

Report on an Aboriginal Heritage Survey and Consultation for the Lynas Mount Weld Project, Goldfields, WA



March 2022

Client: Lynas Mount Weld

Attention: Adam Cargill, Aubrey Lynch

Disclaimer

Despite all efforts made to ensure that all relevant information has been considered in this document completeness cannot be guaranteed. The Author is not accountable for omissions and inconsistencies that may result from information which was not available at the time or will come to light in the future. The conclusions and recommendation of this report are based on information available at the time of preparation and do not constitute legal advice.

Copyright

Ownership of the primary materials created during the survey remains the property of the Author, Lynas Rare Earth Limited and the informants named in this report.

Lynas may use, copy, and distribute the report for project planning, construction and operational purposes and any other purpose relating to the Development Envelope and to comply with any obligations or duties arising under any applicable law, including but not limited to:

- i. in order to meet their obligations under relevant environmental, heritage, water, public works legislation; and
- ii. for any purpose relating to the *Aboriginal Heritage Act 1972 (WA)* and or the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*.
- iii. Any other legal obligation

Apart from the use by the parties described above, this report may not be used, sold, published, reproduced, or distributed wholly or in part without the prior written consent of the Author

Spatial data is provided in GDA 94.

The Author

Daniel Bruckner holds a double Master in Anthropology and Political Sciences from Heidelberg University, Germany. During his PhD period he was awarded a 3-year Research Fellowship at the University of Western Australia. He has undertaken substantial research in the field of behavioral and cognitive anthropology and lived in remote Aboriginal Community during these periods. He also underwent formal Lithics training at UWA. In 2011 he was nominated, by the then Minister of Aboriginal Affairs, as the Specialist Anthropologist on the Aboriginal Cultural Material Committee. Between 2015 and 2018 Daniel chaired the working group for Native Title and Heritage at the West Australian Chamber of Minerals and Energy. Since departure from the resources industry he has been engaged by various parties, including Native Title Representative bodies, Aboriginal Corporations and Land Developers in relation to Heritage, Native Title, Agreement Negotiation and Land Management Strategies. The Author is a professional member of the Anthropological Society of Western Australia with 15+ years' experience in the field of Aboriginal Heritage and Native Title.

Contents

Executive Summary	4
Relevant Legislation	5
Aboriginal Heritage Act	5
Social Surrounds under the EP Act	5
The Scope	6
Methodology	8
DPLH and desktop review	8
List of previous surveys and reports	9
Survey participants and dates	9
Survey outcomes	10
Consultation process	12
Table 1 DPLH search	8
Table 2 List of previous surveys	9
Table 3 Survey Crew	9
Figure 1 Scope map detailing existing surveys and overall Project Area	7
Figure 2 Isolated Artefact at MW 19-01	10
Figure 3 Heritage Cleared Area	11
Figure 4 Lynas representatives and Traditional Owners	12

Executive Summary

Lynas Rare Earth Limited engaged the Author to undertake a comprehensive Aboriginal Heritage survey over their Mount Weld Project Area. The Area falls entirely within the Nyalpa Pirniku Native Title claim (WC2019/002) and had been subject to several Ethnographic and Archaeological surveys in the past. The Mount Weld Project is located in a floodplain, 17km Northeast of Lake Carey. The geomorphology and vegetation do not lend itself to traditional occupation and the Nyalpa Pirniku members explained that this was an area that people would have traveled through but not stayed for longer periods. The survey subject to this report has consolidated the previous surveys and covered the area adequately. The survey was conducted in collaboration with members of the Nyalpa Pirniku Native Title group. The survey participants were selected by the Native Title group due to their intimate knowledge of the heritage values in the area and their involvement in previous surveys. No new Heritage sites have been identified during the survey. 3 previously recorded sites have been revisited and re-assessed based on the comments by the survey participants. Lynas and the Nyalpa Pirniku members and traditional owners for the area have also agreed to collaborate to establish a comprehensive Social Cultural Heritage Management Plan (SCHMP). Lynas also used the opportunity to provide the group with a detailed presentation on the operation and the intended expansion.

Relevant Legislation

Aboriginal Heritage Act

All Aboriginal sites within Western Australia are protected under the Aboriginal Heritage Act 1972 (AHA). An Aboriginal site is defined under Section 5 of the AHA. For ethnographic sites, Sections 5b, c, & d have the most relevance whereas 5a focuses mainly on archaeological sites:

- (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;
- (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.

