

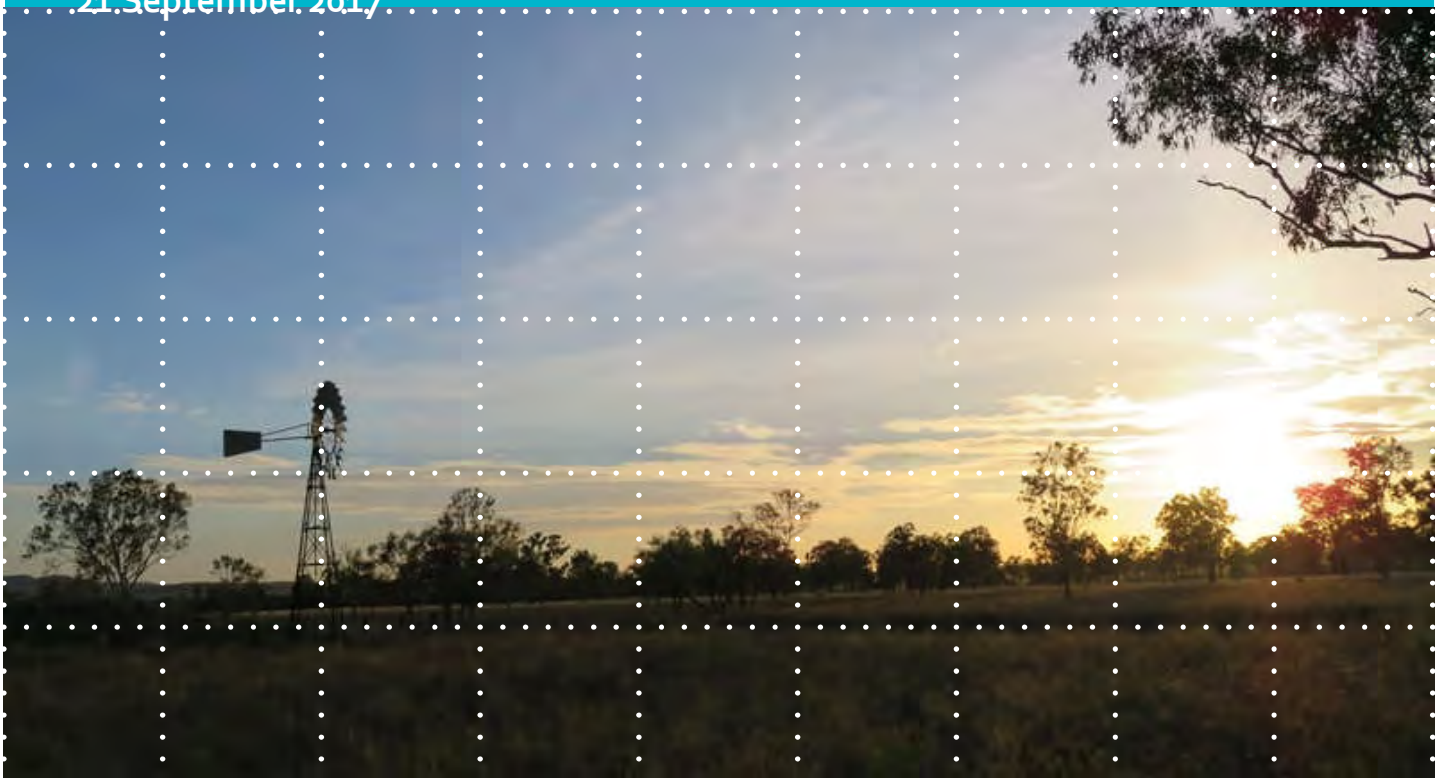
Final Report

# Desktop Heritage Assessment carried out under the 'Duty of Care Guidelines': for the proposed Solar Farm at Albinia, Rolleston, Queensland

Prepared for:

RES Australia Pty Ltd

21 September 2017



Ecology and Heritage Partners Pty Ltd

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## ACKNOWLEDGEMENTS

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- Rebecca Meek (RES) for project information and technical review;
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- Landholder for property information; and
- Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) for access to the Aboriginal Cultural Heritage Register and Aboriginal Cultural Heritage Database.

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## EXECUTIVE SUMMARY

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### Introduction

Ecology and Heritage Partners was engaged by i3 consulting Pty Ltd on behalf of RES Australia Pty Ltd (RES) to prepare this Heritage Assessment for a proposed Solar Farm within a property situated at Albinia, Rolleston, Queensland (Central Highlands Regional Council), hereafter referred to as the 'study area'.

The purpose of the assessment was to conduct a desktop Due Diligence Assessment under the 'Duty of Care Guidelines' (*Aboriginal Cultural Heritage Act 2003*) to identify Aboriginal cultural heritage values that may be present within the study area. Information gathered throughout the assessment was used to determine potential legislative implications (associated with Aboriginal cultural heritage values) for the proposed development works.

### Aboriginal Cultural Heritage Act 2003 (QLD)

#### Implications for the project

With regard to Aboriginal archaeological heritage, the assessment indicates that a Cultural Heritage Management Plan (CHMP) is not required under the *Aboriginal Cultural Heritage Act 2003* ('the Act') as an Environmental Impact Statement will not be conducted.

