



**REPORT OF A DESKTOP ABORIGINAL
HERITAGE SURVEY OF THE BUSSELTON
REGIONAL AIRPORT DEVELOPMENT
PLAN IN THE SOUTH WEST REGION,
WESTERN AUSTRALIA**

A report prepared for the City of Busselton

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ACKNOWLEDGEMENTS

The authors would like to thank the following organisations and individuals who helped with the management of this Aboriginal heritage survey.

- Ms Mersina Robinson – City of Busselton (Major Projects Officer - Planning & Design)
- Mr Simon Keenan – Department of Indigenous Affairs (Senior Heritage Officer)
- Ms Mel Lamanna – Brad Goode & Associates Pty Ltd (Research Assistant)
- Mrs Leah Mackie – Brad Goode & Associates Pty Ltd (GIS Officer)
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GLOSSARY OF TERMS

The Proponent – City of Busselton
The Consultant – Brad Goode & Associates Pty Ltd
AHA – Western Australian *Aboriginal Heritage Act 1972*
DIA – Department of Indigenous Affairs
ACMC – Aboriginal Cultural Material Committee
SWALSC – South West Aboriginal Land and Sea Council
HMP – Heritage Management Plan

EXECUTIVE SUMMARY

The City of Busselton ('the Proponent') is developing a 'Conceptual Land Use Plan' reformulating the existing structure of the Busselton Regional Airport Development Precinct. The Proponent has commissioned Brad Goode and Associates Pty Ltd ('the Consultant') to conduct a desktop Aboriginal heritage survey.

The purpose of the survey is to determine whether any previously recorded sites of significance as defined by section 5 of the *Aboriginal Heritage Act 1972* (AHA) will be affected by the proposal and to make recommendations with regards to the management of such sites and places should the conceptual plan proceed to construction.

Specifically the study area is located 2.5km south east of Busselton and extends south of the Bussell Highway to the Vasse Highway and Sues Road intersection, bordered by Vasse Highway to the west and Sues Road to the east (see location map (Figure 1: page 8), and 'Conceptual Land Use Plan' (Appendix 2: Map 1).

The study area comprises of approximately 1944.5ha of predominately cleared farmland with pockets of remnant vegetation. The northern portion of the study area was previously subjected to sand mining. The subject land contains several drainage lines that run in a north east and south east orientation, with the Sabina River cutting across the north east portion of the study area and through the existing urban area in the northwest. Situated central to the lots is the existing Busselton Regional Airport.

The 'Conceptual Land Use Plan' of the Busselton Regional Airport Development includes existing zoned areas of Yalyalup residential and recreation, Airport North Industrial area, existing Airport Parcel, Airside Access Land, Water Corporation Land and Future Long Term Industrial [south]. The proposed future zoning comprises of Yalyalup residential, a primary regional road, including a potential future railway station and the Busselton Outer Bypass, Airport related infrastructure, parking and commercial areas associated with sales of goods and services are also planned (see Appendix 2: Map 1).

A search of the Department of Indigenous Affairs (DIA) Aboriginal Sites Register for the 'Conceptual Land Use Plan Development Area' was conducted on the **25th June 2012**.

As a result **five (5)** Aboriginal heritage sites and places that have DIA extents that overlay the survey area were identified. **Of the five (5), three (3)** are 'Registered' Aboriginal heritage sites and **two (2)** are 'other heritage places' (see Table 1 and Appendix 1).

Four of these sites/places have the potential to be **directly affected** by the proposed 'Conceptual Land Use Plan Development Area' should development proceed to construction.

- DIA site 17353 Sabina River - Outer Busselton Bypass road, bridge works and future development of a railway station (Map 4 page 27).
- DIA site 17355 Uligugillup Mission - Extension to Airport Parcel and Airside Access Land/Future Industrial development (Map 4 page 27).
- DIA place 17350 Sabina River Camp Ground - Outer Busselton Bypass road, bridge works, and future development of railway station and extension of Airport parcel (Map 4 page 27).
- DIA place 18985 Hill's Camp - development of a recreational reserve within an urban area (Map 3 page 26).
-

In relation to the above sites and places the following recommendations can be made:

It is recommended that planners make every effort to avoid any activities that have the potential to alter, affect or destroy the land that contains these places during the design of infrastructure associated with the proposal. Careful planning could avoid any potential affects to such places by identifying the lands that contain such sites and places as public reserves, parks or conservation buffers in a comprehensive Heritage Management Plan (HMP). This plan would detail legislative requirements, protective strategies and interpretative measures that could be put in place should development proceed.

This plan should be developed in consultation with the named DIA site informants and the native title claimants who hold custodial rights for these sites and places. The DIA 'Due Diligence Guidelines' and heritage management planning policies would greatly aid the drafting of such a plan (see Appendix 3). The advantage of such a document would give all who have an interest in the subject land surety upon how to proceed and to remain compliant with the AHA.

Should avoidance by careful planning and design not be possible, due to other constraints, then **it is recommended** that consultation with the relevant site informants and native title claimants who hold custodial rights for these sites and places is conducted in order to determine the potential affects that these proposed works will have on these sites/places, as a basis from which **to lodge an application under section 18 of the AHA** for consent to use the land that may contain an Aboriginal site.

This **recommendation** is particularly relevant with regards to DIA Site 17355 Uligugillup Mission. At present there is not enough information to determine the sites existence, actual location and extent. However as this place is a registered site any activity within the DIA buffer will require ministerial consent to proceed. Further research and consultation would give the informants the chance to address issues with regards to the specific location and extent of the site and to determine if the site is in fact a duplicate recording of DIA Site 4401 Woddidup Mission/Mulgarnup Mission or a separate mission at a similar location used at a different historic period.

Consultation with Dr Edward McDonald an anthropologist researching the same site for Cable Sands (Bemax Resources) suggests that it is highly likely to be a duplicate recording. McDonald's informants used the name 'Mulgarnup' for the mission after a road name from the east that provided access, whereas Goode's (1999) informants used the term 'Uligugillup' based upon a road name running from the north. McDonald also sourced a newspaper article published in 1992 stating that Mulgarnup Mission was run by Elinor Guerin between 1887 and 1897 as a medical post and a school; however no written records regarding 'Uligugillup' mission were located (Dr Edward McDonald per com 22/01/2013).

The commission of further research and consultation would provide the owners of Lots 3819 and 100 legal certainty when planning development and avoid any activities that may lead to a breach of the AHA under section 17. Fines and penalties for unlawful use of land that contains Aboriginal heritage sites exist and are at present being strengthened so as to ensure compliance. Aboriginal land councils and the DIA are also exploring the possibility of Aboriginal custodians being able to seek civil legal redress to site disturbances which would likely lead to compensation in the form of the restoration of the values destroyed.

A review of previous Aboriginal Heritage survey reports for the study area has revealed that the northern portion of the study area has been subject to comprehensive Aboriginal heritage surveys in the past (Cuthbert & Hovingh 1998; Goode 1999, 2002, 2004, 2006; Greenfeld 2002; McDonald & Coldrick 2007; McDonald & Cuthbert 2007, 2011- see pages 14-15). These surveys have been conducted in relation to the development of Busselton Regional Airport, the development of the residential area in Yalyalup and associated road works and infrastructure for Vasse and Bussell Highway's. Land use documents supplied by the City of Busselton have also

revealed that the northern portion of the subject land has also been subject to sand mining (see Appendix 2: Map 5 page 28).

As such and upon this basis **it is recommended that no further** site identification Aboriginal heritage survey work would be required for these portions of the 'Conceptual Land Use Plan' development planning area. In the opinion of the consultants the research conducted to date is more than adequate to identify all potential sites and places within these lots. Sand mining would also negate any risk of uncovering any artefactual material of scientific significance. As such there is a low risk of a possible breach of the AHA should development activities proceed within these lots.

Research to date has also determined that the southern portion of the study area designated 'Airsides Access Land and/or Future Industrial' and 'Future Industrial - Long Term Potential' development has not been previously surveyed for Aboriginal heritage sites (see figure 2 page 15).

As such **it is further recommended** that the southern portions of the study area should undergo an Aboriginal Heritage survey to site identification standards prior to development proceeding. This action is thought necessary to provide legal certainty for proponents who conduct future development activities within the southern portion of the 'Conceptual Land Use Plan' development area.

It is finally recommended that the City of Busselton inform any private landholders or potential developers (purchasers) within this precinct of the nature and extent of all Aboriginal heritage sites and other heritage places that may be located upon the subject land. This is thought necessary as there is at present no legal mechanism within the administration of the AHA for disclosure on land subject to sale. There is also at present no legal requirement under the AHA to conduct surveys before proceeding, as the 'Act' simply requires all proponents to be compliant by whatever means that they determine to reduce the risk of disturbing sites and places where heritage values exist.

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REPORT

Report of a Desktop Aboriginal Heritage Survey of the Busselton Regional Airport Development Plan in the South West region, Western Australia

ISSUE

The City of Busselton has provided a Conceptual Land Use Plan reformulating the existing structure of the Busselton Regional Airport Development (refer to Appendix 2: Map 1).

In order to remain compliant with all obligations under the Western Australian *Aboriginal Heritage Act 1972* (AHA), City of Busselton has commissioned Brad Goode and Associates Pty Ltd (The Consultant) to conduct a desktop Aboriginal heritage survey of the proposed development to determine whether any sites of significance as defined by section 5 of the AHA will be affected by the proposal and to manage sites in accordance to the Act.

REPORT OBJECTIVES

To report on archival research in order to determine if any previously recorded Aboriginal Heritage sites and/or places are located within the planned development area of the Busselton Regional Airport Development.

To provide recommendations with regards to further research and issues relating to sites of significance and their future management in accordance with the AHA.

To identify all traditional owner groups, protocol and processes required to engage with such groups should Section 18 consent notices be required.

BACKGROUND

On the **3rd of April 2012** Ms Mersina Robinson, Major Projects Officer for Planning and Design from the City of Busselton contacted Brad Goode & Associates Pty Ltd to request a desktop study of Aboriginal Heritage constraints within the parameters of the Conceptual Land Use Plan for the Busselton Regional Airport Development (refer to Appendix 2: Map 1).

Located approximately 2.5km south east of Busselton the study area extends south of the Bussell Highway to the Vasse Highway and Sues Road intersection, bordered by Vasse Highway to the west and Sues Road to the east. The study area comprises of approximately 1944.5ha of predominately cleared farmland with pockets of remnant vegetation and was subjected to sand mining in the northern section. Several drainage lines run in a north east and south east orientation, with the Sabina River cutting across the north east portion of the development area and through the existing urban area in the northwest. Situated central to the lots is the existing Busselton Regional Airport.

Specific land use proposed by the City of Busselton in the Conceptual Land Use Plan of the Busselton Regional Airport Development includes:

Existing Zoning

- Yalyalup Residential 362.5ha (Lots 5380, 1, 9022, 2, 31, 32, 6, 9504, 9021, 501)
- Recreation 28.7 ha (Lot 17)
- Public Purpose 24.1 ha (Lots 300, 11, 9009, 1602)
- Airport North Industrial Area 259.8ha (Lots 9501, 203, 204, 205, 9009)
- Airport Parcel 168.7ha (Lots 9001, 203, 204)
- Water Corporation Land 80.1ha (Lots 1, 2, 1478)

Proposed Zoning

- Future Yalyalup Residential 19ha (Lot 203)
- Primary Regional Road 178.3ha including potential future railway station/Intermodal Passenger Hut and Busselton Outer Bypass (Lots 9501, 203, 205, 4354, 3819)
- Future Industrial 57.6ha - Potential Innovation Park including proposed service roads (Lot 3819)
- Airport related infrastructure, parking and commercial development 50.5ha (Lots 9001, 203, 204)
- Proposed extension to existing Airport parcel 184.2ha (Lots 203, 3819)
- Airside Access land and/or Future Industrial 301.5ha including proposed service road (Lots 3819, 203, 3160)
- Future Industrial - Long Term Potential 229.5ha (Lots 300, 370, 302, 1477, 100, 1280, 1478, 3161)

As a result of the above brief, the consultant conducted the necessary research and a GIS analysis of the proposed development area in order to reach the stated objectives of the study.

LOCATION



Figure 1: Location of the survey area.

ARCHIVAL RESEARCH

Archival research involved an examination of the DIA Sites Register, a review of any relevant site files and a review of any unpublished ethnographic reports that relate to the proposed Busselton Regional Airport Development Plan, in the South West Region of Western Australia.

SITES REGISTER SEARCH

The DIA Aboriginal Sites Register categorises places reported to be of importance and significance to Aboriginal people into two separate categories.

The first category contains sites classified as **'Registered.'** Registered sites have been assessed by the ACMC as meeting the definition of section 5 of the AHA and are fully protected under the law. Disturbance to land that contains such sites requires a section 18 application for ministerial consent should proponents wish to use the land that contain these sites.

'Other Heritage Places' is the second category of places contained upon the Aboriginal Sites Register. These types of places include reported places **'Lodged'** and awaiting ACMC assessment, and places where the information has been assessed but there is **'Insufficient information'** to make a final determination under section 5 of the AHA but there is enough information to warrant these places temporary protection in Law. Disturbance to land that contains such places requires a section 18 application for ministerial consent should proponents wish to use the land that contain these places.

Within the category of 'Other Heritage Places' the final category is **'Stored Data.'** Such places have been assessed by the ACMC but fail to meet the definition of section 5 of the AHA. Places in this category are not sites under the AHA and are not protected in Law. Proponents have no further legal requirements for such places should they wish to use the land unless further information is reported which would lead to such a place being reassessed as a site in terms of the definition of section 5 of the AHA.

In relation to this survey a Web based search of the DIA Aboriginal Sites Register was conducted on the **25th June 2012**, in order to determine if there were any previously recorded Aboriginal heritage sites/places that would be affected by the project proposal (see Appendix 1: Sites Register Search).

This search revealed **five (5)** Aboriginal heritage sites and places that have extents overlaying the survey area. **Of the five (5), three (3)** are 'Registered' Aboriginal heritage sites and **two (2)** are 'other heritage places' (see Table 1).

DIA site 17353 Sabina River intersects the NE corner of Lot 3819 and encompasses Lot 4354 and will potentially be affected by the proposed Outer Busselton Bypass road, bridge works and the potential future development of a railway station and intermodal passenger hut.

DIA site 17355 Uligugillup Mission is located on Lot 3819 and will be potentially affected by the proposed extension to existing Airport Parcel and proposed Airside Access Land and/or Future Industrial development.

DIA site 4401 Woddidup Mission/Mulgarnup Mission is located adjacent to the eastern boundary of Lot 3819. Although this site does not fall within the project study area, research has indicated that DIA 4401 is possibly a duplicate recording of DIA 17355, therefore the potential to be affected by the proposed Airside Access Land and/or Future Industrial development exists. A detailed management plan would be required should this mission site be affected by the proposal.

DIA place 17350 Sabina River Camp Ground intersects the NE corner of Lot 3819 and will potentially be affected by the proposed Outer Busselton Bypass road, bridge works and the potential future development of a railway station and intermodal passenger hut. A small area of the proposed extension Airport Parcel also overlaps DIA 17350 which will potentially impact the heritage place.

DIA place 18985 Hill's Campsite is located on the NW corner of Lot 501 within an area of the existing Yalyalup Residential Estate currently undergoing urbanisation. As a result the City of Busselton should inform the developer of the nature and extent of the heritage place in order for the developers to remain compliant with the Act and not unlawfully affect the area.

Table 1: Summary of Aboriginal heritage sites within project area

Site ID	Name	Status	Access	Restriction	Location (GDA94 Zone 50)* mE mN		Site Type
Registered Aboriginal Sites							
17353	Sabina River	R	O	N	354311	6268779	Mythological/ Historical
17355	Uligugillup Mission	R	O	N	353539	6273148	Historical
4401	Woddidup Mission / Mulgarnup Mission	R	O	N	353796	6272820	Camp [Other Mission Site]
Other Heritage Places							
17350	Sabina River Camp Ground	I	O	N	353105	6274422	Artefacts/ Scatter, Historical
18985	Hill's Campsite	L	O	N	349116	6273608	Historical

* Please note: Coordinates are indicative locations that represent the centre of sites as shown on maps produced by the DIA – they may not necessarily represent the true centre of all sites.

LEGEND

R – Registered Site, **I** - Insufficient Information, **S** - Stored Data, **L** - Lodged awaiting assessment, **IA** - Information Assessed, **O** – Access Open, **C** - Closed Access, **N** – File Not Restricted.

REVIEW OF RELEVANT SITE FILES

DIA 17353 Sabina River

The site was first reported in 1998 in an Aboriginal heritage survey conducted by McDonald, Hales and Associates on behalf of RGC Mineral Sands for two proposed mining areas, one of which lay immediately south of the Busselton Bypass at Loc 7 and Loc 3819 (Cuthbert & Hovingh 1998).

