



Collgar Renewables Desktop Assessment: Heritage & Aboriginal Engagement

Proposed "Tandegin Wind Farm" Location

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Document Control

Desktop Heritage Assessment - Tandegin Wind Farm

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Version Control

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0.1	13.01.2025	Draft	OH
1.0	31.01.2025	Final (with Exec Summary)	OH
1.1 / 2.0	05.02.2025	Updated recommendations following meeting on 4/2/25.	SD
3.0	20.08.2026	Change Collgar2 to Tandegin. Update assessment vis SWALSC advice.	SD



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Executive Summary

Collgar Renewables has engaged RFF to undertake a desktop heritage assessment of its proposed 'Tandegin Wind Farm' wind farm immediately south of existing operations near Merredin, to assist identify issues and provide recommendations to inform appropriate and effective First Nations engagement by Collgar's in-house team.

Key outcomes of RFF's assessment of the Tandegin Wind Farm project location are that:

- There are no registered historic / non-Aboriginal heritage values (or values under assessment) within the project location or within the *immediate* vicinity.
- Risk of impacting historic / non-Aboriginal heritage is considered low.
- There are no registered Aboriginal heritage sites within, or proximate to, the project location.
- Risk of impacting Aboriginal heritage is considered:
 - Low during initial activities (met mast and Geotech investigations);
 - Low-medium during substantive activities (constructing wind farm)
- SWALSC, acting as BAC's Central Services Corporation, advised on 18 June 2026 that a heritage survey was not required before the notified initial investigations.
- Identification of heritage values through consultation and heritage survey should inform proposed layout of the proposed wind farm with the aim of avoiding impacts to any identified heritage.
- Tandegin Wind Farm is within the South West Settlement native title determination (WCD2021/010).
- Ballardong Aboriginal Corporation (BAC) is the formally recognised Traditional Owner corporation for the project location, as formalised under the South West Settlement.
- BAC is the appropriate entity to engage in respect of heritage consultation.
- BAC also represents members of Nyaki Nyaki families, with whom survey of existing wind farm operations took place in 2008/09.
- Revise template NSHA with BAC by agreement to formally recognise role of local Nyaki Nyaki families in respect of heritage management

The report concludes by making the following recommendations:

1. Ensure its agreements with landowners permit access by Collgar, BAC, SWALSC, heritage consultants and other authorised participants for consultation, survey, monitoring and related feasibility activities.
2. Engage with BAC, through BAC and/or its nominated Central Services Corporation, as the recognised native title party and Traditional Owner corporation for the Subject Land.
3. Provide BAC/SWALSC with clear and current information about each project stage, including maps, proposed activities, disturbance methods, footprints, access routes and timing.
4. Proceed with the notified initial investigations in disturbed paddocks consistently with SWALSC's advice of 18 June 2026, subject to compliance with the Aboriginal Heritage Act 1972 and implementation of an appropriate unexpected-find procedure.
5. Re-refer the activities to BAC/SWALSC before proceeding if the scope or location of the initial investigations changes, particularly where activities may affect remnant vegetation or other minimally disturbed land.
6. Offer BAC/SWALSC the opportunity to nominate cultural monitors for the initial investigations as a voluntary engagement and risk-management measure, if BAC considers monitoring appropriate and suitable arrangements can be agreed.
7. Engage BAC/SWALSC sufficiently early to agree the scope, timing and method of any heritage survey required before substantive construction. Any survey should be progressed through BAC rather than through a separate consultation or survey stream with Nyaki Nyaki families.



8. Use the survey and consultation outcomes to inform the final turbine, access-track, trenching and ancillary-infrastructure layout, with avoidance of identified heritage values as the primary management objective.
9. Discuss the 2008 and 2009 survey findings, including the previously identified Totagin Rock area and earlier recommendations concerning cultural monitoring, as part of project-specific consultation.
10. Consider using the Ballardong Noongar Standard Heritage Agreement as the starting point for a project-specific agreement, with any changes to roles, processes and rates negotiated with the entity that will coordinate the survey.
11. Maintain a documented process for unexpected Aboriginal heritage discoveries, including immediate cessation of work in the affected area, protection of the discovery and prompt notification of the appropriate BAC/SWALSC and statutory contacts.
12. Discuss realistic employment, contracting and participation opportunities with BAC without making commitments that Collgar cannot reasonably deliver. Where appropriate, agreed commitments may be recorded in the project-specific agreement.

These recommendations are intended to assist inform culturally appropriate layout of the proposed wind farm, with the aim of identifying and avoiding by designing around heritage values, thereby also mitigating instances where Ministerial consents under section 18 of the AHA may be required.

1 Introduction

1.1 Background

Collgar Renewables Pty Ltd (ABN 44 659 742 384) is the owner and operator of Collgar Wind Farm infrastructure near Merredin, Western Australia. Collgar Renewables was registered as a private company in 2022 and is fully owned by REST superannuation.

Collgar Wind Farm has 111 turbines with a production capacity of 222 megawatts. Collgar Wind Farm connects green energy into the Southwest Interconnected System.

Collgar Wind Farm was developed by Investec Bank (Australia) Limited and became fully operational in 2011, prior to formation of Collgar Renewables as a company, and prior to resolution of native title claims relevant to land the subject of this assessment.

Aboriginal heritage surveys were progressed prior to construction of existing infrastructure with members of what was then the Ballardong Native Title Claimant Group in July 2008 and, separately, also Nyaki Nyaki families, as a sub-group of the then Ballardong Claim Group, in March 2009.

Collgar Renewables is looking to expand existing wind farm operations at and proximate to Merredin. Proposed project locations are described as "Tandegin Wind Farm" and "Coromuel" (**Project Locations**).

RFF understands that the Project Locations are held in freehold by multiple landowners and are the subject of ground disturbance from existing agricultural farming activities over an extended period of time.

RFF has been engaged to undertake a desktop assessment of Aboriginal and non-Aboriginal heritage issues relevant to the Project Locations.

RFF has been requested to provide two separate reports, one for each of the Project Locations. This report relates to the proposed Tandegin Wind Farm project location. The assessment is based on review of information from:

- The National Native Title Tribunal
- Department of the Premier and Cabinet (WA)
- Department of Planning, Lands and Heritage (WA)
- Office of the Registrar of Indigenous Corporations
- Australian Taxation Office (Australian Business Register)
- South West Aboriginal Land and Sea Council

- Australian Heritage Council
- Heritage Council of WA
- Shire of Merredin
- Collgar Renewables (previous survey reports)

RFF understands that this advice is intended to inform appropriate and effective engagement with identified First Nations and other relevant interests in progressing design of, and approvals for, proposed turbine infrastructure at the proposed Tandegin Wind Farm project location.

We understand that engagement is intended to be progressed by Collgar Renewables' existing in-house team.

This version 3.0 assessment has been updated in light of formal heritage advice provided to Collgar by the South West Aboriginal Land and Sea Council (SWALSC) on 18 June 2026 in its role as the Central Services Corporation for Ballardong Aboriginal Corporation that heritage survey is not required for initial stage activities entailing installation of meteorological mast and geotechnical investigations.

1.2 Project Location & Zoning

The land the subject of the proposed Tandegin Wind Farm project (**Subject Land**) is approximately 20km south-east of Merredin, in the Shire of Merredin, and abuts the existing Collgar wind farm (**Figure 1**).

The Subject Land is held in freehold by several land owners and is used for intensive agriculture, consistent with the 'General Farming' zoning across most of the site under the Local Planning Scheme.

The entirety of the Subject Land falls within the South West Settlement native title determination area.

