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14.1 INTRODUCTION

This chapter provides an assessment and proposes management of potential development impacts on Indigenous cultural heritage in the mine area. It provides a context for assessing Indigenous occupation of the mine area, recognises the presence of registered Indigenous heritage sites and provides an overview of the framework in which Waratah Coal and the identified Aboriginal parties will manage cultural heritage. Waratah Coal is committed to working with the relevant Aboriginal parties to develop and implement Cultural Heritage Management Plans (CHMPs) and to provide management strategies that are agreed and that are appropriate for the protection of identified Indigenous cultural heritage.

Identification of unrecorded Indigenous heritage resources within the project areas will be undertaken during dedicated field surveys. Where practicable, infrastructure will generally be sited to avoid locations of Aboriginal cultural heritage. In instances where this cannot be avoided, measures to mitigate impacts will be undertaken with Aboriginal parties, in accordance with agreed CHMPs.

Through these plans, procedures will be developed covering the management of cultural heritage sites and values. Waratah Coal aims to promote an understanding of Aboriginal cultural and heritage in the workplace through employee induction programs and other specific training activities.

14.2 SCOPE OF WORKS

Indigenous cultural heritage in the mine study area has been assessed in accordance with the requirements of the EIS terms of reference for the Project. Specifically, the aims of the Indigenous cultural heritage assessment are to:

- provide a context for assessing indigenous occupation of the mine area;
- recognise the presence of registered Indigenous heritage sites in the mine area; and
- develop agreements with Aboriginal parties as required by and in accordance with Part 7 of the *Aboriginal Cultural Heritage Act 2003* (ACH Act). Waratah Coal will seek to develop CHMPs with identified Aboriginal parties regarding the proposed Project works.

This chapter discusses the mine element of the project. The CHMPs will, among other things:

- define the process by which Indigenous cultural heritage is identified within the mine area;
- provide for cultural heritage inductions for all relevant site staff; and
- propose mechanisms for the development of site management strategies to maximise the retention of Indigenous heritage values.

14.3 ASSESSMENT METHOD

14.3.1 DESKTOP ASSESSMENT

Assessing and minimising the potential impacts of the mine development to Indigenous heritage values has been a multi-staged process. The initial phase of this study was the collation of site information and a comprehensive literature review. The following sources were used:

- online resources, principally for heritage site databases and regional history;
- Commonwealth Heritage lists (World Heritage List, National Heritage List, and Register of the National Estate) for sites of international and national significance;
- Indigenous Cultural Heritage Register and Database;
- the Queensland Heritage Register;
- Register of the National Trust of Queensland;
- data in heritage studies previously carried out in nearby areas; and
- publicly available books and local histories.

In accordance with Part 7 of the ACH Act, CHMPs are being developed for this project. Part 4 of the Act provides a framework for the identification of an Aboriginal party or parties for a particular area. Aboriginal parties that are endorsed are required to be consulted regarding the development of CHMPs. The identified Aboriginal parties for the mine study area are outlined in **Section 14.4.5**, which also provides an update of the progress of the CHMP development.

14.4 DESCRIPTION OF ENVIRONMENTAL VALUES

14.4.1 KNOWN CULTURAL HERITAGE VALUES

Included in this section is an evaluation of the archaeological context for Indigenous use of the general area of the mine and the outcomes of the register searches and the literature review. Following this, an update on CHMP negotiations with the identified Aboriginal parties is provided.

14.4.2 ARCHAEOLOGICAL CONTEXT

No publicly available archaeological surveys have been undertaken in the mine area and only a few archaeological surveys have been undertaken in the vicinity of the mine area. Two preliminary archaeological site studies were completed for the Rio Tinto, Clermont Coal Mine Project (2004). The project is located immediately north of Clermont, approximately 110 km North West of the planned mines area. The first survey of the area was undertaken by Hill in 1982. The survey area included the mine and associated infrastructure including a proposed housing development, rail spur and road realignment. The survey was limited due to a lack of ground visibility and a total of five waste flakes and a possible core' was located. All flakes were located in a forested area. At the time of the initial survey Hill noted that there had been significant recent rain and as a result ground visibility was limited due to vegetation cover.