In 1999 Mr Brad Goode registered the Sabina River as an open mythological and historical site in a survey for Telstra along Bussell Highway (Goode 1999). A 2007 report by Mr Edward McDonald with the assistance of Mr Bryn Coldrick for Bemax Resources supported previous ethnographic findings (McDonald & Coldrick 2007, 2011).

In these surveys DIA 17353 Sabina River was identified as a mythological site where the Aboriginal Dreaming figure, the *Waugal*, resides. Historically the site was a source of water and food for Nyungars during pre-contact and post settlement times and a pathway to other campsites in the vicinity of Bussell Highway (Cuthbert & Hovingh 1998; Goode 1999).

The extent of DIA 17353 Sabina River runs in a N/NW direction and is mapped by the DIA as 60m wide. In relation to the study area for the proposed Busselton Regional Airport Development Plan the site intersects the NE corner of Lot 3819 and encompasses Loc 4354, and will potentially be affected by the proposed Outer Busselton Bypass road, bridge works and the possible future development of a railway station and intermodal passenger hut.

This site has been assessed by the ACMC as meeting the definition of section 5(b) and section 39.2 (a) (b) (c) of the AHA and is fully protected in law. Disturbance to land that contains such sites requires a section 18 application for ministerial consent should proponents wish to use the land that contain these sites.

DIA 17355 Uligugillup Mission

The site was first reported in 1998 in an Aboriginal heritage survey conducted by McDonald, Hales and Associates on behalf of RGC Mineral Sands for two proposed mining areas, one of which lay immediately south of the Busselton Bypass at Loc 7 and Loc 3819 (Cuthbert & Hovingh 1998).

In 1999 Mr Brad Goode registered the Uligugillup Mission as an open historical camp site in a survey for Telstra along Bussell Highway (Goode 1999). A 2007 report by Dr Edward McDonald with the assistance of Mr Bryn Coldrick for Bemax Resources supported previous ethnographic findings (McDonald & Coldrick 2007, 2011).

These surveys identified the possible presence of the Uligugillup Mission on the banks of the Sabina River on Loc 3819 and referred to the site as a mission and a camping ground of historical significance (Cuthbert & Hovingh 1998; Goode 1999; McDonald & Coldrick 2007, 2011). Subsequent research by Mr Brad Goode in 1999 found no historical references to Uligugillup Mission and the actual location is not confirmed. Further investigation could be warranted, given the discrepancies discovered regarding the names and locations of this site and that of nearby site DIA 4401 Woddidup Mission/Mulgarnup Mission.

Recent further research by McDonald (2013) has shed some doubts over the existence of this as a separate site from the Mulgarnup Mission. McDonald re-consulted several informants who thought that the mission was in fact the same one as Mulgarnup but was named from a reference to Uligugillup Road, hence the name recorded by Goode in 1999. During the present research by McDonald, no literary references in local histories could be found for Uligugillup Mission but several were located for Mulgarnup. In the opinion of McDonald it is highly likely that this site is in fact a duplicate recording. If this is the case the DIA should remove this from the Aboriginal sites register and accession the information as 'Stored Data.'

The reported extent of DIA 17355 Uligugillup Mission is located approximately 1.5kms south of Bussell Highway and Sues Road intersection and is mapped as a 350m radius that extends either side of Sues Road. To the east of Sues Road the site overlaps the Sabina River with the majority of the site situated to the west on the north east portion of Lot 3819.

Despite the current uncertainty, this site has been assessed by the ACMC as meeting the definition of section 5(a) and section 39.2(a) (b) (c) of the AHA and is fully protected in law. Disturbance to land that contains such sites requires a section 18 application for ministerial consent should proponents wish to use the land that contain these sites.

DIA 4401 Woddidup Mission/Mulgarnup Mission

Originally registered in 1994 by the Department of Aboriginal Sites (now the DIA) the site was reported in 1997 in an Aboriginal heritage survey conducted by McDonald, Hales and Associates on behalf of Heath Developments and in a 1998 survey on behalf of RGC Mineral

Sands covering an area which lay immediately south of the Busselton Bypass (McDonald & Cuthbert 1997; Cuthbert & Hovingh 1998)

In 1999 Mr Brad Goode conducted a survey for Telstra along Bussell Highway and reported findings that supported previous site survey results (Goode 1999). A 2007 report by Ethnoscience on behalf of Bemax Resources was also consistent with previous ethnographic findings (McDonald & Coldrick 2007, 2011).

These surveys found that the site Woddidup Mission (*Woddidup* being the name of a nearby creek) was actually known as Mulgarnup Mission (place of medicine) and the historical significance of the site as a camp and mission was reported to operate between 1887 and 1897 (McDonald & Cuthbert 1997; Cuthbert & Hovingh 1998; Goode 1999; McDonald & Coldrick 2007, 2011). Mulgarnup Mission, which was subsidised by The Church of England and the State Government, was a place where Nyungar children received education from Mrs Elinor Guerin (McDonald & Cuthbert 1997; McDonald per com 2013, Goode 1999). Reportedly the mission also administered medical treatment for indigenous and non-indigenous members of the community (McDonald & Cuthbert 1997). After a brief period the mission was closed due to sickness and deaths and the property was then occupied from 1908 by William Curtis (Dr Edward McDonald per com 22/01/2013)

During a survey for RGC Sands, Cuthbert and Hovingh noted that;

...non-indigenous cultural heritage remains lie on a firebreak immediately north of the fencelines close to the Woddidup mission. It is likely, then, that other subsurface materials, including those related to historic Aboriginal activities, may be present nearby. On this basis it [is] considered that monitoring should also take place if any development will impact within the vicinity of Woddidup Mission (McDonald, Hales 1998: 9,10)

DIA 4401 Woddidup Mission/Mulgarnup Mission is situated approximately 2.1kms south of Bussell Highway and Sues Road intersection on Lot 8, not on Loc 3819 as first recorded in 1994 (McDonald & Cuthbert 1997; Cuthbert & Hovingh 1998; Goode 1999; McDonald & Coldrick 2007, 2011). The extent of the site is mapped by the DIA as a 38.15m x 32.61m polygon in the NW corner of Lot 8 and is approximately 145m east of Loc 3819 boundary.

In relation to the study area the close proximity of this site to the study area for the proposed Busselton Regional Airport Development Plan could potentially be affected by proposed Airside Access Land and/or Future Industrial development.

A detailed management plan would be required to protect this mission site should development proceed upon adjacent land.

This site has been assessed by the ACMC as meeting the definition of section 5(a) and section 39.2(a) (b) (c) of the AHA and is fully protected in law. Disturbance to land that contains such sites requires a section 18 application for ministerial consent should proponents wish to use the land that contain these sites.

REVIEW OF RELEVANT HERITAGE PLACES

DIA 17350 Sabina River Camp Ground

DIA 17350 Sabina River Camp Ground was recorded by Mr Brad Goode in 1999 as a result of information provided by Mr G Webb during a survey for Telstra Fibre Optic Cable between Busselton and Capel. During this survey a portion of the Sabina River located along Bussell Highway was identified as a place that “provided campers with good deep water holes with plenty of fresh water mussels and an abundance of ducks and their eggs” (Goode 1999: 27). This camping ground was reported to be of historical significance and was located within a few kilometres northwest of Mulgarnup Mission and south of Layman’s house at Wonnerup.

During a survey conducted by McDonald & Coldrick (2007, 2011) for Bemax Resources on Lot 100 Wonnerup South Road, the South West Boojarah representatives confirmed the existence of DIA 17353 Sabina River as a registered site, however DIA 17350 “Sabina River Camp Ground was not identified as a separate site” (McDonald & Coldrick 2011: 27). In relation to Bemax Resources proposal for mining and infrastructure plans, the Aboriginal consultants agreed that a 100m buffer around the river would protect both the Sabina River and the heritage values associated with it.

DIA 17350 Sabina River Camp Ground is a heritage place that has been assessed by the APMC as ‘insufficient information’ and no further information regarding its significance has been reported.

The extent of DIA 17350 Sabina River Camp Ground overlaps the NE corner of Lot 3819 and Lot 4354 and is mapped as an irregular polygon, which follows the contours of the Sabina River for a distance of about 2.5km, with a buffer on either side of the river of approximately 200m.

In relation to the current Busselton Regional Airport Development plan, the proposed Outer Busselton Bypass road, bridge works and the potential future development of a railway station and intermodal passenger hut may potentially affect DIA 17350 Sabina River Camp Ground. A small area of the proposed extension Airport Parcel also overlaps DIA 17350 Sabina River Camp Ground which will potentially impact the heritage place.

DIA 18985 Hill’s Campsite

This place was recorded by Mr T Venz in 2002 (McDonald, Hales & Associates 2002) during a survey for the Busselton Airport Structure Plan. Earlier in the same year, this heritage place was recorded by Goode during a survey of the for Main Roads (Goode 2002) however it was named ‘Little Shack’ and placed on the Sites Register as DIA 19321 Little Shack. It was discovered in 2004 during a survey conducted by Goode for a proposed housing development, that Hill’s Campsite and Little Shack were the same place and that confusion had arisen due to a discrepancy in coordinates. The Aboriginal representatives consulted at this time resolved the issue and recommended that the heritage place be named as Little Shack (Hill’s Camp) (Goode 2004: 24). During this survey it was requested that this heritage place be preserved as a park within the proposed housing development.

This heritage place was identified as a historically significant camping place where an old group settlement house referred to as ‘the little shack’ had once stood. The South West Boojarah informants identified this camping area used by Mr Jimmy Hill and Mrs Ethel Hill in the 1940’s (McDonald, Hales 2002). The location was described as an area of paddock 60m east of the Vasse Highway and 100m south of Blum Boulevard. The informants stated that prior to the existence of this shack, Nyungars also lived in bush camps nearby. The exact location and extent of these bush camps can no longer be determined. Several of the Aboriginal informants recalled visiting the Hill’s at the shack. The remnants of the fireplace and a bedpost located near a Peppermint Tree and some Easter Lilies are still present (McDonald Hales 2002; Goode 2002: 22-23).

DIA have spatially captured the extent of this heritage place as an irregular polygon east of the Vasse Highway with the centre coordinate recorded as 349116mE 6273608mN (see map in Appendix 2). This historical camp is currently ‘Lodged’ with the DIA Sites Register where it awaits assessment by the APMC.

In relation to the Busselton Regional Development Plan, this heritage place is located within the area designated ‘Yalyalup Residential and Recreation.’ It is recommended that the City of Busselton inform the developer of the nature and extent of this heritage place in order to remain compliant with the Act and not unlawfully affect the area.

PREVIOUS ABORIGINAL HERITAGE SURVEYS CONDUCTED IN THE SURVEY AREA

Archival research indicates that Aboriginal heritage surveys have not been conducted in the southern portion of the current study area bounded by Vasse Highway and Sues Road. This section of the study area consists of an existing flood basin for the Water Corporation and a proposed area for 'Airside Access Land and/or Future Industrial' and 'Future Industrial - Long Term Potential' development.

The cadastral lots identified within these zones are:

- Water Corporation Land 80.1ha (Lots 1, 2, 1478)
- Airside Access land and/or Future Industrial 301.5ha including proposed service road (Lots 3819, 203, 3160)
- Future Industrial - Long Term Potential 229.5ha (Lots 300, 370, 302, 1477, 100, 1280, 1478, 3161)

The following table (Table 2) outlines previous Aboriginal heritage surveys that have been conducted within the current Busselton Regional Airport Development study area (see also map of previously surveyed areas in Figure 2).

Table 2: Previous Aboriginal Heritage Surveys conducted within the Survey area.

Aboriginal Heritage Surveys			Section of Proposed Study Area that has previously been surveyed
Report ID	Author/Year	Report Title	
None, cited in site file DIA 4401	McDonald & Cuthbert 1997	<i>Report of the Archaeological and Ethnographical Survey conducted, prepared for Heath Developments</i>	NW portion of the study area, bordered by Bussell Highway and Vasse Highway (approx 50% of the current study area) was surveyed. Lot 8 Wonnerup South Road
27102	Cuthbert & Hovingh 1998	<i>Report On An Aboriginal Heritage Survey Of The Proposed Mineral Sands Mine, Loc 7 and Loc 3819 (M70/785) And Mineral Leases M70/255, M70/359, M70/513, Capel</i>	Loc 7 (now Lot 100 Wonnerup South Road, Wonnerup) and Loc 3819.
102212	Goode 1999	<i>Survey For Ethnographic Sites Along Bussell Highway / South Western Highway (Capel Golf Course - Gelorup to Busselton) Lower South West, Western Australia, prepared for Telstra.</i>	Northern portion of the study area following Bussell Highway.
106392	Goode, B 2002	<i>Ethnographic Survey of Vasse Highway, Nannup to Busselton, South West Western Australia, prepared for Main Roads Western Australia.</i>	100m corridor both sides of Vasse Highway.
106393	Greenfeld, P 2002	<i>Archaeological survey of Proposed Highway corridor and deviation, Vasse Highway (Busselton to Nannup), prepared for Main Roads Western Australia.</i>	100m corridor both sides of Vasse Highway.
20988	Goode, B 2004	<i>Aboriginal Heritage Survey East Busselton Estate, Busselton, prepared for ATA Environmental on behalf of Satterley Real Estate .</i>	North western corner of the study area, Yalyalup Residential and Recreation area.
27045	McDonald & Coldrick 2007 (revised 2011)	<i>Report Of An Aboriginal Consultation In Relation To A Proposed mineral Sands Mine, Lot 100 Wonnerup South Road, Wonnerup, Western Australia, prepared for Bemax Resources, Incorporating Cable Sands.</i>	Loc 7 (now Lot 100 Wonnerup South Road, Wonnerup) and Loc 3819.

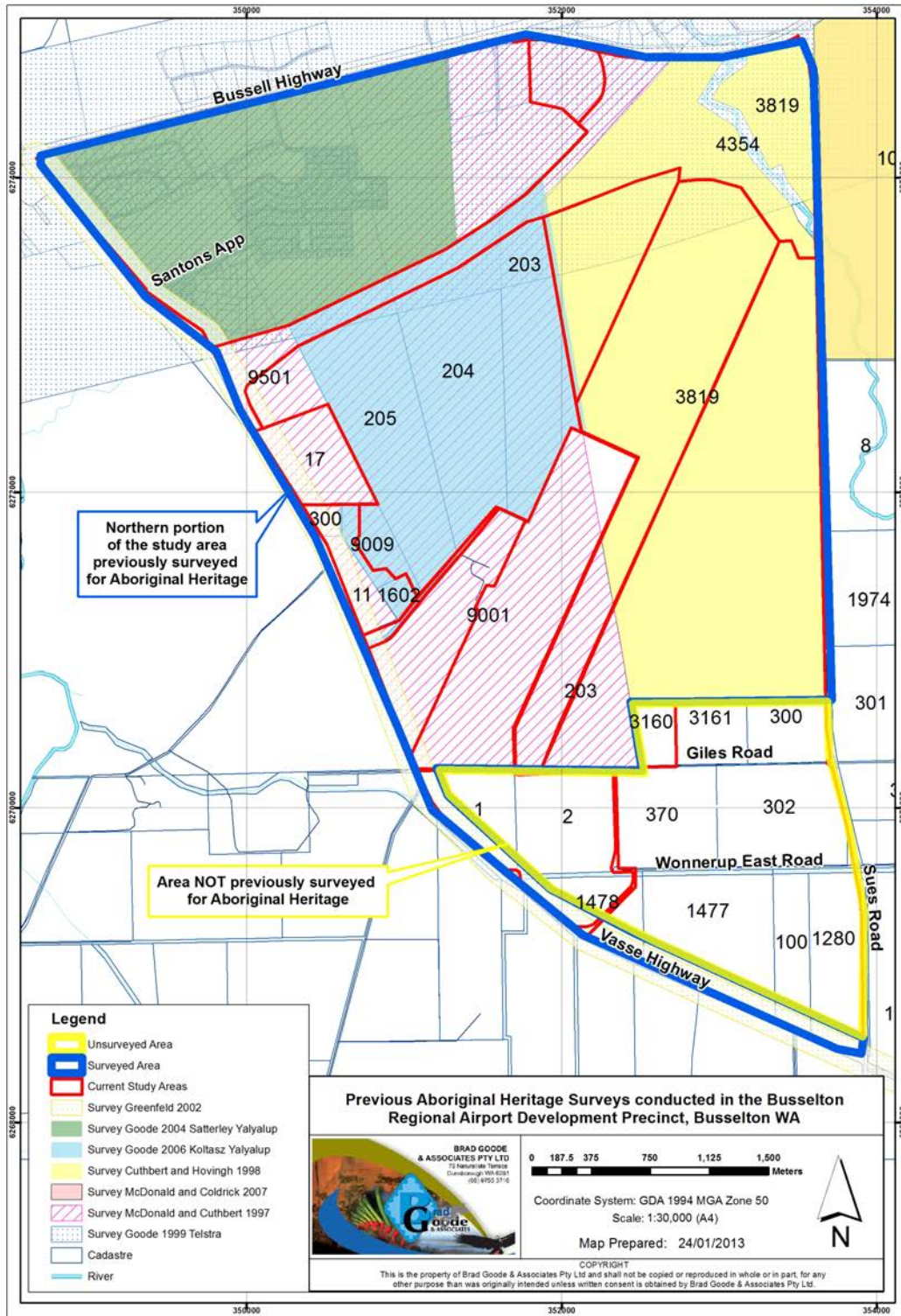


Figure 2: Previous Aboriginal Heritage Surveys conducted in the Busselton Regional Airport Development area.

