



REPORT OF AN ABORIGINAL HERITAGE DUE DILIGENCE ASSESSMENT FOR THE PROPOSED MID WEST WIND FARM, NEAR GERALDTON, WESTERN AUSTRALIA

FEBRUARY 2025

For SLR Consulting Australia Pty Ltd



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Archae-aus Pty Ltd

1/107 Stirling Highway
North Fremantle WA 6159
PO BOX 742
FREMANTLE WA 6959

T: 08 9433 1127

E: office@archae-aus.com.au

<http://www.archae-aus.com.au>

Project Manager: Lucy Sinclair
Email: lucys@archae-aus.com.au

Cover images: View south to the Project Area from Walkaway-Nangetty Road, West Casuarinas – Courtesy Google Street View

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Warning

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

Disclaimer

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

Spatial Information

All spatial information contained in this report uses the Geocentric Datum of Australia (GDA94), Zone 50, unless otherwise specified. All information obtained from SLR is assumed to be accurate to two decimal places. All spatial information obtained during fieldwork was taken using a handheld Garmin GPS with a purported accuracy of ± 3 m. Where we report spatial information collected in the field, we have opted for a slightly wider degree of accuracy of ± 5 m.

Authorship

This report was written by Victoria Huntley [BA (Hons) Archaeology, *UWA*], Dr Janelle White [PhD Applied Anthropology *UniSA*] and Phoebe Oliver [BA (Hons) Anthropology and Sociology, *UWA*], with editorial assistance from Lucy Sinclair [BA (Hons) Archaeology, *UWA*] and Renée Gardiner [BA (Hons) Archaeology, *La Trobe*].

The GIS data and maps were drafted by Marcel Teschendorff [BArts & BComm *UNDA*, MMarArch, *Flinders University*].

Key Terms and Abbreviations

Term / Abbreviation	Meaning / Interpretation
Aboriginal archaeological place or assemblage	A place (or group of physical sites) in which evidence of past activity by Aboriginal people is preserved (either prehistoric or historic or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record.
Aboriginal Site	This term is used for Aboriginal heritage sites to which the AHA applies by the operation of section 5.
ACH	Aboriginal Cultural Heritage
ACHA	<i>The Aboriginal Cultural Heritage Act 2021</i>
ACHC	Aboriginal Cultural Heritage Council
ACMC	The Aboriginal Cultural Material Committee
AHA	<i>The Aboriginal Heritage Act 1972</i>
ACHIS	A new directory of Aboriginal cultural heritage, led by the Aboriginal Cultural Heritage Council (ACH Council) to which all Registered Sites and Lodged Places have been transferred from the AHIS.
ACHMP (also CHMP)	Aboriginal Cultural Heritage Management Plan
AHIS	The DPLH Aboriginal Heritage Inquiry System, an online and publicly accessible copy of the Register of Aboriginal sites, superseded by the ACHIS.
Archaeological site	Is a place (or group of physical sites) in which evidence of human past activity is preserved (either prehistoric or historic or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record. This term is used to refer to a place regardless of whether it has been assessed under section 5 of the AHA.
Artefact	Any object (article, building, container, device, dwelling, ornament, pottery, tool, weapon, work of art etc.) made, affected, used, or modified in some way by humans.
Assessment	Professional opinion based on information that was forthcoming at the time of consideration
ATSIHP	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (the ATSIHP Act).
Cultural material / archaeological material	Any object (article, building, container, device, dwelling, ornament, pottery, tool, weapon, work of art etc.) made, affected, used, or modified in some way by humans.
DAA	Abbreviation for Department of Aboriginal Affairs, now the Department of Planning Lands and Heritage
DMIRS	Department of Mines, Industry Regulation and Safety
DPLH	Department of Planning Lands and Heritage
Ethnographic Site	A place that is significant to an Aboriginal group because of its stories and connections. These places have intangible heritage values and are linked to traditional custom and law.
FPIC	Free Prior and Informed Consent
Heritage survey	Survey and inspection undertaken in order to investigate and document the archaeological record of a particular area
HISF	Heritage Information Submission Form
ICH	Indigenous Cultural Heritage
Knowledge Holder	Knowledge Holder is used in this document to refer to Southern Yamatji people who are nominated by YSRC who have cultural knowledge and connections and have the right to

Term / Abbreviation	Meaning / Interpretation
	speak for Country. It is not referring to the DPLH definition of Knowledge Holder where it pertains to certain cultural informants for specific sites that are on the ACH Register.
Native Title	Recognition of the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people
NTA	<i>Native Title Act 1993</i>
Object	An artefact - any object made, affected, used, or modified in some way by humans.
Section 18 (s18)	The section of the <i>Aboriginal Heritage Act 1972</i> that details the process for permission to disturb the land on which a site is located.
Section 18 (s18) Approval	A letter from the Minister of Aboriginal Affairs providing approval for the disturbance of land on which a site is located.
Section 39(2) Assessment	Process of the ACMC assessing a reported site's significance and interest.
YPSHA	Yamatji Proponent Standard Heritage Agreement
YSRC	Yamatji Southern Regional Corporation

Executive Summary

Archae-aus was engaged by SLR Consulting Australia Pty Ltd (SLR) to complete a desktop Aboriginal Cultural Heritage Due Diligence Assessment (DDA) for the proposed Mid West Wind Farm. The Project Area is in the northern wheatbelt region of WA, approximately 50 km southeast of the coastal city of Geraldton. This heritage assessment was commissioned to assist with the environment and planning approvals required for the wind farm project and to inform the requirements for any future Cultural Heritage Management Plans.

The Project Area comprises multiple parcels of land within the localities of Ellendale, Burma Road, Allanooka, Ambania and West Casuarinas. The northern three-quarters of the project area is primarily within the City of Greater Geraldton, with the southern portion located in the Shire of Irwin. The Project Area covers approximately 26,340 ha and is roughly 33.5 km north/south by 17 km east/west (Map 1). Much of the area has been previously disturbed by agricultural land use, transmission line corridors, fence lines, roads and other infrastructure; however, there are numerous small pockets of remnant bushland and natural drainage lines within the Project Area, along with a large adjacent bushland reserve within the locality of Burma Road.

Archae-aus assessed the potential for any Aboriginal heritage within the Project Area and also determined whether there are any potential constraints in relation to Aboriginal Cultural Heritage (ACH) under the *Aboriginal Heritage Act 1972* (AHA), as well as any historical heritage protected under the *Heritage Act 2018* or by local government (City of Greater Geraldton and Shire of Irwin).

As the development is a major project that will involve moderate through to significant disturbance, Archae-aus strongly recommends archaeological and ethnographic surveys of the Project Area and engagement with Southern Yamatji Knowledge Holders. Due to the Project Area size, it is recommended that the archaeological surveys adopt a sample approach targeting areas of higher ACH potential within the disturbance footprint, as outlined in the recommendations. The ethnographic consultation will assess the Project Area as a whole, utilising a methodology involving group discussions with the Knowledge Holders and using maps, driving to key locations where necessary.

Archae-aus advises the proponent to establish a relationship and dialogue with the local Aboriginal community early on in a Project to identify not just Aboriginal Cultural Heritage (ACH) but any key social, economic, and/or environmental concerns and opportunities early on that might be relevant to the Project. In addition, consulting with the Aboriginal Traditional Owners and Knowledge Holders at the start of the project can facilitate a process that follows the principles of Free, Prior and Informed Consent (FPIC) (see Legislative Context – UN Declaration on the Rights of Indigenous People).

Key Objectives

Desktop research was undertaken to identify:

- ▶ Any previous Aboriginal heritage assessments within the Project Area and immediate surrounds.
- ▶ Any previously recorded historical heritage places.
- ▶ The proposed land use activities and associated levels of disturbance according to DPLH's *Aboriginal Heritage Due Diligence Guidelines* (2013).
- ▶ Any potential risk of harm to Aboriginal archaeological and/or ethnographic sites, at a preliminary desktop level.
- ▶ Any necessary section 18 approval or Regulation permits under the *Aboriginal Heritage Act 1972* (revised).
- ▶ The appropriate Aboriginal organisations that should be consulted where necessary.

To inform this research, searches were carried out using the Department of Planning, Lands and Heritage's (DPLH) Aboriginal Cultural Heritage Inquiry System (ACHIS) and the Heritage Council's site database (InHerit). A search of other sources of information was also conducted, including the Archaeaus library and reports.

The search of the ACHIS concentrated on the Project Area and included a search of the broader surrounding area. While development within the Project Area is unlikely to directly affect peripheral sites, understanding the types and relationships between cultural heritage places in the wider cultural landscape helps to inform the heritage risk assessment for unsurveyed areas within similar environments.

Summary of Results

The results of the desktop study and due diligence assessment of the Project Area indicate that:

- ▶ The Project Area is intersected by 20 previously conducted Aboriginal cultural heritage (ACH) surveys which largely focussed on narrow areas relating to specific projects, in particular pipelines/ pipeline corridors. Accordingly, they are not considered to be sufficient to confirm the presence or absence of Aboriginal cultural heritage in unsurveyed parts of the Project Area.
- ▶ The Project Area is intersected by one (1) Lodged ACH place, two (2) Historic ACH places and no Registered ACH Sites.
- ▶ As discussed in the first point, the paucity of Aboriginal archaeological or ethnographic sites within and adjacent to the Project Area may partially a reflection of the previous low survey area coverage, rather than an absence of Aboriginal cultural heritage.
- ▶ The extensive size of the Project Area, areas of remnant vegetation, landscape features often associated with Aboriginal cultural heritage, the presence of Registered Aboriginal Sites and the ethnographic context of the area combine to suggest that there is **high** potential for Aboriginal Cultural Heritage (ACH) in certain sections of the Project Area (See Section Three – Due Diligence Assessment).
- ▶ Aside from the adjacent *Burma Road* (P11814) local historical heritage place, there is **low to moderate** potential for historical heritage places of significance within the Project Area; however, there may be occasional historical archaeological materials and features throughout the area (see Section Three – Predictive Statements).
- ▶ The proposed impacts will likely fall between significant (including new roads or tracks, land clearing, intensive soil or core sampling) and major disturbance (including soil excavation, major construction works and mechanical earthmoving).
- ▶ The inherent risk of encountering Aboriginal cultural heritage within the Project Area, prior to any mitigative controls such as surveys and consultation, is assessed as being **medium to high** for some areas, with a lower risk for heavily disturbed areas (see Table 5; Map 7).
- ▶ The Project Area may have additional ethnographic and cultural connections, especially those that may be associated with:
 - ◇ Any archaeology that is identified during the archaeological survey.
 - ◇ Any natural values associated with waterways, stone outcrops, mature trees and other landscape features.
 - ◇ Places with contemporary historical associations, such as camps and trails.

Summary of Recommendations

Archae-**aus recommends** that SLR and the Proponent are aware that:

1. An archaeological and ethnographic survey should be carried out for the entire disturbance footprint, including all turbine locations, access tracks, earthworks and other infrastructure areas. The survey design should follow archaeological and ethnographic best practice guidelines and be developed by the archaeologists and anthropologists prior to the survey, with input from the Southern Yamatji Knowledge Holders at the start of the field survey.
 - a. The heritage surveys will confirm the required mitigative measures proposed in Table 5 following an updated risk assessment based on the results of the surveys, including the need for a cultural heritage management plan.
2. The proponent should enter a Yamatji Proponent Standard Heritage Agreement (YPSHA) with the Yamatji Southern Regional Corporation for the Yamatji Nation Indigenous Land Use Agreement area.
3. Following the signing of an YPSHA, the Proponent should submit an Activity Notice to the Yamatji Southern Regional Corporation (YSRC) so that the appropriate Knowledge Holders / Aboriginal Cultural Heritage Consultants can be nominated for the heritage surveys.

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SECTION ONE – INTRODUCTION

Project Background

This report details the archaeological, ethnographic, and historical background of the indicated Project Area, outlining areas of potential heritage risk throughout the Area and provides best practice guidelines for mitigating and managing risk to areas of potential Aboriginal Cultural Heritage (ACH).

SLR is proposing to support their client through environment and planning approvals for the development of a wind farm in the northern wheatbelt region of WA, approximately 50 km inland from Geraldton, Western Australia (Figure 1).

Scope of Services

SLR engaged the services of Archae-aus Pty Ltd as heritage consultants to carry out an Aboriginal Cultural Heritage Due Diligence assessment, which will inform the next steps required in the heritage approval process. The Scope of Services included:

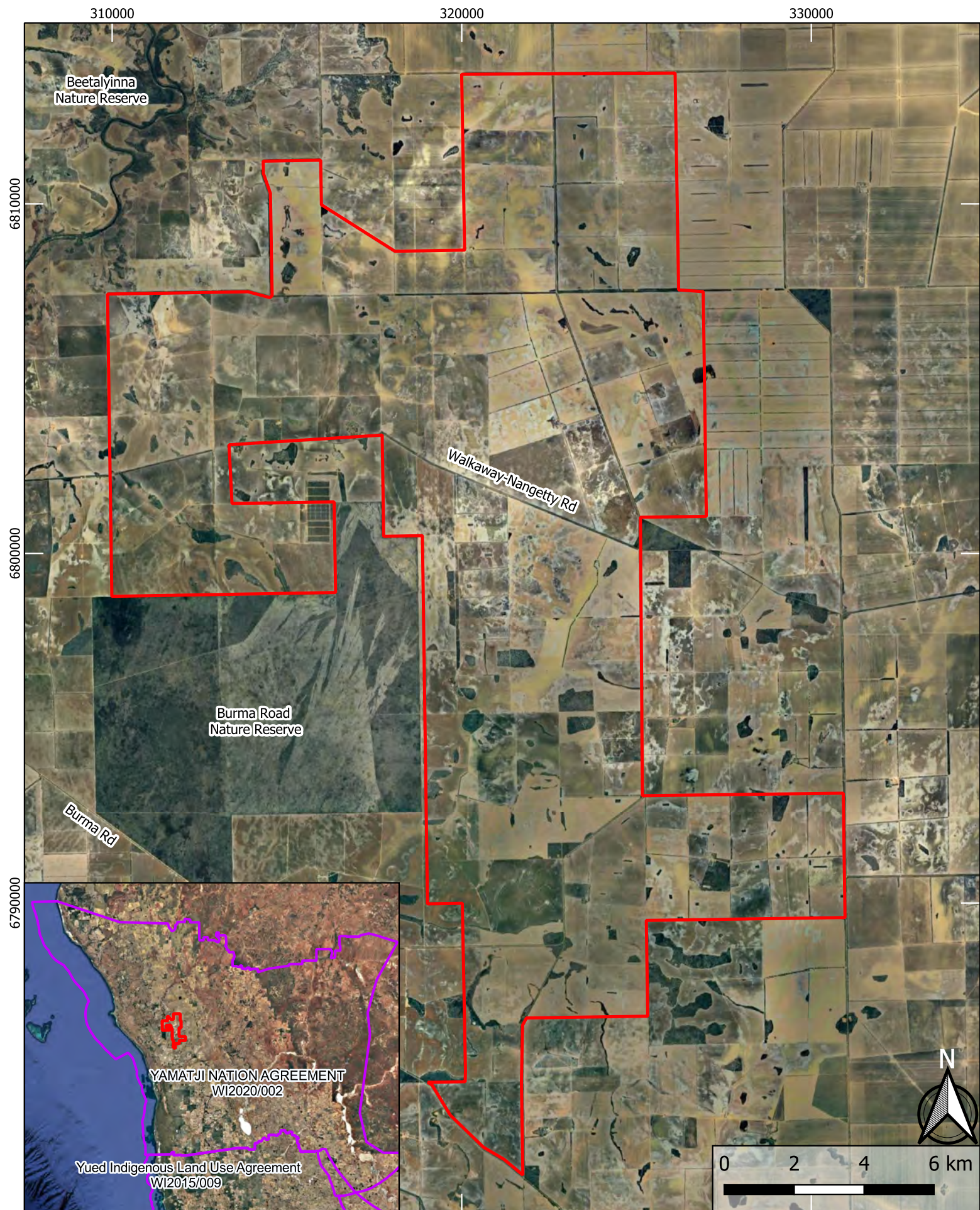
- ▶ Providing a due diligence assessment, based on the most recent guidelines and standards.
- ▶ Searching and considering results from the relevant registers and databases during the due diligence assessment.
- ▶ Considering previous surveys conducted within or in proximity to the Project Area.
- ▶ Identifying and outlining engagement requirements and timeframes.
- ▶ Assessing any potential impacts of the Project on Aboriginal Cultural Heritage.
- ▶ Outlining measures to avoid, mitigate, or manage impacts on Aboriginal Cultural Heritage in accordance with relevant legislation and best practice standards.
- ▶ Archae-aus anthropologists confirm the process required to engage Traditional Owners and the next key steps to undertake a survey.
- ▶ Desktop research, reviews of previous reports relating to the project area, a search of the Department of Planning, Lands and Heritage (DPLH) Aboriginal Cultural Heritage Inquiry System (ACHIS) and InHerit and Local Registers and a review of Aboriginal Archaeological and Ethnographic site files and Historic Heritage Site Files (Registered Sites, Listed Places and Other Heritage Places) relating to the project area and its surrounds.

