

Living Heritage: Protecting the Aboriginal Cultural Heritage of the Dampier Peninsula for all



Final Plan

December 2020

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Mapping Data

All co-ordinates quoted in this report were obtained with a Garmin Handheld GPS 72 unit using UTM GDA 94 Datum, Zone 51K.

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Cover photo: Southerly view from Kooljaman.

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Glossary

AAA	Australian Archaeological Association
AACAI	Australian Association of Consulting Archaeologists Inc
AAPA	Aboriginal Affairs Planning Authority
ACMC	Aboriginal Cultural Materials Committee
AHA	<i>Aboriginal Heritage Act 1972 (WA)</i>
AHIS	Aboriginal Heritage Inquiry System
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
ALPS	Aboriginal Affairs Planning Authority Land Permit System
ALT	Aboriginal Lands Trust
BBFCI	Beagle Bay Futures Council Incorporated
DPLH	Department of Planning Lands and Heritage
DPWG	Dampier Peninsula Working Group
EPBC	Environment Protection and Biodiversity Act
GERAIS	Guidelines for Ethical Research in Australian Indigenous Studies
ICOMOS	International Council on Monuments and Sites
IUCN	International Union for Conservation of Nature
KALACC	Kimberley Aboriginal Law and Culture Centre
KLC	Kimberley Land Council
NHL	National Heritage Listing
OAP	One Arm Point (former name for Ardyaloon Aboriginal Community)
PBC	Prescribed Body Corporate
RNTPBC	Registered Native Title Prescribed Body Corporate
UN	United Nations
UNDRIP	United Nations Declaration of the Rights of Indigenous Peoples
WA	Western Australia
WAITOC	Western Australian Indigenous Tourism Operators Council
WAPC	Western Australian Planning Commission

DEFINITIONS OF TERMS RELATING TO LEGISLATIVE PROTECTIONS OF ABORIGINAL CULTURAL HERITAGE

AHA: *Aboriginal Heritage Act 1972 (WA)*

ACMC: Aboriginal Cultural Materials Committee as defined under section 28 of the AHA

AHA Register of Places and Objects: The Register as defined under section 38 of the AHA

AHIS: The Aboriginal Heritage Inquiry System available at <https://www.dplh.wa.gov.au/ahis>

Aboriginal Site: a place that the ACMC has assessed in accordance with section 39 of the AHA and that meets the criteria of section 5 of the AHA

Aboriginal Heritage Place: a place that has had heritage information lodged with DPLH that is yet to be assessed by the ACMC or insufficient information has been provided to the ACMC to determine whether in accordance with section 39 of the AHA the place meets the criteria of section 5 of the AHA

Aboriginal Sites and Aboriginal Heritage Places: Collective term used to describe Aboriginal Sites and Aboriginal Heritage Places

Stored Data: a place that the ACMC has assessed in accordance with section 39 of the AHA and does not meet the criteria of section 5 of the AHA

Permit: Aboriginal Affairs Planning Authority (AAPA) permit required to travel through or visit Aboriginal Lands Trust reserves proclaimed under Part III of the *Aboriginal Affairs Planning Authority Act 1972* to comply with the AAPA Act

Visitor passes: a pass for visitors to enter some areas of the Dampier Peninsula is being considered

Foreword

It's very important to us to protect heritage. It's our identity, it's who we are. It comes from the Country; and the Country and us, we're in it together. We can't separate from each other. Our customs, our language, our traditional governance, it's all got to do with heritage. We got to protect it. There are protocols to follow to keep people safe. To be recognised in Country, you have to have heritage and culture. To lose that from other people (eg last 200 years), we've been left with our backs against the wall. We have to maintain what we have and strengthen our heritage and culture more for the next generation. Kevin George (Bardi Jawi)

The living heritage in our country is made up of the physical and non-physical assets in the country, and we Aboriginal people of the peninsula. We people are part of the heritage that lives in country. We can't share the best of our living heritage if it is not protected and managed properly. We welcome visitors to places that are appropriate and ask visitors to respect that there are places that must be protected. Galam wadijul libe burr (Come see good place). Lee Bevan (Nyul Nyul)

It's important to us that we are able to look after our heritage on our Country. To employ rangers and manage protection and access is vitally important, particularly places like La Djadarr Bay, Madarr, Jinardi (Turtle Point) and Valentine Island. All of our inland lakes and wetlands also need protection and undertaking cultural mapping is our next priority. Most of our country is only accessible from the King Sound and we need to protect our heritage from both the land and sea. Damian Manado (Nimanburr)

As first nations people with a history of occupancy of our traditional lands and waters (much of it recorded and mapped) spanning some 60,000 years speaks volumes about our heritage, cultural knowledge and practises that has served us and the environment well. History also shows that we as Jabirr Jabirr/Ngumbarl people have done our part in keeping the balance of nurturing and enhancing the intertwine of land, sea, people and spirit. Some of this traditional knowledge we share, the rest we teach and protect. Our language, our ceremonies, our rituals and sacred sites both on land and in the sea continuing today is testimony to the resilience and fortitude of our people, in the past, the present and the future - for this is our lands and waters and it is our responsibility to continue as Custodians, as Traditional Owners, as Rightful People for country. Wayne Barker (Jabirr Jabirr/Ngumbarl)

The cultural heritage of the Dampier Peninsula has long been recognised as a unique saltwater culture and way of life utilising the rich sea country resources available in the surrounding creeks, bays and reefs. Traditional owners want to maintain this lifestyle and their connection to country through protecting their inherent rights and heritage that exist and central to this is passing the down knowledge of their culturally significant places and practices tied to those places. Having "Country" respected by visitors who come to the area and being correctly guiding to enjoy the Dampier Peninsula for all its values is a key reason why such a Cultural Sites Protection Plan is required to look after this National Heritage Listed significant part of the Kimberley. Daniel Oades (Dampier Peninsula Working Group)

Executive Summary

The ***Living Heritage: Protecting the Aboriginal Cultural Heritage of the Dampier Peninsula*** for all is a document that strategically considers the increasing pressures and impacts on the heritage (sites, places, cultural landscapes) of the remote Dampier Peninsula region of the Kimberley, Western Australia (Figure 1). Identifying places of significance and management requirements to protect these environments, opportunities for sharing and celebration of heritage across this picturesque area are likewise included.

Following decades of discussion and planning, the decision was made to seal the remaining sections of the Cape Leveque Road extending from the outskirts of the township of Broome, 200km north to the remote community of Ardyaloon (One Arm Point). Following requests by Aboriginal people of the Dampier Peninsula for their cultural heritage to be protected, consultation was conducted in 2019-2020 with Native Title groups, Aboriginal communities, outstations and cultural tourism operators to understand issues and requirements. Subsequently, this plan has been developed to report on outcomes from the consultation and respond to the challenges faced protecting, managing, sharing and celebrating the Aboriginal cultural heritage of the Dampier Peninsula.

The essence of what this plan seeks to achieve is the protection of heritage on the Dampier Peninsula in all its forms (the tangible fabric and intangible connections). For Aboriginal people, this is an area of intertwined cultural landscapes – from time in the deep past, to more recent eras, continuing for generations to come. While there are places, sites, material such as artefacts and fish traps that belong to individual groups, there are likewise those that connect people to place and to each other.

Understanding this has been integral to the development of this plan, while it has likewise been influenced by archival material and existing heritage protection areas. This previously recorded information, which is discussed in the attached addendum, the ***Dampier Peninsula Protection Plan for Aboriginal Cultural Places and Sites: Preliminary Report*** provided the basis for the project engagement.

The definition of site protection within the context of this project (described further in the addendum) has been aligned with Indigenous methodologies and decolonising methodologies, in addition to the proposed legislative amendments to the Aboriginal Heritage Act (1972) as per the current AHA review process, particularly in relation to the identification and protection of cultural landscapes:

- Significance or cultural importance of place means that it requires ‘no go’ areas
- Cultural maintenance/revitalisation potential (about community)
- Ecological/environmental cultural significance (ie community fishing places, maintaining access to cultural resources – bush medicine/bush tucker trees, hunting grounds etc)

This revised definition ensures that cultural heritage sites, cultural landscapes and cultural places also incorporate areas of significance and/or importance for the local Aboriginal people of the Dampier Peninsula. Identifying and addressing these requirements facilitates both protection and sharing of the heritage of the area with increasing numbers of visitors. With the consultation guided by knowledges obtained as described here, Indigenous methodologies and decolonising methodologies and the principles of the UNDRIP, this approach facilitated completion of the first objective of the project, ‘to identify Aboriginal Sites and Aboriginal Heritage Places that are most likely to be impacted by increased visitor numbers’.

The plan is structured around each of the Native Title areas and inclusion of the Aboriginal communities and outstations situated within them. Framed by data obtained relating to existing site protections (Commonwealth or State), the latter stages of this report provide the final examination of both protection requirements and sharing opportunities for the respective heritage places identified. The plan incorporates short and long-term strategies with inbuilt periodic monitoring, evaluation and review processes.

Reported via the lens of the Native Title areas, existing heritage protections and those required are examined, with the end of each section containing a summary table of the requirements. Within Bardi Jawi Native Title areas there are 42 specific needs, eight for Nyul Nyul, 11 for Nimanburr with a further 18 for Jabirr Jabirr Ngumbarl. Additional requirements for each of the communities and other cultural landscapes are also identified. Throughout the consultation, there were a number of cultural landscapes that were repeatedly identified as vulnerable and most at risk from increased visitation to the Dampier Peninsula. The table below indicates where these susceptible areas are.

Cultural landscape/area	Mitigation strategies for plan	Aboriginal Sites	Aboriginal Heritage Places	Stored Data
<i>Bardi Jawi Native Title Determination Area</i>				
Culturally sensitive sites in and around Ardyaloon Community and on towards Cygnet Bay	BJ21, BJ22, BJ23, BJ24, BJ25, BJ36	12231, 12388, 12442, 12443, 13053, 13500, 17855	13888, 13889, 13936, 13938, 13939, 13940, 14639, 14646, 14648, 14649, 14651, 14674	
Swan Point	BJ18, BJ19, BJ34	12230, 12232, 12387, 12389, 13493, 13497, 13561, 14891	13494, 13495, 13496, 13498, 13499, 13939, 14636, 14641, 14642, 14647	
Kooljaman (particularly Eastern Beach)	BJ12, BJ13, BJ15	12234, 13052, 13958, 13959, 13960, 13961, 13962, 13963, 13964, 13967, 13968, 13969, 14893, 17043	13932, 13936, 13965, 13966, 24788	14668
Bulginarr	BJ14			14662
Pender Bay (in its entirety connecting in to Weedong)	BJ02, BJ03, BJ32		13897, 13898, 13899, 13934, 14704	14659, 14705, 14707, 14709, 14710, 14711
Mudnan	BJ09, BJ40, BJ42		13890, 13891, 13941, 17761, 17762	14670, 14671
Islands including Iwany (Sunday Island) and Djarijiri	BJ26, BJ27, BJ28, BJ29	20288	14610, 14611, 14612, 14613, 14614, 14615, 14653	
<i>Nyul Nyul Native Title Area (within the Bindunbur Determination)</i>				
Southern Pender Bay (Chimney Rock to Weedong)	NN05	14274, 14275, 14277, 14278, 14279, 14283, 14284, 14287, 14288, 14289, 14700, 14701, 14703	13934, 14273, 17989	
Tappers Inlet	NN06	14285, 14286, 14698	17758	
Around Beagle Bay	NN07	1014, 14697, 14702, 14280, 14281	18999	
Sandy Point	NN08	12685, 13017, 13016, 13397, 13398, 14696	13399, 13400, 14868, 20250, 20251, 20252, 20253, 20254, 20255, 20256, 20257, 20258, 20259	
<i>Nimanburr Native Title Area (within the Bindunbur Determination)</i>				
La Djadarr Bay to Madarr	N08	14282	13900, 20247, 20248, 20249	14663
Balk	N09	14282		
Lake Louisa	N03, N04			
Tower Hill	N03, N04, N09			
Valentine Island	N11			
Jinardi	N11			
Ladogen Pool	N07			

<i>Jabirr Jabirr Native Title Area (within the Bindunbur Determination) and Jabirr Jabirr Ngumbarl Native Title Determination Area</i>				
Banana Wells/Arrows Pearl Company	JJN18			
Baldwin Creek to Carnot Bay	Additional information			
Coulomb Point Conservation Estate	JJN15, JJN17			
Manari	JJN13, JJN14	12947, 12948, 12949	12424	
James Prices Point	JJN11, JJN12	12902, 12903, 13504, 32447	12427, 12900, 12901	32446
Quandong Point	JJN09, JJN10	12842, 12903, 13504		
Barred Creek	JJN01, JJN02, JJN04, JJN05, JJN06, JJN07, JJN08	12697, 12875, 12904, 12905, 12906, 13503	12428	30274
Willie Creek	JJN01, JJN03, JJN04, JJN16	12697, 12875, 12904, 12905, 12906, 13503	12428, 12885	30274

Bringing together the planning and management required for the continuing protection, sharing and celebration on the Dampier Peninsula has been the key objective in the development of this plan. Providing a voice for Traditional Owners, cultural governance bodies, communities and outstations has been crucial, compiled collectively in this document to support their endeavours to care for culture, Country and heritage. The table below summarises the type of protection and management required and can be used to assist with further development of opportunities (as discussed in the next section) and map resource allocations (in the section thereafter).

	Bardi Jawi	Nyul Nyul	Niman-burr	Jabirr Jabirr Ngumbarl	Arnya-loon	Djarin-djin	Lombadina	Beagle Bay	Out-stations
KNOWLEDGE GENERATION									
Cultural mapping and maintenance projects (eg incorporate site locations, language, cultural knowledges)	✓	✓	✓	✓					
SITE ACCESS, PLANNING AND MANAGEMENT									
Ground truth locations and extent	✓	✓	✓	✓	✓	✓	✓	✓	✓
Signs for access restriction	✓	✓	✓	✓	✓	✓	✓	✓	✓
Infrastructure/management	✓	✓							
- Fences and gates	✓	✓		✓					
- Block old tracks	✓	✓		✓					
- Track diversions/ boardwalk	✓	✓	✓	✓					
- Restrict vehicles on beaches									
- Erosion control/ rehabilitation									
AHIS data updates	✓	✓	✓	✓					

Aboriginal Ranger teams - monitoring	✓	✓	✓	✓	✓	✓	✓	✓	✓
Aboriginal Ranger teams – compliance enforcement	✓	✓	✓	✓	✓	✓	✓	✓	✓
Conservation Management Plans	✓	✓							
SHARING AND CELEBRATING HERITAGE									
Interpretative signs	✓	✓	✓	✓	✓	✓	✓	✓	✓
Visitor Management Plans	✓	✓		✓					
Welcome to Country signs		✓	✓	✓					
Educational material (websites, books, pamphlets, exhibitions)	✓	✓	✓	✓	✓	✓	✓	✓	✓
EMPLOYMENT AND ENTERPRISE DEVELOPMENT									
Aboriginal Ranger teams – expand	✓	✓							
Aboriginal Ranger teams – develop	✓	✓	✓	✓					
Cultural tourism development	✓	✓	✓	✓	✓	✓	✓	✓	✓
Enterprise development	✓	✓	✓	✓	✓	✓	✓	✓	✓
Eco-Resort development				✓					
COMPLIANCE, PERMITS AND REFORM									
Compliance and permits	✓	✓	✓	✓	✓	✓	✓	✓	✓
Aspirations for land tenure reform (outside scope of this Plan)	✓	✓	✓	✓	✓	✓	✓	✓	✓
Marine Park development with DBCA		✓	✓	✓					
Overfishing and hunting	✓	✓	✓	✓	✓	✓	✓	✓	✓
Restrictions on camping				✓					
Rubbish collection, dumps for vans	✓	✓	✓	✓	✓	✓	✓	✓	✓
LONG-TERM PROTECTION REQUIREMENTS									
Long-term evaluation & review of plan (respond to evolving needs)	✓	✓	✓	✓	✓	✓	✓	✓	✓
Caring for Country and heritage strategic management (ie burns)		✓	✓	✓					
Archaeological research linking heritage protection and climate change in coastal environments	✓								

Following the completion of this process, six key **recommendations** remain to realise the vision described collectively by the PBCs and DPWG included in the Foreword of this document. These are:

1. The ***Living Heritage: Protecting the Aboriginal Cultural Heritage of the Dampier Peninsula*** should be reviewed every 5-10 years to capture emerging or shifting priorities in heritage protection and management by the Aboriginal people of the Dampier Peninsula
2. Consultation needs to be conducted with neighbouring Native Title holders and Aboriginal people with heritage interests likely to be impacted by increased visitation to the Dampier Peninsula
 - Nyamba Buru Yawuru
 - Walalakoo Aboriginal Corporation (for Nyikina Mangala and Booroola Moorool Moorool)
 - Joombarn Buru/Mt Jowalenga groups
 - Goolarabooloo
 - Shire of Broome
 - WA Department of Biodiversity Conservation and Attractions
 - Cygnet Bay and Arrow Pearl Company
 - Other businesses with tourism or pearling interests
3. Engagement of Traditional Owners, rangers, communities and outstations in the implementation of the heritage protections identified in this plan
 - The siting of signs, diversion or blocking of tracks can be conducted through the involvement of the respective groups
 - Sites requiring more detailed site management such as erosion control, dune rehabilitation, or specifics associated with visitor or conservation management plans should be conducted by the groups in partnership with heritage professionals where appropriate to guide, support and/or inform mitigation strategies
4. DPLH establish an implementation process including
 - 'Implementation Fund' to support installation of signs at one level; as well as resources for the respective groups to pursue opportunities for substantial investment to facilitate the protection and sharing of heritage in the longer term
 - Appoint a **Dampier Peninsula Aboriginal Heritage Protection Project Manager-Implementation** for a period of three years to specifically manage implementation and continuation of this plan
5. Continuing activities to realise the vision of Aboriginal people to protect the heritage values and places of the Dampier Peninsula
 - Investment in cultural mapping for southern groups and mapping of cultural landscapes for all groups moving forward. This can then strategically integrate cultural values, research (such as Lister et al 2020) into the development of additional material for visitors
 - Support for review of existing AHIS data where appropriate and advised by cultural elders, including the registration of additional heritage places where interest indicated
 - Investigate opportunities for Marine Park development for southern groups to protect marine environments as culture and heritage are not limited to terrestrial environments which this plan is
 - Compliance mechanisms are extremely limited and as this plan is introduced, this will be a pressing concern of everyone to ensure protection arrangements are adhered to and where necessary, enforceable
 - Ongoing monitoring, maintenance and management will be required of any heritage protection strategies implemented. Mechanisms while have a sense of permanency, are likely to deteriorate over time. Investment in ranger teams is required to facilitate this

- Evaluation of the appropriateness and durability of heritage protection mechanisms and methods should be conducted every 10 years to ensure that the relevance of the strategy remains cognisant with what it sought to address/achieve
 - Investment in cultural conservation economies should be a priority to support the improvement of heritage/conservation as initially advocated by the KLC (2012)
6. Continue the Dampier Peninsula Working Group permanently
- Establish an annual heritage protection workshop inviting broader members from all groups to come and discuss emerging or continuing issues with the protection and sharing of heritage, with inbuilt mechanisms to capture, respond and implement outcomes from this

Considering the information contained related to vulnerable areas identified, tasks remaining and subsequent recommendations of the overall process, an implementation plan was developed to frame this:

Timeframe	Task	Responsible agency or organisation
December 2020-February 2021	Finalise content of signs and manufacture for installation (including size, relevant logos etc)	DPLH
January-June 2021 ongoing	Establish an 'Implementation Fund' and make available to groups by June 2021	DPLH
January/February 2021 – June 2024	Appoint a Dampier Peninsula Aboriginal Heritage Protection Project Manager-Implementation for a period of three years to specifically manage implementation and continuation of this plan; a local Aboriginal person to be co-located in Broome/Dampier Peninsula	DPLH in partnership with PBCs and DPWG
February-June 2021	Consultation needs to be conducted with neighbouring Native Title holders and Aboriginal people with heritage interests likely to be impacted by increased visitation to the Dampier Peninsula	DPLH
March 2021 ongoing	Continue the Dampier Peninsula Working Group permanently – finalise arrangements for this	DPLH and DPWG
March-August 2021	Engagement of Traditional Owners, rangers, communities and outstations in the implementation of the heritage protections identified in this plan <ul style="list-style-type: none"> - Installation of signs - Diversion or blocking of identified tracks 	DPLH in partnership with PBCs
April-September 2021	Continuing activities to protect the heritage values and places of the Dampier Peninsula <ul style="list-style-type: none"> - Compliance measures introduced with relevant training of rangers and others in the community to enforce - Align with installation of signage to protect heritage and introduction of Visitor Pass 	DPLH/DBCA/Fisheries in partnership with PBCs
April-October 2021	Address and mitigate risks, issues and impacts identified for vulnerable Aboriginal cultural heritage sites as listed for each of the respective Native Title areas in the relevant section above	DPLH in partnership with PBCs, communities, outstations and ranger teams
May 2021 ongoing	Continuing activities to protect the heritage values and places of the Dampier Peninsula <ul style="list-style-type: none"> - Investment in developing cultural conservation economies connected to protecting, sharing and celebrating Aboriginal cultural heritage 	DPLH in partnership with PBCs, communities, outstations, DPWG and Ardi
July 2021-December 2022	Engagement of Traditional Owners, rangers, communities and outstations in the implementation of the heritage protections identified in this plan <ul style="list-style-type: none"> - Sites requiring erosion control or dune rehabilitation - Sites requiring visitor or conservation management plans 	DPLH in partnership with PBCs

August 2021- December 2022	Continuing activities to protect the heritage values and places of the Dampier Peninsula <ul style="list-style-type: none"> - Investment in cultural mapping for southern groups and mapping of cultural landscapes for all groups - Review of existing AHIS data where appropriate and advised by cultural elders, including the registration of additional heritage places where interest indicated 	DPLH in partnership with PBCs
September 2021- June 2022 ongoing	Continuing activities to protect the heritage values and places of the Dampier Peninsula <ul style="list-style-type: none"> - Introduction and establishment of ongoing monitoring, maintenance and management will be required of any heritage protection strategies implemented 	DPLH in partnership with PBCs and ranger teams
November 2021 ongoing	Hold annual heritage protection workshop for all Native Title holders, communities and outstations to consider ongoing requirements for heritage protection, sharing and planning and schedule for November annually	DPWG/DPLH
February 2022- December 2024	Continuing activities to protect the heritage values and places of the Dampier Peninsula <ul style="list-style-type: none"> - Investigate opportunities for Marine Park development for southern groups to protect marine environments 	DBCA in partnership with PBCs
April 2022-June 2024	Implement Visitor Management and Conservation Management Plans as developed for specific Aboriginal Sites and Aboriginal Heritage Places and/or PBCs, communities and outstations	DPLH in partnership with PBCs, communities, outstations and ranger teams
January-June 2025 ongoing every five (5) years	Review and update this document, the <i>Living Heritage: Protecting the Aboriginal Cultural Heritage of the Dampier Peninsula</i> to capture emerging or shifting priorities in heritage protection and management	DPLH in partnership with PBCs, communities, outstations and DPWG
April-August 2030 ongoing every ten (10) years	Continuing activities to protect the heritage values and places of the Dampier Peninsula <ul style="list-style-type: none"> - Evaluation of the appropriateness and durability of heritage protection mechanisms and methods should be conducted every 10 years to ensure that the relevance of the strategy remains cognisant with what it sought to address/achieve 	DPLH in partnership with PBCs, communities, outstations and DPWG

The ***Living Heritage: Protecting the Aboriginal Cultural Heritage of the Dampier Peninsula*** has sought to convey both the importance and value of the heritage places, cultural landscapes and connectedness of Aboriginal people across the Dampier Peninsula. With the sealing of the Cape Leveque to Broome Road and an anticipated tripling of visitation within the coming decade, existing issues in heritage protection as well as unforeseen ones will soon be in the spotlight.

Taking an opportunity to conduct a level of forward planning for those places already under threat, while simultaneously identifying opportunities to share their value, history and narrative with the impending visitors has been integral to this process. A level of cultural awareness, reconciliation and increases in understanding of the implications colonialism has had on Aboriginal people while standing strong and resilient in the face of this is a message that will inevitably be conveyed through the strengths-based sharing and promoting of Aboriginal culture and heritage in this area. This inadvertent educational outcome has the potential to influence future generations, facilitating improved relations and a collective path with good liyan (spirit).

Guided by the voices of Aboriginal people of the Dampier Peninsula shared throughout this document, this plan proposes a path to protect and share the heritage of the Dampier Peninsula by mapping multiple ways forward as part of this continuing journey.

Introduction

The ***Living Heritage: Protecting the Aboriginal Cultural Heritage of the Dampier Peninsula*** for all is a document that strategically considers the increasing pressures and impacts on the heritage (sites, places, cultural landscapes) of the remote Dampier Peninsula region of the Kimberley, Western Australia (Figure 1). Identifying places of significance and management requirements to protect these environments, opportunities for sharing and celebration of heritage across this picturesque area are likewise included.

Following decades of discussion and planning, the decision was made to seal the remaining sections of the Cape Leveque Road extending from the outskirts of the township of Broome, 200km north to the remote community of Ardyaloon (One Arm Point). As part of this process, requests were made by the Aboriginal people of the Dampier Peninsula to consider associated impacts to and mitigate strategies for the continued protection of the nationally-recognised Aboriginal heritage of the area. With pressures including increasing visitor numbers both onshore and off-shore resulting from the improved road access, the Western Australian Department of Planning, Lands and Heritage (DPLH) developed a project to address this. This included areas within four Native Title Areas (as represented by the Prescribed Body Corporates (PBCs) of Bardi Jawi, Nyul Nyul, Nimanburr and Gogolanyngor (Jabirr Jabir Ngumbarl), four Aboriginal communities (Ardyaloon, Djarindjin, Lombadina and Beagle Bay), in addition to the numerous outstations.

A consultation process was conducted from 2019-2020 with the identified groups, communities and interested individuals to identify Aboriginal Sites and Aboriginal Heritage Places that may be impacted by increased visitation and consider management options and strategies to mitigate this risk. Interrupted by the COVID-19 global pandemic, consultation was conducted through a range of mechanisms including in person presentations at meetings of the Dampier Peninsula Working Group and PBCs; face to face meetings with Traditional Owners, cultural advisors, Indigenous rangers, community and outstation representatives; as well as via online platforms (such as zoom) and telephone and prepared briefing papers.

Subsequently, this plan has been developed to report on outcomes from the consultation and respond to the challenges faced protecting, managing, sharing and celebrating the Aboriginal cultural heritage of the Dampier Peninsula. The plan itself has been structured accordingly, with an overview provided on the importance of protecting and sharing the heritage and culture of the area; followed by reporting of cultural landscapes in each of the determined Native title areas (Bardi Jawi, Nyul Nyul, Nimanburr and Gogolanyngor (Jabirr Jabir Ngumbarl). Requirements for associated protection planning and management are then discussed, as are opportunities for sharing and celebrating this significant heritage. The resources required to do this are then considered prior to further recommendations that have arisen from the process.

This information is then contextualised in the ***Dampier Peninsula Aboriginal Protection Plan for Aboriginal Cultural Places and Sites (Preliminary Report)*** is attached as an addendum. Prepared to update DPLH and Aboriginal people of the Dampier Peninsula during the process, supplementary information includes:

- Project specifications, process and activities; definitions of a site
- Methodology and theoretical underpinnings, groups involved in process, background review
- Details of discussions with groups (to July 2020)
- Initial information on cultural heritage landscapes and places of interest
- Overview of protection planning
- Identification of resource requirements and possible sources

Ultimately, this plan seeks to adhere to the overall vision Aboriginal people of the Dampier Peninsula have for their country (as reported in KLC 2015):

***Healthy country, healthy people, healthy communities;
Culturally, socially spiritually, environmentally and economically strong.***



Figure 1: Dampier Peninsula in northern Western Australia's Kimberley region.

Protecting and sharing the cultural heritage of the Dampier Peninsula

...we feel a sense of responsibility and obligation to look after that which is so existential to our life. An estate of people, plants, animals, sites, bush, lakes, cliffs, waters, reefs, rock formations, sand, wind, sky. Heritage is the intricate connections between everything and the people...

Heritage encompasses the physical and non-physical realms, and most importantly people as the bridge between the two realms. Our living heritage is the embodiment of our Lore, culture, physical and non-physical spaces and how we conduct ourselves as Aboriginal people accordingly. People are the link between the two realms and this is why I consider heritage has the three components of the physical realm, the non-physical realm and Aboriginal people. We must also understand that all three components of heritage exist contemporaneously, all at the same time. Heritage is holistic: it is our experiences, practices and behaviours as people in our country that link our physical world to the non-physical world. This is why we say we have 'living heritage'.

Commonly it suits many agendas to compartmentalise and form a division between the physical and non-physical heritage realms and give the people component only small consideration, if any. Too often the public, governments and regulatory agencies default to viewing heritage as the physical things we can touch, see and smell. The plants, animals, creeks, hills, caves, artefacts and evidence of occupation and ceremony. Things from the non-physical realm like kinship relationships; the knowledge and meaning imbued in our Dreaming, ceremonies, cultural practices and songs if given any value and consideration is usually less than the physical realm. More often again the people component, the bridge between the physical and non-physical realms, and our kinship to our traditional burr (whether as residents or visitors ourselves if we happen to live out of country) is given less consideration than both the physical and non-physical.

Our Elders would say 'Country holds power, its always there'. We activate and access that power by being in Country; fulfilling our obligations to Country, and by conducting ourselves according to our Lore as best we can. Equally our obligations, connections and depth of feeling for our burr continue to exist even when we cannot be present, in this way the contemporaneousness between all three components operates in situ and in absentia. Bevan (2020)



The above quote is extracted from material provided by Lee Bevan during this process. Importantly, this information conveys the essence of what this plan seeks to achieve – the protection of heritage on the Dampier Peninsula in all its forms (the tangible fabric and intangible connections). For Aboriginal people, this is an area of intertwined cultural landscapes – from time in the deep past, to more recent eras, continuing for generations to come. While there are places, sites, material such as artefacts and fish traps that belong to individual groups, there are likewise those that connect people to place and to each other.

Understanding this has been integral to the development of this plan, while it has likewise been influenced by archival material and existing heritage protection areas. This previously recorded information, which is discussed in the attached addendum, the ***Dampier Peninsula Protection Plan for Aboriginal Cultural Places and Sites: Preliminary Report*** provided the basis for the project engagement (with final consultation details provided in Appendix One). As discussed in this initial document the process was focused on Aboriginal sites and Aboriginal Heritage Places identified either through the archival searches; those that had been registered; or others identified during the consultation activities and subsequently raised more broadly.

Archival material referenced in the initial report informing the consultation process included:

- The DPLH Aboriginal Heritage Inquiry System
- Richard Meister - Sustainable tourism development on the Dampier Peninsula 2004
- Sharon Griffiths - Dampier Peninsula Access Management Plan 2005
- KLC - Dampier Peninsula Planning Project 2012
- Bardi Jawi Indigenous Protected Area Management Plan 2013 -2023
- WA Planning Commission - Dampier Peninsula Planning Strategy 2015
- KPP - Dampier Peninsula Visitation and Tourism Infrastructure Assessment 2017
- KPP - Dampier Peninsula Visitor Forecasts 2018

Additional references identified from these sources are discussed further in Appendix Two. As noted, legislated protections afforded to Aboriginal heritage likewise informed the consultation process and plan development. Details of relevant legislation are provided in Appendix Three, which included:

Commonwealth

- *Environmental Protection and Biodiversity Conservation Act 1999*
 - National Heritage List
 - Commonwealth Heritage List
 - Register of the National Estate
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Native Title Act 1993*

Western Australia

- *Aboriginal Heritage Act 1972 (WA)* and the current legislation review process
- *Environment Protection Act 1986*

International

- International Union for Conservation of Nature (IUCN)
- United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)

Assessment Guidelines

- Guidelines for Ethical Research in Australian Indigenous Studies (GERAIS) from AIATSIS
- ICOMOS Burra Charter
- Australian Archaeological Association (AAA) Code of Ethics
- Australian Association of Consulting Archaeologists Inc (AACAI) Code of Ethics

Importantly, the implications of the West Kimberley National Heritage Listing (NHL) and Aboriginal Sites and Aboriginal Heritage Places on the Aboriginal Heritage Inquiry System (AHIS) with the DPLH are considered as per their location in the respective Native Title areas in the following sections. Further details on the West Kimberley NHL are provided in Appendix Four, while the AHIS data tables were included in the Preliminary Report (Addendum).

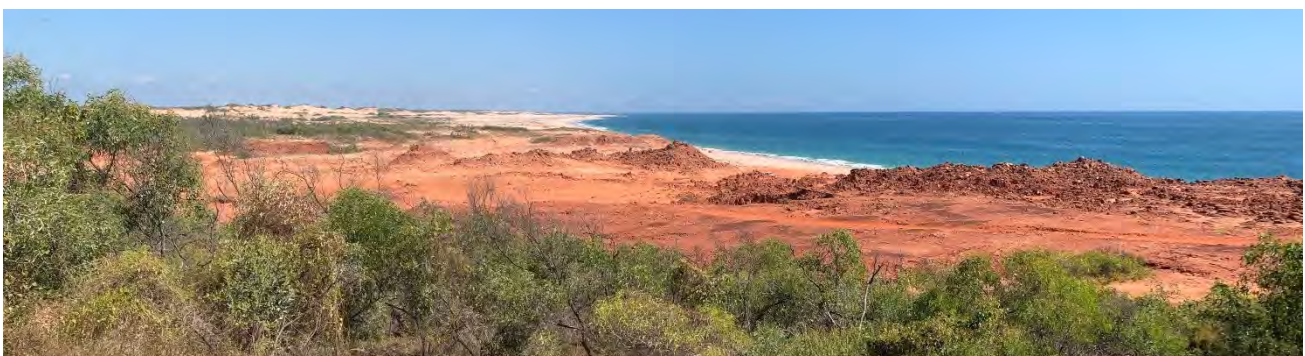
Likewise, the definition of site protection within the context of this project (described further in the addendum) has been aligned with Indigenous methodologies and decolonising methodologies, in addition to the proposed legislative amendments to the Aboriginal Heritage Act (1972) as per the current AHA review process, particularly in relation to the identification and protection of cultural landscapes:

- Significance or cultural importance of place means that it requires ‘no go’ areas
- Cultural maintenance/revitalisation potential (about community)
- Ecological/environmental cultural significance (ie community fishing places, maintaining access to cultural resources – bush medicine/bush tucker trees, hunting grounds etc)

This revised definition ensures that cultural heritage sites, cultural landscapes and cultural places also incorporate areas of significance and/or importance for the local Aboriginal people of the Dampier Peninsula. Identifying and addressing these requirements facilitates both protection and sharing of the heritage of the area with increasing numbers of visitors. With the consultation guided by knowledges obtained as described here, Indigenous methodologies and decolonising methodologies and the principles of the UNDRIP, this approach facilitated completion of the first objective of the project, ‘to identify Aboriginal Sites and Aboriginal Heritage Places that are most likely to be impacted by increased visitor numbers’.

A further factor as this project is subsequently implemented will be issues of land tenure. This was noted during the majority of meetings throughout the consultation process and will need to be considered as this heritage protection process progresses. However, the issues of land tenure are complicated on the peninsula and this has also been noted in many of the previous reports. It is also outside the scope of this project and will be addressed through broader planning processes involving DPLH and the Dampier Peninsula Working Group (DPWG).

Momentarily, the Aboriginal Sites and Aboriginal Heritage Places in question will be discussed in detail within the next sections of the report, which is structured around each of the Native Title areas and inclusion of the Aboriginal communities and outstations situated within them. This will be framed by data obtained relating to existing site protections (Commonwealth or State) prior to latter stages of this report providing the final examination of both protection requirements and sharing opportunities for the respective heritage places identified. This range of overarching measures as required incorporate both short and long-term strategies with inbuilt periodic monitoring, evaluation and review processes. Cognisant of projected visitor numbers and extrapolated increased pressures, if the predicted increase is underestimated then flexibility is likewise required to ensure protections are implemented accordingly.



Bardi Jawi Cultural Landscapes

The cultural landscapes contained within Bardi Jawi Country are intricately interwoven with the surrounding land and sea. Connected by songs, cultural narratives, oral histories and lived experiences, this northern half of the Dampier Peninsula is home to the Bardi and Jawi people. As described themselves (Bardi Jawi 2013:3):

Bardi Jawi country is bounded by sea on the eastern, northern and western sides of the Dampier Peninsula... Bardi Jawi people consider their country to include part of the sea...

Bardi and Jawi are two distinct groups of people. Bardi people live on the mainland of the Dampier Peninsula and islands immediately offshore from Ardyaloon. Jawi people call the islands further east, including Iwany (Sunday Island), their traditional country... Bardi and Jawi people share and practise the same law.

Iwany is one of many small islands within this Native Title area and all were considered as part of the creation of this plan. Represented by the Bardi Jawi Registered Native Title Prescribed Body Corporate (RNTNBC or PBC), the continued strength, maintenance and resilience law, culture, language and the management of significant sites are of primary importance for Bardi and Jawi people. Reflected as key targets alongside *Marnany* (Fringing Reefs), *Aarli* (Fish), *Odorr* (Dugong) and *Goorlil* (Turtle), Traditional *Oola* (Water) Places, and Indigenous Plant Resources, this was articulated further in their IPA Management Plan:

Bardi and Jawi people have always shared their cultural lives and continue to practise their culture. Law ceremonies are held and run by the Majamajin (law bosses) and supported by the rest of the community... Ceremonies take place in some significant sites, respected by Bardi Jawi people for that purpose... Today, most of the law grounds are close to major communities and strict no-access protocols apply except for people taking part in ceremonies...

Bardi and Jawi language reflects a deep understanding of the land and sea, the plants and animals. Booroo and significant sites have Bardi Jawi names, and the language is often better suited than English to describing features of country... Elders hold a wealth of traditional knowledge and when younger Bardi Jawi people speak for country they only do so with the authority of the elders. (Bardi Jawi 2013:33)

Significant Bardi Jawi sites need protecting to uphold their cultural integrity. Many significant sites associated with law are interconnected through songlines and stories that refer to mythological beings and places far afield. Bardi Jawi people want to make sure that these sites are not violated by visitors and that all Bardi Jawi people have knowledge about important places... Management measures would ensure that no one visits a significant site without the consent of the elders, lest they get hurt or fall sick.

It is important for Bardi and Jawi people that elders who have passed away are not disturbed and their resting places are respected. Some 'open' sites are important for fishing and camping, or Lalin places (where people go hunting for married turtles). (Bardi®Jawi 2013:31)

The understandings shared here are reflective of the long history Bardi and Jawi people have of actively managing their Country and this wealth of knowledge has been shared and informed the development of this plan. As we consider the base map used during this process (Figure 2), the importance of the intersection of land and sea is evident in the extensive number of Aboriginal Sites which dominate these cultural landscapes.

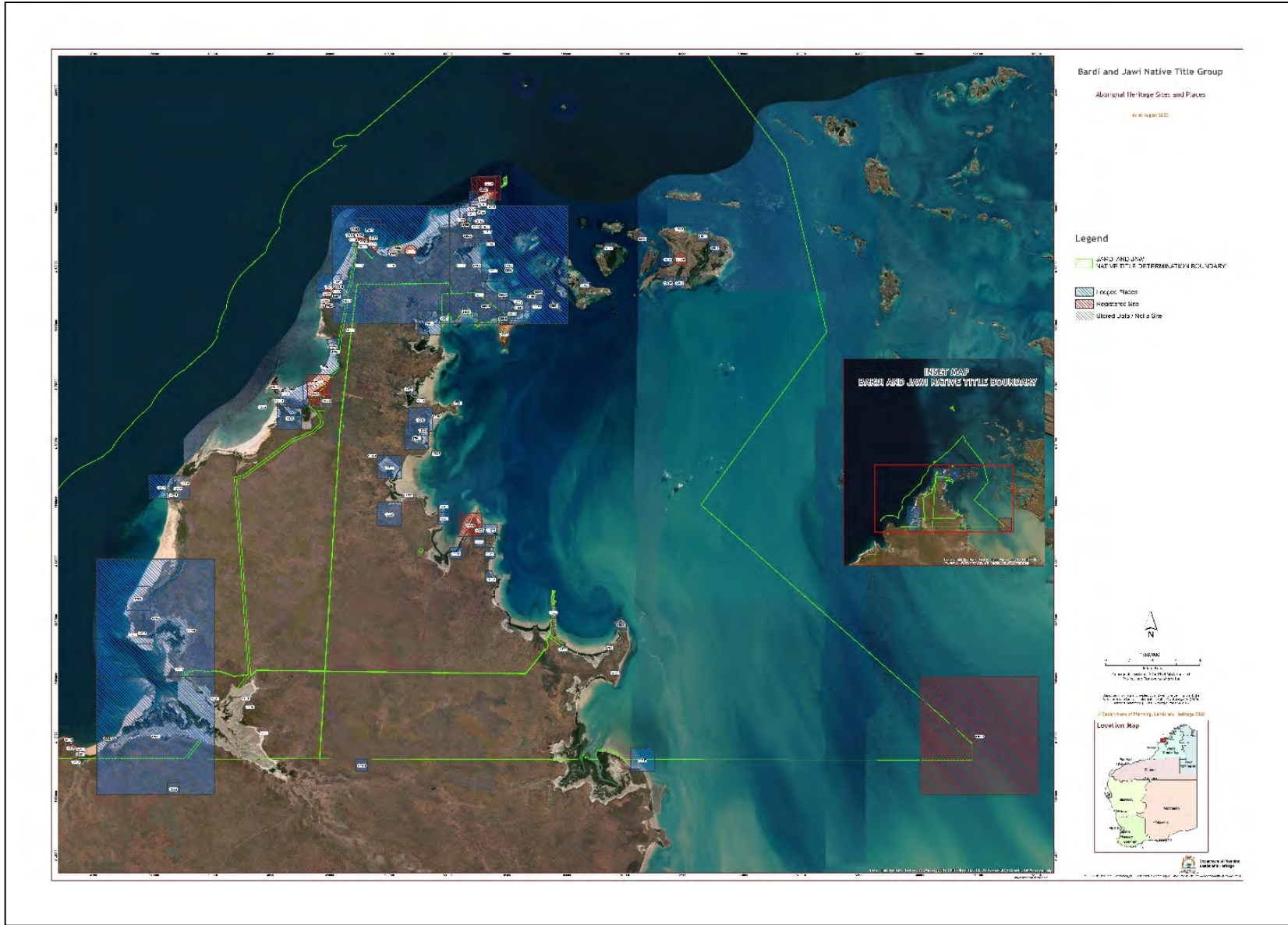


Figure 2: Location of AHIS Aboriginal Sites and Aboriginal Heritage Places within the Bardji Jawi Native Title area

Heritage protection areas on Bardi Jawi Country

Within the Bardi Jawi Native Title area (WC 1995/048 / WAD049/1998) there are Aboriginal heritage places that have existing protections registered through international (IUCN), Commonwealth (NHL) and State (DPLH) legislative processes. During the course of this consultation and archival research, additional heritage places, cultural landscapes and broader cultural values were identified and considered as part of these planning measures. Each of these will now be detailed prior to consideration of specifics relating to heritage protection, sharing and celebration for each of the northern communities, outstations and cultural tourism enterprises.

