to walk around this area.

CH: Unfortunately, the MRWA contractor has it fenced off and we are not permitted inside the fence.

General discussion about this matter and a request was made that the representatives should be allowed to return to walk over the area and inspect it. A security person from the contractors approached the party at that stage to ask why we were on site. CH and ROC spoke to him and he suggested that we should contact his office to arrange access. In reply to a question as to whether an Aboriginal heritage survey had been carried out for the current works, he stated that he did not know.

ROC (having returned to the meeting): Did anyone to your knowledge carry out a survey here for these works?

General reply: No.

Myrtle Yarran (MY): Where water is, there you will find old Nyungar camps and sacred sites. That is where you will find all our old relics [Author's note: Ms. Yarran was referring to items of Aboriginal cultural material, such as artefacts].

NM: If we are going to come back to inspect this place, can we also at the time walk to the other bank of the Canning River to have a look at it.

CS: There is private property on the other bank of the river, but I will look into that.

TH: There is a little park on the other side you can walk across.

Meeting then reconvened at Canning Vale Waste Recycling and Disposal Facility at 11:45.

CS and LZ referred to the map included below as Figure Four to explain the proposed station and car park lay-out.

NM: There is some bush that will be disturbed between here and the road.

CH: Yes (showed the area on the map).

TRW: There are a lot of rare orchids here. They need fire to regenerate and then the winter rains raise them. [Author's note: Mr Walley is a retired CALM Officer].

CH: We have had surveys for rare orchids done, but we are awaiting the results.

MY: We need to also consider protecting the native trees. They are our medicines and our foods.

A general discussion about orchids followed, with references to the Spider Orchid of the *Caladenia* genus.

LZ: There has been a survey for them and we will protect them. The survey is for orchid habitats as well as just for the orchids.

CH: Pointed out on the map the nearby conservation area in Caladenia Grove Reserve – a Nature Reserve.

TRW: Orchids are important to us, the Caladenia is our totem.

NM: We need to have monitors on site for rare orchids when digging for the station here.

CH: Our survey will show potential habitats for them.

TRW: Could you consider using the name of the rare orchids here for the railway station? Can we have that as a recommendation?

ROC: Do we all agree?

General agreement. No objections. Caladenia should be the name of the station.

TRW: Can I also recommend that we get a Nyungar artist to do artwork for this station.

NM: We should have more real input in terms of contracts. There should be a concrete agreement for Nyungar contractors, labour and employment. We need an Aboriginal Company to liaise with the lead contractor.

TH: There could be a Joint Venture with the principal contractor.

NM: There is an example of that in Victoria. BARPA acts as joint venture with lead contractors to encourage Aboriginal participation in the workforce.

At this point, a person from the Waste Disposal Facility approached the group to enquire into our reason for gathering in the car park. LZ and ROC spoke to him and explained our purpose.

TRW: There is something else I want to bring up. We have had three meetings today and covered a lot of ground. But we only get one payment. This probably isn't too bad, but Main Roads meetings are running us all over the country and expecting us to give approval for a lot of different projects in one meeting. It is not right because we don't get a chance to walk around and look at places properly.

ROC: The way the Activity Notices are set out, we tend to look at Projects at one time, rather than specific work areas.

TH: The Agreement says that the payments are for a day or a part of a day.

ROC: I understand the issue. Perhaps that is something you should discuss with SWALSC, as we are only able to work within the rules set by the Agreement and the directions given by

SWALSC, which include the numbers to be involved, the payments to be made and the persons who are appointed to carry out the surveys of the various projects.

A general discussion followed after drinks were distributed by the PTA representatives. The meeting closed at 12:45 after representatives had signed a conditional approval for the Project and receipts for consultancy fees paid. Those documents are included below as Appendix Three.

### 3.5 Meeting Outcomes

The Whadjuk representatives are generally supportive of both the Project herein considered and also the general principle of light rail development in the Perth Metropolitan area. The following heritage-related issues were raised in the course of the survey.

- In view of the possibility of encountering Aboriginal cultural material in previously-undisturbed parts of the Project area, or in parts where fill has been laid on the original ground surface, Aboriginal monitors should be on-site for all initial ground disturbance.
- The Whadjuk representatives wish to return to inspect the Nicholson Road station site on foot when access can be arranged. Whilst thus engaged, they can also visit the northern bank of the Canning River where the proposed pylon will be located.
- The wetland at the proposed Nicholson Road station site is an Aboriginal site because it is a manifestation of the Waugal. It should therefore be protected by incorporation into a landscaped area.

