

CULTURAL HERITAGE MANAGEMENT PLAN

between

NORTH EAST BUSINESS PARK PTY LTD

and the

GUBBI GUBBI

for

Lot 10 RP902079

Lot 2 RP902075

Lot 24 SP158298

and

Lot 7 RP845326

CABOOLTURE

May, 2007

CULTURAL HERITAGE MANAGEMENT PLAN
North East Business Park Pty Ltd
Lot 10 RP902079, Lot 2 RP902075, Lot 24 SP158298 and Lot 7 RP845326

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1.0 PREAMBLE

- 1.1 North East Business Park Pty Ltd proposes to develop Lot 10 RP902079, Lot 2 RP902075, Lot 24 SP158298 and Lot 7 RP845326 (referred to hereafter as the Project Area), Caboolture, Southeast Queensland (see Maps 1 and 2 in **Attachment 1**).
- 1.2 A cultural heritage survey (CHS) of Lot 10 RP902079 and Lot 2 RP902075 was undertaken by Davies Heritage Consultants Pty Ltd (DHC) in association with the Gubbi Gubbi in 2003. The results of the survey have been documented in a cultural heritage survey report (CHS Report) by Davies (2003);
- 1.3 A cultural heritage survey (CHS) of Lot 24 SP158298 and Lot 7 RP845326 was undertaken by Gangalla Pty Ltd representing the Aboriginal Party for the area under the *Aboriginal Cultural Heritage Act 2003* in association with Davies Heritage Consultants Pty Ltd. The results of the survey have been documented in a cultural heritage survey report (CHS Report) by Gangalla Pty Ltd (2006);
- 1.3 The CHS reports have revealed that Indigenous Cultural Heritage Sites (CH Sites) are located within the Project Area. The description of these sites is provided below and their location highlighted on Map 3 in **Attachment 1**
- (1) Area A: Site Complex (Shell and Artefact Scatter) (Davies 2003);
 - (2) Area B: Site Complex (Stone Artefact Scatters) (Davies 2003);
 - (3) Area C: Site Complex (Shell and Artefact Scatter) (Davies 2003);
 - (4) Location 1: Isolated Stone Artefact (Davies 2003);
 - (5) Location 2: Isolated Stone Artefact (Davies 2003);
 - (6) Site 1: Shell Scatter – an extension of Area C (Gangalla 2006); and
 - (7) Site 2: Shell and Artefact Scatter (Gangalla 2006).
- 1.4 The CHS survey reports identified locations within the Project Area where there was a potential for the presence of sub-surface archaeological material/deposits. These locations are highlighted on Map 4 in **Attachment 1**;
- 1.5 Recommendations arising from the CHS of Lot 10 RP902079 and Lot 2 RP902075 were:
- (1) In advance of any construction activities commencing, limited archaeological excavations should occur in Area A, Area B, Area C, Location 2 and selected areas of the high banks and terraces adjacent to the Caboolture River to investigate the presence and extent of archaeological material (surface and sub-surface);
 - (2) Within Area A and C shovel testing within an alpha-numeric grid should be undertaken. The soil recovered from the test pits should be sieved and all archaeological material recovered retained for analysis. All recovered material should be placed in bags labelled with the Area and test pit number. The profile of the test pits should be drawn taking particular note of soil profiles, the presence / absence of archaeological material and the depth of any material.
 - (3) Within Area B, Location 2 and in selected areas along the high banks and terraces of the Caboolture River manual excavations and / or mechanical excavations should be undertaken. For manual excavations the minimum excavation unit should be 1 metre by 1 metre. The excavated soil should be sieved through 6mm (minimum size) mesh sieves and all Indigenous stone artefacts and other cultural material (e.g. shellfish remains) encountered should be retained for analysis. However, where soil type and vegetation cover hinders manual excavation, trench excavations with a mechanical excavator such as a Toyota 3 Series Bobcat with

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rubber types and a 1250mm scoop should be employed. The excavation unit should be around one metre wide and a minimum of two metres long. The soil should be scrapped away in 5cm sections and the soil passed through 6mm (minimum size) mesh sieves. All Indigenous stone artefacts and other cultural material (e.g. shellfish remains) encountered should be retained for analysis.

- (4) At the completion of the excavations, the results should be documented and significance assessment and management recommends for each Area provided. A Cultural Heritage Management Plan should be formulated specifically for the Indigenous aspects of the project after the results of the excavations have been documented.

1.6 The Gangalla (2006) CHS Report noted that the prime option was for sub-surface testing to be undertaken and that the testing must be undertaken in advance of any construction activities commencing. The aim of this testing is to determine whether sub-surface archaeological material is present and the extent of such material. Given that this information should be obtained with minimal impact, shovel testing supplemented by test excavations where considered necessary, would achieve this aim. An alpha-numeric grid could be pegged out over the area of Site 1 and Site 2 and test pits dug at the intersection of the grid lines. The soil recovered from the test pits should be sieved and all archaeological material recovered retained for analysis. All recovered material should be placed in bags labelled with the site and test pit number. The profile of the test pits should be drawn taking particular note of soil profiles, the presence / absence of archaeological material and the depth of any material. The vegetation should be slashed in the area of Site 1 prior to sub-surface testing so that access is not constrained. Once the information obtained from the sub-surface testing is collated and analysed significance assessment can be undertaken and mitigation strategies and / or management recommendations for salvage (e.g. stone artefact collection, monitoring of construction activities) or protection of the areas can be proposed. It was considered that the recommendations provided were also applicable for the cultural heritage of Lot 10 RP902079 and Lot 2 RP902075. The recommendation was for:

- (1) A Cultural Heritage Management Plan (CHMP) should be developed specifically for the project to develop Lot 24 SP158298 and Lot 7 RP845326 as well as Lot 10 RP902079 and Lot 2 RP902075. The CHMP should address and include but not be limited to, the following:
- The obligations of each party (e.g. Indigenous group, construction company);
 - The resources required to implement the CHMP and the responsible group or organisation nominated;
 - A section defining the specific terms used so there is no confusion or misunderstanding during the implementation phase;
 - A conflict resolution process. This process should be fully described so that an agreed process to deal with all potential problems is adequately defined for all parties and cover all phases of the development;
 - A schedule of project activities;
 - The processes required to implement mitigation option for Aboriginal cultural heritage sites that are located within the project area as well as within areas of archaeological potential (i.e. augering and, where applicable, test excavations to determine the nature and extent of the archaeological material that may be contained within the identified areas);
 - The processes required to implement management options for any Aboriginal cultural heritage sites;
 - The timing of the implementation of these processes (e.g. allowing adequate time prior to construction activities commencing);

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- Procedures to be followed in the case of accidental discovery of Indigenous cultural material during the construction phase of the project; and
- Any other matters reasonably necessary for successfully carrying out activities under the plan.

1.7 The CHS Reports have formed the basis for the preparation of this Cultural Heritage Management Plan (CHMP).

2.0 TERMINOLOGY

Where items in this Section are italicised, they are further defined in this listing.

Aboriginal Party:	Refers to the Gubbi Gubbi.
Aboriginal Tradition:	Means the body of traditions, observances, customs, values and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people, and includes any such traditions, observances, customs or beliefs relating to particular persons, areas, objects or relationships.
Archaeologist:	Refers to the Archaeologist appointed for the project in accordance with Section 7.6.
CHS:	Refers to the Cultural Heritage Surveys of Project Area undertaken by Davies Heritage Consultants Pty Ltd and Gangalla Pty Ltd.
CHS Report:	Refers to the reports prepared by Davies Heritage Consultants Pty Ltd and Gangalla Pty Ltd following the completion of the cultural heritage surveys referred to in Section 1 of this CHMP.
Commencement Date:	Refers to the date on which this <i>CHMP</i> is signed by the <i>Parties</i> .
Construction:	Refers to all construction activities associated with the <i>Project</i> by contractors or sub-contractors employed by North East Business Park Pty Ltd.
Construction Personnel:	Refers to senior construction personnel nominated by North East Business Park Pty Ltd involved in initial ground clearing / earthworks within the Project Area;
Cultural Heritage Coordinator:	Refers to the Cultural Heritage Coordinator appointed by North East Business Park Pty Ltd for the project in accordance with Section 7.1.
Cultural Heritage Management Plan (CHMP):	Refers to this Cultural Heritage Management Plan.
Cultural Heritage Site:	<ul style="list-style-type: none">a) an object (including Aboriginal burial remains) of significance to Aboriginal people in accordance with <i>Aboriginal tradition</i> including objects, natural or artificial, that were used for, or adapted for, any purpose connected with traditional cultural life of Aboriginal people past or present;b) an area that is of particular significance to Aboriginal people in accordance with Aboriginal tradition; or

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- c) an area which is or was associated with the Aboriginal people and which should be preserved because of its significance.

Cultural Heritage Team: Refers to two *Monitors* from the Gubbi Gubbi and *Archaeologist* who will undertake further cultural heritage work within the *Project Area* as outlined in this CHMP.

End Date: Means the date on which all construction activities by North East Business Park Pty Ltd within the *Project Area* have ceased, or a date specified by way of written notice from North East Business Park Pty Ltd to the Gubbi Gubbi, whichever is the earlier.

Indigenous Coordinator: Refers to the Indigenous Coordinator appointed in accordance with Section 7.3.

North East Business Park Pty Ltd: Refers to the North East Business Park Pty Ltd including its employees, contractors, agents, subsidiaries, invitees from time to time or assignees or successors.

Monitor: Refers to representatives from the Gubbi Gubbi who will perform the services of a *Monitor* during the *Pre-Construction* and *Construction* phase of the *Project* as outlined in this CHMP.

Monitoring Roster: Refers to the Monitoring Roster for the nominated *Monitors*.

Parties: Means North East Business Park Pty Ltd and the Gubbi Gubbi.

Pre-Construction: Means all activities undertaken prior to the commencement of *Construction*.

Project: Refers to all activities, including pre-construction and construction within the *Project Area* by the North East Business Park Pty Ltd or its agents or sub-contractors.

Project Area: Refers to Lot 10 RP902079, Lot 2 RP902075, Lot 24 SP158298 and Lot 7 RP845326, Caboolture, Southeast Queensland (see Map 2 in **Attachment 1**).

Significant Aboriginal Object: Has the meaning given to it in the *Aboriginal Cultural Heritage Act 2003*.

Significant Aboriginal Area: Has the meaning given to it in the *Aboriginal Cultural Heritage Act 2003*.

Site Officer: Refers to a person nominated by North East Business Park Pty Ltd who will fulfill the role of Site Officer as outlined in Section 7.7.

Work Schedule: Refers to the Work Schedule prepared by North East Business Park Pty Ltd which outlines the timing of, and activities associated with the *Project*.

