





# PROPOSED FUTURE TENURE ARRANGEMENT

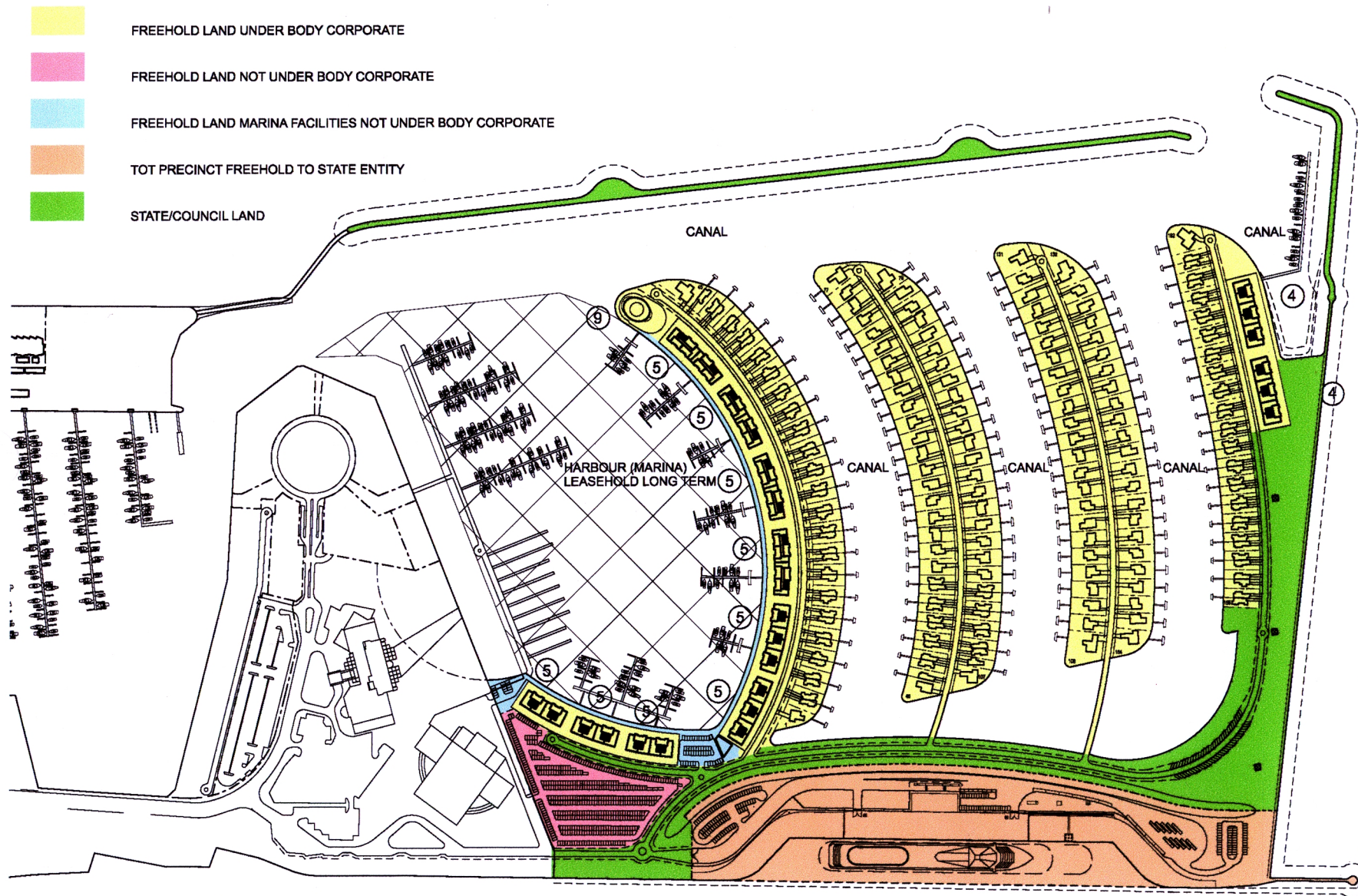


Figure 2: Concept Plan, Townsville Ocean Terminal Project.

