



**Woodside Energy Limited Pluto Development  
Cultural Heritage Management Plan  
Industrial Site 'B'**

**5 October 2007**

## **Ownership and Disclaimer**

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## **Spatial Data**

Spatial data captured by ACHM in this report for any newly recorded sites has been obtained by using hand held or differential GPS units using the GDA94 co-ordinate system.

## **Project Directors Statement**

5 October 2007

I am pleased to present this Cultural Heritage Management Plan for Woodside lease areas on the Burrup Peninsula in the Pilbara region of Western Australia. This land, representing less than one percent of the Burrup, will be used for the development of a new Liquefied Natural Gas (LNG) facility that will initially process gas from Woodside's Pluto discovery in the offshore Carnarvon Basin.

The Pluto LNG Project will deliver significant benefits including a pronounced boost to LNG exports and the local and National economies. It will create thousands of jobs and secure an important and clean source of energy in a world increasingly concerned about greenhouse gas emissions.

As important as these outcomes might be, the project will not be a success unless the cultural heritage values of our lease areas are carefully managed in both the immediate and long term.

Since October 2005, Woodside has been working closely with Traditional Custodians from the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Goo-Tt-Oo groups, to gain an understanding of the Aboriginal heritage landscape within the area proposed to be developed as a new LNG Park.

Woodside has approached its management of Aboriginal heritage carefully and has considered the advice of these groups and that of qualified archaeologists and anthropologists to achieve an infrastructure plan that will leave in place significant heritage values. The Western Australian Department of Environment and Conservation, the Department of Indigenous Affairs and the Western Australian Museum continue to be consulted regarding our management of cultural heritage.

The assistance received from the traditional custodians and the above mentioned organizations is much appreciated.

Our heritage work has been integrated with our early engineering and design studies and as a result, around half of the lease areas that will contain our LNG plant, storage tanks and loading jetties will remain undeveloped. Importantly, around 95% of the Aboriginal rock art across the area will remain undisturbed. Woodside's intention is to ensure the continued protection of the heritage values in its lease areas and to sensitively relocate items found within the development footprint.

Lucio Della Martina

Project Director – Pluto LNG Project

## Executive Summary

This Cultural Heritage Management Plan (CHMP) for Woodside's Industrial Site B lease has been developed to provide Woodside with the necessary direction to achieve the company's vision in regard to Indigenous cultural heritage management. That vision is:

To set new benchmarks for heritage management best practice and minimise as far as practicable Woodside's impact on the unique and important cultural heritage landscape of the Burrup Peninsula.

The CHMP has also been developed to ensure compliance with project approval conditions set by the Western Australian government in regard to cultural heritage management, and implement where practicable the recommendations made by representatives of the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Goo-Tt-Oo groups. The CHMP also provides an avenue for those groups to assist Woodside in the implementation and review of this plan.

Importantly, modules will be added to this CHMP at key stages of the Pluto LNG Project to ensure that the heritage management measures contained in the plan reflect current site works activities. CHMP audits will also be conducted at the conclusion of these project stages in addition to quarterly reviews of the CHMP which will be undertaken by Woodside, and with representatives of the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Goo-Tt-Oo groups and other experts.

First review to occur at the completion of site relocation works, and subsequently at nominated milestone dates. Participants in the review will be drawn from the appropriate Indigenous groups of the area, FWWP, WEL, BGC, ACHM and other relevant contractors.

Full compliance by all staff with three overarching heritage management principles will ensure the successful implementation of this plan. These principles must be followed at all times and they are:

- All personnel to stay within the site works disturbance zone at all times – do not leave this area unless you have written and signed approval from the Site Construction Manager.
- All personnel to check to see if they are operating under a heritage clearance permit - do not commence any works unless operating under a heritage clearance permit.
- If you are unsure about anything contact Woodside's Heritage Manager,

Woodside places the utmost importance on the management and protection of Aboriginal heritage sites and a team of experienced professionals, including representatives from the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Goo-Tt-Oo groups will be given the opportunity of overseeing the implementation of this plan. Woodside is fully accountable for the implementation of this plan and Foster Wheeler Worley Parsons and other contractors will play an important role in implementing it. Any breach of this plan by individual staff members or companies will be taken seriously by Woodside.

