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12 Cultural Heritage

12.1 Introduction

This Chapter discusses the non-indigenous and indigenous cultural heritage places and values that have been recorded as part of the cultural heritage assessments for the revised Project.

12.1.1 State Legislation

Queensland Heritage Act 1992

The object of the QH Act is to provide for the conservation of Queensland's cultural heritage for the benefit of the community and future generations.

The object is primarily achieved by:

- establishing the Queensland Heritage Council;
- keeping the Queensland Heritage Register;
- keeping local heritage registers;
- regulating, in conjunction with other legislation, development affecting the cultural heritage significance of Queensland heritage places;
- providing for heritage agreements to encourage appropriate management of Queensland heritage places; and
- providing for appropriate enforcement powers to help protect Queensland's cultural heritage.

The Queensland Heritage Register includes a record of State heritage places. Development approval may be required under the QH Act if development is proposed on a State heritage place.

- A place may be entered in the Queensland Heritage Register (section 35 (1)), if it satisfies at least one of the following criteria: the place is important in demonstrating the evolution or pattern of Queensland's history.
- the place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage.
- the place has potential to yield information that will contribute to an understanding of Queensland's history.
- the place is important in demonstrating the principal characteristics of a particular class of cultural places.
- the place is important because of its aesthetic significance.
- the place is important in demonstrating a high degree of creative or technical achievement at a particular period.
- the place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.

- the place has a special association with the life or work of a particular person, group or organisation of importance in Queensland's history.

Aboriginal Cultural Heritage Act 2003

The cultural heritage assessment has been undertaken under the provisions of the ACH Act and the QH Act. It is noted that the provisions of the ACH Act differ greatly from those found under the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987* (CR Act)

Under the ACH Act, 'Cultural Heritage' is defined as anything that is:

- a) a significant Aboriginal area in Queensland; or
- b) a significant Aboriginal object; or
- c) of archaeological or historic significance, or evidence of Aboriginal occupation of an area of Queensland (Section 8 of the ACH Act).
- d) Aboriginal Cultural Heritage includes:
 - archaeological sites (such as artefact scatters, hearths, stone tool knapping areas, scarred trees and stone arrangements);
 - places that have traditional knowledge associated with them;
 - historically important places (such as old stockmen's camps or tracks); and
 - places that are important today (such as food or ochre-getting places or places used for recreational purposes).

The following principles are fundamental to the ACH Acts implementation:

- recognition, protection and conservation of Aboriginal cultural heritage based on respect for Aboriginal, cultural and traditional practices;
- recognition of Aboriginal people as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage;
- allowing Aboriginal people to reaffirm their obligations to "law and country" activities through activities involving recognition, protection and conservation of Aboriginal cultural heritage; and
- establishing timely and efficient processes for managing activities that may harm Aboriginal cultural heritage.

The ACH Act contains a general duty of care to take all reasonable and practical steps to be aware of, and to avoid harming, Aboriginal cultural heritage. Section 23 (1) of the ACH Act requires that a person must exercise due diligence and reasonable precaution before undertaking an activity that may harm Aboriginal cultural heritage. Duty of Care Guidelines attached to the ACH Act set out key indicators of compliance which include, but are not limited to, the following:

- proof of consultation with the Aboriginal party for the area;
- cultural heritage studies undertaken in association with the Aboriginal party for the area;
- searches of cultural heritage information contained in the cultural heritage register and database held by the Cultural Heritage Unit now managed by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs; and

- a Cultural Heritage Management Plan (CHMP) or other agreement with the Aboriginal party for the area.

The ACH Act prescribes a formula for identifying the “Aboriginal party” for an area. Most commonly, the Aboriginal party will be constituted by the person who is or was the registered native title claimant for either the current or most recently failed registered Native Title claim in the area.

In accordance with section 87 of the ACH Act, as the revised Project is one for which an EIS is required, unless an exemption applies under section 86 of the ACH Act, a CHMP must be developed (with the Aboriginal party for the area) and approved (by the Director of the CHU) in accordance with the requirements of part 7 of that Act.

12.1.2 Federal Legislation

Aboriginal and Torres Strait Islander Heritage Protection Act 1986

The purpose of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1986* (ATSIHP Act) is to preserve and protect areas and objects of particular significance to Aboriginal Australians from injury or desecration. The ATSIHP Act can provide particular protection for sacred sites. Any steps necessary for the protection of a threatened place can be outlined in a gazetted Ministerial Declaration (sections 9 and 10 of the ATSIHP Act) and this can include the prevention of development. As well as providing protection to areas, it can also protect objects by Declaration and in particular Aboriginal skeletal remains (section 12 of the ATSIHP Act). Heavy penalties may be levied in the case of contravention of provisions of a Declaration (section 22 of the ATSIHP Act).