It is an offence under Section 17 of the AHA to excavate, destroy, damage, conceal or in any way alter any Aboriginal site without prior consent, under Section 18 of the AHA, from the Minister of Aboriginal Affairs. Penalties apply for breaches of the AHA. For the administration of Section 18 of the AHA, the ACMC makes recommendations to the Minister of Aboriginal Affairs regarding whether a place meets criteria under Section 5 of the AHA and, where relevant, whether impacts to Aboriginal sites can or may occur. The Minister of Aboriginal Affairs must be informed by these recommendations prior to granting or not granting consent to use the land where that use will impact Aboriginal sites. Under Section 39(2&3) of the AHA, the ACMC use a set of standardised criteria in the evaluation of Aboriginal sites.

(http://www.austlii.edu.au/au/legis/wa/consol_act/aha1972164/).

Social Surrounds under the EP Act

Aboriginal heritage and culture: Western Australia has numerous Aboriginal heritage sites which provide an important link for Aboriginal people to their past and their culture. The Aboriginal Heritage Act 1972 provides for the preservation of Aboriginal heritage sites. The Act requires the reporting of Aboriginal sites to the Registrar, and it is an offence to interfere with a registered site unless otherwise authorised under the Act. It is also an offence to interfere with any Aboriginal site knowingly or where it would be reasonable to know, regardless of whether or not it is registered. The EP Act can, in some instances, complement the AH Act, for example, in cases where actual physical protection of the environment is required to protect sites of heritage significance. In addition to Aboriginal heritage, matters of Aboriginal cultural associations, including traditional Aboriginal customs, directly linked to the physical or biological aspects of the environment, may also be considered significant. This may include, for example, traditional hunting and gathering activities for native fauna and flora as bush tucker.

For the full version of the Social Surrounds Guidelines, refer to the following link:

http://www.epa.wa.gov.au/sites/default/files/Policies_and_Guidance/Guideline-Social-Surroundings-131216_2.pdf

The Scope

The scope was to review existing heritage survey reports and undertake a comprehensive Heritage Survey including a Report for the area. The area has been subject to Heritage surveys since 1983. The surveys covered separate parts of the project area and were done to varying but high standard methodologies. These previous surveys involved some of the same people that participated in this survey. The previous surveys were made available to the Author and have, where relevant, also been discussed with members of this survey. A list of the previous surveys is provided further down in this report. The scope map is included below

