

13. Cultural heritage



13. Cultural heritage

This chapter addresses the Indigenous and non-Indigenous cultural heritage issues associated with the Project. The cultural heritage assessment within and adjacent the project area identifies cultural heritage issues that may exist or potentially be disturbed as a result of the proposed upgrade. The assessment will also assist in identifying mitigation strategies to protect the cultural heritage values of the area.

The outcomes of the Indigenous cultural heritage assessment will form the basis for the Cultural Heritage Management Plan (CHMP) to ensure Indigenous cultural heritage duty of care is implemented during the construction phase of the Project.

13.1 Cultural heritage legislation

13.1.1 State legislation

Indigenous cultural heritage sites, items, places and values (including spiritual) are currently protected by the *Aboriginal Cultural Heritage Act 2003* (ACH Act). This Act is administered by the Department of Natural Resources and Water (DNRW).

The 'Duty of Care' guidelines ensure that Indigenous heritage is protected at registered and non-registered sites (Section 28 ACH Act). Under Section 87 of the ACH Act, when an EIS is required, a CHMP is also required. The CHMP will be developed through consultation and with the Traditional Owners groups that form the Wiri People #2 and Yuibera People groups.

The state legislation protecting non-Indigenous heritage is the *Queensland Heritage Act 1992*. The Queensland Heritage Register formed under the provisions of the *Queensland Heritage Act 1992* is a list of places, trees, natural formations and buildings of cultural heritage significance.

13.1.2 Commonwealth legislation

The *Aboriginal and Torres Strait Island Protection Act 1984* provides for Aboriginal and Torres Strait Islander people through 'the preservation and protection from injury or desecration of areas and objects in Australia and Australian waters being areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal tradition.'

The provisions of the *Australian Heritage Commission Act 1975* only applied until the Act was repealed and replaced by the *Australian Heritage Council Act 2003*. The Australian Heritage Council is the principal adviser to the Australian Government on heritage matters. The Council assesses nominations for the National Heritage List and the Commonwealth Heritage List and complies with the Register of the National Estate.

The *Native Title Act 1993* adopts the common law definition of "native title". The Act establishes the National Native Title Tribunal and governs how native title is dealt with across Australia. The Commonwealth *Native Title Amendment Act 1998* made extensive amendments to the *Native Title Act 1993*. The amendments confirmed that native title rights and interests may exist over land which is or has been subject to a pastoral lease and other forms of lease and other forms of leasehold tenure.

Chapter 4 of the EIS provides further information relating to the requirements and relevance of both State and Commonwealth that apply to cultural heritage.

13.2 Methodology

The investigations and communications involved in this cultural heritage assessment were in accordance with the ACH Act, Aboriginal Duty of Care Guidelines, QHA 1992 and the *Aboriginal and Torres Strait Island Protection Act 1984*.

13.2.1 Aboriginal cultural heritage consultation

Under the provisions of the ACH Act, the relevant Aboriginal Parties were identified through the DNRW database for the project area. For the JRYUP project area, the following two Aboriginal Parties (claimant groups) have claims over this area.

- Yuibera People
- Wiri People # 2

Yuibera People have particular parcels of land relating to their Native Title claim. Lot 100 on USL39250 is the only land parcel within the proposed project area that traverses the Yuibera People's claim.

Wiri People # 2 have a previous Native Title claim that encompassed all of Sarina Shire's jurisdiction, which includes the project area.

Although the Wiri People # 2 claim was not accepted by the National Native Title Tribunal, they are currently recognised as an 'Aboriginal Party' party under the ACH Act for all of the project area excluding Lot 100 on USL39250. Under the ACH Act, Yuibera are the Aboriginal Party however, under Section 35 of the ACH Act if a 'person is an Aboriginal person with particular knowledge about traditions, observances, customs or beliefs associated with the area' which is applicable to Wiri People # 2.

Figure 13.1 illustrates the Aboriginal Native Title Claim Boundaries for both Aboriginal Parties.

In accordance with the ACH Act, Wiri People # 2 and Yuibera People were notified of the Project and invited to be involved in preparing a CHMP by Connell Hatch on behalf of QR. Both groups expressed interest in being involved as endorsed Indigenous parties under the ACH Act.

