

CAIRNS SHIPPING DEVELOPMENT PROJECT

Revised Draft Environmental Impact Statement

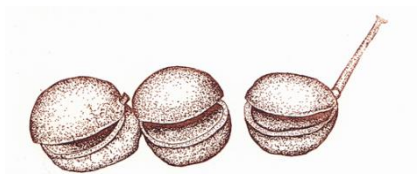
APPENDIX BB: Tingira Street Cultural Heritage Impact Assessment Report (2017)



Cairns Shipping Development Project
Stiff Clay DMPA,
Tingira Street
Cultural Heritage Assessment



Report to Flanagan Consulting Group
April 2017



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Executive Summary

Ports North are investigating options for the land based disposal of dredge spoil from the deepening and widening of Trinity Inlet. One option is to deposit stiff clay at a Ports North property at Tingira Street, Portsmith. This report documents the cultural heritage assessment of dredge spoil disposal at the Tingira Street site.

The Tingira Street site is at the northern bank of Smith's Creek in Trinity Inlet. Trinity Inlet is dominated by mangrove fringed estuaries and tidal waterways. The Tingira Street site has been highly disturbed, by vegetation clearing and land reclamation. Due to the extent of previous disturbance, there is negligible potential for any cultural heritage material to remain on the site.

Prior to its disturbance, the Tingira Street site would have been used for accessing marine resources, such as fish and crab, by Aboriginal and non-Indigenous people. These activities are unlikely to have left any physical remains.

Two groups, Yirrganydji (Irukandjii) People #2 and Gimuy Walubara Yidinji People, have registered native title claims over the area that includes the Tingira Street site. Neither Aboriginal party raised any cultural heritage concerns with the use of the Tingira Street site.

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List of acronyms used in the report	
ACHA	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>
ANSDB	Australian National Shipwrecks Database
ATSIHPA	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)</i>
CHMP	Cultural Heritage Management Plan
CMP	Conservation Management Plan
CSDP	Cairns Shipping Development Project
DMPA	Dredge Material Placement Areas
EIS	Environmental Impact Statement
EPBC	<i>Environment Protection and Biodiversity Act 1999 (Cth)</i>
DEHP	Department of Environment and Heritage Protection
DMPA	Dredge Material Placement Areas
HSA	<i>Historic Shipwrecks Act 1976 (Cth)</i>
IDAS	Integrated Development Assessment System
NTA	<i>Native Title Act 1993 (Cth)</i>
OCG	Office of Coordinator General
QHA	<i>Queensland Heritage Act 1992 (Qld)</i>
SPA	<i>Sustainable Planning Act 2009 (Qld)</i>

Acknowledgements

Jeannette Singleton and Gudju Gudju (formerly Seth Fourmile) represented the Yirrganydji (Irukandjii) People #2 and Gimuy Walubara Yidinji People Aboriginal parties respectively.

This report incorporates work previously completed for the Cairns Shipping Development Project, specifically from Cultural Heritage Draft Environmental Impact Statement (Ports North 2014) and Cairns Shipping Development Project Cultural Heritage Assessment (Buhrich 2016).

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1. Background

This report investigates the project impacts on cultural heritage resulting from the proposed construction of the distribution and containment infrastructure required for dredged stiff clay material at the new placement sites located at Tingira St, Portsmith. The OCG has identified cultural heritage and native title implications, especially regarding land based dredge material placement, as a key matter requiring additional information in the revised draft EIS.

1.1 Project description

The CSDP will require the land based placement of approximately 910,000m³ of soft clays and up to 100,000m³ of stiff clay material at separate Dredge Material Placement Areas (DMPA's).

The soft clays are proposed for placement in the Northern Sands void DMPA which is not part of this report work scope. The stiff clays are proposed to be placed at Ports North's Tingira Street property which has been progressively reclaimed (Figure 1).



Figure 1 Tingira Street property showing land reclamation

- Indigenous and non-Indigenous heritage.
- Consultation with Aboriginal parties.

Out of scope:

- Native Title.
- Public notification and endorsement of relevant Aboriginal parties for future development of Cultural Heritage Management Plans.

1.3 The Existing Environment

The Cairns area is rich in cultural heritage places including archaeological sites, story places, single artefact finds and places of contemporary significance to Aboriginal people. The mountains, rivers and other geographic formations are part of a living cultural landscape that provides a tangible link between the Aboriginal past and present through Aboriginal mythology, known locally as story waters. Archaeological sites provide further evidence of pre-settlement land use, contact history and recent Aboriginal history.

The Aboriginal landscape in the Cairns region is imbued with stories that linked each group to their *bulmba* (homeland), to their *Gurra Gurra* (ancestors) and to each other (Bottoms 2015:41). For example, according to oral history, *Gudju Gudju*, the rainbow serpent, resides across the whole Cairns coastal area and is embodied in specific landscape features from Double Island to Yarrabah. *Damarri* and *Guyula* were brothers whose activities traversed Trinity Inlet, the Barron River and Yarrabah, their actions link the Yidinji, Gunggandji, Yirrganydji Gurabana and Djabugay estates (Bottoms 2015). For Aboriginal people the stories of the ancestral beings provide tangible links between people and place, in the past, present and future. The special link between Aboriginal people and the rainforest was recognised through the inclusion of the Wet Tropics of Queensland for its cultural values in 2013 (Place ID: 105689). The heritage listing recognises the significance of story places inscribed in the landscape, including those relating to *Damarri* and *Guyula* (http://www.environment.gov.au/cgi-bin/ahdb/search.pl?mode=place_detail;place_id=105689).

The state heritage database records numerous Aboriginal cultural places in the study area, including Aboriginal middens, story places, artefact scatters and contact sites. Forty-two Aboriginal sites are listed on the DATSIP database within 5 kilometres of the Tingira Street site (Table 1). There is a distinct pattern of shell middens and other evidence of marine use by Aboriginal people in the Cairns area to be found on dunes systems and sand ridges (Buhrich 2016, Cribb and Lee Long 1995, David 1994).