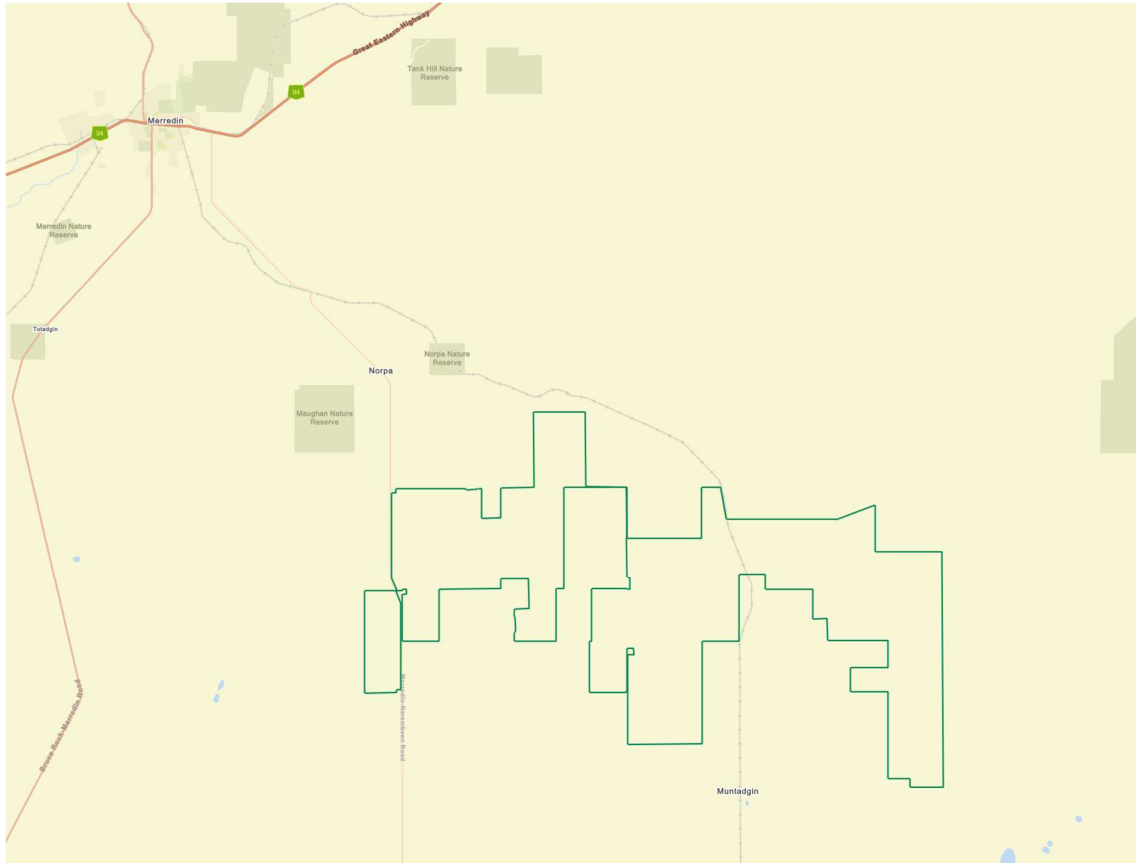


Figure 1 - Subject Land (green) in relation to Merredin townsite

1.3 First Nations, Traditional Owners and Native Title Parties

Terminology can, and does, change over time. The terms First Nations and Traditional Owners are often used interchangeably to generally refer to Indigenous people with traditionally-based connections to specific areas



of land - irrespective of whether those connections have been formally recognised under land rights legislation¹.

The term 'First Nations' has relatively recently become the more common, and inclusive, nomenclature in Australia. It is preferred by the Federal Minister, Hon Linda Burney MP, as an umbrella term that includes all Aboriginal and Torres Strait Islander Australians. The term has its origins in post-colonial theory, especially in Canadian discussions, and is linked to an emerging global discourse on the role of the state in recognising, protecting and enhancing the rights and opportunities of Indigenous peoples.

Until recently, the term 'Traditional Owner' has been more commonly used in Australia. This term has had parlance in Australian anthropology and land rights claims since the 1970s. It was codified in the Northern Territory's Aboriginal Land Rights Act 1976 and has been more used more generally elsewhere in Australia in discussion about progressing legal recognition of land-based interests.

The term 'native title party' more specifically refers to registered claimants or determined interest holders under the *Native Title Act 1993*. Given its more specific use it is therefore less universally applicable than the terms 'Traditional Owner' or 'First Nations'.

Although these terms may often be used inter-changeably, a native title party will always be able to also be described as a Traditional Owner or First Nations group (or sub-group). However, not all Traditional Owners or First Nations are necessarily native title parties.

Any of these terms may also be used inter-changeably with the term 'Custodian' or 'Traditional Custodian' - particularly in the context of discussing management of country and/or cultural heritage.

1.4 Environmental, Social and Governance

As indicated in Attachment 1, over 80% of Western Australia is now the subject of a registered native title claim or determination (the majority now being determined). Western Australia, more than any other Australian jurisdiction, is now well and truly into what is generally referred to as a 'post-determination era'². The following characteristics distinguish a post-determination from a pre-determination context:

- certainty as to the correct traditional owners for country
- formally recognised rights and interests in country, and ability to leverage formalised interests
- formalisation of corporate governance and representative structures
- capacity building (human resources, training, income generation)
- focus on balancing caring for country with leveraging economic development opportunities.

Renewable energy projects are seen by many as an opportunity for Traditional Owners to build capacity while balancing management of country with pursuit of economic development opportunities.

In December 2024, the Federal Government launched its inaugural First Nations Clean Energy Strategy³, a 5-year national framework to guide investment, influence policy and support First Nations participation in the transition from fossil fuels to green energy. Developed in collaboration with various stakeholders including First Nations representatives, the Strategy aims to enhance economic development and associated opportunities for Traditional Owners. The Strategy is principles-based rather than prescriptive. Key principles - including as informed by the United Nations Declaration on the Rights of Indigenous Peoples - include:

- self-determination and free, prior and informed consent
- maintaining connection to country
- recognition and appreciation by proponents of Traditional Owner stewardship of country
- access to clean and safe energy as having universal benefit for all
- recognition, protection and celebration of cultural heritage

¹ See, eg, Edelman, D 2009 Broader native title settlements and the meaning of the term 'traditional owners'.

² See, eg, Strelein, L 2018 25 Years of the Native Title research Unit [at AIATSIS].

³ First Nations Clean Energy Strategy | energy.gov.au



- collaboration and building genuine partnerships (including transparency of information)

Opportunities for Traditional Owners associated with renewable energy generation will be greatest where they either hold determined native title and/or statutory land tenure in locations amenable and attractive to investment in wind or solar projects, because those assets will be able to be leveraged for mutual benefit with proponents.

The above points are salient in the context of Collgar's parent company, REST Superannuation, stated plans to invest \$2 billion in renewables over the next five years⁴. Such investment, operating at scale, with large footprints, will invariably encroach on First Nations' native title, or Indigenous-held statutory tenure, or cultural heritage.

REST's stated commitment to Indigenous rights as part of its environmental, social and governance (ESG) decision-making and reporting as to responsible investment underscores the importance for Collgar Renewables in understanding the local Indigenous context of its operations. This includes, but is not limited to, understanding the native title, Traditional Owner governance and the cultural heritage situation, which is the focus of this report.

2 Native Title Context

2.1 Native Title Act 1993

The *Native Title Act 1993* (NTA) is Commonwealth legislation in response to the High Court's 1992 Mabo decision, which recognised Aboriginal rights and interests in land founded in traditional laws and customs that pre-exist British settlement of Australia, and which continue to exist today. These are referred to as native title rights and interests.

The NTA provides a legislative framework for the recognition and protection of native title rights and interests. The recognition of native title is formalised by the Federal Court of Australia typically following a lengthy forensic legal examination by the State Government of anthropological, historical, genealogical and other evidence put forward by native title claimants.

The State Government is always the primary respondent to a native title claim and is responsible in the first instance for assessing the veracity of a native title claim before any determination by the Federal Court.

The State Government's stated preference is to resolve native title claims by negotiation and agreement, to avoid litigation⁵.

Where the State Government is reasonably satisfied that a native title claim group's evidence sufficiently supports their claim (including as informed by case law at that point in time), then native title may be resolved by consent.

Conversely, where the State Government is not satisfied that evidence sufficiently supports a native title claim - or where an area of law requires clarification - then native title claims are usually litigated.

Either way, the process is lengthy and typically arduous for traditional owners to have their traditional rights in land formally recognised⁶.

As depicted in Attachment 1, more than 80% of Western Australia is now the subject of a native title determination. This is more than any other jurisdiction in Australia.

This is important for many reasons. Among other things, determinations of native title provide certainty for proponents such as Collgar Renewables as to the correct Traditional Owners and corporate entities to engage

⁴ Jones, C. 2023 [Rest Super commits to 'operate and scale' renewable energy assets.](#)

⁵ There is, of course, some difference between the State Government's stated position and actual practice.

⁶ See, for example, the State Government's requirements for evidence from traditional owners in support of their claims for recognition of native title 1



with for particular areas of country. Conversely, where native title has not been determined then there remains uncertainty as to the correct traditional owners for country.

Where native title has been determined to exist, or would have otherwise existed but for extinguishment by past government acts or agreed surrender by the relevant traditional owner group, then engagement by proponents such as Collgar Renewables on matters that may affect native title - or may impact Aboriginal heritage - should be via the corporate entity that is formally registered with the Office of the Registrar of Aboriginal Corporations (ORIC) as a result of the relevant native title determination.

For the Subject Land this is Ballardong Aboriginal Corporation.

2.2 Ballardong Aboriginal Corporation

The Subject Land is within the South West Settlement native title determination (WCD2021/010), which includes Ballardong People's native title claim (WC2000/007).

