

Report of the Ethnographic Site Identification Noongar Cultural Heritage Survey, Shire of York, June 2021.

For Shire of York

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August 2021

Warning: Some deceased Ballardong people are mentioned by name in this report.

Consultants Ref: 2123-York-Trails

Snappy Gum Heritage Services Pty Ltd

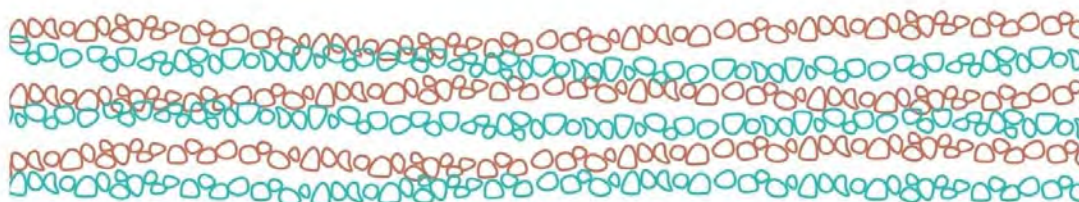
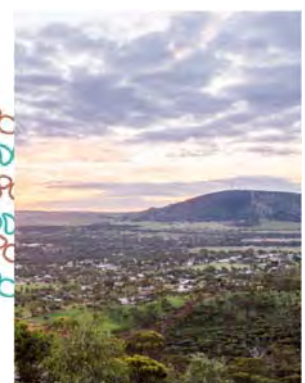
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EXECUTIVE SUMMARY

This report presents the findings of a Noongar Cultural Heritage Survey undertaken by Snappy Gum Heritage Services (SGH) for the Shire of York (SoY) in support of its efforts to create a masterplan for mixed use trails within the Shire. This report records the findings and recommendations of the survey in its formal engagement with the local Ballardong Noongar community, complementing the trails' consultation process facilitated by trails development company, Common Ground Trails Pty Ltd (Common Grounds). Common Ground began the community consultation process in early April 2019, producing the *Final Draft of the Shire of York Trails Master Plan 2019-2028* (henceforth the 'Trails Masterplan') in June 2019. The Noongar Cultural Heritage Survey process, which took place over June and July 2021, sought to identify key sites of cultural significance to the Ballardong Noongar community that lie on Crown Lands managed by the SoY along the Avon River, on Mt Bakewell and Mt Brown—the three natural features that are foci of the Trails Masterplan (see Figure 1 below). Snappy Gum Heritage Services used the Site Identification method to produce this report.

All work was undertaken with the approval of the Ballardong Noongar native title holders, with South West Aboriginal Land and Sea Council (SWALSC) acting as their representative body. Ballardong Noongar representatives were involved in all aspects of the work, which took place between 20-22 June 2021 with a one-day follow-up consultation on 22 July 2021 with two Ballardong Noongar heritage consultants who could not attend in June. Ballardong Noongar representatives have provided input into the recommendations and contents of this advice and are aware of the survey results and recommendations. A list of survey participants is provided in Table 1.

The results of these field investigations are summarised as recommendations below:

- 1) It is **recommended** that the Ballardong Noongar community be included as a key stakeholder in the development of any trails throughout the Shire of York;
- 2) It is **recommended** that the Ballardong Noongar community be involved in decision-making and management of the Avon River/Gogulgar Bilya, Mt Brown/Wongborel and Mt Bakewell/Walwalying in line with the Shire of York's Reconciliation Action Plan (RAP), which is currently being developed by the Shire of York via community consultation workshops facilitated by Dr Marion Kickett, Director of Indigenous Studies at Curtin University;
- 3) It is **recommended** that the Ballardong Noongar community are active participants in decision-making and development of cultural interpretation material for the Trails Masterplan.
- 4) It is **recommended** that the Shire of York acknowledges the culturally significant sites of the Avon River/Gogulgar Bilya, Mt Brown/Wongborel, and Mt Bakewell/ Walwalying by referring to them in dual language terms (English and Noongar) in all new Shire of York signage and cultural heritage material, and any revisions of the Shire of York Trails Master Plan 2019-2028;
- 5) It is **recommended** that the Mt Bakewell/Walwalying, Mt Brown/Wongborel, and the special site of cultural significance on Mt Brown/Wongborel are formally submitted to DPLH as potential Aboriginal Sites (as defined under section 5 of the AHA) for inclusion on the AHIS;

- 6) It is **recommended** that Mt Bakewell/Walwalying be excluded from any future trail development under the Trail Masterplan, especially mountain bike trail development on either public or privately owned land, owing to the cultural significance of the place to the Ballardong community and the potential danger to women;
- 7) It is **recommended** that the Shire of York undertake a follow-up Site Identification survey with selected Ballardong representatives who were identified as being knowledgeable about the location and values of the birthplace at Marley Pool (Site ID: 29397). Despite its accurate location not being known, the Ballardong representatives were confident that it was within the boundaries of the Marley Pool (Site ID: 29397) as listed on the AHIS;
- 8) It was **recommended** that The York (Aboriginal) Reserve be acknowledged within the cultural interpretation material for the Trails Masterplan recognising its important role within the lives of the local Ballardong community and history of the Shire.
- 9) It is **recommended** that the Shire of York undertake further ethnographic research to assess the ethnographic and archaeological qualities of several other places of cultural significance to the Ballardong Noongar community:
 - a) Within the Shire of York and *inside* the survey area:
 - i) Big Sandy (near the old Parker's Bridge) and Little Sandy beaches and swimming holes within the Avon River/Gogulgar Bilya which are associated with the Dreaming creation story and law of the York area in which the Waugyl/River Snake is believed to have respectively exited and re-entered the land; and
 - ii) The York Cemetery.
 - b) Within the Shire of York but *outside* the survey area:
 - iii) The land in the Shire of York from Gray Street uphill to the Pony Club, which is believed to be a Ballardong Noongar burial ground;
 - iv) Mt Matilda, directly to the south of York and to the west of the Great Southern Highway, which is associated with the Dreaming creation story and law of the York area in which the Waugyl (River Snake) is a central figure;
 - v) The old York (Aboriginal) Reserve site;
 - vi) The Gerald Mission historical site;
 - vii) Old Aboriginal Campsite on Corner of Osaburg Rd and Tenth Rd, York; and
 - viii) Prickle Bush Campsite, Cowan Rd, York.
- 10) It is **recommended** that the Shire of York inform all landowners where the above heritage sites are located that:
 - a) It is an offence under section 17 of the *Aboriginal Heritage Act 1972* to excavate, destroy, conceal or alter any Aboriginal Site without the appropriate authorisation; and

- b) That any disturbance will need consent by the Minister of Aboriginal Affairs under section 18 of the *Aboriginal Heritage Act 1972* or, for minor activities, permission from the DPLH under a Regulation 10 of the *Aboriginal Heritage Regulations 1974*. SWALSC will need to be contacted.

SHIRE OF YORK
AREA OF NOONGAR
STANDARD HERITAGE
AGREEMENT



Figure 1: Survey Area Location — Yellow areas denote SoY managed Crown Lands (Activity Notice SoY)

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SPATIAL ACCURACY

Data for this survey was recorded using a Garmin handheld GPS and configured using the GDA94 coordinate system. The coordinates listed in the report are recorded within MGA Zone 50J. These coordinates are accurate to within ± 10 m (Garmin Limited 1996).

ACRONYMS & DEFINITIONS

The following acronyms are used throughout this report:

ACMC	Aboriginal Cultural Materials Committee	GDA94	Geographic Datum of Australia 1994
AHA	<i>Aboriginal Heritage Act 1972</i>	GIS	Geographic Information System
AHIS	Aboriginal Heritage Inquiry System	GPS	Global Positioning System
ATSIHP	<i>Aboriginal & Torres Strait Islander Heritage Protection Act 1984</i>	NRTB	Native Title Representative Body
Cth	Commonwealth	NTA	<i>Native Title Act 1993</i>
DAA	Department of Aboriginal Affairs	OHP	Other Heritage Place
DPLH	Department of Planning, Lands and Heritage	SGH	Snappy Gum Heritage Services Pty Ltd
EPBA	<i>Environmental Protection & Biodiversity Act 1999</i>	SoY	Shire of York

The following definitions are used in this report:

Aboriginal site	A site protected under the AHA on the Aboriginal Site Register, administered by DPLH.
Desktop survey	An inspection of the AHIS, reports and other relevant materials to determine the presence or absence of Aboriginal sites or Aboriginal archaeological places within a given area.
Ethnographic Site	A place that holds cultural significance (past or present) for Aboriginal people.

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INTRODUCTION

The Shire of York engaged Snappy Gum Heritage Services Pty Ltd (SGH) to undertake a Noongar Cultural Heritage Survey using a Site Identification method to identify any Aboriginal sites on Crown Land and surrounds within the Shire. This process sought “to ensure that any sensitive sites are recorded, protected and appropriately interpreted in future trails development as defined by the Shire of York’s Trails Masterplan.”¹

The *Shire of York Trails Masterplan 2019-2028* (Trails Masterplan) has identified land owned or managed by the SoY as sites for potential future development of walking, cycling and equestrian trails. The vision of the *Final Draft of the Shire of York Trails Master Plan 2019-2028* is described in the following terms:

“The vision for the trails in the Shire of York Region is: establish York as a Trails Town, offering visitors and locals accessible and immersive trail experiences, which capitalise on the significant opportunities on Mount Brown, Mount Bakewell and along the Avon River. Trails will provide recreation opportunities for locals and entice visitors to the region.” (Common Grounds Trails 2019:5).

These three prominent natural features—the Avon River, Mt Brown, and Mt Bakewell—are also important sites of Aboriginal cultural significance for the Ballardong Noongar population and have a long recognition and celebration within local SoY folklore, Shire cultural interpretation material, and within the local primary school education program. Evaluation of the cultural significance of these sites for the Ballardong Noongar population is a major consideration of this report and will inform the ongoing development of the Trails Masterplan.

History of the Shire of York’s Noongar Cultural Heritage Survey

In 2019, the trails development company Common Ground Trails Pty Ltd (Common Ground) was engaged by the SoY to develop a 10-year Trails Masterplan for the Shire, with SoY Council approving a Stakeholder and Community Engagement Plan for the Trails Masterplan on 25 March 2019. Common Ground held an initial informal consultation was held with a small group of five local Ballardong Noongar elders on 10 April 2019. This consultation was noted in the Shire of York’s Ordinary Council Meeting Minutes (24 June 2019:38) as: “several matters about the cultural sensitivity of sites were discussed and noted, along with the generally positive views of the Elders to increasing public awareness about Ballardong Noongar culture, providing that this was done in full consultation with the Ballardong Noongar community.” Common Ground Trails then held followed by a Public Open Workshop at York CRC on 11 April 2019 with approximately 30 participants, the results of which were recorded in the *Draft for Public Comment: Shire of York Trails Masterplan 2019-28* (published online by the SoY in May 2019 for four weeks for public comment and feedback)² and the *Final Draft: Shire of York Trails Masterplan 2019-28* (approved by Council and subsequently published online by the SoY in June 2019). Local Ballardong Noongar representatives also attended the Public Open Workshop on 11 April 2019.

¹ See the Trails Masterplan at <https://www.york.wa.gov.au/community/park-gardens/trails.aspx>.

² Personal communication, Carol Littlefair.

Also noted in the Ordinary Council Meeting Minutes (24 June 2019:38) was the Council's commitment to:

"Full and ongoing consultation with the Ballardong Noongar community will be necessary for implementing both the construction and interpretation of trails in the Draft Plan as Noongar cultural heritage is inseparable from Country. The underpinning rights of Aboriginal people as defined by the United Nations Declaration on the Rights of Indigenous Peoples (2007) includes the:

- Right to self-determination.
- Right to full and fair participation in processes, projects and activities that impact on or portray them.
- Right to control, maintain and celebrate culture, heritage and identity."

The meeting minutes note that "cultural considerations, such as areas for secret/sacred ritual, landmarks with particular significance and oral histories associated with a site are likely to be part of the intangible Noongar heritage of the area and no trails development should take place without full consultation." (Ordinary Council Meeting Minutes, 24 June 2019:38).

The SoY's commitment to inclusion and engagement of the Ballardong Noongar community in the Trails Masterplan process saw the Council pass a resolution to undertake a Noongar Cultural Heritage Survey—initially concerning the surveying of Mt Brown, and later expanded to include the Avon River and Mt Bakewell—to support the Trails Masterplan development (Ordinary Council Meeting Minutes, 24 June 2019). As subsequently noted in Ordinary Council Meeting Minutes, 29 September 2020, in order to facilitate the Noongar Cultural Heritage Survey on Mt Brown, "although some informal consultation has taken place with the local Noongar community about various matters, it was necessary to formalise this process, utilising the proper existing structure of a Standard Noongar Heritage Agreement." The Council agreed to enter into a Noongar Standard Heritage Agreement (NSHA) with the South West Aboriginal Land and Sea Council (SWALSC) at the April 2020 Council meeting (Ordinary Council Meeting Minutes, 29 September 2020). The Standard Noongar Heritage Agreement was formally signed off by the Shire President and Shire CEO in October 2020, and the Noongar Cultural Heritage Survey conducted over June-July 2021.

The subsequent Noongar Cultural Heritage Survey work was undertaken by SGH, with the approval of the Ballardong Noongar native title holders, and with South West Aboriginal Land and Sea Council (SWALSC) acting as their representative body. The selection process for Ballardong Noongar heritage consultants is described further below. Ballardong Noongar representatives were involved in all aspects of the work, which took place between 20-22 June 2021 with a one-day follow-up consultation on 22 July 2021 with members of the heritage team who could not attend in June. Ballardong Noongar representatives have provided input into the recommendations and contents of this advice and are aware of the survey results and recommendations.

The SoY's formal consultation with the Ballardong Noongar community as a significant stakeholder in the of Trails Masterplan process is also undertaken with respect to the SoY's current ongoing development of *Reconciliation Action Plan* with the Ballardong Noongar community.

Other stakeholders consulted in the SoY's Trails Masterplan process include private landholders, especially on Mt Bakewell, and user groups who participated in the Trails Masterplan consultation process. These stakeholders include: various trails and tracks development groups, such as Avon Valley Tracks and Trails and

the Western Trails Alliance; local conservation groups, such as the River Conservation Society; running and walking groups, such as Perth Trail Series participants, Ultra Series WA, and Walk to York; York Hang Gliders, who use Mt Bakewell; and the Recreational Trailbike Riders Association of WA Inc.

Omission of Ballardong Noongar concerns from the *Shire of York Trails Masterplan 2019-2028*

Importantly to the Trails Masterplan process, a specific matter of cultural sensitivity was expressed by the Ballardong Noongar representatives at their 10 April 2019 meeting with Common Ground (personal communication, Carol Littlefair, Shire of York Arts and Cultural Heritage Officer) that was not included in either Common Ground Trails' *Draft for Public Comment: Shire of York Trails Masterplan 2019-28* or *Final Draft: Shire of York Trails Masterplan 2019-2028*. This pertains specifically to the Ballardong Noongar community's concerns that Mt Bakewell is a site of great Aboriginal cultural significance—a site central to the Aboriginal creation story of the York area—traditionally a men's cultural site with gender restrictions restricting women's access, and that they are concerned about any planned trail developments on this site. The final Trails Masterplan report contains one line referencing the outcome of consultation with the Ballardong Noongar community, acknowledging their concerns about trail development on Mt Bakewell/Walwalying. In the Recommendations section concerning Bushwalking/Urban Walk/Trail Running, under the sub-heading Mt Bakewell Summit Trail, the final report recognises, "Mt Bakewell is a place of significance to Aboriginal people and further engagement should be carried out should the Shire progress with the summit trail (Common Ground Trails 2019:68)."

The final report does not mention the two AHIS registered Aboriginal sites, the Avon River/Gogulgar Bilya and the Marley Pool corroboree ground, nor does it mention that the three focal natural feature points of Trails Masterplan—the Avon River/ Gogulgar Bilya, Mt Bakewell/Walwalying, and Mt Brown/Wongborel—are all key figures in the widely recognised and celebrated creation story of the York region. These omissions highlight the importance of the subsequent work the SoY has undertaken to engage with the Ballardong Noongar community via the NSHA, the Noongar Cultural Heritage Survey, and ongoing work in the development of Reconciliation Action Plan for the Shire. These concerns, again raised during the formal Ballardong Noongar consultation process via the Noongar Cultural Heritage Survey, are discussed further in the Ethnographic Results section of this Noongar Cultural Heritage Survey report.

Selection of Ballardong Noongar representatives

To initiate this Noongar Cultural Heritage Survey, the Shire of York sent an Activity Notice to the South West Aboriginal Land and Sea Council (SWALSC) on 6 January 2021 as per the NSHA with a request to provide names of Ballardong Noongar heritage consultants to participate in the survey process. SWALSC were unable to provide the Shire of York with a list of names of suitable Noongar representatives but instead directed them to the Department of Planning, Lands and Heritage (DPLH) for further advice. In addition, SGH looked to section 2.18 of the Aboriginal Heritage Due Diligence Guidelines:

“Information about the Aboriginal heritage for a particular area is best obtained through consultation with the relevant Aboriginal people. Whilst there is no definitive list of Aboriginal people who should be consulted for an area, the Committee suggests that the following people at least should be consulted:

- (a) determined native title holders;
- (b) registered native title claimants;
- (c) persons named as informants on Aboriginal site recording forms held in the Register at DAA; and
- (d) any other Aboriginal people who can demonstrate relevant cultural knowledge in a particular area.”

In keeping with the above outline, SGH created a list of people based on the Native Title Register; those involved in a recent nearby heritage survey; and those provided by the DPLH who were listed during the documentation of nearby heritage sites. In addition, Carol Littlefair, Arts and Cultural Heritage Officer for the Shire of York, provided a list of local Ballardong Noongar traditional owners who were considered to have knowledge of the area. Nine people were selected from the above list in accordance with the NSHA.

Table 1: Ethnographic Survey Participants – 20-22nd June 2021 and 22 July 2021.

SGH	Ballardong	Shire of York
Bryan Rochelle	Glenys Yarran	Carol Littlefair
	Muriel Bowie	
	Dennis Kickett	
	Phillip Bateman	
	Vanessa Corunna	
	Reg Yarran	
	Winnie McHenry	
	Audrey Nettle*	
	Tracey Kickett**	

* Ms Nettle was unable to attend during 20-22nd June and contributed one day’s consultation on 22nd July 2021.

** Ms Tracey Kickett attended with her sister Audrey Nettle and contributed to the consultation on 22nd July 2021.

The Ballardong Nyoongar People

Noongar people are an indigenous cultural bloc sharing common traditions and language of the south-west of Australia, with local variations, ranging from Jurien Bay in the north-west to Esperance in the south-east (Berndt 1979, Tindale 1974). The Ballardong people are a sub-group of the Noongar people of the York/Toodyay area to the north-east of Perth (Tindale 1974). The word Ballardong is the Noongar name for York (Goode 2011:8).