Environmental Protection and Biodiversity Conservation Act 1999

The EPBC Act provides for the listing of natural, historic or Indigenous places that are of outstanding national heritage value to the Australian nation as well as heritage places on Commonwealth lands and waters or under Australian Government control. The National Heritage List includes natural, historic and Indigenous places of outstanding heritage value. The Commonwealth Heritage List comprises natural, Indigenous and historic heritage places on Commonwealth lands and waters or under Australian Government control. The Australian Heritage Database includes places in the National Heritage List and places in the Commonwealth Heritage list.

12.1.3 Toowoomba Planning Scheme

A local government must keep a register of places of cultural heritage significance in its area. The local government may enter a place in its local heritage register if the place is in the local government's area and the local government reasonably considers that the place is a place of cultural heritage significance for its area. The local government for the revised Project is the TRC.

12.2 Non-Indigenous Cultural Heritage Values

12.2.1 Heritage Register

The historical heritage aspects of the Study area relate to the farming and grazing activities of the Acland region as well as the coal mining industry and its link to the development of the region as a whole. A search of the Federal and State heritage registers for places of State and National significance was conducted. These searches revealed that one site, the Acland No. 2 Colliery, has been registered as a place of heritage value on the Queensland Heritage Register (Register No. 602599). The Acland No. 2 Colliery has also been recognised as a place of heritage value on the non-statutory National Trust of Queensland Heritage List (ROS 7/0). It is recorded as being located at Lot 9 (SP135851) and Lot 2 (SP135851), Parish of Watts, County of Aubigny.

A search of the Federal government's Australian Heritage Database returned no results. A further search for 'coal mines' on the register returned only Mount Mulligan Coal Mine (RNE ID 9077, file No. 4/06/258/0017) in Queensland. The Acland No.2 Colliery and the park reserve located in Church Street in Acland are listed as Heritage Places for the purposes of administering the Toowoomba Regional Planning Scheme 2012 (TR Planning Scheme 2012).

12.2.2 Historical Background

Acland emerged as a small town following the construction of a branch railway from Oakey to Cooyar in 1913. Coal mining near Acland commenced in 1913 with several companies being established for the production of coal. In 1929, production commenced at the Acland No. 2 Colliery at 'Hoff's Well'.

Coal mining had a significant effect on the fortunes of the Acland Township. The mining industry in the Darling Downs, including the mines around Acland, began to decline in the late 1950's and 1960's. Although coal mining had an important impact on the town, agriculture, dairy and pastoral practices continued in the Acland region. Despite the continuing presence of industries in the region other than coal mining, it was as a result of coal mining that the town flourished. The closure of collieries in the region and in particular, the closure of the Acland Mine in 1984, has seen a steady decrease in the population of Acland.

The history of the town post-war period is further defined by two major setbacks. The first was the tornado that swept through the town on 6 December 1952. Almost all the buildings in town were damaged to some extent and the towns two churches, butcher shop and town hall were completely destroyed (Greenhalgh, 2002). A number of houses later had to be demolished. The town suffered a further setback with the closure of the railway line from Oakey to Cooyar. This outcome followed the Queensland government's decision in 1964 to close 16 branch railways throughout the State. The first section of the Oakey to Cooyar line to close was from Acland to Cooyar in 1964 (Queensland State Archives, Item 1005980). The section of the line from Oakey to Acland was closed in 1969.

Agricultural activities, the coal industry and the rail line that supported these industries, had encouraged the growth of Acland and defined the lives of its residents for 70 years. The structure and artefacts at the former Acland No.2 Colliery site were converted to a museum by John and Kath Greenhalgh on 3 May 1986.

Mining had a significant effect on the development of the Acland region and the majority of the history resulting from mining operations has been recorded and preserved at the Acland Coal Mine Museum.

12.2.3 Non-indigenous Cultural Heritage Studies

A non-indigenous cultural heritage assessment was conducted in late 2008 as part of the original proposal's heritage assessment. The area covered included the area around Acland and the former localities of Sabine and Greenwood. The assessment was defined by the boundaries of MDL 244. Field survey work undertaken in October 2008 involved a road traverse across selected parts of the MLA 50232.

The survey methodology within Acland comprised a systematic road side survey through the area. The roadside survey was limited to driving two routes covering a distance of 18.6 km and 2.5 km respectively, on two occasions. In the first drive, the survey team (a driver and heritage specialist) were accompanied by two local residents who assisted in identifying core heritage features; former mines, rail track, hotel, school and gravesite. The subsequent drive surveys were used to record distances and to undertake further visual evaluation of the landscape. The field data was then assessed and analysed against recent aerial photography, historic plans and cadastral maps.