REVISED MASTERPLAN OPTION 14

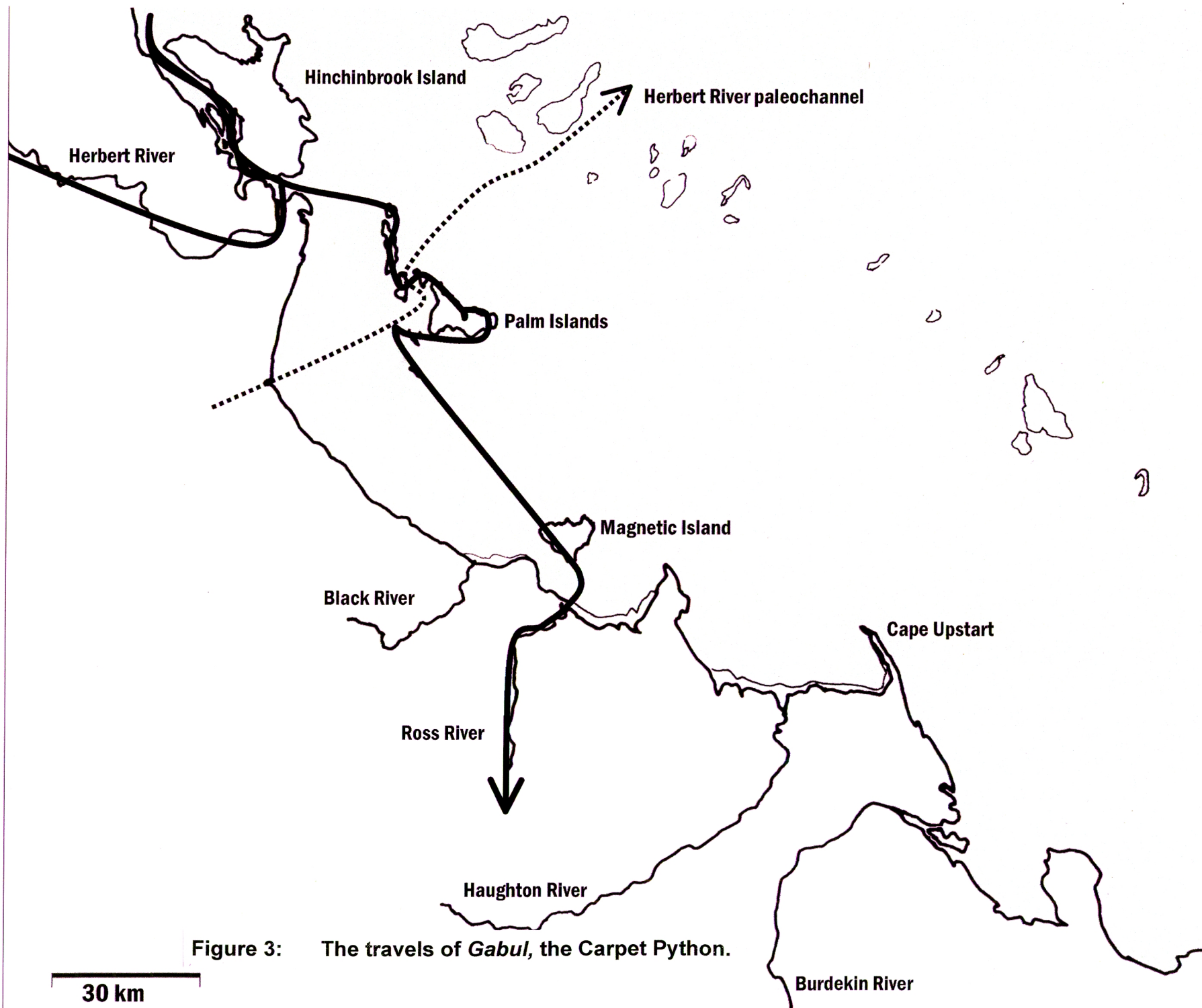


Figure 3: The travels of *Gabul*, the Carpet Python.





Figure 4: Aboriginal camp at Rows Bay (from Langan n.d.: 131).