A subsequent preliminary survey undertaken by Northern Archaeological Consultancies Pty Ltd in 1994 identified an additional 14 sites. The identified cultural material consisted of 10 scarred trees, one large stone artifact scatter and three isolated stone artefacts. Eight of the 10 scarred trees were located adjacent to creek lines, with the remaining two being found adjacent to a nearby homestead. All were found on live Coolabah trees. The large stone artefacts scatter was located in an area of gully and sheet erosion.

To the south of the mine area, considerable archaeological research has been undertaken in the Central Queensland Highlands in an area sometimes referred to the Sandstone Belt (Walsh 1984). Black's Palace art site complex is one such location.

Black's Palace art site complex is located to the southwest of Alpha and is the single largest collection of stenciled art anywhere in Australia (Godwin 2001). The site is entered on the Register of National Estate

and is also maintained on the Queensland Aboriginal Cultural Heritage Register and database. The Sandstone belt extends east and south from this area to include the Carnarvon Ranges and literally thousands of rock shelters, art sites and burial crypts. These include Kenniff's cave, the first definite Pleistocene site identified in Australia, which dates back some 19,000 years. Subsequent to the excavations at Kenniff's caves in the early 1960's, a series of comprehensive archaeological and ethnographic research projects were undertaken in the region. Further research was also undertaken at a series of rock shelters including at Cathedral Cave, Rainbow Cave and Wanderer's Cave (Carnarvon Range area). In the late 1970s Morwood conducted excavations at Turtle Rock: a large silcrete boulder on the southern flank of the Buckland River and Ken's Cave, a small rock shelter on the upper Belyando River ((Morwood 1978, 1979, 1981) in URS:2009).

14.4.3 RESULTS OF REGISTER SEARCHES

No indigenous cultural heritage sites are listed on local, State, Commonwealth or World heritage registers within the mine area.

14.4.3.1 Aboriginal Cultural Heritage Database and Register

No sites listed on the Aboriginal Cultural Heritage Database and Register was identified in the mine area. Several sites were located in the vicinity of the proposed mine. The lack of sites identified and registered in this area does not mean no sites are present. Sites are known to exist in the area but are not registered on the Aboriginal Cultural Heritage Register. The limited number of detailed archaeological investigations in this area suggests that there is limited amount of detailed information documented about the area.

