



**OPEN REPORT WITH EXCEPTIONS**

**Precinct 15 Central Mariginiup Local Structure Plan  
Aboriginal Heritage Desktop Assessment Report**

**August 2023**

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**WARNING**

**THIS REPORT CONTAINS THE NAME OF A DECEASED ABORIGINAL PERSON.  
PAGES 31 AND 32 CONTAIN RESTRICTED PLACE AND BOUNDARY INFORMATION.**

## Recognition of People & Country

Horizon Heritage Management acknowledges and pays respect to the Whadjuk Noongar Traditional Owners and community of the land and sea of this ‘*boodja*’ (country). We pay respect to the Elders past, present and emerging who hold the memories, traditions, culture and hopes for the future.

## Confidentiality

This is an open report with exceptions for restricted information on pages 31 – 32. The site information for 22160 Marrynginup is restricted with the DPLH. Horizon Heritage Management has permission from the original site informant’s family to use this information publicly within this LSP desktop assessment report.

## Disclaimer

This heritage desktop assessment report is being supplied to Stockland so it can manage its requirements and responsibilities under the Western Australia *Aboriginal Cultural Heritage Act (2021)* (ACHA) and to be aware of and minimise risks to Aboriginal heritage and culture associated with the Precinct 15 Central Mariginiup Local Structure Plan (LSP).

Aboriginal places and objects are afforded protection under the ACHA. Any heritage impacts without consultation, agreement and consent with the Whadjuk People could be an offence under Part 5 of the ACHA.

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## Acknowledgements

Horizon Heritage Management acknowledges the assistance of Emerge Associates for supplying GIS spatial information for this desktop assessment report.

## Abbreviations

ACHC	Aboriginal Cultural Heritage Council
ACHA	<i>Aboriginal Cultural Heritage Act (2021)</i>
DPLH	Department of Planning, Lands and Heritage
GIS	Geographic Information System
GPS	Global Positioning System
LSP	Local Structure Plan
MGA	Map Grid of Australia
NTC	Native Title Claimant Group
SWALSC	South West Aboriginal Sea and Land Council
WGS	World Geodetic System

### **Spellings**

The Waugal is the major spirit for Noongar People and central to their beliefs and customs. Waugal has many different spellings including *Waakal*, *Wagyl*, *Wawgal*, *Woggal* and *Waagal*.

Horizon Heritage acknowledges there are alternative spellings of Noongar (*Nyungar*, *Nyoongar*, *Nyoongah*, *Nyungah*, *Nyugah* and *Yunga*) however Noongar has been used as an inclusive representation of the Noongar societies.

## CONTENTS

<b>1</b>	<b>PROJECT BRIEF .....</b>	<b>6</b>
<b>2</b>	<b>PROJECT BACKGROUND.....</b>	<b>6</b>
<b>3</b>	<b>ABORIGINAL CULTURAL HERITAGE ACT 2021 .....</b>	<b>10</b>
<b>4</b>	<b>WHADJUK NOONGAR PEOPLE.....</b>	<b>11</b>
4.1	IDENTIFIED ABORIGINAL STAKEHOLDER GROUP .....	11
<b>5</b>	<b>ETHNOGRAPHIC BACKGROUND .....</b>	<b>14</b>
<b>6</b>	<b>ARCHAEOLOGICAL BACKGROUND .....</b>	<b>26</b>
<b>7</b>	<b>ABORIGINAL CULTURAL HERITAGE INQUIRY SYSTEM RESEARCH.....</b>	<b>28</b>
7.1	DPLH ABORIGINAL CULTURAL HERITAGE INQUIRY SYSTEM RESULTS.....	28
7.2	SUMMARY DISCUSSION .....	37
<b>8</b>	<b>LANDSCAPE FEATURES .....</b>	<b>40</b>
<b>9</b>	<b>DESKTOP CONCLUSIONS .....</b>	<b>42</b>
<b>10</b>	<b>RECOMMENDATIONS.....</b>	<b>43</b>
<b>11</b>	<b>DPLH ACHIS RESULTS .....</b>	<b>44</b>
<b>12</b>	<b>REFERENCES .....</b>	<b>48</b>

## LIST OF MAPS

<b>Map 1: Precinct 15 Indicative Master Plan - Central Mariginiup Map .....</b>	<b>7</b>
<b>Map 2: Precinct 15 Structure Plan - Central Mariginiup Map .....</b>	<b>8</b>
<b>Map 3: Precinct 15 Central Mariginiup LSP area Locality Map .....</b>	<b>9</b>
<b>Map 4: Whadjuk People ILUA Map.....</b>	<b>13</b>
<b>Map 5: 22160 Marrynginup restricted location boundary intersecting LSP area .....</b>	<b>30</b>
<b>Map 6: 22160 Marrynginup ACH place boundary close up view .....</b>	<b>31</b>
<b>Map 7: 22160 Marrynginup ACH Place boundary as administered under the ACHA.....</b>	<b>32</b>
<b>Map 8: Water Landscape Features within and nearby to the LSP area.....</b>	<b>41</b>

## LIST OF TABLES

<b>Table 1: Aboriginal group identified as a key stakeholder in the LSP desktop assessment area .....</b>	<b>11</b>
<b>Table 2: Place within the LSP desktop assessment area.....</b>	<b>31</b>
<b>Table 3: DPLH ACH Directory Places within proximity to the LSP desktop assessment area .....</b>	<b>33</b>
<b>Table 4: DPLH Historic Places within proximity to the LSP desktop assessment area .....</b>	<b>35</b>
<b>Table 5: DPLH Heritage Survey Reports .....</b>	<b>36</b>

## Executive Summary

Horizon Heritage Management was engaged to undertake a desktop assessment to understand the extent and characteristics of any known and likely Aboriginal heritage values within the Precinct 15 Central Mariginiup Local Structure Plan area (LSP desktop assessment area).

Horizon Heritage Management makes the following conclusions:

- The key Aboriginal stakeholder group for the LSP desktop assessment area is the Whadjuk 'Noongar' People.
- Potentially important landscape features like lakes, swamps and wetlands connected with mythological associations are present within the Central Mariginiup LSP desktop assessment area. Lake Adams is such a feature and is located along the northern boundary of the LSP desktop assessment area. Jandabup Lake is another such a feature and is located along the southern boundary of the LSP desktop assessment area. Further landscape features Little Mariginiup Lake and Mariginiup Lake are located immediately west and southwest of the Precinct 15 Central Mariginiup LSP desktop assessment area.
- One (1) ACH Directory Place 22160 Marrynginup has a closed and restricted boundary which intersects the LSP desktop assessment area and is afforded protection under the *Aboriginal Cultural Heritage Act (2021)*.
- The key Whadjuk Custodian for 22160 Marrynginup is Esandra Colbung. Her father (now deceased) was the original site informant.
- No specific Aboriginal heritage surveys (ethnographic or archaeological) have been undertaken within the LSP desktop assessment area.
- No registered archaeological sites are within the LSP desktop assessment area. It is possible surface expressions of *in situ* cultural material (artefacts) could be present. Care should be taken in those areas with some potential to contain cultural material. These are around the margins of landscape features like lakes, swamps, wetlands, and any sand hill features that maybe within the LSP desktop assessment area.
- Numerous Noongar fringe camps have previously been identified within proximity of the numerous freshwater lakes found in the broader Wanneroo area, potential remains for contemporary Whadjuk People to hold knowledge of any possible Whadjuk land use of the LSP desktop assessment area.

Horizon Heritage Management makes the following recommendations:

1. Horizon Heritage Management recommends that any future development within the LSP area includes consultation with the Whadjuk Aboriginal Corporation and Aboriginal heritage ethnographic and archaeological heritage surveys with the Whadjuk People.
2. Horizon Heritage Management recommends that consultation is undertaken with Esandra Colbung (Whadjuk Site Custodian) for 22160 Marrynginup regarding the LSP desktop assessment area and this significant Aboriginal site.
3. Horizon Heritage Management recommends 22160 Marrynginup is an ACH Directory Place and is afforded protection under the *Aboriginal Cultural Heritage Act (2021)*. To use the land which Aboriginal Places are on the proponent/landowner must engage with the Whadjuk Aboriginal Corporation.
4. Horizon Heritage Management recommends an Aboriginal Cultural Heritage Management Plan (developed with input and consent from the Whadjuk People and endorsed by the new ACH Council) will likely be needed to satisfy the *Aboriginal Cultural Heritage Act (2021)*.

## **1 PROJECT BRIEF**

Horizon Heritage Management was engaged to undertake a desktop assessment to understand the extent and characteristics of any known and likely Aboriginal heritage values within the Precinct 15 Central Mariginiup Local Structure Plan area.

## **2 PROJECT BACKGROUND**

Stockland requires an Aboriginal Heritage Desktop Assessment report as a technical appendix to the Central Mariginiup LSP submission.

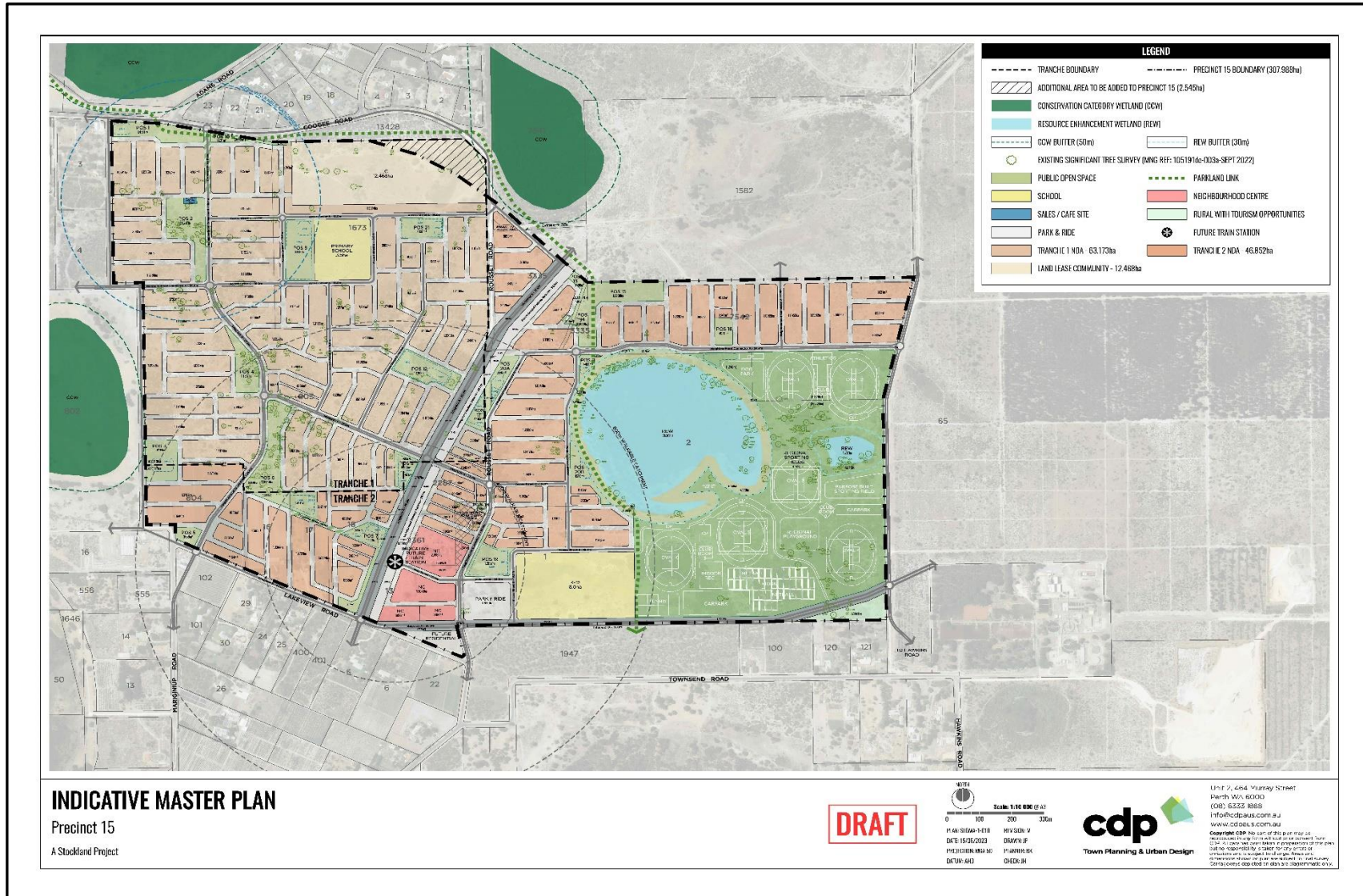
The Central Mariginiup precinct is an Urban Expansion Area in the North-West Sub-regional Planning Framework. It is generally flat except for a ridgeline along its western boundary marking the transition from the Bassendean to the Spearwood dunal system. The precinct currently contains market gardens, homesteads, and equestrian facilities.

The Resource Enhancement wetland to the east of Rousset Road contains extensive natural vegetation and is of high scenic value. It provides the opportunity to utilize a landmark natural feature as part of the character and sense of place created for this precinct.

The precinct contains an important Aboriginal heritage place 22160 Marraynginup comprising several cultural components and has historical and ongoing contemporary significance to Whadjuk People.