Noongar people have traditional rights and obligations passed from one generation to another for the usage of areas of land and resources for which they are custodians. The areas for which they are custodians are associated with creation stories and figures of Dreaming or Dream Time in which key spiritual beings create or transform the natural features of the landscape, such as rivers and hills (Stanner 1965). For the Ballardong Noongar people a key creation figure is the Waugyl—the river snake or serpent—who created the Gogulgar Bilya (the Avon River), the key water feature of the York area watershed. The Waugyl has been recorded in ethnographic research from circa 1900 (Bates 1985). The Waugyl resides in its permanent summer pools and

moves between them along the river when flowing or underground when not (Erickson 1974). Several summer pools (such as Mile Pool, Big Sandy Beach and Little Sandy Beach) exist along the stretch of Gogulgar Bilya within the township of York. Some of these feature prominently in this report: Mile Pool, for example, is associated with the registered Aboriginal site Marley Pool (Site ID: 29397).



Photo 1: (back row) Snappy Gum Heritage Services anthropologist Bryan Rochelle with Ballardong Noongar Heritage Consultants Reg Yarran, Glenys Yarran, Vanessa Corunna, Phillip Bateman, Muriel Bowie, Dennis Kickett, (front row) Winnie McHenry, Jason Bowie (assisting Muriel Bowie) and Muriel Collard (assisting Winnie McHenry) (photo, Courtesy of Shire of York).

Area Surveyed

The Noongar Cultural Heritage Survey covered 7.20 km², an area that encompasses two existing Aboriginal registered Ethnographic Sites within the Department of Land and Heritage (DPLH)'s Aboriginal Heritage Information System (AHIS), namely: the Avon River (Site ID: 15979, known as the Gogulgar Bilya in Noongar language) and the corroboree law grounds at Marley Pool (Site ID: 29397) on the western banks of the Avon River/ Gogulgar Bilya downstream from the main township.

In addition to these two registered Aboriginal sites, this survey process sought to identify any potential Aboriginal sites within the survey area (see Figure 1). The process was to pay particular attention to Ballardong Noongar valuing of the two mountains—Wongborel/Mt Brown and Walwalying/Mt Bakewell—that feature in the well-known local Aboriginal Dreaming creation story that is well documented in the SoY's cultural interpretation signage around the township, most notably in the long-standing signage atop Mt Brown (known as Wongborel in the Noongar language).

The area surveyed included public lands managed by the Shire of York, primarily: Crown Land on Mt Brown/Wongborel (immediately east of York township); on Mt Bakewell (known as Walwalying in the Noongar language, to the immediate North of York township); and land on both sides of the Avon River within the York township. Private land within the SoY was also included in general terms within the scope of the survey, although no private land was entered during the course of the survey. Due to the nature of existing and newly identified Aboriginal sites that traverse public and private land ownership boundaries, some private land was also evaluated for its culturally significant values.

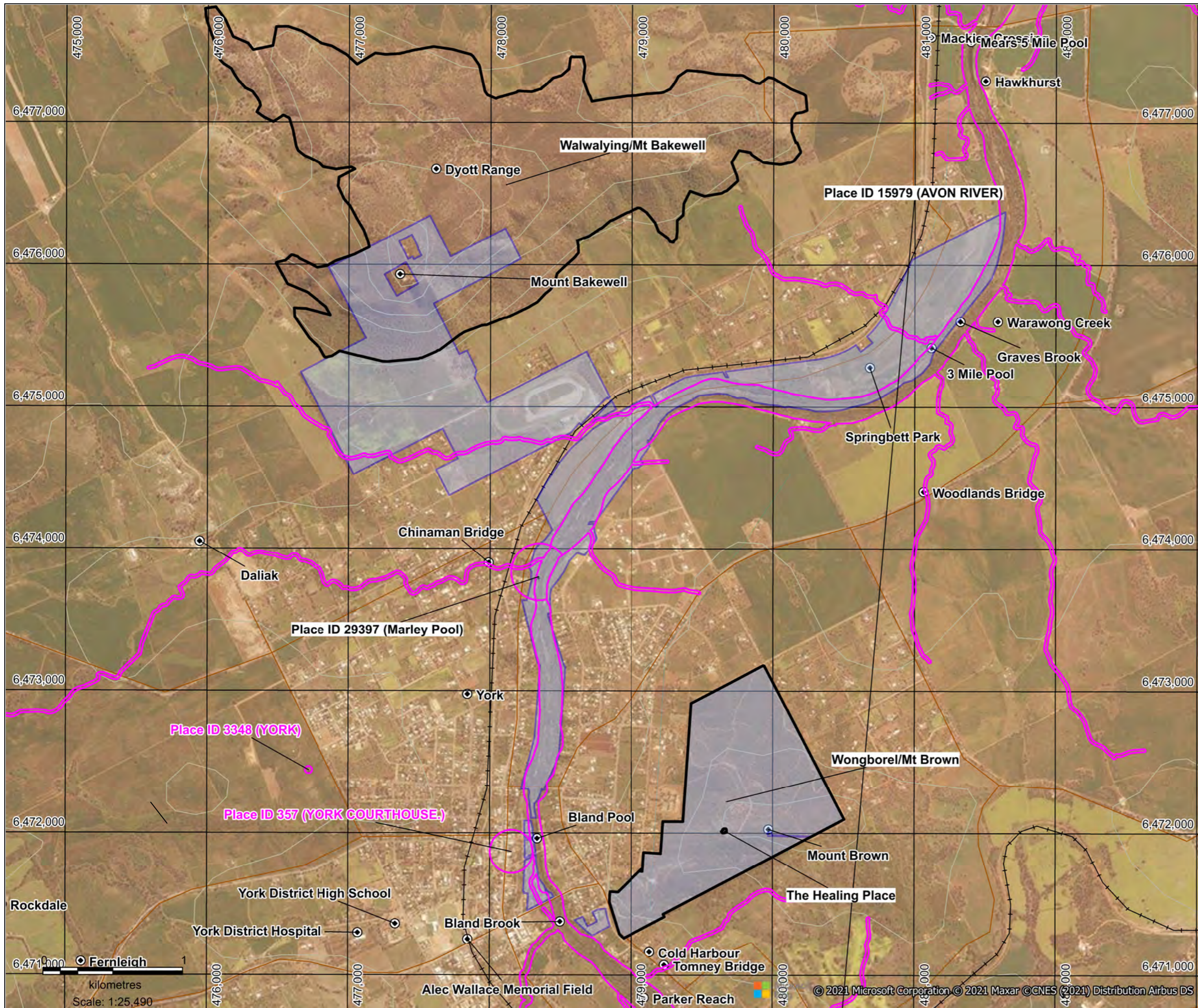
Ballardong Noongar Cultural Heritage Themes for the Trails Masterplan Interpretation Material

Alongside the Noongar Cultural Heritage Survey process, SGH agreed that it would assist the SoY to take the opportunity of the Aboriginal site identification process to also identify key themes that the Ballardong Noongar heritage consultants would like to see emphasised in the cultural interpretation material supporting the Trails Masterplan project. These key themes, which sit outside the scope of the services of this Noongar Cultural Heritage Survey, will be presented in a separate letter to the SoY.



SNAPPY GUM
HERITAGE SERVICES

**Figure 2:
Survey Area Location**



- Survey Area**
 - Areas where consultation took place.
- Heritage Places**
 - Newly Identified heritage places
 - Places listed on the DLPH Register of Aboriginal Sites and Objects.
- Elevation**
 - Contours
- Transport**
 - Roads & Tracks
- Hydrography**
 - Watercourse
 - Connector
 - Non-perennial Lakes
- Utilities**
 - Powerline
 - Gas Pipeline
 - Water Pipeline
- Topographic Features**
 - Selected Location



Compiled by: Ryan Hovingh
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kilometres

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LEGAL AND ETHICAL CONTEXT

Aboriginal archaeological surveys take place within a legal and ethical framework that underpins survey methods, survey findings, cultural heritage recommendations and the approvals process.

There are a number of Commonwealth and State Acts that provide for the recognition, protection and management of indigenous rights and interests in relation to land and heritage. In Western Australia, the *Aboriginal Heritage Act 1972 (WA)* ("AHA") provides the principal legislative framework for the protection and preservation of places and objects that are of significance to Aboriginal people and their cultural heritage. The AHA is administered by the Minister for Aboriginal Affairs, who must consider the recommendations of the Registrar for Aboriginal Sites and the Aboriginal Cultural Material Committee ("ACMC") although the Minister is not bound by such recommendations.

It is important to note within the context of this report that the manner in which the information is presented to the ACMC, the decisions about what constitutes an Aboriginal Site and the way they are managed has varied since the inception of the AHA.

For example, early practitioners of the AHA, including the ACMC, were keen to protect Aboriginal cultural material, including isolated artefacts and small artefact scatters. The use of GPS technology was not present for early site recordings and, was not widely used until approximately 1998. Large buffers were therefore placed around sites to minimise potential impact and these legacy issues are still existent today. With the increase in mining and land development practices, an increase in the number of heritage investigations and the number of resultant identified Aboriginal Sites, the system has been placed under a lot of pressure to change the way the AHA is managed within the government departments. The *Aboriginal Heritage Due Diligence Guidelines* was one such measure adopted in 2013 (Department of Aboriginal Affairs 2013).

Governmental changes to heritage management are discussed and/or implemented every few years, with proposals ranging from formal and informal regulation changes, to amendments to the AHA. On the 9 March 2018, Aboriginal Affairs Minister Ben Wyatt has announced another review of the AHA (Department of Planning 2018). This process is still underway.

Under the existing AHA, it is an offence for a person or company to excavate, destroy, damage, conceal or in any way alter any Aboriginal site without prior authorisation from the Registrar of Aboriginal Sites under section 16 or the consent of the Minister for Aboriginal Affairs under section 18 of the AHA. The AHA therefore imposes an obligation on all land users who wish to use land for a purpose which might contravene the AHA to exercise due diligence in evaluating whether or not their proposed activity on a specified area may damage or destroy an Aboriginal site. Pursuant to section 17, an offence is committed if these provisions are contravened and substantial penalties may be imposed as a consequence.

Whether an Aboriginal site exists and is significant to Aboriginal people is determined by the ACMC, taking into account numerous factors including any anthropological, archaeological and/ or cultural/ ethnographic interests in the land concerned. Once a determination is reached, the ACMC make a recommendation to the Minister to either grant or refuse an application to use the land, as well as any conditions that may be attached to the consent.

SGH identifies and reports on Aboriginal archaeological places which may contribute to current or future archaeological research. However, the final decision about whether an individual place constitutes an 'Aboriginal site' under the AHA lies with the ACMC and consent to use land rests with the Minister for Aboriginal Affairs. As a consequence, SGH makes a distinction between 'archaeological places' and 'Aboriginal sites' throughout this report.

The proponent should also be aware of the application of the *Native Title Act 1993 (Cth)* ("**NTA**"), which establishes a process in which native title rights and interests are recognised, as well as how various acts affecting such native title rights and interests are to be dealt with. These native title rights and interests may include the right of exclusive possession and use for traditional purposes by the holders of native title such as

camping, fishing, hunting, taking traditional resources, carrying out cultural and religious activities and teaching of law and custom on land where native title has been determined to exist by the Federal Court of Australia. Where an act proposed to be carried out on land or waters is likely to affect native title, the NTA sets out procedures which must be followed in order for the act to be valid ("**future act provision**"). Examples of future acts include the grant of mining leases, exploration licences and some compulsory acquisitions by the government.

Certain future acts give rise to a right to negotiate under the NTA whereby the government, the developer and the native title party must negotiate "in good faith" about the effects of the proposed activities on the native title party's rights and interests. The Noongar Standard Heritage Agreement (NSHA) is a similar agreement between the Noongar People and the WA Government, which came into effect from the 8 June 2015. As part of this agreement, the South West Aboriginal Land and Sea Council (SWASLC), the Western Australian Government and each of the six Noongar communities – including the Ballardong people – signed identical individual Indigenous Land Use Agreements (ILUAs). These documents were signed as part of the broader South West Native Title Settlement, which was challenged by the Federal Court on the 2 February 2017 during the survey. The Shire of York has signed such a NSHA.

Certain future acts give rise to a right to negotiate under the NTA whereby the government, the developer and the native title party must negotiate "in good faith" about the effects of the proposed activities on the native title party's rights and interests.

Aboriginal archaeological sites may also fall within the jurisdiction of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) ("**ATSIHP Act**"). The ATSIHP Act enables an Aboriginal person or group to apply to the Minister for a declaration to preserve and protect, by way of interim or permanent declaration, from injury or desecration areas or objects of particular significance to Aboriginals in accordance with Aboriginal traditions. A person who engages in conduct in contravention of a provision of such declaration commits an offence under the ATSIHP Act.

Similarly, 'outstanding' sites of nationwide heritage significance can also be protected under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) ("**EPBC**") but few Indigenous archaeological sites to date are recognised under this Act. Places where heritage values are linked directly to the physical and biological attributes of the environment may also be assessed in accordance with the *Environmental Protection Act 1986* (Environmental Protection Authority 2004b). The *Assessment of Aboriginal Heritage* Guidance Statement No. 41 (Environmental Protection Authority 2004a) is a product of this legislation.

There are also legislative provisions which apply to specific types of sites. For example, if Indigenous human remains are uncovered by any development, the *Coroners Act (1996)* (WA), the AHA and the ATSIHP Act would be applicable. If any human remains are uncovered during development, the police and the Department of Aboriginal Affairs must be notified immediately.

SGH is also guided by ethical responsibilities that support Aboriginal input and recognise that the archaeological record is a non-renewable resource. As such, SGH advocates the conservation, curation and preservation of archaeological sites, assemblages, collections and archival records where possible. For more information, please refer to the Australian Association of Consulting Archaeologists' website (2011) www.aaai.com.au.

Disclaimer

The above material is a summary produced by the writer based on the writer's own opinion, knowledge and experience. It is not intended to be used as legal reference or constitute any type of legal advice in respect to the subject matter. Persons wishing to rely on the above material should seek independent legal advice.

DESKTOP RESEARCH METHOD

As discussed in the introduction to this report, a key feature of the SoY's Trails Masterplan vision is its focus on developing trails on three prominent natural features—referred to as focal points in the Trails Masterplan (Common Grounds Trails 2019:66)—in the SoY landscape that are also culturally significant sites to the Ballardong Noongar Aboriginal people: the Avon River/Gogulgar Bilya, Mt Bakewell/(Walwalying, and Mt Brown/(Wongborel).

Prior to the field investigation, SGH searched the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Inquiry System (AHIS) for information about these, and other, previously recorded Aboriginal sites within the Shire of York survey area. This was undertaken to identify any previously recorded places that may require management during the field investigation but it should be noted that the AHIS is an incomplete record and cannot be considered a definitive list of Aboriginal sites.

In addition, a variety of other sources were also consulted, including archival material, existing cultural heritage signage along the Avon River Trail, the SoY Residency Museum pamphlets, the SoY website, websites of private organisations, and discussions with local residents.

ETHNOGRAPHIC CONSULTATION

Ethnographic heritage surveys are a key element of cultural heritage management in the both the public sector and resource sectors of the State of Western Australia, especially as a means to representing the perspectives, values and concerns of native title groups.

The principal purpose of an ethnographic heritage survey is to record cultural information to allow proponents to manage heritage in a culturally appropriate manner. While 'land' dominates many discussions during these investigations, heritage can also be applied to objects, spaces, and intangible issues. Cultural heritage also encompasses natural features and living elements of the broader environment where the Environmental Protection Authority's valuing of Aboriginal heritage intersects with the Aboriginal Heritage Act to protect sites of heritage significance, and where Aboriginal cultural associations (including customs) are important to protecting physical and biological aspects of environments.

Anthropologists use ethnographic methodology to engage heritage research interlocutors/ collaborators first-hand to enquire and record cultural knowledge and significance about land, heritage (cultural and related natural) values and sites, and artefacts to elucidate understanding of the intrinsic values and meaning that places and objects imbue. The ethnographic engagement "takes many forms, from conversations and interviews to shared ritual and emotional experiences" (Murchison 2-12:12). An ethnographic heritage survey aims to accurately represent the perspectives and concerns of informants about possible interventions in a place. Findings are used to inform culturally appropriate management outcomes acceptable to all stakeholders.

Ethnographic heritage surveys involve both desktop and fieldwork processes. The Desktop process involves searching the DPLH's Aboriginal Heritage Information System (AHIS) for registered sites and related survey reports, which are then requested (where privacy restrictions are not in place) and sent to heritage consultants. Use of academic, legal, prior heritage publications, and other information sources concerning Aboriginal sites or other heritage places is also sought and reviewed as part of the Desktop review process.

This is complemented by field-based consultations with Aboriginal heritage consultants—in this case Ballardong Noongar heritage consultants—selected through the aforementioned process. The fieldwork process is discussed below in the context of the SoY's Noongar Cultural Heritage Survey.

The Shire of York's Noongar Cultural Heritage Survey fieldwork process

The SoY's Noongar Cultural Heritage Survey workshop and fieldwork process with Ballardong Noongar representatives was held over three initial days consultation between Sunday to Tuesday, 20-22 June 2021, and was held in a workshop space provided in the Lesser Hall of the Shire of York Town Hall. An additional one-day consultation with Ballardong Noongar representatives on 23 July 2021 who were unable to attend at the earlier dates.

The initial consultation process on Sunday, 20 June 2021. SGH anthropologist, Dr Bryan Rochelle introduced the Noongar Cultural Heritage Survey as a component of the Shire of York's Reconciliation Action Plan and ongoing Trails Masterplan process, with explanations from the Shire of York's Arts and Cultural Heritage Officer Ms Carol Littlefair. Dr Rochelle introduced the survey methodology, emphasising that the ethnographic survey sought to identify local sites of historical and ongoing cultural significance to the Ballardong Noongar community within the scope of the Crown Lands on the three natural features of the Avon River, Mt Brown and Mt Bakewell. Dr Rochelle also sought inputs from the Ballardong Noongar representatives concerning known stories (including publications) and other information about any identified sites.

An agenda for field visits to key identified sites was drawn up by lunchtime of Sunday, 20 June 2021, which defined the field research program for the rest of the survey. The program aimed to ensure that each day was divided into workshop circle discussions at the Town Hall complemented with field visits given the limitations of wet weather and the energies of the older consultants in the survey party.

Each day, the survey team visited a different field location within the greater survey area:

- Sunday 20th June to the two Aboriginal Registered Sites of the Avon River/ and Marley Pool that is situated along the river's west bank;
- Monday, 21 June 2021, to Wongborel/Mt Brown; and
- Tuesday, 22 June 2021, to Walwalying/Mt Bakewell. The survey visit to Walwalying/Mt Bakewell passed through privately owned land in order to access the Crown Land on the mountain.