## Acknowledgements

The following people are gratefully acknowledged for their involvement in the CHMP for Pluto Industrial Site B.

### Traditional Custodians

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Ron Parker  
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Woodside Energy Ltd  
Warren Fish

## Glossary

Term	Definition
ACHM	Australian Cultural Heritage Management Pty Ltd
AIC	Australian Interaction Consultants Pty Ltd
DEC	Department of Environment and Conservation
DIA	Department of Indigenous Affairs
EPA	Environmental Protection Authority
FWWP	Foster Wheeler Worley Parsons
In Situ	In archaeology, in situ refers to an artefact or item of material culture that has not been moved from its original place of construction or deposition
Relocate	To move a cultural heritage item from its original position in a disturbance zone to a location within the same general area which will not be disturbed (relocation zone).
Salvage	To physically remove or relocate cultural heritage items
Salvageability	The relative complexity, safety and ease with which a heritage item may be salvaged. Rated on a scale of 0 to 9, with 9 being the most technically complex and potentially unsafe item to salvage.
WAM	Western Australian Museum
WEL	Woodside Energy Limited

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# 1 Introduction

## 1.1 Background

Woodside is Australia's largest publicly traded oil and gas exploration and production company. For 20 years Woodside has operated the North West Shelf Venture (NWSV) facilities on the Burrup Peninsula and created a reputation as one of the worlds' leading liquefied gas (LNG) exporters.

Woodside's Pluto project is a significant development for Western Australia and the Nation. It will involve an investment by Woodside of 11.2 billion dollars in capital expenditure and will secure Western Australia as one of the world's leading exporters of LNG. Woodside's project schedule for Pluto is determined by its customers who require LNG from late 2010.

Through Pluto, Woodside intends to establish an open access LNG park on the Burrup Peninsula, which will be available for the processing of third party gas including stranded discoveries that may otherwise be too small to justify a standalone gas processing facility. This approach is based upon successful arrangements established in Egypt and Trinidad.

Forecasts indicate that Pluto will boost the GDP (the national economy) over the life of the project by up to \$17.6 billion in today's dollars. Pluto will also see the creation of up to 3,000 direct and an additional 3,000 indirect jobs during the construction phase of the project and up to 300 permanent jobs during the operations phase.

The company has undertaken comprehensive archaeological surveys over Industrial Sites A and B (the areas on which Woodside will develop Pluto) and two ethnographic surveys, one with the Ngarluma, Yindjibarndi, Yaburarra and Mardudhunera groups and one with the Wong-Goo-Tt-Oo group.

During the course of these heritage surveys and consultations Woodside made changes to the layout of the Pluto project to avoid Aboriginal heritage sites as far as practicable and received and acted on recommendations from the Indigenous representatives who participated in the process

As a result of this work Woodside estimates that over 95% of rock art will be left undisturbed and *in-situ* at the completion of constructing the Pluto LNG project. In the context of such a large scale industrial development this is a significant outcome that Woodside is looking forward to achieving through the implementation of this CHMP. The actions listed in this plan will ensure that Woodside meets the conditions required by the Minister for Indigenous Affairs, the recommendations contained in the archaeological and ethnographic heritage survey reports and Woodside's environmental approval for the project.

In this CHMP Woodside reaffirms its commitment to avoid impacts to Aboriginal heritage sites wherever practicable. Woodside, through continued consultation with local Aboriginal groups and with Woodside's contractors will continue to investigate opportunities to further minimise impacts to Aboriginal sites and to set new benchmarks for Aboriginal heritage management and protection as the Pluto project is further defined and executed.

## 1.2 Purpose and Scope of the CHMP

The purpose of the CHMP is to ensure that Woodside:

- Meets its statutory obligations in relation to the management of cultural heritage management
- Implements where practicable the recommendations made by the Indigenous groups of the area in relation to cultural heritage management
- Minimises its impacts to the cultural heritage environment through responsible heritage management.
- Provides a plan through which Woodside will achieve its vision of best practice heritage management.