Project Area

The Project Area is very large, comprising approximately 26,340 ha, and is roughly 33.5 km north/south by 17 km east/west (Map 1). The proposed Project Area comprises multiple parcels of land within the localities of Ellendale, Burma Road, Allanooka, Ambania and West Casuarinas. The northern three-quarters of the project area is within the City of Greater Geraldton and the southern portion within the Shire of Irwin.

Much of the area has been previously disturbed through agricultural land use, transmission line corridors, fence lines, roads and other infrastructure. However, there are numerous small pockets of remnant bushland and drainage lines throughout with the project area surrounding and adjacent to a large bushland reserve within the locality of Burma Road.

The Project Area lies within the Southern Yamatji Native Title Claim area (WC2017/002).



- Legend**
- Mid West Wind Farm Stage 1 Project Area
 - Indigenous Land Use Agreement Boundary



Map 1. Overview of the Mid West Wind Farm Project Area

Drafted by Marcel Teschendorff, 16 December 2024.
GDA2020 / MGA zone 50.
Satellite imagery courtesy of Google.

Limitations

The due diligence is a desktop assessment that provides preliminary advice on any existing and potential Aboriginal archaeological and ethnographic values within the Project Area. It is not to be solely relied on for approvals, or in-lieu of field heritage surveys and consultation with Southern Yamatji Knowledge Holders.

Due Diligence Desktop Assessment Methods

The following methods were used to undertake the Due Diligence Assessment:

- ▶ Desktop research into any registered Aboriginal archaeological and ethnographic sites, Other Heritage Places, and previous archaeological assessments/surveys within and surrounding the Project Area. This includes requesting site files from the Department of Planning, Lands and Heritage (DPLH).
- ▶ Desktop research into any registered or listed historical heritage places in or around the Project Area that may hold significance to Aboriginal people.
- ▶ Desktop research into previous and historical land use of the Area, including key areas of disturbance based on a preliminary assessment of available aerial imagery to determine areas of cultural heritage potential to be targeted during heritage surveys.
- ▶ Internal data search of Archae-aus library and reports.
- ▶ Preparation of GIS maps that outline the Project Area, existing cultural heritage areas, and areas of potential archaeological risk.
- ▶ Delivery of a report which will outline the next steps regarding cultural heritage approvals for the project and provision of preliminary management and risk mitigation measures, and recommendations for the design of the project where significant risks or constraints are identified that could be avoided or minimised through configuration of project infrastructure.

Legislative Context

The following section summarises the relevant legislation and guiding principles that may relate to cultural heritage places within the Mid West Wind Farm Project Area. The legislation and guidelines include:

- ▶ *Aboriginal Heritage Act 1972* (WA State)
- ▶ *Coroners Act 1996* (WA State)
- ▶ *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth)
- ▶ *Native Title Act 1993* (Commonwealth)
- ▶ *Heritage Act 2018* (WA State)
- ▶ *Planning and Development Act 2005* (WA State)
- ▶ *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth)
- ▶ Burra Charter 2013 (Australia ICOMOS Charter for Places of Cultural Significance - Guidelines)

Aboriginal Heritage Legislation

WA Legislation

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

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

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

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

- ▶ Registered Aboriginal Sites – Aboriginal Cultural Heritage (ACH) **Register layer**.
- ▶ Lodged places¹ – Aboriginal Cultural Heritage (ACH) **Lodged layer**.
- ▶ Historic records - Aboriginal Cultural Heritage (ACH) **Historic layer**.

Commonwealth Legislation

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

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

Best Practice Guidelines

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

Historic Heritage Legislation

WA Legislation

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

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

¹ Information about these places is in the process of being verified by the Department and Committee.

Heritage is also protected under the *Planning and Development Act 2005*, which intends to provide for an efficient and effective land use planning system in the State, as well as promoting the sustainable use and development of land in the State.

City of Greater Geraldton Local Planning Scheme No.1²

The City of Greater Geraldton Local Planning Scheme contains a set of provisions for developments affecting heritage buildings and places, including the need for approval where the development will affect a place on the State Heritage Register or Heritage list, or is within a Heritage Area and/or is subject to a Heritage Agreement.

Shire of Irwin Local Planning Scheme No.5³

The Shire of Irwin Local Planning Scheme includes specific controls for heritage, these include:

- ▶ The maintenance of the established Heritage List to identify places within the Scheme area that are of cultural heritage significance and should be conserved.
- ▶ The designation of Heritage Areas to 'conserve and enhance the cultural heritage significance and character of an area' (p.52 of the Scheme).
- ▶ Enter into Heritage Agreements with owners or occupiers of land for any development that may affect heritage places.
- ▶ Requirement for a heritage assessment to be carried out prior to any development approved that will affect a Heritage Area and/or place on the Heritage List.

Commonwealth Legislation

Historical heritage on Commonwealth land is protected under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBCA). The EPBCA also establishes the Commonwealth Heritage List, a list of natural, Indigenous and historic heritage places owned by the Australian Government. It includes places connected to defence, communications, customs and other government activities. The Act also establishes the World Heritage List and the National Heritage List.

Best Practice Guidelines

Burra Charter

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

² <https://www.cgg.wa.gov.au/documents/1235/local-planning-scheme-no1>

³ <https://bucket-irwinwebsite.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2024/09/22190719/Shire-of-Irwin-Local-Planning-Scheme-No.-5-Scheme-Text.pdf>

SECTION TWO – CULTURAL HERITAGE BACKGROUND

Environmental Background

The Project Area falls within the Geraldton Sandplains bioregion, which contains a high percentage of rare and endemic plants. The natural environment is comprised mainly of proteaceous scrub-heaths, rich in endemic species, on the sandy earths of an extensive, undulating, and lateritic sandplain (Desmond & Chant, 2002). Exposed areas of Permian/Silurian siltstone and Jurassic siltstones and sandstones, mostly overlain by sandplains, alluvial plains, and coastal limestones occur within the area.

Extensive York Gum (*Eucalyptus loxophleba*), Allocasuarina sp. and Jam (*Acacia acuminata*) woodlands occur on outwash plains associated drainage, to the northwest of the Project Area (Beard, 1976).

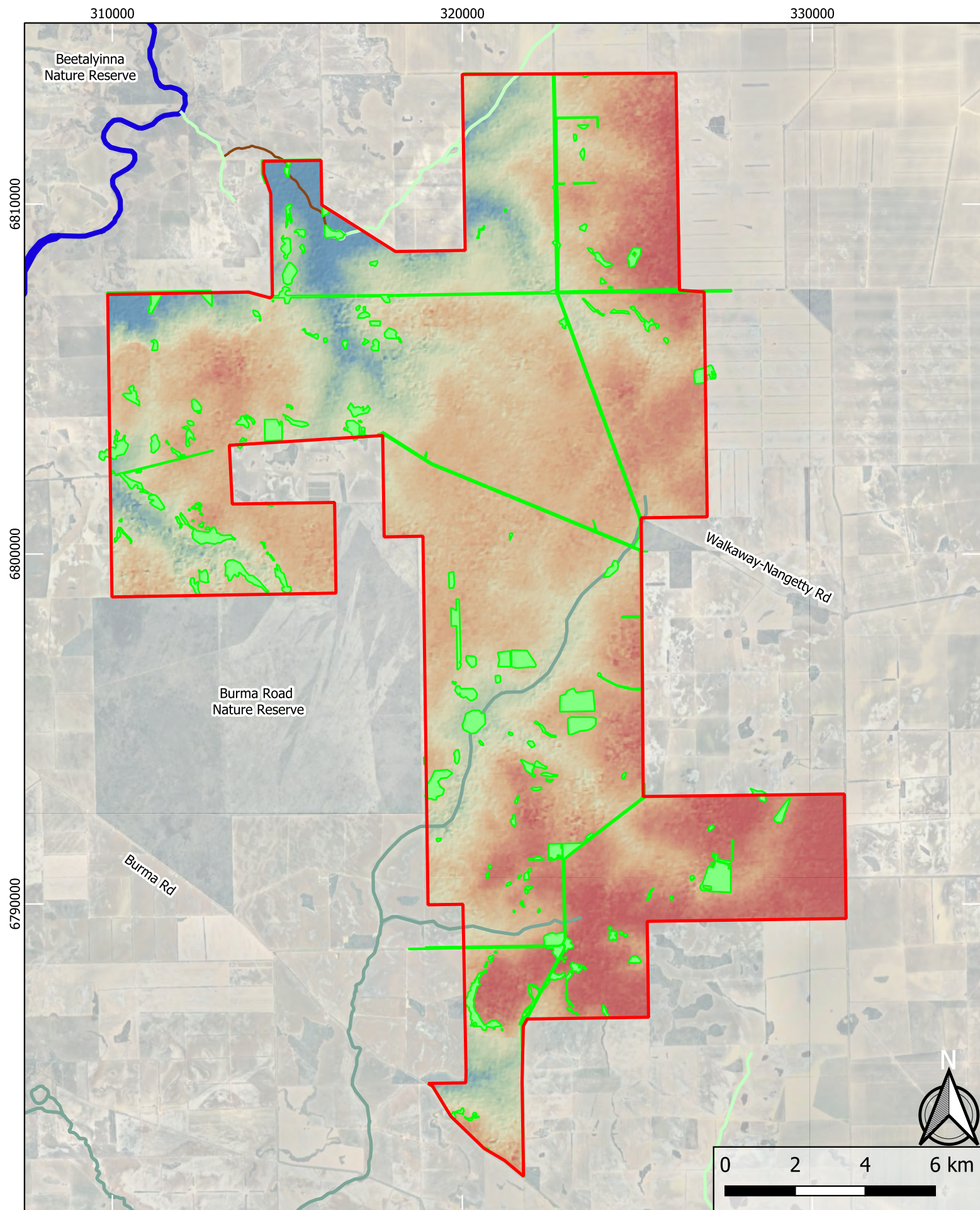
Given the rich vegetation of the pre-contact landscape and ample water sources, this area would have provided numerous resources for the Yamatji Nation ancestors. In addition, the sandy soils have the potential to contain sub-surface archaeology such as stone artefacts, burials and other artefact types.



Figure 1. View northwest along Nangetty-Walkaway Road, West Casuarinas (Courtesy Google Street View October 2023)



Figure 2. View northeast along Nangetty-Walkaway Road, West Casuarinas (Courtesy Google Street View October 2023)



Legend

- | | |
|---|--|
| Mid West Wind Farm Stage 1 Project Area | Hydrography |
| Remnant Native Vegetation | — Mainstream |
| <div style="display: inline-block; width: 20px; height: 10px; background: linear-gradient(to bottom, #f08080, #f0e68c, #e6f08c);"></div> Elevation (MASL) | — Significant Stream |
| 266 | — Tributary |
| 189 | — Paleo-Drainage Line |



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Map 2. Environmental Context

Drafted by Marcel Teschendorff, 16 December 2024.
GDA2020 / MGA zone 50.
Satellite imagery courtesy of Google.

Ethnographic Background

Southern Yamatji

Yamatji (also spelt Yamaji), is the term now widely used to identify individuals and groups of people who are connected by descent, ancestral lands, and community to Yamatji Country (Map 3)⁴. The lands and waters belonging to the Yamatji peoples in Western Australia are extensive, covering some 415,330.5 km² and extending through the regions of the Gascoyne near Carnarvon, down to Jurien Bay on the western coast, carrying inland to the Murchison towns of Peak Hill, Meekatharra, Mt Magnet, Yalgoo, and Paynes Find and continuing east to Sandstone (AustLang. N.d., 2022).

Traditionally, within the Yamatji region, Aboriginal groups comprised a cultural bloc unified by dialects of common languages and similar patterns of social organisation, as well as ritual, religious and mythological beliefs (Liberman, 1978:1). The amalgamation of language groups into a unified cultural identity emerged from the loss of separate social identities amongst Aboriginal language groups in the Mid West as a direct result of European colonisation in this area (Prout, 2009). The Yamatji identity incorporates the close geographical and cultural connections between traditional language groups of the region. Connections are built upon thousands of years of intermarriage, trade, shared cultural practices and language traditions (Dunn et al., 1988:23).

Yamatji Country is made up of six main linguistic and geographical groups, which include: Nanda, from the northern coastal lands, Amangu occupying Geraldton and greater Geraldton, extending south and including the north midlands around Morawa, Naaguja, from the southern coastal plains, Wadjarri, located in the Murchison around Mullewa and as far north as Meekatharra, Badimia further inland from Yalgoo, including Paines Find and Mt Magnet areas and some western parts of the Martu Desert (Map 3).

The Project Area sits within the Amangu (Southern Yamatji) region of Yamatji Country, which is described here by Tindale (Tindale, 1974) as:

At Champion Bay; from Chapman River and the southern vicinity of Geraldton south to Hill River; inland to near Mullewa, Morawa, and Carnamah. Southeastern boundary not well defined, somewhere north of Moora. Note that Foley (1865) gives the term 'am-manjo' as meaning man; my sole informant thought ['ama?u] was proper. Attempts were made in post contact times to introduce circumcision but with little success.

Coastal Yamatji Country comprises sandy plains and dunes, boasting gorges and inlets, multiple freshwater sources, and abundant marine life. Extending inland the country changes from fertile flood plains to increasingly arid, characterised by rocky outcrops and hard shrublands that exhibit spectacular wildflower displays in the spring months. The region contains several major drainage systems, creek lines and gullies related to the Greenough River (Carr & Crissell, 2021).

The midwestern climate is distinctly arid, therefore spiritual and cultural significance is placed on water sources throughout the Yamatji region. Yamatji people are known to have utilised natural cavities forming in rocky outcrops, known as gnamma holes, which were often covered over with a movable stone in order to protect the gathered water from evaporating. Southern Yamatji regions

⁴ <http://ymac.org.au/wp-content/uploads/2018/03/180420-GASA-Newsletter-2-FINAL.pdf>

regard three main waterways with high cultural significance. Firstly, the Irwin River dissects the Country and is considered the primary water source in the area. The Greenough River lies to the north of Dongara and meanders through fertile plains. Lastly, the Wangara Creek and salt lakes encompass a series of lakes, springs, dams, and rock holes situated along the easternmost boundary of their Country.

The ancient creation serpent known as *Bimarra* is credited with the creation of these rivers and tributaries, along with the Wangara Creek and Salt Lake systems which are attributed to the movement of *Bimarra* from pool to pool (Shaw and Martin, 2011:53). Permanent water sources are of high cultural significance to the Yamatji people, as they reflect the health of the Country, and in turn, the health of the culture (Barber & Jackson, 2011). Ceremonies associated with areas where *Bimarra* is said to reside often relate to the maintenance of animal and plant species, and the reproduction of natural phenomena like rain and the sun (Carr & Crissell, 2021). It is believed that *Bimarra* still inhabits the land in the form of hills and breakaways, bringing fresh water and fertility, and creating the rich landscape features that are integral to Yamatji spirituality and culture.

As ancient beings traversed the landscape they transformed the land, embedding topographical features with sacred Dreaming stories and created the spiritual landscapes that Yamatji people maintain today (Carr & Crissell, 2021). These spiritual associations remain interwoven with the natural landscape, solidifying a deep connection between culture and the natural world. Rituals, based on mythological Dreaming stories, recreate the mobilities of their ancestors as they traversed the land (Peterson, 1970:201-202). Mythology associated with Dreaming stories embeds spiritual knowledge into the physical landscape, infusing the non-living aspects of Country with living spirit, creating the sacred sites that link Aboriginal people together through time and place.

