



# REPORT OF AN ABORIGINAL ARCHAEOLOGICAL AND ETHNOGRAPHIC SITE IDENTIFICATION AND HISTORICAL HERITAGE SURVEY FOR THE PROPOSED TREE VILLAGE PROJECT, WELLINGTON NATIONAL PARK, WA

FEBRUARY 2025

For Beijafore Pty Ltd on behalf of the Department of Biodiversity,  
Conservation and Attractions



archae-**aus**



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## Warning

Please be aware that this report may contain images of deceased persons and the use of their names, which in some Aboriginal communities may cause sadness, distress, or offence.

## Disclaimer

The authors are not accountable for omissions and inconsistencies that may result from information which may come to light in the future but was not forthcoming at the time of this research.

## Acknowledgements

Archae-aus wish to pay respects to Elders past and present and extend those respects to all Aboriginal people, especially the Gnaarla Karla Boodja representative Noongar people who may view this report.

## Consultation

The activity area that is the subject of the due diligence assessment of this report is within the traditional country of the Gnaarla Karla Boodja (GKB) Noongar Aboriginal people. The traditional country of the GKB lies within the Southwest of Western Australia and is part of the Noongar Nation. The Noongar people, including the people represented by GKB, recently reached a settlement with the government of Western Australia. The agreement extinguishes native title claims of the Southwest, including the claims of the GKB, in exchange for remuneration and rights in relation to developments.

This Report Assessment has been prepared using existing available information and has not included any consultation with the GKB people regarding the project, the Activity Areas, or other related matters.

## Report Format

The front end of the report includes the document information, terms and abbreviations used in the document and the personnel involved in the project.

Section One introduces the project scope, which outlines the work's key objectives, and the relevant legislation used to guide the fieldwork and reporting processes. It outlines the personnel who attended the survey. Section Two provides the archaeological background of the Project Area, and surrounding region, and outlines the survey. Section Three describes the methods used for surveying and recording. Section Four discusses the results of the heritage assessment. Section Five outlines the cultural heritage management advice and recommendations. Appendices include survey coordinate data, isolated artefact data and a copy of heritage register searches and listings.

## Spatial Information

All spatial information contained in this report uses the Geocentric Datum of Australia (GDA94), Zone 50, unless otherwise specified. All information obtained from Beijaflora Pty Ltd is assumed to be accurate to two decimal places. All spatial information obtained during fieldwork was taken using a

handheld Garmin GPS with a purported accuracy of  $\pm 3$  m. Where we report spatial information collected in the field, we have opted for a slightly wider degree of accuracy of  $\pm 5$  m.

## Authorship

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## EXECUTIVE SUMMARY

This document details the results of an Aboriginal archaeological and ethnographic Site Identification and historical heritage survey for the proposed Wellington National Park Tree Village Project. The Project Area comprises five proposed Activity areas within the Wellington National Park, adjacent to the Wellington Reserve Dam and the Collie River – including Tree Nature Walk and Tree Camping Activity Area (Area 1), Canopy Tour Activity Area (Area 2), Flying Fox Activity Area (Area 3), and Stones Brook Tree Climbing Activity Area (Area 4). The Project Area contains land parcels that are larger than the final development Activity Areas (1 to 4), allowing for flexibility in the project design. The parcels range from 0.23 ha to 21.9 ha and cover a total area of 46.7 ha. An additional area (Area 4) located 4.7 km northwest of Wellington Dam was also surveyed as a potential location for a tree climbing activity area.

A search of the Department of Planning, Lands and Heritage's (DPLH) Aboriginal Cultural Heritage Inquiry System (ACHIS) reveals one (1) Registered Site, *Collie River Waugal* (ID 16713), intersecting the boundary of the Project Area. During the survey, it was also revealed that a Lodged Site, known as Ngarngungudditj Walgu Head, also intersects the boundary of the Project Area. However, at the time of the survey, the site had not been listed on the Register.

**Table 3. Registered Aboriginal Sites intersecting the Project Area as currently listed on the Register**

DPLH ID	Name	Status	Type	Legacy ID
16713	Collie River Waugal	Register	Creation / Dreaming Narrative; Landscape / Seascape Feature; Water Source	-

The Aboriginal archaeological and ethnographic heritage assessments were completed concurrently over two days between Tuesday, the 8<sup>th</sup> and Wednesday, the 9<sup>th</sup> of October 2024 by two archaeologists and an anthropologist from Archae-aus and Noongar Traditional Owners and Knowledge Holders nominated by the Gnaala Karla Booja Cultural Advice Committee, assisted by a representative from Beijaflore. The historical heritage assessment was carried out by two archaeologists on the 9<sup>th</sup> of October 2024.

The Project Areas are intersected by the State heritage listed place, *Wellington Dam Precinct* (P06344) (see Map 3 and Table 4). The Precinct, also known as the *Wellington Weir, Hydro-electric Station*, is included on the Heritage Council of Western Australia's State Heritage Register and in the Local Heritage Survey and Heritage List for the Shire of Collie.

**Table 4. Previous Archae-aus historical assessments that intersect Activity Area**

Place	Place Name	Description	Status	Construction Date
06344	Wellington Dam	Wellington Dam Precinct, comprising Wellington Dam (1933, 1945 and 1960), No. 1 Pumping Station and associated Chlorine Store and Chlorinator (1953, 1963), 2kW Hydroelectric Station (1956), Caretaker's Quarters & Kiosk (1966), landscaped Quarry, and roads, landscaping and facilities for public use and recreation.	State Heritage Register Shire of Collie Local Heritage Survey and Heritage List	1933 - 1966

## RESULTS

No new Aboriginal Cultural Heritage Sites were identified in the Tree Nature Walk and Camping Area, Canopy Tour, Flying Fox and Stones Brook Activity Areas. No isolated Aboriginal artefacts were identified during the survey. The archaeological assessment is **incomplete** as it was hindered by difficult terrain and low visibility at the time of the survey. Further, there is the potential for cultural material obscured by ground coverage and vegetation to be present within the Project Area, therefore, cultural heritage monitors are required to monitor initial ground disturbance in those activity areas, including both unsurveyed and surveyed areas.

Protecting native fauna is part of Aboriginal people's cultural responsibility and stewardship for Country, and as such, it is imperative that trees that might be used as habitat for native fauna, such as the black cockatoo, be retained during the construction and use of the proposed activity areas.

The ethnographic assessment of the Project Areas is **complete**. No new ethnographic sites were identified during the assessment. During the survey, it was determined that one previously identified site was not listed on the DPLH Register of Aboriginal Cultural Heritage Sites. The site, known as the Ngarngungudditj Walgu Head, intersected the Flying Fox Project Area on the southern side of the Wellington Dam and has now been Lodged with DPLH (ACHknowledge Portal reference number CAS-100382-F9G8L7). Throughout the survey, the Traditional Owners also reinforced the spiritual and cultural significance of the area, particularly the Collie River and spiritual places associated with the Ngarngungudditj Walgu located near to, or intersecting with, areas of proposed works.

The Traditional Owners stated that at this stage, they had no major objections to the proposed works; however, they did not feel comfortable consenting to and validating the project on the day. They stated that the project would need to be further presented to and discussed by Gnaala Karla Booja Aboriginal Corporation's Cultural Advice Committee with any additional recommendations to be considered by the proponent.

## RECOMMENDATIONS

Based on the results of the Aboriginal archaeological and ethnographic assessment, it is recommended that Beijaflore and its contractors be aware that:

1. The Project Area intersects one (1) Registered Aboriginal Site, *Collie River Waugal* (ID 16713); however, the works will not include ground disturbance at this site, therefore, section 18 approval will not be required.
2. The survey revealed that one Lodged Place, known as *Ngarngungudditj Walgu Head*, which at the time of the survey was not listed on the Register, intersects the boundary of the Project Area. The Traditional Owners requested that the site be Lodged to the DPLH and that a 30-metre buffer for any proposed works be placed around this site.
3. Cultural heritage monitors are required to monitor initial ground disturbance works in both incomplete and complete survey areas, to mitigate the potential risk of harming subsurface archaeological material, or material that may have been obscured by vegetation during pedestrian surveys.

4. Protecting native fauna is part of Aboriginal people's cultural responsibility to Country, therefore it was recommended that habitat trees<sup>1</sup> for important fauna to be protected and not impacted during the development and subsequent operation of the proposal.
5. Although the ethnographic survey of the Project Area is complete, the Traditional Owners stated that the project would need to be further presented to and discussed by Gnaala Karla Booja Aboriginal Corporation's Cultural Advice Committee with any additional recommendations to be considered by the proponent.

After the survey was completed, further telephone communication with a staff member at the GKB Aboriginal Corporation revealed concern about the proposed works' impact to the intangible values of Registered Aboriginal Site Collie River Waugal (ID 16713). It is recommended that Beijaflore contact GKB and DPLH about the proposed works and requirement for a section 18 under the Aboriginal Heritage Act 1972.

Regarding the historical heritage survey results, it is recommended that Beijaflore and its contractors are aware that:

1. The historical archaeological investigation of the high and medium potential areas that were determined during the desktop assessment (**Archae-aus, 2024a**) is **complete**.
2. The *Wellington Dam Precinct* (P06344) is on the Heritage Council of Western Australia's State Heritage Register and the Shire of Collie's Local Heritage Survey and Heritage List.
3. The newly identified historical archaeological features described in this report and the *Wellington Dam Precinct* (P06344), should not be directly impacted during the development or operations associated with the project proposal.
4. If it is not possible to avoid impacting a historical feature, the feature should be recorded in detail to archival standards<sup>2</sup>.
5. A development referral to the Heritage Council of Western Australia and the Shire of Collie is required if the proposed works have the potential to impact the registered place; *Wellington Dam Precinct* (P06344)<sup>3</sup>.
6. The advice provided by the Heritage Council in response to a referred development proposal may consider the restoration, conservation, maintenance and interpretation of the heritage place in question.
7. A Heritage Impact Statement and/or a Conservation or Archaeological Management Plan may be required prior to construction starting, pending the Heritage Council of Western Australia's advice.
8. Under section 129 of the *Heritage Act 2018*, unauthorised impact on registered heritage places is subject to penalty.

<sup>1</sup> This may include rare and endangered species of flora and fauna, and established trees that have hollows suitable for habitats of fauna such as Black Cockatoo species.

<sup>2</sup> [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.wa.gov.au/system/files/2021-04/HER-Guide-to-Preparing-an-Archival-Record-2019.pdf](https://www.wa.gov.au/system/files/2021-04/HER-Guide-to-Preparing-an-Archival-Record-2019.pdf)

<sup>3</sup> [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.wa.gov.au/system/files/2024-08/guide-to-developing-heritage-places-july-2024.pdf](https://www.wa.gov.au/system/files/2024-08/guide-to-developing-heritage-places-july-2024.pdf)



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# TERMS & ABBREVIATIONS

Term / Abbreviation	Meaning / Interpretation
<b>Aboriginal archaeological place or assemblage</b>	A place (or group of physical sites) in which evidence of past activity by Aboriginal people is preserved (either prehistoric or historic or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record.
<b>Aboriginal Site</b>	<p>This term is used for Aboriginal heritage sites to which the AHA applies by the operation of Section 5. An Aboriginal site is defined by section 5 of the Act to mean:</p> <ul style="list-style-type: none"> <li>a) any place of importance where persons of Aboriginal descent have left any object, or have used, in connection with the traditional cultural life of the Aboriginal people, past or present;</li> <li>b) any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;</li> <li>c) any place which is, or was, associated with Aboriginal people and which is of historical, anthropological, archaeological or ethnographical importance to the State; and</li> <li>d) any place where objects to which the Act applies are stored.</li> </ul> <p>How to report Aboriginal Cultural Heritage:  <a href="https://www.wa.gov.au/government/document-collections/achknowledge-portal#how-to-report-potential-aboriginal-heritage">https://www.wa.gov.au/government/document-collections/achknowledge-portal#how-to-report-potential-aboriginal-heritage</a></p>
<b>ACH</b>	Aboriginal Cultural Heritage
<b>ACHA</b>	<i>The Aboriginal Cultural Heritage Act 2021</i>
<b>ACHC</b>	Aboriginal Cultural Heritage Council which previously superseded the ACHM, now superseded by the Aboriginal Cultural Heritage Committee (Committee)
<b>ACHM</b>	The former Aboriginal Cultural Material Committee (see ACHC)
<b>ACHknowledge Portal</b>	The portal is used to request advice, lodge and track applications and report information concerning Aboriginal cultural heritage.
<b>Activity Area</b>	Proposed work area / development envelope / project area
<b>AHA</b>	<i>Aboriginal Heritage Act 1972</i>
<b>ACHIS</b>	<p>The Aboriginal Cultural Heritage Inquiry System which holds information about:</p> <ul style="list-style-type: none"> <li>• Registered Aboriginal Sites (ACH Register Layer)</li> <li>• Lodged places (ACH Lodged Layer)</li> <li>• Historic records (ACH Historic Layer)</li> </ul>
<b>ACHMP</b>	Aboriginal Cultural Heritage Management Plan (no longer required)
<b>AHIS</b>	The DPLH Aboriginal Heritage Inquiry System, an online and publicly accessible copy of the Register of Aboriginal sites, superseded by the ACHIS.
<b>Archaeological site</b>	Is a place (or group of physical sites) in which evidence of human past activity is preserved (either prehistoric or historic or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. This term is used to refer to a place regardless of whether it has been assessed under section 5 of the AHA.
<b>Artefact</b>	Any object (article, building, container, device, dwelling, ornament, pottery, tool, weapon, work of art etc.) made, affected, used, or modified in some way by humans.
<b>Assessment</b>	Professional opinion based on information that was forthcoming at the time of consideration
<b>ATSIHP</b>	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (the ATSIHP Act).
<b>CHMP</b>	Cultural Heritage Management Plan
<b>Committee</b>	Aboriginal Cultural Heritage Committee (see ACHC)
<b>Cultural material / archaeological material</b>	Any object (article, building, container, device, dwelling, ornament, pottery, tool, weapon, work of art etc.) made, affected, used, or modified in some way by humans.
<b>DAA</b>	Abbreviation for Department of Aboriginal Affairs, now the Department of Planning Lands and Heritage (the Department)

Term / Abbreviation	Meaning / Interpretation
<b>The Department</b>	See DPLH
<b>DPLH</b>	Department of Planning Lands and Heritage (the Department)
<b>Ethnographic Site</b>	A place that is significant to an Aboriginal group because of its stories and connections. These places have intangible heritage values and are linked to traditional custom and law.
<b>FPIC</b>	Free Prior and Informed Consent
<b>GKB</b>	Gnaala Karla Booja – refers to the Noongar language or dialectal groups of the Binjareb/Pinjarup, Wilman and Ganeang.
<b>GKBAC</b>	Gnaala Karla Booja Aboriginal Corporation
<b>HA</b>	<i>Heritage Act 2018</i>
<b>Harm</b>	In relation to Activity impacting ACH, including destroying or damaging ACH – except where that harm relates to an Aboriginal person acting in accordance with the person's traditional rights, interests and responsibilities.
<b>HCWA</b>	Heritage Council of Western Australia
<b>Heritage survey</b>	Survey and inspection undertaken in order to investigate and document the archaeological record of a particular area
<b>HISF</b>	Heritage Information Submission Form now superseded by the ACHknowledge portal submission form and Aboriginal Heritage Enquiry Form
<b>ICH</b>	Indigenous Cultural Heritage
<b>Native Title</b>	Recognition of the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people
<b>NSHA</b>	Noongar Standard Heritage Agreement <a href="https://www.wa.gov.au/government/document-collections/noongar-standard-heritage-agreement-south-west-native-title-settlement">https://www.wa.gov.au/government/document-collections/noongar-standard-heritage-agreement-south-west-native-title-settlement</a>
<b>NTA</b>	<i>Native Title Act 1993</i>
<b>Object</b>	An artefact - any object made, affected, used, or modified in some way by humans. Objects may be protected under the AHA if they meet the section 5 criteria for an Aboriginal site.
<b>PDA</b>	<i>Planning and Development Act 2005</i>
<b>Section 18 (s18)</b>	The section of the <i>Aboriginal Heritage Act 1972</i> that details the process for permission to disturb the land on which a site is located.
<b>Section 18 (s18) Approval</b>	A letter from the Minister of Aboriginal Affairs providing consent for the disturbance of land on which a site is located.
<b>Section 39(2) Assessment</b>	Process of the ACHC (now the ACHC / Committee) assessing a reported site's significance and interest.
<b>Study Area</b>	Entire area subject to a due diligence assessment, including the proposed Activity Area.
<b>SWALSC</b>	South West Aboriginal Land and Sea Council



# SECTION ONE – INTRODUCTION

## SCOPE OF WORKS

The Tree Village project seeks to provide a unique experience for patrons to be inspired by and connect with the natural environment, and to enjoy quality time with family and friends. The Project Area comprises five proposed Activity areas within the Wellington National Park, adjacent to the Wellington Reserve Dam and the Collie River – including Tree Nature Walk and Tree Camping Activity Area (Area 1), Canopy Tour Activity Area (Area 2), Flying Fox Activity Area (Area 3), and Stones Brook Tree Climbing Activity Area (Area 4) (see Map 1). An additional area (Area 4) located 4.7 km northwest of Wellington Dam was also surveyed as a potential location for a tree climbing activity area. Archae-aus was previously engaged to write the Due Diligence Assessment for the project (Archae-aus, 2024a).

The objectives of the Aboriginal archaeological assessment were to:

- ▶ Identify any known or potential Aboriginal archaeological heritage issues within the survey area that may affect the proposed works.
- ▶ Conduct a pedestrian inspection of the Project Area by the archaeologist, assisted by the GKB Traditional Owner representatives to identify any archaeological material and/or sites and establish whether the Project Area contains physical evidence of past Aboriginal occupation and use.
- ▶ Record any isolated artefacts, surface sites and new information of any previously recorded sites to a Site identification level, in accordance with legislative requirements and suitable for obtaining relevant approvals, if necessary.

The objectives of the Aboriginal ethnographic assessment were to:

- ▶ Conduct an ethnographic assessment by the anthropologist, assisted by the GKB Traditional Owner representatives, to identify any places of ethnographic value.
- ▶ Record any ethnographic sites to a Site Identification level, in accordance with legislative requirements and suitability for obtaining relevant approvals, if necessary.
- ▶ Document all discussions, comments, concerns and recommendations of the GKB Traditional Owner representatives regarding the survey area and any sites identified.
- ▶ Photograph the consultation.

The objectives of the historical heritage assessment were to:

- ▶ Identify any known or potential historical features and heritage issues within the survey area that may affect the proposed works.

## PROJECT AREA

The Tree Village Project at Wellington National Park seeks to provide a unique experience for patrons to be inspired by, connect with the natural environment, and enjoy quality time with family and friends. The five areas within the Project Area are outlined below and the Survey Area coordinates are provided in Appendix One.

### Tree Nature Walk and Tree Camping Activity Area (Area 1)

The Tree Nature Walk and Tree Camping Activity Area (Area 1) covers approximately 21.9 ha located immediately west of the Wellington Dam Reservoir and less than 100 m from the Wellington Dam Kiosk and recreation area. This includes an area for amenities and other facilities covering approximately 0.74 ha

The Tree Nature Walk will be an all-age nature experience allowing patrons to explore the tree canopy on suspended walkways through the forest canopy. The experience will comprise multiple tree platforms linked by suspended walkways at different heights. The Tree Nature Walk will not require specific safety gear such as harnesses or tether, allowing patrons to discover the natural environment at their own pace.

The proposed Tree Camping activity area is a part of the Tree Nature Walk. A range of tents will be set up on wooden platforms at different heights in the trees. Patrons can access tents through a suspended platform with safety nets.

### Canopy Tour Activity Area (Area 2)

The Canopy Tour will allow patrons to explore the natural environment through a more challenging experience, with a series of long flying foxes through the canopy. The Canopy Tour is designed around the Collie River to preserve the natural environment. The river provides enough natural length between trees without removing significant and established trees. The proposed Canopy Tour Activity Area comprises a single parcel covering approximately 9.8 ha.

The Canopy Tour activity area (Area 2) is a guided tour for groups of 10 people maximum. The guide will ensure the safety of all participants. The guide will also provide stories and information about the natural environment.

### Flying Fox Activity Area (Area 3)

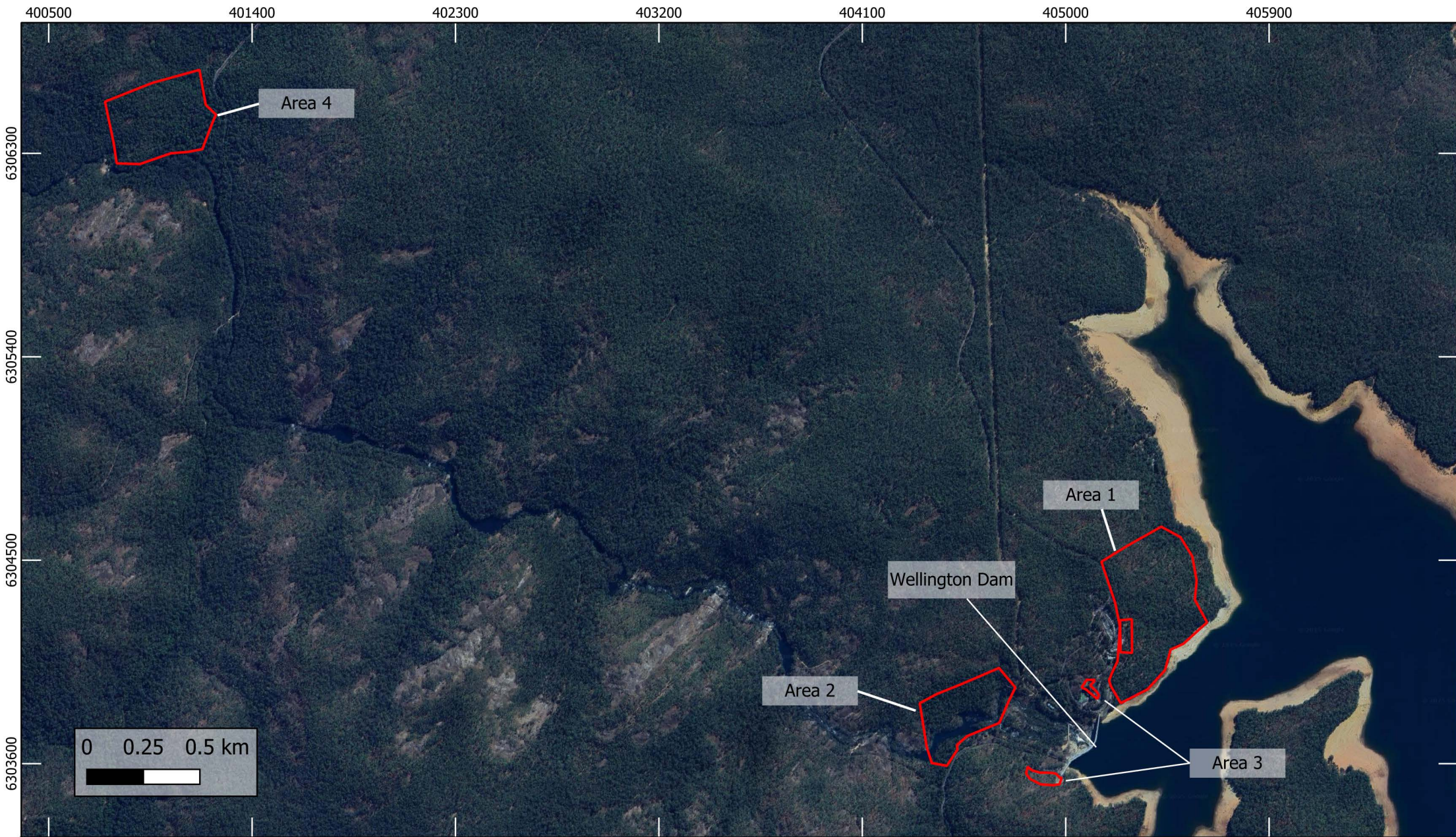
The Flying Fox will comprise a 500 m zipline from one side of the Dam wall to the other. The proposed Activity Area consists of two parcels of land on the northern and southern sides of the Collie River. The areas cover approximately 0.23 ha and 0.71 ha respectively.

This long flying fox is part of the canopy tour or can be experienced independently for patrons seeking a more adventurous activity.

### Stones Brook Activity Area (Area 4)

An additional area located approximately 4.7 km northwest of Wellington Dam and north of the Collie River, adjacent to Honeymoon Pool, is being considered for possible suspended activities in the trees. The proposed Stones Brook Activity Area covers approximately 15 ha.





### Legend

 Wellington Dam – Tree Village Project Area



### Map 1. Overview of the Wellington Dam – Tree Village Project Area

Drafted by Ayesha Limb, 22nd October 2024. GDA94, Zone 50.  
Satellite imagery courtesy of Google Maps.



