



Millennium Expansion Project

Environmental Impact Statement

CHAPTER 14:

CULTURAL HERITAGE

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14.0 CULTURAL HERITAGE

14.1 EXECUTIVE SUMMARY

14.1.1 Values

The Indigenous cultural heritage values at the Millennium Expansion Project (MEP) include any items or areas that have been identified as having significance by the recognised Traditional Owners of the land, or that have scientific significance identified by a qualified archaeologist. Items and areas of value have been found within the MEP.

Non-Indigenous cultural heritage, including European cultural heritage, values are items or areas that have recognised significance to the local community, are on the Cultural Heritage Register or have been identified as significant by a qualified archaeologist.

14.1.2 Issues

Clearing and land disturbance associated with the mining operations at the MEP have the potential to impact on areas of cultural heritage significance. Impacts associated with mining will vary depending on the actual activities proposed for the site, however any items or areas of cultural heritage significance within the active mining footprint will be significantly impacted if appropriate management and mitigation measures are not incorporated.

No areas of non-Indigenous cultural heritage significance were identified for the MEP.

14.1.3 Mitigation Strategies

Peabody commits to avoid disturbance to Indigenous and non-Indigenous cultural heritage, and will otherwise minimise disturbance in any circumstances where avoidance is not reasonably possible, and where disturbance has received cultural clearance from the Traditional Owners.

Specific mitigation measures for the MEP include:

- the development of an agreed CHMP with the Traditional Owners;
- in co-operation with Peabody, the Traditional Owners have surveyed the majority of the existing and proposed mining areas;
- establishment of a 100 m buffer zone along the New Chum Creek corridor;
- creation of a Cultural Heritage Protection Zone that has been negotiated with the Traditional Owners; and
- improving the cultural heritage awareness information of the site induction program to know of the procedures required when working at Millennium.

Peabody shall, where safe and practicable, at the request of the Traditional Owners, provide parties with access to cultural sites or places for training or cultural purposes.

14.1.4 Description of Cultural Heritage Environmental Values

Cultural heritage is the value people have given to items and places through their association with those items and places. These values include items and places of significance to Indigenous people, places of social value to the local community, and places of historic, architectural or scientific significance.

Peabody and the Traditional Owners in the region have an association established as a result of their shared interest in the location, recording, understanding, appreciation and protection of Indigenous cultural heritage values located on MEP surface area tenements.

Non-Indigenous cultural heritage significance is generally associated with human activities since the beginning of non-Indigenous settlement of an area, as well as natural places which have meaning for people of the current day.

14.1.5 Cultural Heritage Legislation

Indigenous and non-Indigenous cultural heritage sites are protected under both Commonwealth and State heritage legislation. This legislation recognises the importance of sites and cultural landscapes to Indigenous people, local communities and to science, and provides measures for their identification and protection.

14.1.5.1 Commonwealth Legislation

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* protects sites of national or international heritage significance. The *EPBC Act* recognises the role of Indigenous people in the conservation and sustainable use of Australia's heritage values. The *EPBC Act* is administered by the Department of Sustainability, Environment, Water Population and Communities (SEWPAC).

Under the *EPBC Act*, actions likely to impact on locations of national environmental or heritage significance require assessment and approval. A Commonwealth Heritage List has been prepared, comprising places of national significance on Commonwealth land or under Commonwealth control. In Queensland, these are primarily natural and historical sites.

No sites listed on the Commonwealth Heritage List are located within the vicinity of the MEP and there are no cultural heritage values requiring approval from the Federal Minister for Sustainability, Environment, Water Population and Communities.

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSI Act)* was established to preserve and protect areas and objects of particular significance to Indigenous people from damage.

The *ATSI Act* provides Indigenous people with the opportunity to request intervention from the Federal Minister to protect sites they consider to be at risk. Any steps necessary for the protection of a threatened place or significant artefacts such as skeletal remains, are outlined in a gazetted Ministerial Declaration and can include prevention of development.

14.1.5.2 State Legislation

Aboriginal Cultural Heritage Act 2003

The *Aboriginal Cultural Heritage Act 2003 (ACH Act)* is the principal legislation protecting Indigenous cultural heritage in Queensland. The *ACH Act* states that its main purpose is to provide effective recognition, protection and conservation of Indigenous cultural heritage.

