



Sixth Affidavit of Sean Nelson Costello

WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

Affidavit of: **Sean Costello**

Address: c/ Fortescue Ltd, Level 2, 87 Adelaide Terrace, East Perth WA 6004

Occupation: Geospatial Analyst

Date: 30 August 2024

Filed on behalf of (name & role of party)

Prepared by (name of person/lawyer)

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Company Pty Ltd, Pilbara Gas Pipeline Pty Ltd and The Pilbara Infrastructure
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I, Sean Nelson Costello, c/- Fortescue Ltd, Level 2, 87 Adelaide Terrace, East Perth WA 6004, geospatial analyst, sincerely declare and affirm as follows:

1. I am currently employed by FMG Personnel Services Pty Ltd, a subsidiary of Fortescue Ltd (**Fortescue**) as Lead Geospatial Analyst. Fortescue is the holding company of a number of related companies including the 2nd to 6th respondents (**FMG Respondents**) in this case (together **FMG**).
2. I am authorised to make this affidavit on behalf of the FMG Respondents.
3. Unless otherwise stated, the facts contained in this affidavit are within my own knowledge and are true.
4. This is my sixth affidavit in these proceedings.

Disturbance Spreadsheet

5. On 8 August 2024, I produced a spreadsheet entitled “YIN_Salvage_Sites_Clearing_All” (the **Disturbance Spreadsheet**). A copy of the Disturbance Spreadsheet is attached and marked “SNC-17”.
6. The purpose of the Disturbance Spreadsheet is to list out the sites or heritage places recorded in FMG’s database of heritage places (**Heritage Database**) which have a “Site Status” of “Salvaged”, and to record the extent to which those heritage places have been impacted by ground disturbance activities that have occurred and been reported in connection with the development of the Solomon Project.
7. The Heritage Database records heritage places that are within and outside the Yindjibarndi native title determination boundary. I am informed by Tanika Matic, Lawyer at Fortescue,




and verily believe, that in June 2023, the FMG Respondents discovered a spreadsheet entitled “FMG Salvaged Heritage Places” which was an extract from FMG’s broader Heritage Database and only included heritage places that are recorded within the Yindjibarndi native title determination boundary.

8. To prepare the Disturbance Spreadsheet:

- (a) I created a new workspace in FMG’s current Geospatial Information System (GIS) software, Arcmap. Arcmap is described in my affidavit sworn on 30 June 2023 (**First Affidavit**). I uploaded the following spatial data sources to the Arcmap workspace:
 - (i) heritage places recorded in the Heritage Database as having a “Site Status” of “Salvaged”, which includes heritage places within and outside the Yindjibarndi native title determination boundary;
 - (ii) the Yindjibarndi native title determination boundary; and
 - (iii) the disturbance data based on the aerial image captured on 1 December 2023, approved by Fortescue’s environment team and submitted in the annual report lodged with the Department of Energy, Mines, Industry Regulation and Safety. The process for the collection of this disturbance data is described in paragraphs 14(a) to (c) of my First Affidavit.
- (b) I then used the “select by location” tool in Arcmap to capture all the salvaged heritage places within the Yindjibarndi native title determination boundary (**Yindjibarndi Salvaged Heritage Places**) and exported a shapefile of these heritage places. I then calculated (using Arcmap) the total area in square meters of each Yindjibarndi Salvaged Heritage Place.
- (c) I then used the “clip” tool in Arcmap to produce a shapefile containing the areas of the Yindjibarndi Salvaged Heritage Places that intersect the disturbance data and calculated (using Arcmap) the area in square meters of each of those intersections.
- (d) Using the calculations from subparagraph (b) and (c) above, I calculated the percentage of each Yindjibarndi Salvaged Heritage Place that intersected with any disturbance data.
- (e) I then exported the following data from Arcmap in Excel format:




- (i) the Yindjibarndi Salvaged Heritage Place ID that intersects with the disturbance data. This information is recorded in Column A of the Disturbance Spreadsheet;
- (ii) the status of each Yindjibarndi Salvaged Heritage Place ID in subparagraph (e)(i) above. This information is recorded in Column B of the Disturbance Spreadsheet; and
- (iii) the corresponding calculations from subparagraphs (b) to (d) above, which are respectively recorded in Columns C to E of the Disturbance Spreadsheet.

