

AQUIS RESORT AT THE GREAT BARRIER REEF PTY LTD

# ENVIRONMENTAL IMPACT STATEMENT

**VOLUME 12**

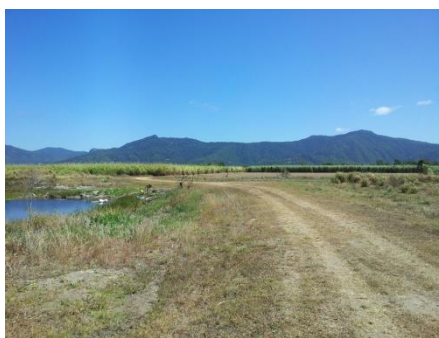
## APPENDIX U

# INDIGENOUS CULTURAL HERITAGE

# Aquis Resort at Great Barrier Reef

## Indigenous Cultural Heritage Review

Flanagan Consulting Group



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## Glossary of Terms

Term	Abbreviation	Definition
<i>Aboriginal Cultural Heritage Act 2003</i>	ACH Act	Queensland State Legislation for the management of Aboriginal Cultural Heritage matters.
Commonwealth Heritage List	CHL	Register of places significant to the Commonwealth, under the EPBC Act.
Converge Heritage + Community	Converge	Cultural heritage consultants engaged for the heritage assessment – authors of this report.
Cultural Heritage Management Plan	CHMP	Legal agreement required under Part 7 of the ACH Act for the management of Aboriginal Cultural Heritage.
Cultural Heritage Coordination Unit	CHCU	Section of DATSIMA responsible for administering the ACH Act
Department of Aboriginal and Torres Strait Islander and Multicultural Affairs	DATSIMA	State department for Aboriginal and Torres Strait Islander and Multicultural Affairs
Department of Environment and Heritage Protection	EHP	State department for the management of environment and heritage.
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	EPBC Act	Federal legislation of the management of environment and heritage.
Flanagan	FCG	Flanagan Consulting Group. Project Manager of the EIS project (the Client)
Ground Integrity	GI	Criteria used in archaeological assessments to indicate level of ground disturbance.
Great Barrier Reef	GBR	Large reef of the coast of Queensland.
Ground Surface Visibility	GSV	Scale used in archaeological assessments to measure visibility of ground surface.
Indigenous Cultural Heritage	ICH	Aboriginal cultural heritage
Non-Indigenous Cultural Heritage	NICH	Historic heritage or Aboriginal post contact elements.
<i>Queensland Heritage Act 1992</i>	QHA	State Act for the protection of cultural heritage.
Queensland Heritage Council	QHC	Council established under the QHA.
Queensland Heritage Register	QHR	State register of heritage places, under the QHA.
Register of the National Estate	RNE	Former register of nationally significant heritage places. Now a non-statutory archive.
<i>Sustainable Planning Act 2009</i>	SPA	Legislation for planning/development in Queensland.
Terms of Reference	ToR	Terms used to guide the project.
World Heritage List	WHL	Register of places of outstanding universal value.



# 1 Introduction

## 1.1 Background

This report presents a review of Indigenous cultural heritage (ICH) matters for the Aquis Resort at The Great Barrier Reef project (the Project).

The project is a large scale, complex project that requires several levels of government assessment and approval under a variety of legislation. It is a strategically significant project for Cairns, Far North Queensland and the state of Queensland in terms of its potential benefits to the economy and the flow on benefits to the community. The Project is a proposal to transform a degraded sugar cane farm into a fully master planned, integrated tourism resort over the next five year period. The development will incorporate a hotel and casino complex, nine luxury hotels, managed apartments and villas, high end retail shopping, convention and exhibition centres, reef cultural heritage centre, water park and golf course (Flanagan's Consulting Group, July 2013).

## 1.2 Project area

The project area is located at Yorkeys Knob, approximately 14km north of Cairns. The project area includes six (6) individual lots between Captain Cook Highway and Yorkeys Knob Road (Refer to Figure 1 for the general location of the Project Area). The relevant lot and plan details are appended to this report (refer Appendix B).

