



Appendix H  
Cultural Heritage Management  
Plan

**CULTURAL HERITAGE MANAGEMENT PLAN**

**BETWEEN**

**PORTS CORPORATION QUEENSLAND**

**AND**

**THE ABORIGINAL PARTIES FOR THE**

**HAY POINT AREA,**

**MACKAY,**

**NORTH QUEENSLAND**

# **1. PARTIES TO THE CULTURAL HERITAGE MANAGEMENT PLAN**

## **1.1 Sponsor**

Name: Ports Corporation of Queensland (PCQ)

Address: PO Box 409 Brisbane Qld 4001

## **1.2 Aboriginal Parties**

Two registered Native Title Claims, namely Yuibera and Wiri#2, include the Hay Point area within their external boundaries. The applicants for these claims are the Aboriginal Parties, in accordance with the *Aboriginal Cultural Heritage Act 2003*.

# **2. BACKGROUND**

## **2.1 Project Area**

The project area comprises the extent of the Port of Hay Point port limits and immediate surrounding waters. The project area is shown in Appendix 1.

## **2.2 Project Scope**

The CHMP applies to the following scope of works (the Project).

### **Capital Dredging**

Dredging of material in the order of nine million m<sup>3</sup> will be required. The dredging will include works:

- » To provide a ship manoeuvring apron immediately adjacent to and parallel to the existing DBCT and HPCT dredged berths. The apron will be at least 500 m wide and dredged to achieve a minimum declared depth of RL -14.9 m LAT. Actual dredging depth will need to be marginally greater to maintain this as the minimum depth between maintenance dredging cycles.
- » To provide a departure path from apron to sea. The departure path width will be 500 m wide for the first 500 m then taper to a width of 300 m over the next 3,000 m. There will be a transition zone between the apron and path. The remainder of departure path will be 300 m wide and continue until a minimum natural depth of RL -14.9 m is achieved. The total path length is expected to be approximately 9,500 m long. The widths referred to relate to the base of the apron and path. Both have sloped sides and the width of the seabed will be greater and will vary depending on the actual depth of material removed.
- » The entire departure path remains within port limits, but a large part will also be in the Great Barrier Reef Marine Park (GBRMP) due to an overlap of the two areas.

## **Maintenance Dredging**

Maintenance dredging is likely to be required annually within the departure path and apron areas. Maintenance material will be disposed in the proposed spoil disposal ground.

## **Disposal of Dredged Material**

Dredged material will be disposed of at sea at a proposed new spoil disposal ground located seaward of the existing spoil disposal ground. This material will be marine sediment only and will undergo full sediment testing as required by the National Ocean Disposal Guidelines for Dredged Material (NODGDM). Testing shows that the sediment meets the requirements of the NODGDM for unconfined sea disposal. It is proposed to disposal of the dredged material at a new spoil ground located within the port limits and partly within the GBRMP.

## **2.3 Development of the Cultural Heritage Management Plan**

The Cultural Heritage Management Plan (CHMP) was initiated, in accordance with Part 7 of the *Aboriginal Cultural Heritage Act 2003* by notification to the Chief Executive of the Department of Natural Resources and Mines, the landowner (State and Commonwealth Government) and the Aboriginal Parties. As the Hay Point area is within the external boundaries of two registered Native Title Claims (Wiri #2 [QC98/11] and Yuibera [QC98/37]), notification was sent to the service address for each of these claims. The applicants for these claims are the Aboriginal Parties for this CHMP, pursuant to Sections 35-37 of the *Aboriginal Cultural Heritage Act 2003*. Copies of these notifications are in Appendix 3.

Letters of response to the notifications to the Aboriginal Parties were received within the required 30 day period. Letters endorsing the Aboriginal Parties to undertake this CHMP were sent 16 December 2004.

Initial discussion of the project was by telephone calls between the nominee for the sponsor (Ann Wallin) and the representatives of the Aboriginal Parties (Norman Johnson for the Wiri#2 people; Gary Mooney for the Yuibera people).