3.0 INTRODUCTION TO THIS CHMP

- 3.1** The Project Area is on land which has cultural heritage significance to the Gubbi Gubbi;
- 3.2** This Cultural Heritage Management Plan commences on the Commencement Date, and ends on the End Date;
- 3.3** The Parties, by mutual agreement, may amend the CHMP to remedy provisions that have been found to be unsatisfactory;
- 3.4** This CHMP provides information on the roles and responsibilities of the North East Business Park Pty Ltd and the Gubbi Gubbi to facilitate cooperation between the Parties and address cultural heritage issues within the Project Area and any issues which may arise during the Project;
- 3.5** This CHMP comprises four distinct elements:
(a) Objectives of the Cultural Heritage CHMP;
(b) Principles of Cultural Heritage management;
(c) Responsibilities of each party to this CHMP; and
(d) Cultural Heritage Management.
- 3.6** Headings in this CHMP are for convenience only, and do not affect interpretation;
- 3.7** A singular work includes the plural and vice versa;
- 3.8** A word which suggests one gender includes the other genders;
- 3.9** If a Party to this document is made up of more than one person, or a term is used in this document to refer to more than one Party:
(a) an obligation of those person is joint and several; and
(b) a right of those persons is held by each of them severally.
- 3.10** This CHMP is being undertaken under Part 7 of the *Aboriginal Cultural Heritage Act 2003*. It covers North East Business Park Pty Ltd Indigenous cultural heritage compliance obligations in relation to all Aboriginal Cultural Heritage including all Significant Aboriginal Objects and Significant Aboriginal Areas in the Project Area. This CHMP covers all North East Business Park Pty Ltd activities in the Project Area;
- 3.11** The Gubbi Gubbi warrant that they constitute the Aboriginal Party for the purposes of the *Aboriginal Cultural Heritage Act 2003* in relation to all parts of the Project Area which this CHMP relates, and further that they:
(a) have particular knowledge about traditions, observances, customs or beliefs associated with the Project Area; and
(b) either they:
(i) have responsibility under Aboriginal tradition for some or all of the Project Area, or for Significant Aboriginal Objects located or originating in the Project Area; or

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- (ii) are members of a family or claim group that is recognised as having responsibility under Aboriginal tradition for some or all of the Project Area, or for Significant Aboriginal Objects located or originating in the Project Area.

4.0 STATUTORY REQUIREMENTS

4.1 This CHMP is agreed between the parties on the basis that it is in conformity with the *Aboriginal Cultural Heritage Act 2003*;

The Act defines aboriginal cultural heritage as anything that is

- (a) a significant Aboriginal area in Queensland; or
- (b) a significant Aboriginal object; or
- (c) evidence, of archaeological or historic significance, of Aboriginal occupation of an area of Queensland.

4.2 Should human remains be uncovered during the project then legal provisions as laid down in the Coroner's Act, Police requirements and policies as well as the *Aboriginal Cultural Heritage Act 2003* would apply. This requires the police and Department Natural Resources Mines and Water to be contacted (see Section 9.2.1 of this CHMP).

5.0 OBJECTIVES

The objectives of this CHMP are:

- 5.1** To provide procedures to implement recommendations contained within Davies (2003) report on a cultural heritage survey of Lot 10 RP902079 and Lot 2 RP902075 and Gangalla (2006) report on a cultural heritage survey of Lot 24 SP158298 and Lot 7 RP845326 of the Project Area;
- 5.2** To provide procedures to identify, protect and / or manage cultural heritage sites that are or may be uncovered within the Project Area;
- 5.3** To involve the Indigenous people in the management of Indigenous Cultural Heritage that are within or may be uncovered within the Project Area;
- 5.4** To provide procedures to satisfy all relevant statutory requirements;
- 5.5** Set agreements in place in relation to work required as outlined in this CHMP; and
- 5.6** Allow North East Business Park Pty Ltd to fulfill its commercial obligations and objectives.

6.0 PRINCIPLES OF CULTURAL HERITAGE MANAGEMENT

To achieve the objectives in Section 5.0, the following principles of Indigenous Cultural Heritage Management are to be adopted:

- 6.1** An attitude of respect, understanding and value for cultural heritage materials specifically and of Aboriginal culture in general. This attitude is fundamental to effective cultural heritage management. To facilitate an awareness of Aboriginal Cultural Heritage, a suitable induction program will be included for all Construction Personnel associated with and involved in the Project;
- 6.2** Acknowledgment by all parties that the project has the potential to damage Aboriginal cultural heritage sites that are or may be present in the project area and hence the necessity to implement a series of actions and procedures to minimise or manage the potential impact of the project on any cultural heritage sites that are or may be uncovered during the Project;
- 6.3** Aboriginal cultural traditions will be acknowledged and cultural heritage values will be conserved, protected and / or managed in accordance with statutory requirements (see Section 4.0);
- 6.4** The impact of the Project on any Indigenous Cultural Heritage Sites that are or may be present within the Project Area will be managed through cultural heritage management procedures as agreed between the parties and as outlined in this CHMP;
- 6.5** Acknowledgement of the cultural significance of Indigenous Cultural Heritage Sites to the Indigenous People;
- 6.6** Acknowledgement that the cultural heritage management strategies must be practical and realistic and take account of commercial realities; and
- 6.7** Acknowledgment that cultural and intellectual property rights associated with Indigenous cultural heritage sites remains the property of the Traditional Owners.

With these principles in mind, this CHMP seeks to:

- 6.8** Ensure direct involvement of the Gubbi Gubbi in the development and implementation of this CHMP;
- 6.9** Ensure direct involvement of Gubbi Gubbi in all actions deemed necessary to identify, protect and / or manage any Cultural Heritage Sites that are within or may be uncovered in the Project Area during construction activities; and
- 6.10** Engage, when appropriate, professional expertise such as an Archaeologist.

7.0 RESPONSIBILITIES

It is imperative that all parties understand and accept their responsibilities under the CHMP. Detailed below are those responsibilities as they relate to North East Business Park Pty Ltd and the Gubbi Gubbi.