Ballardong Aboriginal Corporation (**BAC**) (ICN 9605) is the corporate entity that formally represents the Ballardong people.

Ballardong people are an estate group within the broader Noongar Nation. Traditional Ballardong lands cover an area of approximately 63,000 sq km - including Merredin and the Subject Land. As noted in BAC's rule book that is registered with ORIC:

Towards the eastern boundary of the Ballardong region is the Njaki Njaki dialect group. The Ballardong people have cultural connection to the town of Brookton, Northam, York, Beverley, Goomalling, Cadoux, Koorda, Wyalkatchem and Cunderdin, as well as the towns of Kellerberrin and Merredin which are located further east. The Ballardong region also includes the south-west towns of Bruce Rock, Toodyay, Narambeen, Hyden, Kondinin, Kulin, Dumbleyung, Kukerin, Lake Grace and Varley.

BAC is relatively new. It was registered with ORIC in October 2021. BAC formed as a 'Regional Corporation' as an outcome of the South West Settlement to manage land, cultural heritage and financial benefits for Ballardong people and support and implement opportunities arising under the South West Settlement.

The South West Settlement is an agreement with six Noongar native title claim groups to surrender their native title to the State Government in exchange for statutory land tenure and a broader financial compensation package.

Membership of BAC is open to all Ballardong people over 18 years old who fall within the definition of the 'Native Title Agreement Group' as defined in the Ballardong Indigenous Land Use Agreement (**ILUA**). This includes Njaki Njaki families.

As a corporation registered by ORIC under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth), BAC is required to publish an updated list of its members each year.

Both the South West Settlement and Ballardong ILUA are discussed further below.

2.3 Ballardong Native Title

The Federal Court determination in *Bennell v State of Western Australia*⁷, also known as the South West Settlement, confirms that native title does not exist within the traditional lands of the Ballardong People (nor within the traditional lands of the broader Noongar Nation covering a total area of approximately 200,000 sq km).

Although the Ballardong People do not hold native title within the Subject Land or surrounding area, they are nevertheless formally recognised as the Traditional Owners for the Subject Land and broader 63,000 sq km area comprising the former Ballardong People native title claim.

⁷ *Bennell v State of Western Australia* [2021] FCA 1508



Formal recognition by the State Government of Ballardong people as Traditional Owners is provided under the Noongar (Koorah, Nitja Boordahwan) (Past, Present, Future) Recognition Act 2016 (WA) and the Ballardong Indigenous Land Use Agreement (ILUA) (WI2017/012)⁸.

Surrender of native title is formalised under the respective ILUAs for each of the six Noongar groups, including as under the Ballardong ILUA.

Both the Recognition Act and the Ballardong ILUA are outcomes of the South West Settlement, a comprehensive agreement with six former Noongar native title claim groups to resolve native title by agreed surrender in exchange for a multi-generational benefits package (including land tenure and financial arrangements) with an estimated value at the time of around \$1.3 billion⁹.

The South West Settlement and Ballardong ILUA also provide for establishment of robust governance arrangements by setting up new corporations (including BAC) that are responsible for progressing economic development opportunities, management of land and cultural heritage within their respective areas.

2.4 Earlier Ballardong Claim

An earlier version native title claim, also called Ballardong People (WC1997/056), existed prior to the Ballardong native title determination (Earlier Ballardong Claim). The Earlier Ballardong Claim was different to the final Ballardong determination in that it sought to specifically exclude various individuals from the claim group¹⁰. These specific exclusions indicate politicking as to who is and is not a member of the Ballardong group at the time the Earlier Ballardong Claim was filed in the Federal Court in 1997.

Although these issues were formally resolved by the time the Ballardong claim was amended in 2000, it is reasonable to assume that some level of division may continue within the Ballardong group as to who is a rightful member and who has authority to speak for particular areas of country.

It is also reasonable to assume that there may be some degree of ongoing conjecture as to which family groups have authority to speak for particular areas of country that may inform the conduct of Aboriginal heritage surveys in the present day.

Nevertheless, it is important that proponents such as Collgar Renewables demonstrate respect for formal governance structures that have been established by agreement through the lengthy native title resolution process by engaging with and through the Ballardong Aboriginal Corporation.

2.5 BAC - Governance

BAC's governance arrangements are formalised in its rule book that is registered with ORIC, as informed by the Ballardong ILUA with the State Government.

2.5.1 Board

BAC is overseen by a board of at least 4 and up to 6 directors. Up to 4 directors are Noongar people (and the majority must be Ballardong members), and 2 additional specialist advisors may be appointed as Expert Directors, including non-Indigenous people who have recognised qualifications and demonstrated experience relevant to the role.

Noongar/Ballardong Directors are also required to have relevant experience, to have not been convicted of criminal offences within the past 5 years, and commit to the highest governance standards.

Corporate governance rules prescribe that the board cannot be stacked in favour of any particular family group.

The Chair is elected from the confirmed Noongar/Ballardong Directors.

⁸ [ILUA Ballardong People Indigenous Land Use Agreement_published.pdf](#)

⁹ Value as estimated by the then WA Minister for Aboriginal Affairs, Hon Ben Wyatt [High Court clears the way for historic South West Native Title Settlement to proceed | Western Australian Government](#)

¹⁰ See Extract from Schedule of Native Title Applications (Ballardong People (WAD6181/1998), definition of persons claiming to hold native title: [ExtractFromScheduleOfNativeTitleApplications2](#)



As at January 2025, BAC's board comprised:

- Tracey de Grussa (Chair)
- Carol Garlett
- Farley Garlett
- Murray Jones
- Tahnee Davies (Expert Director)
- Melanie Williams (Expert Director)

At 20 August 2026 – the date of the current version assessment - BAC's board comprised:

- Tracey de Grussa (Chair)
- Carol Garlett
- Murray Jones
- Murray Yarran
- Tahnee Davies (Independent Director)
- Renata Paliskis (Independent Director)

The BAC board can only make decisions about land and certain cultural heritage matters after receiving advice from members recognised as having cultural authority (as recognised under traditional law and custom), informed by a Cultural Advice Policy (**CAP**).

The CAP can only be changed by a vote of members at a general meeting.

2.5.2 Cultural Advice Committee

BAC has established a Cultural Advice Committee comprising recognised Elders and knowledge holders to provide cultural advice to the board.

As at 20 August 2026, members of BAC's Cultural Advice Committee are:

- Geraldine Metcalf/Blurton
- Kathy Davis
- Muriel Collard
- Olive Bennell
- Shirley Harris
- Murray Yarran Jnr
- Dennis Kicket
- Michael Blurton
- Jarrod Hayden
- Desmond Blurton (Chair)
- Roger Turvey

2.5.3 Executive & Staff

BAC's administrative functions are undertaken by its Chief Executive Officer and supporting staff.

At January 2025, BAC's CEO was Mathew Wilson. BAC's Lands and Heritage Manager is Jai Wilson.



At August 2026, Mathew Wilson had departed BAC as CEO following reported 'member unrest' and internal tensions within the organisation¹¹. The current acting CEO is Jo Wilkie. Joleen Brown is understood to be the current Heritage Coordinator.

For all intents and purposes, Collgar Renewables' interface with BAC would be primarily through these roles.

2.5.4 Central Services Corporation - South West Aboriginal Land and Sea Council (SWALSC)

A number of BAC's functions are supported by SWALSC as the formally nominated 'central services corporation' under the South West Settlement.

SWALSC negotiated the South West Settlement with the State Government. Currently, all of BAC's heritage agreements are negotiated by SWALSC on BAC's behalf. SWALSC is the central services corporation for five other Noongar corporations. SWALSC also carries out other functions, including under the Native Title Act, that are not related to its central services corporation role.

RFF understands that several regional Noongar corporations may be less than satisfied with the level of service provision provided by SWALSC, as is often the case with a central services model.

The South West Settlement ILUA intends that, over time, Regional Corporations such as BAC take on many if not most of the administrative functions of the Central Services Corporation (ie SWALSC), once they build capacity to do so, including in relation to negotiation and management of heritage agreements.

It is understood that BAC's appointment of a new Land and Heritage Manager in December 2024 is intended to help BAC achieve this and related aims.

It should be anticipated that there may be some degree of opacity between a number of roles and responsibilities between BAC and SWALSC, including in relation to responding to activity notices or survey requests, negotiating heritage agreements, and organising heritage surveys.

2.6 BAC - Economic Development

The BAC board and executive team have a mandate to maintain, protect and promote Ballardong country, culture and heritage, to manage statutory land tenure, to support Ballardong people, to give effect to and implement the Ballardong ILUA, to directly support the Ballardong People manage financial and other benefits arising from the South West Settlement.

In 2023 BAC's total income was \$464,552, and total assets \$826,086. BAC had two full time staff members.