### Aboriginal Cultural Heritage Act 2003 – Duty of Care Guidelines

The Duty of Care Guidelines state that the Act requires that a proponent must exercise due diligence and reasonable precaution prior to undertaking an activity which may cause harm to Aboriginal cultural heritage. In exercising due diligence or complying with the cultural heritage 'Duty of Care Guidelines' the following may be considered:

- The nature of the activity, and the likelihood of its causing harm to Aboriginal cultural heritage;
- The nature of the Aboriginal cultural heritage likely to be harmed by the activity;
- The extent to which the person consulted with Aboriginal parties about the carrying out of the activity, and the results of the consultation;
- Whether the proponent carried out a study or survey, of any type, of the area affected by the activity to find out the location and extent of the Aboriginal cultural heritage, and the extent of the study or survey;
- Whether the proponent searched the database and register for information about the area affected by the activity;
- The extent to which the proponent complied with the Duty of Care Guidelines; and
- The nature and extent of past uses in the area affected by the activity.

This Heritage Due Diligence Assessment has ascertained that portions of the study area have been subject to historical native vegetation clearing in order to improve pasture (Plate 1 and Figure 2). This clearing would

have involved the removal of native vegetation by disturbing root systems situated beneath the ground surface and exposing underlying soils. This type of vegetation removal is considered to be in line with current descriptions of significant ground disturbance as defined under the Duty of Care Guidelines.

The Duty of Care Guidelines defines Significant Ground Disturbance as:

*“disturbance by machinery of the topsoil or surface rock layer of the ground, such as by ploughing, drilling or dredging; the removal of native vegetation by disturbing root systems and exposing underlying soil”.*

Given the above, it is assessed that the portions of the study area subject to historical native vegetation clearing (Plate 1 and Figure 2) and any proposed activities within these locations would comprise a Category 4 activity under Section 5.0 of the Duty of Care Guidelines: *5.0 The nature and extent of past uses in the area affected by the activity – Section 23(2)(g).*

Section 5.4 of the Duty of Care Guidelines specifies the following:

*Where an activity is proposed in an area which has been previously subject to Significant Ground Disturbance it is generally unlikely that the activity will harm Aboriginal cultural heritage and the activity will comply with these guidelines.*

Section 5.5 also states:

*In these circumstances, subject to the measures set out in paragraphs 5.6 – 5.12, it is reasonable and practicable that the activity proceeds without further cultural heritage assessment.*

However, Aboriginal cultural heritage is situated within 2 km of the study area’s boundaries as identified via searching the DATSIP Aboriginal Cultural Heritage Register (Figure 3). This recorded Aboriginal cultural heritage relates to a landscape feature or traditional pathway, a contact site, an artefact scatter and a quarry. Given that previously recorded Aboriginal cultural heritage is situated within proximity to the study areas boundaries; there is potential for additional as yet unrecorded Aboriginal cultural heritage to be situated within the study area. The study area is also traversed by a minor tributary/waterway (Figure 2) and land within close proximity to tributaries and waterways has a higher potential to contain Aboriginal cultural heritage.

As the proposed activity will cause additional surface disturbance and may impact on as yet unidentified Aboriginal cultural heritage, regardless of the Category 4 rating as described above, the entire study area and proposed activity should be considered as comprising a Category 5 activity under Section 5.0 of the Duty of Care Guidelines: *5.0 The nature and extent of past uses in the area affected by the activity – Section 23(2)(g)* until further assessment involving visual inspection of the study area occurs.

Section 5.13 and 5.14 of the Duty of Care Guidelines specifies the following:

*5.13 - A category 5 activity is any activity, or activity in an area, that does not fall within category 1, 2, 3 or 4.*

*5.14 – 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. Cultural heritage assessment should involve consideration of the matters a Court may consider under section 23(2) of the Act, set out in paragraph 1.12 of the Preamble to these guidelines.*

Given the above assessment the following recommendations are provided to minimise or avoid harm to unknown Aboriginal cultural heritage within the study area:

- Further cultural heritage assessment of the study area, involving a site inspection or archaeological survey, is undertaken in conjunction with the local relevant Aboriginal communities prior to the activity commencing;
- Formal consultation with the local relevant Aboriginal communities (in this instance the Karingbal People and the Bidjara People) is undertaken so that their views on managing the proposed activity and any Aboriginal cultural heritage which may be situated within the study area are recognised and incorporated into any further assessments or agreements;
- A Cultural Heritage Management Agreement (CHMA) may be undertaken to minimise or avoid harm to Aboriginal cultural heritage which may be impacted by the proposed activity. A CHMA is best described as a legal agreement with the local Aboriginal communities. The CHMA allows for the management of Aboriginal cultural heritage material before, during and after the proposed development.

## **Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)**

### **Implications for the project**

There are no sites listed on the NHL or CHL within the study area. Therefore there are no implications for the project under this Act.

## **Central Highlands Regional Council Planning Scheme (2016)**

### **Implications for the project**

There are no implications for the project under the Central Highlands Regional Council Planning Scheme (2016).

