



Sticks and Stones
CULTURAL RESOURCES MANAGEMENT



Due Diligence Assessment

Infinite Green Energy Northam Hydrogen Project

Report prepared for Infinite Green Energy

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Spatial Data

Spatial data captured for any heritage sites in this report has been obtained by using a hand held GPS unit using the GDA94 coordinate system.

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Abbreviations

Abbreviation	Definition
ACH	Aboriginal Cultural Heritage
ACHA	Western Australian <i>Aboriginal Cultural Heritage Act 2021</i>
DPLH	Department of Planning, Lands and Heritage
SandS CRM	Sticks and Stones Cultural Resources Management Pty Ltd

Introduction

The Western Australian *Aboriginal Cultural Heritage Act 2021* (ACHA) came into effect on 01st July 2023. 'The ACHA provides a modern framework for the recognition, protection, conservation and preservation of Aboriginal cultural heritage while recognising the fundamental importance of Aboriginal cultural heritage to Aboriginal people (ACH Fact Sheet 2023).

The Department of Lands, Planning and Heritage (DPLH) as provided a set of materials to instruct functioning under the ACHA. Leading the set of materials is the 'ACH Management Code'.

The ACH Management Code

The ACH Management Code states:

One of the key principles of the Act relating to the management of activities that may harm ACH is that, as far as practicable, utilise land for the optimum benefit of the people of Western Australia, the values held by Aboriginal people in relation to ACH should be prioritised when managing activities that may harm ACH.

Where an activity that may harm ACH is proposed to be carried out, a due diligence assessment (DDA) is required to be undertaken (other than for exempt activities) to assess the risk of harm to ACH to enable a proponent to determine how to proceed in relation to the proposed activity.

A DDA must be undertaken in accordance with this code.

ACH Management Code: 2023:4

The Due Diligence Assessment Step 1- Assessing whether the proposed activity is located within any part of a protected area

Section 70 of the ACHA proclaims that the purpose of declaring a protected area is:

*s70(a) recognise that there is ACH of outstanding significance in the area; and
s70(b) provide special protection for that area from activities that may harm ACH*

Any activity, regardless of activity type, that may harm ACH can only lawfully be carried when it is permitted by the conditions or regulations applicable to the protected area in question.

**The project is not located within a protected area –
the proposal continues with the DDA**

Assessing the tier of an activity

The proposed works are located on a previously disturbed quarry and the works are all contained within the previous disturbance footprint.

The DPLH Activity Tier Table Division 1 Activity 8 describes:

8. Undertaking an activity in an area that results in land use or development that –

(a) is no greater in surface area or height than existing land use or development in the area; and

(b) is either –

(i) no greater in depth than existing land use or development in the area; or

(ii) only greater in depth than existing land use or development in the area in a part of the area in which the depth of the existing land use or development extends 10 m or lower below the natural ground level.

The proposed works are accurately by DPLH Activity Tier Table Division 1 Activity 8 that designates the activity as an 'Exempt General Activity'

The project is an exempt activity

Conclusion

No further action is required.

References

Legislation

Western Australian *Aboriginal Cultural Heritage Act 2021*

Pamphlets

ACH Fact Sheet 2023. Published by Western Australian Department of Planning, Lands and Heritage

ACH Management Code 2023. Published by Western Australian Department of Planning, Lands and Heritage