9. Using the shapefile of heritage places produced in paragraph 8(b), and the disturbance data mentioned in paragraph 8(a)(iii), I used the “select by location” tool in Arcmap, to select records from the shapefile containing the Yindjibarndi Salvaged Heritage Places that did not intersect the disturbance data. I then added these records into the excel document described in paragraph 8(e) above. The zero values in columns D and E of the Disturbance Spreadsheet indicate the Yindjibarndi Salvaged Heritage Place that did not intersect the disturbance data.

Affirmed by Sean Nelson Costello at East
Perth in the State of Western Australia
On 30 August 2024

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Signature of deponent

Before me: **KARL WELKER**



Signature of witness

a legal practitioner who has held
a practice certificate for at least
2 years and who holds a current
practice certificate.

“SNC-17”

WAD 37 of 2022

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YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

This is the annexure marked **SNC-17** referred to in the affidavit of Sean Nelson Costello affirmed on 30 August 2024.



Signature of witness

KARL WELKER

a legal practitioner who has held a practice certificate for at least 2 years and who holds a current practice certificate.

Site_ID	Site Status	Area_Sqm	Affected Area Sqm	Percent affected
AS02-007	Salvaged	17087.2	17087.2	100
P08-002	Salvaged	9999.7	9999.7	100
TRYINPAD13-01	Salvaged	95.4044	95.4044	100
TRYINPAD13-02	Salvaged	48.2782	48.2782	100
TRYINPAD13-03	Salvaged	78.2711	78.2711	100
TRYINPAD13-04	Salvaged	24.8664	24.8664	100
TRYINRS12-01	Salvaged	607.298	0	0
TRYINRS12-02	Salvaged	445.601	341.301	76.5934
TRYINRS12-03 S	Salvaged	105.178	0	0
TRYINRS13-02	Salvaged	245.245	0	0
TRYINRS13-03	Salvaged	422.792	422.792	100
TRYINRS13-05	Salvaged	115.148	0	0
TRYINRS13-08	Salvaged	179.312	179.312	100
TRYINRS13-09	Salvaged	115.49	115.49	100
TRYINRS13-10	Salvaged	65.9811	65.9811	100
TRYINRS13-11	Salvaged	76.9031	76.9031	100
TRYINRS13-12	Salvaged	32.346	0	0
TRYINRS13-13	Salvaged	77.9085	0	0
TRYINRS13-14	Salvaged	37.5138	0	0
TRYINRS13-16	Salvaged	299.923	299.923	100
TRYINRS13-17	Salvaged	300.706	186.928	62.163
TRYINRS13-18	Salvaged	138.963	0	0
TRYINRS13-20	Salvaged	53.3324	0	0
TRYINRS13-21	Salvaged	35.2561	35.2561	100
TRYINRS13-22	Salvaged	72.7402	72.7402	100
TRYINRSC13-01	Salvaged	1459.61	1459.61	100
TRYINSC13-02	Salvaged	885.651	885.651	100
TRYINSC13-03	Salvaged	541.624	0	0
YIN WH02 S	Salvaged	1529.03	1529.03	100
YIN WH05 S	Salvaged	5185.76	5185.76	100
YIN WH06 S	Salvaged	968.123	968.123	100
YIN WH09	Salvaged	209.489	197.275	94.1696
YIN WH10 S	Salvaged	180.397	180.397	100
YIN WH11	Salvaged	87.4507	87.4507	100
YIN WH12	Salvaged	103.373	103.373	100
YIN WH13 S	Salvaged	180.323	74.9911	41.5871
YIN WH15 S	Salvaged	140.262	140.262	100
YIN WH19 S	Salvaged	195.922	0	0
YIN07-003 S	Salvaged	52078.9	33615.4	64.5471
YIN07-004 S	Salvaged	28392.9	21420.9	75.4446
YIN08-015	Salvaged	299.932	0	0
YIN08-018	Salvaged	271.004	271.004	100
YIN08-024-S	Salvaged	1938.71	1938.71	100
YIN08-025-S	Salvaged	1393.46	1393.46	100
YIN08-026 S	Salvaged	9745.03	2498.01	25.6337
YIN08-027 S	Salvaged	2690.12	2690.12	100
YIN08-029 S	Salvaged	495.506	495.506	100
YIN08-030 S	Salvaged	27.9989	27.9989	100
YIN08-031	Salvaged	47.1292	0	0
YIN08-032 S	Salvaged	11437.5	11437.5	100
YIN09 S	Salvaged	299.046	299.046	100
YIN09-001	Salvaged	88.1746	88.1746	100
YIN09-002	Salvaged	170.472	170.472	100
YIN09-003 S	Salvaged	896.881	896.881	100
YIN09-004 S	Salvaged	1301.7	989.742	76.0346

