



Hon Peter Collier MLC
Minister for Education; Aboriginal Affairs; Electoral Affairs
Leader of the Government in the Legislative Council

Our Ref: 34-69158

Mr Kenneth McNith
Wind Generation Project Manager
Trustpower Australia Holdings Pty Ltd
26 Greenhill Road
WAYVILLE SA 5034

Dear Mr McNith

I refer to your notice submitted under section 18(2) of the *Aboriginal Heritage Act 1972* (AHA), dated 25 August 2016 by Trustpower Australia Holdings Pty Ltd on behalf of John Dermer and the State of Western Australia.

The Notice advised that you wish to use the land described as Lot 105 on Plan 59027 Certificate of title volume 2685 folio 985, 271 Mullering Road Cooljarloo PIN 11727039; Lot 3901 on Plan 209568 Certificate of title volume LR3141 folio 872, Lot 3901 Mullering Road Reserve number 27216 Cooljarloo; Waddi Road Reserve PIN 11579145; and Badgingarra Road Reserve PIN 11432775 (the Land) for the purpose described as being Waddi Wind Farm (the Purpose).

I am advised that your intended use will impact upon one Aboriginal site within the meaning of section 5 of the AHA. The site is DAA 4640 (Mullering Brook). I am pleased to inform you that, pursuant to section 18(3) of the AHA, I have granted consent subject to conditions. The form of consent is enclosed.

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

If you have any queries in relation to this matter, please contact Ms Tanya Butler, Director Site Assessment Team, Department of Aboriginal Affairs, on (08) 6551 8000.

Kind regards

Hon Peter Collier MLC
MINISTER FOR ABORIGINAL AFFAIRS

19 DEC 2016

Enc.

ABORIGINAL HERITAGE ACT 1972

CONSENT PURSUANT TO SECTION 18(3)

CONSENT GRANTED TO: Trustpower Australia Holding Pty Ltd

IN RESPECT OF: Lot 105 on Plan 59027 Certificate of title volume 2685 folio 985, 271 Mullering Road Cooljarloo PIN 11727039; Lot 3901 on Plan 209568 Certificate of title volume LR3141 folio 872, Lot 3901 Mullering Road Reserve number 27216 Cooljarloo; Waddi Road Reserve PIN 11579145; and Badgingarra Road Reserve PIN 11432775 – Waddi Wind Farm

REFERENCE: 34-69158

ABORIGINAL SITE TO BE IMPACTED: DAA 4640 (Mullering Brook)

CONDITIONS OF CONSENT

That the consent holder:

1. Engages two nominated members from the Yued Native Title Claim group to monitor ground disturbance activities that intersect with the boundary of DAA 4640 (Mullering Brook).
2. Provides a written report to the Registrar of Aboriginal Sites within 60 days of the completion of the Purpose, advising whether and to what extent the Purpose has impacted on all or any Sites located on the Land. The final report should include a detailed description of:
 - a. what extent the Purpose has impacted any Aboriginal Site on the Land;
 - b. where any Aboriginal Site has been impacted, whether such Site has been partially or wholly impacted by the Purpose, and the level, effect and type of any such impact – preferably by the provision of photographs taken before and after the impact;
 - c. where any Aboriginal Site has been subject to archaeological or cultural salvage, when and how such salvage took place, who was present at the salvage and where the material was re-located, the results of the salvage and any subsequent analysis conducted; and
 - d. the results and findings of any monitoring of ground disturbing works associated with the Purpose.

SECTION 18 CONSENTS

ADDITIONAL INFORMATION

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

1. Right of Review of Decision

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

2. Consent is Non-Transferable

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

3. Traditional Knowledge Holder

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

4. Conditions of Consent

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

5. Legislation

The AHA, the *Aboriginal Heritage Regulations 1974* and the *State Administrative Tribunal Act 2004* may be viewed and downloaded from the State Law Publisher website at www.slp.wa.gov.au.