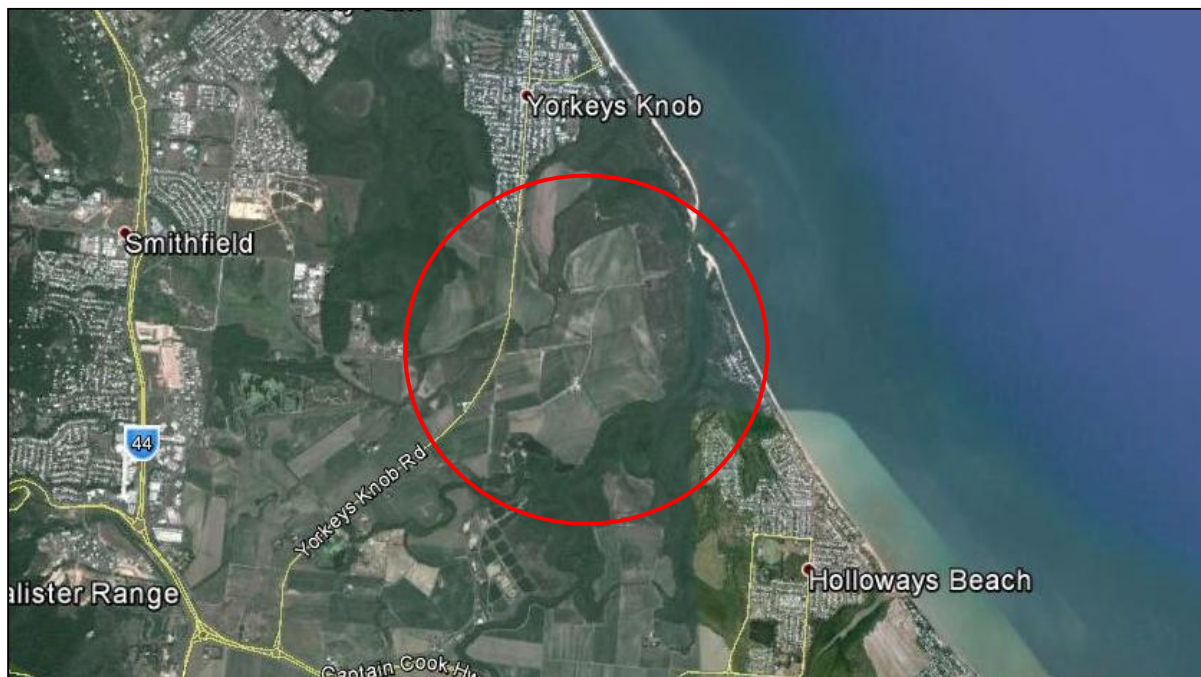


Figure 1: General location of the Project Area (Google Earth Pro 2013).

## 1.3 Dates and Duration of the Work

Converge was engaged by Flanagan Consulting Group (FCG) to undertake the ICH review for the Project on 24 July 2013. Research for the desktop assessment commenced after commission and draft ICH reporting was completed in September 2013. A final update of the report was completed in February 2014 to capture the status of the CHMP proceedings.

## 1.4 Project EIS ToR – Indigenous Cultural Heritage

The Project Terms of Reference (ToR) have been drafted and are outlined *The Terms of reference for an environmental impact statement, Aquis Resort at the Great Barrier Reef project*, prepared by the Queensland Department State Development, Infrastructure and Planning (October 2013).