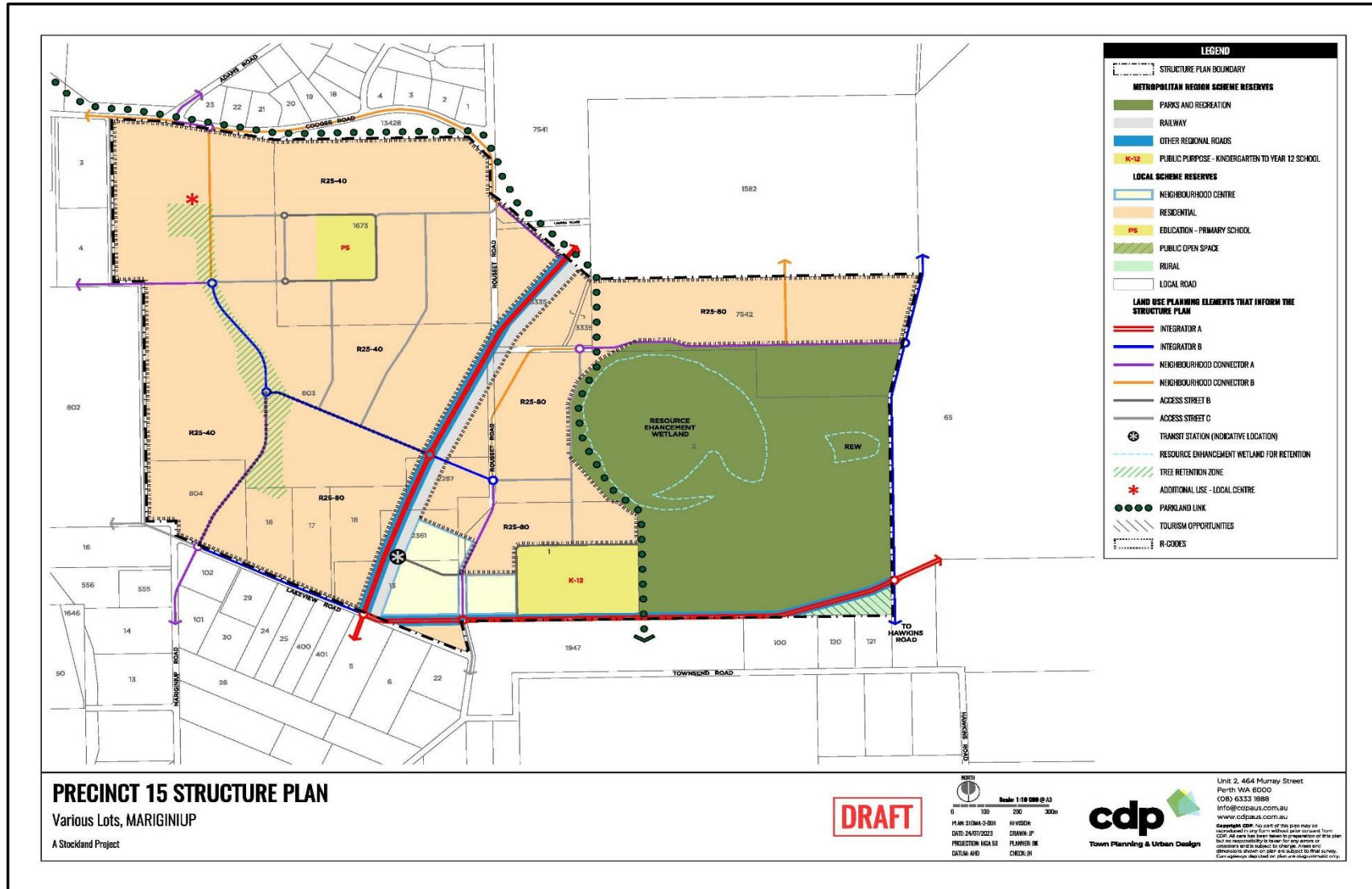


Map 1: Precinct 15 Indicative Master Plan - Central Mariginiup Map

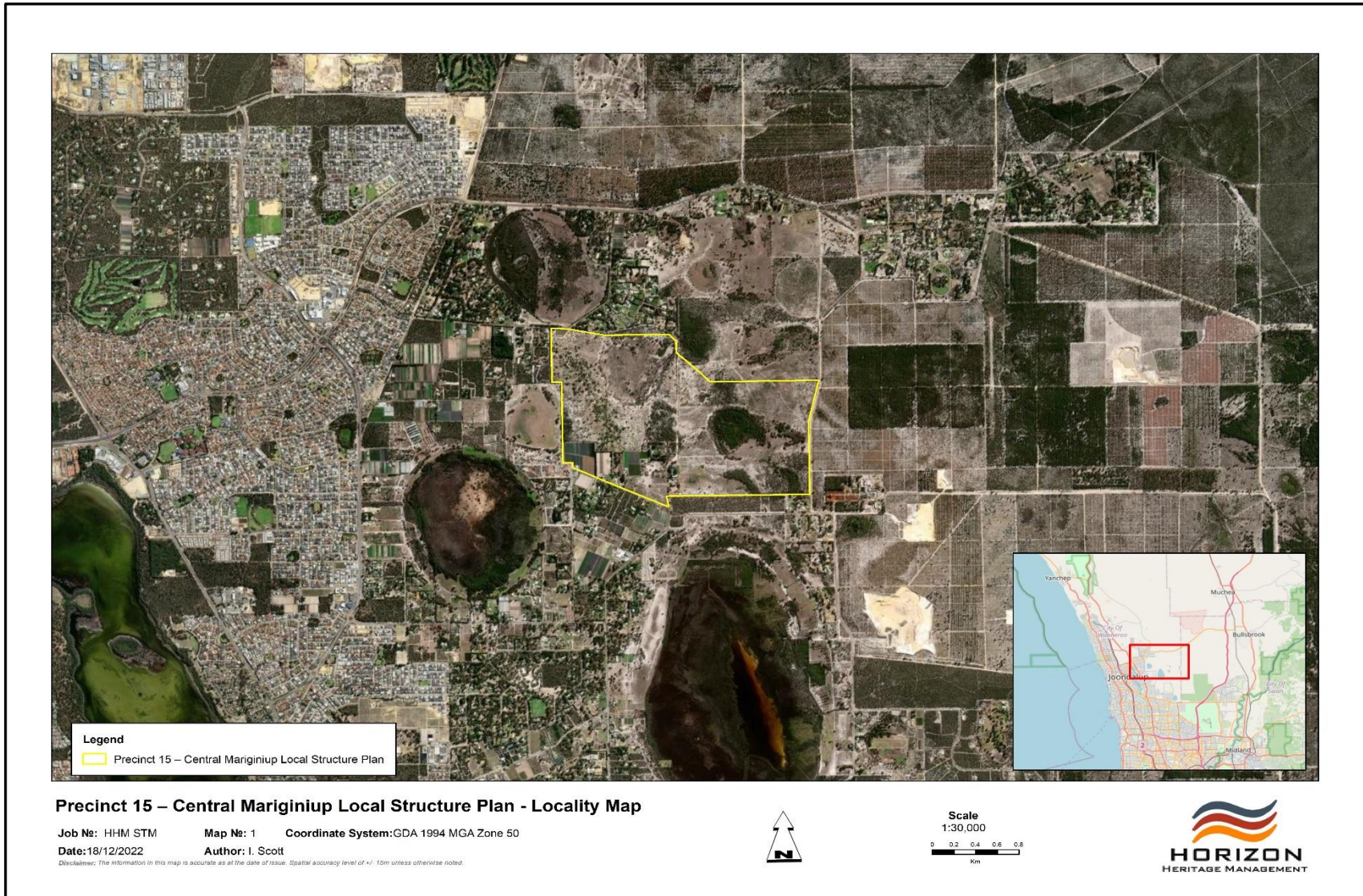




Map 2: Precinct 15 Structure Plan - Central Mariginiup Map



### Map 3: Precinct 15 Central Mariginiup LSP area Locality Map





### **3 ABORIGINAL CULTURAL HERITAGE ACT 2021**

#### **Aboriginal Heritage Legislation Requirements**

The *Aboriginal Cultural Heritage Act 2021* (ACH Act) provides a modern framework for the recognition, protection, conservation, and preservation of Aboriginal cultural heritage while recognising the fundamental importance of Aboriginal cultural heritage to Aboriginal people. It represents a significant step towards achieving equity in the relationship between Aboriginal people, industry, and Government by replacing outdated Aboriginal cultural heritage laws in favour of agreement making with Aboriginal people.

The Aboriginal Cultural Heritage Act 2021 came into operation on the 1<sup>st</sup> of July 2023. The Government has developed the regulations, statutory guidelines, and operational policies to support the new Act and ensure it will have its intended effects.

Local Aboriginal Cultural Heritage Services (LACHS) are established under the *Aboriginal Cultural Heritage Act 2021* to provide Aboriginal people with a statutory role in managing and protecting local Aboriginal cultural heritage, and to devolve decision making to Aboriginal people at a local level. The ACHA will increase the Aboriginal voice by decentralising decision making to local Aboriginal organisations with authority over their Aboriginal cultural heritage.

The ACH Council will grant Aboriginal Cultural Heritage Permits and approve agreed Aboriginal Cultural Heritage Management Plans where the proponent has complied with all its obligations to interested Aboriginal parties (such as consultation and ensuring informed consent).

## 4 WHADJUK NOONGAR PEOPLE

### 4.1 Identified Aboriginal Stakeholder Group

The table below outlines the Whadjuk (Noongar) People:

**Table 1: Aboriginal group identified as a key stakeholder in the LSP desktop assessment area**

STAKEHOLDER GROUP	CONTACT	NATIVE TITLE
Whadjuk (Noongar) People	Whadjuk Aboriginal Corporation c/o South West Aboriginal Sea and Land Council (SWALSC)	South West Native Title Settlement

The South West Native Title Settlement in the form of six Indigenous land use agreements (ILUAs) was negotiated between the Whadjuk Noongar People and the WA Government. The Settlement commenced on 25 February 2021. From 13 April 2021 the native title act ceased to apply over the Settlement area - meaning future act processes no longer occur.

A fundamental component of the Settlement is the recognition of the Noongar people as the Traditional Owners of the south west region of Western Australia. On 6 June 2016, the Noongar people were recognised, through an Act of the WA Parliament, as the Traditional Owners of the south west region of Western Australia.

The Whadjuk Noongar peoples' connection to the land and the desire to improve access and protect places of significance, were key elements in the negotiation of the Settlement.

#### Whadjuk People

Whadjuk are the people of the Swan River plains, whose country is now occupied by the greater metropolitan area of Perth.

The Whadjuk People cover the: City Of Armadale, City Of Bayswater, City Of Belmont, City Of Canning, City Of Cockburn, City Of Fremantle, City Of Gosnells, City Of Joondalup, City Of Melville, City Of Nedlands, City Of Perth, City Of South Perth, City Of Stirling, City Of Subiaco, City Of Swan, City Of Vincent, City Of Wanneroo, Shire Of Beverley, Shire Of Chittering, Shire Of Gingin, Shire Of Kalamunda, Shire Of Mundaring, Shire Of Northam, Shire Of Peppermint Grove, Shire Of Toodyay, Shire Of York, Town Of Bassendean, Town Of Cambridge, Town Of Claremont, Town Of Cottesloe, Town Of East Fremantle, Town Of Mosman Park and the Town Of Victoria Park.

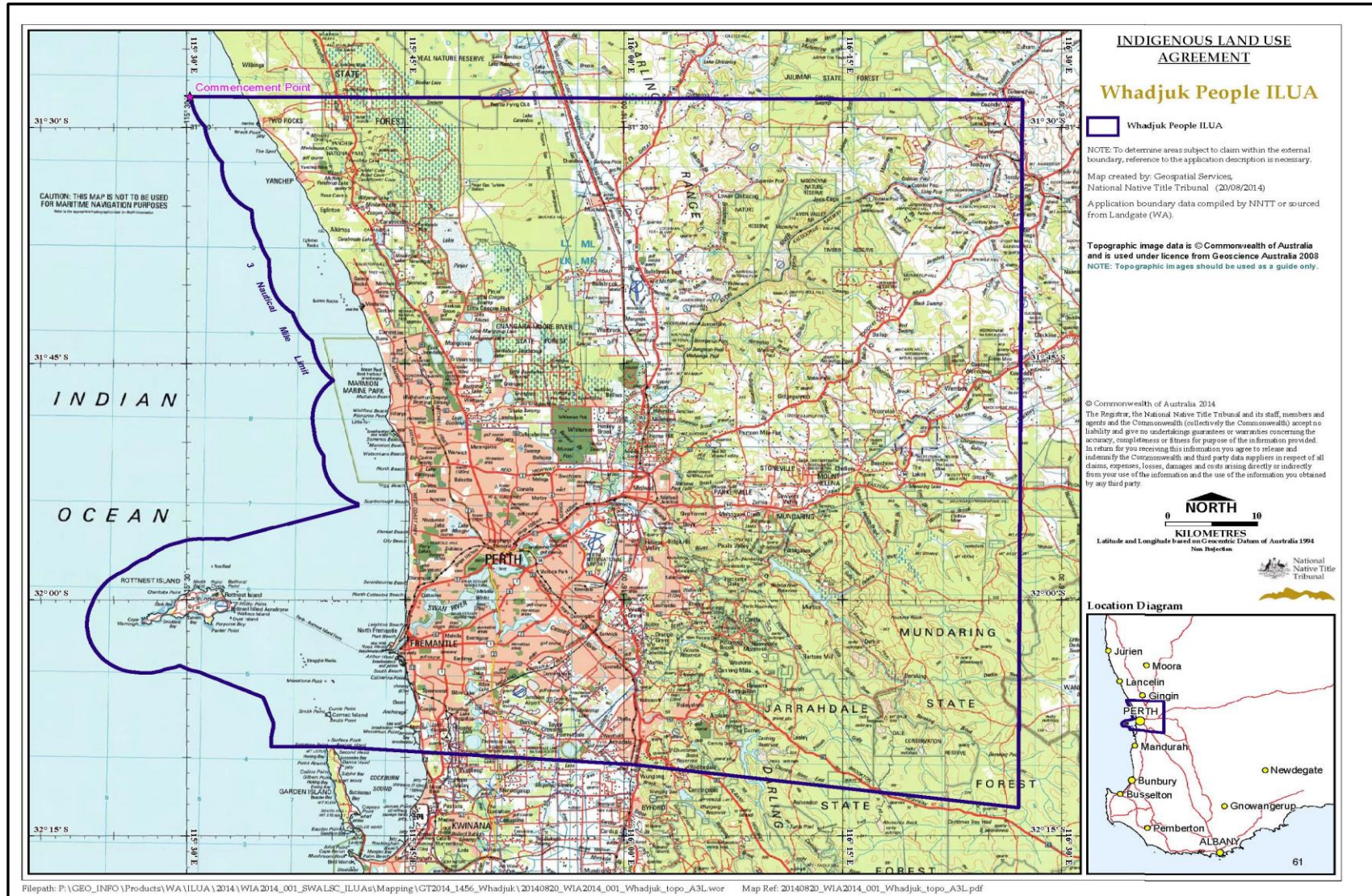
#### Whadjuk Cultural Advice Committee

The Whadjuk Regional Corporation will have a Cultural Advice Committee (CAC) made up of Elders who consider matters relevant to culture and make decisions to promote and protect their cultural interests.

