

9| Cultural Heritage



9.0 Cultural heritage

9.1 Introduction and methodology

Indigenous and non-Indigenous cultural heritage in Queensland is protected and conserved using a framework which includes National, State and local government legislation, policies and guidelines. Significant Indigenous and historical cultural heritage values are known to exist throughout the proposed Gladstone port master planned area.

A number of previous heritage studies have been conducted in and around the proposed Gladstone port master planned area, and this document seeks to collate this information to create a consolidated list of known items, locations or areas of Indigenous and non-Indigenous cultural heritage significance through:

- a review and summary of existing reports and studies where available
- a Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) Register and Database Search to identify any recorded Aboriginal cultural heritage and the Native Title Party(s), Aboriginal Party(s) and/or Cultural Heritage Body(s) for the area
- a non-Indigenous cultural heritage register search including the Queensland Heritage Register, National Heritage List, Commonwealth Heritage list, National Shipwrecks Database, Register of the National Estate and local government area plans and heritage registers where available
- review of consultation processes undertaken during previous studies
- identification of any gaps within the above information
- identification of potential adverse impacts to heritage and preparation of corresponding mitigation or management measures
- recommendation for further research or monitoring as required to ensure legislative compliance.

This desktop, due diligence assessment is based on a review of pre-existing reports and data, and is therefore limited to what information is 'already known' about an area. There is still the potential for currently unknown heritage sites to exist that have not yet been investigated.

9.2 Legislative framework

9.2.1 Australian Government legislation

Australian Government legislation governing cultural heritage includes the:

- *Environment Protection and Biodiversity Conservation Act 1999*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Australian Heritage Council Act 2003*—the Act provides for the establishment of the Australian Heritage Council (AHC) which is the principal advisory group to the Australian Government on heritage issues. The AHC Act also provides for registration of places considered on national significant on the National and Commonwealth Heritage Registers and the Register of the National Estate (RNE) or the Australian Heritage Places Inventory (AHPI). Australian Government legislation for the protection of

Aboriginal cultural heritage only applies when state legislation provides insufficient protection or when an inconsistency arises

- *Historic Shipwrecks Act 1987*—the Act provides protection for all shipwrecks and associated artefacts more than 75 years old. The Department of Environment and Heritage Protection administers the *Historic Shipwrecks Act 1987*.

9.2.2 Queensland Government legislation

Aboriginal Cultural Heritage Act 2003

The principal legislation in Queensland with regard to Aboriginal cultural heritage is the *Aboriginal Cultural Heritage Act 2003* (ACH Act). The intent of the ACH Act is to effectively recognise and protect Aboriginal cultural heritage and to establish a process whereby this can be achieved. Aboriginal cultural heritage under the Act is defined as:

- a significant Aboriginal area or Aboriginal object in Queensland
- evidence of archaeological or historical significance of Aboriginal occupation of an area in Queensland.

The ACH Act places an onus on land uses or anyone whose activities might harm Aboriginal cultural heritage to take all reasonable and practical measures to avoid or minimise harm to Aboriginal cultural heritage by observing a ‘duty of care’. In the event that Aboriginal cultural heritage may be impacted through land use activities a program of mitigation and protection of surface and subsurface cultural heritage is to be undertaken through negotiation with the proponent and relevant Aboriginal party(s). Duty of care provisions apply to any activity where Aboriginal or Torres Strait Islander cultural heritage is located, including cultural heritage located on freehold land regardless of whether or not it has been registered or recorded in a database. The ACH Act also provides guidelines to assist a land user to identify reasonable and practical measures for managing activities in order to avoid or minimise harm to Aboriginal cultural heritage. The ‘Cultural Heritage Duty of Care Guidelines’ are framed around five categories of activities identified in the following table.