### 1.4.1 Objectives

The Project's ToR requires the following objective for ICH:

#### **Objective**

*The construction and operation of the project should aim to ensure that the nature and scale of the project does not compromise the cultural heritage significance of a heritage place or heritage area.*

### 1.4.2 Information requirements

The Project's ToR requires the following information to be provided for ICH:

#### **Information requirements**

*8.20 Undertake research/studies as required under the Aboriginal Cultural Heritage Act 2003 (ACH Act) and, if required, develop a Cultural Heritage Management Plan in accordance with the requirements of Part 7 of the ACH Act.*

Importantly, the Project is required to commence a Part 7 CHMP program, inclusive of formal notification, during the EIS phase to maintain compliance with the ACH Act. For this reason, this report does not include the results of any project related fieldwork or study relating to the significance of ICH contained within the project area, as these activities will take place in conjunction with the endorsed Aboriginal Party as part of the subsequent CHMP Program, which has commenced.

Similarly, much of this information is of a confidential nature and is not suitable for publication in publicly accessible reports such as this.

The results of this report are therefore based on a review of available primary and secondary sources, including a review of registers and databases and relevant previous consultancy reports to provide context for the identification and management of ICH sites, places and features within or nearby to the Project Area, for consideration by the Project during the upcoming CHMP negotiations. An update on the CHMP Programme is provided also.

## 1.5 Study Methodology

On the basis that a CHMP will be prepared for the Aquis Project as required under Part 7 of the ACH ACT, the methodology for this report has been limited to:

- The description of any known ICH values that may be affected by the project and the environmental values of the cultural landscapes of the affected area, utilising:
  - The historical background and local environmental context of the area through a review of existing and available literature.
  - Identification of sites and areas of known ICH, including the results of previous consultancy reports.
  - Desktop review of heritage registers and databases, including: the DATSIMA Aboriginal Cultural Heritage register and database, the former Register of the National Estate, World Heritage List, National Heritage List, the Commonwealth Heritage List and the Queensland Heritage Register.

- Provision of a Project description outlining the proposed development and Concept Land Use Plan expected for the project area.
- Defining and describing the objectives and practical measures for protecting or enhancing ICH values, (including the requirements to undertake a CHMP and the necessary objectives this should envisage).
- An update on the CHMP Programme currently underway (as at February 2014).

## **1.6 Personnel**

Benjamin Gall (Director) project managed the ICH Review with assistance from Dr. James Smith. Strategic advice regarding native title and cultural heritage was provided by Simon Gall (Director, Converge), Brett Hartley (Senior Associate) and Scott Singleton (Partner) of King Wood and Malleson Lawyers.

Frances Dawson (Archaeologist, Converge) and Benjamin Gall prepared this report with technical input from the abovementioned personnel.



## 2 Desktop Review

This section provides a review of the existing environment with regards to ICH. It does not include the results of any project related fieldwork, as this is expected to take place in conjunction with the endorsed Aboriginal Party(s) as part of the subsequent CHMP program. As noted previously, these results are therefore based on a review of available primary and secondary sources, including a review of registers and previous consultancy reports to provide context for the identification and assessment of ICH sites, places and features within or nearby the project area.

### 2.1 Historical background

This section provides a brief history of the project area in the context of the broader development of Cairns. This section is not intended to be a complete history of Yorkeys Knob or Cairns. It is based on a review of available primary and secondary sources and is intended to provide context for the identification and assessment of ICH sites, places and features within or nearby the project area, in order to properly assess their significance and the impact of any works on them.

The variable environments of the north eastern Queensland coastal region provided abundant natural food and materials resources for Aboriginal people with the coast and rainforest environments provided ample hunting, fishing and food-gathering opportunities. This abundance resulted in the area being among the most heavily populated regions of Australia prior to European settlement. Due to the density of Aboriginal groups, close contact and social gatherings between groups were common (Grimwade 1988:1; Grimwade 1990:11). Despite the close contact amongst the clans, hunting techniques were diverse and varied with several different designs and types of tools and weapons. Carved trees featured extensively in the rainforest and adjacent areas and a variety of rock art was also practiced, although to varying degrees (Grimwade 1988:1, Grimwade 1990:14).