Recommendations in respect of the above three matters are included below. Other non-heritage related issues raised were as follows:

- Whadjuk people want opportunities for direct employment on the Project;
- Whadjuk people also want opportunities for Whadjuk businesses to tender for contracts on the Project;
- The Ranford Road station should be named after the Caladenia orchid;
- There should be Whadjuk monitors skilled in identifying Caladenia orchid habitats on site when previously-undisturbed bushland is being cleared for the Ranford Road station site.
- Whadjuk people want involvement in the public art planning for the two proposed stations – the Ranford Road station should include artwork incorporating the Caladenia orchid and should be carried out by a Whadjuk artist.

## 4.0 CONCLUSIONS AND RECOMMENDATIONS

The Public Transport Authority proposes to construct a 17.5 kilometre railway extension from Thornlie to Cockburn Central, which will serve the current and future growth occurring between the Mandurah and Armadale Railway lines. In September 2017, PTA commissioned R & E.O'Connor Pty Ltd to carry out an Aboriginal consultation and a heritage survey of the Thornlie-Cockburn Link Project and produce a report suitable to inform a Notice pursuant to Section 18 of the *Aboriginal Heritage Act 1972* to be submitted to the ACMC in respect of the proposed works, should such submission be required. This document details the methodology, execution and results of that consultative process and Aboriginal heritage survey.

Searches of the Register of Aboriginal Sites at the Department of Planning, Lands and Heritage for the Rail Extension corridor and surrounding land were carried out as a component part of the survey. Register extracts are included in this report as Appendix Four. One registered Aboriginal Site, as follows, is listed in the Register as relevant to the Rail Extension.

- Canning River – Site Number 3538, a mythological and water source site.

This site, which is listed on the Permanent Register has been the subject of a number of previous reports and Section 18 Applications. Because of its status and history, it is the author's opinion that any additional bridgeworks in its vicinity associated with the Project should be preceded by an application pursuant to Section 18 of the *Aboriginal Heritage Act 1972*. The Project involves construction of a new bridge structure across this Aboriginal site.

An initial inspection of the Rail Extension was carried out by the author on 15 September 2017. The morning of Monday, 19 September 2017 was chosen for the meeting and the representatives chosen by SWALSC were notified in the course of the intervening weekend. The proposed works areas were inspected by Ms. M.Yarran, Mr N.Morich, Mr H.Nannup, Ms. T.Walley, Ms. D.Getta, Mr S.Champion, Ms. D.Wynne and Mr T.Walley. PTA was represented on site by Ms. C.Harwood, Senior Environmental Planner Metronet and Ms. L.Zimmermann, Environmental Officer Infrastructure, Planning and Land Services. R & E.O'Connor Pty Ltd was represented by R.O'Connor and Mr Ted Hart.

In addition to the Canning River Aboriginal Site discussed above, the Aboriginal heritage survey herein documented nominated a wetland area in the proposed Nicholson Road station site as an Aboriginal site. Following the winter rains the wetland area contains surface water and associated reeds indicate that it is a permanent feature. It is located at (MGA Zone 50) 399641E 6452183N. It is a roughly circular shape, with a radius of thirty metres (30m).

As a result of the field survey and database research, the following recommendations are made.

Recommendation One: Public Transport Authority should submit a Notice pursuant to Section 18 of the *Aboriginal Heritage Act 1972* to the Aboriginal Cultural Material Committee in respect of proposed works associated with the Project at Canning River crossing and Nicholson Road Station.



Recommendation Two: A Heritage Information Submission form should be submitted to the Department of Planning, Lands and Heritage in respect of the wetland area at Nicholson Road station site nominated as an Aboriginal site by the Whadjuk survey participants.

Recommendation Three: In view of the possibility of encountering Aboriginal cultural material, Aboriginal monitors should be engaged by Public Transport Authority to attend on site when initial ground disturbance associated with the Project is taking place.

Recommendation Four: Public Transport Authority should arrange for access to the Nicholson Road station site and convene a further meeting of the Whadjuk representatives there before Project construction commences. The northern bank of Canning River where the bridgeworks will take place can be visited at that time also.