Existing heritage protections

Jardagarr (coastal country) and Niimidiman (inland country) have been classed under the International Union for Conservation of Nature (IUCN) for conservation and management purposes. The table and Figure 3 illustrate the importance, existing protection and management of these areas (Bardi Jawi 2013:15):

<i>Jardagarr (coastal) Category 4 — habitat/species management area</i>	<i>Niimidiman (inland and island areas) Category 6 — protected area with sustainable use of natural resources</i>
<p>Many species of native Garrabal (birds), including Gouldian Finches, Eastern Curlews, Fork-tailed Swifts, Yellow Wagtails, Oriental Cuckoos, Chestnut-backed Button Quails, Peregrine Falcons, Bush Turkeys/ Australian Bustards and Bush Stone Curlews, are common to Jardagarr areas. They are listed with the [former] Department of Environment and Conservation (DEC) for priority conservation because they are rare and likely to become extinct if measures are not taken to protect them.</p> <p>The IUCN Category 4 requires actions to:</p> <ul style="list-style-type: none"> • protect critically endangered populations of species that need particular management interventions to ensure their continued survival; • protect rare or threatened habitats including fragments of habitats; • secure stepping-stones (places for migratory species to feed and rest) or breeding sites; • provide flexible management strategies and options in buffer zones around, or connectivity conservation corridors between, more strictly protected areas that are more acceptable to local communities and other stakeholders; • maintain species that have become dependent on cultural landscapes where their original habitats have disappeared or been altered. <p>Jardagarr areas are of high conservation value because of their biodiversity and high cultural values. Category 4 provides a management approach used in areas that have already undergone substantial change requiring the remaining habitat fragments to be protected.</p>	<p>Situated close to Jardagarr is Niimidiman, which also harbours many plant and animal species of high cultural value. For example, Irrgil trees are used for making boomerangs and Marrga, Joolgirr and Bilimangard trees are used for making shields. Some Niimidiman areas feature traditional Oola (water) places and stories attached to these places are culturally important. Banyjoord and IIngam also grow in the Niimidiman areas. Bardi Jawi people want to protect their natural ecosystems and use the resources contained within them sustainably, so that conservation and sustainable use co-exist. The purpose of IUCN Category 6 is to:</p> <ul style="list-style-type: none"> • promote sustainable use of natural resources, considering ecological, economic and social dimensions; • promote social and economic benefits to local communities where relevant; • facilitate inter-generational security for local communities' livelihoods ensuring sustainability; • integrate cultural approaches, belief systems and world-views within a range of social and economic approaches to nature conservation; • contribute to developing and maintaining a balanced relationship between humans and the rest of nature. <p>The Niimidiman protected areas will conserve ecosystems, habitats and cultural values. These areas require visitor management as well as the prevention of wildfires. While Niimidiman areas are larger than Jardagarr, and are mostly in a natural condition, IUCN Category 6 states that low-level, non-industrial use of natural resources is compatible with nature conservation and traditional natural resource management systems.</p>

Table 1: IUCN protections on Bardi Jawi Country



Figure 3: IUCN zones on Bardi Jawi Country (Bardi Jawi 2013:17).

The IUCN protections under both categories cover much of Bardi Jawi Country, as does the National Heritage Listed (NHL) of The West Kimberley. Figure 4 illustrates the NHL protected area across the broader region and within the circled area is the Bardi Jawi Native Title area. As noted by Bardi Jawi (2013:3):

In 2011 much of the west Kimberley was placed on the National Heritage list, including part of Bardi Jawi country, because of the history of the Gaalwa (double log raft), the use of Goowarn (pearl shell) for ceremonial purposes and trading far afield, and the beauty of the area to visitors.

However, there are additional protected heritage places and cultural material located on and relating to Bardi Jawi Country within the thematically-driven NHL including:

- Biological richness (including vine thickets)
- A rich and dynamic living Aboriginal culture
- Early European exploration – William Dampier
- Dinosaur trackways and human footprints – one of only three recorded tracks of fossilised human footprints in the nation (Commonwealth of Australia 2011a)

For more information on the broader NHL, see Appendix Four. Notably, The West Kimberley was listed as

The place has outstanding heritage value to the nation because of the place’s importance in the course, or pattern of Australia’s natural and cultural history (2011a:13).

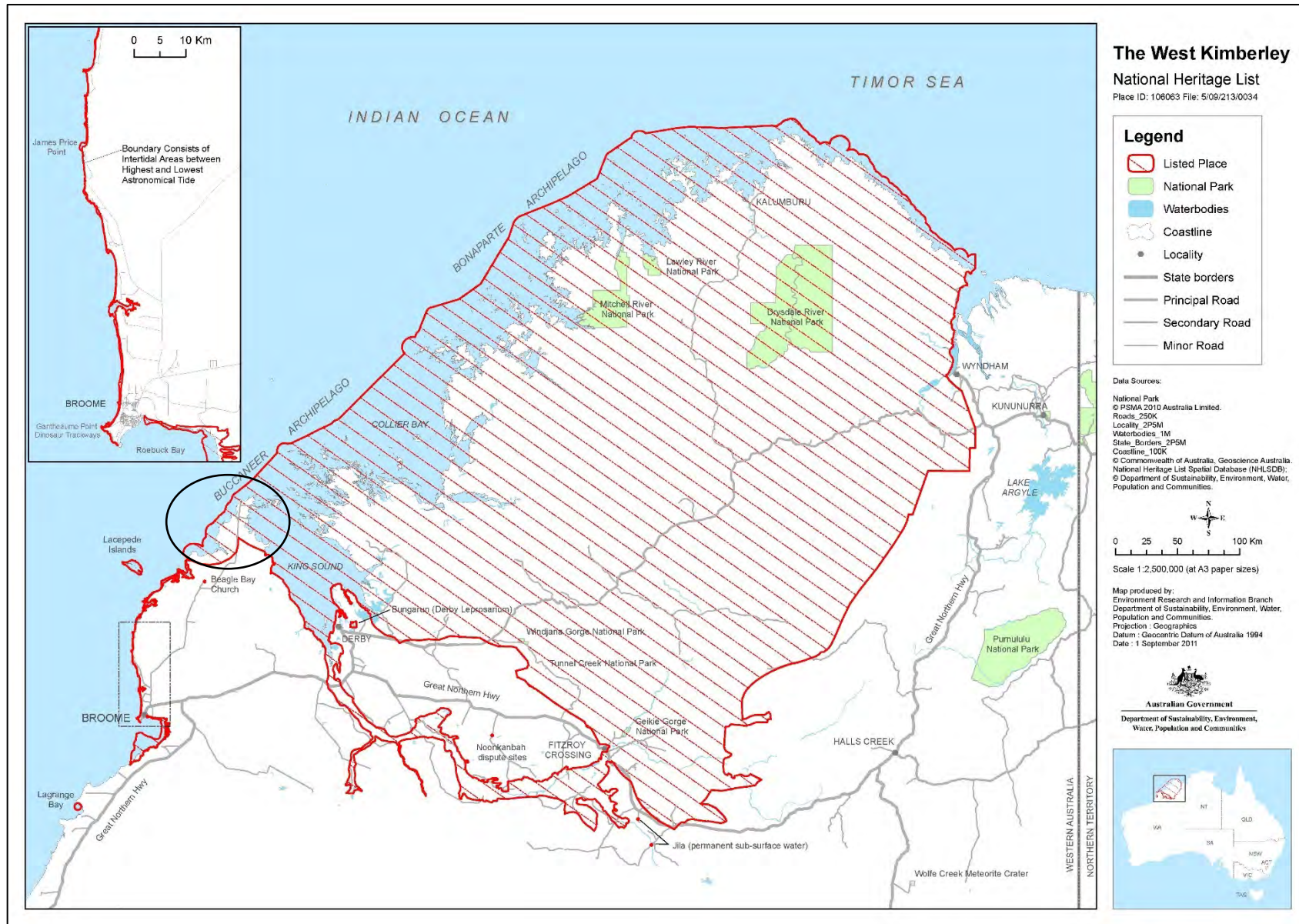


Figure 4: The West Kimberley NHL (with Bardi Jawi Country circled).

With much of Bardi Jawi Country covered by either IUCN or NHL protections, there are likewise 61 Aboriginal Sites and 85 Aboriginal Heritage Places identified on AHIS and illustrated previously in Figure 2. With the majority of these sites clustered sporadically on the coastline, these cultural landscapes and peoples' connection to them have been fundamental in the protection requirements that will now be discussed. Individual sites and surrounding landscapes will be considered in relation to the management strategies proposed. This has been contextualised by the understanding that, although heritage is extensively represented, there remain gaps in the landscape. However, it should not be assumed that absence of Aboriginal Sites or Aboriginal Heritage Places on the AHIS equals absence of cultural and heritage value or material. Rather, the opposite should be assumed and dictate plans both now and into the future.

Protection requirements for Bardi Jawi Country

Across the Dampier Peninsula, a range of protection measures and strategies were considered during the consultations conducted. As suggested in the addended report (Protection planning & management requirements – Page 41), addressing the second objective of the project:

- Identify Aboriginal heritage site management options and how to avoid or minimise those impacts which may include
 - Access restriction or management;
 - Signage;
 - Media and education; and
 - Use of Aboriginal Rangers and Aboriginal tourism operators to undertake monitoring and compliance functions.

While these strategies were suggested at the outset of the project, further consideration was also given (but not be limited to):

- Infrastructure (signs, fences, track diversions/blocks) to restrict access to significant and/or sensitive heritage places
- Cultural mapping and potential registration of additional sites (or the updating of information on 'Aboriginal Heritage Places' for reconsideration on AHIS)
- Interpretative signs to share stories of the heritage places across the area (linking in potentially with the Main Roads WA interpretative project)
- Conservation Management Plans for large scale heritage sites that expect high traffic visitors (and may involve infrastructure development, establishment of monitoring programs)
- Development of visitor material to support tourism (eg websites, exhibitions, AV material, pamphlets or short books such as the Injalak Hill Rock Art Book or Mowanjum Arts and Culture Centre's book 'Jigeengadi' about on-Country cultural camps)
- Employment and training requirements for rangers, tourism, education, heritage or curatorial positions (of moveable heritage if disturbed)

This range of opportunities, activities and outputs were provided to all involved. Some groups chose to examine these further while others had alternative priorities. At the end of the respective sections describing the protections required the Native Title areas, a summary table is presented for ease of use. Of primary importance here however are the three different types of signs that all groups consistently requested to manage access to cultural areas. Identified due to multiple values, the signs requested were:

- Traditional Owners and Community members only
- Traditional Owners, Community members and guided cultural tours only
- Restricted Access - No Unauthorised Entry (for men's, women's or ceremonial areas)

Consensus of all involved in the consultation was that the signs should identify the Native Title area that it is located on, in addition to contact numbers for the respective PBCs for more information. It is noteworthy that there were discussions regarding the use of the word 'local' however, most felt it was misconstrued with many claiming to be local who did not live on the Dampier Peninsula nor were Traditional Owners of this area. Therefore, the word 'community' was substituted to cover those who live here and/or have both the cultural knowledge and authority to enter these areas. While specific wording will be finalised with the relevant groups during implementation and installation of the signage, suggested options include:

- 'Traditional Owners and Community members only – No Visitors allowed'
- 'Traditional Owners and Aboriginal Community members only'
- 'No Access except to Traditional Owners and Community members'

For the purposes of this report, the first option will be used throughout the plan. Consequently, as presented in the previous section, understanding these options and existing protections has assisted informing the protection mechanisms identified during this process for Bardi Jawi Country. This has provided the opportunity to connect the IUCN and NHL boundaries with the AHIS data, as well as heritage projects that the Bardi Jawi Rangers have commenced or completed. With this knowledge and experience, the rangers will be vital with the implementation of this plan in addition to ongoing heritage monitoring, maintenance and evaluation strategies. Each identified protection requirement, activity or strategy will now be detailed and where relevant, illustrated in subsequent figures.

BJ01 - Rumble Bay Road intersection with Cape Leveque to Broome Road (eastern side)

This road leads to the western coastline of King Sound. Providing access to outstations and heritage sites, guided cultural tours are also conducted here. Aboriginal Sites and Aboriginal Heritage Places include:

- Aboriginal Sites – ID17859
- Aboriginal Heritage Places – ID14675, 14637, 14638, 14643, 14644, 14645

There is limited access to the coast here and the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members and guided cultural tours only – No Visitors allowed'

BJ02 - Pender Bay Road intersection with Cape Leveque to Broome Road (western side)

This road leads to the eastern coastline of Pender Bay, as well as to outstations along the back road to Lombadina and Djarindjin. Although sites in this area are listed as 'Aboriginal Heritage Places' and 'Stored Data', Pender Bay itself in its entirety is an extremely significant cultural area to which access to the public needs to be severely limited. There are two ceremonial sites here – *Gudedagoon* and *Gulagularun*. These have not been lodged through DPLH. AHIS data indicates that heritage sites include:

- Aboriginal Heritage Places – ID13897, 13898, 13934, 14704
- Stored data – 14659, 14705, 14707, 14709, 14710, 14711

As such, there are grave concerns from Traditional Owners for the cultural safety of visitors accessing Pender Bay by road, sea or air (helicopters). When unable to access areas to the south, cruise ships are known to drop people on the beaches in the middle of the sites and which is of great cultural concern. They have also noted issues with Pender Bay itself being identified as a 'safe harbour' accessible to all marine vessels and have additional concerns with unauthorised access to these significant cultural landscapes. Therefore, at the Pender Bay Road/Cape Leveque-Broome Road junction, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed'
- Work with Bardi Jawi elders to register the significant cultural sites within this landscape

BJ03 – Pender Bay Road/back road to outstations, Lombadina and Djarindjin

As per the information provided for BJ02, only Traditional Owners and Community should be accessing this road. Therefore, to remind people of this, the following mitigation strategy is required:

- Install sign ‘Traditional Owners and Community members only – No Visitors allowed’

BJ04 – Turn off south of Lombadina/Djarindjin Communities on back road to Pender Bay

This road leads south to Pender Bay from the Lombadina and Djarindjin Communities providing access to outstations along the route. To the north are a number of Aboriginal Sites and Aboriginal Heritage Places which are discussed in more detail in relation to the communities themselves below. Of interest here is the accessible sites to the west:

- Aboriginal Heritage Places – ID13935

As per the information provided for BJ03, only Traditional Owners and Community should be accessing this road. Therefore, to remind people of this, the following mitigation strategy is required:

- Install sign ‘Traditional Owners and Community members only – No Visitors allowed’

Should members and residents on any of the outstations decide to conduct cultural tourism enterprises in future, this sign could be amended to read ‘Traditional Owners, Community Members and guided cultural tours only’.

BJ05 – Bend on back road between Lombadina/Djarindjin Communities and Pender Bay

As with BJ03 and BJ04, this road connects Pender Bay and the Lombadina and Djarindjin Communities providing access to outstations along the route. There are a number of Aboriginal Heritage Places and cultural landscapes accessible from this point on the road, with accessible sites to the west:

- Aboriginal Heritage Places – ID13895, 13896
- Stored data – ID14706, 14708

As per the information provided for BJ03 and BJ04, only Traditional Owners and Community should be accessing this road. Therefore, to remind people of this, the following mitigation strategy is required:

- Install sign ‘Traditional Owners and Community members only – No Visitors allowed’

Should members and residents on any of the outstations decide to conduct cultural tourism enterprises in future, this sign could be amended to read ‘Traditional Owners and Community members and guided cultural tours only – No Visitors allowed’.

BJ06 – Eastern end of Rumble Bay Road

As the road nears the western coastline of King Sound, this road provides access to outstations, heritage places and cultural landscapes. While guided cultural tours operate along this road, it was shared during consultation that they cease by this point. As noted in BJ01, this road leads to a group of Aboriginal Sites and Aboriginal Heritage Places:

- Aboriginal Sites – ID17859
- Aboriginal Heritage Places – ID14675, 14637, 14638, 14643, 14644, 14645

There is limited access to the coast here as noted previously. In consideration of the heritage places and cultural landscapes located here and that the guided cultural tours cease beyond this point, the following mitigation strategy is required:

- Install sign ‘Traditional Owners and Community members only – No Visitors allowed’

BJ07 - Rumble Bay Road intersection with Cape Leveque to Broome Road (western side)

This back track leads across to the back road between Pender Bay, Lombadina and Djarindjin communities and surrounding outstations. As advised in relation to BJ03, BJ04 and BJ05, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed'

BJ08 – Outstation access track on Cape Leveque to Broome Road (eastern side)

This track leads easterly towards outstations on the western coastline of King Sound. There are a number of heritage places and cultural landscapes within this area, including

- Aboriginal Heritage Places – ID13892, 15141

There is limited access to the coast here and in consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed'

BJ09 – Road to Mudnan intersection with the Cape Leveque to Broome Road (eastern side)

Guided cultural tours operate along the Mudnan Road and engage with the heritage places and cultural landscapes accessible along this track, the specifics of which include:

- Aboriginal Heritage Places – ID13890, 13891, 139941, 17761, 17762
- Stored data – ID14670, 14671

There are also outstations accessed through this track and limited access to the coast. In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members and guided cultural tours only – No Visitors allowed'

BJ10 – Back track to Djarindjin intersection with the Cape Leveque to Broome Road (western side)

This track leads westerly towards Djarindjin community and outstations. There are a number of heritage places and cultural landscapes within this area, including

- Aboriginal Heritage Places – ID13930, 13931, 17760

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed'

BJ11 – Ngamakoorn turn-off from Cape Leveque to Broome Road (western side)

The access road to Ngamakoorn outstation also leads to a number of heritage places within broader cultural landscapes. These include

- Aboriginal Sites – ID13916, 13917, 13918, 13919, 13920, 13921, 13922, 13923, 13925, 13926, 13927
- Aboriginal Heritage Places – ID13924, 13936, 13937 14667

There are guided cultural tours operating in this area and, in consideration of this and the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members and guided cultural tours only – No Visitors allowed'

BJ12 – Old bore, Kooljaman Road across from the airstrip (northern side)

Kooljaman itself is an area of significant cultural and heritage values, with a high number of Aboriginal Sites and Aboriginal Heritage Places in and around the area. These include ceremonial places, engravings, middens, artefact scatters, old camps and historic sites; resulting in a range of academic interest and research for some time (Lister et al 2020, Nott and Bryant 2003). This is likewise illustrated in the AHIS data:

- Aboriginal Sites – ID12234, 13958, 13959, 13960, 13961, 13962, 13963, 13964, 13967, 13968, 13969, 14893, 17043
- Aboriginal Heritage Places – ID13936, 13965, 13966, 24788

Cognisant of the importance of this place, Indigenous owned and operated Kooljaman has identified within its tourism map the location of ‘no go’ areas for visitors. In addition to these, there is a significant ceremonial area on the north of the airstrip and there is a need to introduce the following mitigation strategy:

- Install ‘Restricted Access - No Unauthorised Entry’ sign

BJ13 – Middens at the north-eastern end of beach shelters on Eastern Beach, Kooljaman

On the peripheries of the beach and sand dunes of Eastern Beach at Kooljaman are extensive middens. The area is exposed, and visitors can see and interact with the middens at this location. The community here would like to see interpretative signs installed for visitors to begin to understand middens, what they look like and their importance. Therefore, there is a need to introduce the following mitigation strategy:

- Install interpretative sign about middens discussing
 - What are they?
 - Why are they important?
 - What can they tell us?
 - Why are we protecting them?

Previous archaeological excavations were conducted in and around Kooljaman by a team from the Australian National University (ANU) under the direction of Prof Sue O’Connor as part of an Australian Research Council (ARC) Discovery (Catastrophic Marine Inundation Events (CMIEs) on the Prehistoric Archaeological Record of the Australian Coastline (DP0878735)). During the research, concerns were raised by Traditional Owners that the engravings were at risk of falling off the cliff due to sea surges undermining the area. With rising sea levels, erosions will get worse and the same issue applies to some of the large mound middens here which were already being undermined (S. O’Connor pers. Comm. 2020). As part of this research, an academic article was recently published in Australian Archaeology (Lister et al 2020) and further material could be requested from the research team about middens to support the development of the interpretative sign.

BJ14 – Bulginarr

Bulginarr/Buldinara is recognised within the National Heritage Listing as of extremely significant value to the nation. Providing one of the only remaining sites evidencing human footprints, the Commonwealth of Australia (2011a:21) noted:

Fossilised human footprints on the Dampier Peninsula are significant for being one of only three documented human track sites in Australia and the only evidence of human tracks in the west coast of Australia.

Further evidence and discussion is provided within the full NHL assessment conducted by the Australian Heritage Commission (2011:138-139) and detailed the previous research undertaken on the footprints, as well as comparisons with the other two trackways recorded. Specific details of the contents of the heritage site itself however were not included. The description read as follows:

*Anecdotal reports indicate the presence of human footprints in Quaternary sediments at a number of named coastal sites on the west of Dampier Peninsula north and east of Broome. Media reports, several books and a major summary of footprint sites which appeared in the journal *Ichnos* in 2001 indicate that ichnofossils stolen from the area in 1996 included human footprints as well as dinosaur tracks (Mayor and Sarjeant 2001; CNN 1996; Long 1998; Long 2002; Thulborn 2009). A paper by Welch (1999) identifies a trackway elsewhere on the Dampier Coast of ten footprints, with an eleventh print a short distance away, preserved on a beachrock shelf, probably representing the passage of two people.*

Beachrock is consolidated or semiconsolidated 'sandstone' which forms when seawater-derived chemicals cement beach sand at the intertidal zone along beaches and shorelines (Welch 1999). Welch reported another footprint site nearby that is now covered by sand and mud.

Despite the compelling prospect that the presence of human and dinosaur ichnofossils along the same coast vindicates Jules Verne and the makers of the Flintstones, they are preserved in very different aged sediments. The beachrock in which the human prints occur has been dated using optical spin luminescence to about 2000 years ago, setting a maximum age for the walkers (Welch 1999).

Track sites like the Pleistocene Lake Garnjung footprint site in the Willandra Lakes World Heritage Area, which preserves more than 800 footprints, capture behavioural and population data for a group of people living in arid inland Australia at the height of the last glacial stage. The prints represent more than 20 individual trackways from adults, adolescents and children, as well as some marsupials and birds over an area of around 700 metres squared (Webb et al. 2006; Westaway 2010). Such sites begin to paint a picture of the human experience of the last glacial maximum.

The late Holocene Dampier Coast trackway documented by Welch is significantly younger and smaller than the Lake Garnjung location, and only preserves human tracks. It is comparable in age with a South Australian site inland from Clare Bay, first described by Daisy Bates in 1914, which reveals numbers of human, kangaroo, wallaby and emu prints impressed (not necessarily simultaneously) in carbonate mudstone along the edge of a small swamp. This site has been dated to around 5000 years. At two localities in the Clare Bay swamp site, the presence of adults and children are inferred (Belpario and Fotheringham 1990).

Fossil human tracks are rare in Australia. There are three occurrences documented in the literature. The Dampier Coast site documented by Welch is the smallest of the three. It is the only example yet found in Western Australia. Less clearly documented accounts of human tracks along the Dampier Coast appear in the literature (Mayor and Sarjeant 2001; CNN 1996; Long 2002).

Fossil human tracks are important for both scientific and symbolic reasons. Early hominid tracks like the Pliocene Tanzanian Laetoli footprints provide important data on the evolution of human bipedalism. The Pleistocene and Holocene human record which the Dampier Coast tracks help to elaborate is very patchy. Documenting track sites through human history can begin to reveal population data across a continent and through time, to supplement other kinds of archaeological and historical evidence.

Tracks have the potential to reveal data which is hidden from those who only study body fossils: about gait, anatomy, stature, size, population and speed. In other words, they evoke 'the living behaviour of our ancestors' (Kim et al 2008; Webb et al 2006). However, compared to the other documented track sites at Clare Bay and the Willandra Lakes, the documented Dampier Coast human trackway on its own does significantly build on the Pleistocene – Holocene archaeological record.

The fossil human footprint sites of the Dampier Coast have outstanding heritage value to the nation under criterion (b) as one of only three documented human track sites in Australia and the only documented evidence of human tracks from the west coast of Australia.

Interestingly this evidence does not seem to have been shared with DPLH in updating the AHA Register of Places and Objects. Currently, the site of 'Buldinara' (ID14662) is listed only as 'Stored data', and this should urgently be reviewed as part of this heritage project.

Currently, the site is accessible only via the Lombadina Community itself and visitors can only go on guided cultural tours (see information on Lombadina below). However, impacts have previously been identified through the work of the Bardi Jawi Rangers and mitigation strategies are in progress to prohibit vehicles from inadvertently driving over this significant heritage. The footprints are exposed at all times unless there is a spring tide, so the rangers have been working on the creation of an informal car parking area.

In addition to the bollards that are currently being assembled, Bardi Jawi elders and rangers have indicated that they would like to see further mitigation strategies incorporated including:

- Install interpretative signs to share the stories and importance of the footprints with the community
- Review the current AHIS data to incorporate information from the NHL
- Evaluate and review the management strategy for the site annually. Should the current users or access change in the future (such as increases in guided cultural tours or Traditional Owners and the community decide to provide public access to the site), then a Cultural Conservation Management Plan and/or Visitor Management Plan will be required to manage activities including car parking, interaction with the heritage and interpretation, knowledge sharing and celebration of the site.
- Furthermore, there is an old well located in close proximity to the car park and an additional interpretative sign is required to share information about this historic site.

The Bardi Jawi Rangers are currently managing this location and are integral not only to the ongoing management requirements, but likewise the development of information for the interpretative signs.

BJ15 – Eastern end of Eastern Beach, Kooljaman

There are a number of heritage places located within and around Kooljaman and this extends from the headland on which the campground sits, stretching along the Eastern Beach towards Hunters Creek. The sand dunes contain a range of heritage places including middens. AHIS includes the following data:

- Aboriginal Sites – ID13052
- Aboriginal Heritage Places – ID13932, 13936
- Stored data – ID14668

Currently, there are bollards in place to stop visitors from continuing on through the cultural sensitive areas to Hunter Creek, however these are often ignored. There are guided cultural tours that do pass by these bollards and further access management is needed to ensure that there is no unauthorised access beyond this point. Therefore, in consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install two signs 'Traditional Owners and Community members and guided cultural tours only – No Visitors allowed' (one on the beach itself and one on the nearby road)

BJ16 – Midaloon turnoff from Cape Leveque-Broome Road

The access road to Midaloon outstation also leads to a number of heritage places within broader cultural landscapes. These include those identified as part of BJ12. This road is only for community access and in consideration of this and the broader cultural landscapes, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed'

BJ17 – Bulgin turnoff from Ardyaloon to Cape Leveque Road

The road to Bulgin outstation also provides an alternative access to Hunters Creek and is within the Aboriginal Heritage Place ID13936. This road is primarily for community access and in consideration of this and the broader cultural landscapes, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members and guided cultural tours only – No Visitors allowed'

BJ18 – Access to Swan Point (western side beyond sand dune)

As with Kooljaman, the immediate areas around Swan Point have a multitude of heritage places and cultural landscapes. However, this is a restricted area of significant cultural value and should not be accessible to the public. AHIS data include the following:

- Aboriginal Sites – ID12230, 12232, 12387, 12389, 13493, 13497, 13561, 14891
- Aboriginal Heritage Places – ID13494, 13495, 13496, 13498, 13499, 13939, 14636, 14641, 14642, 14647

The importance of this area could be misinterpreted given the high proportion of Aboriginal Heritage Places compared to Aboriginal Sites and further discussions are warranted with the Bardi Jawi PBC as to whether they would like to address this to reflect the true value of the area. Additionally, in consideration of this and the broader cultural landscapes, the following mitigation strategy is required:

- Install 'Restricted Access - No Unauthorised Entry' sign

BJ19 – Access to Swan Point (eastern side on billabong)

Access to Swan Point is possible only via the sand dunes as described in BJ18 or via the billabong to the east. As noted above, this is a significant cultural area and should not be accessible to the public. This includes AHIS data identified for BJ18, and consistent with management of these cultural landscapes, the following mitigation strategy is required:

- Install 'Restricted Access - No Unauthorised Entry' sign

BJ20 – Goombading turnoff from Ardyaloon to Cape Leveque Road

The access road to Goombading outstation provides an access only to the community and is within the Aboriginal Heritage Place ID13938. In consideration of this and the broader cultural landscapes, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed'

BJ21 – Ceremonial area – Ullullong Ground Malambubur

As with the ceremonial and restricted sites around Pender Bay, those on the south-western side of Ardyaloon may relate to Aboriginal Site ID12443 but are not currently identified as restricted men's areas. There is an issue with unaware visitors travelling from Cygnet Bay along the eastern fenceline towards Ardyaloon. When they pass on to the beach and travel on to Ardyaloon, they travel through the restricted men's areas. As such the following mitigation strategies are required:

- Install gate at the end of the fence line and lock (to be managed by Bardi Jawi cultural bosses, the Bardi Jawi PBC and Bardi Jawi Rangers)
- Install 'Restricted Access - No Unauthorised Entry' sign
- Review listing of this site on AHIS and other ceremonial sites in close proximity to Ardyaloon

BJ22 – Bore near Ardyaloon community entrance

On approaching Ardyaloon community via the main road, access is likewise provided to a cluster of heritage places within a broader cultural landscape. Incorporating open sites such as artefact scatters, middens, fish traps and historic sites, there are also a number of restricted men's ceremonial areas. Many are currently recorded as 'Aboriginal Heritage Places' on AHIS but none are listed as gender restricted. These include:

- Aboriginal Sites – ID12231, 12388, 12442, 12443, 13053, 13500, 17855
- Aboriginal Heritage Places – ID14646, 14648, 14649

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed'
- Review registration of this site on AHIS and other men's sites in close proximity to Ardyaloon

BJ23 – Entrance to Ardyaloon community (northern and southern sides of the road)

As noted in BJ22, Ardyaloon community is part of an intricate cultural landscape which includes a number of AHIS data, with the majority of these not included on the register nor identifying gender restrictions. As you enter the community, there are restricted law grounds on either side of the road which are possibly linked to ID12442 – Yinjallan Buru law ground. As such the following mitigation strategies are required:

- Install 'Restricted Access - No Unauthorised Entry' sign on both the northern and southern sides of the road
- Review registration of this site on AHIS and other ceremonial sites in close proximity to Ardyaloon

BJ24 – Ceremonial site near the One Arm Point Airstrip

Near to the One Arm Point Airstrip is a further ceremonial area. As with BJ21 and BJ23, this site connects in with the heritage places and cultural landscape of this area. Therefore, the following mitigation strategies are required:

- Install 'Restricted Access - No Unauthorised Entry' sign on northern side of One Arm Point airstrip (half way down)
- Review registration of this site on AHIS and other ceremonial sites in close proximity to Ardyaloon

BJ25 – Ceremonial site near the One Arm Point Cemetery

As with BJ21, BJ23 and BJ24, on a separate track just past the cemetery is a further ceremonial site. This area is also restricted and despite the cemetery itself being listed on AHIS as ID13053, this data indicates the lodgement is only for the cemetery itself, manmade structures and burials.

Therefore, the following mitigation strategies are required:

- Install two 'Restricted Access - No Unauthorised Entry' signs on a separate track just past and opposite the cemetery (on both sides of the access track)
- Review registration of this site on AHIS and other ceremonial sites in close proximity to Ardyaloon

BJ26 – Iwany (Sunday Island) northern end

Iwany (Sunday Island) has long been identified as a significant cultural area and includes a number of AHIS listed sites including:

- Aboriginal Sites – ID20288
- Aboriginal Heritage Places – ID14610, 14611, 14612, 14613, 14614, 14615

Although the majority of these sites do not currently have sufficient information to be included on AHIS as Aboriginal Sites, the inclusion of Iwany and its significance has been included as part of the connection report for the Bardi Jawi Native Title Determination. While all islands within the exclusive Native Title determined area are off-bounds to visitors, that does not deter all. Permission can only be granted in writing by the Bardi Jawi PBC. Therefore, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed' on the northern end of the island where boats are known to access the beach

BJ27 – Iwany (Sunday Island) southern end

As with BJ26, unauthorised visitors also access the southern end of Iwany. Therefore, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed' on the southern end of the island where boats are known to access the beach

BJ28 – Djarijiri (north east)

Djarijiri is one of the smaller islands located between Ardyaloon and Iwany. Containing a heritage site listed as ID14653 and described as 'Other Local Group Site' on AHIS, this island similarly is access by unauthorised visitors. Therefore, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed' on the northern end where boats are known to access the beach next to the heritage site

BJ29 – Djarijiri (south east)

As with BJ28, unauthorised visitors also access the southern end of Djarijiri. Therefore, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed' on the south-eastern point where boats are known to access the beach

BJ30 – Deep Water Point Road intersection with Cape Leveque to Broome Road

This road leads to Deep Water Point, a location where visitors are encouraged to go. There are a number of heritage places recorded on AHIS on the coast including Gulban (ID14650 – Aboriginal Heritage Place). However, given the need to provide access to visitors, the following mitigation strategy is required:

- Install sign 'Access to Deep Water Point for Visitors, Traditional Owners and Community Members'

BJ31 – Deep Water Point Road T-junction

As you approach Gulban (Deep Water Point), there is a t-junction/bend in the road with access to Deep Water Point to the north-east and outstation access to the east. From here a number of heritage places are accessible and listed on AHIS records including

- Aboriginal Heritage Places – ID14652, 14654, 14655, 14657

This road is only for community access and in consideration of this and the broader cultural landscapes, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only – No Visitors allowed'

BJ32 – Entrance to Bardi Jawi Country and back track to Weedong/Pender Bay

As you enter the Bardi Jawi Native Title determined area at the southern-most point of the Cape-Leveque to Broome Road, there is an access track that is visible heading west. This track travels along the edge of the Native Title area towards Weedong and Pender Bay. As articulated in relation to BJ2, BJ3 and BJ4, this is an extremely culturally significant and sensitive ceremonial area, which includes the sites of Gudedagoon and Gulagularun, as well as AHIS data of:

- Aboriginal Heritage Places – ID13899 and 13934

In consideration of this and the broader cultural landscapes, the following mitigation strategy is required:

- Install sign ‘Traditional Owners and Community members only – No Visitors allowed’

BJ33 – Bungarr access from Cape Leveque to Broome Road

The access road to Bungarr outstation intersects with the back road between Djarindjin Community and Kooljaman in the north. Located within Aboriginal Heritage Place ID24787, there are a number of Aboriginal Heritage Places listed on AHIS nearby:

- Aboriginal Sites – ID14665, 36532
- Aboriginal Heritage Places – ID17760, 24787

This road is only for community access and in consideration of this and the broader cultural landscapes:

- Install sign ‘Traditional Owners and Community members only – No Visitors allowed’

BJ34 – Swan Point (northern coast access)

Access to Swan Point is possible only via the sand dunes as described in BJ18 or via the billabong to the east in BJ19. However, on occasion there are unauthorised visitors who enter from the coastline. As noted above, this is a significant cultural area and should not be accessible to the public. This includes AHIS data identified for BJ18, and consistent with management of these cultural landscapes, the following is required:

- Install ‘Restricted Access - No Unauthorised Entry’ sign on the northern coastal access point

BJ35 – Gravel pit on Cape Leveque to Ardyaloon Road

This location was identified following concerns with people camping in the gravel pit. While not specifically related to heritage, it was requested that a ‘no camping’ sign be erected here, with a note that a ‘Fines apply’ and/or ‘Tow truck will be provided at your expense’.

BJ36 – Access road to Cygnet Bay

When entering Cygnet Bay from the Cape Leveque to Ardyaloon Road and travelling south a short distance, entry into the Cygnet Bay lease is identifiable from the fenceline and fire breaks that extend to the east and west. It is at this point that, heading west leads to

- Aboriginal Heritage Places – 13936, 13940 and 14674

Heading east likewise leads to heritage sites including those discussed as part of BJ21, in addition to

- Aboriginal Sites -ID12442, 12443, 17855
- Aboriginal Heritage Places –ID14639, 14646, 14649

In consideration of this and the broader cultural landscapes, the following mitigation strategy is required:

- Install two signs ‘Traditional Owners and Community members only – No Visitors allowed’ on both the east and west sides of the fenceline on the Cygnet Bay access road

BJ37 – Junction on the Bulgin access track

Mid-way along the track to the Bulgin outstation, there is a junction in the road with a track that leads to the Bulgin outstation, cemetery, Gulaweed and billabong. The other track leads to the culturally significant Swan Point. It is possible visitors may travel on this track and at this junction, the following mitigation strategies are required:

- On the track leading to Bulgin, the cemetery, Gulaweed and the billabong, install sign ‘Traditional Owners and Community members and guided cultural tours only – No Visitors allowed’
- On the track leading to Swan Point, install ‘Restricted Access - No Unauthorised Entry’ sign

BJ38 – Ceremonial site in Djarindjin Community

As previously discussed for Ardyaloon Community, there is also a ceremonial gender-restricted site within the Djarindjin Community. This site is registered as ID36532 and is men’s only. While all residents know the extent of the site and to avoid this area, there are occasional service providers and visitors to the community who are unaware of this. Therefore, the following mitigation strategies are required:

- Install two ‘Restricted Access - No Unauthorised Entry’ signs near both the water tank and sewerage ponds

BJ39 – Access road into Djarindjin Community

Entry to Djarindjin Community is shared from the Cape Leveque to Broome Road with the Lombadina Community. At the junction on the access road, where the northern track leads to Djarindjin Community, the following is required:

- Install sign ‘Traditional Owners and Community members only – No Visitors allowed’

BJ40 – Guided cultural tours on the Mudnan Track

Travelling eastward on the Mudnan Track, leads to a number of heritage places within a broader cultural landscape on the western coastline of King Sound. This includes:

- Aboriginal Heritage Places – ID13890, 13891, 17761,17762
- Stored data – ID14670, 14671

This is an area where cultural guided tours are conducted on foot, walking approximately 3km from the mangroves around the point. As such, there is an interest in both protecting and sharing the heritage values of the place, the following mitigation strategies are required:

- Create Visitor Management Plan for the 3km of the tour
- Compile a Conservation Management Plan to guide the management of the physical site fabric
- Erosion concerns at beginning of walk where groups enter the mangroves. A boardwalk needs to be installed to reduce impact
- Fence spring to stop cattle impacting site

BJ41 – Joorrdoon

This is a heritage place on the tour which also needs consideration in the required Visitor Management Plan and Conservation Management Plan to mitigate potential increasing visitor impacts.

BJ42 – Old stock yard near Mudnan

This is a heritage place on the tour which also needs consideration in the required Visitor Management Plan and Conservation Management Plan to mitigate potential increasing visitor impacts.



Figure 5: Ardyaloon (http://www.uniquelybroome.com.au/gallery/Dampier%2BPeninsula/dampier-peninsula/95431?view=list&order=date_added)

Additional heritage protection and mitigation strategies required for Bardi Jawi Country

Information provided above considered specific mitigation strategies required in relation to heritage places, cultural values and landscapes. A number of additional general elements were also identified and are now included in a series of themes:

Heritage Protection Planning

- Alignment of this process with the Marine Park Planning process needs to occur. Once the Marine Park has been ratified (Traditional Owner authorisation meeting is scheduled for December) additional planning may be required where the Marine Park zones and heritage intersect
- Visitor Management Plans and Conservation Management plans are required for heritage places that are to be shared with visitors

Heritage Protection Implementation

- Bardi Jawi Rangers and cultural elders must be the ones to install the signs identified in this plan for Bardi Jawi country
- Long term monitoring, maintenance and evaluation of the heritage protection mitigation strategies on Bardi Jawi Country needs to be undertaken by the Bardi Jawi Rangers and cultural elders

Heritage protection and ongoing management

- Compliance and legislative training is required for rangers
- Compliance with and management of areas limiting or restricting access may need to be enforced and how that occurs needs to be considered (fines, removal from location/area, restriction from re-entry and so on)
- Land tenure on the Dampier Peninsula is complicated and will affect how compliance is managed. Data loggers/trackers may be required to assist rangers regarding which tenure visitors are staying on, or alternatively the compliance options available
- Currently, people entering Ardyaloon require Permits through DPLH – check if this only provides access to the community itself or alternatively the whole reserve that Ardyaloon is located within
- De-gazette Pender Bay Road given the cultural significance and sensitivity of the area
- Western Beach south of Kooljaman is UCL and part of the exclusive Native Title determined area. Bardi Jawi PBC and Bardi Jawi Rangers need to be involved in protection and management discussions of this area

Sharing heritage and culture with visitors

- Communication between Aboriginal people and representative bodies, communities, tour operators and government needs to continue to improve to result in positive benefits for heritage protection and sharing alike
- A cultural heritage guidebook could be useful to share cultural values of heritage places where appropriate. This would assist with ensuring consistency between tour operators
- Bardi Jawi Rangers have cultural awareness packages but need assistance to deliver.
 - Have previously provided these to schools and health services
 - There is an identified need for this also to be available for tourism operators out of both Broome and Derby
 - Potential for Ardyaloon Community to work with the rangers on this
 - Could include the plant stories from the Bardi Jawi Oorany Rangers (Figure 6)
- Work together with tourism operators and government for consistency of maps, signs, visitor's cultural information and the like
- Tourism training needed for all rangers, however may be a need with increasing visitors to provide rangers to manage visitors in addition to sharing and protecting heritage

Communities, outstations and cultural tourism operations

Heritage material, sites, places and cultural landscapes have all been detailed in full across the Bardi Jawi Native Title areas. In addition to considerations of Bardi and Jawi elders, rangers and individuals, further information was provided relating to the protection and sharing of heritage within each of the northern Aboriginal communities – Ardyaloon, Djarindjin and Lombadina. The specific requirements and aspirations of each community will now be considered, in addition to those of the surrounding outstations and cultural tourism operators.

Ardyaloon (One Arm Point) Aboriginal Community

Ardyaloon (or Ardiyooloon) Community is the largest community on the Dampier Peninsula, with numerous facilities, services and initiatives of interest to visitors. This includes a supermarket, Joolboon (hatchery or aquaculture facility) and cultural places of interest including Jologo Beach, Galbarrnging (Middle Beach) and Ngarrijoogoon (Round Rock Lookout). According to the WA Planning Commission (2017:1):

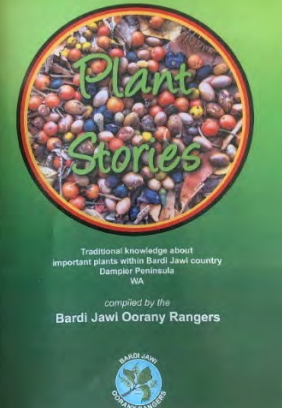

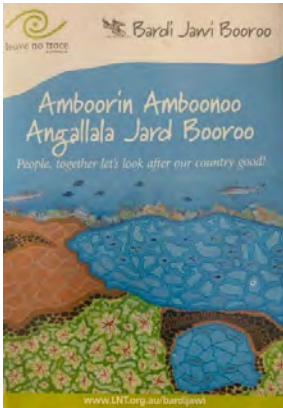
Ardyaloon was settled permanently in the early 1970's and has grown quickly to be one of the largest communities in the State.

Ardyaloon is home to approximately 500 people and serves as a hub for many outstations that exist in the area. Former names include Malumbo, One Arm Point and Bardi community. The name of Ardyaloon has recently been chosen as more appropriate. People moved to Ardyaloon from Sunday Island mission, Derby, Broome and many places in between. They are predominately members of the Bardi-Jawi language groups, a saltwater people who look to the sea for food and sustenance.

The people and community are renowned for cultural resilience and strength and this is reflected in publications released from the community. The One Arm Point Remote Community School (2011) teaching resource ‘Our World: Bardi Jaawi, Life at Ardiyooloon’ (Figure 7) encourages learning from cultural strength. The more recent collaboration between the Bardi Jawi elders and rangers with the Leave No Trace Australia organisation, ‘Amboorin Amboonoo Angallala Jard Booroo: People, together let’s look after our country good!’ (Figure 8) introduces visitors to Bardi Jawi Country:

Country is a living landscape encompassing the water, the land, the sky and the seasonal changes. People rely on marine, animal, and bird life for food – if permitted, take only enough for a meal. Learn about the Bardi Jawi story for the country, and the story of our common heritage, people and their relationships and connections. People are welcome to visit and learn about culture and country, and the life it supports.

This latter publication they would like to extend to cover looking after Country and looking after heritage.

		
<p>Figure 6: Bush foods and medicine plant book created by the Bardi Jawi Oorany Rangers</p>	<p>Figure 7: One Arm Point Remote Community School teaching reference (https://www.maqabala.com/products/our-worldbardiyaawi-life-at-ardiyooloon)</p>	<p>Figure 8: Amboorin Amboonoo Angallala Jard Booroo (https://www.lnt.org.au/bardijawi)</p>

Community members and the organisation itself have a long history of working together to support guided cultural tours and Ardyaloon provide additional information to visitors through the hatchery website (<https://www.ardyaloonhatchery.com.au/>).