Under the *ACH Act*, Indigenous cultural heritage is defined as:

- a significant Indigenous area; or
- a significant Indigenous object; or
- evidence of archaeological or historical significance of Indigenous occupation in Queensland.

Under the *ACH Act* there is a requirement for proponents whose activities could potentially affect items protected under the *ACH Act* to observe their *Cultural Heritage Duty of Care* to ensure that Indigenous cultural heritage sites and places are not damaged. By meeting one or more conditions specified under Section 23(3) of the *ACH Act*, a person or corporation is deemed to have complied with the cultural heritage duty of care. These conditions include operating under an approved Cultural Heritage Management Plan (CHMP) or a native title agreement where cultural heritage is specifically considered.

A CHMP is required in conjunction with the Environmental Impact Statement (EIS) process. The *ACH Act* outlines the procedures for developing and obtaining approval of a CHMP.

A Cultural Heritage Management Agreement (CHMA) is currently in place for the MEP with a CHMP in the process of being signed and approved.

Queensland Heritage Act 1992

The *Queensland Heritage Act 1992 (QH Act)* provides predominantly for the conservation and protection of places and items of non-Indigenous or European origin. The *QH Act* also has jurisdiction over places and items of Indigenous origin that derive from the post-European contact history of Queensland.

Under this *QH Act*, places and items must be entered into the Queensland Heritage Register in order to be protected. Substantial penalties may apply for damage to a place or item that has been entered on the Register. The powers granted by the *QH Act* have recently been extended to include maintenance provisions, ensuring owners do not let heritage listed places deteriorate to such an extent they can no longer be conserved, repaired or restored.

14.1.6 Cultural Heritage Assessments

Indigenous and non-Indigenous cultural heritage places and values have been recorded during three separate cultural heritage assessments undertaken within the MEP area.

1. The first Indigenous cultural heritage assessment was carried out in October 2003 (Hatte) for the existing Millennium Mine (ML 70312 and ML 70313). The survey was conducted in collaboration with members of the BBKY#3 native title claimants.
2. An Indigenous cultural heritage assessment of the MEP area was undertaken in May 2006 by Woora Consulting with members of the BBKY#4 native title claimants.
3. A non-Indigenous cultural heritage assessment was undertaken in June 2009 (Everick Heritage Consultants) for the MEP area in collaboration with landowners.

These investigations were undertaken in conjunction with the Traditional Owners and/or landowners applicable for the relevant surveys. The final reports incorporated literature reviews, heritage register searches, reviews of historical documentation, consultation with relevant government agencies and field surveys. Additional informal surveys have been undertaken at various times at

the request of the Traditional Owners. Discussions have been held on-site with Traditional Owners at mutually agreed times.

The full assessment reports for Indigenous cultural heritage are not included in this document for sensitivity reasons. If specific details are required this information should be obtained from the Traditional Owners.

14.1.7 Indigenous Cultural Heritage Baseline Studies

14.1.7.1 Native Title Claims

A search of the National Native Title Tribunal (NNTT) for the current native title status of the MEP area ascertained that, while the MEP is within the external boundary of a current registered native title claim by the Barada Barna People (Tribunal Number QC08/11) as shown in **Figure 14-1**, there are no underlying native title issues associated with the MEP.

Previous negotiations and agreements were made with the Barada Barna Kabalbara Yetimarla (BBKY) People #4, who had the recognised claim prior to the Barada Barna claim being registered. Particular Indigenous representatives for both the BBKY and Barada Barna claims have remained the same, which has ensured consistency of knowledge and agreed management processes.

14.1.7.2 Heritage Register Search

A search was undertaken of the following heritage registers for items or places of significance on the MEP site:

- The World Heritage Register;
- The Register of the National Estate;
- The National Heritage List;
- The Commonwealth Heritage List; and
- The State Heritage Register.

No items or places were identified within or close to the MEP in any of these registers.

14.1.7.3 Previous Indigenous Cultural Heritage Assessments

A number of Indigenous cultural heritage investigations have been undertaken on neighbouring properties in the MEP region over the past 25 years, which together constitute a large amount of archaeological data.

