

## 8. Cultural Heritage

### 8.1 Existing Values

Both Indigenous and non-Indigenous cultural heritage places and values have been recorded as part of two preliminary cultural heritage investigations that have been undertaken throughout the area of the Clermont and Cement Hill mining leases. Hill undertook the first of these investigations in 1982, while Hatte undertook the second in 1994. At the time of both of these investigations, the proposed mining area was known as the Wolfgang Coal Project.

#### 8.1.1 Indigenous Cultural Heritage

In January 1982 Hill undertook archaeological surveys of the then Wolfgang mining leases. In addition to the proposed mining leases, these surveys were to include infrastructure as proposed at the time, including two proposed road realignments, a rail spurline, and a proposed housing development area located to the south of Clermont (Hill 1982).

With the exception of a small hill in the centre of its northern section, the majority of the mining leases were described as being flat, with the western third of the mining leases primarily covered by a forestry lease at the time of the survey. This forestry area was dominated by dense, dry sclerophyll forest which had an equally dense ground cover of grass and a 'low-growing prickly bush' (Hill 1982), and contained a gently rising ridge, which gave way to a small valley containing Apsley Creek and a series of gullies more generally running throughout. The eastern two thirds of the lease had largely been given over to cultivation and cropping. The remainder of this portion was dominated by low-lying pasture on heavy black cracking clay soils that were noted to flood regularly (Hill 1982). This area was bisected by Gowrie Creek, a tributary of the larger Wolfgang Creek which formed the south eastern boundary of the lease.

The area designated at the time for the proposed housing development was described as being 'generally flat, rising gently to the south' and heavily impacted upon by alluvial gold miners and more recently through use as an unofficial garbage dump (Hill 1982).

The forest area was surveyed via a series of eight foot transects, four in the north and four in the southern halves respectively, while a further three 'random' transects were undertaken across the low-lying pasture area to the east of the forest (Hill 1982). Both Gowrie and Wolfgang Creeks were covered for their lengths within the lease, and the entire lengths of the two road realignments and the rail spurline, as proposed at the time, were also walked. The area of the proposed housing development was also extensively covered on foot.

These surveys resulted in the location of 'five waste flakes and a possible core' throughout the surveyed areas (Hill 1982). All of these stone artefacts were located in the western forest area. As these artefacts were not considered to be of 'outstanding importance' they were not collected during the surveys (Hill 1982). Enquiries made of the previous owner of Wolfgang station determined that no artefacts had been uncovered during cultivation activities within the lease boundaries despite stating that he 'always kept [his] eyes open for them' (Hill 1982). Hill (1982) hypothesised that the lack of Aboriginal cultural material in the study area was the result of several factors including:

- the intensive nature of the land use; with exception of around the town of Clermont itself, the apparent lack of permanent water in the more general area; and
- the violent nature of flood activity throughout the local waterways.

Enquiries were made at the Clermont Police station in an attempt to contact Aboriginal people of the area. Hill learned from this that 'a highly reliable Aboriginal informant had died some two years past and that the majority of the Aborigines had moved out of the area to Yeppoon' (Hill 1982).

On the basis of these surveys and the information elicited during his time in the area, Hill (1982) could see no objections to the proposed development proceeding as planned.

From 27 January to 1 February 1994, Hatte undertook a further, albeit preliminary, cultural heritage survey work throughout the then Wolfgang mining leases. This survey also included the Cement Hill leases. Permit Number CC/27/EIS/01-94 was issued by the then Queensland Department of

Environment and Heritage to carry out the investigation. In addition to survey work, discussions were held with Aboriginal people representing the lease area to find out their concerns with regard the proposed development (Hatte 1994). The Wolfgang lease boundaries were the same as when Hill undertook the original surveys some 12 years prior.

Total coverage of the lease areas within the 'time available' was not considered to be possible and so a sampling strategy was designed on the basis of 'aerial photographs, topographic maps, the previously established archaeological record for similar environments and long term local knowledge' (Hatte 1994). On the basis of this four 'units' were identified for sampling; 'creek beds, banks and flats in black soil areas, along Gowrie, Apsley and Wolfgang Creeks...stony rises, ie. Prospect Hill and the low plateau behind Wolfgang homestead...former or presently cultivated land...[and] the Anakie Metamorphics on Wolfgang station and in the Forestry Reserve' (Hatte 1994). It was estimated that of these 15%, 100%, 10% and 20% were sampled respectively. In addition to these, foot surveys were undertaken in areas considered to have the potential to contain Aboriginal cultural heritage. These included ridges, eroded areas near creek banks and 'stands of sizable trees' (Hatte 1994).