Matters that may be decided by the committee may include:

- Determining what cultural connection exists, or could exist, to support a piece of land being considered 'Cultural Lands' as part of the Noongar Boodja Trust.
- Determining those people who have most knowledge of relevant lands for surveys to be properly conducted.
- Determining how cultural knowledge should be recorded, and when and how it is shared with others.
- Determining how Noongar cultural protocols and practices should be acknowledged, valued, honoured, and respected, including through welcome to country practices.

Map 4: Whadjuk People ILUA Map





## 5 ETHNOGRAPHIC BACKGROUND

### Introduction: Place, Antiquity, People

#### Place

The City of Wanneroo is part of a traditional Aboriginal network of communication routes and occupation camps (usually near water sources). According to Jacobs (in Costello, 2002-3; cited in McDonald et al. 2005: 24), the name of Wanneroo comes from the digging stick or *wonner* (*wan-na*, *wanna*, *wonna*, etc. Bindon and Chadwick, 1992: 172, 254). The Wanneroo area is part of a string of lakes that run north-south and is characterised as a wetland:

Thus we see family groups, before European intrusion, centred on the rich alluvial soils along the Swan, particularly in the spring and autumn; moving freely eastward into the hills, mainly in winter and westward to the wetlands of the Wanneroo area, particularly in the summer and autumn (Hallam, 1998: 94, cited in McDonald et al. 2005: 20).

The Swan Coastal Plain has been divided into several 'physiographic elements' starting from the Darling Fault Scarp: a Piedmont Zone of alluvial sediments, a gently undulating Sandy Plain with swampy areas in low-lying land between the dunes, characterised by a string of lakes running north and south, and Coastal Limestone, the Shore Line, shallow waters, and islands and reefs (Jutson, 1950: 89-90). A classification paralleling that of Jutson a decade later appears to be preferred among archaeologists. It is cited by Sylvia Hallam from a CSIRO publication for 1960 using local names of suburbs: Ridge Hill Shelf: the foothills of the Darling Scarp, Pinjarra Plain: the piedmont alluvial plain, Bassendean Dunes: the coastal sand plain, Spearwood Dunes: aeolian limestone, and Quindalup Dunes: the coastal dunes (McArthur and Bettenay, 1960; cited in Hallam 1975: 51). All of these ecological niches are important to the Indigenous people. This profile with its focus on Wanneroo takes in the coastal dunes, and the geomorphic elements of the Swan Coastal Plain close to the dunes, the sea to the west and the lakes to the east.

#### People

According to Tindale, the traditional territory of the 'Whadjuk' of the Perth Metropolitan area (see Plate 2) includes:

Swan River and northern and eastern tributaries inland to beyond mount Helena; at Kalamunda, Armadale, Victoria Plains, south of Toodyay, and western vicinity of York; at Perth; south along coast to near Pinjarra (Tindale, 1974: 242-243).

The Whadjuk People spoke one of the Noongar languages (dialects). The Noongar language family is classified as belonging to the 'Nyunga Subgroup' and to the Pama-Nyungan Family of Aboriginal languages (Oates and Oates, 1970: xiii). Thieberger (1996) finds eleven languages of the South West: Yuwat, Balardung, Wajuk, Binjarub, Wiilman, Kaniyang, Wardandi, Bibbulman, Minang, Goreng, and Wudjaarri that are today subsumed under the name 'Nyungar.' Drawing upon twenty-five documented sources, Bindon and Chadwick (1992) in their Nyoongar wordlist include variations between these languages, but they are



often differences of pronunciation as recorded by European listeners of the time. Noongar people hear the differences too.

Thieberger (1996) indicates that the Whadjuk were one of eleven languages belonging to the Nyoongah language family. Since the 1930's, the Aboriginal people of the South West began to identify themselves as Nyoongah, the generic term for person ('man').

### **Antiquity**

The Archaeological evidence for Indigenous occupation in the coastal strip from Mandurah through Wanneroo to Yanchep indicates a minimum of some thousands of years of occupation:

Several hundred artefacts of Eocene fossiliferous chert, a rock known from offshore drill-holes, are exposed in Late Pleistocene and early Holocene archaeological horizons along the lower west coast and offshore islands. Chert artefacts are also known from excavations at Devil's Lair, Tunnel Cave, Arumvale, Quninup Brook, Dunsborough, and Walyunga ... fossiliferous chert was quarried from outcrops distributed along now-submerged parts of the coastal plain off the lower west coast; thus most chert artefacts pre-date Mid-Holocene sea-level stabilisation, 6500 years BP (Mulvaney & Kamminga, 1999: 295).

Fossiliferous chert artefacts have been recorded in the Pinjarra area by AIC archaeologists. For the islands offshore from Rockingham:

The many exhaustive surveys by Charlie Dortch on the islands near Fremantle revealed only a few artefacts of fossiliferous chert, mostly on adjacent Garden Island. All these finds must precede the islands' formation. The few artefacts from Rottnest Island, nineteen kilometres offshore, are older than 7000 years BP (Mulvaney & Kamminga, 1999: 338).

In broader terms:

detailed observations of Aboriginal life, documenting the enormous variety of plant and animal foods that the local Nyoongar people obtained from many environments ... One of the most important Holocene sites in southwestern Australia is Walyunga, 40 kilometres north of the Swan River near Perth ... In the early phase, from 8000 to 4500 years BP ... in the later phase, which continues after 3200 years BP' (Mulvaney and Kamminga, 1999: 293-294).

There is further evidence of antiquity in the Perth region. In particular:

The Upper Swan River site near Perth has the distinction of having its age of about 38 000 years old accepted by almost all leading archaeologists ... It is an extensive, open-air camp site on an ancient floodplain bordering the upper Swan River between Perth and Walyunga' (Flood, 1995: 106).

While entertaining doubts about those dates of 32,000 to 38,000 years BP – on questions of radiocarbon dating and insufficient details about the artefacts – Mulvaney and Kamminga are satisfied with other dates for the Perth area: 29,000 years BP for Helena Valley and 10,000 years BP for Minim Cove on the Swan River (Mulvaney and Kamminga, 1999: 137-138, 178).

In the Yanchep area some twenty-five kilometres north of Wanneroo, Hallam found that the 'Orchestra Shell' cave in the Aeolian limestone belt, midway between Perth and Yanchep: 'has on its roof slope straight grooves, a single splayed and many meandering snake-like markings ... and evidence of fire from about 4,500 B.C. to 200 A.D. (Hallam 1975: 83; citing earlier work, 1971).

Putting these dates into perspective, the 'height of the last ice age' came a little before 20,000 years BPE (Before the Present Era), meaning that around 29,000 years BPE – the Late Pleistocene – the world was gripped in an ice age; figures such as 10,000 BP, 8,000 BP, and 4,500 BP belong to the Holocene or Recent Period, after the last ice age, when the Australian climate became as it is today (Flood, 1983/1995: 28). People occupied the Perth region during much of the Late Pleistocene and throughout the Holocene.

The localities of Yanchep, Wanneroo, Fremantle and Mandurah lie along a coastal strip that is of continued significance to Noongar people. Traditionally, they were points on a route connecting the population centres of the coastal plain:

A strip of the twenty-mile wide coastal plain stretching north halfway towards the next centre of population in the Moore River-Gingin district, and south halfway towards the concentration around the Serpentine-Murray-Harvey estuaries ... Eastward it would stop short of the separate groups in the York-Toodyay area. One wonders, however, whether the aggregation Stirling described did not include the Murray men, the Gingin folk, or even the York people, for these are certainly mentioned from time to time as visiting Perth, or having kin there (Hallam, 1975: 108).

Wanneroo lies on the old north-south communication route connecting Aboriginal groups with others down the coast and inland, including along the Swan River, called the Derbal Yaragan by Noongar people (*der-bal* = an estuary; *yaragan* = river; Bindon & Chadwick, 1992: 43, 187):

The Warndoolier, nearer to Perth became the Swan and combined downstream with the Dyarlgarro or Canning River; all then flowing as one to the coast to empty into the Derbal Naral, the expanse of sheltered water that includes the whole of Cockburn Sound from Mangles Bay to the northernmost tip of Rottnest Island (Green, 1984: 2)

The Wanneroo area has this broader context.

## **Contact & Settlement**

### **Settlement History**

The Swan River Colony was proclaimed on the 12<sup>th</sup> August 1829, the year in which Captain James Stirling arrived in the ship *Parmelia*. The city of Perth was named after Perth city in Scotland, which was the birthplace of the Secretary of State George Murray (Aplin, 1987: 452). Rockingham is named after a ship belonging to Thomas Peel that was wrecked on the coast in the area in 1830 (Aplin, 1987:453-454). Garden Island, about five kilometres off Rockingham, received its name from Governor James Stirling probably around 1829 when he offloaded settlers from the HMS *Parmelia* before going on to the mainland and proclaiming the colony (Aplin, 1987: 450). The name of Mandurah has an Aboriginal origin, meaning 'watering place,' or 'meeting place of tribes' (Aplin, 1987: 451). For much of its history, Rottnest about twenty kilometres offshore was a prison island. In 1696 Willem de Vlamingh named Rottnest Island after seeing the nests of Quokkas, small short-tailed wallabies he took for rats (Aplin, 1987: 454). Yanchep comes within the northern boundary of the City of Wanneroo. It was established as a tourist park in 1957. The website for the City of Wanneroo contains the following short history:

The City Of Wanneroo, with 48 kms of coastline, covers an area of 786 sq kms and has its southern boundary about 16 kms north of central Perth. In the early days of the Swan River Colony, the district represented an "outer" region and it was not until 1834 [five years after settlement of the Swan River Colony] than an excursion into the area by any explorers or settlers is recorded. In that year, a party of four, led by John Butler, travelled about 35 kms north from Perth to search for lost cattle, and passed through the area just east of Lake Joondalup. Four years later, renowned explorer George Grey also made an excursion northwards from Perth and passed along the shores of Lake Joondalup where the township of Wanneroo is now located ... The well-watered fertile land around the lakes near Wanneroo, though isolated, presented an attractive prospect. A partnership of Thomas Hester, James Dobbins and John Connoly took up the first holding in the district, around the southern shore of Lake Joondalup, in 1837-38 ... Other settlers to land in the area in the 1840's [sic] were William Rogers, Samuel Moore, George Shenton and James Cockman - but the development was confined to a narrow strip of about 2 miles width around the lakes ... There was little development other than farming close to the lakes until 1906, when the Government aquired land on the shores of Lake Joondalup and subdivided it into blocks of 80-100 acres, and also declared it a townsite. Three years earlier, a Road Board, set up under an Act relating to the roads outside municipal districts, was established initially as a road making authority. Its powers grew accordingly and remained in force until the Wanneroo Shire Council was created on July 5th, 1961 (City of Wanneroo, 2002).

### Contact History

In the early 1830s, the official Native Interpreter, Francis Armstrong, made population estimates for some of the local Indigenous groups of the Perth coastal plain:

The total number, including women and children, who are in the habit of visiting Perth, Fremantle, Guildford and Kelmscott, are estimated at nearly 700; of whom the Interpreter can recognise, at sight, 400 at least. He averages a tribe to every ten miles square of country (Armstrong, 1836).

The ‘weakening’ of these local groups noted by Armstrong appears to have come about from a combination of disease and violence, the latter sometimes described in the oral tradition as ‘massacres.’ In 1832 whooping cough was prevalent, followed in 1833 by cholera (Green, 1979: 95). Green’s table itemising ‘Aboriginal and Settler Conflict in Western Australia, 1826-1852’ in Green (1979: 75) has the following entries for one year alone, 1833:

30<sup>th</sup> of April Canning John & William Velvick speared at Bull Creek on High Road ... 1<sup>st</sup> of May Swan Barracks 9 unarmed Aborigines shot at by soldiers. Soldiers shoot 1 Aborigine and take 3 prisoners ... 5<sup>th</sup> of May Murray A brother of Midgegooroo shot by Hunts posse searching for Yagan ... May Midgegooroo captured along Helena River and executed in Perth ... June Upper Swan Yagan & Heegan shot by Keates brothers. William Keates speared.

Robert Menli Lyon arrived at the Swan River Colony in 1829 and took up land on the Swan River for a short time before leaving the colony in 1834. His description of Aboriginal ‘tribal districts’ in the region from 1832-1833 is among the first to be documented for the Perth coastal plain (Green, 1979: 141-142). Some of the local groups are acknowledged in present-day nomenclature, for example, ‘Beeliar’ for a major road running east from the Mitchell Freeway, Murray for the Murray River further south (see Attachments II: reproductions of Lyon’s map).

Tindale writes that R. M. Lyon (1833) ‘when dealing with the people in the immediate vicinity of Perth ... recognized groups on a hordal basis ... As he considered groups further away where he had less information, he recognized the larger units that are called tribes’ (Tindale, 1974: 142). The ‘horde’ in anthropological usage usually denotes a local group, that is, ‘the small group that owned and occupied a certain defined territory.’ It was exogamous, that is, marrying out, and a number of hordes together may be called a tribe (Tindale, 1974: 16-17). The use of the word tribe by Armstrong and Lyon in this context appears to refer to the local group. Armstrong’s observations were made within eight years after the establishment of the Swan River Colony, so we can be confident that he was reporting on pre-contact Aboriginal culture. Arguably the Noongar families that figure in the present-day in Heritage surveys, as Native Title applicant groups, and local associations or in cultural centres represent equivalents of the local group.

From the beginning, the Swan River and other watercourses were of vital importance to both the new settlers and Indigenous people as a communication route, and to the Indigenous people for whom it exerted strong spiritual significance as well, which value holds today.