Recommendation Five: The Aboriginal Cultural Material Committee should recommend to the Minister that formal consent for the Project should be granted, on the grounds that the Whadjuk representatives have given their conditional approval, that disturbance to Aboriginal heritage sites will be minimal and that the proposed railway extension will be of benefit to the general community.

Recommendation Six: Public Transport Authority should give favourable consideration to the non-heritage matters raised by the Whadjuk representatives and listed in Section 3.5 of this report.

## REFERENCES

Bates, D.

1944 *The Passing of the Aborigines*. London: John Murray

Bates, D.

1992 (ed. P.Bridge) *Aboriginal Perth*. Perth: Hesperian Press.

Brown, S.

1983 Aboriginal Sites in the Perth Area. Unpublished Report to Main Roads Department.

Green, N.

1984. *Broken Spears*. Perth: Focus Education Services.

Hammond, J.

1933 *Winjan's People*. Perth: Imperial Publishing.

Moore, G.

1885 *Diary of Ten Tears Eventful Life as an Early Settler in Western Australia*. Facsimile Edition, U.W.A. Press.

O'Connor, R.

1984 Report on the Ethnographic Survey of the Proposed Power Station Site, Collie, Southwestern Australia. Prepared for SECWA.

O'Connor, R

2001 Aboriginal Heritage in Cockburn Sound. Cockburn Sound Management Council.

O'Connor, R., C.Bodney and L.Little

1985 Report on the Survey for Aboriginal Areas of Significance in the Perth Metropolitan and Murray River Regions. Prepared for Australian Heritage Commission.

O'Connor, R. and G.Quartermaine.

1986 Aboriginal Site Survey - Mandurah to Pinjarra. Prepared for Main Roads Department.

O'Connor, R. and G.Quartermaine.

1987 Report on the Survey for Aboriginal Sites in the Cooljarloo Mineral Sands Project.

O'Connor, R., C.Bodney and G.Quartermaine.

1989. Report on an Investigation into Aboriginal Significance of Wetlands and Rivers in the Perth-Bunbury Region. Water Resources Council.

O'Connor, R., G.Quartermaine and A.Yates.

1995. An Investigation into the Aboriginal Significance of Wetlands and Rivers in the Busselton-Walpole Region. Water Resources Council.

Wall. R.

1976. Notes on Aboriginal Reserves around Perth. Unpublished Mss.



[illegible]

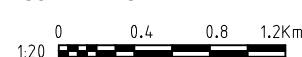
CONCEPT DESIGN SUBJECT TO THE FOLLOWING

- PTA MAINTENANCE REQUIREMENTS
- PTA SAFEWORKing REQUIREMENTS
- MRWA CONCRETE BARRIER DESIGN AND REQUIREMENTS
- UTILITIES REQUIREMENTS
- RELOCATION OF EXISTING SIGNALLING AND COMMUNICATIONS INFRASTRUCTURE
- GEOTECHNICAL CONDITIONS
- EXTENT OF RETAINING AND STRUCTURE TYPES
- DRAINAGE DESIGN

## REFERENCE DRGS

PCG94 Perth to Glen Iris Road Base  
XR PCG Metro Sheet 4 Faded 2016

## SCALE BARS



SCALE :

(@ A1)

DATUM :

HORIZONTAL: PCG94  
VERTICAL: AHD71

DOC REVIEW NOTE No.

DESIGNED

DESIGNED	
DRAWN	MST

CHECKED

1	APPROVED FOR ISSUE
---	--------------------

EXECUTIVE DIRECTOR  
PTA Division / External Company  
DATE



## THORN LIE LINE EXTENSION

THORN LIE LINE EXTENSION  
ENVIRONMENTAL ASSESSMENT AREAS  
OVERALL PLAN

PTA Drawing No:	05-C-03-0006	REV :	A
-----------------	--------------	-------	---















# Section 18 Boundary for Thornlie-Cockburn Link Map





## Appendix One:

### Notes on the *Aboriginal Heritage Act, 1972*

#### OBLIGATIONS RELATING TO SITES UNDER THE ABORIGINAL HERITAGE ACT, 1972

##### Report of Findings

"15. Any person who has knowledge of the existence of anything in the nature of Aboriginal burial grounds, symbols or objects of sacred, ritual or ceremonial significance, cave or rock paintings or engravings, stone structures or arranged stones, carved trees, or of any other place or thing to which this Act applies or to which this Act might reasonably be suspected to apply shall report its existence to the Registrar, or to a police officer, unless he has reasonable cause to believe the existence of the thing or place in question to be already known to the Registrar."

