



NORTHERN GOLDFIELDS INTERCONNECT

Cultural Heritage Management Plan

This is a preliminary draft with site specific confidential Traditional Owner information redacted. The final implementation document will incorporate Traditional Owner consultation and commitments relating to specific sites.

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1. INTRODUCTION

1.1 Overview

The development and implementation of a Cultural Heritage Management Plan (CHMP) is an agreed obligation as part of project stakeholder and regulatory consultation for the APA Group (APA) Northern Goldfields Interconnect Project (the Project Area).

The Northern Goldfields Interconnect (NGI) CHMP sets in place a formal mechanism for the management of cultural heritage within the Project Area. Key users of this document will be Traditional Owners, APA management, staff and contractors. Through the CHMP, APA will ensure that all employees and contractors in the construction phase of the NGI project are fully aware of their obligations to meet the commitments made to Traditional Owner stakeholders regarding the protection of and the management of impacts to cultural heritage sites in proximity of the NGI. The CHMP also ensures project participants are aware of obligations under Commonwealth and State legislation, to avoid and minimise impacts on Indigenous cultural heritage. The CHMP will be regularly revised and updated during the lifecycle of the Project.

The Project Area is subject to Native Title claims/determinations;

- Yamatji Nation (Determined)
- Badimia (Determined)
- Wajarri Yamatji (Registered Claim)
- Mullewa Wadjari (Registered Claim)
- Badimaya Barna Guda People (Dismissed Claim)
- Wutha (Dismissed Claim)
- Darlot (Registered Claim).

1.2 Purpose

The CHMP provides a formal framework for the protection of heritage. Specifically, the CHMP sets out the process for APA to:

- Work in partnership with Traditional Owners through the establishment of a formal mechanism for collaborative cultural heritage management
- Implement a communication protocol specifically for Indigenous cultural heritage, including a mechanism for resolving disputes that may arise under the CHMP
- Comply with all Government legislation, policy and project approvals
- Manage the design and construction process to minimise the footprint to avoid Indigenous heritage sites and sites of significance
- Undertake comprehensive planning to ensure that all ground disturbance and construction activities are within designated disturbance zones
- Where appropriate, employ Indigenous monitors for ground disturbing works in order to manage any artefacts that may be uncovered as a result of the works.

- Require key personnel to demonstrate leadership in the area of Indigenous Affairs
- Ensure training for all relevant employees and contractors on cultural heritage management
- Implements where agreed recommendations made by Traditional Owners in relation to cultural heritage management.
- Minimises impacts to the cultural heritage environment through responsible heritage management.
- Provides a plan through which APA will achieve its vision of best practice heritage management.
- Clearly defines roles and responsibilities under this Plan; and
- Ensure strict reporting of non-compliance.

To facilitate a best practice approach, APA has implemented the 'avoidance' of Aboriginal heritage values as the top-tier management approach. This has included re-alignment of the NGI pipeline and a reduction of the width of the construction right-of-way to prevent or minimise disturbance to known and new sites identified. A number of Aboriginal sites have been avoided along the alignment through this iterative and ongoing process, which has included continual engagement with Traditional Owners.

Initially, 36 Aboriginal heritage sites were within the indicative disturbance footprint of the proposal. However, based on the consultative surveys conducted with the respective Traditional Owner groups between December 2020 and April 2021, further refinement of the pipeline alignment has been undertaken such that only 11 Aboriginal heritage sites now occur within the project area, of which only 4 will be directly impacted as a last resort.

1.3 Company vision

The CHMP for the Project has been developed to provide APA with the necessary direction to achieve the company's vision in regard to Indigenous cultural heritage management in the Project Area.

The CHMP demonstrates APA's commitment to ensuring that the Project's impact on Indigenous heritage is kept to a minimum and risks are managed and mediated whenever possible. The potential impacts and management strategies have been developed based on the outcomes of each heritage survey undertaken across the NGI pipeline (NGIP) corridor with Yamatji Nation (former Southern Yamatji, Mullewa Wadjari, and Widi Mob claims), Badimia, the former Wutha and Darlot Claimants.

1.4 Scope of Cultural Heritage Management Plan

During the Project, the CHMP will be revised and updated so as to provide APA staff and its contractors with relevant requirements and details on the heritage management activities to be implemented during the Project. The CHMP covers all activities that APA will undertake in the Project Area until the completion of construction activities.

The CHMP formalises and guides the management of all cultural heritage matters within the Project Area. These matters consist of, but are not limited by, archaeological items such as stone and other artefacts scatters, standing stones, stone arrangements and shell middens. It also covers matters in regard to a range of ethnographic sites including, but not limited by, water courses, creek lines, clay pans, vegetation types, specific tree species and animal burrows and shelters.

1.5 Extent of Area Covered by the Management Plan

The CHMP covers the NGI pipeline project area, commencing at Ambania, located approximately 50 km east of Geraldton, connecting into the existing Goldfields Gas Pipeline (GGP) at approximately 40 km south of Leinster, Western Australia. Refer to Figure 1.

