



# REPORT OF AN ABORIGINAL AND HISTORICAL CULTURAL HERITAGE DUE DILIGENCE ASSESSMENT FOR THE MARRI WIND FARM, WESTERN AUSTRALIA

AUGUST 2025

For Aurecon Group Pty Ltd on behalf of Marri Wind Farm



archae-aus

## Document Information

29 August 2025

Version: Final 2.0

Prepared by Archae-aus Pty Ltd for Aurecon Group Pty Ltd on behalf of Marri Wind Farm

Version	Effective Date	Prepared By	Reviewed By	Approved Date
Draft 1.0	20 October 2024	Ayesha Limb Janelle White Phoebe Oliver	Lucy Sinclair Renée Gardiner	23 October 2024
Final 1.0	22 May 2025	Renée Gardiner	Lucy Sinclair Renée Gardiner	22 May 2025
Final 2.0	28 August 2025	Renée Gardiner	-	28 August 2025

Version	Date Issued	Media	Issued to
Draft 1.0	23 October 2024	PDF - Draft	Michael Treadwell (Associate, Environment and Planning - Aurecon) Brianna Herden (Consultant, Environment and Planning - Aurecon)
Final 1.0	22 May 2025	PDF – Final	Michael Treadwell (Associate, Environment and Planning – Aurecon) Sarah Michau (Consultant, Environment and Planning – Aurecon)
Final 2.0	29 August 2025	PDF – Final	Aoife Breathnach (Technical Director, Project Management – Aurecon)

Archae-aus Project Code: AC24DW1a

CITATION: Archae-aus (2025) Report of an Aboriginal Heritage Due Diligence Assessment for the Marri Wind Farm, Western Australia. Prepared for Aurecon Australasia Pty Ltd on behalf of Marri Wind Farm by Archae-aus Pty Ltd, North Fremantle, WA, August 2025.

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](mailto:office@archae-aus.com.au)

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

Project Manager: Lucy Sinclair

Email: [lucys@archae-aus.com.au](mailto:lucys@archae-aus.com.au)

Cover images: Morning Dew Wildflower in the Shire of Dandaragan (Source: M. Osborn, Western Australia's Wildflower Country, <https://wildflowercountry.com.au/destinations/dandaragan/>)

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## 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 (GDA20), Zone 50, unless otherwise specified. All information obtained from Aurecon Group Pty Ltd is assumed to be accurate to two decimal places.

## Authorship

This report was written by Dr Janelle White [PhD Anthropology, *UniSA*], Ayesha Limb [BA (Hons) Archaeology, *UWA*] 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 Ayesha Limb and Tessa Woods [BA (Hons) Archaeology, *UWA*].

## Terms & 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	<p>This term is used for Aboriginal heritage sites to which the AHA applies by the operation of Section 5. An Aboriginal site is defined by section 5 of the Act to mean:</p> <ol style="list-style-type: none"> <li>any place of importance where persons of Aboriginal descent have left any object, or have used, in connection with the traditional cultural life of the Aboriginal people, past or present;</li> <li>any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;</li> <li>any place which is, or was, associated with Aboriginal people and which is of historical, anthropological, archaeological or ethnographical importance to the State; and</li> <li>any place where objects to which the Act applies are stored.</li> </ol> <p>How to report Aboriginal Cultural Heritage:  <a href="https://www.wa.gov.au/government/document-collections/achknowledge-portal#how-to-report-potential-aboriginal-heritage">https://www.wa.gov.au/government/document-collections/achknowledge-portal#how-to-report-potential-aboriginal-heritage</a></p>
ACH	Aboriginal Cultural Heritage
ACHA	<i>The Aboriginal Cultural Heritage Act 2021</i>
ACHC	Aboriginal Cultural Heritage Council which previously superseded the ACMC, now superseded by the Aboriginal Cultural Heritage Committee (Committee)
ACMC	The former Aboriginal Cultural Material Committee (see ACHC)
ACHknowledge Portal	The portal is used to request advice, lodge and track applications and report information concerning Aboriginal cultural heritage.
Activity Area	Proposed work area / development envelope / project area
AHA	<i>The Aboriginal Heritage Act 1972</i>
ACHIS	<p>The Aboriginal Cultural Heritage Inquiry System which holds information about:</p> <ul style="list-style-type: none"> <li>Registered Aboriginal Sites (ACH Register Layer)</li> <li>Lodged places (ACH Lodged Layer)</li> </ul> <p>Historic records (ACH Historic Layer)</p>
ACHMP	Aboriginal Cultural Heritage Management Plan (no longer required)
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).
CHMP	Cultural Heritage Management Plan
Committee	Aboriginal Cultural Heritage Committee (see ACHC)
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 (the Department)
The Department	See DPLH

Term / Abbreviation	Meaning / Interpretation
DPLH	Department of Planning, Lands and Heritage (the Department)
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
Harm	In relation to Activity impacting ACH, including destroying or damaging ACH – except where that harm <b>relates to an Aboriginal person acting in accordance with the person's traditional rights, interests, and responsibilities.</b>
Heritage survey	Survey and inspection undertaken in order to investigate and document the archaeological record of a particular area
HISF	Heritage Information Submission Form now superseded by the ACHknowledge portal submission form and Aboriginal Heritage Enquiry Form
ICH	Indigenous Cultural Heritage
ICIP	Indigenous Cultural and Intellectual Property
ILUA	Indigenous Land Use Agreement (see Yued People)
Native Title	Recognition of the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people
NSHA	Noongar Standard Heritage Agreement <a href="https://www.wa.gov.au/government/document-collections/noongar-standard-heritage-agreement-south-west-native-title-settlement">https://www.wa.gov.au/government/document-collections/noongar-standard-heritage-agreement-south-west-native-title-settlement</a>
NTA	<i>Native Title Act 1993</i>
Object	An artefact - any object made, affected, used, or modified in some way by humans. Objects may be protected under the AHA if they meet the section 5 criteria for an Aboriginal site.
Potential	Potential refers to the likelihood of identifying or encountering different types of heritage sites, places, features, or objects.
Project Area	The development envelope, being the maximum extent of the project, including the proposed construction footprint.
Risk	Risk refers to the potential for harm. In heritage management, it considers the heritage values of a Project Area and identifies locations that require specific management attention. Risk can be reduced by implementing measures that prevent or minimise harm.
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 consent for the disturbance of land on which a site is located.
Section 39(2) Assessment	Process of the APMC (now the ACHC / Committee) assessing a reported site's significance and interest.
Study Area	Entire area subject to the Due Diligence Assessment, including the proposed Project Area.
SWALSC	South West Aboriginal Land and Sea Council
YAC	Yued Aboriginal Corporation
Yued People	The Yued ILUA (WI2015/009) encompass Jurien, Moora, Lancelin and Gingin, as part of the South West Native Title Settlement (Determination Reference: WCD2021/010)

## Executive Summary

Archae-aus was engaged by Aurecon to carry out a desktop Aboriginal and Historical Cultural Heritage Due Diligence Assessment (DDA) for the proposed Marri Wind Farm (the Project Area) near Dandaragan, Western Australia. Aurecon has been contracted by the proponents of the Marri Wind Farm project to commission this assessment.

The Project measures approximately 19 km (east/west) by 12 km (north/south) and covers an approximate area of 12,500 ha that has been previously disturbed from agricultural land use, including paddocks for pastoral, cropping, fencing, unsealed tracks, dams, and other infrastructure. The proposed Project Area lies within the Yued Indigenous Land Use Area (WI2015/009), under the broader South West Native Title Settlement (Determination Reference: WCD2021/010).

This document assesses the potential for Aboriginal and historical (European) heritage within the Project Area (Map 1) and identifies potential heritage constraints under the *Aboriginal Heritage Act 1972* (AHA) and the *Heritage Act 2018*. This includes any places or objects that may have overlapping traditional Aboriginal Cultural Heritage (ACH) value(s) and historic heritage value(s).

### Key Objectives

Desktop research was undertaken to identify:

- ▶ Any previous Aboriginal heritage assessments within the Project Area and immediate surrounds.
- ▶ Any previously recorded ACH sites and places within the Project Area.
- ▶ Any previously recorded historical heritage places.
- ▶ Any potential risk of harm to ACH or historical heritage, at a preliminary desktop level.
- ▶ Key next steps in the cultural heritage management process.
- ▶ The appropriate Aboriginal organisations that should be consulted.

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 Archae-aus library and reports.

The search of the ACHIS concentrated not only on the Project Area but also 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.

## Results

The results of the desktop study and due diligence of the Marri Wind Farm Project Area indicate that:

### *Previous Surveys and ACH Sites and Places*

- ▶ Previous Aboriginal heritage surveys have only covered a narrow corridor through the Project Area, with the majority of the area previously unsurveyed (See Section Two – Cultural Heritage Background).
- ▶ One (1) known Registered Site intersects the Project Area: *Gingin Brook Waggy Site* / ID 20008.
- ▶ Two (2) Lodged Places, and one Historic Record Place intersect the Project Area: *NATGAS 133* / DPLH ID 5214, *GAS PIPELINE 81* / ID 5484, and *Moore River Pools (PCE-06)* / ID 18083.

- ▶ A further 12 ACH places, including two (2) Registered Sites, seven (7) Lodged Places, and three (3) Historic Record Places, are located within 5 km of the Project Area. The boundaries of these sites and places do not intersect the Project Area boundary; however, they provide context for the due diligence assessment (See Section Two – Cultural Heritage Background, Table 6).

#### *Historical Heritage Places*

- ▶ There are no known listed Historical Heritage places within the Project Area.
- ▶ There is one (1) place of local historic heritage significance within 5 km of the Project Area: *Regan's Ford – River Crossing and Tennis Court Site* (P03823).
- ▶ There is one (1) place of State Heritage Significance within 12 km of the Project Area: *Mogumber Mission (fmr) and Cemetery* (P03618).

#### *ACH and Historical Heritage Potential and Risk within the Project Area*

- ▶ Intangible or ethnographic sites are not necessarily impacted or destroyed by historical land-use practices and modifications within the landscape, and therefore, may still be identified in disturbed areas within the Project Area. Furthermore, ethnographic sites are often associated with watercourses, such as Caren Caren Brook, Moore River and wetlands. As such, there is **high potential for ACH ethnographic** sites and places within the Project Area (Table 8).
- ▶ While agricultural land use activities have disturbed large areas of the Project Area, in the experience of Archae-aus archaeologists, tangible Aboriginal or archaeological sites have occasionally been found in paddocks in similar disturbed contexts elsewhere in Western Australia and Australia.
- ▶ Due to the size of the Project Area, diversity of landscape features often associated with Aboriginal Cultural Heritage, presence of Aboriginal Registered Sites, lack of previous heritage assessments and the known historical and ethnographic context of the area, there is graded potential, ranging from **low to high potential for archaeological ACH sites** within certain areas of the Project Area (Table 8 and Table 9; and Map 8 to Map 11).
- ▶ The proposed ground disturbance works, ranging from *Significant* (includes new roads or tracks, land clearing, intensive soil or core sampling) to *Major* (clearing, road grading, bituminisation), together with the size and diversity of the Project Area, the presence of remnant bushland in sections and proximity to wetlands, Caren Caren Brook in the northwest, and Moore River located to the south of the Project Area, presence of ACH within the wider landscape, limited previous heritage assessments, and the rich cultural context of the Swan Coastal Plain bioregion, result in the a **medium to high risk of impacting ACH**, without mitigation measures (see Section Three – Due Diligence Assessment, Table 10).

## **Next Steps in the Aboriginal Cultural Heritage Process**

The heritage desktop review is complete for the proposed Marri Wind Farm Project Area, as per the extent defined in Map 1. The next steps regarding Aboriginal Cultural Heritage are outlined in Figure 1, including the requirement for field assessments to ground-truth the findings of this desktop report.

An Aboriginal archaeological heritage survey will be required for zones with a high and moderate potential of encountering Aboriginal Cultural Heritage (ACH) within the proposed construction footprint. The survey should also sample areas of low ACH potential impacted by the Proposal. An ethnographic survey should be undertaken for the entire Project Area, regardless of the zone of assessed ACH potential. These surveys will help identify requirements for managing cultural heritage associated with the Project Area prior to and during the works.

As Alinta Energy has already entered into a Yued Heritage Protection Agreement (YPHA) for the Marri Wind Farm with the Yued Aboriginal Corporation, the next step will be for Alinta to submit an Activity Notice and to receive a list of names from YAC for nominated Knowledge Holders to participate in the ACH surveys. Early and continued consultation with YAC, and relevant Traditional Owners and Knowledge Holders in line with the principles of Free, Prior and Informed Consent (FPIC) is recommended throughout the Project.

Figure 1. Aboriginal Cultural Heritage Management Process



## Recommendations

Based on the results of the desktop Aboriginal and historical Due Diligence Assessment, Archae-aus recommends that:

### *Yued Heritage Protection Agreement and Activity Notice*

1. Alinta Energy should submit an Activity Notice to Yued Aboriginal Corporation (YAC), in line with their Yued Heritage Protection Agreement, which will enable YAC to provide a list of names for Yued Traditional Owners to participate in the heritage field assessments for the Project. The proponent may choose to submit one or multiple Activity Notices for different project phases, either by covering the entire Project Area at once or by focusing on individual areas sequentially.

### *Aboriginal and Ethnographic Surveys*

2. Archaeological and ethnographic field surveys are required to ground truth the results of initial desktop searches and the review outlined in this due diligence assessment.
3. The archaeological survey should be undertaken for all zones of high and moderate ACH archaeological potential within the Project Area that will be subject to ground disturbance works, where reasonable and feasible.
4. An ethnographic survey should be undertaken for the entire Project Area, prioritising areas of high and moderate ACH potential that will be impacted during ground disturbance works, where reasonable and feasible, during or following the archaeological survey.
5. The archaeological and ethnographic survey should also sample areas of low ACH potential which will be impacted by the proposed works, including all turbine locations, access tracks, earthworks and other infrastructure areas, as requested by Yued Traditional Owners.
6. The survey design should follow archaeological and ethnographic best practice guidelines and be developed by the archaeologists and anthropologists before the survey, and include any input from the Yued Traditional Owner representatives during the survey.
7. Any culturally sensitive landforms not visible on the aerial imagery that may be identified during the surveys, such as rocky outcrops, ochre outcrops and waterways, should be examined regardless of the level of ACH potential assessed in this report.

### *ACH Management and Mitigation*

8. All Aboriginal Cultural Heritage, including archaeological and ethnographic sites recorded during the heritage surveys, should be lodged with DPLH, with agreement of Yued Traditional Owners and YAC.
9. All previously recorded Aboriginal Cultural Heritage sites and places on the ACHIS register, known sites not included on the register and any newly recorded Aboriginal Cultural Heritage sites and places should be avoided.
10. If ACH is located within the proposed development areas, then the project should be redesigned to avoid disturbance to these places.

11. Should ground disturbance works not be able to avoid ACH places, a section 18 application for consent to disturb these places (for significant impacts and harm to Aboriginal sites) may be required.
12. If requested by YAC or the Yued Traditional Owners, a Cultural Heritage Management Plan should be prepared, with additional consultation undertaken with Yued Knowledge Holders as required.
13. If required, a Heritage Impact Assessment should be completed for Aboriginal Cultural Heritage and social surroundings as part of a Development Application or referral for the Project under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cwth) and the *Environmental Protection Act 1986* (WA).

#### *Historical Heritage Management and Mitigation*

14. Any indirect impacts on adjacent historical heritage places included on the Local Heritage Survey should be mitigated, noting that there are no listed historical heritage places within the Project Area.
15. If historical heritage is encountered during the ACH surveys or ground works, the Project must consult with the Shire of Dandaragan and the Department of Planning, Lands and Heritage (DPLH) to determine whether disturbance may proceed and to identify any requirements that must be met prior to disturbance. Any historical places uncovered should be documented to archaeological industry standards before any ground disturbance occurs.

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# SECTION ONE – INTRODUCTION

## Project Background

Aurecon, on behalf of Alinta Energy, has engaged Archae-aus to prepare an Aboriginal and Historical Cultural Heritage Due Diligence Assessment (DDA) of the proposed Marri Wind Farm (the Project Area), located 110 km north of Perth near Dandaragan, Western Australia. The Proposal will include a range of permanent key infrastructure elements, including up to 82 wind turbines with a maximum tip height of 275 m, turbine foundations, access tracks and roads, and other infrastructure (Map 1).

This report presents an overview of the archaeological, ethnographic, and historical context of the Project Area. It identifies and describes areas of cultural heritage potential and risk, drawing on available background research, previous surveys, and site records. The report outlines known and potential Aboriginal Cultural Heritage (ACH) and historical heritage values within the Project Area. Based on this, it also provides an overview of heritage risk and outlines guidance on appropriate mitigation and management measures to reduce the risk of harm, ensuring that heritage values are considered, respected, and appropriately managed throughout the planning and implementation of the Project.

## Project Area

The Project Area covers approximately 12,500 ha, located 110km north of Perth, and approximately 20 km south of the township of Dandaragan, wholly within Shire of Dandaragan, Western Australia (Map 1). The area includes existing roads, farmland, and corridors of remnant native vegetation within the Yued Indigenous Land Use Agreement Area (WI2015/009), under the broader Southwest Native Title Settlement (Determination Reference: WCD2021/010).

## Desktop Assessment Scope and Methods

The Scope of Works for this Due Diligence Assessment comprised the following:

1. **Identification of heritage values** – To identify potential Aboriginal and historical cultural heritage values located within and surrounding the Project Area.
2. **Approvals, management and mitigation advice** – To outline the next steps regarding cultural heritage approvals for the Project, including the provision of preliminary management and risk mitigation measures. This also includes recommendations for Project design where significant risks or constraints are identified and could be avoided or minimised through the configuration of Project infrastructure.

To fulfil the Scope, Archae-aus undertook a range of desktop-based investigations and assessments, including:

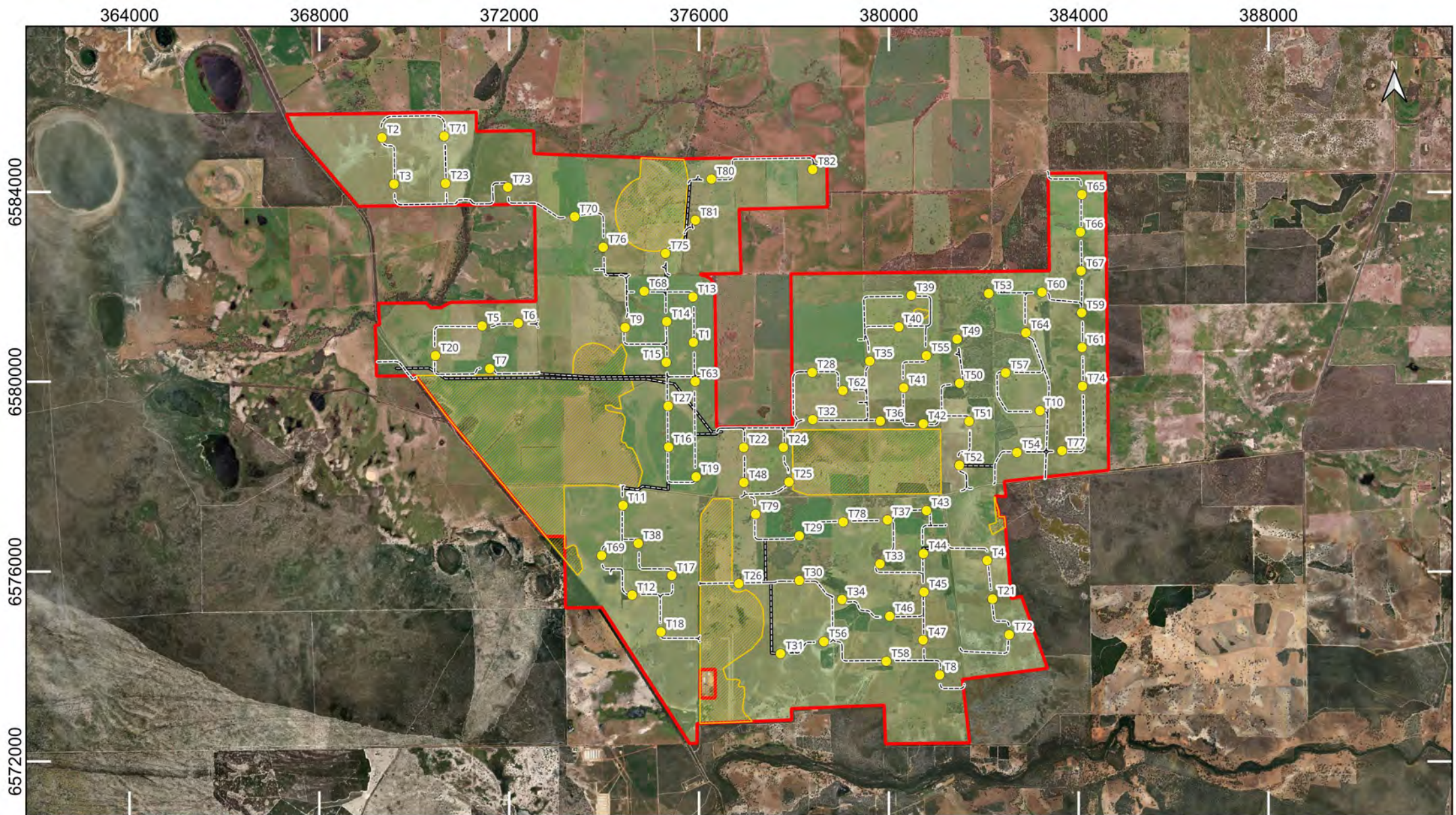
- ▶ Research into the environmental, ethnographic, archaeological and historical background and context of the Project Area.
- ▶ Research into the previous and historical land use of the Project Area, including areas of disturbance, to determine cultural heritage risk and inform survey priorities.
- ▶ Review of relevant heritage registers and databases to identify Aboriginal archaeological and ethnographic sites and places, and historical heritage places within and surrounding the

Project Area. This included requesting previous survey reports and site files from the Department of Planning, Lands and Heritage (DPLH).

- ▶ Consideration of the coverage, reliability, and relevance of previous archaeological and ethnographic surveys and associated reports (see Appendix Two for reliability and relevance criteria).
- ▶ Preparation of GIS mapping to illustrate the Project Area, existing cultural heritage places, and areas of cultural heritage potential and risk.
- ▶ Assessment of potential impacts of the proposed Activity on Aboriginal Cultural Heritage values protected under the *Aboriginal Heritage Act 1972*, and identification of measures to avoid, mitigate, or manage impacts in line with the Act and best practice standards.
- ▶ Assessment of potential impacts on listed historical heritage places, with recommendations for avoidance, mitigation, or management in accordance with the *Heritage Act 2018* and the *Planning and Development Act 2005*.
- ▶ Identification of engagement requirements for consultation with Aboriginal and other parties.

## Limitations

This Due Diligence Assessment is desktop only, providing preliminary advice on existing and potential Aboriginal archaeological and ethnographic cultural heritage and historical heritage values within the Project Area. It is not to be solely relied on for the identification of all possible heritage that may be in the area. A field assessment is required to ground-truth the findings of this desktop report.



### Legend

<ul style="list-style-type: none"> <li><span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Marri Wind Farm Project Area</li> <li><span style="border: 2px solid yellow; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Turbine Exclusion Zones</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border-radius: 50%; margin-right: 5px;"></span> Turbine Locations</li> </ul>	<ul style="list-style-type: none"> <li><span style="border-bottom: 2px solid black; width: 30px; display: inline-block; margin-right: 5px;"></span> Proposed Infrastructure Lines</li> <li><span style="border-bottom: 2px dashed black; width: 30px; display: inline-block; margin-right: 5px;"></span> Concept Roads</li> </ul>
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### Map 1. Overview of the Marri Wind Farm Project Area

0      2      4      6 km

Drafted by Victoria Huntley  
 Last updated: 29/08/2025  
 Satellite imagery source:  
 GDA94 / MGA zone 50 (EPSG:28350)

## LEGISLATION

The following section summarises the relevant legislation and guiding principles that may relate to cultural heritage places within the Marri 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 One):

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 places<sup>1</sup> – 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 One.

## 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.

The *National Trust of Australia (W.A.) Act 1964* (NTA) establishes the National Trust as the statutory authority for the management of over 60 heritage sites across the state. These sites include heritage listed buildings (or ruins) and natural landscapes. It is an offence under the *National Trust of Australia*

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

(WA) *By-Laws 1972* to deface, damage, destroy any object, building or place within or upon a trust property. Any person who contravenes or fails to comply with any of the provisions of these by-laws is guilty of an offence and is liable to a penalty of one hundred dollars. The National Trust also manages an archive of historic data relating to the identification and assessment of heritage places in Western Australia. Members of the public may request access to these documents.

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. As the Project Area occurs within the Shire of Dandaragan the Local Planning Scheme for each respective shire, which is established under the PDA will apply to proposed developments.

### *Commonwealth Legislation*

Historical heritage on Commonwealth-owned 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.

## SECTION TWO – CULTURAL HERITAGE BACKGROUND

This section provides a regional and local cultural background, including the known environmental, ethnographic, Aboriginal archaeological, and historical context of the area. This provides cultural heritage context for the Project and supports the assessment of cultural heritage potential as well as the risk of impacting known and potential Aboriginal and historical cultural heritage within the Project Area.

The South West of Western Australia is a distinct biogeographic region occupied by five dialectical groups that make up the Noongar cultural bloc. The Marri Wind Farm Project is located on the Country of one of these cultural groups, the Yued people, whose boundaries correspond to the Yued Indigenous Land Use Agreement Area.

### Previous Research

#### Previous Aboriginal Heritage Assessments

The following summary of previous research has been compiled from information that is available from the Department of Planning, Lands, and Heritage's (DPLH) Aboriginal Cultural Heritage Inquiry System (ACHIS). This may not be a comprehensive record of all heritage sites recorded and surveys undertaken, with the possibility that some information may exist in the 'grey literature' held by private individuals and organisations which has not yet been provided to the DPLH for addition into the ACHIS. 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.

In addition, 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 (Table 12). A copy of the ACHIS search results and maps can be found in Appendix Two. A summary of previous Aboriginal heritage surveys adjacent to or intersecting the Project Area is provided in Table 3 and Table 4.

Six heritage assessments have previously been conducted within the Project Area (Table 3; Map 2). These previous assessments included the survey of narrow corridors relating to pipelines and telecommunications projects. A wider search of the area indicated that a further eight heritage assessments have been conducted in the surrounding area, within 3-5 km of the current Project Area (Table 4; Map 2).

**Table 3. Previous Heritage Assessments Intersecting the Project Area**

DPLH Report ID	Report Title	Report Authors	Survey Type	Relevance & Reliability <sup>2</sup>
17059	Dampier to Perth Natural Gas Pipeline Route: A Survey for Aboriginal Sites, March 1979.	Dept. of Aboriginal Sites	Archaeological & Ethnographic	Unreliable – 45 years old
19019	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 Assoc.	Archaeological & Ethnographic	Large-scale Project Area from Dampier to Perth, only intersects a small portion of the Activity Area – over 20 years old
19023	Report on Aboriginal Heritage Investigations: proposed DBNGP pipeline corridor widening project	McDonald, Hales and Assoc.	Archaeological & Ethnographic	Large-scale Project Area from Dampier to Perth, only intersects a small portion of the Activity Area – 25 years old
23017	Aboriginal Heritage Study for 330kV Transmission Line Upgrade Pinjar Substation to Eneabba Substation	Mattner, Joe	Archaeological & Ethnographic	Somewhat relevant - Project Area intersects a small portion of the Activity Area - – over 20 years old
104086	An Archaeological Survey of the Dampier to Perth Natural Gas Pipeline Route: Section 5 Irwin River to Muchea	Pickering, Michael	Archaeological	Unreliable – 42 years old
104162	Report on an Ethnographic Survey of the Proposed Telcom Australia Optic Fibre Cable Route: Perth/Geraldton Region	O'Connor, R.	Ethnographic	Unreliable – 32 years old

**Table 4. Previous Heritage Assessments Surrounding and Adjacent to the Project Area**

DPLH Report ID	Report Title	Report Authors	Survey Type	Proximity	Relevance & Reliability
24136	A Women-Only Open Report on Ethnographic Sites at Minyulo Brook, near Cataby, Western Australia.	Williams, Roina	Ethnographic	1.5 km	11 years old, not intersecting the Project Area
24188	Report of a Consultation over Impact of Iluka Resources Cataby Project on Site ID 20781 Minyulo Brook	Venz, Theresa	Ethnographic	1.5 km	11 years old, not intersecting the Project Area
24189	Archaeological Survey of Proposed Cataby Mineral Sands Mine	Lenihan, O.	Archaeological	1.5 km	11 years old, not intersecting the Project Area
24191	Report on an Aboriginal Site Identification Heritage Survey of a	De Gand, Daniel	Archaeological & Ethnographic	1.5 km	11 years old, not intersecting

<sup>2</sup> See Appendix One for criteria used to assess report relevance and reliability.