Table 35 Cultural Heritage Duty of Care Guidelines - categories

Category	Activity
Category 1	Category 1 relates to activities involving no surface disturbance. Such activities are generally unlikely to harm Aboriginal cultural heritage, meaning the proposed activity will comply with the duty of care guidelines. As a result, further cultural heritage assessment is not necessary.
Category 2	Category 2 applies to activities that will cause no additional surface disturbance and as such will not result in additional harm to Aboriginal cultural heritage.
Category 3	Category 3 applies to activities that are to occur in Developed Areas under the Guidelines. Activities that occur in these areas, and within existing development footprints, are generally unlikely to harm Aboriginal cultural heritage and may proceed without further cultural heritage assessment. Categories 3 of the Guidelines relate to the nature and extent of past uses

	in the area affected by the activity.
Category 4	<p>Category 4 applies to activities that occur in an area that has been subject to significant ground disturbance. In these circumstances it is generally unlikely that the activity will harm Aboriginal cultural heritage and therefore reasonable and practicable that the activity may proceed without further cultural heritage assessment. However, the Guidelines warn that in some cases, despite an area having been previously subject to significant ground disturbance, certain features of the area may have residual cultural heritage significance.</p> <p>Categories 4 of the Guidelines relate to the nature and extent of past uses in the area affected by the activity.</p>
Category 5	<p>Category 5 applies to an activity that causes additional surface disturbance or an activity in an area that does not fall within Categories 1-4. Where an activity is proposed under Category 5 there is generally a high risk that it could harm Aboriginal cultural heritage. In these circumstances, the activity should not proceed without cultural heritage assessment.</p> <p>It is generally necessary under category 5 to notify the appropriate Cultural Heritage Body or the Aboriginal parties for the area to seek advice in relation to cultural heritage values of the area.</p>

The Cultural Heritage Duty of Care guidelines detail circumstances whereby it may be necessary to notify the Aboriginal Party(s) and seek: (a) advice as to whether the feature constitutes Aboriginal cultural heritage and (b) if it does, agreement as to how best the activity may be managed to avoid or minimise harm to any Aboriginal cultural heritage. It is generally necessary under category 5 to notify the appropriate cultural heritage body or the Aboriginal Party(s) for the area to seek advice regarding cultural heritage values of the area. Under Part 5 of the ACH Act an Aboriginal cultural heritage database and Aboriginal cultural heritage register administered by the DATSIP has also been established for the collection and management of Aboriginal cultural heritage information.

Gidarjil Cultural Heritage Corporation is the registered cultural heritage body for the Port Curtis Coral Coast (PCCC) registered native title claim (representing the Bailia, Gooreng Gooreng, Gurang and Taribelang Bunda Traditional Owners) which applies to the proposed Gladstone port master planned area. Gidarjil Cultural Heritage Corporation has the responsibility of administering and managing all cultural heritage activities on behalf of PCCC. The area of the PCCC claim extends from the Burrum River in the south, north to Raglan Creek and Curtis Island and west towards Monto the Auburn Ranges. Land users wishing to undertake activities within the PCCC claim area are expected to abide by 'best practice' principles of cultural heritage management in the spirit of the ACH Act and should consult the Gidarjil Cultural Heritage Corporation's protocols for the management of Aboriginal Cultural Heritage (<http://www.gidarjil.com.au/what-we-do/cultural-heritage>).

There are eight registered Indigenous Land Use Agreements (ILUAs) between the PCCC and various proponents and one ILUA (area Agreement) with Gladstone Ports Corporation registered with the National Native Title Tribunal. An ILUA is a voluntary agreement between a native title group and others about the use of land and waters.

Queensland Heritage Act 1992

Cultural Heritage matters are covered in the *Queensland Heritage Act 1992* (QH Act) administered by the Department of Environment and Heritage Protection. The Act defines Cultural Heritage Significance as 'a place or a feature of a place which has aesthetic, architectural, historical, scientific, social or technological significance to the present, past or future generations'. The QH Act provides for the conservation of cultural heritage by protecting all places and areas entered into the Queensland Heritage Register (QHR).