## **Recommendations**

Given the above assessment the following recommendations are provided to minimise or avoid harm to known and unknown Aboriginal cultural heritage within the study area:

- Further cultural heritage assessment of the study area, involving a site inspection or archaeological survey, is undertaken in conjunction with the local relevant Aboriginal communities prior to the activity commencing;
- Formal consultation with the local relevant Aboriginal communities (in this instance the Karingbal People and the Bidjara People) is undertaken so that their views on managing the proposed activity and any Aboriginal cultural heritage which may be situated within the study area are recognised and incorporated into any further assessments or agreements;

- A Cultural Heritage Management Agreement (CHMA) may be undertaken to minimise or avoid harm to Aboriginal cultural heritage which may be impacted by the proposed activity. A CHMA is best described as a legal agreement with the local Aboriginal communities. The CHMA allows for the management of Aboriginal cultural heritage material before, during and after the proposed development.

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# 1 INTRODUCTION

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## 1.1 Preamble

Ecology and Heritage Partners was engaged by i3 consulting Pty Ltd on behalf of RES Australia Pty Ltd (RES) to prepare this Heritage Assessment for a proposed Solar Farm within a property situated at Albinia, Rolleston, Queensland (Central Highlands Regional Council), hereafter referred to as the 'study area'.

The purpose of the assessment was to conduct a desktop Due Diligence Assessment under the 'Duty of Care Guidelines' (*Aboriginal Cultural Heritage Act 2003*) to identify Aboriginal cultural heritage values that may be present within the study area. Information gathered throughout the assessment was used to determine potential legislative implications (associated with Aboriginal cultural heritage values) for the proposed development works.

## 1.2 The Study Area

The study area is described as rural land approximately 16 kilometres north-west of Rolleston in central Queensland (Figure 1 and 2). The study area is located within the Central Highlands Regional Council (CHRC) area and is described as a portion of Lot 1 on SP187945 and Lot 1 on SP187944. The study area is located within the Brigalow Belt North Bioregion and the Basalt Downs subregion (11.10).

The study area is approximately 936 hectares in size and is bordered by the Dawson Highway to the south, the Rolleston Branch Rail Line to the west, the balance of Lot 1 on SP187945 to the north and the balance of Lot 1 on SP187944 to the east. The study area contains a large area of grassland and some areas of mapped remnant vegetation along a mapped watercourse and an area of mapped natural grassland community. Albinia National Park occurs immediately to the south across the Dawson Highway.

## 1.3 The Activity

The proposed development of the study area is for a utility-scale solar farm consisting of photovoltaic (PV) panels arranged in rows along with necessary supporting infrastructure. The project design is for a 90 MW tracker mounted array with associated infrastructure including construction compound, battery storage area, substation, inverter units and temporary laydown area. Due to the extent of natural grasslands within the study area, the proposed development area has been reduced to an area in the south-eastern corner (the proposed development area). Figure 2 provides an indicative layout for the solar farm and associated infrastructure.

## 1.4 Details of Authors

### 1.4.1 Ecology and Heritage Partners Pty Ltd Cultural Heritage Division

Ecology and Heritage Partners is a professional cultural heritage and ecological consultancy providing high quality technical services in the field of Aboriginal and historical cultural heritage assessment, Cultural

Heritage Management Plans (CHMPs), ecological assessment, research and management. The business provides effective and innovative cultural and natural heritage advice to a range of state and local government authorities/agencies, corporate and private clients.

Ecology and Heritage Partners has an established heritage team led by Oona Nicolson (Director and Principal Heritage Advisor). All of the team are qualified Heritage Advisors, specialising in Australian archaeology (including Aboriginal, Historical and Maritime).

#### **1.4.2 Authors**

The Heritage Advisor of this Heritage Assessment is Stacey Kennedy. The authors of this report are Stacey Kennedy and Joseph Page. The quality assurance review was undertaken by Oona Nicolson (Director/Principal Heritage Advisor). Mapping was provided by Monique Elsley (GIS Coordinator) and Louisa Roy (GIS Officer).

Details of the project team are provided in Appendix 1.

### **1.5 Heritage Legislation**

The assessment conforms to the requirements of the *Queensland Aboriginal Cultural Heritage Act 2003*, *Queensland Heritage Act 1992*, the *Queensland Heritage and Other Legislation Amendment Act 2003*, and the *Sustainable Planning Act 2009*. This legislation is subordinate to the *Coroners Act 2003* in relation to the discovery of human remains.

The assessment has been prepared with reference to the following guidelines:

- The *Aboriginal Cultural Heritage Act Cultural Heritage Management Plan Guidelines* (DATSMA 2005); and
- *Aboriginal Cultural Heritage Act 2003 Duty of Care Guidelines* (DATSMA 2004).

## 2 PROJECT METHODS

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### 2.1 Scope of Works

The following tasks were undertaken as part of the Heritage Assessment:

1. A desktop study providing a review of all relevant cultural heritage databases and literature was undertaken and examined the following:
  - o Central Highlands Regional Council Planning Scheme (2016) and overlay maps and policies;
  - o EPBC Act Protected Matters Search Tool (Department of the Environment and Energy (DoEE) 2017), The National Heritage List (NHL) and Commonwealth Heritage List (CHL), as well as the Register of the National Estate (RNE) via the Australian Heritage Database;
  - o National Native Title tribunal (NNTT) database of Native Title Claims and Determinations, and Indigenous Land Use Agreements (ILUA);
  - o Heritage Registers, including the Queensland Heritage Register (QHR; Department of Environment and Heritage Protection (DEHP) 2015), and the Aboriginal Heritage Register;
  - o Any historical mapping available;
  - o Topographic maps and aerial photographs; and
  - o Other relevant earlier studies for the study area and surrounds.
2. Provide a brief review of land use for the study area;
3. Provide information in relation to any implications of Commonwealth and State environmental legislation and Government policy associated with the proposed development;
4. Discuss any opportunities and constraints associated with the study area; and
5. Presentation of the results in this Heritage Assessment report.