7.1 Responsibilities of North East Business Park Pty Ltd

North East Business Park Pty Ltd will:

- 7.1.1** Nominate a representative from North East Business Park Pty Ltd as a Cultural Heritage Coordinator for the project. This person will be the point of contact between the Indigenous Coordinator and North East Business Park Pty Ltd;
- 7.1.2** Ensure that all Construction Personnel are fully aware of North East Business Park Pty Ltd responsibilities under this CHMP and the roles and responsibilities of the Cultural Heritage Team and/or Monitors in implementing this CHMP;
- 7.1.3** Pay for a Cultural Heritage Induction program and allow sufficient time before construction work commences for this induction to be presented. The parties will agree on the company and/or Indigenous representatives that will present this program;
- 7.1.4** Pay for all services provided by Gubbi Gubbi for performance of duties required under the terms of this CHMP. Payment will be made upon receipt of an invoice from the Gubbi Gubbi. A budget (time and expenses) shall be agreed between the CHMP Coordinators in accordance with established rates and charges. The Schedule of Fees is contained within **Attachment 3**;
- 7.1.5** Not impede or obstruct the operations of the Cultural Heritage Team and/or Monitors where they are acting in accordance with this CHMP and any Workplace Health and Safety policies established for the Project;
- 7.1.6** Provide any induction required for the Cultural Heritage Team and/or Monitors to meet all necessary Work Place Health and Safety requirements in accordance with the *Workplace Health and Safety Act 1989*;
- 7.1.7** If required, provide all necessary personal protective equipment (with the exception of steel-capped boots) for use by the Monitors whilst engaged in duties within the Project Area;
- 7.1.8** As cultural heritage work is required during the Construction phase of the Project, North East Business Park Pty Ltd will nominate an employee or contractor as the Site Officer. The Site Officer will be the point of contact for Monitors while they are within the Project Area during the Construction phase of the Project and will also be responsible for advising the Cultural Heritage Coordinator should cultural heritage material be uncovered within the Project Area during the Construction phase of the Project. The name and contact details of the nominated Site Officer is contained in **Attachment 2**;
- 7.1.9** Employ an Archaeologist for cultural heritage work within the Project Area and for specialist advice when required by Gubbi Gubbi or by North East Business Park Pty Ltd; and

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7.1.10 Provide any reasonable information required by Gubbi Gubbi to implement this CHMP.

7.2 Responsibilities of the Cultural Heritage Coordinator

North East Business Park Pty Ltd is to nominate a staff member as the Cultural Heritage Coordinator for the Project. The Gubbi Gubbi are entitled to rely on North East Business Park Pty Ltd Cultural Heritage Coordinator having the authority of North East Business Park Pty Ltd to act on its behalf. The name and contact details of the nominated Cultural Heritage Coordinator are in **Attachment 2**. The responsibilities of the Coordinator are:

- 7.2.1** To be the point of contact between North East Business Park Pty Ltd and the Indigenous Coordinator;
- 7.2.2** To provide the Indigenous Coordinator with a Work Schedule for the project as soon as practicable after signing this CHMP to allow the Gubbi Gubbi to meet their responsibilities under this CHMP. This Work Schedule will be provided within fourteen (14) working days prior to any activities commencing. The Work Schedule will clearly outline dates and times of Project activities. Any substantial and urgent alterations to the Work Schedule shall be notified in writing to the Indigenous Coordinators. North East Business Park Pty Ltd will use its best efforts to provide such notice at least five (5) business days before or if urgent at least two (2) business days prior to the commencement of the activity to allow coordination of the Cultural Heritage Team and / or Monitors in accordance with this CHMP;
- 7.2.3** To ascertain from the Indigenous Coordinator the appropriate Company or Indigenous representatives to undertake the cultural heritage induction program;
- 7.2.4** To organize a suitable time for the agreed Company or Indigenous representatives to undertake a cultural heritage induction for all North East Business Park Pty Ltd Construction Personnel involved in the Project;
- 7.2.5** Organise Work Place Health and Safety induction for the Monitors;
- 7.2.6** To contact the Indigenous Coordinators should weather conditions or other factors beyond the control of North East Business Park Pty Ltd, delay any construction activities where Monitoring is required;
- 7.2.7** To arrange payment from North East Business Park Pty Ltd to the Gubbi Gubbi upon receipt of a Tax Invoice based on the agreed Schedule of Fees for the required cultural heritage work;
- 7.2.8** To ensure that North East Business Park Pty Ltd pays the Monitors at the end of each working week. The payment will be calculated from signed Time Sheets;
- 7.2.9** To arrange to pay any Tax Invoices within 30 days of receipt of the Tax Invoice;
- 7.2.10** To inform the Indigenous Coordinator if any Indigenous cultural heritage material is observed during Construction activities within the Project Area;

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- 7.2.11 To inform the Queensland Police Department, Cultural Heritage Coordination Unit of the Department of Natural Resources Mines and Water and the Gubbi Gubbi if human remains are uncovered within the Project Area;
- 7.2.12 To inform the Indigenous Coordinator of any disputes and/or issues raised by the Cultural Heritage Team or construction personnel;
- 7.2.13 Ensure that, where a response is required with regard to incident reports from the Indigenous Coordinator, this response is provided to the Indigenous Coordinator within the shortest possible time; and
- 7.2.14 To arrange for the assessment and documentation of any Indigenous cultural heritage material uncovered within the Project Area during construction activities or at any other time during the Project.