Face to face meetings were then organized between each of the representatives of the Aboriginal Parties and the nominee of the sponsor. Ann Wallin met with Gary Mooney of the Yuibera people on 10 May in Mackay; a similar meeting with Norman Johnson of the Wiri#2 people occurred on 11 May, also in Mackay. At these meetings, the nature of the project was described in detail. In addition, other topics discussed included arrangements for site visits, reasonable budgets to resource the involvement of the Aboriginal Parties, acknowledgement of the potential for a marine landscape to have Aboriginal cultural heritage significance, and the nature of documentation for the CHMP. In both discussions, agreement was reached on all of these matters.

As the entire project is in a marine environment, site surveying and visitation was by boat. PCQ chartered a boat that would provide suitable transport to the study area. The sponsor's party for site surveying consisted of Simona Trimarchi (PCQ), Julie Keane (GHD), and Ann Wallin (ARCHAEO Cultural Heritage Services). Simona Trimarchi is the Environmental Coordinator for PCQ, and is managing the project.

Julie Keane is managing the development of the EIS for GHD, which has been commissioned to undertake the necessary studies for the EIS. Together, Simona and Julie could provide the Aboriginal Parties with answers to any questions they had about the environment of the study area and potential impacts of dredging. Ann, as sponsor's nominee, is managing the development of this CHMP, and had the role of discussing cultural heritage matters with the Aboriginal Parties.

The purpose of the boat trip was to give an opportunity to the Aboriginal Parties to see the development area, and to discuss any sites or places of cultural heritage significance that may be impacted on by the project. As the Wiri#2 and Yuibera people have overlapping Native Title claims, a matter of concern by the Aboriginal Parties was the potential for loss of intellectual and cultural knowledge by sharing information. To allay this concern, site visits were conducted over two days. On 25 May 2005, Norman Johnson, Arlene Watson and Madonna Barnes visited the site in conjunction with Simona Trimarchi, Julie Keane and Ann Wallin. The boat took this party to the area where dredging would occur to deepen the channel from Hay Point, then went on to inspect the area where dredge spoils will be dumped. Considerable discussion occurred about the possible impact of dredging and dumping dredging spoils on the local marine environment. On 26 May, the trip was repeated, this time in association with Gary Mooney, the representative of the Yuibera people.



Photograph 1: Norman Johnson



Photograph 2: Gary Mooney

After site inspections had been finalised, PCQ supplied each of the Aboriginal Parties with copies of sea bed surveys conducted in July 2004 and May 2005 along with the reports which describe the potential areas of impact.

On 12 July 2005, Simona Trimarchi, Julie Keane and Ann Wallin met with both Aboriginal Parties to discuss and agree the content of the CHMP. Following these discussions all parties agreed the CHMP.

## **2.4 Outcomes and Recommendations**

Both the Wiri #2 and Yuibera representatives stated that the study area is within the marine part of their country, and as such was of significance to them. Both groups

were concerned about the impact of the project on their traditional rights, especially those of fishing and hunting marine animals, as well as the general impact on the marine environment of their country.

To meet these concerns, recommendations were agreed on, including a range of monitoring and implementation strategies that are detailed in Section 4.2 of this CHMP.

### **3. PRINCIPLES OF THE CULTURAL HERITAGE MANAGEMENT PLAN**

#### **3.1 Principles**

The Principles of the CHMP are that:

- a) All parties agree that Aboriginal Cultural Heritage should be conserved and protected and that reasonable and practicable measures should be taken to ensure conservation and protection are outcomes of this project.
- b) Aboriginal Cultural Heritage is inclusive of cultural values associated with the landscape and natural features, as well as the sites and materials situated within that landscape.
- c) The respect for and value of Aboriginal Cultural Heritage is a primary consideration for all parties to this CHMP.
- d) The cultural and intellectual information provided by any of the Aboriginal Parties to this CHMP remains the property rights of that Aboriginal Party, and the use or publication of that information is subject to the permission and authorization of that Aboriginal Party.
- e) All parties (including PCQ, its agents and sub-contractors) accept that dredging activities at Hay Point undertaken by PCQ have the potential to damage Aboriginal Cultural Heritage within the area designated for extension of the port facilities . It is therefore considered necessary to take all reasonable measures to implement recommended actions and procedures to avoid or minimize the potential impact of these activities on both known and unknown Aboriginal Cultural Heritage.
- f) PCQ will ensure that their cultural heritage duty of care will be passed on to all agents, sub-consultants and sub-contractors who, through their actions on behalf of PCQ, may cause potential impact on both known and unknown Aboriginal Cultural Heritage.
- g) The parties view the Cultural Heritage Management Plan as a negotiated agreement outlining a process in which PCQ can fulfill their cultural heritage duty of care pursuant to Section 23(3)(a)(ii) of the *Aboriginal Cultural Heritage Act 2003*.