There are no registered Cultural Heritage Body's for the Jilalan project area.

13.2.2 Aboriginal walk through or clearance

A walk through of the project area with each Aboriginal Party occurred in August 2007. The Wiri People #2 conducted their walk through on 27 August 2007 whilst the Yuibera People conducted their walk through on 28 August 2007. A final walk through of the project area by both parties is proposed for 12 September 2007 and 13 September 2007. Cultural heritage issues, cultural heritage management and protection will be explored in further detail with subsequent findings to be incorporated into the CHMP.

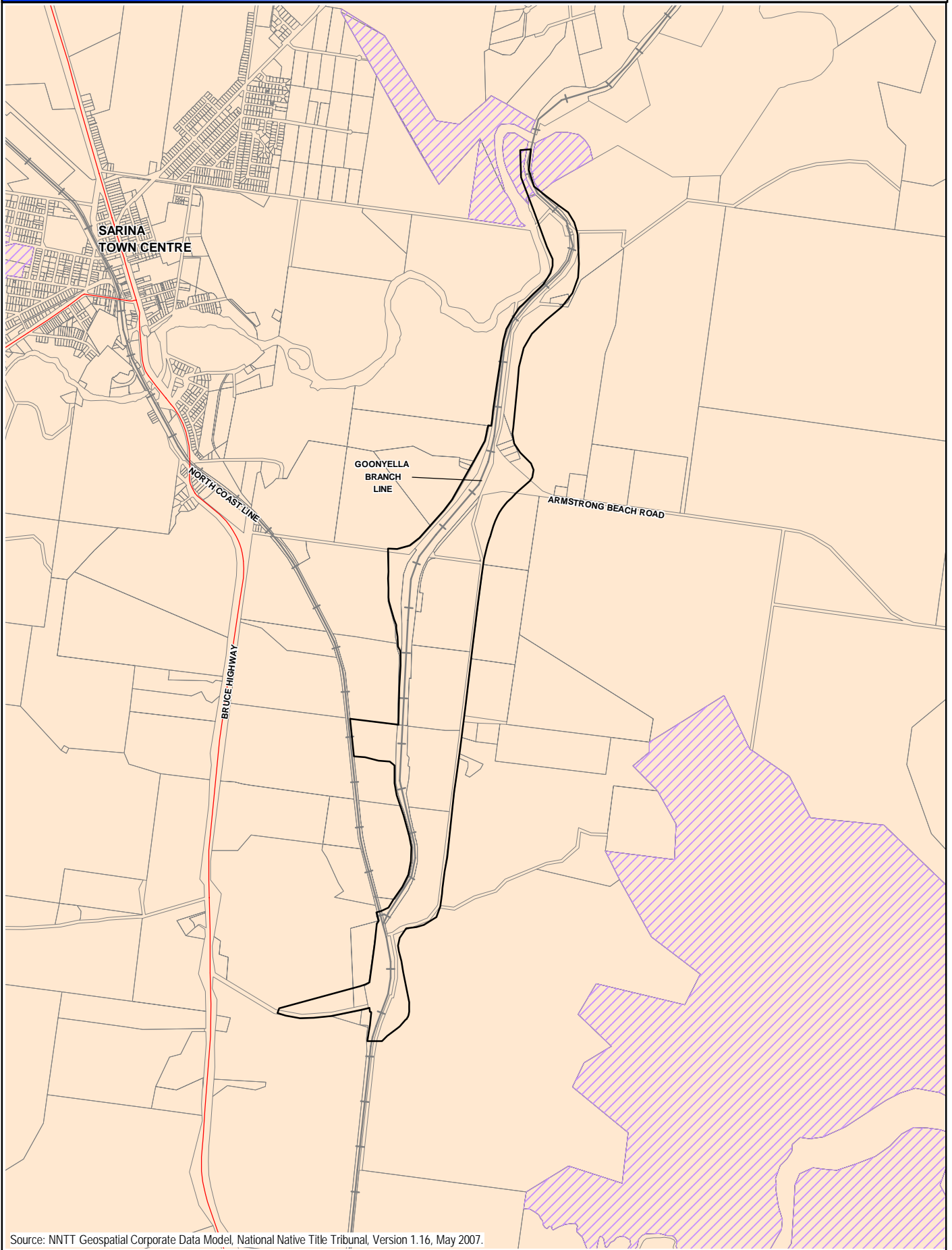
13.2.3 Non-Indigenous cultural heritage consultation

The Sarina District Historical Society were consulted to determine if any areas of cultural heritage interest exist within or adjacent to the project area. It was confirmed that no known cultural heritage sites or remnants exist within the project area.