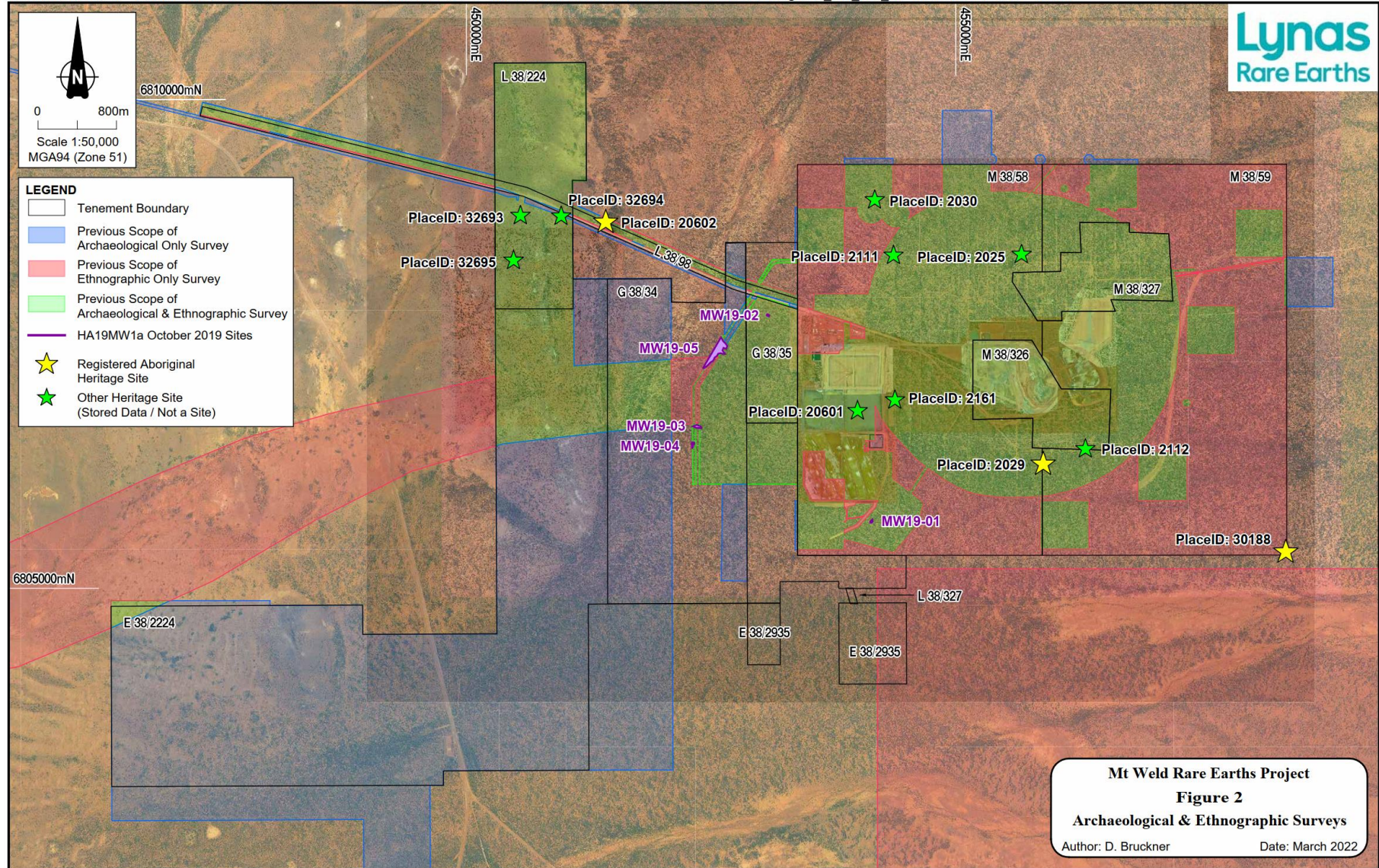


Figure 1 Scope map detailing existing surveys and overall Project Area

Methodology

The survey was conducted as a site avoidance /work area clearance survey. This means that sites of cultural significance would be recorded to a basic level of detail and the site boundaries would be captured by hand held GPS in GDA94.

Lynas has made available recent survey reports and maps of the project area. These were reviewed and discussed prior to the field survey. The team got together at the beginning and end of every survey day to discuss progress and ensure that all survey members are comfortable with the survey and the time spent in certain areas.

All areas were accessed via 4 WD and covered by pedestrian transects. All areas were accessible and adequate time was spent in the relevant survey areas. Environmental aspects in relation to cultural significant flora and fauna have been included in the conversations. An additional key interest was surface and subsurface hydrology which had also been part of the discussions. The Mount Weld project area sits in a flood plain that feeds into Lake Carey to the south west. Lake Carey is an area of cultural significance and the group was satisfied that the project had no adverse effect on the cultural values and significance of Lake Carey.

DPLH and desktop review

As part of the desktop review the Author has checked the DPLH AHIS system. Three registered sites have been identified during the desktop review of the AHIS system. None of these places will be impacted by the project expansion. Nine stored data sites were also identified in the broader project area.

Table 1 DPLH search

DPLH ID	Site Name	Site Type	DPLH Status
20602	Mount Weld 8	Artefact Scatter	registered
2029	Mount Weld	Artefact Scatter	registered
30188	Mount Weld relocation site	Artefact Scatter	registered
32693	Chert Site	Artefact Scatter	Stored data
32695	Silicified Silt Stone	Artefact Scatter	Stored data
2111	Mount Weld	Artefact Scatter	Stored data
20601	Mount Weld 7	Artefact Scatter	Stored data
2030	Mount Weld	Artefact Scatter	Stored data
2161	Mount Weld	Artefact Scatter	Stored data
32694	Pipeline Site	Artefact Scatter	Stored data
2025	Mount Weld	Artefact Scatter	Stored data
2112	Mount Weld	Artefact Scatter	Stored data

An additional five sites have been recorded by Archae-Aus in 2019. Three of these sites have been revisited during this survey and have been assessed in consultation with the Traditional Owners.