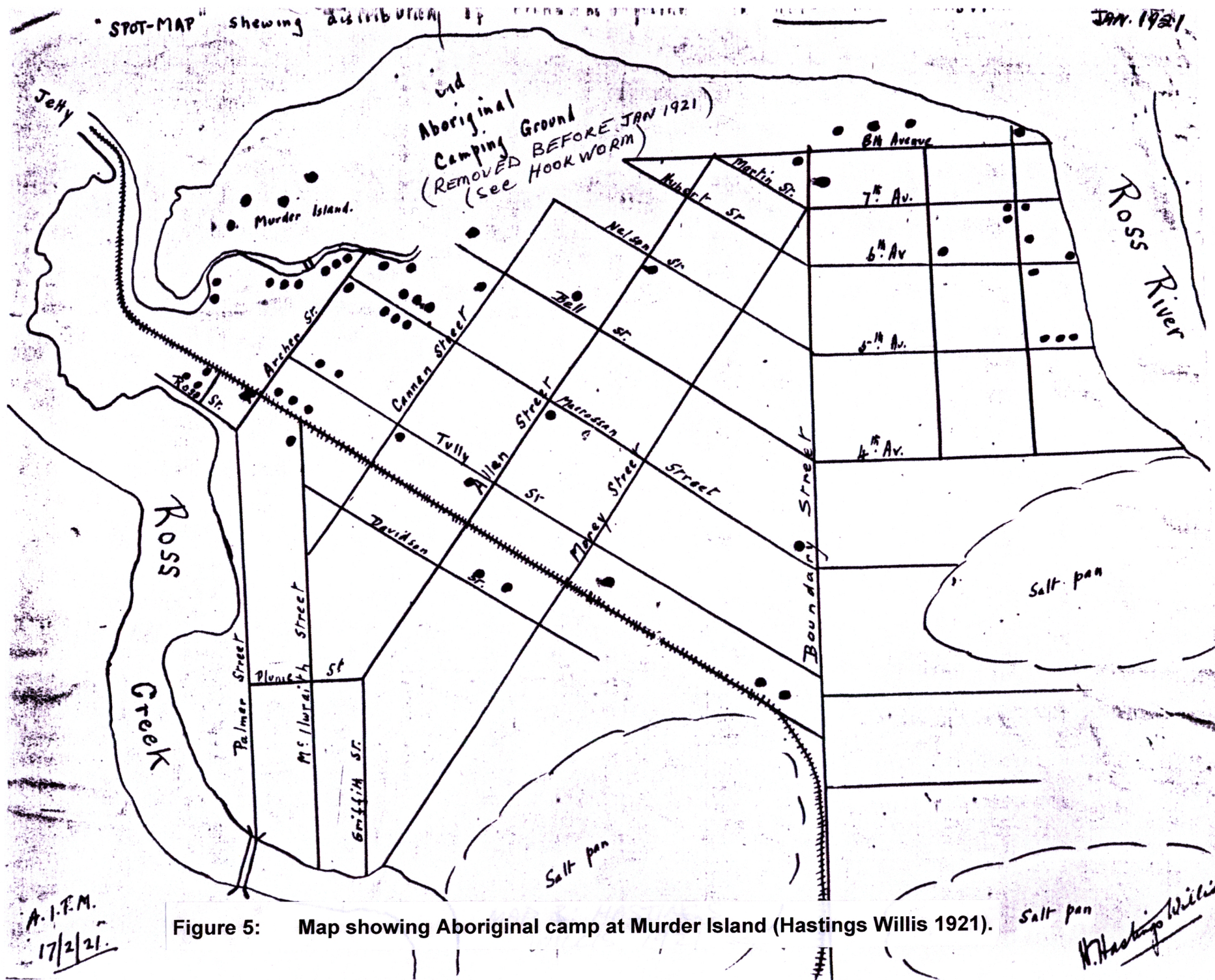


Figure 5: Map showing Aboriginal camp at Murder Island (Hastings Willis 1921).



## PUBLIC NOTICE

### CULTURAL HERITAGE MANAGEMENT PLAN

*Aboriginal Cultural Heritage Act 2003*

Aboriginal Party

**CITY PACIFIC LIMITED ACN 079 453 955 (City Pacific)** intends to develop a Cultural Heritage Management Plan for the Townsville Ocean Terminal Project pursuant to Part 7 of the *Aboriginal Cultural Heritage Act 2003*.

**Project:** The project comprises reclamation of land for construction of a cruise ship terminal and associated facilities, a mixed residential development and associated facilities, and the material extraction site(s).

**Sponsor's name:** City Pacific Limited ACN 079 453 955

**Contact Details:** Moya Steele (Partner)  
07 4722 0220

**Address for service:** MacDonnells Law  
Level One, 131 Denham St, Townsville QLD 4810

For the purpose of this Notice the Notice Day is: 10 April 2007

The Cultural Heritage Management Plan will be conducted over the following area:

**Plan Area:**

**Lot/Plan description:** **Project Site:** State Waters known as Lot 637 on SP 185431, Lot 638 on SP 185431 and Future Development Area as identified within the *Breakwater Island Casino Agreement Act 1984* adjoining the Western and Offshore Breakwaters and Entertainment Drive, Townsville.

**Source Site:** State Waters in the mouth of Ross Creek identified with NGA 94 co-ordinates commencing at E482762, N7869320 thence to E484114, N7870965 thence to E484428, N7870541 thence to E483899, N7869903 thence to E484197, N7869635 thence to E483719, N869346 thence to E483125, N7869144 returning to the commencement point and within the waterway of Ross Creek commencing on the riverbank at E479613, N7867524 thence across the waterway to E479576, N7867582 down the left bank to E482543, N7869352 across the waterway to E482651, N7869255 and returning up the right bank to the commencement point.

**County:** Elphinstone

**Parish:** Coonambelah

**Locality:** Townsville

**Nearest Town:** Approximately Two (2) km from Townsville City CBD

**Other identifiable features:** **Project Site:** Adjacent to Jupiters Hotel and Casino Complex and existing Breakwaters.

**Source Site:** Within the waterway of Ross Creek and in State coastal waters adjacent to the mouth of Ross Creek.



**If you are or you have been nominated as an Aboriginal party (as defined by Part 4 of the *Aboriginal Cultural Heritage Act 2003*) to act on their behalf and you wish to take part in the Cultural Heritage Management Plan, you must give a written notice to City Pacific advising that you wish to take part, by 10 April 2007.**

**City Pacific may elect not to endorse any Aboriginal party if City Pacific is not advised in writing within the required time.**





MB (Michelle Bird: Northern Archaeology)  
PT (Peter Trathen: City Pacific)  
CR (Cecilly Rasmussen: C & R Consulting)  
DC (Damella Ciacarelli: C & R Consulting)  
MAS (Moya Steele: MacDonnells Law)

**Traditional Owners**

IG (Iris Glenbar)  
PH (Pam Hegarty)  
MH (Michelle Hegarty)  
BU (Beverley Underwood)  
AD (Alice Dowden)  
JG (Jeremy George)  
CG (Chris George)  
AJ (Arthur Johnson)  
SJ (Shirley Johnson)  
VW (Virginia Wyles)  
NH (Norman Hegarty)  
AB (Allan Bell)  
MR (Manny Ross)  
JW (John Wotton)  
LW (Leanne Wotton)  
DW (Desley Wotton)  
NW (Nathaniel Wotton)  
NW (Naomi Wotton)

**CULTURAL HERITAGE MEETING (TRANSCRIPT)**

MB: Cultural Values and Concerns  
City Pacific Open Discussion  
Issues as raised to go in Cultural Heritage Report

CG: Part of the CHMPA is an assessment of country but obviously unless some under water study probably won't happen so i suppose if you have a look at the country as it was like prior to Captain Cook it would have been quite pristine. Our people would have had camping areas and dinner places. Most of the evidence would have been wiped out quite a long time ago prior to this development starting - Casino and Port being developed. Imagine in those days people would have used the area quite frequently. In absence of doing an assessment we need to consider that monitors are on site during construction because in the Nelly Bay Harbour a huge number of stone artifacts found during the development. There could be archeological sites under the seabed or on seabed as part of environmental studies. There is a large reef called Middle Reef, fishery habitat for species around Magnetic Island and Townsville and also turtle habitats off Cape Cleveland. Will they be protected? because further development could have a bad impact on those habitats. Also there is a fish habitat report that just came out.





