ABORIGINAL HERITAGE SURVEY OF PROPOSED

NORTHERN SUBURBS RAILWAY EXTENSION

ALIGNMENT

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For
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April 2017

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

Aboriginal readers are advised that this report includes references to, and names of, deceased Aboriginal people.
Acronyms Used in This Report

ACMC Aboriginal Cultural Material Committee
AHA Aboriginal Heritage Act 1972 (WA)
AHIS Aboriginal Heritage Inquiry System
DAA Department of Aboriginal Affairs
HISF Heritage Information Submission Form
HSR Heritage Survey Report
ILUA Indigenous Land Use Agreement
NSHA Noongar Standard Heritage Agreement
PTA Public Transport Authority
SWALSC South West Aboriginal Land and Sea Council
ABSTRACT

In November 2008, PTA commissioned R & E O'Conner Pty Ltd to carry out a preliminary "desk-top" assessment of the then proposed route of an extension of the Northern Suburbs railway from Butler Station to Yanchep. The report on the assessment was submitted to PTA in December 2008. Following that assessment, in February 2013 an archaeological survey of the route was carried out by archaeologist John Cecchi. In February 2017, PTA commissioned R & E O'Conner Pty Ltd to carry out an Aboriginal consultation and a heritage survey of the Rail Extension and produce a report suitable to inform a Notice pursuant to Section 18 of the AHA 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.

Pursuant to the terms of the NSHA, into which it has entered with SWALSC as representative of the Whadjuk People, PTA issued an Activity Notice in respect of the above proposed railway extension to that Council in early 2017. Whadjuk representatives nominated by SWALSC to participate in the field survey of the proposed railway route were as follows: Ms. Bella Bropho, Mr Brendan Moore, Mr Chris Shaw, Ms. Frances Humphries, Ms. Esandra Colbung, Mr Dennis Simmons (a reserve), Mr Ron Gidgup, Ms. Tanya Bodney and Mr Graham Nettle (also a reserve).

Initial contacts with nominated representatives in order to arrange the survey were made by Mr Ted Hart, Aboriginal Liaison Consultant. Mr Hart was unable to contact Ms. Humphries and reserve Mr Nettle was not available on the day of the survey. Mr Brendan Moore was unable to attend on the day, but sent Mr Kerry King to represent...
him. Ms. Colbung and Mr Simmons were unable to attend on the day of the survey, but agreed to meet with the author on the following day. Accordingly, on 7 April 2017, the Rail Extension was inspected by Ms. Bodney, Ms. Bropho, Mr Gidgup, Mr Shaw and Mr King and by Ms. Colbung and Mr Simmons on 8 April.

As a result of the inspection of the Register of Aboriginal Sites at DAA and the field inspection of the proposed route by the Whadjuk representatives it has been established that, with the sole exception of the limestone outcrops discussed in 3.4 of this report, the entire proposed route is clear of areas of Aboriginal significance and has been approved, as such, by the Whadjuk representatives, subject to the following conditions:

- **Relocation or avoidance of Romeo Road Pinnacles:**

- **Further consultation for (a) final alignment and (b) ancillary facilities.**

The representatives have also instructed R. O'Connor to submit a HISF form to DAA in respect of those outcrops.

It is therefore a recommendation that, with the exception at this stage of the limestone outcrops mentioned above and detailed in this report, Aboriginal heritage considerations should not be deemed an impediment to the planning and construction of the proposed Northern Suburbs Railway extension from Butler Station to Yanchep. Notwithstanding the above recommendation, it is also recommended that PTA should again consult with the Whadjuk representatives nominated by SWALSC when the final rail alignment is decided and also when the precise location and spread of any ancillary PTA facilities in the vicinity of the planned stations are finalised.
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1.0 BACKGROUND

1.1 Introduction

The PTA proposes to extend the Northern Suburbs Railway northwards from its current terminus at Butler, through the suburbs of Alkimos and Eglinton, to a new terminus at Yanchep ("the Rail Extension"). In November 2008, PTA commissioned R & E O'Connor Pty Ltd to carry out a preliminary "desk-top" assessment of the then proposed route of that extension. The report on the assessment was submitted to PTA in December 2008. Following that assessment, in February 2013 an archaeological survey of the route was carried out by archaeologist John Cecchi. In February 2017, PTA commissioned R & E O'Connor Pty Ltd to carry out an Aboriginal consultation and a heritage survey of the Rail Extension and produce a report suitable to inform a Notice pursuant to Section 18 of the AHA 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.