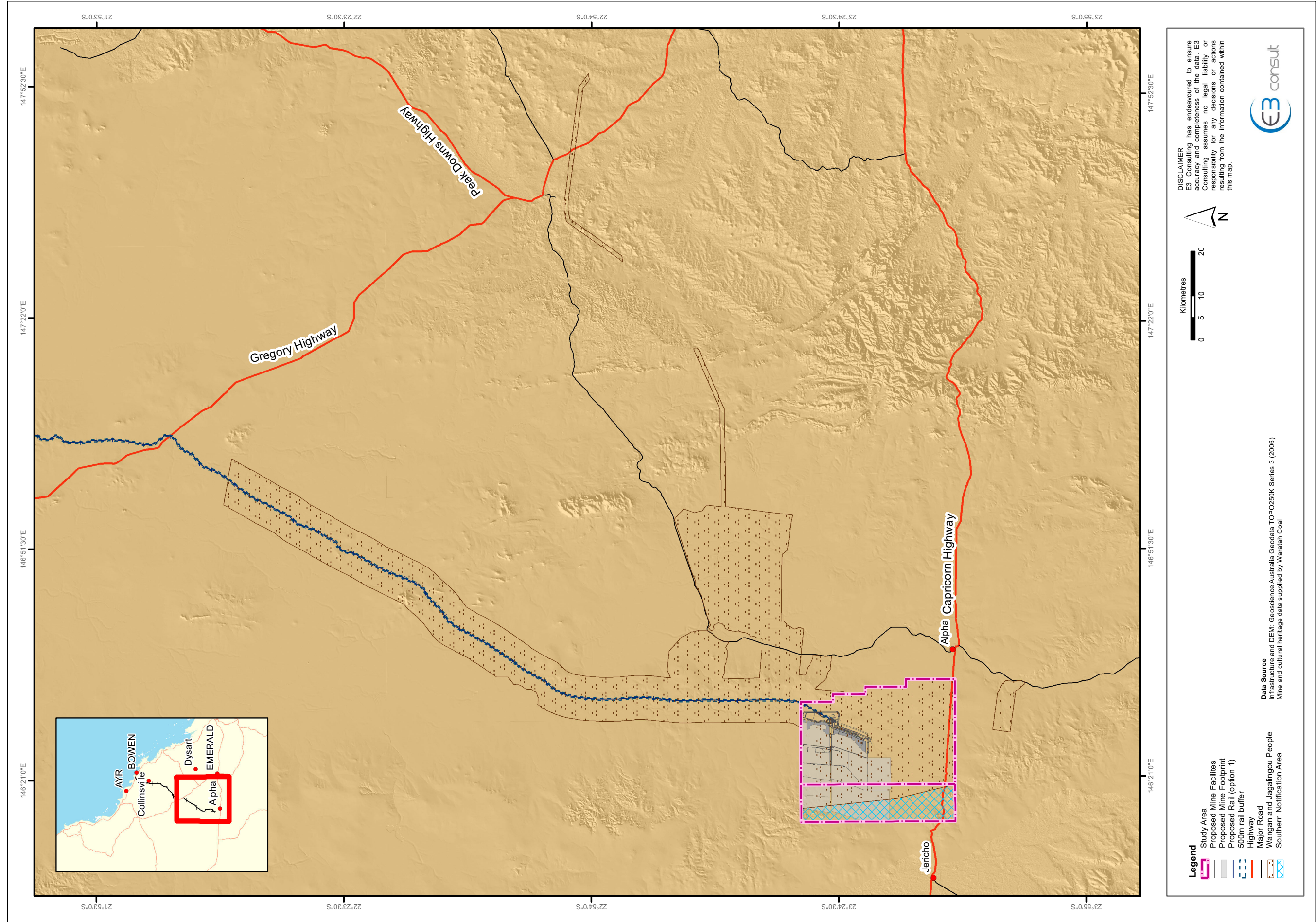
14.4.3.2 Local Heritage Lists and Heritage Overlays

The BRC does not maintain a local heritage register.

14.4.4 FIELD SURVEYS

To date, specific field surveys for the project have not been conducted. Waratah Coal has previously undertaken field surveys of specific areas required for geotechnical purposes. Although the survey reports are confidential in nature, the field surveys have identified some cultural heritage material in the vicinity of the mine site. Sites identified have included isolated

Figure 1. Mine Study Area with Identified Aboriginal Parties



artefacts, stone artefacts scatters and scared trees. A detailed cultural heritage survey of the proposed mine area will be undertaken in accordance with the requirements of the agreed CHMPs.

14.4.5 CULTURAL HERITAGE MANAGEMENT PLAN DEVELOPMENT

14.4.5.1 Aboriginal Party Identification

Waratah Coal has undertaken appropriate steps to identify correct Aboriginal parties in accordance with the ACH Act. The majority of the mine area is covered by the currently registered Wangan and Jagalingou Native title claim (National Native Title Tribunal reference: QC 04/6 or Federal Court ref: QUD 85/04). The western portion of the mine CHMP area has no Aboriginal party that can be identified by being a currently registered, or previously registered, Native title claim area. In areas such as this, Part 7 of the ACH Act requires that public notification be undertaken to identify Aboriginal parties. Public notices seeking to identify Aboriginal parties were undertaken in January 2011. As required by legislation, relevant respondents were endorsed by Waratah Coal as Aboriginal parties to take part in the development of a CHMP.