7.3 Responsibilities of Gubbi Gubbi

- 7.3.1 The Gubbi Gubbi are to nominate an Indigenous person from their group with the appropriate skills and/or experience to act as Indigenous Coordinator. The Coordinator shall be the focal point for communication with North East Business Park Pty Ltd and the first point of call by one Party to the other. North East Business Park Pty Ltd is entitled to rely on the Indigenous Coordinator as having the authority of the Gubbi Gubbi to act on their behalf. The name and contact details of the Indigenous Coordinator is included in **Attachment 2**;
- 7.3.2 Nominate an alternative Coordinator in the event that the selected Coordinator is unable to fulfill the obligations and commitments of the Coordinator outlined in this CHMP. The name and contact details of the alternative Coordinator is included in **Attachment 2**;
- 7.3.3 Endeavour to realize the cultural heritage objectives (Section 5.0) in accordance with this CHMP;
- 7.3.4 Acknowledge that failure by the a Monitor to be available for work will not affect the Work Schedule proposed by North East Business Park Pty Ltd;
- 7.3.5 Comply with the Work Schedule in accordance with this CHMP conditional on the Work Schedule being provided to the Indigenous Coordinator;
- 7.3.6 Ensure protection and / or management of all cultural heritage sites identified in the Project Area in accordance with this CHMP;
- 7.3.7 Provide any information required by North East Business Park Pty Ltd to implement this CHMP; and
- 7.3.8 Not impede, prevent, hinder or disrupt the operations of North East Business Park Pty Ltd staff, contractors and sub-contractors within the Project Area when they are complying with their obligations under this CHMP.

7.4 Responsibilities of the Indigenous Coordinator

The Indigenous Coordinator will:

- 7.4.1** Discuss and agree with the Cultural Heritage Coordinator on the Company and/or Indigenous representative to present the cultural heritage induction program;
- 7.4.2** Compile a list of Monitors nominated from their organisation to undertake cultural heritage work within the Project Area prior to Construction commencing. A maximum of four Monitors are required to undertake this task;
- 7.4.3** Organise a Cultural Heritage Team comprising four Monitors and Archaeologist, to undertake a cultural heritage work in the Project Area prior to Construction commencing;
- 7.4.4** Provide the Cultural Heritage Coordinator with a report detailing the results of the cultural heritage work and an assessment of any cultural heritage sites located as defined under Section 10 of the *Aboriginal Cultural Heritage Act 2003*. This report must be provided to North East Business Park Pty Ltd within two (2) weeks of the completion of the cultural heritage work;
- 7.4.5** Organise a Cultural Heritage Team and / or Monitors to undertake any other cultural heritage work that may be required resulting from initial cultural heritage work (refer Clause 7.4.4);
- 7.4.6** Providing North East Business Park Pty Ltd with a report/s of any other cultural heritage work undertaken within the Project Area based on the recommendations arising from the cultural heritage work to be undertaken prior to Construction commencing. All reports must be provided within two (2) weeks of the completion of the cultural heritage work undertaken;
- 7.4.7** Providing the Cultural Heritage Coordinator with a Tax Invoice for Cultural Heritage work undertaken prior to Construction commencing as part of the responsibilities of this CHMP;
- 7.4.8** Compiling a list of Monitors nominated from their organisation to undertake monitoring work within the Project Area during the Construction phase of the Project. A maximum of two Monitors are required to undertake this task;
- 7.4.9** Providing the Cultural Heritage Coordinator with the names of the nominated Monitors and Monitoring Roster;
- 7.4.10** Ensuring that the Monitors are aware of their responsibilities and tasks under the CHMP;

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- 7.4.11** Advising the Cultural Heritage Coordinator of any changes to the Monitoring Roster, including substitutions. Note that any substitution Monitor will only be allowed to work if they have undergone Workplace Health and Safety Induction;
- 7.4.12** Keeping an accurate record of all work undertaken;
- 7.4.13** To arrange for the assessment and documentation of any Indigenous cultural heritage material uncovered within the Project Area during Construction activities or at any other time during the Project;
- 7.4.14** Liaising with the Archaeologist in relation to appropriate management strategies to be implemented should Indigenous cultural heritage material be uncovered during the Project;
- 7.4.15** Advising the Cultural Heritage Coordinator when management measures on any uncovered Indigenous cultural heritage material have been completed so that construction activities can commence or recommence; and
- 7.4.16** Liaising with the individual members of the Gubbi Gubbi to keep them fully informed as to the progress in relation to matters pertaining to this CHMP.

7.5 Responsibilities of the Monitors

Gubbi Gubbi will identify, prior to any cultural heritage work commencing, appropriate people to perform the role of Monitor as set out in the CHMP. There must be sufficient number of Monitors nominated to undertake the cultural heritage work so that Monitors are always available when required.

For the Pre-Construction phase of the Project, the Monitors will:

- 7.5.1** Provide their own transport to and from the Project Area as well as all meals, drinks, etc.;
- 7.5.2** Along with the Archaeologist undertake a cultural heritage work within the Project Area prior to Construction commencing;
- 7.5.3** Along with the Archaeologist, implement agreed mitigation measures for all Indigenous cultural heritage material identified within the Project Area;
- 7.5.4** Inform the Indigenous Coordinator of the progress of any cultural heritage work being undertaken within the Project Area; and
- 7.5.5** Advise the Indigenous Coordinator when all management measures have been completed.

For the Construction phase of the Project, the Monitors will:

- 7.5.6** Undertake a Workplace Health and Safety Induction Program prior to commencing cultural heritage work within the Project Area;

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- 7.5.7** Provide their own transport to and from the Project Area as well as all meals, drinks, etc.;
- 7.5.8** Contact the Site Officer upon entering and departing the Project Area to complete and sign Time Sheets. The Monitor will only be paid for the time they are on site as indicated by their signed Time Sheets;
- 7.5.9** Wear steel capped boots (provided by themselves) and other safety equipment (provided by North East Business Park Pty Ltd) as required while within the Project Area;
- 7.5.10** Undertake monitoring duties as outlined in this CHMP;
- 7.5.11** Notify the equipment operator that all work in the immediate vicinity of any significant cultural heritage material uncovered during Construction must cease immediately;
- 7.5.12** Immediately inform the Site Officer of the location of the cultural heritage material;
- 7.5.13** Inform the Indigenous Coordinator of the progress of monitoring activities being undertaken within the Project Area; and
- 7.5.14** Advise the Indigenous Coordinator when all management measures for any cultural heritage material uncovered during Construction have been completed so that construction activities can recommence.