1.2 Research Brief

The Rail Extension is shown on Figure One. It commences at the existing Butler Station and, from there, follows a roughly northward alignment, parallel to and to the east of Marmion Avenue, crossing the future alignment of Romeo Road and
Alkimos Drive. Crossing Pipidinny Road, it continues in a generally northward direction and moves away from the alignment of Marmion Avenue, which veers towards the northwest to its current junction with Yanchep Beach Road. The Rail Extension will pass through an area of Bush Forever land to the north of Pipidinny Road and then to the west of Jindowie Estate in Yanchep. It will then cross Yanchep Beach Road, to continue an alignment to the east of Welwyn Avenue and reach a terminus on the north side of the future Toreopango Avenue. In respect of the Rail Extension, 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 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, including assisting in preparation of an Activity Notice and any required supporting documentation.
- Liaison with 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.

- 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 Plan and Profile for the Rail Extension are included below as Appendix One. This report notes that the Plan is a Concept Design only and not a final Construction Plan. However, as shown, construction will involve both extensive cut and fill in certain sectors of the route, including to the south and north of Romeo Road, to the immediate north of Alkimos Station, to the south of the future Eglinton Drive and in Bush Forever land to the south of Yanchep Beach Road. The spread of ancillary infrastructure, such as car parks and bicycle storage units, at proposed stations is also likely to be wide. Accordingly, scrutiny of final design plans and probably a further inspection by the Aboriginal people will be required to assess fully
the level and spread of construction impact: a matter raised by the Whadjuk representatives who participated in the field survey.
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, Bulyil, Wandi, 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 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 geotechnical works in preparation for 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;
(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 Two. There are no Registered Aboriginal Sites or Other Heritage Places within the Rail Extension corridor. Figure Two shows the corridor in relation to data extracted from the Register.

3.3 Field Inspection and Consultative Meetings

An initial inspection of the Yanchep sector of the Rail Extension was carried out by the author on 1 April 2017. Whadjuk representatives nominated by SWALSC to participate in the field survey were as follows: Ms. Bella Bropho, Mr Brendan Moore, Mr Chris Shaw, Ms. Frances Humphries, Ms. Esandra Colbung, Mr Dennis Simmons (a reserve), Mr Ron Gidjup, Ms. Tanya Bodney and Mr Graham Nettle (also a reserve). Initial contacts with nominated representatives in order to arrange the survey were made by Mr Ted Hart, Aboriginal Liaison Consultant. Mr Hart was unable to contact Ms. Humphries and reserve Mr Nettle was not available on the day of the survey. Mr Brendan Moore was unable to attend on the day, but sent Mr Kerry King to represent him. Ms. Colbung and Mr Simmons were unable to attend on the day of the survey, but agreed to meet with the author on the following day. Accordingly, on 7 April 2017, the Rail Extension was inspected by Ms. Bodney, Ms. Bropho, Mr Gidgup, Mr Shaw and Mr King and by Ms. Colbung and Mr Simmons on 8 April. PTA was represented on 7 April by Ms. M. Ludlow, Environmental Manager.
Infrastructure Planning and Land Services and Ms. Jelena Sostaric, Environmental Officer Infrastructure Planning and Land Services. Consultant to PTA, Advisian, a member of the Worley Parsons Group, was represented by Dr. Michael Page, Senior Engineering Geologist. 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 10:40 in a car park adjacent to the PTA Butler Station car park, welcomed all to the meeting and explained its purpose. M.Ludlow (ML) acknowledged the traditional owners of the Perth Metropolitan Area as the original inhabitants and welcomed the Whadjuk representatives. She then explained the purpose of the consultation and outlined generally the proposed Rail Extension route, using the map included below as Figure One. She suggested that the groups should meet at several points along the route where pedestrian access was possible and safe car parking available. The group then moved to a vantage point to the northwest of the existing Butler Station.