Trinity Bay was first visited by Europeans in June 1770 when Captain James Cook named the area. Surveyor Philip Parker King and Botanist Alan Cunningham explored portions of the bay during one of their extensive coastal explorations, while numerous others visited the area over subsequent decades. By the late 1850s beche de mer fisherman moved into the area (Williams n.d.:3). Gold was discovered on the Palmer River in 1872, resulting in an influx of prospectors to the area (Grimwade 1990:14).

Efforts to link the Hodgkinson Goldfields with Trinity Bay culminated in the 1876 'discovery' by Europeans of two pre-existing Aboriginal pathways linking the coast with the ranges to the west. The discovery of these routes provided the much needed impetus for the settlement of Cairns. There were numerous and often bloody encounters between Aboriginals and the European settlers. However, the spear was of little effect against the rifles and pistols of the miners and police. Those who survived these initial incursions, and the subsequent arrival of farmers and pastoralists, were progressively rounded up over the next few decades and most were transported to nearby missions (Grimwade 1988:4; Grimwade 1990:15).

### 2.2 Environmental Values

The nature and distribution of many forms of Aboriginal cultural heritage in the landscape is in part associated with environmental factors such as geology, climate and landforms which affect the availability of plants, animals and water, the location of suitable camping places, surfaces upon which rock art could be performed, and procurement places for stone suitable for the manufacture of tools.

Such environmental factors also affect the degree to which cultural remains have survived natural and human-induced processes. In addition, land-use practices often disturb or destroy cultural heritage.

The extent of vegetation and the nature of erosion and depositional regimes also affect the visibility of cultural remains and hence the chances of their detection during ground surveys. Likewise, land-use practices can disturb cultural heritage, potentially moving it from its original context of deposition. The landscape context of the Aquis Project is located on the Barron River flood plain. The plain was formed over the last 6000 years from sediments brought down the Barron River. Soils are mixed alluvium while mixed sands and mangrove mud occur on the coast (Grimwade 1990:9).

Vegetation within the study has been extensively cleared to cultivate sugar cane. Situated on a floodplain the area has been heavily modified by compacting the ground and through the installation of a system of tidal floodgates and the raising of the level of river banks fronting Thomatis Creek to form 'bunds' to prevent salt water from entering the property, predominately in the 1950s and 1960s.

## 2.3 Desktop review

A desktop review of heritage databases and registers was undertaken to identify existing Indigenous cultural heritage items within the project area. Searches of the DATSIMA Cultural Heritage Register maintained by the Cultural Heritage Coordination Unit (CHCU) conducted on 29 July 2013 indicate that there are a number of Aboriginal cultural heritage sites registered within the Development Site. These sites are as follows (specific location data has been removed for confidentiality):

Table 1: Results of Heritage Searches

Area	Site ID	Latitude	Longitude	Record Date	Attribute	Aboriginal Party
Lot 100 NR3818	FN:A28	██████	██████	10/01/1991	Shell Midden	No registered party
Lot 100 NR3818	FN:A29	██████	██████	06/01/1991	Hearth Oven, Shell Midden	No registered party
Lot 100 NR3818	FN:A30	██████	██████	10/01/1991	Shell Midden	No registered party

This search found no sites on the (former) Register of the National Estate, World Heritage List, National Heritage List, or the Commonwealth Heritage List. There were no sites listed on the Queensland Heritage Register within the project area.

Further sites may be identified and previously identified sites will be assessed in greater depth during subsequent site surveys. Any such assessments will occur in line with the agreed process for managing ICH contained within the proposed CHMP program (see Section 5).

The abovementioned results are shown in Figure 2 (over page).



Figure 2: Location of registered sites within the project area – (Flanagan 2013).



## 2.4 Previous Consultancy Reports

Consultancy work has produced a number of reports in the last 20 years relating to the Project area and broader region. These reports have produced valuable insights into the cultural heritage of the region and supply context for the current research.