List of previous surveys and reports

Below is the list of previous surveys that were conducted over sections of the project area. All survey outcomes were considered for this survey and reporting.

Table 2 List of previous surveys

Year	Author	Title	Methodology
1983	Veth and O'Connor	Archaeological and Anthropological Report for Union Oil MW8302	Archaeological and Ethnographic
1984	Veth	Survey and Salvage for Union Oil MWC 84-2	Archaeological
2003	Machin	Report in relation to Mt Weld Mining Licences M38/58 M38/59 M38/326 M38/327 and ML 38/98 with Wongatha	Ethnographic
2003	Glendenning	A report of an archaeological survey of tenement L38/98 and the relocation of sites 2025, 2029, 2030, 2111, 2112 and 2161 within tenements M38/58 and M38/59 at Mt Weld, near Laverton W.A	Archaeological
2008	Glendenning	Report on relocation of Site 7 20601	Archaeological
2012	Glendenning	Mt Weld Archaeology Survey April 2012	Archaeological
2012	Cecchi	Report on and Aboriginal Heritage Survey of Lynas Corp Open Pit Extension and Spoil Dump Area	Ethnographic
2013	Cecchi	Report on an Aboriginal Heritage Survey of Lynas Corp Tenement E38/2224	Ethnographic
2013	Archae-Aus	Report on the detailed recording of three Aboriginal Archaeological Sites and assessment of one potential Archaeological Site and pre existing Archaeological Material, Mount Weld Project Area near Laverton Western Australia	Archaeological
2013	TCHM	Advice regarding potential archaeological sites located on Mt Weld lease E38/2224	Archaeological
2019	Archae-Aus	Report on an Aboriginal Archaeological Assessment and site recording at Lynas Corporation Plant near Laverton WA	Archaeological
2019	Taylor	Anthropological Heritage Survey (site ID and work area clearance) Nyalpa Pirniku Mount Weld Mining PTY Limited, Lynas Corporation Limited	Ethnographic

Survey participants and dates

The survey was conducted between the 14th and 18th of February 2022. The initial day was filled with Covid testing and a Lynas presentation to the Traditional Owners. The remaining time was spent in the field.

Table 3 Survey Crew

Name	Role
Aubrey Lynch	Wati
Fabian Tucker	Traditional Owner
Janice Scott	Traditional Owner
Leo Thomas	Traditional Owner
Hector O'Louchlin	Traditional Owner
Dennis Forrest	Traditional Owner
Shane Lynch	Traditional Owner
Daniel Bruckner	Heritage Consultant Integritat
Adam Cargill	Senior Advisor HSEC Lynas

Survey outcomes

The survey covered the entire project area, confirmed and consolidated the outcomes of the previous surveys. Three artefact scatters, recorded by Archae-Aus in 2019, have been revisited in the process. MW19-02 was inspected first but artefact material could not be identified in the location and the Traditional Owners were satisfied that this was not a site or a place of cultural significance. The larger Artefact Scatter to the south west MW19-05 actually produced a small amount of flakes distributed over a large area, best described as a low density scatter with low archaeological significance and not likely to meet Section 5 of the AHA. Lynas confirmed that this area would not be part of any future development but if the area was potentially getting impacted Lynas would further consult with Nyalpa Pirniku in relation to the potential salvage of the artefacts. The last place that was inspected was MW19-01. The survey participants identified 3 isolated artefacts.



Figure 2 Isolated Artefact at MW 19-01

The group discussed that this area might be impacted by future development of the Lynas project. The Traditional Owners expressed that they had no issue with this prospect and again reinforced that they were very supportive of the Lynas project and appreciated the transparency and honesty that the company displayed during the survey and associated presentations. No other artefact material or ethnographic values were identified during the conduct of the survey. The area in green (below) has been cleared by the Traditional Owners.