OUTCOMES OF ARCHIVAL RESEARCH

A search of the DIA Sites Register conducted on the 25th June 2012 revealed **five (5)** Aboriginal heritage sites/places, of which **three (3)** are 'Registered' Aboriginal sites and **two (2)** are 'Other Heritage places' to be located within the study area (see Table 1, Appendix 1).

Four of these sites/places have the potential to be **directly affected** by the proposed 'Conceptual Land Use Plan Development Area' should development proceed to construction.

- DIA site 17353 Sabina River - Outer Busselton Bypass road, bridge works and future development of a railway station
- DIA site 17355 Uligugillup Mission - Extension to Airport Parcel and Airside Access Land/Future Industrial development.
- DIA place 17350 Sabina River Camp Ground - Outer Busselton Bypass road, bridge works, and future development of railway station and extension of Airport parcel.
- DIA place 18985 Hill's Campsite - development of a recreational reserve within an urban area.

Archival research revealed the Sabina River (DIA 17353) is a mythological site in association with the Aboriginal Dreaming figure, the *Waugal*, and also of historical significance in relation to past use as a source of water and food, and as a pathway to campsites.

DIA 17350 Sabina River Camp Ground is a heritage place that was reported in 1999 as a historical camp, however this camp ground has been assessed as having 'Insufficient Information.' A more recent survey revealed that representatives of the South West Boorjarrah did not identify this site as separate from Sabina River (McDonald & Coldrick 2011: 27).

DIA 17355 Uligugillup Mission is a registered historical camp site that is located on Lot 3819. At present there is not enough information with regards to the sites actual location and extent. Any activity within the DIA buffer will require ministerial consent to proceed. Further consultation in relation to this site would give the informants the opportunity to address issues regarding the specific location and extent of this site and to determine if this site is a duplicate recording of DIA Site 4401 Woddidup Mission/Mulgarnup Mission or a separate mission at a similar location used at a different historic period.

DIA 4401 Woddidup Mission/Mulgarnup Mission is located adjacent to the eastern boundary of Lot 3819. Although this site does not fall within the project study area, research has indicated this site is possibly a duplicate recording of DIA 17355, therefore the potential to be affected by the proposed Airside Access Land and/or Future Industrial development exists. A detailed management plan would be required should this mission site be affected by the proposal.

DIA 18985 Hill's Campsite is a historical camp that is located on Lot 501 within the existing Yalyalup Residential Estate. This heritage place has previously been managed by preserving it within a park in the housing estate (Goode 2004: 24). It is recommended that the City of Busselton inform the developer of the nature and extent of this heritage place in order to remain compliant with the Act and not unlawfully affect the area.

A review of previous Aboriginal Heritage survey reports for the study area has revealed that the northern portion of the study area has been subject to comprehensive Aboriginal heritage surveys in the past (Cuthbert & Hovingh 1998; Goode 1999, 2002, 2004, 2006; Greenfeld 2002; McDonald & Coldrick 2007; McDonald & Cuthbert 2007, 2011). These surveys have been conducted in relation to the development of Busselton Regional Airport, the development of the residential area in Yalyalup and associated road works and infrastructure for Vasse and Bussell Highway's. Land use documents supplied by the City of Busselton have also revealed that the northern portion of the subject land has also been subject to sand mining.

Research to date has also determined that the southern portion of the study area designated 'Airsides Access Land and/or Future Industrial' and 'Future Industrial - Long Term Potential' development has not been previously surveyed for Aboriginal heritage sites.

NATIVE TITLE CLAIMS EXTANT OVER THE PROJECT AREA

Currently lodged with the Register of Native Title Claims and the Schedule of Applications, held by the Commonwealth Native Title Tribunal, there are **two registered** Native Title applications that overlay the project area. The Schedule of Applications includes registered applications, unregistered applications and applications still undergoing the registration test (see Table 3; Map of Native Title Claim Application area, Figure 3).

Table 3: Native Title Claim Applications overlaying survey area.

Native Title Claim Application	Applicants	Contact	Section of Proposed Study Area application overlays
Harris Family WC96/041 WAD6085/98 (Registered)	Mrs Minnie Van Leeuwin	Mrs Minnie Van Leeuwin c/ Brad Goode & Associates 79 Naturaliste Terrace Dunsborough WA 6281 Phone: (08) 9755 3716	Northern boundary of the Study area (approximately 320m from Bussell Highway)
South West Bojarah #2 WC06/4 WAD253/06 (Registered)	Mr William Webb, Mr Donald Hayward, Mr Bertram Williams, Mr William Thompson, Ms Margaret Culbong, Ms Barbara Corbett-Councillor Stammner, Ms Wendy Williams	Mr Simon Blackshield South West Aboriginal Land & Sea Council Aboriginal Corporation PO Box 585 CANNINGTON WA 6987 Phone: (08) 9358 7400 Fax: (08) 9358 7499	The entire study area

NAMED SITE INFORMANTS FOR DIA SITES WITHIN THE PROPOSED ALIGNMENT

DIA 17353 Sabina River

Listed Site Informants: Mrs Vilma Webb, Ms Ellen Hill, Mr Wayne Webb.

Contact: South West Bojarah Native Title 2 (WC06/4)
SWALSC

DIA 17355 Uligugillup Mission

Listed Site Informants: Mrs Vilma Webb

Contact: South West Bojarah Native Title 2 (WC06/4)
SWALSC

DIA 4401 Woddidup Mission/Mulgarnup Mission

Listed Site Informants: Mrs Vilma Webb, Ms Ellen Hill, Mr Wayne Webb

Contact: South West Bojarah Native Title 2 (WC06/4)
SWALSC

DIA 17350 Sabina River Camp Ground

Listed Site Informants: Mrs Vilma Webb, Ms Ellen Hill, Mr Frank Nannup.

Contact: South West Bojarah Native Title 2 (WC06/4)
SWALSC

DIA 18985 Hill's Campsite

Listed Site Informants: Mrs Vilma Webb, Mrs Gillespie

Contact: South West Bojarah Native Title 2 (WC06/4)
SWALSC

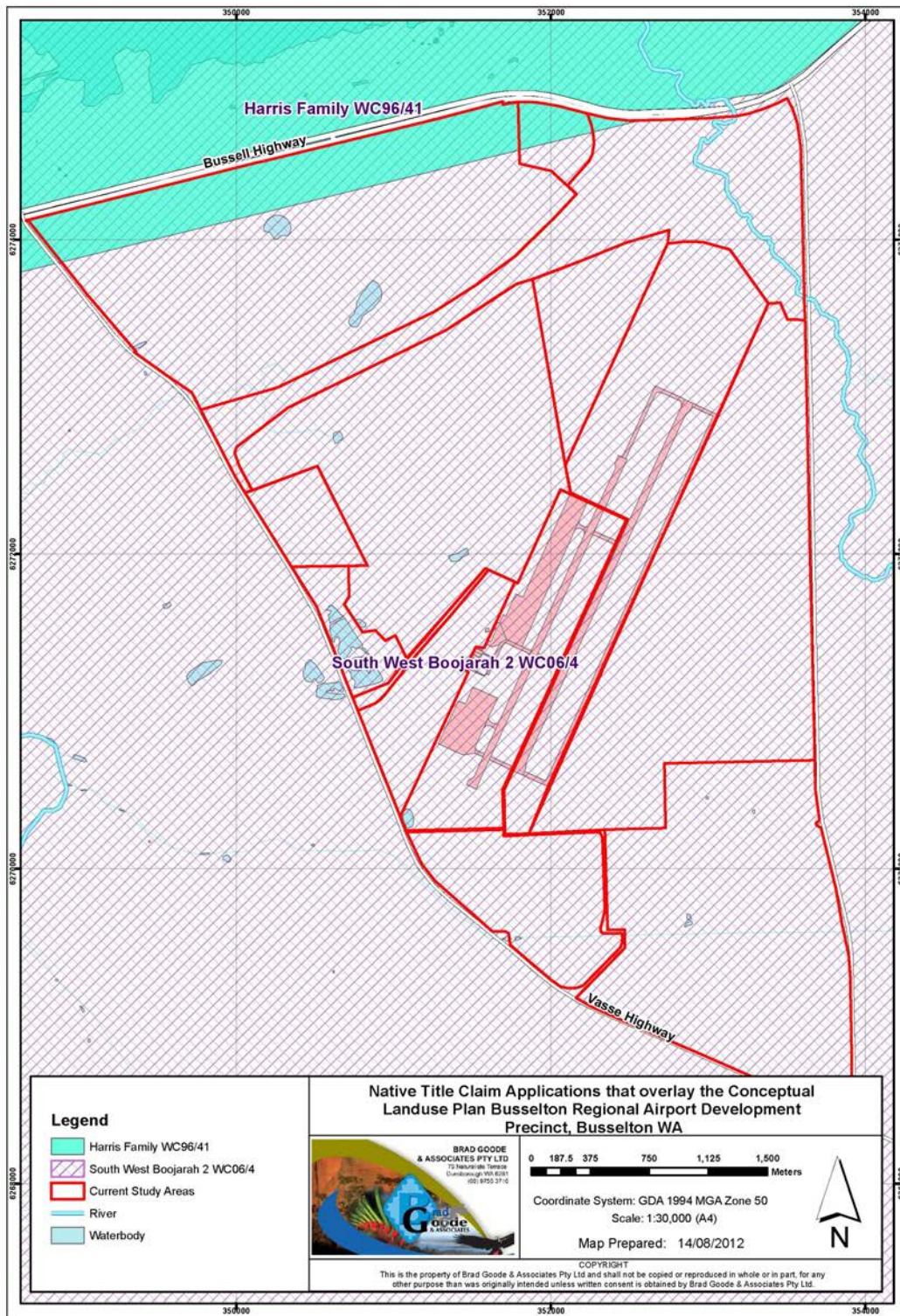


Figure 3: Native Title Claim Applications that overlay the Conceptual Land Use Plan, Busselton Regional Airport Development precinct, Busselton WA.

RECOMMENDATIONS

As a result of this Desktop Aboriginal Heritage Survey of the Conceptual Land Use Plan for the Busselton Regional Airport development precinct, the following recommendations can be made:

It is recommended that planners make every effort to avoid any activities that have the potential to alter, affect or destroy the land that contains these places during the design of infrastructure associated with the proposal. Careful planning could avoid any potential affects to such places by identifying the lands that contain such sites and places as public reserves, parks or conservation buffers in a comprehensive Heritage Management Plan (HMP). This plan would detail legislative requirements, protective strategies and interpretative measures that could be put in place should development proceed.

This plan should be developed in consultation with the named DIA site informants and the native title claimants who hold custodial rights for these sites and places. The DIA 'Due Diligence Guidelines' and heritage management planning policies would greatly aid the drafting of such a plan (see Appendix 3). The advantage of such a document would give all who have an interest in the subject land surety upon how to proceed and to remain compliant with the AHA.

Should avoidance by careful planning and design not be possible, due to other constraints, then **it is recommended** that consultation with the relevant site informants and native title claimants who hold custodial rights for these sites and places is conducted in order to determine the potential affects that these proposed works will have on these sites/places, as a basis from which **to lodge an application under section 18 of the AHA** for consent to use the land that may contain an Aboriginal site.

This **recommendation** is particularly relevant with regards to DIA Site 17355 Uligugillup Mission. At present there is not enough information to determine the sites existence, actual location and extent. However as this place is a registered site any activity within the DIA buffer will require ministerial consent to proceed. Further research and consultation would give the informants the chance to address issues with regards to the specific location and extent of the site and to determine if the site is in fact a duplicate recording of DIA Site 4401 Woddidup Mission/Mulgarnup Mission or a separate mission at a similar location used at a different historic period.

Consultation with Dr Edward McDonald, an anthropologist researching the same site for Cable Sands (Bemax Resources), suggests that it is highly likely to be a duplicate recording. McDonald's informants used the name 'Mulgarnup' for the mission after a road name from the east that provided access, whereas Goode's (1999) informants used the term 'Uligugillup' based upon a road name running from the north. McDonald has also found a newspaper article published in 1992 stating that Mulgarnup Mission was run by Elinor Guerin between 1887 and 1897 as a medical post and a school; however no written records regarding 'Uligugillup' mission were located (Dr Edward McDonald per com 22/01/2013).

The commission of further research and consultation would provide the owners of Lots 3819 and 100 legal certainty when planning development and avoid any activities that may lead to a breach of the AHA under section 17. Fines and penalties for unlawful use of land that contains Aboriginal heritage sites exist and are at present being strengthened so as to ensure compliance. Aboriginal land councils and the DIA are also exploring the possibility of Aboriginal custodians being able to seek civil legal redress to site disturbances which would likely lead to compensation in the form of the restoration of the values destroyed.

A review of previous Aboriginal Heritage survey reports for the study area has revealed that the northern portion of the study area has been subject to comprehensive Aboriginal heritage surveys in the past (Cuthbert & Hovingh 1998; Goode 1999, 2002, 2004, 2006; Greenfeld 2002;

McDonald & Coldrick 2007; McDonald & Cuthbert 2007, 2011- see pages 14-15). These surveys have been conducted in relation to the development of Busselton Regional Airport, the development of the residential area in Yalyalup and associated road works and infrastructure for Vasse and Bussell Highway's. Land use documents supplied by the City of Busselton have also revealed that the northern portion of the subject land has also been subject to sand mining (see Appendix 2: Map 5).

As such and upon this basis **it is recommended that no further** site identification Aboriginal heritage survey work would be required for these portions of the 'Conceptual Land Use Plan' development planning area. In the opinion of the consultants the research conducted to date is more than adequate to identify all potential sites and places within these lots. Sand mining would also negate any risk of uncovering any artefactual material of scientific significance. As such there is a low risk of a possible breach of the AHA should development activities proceed within these lots.

Research to date has also determined that the southern portion of the study area designated 'Airsides Access Land and/or Future Industrial' and 'Future Industrial - Long Term Potential' development has not been previously surveyed for Aboriginal heritage sites (see figure 2 page 15).

As such **it is further recommended** that the southern portions of the study area should undergo an Aboriginal Heritage survey to site identification standards prior to development proceeding. This action is thought necessary to provide legal certainty for proponents who conduct future development activities within the southern portion of the 'Conceptual Land Use Plan' development area

It is finally recommended that the City of Busselton inform any private landholders or potential developers (purchasers) within this precinct of the nature and extent of all Aboriginal heritage sites and other heritage places that may be located upon the subject land. This is thought necessary as there is at present no legal mechanism within the administration of the AHA for disclosure on land subject to sale. There is also at present no legal requirement under the AHA to conduct surveys before proceeding, as the 'Act' simply requires all proponents to be compliant by whatever means that they determine to reduce the risk of disturbing sites and places where heritage values exist.

BIBLIOGRAPHY

- Cuthbert, D & Hovingh, R 1998, Report On an Aboriginal Heritage Survey Of The Proposed Mineral Sands Mine, Loc 7 and Loc 3819 (M70/785) And Mineral Leases M70/255, M70/359, M70/513, Capel, unpublished report prepared for RGC Mineral Sands.
- Goode, B 1999, Survey For Ethnographic Sites Along Bussell Highway/South Western Highway (Capel Golf Course - Gelorup to Busselton) Lower South West, Western Australia, unpublished report prepared for Telstra.
- Goode, B 2002, Ethnographic Survey of Vasse Highway, Nannup to Busselton, South West Western Australia, unpublished report prepared for Main Roads Western Australia.
- Goode, B & Irvine, C 2004, Aboriginal Heritage Survey East Busselton Estate, Busselton, Western Australia, a report prepared for ATA Environmental on behalf of Satterley Real Estate.
- Greenfeld, P 2002, Archaeological survey of Proposed Highway corridor and deviation, Vasse Highway (Busselton to Nannup), unpublished report prepared for Main Roads Western Australia.
- McDonald, E & Cuthbert, D 1997, Report of the Archaeological and Ethnographical Survey conducted, unpublished report prepared for Heath Developments.
- McDonald, E. M 2005, Ethnographic Comments on Registered Sites Busselton Fringe Camp (Site ID 676), Busselton Fringe Camp 01 (Site ID 15085) and Related Listings, unpublished report prepared for Cardno BSD and DIA, January 2005.
- McDonald, E. M & Coldrick, B 2007 (revised 2011), Report Of An Aboriginal Consultation In Relation To A Proposed mineral Sands Mine, Lot 100 Wonnerup South Road, Wonnerup, Western Australia, unpublished report prepared for Bemax Resources, Incorporating Cable Sands.
- McDonald, Hales & Associates 2002, Report of an Ethnographic Survey: Airport Development Plan. Busselton, An unpublished report prepared for Heath Developments.