Not only in a general sense, by utilising the same tracts of country, but in a very specific sense, by using the same network of nodes (at water sources) linked by tracks, the European pattern of land use was based on (and modified) the Aboriginal pattern (Hallam, 1975: 67).

J. E. Hammond uses a metaphor from the cattle industry by calling them ‘pads’:

All through the South-West there were pads of natives, like cattle pads, and just as plain ... If you take the present site of Perth as the starting point you will find that one pad led along the north bank of the river to where North Fremantle is

to-day. There was very shallow water for more than halfway across the river and only a short distance to swim. The pad continued from this crossing to Bibra Lake, and through Rockingham to Mandurah, and then pads led up both sides of the Murray River to the ford over the river, above the present site of Pinjarra. It was at this ford that the battle of Pinjarra was fought (Hammond, 1933/1980: 17, 19).

Hammond wrote about Aboriginal-European rapprochement when his parents moved to Pinjarra to live in 1863: 'At this period all fear of natives had passed away and good friendship had been established' (Hammond 1933/1980: 11). But before then the settlers' activities severely restricted Indigenous movement and disrupted their traditional fishing areas, to the extent that early hostilities and shootings soon became commonplace. In 1833, two Aboriginal men were shot by firing squad, and in 1834 the South Perth mill was attacked (Green, 1984: 92).

### **Wanneroo & Yanchep Territory**

Lyon's map, reproduced in Green (1984: 50), locates traditional Indigenous country taking in the Wanneroo and Yanchep areas as: 'Mooro, Yellowgonga's Territory.' In a chapter titled 'Yellagonga's Territory,' Neville Green asserts that:

Yellagonga's territorial boundaries were the Indian Ocean to the west, Melville water and the Swan River to the south, Ellen's Brook to the east, and to the north Gyngoorda which is probably the Moore River (Green, 1984: 49).

Green is evidently paraphrasing Lyon, including the *Gyngoorda* reference that is glossed also as the Moore River by Hallam and Tilbrook. Hallam and Tilbrook write that:

Yellowgonga headed the group which ranged over a wide area bounded on the west by the sea, on the southwest by the estuary of the Swan River, on the east by the swan from Perth northwards towards Guildford, and relatively indeterminate on the north ... the focal area of the group's resources lay along the ridge where the city centre of Perth now stands .... Lyon saw YELLOWGONGA as an important peacemaker (Hallam and Tilbrook, 1990: 349-350).

Yellowgonga is one of several notable Aboriginal family leaders (such as Midgegooroo, Munday and Yagan) with whom Armstrong, Lyons and other colonial figures had dealings in the 1830s. Daisy Bates records him as the father of her key informant Joobaitch:

There was Joobaitch of the kangaroo of Perth, a *Wordungmat* or crow-man, who had been born in Stirling's time, and was the son of that Yalgunga who ceded his spring on the banks of the Swan to Lieutenant Irwin (Bates, 2004: 64).

Yalgunga is also noted under the spelling of 'Yalgoonga' as Ya'-gan's brother (Bates, cited in Carter & Nutter, 2005: 22). However, Hallam and Tilbrook (1990: 349) observe that Bates provides no source for this knowledge. Armstrong records Yellowgonga as frequently visiting the ration depot stationed below Mount Eliza between 1836 and 1837 (Hallam and Tilbrook, 1990: 353), and in 1837 a man identified by Moore as Yellowgonga was said to have died from multiple spearing and to have received a large funeral. But an obituary in

1843 ascribed Yellowgonga's death to drowning after falling from the river bank (Hallam and Tilbrook, 1990: 353-354).

## **Continuities of the Sacred**

### **The Rainbow Snake**

The Swan River, the Canning River and their tributaries, as well as the Murray River further south, the Moore River to the north and the strings of coastal lakes interconnected through the water table, are regarded as sacred to the Rainbow Serpent, the *Wagyl*, by present-day Noongars. Belief in the Rainbow Snake as a creative Dreamtime being is widespread in Aboriginal Australia.

Sylvia Hallam points to the rich complex of associations between the *Wagyl* (which is the name of the Rainbow Serpent in the Noongar South West) and the chief physical elements of nature - fire, water, the sky, the earth - saying that, 'the connection of the serpent with water and also with dark caverns, are themes seen as recurring within and without the South-west of Australia' (Hallam, 1975:82). Descriptions of the Rainbow Serpent have a common core of beliefs about its qualities. It dwells deep within watercourses, waterholes, rivers and rock pools, and maintains the quantity and the quality of the drinking water. If a site closely associated with the Rainbow Snake is desecrated in any manner - and that includes virtually all places where there is water in significant quantities or, in arid areas, water courses albeit dry for most of the year - the persons responsible are in literal physical danger and the land itself is depleted, for the Rainbow Snake will go away.

### **Dreaming Tracks & Stories**

The waterways are interconnected too with the Dreaming tracks of other beings. Dreaming tracks – sometimes called story lines – have been identified throughout the South West. A story line, as the term implies, usually concerns one or more creative spirit ancestor (and other human and non-human beings) that travelled across the landscape. During those travels, the ancestral spirits had encounters with one another and created land features such as the river systems, waterholes, hills and other natural features. The Dreaming story as told by Ken Colbung (dec) of the fight between Shark and Crocodile in Cockburn Sound: 'leaving the marks of their great battle in the landscape' (Colbung in Hill, 2006: 10-13) is a case in point. That tale with other characters (Whale, Waugal, Bush Turkey, Kangaroo, Emu) extends up the coast to the Yanchep area and on to the north (*see below*).

In Aboriginal Australia, a story line or Dreaming track often passes through the territories of local groups that together comprise 'tribes' or language groups, and is not known in its entirety by the people of any one place – except perhaps by knowledgeable senior men. The known 'episode' 'belongs' to one elder or more who reserve the right to tell/sing the story. Episodes of a longer story are shared during group meetings (connected with Law, ceremonial and ritual) during which one elder after another will sing/recite the part of the story that is their right. This means that although individuals may have a good knowledge of an episode, several episodes, or even a whole Dreaming story, they are not entitled to tell it to another without permission and formal performance because they do not 'own' it. This would have applied in the instances recorded by Daisy Bates.



The sea too has significance to Indigenous people. Daisy Bates notes that:

The Aborigines along the whole line of Western coast believe that when the body dies, the spirit goes away westward through the sea to some country far away, and that there the spirit lives in much the same manner as it has lived when in the flesh ... In the Swan district, Joobaitch, the last Perth man, stated that when his people died, their *kaanya* of spirit went away over the sea to another country, called Koorannup or Woordanung (Bates, 1985: 222).

The Wanneroo area should be seen in a wider context as not only part of nearby stretches of coastline north and south or with the river and lake systems such as that of the Swan and lakes Joondalup and Neerabub (Neerabup), but also as associated intrinsically with the sea and the seabed. Cockburn and other Indigenous centres lie on the east-west route between the world of the living and that of the dead. In 'Legend of the Christmas Bush,' Daisy Bates writes:

A winding tribal road lay from their kalleep (home, ground) to the sea's edge and all along the ground under the sea to a point on the Kurannup shore where the spirits of their people who had preceded them lived and dwelt under the same conditions as they had lived in their earthly kalleep, except that all their Kurannup people were white (Bates, 1992:153; my emphasis).

According to Bates's interpretation, Dreaming tracks in the mythology about an afterlife literally cross the seabed.

A Dreaming story, summarised by Moore, recounts how the islands were cut off from the mainland by the sea:

The natives have a tradition that Rottnest, Carnac, and Garden Island, once formed part of the mainland, and that the intervening ground was thickly covered with trees; which took fire in some unaccountable way, and burned with such intensity that the ground split asunder with a great noise, and the sea rushed in between, cutting off these islands from the mainland (Moore, 1884: 8, cited in Hallam, 1975:112).

In this creation tale, Hallam suggests the 'echo' of rising sea levels that took place around 5000 years ago (ibid.). But Mulvaney and Kamminga, while finding the Rottnest Island story 'intriguing' and 'attractive to prehistorians,' are sceptical about whether such creation myths can be taken as 'factual records of environmental changes' hundreds of generations back. They imply that oral traditions are closer to the present day, their purpose being to instruct younger generations (Mulvaney and Kamminga, 1999: 121).

One can add that to the storytellers and their listeners such accounts may be received as fact. Dreaming stories are an integral part of the Indigenous belief system about the nature of the world and of existence. What these examples tell us is that, as well as the sea westwards being associated with the Land of the Dead, Dreaming tracks extend to the offshore islands. According to Green's map showing 'Place names and territories as told to Robert Lyon by Yagan in 1832,' Garden Island was called Meeandip, Carnac Island



Ngooloomayup, Rottnest Island Wadjemup, and Fremantle Walyalup (Green, 1984: 50). (See Plate 1).

Present-day Noongar oral history confirms the importance of the coast, the sea and the islands. Several Noongar elders recount Dreaming stories for the coast from Fremantle to Yanchep. In one version Crocodile, Shark and Whale encountered one another. Their fighting altered different parts of the landscape. Whale is associated with sand dunes at Leighton Beach. Shark and Crocodile fought in Coburn Sound until the Creation Snake 'Waugal' intervened. Crocodile on Waugal's advice travelled to Yanchep where he metamorphosed into Emu (Waitj). (Colbung in Hill, 2006:10-13). In another Dreaming story, a fight between Crocodile and Waugal broke up the land and created Rottnest, Garden and Carnac islands (Wilkes in Hill, 2006: 14-15). The Waugal is regarded as having created the sand dunes that follow the coast, as for all land features:

The Waugal created the water systems, the rivers, the swamps, the soaks and springs and the big body of water that lies under the ground. These were created to keep the swamps and springs and waterholes wet during the dry part of the year. During the wet season the rains falling around York, Toodyay, Northam and the other places further up in the wheat belt comes back into the Swan River plain and replenishes the underground water which then keeps the springs, soaks, wetlands and waterholes going in the metropolitan area (Albert Corunna in Hill, 2006: 18).

Concerning lakes and caves in the coastal zone that takes in Wanneroo, Yanchep and other nearby areas, there is additional evidence from European observers for their importance in other examples, cited by Hallam. In the first decades of European settlement the lakes and swamps of the coastal plain were heavily exploited as food sources by the local Aboriginal people:

Grey adds to the products of the full and late summer to early autumn several which would take the Aborigines regularly to the lakes and swamps which occur in lines through the inter-dunal valleys of the Aeolian limestone belt, and behind in the sandplain zone. Freshwater tortoises were in high season in December and January when the lakes had shrunk. Fish abounded. Large flocks of waterfowl were skilfully felled with throwing sticks or spears – Lake Neerabub was 'covered with wildfowl' at this season. Frogs and 'freshwater shellfish' from the size of 'a prawn to a large crayfish' (Grey here intends crustaceans, not molluscs) were most easily taken 'when the swamps are nearly dried up ...' (Grey 1841:I, 292-7). (Hallam, 1975:39).

In regard to Indigenous spiritual beliefs, Hallam states that: 'For the area around Perth Landor recounts tales of two spirits, one associated specifically with the pools and limestone caverns of the Yanchep area' (Hallam, 1975: 83).

Beside *Chingj*, the evil spirit who haunts the woods, there is another in the shape of an immense serpent, called *Waugal*, that inhabits solitary pools ... One day, whilst bivouacking in a lonely and romantic spot, in a valley of rocks, or Abode of Dogs, I desired a native to lead my horse to a pool, and let him drink.

The man, however, declined with terror (Landor, 1847: 210-211; cited in Hallam, *ibid.*).

Another citation comes from George Grey reporting for December 1838. It corroborates (and predates) the first:

I left the main party with two natives, and travelled up a swampy valley, running nearly in the same line as the chain of lakes we had followed in going [north]. The natives insisted on it, that these lakes were all one and the same water; and when, to prove to the contrary, I pointed to a hill running across the valley, they took me to a spot in it, called Yun-de-lup, where there was a limestone cave, on entering which I saw, about ten feet below the level of the bottom of the valley, a stream of water running strong from S. to N. in a channel worn through the limestone. There were several other remarkable caves about here, one of which was called Doorda Mya, or the Dog's house (Grey, 1841: I, 308-309).

### **Contemporary Context**

The Wanneroo area was widely used in pre-contact times and in the immediate years following contact. The Dreaming stories associated with the many natural features of the coast from Mandurah to Yanchep are highly significant and the subject of the struggle to protect and preserve Noongar heritage.

Spiritual connections are just as important now as they were in the past, Noongar people today maintain connection to the Wanneroo area, as well as for many other areas in the Perth Coastal Plain. They continue to hunt and gather bush food, continue to pass on knowledge to the younger generations, and continue to revisit certain locales for spiritual refreshment and to look after the land.

There are continuing associations between Noongar families and the areas where they have lived for generations, as well as their homelands. They still consider waterways as highly significant, continue to pass on cultural knowledge to the younger generations maintain cultural practices.

### **Mariginiup**

This suburb is named after Mariginiup Lake. The lake name was recorded by surveyors in 1844, and in 1904 a townsite was declared here. This Aboriginal name is said to possibly mean "to pull out flag leaved flax". It was named as a locality in 1982 (Landgate).