	Proposed Mineral Sands Mine, near Cataby, in Western Australia				the Project Area
200109	Report of an Archaeological Work Area Clearance Heritage Survey of Image Resources Chandala, Bidiminna North, Bidiminna Park and <b>Regan's Ford Project Areas: April 2014</b> [TBD]	Howard, Cody; Chisholm, Scott	Archaeological	5.2 km	9 years old, not intersecting the Project Area
200553	Archaeological and Ethnographic Site Identification Heritage Survey of Main <b>Roads' Brand Highway Upgrade</b> Project Area, conducted with the Yued Traditional Owners	Glenn McDonald and Sarah Keiller	Archaeological & Ethnographic	0.001 km	7 years old, not intersecting the Project Area
200738	Archaeological and Ethnographic Site Identification Heritage Survey of the Brand Highway Upgrade at Regans Ford, conducted by the Yued Traditional Owners and Terra Rosa Consulting for South West Aboriginal Land and Sea Council	Glenn McDonald and Sarah Keiller	Archaeological & Ethnographic	0.2 km	4 years old, not intersecting the Project Area
201545	Archaeological and Ethnographic Heritage Survey of Tenement E70/5524 with Yued Traditional Owners, for Dasameja Pty Ltd	Ibrahim Omeri and Tiwatope Olowoyo	Archaeological & Ethnographic	2.1 km	2 years old, not intersecting the Project Area

### Report Summaries

The following section summarises the most relevant reports relating to the Project Area, which are listed in Table 3 and Table 4 above. The most relevant reports included those which reported on surveys intersecting the Project Area. Some reports which intersected the Project Area were not received from DPLH.

#### Report ID 23017

#### **Mattner, Chown and Bergin (2008) Aboriginal Heritage study for 330kV Transmission Line upgrade Pinjar Substation to Eneabba Substation.**

This survey is somewhat reliable and relevant to the current project due to the scale and proximity of the survey's Project Area. Despite covering a smaller Project Area than the other surveys, the survey only intersects a small portion of the Activity Area and is 16 years old.

The survey covered a linear corridor 60 m wide and 190 km long between Pinjar and Enneabba, largely beneath the existing 132 kV transmission line. The corridor passed mostly through cleared farmland, while a small proportion passed through uncleared areas. No archaeological or ethnographic sites were recorded during the survey and no stone raw materials suitable for lithic manufacture were observed. The authors noted the low chance of intact sites surviving the impact of clearing, cropping, and stock trampling.

#### Report ID 104086

#### **Pickering, M. (1982) An Archaeological Survey of the Dampier to Perth Natural Gas Pipeline Route: Section 5 Irwin River to Muchea.**

This survey is considered unreliable as the survey is 43 years old. However, it is important to discuss the results of the survey as they are situated within the Project Area.

This survey was conducted in 1981 by Michael Pickering and details the results of the Dampier to Perth Natural Gas Pipeline Survey. The survey identified eight artefact scatters and five isolated artefacts. It

acknowledged that a number of these sites were located “a considerable distance from the pipeline”. Pickering explains that all sites are located within proximity to water sources. Artefacts identified were all small quartz and chert material. It is recognised by Pickering that other sites may exist in the area and that they too would likely be artefact scatters. Additionally, the likelihood of sites such as rock shelters, stone arrangements and large artefact scatters were unlikely along the pipeline route.

#### Report 104162

##### **O’Connor, R (1992) Report on an Ethnographic Survey of the Proposed Telcom Australia Optic Fibre Cable Route: Perth/Geraldton Region**

This survey is considered unreliable as the survey is 32 years old. However, it is important to discuss the results of the survey as they are situated within the Project Area.

This ethnographic survey was conducted in 1992 by O’Connor. The report details the results of the Optic Fibre Cable route from Perth to Binu, commissioned by Telecom Australia. O’Connor identified that the route would impact an Aboriginal mythological site of significance known as Mullering Brook (recorded in 1987). The report also detailed the social and historical background of the work as well as the methodology and consultation process. No sites of significance were recorded during this survey.

#### Report ID 200553

##### **McDonald, G. and Keiller, S. (2016) Report on an archaeological and ethnographic site identification heritage survey of the Brand Highway upgrade at Regans Ford, conducted by the Yued Traditional Owners and Terra Rosa Consulting for South West Aboriginal Land and Sea Council, and prepared for Main Roads Western Australia: October 2016.**

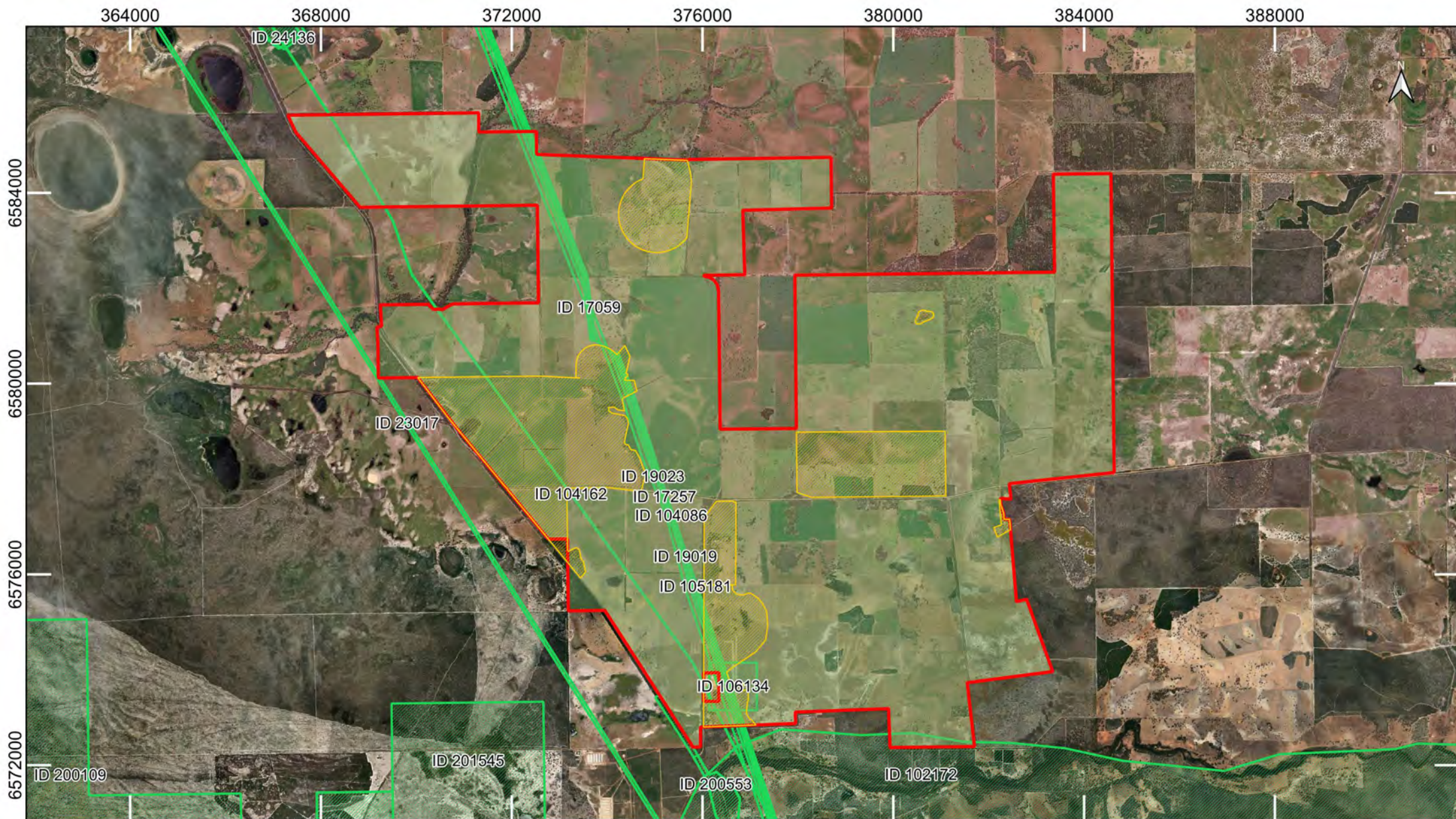
This survey is considered somewhat reliable because it is situated less than a metre from the boundary of the Activity Area and is only 7 years old.

The survey was conducted in October 2016 by Terra Rosa Consulting alongside Yued Traditional Owners who had knowledge and recognised interest within the survey area. The survey assessed the widening of the Brand Highway at Regans Ford, in addition to a potential realignment of a bridge crossing over the Moore River. An archaeological and ethnographic survey was conducted via both vehicle and pedestrian methods.




The survey identified three Registered Aboriginal sites (DPLH ID 20008, 20749, 21620) and nine Other Heritage Places (DPLH ID 20650, 21616, 21617, 21618, 21619, 18083, 19138, 19183).

These sites are predominantly ethnographic and mythological, although four sites have one or more other types of features recorded:

- ▶ DPLH ID 20008 / *Gingin Brook Waggy Site* - An historical site, a camp and hunting place, a plant resource area and a water source.
- ▶ DPLH ID 20650 / *Lennard Brook* - A natural feature and water source.
- ▶ DPLH ID 18083 / *Moore River Pools (PCE-06)* - A hunting place, plant resource, and water source.
- ▶ DPLH ID 19183 / *Red Gully Creek* - A plant resource



### Legend

-  Marri Wind Farm Project Area
-  Turbine Exclusion Zones
-  Previous Aboriginal Cultural Heritage Survey Areas

### Map 2. Previous Aboriginal Cultural Heritage Surveys Intersecting and Adjacent to the Project Area



Drafted by Victoria Huntley  
 Last updated: 28/08/2025  
 Satellite imagery source:  
 GDA94 / MGA zone 50 (EPSG:28350)



## Known Aboriginal Heritage Places

The Project Area intersects one Registered Aboriginal Site, two Lodged Cultural Heritage Places, and one Historic Cultural Heritage Place (Table 5; Map 3). The Registered Site *Gingin Brook Waggy Site* (ID 20008) intersects the southern boundary of the Project Area, while Lodged ACH places ID 5214 and ID 5484 intersect the southeast portion.

A further 12 Aboriginal Cultural Heritage places, including two Registered Sites, seven Lodged Places, and three Historic Record Places, were found in a broader 5 km search area around the Project Area (Table 6; Map 3). While development within the Project Area is unlikely to directly affect these 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.

**Table 5. Known Aboriginal Cultural Heritage Sites and Places intersecting the Project Area**

DPLH ID	Site Name	Site Type	Status	Site Restricted	Legacy ID
20008	Gingin Brook Waggy Site	Camp; Creation/Dreaming Narrative; Historical; Hunting Place; Plant Resource; Water Source	Registered Site	Yes	N/A
5214	NATGAS 133	Artefacts/Scatter	Lodged	No	N/A
5484	GAS PIPELINE 81	Artefacts/Scatter	Lodged	No	N/A
18083	Moore River Pools (PCE-06)	Hunting Place; Plant Resource; Water Source	Historic	No	N/A

**Table 6. Known Aboriginal Cultural Heritage Sites and Places within 5 km of the Project Area**

DPLH ID	Site Name	Site Type	DPLH Status	Site Restricted	Legacy ID
20749	Moore River Waugal	Creation/Dreaming Narrative	Registered Site	No	N/A
21620	Chandala Brook #Duplicate of ID 3525	Creation/Dreaming Narrative	Registered Site	No	N/A
3409	Moore River/Palm Flats	Camp; Other	Lodged	No	N/A
20234	Iluka Cataby 12	Artefacts/Scatter	Lodged	No	N/A
20650	Lennard Brook	Creation/Dreaming Narrative; Landscape/Seascape Feature; Other; Water Source	Lodged	No	N/A
21616	Boonanarring Brook	Creation/Dreaming Narrative	Lodged	No	N/A
21617	Wallerling Brook	Creation/Dreaming Narrative	Lodged	No	N/A
21618	Nullilla Brook	Creation/Dreaming Narrative	Lodged	No	N/A

DPLH ID	Site Name	Site Type	DPLH Status	Site Restricted	Legacy ID
21619	Breera Brook	Creation/Dreaming Narrative	Lodged	No	N/A
5213	NATGAS 132	Artefacts/Scatter	Historic	No	S01271
19138	Wetlands & Watercourses Moore River to Bullsbrook	Creation/Dreaming Narrative	Historic	No	N/A
19183	Red Gully Creek	Creation/Dreaming Narrative; Plant Resource	Historic	No	N/A

### Site Summaries

#### ID 3409 / MOORE RIVER PALM FLATS

This Aboriginal Cultural Heritage Place is a Lodged Site listed on the ACH Directory as a camp/other and is located to the southeast of the Project Boundary, it does not intersect the Project Area.

A parcel of land connected with the *Moore River Native Settlement* (DPLH ID 3409) is located 5kms east-southeast of the Project Area. This Aboriginal Cultural Heritage Place features land and remnants of buildings and camping places associated with the *Moore River Native Settlement* (1917-1951) and the *Mogumber Methodist Mission* (1951-1967). [It is also listed on the State Register of Heritage Places (Inherit) as Place No. 3618.

Generations of Aboriginal children living at this place from 1917 to the late 1960s were subjected to the family separation policies of successive governments and were under the control and guardianship of the Chief Protector of Aborigines. The place also includes a gazetted cemetery which is one of the largest Aboriginal burial grounds in Australia.

#### ID 5213 / NATGAS 132

This Aboriginal Cultural Heritage Place is a Historic Site listed on the ACH Directory as an artefact scatter and is located to the south of the Project Boundary; it does not intersect the Project Area. No other relevant information regarding the artefact scatter was provided.

#### ID 5214 / NATGAS 133

This Aboriginal Cultural Heritage Place is a Lodged Site listed on the ACH Directory as an artefact scatter and is located along the northwestern boundary of the Project Area. The area appears to be only partially cleared. The officer date recorded is 1999. The site file does not provide further details or assessment.

#### ID 5484 / GAS PIPELINE 81

This Aboriginal Cultural Heritage Place is listed on the ACH Directory as an artefact scatter and is located within the southern boundary of the Project Area. It is in a historically cleared area, and its boundary was recorded in 1998. The site file does not provide further details or assessment.

#### ID 18083 / Moore River Pool (PCE-06)

This Aboriginal Cultural Heritage Place is a Historic Site listed on the ACH Directory as a hunting place, plant resource and water source. The site only slightly intersects the Project Area and is located on

the southern boundary. The site consists of a series of permanent pools along the Moore River used for fishing by members of the Aboriginal community.

#### ID 19138 / Wetlands & Watercourses Moore River to Bullsbrook

This Aboriginal Cultural Heritage Site is a Historic Site listed on the ACH Directory as a Creation/Dreaming Narrative place located south of the southern Project Boundary. This site does not intersect with the Project Area. This site incorporates a chain of watercourses between Moore River and Bullsbrook. The watercourses are said to be sacred because they were created by the Waugal. No specific mythological, ceremonial or ritual information was provided.

#### ID 19183 / Red Gully Creek

This Aboriginal Cultural Heritage Site is a Historic Site listed on the ACH Directory as a Creation/Dreaming Narrative and Plant Resource place located south of the southern Project Boundary. This site does not intersect with the Project Area. The Red Gully Creek site is a waterway that is sacred due to connections to the creation being, the Waggyl

#### ID 20008 / Gingin Brook Waggyl

DPLH Site ID 20008 / *Gingin Brook Waggyl* is the Gingin Brook waterway that has mythological connections to the creation being, the Waggyl (McDonald & Keiller, 2016). It is also recognised as having the following values: historical, mythological, camp, hunting place, plant resource and water source. No further details are available about this site as the file on DPLH is listed as 'restricted' for cultural reasons.

#### ID 20234 / Iluka Cataby 12

This Aboriginal Cultural Heritage Place is a Lodged Site listed on the ACH Directory as an artefact scatter located northwest of the Project Boundary. This site does not intersect the Project Area. The artefact scatter is situated in a large drain between low-lying wetland areas. The site is disturbed by excavation, erosion and cattle trampling. The artefacts are situated in a sandy area, 100 visible artefacts were identified, including quartz, chert and silcrete flakes.

#### ID 20650 / Lennard Brook

This Aboriginal Cultural Heritage Site is a Registered Site listed on the ACH Directory as a Creation/Dreaming Narrative, Landscape/Seascape Feature, Other and Water Source site located south of the southern Project Area Boundary. This site is not located within the Project Area. The Lennard Brook site is a waterway that is sacred due to connections to the creation being, the Waggyl.

#### 20749 / Moore River Waugal

This Aboriginal Cultural Heritage Site is a Registered Site listed on the ACH Directory as a Creation/Dreaming Narrative site located south of the southern Project Boundary. The buffer of this site does intersect the Project Area. The Moore River Waugal site is a waterway that is sacred due to connections to the creation being, the Waggyl.

#### ID 21616 / Boonanarring Brook

This Aboriginal Cultural Heritage Site is a Lodged Site listed on the ACH Directory as a Creation/Dreaming Narrative site located south of the southern Project Boundary. The site does not intersect the Project Area. The Boonanarring Brook site is a waterway that is sacred due to connections to the creation being, the Waggyl.

### ID 21617 / Wallering Brook

This Aboriginal Cultural Heritage Site is a Lodged Site listed on the ACH Directory as a Creation/Dreaming Narrative site located south of the southern Project Boundary. This site does not intersect the Project Area. Wallering Brook site is a waterway that is sacred due to connections to the creation being, the Waggyl.

### ID 21618 / Nullilla Brook

This Aboriginal Cultural Heritage Site is a Lodged Site listed on the ACH Directory as a Creation/Dreaming Narrative site located south of the southern Project Boundary. This site does not intersect the Project Area. Nullilla Brook site is a waterway that is sacred due to connections to the creation being, the Waggyl.

### ID 21619 / Breera Brook

This Aboriginal Cultural Heritage Site is a Lodged Site listed on the ACH Directory as a Creation/Dreaming Narrative site located south of the southern Project Boundary. This site does not intersect the Project Area. Breera Brook site is a waterway that is sacred due to connections to the creation being, the Waggyl.

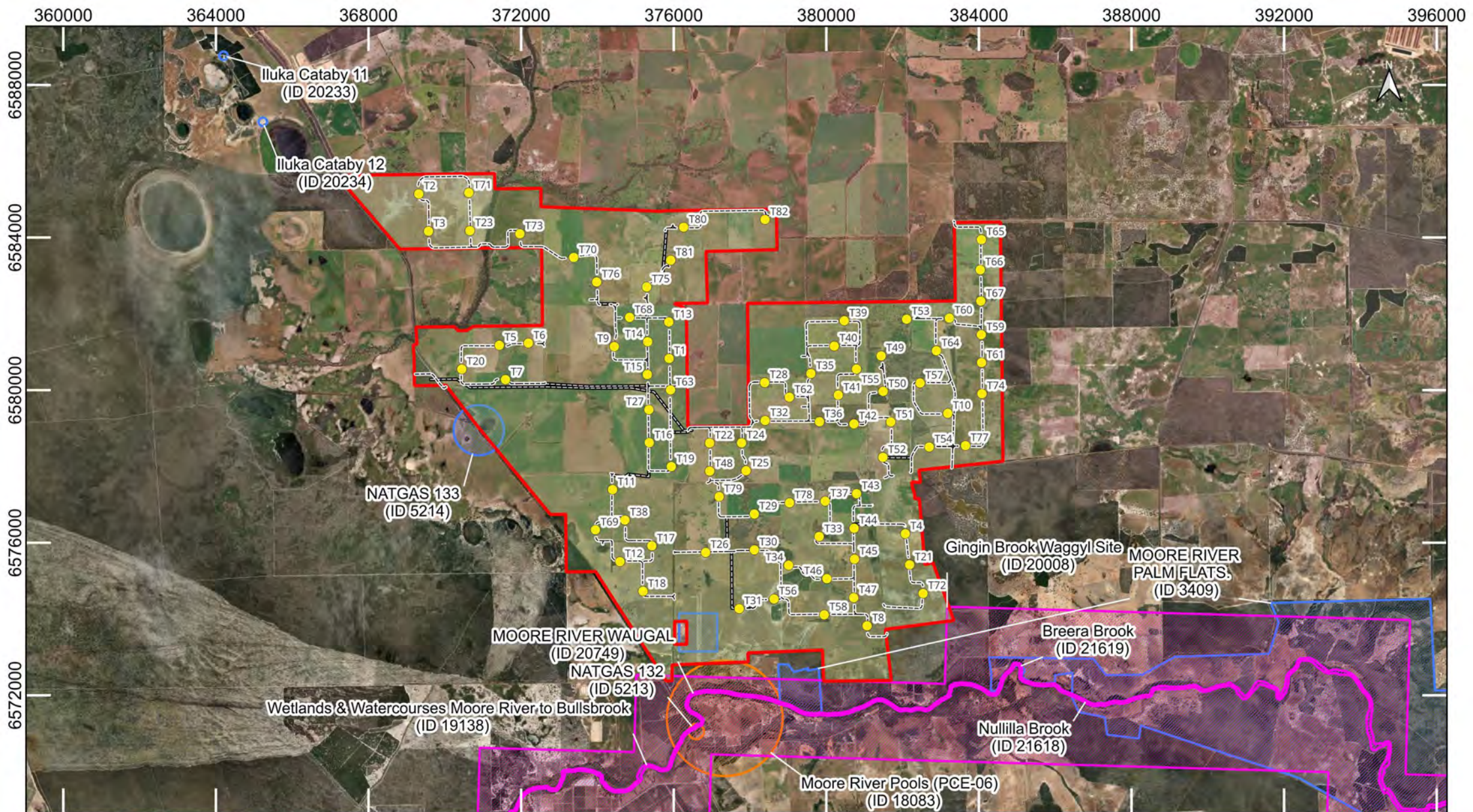
### ID 21620 / Chandala Brook

This Aboriginal Cultural Heritage Site is a Registered Site listed on the ACH Directory as a Creation/Dreaming Narrative site located south of the southern Project Boundary. Chandala Brook is a waterway of significance to the Bibbulmun and Ballaruk Aboriginal people.

### Examples of Aboriginal Cultural Heritage Places surrounding the Project Area – Water Courses

The following places, which are within a 5 km radius of the Project Area, are all considered to hold mythological significance and connections to the creationary being, the Waugal/Waggyl, and as water sources area are culturally significant to the Yued people:

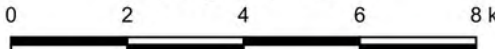
- ▶ ID 18083 / Moore River Pools (PCE-06)
- ▶ ID 20749 / Moore River Waugal
- ▶ ID 21616 / Boonanarring Brook
- ▶ ID 20650 / Lennard Brook
- ▶ ID 21617 / Wallering Brook
- ▶ ID 21618 / Nullilla Brook
- ▶ ID 21619 / Breera Brook
- ▶ ID 21620 / Chandala Brook #Duplicate of ID 3525



### Legend


	Marri Wind Farm Project Area		Historic Record Places
	Turbine Exclusion Zones		Turbine Locations
	Registered Sites		Proposed Infrastructure Lines
	Lodged Places		Concept Roads

### Map 3. Aboriginal Cultural Heritage Places Intersecting and Adjacent to the Project Area



0 2 4 6 8 km

Drafted by Victoria Huntley  
 Last updated: 29/08/2025  
 Satellite imagery source:  
 GDA94 / MGA zone 50 (EPSG:28350)



## Listed Historical Heritage Places

No known historical heritage places are located within the Marri Wind Farm Project Area. Two historical heritage places are within 12 km of the Project Area (see Table 7 and Map 4). These places may contain both historical and Aboriginal Heritage values; however, they are unlikely to be impacted by the Project.

A search of the InHerit database found there is one historical heritage place with Aboriginal associations, *Regan's Ford – River Crossing and Tennis Court Site* (P05823), within 5 km of the Project Area. Additionally, the *Mogumber Mission (fmr) and Cemetery* (P03618) is listed on the State Register of Heritage Places and is approximately 12 km southeast of the Project Area. While located some distance from the Project Area, these places have been included in the discussion to provide some context as to broader historical associations within the surrounding area (see Table 7; Map 4).

**Table 7. Known Historical Heritage Places within 12 km of the Project Area**

Place ID	Place Name	Status	Description	Construction Date
P05823	<b>Regan's Ford – River Crossing and Tennis Court Site</b>	Municipal Inventory - Category 4 (Shire of Dandaragan)  RHP – Does not warrant assessment	A site without built features, but of some cultural heritage significance to the Shire of Dandaragan. No constraints	Constructed from 1876
P03618	<b>Mogumber Mission (fmr) and Cemetery</b>	State Register Heritage List, Local Heritage Survey - Category A (Shire of Gingin) ACHIS Aboriginal Heritage Place - <i>Moore River / Palm Flats</i> (ID 3409)	A place of exceptional cultural heritage significance to Shire of Gingin and the state of Western Australia, that is included on the <b>Heritage Council of WA's Register of Heritage Places</b>	Constructed from 1918

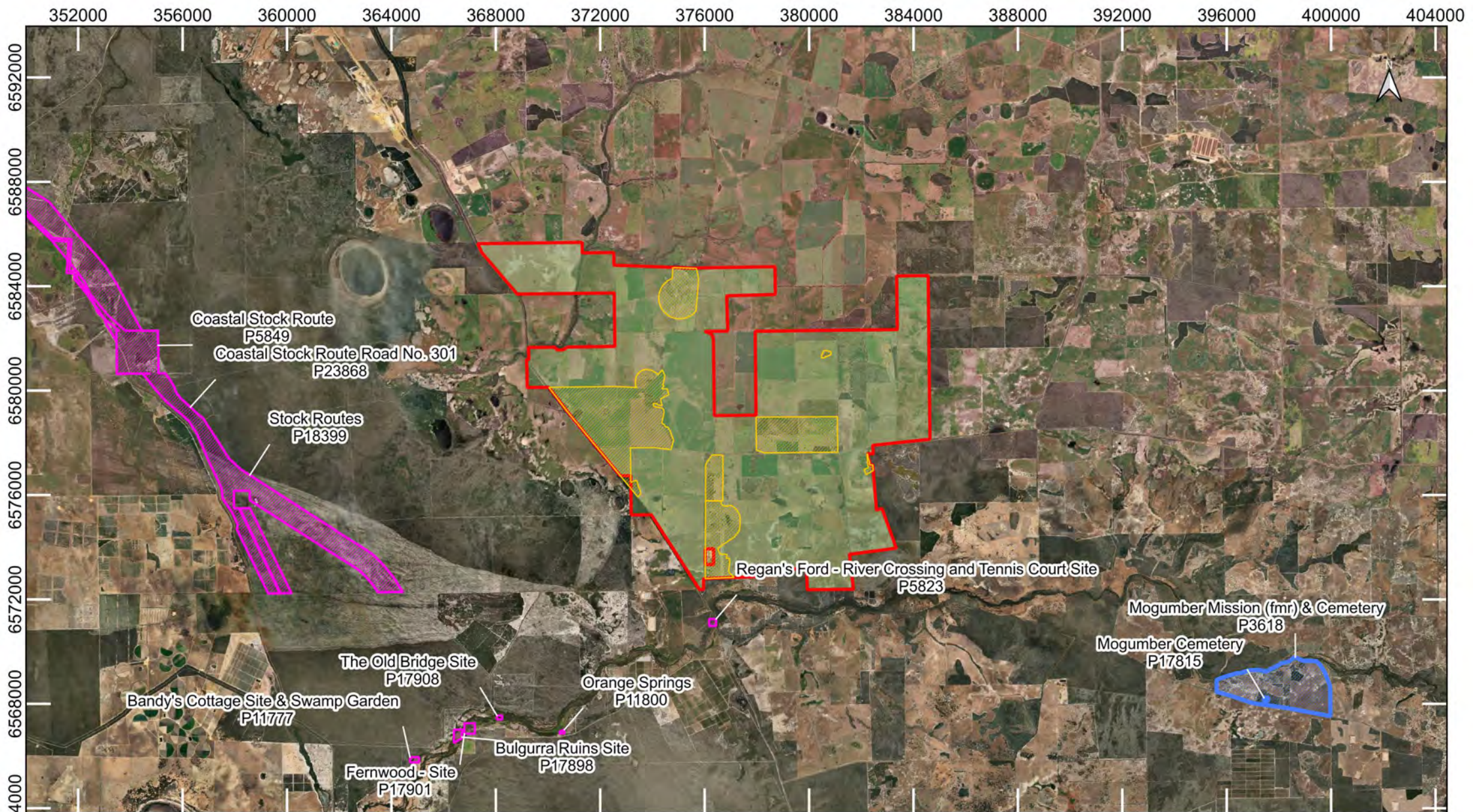
### P05823REGAN'S FORD - RIVER CROSSING AND TENNIS COURT SITE

*Regan's Ford River Crossing* (P05823) is immediately south of the Project Area and is a stone, vented crossing over the Moore River which was constructed in 1876 with Aboriginal labour. This all-weather crossing facilitated the movement of stock and goods between the agricultural districts of the mid-West and Perth.

