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TABLES

Table 22-1 Significant cultural heritage consultation activities for the Project

22-9



FIGURES

Figure 22-1 Native title claims relevant to the Project

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22. INDIGENOUS CULTURAL HERITAGE

This section addresses Section 3.10 of the ToR. Its purpose is to:

- describe the methodology and processes used to identify and assess the existing indigenous cultural heritage values that may be affected by the Project, noting that the extent and location of the identified cultural heritage is confidential to the Aboriginal parties; and
- outline the process to be used for the management of indigenous cultural heritage impacts of the Project in accordance with the cultural heritage duty of care requirements of the *Aboriginal Cultural Heritage Act 2003*.

22.1. Description of existing indigenous cultural heritage values

22.1.1. Regulatory framework

The Queensland *Aboriginal Cultural Heritage Act 2003* (ACHA) imposes a 'duty of care' upon all persons undertaking development activities to take 'all reasonable and practicable' measures to ensure that their activities do not harm Aboriginal cultural heritage.

Pursuant to section 87 of the ACHA, a cultural heritage management plan (CHMP) is required if an environmental impact statement is needed for a project.

A CHMP is an agreement that sets out how development proponents and relevant Aboriginal parties agree to work together to minimise and manage impacts on indigenous cultural heritage arising from a project.

22.1.2. Methodology

SunWater's cultural heritage strategy for the Nathan Dam and Pipelines Project is as follows:

- engage with the relevant Aboriginal parties to establish mechanisms for investigating indigenous cultural heritage, including agreeing on confidentiality arrangements and appointing a suitably qualified archaeological consultant to assist the Aboriginal parties;
- implement detailed surveys over the Project area to identify Significant Aboriginal Objects and Significant Aboriginal Areas; and
- prepare and negotiate cultural heritage management plans (CHMPs) with the relevant Aboriginal parties for the management of identified indigenous cultural heritage across the Project area.

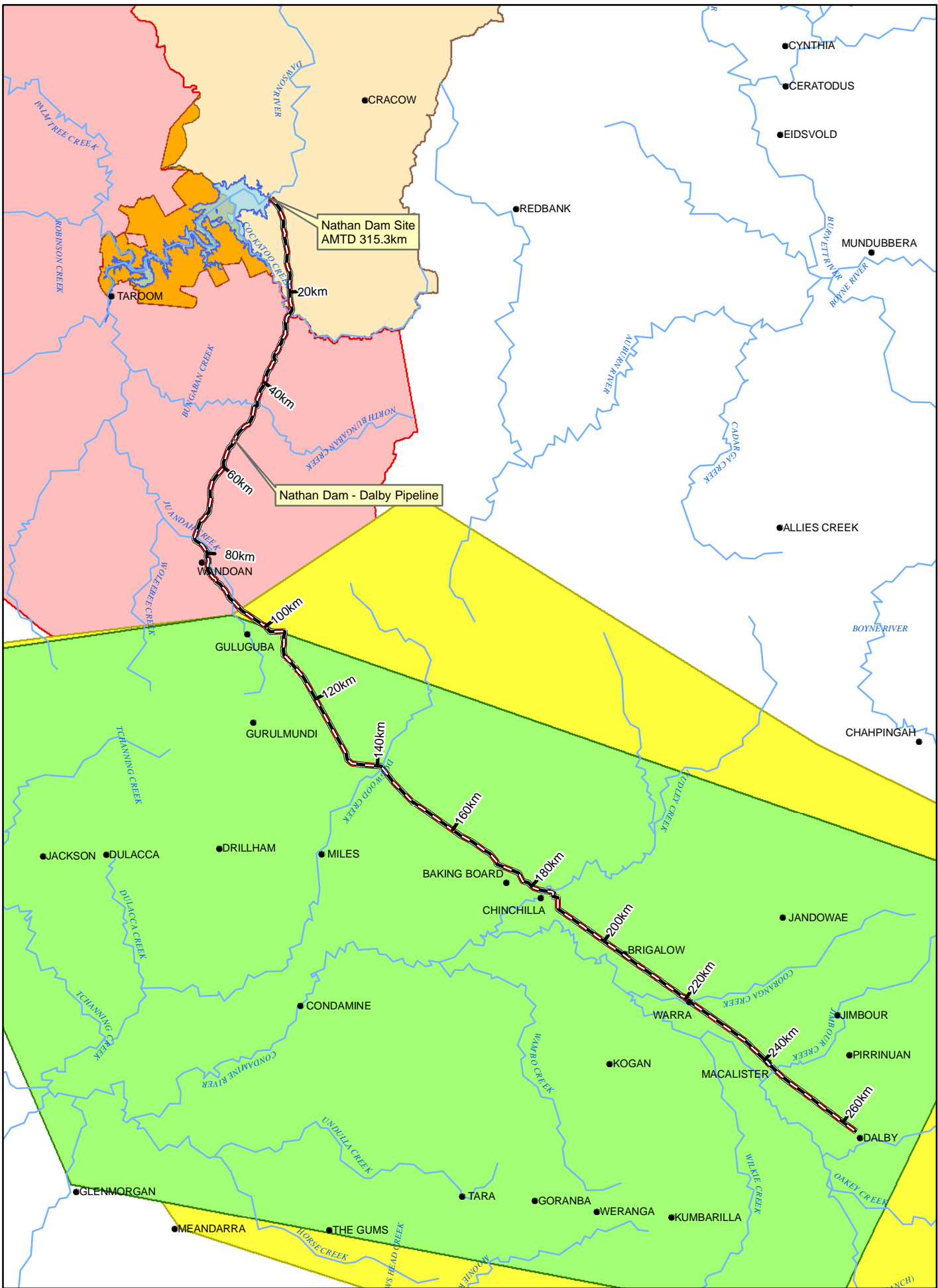
22.1.2.1. *Endorsement and engagement of Aboriginal parties*