**Plate 1: Robert Lyon's Map with Place Names given by Yagan to Lyon in 1832 (see Green, *Broken Spears*, 1984: 50).**

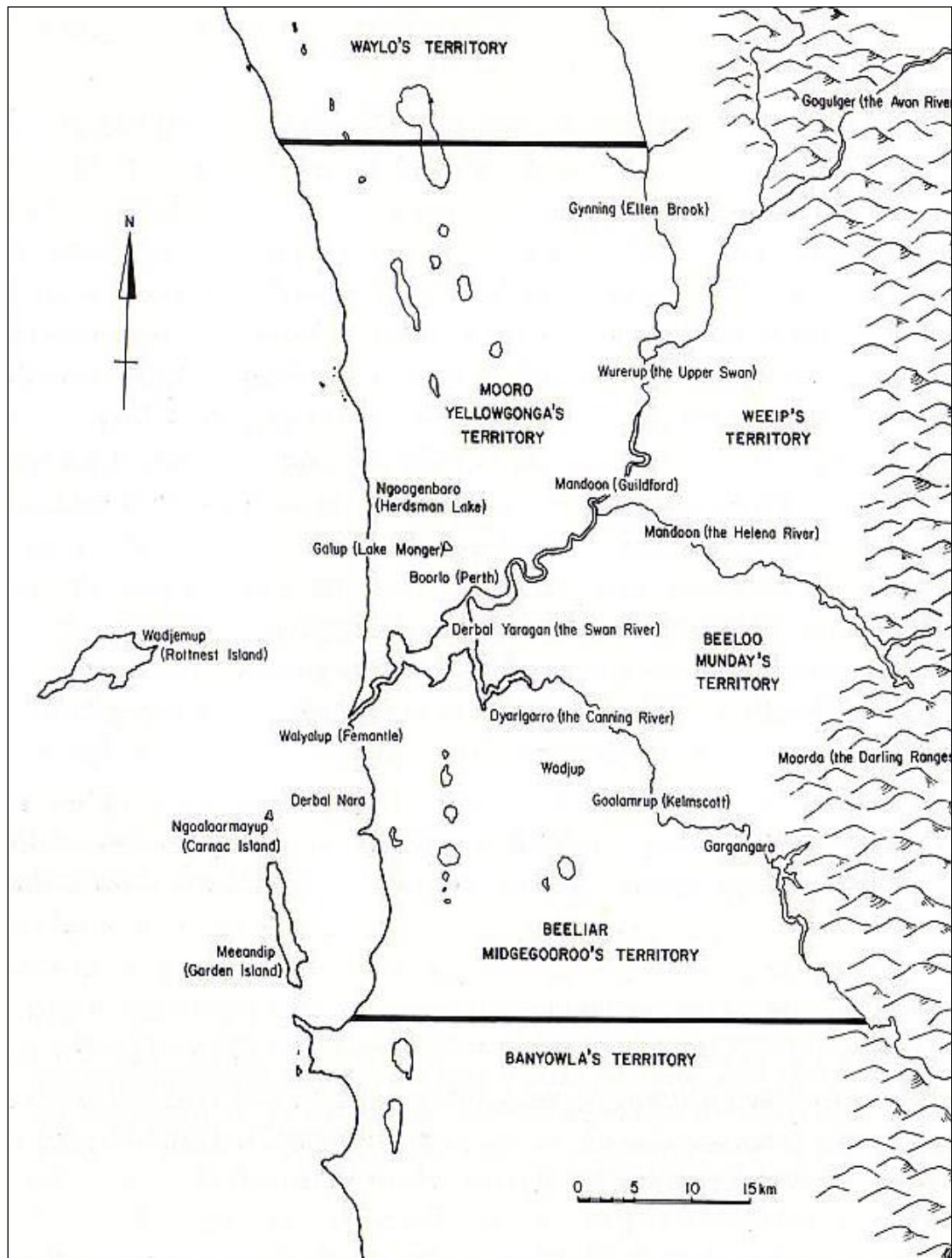
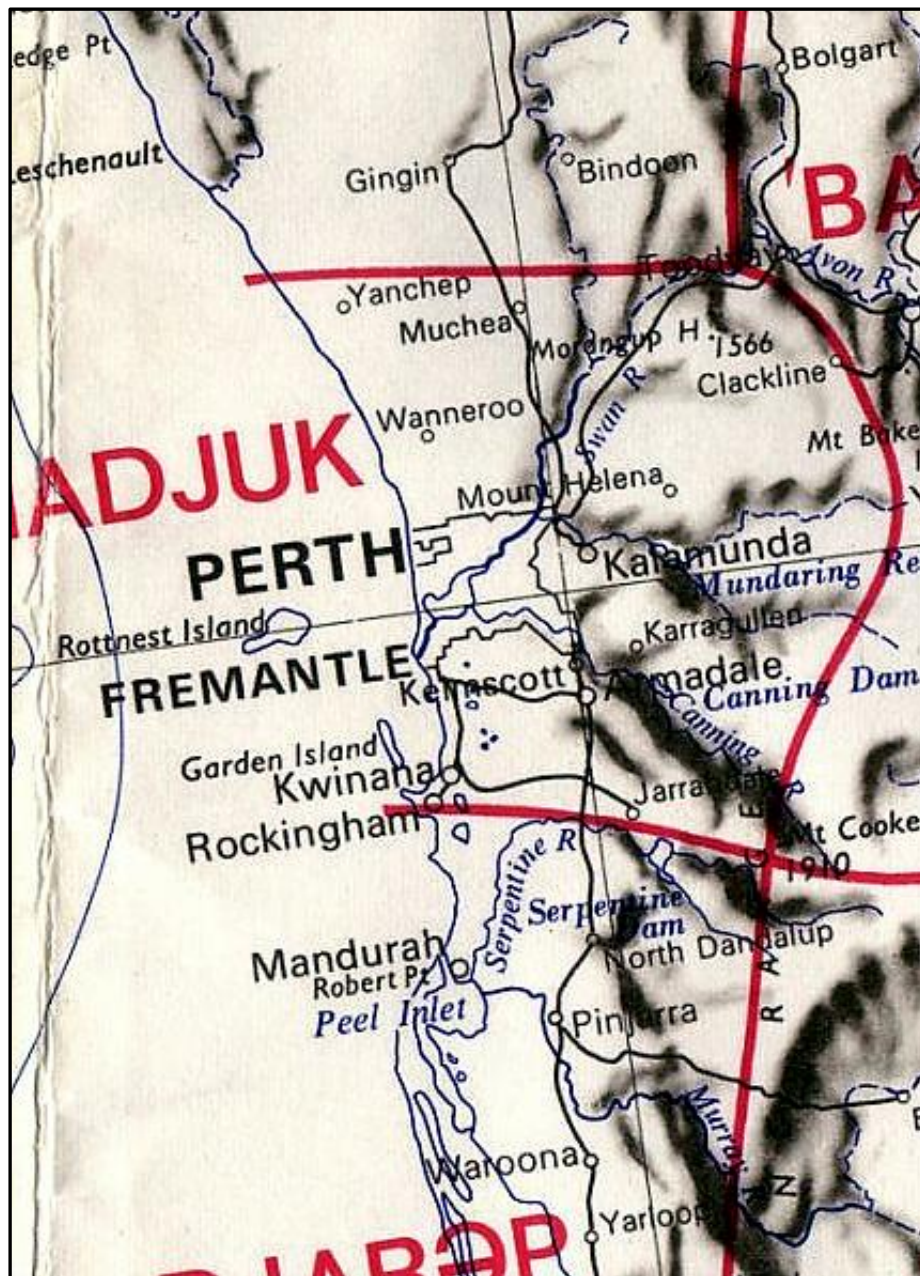


Plate 2: Tindale: The Swan Coastal Plain





## 6 ARCHAEOLOGICAL BACKGROUND

The increased rate of urbanisation in the Perth metropolitan area has resulted in substantial disturbance to original environmental contexts. This directly affects the likelihood of locating further intact surface archaeological material. Despite this, an indication of potential Aboriginal heritage within the vicinity of development may be derived from examining the original environmental context and ascertaining what sites have previously been reported from such land units, as well as what has been reported by previous research conducted in the surrounding area.

The primary source of archaeological information for Perth and the surrounding areas comes from the Perth Archaeological Survey undertaken by Hallam in the 1970s which covered a section of Perth from the coast to the Darling Scarp (Hallam 1986). Over 380 sites were located and the survey remains the most extensive research yet undertaken for the area.

The survey attempted to explain the variations in occupation patterns of pre-contact Aboriginal groups. Four phases of usage were suggested for the plain:

- **Early:** low numbers of sites with artefacts including steep scrapers and the use of Eocene fossiliferous chert. This period extended from the Pleistocene to 5,000 years BP.
- **Middle:** from 5,000 BP to 500 years ago. Sites usually found close to permanent water. Artefacts are made of quartz and chert and include backed blades, adzes, scrapers and flakes.
- **Late:** from 500 years ago. Sites cluster on the coastal plain. Bipolar cores and artefacts manufactured on quartz dominate assemblages.
- **Historic:** from 1829 onwards. Assemblages include artefacts made on post-contact material such as glass, pottery and ceramics.

The study suggested some initial patterning of site locations in the metropolitan area. Few sites were found on the coastal dunes or in the limestones west of the Spearwood Dunes. The majority of sites were found on elevated dunes or sandy ridges near the margins of creeks, swamps and wetlands associated with the Bassendean Sands. The wealth of natural resources associated with these environments was the focus of seasonal attention. Most sites were surface scatters of artefacts (commonly made of quartz), usually found in open sands near water sources.

Strawbridge (1988:34) developed a model of occupation for the Swan Coastal Plain on the basis of this research, which indicated that:

- Archaeological sites are likely to be situated on sandy well-drained dune ridges (the Bassendean Sands or thin Bassendean Sands over Guildford Formation);
- Archaeological sites are likely to be found within 350 m of a potential water source;

- Archaeological sites are unlikely to be located in low-lying, poorly drained or seasonally inundated areas; and
- Archaeological sites are unlikely to be located more than 350 m away from a potential water source.

The lakes and wetlands of the Swan Coastal Plain and the Swan River itself clearly provided an abundant supply of food and resources for the Noongar people. The records of the early settlers (Hammond 1933; Grey 1841) indicate that the chain of lakes which extended from Geraldton to Mandurah formed a major highway of movement for people along which a rich social and ceremonial life was enacted at the appropriate time of year.

Although few sites in the metropolitan area have been dated, most of them are located in the Swan Valley and Darling Scarp area (Walyunga, Helena Valley, and Brigadoon). Dates of between 32,000 and 38,000 years BP have been claimed for terraces on the Upper Swan River (Pearce and Barbetti 1981). A date of 9,930 years BP was obtained from Minim Cove on the Swan River (Clarke and Dortch 1977). More recent mid to late Holocene dates with a range of 6,000-1,000 years BP, have also been derived from the Bassendean Sands (Pearce 1977).

## 7 ABORIGINAL CULTURAL HERITAGE INQUIRY SYSTEM RESEARCH

A search of the Department of Planning, Lands and Heritage (DPLH) online Directory of Aboriginal Places; the Aboriginal Cultural Heritage Inquiry System (ACHIS) was conducted on the 19<sup>th</sup> of July, 2023. This search was used to provide contextual Aboriginal heritage information for inclusion and evaluation within the LSP desktop assessment area.

The research determined both the ethnographic and archaeological Aboriginal places within the project area and the nature and frequency of Aboriginal heritage surveys undertaken. In turn, the potential impact of the LSP upon these places and the likelihood of identifying additional places, values and heritage issues were assessed in preparation of this desktop research.

### 7.1 DPLH Aboriginal Cultural Heritage Inquiry System Results

#### Terminology

##### Access and Restrictions:

**Boundary Reliable (Yes/No):** Indicates whether the location and extent of the ACH boundary is considered reliable.

**Boundary Restricted = No:** ACH location is shown as accurately as the information submitted allows.

**Boundary Restricted = Yes:** To preserve confidentiality the exact location and extent of the place is not displayed on the map. However, the shaded region (generally with an area of at least 4km<sup>2</sup>) provides a general indication of where the ACH is located.

**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.

##### 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:

- **ACH Directory:** Aboriginal cultural heritage place or cultural landscape.
- **Pending:** Aboriginal cultural heritage place or cultural landscape with information in a verification stage.
- **Historic:** Aboriginal heritage places determined to not meet 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.

##### ACH Type:

- **Cultural Landscape:** a group of areas interconnected through the tangible elements of Aboriginal culture heritage present.
- **Place:** an area in which tangible elements of Aboriginal cultural heritage are present.

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



**Legacy Place Status:** A status determined under the previous *Aboriginal Heritage Act 1972*:

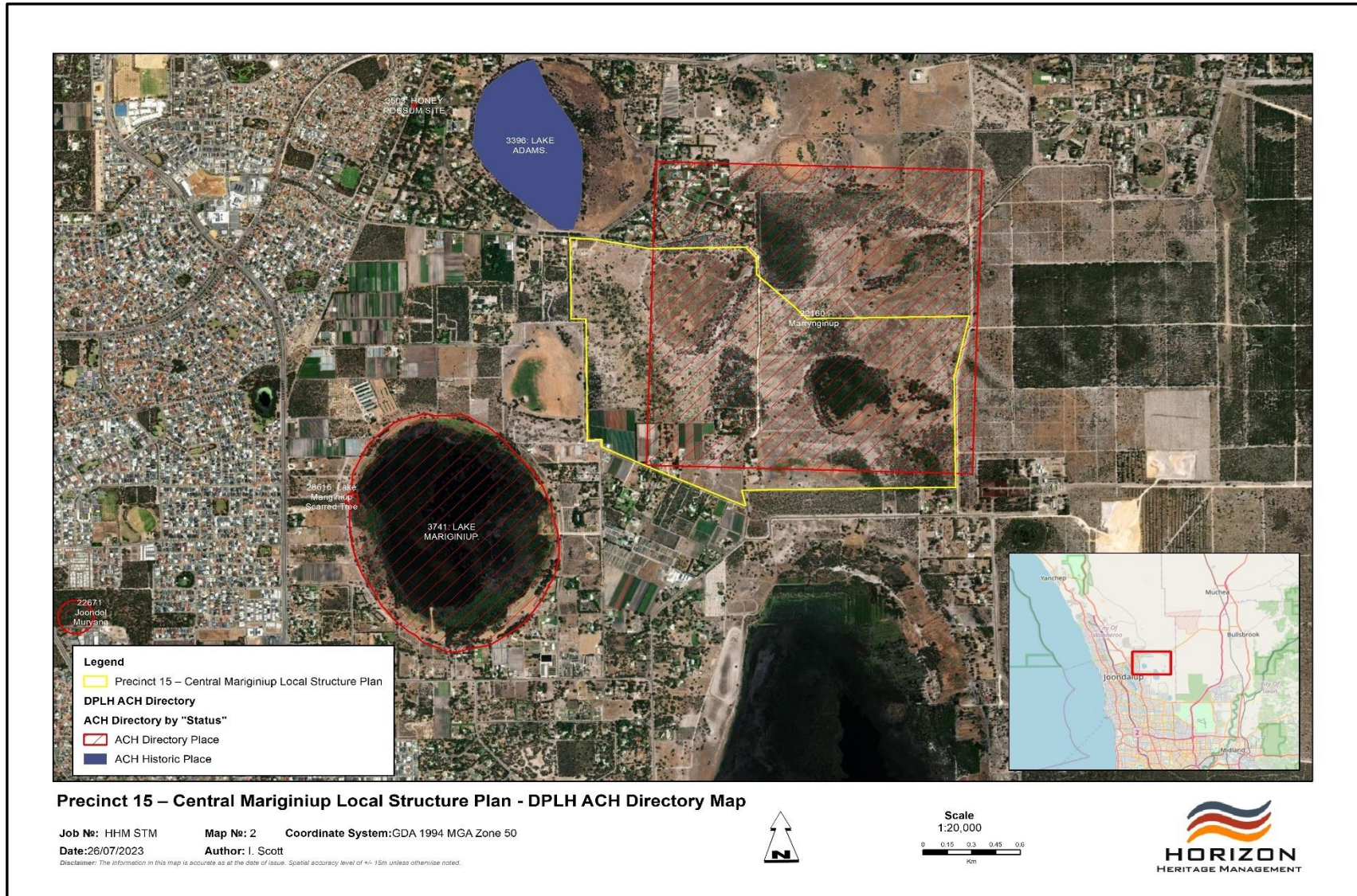
- **Registered Site:** the place was assessed as meeting Section 5 of the *Aboriginal Heritage Act 1972*.
- **Lodged:** Information was received in relation to the place, but an assessment was not completed to determine if it met section 5 of the *Aboriginal Heritage Act 1972*.
- **Stored Data/Not a Site:** The place was assessed as not meeting Section 5 of the *Aboriginal Heritage Act 1972*.