The NGI pipeline will include an approximately 580 km long natural gas, high pressure pipeline (DN300, i.e. 300mm diameter) with connection into associated aboveground facilities. The NGI pipeline will be underground (i.e. buried) and will commence at Ambania, located approximately 50 km east of Geraldton with a connection to the Dampier Bunbury Natural Gas Pipeline (DBNGP) via the Rosewick Offtake Station and head eastwards to connect into the existing Goldfields Gas Pipeline (GGP) at approximately 40 km south of Leinster via the Weebo Inlet Station.

The depth of cover for the length of the pipeline will comply with the requirements of the Australian and New Zealand Standard (AS/NZ) 2885.1 Australian Pipeline Standard – Design and Construction. The pipeline will generally be buried via trenching at a minimum depth of 0.75 m. However, it may be deeper (up to approximately 2 m–10 m) at specific locations by agreement with stakeholders, at third party infrastructure crossing locations (e.g. telecommunication infrastructure, water infrastructure, roads/tracks and railways) and at environmental and cultural locations such as Sensitive environments and waterways.

To meet due diligence heritage requirements in line with the Western Australian *Aboriginal Heritage Act 1972* (AHA), APA facilitated archaeological and ethnographic heritage surveys across the entire length of the proposed NGIP alignment, inclusive of the aboveground facility locations. These surveys were conducted as seven sections based on the Country boundaries of the Yamatji Nation, Wajarri Yamatji, Badimia, Wutha and Darlot peoples. Survey summaries for each section are detailed in **Section 5.5** of this plan (**Confidential**).

NORTHERN GOLDFIELDS INTERCONNECT Cultural Heritage Management Plan

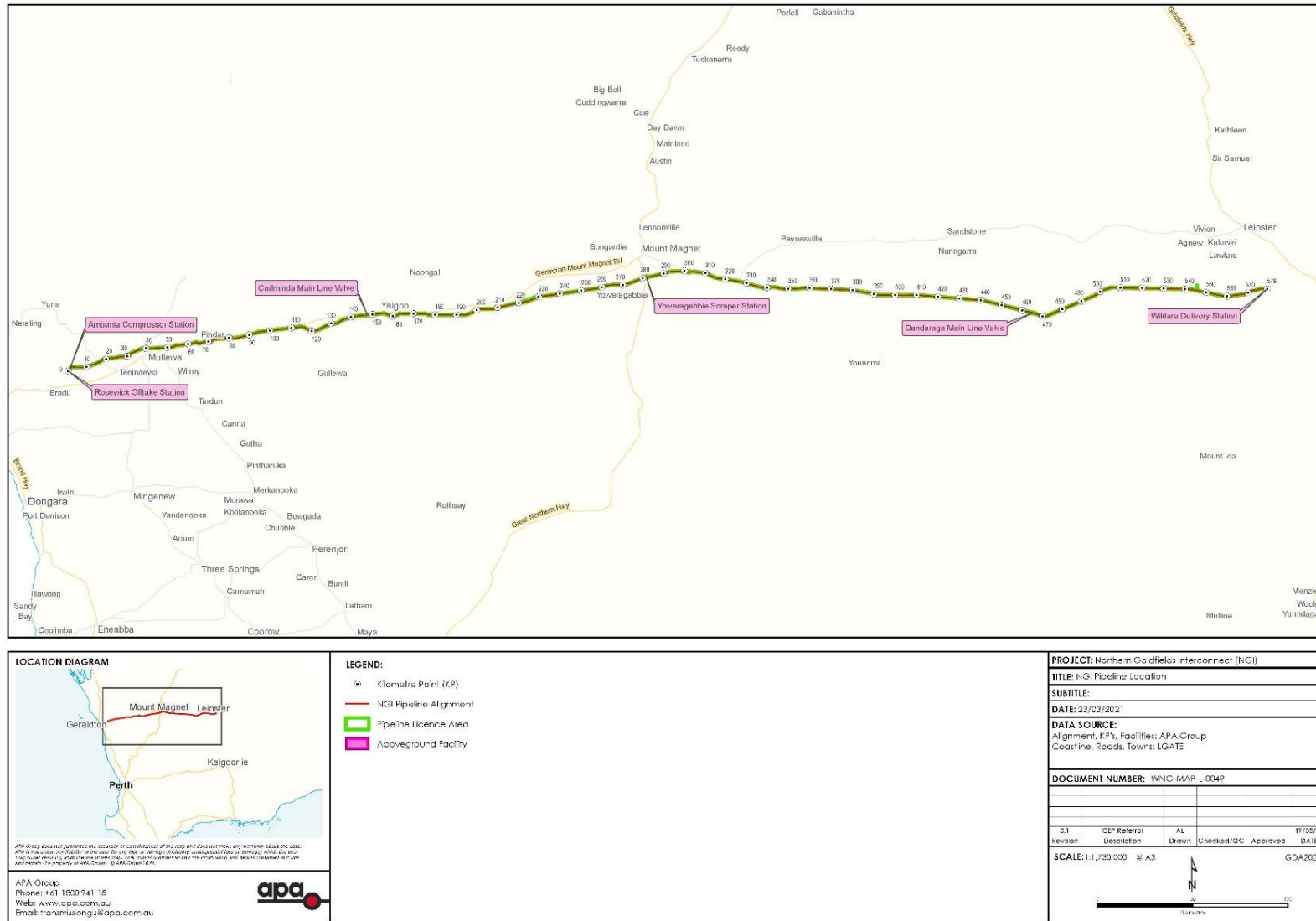


Figure 1: WNG Alignment Locality Map

1.6 Related Documentation

The CHMP is an integral component of, and interacts with the following APA plans, policies and documents:

