

APPENDIX 13

Section 18 Approval



Hon Ben Wyatt MLA
Treasurer; Minister for Finance; Energy; Aboriginal Affairs

PTA RECORDS

14 FEB 2018

Doc ID

Our Ref: 69-06480

Ms Miranda Ludlow
Environmental Manager
Public Transport Authority
PO Box 8125
PERTH BUSINESS CENTRE WA 6849

Dear Ms Ludlow,

I refer to the notice submitted under section 18(2) of the *Aboriginal Heritage Act 1972* (AHA), dated 5 October 2017 by Public Transport Authority of Western Australia on behalf of City of Gosnells (the Notice).

The Notice advised that you wish to use the land described as Lot 312 Deposited Plan 47440 Certificate of Title Volume LR3151 Folio 542 Reserve 48327; Lot 2317 Plan 38326 Certificate of Title Volume LR3145 Folio 396 Part Reserve 30574; Lot 3125 Plan 11997 Certificate of Title Volume LR3144 Folio 432 Part Reserve 36197; Lot 889 Deposited Plan 53324 Certificate of Title Volume 2662 Folio 398 Lot 889 Nicholson Road, Canning Vale; and Lot 57 Plan 3001 Certificate of Title Volume 2094 Folio 377 Lot 57 Nicholson Road, Canning Vale for the purpose described as being the Canning River Railway Bridge (Thornlie and Nicholson Road Station, Canning Vale).

I am advised that your intended use will impact upon two Aboriginal sites within the meaning section 5 of the AHA. These sites are ID 3536 (Swan River) and ID 3538 (Canning River).

I am pleased to inform you that, pursuant to section 18(3) of the AHA, I have granted consent subject to conditions. The form of consent is enclosed.

I take this opportunity to acknowledge and support agreements reached with those consulted as specified in the Notice. I also draw your attention to the additional information attached, which is provided for your assistance.

If you have any queries in relation to this matter, please contact Mr James Dobson, Team Leader, Heritage, Department of Planning, Lands and Heritage, on (08) 6551 8000.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ben Wyatt', with a long, wavy horizontal line extending to the right and a large loop at the bottom.

Ben Wyatt MLA
**TREASURER; MINISTER FOR FINANCE;
ENERGY; ABORIGINAL AFFAIRS**

12 FEB 2018
Enc.

ABORIGINAL HERITAGE ACT 1972

CONSENT PURSUANT TO SECTION 18(3)

- CONSENT GRANTED TO:** Public Transport Authority of Western Australia on behalf of City of Gosnells.
- IN RESPECT OF THE LAND:** Lot 312 Deposited Plan 47440 Certificate of Title Volume LR3151 Folio 542 Reserve 48327; Lot 2317 Plan 38326 Certificate of Title Volume LR3145 Folio 396 Part Reserve 30574; Lot 3125 Plan 11997 Certificate of Title Volume LR3144 Folio 432 Part Reserve 36197; Lot 889 Deposited Plan 53324 Certificate of Title Volume 2662 Folio 398 Lot 889 Nicholson Road, Canning Vale; and Lot 57 Plan 3001 Certificate of Title Volume 2094 Folio 377 Lot 57 Nicholson Road, Canning Vale.
- THE PURPOSE:** Canning River Railway Bridge (Thornlie and Nicholson Road Station, Canning Vale).
- REFERENCE:** 69-06480
- SITE(S) TO BE IMPACTED:** ID 3536 (Swan River) and ID 3538 (Canning River).

CONDITIONS OF CONSENT

That the consent holder:

1. Provides a written report to the Registrar of Aboriginal Sites within 60 days of the completion of the Purpose, advising whether and to what extent the Purpose has impacted on all or any Sites located on the Land. The final report should include a detailed description of:
 - a. what extent the Purpose has impacted any Aboriginal Site on the Land;
 - b. where any Aboriginal Site has been impacted, whether such Site has been partially or wholly impacted by the Purpose, and the level, effect and type of any such impact – preferably by the provision of photographs taken before and after the impact;
 - c. where any Aboriginal Site has been subject to archaeological or cultural salvage, when and how such salvage took place, who was present at the salvage and where the material was re-located, the results of the salvage and any subsequent analysis conducted; and

- d. the results and findings of any monitoring of ground disturbing works associated with the Purpose.
2. Invites in writing, two nominated members from the Whadjuk People native title claim group representatives consulted for ground disturbing works on the Land where it intersects with the boundaries of Aboriginal sites ID 3536 (Swan River) and Aboriginal site ID 3538 (Canning River).

SECTION 18 CONSENTS

ADDITIONAL INFORMATION

The following information is provided for the guidance of the consent holder and does not constitute conditions of consent.

1. Right of Review of Decision

Where a consent holder is aggrieved by a decision of the Minister made under section 18(3) of the *Aboriginal Heritage Act 1972* (AHA), including the conditions to which the consent is subject, application may be made to the State Administrative Tribunal for a review. The Tribunal's website is www.sat.justice.wa.gov.au.

2. Consent is Non-Transferable

Consent may be relied upon only by the named consent holder in respect of the named land. Any successor in title must give its own notice under the AHA.

3. Traditional Knowledge Holder

Agreements reached with Traditional Owners and knowledge holders entered into on behalf of the consent holders are acknowledged and supported.

4. Conditions of Consent

- The Department of Planning, Lands and Heritage (DPLH) carries out routine audits on compliance with the conditions of consent.
- Failure to comply with the conditions of consent may constitute an offence under section 55 of the AHA.
- It is recommended that the consent holder informs all employees and others engaged in the development of their obligations under the AHA, especially with regard to skeletal material.
- Reports to the Registrar of Aboriginal Sites (the Registrar) should use the Section 18 Report Back template which can be downloaded from the DPLH website at www.daa.wa.gov.au/globalassets/pdf-files/heritage-pdfs/section-18-report-back-template-2.docx.
- The Registrar welcomes any additional information about Aboriginal sites within the meaning of section 5 of the AHA, or objects within the meaning of section 6 of the AHA.

5. Legislation

The AHA, the Aboriginal Heritage Regulations 1974 and the *State Administrative Tribunal Act 2004* may be viewed and downloaded from the State Law Publisher website at www.slp.wa.gov.au.