### 2.2 Limitations

The cultural heritage information used to inform this Heritage Assessment is limited to that obtained through desktop assessment.

This report is an opportunity to provide a context for understanding the study area and to identify potential areas that may contain Aboriginal or historical sites in order to determine the relevant legislative implications for the proposed activity (refer Section 6). Aboriginal cultural heritage may occur anywhere in the landscape and it is important to note that the assessment of likelihood is based on the balance of probability; it is our opinion based on an assessment of landforms and the extent of previous ground disturbance, compared to the general archaeological character of the region. It is not a categorical statement that Aboriginal cultural heritage will or will not be present.

## 3 ENVIRONMENTAL CONTEXT

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### 3.1 Bioregion

The study area is situated within the Brigalow Belt North Bioregion and the Basalt Downs subregion.

The Brigalow Belt North bioregion is situated within southern Queensland. Overall it covers an area of approximately 59,824 km<sup>2</sup>. The landscape predominately comprises undulating to rugged ranges and alluvial plains. Vegetation is primarily acacia open forests and eucalypt woodlands. The main rural land use is beef cattle grazing on pastoral leases; however, coal mining is a major regional economic driver (Rangelands 2008).

### 3.2 Geology, Geomorphology and Soils

The Brigalow Belt bioregion is divided into northern and southern sections by the dissected sandstone plateau situated within the Central Highlands. The highlands are dominated by sandstones deposited within the Great Artesian Basin during the Mesozoic which were subsequently buried by lava flows during the Minerva Hills volcanics period, particularly near the Springsure-Emerald area (situated north of Rolleston). Deep weathering, erosion and dissection have resulted in a broken canyon type landscape. Basalt remnants are found on ridge crests and sometimes as isolated outcrops (Monroe NA). The underlying geology and landscape has formed very variable soils and vegetation types dependant on the local rock type or sediment source (OEH 2016).

The bedrock of the bioregion comprises horizontally bedded Jurassic and Triassic quartz sandstone and shale with smaller limited portions of conglomerate or basalts. Sandstone present at the heads of streams often form a low but rugged topography of cliffs and small plateaus. Streams within the bioregion follow the direction of major joint planes within narrow sandstone gorges and deposit colluvial fans of gravels and coarse sands within wider valleys (OEH 2016).

Soils throughout the bioregion vary across topography. The sandstone ridge tops are characterised by thin, discontinuous soils with stony, sandy profiles and a low nutrient status. Further downslope, texture contrast soils (sharp increase in texture, increase in clay content and on passing from surface layers to subsoil layers) are common and within the valley floors sediments are characterised by deep sands with yellow earthy profiles, grey clays and more texture contrast soils with greater concentrations of soluble salts. In areas dominated by basalts the hill tops display stony, red or brown, well-structured clays with high nutrient values. Thicker, but similar soils are found on the slopes and valley floors (OEH 2016).

### 3.3 Vegetation

The study area is characterised by a modified landscape with large areas cleared for grazing land with several large areas of remnant vegetation present. A detailed analysis of the vegetation types present within the study area has been provided within a separate report which provides an Ecological Assessment of the study area (Ecology & Heritage Partners May 2017).

## 4 ABORIGINAL CONTEXT

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The section reviews the Aboriginal context of the study area and includes an examination of historical and ethnohistorical sources, previously recorded Aboriginal archaeological site types and locations in the region of the study area, and previous archaeological studies undertaken in the area. Together, these sources of information can be used to formulate a predictive statement concerning what types of sites are most likely to occur in the study area, and where these are most likely to occur.

### 4.1 Ethnohistory

The study area is situated within the greater ‘Darling Downs’ region. A large number of ethno historical accounts detailing encounters between early explorers/settlers and Aboriginal people exist for the Darling Downs region. These accounts, along with supporting archaeological evidence, indicate that the Darling Downs region was widely utilised by Aboriginal people over a long period of time.

The Darling Downs area was inhabited by various clans of the *Wakka Wakka* language speakers: the *Keinjan* around Warwick, the *Giabal* around Toowoomba, the *Barunggam* to the west of Dalby and the *Jarowair* around the Bunya mountains. The *Bigambal* and *Kambuwal* of the *Kamilaroi* speakers were situated to the south and west and to the east were the *Jagara* of the *Turubul* speakers. Aboriginal people of the Darling Downs were also known as the *Gormaingguru* ‘men of the Condamine’ or *Gooneburra* ‘fire blacks’ due to their habit of firing the grasslands (Queensland Art Gallery NA).

Alan Cunningham was associated with several exploring expeditions around the Morton Bay region during the 1820’s and it was during this time that he discovered the Darling Downs region and realised its potential for pastoral purposes. He is also believed to be one of the first Europeans to provide first-hand written accounts of Aboriginal people from the area. While situated near Swan Creek (10 km east of Warwick) he recorded the following:

*“Although very recent traces of natives were remarked in different parts of the vale in which we remained encamped about a week, only a solitary aborigine (a man of ordinary stature) was seen, who, in wandering forth from his retreat in quest of food, chanced to pass the tents. Immediately, however, on an attempt made by my people to approach him, he retired in great alarm to the adjacent brushes at the foot of the boundary hills, and instantly disappeared.”* (Coffey Environments 2012: 23-10).