At successive stages of the Pluto project modules will be added to this CHMP to ensure that it provides Woodside, Woodside's contractors and all staff with a framework that outlines the

heritage management activities that must be implemented during certain phases of the project. This CHMP is for all activities that Woodside will undertake on industrial Site B until the completion of construction activities.

This plan is designed to formalise and guide the management of cultural heritage items within 'Industrial Site B'. These heritage items consist of Aboriginal rock art, stone artefact scatters, standing stones, some man-made structures, and a range of ethnographic sites.

The majority of Aboriginal sites and features within Industrial Site B will be preserved in situ and actively managed to ensure their preservation.

### **1.3 Woodside Energy Limited Pluto Development Vision Statement**

Woodside's vision for the Pluto project's cultural heritage management program is:

To set new benchmarks for heritage management best practice and minimise Woodside's impact to the unique and important cultural heritage landscape of Western Australia's Burrup Peninsula.

Woodside will achieve this vision by:

- Working collaboratively with representatives of the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Goo-Tt-Oo groups so these groups can monitor and influence WEL's approach to the management and protection of Aboriginal heritage. Where practicable WEL will act on the advice from these groups and from relevant government agencies and qualified heritage experts
- Complying with all conditions set by the WA State Government in relation to the management of Aboriginal heritage sites.
- Providing the resources necessary to implement this plan.
- Being aware of heritage management best practice and achieving those benchmarks.

### **1.4 Occupational Health and Safety**

The OH&S practices, processes and rules that apply to the overall Pluto LNG development will apply equally to all works which are undertaken as a component of this plan.

Most importantly a job hazard analysis is to be completed by Woodside's Heritage Manager and signed off by the Site B HSE Manager prior to any activity being undertaken that is a specific requirement of this plan.

### **1.5 CHMP Development**

This plan is the culmination of intensive archaeological and ethnographic heritage surveys and consultation with representatives of the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Goo-Tt-Oo groups. During the course of these heritage surveys and consultations Woodside made changes to the layout of the Pluto project to avoid Aboriginal heritage sites as far as practicable and received and acted on recommendations from the Indigenous representatives who participated in the process.

This CHMP has been developed with reference to the recommendations made by the Indigenous representatives in respect of the Pluto development, the conditions set by the Minister for Indigenous Affairs in the Site B heritage approval for Pluto, project environmental approval and the commitment that Woodside has made to minimise its impacts to the heritage environment.

The consultation process involved Woodside sharing draft CHMP material with the Indigenous groups for their comment and feedback. In addition Woodside met with representatives from the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Oo-Tt-Oo groups to discuss the content of the CHMP.

Woodside has also consulted with the Department of Indigenous Affairs, the WA Museum and the Department of Environment and Conservation in developing this plan.

## **2 Ministerial Consent for Industrial Site B**

On February 26th, the Minister for Indigenous Affairs issued Woodside Energy Limited with a Section 18 Consent for the Industrial Site B area. The Minister noted that the proposed 'purpose' (i.e. the construction of the Pluto LNG plant) may impact a number of registered Aboriginal sites.

The purpose of this CHMP is to ensure that:

- All works undertaken on Industrial Site B comply fully with the conditions required by the Minister
- The cultural heritage management work undertaken on Industrial Site B complies fully with the conditions required by the Minister. Appropriate opportunities are provided for consultation and participation by the local Indigenous groups in the implementation of the CHMP

### 3 Participants, Roles and Responsibilities

The following parties have responsibilities and accountabilities in this CHMP. They are:

#### 3.1 Woodside Energy Limited

**WEL** is accountable for:

- Implementing this CHMP.
- Compliance with all heritage management conditions set by the WA Government through the Government approvals process.
- Implementing, where practicable, recommendations and requirements from heritage survey reports.
- Minimising impacts on Aboriginal heritage sites as far as practicable.
- Consultation with representatives from the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Goo-Tt-Oo groups and Government agencies including the Department of Indigenous Affairs, the Department of Environment and Conservation and the WA Museum.
- Meeting and where possible exceeding best practice heritage management benchmarks.
- In assuming accountability for the implementation of this plan Woodside maintains the right to veto decisions made by any other party in relation to the implementation of any part of this plan.