Table 1 Summary of Aboriginal sites listed on DATSIP database, within 5km of Tingira Street

Site Type	Number of sites within 5 km of study area	Typical location
Shell midden	16	Sand ridge / dune
Artefact scatter	13	Sand ridge / dune
Story place	6	Landscape feature
Resource collection	4	Mangroves
Contact site	2	
Burial	1	Creek bank

Neither dune systems nor sand ridges were present on the Tingira Street site. Aerial photography from 1971 (Figure 3) show that prior to reclamation, the area consisted of tidal mangrove estuary. While the area would have been attractive for fishing, crabbing and obtaining other marine resources, it was very unlikely to have been used for occupation, nor is there any likelihood that physical evidence of prior use by either Aboriginal or non-Indigenous people remains at the site.



Figure 3 Tingira Street site in 1971, prior to land reclamation

2. Policy and legislation (from Buhrich 2016)

Cultural heritage is embodied in the values, places and practices that are important for past, present or future generations (Australia ICOMOS 2013). Australia's cultural heritage is protected by legislation at the commonwealth, state and local levels. Terrestrial non-Indigenous heritage values are assessed against a set of criteria and threshold levels to determine international, national, state and local significance. Shipwrecks are deemed historic relics after they are 75 years old. In Queensland, significant Aboriginal heritage places are identified by the relevant Aboriginal party and can include archaeological, anthropological or contemporary places. Torres Strait Islander heritage is dealt with through separate legislation that is not relevant to this report.

2.1 The Burra Charter

The Burra Charter (Australia ICOMOS 2013) provides non-statutory best practise guidelines on how Australian cultural heritage places are identified, conserved and managed. The Burra Charter identifies the following key principles:

- Significant values and elements of a place should be identified through survey, consultation and research.
- Cultural heritage is the aesthetic, historic, scientific or social values for past, present or future generations.
- Objects, fabric, setting, spaces and views contribute to the cultural significance of a place.
- The heritage values of a place should be understood before making management decisions.
- All stakeholders should be involved in looking after a heritage place, although some may have higher priority.

The Burra Charter identifies four key cultural heritage values – aesthetic, historic, scientific and social. Aesthetic values refer to the sensory reaction a place invokes. Aesthetic values can be embodied in form, scale, texture, materials, smells and sound. Historic values are the association of a place with a significant person, event, phase or activity. Scientific values are the potential of place to contribute information not available elsewhere, such as archaeological sites. Places of social value are important as the focus of spiritual, political, national or other cultural sentiment to majority or minority groups (Australia ICOMOS 2013).

2.2 Commonwealth legislation

Environment Protection and Biodiversity Conservation Act 1999 (Cth)

The *Environment Protection and Biodiversity Act 1999* (EPBC) promotes biodiversity conservation and heritage protection and recognises the role of Indigenous people in the conservation of Australia's biodiversity. It is the key national heritage legislation and is administered by the Commonwealth Department of the Environment and Energy. Places of national heritage can be nominated to the National Heritage List while places owned or managed by the Commonwealth are located on the Commonwealth Heritage List. The cultural values of the Wet Tropics of Queensland were placed on the National Heritage List in 2013, however this Act has a low relevance to the use of the Tingira Street site as the site is not directly associated with the cultural values of the Wet Tropics of Queensland.

Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHPA) assists Indigenous people with the preservation and protection of areas and objects that are of particular significance to Indigenous people. The ATSIHPA gives Indigenous people the right to request the Federal Minister who administers the ATSIHPA to intervene in cases where they consider that their cultural heritage is at risk, and the relevant state legislation is inadequate. The ATSIHPA was introduced in the early 1980s, before the recognition of native title in Australian law. The ATSIHPA was meant to protect particularly sacred sites and objects as a 'last resort' if protection under State or Territory law was inadequate. The ATSIHPA is not relevant to the project at this stage, but could be invoked if Aboriginal people feel the state heritage is inadequate to protect significant cultural heritage places.

Australian Heritage Council Act 2003 (Cth)

The *Australian Heritage Council Act 2003* provides for the establishment of the Australian Heritage Council, which is the principal advisory group to the Australian Government on Federal heritage matters, including any declarations under the EPBC Act. The *Australian Heritage Council Act 2003* also provides for the nomination of places considered of national significance on the National Heritage List or Commonwealth Heritage List or on the former Register of the National Estate or the Australian Heritage Places Inventory. The relevance of the *Australian Heritage Council Act 2003* is low as there are no places on the Register of National Estate or the Australian Heritage Places Inventory on or near the Tingira Street site.

Native Title Act 1993 (Cth)

The *Native Title Act 1993* (NTA) provides for the protection of extant native title rights and interests held by Aboriginal and Torres Strait Islander people. It creates procedural requirements for the grant of any act by government or a third party that may impact on native title rights and interests that must be followed to ensure the grant is valid. In many cases the NTA creates a process under the future act regime whereby acts that affect native title will be valid, with any impairment of native title rights and interests giving rise to a right to compensation by the native title holders. In some instances, an act can only be validly done through an Indigenous Land Use Agreement. The cultural heritage regime in Queensland is separate from the NTA, however the Aboriginal party under the ACHA is identified by reference to the NTA. The NTA has little relevance to the use of the Tingira Street site, from a cultural heritage perspective.

Historic Shipwreck Act 1976 (Cth)

The *Historic Shipwrecks Act 1976* (HSA) applies to all Australian waters from the low tide mark to the edge of the continental shelf. The HSA is administered in collaboration with the states, Northern Territory and Norfolk Island. In Queensland, the HSA is administered by the Department of Environment and Heritage Protection (DEHP). The provisions of the *Queensland Heritage Act 1992* (QHA) in conjunction with Part II of the HSA states that all shipwreck and associated relics at least 75 years old and located in Australian waters to be historic relics and, unless otherwise determined, to be protected. It applies to all wrecks located along Queensland's open coast, bays, lakes and inland waterways including Trinity Bay and Trinity Inlet. To assist in the administration of this Act the Australian National Shipwrecks Database (ANSDB) has been established. The ANSDB is of low relevance to the Tingira Street site.