The full report from this survey was prepared in accordance with the QH Act and associated guidelines, principally, the Australia *ICOMOS Burra Charter, 1999*.

12.2.4 Major Modifications and Changes

The landscape surrounding Acland has been significantly modified since European settlement in the mid nineteenth century. Small patches of remnant vegetation are scattered throughout what is generally a cultural landscape of farms and interlinking roads. Traces of the progressive evolution of the present landscape are observed throughout the Study area. The former railway line, small fenced paddocks that were once school reserves and weathered mullock heaps from the earlier abandoned underground coal mines are also evident throughout the Study area.

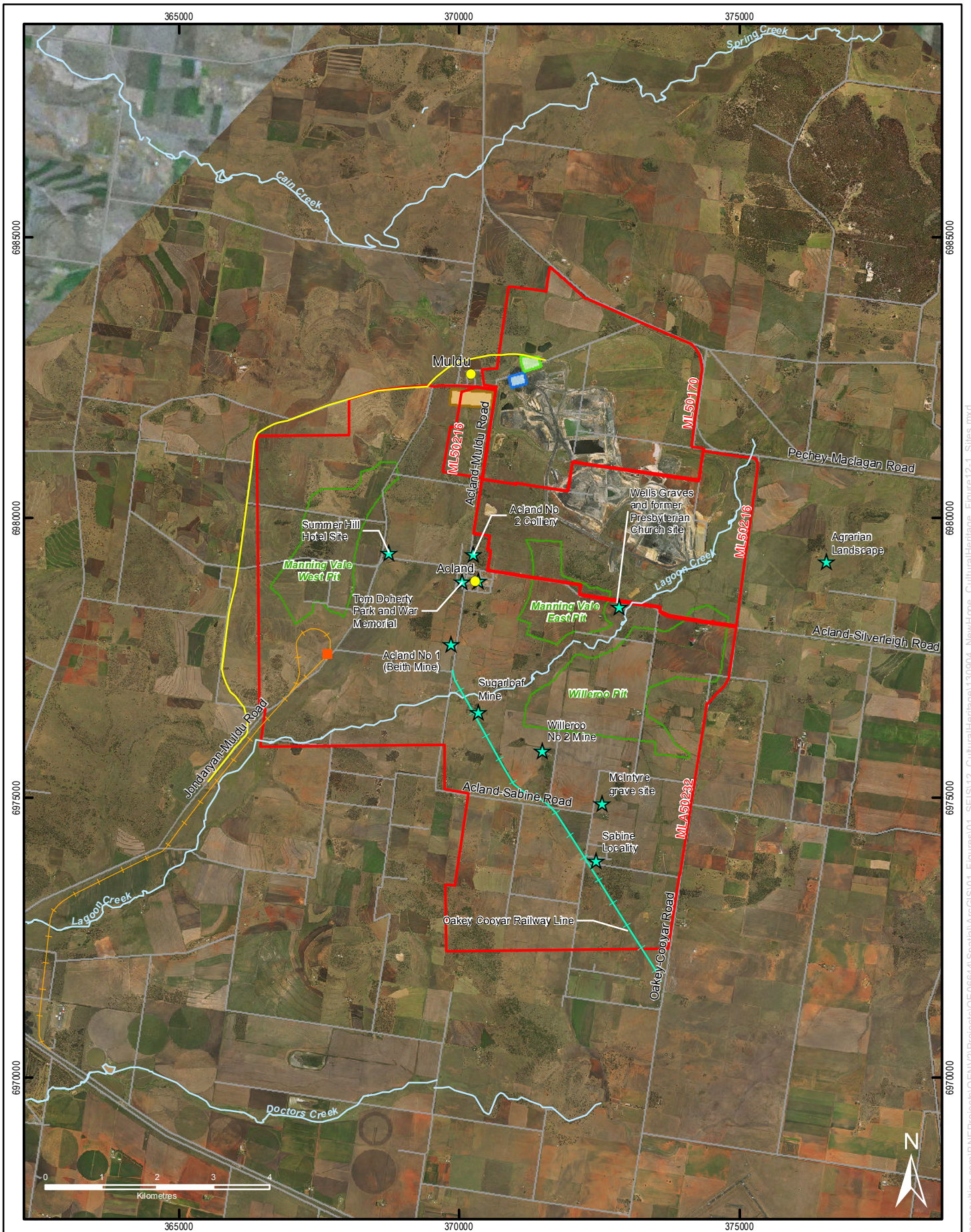
12.2.5 Non-Indigenous Cultural Heritage Places



The non-indigenous cultural heritage assessment identified the following places within the Study area as having cultural heritage attributes:

- The agrarian landscape;
- Acland;
- The Tom Doherty Park and War Memorial;
- The Acland No. 2 Colliery;
- Sugarloaf Mine;
- Acland No. 1/Beith Mine;
- Willeroo No. 2 Mine;
- Summer Hill Hotel site;
- The Oakey to Cooyar Railway Line;
- Sabine locality;
- McIntyre gravesite; and
- Wells' Graves and former Presbyterian Church site.