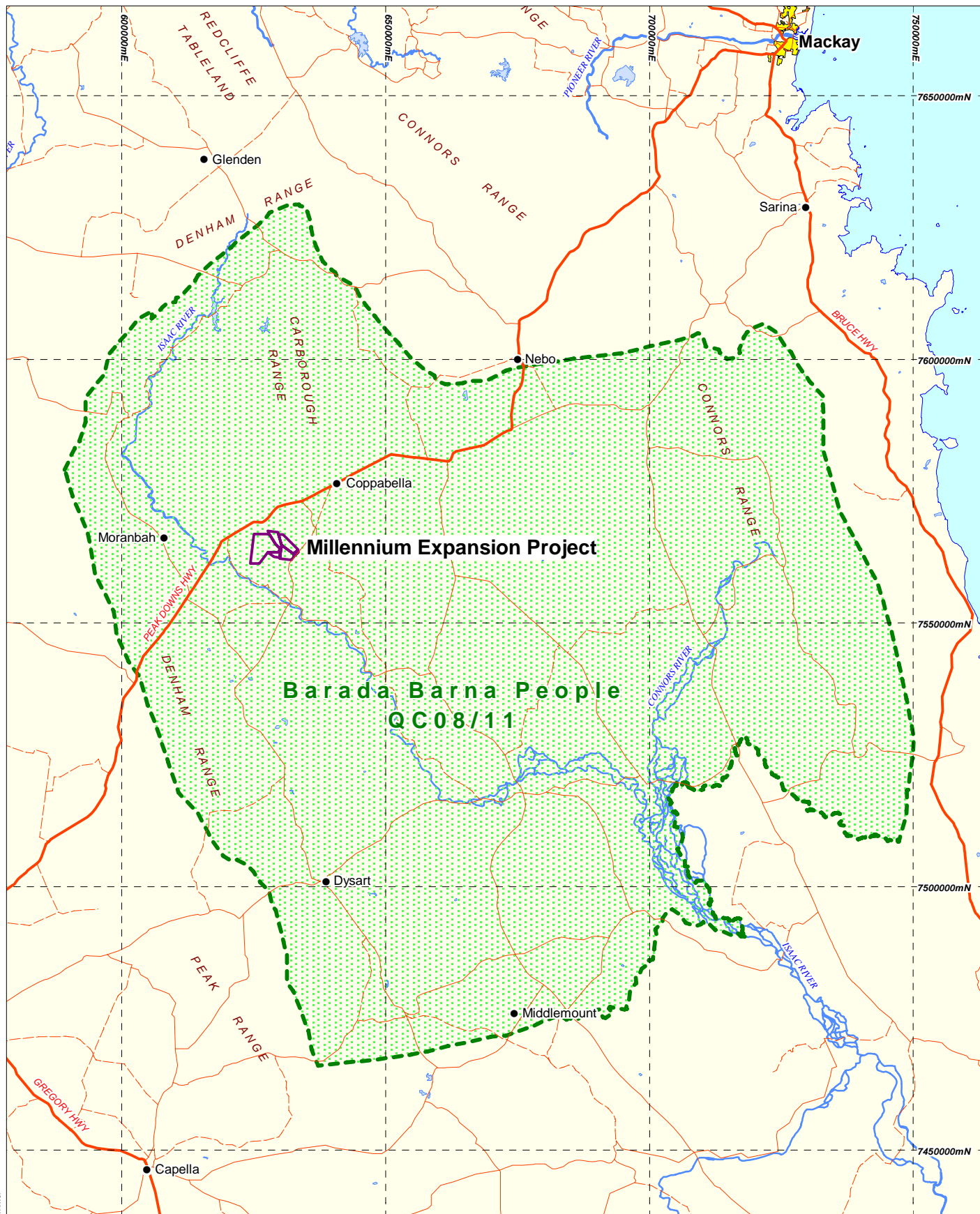
14.1.7.4 MEP Indigenous Cultural Heritage Field Survey Methodology

Cultural heritage assessments for the MEP were undertaken in accordance with the requirements outlined in the Final Terms of Reference for the MEP EIS and provisions of the *ACH Act*.