Under Section 35(1) of the QH Act, a place may be entered in the QHR if it satisfies one or more of the following criteria:

- (a) If the place is important in demonstrating the evolution or pattern of Queensland history
- (b) If the place demonstrates rare, uncommon or endangered aspects of Queensland cultural heritage
- (c) If the place has potential to yield information that will contribute to an understanding of Queensland history
- (d) If the place is important in demonstrating the principal characteristics of a particular class of cultural places
- (e) If the place is important because of its aesthetic significance
- (f) If the place is important in demonstrating a high degree of creative or technical achievements at a particular period
- (g) If the place has a strong or special association with a particular community or cultural group or for social, cultural or spiritual reasons
- (h) If the place has a special association with the life or work of a particular person, group or organisation of importance in Queensland history.

The QH Act and subsequent amendments do not apply to the following Aboriginal Cultural Heritage:

- (i) A place that is of cultural significance solely through its association with Aboriginal tradition or Islander custom; or
- (j) A place situated on Aboriginal or Torres Strait Islander land unless the place is of cultural heritage significance because of its association with Aboriginal tradition or Islander custom and with European or other culture, in which case the Act applies to the place if the trustees of the land consent. (Section 61) (for example Aboriginal Missions).

The QH Act also regulates the discovery of historical archaeological artefacts and shipwrecks older than 75 years.

9.2.3 Local legislation

The proposed Gladstone port master planned area is located within the Gladstone Regional Council LGA, and is covered by the new Gladstone Planning Scheme 2015. In carrying out the change in planning schemes, Gladstone Regional Council instituted a new local heritage register which came into effect as of July 2013.

This local heritage register aims to maintain the significance of local places by:

- preventing the demolition or removal of local heritage places, unless there is no prudent and feasible alternative to the demolition or removal
- maintaining or encouraging, as far as practicable, the appropriate use of local heritage places
- protecting, as far as practicable, the materials and setting of local heritage places
- ensuring, as far as practicable, development on a local heritage place is compatible with the cultural heritage significance of the place.

9.3 Cultural heritage baseline study

The following section is not intended to be an exhaustive archaeological or historical review of the Gladstone region. Rather, the intent of this brief historical and archaeological overview is to provide a regional context for the Indigenous and non-Indigenous heritage sites within the proposed boundary for the Gladstone port master planned area. Further research and analysis of specific areas and sites may be required to address specific cultural heritage issues arising from future project activities.

9.3.1 World, Commonwealth and National Heritage

A search of the Australian Heritage Database has been carried out using the coordinates of the proposed boundary for the Gladstone Port master planned area.

This area encompasses the Great Barrier Reef World Heritage Area and Region but not the Great Barrier Reef Marine Park Area.

Table 36 below confirms that the Great Barrier Reef is the only heritage place of global or national significance that is located within the proposed boundary.

Table 36 National heritage places within the proposed Gladstone port master planned area

Site ID	Name	Location
World Heritage List		
105709	Great Barrier Reef	Cape York to Fraser Island (partially includes the proposed Gladstone Port master planned area)
National Heritage List		
105709	Great Barrier Reef	Cape York to Fraser Island (partially includes the proposed Gladstone Port master planned area)
Commonwealth Heritage List		
105573	Great Barrier Reef	Cape York to Fraser Island (partially includes the proposed Gladstone Port master planned area)

It has been well documented that the Great Barrier Reef World Heritage Area and Region is of great significance to the Port Curtis Coral Coast (PCCC) Native Title Group, and that marine resources such as turtle, dugong and numerous fish and shell species and their habitats play an important role in the social, cultural, spiritual and economic lives of the Aboriginal people of the area.

9.3.2 Aboriginal Cultural Heritage Database and Register

A search of the DATSIP Aboriginal and Torres Strait Islander Cultural Heritage Database and Register indicates that there is both a Cultural Heritage Body and Aboriginal Party within the proposed Gladstone port master planned area.