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

There is one Place identified on the DPLH ACHIS (see Section 11) as potentially being located within the Precinct 15 Central Mariginup LSP desktop assessment area. 22160 Marrynginup has a large, closed polygon which restricts publicly displaying its reliable location and place boundary (see Map 4). Esandra Colbung (site custodian) gave Horizon Heritage permission to access and reveal the actual site boundary as administered under the ACHA for 22160 Marrynginup (see Maps 5 & 6).

The location of places on the ACHIS is sometimes unreliable. Many places were originally located prior to the availability of Global Positioning Systems. Conversion from imperial to metric mapping coordinates and the recording of coordinates via map grid to the nearest kilometre has introduced further possibilities for error. Also, human error with inputting or converting data accurately is another risk.

Map 5: 22160 Marrynginup restricted location boundary intersecting LSP area





**(WARNING: Restricted Information on pages 31 - 32)**

**DPLH ACHIS Results**

The following Place has a restricted (public view) and actual boundary (as administered under the ACHA) which intersects with the Central Mariginuiup LSP desktop assessment area:

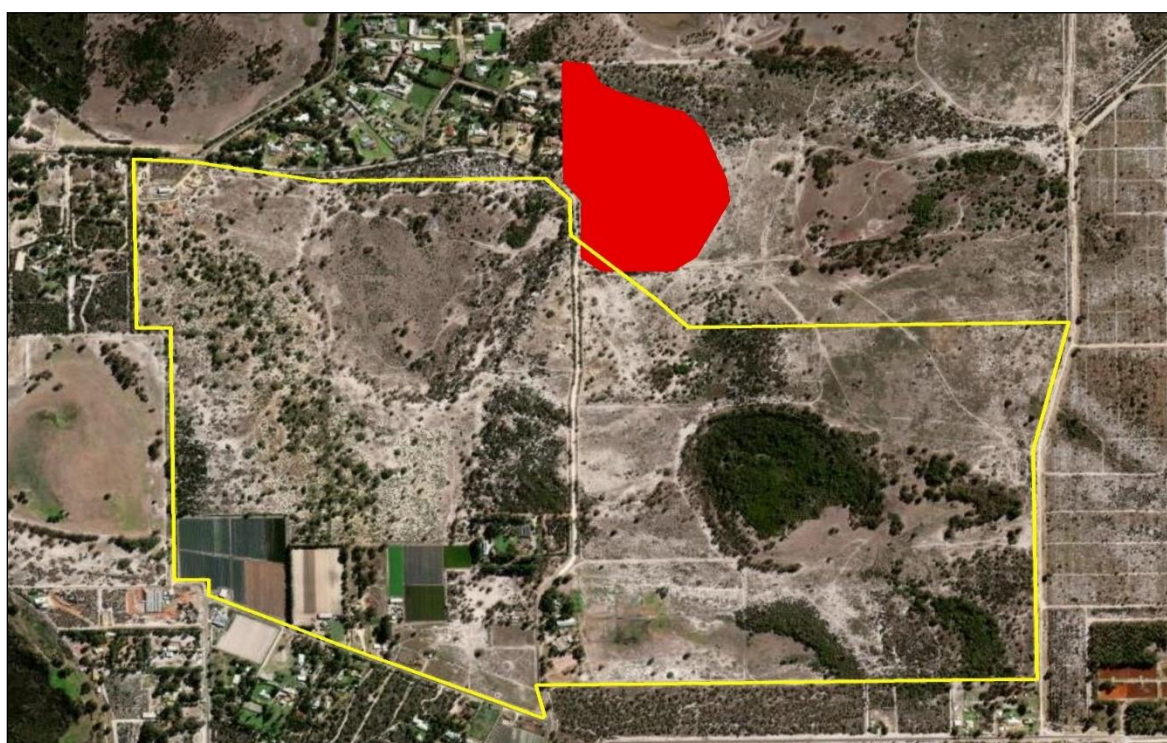
**Table 2: Place within the LSP desktop assessment area**

DPLH PLACE ID	PLACE NAME	PLACE TYPE	STATUS	LOCATION
22160	Marrynginup	Artefacts / Scatter, Ceremonial, Historical, Midden / Scatter, Modified Tree, Camp, Hunting Place, Meeting Place, Named Place, Natural Feature, Plant Resource, Water Source, Other: Healing Pits	<b>CLOSED</b>	Not available when location is restricted

**22160 Marrynginup**

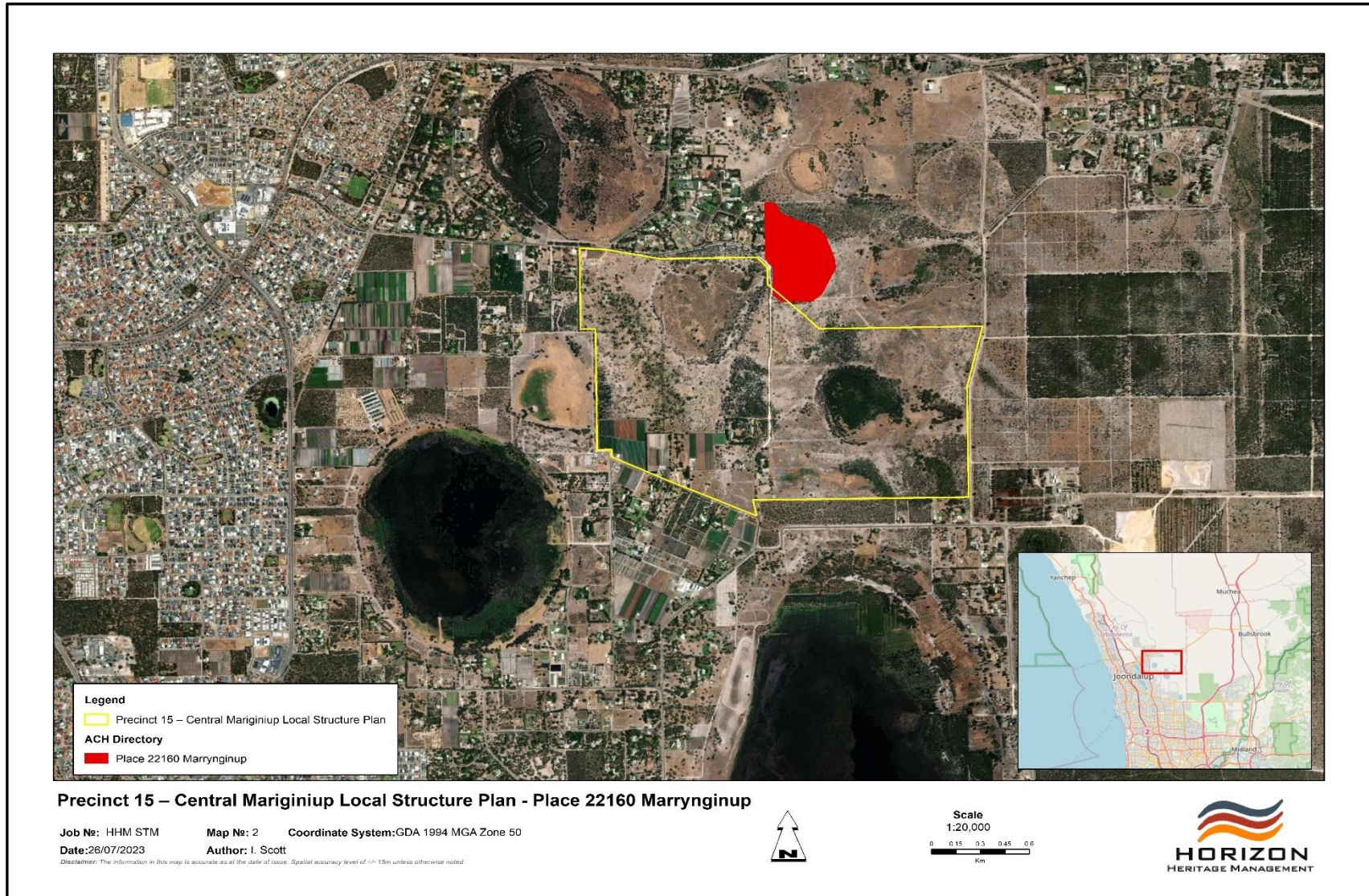
22160 Marrynginup is a very significant and sensitive area. Only basic site information will be used due to the closed restriction of the site information. The site is a healing area (flower baths) which is very important for Aboriginal spiritual health and cultural well-being. The original site informant Mr Ken Colbung (dec) stated that the continued maintenance of this bushland is essential to ensure the ongoing ceremonial use by Aboriginal Elders. The current custodian of the site is Esandra Colbung (daughter).

**Map 6: 22160 Marrynginup ACH place boundary close up view**





Map 7: 22160 Marrynginup ACH Place boundary as administered under the ACHA



### DPLH ACH Directory Places

The eight ACH Directory (Aboriginal cultural heritage place or cultural landscape) Places detailed below have been chosen for inclusion in this desktop to demonstrate that important Aboriginal cultural places, features, and materials are still found within heavily developed and urbanised residential areas.

The following eight ACH Directory Places are located within proximity to the Precinct 15 Central Mariginiup LSP desktop assessment area:

**Table 3: DPLH ACH Directory Places within proximity to the LSP desktop assessment area**

DPLH PLACE ID	PLACE NAME	PLACE TYPE	STATUS	LOCATION
3741	Lake Mariginiup	Mythological, Hunting Place	ACH Directory	387858mE 6489483mN [Reliable]
3503	Honey Possum Site	Mythological	ACH Directory	387422mE 6493112mN [Reliable]
3657	Wanneroo Scarred Tree	Modified Tree, Other:	ACH Directory	386149mE 6486487mN [Reliable]
3316	Lake Joondalup West	Artefacts / Scatter	ACH Directory	383972mE 6488885mN [Reliable]
3740	Lake Joondalup	Mythological, Camp, Hunting Place	ACH Directory	384995mE 6486531mN [Reliable]
3532	Joondalup Caves	Mythological	ACH Directory	Not available when location is restricted
17498	Waugal Cave, Neil Hawkins Park	Modified Tree, Mythological, Water Source, Other: Cave	ACH Directory	384284mE 6487403mN [Reliable]
28616	Lake Mariginiup Scarred Tree	Modified Tree	ACH Directory	387238mE 6489695mN Zone 50 [Reliable]

**3741 Lake Mariginiup**

3741 Lake Mariginiup is protected under the ACHA. The ACHIS lists the place type as Mythological and Hunting Place. Wetlands across the Swan Coastal Plain are spiritually significant to the Whadjuk Noongar People as *Waugal* connections and were used extensively in traditional times. Many lakes and swamps were used as hunting (turtle and wildfowl) and gathering areas for flora and fauna.

Lake Mariginiup has mythological (*Waugal* association) and shows connection to the subterranean Gngangara mound. Lake Mariginiup was formed by the creative activities of the *Waugal* whose spiritual essence still exists there. The significance of water to Whadjuk Noongar People has been well documented in heritage surveys in the Perth Metropolitan area and broader south-west region, with numerous rivers (and often their tributaries), creeks, brooks, wetlands and swamps having been recorded as sites. Lake Mariginiup is a significant mythological, landscape and camping area to the Whadjuk Noongar People.

**3503 Honey Possum Site**

3503 Honey Possum Site is protected under the ACHA. The ACHIS lists the place type as Mythological. The site is a mythological storied place regarding the Honey Possum (noolbenger) a tiny marsupial and associated with the banksia vegetation (10 hectares) where it lives.

**3657 Wanneroo Scarred Tree**

3657 Wanneroo Scarred Tree is protected under the ACHA. The ACHIS lists the place as a Modified Tree. The Wanneroo Scarred Tree is a Jarrah tree with two scars near its base. There was doubt as to whether the scars are from Aboriginal or non-Aboriginal origin.

**3316 Lake Joondalup West**

3316 Lake Joondalup West is protected under the ACHA. The ACHIS lists the place type as an Artefact Scatter. It was recorded by S Hallam in 1973 while undertaking the Swan Area Archaeological Survey. A total sample (salvage) of all 18 artefacts was undertaken at the time of recording, with the majority comprising quartz. Gary Quartermaine investigated the site in 1989 and reported 17 artefacts noted within 25 m of the lake shore and that they were likely uncovered by erosion since Hallam's collection from the site. Thus, the site has some potential for sub-surface cultural material.