ML: The link with the existing line which ends here will be below us to the south.

Ron Gidgup (RG): Why is it so deep?

ML: the depth is calculated to reduce the noise level which could affect residents of surrounding houses.

Tanya Bodney (TB): Looking at this here I can see a lot of land is going to be taken up by car parks and the likes. That will be the same along the line. I think we should be brought out to have a look at these when the plans are finalised.
ML: I shall take that comment back for consideration.

Chris Shaw (CS): Has anybody walked over the land.

ROC: Archaeologist John Cecchi walked over the entire route a few years ago. There were no archaeological sites recorded by him. I also spoke Esandra’s deceased dad and Tanya’s dad and, I think, Bella’s deceased dad about ten years ago when we had a preliminary look at this. Pipidinny Swamp was registered as an Aboriginal site then, I think – or that may have been when we did the Freeway extension northwards. We have been out here for a number of different projects and other people too have done surveys for housing estates through here.

The group then moved to the roundabout at the junction of Graceful Boulevard with Marmion Avenue, parked the vehicles and walked eastward along the existing track to the approximate point where the Rail Extension alignment will pass over that track. A series of limestone outcrops is located in close proximity to the proposed Rail Extension route at this point. These outcrops are shown in Plates One and Two and mapped in Figure Three. The individual outcrops vary in size from approximately twenty centimetres above ground level to approximately two metres. An inspection by the more able-bodied Whadjuk representatives suggested that about twenty outcrops are located within the area shown in Figure Three, although smaller uncounted ones may be obscured by the dense coastal scrub. The area in question is defined by the following coordinate sets:

<table>
<thead>
<tr>
<th>Longitude (East)</th>
<th>Latitude (South)</th>
</tr>
</thead>
<tbody>
<tr>
<td>115.6928821140520</td>
<td>31.6181000596144</td>
</tr>
<tr>
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</tr>
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<td>115.6922343101690</td>
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<tr>
<td>115.6930720780550</td>
<td>31.6186328430499</td>
</tr>
<tr>
<td>115.692881140520</td>
<td>31.6181000596144</td>
</tr>
</tbody>
</table>
CS: How close will the railway be to these?

ML: It looks like the railway might go through them, but the final alignment plans are not yet available. We can move the geotechnical testing to avoid them; but may not be able to do so with the alignment.

ROC: Spoke with the Whadjuk representatives regarding the possible Aboriginal heritage status of the outcrops and explained the implications for the development if they were deemed to be an Aboriginal site under Section 5 of the AHA.

RG: Yes. They will need to go for a Section 18 approval if these are to be removed. They belong to our old people.

The group then walked to a test-pit further east along the track and Michael Page (MP) pointed to pegs marking the approximate centre-line of the proposed corridor and the western and eastern boundaries. These appeared to suggest that the Rail Extension will narrowly avoid the most easterly of the outcrops. MP pointed out that the future Romeo Road extension will pass through this area and may therefore damage or destroy the outcrops. This suggestion was met with adverse comment from the Whadjuk representatives.

ML: We will come out again when we have the final alignment. It does appear that it will miss the pillars.

ROC: Do you wish for me to submit a Heritage Information Submission Form about these? If so you need to instruct me to do so. (ROC then explained the process and noted that the outcrops cannot be an Aboriginal site within the meaning of Section 5 of the AHA if there is no Aboriginal information in their regard). The Whadjuk representatives discussed those points amongst themselves.

CS: These pinnacles were a waypoint or marking point as an item for the ancestors. There is nothing like this in the general area. We want them registered. Put all our

Aboriginal Heritage Survey of Proposed Northern Suburbs Railway Extension Alignment

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names down as informants for these. They are believed by us to be of spiritual
significance to our ancestors.

RG (after returning to vehicles): If necessary, it may be possible to remove the
pinnacles by cutting them at ground level and relocating them.