A concluding meeting was held on the final day of the survey to review the results of the survey process and ensure that all key sites and areas of concern were addressed during the survey process. This included a review of key management concerns and cultural heritage themes for the Trails Masterplan interpretation material.

Following the advice of Ballardong Noongar Elder, Mr Dennis Kickett, who reported that his sisters were knowledgeable concerning a place of special cultural significance on Mt Brown/Wongborel, Dr Rochelle and Carol Littlefair met with Ballardong Noongar representatives Audrey Nettle and Tracey on Thursday 22 July 2021 to continue the site identification process. Together, they visited Mt Brown/Wongborel for follow-up research concerning the place of special cultural significance on the mountain.

During the ethnographic survey, audio recordings were made, capturing information with the permission of the survey team. Relevant notes were also recorded. In addition, maps of the immediate survey area and greater region were consulted to inform discussions throughout the survey. Dr Rochelle also sought permission to photograph the survey team: several photographs are utilised in this report.

ABORIGINAL SITE RECORDING METHOD

Once a place of ethnographic significance was identified, an assessment was made by the Ballardong Noongar representatives and the SGH anthropologist as to its suitability for being a potential Aboriginal site, as defined under the *Noongar Standard Heritage Agreement* with the Ballardong:

“Aboriginal Site means a place to which the Aboriginal Heritage Act applies by operation of section 5 of the Aboriginal Heritage Act, including sites that are not on the Aboriginal Heritage Act Register” (p 7).

Under the *Aboriginal Heritage Act 1972*, an Aboriginal Site is defined under section 5 as:

- (a) any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;
- (b) any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;
- (c) any place which, in the opinion of the Committee, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State;
- (d) any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.

Ethnographic surveys such as the current investigation are primarily concerned with sections 5(b) or 5(c).

Where an Aboriginal Site was located, it was recorded in accordance with the Ballardong *Noongar Standard Heritage Agreement* (section 10.2iii) that essential aims to provide sufficient information to the enable the heritage team to:

- a) record the external boundaries of all Aboriginal Sites or, in the case of a Site Avoidance Survey, the area to be avoided due to the presence of an Aboriginal Site, using a GPS; and
- b) record relevant Aboriginal Site information or, in the case of a Site Avoidance Survey, the area to be avoided, on a Heritage Information Submission Form; and
- c) mark the external boundaries of identified Aboriginal Sites or, in the case of a Site Avoidance Survey, the external boundaries of the area to be avoided due to the presence of an Aboriginal Site, on a map; and

- d) make recommendations for the protection and management of any Aboriginal Site identified by the Survey Team; and
- e) generally, prepare a Survey Report that complies with the requirements of clause 12.

To do so, the following methods were employed:

- i) the extent of the heritage place was determined by the Ballardong Noongar consultants and the SGH anthropologist. Due to the large area size of the identified sites of Mt Brown/Wongborel and Mt Bakewell/Walwalying boundary points were defined by geographic features and not using a handheld GPS;
- ii) information about the environmental context and ethnographic features were recorded using photographs, audio recordings and a written description;
- iii) consultation was undertaken with the Ballardong Noongar consultants to identify ways for the Shire of York to manage the heritage place, including ongoing processes of consultation, within the context of the Trails Masterplan development process; and
- iv) Heritage Information Submission Forms were completed and are supplied in Appendix 2.

Information to support potential heritage interpretation signage was also obtained as part of this process, although further consultation will be required as part of the interpretation process.

The Walwalying-Wongborel Creation Story

The creation story of the two sacred mountains of York—Walwalying and Wongborel, known respectively as Mt Brown and Mt Bakewell—underpins the cultural and spiritual significance of the two mountains to the Ballardong Noongar people. This creation story also intrinsically links the two mountains to the Gogulgar Bilya/Avon River in a broader Aboriginal creation story for most of the York area. This creation story is well recognised in contemporary York folklore and beyond. This is in part due to the longstanding SoY signage in the Visitors' Area atop Mt Brown/Wongborel that provides an abridged version of the creation story (see Photo 5).

Below is a comprehensive version of the Walwalying-Wongborel creation story as told by George Kickett Snr (now deceased). George Kickett was father to three Ballardong Noongar heritage consultants who participated in this heritage survey: Dennis Kickett, Audrey Nettle, and Tracey Kickett. Audrey Nettle and Tracy Kickett shared their personal copy of George Kickett's story, as recorded by their sister Dr Marion Kickett who wrote down the story when she was a girl.

Legend of the two hills in York, as told by George Kickett Snr (and recorded by Dr Marion Kickett)

"There are two big hills in York the biggest is Walwalling (known today as Mt Bakewell) which means 'place of weeping' and the other hill is Wongborel (known today as Mt Brown) which means 'sleeping woman'. Now there's a reason for these two hills to have these names. The Noongars gave these names to the hills because of what happened a long time ago. This is in the dreaming.

Years and years ago one family of Noongars came here to live in York. They cleared some of the trees away and burned the bushes and the grass. Every year they would burn the grass and when the new grass would grow the kangaroos would come and eat the new sweet grass. The Noongars would kill the kangaroos for food and they would use the skins to keep themselves warm cause it would get cold in the valley of the two hills. Anyway, as the time went by the family got bigger and there were too many people living in the valley. The old man said to his two youngest sons, 'I want you to go and see what food you can get up in the hills'. The youngest sons left early in the morning and started climbing the hills they came with lots of different types of foods. They told their father that there was plenty to eat in the hills.

The old man decided to send his two youngest sons and their wives to live on the two hills. His two youngest sons had many children and grandchildren. Time went on and the old man was ready to die, so he sent for his sons and their children and grandchildren. Down from the hills they all came to see the old man. They all played sports, games, and danced around the fires, and hunted together and all had a big feed. The old man watched the games, he watched them all dance around the fire, and he ate the food that was caught for him and then he died with all his family around him.

Every year at the same time the hills' Noongars and the valley Noongars would meet in the valley.³ They would dance around the fires, play games and hunt and eat together. For many more years they did this. Then one year something wrong happened, one young fella whose name was Wundig came down from the hills; he had *moorditj marts* (good legs) and he could run fast and was a good hunter. It was soon time for him to marry the *yorga* (girl) he was promised to, she was from over the other side of the hills. But Wundig wanted to marry Wilura who was from the valley people. They decided to take off together. This was wrong way because they were related.

The valley Noongars thought Wilura was living with Wundig up in the hills and the hills Noongars thought Wundig was living with Wilura down in the valley. The valley Noongars went looking for Wilura up in the hills. The hill's Noongars told the valley Noongars that they didn't know where the two young fellas were. The valley Noongars wouldn't believe the hill Noongars and a big fight started.

The hills' Noongars were too good on their own land in the hills and a lot of valley Noongars were killed. The valley Noongars still left alive looked up and saw more hill Noongars coming from the other hill, there was too many of them so the valley Noongars went back down to the valley and called on their *Mubarn* man (clever fella) and asked him to use his *Mubarn*. As the other hill people came over the big hill and down the slope they were turned into Balgas (black boy bushes [grass trees]) to this day you can see them still standing still on the big hill.

The *Mubarn* man then turned his *Mubarn* on Wundig and Wilura and they both died. Wundig's *karnya* (shame) would stay on Walwalling (known today as Mt Bakewell [otherwise spelt here as Walwalying]) and his *yorga* (girl) Wilura's *karnya* (shame) was sent to the other hill that he called Wongborel (known today as Mt Brown). The *Mubarn* man said that Wundig and Wilura would never meet again until the two hills came together one day and he made the river run between the two hills. This is how it still is today.

The *Mubarn* man turned back to Walwalling and said that if any Noongar climbed the hill they had to climb to the top, if they didn't make it to the top then someone in their family would die. So if you are going to climb Walwalling today make sure you can climb it to the top".

DESKTOP REVIEW OF THE AHIS

It is clear that there has been a great deal of ethnographic investigations within the Shire of York area. Many of the surveys area related to small, task-specific projects such as, but not limited to, bridge renewals (Corsini and Hovingh 2020; Greenfeld 2018; Huxtable 2017; Martinick McNulty Pty Ltd 2000; Martinick McNulty Pty Ltd 2001; O'Connor 2001; O'Connor 2003; Preller and Johnston 2020), quarries (Hallam 1993), and water pipe replacement (Goode and Harris 2011b). In addition, there are a few broader heritage investigations related to native title (Machin 1994) and forestry development (Centre for Social Research 1997).

Given the small scale of the previous investigations, it is not surprising that only two Registered Aboriginal Sites were identified on the Aboriginal Heritage Information System (AHIS) which intersect with the current

³ Note, that at this point in the story the descendents of the two brothers come to represent not Noongar families from the different hills but one family from 'the hills' (Walwalying) and the other from 'the valley'.

survey areas. The first site is the Avon River (Site ID: 15979) and the second site is Marley Pool (Site ID: 29397). Both are discussed below.

Avon River/ Gogulgar Bilya

The Avon River (Site ID: 15979) is a Registered Aboriginal Site which has been previously documented based on its mythological association with the Waugyl, with the permanent pools of the Avon River considered 'sacred sites' where the Waugyl resides (Erickson 1974:1). The Waugyl travelled down the Avon River into the Swan River, another Registered Aboriginal Site (Site ID: 3536). Together, these rivers link the wheatbelt with the metropolitan area through the Avon Valley and onto the Indian Ocean at Fremantle. Noongar people call the Avon River 'Gogulgar Bilya'.

"The river is believed to be the journey track and resting place of the Waugal, who not only created it but remains ever-present within it, as evidenced by the water flow. Significance is attributed both to the whole river and also to various and specific locations along it which are sacred to Nyoongar (*sic*) people."(Lafrentz and Villiers 2009:21).

The Avon River/Gogulgar Bilya and its tributaries are significant for being the medium by which the Waugyl travels up and down the river (Goode and Harris 2011a), as are select places along the river itself. The river has other values to Noongar people too, which helps to create a strong sense of place for local traditional owners:

"The river is used for swimming, camping and fishing. These associations are traditionally based, and have been continued up until the present and there are many memories associated with the place" (Centre for Social Research and Ltd 1997:106).

The extent of the river is generally understood to be contained by the highwater mark of its banks and those of its tributaries, although the boundaries implemented by DPLH are approximately 30-50 m from the water's edge. Many of the ethnographic reports focus on sections of the Avon River (eg. Lafrentz and Villiers 2009).



Photo 2: The suspension bridge over the Avon River/ Gogulgar Bilya with Mt Bakewell/Walwalying in the background, taken from within the township of York (photo, <https://www.york.wa.gov.au/image-gallery/york-gallery/1>)

Marley Pool

The Aboriginal site listed as Marley Pool (Site ID: 29397) is referred to locally as 'Mile Pool'. The name Mile Pool was marked as part of the Avon River in the 1851 surveyor's (Gregory) report that surveyed the grounds of the York Native Institution that was built on the eastern bank of the Avon River at Mile Pool. The site is registered as a ceremonial place and a birthplace, a place with historical associations of camping and hunting, and as a water source and food resource.

In 2011, heritage consultants Robert Chown and Joe Mattner of Waru Consulting undertook an ethnographic survey of this part of the Avon River on behalf of Western Power, who were looking to lay 22kV cables under the Avon River (Chown and Mattner 2011). The nine Ballardong Noongar consultants on that ethnographic survey identified a culturally significant site (2011:14) on the river at Mile Pool. The Ballardong Noongar consultants on that heritage survey identified 'Marley Pool' (a misnomer for Mile Pool; see below) area on the west bank of the Avon river as a corroboree ground. One consultant on this earlier survey, Gwen Corunna (the mother of Vanessa Corunna, a heritage consultant on this 2021 Noongar Cultural Heritage Survey), remembers being told by her parents during the 1940s that children could not visit the area 'because the old people were doing law business there'. Another Ballardong Noongar consultant, Kerry Anne Winmar, remembers being told a story by her father, Ralph Winmar, that he had attended a ceremony held there around 1944 (when he was 8 years old) for his deceased mother (Chown and Mattner 2011:15). Gwen Corunna and her sister Muriel Bowie recounted that two of their siblings had been born in the immediate area of the Marley Pool corroboree site in the mid-1940s, though they do not recall being told the area was a specific 'birthing place' in a traditional sense (Chown and Mattner 2011:15). Certainly, the Ballardong Noongar consultants on this earlier survey reported the area of Marley Pool and surrounding area along the west bank of the Avon River as having a long history of camping, fishing, swimming, hunting, and recreation; qualities seen as an extension of their suitability and utility as a location for supporting corroborees (Chown and Mattner 2011:15-16).

The Ballardong Noongar consultants on the 2011 ethnographic survey gave the corroboree ground site and birthplace the name of 'Marley Pool'; this was subsequently registered as an Aboriginal site with the DPLH. Several of the participants in the 2010 ethnographic survey were participants in the current consultation, namely, Muriel Bowie, Glenys Yarran, and Reg Yarran. During the current Noongar Cultural Heritage Survey (2021), participants clarified that the name of Marley Pool is a misnomer recorded in the AHIS, suggesting that the name Marley Pool is associated with another location within the shire of the same name. This other Marley Pool is located upstream of the York township on the Mackie River tributary to the Avon River/Gogulgar Bilya.⁴ The registered Aboriginal site Marley Pool is situated downstream on the Avon River/Gogulgar Bilya of the main township of York but still within today's outer suburbs (see Figure 1).

It should be noted that the location of Marley Pool is unclear. While the centrepiece of the 200 m radius circle is located on the west bank of the Avon River, but that the 200 m circle was enough to capture all the cultural aspects of Marley Pool: the law ground, the birthplace, the camping ground and the meeting place (Chown and Mattner 2011:16).

⁴ Map source, photocopied handout, Shire of York Council Offices.

OTHER NOTED HERITAGE PLACES

In addition to those places listed on the AHIS, local knowledge and interpretative signage suggests that there are other places documented in the local area.

Mt Bakewell/Walwalying

Mt Bakewell/Walwalying is situated directly to the north of the township of York. The summit of Mt Bakewell is the highest point in the Dyott Range, and the highest point in the Shire of York at 448m, and is located at the south-west of the range. Several telecommunications towers site atop the mountain are fenced off. Currently, the mountain is largely privately owned by farmer-landowners with farms along its base and sides, but who also own much of the higher areas on the mountain, including beautiful banksia scrublands/forest understory on the mountain's highest areas, and sections of magnificent grass trees that feature in the creation story of the mountain. The SoY also manages a section of Crown Land on south-eastern corner of the range below the Mt Bakewell/Walwalying peak. Road access to the mountain, including the Crown Land, is via private land with the landowners' permission.

The Shire-vested Crown Land on Mt Bakewell/Walwalying is currently legally classified by the SoY as a C Class Reserve for Grazing use. Despite its C Class rating, the SoY recognises that the natural environment on Mt Bakewell/Walwalying is considered by environmental experts as pristine with sensitive flora, and that most of the sensitive flora is found on private land, not the Shire-vested lands (Ordinary Council Meeting Minutes, 24 June 2019:40-41).



Photo 3: The entire Dyott Range as seen from the slopes of Mt Brown/Wongborel. Mt Bakewell/Walwalying is the tallest point in the range on the west (left side) of the photo with the telecommunications towers atop (photo, <https://www.york.wa.gov.au/image-gallery/york-gallery/1>)

Mt Bakewell/Walwalying is a favoured site with the hang-gliding and paragliding community, and there are several renowned take-off locations on the mountain: a top-launch and a mid-launch take-off in clearings. A description of Mt Bakewell by the Hang Gliders Association of Western Australia can be found at <http://www.flywa.com.au/mt-bakewell.html>.

Walwalying/Mt Bakewell is also viewed as a potential mountain-biking location by members of the mountain biking community in WA. In support of this, one of the landowners on Walwalying/Mt Bakewell, who owns a substantial portion of the mountain ridge and south-westerly facing side (the side facing York) would purportedly like to develop this land into a mountain biking recreational network of trails that would be part of and feed-into the Trails Masterplan. This vision is supported in the *Final Draft Trails Masterplan 2019-2028*, whereby the development of a network of mountain bike trails encompassing both SoY managed Crown Land and the lands of a private landowner are promoted as short- and medium-term recommendations by Common Ground. Under 'Short-term Recommendations, of High Priority for Development', the draft Trails Masterplan proposes the SoY support trail development upon private freehold land on Walwalying/Mt Bakewell with the private trails feeding into the broader SoY proposed trail system on Crown Land; as well as proposing a walking trail to summit of the mountain. Under 'Medium-term Recommendations, of Medium Priority for Development', the *Final Draft Trails Masterplan 2019-2028* proposes the SoY create another shared use trail (combined walk/run/mountain bike) that climbs Walwalying/Mt Bakewell on the southern side of the mountain that is encompassed within Crown Land, and a descending mountain bike trail that also links to the abovementioned proposed private mountain bike network; in doing so creating a mountain bike trail loop connecting the Walwalying/Mt Bakewell trails with the broader Trails Masterplan proposed network of trails (Common Grounds Trails 2019:71-72). See Figure 3 for a map of the proposed Trails Masterplan trail network linking Mt Bakewell/Walwalying with the Avon River/ Gogulgar Bilya and Mt Brown/Bakewell.

Plans modelling a proposal for trail development on both private and Crown Land on Mt Bakewell/Walwalying were presented at the Shire of York Ordinary Council Meeting on 29 September 2020 and appear in the minutes for this event; see Figure 3 below (Ordinary Council Meeting Minutes 29 September 2020). A very similar version of the map detailing this trail development network proposal was until recently found on the website of one notable trails stakeholder, the Western Trails Alliance, which is an organisation helping build mountain bike trails in WA (map accessed on 26 June 2021 at <https://www.westerntrailsalliance.com.au/project/mt-bakewell-mt-brown-york-wa>; map has since been removed). This organisation has been involved as a stakeholder in the Trails Masterplan consultation process, participating in consultation workshops in the development of the *Final Draft Trails Masterplan 2019-2028*. The Western Trails Alliance website, whose homepage showcases a photo of Walwalying/Mt Bakewell (<https://www.westerntrailsalliance.com.au/>), descriptively outlines plans for the development of an extensive mountain bike network on both SoY Crown Land and private land on Walwalying/Mt Bakewell.

