

LC 4459

MINISTER FOR HOUSING AND WORKS; HERITAGE; INDIGENOUS AFFAIRS; LAND INFORMATION

Our Ref: 11-8877

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

Dear Mr Della Martina

**Introduction**

I refer to the Notice dated 29 September 2006 ("the Notice") 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 572 on Deposited Plan 28209 (Industrial Site B) ("the Land") for the purpose described in Schedule 2 of the Notice as development and operation of an LNG Plant and all associated infrastructure and facilities ("the Purpose").

**Consent**

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 may impact upon 193 Aboriginal sites within the meaning of section 5 of the AHA ("Sites") on the Land. The Sites are listed at Annexure 1 to this letter.

## **Conditions of Consent**

That the Landowner:

1. Preserve *in situ* Sites DIA 9254 (pecked humans), DIA 9255 (The Thylacines), DIA 23413 (WPB-033), DIA 23414 (WPB-034), DIA 23416 (WPB-036), DIA 23481 (PB-073), DIA 23427 (WPB-052), DIA 23537 (WPB-AG-46), DIA 23408 (WPB-028), DIA 23402 (WPB-022), DIA 23431 (WPB-054), DIA 23379 (WPB-106), DIA 23394 (WPB-014), DIA 23400 (WPB-020), DIA 23401 (WPB-021), DIA 23404 (WPB-024), DIA 23406 (WPB-026), DIA 23337 (WPB-065), DIA 23340 (WPB-068), DIA 23534 (WPB-AG-43), DIA 23535 (WPB-AG-44), DIA 23415 (WPB-035), DIA 23688 (WGTO PB 43), DIA 23716 (WGTO PB 107) and DIA 23352 (WPB-80).

2. In addition to condition 1 above, use best endeavours to leave all Sites on the Land *in situ*.

Special effort must be made in respect of the following Sites: DIA 9252 (Haul Road Valley East), DIA 9278 (Eagle's Nest), DIA 10557 (Gas Pipeline), DIA 23440 (WPB-AG-33), DIA 23382 (WPB-02), DIA 23343 (WPB-71) and DIA 23740 (WGTO PB 173).

3. Where it is not possible to comply with Condition 2, use best endeavours to record, salvage and relocate Sites, using the processes set out in Conditions 5, 6, 7 and 8 below.
4. Use best endeavours to minimise disturbance to the three major valleys on the Land (including Surveyors Valley) during all or any ground disturbing activity for or associated with the Purpose, including, but not limited to, the construction of infrastructure and/or the salvage and relocation of material from Sites on the Land ("the Ground Disturbing Works").
5. Collect and provide to the Department of Indigenous Affairs ("DIA") prior to the Ground Disturbing Works:
  - a) Details of the location of each Site on the Land *in situ*, including a map of the location;
  - b) A description of the nature and characteristics of the Site;
  - c) A photograph of the Site; and
  - d) Any gender or cultural restrictions applying to the Site.
6.
  - a) Consult with representatives from the Yaburarra and Coastal Mardudhunera groups, and the Ngarluma and Injibarndi groups, and the Wong-Goo-Tt-Oo group ("the Groups"), and DIA to prepare a Cultural Heritage Management Plan ("CHMP") based on but not limited to the matters contained in clause 9

of the Heads of Agreement dated 30 May 2006 and the recommendations contained in the heritage survey reports provided in support of the Notice.

- b) Include in the CHMP a commitment that the Landowner provide assistance in the management of all and any material salvaged from Sites in accordance with Condition 5 above (“the Salvaged Material”) in accordance with the wishes of the Groups. Such assistance must include the provision of suitable facilities for the short and long-term storage of the Salvaged Material in accordance with the wishes of the Groups.
7. Conduct a relocation audit of the Land (“the Relocation Audit”) prior to the commencement of the Ground Disturbing Works to:
    - a) Determine the number of Sites to be relocated; and
    - b) Develop, in respect of each Site to be relocated, a work plan detailing how the relocation is to proceed.
  8. Provide a copy of the Relocation Audit to DIA and a copy of (at least) a draft of the CHMP prior to the commencement of the Ground Disturbing Works.
  9. In consultation with the Groups (and as a component of the CHMP) engage an agreed number of appropriately experienced representatives from the Groups (“the Consultants”) to monitor the Ground Disturbing Works in the following situations:
    - a) Where any heritage consultant engaged in respect of the Purpose has indicated that there is a likelihood of finding objects within the meaning of section 6 of the AHA (“Objects”) during the Ground Disturbing Works; and
    - b) Where the Ground Disturbing Works will impact directly or indirectly on a Site.
  10. In consultation with the Consultants, appoint a suitably qualified archaeologist (“the Archaeologist”) if any Objects are found during the Ground Disturbing Works, such Archaeologist to assist the Consultants to make decisions about salvaging the Objects and about future monitoring requirements in respect of the Ground Disturbing Works.
  11. Undertake fieldwork to verify the location of all Sites recorded in the heritage survey conducted with representatives of the Wong-Goo-Tt-Oo group, including assessment of archaeological significance.
  12. 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 a decision is made about how to proceed in respect of the Remains at an on-site meeting with a DIA representative, representatives of the