These surveys found that the 'Aboriginal archaeological potential' of the study area was greater than had previously been assessed by Hill. With regard to this, it is important to note that in stark contrast to Hill's original surveys, the area of the leases had been in the grips of a prolonged drought at the time of these later surveys and as such much greater ground surface visibility was available (Hatte 1994).

A total of 14 areas containing Aboriginal cultural material were located. The identified Aboriginal cultural material consisted of ten scarred trees, one large stone artefact scatter and three isolated stone artefact findsites. All of these were found within the main Wolfgang mining leases, with the Cement Hill area being described as 'extensively and thoroughly disturbed and archaeologically sterile' (Hatte 1994). RTCA has agreed with advice from its archaeologist not to divulge the location of cultural heritage sites, hence no plan of these locations is included in this EIS.

Eight of the ten scarred trees were located within the creek units surveyed, seven in the floodplain area between Apsley and Wolfgang Creeks and the other on the banks of Gowrie Creek. The other two scarred trees were located on a small low plateau adjacent to the homestead (Hatte 1994). All of the scarred trees were found to be live coolibahs. The observed scars ranged from 70 by 20 cm in size to as large as 300 by 60 cm, although nine of the ten were in excess of 148 cm in length (Hatte 1994).

The large stone artefact scatter, was described as 'chert artefacts eroding out of subsurface gravel along gully and in sheet erosion' (Hatte 1994). This observation, in conjunction with the relatively large number of cores present and the unknown extent of any possible sub-surface material, led Hatte (1994) to suggest that 'this area may have been a local 'quarry' for stone material suitable for tools'. This scatter measured some 250 m by 30 m and was noted to contain 'possible intact working floors' and was considered by Hatte (1994) to be the largest recorded within the Clermont area. While the average stone artefact density was noted to be 1/10 m<sup>2</sup>, densities as high as 12/m<sup>2</sup> were found, presumably associated with these 'flaking floors' (Hatte 1994).

Of the three isolated stone artefact findsites, two of these were located on creek banks while the third was located on a flat hill behind the homestead (Hatte 1994). These consisted of flakes and a core, of which some were described as being made from the same chert noted at the artefact scatter (Hatte 1994).

A collection of artefacts held by the current property occupier was also viewed during the surveys. All of these were collected from a cultivated paddock flanked by Gowrie Creek and included five edge-ground axes (two with hafting waists present) and two grindstones (Hatte 1994).

Due primarily to the lack of research in the Clermont area and the subsequent paucity of known Aboriginal cultural places, the sites recorded during these surveys were 'thus assumed to be of local significance...and further study or protection *in situ* are therefore recommended should the proposal go ahead.' (Hatte 1994). Specific recommendations included a further survey of the then Peak Downs Highway diversion prior to construction to ensure that the known scarred trees were avoided, and to ensure that no unrecorded Aboriginal cultural heritage was to be impacted upon. With regard to the artefact scatter, Hatte (1994) recommended that further recording and salvage be undertaken prior to the development proceeding.

In relation to the Aboriginal consultation undertaken during the project, Hatte (1994) states that 'Several Aboriginal respondents have stated that Mrs Olive King is one of the people with traditional links with the Clermont areas, through her father Mr Syd King. For this reason it was also recommended that an anthropological / ethnohistorical study be undertaken to document her links to that country should the proposal go ahead'.

Reports outlining both of these previous cultural heritage investigations have been lodged and are held by the EPA, and all of the above-mentioned places containing Indigenous cultural heritage values are listed on the Aboriginal and Torres Strait Islander Database also maintained by the EPA.

### **8.1.2 Non-indigenous Cultural Heritage**

Hatte (1994) also considered non-indigenous cultural heritage in the assessment. The methodology involved site visits and assessment, dialogue with residents of the area, documentation of sites of significant cultural heritage and providing recommendations.

The area of the Clermont mining leases once supported a large grazing property known as Wolfgang station which was established in the mid 1800's. After the Second World War Wolfgang Station and a number of other large properties were acquired for sorghum growing by the Queensland British Food Corporation. This venture had failed by the early 1950s.

Three European features were identified within the area surveyed by Hatte (1994):

- the homestead complex of Wolfgang station;
- a dry stone enclosure / stockyard / cemetery; and
- a possible coach staging post.

The sites are all located in the north east corner of ML 1884. However, there are no sites within the Project area identified on the Register of the National Heritage, or on the Queensland Heritage Register. The local government heritage register is analogous with the Queensland Register.