Ludwig Leichardt also noted the activities of the local Aboriginal people during his expeditions:

*“The natives seemed to have burned the grass systematically along every watercourse, and round every waterhole, in order to have them surrounded by young grass as soon as the rain sets in...It is no doubt connected with a systematic management of their runs, to attract game to particular spots, in the same way stockholders burn parts of theirs in proper seasons”* (Johnston 1988: 5).

Leichardt also provided descriptions on the type of resources consumed by Aboriginal people of the Darling Downs area whilst visiting camps near the Comet River area (near Emerald) and at the Lynd in Carpentaria:

*“When we rode up to the camp, and found their dinner ready, consisting of two eggs of brush turkey, roasted opossums, bandicoots, and iguanas. In their “dillis”, (small baskets) were several roots or tubers of an oblong form, about an inch in length, and half an inch broad, of a sweet taste, and of an agreeable flavour, even when uncooked; there were also balls of pipe-clay to ornament their persons for corroborris” (Johnston 1988: 6-7).*

Following on from the initial exploration expeditions into the Darling Downs region, pastoral expansion began in earnest from the 1840’s onwards. This expansion inevitably created conflict between European settlers/squatters and the Aboriginal people of the area as access to important food and ceremonial resources became restricted. As traditional resources become restricted Aboriginal people began to raid the livestock of the squatters and the squatters had very little tolerance toward this behaviour. This led too intermittent conflicts and in some cases across the Burnett, Auburn, Condamine, Dawson and Maranoa river districts, open warfare (Converge 2008: 16-18).

This frontier violence led to the formation of the Native Mounted Police in 1848. This involved Aboriginal troopers, under the command of white leaders, moving around new settlements to punish Aboriginal people who were involved in violence (either to life or property). The force was seen as having a reputation of undue brutality and violence. Many complaints were made about the inefficiency of the force and these inefficiencies were further highlighted through the occurrence of massacres. One such massacre occurred on the Hornet Bank station in the Dawson River district where a party of armed warriors killed eleven Europeans. This event led to many other instances of intermittent violence in the region (Converge 2008: 18; Johnston 1988: 76-77).

### **Previous Aboriginal Archaeological Investigations**

No previous Aboriginal archaeological investigations are readily available in regards to the study area; however, two regional studies have been completed within the wider area which provides information on the general character of Aboriginal sites located within the same bioregion as the study area.

A study of excavations undertaken at Mt Moffat Station (approximately 100 km south west of the study area) indicate that the Darling Downs region has been utilised by Aboriginal people for approximately 22, 000 BP. Physical evidence of this occupation was found in the form of stone artefacts (Coffey Environments 2012: 23-6)./

Ceremonial sites are also known to occur within the greater study area bioregion. The *Gummingurru* Aboriginal stone arrangement lies north of Toowoomba close to the township of Meringandan on the Darling Downs (inland southern QLD), approximately 564 km south-east of the study area. The area is home of the *Jarowair* Aboriginal people one of many Aboriginal groups associated with the Bunya Mountains (or *Boobarran Ngummin*). The site is one of a series of ceremonial and other associated places in the cultural landscape that is the social catchment of the Bunya Mountains. Other places include Maidenwell Rock Shelter (Morwood 1986), Gatton Rock Art site (Morwood 1986, 1992), and the Kogan stone arrangement (Bartholomai and Breeden 1961) and various other Dreaming tracks, increase sites, pathways, burials, ochre and stone quarries, art sites and occupation sites (Rowlings-Jensen 2004; Thompson 2004).

Prior to European settlement of the area in 1877, Aboriginal people travelling to the Bunya Mountains from the areas subsequently named Moreton Bay, the Gold Coast, the Brisbane and Lockyer valleys and the

Darling Downs would have come to the *Gummingurru* stone arrangement to participate in initiation ceremonies to ensure that young men were able to take part in the major social activities that were associated with the Bunya feasts (Ross 2008).

## 4.2 Register Searches

### 4.2.1 Lot on Plan Search (DATSIP)

A search of DATSIP was conducted on 1 August 2017 for sites within the study area. Searching this area ensured that a relevant and representative sample of information was obtained. Three Aboriginal cultural heritage site polygons have been recorded within 2 km of the study area's boundaries and information on these sites is provided in Table 1 below.

**Table 1** - Information on previously recorded sites situated within 1 km of the study area

Site ID	Record date	Attribute
GE00000600	Dec 1, 2013	Landscape Feature
GE: C55	1997	Contact site (Bidjara People & Karingbal People #2)
GE: C99	2002	Artefact scatter and Quarry(s) (Bidjara People & Karingbal People #2)

The Aboriginal cultural heritage sites are characterised as a landscape feature or traditional pathway, a contact site, artefact scatter and quarry. Further information regarding these sites is unavailable without consultation with the relevant Aboriginal communities, as identified below.