### P03618MOGUMBER MISSION (FMR) AND CEMETERY

*Mogumber Mission (fmr) and Cemetery* (P03618), known previously as Moore River Native Settlement, is also registered with DPLH's Aboriginal Cultural Heritage Inquiry System as ACH Directory Place *Moore River / Palm Flats* (ID 3409). The Statement of Significance describes how the place is 'probably the most important site in Western Australia representing government policies, social attitudes and racist theoretics towards Aboriginal people throughout the twentieth century' (InHerit database entry, P03618):

*The place represents the effects of the Aborigines Act 1905 on Aboriginal people from all over Western Australia. The place was one of the main government settlements in Western Australia of Aboriginal children from all parts of the state, who were removed from their families, relocated and detained against their will between 1917 and 1951.*



### Legend

- Marri Wind Farm Project Area
- Turbine Exclusion Zones
- Local Heritage Survey Places
- Heritage Council State Register Places

### Map 4. Historical Heritage Places Intersecting and Adjacent to the Project Area

0                      4                      8                      12 km

Drafted by Victoria Huntley  
 Last updated: 28/08/2025  
 Satellite imagery source:  
 GDA94 / MGA zone 50 (EPSG:28350)

## Environmental Background

This section provides a brief overview of the environment associated with the Project Area. It is not intended to be a comprehensive overview but provides context for this Due Diligence Assessment. The Project Area is located between the Darling Scarp at the east and the Gingin Scarp at the west, within the northern reach of the Swan Coastal Plain bioregion (Desmond, 2001), and on the junction of the Dandaragan Plateau (SWA01) and Swan Coastal Plain (SWA02) subregions (DSEWPaC, 2012) (see Map 5).<sup>3</sup>

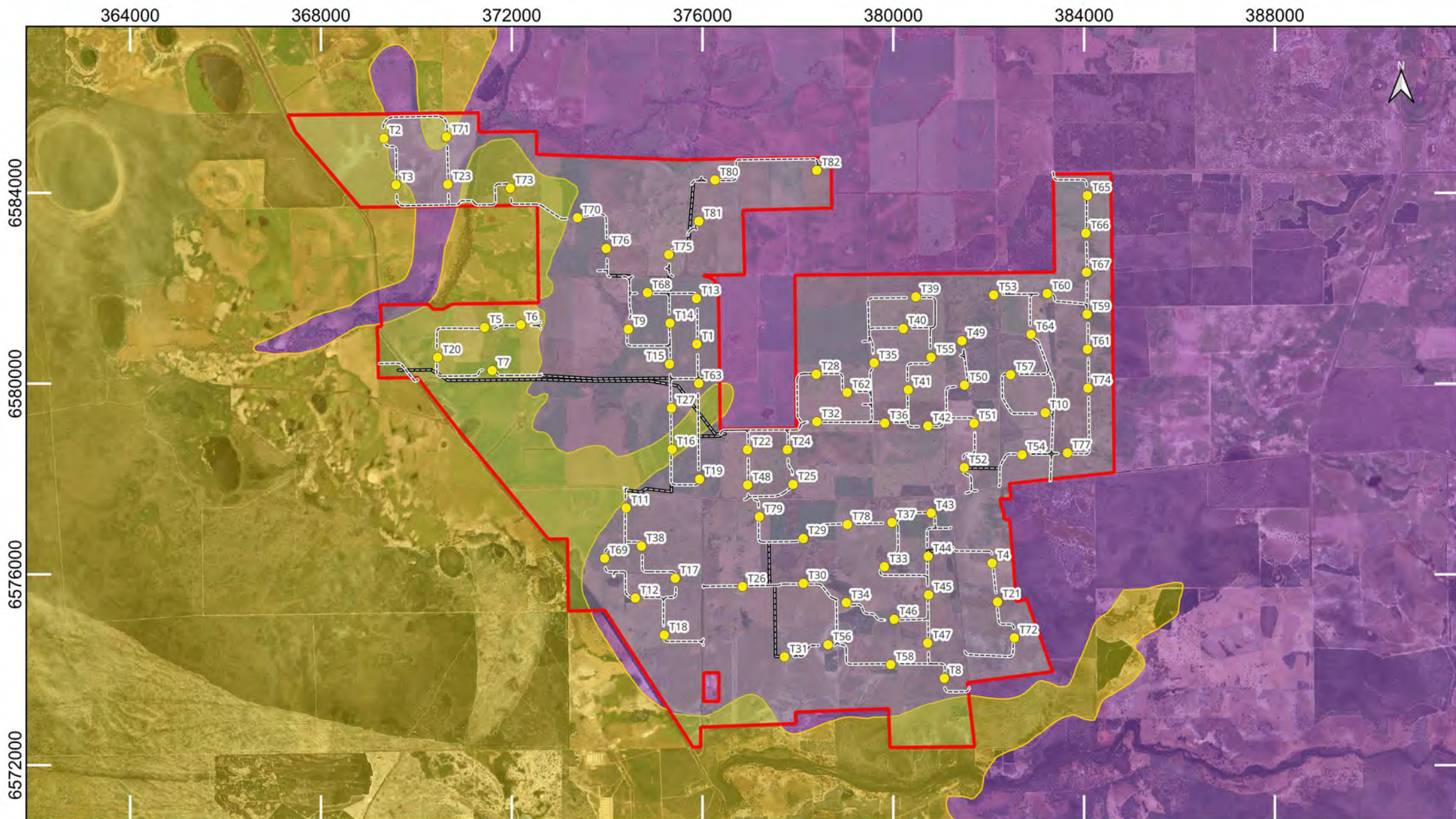
The Dandaragan Plateau subregion is bordered by the Derby and Dandaragan Faults, covering an area of approximately 447,862 ha. Vegetation is typically dominated by low Banksia woodland, jarrah-marri woodlands, and scrub-heaths on laterite pavement and on gravely sandplains (Desmond 2001). The subregion hosts a large number of rare plant and animal species and supports a number of significant wetlands (Wannamal Lake System) and ecosystems, including the 'Banksia Woodlands of the Swan Coastal Plain' Threatened Ecological Community (TEC).

The Swan Coastal Plain subregion is characterised by a low lying coastal plain of approximately 1,333,901 ha, mainly covered by woodlands dominated by Banksia or Tuart on sandy soils. Casuarina obesa is characteristic on outwash plains and Melaleuca species are typical of swampy areas. The subregion exhibits very high species and ecosystem diversity, and supports numerous significant ecological communities, wetlands and other landscape features (Mitchell, Williams and Desmond, 2002). See Map 6 for map of vegetation units associated with the Project Area and Map 7 for an overview of watercourses and wetlands within and adjacent to the Project Area.

Based on a review of aerial imagery, the Project Area contains small sections of minimally altered environments, with broader areas that have been moderately and significantly altered predominantly through agricultural activities, with some infrastructure, roads, and residences located throughout (environmental condition is described here using criteria in the Aboriginal Heritage Risk Matrix in Table 10). Previous vegetation and flora assessments of an area directly north of the Project Area found that vegetation was degraded, occurring in 'parkland cleared' areas, occasionally with scattered native trees. Some remnant patches of native vegetation were also present, which were dominated by eucalypt woodland communities and ranged from degraded to excellent condition (Outback Ecology, 2009).

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<sup>3</sup> Areas that share similar climate, landform, native vegetation, geology and animal species, are classified into geographically distinct bioregions by the Interim Biogeographical Regionalisation of Australia (IBRA). These bioregions are further classified into subregions. <https://www.dcceew.gov.au/environment/land/nrs/science/ibra>



**Legend**

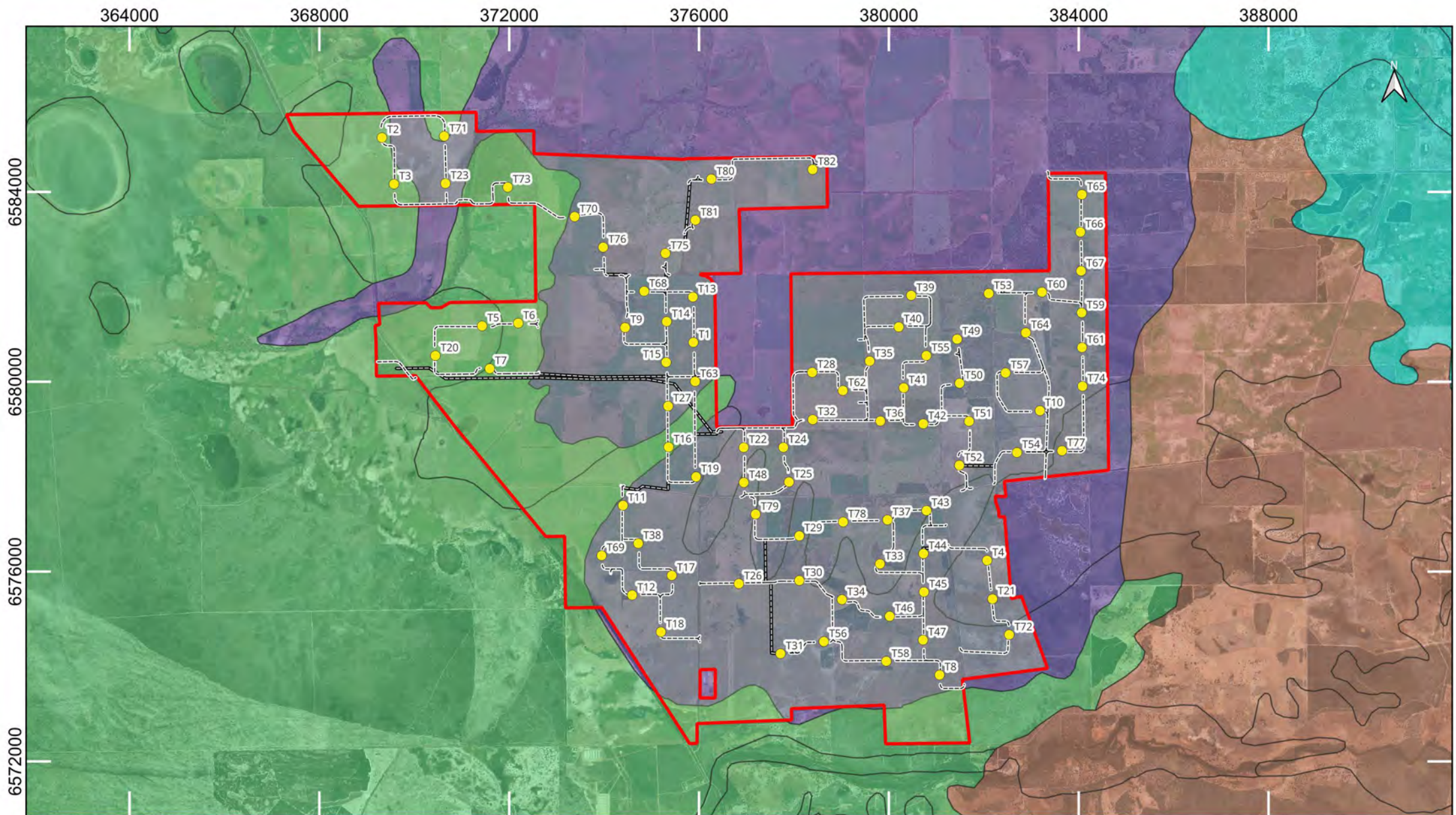
	Marri Wind Farm Project Area		IBRA (Subregions)
	Turbine Locations		Dandaragan Plateau
	Proposed Infrastructure Lines		Perth
	Concept Roads		

**Map 5. Marri Wind Farm Project Area  
IBRA Subregions**











Drafted by Victoria Huntley  
 Last updated: 29/08/2025  
 Satellite imagery source:  
 GDA94 / MGA zone 50 (EPSG:28350)






### Legend

	Marri Wind Farm Project Area		Bassendean
	Turbine Locations		Dandaragan
	Concept Roads		Gingin
	Proposed Infrastructure Lines		Koojan

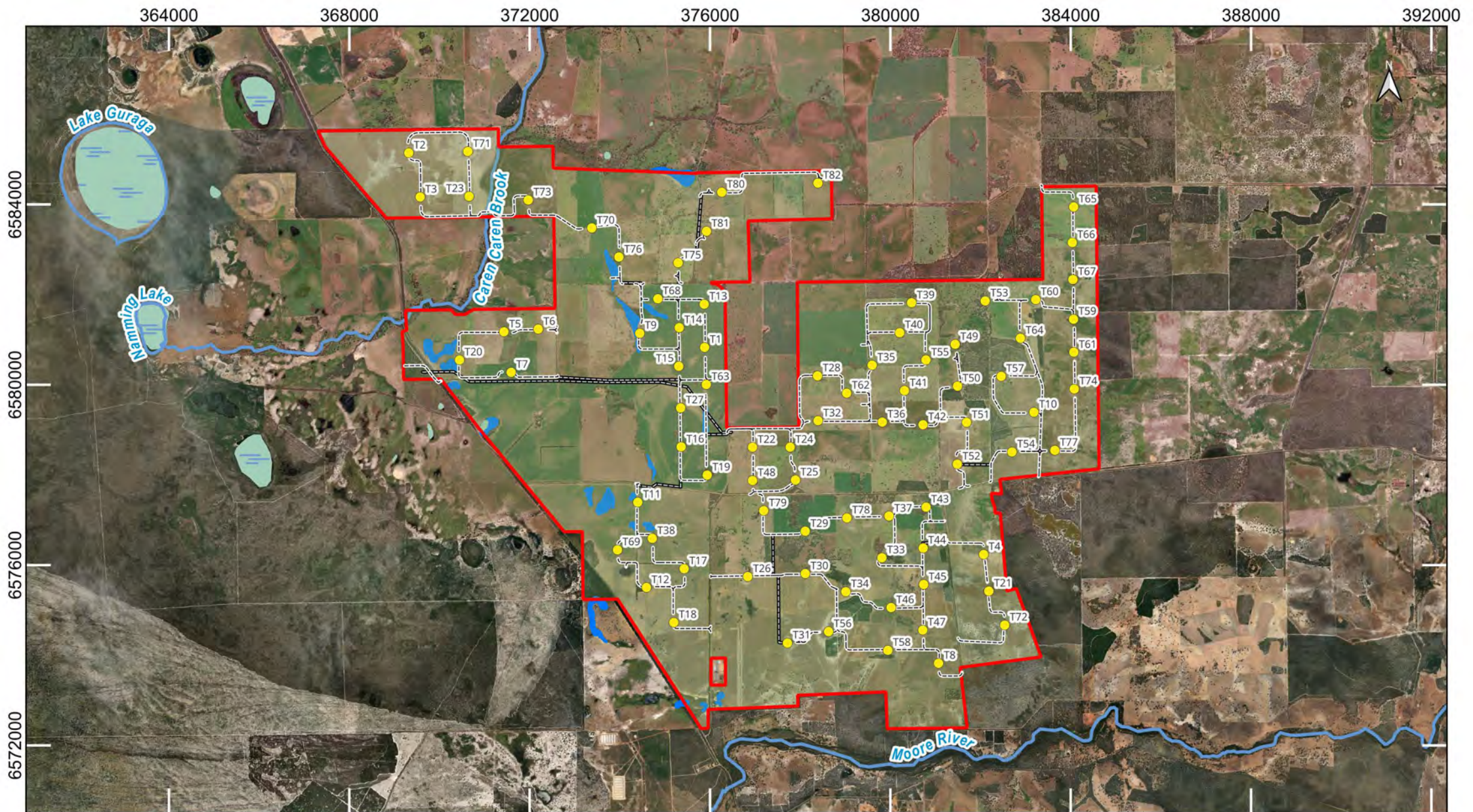
### Map 6. Marri Wind Farm Project Area Vegetation Units



0      2      4      6 km

Drafted by Victoria Huntley  
 Last updated: 29/08/2025  
 Satellite imagery source:  
 GDA94 / MGA zone 50 (EPSG:28350)





### Legend

<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid red; margin-right: 5px;"></span> Marri Wind Farm Project Area</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #c8e6c9; margin-right: 5px;"></span> Lakes</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #42a5f5; margin-right: 5px;"></span> Swan Coastal Plain Wetlands</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Watercourses</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border-radius: 50%; margin-right: 5px;"></span> Turbine Locations</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Proposed Infrastructure Lines</li> <li><span style="display: inline-block; width: 20px; border-bottom: 2px dashed black; margin-right: 5px;"></span> Concept Roads</li> </ul>
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### Map 7. Watercourse and Wetlands Intersecting and Adjacent to the Project Area

Drafted by Victoria Huntley  
 Last updated: 29/08/2025  
 Satellite imagery source:  
 GDA94 / MGA zone 50 (EPSG:28350)

## Ethnographic Background

The Project Area lies within the Yued Native Title Claim Area (WC1997/071), which is a sub-set of the broader South West Native Title Settlement (WC1998/058) (Figure 2). Yued Country today is located north of Perth and includes the towns of Leeman, Jurien Bay, Cervantes, Two Rocks, Toodyay, Gingin, Calingiri, Dalwallinu, Coorow and Moora.



Figure 2. Map of South West Native Title Settlement Area showing the Yued Native Title Claim Area at the north (source: Yued Indigenous Land Use Agreement, 17 October 2018: 170<sup>4</sup>)

Yued people constitute one of the original sub-groups of Noongar peoples living in the South West of Western Australia (Tindale, 1974). Noongar people form a distinct cultural bloc<sup>5</sup> now and into the distant past based on shared linguistic and cultural traditions, a cohesive social structure and kinship network, shared regional identity, and a common geographical connection to the lands and waters that make up the southwest corner of the Australian continent. There are a range of social structures that further delineate Noongar people and connect them to particular parts of the Southwest region. This is articulated succinctly in the Noongar evidence provided to the Federal Court hearings (Federal Court of Australia, 2006:38), during which the claimants noted that the southwest region:

<sup>4</sup><https://static1.squarespace.com/static/61f8e144d5da76460506eacf/t/6215991e07ee7b1d4d47e53d/1645582670686/Yued+Indigenous+Land+Use+Agreement.pdf>

<sup>5</sup> The term cultural bloc is used by anthropologists to describe culturally and linguistically similar groups (or nations) of Aboriginal peoples of Australia.

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*...was occupied and used by Aboriginal people who spoke dialects of a common language and who acknowledged and observed a common body of laws and customs. Those Aboriginal people recognized local and regional names within the broader society but shared a commonality of belief, language, custom and material culture, which distinguished them from neighbouring Aboriginal groups and societies. Responsibility for and control of, particular areas of land and waters, were exercised by sub-groups or families, but the laws and customs under which the sub-groups possessed those rights and interests were the laws and customs of the broader society.*

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The term ‘Noongar’ also sometimes spelled Nyungar, Nyoongar or other variations, is a common term used almost ubiquitously around the region for local Aboriginal people. However, its use as a term of identity is thought to be a linguistic adaptation that originated during the post-European contact period. It originally meant man in the languages of the Southwest (Bates, 1985:47), and Aboriginal people of the southwest region used to identify as ‘Bibbulmun’ rather than ‘Nyungar’ (Bates, 1985:46). While some Southwest people still identify with this term, Nyungar is now more widely accepted and Bibbulmun is more commonly used as the identifier of people with customary rights and responsibilities to particular areas of the Southern forests from Denmark in the south-east to Nannup in the north-west.

The Noongar cultural bloc, also referred to as the “South-West” cultural bloc by Berndt (Berndt, 1980:84), incorporates the south-west corner of the Australian continent following a line from around Jurien Bay in the north, to Esperance in the southeast, and encompassing all the area between there and the coastline. The kaip ‘water’ and bilya ‘rivers’ of the South-West Coast drainage basin are fundamental to the economic, social, and spiritual lives of Noongar people. (Note: kaip and bilya may differ slightly between dialect groups, but essentially these are the Noongar words for water and river.) The rivers formed movement corridors and resource-rich landscape features integral to Noongar economy.

Rainfall levels define the Southwest Botanical Province forming a distinctive geographic and environmental zone. As defining features of Noongar country, the rivers, lakes, creeks, and their tributaries are fundamental to Noongar culture, and thus maintain a special significance. Spiritual life, considered fundamental to Noongar culture, is inextricably linked to the organisation of Noongar society and the management of Boodjar (Country). The responsibility to look after Boodjar is deeply engrained in Noongar cosmology, which enshrines a set of governing principles for the management of land and water. Perhaps the most salient element of Noongar spiritual beliefs is the Waarkal:

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*In Nyungar Cosmology, the Waarkal is the Creator, the keeper of the fresh water sources. He gave us life and our trilogy of belief in the boodjar – the land – as our mother and nurturer of the Nyungar moort – family and relations – and our katitjin – knowledge so that we could weave that intricate tapestry known as the “web of life”.*

*Nyungar Katitjin is people’s knowledge based on cosmological stories from the Dreamtime, known as Nyitting to Nyungar, on which cultural knowledge is founded.*

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*Nyitting (or Dreamtime) yarns are cosmological stories about events within and beyond the living memories of the Nyungar people. [...] Nyitting literally means 'cold time' and refers to the time of creation." (Collard, Stocker and Rooney, no date; Rottnest Island Authority, no date)*

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Fundamental to Noongar identity and culture is connection to Country. This concept articulates a series of rights and responsibilities that every Noongar person maintains to 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 Noongar people inherit from their ancestors and bequeath to their children. Upholding these responsibilities are fundamental to Noongar culture and identity, and at some level to people's reason for being. On this basis, being able to uphold these responsibilities is pivotal to Noongar people's sense of purpose and self-worth and therefore, well-being. Intertwined with the responsibilities that people maintain to Country are rights to make collective decisions affecting Country.

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*"Nidja boodjar ngany deman gaa maarm gaa moort baalup nitchja boodjar, gaa yey nganykurlingas boodjar gnaala moort Jenna bididi kura- kura gnalla gnamma gnaala bilya wer wardennaarluk nyinning kalla mia yey karditj nidja winditj boodjar."*

*"This country my grandmother's and grandfather's, all them this their country and now my children's country, our family walked the tracks for thousands of years our rock holes, our rivers and ocean we sat around campfires now understand this is sacred country for Nyoongars." (Spoken by a Yued Elder in The Shire of Gingin and the Yued Noongar People CHMP).*

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## Local Ethnographic Context

Yued Country is categorised by a semi-arid climate consisting of coastal plains, stretching inland to the fertile Wheatbelt region of Western Australia. The region covers more than 29,253 square kilometres and is described here by Norman Tindale (1974:243):

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*At Gingin, Moora, New Norcia, Moore River, and cape Leschenault; north to about Hill River; inland to near Milling and Victoria Plains.*

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Before colonisation, the Yued people marked their boundaries from Watheroo in the north to Chittering in the south, stretching from Bogart on its eastern boundary through to the western coast of Australia (Laurie, 1995:2). Yued tribes were divided by complex kinship relationships of moiety groups: *Wardanmart*, named for the ancestral *Wardang* (crow) who brought the first Noongars on his back and left them to care for the land, and *Manatjmart*, named for the *Manatj* (black cockatoo) (Laurie, 1995:2). Yued Cultural life is based on clear, intergenerational relationships between individuals, communities and the land. These relationships are transmitted through birth, descent a

marriage and constitute reciprocal arrangements of rights and obligations with landscape elements, flora and fauna (Silberbauer 1994:124 in Preller and Johnson, 2019).

Much of the early colonial accounts of the region come from the New Norcia Mission, constructed in 1847 on Yued Country. Berndt (1996:270) notes that the Aboriginal people who came to work on and populate the mission ‘occupied the area around New Norcia, Moora, Mogumber and Moore River generally to the coast’. Tindale (1974) proposes the meaning of the Yued people, which he records as ‘juat’, as ‘no’, Berndt (1996:274) agrees, adding that ‘it was quite common for terms like this to be singled out as tribal names distinguishing one group from another which used different words for (in this case) no.’ Former Benedictine archivist and historian Dom Willam Gimenes notes the title ‘Murrarra-murrarra’ as the title for the Aboriginal people from Dandaragan to Bindoon and Gingin,

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*“The coastal forests from Jurien Bay downwards to the Moore River mouth were the inheritance of the Dandaraga people who would not cross the river boundaries without trespassing upon the rights of their kinsmen the Bindoon and Gingin blacks. These were the people, about 600 of them in all, not counting the children, who came into contact and under the influence of Bishop Salvado. For convenience sake, these tribes are to be considered as one body and shall be known by the name of Murrarra-murrarra, or Victoria Plains natives” (Gimenes 1958:120 in Rooney, 2002).*

---

Traditionally, the Yued people adopted localised, seasonal patterns of life whilst maintaining connections to the wider Noongar group through trade and cultural links that continued even toward the most distant Aboriginal bands in the southwest. The Yued people moved seasonally between the coastal plains and the Dandaragan Plateau 50 kilometres inland (Hallam, 2014). In the spring they would settle on the coastal plain near estuaries and swamp with an abundance of fish and game, before travelling inland for the colder months.

Mobility in the form of trade between groups of the southwest and beyond congregated in certain known locations of mass gathering (Bates, 1938). Wilgi (Ochre) was found at various locations across Noongar Country and traded widely. The material, a greasy clay substance usually mined in white, orange or red and further refined into a fine clay through firing, was known to be traded in Gingin and Kellerberrin and as far afield as South Australia and the Northern Territory (Bates, 1938).

Land management and flora cultivation defined Yued cultural practices. Low-intensity controlled firing of vegetation has been extensively documented throughout Noongar Country (Hallam 1979). Buring practices modified environments to maximise economic resource exploitation (O’Connor, Quatermaine and Bodney, 1989). Burning encouraged grass and vegetation growth, eliminating competition and attracting large game. Large scale gatherings focused on animal and vegetable resources that were capable of supporting populations, including kangaroo and yam (Gibbs, 2011). Yam, known as *Warrang*, a native tuba plant that grows on riverbanks, was extensively utilised and cultivated by Yued people throughout the Dandaragan region. George Fletcher Moore observed extensive yam grounds able to support large groups of Yued people when exploring the area in 1835. He describes: ‘good loamy ground, bearing the ‘woyay’, a native yan in abundance’ (Moore 4th April 1835 in Schoobert, 2005). Colonial explorer M.W. Clifton also observed numerous ‘warrang grounds’ in 1841 when assessing the area inland from Champion Bay for agricultural development and settlement. He observed:

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*“Being desirous of ascertaining the growth of the warrang root, which we observed in every variety of soil in this district, and must, from the number of holes from which it has been dug in all directions in the country, constitute the chief food of the inland tribes, I induced this man to take me to the fire where a party of the same natives were assembled, in order that some of them might go with me to a warrang ground and dig up from the very bottom I my presence a number of roots.” (Perth Gazette and Independent Journal of Politics and News, 27<sup>th</sup> February 1852 cited in Macintyre, Dobson and Hayward-Jackson, 2020).*

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Yam, like many resources utilised by early Noongar people, is pivotal to Yued cultural practice and spiritual life. Knowledge of cultivation, propagation and preparation were deeply embedded in ceremony and ritual passed down through generations of Yued people. This account of the Nyitting (Dreaming) narrative associated with the creation of the yam was published by colonial botanist James Drummond in the Swan River Guardian in 1837:

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*“Some of the Mountain Natives give a curious tradition of their first knowledge of the native yam... They say, the Earth was at one time covered with water, when one black man and woman found themselves on a rock on the top of a very high Mountain. They were reduced to the extremity of hunger, but the water retiring, left the roots of the Wyrang exposed. They had nothing to do but gather them and eat. In process of time it spread over the Country and got deeply embedded in the Earth, and now they require much labour to dig them. Such is an ancient tradition, handed down from generation to generation. The man and woman were the parents of all the tribes in the interior of this extensive Island, and their descendants consider themselves the oldest inhabitants of the country.”<sup>6</sup>*

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A vital part of Yued culture and spirituality is the ongoing connection to water. Throughout Yued Country, waterways are associated with the ancient Nyitting (Dreaming) serpent known as the *Waugal* (variations of this spelling include *Wagyl* or *Waakal*). The *Waugal* journeyed through Yued Country, carving out the rivers, springs, and waterways as he went, carrying the creatures of the river on his back. Today he is said to reside in the Moore River, the township Moora is named for the permanent pools of water in the river and is associated with places of good spirits.