- APA HSE EP 13.07.02 Aboriginal Cultural Heritage Management Plan
- 20199-PL-LH-0002 - NGI Stakeholder Engagement Strategy
- 20199-PL-HSE-0007 – NGI Construction Environment Plan

The CHMP will be integrated into the project site induction process for all contractors engaged in the NGI project. The induction will ensure that all site project personnel are aware of this CHMP and its requirements. The induction will also outline the location of Aboriginal heritage sites and the requirement not to disturb these sites.

1.7 Roles and Responsibilities

The CHMP will be monitored and overseen by the APA project management team, however APAs' Main Construction Contractor will be primarily responsible for delivering the construction activities in accordance with the CHMP. APA's Cultural Heritage Advisor and Construction Manager will coordinate the delivery of on-ground heritage activities and monitoring.

In the event that expert advice is required, the Cultural Heritage Advisor will engage relevant senior Indigenous knowledge holders to provide this advice and/or professional archaeologists and anthropologists as deemed suitable.

2. RELEVANT LEGISLATION AND APPROVALS

The key heritage legislation applicable to the Project is discussed in the sections below.

2.1 State Legislation

In Western Australia, the primary instrument for the protection and management of cultural and heritage is the AHA. During the environmental approvals process, cultural heritage is also indirectly covered by the *Environment Protection Act 1986*.

2.1.1 Aboriginal Heritage Act 1972

The AHA provides for the recognition, protection and preservation of Indigenous sites in Western Australia. It is an offence under section 17 of the AHA to excavate, destroy, damage, conceal, or in any way alter an Indigenous site. If an owner of land wishes to use the land in any way that might breach section 17, they are able to apply for consent under section 18 (2) of the AHA. Consent has the effect of removing criminality from any breach of section 17.

Notice for consent has to be given to the Aboriginal Cultural Material Committee (ACMC). The ACMC makes recommendations to the Minister about whether consent should be granted and under which conditions. The Minister then makes a decision based on the recommendations of the ACMC and the general interest of the community.

Section 57 of the AHA outlines the various penalties that can be applied under the Act. These offences can lead to legal action. In the case of a disturbance by an individual, penalties comprise fines from \$20,000 to \$40,000 and imprisonment for nine months to two years and a daily penalty of \$400.

A disturbance by a body corporate may result in penalties that comprise fines ranging from \$50,000 to \$100,000 and a daily penalty of \$1,000.

Definition of Indigenous Site

The AHA protects the rights and interests of Indigenous people and their cultural heritage. It is applicable to both place (section 5) and object (section 6). Section 4, defines an Indigenous site as:

- any place of importance and significance where persons of Indigenous descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for the use for, any purpose connected with the tradition cultural life of the Indigenous people, past or present.
- any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Indigenous descent.
- any place which, in the opinion of the committee, is or was associated with the Indigenous 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.
- any place where objects to which this AHA applies are traditionally stored, or to which, under the provisions of this Act, such as objects have been taken or removed.

Section 39 of the AHA explains that one of the functions of the ACMC is to evaluate on behalf of the community the importance of places and objects alleged to be associated with Indigenous persons.

PROPOSED AMENDMENTS TO THE ABORIGINAL HERITAGE ACT 1972

In April 2012, the Western Australian Department of Indigenous Affairs released a discussion paper on a review of the AHA. The Review proposed seven amendments to the Act with the aim of 'improved clarity, compliance, effectiveness, efficiency and certainty'.

The proposed amendments are yet to be enacted. They are currently before Parliament and subject to ongoing debate and discussion. At this stage, it is unlikely the proposed amendments will be enacted. There is not expected to be any implications for the APA project.

In summary, the seven amendments covered:

1. Regulations

Improvements and modernisation of the Register through regulations, by prescribing forms relating to Aboriginal sites and objects, standardised and consistent processes for entering and removing information on the Register and allowing secure public access to certain information on it.

2. **Additional criteria for assessment by the ACMC**
Prescribe to heritage criteria that will apply to allow the Aboriginal Cultural Material Committee identify Aboriginal sites of State heritage importance for protection and preservation.
3. **Penalties for offences against the Act**
Changes to the onus of proof provisions; those accused of breaching the Act will need to prove that the places and objects relating to the proceedings are not listed on the Register (currently, the onus is much wider, requiring the accused to prove that the relevant places and objects are not Aboriginal sites or objects as defined by the Act). Provisions will also be made under the Act or through regulations for civil penalties, infringement notices and remediation orders.
4. **Site Impact Avoidance Certificate**
Departmental power to issue site impact avoidance certificates to certify in advance that certain activities on or near Aboriginal sites will not result in significant impact on those sites and therefore will not constitute an offence under section 17 of the Act. Provisions are also proposed to ensure appropriate consultation with Aboriginal custodians as part of the process of issuing certificates.
5. **New Fees**
New fees and costs will be levied by the Department in relation to various services including section 18 applications, certificates, surveys and consultations.
6. **Owner of the land**
Removal of the requirement for a section 18 notice to come from the "owner of any land" and instead, propose that those giving notice under that section who are planning to enter the land and carry out activities provide information about their rights to use the land as part of the notice process.
7. **Streamline applications to the EPA**
Investigate options to streamline decisions about Aboriginal heritage under the *Environmental Protection Act 1986* and the *Aboriginal Heritage Act 1972* so that the Environmental Protection Authority do not have to consider Aboriginal heritage impacts of development when these matters have been examined already through another governmental process.