YIN09-005 S	Salvaged	3472.21	3472.21	100
YIN09-006 S	Salvaged	4118.95	4118.95	100
YIN09-007	Salvaged	1658.33	0.397181	0.023951
YIN09-008-S	Salvaged	5794.35	5794.35	100
YIN09-010-S	Salvaged	517.208	517.208	100
YIN09-011	Salvaged	10837.5	0.940809	0.008681
YIN09-015	Salvaged	9678.54	9678.54	100
YIN09-019 S	Salvaged	2930.9	1490.88	50.8677
YIN09-020	Salvaged	775.879	775.879	100
YIN09-021	Salvaged	449.07	449.07	100
YIN09-022 S	Salvaged	16354.3	16219.5	99.1758
YIN09-023	Salvaged	954.998	837.487	87.6952
YIN09-026	Salvaged	15.452	15.452	100
YIN09-027	Salvaged	2078.44	2078.44	100
YIN09-028 S	Salvaged	1661.29	1661.29	100
YIN09-029	Salvaged	250.109	0	0
YIN09-034	Salvaged	104.927	104.927	100
YIN09-035	Salvaged	91.9889	91.9889	100
YIN09-038	Salvaged	395.132	395.132	100
YIN09-047 S	Salvaged	66.4934	66.4934	100
YIN09-055 S	Salvaged	908.384	908.384	100
YIN09-056 S	Salvaged	180.531	180.531	100
YIN09-057 S	Salvaged	3317.59	3317.59	100
YIN10-005	Salvaged	31.7819	31.7819	100
YIN10-008	Salvaged	709.256	709.256	100
YIN10-009	Salvaged	517.95	0	0
YIN10-010	Salvaged	675.167	675.167	100
YIN10-011	Salvaged	786.195	432.82	55.0525
YIN10-012	Salvaged	675.389	121.061	17.9246
YIN10-015 S	Salvaged	1635.53	1635.53	100
YIN10-016 S	Salvaged	396.822	203.029	51.1637
YIN10-018 S	Salvaged	179.958	164.312	91.3057
YIN10-019 S	Salvaged	180.464	31.8686	17.6593
YIN10-020 S	Salvaged	314.427	314.427	100
YIN10-021 S	Salvaged	180.422	180.422	100
YIN10-022	Salvaged	145.618	145.618	100
YIN10-023 S	Salvaged	62.9208	62.9208	100
YIN10-035 S	Salvaged	2931.09	1432.57	48.875
YIN10-037 S	Salvaged	3549.14	0	0
YIN10-038 S	Salvaged	400.007	46.7955	11.6987
YIN10-039 S	Salvaged	8668.43	6339.44	73.1325
YIN10-040 S	Salvaged	6232.23	5993.09	96.1628
YIN10-060 S	Salvaged	424.457	422.638	99.5715
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YIN10-062-S	Salvaged	443.911	443.911	100
YIN10-063 S	Salvaged	1205.64	1205.64	100
YIN10-064 S	Salvaged	1061.65	0	0
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YIN10-068	Salvaged	3074	0	0
YIN10-069	Salvaged	338.436	0	0
YIN10-070	Salvaged	1098.08	0	0
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YIN10-072	Salvaged	1099.11	0	0
YIN10-073 S	Salvaged	3311.42	1143.4	34.529
YIN10-074 S	Salvaged	24220.1	24220.1	100