The Cultural Heritage body is the:

Gidarjil Cultural Heritage Corporation

The Aboriginal party is the:

Port Curtis Coral Coast Claim (QC01/29 –QUD6026/01)

The Port Curtis Coral Coast (PCCC) has been consulted during numerous studies carried out within the preliminary investigation area. However, most of this consultation has been conducted as part of the negotiation of project specific Cultural Heritage Management Plans (CHMPs), few of which are publically available for review.

As noted, there are a number of known sites in the Gladstone region, and there is strong potential for further Aboriginal cultural heritage places to exist, given the proximity to the river and wetlands. Even if all tangible evidence of past occupation (such as archaeological places and scarred trees) has been removed, intangible Aboriginal cultural values may persist.

9.3.3 DATSIP Database –Heritage Sites

The search of the DATSIP database indicated that there are 49 recorded Aboriginal cultural heritage sites within the proposed Gladstone port master planned area boundary. These sites represent a range of heritage site types including artefact scatters, shell middens, hearths, and scarred or carved trees.

Table 37 Recorded Aboriginal Cultural Heritage Sites on the DATSIP database located within the proposed Gladstone port master planned area

Site ID	Date Recorded	Site Type
JF:B64	12/05/1993	Shell Midden
JF:B65	12/05/1993	Shell Midden
JF:B66	12/05/1993	Shell Midden
JF:B67	26/08/1993	Artefact Scatter
JF:B68	12/08/1993	Shell Midden
JF:B69	12/08/1993	Scarred/Carved Tree
JF:C08	13/04/1993	Shell Midden
JF:C10	1/11/1979	Artefact Scatter, Shell Midden

Site ID	Date Recorded	Site Type
JF:C11	1/11/1979	Artefact Scatter, Shell Midden
JF:C13	1/11/1979	Artefact Scatter, Shell Midden
JF:C14	1/07/1978	Not Stated
JF:C15	1/08/1980	Not Stated
JF:A91	4/07/1989	Artefact Scatter
JF:A92	4/07/1989	Artefact Scatter
JF:C65	1/02/1999	Artefact Scatter
JF:C66	1/02/1999	Artefact Scatter
JF:C68	1/02/1999	Scarred/Carved Tree
JF:C70	1/03/1998	Cultural Site
JF:C71	1/03/1998	Artefact Scatter
JF:D10	1/01/1987	Artefact Scatter, Shell Midden
JF:D11	1/01/1987	Artefact Scatter, Shell Midden
JF:D12	1/01/1987	Artefact Scatter, Shell Midden
JF:D13	1/01/1987	Artefact Scatter, Shell Midden
JF:D14	1/01/1987	Artefact Scatter, Shell Midden
JF:D51	1/11/2001	Scarred/Carved Tree
JF:D72	6/05/2009	Artefact Scatter
JF:D73	6/05/2009	Artefact Scatter
JF:D74	16/07/2009	Artefact Scatter
JF:D75	16/07/2009	Artefact Scatter
JF:D76	16/07/2009	Artefact Scatter
JF:D77	16/07/2009	Artefact Scatter

Site ID	Date Recorded	Site Type
JF:D78	16/07/2009	Scarred/Carved Tree
JF:D79	16/07/2009	Shell Midden
JF:D80	16/07/2009	Artefact Scatter
JF:D81	16/07/2009	Shell Midden
JF:D82	16/07/2009	Artefact Scatter
JF:D83	16/07/2009	Shell Midden
JF:D84	16/07/2009	Artefact Scatter
JF:D85	16/07/2009	Artefact Scatter
JF:D86	16/07/2009	Artefact Scatter
JF:D87	16/07/2009	Artefact Scatter
JF:D88	16/07/2009	Artefact Scatter
JF:D89	16/07/2009	Artefact Scatter
JF:D90	16/07/2009	Artefact Scatter
JF:D91	16/07/2009	Artefact Scatter
JF:D92	16/07/2009	Artefact Scatter

Figure 29 shows the location of recorded Aboriginal cultural heritage sites within the proposed Gladstone port master planned area boundary.

