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## Summary

The assessment of Aboriginal Cultural Heritage for the Queensland Coke and Power Plant Project (the Project) involved an investigation of the cultural heritage values of the project site with a field survey undertaken by the Aboriginal Party (Darumbal People) for the area. In compliance with the *Aboriginal Cultural Heritage Act 2003*, the proponents are developing an approved Cultural Heritage Management Plan (CHMP) in negotiation with the Darumbal People. The CHMP will provide for the management of cultural heritage matters on the project site. Sites identified as containing Aboriginal cultural heritage in previous cultural heritage surveys were inspected in the recent investigation. In some cases, artefacts previously recorded as being present were observed in the current inspection. No additional sites, other than those found in previous cultural heritage surveys, were found. Areas around the project site were surveyed for evidence of cultural heritage, however, no new sites containing cultural heritage were located during the most recent surveys.

Wherever possible, objects of Aboriginal cultural heritage identified in the survey, or found during construction activities will be conserved *in situ* and where necessary, the controlled collection, removal and storage of cultural objects in acceptable locations will be undertaken in consultation with the Darumbal People. Where necessary, mitigation measures will be adopted to prevent erosion of cultural heritage sites. Darumbal representatives will monitor any construction earth works or clearing that is proposed to be carried out in areas where there is potential for subsurface cultural heritage material or undiscovered sites.

An assessment of non-indigenous cultural heritage was carried out through examination of the local and regional history and heritage registers and a brief site visit. While there are no listings with the Register of National Estate or State Heritage Register within the project area, the National Trust lists St Joseph's Orphanage at Neerkol, located within SCL land holdings. In close proximity to the project area is Gracemere Homestead, listed on the Register of National Estate, Queensland Heritage Register and National Trust. The National Trust also lists the Church in Stanwell. No site or place of historical heritage is located within the current study area and there will be no impact of the Project on known non-indigenous cultural heritage. There will be no impact of the Project on known non-indigenous cultural heritage. As the Fisherman's Landing Wharf facilities are to be on reclaimed land, there are no non-indigenous cultural heritage values associated with this area.

## 11.1 Introduction

The assessment of Aboriginal Cultural Heritage for the Project involved an investigation of the cultural heritage values of the project site with a field survey undertaken by the Aboriginal Party for the area. The Darumbal People are the Registered Native Title Claimants (QC97/21) over the area, and therefore the Aboriginal Party as identified under the *Aboriginal Cultural Heritage Act 2003* (ACHA). Field investigations were undertaken by the Darumbal People for the purpose of identifying and documenting the cultural heritage objects and places in the project area, and a confidential report was produced documenting the outcomes of those investigations. In compliance with the ACHA, the proponents are

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developing an approved Cultural Heritage Management Plan (CHMP) in negotiation with the Darumbal People. The CHMP will provide for the management of cultural heritage matters on the project site.

An assessment of non-indigenous cultural heritage was also carried out for the purposes of this EIS looking at the local and regional history and National and State heritage registers.

### **11.1.1 Legislative Framework**

The significance of items, objects, places and values that comprise Australia's cultural heritage record varies considerably, and depends on historical, scientific, cultural, social, educational, economic and aesthetic value. The integrity and significance of cultural heritage items, objects, places and values can be jeopardised by natural and human activities. A range of Commonwealth and State legislation exists to provide protection for Aboriginal and Torres Strait Islander and non-indigenous cultural heritage, as discussed below.

#### ***Environment Protection and Biodiversity Conservation Act 1999 (Cth)***

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides for a:

- National Heritage List - lists places of outstanding national and world heritage objects, places and values;
- Commonwealth Heritage List - lists places owned or managed by the Commonwealth that have high heritage value; and
- The National Estate Register - lists places currently on the Register of the National Estate (established under the *Australian Heritage Commission Act 1975*), not included in the two categories above.