APPENDIX 1: SITES REGISTER SEARCH



Search Criteria

6 sites in a search polygon. The polygon is formed by these points (in order):

MGA Zone 50	
Northing	Easting
6274996	353665
6268282	353968
6269142	352110
6270052	351098
6272960	349682
6273125	349417
6274111	348646
6274895	351680
6274996	353665



Disclaimer

Aboriginal sites exist that are not recorded on the Register of Aboriginal Sites, and some registered sites may no longer exist. Consultation with Aboriginal communities is on-going to identify additional sites. The AHA protects all Aboriginal sites in Western Australia whether or not they are registered.

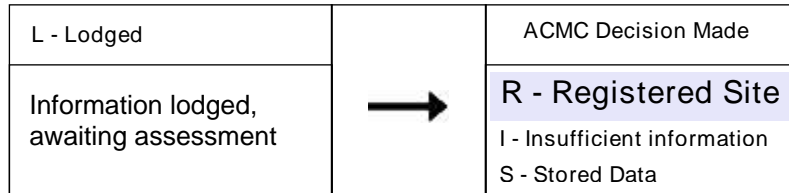
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Legend

Restriction	Access	Coordinate Accuracy
N No restriction	C Closed	Accuracy is shown as a code in brackets following the site coordinates.
M Male access only	O Open	[Reliable] The spatial information recorded in the site file is deemed to be reliable, due to methods of capture.
F Female access	V Vulnerable	[Unreliable] The spatial information recorded in the site file is deemed to be unreliable due to errors of spatial data capture and/or quality of spatial information reported.

Status



Spatial Accuracy

Index coordinates are indicative locations and may not necessarily represent the centre of sites, especially for sites with an access code "closed" or "vulnerable". Map coordinates (Lat/Long) and (Easting/Northing) are based on the GDA 94 datum. The Easting / Northing map grid can be across one or more zones. The zone is indicated for each Easting on the map, i.e. '5000000:Z50' means Easting=5000000, Zone=50.

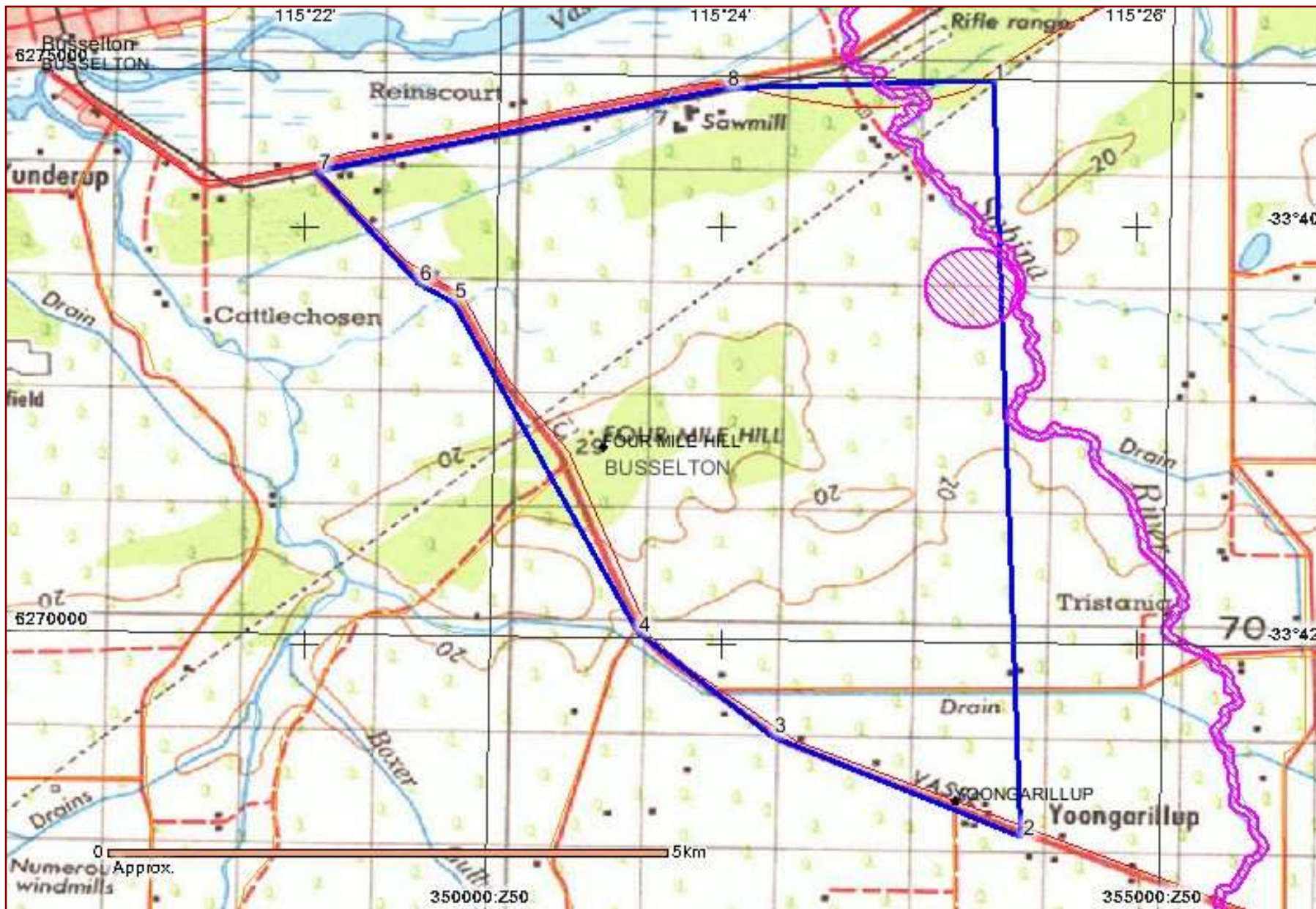
Sites Shown on Maps

Site boundaries may not appear on maps at low zoom levels



List of 2 Registered Aboriginal Sites with Map

Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
17353	R	O	N	Sabina River	Mythological, Historical	[Other: Pathway]	*Registered Informant names available from DIA.	354311mE 6268779mN Zone 50 [Reliable]	
17355	R	O	N	Uligugillup Mission	Historical	Camp	*Registered Informant names available from DIA.	353539mE 6273148mN Zone 50 [Reliable]	



Legend

- Selected Heritage Sites
- Registered Sites
- Town
- Map Area
- Search Area

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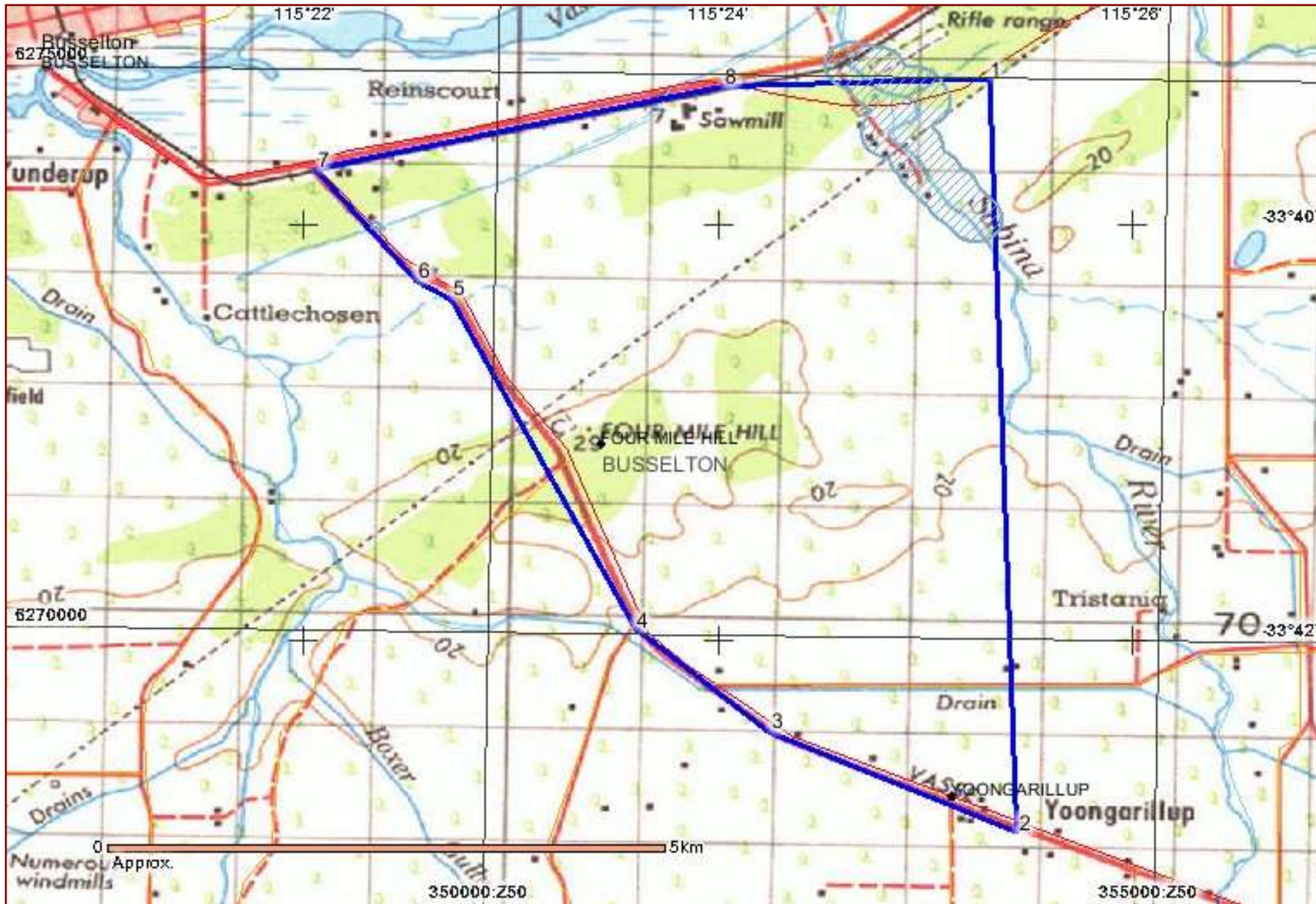
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List of 4 Other Heritage Places with Map

Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
16609	S	O	N	Sabina River Artefact Scatter	Artefacts / Scatter			352809mE 6274825mN Zone 50 [Reliable]	
17350	I	O	N	Sabina River Camp Ground	Artefacts / Scatter, Historical	Archeological Deposit, Camp	*Registered Informant names available from DIA.	353105mE 6274422mN Zone 50 [Reliable]	
18985	L	O	N	Hill'S Campsite	Historical	Camp	*Registered Informant names available from DIA.	349116mE 6273608mN Zone 50 [Reliable]	
30947	L	O	N	Rgc Isolated Artefacts		[Other: 8 Isolated Artefacts]		353694mE 6274232mN Zone 50 [Reliable]	



Legend

- Selected Heritage Sites
- Other Heritage Places
- Town
- Map Area
- Search Area

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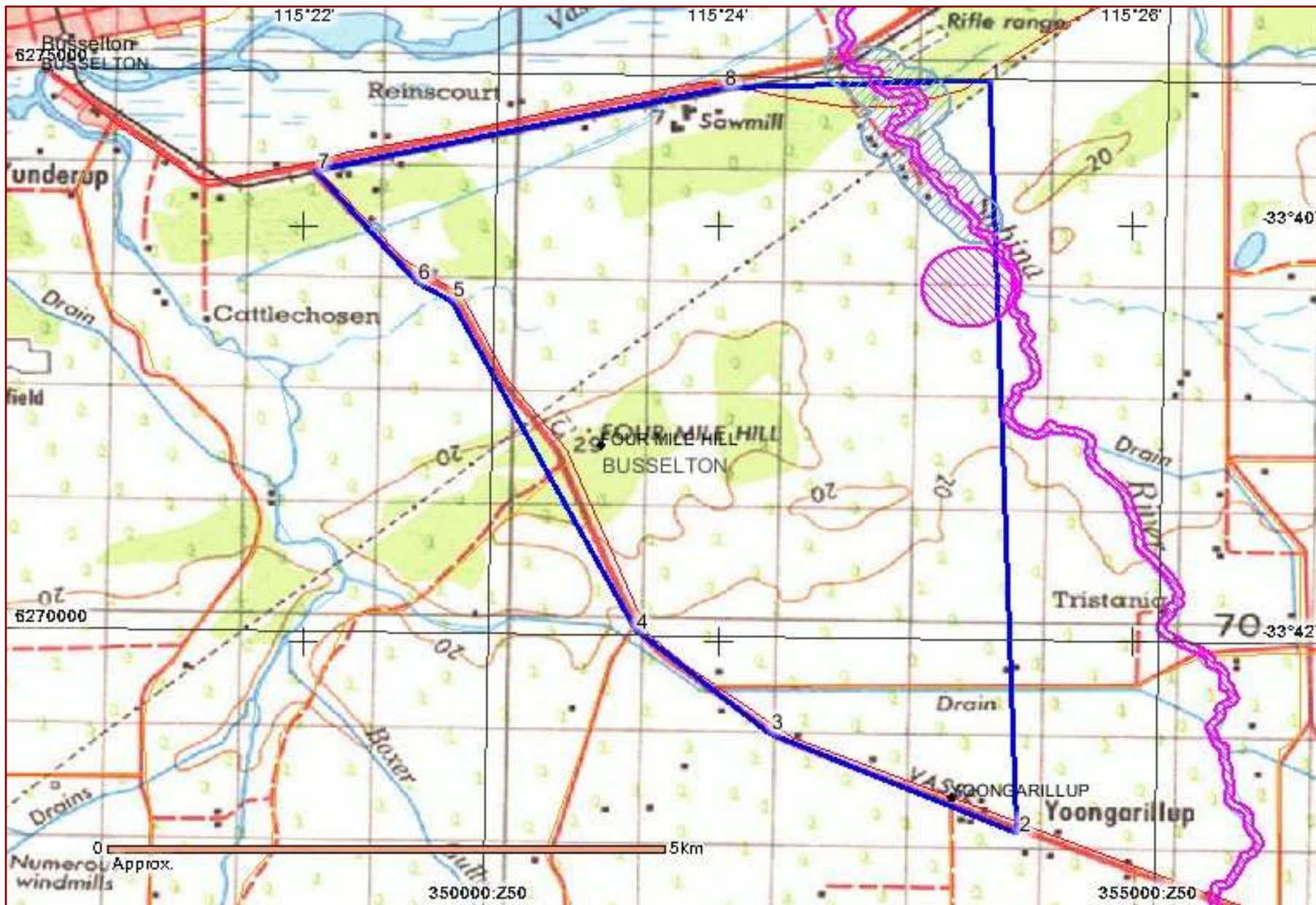
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Map Showing Registered Aboriginal Sites and Other Heritage Places



Legend

- Selected Heritage Sites
- Registered Sites
- Other Heritage Places
- Town
- Map Area
- Search Area

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Search Criteria

Site 4401

Disclaimer

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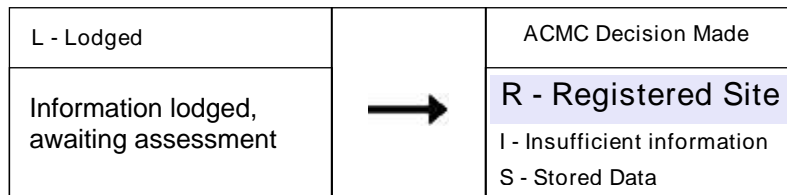
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Legend

Restriction	Access	Coordinate Accuracy
N No restriction	C Closed	Accuracy is shown as a code in brackets following the site coordinates.
M Male access only	O Open	[Reliable] The spatial information recorded in the site file is deemed to be reliable, due to methods of capture.
F Female access	V Vulnerable	[Unreliable] The spatial information recorded in the site file is deemed to be unreliable due to errors of spatial data capture and/or quality of spatial information reported.