The group then moved to high ground adjacent to Jindowie Estate to the south
of Yanchep Beach Road. From here, the view to the south took in part of the Bush
Forever land and the view north across Yanchep Beach Road afforded a good
panorama of the northern sectors of the Rail Extension alignment. Because of the
steep climb involved, the older Whadjuk representatives stayed with the vehicles.

CS: Are there any sites registered in this area?

ROC: Not on the alignment. Nothing to the south as far as Pipidinny Swamp, which
was registered by Esandra’s dad and it is to the east of where the railway will be. But
there is an artefact scatter about a kilometre to the west of the alignment on the other
side of Yanchep Beach Road. It is near a fence line and a small drainage creek. Most
of the land has been cleared already up there. ROC pointed out roughly where the
artefact scatter is located.

The group then travelled across country to a final meeting near the proposed
Yanchep Station and terminus, where a general discussion was held and ROC
summarised the outcomes of the survey and drew up the approval form for signing by
the Whadjuk representatives. The signed form, which is included below in Appendix
Three, along with receipts for consultancy fees paid, reads as follows. The proposed
Butler to Yanchep Railway Line has been inspected by the following elders of the
Whadjuk Group and has been approved subject to the following conditions:

Aboriginal Heritage Survey of Proposed Northern Suburbs Railway Extension Alignment
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• Relocation or avoidance of Romeo Road Pinnacles;

• Further consultation for (a) final alignment and (b) ancillary facilities.

• Signed Tanya Bodney, Bella Bropho, Ron Gidgup, Chris Shaw and, Kerry King and on 7 April 2017.

As noted above, R.O’Connor met with nominated Whadjuk representatives Esandra Colbung and Dennis Simmons on the following day (8 April 2017). Ms. Colbung agreed with the findings of the group from the preceding day. Mr Simmons did not agree that the limestone outcrops discussed above should be removed and relocated and therefore added the following statement to the signed form: in my experience removal would not be appropriate as the pinnacles are a marker for an important area. We need to work on avoidance.

3.5 Meeting Outcomes

With the sole exception of the limestone outcrops discussed in 3.4 above, the entire proposed route of the Rail Extension is clear of areas of Aboriginal significance and has been approved, as such, by the Whadjuk representatives, subject to conditions noted above. R.O’Connor has been instructed by those representatives to submit a HISF form in respect of the site in which those outcrops are located. The question of whether that area could constitute an Aboriginal site within the meaning of the AHA therefore needs to be addressed. Section 5(A) cannot apply, as that requires persons of Aboriginal descent to leave an object or objects in an area. The outcrops are a natural occurrence and have therefore not been left in situ by human agency. Section 5(b) may apply, as Mr Shaw stated that the outcrops are believed by the Whadjuk
representatives to be of spiritual significance to our ancestors. That statement, however, is not the same as stating that they definitely are of spiritual significance to the Whadjuk people of today, which appears to be what a strict reading of the AHA would require. Section 5(d) does not apply, as there are no objects to which the AHA applies traditionally stored in the area in question. Whether Section 5(c) of the AHA applies is not for the lay person to decide, as it places the onus of such decision upon the ACMC, as follows: (this Act applies to...) 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. Under Section 39(2)(b), when the ACMC fulfils its statutory role as above, it must be cognizant of the following: in evaluating the importance of places and objects the Committee shall have regard to ... any former or reputed use or significance which may be attributed on the basis of tradition, historical association or Aboriginal sentiment (emphasis added). The HISF form will be required to detail all of the above matters of relevance to the outcrops in question when submitted.
4.0 CONCLUSIONS AND RECOMMENDATIONS

In November 2008, PTA commissioned R & E O’Connor Pty Ltd to carry out a preliminary “desk-top” assessment of the then proposed route of an extension of the Northern Suburbs railway from Butler Station to Yanchep. The report on the assessment was submitted to PTA in December 2008. Following that assessment, in February 2013 an archaeological survey of the route was carried out by archaeologist John Cecchi. In February 2017, PTA commissioned R & E O’Connor Pty Ltd to carry out an Aboriginal consultation and a heritage survey of the Rail Extension and produce a report suitable to inform a Notice pursuant to Section 18 of the AHA 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.