Places will only be entered onto the Lists or Register if the Australian Heritage Council recommends such action and where the Minister agrees to this. The Act protects the objects, places and values in an area, as opposed to just the area itself.

#### ***Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)***

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* provides Aboriginal people with the right to request the federal Minister for the Environment to intervene in matters where the traditional cultural heritage interests of people are considered to be at risk. The Minister has discretionary intervention powers, and negotiation and mediation processes must be exhausted before the Minister will initiate any protection measures. The Act seeks to provide Indigenous people with a primacy in making assessments of significance.

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**Aboriginal Cultural Heritage Act 2003 (Qld)**

Under the *Aboriginal Cultural Heritage Act 2003* (ACHA), Aboriginal cultural heritage includes items and areas where there is no physical manifestation of human use, but that are culturally significant to Aboriginal people. It also includes places of archaeological or historical significance. Aboriginal cultural heritage is defined as anything that is a significant Aboriginal area in Queensland, or a significant Aboriginal object or evidence of archaeological or historic significance pertaining to Aboriginal occupation of an area of Queensland.

The ACHA imposes a cultural heritage duty of care on development proponents with respect to Aboriginal cultural heritage. As the Project requires an EIS to be compiled, the proponents are required to prepare an approved CHMP under Part 7 of the ACHA to meet their cultural heritage duty of care. The Darumbal People have a registered Native Title claim that extends over the study area and are therefore the Aboriginal Party for the area. Therefore, in conjunction with the proponents, an approved CHMP under the Act is being prepared.

**Queensland Heritage Act 1992 (Qld)**

The provisions of this Act protect places that have been entered onto the Queensland Heritage Register from unauthorised development. A place may be entered on the Queensland Heritage Register if it is of cultural heritage significance, and if it satisfies one or more of the criteria in section 23(1) of the Act. Cultural significance of a place or an object is defined in this Act to mean “*its aesthetic, historic, scientific or social significance, or other special value, to the present community and future generations*”.

The Act can also extend protection to items that are not on the Queensland Heritage Register, including archaeological sites. Such sites can be declared an Area of Archaeological Interest and it is an offence to cause a disturbance in such a declared area without permit (Division 2, Part 7). A party intending to undertake a study for the purpose of identifying historic cultural heritage and, where the objects or areas identified may be of significance, must advise of the intention to carry out the study, describe the methodology and provide other information as specified, and must report any finds made in the course of the study (ss 44 and 45). The Act expressly excludes the application of the provisions of the Act to a place that is of cultural heritage significance solely through its association with Aboriginal tradition (s 61).

**Other Regulatory Instruments*****National Trust of Queensland***

Listing in the Register of the National Trust imposes an authoritative statement about community feelings regarding the heritage significance of a place. It does not impose any constraints and has no authority to stop the demolition or alteration or use of a building. A National Trust listing is a major indication of the community’s recognition of a site’s value and need for conservation protection.

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### *The Burra Charter*

Adopted in 1979 by Australia International Council on Monuments and Sites (ICOMOS), the Burra Charter was designed for the conservation of and management of historical heritage. The addition of further guidelines that defined cultural significance and conservation policy, extended the use of the charter to Indigenous studies. The charter defines conservation as ‘the processes of looking after a place so as to retain its cultural significance’ (Article 1.4). A place is considered significant if it possesses aesthetic, historic, scientific or social value for past, present or future generations (Article 1.2). Conservation of a place should identify and take into consideration all aspects of its cultural significance without unwarranted emphasis on any one aspect at the expense of others (Marquis-Kyle and Walker, 1992).

### **11.1.2 Methodology**

#### ***Aboriginal Cultural Heritage***

The broader area that encompasses the project site is generally considered by the wider Aboriginal community of Central Queensland to be Darumbal country. In recent years, the Darumbal People have been active in asserting control over their traditional country and in assuming responsibility for their cultural heritage, including through the registration of a Native Title Claim (QC97/21).