The following sections of the CHMP have been drafted according the current requirements under the AHA, however have considered the proposed legislative changes and sought to implement improved engagement and outcomes that they are seeking. The CHMP will be revised and updated to meet the new amendments should they be passed.

2.2 Commonwealth Legislation

2.2.1 Indigenous and Torres Strait Islander Heritage Protection Act 1984

This Act enables the Australian Government to respond to requests to protect important Indigenous areas and objects under threat, if it appears that state or territory laws have not provided effective protection. The Australian Government can make special orders, called declarations, to protect traditional areas and objectives of particular significance to Indigenous people in accordance with Indigenous

tradition from threats of injury or desecration. The government cannot make a declaration unless an Indigenous person (or a person representing an Indigenous person) has requested it. The power to make declarations is meant to be used as a last resort, after the relevant processes of the state or territory have been exhausted.

2.2.2 *Native Title Act 1993*

The *Native Title Act 1993* allows the recognition under Australian Law of the rights and interests in land and waters of Indigenous and Torres Strait Islander people according to their traditional laws and customs.

Section 211 of the *Native Title Act 1993* protects the right of Native Title holders to carry out certain activities on their traditional lands and waters. These activities include fishing, hunting, gathering, and visiting the areas in relation to cultural practices.

2.2.3 *Environment Protection and Biodiversity Conservation Act 1999*

The *Environment Protection and Biodiversity Conservation 1999* (EPBC Act) establishes the National Heritage list which includes natural, Indigenous and historic places that are of outstanding value to the nation. The Act also establishes the Commonwealth Heritage List, which comprises natural, Indigenous and historic places on Commonwealth Lands and waters under Australian Government control, and identified by the Minister for the Environment, as having Commonwealth Heritage values.

2.3 Native Title

The NGI pipeline alignment intersects various forms of Native title.

2.3.1 Registered Claims

The NGI pipeline licence area intersects with three Registered Native Title Claims namely:

- Darlot (WC2018/005).
- Mullewa Wadjari Community (WC1996/093)
- Wajarri Yamatji (WAD28/2019)

Darlot Native Title claim (WC2018/005)

The amended Darlot Native Title claim (WC2018/005) application satisfies all the conditions in ss 190B–190C of the *Native Title Act 1993* (Cth). Therefore, the claim has been accepted for registration and was entered onto the Register of Native Title Claims on the 9th of July 2021.

Mullewa Wadjari Community Native Title claim (WC1996/093)

This part of the Mullewa Wadjari claim is the portion of their claim that was not determined within the Yamatji Nation. The claim has been active since the 19th of August 1996. The area of the Mullewa Wadjari claim for the NGI Project overlaps that of the Wajarri Yamatji Claim (below).

Wajarri Yamatji Native Title claim (WAD28/2019)

Although the Wajarri Yamatji Native Title claim has been accepted for registration, it is still pending a Determination Decision.

2.3.2 Determination of Native Title

The Determination of Native Title exists for the Yamatji Nation and for the Badimia.

Yamatji Nation determination

The Yamatji Nation determination was a consolidation of the Southern Yamatji, Mullewa Wadjari Community, Hutt River and Widi Mob claims within the Yamatji Nation Claim. Settlement was reached for these parties and the State of WA on 7 February 2020 as part of the Yamatji Nation Southern Regional Agreement.

An ILUA between Yamatji Nation and the State of Western Australia was registered on 26 October 2020. This ILUA is active, and provides for the recognition, protection, and preservation of the heritage and culture of Yamatji Nation peoples within the Agreement Area. It also outlines the conditions around Aboriginal Heritage Agreements, both for the State and Proponents. As part of the grant of the NGL Pipeline project approvals, it is required that APA enter into the Yamatji Proponent Standard Heritage Agreement as referenced in this ILUA.

Badimia determination

On the 25th of May 2015 the Badimia claim for native title was determined not to exist in any part of the land and waters within their claim area.

2.3.3 Unclaimed (no current claims or determination for Native Title)

There is a section between the Badimia determination and the Darlot Claim for Native Title that is currently unclaimed. Within this area, there were two previously dismissed claims for Native Title, being:

- Wutha People (WC1999/010)
- Badimaya Barna Guda People (WC2020/001).

The above former Claimants were invited to take part in the Heritage Surveys for the Project and have been consulted regarding the project.

2.1 Relationship Agreements

The project approvals granted to APA under the Land Administration Act 1997 and the Petroleum Pipelines Act 1969 will be pursuant to the 24KA of the Native Title Act 1994. As such project ILUAs will not be required for where Native Title has not been extinguished or determined not to exist.