### 2.4.1 Grimwade and Cribb (1990)

Grimwade and Cribb (1990) undertook an EIS cultural resources study of the proposed Rainbow Harbour Development Site on the east side of Yorkeys Knob between Richter's Creek and Yorkeys Creek. They identify this area as lying with the 'Irukandji' area. The proposed Rainbow Harbour development included much of the current Project Area as well as areas along the coast immediately to the north.

Grimwade and Cribb's report suggests that the resource rich area allowed Aboriginal people to be almost sedentary, although they also suggest seasonal movement by local families centred on clan elders between the coastal river plains along the Barron River to wet season areas on the ranges. A number of sites were located within the study area at the back of the beach dune and sand ridges and associated with small branches of Richter's Creek. These sites are reflected in the registered sites noted on the DATSIMA register. Types of sites varied from individual finds of hammer stones, grindstones and an axe, and midden sites, one including a possible hearth, located closer to the mouth of Richter's Creek and Yorkeys Knob Creek. No non-tangible sites of cultural significance were identified.

### 2.4.2 Grimwade (1994)

Grimwade (1994) undertook a cultural heritage assessment of the Taylor Point area between the north end of Trinity Beach and the south end of Kewarra Beach. Representatives of the Yirrganydji Aboriginal Tribal Corporation (YATC) were identified within this study as the traditional owners of the area and participated in the survey of the study area.

A number of possible Aboriginal cultural heritage sites were located within the study area. All were located within the coastal zone. Two isolated finds were considered, on closer analysis, to be natural whilst a possible rock shelter was considered to be marginal. A midden was located on the western side of the point adjacent to a creek outflow at the back of the beach. It was considered likely that as a prominent local landmark Taylors Point would have had cultural significance in the past, although none was noted by YATC.

### 2.4.3 Grimwade and Townrow (1996)

This cultural heritage assessment was conducted over Earl Hill between Reed Road, the Captain Cook Highway and the eastern edge of the Kewarra beach subdivisions. Representatives of the Yirrganydji Aboriginal Tribal Corporation (YATC) were identified as the traditional owners of the area and assisted with the survey of the study area.

One possible stone pounder isolate and three scarred trees were identified during the course of the survey. All were located at the southern side of the base of Earl Hill relatively close to Reed Road. A variety of bush tucker plants were identified during the course of the survey. It was also noted that the wetlands of Half Moon Creek lay within a native title determination application lodged by Yirrganydji. This application has since been withdrawn.

#### 2.4.4 Gordon Grimwade & Associates on behalf of Yirrgandji Gurubana Aboriginal Corporation (2007)

This cultural heritage management plan includes the results of a survey of the Half Moon Bay development area which lies on the north side of Reed Road, Trinity Park. Members of the Yirrigandji Gurubana Aboriginal Corporation were considered by the Department of Natural Resources, Mines and Water to be the traditional custodians of the area.

This study identified beaches and freshwater creeks emptying in to the sea as the main focal points for Aboriginal occupation in the region. This was based on research carried out for the Yorkeys Knob Boating Club Inc. It also notes that previous studies have shown that the sand ridge/chernier system along the Cairns shorelines and plains contain evidence of previous Aboriginal occupation.

No tangible Aboriginal sites were located during the survey of this area, although this was considered unsurprising as the ground surface visibility was low. Yirrigandji representatives noted that burials were known to be common practice along the dunal zone. The potential for shell middens and stone artefacts either in isolation or as part of scatters was also considered to be high.

### 2.5 Aboriginal Parties

In relation to Lot 139 on NR3818 the Yirrganydji (Irukandji) People (QUD602/2012) are confirmed as the registered native title claimants and are therefore the Aboriginal Party in accordance with section 35 of the ACH ACT. There are no registered Native title claimants or determinations over the balance of land for the Project area, noting:

- The Yirrganydji are the registered cultural heritage body for the area.
- The Yirrganydji (Irukandji) People registered native title claimants (QUD 602/2012) (Irukandji People), have a registered native title claim of part of the project area abovementioned.
- The Djabugay People (QUD6002/1998), are the determined holders of native title rights and interests in areas to the west of Yorkeys Knob.