It is understood that BAC's total income for 2023 was derived from the South West Settlement, with additional sources of grant funding from the State Government (such as for its ranger program).

It can be expected that, over time, BAC will seek to identify and derive other sources of revenue to enable it to become a long-term sustainable corporation.

Potential sources of revenue include leveraging its statutory land holdings provided under the South West Settlement that may be used for economic purposes and providing cultural and other services on a fee-for-service basis. Such services include provision of cultural heritage surveys.

It is understood that currently heritage surveys operate at a loss because of the fee structure provided under the template heritage agreement (Noongar Standard Heritage Agreement) that is used by government agencies and mining proponents in the region, as provided under the South West Settlement.

RFF understands that this is one reason among several that BAC aims to take a more active role in managing and implementing heritage and other agreements and services rather than having them in effect contracted out to SWALSC as the central services corporation.

¹¹ See eg National Indigenous Times (2/3/2026): [Ballardong CEO departs following member unrest](#) | National Indigenous Times



3 Heritage Context

3.1 Aboriginal Heritage Act 1972

The primary legislation for recognising and protecting Aboriginal cultural heritage in Western Australia is the Aboriginal Heritage Act 1972 (WA) (AHA), which is administered by the Department of Planning, Lands and Heritage on behalf of the Minister for Aboriginal Affairs.

All Aboriginal sites in Western Australia are afforded protection under the AHA irrespective of whether they are formally registered. Aboriginal sites are defined in section 5 of the AHA as:

- (a) any place of importance and significance where persons of Aboriginal descent have, or appear to have, left any object, natural or artificial, used for, or made or adapted for use for, any purpose connected with the traditional cultural life of the Aboriginal people, past or present;
- (b) any sacred, ritual or ceremonial site, which is of importance and special significance to persons of Aboriginal descent;
- (c) any place which, in the opinion of the Committee, is or was associated with the Aboriginal people and which is of historical, anthropological, archaeological or ethnographical interest and should be preserved because of its importance and significance to the cultural heritage of the State;
- (d) any place where objects to which this Act applies are traditionally stored, or to which, under the provisions of this Act, such objects have been taken or removed.

Aboriginal sites therefore may be tangible (in the form of, for example, archaeological middens or burials or modified trees) and intangible (typically in the form of ethnographic sites, where landscape features are inscribed with meaning - including, for example, traditional camping places or certain types of soaks or lakes).

The AHA makes it unlawful to excavate, destroy, damage, conceal or in any way alter an Aboriginal site without authorisation from the Registrar or consent from the Minister.

Penalties under the AHA for unlawful impact to Aboriginal sites include up to \$40,000 fine and 2 years jail for individuals and up to \$100,000 fine for corporations. Officers of corporations may be held criminally liable.

Where unlawful impact to Aboriginal heritage occurs, the effect on a corporation's social licence will usually be more costly than legislated fines.

There is no formal requirement under the AHA for proponents to undertake heritage surveys with Aboriginal persons. However, Traditional Owners are best placed to identify and assist appropriate management of heritage on country. Additionally, corporate ESG requirements, social licence and other statutory requirements underscore the importance of Collgar Renewables engaging effectively - including but not limited to consulting with relevant native title parties - to identify and avoid impacts to heritage values.

Importantly,

3.2 Previous Survey: Existing Collgar Wind Farm

The Subject Land is immediately south of the existing Collgar wind farm. Developer of the existing Collgar wind farm, Investec Bank (Australia) Limited, undertook two separate heritage surveys in 2008 with

- 1) representatives of what was at that time the Ballardong native title claim group, and
- 2) Nyaki Nyaki families.

Native title had not been determined at the time that these surveys were undertaken, meaning that there may have still been some degree of uncertainty as to which traditional owner groups, or family groups, had authority to speak for heritage in relation to the Subject Land.

Both site identification surveys were undertaken by anthropologist Rory O'Connor. Although the methodology section of the respective heritage reports do not clarify, it appears that the surveys were ethnographic only and did not include an archaeological component.

The results of both surveys confirmed that the Collgar wind farm could proceed without negatively impacting heritage values.



3.2.1 Ballardong Native Title Claim Group (WC00/7) Survey

The Ballardong Claim Group survey was co-ordinated by the South West Aboriginal Land and Sea Council (SWALSC), which was the legal representative for the claim group with statutory authority under the NTA as the Native Title Representative Body (NTRB).

The survey included six representatives of the Ballardong claim group:

- Chantelle Yarran
- Beatrice Yarran
- Reginald Yarran
- Lesley Nelson
- Corren Abraham
- Peter Henry.

The report concludes that Ballardong representatives were satisfied that there were no known Aboriginal sites and that the wind farm could proceed without affecting heritage values.

3.2.2 Nyaki Nyaki Aboriginal Group Survey

The survey report notes that the Nyaki Nyaki families are part of the Ballardong native title claim group whose members are from the Merredin area. It appears that the Nyaki Nyaki survey was not co-ordinated by SWALSC. The Nyaki Nyaki survey included:

- Claude Hayden
- Kris Hayden
- Roland Garlett
- Damon Hayden
- Tevita Toumalolo
- Doug Nelson.

The Nyaki Nyaki survey identified a significant site, Totagin Rock, adjacent to the south-western corner of the survey area. Despite this, the survey confirmed that the project could proceed subject to engagement of cultural monitors as a measure to mitigate potential impacts to heritage values.

The report does not include a map of the identified site. The site does not appear on the State's register of Aboriginal sites or Aboriginal Heritage Inquiry System, most likely because section 18 consent was not required to progress the project thereby obviating the need for assessment by the Aboriginal Cultural Material Committee.

The report also notes that Nyaki Nyaki representatives requested the developer IBA to look at employment opportunities for Nyaki Nyaki people that may be associated with construction and operation of the wind farm.

3.3 AHA Recognition of Native Title Parties

Amendments were made to the AHA in May 2024 to formally recognise native title parties as having primary authority in relation to consultation, identification and management of Aboriginal heritage. Native title parties are defined pursuant to section 18 of the AHA as being:

- a 'regional corporation' if the relevant land is the subject of a settlement ILUA; or
- a native title body corporate if native title has been determined and is not the subject of a settlement ILUA;
- a registered native title claim group if native title has not yet been determined.

BAC is the regional corporation for the Ballardong people the subject of the Ballardong Settlement ILUA and is therefore the recognised native title party for the purpose of consultation in respect of the Subject Land and undertaking Aboriginal heritage surveys to identify and avoid unlawful impacts to heritage values, and to assist compliance with the State's heritage legislation.



Native title parties have rights to appeal section 18 Ministerial decisions for proponents to use land containing Aboriginal sites if they are aggrieved by those decisions, further underscoring the importance of effective engagement with BAC to ensure that heritage is appropriately identified and managed at the outset of project planning.

Under its registered rule book, BAC is responsible for making decisions about which Ballardong members should participate in Aboriginal heritage surveys, to perform the role of 'Aboriginal Consultant' under an Aboriginal heritage agreement in relation to country within the Ballardong Region, including as informed by law and custom and the cultural interests of Ballardong Traditional Owners.

3.3.2 Consultation Policy for Section 18 Applications

Following amendment of the AHA in 2024, the State Government produced new guidelines to assist proponents assess whether Ministerial consent may be required under the AHA prior to undertaking ground disturbing activities¹².

In the context of the AHA not requiring consultation or surveys to be undertaken by proponents to identify heritage values, the AHA Guidelines provide a useful framework in setting out why and when consultation and surveys by proponents with native title parties should occur.

Proposed works by Collgar Renewables are such that any identified heritage constraints would likely be able to be avoided by, for example, locating a particular wind turbine in a location away from heritage values thereby obviating any need to obtain Ministerial consent.

Notwithstanding that Collgar Renewables will probably not require Ministerial consent to disturb heritage, consultation with BAC should be undertaken to identify and avoid heritage values, including those that may be defined as Aboriginal sites under the AHA.

A heritage survey that produces an associated heritage report is the most effective way to undertake such consultation, to ensure that both parties have a formal record of that consultation with an agreed set of outcomes. Other forms of consultation could include:

- a meeting with BAC to outline the project (including proposed footprint and ground disturbance), and/or
- written communication providing similar information, and/or
- receiving feedback on the proposal, and/or
- understanding the location of heritage values and demonstrating respect for the significance of Aboriginal traditions, and/or
- entering into an agreement to confirm an agreed understanding of whether a survey is required and, if so, how it should be undertaken.

Effective consultation would, in most instances, include all these methods.

It is up to Collgar Renewables and the native title party, in this case BAC, to determine and agree whether a survey is required.

Should Ministerial consent be required under section 18 of the AHA prior to undertaking activities, then Collgar Renewables will need to include supporting information in its application that demonstrates the level of consultation that has occurred to identify and appropriately manage impacts to heritage values.

