



# PROJECT CHINA STONE

Cultural Heritage

20

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# 20 CULTURAL HERITAGE

## 20.1 INTRODUCTION

This section describes Aboriginal heritage and non-Indigenous cultural heritage issues associated with Project China Stone (the project). It draws on the results of the *Non-Indigenous Cultural Heritage Report* (Appendix P) undertaken by Everick Heritage Consultants Pty Ltd.

## 20.2 ABORIGINAL HERITAGE

### 20.2.1 Overview of Regulatory Requirements

#### Commonwealth Legislation

The Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* provides protection for Aboriginal cultural heritage. Under this Act, the relevant Commonwealth Minister can make declarations of preservation in relation to Aboriginal cultural heritage. Declarations can be made if the Minister is satisfied that the area is a 'significant Aboriginal area' and is under threat of injury or desecration.

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) establishes the Commonwealth Heritage List and the National Heritage List and prescribes criteria for entry on each of these lists. The criteria include a site's importance as part of Indigenous tradition. The EPBC Act also sets out a framework for protection of the heritage values of these sites.

#### State Legislation

The *Aboriginal Cultural Heritage Act 2003* (ACH Act) provides for the recognition, protection and conservation of Aboriginal cultural heritage. The ACH Act is administered by the Department of Aboriginal and Torres Strait Islander Partnerships. Specifically, the ACH Act includes provisions for:

- Protection of significant areas and objects;
- Duty of care obligations on all persons including project proponents;
- Establishment of a cultural heritage register;
- Means of assessment of significant areas and objects;
- Development of management plans;
- Issue of injunctions and stop work orders; and
- Administration, penalties and prosecution.

The ACH Act requires that a Cultural Heritage Management Plan (CHMP) be developed for projects that require an EIS. A CHMP provides a mechanism to manage the potential impacts of a project on Aboriginal heritage, in accordance with the requirements of the relevant Aboriginal parties.

### 20.2.2 Management of Project Aboriginal Heritage

No declarations in relation to Aboriginal heritage have been made under Commonwealth legislation for the project site and there are no sites listed on Commonwealth heritage lists.

The Wangan and Jagalingou People have been identified as the Aboriginal parties for the project, in accordance with the ACH Act. The proponent has put in place with its consultant, the process to initiate a CHMP with the Wangan and Jagalingou People, in accordance with the ACH Act. The CHMP is required to be finalised prior to the commencement of construction.

Aboriginal heritage on the project site will be managed in accordance with the CHMP.

## 20.3 NON-INDIGENOUS CULTURAL HERITAGE

### 20.3.1 Overview of Regulatory Requirements

#### Commonwealth Legislation

In relation to matters of international and national non-Indigenous cultural heritage significance, the EPBC Act is the principal legislation. Another piece of Commonwealth legislation, the *Australian Heritage Council Act 2003* (AHC Act) provides for the establishment of the Australian Heritage Council (AHC). Under the provisions of the EPBC Act and the AHC Act, the AHC has the following responsibilities:

- Assess places for the National Heritage List, the Commonwealth Heritage List and the Register of the National Estate;
- Nominate places for the National Heritage List, the Commonwealth Heritage List and the Register of the National Estate;
- Promote the identification, assessment, conservation and monitoring of heritage; and
- Advise the Minister on various heritage matters including the preparation and amendment of heritage strategies and management plans for Commonwealth areas and agencies.

Actions which are likely to significantly impact on matters of international or national significance are prohibited without approval from the AHC and the Department of the Environment. Eight criteria for assessing significance are provided under the AHC Act and these criteria are reflected in state-based legislation such as the *Queensland Heritage Act 1992* (QHA).

#### State Legislation

The QHA provides for the identification and conservation of Queensland's historical cultural heritage. This Act established the Queensland Heritage Council (QHC) along with a permanent heritage register (the Queensland Heritage Register) for the state. Under this Act, a non-Indigenous site may be considered to be significant at the national, state or local level if it satisfies one or more of eight specified criteria. Development on a site listed on the Queensland Heritage Register can only be undertaken in accordance with an approval from QHC.