Previous cultural heritage surveys that had been carried out as part of a number of former project developments indicated that cultural material was present on the project site. Surveys and inspections of sites and places of cultural heritage significance to the Darumbal People were undertaken between 5 and 8 September 2005 by representatives of all parties. The study area was systematically surveyed via a series of straight line transects undertaken on foot. Each transect consisted of six people standing approximately 20 m apart, creating a survey swathe of about 100 m for each transect. A total of approximately 25 km of transects were inspected. In addition, spot checks were made of some sites in close proximity to the project area and of previously recorded sites.

#### ***Non-Indigenous Cultural Heritage***

An assessment of non-indigenous cultural heritage was also carried out comprising:

- A historical assessment of the study area, consisting of a local and regional history to give a contextual background to the study area;
- A brief field inspection; and
- A search of the Queensland Heritage Register, the Register of the National Estate, and the National Trust heritage list.

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## 11.2 Description of Environmental Values

### 11.2.1 Aboriginal Cultural Heritage

The nature and distribution of some forms of Aboriginal cultural heritage in a landscape is strongly influenced by environmental factors (i.e. climate, geology, landforms, hydrology) which affect the availability of plants, animals, water, raw materials (stone, wood etc.), the location of suitable camping places and suitable surfaces upon which rock art could be executed. These environmental factors also affect the degree to which cultural remains have survived natural and human agents. The extent of vegetation and the nature of erosion and deposition regimes affect the visibility of cultural remains and hence the chances of their detection during ground surveys. Likewise, non-indigenous land-use practices can disturb artefacts from their original context of deposition. There is a substantial body of independent testimony dating back to the 1870s that the Darumbal People occupied areas of Central Queensland and evidence of their occupation has been found on the project site.

#### **Survey Results**

Sites identified as containing Aboriginal cultural heritage in previous cultural heritage surveys were inspected in the recent investigation. In some cases, artefacts previously recorded as being present were observed in the current inspection. No additional sites, other than those found in previous cultural heritage surveys, were found.

Areas around the project site were surveyed for evidence of cultural heritage. Native food plants were found including Native Orange (*Capparis* sp.), Native Flax (*Dianella* sp.), Sandpaper Fig (*Ficus coronata*), Burdekin Plum (*Pleiogynium timorense*), Kurrajong (*Brachychiton populneus*) and Black Orchid (*Cymbidium canaliculatum*). However, no new sites containing cultural heritage were located during the most recent surveys.

Part of the agreement between the parties for the development of the CHMP is that these findings will not be disclosed to the public. It was further agreed that the management and protection of these significant Aboriginal areas and other cultural findings will be appropriately managed by measures detailed in the CHMP document for the Project.

### 11.2.2 Non-Indigenous Cultural Heritage

Leichhardt was among the first non-indigenous visitors to the Fitzroy River district in 1843, and explored the catchment area of the Fitzroy River between 1844 and 1847 (McDonald, 1992). In 1848, the Archer family commenced occupation of land at Eidsvold and Coonambula on the Upper Burnett. In May 1853, Charles and William Archer discovered the Fitzroy River, named in honour of Charles Fitzroy, at that time Governor of New South Wales. Another group, led by William Elliot, had followed the Mackenzie River up as far as Leichhardt's lowest camp (McDonald, 1995).

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The exploration of the river systems such as the Fitzroy opened up grazing country to the first generation of explorer-pastoralists. The new pastoral districts of Port Curtis and Leichhardt (the inland catchment area of the Fitzroy) were proclaimed in early 1854. The Archers established their property at Gracemere shortly afterwards. Within the study area, squatters such as William Elliot at Canoona and Tilpal, Dan Connor at Princhester and others represent the first wave of pioneering pastoralists. By 1860, when the exploratory party led by John Mackay passed through the study area for the uncharted districts to the north, the region had a number of well established stations.