#### 3.2 Foster Wheeler Worley Parsons

**FWWP** is responsible for:

- Implementing this CHMP.
- The retrieval and relocation of heritage material in accordance with the CHMP and in consultation with ACHM and representatives of the Indigenous groups of the area
- 100% compliance with the CHMP at all times.
- Attending meetings with Indigenous groups, Woodside, ACHM and other contractors to monitor the implementation of the CHMP and seek feedback and advice from these groups.
- Ensuring that all personnel on site understand their obligations under the CHMP and the heritage management guidelines.
- Ensuring that *in situ* heritage sites outside of the disturbance zone(s) remain in-situ and undisturbed.

#### 3.3 Earthworks and Construction Contractor

Earthworks and Construction Contractor is responsible for:

- The retrieval and relocation of heritage sites from within the disturbance zone.
- The protection of heritage sites adjacent to and outside of the disturbance zone.
- Attending meetings with Indigenous groups, FWWP and ACHM to monitor the implementation of the CHMP.
- Compliance with all aspects of the CHMP.
- Ensuring that all staff complete cross cultural awareness training and attend the heritage management induction prior to accessing Industrial Site B.

#### 3.4 ACHM

**ACHM** is responsible for the following tasks under the direction of the Woodside Heritage Manager:

- Preparation of the CHMP together with WEL, in consultation with all stakeholders.
- Provision of archaeological and heritage management expertise in relation to the project.

- Participation in the retrieval and relocation of heritage material in accordance with the CHMP, in cooperation with FWWP, BGC, and representatives of the Indigenous communities.
- Attending meetings with Indigenous groups and other parties to monitor the implementation of the CHMP.
- Providing on-ground archaeological monitoring expertise for all ground disturbing works on previously undisturbed land(s).
- Conducting audits of CHMP compliance and heritage site status at regular defined intervals.

### **3.5 Traditional Owner Groups**

Representatives from the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Goo-Tt-Oo groups are responsible for:

- Monitoring the retrieval and relocation of heritage material.
- Monitoring initial ground disturbing works.
- Meeting with WEL, FWWP and other contractors to monitor and review the implementation of the CHMP.

### **3.6 Australian Interaction Consultants**

AIC is responsible for administration of aspects of monitoring services provided by traditional owner groups (except the Wong-Goo-Tt-Oo), under the direction of the Woodside Heritage Manager.

### **3.7 DIA**

The Department of Indigenous Affairs is responsible for monitoring the Section 18 conditions set by the Minister of Indigenous Affairs in relation to works to be undertaken on Industrial Site B.

### **3.8 DEC**

The Department of Environment and Conservation is responsible for agreeing the manner in which Woodside makes this CHMP publicly available.

### **3.9 Monitoring, Auditing, Reporting and Review Requirements**

For a CHMP to be effective there must be mechanisms for regular review and feedback on the implementation and operation of the plan. Cultural heritage management benchmarks will be established which will provide the key performance indicators by which WEL performance can be measured.

A number of mechanisms will be instituted to ensure that WEL continues to comply with the specific guidelines and general intent of this CHMP through time.

### **3.10 Surveys of Heritage Sites within Industrial Site B**

Prior to any construction activities at Industrial Site B thorough archaeological and ethnographic surveys were undertaken to locate and document all Aboriginal heritage sites.

### **3.11 Monitoring and Review of CHMP and Consultation with Indigenous groups**

Appropriate monitoring and auditing will be undertaken ensure that all site mitigation and site protection work indicated for each phase of the project has been completed as required. Audit points will be at the completion of the various project stages as nominated.

Audits will also be undertaken at five yearly intervals during the operations phase or as deemed appropriate by the WEL Heritage Manager.