### 2.6 Conclusions

The search result of the Queensland Aboriginal Cultural Heritage Register indicated that currently three (3) sites are recorded in the project area. The project area includes registered Aboriginal cultural heritage in the form of shell middens and a hearth oven (located on Lot 100 on NR3818). A number of isolate art factual finds were also made within the wider project Area during the Rainbow Harbour survey. Additional care will need to be taken when operating in proximity to registered Aboriginal cultural heritage (or any other Aboriginal cultural heritage later identified), with the advice and agreement of the relevant Aboriginal party sought, in accordance with the terms of the CHMP, to ensure any harm to cultural heritage is avoided or minimised.

Equally, it is important to note that spatial information associated with registered Aboriginal cultural heritage should only be considered as a datum, with such information sometimes being inaccurate and/or sites such as shell middens may extend over a considerable area.

The review of secondary source material suggests that the DATSIMA database results may not represent the total of Aboriginal cultural heritage likely to occur within the Project area despite the modification of the land in the 1950s and 1960s and resultant changed environment. Therefore, it is likely that a number of areas or objects of Aboriginal cultural heritage may be located within the Project area.



Based on a review of previous reports for the study area and surrounds it is expected that such finds may include:

- **Isolated stone artefacts** - consisting of individual find spots of a single artefact that have been assessed by the cultural heritage survey team as being separate and unrelated to other artefacts and/or archaeological features.
- **Stone artefact scatters** - incorporating a group of 2 or more artefacts located on the ground surface within an arbitrary linear distance that is defined according to factors such as: artefact type; environment; visibility; integrity; and previously recorded site characteristics occurring within the larger project area.
- **Scarred trees** - incorporating trees where the bark and/or sapwood has been removed for a variety of reasons. Due to extensive historic clearing combined with bushfires, scarred trees are becoming an increasingly rare cultural resource, and living scarred trees are even rarer. In the case of the Project Area it is considered that scarred trees are likely to be restricted to the riparian corridor due to substantial historic clearing across the majority of the remainder of the Project Area.
- **Carved trees** - featuring carvings that were often associated with burial and ceremonial areas. As so many trees have been lost to bushfires, clearing and natural attrition, any carved trees should be regarded as having high levels of both cultural and scientific significance. As with scarred trees this site type is only expected to occur within the riparian corridor.
- **Shell Middens** - featuring surface and or subsurface deposits of marine shell generally sourced from adjacent waterways, tidal inundation zones or the ocean and often including other organic material such as the remains of fish, crustaceans and marine mammals. Middens can also include a variety of tools manufactured from materials such as bone and shell. Middens can provide important scientific information regarding the subsistence practices of Aboriginal people in both traditional and historic times as well as potentially providing datable material.
- **Hearths (Aboriginal Fire Places)** - featuring evidence of the use of fire by Aboriginal people for cooking and other domestic purposes and including features such as ash, charcoal, burnt clay, and hearth stones. These sites are often associated with camp or midden sites and may include artefactual material such as stone tools and organic matter such as shell and bone. Hearths are an important source of datable material due to the presence of carbon in charcoal deposits. Due to the substantial levels of disturbance across much of the Project Area it is considered that such features, which are quite fragile, will only have survived in areas retaining high levels of environmental integrity. If such areas exist they are likely to be restricted to riparian and dunal areas.

It is expected that the undertaking of a systematic assessment of the area may result in the discovery of further heritage areas and objects. Areas of cultural significance (e.g. locally prominent landscape features such as creeks and dunes) that contain no physical evidence of human occupation may also be defined through ongoing consultation with the Aboriginal Party(s) and/or their representatives. Such matters will form part of the CHMP program proposed by the Project which is updated further in the following sections.