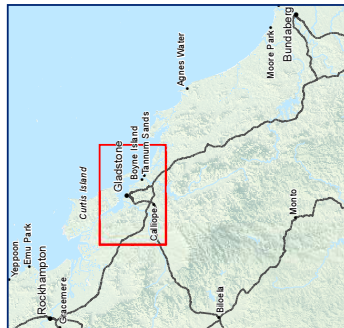
It should be noted that there is still potential for currently unknown sites to exist in the area, particularly in undisturbed contexts. Previous studies in the region suggest that archaeological sites are most likely to be found near waterways and coastal areas, and are most likely to be evidenced by collections of stone tools and discarded shells.

Figure 28

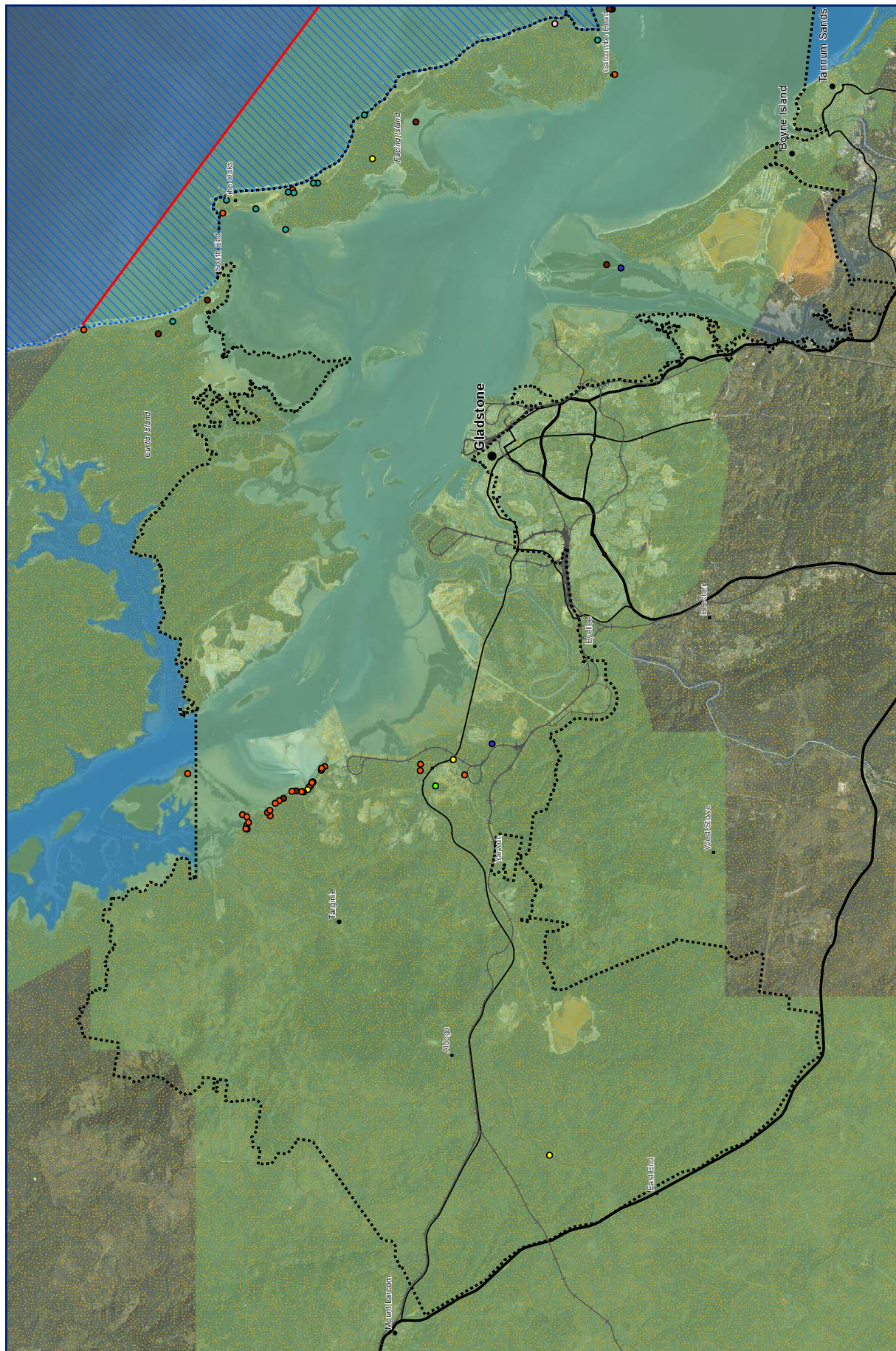
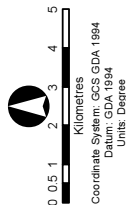
Indigenous heritage