As an alternative to an ILUA, APA have proposed that APA and each of the Traditional Owners' Groups (Groups) enter into a Relationship Agreement. These agreements are being developed in consultation with each of the groups. Under these agreements each party acknowledges that they have and or desire to have a good working

relationship and have been actively engaged in discussions relating to the Project. As part of the engagement with the Groups for the NGI Pipeline project, APA acknowledges that each of the Traditional Owner Group(s) speaks for country within the Project Area. These Relationship Agreements set out the basis of the collaboration between APA and the Group in respect of the project.

Both APA and the Groups acknowledge they are making a commitment to cooperate and work with each other so Traditional Owner Group members can take advantage of the opportunities that will arise from the pipeline and to give APA certainty for the Project as it relates to the Project Area. APA and the Traditional Owners' Representative each acknowledge that APA has undertaken the heritage surveys with assistance from the Traditional Owner Group members in relation to Aboriginal Sites within the Project Area.

3. SUMMARY OF HERITAGE SURVEYS AND ABORIGINAL SITES RELEVANT TO THE PROJECT

Eight Traditional Owner groupings have been identified who may have cultural ties to the land within the NGI project. These (and the Indigenous representative bodies) are:

- Yamatji Nation (formerly Southern Yamatji, Mullewa Wadjari and the Widi Mob) – managed by Yamatji Southern Regional Corporation (YSRC);
- Mullewa Wadjari – managed by Heritage Link;
- Wadjari Yamatji – managed by YMAC;
- Badimia – managed by Badimia Land Aboriginal Corporation;
- Badymia Barna Guda (BBG) – Native Title in this area has been dismissed in 2021. This group that has ties to the Badimia listed above, but is represented by a BBG representative;
- Wutha – Native Title in this area has been dismissed, however, they are the primary Traditional Owners that identify with the land; and
- Darlot – a Traditional Owner group with a live Native Title claim, managed by Grant Thornton and the Darlot Heritage Working Group.

APA commissioned a detailed heritage survey program for the Proposal, with the surveys commencing in December 2020. The Aboriginal heritage surveys were completed in April 2021. All surveys were conducted to archaeological and ethnographic site avoidance standards. All heritage places identified during the surveys are being assessed in consideration of whether they are likely to meet criteria for Aboriginal sites, as specified in Section 5 of the WA Aboriginal Heritage Act 1972 (AHA). These sites are also shown in Figure 2: WNG-MAP-L-0058 - Aboriginal Heritage Values within the NGI Pipeline Area and Surrounds **(Confidential)**

Traditional Owner groups and recognised knowledge-holders actively participated in the surveys, preliminary advice and final site avoidance survey reports have been prepared by the heritage consultants in consultation with the Traditional Owners. The reports contain recommendations in relation to heritage monitoring during geotechnical investigations and ground-disturbing work and have been used in the further detailed planning of the pipeline alignment.

DRAFT

(Confidential)

Figure 2: WNG-MAP-L-0058 - Aboriginal Heritage Values within the NGI Pipeline Area and Surrounds

Survey Participants

The ethnographic and archaeological surveys were carried out by a survey team including an anthropologist, and senior Aboriginal Elders with knowledge of the mythological landscape and with long historical associations to the area, and its heritage sites.

Surveys Results

The surveys confirmed the presence of a number of the Registered Sites and Other Heritage Places, as well as identifying a number of isolated artefacts and some new heritage sites. These areas have been recorded using a GPS, and a detailed description of the sites was also recorded to allow for a significance assessment to be made. Accordingly, when Aboriginal sites were identified during the surveys, several supplementary areas were surveyed to allow for deviations of the proposed pipeline alignment.

Since January 2021, APA has been discussing the findings of the heritage surveys with the Traditional Owners to determine the potential impacts and how they can be avoided and/or minimised. The requirement for any specific management measures for the heritage sites is also being discussed, and are included in the Site Avoidance Heritage Survey Reports.

Primarily APA have sought to avoid any direct impact to Aboriginal heritage values through practical measures including:

- Route alignment optimisation (which included avoidance of sites of known Aboriginal Heritage value).
- The use of HDD construction methods to underbore where the alignment intersects areas of ethnographic sensitivity or sites that cannot be avoided (creeks).
- Exclusion Zone boundaries (identified with the Traditional Owners that encompass and protect the ethnographic sites and places) and in some instances.
- Reduction in the width of the construction corridor being narrowed to 20 m to minimise disturbance.

The site specific impact mitigation measures are listed in Section 5.6 (**Confidential**).

Through consultative surveys and refinement, the number of heritage sites within the indicative project area has been reduced from 36 to 11 sites. Of these 11 sites, not all are directly impacted, with on 4 of these sites being directly impacted by the project. Where direct impacts are unable to be avoided, APA will be seek ministerial consent under Section 18 of the AHA in relation to carrying out the proposed works in the area.

4. OBLIGATIONS OF THE CHMP

4.1 Protection of Identified Indigenous Sites

Under Section 17 of the AHA it is an offence to excavate, destroy, damage, conceal or in any way alter any Indigenous site.