In addition weekly inspections of heritage sites immediately adjacent to the sites works area will be undertaken along with quarterly inspections of heritage sites outside of the site works area until the completion of construction.

### **3.12 CHMP Review**

- First review to occur at the completion of site relocation works, and subsequently at nominated milestone dates. Participants in the review will be drawn from the appropriate Indigenous groups of the area, FWWP, WEL, ACHM and other relevant contractors.
- Recommendations from review to be submitted to WEL Heritage Manager and WEL Manager, Indigenous Relations for review.
- The WEL Heritage Manager and the General Manager, Community Relations must agree to Woodside's implementation of any of the review recommendations.
- Changes to these review dates can be made with the agreement of the WEL Heritage Manager and WEL General Manager, Community Relations.

### **3.13 CHMP Audits**

Audits will be undertaken at the end of the:

- Heritage site retrieval and relocation and bulk earthworks phase
- Construction phase
- The audits will report against Woodside's compliance with all aspects of the CHMP and the extent to which Woodside has failed to meet, met or exceeded heritage management best practice benchmarks.

### **3.14 Ongoing Site B Heritage Audits**

Once construction activities have concluded at Industrial Site B an audit of all heritage sites will be undertaken. Further audits of heritage sites on industrial Site B will be undertaken on a five yearly basis or as deemed appropriate by the WEL Heritage Manager.

## **4 Ground Disturbance Monitoring**

### **4.1 Role of Monitors**

Representatives of the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Goo-Tt-Oo groups are invited to monitor all initial ground disturbing activities (when earth is disturbed for the first time) and the retrieval and relocation of heritage items from the proposed development area.

### **4.2 Dispute Resolution**

If there is a dispute within the monitoring contingent or between any parties in relation to the implementation of the CHMP, the matter will be decided by the WEL Heritage Manager.

## 5 Management and Ground Disturbance Procedures

Full compliance by all staff with three key overarching heritage management principles will ensure the successful implementation of this plan. These principles must be followed at all times and they are:

- Check to see if you are operating under a heritage clearance permit - do not commence any works unless you are operating under a heritage clearance permit
- Stay within the site works disturbance zone at all times – do not leave this area unless you have written and signed approval from the Site Construction Manager. If you are unsure about anything contact Woodside’s Heritage Manager.

### 5.1 Heritage Inductions

The following inductions will be required of all personnel:

- Prior to entering Site B, personnel must have attended a heritage management induction and cross cultural awareness course.
- FWWP will maintain a list of all personnel who have completed the heritage induction and the cross cultural awareness training

### 5.2 Heritage Permits

Prior to any ground disturbing work commencing on previously undisturbed land, a heritage clearance permit must be signed and issued by the Construction Manager, signed by the WEL Heritage Manager and signed by the Works Supervisor to acknowledge the heritage conditions under which the works can proceed. Without the signatures of these three parties or their delegate **WORKS MUST NOT COMMENCE**. Once a heritage permit application has been lodged and processed, a heritage permit will be issued to the applicant that will outline:

- The area of proposed works, including GPS coordinates or GIS / CAD drawing
- Any heritage management conditions or issues that will apply to the execution of the works

The WEL General Manager Community Relations and the WEL Pluto Director must concur with any decision that is made not to relocate rock art from the disturbance zone before any works commence that will put that item under threat.

The WEL General Manager, Community Relations and Pluto Business Unit Director must authorise disturbance to any heritage site prior to that disturbance commencing. This authorisation will take the form of their sign-off on the appropriate CHMP.

### 5.3 New Site Location Procedures

Although extensive archaeological and ethnographic surveys have been completed over Industrial Site B, there is always the possibility that previously unrecorded or unidentified Aboriginal sites may be located through ground disturbing works or monitoring of works. In the event that a new site or sites are located, the following procedures shall apply.