2.3 Queensland heritage legislation

In Queensland, impacts to significant Indigenous and non-Indigenous cultural heritage are managed through separate legislative processes. Indigenous heritage is protected through duty of care guidelines for all land users. Non-Indigenous heritage is integrated into development application processes.

Aboriginal Cultural Heritage Act 2003 (Qld)

The purpose of the *Aboriginal Cultural Heritage Act 2003 (Qld)* (ACHA) is to recognise, protect and conserve Aboriginal cultural heritage in Queensland. The ACHA seeks to achieve this by establishing duty of care mechanisms for land users to protect significant Aboriginal cultural heritage from

activities and ensuring Aboriginal people are involved in processes for managing Aboriginal cultural heritage.

The ACHA defines Aboriginal cultural heritage as a significant Aboriginal area or object, or evidence of archaeological or historic significance to the Aboriginal occupation of Queensland. The ACHA defines significant Aboriginal heritage as an area or object significant to Aboriginal people because of Aboriginal tradition or history, including contemporary use. Aboriginal people are responsible for identifying significant Aboriginal cultural heritage.

According to the ACHA:

- A significant area does not have to contain physical markings (i.e. a story place, birth place or massacre site), nor does it have to be old.
- Aboriginal people identify the significance of areas or objects, although anthropological, historical, biogeographical and archaeological information can help identify significance.
- A significant area can include the surrounding area, if impacts will diminish the significance.

Impacts to cultural heritage are managed through the duty of care guidelines, which requires all land users to make reasonable and practicable steps to manage impacts to significant Aboriginal cultural heritage. The duty of care guidelines outline the steps for managing impacts to significant Aboriginal places including consulting Aboriginal parties, conducting surveys and the nature of past use of the area. Penalties for non-compliance with the duty of care guidelines are up to \$117,800 for an individual and \$1,178,000 for a corporation.

A Cultural Heritage Management Plan (CHMP) is an agreement between a land user and relevant Aboriginal party on how impacts to significant Aboriginal heritage will be managed. Under the ACHA, CHMPs are required when an EIS is required for a project and can also be made voluntarily.

Queensland Heritage Act 1992 (Qld)

The *Queensland Heritage Act 1992 (Qld)* (QHA) establishes a register of places of non-Indigenous heritage significance. The Queensland Heritage Council manages impacts to places of state heritage value and local councils manage impacts to local heritage places.

The QHA establishes the criterion for entry on the State heritage places in Queensland register, and links cultural heritage significance with the relevant criteria. A place must satisfy one or more of criteria (a) – (h) to be included in either a state or local heritage register (Table 2). Criteria for entry to the state and local heritage registers are the same, but the thresholds are different. Thresholds determine whether a place contains significance at a state or local level, i.e. a place must demonstrate

significance to the heritage of the state to be placed on the Queensland Heritage Register, while for local heritage places the threshold is lower. A place is not to be excluded because a place or places with similar characteristics have already been registered.

Table 2 Criteria for listing places of non-Indigenous significance on state or local registers.

Criteria for heritage listing non-Indigenous heritage	
A	The place is important in demonstrating the evolution or pattern of history.
B	The place demonstrates rare, uncommon or endangered aspects of cultural heritage.
C	The place has potential to yield information that will contribute to an understanding of history.
D	The place is important in demonstrating the principal characteristics or a particular class of cultural places.
E	The place is important in exhibiting particular aesthetic characteristics valued by the community or a particular community group.
F	The place is important in demonstrating a high degree of creative or technical achievement at a particular period.
G	The place has a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.
H	The place has a special association with the life or work of a particular person, group or organisation of importance in history.

The Queensland Heritage Council manages changes to Queensland heritage registered places. The Queensland Heritage Council is a concurrence agency for work requiring a development application under the *Sustainable Planning Act 2009 (Qld)*. Maintenance and emergency work does not require Queensland Heritage Council approval if it can be conducted according to an Exemption Certificate. Conservation Management Plans (CMP) are useful tools for guiding the conservation and management of state heritage listed place. A CMP identifies the significant values of a place, sets out policies to guide conservation and any proposed future changes and provides strategies for maintenance and other work to minimise impacts on heritage values.

Sustainable Planning Act 2009 (Qld)

Applications for certain types of development are assessed under the *Sustainable Planning Act 2009 (SPA)*. If a development is considered assessable under the SPA an application is required to be lodged through the Integrated Development Assessment System (IDAS). Proposed changes to Queensland Heritage Register places requires IDAS application unless:

- Work can be completed according to an Exemption Certificate (i.e. some types of maintenance and repair work).
- Work is conducted according to a heritage agreement between the state and the land owner.
- The project is a 'coordinated project' under *the State Development and Public Works Organisation Act 1971*.

The SPA requires local councils to develop planning schemes that manage growth and change in their local government area, considering relevant social, economic and environmental factors. In 2016 Cairns Regional Council released *CairnsPlan2016* which maintains a register of local heritage places, as required under Part 11 of the QHA.

Local heritage places are considered under criteria A-H listed in Table 2 and must contain cultural heritage values significant to the Cairns region. Queensland Heritage Registered places are automatically listed on the *CairnsPlan2016*. Local heritage places can be added or removed from the local heritage register on application to Cairns Regional Council. *CairnsPlan2016* makes recommendations for managing impacts to heritage places.

The *Sustainable Planning Act* will be replaced by the *Planning Act 2016* (Qld) in June 2017.