Known Indigenous sites can be protected using the following measures:

- Indigenous sites are identified through ethnographic and archaeological surveys
- The Department of Planning Lands and Heritage (DPLH) is informed of identified sites for inclusions in the Register of Indigenous Sites.
- All sites located within the Project Area are documented, including accurate mapping of their boundaries and extents.
- These coordinates are included within the GIS database of the Project Area.
- Information on sites of cultural significance is provided as part of the general induction.
- Detailed maps of each area showing all known sites are available on site for perusal by ground personnel.
- Known Indigenous sites are considered during planning. Where possible projects are designed to avoid disturbance of Indigenous sites.
- Indigenous Heritage Management Plans are developed for specific sites where necessary. Plans are developed in accordance with the DPLH's requirements and relevant Indigenous groups are consulted with the help of the ACMC.
- If an Indigenous site must be disturbed, approval is to be sought from the Minister for Indigenous Affairs via a Section 18 application (s18). Work cannot commence until approval is received from the Minister.
- A rehabilitation plan is prepared in consultation with the DPLH prior to work commencing on sites.
- In order to maintain good relations and to promote cooperation it is recommended that care be taken when work has to occur near a site. The presence of Indigenous monitors will assist in the avoidance of potential damage to sites.

A process for the monitoring of works in the vicinity of important sites can be formalised through the site supervisor and relevant Indigenous representative group ensuring attendance by Traditional Owners can occur in a timely and regulated manner.

If deemed practical and acceptable, early notice of the nature of work and their exact location could be given leaving time to organise monitors from the relevant group to attend and provide advice during the initial earth disturbance and land clearing in preparation for the civil works associated with the nominated site.

4.2 Protection of New Indigenous Sites

The AHA provides protection for all Indigenous sites whether or not they are recorded on the Register of Indigenous Sites.

The risk of damaging unknown sites can be minimised through prior consultations with the relevant groups and knowledgeable senior Aboriginal people. Ethnographic and archaeological surveys are also useful in locating new sites.

4.3 Indigenous Skeletal / Ancestral Remains

There is potential for the discovery of new Indigenous sites including burial grounds when earth moving and construction activities take place. Skeletal/ancestral remains are of great significance to Indigenous people, who feel strongly about the removal of remains from gravesites. If a burial site or human remains are found during ground disturbing activities the following actions will be taken:

- Ground disturbing activity in the area will be stopped immediately. The site will be barricaded to prevent further inadvertent access or disturbance.
- Contractor can commence works a minimum of 25m away from the potential discovery.
- The Police and the registrar of Indigenous sites will be notified immediately.
- Detailed photographs of the remains will be taken without further disturbing the site to help with identification. Documenting all visible facets of the skull and the pelvis is especially useful. Photographs will also be taken of the general area to document the position of the remains and any material culture visible at the site.
- The location of the remains will be recorded in the GIS database of the Project.
- The police will investigate the site as soon as possible.
- Upon notification that the remains are of Indigenous origin and not a matter for further police involvement, the registrar of Indigenous sites will seek immediate involvement of the relevant Indigenous people. If it is necessary to disturb the remains for the purpose of identification this will be undertaken by a qualified archaeologist or forensic specialist.
- APA in conjunction with relevant Indigenous people, will produce an appropriate action plan for the management of the remains. The following options will be considered during the development of the action plan:
 - Leave the remains in situ if they have not been disturbed or disturbance has been minimal.
 - Rebury in the same place if the burial has only been partially disturbed and activity at the site can be halted permanently.
 - Rebury as close as possible to the location at which the remains were found where the risk of future disturbance is minimised.
 - Rebury in a gazetted cemetery or keeping place if disturbance in the area is unavoidable.
- The registrar will ensure that the burial place is recorded and placed on the Register of Indigenous Sites.
- The registrar will ensure that the burial place is reported to the Commonwealth Minister for Indigenous Affairs, in accordance with the legal requirements under the *Aboriginal and Torres Strait Islander Protection Act 1984*.
- If construction activity cannot be avoided and a Section 18 clearance is not in place, one must be obtained prior to further work. The section 18 application will be prepared by a suitably qualified consultant with relevant experience. The application and supporting documentation will be prepared in accordance with the requirements of the *Guidelines for Preparing Reports for Application to the Aboriginal Cultural Material Committee Under Section 18 of the Aboriginal Heritage Act 1972 (DPLH)*. The following information will be included in the application:

- Description of proposed activities.
- Summary of previously reported Indigenous sites.
- Review of previous heritage survey reports and other research materials.
- Description of methodology used during the survey.
- Acknowledgements and list of survey participants.
- Thorough description of Indigenous site(s).
- Relevant information about the significance of any Indigenous sites, taking into account the criteria referred to in Section 5 and 39 (2) of the Act.
- Detailed description of the effect or potential effect of a proposed land use(s) on the cultural heritage values of indigenous sites.
- Measures that might be taken to avoid or minimise the impact on affected places.
- Recommendations on whether or not the Minister should consent to the use of the land and, where applicable, the extent to which and conditions upon which consent should be given.