## PERSONNEL

### GNAARLA KARLA BOODJA

#### Survey Team (8<sup>th</sup> October 2024)

Stephen Michael	James Khan	Markques Ugle
Lloyd Abraham	Barry Ugle	Dean Wynne
Lesley Ugle	Dallas Bennell	

#### Survey Team (9<sup>th</sup> October 2024)

Stephen Michael	James Khan (phone consult)	Markques Ugle
Lloyd Abraham	Barry Ugle	

### Archae-aus

#### Aboriginal Heritage Survey Team (7<sup>th</sup> - 11<sup>th</sup> October 2024)

Adrian Di Lello	Phoebe Oliver	Marcel Teschendorff
<i>Senior Archaeologist</i>	<i>Senior Anthropologist</i>	<i>Archaeologist</i>

### Beijaflore Pty Ltd

Florent Lore  
*Director*

### Department of Biodiversity, Conservation and Attractions

Matthew (11<sup>th</sup> October 2024)



Plate 1. Survey Team at the Stones Brook Activity Area (Area 4)

## Archae-aus

Historical Heritage Survey Team (9<sup>th</sup> October 2024)

Emily Martin

*Senior Archaeologist*

Ayesha Limb

*Archaeologist*

## LEGISLATION AND BEST PRACTICE GUIDELINES

The following section summarises the relevant legislation and guiding principles that may relate to cultural heritage places within the Tree Village Project Area, with a detailed overview provided in Appendix Two. The legislation and related guidelines include:

- ▶ *Aboriginal Heritage Act 1972* (WA State)
- ▶ *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth)
- ▶ *Coroners Act 1996* (WA State)
- ▶ *Native Title Act 2003* (Commonwealth)
- ▶ *Heritage Act 2018* (WA State)
- ▶ *Planning and Development Act 2005* (WA State)
- ▶ Burra Charter 2013 (Australia ICOMOS Charter for Places of Cultural Significance - Guidelines)

### Aboriginal Heritage Legislation

#### WA Legislation

Aboriginal cultural heritage in WA has been protected by the *Aboriginal Heritage Act 1972* (the AHA), administered most recently by the Department of Lands, Planning and Heritage. An Aboriginal place is defined in Section 5 of the AHA as:

- a) Any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present.
- b) Any sacred, ritual or ceremonial site which is of importance and special significance to persons of Aboriginal descent.
- c) Any place which, in the opinion of the Committee [i.e. Aboriginal Cultural Material Committee, or ACMC], is or was associated with 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 which the AHA applies are traditionally stored, or to which, under the provisions of the AHA, such objects have been taken or removed.

Places considered to be of cultural heritage significance to Aboriginal people in Western Australia may be included on the Aboriginal Cultural Heritage Register. The final determination for inclusion of a place on the Aboriginal Cultural Heritage Register rests with the Aboriginal Cultural Heritage Committee, and the Minister of Aboriginal Affairs. The Committee is tasked with evaluating the importance of places and objects, under Section 39 of the Act. Under the AHA (s17) it remains an offence to alter an Aboriginal site in any way, including collecting artefacts; conceal a site or artefact; or excavate, destroy or damage in any way an Aboriginal site or artefact; without the authorisation of the Registrar of Aboriginal Sites under Section 16 or the Minister of Aboriginal Affairs under Section 18 of the AHA. In late-2023, the WA government proposed amendments in attempt to address the criticisms of the Section 18 approval process (see Appendix One):

Information about heritage places and their legal status has been available through the Department's Aboriginal Cultural Heritage Inquiry System (ACHIS). There are three categories by which the ACHIS now characterises heritage places:

- ▶ Registered Aboriginal Sites – Aboriginal Cultural Heritage (ACH) **Register layer**.
- ▶ Lodged places<sup>4</sup> – Aboriginal Cultural Heritage (ACH) **Lodged layer**.
- ▶ Historic records - Aboriginal Cultural Heritage (ACH) **Historic layer**.

### Commonwealth Legislation

Aboriginal heritage sites are also protected under the Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the HPA). The HPA complements state / territory legislation and is intended to be used only as a ‘last resort’ where state / territory laws and processes prove ineffective. Aboriginal human remains are protected under the AHA and the HPA. In addition, the discovery of human remains requires that the following people are informed: the State Coroner or local Police under section 17 of the *Coroners Act 1996*; the State Registrar of Aboriginal Sites under section 15 of the AHA and the Federal Minister for Aboriginal Affairs under Section 20 of the HPA.

In terms of broader recognition of Aboriginal rights, the Commonwealth *Native Title Act 1993* (the NTA) recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the NTA, native title claimants can make an application to the Federal Court to have their native title recognised by Australian law. The NTA was extensively amended in 1998, with further amendments occurring in 2007, and again in 2009. Under the future act provisions of the *Native Title Act 1993*, native title holders and registered native title claimants are entitled to certain procedural rights, including a right to be notified of the proposed future act, or a right to object to the act, the opportunity to comment, the right to be consulted, the right to negotiate or the same rights as an ordinary title holder (freeholder).

### Best Practice Guidelines

Organisations and institutions have a responsibility to not only uphold their legal and compliance obligations, but to act as responsible corporate citizens. To this end, a number of important studies and guidelines apply, which are summarised in in Appendix Two.

## Historic Heritage Legislation

### WA Legislation

Historical heritage is protected under the *Heritage Act 2018* (HA), which replaced the *Heritage of Western Australia Act 1990* in July 2019. The aim of the HA is to recognise and promote WA cultural heritage by defining principles for conservation, use, development or adaptation for heritage places, sometimes referred to as European Heritage. The Act defines a ‘place’ to include archaeological remains, under Section 7, and a ‘place’ can therefore be comprised of solely archaeological remains. Places registered under the HA may also have Aboriginal heritage values listed within the significance statement. Archaeological excavation and other ground disturbing works fall within the definition of ‘development or other proposals’ and would require referral to the Council.

Penalties for offences and contraventions of the Act are outlined under section 129. In severe instances, the penalty is up to a \$1 million fine, imprisonment for one year and a daily penalty of \$50,000. Applications to develop, disturb or alter any place entered on the Register can be made under Part 5 Division 2 of the HA. The HA is currently administered by the Department of Planning, Lands and Heritage in Perth.

<sup>4</sup> Information about these places is in the process of being verified by the Department and Committee.

Heritage is also protected under the *Planning and Development Act 2005*, which intends to provide for an efficient and effective land use planning system in the State, as well as promoting the sustainable use and development of land in the State. As the Project Area is located within the Shire of Collie and the Shire's Local Planning Schemes, which are established under the PDA, will apply to proposed developments.



## SECTION TWO – BACKGROUND

### ARCHAEOLOGICAL BACKGROUND

This section presents an overview of the archaeology and dating sequences associated with the broader Southwest region associated with Noongar people, and summaries recent archaeological studies undertaken within the Collie and Wellington National Park regions to contextualise any findings arising from the Aboriginal cultural heritage surveys.

#### Initial Occupation

Dated sequences from the Southwest region have produced a well-established Pleistocene antiquity for human occupation. Devils Lair on the Leeuwin – Naturaliste Ridge was first visited by Aboriginal people approximately 48,000 cal. BP (Turney *et al.*, 2001), with nearby Tunnel Cave first occupied at 26,693 cal. BP (Dortch, 1994, 1996). East of Perth, the registered Aboriginal Site Upper Swan (ID 4299) has very significant occupation dates for the Perth region and recent calibration on the recovered charcoal samples reveals even older dates than were originally reported. These new calibrations reveal a date range from 39,733 cal BP to 44,348 cal BP, with these dates associated with numerous artefacts and charcoal patches. The recovered materials reveal a Pleistocene occupation of the area, where groups of people camped, prepared fires for cooking and warmth and used cores and hammerstones to manufacture a variety of stone tools. The Upper Swan site contributes to the evidence of the antiquity of occupation of Australia and is highly significant to the story of the Noongar people's ancestors and their use of the landscape. Other early dated sites on the Swan Coastal Plain are located at the site of the Fiona Stanley Hospital dating to 33,000 BP (Dortch, Dortch and Cuthbert, 2009), on an old river terrace in the Helena Valley dated to 29,400 BP (Schwede, 1983, 1990) and a site at Minim Cove near the mouth of the Swan River which has been dated to 9,930 BP (Clark and Dortch, 1977). Yellabidde Cave on the northern fringe of the Southwest region has also been dated to 25,500 cal. BP, with occupation continuing through to the recent past (Monks *et al.*, 2016). Many sites have suffered disturbance by a range of European activities such as farming and urbanisation. However, recent excavations at Fiona Stanley Hospital show that even after the site was cleared by bulldozers, in-situ archaeological deposits covering 8,000 to 33,000 years BP were still present (Dortch *et al.* 2009). Similarly, recent excavations at Beeliar Wetlands (Hook and Dortch, 2017) clearly showed both charcoal and stone artefacts, including those made of fossiliferous chert, in undisturbed deposits up to 100 cm deep.

The majority of the archaeological surveys and more detailed assessments conducted in Western Australia's Southwest region have occurred in the Perth Metropolitan area (Hallam, 1972, 1975, 1977; Anderson, 1984; Strawbridge, 1988; Bowdler, Strawbridge and Schwede, 1991). The general pattern of archaeological site distribution to emerge indicates that more sites are located on the Bassendean Sands than in any other geomorphic zone between the Darling Range and the coast (e.g. Bowdler *et al.* 1991; Strawbridge 1988). It has been suggested that the high number of sites on the Bassendean Sands is directly related to the abundant resources associated with the chains of lakes and swamps along the eastern margin of this zone, toward the foothills of the Darling Range (Bowdler *et al.* 1991; Strawbridge 1988). Similarly, at other studies undertaken in the Southwest, stone artefact scatters were predominantly found associated with drainage lines and water sources (Pearce, 1981; Veth, 1987). Using traditional models for archaeological site location Anderson (1984) predicted that there will be a higher density of archaeological sites near to water sources and on elevated sandy areas near to water. The lithic assemblages at these sites will tend to be dominated by quartz, with lesser

proportions of dolerite, granite, silcrete, quartzite and chert. This site patterning is consistent with other regions in Western Australia and reflects not only a need for potable water but is probably also associated with the richer and more diverse resource zones that exist near to more permanent water sources (e.g. Bowdler et al. 1991; Veth 1987).

Anderson (1984) conducted a comparative analysis of archaeological site data for three major environmental zones: the Swan Coastal Plain, Darling Range and the Darling Plateau. The research indicated that the Swan Coastal Plain has a site density three to six times that of the Range or the Plateau deposits (Anderson, 1984, p. 34). However, this result may be reflecting the greater prevalence of survey data on the Swan Coastal Plain (as discussed above). Anderson's (1984) research also highlighted the propensity for larger sites on the Swan Coastal Plain to be found on elevated dunes and sandy ridges, whereas in on the Darling Plateau and Darling Range the larger sites and site clusters tend to be located on low-lying and gently sloping ground. Based on this analysis, Anderson (1984) proposed a land use model for past Aboriginal groups in the region. The model suggests that in summer and autumn, groups gathered in large numbers on the coastal plain, focussed on specific water-based landscape features, such as estuaries, rivers, lakes and swamps. Then during the winter and early spring, coastal groups dispersed more widely, moving into the jarrah forests of the Darling Ranges (Anderson 1984; Hallam 1975). The generally smaller nature of sites along the Range and Plateau when compared with the coastal zone is thought to be a result of less abundant and less predictable food resources

A number of large sites have been recorded on the Darling Scarp and Darling Plateau however, suggesting that perhaps there was more intensive use of the jarrah forests of the inland southwest than that described by Anderson (Pearce, 1981). These sites tend to be located near resource-rich micro-environments such as swamps and rivers. Three dated sites in the jarrah forest of the Darling Plateau, have provided chronological sequences – Collie (~5,800 BP), Boddington (~3230 BP) and North Dandalup (~2280 BP), demonstrating at least a mid-Holocene occupation of this upland environment (Pearce 1981).

As part of a 280 square kilometre survey across the Darling Plateau between Collie and Boddington, 264 archaeological sites/features were located (Pearce 1981). More than 90% of the finds were small scatters of <50 stone artefacts. The study indicated that the largest sites were located on silty, sandy or gravel soils near creeks and swamps, while the smaller sites tended to be found on lateritic or sandy slopes within the gently sloping valleys.

Pearce's (1981) assessment was broadly supported by the results of an archaeological survey conducted in the Harvey Dam area near Collie (Veth, Ward and Zlatnik, 1983) which suggested that larger, more structured sites were generally found near swampy or well-drained areas, atop relatively flat ground close to waterways, and the lower slopes of valleys. Another relevant finding of this study was that more than 60% of the 53 identified sites were found where ground surface visibility was favourable, such as tracks, roads and clearings (Veth et al 1983). While this point may appear somewhat obvious, the survey bias of ground surface visibility in the forests of the south-west cannot be overstated. It highlights the need to exercise caution when surveying heavily forested areas whereby dense understorey significantly inhibits the ability to identify artefacts, just because they cannot be seen, does not mean cultural materials are not present.

Archae-aus undertook an Aboriginal heritage survey with Gnaala Karla Booja Traditional Owners in the Wilga area in 2017. The work resulted in the identification and recording of two new Aboriginal archaeological sites and five isolated stone artefacts. Both identified sites were scarred trees, with

one of these sites comprising numerous scarred trees at the same location (Archae-aus, 2017). Surveys were undertaken in the Wellington National Park by Archae-Aus in 2020 for the Wiilman Bilya Walktrail (Archae-aus, 2020c) and for Stages 1 and 3 of the Wellington Mountain Bike Trail Network (Archae-aus, 2022a, 2022b). Six new archaeological sites were identified in the Wellington National Park through these two surveys. Five of these sites were small artefact scatters, comprising mostly quartz artefacts, and one was a scarred tree. As has been the case in previous studies undertaken by Archae-aus in the jarrah forests in the Southwest, the identified sites were located relatively close to water sources, specifically the Collie River and its tributaries. The sites, by their nature, are highly localised and are the result of targeted use by the Gnaala Karla Booja people's ancestors as they travelled across the landscape.

## ETHNOGRAPHIC BACKGROUND

### Local Ethnographic Context

The Collie region is home to an ancient, enduring and dynamic Aboriginal culture. Local Aboriginal people in Collie today identify as Noongar, sharing ties with the broader Noongar nation and occupying the entire southwest corner of the Australian continent. On a more local scale, people also identify as Wiilmen, a Noongar-dialect group whose traditional country incorporates the Collie area and stretches eastward to the Wheatbelt towns of Williams, Narrogin and Wagin. Tindale (1974) describes Wiilman Country as:

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*At Wagin and Narrogin; on Collie, Hotham, and Williams rivers west to Collie; Wuraming north to Gnowing, Dattening, and Pingelly; east to Wickham, Dudinin, and Lake Grace; south to Nyabing (Nanpup), Katanning, Woodanilling, and Duranilling. Southern and western boundaries correspond with the change with the change in place name terminations from [-ing] to [-up]. (Tindale 1974:260)*

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Many people in Collie also identify as *Bilyagul Moort* – River People. This identity reflects the connection of Aboriginal people in the Collie region to the three rivers of the Leschenault Catchment – the Bila Borigup (Collie River), Bila Barajillup (Preston River) and Brunswick River. These three rivers are fundamental to the spiritual, social, and economic foundations of local Noongar culture now, and into the distant past. The rivers provided vital resources to Aboriginal groups in the area and continue to be a source of food and medicine for *Bilyagul Moort* today. The rivers bring together people who gather for social and recreational pursuits, as their ancestors have done for generations. The rivers form part of the integral kinship networks of *Bilyagul Moort*, who still rely on the waters for important social, cultural and economic practices.

Noongar culture attaches spiritual associations to the rivers through *ngitting yarns* (creation and dreaming stories), in particular dreaming stories associated with the *Waugal* or *Walgu*, a spiritual snake who is responsible for carving out and creating many of the landscape features we see today, particularly the rivers. The *Ngarngungudditj Walgu*, the hairy-faced serpent, is the Nyitting Being responsible for creating the three rivers. It is said that the giant serpent carved the rivers and the Leschenault Estuary into which they flow. This serpent was so big and powerful that his body movements created the waterways above and below ground and the huge dunes that flank the estuary were created when *Ngarngungudditch Walgu* turned around to travel back upstream. Its final resting place is Minninup Pool, a popular recreation place on the Collie River, close to the modern-day town of Collie. Here, the head of the great serpent is said to rest to this day and local Noongar and non-Noongar people pay their respects to the *Walgu* through the ritual action of throwing a handful of sand into the water accompanied by a simple greeting. Visitors are invited to offer their ritual greeting in this manner, which can be undertaken anywhere along the rivers, especially at Minninup Pool.

During traditional times, the *Bilyagul Moort* relied on the rivers as travel routes between the coast and the hinterland, as part of intricate systems of seasonal movement that saw people gather in large numbers on the coast during summer months to make use of plentiful resources while undertaking social and ceremonial activities, before dispersing in smaller groups into the jarrah-marri forests of the inland region around Collie during the winter months, where food sources were readily available.

These seasonal migration patterns were a critical element in the complex systems of sustainable land management that enabled Noongar people to successfully occupy the southwest region for thousands of generations. Seasonal movement was based on a highly structured system that enabled people to harvest resources as they became seasonally available, without over-exploiting species or locations. The Noongar calendar is based on six seasons and the subtle changes between these seasons are closely aligned with the seasonal availability of particular plant and animal species. People knew when to move, not because of a day in the calendar, but based on the subtle but predictable signs in the plants and animals.

## Regional Ethnographic Background

Noongar people form a distinct cultural bloc now and into the distant past, based on shared linguistic and cultural traditions, a cohesive social structure and kinship network, shared regional identity, and a common geographical connection to the lands and waters that make up the southwest corner of the Australian continent. There are a range of social structures which further delineate Noongar people and connect them to particular parts of the Southwest region. This is articulated succinctly in the Noongar evidence provided to the Federal Court hearings (Federal Court of Australia, 2006:38), during which the claimants noted that the southwest region:

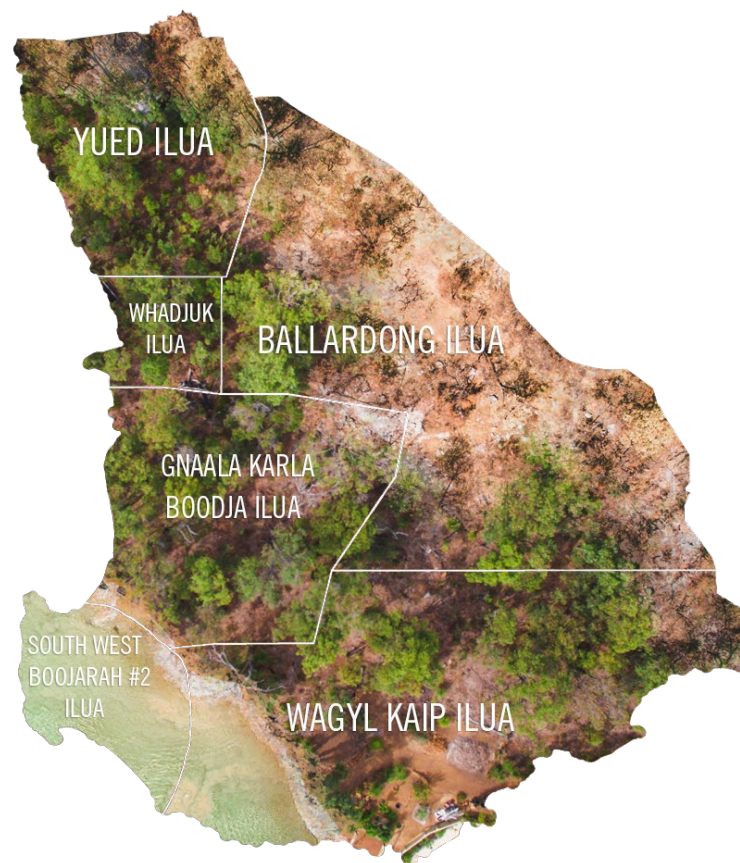
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*was occupied and used by Aboriginal people who spoke dialects of a common language and who acknowledged and observed a common body of laws and customs. Those Aboriginal people recognized local and regional names within the broader society but shared a commonality of belief, language, custom and material culture, which distinguished them from neighbouring Aboriginal groups and societies. Responsibility for and control of, particular areas of land and waters, were exercised by sub-groups or families, but the laws and customs under which the sub-groups possessed those rights and interests were the laws and customs of the broader society.*

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Fundamental to Noongar identity and culture is connection to Country. This concept articulates a series of rights and responsibilities that every Noongar person maintains to certain places, landscapes and regions. Perhaps the two most important aspects of connection to Country are 1) the responsibility to care for Country and 2) the right to speak for Country. The responsibility to care for Country is something that Noongar people inherit from their ancestors and bequeath to their children. Upholding these responsibilities are fundamental to Noongar culture and identity, and at some level to people's reason for being. On this basis, being able to uphold these responsibilities is pivotal to Noongar people's sense of purpose and self-worth and therefore, well-being. Intertwined with the responsibilities that people maintain to Country are rights to make collective decisions affecting Country.





**Figure 1. Six regions from the Southwest Native Title Agreement (Source: Samantha Mickan, 2009)**

Contemporary Noongar society has its roots deeply etched in the traditional social structures of the pre-contact period and like all societies continues to evolve and change as a result of both internal and external influences. European invasion and subsequent settlement of the region is a major external influence and the impacts on Noongar society have been severe and far-reaching. None the less, Noongar culture and society has evolved, adapted, and survived. Among all the layers of connection and identity that comprise the fabric of Noongar society, perhaps the most fundamental is that of family and kinship. Noongar people identify most fervently with their extended family, and they will very often define their primary identity on the basis of family.

The combination of these rights and responsibilities is the basis for contemporary Noongar custodianship. What this means in a practical sense, is that Noongar people expect to have a 'seat at the table' in decisions that affect their lands and waters. While the *Aboriginal Heritage Act 1972* stipulates the need to consult with Aboriginal people about a narrowly defined set of places and materials, Noongar people have a custodial interest and responsibility for a much broader set of places and values than those defined by legislation.

## HISTORICAL BACKGROUND

### Wellington Dam Construction Timeline

The following section is replicated from the 2020 Archae-aus report on the historical archaeological survey of the Wellington Dam Precinct (Archae-aus, 2020a) and the Heritage Council's assessment documentation for *Wellington Dam* (P06344) as presented in the Due Diligence Assessment for the Proposed Tree Village Project (Archae-aus, 2024a).

#### Pre-1933 Prior to Construction

Prior to World War I, the Government priority for agricultural infrastructure was centred on the provision of railways. Following the establishment of the Harvey Dam and drainage system in 1915-16, the emphasis gradually shifted to drainage and irrigation; damming rivers to prevent winter rain flooding the coastal plains and storing it for use in the dry summer months. The growing population of Perth demanded increased water supplies, and the Wungong and Canning pipehead dams and Churchman Brook Dam were constructed in the 1920s to fulfil that need. Further development was prevented by the onset of the Depression, but by 1930, with an estimated 10,000 unemployed men receiving government assistance, the decision was taken to employ them on public works in return for their sustenance payments. The public works undertaken generally involved road works and drainage and irrigation projects, which included the raising of the Harvey Dam, construction of the Drakesbrook Dam, and construction of Wellington Dam.

Sir Russell Dumas, who had joined the Metropolitan Water Supply Sewerage and Drainage Department in 1925, worked on the Churchman Brook Dam before transferring to the Public Works Department (PWD), where he worked on the designs of Drakesbrook Dam and Wellington Dam under hydraulic engineer B. S. Crimp. Dumas was appointed Chief Engineer of the department in 1932, and Director of Works and Buildings and Chief Hydraulic Engineer in 1941. He believed in large-scale development for Western Australia and was involved in many projects, among them the Ord River scheme and the development of *Wellington Dam* over a twenty-year period until his retirement in 1953. He was appointed CMG (1950), KB (1959) and KBE (1964).

#### 1930s Construction Begins

On 3 November 1931, the Public Works Department (PWD) began a survey for the proposed construction of Wellington Dam, which was to dam the Collie River for irrigation of the land below the scarp.

*Trial holes were sunk and the dam was fixed about November 23rd, having two straight wings 240 feet and 280 feet long, and the centre curve 261 feet long of 300 feet radius. Excavations for the foundation and plant erection were expedited as it was necessary to advance as far as possible across the stream bed before the winter floods.*

In December 1931, there was considerable correspondence about the design. No flood records or flow information was available for the Collie River, so estimates had to be made based on various formulas calculated on the 1,000 square mile catchment area above the Dam site. PWD correspondence noted that 'somewhat generous proportions have been allowed for overflow on account of lack of data which had it been available might have enabled economies to be made'. Further amendments were made to the design during construction and included the raising of the abutment wall to allow a 12-foot overflow instead of the originally calculated 10 feet, and provision of a shaft and tunnel to allow access to the valve room in all conditions of overflow. The Dam was a solid concrete gravity type and

the shape of the Dam wall, with a small, curved section in the centre and straight abutments each side, was due purely to the natural rock foundation, a gravity dam being dependent on the strength of its foundation.

By 26 November there were 108 men employed. All except the skilled labourers were obtained through the Sustenance Department. For the greater part of the time earnings were limited to Sustenance rates plus £1, but this was later changed to a period on full time and a period on Sustenance.

The sand and stone for the concrete for the Dam wall were obtained from the immediate area. The sand came from a pit 5.5 miles from the construction site, and the stone came from a 'bald, granite face about 40 feet high' located only 100 yards downstream. Two contractors carted the sand in 2-ton trucks, while another contractor quarried and crushed the stone. Part way through the project, the contract system was replaced with day labour.

*The concrete chuting plant consisted of two fabricated steel towers: one 130 feet high at the bins, completed 300 feet of wall, and the second 175 feet high placed on the wall 285 feet away, completed 400 feet of wall. The towers carried an overhead cable from which the chuting was suspended. The concrete was hoisted to the tower hopper by an automatic tipping bucket and discharged down the chuting. The concrete was discharged into timber studded and sheeted boxes, which in the initial stages of the job were 8 feet wide and 6 feet high and ran the full 50 feet between expansion joints, each alternate one being 3 feet higher or lower than its neighbour.*

The Official Opening of Wellington Dam was held on 9 December 1933.