That sort of area has to be protected. Out the cape and around the estuaries etc. Ensure habitats for those fish species are protected. Development usually damages reef. Marine Biologists to check the reefs. Main issues in terms of Cultural Heritage. Particularly the fish, turtle and dugong.

MB: Moya Steele and myself had discussions about potential monitoring of the site. The site will actually be dry at some stage and it might be opportunity for us to have a look

PT: Clearly the impact of placing fill into the ocean because when they bring it in it has fines of dust. The control is to prevent the fineness creating a plume effectively dust floats across ocean and lands on coral. Environmental point of view have measures to control the plumes the fines from drifting. Key Methodology build Strand Breakwater to link up with an entry on Northern Breakwater. 2 Breakwaters at the end – create a swimming pool using the Breakwaters connecting sheet piling so that the problem as we start to build the land and do the fill in of spillage and material would be almost eliminated and certainly minimised. Intention once sealed whole area, pump all water out and do excavation and fill operation in the dry, as doing it in wet would be quite complicated

CG: When the area of water is pooled, there will be fish dugong turtle trapped. What's the go there?

CR: Anything beyond just offshore here is actually Port Authority water its not in GBRMPA.

CR: I think you mean in the duck pond. When drying it out you can hand remove anything.

CG: What stone fish you're going to touch?

CR: Stonefish would be living in a different type of environment to duck pond. There will be a lot of thick ooze, so there won't be a lot of fish in here, but there will be a lot of eels. All of the others can be removed.

CG: There is an Act that covers that isn't there? So those species that are trapped in duck pond will have to be removed and not fed through pipe. If there's a turtle there?

CR: A Specialist will be called in if there's anything like that there.

PT: This pumping won't be done over just days, it will be weeks. Once the duck pond is dry there will be spears all around edge to keep it dry.





Water will seep back though. Initial pump out will need to be done pumping water out and taking out/shifting species that are trapped and placing them back into open water. Underlying material with years and years of sediment. 100 years ago. Northern Breakwater built as part of this development, maybe 20 years ago and there's a consistent flow of light sediments that have silted up this duck pond. You can see that in the thickness of the ooze. 1.2 metres deep duck pond and at its deepest 3 to 3.1 metres, very heavy black clay particle and mix of sand also.

CG: Do things live in those places? for instance shells... What I'm asking about is under the experience of the Nelly Bay Harbour. Its similar to that that you'll have to dredge to make it deep enough for terminal. Nelly Bay they took out big coral masses and used them for fill. By doing that they did destroy plants and animals living off that coral, 1000's of animals living off that coral.

CR: There won't be any coral here.

MB: Is it possible to be monitoring or doing some sort of checks in the area. I am trying to think of practical way to be able to mention in the Cultural Report – the ooze – once duck pond drained and ooze exposed. Can we then have a site inspection?

PT: With really big shoes.

MB: The term Cultural monitoring for a project where there is subsurface excavation. You're going to be filling, but not great lots of excavation. Reclaiming, so not sure how practically we're going to be able to make site inspections.

PH: Geomorphology of area. Forget about ooze. What's underneath the land and what the landscape was like prior to all this impact. Not so long ago people could walk from Magnetic Island to mainland

CR: Walk across from Kissing Point to mainland

CG: We could walk from here to Magnetic Island. Not now but prior to.

PH: Normal shoreline is different – it will be covered by ooze and it isn't going to dry out. When ooze is being moved into another position

MB: How do we practically do that at what point. When would be the best opportunity?

PH: Depends what method they use.





PT: With an excavator.

????: You might miss them though – special

CG: Not just artifacts, we're looking for anything.

PH: How far are they dredging down?

PT: There is an underlying layer here at minus 4.5 which is stiff clay – very hard stiff clay. Above it there is a layer thinner at one end and thicker at other end low tide the water is level. What we're going to do is excavate taking sections so that we can get to this bottom layer, dig a hole and put ooze in the hole. So the ooze that's out there will stay there but will be shifted into these big holes and what comes out of this hole, which is stiff clay goes in to create land mass. Where this hole is which is now full of ooze that's where the canals are.

PH: What's the depth of that?

PT: This is an existing level about 3 metres under lowest astronomical tide. Level off which we're going to build the land. This hole will go down 5 to 6 metres deep into stiff clay – take soft ooze material and put it in there.

PH: What age is clay base?

CR: Clay base formed in the last 6,000? years.

MB: The only opportunity for Cultural monitoring on site inspection program will be at that point when ooze is excavated from hard layer?

PT: Yes when the water is being taken out and it is effectively dry. There will be some, and were going to build using a fine rock material, a road on top of ooze to get out onto site in limited areas. I wouldn't walk on the ooze – it is very fine mud and will suck you down and take you forever.

MB: We could to it in 2 phases – walk through.

PT: General look at – not a detailed inspection.

MB: If there is a road – a cursory inspection to be in a better position and then some more detailed inspections by Traditional Owners when ooze removed from hard layer. If we had inspection over a period of a couple of weeks and nothing came out, maybe we re-assess then.

PH: Can you sieve the ooze?