#### 5.3.1 Procedure if Skeletal Remains are located

In the event of the discovery of human skeletal remains within the disturbance zone during, the following steps must be followed:

- Cease all works in the vicinity immediately (area to be defined by WEL Heritage Manager)
- Inform Site B Construction Manager
- Inform ACHM
- Inform Western Australian Police Service. When informing Police indicate that the remains are likely to be of Aboriginal origin and that an ACHM archaeologist(s) and Indigenous representatives should be present during any handling of the remains. Nothing should be disturbed at all without archaeologists present.
- Inform the local (Karratha) branch of the DIA and the Registrar of Sites
- Where the remains are determined to be Aboriginal, they must remain *in situ* until the DIA Registrar determines how to proceed.
- WEL must manage the remains in accordance with the DIA's instructions, and report the whereabouts of the remains to the WA Museum and the DIA.

#### 5.3.2 Procedure if a new archaeological site is located

In the event of the discovery of a new archaeological site within the disturbance zone, the following steps must be followed:

- Cease all works in the vicinity immediately
- inform WEL Heritage Manager who will cordon off an appropriate area
- Inform Site B Construction Manager
- ACHM to record the site and (a) in the case of an engraving, develop a work pack in conjunction with the Heritage Manager, local Indigenous community representatives, FWWP, and other relevant contractors to relocate the item(s) to the designated relocation area, or (b) in the case of an artefact site or midden, record (to DIA standards) and recover the archaeological materials from the site and move them to the agreed storage location.
- Where any new heritage materials or items are located, the DIA will be notified of the existence of the material or item and the actions taken to either record and/or relocate the material or items in question.

#### 5.3.3 Procedures for recording sites which cannot be relocated

Some items (i.e. ethnographic stone pits) cannot be salvaged and relocated. These items will be destroyed in situ. Prior to destruction, the items will be:

- Recorded to document the physical extent of the item and the physical environment in which the item is located.
- Photographed, including a context photograph.

#### 5.3.4 Access

The Indigenous groups of the area have requested ongoing access to Site B to visit heritage sites. Woodside has agreed to facilitate access subject to site access protocols and HSE considerations.

- The site access procedure is as follows:
  - Woodside is given notice (at least 7 days) of site visit and approves (or otherwise) the site visit. The notice is to document the area to be visited,

duration of visit, purpose of visit, names of people attending site visit. The notice must be submitted to the WEL Heritage Manager.

- Full compliance with Woodside's Site B access and HSE guidelines is required

The WEL Heritage Manager or nominee will be present during the site visit as a safety focal point only and will not attend the heritage sites visited unless requested by the group, but will stay in visual contact with the visiting party to ensure HSE obligations are met and an immediate response in the case of an emergency can be enacted

#### **5.4 Incident Management Procedures**

An 'incident' is defined as any one or a combination of the following:

- Non-compliance with the CHMP
- Unintentional or Unauthorised damage or loss to any heritage site including but not limited to rock art
- Discovery of a new heritage site
- Discovery of skeletal remains
- Any trespass outside of the disturbance zone without a permit signed by the Site B Construction Manager.

Any incident(s) must be reported to the WEL Heritage Manager immediately. Any incident will be verified by the WEL Heritage Manager who will arrange the necessary investigations and/or actions.

Any heritage incident will be treated in the same manner as any other serious safety or environmental incident, and reported accordingly. The standard WEL incident management process is to be utilised.

In the case of any damage or loss to rock art the WEL General Manager Indigenous Affairs and the WEL Pluto Director must be notified immediately.

#### **5.5 Enforcement of CHMP**

To ensure compliance with the CHMP by all WEL and FWWP staff and contractors the following measures will be implemented:

- All personnel to attend heritage management induction and cross cultural awareness training
- Disturbance zone boundary to be fenced, sign posted and clearly visible creating a physical barrier between the disturbance and non-disturbance zones.
- All personnel must remain *within* the disturbance zone at all times unless issued with a permit signed by the Site Construction Manager allowing access to areas outside of the disturbance zone.
- All personnel to ensure that they are operating under a heritage clearance permit
- All initial ground disturbance and the removal and relocation of all heritage material from the site works area will be monitored by representatives of the Indigenous groups and ACHM archaeologists
- Heritage Manager to ensure that all personnel comply with the requirements of the CHMP. Weekly meetings to be held between the WEL Heritage Manager and Site Supervisors regarding heritage management. WEL Heritage Manager must also regularly attend and give briefings at 'tool box' meetings.