### **3.2 Objectives**

This CHMP seeks to:

- a) Ensure that Aboriginal Parties have involvement in its development and implementation.
- b) Take all reasonable measures to protect where possible both known and unknown Aboriginal Cultural Heritage within the designated development area.
- c) Provide guidelines and describe responsibilities for all parties that allow PCQ to undertake the extension of Hay Point in a manner that ensures meeting the cultural heritage duty of care.

## **4. ROLES AND RESPONSIBILITIES**

### **4.1 Role of Ports Corporation of Queensland**

The role of PCQ (including their agents, sub-consultants and contractors) is to support and uphold the principles of this CHMP by ensuring that its objectives and recommended actions are adhered to and implemented in an appropriate manner.

### **4.2 Responsibilities of Ports Corporation of Queensland**

To fulfill its role, PCQ undertakes to meet the following responsibilities.

- a) To resource appropriately the Aboriginal Parties, as required throughout the project, so that they can fulfill their responsibilities under this CHMP.
- b) Recognition of the significance of the marine landscape to the Aboriginal Parties will be shown through actions that provide protection from dredging to important components.
  - Turtle excluding devices are to be fitted to the drag heads of the dredger.
  - During times the drag head is not in contact with the seabed, and pumps are in operation, pump speed must be reduced and drag head water jets (if available) must be activated to minimize the risk of turtle capture.
  - Dredging will be avoided during the summer months to avoid coral spawning and turtle nesting periods so that there is minimal impact to these species.
  - The dredging crew will be required to be on the look out for marine fauna to help avoid contact.

- Prior to capital dredging, further investigations focusing on the current diversity and abundance of sensitive coral reef habitats in the area will be undertaken. A pilot investigation will be developed focusing on the same survey locations as the baseline study undertaken for the EIS. Work will be undertaken within 1-2 weeks of the commencement of dredging works. Data collected from this study will be compared to diversity and abundance data collected from baseline survey results. Full details of the proposed monitoring program are included in the Project Environmental Management Plan.
  - Seagrass monitoring for the project will be in accordance with the environmental regulatory agencies approval conditions.
  - Any fauna mortality will be reported to the Project Superintendent and PCQ representative (Simona Trimarchi). The PCQ representative will ensure that the relevant regulatory agencies (e.g., Queensland Parks and Wildlife Service and GBRMPA) are informed of the incident within 24 hours. In addition, this advice will also be provided to the Aboriginal Parties for the area, in the report at the end of the dredging campaign.
  - If marine fauna are spotted during dredging activities, the dredge should avoid moving towards that area if practicable to minimize the likelihood of capture or strike.
- c) To keep the Aboriginal Parties fully informed about progress on the capital dredging, and the impact of the dredging programme on the local marine environment during the initial capital dredging works. This will be done by:
- Providing a helicopter inspection by the Aboriginal Parties of the dredge plume during initial dredging so that they are fully informed of its extent and position.
  - Provide the opportunity to Aboriginal Parties to undertake an on-board dredge inspection.
  - Providing a report on dredging activities to the Aboriginal Parties at completion of the work.
  - Sending copies of any reporting to agencies (such as the Environmental Protection Agency) to the Aboriginal Parties.
  - Sending copies of any “incident reporting” to the Aboriginal Parties when impact has been measured to the local marine environment.
  - Entering into consultation with the Aboriginal Parties about any negative outcomes from the dredging programme.
  - Ensuring that any breaches of this CHMP are fully documented and reported to all Aboriginal Parties in the final project report.

d) Provide a nominated person to be the Point of Contact – the person to whom all queries and contacts can be directed. This should be done in writing to the Aboriginal Parties. In the event that a change is made to the person who is Point of Contact, then new details should also be shared immediately with the Aboriginal Parties.