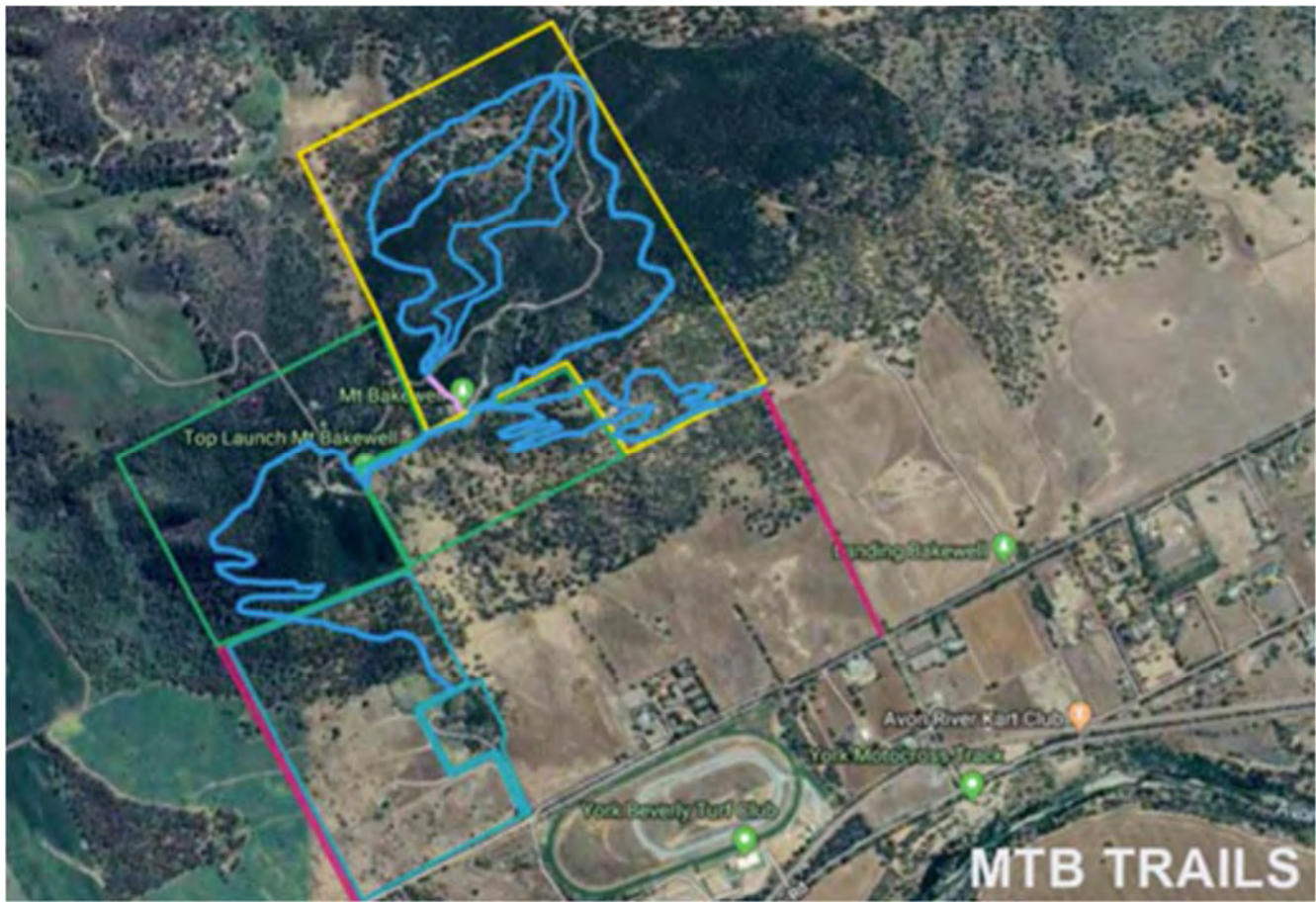


Figure 3: Map of proposed trails network on Walwalying/Mt Bakewell (Ordinary Council Meeting Minutes 29 September 2020).

MEDIUM TERM RECOMMENDATIONS

The following trail recommendations are considered medium priority for development, please note trail alignments are indicative only. Refer to Appendix A for more detail on each trail.

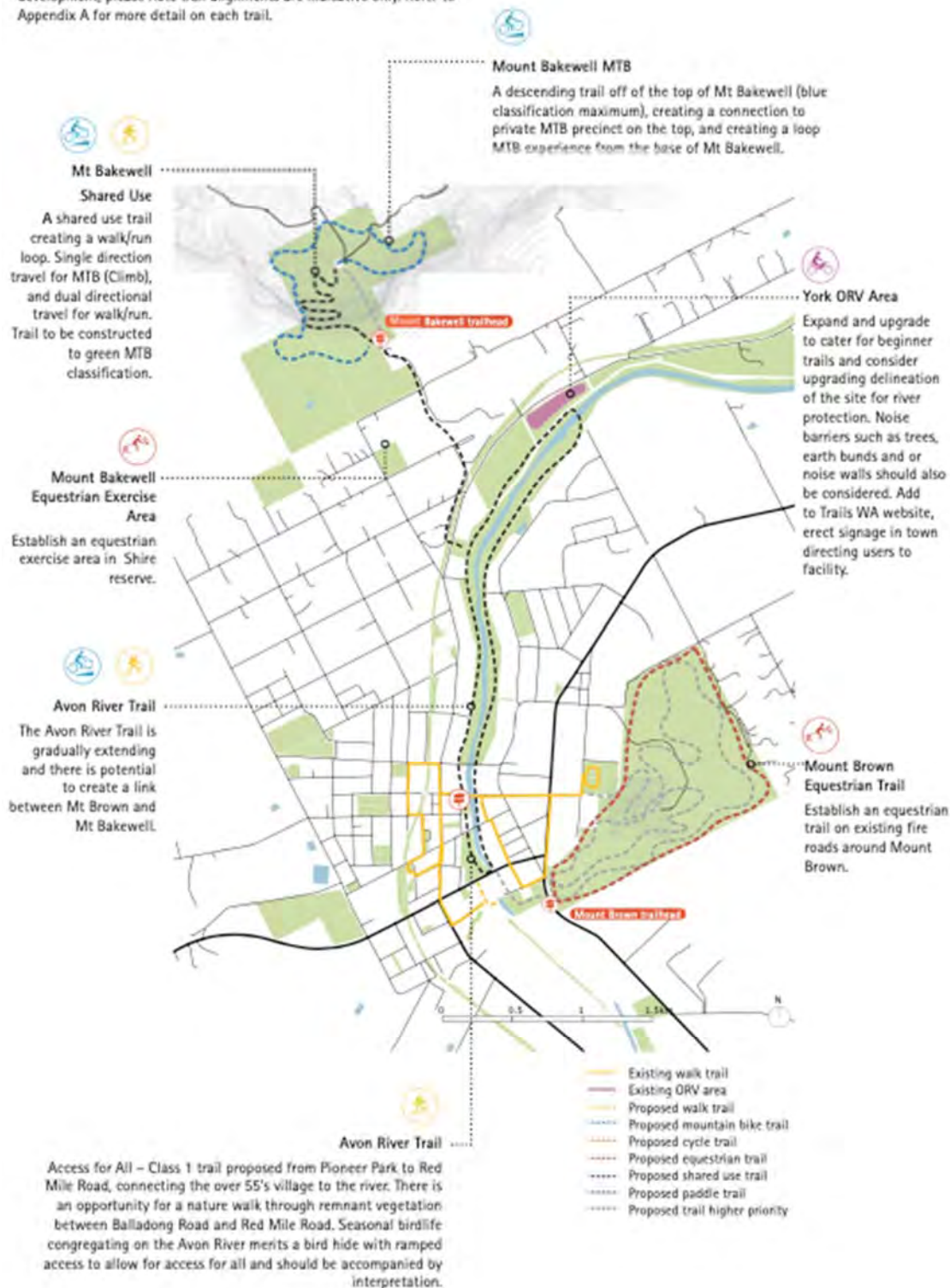


Figure 4: Map of the proposed Trails Masterplan trail network linking Mt Bakewell/Walwalying with the Avon River/ Gogulgar Bilya and Mt Brown/Bakewell (2020:72).

Mt Brown/Wongborel

Mt Brown, known as Wongborel in the Noongar language, is located approximately 500 metres to the east of the Avon River/Gogulgar Bilya behind the eastern and largely suburban portion of the York township. The mountain rises to 342 metres above sea level, the summit providing 360° views of the surrounding area, including a clear view of Mt Bakewell/Walwalying to its north, Mt Matilda to the south-west, and the township of York to the west.

The Shire-vested Crown Land on Mt Brown/Wongborel is currently legally classified an A Class Reserve for Parklands use (Ordinary Council Meeting Minutes, 24 June 2019:40-41).

In historical literature, Mt Brown/Wongborel features in the late Nineteenth Century book penned by Janet Millet, the wife of an Anglican parson who lived in York during the late Nineteenth Century who wrote about her relationships and experiences with local Ballardong Noongar people. She referred to Mt Brown/Wongborel as Douraking which she understood was a local Aboriginal name for the mountain (Millet 1872), though this term has not appeared in subsequent records.

Mt Brown/Wongborel has a variety of native vegetation, most notably 'jam trees' (*Acacia acuminata*) and York Gums (*Eucalyptus loxophleba*), as well as climbing native yams and a range of native flowering shrubs. Native fauna include echidnas, kangaroos and possums. The mountain also has diversity in introduced fauna, such as cats, foxes and rabbits.

Atop Mt Brown/Wongborel is a lookout platform built by the SoY in the 1960s, which is accessible via a bitumen road from the township. The road includes a carpark and vehicle turning-circle just below the summit of the mountain. This lookout is a major tourism attraction in the SoY. The lookout is directed towards and provides a fantastic view of Mt Bakewell/Walwalying across the Avon River/ Gogulgar Bilya. Just below the lookout, with an aspect towards the centre of the township, there is a memorial rock monolith with two plaques that commemorates the heritage of both the early pioneers of the district as well as naming the Ballardong Noongar people as the traditional owners of the area. The monolith is believed to have installed by the SoY in the 1960s. It was originally a single plaque commemorating settler heritage in the area but did not discuss any Aboriginal history. However, on request of Ballardong Noongar Elder Phillip Bateman (a member of the current survey representatives) the original plaque was replaced with two new plaques. The plaques were unveiled on 28 May 2021 during National Reconciliation Week (The York & Districts Community Matters, June 2021, Vol. 286).



Photo 4: Ballardong Noongar heritage consultants Audrey Nettle and Tracey Kickett in front of Mt Bakewell/Walwalying and the Dyott Range, taken from the lookout atop Mt Brown/Wongborel.

Alongside the bitumen access track that accesses the summit of Mt Brown/Wongborel, is a number of informal tracks that are used for both walking and downhill mountain biking. Several double-track gravel fire trails also circle around the mountain: these also serve as trails for a variety of community uses, including walking, biking, horse riding, and trail bike riding and four-wheel driving (despite the two latter activities being banned on the mountain). There is also a community barbeque and gathering area approximately 50 m below the summit of Mt Brown/Wongborel.

In recent years, Mt Brown/Wongborel has become a focal point for unsanctioned mountain bike trails development. There are purportedly nine separate unsanctioned mountain bike trails on the mountain of varying grades of difficulty, a number of which are used in downhill mountain bike competitions. Mt Brown/Wongborel has hosted several organised mountain bike events in recent years with SoY consent, and there is a desire from mountain bike stakeholders, including the SoY, to further develop the capacity of the mountain to hold more events in the future. The SoY recognises that part of the popularity of the trails on Mt Brown/Wongborel is due to its proximity to the town centre (Ordinary Council Meeting Minutes, 24 June 2019:36). The popularity of the unsanctioned trails for mountain bike use has resulted in heavy wear from unsanctioned use throughout the year as well as the bike events that have been held 2-3 times a year in recent years. The SoY has acknowledged the need for formalisation and development of appropriate trail infrastructure to manage the increased usage and ensure the natural environment is not adversely impacted (Ordinary Council Meeting Minutes, 24 June 2019:36).

The Trails Masterplan has a strong emphasis upon the development of a mixed trails network (walking, biking and equestrian) on Mt Brown/Wongborel, as a Short-term Recommendation of High Priority, proposed as the project's leading initiative. The Trails Masterplan proposes the creation or formalisation of trails of varying degrees of difficulty to appeal to a range of users, including families. The SoY has temporarily halted bike competitions on the mountain until the Noongar Cultural Heritage Survey consultation process has been completed (Carol Littlefair, personal communication).



Photo 5: View from near the summit of Mt Brown/Wongborel looking across the township and the Avon River towards Mt Bakewell/Walwalying. A fire-track trail can be seen in the foreground upon Mt Brown/Wongborel (photo, <https://www.york.wa.gov.au/image-gallery/york-gallery/1>).

Shire of York cultural heritage material — signage and publications

An important and highly relevant resource for information concerning the Ballardong Noongar people and culture in the SoY is the Shire's own cultural heritage material. In this material, the two Aboriginal sites formally recognised with the AHIS, the Avon River/Gogulgar Bilya and Marley Pool are well recognised and documented. Similarly, the Ballardong Noongar creation story of Mt Bakewell/Walwalying and Mt Brown/Wongborel is also documented and celebrated, linking these two mountains within the broader Ballardong Noongar cultural landscape (including the Avon River/Gogulgar Bilya). This is most prominently featured in SoY cultural heritage material signage atop Mt Brown/Wongborel, mentioned above (see Photo 5). However, this creation story of these two mountains and their links to the Avon River/Gogulgar Bilya also feature on SoY cultural interpretation publications and additional signage around in the shire, including, but not limited to:

1. SoY's *Avon River Trail* guide describes both Mt Bakewell/Walwalying and Mt Brown/Wongborel as "sites of immense cultural significance to the Ballardong Noongar people". The guide references the

creation story in describing Walwalying as 'The Hill that Cries' and Wongborel as the 'Sleeping Woman.'

2. SoY's *Welcome to Ballardong Country* tourism pamphlet;
3. SoY's *Wongborel/Mt Brown Walk Trail* pamphlet;
4. SoY's *the Legend of Mount Bakewell and Mount Brown* pamphlet;
5. Prominent wastebins signage in the Cultural Heritage Precinct of York township;
6. Avon River Trail Signage to the west of the suspension bridge over the Avon River/Gogulgar Bilya;
7. The Ballardong Noongar creation stories are taught at the local York Primary School education program (information care of Mrs Bateman, teacher, York Primary School).

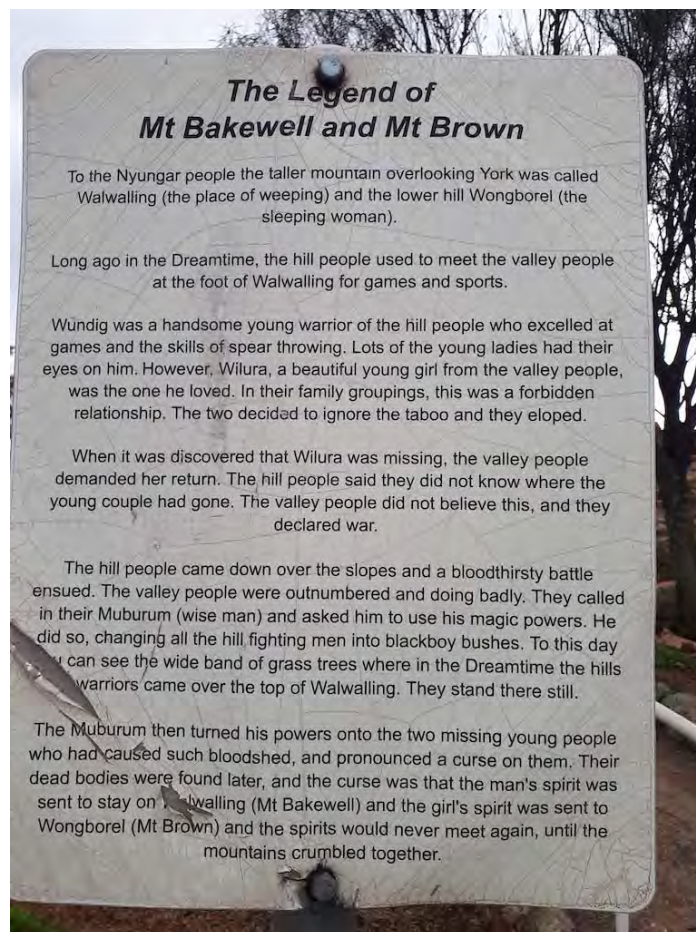


Photo 6: Shire of York cultural interpretation material telling the Ballardong Noongar Dreaming creation story of Wongborel and Walwalying (photo, Bryan Rochelle)



Photo 7: Existing Shire of York Heritage Tourism Signage Concerning the Avon River Trail and Acknowledging the Three Prominent Landscape (and Cultural) Features for Noongar People (photo courtesy of Shire of York).



Photo 8: Shire of York interpretative signage on wastebins in York's Cultural Heritage Precinct along Avon Terrace showcasing the Noongar name for Mt Bakewell, Walwaling (photo courtesy of Shire of York)

ETHNOGRAPHIC SURVEY RESULTS

Ballardong Noongar Inclusion Concerns Regarding the Trails Masterplan Consultation Process

During the Noongar Cultural Heritage Survey, several Ballardong Noongar heritage consultants raised concerns that the Ballardong Noongar community was not formally or adequately consulted as a significant stakeholder in the Trails Masterplan consultation process until after the *Final Draft of the Shire of York Trails Master Plan 2019-2028* had been published. They were particularly concerned about the central role of the Avon River/Gogulgar Bilya, Marley Pool, Mt Bakewell/Walwalying and Mt Brown/Wongborel in the Trails Masterplan, yet were cognisant of the lack of recognition of the cultural and spiritual importance of these sites with the Trails Masterplan document.

While Common Ground consulted with members of the Ballardong Noongar community on 10 April 2021, it appears that the Ballardong Noongar assertions about the cultural sensitivities of Mt Bakewell/Walwalying and Mt Brown/Wongborel did not make it into the *Final Draft of the Shire of York Trails Master Plan 2019-2028* and the *Draft for Public Comment: Shire of York Trails Masterplan 2019-28* (the 'Vision' document). The Trails Masterplan contains only one line referencing the outcome of consultation with the Ballardong Noongar community, acknowledging their concerns about trail development on Mt Bakewell/Walwalying: "Mt Bakewell is a place of significance to Aboriginal people and further engagement should be carried out should the Shire progress with the summit trail" (Common Ground Trails 2019:68).

Avon River/Gogulgar Bilya and Marley Pool Registered Aboriginal Sites

On 20 June 2021, the heritage survey team visited the two Aboriginal heritage sites listed within the DPLH's AHIS system, the Avon River/Gogulgar Bilya (Site ID: 15979) and Marley Pool (Site ID: 29397). The Ballardong Noongar heritage consultants confirmed the location of the Avon River/Gogulgar Bilya. There was some contention, however, as to the correct location and naming of the registered Aboriginal site Marley Pool, which is addressed below.

The Marley Pool site was visited by the entire survey team to clarify its location and obtain additional information as to the historical associations with this site. The Ballardong Noongar heritage consultants described the Marley Pool site as being open to both men and women, that is, an Aboriginal site with no gender restrictions.

There was some initial confusion amongst the Ballardong Noongar heritage consultants as to the precise location of the Marley Pool site but there was eventual consensus that it was near the centre of the polygon demarcated in DPLH's AHIS system (see Table 2). The heritage survey team recognised that the agreed upon location of the Marley Pool site is approximately 100 m downstream from the place marked as Marley Pool by existing SoY heritage signage. The Ballardong Noongar heritage consultants requested that this signage be replaced with new and updated signage in the correct location.