These places are presented in **Figure 12-1**.

NAC has developed the Acland Colliery Conservation Management Plan (ACCMP) and is provided in **Appendix J.12**.



<p>LEGEND</p> <ul style="list-style-type: none"> ● Towns and Localities ★ Sites that exhibit Cultural Heritage Attributes ■ Train Loadout Facility — Oakey to Cooyar Railway Line — Rail Spur — Roads — Creeks — Jondaryan-Muldu Road Diversion Mining Tenements Stage 3 Pit Areas CHPP Precinct Material Handling Facility Mine Industrial Area 	 	<p>NEW ACLAND COAL MINE STAGE 3 PROJECT</p> <p>Figure 12-1 - Cultural Heritage Attributes Sites</p> <p>Scale 1:90,000 on A4 Projection: Australian Geodetic Datum – Zone 56 (AGD84)</p>
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12.2.6 Non-Indigenous Cultural Heritage Significance

An assessment of significance was carried out to determine and establish the level of importance or value that a place, site or item may have to the community. Assessments of significance were based on an understanding of a place's history together with a physical analysis and an appreciation of the comparative level of rarity or representativeness that a site possesses.

Cultural heritage significance was generally assessed using the QH Act criteria and best practice initiatives such as the *ICOMOS Burra Charter 1999* to establish the nature of the site's significance in terms of its historic, aesthetic, architectural, technical, social or scientific attributes and to establish the degree of that significance in terms of its representativeness, rarity, condition and interpretative value.

12.2.7 Assessment of Significance

A comparative analysis is an examination of a place in relation to similar places and is used to assist the understanding of significance, in particular, to establish the rarity and representativeness of a place. In this instance the comparative analysis is focused upon the Study area, but with specific attention to Acland and to the Acland mines.

Although the revised Project does not directly impact on the listed items, an assessment has been conducted and is presented in **Table 12-1**, which summarises the levels of significance for the 12 'cultural places' identified within the Study area.

Table 12-1 Significance Summary (Source: Heritage Assessment for Acland Stage 3, 2008)

Place	Overall Archaeological Significance	Significance Criteria ¹							
		Historical	Rarity	Research & Technical	Representativeness	Aesthetic	Technical	Social	Associative
The agrarian landscape	Low	L	L	L	L	L	-	L	L
Acland	None	L	L	-	-	L	-	L	L
Tom Doherty Park and war memorial	None	L	-	-	-	L	-	L	L
Acland No2 Colliery	High	S	S	S	S	L	-	L	-
Sugarloaf mine	Med	L	-	L	L	L	-	-	-
				S	S	S			
Acland No 1 (Beith) mine	Med	L	-	L	L	-	-	-	-
				S	S				
Willeroo No. 2	Low	L	-	L	L	-	-	-	-
				S	S				
Summer Hill hotel site	Med	L	-	L/M	-	-	-	-	-
Railway	None	L	-	-	-	-	-	-	-
Sabine	Low	-	-	L(I)	-	-	-	-	-
McIntyre grave	Med	L	-	L	L	-	L	L	-
							S		
Wells' graves'	Low	-	-	L	-	-	-	L	-

¹ Significance Criteria as defined in **Table 12-1**.

L - Local/ regional significance, S - State significance.

The colours in the Significance Summary table denote the Levels of Significance:

Insignificant	Low	Medium	High
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Under section 35 of the QH Act, a place may be entered in the Queensland Heritage register if it satisfies one or more of the following criteria as detailed in **Table 12-1**.

Table 12-2 Queensland Heritage Register Significance Criteria

Significance Criteria
<p><u>HISTORICAL SIGNIFICANCE</u> A place is important in demonstrating the evolution or pattern of Queensland's history.</p>
<p><u>RARITY</u> A place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage.</p>
<p><u>RESEARCH AND TECHNICAL SIGNIFICANCE</u> A place has potential to yield information that will contribute to an understanding of Queensland's history.</p>
<p><u>REPRESENTATIVENESS</u> A place is important in demonstrating the principal characteristics of a particular class of cultural places.</p>
<p><u>AESTHETICALLY SIGNIFICANT</u> A place is important because of its aesthetic significance.</p>
<p><u>TECHNICAL SIGNIFICANCE</u> A place is important in demonstrating a high degree of creative or technical achievement at a particular period.</p>
<p><u>SOCIAL SIGNIFICANCE</u> A place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.</p>
<p><u>ASSOCIATIVE SIGNIFICANCE</u> A place has a special association with the life or work of a particular person, group or organization of importance in Queensland's history.</p>

The Agrarian Landscape

The agrarian landscape of the Acland region demonstrates characteristics of a continuously evolving cultural landscape. The typical rural landscape of the Acland region is displayed in **Photograph 12-1**. Abandoned farm buildings are set among those of more recent origins. The landscape is significant as an evolving example of the dynamics of rural Australia. The landscape has local significance for its intactness and long-term association with local pioneering families.