Pursuant to the terms of the NSHA, into which it has entered with SWALSC as representative of the Whadjuk People, PTA issued an Activity Notice in respect of the above proposed railway extension to that Council in early 2017. Whadjuk representatives nominated by SWALSC to participate in the field survey of the proposed railway route were as follows: Ms. Bella Bropho, Mr Brendan Moore, Mr Chris Shaw, Ms. Frances Humphries, Ms. Esandra Colbung, Mr Dennis Simmons (a reserve), Mr Ron Gidgup, Ms. Tanya Bodney and Mr Graham Nettle (also a reserve). Initial contacts with nominated representatives in order to arrange the survey were made by Mr Ted Hart, Aboriginal Liaison Consultant. Mr Hart was unable to contact Ms. Humphries and reserve Mr Nettle was not available on the day of the survey. Mr Brendan Moore was unable to attend on the day, but sent Mr Kerry King to represent...
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As a result of the inspection of the Register of Aboriginal Sites at DAA and the field inspection of the proposed route by the Whadjuk representatives it has been established that, with the sole exception of the limestone outcrops discussed in 3.4 of this report, the entire proposed route is clear of areas of Aboriginal significance and has been approved, as such, by the Whadjuk representatives, subject to the following conditions:

- *Relocation or avoidance of Romeo Road Pinnacles;*
- *Further consultation for (a) final alignment and (b) ancillary facilities.*

The representatives have also instructed R. O'Connor to submit a HISF form to DAA in respect of those outcrops.

It is therefore a recommendation that, with the exception at this stage of the limestone outcrops mentioned above and detailed in this report, Aboriginal heritage considerations should not be deemed an impediment to the planning and construction of the proposed Northern Suburbs Railway extension from Butler Station to Yanchep. Notwithstanding the above recommendation, it is also recommended that PTA should again consult with the Whadjuk representatives nominated by SWALSC when the final rail alignment is decided and also when the precise location and spread of any ancillary PTA facilities in the vicinity of the planned stations are finalised.
REFERENCES

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O'Connor, R., G. Quartermaine and A. Yates.
Figure One:

The Rail Extension
Figure Two:

The Rail Extension and Regional Aboriginal Sites
Figure Three:

Location of Limestone Outcrops
Plates One and Two

Limestone Outcrops
Appendix One:

Rail Extension Plan and Profile
CONCEPT DESIGN
NOT FOR CONSTRUCTION
CONCEPT DESIGN
NOT FOR CONSTRUCTION
CONCEPT DESIGN
NOT FOR CONSTRUCTION
Appendix Two:

Register of Aboriginal Sites Extract
Search Criteria
6 Registered Aboriginal Sites in Custom search area; 373094.42mE, 6494505.40mN z50 (MGA94) : 380908.06mE, 6505855.55mN z50 (MGA94)

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 Aboriginal Affairs 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 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): 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 Boorabah #2 and Wajul Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

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Further advice can also be sought from the Department of Aboriginal Affairs (DAA) at heritageenquiries@daa.wa.gov.au.
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Place ID/Site ID: This a unique ID assigned by the Department of Aboriginal Affairs to the place.
Status:
- Registered Site: The place has been assessed as meeting Section 5 of the Aboriginal Heritage Act 1972.
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## List of Registered Aboriginal Sites with Map