*Wellington Weir, on the Collie River, was officially opened on Saturday by the Minister for Works (Mr A. McCallum)... Intense cultivation of the 120,000 acres of coastal flats from Pinjarra to Dardanup is the ultimate objective of a scheme, in which the irrigation made possible by the Wellington Weir is the preliminary step... The Wellington reservoir will irrigate 34,000 acres and the irrigation channels will have a total length of 93 miles. Without the majestic height of the dam at Mundaring, Wellington Weir has a sweep of 734ft. at the crest of the wall and is 68ft high. The scheme will not be complete until 91 miles of drainage have been laid down. These drains are intended to release for production the areas that used to be flooded in winter.*

Wellington Dam cost £137,000 to build. It had a Dam wall some 800 feet long and 62 feet high and held 6,900 million gallons, which was estimated to be almost twice the capacity of Mundaring Weir at that time, although the Dam wall was only half the size. In 1936-37, 168 farms were supplied with an average of 2.7 waterings for the year. In 1940-41, this had been increased to 3.68 waterings over 5,279 acres.

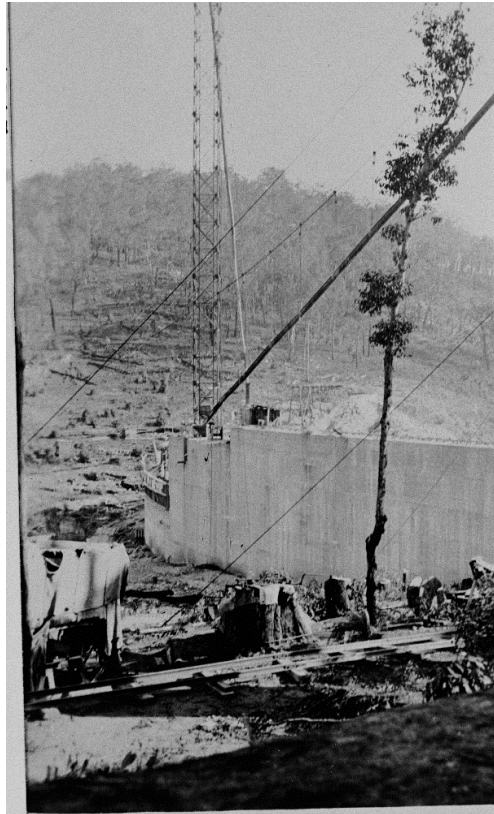


Figure 2. Construction on the Wellington Weir, 1930s (photo courtesy of SLWA: 024840PD)



Figure 3. Wellington Dam campsite, 1929-1930 (photo courtesy of SLWA: 024884PD)



## 1940s Dam Height Raised

When Wellington Dam was designed, provision had been made for the installation of 3-foot-high moveable shutters to be installed along the crest of the wall at a later date when capacity needed to be increased. It was noted, however, that a masonry wall would be more economical and efficient. The added height was considered necessary by November 1941 as the Collie Irrigation Area continued to develop, but because of lack of funds and labour for such projects during the war years it was late 1945 before work began, and a 3-foot masonry wall had been decided on by that time. On 1 December 1945, seven men were sent to the site to begin work. This number was increased to fourteen men a week later.

Quarrying and delivery of stone went to schedule, but it was soon discovered that two of the 'alleged' stonemasons could not lay stone. Attempts to train them produced work that was solid but 'looked shocking' and their output was only three feet a day. The Department took a stonemason from work on the Stirling Dam and he, with one trainee, was able to lay stone at twelve feet plus a day. The slowness of the work done by the original untrained masons added to the cost and time for the work, which was scheduled to be completed March 1945.

Raising the wall presented no issues with possible flooding of land beyond the boundaries of the area already resumed for the 1930s construction. The increased wall height brought the storage capacity of Wellington Dam to 8 thousand million gallons.

## 1950s Dam Infrastructure and Height Raised Again

In 1946, the decision was made to further raise Wellington Dam by around 40 feet and to raise the wall of Mundaring Weir by 32 feet. The work at Mundaring was undertaken first and provided a process for the work that was to follow at Wellington Dam. The project at Mundaring was the responsibility of hydraulic engineer Victor Munt, who worked on the plans for the raising of Wellington Dam.

A 40-foot raise at Wellington Dam was considered sufficient to supply irrigation needs for some considerable time, but when the State Electricity Commission requested to install a small hydroelectric station to utilise the increased irrigation flow that would result from the raised storage capacity, the PWD began to consider increasing the wall height by 50 or 60 feet.

*With our chronic shortage of stored water, I think it wise to place more in kitty than may seem economically correct in the first place, and the installation of a hydroelectric power plan – operating only when water is available – would appear to be a means of liquidating the extra initial capital outlay involved in a comparatively short time.*

For the PWD, a height of 50 feet was optimum, this being the level that offered the best economic returns from the hydroelectric station in the shortest period. For the SEC, the economics of the station were based on savings in coal fuel for the Collie power station.

While work went on at Mundaring, another project associated with the planned raising of Wellington Dam was put in motion. The Wellington Dam to Narrogin Pipeline was part of the Comprehensive Water Supply Scheme and involved the construction of a 30-inch diameter steel pipeline 80 miles in length, with two pumping stations, regulating tanks and the construction of smaller branch mains from Narrogin along the Great Southern Railway, north to Brookton and south to Katanning, with another two pumping stations and tanks. Cost of the Wellington Dam to Narrogin Pipeline and ancillary structures was expected to be around £2,650,000, with the Commonwealth to assist on a pound for



pound basis. The work began with the ceremonial laying of the first two sections of pipe on 19 August 1949, by the Minister for Works & Water Supplies, Victor Doney, MLA.

The No. 1 Pumping Station for the Narrogin Pipeline was located at Wellington Dam. It delivered water a distance of 5.5 miles to the Worsley Regulating Tank, from where it was gravity fed some 22 miles to the No. 2 Pumping Station, which pumped to the Coolakin Regulating Tank another 19 miles distant. From Coolakin, the water flowed by gravity to the Narrogin Storage Reservoir.

Construction methods for the Pipeline followed the standard practice for continuously welded mains that was developed on the Goldfields Main Conduit.

The No. 1 and No. 2 Pumping Stations were each fitted with two electrically driven pumps, one being a standby, which would come in automatically should the working pump fail. The pumps were 8"-10" horizontal split casing double suction volute type centrifugal pumps designed, manufactured and installed by Kelly & Lewis Ltd of Springvale, Victoria. The Pumping Station buildings, constructed by the PWD, were concrete with asbestos roofs, and measured 85ft by 22ft. One end wall was of brick to enable the buildings to be extended when the system needed to be expanded. Associated with the No. 1 Pumping Station was the Chlorinator, which was located about 50 feet above the Pumping Station. Chlorine was injected into the suction main and automatically controlled by the pumps. Another building, the Chlorine Store, stored the extra bottles.

The Pumping Stations were identical except for a small difference in capacity, with the No. 2 station having the smaller output. The Pumping Stations were fully automatic and controlled by float switches at the Regulating Tanks. A 10-pair underground PMG cable carried operating and safeguard signals through the system.

The raising of the wall at Mundaring was completed in December 1951, but preliminary work at Wellington Dam had commenced several months earlier, in August. In June 1952, camp accommodation was erected but soon after work was suspended due to lack of funds, caused by the development of Cockburn Sound for the proposed oil refinery.

The No. 1 Pumping Station was officially opened on 18 December 1953 by Minister for Works and Water Supply, John T. Tonkin MLA. At that time the Pumping Station was supplying water only to Collie. Although the Pipeline was planned to be completed in three years, the shortage of steel plate in the postwar years restricted pipe manufacture and the Pipeline did not reach Narrogin until 1956. The Hon John Tonkin opened the completed Pipeline on 10 February that year at a ceremony held at the Narrogin Storage Reservoir. Other members of the official party at the opening ceremony included: T. N. Hogg, Mayor of Narrogin; L. W. Hamilton MP, Parliamentary Under Secretary representing the Commonwealth Government; Sir Ross McLarty MLA, Leader of the State Opposition; Victor Doney, MLA for Narrogin; and, A. F. Watts MLA, State Country Party leader.

In 1954-56, the construction of a 2,000 kW Hydroelectric Station was underway, located 1,400 feet below Wellington Dam. John G. Lewis was the hydraulic engineer who oversaw the project. In its 1954-55 *Annual Report*, the PWD noted that:

*Foundations were completed and a building erected for the Hydro-Electric Station at Wellington Dam. The installation of equipment by a private contractor commenced, the 1200 foot length of twin 53½in O.D. steel penstock pipe to supply water to the Hydro-Electric Station was completed with the exception of one anchor block. The offtake from the dam and the building of the trash rack were also completed.*

Perth firm Hartland Engineering was the private contractor who provided the machinery for the Hydroelectric Station. The Station was to operate on the irrigation water which would flow through the place and then on to the irrigation channels, but 'until the dam wall is raised this unit can be used only during the winter overflow months, and then at a reduced load of 1,600 kW'. The Station was commissioned on 3 July 1956. It was completely automatic in its operation, and was managed from the Collie power station, to which it was connected.

Wellington Dam Hydroelectric Station was planned to take on the load of the Collie Mines. It was not expected to make a large profit but was considered valuable experience if the proposed Ord River scheme and its hydroelectric station were to go ahead.

At the completion of the 1954-55 irrigation season Wellington Dam was emptied in preparation for the work on raising the wall. Work was carried out on the concrete lining of the Offtake pipes through the existing Dam wall. The pipes were extended to allow for the enlarged Dam wall and new control valves were fitted. Guide rails were fitted to the upstream face of the Dam to provide for the new emergency control gates.

In the 1955-56 year a construction plant was installed including the concrete mixing and bulk cement handling facilities. The plans for the conveyors, trestles, crushers and mixer bin, etc, were those previously used at Mundaring. A concrete testing laboratory was also built. The following year excavations were carried out and concreting commenced in January 1957 using methods similar to those successfully adopted at Mundaring Weir. At Mundaring, the PWD had followed the concreting practice observed in other gravity dams, including the Aswan Dam in Egypt and the O'Shaughnessy and Alpine Dams in California. This involved a particular practice in order to keep the new section of wall as free as possible from the old wall during the settling period:

*... to allow movement to take place without shearing the new or old concrete and without increasing the tendency of the new concrete to crack in unpredictable directions, to keep the heat of the new concrete as low as possible, and to minimise heat flow to the old wall. The method adopted was [to have] a lubricated rib at the ends and centres of each monolith to be filled in after the new concrete had become sufficiently stabilised.*

The problem then was how to fill the deep narrow spaces created by the ribs (or slots). After tests with experimental boxes with slots covered in glass in order to observe the process, the grouted aggregate method was eventually used, whereby the slot was filled with crushed metal and a free running grout pumped in to fill the voids. In October 1958 the new concrete wall at Wellington Dam was bonded to the old by the grouting process, the two masses being equal in temperature by that time. The placing of mass concrete on the extended wall was completed on 4 March 1960. The Resident Engineer at Wellington Dam was Roy Hamilton, who took over responsibility for the project from Victor Munt following his death in 1953. Hamilton later worked on the development of Kununurra and the Ord Irrigation Scheme.

In the 1940s, both skilled and unskilled workers were scarce and the majority of workmen at Mundaring were newly arrived migrants. Up to 500 men were employed at Mundaring. The situation at Wellington Dam was little different, with labouring work on projects in rural areas often the only work available at this time to migrants from a non-English speaking background, the majority of whom were from Southern Europe. The Snowy River Hydroelectric Scheme was another example of this employment pattern.

Figures relating to the 50-foot raised Wellington Dam wall included 40,790-million-gallon storage capacity, 112-foot wall height, 1,203-foot overall wall length, 85,000 cubic yards of concrete, 3,982 acres of water surface area and a 1,115 square mile catchment area. The raised Dam was opened on 21 October 1960 by Minister for Works and Water Supply, G. P. Wild MLA. The Collie Irrigation Area had grown to around 10,000 acres by the time the wall was completed.



Figure 4. Article discussing the wooden workers huts; Narrogin Observer Friday 18 January 1952, page 1





Figure 5. Commencement of construction work on the enlargement of Wellington Dam, January 1956 (photo courtesy of SLWA: 136841PD)



Figure 6. Raising the wall of Wellington Dam, 1960 (photo courtesy of SLWA: 140247PD)

### 1960s Recreation Around the Dam

In 1960, landscape architect John Oldham was engaged to design a landscaping scheme for *Wellington Dam Precinct* to enhance public use, which had been steadily growing during the 1950s with the increasing popularity of motor vehicles. Particular attention was paid to the Quarry, where the stone for the Dam wall had been sourced, as this was a hazard for children and competed with the Dam for attention.



*We screened and protected the quarry by a natural stone wall around the top – this guide visitors toward a new lookout designed to project from the hillside pointing firmly back at the dam. The walls of the quarry were scaled down. It was back filled with good soil, planted with lawn and trees, furnished with shelters and barbeques and became a hazard free picnic area.... the lozenge shaped shelters deliberately echo the viewing platform and Dam in shape and materials. Most trees in the quarry are deciduous to let the sun through in winter. The quarry was popular from the start – it came into use immediately after completion.*

Other aspects of the landscaping design included a Lookout at the top of the Dam site and a new zigzag road that took visitors below the Dam. The parking area was designed to follow the contours and prevent removal of trees, and the toilets blended into the bushland. Plantings were native species except in the Quarry. Flowering species included some 570 kangaroo paws (*Anigozanthos* sp.) of various colour, *Crowea dentata*, black wattle (*Acacia decurrens*), a groundcover (*Lescenaultia biloba*), and bottlebrush (*Callistemon* sp.), as well as 70 karri trees (likely the Karri Hazel *Trymalium spatulatum*). The No. 1 Pumping Station building, Chlorine Store and toilet buildings were cement rendered to improve their appearance.

In 1961, water was impounded for the first time behind the raised section of Wellington Dam, providing the full head of water required for the hydroelectric station to operate at maximum capacity.

By 1963, the No. 1 Pumping Station urgently required upgrading to deal with increased delivery to the Comprehensive Water Supply Scheme. Two more pumps similar to those already installed were supplied by Kelly & Lewis, making a total of four, with three pumps to be operational and one as standby. The Pumping Station building was enlarged to take the fourth pump, having been designed to hold three with a capacity for extension at the end with the brick wall. A Wallace & Tiernan 'V'-notch chlorinator replaced the existing MD-types that were relegated to standby. R. A. & V. Bolt of Innaloo won the contract to enlarge the Chlorine Store, which was a brick and concrete building with panels of glass bricks and a steel-framed Spandex-sheeted door.

The upgrade of the pumping system was expected to keep the Water Supply Scheme operating sufficiently until at least 1970, while other supply options, such as the proposed Harris River Dam, were investigated. Space at Wellington Dam was severely limited. Excavations had already been made into massive granite rock to install the existing No. 1 Pumping Station and delivery main. It was considered that 'it is, to all intents and purposes, impracticable to equip this Station otherwise than as designed'. Another issue was growing salinity of the Wellington Dam catchment due to clearing.

In 1966, Caretaker's Quarters & Kiosk was constructed, following requests for more public facilities. The State Housing Commission oversaw the work. The Quarters & Kiosk was enlarged at an early time, with the addition in keeping with the original construction. The place has been unoccupied at various times since it was built. It is currently leased from the Department of Environment and Conservation and managed by the lessee as 'Wellington Dam Bush Café'.

The landscaping of *Wellington Dam Precinct* is an example of a Bush Garden landscape style within a Nature or Forest Reserve. The Reserve is a managed landscape used for recreation and wildlife habitat within an area in the vicinity of Wellington Dam that has been designed with native and some ornamental species and rustic rock walls and paths. There are a number of walk trails in the Wellington National Park in the vicinity of Wellington Dam, and camping areas at Potters Gorge and Honeymoon Pool.

The waters of the Dam have been the venue for rowing's Australian Championship and King's Cup Regatta since before the War, on the occasions when Western Australia has been the host State. The occasions of the Dam overflowing draws hundreds to view the spectacle, particularly as it doesn't occur every year.

### 1970s to Present Changing Uses of the Dam and Surrounds

In 1976, clearing control legislation was applied to the catchment to limit salinity.

In 1990 Harris Dam replaced Wellington Dam as the source for the Great Southern Town Water Supply Scheme, which supplies 32 towns in the Upper Great Southern. Harris Dam is situated on a tributary of the Collie River and operates as a two-dam system with Wellington Dam. Saline water is released from Wellington Dam through the scouring release at the base of the wall and is replaced with low salinity water from Harris Dam. This reduces the salinity levels in Wellington Dam and results in better quality water for irrigation. A trial to divert 2GL of the worst water into a disused coal void has cut salinity to 980mg/l (500mg/l is considered drinkable). Griffin Coal was reported as wishing to increase the diversion to 14GL, treat the water at a \$65 million desalination plant and sell it back to the Water Corporation for potable use.

Wellington Dam Hydroelectric Station was shut down for a time in the 1980s and was recommissioned again in 1992.

In 2007, Wellington Dam continues to dam the waters of the Collie River. The No. 1 Pumping Station and associated Chlorinator and Chlorine Store have not been in use since 1990. The Hydroelectric Station has recently been put into care and maintenance and is no longer operational.

## PREVIOUS HERITAGE ASSESSMENTS

The following summary of previous research has been compiled from information that is available from the Department of Planning, Lands, and Heritage's (DPLH) Aboriginal Cultural Heritage Inquiry System (ACHIS). This may not be a comprehensive record of all heritage sites recorded, and surveys undertaken, with the possibility that some information may exist in the 'grey literature' held by private individuals and organisations which has not yet been provided to the DPLH for addition into the ACHIS. Accordingly, caution should be exercised in areas where no surveys have been completed, or where surveys have only been completed for parts of the area where the proposed activity is intended. Heritage surveys over only part of the land may not have identified all possible sites. In addition, surveys that took place more than 15 years ago may not have reliable spatial information. The criteria for assessing the relevance and reliability of reports can be found in Appendix Three. A copy of the ACHIS search results and maps can be found in Appendix Four.

A search of the Department of planning, Lands and Heritage's (DPLH) Aboriginal Cultural Heritage Inquiry System (ACHIS) reveals one (1) Registered Site, *Collie River Waugal* (ID 16713), intersecting the boundary of the Project Area (Table 5 and Map 3). During the survey, it was also revealed that a significant mythological site, *Ngarngungudditj Walgu Head*, also intersects the boundary of the Project Area; however, at the time of the survey the site had not been listed on the Register. This site has now been lodged on the Register (ACHknowledge Portal reference number CAS-100382-F9G8L7). The Project Area also intersects the boundary of ten (10) previous heritage reports (Table 6). In addition, three (3) heritage assessments have been conducted by Archae-aus in the vicinity of the Project Area in the past four years, the boundaries of these surveys are in the vicinity of the proposed Tree Village Project Area. Details of the survey reports can be found in Archae-aus' Due Diligence Assessment for the Tree Village Project (Archae-aus, 2024a).

**Table 5. Registered Aboriginal Sites intersecting the Project Area as currently listed on the Register**

DPLH ID	Name	Status	Type	Legacy ID
16713	Collie River Waugal	Register	Creation / Dreaming Narrative; Landscape / Seascape Feature; Water Source	-

### ID 16713 / Collie River Waugal

The Collie River Waugal, *Ngarngungudditj Walgu Dreaming*, is an important mythological place, natural feature and water source to the landscape and its Traditional Owners. Noongar Traditional Owners report the presence of the *Waugal* residing in the waters of the Collie River, making them sacred, stating that propitiatory rituals must be performed before entering the water for swimming or approaching the water for fishing. These rituals distinguish the local Noongars from strangers to the *Waugal*. The river also represents an important water and food source, providing sustenance for Noongar people in the area both past and present.

The mythological story from a custodian of the site, Mr Joe Northover, describes the *Waugal* dreaming events:

*"The 'Ngarngungudditj Walgu' came from the north east of Collie where he travelled forming the rivers and creeks resting along the way making waterholes...*

*... he came through what we know today as Collie forming the Collie River and as he moved he created hills visiting places in and around Collie he moved towards*

*the coast and came out where Eaton is today as he came to the end he turned his body creating what is the estuary today, as he turned he pushed the land out and then he travelled back up to the Collie River her travelled about the Collie area, finally he rests at Mininup, a well-known swimming place on the Collie River...*

*... The old people used to say you can see his spirit in the water late at night during the full moon and his long silvery beard..."*

### Ngarngungudditj Walgu Head

This site comprises a large, distinctive granite boulder/outcrop sitting on a slope on the southern bank of the Collie River, adjacent to the wall of the Wellington Dam. It was recorded during a consultation at the Dam in August 2020 (Archae-aus, 2020b) as a spiritual representation of *the Ngarngungudditj Walgu*, or Hairy-Faced Serpent, who is known as the creator spirit of the Collie River, Brunswick River, Preston River, and Leschenault Estuary. The *Walgu* being is said to rest in the river where it maintains a custodial role over the waterways, the location of his head is understood by the Traditional Owners to enable the *Walgu* to watch over the goings on in the river.

**Table 6. Previous Aboriginal heritage assessments that intersect the Project Area**

DPLH ID	Report Title	Report Authors	Survey Type
22192	A report of an ethnographic survey for a Section 18 application for Water Corporations proposed impact upon site 16713 Collie River Waugal at Wellington Weir.	Goode, Brad	Ethnographic
102073	Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol.2. Nov.1997.	Centre for Social Research.	Ethnographic
102074	Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol.1. Nov.1997.	Centre for Social Research.	Ethnographic
102172	Report on an Investigation into Aboriginal Significance of Wetlands and Rivers in the Perth-Bunbury Region. Draft. June 1989.	O'Connor, Rory	Archaeological / Ethnographic
104079	Bunbury-Wellington Regional Planning Study: Working Paper no.6, Aboriginal Heritage and Planning Survey. [Open] Released for Public Comment July 1992.	Dept of Planning and Urban Development.	Ethnographic
104608	Bunbury-Wellington Regional Planning Study: Aboriginal Heritage & Planning Survey: working paper no. 6	McDonald, Hales and Associates.	Ethnographic
106376	Notice under section 18 of the Aboriginal Heritage Act 1972: application from the Department of Conservation and Land Management for the redevelopment of recreation areas within the Honeymoon Precinct in the Wellington District	Department of Conservation and Land Management (CALM).	Archaeological / Ethnographic
106377	Report of an archaeological survey at lower Collie Valley & Honeymoon Pool area	Harris, Jacqueline.	Archaeological
106378	Ethnographic survey of the Honeymoon Pool & the Lower Collie River Valley re-development requiring a section 18 application for consent	Goode, Brad	Ethnographic
106512	Aboriginal heritage and planning survey.	McDonald, Hales and Associates.	Ethnographic



**Table 7. Previous Aboriginal heritage assessments by Archae-aus (not identified on the ACHIS) that intersect or are located nearby the Project Area**

Year	Report Title	Report Authors	Survey Type
2020	Report of an Aboriginal Archaeological and Ethnographic Site Identification Survey of the Wellington National Park Trails and Infrastructure Upgrades. September 2020. Unpublished report for the Department of Biodiversity, Conservation and Attractions.	Archae-aus Pty Ltd	Archaeological / Ethnographic
2022	Archaeological and Ethnographic Site Identification Assessment of the Wellington National Park Trails and Infrastructure Upgrades, Stage 3. April 2022. Unpublished report for the Department of Biodiversity, Conservation and Attractions.	Archae-aus Pty Ltd	Archaeological / Ethnographic
2022	Archaeological and Ethnographic Site Identification Assessment of the Wellington National Park Trails and Infrastructure Upgrades, Stage 3. Addendum Report (Trip 2) – Jabitj and New Trails 10 and 26. December 2022. Unpublished report for the Department of Biodiversity, Conservation and Attractions.	Archae-aus Pty Ltd	Archaeological / Ethnographic

## Historic Heritage Assessment

Archae-aus has undertaken a number of archaeological and ethnographic assessments in the Wellington National Park area surrounding Wellington Dam. Table 8 below outlines these reports, followed by a summary of the results relevant to the Tree Village Project Area. The areas surveyed and results of these surveys are shown in Map 2.

**Table 8. Previous Archae-aus historical heritage assessments that intersect Project Area**

2020	Archae-aus Pty Ltd, 2020, Historical Heritage Assessment of Four Areas within the Wellington Dam Precinct. October 2020. Unpublished report for the Department of Biodiversity, Conservation and Attractions.
2020	Archae-aus Pty Ltd, 2020, Report on the Archaeological Investigation of a Historical Structure within Survey Area 1 of the Wellington Dam Precinct. October 2020. Unpublished report for the Department of Biodiversity, Conservation and Attractions.
2007	Nayton, G., 2007, Wellington Dam: Archaeological survey and Recording of Development Area. September 2007. Unpublished report for the Water Corporation.

## Report Summaries

**Archae-aus Pty Ltd, 2020, Historical Heritage Assessment of Four Areas within the Wellington Dam Precinct. October 2020. Unpublished report for the Department of Biodiversity, Conservation and Attractions.**

Archae-aus was engaged by the Department of Biodiversity, Conservation and Attractions (DBCA), to undertake a Historical Assessment (i.e., non-Indigenous) of the potential heritage values of four areas within the Wellington Dam Precinct. The assessment included a desktop assessment, with a focus on Gaye Nayton's 2007 report; a field site assessment to investigate proposed construction areas; and a report detailing the findings of the desktop and field assessments.