The Indigenous cultural heritage survey was conducted by members of BBKY#4 in 2006 with the assistance of Dr Paul Gorecki (Acacia Heritage Research Pty Ltd). All team members had experience in archaeological surveys in the region.

The survey had the following objectives:




- to examine exposed sections and stratigraphies where possible;
- to survey all exposed surfaces during transects;
- to closely inspect all the remaining old native trees; and
- to record all Indigenous archaeological sites and areas of archaeological potential which may require sub-surface investigation.



MET SERVE



LEGEND

-  Principal road
-  Road (sealed)
-  Road (unsealed)
-  River
-  Population area
-  Town

Data Source:
Tenement - Minserv. Topography (250k) - Geoscience Australia.

Peabody Energy Australia Pty Ltd Millennium Expansion Project

Native Title Claim QC08/11

0 20 40

Kilometres

Scale: 1:1,000,000 (A4)

19/10/2010



Datum: GDA94
Projection: MGA55

FIGURE 14-1

Prior to the field survey, documentation was reviewed to assess the archaeological and historical information for the survey area.

The identification of archaeological potential for the targeted survey areas was based on a number of factors, including local environmental factors such as topography, geology and vegetation, site location data derived from previous studies and Traditional Owner knowledge.

The focus of the field survey was to divide the landscape into sub-units, each of these bound by features such as fences, roads, powerlines, and tracks.

The survey team walked transects across each of the sub-units. This involved walking to the end of a sub-unit and then returning to the starting point along a slightly different route to cover different ground, and repeating the exercise a number of times. The survey team followed all watercourses along one bank, then walked back along the other bank.

All forms of surface exposure and subsurface sections were examined during the survey. These included vehicular and stock tracks, discrete areas of surface or sub-surface visibility formed by erosion scars, sheet wash, areas of denuded ground and sparse ground vegetation. All old growth native trees were examined for signs of Indigenous scarring, including both standing and fallen trees.

All cultural finds were recorded by the MEP archaeologist in conjunction with the Traditional Owner Field Officers. The location of each find was fixed with a Geographical Positioning System (GPS) receiver. Background data was also compiled on the topography, existing disturbance and vegetation in the immediate vicinity of the find.

The finds themselves were recorded under a number of criteria: type, dimensions, attributes, raw material, modification and use, special features such as use-wear and breakage, existing and expected impacts.

14.1.7.5 MEP Indigenous Cultural Heritage Field Survey Results

Specific details of the Indigenous cultural heritage field survey have been excluded from this report. If specific details are required this information should be obtained from the Traditional Owners.

14.1.8 Non-Indigenous Cultural Heritage Baseline Studies

Around the MEP area, as in other parts of Central Queensland, the earliest European land use was sheep grazing which started in the early 1860s. This was soon replaced by cattle grazing, which has since been the predominant land use in the region.

The Isaac region has also been subject to a number of historical mineral rushes since European settlement, and since the early 1970s has seen significant economic and social transformations from the development of the coal mining industry.

14.1.8.1 Previous Non-Indigenous Cultural Heritage Assessments

Archaeological reports produced as part of EIS studies for land surrounding the MEP area extend back approximately 30 years. As they are project specific, EIS studies are restricted to a specific time and place, but have the collective potential to contribute valuable background data. A summary of EIS assessments in the area is presented in **Table 14-1**.

Table 14-1 Findings from Previous Non-Indigenous Cultural Heritage Assessments

Mine Name/Location	Details of Assessments
Poitrel	<p>1976</p> <p>-No report of any European heritage items or places of significance.</p> <p>1997</p> <p>-Only one site was found containing artefacts of European heritage, being the abandoned Poitrel Homestead. The site includes the remains of the old homestead, collapsed station sheds and cattle yards. The homestead appears to date from the late 1950s to early 1960s with its condition ranging from a state of extreme disrepair to total collapse.</p>
Daunia	<p>1980</p> <p>-A grave headstone was identified as belonging to Graham Stuart-a descendent of the Beresfords-who had lived at Oxford Downs.</p> <p>2008</p> <p>-The headstone of Graham Stuart was again observed in this survey. No further items of European cultural heritage were found.</p>
Carborough Downs	<p>2004</p> <p>-Survey maps (dated 1866) indicate the location of a historic police barracks and a coach road to the east of MDL 354. An old stock route follows west-east within MDL 354 and eventually joins the coach road. Remains of the stock route and associated relics were located.</p>
Broadlea North	<p>2005</p> <p>-Remains of the old Broadlea homestead and associated minor property improvements such as fences and water tanks were located in the study area.</p>