Legend

- Cities
- Urban centres
- Local centres
- Localities
- Railway
- Highways
- Secondary Roads
- Port limits
- Proposed Gladstone port master planned area boundary
- Great Barrier Reef Marine Park
- Great Barrier Reef Coast Marine Park
- Indigenous land use agreement
- Native Title Determination Application
- Cultural Heritage
- Not described
- Artefact Scatter
- Artefact Scatter, Shell Midden
- Cultural Site
- Hearth Oven
- Scarred/Carved Tree
- Shell Midden



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9.3.4 State and Local Heritage Register

There are a total of three cultural places located either within or at the border of the proposed Gladstone port master planned area that are listed on the Queensland State Heritage Register (refer to Table 38 below and Figure 30).

Table 38 List of non-Indigenous cultural heritage places on the Queensland State Heritage Register

Site ID	Name	Location
601341	Friend Park and Graves (borders the proposed Gladstone Port master planned area boundary)	Friend Street, Barney Point
602711	Port Curtis Sailing Club House	1 Goondoon Street, Gladstone
601811	William Wyndhams gravesite & remnant orchard trees (borders the proposed Gladstone Port master planned area boundary)	Boyne Island

There are also seven sites on the Gladstone Regional Council Local Heritage Register that are either within or on the border of the proposed Gladstone port master planned area (refer to Table 39 and Figure 30).

Table 39 List of non-Indigenous cultural heritage places on the Gladstone Regional Council Local Heritage Register

Site ID	Name	Location
GRCLHL	Barney Point Beach (partially within the proposed Gladstone Port master planned area boundary)	Prince Regent Esplanade
GRCLHR	Euroa Homestead	1261 Gladstone – Mount Larcom Road
GRCLHL	Flinders Parade and Auckland Hill	Flinders Parade, Gladstone
GRCLHL	Mount Larcom Station Original Homestead Site	52780 Bruce Highway
GRCLHL	O'Connell Wharf	Flinders Parade, Gladstone
GRCLHL	Settlement Point	Facing Island
GRCLHL	Targinie Cemetery	433 Targinie Road, Targinie
GRCLHL	Victoria Park and Auckland Hill	Auckland Hill/ Flinders Parade

The proposed Gladstone port master planned area also contains seven places that are registered on the non-statutory DEHP Reported Places database which contains a list of places of potential heritage value reported to the department. There are no legislative requirements regarding places on this list although it does indicate places that may be of importance to the local community or have the potential for archaeological remains.

Consequently, such places should be taken into account in the context of a heritage assessment (refer to Table 40). Furthermore, there are other places not identified on statutory/non-statutory registers that hold particular significance within the local community due to natural values (e.g. Mt Larcom) or anthropological values (e.g. Targinnie for its Russian history).