- Point of Contact at time of signing:  
Simona Trimarchi  
Environmental Coordinator – PCQ  
Ph: 07 3224 4344

### **4.3 Role of Aboriginal Parties**

The role of the Aboriginal Parties is to support and uphold the principles of this CHMP by ensuring that the objectives and responsibilities identified in it are both adhered to and implemented in a manner that does not impede or obstruct Ports Corporation from fulfilling their responsibilities under this CHMP.

### **4.4 Responsibilities of the Aboriginal Parties**

To fulfill their role, the Aboriginal Parties undertake to meet the following responsibilities:

- a) Respond in a timely manner to any requests from PCQ for meetings, consultation, or input into the Port of Hay Point Capital Dredging Project and to any other matters.
- b) Share knowledge about the project with their claimant group or group, and raise any concerns or questions from this group with the PCQ Point of Contact as early as practicable.
- c) Discuss in a timely manner with the PCQ Point of Contact about any financial resourcing required to fulfill their role in this CHMP.

## **5. IMPLEMENTATION OF THE CULTURAL HERITAGE MANAGEMENT PLAN**

### **5.1 Timeliness**

This CHMP will come into effect upon registration pursuant to Section 107 of the *Aboriginal Cultural Heritage Act 2003*.

After initial dredging to create the new apron areas and departure path, maintenance dredging will be required, potentially every twelve months. This CHMP will remain in effect until:

- a) Either new capital works are required, in which case this will necessitate undertaking a new Environment Impact Study, and by implication a new Cultural Heritage Management Plan pursuant to Section 87 of the *Aboriginal Cultural Heritage Act 2003*; or,

- b) The maintenance of the apron areas and departure path that is shown in Appendix 2 ceases.

## **5.2 Amendments**

Any amendments made to this CHMP are to be on the following grounds:

- a) All parties agree to the amendments in writing.
- b) Any party can request amendment to this CHMP. The request must be made in writing, and communicated to all parties.
- c) An amendment is required to ensure registration of this CHMP pursuant to Section 107 of the *Aboriginal Cultural Heritage Act 2003*.

Amendment to the parties of this CHMP can be made in the event that:

- a) PCQ is no longer the Port Authority responsible for the Port of Hay Point.
- b) The Aboriginal Parties change, pursuant to Sections 34-36 of the *Aboriginal Cultural Heritage Act 2003*.

If PCQ is replaced by another corporation, then this CHMP will remain incumbent upon this new corporation for the length of the dredging programme.

If the Aboriginal Parties change, then the responsibilities and implementation of this CHMP will involve the new Aboriginal Parties.

It is incumbent upon PCQ that knowledge of who the Aboriginal Parties are is maintained. In the event of a change of Aboriginal Parties, then PCQ will communicate in writing to the new Aboriginal Parties, and inform them of their responsibilities in this CHMP, if changes occur.

## **6. DISPUTE RESOLUTION**

If disputes occur in the course of implementing this CHMP, the following procedures will apply.

### **6.1 Dispute About Impact on Marine Landscape**

If a dispute arises about the impact of dredging on the marine landscape, then an independent arbiter will be involved. Appropriately experienced representatives of the Environmental Protection Agency and/or Great Barrier Reef Marine Park Authority, will review material relating to the dispute, and will form an opinion about the nature and extent of the impact. If the impact is considered by these representatives to be outside of the acceptable levels of impact described in the EIS for this project, then discussions will occur between the parties to this CHMP to correct operations so that impacts are better managed. If the impact is not outside of acceptable levels of impact, then the dispute will be considered settled, and operations will continue as programmed.

### **6.2 Dispute About This CHMP**

If a dispute arises between any of the parties to this CHMP, then the following procedures will apply:

#### ***Step 1***

Wherever possible, issues will be negotiated directly between the Point of Contact in PCQ and the Aboriginal Party or Parties.

#### ***Step 2***

If resolution is unable to be reached, then a meeting will be convened between the parties and an independent mediator agreed to by both parties as soon as possible to resolve the dispute.

#### ***Step 3***

Failing agreement on the nomination of an independent person to assist with mediating the dispute, the President of the Queensland Law Society will be approached for nomination. The President's nomination will be binding on both parties.