#### **The Homestead Complex of Wolfgang Station**

The features of the homestead complex are located around the southern end of the low plateau in the north east of ML 1884. The current homestead, which is central to the complex, is located at 566 750 mE and 7 488 545 mN (AGD 84). All features of the complex are located within 400 m of the current homestead.

A number of structures and features that differ in age form the homestead complex. Some parts of the homestead complex are in disrepair and some of the buildings formerly within the complex have been dismantled or relocated to neighbouring properties, such as the shearing shed, an old shingle roofed homestead formerly joining the present homestead, a butcher's house and several workers' cottages. Features identified by Hatte (1994) were:

- the current homestead, a more recent structure incorporating aspects of an earlier homestead within sections of walls and ceilings, as well as a filled in cellar;
- a tennis court with brick and antbed foundation, surrounded by a galvanised iron retaining wall;
- a freestanding room formerly used as a bathroom, with pressed tin ceiling;
- a possible servants' quarters;
- a blacksmiths' shop;
- a house which may have been the book keeper's residence;
- a storage shed;
- a collapsed structure containing a possible baker's oven constructed of bricks;
- a fowl yard;
- foundations of a number of other buildings, including the shearing shed and quarters, and cottages;
- at least two waste dumps;

- an underground water collection and storage system, the remains of which are a large intact water cistern constructed of hand made bricks and ceramic pipes;
- old machinery and parts; and
- the remains of old gravel tracks between the different sections of the property.

### **Dry Stone Enclosure/ Stockyard/ Cemetery**

Hatte (1994) described the enclosure as a square shape constructed of basalt rocks with major sections of the enclosure collapsed. Hatte also described this enclosure as containing four identifiable graves. This feature is located on the eastern side of the low plateau north of the current Wolfgang homestead. The centre of the enclosure is located at 567 195 mE, 7 489 030 mN (AGD 84) and covers approximately 2 300 m<sup>2</sup>.

### **Possible Coach Staging Post**

Hatte (1994) described this feature to be the remains of a possible old coach route staging post, consisting of hand morticed fence posts, metal pieces such as hand shears, old glass pieces with several possible Aboriginal flakes (stone and glass) in a paddock nearby. The possible coach staging post is located near the dry stone enclosure. The approximate location of the possible coach staging post is 567 200 mE, 7 489 080 mN (AGD 84).

Hatte (1994) only identified the homestead complex as having possible local, regional or state cultural heritage significance. Hatte did not have sufficient background information relating to the homestead complex to make a definitive assessment of its cultural significance. Based on available background historic material and the results of a preliminary physical examination, Hatte (1994) concluded that it was possible that the features of the homestead complex may satisfy six of the eight criteria for significance at the local and state levels as listed in the *Queensland Heritage Act 1992*. However, Hatte (1994) also concluded that the significance of the homestead complex may be lessened by the fact that many of the original buildings had been demolished or relocated.

## **8.2 Aboriginal Cultural Heritage Consultation**

The Proponent has attended several meetings with some Aboriginal parties with whom they expect to continue further formal negotiations (see **Section 3.1.4**). This contact has focused on the general principles and approach that the Proponent intends to adopt in relation to this Project. The consultation has included discussions with the Gurang Land Council, the registered Native Title Representative Body for the area. The Gurang Land Council assisted a group of Aboriginal people to prepare and register a Native Title claim for the area. This claim was lodged on behalf of the Wangan and Jagalingou people and was recently registered by the National Native Title Tribunal (No. QC0416). The primary position of the Proponent is that despite the fact that some Aboriginal cultural heritage studies have been undertaken, the Proponent has formed the view that it does not intend to rely or act solely on the results of those studies. Instead, it is the Proponent's intention that with the direct involvement and full co-operation of the appropriate Aboriginal groups and individuals, the Proponent will move to compile a comprehensive schedule of the Aboriginal cultural heritage values of the study area and negotiate an agreed management strategy for those values.

In moving to compile the schedule and strategy, the Proponent recognises this Project will proceed under the provisions of the *Aboriginal Cultural Heritage Act 2003*. This will require the Proponent to meet a duty of care with respect to Aboriginal cultural heritage that will be satisfied by the development of a Cultural Heritage Management Plan (CHMP). This, in turn, will require the Proponent to enter into a comprehensive agreement with those Aboriginal groups and individuals who will be accorded status as endorsed Aboriginal parties. Such status will derive from responses received to the formal notification process that the Proponent will initiate in accordance with the *Aboriginal Cultural Heritage Act 2003*. The Proponent is taking steps so that the claim group are fully briefed prior to the cultural heritage notification being made, and understand that the need to make the necessary notifications is a statutory requirement. Additionally, the Proponent intends to ensure that those parties with whom it has entered into discussions to this point, also receive advice regarding the Project, whether required by the Act or not, so that they have a full appreciation of the Proponent's actions and can respond as they see appropriate.