According to the Lot on Plan search provided by DATSIP, the cultural heritage parties relevant to the study area are the Karingbal Traditional People Aboriginal Corporation (Karingbal People) and the Bidjara People. The search also specified that there is no cultural heritage body, recorded for the study area.

There is no Designated Landscape Areas (DLA), or registered Study Cultural Heritage Areas recorded within the study area. A number of Cultural Heritage Management Plans have been recorded and approved near the study area, and information on these can be found in Table 3 below.

**Table 3** - Information on CHMPs completed for the area

CHL #	Sponsor	Party	Approval date
CLH000830	Origin Energy Limited	Not provided	Not provided
CLH000690	Santos Ltd	Karingbal (QC06/19) & Karingbal #2 (QC06/09)	May 6, 2009



#### **4.2.2 National Native Title tribunal (NNTT) database of Native Title Claims and Determinations, and Indigenous Land Use Agreements (ILUA)**

Three Native title claims have been made on the area. Application (QUD216/2008) was made by the Bidjara People in 2008, whilst the Karingbal People made applications (QUD23/2006 and QUD310/2012) in 2006 and 2012. All of these applications were subsequently dismissed. As the activity area comprises privately owned land, any Native Title relating to the activity area has been extinguished (see Appendix 2 for a summary of the Commonwealth *Native Title Act 1993*).

#### **4.2.3 Local Council**

The study area is located within the Central Highlands Regional Council and is governed by the Central Highlands Regional Council Planning Scheme (2016). Planning schemes set out policies and provisions for the use, development and protection of land.

The Heritage Overlay of the Central Highlands Regional Council Planning Scheme (2016) was examined. No Aboriginal heritage places listed on the Heritage Overlay are present within the study area.

#### **4.2.4 Consultation**

Section 1.16 of the Duty of Care Guidelines states: the Act expressly recognises that the views of the relevant Aboriginal party for a study area is key in assessing and managing an activity which is likely to impact on Aboriginal cultural heritage.

This assessment of the study area comprises desktop based preliminary due diligence in order to understand what obligations the proponent may have under the Duty of Care Guidelines and *Aboriginal Cultural Heritage Act 2003*. As this assessment was preliminary in nature, rather than a formal survey or investigation, consultation with the relevant Aboriginal party (being the Karingbal People and the Bidjara People) has not been undertaken at this stage.

If this preliminary assessment identifies Aboriginal cultural heritage or landforms considered to have the potential to contain Aboriginal cultural heritage within the study area further formal investigation including consultation with the Aboriginal Party for the area (the Karingbal People and the Bidjara People) must be undertaken prior to the proposed activity being undertaken.

## 5 HISTORICAL CONTEXT

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The section reviews the historical (non-Aboriginal) context of the study area and includes an examination of historical sources, previously recorded heritage places and historical archaeological site types and locations in the bioregion of the study area.

### 5.1 Historical Background

#### *Exploration*

It was during 1844-45 that the first Europeans passed through the study area region. The German born explorer Ludwig Leichardt and his party travelled near the Suttor River west of the Belyando River (to the north of the study area) during March 1845. Leichardt gave favourable impressions of the region which encouraged the Crown to open up the land to new settlers. Prior to the 1860's acquisition of land throughout inland central Queensland could be described as a "free-for-all" (Murray 1996: 15). Although land was acquired during this period it was not often used or developed and legislative changes imposed a policy of "use-it-or-lose-it" which required settlers to occupy and develop their land (Murray 1996: 16).

#### *Early Settlement and Pastoralism*

The most obvious way to establish economic bases across the vast tracts of land within Queensland was to establish pastoral operations (running sheep or cattle). It was during the mid-nineteenth century that squatters surged into the area with their flocks and herds, in order to take up large runs usually at least 250 square kilometres in size. Although land was taken up, it was not often improved upon. This led to many towns-people, after the initial pioneering occupation had occurred, to advocate that the squatters should be replaced by farmers who would improve the land and engage in intensive rural activities on smaller land holdings (Johnston 1988: 173).

Many problems plagued the early squatters of the region and were often the result of the large distances from the markets, low sale prices, shortages in labour, difficulties in obtaining supplies as well as having to adjust to a new and foreign environment. The shortage in labour was attributed to the low number of people residing in Queensland generally, which also tended to increase wages and sense of independence of workers. Attempts were made with legislation, in regards to the duties of masters and servants, in a bid to have workers more subject to their employers, however this had little success. The following provides a description of working conditions on the Belyando (to the north of the study area) during 1866 (Johnston 1988: 174).

*"With stock of about 25,000 sheep and 500 head of cattle we are employing 15 shepherds and 11 other hands, including Over-seers, Bullock drivers and men making improvements, etc. These men are receiving wages from 25/- to 40/-per week, with full rations. We have never had any shepherds under that figure (25/-) and very few at that. The engagements of most the shepherds expire during the next two or three months: and we fear that the wages will have to rise, as shepherds are not to be had. I saw two of our neighbours at Clermont last week offering 30/- to shepherds, and could not get one,*

*and we fear a like result with ourselves, unless we can by any means retain the men we have got”  
(Johnston 1988: 174).*

#### *Pastoral Development*

Most of the land suitable for pastoral purposes was occupied by the mid 1860’s. Although during this period several properties were foreclosed due to financial difficulties resulting from a run of droughts and financial depression (Converge 2008: 18-19). The more fortunate among the pastoralists started to become established and successful. This led to the rough primitive lifestyle marked by rough slab huts being replaced by grand homesteads and the like (Johnston 1988: 178).