A review of the historical documentation reveals that the Survey Areas within this study sit over several historical locations related to the construction of the Wellington Dam in the 1930s and subsequent additions made during the 1940s and 1950s.

The 2020 field survey of four Survey Areas near the Wellington Dam was undertaken to determine if any historical evidence of the construction of the Dam remains within these locations. Three of these survey areas were north of the Wellington Dam and one was to the south. Only one of these survey areas, Survey Area 1 intersects the proposed Tree Village Project Areas, specifically the suspended tree walks and tree camping area.

Within Survey Area 1 one of the stone bases of the 1950s workers' tents or huts was identified, with a possible second. These features were in relatively good condition. Additionally, numerous historic artefacts were identified. However, due to disturbance by heavy machinery, these artefacts lacked archaeological context or integrity

The other surveyed areas yielded little historic material apart from scattered brick and cement fragments. The authors note that care should be taken with the future clearing of these areas and contractors made aware of the potential for historic material to be present.

**Archae-aus Pty Ltd, 2020, Report on the Archaeological Investigation of a Historical Structure within Survey Area 1 of the Wellington Dam Precinct. October 2020. Unpublished report for the Department of Biodiversity, Conservation and Attractions.**

Archae-aus was engaged by the Department of Biodiversity, Conservation and Attractions (DBCA), to undertake a full archaeological investigation and recording of a structure (stone base for a workers' hut or tent) that was located during a previous survey of the area in August 2020 (Archae-aus, 2020b). This investigation included the excavation of the stone structure, the recording of the layout and design of the structure and detailing the findings.

The excavation involved an exploratory sondage trench inside the stone structure to determine if any artefactual material could be found and to determine the stratigraphy of the deposit. The excavation revealed two excavation units. The first unit was composed entirely of composted leaf litter and soil. It contained a few pieces of rusted metal sheeting. The second unit was composed of a hard-compacted natural deposit with gravel inclusions. No artefact material was found within this second unit. The excavation was terminated at this unit, and it was decided that the natural soil level had been reached.

A shallow drainage channel was also identified immediately adjacent to the northern edge of the structure. This drainage system looks to have been used for diverting surface water that would have run down the hill towards the camp and this hut or tent. It would be expected that the entire camp had numerous drainage channels due to the hill slope upon which the camp had been placed.

A section of flat ground approximately 3 metres west of the stone structure appears to be an old road or track that created a terrace upon which the tent or hut bases were constructed. This track runs along a north/south axis and would have provided workers easy access to their accommodation.

**Nayton, G., 2007, Wellington Dam: Archaeological Survey and Recording of Development Area. September 2007. Unpublished report for the Water Corporation.**

Historical archaeologist Gaye Nayton was engaged to undertake an archaeological survey recording of the Water Corporation's proposed Wellington Dam development area. This included an aerial photographic survey, a field survey of the development area, a photographic recording of identified archaeological features, and test excavations around selected structures to determine the presence of artefactual remains associated with these structures.

Nayton used a 1958 historic aerial image to plot the locations of potential structures and features, then undertook an archaeological survey to attempt to locate these features within the development area. 21 features were identified and recorded during the archaeological field survey.

While the Archae-aus surveys (Archae-aus, 2020a) could not relocate some of the features Nayton identified in 2007, due to modern disturbance, there remains the potential for archaeological features to remain in areas outside of those surveyed in 2020.

In analysing the results of Nayton's (Nayton, 2007) survey, features 17-21 fall within the proposed Tree Village Project Areas, specifically the suspended tree walk and tree camping area. These features are also shown in Table 9.

A number of features identified by Nayton (Nayton, (2007) are also identified around the Flying Fox Project Area on the southern side of the Collie River.

**Table 9. Archaeological features identified by Gaye Nayton during the 2007 heritage survey (Nayton, 2007)**

Feature	Details
17	A former dirt road which extended from the current road to the 1958 building recorded south of the suspended tree walk and tree camping area. The road is likely associated with the 1950s-60s dam extensions.
18	Concrete foundation of a building extant in 1958.
19	An area of disturbance noted in 2007 to contain foundation fragments and drainage pipe
20	An area of housing, visible on the 1958 aerial, and likely dating to the original construction. Feature includes an earth terrace, exotic plantings, and some structural remains (concrete, bricks, and timber).
21	Remains of an earlier tea kiosk and car parking, concrete slabs and scattered historic artefacts.

### *Known Historical Heritage Places*

The Project Areas are intersected by the *Wellington Dam* (P06344) (see Map 3). The precinct, also known as the Wellington Weir and the Hydro-electric Station, is listed on the Heritage Council of Western Australia's State Heritage Register and in the Shire of Collie's Local Heritage Survey and Heritage List.

**Table 10. Previous Archae-aus historical assessments that intersect Activity Area**

Place	Place Name	Description	Status	Construction Date
6344	Wellington Dam	Wellington Dam Precinct, comprising Wellington Dam (1933, 1945 and 1960), No. 1 Pumping Station and associated Chlorine Store and Chlorinator (1953, 1963), 2kW Hydroelectric Station (1956), Caretaker's Quarters & Kiosk (1966), landscaped Quarry, and roads, landscaping and facilities for public use and recreation	State Register and Shire of Collie Local Heritage Survey List	1933 - 1966

The heritage listing documentation for the precinct details that the place has heritage significance for the following reasons:

- The place is the only example in Western Australia of a combination of water supply facilities for irrigation, domestic use and hydroelectric power coupled with a solid concrete gravity dam.

- ▶ The hydroelectric Station is a rare example of its type in Western Australia and has value as a demonstration site.
- ▶ The place is a fine representative example of a solid concrete gravity dam of considerable size in the southwest of Western Australia.
- ▶ The place is a significant recreational landscape formed by a combination of the natural vegetation and landscaping which is a representative example of the late Twentieth Century Bush Garden style and was designed by John Oldham who was influenced by the work of Edna Walling.
- ▶ Wellington Dam was built in 1933 to form the headworks of the Collie River Irrigation Scheme, one of the largest users of water for irrigation in Western Australia.
- ▶ The place contains an important collection of functional industrial structures and recreational buildings exhibiting elements of the Post War International style.
- ▶ The place provided direct employment for a large number of men under the sustenance program of the 1930s Depression and was a major employer of immigrant labour, particularly southern Europeans, in the 1950s.
- ▶ The raising of the wall of Wellington Dam in 1960 provided a reservoir to supply the Comprehensive Water Supply Scheme for the ongoing development of southwest towns.
- ▶ The place has the potential to yield archaeological information relating to the worker's encampments of the 1930s and 1950s, the equipment and machinery used, and the construction processes.
- ▶ The place is associated with Sir Russell Dumas as Chief Engineer, and Chief Hydraulic Engineer of the Public Works Department, and with landscape architect John Oldham.
- ▶ The place is highly valued for its associations with farming in the region since 1933 and as both a passive and active recreation venue.

#### *Other relevant reports*

#### **Conservation and Parks Commission, Department of Biodiversity, Conservation and Attractions. Forest Management Plan 2024-2033. December 2024.<sup>5</sup>**

This report details the Department of Biodiversity, Conservation and Attractions 2024 -2033 plan for forest management, informed by the latest science, collaborations and partnerships with stakeholders. The plan outlines future consultations with Traditional Owner partnerships and the implementation of an ongoing partnership with local Aboriginal groups. The new approach to forest management within Western Australia is incorporated with the following goals of this plan:

1. To value and protect Noongar cultural heritage and support Noongar Traditional Owner involvement.
2. To conserve biodiversity and support ecosystem resilience.
3. To maintain or improve forest health and enhance climate resilience.

<sup>5</sup> [Forest Management Plan 2024-2033](#)

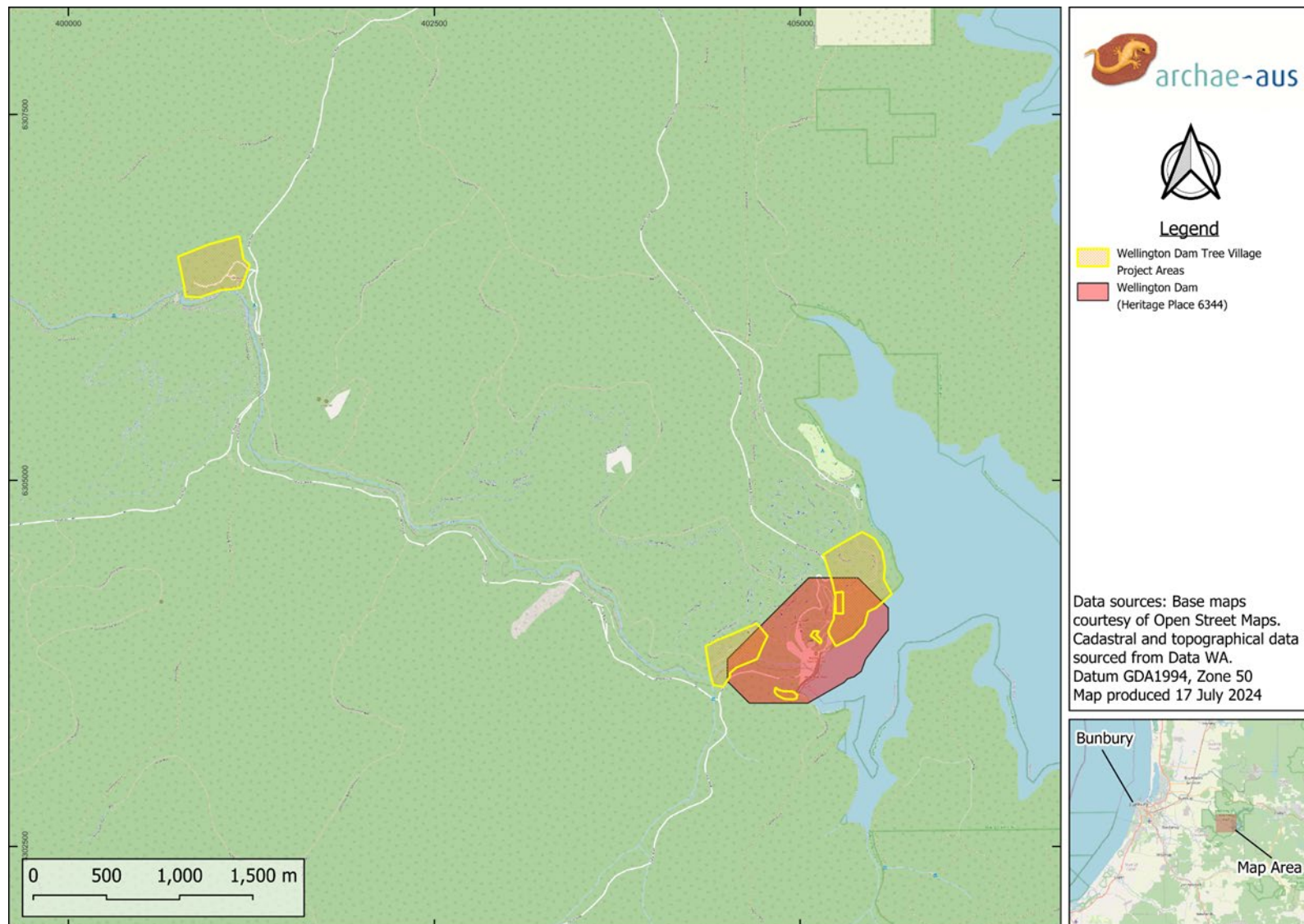
4. To deliver social, cultural and economic benefits through the provision of goods and services.

As part of the active strategy to achieve this goal, the report outlines cooperative joint management of the South West Conservation Estate (i.e CALM Act land, National Parks). These cooperative and joint management arrangements will be established in a two-stage process. Six Cooperative Management Agreements, one for each of the six Noongar Agreement Areas, will be signed by the department and the relevant Noongar Regional Corporation. The agreements will apply to the whole of the South West Conservation Estate within that Agreement Area. Once established, the Cooperative Management Committees will, among other things, work to identify and prioritise specific areas of the South West Conservation Estate to be jointly managed by Joint Management Bodies (JMBs) established under Joint Management Agreements (JMAs).

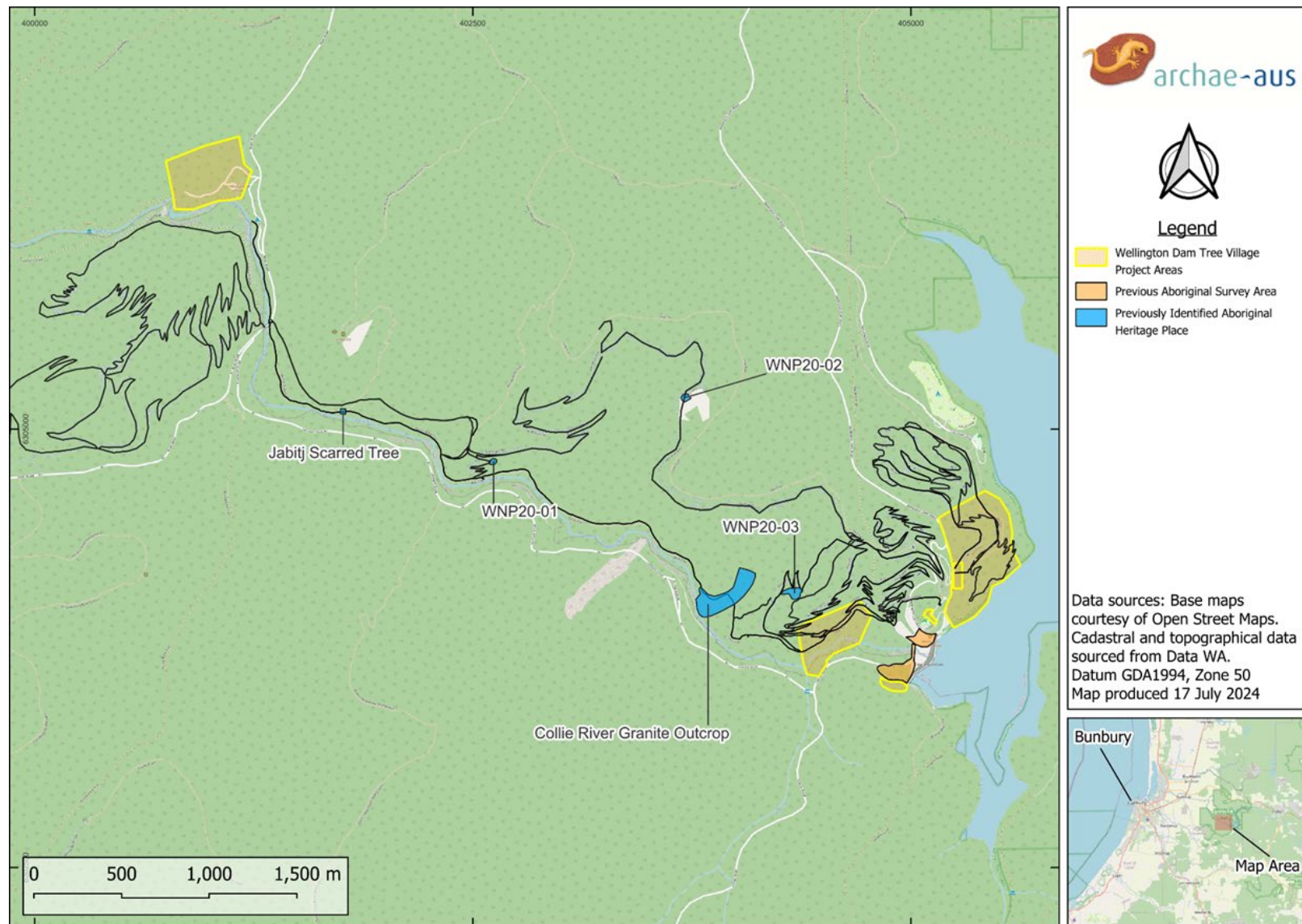
The plan demonstrates a commitment by the State Government to increasing consultation and partnerships with local Aboriginal groups with projects associated with National Parks and conservation areas. It underpins the continued consultation and ongoing engagement of Traditional Owners as key to healthy management of lands and Country.



Map 2. Historical Heritage Places intersecting the Project Area



Map 3. Aboriginal Heritage Places intersecting or adjacent to the Project Area



## SECTION THREE – METHODS

A Site Identification survey model was selected for this project as ground-disturbing works are to be undertaken in the future. The model allows Beijaflore to apply for section 18 approval if required.

A Site Identification survey methodology may be summarised as:

- ▶ Recording of any Aboriginal Cultural Heritage (ACH) is undertaken to a level of detail that is sufficient to address sections 5 and 39 significance criteria of the *Aboriginal Heritage Act 1972* (AHA) for each ACH place that is identified.
- ▶ The Site Identification level survey is to provide the client with sufficient information regarding the extent, characteristics and significance of any ACH within the Project Area.
- ▶ That the information recorded will satisfy the requirements of the Aboriginal Cultural Heritage Committee when considering an application under section 18 of the AHA.
- ▶ A key aspect of anthropological Site Identification surveys is the requirement to inform the Aboriginal Heritage Consultants of the purpose and extent of the proposed ground disturbance works, including any impact this may have on ACH, so that they can make informed decisions about a place.
- ▶ For archaeological surveys, there needs to be a rigorous assessment of Aboriginal Cultural Heritage materials to ensure that the full range of archaeological values are recorded and to use the information to determine the importance and significance of an ACH place.

### ARCHAEOLOGICAL ASSESSMENT

The aims of the archaeological assessment were to:

The main objectives of the Aboriginal Site Identification surveys were to:

- ▶ Identify any known or potential Aboriginal heritage sites within the Survey Area.
- ▶ Undertake research and/or consultation that may be required to meet the requirements of the AHA, particularly for lodging any potential s18 applications (if applicable).
- ▶ Locate and record Aboriginal archaeological sites.
- ▶ Make recommendations regarding the management of the above sites, including any further research and/or consultation that may be required during or after the works component of the proposal.

#### Survey Methodology

Where access was available the survey area was visually inspected on foot by the archaeologists and the GKB Noongar Traditional Owners to identify and record any new ACH archaeological places or isolated cultural materials to a Site Identification level.



## ETHNOGRAPHIC ASSESSMENT

The aims of the ethnographic assessment were to:

- ▶ Ensure the Gnaala Karla Booja Knowledge Holders had all the information they required to make an informed set of decisions and recommendations about the proposed works under the principle of free, prior, and informed consent as defined in the United Nations Declaration of the Rights of Indigenous People – Article 32.
- ▶ Identify cultural values within the area of potential effect by the Burra Charter 2013 (Australian ICOMOS, 2013a).
- ▶ Assess whether Sections 5 or 6 of the *Aboriginal Heritage Act 1972* apply to any places within the area of potential effect.
- ▶ Identify potential impacts to cultural values.
- ▶ Identify solutions to mitigate potential impacts.

### Survey Methodology

The ethnographic survey assessed the cultural significance of the Project Area and the wider landscape through whole group and one-on-one discussions during an on-ground assessment with a representative group of GKB Noongar Traditional Owners and Knowledge Holders. The assessment was conducted concurrently with the archaeological survey of the Wellington National Park Tree Village project. The resulting information from the ethnographic survey is combined with the results of the archaeological and due diligence assessments in the final report (this document).

The survey included a whole-group discussion at the beginning, which provided the Traditional Owners with a description of the proposed works. Details of more specific works were also provided at each Project Area location. Throughout the survey, the Traditional Owners were provided with maps and concept designs of the proposed works.

The anthropologist and the Traditional Owners held one-on-one and small group discussions. These discussions are important because they provide an opportunity for all Traditional Owners to have input into the assessment outside of whole-group meetings. After conducting pedestrian surveys of the Project Area, the team discussed the heritage management and impacts of proposed works. After the survey, the Traditional Owners discussed and confirmed heritage management recommendations for the proposed works.

## HISTORICAL ASSESSMENT

The survey of the Project Area was structured using the DPLH local heritage survey data and previously recorded heritage places by Gaye Nayton (Nayton, 2007) and the results of the Due Diligence Assessment (DDA) for the Tree Village Project (Archae-aus, 2020a). Areas of historical heritage that intersect the Project Area were chosen to be archaeologically investigated. The DDA determined areas of high, moderate and low potential for the historical heritage assessment (see Map 4).

The Project Areas with zones of heritage potential (Suspended Walks and Tree Camping, Start Zipline and Finish Zipline) were surveyed in their entirety. Additionally, the Zipline Tour Area was partially surveyed as not all areas were accessible due to a river crossing. Stones Brook Area was not surveyed, this is due to the area being restricted because of asbestos contamination.

The areas were surveyed using parallel pedestrian transects with the archaeologists spaced no more than 20 m apart through the survey area. The archaeologists visually inspected the terrain in these areas for archaeological material and features. The locations of any finds were photographed and recorded using a handheld GPS unit and a detailed description of the material or features was taken using the site recording procedures detailed below.

### Historical Features

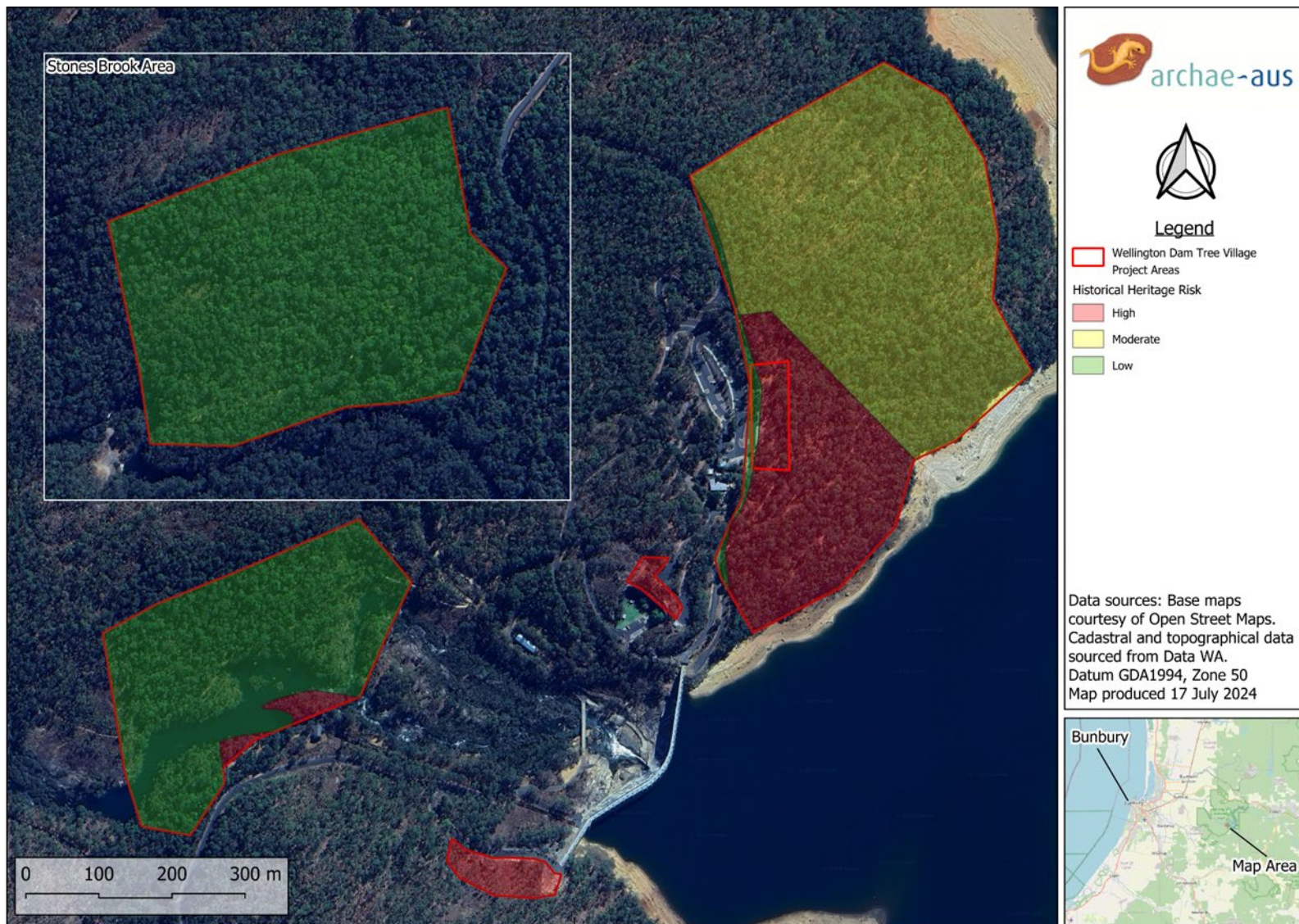
Large archaeological features, including the remains of built structures, artefact scatters and a large clearing were recorded in detail with reference to the following criteria, where relevant:

- ▶ Location/ GPS Coordinate.
- ▶ Description of the environment.
- ▶ Type of historical feature (i.e. fence, foundations, etc.).
- ▶ Maker's Mark / Inscription.
- ▶ Condition of the feature (i.e. very poor, poor, good, excellent).
- ▶ Diagnostic features (i.e. construction techniques, materials, etc).

Archaeological features were grouped into concentrations based on their proximity to other artefacts and the types of artefacts they were situated nearby. For example, artefacts such as glass bottles, ceramics or pipe fragments located within the vicinity of structural remains/foundations would be grouped due to the correlation of artefacts.



Map 4. Zones of Historical Heritage Potential within Project Area



## SECTION FOUR – RESULTS

### ARCHAEOLOGICAL ASSESSMENT

#### Tree Nature Walk and Tree Camping Activity Area (Area 1)

##### Location

The proposed Tree Nature Walk and Tree Camping Activity Area (Area 1) covers approximately 21.9 ha. This includes an area for amenities and other facilities covering approximately 0.74 ha.