##### Excavation of Aboriginal Sites

"16. (1) Subject to Section 18, the right to excavate or to remove any thing from an Aboriginal site is reserved to the Registrar.

(2) The Registrar, on the advice of the Committee, may authorise the entry upon and excavating of an Aboriginal site and the examination or removal of any thing on or under the site in such manner and subject to such conditions as the Committee may advise."

##### Offences Relating to Aboriginal Sites

"17. A person who-

- (a) Excavates, destroys, damages, conceals or in any way alters any Aboriginal site; or
- (b) In any way alters, damages, removes, destroys, conceals, or who deals with in a manner not sanctioned by relevant custom, or assumes the possession, custody or control of, any object on or under an Aboriginal site,

commits an offence unless he is acting with the authorisation of the Registrar under Section 16 or the consent of the Minister under Section 18."

##### Consent to Certain Uses

"18. (1) For the purposes of this section, the expression "the owner of any land" includes a lessee from the Crown, and the holder of any mining tenement or mining privilege, or of any right or privilege under the Petroleum Act, 1967, in relation to the land.

(2) Where the owner of any land gives to the Trustees notice in writing that he requires to use the land for a purpose which, unless the Minister gives his consent in this Section, would be likely to result in a breach of Section 17 in respect of any Aboriginal site that might be on the land, the Committee shall, as soon as they are reasonably able, form an opinion as to whether there is any Aboriginal site on the land, evaluate the importance and significance of any such site, and submit the notice to the Minister together with their recommendations in writing as to whether or not the Minister should consent to the use of the land for that purpose, and, where applicable, the extent to which and the conditions upon which his consent should be given.

(3) When the Committee submit a notice to the Minister under subsection (2) of this section he shall consider their recommendation and having regard to the general interest of the community shall either -

(a) Consent to the use of the land the subject of the notice, or a specified part of the land, for the purpose required, subject to such conditions, if any, as he may specify; or

(b) Wholly decline to consent to the use of the land the subject of the notice for the purpose required,

and shall forthwith inform the owner in writing of his decision.

(4) Where the owner of any land has given to the Committee notice pursuant to the subsection (2) of this section and the Committee have not submitted it with their recommendation to the Minister in accordance with that subsection the Minister may require the Committee to do so within a specified time, or may require the Trustees to take such other action as the Minister considers necessary in order to expedite the matter, and the Committee shall comply with any such requirement.

(5) Where the owner of any land is aggrieved by a decision of the Minister made under subsection (3) of this section he may, within the time and in the manner prescribed by the rules of court, appeal from the decision of the Minister to the Supreme Court which may hear and determine an appeal.

(6) In determining an appeal under subsection (5) of this section the Judge hearing the appeal may confirm or vary the decision of the Minister against which the appeal has been made or quash the decision of the Minister, and may make such order as to the costs of the appeal as he sees fit.

(7) Where the owner of the any land gives notice to the Committee under subsection (2) of this section, the Committee may if they are satisfied that it is practicable to do so, direct the removal of any object to which this Act applies from the land to a place of safe custody.

(8) Where consent has been given under this section to a person to use any land for a particular purpose nothing done by or on behalf of that person pursuant to, and in accordance with any conditions attached to, the consent constitute an offence against the Act."

## Appendix Two:

### Notes on the Recognition of Aboriginal Sites

There are various types of Aboriginal Sites, and these notes have been prepared as a guide to the recognition of those types likely to be located in the survey area.

An Aboriginal Site is defined in the Aboriginal Heritage Act, 1972, in Section 5 as:

"(a) Any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made for or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;

(b) Any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;

(c) Any place which, in the opinion of the Committee is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the state;

(d) Any place where objects to this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed."

#### Habitation Sites

These are commonly found throughout Western Australia and usually contain evidence of tool-making, seed grinding and other food processing, cooking, painting, engraving or numerous other activities. The archaeological evidence for some of these activities is discussed in details under the appropriate heading below.