13.3 Description of cultural heritage values

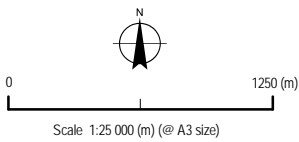
13.3.1 Desktop study






A search of the Department of Environment and Water Resources (DEW) Australian Heritage database revealed seven areas within close proximity to the project area, however no sites were listed within the project area.



Source: NNTT Geospatial Corporate Data Model, National Native Title Tribunal, Version 1.16, May 2007.

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LEGEND	
	Rail
	Project Area
	Cadastral
	Wiri People No.2
	Yuibera People

ABORIGINAL NATIVE TITLE CLAIM BOUNDARIES

FIGURE 13.1

The seven Australian Heritage listed areas are:

- Cape Palmerston – Mount Funnel Area
- Cape Palmerston National Park
- Freshwater Point Area, Miran Khan Drive
- Great Barrier Reef Region
- Mount Blarney Environmental Park, Rainforest Road
- Mount Hector Environmental Park, Hay Point Road
- Sarina War Memorial

A search of the QLD EPA Heritage Register revealed that the project area does not contain any non-Indigenous cultural heritage under the *Queensland Heritage Act 1992*. The closest non-Indigenous listed cultural heritage site is the Sarina War Memorial, which is located within the town of Sarina on Broad Street.

A search of the DNRW Cultural Heritage and Register database found no known Aboriginal cultural heritage within the project area.

Limited background information exists regarding Indigenous cultural heritage within Sarina.

13.3.2 Yuibera People

The Yuibera history will be completed as part of the ongoing consultation and finalisation of the CHMP.

13.3.3 Wiri People # 2

The Wiri People # 2 history will be completed as part of the ongoing consultation and finalisation of the CHMP.

13.3.4 Non-Indigenous history

Jilalan rail yards

The Jilalan (meaning 'journey') Yard was originally built in the 1970s, when the port at Dalrymple Bay first opened, for smaller head end power trains and has been incrementally expanded over time to match growing coal exports. The new diesel locomotive depot was built by Messrs Harris-James Pty Ltd.