Negotiations with endorsed Aboriginal parties for the southern notification area of the mine area commenced in June 2011 and are expected to be completed in October 2011.

14.4.5.2 Engagement With Aboriginal Parties

Engagement of Aboriginal parties has been undertaken through an agreed communication protocol where Waratah Coal requests formal meetings with the appropriate representatives of the Aboriginal party. CHMP’s that have been agreed to date have generally addressed similar issues, but the negotiation process has resulted in CHMPs being specific and unique for each Aboriginal party. Agreed CHMP’s have generally addressed:

- ongoing communication protocol’s between the parties;
- processes for the assessment of indigenous cultural heritage sites and values;
- processes for the management of indigenous cultural heritage sites and values;
- processes in case of an accidental find of cultural material; and
- procedures if human remains are found.

The CHMP for the Wangan and Jagalingou people has been approved by DERM. The CHMP for the southern notification area is currently being negotiated and is expected to be completed by October 2011.

14.4.6 POTENTIAL IMPACTS

No listed Indigenous cultural heritage will be impacted by the planned mine development; however, there are expected to be potential impacts on some cultural heritage material within the mine development area, in instances where this cannot be avoided, measures to mitigate impacts will be agreed with the Aboriginal parties, in accordance with approved CHMPs.

Items of unrecorded Indigenous cultural heritage may occur near the proposed mine developments and without appropriate site management initiatives, may be threatened by construction impacts. Unrecorded Indigenous heritage resources within impact areas will be identified during dedicated field surveys conducted by the relevant Aboriginal party as agreed in the CHMP. The conduct of the cultural heritage study and the implementation of site protection or remediation measures will be specified in approved CHMPs, either already agreed or still to be negotiated with each Aboriginal party.

Impact mitigation measures that may be required include avoiding certain highly sensitive areas, carrying out more field investigations including sub-surface testing, recovering datable occupation material, and collecting and relocating cultural heritage items.

14.5 MITIGATION AND MANAGEMENT

For the management and mitigation of impacts on Indigenous cultural heritage, Waratah Coal will use a range of cultural heritage management processes and proven procedures that have effectively been implemented throughout Queensland. The mitigation measures included within the CHMPs will be comprehensive and entail a number of possible procedures that will include (but not be limited to):

- in the first instance, avoiding indigenous cultural heritage, wherever practical;
- carrying out further detailed field investigations; and
- collecting and relocating cultural heritage items, as agreed with the relevant aboriginal parties.

Management measures during construction will include:

- cultural heritage induction for the workforce and possible monitoring of specific construction activities
- procedure for the find of human remains
- procedures for unexpected finds; and
- a conflict resolution process.

Following completion of the project, cultural heritage items recovered prior to construction and objects identified and salvaged during construction may require management and safe-keeping.

14.6 CONCLUSIONS

14.6.1 ASSESSMENT OUTCOMES

The assessment of Indigenous cultural heritage for the mine, and the proposed management strategy has been designed to avoid and / or minimise any impacts to Indigenous cultural heritage. The assessment has included collating site data throughout the mine area from a range of sources including the Aboriginal Heritage Register and Database, published and unpublished sources. Waratah Coal has undertaken notifications pursuant to Part 7 of the ACH Act to develop statutory CHMPs and is continuing to talk with the relevant Aboriginal parties to finalise the terms and conditions of the CHMP. Waratah Coal commits to continued engagement and negotiations with endorsed Aboriginal Parties and to developing (where not already developed) and implementing approved CHMPs.

14.7 COMMITMENTS

Waratah Coal commits to continued engagement and negotiations with endorsed Aboriginal Parties and to developing (where not already developed) and implementing approved CHMPs.