In accordance with the ACHA, SunWater has identified the appropriate Aboriginal parties to assess and manage indigenous cultural heritage values that may be impacted by the Project as follows:

- where a registered Native Title claim exists, the registered Native Title claimants are Aboriginal party for the purposes of the ACHA;
- where no current registered Native Title claims exist:

- if any registered claims existed subsequent to the ACHA coming into effect, the most recent claimants are the Aboriginal party for the area; and
- if no registered claims existed subsequent to the ACHA coming into effect, the Aboriginal parties are those who responded to a public CHMP notice for the Project.

Figure 22-1 shows the status of native title claims relevant to the Project.



LEGEND

Current Native Title Claims

- IMAN #2 QC97/055
- WULLI WULLI QC00/007

Historical Native Title Claims

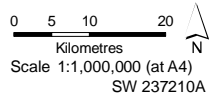
- Barunggam People
- Western Wakka Wakka People

Unclaimed Native Titles

- Unclaimed Area of Impact

Projection: GDA94 Zone 56

Figure 22-1



NATHAN DAM AND PIPELINES EIS

Native Title Claims relevant to the Project

SunWater gave written notice of its intention to establish a CHMP or CHMPs under Part 7 of the *Aboriginal Cultural Heritage Act 2003* for the Project area to:

- the chief executive (of the ACHA);
- the Aboriginal parties who held (or had previously held) registered native title claims;
 - Wulli Wulli People – Registered Native Title Claim QC00/007;
 - Iman People #2 – Registered Native Title Claim QC97/055;
 - Barunggam People – Registered Native Title Claim QC99/005 (dismissed on 5/06/2008);
 - Western Wakka Wakka People – Registered Native Title Claim QC99/004 (historical – struck out 27/04/2007);
- the relevant cultural heritage representative bodies; and
- each person who is an owner or an occupier of land within the Project area.

All of the native title claimants responded to the notices with confirmation that they wished to be endorsed as Aboriginal parties for the CHMPs to be developed for the sections of the Project area covered by their respective native title claims. In accordance with the provisions of the ACHA, all of the claimants were endorsed as Aboriginal parties to develop CHMPs in the areas of the Project subject to their respective claims.

For the area of the Nathan Dam water storage where no registered claim has existed since commencement of the *Aboriginal Cultural Heritage Act 2003* (**Figure 22-1**), a public notice was placed in the *Chinchilla News* (3 April 2008) advising that SunWater intended to develop CHMPs for the Project that would include the unclaimed area. Both the Wulli Wulli People and the Iman People #2 responded to the public notice and were endorsed as joint Aboriginal parties for this section of the Project area.