14.1.8.2 MEP Non-indigenous Cultural Heritage Field Survey Methodology

A non-indigenous cultural heritage survey was conducted over the MEP area in June 2009 (Everick Heritage Consultants, 2009). Prior to the field survey of the MEP area, a desk based analysis was conducted in order to create a predictive model of potentially significant cultural heritage within the proposed mining area.

As part of the non-Indigenous cultural heritage assessment, the following was carried out:

- searches of applicable registers, including the Register of the National Estate, the National Heritage List, the State Heritage Register and the Commonwealth Heritage List;
- interviews with local landholders and relevant government experts;
- a review of heritage assessments from the region held by the Department of Environment and Resource Management (DERM);
- a review of historic aerial photography; and
- a search of the Queensland State Archives for information on the heritage values of the MEP area and its surrounds.

No items were identified within 100 km of the MEP in any of the register searches. The Isaac Regional Council is required by the *QH Act* to develop a heritage register, however, it had not been published at the time of writing.

Prior to the field survey, historic and recent high resolution aerial photographs were examined for evidence of historic features such as old roads, yards,

homestead sites, dams, fences, retaining walls and terracing. No evidence of any former homesteads within the MEP area was identified. Available historic accounts and maps were also consulted for indications of historic events that might leave archaeological traces.

Information gathered from the desk based analysis was used to identify the heritage values of the region and to create a predictive model of potential cultural heritage locations of significance. This model was then used to guide the second part of the assessment, an archaeological site survey.

The survey was conducted primarily by vehicle, following existing tracks and roads. The survey methodology incorporated an initial vehicle reconnaissance, followed by a more detailed ground survey of areas assessed to have potential cultural heritage significance. The survey strategy aimed for broad coverage of the MEP, but targeted areas that had more potential to contain historic sites, particularly watercourses. The aim of the inspection was to obtain an appreciation of the scale and degree of development of the landscape.

Photographs were taken as a record of general features and conditions. GPS points of the areas covered were logged, including specific locations. Roads and tracks were inspected with a total of 23 km covered.

14.1.8.3 MEP Non-indigenous Cultural Heritage Field Survey Results

No sites of non-Indigenous cultural heritage significance were located during the survey. While ground visibility was limited and there is some possibility that sites such as boundary fence lines and survey trees may occur on the site, Everick (2009) believe this possibility is low given the extensive agricultural clearing carried out between 1950–1990, contextual background research and field inspection results.

One blaze tree (refer to **Plate 14-1**) was identified on the top of Red Mountain, in close proximity to the edge of the escarpment. Further inspection revealed that the blaze on the tree is a surveyor's marker shield dating from 1980. As such it is not considered of cultural importance.

Plate 14-1 Blaze Tree-Red Mountain



14.1.9 Cultural Heritage Significance

Cultural heritage significance relates to peoples perspective of place and sense of value, within the context of history, environment, aesthetics and social organisation. Thus the identification and assessment of the significance of cultural heritage values is an integral step in the process of management and conservation of cultural heritage values.

The International Council on Monuments and Sites (ICOMOS), the peak body of professionals working in heritage conservation in Australia, has adopted the Burra Charter as a guide to acceptable standards with regard to the assessment and management of items of cultural heritage significance. It is widely regarded as the acceptable best practice standard for heritage practitioners, and was followed throughout the MEP surveys and assessments.

Indigenous sacred sites of heritage significance cannot always be identified by features in the landscape and often involve no alteration to the natural landscape. As such they can be archaeologically invisible and only identifiable with the aid of Indigenous interpretation. If such sites are still remembered by local Indigenous communities, they will hold particular cultural significance.