PT: No  
 MacDonnell's Law





- CG: When they're excavating the mud.
- CR: Mangrove mud gets that smell.
- CG: It's mud like from mangroves.
- CR: You can't sieve it. There's no acid sulphate in it. When they take it out they'll be able to re-use it.
- CG: Are they going to take it out and dump it somewhere else?
- PT: There's a trench where the canals are and the ooze will be taken and pushed in there with a bulldozer and an excavator.
- MB: Ooze won't be sitting aside for a while, it will be put straight in the hole.
- PT: It's not easy to shift – very sticky.
- PH: Be worse than black soil?
- CR: It's more like mangrove mud but without sulphuric acid.
- IG: What's the first step?
- PT: The first step is to build Breakwaters so that the whole of the duck pond area is surrounded and can be cut off. Then pump out water, then to put a layer of 1 metre of sand or rock that you can drive a truck across over the top of ooze.
- IG: I just wondered.
- PT: Then there'll be a road that provides access around site from here through to top corner, then take a section of ooze and remove it. Put it probably underneath where there is going to be a park, as that won't matter. Ooze is in the earth and it's not going to disappear. Then you'll be able to see stiff clay layer. The excavator will dig a hole and then it will move into next area and keep moving like that. 1.1 million cubic metres. All of the soil that comes out of trenches is formed to make the new land and then additional fill that comes in.
- PH: That won't have any effect on structural development of the ooze?
- PT: That's a really important question because one idea was to put fill on top of ooze and squash it down and water would come out and compress to half its thickness. Ooze doesn't have cohesion, it's not glued together. It has no strength like soil or clay. Place risk that as you load it, there may be a slip and the walls would disappear into water. We've tried all sorts of things and different ways to put a sheet



pile down along where land is to stop ooze from going anywhere. Best solution is to take it out.

MB: Movement of ooze process is that going to be months?

PT: Months yes. I would suggest that when we first clear first section of clay – move ooze up onto existing ooze and there'd be 1,000 sqm of open area, then go down onto clay and do inspection. Then just come back periodically once a month to check

MB: It's that stiff clay base layer that we want to be looking at not the ooze layer.

CR: Possibly structure as Peter has described. Thick clay layer sits on top of sub..... Imagine 10,000 years ago when sea level was far enough out sitting along the beach....

PH: ??? Sea layer.

CR: 30,000 to 60,000 years ago. This part here would have been sea level of way over. Quite ordinary land here.

PH: How far are structures going down? The engineering side is beyond me.

PT: (Peter Trathen hand draws a table)..... If this table is stiff clay then build up from that. Compacted to an engineering specification so by time at top, the material or land on which you're building is quite strong. Prospective Engineers would drill through fill and put into hard clay layer. Houses built to lowest layer and then built upwards. If poles are put down, they wouldn't go down through the clay, just into clay layer. Because it's in the dry and done in layers compacted with machines, it won't settle. When reclaimed, pump sand and soil and water onto the land and build up, then it takes years to settle – up to 7 years. This wont because in dry and just filling as if it's a fill on a dry site.

BU: What would seal the ooze into the ground and what could you put over the ooze to seal it?

PT: Only place that ooze could go on the land would be the parkside. Cairns Airport is built on a swamp. There's ooze, then a layer of thick fill over the top. Outside of the parkland, there would be no ooze other than in canals on the bottom of canal and this is not an issue because it doesn't contain acid sulphate.

DC: When the water is pumped back in is there something to stop ooze re-rising?





PT: That would be an exercise in how carefully you bring the water back rather than how to prevent ooze from rising. Geo-fabric at top of ooze to prevent it from mixing with water. Introduce water fairly gradually. It will take weeks to fill the canal. Look out here it naturally sits at bottom and even tidal movement has limited disturbance.

DC: When it does get disturbed, does it take a while to settle down?

MAS: Engineering meetings – it wouldn't be a case of just opening up a particular area, just a slow input of water into sealed space – like silt curtains. Quite easy testing to prove settled before it was removed.

CG: That ooze is mud in my mind.

CR: Very very wet mangrove mud.

CG: Oil is reminds me of.

AD: Same mud dredged out of Cairns Harbour.

CR: That has acid sulphate in it. There's no acid sulphate that we can find in the ooze out here.

CG: Fair bit of seagrass growing on it.

CG: Can we re-plant the growing seagrass from the ooze?

CR: Won't be necessary to re-plant seagrass.

PT: It should regenerate.

CR: Yep.

MAS: Sitting on Breakwater before discussion about what existing there today. This development will actually improve the water quality and the nutrients left in canals will create a better environment for the smaller bio-structures living there now. Wall structures will be there for creatures to live in. Slightly bigger things, will then come to eat the little things.

CR: Any problems with spillages and fuel etc, and there are massive problems in Cleveland Bay with sloppy people, but when it's within this type of environment, you can control it. There is some method working on it, looking at putting in place a whole pile of provisions in those closed environments. Flushing issue to make sure water circulates in the duck pond. At the moment water is being collected in one corner. Flushing is carefully done so that water does come in and back out. No pooling in one area. Going to be better water than what is in there