3.3.3 Aboriginal Heritage Due Diligence Guidelines

In 2013 the State Government produced the Aboriginal Heritage Due Diligence Guidelines¹³. The Due Diligence Guidelines remain current and are referenced in the Noongar Standard Heritage Agreement (NSHA) appended to the South West Settlement as a basis for assessing potential impacts to heritage.

¹² [Consultation policy for section 18 applications](#)

¹³ [aboriginal-heritage-due-diligence-guidelines.pdf](#)



The Guidelines are for proponents and other land users undertaking activities that may pose a risk to Aboriginal heritage, to assist mitigate unlawful impacts to heritage and ensure compliance with the AHA.

The guidelines recommend a risk-based approach to assessing potential impacts to Aboriginal heritage informed by:

- type of proposed activity (defined by level of proposed ground disturbance), and
- likely presence of existing heritage values (defined by existing level of ground disturbance/alterations to environment).

As indicated in the risk matrix below, where a proposed activity entails negligible ground disturbance (such as driving a car on an existing track) and where the activity is in a built environment (such as Merredin townsite), then it can be reasonably assumed that there would be low risk of impacting heritage values - and the activity should ordinarily be able to proceed without further assessment.

Conversely, where an activity entails significant disturbance (such as excavation with a front-end loader) in virgin bushland then there may be a high risk of impacting heritage (particularly if proposed excavation has a large footprint). In such instances, it would be prudent to consult with the relevant native title party prior to progressing activities, to ascertain whether a heritage survey may be required.

Notwithstanding this logical risk-based approach, social licence for large projects will typically necessitate engagement with a range of stakeholders prior to undertaking large-scale activities in brownfield and greenfield development locations. The guidelines and requirements under the AHA to not unlawfully impact sites underscore that stakeholder consultation should include the relevant native title party (in this case BAC) and, in many instances, may include formal Aboriginal heritage survey to identify and to the extent practicable avoid impacts to heritage values.

SCHEDULE 2 – THE ABORIGINAL HERITAGE RISK MATRIX

Previous Land Use	LAND ACTIVITIES – CATEGORIES 1-5					
		1. Negligible disturbance	2. Minimal disturbance	3. Moderate disturbance	4. Significant disturbance	5. Major disturbance
	Built Environment - e.g. urban environment, towns, metropolitan region.	Low	Low	Low	Low	Medium
	Significantly Altered Environment - e.g. cultivated and cleared land.	Low	Low	Low	Medium	High
	Moderately Altered Environment - e.g. partially cleared lands, re-vegetated landscape.	Low	Low	Medium	Medium	High
	Minimally Altered Environment - e.g. urban bush land, regrowth areas	Low	Medium	Medium	High	High
	Unaltered Environment - e.g. protected areas or pristine environment.	Low	Medium	High	High	High
Risk Assessment		Actions				
Low Risk (Review)		Review the landscape and proposed activity (see sections 2.4 - 2.8 - assessing the landscape and the activity). Refer to the AHIS.				
Medium Risk (Review /Exercise Caution)		Review the landscape and proposed activity (as above). The precautionary principle (see page 2) applies. Refer to the AHIS and contact the DAA. A range of actions may be recommended, including: no action, consultation with the relevant Aboriginal people, an Aboriginal heritage survey or modification of the proposed activity to avoid or minimise site impact.				
High Risk (Consult / Survey / Approvals)		Refer to the AHIS. Consult with the DAA and the relevant Aboriginal people. Dependent on consultation outcomes you may need to include: an Aboriginal heritage survey, modification of the proposed activity to avoid or minimise (see sections 2.24 - 2.28) impact to the site and/or other heritage management strategies. The land user may also need to apply for approval or consent (see section 2.26) to the activity.				
For major development projects refer to sections 2.10 - 2.12 for further advice.						

Figure 2 - Due Diligence Guidelines - Risk Assessment Matrix

3.4 Heritage Risk Assessment: Tandegin Wind Farm

The Subject Land comprises existing agricultural lots with discrete areas of regrowth or remnant bushland.

Pursuant to the Due Diligence Guidelines, the Subject Land is characterised as a **'significantly altered environment'** where agricultural activities occur and a **'moderate to minimally altered environment'** in the case

of remnant bushland areas. RFF understands only developed farmland, not bushland, is intended to be developed.

RFF understands that, broadly speaking, ground disturbing activities would occur in two tranches:

- *Initial investigations*: installation of meteorological mast(s) and geotechnical pot-holing – characterised under the Guidelines as a '**moderate disturbance activity**'.
- *Substantive works*: installation of wind turbines involving the use of heavy machinery equipment, grading and installing new tracks, heavy trenching in discrete areas - characterised as '**significant disturbance**'.

As such, under the Guidelines:

- initial investigation activities in this area are considered to pose a **low risk of unlawfully impacting heritage**;
- substantive works may pose a **low to medium risk** of unlawfully impacting Aboriginal heritage (and higher risk if proposing to disturb minimally altered environments, such as remnant bushland).

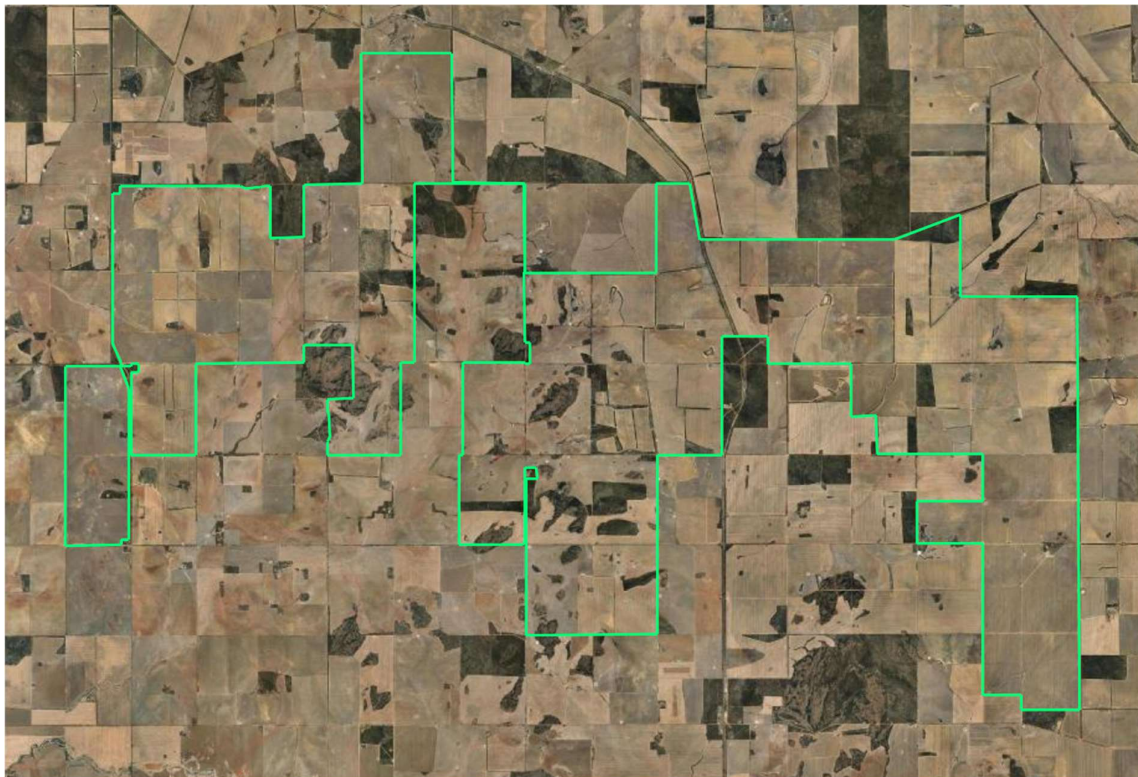


Figure 3 - Subject Land in relation to existing land use / ground disturbance

SWALSC as the Central Services Corporation for Ballardong Aboriginal Corporation also considers that initial activities, including installation of met mast and geotech at multiple locations across disturbed paddocks represents low risk of unlawfully impacting heritage, as formally advised by letter/activity notice response dated 18 June 2026.

SWALSC has advised on behalf of BAC that a heritage survey is not required prior to commencing these initial activities.

It should be noted, however, that SWALSC and/or BAC may require a survey in advance of progressing substantive activities – ie installation of the wind farm.

RFF advises that Collgar should seek to undertake a heritage survey to inform wind farm design and avoid heritage, as a best-practice mode of engagement, prior to substantive activities being undertaken.