Wulli Wulli People

The Wulli Wulli People are the endorsed Aboriginal party for the lower section of the Nathan Dam water storage and a 24 km section of the pipeline route from the dam site to where it crosses Cockatoo Creek (**Figure 22-1**). In addition, the Wulli Wulli People are joint Aboriginal parties (with the Iman People #2) for the unclaimed (upper) section of the Nathan Dam water storage.

SunWater has entered into a Cultural Heritage Engagement Agreement (CHEA) with the Wulli Wulli People. This agreement sets the foundations for:

- undertaking cultural heritage surveys over those parts of the Project area where the Wulli Wulli are the relevant Aboriginal party (including the joint interest area with the Iman);
- developing survey reports following the undertaking of surveys; and
- entry into CHMPs that outline procedures to manage Aboriginal cultural heritage in the Project area.

The CHEA includes conditions relating to confidentiality of culturally sensitive information and confirms the appointment of an archaeological consultant to assist the Wulli Wulli and SunWater in identifying and documenting Significant

Aboriginal Objects and Significant Aboriginal Areas. Davies Heritage Consultants P/L was chosen by the Wullli Wullli as the archaeological consultant for their claim area and for the joint area of interest.

Iman People #2.

The Iman People #2 (Iman) are the endorsed Aboriginal party for 69 km of the pipeline route from where it crosses Cockatoo Creek to a point about 10 km south-east of Wandoan (**Figure 22-1**). In addition, the Iman are joint Aboriginal parties (with the Wullli Wullli People) for the unclaimed (upper) section of the Nathan Dam water storage.

SunWater has entered into a CHEA with the Iman endorsed Aboriginal party. This agreement sets the foundations for:

- undertaking cultural heritage surveys over those parts of the Project area where the Iman are the relevant Aboriginal party (including the joint interest area with the Wullli Wullli);
- developing survey reports following the undertaking of the surveys; and
- entry into CHMPs that will outline procedures to manage Aboriginal cultural heritage in the Project area.

The CHEA includes conditions relating to confidentiality of culturally sensitive information and confirms the appointment of an archaeological consultant to assist the Iman and SunWater in identifying and documenting Significant Aboriginal Objects and Significant Aboriginal Areas. Bonhomme Craib & Associates was chosen by the Iman as the archaeological consultant for their claim area, and Davies Heritage Consultants P/L was chosen as the archaeological consultant for the joint area of interest.

Western Wakka Wakka People

The Western Wakka Wakka People are the endorsed Aboriginal party for a 10 km-long section of the pipeline route where it impacts on their historical native title claim (**Figure 22-1**). This claim was struck out on 27 April 2007; however, as the Western Wakka Wakka People hold the most recent native title claim over the area, under the ACHA they are the Aboriginal party for this section of the Project area.

SunWater has entered into a CHEA with the Western Wakka Wakka endorsed Aboriginal party. This agreement sets the foundations for:

- undertaking a cultural heritage survey over those parts of the Project area where the Western Wakka Wakka People are the relevant Aboriginal party;
- developing a survey report following the undertaking of the survey; and
- entry into a CHMP that will outline procedures to manage Aboriginal cultural heritage in the Project area.

The CHEA includes conditions relating to confidentiality of culturally sensitive information and confirms the appointment of an archaeological consultant to assist the Western Wakka Wakka and SunWater in identifying and documenting Significant Aboriginal Objects and Significant Aboriginal Areas. Rob Paton and Associates was chosen by the Western Wakka Wakka as the archaeological consultant for their area of interest.

Barunggam People

At the time of CHMP notices being issued to the Aboriginal parties for the Project, the Barunggam People held a registered native title claim (QC99/005) over an area that included the final 160 km of the pipeline route to Dalby (Figure 22-1). This claim was dismissed on 5 June 2008; however, as the Barunggam People responded to the CHMP notice for the Project while their claim was valid, under the ACHA the Barunggam People are the Aboriginal Party for this section of the Project area.

SunWater has entered into a CHEA with the Barunggam Aboriginal party. This agreement sets the foundations for:

- undertaking cultural heritage surveys over those parts of the Project area where Barunggam People are the relevant Aboriginal parties;
- developing survey reports following the undertaking of the surveys; and
- entry into a CHMP that will outline procedures to manage Aboriginal cultural heritage in the Project area.