Table 2: Confirmed coordinates for Marley Pool (Site ID: 29397)

Boundary point	Easting (mE)	Northing (mN)	Comments
001	0478322	6473781	The site is locally known as Mile Pool.

Marley Pool (Site ID 29397) is also associated with a separate but adjoined birthplace of two known people: Ms Dulcie Blurton and Mr Matthew Blurton. On the day of the survey, the Ballardong Noongar heritage consultants initially had trouble identifying the exact location of the birthplace, which is believed to be immediately adjacent to the ceremonial ground. There was some conjecture between Ballardong Noongar heritage consultants as to whether the birthplace of the two known people constituted a 'birthing place' in the traditional sense. It was suggested that further research be conducted with senior Ballardong Noongar Elders not present on the survey—in particular, Ms Dulcie Blurton who is one of the two known elders born here—for more specific information regarding the precise location of the birthplace and whether it held its associations as a 'traditional place of birthing'. Despite this uncertainty, the representatives agreed that the Marley Pool boundary demarcated on the AHIS system is adequate to encompass both the ceremonial ground and the birthplace. The Ballardong Noongar heritage consultants requested that new signage created as part of the SoY's Trails Masterplan clearly differentiate between the Mile Pool ceremonial ground and the immediately adjacent birthplace (once accurately determined) to raise awareness for Aboriginal people and give them the opportunity to choose how they engage with each place.

During the Twentieth Century, and in the living memory of several of the survey team - especially Ms Muriel Bowie and Ms Glenys Yarran - this location has served as a meeting place for camping, picnics, Christmas parties, swimming, fishing for fish and jilgies, hunting possum, collecting bush tucker, and other recreational activities, for many of the local Ballardong Noongar families. The site continues to be used: Ballardong Noongar heritage consultants requested that interpretative signage be placed at the sites and that further consultation be undertaken during its development, recognising that corroboree sites are meeting places for both locally and non-locally resident Aboriginal peoples.

The Marley Pool site has been incorporated into the SoY's Avon River Trail for walking and biking. There is signage along this trail, although the signage near Marley Pool is not currently in the correct location. While the Trails Masterplan proposes that the existing Avon River trail be expanded into a shared-use trail that passes by the Marley Pool site, Ballardong Noongar heritage consultants strongly recommended that any future trail development does not pass through the Marley Pool site and its nearby birthplace (once accurately determined).

Mt Bakewell/Walwalying

Walwalying/Mt Bakewell is the tallest landmark in the Shire of York at 448m, situated in the south-western portion of the Dyott Range. Several telecommunications towers site top the mountain. These are accessed via several dirt roads (one notably from the east and the other from the west) through private farmlands before entering into the forested hillsides and topmost portion of the mountain and range. The uppermost forest vegetation is a mix of eucalypt and banksia scrubland, that only appears in Shire at this altitude of the tallest hills, such as Mt Bakewell and Mt Observation, and appears relatively undisturbed. On the upper southern slopes of the mountain, grasstrees abound and cascade down the side of the hill towards York. These grasstrees feature in the Ballardong Noongar creation story associated with Walwalying/Mt Bakewell and Wongborel/Mt Brown. It was on the access road from the west that the Noongar Cultural Heritage Survey team representatives accessed the Crown Land portion of Walwalying/Mt Bakewell.

On 22 June 2021, members of the heritage survey team undertook a field visit to the summit of Mt Bakewell/Walwalying. Three of the female Ballardong Noongar heritage consultants—Vanessa Corunna, Glenys Yarran, and Ms Muriel Bowie—did not join the site visitation to Mt Bakewell/Walwalying due to their knowledge, handed down from their elders, that the mountain is exclusively a men’s only place (see below for more details). While Carol Littlefair guided us to the Mt Bakewell research site, only male survey participants got down from the car on the mountain summit and walked down the slope approximately 100 m below the summit to a clearing used by hang-gliders where they had a good view of the Dyott Range and township of York to the south.

The survey team visited the top-launch take-off for the hang-glider user group that uses Mt Bakewell/Walwalying when the conditions are suitable (GPS coordinates 0477983, 6471940). A search on Google maps shows the mid-launch take-off further along the ridge of the Dyott Range to the East. While the heritage survey team did not visit the mid-launch take-off location, it is understood that a metal shed has been built there for storing hang-gliding equipment. One of the local Ballardong participants said that one of these two locations is rumoured to have been sought as a development location club-house/café for a member of the hang-gliding community.

For Ballardong Noongar people, Walwalying/Mt Bakewell is a site of cultural and spiritual significance. Ballardong Noongar heritage consultants Audrey Nettle and Tracey Kickett described the entire range as the sleeping body of Wundig, the ‘weeping mountain’, expressing the sadness of the creation story that sees Wundig forever separated from his love Wilura, ‘the sleeping woman’, similarly encapsulated in Wongborel. The sleeping body of Wundig extends the entire Dyott Range, with Walwalying/Mt Bakewell its highest point.

For the Ballardong Noongar people, the two mountains of Walwalying/Mt Bakewell and Wongborel/Mt Brown are two intrinsic elements of the creation story for the area that is encompassed with the SoY. Noongar heritage consultant, Vanessa Corunna, insisted that this story is not a myth but a creation story, a story of the Dreaming that is still alive and real for Ballardong Noongar people today. It is a story that lays down the law—in this case marriage law—which if broken, has serious cultural and spiritual implications for those involved.

Ballardong Noongar representatives told how their elders told them about the restrictions on who was able to visit the mountain. Vanessa Corunna told how her mother, Gwen Corunna, was advised by her elders that women were not allowed to visit Walwalying/Mt Bakewell - that it was a men's only restricted place. Dennis Kickett reiterated this, noting that his father George told him that the mountain was a sacred men's place where women were restricted from travelling to. Audrey Nettle and Tracey Kickett, however, told a slightly different version, akin to the last paragraph of the George Kickett's story above. In the sisters' version, also recounted to them by their father George Kickett, the mountain is indeed a sacred mountain yet the restricted men's place is located over the top on the 'back side' of the mountain and both men and women are allowed to ascend Walwalying/Mt Bakewell as long as they continue to the very top before turning back, as per the story above. Vanessa Corunna also told how her great grandfather Robert Boundary, also known by his Aboriginal name of Nurigal, used to obtain access from the owner of the land to the west of Mt Bakewell/Walwalying, Peter Monger, to visit the mountain, suggesting that the place of special significance to men was to the west and/or backside of the peak (which is located on the west end of the Dyott Range).

All the Ballardong Noongar heritage consultants affirmed that Walwalying/Mt Bakewell is a sacred men's place as part of Ballardong Noongar traditional beliefs and practices, and tied to the creation story described above. This sacred nature of Walwalying/Mt Bakewell has exclusions of who and how women can engage with the mountain, as discussed above. Correspondingly, all the Ballardong Noongar heritage consultants also affirmed that Wongborel/Mt Brown is a sacred place associated with women, although without corresponding gender-specific exclusions. Both mountains represent the sleeping bodies of the two lovers Wundig and Wilura.

When atop Walwalying/Mt Bakewell, Dennis Kickett described the importance of the mountain to him. "I have travelled all over this country and I came back home. If you are from this area you want to be back here," he said. "This place is in my make up. It is in my genes, in my blood, he continued. "This is where I am from. When up here it feels like I am meant to be here," he said. Dennis also expressed that Walwalying/Mt Bakewell is important to him because of the legend, and especially so as it is the male aspect of the creation story, as a place of sacred men's business. It is important to him that the mountain is protected for future generations, and acknowledged that it is his and other Ballardong Noongars' responsibility in ensuring this occurs. These sentiments were reiterated by Ballardong Noongar heritage consultant, Reg Yarran, who said of Mr Kickett using Noongar words, "it's in his koort (heart) that his wirn (spirit) brings him home to boodja (country)." Standing atop Walwalying/Mt Bakewell, Reg Yarran commented how you can see where the Waugyl went through as it created the boodja. Dennis Kickett also noted that some cultural activities continue on Walwalying/Mt Bakewell, but he didn't expand on this when asked.

Both Dennis Kickett and Reg Yarran stated that the land of Mt Bakewell was akin to Uluru for them, that it should be similarly considered a place of great cultural significance for the Ballardong Noongar people, as it is for the Traditional Owners of Uluru. They would prefer that people, specifically non-Ballardong men, do not access the mountain, that they do not walk on it. Vanessa Corunna made it clear that restrictions on access of certain places are there for the protection of others, and that these values should be incorporated into the Trails Masterplan.



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Figure 5:
Walwalying/Mt Bakewell Site

Survey Area

Areas where consultation took place.

Heritage Places

Newly Identified heritage places
 Places listed on the DLPH Register of Aboriginal Sites and Objects.

Elevation

Contours

Transport

Roads & Tracks

Hydrography

Watercourse
 Connector
 Non-perennial Lakes

Utilities

Powerline
 Gas Pipeline
 Water Pipeline

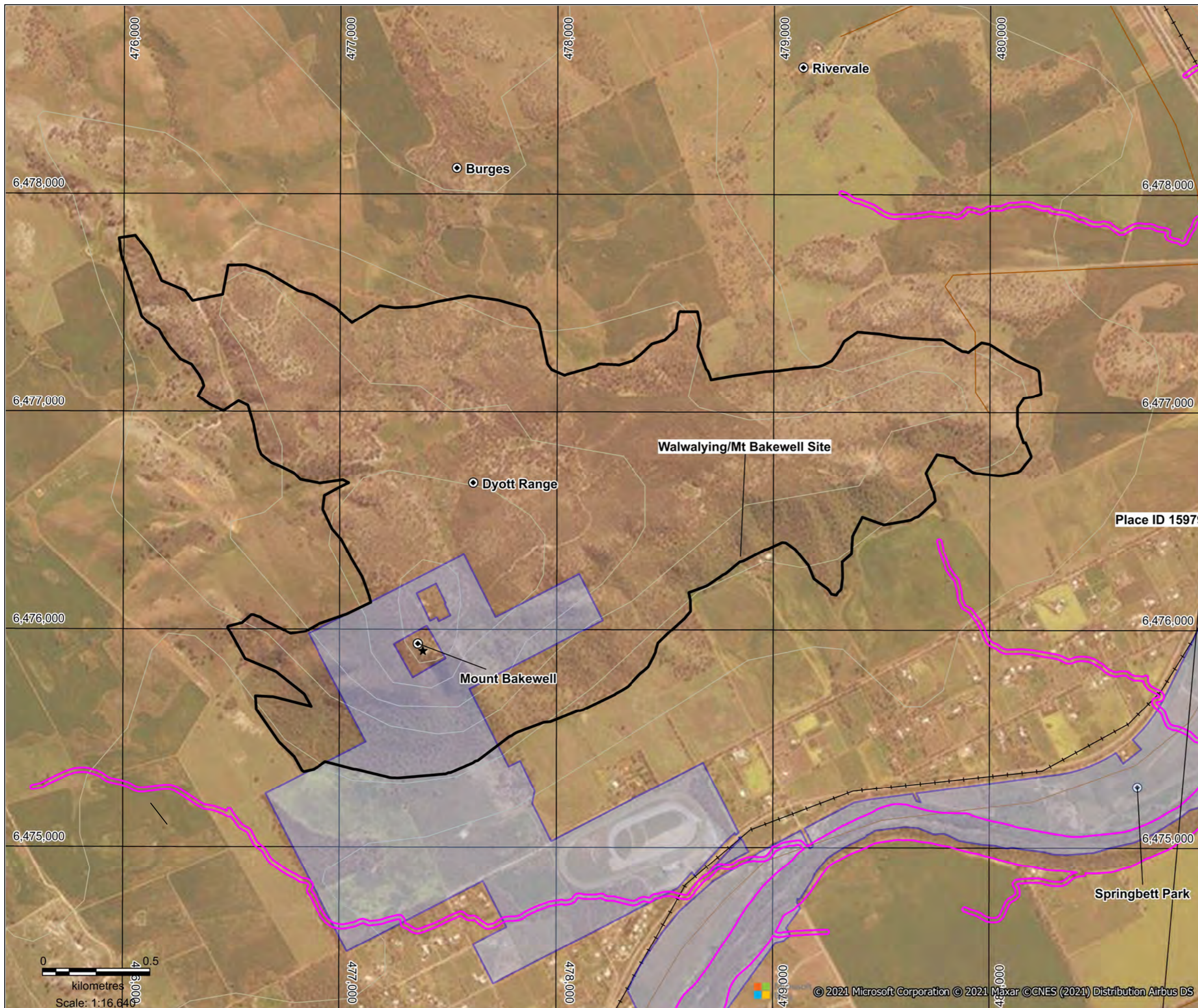
Topographic Features

Selected Location



Compiled by: Ryan Hovingh
Date: 27 July 2021
Projection: GDA94 Zone 50
156 Francisco Street, Belmont WA 6104
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0 0.5
kilometres
Scale: 1:16,640

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Ballardong Noongar heritage consultant Phillip Bateman told stories of his lifelong association and with Walwalying/Mt Bakewell for recreational and work purposes, noting how it is an important landmark of York for Noongars and other residents. As a child he recalls climbing the mountain to watch the horse races at the racetrack below. He recalls many days just playing and hanging out on the mountain when younger. He also worked picking rocks from the mountainside for the re-gravelling of roads for the SoY. He recalls how his mother used to tell him of the legend of how the two hills were one, how the man was buried up here, and how this corresponded to the sleeping woman in Wongborel/Mt Brown.

Walwalying/Mt Bakewell satisfies criteria as an Aboriginal site under Section 5 (b), Section 39 (2) (a, b, and d), and Section 39 (3) of the AHA. Walwalying/Mt Bakewell is recognised as a living sacred site by the Ballardong Noongar Traditional Owners as detailed in this site identification report as a living tradition. Walwalying/Mt Bakewell also has a long history of acknowledgement by the SoY in long-standing cultural interpretation material, exemplified by the SoY tourism signage atop Wongborel/Mt Brown which recounts the Dreaming creation story linking the two mountains and the Avon River/ Gogulgar Bilya in the one Dreaming story. This creation story also features prominently in already existing SoY Avon River Trail material and other SoY online and printed cultural material (as detailed above), and is referenced in existing trail signage around the York township. The Walwalying/Mt Bakewell – Wongborel/Mt Brown creation story can be said to be an essential part of the ancient and contemporary folklore of York celebrated by both Aboriginal and non-Aboriginal people.

Walwalying/Mt Bakewell also satisfies criteria under Section 39 (2) (a) of the AHA as an enduring relevant Aboriginal custom; under 39 (2) (b) due to its former and enduring significance on the basis of tradition, historical association, and Aboriginal sentiment; and under 39 (2) (d) due to its aesthetic values, and due to the rich emotive experience of Traditional Owners that their engagement with the mountain evokes, which is very clearly described above.

The Ballardong Noongar consultants are worried about the potential for expansion of existing recreational uses on Walwalying/Mt Bakewell. They were unanimous in not wanting Walwalying/Mt Bakewell to follow the way of Wongborel/Mt Brown, which they see as environmentally degraded and mismanaged, with many unsanctioned walking and mountain bike trails that have been created on the mountain. Ballardong Noongar consultant Mr Dennis Kickett said that he didn't want to see what happened on Mt Brown, which he sees as disrespectful to Ballardong Noongar culture and values, to also happen on Walwalying/Mt Bakewell. The Ballardong Noongar consultants would like to see the environmental and cultural heritage values of Walwalying/Mt Bakewell remain intact, or enhanced, and see any future trails development on the mountain as an affront to these values. As such, the Ballardong Noongar consultants were unanimous in their request that the SoY does not promote or allow people to visit Walwalying/Mt Bakewell, and that they do not want the SoY to develop the proposed walking and mountain bike trails on the mountain as part of the SoY Trails Masterplan. As the Traditional Owners and custodians of Walwalying/Mt Bakewell and Wongborel/Mt Brown, they would like to see their views and cultural values respected in this regard, incorporated within the SoY's Reconciliation Action Plan (currently in development) and the SoY's Trails Masterplan.

Ms Vanessa Corunna also expressed that if people (whether local or foreigners to this place) visits Walwalying/Mt Bakewell, then the Ballardong Noongar people will not be in a position to protect them from the consequences (such as sickness). Ms Corunna and other Ballardong Noongar consultants understand that it is part of their cultural responsibilities to ensure that visitors to their country (Aboriginal and otherwise) are not endangered by visiting places such as Walwalying/Mt Bakewell.

Mt Brown

On 22 June 2021, members of the heritage survey team visited Mt Brown/Wongborel to further discuss its heritage qualities, building on discussions begun in the SoY Lesser Hall workshop space. The heritage team travelled by Shire bus, parking in the carpark at the foot of the mountain before proceeding to the lookout atop the summit. They also viewed the recently updated SoY monument that acknowledges both the heritage of the Ballardong Noongar community and early settlers of York. It was a very cold and windy day and the heritage team did not stay longer than an hour to discuss the mountain, although discussions continued throughout the afternoon and following day in relation to the Mt Bakewell's intimate connection to Mt Bakewell/Walwalying via their interconnected creation story.

Most of the consultation atop Mt Brown/Wongborel was undertaken at the lookout platform with its clear and dramatic views of Mt Bakewell/Walwalying and the Avon River/ Gogulgar Bilya to the north. The Mt Brown/Wongborel and Mt Bakewell/Walwalying creation story was a major theme of discussed by the Ballardong Noongar consultants. From Mt Brown/Wongborel, you can see the numerous grass trees scattered across the middle and upper reaches of the southern side of Mt Bakewell/Walwalying. These trees were pointed out and discussed by the Ballardong Noongar heritage consultants and described, as in Wongborel-Walwalying creation story above, that they are the enduring embodiment of the fighters of the creation story that the *Mubarn* has turned into *balgas* (grass trees).


The Ballardong Noongar consultants were universal in their association of Mt Brown/Wongborel as a women's place associated with the young lover Wilura and the creation events that captured her within the mountain 'until the two mountains once again meet'. Several Ballardong Noongar consultants, including Glenys Yarran, referred to the hill as the place of the 'sleeping woman'—the physical embodiment of Wilura. Glenys Yarran contrasted the 'sleeping woman' hill of Mt Brown/Wongborel to the 'crying hill' of Mt Bakewell/Walwalying opposite. Glenys Yarran described visiting Mt Brown/Wongborel as an emotional experience, and that "you must have respect for that area." Phillip Bateman recalled how his "Mum used to tell how the two hills were one, the legend of them, how the man was buried up there," pointing from Mt Brown/Wongborel across to Mt Bakewell/Walwalying. Mr Bateman recalled how some of the female Ballardong Noongar elders associate Mt Brown/Wongborel with women's breasts. This evokes both the story of Wilura and the deep spiritual association of the mountain as a women's place. Glenys Yarran told how traditionally only women visited Mt Brown/Wongborel. Despite this deep association of the Mt Brown/Wongborel as a women's place, the Ballardong Noongar consultants were universal in expressing that the mountain was not a gender exclusive place, and is open to visitation by all people regardless of their gender.