4.4 Previously Unidentified Indigenous Sites

While not anticipated given the detailed heritage surveys have been undertaken for the Project, if a previously unidentified Indigenous site is found (i.e. artefacts are uncovered) the following actions will be taken:

- Disturbance activities will cease immediately in the event of finding Aboriginal artefacts/objects that were not identified during the Aboriginal heritage surveys. An exclusion zone of 25m will be established and the site barricaded to prevent further inadvertent access or disturbance. The Site Environmental Advisor and DPLH will also be notified.
- Contractor can commence works a minimum of 25m away from the potential discovery.
- A heritage survey will be conducted by a suitably qualified consultant. Relevant Traditional Owners will be consulted where appropriate.
- If the heritage survey determines that the area is not an Indigenous site, work will recommence.
- If the heritage survey determines the area is an Indigenous site and per the AHA, a report will be prepared and submitted to the DPLH. The report will be prepared in accordance with the relevant template on the DPLH website.
- The registrar will ensure that the site is recorded and placed on the Register of Indigenous Sites.
- If APA wishes to carry on activity in the area, consultation will be conducted with the Traditional Owners of the site and with the Department of Planning Lands and Heritage (DPLH). If the site cannot be avoided and if via consultation with the Traditional Owners and DPLH deem it to be an Indigenous site, an application will be lodged with the ACMC. The section 18 application will be prepared by a suitably qualified consultant with relevant experience and in accordance with the requirements of the *Guidelines for Preparing Reports for Application to the Aboriginal Cultural Material Committee Under Section 18 of the Aboriginal Heritage Act 1972* (DPLH).
- When appropriate APA will prepare a specific CHMP for the site. The plan will be developed in accordance with the DPLH's requirements and consultations with

the relevant Indigenous groups. The following information will be included in the CHMP:

- current use of site
- prospective use of site
- presentation of site
- what is significant about the site
- strategies for maintenance, protection and monitoring
- current threats and how these could be solved
- potential threats and how these could be prevented
- cause of the threat and how the cause can be eliminated
- funding avenues
- management of the site
- performance monitoring and reporting.

4.5 Reporting of Disturbance to an Indigenous Site

An Indigenous site is disturbed when it is excavated, destroyed, damaged, concealed or in any way altered without prior authorisation of the Registrar of Aboriginal Sites and/or consent from the Minister for Indigenous Affairs. The AHA protects places and objects that may be of importance or significance to people of Indigenous descent in Western Australia. These places and objects may be identified as a site and record on the Register of Indigenous Sites. All sites are protected under the AHA whether or not they are recorded on the register. Under section 17 it is an offence to disturb a site.

In the highly unlikely event that there is an alleged disturbance of an Indigenous site associated with APA operations, APA will take the following measures:

- Ground disturbing activity in the area will be stopped immediately. The site will be barricaded off to prevent further inadvertent access or disturbance.
- An incident report will be prepared in consultation with the person who reported the disturbance.
- The DPLH or the police will be contacted as soon as possible to notify them of the alleged disturbance.
- A thorough internal investigation will be carried out.

Disturbing an Indigenous site is an offence against the AHA and may lead to prosecution. Section 57 of the AHA outlines the various penalties that can be applied under the Act.

In the case of a disturbance by an individual, penalties comprise fines from \$20,000 to \$40,000 and imprisonment for nine months to two years and a daily penalty of \$400.

A disturbance by body corporate may result in penalties that comprise fines ranging from \$50,000 to \$100,000 and a daily penalty of \$1,000.

5. IMPLEMENTATION AND MANAGEMENT

5.1 Demarcation of Heritage Places

Heritage places may require physical demarcation to ensure their location is made known to APA staff and contractors working on the NGI Construction Right of Way (CROW). This may take the form of heritage flagging, or the installation of fencing around the perimeter of a heritage place.

Heritage flagging involves the tying of pink and black striped heritage flagging tape around features such as bushes and trees to alert land users to a site boundary, and is typically undertaken by the heritage survey team during site recording.

Heritage fencing should be installed where requested by the Traditional Owners, as a means of providing additional visual and physical restriction to a heritage place. For minimum impact to the fabric of a heritage place, star pickets should be installed just outside a defined heritage place boundary. Installing fencing within a heritage place will require approval under Regulation 10 of the Aboriginal Heritage Regulations (1974).

5.2 Cultural Heritage Monitors

APA will employ cultural heritage monitors during the construction phase of the project from the Native Title Claim groups. Monitoring teams will ensure that any isolated heritage materials can be immediately salvaged or relocated, and assist the construction teams in undertaking a preliminary identification of any previously unknown heritage materials if unearthed.

5.3 Salvage and Relocation of Cultural Material

Where heritage places cannot be avoided by APA's proposed works, and have been approved for disturbance, the salvage of heritage materials / objects should first occur to mitigate the impact of the proposed works. This involves the removal and relocation of cultural heritage objects at the direction and discretion of the relevant Traditional Owners for the area, and/or their representatives.

Only cultural materials that will be directly impacted by the construction and ancillary works should be considered for salvage, with all other heritage objects remaining in situ wherever possible. Salvage of cultural materials from known heritage sites must only be undertaken following statutory consent from the DPLH and Minister for Aboriginal Affairs.