##### **5.5.1 Breaches**

The CHMP and operating rules have been designed to prevent personnel working on Site B from inadvertently damaging or destroying Aboriginal heritage sites which are protected by State and Federal law. Any breach of the relevant State and Federal law carries heavy penalties for person(s) or corporation(s) involved.

### 5.5.2 Penalties for Breaches

Various penalties apply for the illegal destruction of heritage site(s). Section 57 of the *Aboriginal Heritage Act WA (1972)* states the following:

#### 57. Penalties

(1) A person who commits an offence against this Act for which no penalty is specifically provided is liable, on summary conviction —

(a) In the case of an individual, to —

(i) For a first offence, \$20 000 and imprisonment for 9 months; and

(ii) For a second or subsequent offence, \$40 000 and imprisonment for 2 years, and in any case, to a daily penalty of \$400; and

(b) In the case of a body corporate, to —

(i) For a first offence, \$50 000; and

(ii) For a second or subsequent offence, \$100 000,

and in any case, to a daily penalty of \$1 000.

(2) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to have committed that offence and is liable to be proceeded against and punished accordingly.

The *Aboriginal and Torres Strait Islander Heritage Protection Act CMTH (1987)* also carries severe penalties for breaches. Section 22 states the following:

#### Offences and penalties

(1) A person is guilty of an offence if:

(a) The person engages in conduct; and

(b) The conduct contravenes a provision of a declaration made under Part II in relation to a significant Aboriginal area.

Penalty:

(a) If the person is a natural person—\$10,000 or imprisonment for 5 years, or both; or

(b) If the person is a body corporate—\$50,000.

(2) A person is guilty of an offence if:

(a) The person engages in conduct; and

(b) The conduct contravenes the terms of a declaration under this Part relating to a significant Aboriginal object or significant Aboriginal objects.

Penalty:

(a) If the person is a natural person—\$5,000 or imprisonment for 2 years, or both; or

(b) If the person is a body corporate—\$25,000.

(3) A person who contravenes subsection 20(1) is guilty of an offence punishable, on conviction, by a fine not exceeding \$500.

(4) A person who contravenes subsection 17(4) is guilty of an offence punishable, on conviction, by a fine not exceeding \$100.

(5) In this section:

"Engage in conduct" means:

(a) Do an act; or

(b) Omit to perform an act.

WEL, FWWP and contractors will impose severe disciplinary action on personnel who breach the CHMP including immediate dismissal.

## 6 Heritage Site Management

### 6.1 Overview of Industrial Site B Heritage

The most distinctive aspect of Aboriginal cultural heritage on the Burrup Peninsula is rock art that takes the form of thousands of sites containing a diverse range of petroglyphs (often referred to as rock engravings). The rock art of the Burrup Peninsula is generally recognised as part of a regional cultural and artistic tradition extending through the West Pilbara region.

Vinnicombe (2002) estimated that the Dampier Archipelago may well have over a million rock art motifs and has noted a range from 17 to about 77 Aboriginal heritage sites per square kilometre on the Burrup Peninsula. Vinnicombe estimates that approximately half of these recorded Aboriginal sites are rock art sites with the rest being stone artefacts scatters, shell middens, standing stones, stone features (e.g., hunting hides, pits), grinding patches, quarries and artefact workshops. Heritage surveys that have been conducted over the Burrup Peninsula have produced more than 2,500 site records in the Department of Indigenous Affairs (DIA) Site Register to date. Less than half of the Burrup Peninsula and only a very small proportion of the islands of the Dampier Archipelago have been subject to cultural heritage surveys to this date.

The landscape of Industrial Site B is typical for the Burrup Peninsula, including sub coastal creek valleys and rocky granophyre uplands – including both relatively flat plateau areas and heavily weathered slopes along deep, dissecting valleys.