The CHEA includes conditions relating to confidentiality of culturally sensitive information and confirms the appointment of an archaeological consultant to assist the Barunggam and SunWater in identifying and documenting Significant Aboriginal Objects and Significant Aboriginal Areas. Bonhomme Craib & Associates was chosen by the Barunggam as the archaeological consultant for their area of interest.

22.1.3. Cultural heritage database searches

Searches of the Queensland Aboriginal Cultural Heritage Database and Register (the Register) were undertaken for the dam water storage and the pipeline route.

Within the dam water storage, one Aboriginal cultural heritage site was recorded on the Register. This was at Glebe Weir, which had been used as an Aboriginal camp (seasonal) in the late historic period. The place was identified as a significant resource place (fish) by David Beezley (site description JD:D09).

For the pipeline route, no Aboriginal cultural heritage sites were recorded on the Register within the proposed pipeline corridor.

22.1.4. Previous cultural heritage investigations

Cultural heritage archaeological and anthropological investigations were undertaken in association with the previous Nathan Dam investigations during the mid 1990s as follows:

- David, B. and Clarkson, C (1996) *Upper Dawson Valley Aboriginal Cultural Heritage Project: Archaeological Component*. (unpublished confidential report to the Upper Dawson Aboriginal Company Ltd);
- Bonhomme Craib & Associates (1998) *Archaeological Monitoring of the geotechnical Investigations at the Nathan Dam AMTD 315.3 km Site* (unpublished confidential report prepared for Department of Natural Resources);
- Whalley, P. (1996/97) *Upper Dawson River Aboriginal Cultural Heritage Study, Anthropological Report* (unpublished confidential report to the Upper Dawson Aboriginal Company Ltd); and
- Draper, N. *et al.* (2000) *Nathan Dam Project – Wulli Wulli Cultural Heritage Study Stage 1a Report* (unpublished confidential report prepared for Department of Natural Resources).

These reports have been referred to by the archaeologist assisting the Aboriginal parties with the current studies of the dam area, and the previous assumptions and conclusions are tested in light of new and more detailed survey information.

22.1.5. Cultural heritage investigations

22.1.5.1. The Wullli Wullli Area of Interest

Systematic and comprehensive cultural heritage surveys covering the Wullli Wullli area of interest impacted by the dam and the pipeline route have been implemented by Wullli Wullli representatives and their archaeologist, Davies Heritage Consultants P/L. The surveys were conducted in six stages during the period February to September 2008 over a total of 39 survey days. A further six days were spent surveying areas impacted by the Glebe Weir Raising and Pipeline Project, which is entirely within the Nathan water storage and therefore included in the Nathan results. In addition, numerous early works clearances were obtained from the Wullli Wullli People to enable geotechnical investigations to proceed at the proposed Nathan Dam site.

The surveys undertaken over the dam area were targeted according to a predictive model which ascertained that cultural heritage was most likely to be concentrated in areas close to water sources. The upper limit of the survey area was set at the 185 m AHD contour line, which is 1.5 m above the proposed Nathan Dam FSL. For the pipeline, a 50 m wide corridor was surveyed along the route. Individual survey reports were produced after completion of each of the six survey stages. The Glebe Weir Raising survey findings were also considered as part of the overall Nathan Dam survey results.

After completion of the surveys and survey reports, an Elders site visit was held on 5 June 2010 to enable Wullli Wullli Elders to view culturally important areas and to assist them in identifying areas of cultural significance within their claim area and within the Joint Area of Interest. In addition, a Wullli Wullli community meeting was held in Taroona on 6 June 2010 to share the cultural heritage values found within the Project and gain community endorsement of and input to recommended management strategies for the protection of cultural heritage.

The results of the cultural heritage surveys, the Elders visit, the community meeting, previous investigations and archival research were included in a *Cultural Heritage Assessment of Indigenous Values of the Nathan Dam Project within the Wullli Wullli Native Title Claim (QC00/7) Central Queensland* (confidential report). The report includes recommendations for the management of cultural heritage potentially impacted by the Project, which will form the basis of agreed management strategies in the CHMP that is being developed with the Wullli Wullli People. The assessment report was endorsed by the Wullli Wullli and SunWater on 15 August 2010.