The heritage significance of an item should always be seen as independent of any practical management considerations. This significance assessment has been guided by the Burra Charter and the criteria for entry onto the Queensland Heritage Register. A place or item needs to only be significant in one of these criteria to be considered of heritage significance. An assessment of Indigenous cultural heritage relies on the assessment of the two core elements of scientific (archaeological) and social (cultural) significance.

14.1.9.1 *Scientific (Archaeological) Significance*

Scientific or archaeological significance refers to the ability of a place or an item to provide information on past human activities or past environmental conditions that may not be available in other sources. The determination of a site's uniqueness, and/or its representativeness, helps to determine at a practical level its scientific significance.

The more unique or unusual a site, the greater its significance. Representativeness generally refers to the ability of one site or a sample of sites to represent as accurately as possible the range and frequency of site types in a particular area. The notion of representativeness also refers to the maintenance of site diversity. For any given place the significance will be greater where evidence of its association or the event that created it survives in situ than where it has been changed or evidence of context does not survive.

Statement of Scientific Significance

The Indigenous archaeological sites recorded at the MEP are collectively an important contribution to the growing wealth of scientific data relating to the Moranbah-Nebo region. Though they have been subject to a great degree of disturbance from past clearing and erosion, considerable information may still be derived from them.

14.1.9.2 *Social (Cultural) Significance*

Criteria used by Indigenous people to assess site significance are different from that used to make assessments of scientific significance. Significance assessments by Indigenous people may be based on traditional, historical,

contemporary or other cultural values. Criteria such as rarity, uniqueness and representativeness are often not relevant in this type of assessment.

Places which contain no archaeological material may also be significant due to:

- a past event;
- its association with a story; or
- an inherent spiritual quality associated with the place.

The scientific significance assessment of a site is not necessarily consistent with Indigenous Peoples' perceptions and evaluations as the Indigenous cultural values of a site may override other forms of significance assessment. The assessment of Indigenous cultural heritage values located in the MEP area can be made only by the Traditional Owners.

Statement of Social Significance

On-site discussions with Traditional Owner representatives have indicated that the cultural heritage sites identified should be protected as much as possible from the potential impact of the MEP. Traditional Owners have indicated that where sites may potentially be impacted, appropriate site protection and management strategies should be implemented prior to the commencement of construction. Details of management in accordance with the Traditional Owners assessment of significance are included in the draft CHMP.

14.1.9.3 Non-Indigenous Cultural Heritage Significance

Only one item was found on the MEP with any potential non-Indigenous heritage significance; the surveyor's blaze tree on Red Mountain. Discussions with Mr William Kitson (Curator of the Survey Museum, DERM), indicate that the scar was made in 1980 and used as a station for general surveying. Such scars are common throughout the Queensland countryside, and are not considered of National, State or Local heritage significance (Everick, 2009).

14.1.10 Potential Impacts and Mitigation Measures

14.1.10.1 Potential Impacts to Indigenous Cultural Heritage Values

The MEP area will be disturbed directly as a result of coal mining activities, such as clearing and blasting, the creation of waste rock emplacements and the construction of infrastructure such as roads and dams. Most of these activities will be localised and their potential impacts on the cultural landscape can be anticipated.

Given the nature of open-cut coal mining, significant impacts will be likely on any existing cultural heritage values in the area of the mine footprint covered by the pits, waste rock emplacements or tailings dams.

Following the survey work undertaken, and in consultation with the Traditional Owners, it was concluded that the New Chum Creek corridor, parts of "Red Mountain" and the identified Cultural Heritage Projection Zone all contain Indigenous cultural heritage features that are scientifically and/or culturally significant. There is potential for the significant cultural values associated with these locations to be severely impacted from mining activities and mine plans for the MEP have been modified as a result of these discussions.

14.1.10.2 Management Strategies for Indigenous Cultural Heritage Values

Procedures have been negotiated and agreed with the Traditional Owners to manage and mitigate impact on areas containing cultural heritage values

within the MEP. Peabody has clearance letters for the majority of the MEP area. There are three exceptions to the clearance areas, namely the:

1. New Chum Creek corridor;
2. Cultural Heritage Protection Zone; and,
3. Red Mountain

For the New Chum Creek corridor and the Cultural Heritage Protection Zone, where greater cultural significance was identified by the Traditional Owners, Peabody have undertaken to protect the area. This is consistent with the provisions of the *ACH Act*, which states that protection is preferable to salvaging objects, whereby salvaged objects are removed from their contexts and lose much of their cultural and scientific value. The location of the Cultural Heritage Protection Zone has not been disclosed in this document at the request of the Traditional Owners.