**3740 Lake Joondalup**

3740 Lake Joondalup is protected under the ACHA. The ACHIS lists the place type as Mythological, Camp and Hunting Place. Lake Joondalup is a permanent lake in the northern suburb of Joondalup in Perth. It is known to have been a favoured Noongar camping area in traditional and more recent times. It was also a resource area where turtle and wildfowl were hunted.

Lake Joondalup was formed by the creative activities of the *Waugal* whose spiritual essence still exists there. The significance of water to Whadjuk Noongar People has been well documented in heritage surveys in the Perth Metropolitan area and broader south-west



region, with numerous rivers (and often their tributaries), creeks, brooks, wetlands and swamps having been recorded as sites. Lake Joondalup is a significant mythological, landscape and camping area to the Whadjuk Noongar People.

The area around Lake Joondalup was called Joondal (crayfish) and the area was a significant place mainly because there was plenty of food and covering for winter. A Noongar story is also associated with Malup Island within Lake Joondalup.

**3532 Joondalup Caves**

3532 Joondalup Caves is protected under the ACHA. The ACHIS lists the place type as Mythological. The caves lie 80 m west of Lake Joondalup and are believed to be the result of the Waugal and could connect to the ocean. The caves are within the Yellagona Regional Park. It was speculated that the deposit in the cave floor may contain cultural material.

**17498 Waugal Cave, Neil Hawkins Park**

17498 Waugal Cave, Neil Hawkins Park is protected under the ACHA. The ACHIS lists the place type as Mythological, Modified Tree, Water Source and Other: Cave. The cave is believed to be the result of the Waugal and could connect to the ocean.

**28616 Lake Mariginiup Scarred Tree**

28616 Lake Mariginiup Scarred Tree is protected under the ACHA. The ACHIS lists the place type as Modified Tree. The tree is an old eucalypt tree with an oval shaped scar on the trunk. The Aboriginal representatives present requested the tree be recorded although the archaeologists had doubts to its origin.

**DPLH Historic Places**

The following two Historic (Aboriginal heritage places determined to not meet the criteria of Section 5 of the Aboriginal Heritage Act 1972. Includes places that no longer exist because of land use activities with existing approvals) Places detailed below have been chosen for inclusion in this desktop to demonstrate that important Aboriginal cultural places, features and materials are still found within heavily developed and urbanised residential areas.

The following two Historic Places are located within a reasonable proximity to the Central Mariginiup LSP desktop assessment area:

**Table 4: DPLH Historic Places within proximity to the LSP desktop assessment area**

DPLH ID	PLACE NAME	PLACE TYPE	STATUS	LOCATION
3396	Lake Adams	Mythological, Hunting Place, Plant Resource, Water Source	Historic Stored Data / Not A Site	388348mE 6492052mN Zone 50 [Unreliable]



3514	Payne Road	Artefacts / Scatter	Historic Stored Data / Not A Site	395439mE 6491349mN [Reliable]
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### **3396 Lake Adams**

3396 Lake Adams is a historic place under the ACHA. It was assessed under Section 5 of the old AHA and had a status as Stored Data / Not a Site. The ACHIS lists the place type as Mythological, Hunting Place, Plant Resource and Water Source. Lake Adams is associated with the Black Cockatoo Dreaming and was reported to have a plentiful supply of turtles and other fauna and flora resources.

### **3514 Payne Road**

3514 Payne Road is a historic place under the ACHA. It was assessed under Section 5 of the old AHA and had a status as Stored Data / Not a Site. This place was a small low density quartz artefact scatter situated on the margins of a small swamp area within the Gngalara Pine Plantation. The site dimensions are 20 x 40 m with only 3 quartz artefacts recorded. The site did have some potential for sub-surface cultural material.

### **DPLH Heritage Survey Reports:**

No specific Aboriginal heritage surveys have been undertaken within the Precinct 15 Central Mariginiup LSP desktop assessment area. There are three heritage survey reports lodged with the DPLH which are considered relevant to the LPS desktop assessment area and are detailed below:

**Table 5: DPLH Heritage Survey Reports**

<b>DPLH HSR ID</b>	<b>REPORT TITLE</b>	<b>AUTHOR</b>
102670	Preliminary Report on the Survey of Aboriginal Areas of Significance in the Perth Metropolitan and Murray River Regions.	O'Connor, R., Bodney, C. and Little, L
104379	Final Report on the Project: Prehistoric Aboriginal Populations on the Swan Coastal Plain, WA.	Hallam, S. J
104505	Aboriginal Sites in the Perth Metropolitan Area: a Management Scheme.	Strawbridge, L

### **DPLH HSR 102670**

O'Connor, R., Bodney, C. and Little, L. 1985 *Preliminary Report on the Survey of Aboriginal Areas of Significance in the Perth Metropolitan and Murray River Regions*. Unpublished report for the Department of Aboriginal Sites.

This report was part of a project to produce a management plan concerning Aboriginal sites in the Perth metropolitan region. The project involved an analysis of the existing body of archaeological data by Strawbridge (HSR 104505) and this report, which outlined the ethnographic survey. The ethnographic component discussed significant sites in terms of

their importance to Aboriginal groups today and/or their potential contribution to an understanding of Aboriginal culture. The aim of the project was to provide guidelines for development in the belief that aims of development and conservation of Aboriginal sites (archaeological and ethnographic) need not be directly opposed. This report discusses the mythology and significance of DPLH 3692 Bennett Brook: in toto and DPLH 3840 Bennett Brook: Camp Area, as well as details the location of DPLH 3744 Marshalls Paddock. It is closed due to the sensitive information contained about these and other ceremonial and mythological sites in the Perth metropolitan region.

#### **DPLH HSR 104379**

Hallam, S. J. 1986. *Final Report on the Project: Prehistoric Aboriginal Populations on the Swan Coastal Plain, WA*. Unpublished report for Australian Research Grants Scheme.

This study was funded under the Australian Research Grants Scheme. The objective of the study was to examine patterns of Aboriginal occupancy of the Swan River area 'as successive states within an ongoing system' (1986: 1) in particular, relating population to resources. To this end, rather than utilising a site-centred approach, patterns of occupancy over wide areas and their changes over time were emphasised. Based on lithological and typological criteria, Hallam divided the phases into four: Early, Middle, Late and Final. The Early phase was characterised by the presence of bryozoan chert marking a time before sea levels rose to their current levels (approximately 5,000 years ago). The Middle phase was determined by the presence of backed-blades which led to the Late phase marked by numerous, quartz-rich assemblages featuring all the technological characteristics. The Final phase is represented by the use of European materials such as glass and ceramic. As a result of the study, Hallam concluded that the coastal plain is 'extremely rich in sites' with the bulk of sites located around the lakes and swamps of the coastal sand plain. Environmental change over time impacted upon occupancy patterns in each phase.

#### **DPLH HSR 104505**

Strawbridge, L. 1988 *Aboriginal Sites in the Perth Metropolitan Area: a Management Scheme*. Unpublished report for the Department of Aboriginal Sites.

This report consists of the archaeological component of a study of the Aboriginal sites in the Perth Metropolitan area (the ethnographic component is O'Connor, *et. al.* 1985). The predictive model resulting from this study demonstrated that sites in the Perth area were most commonly located on sandy and well-drained dunes located on the Bassendean Sands, within approximately 350 m of water sources. Following a review of research on the Swan Coastal Plain, Strawbridge (1988) proposed a series of archaeological research questions relating to themes of site formation processes, site distribution and environmental changes, and changes in stone tool technology.

## **7.2 Summary Discussion**

No Aboriginal heritage surveys have been conducted within the Precinct 15 Central Mariginiup LSP desktop assessment area. Numerous heritage surveys have been undertaken within the broader City of Wanneroo. The increased rate of urbanisation in the Perth area and connected developments has resulted in great disturbance to the original

environmental contexts. This directly affects the likelihood of locating further surface Aboriginal cultural material (archaeological). The natural environment has been heavily disturbed with vegetation clearing and the development of the broader City of Wanneroo area.

Despite this, an indication of potential Aboriginal heritage within the LSP area may be derived from looking at the local environment and ascertaining what sites have previously been reported from such land units, as well as what previous research conducted in the surrounding area has reported.

The rivers, pools and wetlands were a consistent source of food and water which also often linked campsites along walking tracks and places of mythological and spiritual significance. In the South West of Western Australia the Rainbow Serpent or *Waugal* is central to Noongar cultural beliefs. Noongars believe that the *Waugal* is both a creative force, shaping the landscape during *Nyittiny* (creation times) and a retributive force having the ability to harm, particularly against those who offend it by not carrying out their cultural responsibilities in protecting country, especially water sources. Creation time stories remain in the oral tradition of many Whadjuk Noongar families. It is these set of associations that concern contemporary Whadjuk Noongar people.

Lake Mariginiup (3741) as a natural feature, water source and mythological associations with the *Waugal* makes it a highly significant place. Its maintenance and protection is vital to help preserve Whadjuk cultural heritage values. The rivers, pools and wetland areas of the Perth metropolitan area was part of an extensive communication network that linked Aboriginal groups across the Swan Coastal Plain with other Noongar groups to the north (Yued), south (Gnaala Karla Boodja) and east (Ballardong).

Whadjuk Noongar people have concerns that their culture cannot continue if the natural environment is destroyed. Natural resources are integral to the maintenance, continuance, and transmission of Whadjuk Noongar culture. The Whadjuk Noongar's close connection with *boodja* (country) forms the foundation for much of their culture, spirituality, and identity.

Through ethnographic research Mariginiup was an important area for Aboriginal People both in prehistoric times through mythological sites and after colonisation as occupation areas. This area would have most likely been utilised by Whadjuk people to exploit the natural resources found in and around Lake Mariginiup. There is numerous ethnographic evidence that the broader area was also utilised as a camping area by families due to its proximity to wetlands and lakes.

The desktop research shows that the Mariginiup area is an important area for Aboriginal people both historically and in the present. Mariginiup is a very important mythological area to the Noongar people and a resource that provided both food and water and therefore an important area for camping and occupation. The area also became important historically as during the development of the Perth, Aboriginal people were forced out of the metropolitan area and into areas like the Wanneroo. The numerous lakes and wetlands (Little Mariginiup Lake, Lake Mariginiup, Jandabup Lake, Lake Adams, Little Dunbar Swamp, and Lake

Joondalup) were areas in Wanneroo where Aboriginal people could live and conduct traditional practices. Previous reports have indicated that the broader areas all around Mariginiup were used traditionally for camping and hunting. Numerous Noongar fringe camps have previously been identified within Wanneroo; potential remains for contemporary Whadjuk people to hold knowledge of any possible Whadjuk land use of the LSP desktop assessment area.

The archaeological results of this desktop assessment do not accurately reflect the historic and prehistoric Aboriginal occupation of the Mariginiup area and instead reflects the somewhat disturbed (rural land use) nature of the area. The types of archaeological sites that may have been in the area prior to its disturbance based on sites identified in similar but undisturbed areas would be small artefact scatters mainly consisting of quartz and possibly fossiliferous chert on the banks of the waterways or sand dune features. The results of the surveys tend to suggest that the area surrounding the LSP area was occupied on an ephemeral basis for task specific activities rather than long term habitation. Past Aboriginal usage of the broader area concentrated on the lakes and nearby wetlands. Remnant material from Noongar fringe camps could be in areas of less disturbance.

The waterways and lake systems and their surrounding land found in the broader City of Wanneroo area were exploited by the Whadjuk Noongar People in pre-contact times and by both Whadjuk Noongar People and Europeans in the years following contact. These places are associated with natural resource utilisation, and it has been suggested are often found near to or linked with traditional Noongar campsites. The lack of any major surface expression artefacts or stone tools is not surprising considering the development of the Wanneroo area.

Ethnographic surveys with Aboriginal groups in the Perth metropolitan region have shown the importance of the Wanneroo area. Some surveys have been conducted over significantly disturbed land and still the importance of the area is stressed by the Aboriginal people. The prospect of more development in the areas around lakes and wetlands is generally unwanted as this is an important place and damage to the water system could result in dire consequences for the Noongar people involved, including death or injury to themselves or family members. While the previous heritage survey reports suggest that Noongar people are unhappy about the developments in the broader area, as they feel that they cannot stop developments and therefore ask for several conditions to be honoured to minimise the impact to their sites. From the previous reports the most common conditions are minimise impacts on sites where possible, ensure no damage to waterways and banks, and the employment of monitors during ground clearance to identify sub-surface material and to ensure contractors stay away from certain sites or areas.

The Aboriginal heritage implications of the proposed Precinct 15 Central Mariginiup LSP area must be considered with representatives from the Whadjuk People both as a courtesy and to comply with state legislation. 22160 Marrynginup is an ACH directory Place and is afforded protection under the *Aboriginal Cultural Heritage Act (2021)*. Consultation with the Whadjuk People should be done early with any future development proposal to allow sufficient time to consider the heritage views of the Whadjuk People and to apply for consent under the *Aboriginal Cultural Heritage Act (2021)* if required.

## 8 LANDSCAPE FEATURES

Landscape features can often be predictors of areas of likely cultural activity. On the Swan Coastal Plain landscape features associated with water; like rivers, creeks, brooks, and wetlands are highly significant to Whadjuk People. They are a source of food and water, they were used as camping places and they have mythological heritage values; many Whadjuk People consider waterways to be spiritual repositories, particularly as they are associated with creation stories and are home to many living creatures and plant resources.

Aboriginal groups would travel along the reaches of waterways, hunting and gathering food while moving from camps in the Guildford area to Lake Gnangara, then beyond to the freshwater chain of wetlands that extend from Lake Goollelal to Yanchep.