Planning Act 2016 (Qld)

On 3 July 2017, the *Planning Act 2016* (Qld) will replace the *Sustainable Planning Act 2009* (Qld).

There are no changes to the management of Aboriginal or Torres Strait Islander cultural heritage under the *Planning Act 2016* (Qld). There will be changes to the process for managing changes to local and state heritage listed places, however the principles of management practise remain the same. They include:

- Emergency works are permitted under certain circumstances.
- Changes to state heritage listed places require assessment by the state.
- Changes may be approved where there is no significant damage to the cultural heritage values of the place.
- The Queensland Heritage Council can advise the state on impacts to significance from a development proposal.

Minor amendments to the process for managing heritage listed places include:

- Feasible alternatives to development impacting state heritage places must be investigated.

The *Planning Act 2016 (Qld)* is not relevant to the Tingira Street site.

2.4 Cultural heritage legislation relevant to the CSDP

The CSDP potentially impacts Aboriginal and non-Indigenous terrestrial and marine heritage sites.

Table 3 summarises the key heritage legislation and potential impacts on cultural heritage places in the study area.

Table 3 Summary of relevant legislation.

Legislation	Description	Potential Impacts	Details
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Protects Aboriginal places on the world, national and commonwealth registers.	Low	Aboriginal cultural values of the Wet Tropics of Queensland.
<i>Native Title Act 1993</i>	Protects rights and interests over lands and waters held by Aboriginal people.	Low	Under the ACHA, the native title party is the Aboriginal party.
<i>Historic Shipwrecks Act 1976</i>	Protects all shipwrecks and associated relics over 75 years old.	Low	No shipwrecks in or adjacent to the Tingira St site.
<i>Aboriginal Cultural Heritage Act 2003</i>	Protection of Aboriginal cultural heritage in Queensland.	Low	Duty of care to protect significant Aboriginal heritage. CHMP with relevant Aboriginal parties may be required.
<i>Qld Heritage Act 1992</i>	Protection of places that contain state and local heritage value.	Low	No Qld Heritage Registered places on or adjacent to Tingira St site.
<i>Sustainable Planning Act 2009 and regulations</i>	Integrates planning and development process of heritage listed places.	Low	CSDP exempt from IDAS as a Coordinated project
<i>Planning Act 2017</i>	Integrates planning and development process of state and local heritage listed places.	Low	No state or local heritage places on the Tingira St site.
<i>CairnsPlan2016</i>	Maintains a local heritage register.	Low	No places of local heritage significance recorded on or adjacent to Tingira St site.

3. Relevant Aboriginal parties

Identification of the Aboriginal party is linked to native title determinations and registered native title claims. The Aboriginal party is determined in the following order.

1. Where native title has been determined, the Aboriginal party is the native title holder.
2. Where a native title claim is registered, the applicant is the Aboriginal party.
3. If there is no existing native title claim, but there was a previous native title claim, the previous applicant is the Aboriginal party (the last claim standing).
4. If there has never been a native title claim, the Aboriginal party is a person or group with particular knowledge about traditions, observances, customs and beliefs associated with particular area and has responsibility for that area under Aboriginal tradition. Registered Cultural Heritage Bodies, where they exist, are the appropriate group to identify the Aboriginal party.

Registered Cultural Heritage Bodies can advise on the appropriate Aboriginal party for a particular area.

There are two Aboriginal parties relevant to the Tingira Street property, with overlapping interest in the site and Trinity Inlet.

- Yirrganydji (Irukandjii) People #2 (QUD602/2012) have registered a native claim over Cairns and Trinity Inlet. and
- Gimuy Walubara Yidinji People (QUD631/2012) have registered a native claim over Cairns and Trinity Inlet.

4. Methodology

The cultural heritage assessment includes a desktop review of known heritage places, a review of historic aerial photographs and consultation with the relevant Aboriginal parties.

4.1 Desktop review of known heritage places

Previous surveys in the project area and surrounds identify the types of sites located in the region. Reports may detail site preservation as well as how the land was used by Aboriginal people pre- and post-contact. Publications, consultancy reports, historical sources, the state heritage database and register and the author's current doctoral research were consulted to identify:

- The physical context of the study areas in terms of past Aboriginal use of the landscape and preservation factors affecting Aboriginal sites and preservation of those sites.
- The cultural context of the study area in terms of relationships between Aboriginal parties and their connection to country.
- A summary of archaeological research findings in the area.
- Previous recorded sites from published sources, unpublished reports and the state heritage database.

4.2 Review of historic aerial photographs

Historic aerial photographs were accessed using the QImagery web-based search tool (<https://qimagery.information.qld.gov.au>). A review of aerial photographs taken between 1949 and 1990 reveals the history of use of the Tingira Street property. These photographs formed a basis for discussion with Aboriginal parties on past land use and to identify the likelihood of the presence of cultural material at the site.

The series of aerial photographs are summarised in Table 4 and presented below. They reveal the Tingira Street property remained undisturbed mangrove vegetation until shortly before 1983, when a road and bridge can be seen entering the area from the north. Between 1983 and 1987 the area was extensively cleared and a marina was created. An image from 1989 shows that further mangrove vegetation had been cleared, the creek infilled and land reclamation had taken place. A 1990 photograph shows that the marina had been expanded and the extent of clearing that is seen today.