##### Environment

Area 1 is located within the Jarrah Forrest bioregion (see Plate 2 and Plate 3) which is generally dominated by endemic species such as jarrah (*Eucalyptus marginata*), marri (*Corymbia calophylla*) and yarri (*Eucalyptus patens*) trees, sheoak (*Allocasuarina fraseriana*), zamia (*Zamia riedlei*) and grass trees (*Xanthorrhoea preissii*). A range of banksia species are also present with bull banksia (*Banksia grandis*) prominent in many areas. Smaller herbaceous shrubs include yellow flag (*Thysanotus manglesianus*), fringe lily (*Thysanotus multiflorus*), guinea flower (*Hibbertia commutata*) along with native orchids, such as the scented sun orchid (*Thelymitra macrophylla*) and pink enamel orchid (*Elythranthera emarginata*).

The ground surface visibility at the time of the survey was extremely low due to very thick undergrowth and leaf litter. In most areas, visibility was nil.

##### Results

The archaeological Site Identification archaeological survey of the Tree Nature Walk and Camping Activity Area is **complete** (see Map 5).

##### Aboriginal Cultural Heritage Sites

No Aboriginal Cultural Heritage Sites were located during the survey.

##### Isolated Artefacts

No isolated artefacts were located during the survey.



Plate 2. Typical vegetation in the survey area



Plate 3. Thick leaf litter on the forest floor



## Canopy Tour Activity Area (Area 2)

### Location

The proposed Canopy Tour Activity Area (Area 2) is within the Wellington National Park and comprises a single parcel covering approximately 9.8 ha.

### Environment

Area 2 is within the Jarrah Forrest bioregion (see Plate 4 and Plate 5) which is generally dominated by endemic species such as jarrah (*Eucalyptus marginata*), marri (*Corymbia calophylla*) and yarri (*Eucalyptus patens*) trees, sheoak (*Allocasuarina fraseriana*), zamia (*Zamia riedlei*) and grass trees (*Xanthorrhoea preissii*). A range of banksia species are also present with bull banksia (*Banksia grandis*) prominent in many areas. Smaller herbaceous shrubs include yellow flag (*Thysanotus manglesianus*), fringe lily (*Thysanotus multifloras*), guinea flower (*Hibbertia commutata*) along with native orchids, such as the scented sun orchid (*Thelymitra macrophylla*) and pink enamel orchid (*Elythrannerthera emarginata*).

The ground surface visibility at the time of the survey was extremely low due to a very thick undergrowth and leaf litter. In most areas, visibility was nil.

### Results

The archaeological Site Identification archaeological survey of the Canopy Tour Activity Area (Area 2) is **complete**.

### Aboriginal Cultural Heritage Sites

No Aboriginal Cultural Heritage Sites were located during the survey (see Map 5).

### Isolated Artefacts

No isolated artefacts were located during the survey.



Plate 4. View south with jarrah tree proposed for Area 2



Plate 5. View south showing Collie River in the background

## Flying Fox Activity Area (Area 3)

Area 3 will comprise a 500 m zipline from one side to the other side of the Dam wall. The proposed Activity Area comprises two parcels of land on the northern and southern sides of the Collie River within the Wellington National Park. The areas cover approximately 0.23 ha and 0.71 ha respectively.

### Location

Area 3 is within the Wellington National Park and comprises a single parcel covering approximately 9.8 ha.

### Environment

Area 3 is within the Jarrah Forrest bioregion (see Plate 6 and Plate 7) which is generally dominated by endemic species such as jarrah (*Eucalyptus marginata*), marri (*Corymbia calophylla*) and yarri (*Eucalyptus patens*) trees, sheoak (*Allocasuarina fraseriana*), zamia (*Zamia riedlei*) and grass trees (*Xanthorrhoea preissii*). A range of banksia species are also present with bull banksia (*Banksia grandis*) prominent in many areas. Smaller herbaceous shrubs include yellow flag (*Thysanotus manglesianus*), fringe lily (*Thysanotus multifloras*), guinea flower (*Hibbertia commutata*) along with native orchids, such as the scented sun orchid (*Thelymitra macrophylla*) and pink enamel orchid (*Elythranthera emarginata*).

The ground surface visibility at the time of the survey was extremely low due to a very thick undergrowth and leaf litter. In most areas, visibility was nil.

### Results

The archaeological Site Identification archaeological survey of Area 3 is **complete** (see Map 5).

### Aboriginal Cultural Heritage Sites

No Aboriginal Cultural Heritage Sites were located during the survey.

### Isolated Artefacts

No isolated artefacts were located during the survey.



Plate 6. Flying Fox activity area



Plate 7 Flying Fox activity area

## Stones Brook Activity Area (Area 4)

An additional area approximately 4.7 km northwest of Wellington Dam and north of the Collie River, adjacent to Honeymoon Pool, is being considered for a tree top walk. The Stones Brook Activity Area covers approximately 15 ha.

### Environment

Area 4 is within the Jarrah Forrest bioregion (see Plate 8 and Plate 9) which is generally dominated by endemic species such as jarrah (*Eucalyptus marginata*), marri (*Corymbia calophylla*) and yarri (*Eucalyptus patens*) trees, sheoak (*Allocasuarina fraseriana*), zamia (*Zamia riedlei*) and grass trees (*Xanthorrhoea preissii*). A range of banksia species are also present with bull banksia (*Banksia grandis*) prominent in many areas. Smaller herbaceous shrubs include yellow flag (*Thysanotus manglesianus*), fringe lily (*Thysanotus multifloras*), guinea flower (*Hibbertia commutata*) along with native orchids, such as the scented sun orchid (*Thelymitra macrophylla*) and pink enamel orchid (*Elythranthera emarginata*).

### Results

The dense vegetation hindered surface visibility, and it was determined by the survey team it was too difficult and potentially unsafe to walk therefore the archaeological site identification archaeological survey of the Stone Brooks Activity Area is **incomplete**.

### Aboriginal Cultural Heritage Sites

No Aboriginal Cultural Heritage Sites were located during the survey.

### Isolated Artefacts

No Isolated Artefacts were located during the survey.

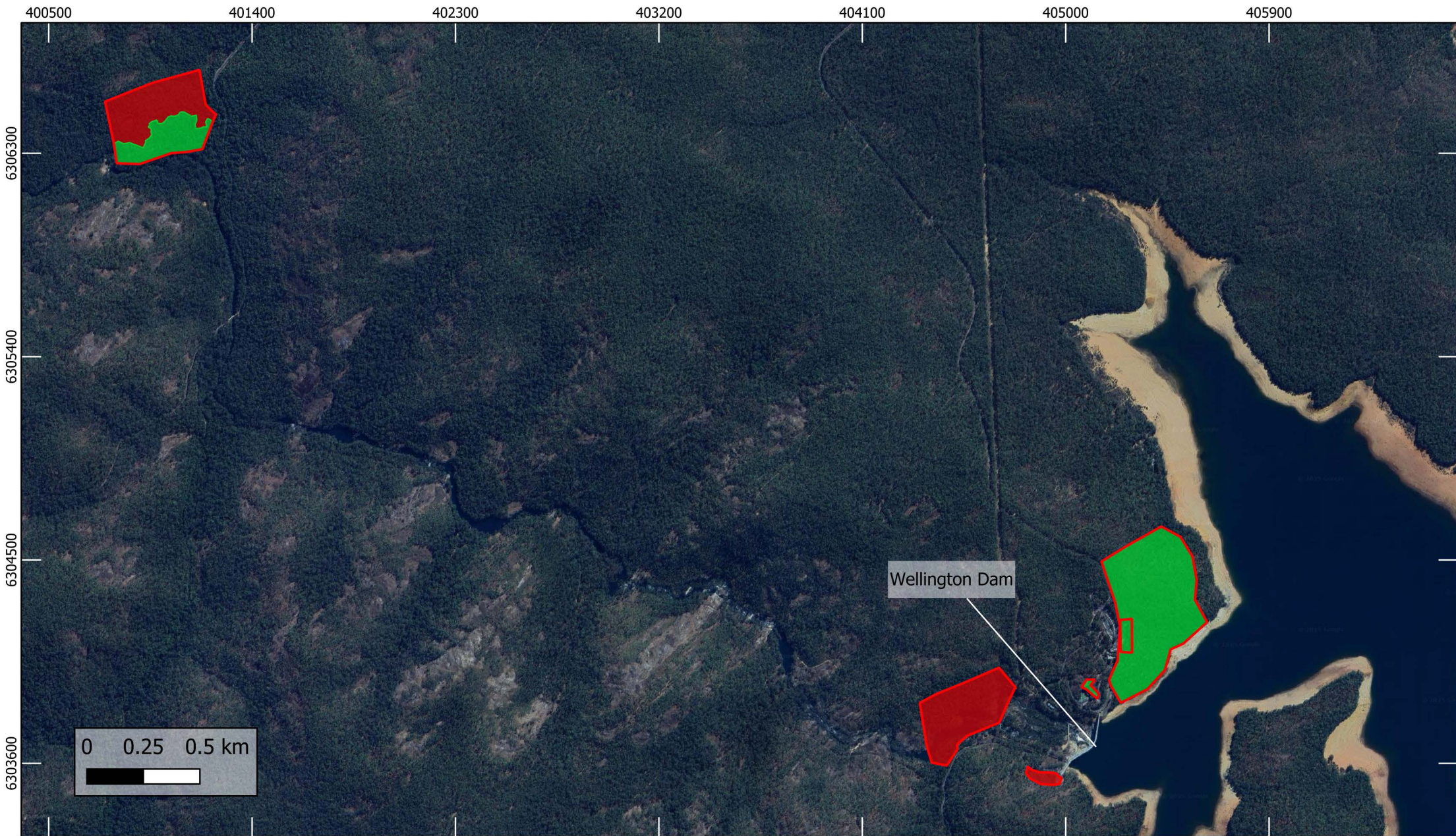


Plate 8. View north of Stones Brook Activity Area



Plate 9. View south showing tree marked with green tape to be used for the initial starting point of flying fox





### Legend

- Wellington Dam – Tree Village Project Area
- Surveyed
- Not Surveyed



archae-**aus**

**Map 5. Surveyed Areas for the Wellington Dam – Tree Village Project Area Aboriginal Heritage Survey**

Drafted by Marcel Teschendorff, 31st October 2024. GDA94, Zone 50. Satellite imagery courtesy of Google Maps.



## ETHNOGRAPHIC ASSESSMENT

The survey team met at the Wellington National Park Kiosk on Tuesday the 8<sup>th</sup> of October 2024 for the archaeological and ethnographic assessment of the Project Area. Florent Lore from Beijaflore provided an overview of the proposed works and explained that the project was in its initial phase of design and, pending the results of various surveys including the heritage assessment, could be altered and changed throughout the design phases of the project. He explained that the project aimed to provide recreational activities for guests utilising the national park, whilst highlighting the natural beauty and environment of the area.

Throughout the consultation, the Traditional Owners shared frustrations about being excluded from economic, environmental and management decisions on their Country. These concerns come from a history of marginalisation, rather than from the direct actions of Beijaflore and the current project. They stated that inclusion and consultation with the local Noongar community throughout the life of a project, and that plans should be presented to the Gnaala Karla Booja Cultural Advice Committee to gain endorsement from their Elders as representatives of the community, as per GKB's internal heritage management processes.

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*Noongars have a plan too- Dean Wynne*

*We're left out- Dean Wynne*

---

The Traditional Owners also expressed to the group that environmental and recreational developments have traditionally meant that Noongar people have restricted access to their lands and waters. They highlighted that connection to Country and heritage sites such as the rivers and waterways, are important parts of cultural practice and restriction to these places actively hurts the Noongar community. Lera Bennell shared stories of her youth when the dam was being constructed. She explained that she used to visit the area as a child and still remembered the camps that existed on the northern side of the dam. She also remembered that during that time the river and park were accessible to her people.

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*Collie River all the way down from the mission, it's all fenced off. – Lera Bennell*

---

The Traditional Owners expressed concern about the health of the wildlife, particularly the established trees that will be used in the project. Florent explained that the project was designed to impact the natural wildlife, flora and fauna as little as possible and that they did not intend to clear any trees for the project. He stated that the construction of the tree houses and tree top work would use existing tracks and trails, and that construction would utilise manual labour rather than machines. He also explained that rare and endangered flora and fauna would be protected, and the houses would be raised from the ground.

The Traditional Owners stated that the Noongar community has also been left out of economic opportunities on their Country. They express that more Aboriginal engagement should be utilised on projects, including employment opportunities for labour jobs, consulting on signage and interpretation and tour opportunities after the project is completed. The Traditional Owners

expressed that Aboriginal employment for labour and tours should be utilised if this project were to be developed in the Wellington National Park. The Director of Beijaflora mentioned that as a way to benefit economically from the project, the Tree Camping area and Tree Camping business could be owned by the Traditional Owners.

After the initial meeting of the group, the survey team inspected the Treetop Walkway and Camping Project Activity Area (Area 1) located on the northern side of the Wellington Dam. The Traditional Owners stated that the proposed works should not impact the river and explained that the water was an important spiritual and cultural entity to the community, which needed to be protected. They also stated that granite outcrops are considered important to Noongar people as they are often resource places. The Traditional Owners explained that the small cavities in these rocky outcrops were used by small animals as habitat places, and that often the rocks were rich in quartz which are used in traditional tool making. They also shared that their ancestors would likely have utilised this place and their presence meant the landscape was considered important to the community.

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*It [a granite outcrop] could be a quartz source too – Barry Ugle*

*It's [Wellington National Park] such a powerful, important place, it always has been – Barry Ugle*

---

The survey team then visited the Flying Fox Activity Area (Area 3) on the northern side of the dam. James Khan explained to the group that there was an important spiritual site on the southern side of the dam, where the other part of this Activity Area was located. Archae-aus staff explained that the site was not currently on the DPLH's Register, and the Traditional Owners agreed that the site should be lodged. James Khan stated that the site was very important and consisted of a large granite boulder shaped like a snake's head that looked down the Collie River valley. He said it was an important but dangerous place and he would not visit it. The Traditional Owners agreed that the site should not be visited due to cultural sensitivity. James Khan also explained that the river was spiritually significant due to its association with the Waugal and that all along the river to Honeymoon Pool was dotted with significant places associated with the spiritual being. He stated that cultural pathways created by mythological beings and ancestors crisscross the area through the river up to Mount Lenard.

On the second day of the survey, the team met at the Kiosk before travelling to the Stones Brook Activity Area (Area 4) near Honeymoon Pool. The Traditional Owners asked about machinery access to the site, particularly with dense vegetation and the presence of smaller streams connected to the Collie River. The Traditional Owners did not want any impacts on the river, reiterating that the waterways should be protected. Florent explained that the proposed works at this site would include tree climbing facilities with minimal ground disturbances and minimal to no impact on the vegetation and wildlife.

The team then travelled to the proposed Canopy Tour Activity Area (Area 2), which intersected and crossed the Collie River on the western side of the dam. Florent explained that this area would include a guided tour of the area utilising a series of ziplines. He stated that, ideally, the Collie River itself would provide natural gaps between trees from both sides of the river, enabling longer zip lines to be designed. This design would avoid major tree removal and utilise existing trees to ensure no infrastructure was placed in the River or on its adjacent banks.

the ziplines would be situated over the river, using established trees. He also explained that the works would be all located in the trees and would include no ground disturbance. The Traditional Owners reiterated the spiritual importance of the river and stated that they did not feel comfortable making a decision on this Activity and recommended that Beijaflora further consult with the Elders on the Cultural Advice Committee. They also stated, however, that this option was preferable to any that would disturb native vegetation.

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*These are the places where our old people taught us, taught us how to behave,  
taught us about connections. – Barry Ugle*

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*The story isn't in the bush here, it's in the river. – Barry Ugle*

---

The Traditional Owners stated that the guided tour would be a good employment opportunity for local Noongar people to conduct cultural tours and benefit from the project economically.

The team then travelled to the southern side of the river to inspect the final part of the Canopy Tour Activity Area (Area 2). While travelling to the area, the team passed the significant *Gnarngungudditj Walgu* head, but the Traditional Owners stated that they did not want to get out of the cars due to cultural safety. They stated that any works or activities in this area would need a significant buffer on the site of at least 30 m, for cultural sensitivity reasons and so that Noongar people could participate in activities and not be forced to place themselves in culturally dangerous situations.

The Traditional Owners were open to the works proposed by Beijaflora in the Wellington National Park and felt that the developments could provide economic benefits to the Noongar community. The Traditional Owners stated that at this stage, they had no major objections to the proposed works; however, The Traditional Owners stated that they did not feel comfortable consenting to and validating the project on the day. They stated that the project would need to be further presented to and discussed by Gnaala Karla Booja Aboriginal Corporation's Cultural Advice Committee with any additional recommendations to be considered by the proponent.



**Figure 7. Top: The Survey Team inspecting a historic track within the Tree Nature Walk and Camping areas; Middle: Vegetation and granite outcrops within the Tree Nature Walk and Camping areas, view north; Bottom: The Traditional Owners observing the proposed zipline route south across the Wellington Dam from the historic quarry wall, view east.**





**Figure 8. Top: Barry Ugle, Lloyd Abraham, Marcel Teschendorff, Stephen Michael and Phoebe Oliver at the Stones Brook area; Middle: the Survey Team observing the proposed Tree Canopy Tour areas across the Collie River, view west; Bottom: view of the section of Collie River proposed for the Tree Canopy Tour, view southwest.**





## HISTORICAL ASSESSMENT

### Tree Nature Walk and Camping Activity Area (Area 1)

#### Location

The survey area covers a section of forest approximately 21.9 ha and is situated east of Wellington Dam Road and west of the Wellington Dam reservoir. The Due Diligence Assessment for this project determined that the area has moderate to high potential for archaeological material (Archae-aus, 2024a), as it overlaps the curtilage of the *Wellington Dam* (P06334). The area overlaps part of the worker's camp that was occupied during the construction of the dam in the 1930s and the subsequent additions in the 1940s and 1950s.

#### Results

The historical archaeological investigations of this area highlighted 13 zones with historical material that appear to be associated with the earlier occupation of the place. The majority of the zones recorded are preserved in poor condition, retained simply as scattered artefacts with little context, building foundations, and earthworks that have left distinct flat areas within the otherwise undulating landscape. Several of these historical zones overlap the features identified by Nayton (2007). However, when Nayton's features were reassessed during this survey it was determined that fewer elements remained or they have been obscured by the thick vegetation.

**Table 11. Historical zones identified within the Tree Nature Walk and Camping Area**

Historical Zones	Description	Nayton 2007 Features
Historical Zone 1	Building rubble	No previously recorded features.
Historical Zone 2	Earthworks and building rubble	No previously recorded features
Historical Zone 3	Tea Kiosk Car Park.	Feature 21
Historical Zone 4	Building foundation	Feature 18
Historical Zone 5	Levelled terrace with building remains	Feature 20
Historical Zone 6	Fence posts	No previously recorded features
Historical Zone 7	Levelled terrace with building remains	No previously recorded features
Historical Zone 8	Building rubble	No previously recorded features
Historical Zone 9	Discarded historical material	No previously recorded features
Historical Zone 10	Water Tank and drainage channel	No previously recorded features
Historical Zone 11	Drainage Pipe	Feature 19

#### *Historical Zone 1 - Building Rubble*

Historical Zone 1 is on the eastern margin of the survey area, opposite the large carpark along Wellington Dam Road (Plate 10). Within this zone, archaeologists identified a square drain that measures approximately 1.5 m by 1.5m (Plate 11) that was surrounded by several pieces of concrete that had been ripped up and deposited haphazardly around an area measuring 23 m x 27 m. Most of the concrete pieces appear to be made from a local source, with pieces of laterite gravel embedded in the matrix, that has been poured on-site leaving behind a rough termination of the concrete where it would have once touched the ground (Plate 12, Plate 13 and Plate 14). However, other samples in the zone appear to have blue metal inclusions that are likely from a different source and date from a different occupation period (Plate 18).

Amongst the concrete foundations, the survey identified numerous other pieces of construction detritus, with a piece of earthenware sewerage pipe that is likely from an ablution block (Plate 15),



some undiagnostic ferrous metal and (Plate 19) a ferrous steel chimney hood (Plate 16 and Plate 17) with a Lysaght Australia queens head maker's mark on the inside (c. 1921 – present).



Plate 10. View east across Historical Zone 1



Plate 11. Concrete drain



Plate 12. Loose concrete foundation slab with metal fastening



Plate 13. Scattered pieces of concrete foundations



Plate 14. Uprturned pieces of concrete foundations with earthenware pipe



Plate 15. Earthenware pipe





Plate 16. Chimney hood (c. 1921 – present)



Plate 17. Chimney hood (c. 1921 – present)



Plate 18. Discarded concrete foundation with blue metal inclusions



Plate 19. Discarded piece of metal

### *Historical Zone 2 – Earthworks and Building Rubble*

Historical Zone 2 is on the eastern margin of the survey area, along the eastern side of Wellington Dam Road. This zone covers a 30 m by 25 m area and includes two places where the undulating landscape has been flattened for buildings, both of which are surrounded by some remnant construction material and historical artefacts.

In the northern part of the zone, earthworks have been used to create a flat terrace, by cutting into the side of a shallow slope (Plate 20). This area appears to be the remains of a structure that was once set within the slope, with some ceramic pipes for services coming out of the earthen wall (Plate 21). Around the feature there are several scattered bricks (Plate 22), concrete foundation fragments, cut timber (Plate 24), asbestos sheeting, loose steel pipes (Plate 23) and window glass. Among the construction material, some ceramic fragments were identified nearby, as well as some pieces of brown bottle glass. These broken glass and ceramic fragments are likely from one of the workers who lived at the site during the dam construction and later refurbishment.

Thirty metres south of the earthen embankment there is a smaller raised terrace with two in situ rectangular concrete foundations, made of the same laterite-based concrete identified in Historical Zone 1. These concrete foundations have been partially undermined by water movement through the area eroding away part of the earthen embankment. Some scattered brick fragments were identified around the building foundations.





Plate 20. Flat area cut into the side of the hill slope



Plate 21. Pipe coming out of the wall set back into the hill slope



Plate 22. Machine cut brick



Plate 23. Non-ferrous pipe



Plate 24. Cut timber



Plate 25. Ceramic fragment





Plate 26. Flat terrace with concrete slabs



Plate 27. Flat terrace with concrete slabs



Plate 28. Concrete slab



Plate 29. Concrete slab

### *Historical Zone 3 – Tea Kiosk Car Park*

Historical Zone 3 is on the western margin of the survey area, south of Historical Zones 1 and 2. This zone is characterised by a large flat area, measuring approximately 40 m by 15 m (Plate 30 and Plate 31), with a simple pine staircase on the southern edge (Plate 32). This area appears to be the carpark for the old tea kiosk recorded by Nayton in the 2007 assessment of the area as Feature 21. Assessment of the wider area failed to identify any other remains nearby that may be associated with the kiosk. However, they may be obscured by the thick vegetation and leaf litter that covers the surrounding area.

An oil drum was noted along the northern edge of the cleared area.





Plate 30. View south across the Old Tea Kiosk Car Park



Plate 31. View southwest across the Old Tea Kiosk Car Park



Plate 32. Pine Staircase on the northern edge of the car park



Plate 33. Oil drum

#### *Historical Zone 4 – Concrete Building Foundation*

Historical Zone 4 is a large L-shaped concrete building approximately 20 m west of Wellington Dam Road, near the gate that provides access across the top of the dam (Plate 34). The concrete pad measures approximately 3 m by 4.5 m and 50 cm tall and has blue metal inclusions similar to those seen in Historical Zone 1. There is some scattered historical material around the building remains including a broken earthenware pipe (Plate 35) and a pile of cut logs.

This zone encompasses what remains of Feature 18, which was identified by Nayton in 2007 and is visible in the 1958 aerial imagery.





Plate 34. L – Shaped Concrete Foundations



Plate 35. Earthenware pipe

### *Historical Zone 5 – Levelled Terrace with Building Remnants*

Historical Zone 5 is at the southern end of the survey area, approximately 62 m east of Wellington Dam Road. The area consists of a flat raised terrace (Plate 36 and Plate 37), measuring approximately 5 m by 7 m, and is populated with the remains of several buildings. The area includes the remains of a wooden structure, measuring 2 m x 2m, with four corner pillars and a wooden cross beam remaining in situ (Plate 39). A short distance from the wooden structure is a smaller rectangular concrete feature measuring 80 cm by 60 cm and is approximately 50 cm high (Plate 38). Scattered around the remnant structures are numerous pieces of demolished building material that have been strewn across the area including; an oil drum, metal sheeting, an earthenware pipe, a ferrous metal pipe and asbestos sheets.

This zone encompasses what remains of Feature 20 which was recorded by Nayton in 2007, who described a flat terrace with the remains of housing structures that were visible in the 1958 aerial photograph.



Plate 36. View north across the flat terrace



Plate 37. View southwest across the flat terrace





Plate 38. Concrete feature



Plate 39. Wooden structure remains



Plate 40. Oil drum



Plate 41. Metal sheeting

#### *Historical Zone 6 – Fence Posts*

Historical Zone 6 consists of four wooden fence posts that extend for approximately 25 m from the tree line to the water's edge of the dam reservoir (Plate 42). Each post has 6 holes that align with the neighbouring post and would have been used to thread wire through to create a barrier Plate 43. There is a small metal hut at the forest's edge where the fence terminates. However, this appears to be a later addition to the landscape.