Despite extensive colonial disruption which sought to eradicate Aboriginal cultural practice in the Mid West, Aboriginal people in Yamatji Country maintain a detailed knowledge of kin relationships. These relationships remain integral to social organisation in Yamatji cultural practice today as the people of the Yamatji region continue to reflect the diverse cultural differences in social organisation and linguistic boundaries (Prout, 2009). Tindale (1974) and Bates (Bates, 1985), although recording extensively in this region, are widely accepted to contain many inaccuracies regarding the territorial boundaries of groups, due to a conceptual misunderstanding that Aboriginal groups were distinct political units with well-defined tribal boundaries demarcated by physiographic features. In reality, boundaries between ancient and modern Yamatji groups remain mobile and flexible, with interwoven systems and hierarchies, and socio-linguistic dialect groups associated with particular territories demarcated by zones rather than precise boundaries (R. Berndt, 1979; R. M. Berndt, 1959). While the modern migration west to coastal settlements, particularly by eastern Wadjari groups, is a direct result of colonisation, Bates (1985) suggests that frequent movements between circumcised eastern and uncircumcised western groups would occur prior to the colonial invasion, often for marital, trade and adoption purposes.

Both Tindale (1974) and Bates (1985) noted social systems of grouping across Yamatji Country in smaller localised descent groups, often consisting of between 12 and 30 related men, their wives and their children (Green, 1984:9). These systems of social grouping dictated rights to resources and land, based primarily on birth and marriage (Huxtable & O'Reilly, 2019). In Yamatji culture, place of birth or conception holds strong significance and spiritual connections to place, and localised descent groups often had totemic associations with particular areas of land. Berndt (1979:81) notes ritual affiliation inherited through the paternal line, suggesting that localised patrilineal descent groups with inherited totemic systems had associations with a particular ritual or place.

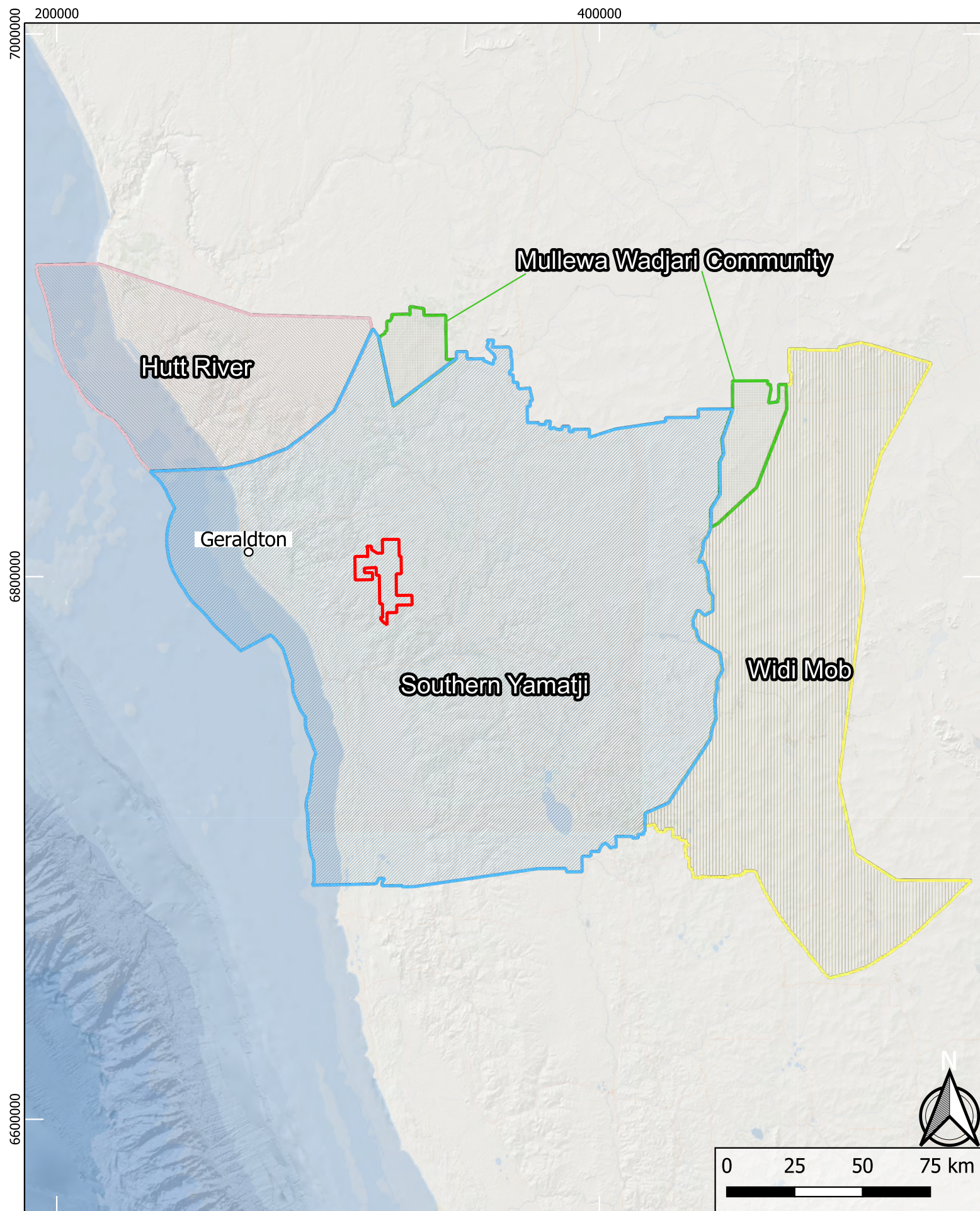
Thus, a person belonged to the [...] local descent group of his (or her) father. Within the father's land division a person's conception (or birth) totem, a particular natural species, was mythically defined vis-à-vis a territorial centre which was, in turn, the focus of ritual (R. Berndt, 1979:81).

This system of social organisation allowed for individual rights of use and economic benefits owing to the custodianship of particular tracts of land. Custodianship, transmitted through birth and marriage, extended to the acquisition of spiritual links and custodial obligations associated with that landscape.

Fundamental to the Yamatji identity and culture is connection to country. This concept articulates a series of rights and responsibilities that Yamatji peoples maintain in certain places, landscapes and regions. Perhaps the two most important aspects of connection to country are 1) the responsibility to care for country and 2) the right to speak for country. The responsibility to care for country is something that Yamatji people inherit from their ancestors and bequeath to their children. The combination of these rights and responsibilities is the basis for contemporary Yamatji custodianship. What this means in a practical sense, is that Yamatji people expect to have a 'seat at the table' in decisions that affect their lands and waters. Put another way, Yamatji people have a customary set of rights and responsibilities that require them to have real power in decisions affecting their country. While the *Aboriginal Heritage Act 1972* stipulates the need to consult with Aboriginal people about a narrowly defined set of places and materials, Yamatji people have a custodial interest and responsibility over a much broader set of places and values than those defined by the act.

To an extent, the Yamatji region can be seen as a representation of a microcosm of European invasion and settlement in Western Australia. Patterns of violence that extended for generations between settler colonies and Aboriginal groups, took root in the mutual mistrust and murder that defined the earliest years of colonial contact in the region (O'Connor, 2007). The area was originally colonised as gold mining settlements, as the early gold rush of the 1850s swept the Murchison and Gascoyne regions. However, explorations as early as 1837 by Grey recorded numerous unfriendly encounters with Aboriginal groups, which primarily resulted in the discharge of firearms (Grey, 1841).

As mining operations commenced in Northampton, a small settlement was established on the site of the town of Geraldton in 1850, spreading soon after to the fertile Greenough flood plains (O'Connor, 2007). During this period, as Yamatji cultural practices increasingly collided with settler expansion, colonial governments implemented forced resettlement and imprisonment of Aboriginal people, resulting in a decline in elders, reduction of cultural diversity and endangerment of language groups across Yamatji Country (Prout, 2009). Despite this, Yamatji culture has evolved, adapted, and survived, fortifying their deep and rich cultural connections to land and country through education and cultural learning. Today, Yamatji people remain unified and defined by their strength and resilience in maintaining their continuing cultural practices in the face of colonisation and struggle, solidified by their identity as peoples of the Yamatji region and strong in their connection to Country.



- Legend**
- Mid West Wind Farm Stage 1 Project Area
 - Southern Yamatji
 - Hutt River
 - Mullewa Wadjari Community
 - Widi Mob



Map 3. Geraldton Alternative Settlement Agreement Separate Proceeding Area

Drafted by Marcel Teschendorff, 16 December 2024.
GDA2020 / MGA zone 50.
Satellite imagery courtesy of ESRI.

Archaeological Background

The Mid West of Western Australia forms a distinct geographical region, spanning 478,000 km², bounded by the Gascoyne and Pilbara regions in the north, the Goldfields – Esperance region in the east, and the Wheatbelt in the South. With an arid climate, the region features the Geraldton Sandplains, limestone cliffs and the world's oldest rock formations. The Mid West holds national and international significance due to being one in five regions in the world to feature both marine and terrestrial flora and fauna.

The Mid West intersects Southern Yamatji Country, which envelops Mullewa Wadjari and Wajarri Yamaji Country. The Yamatji Nation includes Amangu, Badimia, Hutt River, Mullewa Wadjari, Naaguja, Nhanda, Wadjari, Wattandee, Widi and Wilunyu Nhanhagardi peoples who generally share a common language, with regional dialects, and similar culture (Yamatji Southern Regional Corporation, 2024). The weld range, northwest of Geraldton, is home to the National Heritage Listed Ochre Mine Wilgie Mia which has been visited by Aboriginal people from all over Australia for thousands of years. The heritage listing which covers 45 ha protects not only the ochre mine but also Little Wilgie Mia and the Marlu Resting Place. These sites are associated with sacred law grounds and dreamtime places, and contain extensive archaeological material and rock art, all of which are highly significant to the Wajarri Yamaji people (Winton et al., 2016; Yamitji Marlpa Aboriginal Corporation, 2024).

There is very little published research on the archaeology of the Mid West despite the high potential for archaeology in this region. Much of what archaeologists understand about the timing and occupation of the Mid West is determined by findings in surrounding regions. Few archaeological investigations in the Mid West have been able to confirm clear timeframes for inland occupation.

A proposed reason for this is that most investigated sites have been located in 'low lying breakaway formations of laterite and kaolinite' which erode too quickly to preserve Pleistocene aged evidence of the earliest occupation. Evidence for occupation dates are more reliably found in the 'green-stone belts' where the environment is thought to erode at a slower rate. An example of this evidence is the Yalibirri Mindi rockshelter which featured a range of flaked stone artefacts that were dated to approximately 33,000 years (Winton et al., 2016). Studies have also suggested that the Mid West may have acted as a haven for Aboriginal people during the last glacial maximum when the desert was unliveable. This would further suggest the high possibility of archaeological deposits due to an increase of human activity in the area at this time (Winton et al., 2016).

A range of site types have been documented in the Mid West through targeted compliance surveys, which provide some insight into the extensive occupation of the region by Aboriginal people over thousands of years. Artefact scatters are the most commonly preserved type of site; however, a wide variety of places associated with creation and dreaming narratives, birthing places, burials, hunting places, quarries, traditional structures, camps, shell middens, medicinal plant landscapes, rock shelters, rock art and water sources have been found throughout the region.

Archaeology of the Project Area

While the Project Area has been previously impacted by agricultural activities, there are areas of remnant bushland and water courses which are landscape features with typically higher archaeological sensitivity. In addition, areas impacted by cropping and grazing will still have some, albeit reduced, potential for archaeological materials. As indicated by the types of previously recorded places in the wider region, there is potential for a range of different heritage types to be encountered within the Project Area (see Table 4).

Historical Background

The following section is a brief summary of the history of the region, very little information was able to be found at a desktop level for the history of the Project Area itself.

Nyitting - The Dreaming

The English language can never truly capture what the Dreaming is. The Nyitting, translated as ‘the cold time’, is the time when the spirits rose from the earth and descended from the sky to create landforms and water ways, and all living things. The Dreaming tells of the time when life began.

Archaeological evidence shows that Aboriginal people have lived in Australia for at least 65,000 years (National Australia Museum, 2021). In Noongar Boodjar the excavations of a cave, known as Devils Lair, demonstrated that it was visited by Aboriginal people approximately 48,000 cal BP (Turney et al., 2001).

Post-1829

Aboriginal Displacement and Survival

The Swan River Colony was established by the British in 1829, causing the displacement of Noongar people throughout the southwest as the colony expanded. This displacement extended along the coast affecting Aboriginal groups in the North and South and causing the rapid collapse of their way of life. Not to diminish the devastating impact caused by colonisation, it is also important to recognise too the survival and continuation of Aboriginal culture as well as the tenacity and endurance of Aboriginal people in the face of these impacts.

Aboriginal participated, for example, in formative colonial activities and important industries, such as exploration, agriculture and pastoralism, prospecting, domestic work, the possum fur industry, and many others (Haebich, 1988; Tilbrook, 1983). In addition, they created hybrid economies and communities on the fringe of mainstream society to survive, overcome, and resist the hardships and exclusion directly or indirectly imposed by European settlers and institutions, this discrimination was formalised through policies such as the *Aborigines Act 1905* and the later *Native Administration Act 1936* (Haebich, 1988; Laurie, 1994; Walshe et al., 2019).

Greater Geraldton Region

First encountered in 1627 by a Dutch explorer Francois Thijssen, Geraldton was recognised for its “fertile land and plenty of fresh water”. The area was settled in 1831 and by 1863 it was established as a port town playing an important role in trade and transportation. The expansion of pastoralism into the Victoria district of the current South West Land Division (as defined in 1909), began around 1850 with the establishment of Moonyoonooka run, east of Geraldton (Bignell, 1975). Ellendale Homestead, 13 km to the east of the Project Area near Ellendale Pool on the Greenough River, was established by Mr Major Logue and his wife in the 1860s, with the property comprising 96,000 ha. The Sewell family settled to the northeast of the Project Area in the 1860s, with six generations of the same family living and working the Sandsprings site until 2008 (12 km to the east). Early agricultural land use activities included sheep and cattle husbandry and the growing of hay.

The North West Stock Route running from North Beach (Star Swamp) to Allanooka (approximately 7 km east of the Project Area), was established in the 1850s and by the 1920s and 1930s it was no longer in use and became a reserve, although it was briefly revived in the 1940s by the Army for patrols during the Second World War. In the 1920s and 30s, the local economy experienced a boom due to mining and shipping, the population grew along with tourism and new local businesses (*Geraldton History*, 2023). The Burma Road in the Shire of Irwin, which is adjacent to the Project Area, was a track

that was cleared by the Army in 1942 for the movement of armed forces to and from Geraldton and as an escape route if there was an invasion by enemy forces. It was later upgraded and used as a transport route to help establish new farms in the district in the 1950s.

Previous Research and Heritage Assessments

Aboriginal Cultural Heritage

Previous Heritage Assessments

The following summary of previous research has been compiled from information that is publicly available from the Department of Planning, Lands, and Heritage's (DPLH) Aboriginal Heritage Inquiry System (AHIS). This may not be a comprehensive record of all heritage sites recorded in the area nor surveys undertaken, with the possibility that some information may exist in the 'grey literature' held by private individuals and organisations, not yet provided to the DPLH for addition into the AHIS. Accordingly, caution should be exercised in areas where no surveys have been completed, or where surveys have only been completed for parts of the area where the proposed activity is intended. Heritage surveys over only part of the land may not have identified all possible sites. Further, surveys that took place more than 15 years ago may not have reliable spatial information. The criteria for assessing the relevance and reliability of reports can be found in Appendix One.

According to the DPLH records, there have been 20 heritage surveys conducted within and/or in relation to the Project Area (Table 1; Map 5). These surveys have largely focussed on narrow areas relating to specific projects, in particular pipelines/ pipeline corridors passing through the current Project Area. As such, they provide limited insight into the cultural heritage of the Project Area.

Table 1. Previous Heritage Surveys intersecting the Project Area

DPLH ID	Survey Area ID	Report Title	Report Authors	Type	Reliability
17059	13207	Dampier to Perth Natural Gas Pipeline Route: A Survey for Aboriginal Sites. March 1979.	Dept of Aboriginal Sites	Archaeological/ Ethnographic	No - due to the age of the report (published 1979) and the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.
17654	18318	Report on a survey for archaeological sites in the area between Allanooka Summit WaterTank and the Oakajee offtake, WA, to be impacted by the construction of a water pipeline. August 1998.	Marmion, D	Archaeological/ Ethnographic	No - due to the age of the report (published 1998) and the study not being specifically related to the proposed Activity.
18706	13279	Aboriginal Art of the South-West of Western Australia. 1978.	Wolfe-Okongwu, W.	Archaeological	No - due to the age of the report (published 1978) and the study not being specifically related to the proposed Activity.
19019	18666	Summary report on Aboriginal heritage investigations proposed Dampier to Bunbury natural gas pipeline corridor widening project: prepared to assist the Aboriginal Cultural Material Committee	McDonald, Hales and Associates	Archaeological/ Ethnographic	No - due to the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.