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*“Koorra-koora, nidja boodjar indjar, nidja boodjar baan. Boordawan, Wagyl yira-yaakiny —Waggly yoowal koorliny. Baal Yued boodjar koorliny. Boorda, Wakal yoowal-barang Nyoongara boola nidja! Mila, Wagyl wort koorl— bokadja! Nidjabaal Wagyl wort koorl. Baal yira koorliny—Yabara. Wagyl boodjara koorang-kooranginy. Baal Jurien Bay yaakiny-nyininy... Ali, Wagyl kwongkan baaminy, bilya baaminy. Boorda, baal ngarda-koorliny Guilderton. Ali, Wagyl bilya birniny. Baal Bwoora koombur birniny. Yeyi, Yued Nyoongara djinanginy*

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<sup>6</sup> Drummond, J. 1837 ‘History of Swan River’, Swan River Guardian, 11 May 1837, Page 11

*Wagyl nidja. Wordel, Wagyl bwooranyininy. Yued kadidjiny nidja. Kaya, Wagyl nidja nyininy. Yeyi, nidja boodjar Wagyl boodjar. Nidja bilya Yued bilya!”*

*“In the beginning of the Dreaming, this land was dry, this land was sparse. Soon, Wagyl rose up — Wagyl came here. He came to Yued country. Soon, Wagyl brought many Nyoongar people here. Then, Wagyl went away—far away! He went away. He went up North. Wagyl twisted and turned through the country. He camped at Jurien Bay. There, Wagyl made sandplain, he made rivers. Soon, he went down to Guilderton. There he made rivers; he made big pools. Now, Yued people see Wagyl here. Always, Wagyl lives in the river pool. (Yued People believe this.) Yes, Wagyl lives here. Now, this country is Wagyl country. This river is the Yued River.” (Mr Charlie Shaw in The Shire of Gingin and the Yued Noongar People CHMP).*

*“Nidja boodjar ngany deman gaa maarm gaa moort baalup nitchja boodjar, gaa yey nganykurlingas boodjar gnaala moort Jenna bidji kura- kura gnaalla gnamma gnaala bilya wer wardennaarluk nyinning kalla mia yey karditj nidja winditj boodjar.”*

*“This country my grandmother’s and grandfather’s all them this their country and now my children’s country, our family walked the tracks for thousands of years, our rock holes, our rivers and ocean we sat around campfires, now understand this is sacred country for Nyoongars.” (Spoken by a Yued Elder in The Shire of Gingin and the Yued Noongar People CHMP).*

*“Nidja Yued boodjar- ngala kabarli, baal kabarli boodjar. Ngala yorga djena koorl- iny koonda nidja boodjar barang-iny marany nidja boolya nidja koora. Ngalak nidja mara barang-INY nidja waangkiny ngala kabarli. Nidja waangki-ny baaminy Nyoongar yorgas koort wirn moorditj yeyi benang boordahwan. Noona koort karnya yorga koonda karla nidja boodjar nidja kep yeye nidja boordahwan”.*

*“This is Yued land – our grandmother, and her grandmother’s country. Our women walked and camped on this land to gather food and medicine for a long time. We are the keepers of our stories, passed down from our grandmothers. These stories make Nyoongar women’s heart and spirit strong today and strong for the future. Show respect for women’s places on our land and waters today and in the future.” (Mrs May McGuire in The Shire of Gingin and the Yued Noongar People CHMP).*

The philosophy within Yued Noongar culture and practice is that there is a spiritual and human capacity and need to maintain and preserve Country. This is central to Noongar understanding – caring for Country is part of caring for family and the self. There remains no distinction, neither in the historical accounts of Noongar language and life in the colonial past, nor in current cultural and linguistic practice today, between kinship with people and relationship with Country (Wooltorton, Horwitz and Collard, 2017). Australian Aboriginal people are the oldest living culture on earth and this is a testament to the sustainability inherent in their land-use systems. Archaeological evidence demonstrates that Aboriginal people have occupied the southwest region for at least 50,000 years, but for Noongar people, they have always been here.

## Archaeological Background

### Initial Occupation

The Marri Wind Farm Project Area is located at the northern reach of the Swan Coastal Plain bioregion (Desmond, 2001), on the junction of the Dandaragan Plateau (SWA01) and Swan Coastal Plain (SWA02) subregions (DSEWPaC, 2012), in the northern Wheatbelt of Western Australia (see Environmental Background). The Wheatbelt broadly comprises the inland portion of the southwest and derives its name from the agricultural areas established during the nineteenth and early twentieth century colonisation period. The Project Area intersects the coastal dune system to the west; and rolling hills with some rocky outcrops and low-lying flood plains with marri and jarrah woodlands and banksia heath on sandy soils in the east. More broadly, the area is considered part of the South West of Western Australia, a distinct geographical region, known for its Mediterranean climate, with cooler, wet winters and warm dry summers, and characterised by high levels of biodiversity (Gioia and Hopper, 2017).

Noongar boodjar, or country, corresponds roughly to the South West geographic region (see Ethnographic Background for information about Yued country and people who are an original subgroup of the Noongar peoples of the South West). Noongar people generally share a common language, with regional dialects, and similar culture and have lived in the South West of Western Australia for at least 50,000 years (Dortch *et al.*, 2019). There has been very little archaeological investigation in the Dandaragan and Gingin areas, in the Wheatbelt regions of Western Australia, and in the northern reaches of the Swan Coastal Plain. There are several reasons for this. First, caves and rock shelters are rare in the region and thus there are few sites with possibilities for research excavation. Second, the primarily agricultural character of the region means that it lacks much of the development pressures of other parts of the state. Archaeological work associated with compliance has thus been mostly small-scale, and commonly associated with activities such as road construction. Third, the long history of agriculture in the region leads to a perception that little of archaeological interest is likely to survive.

The following sections discuss the archaeology of the Swan Coastal Plain and the Wheatbelt and provide an overview of studies undertaken in the broader South West region of Western Australia, to help contextualise the Aboriginal Cultural Heritage potential and heritage risk associated with the Marri Wind Farm Project Area.

### Archaeology of the Swan Coastal Plain

Most archaeological investigations in the South West have focused on the Perth Metropolitan Area and the central and southern parts of the Swan Coastal Plain, where dated sequences have produced a well-established Pleistocene antiquity for human occupation in the South West (Hallam, 1972, 1975, 1977a, 1986, 1987; Anderson, 1984; Strawbridge, 1988; Bowdler, Strawbridge and Schwede, 1991). The Swan Coastal Plain comprises five geomorphic elements, parallel to the coast and decreasing in age from the Darling Scarp to the present coastline (Garry Middle (Vision Environment), no date; McArthur and Bettenay, 1974; Gozzard, 2007). These elements, while characteristic of the central and southern reaches of the Swan Coastal Plain provide a sense of coastal changes that have occurred in the broader region, from the Pleistocene period. They are:

- ▶ Ridge Hill Shelf – a narrow discontinuous strip 1.5–3 km wide forming the foothills of the Darling Scarp and representing an older Pleistocene shoreline (outside of the Project Area);

- ▶ Pinjarra Plain – an alluvial plain up to 25 km wide. The surface of the plain has sandy rises and overlies the eastern-most Bassendean dunes and is thus younger than this system (outside of the Project Area);
- ▶ Bassendean Dune System – a 15-km wide zone of low sand dunes made up of well-leached white-grey sands. There are commonly swampy depressions and lakes between the dunes. These dunes formed more than 125,000 years ago (located within the western portion of the Project Area);
- ▶ Spearwood Dune System – a core of aeolian limestone overlain by yellow and brown sands of varying depth formed around 40,000 years ago. Chains of lakes and swamps have formed at the interface between the Spearwood and Bassendean Dune Systems (outside of the Project Area); and
- ▶ Quindalup Dune System – unconsolidated calcareous sands bordering the present coastline which began to form at the end of the last ice age from 10,000 years ago (outside of Project Area).

These geomorphic units provide some context for the Project Area. However, it is noted that only the Bassendean Dune System is of most relevance, which intersects the Project Area at the west, and is joined by the Dandaragan Plateau at the east. The dissected region between the Bassendean Dune System and Dandaragan Plateau, represents the western eroded edge of the Dandaragan Plateau along the Gingin Scarp. It is made up of rolling hills with rocky outcrops, and comprises a mix of deep, pale silicious eluvial quartz sand and laterite gravel capping, overlying Cretaceous sediments (Crook *et al.*, 1984).

Intensive archaeological survey carried out in the 1970s and 1980s by Hallam has provided a baseline for understanding the distribution of archaeological sites on the Swan Coastal Plain in terms of past land use patterns (Hallam, 1972, 1977b, 1986, 1987; Strawbridge, 1988). Anderson's work provides a complementary analysis for the forested areas on the Darling Plateau (Anderson, 1984). Archaeological sites on the Swan Coastal Plain are primarily distributed on the Bassendean Sands and alluvial deposits associated with the Swan and Canning Rivers. Sites are rare in association with the Spearwood Dunes and almost absent from the Quindalup Dunes. As a consequence, Hallam (1987) argued that the diverse resources of the swamps and wetlands of the Swan Coastal Plain, as well as the alluvial soils particularly associated with major rivers, were the key focus of past land use. Subsequent work in the Perth Metropolitan Area has broadly confirmed this pattern (Dortch and Dortch, 2019) with the addition that the freshwater lake system that runs the length of the Swan Coastal Plain are also a focus of past land use (Archae-aus, 2001).

Most archaeological sites on the Swan Coastal Plain are surface artefact scatters; other cultural sites include mythological sites, stone arrangements, burials, culturally modified trees and historic camping places. Hundreds of surface stone artefact scatters have been recorded across the Perth Metropolitan area, most commonly on the Bassendean Sands (Hallam, 1972, 1975, 1977b; Anderson, 1984; Strawbridge, 1988; Bowdler, Strawbridge and Schwede, 1991). These mark former camping areas and other activities associated with hunting, gathering and fishing, and collecting materials to make shelters and a range of tools and personal equipment. The stone artefacts include finished tools, as well as the flakes and cores that make up the waste from tool-making. Quartz is the most common stone type used for artefacts on the Swan Coastal Plain. Other materials used include dolerite, granite, mylonite, crystal quartz, silcrete and fossiliferous chert.

There are no natural stone sources occurring on the Swan Coastal Plain. Most stone, therefore, comes from sources in the Darling Range or perhaps even further inland. The exception is Eocene fossiliferous chert. No local sources have been identified for this particular fossiliferous chert and, where sites have been dated, there is no fossiliferous chert in the most recent levels. Sites closer to the present

coastline tend to have higher percentages of fossiliferous chert. Therefore, it seems likely that sources of this material were located closer to the edge of the continental shelf and were drowned by rising sea levels by about 6,000 years ago at the end of the last ice age (Glover, 1984). Fossiliferous chert still continued in use, of course, as old artefacts were recovered from sites and reworked. Nevertheless, this means that fossiliferous chert acts as a rough chronological marker for sites on the Swan Coastal Plain, indicating use of particular places going back more than about 5,000 years. Recent sites often include tools made from glass and ceramics.

Past Noongar occupation in the Perth Metropolitan region is thus commonly marked by scatters of stone artefacts, particularly those associated with the chains of lakes and swamps on the Swan Coastal Plain. These wetland areas would have been rich resource areas. This is also the case in the Dandaragan region where many of the current nature reserves comprise biodiverse wetlands associated with the Bassendean Dune System (Crook *et al.*, 1984). Moreover, rivers, creeks and wetlands in the region continue to be culturally important to Noongar people because of the spiritual associations with the Waugal creative being.

The distribution of these sites suggests a long-term stable pattern of land use particularly focused on the rivers and the resource-rich wetlands and swamps of the Swan Coastal Plain. Preservation of organic material and charcoal is rare at surface artefact scatters, and few have been dated. Dated open sites on the sandplain at Perth airport and Fiona Stanley Hospital, as well as on the alluvial soils of Upper Swan and Helena River on the inland edge of the region, indicate long-term continuity of occupation from 41,000 years (Dortch and Dortch, 2019). Historical sources confirm the importance of wetland resources in past Aboriginal subsistence patterns (Hallam, 1987, 1991). Many wetlands were also used as Noongar campsites within living memory and continue to be visited to access traditional resources. Noongar people moved to manage the seasonal variation in the distribution and abundance of food resources. Local abundance of particular resources provided opportunities for large gatherings and there were seasonal movements between the coastal plain and the jarrah and marri forests of the Darling Scarp (Anderson, 1984).

Many of these sites have been disturbed by a range of European activities, such as farming, and more recently, urban development. Dated sites are rare on the Swan Coastal Plain, with the potential for undisturbed stratified archaeological deposits in the Bassendean Sands questioned in the past (Strawbridge, 1988; Bowdler, Strawbridge and Schwede, 1991). However, recent excavations at both Fiona Stanley Hospital (Dortch, Dortch and Cuthbert, 2009) and the Beelihar Wetlands (Hook and Dortch, 2017; Archae-aus, 2021c) have demonstrated the presence of undisturbed artefacts and charcoal at depths of up to 150 cm with intact stratigraphic integrity. Indeed, it is apparent that around lakes on the Swan Coastal Plain there are sub-surface archaeological sites in areas where limited surface archaeology occurs (such as at Beelihar Wetlands) or where no surface archaeology exists (such as at Fiona Stanley Hospital). Therefore, it is predicted that areas adjacent to wetlands, especially elevated sandy areas will have a high potential for sub-surface archaeology.

While many surface sites have been recorded in the Perth Metropolitan Area, the sub-surface record remains poorly understood. The Beelihar Wetlands and Fiona Stanley Hospital projects have demonstrated that the surface archaeological record is a poor guide to the presence of sub-surface cultural material and that an intact archaeological record of the past cultural landscape can potentially be identified beneath the disturbed surface layer relating to the two hundred years since the arrival of Europeans. This has clear implications for planning and management of cultural values elsewhere in the Perth Metropolitan Area as development expands beyond the relatively well-documented area that was surveyed for Aboriginal heritage values in the 1970s and 1980s.

For example, in 2008 at Fiona Stanley Hospital, monitors identified flaked stone tools during construction works. The construction work was halted while shovel test pitting and archaeological excavation occurred. The excavation where the Mental Health building now stands unearthed a mylonite stone adze, or wood-working tool, dated to 33,000 years old. In addition, ochre identified during the excavations also suggests trade or travel was occurring from another region. Ochre was a highly valued resource used during ceremonies, and also as paint and decoration.

At Lake Walliabup (Bibra Lake) during the Roe 8 protests and then during the Rehabilitating Roe 8 works, the results of the Shovel Test Pit program and excavations show that the ancestors of the Whadjuk Noongar left the traces of their activities much more widely through the area between the Lakes Walliabup and Coolbellup (North Lake) than the limited surface traces would suggest. Noongar traditions attest to the spiritual significance of this wetlands system as well as the economic importance of the rich plant and animal resources of this area. Historical sources confirm the importance of the area as a meeting place and a waypoint for those travelling along the wetland corridor between the Swan and Canning Rivers and the Pinjarra area.

The quantity of sub-surface artefacts discovered during the archaeological investigations at Bibra Lake (Lake Walliabup) indicates that the whole of the higher ground around the lakes would have been favoured for camping. The whole wetland complex is best considered as a single cultural landscape with a high probability of encountering cultural material anywhere in it. On the basis of the density of artefacts found in the Shovel Test Pits, it was estimated conservatively that there could be more than 20 million sub-surface artefacts in the high potential archaeological area around the lakes. Using a more generous calculation the estimated number of sub-surface artefacts could be 40 million. The absolute dating evidence from this project confirms that the Whadjuk Noongar ancestors have used this landscape for at least 10,000 years. The OSL results from Square 1 show that cultural material was first deposited about 10,000 years ago, with a noticeable peak in artefacts between 8,000 and 9,000 years ago. While the oldest date for Square 2 is about 4,500 years, artefacts do continue below this level and the deposition rates suggest that the base of the excavation was about 10,000 years. Sterile deposits were not reached in Square 2 so it is possible that the Whadjuk Noongar ancestors may have been using this locality for even longer.

The artefacts recovered from Lake Walliabup are typical of those from sites in the Perth Metropolitan Area. The lack of stone in the Swan Coastal Plain means that the raw materials artefacts are made from show the cultural connections people using Lake Walliabup and Lake Coolbellup would have had. They would have obtained quartz, dolerite and mylonite from inland along the Darling Scarp. The source for fossiliferous chert is not known but is thought to be offshore, submerged by rising sea levels at the end of the last ice age. Thus, the Whadjuk Noongar ancestors must have ranged widely over a broad coastal plain between the Darling Scarp and the coast, which 10,000 years ago was beyond Rottnest / Wadjemup. The dating evidence from Square 1 is consistent with other dated sites on the Swan Coastal Plain, which support the interpretation that Whadjuk Noongar ancestors lost access to fossiliferous chert sources about 5,000 to 6,000 years ago (Glover, 1975; Pearce, 1978).

The arrival of European settlers and the establishment of the Swan River Colony in 1829 caused considerable disruption to Noongar life (Green, 1984). Nevertheless, Noongar people maintained strong cultural connections to the Perth Metropolitan area and to traditional resources. Traditional camping and resource areas continued to be used, and wetland areas commonly retained mythological associations with the Waugul creation being.

## Archaeology of the Wheatbelt

A range of site types have been documented in the Wheatbelt, despite a limited number of surveys and lack of broad-scale research compared to other parts of Western Australia. Artefact scatters are the most common site type and occur widely in the landscape. They are usually dominated by quartz and occur most commonly close to watercourses and in valley bottoms. Granite outcrops and domes appear to have been important nodes for people in the past, probably because water is commonly present at these places either in gnamma holes or as soaks and they are often rich in food resources. Quartz, an important raw material for making stone tools in this region, also commonly occurs in granite. Gnamma holes were deliberately maintained and there are numerous examples with stone covers to protect the water from animals and evaporation still intact. So-called 'lizard traps' are also common on granite outcrops. These features are slabs of granite propped up with stones to create microhabitats for lizards and other small animals. In some areas, granite outcrops also have stone arrangements (Bird, 1985; Randolph, 2011; Mitchell, 2016). These features are probably associated with ceremonial activities, by analogy with comparable sites elsewhere in Australia.

In the south-east Wheatbelt, Bird (Bird, 1985) surveyed a transect from Lake Grace to the coast at Bremer Bay. Based on her results, she proposed a seasonal model of site size and distribution which may have some application to the Dandaragan area. The widest range of food resources were associated with the woodlands of the valley bottoms, and these were commonly also the location of the most reliable water sources in the form of soaks and occasional freshwater swamps. Large sites were more commonly associated with the more reliable water sources occurring in the valley bottoms and in association with granite outcrops. Populations dispersed during the wet season to take advantage of ephemeral water sources and congregated at more reliable water sources during the summer. Based on this model, water sources are critical to occupation in the Wheatbelt, and that rivers, creeks and lakes and swamps are likely to be important activity nodes in the landscape. Granite outcrops are also important because of the range of resources that they offer, including both water and quartz which was the primary raw material used for stone tool making in the region.

By contrast to the Swan Coastal Plain, excavated sequences in the Wheatbelt, from Frieze Cave, near York (central-eastern Wheatbelt), and Mulka's Cave, near Hyden (southern Wheatbelt) only show occupation within the last few thousand years (Hallam, 1975; Rossi, 2014). Nevertheless, there is no doubt that the Wheatbelt has been occupied for as long as neighbouring parts of the South West.

## Historical Background

The following section is a brief historical timeline of the Dandaragan area, focusing on Aboriginal associations within the area and previous European land use. See Archaeological Background and Ethnographic Background for a more detailed pre-1829 history.

### Nyitting

#### *The Dreaming*

The English language can never truly capture what the Dreaming is. The *Nyitting*, translated as 'the cold time', is when the spirits rose from the earth and descended from the sky to create landforms, waterways, 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 Museum Australia, 2015), including the southwest of Western Australia for at least 50,000 years. Throughout this time Noongar people owned and cared for tracts of land on their Boodjar (Country). The rights and responsibilities to care for Country have been passed down through countless generations of ancestors (SWALSC, 2021). There are several significant sites in the Yued region. These include caves, some of which are the homes of mythological beings, ceremonial sites, rock art, paintings and artefacts.

Within Yued Country, the Moore River was considered an important mythological place and water source. The riverbanks were utilised extensively for hunting, gathering and camping. Noongar people would travel great distances to meet and hold corroborees at significant sites along the river. Here, families were reunited, alliances were formed, couples would meet, and important cultural business took place. Yued people educated their children at these places, passing on laws and customs through stories, art, song and dance. Moore River is considered a significant place to the Yued Noongar land and spiritscape to this day as a place of living, mobility, and Dreaming and as a physical holder of stories and yarns.



Plate 1. 'Yued Boodja' by Jessica Begg, Moora Yued Boodja Australia

### 1600s

#### *Early explorers*

It is possible that some of the first Europeans to visit Western Australia were Dutch explorers who traversed the Jurien Bay coastline in the mid-17th Century. In 1658 Captain Vokenson of the *Waeckende Boey* (Watch Bay) sent Abraham Leeman and a small party ashore in the vicinity of Jurien Bay to search for survivors of the *Vergulde Draeck* (The Gilt Dragon), a previously lost Dutch exploration vessel (McConnell, McGuire and Moore, 1993). Famous Dutch explorer Willem de Vlamingh also documented the stretch of coastline between the Swan River and Shark Bay in 1696, while searching for another lost ship. His reports of the area were unfavourable and discouraged prospects of settlement (McConnell, McGuire and Moore, 1993).

## 1801

Two French Corvettes, the *Naturalist*, under the command of Jacques Felic Emmanuel and Baron Hamelin, and the *Geographe*, commanded by exploration leader Captain Nicolas Baudin, sailed north from Rottnest Island in June of 1801 (Cornell, 1974). The ships, commissioned by the French Government, aimed to document the geography and natural history of the Australian coastline not explored by Captain James Cook. The *Naturalist* sailed along the coast past what is now known as Mullaloo, Breton Bay, Lancelin Island and Jurien Bay. During the exploration Jurien Bay was named for naval administrator Charles Marie Vicomte Jurien (1763-1836) and the conspicuous flat-topped hill north of Jurien was appointed Mount Lesueur after Charles Alexandre Lesueur (1778-1846), a trained topographical painter who joined the expedition as a volunteer gunner (Hopper, no date).

## 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. Noongar groups experienced the rapid collapse of their way of life. Not to diminish the devastating impact caused by colonisation, it is important to recognise too that the historical record of the southwest demonstrates examples of tenacity and adaptations in the face of colonisation, which are often not widely discussed or acknowledged, let alone celebrated, in the general historical narratives about Western Australia.

## 1839

### *Exploration*

The first recorded European party to traverse the Jurian Bay area was a party led by Captain George Grey (1841) in 1839, who had been shipwrecked near Kalbarri and walked back to Perth under difficult circumstances with little food and water. On April 13, after crossing the Eneabba Plain, they ascended from the north a “red sandstone range... thinly studded with blackboy trees” (Grey, 1841). Grey named the range Gairdner’s Ranger after Gordon Gairdner of the Colonial Office. They camped “in the neighbourhood of a forest” (Grey, 1841), presumably the E. wandoo woodlands east of Mt Peron, and were provided by their native companion Kaiber with dry *Macrozamia* nuts for food. Some of the men looked for more and ate several green nuts which made them violently ill during the night. The next day they travelled south some fourteen miles over “a range of high ironstone hills”, before descending a further fourteen miles to the bed of a small river which Grey named the Hill River (Hopper, no date).

## 1840s

### *Settler Migration*

By the 1840s, the State Government had earmarked large tracts of land in the Dandaragan area for European farming and land leases. The first recorded land lease was 2,428 ha (6,000 acres) of pasture at Muchamulla Springs near Dandaragan which was taken up in 1848 by William Brockman. This lease was soon abandoned in favour of a 1,618 ha (4,000 acre) lease around what is now known as Yatheroo Spring. Other early settlers to the area were the Drummonds at Dandaragan Spring, Ewen MacKintosh at Noondel and John Davidson on the Moore Rivers banks who secured pastoral leases in the area during the 1840s (McConnell, McGuire and Moore, 1993). These early pastoral properties employed local Aboriginal people as shepherds, stockmen, guides and domestic servants as colonisers continued to encroach on traditional Yued lands<sup>7</sup>.

<sup>7</sup> (InHerit Database entry for Regan’s Ford – River Crossing and Tennis Court (5823), accessed from <http://www.inherit.stateheritage.wa.gov.au/Public> on 21 July 2023)

Further exploration continued around the Dandaragan region in search of agricultural lands. On November 7<sup>th</sup>, 1848, explorer A.C Gregory passed east of Mount Lesueur on their return trip to Perth from as far north as the Murchison River (De Burgh, 1986). Gregory (1848) recorded the Lesueur area stating “*the valleys were wooded with red and white gum of large growth, by the hills provided little besides coarse scrub*” (Hopper, no date). In 1849 Augustus Charles Gregory surveyed locations in the district and named Dandaragan Spring and the general area of Dandaragan. The expedition established a route linking the Swan River Colony, via Gingin and Dandaragan to Champion Bay (McConnell, McGuire and Moore, 1993).

## 1850s

### *Agricultural expansion*

Previous expeditions had noted the harsh terrain of the coastal region near Mount Lesueur, particularly the abundance of poisonous plants, interrupting plans for cattle runs north of Perth. A.C. Gregory and pastoralist L. Burges were firmly of the view that the area was best avoided, a sentiment conveyed in a letter to the Surveyor General from Dandaragan on the 13<sup>th</sup> of October 1850:

*“On the 28<sup>th</sup> Mr L. Burges came up with his cattle and on the following day we started to decide the best manner of avoiding the Gairdner Range which is impractical for carts from the rocky nature of the ground and at the same time abounds with a variety of the poisonous plants which renders it unsuitable for travelling with sheep. The route determined on is about N.N.W from Dandaragan to the Hill River, to follow that stream bed down to within 7 or 8 miles of the coast ... then a northerly course along a chain of lagoons and swampy flats parallel to the coast as far as the Arrowsmith River.*

*This route by the Hill River is abundantly supplied at this season with water and grass at every ten miles, it involves a detour to the south of the Gairdner range and increases the distance 20 miles by the poisonous plant is so abundant on that part of the range of hills on which Mr Drummond has taken up his licence near Mt Lesueur that stock cannot be driven through it with safety.” (Hopper, no date)*

Settlers began expanding to the Champion Bay district in the 1850s and livestock were herded through Dandaragan to the new farming district. Dandaragan was soon established as a significant stock route to the north. As leaseholders acquired new land in the district, including pastoral lands for the Benedictine Mission at New Norcia, a police station and mail delivery service was also established for the new settlers at Dandaragan Spring (McConnell, McGuire and Moore, 1993).

## 1870s

During a worldwide recession, several pastoralists and smaller landholders were forced to relinquish their properties while others consolidated and extended their landholding. The establishment of the Road Boards throughout the Swan River Colony in 1871 saw the official demarcation of the Dandaragan Region as part of the administrative area of the Victoria Plains Board (McConnell, McGuire and Moore, 1993). The Dandaragan region was described as “*bounded on the North by the south boundary of the Irwin District, on the west by the Sea Coast, on the South by an East and West line from the Coast to the Moore River Bridge, thence to Bindoon, thence to Bolgart and due east*” (McConnell, McGuire and Moore, 1993).

## 1890s

During the 1890s, works were completed on the Midland Railway line which passed through the nearby town of Moora. The railway enabled supplies and greater access to the Dandaragan region

(McConnell, McGuire and Moore, 1993). The Badgingarra Homestead, one of the first established properties in the newly gazetted Dandaragan region, began construction in 1895. The homestead was built for William MacNamara, who took up lands near Badgingarra in the 1890s<sup>8</sup>.