During this period, as grazing country was wrested from its indigenous owners, Aboriginal groups responded vigorously. Relations were inflamed by the presence and actions of the Native Mounted Police, comprising native troopers (recruited outside the region) and European officers, empowered by law to violently “disperse” indigenous populations of all descriptions (Reynolds, 1987), and the region witnessed a number of notorious massacres.

Elliot’s Canoona Run was sold to J.B.P Hamilton Ramsay and Harry Gaden during the mid-1850s and gold was discovered on the run in mid-1858. Amid widespread rumour and misinformation, the 1858 discoveries initiated the so-called “duffer rush” in the last part of that year. An estimated 15,000 prospectors flooded the region until the meagre returns were quickly exhausted. The resultant population of impoverished, displaced prospectors provided cheap labour for the fledgling Central Queensland pastoral industry.

The Archer Brothers property called *Gracemere* was built on the eastern edge of Gracemere Lagoon in 1855. The simple hut was replaced by July 1858 with a substantial slab homestead designed by Colin Archer. This house is still standing, filled with the furniture and personal effects of the Archer family who continue to live on the property. The exterior walls are of adzed iron-bark slabs, with other walls of native plum and a roof of shingles, but timber for the floors was imported New Zealand pine to combat white ants.

Queensland’s complicated land legislation during this period provided for existing leasehold runs to be resumed by the Crown and opened for selection. Existing pastoral leases were often consolidated and cut into smaller selections and freehold blocks. *Gracemere* was reduced to approximately half its original size, the lost portion being divided amongst at least 126 new land selectors. Nevertheless, the region remained dominated by pastoral activity throughout the colonial period and into the twentieth century. The early sheep stations gave way to cattle during the 1870s and 80s, with stations supplying their herds to the regional saleyards such as those at Gracemere and then onto abattoirs in Rockhampton and elsewhere. This historical dependence on beef cattle has been challenged by large-scale diversification into agriculture in recent years.

Within SCL land holdings to the north-east of the project site and not within the study area, was St Joseph’s Orphanage. Originally opened in Mackay in April, 1880 by the Sisters of Mercy, the orphanage was transferred to Neerkol in 1885, and its name was changed to Meteor Park Orphanage and again later to St Joseph’s Home. It was closed in 1978. During this time over 4,000 children were residents here, some Australian and some sent from England as part of the British Child Migrant Scheme. In recent years, it was revealed that children were regularly being mistreated.



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The most visible construction within the Stanwell Corporation land holdings is the Stanwell Power Station (SPS). The first unit of the power station was commissioned in 1993, with construction culminating with the fourth unit in 1996. The station is well known for its particularly low out-of-hours operation manning, and received an engineering award for its innovative design in this regard.

While the SPS is an example of excellence in engineering, it is not regarded as having heritage significance. When environmental studies were being undertaken of the SPS site before its construction, remains of what local residents considered at the time to be the earliest farm dwelling in the area were found. All that remained were barely visible masonry foundation walls at ground level.

### **Search Results**

Searches were conducted of the relevant Heritage Registers maintained by the State and Federal governments along with the National Trust. While there are no listings with the Register of National Estate or State Heritage Register within the study area, the National Trust lists St Joseph's Orphanage at Neerkol, registration number RTN 1/143. Gracemere Homestead located in Gracemere, is listed on the Register of National Estate, Queensland Heritage Register and National Trust. The National Trust also lists the Church in Stanwell, registration number FIT 3/1.

## **11.3 Potential Impacts and Mitigation Measures**

### **11.3.1 Aboriginal Cultural Heritage**

Undiscovered sub-surface cultural material may be present in the project area and could be exposed and harmed during construction earth works activities. There is potential for subsurface material or undiscovered sites to exist in areas where ground surface visibility was very low at the time of survey and where natural semi-permanent water sources exist. Other cultural material that might be encountered during construction includes human skeletal remains, occurring either as in-ground interments or as tree burials. The risk of human remains being exposed due to the Project is low. The CHMP will include management regimes to be undertaken when excavating or clearing vegetation to provide protection for subsurface material or undiscovered sites.