Table 4 Summary of history of land use of Tingira Street site, from aerial photographs

Map Name	Film	Frame	Date	Shows	Figure
Cairns Innisfail Transmission Line 1949	QAP81	106	1949	Mangroves	4
Cairns 1971	QAP2343	71	1971	Mangroves	5
Cairns Ortho	QAP4185	20	1983	Mangroves, dirt road, bridge	6

Mulgrave Water Discolouration	Shire	QAP4694	45	1987	Mostly cleared, marina formed, boats moored in marina	7
Townsville Cooktown	-	QAP4799	182	Sept 1989	Extensive clearing of mangroves, reclamation, creek infilled	8
Cairns Development Area		QAP4913	125	Oct 1990	Extensive clearing, marina extended	9



Figure 4 Aerial photograph taken from Cairns Innisfail Transmission Line 1949, Tingira Street site in red (QAP81, Frame 106)



Figure 5 Cairns 1971 Tingira Street site in red (QAP2343, Frame 71)



Figure 6 Cairns Ortho 1983, Tingira Street site in red (QAP4185, Frame 20)

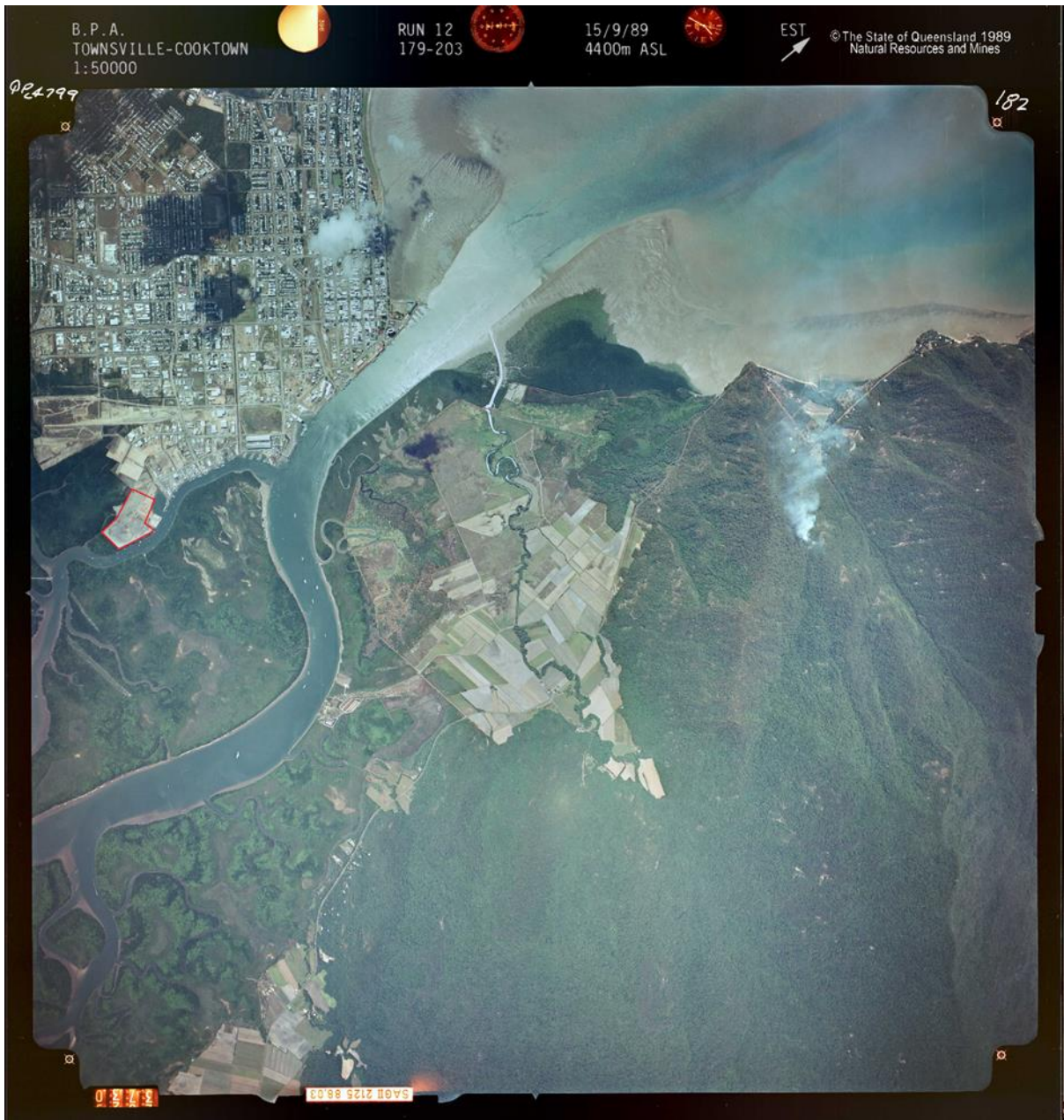


Figure 7 Mulgrave Shire Water Colouration 1987 Tingira Street site in red (QAP4694, Frame 45)