Of the four larger communities discussed in this report, only Ardyaloon is within a Part III reserve (One Arm Point Reserve, R20927) proclaimed under the *Western Australian Aboriginal Affairs Planning Authority Act 1972* (AAPA Act). Permits are required to access Part III reserves through the Aboriginal Affairs Planning Authority (AAPA) administered by the Aboriginal Lands Trust (ALT) and DPLH. The State provides these Permits using the online Aboriginal Affairs Planning Authority Land Permit System (ALPS) (available at <https://www.dplh.wa.gov.au/entrypermits>). Access can be sought for a particular community (noting there are a number of other smaller communities within the reserves, such as Goolarrgon, Bulgin, Buningbar and Gullaweed) or to the reserve as a whole.

Permits are issued by DPLH free of charge, although it should be noted that some communities in other regions of the State located on Part III reserves charge fees for visitor passes. DPLH consults with Ardyaloon before issuing Permits and the Corporation has indicated that the Permit system will assist with the long-term management of visitors and that it will be a useful tool to support heritage protection in and around the community. While this Permit system manages the current process, Part III proclamation is currently required to be removed in order for the land to transfer ownership and/or management to the relevant Aboriginal stakeholder(s) for social, cultural or economic development purposes (divestment). As part of the proposed development for a Visitor Management Plan for Ardyaloon, it will be important to identify ways of maintaining and managing areas within land currently Reserved under Part III and their best possible uses.

There are a number of Aboriginal Sites and Aboriginal Heritage Places listed on AHIS in and around Ardyaloon and these include:

- Aboriginal Sites – ID12231, 12388, 12442, 12443
- Aboriginal Heritage Places – ID13888, 13889, 13938, 13939, 14646, 14648, 14649, 14651

Considering this and the cultural landscapes surrounding the community, there are a number of additional considerations however that need to be addressed, and this includes:

Visitor Management Plan

The layout of Ardyaloon is designed to accommodate movement of community members in and around community. In addition to requiring support for visitors to access specific heritage and cultural sites in the community, future needs relating to the movement of visitor vehicles through the community also needs to be addressed. Potential challenges with overwhelming numbers of caravans and limited parking or turnaround areas could impact the community members, as well as the cultural and heritage values alike. Other elements to consider include:

- Cultural and heritage places for visitors
 - Jologo Beach access and nearby law grounds
 - Cemetery
 - Joolboon (Hatchery)
 - Iwany (Sunday Island)
 - Round Rock Lookout
 - Fish, turtle, whales, tides
- Development of interpretative signs at sites of interest in the community (particularly Round Rock)
- Car parking and movement of caravans, trailers through the community or should there be centralised area in this northern section of the Dampier Peninsula for visitors to park their vans?
- Compliance and fines – how will this be managed?
- Land (required for the road) will need to be excised out of Reserve for the road to be dedicated.

Of particular importance to the community is the turtle mating or 'love area' that occurs at a number of locations including between Jiralgoolboo (boat ramp) and Middle Island. There are certain times of year when the turtles need to move through here and this needs to be managed as a 'no go' area at that time to protect them. There are other areas nearby that also require marine protections for turtle mating including Swan Point and Jooloom. Issues have been identified with boats launched from Cygnet Bay unintentionally travelling in these areas during turtle (or dugong) mating seasons and this needs to be addressed (potentially through the cultural awareness products in development by the Bardi Rangers which could be delivered in collaboration with Ardyaloon).

This issue highlights challenges with both communication and compliance, some of which may be addressed through the imminent development of the Bardi Jawi Marine Park. As this is ratified, there are opportunities to address additional concerns from Ardyaloon regarding compliance

- Night Patrol of Islands
- Additional rangers to manage visitors
- Community-based ranger opportunities?
- Connection with educational programs

Although boats can currently be launched from Ardyaloon, it is understood from the community that this is a community access provision rather than public. As part of the Marine Park negotiations, three permanent boat launching locations will be identified and should alleviate community concerns.

Ardyaloon currently have a small grant through DPLH for 'Restricted Area' signs to prohibit unauthorised or unintended access to ceremonial areas within the community. There is discussion that these funds or additional resources could be utilised to commence work on the interpretative signs within the community. The map below is provided to visitors on arrival in the community, however there is no indication of restricted zones on this. There is an immediate opportunity to incorporate this information on to the visitor information map at little cost.

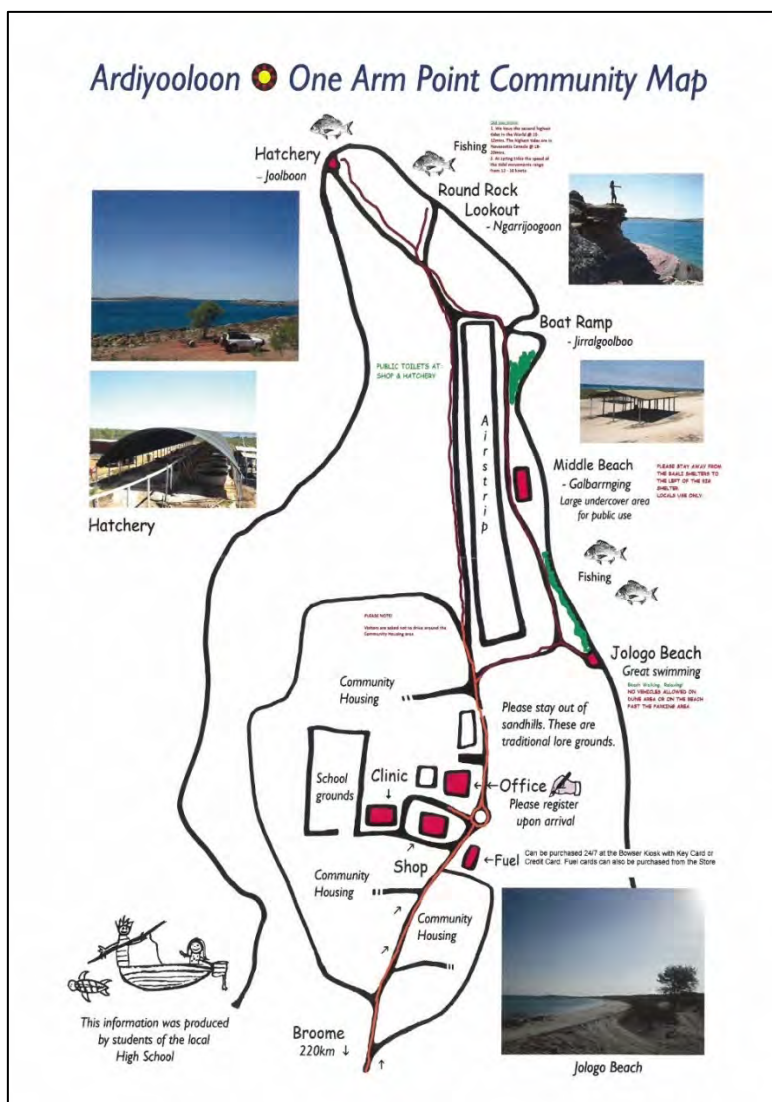


Figure 9: Ardyaloon (Ardiyooloon) Community map (provided by Ardyaloon Community)

Djarindjin Aboriginal Community

The Djarindjin Community was established on the north-west coastline of the Dampier Peninsula more than 30 years ago in 1985. Djarindjin is part of a single urban area that incorporates Lombadina Aboriginal community and the Lombadina Mission (WA Planning Commission 2016:1). Strong and resilient in culture and knowledge, the people of Djarindjin describe themselves as (<https://djarindjin.org.au/>):

Djarindjin Community people were once part of the Lombadina Catholic Mission, during the 1980's the Federal Government instigated the homeland movement, and the old people that were living on the sand dunes and around the mission decided they wanted to have their own community...

We are a community that enjoys our privacy on the West Coast of WA. We are people that enjoy our traditional ways of living. We are saltwater people and we have learnt through our ancestors how to care for and protect our land and our sea. We only hunt and gather from these sources during the right seasons. We respect our flora and fauna, we are one with our land and animals, we are one with the sea and all that lives in it. We have ancient stories and song-lines that guide us through our lives and teach us the ways of our old ones. We are Bardi and Jawi people, the people from the mainland and the people from the islands. This is our land, this is our culture, this is our way of life. You are welcome to come to our community, but you must respect our ways when you step foot on this country. Our beach and its sacred dunes belong to us, you are not allowed to venture into this area unless invited and accompanied by one of us.

Recently, the community developed a Strategic Plan (Djarindjin Aboriginal Corporation 2019:1) within which they note:

We, the Bardi people, are mainland people with deep connections to the Jawi people, who are island people. We are, however, all proud and resilient Aboriginal people. DAC is 100% owned by Aboriginal people and together we make decisions to benefit all of us. We are one clan with many connections... Everything we do is done with respect for each other, an acknowledgement of our past and a determination to make our own future.

Within the current strategic plan for the community, four objectives are identified and Objective 3 is of importance here (Djarindjin Aboriginal Corporation 2019:6):

3) Protect and care for culture and country

As part of this, the right to practice culture is embedded in employment contracts; public spaces in the community are designed to support cultural training activities; and DAC work with the school, early learning providers and other education programs to embed on-Country learning. Additionally and perhaps most importantly, the community manage the culturally significant and sensitive ceremonial sites on the northern fringe of the community.

Within and around Djarindjin, there are a number of Aboriginal Sites and Aboriginal Heritage Places. Listed on AHIS, these include:

- Aboriginal Sites – ID13928, 13929, 14655, 36532
- Aboriginal Heritage Place – ID13935, 14661, 14662, 14664, 17759, 17760, 24787

Currently, there are a number of community members who have developed guided cultural tours, all of which operate out of Kooljaman as noted on their website (<https://djarindjin.org.au/>):

Djarindjin Aboriginal Corporation owns half of the Kooljaman Wilderness Resort, Kooljaman is only about 15 kms north of our community, we encourage all visitors to go to [Kooljaman](#) experience our salt water lifestyle, go on a tour with our local Tour Guides, Brian Lee (Hunters Creek Tagalong Tours) Bundy (Bundy's Cultural Tours) and Bolo (Bolo's Coastal Walk Tours) you will be given an experience of a lifetime.

While there are no existing plans to invite visitors into the community as such, they also acknowledge that

There are many tourist attractions on the Dampier Peninsula, you are welcome to go to those places that allow tourists. (<https://djarindjin.org.au/>)

As part of the community's forward planning, they acknowledge in the future that others may also choose to engage in guided cultural tourism and wish to operate from within the community. If this were the case, a Visitor Management Plan would be required to consider specific cultural, heritage and environmental values as well as potential issues, such as access to the beach from the community to reduce potential erosion impacts and so on.

Another key concern for Djarindjin is that, unlike Ardyaloon, there is currently no access fee or AAPA Permit required to enter the community. There is interest in an entry pass or the like being introduced as part of the current broader process involving the sealing of the Cape Leveque to Broome Road. Additional staff would be required to manage and enforce this, with suggestions the proposed Visitor Pass should include:

- An option for government worker/non-government
- Another for business
- Another for recreation
- Distribute funds to communities
- Identify which communities are accessible under the relevant AAPA Permits and for how long

It is suggested benefits of this will be twofold. Respect for Aboriginal land and people will increase due to the additional knowledge, awareness and understanding that can be embedded within the Visitor Pass system. It will likewise give more control to educate all about traditional Aboriginal lands

The community capacity has been increasing in recent times under this mandate, with improvements in sustainable enterprise and commercial joint ventures contributing. This includes the Djarindjin Airport (which DAC will manage independently within two years) with continued growth of community residents and employment opportunities predicted. As this occurs, further initiatives can be considered including ongoing protection and sharing of heritage places and cultural landscapes.

For more information on Djarindjin Community, see <https://en.wikipedia.org/wiki/Djarindjin>.

Lombadina Aboriginal Community

Lombadina Community (<https://www.lombadina.com/>) is located on the site of the former Lombadina Mission and has been in operation for more than 30 years. The history of the mission itself is interesting and a heritage place in its own right, with the WA Planning Commission (2018a:2) articulating this through an abridged version of the mission's history as outlined in the Conservation Plan prepared for the Lombadina Church by architect John Taylor (1998):

In 1892 the Catholic Church purchased a 100,000 acre pastoral lease named Lombadina. Following failed attempts to establish a mission the property was sold to Mr Thomas Puertollano. In 1911 Lombadina Mission was established. Thomas Puertollano ran daily affairs at Lombadina and maintained ownership of the station. Thomas Puertollano sold Lombadina to the Pallottines in 1918 moved to Broome to live.

The bush church at Lombadina Mission was built in 1932. Timber for the Lombadina church was gathered from the surrounding bush and sawn by hand. In 1984 the Lombadina Aboriginal Community were granted the grazing lease and assets of many of the Mission enterprises. The catholic school, Lombadina-Lombadina Catholic School, serves both communities.

Describing themselves and their connection to Country, the Lombadina Community state (<https://www.lombadina.com/bard-people/>):

The ocean has been pivotal in the lives of the Bard people for many thousands of years as both a source of food and spiritual significance. Evidence of their salt water heritage can be found in the traditional artworks and pearl shell designs. Their connection to the ocean has shaped the Bard culture on many levels including folklore, recreation, diet and economic activity. Lombadina offers visitors a unique opportunity to experience their local and traditional way of life through their tourism ventures.

As with neighbouring Djarindjin, within and around Lombadina, there are a number of Aboriginal Sites and Aboriginal Heritage Places. Listed on AHIS, these include:

- Aboriginal Sites – ID13928, 13929, 14655, 36532
- Aboriginal Heritage Place – ID13935, 14661, 14662, 14664, 17759, 17760, 24787

Tourism is seen as vitally important to the Lombadina Community, providing access to sustainable enterprise to support community development initiatives while sharing and protecting heritage and culture, including:

Accommodation

- Lombadina is a 41 bedded accommodation with limited camping
- Future support to increase their camping capacity to 25 sites for campers (TBC)

Beach & Community access

- Open for normal tourist season from April/May to October with plans to open all year round when roads are sealed
- Accepting all visitors (not only those staying in Lombadina) to access Djarindjin beach with fees to be applied per vehicle, this includes visitors from the Djarindjin proposed campgrounds
- Access via Lombadina is limited to one track from Lombadina beach access road to beach shelters established on beach for visitors Day Use
- Future plan is to limit vehicle access and use Lombadina transit to take visitors to and from the beach shelter

Signage required for heritage protection

There are culturally sensitive areas in close proximity to the community with the WA Planning Commission noting (WA Planning Commission 2018:9):

The land immediately to the southwest of the existing development at Lombadina was identified at that time as a culturally sensitive “no-go” area.

During this process, the community identified a number of signs that are required and the location of these have been indicated by the community on the map below illustrated in

Further potential has been identified to take in visitors camping at the Proposed Djarindjin Camp Grounds will increase revenue, in addition to a greater need for tours, activities and tour guides as well as requirements to protect heritage places and values (such as at Bulginarr (fossilised footprints)).

Arts & Crafts Centre & Workshop

The Lombadina Art Centre is very old and is one of the buildings used during the Mission days as a dormitory. Currently the community have been discussing seeking financial support to renovate and upgrade the building to turn it into an Art Gallery and offer food and refreshments (cafe style). However, the equipment also needs upgrading to deal with increasing demands in artefacts and souvenirs, with a focus on:

- crafted souvenirs made from local wood and shell
- artefacts
- arts and craft workshop
- artist in residence

Outstations and cultural tourism operators on Bardi Jawi Country

There are approximately 50 small communities or outstations located on the Dampier Peninsula and it is important that there is representation for these groups within these discussions of heritage protection. Often established around family groups, the majority are a permanent base on Country and are invested in caring for Country and heritage. Figure 11 illustrates many discussed throughout this plan.

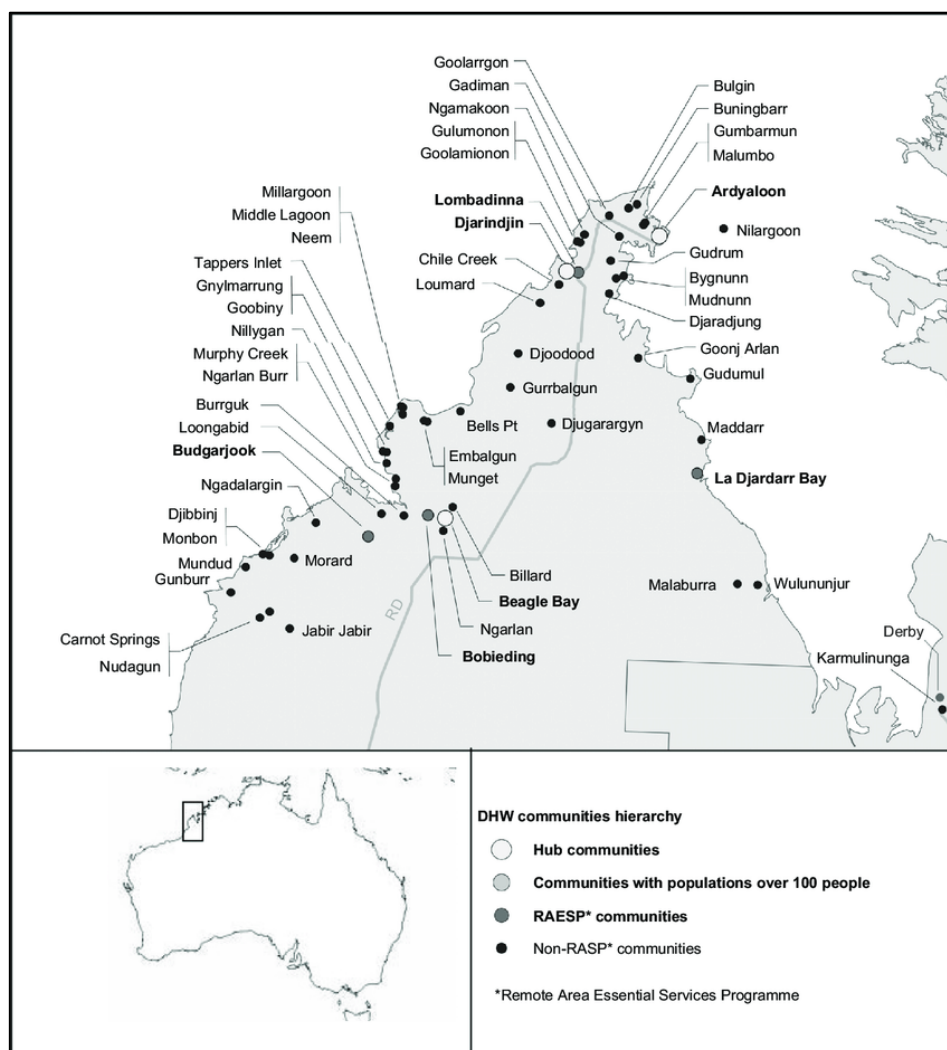


Figure 11: Map of outstations on the northern section of the Dampier Peninsula (Ciancio and Boulter 2012).

Discussions on country with Bardi and Jawi people also involved representatives of outstations and cultural tourism operations. One of these was Kooljaman itself. There are a number of Aboriginal Sites and Aboriginal Heritage Places listed on AHIS specific for this area including:

- Aboriginal Sites – ID12234, 14893, 17043, 13959, 13961, 13958, 13960, 13962, 13969, 13963, 13968, 13967, 13964
- Aboriginal Heritage Places – 13966, 13965, 13936, 13937, 24788



Figure 12: Eastern Beach at Kooljaman

Above, Figure 12 illustrates the view shared with visitors at Eastern Beach, while below (Figure 13) illustrates the cultural mapping and guidance already provided by Kooljaman to visitors, an identified strength of their venture. In addition to this, and while in consensus with the strategies identified in earlier sections was provided, further mitigation requirements were also noted:

- A Visitor Management Plan is required for the site, to support management of visitors while conserving and sharing the environmental and heritage values
 - Signage better for access (directional)
 - Better interps signage, history, bush tucker etc
 - Boardwalk from office to Western Beach and goes around towards Eastern Beach near Pop Louie
 - Integrate monitoring, maintenance and management techniques into the VMP to protect heritage places and values into the future
- Develop a booklet on Country about cultural landscapes to share information with visitors

- Connect in with vision and master planning in process – cabins, roads, no more driving through etc
- Concern with the use of Eastern Beach to access Bulgin (Hunter’s Creek) with some visitors claiming it is their right (as ‘Broome locals’ or ‘Australians’) to go where they like, regardless that it is either within the Kooljaman lease or exclusive Native-Title possession of Bardi Jawi people. Signs were proposed above (see BJ12-BJ15)
 - assistance required with compliance and enforcement
 - further tour operator training to deal with this
 - opportunity to develop further interpretative signs about Country which can be used to both inform and distract from any intent to go past that area to the culturally sensitive landscape
- Camping on the track leading to Kooljaman is an issue - suggest fines applied to offenders
- Like Aryaloon, there is resistance to having public boat access here (currently guests only)
- Connect in with Ardi Tourism Operators including Darrell Sibosado and Kathleen Cox

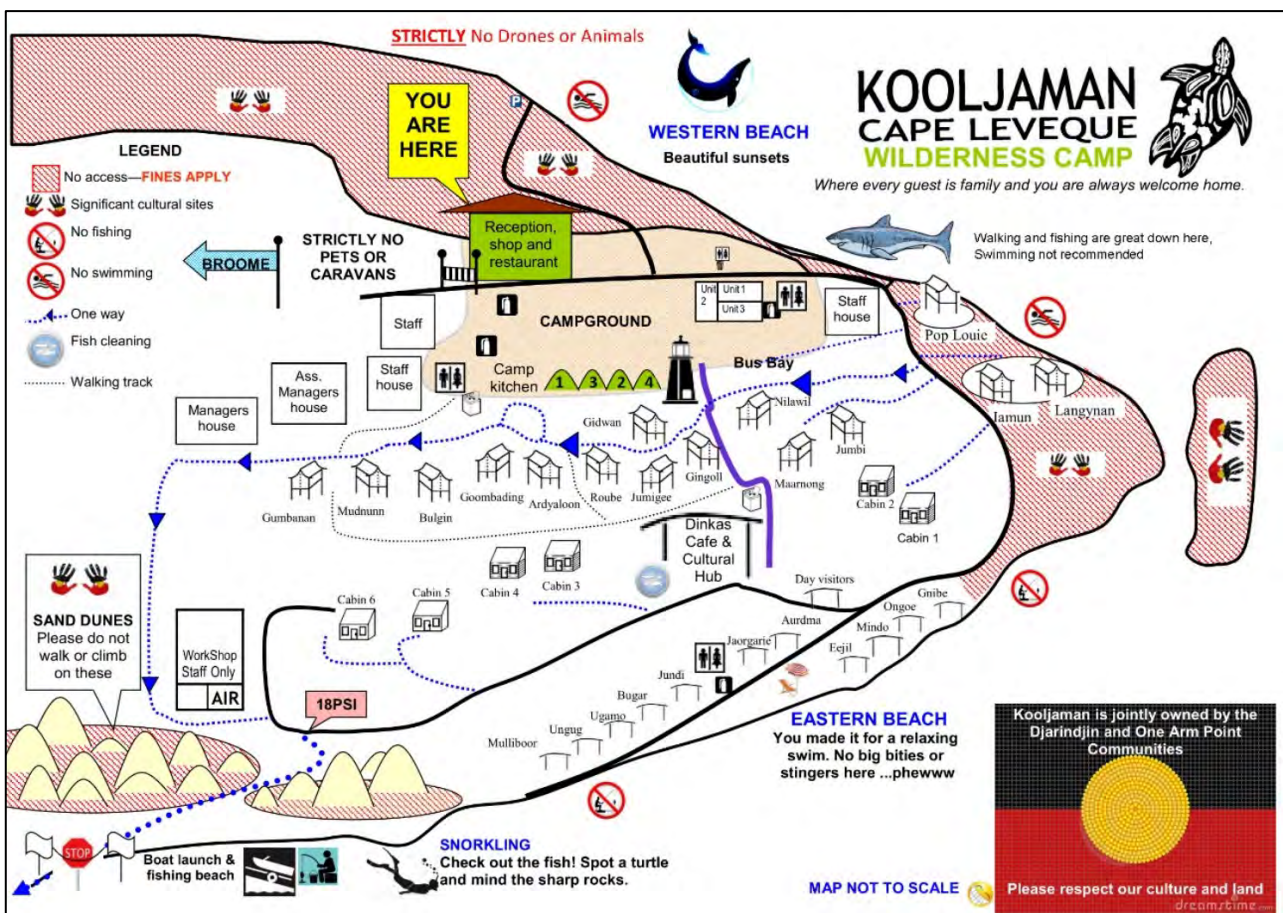


Figure 13: Map of Kooljaman campground indicating cultural zones.

Lastly, there remains an interest from academic researchers to continue the work that was conducted as part of the aforementioned ARC project around Kooljaman, to better understand the middens, provide applied protection to heritage places and consider climate change impacts to ongoing protection and management requirements. Furthermore, while the sites themselves may be difficult to save, there are opportunities to undertake further testing and dating of the middens to get a profile of the sites; as well as establishment of a monitoring program for the engraving site to see if it is getting worse.

Summary of heritage protection requirements for Bardi Jawi Country

The heritage protection requirements for Bardi Jawi Country have been discussed above, along with opportunities to celebrate and share the cultural and heritage richness of the area. These are summarised in the table below:

Reference Number	Aboriginal Sites	Aboriginal Heritage Places	Stored data	Type of heritage/place	Management requirements
BJ01	17859	14675, 14637, 14638, 14643, 14644, 14645		Rumble Bay Road intersection (eastern side)	<ul style="list-style-type: none"> Install signs
BJ02		13897, 13898, 13934, 14704	14659, 14705, 14707, 14709, 14710, 14711	Pender Bay Road intersection (western side)	<ul style="list-style-type: none"> Install signs Work with cultural elders about registering culturally sensitive sites
BJ03		13897, 13898, 13934, 14704	14659, 14705, 14707, 14709, 14710, 14711	Pender Bay Road access to outstations and communities (southern access)	<ul style="list-style-type: none"> Install signs
BJ04		13935		Pender Bay Road access to outstations and communities (northern access)	<ul style="list-style-type: none"> Install signs
BJ05		13895, 13896	14706, 14708	Bend on back road between communities and Pender Bay	<ul style="list-style-type: none"> Install sign
BJ06	17859	14675, 14637, 14638, 14643, 14644, 14645		Eastern end of Rumble Bay Road	<ul style="list-style-type: none"> Install sign
BJ07	17859	14675, 14637, 14638, 14643, 14644, 14645		Western end of Rumble Bay Road	<ul style="list-style-type: none"> Install sign
BJ08		13892, 15141		Outstation access track (eastern side)	<ul style="list-style-type: none"> Install sign
BJ09		13890, 13891, 13941, 17761, 17762	14670, 14671	Mudnan Road (eastern side)	<ul style="list-style-type: none"> Install sign
BJ10		13930, 13931, 17760		Back track to Djarindjin intersection with the Cape Leveque to Broome Road (western side)	<ul style="list-style-type: none"> Install sign

BJ11	13916, 13917, 13918, 13919, 13920, 13921, 13922, 13923, 13925, 13926, 13927	13924, 13936, 13937 14667		Ngamakoorn turn-off from Cape Leveque to Broome Road (western side)	<ul style="list-style-type: none"> ▪ Install sign
BJ12	12234, 13958, 13959, 13960, 13961, 13962, 13963, 13964, 13967, 13968, 13969, 14893, 17043	13936, 13965, 13966, 24788		Old bore, Kooljaman Road across from the airstrip (northern side)	<ul style="list-style-type: none"> ▪ Install sign
BJ13	12234, 13958, 13959, 13960, 13961, 13962, 13963, 13964, 13967, 13968, 13969, 14893, 17043	13936, 13965, 13966, 24788		Middens at the north-eastern end of beach shelters on Eastern Beach, Kooljaman	<ul style="list-style-type: none"> ▪ Install sign ▪ Develop and install interpretative sign ▪ Interest in extending research of coastal middens
BJ14			14662	Bulginarr (Footprints)	<ul style="list-style-type: none"> ▪ Develop and install interps sign ▪ Review AHIS data ▪ Monitor and evaluate – may need Visitor/Conservation Management Plan in future
BJ15	13052	13932, 13936	14668	Eastern end of Eastern Beach, Kooljaman	<ul style="list-style-type: none"> ▪ Install sign
BJ16	12234, 13958, 13959, 13960, 13961, 13962, 13963, 13964, 13967, 13968, 13969, 14893, 17043	13936, 13965, 13966, 24788		Midaloon turnoff	<ul style="list-style-type: none"> ▪ Install sign
BJ17		13936		Bulgin turnoff	<ul style="list-style-type: none"> ▪ Install sign

BJ18	12230, 12232, 12387, 12389, 13493, 13497, 13561, 14891	13494, 13495, 13496, 13498, 13499, 13939, 14636, 14641, 14642, 14647		Access to Swan Point (western side)	<ul style="list-style-type: none"> ▪ Install sign
BJ19	12230, 12232, 12387, 12389, 13493, 13497, 13561, 14891	13494, 13495, 13496, 13498, 13499, 13939, 14636, 14641, 14642, 14647		Access to Swan Point (eastern side)	<ul style="list-style-type: none"> ▪ Install sign
BJ20		13938		Goombading turnoff	<ul style="list-style-type: none"> ▪ Install sign
BJ21	12443			Ceremonial area – Ullullong Ground Malambubur	<ul style="list-style-type: none"> ▪ Install gate with lock ▪ Install signs ▪ Work with cultural elders about registering culturally sensitive sites
BJ22	12231, 12388, 12442, 12443, 13053, 13500, 17855	14646, 14648, 14649		Bore near Ardyaloon community entrance	<ul style="list-style-type: none"> ▪ Install sign
BJ23	12442?			Entrance to Ardyaloon community (northern and southern sides of road)	<ul style="list-style-type: none"> ▪ Install signs
BJ24	12231, 12388, 12442, 12443, 13053, 13500, 17855	14646, 14648, 14649		Ceremonial site near the One Arm Point Airstrip	<ul style="list-style-type: none"> ▪ Install signs ▪ Work with cultural elders about registering culturally sensitive sites
BJ25	13053?			Ceremonial site near the One Arm Point Cemetery	<ul style="list-style-type: none"> ▪ Install signs ▪ Work with cultural elders about registering culturally sensitive sites
BJ26	20288	14610, 14611, 14612, 14613, 14614, 14615		Iwany (Sunday Island) northern end	<ul style="list-style-type: none"> ▪ Install signs
BJ27	20288	14610, 14611, 14612, 14613, 14614, 14615		Iwany (Sunday Island) southern end	<ul style="list-style-type: none"> ▪ Install signs

BJ28		14653		Djarijiri (north east)	▪ Install sign
BJ29				Djarijiri (south east)	▪ Install sign
BJ30		14650		Deep Water Point Road intersection	▪ Install sign
BJ31		14652, 14654, 14655, 14657		Deep Water Point Road T-junction	▪ Install sign
BJ32		13899, 13934		Entrance to Bardi Jawi Country and back track to Weedong/ Pender Bay	▪ Install sign
BJ33	14665, 36532	17660, 24787		Bungarr access	▪ Install sign
BJ34	12230, 12232, 12387, 12389, 13493, 13497, 13561, 14891	13494, 13495, 13496, 13498, 13499, 13939, 14636, 14641, 14642, 14647		Swan Point (northern coast access)	▪ Install sign
BJ35				Gravel pit on Cape Leveque to Ardyaloon Road	▪ Install sign
BJ36	12442, 12443, 17855	13936, 13940, 14639, 14646, 14649, 14674		Access road to Cygnet Bay	▪ Install signs
BJ37	12230, 12232, 12387, 12389, 13493, 13497, 13561, 14891	13494, 13495, 13496, 13498, 13499, 13939, 14636, 14641, 14642, 14647		Junction on the Bulgin access track	▪ Install signs
BJ38	36532			Ceremonial site in Djarindjin Community	▪ Install sign
BJ39				Access road into Djarindjin Community	▪ Install sign
BJ40		13890, 13891, 17761, 17762	14670, 14671	Guided cultural tours on the Mudnan Track	<ul style="list-style-type: none"> ▪ Visitor Management Plan ▪ Conservation Management Plan ▪ Erosion control ▪ Construct boardwalk at start of track ▪ Fence spring

BJ41		13890, 13891, 17761,17762	14670, 14671	Joorrdoon	<ul style="list-style-type: none"> ▪ Visitor Management Plan ▪ Conservation Management Plan
BJ42		13890, 13891, 17761,17762	14670, 14671	Old stock yard near Mudnan	<ul style="list-style-type: none"> ▪ Visitor Management Plan ▪ Conservation Management Plan
Ardyaloon Community	12231, 12388, 12442, 12443	13888, 13889, 13938, 13939, 14646, 14648, 14649, 14651			<ul style="list-style-type: none"> ▪ Visitor Management Plan for the community to manage both visitors and heritage ▪ Amboorin Amboonoo Angallala Jard Booroo book extension ▪ Extend Bardi Jawi Oorany book ▪ Develop and install interps signs ▪ Improve car/van parking ▪ Permits ▪ Compliance including marine patrols ▪ Connect with Marine Park
Djarindjin Community	13928, 13929, 14655, 36532	13935, 14661, 14662, 14664, 17759,17760, 24787			<ul style="list-style-type: none"> ▪ Options open for cultural tourism development ▪ Visitor Management Plan would then be needed ▪ Permit system
Lombadina Community	13928, 13929, 14655, 36532	13935, 14661, 14662, 14664, 17759,17760, 24787			<ul style="list-style-type: none"> ▪ Develop interps signs and information ▪ Install signs ▪ Restore old mission buildings ▪ Develop cultural tourism
Kooljaman and northern Outstations	12234, 13052, 13958, 13959, 13960, 13961, 13962, 13963, 13964, 13967, 13968, 13969, 14893, 17043	13932, 13936, 13965, 13966, 24788			<ul style="list-style-type: none"> ▪ Visitor Management Plan ▪ Cultural landscapes booklet ▪ Connect with Ardi ▪ Research interest

There are similarities with many of the requests and communication between groups will remain important to ensure consistent information is shared to protect heritage. This includes engagement with non-Indigenous ventures and operators, such as Cygnet Bay. Provision of cultural awareness training for all engaging in tourism activities will be important, including the delineation of 'no go' or 'restricted access' areas (particularly in relation to islands and heritage places only accessible by sea).

While past mitigation strategies often preferred not to identify locations of heritage places and values to protect them, increasing concern has been shared that unauthorised access is an increasing problem jeopardising the cultural safety of Traditional Owners, communities and visitors alike. In the case of Pender Bay, an extremely significant and culturally-sensitive area, the identification of this as a 'safe harbour' and periodic use of it by tourism operators is causing grave concerns. One of the highest priorities is for the access road to be de-gazetted to safeguard all.

Consistently, the message shared from Bardi and Jawi people was that visitors will be welcome and there are opportunities to share culture and heritage, however they need to remain strong, resilient and present for future generations. Protection of these rights, knowledges and landscapes are imperative.



Figure 14: Track to beach at Kooljaman for which the Visitor Management Plan is needed.

Nyul Nyul Cultural Landscapes

Though many Nyul Nyul people have been removed from their traditional Family burr or Nyul Nyul burr in general by deliberate historic government and mission actions the two other heritage components, the physical and non-physical realms, continue to exist regardless of our presence. For those Nyul Nyul people who don't have permanent residence in country which subsequently curtails their ability to fulfill certain obligations we can and do still fulfil our obligations in other ways. Speaking up for our country, looking after it in a general sense and fighting to protect it from inappropriate harm and development on specific occasions.

The Kandy burr families see the whole of our traditional burr (country) as a heritage estate. From the Chimney Rock (the traditional boundary between the Kandy and Mouda burrs), through the sweep of the coast and lands around to the Pender Bay Creek, and all therein we feel a sense of responsibility and obligation to look after that which is so existential to our life. An estate of people, plants, animals, sites, bush, lakes, cliffs, waters, reefs, rock formations, sand, wind, sky. Heritage is the intricate connections between everything and the people of that burr.

Recognising that the whole Kandy burr estate is a heritage site, within it there are a few specific spots that the Kandy burr group require particular protection measures be taken because of risks of detrimental use... Kandy families require access for visitors be limited to them. Existing access on or near these sites as well as to the existing outstations and Aboriginal tourism operations was sometimes discussed or authorised by Kandy burr Traditional Owners (TOs) many years before our native title rights were recognised by the Federal Court in May 2018. One of our duties as recognised TOs is to now begin managing access in appropriate ways consistent with the value of the locations and their particular risk profile. This is work that will be commencing soon. However, all require protection urgently... [with one] in particular as it has both sacred and mens business significance.

...in general the coastal dunes, sand and cliff sections and nearby bush are fragile ecosystems that require specific management measures from inappropriate use from Aboriginal and non-Aboriginal visitors to the area. Work to identify those values and management measures will also be commencing soon. How people occupy space, in this case Nyul Nyul burr (country), how they conduct themselves including their behaviour to others and according to their Lore is our most important consideration when thinking of and planning for heritage management. Lee Bevan (pers. Comm 2020)

As shared by the current Chairperson of the Nyul Nyul PBC, looking after and protecting Country is vitally important for Nyul Nyul people. With cultural governance defined by 'Burr' or specific Country for each family group, consultation for this plan was also conducted in this way utilising the base map as provided by DPLH illustrating existing heritage protections listed on AHIS (Figure 15).

Heritage protection areas on Nyul Nyul Country

For Nyul Nyul people, whose Native Title was recognised alongside Nimanburr and Jabirr Jabirr people within the Bindunbur Native Title area (WCD2018/005), there are existing heritage protections through the NHL and State (DPLH) legislative processes. During development of this plan additional heritage places, values and landscapes were identified and considered. Each is now detailed prior to specifics relating to heritage protection, sharing and celebration for the communities, outstations and cultural tourism enterprises.

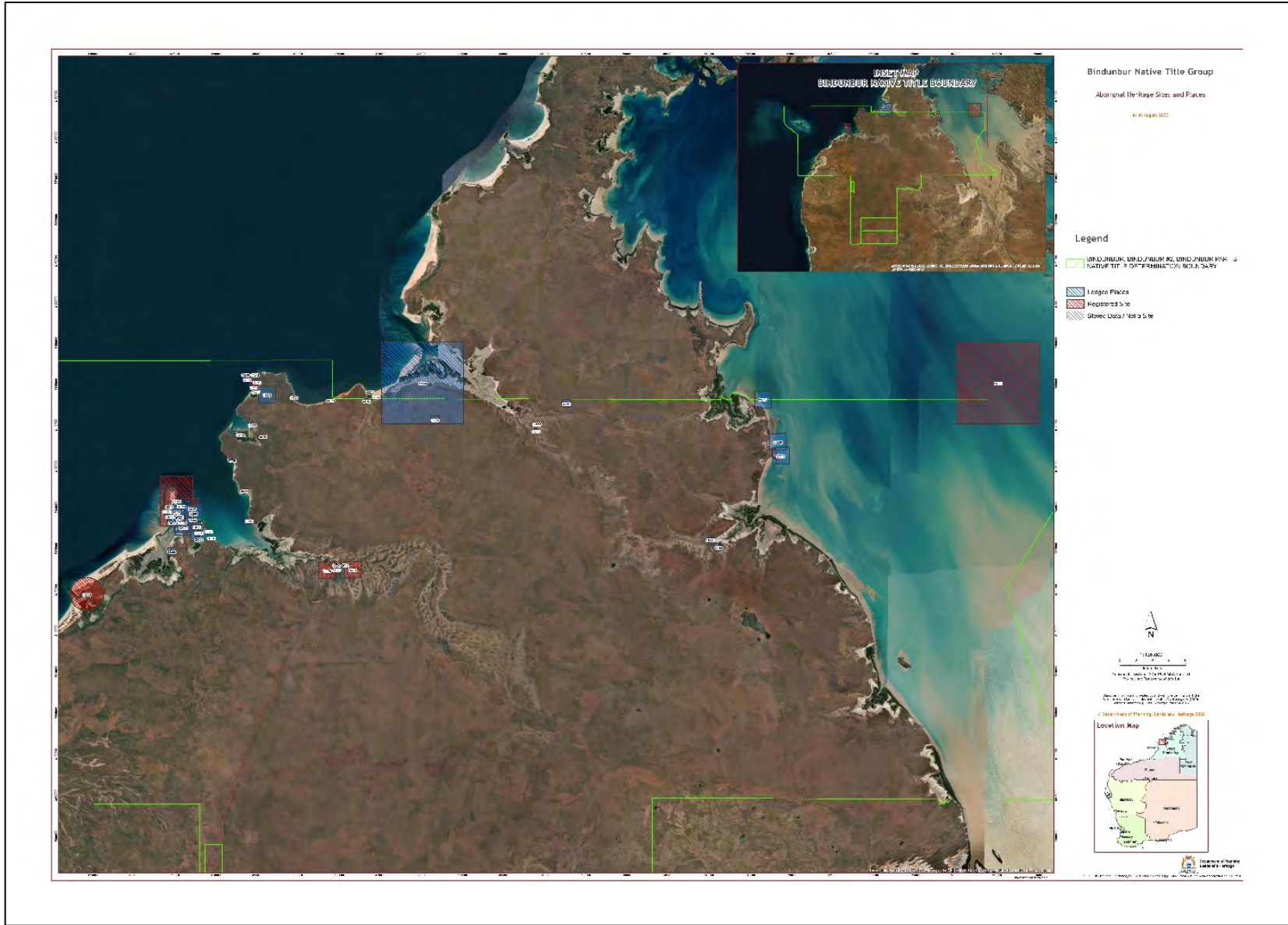


Figure 15: Location of AHIS Aboriginal sites and Aboriginal Heritage Places within the Bindunbur Native Title Area (Nyul Nyul on left)

Existing heritage protections

The West Kimberley NHL applies equally to all of Nyul Nyul Country in the same way that it does the rest of the Dampier Peninsula. As previously reported and further explained in Appendix Four, the thematically-driven listing includes heritage in this landscape relating to

- Biological richness (including vine thickets)
- A rich and dynamic living Aboriginal culture
- Pearling
- Early European exploration – William Dampier
- Dinosaur trackways
- Sacred Heart Church of Beagle Bay (Commonwealth of Australia 2011a)

The inclusion of the Sacred Heart Church was described by the Commonwealth of Australia (2011a:38):

The Sacred Heart Church at Beagle Bay is a testimony to the ingenuity and resourcefulness of the Pallottine brothers and the Aboriginal residents of the mission who built and decorated it during the First World War. The brothers and the mission residents worked tirelessly: a kiln was constructed to bake the 60,000 clay bricks; and they collected thousands of shells from the beaches in bullock carts to be burned for the lime mortar and render. The interior details of the church are quite extraordinary. The sanctuary and altar are decorated in thousands of pearl shell, cowries, volutes and olive shells. Whole pearl shell features in the sanctuary inlays and the light reflects off the shimmering shell surfaces with great effect. The side altars are inlaid with mollusc opercula and incorporate the Christian motifs of the lamb, the fish and the shepherd's crook with Nyul Nyul, Bardi and Nimanborr tribal symbols. The use of pearl shell and other locally sourced materials to decorate the interior of the church, particularly the sanctuary, demonstrates a high degree of artistic excellence and technical finesse.

Alongside the NHL protections, there are also AHIS data for 30 Aboriginal Sites and 29 Aboriginal Heritage Places identified for the Bindunbur Native Title area as illustrated in Figure 15. This includes heritage sites from Baldwin Creek to Sandy Point, Beagle Bay and the southern coastline of Pender Bay.

Consistent with other areas on the Dampier Peninsula, the majority of registered or identified sites are clustered around these geographic coastal locations. However, the lack of sites currently documented within the remainder of Nyul Nyul Native Title lands is no reflection of the value of heritage places and cultural landscape in this area. Rather, it is indicative the need to provide additional resources to Nyul Nyul to support cultural mapping and the locating of heritage places that may unintentionally be impacted from this.