CHMP negotiation meetings were then held and a CHMP for the Wullli Wullli Area of Interest was developed and agreed to by the parties. Final endorsements were obtained and the CHMP was submitted to DERM for registration in 2011.

22.1.5.2. The joint Wullli Wullli / Iman aArea of Interest

Systematic and comprehensive cultural heritage surveys covering the Joint Area of Interest (unclaimed area on **Figure 22-1**) were implemented by a combined survey team of Iman and Wullli Wullli representatives and their archaeologist, Davies Heritage Consultants P/L. The majority of the surveys were conducted in five stages during a seven-month period between September 2008 and February 2009 over a total of 38 survey days. An additional two

stages totalling 16 survey days were undertaken within the area impacted by the proposed raising of the existing Glebe Weir, the water storage of which is entirely within the Nathan Dam water storage. The Glebe Weir survey findings were therefore included as part of the cultural heritage study of the Nathan Dam Joint Area of Interest.

The surveys again targeted areas according to a predictive model which ascertained that cultural heritage was most likely to be concentrated in areas close to water sources. The upper limit of the surveys was the 185 m AHD contour line, which is 1.5 m above the proposed Nathan Dam FSL. Individual survey reports were produced after completion of each of the survey stages and one report was produced for the Glebe Weir Raising area surveys.

An Elders site visit was held on 4 June 2010 to enable the Iman Elders to view culturally important areas and to assist them in identifying areas of cultural significance (similar to the visit by Wullli Wullli Elders described in **Section 22.1.5.1**).

The results of cultural heritage surveys, the Wullli Wullli and Iman Elders visits, the Wullli Wullli community meeting, previous investigations and archival research were included in a *Cultural Heritage Assessment of indigenous Values of the Water storage within the Wullli Wullli and Iman Joint Area of Interest of the Proposed Nathan Dam, Central Queensland* (confidential report). The report also presented recommendations for the management of cultural heritage potentially impacted by the Project, which will form the basis of agreed management strategies in the CHMP for the joint area of interest being developed with the Wullli Wullli and Iman people. The assessment report was endorsed by the Wullli Wullli and SunWater on 15 August 2010 and by the Iman and SunWater on 16 August 2010.

A significant recommendation of the assessment report was for wider community consultation with indigenous people who have ancestral links to the Taroom Aboriginal Reserve (**Figure 22-1**). Should the Project be approved, SunWater will commission further studies at Bundulla to better ascertain the Project impacts on this important cultural site and will consult with the wider community regarding the management strategies developed with the Iman and Wullli Wullli people for inclusion in the CHMP for the Joint Area of Interest.

CHMP negotiation meetings were then held and a CHMP for the Joint Area of Interest was developed and agreed to by the parties. Final endorsements were obtained and the CHMP was submitted to DERM for registration in 2011.

22.1.5.3. The Iman Area of Interest

The Iman People are the endorsed Aboriginal party for a section of the pipeline route as shown in **Figure 22-1**. A systematic and comprehensive cultural heritage survey of the pipeline corridor was implemented by Iman representatives and their archaeologist, Bonhomme Craib and Associates. A report was prepared entitled *A Cultural Heritage Assessment: Nathan Road Portion of the Proposed Pipeline Project, Wandoan* (confidential report). The report includes management recommendations which form the basis of agreed management strategies for inclusion in the CHMP for the area.

CHMP negotiation meetings were then held and a CHMP for the Iman Area of Interest was developed and agreed to by the parties. Final endorsements were obtained and the CHMP was submitted to DERM for registration in 2011.

22.1.5.4. *The Western Wakka Wakka Area of Interest*

The Western Wakka Wakka People are the endorsed Aboriginal party for a 10 km section of the pipeline route as shown in Figure 22-1. A systematic and comprehensive survey is being undertaken by the Western Wakka Wakka People and their archaeologist (Rob Paton and Associates) along this section of the pipeline route and agreed management strategies for any identified indigenous cultural heritage are being documented in a CHMP for the area.