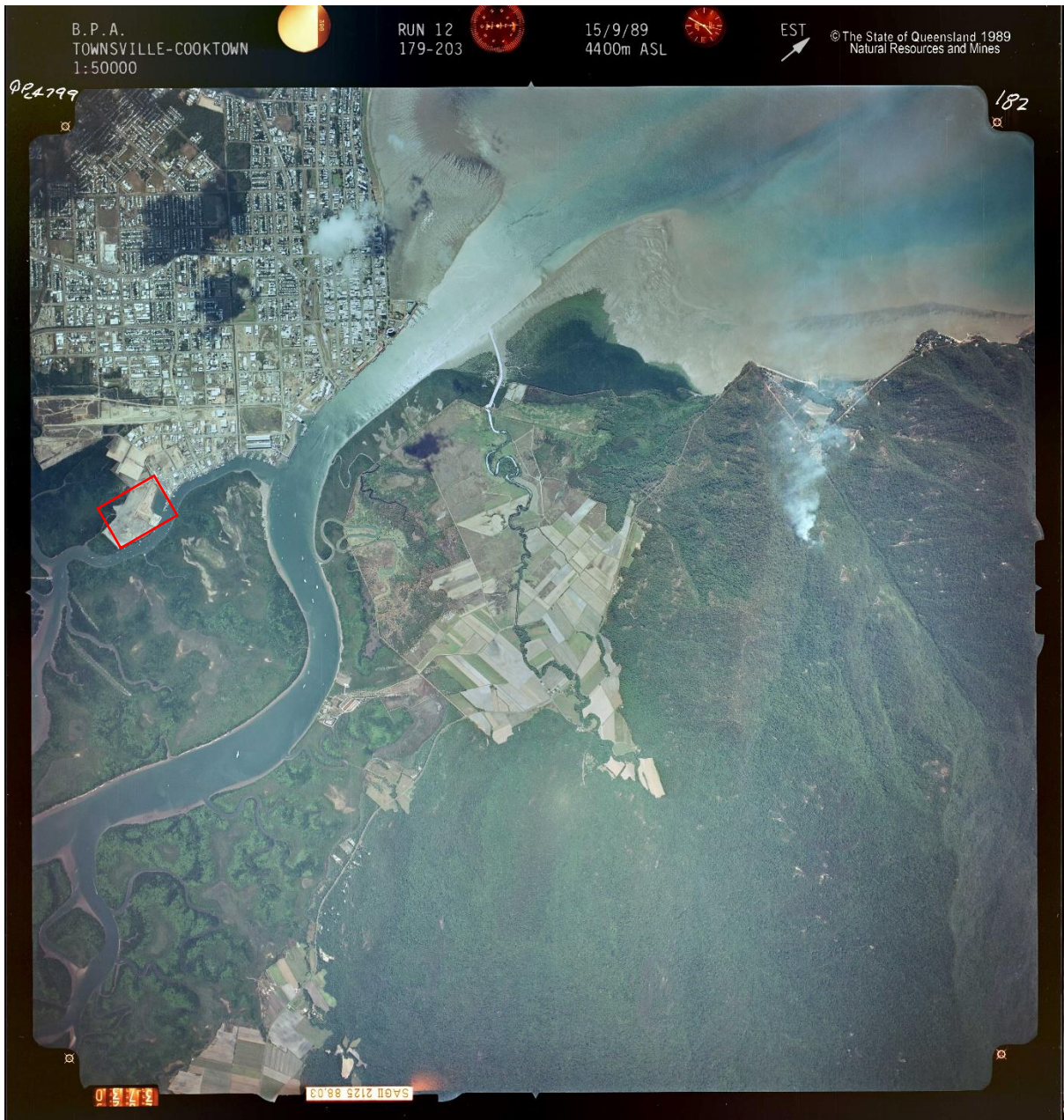


Figure 8 Townsville – Cooktown Run 12 September 1989 Tingira Street site in red (QAP4799, Frame 182)



Figure 9 Cairns Development Area 1990, Tingira Street site in red (QAP4913, Frame 125)

4.3 Consultation with Aboriginal parties

Consultation with Aboriginal parties through face to face meetings and email correspondence. Consultation took place with Jeannette Singleton, representing Yirrganydji (Irukandjii) People #2 on 10 April 2017. Gudju Gudju (formerly Seith Fourmile), representing and Gimuy Walubara Yidinji People, was contacted by phone and email between 5 – 13 April (full details of contact in Appendix B). The aim of consultation was to determine the potential impacts and management strategies to minimise impacts to the previously identified story places. Site inspections did not take place, but the historical aerial photographs were used to show the level of disturbance to the site and pre-existing vegetation.

5. Outcome of investigations

5.1 Non-Indigenous heritage

Captain Cook passed the area on his return voyage from Tahiti in June 1770 and named the Frankland Group, Fitzroy Island, Cape Grafton, Green Island and Trinity Bay. He was followed in 1819 by Phillip Parker King on his second surveying voyage on the ship, the *Mermaid*. Captain Stanley followed in 1845, accompanied by MacGillivray and crew in the *Rattlesnake*.

In 1870 Phil Garland landed at Trinity Inlet, seeking water and timber for the beche-de-mer processing plant he had operated on Green Island since 1868. On one of Garland's landings he was attacked by Aboriginal people, possibly in retaliation for the theft of a dug-out canoe (Jones 1976). The landing became known as 'Battle Camp' or 'Battle Creek'.

Trinity Inlet was surveyed by Dalrymple in 1873. Dalrymple and his party landed at the mouth of the Inlet and noted Aboriginal wells in the sand ridges behind the beach (probably around today's Abbott Street). Dalrymple followed an Aboriginal walking track to a camp site and stole the mummified remains of an Aboriginal person which was eventually deposited with the British Museum (Jones 1976).

In 1876, there was growing interest in the potential of Trinity Inlet to serve as a port to service the burgeoning Hodgkinson goldfield around 80 kilometres west of Cairns. Three camps were established in the Inlet by hundreds of miners, government officials and other interested parties that arrived to meet the overland expeditioners between August and September 1876. The most popular was the 'Beach Camp' at the head of the Inlet, near the native wells, which was surveyed as the town of Cairns in September 1876. Battle Camp, which had been renamed 'Smith's Landing' continued to be the most popular landing site and quickly turned into a rowdy port controlled by Bill Smith, while Sub-Inspector Douglas camped "2 miles up the Inlet" with his native police troopers (Jones 1976).

None of the early European landing sites or camps were located on the Tingira Street site.

A search of relevant registers and databases identified no non-Indigenous heritage sites listed on Queensland Heritage Register, *CairnsPlan2016*, Australian National Shipwreck Inventory, Qld WWII Historic Places or National Heritage List that relate to the Tingira Street site.

A search of Cairns Regional Council website heritage pages revealed that Tingira Street is named after the SS *Tingira* which regularly brought goods and passengers from Brisbane to Cairns prior to the 1930s.

5.2 Aboriginal heritage

No significant cultural heritage places were identified on the Tingira Street site during consultation with the Aboriginal parties. No concerns were raised about the impacts from dredge spoil location on the Tingira Street site, considering the extent of previous disturbance. The original landform, being tidal mangrove estuary and the extensive level of disturbance to the site means there is negligible potential for archaeological material to be present, either on the surface or sub-surface. Middens have been located on raised sand ridges within tidal mangrove estuary (e.g. East of the Cairns Airport), however, the aerial photographs show no indication of sand ridges being present on the Tingira Street property prior to the disturbance.