Groups and an Archaeologist. The Landowner must at its expense manage the Remains in accordance with the wishes of the Groups and report the whereabouts of the Remains to the Anthropology Department of the Western Australian Museum and DIA.

13. Provide to the Registrar of Aboriginal Sites ("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 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.

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.

### **Requests and Advice**

The Landowner is requested to 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 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>

**Other Matters**

This consent can be relied upon by only the 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 section 18(3) of the AHA the Landowner may apply to the State Administrative Tribunal for a review of the decision.

Extracts from section 17 and section 55 of the AHA and relevant sections of the *Aboriginal Heritage Regulations 1974* are attached for your information.

Yours sincerely



**HON MICHELLE ROBERTS MLA  
MINISTER FOR INDIGENOUS AFFAIRS**

Att.

26 FEB 2007

## ANNEXURE 1

	DIA Site No	Site Name	s5	s39(2)	Comments
1.	23329	Woodside Pluto Area B 49	A	C, D	Engraving
2.	23330	Woodside Pluto Area B 48	A	C, D	Engraving -
3.	23331	Woodside Pluto Area B 47	A	C, D	Engraving, Artefacts/Scatter
4.	23332	Woodside Pluto Area B 51	A	C, D	Engraving
5.	23333	Woodside Pluto Area B 46	A	C, D	Engraving
6.	23334	Woodside Pluto Area B 61	A	C, D	Engraving
7.	23335	Woodside Pluto Area B 63	A	C, D	Engraving
8.	23336	Woodside Pluto Area B 64	A	C, D	Engraving
9.	23337	Woodside Pluto Area B 65	A	C, D	Engraving
10.	23338	Woodside Pluto Area B 66	A	C	Engraving, Artefacts/Scatter
11.	23339	Woodside Pluto Area B 67	A	C, D	Engraving, Artefacts/Scatter
12.	23340	Woodside Pluto Area B 68	A	C, D	Engraving, Artefacts/Scatter
13.	23341	Woodside Pluto Area B 69	A	C, D	Engraving
14.	23342	Woodside Pluto Area B 70	A	C, D	Engraving
15.	23343	Woodside Pluto Area B 71	A	C, D	Engraving
16.	23344	Woodside Pluto Area B 72	A	C	Artefacts/Scatter
17.	23345	Woodside Pluto Area B 73	A	C	Engraving
18.	23346	Woodside Pluto Area B 74	A	C, D	Engraving
19.	23347	Woodside Pluto Area B 75	A	C	Man-Made Structure
20.	23348	Woodside Pluto Area B 76	A	C	Engraving, Artefacts/Scatter
21.	23349	Woodside Pluto Area B 77	A	C, D	Engraving
22.	23350	Woodside Pluto Area B 78	A, B	B, C & D	Engraving
23.	23351	Woodside Pluto Area B 79	A	C, D	Engraving
24.	23352	Woodside Pluto Area B 80	A	C, D	Engraving
25.	23353	Woodside Pluto Area B 81	A	C, D	Engraving
26.	23354	Woodside Pluto Area B 82	A	C	Artefacts/Scatter
27.	23355	Woodside Pluto Area B 83	A, C	C, D	Engraving
28.	23356	Woodside Pluto Area B 84	A	C	Artefacts/Scatter
29.	23357	Woodside Pluto Area B 85	A	C, D	
30.	23358	Woodside Pluto Area B 86	A	C, D	Engraving
31.	23359	Woodside Pluto Area B 87	A	C, D	Engraving
32.	23360	Woodside Pluto Area B 88	A	C, D	Engraving
33.	23361	Woodside Pluto Area B 89	A	C, D	Engraving
34.	23362	Woodside Pluto Area B 90	A	C, D	Engraving
35.	23363	Woodside Pluto Area B 91	A	C	Artefacts/Scatter
36.	23364	Woodside Pluto Area B 92	A	C, D	Man-Made Structure
37.	23365	Woodside Pluto Area B 93	A	C, D	Engraving
38.	23366	Woodside Pluto Area B 94	A	C, D	Engraving
39.	23367	Woodside Pluto Area B 95	A	C, D	Engraving
40.	23368	Woodside Pluto Area B 96	A	C, D	Engraving
41.	23369	Woodside Pluto Area B 97	A	C, D	Engraving
42.	23370	Woodside Pluto Area B 98	A	C, D	Engraving
43.	23371	Woodside Pluto Area B 99	A	C	Engraving
44.	23372	Woodside Pluto Area B 100	A	C, D	Engraving
45.	23373	Woodside Pluto Area B 101	A	C, D	Engraving
46.	23374	Woodside Pluto Area B 102	A	C, D	Man-Made Structure
47.	23375	Woodside Pluto Area B 103	A	C, D	Engraving
48.	23377	Woodside Pluto Area B 104	A	C, D	Engraving
49.	23378	Woodside Pluto Area B 105	A	C, D	Engraving