22.1.5.5. *The Barunggam Area of Interest*

The Barunggam People are the endorsed Aboriginal party for a 160 km section of the Nathan Pipeline route as shown in Figure 22-1. A systematic and comprehensive survey is being undertaken by the Barunggam People and their archaeologist (Bonhomme Craib and Associates) along this section of the pipeline route and agreed management strategies for any identified indigenous cultural heritage are being documented in a CHMP for the area.

22.1.6. Consultation

SunWater has undertaken extensive consultation with the endorsed Aboriginal parties as identified in Section 22.1.2.1 in relation to the assessment and management of potential cultural heritage impacts of the Project. The consultation undertaken with the endorsed Aboriginal parties up to the time of EIS preparation is included in Table 22-1.

Table 22-1 Significant cultural heritage consultation activities for the Project

Date	Parties consulted	Location	Summary of consultation
15 December 2007	Wullli Wullli	Maryborough	Meeting – Introduce project and discuss approach to cultural heritage management.
26 January 2008	Wullli Wullli	Maryborough	Meeting – Finalise and sign a Cultural Heritage Engagement Agreement (CHEA) and confirm project archaeologist.
7 February 2009	Barunggam	Toowoomba	Meeting – Introduce project, finalise and sign a CHEA and confirm project archaeologist.
12 February 2008	Iman	Brisbane	Meeting – Introduce project and discuss approach to cultural heritage management.
2 April 2008	CEO (ACHA), Wullli Wullli, Iman, Barunggam, Gurang Land Council, QSNTS, impacted landholders	Various	Despatch of CHMP notices.
3 April 2008	General	Chinchilla	CHMP Public Notice for the unclaimed section of the Project area published in the <i>Chinchilla News</i> .
13 June 2008	Iman	Brisbane	Meeting – Finalise and sign CHEA (Nathan and Glebe projects) and confirm project archaeologists.
21 June 2008	Wullli Wullli	Rockhampton	Meeting – Project update and amend CHEA to include the Glebe Project.
9 August 2008	Wullli Wullli	Maryborough	Meeting – Finalise and sign amended CHEA, settle survey administration issues and discuss Elders site visit.
12 February 2009	Wullli Wullli and Iman	Brisbane	Meeting – Discuss survey outcomes with archaeologists – Wullli Wullli area and Joint Area of Interest.
10 February 2010	Wullli Wullli	Brisbane	Implementation Review Committee meeting – Discuss final survey report form and organise Elders visit and community meeting in Taroom.

Date	Parties consulted	Location	Summary of consultation
4 June 2010	Iman	Taroom	Elders site visit – Project description, discussion of survey results, visit cultural sites and input to final assessment report.
5 June 2010	Wulli Wulli	Taroom	Elders site visit – Project description, discussion of survey results, visit cultural sites and input to final assessment reports.
6 June 2010	Wulli Wulli	Taroom	Community meeting – Project description, discussion of survey results and input to final assessment reports.
15 August 2010	Wulli Wulli	Rockhampton	Meeting – Review and finalise draft cultural heritage assessment reports (Wulli Wulli and Joint area) and settle a process for negotiating a CHMP and appoint Wulli Wulli members on joint Wulli Wulli/Iman CHMP Working Group.
16 August 2010	Iman	Rockhampton	Meeting – Review and finalise draft cultural heritage assessment report (Joint area) and settle a process for negotiating a CHMP and appoint Iman members on joint Wulli Wulli/Iman CHMP Working Group.
30-31 October 2010	Iman/Wulli Wulli	Brisbane	CHMP Working Group meetings to negotiate CHMPs for the Wulli Wulli and Iman areas and the Joint Area of Interest.
20-21 November 2010	Iman/Wulli Wulli	Brisbane	CHMP Working Group meetings to negotiate CHMPs for the Wulli Wulli and Iman areas and the Joint Area of Interest.
5-6 December 2010	Iman/Wulli Wulli	Brisbane	CHMP Working Group meetings to negotiate CHMPs for the Wulli Wulli and Iman areas and the Joint Area of Interest.
10 December 2010	Western Wakka Wakka	Brisbane	Meeting – Introduce project, finalise and sign a CHEA and confirm project archaeologist.
17 February 2011	Barunggam	Toowoomba	Meeting – Discuss and confirm process for developing a CHMP and a process and timing for carrying out cultural heritage surveys.
5-6 March 2011	Iman/Wulli Wulli	Brisbane	CHMP Working Group meetings to negotiate CHMPs for the Wulli Wulli and Iman areas and the Joint Area of Interest.
6 April 2011	Iman/Wulli Wulli	Brisbane	Meeting of Wulli Wulli and Iman endorsed parties to review and endorse the CHMPs developed by the CHMP Working Group.
9 April 2011	Iman/Wulli Wulli	Rockhampton	Meeting of Wulli Wulli and Iman endorsed parties to review and endorse the CHMPs developed by the CHMP Working Group.
Ongoing	Wulli Wulli Contact Officer	Moura	Ongoing communication via phone calls, emails and faxes in relation to the conduct and organisation of meetings, surveys, early works clearances and related issues.
Ongoing	Iman Contact Officer	Mt Morgan	Ongoing communication via phone calls and emails in relation to the conduct and organisation of meetings, surveys, early works clearances and related issues.
Ongoing	Barunggam Contact Officer	Chinchilla	Ongoing communication via phone calls, emails and faxes in relation to the conduct and organisation of meetings, surveys, early works clearances and related issues.
Ongoing	Cultural heritage survey teams	Taroom	Provision of survey coordination services, landholder communication, background project information and survey support, e.g. transport, WH&S.
Ongoing	Project archaeologists	Various	Ongoing communication and support with mapping and GIS, data manipulation and data presentation.

