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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 rail corridor study area. It provides a context for assessing Indigenous occupation of the planned rail corridor, 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 appropriate for the protection of identified Indigenous cultural heritage.

14.2 SCOPE OF WORKS

Indigenous cultural heritage has been assessed in accordance with the requirements of the EIS TOR. Specifically, the aims of the Indigenous cultural heritage assessment are to:

- provide a context for assessing Indigenous occupation of the Project area
- recognise the presence of registered Indigenous heritage sites in the Project 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 seeks to develop CHMPs with identified Aboriginal parties regarding the proposed project works.

This chapter discusses the rail component of the Project. The CHMPs will, among other things:

- define the process by which Indigenous cultural heritage is identified within the rail corridor study area (refer Figure 1);
- 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.

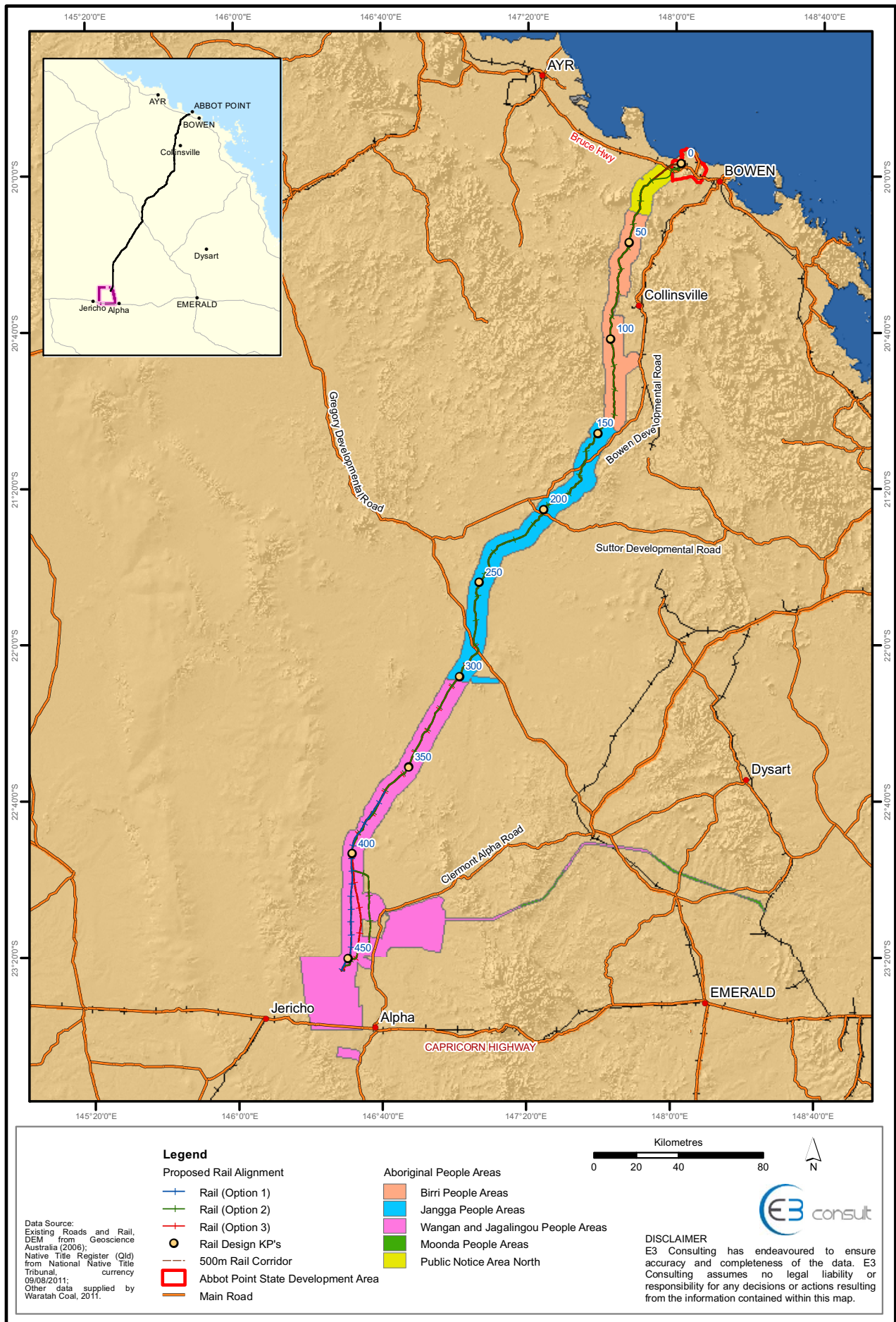
14.3 ASSESSMENT METHOD

Assessing and minimising the potential impacts of the 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 rail component of the project are outlined in **Section 14.4.3.4**, which also provides an update of the progress of the CHMP development.