DPLH ID	Survey Area ID	Report Title	Report Authors	Type	Reliability
19023	15500	Report on Aboriginal heritage investigations: proposed DBNGP pipeline corridor widening project	McDonald, Hales and Associates.	Archaeological/ Ethnographic	No - due to the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.
22671	19519	Report on an ethnographic survey with the Widi Mob Native Title Claimants of the Proposed Slurry and Water Pipelines between Mt Gibson and Geraldton, Western Australia. March 2006.	Australian Interaction Consultants	Ethnographic	No - due to the age of the report (published 2006) and the study not being specifically related to the proposed Activity.
22706	15744	Report on an archaeological survey of a proposed slurry pipeline between Mt. Gibson and Geraldton, Western Australia. December 2005.	Australian Interaction Consultants	Archaeological	No - due to the age of the report (published 2005) and the study not being specifically related to the proposed Activity.
23015	15814	Aboriginal heritage study for 330kV transmission line between Eneabba Substation & Moonyoonooka Substation. April 2008.	Mattner, Joe	Archaeological/ Ethnographic	No - due to the age of the report (published 2008) and the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.
23314	15850	Heritage Monitoring Report of sites within Loop 7 of DBNGP (Stage 5A) Western Australia. February 2008.	Australian Interaction Consultants	Archaeological/ Ethnographic	No - due to the age of the report (published 2008) and the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.
23327	15981	Report on preliminary archaeological assessment of Stage 5A DBNGP Route, Loop 7. December 2008.	Australian Interaction Consultants	Archaeological	No - due to the age of the report (published 2008) and the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.
28195	17401	Report of an Ethnographic Survey with Amangu NTC of A Proposed Slurry Pipeline between Mt Gibson and Geraldton, Western Australia. May 2007.	Australian Interaction Consultants	Archaeological/ Ethnographic	No - due to the age of the report (published 2007) and the study not being specifically related to the proposed Activity.
28197	16575	Report of an Ethnographic Survey of the Proposed Mount Gibson Iron Limited Pipeline Route. January 2006.	R & E O'Connor Pty Ltd	Archaeological/ Ethnographic	No - due to the age of the report (published 2006) and the study not being specifically related to the proposed Activity.
28203	16766	Consolidation Report of Heritage Surveys Undertaken for the Proposed Extension Hill Magnetite Project and Slurry Pipeline	Australian Interaction Consultants	Archaeological/ Ethnographic	No - due to the age of the report (published 2007) and the study not being

DPLH ID	Survey Area ID	Report Title	Report Authors	Type	Reliability
		between Mt Gibson and Geraldton Western Australia. June 2007.			specifically related to the proposed Activity.
102101	18408	Report on a Survey for Archaeological Sites in an Area North-East of Dongara, WA, to be Impacted by the Oakagee Water Pipeline. June 1998.	Marmion, D. & Webb, R.E.	Archaeological/ Ethnographic	No - due to the age of the report (published 1998) and the study not being specifically related to the proposed Activity.
103276	17453	Report on the survey for Aboriginal archaeological sites on the Geraldton lateral gas pipeline route. June 1984.	Veth, P M	Archaeological	No - due to the age of the report (published 1984) and the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.
104085	17802	An archaeological survey of the Dampier to Perth natural gas pipeline route: section 4 Murchison River to Irwin River. 1982	Pickering, Michael	Archaeological	No - due to the age of the report (published 1982) and the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.
104296	19223	The archaeology of the Geraldton coastal region: a report for the Aboriginal Communities of the Geraldton. February 1993.	Schwede, M L	Archaeological/ Ethnographic	No - due to the age of the report (published 1993) and the study not being specifically related to the proposed Activity.
105175	13443	Report on an ethnographic study of three sections of the expanded Dampier to Bunbury Gas Pipeline corridor. August 2000.	O'Connor, Rory.	Ethnographic	No - due to the age of the report (published 2000) and the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.
106213	18224	Ethnographic site avoidance survey under the Aboriginal Heritage Act (1972) of the proposed widening of the Dampier - Bunbury Natural Gas Pipeline Corridor (DBNGP) at Dongara and Eneabba, Western Australia: volume 2 of 2 - Pandawn representatives. June 2002.	Parker, Ronald T	Ethnographic	No - due to the age of the report (published 2002) and the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.
106214	12217	Ethnographic site avoidance survey under the Aboriginal Heritage Act (1972) of the proposed widening of the Dampier - Bunbury Natural Gas Pipeline Corridor (DBNGP) at Dongara and Eneabba, Western Australia : volume 1 of 2 - Widi Mob representatives. June 2002	Parker, Ronald T	Ethnographic	No - due to the age of the report (published 2002) and the study not being specifically related to the proposed Activity. The area covered in the report intersects with a small section of the proposed Project Area.

Recorded Aboriginal Cultural Heritage Sites and Places

There are no Registered Aboriginal Cultural Heritage Sites that intersect the Project Area; however, two Historic Aboriginal Cultural Heritage places intersect the Project Area (Table 2). In addition, there is one Lodged Aboriginal Cultural Heritage place that intersects the Project Area, which means that the ACHC has not yet assessed it (Table 2).

As detailed above, only a small percentage of the Project Area has been subject to surveys. As such, to better understand the nature of the tangible and intangible cultural landscape a search of the ACHIS including sites within 20 km of the Project Area was included (Table 3). A search of the surrounding area has the potential to provide insight into the types of Aboriginal Cultural Heritage sites that may be encountered within the Project Area. While development within the Project Area is unlikely to directly affect these peripheral sites, understanding the types and spatial relationship between cultural heritage places and sites helps to inform the heritage risk assessment for unsurveyed areas within similar environments. The results of this search identified five (5) Registered Sites, two (2) Lodged Places and four (4) Historic Places (Table 3).

Table 2. Previously recorded DPLH Aboriginal places that intersect the Project Area

DPLH ID	Site Name	Status	Type	Legacy ID
5481	Gas Pipeline 79	Other Heritage Place-Lodged	Artefacts / Scatter	S00793
4781	Geraldton Pipeline 8	Historic	Artefacts / Scatter	S01984
4782	Geraldton Pipeline 9	Historic	Artefacts / Scatter	S01985

Table 3. Aboriginal Heritage Places within 20 km of the Project Area

DPLH ID	Site Name	Status	Type	Legacy ID
1066	Sandspring Cave	Registered	Artefacts / Scatter; Painting; Water	S02853
1575	Sandalwood	Registered	Historical	W01587
5565	Geraldton	Registered	Artefacts / Scatter, Painting	S00010
18907	Irwin River (SC04)	Registered	Camp; Creation / Dreaming Narrative; Historical; Landscape / Seascape Feature; Water Source	
24761	Greenough River	Registered	Creation / Dreaming Narrative; Landscape / Seascape Feature	
5175	Allanooka Swamp	Lodged	Artefacts / Scatter	S01342
5480	Gas Pipeline 78	Lodged	Artefacts / Scatter	S00792
4782	Geraldton Pipeline 9	Historic	Artefacts / Scatter	S01985
19054	Ochre Site, 82/WM01	Historic	Camp; Ochre	
19055	3 Knolls, 82/WM02	Historic	Landscape / Seascape feature	
19056	Table Top & Pinnacle Site Complex	Historic	Creation / Dreaming Narrative	

Site Summaries

The following section will summarise the Aboriginal Cultural Heritage sites and places which intersect the Project Area, as listed in Table 2 above.

ID 5481 Gas Pipeline 79

This site was recorded as an artefact scatter in 1999; however, the site file describes a single muller stone found in a vegetated area on a farm. The site file notes that the scrubland in which the muller was found was located next to a wheat field that was once a soak area with white sandy soils. The Muller had a pecked central area forming a depression half a centimetre deep on one side and scattered pecked marks on the opposite side. No further details were provided in this site file.

ID 4781 Geraldton Pipeline 8

This site was recorded by G. Quartermaine in 1984 for a report on the Survey for Aboriginal Archaeological Sites on the Geraldton Lateral Gas Pipeline Route. The site was identified in a depression within a sandplain with predominantly pasture grass and some *Eucalyptus* species. The scatter was comprised of one quartz flake and three quartz chips situated on the northeast side of a small roadside pool. A slightly grooved ochre fragment was also identified.

ID 4782 Geraldton Pipeline 9

This site was recorded by G. Quartermaine in 1984 for a report on the Survey for Aboriginal Archaeological Sites on the Geraldton Lateral Gas Pipeline Route. The site was identified on a laterite outcrop located within a sandplain. The flora was identified as scrub heath. It was described as a low-density artefact scatter situated in the southwest corner of a paddock adjacent to the Nangetty-Walkaway Road, comprised on approximately twenty quartz pieces around a gravel pit. The dimensions were recorded as 50 m x 20 m, with predominantly quartz chips and flakes.



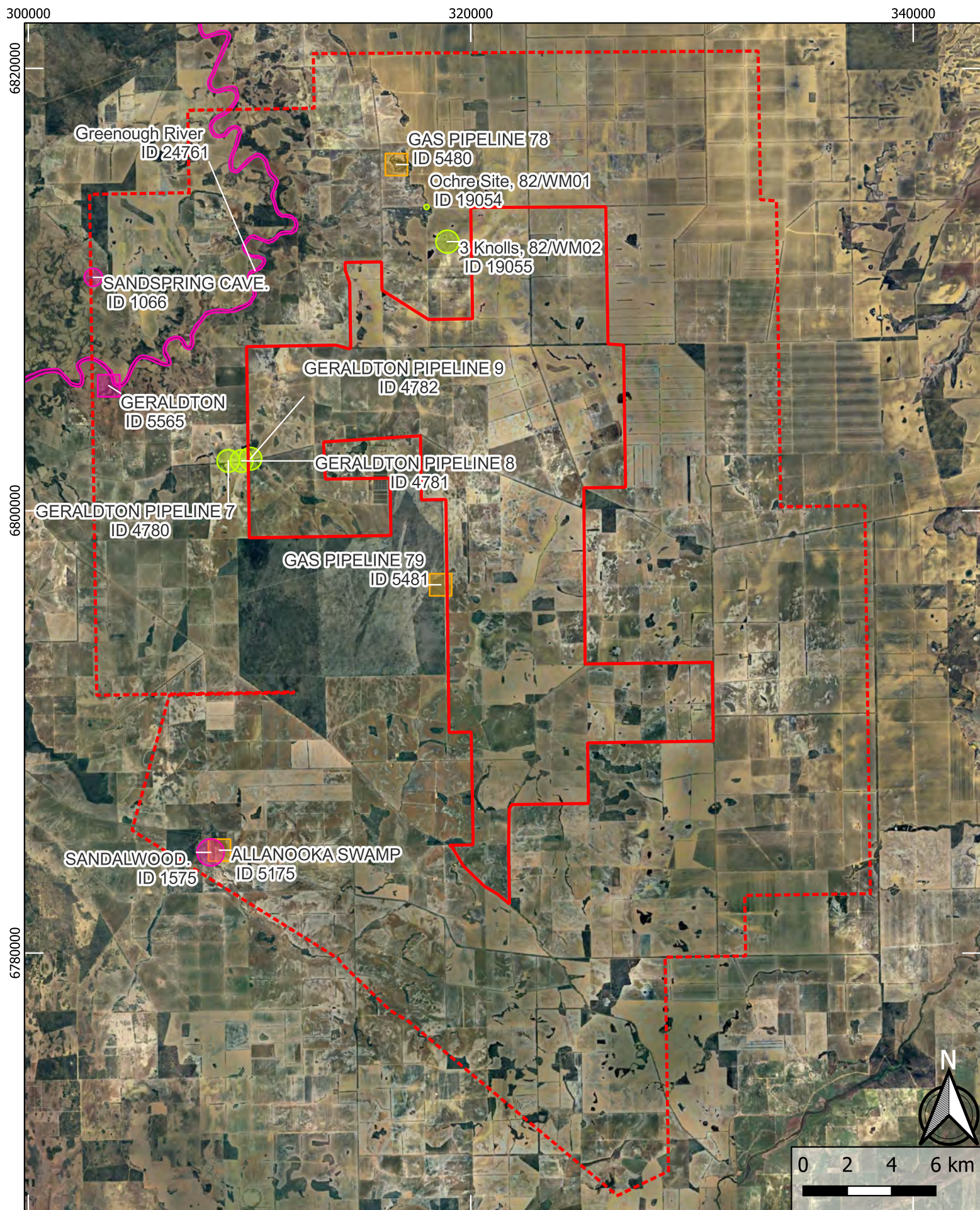
Legend

- Mid West Wind Farm Stage 1 Project Area
- Previous DPLH Aboriginal Heritage Surveys



Map 4. Previous Aboriginal Heritage Surveys Intersecting the Project Area

Drafted by Marcel Teschendorff, 16 December 2024.
GDA2020 / MGA zone 50.
Satellite imagery courtesy of Google.



Legend

- Mid West Wind Farm Stage 1 Project Area
- Project Area Buffer (7 km)
- Aboriginal Cultural Heritage - Register
- Aboriginal Cultural Heritage - Lodged
- Aboriginal Cultural Heritage - Historic



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Map 5. Aboriginal Cultural Heritage Places Intersecting and Adjacent to the Project Area

Drafted by Marcel Teschendorff, 16 December 2024.
GDA2020 / MGA zone 50.
Satellite imagery courtesy of Google.

Historical Heritage

While there are several places of local and State Heritage significance in the wider area, a single historical heritage place, *Burma Road* (P11814), is adjacent to the Project Area (Map 6). The Shire of Irwin have the following Statement of Significance for this place:

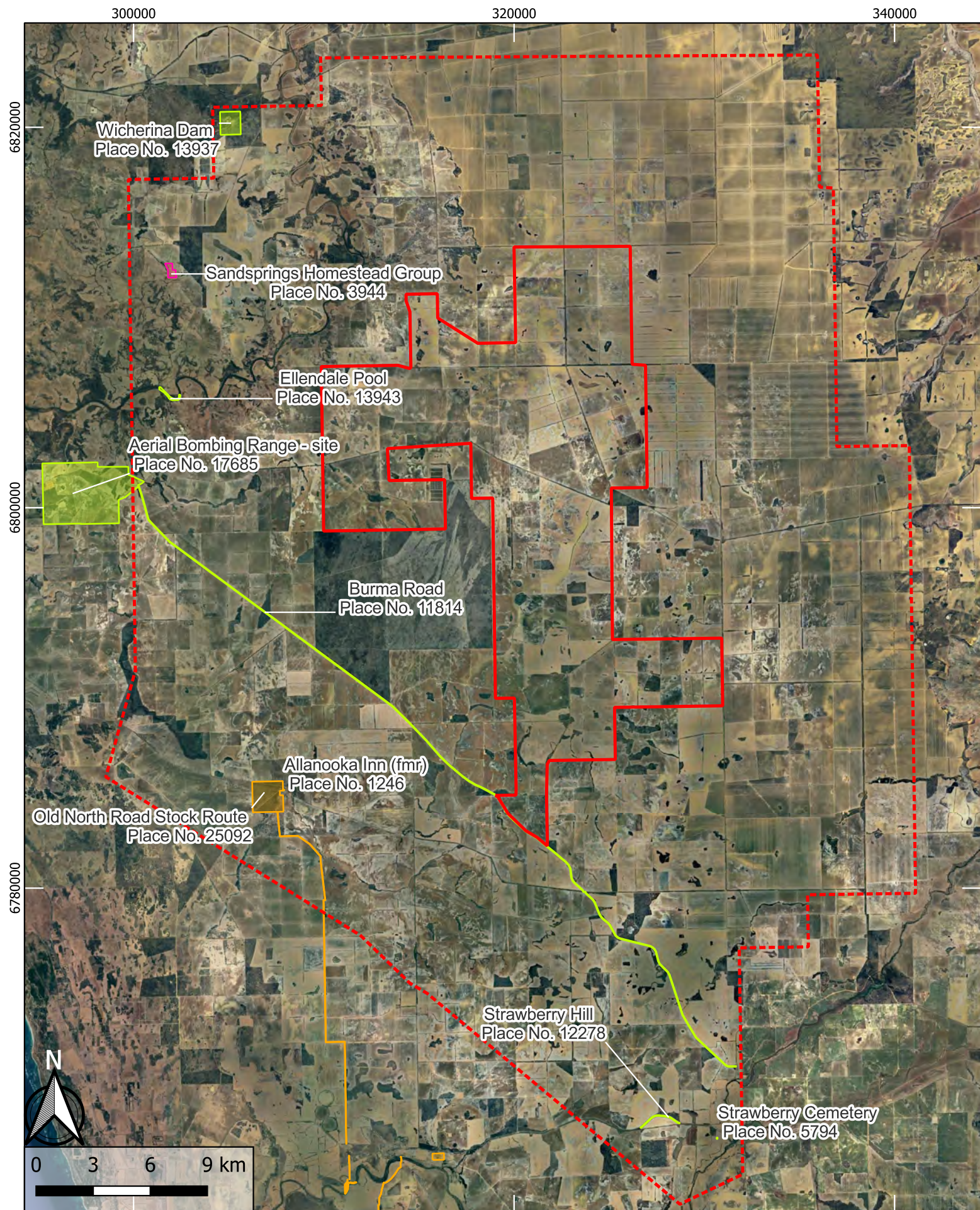
In conjunction with other WWII Army sites in the Mid West, Burma Road is associated with the activities of the Australian Army in the region during World War II.