- DC: Going to have to control what people are putting on their residential properties and what is going to run off. Maybe some covenants on the way people use the land living in this area.
- CR: As Moya Steele was saying before with Danny and these are the things we're looking at. Residents don't have to apply fertilizer to gardens etc. Stormwater is receiving a lot of attention and will be monitored.
- CG: Species planted also will solve a lot of that problem too.
- CR: I will work closely with Betsy Jackes, who worked on Magnetic Island, so she knows.
- MB: Traditional Owners skills and knowledge can contribute here – previous re-vegetation projects with Citiwater. Skills and expertise in appropriate plantings for the development.
- CG: Should be an opportunity for Indigenous to be able to properly tender for landscaping. Some sort of proper arrangement with a landscape firm. We could form arrangement with a landscaping nursery for the development around the area. Consider it as part of the process on how do we become partners in some sort of landscaping project.
- MB: As part of CHMP, Traditional Owners should have skills in re-vegetation and the landscaping for re-claimed land. Goes back to what Jeremy was asking earlier – re: employment opportunities for the Operational phase of project.
- CG: Rather than being the workers we could be the bosses. Big contract for landscaping. We could employ experts to help us do it. We would like to be the bosses not the workers.
- PH: We should get the contract.
- CG: We get the contract and employ the sub contractors.
- MB: You run the show?
- MAS: Like if there's a large parkland?
- CG: There'll be cleaners for the buildings. All of those things that happen with finishing off building. Big time money for Contractors. Aren't there 600 units?
- PT: That is an available opportunity. Involvement in this project under agreement with State Government is to create land and sell land. Then other developers come in to do the buildings. State Government





concerned that we would do the whole cycle and nobody else would have an opportunity. We create land, subdivide it, put drains in and then hand it over to contractors.

CG: Difficult part for us is how do we get a foot in with the contractors as Traditional Owners? Because there'll be a major Project Manager. Will there only be one Developer?

PT: There will be many Developers.

MAS: Many Developers just like in a suburban street with the various homes that get built.

CG: How do we get involved with that part, as that's where the big bucks are? That's how we could make money. Landscaping, cleaning of buildings, everything to do with development. Why can't Traditional Owners become involved with some arrangement with Contractors? We need some compensation back. Big money is the construction of these units and we won't have an opportunity once it all starts. This isn't good enough for us anymore as we need to think about.

MB: Worried about site inspections and monitoring. Best way to be able to satisfy ourselves is to have a look at assessing without losing any Traditional Owners in the quick sand. Peter suggested looking at the harder layer over a period of time. Timing of those inspections make a recommendation to City pacific for site inspection program to be set up of hard clay layer. Need a bit more info as project goes on and how much is being removed at a particular time. Refine the timing of cultural monitoring, as we move through process.

CG: How old is the mud?

CR: The ooze? Only started to settle there once they put Breakwater in. Decades old. The black layer underneath is probably be 6,000 years old.

CG: That's when we need to be there to see that layer.

CR: Black clay wont have anything in it.

PT: Very thick layer of clay and I don't think we'd go through it.

MB: Lets recommend periodic inspections of layer once ooze removed. Timing of that, to be determined at a later date. Timing until we get more info from Peter Trathen about how long process going to take as not much info on that.

MAS: EIS process is going to the State then to the public. Assume they'll make approval. Operational works for dredge. Construction timetable.



CG: Commonwealth will seek response from Native Title applicants.

MAS: Bilateral agreement through this EIS.

CG: Commonwealth and State will seek response from Native Title applicants like a notification. Ask what our opinions are. If we object no project. Need to be clear about that process. Want input from Traditional Owner group.

MB: City Pacific will have to demonstrate that they've been consulting under Cultural Heritage Act, addressing duty of care and Native Title Act engaged in agreements with Traditional Owners.

PT: Don't think outside that process the Commonwealth contacts Native Title groups separately.

PH: They'll put notification out.

CG: We need it to be clear what the process is going to be. Our involvement will be at that point in time when the mud has gone.

MB: Moya Steele was saying as the process goes along, a really detailed plan of the site. We make recommendation to City Pacific in our report to go into CHMP to have people on site to monitor layer under ooze. Timing and duration to be refined later, but get recommendation in CHMP that monitoring is being undertaken.

MAS: Only the timing because that will come out when the excavator is on site.

PH: Fulfill obligations of duty of care for developer.

MB: Make it clear that Traditional Owners want to do monitoring.

CR: I am willing to give time free of charge as this will be fascinating for me.

CG: Can we collect shells when they come up? As it's something we forget about at times. Sea excavations can produce big shells. There were big shells in the Nelly Bay Harbour and the bulldozers were smashing them up. I think we need to keep them for a museum perhaps.

PT: What was the underlying material?

CG: Mud and ooze.

CR: This won't be nearly as exciting as Nelly Bay.

PH: Are we going to sell the ooze?

MacDonnell Law





MB: As all the tourists come off the cruise ships, we could sell them bottle of ooze....

PT: Well lets put the rumour out.

MB: Cultural Report to go into CHMP recommending cultural monitoring. Environmental issues – seagrass, fishery habitat impacts, Manny Ross' question re pollution. Address that in CHMP past recommendation that Traditional Owners continue to be consulted. So information is available to review and assess and provide feedback. If there are reports coming out you can review. Keeping exchange of information on environmental issues.

MAS: Entire EIS is available. There will be an opportunity for everyone to read. It will be publically available. There'll be a traffic report. Time for submissions to be lodged.

CG: Traffic Rreport – what's that?

MAS: To investigatge anything – so to put development in we have to extend road.

PH: Project negotiations for the reclamation of land. Once land is reclaimed by City Pacific, what input do we have then once it goes to the State?

MAS: All of what we're doing ie. assessment pre-approval.

PH: What is our cutoff point as Traditional Owners in ongoing assessment of environmental issues?

MAS: You're both directly involved as stakeholder as part of assessment.