	DIA Site No	Site Name	s5	s39(2)	Comments
50.	23379	Woodside Pluto Area B 106	A	C	Engraving
51.	23380	Woodside Pluto Area B 107	A	C, D	Engraving
52.	23381	Woodside Pluto Area B 1	A	C, D	Engraving
53.	23382	Woodside Pluto Area B 2	A	C, D	Engraving
54.	23383	Woodside Pluto Area B 3 (PB 69)	A	B, C & D	Man-Made Structure
55.	23384	Woodside Pluto Area B 4	A	C, D	Engraving
56.	23385	Woodside Pluto Area B 5	A	C, D	Engraving
57.	23386	Woodside Pluto Area B 6	A	C, D	Engraving
58.	23387	Woodside Pluto Area B 7	A	C, D	Engraving
59.	23388	Woodside Pluto Area B 8	A	C, D	Engraving
60.	23389	Woodside Pluto Area B 9	A	C, D	Engraving
61.	23390	Woodside Pluto Area B 10	A	C, D	Engraving
62.	23391	Woodside Pluto Area B 11	A	C, D	Engraving, Grinding patches/grooves
63.	23392	Woodside Pluto Area B 12	A	C, D	Engraving
64.	23393	Woodside Pluto Area B 13	A	C, D	Engraving
65.	23394	Woodside Pluto Area B 14	A	C, D	Engraving
66.	23395	Woodside Pluto Area B 15	A	C, D	Engraving
67.	23396	Woodside Pluto Area B 16	A	C, D	Engraving
68.	23397	Woodside Pluto Area B 17	A	C, D	Engraving
69.	23398	Woodside Pluto Area B 18	A	C, D	Engraving
70.	23399	Woodside Pluto Area B 19	A	C, D	Engraving
71.	23400	Woodside Pluto Area B 20	A	C, D	Engraving
72.	23401	Woodside Pluto Area B 21	A	C, D	Engraving, Quarry, Artefact/scatter, Grinding patches/ grooves
73.	23402	Woodside Pluto Area B 22	A	C, D	Engraving
74.	23403	Woodside Pluto Area B 23	A	C, D	Engraving
75.	23404	Woodside Pluto Area B 24	A	C, D	Engraving
76.	23405	Woodside Pluto Area B 25	A	C	Artefacts/Scatter
77.	23406	Woodside Pluto Area B 26	A	C, D	Engraving
78.	23407	Woodside Pluto Area B 27	A	C, D	Engraving
79.	23408	Woodside Pluto Area B 28	A, C	C, D	Man-Made Structure, Engraving, Artefacts/Scatter
80.	23409	Woodside Pluto Area B 29	A	C, D	Engraving
81.	23410	Woodside Pluto Area B 30	A	C, D	Engraving, Artefacts/Scatter
82.	23411	Woodside Pluto Area B 31	A	C, D	Engraving
83.	23412	Woodside Pluto Area B 32	A	C	Engraving
84.	23413	Woodside Pluto Area B 33	A, C	B, C & D	Man-Made Structure
85.	23414	Woodside Pluto Area B 34	A, C	B, C & D	Man-Made Structure
86.	23415	Woodside Pluto Area B 35	A	C, D	Engraving
87.	23416	Woodside Pluto Area B 36 (PB 091)	A, C	B, C & D	Man-Made Structure
88.	23417	Woodside Pluto Area B 37	A	B, C & D	Man-Made Structure
89.	23418	Woodside Pluto Area B 38	A	C, D	Engraving
90.	23419	Woodside Pluto Area B 39	A	C, D	Man-Made Structure
91.	23420	Woodside Pluto Area B 40	A	C, D	Engraving
92.	23421	Woodside Pluto Area B 41	A	C, D	Engraving
93.	23422	Woodside Pluto Area B 42	A	C, D	Engraving
94.	23423	Woodside Pluto Area B 43	A	C	Engraving
95.	23424	Woodside Pluto Area B 44	A	C	Man-Made Structure
96.	23425	Woodside Pluto Area B 45	A	C	Engraving