Burma Road facilitated the establishment and expansion of sandplain farms in the Irwin district in the 1950s.

This place is listed in the Municipal Inventory as a Category 4 place:

HISTORIC SITE OR SIGNIFICANT VEGETATION. Historic site without built features or with association to an historic personage. Recognise the site with a plaque, place name, paving stone or appropriate marker.

The Heritage Council did not consider that this place warranted an assessment for inclusion on the State Heritage Register (22 February 2019).



Legend

- Mid West Wind Farm Stage 1 Project Area
- Project Area Buffer (10 km)
- Heritage Council WA - State Register
- Heritage Council WA - Assessment Program
- Local Heritage Survey Places



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Map 6. Historical Cultural Heritage Places Intersecting and Adjacent to the Project Area

Drafted by Marcel Teschendorff, 16 December 2024.
GDA2020 / MGA zone 50.
Satellite imagery courtesy of Google.

SECTION THREE – DUE DILIGENCE ASSESSMENT

Predictive Statements

The archaeological and ethnographic predictive statements and subsequent risk assessment are based on the results of the location and types of Aboriginal sites (Aboriginal Cultural Heritage) that have been previously recorded in this region (Table 4).

Table 4. Predictive Statements for the Project Area

Site Type	Site Description	Landform/Environment	Predictive Statement
Artefact Scatters / Isolated Artefacts	Stone flakes, cores, and debris from stone artefact manufacture. Some flakes may show signs of having been used. Tools that have been deliberately shaped (formal tools) may include scrapers, backed blades and adzes.	Found in both surface and subsurface contexts across many different landforms, including around creek lines, gravel flats, plains and rock shelters. There is a demonstrated association between water sources and artefact scatters on the Swan Coastal Plain.	Although the majority of the Project Area is disturbed through agricultural land use, artefact scatters are a common site type that preserves well over a long period of time in both surface and subsurface contexts. Given the sandy soils and areas of remnant bushland, there is consequently a high chance that this type of site might be found in certain parts of the Project Area.
Scar Trees	Modified trees in this region may relate to Aboriginal use of trees. Aboriginal people removed bark from the main trunk of a tree to manufacture dishes or shields. In other cases, scarring may be caused during the extraction of honey. York gums, which are common to this area, have been used as gnaama boornas in other parts of the State ⁵ .	These types of sites will occur in locations where there are trees that are more than 100-150 years old.	There is a low chance that this type of site will be encountered in the Project Area due to the extensive past land clearing but there is some chance there are modified trees within the remnant bushland.
Grind Stones / Grinding Patches	Grinding stones are stones that have been used for grinding seeds or sharpening stones, resulting in a distinctive abraded surface. Grinding patches are similarly utilised patches of bedrock.	Grinding patches occur on suitably flat areas of bedrock, whereas Grindstones can be found throughout the landscape, but are often closely associated with water sources.	There is a moderate chance of encountering additional grindstones in the Project Area; a previously recorded site intersecting the Project Area contained a muller. However, due to their often-distinctive nature, grindstones were sometimes collected by farmers and pastoralists in the historical period and are now rare to find on land that has been farmed.
Potential Archaeological Deposits (PAD)	Potential archaeological deposits may contain cultural material and could possibly be dated if charcoal or other dateable organics are present. Preservation of any organic material may vary depending on the soil type.	These types of sites are generally found in rock shelters where sediment builds up overtime. Outside of rock shelters, in open-air artefact scatters, sites are usually contained to the surface where the artefacts build up in a single palimpsestic deposit which rarely extends below the surface; however, in this region, the sandplains and remnant dunes may contain subsurface artefacts.	There is a moderate chance of encountering a PAD. Aerial imagery of the Project Area demonstrates multiple areas of bushland (although likely degraded) that may have experienced little to no historical ground disturbance, along with sandy soils that have the potential to preserve both stone and bone below disturbed layers.

⁵ <https://heartlandjourneys.com.au/storyteller/alison-lullfitz/>

Site Type	Site Description	Landform/Environment	Predictive Statement
Rock Art	Rock art may be in the form of engravings or paintings. There are many different styles of engravings, including incised, pecked, grooved and abrasion.	This site type is found on bedrock outcrops of different sizes and formations. The surface is mainly flat. Paintings are mostly found in sheltered contexts such as rock shelters or overhangs providing good conditions for the preservation of the pigment used in the art. Engravings can be found in both open and closed contexts.	No large outcrops or rock formations were identified within the Project Area. There is therefore a low to negligible chance of encountering engravings and rock paintings in the Project Area.
Quarries	These types of sites consist of stone sources, including ochre, either in the form of bedrock or large nodules that are in their primary context. Quarries may be classed as stone procurement sites that usually have an associated artefact scatter containing stone reduction/knapping areas.	Located in areas where there are suitable outcrops of stone.	There is a low to negligible chance that this site type would be found in the Project Area, as no large outcrops or rock formations were identified using aerial imagery.
Burials	Burials may include an isolated bone fragment or could involve complete individuals or multiple burials.	Skeletal material is generally encountered in areas where the ground is softer such as along creek banks or in dunes.	Burials have been previously found in the wider Mid West region, especially along the coast. While the chance of encountering burials in this area is low to moderate due to extensive land clearing activities, there may be some chance of encountering burials in less disturbed pockets of the Project Area.
Rock Shelters	Rock shelters were used for shelter and other purposes by Aboriginal people. They may have conducted certain activities while in a shelter, such as making stone tools or caching items.	These occur where there is suitable bedrock present and may include overhang and cave formations.	There does not appear to be any large rock formations within the Project Area that would create this type of site. There is a low to negligible chance that this type of site would be encountered in the Project Area.
Human-Made Structures	Human-made structures include remnant structures used for housing, stone arrangements or other. House structures possibly constructed from branches, stone, corrugated iron, mud or other materials most likely in the historic period. Stone arrangements may include semi-circular rings of stacked stone, lizard traps, cairns, hunting hides, and standing stones.	The preservation of remnant structures, particularly those used for housing, may depend on the materials used, exposure to the elements and land use activities. Stone arrangements are present in areas where suitable rock is present; however, these types of sites are not very common overall.	There is a low chance of encountering this type of site within the Project Area due to past and present use as farmland and limited stone sources.
Ethnographic sites, including Ethnographic / Aboriginal Ceremony, Songlines and Dreaming Narratives	These types of sites are places of significance to Aboriginal people and may be connected to ceremonial activities and/or spiritual stories. In addition, there may be ethnographic information related to the historic use of the area by Aboriginal people.	These may be present across a range of different landscapes. Certain natural features may be considered a part of these types of sites, including specific landforms, rock formations, water sources, and plant or animal concentrations.	There is a moderate to high chance of encountering this type of site within the Project Area. The <i>Greenough River</i> (ID 24761) is within 5 km of the Project Area and is associated with Dreaming Narratives. There are several water sources within the Project Area that may be of importance to Yamatji

Site Type	Site Description	Landform/Environment	Predictive Statement
			people. In addition, there are strong historical associations with this area for Yamatji people, as described in historical records of Central Greenough in particular; ethnographic sites are often associated with Aboriginal cultural practice and mobility, including into the historic period. Archaeological sites in the surrounding landscape are direct indicators of past activities that can also contribute to the understanding of the intangible heritage in this region.
Water Sources	These types of places include rock holes, natural springs, creeks, pools and soaks that were an important source of water for Aboriginal people and later on the early settlers.	These are mostly located in low-lying areas where water collects along creeks and in soaks, or they may be associated with rock formations.	There is a high chance of encountering this type of site based on the aerial imagery and environmental data available for this region.
Plant Resources	These include plants of cultural significance including but not limited to food, fibre, tool-making and shelter resources.	These may be located anywhere across the landscape, but especially in areas associated with water sources and where remnant vegetation remains.	There is a moderate chance of encountering this type of site based on the aerial imagery and environmental data available for the region.
Historic Sites	Historic sites may or may not have a shared history between Aboriginal people and early settlers. Historical sites may include homesteads, stockyards, building ruins, stone walls, wells, fences, bridges, small camps, old tracks, blazed trees, and other farm infrastructure.	These may be located anywhere across the landscape but especially in and around previously recorded historical heritage sites and Aboriginal sites (such as reserves or farm camps) that have a known historic component.	There is a low to moderate chance of encountering this type of site in addition to the adjacent <i>Burma Road</i> (P11814). Most of the early homesteads and other historical heritage places are further to the east and southeast of the Project Area.

Risk Assessment

The *Aboriginal Heritage Due Diligence Guidelines* (Department of Aboriginal Affairs and Department of the Premier and Cabinet, 2013) provide a framework for assessing the risk of impacting ACH and consist of:

- a) Assessing the landscape where an activity is to take place.
- b) Assessing the proposed activity and the potential impact on the landscape.

As per the risk matrix on the following page (Table 5), which has been adapted from the DPLH Due Diligence Guidelines, the levels of risk are categorised as low, medium or high. Each level of risk has a corresponding recommended action.

In regards to the current Project Area, as defined in Map 1, the majority of the area could be described as a significantly altered landscape; however, there are areas of minimal alteration which include remnant bushland and water courses (Table 5). The proposed impacts will likely fall between significant (includes new roads or tracks, land clearing, intensive soil or core sampling) and major disturbance (includes soil excavation, major construction works, mechanical earthmoving and trenching). For a breakdown of the levels of land-use activities see Appendix Four.

In summary, based on the high level of heritage potential in parts of the Project Area, in conjunction with the proposed levels of disturbance, Archae-aus suggest there is a risk of encountering Aboriginal Cultural within some sections of the Project Area that have experienced minimal to moderate levels of previous land use (Map 7). In order to refine this risk assessment and areas of heritage potential further, an archaeological and ethnographic survey is required to confirm the presence or absence of any cultural heritage within the proposed development footprint.

Table 5. Aboriginal Heritage Risk Matrix

Aboriginal Cultural Heritage Risk Matrix						
Previous Land Use	Land Activities – Environment Type and Proposed Level of Ground Disturbance					
		1. Negligible disturbance	2. Minimal disturbance	3. Moderate disturbance	4. Significant disturbance	5. Major disturbance
	Built Environment Urban environment, towns, metropolitan areas	Low	Low	Low	Low	Medium
	Significantly Altered Environment Cultivated and cleared land	Low	Low	Low	Medium	High
	Moderately Altered Environment Partially cleared lands, re-vegetated landscape	Low	Low	Medium	Medium	High
	Minimally Altered Environment Urban bushland, regrowth area	Low	Medium	Medium	High	High
	Unaltered Environment Protected areas or pristine environment	Medium	Medium	High	High	High
Risk Assessment		Actions				
Low Risk		Review the landscape and proposed activity. Refer to the ACHIS.				
Medium Risk		Review the landscape and proposed activity. Refer to the ACHIS and contact DPLH. A range of actions may be recommended including, no action, consultation with the relevant Aboriginal people, an Aboriginal heritage survey, or modification of the proposed activity to avoid or minimise site impact.				
High Risk		Refer to the ACHIS. Consult with DPLH and relevant Aboriginal people. Dependent on consultation outcomes the following may be required: an Aboriginal heritage survey, modification of the proposed activity to avoid or minimise impact to the site and/or other heritage management strategies. The land user may also need to apply for approval or consent to the activity.				
For major development projects		NASHA, DPLH, approvals etc.				

The above Aboriginal Heritage Risk Matrix has been adapted from the Aboriginal Heritage Due Diligence Guidelines (Department of Aboriginal Affairs and Department of the Premier and Cabinet 2013)

Aboriginal and Historical Cultural Heritage Potential

There are three levels of assessed potential (high, moderate and low) for encountering Aboriginal and historical cultural heritage within the Project Area (Map 7). These levels of potential were assessed based on the understanding of the environmental, ethnographic, archaeological and historical contexts associated with the Project Area and broader region. Based on the assessment of ACH potential in Table 5 above, there is **high potential** that ACH will be encountered within the Project Area, in certain areas containing Unaltered to Significantly Altered Environments. If significant and/or major ground disturbance is proposed in these areas, there is a medium to high risk of impacting Aboriginal Cultural Heritage without further investigation and mitigation. Portions of the Project Area have been disturbed through agricultural activities; however, tangible ACH is sometimes found in heavily cultivated fields.

There are also Aboriginal sites located within the wider landscape and intangible heritage may still be present within developed landscapes. Further, intangible heritage has not been previously assessed across the entirety of the Project Area. Despite significantly altered environments across the area, intangible heritage is rooted in practice and community, rather than focused entirely on physical cultural material. Intangible heritage refers to traditions, rituals, knowledge and skills that communities recognise as part of cultural identity.

While these practices may occur at specific sites, their existence and transmission of knowledge may not necessarily be tied to those sites. For example, oral storytelling and Songline transmissions exist independently of the physical location they are told and continue even when that physical location may be disturbed or destroyed. Due to the prevalence of waterways and remnant vegetation nearby, and the historical presence of Aboriginal people in the area, there is a **moderate to high risk** of intangible heritage sites within the Project Area. It is also important to note that land clearing and development do not degrade intangible heritage, and value may still be imbued within agricultural landscapes.

There is a **low to moderate** risk of encountering historical heritage places, aside from adjacent local heritage place *Burma Road* (P11814). Many of the known early pastoral settlements and other historical heritage places are to the east and southeast of the Project Area. However, surveys of the disturbance footprint will provide more information about any historical archaeology of the area and help to refine the risk level further.

As this inherent risk assessment is based on a desktop assessment of the Project Area only, targeted archaeological and ethnographic surveys within the disturbance footprint are required to confirm the presence or absence of Aboriginal and historical cultural heritage within the Project Area, and thus further mitigate any risk of heritage disturbance during groundworks, construction and operations.

High Potential

Aboriginal Heritage

Areas of high potential include the known footprint of heritage places intersecting the Project Area (both historical and Aboriginal), and places where cultural heritage sites and places are typically found in this region. Areas with high potential show signs of minimal disturbance, with limited impacts to sub-surface soils. High potential areas are more likely to occur in areas of remnant bushland, undisturbed bedrock and rock formations and along watercourses. Known watercourse have been

mapped with a 200 m buffer on either side of a watercourse.⁶ The extent of remnant native vegetation within the Project Area is also considered to be of high potential.⁷

Moderate Potential

Aboriginal Heritage

All areas outside of either high or low potential have been identified as containing moderate potential. Areas of moderate potential include places where cultural heritage sites may be found based in the landscape and may be associated with or located in proximity to mature trees and vegetation communities (although degraded) and water sources, and areas of superficial/shallow ground disturbance. Further, the presence or absence of open (surface) artefact scatters may not necessarily be an indicator of sub-surface archaeological potential, which may exist depending on the soil profile across the Project Area. It is important to note that artefacts have been found in cleared paddocks elsewhere in the State and land clearing is not necessarily an indicator that an area has been heavily impacted.

Low Potential

Aboriginal Heritage

Areas of low potential have been identified based on the aerial imagery, where significant disturbance has occurred that is likely to have also impacted the sub-surface archaeological potential of the area, for example where major earthworks or other developments and major infrastructure may be located, including buildings or drinking holes for livestock. Note: areas of low potential have been identified based on available recent aerial imagery, which provides a snapshot of the landscape at a particular time and does not account for all changes that may have occurred through time.

Historical Heritage Potential

In addition to known historical heritage places (high heritage potential), there is some potential for other areas within the Project Area to contain historical features and archaeological remains.

Potential Heritage Impacts and Mitigation

Based on the above predictive statements and desktop examination of the types of landforms present in the Project Area, Archae-aus has assessed that there are areas of **high**, **moderate** and **low** potential for Aboriginal Cultural Heritage (ACH), and **low to moderate** potential for historical heritage within the Project Area. As such there is a low to high risk for disturbing heritage prior to suitable mitigation measures being implemented. The areas of heritage potential would need to be refined and formally assessed through on-ground archaeological and ethnographic surveys of the Project Area.