Photograph 12-1 Typical rural landscape of the Acland Region

Acland

In its prosperous years, Acland demonstrated the standard characteristics of a rural township both in form and content similar to those of other towns of similar size and function. It contained a disparate range of dwellings, industrial sheds, a former shop, school, churches and community halls. All dwellings were fairly typical of the range and form of such structures likely to be found virtually anywhere in rural Australia.

Acland demonstrates no particular attributes likely to reveal information that contribute to an understanding of State or regional history beyond what information can be gathered from oral history interviews. Similar to many rural communities in Australia, any special association is linked with its social groups, such as church groups and organisations like the Country Women's Association and farming and mining groups.

Since the closure of the Acland Colliery (No's. 1, 2 and 3) in 1984 and the other smaller mines in the years prior, Acland has become largely a retirement and dormitory setting. At the time of the assessment there were no businesses, such as a general store, post office or service station operating in Acland.

The Tom Doherty Park and War Memorial

The former railway reserve has been transformed into the Tom Doherty Park and is where the War Memorial, unveiled in 1991, is located. The Tom Doherty Park has social significance to the local community primarily because of the presence of the War Memorial which, although constructed relatively recently, remembers those who served in the military during major armed conflicts. The Tom Doherty Park will be retained and managed in accordance with the Acland Management Strategy outlined in **Chapter 3, Section 3.12**.

Overall, the Tom Doherty Park is of moderately high significance at a local/regional level primarily because of the presence of the War Memorial.

The Acland No. 2 Colliery

The former Acland No.2 Colliery is owned and managed by the NHG. The site is located on the northern edge of Acland (2 Francis Street), approximately 180 km west of Brisbane and 50 km northwest of Toowoomba.

Coal production at the former Acland No.2 Colliery commenced in 1929 and ceased operation in November 1984. Over the years, mining methods evolved from manual hand extraction and carting methods, through to diesel and electrically powered systems by the 1950s.

Upon its closure in 1984, the owners of the farm on which the mine was based purchased the remaining mine buildings. The purchase arrangement included surface structures such as the gantry and hopper, tramway system, most of the coal processing plant, and the majority of the ancillary buildings (e.g. workshop). Aspects of the Acland No.2 Colliery are depicted in **Photograph 12-1** and **Photograph 12-2**.

The former Acland No.2 Colliery was opened as a museum in 1986 and operated as such until 2000 when it was purchased by the then Rosalie Shire Council. During 2006, the then Rosalie Shire

Council closed public access to the site due to safety concerns around the structural status of the gantry and hopper.

In June 2007, the former Acland No.2 Colliery was placed on the Queensland Heritage Register. The intact nature of the former colliery and the rarity of the site as an example of historical underground coal mining in Queensland, were cited as factors in the site being assessed as culturally significant under the QH Act. The site is also listed as a Heritage Place for the purposes of administering the Toowoomba Regional Planning Scheme 2012.

During 2011, the NHG purchased the former colliery from the TRC as part of its plans to extend the life of the Mine. Importantly, with the introduction of the revised Project during late 2012, the NHG made a commitment not to mine through the Queensland Heritage listed site. The NHG has developed the ACCMP which is presented in **Appendix J.12**.



Photograph 12-1 Gantry and Hopper



Photograph 12-2 Explosives shed

Sugarloaf Mine

The Sugarloaf Mine was operational until 1966 (Whitmore, 1991). Several mullock heaps and a timber framed dwelling on low stumps remain on the Sugarloaf Mine site. Sugarloaf Mine is considered to be low (significance criteria) as an historical place, however it may provide useful information on the nature and form of small coal mines.

The Sugarloaf Mine site contains archaeological evidence that is likely to contribute to a greater knowledge of the site and to better understand operational practices of small coalmines of the mid twentieth century. Over all, the Sugarloaf Mine site is considered to be of medium archaeological significance.

Acland No. 1 (Beith) Mine

The Acland No. 1 (Beith) Mine was also known as Beith Mine and little surface evidence of the mine remains although diminished mullock heaps are still evident and a few footings remain (Whitmore, 1991). Acland No. 1 Mine is significant as an archaeological place that may provide useful information on the nature and form of small coal mines.