Figure 1. Rail Corridor Study Area and Identified Aboriginal Parties



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 rail corridor 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

In the southern portion of the rail alignment very few publically available archaeological investigations have been undertaken. Two preliminary archaeological site studies were completed for the Rio Tinto, Clermont coal mine project. The project is located to the east of the rail alignment study corridor and to the immediate north of Clermont. 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 has 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 (NAC) in 1994 identified an additional 14 sites. The identified cultural material consisted of ten scarred trees, one large stone artefact scatter and three isolated stone artefacts. Eight of the ten 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.

Several recent archaeological investigations have been undertaken in the Collinsville area including the cultural heritage assessment undertaken as part of the Environmental Impact Study for the Northern Missing Link rail project between Goonyella and Newlands, and the cultural heritage assessment for the Sonoma Coal project, 16 kilometers south of Collinsville. The archaeological assessment for the Northern Missing Link project identified over 150 cultural heritage sites. These sites varied from isolated artefacts and stone artefacts scatters to rock shelters and ochre deposits.

The assessment identified that there was a high concentration of sites adjacent to rivers and creeks, such as Cerito Creek, Suttor River, Suttor Creek and Boundary Creek, indicating that these areas were high use areas. Concentration of artefacts in areas adjacent to creeks and rivers is generally consistent across the region.

Towards the northern end of the rail corridor numerous archaeological assessments have been undertaken for the various Abbott Point developments (X50 expansion, X110 expansion and MCF proposed development). The planned rail corridor alignment also intersects the proposed alignment for the SunWater, Water for Bowen project. The Water for Bowen project identified approximately 50 areas or objects with cultural heritage values. The majority of the objects identified were stone artefacts with one possible scar tree identified.

Various archaeological investigations have been undertaken in the ASPDA. The first survey of the areas was by Hill in 1978. The assessment identified a campsite at the foot of Mount Little and a very light scatter of artefacts along the dune areas. In 1999, Baker and the Juru people undertook a comprehensive survey of the lands for the Abbot Point Coal terminal. Baker concluded that the region shows “extensive and large scale prehistoric Aboriginal activity”. Two main areas of Aboriginal cultural heritage were identified during the field surveys. These were Aboriginal shell middens located on the deflated dune system and the beach ridges in the mangroves.

Archaeological surveys undertaken by NAC and traditional owner representatives for the X50 expansion of the Port of Abbot Point failed to identify archaeological evidence of Aboriginal occupation of the area. The lack of sites identified was attributed to the disturbed nature of the development area and the Aboriginal subsistence strategy of base camps on the coastal margins on sand dunes and beach ridges, rather than in the food prone low-lying hinterland. The NAC report further identified that previous archaeological reports had identified the coastal area between Ayr and Bowen as being known to hold diverse cultural sites. Barker 1999 (in NAC 2009) identified that the coastline has intermittent scatters of cultural shell midden material and other cultural activity sites such as ceremonial sites, rock art sites and burial sites. At the northern end of Abbot Bay, Brayshaw recorded a rock shelter with Aboriginal paintings at the foothill of Station Hill. Two rock shelters with Aboriginal paintings and occupation debris have been recorded at Mount Roundback on

Salisbury Plains station, some 7 km southwest of Abbot Point (Brayshaw 1977, 1990 in NAC 2005).

Investigations for the X110 infrastructure development by NAC and representatives of the Juru Aboriginal parties undertaken in April 2009 identified five cultural sites. These sites included a shell midden and artefact scatter, a stone-wall tidal fish trap and potential fish trap, a habitat tree, a historical survey mark and native woodland vegetation. The shell midden was consistent with middens previously identified by Barker in the Bowen area. The stone-wall tidal fish trap was located on a sandy flat in the intertidal zone. NAC described the fish trap as the arc-shaped arrangement of stones measured some 40 meters in length. The structure is fully exposed at low tide. The trap is well preserved, with a wall standing approximately 40 -50 cm in height. It is constructed from the local boulders. The tidal fish trap was a previously identified site which was relocated during the assessment.

Further archaeological assessments were undertaken by NAC and the endorsed Aboriginal parties for the Abbot Point MCF project. The assessment identified five additional cultural sites. These being:

- shell middens with Hearths;
- low density shell midden or 'dinnertime camp';
- old concrete tank and wells;
- bowerbird 'nest'; and
- outcrops of coral and beach conglomerate.