The archaeological field assessment should inspect the proposed development footprint prior to any ground disturbance works occurring. This includes any areas that may be used for the proposed development, including construction sites, turbine locations, laydown pads, access tracks, temporary and permanent sumps, swales and other run-off management, temporary work camps or yards and any other element of the project that requires ground disturbance. The survey should also take place prior to any preliminary site investigations such as geotechnical works that require drilling and test pitting using machinery.

⁶ Mapped using the Data WA Hydrography, Linear (Hierarchy) (DWER-031) dataset (Updated: 2018), <https://catalogue.data.wa.gov.au/dataset/hydrography-linear-hierarchy>.

⁷ Mapped using the Data WA Native Vegetation Extent (DPIRD-005) dataset (Updated: 2023),

The ethnographic field assessment should also inspect the development footprint but will be designed to evaluate the broader landscape, including places outside the Project Area, to understand the cultural context of the place and to assess the direct and indirect impacts of the proposed development to any tangible and intangible heritage within and adjacent to the Project Area. The survey should be led by the Southern Yamatji Knowledge Holders who can direct the survey to inspect any place of ethnographic importance that might be affected by the proposed development.

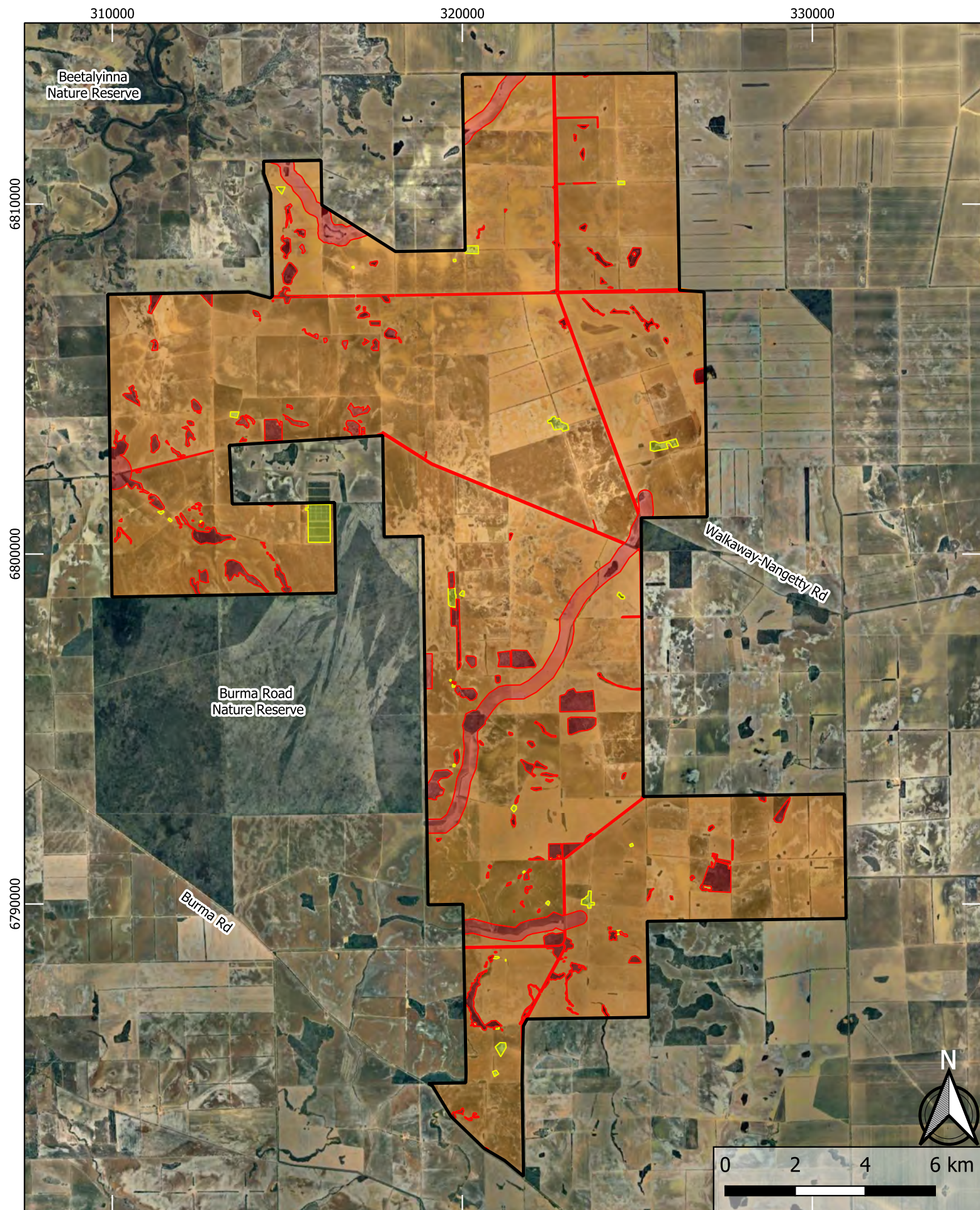
Aboriginal Cultural Heritage

The proposed development is classed as a significant to major land use activity. As per the risk matrix in Table 5 and land use risk categories in Appendix Four, significant and major land use activities may cause permanent damage to Aboriginal cultural heritage. Accordingly, the following measures are proposed:

- ▶ Consultation with the relevant Aboriginal party (Southern Yamatji Aboriginal Corporation).
- ▶ Aboriginal Cultural Heritage (and combined historical archaeological heritage) investigation involving an archaeological and ethnographic heritage field assessment of areas of high and moderate heritage potential within the proposed disturbance footprint, in consultation with nominated Southern Yamatji Knowledge Holders.
 - ◊ The survey should also sample of any areas of low potential within the development footprint and any landforms or features, such as granite domes, rocky outcrops, water sources, native vegetation communities, or higher points in the landscape, that fall within any zone of potential within the development footprint.
- ▶ An update to the risk assessment following the field assessments.
- ▶ Based on the results of the surveys, if ACH places are within the proposed development area, then the project should be redesigned to **avoid disturbance** to these places.
- ▶ If disturbance is unable to be avoided, certain mitigative measures may be necessary prior to ground disturbance works taking place, including any further archaeological investigations such as test pitting or excavation, preparation of a cultural heritage management plan (co-designed with the Southern Yamatji Aboriginal Corporation), section 18 approvals, and salvage and cultural monitoring where necessary.

Historical Heritage

There is a low to negligible risk of impacting historical heritage within the Project Area, based on the lack of historical heritage sites and the area's limited historical background, especially compared to other areas to the east and southeast of the Project Area. If historical heritage is identified within the Project Area during the archaeological survey, this type of heritage should be avoided in the first instance. If the project cannot be redesigned to avoid such heritage, and depending on the level of significance, the relevant local government authority (Shire of Irwin or City of Greater Geraldton) should be consulted about any necessary approvals to impact any newly identified heritage places.



Legend

- Mid West Wind Farm Stage 1 Project Area
- High Archaeological Potential
- Medium Archaeological Potential
- Low Archaeological Potential



Map 7. Zones of Cultural Heritage Potential

Drafted by Marcel Teschendorff, 16 December 2024.
GDA2020 / MGA zone 50.
Satellite imagery courtesy of Google.

Discussion

A search of DPLH's Aboriginal Cultural Heritage Inquiry System (ACHIS) revealed that there are no Registered ACH Sites within or intersecting the Project Area. However, there is one (1) Lodged Place (*Gas Pipeline 79*, ID 5481), and two Historic ACH Places (*Geraldton Pipeline 8*, ID 4781 and *Geraldton Pipeline 9*, ID 4782) on the DPLH ACHIS that intersect the Project Area and may still be of importance to Southern Yamatji Knowledge Holders. The paucity of sites within the Project Area could be a reflection of a lack of surveys conducted, rather than the absence of Aboriginal Cultural Heritage (ACH), as most of the Project Area has not been previously assessed by targeted or specific archaeological and ethnographic surveys, according to publicly available information (Map 5). Based on the results of the Due Diligence Assessment there is potential for encountering ACH in the Project Area, and the zones of ACH are detailed in Map 7.

Survey Advice

The desktop Due Diligence Assessment (DDA) is unable to confirm the absence of ACH within the Mid West Wind Farm Project Area. This is due to both a lack of reliable previous surveys in the area and the assessed moderate to high potential for certain site types to be encountered (see predictive statements in Table 4). It is advised that an Aboriginal archaeological and ethnographic survey be undertaken with Yamatji Traditional Owners and Knowledge Holders to confirm the presence or absence of ACH within the Project Area.

An archaeological and ethnographic survey should be carried out for the entire disturbance footprint, including all turbine locations, access tracks, earthworks and other infrastructure areas. The survey design should follow archaeological and ethnographic best practice guidelines and be developed by the archaeologists and anthropologists prior to the survey, with input from the Southern Yamatji Knowledge Holders at the start of the field survey.

These surveys will require the participation of the appropriate Yamatji Traditional Owners and Knowledge Holders, nominated by the Yamatji Southern Regional Corporation (YSRC).

Accordingly, to facilitate archaeological and ethnographic surveys, the Proponent would be best advised to enter into a Yamatji Proponent Standard Heritage Agreement (YPSHA) with the Yamatji Southern Regional Corporation for the Yamatji Nation Indigenous Land Use Agreement area (if not already done so).

The Proponent can contact DPLH and/or visit the Department of Mines, Industry Regulation and Safety (DMIRS) website for more information including the YPSHA template and YPSHA Activity notice template can be found on the DMIRS website.⁸ Please note, that Archae-aus is not permitted to carry out the YPSHA or Activity Notice processes on behalf of the proponent.

Contact Details

Yamatji Southern Regional Corporation

7 Wiebbe Hayes Lane, Geraldton

Phone: 08 9934 6890

Email: admin@ysrc.com.au

⁸ [Yamatji Nation Indigenous Land Use Agreement \(dmp.wa.gov.au\)](https://dmp.wa.gov.au)

Recommendations

Archae-**aus** **recommend** that SLR and the Proponent are aware that:

1. An archaeological and ethnographic survey should be carried out for the entire disturbance footprint, including all turbine locations, access tracks, earthworks and other infrastructure areas. The survey design should follow archaeological and ethnographic best practice guidelines and be developed by the archaeologists and anthropologists prior to the survey, with input from the Southern Yamatji Knowledge Holders at the start of the field survey.
 - a. The heritage surveys will confirm the required mitigative measures proposed in Table 5 following an updated risk assessment based on the results of the surveys, including the need for a cultural heritage management plan.
2. The Proponent should enter a Yamatji Proponent Standard Heritage Agreement (YPSHA) with the Yamatji Southern Regional Corporation for the Yamatji Nation Indigenous Land Use Agreement area.
3. Following the signing of an YPSHA, the Proponent should submit an Activity Notice to the Yamatji Southern Regional Corporation (YSRC) so that the appropriate Knowledge Holders / Aboriginal Cultural Heritage Consultants can be nominated for the heritage surveys.

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APPENDIX ONE – ACHIS SEARCH RESULTS

Search Criteria

11 Heritage Surveys containing 11 Survey Areas in Shapefile - Project Area Boundary

Disclaimer

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

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Access

Some reports are restricted.

Spatial Accuracy

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

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

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List of Heritage Surveys

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Survey Report ID	Survey Area ID	Report Title	Report Authors	Survey Program	Survey Type	Area Description	Spatial Accuracy	Field / Desktop
17059	13207	Dampier to Perth Natural Gas Pipeline Route: A Survey for Aboriginal Sites. March 1979.	Dept of Aboriginal Sites.		Archaeological/ Ethnographic	The survey area consists of the 1486km preferred route of the Dampier to Perth Natural Gas Pipeline. The survey extended from Dampier to Wagerup. The width of the survey corridor is not known. A default 5m width, either side of the centreline is assumed.	Unreliable	Field and Desktop
19019	18666	Summary report on Aboriginal heritage investigations proposed Dampier to Bunbury natural gas pipeline corridor widening project : prepared to assist the Aboriginal Cultural Material Committee	McDonald, Hales and Associates.		Archaeological/ Ethnographic	The survey area consists of an extension (widening) of the Dampier to Bunbury Natural Gas Pipeline corridor.	Good	Field and Desktop
19023	15500	Report on Aboriginal heritage investigations : proposed DBNGP pipeline corridor widening project	McDonald, Hales and Associates.		Archaeological/ Ethnographic	DBNGP pipeline corridor widening project. Widening on each side of existing easement and proposed deviations as shown in Fig. 1	Good	Field and Desktop
23015	15814	Aboriginal heritage study for 330kV transmission line between Eneabba Substation & Moonyoonooka Substation	Mattner, Joe		Archaeological/ Ethnographic	Transmission line between Eneabba SZone ubstation (south of Eneabba) & Moonyoonooka Terminal Substation (east of Geraldton).	Moderate	Field and Desktop
23314	15850	Heritage Monitoring Report of sites within Loop 7 of DBNGP (Stage 5A) Western Australia	Australian Interaction Consultants		Archaeological/ Ethnographic	Loop 7 of DBNGP. This looping section starts from 317866E; 6827112N to 317517E; 6755903N within the existing DBNGP corridor. The project Loop 7 is over a length of 60.4 km of the DBNGP corridor. The proposed corridor concerns a width of 30m pipeline corri	Good	Field and Desktop
23327	15981	Report on preliminary archaeological assessment of Stage 5A DBNGP Route, Loop 7	Australian Interaction Consultants		Archaeological	Loop 7 of DBNGP. This looping section starts from 317866E; 6827112N to 317517E; 6755903N within the existin DBGNP corridor. The proposed corridor concerns a width of 30m pipeline corridor.	Good	Field and Desktop