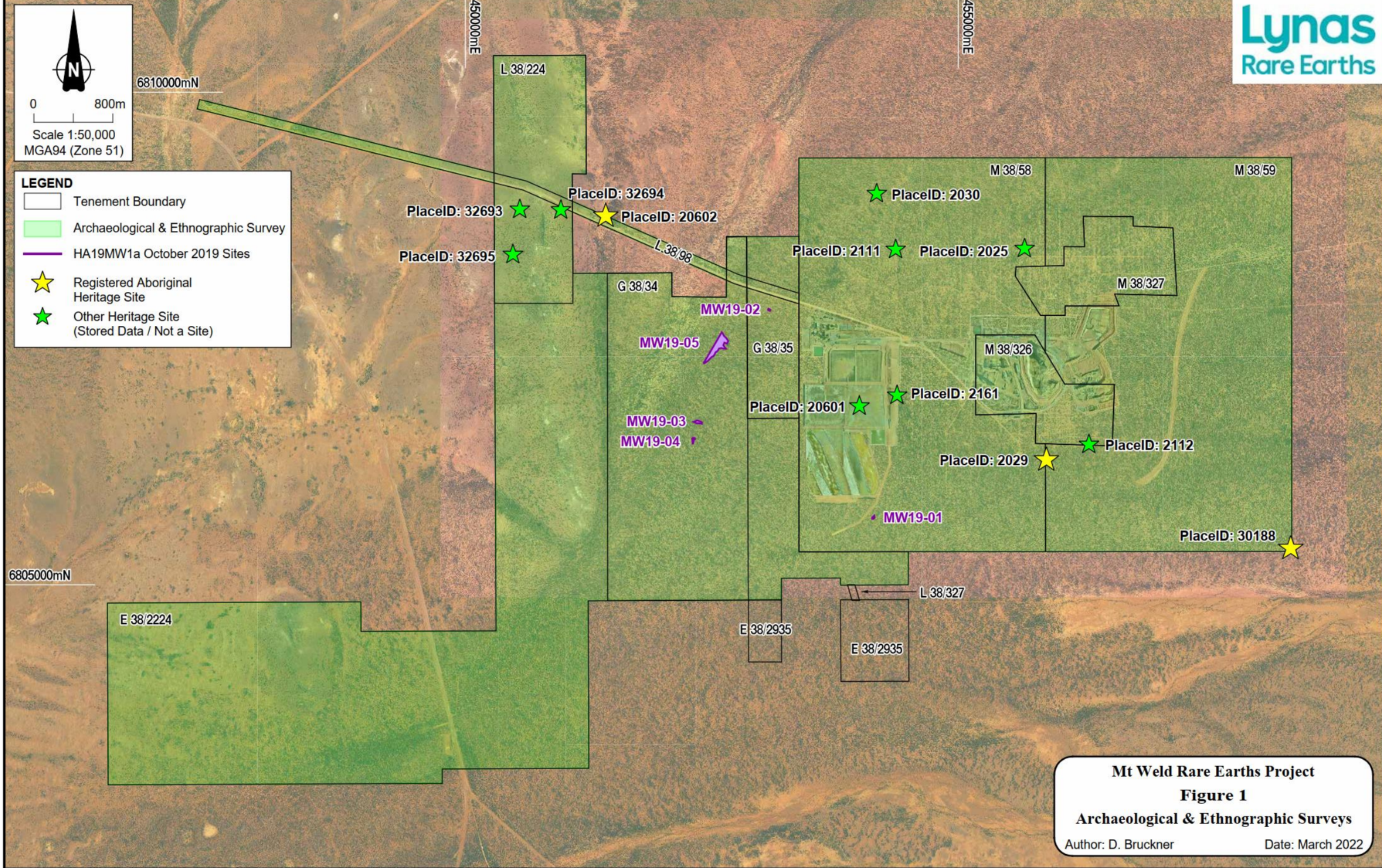


Figure 3 Heritage Cleared Area

Consultation process

Lynas made available Senior Staff to provide input in the consultation and presented the Project in a high level of detail. General Manager Chris Torrissi, Manager External Relations Rowena Olsen and Senior Advisor Adam Cargill presented on the various aspects of the project and were available to answer any questions. Lynas provided a comprehensive tour of the operations and explained what the intend and future outlook of the project was.



Figure 4 Lynas representatives and Traditional Owners

The group agreed on ongoing consultation in particular the establishment of a comprehensive SCHMP that would cover Heritage, Social Values and Environmental considerations. The Author has been tasked with drafting an initial framework that would form the basis for ongoing consultation. The Traditional Owners expressed their overall support for the project.