The report identified that at least one identified site (shell midden) would be required to be disturbed for the project to proceed.

14.4.3 RESULTS OF REGISTER SEARCHES

No indigenous cultural heritage sites are listed on local, State, Commonwealth or World heritage registers within 750 m of the proposed rail corridor.

14.4.3.1 Aboriginal Cultural Heritage Database and Register

Two sites are listed on the Aboriginal Cultural Heritage Database and Register within the rail corridor study area. The sites comprise two artefacts. The location of these areas are outlined in **Figure 2**. The rail alignment has been located to avoid the registered sites in these areas. The relative lack of sites identified and registered in the rail corridor study 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

Barcaldine, Isaac and Whitsunday Regional Councils do not maintain a local heritage register.

14.4.3.3 Field Surveys

To date, specific field surveys for the Waratah Coal Project have not been conducted. Detailed cultural heritage surveys of the proposed rail corridor will be undertaken in accordance with the requirements of the agreed CHMPs.

14.4.3.4 Cultural Heritage Management Plan Development

14.4.3.4.1 Aboriginal Party Identification

Waratah Coal has undertaken appropriate steps to identify correct Aboriginal parties in accordance with the ACH Act. The following registered Native title claims have been identified as Aboriginal Parties:

- Wangan and Jagalingou People Native title claim (QC 04/6; QUD 85/04);
- Jangga People Native title claim (QC 98/10; QUD 6230/98); and
- Birri People Native title claim (QC 98/12; QUD 6244/98).

The northern portion of the rail corridor alignment abuts Abbot Point. This portion of the rail corridor has no Aboriginal party that can be identified by being a currently registered or previously registered, Native title claim area, (**refer to Figure 1**). 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 will be placed in newspapers prior to April 2011.

As required by legislation, any respondents may be endorsed by Waratah Coal as Aboriginal parties to take part in the development of a CHMP. **Table 1** provides an update of the status of CHMP negotiations with Aboriginal parties.

Figure 2. Rail Corridor Study Area and Registered Indigenous Cultural Heritage Sites