## 3 Proposed Development

### 3.1 Nature of the Proposed Development

Aquis Resort at The Great Barrier Reef project is a fully integrated master planned resort and tourist facility which has the opportunity to set a new benchmark for tourism development in Northern Queensland. The project will transform the existing open rural land into an \$8.15 billion tourist destination comprising hotels, apartments, a casino, an aquarium, retail outlets, theatres, a sports stadium, a golf course and cultural heritage centre.

The Aquis Resort includes the following key features, distributed over three precincts:

- **Resort Complex** precinct (73 ha including 33 ha lake).
- **Sports and Recreation** precinct (155 ha).
- **Environment Conservation and Management** precinct (113 ha).

The project proposes to include:

- 7500 hotel rooms across 8 luxury hotel brands.
- 2 international class casino.
- A 23,000m<sup>2</sup> convention and exhibition centre.
- 2 theatres totalling 5,000m<sup>2</sup>.
- 10,000m<sup>2</sup> of high-end retail shopping.
- One of the world's largest aquariums.
- Rainforest, 2,500m<sup>2</sup>.
- A 20ha reef lagoon.
- Back of house services totalling 350,000m<sup>2</sup> (see below for details).
- Guest and staff parking.
- Landscaping, lagoons and water features totalling 110,000m<sup>2</sup>.

The aquarium and rainforest are architectural features and not stand-alone uses. The proposal does not include any permanent residential elements. The resort complex will be constructed over a basement level which will incorporate back-of-house support facilities including:

- Kitchens.
- Staff facilities.
- Stores.
- Laundry.
- Refuse collection.
- Security.
- Maintenance facilities.
- Staff and guest parking facilities.

### 3.2 Proposed Concept Land Use Plan

Refer to Figure 3 for the proposed Land Use Concept Plan (FCG 2014).



Figure 3: Aquis Local Plan Concept Master Plan ALP-2– (FCG 2014).

### **3.3 Types of Potential Impact**

The proposed development will directly impact the majority of the Project area, therefore potentially impacting on any known ICH values, or further potential values should they be found to exist during consultation with the Aboriginal party(s) during the CHMP Program.

The impact on recognised and potential cultural heritage sites by the project will generally be in the nature of removal of the ground surface and sub-surface, vegetation clearance related to the construction of the resort and its components, and the consequent destruction and/or removal of the sites that form the ICH within the project area.

The project area includes registered Aboriginal cultural heritage in the form of shell middens and a possible hearth oven (located on Lot 100 on NR3818). Additional care will need to be taken when operating in proximity to registered Aboriginal cultural heritage (or any other Aboriginal cultural heritage later identified), and with reference to the advice and agreement of the relevant Aboriginal party(s) sought, in accordance with the terms of the CHMP, to ensure any harm to cultural heritage is avoided or minimised.

There are numerous areas around Thomatis Creek that have the potential for containing such sites, particularly on the low sand ridges that occur adjacent to the more swampy ground. The major constraint that is likely to impinge on locating such sites will be ground surface visibility. Moreover, if shell middens are present in the study area it would not be unusual for some of them at least to have a sub-surface component which is invisible during pedestrian surveys.

## 4 Management Measures

### 4.1 Cultural Heritage Compliance

Under the ACH Act, a Cultural Heritage Management Plan (CHMP) is mandatory where an EIS is required. The CHMP also provides direct response to the Objectives and Response Requirements of the Project's ToR. As outlined in section 2.5, the Yirrganydji (Irukandji) People (QUD602/2012) registered native title claimants are the Aboriginal Party in relation to Lot 139 on NR3818 in accordance with section 35 of the ACH ACT.

There are no registered Native title claimants over the balance of land for the Project area. Subsequently, in accordance with the ACH Act, the Project issued a public notice on October 19, 2013 outlining its intention to develop a CHMP and inviting Aboriginal parties to take part in its development.