| Site ID | Site Name            | File Restricted | Boundary Restricted | Restrictions         | Status                  | Status Reason | Origin Place ID | Site Type                          | Knowledge Holders                                      | Coordinates                    | Legacy ID |
|---------|----------------------|----------------|---------------------|----------------------|-------------------------|----------------|----------------|----------------|-------------------------------------|--------------------------------------------------------|-----------------------------|-----------|
| 1018    | DOOGARCH.            | No             | No                  | No Gender Restrictions | Registered Site        | Mythological, Rockshelter, Camp |                | 377344mE 6504300mN Zone 50          | *Registered Knowledge Holder names available from DAA | 377344mE 6504300mN Zone 50 [Reliable] | S02861    |
| 3509    | KARLI SPRING.        | No             | No                  | No Gender Restrictions | Registered Site        | Mythological, Water Source     |                | 373739mE 6499949mN Zone 50          | *Registered Knowledge Holder names available from DAA | 373739mE 6499949mN Zone 50 [Reliable] | S02589    |
| 4404    | ORCHESTRA SHELL CAVE.| Yes            | Yes                 | No Gender Restrictions | Registered Site        | Artefacts / Scatter, Engraving, Arch Deposit, BP Dating: 6500BP to 1730BP, Other: PA 19, NE |                | Not available when location is restricted | *Registered Knowledge Holder names available from DAA | Not available when location is restricted | S00051    |
| 17450   | NOWERGUP LAKE        | No             | No                  | No Gender Restrictions | Registered Site        | Mythological                   |                | 379733mE 6499450mN Zone 50          | *Registered Knowledge Holder names available from DAA | 379733mE 6499450mN Zone 50 [Reliable] |                     |
| 17451   | PIPIDINNY LAKE       | No             | No                  | No Gender Restrictions | Registered Site        | Mythological                   |                | 375183mE 6505378mN Zone 50          | *Registered Knowledge Holder names available from DAA | 375183mE 6505378mN Zone 50 [Reliable] |                     |
| 20772   | Jindalee             | Yes            | Yes                 | No Gender Restrictions | Registered Site        | Mythological, Natural Feature, Water Source |                | Not available when location is restricted | *Registered Knowledge Holder names available from DAA | Not available when location is restricted |                     |
Search Criteria
17 Other Heritage Places in Custom search area (2): 374056.65mE, 6494478.31mN ±250 (MGA94): 380936.68mE, 6505571.44mN ±250 (MGA94)

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Aboriginal Heritage Inquiry System
Aboriginal Sites Database

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# List of Other Heritage Places with Map

| ID   | Place Name      | File Restricted | Boundary Restricted | Restrictions             | Status | Status Reason | Origin Place ID | Type                                    | Knowledge Holders                                      | Coordinates                                      | Legacy ID |
|------|-----------------|-----------------|---------------------|--------------------------|--------|----------------|----------------|-----------------------------------------|--------------------------------------------------------|-----------|
| 3366 | DUNSTAN'S QUARRY | No              | No                  | No Gender Restrictions   | Lodged |                |                | Artefacts / Scatter, Camp                 | *Registered Knowledge Holder names available from DAA | 380352mE 6498281mN Zone 50 [Unreliable]          | S015     |
| 3893 | LAKE NEERABUP    | Yes             | Yes                 | No Gender Restrictions   | Lodged |                |                | Named Place                             | *Registered Knowledge Holder names available from DAA | Not available when location is restricted | S0225    |
| 20596| BUTLER - FS01    | No              | No                  | No Gender Restrictions   | Lodged |                |                | Ceremonial, Natural Feature, Water Source, Other: Sorry Place / Gamma Hole | *Registered Knowledge Holder names available from DAA | 3779757mE 6497650mN Zone 50 [Unreliable]         |           |
| 20597| BUTLER - FS02    | No              | No                  | No Gender Restrictions   | Lodged |                |                | Mythological                            | *Registered Knowledge Holder names available from DAA | 377492mE 6498484mN Zone 50 [Reliable]            |           |
| 20598| BUTLER - FS03    | No              | No                  | No Gender Restrictions   | Lodged |                |                | Historical, Modified Tree, Camp, Plant Resource, Water Source | *Registered Knowledge Holder names available from DAA | 377557mE 6499144mN Zone 50 [Unreliable]         |           |
| 20600| BUTLER - FS04    | No              | No                  | No Gender Restrictions   | Lodged |                |                | Other: Old Tuarts                       | *Registered Knowledge Holder names available from DAA | 377031mE 6499413mN Zone 50 [Unreliable]          |           |
| 20765| SBJ01           | No              | No                  | No Gender Restrictions   | Stored Data / Not a Site |                |                | Mythological, Natural Feature, Other: Limestone ridge | *Registered Knowledge Holder names available from DAA | 375840mE 6499642mN Zone 50 [Reliable]            |           |
| 20766| SBJ05           | No              | No                  | No Gender Restrictions   | Stored Data / Not a Site |                |                | Natural Feature, Other: Limestone ridge | *Registered Knowledge Holder names available from DAA | 376202mE 6499320mN Zone 50 [Reliable]            |           |