Table 40 List of cultural heritage places on the DEHP Reported Places database

Site ID	Name	Location
24287	Midden	-23.82409; 151.14795
24456	Pyealy Creek yards	-23.85676; 151.17004
28363	Pilot station (former)	Facing Island
30269	Possible ship wreckage	Inter tidal zone approx. 400m north of surf club
30988	Mt Larcom Station Milking Yards	-23.87139; 151.03083
31311	Curtis Island Well	-23.78039; 151.22028
22476	Targinie	n/a

It should also be noted that while a number of heritage studies have been conducted within the Gladstone region, coverage of the area is by no means complete. There is the potential for additional places of heritage significance to exist across the area. Any such places are likely to be associated with early pastoral, mining, maritime or railway activities, and may include surface or subsurface archaeological deposits.

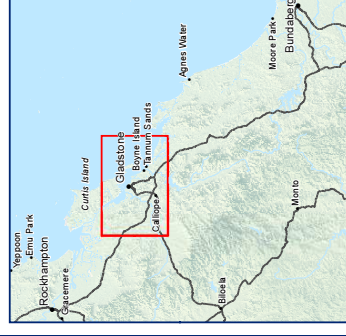
Archaeological remains with the potential to provide new information about Queensland's past are protected under the QH Act, and their discovery must be immediately reported to DEHP so that necessary assessments and management measures can be put into place. Failure to notify of an archaeological find or intentional damage to a find can attract penalties under the QH Act (Section 60, 89 and 90).

Figure 29

Non-Indigenous heritage

Legend

- Cities
- Urban centres
- Local centres
- Localities
- Railway
- Highway
- Secondary Roads
- Property boundaries
- Port limits
- Proposed Gladstone port master planned area
- boundary
- Registered Non-Indigenous Heritage
 - Barney Point Beach
 - Euroa Homestead
 - Flinders Parade and Auckland Hill
 - Flinders Park and Graves
 - Mount Lacom Station (Ruins)
 - Settlement Point
 - Targinie Cemetery
 - Victoria Park, Flinders Parade, Auckland
 - O'Connell Wharf
 - Port Curtis Sailing Club House
 - William Wyndams grave site and orchard remnant