	DIA Site No	Site Name	s5	s39(2)	Comments
97.	23426	Woodside Pluto Area B 50	A	C, D	Engraving
98.	23427	Woodside Pluto Area B 52	A	B, C & D	Man-Made Structure
99.	23430	Woodside Pluto Area B 53	A	C	Artefacts/Scatter
100.	23431	Woodside Pluto Area B 54	A	C	Artefacts/Scatter
101.	23433	Woodside Pluto Area B 55	A	C, D	Engraving, Artefacts/Scatter
102.	23434	Woodside Pluto Area B 56	A	C, D	Engraving, Artefacts/Scatter
103.	23435	Woodside Pluto Area B 57	A	C	Artefacts/Scatter
104.	23436	Woodside Pluto Area B 58	A	C, D	Engraving, Artefacts/Scatter
105.	23437	Woodside Pluto Area B 59	A	C	Artefacts/Scatter
106.	23438	Woodside Pluto Area B 60	A	C	Quarry, Artefacts/Scatter
107.	23439	Woodside Pluto Area B 62	A	C, D	Engraving
108.	23440	Woodside Pluto Area B-AG-33	A	C, D	Engraving
109.	23441	PB011	A	B, C & D	Mythological
110.	23443	PB002	A	B, C	Grinding patches/grooves
111.	23444	PE9	A, B	B, C & D	Engraving, Artefacts/Scatter
112.	23453	PB027	A	B, C	Grinding patches/Grooves
113.	23454	PB028	A	B, C	Grinding patches/Grooves
114.	23481	PB073	A	B, C	Ceremonial
115.	23526	Woodside Pluto Area B-AG-30	A	C, D	Engraving
116.	23527	Woodside Pluto Area B-AG-36	A	C	Artefacts/Scatter
117.	23528	Woodside Pluto Area B-AG-37	A	C, D	Engraving, Quarry, Artefacts/Scatter
118.	23529	Woodside Pluto Area B-AG-38	A	C	Quarry, Artefacts/Scatter
119.	23530	Woodside Pluto Area B-AG-39	A	C, D	Engraving
120.	23531	Woodside Pluto Area B-AG-40	A	C, D	Engraving
121.	23532	Woodside Pluto Area B-AG-41	A	C, D	Engraving
122.	23533	Woodside Pluto Area B-AG-42	A	C, D	Engraving, Artefacts/Scatter
123.	23534	Woodside Pluto Area B-AG-43	A	C, D	Engraving
124.	23535	Woodside Pluto Area B-AG-44	A	C, D	Engraving
125.	23536	Woodside Pluto Area B-AG-45	A	C, D	Engraving
126.	23537	Woodside Pluto Area B-AG-46	A	C, D	Engraving, Artefacts/Scatter
127.	23541	AG35	A	C	Man-made structure, Artefacts/ scatter
128.	23542	AG34	A	C	Ceremonial
129.	23543	Woodside Pluto Area B-AG-32	A	C, D	Engraving
130.	23544	PE10	A, B	B, C & D	Ceremonial, Engraving, Atefacts/ Scatter
131.	23676	WGTO PB 11	A	C	Engraving & Man-made Structure
132.	23755	WGTO PB 18	A	C	Engraving
133.	23768	WGTO PB 19	A	C, D	Engraving
134.	23679	WGTO PB 21	A	C, D	Engraving