PT: Through the Cultural Heritage Management Plan through process of construction. Once development is complete, then that comes out of the hands of CHMP. It will then be in the hands of Council. Once land is created and sold off, land is in freehold with individuals or State owned, or Council owned land, so Council would be responsible for monitoring their land. Waterways under canals act is the responsibility of Council. The title of the land - once Titles are created the process comes to an end. Ongoing operation of the terminal. Both wharf berth pocket and land including roads and carpark etc gets handed back to Government and they don't know how they will own that. Either owned in some Government entity or through Port. Have established Port will operate terminal as integral to their operations across there. Berth uses same swing basin as rest of Harbour. In Brisbane for example, the Cruise Terminal is operated by Multiplex, being the people who built it.



CG: We have to get our people prepared to compete for jobs at the terminal. There'll be tourists coming through and they need to know about Aboriginal culture. There hasn't been a concerted effort to create things like that for international tourists. To interpret what our culture is. To see that there are Aboriginal people working there. How do we get our people trained up to compete for some of those positions?

MR: If we don't do it there'll be Japanese people doing it. Makes me sick with the Japanese selling Aboriginal artifacts.

PT: There can be a discussion about the fact that there may be an opportunity for an outlet for arts and crafts and artwork as part of the complex, but because the terminal is not opened all of the time, an outlet in the terminal building is not the best place because you might get only get 50 visits by cruise vessels per year, but then when the military vessels arrive, the terminal has to be shut.

CG: Must still need staff manning the terminal??

PT: In the Brisbane terminal the staffing is slim because there's only a ship once a week (more or less). So maybe 50 vessels per year. The guy who is General Manager has one person helping him. When a ship comes in, they employ casual staff to assist. Customs Police all come in and do processing. Even security is outsourced.

CG: We have an Indigenous security firm in Townsville. They are looking after the movie spectacular in Bowen at the moment.

PT: No reason why that shouldn't happen here. The difference between Brisbane Terminal is it's run under contract of Government by Multiplex. Townsville will be operated by the State. If the Port need casual staff or security, then the opportunity will exist.

CG: After registration of ..... Nothing more for us?

PH: What might need to happen with the CHMP, complex, nature of project and dealings with reclamation etc, I think we need to have continued support to practice our Cultural Heritage, because it evolves every day and we want to continue this, whether it's through art, craft or dance. This needs to be recognised. Once terminal goes in, the Government needs to support us to practice our culture.

MB: Would it be appropriate to have big cruise ships with lots of passengers who have never been here before to see an interpretive display? Broader sense of having State support. As they step off boat, interpretative signage acknowledging the Traditional Owners of the country in the Ocean Terminal complex. Is that one way?





PH: Recognition of continuity of our culture.

CG: What will happen is non Aboriginal mob will go in and advertise. How do we move on from the registration of that. How do we negotiate with the State about our continued involvement?

PT: If the Port then there'll be a whole lot of people making submissions asking for opportunity.

CG: How do we go there?

PT: I'm happy to help you do that.

MAS: If Port Authority were trying to do that, you have to tender for it.

CG: That's the sort of thing I'm looking at.

PT: Talking about issues outside of this. What does community do to latch on to opportunities. Engage with Port. Set up a company and capitalise.

CG: Townsville Airport have a café there. I sat and watched people running the place and it goes 24 / 7. They must be making money there. So wouldn't this terminal generate this sort of thing?

MAS: The Airport is a 24 hour operation. Unless there is a ship at the Ocean Terminal, it will be shut down and closed, therefore only requiring very casual work. There's not really the opportunity for a good commercial enterprise. A big shed is essentially what it will be. If it is a private company they issue the contracts to whoever they feel like.

CG: Any plans down the future for that terminal?

PT: No, no firm plans, but State Government have asked that the building be designed to expand in future. Say if they wanted to add another berth they'll need a bigger building. Issue you raise is really quite important because it goes to previous discussion. If opportunities are out there and they are one of the reasons why State Government support this project and other projects like it because it generates new jobs. Getting people employed is much more important. The question is what's the process of latching on to opportunities. We'd be happy to help you put together.

CG: We've got a large trained Aboriginal workforce now. But you don't see them working in the building industry. You barely see a black face working there. Big developments in city area, there are very few aboriginal people employed.

PT: I don't know, I'm not familiar enough. There should be a balanced



society. There should be an equal representation of all groups.

CG: Will City Pacific be the contractor to do all development before handed over for sale? Is it City Pacific's role to do that?

PT: Yes, City Pacific's role is to be developer not contractor. We will go to contractors and tender work to negotiate work.

CG: You'll call for tenders to do work?

PT: We won't physically buy equipment and employ people do the work, but we'll tender the work. To divide the project up into 3 to 6 different phases. 1 contractor will come in and do excavation, another one will come in and dig drains, stormwater, electrical roads.

CG: Initial stage of taking it back out will go out to contracts. How long will the work take?

PT: About 2 years.

PH: So could there be an opportunity for what Chris is saying to get sub-contractors if they can let us know.... They are going to be contracting for some of that work, maybe we could request they put that in that they employ a percentage of Aboriginals working.

PT: Yeah the issue is one of fairness also for the contractor. If the contractor already has a team and wants to move them onto a project and he needs an extra 2 people for instance. Anyone who is looking for work is keen to work on the project, well basically it's first in the queue. It is difficult for me to dictate to an individual contractor about his employees and who he employs.

PH: What we're doing now is only for development of this side of the Breakwater? or is this the Cruise Ship Terminal to do with CHMP?. Same concept as what we're doing on this side?

PT: Where we were standing on Breakwater going out to the Port on right. Berth pocket along edge inside duck pond. All included as part of ..... Creating berth and then the building about 1,500 sqm of shed. Airconditioned warehouse.