### 4.2 Consultation

Initial consultation has been undertaken between the Aquis Project representatives and representatives for the Yirrganydji Gurabana Aboriginal Corporation (YGAC), consisting of:

- Distribution of Project information to the YGAC's legal representative for circulation – August 2013.
- An information session with representatives of the YGAC, held in Cairns on 29 August 2013.

Based upon these discussions, the YGAC indicated that they would respond to the public notice for and to seek endorsement to take part in developing the CHMP, once this was notified.

### 4.3 CHMP Program

#### 4.3.1 CHMP Notification

The Project completed relevant notifications regarding intentions to develop a CHMP for the Project [pursuant to Part 7 of the *Aboriginal Cultural Heritage Act 2003*] – on 19 October 2013 (Appendix A).

The YGAC were the sole respondent providing written notice to the Project representatives and were therefore endorsed as the Aboriginal Party on 20 December 2013.

The Cultural Heritage Coordination Unit (CHCU) was also notified at the commencement of the CHMP notification process (19 October 2013), and the Chief Executive will be requested to approve the CHMP upon completion and execution by all parties.

If the CHMP has not been approved when the EIS is submitted to the Coordinator-General, an outline of the intended draft CHMP that addresses management and protection strategies for cultural heritage will be provided, subject to confidentiality provisions.

Should the CHMP approval process not yet be completed at the time of the submission of the EIS, the Project will also update the Coordinator-General of the status of the notification process, inclusive of any responses by relevant parties, as well as provide details of the proposed steps and timeframes for finalising the CHMP.



#### 4.3.2 CHMP Outline

Commencement of CHMP negotiations with YGAC (the endorsed Aboriginal Party for the CHMP) commenced in January 2014 and the program will seek to manage all aspects of ICH matters for the project, including mitigation measures. The development of mitigation measures will be informed by both consultation and the field surveys conducted by the YGAC and its representatives in February 2014.

In order to mitigate the risk of harm to ICH a range of mitigation measures will be developed. These may range from avoidance of particularly sensitive ICH through to monitoring of project works in some areas with recording, collection and systematic collection of ICH where deemed appropriate by the Aboriginal Party (ies). Avoidance of harm to ICH will always be the first option to be examined, and will be practised where practicable. Where avoidance is not practicable, other mitigation measures will be implemented. This will include a new finds process that will be implemented to prevent harm in the event of unexpected finds of ICH if acceptable.

It is possible that the YGAC may also wish project staff and contractors to undergo cultural heritage awareness inductions. Such inductions would train people involved in the Aquis Project in matters such as the avoidance and protection of known cultural heritage sites, what cultural heritage may reasonably be in the landscape, and what to do in the event of a find of cultural heritage not previously defined during cultural heritage surveys. The CHMP will contain the following in accordance with Part 7 of the ACH Act:

- A process for including Aboriginal people associated with the development areas in protection and management of Indigenous cultural heritage.
- Approaches that will manage avoidance of harm to Aboriginal cultural heritage, or if harm cannot reasonable be avoided, to minimise harm.
- The reasonable requirements and methodologies for carrying out cultural heritage surveys and preparing cultural heritage survey reports.
- Processes to achieve acceptable protection, management or mitigation of potential harm to Aboriginal cultural heritage during both the construction and operational phases of the development will be included.
- Arrangements to ensure workplace health and safety requirements are observed during cultural heritage surveys and management or mitigation work programmes.
- Arrangements for notification about project activities and work programmes, including project area access.
- A conflict resolution process.
- A new finds process, incorporating a clear recording process, will cover procedures for managing accidental discoveries of ICH.
- A cultural heritage induction for project staff.
- A process for developing a cultural heritage awareness program, to be incorporated into the contractor/employee manual and induction manual. This will be in the form of a plain language, short document that is easy for contractors and staff 'on the ground' to understand.

## 5 References Cited

Department of Harbours & Marine (DHM) 1981, *Barron River Delta Investigation*. The Report of the Barron River Delta Investigation Steering Committee. Brisbane.

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## 6 Appendices

## Appendix A – Public Advertisement for the CHMP