The Acland No. 1 (Beith) Mine site possibly contains archaeological evidence that is likely to contribute to a greater knowledge of the site and to better understand operational practices of small coal mines of the mid twentieth century. Therefore, it is considered moderately significant at both a regional and State level for its archaeological research potential.

Willeroo No. 2 Mine

Virtually no surface evidence of the Willeroo No. 2 Mine remains. The mullock heaps were spread across the farmlands on which the mine was situated. As with other former mines, Willeroo No. 2 Mine has the potential to provide archaeological information from its underground remains. It was a relatively small and short lived mine but one that contributed to the development of coal mining in the region.

The Willeroo No. 2 Mine site possibly contains archaeological evidence that is likely to contribute to a greater knowledge of the site and to better understand operational practices of small coal mines of the mid twentieth century. It is of low significance at both a regional and State level for its archaeological research potential.

Summer Hill Hotel Site

In the period leading up to the construction of the Oakey to Cooyar railway in 1912, Summer Hill Hotel was a focus for coaches, local residents and operated as a post office. The Summer Hill Hotel was located approximately one km north of Lagoon Creek School. The Summer Hill Hotel site is marked with a deep, densely grassed depression in an otherwise gently sloping paddock.

The Summer Hill Hotel site possibly contains archaeological evidence that is likely to contribute to a greater knowledge of the region and to better understand operational practices of rural hotels and staging posts of the late nineteenth century.

Archaeological excavation has the potential to identify elements of design and construction form and possibly provide invaluable information on the range of products traded at the Summer Hill Hotel site. Overall, the Summer Hill Hotel Site was considered to possess a medium archaeological significance.

The Oakey to Cooyar Railway Line

The Oakey to Cooyar railway line is significant as an archaeological feature on the landscape and the remaining infrastructure includes a few sections of track bed and sleepers. What remains does not demonstrate any high degree of representativeness and is unlikely to contribute further worthwhile information in terms of the historic, research or technical significance.

Sabine locality

The Sabine locality is shown on cadastral plans but oral evidence suggests that it was never fully developed. There was a school and a fettler's cottage according to local residents Greenhalgh, Beutel and Weick (*pers. comm.* with Grimwade, 2008). There is a possibility that the fettlers' cottage and school site could be of some archaeological interest. The extent to which this might be the case can only be determined with further archival research; however the locality has limited significance as an archaeological feature.

McIntyre Gravesite

Dugald McIntyre's grave was marked with a metal railing fence and a fallen headstone. He passed away at age six. His gravesite was located within a large paddock beneath a single tree in the Sabine resource area to the south of the revised Project site. During late 2010, the NHG commenced proceedings to exhume the remains of Dugald McIntyre with the support of his modern day relatives. The remains of Dugald McIntyre now rest alongside his parents at the Jondaryan Cemetery.

Nevertheless, the gravesite is of local significance as a poignant reminder of the high mortality rate of children in the nineteenth century. As the last resting place of one of the district's pioneer families, it has local social significance.

Well's Graves and Former Presbyterian Church Site

Local residents believe that at least two babies were interred at the site of a former Presbyterian Church on the Acland-Silverleigh Road (Greenhalgh, Beutel, Weicks pers.com with Gordon Grimwade, 2008). It is understood that the site was marked by a timber post for many years after the church itself was moved elsewhere. Some reports suggest that other burials may have taken place, although there is no surface evidence of any such graves in the vicinity of the Study area.

A review of the Genealogical Society publications indicates the only cemeteries within the former Rosalie Shire were located at Cooyar (map location 9244 56JLR ref 846147), Cooyar Creek (no ref), Evergreen (9243 56JLR 731950), Glencoe Lutheran (871608), Goombungee (Haden) (873852), Greenwood Lutheran (761780), McLagan (649020), Silverleigh Lutheran (780775) and Yarraman (924456JLR 971271) (Aberdeen 1984).

The graves are of limited local significance as they are no longer physically defined on the surface. The fact that the burials are widely recognised to have occurred somewhere on the former Presbyterian Church site is significant at a local level and as the last resting place of the children of one of the district's pioneer families it also has local, social significance.

12.2.8 Impact Assessment

The revised Project will not directly impact on the 12 'cultural places' presented in **Section 12.2.7**. Specific management strategies for Acland and the Acland No. 2 Colliery have been prepared and are further discussed in **Section 12.2.9**. Impacts from blasting activities on Acland and the Acland No. 2 Colliery are presented in **Chapter 11**.

