

## 11.0 Cultural Heritage

### 11.1 Background

Gladstone Pacific Nickel Limited (GPNL) has developed a good working relationship with the Darumbal and Barada, Barna, Kabalbarra and Yetimarla (BBKY) Peoples in association with the development of the Marlborough mining leases, as evidenced by the progress with Coorumburra Enterprises. GPNL is committed to the maintenance of a long term relationship with the relevant Aboriginal parties in association with the implementation of this project.

#### 11.1.1 Methodology

As the Gladstone Nickel Project (GNP) encompasses a large area, a staged approach has been adopted to assess and manage cultural heritage issues. This staged approach includes:

- Contact with native title applicants.
- Examination of relevant cultural heritage registers and documentation.
- Desktop assessment of the proposed project area by an archaeologist to review the nature and form of known cultural heritage places and values in the area of the GNP.
- Negotiation with native title claimant organisations along the proposed pipeline route and refinery and residue storage facility (RSF) sites in relation to the development of a Cultural Heritage Management Plan (CHMP) in accordance with the *Queensland Aboriginal Cultural Heritage Act 2003 (ACHA)*.
- Consultation with local historical experts and organisations.
- Conduct of the cultural heritage survey and development of agreed management strategies.

#### 11.1.2 Legislative Framework

Protection for Aboriginal and Torres Strait Islander and non-indigenous cultural heritage is regulated under a range of Commonwealth and State legislation as discussed below.

##### 11.1.2.1 Environment Protection and Biodiversity Conservation Act

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

- World Heritage List – contains sites that are important to all the peoples of the world. The places on this list have special universal values above and beyond the values held for a particular nation.
- National Heritage List – lists Australia's places or groups of places with outstanding heritage value to the nation.
- Commonwealth Heritage List – lists places owned or managed by the Commonwealth that have high heritage value.
- The Register of the National Estate – lists places on the register established under the *Australian Heritage Commission Act 1975*, not included in the two categories above.

Places are entered onto the lists or register upon the recommendation of the Australian Heritage Council and approval of the Minister. This Act protects the objects, places and values in an area, as opposed to the area itself.

### 11.1.2.2 Aboriginal and Torres Strait Islander Heritage Protection Act

The Commonwealth *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.

### 11.1.2.3 Aboriginal Cultural Heritage Act

The ACHA provides for the protection of Aboriginal cultural heritage.

The ACHA defines Aboriginal cultural heritage as anything that is:

- A significant Aboriginal area in Queensland.
- A significant Aboriginal object.
- Evidence of archaeological or historic significance of Aboriginal occupation of an area of Queensland.

A significant Aboriginal area or object must be particularly significant to Aboriginal people because of either or both of the following:

- Aboriginal tradition.
- The history, including contemporary history, of any Aboriginal Party (as defined in the ACHA) in the area.

This 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.

The ACHA imposes a cultural heritage duty of care on development proponents with respect to Aboriginal cultural heritage. Under Section 87 of the ACHA, GPNL is required to develop and obtain approval for a CHMP for the proposed project.

The Queensland Indigenous Cultural Heritage Database is managed by the Department of Natural Resources and Water (DNRW) under the provisions of the ACHA and contains Aboriginal cultural heritage information largely collected from previous cultural heritage assessments.

### 11.1.2.4 Queensland Heritage Act

The provisions of the *Queensland Heritage Act 1992* 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 this 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”.

## 11.2 Desktop Heritage Assessment

A desktop Cultural Heritage Assessment was completed for the project area and the results are summarised in the following section. A full copy of the desktop assessment is included in Appendix R.

### 11.2.1 Register Searches

A search of the following state and commonwealth heritage registers was undertaken for a 1 km buffer area surrounding the proposed project components:

- Queensland Indigenous Cultural Heritage Database.
- Queensland Heritage Register.
- Australian Heritage Database.
- National Heritage List.
- Commonwealth Heritage List.
- Register of the National Estate.
- World Heritage List.