22.2. Management and mitigation of impacts on indigenous cultural heritage

22.2.1. Cultural heritage engagement agreements

The Cultural Heritage Engagement Agreements (CHEAs) entered into with the endorsed Aboriginal parties outline the following:

- a process for including the Aboriginal parties in the identification, management and protection of Aboriginal cultural heritage in the Project area;
- a process for undertaking a comprehensive and systematic cultural heritage assessment;
- a process for development of CHMPs that include cultural heritage management strategies; and
- confidentiality arrangements for the management of culturally sensitive information.

Often these types of agreements are classified and approved as CHMPs, however, SunWater aims to ensure that specific, tailored management practices are developed for indigenous cultural heritage identified by survey rather than establishing broad agreements relating to future management of potential cultural heritage discoveries.

22.2.2. Cultural heritage management plans

As well as the CHEAs that have been entered into, tailored CHMPs are being developed in consultation with the endorsed Aboriginal parties. The cultural heritage management and mitigation strategies being negotiated for inclusion in the CHMPs are based on the management recommendations for identified cultural heritage, as set out in the relevant cultural heritage assessment reports. These recommendations are being discussed and further developed, with agreed management strategies ultimately determined at CHMP meetings between SunWater and the endorsed Aboriginal parties. Project activities will not be undertaken until CHMPs have been developed and endorsed, or agreements for particular activities such as further investigations are separately agreed.

SunWater is developing CHMPs for the Project in consultation with the four endorsed Aboriginal parties. The CHMPs for the dam areas and the first section of the pipeline route (Wulli Wulli, Iman and Joint Wulli Wulli/Iman areas of interest) have been completed, endorsed and lodged with DERM for registration in 2011. CHMPs for the remaining sections of the pipeline route (Western Wakka Wakka and Barunggam areas of interest) will be negotiated during 2012. Management of cultural heritage in accordance with the CHMPs will be implemented only after all project approvals have been received.

22.2.2.1. CHMP outline

Following is an outline of the contents of the CHMPs being developed to deal with the management of Aboriginal cultural heritage identified during the cultural heritage surveys. This may change during negotiations with the endorsed Aboriginal parties.

CHMP contents

- Defined terms and interpretation
- Approved CHMP

- Term
- Laws still apply
- Application of CHMP
- Governing principles
- Roles and responsibilities
- Surveys
- Early works clearances
- Other obligations during conduct of the Nathan Project
- Field officers generally
- Dispute resolution
- Service provider
- Notices and other communications
- Goods and services tax
- Miscellaneous
- Schedules
 - Plan area
 - Mitigation protocol
 - Rates of pay
 - Daily monitoring report
 - Process for handling the discovery of human remains
 - New discovery
 - Early works clearance form
 - Procedure in the event of an alleged breach
 - Alleged breach
 - Land access protocol