3.4.1 Aboriginal Cultural Heritage Inquiry System

A review of Western Australia's Aboriginal Cultural Heritage Inquiry System (ACHIS/AHIS) indicates that within or proximate to the Subject Land there are no:

- registered Aboriginal sites
- lodged Aboriginal sites (awaiting assessment)
- historical Aboriginal site data (indicating previously identified heritage values)
- formalised Aboriginal Heritage Protected Areas.

That there are no identified Aboriginal sites as indicated on ACHIS does not necessarily mean that there are no heritage values within the Subject Land. As indicated in the figure below, absence of heritage values in this instance also reflects that - although the existing Collgar wind farm has been previously surveyed - most of the Subject Land has not previously been surveyed.

Survey of the Subject Land with BAC is recommend identifying whether there are any Aboriginal heritage values and, if so, how best to avoid or appropriately manage impacts.

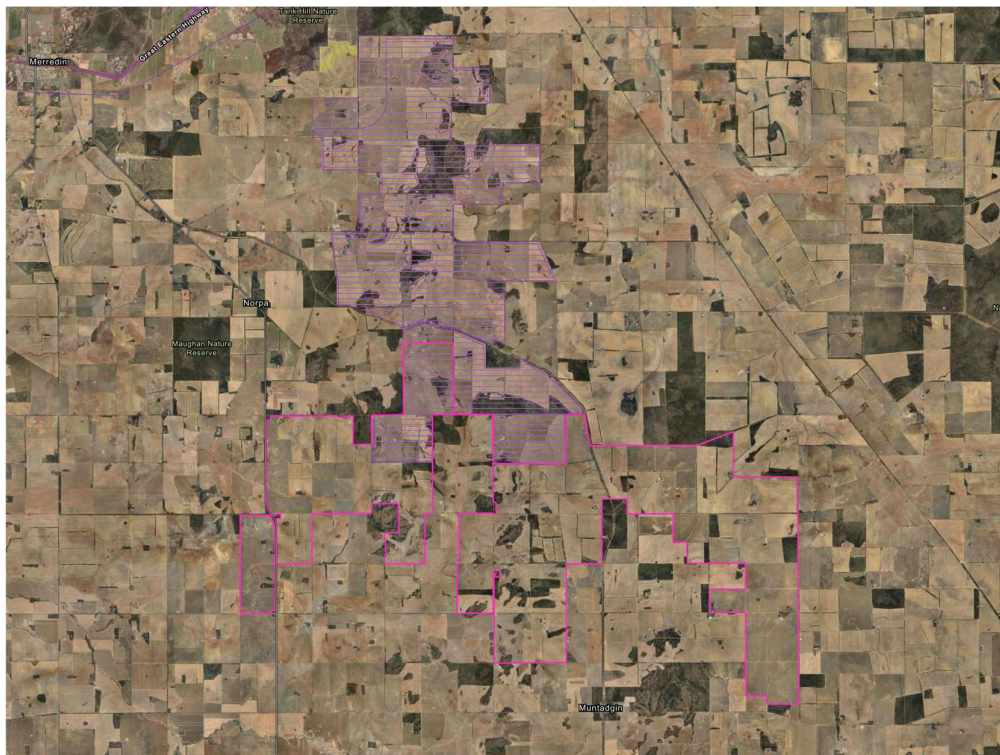


Figure 4 - Subject Land (pink) in relation to previous heritage survey of existing Collgar wind farm

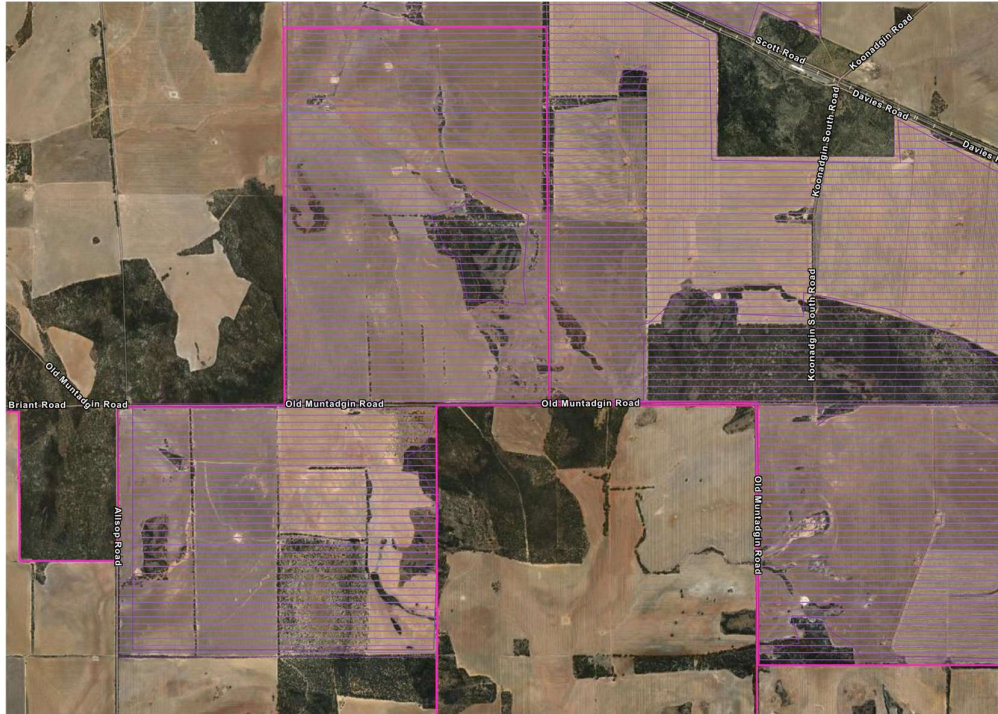


Figure 5 - Lots within Subject Land that were included in the original 2008/2009 surveys of the Collgar wind farm

3.5 Consultation and Progressing Heritage Surveys &/or Cultural Monitoring

RFF recommends that Collgar Renewables consult with BAC as the recognised Traditional Owner corporation, 'native title party' for the purpose of the AHA, in respect of the proposed wind farm.

Consultation should be with the Chief Executive Officer and/or Heritage Manager in the first instance.

Consultation should centre on:

- acknowledging and respecting Ballardong people (including Nyaki Nyaki families) as the Traditional Owners for the region including the Subject Land
- acknowledging the role of BAC as the recognised representative for Ballardong people (including Nyaki Nyaki families)
- emphasising Collgar Renewables' commitment to ESG principles, including respect for local culture and heritage and continuing connections to country
- discussing proposed activities associated with the Tandegin Wind Farm project and the scale of proposed ground disturbance at various stages of the project - noting that Collgar seeks BAC's input into design of windfarm layout to avoid impact to any identified heritage values
- outlining any immediate and longer-term job or contracting opportunities for BAC or Ballardong people that may be associated with the project (without over-committing or making commitments that cannot be realised)
- discussing previous surveys that were undertaken in 2008/2009 with Ballardong people (including Nyaki Nyaki families)
- requesting that a survey of the Subject Land be undertaken to inform design of the wind farm



- requesting that the survey be undertaken pursuant to a heritage agreement, noting that Collgar Renewables is open to adopting the template Ballardong Noongar Standard Heritage Agreement, or an adapted version of it so that it is fit for purpose for the project and also for BAC
- offering BAC the opportunity to nominate cultural monitors with local knowledge and authority as a voluntary engagement measure during initial phase activities, subject to their interest and agreed arrangements and ability to provide monitors within a reasonable timeframe such that it does not cause substantive delays to the project.

Noting that Nyaki Nyaki families are members of BAC, RFF recommends that all consultation in respect of heritage is through BAC rather than having two streams of consultation (i.e. one with BAC and another with Nyaki Nyaki families). Progressing two streams of consultation in relation to heritage management (i.e. separate discussion with Nyaki Nyaki families) risks undermining BAC's formally recognised authority and governance structures in respect of land, heritage and culture on behalf of all Ballardong people (including local Nyaki Nyaki families).

3.5.2 Noongar Standard Heritage Agreement Template

Attached to the South West Settlement and Ballardong ILUA is a template heritage agreement intended to be used by State Government agencies and mining proponents wishing to undertake ground disturbing activities within Ballardong country. The template is called the Ballardong Noongar Standard Heritage Agreement (NSHA)¹⁴.

The NSHA template provides an agreed basis for progressing activities, consultation in relation to proposed activities, cultural heritage surveys and, where required, obtaining section 18 Ministerial consent.

There is no requirement for Collgar Renewables or BAC to use this template because Collgar Renewables is not a State Government agency nor a mining proponent requiring exploration tenure. However, the template NSHA provides a very useful starting point to negotiate a preferred agreement that is suitable for both parties.