Habitation sites are usually found near an existing or former water source such as a gnamma hole, rock pool, spring or soak. They are generally in the open, but they sometimes occur in shallow rock shelters or caves. It is particularly important that none of these sites be disturbed as the stratified deposits which may be found at such sites can yield valuable information about the inhabitants when excavated by archaeologists.

#### Seed Grinding

Polished or smoothed areas are sometimes noticed on/near horizontal rock surfaces. The smooth areas are usually 25cm wide and 40 or 50cm long. They are the result of seed grinding by the Aboriginal women and indicate aspects of past economy.

## Habitation Structures

Aboriginal people sheltered in simple ephemeral structures, generally made of branches and sometimes of grass. These sites are rarely preserved for more than one occupation period. Occasionally rocks were pushed aside or used to stabilise other building materials. When these rocks patterns are located they provide evidence for former habitation sites.

## Middens

When a localised source of shellfish and other foods has been exploited from a favoured camping place, the accumulated ashes, hearth stones, shells, bones and other refuse can form mounds at times several metres high and many metres in diameter. Occasionally these refuse mounds or middens contain stone, shell or bone tools. These are most common near the coast, but examples on inland lake and river banks are not unknown.

## Stone Artefact Factory Sites

Pieces of rock from which artefacts could be made were often carried to camp sites or other places for final production. Such sites are usually easily recognisable because the manufacturing process produces quantities of flakes and waste material which are clearly out of context when compared with the surrounding rocks. All rocks found on the sandy coastal plain, for example, must have been transported by human agencies. These sites are widely distributed throughout the State.

## Quarries

When outcrops of rock suitable for the manufacture of stone tools were quarried by the Aborigines, evidence of the flaking and chipping of the source material can usually be seen in situ and nearby. Ochre and other mineral pigments used in painting rock surfaces, artefacts and in body decoration are mined from naturally occurring seams, bands and other deposits. This activity can sometimes be recognised by the presence of wooden digging sticks or the marks made by these implements.

## Marked Trees

Occasionally trees are located that have designs in the bark which have been incised by Aborigines. Toeholds, to assist the climber, were sometimes cut into the bark and sapwood of trees in the hollow limbs of which possums and other arboreal animals sheltered. Some tree trunks bear scars where section of bark or wood have been removed and which would have been used to make dishes, shield, spearthrowers and other wooden artefacts. In some parts of the state

wooden platforms were built in trees to accommodate a corpse during complex rituals following death.

## Burials

In the north of the state, it was formerly the custom to place the bones of the dead on a ledge in a cave after certain rituals were completed. The bones were wrapped in sheets of bark and the skull placed beside this. In other parts of Western Australia the dead were buried, the burial position varying according to the customs of the particular area and time. Natural erosion, or mechanical earthmoving equipment occasionally exposes these burial sites.

## Stone Structures

If one or more stone are found partly buried or wedged into a position which is not likely to be the result of natural forces, then it is probable that the place is an Aboriginal site and that possibly there are other important sites nearby. There are several different types of stone arrangements ranging simple cairns or piles of stones to more elaborate designs.

Low weirs which detain fish when tides fall are found in coastal areas. Some rivers contain similar structures that trap fish against the current. It seems likely that low stone slab structures in the south west jarrah forests were built to provide suitable environments in which to trap some small animals. Low walls or pits were sometimes made to provide a hide or shelter for a hunter.

Elongated rock fragments are occasionally erected as a sign or warning that a special area is being approached. Heaps or alignments of stones may be naturalistic or symbolic representations of animals, people or mythological figures.

## Paintings

These usually occur in rock shelters, caves or other sheltered situations which offer a certain degree of protection from the weather. The best known examples in Western Australia occur in the Kimberley region but paintings are also found through most of the states. One of several coloured ochres as well as other coloured pigments may have been used at a site. Stencilling was a common painting technique used throughout the state. The negative image of an object was created by spraying pigment over the object which was held against the wall.

## Engravings

This term described designs which have been carved, pecked or pounded into a rock surface. They form the predominant art form of the Pilbara region but are known to occur in the

Kimberleys in the north to about Toodyay in the south. Most engravings occur in the open, but some are situated in rock shelters.

### Caches

It was the custom to hide ceremonial objects in niches and other secluded places. The removal of objects from these places, or photography of the places or objects or any other interference with these places is not permitted.