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0 Other Heritage Places in Custom search area (2), 370329.33mE, 6507675.81mN z50 (MGA94) : 372635.22mE, 6512095.83mN z50 (MGA94)

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1 Registered Aboriginal Sites in Custom search area: 371712.95mE, 6504724.03mN z50 (MGA94) : 375032.98mE, 6508581.93mN z50 (MGA94)

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South West Settlement ILUA Disclaimer

Your heritage enquiry is on land within or adjacent to the following Indigenous Land Use Agreement(s): 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 Boora, Ballardong People, South West Boorabah #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 and Petroleum (DMP) 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 DMP, 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/lmtu/Claims/Pages/SouthWestSettlement.aspx.

Further advice can also be sought from the Department of Aboriginal Affairs (DAA) at heritagesenquiries@daa.wa.gov.au.
Aboriginal Heritage Inquiry System
Aboriginal Sites Database

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Coordinate Accuracy
Accuracy is shown as a code in brackets following the coordinates. Map coordinates (Latitude/Longitude and Easting/Northing) are based on the GDA 94 Datum. The Easting/Northing map grid can be across one or more zones. The zone is indicated for each Easting on the map, i.e. '500000mE:250' means Easting=500000, Zone=50.

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 Aboriginal Affairs to the place
Status:
  o Registered Site: The place has been assessed as meeting Section 5 of the Aboriginal Heritage Act 1972
  o 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

Status Reason: e.g. Exclusion - Relates to a portion of an Aboriginal site or heritage place as assessed by the Aboriginal Cultural Material Committee (ACMC), e.g. such as the land subject to a section 18 notice.

Origin Place ID: Used in conjunction with Status Reason to indicate which Registered Site this Place originates from.

Access and Restrictions:
  o File Restricted = No: Availability of information (other than boundary) that the Department of Aboriginal Affairs holds in relation to the place is not restricted in any way.
  o File Restricted = Yes: Some of the information that the Department of Aboriginal Affairs 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 Aboriginal Affairs receives written approval from the informants who provided the information. Download the Request to Access Restricted Information letter and form.
  o Boundary Restricted = No: place location is shown as accurately as the information lodged with the Registrar allows.
  o 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 4km²) 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 DAA.

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.
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<th>Restrictions</th>
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<th>Site Type</th>
<th>Knowledge Holders</th>
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<td>No Gender Restrictions</td>
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<td>Mythological</td>
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<td>[Reliable]</td>
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Search Criteria
0 Other Heritage Places in Custom search area (2); 371702.59mE, 6504706.46mN z50 (MGA94) : 375043.63mE, 6508576.24mN z50 (MGA94)

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Appendix Three:

Signed Forms
Date: 7 April 2017

The proposed Better to Yandela Railway Line has been inspected by the following elders of the Ulundi Group.

and has been:

Approved

Approved subject to the following conditions

Not approved for the following reasons:

- Removal of avoidance if necessary for trains
- Further consultation for final alignment,
  of ancillary facilities

NAME

Tanya Booyce
Bella Bropho
Robert Gidigil
Chris Shaw
Kerry King
Elsanika Cebulic
8/9/17

SIGNATURE

Booyce
Bella Bropho
Robert Gidigil
Oshan
Kerry King
Elsanika Cebulic

* In my experience removal would not be appropriate as the pinnacles are a marker for an important area. We need to work on avoidance.
The following members of the Whedjark Group have received the sum of $500 per person per day as reimbursement of expenses incurred attending an Aboriginal heritage survey of the proposed Better to Grade project.

Name
Tanya Booney
Bella Bropho
Ron Simplicio
Chris Shaw
Kerry King
Esander Cousins
Dennis Simms

Signature
Booney
Bella Bropho
Simplicio
Chris Shaw
Kerry King
Cousins
Dennis Simms