7.6 Responsibilities of the Archaeologist

North East Business Park Pty Ltd and the Gubbi Gubbi will agree on the nomination of an Archaeologist to be on call during the length of the Project. Contact details of the Project Archaeologist are provided in **Attachment 2**. The responsibilities of the Archaeologist are:

- 7.6.1** To undertake cultural heritage work prior to Construction commencing within the Project Area as part of the Cultural Heritage Team;
- 7.6.2** To provide an archaeological significance and impact assessments, and in consultation with the Gubbi Gubbi, provide mitigation options and management recommendations for any Cultural Heritage Sites or areas of high archaeological potential identified within the Project Area;
- 7.6.3** As part of the Cultural Heritage Team, to implement agreed cultural heritage management recommendations for all Cultural Heritage Sites or areas of high archaeological potential identified within the Project Area;
- 7.6.4** To provide North East Business Park Pty Ltd and the Gubbi Gubbi with a report detailing the results of cultural heritage work undertaken on any Indigenous material uncovered within the Project Area;
- 7.6.5** To assist in induction and cultural awareness programs as required;
- 7.6.6** To be on call if a potentially significant find, or any bone, which could potentially be human remains, are found during any phase of the Project;

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- 7.6.7** To be on call should North East Business Park Pty Ltd and / or Gubbi Gubbi require advice on any archaeological and / or cultural heritage matters or issues in relation to the Project; and
- 7.6.8** Generally undertake archaeological work as required by this CHMP.

7.7 Responsibilities of the Site Officer

North East Business Park Pty Ltd will nominate an Employee or Contractor as the Site Officer for the Project Area. The responsibilities of the Site Officer are to:

- 7.7.1** Notify the Cultural Heritage Coordinator should human bone and/or Indigenous cultural heritage material be uncovered within the Project Area;
- 7.7.2** Flag and /or fence the area of any Indigenous cultural heritage material uncovered (e.g. including bones and / or other suspected Indigenous cultural heritage material);
- 7.7.3** Ensure that the Monitors present within the Project Area have completed a Health Workplace and Safety Induction;
- 7.7.4** Ensure that the Monitors present possess appropriate safety equipment prior to entering the Project Area;
- 7.7.5** Inform the Cultural Heritage Coordinator if a monitor does not arrive at the Project Area at the agreed time; and
- 7.7.6** Forward signed time Sheets to the Cultural Heritage Coordinator at the end of each working week.

7.8 Responsibilities of the Construction Contractors

All contactors and sub-contractors employed by North East Business Park Pty Ltd that are working within the Project Area must:

- 7.8.1** Meet all obligations as specified in this CHMP; and
- 7.8.2** Ensure that all construction staff associated with this Project is fully aware of their responsibilities under this CHMP.

8.0 EMPLOYMENT

North East Business Park Pty Ltd will pay Gubbi Gubbi for services outlined in this CHMP. The Gubbi Gubbi will provide workers compensation, superannuation, insurance, and tax contributions. The Gubbi Gubbi will indemnify North East Business Park Pty Ltd against any claims for damages from any of their representatives in relation to incidents that arise during the Project which are not caused by negligence by North East Business Park Pty Ltd. The following conditions will apply:

For cultural heritage work undertaken prior to Construction commencing:

- 8.1 The Gubbi Gubbi will be paid according to the Schedule contained in **Attachment 3**; and
- 8.2 Payment will be made on of receipt of a Tax Invoice from the Gubbi Gubbi. The payment will be in two parts: half the estimated costing will be paid at the commencement of the work and the balance within seven (7) days of completion.

For monitoring **and management** activities during the Construction phase of the Project:

- 8.3 Monitors **and the Indigenous Coordinator** will be paid according to the Schedule contained in **Attachment 3**;
- 8.4 If the monitors are asked to report to the work site and weather conditions prevent work from starting that day, then the agreed hourly rate will be paid for the time spent at the Project Area. A minimum of one hour will apply;
- 8.5 If the monitors are notified that the weather conditions will prevent work that day, before leaving their normal residence, then no payment will be made; and
- 8.6 Monitors must complete a Time Sheet upon arriving and departing the Project Area (see **Attachment 4**). These Time Sheets, a copy of which will be given to the Site Officer, are to be given to the Indigenous Coordinator so that a Tax Invoice for cultural heritage work undertaken can be forwarded by the Gubbi Gubbi to the Cultural Heritage Coordinator for payment.

9.0 CULTURAL HERITAGE MANAGEMENT

This Section of the CHMP is divided into two Sub-sections with each Sub-section addressing the processes to be followed during that particular period of the project.

9.1 Pre-Construction

- 9.1.1** North East Business Park Pty Ltd should nominate a staff member as Cultural Heritage Coordinator for the Project;
- 9.1.2** North East Business Park Pty Ltd should nominate an employee as Site Officer for the Project;
- 9.1.3** The Cultural Heritage Coordinator should contact the Gubbi Gubbi. to ascertain the name of the person who will act as Indigenous Coordinator and alternative Indigenous Coordinator from that group for the Project;
- 9.1.4** Once the Indigenous Coordinator's names have been provided to the Cultural Heritage Coordinator, the Cultural Heritage Coordinator should forward the Work Schedule for the Project to the Indigenous Coordinators;
- 9.1.5** The Indigenous Coordinator should nominate the Company or Indigenous Representative that will conduct the Cultural Heritage Induction and advise the Cultural Heritage Coordinator of the Company or Indigenous Representatives' name;
- 9.1.6** The Cultural Heritage Coordinator should arrange for the nominated Company or Indigenous Representative to present a Cultural Heritage Induction for all Construction Personnel involved in the project;
- 9.1.7** The Indigenous Coordinator should compile a list of the names of people who will perform the role of Monitors for the Project and provide the list to the Cultural Heritage Coordinator;
- 9.1.8** The Cultural Heritage Coordinator should arrange for an induction for the Monitors so that they meet all necessary Work Place Health and Safety requirements in accordance with the *Workplace Health and Safety Act 1989*;
- 9.1.9** The Cultural Heritage Team will undertake cultural heritage work as recommended in Davies (2003) and Gangalla (2006) (refer to clause 1.5 and 1.6) within the Project Area. The Cultural Heritage Team will meet appropriate archaeological standards of accuracy and reliability;
- 9.1.10** North East Business Park Pty Ltd will arrange access to the Project Area so that the cultural heritage work can be undertaken;