Discussed in further detail below, individual sites and surrounding landscapes will now be addressed in relation to management strategies required. As with all other Native Title areas on the Peninsula and of utmost importance here, this has been contextualised by the understanding that absence of site registration in no way equals absence of cultural and heritage value or material. Rather, the opposite must be assumed and dictate plans for Nyul Nyul to address this both now and into the future. Opportunities exist for this to be achieved through support of both the Nyul Nyul PBC and Nyul Nyul Ranger team. The rangers work plan identifies existing cultural mapping activities as part of their 'Land, Waters & Resources Management Framework for Nyul Nyul country' and this process could be further utilised.

Protection requirements for Nyul Nyul Country

Consistent with other Native Title areas across the Dampier Peninsula, a range of protection measures and strategies were considered during the consultations conducted. This includes:

- Access restrictions or management
- Infrastructure (signs, fences, track diversions/blocks) to restrict access to significant and/or sensitive heritage places
- Cultural mapping and potential registration of additional sites (or the updating of information on 'Aboriginal Heritage Places' for reconsideration on AHIS)
- Interpretative signs to share stories of the heritage places across the area (linking in potentially with the Main Roads WA interpretative project)
- Conservation Management Plans for large scale heritage sites that expect high traffic visitors (and may involve infrastructure development, establishment of monitoring programs)
- Development of visitor material to support media, education and tourism (eg websites, exhibitions, AV material, pamphlets or short books)
- Employment and training requirements for rangers, tourism, education, heritage or curatorial positions (of moveable heritage if disturbed)

This range of opportunities, activities and outputs were discussed, and priorities determined which are included within a summary table at the end of this section. Each identified protection requirement, activity or strategy will now be detailed and where relevant, illustrated in subsequent figures.

A minor difference in the reporting of these protection requirements is that some of the considerations will be made on a site by site basis, whereas there will be others considered from a cultural landscape perspective. Identification of a number of mitigation activities will likely be required for each one, but the need to discuss them within this holistic framework will facilitate improvements in the implementation of the respective strategies.

NN01 – Round Well

This site has both cultural and historic importance to the Nyul Nyul families. While not currently registered nor listed on AHIS, this is a culturally-sensitive area which needs further protection. In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only'
- Document site as part of a cultural mapping process and consider registration on AHIS

NN02 – Fish traps between Sandy Point and Beagle Bay

Near the coast between Sandy Point and Beagle Bay is Grannie Leonie Kelly's block. On the northern peripheral coast there are fish traps that the Traditional Owners are concerned about. At present there is no known record or registration of the site, however ID14696 may be connected. As it is an area that is difficult to get to and in consideration of the broader cultural landscape, the following strategy is required:

- Document the fish traps located here and determine condition of the site
- Consider lodging Aboriginal Site information through AHIS

NN03 – Burials at Loongabid

Two daughters of Abraham Kelly (Kongudoo) are buried at Loongabid. Kongudoo is one of the apical ancestors of the Nyul Nyul families and there are living descendents of both of the daughters. While neither a record nor site registration of the burials has been uncovered during this process, however it has been suggested that Mr Sacks from the Beagle Bay Mission may have recorded this. In consideration of the importance of the site to the families, the following heritage protection mitigation strategy is required:

- Access the Beagle Bay Mission archives to determine if any records were made of the burials
- Locate the burials within Loongabid Community
- Develop and implement a management plan to protect them

NN04 – Scarred tree near the Kelly block

During an informal survey around the edge of their block, the Kelly family identified a scarred tree. With no Aboriginal Sites in the proximity, it is unlikely that this has been documented previously. In consideration of the importance of the site to the families, the following heritage protection mitigation strategy is required:

- Relocate and record scarred tree
- Develop and implement a management plan to protect them

NN05 – Southern Pender Bay (including from Chimney Rock to Weedong)

All consulted confirm that the area from Chimney Rock to Weedong on the southern section of Pender Bay is an extremely significant area for a range of cultural values. Rather than discuss each one separately, this extensive interconnected cultural landscape will be discussed holistically. A number of sites have been identified in this area previously and listed on AHIS. This includes

- Aboriginal site – ID14274, 14275, 14277, 14278, 14279, 14283, 14284,14287, 14288, 14289, 14700, 14701, 14703
- Aboriginal Heritage Place – ID13934, 14273, 17989

Within this extensive cultural landscape, the Middle Lagoon access road extends from the Cape Leveque to Broome Road over to the coastline. Providing access to a number of communities, outstations and small cultural tourism ventures, there are a number of specific concerns that have been raised relating to the long-term protection and sharing of heritage in the area. Some of these strategies can be developed and implemented by the Traditional Owners, as such the following mitigation strategies are required:

- Chimney Rock is a rare and culturally-sensitive site which needs protection:
 - This is the home of Jurr, the one-eyed Dreamtime snake and his resting place is under a rock between Chimney Rock and Mercedes Cove. Currently the road goes over this and the site is continuously disturbed. This track needs to be diverted in consultation with the Traditional Owners and cultural bosses
 - A women's pathway from the ocean side also passes through here and is disturbed not only from people on the ground but particularly from helicopters in the area. Access to the site itself needs to be restricted, potentially with a secured fence, in addition to development of mitigation strategies in consultation with Traditional Owners and cultural bosses
 - Whale dreaming from the ocean to the land also travels through this area and this cultural narrative needs to be protected
 - This pathway is connected through a number of outstations in this area and monitoring strategies are needed to ensure increasing visitor numbers do not have an impact on the heritage and cultural values of this place
 - Land should not be cleared for development in this area as it further disrupts the jurr here
 - A management plan may be considered for this site given its cultural significance and the impacts that have been identified to date. This type of process could facilitate the Nyul Nyul PBC, Traditional Owners, communities, outstations and tourism ventures coming together to collaboratively manage the challenges faced here. With Native Title only recently determined this could provide an opportunity all seek, to respectfully work together without conflict to care for this Country
- Overfishing was reported as an issue on many of the reefs and this has an impact on the cultural landscape. Some areas such as Tappers Inlet, Moorroobah (Neem Creek) and even the Lacedpedes should be rested for a period of time to allow rehabilitation of the marine species on the reefs
- Traditional Owners, communities, outstations and cultural tourism ventures alike all agree that only the main access road between the Cape Leveque to Broome road and each of the inhabited places

should be utilised by visitors. All are in agreement that there should be no side-tracks or short cuts given the cultural significance and values of the area, and that visitors should be directed in this way. There is concern that access may need to be restricted or a Visitor Pass could be needed if this cannot be managed and mitigated

- Caring for Country activities are important to the Traditional Owners and a form of heritage protection that many would like to implement including traditional burns
- Cultural mapping of this significant cultural landscape is required, incorporating Nyul Nyul language revitalisation within this for sites, fish, animals, place names. This can also include knowledge sharing about the seasonal calendar as well
- There is a need for a ranger team to be based up here and discussions have commenced with organisations such as BushHeritage. Rangers can be used to support the return of Traditional owners to Country, to protect it as guided by their elders
- There is an access track that runs from Weedong to a lake where visitors sometimes go however beyond this is a track that leads north to the ceremonial sites of Pender Bay. As previously described from the northern side, these areas need to be restricted from this point on with signs installed stating 'Restricted Access - No Unauthorised Entry'
- At Balangun (Mercedes Cove) there is a significant cultural site within a cave that requires protection and access to this area should be restricted. This is an ochre source for ceremonial purposes and should not be visited, photographed, filmed or put online
- There are a number of ceremonial areas between Chimney Rock, Balangun and Embulgin where access needs to be restricted. Currently, there are no signs however outstations and cultural tourism operators actively keep visitors away from these areas. Should expected increases in visitor numbers occur and this strategy no longer be as effective, alternative mitigation strategies may need to be identified and considered
- There are two rocks off Pender Bay which are of cultural significance to both Bardi and Nyul Nyul people, with the nearby law grounds shared between them. These rocks need to be monitored to ensure no impact from marine activity
- The Nyul Nyul PBC, Traditional Owners, communities, outstations and cultural tourism operators all agree this is an extremely significant and complex cultural landscape. All agree that it is important for the protection of the heritage of this area that visitors remain on the respective tourism lease areas and do not wander for their cultural safety. Further information is also reported below from the outstations themselves in relation to additional heritage protection strategies available.



Figure 16: View across southern Pender Bay from Munget/Whalesong.

NN06 – Tappers Inlet

The area around Tappers Inlet has been identified as a cultural landscape of significance for Traditional Owners. There are a number of heritage places listed on AHIS including

- Aboriginal Site – ID14285, 14286, 14698,
- Aboriginal Heritage Place - ID17758

In consideration of the importance of the site to the families, the following heritage protection mitigation strategies are required:

- At the cultural site of Moorroobah (Neem Creek), the dunes are eroding into the creek. Erosion control mitigation is required, and a sign erected to provide information on the importance of the place while deterring people from contributing to further erosion
- Neem Creek (near Midlagoon) is a resting area of Woolgardie (One Eyed Snake). There is a rocky outcrop in middle of creek. Install a sign here 'Traditional Owners and Community Members only'
- Old wells were made during missionary times and the one across the eastern sand dunes from Middle Lagoon was constructed by one of the Traditional Owner's grandfathers. Bollards are needed here to protect it from a nearby road which will likewise stop vehicles from driving on to the dunes and accessing the reef. Motorbikes as well as cars are a problem, and all should be prevented from proceeding to the coastal side of the bollards. Camping options should be retained here as long as the bollards afford the protection needed and this should be monitored regularly
- Fish traps are located on the central beach straight down from Middle Lagoon Resort. This site needs to be monitored to ensure that increasing visitor numbers do not impact the cultural and heritage values of the site
- The black water tank at Middle Lagoon is a birth site for the Traditional Owner's grandfather (the same one who constructed the well)
- At Gnylmarung, visitors should be encouraged not to wander off the lease nor go south on the beach track to Shonnell Point, Yallet etc. On this track, install a sign 'Traditional Owners and Community members only'
- At the fork in the road that provides access to the Map outstation, install a sign 'Traditional Owners and Community members only'
- At the access road to Bularrgin, install a sign 'Traditional Owners and Community members only'
- At the access road to Tappers and Neem outstations, install a sign 'Traditional Owners and Community members only'
- If any of these outstations commence guided cultural tours, signs may need to be amended to include 'Traditional Owners, Community members and guided tours only'

NN07 – Around Beagle Bay Community

Beagle Bay Community itself has a number of heritage places identified on both the NHL and the AHIS database, including the Beagle Bay Church. This site is likewise registered as a significant location with the Heritage Council of WA, however more information is provided on these as part of the discussions with Beagle Bay itself. In terms of the heritage places identified on AHIS around the community, these include:

- Aboriginal Site – ID1014, 14697, 14702, 14280, 14281
- Aboriginal Heritage Place – ID18999

In consideration of the importance of the site to the families, the following heritage protection mitigation strategies are required:

- Aboriginal sites ID14280 and 14281 are identified as Beagle Bay 1 and Beagle Bay 2 on AHIS. These are the ceremonial sites of Nurrumbuk and Wabidong. Springs run through the middle and Dreaming runs through here along to ocean but also back on to Wambungoor on the west side of the highway. Access needs to be restricted to these areas and at least four 'Restricted Access - No Unauthorised Entry' signs need to be installed on nearby tracks
- Acknowledge and protect Ngarlan burr (Felix's camp) – home of the Nyul Nyul chief/boss – located to the east of the Church. Develop an interpretative sign to share information and monitor visitors to determine if further protection measures are required in the future (eg fence)
- The heritage site of 18999 is Bobby's Creek is also a culturally significant and sensitive area which requires restriction. All side tracks running in or near this area between the Cape Leveque to Broome Road and Beagle Bay community need to be block with at least four 'Restricted Access - No Unauthorised Entry' signs need to be installed on nearby tracks
- Access to northern outstations travels near heritage sites. In order to protect the integrity of these places, visitors must drive back out to the Cape Leveque to Broome Road to go between the community and outstations. At each end of the track (near the causeway in Beagle Bay itself), two signs need to be installed 'Traditional Owners and Community members only'
- In case this sign is missed or ignored and people travel to the north-east to the fishing spots (which also include Aboriginal Sites of 14699 and 17852), there are concerns unintentional explorers may not be culturally safe or that local resources may be overfished. As such a further sign needs to be installed on this next track to the west stating 'Traditional Owners and Community members only'
- The power lines are also in a culturally significant area and a further sign needs to be installed near them on the edge of the community as they extend towards the coast stating 'Traditional Owners and power line service vehicles only'
- The back track from Beagle Bay to Bobieding and Banana Wells also travels through culturally significant heritage places, however there are some guided tours who also travel through here. Therefore, a sign is needed at each end of the track stating 'Traditional Owners, Community members and guided cultural tours only'
- Boats travelling out from Beagle Bay are also causing concern with overfishing reported in the bay itself as well as nearby. Concerns were raised about not only increasing numbers of visitors but the length of stays. Discussions with many of the groups suggested there is interest in limiting stays in the area to 14 days if resources and heritage sites are placed under further pressure

NN08 – Sandy Point

The significance of the cultural landscape around Sandy Point is clearly visible when viewing the AHIS data. With the bulk of sites recorded in this area, the heritage places include a range of site types such as middens, fish traps, artefact scatters, ceremonial and mythological sites, and camps. Those recorded include:

- Aboriginal Site – ID12685, 13017, 13016, 13397, 13398, 14696
- Aboriginal Heritage Place – ID13399, 13400, 14868, 20250, 20251, 20252, 20253, 20254, 20255, 20256, 20257, 20258, 20259

As noted above and in consideration of the importance of the site to the families, the following heritage protection mitigation strategies are required:

- Access beyond the Arrow Pearl Company towards the sand dunes by visitors needs to be restricted. The dunes have a range of heritage significance including burials, some of which are actively managed by the Nyul Nyul Rangers in terms of erosion and protective fencing. Further resources are required for this monitoring and management, and signs need to be installed at the access track stating 'Traditional Owners and Community members only'

- Quad bikes have been used in this dune system between Arrow Pearl Company and Sandy Point. This is a restricted women's area and no quad bikes should be entering here. Signs on this access track need to state 'Restricted Access - No Unauthorised Entry'

Additional heritage protection and mitigation strategies required for Nyul Nyul Country

Nyul Nyul PBC would like to progress a number of holistic heritage protection strategies across the extent of their Native Title Lands. This includes:

- Interest has been indicated for facilitated discussions between each of the Traditional Owner families and outstations on each of the ten burr. Separate discussions with each in relation to heritage protection indicate that there is a shared view and value of culture and heritage on Nyul Nyul Native Title lands, but misunderstandings in each groups position on various aspects is not uncommon. Bringing all parties together would strengthen opportunities for protecting, sharing and caring for Country and heritage.
- There are concerns with helicopter tours accessing Country and heritage places without permissions or consultation with Traditional Owners. Now that Native Title has been established, approval and partnerships should be sought with the Nyul Nyul PBC. The cultural safety of visitors is a concern, particularly around culturally-sensitive ceremonial areas such as Pender Bay and cultural guides should go with groups on helicopter tours to monitor cultural safety of visitors and catch size
- In the same way cultural guides should be offered on helicopters, they also should be on tour boats to ensure people are landing in the right areas
- There is interest in pursuing discussions with DBCA about the creation of a marine park within Nyul Nyul waters
- Connections need to be established with tourist bureaus in Broome and Derby so that there is widespread understanding of Native Title rights, heritage and Country by visitors
- Economic initiatives around heritage and cultural landscapes should be further explored
- The Nyul Nyul Rangers monitor and protect cultural sites as part of their work plan, particularly burials as described above. They are interested in playing a role in compliance and seek additional training to assist in this, relevant certification and resources to fulfil this role
- A sign is needed at the southern-most Information Bay on the Cape Leveque to Broome Road about managing heritage and cultural landscapes. This could include a tourist access map showing public roads and tourism spots on the Dampier Peninsula
- Fragile heritage places within sand dunes on all of Nyul Nyul country require protection and there should be no driving on the beach
- There should be an audit of tours (both Indigenous and non-Indigenous) operating on Nyul Nyul Country and all should be made aware of no-go areas
- All groups have indicated an interest in a level of cultural mapping, and one senior Nyul Nyul elder advocates for all groups to participate in this together; while there may be parts of the Dampier Peninsula to map separately, he considered that all Country is connected by songlines -

Songlines don't have boundaries and cross through (D. Francis, pers. Comm. 2020)

Beagle Bay Aboriginal Community

The Beagle Bay Community was established more than 40 years ago in place of the former mission. Rich in history and culture, the community is home to the NHL listed Sacred Heart Church of Beagle Bay:

The people of Beagle Bay maintain strong links to traditional Aboriginal languages, culture, art and practices. The community of Beagle Bay has had a strong association with the Catholic Church through the Catholic mission and school for over 100 years, hence the

significance and focus on the Beagle Bay Mission Church. The church is a very popular tourist attraction that brings many visitors into the community.

In terms of the history of the community itself, the WA Planning Commission (2018b:9) notes:

The community first started as a Catholic mission established around 1890 by Trappist Monks. The mission ceased to operate in the mid 1970's and the Beagle Bay community has been largely self-determined since this time, governed by the then Beagle Bay Community Incorporation BBCI (the elected community council). However, the community invited the Church to continue to provide priests and a school. The modern history of Beagle Bay is representative of the experience of the Dampier Peninsula more generally. The broad phases of change to have affected people on the Peninsula in the last 200 years being pearling, missions, autonomy, homeland movement and the present situation.

There are currently a number of Aboriginal Sites and Aboriginal Heritage Places listed on AHIS including:

- Aboriginal Site – ID1014, 14697, 14702, 14280, 14281
- Aboriginal Heritage Place – ID18999

These existing heritage protections within the community (including the mission) were also considered by WA Planning Commission (2018b:12-13) as they worked with Beagle Bay on their Community Layout Plan:

LP1 identifies three 'no-go areas' in the Beagle Bay community. Effectively all areas to the north and west of the living area is considered no-go territory. There is a ... culturally significant tree to the south of the community which is also a no-go location.

There are five registered sites in the proposed Beagle Bay 'Settlement' zone. These sites represent artefacts, scatter, mythological, ceremonial and modified tree importance. All of the sites are 'open' and 'no restriction', other than one ceremonial site which is 'closed' with 'no restriction'. Closed sites are often restricted to people who have knowledge of the site because they have undergone a process of initiation or because it would be culturally inappropriate for the site's details to be in the public domain. An Aboriginal Heritage Survey was conducted in November 2011 to document any significant sites that may be impacted on by any proposed future works. Although these sites are not depicted on the maps below, unrecorded sites that meet the requirements of section 5 of the Aboriginal Heritage Act 1972 (WA) are equally protected under the Aboriginal Heritage Act 1972 (WA).

The Beagle Bay Mission Church on Lot 403 within the community living area has a permanent listing under the Heritage of Western Australia Act 1990. The Heritage Council of Western Australia describes the Beagle Bay Mission Church as: 'an Inter-War Gothic style church of rendered clay brick wall and 'corrugated iron' roof construction. The church is an outstanding example of creative use of local resources for both construction and decorative purposes. The handmade brick construction has a low-pitched gable roof and landmark spire over the entry, with pinnacles on the outer front corners of the building. The windows and openings are gothic arches. The altar is made of mother of pearl inlays in traditional European and Aboriginal motifs'. The church is iconic to the Beagle Bay community.

The community are governed by Beagle Bay Futures, and welcome visitors regularly to visit the Church and former mission, as well as nearby beaches and outstations. Currently, a number of visitor management strategies are underway in anticipation for increasing visitor numbers, including

- Establishment of a car park across from store. New ablutions going in this month
- Setting up a Visitor Pass system with cultural guides to show people around within the community
 - Old Church
 - Day tour through Bobieding and around to outstations via Middle Lagoon Road
 - Only operate within Beagle Bay boundary and working with PBC on other areas
- Want to work towards cultural tourism in future as part of BBF Strategic Plan, primarily tab along guided tours
- Want to work in with people running helicopter tours who are doing so with no engagement with the community nor Traditional Owners. There is a need for them to pick up cultural guides (a point also raised by the Nyul Nyul Rangers) as there is concern for the cultural safety of visitors if they inadvertently access restricted areas
- Want to work in also with Steve Arrows Pearl Farm as there are a number of important heritage places and culturally-sensitive areas in close proximity to his operation that can be inadvertently accessed by unsuspecting tourists
- There is a spring within the community that is already fenced and maintained by them. There may be others that this also is required for and further investigation in partnership with Beagle Bay Futures is warranted.
- There are occasional visitors who seek to use the back road to outstations to the north, however the community actively discourages this and directs them to return back out to the Cape Leveque to Broome Road and travel north to the Midlagoon access road
- There are concerns about overfishing and overhunting in the Lacepede Islands, Burruguk and Narlagoon, as well as Beagle Bay itself
- Issues of marine safety with boats travelling out from Beagle Bay and not notifying the office where they are going – protocols need to be introduced to address this and provide safe boating for all
- Monitoring and compliance may be required as visitor numbers increase – both in terms of boats and length of stays at surrounding tourism ventures. Beagle Bay Futures sees a role that it can play in mitigating and managing this to protect all elements of culture and heritage into the future
- To support increasing population and visitors, Beagle Bay is seeking to partner with Horizon Power in a solar farm and also interested in revitalising the Sandalwood plantation

Outstations and cultural tourism on Nyul Nyul Country

North and south of Beagle Bay, there are a number of small communities and outstations located across most of Nyul Nyul country. This includes those on the southern section of Pender Bay, around Tappers Inlet and in between down to Beagle Bay. In the southern areas they can be found situated immediately south and west, continuing on towards Sandy Point. Many of the communities and outstations located here engage in sustainable enterprise such as cultural tourism and accommodation. Populations are a mix of permanent and semi-permanent residents, with many indicating an interest in exploring opportunities to both protect and promote the heritage places and cultural landscapes, as well as share appropriate narratives and places with visitors.

Discussions with representatives of some of the communities and outstations occurred during the consultation process. In the absence of Native Title when many communities and outstations were established, many reported discussions with cultural bosses from the Dampier Peninsula to ensure that the proposed location of their respective homes and businesses was culturally-safe. With many transitioning

between generations, all demonstrated an interest in supporting the protection of Aboriginal heritage in the area. With knowledge about many of the heritage places including middens, fish traps, artefact scatters, modified (or scarred) trees, significant sites, ceremonial sites, songlines and oral histories, all indicated a practice of caring for cultural heritage places within and in close proximity to their leases. Those involved likewise indicated that visitors are always informed of a 'no vehicles on beaches' stance, in addition to directing visitors away from any heritage places that may be located within their leases. Further opportunities and strategies were identified during the consultation discussions with the different groups:

- Opportunity for Ardi to develop a booklet for tourism regarding protocols and sharing information including highlighting respecting cultural corridors and Caring for Country
- Within the reaches of southern Pender Bay are what is commonly known as the Pender Bay trenches. This is only visible at certain times and is a current line that extends from Weedong north-westerly across the bay. There is a flatness that occurs at certain tides and this has high cultural significance which needs to be managed accordingly. There are protocols around boating at these times that need to be shared to ensure cultural safety. This connects in further with the concerns noted previously regarding the use of Pender Bay as a maritime 'safe harbour', an alternative for cruise ships when they are unable to use the Lacepedes in addition to helicopters landing potentially within the significant ceremonial areas. While not proposing solutions to mitigate this, all agree this is a serious concern that requires a culturally-based strategy enforced through legislative processes.
- Visitors to tourism ventures on Nyul Nyul country are given directions on where to go on the respective leases. Opportunity for the development of a colour-coded map of access tracks for visitors could be included on signs (at main information bay near Broome; Ardi booklet or similar). This could then assist with challenges of tourism operators when visitors are not doing the right thing, in addition to compliance and enforcement if required
- There have been issues with people taking artefacts and moveable cultural heritage from sites. Signs need to include messages to people that should not collect or transport moveable cultural heritage from where they find it (such as artefacts, shells from middens and so on)
- Google Maps has created problems with identifying places incorrectly or including those that should not be illustrated on the maps at all. This has the potential to misdirect visitors and any access track map produced could be shared with Google to amend this information and provide improvements for those who use the service
- Resource and compliance issues were also noted relating to a number of areas that have heritage protection implications if not addressed including
 - Fisheries need to be more active in inspecting catches
 - Introduce fishing tours to minimise boats in the area
 - Helicopter tours need permission to access Country and cultural guidance
 - Dump points for caravans and central rubbish collection points needed – often does not work when visitors are told to take it with them
 - Tree cutting for firewood is a big problem and impacts on cultural, heritage and environmental values – this could be an employment opportunity/social enterprise initiative for someone in partnership with PBC and outstations; or alternatively, visitors should be told to bring it with them from Broome
- Whales are an important species culturally and environmentally. Community-based research continues to monitor them from Pender Bay and could be included in this process (Blake, et al 2011; McKay and Thiele 2008)
- The outstations have all been established for some time and the next generation of their kids are now looking after place. Many shared that they are invested in looking after heritage and Country, protecting it all alongside Traditional Owners for the future.

Summary of protection requirements for Nyul Nyul Country

The heritage protection requirements for Nyul Nyul Country have been discussed above, along with opportunities to celebrate and share the cultural and heritage richness of the area, as summarised below:

Reference Number	Aboriginal Sites	Aboriginal Heritage Places	Stored data	Type of heritage/place	Management requirements
NN01				Round Well	<ul style="list-style-type: none"> ▪ Install sign ▪ Document content and condition site
NN02	14696?			Fish traps between Sandy Point and Beagle Bay	<ul style="list-style-type: none"> ▪ Document content and condition site ▪ Consider AHIS listing
NN03				Burials at Loongabid	<ul style="list-style-type: none"> ▪ Archival research ▪ Locate burials ▪ Management plan
NN04				Scarred tree on Kelly block	<ul style="list-style-type: none"> ▪ Locate and record site ▪ Management strategy
NN05	14274, 14275, 14277, 14278, 14279, 14283, 14284, 14287, 14288, 14289, 14700, 14701, 14703	13934, 14273, 17989		Southern Pender Bay (Chimney Rock to Weedong)	<ul style="list-style-type: none"> ▪ Track diversion ▪ Restrict access to locations ▪ Install signs ▪ Install fence at women's site ▪ Restrict land clearing ▪ Management plan ▪ Compliance re fishing and access ▪ Block side-tracks and promote main access track ▪ Reintroduce traditional burns and other Caring for Country activities ▪ Cultural mapping ▪ Develop and resource ranger team for monitoring of cultural sites and compliance ▪ Limit vehicular access to beaches and sites
NN06	14285, 14286, 14698	17758		Tappers Inlet	<ul style="list-style-type: none"> ▪ Erosion control ▪ Install signs ▪ Limit vehicular access to beaches and sites

NN07	1014, 14697, 14702, 14280, 14281	18999		Around Beagle Bay	<ul style="list-style-type: none"> ▪ Restrict access to areas ▪ Install signs ▪ Develop and install interpretative sign ▪ Block side-tracks and promote main access track ▪ Compliance re fishing and access
NN08	12685, 13017, 13016, 13397, 13398, 14696	13399, 13400, 14868, 20250, 20251, 20252, 20253, 20254, 20255, 20256, 20257, 20258, 20259		Sandy Point	<ul style="list-style-type: none"> ▪ Restrict access ▪ Install signs ▪ Erosion control ▪ Resource rangers for monitoring of cultural sites and compliance
Beagle Bay community	1014, 14697, 14702, 14280, 14281	18999			<ul style="list-style-type: none"> ▪ Visitor management and permits ▪ Cultural tourism and guidance ▪ Fencing of sites ▪ Install signs ▪ Compliance re fishing and access
Outstations					<ul style="list-style-type: none"> ▪ Connect with Ardi ▪ Manage cultural safety of Pender Bay including seascape ▪ Develop visitor information on restricted areas and information on the requirement not to take moveable cultural heritage such as artefacts, shells from middens etc ▪ Work with Google Maps to ensure closed tracks are not identified for visitors ▪ Address resource and compliance issues ▪ Identify opportunities for outstations to support the protection of heritage alongside Traditional Owners

In addition to these activities, a high priority for Nyul Nyul PBC is to conduct cultural mapping for the extent of their Native Title lands. Consideration will also be given as to improving existing information relating to 'Aboriginal Heritage Places' and potential registration of other material, heritage places and cultural landscapes. The need to increase investment and resources in ranger teams was identified - to care for Country and heritage; in addition to economic development for the Traditional Owners, communities and outstations alike in relation to opportunities from cultural conservation economies.

Nimanburr Cultural Landscapes

Travelling east from Nyul Nyul Country and crossing the Cape Leveque to Broome Road, you arrive at Nimanburr Country. Described by the National Native Title Tribunal (2018:15) as:

Nimanburr people hold native title in that part of the Determination Area coloured red on the map, which part includes the areas Goodenough Bay, Fraser River, Dora Spring, Valentine Island, Madarr, La Djadarr, Lake Paterson and Disaster Bay as labelled on map and the waters adjoining those areas.

Stretching along the western coastline of King Sound, more than half of Nimanburr's Native Title area is in this sea country. Whether land or sea, the protection of heritage places and cultural landscapes in Nimanburr Country is extremely important. To ascertain the protections required and opportunities to share and celebrate heritage, the base map used during this process is represented in Figure 17. Meeting with the representative body, the Nimanburr PBC, we were able to identify a range of mitigation strategies to protect and share the heritage and culture of this area.

Heritage protection areas on Nimanburr Country

As reported for both Bardi Jawi and Nyul Nyul, within the Bindunbur Native Title area (WCD2018/005) which encompasses Nimanbur, Nyul Nyul and Jabirr Jabirr areas, there are heritage places that have existing protections registered through Commonwealth (NHL) and State (DPLH) legislative processes. During the course of this consultation and archival research, additional heritage places, cultural landscapes and broader cultural values were identified and considered as part of these planning measures. Each of these will now be detailed prior to consideration of specifics relating to heritage protection, sharing and celebration for each of the northern communities, outstations and cultural tourism enterprises.

Existing heritage protections

The West Kimberley NHL applies equally to all of Nimanburr Country in the same way that it does the rest of the Dampier Peninsula. As previously reported and further explained in Appendix Four, the thematically-driven listing includes heritage in this landscape relating to

- Biological richness (including vine thickets)
- A rich and dynamic living Aboriginal culture
- Early European exploration – William Dampier (Commonwealth of Australia 2011a)

AHIS data specifically for Nimanburr Country are limited with only one Aboriginal Site and seven Aboriginal Heritage Places identified (illustrated below on from middle of map to the east in Figure 17). This includes heritage sites from Madarr (Repulse Point) to La Djardarr Bay but not others such as Valentine Island.

With the majority of sites documented on the Dampier Peninsula recorded along the west coast and northern reaches, Nimanburr Country has had substantially less attention. However, the lack of sites currently documented is no reflection of the value of heritage places and cultural landscape in this area. Rather, it is indicative the need to provide additional resources to Nimanburr to support both cultural mapping and the locating of heritage places that may be unintentionally impacted due to this.

Discussed in further detail below, individual sites and surrounding landscapes will now be addressed in relation to management strategies required. As with all other Native Title areas on the Peninsula and of utmost importance here, this has been contextualised by the understanding that absence of site registration in no way equals absence of cultural and heritage value or material. Rather, the opposite must be assumed and dictate plans for Nimanburr to address this both now and into the future.

Protection requirements for Nimanburr Country

Consistent with other Native Title areas across the Dampier Peninsula, a range of protection measures and strategies were considered during the consultations conducted. This includes:

- Access restrictions or management
- Infrastructure (signs, fences, track diversions/blocks) to restrict access to significant and/or sensitive heritage places
- Cultural mapping and potential registration of additional sites (or the updating of information on 'Aboriginal Heritage Places' for reconsideration on AHIS)
- Interpretative signs to share stories of the heritage places across the area (linking in potentially with the Main Roads WA interpretative project)
- Conservation Management Plans for large scale heritage sites that expect high traffic visitors (and may involve infrastructure development, establishment of monitoring programs)
- Development of visitor material to support media, education and tourism (eg websites, exhibitions, AV material, pamphlets or short books)
- Employment and training requirements for rangers, tourism, education, heritage or curatorial positions (of moveable heritage if disturbed)

This range of opportunities, activities and outputs were discussed, and priorities determined which are included within a summary table at the end of this section. Each identified protection requirement, activity or strategy will now be detailed and where relevant, illustrated in subsequent figures.

N01 – Nilabubbica Track entrance to Nimanburr Country

As you enter Nimanburr Country along the Nilabubbica Track (back track connecting the Dampier Peninsula to the Great Northern Highway at Kimberley Colourstone), a sign is required. It should contain information stating:

- You are now entering Nimanburr Country
- Be aware of cultural protocols
- Cultural landscape of importance

N02 – Nilabubbica Track Y-Junction leading past Country Downs to the west and outstations to the east

At the intersection between the north-south Nilabubbica Track and the east-west traversing track leading from the outstations past Country Downs to Beagle Bay is a stopping area for locals. Here a rest and interpretative area is required, with more details about Nimanburr Country to share with visitors utilising this remote back track which provides a short-cut from the Dampier Peninsula to Derby.

Therefore, to protect, promote and share the heritage of Nimanburr Country, the following mitigation strategy is required:

- Install rest area with bough shelter, seats and interpretative signs about Nimanburr Country

N03 – Turn off to Bungaduk from Nilabubbica Track (eastern access)

This track leads north-west from the Nilabubbica Track towards Bungaduk near Lake Louisa. While not currently registered, there are a number of heritage places and cultural landscapes within this area.

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only'

N04 – Turn off to Bungaduk from Nilabubbica Track (western access)

This track leads north-east from the Nilabubbica Track towards Bungaduk near Lake Louisa. As with N03, while not currently registered, there are a number of heritage places and cultural landscapes located here.

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only'

N05 – Turn off to Malaburru, Wulununjur and Lawson block from Nilabubbica Track (eastern access)

This track leads to outstations located on the western coastline of King Sound, across from Valentine Island. While not currently registered, there are a number of heritage places and cultural landscapes within this area including springs and the culturally significant heritage places of Jinardi (Turtle Point) and Valentine Island.

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only'

N06 – Southern access to Nilabubbica Track at Kimberley Colourstone

Although this is in Nyikina and Mangala Country, this point on the Great Northern Highway provides the south-eastern land access to Nimanburr Country. To understand and protect the heritage values of Nimanburr people, the following mitigation strategy is required:

- Install sign 'Entrance to Nimanburr Country on this track'

N07 – Access to Ladogen Pool

This track leads east from the Nilabubbica Track towards Ladogen Pool. While not currently registered, there are a number of heritage places and cultural landscapes located here. To access this area, information should be obtained from the PBC.

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only'

N08 – La Djardarr Bay and Old Mission

The turnoff for La Djardarr Bay and the old mission leads people in close proximity to a number of heritage places, including the sites of

- Aboriginal Sites – ID14282
- Aboriginal Heritage Places – ID13900, 20247, 20248, 20249
- Stored data – ID14663

Economic support of the Nimanburr PBC is required to support the development of guided cultural tourism to these important heritage places and cultural landscapes. In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners, Community members and guided tours only'
- Economic development support for Nimanburr PBC for cultural tourism initiatives

N09 – Access track to Balk

This track leads to the site of Balk. This area is of significant cultural values although only includes artefact scatter in the site description.

- Aboriginal Site - ID14282

In consideration of the heritage and cultural landscapes located here, the following strategy is required:

- Install sign 'Traditional Owners and Community members only'

N10 – Access Track to Bobbie's Creek

This track leads south-east from the Cape Leveque to Broome Road towards Bobbie's Creek and Bungoduk near Lake Louisa. As with N03 and N04, while not currently registered, there are a number of heritage places and cultural landscapes located here. In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Traditional Owners and Community members only'

N11 – Valentine Island

Valentine Island is a culturally-significant site for Nimanburr people. Access is only via boat and only Traditional Owners and community members should be going to this island. Unauthorised visitors have been known to leave rubbish and use the beach to relieve themselves. There are concerns for the cultural integrity of the site and the cultural safety of the unauthorised visitors.

In consideration of the significant heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Install sign 'Restricted Access - No Unauthorised Entry. Hop back on your boat and enjoy fishing'

Additional heritage protection and mitigation strategies required for Nimanburr Country

Nimanburr PBC would like to progress a number of holistic heritage protection strategies across the extent of their Native Title Lands. This includes:

- Cultural heritage mapping project required as most significant sites are either listed as 'Aboriginal Heritage Places' or not identified at all. Places of cultural importance need to be documented:
 - Yarp
 - Flora
 - Dora Springs
 - Jinardi (Turtle Point)
 - Repulsive Point
 - Piridi
 - Patterson
 - Milli Milli Lakes
 - Common Ground at Bungaduk and top of Milli Milli
 - Lake Louisa
 - Valentine Island
 - Tower Hill
 - Reserve Hill
 - Common Ground
 - evidence of trade networks here
 - all ochres available there

- Facilitated discussions and permission/joint arrangements etc. for leaseholders to conduct tourism businesses outside their leases particularly in relation to the protection of cultural and natural values
- Facilitated discussion between the Nimanburr PBC and communities and outstations such as Wulununjur regarding plans they have in place around cultural tourism and heritage
- Nimanburr PBC need to be included in conversations regarding Cunningham Point and Deep Water Point as they maintain connection to those areas
- Massacre took place at Top Fraser River near Tower. Those who survived were big bosses and sent to Rottnest. Only person to swim back across from Rottnest was a Nimanburr man. These accounts need to be documented and heritage places both remembered, recorded and shared
- Interest in developing a Marine Park (similar to Bardi Jawi and Mayala) for sea country within Nimanburr. There is concern for overfishing and lack of management opportunities for islands
- Development of a ranger team to manage heritage protection and compliance requirements. This should be through the Nimanburr PBC in partnership with communities and outstations
- As with northern sites on Bardi Country, there are sites to the east and south that Nimanburr people are connected to and should be involved in heritage protection discussions. This include the neighbouring Nyikina Mangala and Boorroola Moorrool Moorool Native Title areas, as well as the Joombarn-buru and two Mt Jowlaenga areas.



Figure 18: Valentine Island.

Outstations and cultural tourism on Nimanburr Country

There are a small number of outstations located on Nimanburr Country, with some in close proximity to the western coast of King Sound, as well as more centrally positioned around significant areas such as Lake Louisa. Populations are a mix of permanent and semi-permanent residents, with little engagement presently in formalised cultural tourism operations. There is interest in exploring opportunities to both promote the heritage places and cultural landscapes, as well as share portions of this with visitors.

Summary of protection requirements for Nimanburr Country

The heritage protection requirements for Nimanburr Country have been discussed above, along with opportunities to celebrate and share the cultural and heritage richness of the area. These are summarised in the table below:

Reference Number	Aboriginal Sites	Aboriginal Heritage Places	Stored data	Type of heritage/place	Management requirements
N01				Access road off Nilabubbica Track	▪ Sign – entering Nimanburr Country
N02				Access road off Nilabubbica Track	▪ Rest area (with bough shelter) and interps sign
N03				Access road to Bungaduk	▪ Install sign
N04				Access road to Bungaduk	▪ Install sign
N05				Access road to communities	▪ Install sign
N06				Nilabubbica Track (southern access)	▪ Install sign
N07				Access road to Ladogen Pool	▪ Install sign
N08	14282	13900, 20247, 20248, 20249	14663	La Djardarr Bay and Old Mission	▪ Install sign
N09	14282			Access track to Balk	▪ Install sign
N10				Access road to Bobbie’s Creek	▪ Install sign
N11				Valentine Island	▪ Install sign

In addition to these activities, a high priority for Nimanburr PBC is to conduct cultural mapping for the extent of their Native Title lands. Consideration will be given as to improving existing information relating to ‘Aboriginal Heritage Places’ in addition to the potential registration of other cultural material, heritage places and cultural landscapes. Additionally, the need to invest resources is required: in both ranger teams to care for Country and heritage; in addition to economic development for the Traditional Owners, communities and outstations alike with opportunities from cultural conservation economies.



Figure 19: View towards Jinardi.

Jabirr Jabirr and Jabir Jabirr Ngumbarl Cultural Landscapes

The south-western coast of the Dampier Peninsula from Carnot Bay to Willie Creek, including the areas of James Prices Point, Manari, Coulomb Point, Ngadalargin (Baldwin Creek), and Twin Peaks (Warnjinmirr and Djibbinj) as ratified by the National Native Title Tribunal (2018:15) are the Native Title lands of the Jabirr Jabirr and Jabirr Jabirr Ngumbarl people.

Extending from the Indian Ocean in the west to the Cape Leveque to Broome Road in the east, Jabirr Jabirr has been included within an independent claim as well as part of the Bindunbur determination. Incorporating sea country within the claim, whether land or sea the protection of heritage places and cultural landscapes for Jabirr Jabirr people is extremely important. To ascertain the protections required and opportunities to share and celebrate heritage, the base map used during this process is represented in the bottom left of Figure 15 and all of Figure 20. Meeting with the representative body Gogolanyngor PBC, we were able to identify a range of mitigation strategies to protect and share heritage and culture of the area.

Heritage protection areas on Jabirr Jabirr and Jabirr Jabirr Ngumbarl Country

The Jabirr Jabirr/Ngumbarl Native Title determination was finalised in 2018 (WCD2018/004), with the northern country from Coulomb Point to Carnot Bay included within the Bindunbur Native Title area (WCD2018/005). Consistent across the Dampier Peninsula, there are heritage places that have existing protections registered through Commonwealth (NHL) and State (DPLH) legislative processes. During the course of this consultation and archival research, additional heritage places, cultural landscapes and broader cultural values were identified and considered as part of these planning measures. Each of these will now be detailed prior to consideration of specifics relating to heritage protection, sharing and celebration for each of the northern communities, outstations and cultural tourism enterprises.

Existing heritage protections

The West Kimberley NHL applies equally to all of Jabirr Jabirr Ngumbarl Country in the same way that it does the rest of the Dampier Peninsula. As previously reported and further explained in Appendix Four, the thematically-driven listing includes heritage in this landscape relating to

- Biological richness (including vine thickets)
- A rich and dynamic living Aboriginal culture
- Early European exploration – William Dampier
- Dinosaur trackways (Commonwealth of Australia 2011a)

AHIS data for Jabirr Jabirr and Jabirr Jabirr Ngumbarl land contains 21 Aboriginal Sites and 19 Aboriginal Heritage Places (see Figure 20). Interestingly heritage places have been identified for a high proportion of the coastline, with more than 70% identified as having heritage interests. Included within these sites are those located on the Lurujarri Trail, one of the most celebrated walks in the Kimberley region. Other sites of importance include the dinosaur footprints and stone tool workshop site near Quandong; as well as middens, fish traps, occupation and mythological sites.

Despite this high density of mapped sites, the understanding remains that absence of recorded sites in no way equals absence of cultural and heritage value or material. Rather, the opposite must be assumed and dictate plans for Gogolanyngor as the representative body to address this both now and into the future. Individual sites and surrounding landscapes will now be addressed in relation to management strategies required as part of this heritage protection plan.



Figure 20: Location of AHIS Aboriginal Sites and Aboriginal Heritage Places within the Jabirr Jabirr and Jabirr Jabirr Ngumbal Native Title Area

Protection requirements for Jabirr Jabirr Ngumbarl Country

Consistent with other Native Title areas across the Dampier Peninsula, a range of protection measures and strategies were considered during the consultations conducted. This includes:

- Access restrictions or management
- Infrastructure (signs, fences, track diversions/blocks) to restrict access to significant and/or sensitive heritage places
- Cultural mapping and potential registration of additional sites (or the updating of information on 'Aboriginal Heritage Places' for reconsideration on AHIS)
- Interpretative signs to share stories of the heritage places across the area (linking in potentially with the Main Roads WA interpretative project)
- Conservation Management Plans for large scale heritage sites that expect high traffic visitors (and may involve infrastructure development, establishment of monitoring programs)
- Development of visitor material to support media, education and tourism (eg websites, exhibitions, AV material, pamphlets or short books)
- Employment and training requirements for rangers, tourism, education, heritage or curatorial positions (of moveable heritage if disturbed)

This range of opportunities, activities and outputs were discussed, and priorities determined which are included within a summary table at the end of this section. Each identified protection requirement, activity or strategy will now be detailed and where relevant, illustrated in subsequent figures. Alignment with existing planning processes underway by the Gogolanyngor PBC were also considered and there is a possibility for the protection requirements to be integrated as part of their strategic planning approach.