Status



Spatial Accuracy

Index coordinates are indicative locations and may not necessarily represent the centre of sites, especially for sites with an access code "closed" or "vulnerable". Map coordinates (Lat/Long) and (Easting/Northing) are based on the GDA 94 datum. The Easting / Northing map grid can be across one or more zones. The zone is indicated for each Easting on the map, i.e. '5000000:Z50' means Easting=5000000, Zone=50.

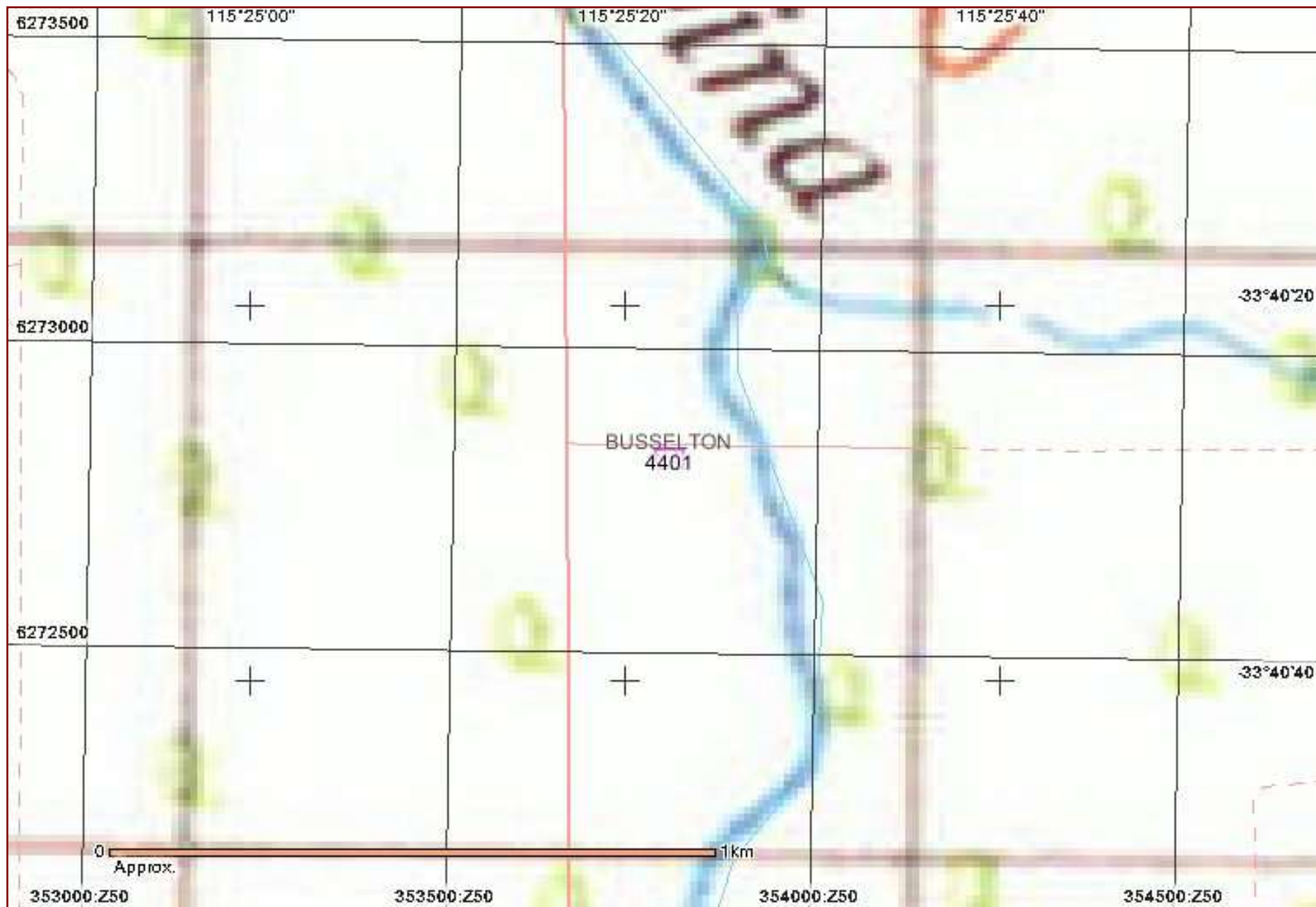
Sites Shown on Maps

Site boundaries may not appear on maps at low zoom levels



List of Registered Aboriginal Sites with Map

Site ID	Status	Access	Restriction	Site Name	Site Type	Additional Info	Informants	Coordinates	Site No.
4401	R	O	N	Woddidup Mission / Mulgarnup Mission.		Camp, [Other: Mission Site]	*Registered Informant names available from DIA.	353796mE 6272820mN Zone 50 [Reliable]	S02848



Legend

Selected Heritage Sites

Registered Sites

Town

Map Area

Search Area

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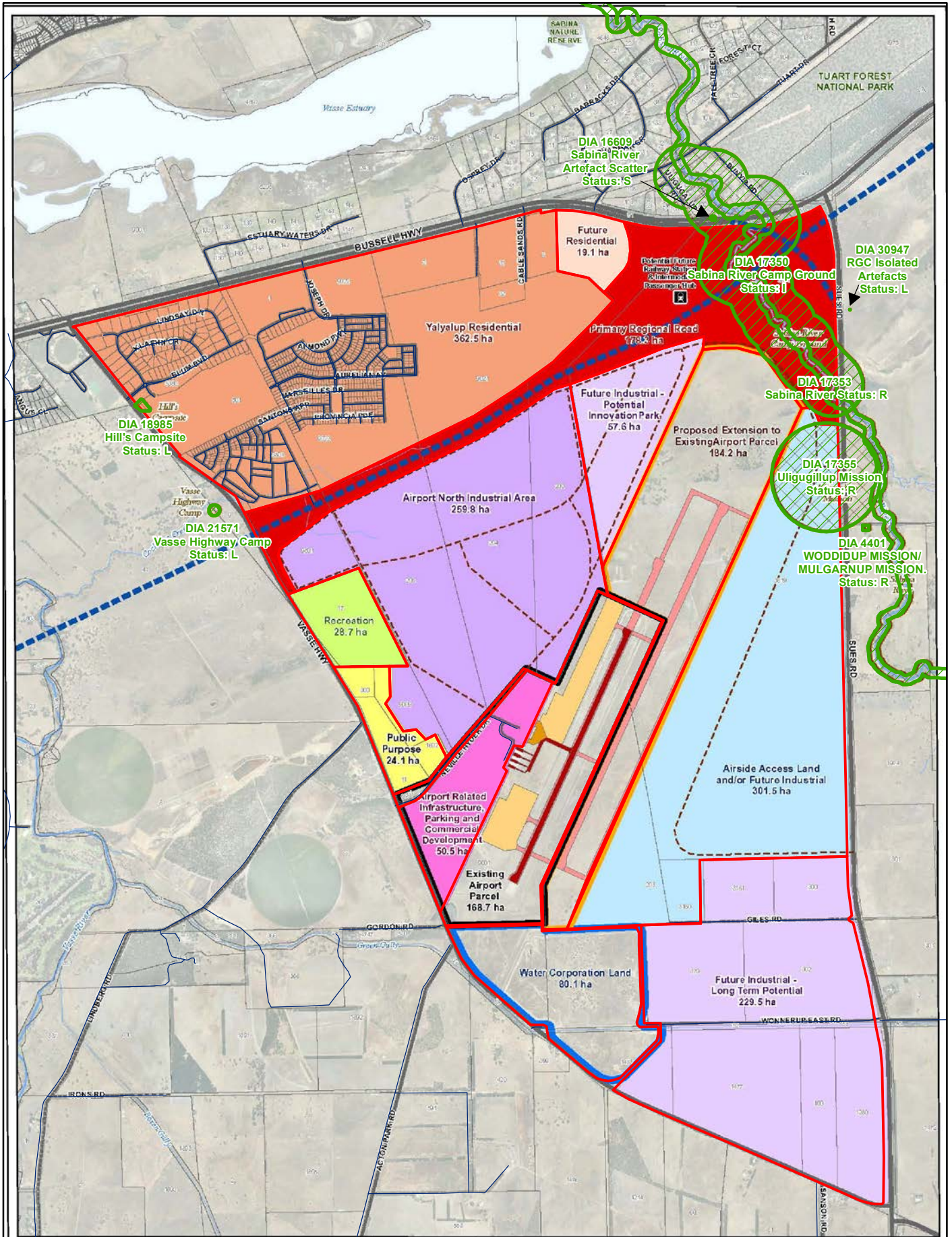
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APPENDIX 2: MAPS OF THE PROJECT AREA IN RELATION TO ABORIGINAL HERITAGE SITES/PLACES

Table 4: Table of Maps

Map Title	Page	Map
Conceptual Land Use Plan showing Aboriginal Heritage Sites	24	1
Map of Aboriginal Heritage Sites and Places in relation to the Busselton Regional Airport Development Precinct (Overview Map)	25	2
<ul style="list-style-type: none"> • Map of DIA 18985 Hill's Campsite 	26	3
<ul style="list-style-type: none"> • Map of Aboriginal Heritage Sites and Places (DIA 17355 Uligugillup Mission, DIA 4401 Woddidup Mission, DIA 17353 Sabina River and DIA 17350 Sabina River Camp Ground) 	27	4
Map of Busselton to Clairault Geological Survey of Western Australia	28	5



Existing		Proposed (approximate)	
	Road (sealed)		Runway or Taxiway
	Road (unsealed)		Apron
	Proposed Service Road		Extension Existing Airport Parcel
	River or Creek		Vegetation Future Urban
	Cadastre with Lot Number		Future Residential
	Aboriginal Heritage Site		Airside Access Land and/or Future Industrial
	Busselton Outer Bypass		Airport Infrastructure, Parking & Commercial Development
	Blue Option		Primary Regional Road
			Water Corporation Land

Conceptual Land Use Plan showing Aboriginal Heritage Sites

Busselton Regional Airport Development

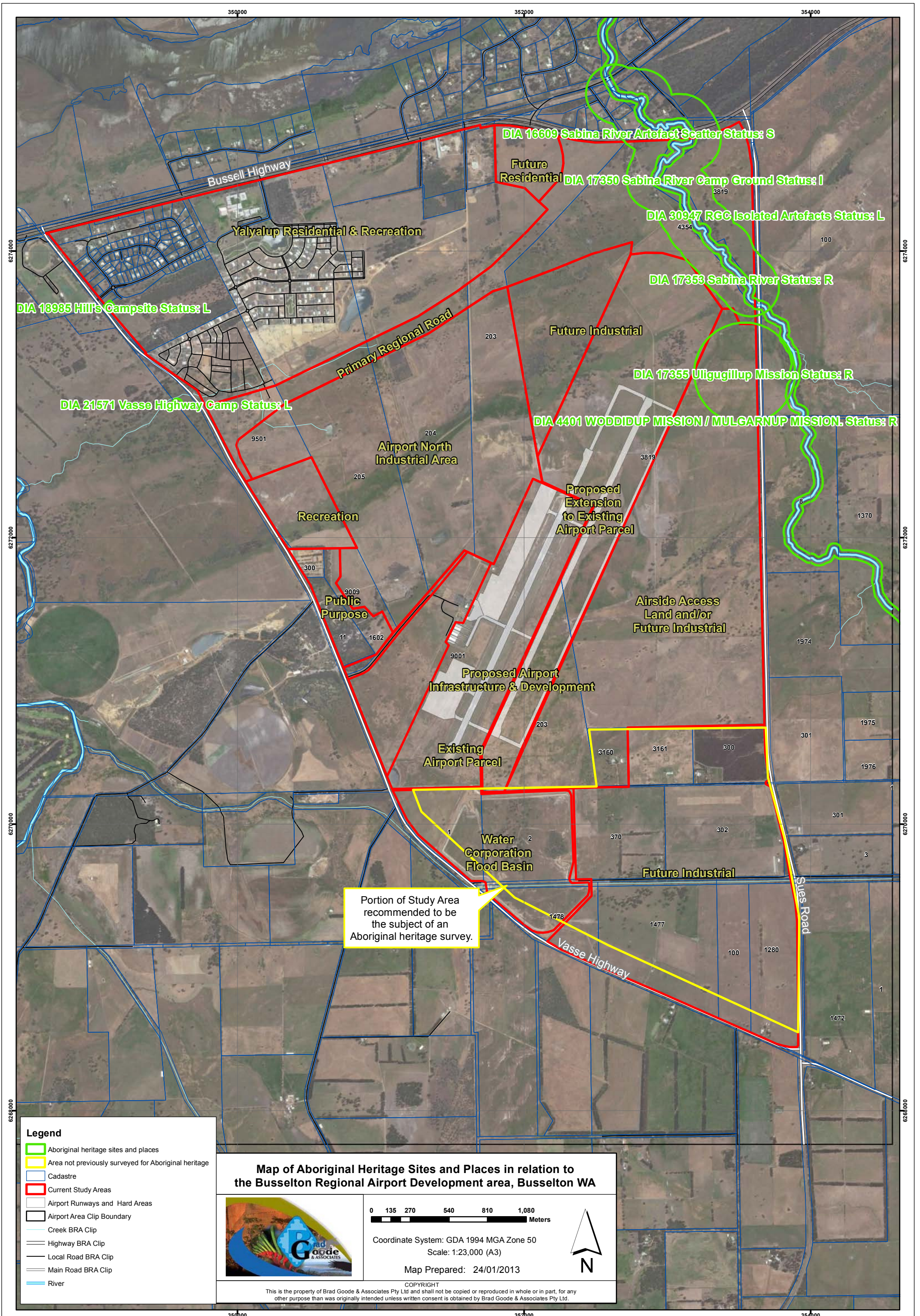


Disclaimer:
The City of Busselton does not guarantee that this map is without errors and accepts no responsibility for consequences of actions that rely on this map.

Map Produced on 4/04/12
GIS Section, City of Busselton



Map 1



Legend

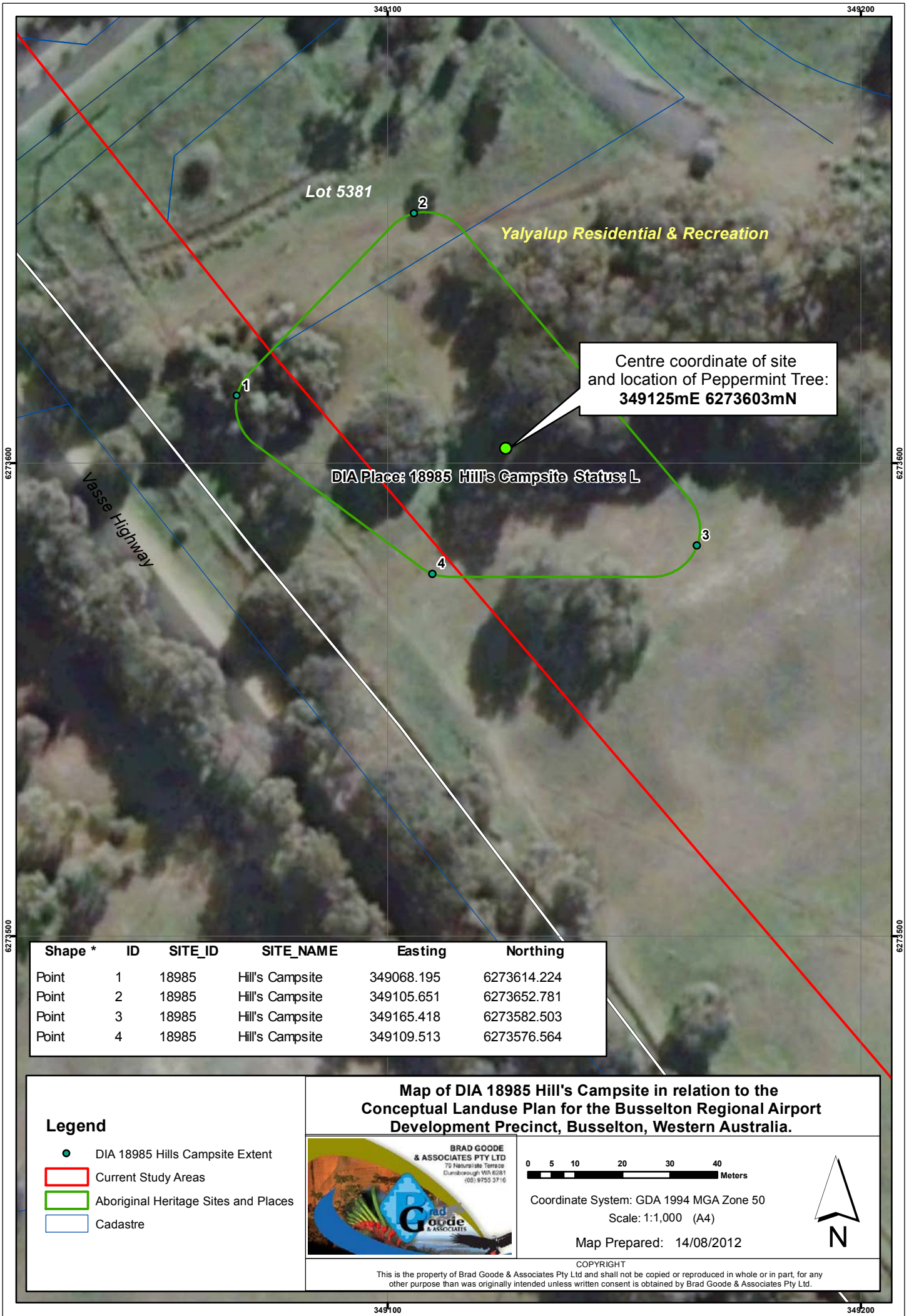
- ▭ Aboriginal heritage sites and places
- ▭ Area not previously surveyed for Aboriginal heritage
- ▭ Cadastre
- ▭ Current Study Areas
- Airport Runways and Hard Areas
- Airport Area Clip Boundary
- Creek BRA Clip
- Highway BRA Clip
- Local Road BRA Clip
- Main Road BRA Clip
- River