#### ***Step 4***

If mediation fails, then finalization of the dispute may be achieved through normal legal avenues.

Step 1 – 3 must be followed prior to undertaking any action under Step 4.

**7. SIGNATORIES TO THE CULTURAL HERITAGE MANAGEMENT PLAN**

**EXECUTED as an Agreement**

**The Sponsor:**

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Aboriginal Party: Yuibera People**

\_\_\_\_\_  
**Signature:**  
\_\_\_\_\_  
**Name:**  
\_\_\_\_\_  
**Date:**

**Aboriginal Party: Wiri #2 People**

**Signature:**  
\_\_\_\_\_  
**Name:**  
\_\_\_\_\_  
**Date:**  
\_\_\_\_\_

## **APPENDIX 1 – DEFINITIONS**

**“Aboriginal Cultural Heritage”** is a significant Aboriginal area, a significant Aboriginal object, or evidence of archaeological or historic significance, of Aboriginal occupation according to Aboriginal tradition and/or history, including contemporary history.

**“Aboriginal Party”** is the party for the area pursuant to Sections 35-37 of the *Aboriginal Cultural Heritage Act 2003*.

**“Aboriginal Tradition”** is the body of traditions, observances, customs and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people, and includes any such traditions, observances, customs and beliefs relating to particular persons, areas, objects or relationships.

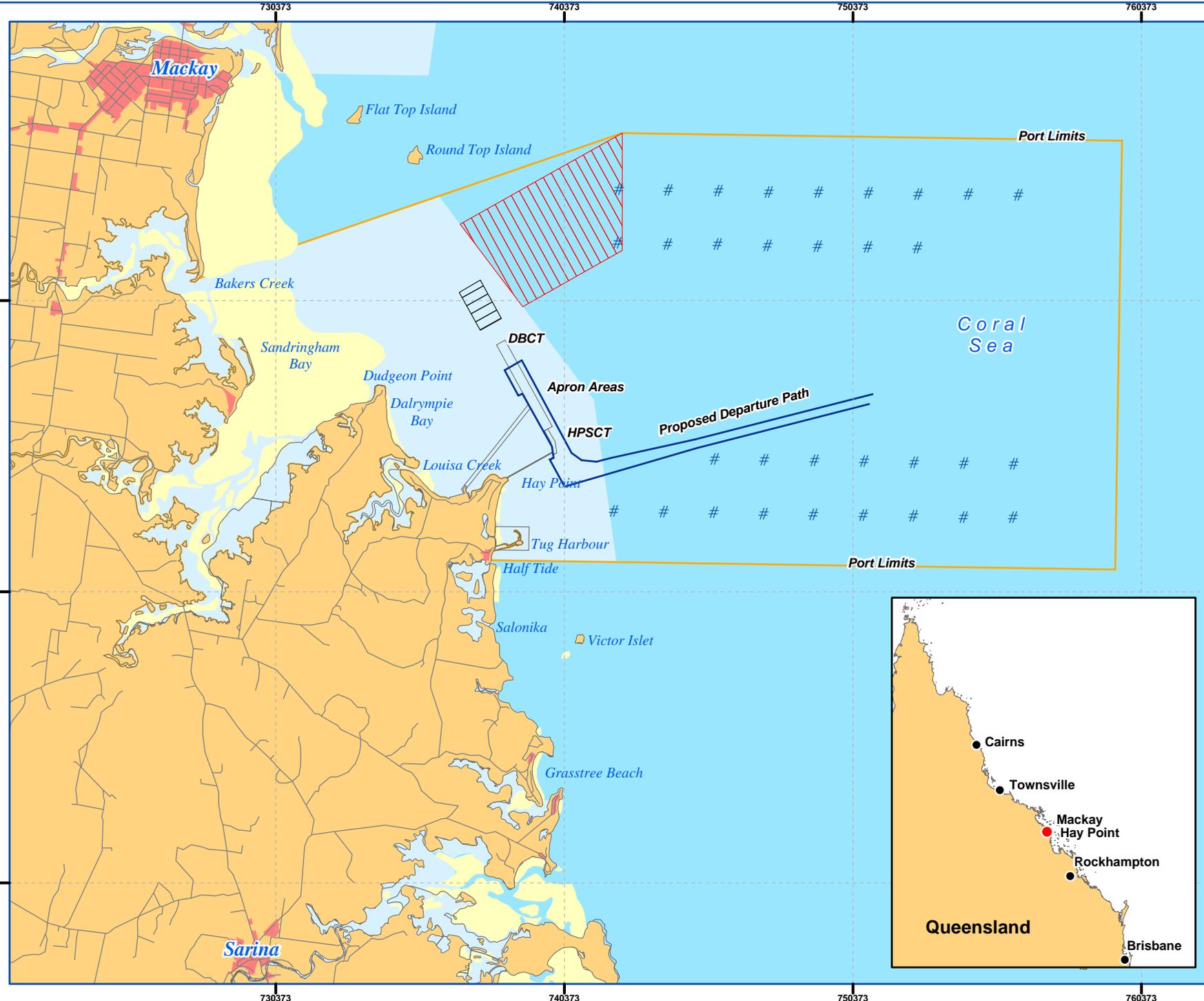
**“Point of Contact”** is that person in Ports Corporation who is nominated as the person other parties should contact when necessary.

