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Our Ref: 55346

Mr Lucio Della Martina  
Director Pluto  
Woodside Energy Ltd  
Box D188  
GPO PERTH WA 6840

Dear Mr Della Martina ~~Lucio~~ Lucio.

**Introduction**

I refer to the Notice ("the Notice") dated 2 June 2006 submitted by Woodside Energy Ltd ("the Landowner") to the Aboriginal Cultural Material Committee ("ACMC") pursuant to section 18(2) of the *Aboriginal Heritage Act 1972* ("AHA").

The Notice advised that you require to use the land described in Schedule 1 of the Notice as Lot 574 on Deposited Plan 28209 and Lot 384 on Deposited Plan 220146 (Industrial Site A), Lot 3017 on Deposited Plan 50979 (Industrial Site D) and Lot 3019 on Deposited Plan 51727 (Industrial Site E) ("the Land") for the purpose of developing and operating an LNG Plant and all associated infrastructure and facilities, with specific reference to the infrastructure footprint of Industrial Site A as described in the map dated 24 July 2006 provided to the ACMC by the Landowner ("the Purpose").

In accordance with my powers under section 18(3) of the AHA and following consideration of recommendations from the ACMC, I hereby grant consent to the use of the Land for the Purpose subject to the conditions set out below.

I am advised that based on current knowledge the Purpose will impact upon 87 Aboriginal sites ("Sites") within the meaning of section 5 of the AHA on the Land. The Sites are listed in the table at Annexure 1 to this letter.

## **Conditions of Consent**

That the Landowner:

1. As a matter of urgency and in consultation with representatives from the Ngarluma Yinjibarndi, Yaburara Mardudhunera and Wong-Goo-Tt-Oo groups ("the Groups"), prepare a suitable cultural heritage management plan ("CHMP") to be based on the matters contained in the Heads of Agreement dated 30 May 2006 and the recommendations contained in the heritage survey reports which were provided in support of the Notice. In addition to those matters, the CHMP shall include:
  - a. A commitment that the Landowner will provide assistance in the management of all and any salvaged material in accordance with the wishes of the Groups. Such assistance shall include the provision of suitable facilities for the short-term and long-term storage of the salvaged material, in accordance with the wishes of the Groups; 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.
2. In consultation with the Groups (and as a component of the CHMP) engage an agreed number of appropriately experienced representatives from the 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.
3. In consultation with the Groups, engage suitably qualified archaeologists to:
  - a. Collect Objects and relocate engravings, where possible, prior to any ground disturbing activities and record, salvage and store materials; and
  - b. Assist the Groups to make decisions about salvaging the Objects and engravings and about future monitoring requirements in respect of the Works.

4. 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").
5. 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.
6. 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); and
  - 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.

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 Sites and Objects in Western Australia.

### Additional Conditions Specific to Industrial Site A

7. Not disturb Site DIA 9247 (Haul Road Valley).
8. Not disturb the Northern Conservation Zone (as defined on the map at Annexure 2 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* ("Annexure 2").
9. Not disturb the Eastern or Western Conservation Zones as shown on Annexure 2.
10. Not disturb any ground in the southern portion of Area A, as defined in Annexure 2 by a transparent pale green polygon (excluding polygons to the north labelled 'DIA 9247' and 'Northern Conservation Zone').

The northern boundary of the southern portion of Area A runs eastward from the northern tip of the Western Conservation Zone (474754e, 7721067n GDA MGA z50) contiguous with the southern boundary of the infrastructure footprint (shown as blue lines on Annexure) to the point where the western boundary of Site PE7 intersects with the Eastern Conservation Zone (475104e, 7720910n GDA MGA z50), then continuing in a north-easterly and then easterly direction contiguous with the northern boundary of the Eastern Conservation Zone to a point where the line intersects with the eastern boundary of Industrial Site A (475341e, 7720955n GDA MGA z50).

The eastern, western and southern boundaries of the southern portion of Area A are identical to the actual boundaries of Area A south of the northern boundary described above. A full list of the coordinates defining the northern boundary of the southern portion of Area A is as follows:

474754e 7721067n  
474771e 7721062n  
474968e 7720974n  
475075e 7720914n  
475080e 7720925n  
475104e 7720910n  
475147e 7720930n  
475282e 7720968n  
475310e 7720969n  
475328e 7720964n  
475341e 7720955n

All coordinates are in UTM projection zone 50, Datum: GDA 94.

11. Subject to operational and occupational health and safety constraints maintain controlled access to Industrial Site A to enable Aboriginal people to visit significant areas at their request, and in particular:
  - a. The Northern Conservation Zone;
  - b. The Eastern Conservation Zone; and
  - c. The area south of a line (shown in black on Annexure 2) running eastwards from the northern tip of the Western Conservation Zone contiguous with the southern boundary of the infrastructure footprint (shown in blue on Annexure 2), then slightly northwards and then slightly eastwards, again contiguous with the infrastructure footprint, to the point where the western side of Site PE7 intersects with the Eastern Conservation Zone, and then continuing in a north-easterly and then easterly direction contiguous with the northern boundary of the Eastern Conservation Zone to a point where the line intersects with the eastern boundary of Industrial Site A.

#### Additional Conditions Specific to Industrial Site E

12. Subject to operational and occupational health and safety constraints maintain controlled access to the Salvage Yard, rock pools and beaches adjacent to the Land to allow Aboriginal people to visit the Salvage Yard, rock pools and beaches at their request.
13. Not disturb any ground above the 30 metre contour line on the western lease boundary, other than for erecting the protective fencing outlined in conditions 16 and 18 below, and, in particular, 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, 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.
14. In consultation with the Groups, 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.

15. 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.
16. 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 protection purposes and to enable Aboriginal people to visit the area at their request.
17. In consultation with the Groups, construct protective fencing around DIA 19425 (MX 24).

### **Other Matters**

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.

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 consideration to requests made regarding the protection of Aboriginal heritage and the recognition of Aboriginal culture and history by Aboriginal people during consultation about the Purpose. In particular, the Landowner's attention is drawn to the matters specified in the Heads of Agreement dated 30 May 2006.

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" which can be found at <http://www.dia.wa.gov.au/Heritage/IntroForDevelopers.aspx>

If you have any queries in relation to your application, please contact Mr Denis Callaghan, DIA Senior Heritage Officer, on telephone 9235 8135.

Yours sincerely

A handwritten signature in black ink that reads "Sheila McHale". The signature is written in a cursive style with a large initial 'S'.

Sheila McHale MLA

**MINISTER FOR INDIGENOUS AFFAIRS**

Att.