

LC 4454

**EXTRACT OF MINUTES OF THE SPECIAL MEETING OF
THE ABORIGINAL CULTURAL MATERIAL COMMITTEE
Conference Room, Department of Indigenous Affairs
197 St Georges Terrace
PERTH**

MONDAY 24 JULY 2006

Notice under section 18: Woodside Energy Ltd – Development and Operation of an LNG Plant and all Associated Infrastructure and Facilities - Burrup Peninsula

Recommendation to Minister on Notice under s18

Resolution 2006/074: Conditional Consent – Mining

Resolved to recommend to the Minister that consent be granted to Woodside Energy Ltd (“the Landowner”) to use the land described in Schedule 1 of the Notice as Lot 574 and Lot 384 Industrial Site A, Lot 3017 Industrial Site D and Lot 3019 Industrial Site E (“the Land”), for the purpose described in Schedule 2 of the Notice as the Development and Operation of an LNG Plant and all associated infrastructure and facilities – Burrup Peninsula (“the Purpose”).

On current knowledge the Purpose will impact upon the following listed Aboriginal sites (“Sites”) within the meaning of section 5 of the *Aboriginal Heritage Act 1972* (“AHA”) on the Land. The Sites are DIA:

Item #	DIA #	Field #	Site Name #
1	8973		Boongaree
2	9640		Near Soak Site
3	9837		Spinifex Site
4	9839		Creek Camp
5	9860		DRD Area A-01
6	9861		DRD Area A-02
7	9890		Survey Peg Site
8	10573		King Bay Coastal Flat
9	10615		Hearson Cove North 2
10	10700		Hearson Cove North 1
11	19210		DRD110
12	19211		DRD 111
13	19223		DRD 123 and MX32
14	19226		DRD 126
15	19415		MX-02
16	19416		MX-04
17	19417		MX-06
18	19418		MX-07
19	19419		MX-08
20	19420		MX-11

Item #	DIA #	Field #	Site Name #
21	19421		MX-12
22	19422		MX-13
23	19424		MX-16
24	19433		MX-09
25	19434		MX-23
26	19435		MX-22
27	19438		MX-19
28	19439		MX-10
29	19440		MX-14
30	19454		Methanex 01
31	19455		Methanex 02
32	19460		Isolated Engraving Site 6
33	19462		Methanex Burrup Field Site 1
34	19463		Methanex Burrup FS 2
35	19465		2 and FS 11 (MX 7 near)
36	19475		Methanex Burrup FS 9
37	19476		Methanex Burrup Field Site 10
38	19660		Woodside Extension Area 44
39	19661		Woodside Extension Area 45
40	19662		Woodside Extension Area 46
41	19663		Woodside Extension Area 48
42	23173	WPA001	Woodside Pluto A 1
43	23174	WPA002	Woodside Pluto A 2
44	23175	WPA003	Woodside Pluto A 3
45	23177	WPA008	Woodside Pluto A 8
46	23178	WPA009	Woodside Pluto A 9
47	23179	WPA010	Woodside Pluto A 10
48	23180	WPA011	Woodside Pluto A 11
49	23181	WPA012	Woodside Pluto A 12
50	23183	WPA014	Woodside Pluto A 14
51	23184	WPA015	Woodside Pluto A 15
52	23230	WPA057	Woodside Pluto A 57
53	23232	WPA059	Woodside Pluto A 59
54	23233	WG1	Wong Goo Tt Oo 1
55	23234	WG3	Wong Goo Tt Oo 3
56	23235	WG7	Wong Goo Tt Oo 7
57	23237	WG10	Wong Goo Tt Oo 10
58	23238	WG14	Wong Goo Tt Oo 14
59	23242	WG23	Wong Goo Tt Oo 23
60	23243	WG24	Wong Goo Tt Oo 24
61	23244	WG25	Wong Goo Tt Oo 25
62	23247	WG33	Wong Goo Tt Oo 33
63	23249	WG35	Wong Goo Tt Oo 35

Item #	DIA #	Field #	Site Name #
64	23250	WG36	Wong Goo Tt Oo 36
65	23251	WG37	Wong Goo Tt Oo 37
66	23198	PE1	Camping Beach Area
67	23204	PE7	Men and Women Restricted Place
68	23119	PLA007	PLA007
69	23123	PLA014	PLA014

Conditions of Consent

That the Landowner:

1. In consultation with relevant Aboriginal groups, establish an Aboriginal Heritage Management Committee (“AHMC”), whose membership shall include an agreed number of appropriately experienced representatives from the Ngarluma Yinjinbarndi, Yaburhera Madudhunera and Wong-Goo-Tt-Oo groups. The AHMC shall also include the Registrar of Aboriginal Sites (“the Registrar”) or delegate, providing this is supported by the relevant Aboriginal groups.
2. As a matter of urgency and in consultation with the AHMC, prepare a suitable cultural heritage management plan (“CHMP”) to be based on the matters contained in the Heads of Agreement and the recommendations contained in the heritage survey reports. In addition to those matters, the CHMP shall include:
 - a. the Landowner’s assistance in the management of all salvaged material in accordance with the wishes of the AHMC. This shall include the Landowner’s provision of suitable facilities for the short-term and long-term storage of the salvaged material, in accordance with the wishes of the AHMC; and
 - b. remote sensing to be undertaken in coastal sandy areas and an archaeological analysis of its results, to further assess the possibility of locating Aboriginal burials.
3. In accordance with the CHMP and in consultation with the AHMC, engage an agreed number of appropriately experienced representatives from the relevant Aboriginal groups to monitor all and any activities related to the Purpose that involve disturbance to the surface of the Land or any part of the Land (“the Works”) in the following situations:
 - a. where the Works are disturbing the surface of the Land for the first time or what appears to be the first time; and
 - b. where any heritage consultant engaged in respect of the Purpose has indicated that there is a likelihood of finding any objects within the meaning of section 6 of the AHA (“Objects”) during the Works.
4. In consultation with the AHMC, engage suitably qualified archaeologists to:
 - a. collect Objects and relocate engravings, where possible, prior to ground disturbing activities and record, salvage and store materials; and

- b. assist the AHMC to make decisions about salvaging the Objects and engravings and about future monitoring requirements in respect of the Works.
5. Mitigatively salvage any Objects found during the monitoring of the Works, manage the Objects in accordance with the CHMP, and report the whereabouts of the Objects to the Western Australian Museum and the Department of Indigenous Affairs (“DIA”).
6. Immediately cease all Works if skeletal remains (“Remains”) are found and report the matter to the Western Australia Police Service and local DIA office. Where it is determined that the Remains are Aboriginal in origin and not a police matter, they must remain in situ until the Registrar makes a decision about how to proceed in respect of the Remains. The Landowner must at its expense manage the Remains in accordance with the Registrar’s decision and report the whereabouts of the Remains to the Western Australian Museum and DIA.
7. Provide to the Registrar annually, or at the completion of the Purpose if the Purpose is completed within one year, a written report advising the Registrar whether and to what extent the Purpose has impacted on all or any Sites or Objects that may be located on the Land, including a detailed description of:
 - a. whether such Sites or Objects have been partially or entirely impacted by the Purpose;
 - b. the level, type and effect of any such impact (including, where possible, the provision of photographs taken during and after the impact);
 - c. if Objects are removed from the Land, including through mitigative salvage, each and every such removed or salvaged Object (including, where appropriate, a photo of the Object), when and how it was removed or salvaged, where it was removed or salvaged from, where it has been relocated to (including if to a Cultural Centre or Keeping Place), who was present at the removal or salvage, and the type and reasons for any restriction on disclosure of the place to which the Object has been relocated; and
 - d. an assessment of the CHMP and the activities of the AHMC.

Nothing in this condition should be construed as preventing the proponent from advising the Registrar in writing of all or any of the matters outlined above at any time prior to the completion of the development. The Registrar and the ACMC welcome the provision of comprehensive and ongoing information about Aboriginal Sites and Objects in Western Australia.

Additional Conditions Specific to Industrial Site A

8. Not disturb site DIA 9247 (Haul Road Valley).
9. Not disturb Sites to the extent that those Sites are within the Northern Conservation Zone (as defined on the map at Annexure 1 to this consent entitled *Land applied for by Woodside Energy Ltd for the Pluto Project Area A under section 18(2) of the Aboriginal Heritage Act 1972* (“the map at Annexure 1”).