### Early 1900s

By 1900 the population of the Dandaragan District was 280. Many Aboriginal people still living in the area made a living through formative colonial activities and important industries, such as exploration, agriculture and pastoralism, the possum fur industry, mallee bark stripping, product innovation and



Plate 2. An undated photo of women and children at a bush shelter at the Moore River Settlement. (Supplied: Department of Local Government, Sport and Cultural Industries)

entrepreneurship. 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). While systematically implementing policy to strip Aboriginal people of their rights, the government set aside 67,000 acres of land to encourage agricultural development and European settlers began relocating to the area (McConnell, McGuire and Moore, 1993).

### 1917

#### Moore River Settlement

The Moore River Native Settlement was established in 1817 as one of the two official government 'native settlements' in the South-West of Western Australia. The settlement was the brainchild of Auber Octavius Neville, the Chief Protector of Aborigines, and was designed as a self-sustaining settlement where Aboriginal people could learn skills to fit into settler society. In reality, it was chronically understaffed and under-resourced and functioned far more like a penal settlement (Maushart, 2003). The government's implementation of the Aborigines Act of 1905 resulted in generations of children forcibly removed from their families and housed at Moore River in purpose-built dormitories. Many of their families chose to live nearby in an adult settlement so that they could be close to their children. Adults were frequently forced to live at the settlement at Moore River, especially if ill or elderly. The historical movement of Aboriginal people to and from the Moore River settlement has resulted in the wider area being imbued with historical importance to Traditional Owners, with Yued people sharing stories



Plate 3. Children in the Moore River in December 1937

<sup>8</sup> (InHerit Database entry for Badgingarra Homestead and Pool (05827), accessed from <http://www.inherit.stateheritage.wa.gov.au/Public> on 21 July 2023)

that their Aboriginal relatives used the river as a travel route when running away from the Moore River Settlement.

## 1920s and 30s

### *Shift in industry*

Post-war, Dandaragan saw a gradual shift from individual leaseholders to corporate ownership as large-scale pastoralists pushed expansion in the region. The coastal plain remained relatively isolated for individual farmers yet saw major changes in occupancy with large areas of freehold and leasehold acquired by large corporate interests (McConnell, McGuire and Moore, 1993). During this time agriculture began shifting from the traditional production of horses, beef and dairy cattle towards a greater reliance on sheep, and in the aftermath of the 1905 Aborigines Act, Italian and Yugoslav immigrants began to replace Aboriginal labour (McConnell, McGuire and Moore, 1993).

In July 1932, Dandaragan was adopted as the official name of the district.

## 1939 - 1945

### *World War II*

The Dandaragan region was utilised for military training and personnel during the war, with the Agricultural Hall and Road Board House repurposed from army administration and accommodation. The Jurien Bay coastline was considered a likely landing point for a Japanese invasion, and as such radar bunkers, gunnery emplacements and telephone lines were installed along with general upgrades to coastal defences (McConnell, McGuire and Moore, 1993). Land ownership increased gradually during the war, while leasehold land declined. Rural production slowed and large leasehold pastoral areas on the Coastal Plain were temporarily vacated for security reasons (McConnell, McGuire and Moore, 1993).

## 1950s

### *Post War*

A lack of resources continued into the post-war period, particularly difficulty acquiring underground water supplies, which saw a large turnover of properties. Despite this, the 50s saw growth as the land around Cataby was developed and the rock lobster industry boomed along the Dandaragan coast (McConnell, McGuire and Moore, 1993).

In the early 1950s the land around what is now known as Badgingarra, 36 km north of Dandaragan, was opened and developed for European farming. One of the pioneer farmers, George Elliot Lang, was granted land near Dinner Hill, five miles north of Badgingarra Pool. Lang was instrumental in forming the Badgingarra Progress Association and being responsible for the construction of roads in the area<sup>9</sup>.

## 1961

### *Shire of Dandaragan*

The Dandaragan Road Board became the Dandaragan Shire in June 1961, with the official opening of the Dandaragan Shire Council Offices and Chambers by L.A. Logan MLC, Minister for Local Government (McConnell, McGuire and Moore, 1993).

<sup>9</sup> (InHerit Database entry for Dinner Hill Badgingarra (05829), accessed from <http://www.inherit.stateheritage.wa.gov.au/Public> on 21 July 2023)

### 1970s to Present

By 1970 the main road to the Dandaragan region, Brand highway, was bituminised as far north as Cataby and mineral sands mining became the newest enterprise in the area (McConnell, McGuire and Moore, 1993).

Today the Dandaragan Shire supports a small population of 3,748, comprising the mostly agricultural farming activities of beef cattle, sheep, rock lobster, broadacre farming and mining<sup>10</sup>.

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<sup>10</sup> Shire of Dandaragan Economic and Tourism Development Strategy 2029  
[Economic and Tourism Development Strategy 2029.pdf \(dandaragan.wa.gov.au\)](https://www.dandaragan.wa.gov.au/Economic_and_Tourism_Development_Strategy_2029.pdf)

## SECTION THREE – DUE DILIGENCE ASSESSMENT

This section provides a desktop assessment of the Aboriginal and historical heritage potential and risk within the Marri Wind Farm Project Area, in line with the background research in Section Two. It outlines the likelihood of encountering different kinds of heritage sites, places, features, or objects within the Project Area and assesses the risk of harm to potential heritage values.

### Cultural Heritage Potential

#### Predictive Statements

Predictive statements regarding archaeological (tangible) and ethnographic (intangible) values are informed by the desktop review and the assessment of known Aboriginal and historical cultural heritage sites and places previously recorded in the region, presented in Section Two. This information provides a baseline for evaluating the archaeological potential and heritage risk across the Project Area.

Based on the predictive statements made in Table 8, there appears to be an overall high chance of encountering water sources, in addition to existing Registered Places, and plant resources; a moderate chance of encountering artefact scatters / isolated artefacts, potential archaeological deposits (PADs) and ethnographic sites; and a low chance of other site types, including scar trees, grinding stones and grinding patches, quarries, burials, rock shelters, rock art human-made Aboriginal cultural heritage structures, and historic sites within and around the Project Area.

Despite the statements outlined below, the archaeological characteristics and ethnographic values of the Project Area in their entirety are currently unknown, with only a narrow corridor previously surveyed in a small portion of the Project Area, within the western section (see Map 2).

**Table 8. 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.	Artefact scatters are a common site type on the Swan Coastal Plain that preserves well over a long period of time in both surface and subsurface contexts.  There is consequently a moderate chance that artefact scatters and isolated artefacts will be found within the Project Area.
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.	Due to their often-distinctive nature, grindstones were sometimes collected by farmers and pastoralists in the historical period.  There are no visible patches of bedrock on aerial imagery. Accordingly, there is a low chance of encountering grindstones in the Project Area.
Quarries	These types of sites consist of stone sources, either in the form of bedrock or large nodules that are in their	Located in areas where there are suitable outcrops of stone.	There is a low chance that this site type would be found in the Project Area, as no large outcrops or rock formations were identified based on

Site Type	Site Description	Landform/Environment	Predictive Statement
	primary context. Quarries may be classed as stone procurement sites that usually have an associated artefact scatter containing stone reduction/knapping areas.		the aerial imagery alone. Smaller-scale quarry activity may have taken place using small seams or nodules of high-quality stones such as quartz. This can only be assessed during an archaeological survey.
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 over time. 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.	Aerial imagery of the Project Area demonstrates multiple corridors of bushland that may have experienced little to no historical ground disturbance. Accordingly, there is a moderate chance of encountering a PAD; However, this will also depend on local soil profiles, which can be assessed during an archaeological survey.
Burials	Burials may include an isolated bone fragment or could involve complete individuals or multiple burials.	Skeletal material generally occurs in areas where the ground is softer such as along creek banks or in dunes.	The soil profile and acidity are not favourable to skeletal preservation in the Project Area. Overall, there is a low chance of encountering burials or burial markers within the Project Area.
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 suitable rock formations were identified within the Project Area at a desktop level from aerial imagery. There is a low chance of encountering engravings and rock paintings in 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.	At a desktop level, 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 chance that this type of site would be encountered in 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.	These types of sites will occur in locations where there are trees that are more than 150 years old.	There appear to be some areas of bushland within the Project Area; however, it is difficult to tell whether these areas contain replanted or remnant vegetation. There are also large, mature Marri trees within the Project Area, which may be modified trees. However, there are no known examples of this type of site in the vicinity of the Project Area, therefore, there is a low chance of encountering scar trees in the Project Area.
Plant Resources	These include plants of cultural significance including but not limited to food, fibre, toolmaking and shelter resources.	These may be located anywhere across the landscape, but especially in areas associated with wetlands and where remnant vegetation remains.	There are known plant resources throughout the Project Area, some of which are associated with Registered ACH Sites and Historic Record Places. There is a high

Site Type	Site Description	Landform/Environment	Predictive Statement
			chance of encountering plant resources within undisturbed areas of the Project Area.
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. A number of DPLH sites relating to water are located in the immediate area. Mythological sites are often associated with freshwater sources.
Ethnographic sites, including Mythological / Aboriginal Ceremony and Songlines	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 chance of encountering this type of site within the Project Area. Mythological sites are often associated with freshwater sources. There are freshwater sources intersecting the Project Area and artefact scatters in the surrounding landscape, which could support ceremonial activity in the area and/or movement through the 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, and most likely built 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.	Background research has determined that there are no examples of this type of site in the vicinity of the Project Area, and there also appears to be no areas of granite or rock outcrop where these sites often occur within the Project Area.  There is a low chance of encountering this type of site within the Project Area.
Historic / European Sites	For the purpose of this Due Diligence Assessment, historic sites are places included on a Local Heritage Survey, Heritage List or State Register of Heritage Places.	These are known places located across the landscape and historic Aboriginal sites (such as reserves or farm camps) that are associated with historical use and activities for almost the last 200 years.	There are no registered historic heritage places within the Project Area, with the closest listed places located between 5-12 km away.  However, the area has been farmed for over 150 years, and the ethnographic background suggests that Aboriginal people camped throughout the region while working on local farms.  As such, there is a low chance of encountering this type of site.

## Zones of Known and Potential Cultural Heritage within the Project Area

This section provides an overview of the zones of known and potential for Aboriginal Cultural Heritage (ACH) and historical heritage within the Project Area, based on this desktop assessment, including a review of previous studies, our understanding of the environmental and cultural context of the region, and analysis of aerial imagery and GIS data for the Project Area, and the predictive statements for site types provided in Table 8 above. Three levels of heritage potential have been identified within certain areas of the Project Area: low, moderate, and high. No areas of very high potential have been identified. There is a low to high potential for tangible archaeological ACH, including surface archaeological finds and features and areas of subsurface archaeological potential, and low potential for historical heritage, within certain areas of the Project Area (see Map 8 to Map 11). There is a high potential for areas of intangible ethnographic ACH interest and significance to be located within the Project Area. Map 8 to Map 11 indicate the areas of assessed potential within the Project Area, using the criteria outlined in Table 9, together with a review of desktop data and available aerial imagery.

**Table 9. Criteria for assessing zones of potential heritage and known heritage for the Marri Wind Farm Project Area**

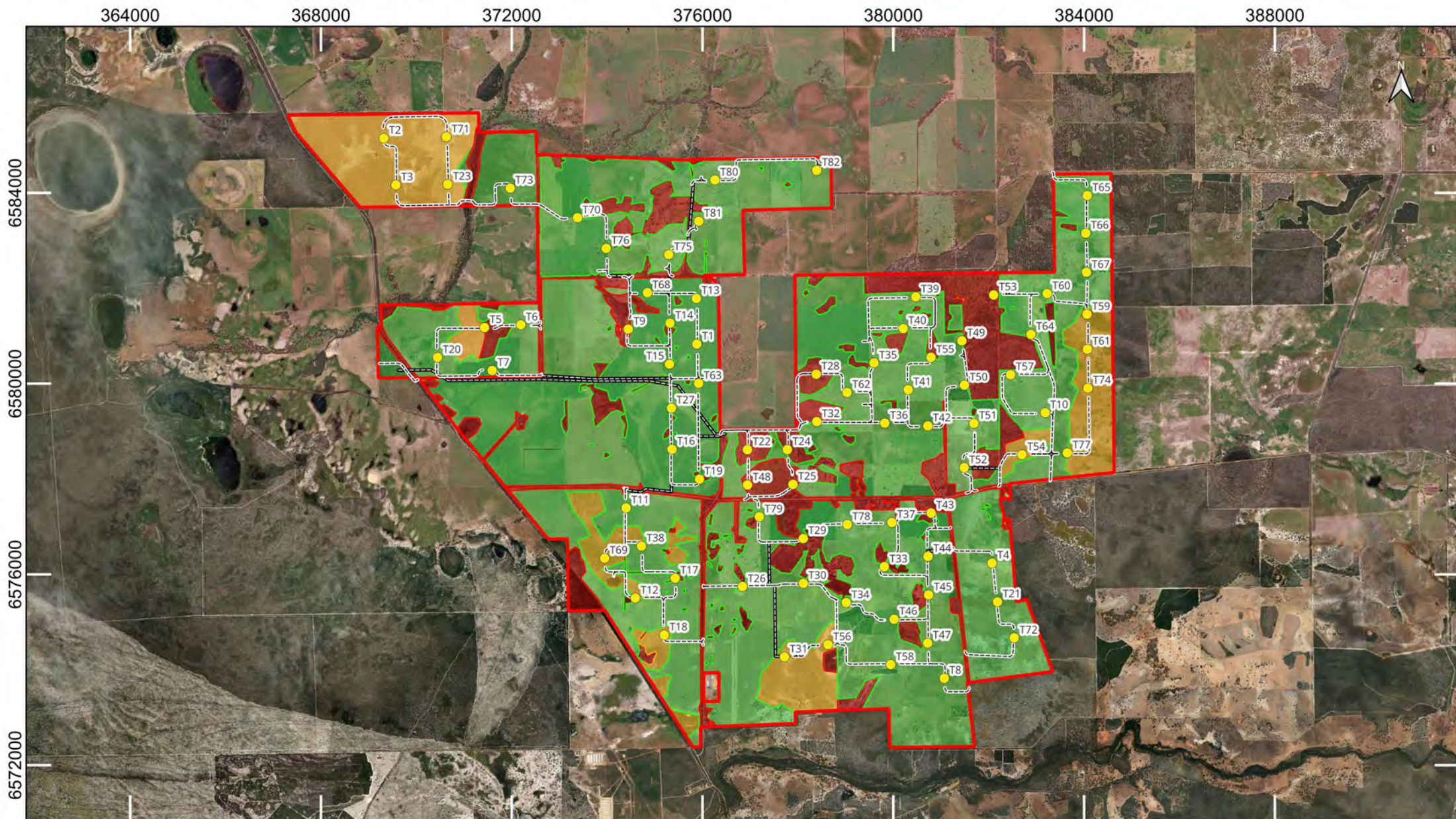
Ranking	Criteria
Very High (no areas identified in the Project Area)	<ul style="list-style-type: none"> <li>Known Aboriginal and historical cultural heritage places and sites</li> <li>Reserves and protected environmental areas considered to be of cultural importance to the Yued people.</li> <li>Registered places of National or State significance.</li> <li>Registered Aboriginal Cultural Heritage Sites considered by the Yued people to be of exceptional or considerable cultural heritage significance.</li> <li>Local heritage places with shared Aboriginal values considered to be of exceptional or considerable heritage significance - Category A and B on the Local Heritage Survey.</li> </ul>
High	<ul style="list-style-type: none"> <li>Registered Aboriginal Cultural Heritage Sites and Lodged or Historic Record Places considered by the Yued people to be of considerable or some cultural heritage significance.</li> <li>Landforms where cultural heritage sites are typically found in the region.</li> <li>Areas with minimal disturbance or impacts to sub-surface soils.</li> <li>More likely to occur where there is undisturbed bedrock and rock formations, along undisturbed watercourses and where there is remnant vegetation.</li> <li>Places identified as being of local heritage significance with Aboriginal values and are included on the Local Heritage List or Survey.</li> </ul>
Moderate	<ul style="list-style-type: none"> <li>Presence of mature trees and vegetation communities, water sources.</li> <li>Cleared areas in the Project Area associated with the Bassendean Dune System and what appear to be former water sources on aerial imagery.</li> <li>Landforms that Aboriginal people are likely to have used, either on an occasional basis or more intensively, but which have since been subject to disturbance from agricultural practices. (Artefacts have been found in cleared paddocks elsewhere in the region, and so land clearing is not necessarily an indicator that an area has been heavily impacted.)</li> <li>Areas that show lower levels of ground disturbance. (The presence or absence of open-air artefact scatters is not necessarily an indicator of sub-surface archaeological potential.)</li> <li>Areas away from previously identified historical sites where Aboriginal people may have lived following colonisation, that are still likely to contain features and artefacts.</li> </ul>
Low	<ul style="list-style-type: none"> <li>Areas located away from previously identified historical heritage places that may still contain historical features and archaeological remains.</li> <li>Areas that have been historically developed following settlement and European colonisation, which may include Aboriginal sites and places or historical places with Aboriginal values.</li> <li>Areas where there is a low likelihood of encountering cultural heritage sites and where modern impacts are high to both the surface and sub-surface soils.</li> <li>Plantations, graded tracks, sealed roads, dams and modern buildings.</li> </ul>

## Turbine Locations and Zones of Cultural Heritage Potential

The proposed locations of turbines within the Project Area intersect with zones of varying Aboriginal Cultural Heritage (ACH) potential, requiring careful consideration of location-specific values and risks. A total of 10 turbine locations are situated within zones of high potential, 13 are within zones of moderate potential, and 58 are within zones of low potential. In addition, one turbine is located within 500 m of Caren Caren Brook, and six turbines are located within walking distance of the wetlands (Map 7. Watercourses and Wetlands Intersecting and Adjacent to the Project Area. Accordingly, they may be subject to higher levels of ACH sensitivity (Map 7).

Turbine locations within zones of high and moderate potential will require a targeted Aboriginal Cultural Heritage survey – archaeological and ethnographic survey – to assess and manage any potential impacts. These surveys will help ensure that culturally significant areas are appropriately identified, protected, and considered in the project planning process, prior to ground disturbance occurring, and provide recommendations for ground disturbance and site works in these areas.

Table 12 in Appendix Four presents the windfarm turbine locations in relation to the assessed zones of ACH potential shown in Map 8 to Map 11.

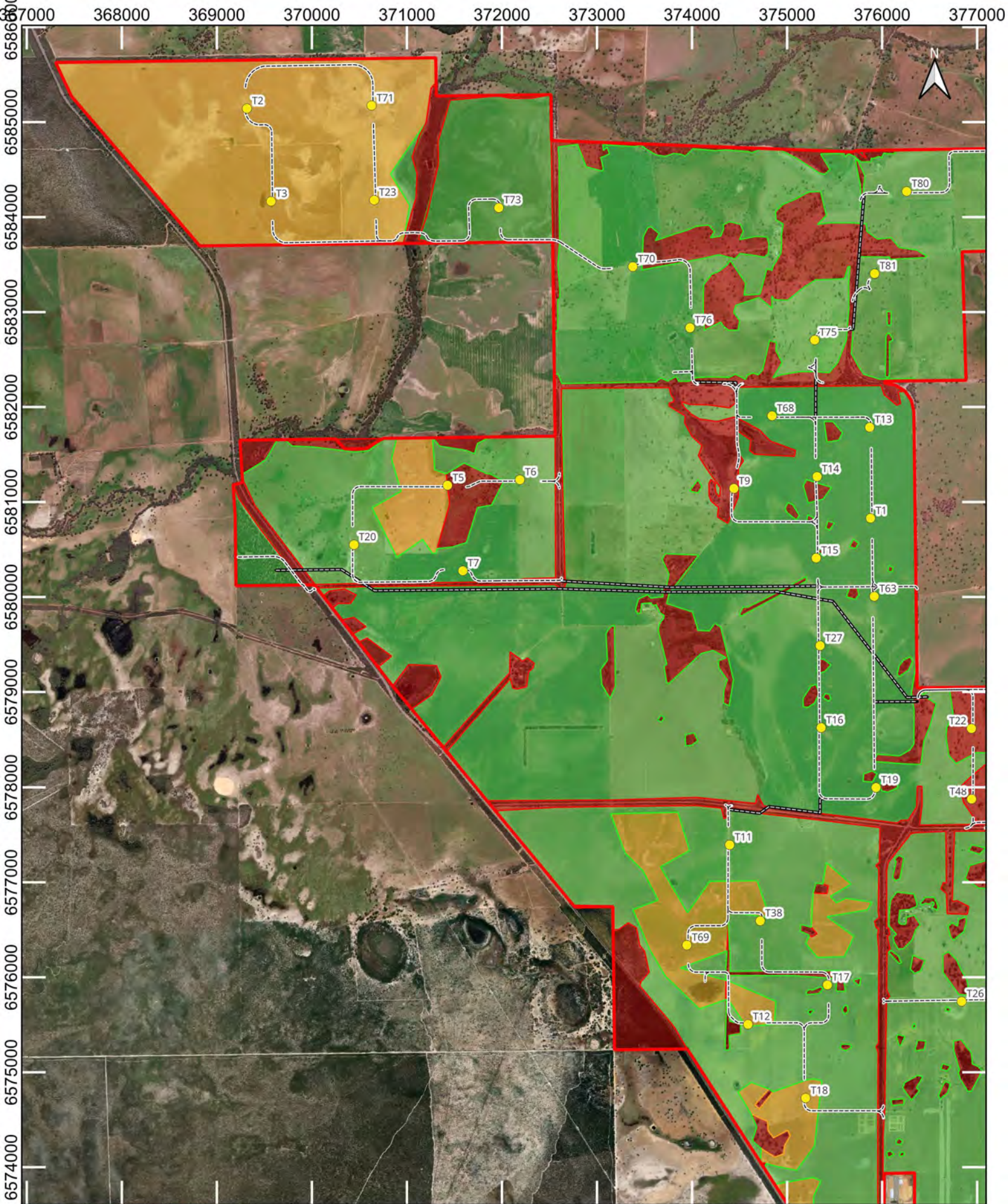


### Legend

<ul style="list-style-type: none"> <li><span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Marri Wind Farm Project Area</li> <li><span style="color: yellow; font-size: 1.2em; margin-right: 5px;">●</span> Turbine Locations</li> <li><span style="border-bottom: 1px dashed black; display: inline-block; width: 20px; margin-right: 5px;"></span> Proposed Infrastructure Lines</li> <li><span style="border-bottom: 1px dashed black; display: inline-block; width: 20px; margin-right: 5px;"></span> Concept Roads</li> </ul>	<h4 style="text-align: center;">Archaeological Potential</h4> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: red; margin-right: 5px;"></span> High</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: orange; margin-right: 5px;"></span> Moderate</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: green; margin-right: 5px;"></span> Low</li> </ul>
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### Map 8. Zones of ACH Potential within the Marri Wind Farm Project Area

Drafted by Victoria Huntley  
 Last updated: 29/08/2025  
 Satellite imagery source:  
 GDA94 / MGA zone 50 (EPSG:28350)



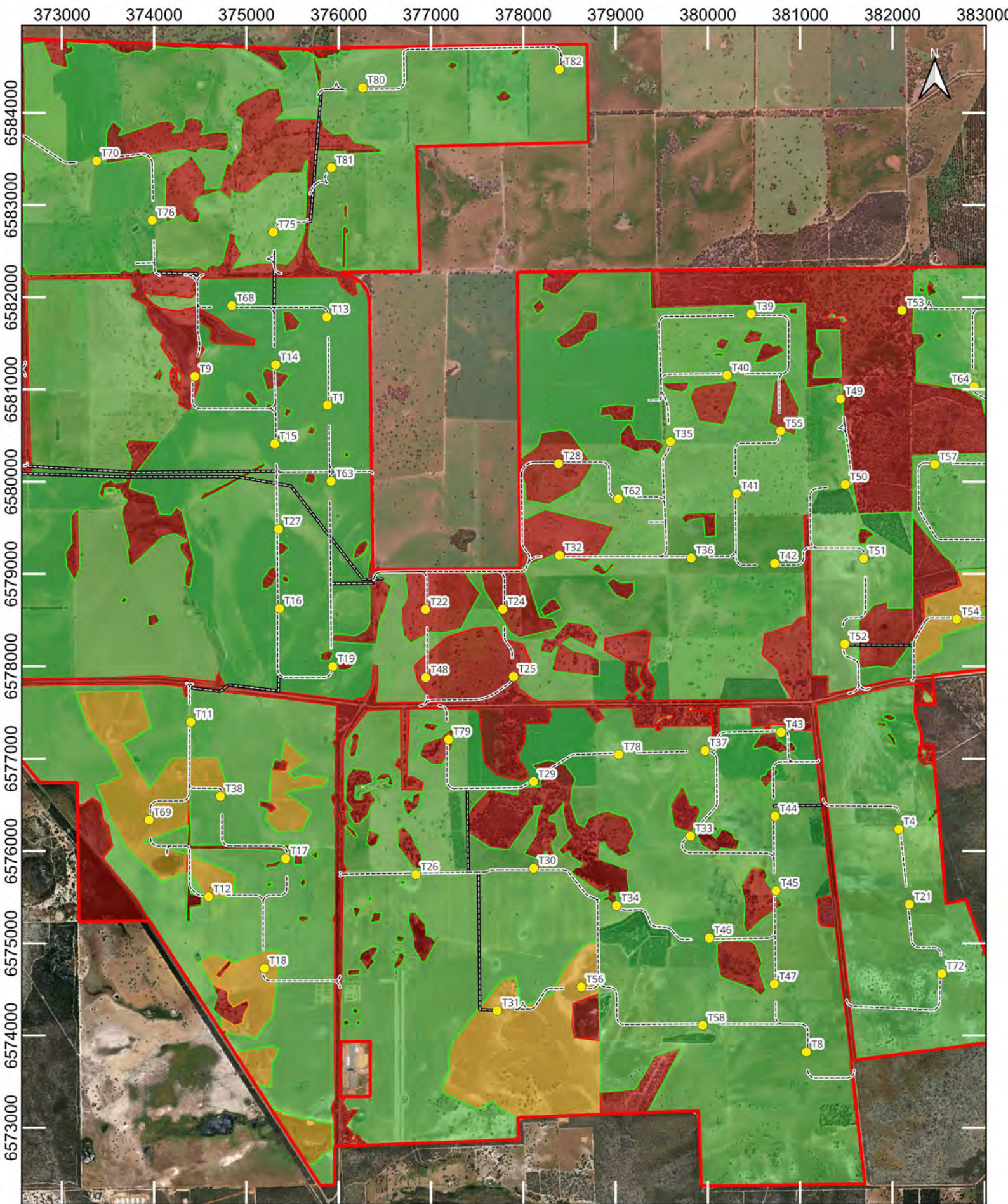
**Legend**

<span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Marri Wind Farm Project Area	<b>Archaeological Potential</b>
<span style="color: yellow; font-size: 1.2em;">●</span> Turbine Locations	<span style="display: inline-block; width: 15px; height: 10px; background-color: red; margin-right: 5px;"></span> High
<span style="border-bottom: 1px dashed white; width: 20px; margin-right: 5px;"></span> Concept Roads	<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; margin-right: 5px;"></span> Moderate
<span style="border-bottom: 2px solid black; width: 20px; margin-right: 5px;"></span> Proposed Infrastructure Lines	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; margin-right: 5px;"></span> Low

**Map 9. Zones of ACH Potential (East)**

0    0.5    1    1.5    2 km

Drafted by Victoria Huntley  
 Last updated: 29/08/2025  
 Satellite imagery source: XXX  
 GDA94 / MGA zone 50 (EPSG:28350)