Map of Aboriginal Heritage Sites and Places in relation to the Busselton Regional Airport Development area, Busselton WA

0 135 270 540 810 1,080
Meters

Coordinate System: GDA 1994 MGA Zone 50
Scale: 1:23,000 (A3)
Map Prepared: 24/01/2013

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Centre coordinate of site
and location of Peppermint Tree:
349125mE 6273603mN

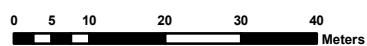
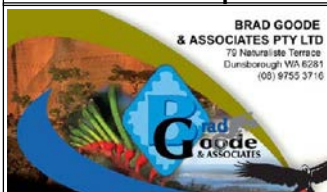
DIA Place: 18985 Hill's Campsite Status: L

Shape *	ID	SITE_ID	SITE_NAME	Easting	Northing
Point	1	18985	Hill's Campsite	349068.195	6273614.224
Point	2	18985	Hill's Campsite	349105.651	6273652.781
Point	3	18985	Hill's Campsite	349165.418	6273582.503
Point	4	18985	Hill's Campsite	349109.513	6273576.564

Legend

- DIA 18985 Hills Campsite Extent
- Current Study Areas
- Aboriginal Heritage Sites and Places
- Cadastre

**Map of DIA 18985 Hill's Campsite in relation to the
Conceptual Landuse Plan for the Busselton Regional Airport
Development Precinct, Busselton, Western Australia.**



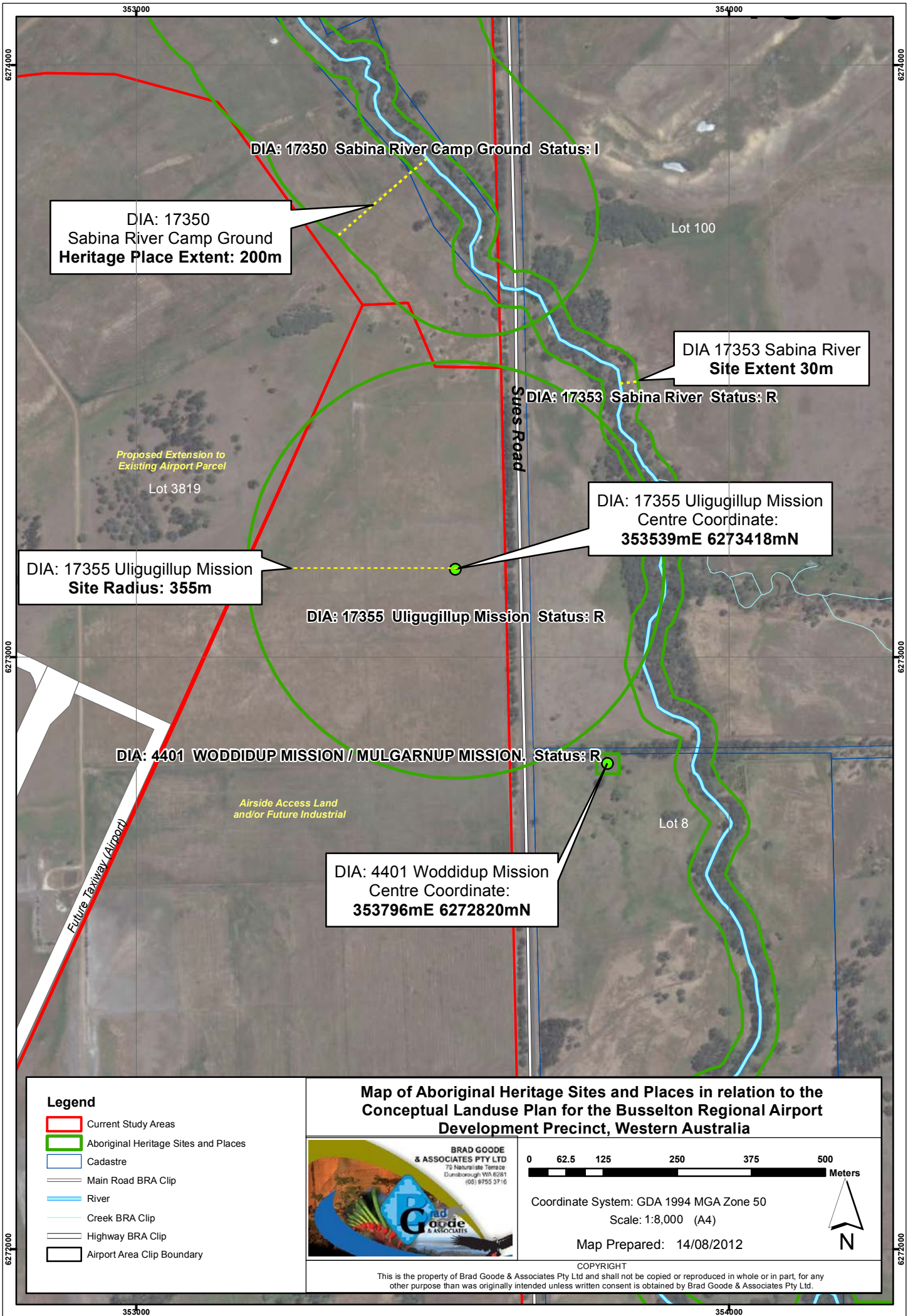
Coordinate System: GDA 1994 MGA Zone 50
Scale: 1:1,000 (A4)

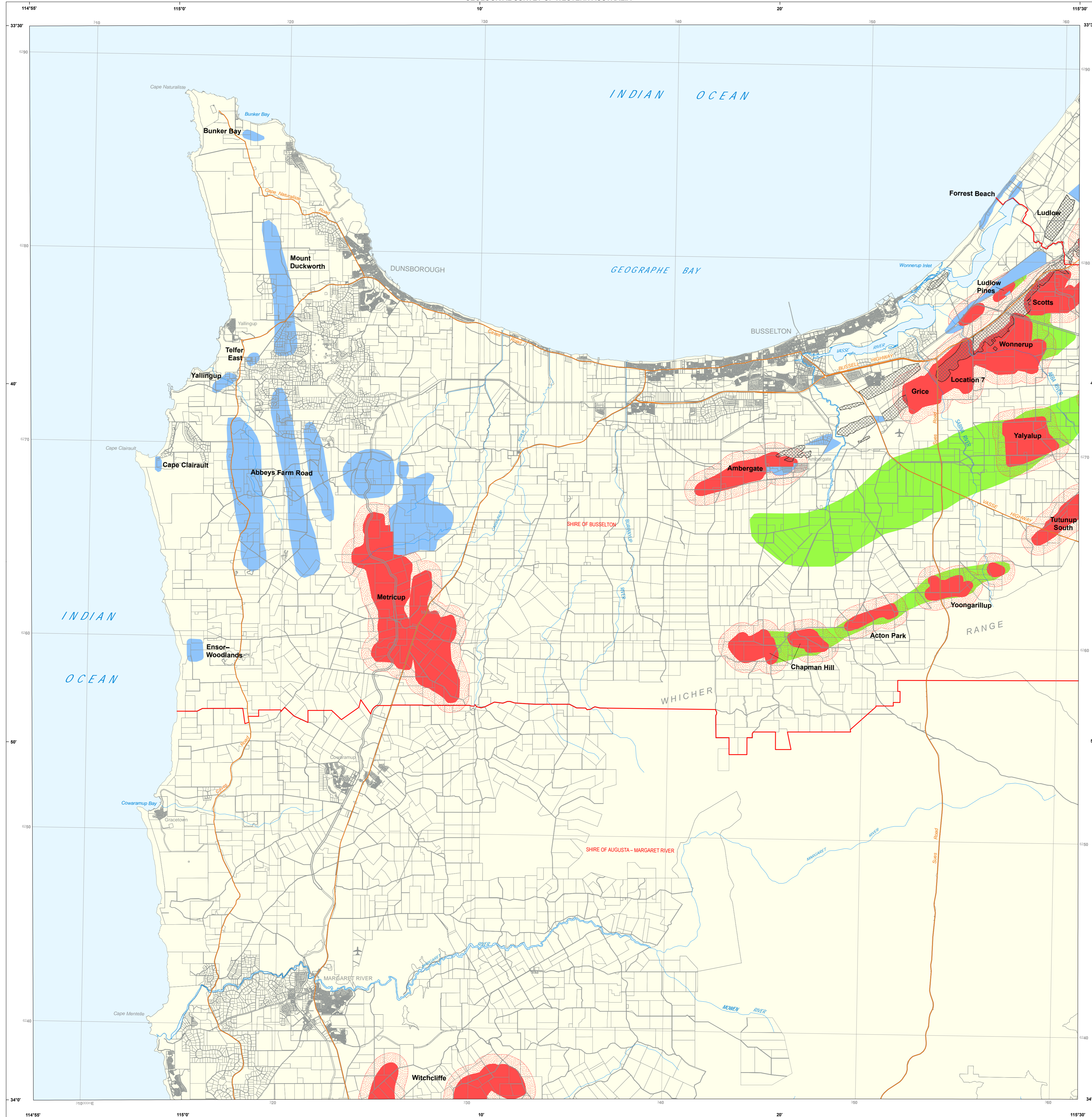
Map Prepared: 14/08/2012



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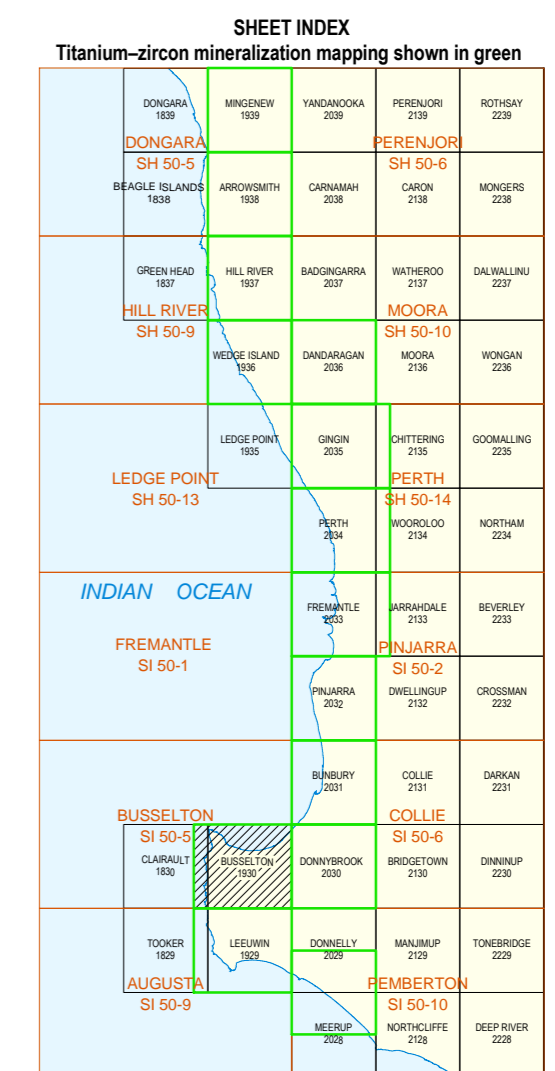
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- Strategic mineral resource protection area; should be set aside for future mining
- 500m separation area around strategic mineral resource protection area; land use options may be restricted
- Possible strategic resource area that may contain mineral deposits; land use options may be restricted in parts of these areas
- Sterilized mineral deposit currently unlikely to be mined; does not restrict land use options
- Mine, rehabilitated, or under rehabilitation
- Grice** Generalized deposit name
- Land title boundary, simplified
- Highway / major road
- Airfield
- Local government area boundary
- Drainage

NOTE: this map shows the extent of known titanium-zircon mineralization, surrounded by an infrastructure halo. The extent of mineralization is based on exploration only up to the date of publication.
Future exploration may locate additional areas of mineralization.



DATA DIRECTORY

Theme	Data Source	Data Currency	Organization
Cadastre	Landgate	Apr 2009	Landgate
Topographic nomenclature	GEONOMA	2009	Landgate
Topography	Landgate	2009	Landgate
Land use planning areas	GSWA	2009	Dept of Mines and Petroleum

* GSWA and DMP databases can be viewed online (www.dmp.wa.gov.au/gisviewer/) or can be downloaded from the GSWA Data and Software Centre (www.dmp.wa.gov.au/audatacentre/)

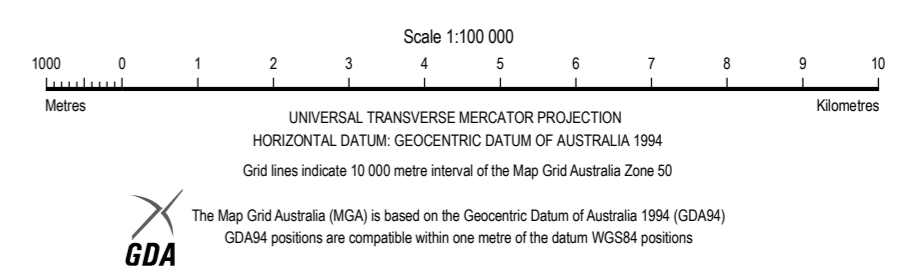
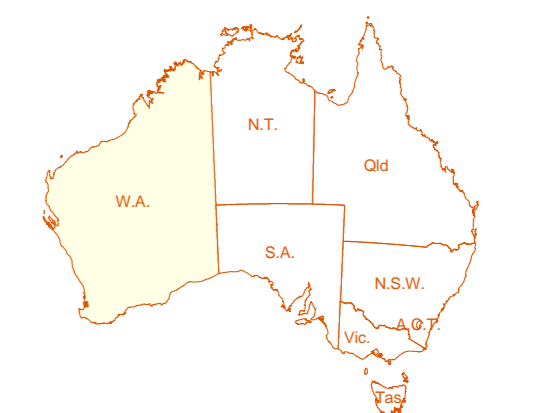
Compiled by LY Hassan 2008, based on first edition by MJ Freeman 2006, and additional data supplied by companies.

Cartography by I Lesiak

Published by the Geological Survey of Western Australia. Digital and hard copies of this map are available from the Information Centre, Department of Mines and Petroleum, 100 Plain Street, East Perth, WA 6004. Phone (08) 9222 3454. Fax (08) 9222 3444.

Website www.dmp.wa.gov.au Email geological.survey@dmp.wa.gov.au

The recommended reference for this map is: Hassan, LY 2009. Titanium-zircon mineralization, Busseton-Clairaut, Resource potential for land use planning (1:100 000 scale); Geological Survey of Western Australia.



GEOLOGICAL SURVEY OF WESTERN AUSTRALIA
RESOURCE POTENTIAL FOR LAND USE PLANNING
TITANIUM-ZIRCON MINERALIZATION
BUSSELTON-CLAIRAUT
SHEET 1930, AND PART OF 1830 SECOND EDITION 2009
Version 1.0 - June 2009
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APPENDIX 3: CULTURAL HERITAGE DUE DILIGENCE GUIDELINES



Department of Indigenous Affairs
Department of the Premier and Cabinet

Cultural Heritage Due Diligence Guidelines

Version 2.0

18 November 2011

PART 1 – Information to assist in using these Guidelines

1.0 Preamble

The *Aboriginal Heritage Act 1972* (**Heritage Act**) is the Act which protects Aboriginal heritage on behalf of the community of Western Australia.

Purpose of the Heritage Act

- 1.2 The Heritage Act was enacted to ensure that all Aboriginal cultural heritage within Western Australia could be properly protected and preserved. The Heritage Act applies to various places and objects which are culturally, spiritually or ceremonially significant to Aboriginal people.
- 1.3 Under section 10 of the Heritage Act, the Minister's role is to ensure that, as far as reasonably practicable, all places in Western Australia which are of traditional and cultural significance to Aboriginal people are properly recorded and their importance evaluated. This is to assist in the protection and preservation of Aboriginal cultural heritage.