APA must facilitate the salvage of heritage materials, which may include the involvement of Traditional Owner monitors, and / or a salvage team comprising Traditional Owner representatives and suitably qualified heritage consultants.

The Traditional Owners who have custodianship over the salvaged materials will identify and relocated the materials to a suitable storage location.

5.4 Index of Sites and Management Prescriptions

There have been sites recorded within the Project Area that are applicable to the AHA.

APA has standard pro-forma for monitoring, inspection and new discovery in the event a previously unrecorded site is found. The pro-forma can be found at Appendix A.

APA will also develop a site-specific set of management guidelines in the event of a discovery of a new, previously unrecorded site.

5.5 Recommendations from Cultural Heritage Surveys

Recommendations from the Aboriginal heritage surveys have been considered by APA and implemented in consultation with Traditional Owner groups, noting constructability constraints

Aboriginal heritage surveys of the NGI pipeline licence area were undertaken between November 2020 and September 2021 by Terra Rosa Consulting, Horizon Heritage Management, Brad Goode & Associates and Sticks and Stones Cultural Resource Management. The objective for the surveys was to identify and record all archaeological sites within the construction corridor. For any sites recorded, an assessment of whether it is potentially an Aboriginal site, as defined by Section 5 of the AHA, was also undertaken.

The surveys confirmed the presence of a number of the Registered Sites and Other Heritage Places, as well as identifying a number of isolated artefacts and some new heritage sites. These areas have been recorded using a GPS, and a detailed description of the sites was also recorded to allow for a significance assessment to be made. Accordingly, when Aboriginal sites were identified during the surveys, several supplementary areas were surveyed to allow for deviations of the proposed pipeline alignment. All heritage places identified during the surveys are being assessed in consideration of whether they are likely to meet criteria for Aboriginal sites, as specified in Section 5 of the AHA.

<Recommendations from the Cultural Heritage Surveys are confidential with Traditional Owner groups and been redacted from this draft>

5.6 Cultural Heritage Impact Assessment

The objective of a cultural heritage impact assessment is to proactively identify potential impacts to the known heritage places within the NGI pipeline corridor. Through identifying potential impacts; strategies to minimise or remove these impacts can be developed, for both the construction phase and the operating life of the Project.

The review process ensures that all parties are satisfied with the risk assessment and management strategies developed, and that these are made in accordance with any existing agreements.

This the Cultural Heritage Management Plan for the Northern Goldfields Interconnect Pipeline has been revised to further detail the management of Cultural Heritage and Native Title and will remain a live document that will be updated throughout the project should any changes be required due to legislative changes, or discoveries during the activities.

Table 1 summarises the cultural heritage impact assessment and proposed management strategy for all heritage places, including DPLH registered sites and OHPs, that the Project Area intersects.

<Table 1 contains confidential information with Traditional Owner groups and has been redacted from this draft>

DRAFT

Table 1: Cultural Heritage Impact Assessment

(Confidential)

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6. REFERENCES

List of NGI Heritage survey reports

- Lafrentz, D, Harris, J, and Cleverly, C, 2020, *Site Avoidance Aboriginal Heritage Survey Report with the Widi Mob for the APA Northern Goldfields Interconnect Pipeline Project, Western Australia, December 2020*, Unpublished report produced for APA Group.
- Terra Rosa Consulting 2021b, *Archaeological and ethnographic site avoidance heritage survey of APA Group's proposed Northern Goldfields Interconnect Pipeline within Southern Yamatji Country (KP 0 to KP 139)*, Unpublished report produced for APA Group.
- Terra Rosa Consulting 2021c, *Archaeological and ethnographic site avoidance heritage survey of the proposed Northern Goldfields Interconnect Pipeline within Yamatji Country (KP139.5 – KP160.5), with Mullewa Wadjari Traditional Owners, for APA Group*, Unpublished report produced for APA Group.
- Terra Rosa Consulting 2021d, *Addendum report on Section 18 Consultation undertaken with Wajarri Yamatji Traditional Owners with regard to APA's proposed Northern Goldfields Interconnect Pipeline Project*, Unpublished report produced for APA Group.
- Terra Rosa Consulting 2021e, *Archaeological and ethnographic site avoidance heritage survey of APA Group's proposed Northern Goldfields Interconnect Pipeline within Badimia Country (KP 209 to KP368), Volume 1*, Unpublished report produced for APA Group.
- Terra Rosa Consulting 2021f, *Archaeological and ethnographic site avoidance heritage survey of APA Group's proposed Northern Goldfields Interconnect Pipeline within Badimia Country (KP 209 to KP368), Volume 2*, Unpublished report produced for APA Group.
- Terra Rosa Consulting 2021g, *Archaeological and ethnographic site avoidance heritage survey of APA Group's proposed Northern Goldfields Interconnect Pipeline within Wutha Country (KP 368 to KP 524)*, Unpublished report produced for APA Group.
- Brad Goode and Associates Pty Ltd 2021, *Report Of An Aboriginal Heritage Survey Of The Northern Goldfields Interconnect Pipeline Project In The Darlot Native Title Claim: Goldfields Western*, Unpublished report produced for APA Group.