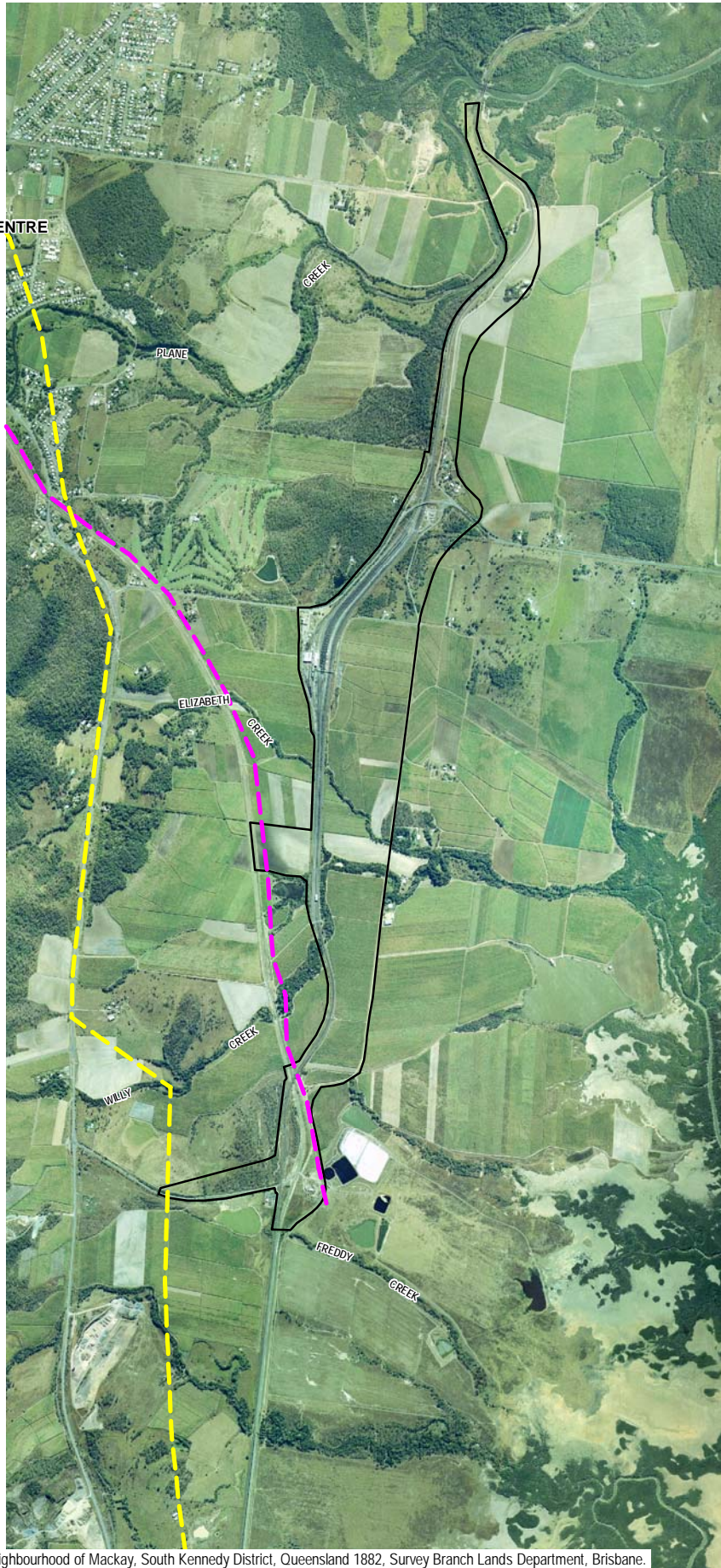
Commissioned in 1971, Jilalan's purpose was for maintaining and servicing coal trains utilising the Goonyella Branch Line, which facilitates the transportation of coal to export terminal facilities.

Early transport routes

Non-Indigenous cultural heritage associated with the project area is largely related to the main transport corridor between the townships of Sarina and St Lawrence. Early settlers obtained their food and building supplies by bullock wagons from Broadsound. The original route to St Lawrence may have passed through the project area, however evidence suggests that the route passed directly west of Jilalan (refer Figure 13. 2).

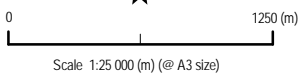
It is unknown whether the Rockhampton to Mackay route, including St Lawrence (Broadsound) to Sarina, became a stage coach route, however given the close proximity to Sarina it is unlikely Jilalan was a site for a way station on the route to St Lawrence.

SARINA
TOWN CENTRE



Source: Map of the Country in the Neighbourhood of Mackay, South Kennedy District, Queensland 1882, Survey Branch Lands Department, Brisbane.

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LEGEND

- Line
- Likely Wagon Track (Sarina to Broadsound)
- Project Area
- Dunder Pipeline

EARLY TRANSPORTATION ROUTES

FIGURE 13.2

Mackay soon became the main supply for the Sarina region whereby the time to travel between Sarina and Mackay was reduced by five or six hours with the construction of a bridge over Alligator Creek in 1987. Bakers and Sandy Creeks have previously been spanned. The Journey was previously delayed while waiting for low tide in the coastal creeks. After this time, the route to Broadsound become less significant.

The sugar industry

The Plane Creek Central Mill Company Limited was found in 1884 and the first sugar cane crush took place in 1896. The main focus of the sugar industry in the early years was north of Plane Creek with the machinery for the Mill being transported on a two-foot gauge tramway. The tramway was later used to cart sugar cane to the Mill for crushing.

The majority of the sugar cane was initially grown in the area surrounding Sarina, where tramlines constructed to transport the cane to the Mill. A tramline was proposed for the area south of Plane Creek, which resulted in the conversion of grazing areas into selections for cane growing. On the Mackay to St Lawrence wagon route, Koumala was established in anticipation of the construction of the tramline with a post office operating from 1898. The tramline did not eventuate, forcing selectors to grow other crops or seek employment elsewhere.