### Ceremonial Grounds

At some sites the ground has been modified in some way by the removal of surface pebbles, or the modelling of the soil, or the digging of pits and trenches. In other places there is not noticeable alteration of the ground surface and Aborigines familiar with the site must be consulted concerning its location.

### Mythological Sites

Most sites already described have a place in Aboriginal mythology. In addition there are many Aboriginal sites with no man-made features which enable them to be recognised. They are often natural features in the landscape linked to the Aboriginal Account of the formation of the world during the creative "Dreaming" period in the distant past. Many such sites are located at focal points in the creative journeys of mythological spirit beings of the Dreaming. Such sites can only be identified by the Aboriginal people who are familiar with the associated traditions.

Appendix Three:

Signed Statements



Date 18-9-17

The proposed THANUK-COOKBURN LINK PROJECT  
has been inspected by the following elders of the WHARDJUK  
Group

and has been:

~~Approved~~

Approved subject to the following conditions

~~Not approved for the following reasons~~

- Monitors.
- Beach monitors.
- Attended Cairnpoint & Nicholson Rd Sta.
- Protect pool/ wetland there - in landscaping.
- opportunity for Aboriginal contracting & employment - through WWP.
- Station name after architect & artwork representing them.

NAME

SIGNATURE

Doris GERRA

TREVOR WALKER  
Laverack

Dianne Wynne  
Nga Moa. CH

Simon CHAMPION  
HARRY WALKER?

MURIEL YARRAN

Doris Gerra  
M. Kelly  
J.W.

[Signature]  
[Signature]

[Signature]  
[Signature]

Date 18-9-17

The following members of the WHADJUK

Group have received the sum of \$510 per person per day as reimbursement of expenses

incurred attending an Aboriginal heritage survey of the

proposed THEANIE - COCKBURN LINK project.

Name

Signature

DORIS GETTA

Doris Getta

1 RIVER WALLBY

Wallby

Theresa Wallby

Diarine Wynne

Noel Monica

Monica

Simon Champion

STARRS NARRUP

Starrs

MYRTLE YARRAN.

Myrtle Yarran

Appendix Four:

Register of Aboriginal Sites Extract

### Search Criteria

Registered Aboriginal Site ID 3538

### Disclaimer

The *Aboriginal Heritage Act 1972* preserves all Aboriginal sites in Western Australia whether or not they are registered. Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist.

The information provided is made available in good faith and is predominately based on the information provided to the Department of Planning, Lands and Heritage by third parties. The information is provided solely on the basis that readers will be responsible for making their own assessment as to the accuracy of the information. If you find any errors or omissions in our records, including our maps, it would be appreciated if you email the details to the Department at [heritageenquiries@daa.wa.gov.au](mailto:heritageenquiries@daa.wa.gov.au) and we will make every effort to rectify it as soon as possible.

### South West Settlement ILUA Disclaimer

Your heritage enquiry is on land within or adjacent to the following Indigenous Land Use Agreement(s): Gnaala Karla Booja People ILUA, Whadjuk People ILUA.

On 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance on how to assess the potential risk to Aboriginal heritage.

Likewise, from 8 June 2015 the Department of Mines, Industry Regulation and Safety (DMIRS) in granting Mineral, Petroleum and related Access Authority tenures within the South West Settlement ILUA areas, will place a condition on these tenures requiring a heritage agreement or a NSHA before any rights can be exercised.

If you are a State Government Department, Agency or Instrumentality, or have a heritage condition placed on your mineral or petroleum title by DMIRS, you should seek advice as to the requirement to use the NSHA for your proposed activity. The full ILUA documents, maps of the ILUA areas and the NSHA template can be found at <https://www.dpc.wa.gov.au/lantu/Claims/Pages/SouthWestSettlement.aspx>.

Further advice can also be sought from the Department of Planning, Lands and Heritage at [heritageenquiries@daa.wa.gov.au](mailto:heritageenquiries@daa.wa.gov.au).

### Copyright

Copyright in the information contained herein is and shall remain the property of the State of Western Australia. All rights reserved.

### Coordinates

Map coordinates (MGA Zone 50 Easting/Northing metres) are based on the GDA 94 Datum.



### Basemap Copyright

Map was created using ArcGIS software by Esri. ArcGIS and ArcMap are the intellectual property of Esri and are used herein under license. Copyright © Esri. All rights reserved. For more information about Esri software, please visit [www.esri.com](http://www.esri.com).