10. Not disturb Sites to the extent that those Sites are within the Eastern Conservation Zone (as defined on the map at Annexure 1).
11. Not disturb Sites to the extent that those Sites are south of a line running from the northern tip of the Western Conservation Zone to where site PE7 intersects with the Eastern Conservation Zone (as defined on the map at Annexure 1). This includes the entire Western and Southern Conservation Zones.
12. Subject to operational and occupational health and safety constraints, maintain controlled access to Industrial Site A, in particular the Northern Conservation Zone, the Eastern Conservation Zone and the area south of a line running from the northern tip of the Western Conservation Zone to where PE7 intersects with the Eastern Conservation Zone, including the entire Western and Southern Conservation Zones, (as defined on the map at Annexure 1) to allow Aboriginal people to visit the areas at their request.

Additional Conditions Specific to Industrial Site E

13. Subject to operational and occupational health and safety constraints, maintain controlled access across the Land to the salvage yard, rook pools and beaches adjacent to the Land to allow Aboriginal people to visit the yard, rook pools and beaches at their request.
14. Ensure there will be no disturbance above the 30 metre contour line on the western lease boundary, other than the protective fencing outlined in conditions 16 and 18 below, and Not disturb Sites DIA 9840, DIA 19428 (MX28), DIA 10430 (MX30), DIA 19466 (FS13) and the ethnographic site 7 on the northeast of the lease and no disturbance to sites DIA 19423 (MX15), DIA 19436 (MX20), DIA 19437 (MX21), DIA 19432 (MX36), DIA 19474 (FS12) and DIA 19467 (FS14), all of which should be preserved in situ.
15. In consultation with the AHMC, engage suitably qualified archaeologists to collect Objects and relocate engravings, where possible, prior to ground disturbing activities and record, salvage and store materials from DIA 19454 (ME01), DIA 9608 (MX 1), DIA 19415 (MX 2), DIA 19210 (MX 3), DIA 19416 (MX 4), DIA 19211 (MX 5), DIA 19417 (MX 6), DIA 19418 (MX 7), DIA 19465 (FS11), DIA 19419 (MX 8), DIA 19433 (MX 9), DIA 19475 (FS9), DIA 19439 (MX 10), DIA 19420 (MX 11), DIA 9890 (ethnographic site 3 & FS7), DIA 19421 (MX 12), DIA 19424 (MX 16), DIA 10700 (FS8), DIA 9837 (MX18), DIA 19438 (MX 19), DIA 19435 (MX 22), DIA 19434 (MX 23), DIA 19422 (MX 13), DIA 19223 (MX 32), DIA 19462 (FS1), DIA 19463 (FS2), DIA 9640 (FS3) and ethnographic site 4.
16. Construct protective fencing around the site cluster DIA 19440 (MX 14), DIA 19423 (MX 15), DIA 19467 (FS14) and DIA 19436 (MX 20) so that the Sites are protected.
17. Subject to operational and occupational health and safety constraints, maintain controlled access across the Land to the fenced site cluster referred to in condition 16 for heritage administration and to allow Aboriginal people to visit the area at their request.
18. In consultation with the AHMC, construct protective fencing around DIA 19425 (MX 24).

Failure to comply with these conditions may constitute an offence under section 55 of the AHA. DIA carries out routine checks on compliance with conditions of ministerial consents.

Other Matters

This consent can only be relied upon by the applicant Landowner. Any subsequent 'owner' of the land within the meaning of the AHA must make its own application under the AHA.

Where the Landowner is aggrieved by a decision made under s18(3) of the AHA the Landowner may apply to the State Administrative Tribunal for a review of the decision.

Extracts from relevant sections of the AHA and the *Aboriginal Heritage Regulations 1974* are attached for your information.

The ACMC requests that the Landowner give due consideration to requests made by Aboriginal people during consultation about the Purpose regarding the protection of Aboriginal heritage and the recognition of Aboriginal culture and history. In particular, the Landowner's attention is drawn to the matters specified in the Heads of Agreement.

In addition, the Landowner should ensure that all persons employed or engaged in respect of the Purpose and the Works are made aware of their obligations under the AHA, including by inserting into all and any relevant contracts, project plans, scopes of works, tenders and other similar documents a requirement that such persons be provided with a copy of a document prepared by DIA and entitled "Advice to Developers" and/or an electronic copy of a document prepared by DIA and the Department of Housing and Works and entitled "the Aboriginal Heritage Procedures Manual", both of which can be found at:

- <http://www.dia.wa.gov.au/Heritage/IntroForDevelopers.aspx> ; and
- <http://www.dia.wa.gov.au/Heritage/HeritageManual/default.aspx>

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