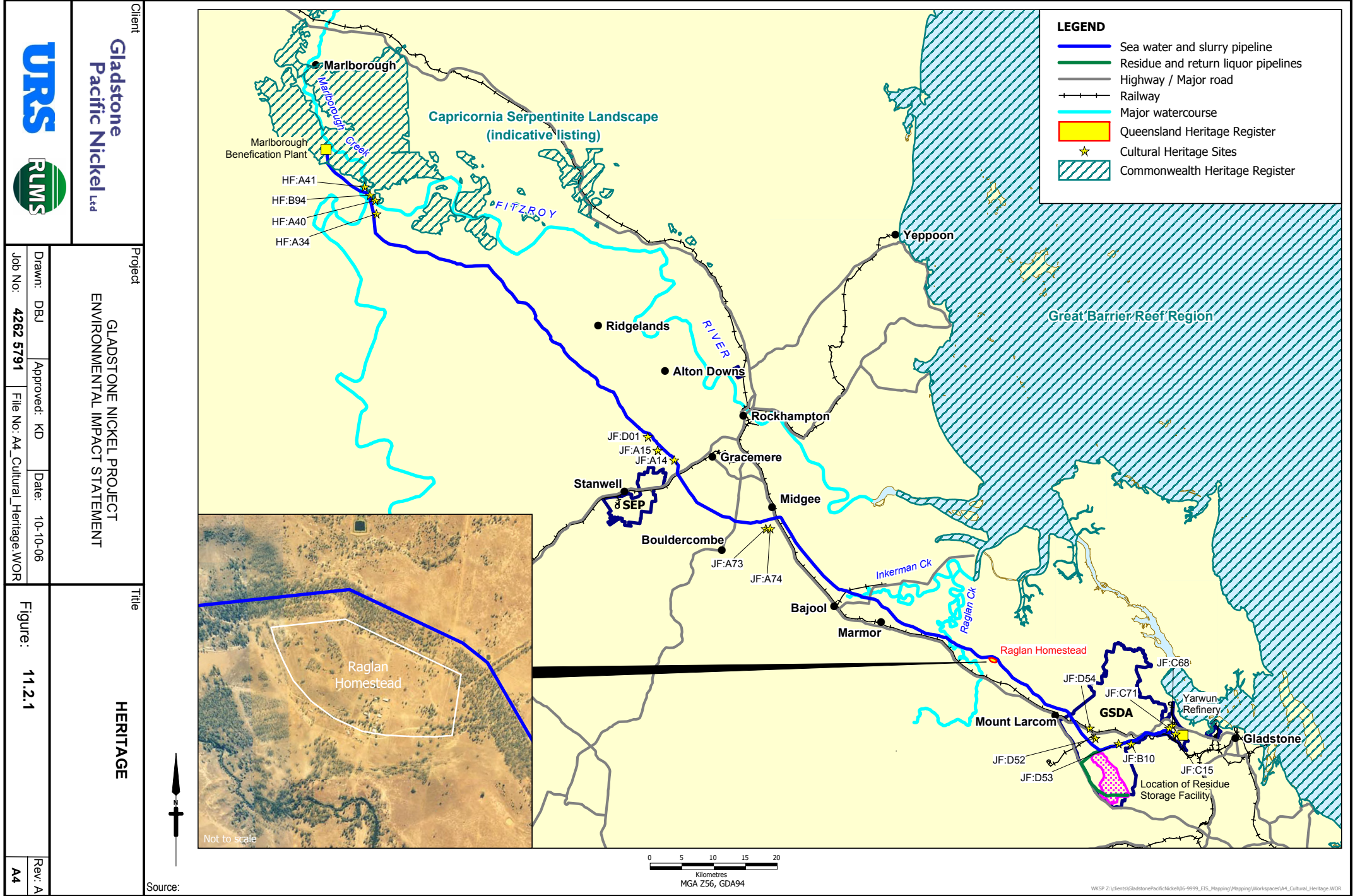
Results of the searches are summarised in Table 11.2.1 (refer to Appendix R for the results of the desktop assessment).