The free selection law of 1861 threatened the superior holdings of large lease-holding pastoralists as it allowed people, with the ability to afford one pound per acre, to select 320 acres of Crown land wherever they fancied. Another complication for land holders arose from the Lands Act of 1868 in which the government acquired half the acreage of stations in settled districts and downsized resumed portions into farming blocks. This began the transformation of a purely grazing economy to one comprising mixed grazing and farming, which was also combined with closer settlement. Closer settlement gained momentum at the beginning of the twentieth century (Converge 2008: 18-19).

Copper and gold were found in the region in 1861 which saw the arrival of many prospectors in significant numbers. The discovery of gold in Clermont (situated 250 km north of the study area) saw a short-lived rush and most miners left the area by 1864 (Killin 1984: 9).

#### *Townships*

The township of Rolleston was originally named Brown Town when first surveyed but was later named Rolleston after Christopher Rolleston who was a pastoralist involved in the leasing of a number of pastoral runs in the area during the 1860s. Rolleston is also associated with the Kenniff Brothers who were known as Queensland’s last notorious bush rangers (CHQ 2017).

### **5.1.1 Land Use History of the Study Area**

The study area has been previously used for agricultural purposes. The study area is currently used for the grazing of cattle, which is the primary land use across the broader region and vast patches of vegetation have been historically cleared in order to improve pasture. Plate 1 shows that a vast majority of the study area had been cleared of native vegetation prior to this time.

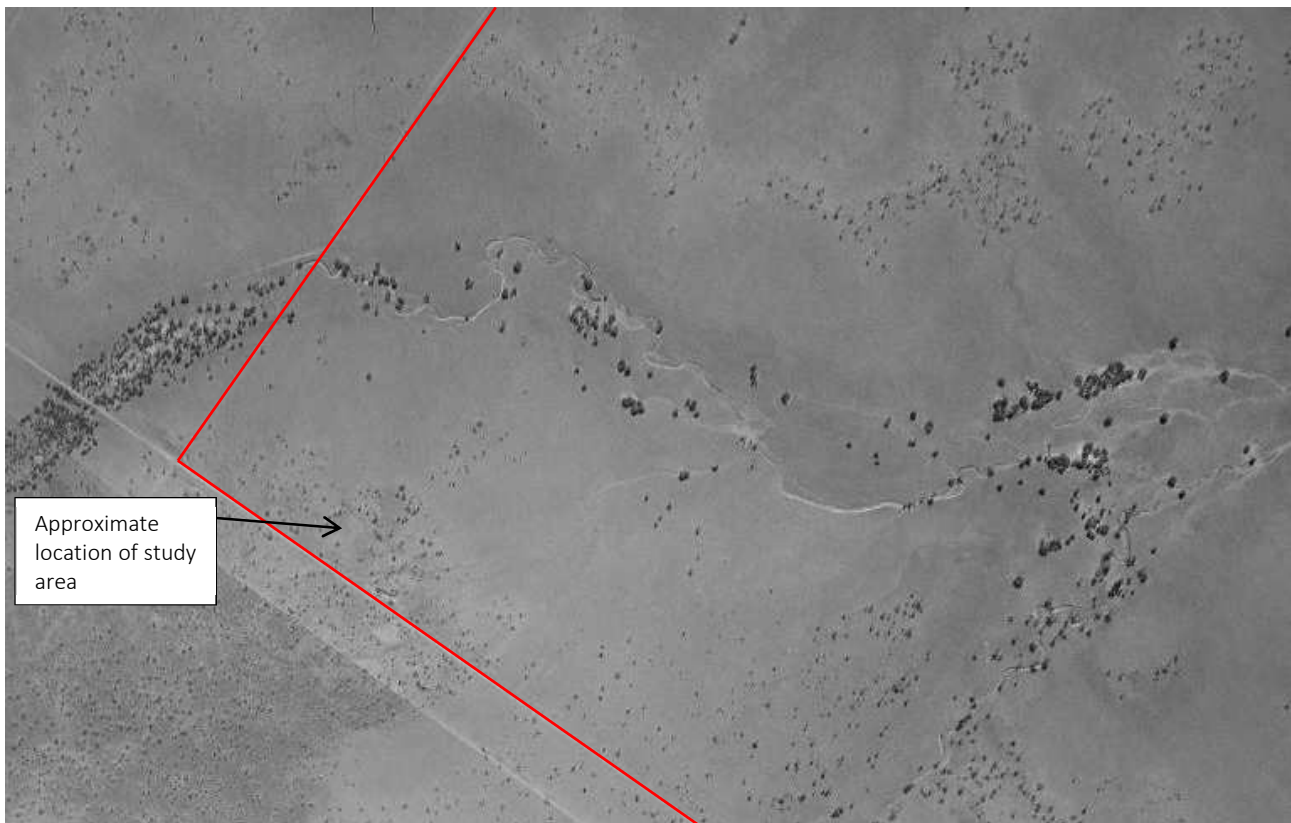


Plate 1 – Film QAP884, Frame 35, Run 5, 2 May 1959

## 5.2 Register Searches

### 5.2.1 Queensland Heritage Register

The Queensland Heritage Register (QHR), established by the Queensland *Heritage Act 1992*, provides the highest level of statutory protection for historical sites in Queensland. Only the State's most significant historical sites are listed on the QHR. A search of the register for information relating to the study area was undertaken. The study area and the surrounding 1 km of land were investigated.