Broadly, the NSHA template works as follows:

1. Proponent sends a formal notice about proposed activity to BAC (using notice template in the agreement),
2. BAC responds advising whether they require a heritage survey,
3. If a survey is required, then BAC proposes:
 - the type of survey (site avoidance or site identification)
 - proposed date for survey
 - whether BAC will be the heritage service provider (or whether, e.g., it is SWALSC) to co-ordinate the survey
 - proposed heritage consultant (anthropologist and/or archaeologist)
 - an estimate of cost for survey.
4. Proponent and BAC then agree proposed survey arrangements (including estimated cost)
5. Proponent and BAC then undertake the survey
6. Heritage consultant through BAC (or heritage service provider) then provides a survey report within agreed timeframe

The Ballardong NSHA includes a rates schedule on which an estimate of costs is based.

3.5.3 NSHA template: issues

RFF understands that BAC has been operating surveys at a loss (ie at cost to them) because the rates in the NSHA are too low or do not provide for staff roles that are also involved in co-ordinating surveys. For example,

¹⁴ Ballardong NSHA template is available here: https://www.wa.gov.au/system/files/2022-12/NSHA-Ballardong-template-updated-02-12-2022_0.docx



under the NSHA template 'Aboriginal Consultants' (ie Ballardong Traditional Owners) are paid a daily rate of around \$500 indexed to CPI (total is now around \$560 per day).

It is worth noting that the NSHA rate is well below the daily rate published by the Department of Planning, Lands and Heritage as part of Guidelines for survey fees that were produced for the Aboriginal Cultural Heritage Act 2021 (now rescinded)¹⁵. An extract of the Fees Guidelines is at Attachment 3.

Another short-coming of the NSHA template is that it does not make provision for internal staff roles, such as heritage officers and CEOs or Operating Officers, who are also typically involved in co-ordinating surveys or reviewing survey reports. Absence of these roles in the NSHA template is likely to contribute to operating deficits for Noongar regional corporations such as BAC when progressing heritage surveys.

The now rescinded Fees Guidelines, which are not reflected in the NSHA, included the following:

- Chief Executive Officer \$1,800 - \$2,100 per day
- Chief Operating Officer, \$1,200 - \$1,800 per day
- Heritage Officer, \$600 - \$900 per day
- Senior Heritage Officer, \$900 - \$1,200 per day
- Aboriginal Consultant, \$600 - \$900 per day
- Senior Aboriginal Consultant, \$900 - \$1,200 per day

3.5.4 NSHA template: recommended changes

RFF recommends using the NSHA template as a starting point to negotiate a few key changes, including:

1. If Collgar Renewables only requires one survey in the foreseeable future within Ballardong country then the NSHA template could be revised to cut out several steps in relation to notifying surveys, so that the agreement agrees that a survey (such as site avoidance survey) will be required. Doing so would remove notification and response steps - thereby reducing timeframes to commence survey by several months.
2. Collgar Renewables agree to modify the template NSHA to include staff roles such as CEO and/or Operating Officer, and Senior Heritage Officer.
3. Collgar Renewables agree to increase the daily rates for roles, consistent with the now rescinded Fees Guidelines (extract at Attachment 3).

Adopting the above recommended changes to the NSHA template would make it more fit for purpose for the Tandegin Wind Farm project and would demonstrate respect for operational needs of BAC as a corporation in co-ordinating surveys.

These proposed changes should only be adopted if BAC co-ordinates heritage surveys. It is not necessarily recommended that these changes are adopted if SWALSC continues to negotiate the NSHA and to co-ordinate surveys for BAC.

4 Existing Historic / Non-Aboriginal Heritage Situation

Historic/European or Non-Aboriginal heritage in Western Australia is recognised and protected variously under national and state legislation and under Local Planning Schemes.

Key legislation includes:

- Environment Protection and Biodiversity Conservation Act 1999 (Cth), which provides protection under the National Heritage List

¹⁵ The Fees Guidelines were rescinded when the Aboriginal Cultural Heritage Act 2021 was rescinded.

However, the Fees Guidelines provided a useful benchmark for costs in progressing surveys and in RFF's view an adapted version should be reinstated as applicable to the new Aboriginal Heritage Act 1972 (as amended).



- Heritage Act 2018 (WA), which provides protection under a State Register of Heritage Places maintained by the Heritage Council of WA
- Local Planning Schemes under the Planning and Development Act 2005 (WA)

A municipal inventory (also called local heritage list) is maintained by local government, established or maintained under a local planning scheme. They contain properties for their cultural heritage significance. Places on a local government heritage list require special planning approval for demolition, additions and other works.

4.2 Subject Land - no heritage values

Within the Subject Land there are no listed or registered non-Aboriginal heritage places or heritage values under assessment.

4.3 Examples of proximately located heritage values

There are several registered heritage values, or values under assessment, within or near to the Merredin townsite or proximate to the Subject Land.

4.3.1 Rabbit Proof Fence

Around 3.5km to the eastern-most corner of the Subject Land is the rabbit proof fence that is currently under assessment by the Heritage Council¹⁶ (**Figure 6**).

The extract from the Heritage Council notes that this place under assessment is the longest fence in the world, extending over 1800kms and is significant for its contribution to agriculture at the turn of the century. The place is rare as a method of pest control, that was to eventually also help prevent the movement of dingoes, foxes and emus.

A summary of some but not all significant heritage values within the Merredin townsite is included below. A more detailed examination of all historic heritage values is not included here because it is understood that their location away from the Subject Land would likely mean that risk of impact by Collgar Renewables is unlikely.

4.3.2 Australian General Hospital (ruins)

Located approximately 400 metres to the east of Benson Road, at the east side of the Merredin townsite, north of the railway line and Great Eastern Highway, and 200 metres past the entry and car park to Railway Dam, Merredin.

Included on the State Heritage List¹⁷ and the municipal inventory.

Assessment documentation from the Heritage Council notes this places includes aesthetic, historic, scientific, and social value and is a rare example of physical evidence of a World War 2 mobile hospital installation in Australia.

4.3.3 Railway Dam

Located north of the Australian General Hospital ruins, near Merredin townsite.

Included on the State Heritage List¹⁸ and the municipal inventory.

Assessment documentation from the Heritage Council notes this places includes values associated with Aboriginal occupation, exploration and surveying, settlements, resource exploitation, rail and light transport and community utilities and is of aesthetic, historic, scientific and social value.

¹⁶ See Heritage Council extract here: [inHerit - State Heritage Office](#)

¹⁷ See Heritage Council of WA extract here: [inHerit - State Heritage Office](#)

¹⁸ See Heritage Council of WA extract here: [inHerit - State Heritage Office](#)

4.3.4 Merredin Research Station

Located on the Great Eastern Highway immediately west of Merredin townsite.

Currently under assessment by the Heritage Council of WA¹⁹.

The relevant extract notes that The place comprises a group of buildings constructed for agricultural and research purposes the majority dating from the initial phase of construction in 1904.

4.3.5 Merredin State Farm Manager's House, Merredin Research Station

Located on the Great Eastern Highway immediately west of Merredin townsite.

Included on the State Heritage List²⁰.

The relevant extract notes the place is of historic and aesthetic value.

4.3.6 Goldfields Water Supply Scheme

Goldfields Water Supply Scheme is part of this place and is on the National Heritage List²¹.

Located proximate to the Great Eastern Highway.

The pipeline and associated infrastructure contain multiple heritage values.



¹⁹ See Heritage Council of WA extract here: [inHerit - State Heritage Office](#)

²⁰ See Heritage Council of WA extract here: [inHerit - State Heritage Office](#)

²¹ See Heritage Council of WA extract here: [inHerit - State Heritage Office](#)

Figure 6 - Eastern portion of the Subject Land in relation to rabbit proof fence under assessment by Heritage Council of WA



Figure 7 - Heritage values in and around Merredin townsite in relation to the Subject Land

5 Conclusion: Recommendations for effective engagement

The desktop assessment did not identify any registered or assessed non-Aboriginal heritage places within the Subject Land. On the information presently available, the risk of the proposed activities directly affecting non-Aboriginal heritage values is considered low. This conclusion should be reviewed if the project area, access routes or associated infrastructure extend beyond the Subject Land assessed in this report.

No registered, lodged or historical Aboriginal heritage sites are recorded within or immediately proximate to the Subject Land. However, the absence of recorded sites does not establish that Aboriginal cultural heritage is absent, particularly because most of the Subject Land has not previously been subject to heritage survey.

The Aboriginal heritage risk varies according to the location and intensity of the proposed activities. Initial investigations involving installation of meteorological mast infrastructure and geotechnical investigations within existing disturbed paddocks are assessed as presenting a low risk of unlawfully impacting Aboriginal heritage. This is consistent with SWALSC's advice of 18 June 2026, provided in its capacity as Central Services Corporation for BAC, that a heritage survey was not required before the notified initial activities.