JJN01 – Sand dune system between Willie Creek and Barred Creek

The extensive sand dune system between Willie and Barred Creeks in the southern end of Jabirr Jabirr Ngumbarl Country contains a range of heritage places and threatened species. Heritage places such as ceremonial areas, mythological sites, middens, artefacts scatters and burials are located here and specific AHIS data includes

- Aboriginal Sites – ID12697, 12875, 12904, 12905, 13503
- Aboriginal Heritage Place – ID12428
- Stored data – ID30274

In order to protect the dune system and in consideration of the heritage places and cultural landscapes located here, the following mitigation strategies are required:

- Establish area as a corridor reserve to protect heritage and threatened species, and encourage rejuvenation
- Restrict camping on the beach, remaining accessible and open for day use

JJN02 – Barred Creek

With JJN01 identified at the Willie Creek end in close proximity to ID12697, JJN02 is at the northern section of coastline and the top end of Barred Creek within:

- Aboriginal Site – ID12904

There is concern with impacts that camping is having on the heritage of this area, and protection strategies are required to limit camping and mitigate impact on heritage places, while continuing to support day use. There is Shire of Broome land nearby that is outside of the Native Title area that Gogolanyngor PBC have indicated is better suited as a permanent camping place with other areas accessible during the day.

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategies are required:

- Install 'Day-Use Only' sign
- Investigate options for a research project/substation on marine habitat and life cycle around tidal systems and cultural connectedness that provides interpretative information on culture, heritage and the environment for visitors
- Interest in guided cultural tourism opportunities through this area to support protection of heritage places and cultural values, with economic support required for enterprise development

JJN03 – Willie Creek

There are a number of heritage places in connection with Willie Creek that contain artefacts, ceremonial sites, middens, mythological narratives, burials, camping and hunting areas and water sources including at Wibijakun. AHIS data include those sites identified in JJN01, as well as

- Aboriginal Sites – ID12697, 12875, 12904, 12905, 12906, 13503
- Aboriginal Heritage Place – ID12428
- Stored data – ID30274

Mapping these areas currently as part of an exercise to identify existing land use by Jabirr Jabirr Ngumbarrl people, and in consideration of the heritage places and cultural landscapes located here, the following mitigation strategies are required:

- Establish an Eco Resort here behind the sand dune, supporting protections for the cultural landscape and reducing impact to the dunes themselves
- Development of interpretative signs by the Gogolanyngor PBC at range of areas open for day use between Willie Creek and Barred Creek. These will relate to the heritage places, vine thickets and bilby populations
- Install interpretative signs at locations as directed by Gogolanyngor PBC

JJN04 – Access road between Willie Creek and Barred Creek

Due to the sensitive nature of the heritage places within the dune system, this needs to be protected into the future and tracks across the dune to the beach need to be minimised. Connecting with AHIS data identified in JJN01 and JJN03, Aboriginal sites and Aboriginal Heritage Places include:

- Aboriginal Sites – ID12697, 12875, 12904, 12905, 12906, 13503
- Aboriginal Heritage Place – ID12428
- Stored data – ID30274

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Beach road access between Barred Creek and Willie Creek needs to be blocked and rehabilitated to protect the dune system and heritage places. The road traversing behind the sand dunes needs to be the only access point leading between the two locations, minimising vehicular beach access

JJN05 – Petrified Forest at Barred Creek

The area commonly referred to as a 'Petrified Forest' at Barred Creek is an area of interest for visitors, however it is also an area with existing heritage protection. Although the nature of the site may be debated (see http://wkfl.asn.au/nature/petrified_forest.htm), it remains that it is located in the northern section of:

- Aboriginal Site – ID13503

Contained within this cultural landscape are artefacts, middens, burials, camp sites and water sources. In consideration of this, the following mitigation strategies are required:

- Vehicular access needs to be blocked to petrified forest from car park with walking trails installed through here instead
- Stairs are required to take visitors from the top of the petrified forest to the beach
- This area must be established as Day Use Only



Figure 21: 'Petrified forest' at Barred Creek (photo by T. Harley sourced from http://wkfl.asn.au/nature/petrified_forest.htm).

JJN06 –Heritage site ID12904

Existing beach access is within an existing Aboriginal Site listed on AHIS and there is a significant impact on these heritage places and cultural landscapes. This area contains middens and burials and is extremely sensitive and it connected with:

- Aboriginal Site – ID12904

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategies are required:

- Beach access needs to be closed off within Aboriginal Site 12904
- Change these roads into walking trails. All vehicles need to be left at the proposed nearby Shire of Broome camping area
- No more driving through dunes and marshes

JJN07 –Alternate beach access at Barred Creek

As discussed above, the Aboriginal Site identified in JJN05 encompassing Barred Creek is under threat. With JJN05 itself considering the northern section around the Petrified Forest, this point refers to beach access south of the creek itself:

- Aboriginal Site – ID13503

With increasing pressure from visitors on this site, and in consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Vehicular beach access needs to be blocked and converted into walking trails to the beach

JJN08 – Old stockyard north of Barred Creek

North of Barred Creek, there is an old stockyard that is accessible and in close proximity to the beach:

- Aboriginal Site – ID12904

Heritage protections are already in place here, where Gogolanyngor has previously fenced a burial that was under threat. As this strategy has been successful to date, and in consideration of the pressure the remainder of these heritage places and cultural landscapes located here face, the following mitigation strategies are required:

- Convert old stockyard into a car park with a walking track to provide beach access
- Develop and install interpretative signs here, with content including heritage values as well as native plant species that are found on top of and both sides of the sand dunes

JJN09 – Access road to Quandong

The back road to Quandong Point from Barred Creek travels through a number of heritage places such as artefacts, ceremonial sites, middens, fish traps, mythological sites, quarries and camps. AHIS data includes

- Aboriginal Sites – ID12842, 13504

The pressure on the heritage here is increasing and will do so exponentially following sealing of the road. Camping in this area within these protected areas exacerbates this further. Therefore, in consideration of the heritage places and cultural landscapes located here, the following mitigation strategies are required:

- Maintain Quandong Point back road but for Day Use Only
- No camping allowed in this area for a period of five (5) years to allow Country to recover

JJN010 – Heritage place ID12903

This Aboriginal Site is a culturally-sensitive women's site. Currently the Lurujarri Trail is in close proximity and custodians responsible for the site are concerned for the cultural safety of visitors. This relates specifically to:

- Aboriginal Site – ID12903

Gogolanyngor PBC indicated that discussions have commenced with those groups who utilise the Lurujarri Trail, particularly Goolarabooloo and that they are talking together about whether to or how to deviate the trail itself. There are other tracks visitors also use that are also in close proximity and in consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Develop a trail plan to map which of the existing trails can be maintained and which trails need to be permanently closed to protect the heritage place
- Once implemented, monitor and evaluate success of mitigation within the next 2-5 years, prior to consideration of other conservation and visitor management strategies

JJN11 – Quandong to James Prices Point

The access road between Quandong Point and James Prices Point travels through or in close proximity to a number of heritage places. On AHIS, these include

- Aboriginal Site – ID12902, 12903, 13504, 32447
- Aboriginal Heritage Place – ID12901
- Stored data – ID32446

There are numerous tracks for vehicles to travel from the access road to the beach and these are having an impact on the heritage within these protected places. In consideration of the heritage places and cultural landscapes located here, the following mitigation strategy is required:

- Establish a series of car parks on the east of ID32447 for Day Use Access only through this area
- Utilise the existing tracks to provide walking access
- Maintain vehicle track at James Prices Point itself only

JJN12 –Access road leading north of James Prices Point

As indicated in JN09 and JN11, access roads between various points of interest on the coastal road travelling north from Quandong Point towards Manari often have informal tracks leading from the roads to the beach. These tracks are impacting the heritage places located along this stretch of coastline, which include

- Aboriginal Heritage Place – ID12427, 12900

In consideration of the heritage places and cultural landscapes, the following mitigation strategies are required:

- Manage the access road so that the network of informal tracks are closed
- Establish rubbish collection process
- Develop and install interpretative signs
- Introduce erosion control mitigation measure for the sand dunes impacted by the informal tracks

JJN13 –Heritage places ID12948 and 12949

Aboriginal Sites in this area contain clusters of middens and artefact scatters. As with JJN12, informal tracks between the access road and beach are having an impact on the heritage places and cultural landscapes.

- Aboriginal Sites – ID12948, 12949

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategies are required:

- Manage the access road, so that the network of informal tracks are closed
- Establish rubbish collection process
- Develop and install interpretative signs
- Introduce erosion control mitigation measure for the sand dunes impacted by the informal tracks

JJN14 –Heritage places ID12424, 12947 and 12948

There is a channel that connects these Aboriginal Sites and Aboriginal Heritage Places that is already being impacted by visitors:

- Aboriginal Site – ID12947, 12498
- Aboriginal Heritage Place – ID12424

While ID12424 is identified as an Aboriginal Heritage Place, this does not reflect nor negate the importance of this mythological landscape. Rather, there are concerns of Traditional Owners that the informal tracks through this area are impacting the channel, itself of cultural significance. There are also sites nearby as identified in JJN13. In consideration of heritage places and cultural landscapes here, the following mitigation strategies are required:

- Establish a car park between Aboriginal Site ID12947 and 12948
- Provide pedestrian access to the area via boardwalk for people to walk down on to beach but protect the cultural values and channel

JJN15 –Southern access to Coulomb Point Reserve

Coulomb Point Reserve is a conservation estate managed by the Kimberley Parks and Wildlife Service (PaWS) within the WA Department of Biodiversity Conservation and Attractions (DBCA). There are concerns from Traditional Owners regarding this area which is of particular heritage value, including the marshlands within it on the Manari side. While these have not been recorded as sites to date, this does not diminish the significance of heritage and cultural value, nor the responsibility to look after it. In consideration of the heritage places and cultural landscapes located here, the following mitigation strategies are required:

- Install sign at southern access point ‘Traditional Owners and Community members only’
- Map heritage places within the Coulomb Point Reserve and work with DBCA to manage them

JJN16 –Waterbank Road

The old Waterbank Road provides an alternate access to the Coconut Wells area at the south end of Willie Creek. While just outside the Jabirr Jabirr Ngumbarl Native Title area, concerns were raised as to the continued maintenance of this road as it is near a number of heritage places including

- Aboriginal Site – ID12906
- Aboriginal Heritage Place – ID12885

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategies are required:

- Consider minimising or closing informal access tracks leading into the southern end of Willie Creek

JJN17 –Carnot Bay access road to Coulomb Point Reserve

As with JN15, concerns were raised regarding the protection of heritage places within the northern sections of the Coulomb Point Reserve. As noted previously, heritage places within the reserve have not been listed on AHIS, however this does not diminish the significance of heritage and cultural value of the area nor Traditional Owners responsibility to look after it.

In consideration of the heritage places and cultural landscapes located here, the following mitigation strategies are required:

- Install sign at northern access point ‘Traditional Owners, Community members and guided cultural tours only’
- Map heritage places within the Coulomb Point Reserve and work with DBCA to manage them

JJN18 –Banana Wells Road and Arrow Pearl Company Farm

Travelling in from the Cape Leveque to Broome Road along the Banana Wells Road, access is provided to the Banana Wells cultural tourism venture in addition to Arrow Pearl Company near Sandy Point. There are concerns that visitors are impacting heritage places in close proximity particularly to the Pearl Farm. When finishing there, visitors have been found having a ‘look around’ in an area with a multitude of sensitive Aboriginal cultural heritage values.

While the heritage protection required for Sandy Point itself is considered previously as part of the Nyul Nyul Native Title Area (see NN08), the following mitigation strategies are also required:

- Install sign at on the Banana Wells Road, at the turn-off on the other side of gravel pit (going to Bulgajook) and is heading to the Arrow Pearl company ‘Traditional Owners, Community members and Pearl Farm access only’
- Install signs on edge of Arrow Pearl Company lease towards Sandy Point stating ‘Traditional Owners and Community members only’

Additional heritage protection and mitigation strategies required for Jabirr Jabirr Ngumbarl Country

Gogolanyngor PBC would like to progress a number of holistic heritage protection strategies across the extent of their Native Title Lands. This includes:

- ‘Welcome to Jabirr Jabirr Ngumbarl Country signs’ on the road reserves on the edges of the Native Title areas. Likely this will be arranged in partnership with MRWA
- As part of additional heritage protection, the Native Title holders have indicated they wish to consider land tenure reform
- Concern was raised about high visitation sites like Quandong in particular stone workshop site, dinosaur footprints and the reef life depletion – this plan to protect heritage needs to make sure that we have the means to protect places of cultural significance that may not be directly connected to the Cape Leveque to Broome Road
- Want to ensure that ‘categories of sites’ for protection includes:
 - High level cultural sites (lore grounds, mens sites, womens sites, dinosaur prints, burial sites)
 - Occupation sites- middens, stone tool sites, fishing/hunting areas
 - Modern occupation sites – camp grounds, boat launching areas
 - Liyan sites – rayi sites, personal/tribal/skin rayi areas, dreaming sites
- Cultural landscapes appear to hug the coast due to the surveys conducted. Currently the inner areas are protected due to limited accessibility of this country, however cultural mapping of these areas needs to be undertaken to ensure appropriate protections are in place while maximising opportunities to share and celebrate the cultural heritage of Jabirr Jabirr Ngumbarl lands
- During the Native Title process, it is acknowledged that the High Court ruled in favour of public access to beaches in 2019. Access needs to be managed however, as it was shared during the consultation process that vehicles and camping (both short-term and extended) are having an impact on the heritage of the area. Reducing informal tracks, vehicles travelling through culturally-sensitive dune systems and minimising camping will alleviate these pressures, with monitoring and evaluation required to obtain an evidence base as part of future mitigation efforts
- Cultural and environmental mapping of sites, connected with archival material and site boundaries to confirm extant material and extent of sites is required (eg. Baldwin Creek to Carnot Bay). Knowing specifics of what needs protecting and best practice in terms of mitigation strategies is key
- As part of additional heritage protection the Native Title holders have indicated they wish to co-management of all Country, regardless of tenure. This includes both the Lacepede Islands and Coulomb Point
- Promote Jabirr Jabirr language links with heritage and culture, through existing Gogolanyngor PBC projects including the renaming of sites with Jabirr Jabirr names
- Interest from both Gogolanyngor PBC and DBCA to engage in a consultative process to establish a marine park, connecting protected waters on Yawuru Country with those of the northern Dampier Peninsula groups
- DBCA would like to engage with Gogolanyngor PBC regarding cultural and heritage mapping within the reserve (which is meant to preclude camping) and the joint management of this area
- Gogolanyngor PBC want to develop a ranger team to manage their Native Title lands and interests, in addition to ensuring compliance by visitors with the heritage protection mitigation strategies that result from this process.

Outstations and cultural tourism on Jabirr Jabirr Ngumbarl Country

There are a small number of outstations located on Jabirr Jabirr Ngumbarl Country. Populations are a mix of permanent and semi-permanent residents, with some engagement presently in formalised cultural tourism operations. There is interest in exploring opportunities to promote heritage places and cultural landscapes, as well as share portions of this with visitors, in addition to working with the PBC to manage these areas.

Summary of protection requirements for Jabirr Jabirr Ngumbarl Country

The heritage protection requirements for Jabirr Jabirr Ngumbarl Country have been discussed above, along with opportunities to celebrate and share the cultural and heritage richness of the area. These are summarised in the table below:

Reference Number	Aboriginal Sites	Aboriginal Heritage Places	Stored data	Type of heritage/place	Management requirements
JJN01	12697, 12875, 12904, 12905, 13503	12428	30274	Sand dune system between Willie Creek and Barred Creek	<ul style="list-style-type: none"> ▪ Establish corridor reserve to protect heritage and threatened species ▪ Day use only – restrict camping
JJN02	12904			Barred Creek	<ul style="list-style-type: none"> ▪ Install 'Day-Use Only' signs ▪ Develop interps material on marine habitat and life cycle around tidal systems and cultural connectedness ▪ Develop guided cultural tourism opportunities
JJN03	12697, 12875, 12904, 12905, 12906, 13503	12428	30274	Willie Creek	<ul style="list-style-type: none"> ▪ Develop Eco-Resort ▪ Develop and install interps signs
JJN04	12697, 12875, 12904, 12905, 12906, 13503	12428	30274	Access road between Willie Creek and Barred Creek	<ul style="list-style-type: none"> ▪ Block beach road and divert traffic to access road behind dunes ▪ Rehabilitate dune system
JJN05	13503			'Petrified Forest' at Barred Creek – northern access	<ul style="list-style-type: none"> ▪ Install 'Day-Use Only' signs ▪ Block vehicular access to beach ▪ Construct stairs from car park and walking trails
JJN06	12904			Heritage site 12904	<ul style="list-style-type: none"> ▪ Block vehicular access to beach ▪ Construct walking trails from proposed car park to beach
JJN07	13503			'Petrified Forest' – southern access	<ul style="list-style-type: none"> ▪ Block vehicular access to beach
JJN08	12904			Old stockyard north of Barred Creek	<ul style="list-style-type: none"> ▪ Convert old stockyard into a car park with a walking track to provide beach access ▪ Develop and install interps signs
JJN09	12842, 13504			Access road to Quandong	<ul style="list-style-type: none"> ▪ Maintain Quandong Point back road (Day Use Only) ▪ No camping allowed in this area for a period of five (5) years to allow Country to recover

JJN10	12903			Restricted access site at ID12903	<ul style="list-style-type: none"> ▪ Trail plan to protect site ▪ Monitor and evaluate success (2-5yrs)
JJN11	12902, 12903, 13504, 32447	12901	32446	Quandong to James Prices Point	<ul style="list-style-type: none"> ▪ Establish car parks on east of ID32447 (Day Use Access) ▪ Utilise existing tracks to provide walking access ▪ Maintain vehicle track at James Prices Point itself only
JJN12		12427, 12900		Access road leading north of James Prices Point	<ul style="list-style-type: none"> ▪ Block network of informal tracks ▪ Rubbish collection ▪ Develop and install interps signs ▪ Introduce erosion control mitigation measure for the sand dunes
JJN13	12948, 12949			Heritage sites 12948 and 12949	<ul style="list-style-type: none"> ▪ Block network of informal tracks ▪ Rubbish collection ▪ Interpretative signs ▪ Introduce erosion control mitigation measure for the sand dunes
JJN14	12947, 12948	12424		Channel connecting heritage sites 12947 and 12424	<ul style="list-style-type: none"> ▪ Establish car park between ID12947 and 12948 ▪ Construct boardwalk for pedestrians across channel to beach
JJN15				Southern access to Coulomb Point Reserve	<ul style="list-style-type: none"> ▪ Install sign ▪ Map heritage places within the Coulomb Point Reserve and work with DBCA to manage them
JJN16	12906	12885		Waterbank Road	<ul style="list-style-type: none"> ▪ Reconsider informal access tracks leading into the southern end of Willie Creek
JJN17				Northern access to Coulomb Point Reserve	<ul style="list-style-type: none"> ▪ Install sign ▪ Map heritage places within the Coulomb Point Reserve and work with DBCA to manage them
JJN18				Banana Wells/Arrows Pearl Company	<ul style="list-style-type: none"> ▪ Install signs

In addition to these activities, high priorities for Gogolanyngor PBC include conducting cultural and heritage mapping for the extent of their Native Title lands; as well as development of a ranger team to manage compliance and mitigation strategies. Investment in cultural programs such as language revitalisation are likewise seen as crucial. Consideration also to improve existing information on 'Aboriginal Heritage Places' in addition to the potential registration of other cultural material, heritage places and cultural landscapes.

Economic development through cultural conservation economies and heritage protections is also important, particularly reducing impacts associated with vehicles (on beaches and through dune systems) by promoting walking and thus providing a rest for Country.



Figure 22: James Prices Point (Photo courtesy of Matt MacDonald, 2020).

Identification of vulnerable Aboriginal cultural heritage

Throughout the consultation, there were a number of cultural landscapes that were repeatedly identified as vulnerable and most at risk from increased visitation to the Dampier Peninsula. Working geographically from north to south and within the various Native Title areas, the table below indicates where these susceptible areas are. Further prioritisation of each of these areas relating to cultural sensitivity and vulnerability should be identified by the relevant PBCs as this plan is implemented.

Cultural landscape/area	Mitigation strategies for plan	Aboriginal Sites	Aboriginal Heritage Places	Stored Data
<i>Bardi Jawi Native Title Determination Area</i>				
Culturally sensitive sites in and around Ardyaloon Community and on towards Cygnet Bay	BJ21, BJ22, BJ23, BJ24, BJ25, BJ36	12231, 12388, 12442, 12443, 13053, 13500, 17855	13888, 13889, 13936, 13938, 13939, 13940, 14639, 14646, 14648, 14649, 14651, 14674	
Swan Point	BJ18, BJ19, BJ34	12230, 12232, 12387, 12389, 13493, 13497, 13561, 14891	13494, 13495, 13496, 13498, 13499, 13939, 14636, 14641, 14642, 14647	
Kooljaman (particularly Eastern Beach)	BJ12, BJ13, BJ15	12234, 13052, 13958, 13959, 13960, 13961, 13962, 13963, 13964, 13967, 13968, 13969, 14893, 17043	13932, 13936, 13965, 13966, 24788	14668
Bulginarr	BJ14			14662
Pender Bay (in its entirety connecting in to Weedong)	BJ02, BJ03, BJ32		13897, 13898, 13899, 13934, 14704	14659, 14705, 14707, 14709, 14710, 14711
Mudnan	BJ09, BJ40, BJ42		13890, 13891, 13941, 17761, 17762	14670, 14671
Islands including Iwany (Sunday Island) and Djarijiri	BJ26, BJ27, BJ28, BJ29	20288	14610, 14611, 14612, 14613, 14614, 14615, 14653	



Figure 23: Rock engravings at Kooljaman (photo provided by Sue O'Connor, possibly taken by Moya Smith pre-2007).

<i>Nyul Nyul Native Title Area (within the Bindunbur Determination)</i>				
Southern Pender Bay (Chimney Rock to Weedong)	NN05	14274, 14275, 14277, 14278, 14279, 14283, 14284,14287, 14288, 14289, 14700, 14701, 14703	13934, 14273, 17989	
Tappers Inlet	NN06	14285, 14286, 14698	17758	
Around Beagle Bay	NN07	1014, 14697, 14702, 14280, 14281	18999	
Sandy Point	NN08	12685, 13017, 13016, 13397, 13398, 14696	13399, 13400, 14868, 20250, 20251, 20252, 20253, 20254, 20255, 20256, 20257, 20258, 20259	
<i>Nimanburr Native Title Area (within the Bindunbur Determination)</i>				
La Djadarr Bay to Madarr	N08	14282	13900, 20247, 20248, 20249	14663
Balk	N09	14282		
Lake Louisa	N03, N04			
Tower Hill	N03, N04, N09			
Valentine Island	N11			
Jinardi	N11			
Ladogen Pool	N07			
<i>Jabirr Jabirr Native Title Area (within the Bindunbur Determination) and Jabirr Jabirr Ngumbarl Native Title Determination Area</i>				
Banana Wells/Arrows Pearl Company	JJN18			
Baldwin Creek to Carnot Bay	Additional information			
Coulomb Point Conservation Estate	JJN15, JJN17			
Manari	JJN13, JJN14	12947, 12948, 12949	12424	
James Prices Point	JJN11, JJN12	12902, 12903, 13504, 32447	12427, 12900, 12901	32446
Quandong Point	JJN09, JJN10	12842, 12903, 13504		
Barred Creek	JJN01, JJN02, JJN04, JJN05, JJN06, JJN07, JJN08	12697, 12875, 12904, 12905, 12906, 13503	12428	30274
Willie Creek	JJN01, JJN03, JJN04, JJN16	12697, 12875, 12904, 12905, 12906, 13503	12428, 12885	30274

Protection planning and management requirements

Bringing together the planning and management required for the continuing protection, sharing and celebration on the Dampier Peninsula has been the key objective in the development of this plan. Providing a voice for Traditional Owners, cultural governance bodies, communities and outstations has been crucial, compiled collectively in this document to support their endeavours to care for culture, Country and heritage. The table below summarises the type of protection and management required and can be used to assist with further development of opportunities (as discussed in the next section) and map resource allocations (in the section thereafter).

	Bardi Jawi	Nyul Nyul	Nimanburr	Jabirr Jabirr Ngumbarl	Ardyaloon	Djarindjin	Lombadina	Beagle Bay	Outstations
KNOWLEDGE GENERATION									
Cultural mapping and maintenance projects (eg incorporate site locations, language, cultural knowledges)	✓	✓	✓	✓					
SITE ACCESS, PLANNING AND MANAGEMENT									
Ground truth locations and extent	✓	✓	✓	✓	✓	✓	✓	✓	✓
Signs for access restriction	✓	✓	✓	✓	✓	✓	✓	✓	✓
Infrastructure/management									
- Fences and gates	✓	✓							
- Block old tracks	✓	✓		✓					
- Track diversions/boardwalk	✓	✓		✓					
- Restrict vehicles on beaches	✓	✓		✓					
- Erosion control/rehabilitation	✓	✓	✓	✓					
AHIS data updates	✓	✓	✓	✓					
Aboriginal Ranger teams - monitoring	✓	✓	✓	✓	✓	✓	✓	✓	✓
Aboriginal Ranger teams – compliance enforcement	✓	✓	✓	✓	✓	✓	✓	✓	✓
Conservation Management Plans	✓	✓							

SHARING AND CELEBRATING HERITAGE									
Interpretative signs	✓	✓	✓	✓	✓	✓	✓	✓	✓
Visitor Management Plans	✓	✓		✓					
Welcome to Country signs		✓	✓	✓					
Educational material (websites, books, pamphlets, exhibitions)	✓	✓	✓	✓	✓	✓	✓	✓	✓
EMPLOYMENT AND ENTERPRISE DEVELOPMENT									
Aboriginal Ranger teams – expand	✓	✓							
Aboriginal Ranger teams – develop	✓	✓	✓	✓					
Cultural tourism development	✓	✓	✓	✓	✓	✓	✓	✓	✓
Enterprise development	✓	✓	✓	✓	✓	✓	✓	✓	✓
Eco-Resort development				✓					
COMPLIANCE, PERMITS AND REFORM									
Compliance and permits	✓	✓	✓	✓	✓	✓	✓	✓	✓
Aspirations for land tenure reform (outside scope of this Plan)	✓	✓	✓	✓	✓	✓	✓	✓	✓
Marine Park development with DBCA		✓	✓	✓					
Overfishing and hunting	✓	✓	✓	✓	✓	✓	✓	✓	✓
Restrictions on camping				✓					
Rubbish collection, dumps for vans	✓	✓	✓	✓	✓	✓	✓	✓	✓
LONG-TERM PROTECTION REQUIREMENTS									
Long-term evaluation & review of plan to respond to evolving needs	✓	✓	✓	✓	✓	✓	✓	✓	✓
Caring for Country and heritage strategic management (ie burns)		✓	✓	✓					
Archaeological research linking heritage protection and climate change in coastal environments	✓								

Opportunities for sharing and celebrating the living Aboriginal cultural heritage of the Dampier Peninsula

Despite the pressures and changes since colonisation, the Dampier Peninsula remains a living cultural landscape where systems of traditional law and culture remain strongly observed. Traditional Owners have a strong desire to protect and maintain traditional cultural heritage and values and have identified this as one of their most important issues. This includes the passing on of traditional practices and knowledge to future generations. Respect from mainstream society for traditional culture and its place in Aboriginal society is also strongly desired by Traditional Owners and seen as essential for reconciliation (KLC 2012:119)

Almost a decade ago, Traditional Owners from across the Dampier Peninsula came together, discussing a range of issues of importance and one of those was heritage. The strength and resilience of Aboriginal people, the fundamental need to all groups to be involved in discussions, planning and implementation of programs, projects and activities relating to culture and heritage is understood in today's times more than ever before. Where government had previously had a tendency to do things 'for' people, the journey today is increasingly shared. This was the case with the planning process conducted by the WA Planning Commission where developing an overarching planning strategy for the Dampier Peninsula:

The areas of coastal, estuary and wetlands have long supported Aboriginal people and indeed their very survival has depended on them. These areas continue to be visited and utilised today. Identified uses included: hunting, fishing, gathering and foraging for sustenance; residential (living on the Country) and camping; collecting wood and materials for implements, building, and arts and crafts; maintaining ceremonial obligations; collecting for medicines; passing on ceremonial and ecological knowledge; and recreational pursuits.

Aboriginal people have made the point that fishing is a vital contemporary economic, as well as cultural activity for most Aboriginal residents on the Dampier Peninsula who depend on fish catches to supplement their often very low incomes. While the surrounding seas offer a rich and varied diet, seafood is also an important social identifier that binds local Aboriginal people to each other as members of a particular culture. Hunting and fishing practices are carried out by Aboriginal people to affirm their Aboriginal identity (KLC, 2012).

Participants in development of this Strategy assert that many significant heritage sites are located in the near shore and reef areas along the coast. Coastal and marine areas and sites within these areas include places where people commonly fish and gather shellfish, fish traps, fishing pools and rocks, mangroves and reef (KLC, 2012).

Foods such as turtles, turtle eggs, shark, fish and shellfish are hunted and collected in accordance with their living culture and life style and consistent with laws in respect to rights of access, seasonal activity and sharing of the resource and catch. (WAPC 2015:61).

Knowledge shared during these processes has assisted non-Indigenous people to understand the complexity of culture and heritage, the values that are not linked simply to the fabric of archaeological sites but rather as part of living culture and living heritage. The development of this plan has sought to integrate people and

place at the centre of all efforts. In accordance with best practice as advocated through AIATSIS (2020) and methodological frameworks (both decolonising and Indigenous), this plan seeks to ensure that heritage protection on the Dampier Peninsula is owned, driven, controlled and implemented by Aboriginal people.



Figure 24: Quandong Point (Photo courtesy of Matt MacDonald, 2020).

With this in mind, the prospects are boundless as to where today's generation and future ones seek to travel in sharing this knowledge, experience and impressive cultural landscapes with the rest of Australia and the world. Building on cultural mapping and maintenance activities, a range of initiatives and opportunities to share heritage with visitors have been identified throughout this process including

- Development of interpretative signs for specific sites
- Development or extension of cultural tourism products
- Investigate opportunities afforded through Ardi and WAITOC more broadly
- Introduction of visitor and/or conservation management strategies to provide improved access to heritage places
- Development of books, brochures, pamphlets, multimedia material to share
- Development of educational materials to share with schools
- Development and extension of community-driven research for further interpretative material
- Develop Eco-Resorts or similar infrastructure to provide holistic view of cultural landscapes specific to an area or across the Peninsula more broadly.

This is just the beginning of potential ways to share the heritage of this unique landscape. These are all available for immediate development, whereby the knowledges attained will support protection no end.

Resource implications

Undoubtedly, the limiting factor on both the fulfilment of protection requirements and the sharing of this with visitors will be resource availability. Whether financial or workforce, ultimately the resource allocation should be determined by the Traditional Owners themselves and their priorities for the protection of their heritage. While this will need to consider the type of resources available, ensuring that all parties are informed of both requirements and resources will assist in the decision-making process. A range of resources were identified within the addended preliminary report which were built on from the previous Griffiths et al (2005) and include:

Government grants

1. WA Department of Planning Lands and Heritage
2. WA Department of Local Government Sport and Cultural Industries
3. National Heritage Program Grants (NHL places)
4. Shires of Broome and Shire of Derby West Kimberley
5. Regional Arts/Country Arts
6. Indigenous Language and Arts Program
7. CoastWest and Coastcare
8. Regional, State and Federal tourism grants
9. Envirofund (Natural Heritage Trust)
10. Kimberley Regional Development Grants (Kimberley Development Commission)
11. Lotterywest - Heritage Grants Program
12. Australian Heritage Commission
13. Kimberley Sustainable Regions Program (Royalties for Regions)

Philanthropic opportunities

14. Regional Partnerships
15. Philanthropic sources, eg. John T Reid Foundation, Pew Charitable Trusts
16. Morrgul
17. The private and business sector

Partnerships

18. Development of Marine Parks with DBCA
19. Indigenous Land and Sea Corporation
20. BushHeritage
21. The Nature Conservancy
22. Environs Kimberley
23. Academic institutions
24. WAITOC
25. WA Tourism

Inevitably, to attain any of these grants or develop partnerships requires that the relevant PBC, community or outstation would have capacity to invest time and resources in obtaining these. Therefore, DPLH should consider establishment of an 'Implementation Fund' that could support installation of signs at one level, and resources for the respective groups to pursue these opportunities for substantial investment that will facilitate the protection and sharing of heritage in the longer term.

There may also be further opportunities available through the recent initiative announced by the Hon Alannah MacTiernan MLC regarding 'Maximising Aboriginal employment on the Dampier Peninsula' (<https://www.mediastatements.wa.gov.au/Pages/McGowan/2020/11/Maximising-Aboriginal-employment-on-the-Dampier-Peninsula.aspx>) for upskilling and business development programs through Morrgul Pty Ltd.

Recommendations

These recommendations are being made by the author of this document, upon reflection of the information provided throughout the consultation process, subsequent archival research and reporting activities. Provided in good faith following consideration of the contents of this document and activities that remain pertinent to the protection of heritage on the Dampier Peninsula for the benefit of all.

This substantial report and associated addendum present the information collated following extensive consultations across the Dampier Peninsula in 2019-2020. Although all efforts were made to engage broadly across the Traditional Owner groups, communities and outstations, this project was conducted during one of the most challenging times in global living memory. The pandemic interrupted all discussions, requiring that those that commenced late 2019 then had to be continually reinforced until access was once again available to remote communities within WA. Therefore, this report while extensive, and was reviewed as part of the finalisation process, may still require review in coming years. As such, the first recommendation of this project is:

1. The ***Living Heritage: Protecting the Aboriginal Cultural Heritage of the Dampier Peninsula*** should be reviewed every 5-10 years to capture emerging or shifting priorities in heritage protection and management by the Aboriginal people of the Dampier Peninsula

Whilst consultation involved a range of groups, there remain a number of other Native Title holders, other Aboriginal people with heritage interests across this area or stakeholders who support management of this who were not identified by DPLH to consult with during this process. Although not possible as part of this initial project, additional consultation is required for neighbouring groups whose Country is traversed to access the Dampier Peninsula areas considered during this project. Therefore, the next recommendation is:

2. Consultation needs to be conducted with neighbouring Native Title holders and Aboriginal people with heritage interests likely to be impacted by increased visitation to the Dampier Peninsula
 - o Nyamba Buru Yawuru
 - o Walalakoo Aboriginal Corporation (for Nyikina Mangala and Boorroola Moorrool Moorool)
 - o Joombarn Buru/Mt Jowalenga groups
 - o Goolarabooloo
 - o Shire of Broome
 - o WA Department of Biodiversity Conservation and Attractions
 - o Cygnet Bay and Arrow Pearl Company
 - o Other businesses with tourism or pearling interests

Given the time constraints and challenges of the global pandemic, the consultation was conducted with a series of maps as provided by DPLH. As such, specific locations for the mitigation strategies identified in each section have not been recorded. This data will be known by Traditional Owners, rangers, community and outstation members. Therefore, the following recommendation is twofold:

3. Engagement of Traditional Owners, rangers, communities and outstations in the implementation of the heritage protections identified in this plan
 - o The siting of signs, diversion or blocking of tracks can be conducted through the involvement of the respective groups
 - o Sites requiring more detailed site management such as erosion control, dune rehabilitation, or specifics associated with visitor or conservation management plans should be conducted by the groups in partnership with heritage professionals where appropriate to guide, support and/or inform mitigation strategies

As described above, in order to attain grants or develop partnerships requires that the relevant PBC, community or outstation has capacity to invest time and resources in securing these. There also needs to be ownership of implementation of this process. Therefore, the relevant recommendation is that:

4. DPLH establish an implementation process including
 - 'Implementation Fund' to support installation of signs at one level; as well as resources for the respective groups to pursue opportunities for substantial investment to facilitate the protection and sharing of heritage in the longer term
 - Appoint a **Dampier Peninsula Aboriginal Heritage Protection Project Manager-Implementation** for a period of three years to specifically manage implementation and continuation of this plan

Key points made during the consultation process highlighted existing gaps in the ability for Traditional Owners, supported by communities and outstations, to protect, manage and where possible, share heritage places and values. As such this recommendation highlights priorities as conveyed through this process:

5. Continuing activities to realise the vision of Aboriginal people to protect the heritage values and places of the Dampier Peninsula
 - Investment in cultural mapping for southern groups and mapping of cultural landscapes for all groups moving forward. This can then strategically integrate cultural values, research (such as Lister et al 2020) into the development of additional material for visitors
 - Support for review of existing AHIS data where appropriate and advised by cultural elders, including the registration of additional heritage places where interest indicated
 - Investigate opportunities for Marine Park development for southern groups to protect marine environments as culture and heritage are not limited to terrestrial environments which this plan is
 - Compliance mechanisms are extremely limited and as this plan is introduced, this will be a pressing concern of everyone to ensure protection arrangements are adhered to and where necessary, enforceable
 - Ongoing monitoring, maintenance and management will be required of any heritage protection strategies implemented. Mechanisms while have a sense of permanency, are likely to deteriorate over time. Investment in ranger teams is required to facilitate this
 - Evaluation of the appropriateness and durability of heritage protection mechanisms and methods should be conducted every 10 years to ensure that the relevance of the strategy remains cognisant with what it sought to address/achieve
 - Investment in cultural conservation economies should be a priority to support the improvement of heritage/conservation as initially advocated by the KLC (2012)

The final recommendation is one to promote and where necessary facilitate, communication between each of the groups identified here – Native Title holders, rangers, communities and outstations. In some areas and through specific partnerships or arrangements, this has been possible. However, at times it was clear that there were misunderstandings between some of the groups that resulted from limited engagement with each other. When in discussions regarding this process, invariably at all times, the overarching message and goal remained shared by all with little deviation. Additionally, there were miscommunications between the groups collectively and other stakeholders. Therefore, the final recommendation from this project is:

6. Continue the Dampier Peninsula Working Group permanently
 - Establish an annual heritage protection workshop inviting broader members from all groups to come and discuss emerging or continuing issues with the protection and sharing of heritage, with inbuilt mechanisms to capture, respond and implement outcomes from this

This forum provides an opportunity for representatives from each of the Traditional Owner PBCs, communities and outstations to discuss issues pertinent to the Dampier Peninsula. Facilitating targeted discussions around the long-term management of heritage will have positive and enduring benefits for all.

Implementing this plan to protect the Aboriginal cultural heritage of the Dampier Peninsula

As this plan concludes, it is pertinent to frame the actions required and recommended in the coming months and years. These include short, medium and longer-term measures to limit impact to the Aboriginal cultural heritage of the Dampier Peninsula. The table below illustrates these requirements.

Timeframe	Task	Responsible agency or organisation
December 2020-February 2021	Finalise content of signs and manufacture for installation (including size, relevant logos etc)	DPLH
January-June 2021 ongoing	Establish an 'Implementation Fund' and make available to groups by June 2021	DPLH
January/February 2021 – June 2024	Appoint a Dampier Peninsula Aboriginal Heritage Protection Project Manager-Implementation for a period of three years to specifically manage implementation and continuation of this plan; a local Aboriginal person to be co-located in Broome/Dampier Peninsula	DPLH in partnership with PBCs and DPWG
February-June 2021	Consultation needs to be conducted with neighbouring Native Title holders and Aboriginal people with heritage interests likely to be impacted by increased visitation to the Dampier Peninsula	DPLH
March 2021 ongoing	Continue the Dampier Peninsula Working Group permanently – finalise arrangements for this	DPLH and DPWG
March-August 2021	Engagement of Traditional Owners, rangers, communities and outstations in the implementation of the heritage protections identified in this plan <ul style="list-style-type: none"> - Installation of signs - Diversion or blocking of identified tracks 	DPLH in partnership with PBCs
April-September 2021	Continuing activities to protect the heritage values and places of the Dampier Peninsula <ul style="list-style-type: none"> - Compliance measures introduced with relevant training of rangers and others in the community to enforce - Align with installation of signage to protect heritage and introduction of Visitor Pass 	DPLH/DBCA/Fisheries in partnership with PBCs
April-October 2021	Address and mitigate risks, issues and impacts identified for vulnerable Aboriginal cultural heritage sites as listed for each of the respective Native Title areas in the relevant section above	DPLH in partnership with PBCs, communities, outstations and ranger teams
May 2021 ongoing	Continuing activities to protect the heritage values and places of the Dampier Peninsula <ul style="list-style-type: none"> - Investment in developing cultural conservation economies connected to protecting, sharing and celebrating Aboriginal cultural heritage 	DPLH in partnership with PBCs, communities, outstations, DPWG and Ardi

July 2021- December 2022	Engagement of Traditional Owners, rangers, communities and outstations in the implementation of the heritage protections identified in this plan - Sites requiring erosion control or dune rehabilitation - Sites requiring visitor or conservation management plans	DPLH in partnership with PBCs
August 2021- December 2022	Continuing activities to protect the heritage values and places of the Dampier Peninsula - Investment in cultural mapping for southern groups and mapping of cultural landscapes for all groups - Review of existing AHIS data where appropriate and advised by cultural elders, including the registration of additional heritage places where interest indicated	DPLH in partnership with PBCs
September 2021- June 2022 ongoing	Continuing activities to protect the heritage values and places of the Dampier Peninsula - Introduction and establishment of ongoing monitoring, maintenance and management will be required of any heritage protection strategies implemented	DPLH in partnership with PBCs and ranger teams
November 2021 ongoing	Hold annual heritage protection workshop for all Native Title holders, communities and outstations to consider ongoing requirements for heritage protection, sharing and planning and schedule for November annually	DPWG/DPLH
February 2022- December 2024	Continuing activities to protect the heritage values and places of the Dampier Peninsula - Investigate opportunities for Marine Park development for southern groups to protect marine environments	DBCA in partnership with PBCs
April 2022-June 2024	Implement Visitor Management and Conservation Management Plans as developed for specific Aboriginal Sites and Aboriginal Heritage Places and/or PBCs, communities and outstations	DPLH in partnership with PBCs, communities, outstations and ranger teams
January-June 2025 ongoing every five (5) years	Review and update this document, the <i>Living Heritage: Protecting the Aboriginal Cultural Heritage of the Dampier Peninsula</i> to capture emerging or shifting priorities in heritage protection and management	DPLH in partnership with PBCs, communities, outstations and DPWG
April-August 2030 ongoing every ten (10) years	Continuing activities to protect the heritage values and places of the Dampier Peninsula - Evaluation of the appropriateness and durability of heritage protection mechanisms and methods should be conducted every 10 years to ensure that the relevance of the strategy remains cognisant with what it sought to address/achieve	DPLH in partnership with PBCs, communities, outstations and DPWG

Crucial to the implementation plan will be alignment with a number of policies released by the Commonwealth and WA governments since 2018 including:

- Dhawura Ngilan: A vision for Aboriginal and Torres Strait Islander heritage in Australia (Commonwealth Dept. of Environment)
- Aboriginal Empowerment Strategy Discussion Paper (WA Dept of Premier and Cabinet)
- Planning in Partnership Guide (WA Dept of Finance)
- Aboriginal Community Controlled Organisation Strategy to 2022 (WA Dept of Communities)

Conclusion

To protect and maintain respected living cultural and heritage traditions for future generations (KLC 2012:121).

These words as spoken during the substantial consultation process conducted by the Kimberley Land Council from 2009-2011 to develop the Dampier Peninsula Plan resonate here. While this process has been substantially condensed in comparison, with limited opportunity to discuss issues of importance let alone develop an overarching vision, these words were captured during this previous process to describe the importance of heritage for Aboriginal people of the Dampier Peninsula. And in lieu of conducting further consultation to articulate a shared vision, this statement has underpinned what this current plan seeks to deliver.

The ***Living Heritage: Protecting the Aboriginal Cultural Heritage of the Dampier Peninsula*** has sought to convey both the importance and value of the heritage places, cultural landscapes and connectedness of Aboriginal people across the Dampier Peninsula. With the sealing of the Cape Leveque to Broome Road and an anticipated tripling of visitation within the coming decade, existing issues in heritage protection as well as unforeseen ones will soon be in the spotlight.