Plate 42. Fence posts



Plate 43. Fence post

### *Historical Zone 7 - Leveled Terrace with Building Remanents*

Historical Zone 7 is spread across a flat level terrace, overlooking the dam reservoir near the eastern boundary of the survey area (Plate 45). The zone includes an L-shaped concrete pad measuring 2 m by 3 m (Plate 46) and a circular concrete base for a water tower with a diameter of 1.5 m, that has an earthenware pipe extending out from the base (Plate 45 and Plate 47). Both the concrete features are made of the same bauxite base concrete identified in the western part of the survey area. Scattered around the structures are numerous scattered pieces of building rubble, including a fallen prick pillar, some ceramic tile and cut timber beams, one of which was metal fastening attached.



Plate 44. Water tower base



Plate 45. View east from Historical Zone 7





Plate 46. L-shaped concrete foundation



Plate 47. Earthenware pipe at the base of the water tower



Plate 48. Ceramic tile



Plate 49. Machine cut brick



Plate 50. Brick pillar



Plate 51. Cut timber with metal fastening

### *Historical Zone 8 - Building Rubble*

Historical Zone 8 is in the middle of the survey area, approximately 100 m east of Wellington Dam Road. The zone consists of two large fragments of concrete, with corrugated sides and metal-coated bollards. The two slabs of concrete do not appear to be in situ and look like they have been opportunistically dumped in this location.





**Plate 52. Discarded concrete foundations with metal bollards**



**Plate 53. Discarded concrete foundations with metal bollards**

### *Historical Zone 9 – Discarded Historical Material*

Historical Zone 9 is situated 200 m east of Wellington Dam Road, along a walking track that runs through the project area. This zone is populated by a small concentration of historical material that has been haphazardly discarded along the track's edge. The historical material identity in this zone includes; four large metal carts (Plate 54 and Plate 55), several pieces of cut timber (Plate 56 and Plate 58), multiple oil drums (Plate 57) and a rolled-up section of fencing wire (Plate 59). The four large metal carts, while not retained in situ and in poor condition, were likely used for transporting the concrete along the track to the dam construction site. If this is the case, they have some level of importance as a direct link to one of the construction phases for the dam.



**Plate 54. Metal carts**



**Plate 55. Metal carts**





Plate 56. Cut timber with metal fastenings



Plate 57. Oil drum



Plate 58. Cut timber



Plate 59. Metal fencing

### *Historical Zone 10 – Water Tank and Drainage Pipe*

Historical Zone 10 is situated 30 m east of Wellington Dam Road and includes a large galvanised steel water tank that has been encased in a concrete cylinder and reinforced with steel rebar rings encircling the top and bottom of the structure (Plate 61 and Plate 62). Seven metres north of the water tank there is a small drainage pipe running along an east/west axis (Plate 60). A metal teapot was found in the vicinity of the features (Plate 63).





Plate 60. Drainage pipe



Plate 61. Water tank



Plate 62. Water tank



Plate 63. Metal teapot

### *Historical Zone 11 – Drainage Pipe*

Historical Zone 11 is a drainage pipe that runs from the forest, near the structures identified in Historical Zone 5 to the water line of the reservoir (Plate 64 and Plate 65). The pipe is made of galvanised steel, and while it is not connected to anything it appears to remain in situ. This zone encompasses what remains of Feature 19 recorded by Nayton in 2007.



Plate 64. Galvanised steel drainage pipe



Plate 65. Galvanised steel drainage pipe



## Canopy Tour Activity Area (Area 2)

### Location

The survey area covers a 9.8 ha section of forest on either side of the Collie River within the Wellington National Park (Plate 66 and Plate 67). The due diligence assessment for this project determined that there is low potential for historical archaeology across most of the area. However, it was determined that there is high potential for historical material in the parcel of land on the southern side of the Collie River (Archae-aus, 2024b), as it overlaps the curtilage of the *Wellington Dam* (P06334). This area of high potential was assessed during the survey of the area

### Results

No historical material was identified within Area 2 during the survey.



Plate 66. View north of the survey area, towards the Collie River



Plate 67. View north of the survey area



## Flying Fox Activity Area (Area 3)

### Location

The Flying Fox will comprise a 500 m zipline from one side of the Dam wall to the other. The proposed Activity Area consists of two parcels of land on the northern and southern sides of the Collie River. The areas cover approximately 0.23 ha and 0.71 ha respectively. The due diligence assessment for this project determined that there is a high potential for historical material within this area (Archae-aus, 2024b), as it overlaps the curtilage of the Wellington Dam (P06334).

### Results

Two Zones of historical material were identified within the survey area during the field assessment, both within the parcel of land north of the Collie River, adjacent to the quarry. These feature areas are fragmented building remains with few other historical features identified around them and are likely associated with the quarry.

**Table 12. Historical Zones Identified within the Flying Fox Activity Area**

Historical Zones	Description	Nayton 2007 Features
Historical Zone 12	Concrete Footing	No previously recorded features.
Historical Zone 13	Concrete and Stone Rubble	No previously recorded features

### *Historical Zone 12 – Concrete Footing*

Historical Zone 13 is a small 1 m by 1 m square rectangular footing with a rough termination, indicative of it having been poured on site (Plate 68 and Plate 69). The foundation has not been recorded in previous assessments of the area and is not visible on any historical imagery of the area; however, given the proximity to the quarry, it was likely the footing for some of the infrastructure associated with the removal of the rocks for the dam.



**Plate 68. Concrete footing**



**Plate 69. Close up of the concrete footing**

### *Historical Zone 13 – Stone Masonry Blocks*

Historical Zone 13 is situated at the western end of the survey area and includes two large stone masonry blocks (Plate 70). The two masonry blocks have concrete footings indicating they were likely once structural, however, they have been ripped up and dumped in this location from elsewhere in the site. A short distance to the south of the blocks there is a large stockpile of stone (Plate 71), that has presumably been removed from the quarry during the construction phases of the dam.



Plate 70. Masonry blocks

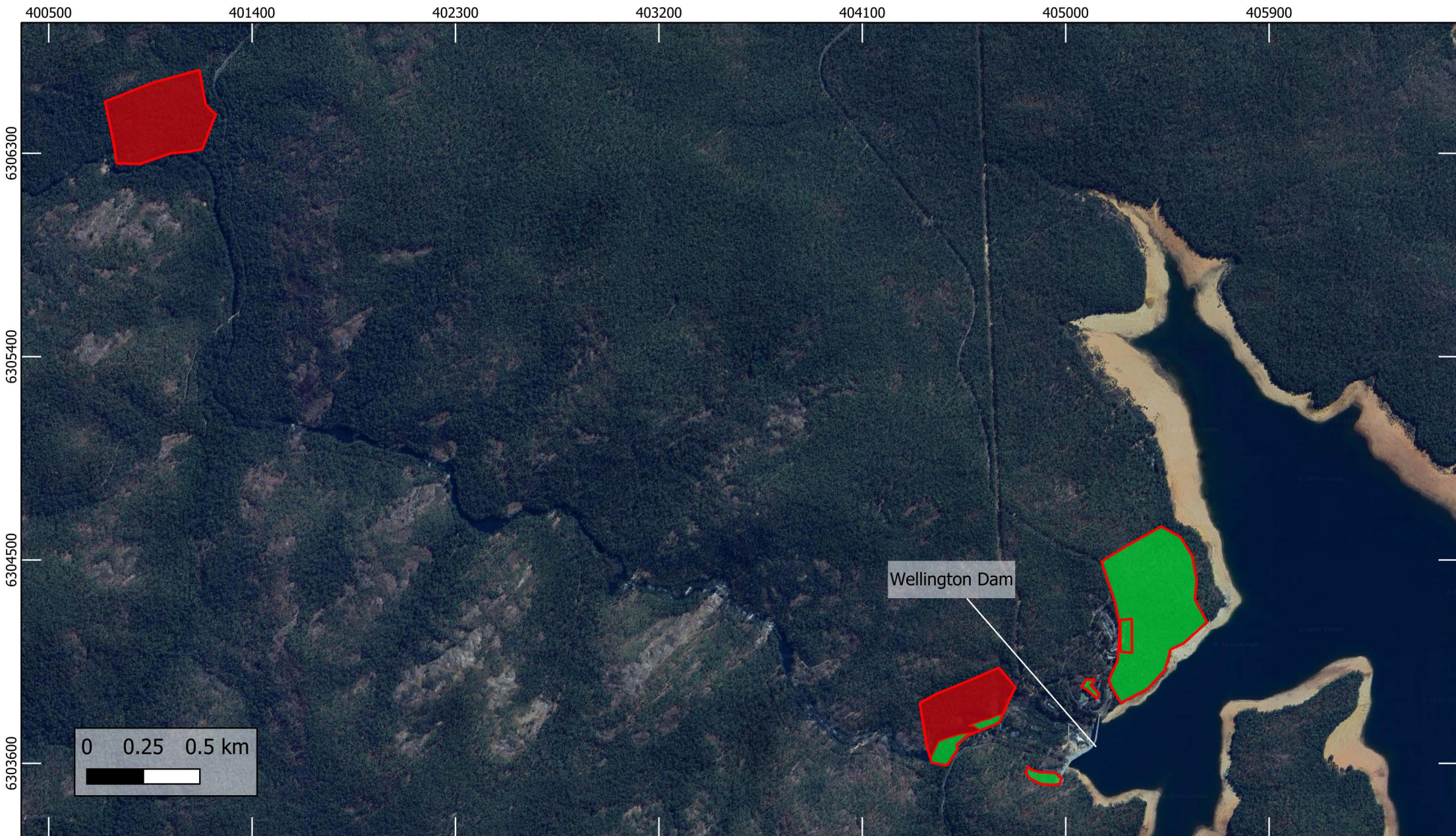


Plate 71. Stone stockpile

### **Stones Brook Activity Area (Area 4)**

The Stone Brook area is 4.7 km northwest of Wellington Dam and north of the Collie River, adjacent to Honeymoon Pool. The Stones Brook Area covers approximately 15 ha. Given that this area was assessed as having low potential for historical material during the Due Diligence Assessment (Archaeaus, 2024a), this area was not assessed during the survey of the area.





### Legend

- Wellington Dam – Tree Village Project Area
- Surveyed
- Not Surveyed



archae-**aus**



**Map 6. Surveyed Areas for the Wellington Dam – Tree Village Project Area Historical Heritage Survey**

Drafted by Ayesha Limb, 22nd October 2024. GDA94, Zone 50.  
Satellite imagery courtesy of Google Maps.





### Legend

-  Wellington Dam – Tree Village Project Area
-  Historical Feature Zones



archae-<sup>aus</sup>

### Map 7. Identified Historical Heritage Zones

Drafted by Ayesha Limb, 22nd October 2024. GDA94, Zone 50.  
Satellite imagery courtesy of Google Maps.



## SECTION FIVE – DISCUSSION, ADVICE & RECOMMENDATIONS

### DISCUSSION

This document details the results of an Aboriginal archaeological and ethnographic Site Identification and historical heritage survey for the proposed Wellington National Park Tree Village Project. The Project Area comprises five parcels of land within the Wellington National Park, adjacent to the Wellington Reserve Dam and the Collie River – including Tree Nature Walk and Camping Area, Canopy Tour Activity Area, Flying Fox Activity Area, and Stones Brook Activity Area.

There were no new archaeological or ethnographic Aboriginal cultural heritage sites identified during the survey. However, the Traditional Owners highlighted important connections to Country through the waterways and landscape. The proposed works should not impact the river and Traditional Owners on the survey explained that the water was an important spiritual and cultural entity to the community, which needed to be protected. Additionally, granite outcrops are considered important to Noongar people as they are often resource places. The Collie River Waugal ID 16713 and *Gnarngungudditj Walgu* head are known sites that intersect the Project Area. Both are important places to Noongar people and the survey team stressed their significance. *Gnarngungudditj Walgu* was not visited at the time of the survey due to cultural safety concerns of the Traditional Owners.

The Traditional Owners present on the survey did not have any major objections to the works, however, they did not feel comfortable consenting to and validating the project on the day. The Traditional Owners recommended that further consultation with the GKB Cultural Advice Committee would be required to consider the proposal in more detail. In addition, they expressed that Beijaflore presented the proposed works, with the outcomes of the heritage assessment to the Cultural Advice Committee at their next meeting.

Much of the survey focused on the Traditional Owners' desire for more active and ongoing consultation throughout the life of projects occurring within National Parks and near significant sites such as rivers and granite outcrops. In line with DBCA's Forest Management Plan for 2024 -2033<sup>6</sup>, valuing Noongar cultural heritage can be achieved through ongoing involvement in projects occurring on Country. The Traditional Owners present reiterated this concern through their discussions and the management recommendations detailed below.

The Project Areas are intersected by the Wellington Dam (P06344) which is on the Heritage Council of Western Australia's State Heritage Register and in the Shire of Collie's Local Heritage Survey and Heritage List. The historical heritage survey resulted in 13 zones with historical material that appear to be associated with the earlier occupation of the place. The majority of the zones recorded are preserved in poor condition, retained simply as scattered artefacts with little context, building foundations, and earthworks that have left distinct flat areas within the otherwise undulating landscape.

<sup>6</sup> [Forest Management Plan 2024-2033](#)

## RECOMMENDATIONS

Based on the results of the Aboriginal archaeological and ethnographic assessment, it is recommended that Beijaflöre and its contractors are aware that:

1. The Project Area intersects one (1) Registered Aboriginal Site, *Collie River Waugal* (ID 16713); however, the works will not include ground disturbance at this site, therefore, section 18 approval will not be required.
2. The survey revealed that one Lodged Place, known as *Ngarnungudditj Walgu Head*, which at the time of the survey was not listed on the Register, intersects the boundary of the Project Area. The Traditional Owners requested that the site be Lodged to the DPLH and that a 30-metre buffer for any proposed works be placed around this site.
3. Cultural heritage monitors are required to monitor initial ground disturbance works in both incomplete and complete survey areas, to mitigate the potential risk of harming subsurface archaeological material, or material that may have been obscured by vegetation during pedestrian surveys.
4. Protecting native fauna is part of Aboriginal people's cultural responsibility to Country, therefore it was recommended that habitat trees<sup>7</sup> for important fauna to be protected and not impacted during the development and subsequent operation of the proposal.
5. Although the ethnographic survey of the Project Area is complete, the Traditional Owners stated that the project would need to be further presented to and discussed by Gnaala Karla Booja Aboriginal Corporation's Cultural Advice Committee with any additional recommendations to be considered by the proponent.

After the survey was completed, further telephone communication with a staff member at the GKB Aboriginal Corporation revealed concern about the proposed works' impact to the intangible values of Registered Aboriginal Site Collie River Waugal (ID 16713). It is recommended that Beijaflöre contact GKB and DPLH about the proposed works and requirement for a section 18 under the Aboriginal Heritage Act 1972.

Regarding the historical heritage survey results, it is recommended that Beijaflöre and its contractors are aware that:

6. The historical archaeological investigation of the high and medium potential areas that were determined during the desktop assessment (*Archae-aus, 2024a*) is **complete**.
7. The *Wellington Dam Precinct* (P06344) is on the Heritage Council of Western Australia's State Heritage Register and the Shire of Collie's Local Heritage Survey and Heritage List.
8. The newly identified historical archaeological features described in this report and the *Wellington Dam Precinct* (P06344), should not be directly impacted during the development or operations associated with the project proposal.
9. If it is not possible to avoid impacting a historical feature, the feature should be recorded in detail to archival standards<sup>8</sup>.

<sup>7</sup> This may include rare and endangered species of flora and fauna, and established trees that have hollows suitable for habitats of fauna such as Black Cockatoo species.

<sup>8</sup> <chrome-extension://efaidnbmnnnibpcajpcgiclfendmkaj/https://www.wa.gov.au/system/files/2021-04/HER-Guide-to-Preparing-an-Archival-Record-2019.pdf>



10. A development referral to the Heritage Council of Western Australia and the Shire of Collie is required if the proposed works have the potential to impact the registered place; *Wellington Dam Precinct* (P06344)<sup>9</sup>.
11. The advice provided by the Heritage Council in response to a referred development proposal may consider the restoration, conservation, maintenance and interpretation of the heritage place in question.
12. A Heritage Impact Statement and/or a Conservation or Archaeological Management Plan may be required prior to construction starting, pending the Heritage Council of Western Australia's advice.
13. Under section 129 of the *Heritage Act 2018*, unauthorised impact on registered heritage places is subject to penalty.

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<sup>9</sup> <chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.wa.gov.au/system/files/2024-08/guide-to-developing-heritage-places-july-2024.pdf>

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# APPENDIX ONE – SURVEY AREA COORDINATE DATA

Table 13. Coordinates of the Ngarnngungudditj Walgu Head (not available on ACHIS at the time of this report)

Feature	Node	Easting	Northing	Node	Easting	Northing
1	1	404859.347	6303571.604	4	404858.283	6303534.371
	2	404891.473	6303569.902	5	404859.347	6303571.604
	3	404891.048	6303532.456			

Table 14. Coordinates of Historical Zones 2024 Coordinates

Feature	Node	Easting	Northing	Node	Easting	Northing
1	1	405263.026	6304126.845	4	405282.002	6304102.384
	2	405287.157	6304136.937	5	405263.026	6304126.845
	3	405305.366	6304115.712			
2	1	405264.123	6304084.943	4	405249.314	6304047.210
	2	405295.055	6304076.168	5	405253.373	6304069.148
	3	405283.318	6304053.133	6	405264.123	6304084.943
3	1	405273.611	6304037.009	4	405238.815	6304012.031
	2	405274.872	6304022.804	5	405273.611	6304037.009
	3	405246.962	6304006.450			
4	1	405227.354	6303978.831	4	405212.817	6303969.364
	2	405235.691	6303966.984	5	405227.354	6303978.831
	3	405220.934	6303957.736			

Feature	Node	Easting	Northing	Node	Easting	Northing
5	1	405263.182	6303949.236	4	405265.670	6303945.904
	2	405268.805	6303952.778	5	405263.182	6303949.236
	3	405270.526	6303947.800			
6	1	405297.938	6303914.052	4	405315.683	6303886.990
	2	405304.061	6303917.696	5	405297.938	6303914.052
	3	405322.021	6303890.603			
7	1	405287.387	6303967.087	4	405291.343	6303963.165
	2	405292.196	6303970.348	5	405287.387	6303967.087
	3	405296.262	6303965.549			
8	1	405320.394	6304006.186	4	405358.017	6303974.485
	2	405332.569	6304016.716	5	405320.394	6304006.186
	3	405369.535	6303983.699			
9	1	405359.508	6304081.303	4	405363.437	6304078.388
	2	405363.247	6304084.789	5	405359.508	6304081.303
	3	405366.796	6304081.620			
10	1	405412.588	6304180.703	4	405425.093	6304159.533
	2	405481.474	6304220.411	5	405412.588	6304180.703
	3	405506.702	6304198.582			
11	1	405255.841	6304315.512	4	405248.930	6304297.194
	2	405272.843	6304306.408	5	405255.841	6304315.512



Feature	Node	Easting	Northing	Node	Easting	Northing
	3	405261.545	6304292.368			
12	1	405059.166	6303950.463	4	405084.834	6303938.507
	2	405072.768	6303972.621	5	405059.166	6303950.463
	3	405097.229	6303961.323			
13	1	405132.664	6303889.992	4	405129.332	6303886.183
	2	405137.770	6303885.246	5	405132.664	6303889.992
	3	405134.414	6303882.850			
14	1	405231.051	6303945.527	4	405232.038	6303895.947
	2	405243.994	6303942.456	5	405220.411	6303918.214
	3	405233.684	6303914.595	7	405231.051	6303945.527
	4	405245.420	6303902.200			
15	1	405249.728	6303930.687	4	405272.365	6303897.955
	2	405259.183	6303935.854	5	405249.728	6303930.687
	3	405282.125	6303901.504			

(Datum GDA 94 ±5m)

Table 15. Coordinates of Archaeological Surveyed Area

Polygon	Node	Easting	Northing	Node	Easting	Northing
1	1	405120	6303957	6	405091	6303928
	2	405109	6303945	7	405071	6303937
	3	405137	6303918	8	405093	6303971

Polygon	Node	Easting	Northing	Node	Easting	Northing
	4	405147	6303903	9	405129	6303970
	5	405139	6303886	10	405120	6303957
<b>2</b>	1	405240	6304208	12		
	2	405220	6304310	13	405464	6304104
	3	405158	6304493	14	405440	6304013
	4	405264	6304559	15	405362	6303928
	5	405423	6304648	16	405244	6303868
	6	405508	6304602	17	405200	6303943
	7	405561	6304516	18	405192	6303968
	8	405580	6304410	19	405208	6304008
	9	405572	6304324	20	405230	6304053
	10	405626	6304225	21	405236	6304132
	11	405521	6304130			
<b>3</b>	1	404771	6303924	9	404385	6303674
	2	404747	6303873	10	404354	6303867
	3	404706	6303780	11	404429	6303907
	4	404564	6303721	12	404535	6303950
	5	404519	6303682	13	404705	6304023
	6	404521	6303662	14	404777	6303937
	7	404474	6303590	15	404771	6303924



Polygon	Node	Easting	Northing	Node	Easting	Northing
	8	404407	6303603			
4	1	400801	6306255	8	401223	6306433
	2	400788	6306342	9	401180	6306319
	3	400749	6306529	10	401114	6306306
	4	400959	6306612	11	401042	6306300
	5	401167	6306669	12	400903	6306253
	6	401195	6306514	13	400801	6306255
	7	401240	6306471			
5	1	404832	6303586	8	404982	6303537
	2	404850	6303571	9	404973	6303509
	3	404889	6303559	10	404945	6303504
	4	404910	6303560	11	404890	6303508
	5	404945	6303558	12	404842	6303533
	6	404960	6303554	13	404825	6303556
	7	404972	6303538	14	404832	6303586
6	1	405241	6304234	4	405243	6304093
	2	405293	6304239	5	405241	6304234
	3	405294	6304090			

(Datum GDA 94 ±5m)

Table 16. Coordinates of Historical Surveyed Area

Polygon	Node	Easting	Northing	Node	Easting	Northing
1	1	405158	6304493	12	405244	6303868
	2	405423	6304648	13	405200	6303943
	3	405508	6304602	14	405192	6303968
	4	405561	6304516	15	405208	6304008
	5	405580	6304410	16	405230	6304053
	6	405572	6304324	17	405233	6304095
	7	405626	6304225	18	405238	6304183
	8	405560	6304165	19	405240	6304208
	9	405521	6304130	20	405220	6304310
	10	405464	6304104	21	405158	6304493
	11	405440	6304013	22	405244	6303868
2	1	404960	6303554	9	404825	6303556
	2	404972	6303538	10	404832	6303586
	3	404982	6303537	11	404850	6303571
	4	404973	6303509	12	404889	6303559
	5	404945	6303504	13	404910	6303560
	6	404890	6303508	14	404945	6303558
	7	404850	6303528	15	404960	6303554
	8	404842	6303533			

Polygon	Node	Easting	Northing	Node	Easting	Northing
3	1	404474	6303590	12	404669	6303799
	2	404407	6303603	13	404695	6303811
	3	404402	6303620	14	404723	6303817
	4	404421	6303664	15	404706	6303780
	5	404438	6303697	16	404653	6303758
	6	404480	6303713	17	404608	6303739
	7	404536	6303729	18	404564	6303721
	8	404597	6303735	19	404519	6303682
	9	404622	6303745	20	404521	6303662
	10	404595	6303764	21	404474	6303590
	11	404571	6303767	22	404669	6303799

(Datum GDA 94 ±5m)



## APPENDIX TWO - HERITAGE LEGISLATION AND BEST PRACTICE GUIDELINES

This section provides background and context from the perspective of legislation and best practice standards that may relate to cultural heritage places within the Tree Village Project Area. It details WA State and Commonwealth legislation and processes in relation to Aboriginal and historical cultural heritage, as well as internationally recognised cultural heritage standards, and national and international best practice processes.

### Aboriginal Heritage Legislation

#### WA Legislation

##### *Aboriginal Heritage Act 1972*

Aboriginal cultural heritage in WA is protected by the *Aboriginal Heritage Act 1972* (the AHA), currently administered by the Department of Lands, Planning and Heritage (DPLH). In the 1970s, the AHA was a progressive piece of legislation. However, it has come under increasing criticism in recent years and is widely recognised as not meeting 21st century best practice standards of heritage legislation. Consultation on the development of new Aboriginal heritage legislation began in 2017 following the election of a new ALP state government.

The destruction of Juukan Gorge by Rio Tinto in 2020 brought problems with the AHA into sharp focus, particularly the section 18 process for approving the destruction of Aboriginal Sites. The Parliamentary Inquiry into the destruction of Juukan Gorge strongly criticised the section 18 process in its final report (Parliament of the Commonwealth of Australia, 2021). The committee concluded that the original good intentions of AHA had failed and it had become in practice ‘a mechanism through which the disturbance, damage and destruction of both physical and intangible Aboriginal cultural heritage has repeatedly taken place’ (para 4.125).

In summary, the ‘AHA has failed to strike a balance between the needs and aspirations of the various parties and has excessively favoured the interests of proponents’ (para 4.126).

Other problems identified include the formal role of Aboriginal people in the protection of their heritage, including the absence of legislated representation on the ACMC, definitions of Aboriginal cultural heritage and the lack of integration with Native Title legislation.