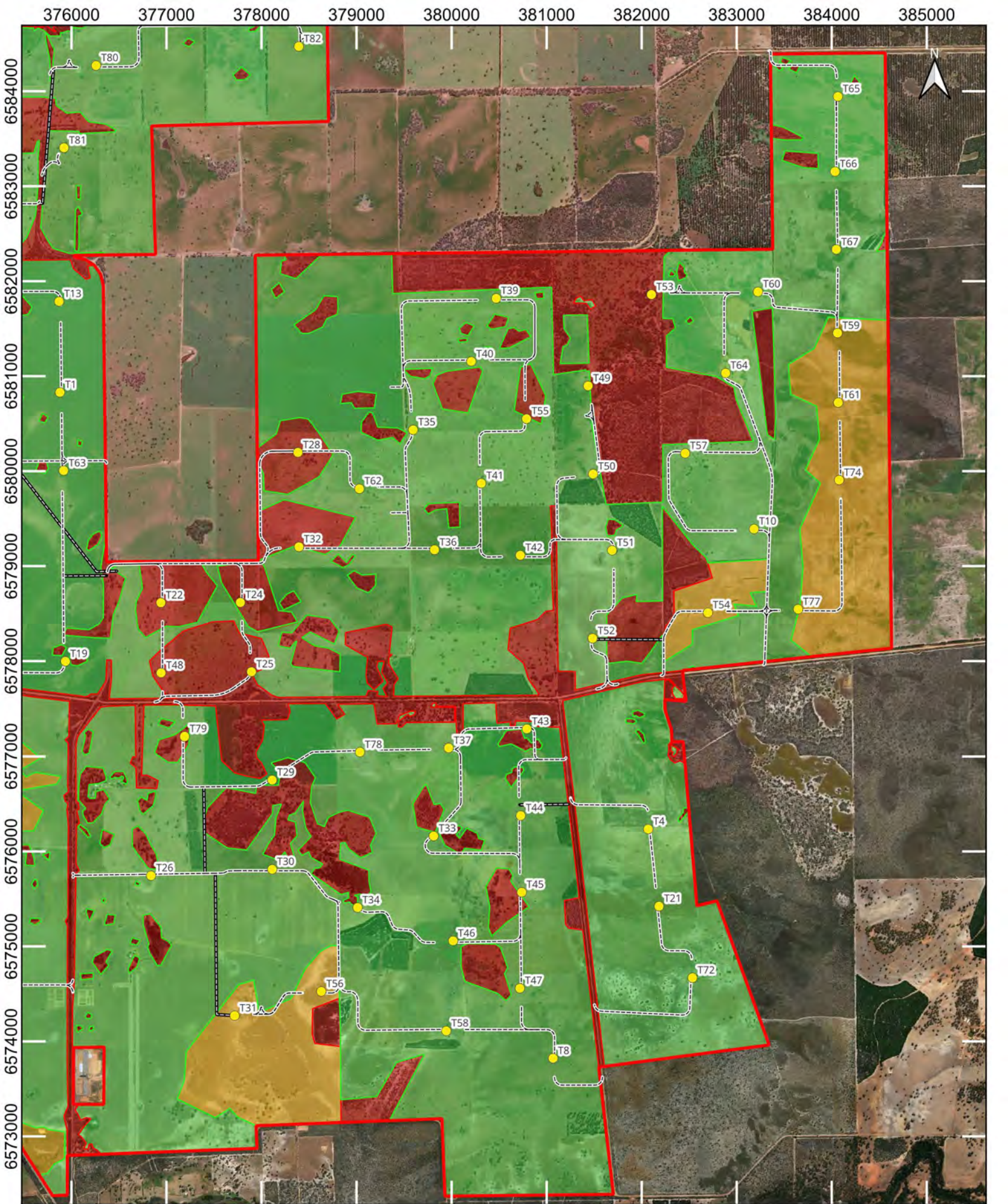
**Legend**

Marri Wind Farm Project Area	Turbine Locations	High
Concept Roads	Proposed Infrastructure Lines	Moderate
		Low

**Map 10. Zones of ACH Potential (Central)**

0 0.5 1 1.5 2 km

Drafted by Victoria Huntley  
 Last updated: 29/08/2025  
 Satellite imagery source: XXX  
 GDA94 / MGA zone 50 (EPSG:28350)



### Legend

<span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px; vertical-align: middle;"></span> Marri Wind Farm Project Area	<span style="color: yellow;">●</span> Turbine Locations	<span style="background-color: #c00000; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> High
<span style="border-bottom: 1px dashed black; width: 20px; display: inline-block; vertical-align: middle;"></span> Concept Roads	<span style="border-bottom: 1px solid black; width: 20px; display: inline-block; vertical-align: middle;"></span> Proposed Infrastructure Lines	<span style="background-color: #ffa500; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Moderate
		<span style="background-color: #90ee90; display: inline-block; width: 15px; height: 10px; vertical-align: middle;"></span> Low

### Map 11. Zones of ACH Potential (West)

0    0.5    1    1.5    2 km

Drafted by Victoria Huntley  
 Last updated: 29/08/2025  
 Satellite imagery source: XXX  
 GDA94 / MGA zone 50 (EPSG:28350)

## Cultural Heritage Risk

Heritage risk refers to the potential for activities associated with a project to impact known or potential heritage values, including Aboriginal cultural heritage, historical sites, and places of social or cultural significance. Assessing heritage risk is an important component of due diligence, ensuring that potential impacts are identified, understood, and appropriately managed in line with legislative requirements and community expectations. The criteria used to assess heritage risk as part of this Due Diligence Assessment is outlined in Table 10 and *Aboriginal Heritage Due Diligence Guidelines* (Department of Aboriginal Affairs and Department of the Premier and Cabinet, 2013) in Appendix Five.

### Risk Assessment

#### Aboriginal Cultural Heritage

Using the risk matrix (Table 10) and the *Aboriginal Cultural Heritage Due Diligence Guidelines*, the level of risk for Aboriginal Cultural Heritage (ACH) can be categorised as low, medium, or high, with corresponding actions required.

Based on the assessment of ACH potential (Table 9), there is a **high and moderate potential** for encountering ACH within the Project Area, particularly in areas identified as *Minimally* and *Moderately Altered Environments*. These include bushland, watercourses, and areas associated with former wetlands or smaller vegetation communities. All remaining areas are assessed as having low archaeological potential due to historic disturbances; however, it is important to note that ethnographic values may be present in all environments. Intangible heritage is not extinguished by clearing or development, though it may be impacted by such activities.

The proposed impacts associated with the Marri Wind Farm 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.

If *Significant* or *Major Ground Disturbance* is proposed in *Minimally* or *Moderately Altered Environments*, there is a **medium to high risk** of impacting potential ACH within the Project Area without further field investigation. While Table 10 indicates a similar risk level for *Significantly Altered Environments*, this has been moderated by regional survey evidence suggesting that tangible ACH is less common in heavily cultivated landscapes, except in proximity to water sources.

#### Historical Heritage

There is a **low to negligible risk** of impacting historical heritage places, as none are listed within the Project Area on either the Shire of Dandaragan Local Heritage Survey or the Heritage Council of Western Australia State Register of Heritage Places (Table 7). Ground-truthing areas within the construction footprint will provide additional information about the historical archaeology of the area and may help refine the risk level.

#### Summary

As this risk assessment is based on a desktop assessment of the Project Area only, with inherent limitations, targeted archaeological and ethnographic surveys, prioritising areas of high and moderate ACH potential within the construction footprint within the Project Area will be able to confirm the presence or absence of Aboriginal and historical cultural heritage, and thus further mitigate any risk of disturbance to potentially significance cultural heritage during groundworks, construction and operation of the Marri Wind Farm.

Table 10. 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).

## Cultural Heritage Mitigation and Management Measures

Effective management of cultural heritage requires strategies that both minimise risk to heritage values and, in the case of Aboriginal Cultural Heritage, ensure Traditional Owners are actively involved in decision-making about Country. Mitigation and management measures for the Project will be guided by the results of archaeological and ethnographic surveys, undertaken with the participation of Yued Traditional Owners. These measures aim to avoid or reduce impacts on tangible and intangible cultural heritage wherever possible, provide clear protocols for unexpected finds, and establish culturally appropriate processes for consultation, monitoring, and ongoing stewardship throughout the life of the Project.

### 1. Yued Heritage Protection Agreement and Activity Notice

Alinta Energy has signed a Yued Heritage Protection Agreement for the Project with Yued Aboriginal Corporation (YAC), which outlines the process and requirements for protecting and managing Aboriginal Cultural Heritage within the Yued Indigenous Land Use Agreement area. In line with this agreement, Alinta should submit an Activity Notice to YAC, providing an overview of the Proposal, a description of activities to be undertaken prior to and during ground disturbance works and as part of the operation of the Marri Wind Farm, and outlining the requirement for archaeological and ethnographic surveys within certain sections of the Project Area, stipulating the survey type (see below) and appending a copy of this Due Diligence Assessment.

#### Contact Details

##### *Yued Aboriginal Corporation*

YAC manage some heritage surveys undertaken on Yued Country and directly engages heritage consultant(s), including archaeologists and anthropologists, to undertake these assessments. In some instances, YAC may request a heritage consultant to manage the heritage survey, including logistics and Yued Traditional Owner engagement. Alinta should contact YAC in the first instance to submit an Activity Notice and to arrange heritage surveys either with YAC or their nominated heritage consultant.

[kaya@yued.org.au](mailto:kaya@yued.org.au)

(08) 9420 7253

##### *South West Aboriginal Land and Sea Council*

SWALSC provides legal and administrative services on behalf of some Aboriginal Corporations within the South West Native Title Settlement determination. In some instances, they are responsible for processing Heritage Agreements and Activity Notices. At the time of writing, YAC are the primary contacts for processing Yued Heritage Protection Agreements and organising on-Country heritage surveys.

[legal.team@noongar.org.au](mailto:legal.team@noongar.org.au)

(08) 9358 7400

##### *Department of Planning Lands and Heritage (South West Native Title Settlement Heritage)*

[swsheritage@dplh.wa.gov.au](mailto:swsheritage@dplh.wa.gov.au)

(08) 6551 7985

## 2. Aboriginal Cultural Heritage Field Assessments

Targeted cultural heritage field surveys should be undertaken across all areas of proposed disturbance, prioritising the zones of high and moderate ACH potential as delineated in Map 8 to Map 11, with the active participation of Yued Traditional Owners. These surveys will identify and document tangible and intangible cultural values within the Project Area, ensuring culturally significant places are considered before ground disturbance occurs. The surveys will refine the areas of ACH potential and better assess the risk of the Proposal. Where surveys identify areas of high potential for subsurface archaeological deposits, test excavations may be carried out to assess the extent, integrity, and significance of these deposits.

### Archaeological Survey

Tangible (archaeological) heritage refers to physical cultural material that may remain at a place with past usage. To identify potential tangible heritage, the archaeological field assessment should inspect any areas of high and moderate potential. The survey should sample areas of low potential for ACH, that may be used as part of the proposed development, including construction sites, turbine locations, laydown pads, access tracks, temporary and permanent sumps, swales and other run-off management, temporary works camps or yards, and any other element of the project that requires ground disturbance. As such, the entire Project Area need not be subject to field assessment, only those parts that may be subject to such proposed earthworks.

### Ethnographic Survey

Intangible (ethnographic) heritage refers to traditions, rituals, beliefs, knowledge, skills and practices that communities recognise as part of cultural identity. Despite previous disturbances across some Project Area, intangible heritage is rooted in practices and community rather than physical sites; therefore, intangible heritage may exist in areas of heavy disturbance. Practices may occur and be associated with physical sites such as rivers and granite rocks; transmission of knowledge may not necessarily be tied to those sites. For example,

- ▶ Oral storytelling traditions exist independently of the physical location where they are told. A shift in venue does not diminish the tradition itself.
- ▶ Rituals and ceremonies can be adapted to new environments or circumstances without losing cultural significance.

Intangible heritage is maintained by communities of people adapting and practising cultural heritage within their environment. Stories tied to significant waterways still exist within communities' shared consciousness even after a waterway is disturbed or destroyed. Disturbances to tangible heritage can also lead to renewed conservation of the intangible values associated with the place. Researching, documenting and sharing the intangible values of a place that has been impacted by development can lead to projects that ensure the continuity of intangible values within the developed landscape.

To identify intangible heritage, the ethnographic field assessment should consider the ethnographic values of the entire Project Area; however, inspections should focus on areas of proposed earthworks. Yued Knowledge Holders should direct the survey to inspect any place of ethnographic importance that might be affected by the proposed Marri Wind Farm. While the broader Project Area will be considered, surveys will only be conducted in areas where land access has been granted, with priority given to zones of high and moderate ACH potential. If ethnographic sites are identified that extend beyond the construction footprint, their boundaries will be determined in consultation with Yued Knowledge Holders.

Furthermore, any landforms such as rocky outcrops and water sources within the Project Area that were not able to be identified on the aerial imagery but become apparent during the survey should be targeted regardless of the desktop risk assessment zoning, where reasonable and feasible.

### Survey Types

There are two categories of survey and recording for Aboriginal Cultural Heritage in Western Australia – Site Avoidance and Site Identification.

A **Site Avoidance** level survey can be undertaken in instances where the Project allows for works to be placed at locations which will avoid any identified ACH across the Project Area. The level of recording undertaken during these surveys outlines the location, extent, and type of ACH across the Project Area. ACH sites recorded to Site Avoidance level often have their boundaries amended and extended during further detailed recording, such as Site Identification level.

**Site Identification** level surveys are undertaken where impact to ACH cannot be avoided. The level of recording and Traditional Owner consultation is more detailed in order to undertake significance assessments. Appropriate consultation with Traditional Owners and significance assessments are required for section 18 applications under the *Aboriginal Heritage Act 1972*. Failure to undertake these tasks can result in the rejection of section 18 approval to impact ACH.

### 3. Risk Assessment Update and Mitigation

Following the field surveys, the risk assessment presented in this Due Diligence Assessment should be updated to establish a more accurate risk profile for the Proposal, and strategies for managing risks to cultural heritage posed by the project.

Based on the results of the ACH assessment, if ACH places are within the proposed development areas, then the project should be redesigned to **avoid disturbance to these places**. If the development cannot be redesigned to avoid these places and the impact to identified ACH places is **unavoidable**, then the proponent should seek section 18 approval under the AHA and develop a Cultural Heritage Management Plan with input and approval from Yued Aboriginal Corporation.

### 4. Cultural Heritage Management Plan

If requested by Yued Traditional Owners during the surveys, by YAC or the Department of Planning, Lands and Heritage or other regulatory authority, Alinta should prepare a Cultural Heritage Management Plan for the Project, in consultation with Yued Traditional Owners and YAC.

### 5. Historical Heritage Management

There is a low potential for historical heritage to be present within the Project Area, as no places are listed on the Local Heritage Survey or the State Register of Heritage Places. However, given the scale of the project and the extent of earthworks, it is still possible that historical heritage sites or features could be affected. If such sites are encountered during ACH surveys or groundworks, Alinta should consult the local government authority and the Department of Planning, Lands and Heritage (DPLH) to determine whether disturbance is permissible and identify any requirements to be met prior to disturbance. Any historical places uncovered should be documented to archaeological industry standards before any ground disturbance occurs.

## SECTION FOUR – DISCUSSION AND RECOMMENDATIONS

### Discussion

The desktop Due Diligence Assessment and search of the DPLH ACHIS database revealed that one Registered Aboriginal heritage place intersects the boundary of the Project Area, being *Gingin Brook Waggyl Site / ID 20008* (Camp; Creation/Dreaming Narrative; Historical; Hunting Place; Plant Resource; Water Source). Additionally, there are two (2) Lodged Cultural Heritage Places and one Historic Cultural Heritage Place intersecting the Project Area: *NATGAS 133 / ID 5214* (Artefacts/Scatter), *GAS PIPELINE 81 / ID 5484* (Artefacts/Scatter), and *Moore River Pools (PCE-06) / ID 18083* (Hunting Place; Plant Resource; Water Source).

While there is only one Registered Site located within the Project Area, and three previously recorded sites, there have been few archaeological and ethnographic surveys or investigations undertaken in the northern Wheatbelt in the Dandaragan and Gingin regions. As such, the DPLH ACHIS database is not an accurate reflection of the Aboriginal cultural heritage potential in the area.

This DDA has assessed the potential for site types in the Project Area based on a search of heritage registers (ACHIS and inHerit), and assessment of the environmental, ethnographic, archaeological and historical context for the Dandaragan area, Swan Coastal Plain and wider South West region of Western Australia, where appropriate. As a result, the desktop assessment has determined high, moderate and low potential for encountering Aboriginal Cultural Heritage within the Project Area and a low to negligible potential for historical heritage, as outlined in Table 8 and detailed in zones of heritage potential on Map 8 to Map 11.

Field assessments are required to ground-truth findings of the initial desktop searches and review undertaken for this report.

### Recommendations

Based on the results of the desktop Aboriginal and historical Due Diligence Assessment, Archae-aus recommends that:

#### *Yued Heritage Protection Agreement and Activity Notice*

1. Alinta Energy should submit an Activity Notice to Yued Aboriginal Corporation (YAC), in line with their Yued Heritage Protection Agreement, which will enable YAC to provide a list of names for Yued Traditional Owners to participate in the heritage field assessments for the Project. The proponent may choose to submit one or multiple Activity Notices for different project phases, either by covering the entire Project Area at once or by focusing on individual areas sequentially.

#### *Aboriginal and Ethnographic Surveys*

2. Archaeological and ethnographic field surveys are required to ground truth the results of initial desktop searches and the review outlined in this Due Diligence Assessment.

3. The archaeological survey should be undertaken for all zones of high and moderate ACH archaeological potential within the Project Area that will be subject to ground disturbance works, where reasonable and feasible.
4. An ethnographic survey should be undertaken for the entire Project Area, prioritising areas of high and moderate ACH potential that will be impacted during ground disturbance works, where reasonable and feasible, during or following the archaeological survey.
5. The archaeological and ethnographic survey should also sample areas of low ACH potential which will be impacted by the proposed works, including all turbine locations, access tracks, earthworks and other infrastructure areas, as requested by Yued Traditional Owners.
6. The survey design should follow archaeological and ethnographic best practice guidelines and be developed by the archaeologists and anthropologists before the survey, and include any input from the Yued Traditional Owner representatives during the survey.
7. Any culturally sensitive landforms not visible on the aerial imagery that may be identified during the surveys, such as rocky outcrops, ochre outcrops and waterways, should be examined regardless of the level of ACH potential assessed in this report.

#### *ACH Management and Mitigation*

8. All Aboriginal Cultural Heritage, including archaeological and ethnographic sites recorded during the heritage surveys, should be lodged with DPLH, with agreement of Yued Traditional Owners and YAC.
9. All previously recorded Aboriginal Cultural Heritage sites and places on the ACHIS register, known sites not included on the register and any newly recorded Aboriginal Cultural Heritage sites and places should be avoided.
10. If ACH is located within the proposed development areas, then the project should be redesigned to avoid disturbance to these places.
11. Should ground disturbance works not be able to avoid ACH places, a section 18 application for consent to disturb these places (for significant impacts and harm to Aboriginal sites) may be required.
12. If requested by YAC or the Yued Traditional Owners, a Cultural Heritage Management Plan should be prepared, with additional consultation undertaken with Yued Knowledge Holders as required.
13. If required, a Heritage Impact Assessment should be completed for Aboriginal Cultural Heritage and social surroundings as part of a Development Application or referral for the Project under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cwth) and the *Environmental Protection Act 1986* (WA).

#### *Historical Heritage Management and Mitigation*

14. Any indirect impacts on adjacent historical heritage places included on the Local Heritage Survey should be mitigated, noting that there are no listed historical heritage places within the Project Area.

15. If historical heritage is encountered during the ACH surveys or ground works, the Project must consult with the Shire of Dandaragan and the Department of Planning, Lands and Heritage (DPLH) to determine whether disturbance may proceed and to identify any requirements that must be met prior to disturbance. Any historical places uncovered should be documented to archaeological industry standards before any ground disturbance occurs.

## REFERENCES

- Anderson, J. (1984) *Between Plateau and Plain. Flexible Responses to varied Environments in Southwestern Australia, Occasional Papers in Prehistory*. Canberra: Research School of Pacific Studies, ANU.
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# APPENDIX ONE – 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 Marri Wind Farm Project Area. It details WA State and Commonwealth legislation and processes in relation to Aboriginal 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](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<sup>11</sup>’.*

### 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

<sup>11</sup> <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.

## 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’<sup>12</sup>.

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*“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.”*

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#### Local Planning Scheme and Strategies

##### *Shire of Dandaragan Local Planning Scheme No.7 2012*

The northwest part of the Project Area is located within the Shire of Dandaragan and the Shire’s planning scheme and strategies apply. The proposed Marri Wind Farm project is consistent with the Shire of Dandaragan’s investment in renewable energy production, with new and major investments in solar and wind renewable projects being undertaken across the Shire:

*Envision 2029 Shire of Dandaragan Local Planning Strategy document* (available at <https://www.dandaragan.wa.gov.au/services/building-and-development/schemes-and-strategies.aspx>).

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<sup>12</sup> [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)

The *Shire of Dandaragan Local Planning Scheme No. 7* facilitates the conservation of places of heritage value and provides for development to occur in conjunction with heritage values.

Specifically:

- ▶ Establish a list of places and areas of cultural heritage significance in which development will be subject to assessment in terms of its impact on heritage values of the place or area.
- ▶ Recognise and take into account sites of historical heritage significance in the consideration of rezoning, subdivision and development in both the urban and rural sectors.
- ▶ Acknowledge the Yued Noongar people as the designated Native title holders following the determination of the South West Native Title Agreement.
- ▶ Review the existing Heritage List as per clause 8 of the deemed provisions of the Regulations and incorporate into the Scheme.
- ▶ Introduce provisions into the Scheme to facilitate protection of places and areas identified on the Shire's Heritage List.
- ▶ Ensure sites of cultural heritage are reflected in the Scheme and provide guidance concerning land use planning requirements for these sites.
- ▶ Acknowledge and work with the Yued Noongar people as designated Native Title holders to understand their requirements in regard to land use planning.

#### *Shire of Dandaragan Local Heritage Survey Management Categories*

The Shire of Dandaragan's management categories are summarised in the Local Heritage Survey and are consistent with the State Heritage Office document *Criteria for Assessment of Local Heritage Places and Areas* (Table 11).

**Table 11. Shire of Dandaragan Heritage Management Categories**

Category	Level of Significance	Desired Outcome
1	Exceptional Significance Essential to the heritage of the locality. Rare or outstanding example. Recommended for inclusion on the State Register of Heritage Places.	A place of exceptional cultural heritage significant to Shire of Dandaragan and the state of Western Australia, that is either <b>in the Heritage Council of Western Australia's Register</b> , or worthy of consideration for entry into the Register.  The place should be retained and conserved. Full consultation with the property owner/s prior to making the recommendation.  A development application needs to be submitted to the Heritage Council for approval for any proposed development. Include on the Local Planning Scheme Heritage List.
2	Considerable Significance These places are very important to the heritage of the locality and are essential for understanding the local history.	A place of considerable cultural heritage significance to Shire of Dandaragan that is worthy of recognition and <b>protection through provisions of the Shire of Dandaragan's Town Planning Scheme</b> .  Planning application needs to be submitted to Shire of Dandaragan for any proposed development. Retain and conserve the place.
3	Some/Moderate Significance These places contribute to the heritage of the locality and help tell the story of its development.	A place of some cultural heritage significance to Shire of Dandaragan. No constraints. Encourage retention of the place, and document the place if retention is not possible.

4	<p>Little significance</p> <p>These places have elements or values worth noting for community interest but may not be essential for understanding the local history.</p>	<p>A site without built features, but of some cultural heritage significance to Shire of Dandaragan. No constraints. Interpret the place.</p>
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## 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 and HA also refer 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.

#### 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:

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*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.*

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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*:

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*... 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.*

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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 and 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 Council on Mining and Metals – Good Practice Guide: Indigenous Peoples and Mining*

In realising the need for more meaningful involvement of Aboriginal peoples in decision making processes affecting their heritage, the International Council on Mining and Metals (ICMM, 2015: 19) has outlined 'meaningful involvement in project decision-making', as follows:

- ▶ Develop a shared understanding of affected indigenous groups in terms of their culture, spirituality, organizational and decision-making structures, claims and rights to lands, values, concerns and history, including previous experiences with state-led decision-making processes and with mining or other development projects.
- ▶ Collaboratively develop an effective means to ensure that Indigenous Peoples are informed about and understand the full range (short, medium and long term) of potential environmental, social and health impacts from a mining project on their community, and any benefits it may offer across the full project cycle. Companies should also seek to communicate the perspectives of relevant stakeholders on proceeding with the project (both positive and negative). It is good practice for local stakeholders to hear the views of other people about the project (e.g. from non-governmental organizations (NGOs), government bodies, academics, industry experts and other communities that have dealt with the company) where they may be able to usefully contribute additional information or perspectives. If requested and appropriate, companies should also consider providing Indigenous Peoples with the means to engage independent information-gathering experts of their own choice.
- ▶ Agree on appropriate decision-making processes for the ongoing involvement of Indigenous Peoples, which are based on a respect for customary decision-making processes and structures. ... Companies will need to spend time in gaining an understanding of the complexities and dynamics of such local processes and structures, as well as any differences or divisions that may exist within communities, in order to achieve the most representative outcomes.
- ▶ Ensure that the involvement of Indigenous Peoples is inclusive and captures the diversity of views within and between communities (rather than only community leaders' views), and constructively engages with affected Indigenous Peoples to address any concerns they may have that the principle of inclusivity might undermine customary decision-making processes. Companies should also ensure that their engagement is characterized by openness and honesty, and could not be construed as involving coercion, intimidation or manipulation.
- ▶ Agree acceptable timeframes to make decisions throughout the lifetime of the project, taking into consideration logistics, local customs, commercial requirements and time needed to build trusting relationships. Ensure that it is clear how the timetable for involvement links into when project decisions are made. Potentially impacted Indigenous Peoples' initial involvement should be sought well in advance of commencement or authorization of activities, taking into account Indigenous Peoples' own decision-making processes and structures.
- ▶ Agree on the terms and conditions for the provision of any ongoing community support with affected indigenous stakeholders and any associated reciprocal obligations.
- ▶ Record the process and decisions reached where Indigenous Peoples are involved, including the results of any monitoring or reviews, to provide a record for current or future generations who may be affected by the decisions, and to ensure transparency in the decision-making process.
- ▶ Support indigenous communities' capacity to engage in decision making, for example by providing access to independent expert advice where appropriate, capacity building, facilitation and mediation, or involving external observers. Capacity-building efforts can be included as an element of an Indigenous Peoples' development plan, which aims to enhance benefits and minimize the adverse effects of a project on significantly impacted Indigenous Peoples.

Such principles should inform the co-development of Cultural Heritage Management Plans with Aboriginal individuals and communities in the contemporary context.

### *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:

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*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).*

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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 immoveable 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:

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*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).*

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### *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.

## APPENDIX TWO – 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 12. 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).<sup>13</sup>

**Table 12. 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	<p>A report can be relied upon for the purposes of a desktop or due diligence assessment where:</p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) it can be demonstrated that the report has been subsequently endorsed or agreed to by the Aboriginal party and/or;</li> <li>(b) 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.</li> </ul>
2. The report must relate to tangible (archaeological) and/or intangible (anthropological) elements of Aboriginal cultural heritage	<p>The report must relate to the tangible (archaeological) and/or intangible (anthropological) elements of Aboriginal cultural heritage.</p> <p>This may have been reported through an archaeological and/or anthropological surveys. A single report or multiple reports may address both of these elements.</p> <p>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.</p>
3. The report must include a clear statement as to the presence of Aboriginal cultural heritage	<p>The report must contain a clear statement as to:</p> <ul style="list-style-type: none"> <li>(a) whether or not Aboriginal cultural heritage is located in the proposed activity area; or</li> <li>(b) whether areas have been cleared or approved for activities to be undertaken.</li> </ul>
4. The area covered by the report(s) must completely cover the proposed activity area	<p>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:</p> <p>The proposed activity area must be covered by an Aboriginal cultural heritage report(s). Multiple reports (collectively) can cover the activity area.</p> <p>Further, where a report completely covers the proposed activity area but is regional in scope and does not specifically relate to the proposed activity area or proposed activity, the report cannot be relied upon.</p>
5. The scope of activities for which the report was completed must correspond to the proposed activity	<p>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.</p> <p>The above does not apply if the report contains a clear statement that Aboriginal cultural heritage is not located in the proposed activity area.</p>

<sup>13</sup> 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 THREE – PROJECT AREA COORDINATES

**Please note:** the proposed Marri Wind Farm Project Area shapefile provided to Archae-aus by Aurecon includes a very large number of coordinate points. The corresponding zones of ACH potential, therefore, also have tens of thousands of coordinate points. Due to the size of the data package, these coordinates are not listed in the Appendix. Please refer to the maps and geospatial data submitted with this report for further information on the Marri Wind Farm Project Area and the zones of ACH potential for more information. If required, Archae-aus can provide a table of precise coordinates as an Excel spreadsheet on request.

## APPENDIX FOUR – TURBINE LOCATIONS AND ASSOCIATED ACH POTENTIAL

The Marri Wind Farm turbine locations and their corresponding assessed zones of Aboriginal Cultural Heritage potential are presented in Table 13. This table outlines the spatial relationship between the proposed infrastructure and areas identified as having potential cultural heritage values.