#### 11.2.1.1 Queensland Indigenous Cultural Heritage Database

A total of 16 places included on the Queensland Indigenous Cultural Heritage Database were identified within the search area (refer to Figure 11.2.1), the closest potentially occurring within 25 m of the proposed pipeline route. The type of sites included stone artefacts (either individual or scattered), two scarred trees, quarry material and a possible hearth. A summary of the sites identified, including the project associated with the identification, is provided in Table 11.2.1.

Table 11.2.1 Queensland Indigenous Cultural Heritage Database Search  
Results

Place ID	Place Type	Claim Area	Associated Project
HF:A34	Stone Artefact Scatter	Darumbal	Stanwell Weir EIS
HF:A40	Ochre Source	Darumbal	Stanwell Weir EIS
FH:A41	Scarred Tree	Darumbal	Stanwell Weir EIS
HF:B94	Isolated Stone Artefact/s	Darumbal	Stanwell Weir EIS
JF:A14	Quarry	Darumbal	Proposed Powerline
JF:A15	Stone Artefact Scatter/ Hearth	Darumbal	Proposed Powerline / Stanwell Water Pipeline
JF:A73	Stone Artefact Scatter	Darumbal	State Gas Pipeline
JF:A74	Isolated Stone Artefact/s	Darumbal	State Gas Pipeline
JF:B10	Stone Artefact/s	PCCC	Aldoga Aluminium Smelter
JF:C15	Stone Artefact/s	PCCC	Alcan Smelter
JF:C68	Scarred Tree	PCCC	-
JF:C71	Stone Artefact/s	PCCC	-
JF:D01	Flaked Green Glass	Darumbal	AMC Slurry Pipeline
JF:D52	Stone Artefact/s	PCCC	Calvale to Aldoga Powerline
JF:D53	Stone Artefact/s	PCCC	Calvale to Aldoga Powerline
JF:D54	Stone Artefact/s	PCCC	Calvale to Aldoga Powerline



### 11.2.1.2 Queensland Heritage Register

Only one place within a 1 km buffer of the project infrastructure was identified on the Queensland Heritage Register. The place is the Raglan Homestead, which is located on Lot 804 DT407, which is comprised of two land parcels that straddle Raglan Station Road. The area inscribed on the register for its heritage value is located on the southern parcel, while the proposed pipeline route intersects the northern parcel and is located outside of the heritage register boundary for the place (refer to Figure 11.2.1).

The homestead and surrounding complex is considered to be of historic significance as it:

- Illustrates the pattern of early European exploration and settlement of Queensland.
- Has remained in continuous use and has important associations with the development of the pastoral industry in Queensland.
- Has the potential to yield information on the way such properties were run and provide evidence for the building techniques used over several generations.
- Demonstrates the principal characteristics of a 19<sup>th</sup> century homestead including residential buildings, associated outbuildings, fences and mature trees.
- Contains structures which are well designed and made, examples of traditional buildings which are pleasing in form, material and detail, and mature trees which contribute visually to the setting and provide a landmark for the area.

It has a special association with the life and work of the McDonald family, who as early pastoralists, contributed to the development of the area.

### 11.2.1.3 Australian Heritage Database

Two areas within a 1 km buffer of the project infrastructure were listed in the Australian Heritage Database:

- The Capricornia Serpentine Landscape (approximately 2 km of the northern end of the slurry and seawater pipelines), has an indicative listing on the Register of the National Estate and has been nominated for its natural values.
- The Great Barrier Reef, located at the southern end of the project area (refer to Figure 11.2.1). The area is a registered place on the Register of the National Estate, is a declared property on the World Heritage List and has an indicative listing on both the National Heritage and Commonwealth Heritage Lists.

## 11.2.2 Review of Documentation

To supplement information contained in the registers, a review of published and unpublished documentation from projects undertaken in the vicinity of the project area was undertaken. The majority of the previous studies have been completed as part of impact assessment studies and environmental impact assessments for development projects. Documentation review concentrated on work undertaken in the immediate vicinity of the project area in recent years. Documentation reviewed comprised 17 separate cultural heritage studies undertaken since 1979, including surveys for gas pipelines, transmission lines and development sites both in close proximity to the pipeline routes and within the GSDA (refer to Appendix R for a full copy of the review).