Site B has been designated as an industrial lease area in the Burrup and Maitland Estates Industrial Agreement (BAMIEA), which was agreed between the Western Australian State Government and the Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera and Wong-Goo-Tt-Oo people in 2002/03. Comprehensive ethnographic and archaeological surveys and associated consultations have been conducted in this area, with Ngarluma, Yindjibarndi, Yaburarra, Mardudhunera, and Wong-Goo-Tt-Oo groups.

The heritage sites of the Burrup hold cultural significance for these Indigenous groups, particularly in relation to “standing stone” sites and the rock art. Woodside has focussed its cultural heritage management strategy upon minimising impacts upon Aboriginal heritage sites generally and to these classes of sites in particular.

### 6.2 Land Use Zoning for Site B

There are four types of ‘zones’ within Industrial Site B relevant to this CHMP. Each of the zones has a particular set of characteristics, and a particular set of management requirements.

**Preservation Zone(s)** – the areas in which all heritage sites must be *FULLY* protected, and remain unharmed throughout the duration of works and subsequent LNG plant operations on Industrial Site B. There are multiple preservation zones within Industrial Site B.

**Disturbance Minimisation Zone** – within Industrial Site B there is an area outside the disturbance footprint known as the disturbance minimisation zone. There must be no disturbance within this area without permission from Woodside’s Heritage Manager.

**Disturbance Zone** – the area from which most heritage sites will be retrieved and bulk earthworks and construction will occur. All ground disturbance activities are restricted to this area.

**Relocation Zone** – an area outside of the works disturbance zone that has been designated for the relocation of Aboriginal rock art items retrieved from the Works Disturbance zone. This area is to be treated in the same manner as the Conservation Zones at all times.

### 6.3 Site Protection measures

Immediately adjacent to and outside of the disturbance zone, various methods of site protection will be employed in order to ensure that *in-situ* sites are not disturbed.

Threats to sites outside the disturbance zone may include:

- Unauthorised vehicular access
- Fly-rock from blasting activities
- Vibration from heavy machinery
- Vandalism

Measures to protect sites will include but will not be limited to:

- Fencing the site works area so no person or vehicle can traverse outside of this area
- Sand-bagging or blast matting to prevent fly-rock impact
- Barricading
- Erecting screens to prevent fly-rock impact

This work is scheduled to be conducted before and during the heritage site retrieval and relocation and bulk earthworks phase that is scheduled to commence in late 2007. If the Heritage Manager, ACHM archaeologists and Indigenous monitors detect a significant risk of damage to any heritage site at any time then immediate site protection measures will be implemented prior to any works commencing that will put that heritage site at risk.

#### **6.4 Managing Salvaged Material**

Salvaged heritage material will be relocated to 'relocation zones' outside the disturbance zone on Industrial Site B as per the process undertaken on Industrial Site A. During the relocation process, the wishes of Traditional Custodians will be taken into account and specific methods will be adopted to sensitively manage any gender restrictions applying to the salvaged material.

#### **6.5 Indigenous Consultation Process**

Consultation will take the form of correspondence, presentations and / or meetings as per previously established models employed between WEL and its contractors, and the five Indigenous groups as and when consultation is warranted.

## **7 Resources Required**

### **7.1 WEL**

The implementation of this CHMP will require financial and other resources from WEL over a number of years.

#### *7.1.1 Further Research*

WEL is committed to undertaking further heritage site research on its leases and to considering how it can participate in the research of the vast corpus of rock art located in the region.

#### *7.1.2 Staffing*

WEL Heritage Manager – Warren Fish

ACHM – Dr. Neale Draper, Dr. Shaun Canning, David Mott, and/or others as nominated

Australian Interaction Consultants – Mr. Ron Parker or others as nominated

Indigenous Representatives – as nominated

## **8 References**

Aboriginal Heritage Act WA (1972)

Aboriginal and Torres Strait Islander Heritage Protection Act CMTH (1984)

Vinnicombe, P (2002)