By 1905, there was a bi-weekly coach service from Koumala to Mackay, however the majority of the activity associated with the sugar industry remained north of Plane Creek.

Coming of the rail

It was not until the rail line was extended from Mackay to Sarina in 1913, and then to Koumala in 1915 that the area south of Plane Creek become viable for sugar cane growing. Sugar cane was carted to sidings in drays and then transported by rail to the Plane Creek Mill.

Small townships formed at railway sidings and the line was extended to join with the line at St Lawrence in 1921. The rail siding township closest to the project area was Yukan followed by Koumala. The rail line became the focus for transport often given the impassable dirt tracks in the area. A railmotor service operated between Carmila and Mackay six days a week from 1930 and continued until 1971. The Yukan rail siding building has been relocated to Sarina as part of the historic display at the 'Field of Dreams'.

Sarina Ethanol Distillery, Oonooie Facility

The Australian National Power Alcohol (ANPA) distillery was established in the late 1920s. As part of the waste disposal process the ANPA secured a 2,900 acre Special Lease at Oonooie (SL 5,750) and installed a 5 km above-ground, wooden pipeline along the Plane Creek Sugar Mill's tramway easement to the disposal site. The waste disposal ground was outside the town centre, in an uninhabited area, which caused some issues for the local community (Gunn 2003).

The pipeline has since been replaced with a high density polyethylene line and essentially follows the same route crossing the proposed rail extension area in the vicinity of the intersection of the North Coast Line and the Goonyella Branch. Part of the dunder pipeline is within the project area in the vicinity of the CSR Ethanol Distillery, Oonooie Facility (also referred to as CSR Biodunder™ facility) to the point where it crosses the Goonyella Branch (refer Figure 13.2).

The pipeline has been upgraded and replaced and is currently an example of modern industrial infrastructure, whereby limited cultural heritage values exists. The cultural heritage values associated with the dunder pipeline is associated with the route and the historic attachment to an industry, which commenced operation in the late 1920s.

13.4 Potential construction impacts

The potential exists for uncovering cultural and archaeological sites during construction activities, particularly during excavation works. Provided management measures and the CHMP are implemented, the potential for damage or unlawful harm to cultural heritage items of value will be minimised.

Potential cultural heritage impacts associated with the proposed upgrade are predominately associated with the construction phase. Any clearing or excavation works, where potential artefacts, areas or sites may be uncovered will be undertaken primarily during the construction phase.

13.5 Potential operational impacts

The potential impacts during the operational phase on cultural heritage will be minimal given that excavation works will be undertaken during the construction phase.

13.6 Mitigation measures

Further information and recommendations will emerge from discussions with the Traditional Owners as part of the ongoing consultation.

13.6.1 Design phase

Ongoing discussions with local Aboriginal groups to ensure no cultural heritage areas or artefacts are within proximity to the project area.

13.6.2 Construction phase

To minimise and/or reduce the potential impact from construction activities on cultural heritage, the following mitigation measures will be undertaken:

- Ongoing consultation with Traditional Owner representatives.
- Project works to be undertaken in accordance with the ACH Act.
- Finalise the draft CHMP (refer Appendix L) and obtain approval from DNRW.
- Project works to be undertaken in accordance with the approved CHMP which will include requirements for construction, specifically excavation works.
- Construction staff attend cultural heritage induction by Traditional Owner representatives prior to commencement of works to promote an understanding of the potential Indigenous heritage existing within the project area and management procedures.
- Construction staff will be made aware of the importance of the ACH Act and Aboriginal Duty of Care.

13.6.3 Operational phase

The Operational Environmental Management Plan (EMP (O)) will include the requirement to comply with the ACH Act, the Aboriginal Duty of Care Guidelines and the CHMP throughout the project.

13.7 Conclusion

To ensure Aboriginal and non-Indigenous duty of care is implemented throughout the Project, and to minimise or prevent the loss and damage to items of cultural heritage or archaeological significance, a CHMP will be finalised prior to construction commencing in 2008.