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- 9.1.11** The results of cultural heritage work must be documented in a report. The report should be written by the Archaeologist and include written comments provided by the Gubbi Gubbi in relation to the results of the work, cultural significance of and management recommendations for any cultural heritage sites located. The report must be provided to North East Business Park Pty Ltd within two (2) weeks after the completion of the cultural heritage work;
- 9.1.12** The report documenting the cultural heritage work, once completed, will form part of this CHMP;
- 9.1.13** The management measures to be adopted by the Parties will be related to the significance of the Aboriginal Cultural Heritage Sites, the results of the impact assessment and the practicality of specific mitigation options (including relocation of sites and / or relocation of the planned disturbance);
- 9.1.14** In the event that the Parties cannot reach agreement as to the management measures to apply, the dispute resolution provisions provided for in Clause 11 of this CHMP will apply; and
- 9.1.15** Management recommendations that can be completed prior to construction commencing for all sites or areas of archaeological potential identified during the cultural heritage work must be completed prior to the commencement of the Construction phase of the Project;

9.2 Construction

Cultural heritage work in this phase of the project is partly dependant upon the results of the Cultural Heritage work undertaken within the Project Area during the Pre-Construction Phase and documented in the report in relation to this work.

- 9.2.1** The main cultural heritage activity during construction is monitoring initial vegetation clearance / earthwork activities. The time frame for these activities will be outlined in the Work Schedule. The purpose of monitoring would be to ensure that encroachment into or disturbance of any protected Cultural Heritage Sites does not occur and that should previously undetected Cultural Heritage Sites be uncovered they are managed in an appropriate fashion;
- 9.2.2** As the Monitoring Roster has been finalized during the Pre-Construction phase, the Indigenous Coordinator must advise the appropriate Monitor of the date and time of commencement of cultural heritage work;
- 9.2.3** The rostered Monitor must arrive at the Project Area by the appointed time and sign his/her Time Sheet. The time Sheet must also be signed before leaving the Project Area;
- 9.2.4** In the event that a rostered Monitor is not available, the Monitor will contact the Indigenous Coordinator who arranges a substitute Monitor. The Indigenous Coordinator advises the Cultural Heritage Coordinator of the substitution;

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9.2.5 In the event that a rostered Monitor does not arrive at the Project Area at the appointed time, construction will proceed as scheduled. The Cultural Heritage Coordinator will advise the appropriate Indigenous Coordinator of the unavailability of the Monitor;

9.2.6 **Human Remains:** If any bones uncovered are identified as human, then arrangements for handling human remains are, in part, governed by legal provisions as laid down in the Coroner's Act, by police regulations and in the *Aboriginal Cultural Heritage Act 2003*. However, in all cases suitable dignity is required in the handling of the issue. The primary intention of this strategy is to avoid the unnecessary removal or disturbance of the human remains and to allow appropriate Aboriginal people final decision-making powers if the remains should prove to be those of an Aboriginal person. Where this is not the case the discovery site will be deemed a crime scene and North East Business Park Pty Ltd and its contractors and sub-contractors will be subject to Police direction. The management of the discovery of human remains will be done in accordance with the Department Natural Resources, Mines and Water policy on this issue.

Should human remains be uncovered:

- All activities in the vicinity of the find must cease immediately;
- The Site Officer should be immediately informed and the Site Officer should immediately inform the Cultural Heritage Coordinator;
- The Cultural Heritage Coordinator should immediately notify by phone the Queensland Police Department, the Cultural Heritage Coordination Unit of the Department Natural Resources Mines and Water and Gubbi Gubbi.;
- North East Business Park Pty Ltd and the Gubbi Gubbi may seek advice from the Archaeologist;
- The Site Officer should fence or flag the area of the find and access must be restricted;
- Under no circumstances should any bones be disturbed. They must remain *in-situ* until they can be properly identified;
- If the remains are not those of an Indigenous person, the Queensland Police will provide direction; and
- If the remains are those of an Indigenous person with evidence of antiquity greater than 50 years, work must not commence in the vicinity of the find until such time as officer/s from the Cultural Heritage Coordination Unit and the relevant Traditional Custodians have examined and discussed the management of the find and made suitable arrangements.

9.2.7 Should Indigenous archaeological material be uncovered during construction activities while the Monitors are present the following procedures should take place:

- The Monitor should notify the equipment operator that all work in the vicinity of the find must cease immediately;
- The Monitor will inform the Site Officer of the find;
- The Site Officer will contact the Cultural Heritage Coordinator of the find and the Cultural Heritage Coordinator will contact the Indigenous Coordinator and Archaeologist so that the find can be fully assessed;
- The area of the find should be fenced or flagged by the Monitor and access restricted until the find is documented and assessed;
- Work may recommence 30m or an agreed distance from the find or elsewhere as agreed by the Monitor, Archaeologist and Site Officer;
- If such a resumption of work occurs and material is still being encountered, and subject to consultation between the Monitor, Archaeologist and Site Officer, the procedure should be repeated until no further material is encountered;

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- The Archaeologist will record the location of the find and analyse, document and record all archaeological material uncovered;
- Construction activity must be halted for a period necessary to allow the material to be evaluated and to determine and implement suitable management techniques; and
- The Archaeologist and / or Indigenous Coordinator will inform the Cultural Heritage Coordinator if any further action is required and when work can recommence in the area of the find.