**“Capital Dredging”** is dredging works undertaken on previously un-disturbed seabed.

**“Maintenance Dredging”** is dredging undertaken to maintain declared depths within areas where capital dredging has previously been undertaken.

## **APPENDIX 2 – MAP OF AREA**

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**Port of Hay Point  
Capital Dredging**

**Project location  
and extent of  
proposed works**

**Figure 1-1**

- Legend**
- # Anchorage
  - Extent of Capital Works
  - Major Roads
  - Port Limits
  - Built Up Area
  - GBRMP
  - Sand / Mud
  - ▨ Proposed Spoil Ground
  - ▧ Existing Spoil Ground

**North**



1:180,000

Source: GIS data supplied by  
DRNM, PCQ  
Projection: GDA 94, Zone 55  
Date Printed: 27/04/05  
File: M:\411\3829\GIS\Arcview\  
Maps\Study\_Area.mxd  
Size: A4



**APPENDIX 3 - COPIES OF NOTIFICATIONS TO ABORIGINAL PARTIES**

15 November 2004

Michael Owens & Associates  
PO Box 1013  
TOWNSVILLE QLD 4810

Our ref: 41/13829/00/313949  
Your ref:

Attn: Michael Owens

Dear Michael

### **Port of Hay Point Capital Dredging Cultural Heritage Notification**

To increase the allowable sailing draft for vessels departing the Port of Hay Point and to allow improved exit shipping traffic, PCQ proposes to conduct capital dredging of a new departure path and apron area at the Port. The proposed dredging will involve the following:

- » Provision of a ship manoeuvring apron immediately adjacent to and parallel to the DBCT and HPCT dredged berths. This area lies outside the GBRMP. The apron is a minimum of 500 metres wide. The apron will be dredged to achieve a minimum declared depth of RL -14.9 metres LAT. The actual dredged depth will be slightly deeper to provide for insurance depths in between dredging programs. It is expected that the average dredged depth will be approximately RL -15.2 metres. This value will be finalised in detailed engineering and presented in the EIS. Because of the imprecise nature of dredging, to achieve the average dredged depth of RL - 15.2 metres, it is expected that the peak depths will not exceed RL -15.5 to -15.6 metres.
- » Provision of a departure path from the apron to open waters. There will be a transition zone between the apron and departure path. The path will be 500 metres wide for the first 500 metres then taper to a width of 300 metres over the next 3 kilometres. The remainder of departure path will be 300 metres wide and continue until a minimum natural depth of RL -14.9 metres is achieved. The total path length is expected to be approximately 9.5 kilometres long. The majority of the path is in the GBRMP, but remains within the port limits. Note: All widths referred to represent the width at the base of the path. The sides are sloped and the width at the seabed will be marginally larger. The required slope or batter will be determined in the detailed engineering phase and presented in the EIS. As for the apron area the departure path will be dredged to achieve a minimum declared depth of RL - 14.9 metres LAT. The actual dredged depth will be slightly deeper to provide for insurance depths. It is expected that the average dredged depth will be approximately RL -15.2 metres. The final number will be presented in the EIS for approval.