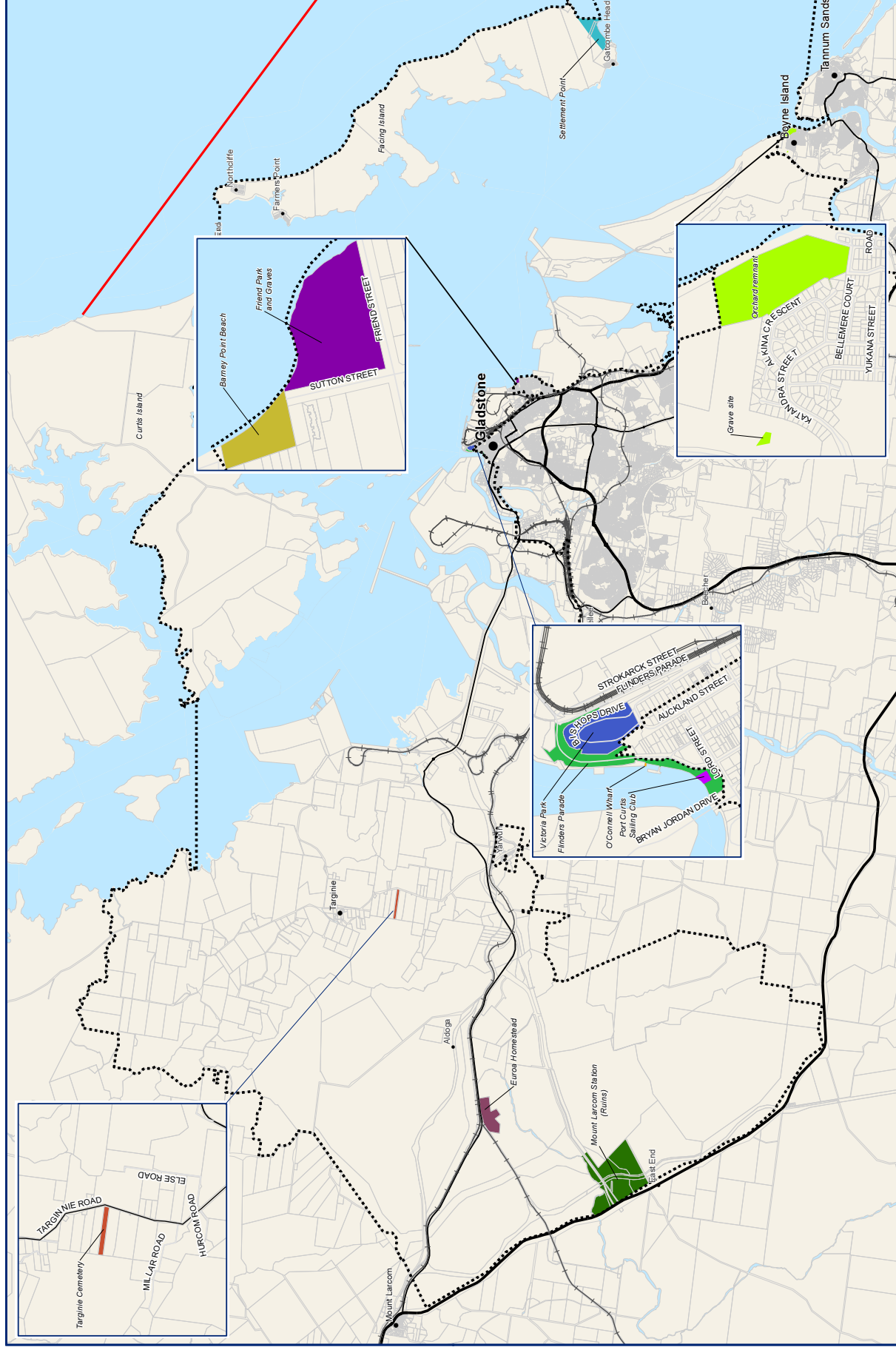


10 November 2015



0 0.5 1 2 3 4 5
Kilometres

Coordinate System: GCS GDA 1984
Datum: GDA 1984
Units: Degree



9.4 Conclusions

This section has identified the listed Indigenous and non-Indigenous cultural heritage sites located within the proposed Gladstone port master planned area. All potential impacts on the sites identified in Figure 29 and Figure 30 need to be recognised, considered and appropriately managed. Land use planning for the port will need to provide suitable protection for these sites through the inclusion of development controls to ensure heritage protection. It is noted that there are several sites located immediately adjacent to the proposed boundary of the master planned area. Whilst these sites fall outside of the defined boundary, future development will need to take into account the potential impacts that they may have on the values of the adjoining heritage sites.

In summary, the following listed sites of cultural heritage significance have been identified either within or immediately adjacent to the proposed Gladstone Port master planned area boundary:

- World, Commonwealth and National Heritage
 - Great Barrier Reef World Heritage Area
- Aboriginal Cultural Heritage
 - 49 recorded Aboriginal cultural heritage sites within the proposed Gladstone port master planned area boundary including shell middens, scarred/carved trees and artefact scatters
- Non-Indigenous cultural heritage places on the Queensland State Heritage Register
 - Port Curtis Sailing Club House
 - Sites immediately adjacent to the proposed Gladstone port master planned area boundary: William Wyndhams gravesite and remnant orchard trees & Friends Park and Graves
- Non-Indigenous cultural heritage places on the Gladstone Regional Council Local Heritage Register
 - Flinders Parade and Auckland Hill
 - Victoria Park and Auckland Hill
 - O'Connell Wharf, Flinders Parade
 - Settlement Point, Facing Island
 - Sites immediately adjacent to the proposed Port master planned area boundary: Barney Point Beach, Targinie Cemetery
- Non-statutory DEHP Reported Places database
 - Seven sites identified within the proposed Gladstone port master planned area that have been reported to DEHP as having potential heritage value.