Taking an opportunity to conduct a level of forward planning for those places already under threat, while simultaneously identifying opportunities to share their value, history and narrative with the impending visitors has been integral to this process. A level of cultural awareness, reconciliation and increases in understanding of the implications colonialism has had on Aboriginal people while standing strong and resilient in the face of this is a message that will inevitably be conveyed through the strengths-based sharing and promoting of Aboriginal culture and heritage in this area. This inadvertent educational outcome has the potential to influence future generations, facilitating improved relations and a shared path with good liyan (spirit).

With that sentiment guided by the quote above, the Foreword to this document collectively provided by the Chairs of each of the Traditional Owner groups and the DPWG, as well as the voices shared throughout of the Aboriginal people of the Dampier Peninsula; this plan to protect and share the heritage of the Dampier Peninsula concludes, mapping multiple ways forward as part of this continuing journey.

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Appendix One: Details of consultation undertaken for the project

DPLH identified a range of stakeholders at the commencement of this project and this included:

- a. Dampier Peninsula Working Group (DPWG)
- b. Dampier Peninsula Native Title Prescribed Body Corporates or representative groups:
 - i. Bardi Jawi PBC;
 - ii. Nyul Nyul PBC;
 - iii. Nimanburr PBC; and
 - iv. Gogolanyngor PBC (Jabirr Jabirr Ngumbarl)
- c. Incorporated associations/community councils of the four major Aboriginal communities:
 - i. Ardyaloon Incorporated;
 - ii. Djarindjin Aboriginal Corporation;
 - iii. Lombadina Aboriginal Corporation; and
 - iv. Beagle Bay Futures Indigenous Corporation
- d. Outstation communities

It was envisaged that across a total of 12 meetings, representatives from all groups would be engaged. Commencing in November 2019 and concluding in October 2020, consultation with representatives was conducted through a range of mechanisms which involved:

- Presentations or participation in DPWG, PBC and community meetings
- Preparation of briefs for remote delivery to PBC and community meetings
- Participation through online platforms at PBC and community meetings
- Face to face meetings with individual Traditional Owners (or family groups as per Nyul Nyul), PBCs, communities, outstations, cultural tourism operators, rangers and other interested Aboriginal people from the area
- Discussions via phone
- Discussions via email

Over the course of the consultation period, more than 30 meetings were held and countless emails and phone calls responded to. A research agreement was also required and negotiated with the Bardi Jawi PBC to conduct the project. Initial discussions with both Nimanburr indicated this may also be necessary however was not required in the end.

All participants within the consultation were provided with copies of the preliminary report with opportunities to confirm and/or amend information contained therein. The same opportunity was also afforded in relation to the provision of a draft of this overarching plan, with comments invited to confirm, clarify or amend the contents prior to finalisation.

Despite these attempts and as identified in the recommendations, the interruptions from the global pandemic affected our ability to engage further still and we advocate for further stages of this project to achieve this.

Appendix Two: Background review of additional references obtained

A series of additional reports were identified during the initial stages of the project, however acquisition of the majority of these was not possible. This included:

- Senior (1987). Aboriginal Tourism and Heritage
- Waterbank Structure Plan (2000). Department of Land Administration
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What was available however, were two reports obtained during the course of the project. These were:

- ATEA Consulting (2019). Interim Report Dampier Peninsula Visitor Pass Options Development.
- Lister, M., A. Barham, J. Meyer, T. R. Maloney, C. Shipton, S. Fallon, R. C. Willan & S. O'Connor (2020). Late Holocene coastal land-use, site formation and site survival: Insights from five middens at Cape Leveque and Lombadina, Dampier Peninsula, Kimberley, Australia.

Considering first the work of ATEA Consulting (2019), this government commissioned report has been conducted to establish a framework for the DPWG to consider, develop and implement Visitor Access Management (or a permit system) as deemed appropriate. ATEA Consulting (2019:3):

Publicly accessible roads on the Dampier Peninsula, including the Broome - Cape Leveque Road, may be traversed without approval requirements, however several other roads and tracks require permission for the public to use. Progress is well advanced on sealing the Broome Cape Leveque Road and it is expected there will be a significant increase in visitation to the area once the works are completed. This will create additional pressures in an area where there are limited facilities, a lack of clarity and information about which areas are open to the public and which are not and poor infrastructure.

Under the auspices of a Senior Officers Group, the Government of Western Australia has established a review of issues affecting the Dampier Peninsula including Visitor Access Management. This document provides a framework for consideration by the Dampier Peninsula Working Group (which includes Prescribed Bodies Corporate of the affected areas) in its deliberations on options for the Peninsula and discussions with stakeholders.

These arrangements have come about following the report prepared by Griffiths et al (2005) who considered how management of increasing visitor numbers can be achieved through options such as permit systems.

Given the challenging land tenure arrangements on the Peninsula *'there are very few (if any) public open spaces which can absorb short term and impromptu visitation. Furthermore, there are a limited number of camping facilities, especially those suitable for caravans'* (ATEA Consulting 2019:11). A further challenge noted was the limitations on public roads available to provide the needed facilities, whereby *'destinations are either private landholdings, Crown reserves or unmanaged Unallocated Crown Land the subject of exclusive possession Native Title rights'* (ATEA Consulting 2019:12).

As options were considered, of primary importance was the need to ensure that *'any access management regimes which might apply widely would need to address the concerns of the community while also maximising the amenity and safety and protecting its culture and environment'* (ATEA Consulting 2019:12), who therefore considered, along with appropriate governance structures, the following four points as vital in any access management regime:

1. *effectiveness of signage and information which is provided either prior to entry to the area or on-site;*
2. *the impact of visitation and the management of amenity;*
3. *effectiveness of control mechanisms which underpin any regime; and*
4. *effectiveness of enforcement of any regime.*

Detailed reviews of the existing land tenure matrix on the Dampier Peninsula were provided, in addition to access arrangements and other factors. Economics of introducing access restrictions were considered, prior to options proposed. Ultimately, eight recommendations have been put to the DPWG for consideration moving forward (2019:9):

1. *Consider investment into joined-up visitor information and/or single platform noting various bodies provide similar but different information including Broome Visitor Centre, Australia's Northwest and Western Australian Indigenous Tourism Operators Council.*
2. *Install clearer signage that delineates the transition from the gazetted road network to private land or Crown lands which are restricted.*
3. *Provide capacity for better public amenity including the possibility of public open space and free services normally provided by local government (e.g. toilets, picnic tables and waste collection facilities).*
4. *Investigate the feasibility of Peninsula-wide e-Pass system (including an Opt-in multiuser system) which had the aims of:*
 - a. *Improving the management and control of access;*
 - b. *Being extendable to include e-commerce bookings and better information;*
 - c. *Being comprehensive to provide better live and long-term data assisting in both planning and enforcement.*
5. *In conjunction with Recommendation 4, investigate the feasibility of improved Wi-Fi availability where the gazetted road network abuts key access roads.*
6. *investigate the feasibility of improved ranger programs to support vehicle tracking and reporting in key sites, including grants for camera installation.*
7. *In conjunction with all of the above, DPWG to work with Government to explore a Peninsula Pass (including an e-Pass and possible e-commerce platform) to ascertain stakeholder interest in participating and to better understand and anticipate the tourism market, test e-platforms and to inform stakeholders of opportunities and responsibilities.*
8. *In conjunction with all of the above, investigate the feasibility of a grants program to incentivise the delivery of increased public open space with public amenity (including public toilets, rest stops and waste management) and participation in Peninsula wide strategies in collaboration with traditional landowners.*

This report from ATEA Consulting intersects with this cultural heritage protection project in that both are seeking to support Traditional Owners and other interested parties with information to support decision-making processes.

The final reference considered here is unlike the others in that it is the results of an archaeological study rather than relating to the development and/or management of the Dampier Peninsula. In 2008, a team from the Australian National University in partnership with the Bardi Jawi Native Title holders conducted research into middens on the north-west coast at Kooljaman and Lombadina. This academic paper has published results from this research, determining that (Lister et al 2020:134):

The results from the five middens contribute to developing an understanding of the late Holocene occupation record of the northern Dampier Peninsula from c. 3,000 years ago. Importantly, they provide a window into the conditions under which sites formed and preserved, and the fragility of the coastal archaeological landscape today in a regime of increasing dune instability caused by modern land-use...

Our data suggest that the patterning of sites reflecting multiple activities and loci in the Bardi cultural landscapes of buru as observed by Smith (1987), have some equivalence in past Aboriginal site patterning across the same landscape. The distribution, composition and integrity of the archaeological sites support models of daily, seasonal and annual opportunism in exploiting habitats and resources generally, and shellfish in particular. However, the abundance of sites reflecting multiple short duration activities and discard may also reflect the taphonomic modes of site formation, discard and preservation as much as cultural norms...

Future midden site integrity, cultural heritage value and conservation practices are likewise predicated on understanding how sand dune stability can be managed, within fragile areas sensitive to increasing tourism, changing land-use, and frequent ORV activity. Future management would be assisted by stabilising dunes and restricting ORVs to designated tracks. The Dampier Peninsula represents a unique, geologically old landscape in which broader global issues of Anthropocene impacts on the archaeological record take on particular significance.

Appendix Three: Legislation and guidelines informing the plan

Reference was made to various legislation which provides various levels of heritage protection to the material, places and landscapes of the Dampier Peninsula:

Commonwealth

- *Environmental Protection and Biodiversity Conservation Act 1999*
 - National Heritage List
 - Commonwealth Heritage List
 - Register of the National Estate
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Native Title Act 1993*

Western Australia

- *Aboriginal Heritage Act 1972 (WA)* and the current legislation review process
- *Environment Protection Act 1986*

International

- International Union for Conservation of Nature (IUCN) (see BJ HCP)
- UN Declaration of the Rights of Indigenous Peoples (UNDRIP) (International)

Assessment Guidelines

- Guidelines for Ethical Research in Australian Indigenous Studies (GERAIS)
- ICOMOS Burra Charter
- Australian Archaeological Association (AAA) Code of Ethics
- Australian Association of Consulting Archaeologists Inc Code of Ethics

The information below has been compiled for heritage surveys and is of relevance here (Marshall 2019):

Commonwealth Heritage Lists and Legislation

A national heritage system which came into effect on 1st January 2004 involved the replacement of the former Australian Heritage Commission by the Australian Heritage Council through the passing of the Australian Heritage Council Act 2003. The changes also led to the introduction of two new heritage lists – the National Heritage List and the Commonwealth Heritage List. While Commonwealth lists have, in the past, more often been applied to non-indigenous heritage they can be applied to Aboriginal heritage as required.

The heritage values of places on these two lists are protected under the *Environment Protection and Biodiversity Conservation Act 1999*.

Environmental Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) includes provisions to protect matters of national environmental significance.

Under amendments to the Act, items on the National Heritage List have been added to the list of items of national significance. Approval is required from the Federal Environment Minister prior to any impact on items of national significance.

National Heritage List

The National Heritage List is a list of places, which are determined to have outstanding heritage value to the nation. Places may have Indigenous, historic or natural heritage values or any combination of the three. Anyone can nominate a place for inclusion on the AHA Register of Places and Objects and a list of criteria and

guidelines have been developed. The Australian Heritage Council makes recommendations about proposed listings with the final decision being made by the Federal Environment Minister.

In terms of this survey, it is important to note that it falls within the listing of 'The West Kimberley'. A full report of this listing is provided through the government website <http://www.environment.gov.au/heritage/places/national/west-kimberley/index.html>. An excerpt from the listing report relating to the Fitzroy River itself is attached to this report in Appendix A.

Commonwealth Heritage List

The Commonwealth Heritage List can also include places with Indigenous, historic or natural heritage values but is limited to places within Commonwealth lands and waters. The list was established via amendments to the EPBC Act. In effect it means that Commonwealth agencies are obliged to develop management plans for heritage items on their lands, and that prior to any impact on such items, advice must be sought from the Federal Environment Minister.

Register of the National Estate

The Register of the National Estate (RNE) was established under the now repealed Australian Heritage Commission Act 1975. It is a list of over 13,000 heritage places. The former Act only imposed statutory obligations relating to the RNE on Commonwealth government agencies. It continues to be a significant source of information on heritage items and has been retained under the Australian Heritage Council Act 2003.

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The Aboriginal and Torres Strait Islander Heritage Protection Act 1984 can be called upon to provide protection for Indigenous cultural property in a broad sense. It is rarely relevant in the management of cultural heritage items but does provide the ability to protect places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'.

Future Act (Native Title Act 1993)

'Future Act' is a term used in the *Native Title Act 1993* (Cth) (the NTA) to describe a proposed activity that may affect native title. A future act is any act that involves the granting of any right to conduct a proposed activity or development on land and/or waters that affects native title rights and interests – it is an act which may affect native title in the future.

Western Australian State Heritage Legislation

The protection of Aboriginal heritage within the state of Western Australia is administered by the state government's Department of Planning, Lands and Heritage (DPLH) through the *Aboriginal Heritage Act 1972* (WA). In addition to this is the *Environmental Protection Act 1986* which is administered by the Environmental Protection Authority (EPA) and Part IV of this legislation dictates the terms within which an Environmental Impact Assessment (EIA) can be undertaken.

Aboriginal Heritage Act 1972 (WA)

In March 2018, Minister for Aboriginal Affairs Ben Wyatt announced a review of the *Aboriginal Heritage Act 1972* (WA), in response to widespread frustration that the legislation is no longer fit for purpose (<https://www.dplh.wa.gov.au/aha-review>). This process continues with workshops held around the State in March 2019, with the expected reforms likely to be progressed in 2020 and 2021. Whilst the look of the reformed Act will be different to the existing legislation, the current Act was still in place during this heritage survey.

So whilst currently under review, existing legislation states that under Section 17 of the Aboriginal Heritage Act 1972 (WA) it is an offence to excavate, destroy, damage, conceal or in any way alter any Aboriginal site unless acting with the authorisation of the Registrar under section 16 or the consent of the Minister under

section 18. The definition of Aboriginal Heritage as it appears on the DPLH website (<http://www.dplh.wa.gov.au>) is as follows:

- *That which comes or belongs to one by reason of birth. For more than 45 000 years, Indigenous people have left signs of their occupation in Australia. Their heritage is of continuing significance, creating and maintaining continuous links with the people and the land.*
- *Places that hold great meaning and significance to Indigenous people include:*
- *Places where Aboriginal people have camped, lived and moved through country.*
- *Places associated with Dreaming stories depicting the laws of the land and how people should behave.*
- *Places that are associated with their spirituality.*
- *Places where other cultures came into contact with Indigenous people; and places that are significant for more contemporary uses. These places are referred to as Aboriginal sites*
- *It is likely that the north-west of WA was the point where Aborigines first entered Australia. The long history of Aboriginal people in WA is found in the many significant archaeological sites.*

Aboriginal sites and objects are recorded on the Aboriginal Heritage Inquiry System (AHIS) and are defined as: *Aboriginal sites are places of importance and significance to Aboriginal people and to the cultural heritage of Western Australia. Aboriginal sites are significant because they link Aboriginal cultural tradition to place, land and people over time. Aboriginal sites are as important today as they were many thousands of years ago and will continue to be an integral part of the lives of Aboriginal people and the heritage of Western Australia.*

Sites can be a diverse range of places. They can be put into two basic but overlapping categories:

Archaeological sites – places where material remains associate with past Aboriginal land use.

Anthropological sites – places of spiritual importance and significance to Aboriginal people.

All sites have both archaeological and anthropological aspects.

Aboriginal Objects are also defined within three broad categories and are:

- *Those related to ceremonial life;*
- *Those related to the pre-colonial era; and*
- *Those related to the post-contact period.*

When undertaking a heritage survey, the consultant will record Aboriginal heritage, sites and objects within the context of the description provided above.

Environmental Protection Act 1986

In addition to the *Aboriginal Heritage Act 1972 (WA)*, the *Environmental Protection Act 1986* provides the legislative framework for the development of places within the State of Western Australia. Part IV of this Act legislates Environmental Impact Assessments (EIA), of which the consideration of Aboriginal heritage is a component.

A guideline has been produced by the West Australian Government detailing the links between Part IV of this Act and Section 18 of the *Aboriginal Heritage Act 1972 (WA)* (*'Aboriginal Heritage Act 1972 (WA) Guidelines: Interaction between Section 18 of the Aboriginal Heritage Act 1972 (WA) and Part IV of the Environmental Protection Act 1986 (WA)'*) and a copy of this can be downloaded from the website http://www.drd.wa.gov.au/Publications/Documents/Aboriginal_Heritage_Act_1972_WA_Guidelines.pdf

Appendix Four: The West Kimberley NHL

The West Kimberley NHL highlighted a range of heritage values, themes, places and constructs associated specifically with the Dampier Peninsula.

- Pearling
- Galwa
- Biological richness (including vine thickets)
- A rich and dynamic living Aboriginal culture
- Early European exploration – William Dampier
- Dinosaur trackways and human footprints – one of only three recorded tracks of fossilised human footprints in the nation
- Sacred Heart Church Beagle Bay

Within the three key documents (Commonwealth of Australia 2011a and 2011b; Australian Heritage Commission (2012)) further information is provided to varying degrees. While the former documents have been quoted within the body of this document, the latter provides close to 300 pages describing the listing in its entirety. It is this latter document that is now of interest and extracts are provided to illustrate some of the heritage values of the area. Of note, the Dinosaur and human footprints have been described previously in the plan and will not be included here.

Dampier Peninsula – resources from the land (pp. 9-10)

Because of its proximity to Broome, Dampier Peninsula is one of the best-researched areas in the west Kimberley for ethnobiology – traditional knowledge about native species and natural systems. Over the past 70 years, researchers have collaborated with elders, particularly Bardi elders who live in and near Broome, to record details such as plant names, and the methods of preparation and use of important species. They have also recorded information about the seasons and seasonal cycles of plant and animal use (Kenneally et al. 1996b; Smith and Kalotas 1985). On Dampier Peninsula, as throughout the Kimberley, plants have provided Aboriginal people with food and medicine, and the raw materials used to construct weapons, ornaments and shelters.

A range of important food species have been recorded from Dampier Peninsula. Acacia, the most broadly distributed and abundant plant group, is an important and versatile resource. Acacia seeds can be roasted and eaten, or collected dry and ground into flour. Acacias are also a source of medicine, and their branches are used by the Bardi and other groups for making spears, boomerangs and shelters (Lands 1997; Paddy and Smith 1987; Kenneally et al. 1996b). One species – *Acacia wickhami* – has strong-smelling leaves that are tied through a hair belt when swimming, and reputedly act as a shark repellent, which people wear when recovering turtles (Paddy and Smith 1987).

A number of *Terminalia* species are highly prized for their fruit and seeds, and some also have medicinal properties. Kakadu plum (*Terminalia ferdinandiana*), known as *Arungal*, *Mador* or *Gubinge* in Bardi and *Gabiny* in Nyul–Nyul, is thought to have the highest vitamin C of any known food: its fruit contains more than 50 times the vitamin C of oranges. The fruit, seeds and gum are all eaten, and an infusion is made from the bark to treat rheumatism, sores and itchy bites (O’Dea et al. 1991; Paddy and Smith 1987). Another tree called *Joolal* in Bardi and *Jilangen* or *Joolangen* in Nyul–Nyul (*Terminalia canescens*), produces a highly-prized edible gum. Branches are used in constructing shelters, and are a good source of hot-burning firewood (Paddy and Smith 1987). The pindan quondong (*Terminalia cunninghami*), known as *Jamdalngorr* by Bardi people and *Gumpja* by Karrajarrri people at Bidyadanga south of Broome, also has an excellent tasting edible seed. This tree has recently been cultivated, along with Kakadu plum, in an orchard south of Broome (Kenneally 1996b; ABC 2008).

Species of fig, which grow in and around Broome and elsewhere on Dampier Peninsula, provide many useful resources. Shields are made from mature tree trunks, and string is woven from the outer bark of aerial roots. Fruit is eaten raw when ripe (Paddy and Smith 1987). One species (*Ficus opposita*, the sandpaper fig) shares its Bardi name with the rough-skinned black swordfish, *Ranyja*. *Ranyja* has a sweet edible fruit and, as its common name suggests, its leaves can be used as sandpaper (Lands 1997).

Some plant species are highly regarded for their medicinal properties. Eucalypt gum is used to treat sore teeth and gums (Paddy and Smith 1987; Kenneally 1996b). The bark and wood of *Lysiphyllum cunninghamii* (Kimberley bauhinia) known as *Jooma* or *Jigal* in Bardi, are an antiseptic, and a remedy for headache and fever (Kenneally 1996b; Paddy and Smith 1987). *Owenia reticulata* (desert walnut), known as *Lambilamb* in Bardi and *Limbalim* in Nyul–Nyul, is reputed to have powerful medicinal qualities, and is used to treat rheumatism, cuts and sores (Kenneally et al. 1996a). The Bardi rub their feet with leaves of *Wudarr* (*Gardenia pyriformis*) to protect them against cuts from the reef and stonefish stings (Lands 1997).

Kimberley vine thickets (pp. 20-21)

Scientists have only recently realised that rainforest is an important, if restricted, element of the vegetation of the Kimberley. Rainforest traditionally provided many resources for Aboriginal people in the Kimberley. Until the 1960s, however, the presence of rainforest patches had gone largely unnoticed by non-Indigenous researchers. Unlike the more extensive forests of North Queensland, which blanket mountain ranges and cover coastal lowlands, Kimberley rainforests occur as scattered, isolated vine thickets. While small patches are found as far south as the coastal sand dunes near Broome, they are most extensive in remote and rugged parts of the mainland and islands of the North Kimberley region. Many of these vine thickets are very small – some are less than a hectare in size. The largest, on south-west Osborne Island, is 100 hectares. While only occupying a small portion of the area of the Kimberley, vine thickets are critical to the biodiversity of the region: they contain around a quarter of all recorded Kimberley plant species, many of which do not survive outside the rainforest environment, and are an important refuge for animals in the late dry season (Kenneally et al. 1991; Kenneally and McKenzie 1991; Black 2001). The food and shelter they provide is particularly important after surrounding, drier vegetation has been burned. However, few of the plants found in these vine thickets are endemic to the Kimberley: most also grow in rainforests in other parts of northern Australia. Their seeds are transported long distances by birds and bats, and quickly colonise areas of suitable habitat. This ease of dispersal is crucial for the continuation of small, isolated patches of vine thickets in a vast and largely inhospitable landscape (McKenzie et al. 1991; Liddle et al. 1994).

Vine thickets in the Kimberley have a precarious existence: they cling to rough scree slopes; grow at the base of sheer rocky cliffs and in narrow gorges; and follow the moisture provided by drainage lines or groundwater seepage. Larger patches with greater structural complexity and species richness are found in high rainfall areas (Kenneally and McKenzie 1991; Chester et al. 1999; ANRA 2007c). These thickets are often found alongside mangrove communities. Small patches of vine thicket also occur along the Dampier Peninsula coast amongst Holocene sand dune systems (Kenneally and McKenzie 1991). These coastal thickets, while simpler in structure and possessing fewer plant species, offer important dry season refuge and food resources for birds such as the rose-crowned fruit dove (*Ptilinopus regina*) and great bowerbird (*Ptilonorhynchus nuchalis*) (Black et al. 2010). Rainforest plants are more vulnerable to damage from fire than the more abundant savanna woodlands, and as a result they tend to be restricted to fire-protected niches within the landscape. Wunambal people traditionally maintained vine thickets by burning the surrounding grassland early in the dry season, to prevent more damaging, late season fires from making hold (Mangglamarra, Burbidge and Fuller in McKenzie et al. 1991). While the birds and mammals that occupy or use these areas are easier to observe, vine thickets are also home to many lesser known creatures. The rainforest's moist soil, varied vegetation and regulated temperature are particularly important for land snails, earthworms, leeches, ants, spiders and pseudoscorpions (arachnids that resemble scorpions in body

shape). The qualities that make rainforest patches such important invertebrate habitat also prevent invertebrate populations from moving through, or occupying, surrounding non-rainforest areas, which tend to be drier and more open. Because of this, many invertebrate species live only in a single vine thicket patch, and some have evolved as rainforest specialists (Harvey 1989, 1991). Throughout the north Kimberley, many more invertebrate species are found in vine thickets than in any other vegetation type (Main 1991).

Kimberley coastline: islands and reefs: Sea country (pp. 24-25)

Before the most recent sea level rise in the Holocene, many of the islands off the Kimberley coast were part of the landmass of mainland mountain ranges, sloping down to river valleys and floodplains. Aboriginal people lived here, fished in the rivers and hunted on the land, before rising seas drowned their country, creating what geologists refer to as a 'ria coastline' (Nix and Kalma 1972). Only the highest altitude surfaces of the old coast remain, standing above the sea, isolated now from the landmass of which they were part. Where rivers once swelled with fresh water, there are now channels in the seafloor – a lost landscape of the Kimberley clearly visible in the region's underwater topography.

The lives of many Aboriginal people of the west Kimberley were, and continue to be, intimately connected with the sea. Evidence suggests that people lived along the coast, using and trading or exchanging marine resources with inland groups almost 30,000 years ago. A well-developed marine economy had developed by 10,550 BP (O'Connor 1999).

A number of coastal sites in the Kimberley provide evidence of this long history of Aboriginal occupation or visitation. Archaeological evidence indicates that people lived on Koolan Island, in the Buccaneer Archipelago, more than 25,000 years ago during the Pleistocene, with human occupation continuing into the Holocene. Aboriginal people also visited the High Cliffy islands, near Montgomery Reef, more than 6,000 years ago, and have continued to use these islands since that time. Hundreds of stone structures that stand on the largest of the High Cliffy islands, including circles, pathways, standing stones and cairns provide evidence of the islands long term use (Hiscock 2008; O'Connor 1987).

Aboriginal people, often in family groups, travelled along the coast between islands on double log rafts, using the powerful tides and rips to propel them from one place to another. The craft goes by various Aboriginal names, including *[g]kalum* (by the Worrorra), *biel biel* (by the Jawi) and *[g]kalwa* (by the Bardi) (Vachon 2009). There were different sorts of double log rafts: some rafts were specifically designed for hunting; others were for short trips; while some were made to transport larger groups of people from island to island. Baler shells were used to carry water on long voyages, which were planned around the travellers' comprehensive knowledge of the tides, the currents and the winds. At night people used the stars to navigate. They travelled to hunt and to maintain important relationships with neighbouring groups (Choo 2001; Vachon 2009).

The Traditional Owners of the land and sea along the north and west Kimberley coast, including the Bardi, Jawi and Worrorra continue to utilise fish and marine products for food, and their linguistic heritage and vocabularies reflect their complex dependence on the sea. Dugongs and turtles were, and still are, important food resources.

Stingrays, crocodiles, crabs, sea birds, shell fish and oysters form part of their diet. From October to November, people harvested turtles and their eggs and ate shark and whales which they sang ashore and stranded (Smith 1997). Aboriginal people also used traps to capture fish and poisons to stun them. Poisons were made from the roots of three species of pea – *Tephrosia crocea*, *T. aff. flammea* and *T. aff. rosea* – as well as from sea cucumbers, which contain a potent substance called holothurin. The Worrorra built fish traps and lit fires to attract fish into them at night (Smith 1997).

Long before the arrival of Europeans, Aboriginal people along the west Kimberley coast collected pearl shell (*Pinctada maxima*) for use in rituals and ceremonies, and for exchange. The large, luminescent shell was collected from coastal reefs exposed during low equinox tides from Bidyadanga in the south to Cape Londonderry in the far north (Moore 1994; Doohan 2009). In the north Kimberley, the Kwini believe that the area off Cape Londonderry is the source of *rinji* – pearl shell that is especially brilliant, and is said to have 'fallen down, like a star' to this reef system (Akerman et al. 2010).

From the 1920s, the pearl shell trade became more widespread as the expansion of the pearling industry increased access to shell (Akerman and Stanton 1994). Recognisable geometric designs developed, and contemporary events and relationships were incorporated into figurative designs which ranged from symbols to increase luck in card games, to depictions of planes to assist spirit travel.

Kimberley pearl shell is highly valued by Aboriginal people of the west Kimberley and beyond; and it continues to be used in rituals and ceremony (Akerman and Stanton 1994; Bornham 2009). Even in areas such as the Gulf of Carpentaria or East Arnhem Land, where local pearl shell is available, it is the Kimberley pearl shell, which arrives through traditional systems of trade and exchange, which is most highly prized (Akerman et al. 2010). A Mayala elder says that carving pearl shell is 'for my country, for my tribal people and all the Mayala people... the designs are our history' (Aubrey Tigan, pers. comm. June 2010). Carved pearl shells are passed on from generation to generation, from father to son. According to a senior Bardi man 'it's part of the family'. He explained that today, when pearl shell is used for ceremony, it is also in remembrance of all the Kimberley Aboriginal people who were forced to dive by European pearlers, and of the many who died working in the pearling industry (KLC 2010).

A rich archipelago: A winter retreat for whales (pg.25)

Each year, in one of the longest known vertebrate migrations, a genetically-distinct population of humpback whales (*Megaptera novaeangliae*) travels from feeding sites in Antarctica along the west coast of Australia to the warm tropical waters of the Kimberley to mate and calve. Researchers who study these whales refer to them as Group IV, and more is being learned about them each year. Humpback whales feed in summer in Antarctic waters, and spend the winter fasting, living off their fat reserves. As they follow the coast, they rest at Shark Bay on their way north and at Exmouth Gulf on their journey south (Jenner et al. 2001). Most cows and calves are seen in Kimberley calving grounds between mid August and mid September, but the exact timing of the whales' passage varies by as much as three weeks from year to year (Jenner and Jenner 1996; Jenner et al. 2001). This variability is thought to reflect changes in the timing of food availability in the Antarctic (Chittleborough 1965).

Until recently, researchers believed that the Kimberley's Camden Sound was Group IV's critical calving destination (Jenner and Jenner 1996; Jenner et al. 2001; Costin and Sandes 2009a). However, surveys suggest that whales also calve in other locations along the Kimberley coast between Broome and the Lacepede Islands. Humpback calves have been seen in the waters around Roebuck Bay, and along the coast of Dampier Peninsula (Costin and Sandes 2009a, 2009b).

In 1963, fewer than 600 whales were recorded on the Kimberley coast (Chittleborough 1965; Bannister and Hedley 2001). In 2008, the estimated number of Group IV whales migrating north was 22,000. This represents a significant recovery since the end of commercial whaling in 1966. In fact, Group IV may currently be the largest population of humpback whales in the world (Costin and Sandes 2009a, 2009b; DEC 2009). In a six week survey from 1 July 2009, 969 whales were sighted between Broome and Camden Sound, and almost a hundred of these were calves (Costin and Sandes 2009b).

A rich archipelago (cont. pg. 29)

Another distinguishing feature of the south-west Kimberley is the bright red soil of the pindan country. 'Pindan' describes both the vivid red sandy soils that are common here, and the seemingly-homogenous low woodlands and shrublands which grow on them. South of Beagle Bay, the pindan is dominated by *Acacia tumida*, *A. holosericea* and *A. eriopoda*. North of Beagle Bay there is an abrupt change: *Acacia eriopoda* is almost absent and *A. holosericea* is reduced in frequency. Taller eucalypt woodlands dominate in the north, particularly Darwin box (*Eucalyptus tectifera*) and ochre bloodwood (*Corymbia dampieri*). Carnivorous plants are found on the pindan in damper areas of black soil; white-flowered sundews such as *Drosera broomensis* are found growing near Broome, and *D. derbyensis*, a similar species, occurs further east.

While pindan may appear homogenous, the coastal and near coastal environments of the south-west are visibly rich and varied. Mangroves, samphire flats, grasslands, coastal dunes, freshwater swamps, monsoon forests, Melaleuca thickets and Creekside vegetation are all found in close proximity to one another, clustered near the coast. Outcrops of limestone and sandstone dot the landscape. Vine thickets occur on limestone on the far southern perimeter of Yampi Peninsula, adjoining the south-west region, as well as at the northern tip and western edge of Dampier Peninsula. They do not extend as far inland here as in the wetter areas further north. On the white coastal sands of Dampier Peninsula, the striking green birdflower (*Crotalaria cunninghamii*), which can grow up to three or four metres tall, is very common; it also occurs far inland on the red sand dunes of the desert.

The southernmost shore (pp 35-40)

Before European settlement, Australia's north coast was the southernmost shore of a network of trade and travel which connected south-east Asia with the marketplaces of China. The Kimberley lies within 400 kilometres of the south-eastern limit of the Indonesian Archipelago. For perhaps hundreds of years, Indonesians came to *Kayu Jawa*, their name for the west Kimberley coast, to harvest its rich marine resources; including pearl and trochus shell, turtle shell, clam meat, shark fin and the valuable beche-de-mer, a delicacy highly sought after by the Chinese (Crawford 2001; Morwood 2002;).

Beche-de-mer, also known as trepang, sea cucumber, or sea slug, is a large marine invertebrate commonly described by observers as unattractive. Almost 200 species are found in Australia, but the nine or ten which are edible live only in the tropics, along the north and north-western coast. The earliest reference to what the Chinese called *hai-sen*, or 'sea ginseng', is reputedly found in a medicinal treatise from the sixteenth century (MacKnight 1976). By the seventeenth century, beche-de-mer developed a reputation for its culinary use and aphrodisiac properties. It is not clear when it began to be collected from the Kimberley region. Trade through the Indonesian port of Makassar appears to have evolved in the late seventeenth or early eighteenth centuries. However Chinese junks certainly sailed annually to nearby Timor by 1600, and it is possible that beche-de-mer from north Australian waters was traded to the Chinese by this date, or perhaps even earlier (Crawford 2009).

The relative calmness of the seas, the regularity of the monsoonal winds, and the short distances between landmasses made travel by sea a natural mode of transport in southeast Asia. The rhythms of trade were the rhythms of the monsoon. The monsoons are winds made for travellers: they blow consistently along the same route, swinging around for the return journey at half-yearly intervals (Ammarell 1999). Fleets left Makassar in late January, arriving at the Australian mainland some weeks later. Along the way, they collected beche-de-mer and other marine resources from offshore reefs. A senior Wunambal man reported that, each season, a fleet of perahus would arrive at Cape Bougainville, before separating into two. Some would sail east along the northern coast, and others would sail south to the west Kimberley coast (Crawford 2009). Between the rich fishing areas of Arnhem Land and Kayu Jawa, there was a comparatively barren stretch of water. The zone of contact associated with the industry in the Kimberley appears to have ranged

from near Cape Londonderry in the far north to the Lacepede Islands, off Dampier Peninsula (Crawford 2009).

Evidence of Indonesian presence in the west Kimberley is found in documentary sources, Aboriginal oral traditions and material remains. The earliest documentation was by the French voyager Baudin who noted that, in April 1803, members of his crew encountered a fleet of fishermen at Cassini Island (Baudin 1974; Crawford 2001). Aboriginal oral traditions describe these fleets' visits and provide narratives of events associated with their stay. Accounts of journeys to the Kimberley coast, and of contact with Aboriginal people, may have similarly been passed down in parts of Indonesia; but to date insufficient resources have been dedicated to locate or record any such accounts (Crawford 2009).

Today, the most conspicuous remains of the places where Indonesians camped and worked during their months ashore are their stone hearths, still found at a number of locations along the Kimberley coast. The hearths are arranged in roughly parallel lines to support the iron dishes in which beche-de-mer was boiled. Small sites usually have three or four lines of hearths, and the larger sites have twelve to fifteen (Crawford 2001). Other material remains found with the hearth sites include fragments of pottery. At some places, tamarind trees grow as a living record of past contact

Indonesian fisherman brought tamarind seeds with them, and planted them at the places they returned to each season; as the tree grew they could use its fruit in their cooking. The tamarind would have provided not only nutritional value, but also a welcome taste of home during their months away. In contrast to the situation in Arnhem Land, all known oral and written accounts indicate that the relationship between Indonesians and Aboriginal people in the west Kimberley was hostile. There is no evidence that west Kimberley people provided Indonesian fishermen with any assistance. Oral traditions recalled by old people today describe fights between Aboriginal people and Indonesians, and ascribe hostilities to the Aboriginal theft of canoes. Stories also tell of creation beings fighting Indonesians and sinking their perahus, and being shot in revenge (Crawford 2009).

Despite the hostilities, there were some exchanges. Aboriginal people adopted the dugout canoe from Indonesian prototypes, and it allowed them to voyage to more remote islands and reefs including Cassini Island and Long Reef, far offshore. The history of this contact is also recorded in language: for example, the word for canoe in the Wunambal language, *namandi*, is derived from Indonesian.

European voyagers – William Dampier

In the west Kimberley, as elsewhere in Australia, first contact between Aboriginal people and Europeans occurred along the coast. The outcomes of these meetings were mixed; fear often led to misunderstandings on both sides, and sometimes to violent retribution. Early travel accounts included narratives of such encounters between Europeans and Aboriginal people, and some accounts circulated widely after the voyagers returned to Europe. In the case of men such as William Dampier, his accounts of his voyages around the world, including at Karrakatta Bay on the western coast of Australia, gave him a degree of personal celebrity, and influenced European perceptions of, and fascination with, the non-European world. Such accounts were one reason why the settlement of Australia was long regarded as unattractive by Europeans: the west coast was described as barren and few resources were seen which had potential value for trade or commerce...

The next European vessel to reach the Kimberley coast was the *Cygnēt*, a British privateer on a voyage made famous by William Dampier. A privateer was a private vessel which carried 'letters of marque': formal documentation that it was authorised by its government to attack and raid foreign shipping during times of war. Following the marooning of its Captain, Captain Reed, in 1688 the *Cygnēt*, en route to raid the East Indies, was careened at Karrakatta Bay on the Kimberley coast for over two months, while the crew

undertook maintenance and repairs on the ship. Dampier recorded his observations of plants and animals, including dugongs and dingoes, and of Aboriginal people. Dampier and his companions satisfied some of their curiosity about the local people by capturing Aboriginal people and taking them on board the *Cygnets*. Referring to four men who were seized whilst swimming amongst the islands, Dampier wrote:

To these we gave boiled Rice, and with it Turtle and Manatee boiled. They did greedily devour what we gave them, but took no notice of the Ship, or any thing in it, and when they were set on Land again, they ran away as fast as they could (Dampier 1998 [1697]).

Nyikina man Butcher Joe Nangan recalled a story told by the old people about a sailing ship coming across the Roebuck Plains, south of Broome, while the plains were under the sea. It was just one ship and it appeared long before the white man came to the country. The ship landed at Biyarrugun, a place located 20 kilometres inland from the coast today. According to the old people the ship had three masts and the sailors had shot at the Aboriginal people. Could Dampier have sailed his ship over the Roebuck Plains on his second visit to the region, in 1699? Geological evidence suggests that the area has been subject to periodic tidal inundations in the recent geological past. Shell middens found close to Biyarrugun also suggest that the sea level may have been slightly higher 300 years ago (Benterrak et al. 1984).

Dampier published an account of his voyage in a very popular book, *A New Voyage around the World*, which established him as an authority on the South Seas, and contained the first detailed account of the Australian continent to be widely circulated (Dampier 1699). Dampier's observations of nature were regarded as extraordinary for their scientific focus and accuracy. His botanical collections, the first to be taken to Europe from Australia, remain in England at the Oxford Herbarium, with some also held at the British Museum (ABC 2002). His account of the winds and currents of the Pacific earned the respect of navigators and meteorologists to the present day. He set an entire fashion in travel literature, and influenced writers such as Defoe and Swift.

Though he travelled widely, Dampier was a man of his time and of his culture. His descriptions of the people he met were overwhelmingly negative, and had a strong influence on later explorers such as Sir Joseph Banks and James Cook. Sir Joseph Banks would write, almost a hundred years later, on seeing people ashore as the *Endeavour* sailed up the south coast of New South Wales that 'so far did the prejudices which we had built on Dampier's account influence us that we fancied we could see the colour when we could scarcely distinguish whether or not they were men' (quoted in Pearson 2004).

After Dampier, the only European visitors to the north-western coast of Australia for more than half a century were crew of two Dutch East India Company (*Vereenigde Oost-Indische Compagnie* or VOC) ships en route from the Netherlands to Batavia (now Jakarta, Indonesia), both wrecked well south of the Kimberley: *Zuytdorp* (1712) and *Zeewijk* (1727) (Pearson 2004). By the turn of the seventeenth century the Dutch had explored the Australian coastline from the top of Cape York across the northern, western, and southern coasts to the eastern end of the Great Australian Bight, as well as the south-east coast of Tasmania. Although Dutch navigators had brought the first information about this 'new land' back to Europe, the VOC kept the information confidential in order to protect any trading advantage that might come from their discovery. However in reality, the results of these voyages were disappointing to the VOC; the land appeared bleak and barren, and nothing profitable was found. The Dutch established no settlements or trading posts, and the VOC lost interest in continued exploration (Schilder 1988). The north-western coast of Australia, although closest to the Dutch sphere of influence in Indonesia in the seventeenth and eighteenth centuries, would remain isolated and largely unsettled by Europeans until late in the nineteenth century.

Dampier was the first to suggest that New Holland should be explored by the British, and the initial mapping and settlement of eastern Australia may be viewed as the indirect conclusion of his voyages and published

work (ADB 1966c). British and French expeditions would continue the process of delineating the extent of the new continent; expeditions were driven by the desire of each nation to gain a strategic advantage over the other, and to increase their knowledge of unknown and unclaimed regions. By the late eighteenth century, Cook and his British and French contemporaries had made several voyages through the South Pacific and Southern Ocean.

The French remained keen to find new colonies, and they mounted expeditions with expressly scientific intentions but underlying territorial goals. The British responded in kind, in an attempt to preserve their strategic and commercial dominance. Anglo-French political rivalry centred on Australia's northern and western coastlines, an area still unclaimed, unsettled, and unknown to Europeans. From 1801 to 1803, Baudin and Freycinet made detailed surveys of the Western Australian coast. They concentrated their efforts around Shark Bay, well south of the Kimberley. Freycinet undertook surveys as a cartographer and surveyor in Baudin's expedition. Peron, the expedition's naturalist, collected an extraordinary 100,000 animal specimens over three voyages. Among the locations named during this voyage were Cape Cuvier, the Lacepede Islands and the Bonaparte Archipelago. Many of the places named by the French along the west Kimberley coast commemorate Napoleon's generals (Edwards 1991). There is no evidence in the literature of the specific locations of any landings that may have been made.

Pearling (pp 43-47)

Pearl shell is of great cultural significance to Aboriginal people from the Kimberley. For thousands of years, Aboriginal people have harvested the shell from accessible reefs along the coast for food, decoration, cultural activities and trade. Long before Europeans arrived, pearl shell was exchanged through social and economic networks stretching from the Kimberley across the continent to Queensland and South Australia. Kimberley pearl shell is the most widely distributed item of trade in Aboriginal Australia. During the advent of European settlement, Kimberley Aboriginal people traded pearl shell with settlers and pearlery for rations and goods (Akerman et al. 2010).

In the Kimberley, European pearling preceded and supplemented the pastoral activities of European settlers. Early pastoralists had to bring herds over long distances to unknown lands, and struggled to grow and maintain them, often in difficult conditions. They faced the challenge of transporting meat to distant markets with little supporting infrastructure. In contrast, pearl shells could be readily shipped and sold: they provided a very good return for their weight and bulk; they had a ready international market; and they did not have to be introduced to the region the way sheep and cattle did. Although pearling was dangerous and sometimes deadly work, pearl shells were an abundant resource found along a significant portion of the west Kimberley coast. Pearl shell generated much of the wealth that led, in 1880, to the establishment of Broome, and the spread of services in Australia's north-west, including communications, public services and small business (Sickert 2003).

The first European report of pearl shell on the west coast of Australia was by William Dampier in 1699, who noted its occurrence at Shark Bay, south of the Kimberley. From 1850, European pearlery began to collect small *Pinctata sugillata* shells in that area. When the world's largest pearl oyster shell was discovered in Roebuck Bay in 1861, it caused an international sensation. People flocked from many nations, hoping to make their fortune. The larger *Pinctata maxima* shells were soon found to be widespread, and pearling began at Nickol Bay (near Karratha) in 1867, spreading north from there (Moore 1994). By 1870, European pearling was becoming well established on the Kimberley coast.