Purpose of the Cultural Heritage Due Diligence Guidelines (Guidelines)

- 1.4 Land users are obliged to comply with the provision of the Heritage Act and failure to do so may result in prosecution. These Guidelines provide guidance to assist in meeting this statutory obligation and they are intended to help identify activities which may impact adversely on Aboriginal heritage.
- 1.5 Compliance with these Guidelines will not of itself guarantee compliance with the Heritage Act, but it will provide a useful starting place for consultation and engagement on these issues.

Distinction between Aboriginal heritage and native title

- 1.6 The common law of Australia and Commonwealth legislation recognise a form of native title that reflects the entitlement of the indigenous inhabitants of Australia, in accordance with their laws and customs, to their traditional lands.
- 1.7 In Western Australia, the protection of Aboriginal sites of significance is derived from the operation of the Heritage Act. The Heritage Act is a statute that provides automatic protection for all places and objects in Western Australia that are important to Aboriginal people because of connection to their culture.

Definition of Aboriginal site

- 1.8 The Heritage Act provides a comprehensive list of the types of places to which the Act applies. As defined in section 5 of the Heritage Act, an Aboriginal site can be:
- (a) any place of importance and significance where persons of Aboriginal descent have left any object used for any purpose connected with the past or present traditional cultural life of the Aboriginal people;
 - (b) any sacred, ritual or ceremonial site, which is of importance and special significance to Aboriginal people;
 - (c) any place the Aboriginal Cultural Material Committee (**Committee**) thinks is or was associated with Aboriginal people and is of such historical, anthropological, archaeological or ethnographic value that it should be preserved; and
 - (d) any place where objects are traditionally stored or places from which objects to which the Heritage Act applies have been removed.

Consultation with Aboriginal People

- 1.9 The Heritage Act states that anyone has an obligation to report anything that they believe could be an Aboriginal site. However, the Heritage Act also provides that Aboriginal people cannot be compelled to disclose information if to do so would be contrary to customary law.
- 1.10 Information about the Aboriginal heritage of a particular area is best obtained in consultation with the relevant Aboriginal people for that area. Whilst there is no definitive list of Aboriginal people who should be consulted for an area, the ACMC suggests that the following people at least should be consulted:
- (a) those who are determined native title holders;
 - (b) those who are registered native title claimants;
 - (c) persons named as informants on Aboriginal site recording forms held in the Register at Department of Indigenous Affairs (**DIA**); and
 - (d) any other Aboriginal persons who can demonstrate relevant cultural knowledge in a particular area.
- 1.11 Consultation in this context means engaging meaningfully with the relevant Aboriginal people. The purpose of such consultation could be:
- (a) to identify sites in the area;
 - (b) to identify any damage that the proposed land use might cause to sites of significance; and
 - (c) to identify possible means of heritage management for the immediate land use and any longer term disturbance that might occur as part of the land use activity (e.g. construction of power poles and later

periodic maintenance).

- 1.12 Consultation includes providing clear, simple, jargon free information about the proposed land use and its impact and seeking responses from the relevant Aboriginal group. Consultation might not lead to consensus, but provides a basis upon which decisions can be made.
- 1.13 Under the Heritage Act the DIA maintains a Register of Aboriginal sites and works with Aboriginal people to protect and manage places of significance. DIA facilitates engagement with Aboriginal people by providing advice to the public and private sectors and the community about Aboriginal sites and heritage management.
- 1.14 Under the Heritage Act the ACMC advises the Minister for Indigenous Affairs on the management of sites of significance.

Consent to disturb a site

- 1.15 Under section 17 of the Heritage Act, a person who excavates, destroys, damages, conceals or in any way alters any Aboriginal site commits an offence, unless he or she acts with the authorisation of the Registrar of Aboriginal Sites (**Registrar**) under section 16 or the consent of the Minister of Indigenous Affairs (**Minister**) under section 18.

Obtaining consent

- 1.16 Consent or authorisation is usually given in one of three ways:
 - (a) Section 18 of the Heritage Act consent, which may follow from a notice submitted by a proponent. The ACMC considers the notice and makes a recommendation to the Minister for Indigenous Affairs. The Minister considers the recommendation and makes the decision whether or not to consent to the disturbance or destruction of the site. If consent is granted, the Minister can also impose conditions.
 - (b) Section 16 of the Heritage Act authorisation, which is authority from the Registrar on the advice of the ACMC.
 - (c) Regulation 10 of the *Aboriginal Heritage Regulations 1974* (WA) authorisation, which is authority from the Registrar or Minister.

Aboriginal cultural heritage due diligence

- 1.17 The Heritage Act provides a defence to a person who can prove that he or she did not and could not reasonably be expected to have known, that the place or object which was damaged or destroyed was a site of Aboriginal heritage significance. Whilst each case will turn on its own facts, a person who complies with the Guidelines set out in Part 2 may be able to use the steps undertaken to assist in establishing that he or she did not, and could not reasonably have known, that the site was an Aboriginal heritage site.
- 1.18 Due diligence will vary according to the nature of the activity undertaken and the area in which it is being carried out. It can involve one or all of the following steps:
- (a) consultation with the relevant Aboriginal group;
 - (b) search of the Register of Aboriginal Sites and the Aboriginal Heritage Inquiry System;
 - (c) a heritage survey; and
 - (d) cultural heritage
- 1.19 Part 2 of these Guidelines provides further practical advice on heritage due diligence and management when undertaking different land uses.

The role of the Guidelines

- 1.20 There is no statutory obligation to comply with these Guidelines. However, they can provide practical guidance on heritage matters. There is also a defence under the Heritage Act in circumstances where a person can prove that he or she did not and could not reasonably be expected to have known, that the place or object which was damaged or destroyed was a site of Aboriginal heritage significance. Whilst each case will turn on its own facts, a person who complies with the Guidelines set out in Part 2 may be able to use the steps undertaken to assist in establishing that he or she did not, and could not reasonably have known, that the site was an Aboriginal heritage site

Other information

- 1.21 Should you require assistance in determining what your responsibilities under these guidelines or under the Heritage Act, you should contact the DIA on 9235 8000 or through their website: <http://www.dia.wa.gov.au/contact-us/>

PART 2 – Cultural Heritage Due Diligence Guidelines (Guidelines)

2.0 Introduction

- 2.1 These Guidelines have been published by the State to assist land users in complying with the Heritage Act, and in identifying reasonable and practicable measures for ensuring that activities are managed to avoid or minimise harm to Aboriginal sites
- 2.2 The purpose of these Guidelines is to assist land users to work out for themselves whether they can proceed with their project without the need for heritage avoidance strategies or, if such strategies are indicated, what those strategies should be. As is explained in Part 1 of these Guidelines, if there is no likelihood of damage or destruction to an Aboriginal heritage site, it is not compulsory for a land user to have any consent under the Heritage Act. However if there is such a possibility, then land users ought to assess the degree of likelihood and consider the need for consultation with Aboriginal groups, or heritage surveys, or even applying to the ACMC for the Minister's consent.
- 2.3 Where these Guidelines are followed it is less likely that Aboriginal sites, all of which are protected by the Heritage Act, will be harmed. In no circumstances do the Guidelines permit harm to Aboriginal sites protected by the Heritage Act.
- 2.4 The Guidelines are intended to provide clarity to land users and are not intended to be legal advice. All interested persons should always obtain their own legal advice on the application of the Heritage Act to their own particular circumstances.
- 2.5 Any questions regarding the Heritage Act can be put to the DIA who are contactable on 9235 8000 or through their website: <http://www.dia.wa.gov.au/contact-us/>.

3.0 Definitions

- 3.1 The definitions used in the Heritage Act apply in relation to these Guidelines.
- 3.2 In addition to the definitions used in the Heritage Act the following definitions are used within these guidelines:

“Consultation” means a process of enquiry and response between a land user and relevant Aboriginal persons and/or groups to provide information or assistance in identifying any requirements for site identification, heritage survey and/or land use activity proposal modification. Consultation should include details of proposed land use activity.

“Developed Area” means an area which is developed or maintained for a particular purpose such as a park, garden, farming land, railway, road or other access route, navigation channel, municipal facility, or infrastructure facility, such as powerlines, telecommunication lines or electricity infrastructure.

“Ground Disturbance Works” means any activity which will disturb the surface of land or waters.

“Aboriginal Heritage Survey” is conducted once initial consultation has occurred and the need for a survey has been determined. It means further consultation and, if necessary, fieldwork, with the relevant Aboriginal people for an area with a view to determining whether sites exist and, if they do, the nature of the site. Relevant Aboriginal people include:

- (a) those who are determined native title holders;
- (b) those who are registered native title claimants;
- (c) persons named as informants on Aboriginal site recording forms held in the Register at DIA; and
- (d) any other Aboriginal persons who can demonstrate relevant cultural knowledge in a particular area.

“Heritage Risk Assessment Matrix” means the document attached at Schedule Two (as amended from time to time).

“Land Use Activity” means any activity on the land or water initiated by a land user of either a low impact activity or ground disturbing nature.

“Land User” means the State of Western Australia operating on its own behalf or third parties operating by grant of interest, right or title by the State of Western Australia.

4.0 The nature of the proposed activity and the likelihood of it contravening section 17 of the Heritage Act

Introduction

4.1 The likelihood of a proposed land use activity damaging or destroying an Aboriginal site arises from two factors:

- a. the likelihood of the existence of an Aboriginal site ("likelihood of a site"); and
- b. the nature of the proposed land use activity ("nature of activity").

4.2 The likelihood of the existence of an Aboriginal site can range from positive knowledge that there is no Aboriginal site on the land in question, to positive knowledge that there is an Aboriginal site. In between these two extremes there is a range of likelihoods, from low to high. What follows is intended to assist land users in determining the likelihood of there being an Aboriginal site on their land.

- 4.3 The nature of the intended land use activity can range from an aerial survey, which will not cause any ground disturbance, to actual blasting and excavation, which will of course cause extensive ground disturbance.
- 4.4 Thus, for example, if the proposed land use is an aerial survey of an area where it is known that there is no Aboriginal site, there will be no disturbance of any site, and the land use can proceed without the need for any further heritage survey or consent under the Heritage Act.
- 4.5 On the other hand, if the proposed land use is the blasting and excavation of an area where an Aboriginal site is known to exist, then it is clear that the proposed land use will destroy the site. In such cases, it is imperative to have the consent of the Minister for Indigenous Affairs (Minister) pursuant to section 18 of the Heritage Act.
- 4.6 Between these two extremes, there can obviously be any number of permutations of the factors of likelihood of a site and nature of activity. These Guidelines are intended to assist land users in assessing for themselves the need to take action, and the type of action which may need to be taken, in order to comply with the Heritage Act.

5 Strategies available to assist compliance with section 17 of the Heritage Act

- 5.1 Once a land user has established the intended use of the land, the next step is to establish the degree of likelihood of the existence of an Aboriginal site, or sites, on the land. There are several tools available to assist land users in this task.

The Register of Aboriginal sites (Register)

- 5.2 The Register is established under section 38 of the Heritage Act and must include:
- a. all protected areas (section 19);
 - b. all Aboriginal cultural material; and
 - c. all Aboriginal sites and objects to which the Heritage Act applies.
- 5.3 The Register lists all Aboriginal sites reported to the Registrar pursuant to section 15 of the Heritage Act and all areas protected under section 19 of the Heritage Act. It obviously cannot record undiscovered sites – which are nonetheless protected under the Heritage Act – and therefore is not an exhaustive list of sites. However it is an essential reference tool which can assist land users in identifying those locations in which heritage is an issue.
- 5.4 Conducting a search of the Register is a fundamental part of a land user's Aboriginal heritage due diligence.

The Aboriginal Heritage Information System (AHIS)

- 5.5 The AHIS enables members of the public to search areas in Western Australia for Aboriginal sites and previously conducted surveys known to DIA. The AHIS can be accessed online through DIA's website - www.dia.wa.gov.au/AHIS/default.aspx.
- 5.6 Conducting a search of the AHIS is a fundamental part of a land user's Aboriginal heritage due diligence.
- 5.7 The current electronic search functions enable users to search both the Register and the AHIS in a single search.

Consultation

- 5.8 Aboriginal persons and groups with traditional connections to the area of the proposed land use should be consulted with a view to establishing the location and importance of any Aboriginal sites. Aboriginal persons and groups are not obliged to divulge this information, and in some cases Aboriginal custom may prohibit such disclosure.
- 5.9 As a general note, if a land use activity is likely to impact upon Aboriginal heritage, it is best that heritage management strategies are implemented early in the land use activity planning process. Early engagement and consultation can help to identify ways to minimise and avoid damage or disturbance of Aboriginal heritage sites. Leaving heritage management to the later stages of project planning might lead to delays whilst obtaining the relevant information and, where necessary, the relevant consents.
- 5.10 If at any time it is likely that the activity will in any way impact on a registered Aboriginal site or suspected Aboriginal site the activity should not commence, or if already commenced, should cease immediately, and Land users should contact the DIA on 9235 8000 or through their website: <http://www.dia.wa.gov.au/contact-us/>.
- 5.11 It is an offence under section 17 of the Heritage Act to damage, destroy, etc an Aboriginal site. However section 62 of the Heritage Act provides that if a person charged with such an offence can prove that he or she did not know, and could not reasonably be expected to have known, that the place or object to which the charge relates was a place or object to which the Heritage Act applies, then the person is not guilty of the offence.
- 5.12 All land users who wish to use land for a purpose which might contravene section 17 of the Heritage Act must exercise due diligence in trying to establish whether or not their proposed use of the land will damage, destroy etc an Aboriginal site. The steps outlined in paragraphs 5.4 and 5.6 to 5.9 above will assist in showing that a land user has exercised due diligence, and may therefore assist in making out the section 62 defence should an Aboriginal site be damaged or destroyed. This is not an exhaustive

list of possible precautions, and does not remove the need for land users to ensure for themselves that they will take all available steps to establish the location and identity of any Aboriginal sites on the relevant land or waters.

Risk Assessment Graph

5.13 Schedules 1 and 2, which follow, have been designed by the State to assist land users in assessing for themselves:

- a) the degree of likelihood of an Aboriginal site existing on the relevant land;
- b) the degree of likelihood of the proposed land use damaging or destroying any Aboriginal site which may exist, or is known to exist, on the land; and
- c) whether or not precautionary strategies will be sufficient to avoid Aboriginal sites, or avoid damaging Aboriginal sites, or whether it is necessary to apply to the ACMC for the Minister's consent under section 18 of the Heritage Act.

5.14 It is emphasised that Schedules 1 and 2 are provided for guidance only. Whilst conscientious application of Schedules 1 and 2 should provide land users with a reasonable degree of clarity on the above issues, the land user's conclusions cannot be guaranteed by the State and, in case of doubt, land users should contact DIA directly for further information and/or assistance.

Schedule 1

Explanatory

The following list of activities is intended to be used in conjunction with the matrix which appears at Schedule 2.

Users are invited to assess the likelihood of them damaging or destroying Aboriginal sites on their land by identifying their intended use of the land, and the likelihood of Aboriginal sites existing on that land (see types of sites and landscape features at page 15), and plotting the likely risk on the graph at Schedule 2. The Assessment & Action Required Guide provides a guide as to suitable actions to undertake in order to minimise the impact of activity on Aboriginal sites.

The following categories of activities are broad descriptions of usual, or typical, activities. Land users should use their own initiative to equate their intended activities with those described below. In cases where a land user's intended use does not correspond identically with those uses listed below, the land user will have to equate the intended use as closely as possible with one or more of the listed activities.

Category 1 - Activities involving no ground disturbance that are unlikely to disturb an Aboriginal site

Where an activity, such as those listed below, involves no surface disturbance of an area, it is generally unlikely that the activity will disturb any Aboriginal site which may be in the area, and the activity will comply with these Guidelines.

In these circumstances, it is reasonable for the activity to proceed without further cultural heritage assessment.

The following list of examples is not an exhaustive list, but it sets out activities that may proceed under category 1:

- (a) walking;
- (b) aerial surveying/ aerial- magnetic surveys;
- (c) traversing on existing tracks or water courses;
- (d) activities on land previously cleared and used for either intensive or extensive development;
- (e) environmental monitoring;
- (f) water and soils sampling;
- (g) fossicking or other exploration activity using hand held instruments;
- (h) spatial measurement;
- (i) commercial biological activities;
- (j) scientific research surveys, using hand held tools;
- (k) light vehicular access and camping; and
- (l) photography.

Category 2 - Activities causing no additional surface disturbance or minimal ground disturbance that are unlikely to disturb an Aboriginal site

Where an activity is a low impact activity or causes no additional surface disturbance of an area, such as the examples listed below, it is generally unlikely that the activity will disturb an Aboriginal site.