PCQ is currently intending to dredge between May and October to minimise potential impacts on turtles. The works are expected to occur in either 2005 or 2006, but may be required to be split over the two years to fit within the time window. The project also involves disposal of clean dredged material in the port area. The majority of the material is expected to be relocated to an approved ocean disposal site.

Ports Corporation is committed to developing processes that include all reasonable and practical measures that can be undertaken to ensure the proposed works do no harm to Aboriginal cultural heritage. To facilitate this, intentions are to develop a Cultural Heritage Management Plan (CHMP) for the works in accordance with the Aboriginal Cultural Heritage Act 2003.

Ports Corporation recognises the Wiri People as an Aboriginal party. In accordance with the Act, if the Wiri People wishes to take part in developing the CHMP then written notice must be given to our nominees, GHD by 15 December 2004, i.e., within 30 days of the date of this letter which is defined as the Notice Day under the Act. Please be advised that, as prescribed by the Act, if written notice is not received by 15 December 2004 then the Wiri People will not be endorsed to take part in the study. Your written response should be directed to GHD's Project Manager Julie Keane.

If you have any further queries or would like to discuss this study, please contact Julie on 07 3316 3940. Please see the attached page for further information.

Thank you for your cooperation in this matter.

Yours faithfully  
GHD Pty Ltd



**Julie Keane**  
**Project Manager**  
07 3316 3940

Enclosed: Notification for Cultural Heritage Study/Cultural Heritage Management Plan  
Figure 1: Locality Map  
Figure 2: Extent of Capital Works

NOTIFICATION FOR CULTURAL HERITAGE STUDY/ CULTURAL HERITAGE MANAGEMENT PLAN		
Sponsor's Nominees' Details		
• name	GHD Pty Ltd	
• address	201 Charlotte Street, Brisbane, 4000	
• phone number	(07) 3316 3522	
Study Details		
• Notice Day	15 <sup>th</sup> November 2004	
• Written Notice to Sponsor by	15 <sup>th</sup> December 2004	
Study Area Details		
• Address of study area	Port of Hay Point	
• RPD of study area	The study area is in off-shore tidal waters	
Aboriginal Parties Being Notified		
Yuibera People QG6223/98	Mr. Gary Mooney Mr. Lawrence Henry Mooney Mr. Nathan Neil Mooney Ms. Beverley Ann Mooney Ms. Lillian Rebecca Mooney Ms. Lyn Marie Mooney Ms. Patricia Corrie Ms. Selina Ada Mooney	Patricia Corrie 60 Victoria Street Mackay 4740  (07) 4953 5956
Wiri People QG6251/98	Mr. Christopher Dunrobin Mr. Erick Blay Mr. Harry Abraham Johnson Mr. Len Watson Mr. Michael Watson Mr. Norman Abraham Johnson Mr. Oswald Skeen Mrs. Effie Collins Mrs. Eileen Pegler Mrs. Pansy (Emmerson) Colonel Ms. Marilyn Duncan	Michael Owens Michael Owens & Associates PO Box 1013 Townsville QLD 4810  (07) 4772 7300

15 November 2004

Patricia Corrie  
60 Victoria Street  
MACKAY QLD

Our ref: 41/13829/00/313940  
Your ref:

Attn: Patricia Corrie

Dear Patricia

### **Port of Hay Point Capital Dredging Cultural Heritage Notification**

To increase the allowable sailing draft for vessels departing the Port of Hay Point and to allow improved exit shipping traffic, PCQ proposes to conduct capital dredging of a new departure path and apron area at the Port. The proposed dredging will involve the following:

- » Provision of a ship manoeuvring apron immediately adjacent to and parallel to the DBCT and HPCT dredged berths. This area lies outside the GBRMP. The apron is a minimum of 500 metres wide. The apron will be dredged to achieve a minimum declared depth of RL -14.9 metres LAT. The actual dredged depth will be slightly deeper to provide for insurance depths in between dredging programs. It is expected that the average dredged depth will be approximately RL -15.2 metres. This value will be finalised in detailed engineering and presented in the EIS. Because of the imprecise nature of dredging, to achieve the average dredged depth of RL - 15.2 metres, it is expected that the peak depths will not exceed RL -15.5 to -15.6 metres.
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PCQ is currently intending to dredge between May and October to minimise potential impacts on turtles. The works are expected to occur in either 2005 or 2006, but may be required to be split over the two years to fit within the time window. The project also involves disposal of clean dredged material in the port area. The majority of the material is expected to be relocated to an approved ocean disposal site.