Aboriginal Cultural Heritage Inquiry System

List of Heritage Surveys

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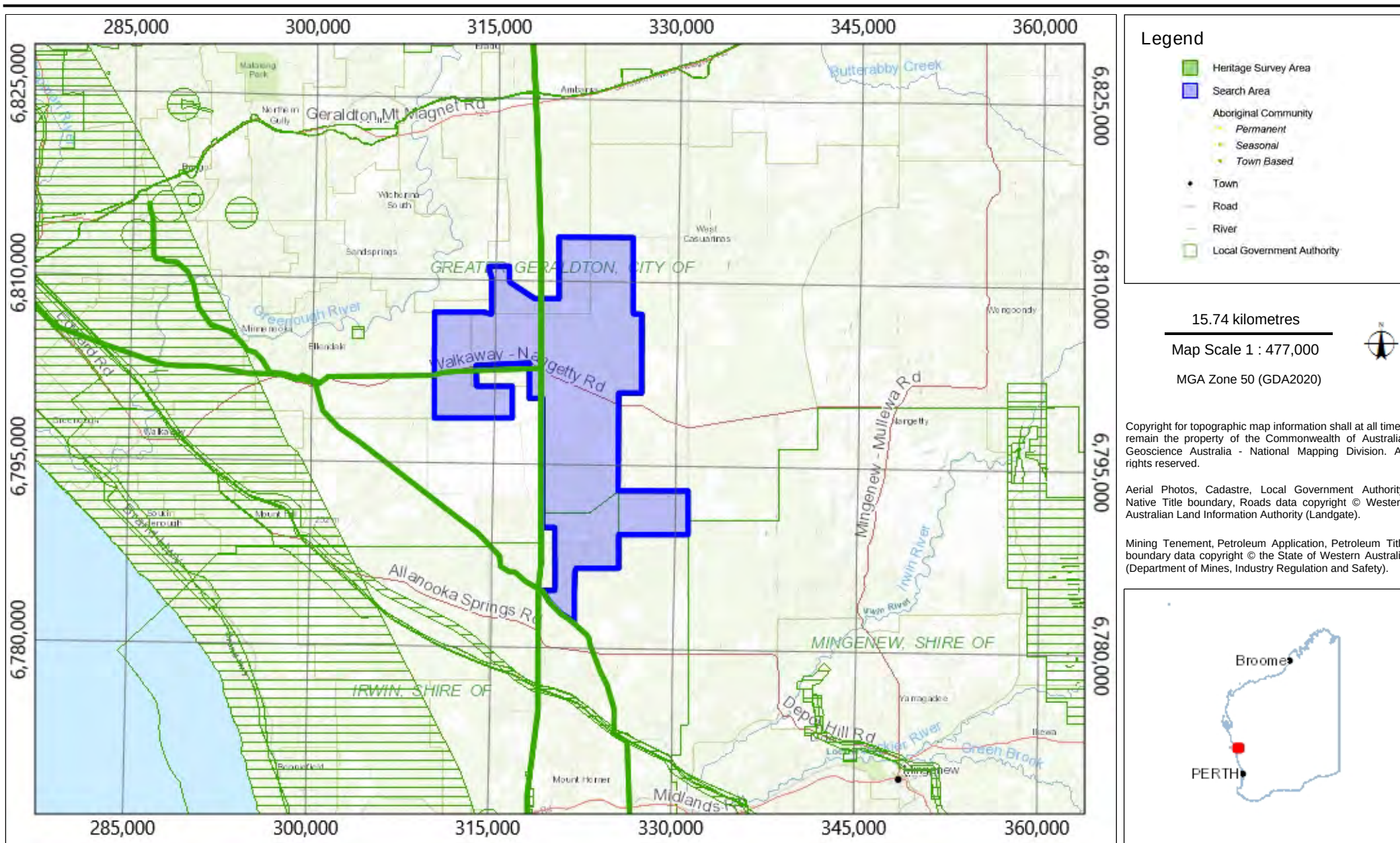
Survey Report ID	Survey Area ID	Report Title	Report Authors	Survey Program	Survey Type	Area Description	Spatial Accuracy	Field / Desktop
103276	17453	Report on the survey for Aboriginal archaeological sites on the Geraldton lateral gas pipeline route	Veth, P M		Archaeological	The survey area consists of a proposed lateral pipeline route from the Dampier to Perth pipeline to Geraldton (see figure 1.). The survey area included a 100m buffer on each side of the easement, which was 5m wide.	Moderate	Field and Desktop
104085	17802	An archaeological survey of the Dampier to Perth natural gas pipeline route : section 4 Murchison River to Irwin River	Pickering, Michael		Archaeological	The survey area consists of the pipeline corridor, commencing from 19km north of the Murchison River and ending 10km south of the Irwin River, a total distance of 217km. The width of the survey corridor was 30 m wide.	Moderate	Field and Desktop
105175	13443	Report on an ethnographic study of three sections of the expanded Dampier to Bunbury Gas Pipeline corridor	O'Connor, Rory.		Ethnographic	The survey area comprises the proposed expanded Dampier to Bunbury gas pipeline corridor, particularly those sections which lie within the native title claim applications of the Wong-Goo-Tt-Oo, Mullewa Wadjari and Franks Claimants. The width of the corrid	Good	Field and Desktop
106213	18224	Ethnographic site avoidance survey under the Aboriginal Heritage Act (1972) of the proposed widening of the Dampier - Bunbury Natural Gas Pipeline Corridor (DBNGP) at Dongara and Eneabba, Western Australia : volume 2 of 2 - Pandawn representatives	Parker, Ronald T		Ethnographic	The survey area consists of the widening of the DBNGP, 30m to the east and 40m to the west of the existing 30m corridor, apart from a 20km section at Beharra Springs and a 3km section at Eneabba, where the 70m corridor widening deviates from the existing	Unreliable	Field and Desktop
106214	12217	Ethnographic site avoidance survey under the Aboriginal Heritage Act (1972) of the proposed widening of the Dampier - Bunbury Natural Gas Pipeline Corridor (DBNGP) at Dongara and Eneabba, Western Australia : volume 1 of 2 - Widi Mob representatives	Parker, Ronald T		Ethnographic	The survey area consists of the widening of the DBNGP, 30m to the east and 40m to the west of the existing 30m corridor, apart from a 20km section at Beharra Springs and a 3km section at Eneabba, where the 70m corridor widening deviates from the existing	Good	Field and Desktop



Aboriginal Cultural Heritage Inquiry System

Map of Heritage Survey Areas

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Search Criteria

4 Aboriginal Cultural Heritage (ACH) Register in Shapefile - Project Area Boundary Buffer 7 km

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

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Coordinates

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Aboriginal Cultural Heritage Inquiry System

List of Aboriginal Cultural Heritage (ACH) Register

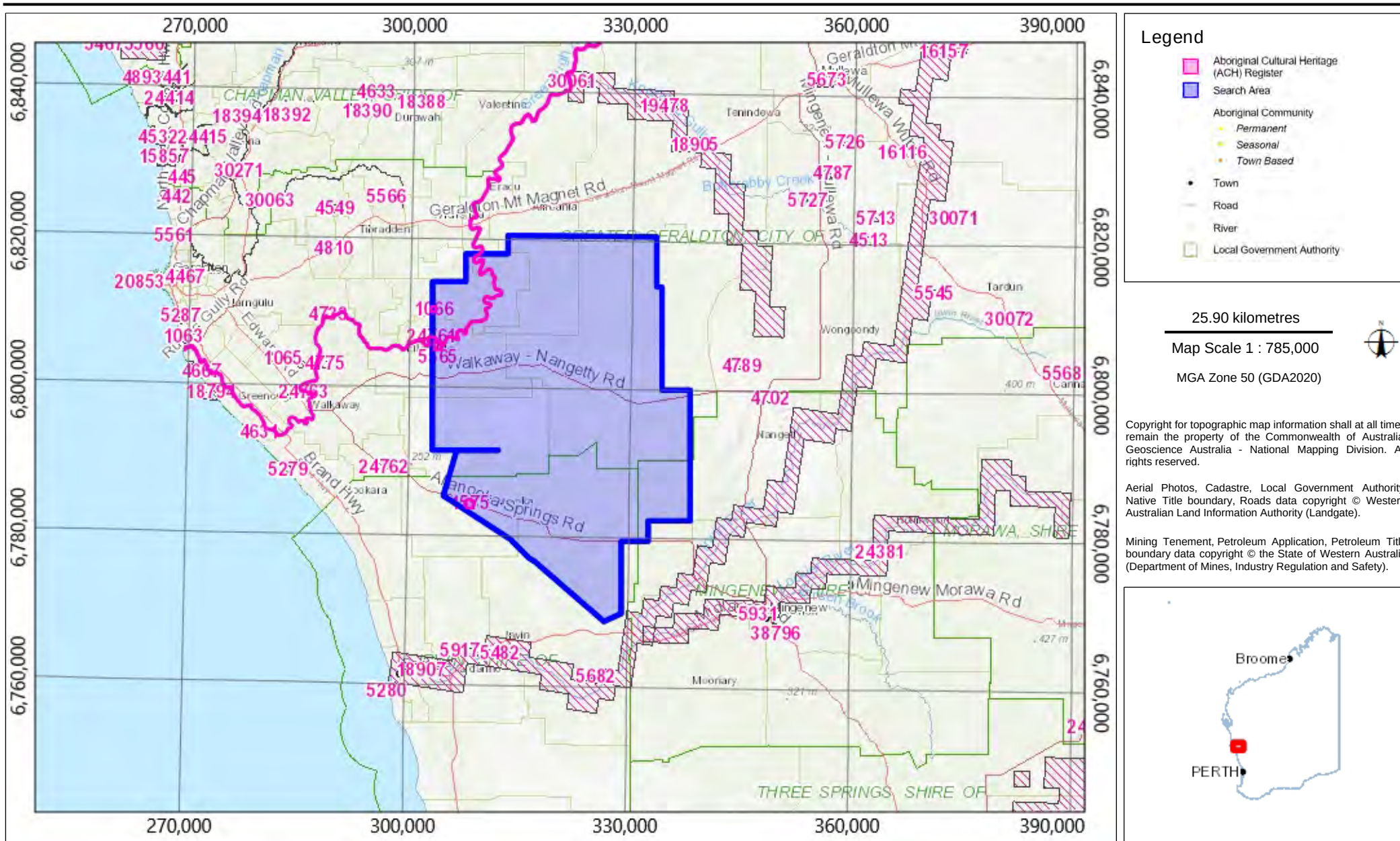
ID	Name	Boundary Restricted	Boundary Reliable	Culturally Sensitive	Culturally Sensitive Nature	Status	Place Type	Knowledge Holders	Legacy ID
1066	SANDSPRING CAVE.	No	No	No	No Gender / Initiation Restrictions	Register	Artefacts / Scatter; Painting; Water Source	*Registered Knowledge Holder names available from DPLH	S02853
1575	SANDALWOOD.	No	Yes	No	No Gender / Initiation Restrictions	Register	Historical	*Registered Knowledge Holder names available from DPLH	W01587
5565	GERALDTON	No	No	No	No Gender / Initiation Restrictions	Register	Artefacts / Scatter; Painting	*Registered Knowledge Holder names available from DPLH	S00010
24761	Greenough River	No	Yes	No	No Gender / Initiation Restrictions	Register	Creation / Dreaming Narrative; Landscape / Seascape Feature	*Registered Knowledge Holder names available from DPLH	



Aboriginal Cultural Heritage Inquiry System

Map of Aboriginal Cultural Heritage (ACH) Register

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Search Criteria

3 Aboriginal Cultural Heritage (ACH) Lodged in Shapefile - Project Area Boundary Buffer 7 km

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Aboriginal Cultural Heritage Inquiry System

List of Aboriginal Cultural Heritage (ACH) Lodged

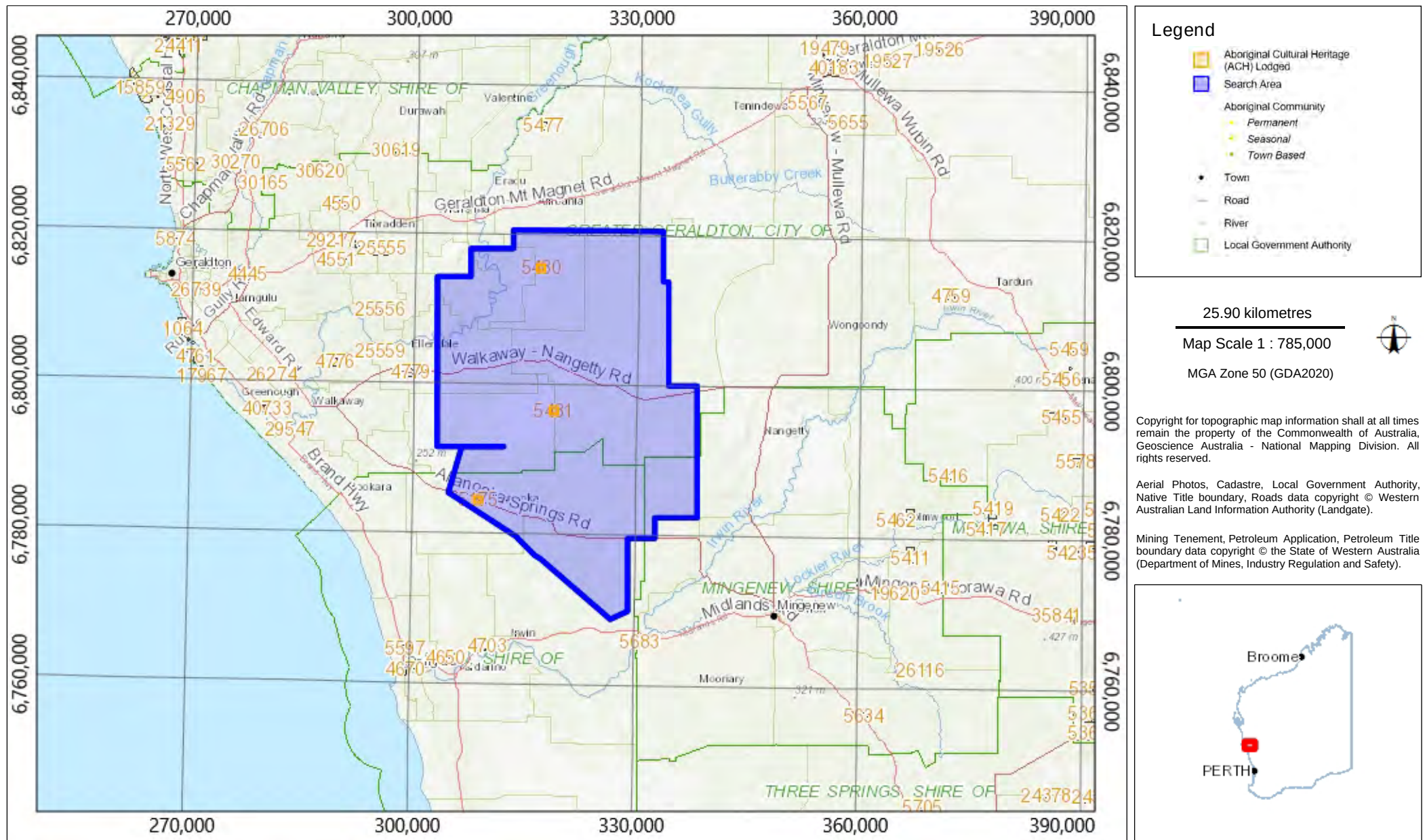
ID	Name	Boundary Restricted	Boundary Reliable	Culturally Sensitive	Culturally Sensitive Nature	Status	Place Type	Knowledge Holders	Legacy ID
5175	ALLANOOKA SWAMP	No	No	No	No Gender / Initiation Restrictions	Lodged	Artefacts / Scatter	*Registered Knowledge Holder names available from DPLH	
5480	GAS PIPELINE 78	No	No	No	No Gender / Initiation Restrictions	Lodged	Artefacts / Scatter	*Registered Knowledge Holder names available from DPLH	
5481	GAS PIPELINE 79	No	No	No	No Gender / Initiation Restrictions	Lodged	Artefacts / Scatter	*Registered Knowledge Holder names available from DPLH	



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Map of Aboriginal Cultural Heritage (ACH) Lodged

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Search Criteria

5 Aboriginal Cultural Heritage (ACH) Historic in Shapefile - Project Area Boundary Buffer 7 km

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 - **Women only:** Only *females* can view restricted information.

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Aboriginal Cultural Heritage Inquiry System

List of Aboriginal Cultural Heritage (ACH) Historic

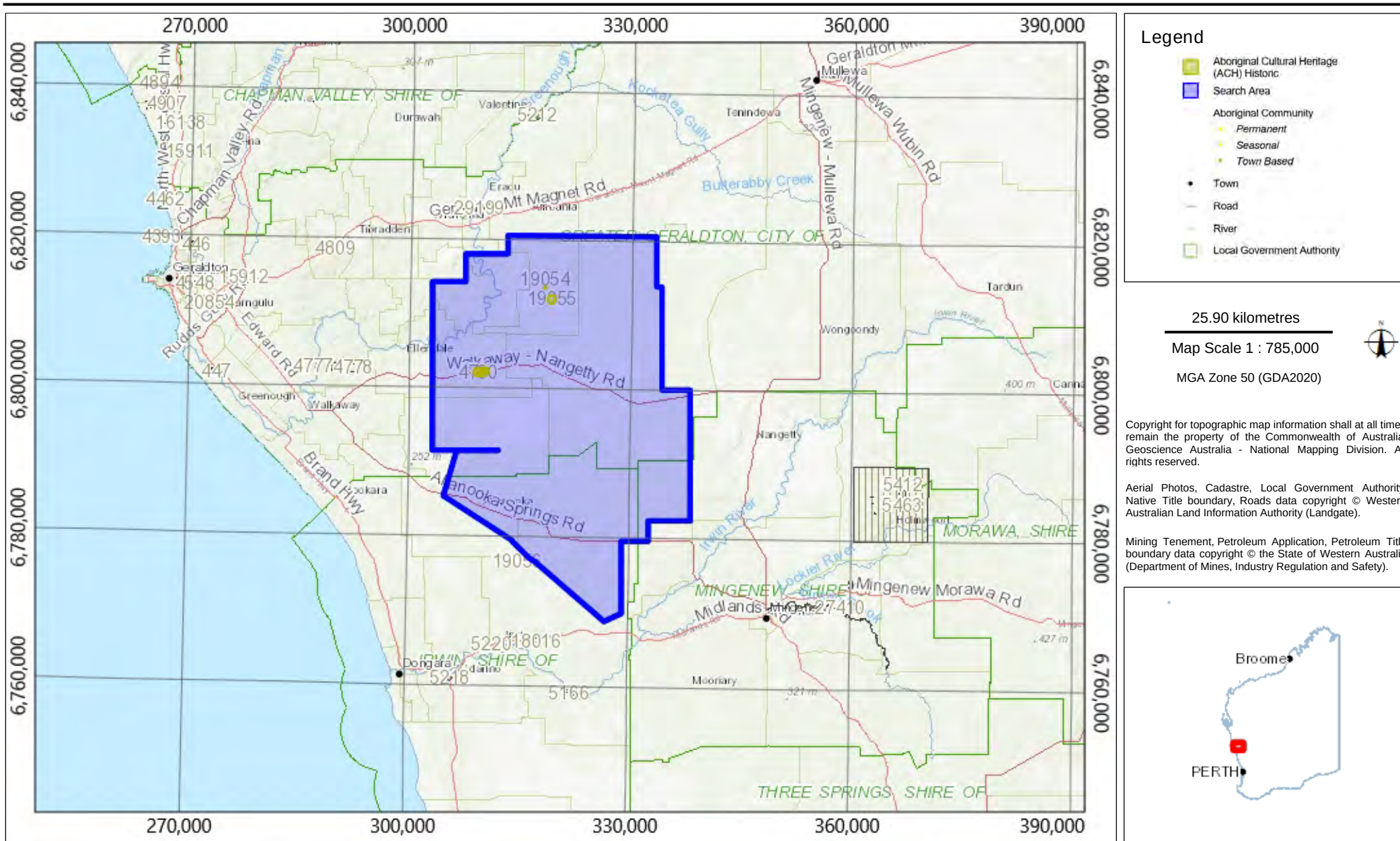
ID	Name	Boundary Restricted	Boundary Reliable	Culturally Sensitive	Culturally Sensitive Nature	Status	Place Type	Knowledge Holders	Legacy ID
4780	GERALDTON PIPELINE 7	No	No	No	No Gender / Initiation Restrictions	Historic	Artefacts / Scatter	*Registered Knowledge Holder names available from DPLH	S01983
4781	GERALDTON PIPELINE 8	No	No	No	No Gender / Initiation Restrictions	Historic	Artefacts / Scatter	*Registered Knowledge Holder names available from DPLH	S01984
4782	GERALDTON PIPELINE 9	No	No	No	No Gender / Initiation Restrictions	Historic	Artefacts / Scatter	*Registered Knowledge Holder names available from DPLH	S01985
19054	Ochre Site, 82/WM01	No	No	No	No Gender / Initiation Restrictions	Historic	Camp; Ochre	*Registered Knowledge Holder names available from DPLH	
19055	3 Knolls, 82/WM02	No	No	No	No Gender / Initiation Restrictions	Historic	Landscape / Seascape Feature	*Registered Knowledge Holder names available from DPLH	