12.2.9 Mitigation Measures

Acland Management Strategy

In developing the Acland Management Strategy, the following guiding principles were adopted:

- remove dysfunctional buildings and infrastructure in a state of disrepair;
- tidy up and maintain land;
- retain items of local historical or heritage significance;
- enhance amenity of Tom Doherty Park and the Acland Community Hall; and
- meet legal obligations.

The Acland Management Strategy outlining the property types and structures in Acland currently owned by the NHG is provided in **Chapter 3, Section 3.12**.

Acland Colliery Conservation Management Plan

To satisfy its obligations as an owner of a Queensland Heritage listed site, the NHG has developed the ACCMP for the Acland No.2 Colliery, and is provided in **Appendix J.12**. The purpose of the ACCMP is to set out an agreed framework for the management, preservation and maintenance of the listed structures within the former Acland No.2 Colliery site.

As a Queensland Heritage listed site, the significance of the former Acland No.2 Colliery requires that the following general commitments are undertaken.

- The historical mine site, including all built, moveable and landscape features should be maintained and conserved within their original setting, particularly where possible elements of moderate and high rankings of significance;
- Significant elements should be maintained;
- Intrusive elements should be removed;
- Development on or immediately adjoining the site should be avoided or if necessary only undertaken with full consideration of the cultural heritage significance of the site; and
- The scale, form and setting of the place should be respected and any proposed management or use options should be sympathetic to its historic use.

The ACCMP provides an overview of the statutory and non-statutory requirements for the listed items including inspection and maintenance schedules and associated record-keeping requirements. A total of twenty-one management commitments have been included in the ACCMP to ensure the former Acland No.2 Colliery receives a high standard of management and is protected for future generations.

12.3 Indigenous Cultural Heritage Values

12.3.1 Cultural Heritage Management Plan

The only statutory Aboriginal party for the whole of the area of MDL 244, including those areas out of which MLs 50170 and 50216 have been granted and MLA 50232 is being sought, comprises those people who together were the registered native title claimant for the former Western Wakka Wakka People native title claim.

As previously noted, in accordance with section 87 of the ACH Act, NAC will require an approved CHMP for the revised Project unless an exemption applies under section 86 of the ACH Act. One such exemption would be triggered if the revised Project were the subject of an 'existing agreement' for the purposes of the ACH Act.

In this regard, NAC possesses a signed 'Co-operation Agreement' with the Western Wakka Wakka People dated 15 October 2003. This Co-operation Agreement applies to the land within MDL 244, which encompasses MLs 50170, 50216 and MLA 50232.

In addition, NAC possesses a signed CHMP with the Western Wakka Wakka People dated 14 July 2006. This CHMP applies to the land within MDL 244. All documents between NAC and the Western Wakka Wakka People are confidential and will only be discussed in general terms for the purpose of the EIS.

NAC also proposes to develop with the Western Wakka Wakka People Aboriginal party, and have approved, a replacement CHMP under Part 7 of the ACH Act for the revised Project (including the rail spur). NAC's intention is for this CHMP to be the sole instrument governing the management of Aboriginal cultural heritage that may be affected by activities carried out both for the revised Project within the boundaries of MDL 244 and for the proposed rail spur.

Analyses undertaken for the route of the rail spur and the area of MLA 50232 indicate that native title has been extinguished over the whole of these areas. In the circumstances, the proposed grant of the mining leases and of any other statutory approvals or tenure for the revised Project will be valid from a native title perspective

In summary, the Co-operation Agreement and CHMP with the Western Wakka Wakka People for the management of land within MDL 244 define the:

- establishment, roles and responsibilities of a Co-ordinating Committee for management of Aboriginal Cultural Heritage issues;
- objectives, outcomes, etc. for Aboriginal Cultural Heritage management;
- procedures for Aboriginal Cultural Heritage management, including:
 - site clearance (e.g. discovery and management of significant objects and sites, monitoring arrangements, on-going discoveries, dealing with skeletal remains, etc.), and Keeping Place arrangements;
 - requirements for site access;
 - confidentiality requirements for Aboriginal Cultural Heritage information;
 - processes for dispute resolution;
 - roles and responsibilities for the signatories;
 - reporting requirements;
 - cultural requirements for interaction between the signatories (e.g. protocols);
 - post-mining agreement;
 - arrangements for employment and business opportunities;
 - communication protocols;
 - ownership of Aboriginal Cultural material and intellectual property; and
 - procedures for a range of other associated administrative matters.

In relation to clearance/collection activities, NAC initially conducted three major activities involving the Traditional Owner group to facilitate mining operations on ML 50170. These clearance/collection activities were conducted under permits administered by the previous CR Act. All subsequent clearance/collection activities on ML 50170 and more recently ML 50216 have been dealt with under the ACH Act. Clearance/collection activities are normally conducted on an as required basis to ensure a minimum buffer of 6 to 12 months clearance ahead of mining activities. Elsewhere on MDL 244, other minor clearance/collection activities may be conducted on an as required basis for activities, such as drilling. The Western Wakka Wakka People have been involved in clearance/collection activities since early to mid-2007.