The committee encouraged the WA government to continue its consultation with regard to its draft Aboriginal Cultural Heritage Bill, recommending that it address the concerns already expressed in submissions by Aboriginal people and that it accommodates ‘the principles of free, prior and informed consent’, conducting consultation ‘in a way that accords with Aboriginal traditions of dialogue’ (para 4.135).

After extensive consultation, the WA government passed the *Aboriginal Cultural Heritage Act 2021* (ACH Act) in December 2021, and it came into effect in July 2023. The objectives of this legislation were:

- ▶ To recognise the importance of Aboriginal cultural heritage and Aboriginal custodianship.
- ▶ To recognise, protect and preserve Aboriginal cultural heritage.
- ▶ To manage activities that may harm Aboriginal cultural heritage.
- ▶ To promote an appreciation of Aboriginal cultural heritage.

However, following extensive criticism of the new legislation, the WA Government has now repealed the ACHA and instead introduced amendments to the AHA, which was proclaimed on the 15 November 2023. The amendments to the AHA attempt to address the criticisms of the Section 18 process by:

- ▶ Formal recognition of Native Title holders and rights of appeal in respect of s18 decisions by the Minister.
- ▶ Replacement of the ACMC with an Aboriginal Cultural Heritage Committee (ACHC), based on the composition of the Aboriginal Heritage Council established under the ACHA, with male and female Aboriginal co-chairs, and preferably a majority of members of Aboriginal descent.
- ▶ Requirement to bring any new information to the attention of the Minister through DPLH with respect to a s18 approval.

Currently, DPLH have published the following information documents in relation to the amended AHA:

- ▶ **Consultation Policy** – outlining ‘the Government’s expectations of proponents to undertake consultation with Aboriginal people prior to submitting a section 18 notice’.  
<https://www.wa.gov.au/government/document-collections/aboriginal-heritage-approvals#policy-and-guidelines>
- ▶ **Aboriginal Heritage Act 1972 Guidelines** – providing practical guidance for landowners where section 18 consent is required to impact Aboriginal cultural heritage (sites and objects).  
[https://www.wa.gov.au/system/files/2023-11/aboriginal\\_heritage\\_act\\_1972\\_guidelines.pdf](https://www.wa.gov.au/system/files/2023-11/aboriginal_heritage_act_1972_guidelines.pdf)

Under the AHA (s17) it remains an offence to alter an Aboriginal site in any way, including collecting artefacts; conceal a site or artefact; or excavate, destroy or damage in any way an Aboriginal site or artefact; without the authorisation of the Registrar of Aboriginal Sites under Section 16 or the Minister of Aboriginal Affairs under Section 18 of the AHA.

An Aboriginal site is defined in Section 5 of the AHA as:

- e) Any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present.
- f) Any sacred, ritual or ceremonial site which is of importance and special significance to persons of Aboriginal descent.
- g) Any place which, in the opinion of the Committee [i.e. Aboriginal Cultural Heritage Committee, or ACHC], is or was associated with 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.
- h) Any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.

Section 39 (2) states that:

In evaluating the importance of places and objects the Committee [i.e. the ACHC] shall have regard to —

- a) any existing use or significance attributed under relevant Aboriginal custom;
- b) any former or reputed use or significance which may be attributed upon the basis of tradition, historical association, or Aboriginal sentiment;
- c) any potential anthropological, archaeological or ethnographical interest; and

d) aesthetic values.

Section 39 (3) states that:

Associated sacred beliefs, and ritual or ceremonial usage, in so far as such matters can be ascertained, shall be regarded as the primary considerations to be taken into account in the evaluation of any place or object for the purposes of this Act.

Information about known heritage places and their legal status is available through the DPLH Aboriginal Cultural Heritage Inquiry System (ACHIS). There are currently three categories by which the ACHIS characterises heritage places:

- ▶ Registered Aboriginal Sites – Aboriginal Cultural Heritage (ACH) **Register layer**. These places have been formally assessed by the ACMC or ACHC and have been determined to be sites under s5 of the AHA.
- ▶ Lodged places – Aboriginal Cultural Heritage (ACH) **Lodged layer**. Information about these places is in the process of being verified.
- ▶ Historic records - Aboriginal Cultural Heritage (ACH) **Historic layer**. These places have been determined not to meet the criteria under s5 of the AHA for a range of reasons, which may include insufficient information. The submission of new information about these places may result in reassessment of their status.

It should be noted that all Aboriginal heritage places are protected under the AHA whether they are recorded or not. ACHIS does not provide a comprehensive or definitive record of Aboriginal Cultural Heritage Places in Western Australia. The absence of records on ACHIS cannot be interpreted as absence of sites.

### Fees

The WA Government has introduced new fees associated with section 16 and section 18 applications. Commercial and Government proponents are expected to pay the following fees for new applications:

- ▶ A \$250 application fee.
- ▶ \$5,096 multiplied by the number of **proposed investigation sites** for section 16 applications and **identified sites or places** for section 18 applications.

*‘The Director General has the ability to waive, reduce or refund fees; and extend the time within which to pay fees. Any such matter will be considered on a case-by-case basis<sup>10</sup>’.*

### Commonwealth Legislation

Aboriginal heritage sites are also protected under the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the HPA). The HPA complements state/territory legislation and is intended to be used only as a ‘last resort’ where state/territory laws and processes prove ineffective. Under the HPA the responsible Minister can make temporary or long-term declarations to protect areas and objects of significance under threat of injury or desecration. The HPA also encourages heritage protection through mediated negotiation and agreement between land users, developers and Aboriginal people. Commonwealth heritage legislation is currently under review, as recommended by the Juukan Inquiry.

<sup>10</sup> <https://www.wa.gov.au/government/document-collections/aboriginal-heritage-approvals>



Aboriginal human remains are protected under the AHA and the HPA. In addition, the discovery of human remains requires that the following people are informed: the State Coroner or local Police under section 17 of the *Coroners Act 1996*; the State Registrar of Aboriginal Sites under section 15 of the AHA and the Federal Minister for Aboriginal Affairs under Section 20 of the HPA.

In terms of broader recognition of Aboriginal rights, the Commonwealth *Native Title Act 1993* (the NTA) recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the NTA, native title claimants can make an application to the Federal Court to have their native title recognised by Australian law. The NTA was extensively amended in 1998, with further amendments occurring in 2007, and again in 2009. Under the future act provisions of the *Native Title Act 1993*, native title holders and registered native title claimants are entitled to certain procedural rights, including a right to be notified of the proposed future act, or a right to object to the act, the opportunity to comment, the right to be consulted, the right to negotiate or the same rights as an ordinary title holder (freeholder).

## Best Practice Guidelines

### Australia

#### *The Burra Charter*

The Burra Charter (Australian ICOMOS, 2013b) is the foundational document for conserving Australia's cultural heritage. The Charter encapsulates two important aspects in conserving heritage places. First, it establishes the best practice principles and processes for understanding and assessing a place's significance, as well as developing and implementing a conservation plan. Second, the Charter defines and explains the four primary cultural values that may be ascribed to any place: aesthetic, historic, social or spiritual, and scientific. These values are essential as they delineate the types and quality of information needed to accurately determine a heritage place's significance. More recent practice within DPLH with respect to site reporting and significance assessment under the AHA also refers to Burra Charter values.

#### Archaeological Sites

A Practice Note supplementing the Burra Charter entitled 'The Burra Charter and Archaeological Practice' states that the fundamental principles contained in the Burra Charter apply to archaeological sites. Article 13 of the Burra Charter states: 'Co-existence of cultural values should always be recognised, respected and encouraged. This is especially important in cases where there is conflict.' This will be relevant where:

- (a) archaeological features from the earliest phases of a site underlie more recent archaeological features of national, state or local significance, and
- (b) where they overlie Aboriginal archaeological remains.

#### Cultural Landscapes

A Practice Note supplementing the Burra Charter titled 'Practice Note: Cultural Landscapes' states:

*In Australian cultural landscape management, it can be useful to think about the way certain categories (derived from UNESCO World Heritage meanings) can be used to frame the different attributes, character, and values of cultural landscape. The categories that are most useful are 'designed landscape', 'continuing or living landscape' and 'associative landscape'.*

The Practice Note discusses cultural landscape in terms of cultural landscape as place, practice, process, and management. Section 5 of the Practice Note outlines the principles of cultural landscape in these terms. UNESCO (2021, paragraph 47) defines Associative Cultural Landscape as:

*‘A landscape with ‘powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be significant or even absent.’*

### *The ‘Darwin Statement’ – Implementing Best Practice Cultural Heritage Principles*

In 2018, the Heritage Chairs and Officials of Australia and New Zealand (HCOANZ) agreed to implement best practice cultural heritage principles under what they termed the ‘Darwin Statement’. The Heritage Chairs were joined by representatives of Aboriginal and Torres Strait Islander heritage organisations from the Commonwealth, states and territories in an approach aimed at working together to advance ‘a shared approach to Australia’s cultural heritage’ (Heritage Chairs of Australia and New Zealand, 2020, p. 33). The HCOANZ group emphasised the principles of:

- ▶ Sharing the comprehensive Australian heritage story (including the ‘critical importance’ of recording and sharing the stories of Aboriginal and Torres Strait Islander cultural heritage).
- ▶ Inclusion and engagement with Aboriginal and Torres Strait Islander people.
- ▶ Cooperation and collaboration.

Their objective was to facilitate Indigenous Cultural Heritage (ICH) legislation and policy across the country that is consistently of the highest standards.

The HCOANZ group made their recommendations at a time of statutory reviews of Commonwealth Acts, including the *Environment Protection and Biodiversity Act 1999* (Cth) (EPBC Act) and the Australian Heritage Strategy, the Commonwealth’s key heritage policy document. Their vision, captured in a document entitled *‘Dhawura Ngilan’/Remembering Country*, reminds us that, as a foundational principle, Australia’s Indigenous Peoples are entitled to expect that Indigenous Cultural Heritage legislation will uphold the international legal norms contained within the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and that the key to UNDRIP is the principle of self-determination. The four primary visions of *‘Dhawura Ngilan’/Remembering Country* are:

1. Aboriginal and Torres Strait Islander people are the Custodians of their heritage. It is protected and celebrated for its intrinsic worth, cultural benefits and the well-being of current and future generations of Australians.
2. Aboriginal and Torres Strait Islander heritage is acknowledged and valued as central to Australia’s national heritage.
3. Aboriginal and Torres Strait Islander heritage is managed consistently across jurisdictions according to community ownership in a way that unites, connects, and aligns practice.
4. Aboriginal and Torres Strait Islander heritage is recognised for its global significance.

This is the climate under which the *Aboriginal Cultural Heritage Act 2021* evolved and was enacted. Subsequent amendments to the AHA also reflect more of a rights-based approach, including the replacement of the ACMC with an Aboriginal Cultural Heritage Committee, with Aboriginal male and female chairs and majority Aboriginal membership, and the recognition of Native Title holders.

### *Corporate Social Responsibility – Aboriginal Community Engagement*

In the *A Way Forward* report (Parliament of the Commonwealth of Australia, 2021) the Centre for Social Responsibility in Mining submitted that mining companies do not have the capacity to avoid

incidents such as the destruction of Juukan Gorge. The Centre suggested mining companies are not performing in their social responsibility to prevent activities that would be detrimental to the community:

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*The field of mining and social performance is in decline. This has weakened the ability of community relations and social performance professionals to challenge production priorities in circumstances where risks to community exceed reasonable thresholds. Our research highlights shortcomings across organisational structures, internal lines of reporting, management systems, incentives, and talent management.*

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Furthermore, Hon Warren Entsch MP (Chair) stated in the Foreword of the 2020 *Never Again Interim Report*, following the Juukan disaster, that corporate Australia ‘can no longer ignore the link between its social licence to operate and responsible engagement with Indigenous Australia’ (Joint Standing Committee on Northern Australia, 2020). One of the key lessons learnt by Rio Tinto has been the recognition that they put their social licence to operate in jeopardy by focussing on commercial gain ahead of ‘meaningful engagement with Traditional Owners’ (*ibid.*: 7). According to Recommendation 6.91 of the later *A Way Forward Report*:

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*.... These actions remind corporations that their social licence to operate and corporate ethical positions will affect how they are able to do business in the future – it will affect their investment prospects and return on investment. The same principles apply to other industries, particularly in the context of a transition to renewables, opening the way for them to learn from the mistakes of the mining boom and pay respect to the living heritage of Aboriginal and Torres Islander peoples.*

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The idea of ‘meaningful engagement’ is encapsulated by the UNDRIP (United Nations, 2008) and is underpinned by inter-related principles that include:

- ▶ Acknowledging and understanding of the individual aspirations and unique circumstances of different people and groups.
- ▶ Building trust.
- ▶ Maintaining a respectful manner, that acknowledges the need for reciprocity.
- ▶ Effective communication.
- ▶ Ensuring informed consent.
- ▶ Sustaining the relationship.

## International

### *United Nations Declaration on the Rights of Indigenous People (UNDRIP)*

The UN Declaration on the Rights of Indigenous People (UNDRIP) sets out the rights of Indigenous people around the world to set and pursue their own priorities for development, and to maintain and control their cultural heritage (United Nations, 2008). The key provisions relevant to mineral development in the Australian context include Indigenous people having the right to:



- ▶ Practice and revitalise their cultural traditions and customs, and states shall provide redress for cultural property taken without free, prior and informed consent (Article 11).
- ▶ Practice their spiritual and religious traditions, customs and ceremonies, maintain sites, control ceremonial objects and repatriate human remains, and states shall seek to enable the access and/or repatriation of ceremonial objects and human remains (Article 12).
- ▶ Maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions and intellectual property over such heritage, knowledge and culture, and states shall, in conjunction with Indigenous peoples, take effective measures to recognize and protect the exercise of these rights (Article 31).
- ▶ Determine and develop priorities and strategies for the development or use of their lands or territories and other resources, and states shall consult and cooperate with Indigenous peoples in order to obtain their free and informed consent before the approval of any project affecting their lands, territories and resources, provide effective mechanisms for redress for any adverse impact from such activities (Article 32).

A core principle of UNDRIP is the right of Indigenous people to make decisions about development proposals that have the potential to impact their land and culture from an informed position that is free from coercion, intimidation, or manipulation. In order to uphold these principles, Free and Prior Informed Consent (FPIC) has been recognised as the best practice approach for engaging with Indigenous people when seeking consent for projects or activities that affect Indigenous people's culture or country (Kemp and Owen, 2014).

While the UNDRIP has not been formally adopted into Australian law, there has been an increasing recognition within industry and through new cultural heritage legislation of the importance of FPIC in building meaningful relationships with Traditional Owners and maintaining a social licence to operate.

### *Free, Prior and Informed Consent (FPIC)*

In relation to cultural heritage and development, the UNDRIP means that Indigenous communities have a right to know, and make decisions about, projects that affect them and their heritage. The principles of Free, Prior and Informed Consent (FPIC) for Indigenous persons or communities, in relation to development projects, are a best practice standard that should be applied. They protect and promote Indigenous Rights within the development process. The processes of FPIC should be ongoing throughout the life of the project. To break this down:

- ▶ **Free** - the process to be free of manipulation or coercion (including financial).
- ▶ **Prior** - the process occurring in advance of any activity associated with the decision being made and allowing time for traditional decision-making processes.
- ▶ **Informed** - objective, accurate, current and easily understandable information.
- ▶ **Consent** - right to approve or reject a project (Hill, Lillywhite and Salmon, 2010).

According to the International Council on Mining and Metals' Good Practice Guide (ICMM, 2015), FPIC is of notable importance in the context of Indigenous Peoples involved with mining, for the following reasons:

- ▶ Historically, Indigenous Peoples have commonly been excluded from decision-making processes, and the result has often been detrimental to their well-being.

- ▶ FPIC has been mandated or recommended in a number of international and national legal and policy documents.
- ▶ Calls for the right to FPIC are closely linked to Indigenous Peoples' pursuit of the right to self-determination and the rights to lands and territories.
- ▶ The issue of FPIC is linked to the broader debate around ensuring a fair distribution of the costs, benefits, risks and responsibilities associated with mining activities.
- ▶ FPIC is also linked to an ethical principle that those who could be exposed to harm or risk of harm should be properly informed about these risks and have an opportunity to express a willingness to accept such risks or not. (ICMM 2015).

### *International Council on Mining and Metals – Good Practice Guide: Indigenous Peoples and Mining*

In realising the need for more meaningful involvement of Aboriginal peoples in decision making processes affecting their heritage, the International Council on Mining and Metals (ICMM, 2015: 19) has outlined 'meaningful involvement in project decision-making', as follows:

- ▶ Develop a shared understanding of affected indigenous groups in terms of their culture, spirituality, organizational and decision-making structures, claims and rights to lands, values, concerns and history, including previous experiences with state-led decision-making processes and with mining or other development projects.
- ▶ Collaboratively develop an effective means to ensure that Indigenous Peoples are informed about and understand the full range (short, medium and long term) of potential environmental, social and health impacts from a mining project on their community, and any benefits it may offer across the full project cycle. Companies should also seek to communicate the perspectives of relevant stakeholders on proceeding with the project (both positive and negative). It is good practice for local stakeholders to hear the views of other people about the project (e.g. from non-governmental organizations (NGOs), government bodies, academics, industry experts and other communities that have dealt with the company) where they may be able to usefully contribute additional information or perspectives. If requested and appropriate, companies should also consider providing Indigenous Peoples with the means to engage independent information-gathering experts of their own choice.
- ▶ Agree on appropriate decision-making processes for the ongoing involvement of Indigenous Peoples, which are based on a respect for customary decision-making processes and structures. ... Companies will need to spend time in gaining an understanding of the complexities and dynamics of such local processes and structures, as well as any differences or divisions that may exist within communities, in order to achieve the most representative outcomes.
- ▶ Ensure that the involvement of Indigenous Peoples is inclusive and captures the diversity of views within and between communities (rather than only community leaders' views), and constructively engages with affected Indigenous Peoples to address any concerns they may have that the principle of inclusivity might undermine customary decision-making processes. Companies should also ensure that their engagement is characterized by openness and honesty, and could not be construed as involving coercion, intimidation or manipulation.
- ▶ Agree acceptable timeframes to make decisions throughout the lifetime of the project, taking into consideration logistics, local customs, commercial requirements and time needed to build trusting

relationships. Ensure that it is clear how the timetable for involvement links into when project decisions are made. Potentially impacted Indigenous Peoples' initial involvement should be sought well in advance of commencement or authorization of activities, taking into account Indigenous Peoples' own decision-making processes and structures.

- ▶ Agree on the terms and conditions for the provision of any ongoing community support with affected indigenous stakeholders and any associated reciprocal obligations.
- ▶ Record the process and decisions reached where Indigenous Peoples are involved, including the results of any monitoring or reviews, to provide a record for current or future generations who may be affected by the decisions, and to ensure transparency in the decision-making process.
- ▶ Support indigenous communities' capacity to engage in decision making, for example by providing access to independent expert advice where appropriate, capacity building, facilitation and mediation, or involving external observers. Capacity-building efforts can be included as an element of an Indigenous Peoples' development plan, which aims to enhance benefits and minimize the adverse effects of a project on significantly impacted Indigenous Peoples.

Such principles should inform the co-development of Cultural Heritage Management Plans with Aboriginal individuals and communities in the contemporary context.

#### *International Finance Corporation – Performance Standards on Environmental and Social Sustainability*

Within an international framework, the International Finance Corporation (IFC), the World Bank Group, has established Performance Standards on Environmental and Social Sustainability (IFC, 2012). The standards are:

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*directed towards its clients, providing guidance on how to identify risks and impacts, and are designed to help avoid, mitigate, and manage risks and impacts as a way of doing business in a sustainable way ... In the case of its direct investments (including project and corporate finance provided through financial institutions), IFC requires its clients to apply the Performance Standards to manage environmental and social risks and impacts so that development opportunities are enhanced (IFC, 2012).*

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The Performance Standards (PS) were developed and are a requirement by the World Bank for projects in developing countries. The Standards do, however, provide an International Benchmark that resource companies worldwide can use in their projects. Performance Standards 7 and 8 are most relevant to Aboriginal cultural heritage.

#### IFC Performance Standard 7

Includes guidance where restoration *in situ* is not possible, including: minimising adverse impacts and implementing restoration measures in a different location that ensure maintenance of the value and functionality of the cultural heritage, including maintaining or restoring any ecosystem processes needed to support it; ensuring the permanent removal of historical archaeological artefacts and structure is carried out in a manner that complies with applicable law for the protection of cultural heritage and/or the developer engages competent professionals to assist with the identification and



protection of cultural heritage; and/or compensation is provided to the Affected Indigenous Communities in instances where:

- ▶ it is demonstrably not feasible to minimise adverse impacts and ensure the maintenance of the value and functionality of the cultural heritage; or
- ▶ the Affected Communities are using tangible cultural heritage for long-standing cultural purposes.

#### IFC Performance Standard 8

Performance Standard 8 concerns the importance of cultural heritage for present and future generations and seeks to ensure that developers protect cultural heritage in the course of their activities. The equitable sharing of the benefits for the use of cultural heritage is another objective (IFC, 2012). The scope of the standard relates to the implementation of actions within the framework of the developer's Environmental and Social Management System. Cultural heritage refers to:

- ▶ Tangible forms of cultural heritage (moveable and immovable objects, sites and structures having a range of values – archaeological, historic, cultural and religious).
- ▶ Unique natural features and tangible objects that embody cultural values, such as sacred groves, rocks, lakes, and waterfalls. (IFC, 2012).

There are three specific requirements for tangible forms of cultural heritage during the Project Design and Execution Phase:

- ▶ Compliance with the applicable laws regarding cultural heritage.
- ▶ Identification and protection of cultural heritage through the employment of internationally recognised practices for the protection, field-based study and documentation of cultural heritage.
- ▶ Where the likelihood of risk or direct impact are determined, competent professionals are retained to assist with the identification and protection of cultural heritage (IFC, 2012).

When the development area contains cultural heritage or prevents access to previously accessible cultural heritage sites used by the community, the developer will allow access and, if necessary, provide an alternative way to the cultural site, subject to overriding health, safety, and security considerations (IFC, 2012).

For replicable cultural heritage, avoidance is the preferred cultural heritage management technique. Where this is not possible, restoration measures may be used; however, this is not a common practice in Australian contexts. The permanent removal of replicable cultural heritage (i.e. through salvage) is acceptable if carried out by a competent heritage professional.

Non-replicable cultural heritage is best protected by preservation *in situ*, since removal is likely to result in irreparable damage or destruction of the cultural heritage. The removal of any non-replicable cultural heritage will be acceptable if the following conditions are met:

- ▶ There are no technically or financially feasible alternatives to removal.
- ▶ The overall benefits of the project conclusively outweigh the anticipated cultural heritage loss from removal.
- ▶ Any removal of cultural heritage is conducted using the best available technique (IFC, 2012).

In exceptional circumstances when impacts on critical cultural heritage are unavoidable:

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*The developer will use a process of Informed Consultation and Participation (ICP) of the Affected Communities which uses a good faith negotiation process that results in a documented outcome. The client will retain external experts to assist in the assessment and protection of critical cultural heritage (IFC, 2012).*

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### *UNESCO Convention for the Safeguarding of Intangible Cultural Heritage*

As noted in the 'Dhawura Ngilan'/Remembering Country visionary document (Heritage Chairs of Australia and New Zealand, 2020: 38–39), intangible cultural heritage can exist independently of the association with a particular place. Thus, 'the management, protection and promotion of this form of cultural heritage can provide particular challenges in a legislative context'. Whilst this is understood, the HCOANZ group point to the importance of this manifestation of ACH as indicated by the number of international instruments, in addition to the UNDRIP, that address this topic. The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO, 2003) remains the key instrument in the recognition and protection of such cultural heritage; however, Australia has not yet ratified it. Acknowledging the constitutional arrangements in Australia, the HCOANZ group support the development of national legislation for the recognition and protection of intangible ICH/ACH.

For the purposes of this Convention (UNESCO 2003: Appendix 2) 'intangible cultural heritage':

- ▶ means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.
- ▶ is manifested inter alia in the following domains:
  - (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage
  - (b) performing arts
  - (c) social practices, rituals and festive events
  - (d) knowledge and practices concerning nature and the universe
  - (e) traditional craftsmanship.

The AHA (Section 5 and Section 39 (2) and (3)) does include consideration of intangible cultural heritage values that are considered important to the Aboriginal people of the State, and are recognised through social, spiritual, historical, scientific or aesthetic values, as part of Aboriginal tradition. However, most forms of intangible cultural heritage, including oral traditions and rituals, are excluded unless they are associated with place.

## Historic Heritage Legislation

### WA Legislation

#### *Heritage of Western Australia Act 1990 (repealed)*

In July 2019, the *Heritage of Western Australia Act 1990* (the HWAA) was repealed and replaced by Heritage Act 2018. Any heritage agreements entered into under Section 29 of the HWAA that were in effect on the commencement day of the Heritage Act 2018 continue to have effect as if it were certified under the new legislation. The municipal heritage inventories that were compiled and maintained under the HWAA are still a maintained repository of information for local governments today. Indeed, the collation of local heritage information is still required under Part 8 of the *Heritage Act 2018*, now referred to as Local Heritage Surveys.

#### *Heritage Act 2018*

The purpose of the *Heritage Act 2018* (HA) is to recognise and promote WA cultural heritage by defining principles for conservation, use, development or adaptation for heritage places. In repealing the HWAA, the HA is the main legislative framework for historical heritage, sometimes referred to as European heritage, in the State.