	DIA Site No	Site Name	s5	s39(2)	Comments
135.	23756	WGTO PB 23	A	C, D	Engraving
136.	23757	WGTO PB 25	A	C	Engraving & Man-made Structure
137.	23681	WGTO PB 28	A	C	Engraving
138.	23682	WGTO PB 31	A	C	Engraving
139.	23759	WGTO PB 32	A	C, D	Engraving
140.	23683	WGTO PB 37	A	C, D	Engraving
141.	23684	WGTO PB 38	A	C	Engraving
142.	23687	WGTO PB 42	A	C	Engraving
143.	23690	WGTO PB 47	A	C	Engraving
144.	23691	WGTO PB 48	A	C	Engraving
145.	23692	WGTO PB 53	A	C, D	Engraving
146.	23698	WGTO PB 73	A	C, D	Engraving
147.	23699	WGTO PB 74	A	C, D	Engraving
148.	23769	WGTO PB 83	A	C	Engraving
149.	23762	WGTO PB 84	A	C	Engraving
150.	23703	WGTO PB 90	A	C	Engraving
151.	23704	WGTO PB 92	A	C, D	Engraving
152.	23706	WGTO PB 96	A	C, D	Engraving
153.	23708	WGTO PB 98	A	C	Engraving
154.	23710	WGTO PB 100	A	C	Engraving
155.	23711	WGTO PB 101	A	C, D	Engraving
156.	23712	WGTO PB 102	A	C	Engraving
157.	23713	WGTO PB 103	A	C	Engraving
158.	23718	WGTO PB 109	A	C	Engraving
159.	23719	WGTO PB 110	A	C	Engraving
160.	23720	WGTO PB 111	A	C	Engraving
161.	23721	WGTO PB 112	A	C	Engraving
162.	23723	WGTO PB 115	A	C	Engraving
163.	23724	WGTO PB 119	A	C, D	Engraving
164.	23725	WGTO PB 124	A	C	Engraving
165.	23726	WGTO PB 125	A	C	Engraving
166.	23727	WGTO PB 126	A	C	Engraving
167.	23728	WGTO PB 128	A	C	Engraving
168.	23729	WGTO PB 131	A	C	Engraving
169.	23763	WGTO PB 138	A	C, D	Engraving
170.	23770	WGTO PB 139	A	C, D	Engraving
171.	23731	WGTO PB 140	A	C, D	Engraving
172.	23732	WGTO PB 142	A	C, D	Engraving
173.	23733	WGTO PB 143	A	C	Engraving
174.	23764	WGTO PB 149	A	C, D	Engraving
175.	23735	WGTO PB 150	A	C	Engraving
176.	23736	WGTO PB 152	A	C	Engraving
177.	23737	WGTO PB 153	A	C, D	Engraving
178.	23738	WGTO PB 154	A	C	Engraving
179.	23765	WGTO PB 159	A	C	Engraving
180.	23742	WGTO PB 180	A	C	Engraving
181.	23744	WGTO PB 187	A	C	Artefact scatter
182.	23767	WGTO PB 190	A	C	Engraving
183.	23746	WGTO PB 191	A	C	Engraving
184.	23747	WGTO PB 195	A	C	Engraving
185.	23748	WGTO PB 196	A	A, C & D	Engraving

	<b>DIA Site No</b>	<b>Site Name</b>	<b>s5</b>	<b>s39(2)</b>	<b>Comments</b>
186.	9239	BLADE QUARRY	A	C	Quarry, Artefact Scatter
187.	9250	VALLEY FLOOR	A	C, D	Engraving
188.	9252	HAUL ROAD VALLEY EAST	A	C, D	Engraving
189.	9254	PECKED HUMANS	A	C, D	Engraving, Artefacts/ Scatter, Grinding patches/grooves
190.	9255	THE THYLACINES	A	C, D	Engraving
191.	9278	EAGLES NEST	A	C	Engraving
192.	9843	SURVEYORS VALLEY	A	C, D	Engraving
193.	10557	GAS PIPELINE 07	A	C	Engraving