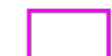
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Figure 6:
Wongborel/Mt Brown Site

Survey Area

 Areas where consultation took place.

Heritage Places

 Newly Identified heritage places
 Places listed on the DLPH Register of Aboriginal Sites and Objects.




Elevation

 Contours




Transport

 Roads & Tracks

Hydrography

 Watercourse
 Connector
 Non-perennial Lakes

Utilities

 Powerline
 Gas Pipeline
 Water Pipeline

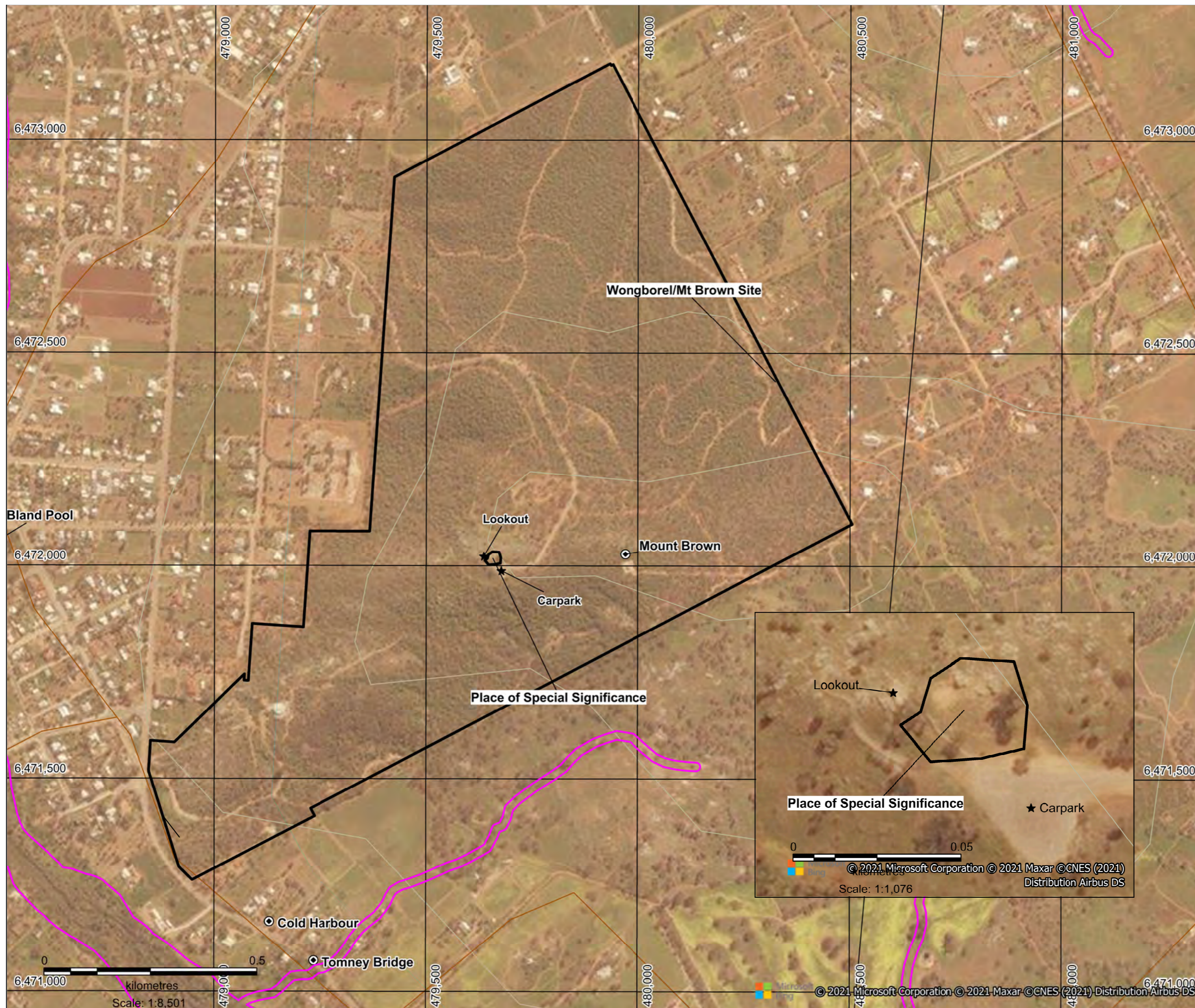
Topographic Features

 Selected Location



Compiled by: Ryan Hovingh
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156 Francisco Street, Belmont WA 6104
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Ballardong Noongar consultant Glenys Yarran described how the creation story of Brown/Wongborel and Mt Bakewell/Walwalying tells how these sporting events between Noongar families were also meetings to exchange kin. Ms Yarran said the story also tells that marriage was guided by laws, and that Noongar women were once given away in marriage. The creation story also tells how if a couple eloped, and the laws governing marriage were broken, then one clan would seek payback on another. Ballardong Noongar consultant Vanessa Corunna expanded upon this point, affirming that this creation story lays down the law, and that the breaking of law has spiritual implications that can have profound effects upon communities, not just payback. The story reaffirms that the upholding of law is important, as the upholding of law effects both individuals and communities, as does the breaking of laws.

Ballardong Noongar consultants also discussed the natural flora and fauna of the mountain, and in particular recalled their knowledge and experience of the mountain's native flora and fauna. Ballardong Noongar consultant Muriel Bowie remembers her father and brothers hunting possum on Mt Brown/Wongborel when she was younger. At the subsequent consultation with Ballardong Noongar consultants Audrey Nettle and Tracey Kickett on 22 July 2021, they mentioned that Mt Brown/Wongborel belonged to the echidna (*nyingarn* in Noongar language) which is a totem for some Ballardong Noongar families (Whitehurst 1990). They told how echidnas, which are plentiful on the mountain, used to be an important food source.

Much of the heritage team's discussions about Mt Brown/Wongborel concerned what they saw as the environmental degradation of the mountain. As mentioned in the desktop section above, the natural environment of the mountain has been degraded by the proliferate creation of unsanctioned trails for recreational and/or competitive downhill mountain biking, which has increased in recent years. Other trails are also used by motorised off-road vehicles, including motorcycles, quad bikes and 4WDs, despite being banned on the mountain.

This situation compounds what the Ballardong Noongar heritage consultants see as poor management of the natural environment of Mt Brown/Wongborel over many years, including the incursion of introduced fauna and fauna species. For the Ballardong Noongar, the environmental degradation of Mt Brown/Wongborel goes hand-in-hand with cultural degradation, as they see the management of the natural environment of the mountain as their cultural responsibility. Ballardong Noongar consultant Mr Dennis Kickett said he felt that environmental degradation of Mt Brown/Wongborel is disrespectful to Ballardong Noongar culture and values. Mr Kickett said it makes him feel sad to see Mt Brown/Wongborel in its present condition, a sentiment reiterated by other Ballardong Noongar consultants.

The Ballardong Noongar consultants universally expressed their desire to rehabilitate the natural environment of Mt Brown/Wongborel and to complement its rehabilitation with the development of appropriate cultural interpretation material for visitors. They emphasised that they would like to work with the SoY and other community stakeholders to both develop a plan and be active participants in the rehabilitation of the environmental and cultural values of the mountain.

The Ballardong Noongar consultants would like to be involved in both the planning and execution of environmental rehabilitation on the Mt Brown/Wongborel and requested their involvement in the planning of the trail routes upon Mt Brown/Wongborel to ensure that the trails are designed respectfully, such as avoiding

a specific site of significance on top of the mountain (see below section for more information) as well as large rocks and trees. Reg Yarran requested that die-back wash stations be developed for mountain bikers and walkers on the mountain. They also expressed a desire to see the number of trails on the mountain reduced and that they are well-designed to avoid erosion and are well-maintained.

The Ballardong Noongar consultants expressed that they would like to be involved in the design and content of Aboriginal cultural interpretation material across the Trails Masterplan project, not just pertaining to Mt Brown/Wongborel. They requested involvement in creating cultural interpretation material concerning native flora and fauna on Mt Brown/Wongborel and along the Avon River/Gogulgar Bilya, including developing new material retelling the Dreaming creation story of the two mountains. This includes the revitalisation and expansion of existing cultural interpretation material throughout the Shire.

Wongborel/Mt Brown satisfies criteria as an Aboriginal site under Section 5 (b), Section 39 (2) (a, b, and d), and Section 39 (3) of the AHA. Wongborel/Mt Brown is recognised as a living sacred site by the Ballardong Noongar Traditional Owners as detailed in this site identification report as a living tradition. Wongborel/Mt Brown also has a long history of acknowledgement by the SoY in long-standing cultural interpretation material, exemplified by the SoY tourism signage atop of the Wongborel/Mt Brown and Walwalying/Mt Bakewell Dreaming creation story. This creation story also features prominently in already existing SoY Avon River Trail material and other SoY online and printed cultural material (as detailed above), and is referenced in existing trail signage around the York township. The Wongborel/Mt Brown-Walwalying/Mt Bakewell creation story can be said to be an essential part of the ancient and contemporary folklore of York celebrated by both Aboriginal and non-Aboriginal people.

Wongborel/Mt Brown also satisfies criteria under Section 39 (2) (a) of the AHA as an enduring relevant Aboriginal custom; under 39 (2) (b) due to its former and enduring significance on the basis of tradition, historical association, and Aboriginal sentiment; and under 39 (2) (d) due to its aesthetic values, and due to the rich emotive experience of Traditional Owners that their engagement with the mountain evokes, which is clearly described above.

Site of special cultural significance on Mt Brown/Wongborel

During the Noongar Cultural Heritage Survey consultation on 20-22 June 2021, several Ballardong Noongar consultants discussed their knowledge of a particular place of cultural and spiritual importance on Mt Brown that they would like to see acknowledged and protected. Ballardong Noongar consultant Glenys Yarran recounted that Ballardong Noongar Elder Ms Mary Lawrence (nee Blurton) told her there were specific rocks on Mt Brown/Wongborel that it was necessary to avoid, due to their spiritual significance, but that Glenys did not recall to which rocks she was referring. Ballardong Noongar consultant Phillip Bateman also mentioned that he had heard stories of a healing rock place on Mt Brown/Wongborel but that he was uncertain of its location. Elder Winnie McHenry commented that rocks are often very significant places for Aboriginal people, leading the group into a broad ranging discussion on rock places of cultural and spiritual significance in the

SoY. Of note, however, several participating Ballardong Noongar consultants said they had never heard of especially significant places upon the Mt Brown/Wongborel and questioned their existence.

Mr Dennis Kickett said his sisters Audrey Nettle, Tracey Kickett and Dr Marion Kickett (who had been unable to attend the heritage survey between 20-22 June) knew of a place of special cultural significance on Mt Brown/Wongborel and requested we consult with them. Snappy Gum Heritage Services coordinated with Ms Carol Littlefair to arrange a follow-up consultation with Audrey Nettle and Tracey Kickett to do so. This consultation occurred on Mt Brown/Wongborel on 22 July 2021.

The consultation and description of the cultural significance of this place is deemed restricted and will not be included in this report. The restricted content of this consultation will however be lodged with DPLH. However, for the purposes the SoY's planning of potential trail and tourism infrastructure developments atop Mt Brown/Wongborel this report includes the GPS coordinates of the restricted below.

Table 3: Coordinates for place of special cultural significance on Mt Brown

Site ID	Boundary point	Easting (mE)	Northing (mN)
WONG-2021-A	001	579303.69	6977099.28
	002	579321.43	6977088.97
	003	579317.58	6977073.71
	004	579307.83	6977066.24
	005	579293.65	6977075.41
	006	579290.86	6977088.17
	007	579303.69	6977099.28

GDA94; Zone 50.

Other places for further site identification research and consideration

During the Noongar Cultural Heritage Survey, the Ballardong Noongar consultants identified a number of other places of cultural significance to them within the SoY. These places require further consultation with the Ballardong Noongar community to determine their suitability for registration as Aboriginal sites. Several of these places lie within the survey area —compromised by the Crown Lands along the Avon River, Mt Bakewell and Mt Brown—but were unable to be properly visited during the survey due to the short timeframe of the survey and the temporary flooding of the Avon River/Gogulgar Bilya. Others lay outside the scope of the survey on private land but are due further consideration.

Identified places within the survey area:

Big Sandy and Little Sandy Beaches/Swimming Hole

Audrey Nettle and Tracy Kickett identified 'Big Sandy Beach' and swimming hole on the Avon River/Gogulgar Bilya as a site associated with the Waugyl creation story of the river in York. The Big Sandy Beach and swimming hole is located at the now-dismantled Parker's Bridge near the old hospital. This spot is linked to the Little Sandy Beach and swimming hole one kilometre upstream from Big Sandy. Audrey Nettle and Tracy Kickett described how the Waugyl came out of the ground at Big Sandy and re-entered at Little Sandy, creating the Gogulgar River in the York area.

The two swimming holes were popular recreational locations of the Ballardong Noongar community in the past, especially Little Sandy which was close to the former Aboriginal Reserve north of the township. Audrey Nettle and Tracy Kickett showed a photo of their elder sister Merle swimming at Big Sandy as a teenage girl.

York Cemetery

The York Cemetery lies at the foot of Mt Brown/Wongborel, to the immediate east. Many generations of local Ballardong Noongar inhabitants have been buried there. There are many unmarked graves in the cemetery. Carol Littlefair has suggested that some are likely to belong to Aboriginal persons. The Ballardong Noongar consultants identified the cemetery as a place of cultural significance to the Ballardong Noongar community and earmarked it for future archaeological and ethnographic research in this regard.

Identified places outside of the survey area:

Burial Grounds on the York Pony Club Land

Several Ballardong Noongar consultants suggested that there is a traditional burial site located on the current grounds of the York Pony Club that they would like further research undertaken upon. Glenys Yarran quoted the Ballardong Noongar elder, Ivan Lawrence, as being knowledgeable in this regard. Audrey Nettle and Tracey Kickett defined the burial site as located on grounds running from Gray St, York, to the York Pony Club.

This has long been an issue of contention that the Ballardong Noongar community would like addressed by the Shire of York. However, this location was outside the survey area.

Mt Matilda

Mt Matilda is a low-lying hill to the south-east of the township of York, located immediately to the east of the Avon River/Gogulgar Bilya. It has peculiar rock formations, believed natural, on its sides that resemble earth tracks cut through the rocks of the hillside. These tracks are widely associated with the creation story related to the Waugyl that is part of the broader creation story and law from all of York, of which the Wongborel-Walwaying story is component. Audrey Nettle and Tracey Kickett described how the Waugyl left the Gogulgar Bilya and the area after he created the river, valley and hills. Mt Matilda's Waugyl tracks are referenced by Ralph Winmar's book, *Walwaling: the Hill that Cries, Nyungar Language and Culture*, in which he describes how "the Warkal (watersnake) left a track as he came over the hill at York, and his tracks can still be seen" (Winmar 1997:21).



Photo 9: Mt Matilda with the curious channels in the rock attributed to the Dreaming creation being the Waugyl, as seen from Mt Brown/Wongborel looking to the south-east (photo, Bryan Rochelle)

York Reserve

The location of the former York Reserve is approximately one kilometre upstream from the centre of the township. ‘The Reserve’ was built on traditional Ballardong Noongar camping grounds and operated between 1924 and 1971 when it was closed (SoY Cultural Heritage Material, The Residency Museum). Life on the Reserve is strong within the lived memories of a number of families within the Ballardong Noongar community—such as the Kickett and Blurton families—who would like to see the Reserve registered as an Aboriginal site.

Table 4: Coordinates for the York Reserve

Site ID	Boundary point	Easting (mE)	Northing (mN)
YORK-2021-A	001	0479600	6470564

The Ballardong Noongar heritage participants would also like the Reserve and its history to feature as an important site to the Ballardong Noongar community within any heritage interpretation signage associated with the Trails Masterplan.

The Gerald Mission

The Gerald Mission, which operated between 1851 and 1855, was a Wesleyan-run Methodist mission for local Aboriginal people. The former mission site lies on the opposite bank of the Avon River/Gogulgar Bilya to the Marley Pool site. The place closed in 1854 after all the children died of measles. Today, the ruins of the mission building lie on private land. Several Ballardong Noongar community members trace their lineage to people who had stayed at the mission. This place has been heavily researched by Janet Osborne (*pers. comm*) as part of her PhD research.

Old Aboriginal Campsite on Corner of Osnaburg Rd and Tenth Rd, York

On 20 June 2021, the Noongar Cultural Heritage Survey team visited places of significance for the Ballardong Noongar community. One such place was the former location of an Aboriginal camp on the corner of Osnaburg Road and Tenth Road in the York township where Aboriginal families camped in the 1950s and 1960s. This camp was adjacent to bushland and was used by Aboriginal families that did not live on the Reserve. Aboriginal families would source building materials from a former metal-waste rubbish tip next to the camp. Today, the site of the camp lies on private land.

Table 5: Coordinates for Osnaburg Rd Camp

Site ID	Central point	Easting (mE)	Northing (mN)
YORK-2021-B	001	0477662	6473570

Prickle Bush Campsite, Cowan Rd, York

The site of the old Prickle Bush Campsite on Cowan Road, York was also identified as a place of significance for the Ballardong Noongar community during the Noongar Cultural Heritage Survey team on 20 June 2021. This is a place of special significance to Glenys Yarran whose mother had a camp there—Glenys lived in the tent when young with her two siblings. Glenys told her mother was able to obtain a tent as her father had fought in WWII. Later, the Native Welfare department built her mother a house on the same land. Glenys’ aunty, Cath Blurton, also had a tent camp on the adjacent block. Today, the site of the camp lies on private land.

The ‘Prickly Bush Camp’ was also mentioned in the Chown and Mattner 2011 (2011:5) ethnographic report on Marley Pool.

Table 6: Coordinates for Prickle Bush Camp

Site ID	Central point	Easting (mE)	Northing (mN)
YORK-2021-C	001	0478747	6473559

DISCUSSION

The findings of the Noongar Cultural Heritage Survey, as detailed above, affect the SoY's Trails Masterplan in several ways. As noted previously, the Trails Masterplan focuses upon the development of trails upon three prominent natural features in the SoY landscape: "Mount Brown, Mount Bakewell and along the Avon River" (Common Grounds Trails 2019:5). These three natural features are critically important features within the Dreaming creation stories of the Ballardong Noongar community—creation stories that define the broader cultural landscape of the York area for Ballardong Noongar people. The Dreaming creation story of how Wongborel/Mt Brown and Walwalying/Mt Bakewell came to be had long been celebrated by the SoY in its cultural interpretation material in the Shire, and is a recognised element of the folklore of York.