In summary, the review concluded:

- There is a high likelihood of various categories of cultural heritage places, particularly stone artefact scatters and other isolated finds, being identified throughout the various project areas.
- Irrespective of the presence of cultural material on the surface, there is some likelihood of cultural material being found in the sub-surface contexts.

- Human skeletal remains have previously been found in alluvial sediments along the Fitzroy River in proximity to the proposed project infrastructure. These remains would not have been visible on the surface except for mechanisms that removed covering sediments.
- Despite the identification of numerous cultural heritage places located in proximity to previous proposed development areas, management measures have been developed for previous projects that have resulted in all proposed developments undertaken in proximity to the project area, proceeding to conclusion.
- There is no indication that any significant new issue or substantial deviation from the results of the previous investigations, would impact detrimentally on the proposed project.

### 11.3 Potential Impacts and Mitigation Measures

The identification of Aboriginal heritage places in the project area, potential impacts to identified and non-identified Aboriginal heritage places, and measures to mitigate potential impacts are documented in the project CHMPs (refer to Section 11.4). A detailed cultural heritage survey has not been completed for the project area, but will be completed as part of the implementation of the CHMPs. As part of this process, mitigation measures will be developed in consultation with the Aboriginal parties to manage any cultural heritage issues identified during the survey. Where possible, minor realignment of the pipeline route will be made to avoid sensitive areas. Where this is not possible, the CHMPs outline a process for the development of a Cultural Heritage Management Strategy (CHMS), which will form a subsidiary agreement to the CHMPs as necessary.

The proposed alignment of the seawater and slurry pipelines passes through a property on which the Raglan Homestead is located. Raglan Homestead, Slab Hut and the surrounding homestead complex are included on the Queensland Heritage Register, although the proposed pipeline route does not cross the area that is included on the register. It is not considered that the construction and operation of the proposed pipelines will impact on the Raglan Homestead complex.

GPNL recognises that there is potential for additional non-aboriginal cultural material to be located within the project area. Heritage studies (Connell Wagner, 1994) during the initial development of the GSDA identified a number of heritage sites including:

- Known archaeological sites consisting of rock scatters.
- Several sites and features of more recent European historical significance including stockyards, a hay barn, milking yards, the former Mt Larcom Station site and Euroa Station and Yards.

The proposed GNP will not impact on any of these sites.

During the ecological field surveys for the proposed RSF, the remains of a fence were identified. GPNL has since consulted with the Rockhampton District Historical Society and the Calliope River Historical Village in regard to this site. Initial indications are that the material is not particularly significant, but GPNL will continue to consult with relevant groups and determine if the material should be relocated prior to development of the area.

There is the potential for previously unknown cultural heritage material to be present within the project area and this material may be exposed during the construction. GPNL is committed to the protection of cultural heritage sites and the sensitive handling of any accidental discovery of sites. To this end, GPNL will:

- Complete cultural heritage surveys and develop and implement agreed management measures for the management of cultural heritage in accordance with the procedures detailed in the approved CHMPs.
- Implement mitigation measures as detailed in the CHMPs.
- Where potential European heritage material is identified, determine the significance of the site in consultation with relevant groups. Where appropriate, GPNL will liaise with local historical organisations (e.g. Rockhampton District Historical Society and Calliope River Historical Village) regarding the relocation of material.



## 11.4 Cultural Heritage Management Plans

GPNL will plan and develop mitigation measures for any potential impacts to cultural heritage values in accordance with the project CHMPs, which are a requirement under Section 87 of the ACHA. The northern 136 km of the pipelines (from Marlborough) are located on land within an area claimed by the Darumbal People (QC97/21), while the remainder of the pipelines, the refinery, the RSF and associated infrastructure is located within an area included in the PCCC native title claim (QC01/29) (refer to Figure 11.4.1).