Table 13. Turbines and associated Aboriginal Cultural Heritage Potential

Turbine Name	Easting	Northing	Zone of ACH Potential
T1	375880.291	6580830.423	Low
T2	369318.231	6585145.220	Moderate
T3	369571.487	6584167.129	Moderate
T4	382070.606	6576236.180	Low
T5	371428.927	6581176.775	High
T6	372190.312	6581235.401	Low
T7	371590.062	6580276.596	Low
T8	381069.365	6573822.452	Low
T9	374442.533	6581142.755	High
T10	383184.369	6579391.683	Low
T11	374398.051	6577394.547	Low
T12	374590.972	6575504.654	Moderate
T13	375871.510	6581787.814	Low
T14	375318.154	6581268.814	Low
T15	375308.007	6580410.920	Low
T16	375360.465	6578625.090	Low
T17	375426.362	6575919.654	Low
T18	375197.466	6574728.312	Moderate
T19	375937.907	6577997.844	Low
T20	370444.506	6580551.124	Low
T21	382184.310	6575423.757	Low
T22	376942.327	6578615.828	High
T23	370657.315	6584180.370	Moderate
T24	377778.595	6578618.090	High
T25	377895.884	6577888.189	High
T26	376838.882	6575745.398	Low
T27	375349.775	6579488.251	Low
T28	378384.532	6580197.920	High
T29	378113.225	6576752.854	Low
T30	378113.924	6575812.214	Low
T31	377718.283	6574271.311	Moderate
T32	378395.875	6579203.939	High
T33	379812.968	6576162.795	Low
T34	379012.521	6575409.818	Low
T35	379596.731	6580435.875	Low
T36	379821.407	6579172.918	Low
T37	379971.049	6577090.193	Low
T38	374719.906	6576594.356	Low
T39	380471.157	6581820.366	Low

T40	380209.018	6581155.806	Low
T41	380313.906	6579872.456	Low
T42	380724.878	6579114.507	Low
T43	380793.345	6577286.492	Low
T44	380728.958	6576377.966	Low
T45	380739.323	6575570.614	Low
T46	380017.240	6575059.304	Low
T47	380720.196	6574559.555	Low
T48	376944.114	6577876.820	High
T49	381438.239	6580898.635	Low
T50	381490.726	6579970.135	Low
T51	381690.480	6579166.925	Low
T52	381485.797	6578240.292	Low
T53	382104.492	6581860.536	High
T54	382698.776	6578510.353	Moderate
T55	380790.359	6580552.195	Low
T56	378630.267	6574525.876	Moderate
T57	382459.483	6580188.116	Low
T58	379945.655	6574110.651	Low
T59	384063.020	6581455.496	Moderate
T60	383225.498	6581889.477	Low
T61	384070.534	6580723.115	Moderate
T62	379031.333	6579815.175	Low
T63	375918.811	6580006.918	Low
T64	382885.848	6581033.420	Low
T65	384067.160	6583945.917	Low
T66	384036.159	6583155.767	Low
T67	384050.380	6582336.019	Low
T68	374843.712	6581908.741	Low
T69	373947.415	6576338.933	Moderate
T70	373378.929	6583479.031	Low
T71	370629.281	6585175.947	Moderate
T72	382536.733	6574670.250	Low
T73	371968.430	6584100.047	Low
T74	384079.674	6579907.080	Moderate
T75	375292.622	6582706.830	Low
T76	373980.530	6582835.484	Low
T77	383648.480	6578547.203	Low
T78	379037.268	6577046.525	Low
T79	377191.593	6577209.327	High
T80	376260.255	6584272.152	Low
T81	375922.766	6583406.065	Low
T82	378393.599	6584472.856	Low

## APPENDIX FIVE – LAND USE RISK CATEGORIES

**Table 14. Land use risk categories and consequences of impact on Aboriginal and historical heritage**

Risk Category	Relevant Activities	Consequences of Impact on Aboriginal and Historical Heritage
Negligible	<p>Non-invasive recreational activities, including low impact exercising</p> <p>Walking over the site</p> <p>Photographing or filming the site</p> <p>Magnetic surveys</p> <p>Use of existing tracks, carparks, stairs and other public infrastructure and facilities</p> <p><b>Environmental monitoring (provided that it doesn't involve test pitting)</b></p> <p>Water and soil sampling using hand-held instruments</p> <p>Spatial measurements</p> <p>Scientific research using non-invasive handheld tools</p>	<p>No impact on potential Aboriginal heritage. These types of activities should be discouraged where there are known Aboriginal heritage sites in the area.</p> <p>No impact on potential historical heritage, although walking over /through artefact scatters, dump sites or buildings in poor condition should be avoided.</p>
Minimal	<p>Fossicking</p> <p>Maintenance of existing paths, walls, roads and tracks.</p> <p>Maintenance of public infrastructure such as water, sewerage and electricity</p> <p>Maintenance of community utilities within existing disturbance footprints</p> <p>Feral animal eradication, weed, vermin and pest control</p> <p>Vegetation control</p> <p>Fire control</p> <p>Light vehicle access</p> <p>Camping</p>	<p>Isolated damage to potential Aboriginal and Historical Heritage that might be able to be rectified.</p> <p>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.</p>
Moderate	<p>Maintenance of infrastructure that may disturb the banks of a watercourse</p> <p>New fire breaks</p> <p>Road or car park widening within existing corridor</p> <p>Re-vegetation</p> <p>Temporary power lines, material stockpiles and camps</p> <p>Construction that does not involve ground disturbance<sup>14</sup></p> <p>The excavation of soil for footings</p> <p>Surface vegetation clearing</p>	<p>Damage to potential Aboriginal Heritage that may or may not alter its heritage significance; however, it 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)</p> <p>Damage to potential Historical Heritage that may alter its</p>

<sup>14</sup> Excavation for footings or levelling the ground for concrete pads, for example.

Risk Category	Relevant Activities	Consequences of Impact on Aboriginal and Historical Heritage
		significance, depending on the condition of a place, and any heritage listing. These activities should be avoided in areas that have not been heritage cleared (i.e. through a desktop assessment or survey – where applicable). Consultation with the relevant local government and/or DPLH is required.
Significant	<ul style="list-style-type: none"> <li>Creation of new roads, borrow pits or tracks</li> <li>New public access ways, bridges, constructions with sub-surface footings and erosion levies</li> <li>Intensive soil/core sampling</li> <li>New pipelines and service trenches</li> <li>Significant land reclamation works</li> <li>Major landscaping and contouring, which involve earthworks</li> <li>Major activities that involve subsurface impacts (&gt;100 mm), salvage of heritage materials and features, and/or alterations to any existing heritage features</li> <li>Removal of asphalt using machinery and/or heavy equipment, which is likely to damage the underlying soil</li> </ul>	<p>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.</p> <p>Permanent damage to potential Historical Heritage that would alter its heritage significance. To be strictly avoided in known historical heritage places. Consultation with the relevant local government and/or DPLH is required. Any sites that are to be impacted should be carefully mitigated.</p>
Major*	<ul style="list-style-type: none"> <li>Large-scale land clearing</li> <li>Material extraction</li> <li>Mechanical earthmoving and blasting</li> <li>Major construction works that involve extensive land clearing and subterranean earthworks</li> <li>Large scale changes to waterways</li> </ul>	<p>Permanent damage to potential and known Aboriginal and Historical Heritage and loss of significance.</p> <p>These activities should be strictly avoided without following the correct approval process, including heritage surveys and careful mitigation of any sites to be impacted.</p>

## APPENDIX SIX – ACHIS SEARCH RESULTS

## List of Aboriginal Cultural Heritage (ACH) Register

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### Search Criteria

1 Aboriginal Cultural Heritage (ACH) Register in Shapefile - Exclusion Zones for Biodiversity Survey 2/DWF\_LoI\_Option4\_Footprint\_20240823, Exclusion Zones for Biodiversity Survey 2/ExclusionZones\_BiodiversitySurvey2\_20240823

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## List of Aboriginal Cultural Heritage (ACH) Register

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# Aboriginal Cultural Heritage Inquiry System

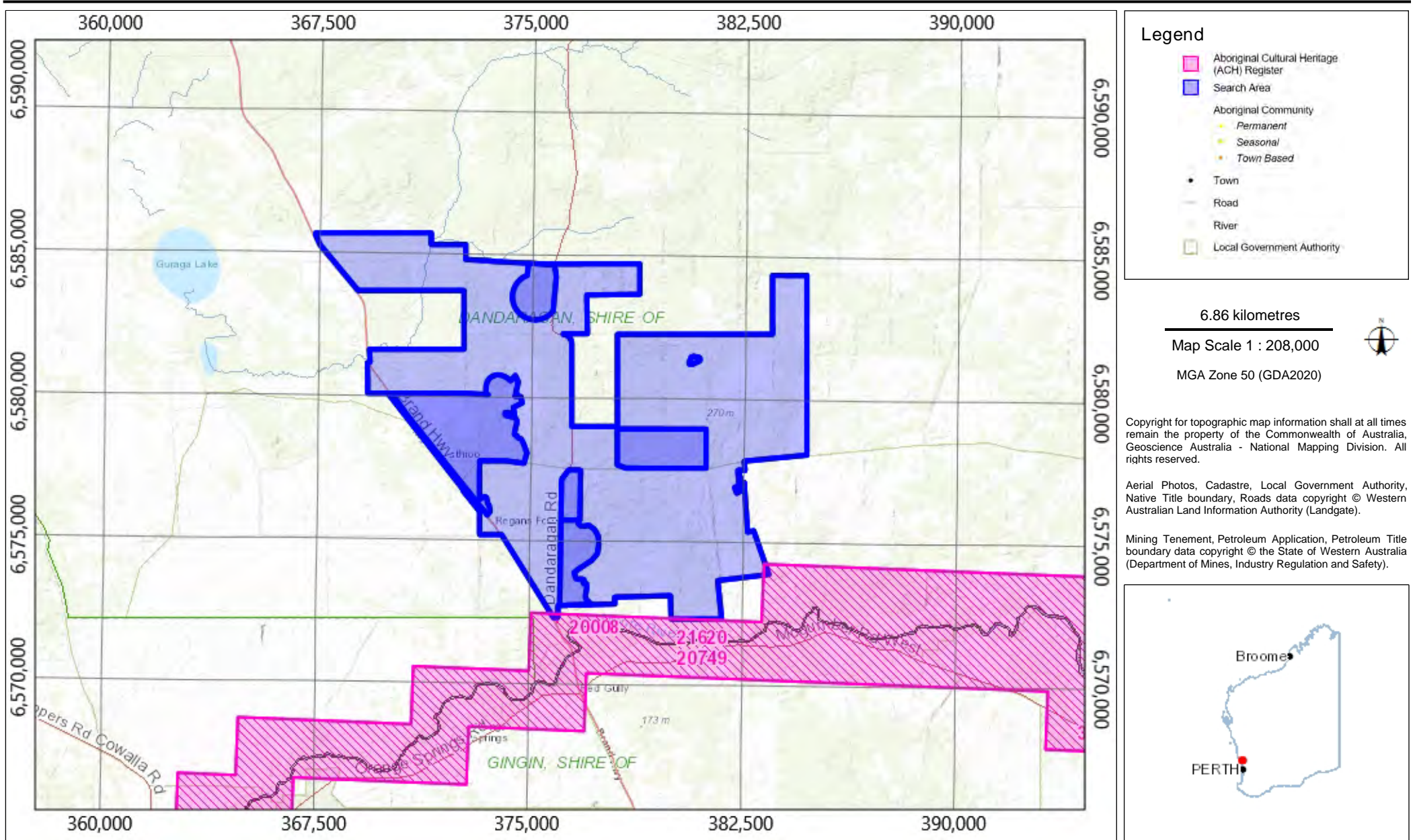
## List of Aboriginal Cultural Heritage (ACH) Register

ID	Name	Boundary Restricted	Boundary Reliable	Culturally Sensitive	Culturally Sensitive Nature	Status	Place Type	Knowledge Holders	Legacy ID
20008	Gingin Brook Waggy Site	Yes	Yes	Yes	No Gender / Initiation Restrictions	Register	Camp; Creation / Dreaming Narrative; Historical; Hunting Place; Plant Resource; Water Source	*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

2 Aboriginal Cultural Heritage (ACH) Lodged in Shapefile - Exclusion Zones for Biodiversity Survey 2/DWF\_LoI\_Option4\_Footprint\_20240823, Exclusion Zones for Biodiversity Survey 2/ExclusionZones\_BiodiversitySurvey2\_20240823

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# Aboriginal Cultural Heritage Inquiry System

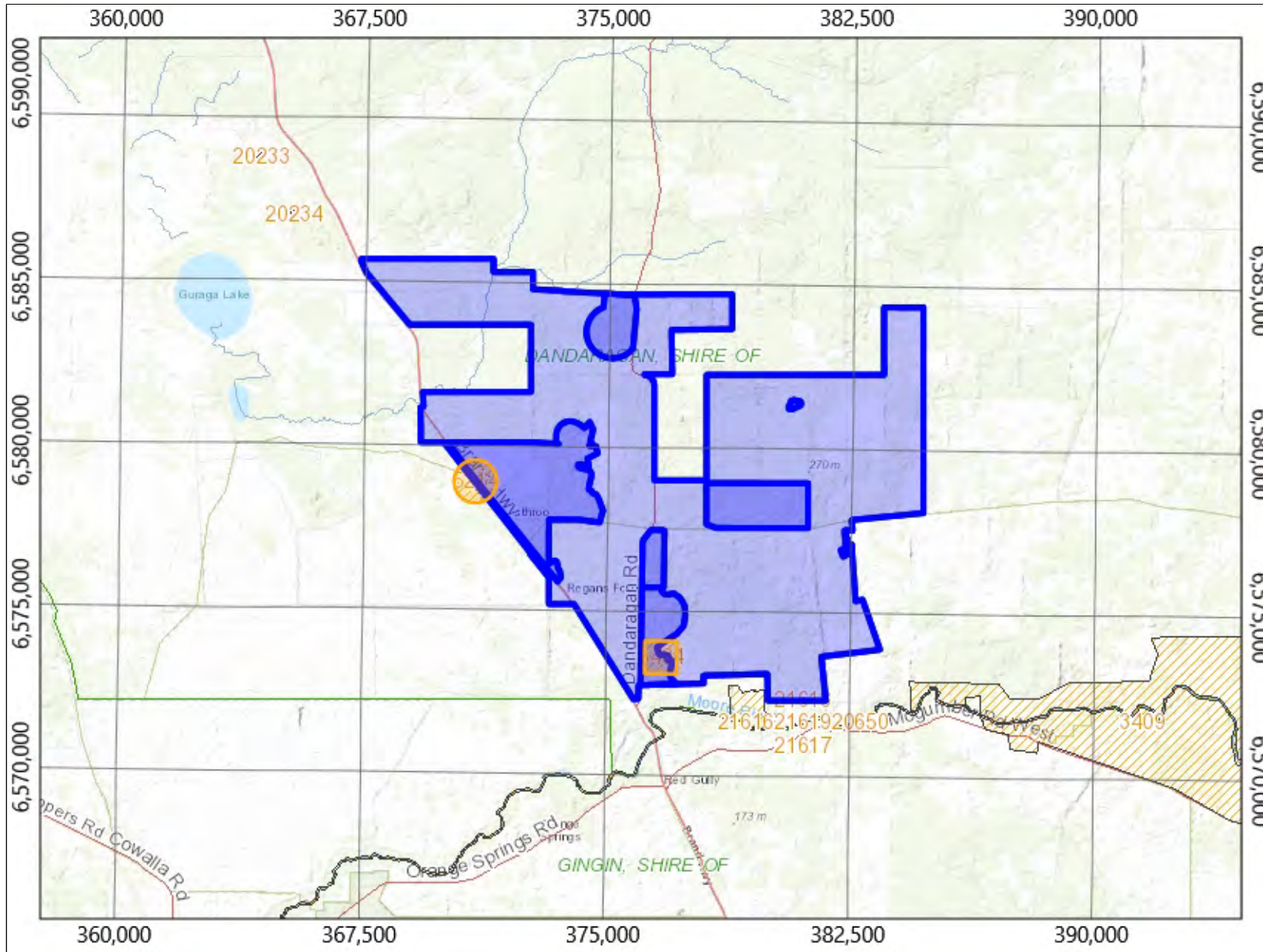
## List of Aboriginal Cultural Heritage (ACH) Lodged

ID	Name	Boundary Restricted	Boundary Reliable	Culturally Sensitive	Culturally Sensitive Nature	Status	Place Type	Knowledge Holders	Legacy ID
5214	NATGAS 133	No	No	No	No Gender / Initiation Restrictions	Lodged	Artefacts / Scatter	*Registered Knowledge Holder names available from DPLH	
5484	GAS PIPELINE 81	No	No	No	No Gender / Initiation Restrictions	Lodged	Artefacts / Scatter	*Registered Knowledge Holder names available from DPLH	










# Aboriginal Cultural Heritage Inquiry System

## Map of Aboriginal Cultural Heritage (ACH) Lodged

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### Legend

-  Aboriginal Cultural Heritage (ACH) Lodged
-  Search Area
- Aboriginal Community
  -  Permanent
  -  Seasonal
  -  Town Based
-  Town
-  Road
-  River
-  Local Government Authority

6.86 kilometres

Map Scale 1 : 208,000

MGA Zone 50 (GDA2020)



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Mining Tenement, Petroleum Application, Petroleum Title boundary data copyright © the State of Western Australia (Department of Mines, Industry Regulation and Safety).



### Search Criteria

1 Aboriginal Cultural Heritage (ACH) Historic in Shapefile - Exclusion Zones for Biodiversity Survey 2/DWF\_LoI\_Option4\_Footprint\_20240823, Exclusion Zones for Biodiversity Survey 2/ExclusionZones\_BiodiversitySurvey2\_20240823

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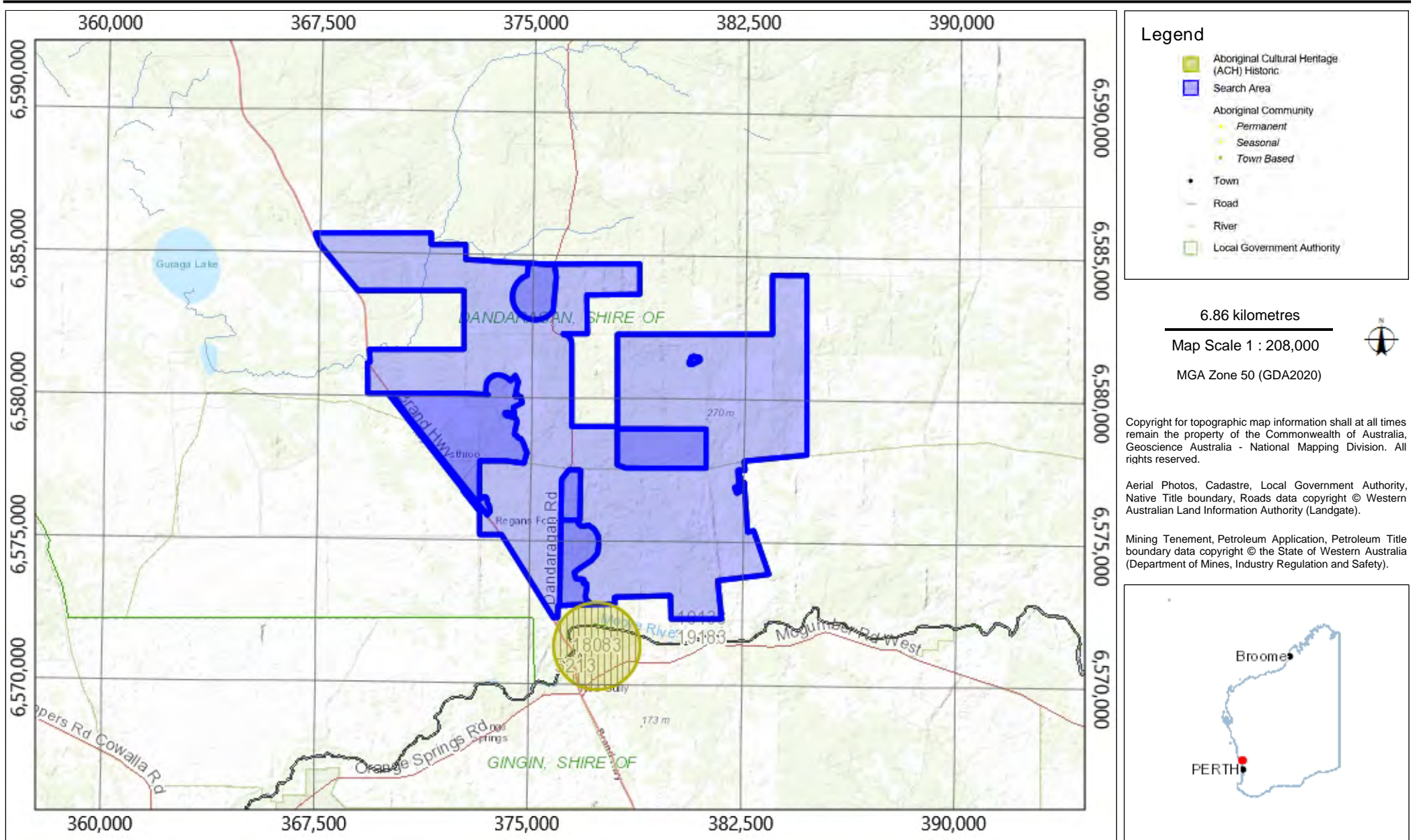
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ID	Name	Boundary Restricted	Boundary Reliable	Culturally Sensitive	Culturally Sensitive Nature	Status	Place Type	Knowledge Holders	Legacy ID
18083	Moore River Pools (PCE-06)	No	No	No	No Gender / Initiation Restrictions	Historic	Hunting Place; Plant Resource; Water Source	*Registered Knowledge Holder names available from DPLH	

# Aboriginal Cultural Heritage Inquiry System

## Map of Aboriginal Cultural Heritage (ACH) Historic

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# APPENDIX SEVEN – ABORIGINAL HERITAGE DUE DILIGENCE GUIDELINES



Department of **Aboriginal Affairs**  
Department of the **Premier and Cabinet**

# **Aboriginal Heritage Due Diligence Guidelines**

**Version 3.0**

**30 April 2013**

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## About these Guidelines

These Guidelines and the Aboriginal Heritage Matrix are for general assistance only. Land users should always obtain independent advice on the application of the *Aboriginal Heritage Act 1972* (AHA) (WA) to their particular circumstances. When using these Guidelines the ‘precautionary principle’\* should be applied to any circumstance where doubt exists, particularly about:

- the potential impact to Aboriginal heritage; and/or
- the nature and level of potential impact of the proposed activity(s).

If doubt exists the land user should contact the Department of Aboriginal Affairs in the first instance:

Telephone: 1300 651 077 or 08 6551 8004

Website: [www.daa.wa.gov.au/](http://www.daa.wa.gov.au/)

### \*The Precautionary Principle

To apply a precautionary approach to the assessment of risk to Aboriginal heritage ensures all aspects of potential risk are considered and appropriate steps are applied to avoid or minimise damage to Aboriginal sites.

## PART 1 - INFORMATION TO ASSIST IN USING THESE GUIDELINES

### Aboriginal Heritage Act 1972

- 1.0 The *Aboriginal Heritage Act 1972 (AHA)* (WA) was enacted to ensure that Aboriginal heritage to which the AHA applies could be appropriately protected and preserved.
- 1.1 Under section 10 of the AHA, the Minister's role is to ensure that, as far as reasonably practicable, all places in Western Australia which are traditionally or currently of sacred, ritual or ceremonial significance to Aboriginal people are properly recorded and their importance evaluated. This is to assist in determining priorities for the protection and preservation of Aboriginal heritage.
- 1.2 See **Appendix 1 – Definitions** for a list of terms and their definitions as used in the AHA or these Guidelines.

### Definition of an Aboriginal Site

- 1.3 As defined in section 5 of the AHA an Aboriginal site is:
  - (a) any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;
  - (b) any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;
  - (c) any place which, in the opinion of the Committee, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State; and
  - (d) any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.
- 1.4 See **Appendix 2 – Types of Aboriginal Sites and Landscape features which may contain a site** – for a brief description of the various types of Aboriginal sites that can be found in Western Australia.

## Offences relating to Aboriginal Sites

- 1.5 Under section 17 of the AHA, a person who excavates, destroys, damages, conceals or in any way alters any Aboriginal site commits an offence, unless he or she acts with the authorisation of the Registrar of Aboriginal Sites (Registrar) under section 16 or the consent of the Minister of Aboriginal Affairs (Minister) under section 18.
- 1.6 All land users who wish to use land for a purpose which might contravene section 17 of the AHA must exercise due diligence in trying to establish whether or not their proposed activity on a specified area may damage or destroy an Aboriginal site.
- 1.7 Section 15 of the AHA provides that any person who has knowledge of any thing or place to which the AHA applies or might reasonably be suspected to apply has an obligation to report it to the Registrar. However, according to section 7(1)(b) Aboriginal people are not compelled to disclose information or otherwise act contrary to any prohibition of the relevant Aboriginal customary law or tradition.

## Administration of the AHA

### The Minister for Aboriginal Affairs

- 1.8 Responsibility for the administration of the AHA is vested in the Minister for Aboriginal Affairs under section 11A. The Minister is required to have regard to the recommendations of the Registrar for Aboriginal Sites and the Aboriginal Cultural Material Committee but is not bound by these recommendations.

### The Register

- 1.9 The Register is established under section 38 of the AHA and must, so far as is practicable, include:
  - (a) protected areas (section 19);
  - (b) Aboriginal cultural material; and
  - (c) Aboriginal sites and objects to which the AHA applies.
- 1.10 The Register lists all **known** Aboriginal sites reported to the Registrar pursuant to section 15 of the AHA and all areas currently protected under section 19.
- 1.11 The Register does not include undiscovered or unregistered sites. Irrespective of a site being either known, or assessed by the DAA, and/or on the Register,

importantly the AHA affords protection to **all Aboriginal sites** which can be determined to meet the section 5 definitions.

- 1.12 The Register is an essential reference tool which can assist land users in identifying locations where Aboriginal heritage is present.

### The Registrar

- 1.13 The Registrar of Aboriginal Sites (**Registrar**) is appointed to undertake various obligations under the AHA including the management of the Register of Aboriginal Places and Objects (often referred to as the Register of Aboriginal Sites).

### The Department of Aboriginal Affairs

- 1.14 The Department of Aboriginal Affairs (**DAA**) is responsible for administering the AHA. The DAA works with Aboriginal people to preserve and manage Aboriginal sites of importance and significance.

### The Aboriginal Cultural Material Committee

- 1.15 The Aboriginal Cultural Material Committee (**Committee**) also referred to as the APMC, evaluates on behalf of the community the importance or significance of Aboriginal places and objects and recommends to the Minister places and objects which are, or have been of special significance to Aboriginal people. The Committee's advice may include recommendations about the preservation or management of Aboriginal sites and objects.
- 1.16 The members of the Committee are drawn from various parts of Western Australia and are people who, in the opinion of the Minister, have special knowledge, experience or responsibility that will assist the Committee in the recognition and evaluation of the cultural significance of matters coming before the Committee.

### Distinction between Aboriginal heritage and native title

- 1.17 The *Native Title Act 1993* (Cwlth) (**NTA**) provides for the recognition and protection of native title rights and interests by which Aboriginal people have maintained a traditional connection to their land and waters since sovereignty. The NTA further provides that native title rights have been extinguished over land that has been subject to particular grants of land tenure (e.g. freehold and leasehold). By contrast, regardless of the underlying land tenure, the AHA applies to all land in Western Australia.

- 1.18 Where the Federal Court makes a native title determination that certain Aboriginal people hold native title rights, it will generally include rights to, for example, "visit, maintain and protect from physical harm, areas, places and sites of importance in the Determination Area" which are essentially rights to manage cultural heritage. In that regard, native title holders should be afforded primary authority for Aboriginal heritage within an area where native title rights have been determined.