In these circumstances, subject to the measures set out in paragraphs 5.4 and 5.6 to 5.9 and the Heritage Risk Assessment Matrix, it is reasonable for the land use activity to proceed.

The following examples include (but are not limited to) activities that may generally proceed under category 2:

- (a) cultivation of an area which is currently, or has previously been, subject to cultivation;
- (b) grazing cattle on an area where cattle are currently, or have previously been, grazed;
- (c) maintenance of existing roads, tracks and powerlines within the existing infrastructure alignment, or other infrastructure footprint;
- (d) maintenance and protection of services and utilities (such as electricity infrastructure, water or sewerage disposal) on an area where such services and utilities are currently being provided;
- (e) maintenance and protection of services and utilities (such as electricity infrastructure; water or sewerage disposal) on an area immediately adjacent to where such services and utilities are currently being provided providing the activity does not involve additional surface disturbance;
- (f) low impact land management activities including feral animal eradication, weed, vermin and pest control, vegetation control and fire control; and
- (g) tourism and visitation activities on an area where such activities are already taking place.

Category 3 - Activities causing ground disturbance that will possibly disturb an Aboriginal site

Where an activity is of moderate impact and causes ground disturbance, it is possible that the activity will disturb an Aboriginal site, if present.

In these circumstances, subject to the measures set out in paragraphs 5.4 and 5.6 to 5.9 and the Heritage Risk Assessment Matrix, it is reasonable for the land use activity to proceed. It should be noted that as the likelihood of an Aboriginal site being present increases, consultation with DIA is recommended and applications under section 16 or section 18 of the Heritage Act may be required.

The following are examples of activities classified as ground disturbing activity:

- (a) exploration work program clearance;
- (b) drilling using hand held rig or rig mounted on any vehicle; and

- (c) new fire breaks.

Category 4 - Ground disturbance that is likely to disturb an Aboriginal site including areas previously subject to significant ground disturbance

Activities including medium to high impact ground disturbance and extensive land use are likely to disturb an Aboriginal site, if present. These activities are classified as being of Category 4 and are likely to require consultation with DIA and Aboriginal people and are likely to require section 16 or section 18 applications to be made.

Subject to the measures set out in paragraphs 5.4 and 5.6 to 5.9, it is reasonable that compliance with the Heritage Risk Matrix will substantially mitigate the likelihood of damage to an Aboriginal site.

Where an activity is proposed in an area which has previously been subject to significant ground disturbance it is generally unlikely that the activity will disturb an Aboriginal site and the activity will comply with these guidelines.

The following are examples of activities classified as having significant ground disturbance likely to disturb an Aboriginal site:

- (a) using mechanical equipment;
- (b) low impact, ground disturbing extensive land use;
- (c) mechanised soil and core sampling;
- (d) geophysical-technical surveys; and
- (e) creation of roads or tracks.

Category 5 - Ground disturbance that will disturb an Aboriginal site

If an Aboriginal heritage site is present, activities which cause major ground disturbance and/or extensive land use are highly likely to disturb the site. At a minimum, they will require consultation with DIA. Applications under section 16 or section 18 of the Aboriginal Heritage Act are highly likely if Aboriginal sites are present and site avoidance measures are impossible.

The following are examples of activities classified as having significant ground disturbance likely to disturb an Aboriginal site:

- (a) drilling;
- (b) mechanical digging, blasting, earthmoving;
- (c) land cultivation; and
- (d) construction works.

Where an activity is proposed under category 5 there is a real risk that it could impact on an Aboriginal Site.

Activity likely to impact upon an Aboriginal site

In these circumstances, the activity should not proceed without the conduct of an Aboriginal Heritage Survey. Any activity should then proceed on the basis of the Aboriginal Heritage Survey and consultation with DIA. Where necessary this also includes seeking the authorisation of the Registrar under section 16 to excavate the site(s) or the consent of the Minister under section 18 for particular land uses notwithstanding that they will damage or destroy a site.

Particular care should also be taken where land users propose to undertake activities causing additional surface disturbance in the vicinity of a registered Aboriginal site, sites which are yet to be assessed by the ACMC or which includes features that are set out under the heading 'Types of Aboriginal Sites' and 'Landscape features likely to contain a site', below (see page 15 below).

It is important to be informed about the likelihood of an area containing an Aboriginal site. Extra care must be taken prior to proceeding with any activity that may cause disturbance to a Aboriginal site or the area immediately surrounding a Aboriginal site.

Where an activity is proposed and it does impact upon an Aboriginal site or suspected Aboriginal site it is necessary to contact the relevant Aboriginal group and to:

- (a) seek advice as to whether the feature constitutes an Aboriginal Site; and
- (b) if it does, identify how best the activity may be managed to avoid disturbing the Aboriginal site;
- (c) where necessary, conduct of an Aboriginal Heritage Survey; and
- (d) seek the authorisation of the Registrar under section 16 or the consent of the Minister under section 18.

DIA can also assist and can provide useful information. They can be contacted on 9235 8000 or by email through their website: <http://www.dia.wa.gov.au/contact-us>.

Reaching Agreement about doing an Aboriginal Heritage Survey

Where a licence or permit is issued which triggers the 'future act' provisions under Division 3 of the *Native Title Act 1993* (Cth), particularly where the grant of the licence enables holders to undertake significant ground disturbing activity, it is likely that a form of Aboriginal Heritage Agreement with the Native Title Group for the area (such as the State Government Standard Heritage Agreement or other nominated agreement) will be required to provide for the conduct of Aboriginal heritage surveys of the area likely to be impacted upon by the land use activities.

An Aboriginal Heritage Agreement cannot disapply or modify the operation of the Heritage Act. All parties are bound by the provisions of the Heritage Act.

Failure To Reach Agreement about doing a Aboriginal Heritage Survey

Where agreement cannot be reached with the Native Title Group for the area to undertake an

Aboriginal Heritage Survey, land users continue to be bound under the Heritage Act.

If at any time it is likely that the proposed activity will in any way impact on a registered Aboriginal Site or suspected Aboriginal site the activity should cease immediately and land users should contact the DIA on 9235 8000 and the relevant Aboriginal group.

Likelihood of sites

Whilst the only way of ensuring that there are no sites in an area is to consult the relevant local Aboriginal group, the State provides the following list of the types of sites and the landscape features with which sites are often associated as a guide or early indicator of the need to carry out further investigations. The lists are not exhaustive and are only guides. Land users are encouraged to obtain their own advice on the impact of their activities.

Types of Aboriginal Sites

The following is an overview of the various types of sites that can be found in Western Australia. This list is not intended to be exhaustive.

Artefacts: An artefact site is a place where human activity is identifiable by the presence of a portable object/s (e.g., stone, glass, bone, shell) utilised or modified by Aboriginal people in relation to traditional cultural life past or present.

Fish Trap: A stone, wood, or other similar structure made by Aboriginal people for catching fish. Such structures are generally found on the coast of Western Australia, and in its lakes and rivers.

Man-made structure: The placement or arrangement, by Aboriginal people, of stone, wood or other material made into a structure for ceremonial or utilitarian purposes.

Mythological: A place that is connected to the great spirit ancestors, in their various manifestations, of the 'Dreamtime' which continues to be important and of special significance to persons of Aboriginal descent.

Repository / Cache: A place where cultural or utilitarian objects are/were taken, or stored, by Aboriginal people, either past or present.

Ceremonial: A place used for a formal act or series of acts prescribed by ritual, belief in a mythological manifestation, religious belief or observance, protocol or convention that is connected with the traditional cultural life of Aboriginal people past or present.

Grinding patches/Grooves: A place where grinding patches or grooves can be found. Grinding patches or grooves are smoothed areas or grooves on rock surfaces (non-portable) that have been created by grinding activity associated with food production such as seed milling, preparation of pigments, tool manufacture and/or maintenance and ritual.

Midden: A place where there is an accumulation of shell refuse that is derived from exploitation of a mollusc resource by Aboriginal people. Such sites may also contain artefacts, fireplaces, burnt shell and bones.

Painting: Places where Aboriginal people have painted on surfaces. Paintings (including daubings, drawings, stencils, prints) can be figurative or non-figurative markings or motifs on surfaces such as rocks, rock walls and trees at fixed locations that are produced by adding pigments and or mediums, such as ochre, blood, beeswax, animal fats, vegetable dyes, tree saps.

Skeletal material/Burial: A place where Aboriginal skeletal material is buried and/or where mortuary practices occurred.

Engraving: A motif (either figurative or non-figurative) on a rock surface produced by percussion or abrasion. Engravings are also often referred to as petroglyphs.

Historical: A place that has historical associations with Aboriginal people and may or may not contain physical evidence of those associations.

Modified or Scarred tree: A place with one or more tree(s), living or dead, that has been modified by Aboriginal people by removing the bark or wood resulting in the formation of a scar. This sort of modification was and is frequently done for the making of implements, tools or other materials that were used in traditional cultural practices.

Quarry: Places where there is evidence for the extraction of stone or ochre.

Landscape features which may contain sites

Landscape features, which may contain Aboriginal sites and should therefore be approached with some caution, include but are not limited to:

- (a) rock outcrops;
- (b) caves;
- (c) foreshores and coastal dunes;
- (d) ranges and hills;
- (e) areas of bio-geographical significance, such as natural wetlands;
- (f) permanent and semi-permanent waterholes, natural springs, gnamma holes, and watercourses;
- (g) some hill and mound formations; and
- (h) areas with potential archaeological deposit, such as rock shelters, caves, alluvial terraces, dune deposits and other relevant geo-morphological features.

The views of relevant Aboriginal people are a key factor in identifying and assessing sites. Appropriately qualified persons such as anthropologists, archaeologists and historians can also provide valuable assistance.

Heritage Risk Assessment Matrix

This Heritage Risk Assessment Matrix has been prepared by the State as a tool in assisting and improving the protection of Aboriginal cultural heritage. The approach assumes consideration and application of this risk assessment tool will maximise Aboriginal site identification and protection.

The Heritage Risk Assessment Matrix has been developed in reliance on well established practices to ensure compliance with the Heritage Act to assist and improve land users awareness of the potential existence of Aboriginal heritage and the minimisation of damage to Aboriginal sites.

The Heritage Risk Assessment Matrix is an essential component of the Cultural Heritage Due Diligence Guidelines. It cannot be definitive but focuses on reducing the risk of Aboriginal cultural heritage and/or Aboriginal sites from being impacted by land use activity.

All parties remain bound by the provisions of the Heritage Act.

Land Activity

LEVEL OF LAND OR WATER ACTIVITY IMPACT GUIDE		
Categories		Description
1	Insignificant	Very low impact activity; no ground disturbance activity and/or existing or prior significant ground disturbance.
2	Minor	Low impact; negligible ground disturbance activity and/or significant public traffic/activity or existing or prior ground disturbance.
3	Moderate	Medium impact; ground disturbing activity and/or regular public traffic/activity or ground disturbance.
4	Significant	Medium to high impact ground disturbance activity and limited public traffic/activity or existing or prior ground disturbance.
5	Major	High impact, significant intensive or extensive land use activity and no existing or prior ground disturbance.

Examples of Land Activity

LEVEL OF LAND OR WATER USE ACTIVITY CATEGORY EXAMPLES				
1	2	3	4	5
Insignificant	Minor	Moderate	Significant	Major
<p>Aerial surveying/ aerial-magnetic surveys</p> <p>Field mapping, including cadastral surveys, not involving the permanent disturbance of soil and vegetation</p> <p>Traversing on existing tracks or watercourses.</p> <p>Activities on land previously cleared and used for either intensive or extensive development</p> <p>Environmental monitoring</p> <p>Water and soils sampling [this may need explanation as soil sampling could be ground disturbing]</p> <p>Fossicking or other exploration activity using hand held instruments</p> <p>Spatial measurement</p>	<p>Cultivation or grazing of an area which is currently, or has previously been, subject to cultivation or grazing</p> <p>Minor repairs without ground disturbance</p> <p>Maintenance of existing tracks.</p> <p>Maintenance or repair of services infrastructure e.g. water bores, water monitors, and electricity and gas reticulation</p> <p>Low impact land management activities including feral animal eradication, weed, vermin and pest control, vegetation control and fire control</p> <p>Tourism and visitation activities on an area where such activities are already taking place</p> <p>Geophysical, biological, environmental or conservation surveys, including installing monitoring plots and marker posts</p> <p>Establishing temporary camps for exploration, environment or conservation purposes, where the establishment of the temporary camp does not require the removal of trees or shrubs and does not require any earthworks</p> <p>Collecting and removing loose rocks, firewood, flora or fauna</p> <p>Maintaining and refurbishing existing facilities, including recreation and camping facilities, water points, signs and other structures</p>	<p>Work program clearance</p> <p>Drilling using hand held rig or rig mounted on any vehicle.</p> <p>New fire breaks</p> <p>Drilling using existing access and without the construction of new roads and tracks (and where use of the existing roads or tracks involves no disturbance to plant roots)</p>	<p>Using mechanical Equipment</p> <p>Low impact, ground disturbing extensive land use.</p> <p>Mechanised soil and core sampling.</p> <p>Geophysical-technical surveys.</p> <p>Creation of roads or tracks.</p>	<p>Drilling,</p> <p>Mechanical digging, blasting, earthmoving,</p> <p>Land cultivation,</p> <p>Construction works</p>

LEVEL OF LAND OR WATER USE ACTIVITY CATEGORY EXAMPLES				
1	2	3	4	5
Insignificant	Minor	Moderate	Significant	Major
<p>Commercial biological activities</p> <p>Scientific research surveys, using hand held tools</p> <p>Light vehicular access and camping</p> <p>Photography</p> <p>Conducting tests for water, site contamination, or other scientific or conservation purposes</p> <p>Maintaining existing roads, drains, culverts, bridges, trails, tracks, fence lines and firebreaks</p> <p>Carrying out species recovery programs</p>	<p>Revegetating of degraded areas, including fencing areas of vegetation</p> <p>Rehabilitating previously disturbed areas, including ripping, scarifying, matting, brushing, seeding and planting</p> <p>Carrying out species recovery programs</p> <p>Erosion control activities around existing roads, infrastructure or facilities</p> <p>Conducting tourism operations that:</p> <ul style="list-style-type: none"> are based in established facilities; or require the establishment of new facilities that require no, or only minor, ground disturbance <p>Establishing emergency management operations points, staging areas and control points</p> <p>Digging pitfall traps and temporary trenches for small animals; baiting and installation of temporary fences and nest boxes</p> <p>Erecting signage and barriers using hand and mechanical augers</p> <p>Removing soil and flora samples and cores up to 20 kilograms, and up to a depth of two metres from the natural surface</p>			

Heritage Impact

In each case the AHIS is used as a first tool of assessment.

LIKELIHOOD OF ABORIGINAL HERITAGE IMPACT GUIDE		
Categories		Description
1	Rare	Not likely to impact upon an Aboriginal heritage site. No registered site, and no site or other listed on the AHIS.
2	Unlikely	Unlikely to impact upon an Aboriginal heritage site. No known sites in the locality or vicinity of the land use activity.
3	Possible	Possible Aboriginal site identified. Heritage sites are in the vicinity; the topography or other land features are known to be places of heritage significance.
4	Likely	Likely Aboriginal heritage site. Site has been lodged for assessment with DIA.
5	Certain	Identified Aboriginal or Registered site.

Heritage Assessment Guide

HERITAGE ASSESSMENT MATRIX						
HERITAGE IMPACT	LAND ACTIVITY IMPACT					
		Insignificant	Minor	Moderate	Significant	Major
	Rare	Low	Low	Low	Low	Moderate
	Unlikely	Low	Low	Moderate	Moderate	Moderate
	Possible	Low	Low	Moderate	High	High
	Likely	Low	Moderate	High	Critical	Critical
	Certain	Moderate	Moderate	High	Critical	Critical

Heritage Assessment Guide

ASSESSMENT & ACTION REQUIRED GUIDE	
Overall Impact Assessment	Action to take (refer to definitions for details)
Low	<ol style="list-style-type: none"> 1. Reference to AHIS.
Moderate	<ol style="list-style-type: none"> 1. Reference to AHIS and if an Aboriginal Site is identified consultation with DIA recommended.
High	<ol style="list-style-type: none"> 1. Reference to AHIS required. 2. If an Aboriginal Site is identified consultation with DIA and consultation with Aboriginal people required including Aboriginal heritage survey where necessary. Proposal modification may be required to avoid impact. 3. Consideration for a section 16 or 18 application under the AHA where necessary.
Critical	<ol style="list-style-type: none"> 1. Reference to AHIS required. 2. If an Aboriginal Site is identified consultation with DIA and consultation with Aboriginal people required (proposal modification to avoid impact). 3. Aboriginal heritage survey required; 4. Section 16 or 18 application under the AHA required.