5.3 Conclusions

No cultural heritage sites were identified on the Tingira Street property. This is because of three key factors:

- The original vegetation, consisting of a tidal mangrove estuary, would have restricted any human activity.
- Past human activities were probably restricted to resource gathering such as fishing and crabbing are unlikely to leave cultural material.
- The site has been subject to extensive land disturbance including clearing of vegetation and infilling with material brought from elsewhere.

6. Impact Assessment

The Tingira Street study area is a highly disturbed landscape, having been subjected to extensive clearing and reclamation between 1983 and 1989. Prior to disturbance the Tingira Street site consisted of tidal mangrove estuary. Historical aerial photographs show no indication of sand ridges or other possible occupation sites. There is negligible potential for any archaeological material to be remaining on site.

Potential impacts to non-Indigenous heritage

No non-Indigenous heritage issues were identified.

Potential impacts to Aboriginal heritage

Trinity Inlet forms part of the Aboriginal cultural landscape for both Yirrganydji and Gimuy Yidinji people who associate the formation of the rivers, creeks and inlets with *Gudju Gudju* (the rainbow serpent), and the cassowary (J. Singleton pers. comm.; G. Gudju pers. comm.). These broader issues raised by the Aboriginal parties are addressed in Chapter 13 of the EIS.

Neither Yirrganydji Gurabana nor Gimuy Yidinji representatives raised any issues with the placement of proposed dredge spoil at the Tingira Street study area.

Table 5 Impact Assessment and description of significance factors

Impact Significance / Consequence	Description of Significance
Very High	<p>The impact is considered critical to the decision-making process.</p> <p>Impacts tend to be permanent or irreversible or otherwise long term and can occur over large scale areas.</p> <p>Very high sensitivity of cultural significance (e.g. national significance such as loss or removal of a place of cultural value with an EPBC listing status).</p>
High	<p>The impact is considered likely to be important to decision-making.</p> <p>Impacts tend to be permanent or irreversible or otherwise long to medium term. Impacts can occur over large or medium scale areas.</p> <p>High to moderate sensitivity to a place of cultural significance (e.g. disturbance of known significant Aboriginal site).</p>
Moderate	<p>The effects of the impact are relevant to decision-making including the development of environmental mitigation measures.</p> <p>Impacts can range from long term to short term in duration.</p> <p>Impacts can occur over medium scale areas or otherwise represents a significant impact at the local scale</p> <p>Moderate sensitivity to place of cultural significance (e.g. activity adjacent to a Queensland heritage listed place).</p>
Minor	<p>Impacts are recognisable/detectable but acceptable.</p> <p>These impacts are unlikely to be of importance in the decision making process. Nevertheless, they are relevant in the consideration of standard mitigation measures.</p> <p>Impacts tend to be short term or temporary and/or occur at local scale. (e.g. disturbance near a significant Aboriginal site).</p>
Negligible	<p>Minimal change to the existing situation. This could include, for example, impacts which are beneath levels of detection, impacts that are within the normal bounds of variation, or impacts that are within the margin of forecasting error.</p>
Beneficial	<p>Impacts have a positive outcome on the existing situation. This could include for example, protection or management of a significant Aboriginal site.</p>

The study identified negligible impacts from the proposed use of the Tingira Street site for capital dredge disposal.

7. Recommendations

The extensive past disturbance of the site means there is an extremely low risk of harm to cultural heritage from the use of the Tingira Street site. No specific recommendations are made regarding the design of the location of dredge spoil at the Tingira Street property.

8. Conclusion

No cultural heritage impediments were identified in relation to the proposed land placement of dredge material at Ports North Tingira Street property. No specific sites of non-Indigenous heritage were identified, nor are they likely to be present considering the history and land form of the site. The extensive clearing and reclamation of the site means there is no likelihood of archaeological material remaining on the site.

Consultation with the Aboriginal parties identified no sites of interest on the Tingira Street property.

9. References

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Cribb, R. and D. Lee Long. 1995. The Archaeological Assessment on the Options of the Proposed Trinity Inlet Bridge. Report to Gutteridge, Haskins and Davey Pty Ltd.

David, B. 1994. The Trinity Inlet Ethnographic Study: Planning for the Management of traditional Yirrganydji, Yidinji and Gunggandji Country. Report to the Trinity Inlet Management Program.

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Ports North. 2014. Chapter B13 Cultural Heritage Draft Environmental Impact Statement, Cairns Shipping Development Project.

Appendices

Appendix A: Terms of Reference

Table 6 Relevant Queensland Government Terms of Reference

TOR SECTION	TOR	Relevant section of this report
Legislation and approvals	· Aboriginal Cultural Heritage Act 2003 (ACH Act)	2.3
Legislation and approvals	· Queensland Heritage Act 1992	2.3
Coastal environment	Note the Maritime Heritage Section of the Australian Government Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) is responsible for administering the Commonwealth Historic Shipwrecks Act 1976.	2.2
Indigenous cultural heritage	Describe the existing Indigenous cultural heritage values that may be affected by the project and the environmental values of the cultural landscapes of the affected area in terms of the physical and cultural integrity of the landforms.	1.3, 5.2
Indigenous cultural heritage	Explain the significance of artefacts, items or places of Indigenous cultural heritage value likely to be affected by the project at a local, regional, state and national level.	5.2
Indigenous cultural heritage	Also describe how, in conjunction with the appropriate Indigenous people, subject to confidentiality requirements, the cultural heritage values were ascertained. This could include:	
Indigenous cultural heritage	· the results of any Aboriginal cultural heritage survey undertaken	4.3
Indigenous cultural heritage	· the DNRM Aboriginal Cultural Heritage Register and Database	1.3
Indigenous cultural heritage	· any existing literature relating to Indigenous cultural heritage in the project area.	4.1
Indigenous cultural heritage	Define and describe the objectives and practical measures for protecting or enhancing Indigenous cultural heritage environmental values. Describe how nominated quantitative standards and indicators may be achieved for cultural heritage management, and describe how the achievement of the objectives will be monitored, assessed and managed.	6
Non-Indigenous cultural heritage	Include a cultural heritage study/survey that describes non-Indigenous cultural heritage sites and places, and their values.	5.1
Non-Indigenous cultural heritage	Describe the significance of artefacts, items or places of conservation or non-Indigenous cultural heritage value likely to be affected by the project and their values at a local, regional, state and national level.	6
Non-Indigenous cultural heritage	Any such study should be conducted by an appropriately qualified cultural heritage practitioner and should include the following:	
Non-Indigenous	– the Australian Heritage Places Inventory	5.1