Substantive wind farm construction will involve significantly greater ground disturbance and is assessed as presenting a low to medium heritage risk within previously disturbed agricultural land. The risk may be higher where works affect remnant bushland, rock outcrops, water features or other minimally disturbed areas. Early engagement and heritage assessment should therefore be used to inform the project layout and avoid impacts before the design is finalised.

RFF recommends that Collgar Renewables:



13. Ensure its agreements with landowners permit access by Collgar, BAC, SWALSC, heritage consultants and other authorised participants for consultation, survey, monitoring and related feasibility activities.
14. Engage with BAC, through BAC and/or its nominated Central Services Corporation, as the recognised native title party and Traditional Owner corporation for the Subject Land.
15. Provide BAC/SWALSC with clear and current information about each project stage, including maps, proposed activities, disturbance methods, footprints, access routes and timing.
16. Proceed with the notified initial investigations in disturbed paddocks consistently with SWALSC's advice of 18 June 2026, subject to compliance with the Aboriginal Heritage Act 1972 and implementation of an appropriate unexpected-find procedure.
17. Re-refer the activities to BAC/SWALSC before proceeding if the scope or location of the initial investigations changes, particularly where activities may affect remnant vegetation or other minimally disturbed land.
18. Offer BAC/SWALSC the opportunity to nominate cultural monitors for the initial investigations as a voluntary engagement and risk-management measure, if BAC considers monitoring appropriate and suitable arrangements can be agreed.
19. Engage BAC/SWALSC sufficiently early to agree the scope, timing and method of any heritage survey required before substantive construction. Any survey should be progressed through BAC rather than through a separate consultation or survey stream with Nyaki Nyaki families.
20. Use the survey and consultation outcomes to inform the final turbine, access-track, trenching and ancillary-infrastructure layout, with avoidance of identified heritage values as the primary management objective.
21. Discuss the 2008 and 2009 survey findings, including the previously identified Totagin Rock area and earlier recommendations concerning cultural monitoring, as part of project-specific consultation.
22. Consider using the Ballardong Noongar Standard Heritage Agreement as the starting point for a project-specific agreement, with any changes to roles, processes and rates negotiated with the entity that will coordinate the survey.
23. Maintain a documented process for unexpected Aboriginal heritage discoveries, including immediate cessation of work in the affected area, protection of the discovery and prompt notification of the appropriate BAC/SWALSC and statutory contacts.
24. Discuss realistic employment, contracting and participation opportunities with BAC without making commitments that Collgar cannot reasonably deliver. Where appropriate, agreed commitments may be recorded in the project-specific agreement.

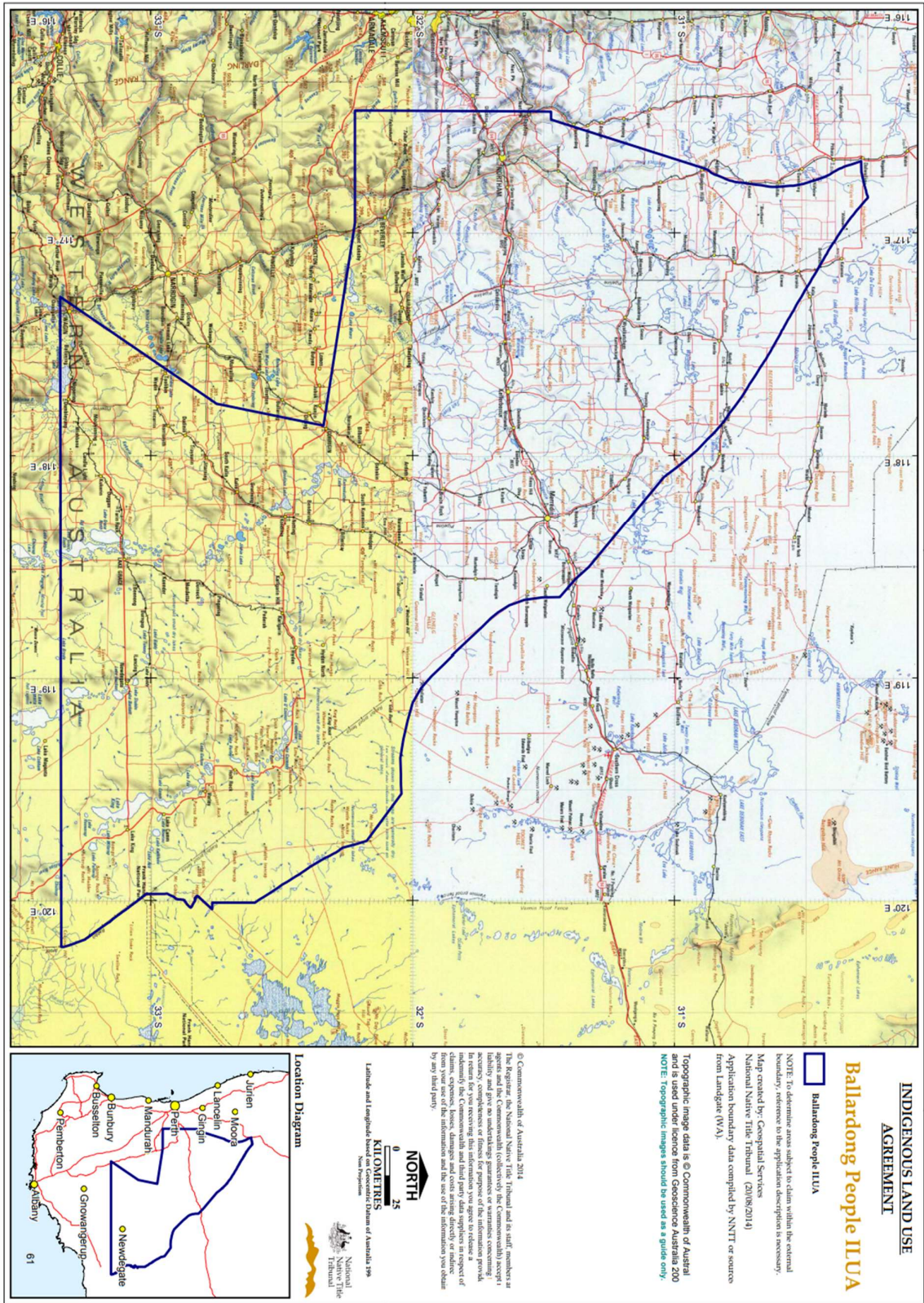
This approach recognises SWALSC's advice that a survey is not required before the presently notified initial investigations, while maintaining an appropriate pathway for consultation, survey and avoidance before substantive construction. Effective early engagement and design-based avoidance should reduce heritage risk and may avoid the need for an application under section 18 of the Aboriginal Heritage Act 1972. Whether section 18 consent is required should nevertheless be reassessed once the heritage assessment and final project footprint are known.

RFF is able to provide further assistance, if required, in negotiating or providing further advice in respect of the proposed heritage agreement once Collgar Renewable gets to that stage of engagement.

These recommendations are intended to assist inform culturally appropriate layout of the proposed wind farm, with the aim of identifying and avoiding by designing around heritage values, thereby also mitigating instances where Ministerial consents under section 18 of the AHA may be required.



Attachment 2: Map of Ballardong People ILUA Area





Attachment 3: LACHS Fees Guidelines (Rescinded) – Extract

Table A – Service provider rates

SERVICE PROVIDER	RATE	
	Hourly	Daily
LHO	\$80 - \$120*	\$600 - \$900*
LSHO	\$120 - \$160*	\$900 - \$1200*
Chief Operating Officer	\$160 - \$240*	\$1200 - \$1800*
Chief Executive Officer	\$240 - \$280*	\$1800 - \$2100*
Aboriginal Consultant	\$80 - \$120*	\$600 - \$900
Senior Aboriginal Consultant	\$120 - \$160*	\$900 - \$1200
Heritage Professionals	Rates as per professional standards	
Legal Professionals (including in-house)	Rates as per the Legal Profession (Solicitors Costs) Determination made under section 275 of the <i>Legal Profession Act 2008</i> .	
Other Expert Service Providers	Up to \$300	Up to \$2250
Administration fee	15%	
*Very Remote uplift is applicable		

Table B – Additional costs

Item	Rate
Field Expenses	
Accommodation and meals – LSHO, LHO, Aboriginal Consultants, Senior Aboriginal Consultants, Heritage Professionals, other Expert Service providers	At cost plus GST or as per Australian Taxation Office allowances.
Travel Expenses	
Vehicle fuel and/or mileage (per km)	As per tax schedule for location plus GST
Hire vehicle	Commercial rates plus fuel plus GST
Airfares	At cost plus GST
Taxi travel (to and from Airport or meetings)	At cost plus GST
Printing of Reports and Maps	At cost plus GST