Satellite, Hybrid, Road basemap sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, HERE, DeLorme, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community.

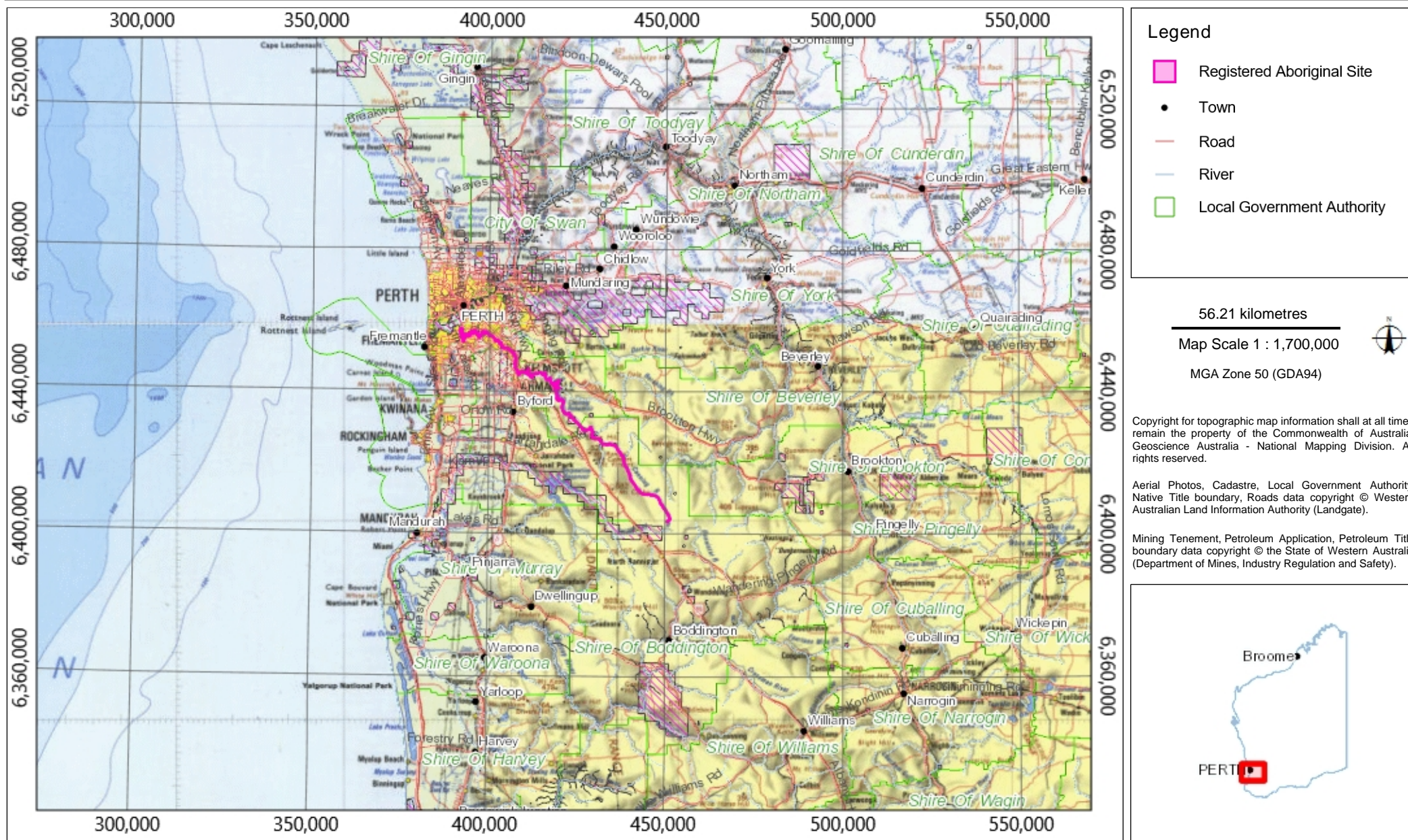
Topographic basemap sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community.



# Aboriginal Heritage Inquiry System

## Map of Registered Aboriginal Sites

For further important information on using this information please see the  
Department of Planning, Lands and Heritage's Terms of Use statement at  
<http://www.daa.wa.gov.au/Terms-Of-Use/>



### Search Criteria

Registered Aboriginal Site ID 3538

### Disclaimer

The Aboriginal Heritage Act 1972 preserves all Aboriginal sites in Western Australia whether or not they are registered. Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist.