9.2.8 Should Indigenous archaeological material be uncovered during construction activities when a Monitor is not present, the following procedures should take place:

- The Site Officer will advise the Cultural Heritage Coordinator of the find and the Cultural Heritage Coordinator will advise the Indigenous Coordinator;
- The area of the find should be fenced or flagged by the Site Officer and access restricted until the find is documented and assessed;
- The Aboriginal Parties should organize for the uncovered material to be inspected and assessed by a Monitor and the Archaeologist;
- Work may recommence 30m, or an agreed distance from the find or elsewhere as agreed by the Monitor, Archaeologist and Site Officer;
- If such a resumption of work occurs and material is still being encountered, and subject to consultation between the Monitor, Archaeologist and Site Officer, the procedure should be repeated until no further material is encountered;
- The Archaeologist and Monitor will record the location of the find and analyse, document and record all archaeological material uncovered;
- Construction activity must be halted for a period necessary to allow the material to be evaluated and to determine and implement suitable management techniques; The Cultural Heritage Team will keep the Indigenous Coordinator informed of the progress of the work and advise when all management strategies have been completed; and
- The Archaeologist and / or Indigenous Coordinator will inform the Cultural Heritage Coordinator if any further action is required and when work can recommence in the area of the find.

9.2.9 A report detailing the results of Monitoring work must be provided to North East Business Park Pty Ltd by the Gubbi Gubbi within two (2) weeks of the cessation of monitoring activities

9.3 Further Cultural Heritage Work

Based on the results of the cultural heritage work being undertaken within the Project Area further archaeological work may be required. The recommendations of all reports documenting cultural heritage work undertaken within the Project Area must clearly outline the processes required in order to implement all recommendations. All reports, once completed, will form part of this CHMP.

10.0 NOTIFICATION AND REPORTING

- 10.1** North East Business Park Pty Ltd and the Gubbi Gubbi will provide each other with all necessary information to carry out this CHMP, and this information will be provided in a timely manner;
- 10.2** North East Business Park Pty Ltd and the Gubbi Gubbi will keep written records of all cultural heritage work undertaken under this CHMP;
- 10.3** The Archaeologist will provide the Cultural Heritage Coordinator with a report detailing the results of the Cultural Heritage work undertaken within the Project Area. The report should contain a significance assessment of any sites located as well as management recommendations. The report from the Indigenous Coordinator must be included as an Appendix to the archaeological report. The report must be provided within two (2) weeks of the completion of the survey; and
- 10.4** Reports detailing any other cultural heritage work undertaken within the Project Area must be provided to North East Business Park Pty Ltd by the Gubbi Gubbi and / or Archaeologist. All reports must be provided within two (2) weeks of the completion of the cultural heritage work detailed in the report.

11.0 DISPUTE RESOLUTION

- 11.1** If disputes occur in the course of implementation of this CHMP the following procedures will apply:
- (a) Wherever possible, issues will be negotiated directly between the Cultural Heritage Team and / or Monitor and North East Business Park Pty Ltd Site Officer. A dispute will be deemed to exist only after those discussions have failed to resolve the matter and one party has given the other written notice of the matter in dispute;
 - (a) Failing resolution under (a), a meeting will be convened between the Cultural Heritage Coordinator, Cultural Heritage Team and / or Monitor and Indigenous Coordinator. This meeting will be convened within 48 hours of a dispute arising; and
 - (c) Failing resolution under (b), a meeting will be convened between the Cultural Heritage Coordinator, Indigenous Coordinator and an independent arbitrator from the Department Natural Resources Mines and Water as soon as possible to resolve the dispute. The dispute must be resolved to the satisfaction of all parties.

12.0 ATTACHMENTS

12.1 Attachment 1: Maps

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Map 1. Location of Project Area.

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Map 2. The Project Area

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Map 3. Location of Cultural Heritage Sites within the Project Area

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Map 4. Location of Areas of Archaeological Potential

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12.2 Attachment 2: Contact Details

POSITION	NAME	CONTACT DETAILS
CULTURAL HERITAGE COORDINATOR		
SITE OFFICER		
INDIGENOUS COORDINATOR		
ALTERNATIVE INDIGENOUS COORDINATOR		
MONITOR		
MONITOR		
MONITOR		
MONITOR		
ARCHAEOLOGIST		

12.3 Attachment 3: Schedule of Fees

Hourly Rate: An hourly rate is charged for 1-5 hour working day at site.	
Daily Rate: — A Daily Rate is charged for 5-8 hour working day at site.	
Mileage:	

A schedule of fees for cultural heritage work (including monitoring, test pitting and coordination) will be provided at commencement of the work.

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ATTACHMENT 4: TIMESHEET

NAME				
ADDRESS				
PHONE:				
Emergency Contact	Name:		Phone:	
DATE	TIME COMMENCED	TIME FINISHED	SIGNATURE	SIGNATURE OF SITE OFFICER

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SIGNED BY	NAME	SIGNATURE
Name of Signatory:		
Name of Witness:		
Name of Signatory:		
Name of Witness:		
By executing this Cultural Heritage Management Plan the signatories warrant that they are authorized to execute the Cultural Heritage Management Plan on behalf of North East Business Park Pty Ltd		

SIGNED BY	NAME	SIGNATURE
Name of Signatory:		
Name of Witness:		
Name of Signatory:		
Name of Witness:		
By executing this Cultural Heritage Management Plan the signatories warrant that they are authorized to execute the Cultural Heritage Management Plan on behalf of the Gubbi Gubbi		