### 11.4.1 Engagement with Aboriginal Parties

The CHMPs have been developed in consultation with the relevant Aboriginal parties. Notices under the ACHA, were issued by GPNL to the listed native title claimants in order to identify the 'Endorsed Parties' for involvement in the process. Further negotiation was then undertaken with those representatives who notified GPNL that they wished to be "Endorsed Parties" for the process.

Consultation with the representatives of the relevant Aboriginal parties has been undertaken through direct meetings which covered the following topics:

- Project Introduction
  - To introduce GPNL as the project proponent.
  - To present the nature and scale of the project.
  - To discuss the overall process for the development of the CHMP.
  - To agree the key principles that will be adopted.
- Draft CHMP
  - To present and review a draft CHMP that is based upon the agreed principles.
  - To consider all issues and redraft the CHMP.
- Final Agreement
  - To review and discuss the revised CHMP.
  - To agree the final CHMP and a mechanism for authorisation of the plan.

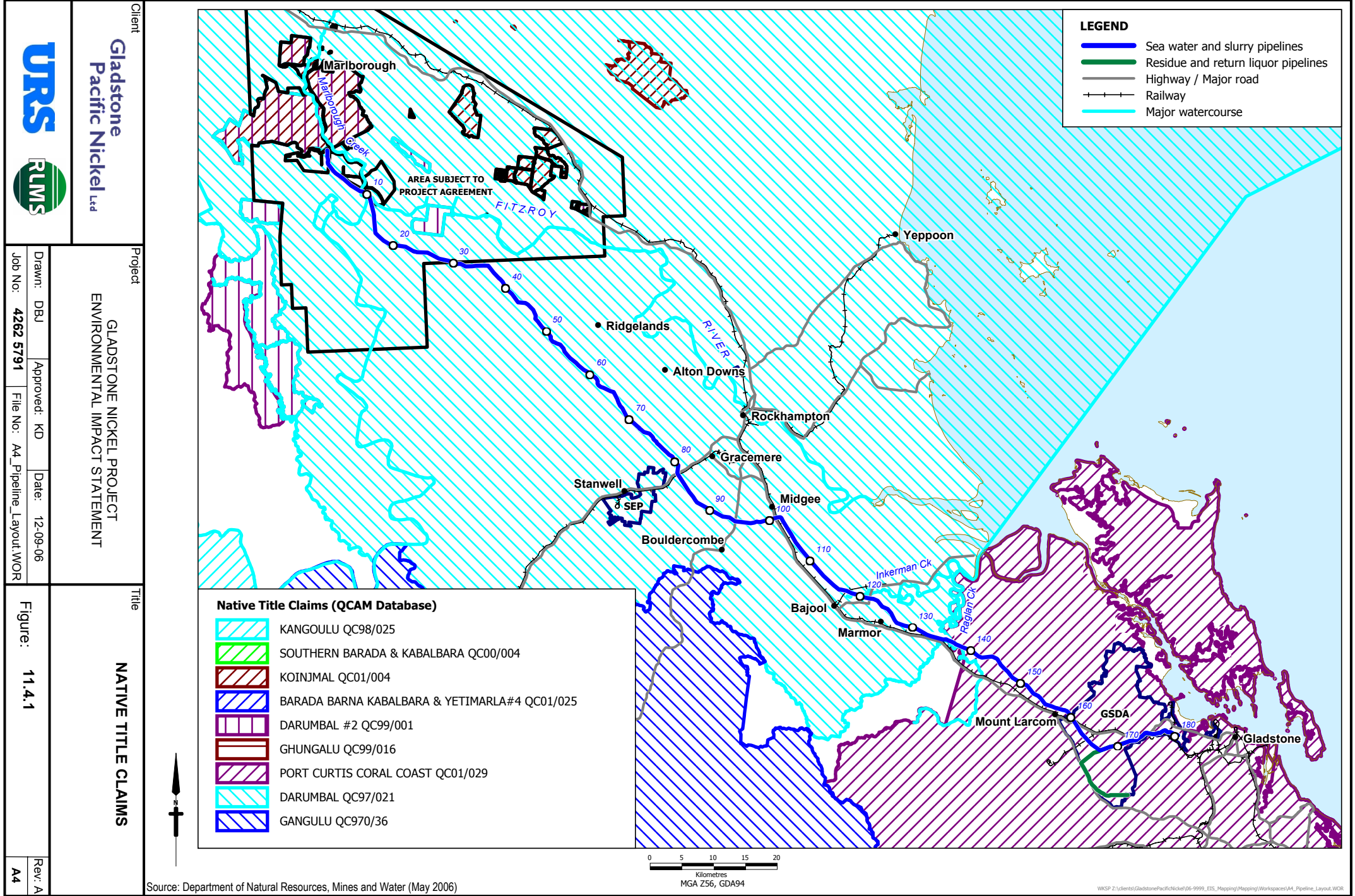
Ongoing meetings with the relevant Aboriginal parties will be undertaken as needed, in accordance with the CHMPs, to settle specific management arrangements on completion of the initial assessments, and to review implementation of the CHMP.

