



**Minister for Mental Health; Aboriginal Affairs; Industrial  
Relations; Deputy Leader of the Legislative Council**

Our Ref: 62-26519

Ms Sandra Barkla  
Principal Heritage Officer  
Main Roads Western Australia  
Don Aitken Centre  
Waterloo Crescent  
EAST PERTH WA 6004



Dear Ms Barkla

**SECTION 18(3) *ABORIGINAL HERITAGE ACT 1972* – MAIN ROADS WESTERN  
AUSTRALIA – MAIN ROADS WESTERN AUSTRALIA AND FREMANTLE PORT  
AUTHORITY – FREMANTLE TRAFFIC BRIDGE – ROAD BRIDGE, RAIL BRIDGE  
MODIFICATION**

I refer to the Notice submitted under Section 18(2) of the *Aboriginal Heritage Act 1972*, dated 13 November 2020 by Main Roads Western Australia on behalf of Main Roads Western Australia and Fremantle Port Authority (Notice).

The Notice advised that you wish to use the Land described as 27 land parcels within Fremantle (Attachment 2.1) (Land) for the Purpose being;

Swan River Crossings – Fremantle Traffic and Rail Bridges Replacement and associated works. To replace the existing Fremantle Traffic Bridge and to modify the adjacent Fremantle Rail Bridges, located along and adjacent to Queen Victoria Street in Fremantle (Purpose).

I am advised that your intended use will impact upon the Aboriginal site within the meaning Section 5 of the *Aboriginal Heritage Act 1972*. The Aboriginal site is ID 3536 (Swan River).

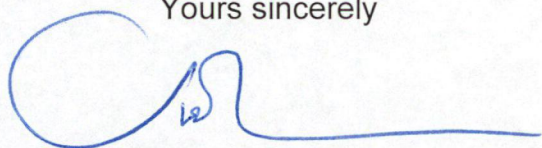
Pursuant to Section 18(3) of the *Aboriginal Heritage Act 1972*, and having regard to the recommendation of the ACMC and in the general interest of the community, I have granted consent with conditions. The form of Consent is enclosed.

I take this opportunity to acknowledge and support agreements reached with those consulted as specified in the Notice. I also draw your attention to the additional information attached, which is provided for your assistance.



If you have any queries in relation to this matter, please contact Ms Tanya Butler, Registrar of Aboriginal Sites, Department of Planning, Lands and Heritage, on (08) 6551 9354.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by a horizontal line.

Stephen Dawson MLC  
**MINISTER FOR ABORIGINAL AFFAIRS**

25 MAY 2021

## **ABORIGINAL HERITAGE ACT 1972**

### **CONSENT PURSUANT TO SECTION 18(3)**

**CONSENSE GRANTED TO:** Main Roads Western Australia on behalf of Main Roads Western Australia and Fremantle Port Authority.

**IN RESPECT OF THE LAND:** 27 land parcels within Fremantle (Attachment 2.1).

**THE PURPOSE:**

Swan River Crossings – Fremantle Traffic and Rail Bridges Replacement and associated works. To replace the existing Fremantle Traffic Bridge and to modify the adjacent Fremantle Rail Bridges, located along and adjacent to Queen Victoria Street in Fremantle. Associated works are, provision of an improved pedestrian/cyclist pathway along Queen Victoria Street across the proposed new traffic bridge, roadworks to tie into Queen Victoria Street north of the river before Tydeman Road, realignment of Queen Victoria Street, modification of Queen Victoria Street/Canning Highway intersection, geotechnical investigations (land and water-based), sediment analysis and other minimal disturbance activities to bed of Swan River, services relocation, future maintenance and upgrades of all infrastructure in the Activity Area. All works will have ground disturbing impact to the river bed and banks.

**REFERENCE:**

**SITE(S) TO BE IMPACTED:** ID 3536 (Swan River)

### **CONDITIONS OF CONSENT**

That the consent holder:

1. Invites in writing, two members, nominated by South West Aboriginal Land and Sea Council (SWALSC), to undertake ceremonies prior to the commencement of works.
2. Invites in writing, two members, nominated by South West Aboriginal Land and Sea Council (SWALSC) to be present for ground disturbing works on the Land, where the works intersect with Aboriginal site ID 3536 (Swan River).
3. The consent is valid for a period of Ten (10) years from the date of approval.
4. Provides an annual written report to the Registrar of Aboriginal Sites advising;
  - a. what extent the Purpose has impacted on all or any of the sites located on the Land



5. Provides a written report to the Registrar of Aboriginal Sites within 60 days of the completion of the Purpose, advising whether and to what extent the Purpose has impacted on the site located on the Land. The final report should include a detailed description of:
  - a. what extent the Purpose has impacted any Aboriginal site on the Land;
  - b. where any Aboriginal site has been impacted, whether such site has been partially or wholly impacted by the Purpose, and the level, effect and type of any such impact – preferably by the provision of photographs taken before and after the impact;
  - c. where any Aboriginal sites has been subject to archaeological or cultural salvage, when and how such salvage took place, who was present at the salvage and where the material was re-located, the results of the salvage and any subsequent analysis conducted; and
  - d. the results and findings of any monitoring of ground disturbing works associated with the Purpose.



## SECTION 18 CONSENTS

### ADDITIONAL INFORMATION

The following information is provided for the guidance of the consent holder and does not constitute conditions of consent.

#### 1. Right of Review of Decision

Where a consent holder is aggrieved by a decision of the Minister made under Section 18(3) of the *Aboriginal Heritage Act 1972*, including the conditions to which the consent is subject, application may be made to the State Administrative Tribunal for a review. The Tribunal's website is [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au).

#### 2. Consent is Non-Transferable

Consent may be relied upon only by the named consent holder in respect of the named land. Any successor in title must give its own notice under the *Aboriginal Heritage Act 1972*.

#### 3. Traditional Knowledge Holder

Agreements reached with Traditional Owners and knowledge holders entered into on behalf of the consent holders are acknowledged and supported.

#### 4. Conditions of Consent

- The Department of Planning, Lands and Heritage (DPLH) carries out routine audits on compliance with the conditions of consent.
- Failure to comply with the conditions of consent may constitute an offence under Section 55 of the *Aboriginal Heritage Act 1972*.
- It is recommended that the consent holder informs all employees and others engaged in the development of their obligations under the *Aboriginal Heritage Act 1972*, especially with regard to skeletal material.
- Reports to the Registrar of Aboriginal Sites (the Registrar) should use the Section 18 Report Back template which can be downloaded from the DPLH website at <https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha/section-18-notices>.
- The Registrar welcomes any additional information about Aboriginal sites within the meaning of Section 5 of the *Aboriginal Heritage Act 1972*, or objects within the meaning of Section 6 of the *Aboriginal Heritage Act 1972*.

#### 5. Legislation

The *Aboriginal Heritage Act 1972*, the *Aboriginal Heritage Regulations 1974* and the *State Administrative Tribunal Act 2004* may be viewed and downloaded from the State Law Publisher website at [www.slp.wa.gov.au](http://www.slp.wa.gov.au).