### Further Information

- 1.19 Copies of the Western Australian *Aboriginal Heritage Act 1972* and the Regulations can be accessed online through the State Law Publisher website ([www.slp.wa.gov.au](http://www.slp.wa.gov.au)) and copies of the Commonwealth *Native Title Act 1993* can be accessed through the ComLaw website ([www.comlaw.gov.au](http://www.comlaw.gov.au)).
- 1.20 Any questions regarding the AHA or the Regulations can be referred to the DAA:  
**Department of Aboriginal Affairs**  
Telephone: 1300 651 077 or 08 6551 8004  
Website: [www.daa.wa.gov.au/](http://www.daa.wa.gov.au/)
- 1.21 Any questions about native title claims or Indigenous land use agreements in Western Australia can be referred to the Native Title Unit:  
**Department of the Premier and Cabinet – Land, Approvals and Native Title Unit**  
Telephone: 08 6552 5333  
Website: [www.dpc.wa.gov.au/LANTU](http://www.dpc.wa.gov.au/LANTU)

## **PART 2–ABORIGINAL HERITAGE– DUE DILIGENCE GUIDELINES**

### **Purpose of the Due Diligence Guidelines (Guidelines)**

- 2.0 All Aboriginal sites are protected by the AHA, whether or not they have previously been identified or registered, provided that the site can be determined to meet the section 5 definitions.
- 2.1 A land user is obliged to comply with the provisions of the AHA and failure to do so may result in prosecution. Section 17 of the AHA provides that it is an offence to excavate, destroy, damage, conceal or in any way alter an Aboriginal site. Therefore land users should carefully evaluate how a proposed activity may affect Aboriginal heritage.
- 2.2 In proceedings for an offence under the AHA, section 62 provides a ‘special defence of lack of knowledge’. Section 62 states that "it is a defence for the person charged to prove that he did not know and could not reasonably be expected to have known, that the place or object to which the charge relates was a place or object to which [the AHA] applies".
- 2.3 The purpose of these Guidelines is to assist land users to be more aware of how their activities could adversely impact an Aboriginal site. Compliance with these Guidelines will not of itself guarantee compliance with the AHA. However, where the Guidelines are followed, it is less likely that Aboriginal sites will be harmed.
- 2.4 Due diligence may involve one or all of the following actions:
  - (a) assessing the landscape where an activity is to take place;
  - (b) assessing the proposed activity and the potential impact on the landscape;
  - (c) searching the Register of Aboriginal Sites and the Aboriginal Heritage Inquiry System;
  - (d) consulting with the relevant Aboriginal people;
  - (e) agreeing to an Aboriginal heritage survey; or
  - (f) other heritage management strategies.

### **Assessing the landscape where an activity is to take place**

- 2.5 The possibility of a landscape containing Aboriginal sites will differ between land which has had considerable previous land use, for example intensive land clearing or

development, and land which is largely in its natural state or is remote and undisturbed by previous development.

- 2.6 Similarly, some landforms are more likely than others to serve as an indicator of Aboriginal traditional activity than others. Landscape features which may contain Aboriginal sites and should be approached with some caution include, but are not limited to: rock outcrops, rock shelters, caves, alluvial terraces, foreshores and coastal dunes, ranges and hills, natural wetlands, waterholes, springs, gnamma holes, rivers, creeks, streams, swamps, hills and mound formations, or areas with potential archeological deposits.
- 2.7 An assessment of the area where an activity is proposed may reveal evidence (artefacts or other signs) about previous Aboriginal traditional activity. Please see **Appendix 2 – Types of Aboriginal sites & landscape features which may contain a site.**

### Assessing the proposed activity and the potential impact on the landscape

- 2.8 A land use activity can range in effect, from an activity unlikely to impact on Aboriginal sites to an activity highly likely to impact (i.e. damage and destroy) Aboriginal sites. For example, an aerial survey will not physically damage Aboriginal sites whereas blasting or ground excavation can cause extensive damage to an Aboriginal site.
- 2.9 **Schedule 1 – Land Activities by Category** – provides a brief list of land activities categorised by the level of likely disturbance. **Schedule 2 – The Aboriginal Heritage Matrix** – provides an indicative guide to the relationship between previous land use and the category of land activity.

### Major Development Projects

- 2.10 A major project which potentially involves multiple ground-disturbing activities over a large area (for example, a port with rail and road access) may require the preparation of an integrated plan to manage Aboriginal heritage, rather than applying a piecemeal approach to different activities within the total project area.
- 2.11 Aboriginal heritage is one compliance requirement a project developer should address as early as possible. Early consultation with Aboriginal people can help to identify how to minimise or avoid any disturbance of Aboriginal sites. Leaving heritage management to the later stages of project planning can risk delays whilst the relevant

information or approvals are obtained.

- 2.12 See the Department of State Development's website for general information about the range of project approvals linked to major projects ([www.dsd.wa.gov.au/6734.aspx](http://www.dsd.wa.gov.au/6734.aspx)).

### Searching the Register of Aboriginal Sites and the Aboriginal Heritage Inquiry System

- 2.13 Once a land user has identified the proposed activity and considered the level of previous land use, the next step is to establish the possible existence of an Aboriginal site. The key reference tool is the Register of Aboriginal Sites accessible online via the DAA's website. The Register is incorporated into the Aboriginal Heritage Inquiry System (AHIS).
- 2.14 The Register lists all **known Aboriginal sites** reported to the Registrar pursuant to section 15 of the AHA and all areas protected under section 19. See paragraphs 1.9-1.12 of these Guidelines for a fuller description of the Register.
- 2.15 The AHIS enables members of the public to search areas in Western Australia for identified Aboriginal sites and areas previously subject to heritage surveys processed by DAA. The surveys may indicate whether or not Aboriginal sites are present or whether some areas have been marked for avoidance.
- 2.16 The AHIS can be accessed online through DAA's website ([www.daa.wa.gov.au/AHIS/default.aspx](http://www.daa.wa.gov.au/AHIS/default.aspx)).
- 2.17 Please note: Land users should exercise caution 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. Caution is required because heritage surveys over only part of the land may not have identified all possible sites. Sole reliance on information contained in the Register may not be sufficient and consultation in the first instance with the DAA is recommended, depending on the DAA's advice this consultation may extend to include the relevant Aboriginal people.

### Consulting with the relevant Aboriginal people

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

- (a) determined native title holders;
- (b) registered native title claimants;

- (c) persons named as informants on Aboriginal site recording forms held in the Register at DAA; and
  - (d) any other Aboriginal people who can demonstrate relevant cultural knowledge in a particular area.
- 2.19 Consultation in this context means engaging meaningfully with the relevant Aboriginal people. The purpose of such consultation could be:
- (a) to provide easily understood information about the proposed land use and to seek responses from the relevant Aboriginal people;
  - (b) to identify sites in the area that may not have been registered;
  - (c) to assess whether the proposed land activity might damage Aboriginal sites; and
  - (d) to develop strategies for heritage management for the proposed land use and for any longer term disturbance that might occur as part of the activity (e.g. construction of power poles and later periodic maintenance).
- 2.20 Consultation might not lead to consensus but provide a basis upon which decisions can be made.
- 2.21 It should be noted that Aboriginal people are not obliged to divulge culturally specific or sensitive information and in some cases Aboriginal law and custom may prevent such disclosure. Nonetheless, heritage management strategies can be developed to protect sites even if details are limited.
- 2.22 If a land use activity is likely to impact upon Aboriginal heritage, it is best that heritage management strategies are implemented early in the planning process. **Early engagement and consultation** can help to identify ways to minimise and avoid damage to or disturbance of Aboriginal sites. Leaving heritage management to the later stages of project planning can potentially delay the land user whilst he/she obtains the relevant information or approvals.
- 2.23 Please note. Consultation with the relevant Aboriginal people is a pre-condition to the Committee's consideration of an application for consent or approval under the AHA.

## Native Title Future Acts

- 2.24 Where a license or permit application is submitted under a state law which triggers the 'future act' provisions (Division 3 of the NTA), particularly where a license proposes a significant ground disturbing activity, it is likely that an Aboriginal heritage survey of the area will be required.

- 2.25 An Aboriginal heritage agreement cannot dis-allow or modify the operation of the AHA. All parties are bound by the provisions and obligations of the AHA.

### Failure to reach agreement about conducting an Aboriginal Heritage Survey

- 2.26 Where agreement cannot be reached with the relevant Aboriginal people for the area to undertake an Aboriginal heritage survey, the land user continues to be bound by the provisions of the AHA. The land user is still obliged to either avoid the site or to apply for consent to impact the site.
- 2.27 If at any time it is likely that the proposed activity will in any way impact on a registered Aboriginal site, or a suspected Aboriginal site is uncovered and consent under section 16 or 18 has not been granted to impact the site, then the activity should cease immediately and the land user should contact the DAA and the relevant Aboriginal people.

### Strategies for managing Aboriginal heritage

#### Site avoidance strategies

- 2.28 If an Aboriginal site is on or close to an area where a land user proposes an activity which may damage, destroy or alter an Aboriginal site the land user should investigate strategies for avoiding the site or limiting disturbance to the site. The land user will consult with the relevant Aboriginal people to:
- (a) seek advice as to how best the activity may be managed to avoid damage;
  - (b) where necessary, conduct an Aboriginal heritage Survey;
- 2.29 The land user may seek authorisation or consent to the activity under either the AHA or the Regulations to proceed with the activity, ideally with the support of the relevant Aboriginal people.

#### Consent to an activity

- 2.30 Consent or authorisation is usually given in one of three ways:
- (a) **section 18** of the AHA provides that, in order to avoid committing an offence under section 17, a land owner may give notice to the Committee that he or she requires to use the land for a purpose that might impact on a heritage site

unless consent is given by the Minister to the use of the land for that purpose. The Committee considers the notice and makes a recommendation to the Minister for Aboriginal Affairs. The Minister then makes a decision whether or not to consent to the use of the land. If consent is granted, the Minister can also impose conditions;

- (b) **section 16** of the AHA provides that the Registrar, on the advice of the Committee may authorise entry upon and excavation of a site and removal of items from that site; or
- (c) **regulation 10** of the *Aboriginal Heritage Regulations 1974* (WA) (AHR) details particular activities that require written authorisation from either the Registrar or the Minister before any such activities can occur on land and/or property to which these Regulations apply.

### Limiting impact to an Aboriginal site

- 2.31 Particular care should be taken where a land user proposes to undertake activities that may potentially cause further disturbance inside the boundaries of a registered Aboriginal site, or where there are sites which are yet to be assessed by the Committee, or in areas which have not previously been surveyed and may include landscape features as set out under **Appendix 2 – Types of Aboriginal sites and landscape features likely to contain a site.**
- 2.32 It is important to be informed about the possibility of an area containing an Aboriginal site. Extra care must be taken prior to proceeding with any land activity that may cause disturbance to an Aboriginal site.

### Schedules 1 and 2 of these Guidelines

- 2.33 Schedules 1 and 2 are provided for general guidance only. In case of doubt a land user should contact the DAA for further information and/or assistance on 1300 651 077 or through their website: <http://www.daa.wa.gov.au/contact-us/>.

## SCHEDULE 1 – LAND ACTIVITIES BY CATEGORY

The below five lists are examples of typical development activities. Land users should apply the precautionary principle and use their own initiative to assess their intended activity with those described below. In cases where the activity does not correspond with those listed below, a land user should compare it as closely as possible with one or more of the listed activities.

Please note: The following lists of activities are not intended to be exhaustive. Their inclusion is to demonstrate the likely activities within the categories. If in doubt please seek advice from the DAA on 1300 651 077 or through the website: [www.daa.wa.gov.au/contact-us/](http://www.daa.wa.gov.au/contact-us/).

These categories are intended to be used in conjunction with the **Aboriginal Heritage Matrix (Matrix)** in **Schedule 2**.

### 1. Negligible Disturbance

Activities which are non-invasive and cause negligible or no impact to the land may include:

- walking, photography, filming;
- aerial surveying/magnetic surveys;
- use of existing tracks, water courses;
- environmental monitoring;
- water and soils sampling;
- fossicking using hand held instruments;
- spatial measurement; and
- scientific research, using hand held tools.

### 2. Minimal Disturbance

Activities that cause minimal disturbance to the land may include:

- cultivation/grazing in areas previously cultivated/grazed;
- maintenance of existing paths, walls, roads, tracks, bridges, public infrastructure (e.g. electrical, water, sewage) and community utilities within the existing footprint and adjacent service areas;
- feral animal eradication, weed, vermin and pest control, vegetation control and fire control; and
- light vehicular access and camping.

### 3. Moderate Disturbance

Activities that cause moderate disturbance to the land may include:

- work program clearance;
- sampling using hand held rig or rig mounted on a light vehicle;
- new fire breaks;

- re-vegetation;
- temporary power lines;
- temporary gravel or soil stockpile; and
- temporary camps.

#### **4. Significant Disturbance**

Activities that cause significant disturbance to the land may include:

- creation of new roads or tracks;
- new public access ways, bridges, culverts, flood remediation and erosion levies;
- land clearing over more than a small area;
- intensive soil/core sampling;
- new pipelines;
- significant reclamation works; and
- major landscaping/contouring.

#### **5. Major Disturbance\***

Activities that cause major and lasting disturbance to the land may include:

- large-scale land clearing;
- exploration drilling;
- bulk sampling, soil excavation;
- mechanical earthmoving, blasting;
- major construction works;
- open cut mining;
- large scale changes to waterways; and
- industrial development.

\*Major developments (for example a new freeway or a port) can create the need for comprehensive heritage management plans i.e. planning which amounts to more than an assessment of individual activities and their possible impact on Aboriginal heritage. For guidance on major development projects see section 2.10 – 2.12 of these Guidelines.

## SCHEDULE 2 – THE ABORIGINAL HERITAGE RISK MATRIX

Previous Land Use	LAND ACTIVITIES – CATEGORIES 1-5					
		1. Negligible disturbance	2. Minimal disturbance	3. Moderate disturbance	4. Significant disturbance	5. Major disturbance
	<b>Built Environment</b> - e.g. urban environment, towns, metropolitan region.	Low	Low	Low	Low	Medium
	<b>Significantly Altered Environment</b> - e.g. cultivated and cleared land.	Low	Low	Low	Medium	High
	<b>Moderately Altered Environment</b> - e.g. partially cleared lands, re-vegetated landscape.	Low	Low	Medium	Medium	High
	<b>Minimally Altered Environment</b> - e.g. urban bush land, regrowth areas	Low	Medium	Medium	High	High
	<b>Unaltered Environment</b> - e.g. protected areas or pristine environment.	Low	Medium	High	High	High
<b>Risk Assessment</b>	<b>Actions</b>					
Low Risk (Review)	Review the landscape and proposed activity (see sections 2.4 - 2.8 - assessing the landscape and the activity). Refer to the AHIS.					
Medium Risk (Review /Exercise Caution)	Review the landscape and proposed activity (as above). The precautionary principle (see page 2) applies. Refer to the AHIS and contact the DAA. 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 (Consult / Survey / Approvals)	Refer to the AHIS. Consult with the DAA and the relevant Aboriginal people. Dependent on consultation outcomes you may need to include: an Aboriginal heritage survey, modification of the proposed activity to avoid or minimise (see sections 2.24 - 2.28) impact to the site and/or other heritage management strategies. The land user may also need to apply for approval or consent (see section 2.26) to the activity.					
For major development projects refer to sections 2.10 - 2.12 for further advice.						

*These Guidelines and the Aboriginal Heritage Risk Matrix are for general assistance only. Land users should always obtain independent advice on the application of the AHA to their particular circumstances and if doubt exists the land user should contact the DAA.*

## Appendix 1 – Definitions

In addition to the definitions used in the AHA the following definitions are used within these guidelines:

**Aboriginal heritage** means the Aboriginal site or object as defined in sections 5 and 6 of the AHA.

**Aboriginal Heritage Risk Matrix** means the document attached at Schedule Two of these Guidelines (as amended from time to time).

**Aboriginal Heritage Survey** means a survey conducted by a suitably qualified archaeologist, ethnographer, anthropologist or other heritage professional who investigates the Aboriginal heritage of an area. For site identification, work area clearance or site avoidance surveys the relevant Aboriginal people will nominate Aboriginal consultants (usually 6 people) from their group who provide first-hand knowledge and guidance about the Aboriginal heritage of the area. There are several types of Aboriginal heritage surveys:

- desk top study, a preliminary investigation of Aboriginal heritage;
- site identification survey;
- work area clearance survey; and
- site avoidance survey.

**Aboriginal Heritage Survey Report** means a report by a suitably qualified archaeologist, ethnographer, anthropologist or other heritage professional, that communicates the results of the Aboriginal heritage survey. Aboriginal heritage survey reports constitute a significant portion of the Register of Aboriginal Sites. Guidance about the type of information to be included in the various types of Aboriginal Heritage Survey Reports is available from the DAA's website.

**Consultation** means a process of enquiry and response between a land user and relevant Aboriginal people to provide information or assistance in identifying any need for site identification, heritage survey and/or land use activity proposal modification. Consultation should include details of proposed land use activity.

**Disturbance** means any activity which will physically alter the surface or ground of the land or waters.

**Proposed activity** means any planned activity on the land or water that may result in varying degrees of disturbance.

**Native Title Claimant** means the Aboriginal people who have lodged a native title determination application over a particular area of land and waters.

**Native Title Holder** means there has been a determination by the Federal Court that a named group of Aboriginal people hold the native title rights and interests over a particular area of land and/or waters.

## Appendix 2 -Types of Aboriginal sites and landscape features which may contain a site

The following is an overview of the various types of sites that can be found in Western Australia. This list is not exhaustive.

**Artefacts:** An artefact site is a place where human activity is identifiable by the presence of a portable object/s (e.g., stone, glass, bone, shell) utilised or modified by Aboriginal people in relation to traditional cultural life past or present.

**Fish Trap:** A stone, wood, or other similar structure made by Aboriginal people for catching fish. Such structures are generally found on the coast of Western Australia, and in its lakes and rivers.

**Man-made structure:** The placement or arrangement, by Aboriginal people, of stone, wood or other material made into a structure for ceremonial or utilitarian purposes.

**Mythological:** A place that is connected to the great spirit ancestors, in their various manifestations, of the 'Dreamtime' which continues to be important and of special significance to persons of Aboriginal descent.

**Repository/Cache:** A place where cultural or utilitarian objects are/were taken, or stored, by Aboriginal people, either past or present.

**Ceremonial:** A place used for a formal act or series of acts prescribed by ritual, belief in a mythological manifestation, religious belief or observance, protocol or convention that is connected with the traditional cultural life of Aboriginal people past or present.

**Grinding patches/Grooves:** A place where grinding patches or grooves can be found. Grinding patches or grooves are smoothed areas or grooves on rock surfaces (non-portable) that have been created by grinding activity associated with food production such as seed milling, preparation of pigments, tool manufacture and/or maintenance and ritual.

**Midden:** A place where there is an accumulation of shell refuse that is derived from exploitation of a mollusc resource by Aboriginal people. Such sites may also contain artifacts, fireplaces, burnt shell and bones.

**Painting:** Places where Aboriginal people have painted on surfaces. Paintings (including daubings, drawings, stencils, prints) can be figurative or non-figurative markings or motifs on surfaces such as rocks, rock walls and trees at fixed locations that are produced by adding pigments and or mediums, such as ochre, blood, beeswax, animal fats, vegetable dyes, tree saps.

**Skeletal material/Burial:** A place where Aboriginal skeletal material is buried and/or where mortuary practices occurred.

**Engraving:** A motif (either figurative or non-figurative) on a rock surface produced by percussion or abrasion. Engravings are also often referred to as petroglyphs.

**Historical:** A place that has historical associations with Aboriginal people and may or may not contain physical evidence of those associations.

**Modified or Scarred tree:** A place with one or more tree(s), living or dead, that has been modified by Aboriginal people by removing the bark or wood resulting in the formation of a scar. This sort of modification was and is frequently done for the making of implements, tools or other materials that were used in traditional cultural practices.

**Quarry:** Places where there is evidence for the extraction of stone or ochre.

Landscape features, which possibly contain Aboriginal sites and should therefore be approached with care, include but are not limited to:

- (a) rock outcrops;
- (b) caves;
- (c) foreshores and coastal dunes; (d) ranges and hills;
- (d) areas of bio-geographical significance, such as natural wetlands;
- (e) permanent and semi-permanent waterholes, natural springs, gnamma holes, and watercourses;
- (f) some hill and mound formations; and
- (g) areas with potential archaeological deposit, such as rock shelters, caves, alluvial terraces, dune deposits and other relevant geo-morphological features.

The views of the relevant Aboriginal people are a key factor in identifying and assessing sites. Appropriately qualified persons such as anthropologists, archaeologists and historians can also provide valuable assistance.

### Appendix 3 – Contact Details for the Relevant Aboriginal People

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

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

\*When a determination of native title is made, the NTA requires the native title holders to establish a prescribed bodies corporate (PBC), also known as a registered native title body corporate. PBC's hold in trust, or manage, the native title rights and interests of the native title holders.

The following contact details are subject to change. To confirm contact details please use the website of the 'Office of the Registrar of Indigenous Organisations' (ORIC).

Organisation Type	Name	Contact Details
Prescribed Body Corporate	Bardi and Jawi Niiimidiman Aboriginal Corporation	Postal Address: 36 Pembroke Street, via, Broome WA 6725  Phone Number: 08 91923483
Prescribed Body Corporate	Buurabalayji Aboriginal Corporation	Postal Address: PO box 55, Onslow WA 6710  Phone Number: 08 91846876
Prescribed Body Corporate	Bunuba Dawangarri Aboriginal Corporation	Postal Address: PO Box 5451 Cable Beach WA 6726  Phone number: 0431 350 620
Prescribed Body Corporate	Jidi Jidi Aboriginal Corporation	Postal Address: PO Box 128, Meekatharra WA 6642  Phone Number: 0899812021
Prescribed Body Corporate	Karajarri Traditional Lands Association Aboriginal Corporation	Postal Address: Kimberley Land Council, 36 Pembroke Road, Broome WA 6725  Phone Number: 08 91940142
Prescribed Body Corporate	Kunin (Native Title) Aboriginal Corporation	Postal Address: PO Box 1375, Broome WA 6725  Phone Number: 0891936651
Prescribed Body Corporate	Miriuwung and Gajerrong #1 and #4	Postal Address: PO Box 2110,

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	(NTPBC) Aboriginal Corporation	Kununurra WA 6743 Phone Number: 08 91664800
Prescribed Body Corporate	Mungarlu Ngurrarankatja	Postal Address: C/- Central Desert Native Title Services, 170 Wellington Street, East Perth WA 6004 Phone Number: 0894252000
Prescribed Body Corporate	Ngarluma Aboriginal Corporation	Postal Address: PO Box 263, Roebourne WA 6718 Phone Number: 08 9182 1351
Prescribed Body Corporate	Nyangumarta Karajarri Aboriginal Corporation	Postal Address: C/- Kimberley Land Council, PO Box 2145, Broome WA 6725 Phone Number: 08 91940124
Prescribed Body Corporate	Nyangumarta Warrarn Aboriginal Corporation	Postal Address: C/- Pilbara Native Title Services, 3 Brand Street, South Hedland WA 6722 Phone Number: 0891725433
Prescribed Body Corporate	Parna Ngururpa Aboriginal Corporation	Postal Address: C/- Central Desert Native Title Services Ltd, 170 Wellington Street, East Perth WA 6004 Phone Number: 08 94252000
Prescribed Body Corporate	Pila Nguru Aboriginal Corporation	Postal Address: PO Box 1014, Kalgoorlie WA 6430 Phone Number: 08 90371147
Prescribed Body Corporate	Tjamu Tjamu Aboriginal Corporation	Postal Address: Central Desert Native Title Services Ltd, 170 Wellington Street, East Perth WA 6004 Phone Number: 08 94252000
Prescribed Body Corporate	Tjurabalan Native Title Land Aboriginal Corporation	Postal Address: PO Box 280, Halls Creek WA 6770 Phone Number: 0891688988
Prescribed Body Corporate	Wanjina-Wunggurr (Native Title) Aboriginal Corporation	Postal Address: PO Box 821, Kununurra WA 6743 Phone Number: 0891682298
Prescribed Body Corporate	Wanparta Aboriginal Corporation	Contact Officer: Colin McKellar Postal Address: 3 Brand Street,

		South Hedland WA 6722 Phone Number: 0891725433
Prescribed Body Corporate	Western Desert Land Aboriginal Corporation: Jamukurnu-Yapalikunu	Postal Address: The Secretary, WDLAC, 4 Clive St, West Perth WA 6005 Phone Number: 0894869797
Prescribed Body Corporate	Wintawari Gurama Aboriginal Corporation	Postal Address: 8/18 Hedland Avenue, Karratha WA 6714 Phone Number: 08 24757467
Prescribed Body Corporate	Wyamba Aboriginal Corporation	Postal Address: 12 Pincombe Street, Carnarvon WA 6701 Phone Number: 08 99413267
Prescribed Body Corporate	Yanunijarra Aboriginal Corporation	Postal Address: PO Box 2145, Broome WA 6725 Phone number: 08 9194 0100
Prescribed Body Corporate	Yarnangu Ngaanyatjarraku Parna Aboriginal Corporation	Postal Address: PO Box 644, Alice Springs NT 0872 Phone Number: 08 89501711
Prescribed Body Corporate	Yawuru Native Title Holders Aboriginal Corporation	Postal Address: 6A Coghlan Street, Broome WA 6725 Phone Number: 08 91925155
Prescribed Body Corporate	Yindjibarndi Aboriginal Corporation	Postal Address: PO Box 111, Roebourne, WA 6718 Phone Number: 08 9182 1497
Prescribed Body Corporate	Yungngora Aboriginal Corporation	Postal Address: PO Box 601, Applecross WA 6953 Phone Number: 0418912952
<b>Organisation Type</b>	<b>Name</b>	<b>Contact Details</b>
Native Title Representative Bodies	Central Desert Native Title Services	Postal Address: 76 Wittenoom Street, East Perth WA 6004 Phone Number: 08 9425 2000
Native Title Representative Bodies	Goldfields Land and Sea Council Aboriginal Corporation	Postal Address: PO Box 10006 Kalgoorlie, WA 6433 Phone Number: 08 9091 1661
Native Title Representative	Kimberley Land Council	Postal Address: PO Box 2145,

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Bodies		Broome WA 6725 Phone Number: 08 9193 6199
Native Title Representative Bodies	South West Aboriginal Land and Sea Council Aboriginal Corporation	Postal Address: PO Box 585 Cannington WA 6987 Phone Number: 08 9358 7400
Native Title Representative Bodies	Yamatji Marlpa Aboriginal Corporation	Postal Address: PO Box 3072 Hay St, East Perth WA 6892 Phone Number: 08 9268 7000

## Appendix 4 – Contact Details – Government Agencies with heritage and land management responsibilities

The following contact details are subject to change.

Agency	Contact Details
Department of Aboriginal Affairs	Postal Address: PO Box 3153, East Perth, Western Australia 6892  Phone number: 1300 651 077
Department of Housing	Postal Address: 99 Plain Street, East Perth, 6004  Phone number: 1800 093 325
Department of Lands	Postal Address: PO Box 1143, West Perth WA 6872  Phone number: 61 8 6552 4400
Department of Regional Development	Postal Address: PO Box 1143, West Perth WA 6872  Phone number: 08 6552 1800
Department of Mines and Petroleum	Postal Address: 100 Plain Street, East Perth, Western Australia 6004  Phone number:08 9222 3333
Department of Parks and Wildlife	Postal Address: 17 Dick Perry Avenue Technology Park, Western Precinct Kensington WA 6151  Phone number: 08 9219 9000
Department of Planning	Postal Address: Locked Bag 2506, Perth, Western Australia 6001  Phone number:08 6551 9000
Department of State Development	Postal Address: Level 7, 1 Adelaide Tce, East Perth, Western Australia 6004  Phone number:08 9222 0555
Department of Water	Postal Address: PO Box K822, Perth, Western Australia 6842  Phone number:08 6364 7600
Land, Approvals and Native Title Unit (Department of the Premier and Cabinet)	Postal Address: Locked Bag 3001, West Perth, Western Australia 6872  Phone number: 08 26552 5333
Main Roads	Postal Address: PO Box 6202,

	<p>East Perth, Western Australia 6892</p> <p>Phone number:138 138</p>
Water Corporation	<p>Postal Address: PO Box 100, Leederville, Western Australia 6902</p> <p>Phone number:08 9423 7777</p>
Western Power	<p>Postal Address: GPO Box L921 Perth, Western Australia 6842</p> <p>Phone number:131087</p>



Archae-aus Pty Ltd

1/107 Stirling Highway  
North Fremantle, WA, 6159

[www.archae-aus.com.au](http://www.archae-aus.com.au)

t. 08 9433 1127