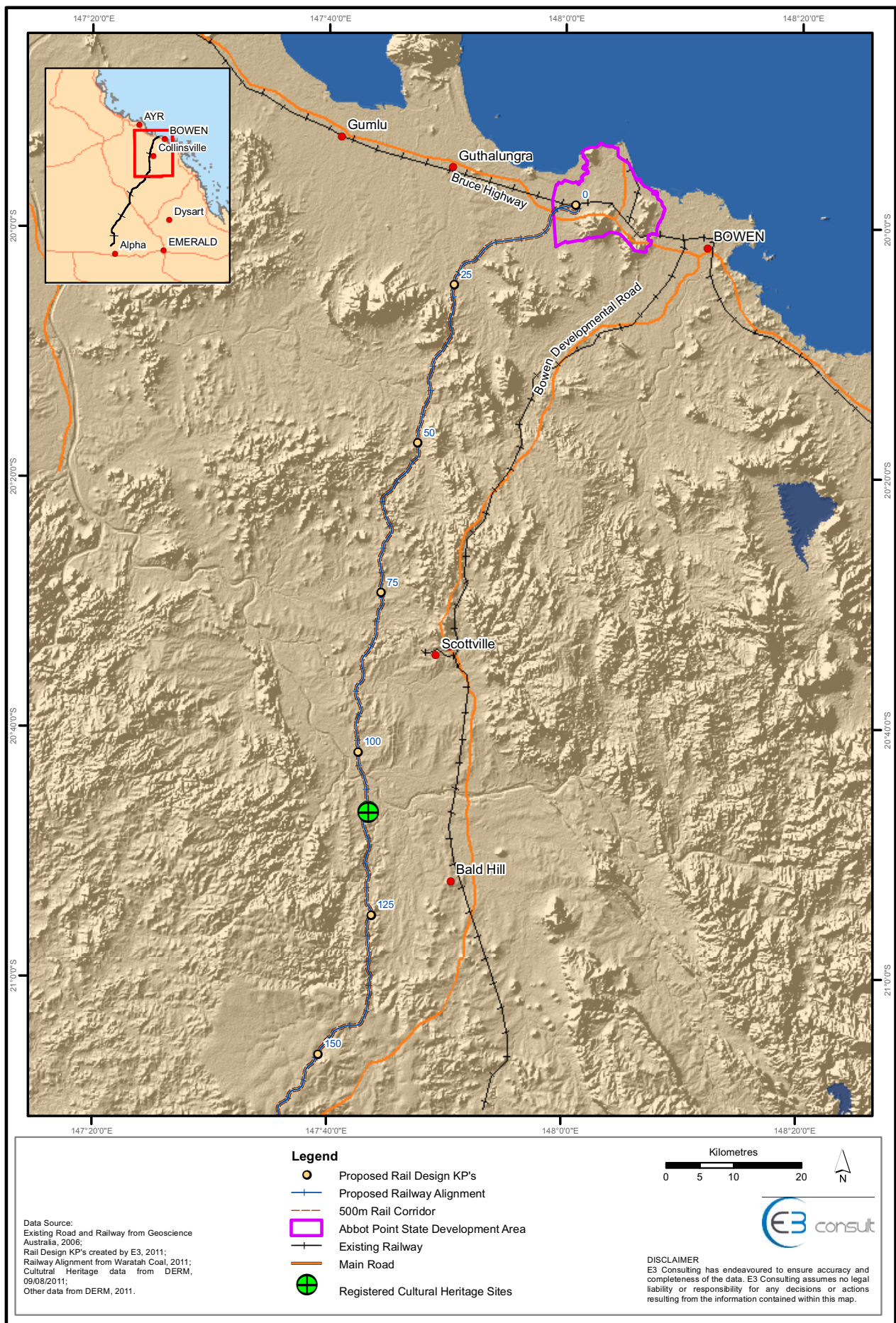


Table 1. Status of CHMP negotiations with Aboriginal parties

ABORIGINAL PARTY	CONSULTATIONS COMMENCED	NUMBER OF MEETINGS TO DATE	CHMP STATUS	EXPECTED TIMING FOR CHMP APPROVAL
Wangan and Jagalingou People (QC 04/6)	October 2010	4	CHMP has been agreed	CHMP has been approved
Jangga People (QC98/10)	October 2010	2	CHMP has been agreed	CHMP has been approved
Birri People (QC 98/12)	November 2010	2	CHMP has been agreed	CHMP has been approved
Southern Notification area	June 2011	2	Negotiations are ongoing	October 2011
Northern notification area – endorsed Aboriginal parties	Consultations are yet to commence	N/A	N/A	December 2011

A portion of the rail corridor is within the APSDA. The NQBP and Coordinator General is undertaking negotiations with the Juru People (QC10/5) in the APSDA area to develop an Indigenous Land Use Agreement (ILUA) to address works undertaken within the APSDA. The ILUA will also address protocols for the management of cultural heritage. Waratah Coal intends to implement the cultural heritage protocols outlined within this ILUA for its proposed works within the APSDA. Should this agreement not be finalised or the terms not extend to Waratah Coal's proposed works, Waratah Coal commit to developing an agreement with the Juru people to manage Cultural Heritage.

14.4.3.5 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. The meetings have generally included representatives of the Aboriginal party and their technical or legal advisors. In these meetings, the Project and appropriate management and mitigation strategies for Indigenous cultural heritage have been discussed. 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 protocols 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.

CHMPs have been approved with the Jangga, Birri and Wangan and Jagalingou people. It is currently proposed that all CHMPs will be submitted for approval by December 2011.

14.5 POTENTIAL IMPACTS

No listed Indigenous cultural heritage will be impacted by the planned rail corridor development. Items of unrecorded Indigenous cultural heritage may occur within or near the proposed rail corridor 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 each relevant Aboriginal party as agreed in the CHMPs. The conduct of the cultural heritage assessments 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.

14.6 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 are 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.

Agreed management measure will consider the project development, construction and operational phases and may include repatriation of artefacts back to their original location (i.e., at the conclusion of construction activates in a specific area).

14.7 CONCLUSIONS

The assessment of Indigenous cultural heritage for the rail corridor study area, and the proposed management strategies have been designed to avoid and / or minimise any impacts to Indigenous cultural heritage. The assessment has included collating site data throughout the rail corridor from a range of sources including the Aboriginal Heritage Register and Database and published sources. No currently registered sites will be destroyed by the proposed development of the rail component of the Project.

Waratah Coal has undertaken notifications pursuant to Part 7 of the ACH Act to develop statutory CHMPs and is continuing to negotiate 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

14.8 COMMITMENTS

Waratah Coal commits to continued engagement and negotiations with endorsed Aboriginal parties and to develop (where not already developed) and implement agreements to manage cultural heritage.