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Map of Aboriginal Cultural Heritage (ACH) Historic

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APPENDIX TWO – LEGISLATION AND BEST PRACTICE GUIDELINES

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

Aboriginal Heritage Legislation

WA Legislation

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

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

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

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

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

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

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

However, following extensive criticism of the new legislation, the WA Government has now repealed the ACHA and instead introduced amendments to the AHA, which was proclaimed on the 15

November 2023. The amendments to the AHA attempt to address the criticisms of the Section 18 process by:

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

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

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

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

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

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

Section 39 (2) states that:

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

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

Section 39 (3) states that:

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

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

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

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

Fees

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

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

‘The Director General has the ability to waive, reduce or refund fees; and extend the time within which to pay fees. Any such matter will be considered on a case-by-case basis’⁹.

Commonwealth Legislation

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

Aboriginal human remains are protected under the AHA and the HPA. In addition, the discovery of human remains requires that the following people are informed: the State Coroner or local Police

⁹ <https://www.wa.gov.au/government/document-collections/aboriginal-heritage-approvals>

under section 17 of the *Coroners Act 1996*; the State Registrar of Aboriginal Sites under section 15 of the AHA and the Federal Minister for Aboriginal Affairs under Section 20 of the HPA.

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

Environmental Protection and Biodiversity Conservation Act 1999

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

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

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

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

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

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

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

be re-nominated, thereupon becoming eligible again for consideration. Places with this status do not have any statutory protection.

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

Best Practice Guidelines

Australia

The Burra Charter

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

Archaeological Sites

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

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

Intangible Cultural Heritage

In terms of the recognition of Intangible Cultural Heritage (ICH), there is an International Committee which works to an international charter and guidelines based on human rights. The ICOMOS Charter on Intangible Cultural Heritage and the Australia ICOMOC Charter for Places of Cultural Significance are both relevant to Australia’s cultural heritage:

ICOMOS Charter on Intangible Cultural Heritage

This charter's objectives include:

- ▶ Recognizing the importance of intangible cultural heritage and the need to safeguard it
- ▶ Ensuring that heritage professionals identify, acknowledge, and safeguard the values and attributes of intangible cultural heritage.

Australia ICOMOS Charter for Places of Cultural Significance

This charter includes principles such as:

- ▶ Recognizing and respecting the values of different groups in society, even if they conflict
- ▶ Taking a cautious approach when making decisions about places with cultural heritage significance

- ▶ Considering the cultural significance of a place in its entirety, including its physical material, setting, contents, use, and associated documents
- ▶ Collecting and analysing information methodically before making decisions
- ▶ Keeping accurate records about decisions and changes to a place.

Such Charters are helping shape more appropriate approaches to cultural heritage practice – approaches that respect the inseparability of the tangible and intangible, understanding that evolution and adaptation are natural aspects of the intangible, and that intangible cultural heritage should always be identified, safeguarded and documented.

Cultural Landscapes

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

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

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

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

The 'Darwin Statement' – Implementing Best Practice Cultural Heritage Principles

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

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

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

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

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

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

Corporate Social Responsibility – Aboriginal Community Engagement

In the *A Way Forward* report (Parliament of the Commonwealth of Australia, 2021) the Centre for Social Responsibility in Mining submitted that mining companies do not have the capacity to avoid incidents such as the destruction of Juukan Gorge. The Centre suggested mining companies are not performing in their social responsibility to prevent activities that would be detrimental to the community:

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

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

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

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

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

International

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

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

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

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

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

Free, Prior and Informed Consent (FPIC)

In relation to cultural heritage and development, the UNDRIP means that Indigenous communities have a right to know, and make decisions about, projects that affect them and their heritage. The principles of Free, Prior and Informed Consent (FPIC) for Indigenous persons or communities, in relation to development projects, are a best practice standard that should be applied. They protect

and promote Indigenous Rights within the development process. The processes of FPIC should be ongoing throughout the life of the project. To break this down:

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

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

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

International Finance Corporation – Performance Standards on Environmental and Social Sustainability

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

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

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

IFC Performance Standard 7

Includes guidance where restoration *in situ* is not possible, including: minimising adverse impacts and implementing restoration measures in a different location that ensure maintenance of the value and

functionality of the cultural heritage, including maintaining or restoring any ecosystem processes needed to support it; ensuring the permanent removal of historical archaeological artefacts and structure is carried out in a manner that complies with applicable law for the protection of cultural heritage and/or the developer engages competent professionals to assist with the identification and protection of cultural heritage; and/or compensation is provided to the Affected Indigenous Communities in instances where:

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

IFC Performance Standard 8

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

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

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

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

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

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

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

- ▶ There are no technically or financially feasible alternatives to removal.
- ▶ The overall benefits of the project conclusively outweigh the anticipated cultural heritage loss from removal.

- Any removal of cultural heritage is conducted using the best available technique (IFC, 2012).

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

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

UNESCO Convention for the Safeguarding of Intangible Cultural Heritage

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

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

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

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

Historic Heritage Legislation

WA Legislation

Heritage of Western Australia Act 1990 (repealed)

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

Heritage Act 2018

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

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

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

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

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

Part 11 outlines the definitions and penalties for offences and contraventions of the Act. Under section 129 of the HA, unauthorised impact to registered heritage places is subject to penalty. Section 129 defines damage as including altering, demolishing, removing or despoiling any part of, or thing in, a registered place. The penalties for contravention of the Act are severe, including a \$1 million fine, imprisonment for one year and a daily penalty of \$50,000. Applications to develop, disturb or alter any place entered on the Register can be made under Part 5 Division 2 of the HA. The HA is currently administered by the Department of Planning, Lands and Heritage in Perth.

Planning and Development Act 2005

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

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

Under the PD Act, the definition of development ‘includes the concept of physical development and the use of the land’¹⁰.

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

¹⁰ [https://www.dplh.wa.gov.au/getmedia/475ca92d-87a9-45b9-9313-efe3684f6f70/Making-Good-Planning-Decisions-\(website-published\)-2](https://www.dplh.wa.gov.au/getmedia/475ca92d-87a9-45b9-9313-efe3684f6f70/Making-Good-Planning-Decisions-(website-published)-2)

APPENDIX THREE – PREVIOUS REPORT RELIABILITY AND RELEVANCE CRITERIA

This guideline provides a framework for assessing the reliability and relevance of Aboriginal cultural heritage survey reports; specifically in the context of satisfying the requirements for desktop or due diligence assessments. Table 6. Criteria used to assess the reliability and relevance of previous reports outlines the criteria for determining the validity of survey reports and has been adapted by Archae-aus with reference to the former guidelines developed by the Department of Planning, Lands and Heritage (2023).¹¹

Table 6. Criteria used to assess the reliability and relevance of previous reports

Criteria	Description
1. The report has the involvement, agreement or endorsement of the relevant Aboriginal party	A report can be relied upon for the purposes of a desktop or due diligence assessment where: ◇ The report is no longer than 10 years old, and the persons who participated in informing the Report were nominated by the relevant Aboriginal party and/or; ◇ it can be demonstrated that the report has been subsequently endorsed or agreed to by the Aboriginal party and/or; ◇ the report is no longer than 10 years old and has been informed, agreed to or endorsed, whether within the report or separately by the Aboriginal party.
2. The report must relate to tangible (archaeological) and/or intangible (anthropological) elements of Aboriginal cultural heritage	The report must relate to the tangible (archaeological) and/or intangible (anthropological) elements of Aboriginal cultural heritage. This may have been reported through an archaeological and/or anthropological surveys. A single report or multiple reports may address both of these elements. Where only one element (tangible or intangible) has been addressed, for the Report to be relied on for the purposes of a desktop or due diligence assessment, it must be able to be demonstrated that the Aboriginal party has been party to, directed, or otherwise endorsed this decision or survey procedure. The endorsement must be sufficiently clear to demonstrate this.
3. The report must include a clear statement as to the presence of Aboriginal cultural heritage	The report must contain a clear statement as to: ◇ whether or not Aboriginal cultural heritage is located in the proposed Project Area; or ◇ whether areas have been cleared or approved for activities to be undertaken.
4. The area covered by the report(s) must completely cover the proposed Project Area	The report must clearly identify the specific geographical area that is the subject of the report. This may include maps, GPS coordinates, detailed description and/or land parcel or tenement identification: ◇ The proposed Project Area must be covered by an Aboriginal cultural heritage report(s). Multiple reports (collectively) can cover the Project Area. ◇ Further, where a report completely covers the proposed Project Area but is regional in scope and does not specifically relate to the proposed Project Area or proposed activity, the report cannot be relied upon.
5. The scope of activities for which the report was completed must correspond to the proposed activity	Reports which specify a proposed activity can only be relied upon where the activity being undertaken results in land use or development that is no greater in surface area, depth or height than the specified activity. The above does not apply if the report contains a clear statement that Aboriginal cultural heritage is not located in the proposed Project Area.

¹¹ DPLH developed comprehensive in 2023 for determining the reliability of archaeological and/or anthropological survey reports for Aboriginal cultural heritage due diligence assessments. The guidelines have since been removed from the DPLH website; however, they provided a sound basis for establishing the validity of reports within or adjacent to a Project Area and, as such, have been adapted by Archae-aus.

APPENDIX FOUR – LAND USE RISK CATEGORIES

Table 7. Land use risk categories and consequence of impact to Aboriginal and historical heritage

Risk Category	Relevant Activities	Consequence of Impact to Aboriginal and Historical Heritage
Negligible	Non-invasive recreational activities, including low impact exercising Walking over the site Photographing or filming the site Magnetic surveys Use of existing tracks, carparks, stairs and other public infrastructure and facilities Environmental monitoring (provided that it doesn't involve test pitting) Water and soil sampling using hand-held instruments Spatial measurements Scientific research using non-invasive handheld tools	No impact to potential Aboriginal heritage. These types of activities should be discouraged where there are known Aboriginal heritage sites in the area. No impact to potential historical heritage, although walking over /through artefact scatters, dump sites or buildings in poor condition should be avoided.
Minimal	Fossicking Maintenance of existing paths, walls, roads and tracks. Maintenance of public infrastructure such as water, sewerage and electricity Maintenance of community utilities within existing disturbance footprints Feral animal eradication, weed, vermin and pest control Vegetation control Fire control Light vehicle access Camping	Isolated damage to potential Aboriginal and Historical Heritage that might be able to be rectified. These activities should be avoided within known Aboriginal heritage sites, if possible, unless it is an emergency (such as fire control) or in some cases, a Regulation 10 permit has been granted.
Moderate	Maintenance of infrastructure that may disturb the banks of a water course New fire breaks Road or car park widening within existing corridor Re-vegetation Temporary power lines, material stockpiles and camps Construction that does not involve ground disturbance¹² The excavation of soil for footings Surface vegetation clearing	Damage to potential Aboriginal Heritage that may or may not alter its heritage significance; however, should be strictly avoided in known Aboriginal Heritage sites without a Regulation 10 permit or section 18 approval. These activities should also be avoided in areas that have not been heritage cleared (i.e. through a due diligence assessment or survey – where applicable) Damage to potential Historical Heritage that may alter its significance, depending on the condition of a place, and any heritage listing. These activities should be

¹² Excavation for footings or levelling the ground for concrete pads, for example.

Risk Category	Relevant Activities	Consequence of Impact to Aboriginal and Historical Heritage
		avoided in areas that have not been heritage cleared (i.e. through a desktop assessment or survey – where applicable). Consultation with relevant local government and/or DPLH is required.
Significant	Creation of new roads, borrow pits or tracks New public access ways, bridges, constructions with sub-surface footings and erosion levies Intensive soil/core sampling New pipelines and service trenches Significant land reclamation works Major landscaping and contouring which involve earthworks Major activities that involve subsurface impacts (>100 mm), salvage of heritage materials and features, and/or alterations to any existing heritage features Removal of asphalt using machinery and/or heavy equipment, and which is likely to damage the underlying soil	Permanent damage to potential Aboriginal Heritage that would alter its heritage significance. To be strictly avoided in known Aboriginal Heritage sites without a Regulation 10 permit or section 18 approval. These activities should also be strictly avoided in areas that have not been heritage cleared (i.e. through a due diligence assessment or survey – where applicable). Any sites that are to be impacted should be carefully mitigated. Permanent damage to potential Historical Heritage that would alter its heritage significance. To be strictly avoided in known historical heritage places. Consultation with relevant local government and/or DPLH is required. Any sites that are to be impacted should be carefully mitigated.
Major*	Large-scale land clearing Material extraction Mechanical earthmoving and blasting Major construction works that involve extensive land clearing and subterranean earthworks Large scale changes to waterways	Permanent damage to potential and known Aboriginal and Historical Heritage and loss of significance. These activities should be strictly avoided without following the correct approval process, including heritage surveys and careful mitigation of any sites to be impacted.

APPENDIX FIVE – COORDINATES

Table 8. Coordinates for the Mid West Windfarm Project Area

Polygon	Node	Easting	Northing
1	1	326104.42	6813743.89
	2	319998.21	6813708.21
	3	320082.18	6808679.35
	4	318090.43	6808646.07
	5	315985.86	6809976.07
	6	315964.33	6811251.03
	7	314321.18	6811223.73
	8	314327.04	6810871.34
	9	314527.51	6810302.06
	10	314576.07	6807381.08
	11	314556.03	6807357.99
	12	314515.71	6807318.41
	13	313891.13	6807486.42
	14	312841.25	6807469.29
	15	309867.31	6807420.76
	16	309990.56	6798774.46
	17	316390.90	6798884.17
	18	316350.82	6801475.08
	19	313428.28	6801429.85
	20	313343.06	6803109.29
	21	317724.76	6803387.87
	22	317768.20	6800491.07
	23	318875.41	6800510.68
	24	319020.41	6789976.89
	25	320017.70	6789992.55
	26	320106.53	6785200.93
	27	320098.30	6784889.44
	28	319026.49	6784872.50
	29	319151.20	6784794.84
	30	319674.28	6783931.13
	31	320619.62	6783017.35
	32	321208.57	6782670.83
	33	321749.40	6782219.56
	34	321707.25	6784914.86
	35	321742.70	6786508.98
	36	321853.69	6786712.90

Polygon	Node	Easting	Northing
	37	325321.44	6786764.06
	38	325280.98	6789504.17
	39	330965.12	6789585.93
	40	330914.93	6793142.80
	41	325169.01	6793071.31
	42	325112.06	6801035.89
	43	326997.41	6801063.21
	44	326909.08	6807490.71
	45	326204.95	6807541.37
	46	326104.42	6813743.89

(Datum GDA2020 / MGA 50; Accuracy ±5 m)



Archae-aus Pty Ltd

1/107 Stirling Highway
North Fremantle WA 6159

www.archae-aus.com.au

t: 08 9433 1127