Pearlery initially came to the Kimberley coast from Cossack, about 750 kilometres to the south, and later began to arrive from Thursday Island in Queensland, with some luggers from as far afield as Singapore. In the early years of pearling, before the establishment of Broome, Cossack was used as a base for the provision of

communications and stores, pearling licenses and other necessities, and much of the fleet regularly made the journey from there to the Kimberley (Edwards 1991).

As the pearling industry expanded, conflict arose over the pearlers' demands for fresh water and Aboriginal women (Sickert 2003). Young Aboriginal men from the coast were lured aboard schooners and taken to islands that were used as illegal depots, where they were locked into serving a season contract in return for rations. The kidnapping of Aboriginal people who were forced to work for pearlers occurred along the coast and also targeted Aboriginal people inland, including in the Fitzroy Valley and the Pilbara (Sickert 2003).

Guano

Another profitable, though short-lived, venture in the Kimberley region was the mining and export of guano from the Lacepede Islands off the Kimberley coast. The Lacepedes, a group of four low sandy islands approximately 50 kilometres west of Beagle Bay, have long been a nesting ground for seabirds; the phosphate-rich deposits of guano found on them were formed from the accumulation of the birds' droppings. Guano was used as an agricultural fertilizer and was sold internationally: some went to Mauritius; most went to Hamburg, Germany (Willing 2006). Settlers struggling to grow crops and pastures on nutrient-deficient soils in the south of Western Australia, however, for the most part couldn't afford to purchase guano (Bolton 2008).

In May 1876, a Melbourne company began to export guano from the Lacepedes, with authorisation from the Western Australian Government. A few months later, an American named Gilbert Roberts landed on one of the islands, and refused to pay the mining levy to collect guano. He sparked an international dispute by planting an American flag on the shore and claiming the island group as a territory of the United States of America. His claims, described by the Perth press as 'another piece of Yankee audacity', were supported by the American Vice Consul General in Melbourne, Samuel Perkins Lord, who argued that Britain had failed to formally stake their claim on the islands. As the controversy escalated, the US President Ulysses Grant had to step in and rescind his countrymen's claims (Willing 2006).

By April 1878 there were reported to be 165 people stationed on Middle Island for the purpose of mining guano, though far from this being a scene of productive industry they were apparently mostly drunk and on strike. In 1878 the Surveyor General recorded that 57 vessels had received guano licenses, and 24,715 tons (around 25,112 metric tonnes) had been exported, with a royalty of £12,357 paid to the Crown. By the end of 1879, the supply of guano had been exhausted (Willing 2006). The islands were not abandoned by Europeans, however. By this time, pearlers were moving north, and increasing their operations along the Kimberley coast. The Lacepedes were used illegally as depots, where Aboriginal people who had been kidnapped were held captive by 'blackbirders' until they were forcibly signed on to work on a pearling boat. In 1878 Captain Pemberton Walcott visited the Lacepedes and described what he saw of the treatment of Aboriginal divers there, who worked around 10 hours a day. He wrote that they:

'were only allowed to get out of the water into the boat during diving hours, once or twice a day... There is no limit whatever with regard to depth of water... it is a common thing for natives to be dived in water from 8 to 9 fathoms or 40 to 50 feet – and from personal observation I can testify to the exhaustive and injurious effects of this deep diving'
(quoted in Akerman et al. 2010).

Race, labour and pearling

Throughout much of Australia's history, race and labour have been connected issues. Following the end of transportation of convicts (1840 in New South Wales, 1853 in Tasmania and 1868 in Western Australia), labour shortages led some Australian colonies to import indentured labour from Asia and the south Pacific, to work in specific industries such as the sugar industry or pearling for which there were not enough

European labourers (Bach 1955). By the second half of the nineteenth century, indentured labourers were predominantly sent to northern Australia – there was a strong medical belief in the nineteenth century that white men were ill-suited for work in the tropics. Nonetheless, concerns were raised by people outside these industries that the conditions in which indentured labourers were 'recruited' and kept were akin to slavery, which had been illegal in England since 1772 and had been banned by law throughout the British Empire in 1833 (Willard 1923). Concerns focused particularly on allegations of kidnapping and abuse of Pacific Islanders (referred to as Kanakas). There were also fears that indentured labourers, for instance from China or India, would drive down white labourers' wages, discouraging British migration, and that they would introduce an alien culture and dilute Australia's 'racial purity' (Willard 1923; Curthoys 2003).

Aboriginal and other non-European labour played a pivotal role in the pearling industry. Aboriginal men and women worked as divers from the early days of pearling in the Kimberley, before diving apparatus was introduced. Without any protective equipment or oxygen, they descended to depths of up to ten metres to collect pearl shell. Aboriginal divers were credited with outstanding underwater sight, diving ability and local knowledge:

'The powers of natives in diving, especially the females, are spoken of as something wonderful. They go down to depths of seven fathoms and remain below a time that astonishes their white employers' (McCarthy 1994 citing Perth Gazette and WA Times 1868).

In 1883, the Native Commission Report stated that Aboriginal labour was a key factor in the pearling industry (Ryan 1993). Historian John Bailey argues that the era of skin diving was 'to prove one of the most brutal and bloody businesses in Australia's history' (Bailey 2001). Report of abuses in the early days of pearling led to legislation in 1871 and 1875 regulating native labour and prohibiting the use of women as divers (Bach 1955; Edwards 1983; Burton 2000). This encouraged the increasing employment of indentured Malays (Indonesians or Malaysians), who in 1876 made up around 800 of 1,200 divers. The legislation was inadequately policed, however, and provided little real protection for Aboriginal people (Bach 1955; Edwards 1983; Akerman and Stanton 1994). Blackbirding still occurred in the Kimberley into the 1890s. Aboriginal women continued to work in pearling, collecting significant amounts of pearl shell as 'beachcombers'. Pearlers also used Aboriginal women and girls for sexual relations, with or without their consent (Sickert 2003; Kwaymullina 2001). Children as young as ten were 'employed' by European pearlers, with girls working in pearlers' homes and boys on the luggers. Like many industries employing Aboriginal people, payment was made in the provision of rations including clothing, foodstuffs and tobacco, not wages (Sickert 2003).

Technological changes were perhaps more significant than legislation in shaping the early pearling industry, and these changes affected not only the viability of the industry, but the lives of all those who worked in it. Helmeted diving (also known as 'dress' diving or 'suited' diving) was introduced into Western Australia by the Thursday Island fleet in the 1880s, and this enabled the collection of shells from deeper waters off the coast (Bach 1955; Edwards 1983). With the introduction of diving apparatus, Aboriginal divers were largely displaced by Asian divers who were experienced at this style of pearling. However Aboriginal people continued to be integral to the industry, working as boat crews, boat builders, shell openers, shell packers, onshore store hands, cooks and servants.

The rise of Broome as the centre of the Western Australian pearling industry roughly coincided with the introduction of helmeted diving in 1885, and the recruitment of indentured Japanese divers and tenders (Bach 1955). Koepangers (Timorese) or Manilamen (Filipinos) generally worked as pump hands and deck boys; cooks were Chinese; Malays (Indonesians or Malaysians) worked as carpenters and sail makers; while Aboriginal people worked in the most lowly paid shore jobs (Edwards 1983).

By 1901, the total pearling workforce in Western Australia comprised 98 Europeans, 51 Aboriginal people, 271 Japanese people, 705 Malays and 382 Filipinos. By 1901 most pearl luggers were owned and run by white Australians, and employed a white shell opener who was responsible for the security of pearls among a mixed Asian crew (Bach 1955).

In the Kimberley, Asian lugger crews regularly came ashore to stock up on supplies and to rest in 'lay-up camps', and Broome was unique in Australia, from the late nineteenth to mid twentieth centuries, for being a predominantly Asian town. Aboriginal people, especially those living in coastal areas, worked, traded and socialised with Asian pearling crews, and found that they could get much better terms of reimbursement for goods and services from them than they ever had from the white pearling masters. Trade with Asian crews, which occurred outside the control of the authorities, enabled some groups of Aboriginal people to stay on their own country for longer than would have otherwise been possible, and to avoid working for harsh station managers or dealing with police at ration depots. The government was concerned that the independence this trade allowed Aboriginal people would reduce pastoralists' and pearlers' access to cheap Aboriginal labour (Ganter 2006).

In 1901, the desire of the colonies to preserve their British–Australian identity was a significant motive in forming the Commonwealth (Willard 1967). The *Immigration Restriction Act 1901*, informed by the White Australia policy, contained the first dictation test that was applied selectively to Asians and other individuals identified as undesirable. The *Australia Act 1901* aimed to maintain racial purity and to uphold national characteristics based on British ideals of the Queen, God and country. It was also intended to protect wages and resources, which white Australians believed were rightfully theirs, from foreigners. Together, these pieces of legislation were foundation documents in the new Commonwealth Parliament (Sickert 2003; Stephenson 2007).

Pearling, however, was an industry underpinned by access to cheap non-European labour. Pearling masters raised concerns about the potential economic impacts of the White Australia policy on their businesses. The Western Australian Government feared that the policy might lead pearlers to relocate their bases from Australia to Dutch Timor or Indonesia (since most pearling took place in international waters). In 1902, the Commonwealth appointed two investigators to consider the implications of the policy for the pearling industry. They reported that the level of pay necessary to attract white labour to pearling would make the industry uneconomic. In response, the Commonwealth Parliament agreed to exempt pearl divers from the *Immigration Restriction Act*, provided that they were later repatriated. In 1905, the exemption was reconsidered but upheld, with the addition of a permit system for divers (Bach 1955).

In 1908, the Mackay Commission recommended the establishment of a training school for white divers, and approaches were made to Scottish fishermen to work in the Torres Strait pearl fields. These of fishermen from Norway and Sweden, and of Greek sponge divers, was also unsuccessfully mooted. Although Broome was granted an exemption from the White Australia policy, indentured workers in the pearling industry could still readily be deported if they did not work as directed or were rebellious (Sickert 2003). Divers who had been born in Australia, or had arrived in Australia before the implementation of the White Australia policy, were nonetheless in a vulnerable position. Despite the fact that they were legally naturalised Australians and not subject to deportation, by law they could be committed to a lunatic asylum for refusing to work, or for other behaviour deemed 'antisocial'. Chinese people and other Asians who arrived prior to the White Australia policy were further restricted by legislation which prevented them from owning land, pearling licenses or pearling fleets (Yu and Tang Wei 1999). The many headstones in the Japanese and Chinese cemeteries in Broome bear witness to the danger and high mortality rate of the pearling industry (Akerman et al. 2010).

Sacred Heart Church, Beagle Bay (p. 63-67)

The Beagle Bay mission was established by the Catholic Church in 1890, at Ngarlun Burr (which means 'place surrounded by springs'), the site of a large Nyul Nyul community. It was originally set up by Trappists monks but in 1901 was taken over by the German Pallotine order. The St John of God sisters arrived in 1906 to establish a school for the growing number of Aboriginal children at the mission. Paddy Djiagween recalled that on the night they arrived, a big corroboree, with twenty to thirty men, was held to welcome the sisters. One of the boys pointed out to the newly arrived Mother Antonia that Father Bischofs was among the dancers. Bishchofs stood out from the other dancers because he was dressed in shorts and decorated with white cockatoo feathers (Paddy Djiagween quoted in Nailon and Heugel 1990).

The Sacred Heart Church at Beagle Bay was built while the German Pallotine priests and brothers were confined to the mission during World War 1. The priests, brothers and local Aboriginal people worked tirelessly: a kiln was constructed to bake the 60,000 clay bricks they needed; and Aboriginal people collected thousands of shells from the beaches in bullock carts to be burned for the lime mortar and render. Local pearl shell and other beautiful shells were used to decorate the interior of the church. Some pearl shells were given to the mission for that purpose by Broome pearlers, Clarke and Co. The roof was originally mangrove wood and brush and the ceiling was decorated with shells to represent stars. This was destroyed by termites in the 1920s and was replaced with flattened kerosene tins and later with corrugated iron.

The church's exterior is in the inter-war Gothic style. The interior is extraordinary. Initial work on the altar was undertaken by Father Droste and two Aboriginal boys, Joseph Neebery (Niada) and Joseph Gregory (Rosie Victor quoted in Nailon and Heugel 1990). The main altar was decorated by Father Droste, Sister Raymond and a number of skilled Aboriginal people. They used hundreds of pearl shell, cowries, volutes and olives, and the side altars are inlaid with the lids, or 'trapdoors' from the opening of mollusc shells. Whole pearl shell inlays of *Pinctada maxima*, of great spiritual significance to Aboriginal people, were used to decorate the main altar and are featured throughout the church. For many, the use of pearl shell on the altar was a symbol of the close relationship between the Catholic church and the local Aboriginal people (Akerman et al. 010). The altar is a place of great beauty, imbued with the shimmering power of the shell, as the luminescent surfaces reflect the light. Pearl shell inlays of Christian and Nyul Nyul, Bardi and Nimanborr tribal symbols are also incorporated into the altar's tiled floor.

Former resident Rosie Victor, a Nyikina woman, remembered being taken in a canoe by her parents from Sunday Island, via Lombardina Mission, to Beagle Bay Mission in 1918. 'I had to do the shell work. They had done three altars in the church already... at the age of twelve I helped in the church putting the shells around the Stations of the Cross' (Stanley Victor Senior 1, unpublished pamphlet). Aboriginal people and their descendents often express an ongoing relationship with their former missions, and speak with fondness of their times there as children. Rosie Victor left, but later returned to Beagle Bay to bring up her children with her husband, Stanley Victor Senior, a Nyul Nyul Traditional Owner for the area. Three of their four children and later Stanley developed leprosy and lived at Bungarun, where Stanley was known as a medicine man. At the leprosarium, 'the Sisters admired Dad's trustworthiness and reliability – he was there when he was needed, always involved as a peacemaker and organiser – and he never complained through his long illness...[he] ...was a competent musician and played the violin and the cello and was a leading member of Sister Alphonse's orchestra (Stanley Victor Senior 2, unpublished pamphlet). The family continued to have a long association with Beagle Bay mission. Their son Stephen returned to the mission to work in various jobs as an adult. He married his wife Dorothy when she was moved to the mission from Broome in 1962. In 1964 he re-cemented the Church floor with pearl shells.

The years have brought a number of changes to the Sacred Heart Church. A 12-metre bell tower was added in the 1920s, and houses the original bell brought by the Trappist monks, as well as two other bells donated by a German parish. The bell tower collapsed in September 2001 and was restored in 2002. The church

retains a high degree of authenticity despite the original floor and ceiling finishes being replaced. Currently the mission is leased to the Beagle Bay Aboriginal community and the church is the centre of a large and vibrant community under the control of the Spiritan Missionaries. The church is also a beautiful and unique focal point for the thousands of visitors touring the Kimberley during the dry season each year.

Some of the missions were initially established to provide protection and rations for local populations. The twentieth century brought increasing government intervention in the form of removal of Aboriginal children from their home environments, and this, along with the offer of per capita subsidies, led missions to cast a wider net in their search for inmates. From 1910 to 1960, many full and mixed descent children were removed from their families to different missions and institutions (DEH 2004; Pocock 2007). Places such as Beagle Bay, Lagrange and Forrest River drew or received against their will, people from around the region, and thus acted as a significant driver of dispossession for many Kimberley people. The treatment of Aboriginal people in the missions and other institutions varied depending on the denomination of the church and, more critically, the attitudes of the superintendent or manager. Some mission staff were supportive of Aboriginal culture and others had attitudes and practices that were considered extreme and not aligned with mainstream Christian beliefs or denominations (Loos 2007). A former resident at Beagle Bay Mission, where many Kimberley Aboriginal children were sent, recalls nuns taking Aboriginal children in the only mission car to visit places and allowing them to gain knowledge of Nyul Nyul country from the local residents. They attended corroborees with the nuns, although speaking language and participation in ceremonies were forbidden (Esther Bevan, Gija and Nyul Nyul pers. comm. 24-25 May 2010).

Some children were accompanied by their families to the missions and many have fond memories of mission life. Phillip Cox recalled: 'Beagle Bay was a happy place...even though the place was very poor... it was just like one, big happy family – everybody together. Caring and sharing...they were strict, but they were kind, and they believed in discipline' (Mr Phillip Cox, quoted in Mellor and Haebich 2002). Children were educated and, like the adults, assisted in doing jobs to help make the missions self reliant. Ex-students were taught trades and were involved in other mission building projects.

Some missions, reserves and government stations gave their inmates not only rations but also additional fresh food grown in their own gardens. For many Aboriginal people, though, supplementing rations with bush foods was essential to their survival (DIA 2004; Biskup 1973). At Kunmunya, where Reverend Love was superintendent from 1927 until 1940, the mission supported itself raising cattle and goats for meat and milk, and growing vegetables for people to eat. While those who were not able to work were provided for, those who could were either paid for the work they undertook, or supported themselves through traditional means. Far from forbidding Worrorra from being spoken, Love studied the language of the Worrorra people, translating sections of the Bible into Worrorra, and some Worrorra stories into English (ADB 1986).

Government feeding depots and stations such as Lombadina, LaGrange, Munja and Udialla were established to feed, train and isolate Aboriginal people, as well as to develop a labour reserve that could be assigned to pastoralists. Reserves were created with the rationale of preserving Aboriginal culture through isolation, and to reduce the tension between Aboriginal people and pastoralists over cattle killing. Use of Aboriginal reserves changed over time subject to Government policy. In 1913, part of the original 1.6 million hectare Marndoc reserve, which had previously been set up in 1911 near the Cambridge Gulf, became the Anglican Forrest River Mission (Oombulgurri). In 1922, the southern half of the reserve was excised for World War 1 soldier resettlement blocks (Biskup 1973; Loos 2007; DEH 2004). In 1926, the Forrest River massacre took place in the vicinity of the mission. The findings of the subsequent WA Royal Commission are still the subject of ongoing debate (Loos 2007).

Addendum: Dampier Peninsula Aboriginal Protection Plan for Aboriginal Cultural Places and Sites (Preliminary Plan)

Dampier Peninsula Protection Plan for Aboriginal Cultural Places and Sites

Addendum: Preliminary Report

Compiled by Melissa Marshall and Bart Pigram
July 2020

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Mapping Data

All co-ordinates quoted in this report were obtained with a Garmin Handheld GPS 72 unit using UTM GDA 94 Datum, Zone 51K.

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Introduction

In 2019, work commenced to seal the remaining sections of the Cape Leveque Road extending from the outskirts of the township of Broome, 200km north to the remote community of Ardyaloon (One Arm Point). During the consultation process prior to approval and these works commencing, it was recognised by the Western Australian (WA) Department of Planning, Lands and Heritage (DPLH) that there was likely to be an impact to Aboriginal cultural heritage resulting from the increased access to the Dampier Peninsula following the sealing of the road. This included areas within four Native Title Areas (as represented by the Prescribed Body Corporates (PBCs) of Bardi Jawi, Nyul Nyul, Nimanburr and Gogolanyngor (Jabirr Jabir Ngumbarl), four Aboriginal communities (Ardyaloon, Djarindjin, Lombadina and Beagle Bay), in addition to the numerous outstations.

As such, DPLH tendered for the provision of consultancy services to engage with the Aboriginal communities on the Dampier Peninsula and other stakeholders regarding Aboriginal heritage impacts that could arise following the sealing of the Broome-Cape Leveque Road. The consultancy was to identify Aboriginal heritage sites and places that may be impacted by increased visitation and consider management options and strategies to mitigate this risk.

The Dampier Peninsula Aboriginal Sites Protection Plan project was commissioned late 2019 by DPLH with the authors. Whilst consultation commenced at this time, the wet season followed by the COVID-19 outbreak in 2020 interrupted the consultation process. The following preliminary report has been prepared to update DPLH, the Aboriginal organisations, communities and outstations as to the information obtained through literature review and results of the initial consultation process.

Study area

This project is located on the Dampier Peninsula of northern Western Australia. Located in the Kimberley region immediately north of the township of Broome, the following map illustrates the area.



Figure 1: Dampier Peninsula in northern Western Australia's Kimberley region.

Project Requirements and Specifications

The aim of this Plan is to identify areas of land with cultural importance that are likely or might be impacted by increased visitation, and consult with Aboriginal people from the Dampier Peninsula on the best way to manage this so we can advance possible protection mechanisms. Engagement with Aboriginal communities on the Dampier Peninsula and other stakeholders was required as part of this project, specifically regarding Aboriginal heritage impacts that could potentially arise following the sealing of the Broome-Cape Leveque Road. Through examination of existing data, previous reports and discussions with the broader communities, Aboriginal heritage sites and places that may be impacted by increased visitation have been identified within this report. Subsequent management options and strategies to mitigate this risk have also been considered and will be outlined within this report prior to a detailed description in the final plan.

The 'Dampier Peninsula Protection Plan for Aboriginal Cultural Places and Sites' is under development through this process. It is envisaged that included within this will be options to both avoid or minimise the impact on Aboriginal heritage sites and places; while simultaneously and where appropriate, identifying opportunities for the inclusion of heritage sites and places within sustainable Aboriginal enterprises (such as cultural tourism initiatives) as part of a cultural conservation economy. Ensuring these objectives are met, this Plan will:

- i. Identify Aboriginal heritage sites that are most likely to be impacted by increased visitor numbers;
- ii. Identify Aboriginal heritage site management options and how to avoid or minimise those impacts which may include:
 - a. Access restriction or management;
 - b. Signage;
 - c. Media and education; and
 - d. Use of Aboriginal Rangers and Aboriginal tourism operators to undertake monitoring and compliance functions.
- iii. Consider funding and cost neutral opportunities to implement Aboriginal heritage site protection projects; and
- iv. Consider economic opportunities that may arise from Aboriginal heritage site visitation and subsequent resources that could be applied to Aboriginal site protection projects.

Process and activities initially proposed

In order to produce the plan that contains the above objectives, the following processes and activities are underway and are outlined where possible within this preliminary report:

- 1) Conduct a desktop review of the available documentation as identified in the DPLH Project Brief;
- 2) Identify and assess strategies/approaches that have been adopted in other parts of Australia to manage increased visitor numbers to sensitive Aboriginal sites;
- 3) Consult with Aboriginal stakeholders through visiting the groups and arranging 'on country' meetings (joining with existing group meetings where possible);
- 4) Aligning with best practice processes, visit sites identified by the community groups and stakeholders that may most likely be impacted by increased visitation with consideration of management options and strategies to mitigate this risk;
- 5) Work closely with the Dampier Peninsula Working Group (DPWG), communities and other stakeholders and DPLH to develop the Aboriginal heritage sites protection plan; and
- 6) Complete a review process with the PBCs and other community groups through an additional 4 (four) on Country meetings to discuss the developed plan. This will ensure that cultural protocols and processes are embedded within the proposed mitigation and management strategies.

Definitions of site protection as applied to this project

The definition of site protection within the context of this project has been aligned with Indigenous methodologies and decolonising methodologies, in addition to the proposed legislative amendments to the Aboriginal Heritage Act (1972) as per the current AHA review process.

This revised definition ensures that cultural heritage sites, cultural landscapes and cultural places also incorporate areas of significance and/or importance for the local Aboriginal people of the Dampier Peninsula. Therefore, in terms of inclusion within this project, the following types of 'sites', 'places' or 'landscapes' have been included:

- Significance or cultural importance of place means that it requires 'no go' areas
- Cultural maintenance/revitalisation potential (about community)
- Ecological/environmental cultural significance (ie community fishing places, maintaining access to cultural resources – bush medicine/bush tucker trees, hunting grounds etc)

Additionally, sites with tourism or education potential are also considered with association management recommendations and mitigation strategies identified.

Report outline

This preliminary report will serve as the document that explains the project and the process undertaken to complete the project. Ultimately it will form an addendum to the final Plan and will include information on the method utilised throughout the project, in addition to articulation of perspectives shared through Aboriginal voices as documented in previous reports. This will then be paired with the knowledge of local communities, PBCs and individuals as shared to date through this project. In the final plan, these elements will be extended, before being combined into the completed Plan and reported on a Native Title area by Native Title area basis traversing from north to south (Bardi Jawi, Nyul Nyul, Nimanburr and Gogolanyngor).

The final sections of the report will identify those cultural places documented within the literature that form the basis for consultation and discussion with the communities and organisations of the Dampier Peninsula. An outline of the planning required for the protection and management of these locations, in addition to the resources required to implement the proposed works.

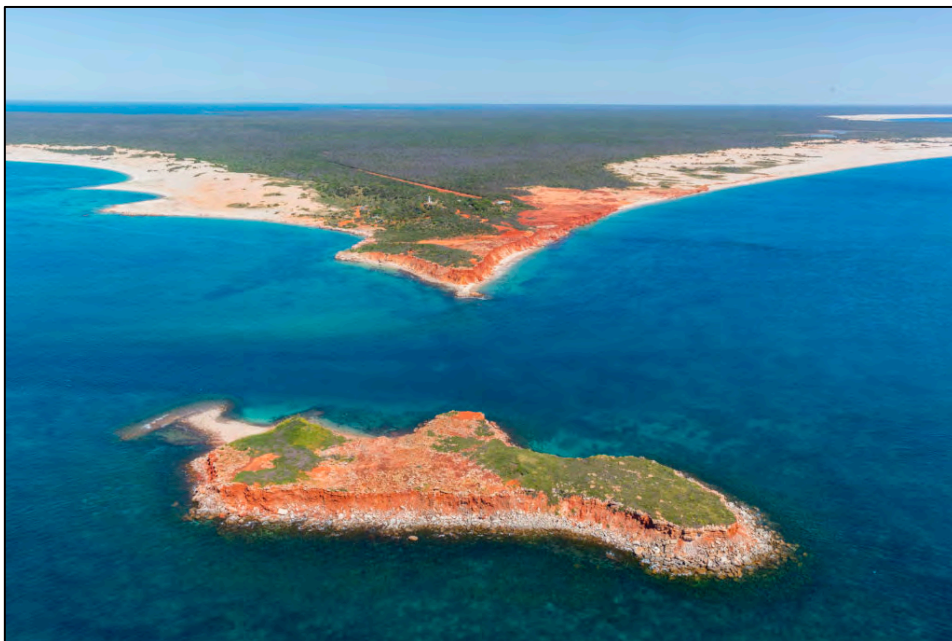


Figure 2: View of Dampier Peninsula (<https://kashelicopters.com.au/helicopter-tours/dampier-peninsula-discoverer-derby/>)

Methodology and project activities

To ensure that the project was undertaken cognisant with Kimberley Aboriginal knowledge and ways of working, the consultant team applied a range of methodological frameworks that place Aboriginal voices and perspectives at the heart of any endeavour of this kind. This section of the preliminary report outlines these methodological perspectives and the relevant activities employed as part of this project.

Theoretical Methodologies

A number of theoretical methodologies were incorporated into the project design to ensure the perspectives and voices of the Aboriginal people, communities and organisations of the Dampier Peninsula are front and centre of the final Plan. This included theoretical frameworks such as

- Indigenous methodologies (Kovach 2009);
- Indigenous archaeologies (Atalay 2006; McNiven 2016; Smith and Wobst 2005);
- Decolonising Methodologies (Smith 2009; Tuhiwai Smith 2012); and
- Cultural Ontologies (Blundell et al. 2017; Blundell et al. 2017; Oobagooma et al. 2016; Porr 2018).

This holistic framework was utilised by Marshall as part of her recently completed doctoral candidature investigating conservation and management of rock art sites across Northern Australia (Marshall 2019). This process ensures that the resulting Aboriginal Sites Protection Plan will have Indigenous Traditional Knowledges at its core, with guiding cultural protocols and processes underpinning the subsequent mitigation and management activities that form the basis of the document.

The method proposed and implemented incorporates all of these elements to work collaboratively with the communities not only to consult, but to co-design the plan with a framework that will ensure ownership of these activities into the future. This is at the core of cultural heritage management theoretical frameworks, with investment in local Aboriginal communities, to ensure positive and long-lasting processes that inherently be monitored and managed by the right people and groups for generations to come.

All activities undertaken for delivery of these services fundamentally align with best practice methods as articulated by the AIATSIS Guidelines for Ethical Research in Australian Indigenous Studies, Australia ICOMOS's Burra Charter and the Australian Heritage Commission's 'Ask First' guidelines will inform the process. Compliance will also be ensured to the Code of Ethics of both the Australian Archaeological Association Code of Ethics and the Australian Association of Consulting Archaeologists Inc (of which Marshall is a member of both). A Research Agreement with Bardi Jawi was also required by the PBC and the consultants entered into this agreement as a sign of respect and adherence to best practice standards. This was done by completing:

- i. An overview of the Aboriginal heritage sites and places on the Dampier Peninsula (desk-based);
- ii. Desktop review of existing Aboriginal heritage management plans on the Dampier Peninsula and review of interrelated agency work proposed under the Dampier Peninsula Project;
- iii. Identify Aboriginal sites and places (include sites and places already on the Register as well as places identified by stakeholders as yet unregistered to AHIS) where increased visitor numbers are likely to be experienced once the road has been upgraded;
- iv. Determine the aspirations of the Dampier Peninsula Aboriginal communities with regards to the opportunities and impacts of increased visitation at Aboriginal heritage sites and places and develop, in consultation with Aboriginal communities and other stakeholders, management options to avoid or minimise the impact on Aboriginal sites and places;
- v. Research funding avenues and cost neutral opportunities to implement Aboriginal site protection projects;

- vi. Consider economic opportunities that may arise from Aboriginal site visitation and the resultant resources that could be applied to Aboriginal site protection projects;
- vii. Based on the above research and consultation, prepare an Aboriginal Sites Protection Plan that outlines management options to avoid or minimise the impact on Aboriginal heritage sites and considers protection strategies.

While there was no requirement in the development of the plan to conduct heritage surveys of Aboriginal sites and places, nor that the Plan will consider all Aboriginal sites and places in the Dampier Peninsula, the consultants will undertake reconnaissance trip/s in August 2020 to confirm infrastructure requirements as appropriate. This will allow for management options and strategies to mitigate perceived risks to be determined for those cultural heritage places likely to be impacted by increased visitation.

Groups we engaged with

As identified by DPLH from the outset, we sought to engage with the following groups during the project:

- a. Dampier Peninsula Working Group (DPWG)
- b. Dampier Peninsula Native Title Prescribed Body Corporates or representative groups including:
 - i. Bardi Jawi PBC;
 - ii. Nyul Nyul PBC;
 - iii. Nimanburr PBC; and
 - iv. Gogolanyngor PBC (Jabirr Jabirr Ngumbarl)
- c. Incorporated associations / Community Councils of the four major Aboriginal communities (approximately 1 meeting with each group):
 - i. Ardyaloon Incorporated;
 - ii. Djarindjin Aboriginal Corporation;
 - iii. Lombadina Aboriginal Corporation; and
 - iv. Beagle Bay Futures Indigenous Corporation
- d. Outstation communities – in clusters

How we engaged with them

The initial intention was to utilise a Participatory Action Research process for the discussions, involving:

- introduction of the project;
- discussion of sites identified through the desktop review and other sites identified by the relevant groups;
- articulation of interest in various management and mitigation strategies;
- identification of the role/s played by the relevant groups in the implementation of the overarching Aboriginal Sites Protection Plan.

Whilst we were able to achieve this initially at the DPWG meeting in November 2019, and subsequent meetings held early March 2020 (Nimanburr and Gogolanyngor PBCs, Ardyaloon Community) this was then interrupted by the COVID-19 pandemic.

Between late April 2020 when organisations re-commenced meetings until this preliminary report was finalised mid-July, further discussions have occurred remotely via preparation of meeting briefs for all four PBCs. Attendance at Nimanburr PBC mid-July will be the first face to face possible since early March.

As such, a short trip to Dampier Peninsula has been proposed for early August. As many communities and organisations continue to remain restricted and allow only essential services, this will only be possible where invitations are extended by the relevant outstations/communities/PBCs. The project team will be based at Kooljaman and travel with the Bardi Jawi Rangers and community representatives while there.

Should the pandemic continue to interrupt these activities, the project team will proceed with remote attendance options via briefs and/or online platforms. A number of individuals representing PBCs and communities have also been identified to support the development of the Plan and assist in determining the final cultural heritage places and landscapes that need to be included in the Plan.

Background review

Previous registered sites, unpublished reports, plans, strategies and statistical information was identified by DPLH when putting together the tender for the project, including:

- The DPLH Aboriginal Heritage Inquiry System
- Sharon Griffiths Dampier Peninsula Access Management Plan 2005
- KLC Dampier Peninsula Planning Project 2012 (2010/11 KLC Social impact assessment re JPP?)
- Bardi Jawi Indigenous Protected Area Management Plan 2013 -2023
- WA Planning Commission Dampier Peninsula Planning Strategy 2015
- KPP Dampier Peninsula Visitation and Tourism Infrastructure Assessment 2017
- KPP Dampier Peninsula Visitor Forecasts 2018

These have been examined and relevant information is described in the following section. In addition to these documents, an additional reference was identified in local archives and also included:

- Meister, R. (2004) Sustainable tourism development on the Dampier Peninsula: planning the future – respecting the past. Unpublished thesis, University of Notre Dame Australia.

From this latter document and databased searches, a series of further references were identified and where possible, these will be sourced and incorporated into the final plan. These include:

- Senior (1987). Aboriginal Tourism and Heritage
- Waterbank Structure Plan (2000). Department of Land Administration
- Broome Planning Steering Committee Report (2005)
- Bradshaw, E. & R. Fry (1989). Management Report for Lurujarri Heritage Trail. Dept of Aboriginal Sites, Western Australian Museum.
- Parliament of the Commonwealth of Australia (1991). The Injured Coastline: Protection of the Coastal Environment Report of the House of Representatives Standing Committee of the Environment, Recreation and the Arts.
- Terrex Resources (1991). Application and objections heard in the Warden’s Court, Broome 22-25 July 1991 by Dr J.A. Howard Vol 8 Fol 8AA.
- Kimberley Land Council (). A Report of the Ethnographic Survey of Exploration Licence Applications 04/645, E04/656 and E04/676 in the West Kimberley.
- National Native Title Tribunal Hearing Report, NNTTA 118 (August 2008) Application No: WO07/803
- O’Connor, R., G. Quartermaine, and M. Nanya (1989). A report on Aboriginal Sites on the Dampier Peninsula. Dept of Aboriginal Sites, Western Australian Museum.
- O’Faircheallaigh, C and J. Twomey (2010). Kimberley LNG Precinct Strategic Assessment Indigenous Impacts Report. Volume 4: Report on Heritage Impact Assessment. Kimberley Land Council. September 2010.

Cultural heritage sites and Aboriginal perspectives documented in the archive

Reports, plans and strategies identified by DPLH have been reviewed in full and relevant information from each is provided below. Key quotes and Aboriginal perspectives of looking after cultural heritage on the Dampier Peninsula as contained within these documents has also been extracted where relevant and detailed here. Site references or data within each of the Native Title areas has also been collated and is reported in the relevant section later in this report.

The first data set reviewed is that held within DPLH's Aboriginal Heritage Inquiry System (AHIS). The information was extracted from AHIS in May 2020 and has been included here. For the Bardi Jawi Native Title Area (WC 1995/048 / WAD049/1998), there are a total of 61 Registered Sites, 85 Other Heritage Places and seven reported surveys. It should be noted that all places (either registered or reallocated as an 'other heritage place') will be considered by the groups as part of this process, in addition to sites that have not previously been identified or registered through AHIS.

The Bindunbur Native Title area immediately to the south includes three determination parts (WC2015/007 / WAD025/2019), (WC2018/004 / WAD128/2018), (WC2015/007 / WAD025/2019) for Nyul Nyul, Nimanburr, and Jabirr Jabirr people. This area is represented primarily by two PBCs, these being Nyul Nyul and Nimanburr. Gogolanyngor PBC represents Jabirr Jabirr and Jabirr Jabirr Ngumbarl interests. Only the first determined area currently contains registered sites, of which there are 30. There are also 29 Other Heritage Places and 12 Surveys (of 14 survey areas).

The southern-most area of which Gogolanyngor PBC represents includes two determined native title areas (Jabirr Jabirr WC2013/007 / WAD357/2013), (Jabirr Jabirr Ngumbarl WC2013/007 / WAD18/2019). The former of these contains 21 registered sites, 17 other heritage places and 11 surveys. The second of these areas contains no registered sites, two other heritage places and five surveys (which are also part of the 11 for the broader area).

The registered site data identified above was utilised to assist with discussions following interruptions in the consultation process by the COVID-19 pandemic. While the initial intent was to identify sites with the groups and then confirm if there were additional ones of interest as registered, this was not feasible given the challenges to meet face to face from March till July 2020.



In addition to the AHIS register data, six additional references were reviewed. Where relevant, sites identified in these documents have been utilised to assist in the consultation relating to this project and details are provided in the cultural heritage places section below. The majority of these references consider the entirety of the Dampier Peninsula with the Bardi Jawi plan the exception.

The first of these reports of interest (Griffiths et al 2005) was an Access Management Plan developed for the Dampier Peninsula. This plan was pre-emptive and in response to the potential drive to seal the Cape Leveque to Broome Road and thus provide all weather access. Of note, Griffiths and team considered the implications that the road improvements could have, which involved a range of both impacts and potential initiatives to reduce pressures on both people and place. They identified that (Griffiths et al 2005:v):

an improved road will attract increased numbers of vehicles and people, bringing greater human pressure on coastal recreation spots, fish and marine stocks, and... on cultural and environmentally significant areas. An improved Cape Leveque Road has the potential to increase existing conflicts where uncontrolled visitor movements bring trespass upon private lands, traditional fishing grounds, and culturally sensitive areas and resources.

The project was a collaborative initiative and involved a range of organisations including overall sponsorship by Mamabulanjin Aboriginal Corporation, while being overseen by the Dampier Peninsula Access Management Steering Committee and managed by DPLH (at that time the former Department of Indigenous Affairs (DIA)). Additional funding was provided through DIA, the Shire of Broome, Dept Housing and Works (DHW), Indigenous Land Corporation (ILC), Kimberley Development Commission (KDC), and the Department for Planning and Infrastructure (DPI). Key objectives identified for the study were (Griffiths et al 2005:1):

- Minimise the potential social and cultural impact of an upgraded road system on Aboriginal communities on the Dampier Peninsula;
- Minimise the potential impact on the environment generally and any environmentally and culturally sensitive areas as a result of the expected increase in visitors to the Peninsula; and
- Improve and maximise benefits to Peninsula communities from tourism and recreational users.

The first section of the report provides an overview of the journey of Aboriginal people today, the influence that non-Indigenous people had through pearling and missions, to more recent times of self-determination, the homelands movement and Native Title (pp 3-7). This is then contextualised by economic and employment opportunities (pp 10-14), the environment and natural resources (pp 15-19), before addressing the road itself and responsibilities (pp 20-24).

The following section then offered a range of considerations associated with improved access (pp 25-32) and looked at patterns or types of visitation, resultant movement or activities, issues with public liability, the need for a transport strategy on the peninsula, in addition to implications the improvements to visitor access would have on other areas.

Details of the requirements associated with managing entry, in addition to the creation of opportunities was articulated (pp 33-50). This included the potential to introduce a permit system, limit vehicular access to certain areas, implementation of a ranger system, establishment of day use areas and facilities, in addition to the introduction of a code of conduct and potential yield from tourism (cultural and non-Indigenous ventures alike).

The final sections of the report considered what this would look like, the planning responsibilities required (pp 53-55), implementation of one of three potential management models – these being ‘*cooperative management*’; ‘*dispersed managed entry*’; or ‘*centralised managed entry*’ (pp 56-60) and options for securing associated resources (pp 61-62).

From the strategies presented by the team, all primarily focused on '*management of the entry, movement and activities of people on the Dampier Peninsula*'. They suggested that to do so would '*help deliver a range of benefits while minimising the potentially damaging impacts*', whereby recommended initiatives included (Griffiths et al 2005:v):

- The implementation of an Aboriginal Ranger Program;
- Development and improvement of signs and other travel information to provide clear guidance and direction;
- Strategies to communicate and raise awareness amongst visitors and tourist operators, on the Peninsula's cultural and environmental conditions;
- Measures to improve the application of entry/transit permits, which are legally required to enter many areas;
- Development of public facilities at coastal access points; and
- The future possibility of an entry point or points, where management and control can be exercised over visitor numbers, vehicle entry, issue of permits, fee collection, entry of boats and caravans, and the monitoring or enforcement of laws, eg. quarantine regulations, fish take, and the movement of illegal substances. Entry point/s where business initiatives like a visitor centre or tourist booking services or administration may be co-located.

Through the proposed implementation of one of the three 'management models based on cooperative measures with an emphasis on community involvement, providing visitor information, awareness-raising, control of entry from multiple points, and centralised single-entry point management', the group identified a path forward to ensure that Aboriginal people were not further marginalised through the all-access conversion of the Cape Leveque to Broome Road.

The report was extensive and remains an excellent platform for the likes of more recent initiatives such as this current project. There was limited identification of specific sites within the document, however those undertaking tourism operations at that time were:

The three main destinations at Cape Leveque, Middle Lagoon and Lombadina accommodate the bulk of visitors to the Peninsula. In recent years new camping grounds have been opened at Mudnunn, Chile Creek, La Djardarr Bay, Maddarr, Gambanan, and Djoodoon. Additional outstations are opening or considering similar ventures in tourism, whilst others have focused more on providing culture and adventure experiences such as specialised bush walks, guided interpretive excursions, boat charter and boat hire, fishing and mud crabbing. A wide variety of camping, community stay, cultural experiences and other hosting arrangements are currently in the planning stages.

Attractions for visitors to the area include Indigenous lifestyle and knowledge, history and heritage, wide open spaces, an attractive coastal environment and climate, and an abundance of natural resources like fish, crabs, and oysters. Visitors to the Dampier Peninsula are now able to engage in a range of recreational, educational and cultural experiences highly valued by the tourism industry (Griffiths et al 2005:14).

In addition to noting these specific operations, a number of key quotes illustrate the challenges faced:

Outstation developments provide the opportunity for residents to re-establish connection to traditional land. Local people fish and collect shellfish in the nearby creeks and beach area, catch crabs, and hunt dugong and turtle. They have a range of responsibilities to care for country, strongly directed by cultural protocols, traditions and practices (Griffiths et al 2005:8).

The Peninsula environment and its variety of natural resources have for eons supported a traditional lifestyle and culture. For example the vine thickets are a major source of food and medicines, supplying seasonal fruits and berries, prized yams, carving timber and other valued resources. The woodlands provide timber and bark for the building of shelters, spears and other implements still used today. Seasonally the fauna is used for food, providing important nutrition and variety to the local diet. The lakes and marshlands also provide a habitat for bird life. The coastal and tidal areas support a strong local salt water heritage. Fish, crabs, oysters and other shells are taken from the tidal zones, whilst the sea has always provided abundant fish, dugong and turtle. The natural environment and its resources are closely tied to Aboriginal culture and belief systems. The often-used slogan of “healthy country – healthy people” reflects the traditional sense and knowledge that the maintenance of a sustainable relationship with country (the land and waters), is vital for the good mental, physical and spiritual health of people (Griffiths et al 2005:14).

Natural water sources feature significantly in Aboriginal culture...

Aboriginal people on the Peninsula have traditionally relied upon the surrounding waters including inlets and estuaries, for food and resources that form a major component of their diet, and sustain their health and spiritual well-being (Griffiths et al 2005:18).

Following on from this work, the KLC (2012) undertook the Dampier Peninsula Planning Project in partnership with the Aboriginal people of the area. Opening their report with a statement from the people, the project *‘includes recommendations and work priorities which are designed to bring about the overall vision Aboriginal people of the Dampier Peninsula have for their country (KLC 2012:12):*

*Healthy country, healthy people, healthy communities.
Culturally, socially spiritually, environmentally and economically strong.*

This project was developed in response to land tenure reform of Indigenous lands and land use planning, specifically resulting from the Regional Benefits Agreement that was negotiated as part of the now-defunct Browse LNG precinct at James Price Point (KLC 2012:18). Designed to ensure participation of Aboriginal stakeholders in the development of the Dampier Peninsula Planning Strategy, this report resulted:

One of the main drivers of the DPP Project has been to ensure that the interests, concerns, aspirations and knowledge of one of the main stakeholder groups on the Dampier Peninsula – Aboriginal people, and in particular Traditional Owners – is not ignored in future land use planning for the region...