Importantly for the Trails Masterplan, the Ballardong Noongar heritage consultants have identified Mt Bakewell/Walwalying as a culturally and spiritually significant site with traditional male-only gender restrictions that would be culturally inappropriate to develop trails upon. It was made clear that these restrictions on access are there for the protection of others, and that these values should be incorporated into the Trails Masterplan.

Additionally, the Ballardong Noongar heritage consultants also recognise the natural environment atop Mt Bakewell/Walwalying as pristine, enhancing its values for them as a site for preservation from proposed trail development. It is important to the Ballardong Noongar community that Mt Bakewell/Walwalying is excluded from the proposed Trails Masterplan. Under Ballardong Noongar traditions, the Ballardong community in York have inherited rights and obligations from their ancestors to properly manage the natural environment, which is the physical embodiment of their laws, their cultural landscape, as laid down in the Dreaming creation stories. For the Ballardong Noongar consultants, it is important that the pristine natural and cultural landscape of Walwalying/Mt Bakewell is not damaged by any development (in this case, in the form of trails development) that would break the cultural taboos of the mountain as an important men's only place. This may cause potential harm to those who break the taboo, as well as ongoing upset and pain for the Ballardong Noongar community.

The Ballardong Noongar consultants contrast the 'pristine' natural and cultural context of Mt Bakewell/Walwalying to Mt Brown/Wongborel, whose use as a popular tourist and trails' recreation destination by local and outside residents, has led to unsanctioned trails development, overuse, and environmental degradation. The Ballardong Noongar heritage consultants experience this degradation as damaging the cultural integrity of the Mt Brown/Wongborel, causing them distress, although it does not diminish the cultural significance the mountain holds for them.

It is also important to note that the Ballardong Noongar community representatives' concerns regarding the proposed Trails Masterplan on Mt Bakewell/Walwalying, which were expressed in Common Ground's initial consultation on 10 April 2019, were not included in the *Final Draft: Shire of York Trails Masterplan 2019-28*. This omission may have fuelled unrealistic expectations of other stakeholders in the outcomes of the Trails Masterplan, including the Shire of York.

In contrast to the omission of Mt Bakewell/Walwalying from the Trails Masterplan, is the Ballardong Noongar consultants' positive reception of plans to redesign and revitalise the existing unsanctioned trail network on Mt Brown/Wongborel. The Ballardong Noongar community expressed their desire to work with other stakeholders with a vested interest in the revitalisation of Mt Brown/Wongborel's trails and environment, in rationalising the multiple existing unsanctioned trails and revitalising the natural environment (and corresponding cultural landscape) of the mountain. They have also requested employment opportunities for Ballardong Noongar community members in the trail revitalisation process and its ongoing management.

Several Ballardong Noongar heritage consultants have identified one specific place of special cultural significance on Wongborel/Mt Brown, within the broader area of cultural significance that is Mt Brown, that they would also like to see not be disturbed by future Trails Masterplan and other potential development activities on the mountain. Clear boundaries have been defined around this culturally significant place. However, the Ballardong Noongar heritage consultants have expressed their openness for the area immediately adjacent to this place that contains the existing lookout, memorial, and access pathway to be potentially redeveloped to facilitate visitor enjoyment of the mountain as long as it undertaken with respect for the natural environment and includes appropriate cultural interpretation material.

The Ballardong Noongar heritage consultants are universal in their desire for the Dreaming creation story of Mt Bakewell/Walwalying and Mt Brown/Wongborel, as well as that of the Avon River/Gogulgar Bilya, to feature prominently in cultural interpretation material on Mt Brown/Wongborel, along the Avon River/Gogulgar Bilya, and around the Shire. They are willing participants in the development and design of Trails Masterplan cultural interpretation material and to having their culture positively and prominently represented around the Shire. This includes a focus on existing registered Aboriginal sites within the Trails Masterplan, the Avon River/Gogulgar Bilya and the Marley Pool corroboree ground and associated birthplace, as well as other places of cultural significance in the Shire, such as the York Reserve.

As part of their involvement in developing new cultural interpretation material as part of the Trails Masterplan development, the Ballardong Noongar community would like the Shire of York refer to the culturally significant sites of the Avon River/Gogulgar Bilya, Mt Brown/Wongborel, and Mt Bakewell/Walwalying in dual language terms (English and Noongar) in all new signage in the Shire. Dennis Kickett also requested that the opening of work on the Trails Masterplan and the opening of the trails network itself be accompanied by Ballardong Noongar smoking ceremonies.

The Ballardong Noongar heritage consultants also identified a number of other places of cultural significance to their community within the Shire. Several of these places were within the boundaries of the survey area but were unable to be visited during the several process, namely Big Sandy and Little Sandy permanent pools on the Avon River/Gogulgar Bilya, and the York Cemetery. A number of other sites outside the survey, but within the York area, were also identified as places of cultural importance to the Ballardong Noongar community, namely: Burial Grounds on the York Pony Club Land; Mt Matilda; the Gerald Mission; the old Aboriginal Campsite on the corner of Osnaburg Rd and Tenth Rd; and Prickle Bush Campsite, Cowan Rd. These places have been earmarked for future site identification surveys to determine their suitability for registration as Aboriginal sites under the *Aboriginal Heritage Act 1972*.

ABORIGINAL SITE MANAGEMENT

The Noongar Cultural Heritage Survey identified a number of key heritage places through either archival research or onsite consultation. These are as follows:

- i) Two Registered Aboriginal Sites are already located in the survey area: Avon River (Site ID: 15979) and Marley Pool (Site ID: 29397);
- ii) The consultation identified two other places that are known heritage places in the Shire of York but require listing on the AHIS: Mt Brown/Wongborel, and Mt Bakewell/Walwalying;
- iii) The consultation also identified one other place on Mt Brown/Wongborel which was not recognised in the community but needs entering into the AHIS; and
- iv) A number of other places were identified both inside and outside of the survey area which need further consultation. These places include: Big Sandy and Little Sandy Beaches/Swimming Hole; York Cemetery; Burial Grounds on the York Pony Club Land; Mt Matilda; York Reserve; Gerald Mission; Old Aboriginal Campsite on Corner of Osnaburg Rd and Tenth Rd, York; and Prickle Bush Campsite, Cowan Rd, York.

The above places will need to be managed by the Shire of York in the event that any work takes place within proximity to these areas. The most important step to consider is the need for landowners to receive consent under section 18 of the *Aboriginal Heritage Act 1972* to use the lands on which these places are located. Should the Trails Masterplan be developed on Mt Brown/Wongborel, for example, then a notice under section 18 of the AHA will be required. South West Aboriginal Land and Sea Council (SWALSC) will need to be contacted prior to making a submission. For minor works, such as vegetation maintenance in these areas or for the digging of post-holes for signage installation, permission under Regulation 10 of the *Aboriginal Heritage Regulations 1974* may be suitable.

As part of the section 18 process, the above places will need to be entered into the AHIS using a Heritage Information Submission Form (HISF), although Avon River (Site ID: 15979) and Marley Pool (Site ID: 29397) are already included on the system. HISF forms have been supplied for Mt Brown/Wongborel, Mt Bakewell/Walwalying and the place of special cultural significance on Mt Brown/Wongborel. Owing to time constraints on this project, further consultation will be required on many of the places identified during this consultation.

Table 7: Next Steps for Heritage Sites

Heritage Place	Impact by Trails Masterplan	Further Consultation	Interpretative Signage
Avon River (Site ID: 15979)	Alongside.	In places.	Revisions Required.
Marley Pool (Site ID: 29397)	To be Avoided	Required re: Birthplace Locations.	Updated signage required. Signage removed from incorrect location.
Mt Brown/Wongborel	Ballardong community to be incorporated into the process re: trail locations, environmental management etc.		Signage required
Mt Bakewell/Walwalying	To be Avoided		
Site of special cultural significance on Mt Brown/Wongborel	To be Avoided		No signage required.
Big Sandy and Little Sandy Beaches/Swimming Hole	n/a	Required.	Not discussed.
York Cemetery	n/a	Required.	Not discussed.
Burial Grounds on the York Pony Club Land	n/a	Required.	Not discussed.
Mt Matilda	n/a	Required.	Not discussed.
York Reserve	n/a	Required.	Not discussed.
Gerald Mission	n/a	Required.	Not discussed.
Old Aboriginal Campsite on Corner of Osnaburg Rd and Tenth Rd, York	n/a	Required.	Not discussed.
Prickle Bush Campsite, Cowan Rd, York	n/a	Required.	Not discussed.

RECOMMENDATIONS

The results of these field investigations are summarised as recommendations below:

- 1) It is **recommended** that the Ballardong Noongar community be included as a key stakeholder in the development of any trails throughout the Shire of York;
- 2) It is **recommended** that the Ballardong Noongar community be involved in decision-making and management of the Avon River/Gogulgar Bilya, Mt Brown/Wongborel and Mt Bakewell/Walwalying in line with the Shire of York's Reconciliation Action Plan (RAP), which is currently being developed by the Shire of York via community consultation workshops facilitated by Dr Marion Kickett, Director of Indigenous Studies at Curtin University;
- 3) It is **recommended** that the Ballardong Noongar community are active participants in decision-making and development of cultural interpretation material for the Trails Masterplan.
- 4) It is **recommended** that the Shire of York acknowledges the culturally significant sites of the Avon River/Gogulgar Bilya, Mt Brown/Wongborel, and Mt Bakewell/ Walwalying by referring to them in dual language terms (English and Noongar) in all new Shire of York signage and cultural heritage material, and any revisions of the Shire of York Trails Master Plan 2019-2028;
- 5) It is **recommended** that the Mt Bakewell/Walwalying, Mt Brown/Wongborel, and the special site of cultural significance on Mt Brown/Wongborel are formally submitted to DPLH as potential Aboriginal Sites (as defined under section 5 of the AHA) for inclusion on the AHIS;
- 6) It is **recommended** that Mt Bakewell/Walwalying be excluded from any future trail development under the Trail Masterplan, especially mountain bike trail development on either public or privately owned land, owing to the cultural significance of the place to the Ballardong community and the potential danger to women;
- 7) It is **recommended** that the Shire of York undertake a follow-up Site Identification survey with selected Ballardong representatives who were identified as being knowledgeable about the location and values of the birthplace at Marley Pool (Site ID: 29397). Despite its accurate location not being known, the Ballardong representatives were confident that it was within the boundaries of the Marley Pool (Site ID: 29397) as listed on the AHIS;
- 8) It was **recommended** that The York (Aboriginal) Reserve be acknowledged within the cultural interpretation material for the Trails Masterplan recognising its important role within the lives of the local Ballardong community and history of the Shire.
- 9) It is **recommended** that the Shire of York undertake further ethnographic research to assess the ethnographic and archaeological qualities of several other places of cultural significance to the Ballardong Noongar community:
 - a) Within the Shire of York and *inside* the survey area:

- i) Big Sandy (near the old Parker's Bridge) and Little Sandy beaches and swimming holes within the Avon River/Gogulgar Bilya which are associated with the Dreaming creation story and law of the York area in which the Waugyl/River Snake is believed to have respectively exited and re-entered the land; and
 - ii) The York Cemetery.
- b) Within the Shire of York but *outside* the survey area:
- iii) The land in the Shire of York from Gray Street uphill to the Pony Club, which is believed to be a Ballardong Noongar burial ground;
 - iv) Mt Matilda, directly to the south of York and to the west of the Great Southern Highway, which is associated with the Dreaming creation story and law of the York area in which the Waugyl (River Snake) is a central figure;
 - v) The old York (Aboriginal) Reserve site;
 - vi) The Gerald Mission historical site;
 - vii) Old Aboriginal Campsite on Corner of Osnaburg Rd and Tenth Rd, York; and
 - viii) Prickle Bush Campsite, Cowan Rd, York.
- 10) It is **recommended** that the Shire of York inform all landowners where the above heritage sites are located that:
- a) It is an offence under section 17 of the *Aboriginal Heritage Act 1972* to excavate, destroy, conceal or alter any Aboriginal Site without the appropriate authorisation; and

That any disturbance will need consent by the Minister of Aboriginal Affairs under section 18 of the *Aboriginal Heritage Act 1972* or, for minor activities, permission from the DPLH under a Regulation 10 of the *Aboriginal Heritage Regulations 1974*. SWALSC will need to be contacted.

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Search Criteria

21 Heritage Surveys containing 22 Survey Areas in LGA - YORK, SHIRE OF

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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 www.dplh.wa.gov.au/information-and-services/aboriginal-heritage for information on requesting reports held by DPLH.

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 and we will make every effort to rectify it as soon as possible.

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Access

Some reports are restricted.

List of Heritage Surveys

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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List of Heritage Surveys

Survey Report ID	Report Title	Report Authors	Area Number	Survey Type	Area Description	Spatial Accuracy	Field / Desktop
18706	Aboriginal Art of the South-West of Western Australia.	Wolfe-Okongwu, W.	1	Archaeological	The survey area consists of DIA sites 2642, 3342, 3350, 3754, 3846, 3847, 4404, 5057, 5062, 5063, 5069, 5070, 5556, 5559, 5563, 5565, 5664, 5665, 5762, 5840, 5842, 5898, 5899, 5900, 17919.	Unreliable	Field and Desktop
18809	Site Documentation Officer: Report to the W.A. Heritage Committee and the Australian Heritage Commission for the Quarter Ending March 31 1985.	Reynolds, R.	1	Archaeological & Ethnographic	3786, 3350, 3846, 12268, 12320, 14967, 2396, 12344, 12396, 14665, 5563, 2620, 2882, 4882, 4414, 3382, 4285, 4287, 5191, 7605, 12266, 12321, 12349, 12333, 12226, 122702185, 2535, 2157, 2183, 2184, 2529, 2730, 10392, 10353, 11387, 11939, 10142, 11917, 14256, 11071, 3472, 4407, 5070, Site Complex ID 5, OTC Ground in Broome; Carrolup; Djunbari and the Gundawuna Art.	Moderate	Field and Desktop
18952	Notice under Section 18 of the Aboriginal Heritage Act (1972) for the repair and upgrade of Bridges 291 (York), 638 (Northam) and 4112 (Shire of Northam)	Martinick McNulty	1	Ethnographic	Repair and Upgrade of Bridges 291 over Bland's Brook, Northam Cranbrook Road, York); 638 over Avon River, on Great Eastern Highway, Northam; and 4112 over Spencers Brook, Trimmer Road, Shire of Northam as shown in Figs. 1-3	Unreliable	Field and Desktop
19323	Report on an archaeological investigation for Aboriginal sites bridge sites 4166 4167 and 4168 Mackies Crossing, York	Quartermaine, Gary.	1	Archaeological	Bridge sites 4166 - 4168, Mackies Crossing, York. The Survey Area includes the three adjacent bridges that are to be replaced and a 25m buffer zone around the site as shown in Fig. 2	Moderate	Field and Desktop
19342	Report on an ethnographic survey of Three Bridge sites at Mackies Siding Road	O'Connor, R	1	Ethnographic	Three Bridge Sites at Mackies Siding Road. The area of investigation is approximately 25m upstream and downstream of bridges, at bridge locations and within land contained between the bridges as shown in Fig. 1	Moderate	Field and Desktop
20169	Report on an archaeological investigation for Aboriginal sites bridge site no. 4156, Burgess Siding	Quartermaine, Gary.	1	Archaeological	Bridge Site No. 4156, Burgess Siding. It is located on Burgess Siding Road at SLK 0.48 over the Avon River in the Shire of York. The survey area included the existing structure and a 50m buffer zone around the site as shown in Fig. 1	Good	Field and Desktop
20171	Report on an ethnographic survey of three bridge sites at Great Northern Highway, Glebe Street, York, and Burges Siding	O'Connor, R	1	Ethnographic	Three Bridge Sites: Bridge Number 676, Great Northern Highway, Bindoon; Bridge Number 4184, Glebe Street, York; Bridge Number 4156 at Burges Siding, north of York; as shown in Figs. 2, 4 and 5.	Unreliable	Field and Desktop
20173	Report on an archaeological investigation for Aboriginal sites bridge site no. 4184, York	Quartermaine, Gary.	1	Archaeological	Bridge Site No. 4184, York. It is located within the York township and crosses the Avon River and South Street. Survey area included the existing structure and a 50m buffer zone around the site as shown in Fig. 1	Good	Field and Desktop
21817	Ballaruk (traditional owners) Aboriginal site recording project	Machin, Barrie	1	Ethnographic	Whadjuk territorial boundaries the lands of the Ballaruk Peoples as shown in Figure 10.	Unreliable	Field and Desktop



Aboriginal Heritage Inquiry System

List of Heritage Surveys

Survey Report ID	Report Title	Report Authors	Area Number	Survey Type	Area Description	Spatial Accuracy	Field / Desktop
21818	Ballaruk (traditional owners of Whadjuk territorial boundaries the lands of the Ballaruk Peoples) Aboriginal site recording project : additional material	Machin, Barrie	1	Ethnographic	Whadjuk territorial boundaries the lands of the Ballaruk Peoples as shown in Figure 10.	Unreliable	Field and Desktop
28898	An Aboriginal Heritage Survey to Consider a Water Pipe Replacement across the Avon River, at Wilberforce Road in the Shire of Northam, Western Australia	Goode, Brad	1	Archaeological & Ethnographic	Sloping wooded banks of Avon River. See Figure 1	Good	Field and Desktop
101994	A Survey of Rock Art Conservation in the Murchison/Wheat Belt Area of WA: A Study of Past Treatments and New Methods of Measurement and Site Management.	Haydock, Phillip	1	Archaeological & Ethnographic	The survey consists of purposive visits to previously recorded Aboriginal rock art sites. The DIA site IDs are: 5842, 5665, 5686, 5664, 5069, 15140, 3846, 3350, 3342.	Unreliable	Field and Desktop
102073	Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol.2. Nov.1997.	Centre for Social Research.	1	Ethnographic	Regional Forest Agreement Aboriginal Consultation Project as shown in Figure 1.	Unreliable	Field only
102074	Western Australia Regional Forest Agreement Aboriginal Consultation Project. Vol.1. Nov.1997.	Centre for Social Research.	1	Ethnographic	Regional Forest Agreement Aboriginal Consultation Project as shown in Figure 1.	Unreliable	Field only
103564	An Archaeological Survey Project: The Perth Area, Western Australia. Apr 1972.	University of Western Australia.	2	Archaeological	The Perth Area. Sites included id's 3350, 4404, 3846	Unreliable	Field and Desktop
103564	An Archaeological Survey Project: The Perth Area, Western Australia. Apr 1972.	University of Western Australia.	1	Archaeological	The Perth Area. 103 site locations in 67 site groups were investigated.	Indeterminate	Field and Desktop
103987	Site Documentation Officer Report to W.A. Heritage Committee & The A.H.C. For Quarter Ending June 30, 1984.	Brown, S.	1	Ethnographic	Report to the WA Heritage Committee and the Australian Heritage Commission: PA No's - 50,31. Site Id No's - 9908, 7605, 3382, 4882, 2882, 5563, 4414, 12349, 12333, 12344, 12268, 12266, 12270, 12226, 12320, 2621, 2535, 2157, 2158, 2183, 2184. Also Yeelirrie Pool Mythological and Occupation site, Yeelirrie Station Wati Kutjara Sites, Cheetup Hill Archaeological Site Complex, Crystal Creek Headwater Site Complex, Surveyors Pool Site Complex, Burrup Peninsula, West Intercourse Island, Battle of...	Moderate	Field and Desktop
104026	Report on an Archaeological Survey and Ethnohistorical Investigation in the Allawuna Quarry Project Area, on Allawuna Farm, Great Southern Highway, York. Feb.1993.	Hallam, S.	1	Archaeological	Allawuna Quarry project area. A 250 x 150m area of the project on R. Chester's property, Allawuna Farm on the Great Southern Highway as shown by Map. 1	Indeterminate	Field and Desktop