The material culture identified during the survey that could be impacted upon during construction constitutes Aboriginal cultural heritage, as defined in the ACHA. The Project will have no impact on:

- Any place currently protected by provisions of the *Aboriginal and Torres Strait Islander Heritage Protection Act, 1984*;
- Any place listed on the Register of the National Estate, National Heritage List or the Commonwealth Heritage List established under the *EPBC Act* for cultural values;
- Any place currently gazetted as a Designated Landscape Area under provisions of the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*; or

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- Any place entered on the Queensland Heritage Register under provisions of the *Queensland Heritage Act 1992*.

It is unlikely that any sites of Aboriginal cultural heritage will be encountered at a later stage of the proposed development once construction is complete.

As the Fisherman's Landing wharf facilities are to be on reclaimed land, there are no indigenous cultural heritage values associated with this area.

### 11.3.2 Non-Indigenous Cultural Heritage

Although the Stanwell/Gracemere district has an interesting and significant historical heritage, no site or place of historical heritage is located within the current study area. Therefore, there will be no impact of the Project on known non-indigenous cultural heritage.

As the Fisherman's Landing Wharf facilities are to be on reclaimed land, there are no non-indigenous cultural heritage values associated with this area.

### 11.3.3 Native Title

As outlined in Section 3 – Land Characteristics, the Project lies within the boundaries of the registered Darumbal native title claim, lodged on 27 June 1997 (QC97/21). Most of the Crown Land in the Fitzroy Shire region is under native title claim, however, the land required for the Coke and Power Plant infrastructure is freehold and therefore native title rights over the area have been extinguished pursuant to the *Native Title Act 1993*. The rail spur will potentially be developed on Unallocated State land and therefore Native Title may be relevant in this area. It will be the responsibility of the rail infrastructure provider to address this issue.

The Fisherman's Landing Wharf area is not subject to any native title claims as it is located on freehold tenure.

### 11.3.4 Mitigation Measures

Wherever possible, objects of Aboriginal cultural heritage identified above, or found during construction activities will be conserved *in situ* and impacts avoided through appropriate planning and Project design. Where necessary, the controlled collection, removal and storage of cultural objects in acceptable locations will be undertaken in consultation with the Darumbal People.

Where erosion is likely to impact on an Aboriginal cultural heritage site, mitigation measures will be adopted to prevent further erosion of the site. Such measures will include preventing access to the site through fencing, arranging alternative access points to the area, and erecting silt fences to control sediment and soil movement (refer Section 16 – Environmental Management Plans). Darumbal

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representatives will be present to monitor any construction earth works or clearing that is proposed to be carried out in areas where there is potential for subsurface cultural heritage material or undiscovered sites.

Development of the CHMP by the proponents and Darumbal People will involve formal negotiation of all provisions. The CHMP will provide for:

- The involvement of the Darumbal People in protecting and managing Indigenous cultural heritage;
- A comprehensive program for the mitigation, management and protection of identified cultural heritage places and material during construction and operation of the Project;
- Procedures for the management of any accidental discovery of cultural material, including burials;
- Monitoring of earthworks activities that have the potential to harm sub-surface cultural material;
- Protocols to cover the future management of cultural material collected and removed from the project area;
- Modifications of management requirements as further investigations and/or mitigation is undertaken, or as project development plans change over time;
- Setting clear obligations on the construction and operational workforce to provide awareness and ensure Aboriginal cultural heritage is not placed at risk, including cultural heritage training and induction programs; and
- Dispute resolution processes.

Project Environmental Management Plans (Section 16), where relevant, will also be used as vehicles to implement the cultural heritage management strategies identified in the Project's CHMP to assist in meeting the proponents' cultural heritage duty of care.