The design of the project, in particular consultation, decision making and authorisation methodologies, which is described in detail in Chapter 3, was developed with particular regard to the requirements of culturally appropriate decision making and the principles set out in the United Nations Declaration on the Rights of Indigenous People (UNDRIP). (KLC 2012:19).

Following an overview of the project itself (pp 18-31), past studies and their in/adequacies (pp 32-55), in addition to the consultation process (pp 56-110), the bulk of the document is dedicated to the range of recommendations (pp 114-175) that are required to fulfil the vision of the Aboriginal people of the Dampier Peninsula shared above. These relate specifically to

- Heritage
- Conservation
- Access Management
- Land and Sea Management
- Ranger services
- Land use and economic development
- Infrastructure and other service delivery
- Land tenure reform
- Governance and implementation

If we look at the findings from the KLC's (2012:36-37) review during the project of outstanding issues relating to culture, heritage and conservation (including marine areas), there are many that remain pertinent and potentially can be addressed somewhat during this project:

- Areas of high cultural, environmental, landscape and heritage value on the Dampier Peninsula are also areas where there is a strong demand for multiple land uses
- Impact of development projects and tourist ventures on the Dampier Peninsula on Indigenous culture and heritage, lifestyle and well-being if not managed appropriately
- Lack of Indigenous consultation and approval resulting in environmental, cultural and spiritual impacts on sites from unauthorised access
- Lack of respect and understanding of Indigenous cultural protocols and values
- Impacts on land and coastal environments including wetlands
- IPAs for land and sea
- Coastal protection and management including wetlands, coast, dunes, vine thickets, the sea , islands and marine life
- Lack of ongoing funding and changing institutional support and priorities to maintain ranger programs and community-based Indigenous environmental programs
- Rangers not having enforcement powers
- Management arrangements including joint management
- Aboriginal people should be permitted unrestricted use of the land and the sea in areas including Nature Reserves
- Lack of secure conservation reserves on the Dampier Peninsula
- Inadequate management and control of legal fishing, poaching, and overfishing including recreational overfishing
- Inadequately designated and managed marine facilities e.g. a lack of boat ramps means visitors launch their boats anywhere
- Impact and extent of pearl farms, commercial fisheries and longline fishing, recreational fishing, and developments on traditional hunting areas, traditional fishing activities, fish resources, and native title rights

In response to these items, and working through the recommendations that remained from previous reports, the group identified a range of requirements to support the management of cultural heritage values which should be prioritised (KLC 2012:39):

- Develop heritage management plans.
- Develop a sustainable development management plan that includes control and access to Country, fish stocks, tourism, community rangers and areas of economic, cultural, Indigenous, scientific, ecological and aesthetic values that must be protected.
- Recognition of Indigenous ownership of Country in planning and development systems and improved land management strategies implemented to protect areas of high heritage and cultural value to ensure the compatibility of development with, and ongoing cultural and traditional use of, the land and sea.
- Improved Indigenous consultation, approval and management regarding environmental, cultural, heritage and lifestyle impacts from development projects and tourist ventures, and to avoid sites being accessed, disturbed or damaged.

Consideration was also given to the recommendations made in the KLC's (2010) *Heritage Impact Assessment Report* from the Browse LNG negotiations. While 'providing a relevant description of cultural relationships and connections to country that should inform implementation of the DPP Project recommendations', this document sought to address both impacts on heritage, 'as well as the associated requirement for detailed and specific measures to avoid, manage or mitigate the identified impacts', endorsing (KLC 2012:49):

- the development of a regional cultural heritage management plan, including the establishment of a permit system for access to country;
- resolution of native title claims, monitoring of heritage impacts, and review of existing heritage protection measures; and
- protection of matters on the National Heritage List.

With the information from the consultation process connected with that from previous reports, the voices of Aboriginal people were forefront of the recommendations made. Of interest to the context of this report are those related to cultural heritage particularly, stating (KLC 2012:119-121):

VISION: *To protect and maintain respected living cultural and heritage traditions for future generations.*

HERITAGE WORK PRIORITY: *Each Traditional Owner group to undertake Cultural Mapping as soon as possible.*

Specific recommendations that need to be supported by cultural mapping include:

- *Conservation area planning and management – for example, traditional access and use areas, such as traditional fishing and camping spots.*
- *Governance – for example, ensuring traditional laws and customs are accommodated within other corporate and government decision-making arrangements.*
- *Detailed land use planning – for example, the identification of 'go' and 'no-go' areas for development and the identification cultural conservation areas.*
- *Management – for example, access management locations, protocols for visitors and impact management.*

Some planning and management options from in past studies to protect heritage and culture include:

- *accurately mapping cultural resources;*
- *giving specific areas on the Peninsula a high level of protection from tourists and other visitors;*
- *improved access management, for example adjust the access network to direct traffic away from sensitive areas and provide information and interpretative signage to educate visitors about protocols associated with these sites and areas;*

- *improved planning approval processes and guidelines to ensure that developments do not interfere with places of importance to law and culture;*
- *improved oversight by rangers; and*
- *integration of cultural resource use with other natural resource protection.*

A further observation related to the West Kimberley National Heritage Listing and the need to protect these areas, while sharing appropriately (KLC 2012:120):

The West Kimberley National Heritage listing includes the northern part of the Dampier Peninsula generally north of Beagle Bay, the intertidal zone along the west coast, and the sea country off the east coast (King Sound). This reinforces the need for careful management and consideration of heritage values...

In relation to the need for cultural mapping of culture and heritage values on the Dampier Peninsula, the following quote stands out:

“We said this cultural mapping was important to get in place before government community infrastructure planning begins. Cultural mapping must be done first otherwise there will be big problem with development and planning later. Once cultural mapping has been done, then the government can use that to navigate their planning strategies. We need to keep in mind that planning is very important now. Forget about the past, we can’t undo it. I hope the DoP took that on board”. Traditional Owner

Whilst studies or projects involving cultural mapping have not been forthcoming to date during this project, Gogolanyngor is considering initiating this type of endeavour in the immediate future. A final quote worthy of inclusion in this report is the opening paragraph discussing the importance of culture and heritage, and may be worthy of inclusion in the final plan (KLC 2012:119):

...remains a living cultural landscape where systems of traditional law and culture remain strongly observed. Traditional Owners have a strong desire to protect and maintain traditional cultural heritage and values and have identified this as one of their most important issues. This includes the passing on of traditional practices and knowledge to future generations. Respect from mainstream society for traditional culture and its place in Aboriginal society is ... seen as essential for reconciliation.

Of equal importance to this study is the Conservation recommendation from this report. The stated vision and work priorities included (KLC 2012:126):

VISION: *Priority conservation areas are established on the Dampier Peninsula that:*

- *Traditional Owners and Government have jointly agreed to on location, use, tenure, control, and management of conservation and heritage areas;*
- *respects and integrates cultural and western scientific and technical knowledge; and*
- *facilitates a transition to Traditional Owner sole management as soon as possible.*

CONSERVATION WORK PRIORITY: *Develop a Conservation and Heritage Plan with the Department of Environment and Conservation (DEC) that:*

- *protects cultural and natural heritage values*
- *recognises, respects and supports Traditional Owner interests;*
- *brings together the right people on country with the best cultural and western scientific and technical knowledge; and*
- *works with other supporting programs like IPAs.*

Importantly, when discussing the conservation values for the Dampier Peninsula, the holistic approach and articulation that the natural and cultural environments are one rather than separate and need to be managed together rather than separately as the Western scientific approach often does (KLC 2012:121):

The natural environment and resources of the Peninsula are of significant cultural heritage value to Traditional Owners. The protection of coastal and marine areas is of high importance for cultural practices and resources, for example fish, crabs, turtle and dugong are a significant traditional food source and still comprise a large part of the diet of Aboriginal people on the Peninsula through to the present. Inland areas also have resources and special significance for Aboriginal people, including for cultural practices, resource use such as bush tucker and bush medicines, and hunting grounds.

This approach and assertion resonates with this current project and the need to consider more broadly the protection of cultural values and heritage on the Dampier Peninsula. Building on this understanding, there was also a call to reconsider the coastal islands as part of this process, with calls to (KLC 2012:125):

...identify those islands that require protection and management for environmental as well as for cultural and heritage reasons and to ensure appropriate tenure and management arrangements. The Department of Planning draft report identifies North-west Twin Island, Valentine Island and Sunday Island as requiring protection...to changing the status of the C Class Lacepede Islands reserve to an A Class reserve... Swan Island, North-west Twin Island, South-east Twin Island and Sunday Island all fall within the waters of the Buccaneer Archipelago that the Wilson Report (CALM, June 1994) recommended for reservation as a multiple-use marine park.

Early consultations during this project, particularly with both Bardi Jawi and Nimanburr, have again identified the need to ensure the protections sought through this plan extend to the islands as well. With areas such as Valentine Island discussed, where impacts are already identified from visitors, consideration will be given and management options proposed with Traditional Owners to mitigate and minimise these for the future.

FOCUS AREA	WORK PRIORITY (Summary)	KEY LINKAGES	PRIORITY H/M/L	TIMEFRAME S/M/L
Heritage, Conservation & Management	1. Undertake Cultural Mapping by each TO Group	Precursor to most activities	H	S
	2. Develop a Conservation & Heritage Plan with DEC	Detailed land use plans, LTR, management & rangers, NT	H	S
	3. Develop a Management Framework for DP land & sea	IPAs, conservation, access management, rangers	M	M
	4. Preparation of Priority Management Plans: <ul style="list-style-type: none"> ▪ Fire ▪ Water Resources ▪ Fisheries ▪ National Heritage ▪ High conservation/threatened areas 	Cultural mapping, land use plans, conservation, access management, rangers	H	M
	5. Access Management implementation: Stage 1: Prepare and implement awareness raising materials Stage 2: Prepare a Plan for an integrated access management system	Cultural mapping, Rangers, economic development, land tenure, land use, governance, NT	H	S
	6. Develop an integrated ranger system across the Dampier Peninsula		M	M/L

The final points of interest for this study from the Dampier Peninsula Project are the two tables which identify the immediate work priorities for the area (above; KLC 2012:168), in addition to acknowledgement of how long these recommendations have been made for (below; KLC 2012:183). These are of relevance to this project as well:

Issue Category	WORK PRIORITY (Summary)	PRIORITY H/M/L	TIMEFRAME S/M/L
4 Cultural and heritage values and sites of significance	4.1 Areas of high cultural, environmental, landscape and heritage values on the DP are also areas where there is a strong demand for multiple land uses	1993	2010
	4.2 Impact of development projects, and tourist ventures on the DP on Indigenous culture and heritage, lifestyle and well-being if not managed	1997	2010
	4.3 Lack of Indigenous consultation and approval resulting in environmental, cultural and spiritual impacts on sites accessed/trespassed.	1993	2009
	4.4 Lack of respect of cultural protocols	1993	2009
	4.5 Break down in the passing of indigenous cultural practices to the following generations	2004	2010
	4.6 Lack of recognition of ongoing traditional use of the DP and customary marine tenure and customary authority structures in effective monitoring and regulation of users of marine resources.	2004	2009
	4.7 Exploitation for commercial profit of Indigenous law and culture and the need for improved protection of cultural sites of significance, stories, objects and art to preserve cultural integrity.	1984	2010
	4.8 Conflict and differences between Indigenous versus non-Indigenous values and concept of land and Country.	2009	2010
	4.9 Competing demands of meeting family and cultural obligations while fulfilling work duties, community life versus planning and coordinating work activities.	2009	2009

A plan in its own right, ensuring Traditional Owners and communities are involved in heritage discussions and developments was central to this work. The identification of a range of islands in addition to places included in The West Kimberley thematically-based heritage listing were the only specific locations noted.

Simultaneous to this aforementioned process, the Bardi Jawi Traditional Owners, elders and rangers worked together to development a management plan for the Bardi Jawi Indigenous Protected Area (IPA) on the north of the Dampier Peninsula (Bardi Jawi IPA 2013). The plan was developed to support the management of Bardi Jawi country on the north of the Peninsula and opened with the following dedication, which echoes the sentiment of this study (Bardi Jawi IPA 2013:i):

We would like to pay tribute to past generations of Bardi Jawi elders. Their knowledge of language, law and culture has been handed down to the elders of today, who are trying to pass on that knowledge to younger generations. This plan recognises that Bardi Jawi have ownership of their land and islands because of the old people who fought for recognition of country and their people. The knowledge they passed on is essential to the way elders want their country to be seen and they want their cultural practices retained now and forever. This plan recognises cultural knowledge and aims to maintain it through looking after law and country. By looking after country the right way, we will look after Bardi Jawi Law, Language and Culture.

The Bardi Jawi IPA plan was developed collaboratively between Bardi Jawi Traditional Owners, elders and rangers, with the support of the Kimberley Land Council (KLC) and the Nature Conservancy. Structured around the targets that people want to protect, objectives articulating what they would like to achieve, and strategies to highlight the path forward, seven targets were identified (included here in the nested version complete with the associated objectives as appears in Appendix 1 (page 49) of the plan):

- Marnany (fringing reefs) nested targets
 - Reefs around Jayirri, Goowarn (pearl shell) and other shells, reef shellfish, Banyjarr (clam and abalone), Noomool (seagrass)
- Aarli (fish) nested targets
 - Joord (mullet), Barnamb (stingray), Ngarrangg (mud crab), Mangroves, Dreamtime story about Barrambarr, Noomool (seagrass meadows)
- Goorlil (turtle) and odorr (dugong)
 - Oondoord (married turtle places), Noomool (seagrass meadows)
- Significant sites nested targets
 - Songlines and important mythological places, Dreamtime story sites in and off country, language, burial sites on Iwany (Sunday Island), birth places on Iwany, Jetty on Iwany
- Language, law and culture
- Indigenous plant resources nested targets
 - Banggaljoon bardag agal may (bush orchids), Bardag may (fruit trees), e.g. Madoorr (gubinge), Goolay, Birimbiri, Goorralgar, Joongoon, Goolnji (wild cherry), Marool, Gariliny, Mangarr, Gorr-gorr, Gamooloon. Barnman bardag (medicine trees), Biindan, Boordan booroo (Monsoonal Vine Thickets)
 - Manawan tree used to make Irrol (spear), Goolajarrg (pronged fishing spear), Jarrar (large spear for turtle and dugong) and Oolor (salt-marsh spear) made from mangrove tree for hunting Barnamb (stingray)
 - Iingam and Banyjoord (fish poison)
 - Moonga (bush honey from trees), Loonyjoomard (paperbark), Marroolal (ghost gum), Joongoon (orange-spiked berry tree), Jigal, Goonggar, Joomay
 - Mardga (Shield), Oordool, Joolgirr, Bilanggamarr
- Traditional oola (water) sources nested target
 - Weedong Lakes, Community water bores

In addition to these targets for healthy country, a number of threats were considered that may challenge the ability of Bardi Jawi people to care for country. These included (Bardi Jawi IPA 2013:41-45):

- Climate change
- Bushfire
- Mining
- Marine Pests
- Visitors to country
- Weeds
- Lack of control over marine resource
- People not living on country
- Lack of transmission of knowledge
- People not looking after country
- Pearling leases and land-based infrastructure

Throughout the plan, opportunities and management strategies to realise these were consistently discussed. In particular, reference was also made to visitors to Bardi Jawi country, in that they often seen an alternative tourism experience – ‘*They seek adventure, pristine environments and cultural experience*’ (Bardi Jawi IPA 2013:43). However, it was recognised that these experiences require ‘*careful management so as not to destroy the very things they come to appreciate*’. It was also acknowledged that partial management has been implemented and ‘No Access’ signs have been introduced to most outstation roads, but this is complicated when some signs are also used to guide tourists to open cultural tourism activities and camping venues. To clarify, the IPA plan suggests that (Bardi Jawi IPA 2013:43):

Community offices are the first places visitors should go to, to gain clear information on where they can go and what they can do. The signs have been put up by the community council or Traditional Owners, and their instructions should be respected. For visits other than for tourism, research or other services, the Bardi Jawi Prescribed Body Corporate should be consulted... Visits to islands and bays by boat are becoming a greater problem, as many culturally significant places are found on islands and sea country. Visitors must seek permission before going to such places, and follow the rules.

A similar scenario is likewise posed where external government agencies and bodies seek access and advise from a community. Permissions to do so are discussed, with the group advocating (Bardi Jawi IPA 2013:7):

An outside agency or individual may be welcomed to a community and believe that the matter they are there to discuss has been well received. They may believe that permission has been obtained for the proposed work to go ahead. In many cases work may be stalled later over heritage, legislative or intellectual property concerns. Under native title, a council oversees crucial decision-making processes... Any proposal concerning research, joint management or development to do with cultural heritage, use or documentation of traditional knowledge, or on-ground works, must be referred to the RNTBC for consideration...

While governance and access protocols such as these are acknowledged in the document, in addition to the complicated land tenure that covers the area (Bardi Jawi IPA 2013:19), the identification of specific heritage sites is less so. Consideration of the National Heritage listing of The West Kimberley is mentioned but not specific locations this may relate to (Bardi Jawi IPA 2013:3):

In 2011 much of the west Kimberley was placed on the National Heritage list, including part of Bardi Jawi country, because of the history of the Gaalwa (double log raft), the use of Goowarn (pearl shell) for ceremonial purposes and trading far afield, and the beauty of the area to visitors.

General reference was also made to the extensive sea country within the Bardi Jawi IPA, noting that (Bardi Jawi IPA 2013:13):

Within Bardi Jawi Sea country there are reefs and islets (sandbars exposed at low tides) that hold cultural significance... Kooljaman is a Bardi Jawi tourist resort, providing a great educational opportunity to promote on-country management. There are significant cultural, environmental and infrastructure assets within the resort boundaries.

Discussion then shifted to the entirety of Bardi Jawi country and that Jardagarr (coastal country) and Niimidiman (inland country) have differing and particular management needs that relate to a range of animals and plants (Bardi Jawi IPA 2013:15):

Many species of native Garrabal (birds), including Gouldian Finches, Eastern Curlews, Fork-tailed Swifts, Yellow Wagtails, Oriental Cuckoos, Chestnut-backed Button Quails, Peregrine Falcons, Bush Turkeys/Australian Bustards and Bush Stone Curlews, are common to Jardagarr areas... Jardagarr areas are of high conservation value because of their biodiversity and high cultural values.

Situated close to Jardagarr is Niimidiman, which also harbours many plant and animal species of high cultural value. For example, Irrgil trees are used for making boomerangs and Marrga, Joolgirr and Bilimangard trees are used for making shields. Some Niimidiman areas feature traditional Oola (water) places and stories attached to these places are culturally important. Banyjoord and Iingam also grow in the Niimidiman areas. Bardi Jawi people want to protect their natural ecosystems and use the resources contained within them sustainably, so that conservation and sustainable use co-exist... The Niimidiman protected areas will conserve ecosystems, habitats and cultural values. These areas require visitor management as well as the prevention of wild fires.

These areas were mapped to illustrate the extent of their coverage and this has been replicated below (Bardi Jawi IPA 2013:17):



Subsequent to this document, the WAPC Dampier Peninsula Planning Strategy 2015 (WAPC 2015) was created to provide an overarching, coordinated and comprehensive planning framework for the area, ideally taking into consideration the outcomes from the reports discussed above. The primary aim and principle of the strategy is (WAPC 2015:1):

to redress non-integration of the Peninsula into the State's Planning Framework through a subregional plan to facilitate better social and economic development... Residents of the Peninsula, native title parties and other land users have a strategic interest in securing land tenure for economic development and management and protection of environmental and cultural heritage assets.

Designed to provide a 25-year strategic planning framework for the area, the study (WAPC 2015:3):

- defines a vision for the future including economic development;
- provides an overview of the planning, sustainability and environmental context;
- identifies the guiding principles for the future;
- includes a strategic land use plan which identifies broad, and in some cases, specific land uses and access network; and
- ensure that registered interests in native title and Aboriginal or other cultural heritage are appropriately identified in planning and development decisions.

To do this, a collective vision was articulated (WAPC 2015:3):

To develop a future that protects our culture, our lifestyle and the environment and offers economic opportunities that would improve the quality of life for stakeholders with a direct interest on the Dampier Peninsula.

A range of guiding principles for the framework were identified and were similar to those proposed in previous studies, with this iteration including community; heritage and culture; environment and protection of biodiversity; economic; infrastructure; access; water protection; cumulative impacts of development; sustainability; limits of acceptable change; and precautionary principles. When discussing 'Heritage and Culture' the framework noted (WAPC 2015:10):

Safeguard and maintain the tangible and intangible values of heritage and cultural sites in their natural and cultural settings and social contexts. All planning and development must consider the requirements of heritage and cultural protection afforded under State and Commonwealth legislation. Where relevant, it should also provide the opportunity for the development of culturally appropriate tourism through the interpretation of Aboriginal heritage. Traditional Owners and other local residents typically recognise their need to build greater capacity, including with assistance from others, in order to more effectively and productively engage in planning and development opportunities as they arise on the Peninsula.

A number of land uses were subsequently proposed and included a planning zone specifically for Cultural and Natural Resources Use. This zone is described as (WAPC 2015:12):

Recognises areas on the Dampier Peninsula where Traditional Owners will seek access to undertake customary practices and traditional uses. Other land uses may be considered including those that would assist in the economic development of the region in consultation with Traditional Owners (or their representatives – or other residents or land users), as required pursuant to relevant legislation including the NTA and AAPA.

With an understanding that areas identified for Cultural and Natural Resource Uses reflect the vision of Traditional Owners around customary land use, with an objective, strategy and specific actions were identified to realise and implement this planning zone (WAPC 2015:20):

OBJECTIVE

- Maintain and manage areas where the cultural use of resources can continue to occur and where development of compatible uses is considered on a case-by-case basis.

STRATEGY

- Maintain and manage areas within land currently Reserved under Part III *Aboriginal Affairs Authority Act 1972* (AAPA) that allow easy access to resources utilised for cultural purposes that also fulfil a range of other natural resource protection functions such as water source protection and which complement areas where the protection of heritage, culture and the environment are the highest and best permissible uses.
- Permit other uses that are determined to be compatible with maintaining the cultural use of resources through case-by-case assessment based on consistent criteria.
- Acknowledge that Traditional Owners will continue to access places of cultural significance to undertake customary practices and traditional uses, and that as further determinations of native title occur on the Peninsula these protection and maintenance activities are likely to be recognised as native title rights and interests. Future land tenure reform may lead to a change of land tenure ownership through divestment of land to Traditional Owner groups.

ACTIONS

- Undertake targeted detailed planning within existing AAPA reserves to identify potential areas for development, registered heritage sites, and conservation areas to be retained in reserve status and to inform future land tenure reform through a native title determination or Indigenous Land Use Agreement (ILUA) (Traditional Owners, DAA, DoL, DoP).
- Management – identify access management locations, protocols for visitors and impact management through the planning process. (Traditional Owners, DPaW, DoP, DAA, DoL, DMP, SoB, SDWK):
 - identifying specific areas for protection from unauthorised access by tourists and other visitors;
 - improved access management e.g. adjust the access network to deflect traffic away from sensitive areas and provision of information and interpretive signage to educate visitors about protocols associated with these sites and areas;
 - encouragement of the registration of known but unregistered Aboriginal Heritage sites to assist planning approval processes to reduce the risk that developments impact on sites of importance to law and culture;
 - better integration of Commonwealth funded Aboriginal ranger programs with the State's land management objectives; and
 - integrate cultural resource use with other natural resource protection functions.
- Governance – Acknowledge and encourage participation of Prescribed Bodies Corporate and Traditional Owner Corporations as key stakeholders in long term planning and the development of Peninsula (All Aboriginal residents, WAPC, SoB, SDWK, DAA, DoP).

All proposed zones were discussed in this detail but as this project focuses on the protection of heritage on the Dampier Peninsula, so the majority of these will not be considered further in this context. However, of relevance is the consideration given to existing and potential tourism enterprise, as this may influence the

kinds of protection mechanisms that Traditional Owners would seek more broadly across the area. A map of these enterprises (both actual and potential) was included and replicated below (WAPC 2015:18):



Key elements of the strategy (while protecting natural and cultural assets) included (WAPC 2015:31):

- a planned approach to tourism development (both location and product) to protect the isolated, low key, small-scale, minimal footprint, nature based product;
- an approach to managing higher visitor numbers and specifically their cumulative impacts on cultural, heritage and environmental assets;
- a planned approach to the provision of visitor facilities including for day-visitors such as boat ramps and parking areas, picnic areas, walk trails, toilets and drinking water; and
- a planned approach to the provision of essential services such as potable water, power, sewage treatment and waste disposal.

Support from the Kimberley Science and Conservation Strategy (KSCS) in 2015 had already commenced assisting in this process by (WAPC 2015:31):

- assisting Aboriginal communities to identify and develop nature based and culture based tourism opportunities at key sites;
- developing and promoting tourism corridors across the Kimberley region;
- expansion and promotion of the Kimberley Aerial Highway concept; and
- development and promotion of self-drive journeys, including four wheel drive expedition routes, through the Kimberley region.

As with all of the proposed zones, an objective, associated strategies and action plan was identified to see tourism increase in a managed way (WAPC 2015:34-35):

OBJECTIVE

- Facilitate growth and development of tourism and tourism related opportunities that are compatible with maintaining environmental, heritage, cultural and landscape values of the Dampier Peninsula and that support the provision of a remote aboriginal tourism experience.

STRATEGY

- Provide for a number of tourist accommodation development opportunities on the Dampier Peninsula that would give visitors a range of experiences at different locations.
- Cater for growth in day-visitors... who seek recreational and cultural experiences.
- Locate new tourist infrastructure in areas where compatibility with the cultural, environmental and landscape values of the area can be achieved.
- Ensure that the form and scale of tourist related infrastructure is consistent with the Dampier Peninsula's sense of place and are not visually intrusive.
- Designate sites for the development of camping and caravanning.
- Design tourist related... infrastructure to be climatically and environmentally responsive.
- Restrict camping and caravanning to designated sites on the Dampier Peninsula.
- Encourage the development of tourism 'Trails' to promote Aboriginal culture and heritage, health and land management.

ACTIONS

- Prepare a tourism masterplan for the Dampier Peninsula that includes a critical assessment of the tourism potential of the area, audits existing tourist accommodation and other tourism related activity, identifies gaps and opportunities for new development and upgrades to or extensions to existing facilities. (SoB, SDWK, TWA, Traditional Owners, DPaW and other key stakeholders)
- Encourage the continued development of trail infrastructure. (DSR, Traditional Owners, Trail developers/operators and other key stakeholders)

Following on from the release of this report, further work was commissioned to investigate the visitation predicted and relevant infrastructure required. Local business KPP Business Development was engaged to produce the Dampier Peninsula Visitation and Tourism Infrastructure Assessment 2017 (KPP 2017). This study was designed to ‘quantify the current scale and type of visitor accommodation, facilities and amenities available’ (KPP 2017:3).

The consultants considered data sources from MRWA and the Shire of Broome to calculate current leisure visitors to the Dampier Peninsula annually, with a resultant estimate of 36,000 in 2017 (KPP 2017:14). This was compared with the capacity of existing accommodation facilities at 21 locations and calculated a total capacity of 1150 combined (KPP 2017:16). The overwhelming view shared of this study also supports the view that traffic will increase exponentially following sealing of the Cape Leveque to Broome Road, however they likewise consider that visitor numbers will be tempered by the unsealed access tracks to most visitor locations (KPP 2017:4).

The importance of signage was repeatedly stressed and noted as follows (KPP 2017:4):

One of the most common views put forward related to the installation of accurate and consistent visitor information and signage at the threshold of the Cape Leveque Road. This recommendation is based on the need for visitors to be fully informed and have accommodation booked prior to commencing their journey. Consistent branding and improved directional signage across the Peninsula was also recommended.

Although 21 established locations were discussed in terms of the kinds of facilities available (such as ablutions, boat launching, tours etc), the project was considered to be the first stage of understanding the implications of the Road being sealed (KPP 2017:5):

This project has established baseline data with regard to visitor numbers, accommodation and tourism infrastructure on the Dampier Peninsula. This is considered ‘Phase 1’ of understanding the implications of the Road being sealed with the following ‘next steps’ recommended:

- I. Development of visitor forecasts relative to the Cape Leveque Road being fully sealed.*
- II. Gap analysis to identify and quantify industry requirements to meet future visitor demand (e.g accommodation expansion, infrastructure, facilities etc.).*
- III. Prioritise industry needs by location and quantify costs.*

The first of the recommended tasks was then completed in 2018, with the Dampier Peninsula Visitor Forecasts 2018 (KPP 2018) undertaken by KPP Business Development. With the sealing of the Cape Leveque – Broome Road commencing that year and now due for completion end of 2020, KPP were asked to ‘develop visitor forecasts for the Dampier Peninsula post the sealing of the road using available data sources (e.g. MRDWA and Shire of Broome traffic counts etc.)’ (KPP 2018:2). KPP’s previous forecasts were reported and mapped against the actual data which illustrates growth from around 26,000 in 2007 to 34,000 in 2018 (KPP 2018:2).

Utilising a three-step process that first looked at finding agreement with baseline data through trend modelling; this was then followed by the development of assumptions through growth scenarios (low, medium and high); prior to introducing time series modelling (based on the baseline model) to produce outputs based on explanatory variables (assumptions) developed in previous step (KPP 2018:4). The study found that (KPP 2018:5):

The sealing of the Cape Leveque Road will have significant impact on visitor traffic. At the lowest growth scenario, there will be a 76% increase in the first 10 years. This is in addition to increased traffic from Peninsula residents.

The medium growth scenario reported an 83% increase while the high growth scenario reported a 92% increase. Whichever scenario results, the reality of between 77,000-105,000 visitors to the region as predicted in the coming decade doubles or triples existing visitor rates illustrate the increasing pressure that may both positively and negatively impact attempts to protect, preserve, share and celebrate cultural heritage place the length of the Dampier Peninsula.

These six previously published reports illustrate an already changing geographic area with increasing visitor numbers and limited opportunities to extend current services, while seeking to incorporate Aboriginal people into the economic journey. These challenges and the subsequent need for this project were foreseen by Richard Meister who produced a study at the University of Notre Dame Australia (UNDA) in 2004 to investigate sustainable tourism development on the Dampier Peninsula (Meister 2004).

Meister (2004:1) was particularly interested in *'how to limit or control the environmental and social degradation caused by tourism and other recreational activities, whilst encouraging business opportunities as a means of achieving Indigenous Australian economic self-determination and management'*. Key aims of the project included (Meister 2004:1):

- Gather information on what indigenous tourism operators think the projected increase of visitors and the accompanying side effects will have on their lands and culture
- Promote a bringing together of ideas on the environmental, economical, social and cultural needs of the Dampier Peninsula
- Reflective planning relating to the projects process supported and stipulated comprehensive action for long-term sustainable advocacy and assists the progress of forming multi-lateral agreements.

The brand **'Beyond Broome'** was developed and ratified during this process which saw the formation of a Dampier Peninsula Tourism Working Group and involved a range of tourism and industry bodies: including Aboriginal Tourism Australia (ATA), Western Australian Indigenous Tourism Operator Council (WAITOC), Broome Chamber of Commerce (BCC), the former Department of Indigenous Affairs (DIA), Australia's North West Tourism, Kimberley Development Commission (KDC) and Broome TAFE.

Undertaking a comprehensive literature review on the topic of Indigenous tourism from regional, state, national and international perspectives (2004:3-12), Meister then connected lessons from these with interviews undertaken with Aboriginal people on the Dampier Peninsula on a range of topics which included (Meister 2004:14-33):

- Governance
- Sustainability
- Vehicle access and management
- Motivators
- Training and employment
- Networking and diversification of existing tourism products
- Cultural safety and maintenance
- Intellectual property
- Customer feedback and marketing
- Visitor education
- Visitor management
- Visitor demographics
- Perceived visitor motivators
- Tourism trouble and success stories

Intermixed between the literature and interviews, signage was a topic raised by participants in relation to vehicle access and management (Meister 2004:18):

The crux with putting up road signs is that they often encourage visitors to explore what they shouldn't. A local tour operator observed the situation and explains, "they wanna know everything so as soon as they see that track they will go down that track and without them knowing what is there in place, where you can go and where you can't go, you won't be able to control it. So something has to be put in place now before it starts".

The importance of information available for visitors was likewise presented (Meister 2004:25), quoting

Australian and international tourist can only develop an integrated cultural awareness of place and space if the information is available to them to do this. It is important to work collaboratively to develop ways in which the depth and richness of Indigenous association with the land can be presented and interpreted, while respecting the need for the spiritual meaning of many places to remain out of the public domain (from Leader-Elliot 2002:42).

When discussing visitor management specifically, Meister (2004:28) noted:

There has to be a limit if first of all the community and the culture is to be sustained. The second thing is that the environment can not sustain the unregulated use and access of 4WDs on the beaches, on the hinterlands and on areas where there are very ancient ancestral eco biological systems in place. The third thing is the level of intrusion in the nature of the interaction between the visitors the tourists and the local communities.

The study concludes that (Meister 2004:34):

sustainable tourism development on the Dampier Peninsula is achievable. Communities and individuals have demonstrated they understand that there are cultural, economic, social and environmental aspects of commercial progress. There is a significant understanding that management strategies are required and that community involvement is important to ensure these issues are recognised and respected by all involved parties.

Whilst this study was conducted close to two decades ago, its relevance is enduring. With knowledge from this, the previous reports considered above, as well as those identified during this preliminary process that require sourcing, this information provides a good platform for discussions with PBCs, communities and outstations to continue at this time.

Discussions with the local Aboriginal communities and organisations today

The project commenced late November 2019 with attendance at the final Dampier Peninsula Working Group (DPWG) meeting for the year. As this group includes representatives for each of the PBCs, communities, as well as outstations, this was a key forum to introduce the project to. Assistance was provided by DPLH staff. Interest in the project was offered by all present with discussions focusing on the need for detailed maps for the discussions, in addition to the requirement to work with elders through the relevant ranger teams on site management requirements. That funding should be made available for this was relayed and whilst no funds were included in the budget for this at that time, the project team have ensured funds will be available to contribute to both the Bardi Jawi and Nyul Nyul Ranger teams for the time they devote to the project. This type of cost, the group indicated, should be mandatory within tender processes and this has been relayed through this report to DPLH for future reference.

This successful meeting was met by a good wet season that interrupted access to the Dampier Peninsula, followed shortly after by the COVID-19 pandemic. Despite this, attendance at three March meetings was possible (Nimanburr PBC, Gogolanyngor PBC and Ardyaloon Community).

Meetings then paused from March to May 2020 due to coronavirus restrictions. Whilst communities remain closed with minor exceptions (relating to tourism businesses) on the Dampier Peninsula at this time of drafting the preliminary report (July 2020), further consultations have taken place via briefing notes and zoom meetings.

Additional consultation has been planned for July/August 2020 in order to finalise the draft report that will be presented to groups for feedback. This will include attendance at each of the upcoming PBC meetings, working with identified representatives for PBCs and communities, in addition to contacting outstations via email/phone for input (as these areas remain closed). Where individuals or groups are available to meet face to face in Broome, this will be preferred.

It should also be noted here that there was discussion at each of the PBCs as to the need for a research agreement on this type of project. Whilst this project is being undertaken as a consultancy, two PBCs were clear that they considered an element of research would be included given the nature of the project and hence an agreement was required. It is likely that this will also need to be factored into future tendering processes for those undertaking projects of this kind in the area and possibly the region.

As additional information is provided via the PBCs, communities and outstations, this section will be extended to incorporate this as part of the final addendum to the Plan itself.

Cultural heritage landscapes and places of interest

The Aboriginal heritage places listed in this section have been identified either through the archival search or the consultation process. This section of the preliminary report pulls together information relating to the first objective of the project, namely:

- Identify Aboriginal heritage sites that are most likely to be impacted by increased visitor numbers;

Consistent with previous sections, Aboriginal heritage within each of the PBC areas will be reviewed and, alongside the AHIS data, will form the basis of continuing consultations with each of the PBCs, communities and outstations. The final selection of heritage places will then be examined and detailed as part of the overarching report.

Bardi Jawi

(including Ardyaloon, Djarindjin, Lombadina plus outstations)

- National Heritage listed sites will be considered
- AHIS registered sites will be considered
- Work with Bardi Rangers to connect in with previously identified heritage places that require management strategies

Nyul Nyul

(including Beagle Bay and outstations to the immediate north)

- National Heritage listed sites will be considered
- AHIS registered sites will be considered
- This process will support Nyul Nyul PBC and the Nyul Nyul Rangers as they conduct cultural mapping activities as part of their *'Land, Waters & Resources Management Framework for Nyul Nyul country'*

Nimanburr

(east of Beagle Bay)

- National Heritage listed sites will be considered
- AHIS registered sites will be considered
- Marrar to La Djardarr Bay fish traps
- Valentine Island

Gogolanyngor (Jabirr Jabirr Ngumbarl)

(southern section of the Dampier Peninsula)

- National Heritage listed sites will be considered
- AHIS registered sites will be considered
- Lurujarri Trail
- Concern was raised about high visitation sites like Quondong in particular stone workshop site, dinosaur footprints and the reef life depletion... (Will our plan take in areas like Quondong which are not directly connected to the road?)
- What categories of sites are to be highlighted, do we need to define a 'site' for this? Includes:
 - High level cultural sites (lore grounds, mens sites, womens sites, dinosaur prints, burial sites)
 - Occupation sites- middens, stone tool sites, fishing/hunting areas
 - Modern occupation sites – camp grounds, boat launching areas
 - Liyan sites – rayi sites, personal/tribal/skin rayi areas, dreaming sites. (I said that someone we should discuss with you and how we categorise them.)

Protection planning and management requirements

This element of the project will be finalised as the cultural heritage places (as presented in the previous section) are finalised. Planning for the protection, preservation, sharing and celebration of the places will be determined by each of the groups involved as relevant. Specific requirements for management of the heritage places and uses will be determined accordingly. This element of the project relates specifically to the second objective, namely:

- Identify Aboriginal heritage site management options and how to avoid or minimise those impacts which may include a) Access restriction or management; b) Signage; c) Media and education; and d) Use of Aboriginal Rangers and Aboriginal tourism operators to undertake monitoring and compliance functions.

In the final plan, each area will be reported on (Bardi Jawi, Nyul Nyul, Nimanburr and Gogolanyngor) with sites identified and management requirements summarised within a table (as drafted below). The specifics of each location will then be described in the overarching plan.

Site reference/name	Location	Type of heritage/place	Management requirements
<i>Marrar</i>	<i>Mid-east coast of DP</i>	<i>Fish trap</i>	<i>Interpretative signage etc</i>

Other strategies for consideration will include (but not be limited to):

- Infrastructure (signs, fences, track diversions/blocks) to restrict access to significant and/or sensitive heritage places
- Cultural mapping and potential registration of additional sites (or the updating of information on 'Other Heritage Places' for reconsideration on the AHIS register)
- Interpretative signs to share stories of the heritage places across the area (linking in potentially with the Main Roads WA interpretative project)
- Conservation Management Plans for large scale heritage sites that expect high traffic visitors (and may involve infrastructure development, establishment of monitoring programs)
- Development of visitor material to support tourism (eg websites, exhibitions, AV material, pamphlets or short books such as the Injalak Hill Rock Art Book or Mowanjum Arts and Culture Centre's book 'Jigeengadi' about on-Country cultural camps)
- Employment and training requirements for rangers, tourism, education, heritage or curatorial positions (of moveable heritage if disturbed)

In addition to this list of options, Meister (2004) also identified a range of concerns and considerations which may continue to be of relevance in the current context:

- Vehicle Access and Management, page 17, 18
- Cultural Safety and Maintenance, page 22, 23
- Visitor Education, page 27
- Visitor Management, page 28, 29
- Tourism Troubles and Success Stories, page 32, 33

The intricacies can be determined as the Aboriginal heritage places are defined by the PBCs, communities and outstations. Consideration may also be required of specific legislative, environmental, archaeological or anthropological contexts. As relevant, these will be included in the final plan.

Resource implications

To implement the relevant management requirements and mitigation strategies, resources will be required and are expected to include the likes of:

- Infrastructure (signs, fencing, boardwalks, newsletters/pamphlets, etc)
- Cultural projects as part of cultural maintenance/revitalisation or tourism products
- Geospatial mapping of impact areas (for example as identified by Gogolanyngor – historic, no go, law grounds, etc)
- Employment and training opportunities (including for tourism and heritage protection related industries)
- Business development (options, support from organisations like Morrgul and WAITOC)
- Compliance (involvement of ranger teams)

The intention is for these requirements to be implemented prior to the re-opening of the road but this will depend on a range of factors. While additional funding from DPLH outside existing grant programs will be challenging, a range of other sources could be considered including other government departments, philanthropic organisations or through industry partnerships. In all situations, ensuring the relevant PBC and/or community/outstation has carriage of the outcome will be vital. Griffiths et al (2005:61) identified a range of sources at that time that remain possibilities in 2020:

- Department of Planning Lands and Heritage
- Shires of Broome and Shire of Derby West Kimberley
- Indigenous Land and Sea Corporation
- Cultural Heritage Program Grants
- CoastWest and Coastcare
- Regional, State and Federal tourism grants
- Envirofund (Natural Heritage Trust)
- Kimberley Regional Development Grants (Kimberley Development Commission)
- Lotterywest - Heritage Grants Program
- Natural Heritage Funds
- Australian Heritage Commission
- Department of Local Government, Sport and Cultural Industries
- Regional Partnerships
- Kimberley Sustainable Regions Program (Royalties for Regions?)
- Philanthropic sources, eg. John T Reid Foundation
- The private and business sector

Once these elements have been identified, the final two objectives will be achieved, namely:

- Consider funding and cost neutral opportunities to implement Aboriginal heritage site protection projects; and
- Consider economic opportunities that may arise from Aboriginal heritage site visitation and subsequent resources that could be applied to Aboriginal site protection projects.

Conclusion

The information contained within this preliminary report outlines the objectives of the overarching project and the method undertaken to address each one. Ultimately, this project relates to identification of the Aboriginal heritage places on the Dampier Peninsula, their management requirements, implementation resource requirements and economic opportunities connected with sharing of them. Given the protracted nature of the project due to the COVID-19 pandemic, this preliminary report details for all involved what information has been obtained to date and what is still required. Activities in July and August 2020 include:

- Finalisation of the Bardi Jawi research agreement
- Consultation at PBC meetings, communities and outstations (in person if possible, otherwise via online platforms such as zoom, or alternatively briefing notes)
- Consultation with identified individuals from each group to pinpoint the relevant Aboriginal heritage places from the respective areas including
 - Kevin George and the Bardi Jawi Rangers
 - Nyul Nyul Directors
 - Damien Manado
 - Brad Howard and Wayne Barker
- Gather and review other grey literature (unpublished reports) as identified in this document
- Identify management requirements for each heritage place
- Identify resourcing and implementation of required strategies
- Identify potential business opportunities (including compliance)
- Finalise name of the 'Plan'
- Complete overarching draft 'Plan' for comment by DPLH and all groups in September 2020.

As articulated above, DPLH would also be advised to ensure adequate resourcing for Traditional Owner and ranger input as part of future cultural heritage projects, including

- Negotiation of research agreements (DPLH should confirm with PBCs if these will be required prior to releasing tender documents and notify potential consultants of this)
- involvement of elders and rangers in consultation, engagement and on site visits as relevant

This aligns with the AIATIS Guidelines for Ethical Research in Australian Indigenous Studies (GERAIS), as well as the WA government's Aboriginal Empowerment Strategy (due for release in coming months).

Whilst information has been slow to gather due to multiple interruptions and challenges that have affected all endeavours globally, the interest in ensuring this project is complete prior to completion of the road works remains a critical factor for all groups involved. As noted throughout, this report will serve as an addendum to the finalised document due in September 2020.

The authors wish to acknowledge and thank all of those who have been involved.

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