

## **PART B – AEIS**

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## **22. INDIGENOUS CULTURAL HERITAGE**

### **22.1. Consult with the Aboriginal nations affected by the Project**

A submitter suggested that inadequate consultation had been undertaken with the Aboriginal nations potentially impacted by the Project, referring specifically to the Bundulla Mission (Taroom Aboriginal Settlement).

In accordance with Aboriginal cultural heritage legislation, SunWater established a process for the development and implementation of formal Cultural Heritage Management Plans (CHMPs) with the appropriate Aboriginal parties for the Project.

SunWater has finalised three CHMPs with the Wulli Wulli and Iman People #2 (registered by DATSIP) which cover the water storage area and include the impacted areas of the Taroom Aboriginal Settlement. The CHMPs include a process that enables the identification of and communication with the Bundulla descendants regarding management of the area of the settlement that is impacted by the Project. It is noteworthy that the submitter's family is represented on the Iman People #2 native title applicant group and the representative has endorsed the relevant CHMP.

Table 22-1 of the EIS provides details of the comprehensive cultural heritage consultation activities undertaken throughout the CHMP process prior to submission of the EIS. In addition to this, a meeting was held in Taroom after the three CHMPs with the Wulli Wulli and Iman #2 people were finalised to explain the CHMPs to the broader communities.

### **22.2. Flood protection for the cemetery area at Bundulla**

Submitters requested SunWater consider mitigation options to protect the cemetery from inundation at the Bundulla Mission. SunWater is aware of its obligations under the *Aboriginal Cultural Heritage Act 2003* (Part 2, Division 2) in regards to protection and ownership of Aboriginal human remains. The CHMP allows for management measures to be undertaken in order to protect the burials (as required) at SunWater's cost, recognising that the water storage area will inundate only a small part of the lower cemetery and has no impact on the upper cemetery. At the time of negotiating the CHMP with the Aboriginal parties, there was no consensus reached regarding using earthworks as a protection measure at the lower cemetery. The CHMPs empower the Aboriginal parties to decide on the preferred mitigation option in consultation with SunWater and the Bundulla descendants.

### **22.3. Archaeological survey of the Aboriginal cultural heritage of the Dawson Valley**

Submitters requested that SunWater conduct comprehensive archaeological surveys of the aboriginal cultural heritage of the Dawson Valley, with particular emphasis on the entire area to be impacted by the water storage area. SunWater is not required to survey areas outside the Project impact area. Comprehensive and systematic surveys were undertaken over the Project impact areas prior to the CHMPs being negotiated, as detailed in Section 22.1.4 and 22.1.5 of the EIS.

#### **22.4. Provision of funding for a 'keeping place' at Taroom**

Establishment of a keeping place is included as an example mitigation measure in the CHMPs; however, it remains the responsibility of the Aboriginal parties to decide how/whether to progress with this.

#### **22.5. Respond to previous cultural heritage studies referenced by Davies Heritage Consultants P/L**

The results of previous cultural heritage studies, including those specifically completed by Davies Heritage Consultants P/L, have been referenced throughout Chapter 22 of the EIS. Additionally, the results of previous studies were analysed by Davies Heritage Consultants as part of the final survey reports for the Project: *Cultural Heritage Assessment of Indigenous Values of the Nathan Dam Project within the Wullli Wullli Native Title Claim (QC/007) Central Queensland* (Susan Davies 2010); and *Cultural Heritage Assessment of Indigenous Values of the Inundation Area within the Wullli Wullli and Iman Joint Area Of Interest of the Proposed Nathan Dam, Central Queensland* (Susan Davies 2010). The information contained in these reports (the Davies Reports) was considered during negotiation of the CHMPs.

#### **22.6. Implementation of the major recommendations of the Davies Reports**

Submitters requested SunWater implement the major recommendation of the 'Davies Report', which according to the submitter was considered to be 'no dam and protect the boggomosses'.

The Davies Reports were used as the basis for negotiating the CHMPs with the Wullli Wullli and Iman #2 Aboriginal parties. 'No development' was included as an option in the Davies Reports, but the CHMP negotiations progressed on the basis of the dam proceeding and cultural heritage management recommendations were negotiated on this basis.

#### **22.7. Office of the Coordinator-General to review the Davies Report**

It was requested by a submitter that the Office of the Coordinator-General review the contents of the Davies Report. SunWater has no objection to such review, noting that the reports are confidential and their contents cannot be publicised. This also applies to the Project CHMPs.

#### **22.8. Development of separate CHMPs for the Bundulla, Boggomosses, Palm Tree Creek and Cockatoo Creek areas**

The CHMPs that have been prepared for the Project cover all of the Project impact areas, as required by legislation (section 87 of the *Aboriginal Cultural Heritage Act 2003*). The Project impacts on parts of the above-mentioned areas, and the cultural heritage management of these impacted areas is included in the Project CHMPs.

#### **22.9. Indigenous community consultation compliance with ToR requirements**

A submitter suggested consultation with indigenous communities may not have met the requirements of the ToR. In addition to the response provided in **Section 22.1**, the relevant consultation requirements as stated in the ToR have been listed below with clarification of how they have been addressed.

Section 3.10.2 of the ToR:

*The agreement or plan (CHMP) should include the following:*

- *a process for including Aboriginal communities or Aboriginal Parties in the identification, management and protection of Aboriginal cultural heritage in the Project area.*

How addressed:

This was achieved through the endorsement and engagement of the appropriate Aboriginal parties (in accordance with the requirements of the *Aboriginal Cultural Heritage Act 2003*) to undertake cultural heritage surveys and negotiate CHMPs that include strategies for the identification, management and protection of Aboriginal cultural heritage within the Project area.

Section 3.10.1 of the ToR:

*The indigenous cultural heritage survey should refer to the consultation and negotiation with traditional owners and the outcomes about:*

- *significant Aboriginal Objects and Significant Aboriginal Areas;*
- *confidentiality of culturally sensitive information; and*
- *the involvement of traditional owners in field surveys.*

How addressed:

All of the above requirements were addressed as part of the cultural heritage surveys undertaken for the Project, which is confirmed in the Davies Reports referred to in **Section 22.5**.