It is clear, therefore, that NAC has been working closely for many years with representatives of the Western Wakka Wakka People to ensure that measures for the identification and management of Aboriginal cultural heritage within the boundaries of MDL 244 that might be affected by activities carried out for the revised Project, are put in place and implemented.

12.3.2 Assessment of Significance

An indigenous cultural heritage assessment was conducted in March to April in 1999. The assessment was conducted to determine the indigenous and scientific significance over the area covered by ML 50170 and ML 50216 and was undertaken in accordance with the previous CR Act.

The methods used in the assessment included:

- consideration of the Register of the National Estate and the Queensland Heritage Register;
- consultation with Traditional Owner Group (Western Wakka Wakka, and individual consultation with the Jerome and Daniels Families) whom had an association with the area;
- consultation with the local historical society; and
- field surveys by qualified personnel.

The field studies found 30 indigenous archaeological sites and seven historical sites. A greater number of indigenous sites were located in proximity to artefact reduction sites and quarries or to Lagoon Creek. The assessment found that the Study area has significant archaeological records which imply a considerable association with the Aboriginal people.

Artefact scatters and sites within the Study area were recorded. The distribution of artefacts has however been greatly affected by vegetation clearing, ploughing and other agricultural practices, cattle grazing and infrastructure construction.

Cultural places in the Acland region were also identified in the assessment and these are listed below, although it should be noted that not all the places were necessarily within the Study area:

- artefact reduction and quarry sites;
- scarred trees;
- Lookout hills;
- Bora rings;

- stone arrangements; and
- food resource areas.

The Aboriginal people either camped within the Acland region en-route to the ‘bunya nut harvests’, or utilised its resources. The assessment also concludes that camp sites and occupation areas may have been present outside the Study area. The assessment demonstrated that the Acland region contains a high proportion of lithic scatters and resources. However, whether this proportion is comparable to other sites in the Acland region is unclear as cultural heritage assessments at this level of detail have not been conducted to date within the Acland region. In addition, the long history of European occupation for agricultural and other purposes has impacted significantly on the evidence of Aboriginal occupation and movement through the Acland and Darling Downs regions in general.

12.3.3 Mitigation Measures

The revised Project includes a reduction in the disturbance footprint by 2,423 ha and consequently, impacts on cultural heritage places have been reduced. A comprehensive description of the revised Project is located in **Chapter 3**.

Two major clearance/collection activities involving the Western Wakka Wakka People have occurred on ML 50170 under permits administrated by the previous CR Act.

All future clearance/collection activities on MLA 50232 will be dealt with under the ACH Act. Minor clearance/collection activities involving the Western Wakka Wakka People will occur on a periodic basis within the Study area. All personnel and contractors (construction and subsequent workings) will undergo a cultural heritage awareness program.

12.4 Summary of Mitigation Measures

Table 12-3 outlines a summary of the mitigation measures proposed to manage the cultural heritage impacts associated with the revised Project.

Table 12-3 Mitigation Measures

Impact	Mitigation Measure
Aboriginal cultural heritage	NAC and the Western Wakka Wakka People will continue to progressively implement the requirements of the Co-operation Agreement and CHMP to ensure the proper management and the protection of Aboriginal cultural heritage within the Study area.
	All future clearance/collection activities on MLA 50232 will be dealt with under the ACH Act.
	All personnel and contractors (construction and subsequent workings) will undergo a cultural heritage awareness program.
Acland No.2 Colliery	<p>As a Queensland Heritage listed site, the significance of the former Acland No.2 Colliery requires that the following general commitments are undertaken.</p> <ul style="list-style-type: none"> ▪ The historical mine site, including all built, moveable and landscape features will be maintained and conserved within their original setting, particularly where possible elements of moderate and high rankings of significance. ▪ Significant elements should be maintained. ▪ Intrusive elements should be removed. ▪ Development on or immediately adjoining the site will be avoided or if necessary only undertaken with full consideration of the cultural heritage significance of the site. ▪ The scale, form and setting of the place should be respected and any proposed management or use options should be sympathetic to its historic use. <p>A total of twenty-one management commitments have been included in the ACCMP to ensure the former Acland No.2 Colliery receives a high standard of management and is protected for future generations. NAC has developed the ACCMP and is provided in Appendix J.12.</p>
Acland	NAC has developed an Acland Management Strategy for each of the property types and structures in Acland currently owned by the NHG. This is provided in Chapter 3, Section 3.12 .