The HA sets out processes for the management of the State Register of Heritage Places, including the establishment of a Heritage Council. The purposes of this Council include assessing places of significance, advising the Minister for Heritage, guiding public authorities on best practice, promoting public awareness and administration of the register of places. The Heritage Council of Western Australia is Western Australia's advisory body on heritage matters and focuses on places, buildings and archaeological sites, with a mission to provide for and encourage the conservation of places significant to the cultural heritage of WA under the jurisdiction of the HA.

The HA requires the keeping of a Register of Heritage Places for places that are protected by the provisions of the Act. Heritage places generally gain registration under the HA by being shown to be of cultural heritage significance or possessing special interest relating to or associated with cultural heritage. Section 38 outlines relevant factors in determining the significance of heritage places. This section uses definitions and values like those of the Burra Charter (see above): the Council are to consider values such as aesthetic, historical, scientific, social or spiritual, and characteristics such as fabric, setting, associations, use and meaning.

Places registered under the HA may also have Aboriginal heritage values listed within the significance statement.

Part 5 outlines the responsibilities of public authorities to consider heritage matters within development planning. Under Section 73 of the HA, public authorities must refer a development proposal to the Council when the proposed works have potential to impact a registered place. The advice provided by the Council in response to a referred proposal may consider the restoration, maintenance and interpretation of the heritage place in question.

Part 11 outlines the definitions and penalties for offences and contraventions of the Act. Under section 129 of the HA, unauthorised impact to registered heritage places is subject to penalty. Section 129 defines damage as including altering, demolishing, removing or despoiling any part of, or thing in, a registered place. The penalties for contravention of the Act are severe, including a \$1 million fine, imprisonment for one year and a daily penalty of \$50,000. Applications to develop, disturb or alter



any place entered on the Register can be made under Part 5 Division 2 of the HA. The HA is currently administered by the Department of Planning, Lands and Heritage in Perth.

### *Planning and Development Act 2005*

The purposes of the *Planning and Development Act 2005* (the PDA) are to consolidate the provisions of the Acts repealed by the Planning and Development (Consequential and Transitional Provisions) Act 2005 (i.e. the *Metropolitan Region Town Planning Scheme Act 1959*, the *Town Planning and Development Act 1928* and the *Western Australian Planning Commission Act 1985*). The PDA is intended to provide for an efficient and effective land use planning system in the State, as well as promoting the sustainable use and development of land in the State.

Under Section 73 of the *Heritage Act 2018*, any development proposal that is likely to affect a Registered place must be referred to the Heritage Council for its advice. Under Section 75 of the HA, it is important to comply with Heritage Council advice in order to not adversely affect a registered place.

Under the PD Act, the definition of development ‘includes the concept of physical development and the use of the land’<sup>11</sup>.

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*“Development means the development or use of any land, including – (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; (b) the carrying out on the land of any excavation or other works; in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that – (i) is likely to change the character of that place or the external appearance of any building; or (ii) would constitute an irreversible alteration of the fabric or any building.”*

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## Local Planning Scheme and Strategies

### *Shire of Collie Planning Scheme No. 6*

The proposal occurs within the Shire of Collie Local Planning Scheme. The Shire of Collie general aims are outlined in the Planning Scheme No. 6.<sup>12</sup> The aim is to preserve, protect and enhance places, buildings and objects of cultural and heritage value. Within the Scheme, the objective under Local Reserves: Special Purpose Reserves – Heritage and Tourism is as follows;

*To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the heritage of the site or the surrounding or wider area.*<sup>13</sup>

<sup>11</sup> [https://www.dplh.wa.gov.au/getmedia/475ca92d-87a9-45b9-9313-efe3684f6f70/Making-Good-Planning-Decisions-\(website-published\)-2](https://www.dplh.wa.gov.au/getmedia/475ca92d-87a9-45b9-9313-efe3684f6f70/Making-Good-Planning-Decisions-(website-published)-2)

<sup>12</sup> Shire of Collie, Planning Scheme No. 6 Accessed 6/11/2024, <https://www.wa.gov.au/system/files/2024-03/collie6-scheme-text1.pdf>

<sup>13</sup> Shire of Collie, Planning Scheme No. 6, p. 8. Accessed 6/11/2024, <https://www.wa.gov.au/system/files/2024-03/collie6-scheme-text1.pdf>

## Commonwealth Legislation

### *Environmental Protection and Biodiversity Conservation Act 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the EPBC Act as matters of national environmental significance.

The EPBC Act enhances the management and protection of Australia's heritage places, including World Heritage properties. It provides for the listing of natural, historic or Indigenous places that are of outstanding national heritage value to the Australian nation as well as heritage places on Commonwealth lands and waters or under Australian Government control.

The National Heritage List includes natural, historic and Indigenous places of outstanding heritage value. The Commonwealth Heritage List comprises natural, Indigenous and historic heritage places on Commonwealth lands and waters or under Australian Government control.

Once a heritage place is listed under the EPBC Act, special requirements come into force to ensure that the values of the place will be protected and conserved for future generations. The EPBC Act provides for the preparation of management plans which set out the significant heritage aspects of the place and how the values of the site will be managed.

World heritage properties and national heritage places are recognised as a matter of national environmental significance under the EPBC Act. Consequently, any action that is likely to have a significant impact on heritage properties and places must be referred to the Minister and undergo an environmental assessment and approval process.

Nominated places are places that the Minister's delegate has received a nomination on the approved form and carried out an initial assessment on data adequacy. The nomination either will be or has been referred to the Council for assessment. The data will generally be that provided by the nominator but may be updated during assessment. The significance or values attributed to the place are the views of the nominator and not necessarily those of either the Council or the Minister. While waiting assessment these places with this status do not have any statutory protection.

Under the EPBC Act, the Australian Heritage Council (AHC) can only assess places for the National Heritage List if the places are on the AHC's assessment work plan (known as the "priority assessment list"). The Minister sets this work plan each financial year. A nomination becomes ineligible (given the status "nomination now ineligible for PPAL") if it has been considered for two consecutive work plans but not included. However, it should be noted that a nominated place ruled ineligible in this way can be re-nominated, thereupon becoming eligible again for consideration. Places with this status do not have any statutory protection.

If at some stage during the assessment process for the Commonwealth Heritage List, but prior to listing, a place ceases to be in a Commonwealth area, or, if outside the Australian jurisdiction, is no longer owned or leased by the Commonwealth, then the place becomes "ineligible". Places with this status do not have any statutory protection.

## APPENDIX THREE - HERITAGE REGISTER SEARCHES



### Search Criteria

No Aboriginal Cultural Heritage (ACH) Lodged in Shapefile - Survey areas\_polygon

### Disclaimer

Aboriginal heritage holds significant value to Aboriginal people for their social, spiritual, historical, scientific, or aesthetic importance within Aboriginal traditions, and provides an essential link for Aboriginal people to their past, present and future. In Western Australia Aboriginal heritage is protected under the *Aboriginal Heritage Act 1972*.

All Aboriginal cultural heritage in Western Australia is protected, whether or not the ACH has been reported or exists on the Register.

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 provide the details to the Department via <https://achknowledge.dplh.wa.gov.au/ach-enquiry-form> 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 Indigenous Land Use Agreement.

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 Energy, Mines, Industry Regulation and Safety (DEMIRS) 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 DEMIRS, 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.wa.gov.au/organisation/departments/departments-of-the-premier-and-cabinet/south-west-native-title-settlement>.

Further advice can also be sought from the Department of Planning, Lands and Heritage via <https://achknowledge.dplh.wa.gov.au/ach-enquiry-form>.

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### Coordinates

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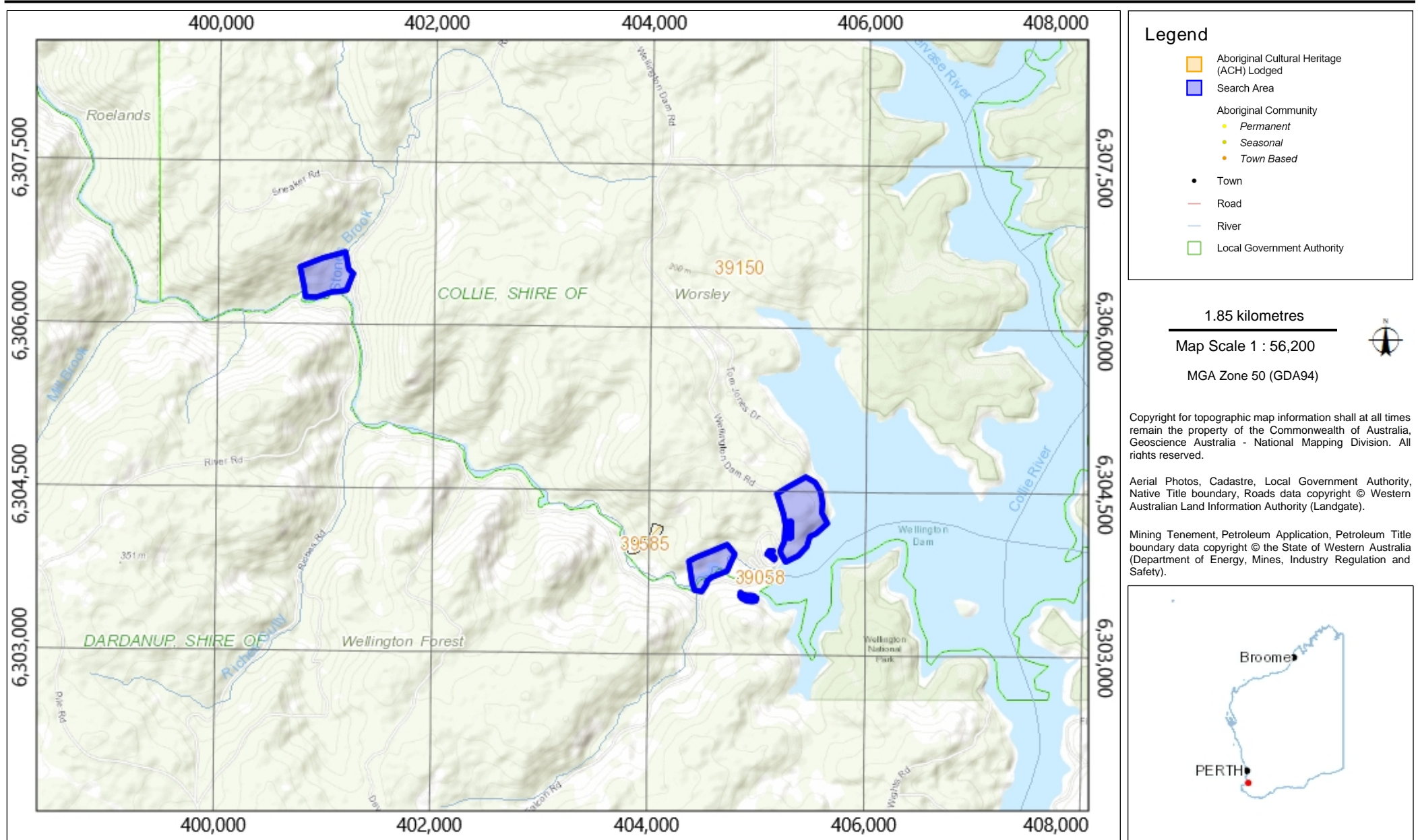
Topographic basemap sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community.



# Aboriginal Cultural Heritage Inquiry System

## Map of Aboriginal Cultural Heritage (ACH) Lodged

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### Search Criteria

#### 1 Aboriginal Cultural Heritage (ACH) Register in Shapefile - Survey areas\_polygon

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### Terminology

ID: ACH on the Register is assigned a unique ID by the Department of Planning, Lands and Heritage using the format: ACH-00000001. For ACH on the former Register the ID numbers remain unchanged and use the new format. For example the ACH ID of the place Swan River was previously '3536' and is now 'ACH-00003536'.

#### Access and Restrictions:

- Boundary Reliable (Yes/No): Indicates whether to the best knowledge of the Department, the location and extent of the ACH boundary is considered reliable.
- Boundary Restricted = No: Represents the actual location of the ACH as understood by the Department..
- 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 ACH 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.
- Culturally Sensitive = No: Availability of information that the Department of Planning, Lands and Heritage holds in relation to the ACH is not restricted in any way.
- Culturally Sensitive = Yes: Some of the information that the Department of Planning, Lands and Heritage holds in relation to the ACH is restricted if it is considered culturally sensitive information. This information will only be made available if the Department of Planning, Lands and Heritage receives written approval from the people who provided the information. To request access please contact via <https://achknowledge.dplh.wa.gov.au/ach-enquiry-form>.
- Culturally Sensitive Nature:
  - No Gender / Initiation Restrictions: Anyone can view the information.
  - Men only: Only males can view restricted information.
  - Women only: Only females can view restricted information.

#### Status:

- Register: Aboriginal cultural heritage places that are assessed as meeting Section 5 of the Aboriginal Heritage Act 1972.
- Lodged: Information which has been received in relation to an Aboriginal cultural heritage place, but is yet to be assessed under Section 5 of the Aboriginal Heritage Act 1972.
- Historic: Aboriginal heritage places assessed as not meeting the criteria of Section 5 of the Aboriginal Heritage Act 1972. Includes places that no longer exist as a result of land use activities with existing approvals.

Place Type: The type of Aboriginal cultural heritage place. For example an artefact scatter place or engravings place.

Legacy ID: This is the former unique number that the former Department of Aboriginal Sites assigned to the place.

### Coordinates

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# Aboriginal Cultural Heritage Inquiry System

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## List of Aboriginal Cultural Heritage (ACH) Register

ID	Name	Boundary Restricted	Boundary Reliable	Culturally Sensitive	Culturally Sensitive Nature	Status	Place Type	Knowledge Holders	Legacy ID
16713	Collie River Waugal	No	Yes	No	No Gender / Initiation Restrictions	Register	Creation / Dreaming Narrative; Landscape / Seascape Feature; Water Source	*Registered Knowledge Holder names available from DPLH	

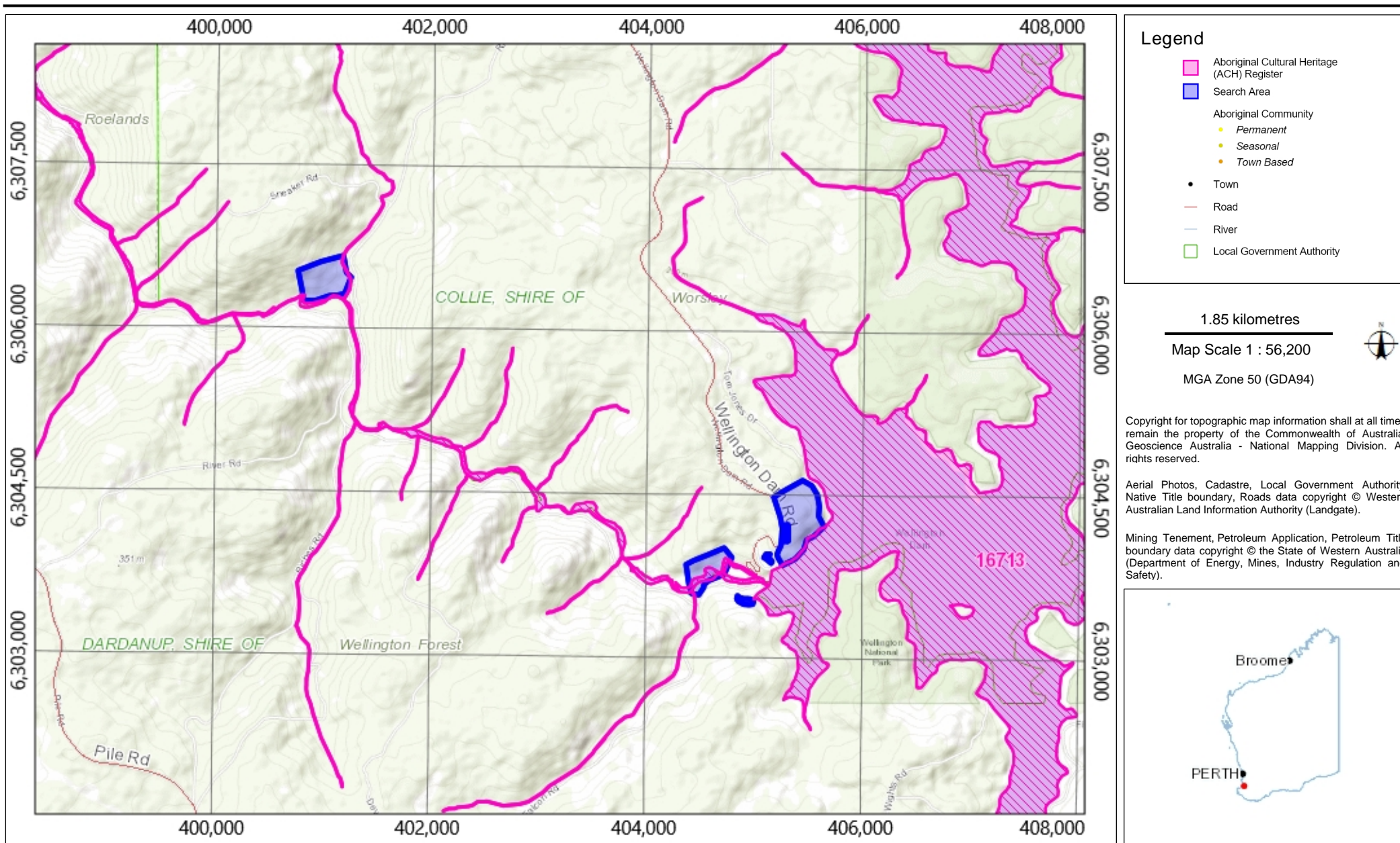




# Aboriginal Cultural Heritage Inquiry System

## Map of Aboriginal Cultural Heritage (ACH) Register

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### Search Criteria

7 Heritage Surveys containing 8 Survey Areas in Shapefile - Survey areas\_polygon

### Disclaimer

Heritage Surveys have been mapped using information from the reports and / or other relevant data sources. Heritage Surveys consisting of small discrete areas may not be visible except at large scales. Reports shown may not be held at the Department of Planning, Lands and Heritage (DPLH). Please consult report holder for more information. Refer to <https://www.wa.gov.au/organisation/departments/departments-of-planning-lands-and-heritage/aboriginal-heritage> for information on requesting reports held by DPLH.

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### Access

Some reports are restricted.

### Spatial Accuracy

The following legend strictly applies to the spatial accuracy of heritage survey boundaries as captured by DPLH.

Very Good	Boundaries captured from surveyed titles, GPS (2001 onwards) submitted maps georeferenced to within 20m accuracy.
Good / Moderate	Boundaries captured from GPS (pre 2001) submitted maps georeferenced to within 250m accuracy.
Unreliable	Boundaries captured from submitted maps georeferenced to an accuracy exceeding 250m.
Indeterminate	Surveys submitted with insufficient information to allow boundary capture.

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# Aboriginal Cultural Heritage Inquiry System

## List of Heritage Surveys

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Survey Report ID	Survey Area ID	Report Title	Report Authors	Survey Program	Survey Type	Area Description	Spatial Accuracy	Field / Desktop
22192	19256	A report of an ethnographic survey for a Section 18 application for Water Corporations proposed impact upon site 16713 Collie River Waugal at Wellington Weir.	Goode, Brad		Ethnographic	The project area as per figure 1, pg 7.	Good	Field and Desktop
102073	14371	Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol.2. Nov.1997.	Centre for Social Research.		Ethnographic	Regional Forest Agreement Aboriginal Consultation Project as shown in Figure 1.	Unreliable	Field only
102074	14226	Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol.1. Nov.1997.	Centre for Social Research.		Ethnographic	Regional Forest Agreement Aboriginal Consultation Project as shown in Figure 1.	Unreliable	Field only
104079	13397	Bunbury-Wellington Regional Planning Study: Working Paper no.6, Aboriginal Heritage and Planning Survey. [Open] Released for Public Comment July 1992.	Dept of Planning and Urban Development.		Ethnographic	The survey area consists of the Bunbury-Wellington Region, as shown in Figure 1. Please Note - This study did not constitute a comprehensive 'site identification', 'site avoidance' or 'work area/programme clearance' survey of the area shown in figure 1, a	Very Good	Field and Desktop
104608	13272	Bunbury-Wellington Regional Planning Study: Aboriginal Heritage & Planning Survey : working paper no. 6	McDonald, E		Ethnographic	The survey area consists of the Bunbury-Wellington Region, as shown in Figure 1. Please Note - This study did not constitute a comprehensive 'site identification', 'site avoidance' or 'work area/programme clearance' survey of the area shown in figure 1, a	Very Good	Field and Desktop
106377	14774	Report of an archaeological survey at lower Collie Valley & Honeymoon Pool area	Harris, Jacqueline.		Archaeological	Lower Collie Valley & Honeymoon Pool Area. Three proposed new bridges and one bridge upgrade measuring 30m x 20m as shown in Fig. 2	Unreliable	Field and Desktop
106377	14272	Report of an archaeological survey at lower Collie Valley & Honeymoon Pool area	Harris, Jacqueline.		Archaeological	The project area included Honeymoon Pool Day Use Area(100m x 100m), Gelcoat Camping Area (110m x 100m), Stoney Brook Camping Area (150m x 110m), Backpackers Camping Area (100m x 100m), West Bank Camping Area (150m x 200m), a riverbank walk trail	Unreliable	Field and Desktop



# Aboriginal Cultural Heritage Inquiry System

## List of Heritage Surveys

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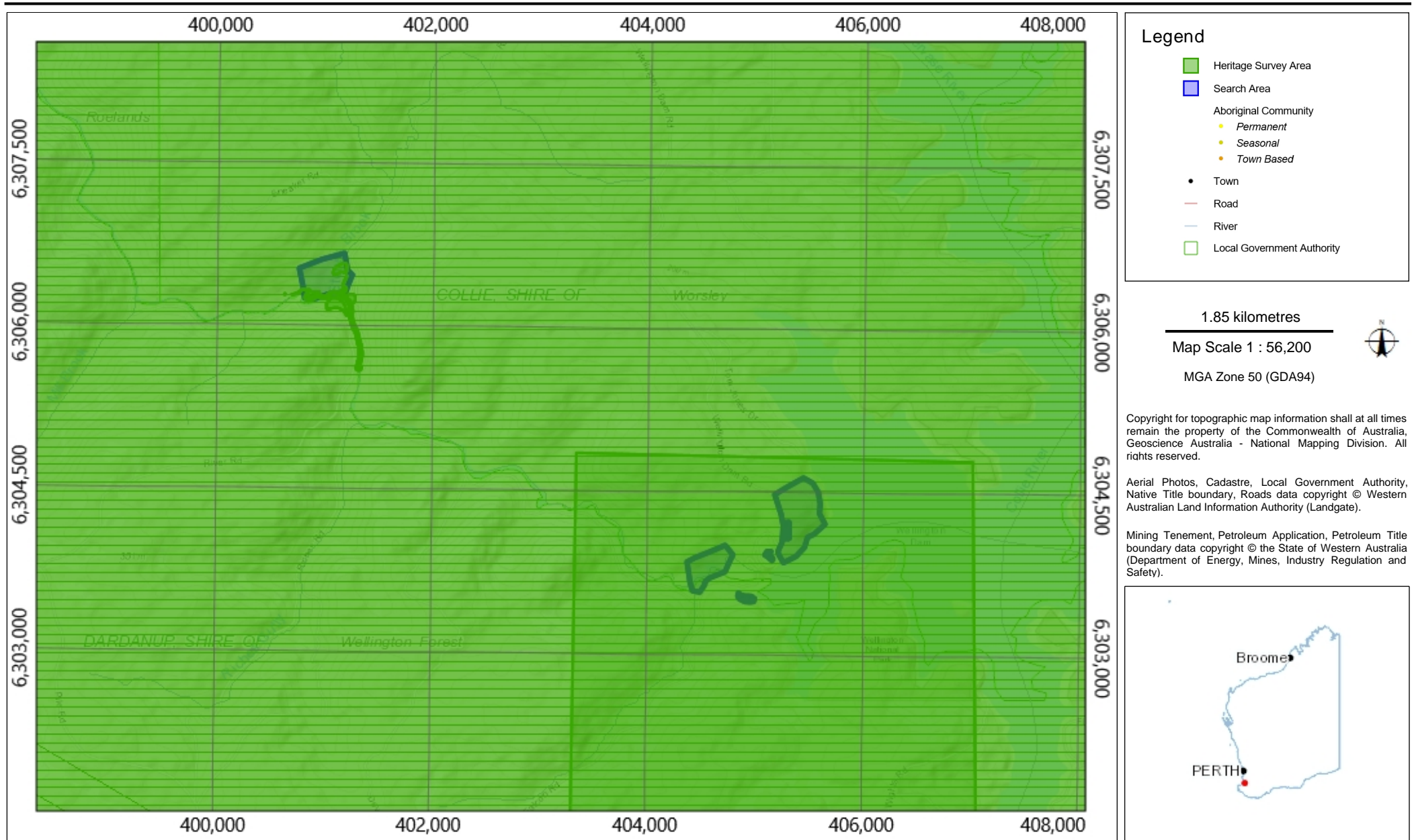
Survey Report ID	Survey Area ID	Report Title	Report Authors	Survey Program	Survey Type	Area Description	Spatial Accuracy	Field / Desktop
106378	14931	Ethnographic survey of the Honeymoon Pool & the Lower Collie River Valley re-development requiring a section 18 application for consent	Goode, Brad		Ethnographic	Honeymoon Pool & the Lower Collie River Valley re-development as shown in Fig. 1	Unreliable	Field and Desktop



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## Map of Heritage Survey Areas

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