PH: No impact on Cultural Heritage there putting shed up?

PT: Lesser degree than this development. Part of Port waters. Not as sensitive, because huge number of vessels and all sorts of emissions.

MB: As long as you guys are happy, main recommendations. Write up report. Cultural monitoring program, employment opportunities, construction and operational phases. Feedback on environmental





issues, employment issues and landscaping. Broader opportunity is having the opportunity to tender. Has anyone else got any recommendations or feedback?

CG: Cultural Heritage inductions for the workers as part of Workplace Health and Safety.

MB: Traditional Owners giving inductions to work crews. Would you like me to include interpretive signage in terminal or parkland?

CG: No we'll have that in the ILUA.

CG: If there's a cultural find?

MB: Safeguard recommendation as per usual Cultural reports. Duty of care recommendation.

CG: Skeletal remains?

MB: Safeguard recommendation for skeletal remains.

CR: Danny and I had conversation before that Danny is willing to take somebody to train up with environmental work in a boat.

MB: If there's a younger person wanting to be a marine biologist or something like that for example.

Danny: Somebody with a dive ticket, I'm quite happy to train them up.

IG: You know when you do the things that come off the buildings are they going to have street names? If so, who selects the names?

PT: Council will and we've suggested to have some traditional names as street names, parks and streets and walkways.

CG: This person trained for marine biology with Danny, will they be paid? You can't expect this person to be going diving and sitting on a boat for nothing.

CR: You should be happy to use Danny's time and expertise in training.

Danny: Boat trip would be only once every month or once every two months for a period of maybe 3 days, every 2 months or so.

CG: That particular person we could negotiate some fee for them? You wouldn't expect us old people to go diving?

MB: Any other recommendations? Ideas? You know that of course after this meeting it's going to take a while, as I'm away next week.



- PT: Process is that Michelle Bird does a draft.
- MB: A few weeks for people to go through the draft, review and comment. Discussion about Cultural Heritage, goes to review and comment for everybody. That report gets finalised, those recommendations and report go into CHMP and then we come back to another meeting with a draft CHMP.
- CG: Now we should get into the habit of having CHMP checked by a Lawyer. It's much more of a legal document than what they were 3 or 4 years ago. Really important that those people working on the project understand clearly about the possibility of finding out past history.
- MB: We need to make provision for Traditional Owners' Lawyer to review document.
- CG: Cultural Heritage inductions are to be paid for by whoever. Should be compulsory as part of the orientation.
- MB: Any other comments?
- CG: We'll get a copy of draft EIS report?
- CR: They'll be made available to everybody.
- CG: Is there going to be public viewing for public objections?
- MAS: EIS process – Environmental Impact Statement will go to public and will be available for about 20 days for public to check through.
- MB: Does Cultural Heritage report have to go into the EIS document?
- MAS: If recommendation we get back is that you would prefer it to be confidential that will be considered.
- MB: As part of Cultural Heritage report, like to include it so that City Pacific in terms of a study area, it's still significant because of myth cycles and significance of landscape to Traditional Owners.
- PH: Maybe just make Cultural Heritage as a statement.
- MB: Maybe I can put document together, review it and then we can make decision as to whether this will be a confidential document or not. General statements about why area significant to Traditional Owners.
- PT: If you don't put it in, we've got to do some summary and maybe run a risk of opening to public and they know CHMP is out there and somehow kept secret, there could be some criticism.



MB: Quite often asked for Cultural Heritage component of EIS not to go out as public document. If I think anything that shouldn't go to public then we'll discuss.

PT: Public should have understanding of what Cultural Heritage Management Plans are to understand what it is and why its there.

PH: I don't think that's the issue, i think it is what may be in the report.

PT: In summary, thank you for all participating. There are still steps we have to take, but this meeting has been useful for us as a company and for me as a person to be able to debate and understand these issues.



**Subject: Cultural Heritage Search -Townsville Cruise Ship Terminal and Residential Development**

**Date:** Tuesday, 3 April 2007 4:11 PM

**From:** Mulholland Nicole <Nicole.Mulholland@nrw.qld.gov.au>

**To:** Michelle Bird <mbird@austarnet.com.au>

I refer to your application in which you requested advice on Aboriginal cultural heritage places recorded on the above location.

I wish to advise that no Aboriginal cultural heritage is recorded on the Cultural Heritage Database and Register in your specific search area, from the data provided by you. However, it is probable that the absence of recorded Aboriginal cultural heritage places reflects a lack of previous cultural heritage surveys of the area. Therefore, our records are not likely to reflect a true picture of the Aboriginal cultural heritage values of the area.

All significant Aboriginal cultural heritage in Queensland is protected under the *Aboriginal Cultural Heritage Act 2003*, and penalty provisions apply for any unauthorized harm. Under the legislation a person carrying out an activity must take all reasonable and practical measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in a official register and whether or not they are located in, on or under private land.

Aboriginal cultural heritage, which may occur on the subject property, is protected under the terms of the *Aboriginal Cultural Heritage Act 2003* even if Natural Resources & Mines has no records relating to it. Please refer to our website [www.nrm.qld.gov.au/cultural\\_heritage/index.html](http://www.nrm.qld.gov.au/cultural_heritage/index.html) for a copy of the gazetted Cultural Heritage duty of care guidelines, which set out reasonable and practical measures for meeting the duty of care.

Should you have any further queries, please do not hesitate to contact me on (07) 3238 3839

Nicole Mulholland  
Snr Policy Officer | Cultural Heritage Coordination Unit  
Department of Natural Resources and Water

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