YIN10-075 S	Salvaged	878.447	878.447	100
YIN10-076 S	Salvaged	268.732	0	0
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YIN10-078 S	Salvaged	717.337	717.337	100
YIN10-079 S	Salvaged	1696.1	1696.1	100
YIN10-080	Salvaged	1147.04	0	0
YIN10-081 S	Salvaged	1366.5	1183.01	86.5723
YIN10-082 S	Salvaged	180.337	180.337	100
YIN10-083 S	Salvaged	236.159	236.159	100
YIN10-084 S	Salvaged	158.857	158.857	100
YIN10-085 S	Salvaged	18.0352	18.0352	100
YIN10-086 S	Salvaged	115.988	115.988	100
YIN10-087	Salvaged	149.499	0	0
YIN10-088 S	Salvaged	398.392	398.392	100
YIN10-088* S	Salvaged	111.14	111.14	100
YIN10-089 S	Salvaged	263.9	263.9	100
YIN10-089* S	Salvaged	60.793	60.793	100
YIN10-090 S	Salvaged	180.464	180.464	100
YIN10-091 S	Salvaged	5370.43	5370.43	100
YIN10-092 S	Salvaged	485.503	485.503	100
YIN10-093 S	Salvaged	194.01	194.01	100
YIN10-094 S	Salvaged	158.969	158.969	100
YIN10-095	Salvaged	180.422	180.422	100
YIN10-097 S	Salvaged	180.398	0	0
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YIN10-100 S	Salvaged	133.481	0	0
YIN10-102 S	Salvaged	53.2705	53.2705	100
YIN10-103 S	Salvaged	53.5925	0	0
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YIN10-113 S	Salvaged	180.463	180.463	100
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YIN10-116 S	Salvaged	180.464	180.464	100
YIN10-117	Salvaged	731.183	0	0
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YIN10-119 S	Salvaged	180.399	0	0
YIN10-120 S	Salvaged	180.464	180.464	100
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YIN11-001 S	Salvaged	247.117	244.594	98.979
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YIN11-011 S	Salvaged	192.482	0	0
YIN11-012	Salvaged	146.531	0	0