The information provided is made available in good faith and is predominately based on the information provided to the Department of Planning, Lands and Heritage by third parties. The information is provided solely on the basis that readers will be responsible for making their own assessment as to the accuracy of the information. If you find any errors or omissions in our records, including our maps, it would be appreciated if you email the details to the Department at [heritageenquiries@daa.wa.gov.au](mailto:heritageenquiries@daa.wa.gov.au) and we will make every effort to rectify it as soon as possible.

### South West Settlement ILUA Disclaimer

Your heritage enquiry is on land within or adjacent to the following Indigenous Land Use Agreement(s): Gnaala Karla Booja People ILUA, Whadjuk People ILUA.

On 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance on how to assess the potential risk to Aboriginal heritage.

Likewise, from 8 June 2015 the Department of Mines, Industry Regulation and Safety (DMIRS) in granting Mineral, Petroleum and related Access Authority tenures within the South West Settlement ILUA areas, will place a condition on these tenures requiring a heritage agreement or a NSHA before any rights can be exercised.

If you are a State Government Department, Agency or Instrumentality, or have a heritage condition placed on your mineral or petroleum title by DMIRS, you should seek advice as to the requirement to use the NSHA for your proposed activity. The full ILUA documents, maps of the ILUA areas and the NSHA template can be found at <https://www.dpc.wa.gov.au/lantu/Claims/Pages/SouthWestSettlement.aspx>.

Further advice can also be sought from the Department of Planning, Lands and Heritage at [heritageenquiries@daa.wa.gov.au](mailto:heritageenquiries@daa.wa.gov.au).

### Copyright

Copyright in the information contained herein is and shall remain the property of the State of Western Australia. All rights reserved.

### Coordinate Accuracy

Coordinates (Easting/Northing metres) are based on the GDA 94 Datum. Accuracy is shown as a code in brackets following the coordinates.

Terminology (NB that some terminology has varied over the life of the legislation)

Place ID/Site ID: This a unique ID assigned by the Department of Planning, Lands and Heritage to the place.

Status:

- Registered Site: The place has been assessed as meeting Section 5 of the Aboriginal Heritage Act 1972.
- Other Heritage Place which includes:
  - Stored Data / Not a Site: The place has been assessed as not meeting Section 5 of the Aboriginal Heritage Act 1972.
  - Lodged: Information has been received in relation to the place, but an assessment has not been completed at this stage to determine if it meets Section 5 of the Aboriginal Heritage Act 1972.

Access and Restrictions:

- File Restricted = No: Availability of information that the Department of Planning, Lands and Heritage holds in relation to the place is not restricted in any way.
- File Restricted = Yes: Some of the information that the Department of Planning, Lands and Heritage holds in relation to the place is restricted if it is considered culturally sensitive. This information will only be made available if the Department of Planning, Lands and Heritage receives written approval from the informants who provided the information. To request access please contact [heritageenquiries@daa.wa.gov.au](mailto:heritageenquiries@daa.wa.gov.au).
- Boundary Restricted = No: Place location is shown as accurately as the information lodged with the Registrar allows.
- Boundary Restricted = Yes: To preserve confidentiality the exact location and extent of the place is not displayed on the map. However, the shaded region (generally with an area of at least 4km<sup>2</sup>) provides a general indication of where the place is located. If you are a landowner and wish to find out more about the exact location of the place, please contact the Department of Planning, Lands and Heritage.
- Restrictions:
  - No Restrictions: Anyone can view the information.
  - Male Access Only: Only males can view restricted information.
  - Female Access Only: Only females can view restricted information.

Legacy ID: This is the former unique number that the former Department of Aboriginal Sites assigned to the place. This has been replaced by the Place ID / Site ID.





# Aboriginal Heritage Inquiry System

## List of Registered Aboriginal Sites

ID	Name	File Restricted	Boundary Restricted	Restrictions	Status	Type	Knowledge Holders	Coordinate	Legacy ID
3538	CANNING RIVER.	No	No	No Gender Restrictions	Registered Site	Mythological, Named Place, Ochre, Water Source	*Registered Knowledge Holder names available from DAA	412123mE 6442557mN Zone 50 [Reliable]	S02550