### 20.3.2 Scope and Methodology

A non-Indigenous historical cultural heritage assessment was undertaken for the project. The full assessment report is contained in the *Non-Indigenous Cultural Heritage Report* (Appendix P). The scope of the assessment was as follows:

- Determine if any sites of non-Indigenous historical cultural heritage significance are located within the boundaries of the project site;
- Describe any identified sites;
- Ascribe levels of significance in accordance with the QHA;

- Undertake an assessment of the potential impacts of the project on non-Indigenous historical cultural heritage; and
- Determine what form of management is required to protect any identified non-Indigenous cultural heritage values.

The assessment methodology for the non-Indigenous historical cultural heritage assessment included:

- A legislative review;
- A search of published literature and archival records;
- Library-based research, including online searches of the World Heritage List, Register of the National Estate, Commonwealth Heritage List, National Heritage List, and the Queensland Heritage Register;
- A review of historic aerial photography;
- Interviews with local landholders, property managers and local heritage contacts, including the Information Centre and local library in Charters Towers and the Zara Clark Museum in Charters Towers; and
- A review of local council information in relation to non-Indigenous historical cultural heritage.

The desktop review was used to identify the heritage themes of the region and to predict the locations and types of items of cultural heritage significance potentially located on the project site. This initial information was supplemented with consultation with landowners and local residents.

Based on the information gathered during the desktop review and consultation, one site was identified within the project site as having potential heritage significance. This site was targeted during the field inspection. The field inspection also involved general searches of the project site for cultural heritage sites not identified in the initial desktop review and consultation phase. Any cultural heritage that was located during the field survey was assessed against heritage criteria, based on the Burra Charter, to determine if it had local, state or national significance.

### 20.3.3 Historical Background

The project site is located within the historical pastoral properties of Labona (now Moray Downs), Larne and View Hill (now Hyde Park), and Dooyne Stations, established in the late 1800s to early 1900s. Records show that properties associated with the project site have been operating as cattle grazing enterprises under a number of different owners. All properties continue to run cattle, however in recent years coal exploration has also been undertaken across the site.

### 20.3.4 Register Searches

No sites are recorded on the World Heritage List, Register of the National Estate, Commonwealth Heritage List, National Heritage List, or Queensland Heritage Register for the project site. The project site is located within the Isaac Regional Council, in an area that previously fell within the Dalrymple Shire Council boundaries. Cultural heritage is discussed briefly in the *Dalrymple Shire Council Planning Scheme 2006* and the *Belyando Shire Planning Scheme 2008*. A review of these schemes, together with consultation with council staff, revealed no specific information in relation to the project site.

### 20.3.5 Field Inspection

The field inspection team located one site which was identified during the desktop review and the initial consultation. This site was subject to an assessment of significance, and was assessed as having no national, state or local heritage significance.

### 20.3.6 Assessment of Significance and Impact Assessment

No places of national, state or local heritage significance are located within the project site. As such, no impact assessment was required.

### 20.3.7 Mitigation Measures

The following procedure will be adopted to mitigate impacts in the unlikely event that previously unrecorded sites of non-Indigenous cultural heritage significance are located during ground disturbance associated with the project.

#### Staff Briefing

The General Manager and all staff or contractors of the proponent who will be responsible for undertaking initial clearance and ground disturbance activities will be informed of their obligations under Section 89 of the QHA to report to the Department of Environment and Heritage Protection (EHP) any archaeological items that may constitute an important source of information about an aspect of Queensland's history. As a cautionary approach, the Find Strategy described below will be implemented if any potential heritage items are identified.

#### Find Strategy

In the event that any staff or contractors of the proponent suspect that they have uncovered an archaeological object that may constitute an important source of information about an aspect of Queensland's history, the following measures will apply:

- Disturbance of any areas immediately surrounding the find will cease immediately;
- If it is considered that the find is at risk of being inadvertently damaged by construction activities, a temporary fence will be erected around the find;
- The EHP will be notified;
- A suitably qualified archaeologist will be engaged to inspect the find and determine its significance; and
- Should the find be of state significance, appropriate mitigation strategies will be developed in consultation with appropriate EHP officers.

#### Archaeological Standards

In the event that archaeological monitoring or excavations are required as a result of implementing the Find Strategy, the standards outlined in the EHP Guideline *Archaeological Investigations* (EHP, 2013) will be applied (or any version of the EHP guidelines that may supersede this document).