YIN11-013	Salvaged	101.056	0	0
YIN11-014	Salvaged	104.561	0	0
YIN11-015	Salvaged	343.197	119.322	34.7678
YIN11-016 S	Salvaged	109.018	0	0
YIN11-017 S	Salvaged	77.2413	77.2413	100
YIN11-020	Salvaged	3180.11	0	0
YIN11-021	Salvaged	180.361	0	0
YIN11-022	Salvaged	180.889	0	0
YIN11-024	Salvaged	180.367	0	0
YIN11-025	Salvaged	180.794	0	0
YIN11-026 S	Salvaged	71.06	71.06	100
YIN11-027 S	Salvaged	246.358	25.5968	10.3901
YIN11-028	Salvaged	118.338	118.338	100
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YIN11-030 S	Salvaged	37.5477	37.5477	100
YIN11-031 S	Salvaged	119.843	119.843	100
YIN11-032 S	Salvaged	180.463	180.463	100
YIN11-052	Salvaged	180.464	180.464	100
YIN11-053	Salvaged	4623.59	4623.59	100
YIN11-054	Salvaged	432.95	383.451	88.567
YIN11-055	Salvaged	120.835	120.835	100
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YIN11-058	Salvaged	180.428	0	0
YIN11-061	Salvaged	226.783	0	0
YIN11-062	Salvaged	20.3939	20.3939	100
YIN11-063	Salvaged	104.863	0	0
YIN11-064	Salvaged	180.429	0	0
YIN11-065	Salvaged	75.6924	75.6924	100
YIN11-066	Salvaged	222.932	222.932	100
YIN11-068	Salvaged	1075.96	0	0
YIN11-069	Salvaged	137.268	0	0
YIN11-071	Salvaged	2336.4	12.6314	0.540635
YIN11-072	Salvaged	23.9425	23.9425	100
YIN11-073	Salvaged	142.797	142.797	100
YIN11-074	Salvaged	82.916	0	0
YIN11-076	Salvaged	180.427	103.623	57.4321
YIN11-077	Salvaged	9.4496	0	0
YIN11-078	Salvaged	12.1231	0	0
YIN11-079	Salvaged	119.843	0	0
YIN11-090 S	Salvaged	1044.43	785.212	75.1809
YIN11-091 S	Salvaged	65.1573	65.1573	100
YIN11-093 S	Salvaged	475.625	475.625	100
YIN11-095 S	Salvaged	525.947	525.947	100
YIN12-001	Salvaged	1411.29	1411.29	100
YIN12-002 S	Salvaged	47.2988	47.2988	100
YIN12-003 S	Salvaged	51.1653	51.1653	100
YIN12-004 S	Salvaged	18.52	18.52	100
YIN12-005 S	Salvaged	187.898	187.898	100
YIN12-006 S	Salvaged	153.217	153.217	100
YIN12-008	Salvaged	190.36	190.36	100
YIN12-010 S	Salvaged	102.242	102.242	100
YIN12-011	Salvaged	161.622	161.599	99.9858
YIN12-012 S	Salvaged	286.958	286.958	100
YIN12-015	Salvaged	583.105	583.105	100
YIN12-016	Salvaged	180.429	175.712	97.3857
YIN14-001	Salvaged	312.878	0	0

YIN14-002	Salvaged	104.721	104.721	100
YIN14-015	Salvaged	32.6274	0	0
YIN14-016	Salvaged	1168.91	567.611	48.559
YIN14-017	Salvaged	16.3766	0	0
YIN14-018	Salvaged	715.026	692.641	96.8693
YIN14-019	Salvaged	296.381	228.976	77.2573
YIN14-024	Salvaged	95.1451	1.95822	2.05814
YIN14-025	Salvaged	29796.7	29796.7	100
YIN15-001	Salvaged	123.482	0	0
YIN15-002	Salvaged	38.7272	29.0358	74.9752
YIN15-003	Salvaged	76.2958	0	0
YIN15-004	Salvaged	84.18	0	0
YIN15-005	Salvaged	53.3443	0	0
YIN15-010	Salvaged	2545.55	2545.55	100
YIN15-011	Salvaged	121.822	26.2284	21.5301
YIN16-003	Salvaged	50.8062	0	0
YIN16-004	Salvaged	50.2777	0	0
YNAC 2018-13	Salvaged	0.805375	0.805375	100
YNAC 2018-22	Salvaged	171403	18439.7	10.7581
YNAC 2018-22	Salvaged	78952.5	0	0
YNAC 2018-23	Salvaged	87279.4	33923.7	38.8679
YNAC 2018-5	Salvaged	0.952431	0	0
YNAC 2018-8	Salvaged	12.7678	0	0
YNAC2018-1	Salvaged	99.9997	0	0
YNAC2018-10	Salvaged	312.566	235.383	75.3067
YNAC2018-9	Salvaged	110	0	0

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	30/08/2024 4:43:58 PM AWST
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Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.