A buffer zone of 100 m has been committed to by Peabody to protect both environmental and cultural heritage values along New Chum Creek. The only new incursions into the buffer zone will be for haul road crossings as mining progresses. For these crossings, Traditional Owners will be consulted prior to any clearing or construction works being undertaken, and will be present as the crossings are constructed.

In the event that unrecorded cultural heritage sites or materials are discovered in surface or sub-surface deposits during future operations, work at that particular location will cease and be cordoned off as a no-go area until the Traditional Owners are contacted to provide advice on the significance of the finds, as well as management and mitigation options.

In the unlikely event that skeletal material is discovered during mining operations, Peabody will cease all operations within an agreed distance of the skeletal material. The Police, Cultural Heritage Branch of DERM, and Traditional Owner representatives will be contacted immediately.

As is the case with current operations, Peabody personnel and contractors involved with the MEP will undergo a cultural heritage induction program that has been written by the Traditional Owners. The induction includes locally relevant information on Indigenous history and culture, the types of cultural heritage items and sites recorded within the lease area, along with guidelines for their identification and protection as agreed in the CHMP for this mine.

14.1.10.3 Cultural Heritage Management Plan (CHMP)

The CHMP will be a key tool in the process of cultural heritage management at the MEP. The CHMP will:

- provide strategies for addressing the recommendations presented in the various cultural heritage impact assessments;
- provide guidance for information to be presented to all site personnel, contractors and sub-contractors in the identification, protection and management of Indigenous cultural heritage during the construction and operational phases of the MEP;
- outline a clear and agreed process between the MEP and the Traditional Owners for the advance clearance of disturbance areas;
- give consideration of long-term arrangements for the storage of salvaged artefacts in preparation for their eventual return to the land. Particular consideration will be given for their return to the approximate areas (i.e.

grid reference locations) from which they were collected even though the rehabilitated area may be altered in appearance;

- outline processes for ongoing effective communication between Peabody and the Traditional Owner representatives throughout the life of the MEP;
- recognise Indigenous people as the primary guardians, keepers and knowledge holders of Indigenous cultural heritage; and,
- include a corrective actions procedure and an auditing and review process.

There is an existing CHMA in place for both the Millennium Mine and the MEP and the CHMP for the mine is expected to be finalised in December 2010.

Section 87 of the *ACH Act* outlines that a CHMP is necessary if an EIS is required, however, Section 87(2) allows project approval to be given subject to conditions that ensure no excavation, construction or other activity that may cause harm to Indigenous cultural heritage takes place for the project without the development and approval of a CHMP.

Should any unexpected items or areas of cultural heritage significance be located that are not covered under the above cultural heritage management areas or the CHMP, Peabody will consult with the Traditional Owners to determine the best management process for the particular situation.

14.1.10.4 Potential Impacts to Non-Indigenous Cultural Heritage Values

Based on the literature review and site survey undertaken, no known non-Indigenous cultural heritage items or places were identified or are expected to be impacted as a result of the MEP. Limited historic material and the low levels of historic activity observed within the surveyed area indicate that the MEP area has nil to low non-Indigenous archaeological potential.

14.1.10.5 Management Strategies for Non-Indigenous Cultural Heritage Values

As there were no sites of non-Indigenous cultural heritage significance identified, general mitigation recommendations to manage cultural heritage sites located within the MEP will be applied.

Employees, contractors and sub-contractors will undergo an induction informing them of their responsibilities should they find any unusual or old item that has the potential to have cultural heritage value. Their responsibilities will include reporting any finds and ceasing operations in the area until DERM is notified and a suitably qualified archaeologist can assess the cultural heritage significance of the item.

Should any such site or place be identified it will be managed in accordance with the applicable legislation.

14.2 REFERENCES

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- QSA (Qld State Archives) n.d. Various documents sighted at the Queensland State Archives contained in run files and land selection files originally created by Lands Department.