### 11.4.2 Progress to Date

#### 11.4.2.1 Northern Section of Pipelines

The Marlborough Nickel Project Agreement was signed 14 August 1999 between Marlborough Nickel Pty Ltd (a wholly owned subsidiary of GPNL), the Darumbal and BBKY Peoples and the Queensland State Government. Schedule 1 of this agreement contains an approved CHMP applicable to the 12 mining leases at Marlborough and the adjacent "Project Area". The extent of the project area to which this agreement applies is illustrated in Figure 11.4.1.

As the northern section of the pipelines (approximately 30 km) is contained within the area subject to the existing agreement, the arrangements and strategies outlined in the existing CHMP will apply for this section of the pipeline route. This has been agreed with the Darumbal People, who hold the native title claim over this portion of the route.





#### 11.4.2.2 Central Section of Pipelines

The central 106 km of the proposed slurry and seawater pipelines are located on land within an area claimed by the Darumbal People (QC97/21).

A CHMP covering the central section of the pipeline corridor to Raglan Creek was accepted as a CHMP under the ACHA on 25 July 2006. Under that document, cultural heritage field surveys will not be undertaken until after GPNL commits to proceed with the project.

#### 11.4.2.3 Southern Section of Pipelines and Gladstone Project Components

The southern section of the pipelines, the refinery, RSF and other Gladstone infrastructure are located within an area included in the PCCC native title claim (QC01/29).

A CHMP covering this area has been agreed with the PCCC and was signed on 15 March 2007. The CHMP will be submitted to the Queensland government for approval.

#### 11.4.3 CHMP Description

The CHMPs agreed with the Darumbal People for the central section of the pipelines and the PCCC native title applicants satisfy the requirements of Part 7 of the ACHA for a CHMP.

The CHMP is a process document which describes the steps to be applied to the management of indigenous cultural heritage in the event that the overall project is sanctioned. As the desktop assessment has indicated that on the basis of material to hand there are no known major issues in close proximity to the project area to warrant investigation at this stage, the major fieldwork component will only be undertaken once the project receives sanction and will be initiated in line with the conditions agreed in the CHMPs.

Key components / measures within the CHMPs include:

- The principles that are to be adopted in relation to cultural heritage. These include:
  - Ownership of cultural heritage.
  - Management of information.
  - Inclusion of cultural heritage issues in the projects workforce induction program and involvement of representatives from the Aboriginal parties in the development and implementation of such programs.
  - Communication protocols.
  - Protocols for responses to cultural issues that might arise (e.g. death and bereavement issues).
  - Dispute resolution process.
  - General administrative arrangements.
- The process and the outcomes expected. This relates to the identification of the cultural heritage areas, objects and values that exist within the proposed project area and may be impacted by the development.
- The development of an agreement and the implementation of this in the context of construction. This relates to how the places, objects and values are to be managed.
- Provisions for the development of a post-construction heritage agreement (PCHA) if this should prove necessary. This covers those steps that need to be implemented for the management of cultural places within the project area on a regular basis (if required) or in the context of emergencies associated with the general maintenance or repair of the infrastructure within the project area.