Ports Corporation is committed to developing processes that include all reasonable and practical measures that can be undertaken to ensure the proposed works do no harm to Aboriginal cultural heritage. To facilitate this, intentions are to develop a Cultural Heritage Management Plan (CHMP) for the works in accordance with the Aboriginal Cultural Heritage Act 2003.

Ports Corporation recognises the Yuibera People as an Aboriginal party. In accordance with the Act, if the Yuibera People wish to take part in developing the CHMP then written notice must be given to our nominees, GHD by 15 December 2004, i.e., within 30 days of the date of this letter which is defined as the Notice Day under the Act. Please be advised that, as prescribed by the Act, if written notice is not received by 15 December 2004 then the Yuibera People will not be endorsed to take part in the study. Your written response should be directed to GHD's Project Manager Julie Keane.

If you have any further queries or would like to discuss this study, please contact Stephanie on 07 3316 3940. Please see the attached page for further information.

Thank you for your cooperation in this matter.

Yours faithfully  
GHD Pty Ltd



**Julie Keane**  
**Project Manager**  
07 3316 3940

Enclosed: Notification for Cultural Heritage Study/Cultural Heritage Management Plan  
Figure 1: Locality Map  
Figure 2: Extent of Capital Works

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• phone number	(07) 3316 3940	
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Wiri People QG6251/98	Mr. Christopher Dunrobin Mr. Erick Blay Mr. Harry Abraham Johnson Mr. Len Watson Mr. Michael Watson Mr. Norman Abraham Johnson Mr. Oswald Skeen Mrs. Effie Collins Mrs. Eileen Pegler Mrs. Pansy (Emmerson) Colonel Ms. Marilyn Duncan	Michael Owens Michael Owens & Associates PO Box 1013 Townsville QLD 4810  (07) 4772 7300

16 December 2004

Yuibera Aboriginal Corporation  
P.O. Box 180  
Mackay QLD 4740

Our ref: 41/13829/00/315750  
Your ref:

Attn: Mr Gary Mooney

Dear Mr Mooney

**Port of Hay Point Capital Dredging  
Cultural Heritage Notification**

GHD was pleased to receive your response of 23 November 2004 to our formal notification of our intention to develop a Cultural Heritage Management Plan (CHMP) for the expansion of Hay Point.

I wish to take this opportunity to endorse you as the Aboriginal Party for the development of the CHMP.

Our representative, Ann Wallin, will be in touch with you regarding the development of your proposal to be involved in the CHMP. This will not preclude in any way your ability to meet and negotiate with representatives from Ports Corporation. Ann will contact you, with the intention of establishing a meeting time soon after New Year.

We look forward to working with you on this exciting project.

Yours faithfully  
GHD Pty Ltd



**Julie Keane**  
**Project Manager**

07 3316 3940



MANAGEMENT  
ENGINEERING  
ENVIRONMENT

16 December 2004

Michael Owens & Associates  
PO Box 1013  
TOWNSVILLE QLD 4810

Our ref: 41/13829/00/315749  
Your ref:

Attn: Michael Owens

Dear Michael

**Port of Hay Point Capital Dredging  
Cultural Heritage Notification**

GHD was pleased to receive your response of 23 November 2004 to our formal notification of our intention to develop a Cultural Heritage Management Plan (CHMP) for the expansion of Hay Point.

I wish to take this opportunity to endorse you as the Aboriginal Party for the development of the CHMP.

Our representative, Ann Wallin, will be in touch with you regarding the development of your proposal to be involved in the CHMP. This will not preclude in any way your ability to meet and negotiate with representatives from Ports Corporation. Ann will contact you, with the intention of establishing a meeting time soon after New Year.

We look forward to working with you on this exciting project.

Yours faithfully  
GHD Pty Ltd

**Julie Keane**  
**Project Manager**  
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