Aboriginal Heritage Inquiry System

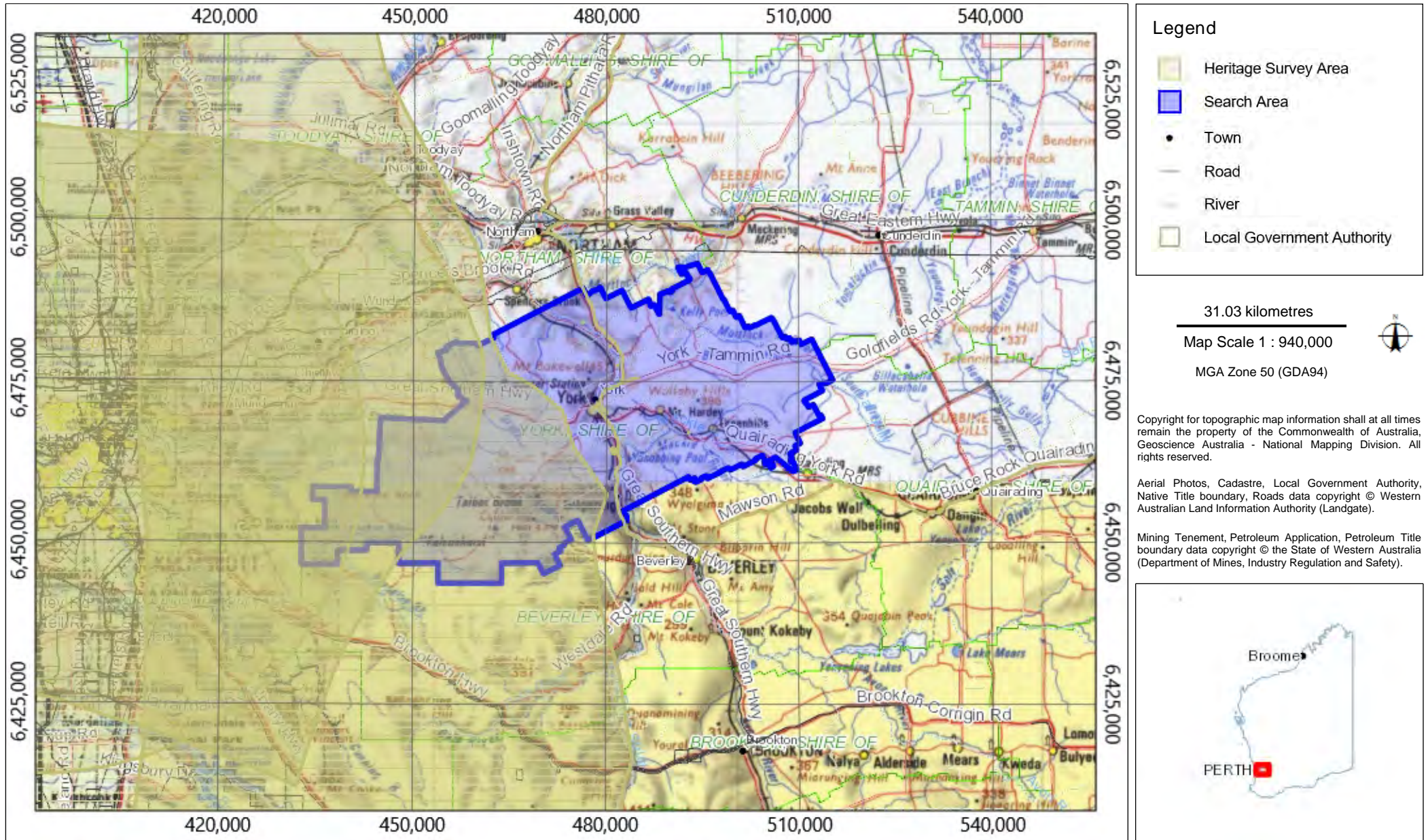
List of Heritage Surveys

Survey Report ID	Report Title	Report Authors	Area Number	Survey Type	Area Description	Spatial Accuracy	Field / Desktop
104971	Notice under section 18 of the Aboriginal Heritage Act (1972) for the reconstruction of bridges 290 (York) and 631A (Toodyay)	Martinick McNulty Pty Ltd	1	Archaeological & Ethnographic	Reconstruction of Bridges 290 (York) which is 168m long, 28-span timber structure, and 631A (Toodyay) which is 190m long, 31-span one-lane timber structure as shown in Figs. 1 and 2.	Unreliable	Field and Desktop
200729	Report Of An Ethnographic Aboriginal Heritage Survey Of The Bridge Capital Works Program In The Ballardong Native Title Claim Area (Wc2000/007), Western Australia	Brad Goode, Grant Preller, Leah Mackie	1	Ethnographic	Goomaling, Northam, York, Quairading Highways	Unreliable	Field only
200991	REPORT ON THE ETHNOGRAPHIC SURVEY OF BRIDGE 897 MAINTENANCE, SOUTHEAST OF YORK, WESTERN AUSTRALIA, JULY 2018	Paul Greenfeld	1	Ethnographic	SURVEY OF BRIDGE 897 MAINTENANCE, SOUTHEAST OF YORK, WESTERN AUSTRALIA, JULY 2018	Good	Field and Desktop
201212	Report of an Aboriginal Heritage Survey of Bridge 4164 substructure repair works located south of York, Western Australia	Grant Preller, Stuart Johnston	1	Archaeological & Ethnographic	York, Western Australia	Very Good	Field only

Aboriginal Heritage Inquiry System

Map of Heritage Survey Areas

For further important information on using this information please see the Department of Planning, Lands and Heritage's Disclaimer statement at <https://www.dph.wa.gov.au/about-this-website>



List of Registered Aboriginal Sites

Search Criteria

11 Registered Aboriginal Sites in LGA - YORK, SHIRE OF

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Aboriginal Heritage Inquiry System

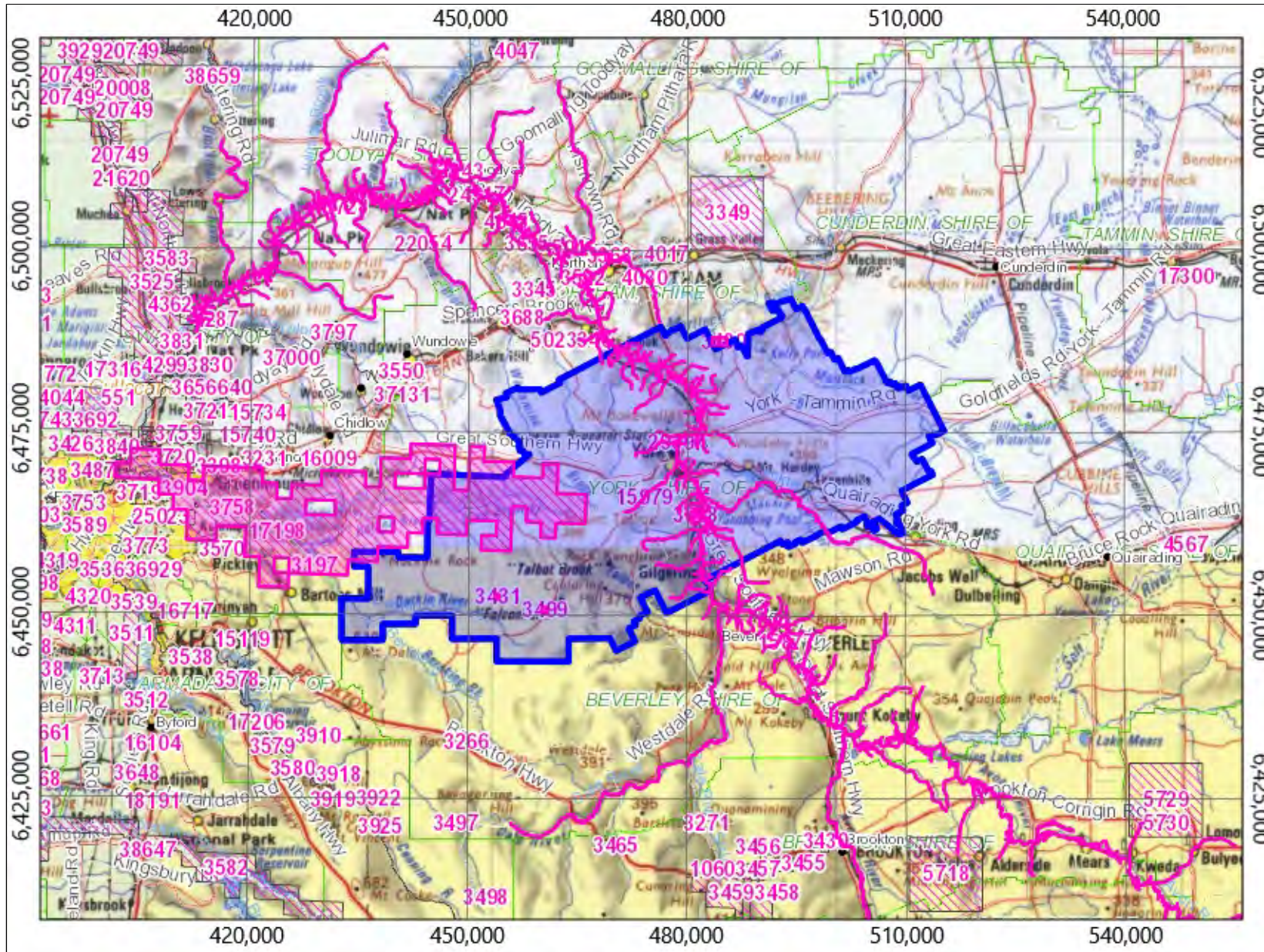
List of Registered Aboriginal Sites

ID	Name	File Restricted	Boundary Restricted	Restrictions	Status	Type	Knowledge Holders	Coordinate	Legacy ID
3350	FRIEZE CAVE/FAR CAVE.	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter, Painting, Arch Deposit, BP Dating: 3090, Camp, Other: NE. Proposed PA 123	*Registered Knowledge Holder names available from DAA	480840mE 6464549mN Zone 50 [Reliable]	S00089
3431	LITTLE DARKIN SWAMP	No	No	No Gender Restrictions	Registered Site	Modified Tree	*Registered Knowledge Holder names available from DAA	453840mE 6452799mN Zone 50 [Reliable]	S02733
3479	QUELLINGTON: MORIALTA	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter	*Registered Knowledge Holder names available from DAA	483640mE 6487649mN Zone 50 [Unreliable]	S02648
3480	QUELLINGTON: MORIALTA	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter	*Registered Knowledge Holder names available from DAA	484640mE 6487649mN Zone 50 [Unreliable]	S02649
3499	GUNAPIN 1 & 2	No	No	No Gender Restrictions	Registered Site	Engraving, Man-Made Structure	*Registered Knowledge Holder names available from DAA	460290mE 6450899mN Zone 50 [Unreliable]	S02567
3758	HELENA RIVER	Yes	Yes	No Gender Restrictions	Registered Site	Ceremonial, Mythological, Repository / Cache	*Registered Knowledge Holder names available from DAA	Not available when location is restricted	S02148
3846	DALES CAVE	No	No	No Gender Restrictions	Registered Site	Engraving, Mythological, Painting, Other: NE. Proposed PA 124	*Registered Knowledge Holder names available from DAA	481040mE 6464249mN Zone 50 [Reliable]	S02008
3847	JOANNES CAVE.	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter, Painting, Arch Deposit	*Registered Knowledge Holder names available from DAA	481240mE 6464449mN Zone 50 [Reliable]	S02009
3848	CAVE HILL	No	No	No Gender Restrictions	Registered Site	Artefacts / Scatter	*Registered Knowledge Holder names available from DAA	480590mE 6463949mN Zone 50 [Reliable]	S02010
15979	AVON RIVER	No	No	No Gender Restrictions	Registered Site	Mythological, Camp, Natural Feature, Water Source, Other: Food Resource	*Registered Knowledge Holder names available from DAA	480015mE 6464988mN Zone 50 [Reliable]	
29397	Marley Pool	No	No	No Gender Restrictions	Registered Site	Ceremonial, Historical, Birth Place, Camp, Hunting Place, Meeting Place, Natural Feature, Water Source	*Registered Knowledge Holder names available from DAA	478312mE 6473848mN Zone 50 [Reliable]	



Aboriginal Heritage Inquiry System

Map of Registered Aboriginal Sites



Legend

- Registered Aboriginal Site
- Search Area
- Town
- Road
- River
- Local Government Authority

31.03 kilometres

Map Scale 1 : 940,000

MGA Zone 50 (GDA94)

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List of Other Heritage Places

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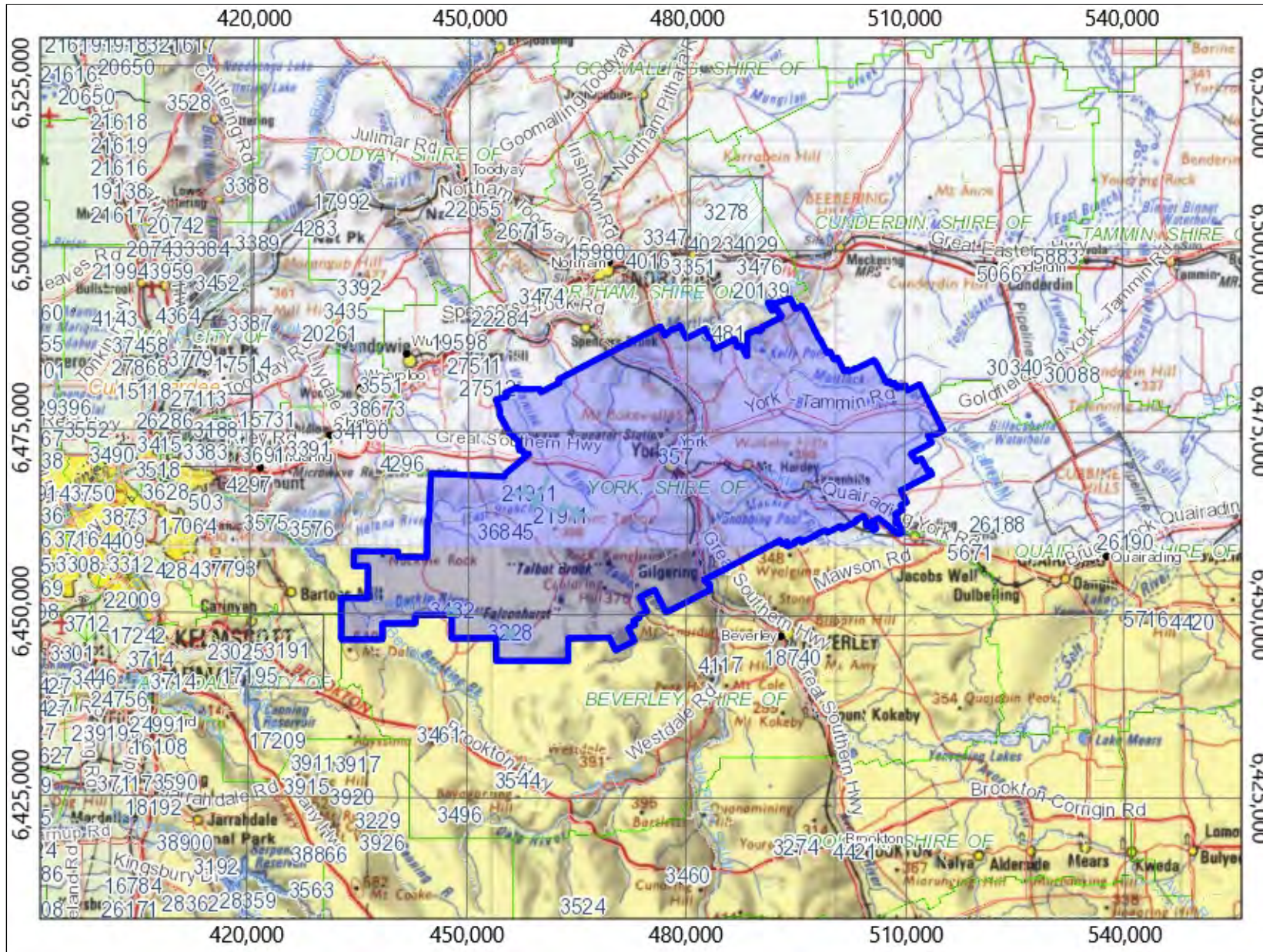
Aboriginal Heritage Inquiry System

List of Other Heritage Places

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3228	DARKIN SWAMP	No	No	No Gender Restrictions	Stored Data / Not a Site		*Registered Knowledge Holder names available from DAA	455639mE 6447649mN Zone 50 [Unreliable]	S00445
3348	YORK	No	No	No Gender Restrictions	Stored Data / Not a Site	Skeletal Material / Burial	*Registered Knowledge Holder names available from DAA	476718mE 6472442mN Zone 50 [Unreliable]	S00087
3352	QUELLINGTON: KARABINE WELL	No	No	No Gender Restrictions	Lodged	Artefacts / Scatter	*Registered Knowledge Holder names available from DAA	482540mE 6487199mN Zone 50 [Unreliable]	S00091
3432	DARKIN RIVER	No	No	No Gender Restrictions	Lodged	Artefacts / Scatter, Quarry	*Registered Knowledge Holder names available from DAA	447639mE 6450649mN Zone 50 [Unreliable]	S02734
21911	Helena Hill State Forest	No	No	No Gender Restrictions	Lodged	Modified Tree, Hunting Place	*Registered Knowledge Holder names available from DAA	461088mE 6466213mN Zone 50 [Reliable]	
36845	Wandoo National Park - Wandoo Gnamma Hole 1	No	No		Lodged		*Registered Knowledge Holder names available from DAA	455068mE 6461398mN Zone 50 [Reliable]	

Aboriginal Heritage Inquiry System


Map of Other Heritage Places



Legend

- Other Heritage Place
- Search Area
- Town
- Road
- River
- Local Government Authority

31.03 kilometres

 Map Scale 1 : 940,000 
 MGA Zone 50 (GDA94)

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