The Proponent has formed a view that, while it recognises the need to comply with the provisions of the *Aboriginal Cultural Heritage Act 2003*, it considers that an effective relationship between itself and the endorsed Aboriginal parties will be enhanced by not limiting itself to the strict provisions of that Act. Consequently, while the provisions of the Act will be met, the Proponent intends to develop a formal agreement that meets both its needs and those of the endorsed Aboriginal parties as they are perceived by the parties to that agreement. The Proponent sees itself entering into an agreement that will see the endorsed Aboriginal parties as the principal consultants engaged to deliver the cultural heritage outcomes required for compliance with the provisions of the Act and the provisions of the agreement struck between the parties.

### **8.3 Potential Impacts and Mitigation Measures**

#### **8.3.1 Indigenous Cultural Heritage**

There are several instances of inconsistency between the grid references for sites in Hatte (1994) and the map of those sites presented in Hatte's report (1994). In addition, the small scale of the map provided means that the locations shown are accurate only to a distance of several hundred metres. However, the locations shown on the map do show good general agreement with descriptions of the locations in the report in terms of being in the appropriate position in the landscape.

The locations of the areas containing Aboriginal cultural material identified in Hatte (1994) are approximate only, but give a *prima facie* indication that the proposed Project will have impacts on Aboriginal cultural heritage. Sites identified by Hatte that may be affected include an artefact scatter, an isolated artefact and scarred trees.

It should be noted, however, that the Proponent is not intending simply to exclusively utilise the results of either Hill or Hatte's research as they are limited in various ways. Neither Hill nor Hatte's research nor methodologies are consistent with the provisions of the *Aboriginal Cultural Heritage Act 2003* or best practice. There was little or no Aboriginal participation in the field research nor involvement of Traditional Owners in formulating any of the resultant management recommendations. As a consequence, it is the Proponent's view that it would be culturally inappropriate to draw any conclusions or develop a management strategy based exclusively or even in large measure on the results of these previous studies. Moreover, because there was very limited involvement of Aboriginal people, let alone those who by tradition and custom would have custodial responsibilities and knowledge, the results do not reflect the full range of cultural heritage values that might exist in the study area. Related to this, Hill and Hatte also utilised a narrow range of cultural heritage values deriving from the limitations of the *Aboriginal Relics Preservation Act 1967* and the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*. As a consequence, there are potentially a wide range of cultural places and values that have not been considered. The Proponent will, as appropriate, integrate the results of Hatte and Hill's research into the larger picture of Aboriginal cultural heritage that will be constructed in partnership with Aboriginal Parties for the study area.

Thus, while it has been noted that the Project will have impacts on Aboriginal cultural heritage, it is not possible to provide a definitive model of those impacts at this stage.

The State implemented new cultural heritage legislation in April 2004, the *Aboriginal Cultural Heritage Act 2003*, that requires the Proponent to prepare a CHMP and meet duty of care standards set by the new legislation. In addition, the Proponent is aware that a new Native Title claim, that encompasses the Project area has been registered (National Native Title Tribunal file No. QC04/6). The Proponent commits to engaging with the endorsed Aboriginal parties to compile a comprehensive schedule of the cultural heritage places and values of the study area, and then to negotiating a strategy to manage those places and values in a culturally appropriate fashion in the context of the proposed development. Once this has been completed the Proponent commits to implementing the agreed strategy as described in the CHMP in full, and providing resources for this purpose.

### **8.3.2 Non-Indigenous Cultural Heritage**

The three European features identified by Hatte (1994) and described in **Section 8.1.2**, are not in the footprint of disturbance, according to the current mine plan. A lack of awareness leading to accidental damage could potentially affect the non-indigenous features identified by Hatte (1994).

In order to minimise the risk of accidental damage to these features, the following strategies will be implemented:

- incorporate cultural heritage awareness into worker induction sessions and training. This would include identifying non-indigenous cultural heritage features and explaining site history. This would institute awareness of the heritage features; and
- a procedure will be implemented whereby a permit must be obtained from the relevant site person(s) prior to undertaking any clearing or excavations.