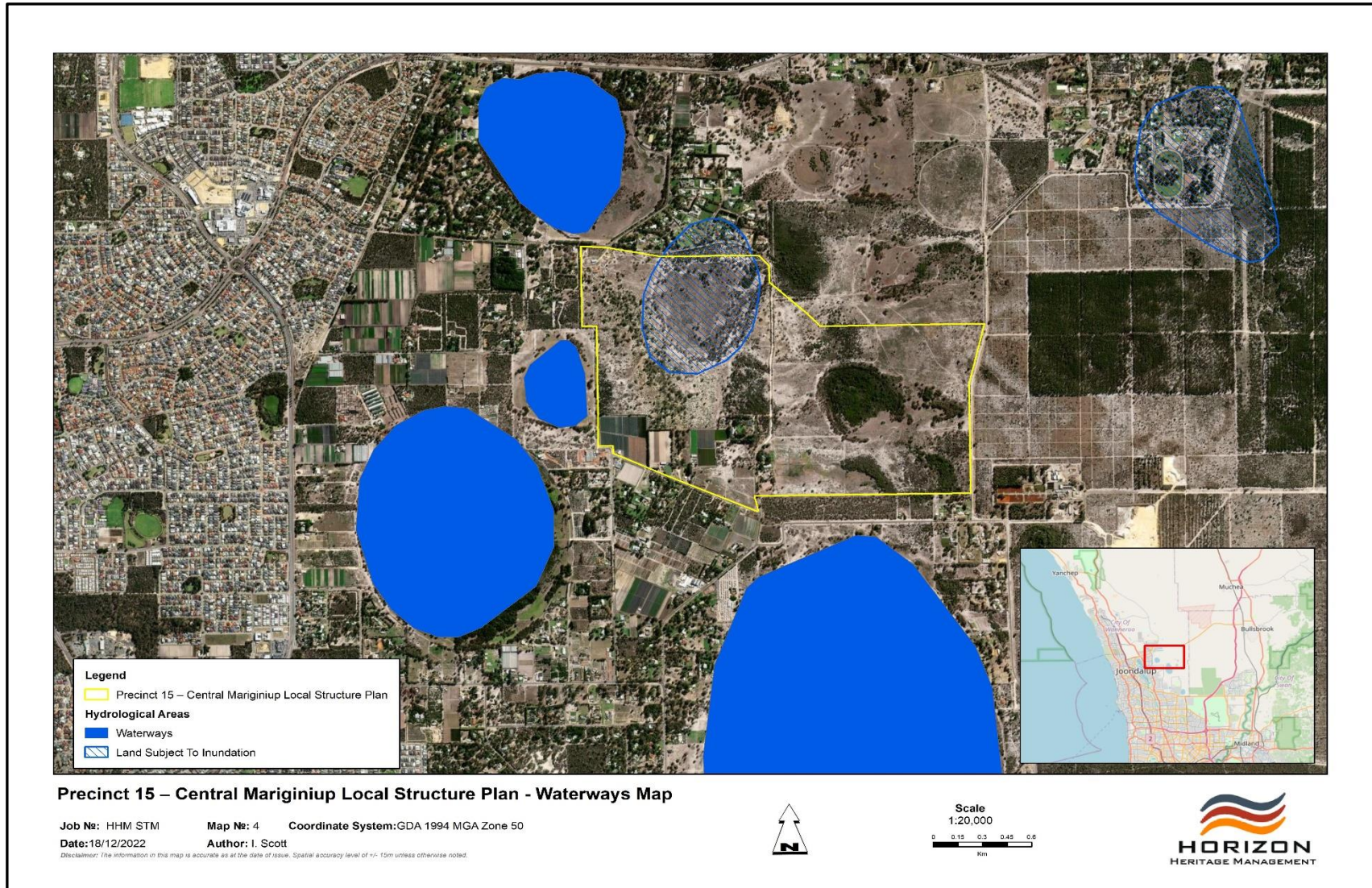
The Precinct 15 Central Mariginiup LSP desktop assessment area is surrounded by a landscape that exhibits likely used landscape features that align with Aboriginal cultural features and associations. Most wetlands (like Mariginiup Lake and Little Mariginiup Lake) are of Aboriginal significance for the following reasons:

- they are interconnected,
- they are part of the Gnangara Mound (ground water),
- they are a source of food and water;
- they were used as camping and hunting places;
- they have mythological heritage values.

The LSP desktop assessment area although not formally recognised as having an official water body present within its boundary is subject to inundation of the land post heavy rainfall and does have several ephemeral looking swampy areas.



Map 8: Water Landscape Features within and nearby to the LSP area





## 9 DESKTOP CONCLUSIONS

Horizon Heritage Management makes the following conclusions:


- All Aboriginal heritage places are afforded protection under the *Aboriginal Cultural Heritage Act (2021)*.
- The key Aboriginal stakeholder group for the LSP desktop assessment area is the Whadjuk 'Noongar' People.
- Potentially important landscape features like swamps and wetlands connected with mythological associations are present within the LSP desktop assessment area.
- Important landscape features connected with resource utilisation and mythological associations are noted adjacent to the LSP desktop assessment area. Lake Adams is such a feature and is located along the northern boundary, Jandabup Lake is another such a feature and is located along the southern boundary. Further landscape features Little Mariginiup Lake and Mariginiup Lake are located immediately west and southwest.
- The ACH Directory Place 22160 Marrynginup has a closed and restricted boundary which intersects the LSP desktop assessment area and is afforded protection under the *Aboriginal Cultural Heritage Act (2021)*.
- The key Whadjuk Custodian for 22160 Marrynginup is Esandra Colbung. Her father (now deceased) was the original place informant.
- No specific Aboriginal heritage surveys (ethnographic or archaeological) have been undertaken within the LSP desktop assessment area.
- No known archaeological sites are within the LSP desktop assessment area. It is possible surface expressions of *in situ* cultural material (artefacts) could be present. Care should be taken in those areas with some potential to contain cultural material. These are around the margins of landscape features like lakes, swamps, wetlands, and any sand hill features that maybe within the LSP desktop assessment area.
- Numerous Noongar fringe camps have previously been identified within proximity of the numerous freshwater lakes found in the broader Wanneroo area, potential remains for contemporary Whadjuk People to hold knowledge of any possible Whadjuk land use of the LSP desktop assessment area.

## 10 RECOMMENDATIONS

Horizon Heritage Management makes the following recommendations:

1. Horizon Heritage Management recommends that any future development within the LSP area includes consultation with the Whadjuk Aboriginal Corporation and Aboriginal heritage ethnographic and archaeological heritage surveys with the Whadjuk People.
2. Horizon Heritage Management recommends that consultation is undertaken with Esandra Colbung (Whadjuk Site Custodian) for ACH Directory Place 22160 Marrynginup regarding the LSP desktop assessment area and this significant Aboriginal place.
3. Horizon Heritage Management recommends 22160 Marrynginup is an ACH Directory Place and is afforded protection under the *Aboriginal Cultural Heritage Act (2021)*. To use the land which Aboriginal Places are on the proponent/landowner must engage with the Whadjuk Aboriginal Corporation.
4. Horizon Heritage Management recommends an Aboriginal Cultural Heritage Management Plan (developed with input and consent from the Whadjuk People and endorsed by the new ACH Council) will likely be needed to satisfy the *Aboriginal Cultural Heritage Act (2021)*.

## 11 DPLH ACHIS RESULTS



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#### List of Aboriginal Cultural Heritage (ACH) Directory

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**Search Criteria**

1 Aboriginal Cultural Heritage (ACH) Directory in Shapefile - Mariginuiup\_Site\_Boundary\_20221207

**Disclaimer**

The *Aboriginal Cultural Heritage Act 2021 (Act)* recognises, protects, conserves, and preserves Aboriginal cultural heritage (ACH), and recognises the fundamental importance of ACH to Aboriginal people and its role in Aboriginal communities past, present and future. The Act recognises the value of ACH to Aboriginal people as well as to the wider Western Australian community.

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

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

**South West Settlement ILUA Disclaimer**

Your heritage enquiry is on land **within or adjacent to** the following Indigenous Land Use Agreement(s): Whadjuk People 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 Boorah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

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

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

If you are a State Government Department, Agency or Instrumentality, or have a heritage condition placed on your mineral or petroleum title by DMIRS, you should seek advice as to the requirement to use the NSHA for your proposed activity. The full ILUA documents, maps of the ILUA areas and the NSHA template can be found at <https://www.wa.gov.au/organisation/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 at [AboriginalHeritage@dplh.wa.gov.au](mailto:AboriginalHeritage@dplh.wa.gov.au).

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Page 1



Department of Planning,  
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## Aboriginal Cultural Heritage Inquiry System

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### List of Aboriginal Cultural Heritage (ACH) Directory

#### Terminology

**ID:** Reported ACH is assigned a unique ID by the Department of Planning, Lands and Heritage using the format: ACH-00000001. For ACH places 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 the location and extent of the ACH boundary is considered reliable.
- **Boundary Restricted = No:** ACH location is shown as accurately as the information submitted allows.
- **Boundary Restricted = Yes:** To preserve confidentiality the exact location and extent of the place is not displayed on the map. However, the shaded region (generally with an area of at least 4km<sup>2</sup>) provides a general indication of where the 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 [AboriginalHeritage@dph.wa.gov.au](mailto:AboriginalHeritage@dph.wa.gov.au).
- **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:

- **ACH Directory:** Aboriginal cultural heritage place or cultural landscape.
- **Pending:** Aboriginal cultural heritage place or cultural landscape with information in a verification stage.
- **Historic:** Aboriginal heritage places determined to not meet 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.

#### ACH Type:

- **Cultural Landscape:** a group of areas interconnected through the tangible elements of Aboriginal culture heritage present.
- **Place:** an area in which tangible elements of Aboriginal cultural heritage are present.

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

**Legacy Place Status:** A status determined under the previous *Aboriginal Heritage Act 1972*:

- **Registered Site:** the place was assessed as meeting Section 5 of the *Aboriginal Heritage Act 1972*.
- **Lodged:** Information was received in relation to the place, but an assessment was not completed to determine if it met section 5 of the *Aboriginal Heritage Act 1972*.
- **Stored Data/Not a Site:** The place was assessed as not meeting Section 5 of the *Aboriginal Heritage Act 1972*.

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

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#### List of Aboriginal Cultural Heritage (ACH) Directory

ID	Name	Boundary Restricted	Boundary Reliable	Culturally Sensitive	Culturally Sensitive Nature	Status	ACH Type	Place Type	Knowledge Holders	Legacy Place Status	Legacy ID
22160	Marrynginup	Yes	Yes	Yes	No Gender / Initiation Restrictions	ACH Directory	Place	Artefacts / Scatter; Camp; Ritual / Ceremonial; Historical; Hunting Place; Meeting Place; Midden; Modified Tree; Landscape / Seascape Feature; Other; Plant Resource; Water Source	*Registered Knowledge Holder names available from DPLH	Lodged	

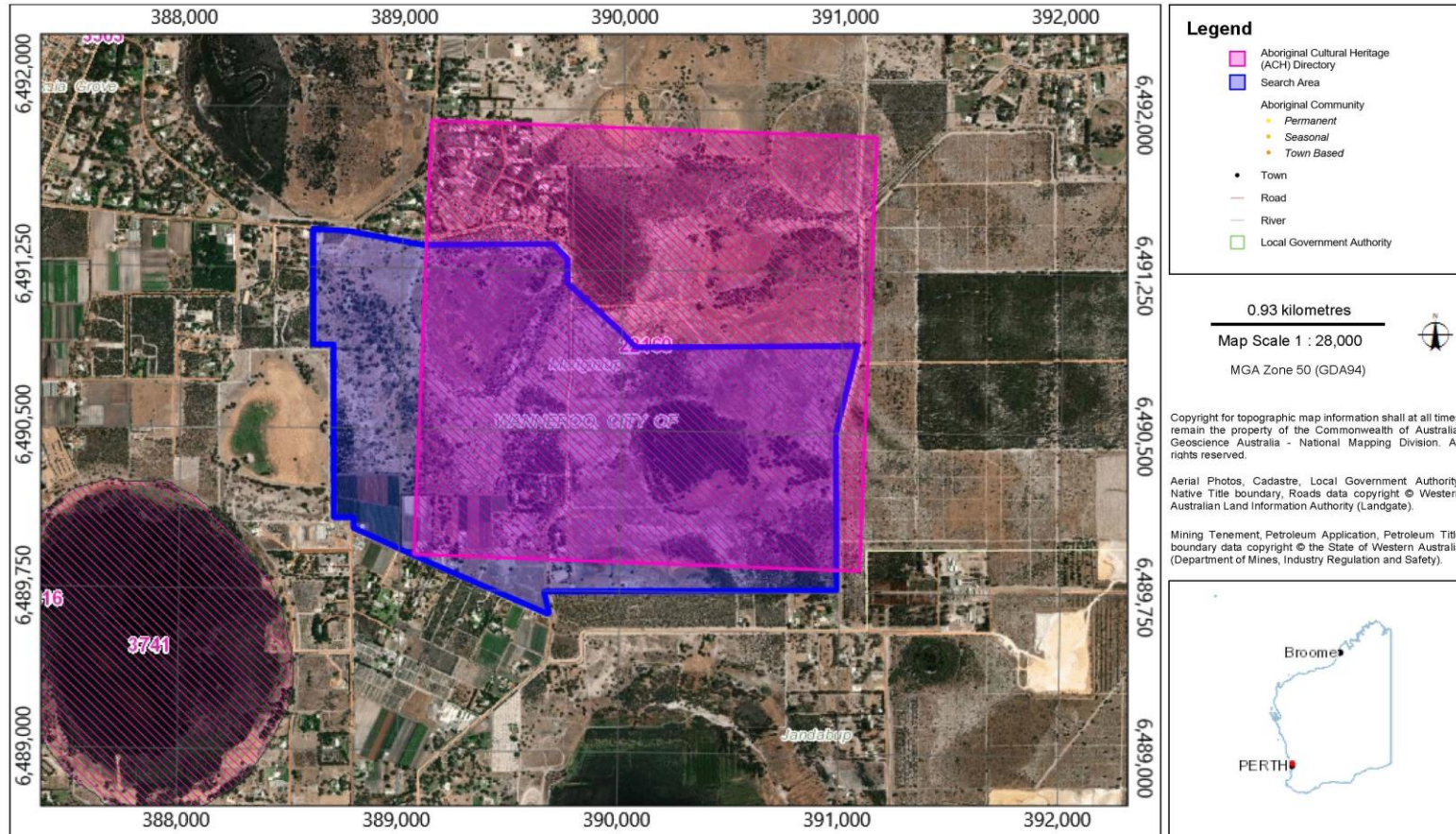




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