cultural heritage		
Non-Indigenous cultural heritage	– the Queensland Heritage Register and other information regarding places of	5.1
Non-Indigenous cultural heritage	potential non-Indigenous cultural heritage significance	6
Non-Indigenous cultural heritage	– any local government heritage register	5.1
Non-Indigenous cultural heritage	– any existing literature relating to the heritage of the affected areas	5.1
Non-Indigenous cultural heritage	· liaison with relevant community groups/organisations (for example, local historical societies) concerning places of non-Indigenous cultural heritage significance located or identified	N/A
Non-Indigenous cultural heritage	· a constraints analysis of the proposed development area to identify and record non-Indigenous cultural heritage places.	6
Non-Indigenous cultural heritage	Provide strategies to mitigate and manage any negative impacts on non-Indigenous cultural heritage values and enhance any positive impacts.	6
Social and cultural area	· Indigenous social and cultural characteristics such as native title rights and interests, and cultural heritage.	1.3, 3, 5.2

Table 7 Relevant Commonwealth Terms of Reference

	TOR	Relevant section of this report
Executive Summary	e) Provide an overview of the existing regional and local environments, summarising the features of the physical, biological, social, cultural and economic environment relating to the proposal and associated activities;	Executive Summary
Project Details	iv. A summary of the design aspects that will be employed to minimise impacts on environmental, social, cultural and heritage values.	1.1
The Existing Environment	This section must provide a description of the project area including baseline condition and trends of coastal, terrestrial and marine environments, including hydrology, sediment characteristics, sediment flows, geography, flora and fauna, cultural and heritage values, and all relevant socio-economic considerations. This section must link to the proposal description, potential impacts, and proposed avoidance, mitigation, adaptive management framework and/or offset measures throughout the life of the project including pre-construction, construction, operation, and any decommissioning. This section is to also identify and reference any relevant (published and unpublished)	1.3

	studies undertaken in the area which will assist in describing patterns and trends in the environment.	
Socio-Economic and Cultural Environment	Discussion of the socio-economic and cultural environment must provide (however should not be limited to):	
Socio-Economic and Cultural Environment	a) Baseline demographic information of the affected communities (e.g. from Australian Bureau of Statistics, Queensland Office of Economic and Statistical Research, Bureau of Rural Sciences) and a detailed description of all stakeholders, together with key social, economic and cultural issues related to the proposal (from community and stakeholder perspectives);	3, 5.2
Socio-Economic and Cultural Environment	b) A description of all historical, current and projected types of use and users, including patterns and trends in use, of the development area and Great Barrier Reef Marine Park zones. Include a discussion of scientific research, commercial and non-commercial tourism, commercial, traditional and recreational fishing activities as well as non-fishing recreational activities;	N/A
Socio-Economic and Cultural Environment	d) A description of any places with known or anticipated heritage, social or cultural values (including any Traditional Use of Marine Resource Agreements), such that they have been recognised with listing or recording under relevant State or Commonwealth legislation or are anticipated to be listed under such legislation;	3
Socio-Economic and Cultural Environment	e) Information on the location (past and present considering sea level rise) and importance of sites and features of cultural significance, including anthropological and archaeological sites or features of significance to the Traditional Owners in of the area. A description of how these sites and features were identified must be provided; and	1.3, 4 5.2

Relevant Impact of the Proposed Action	n) A description of anticipated positive and negative social, cultural and/or economic impacts of the proposal on key stakeholder groups and individuals. This should include a consideration of anticipated changes in the social, cultural and heritage values of the GBRMP;	6
Other uses of the area and nearby areas	a) Social, cultural and heritage values for each stage of the proposal;	7
Reference List and Bibliography	The reference list and bibliography provided in the EIS is to be accurate and concise and include the address and date accessed of any internet pages used as data sources.	9
Appendices and Glossary	Detailed technical information studies or investigations necessary to support the main text of the EIS, but not suitable for inclusion in the main text must be included as appendices; for example, detailed technical or statistical information, maps, risk assessment, baseline data, supplementary reports etc. A copy of the Guidelines must also be included. A glossary defining technical terms and abbreviations used in the text must be included to assist the general reader.	10
7. Information sources	7.01 For information given the EIS must state:(a) the source of the information; and (b) how recent the information is; and (c) how the reliability of the information was tested; and (d) what uncertainties (if any) are in the information.	N/A

Appendix B. Record of consultation with Aboriginal parties

Date	Person	Form	Result
5 April	Jeanette Singleton	Phone	Arranged meeting
5 April	Gudju Gudju	Phone	Introduced project
6 April	Gudju Gudju	Email	Provided project details and arranged meeting
10 April	Jeanette Singleton	Meeting	Project details, maps
10 April	Gudju Gudju	Phone	Gudju Gudju unavailable for today's meeting. Alternative communication proposed
11 April	Gudju Gudju	Email	Provided project details, maps, recommendations based on previous discussions
13 April	Gudju Gudju	Phone	Will respond to email
24 April	Gudju Gudju	Phone	Discussed project, no sites identified