No registered heritage places were identified on the QHR within the study area or within 1 km of its boundaries.

### 5.2.2 Local Heritage Register (Central Highlands Regional Council Planning Scheme (2016) –Central Highlands Regional Council).

The study area lies within the Central Highlands Regional Council area and is subject to the Central Highlands Regional Council Planning Scheme (2016). Planning Schemes set out policies and provisions for the use, development and protection of land. Sections relating specifically to any Heritage Overlays for the study area were examined.

The study area is not subject to any heritage places or Heritage Overlays in the Central Highlands Regional Council Planning Scheme (2016), nor is there any situated within a 1 km radius of the study area's boundaries.

### 5.2.3 National Trust of Australia (Queensland) Register

The National Trust of Australia (Queensland) is an independent, not-for-profit organisation that classifies a number of heritage places. Listing by the National Trust does not impose any statutory protection, however often National Trust Register listings are supported by the local council Planning Scheme.

No heritage places were listed in the National Trust Register within a 1 km radius of the study area. No heritage places were located within the study area.

### 5.2.4 National, Commonwealth and International Heritage Lists

The Australian Government Department of the Environment and Energy (DoEE) maintains the National Heritage List (NHL), a register of exceptional natural, Aboriginal and historical heritage places which contribute to Australia's national identity. The DoEE also maintains the Commonwealth Heritage List (CHL), a Register of natural, Aboriginal or historical heritage places located on Commonwealth land which have Commonwealth heritage values.

A place can be listed on one or both lists, and placement on either list gives the place statutory protection under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act 1999).

The World Heritage List (WHL) lists cultural and natural heritage places which are considered by the World Heritage Council to have outstanding universal value. In addition, the DoEE also maintains the Register of the National Estate (RNE) which is a list of natural, Indigenous and historic heritage places throughout Australia. Following amendments to the *Australian Heritage Council Act 2003*, the RNE was frozen on 19 February 2007 and no new places were added or removed. In February 2012 the RNE ceased statutory operation and sites listed on the RNE no longer have statutory protection, however items listed on the RNE may continue to be considered during approvals processes.

Listings on the NHL, CHL, WHL and RNE are accessed via the Australian Heritage Database (AHD), managed by DoEE.

No registered heritage places were identified within the study area or within 1 km of its boundaries.

## 6 LEGISLATIVE AND POLICY IMPLICATIONS

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### 6.1 Aboriginal Cultural Heritage Act 2003 (QLD)

A Cultural Heritage Management Plan is required to be developed and approved under Part 7 of the *Aboriginal Cultural Heritage Act 2003* where an Environmental Impact Statement is required for a project under other legislation. The CHMP process involves a statutory one-month notification of an intention to develop a plan, followed by a maximum three month negotiation/consultation with the Aboriginal party on the terms of the plan.

The sponsor may voluntarily develop and gain approval of a plan under Part 7. The ability to voluntarily develop a plan allows any activities undertaken in accordance with an approved plan meet the cultural heritage duty of care established by the legislation.

A cultural heritage management plan is a State-approved agreement between the sponsor of the plan and an Aboriginal party about how a project is to be managed to avoid harm to Aboriginal cultural heritage and to the extent that harm cannot reasonably be avoided, to minimise harm to Aboriginal cultural heritage. Importantly, an agreement can only receive State approval as a cultural heritage management plan if it has complied with the statutory process contained in Part 7 of the legislation. The legislation requires each party to negotiate and make every reasonable effort to reach agreement about the provisions of the plan.

The plan can have any form or structure agreed between the parties. A plan is intended to address the assessment and management of Aboriginal cultural heritage in relation to land use activities of the sponsor (SCT Logistics).

#### Implications for the project

With regard to Aboriginal archaeological heritage, the assessment indicates that a Cultural Heritage Management Plan (CHMP) is not required under the *Aboriginal Cultural Heritage Act 2003* as an Environmental Impact Statement will not be conducted.

However, cultural heritage values are identified and protected under Section 28 of the Act as outlined below.

#### Section 28 Cultural heritage duty of care guidelines

(1) The Minister may by gazette notice notify guidelines (cultural heritage duty of care guidelines) identifying reasonable and practicable measures for ensuring activities are managed to avoid or minimise harm to Aboriginal cultural heritage.

(2) In formulating cultural heritage duty of care guidelines, the Minister may consult with the following—

- (a) Aboriginal groups;
- (b) industry groups;
- (c) local governments;
- (d) other persons the Minister considers appropriate.

The Duty of Care Guidelines state that the Act requires that a proponent must exercise due diligence and reasonable precaution prior to undertaking an activity which may cause harm to Aboriginal cultural heritage. In exercising due diligence or complying with the cultural heritage 'Duty of Care' the following may be considered:

- The nature of the activity, and the likelihood of its causing harm to Aboriginal cultural heritage;
- The nature of the Aboriginal cultural heritage likely to be harmed by the activity;
- The extent to which the person consulted with Aboriginal parties about the carrying out of the activity, and the results of the consultation;
- Whether the proponent carried out a study or survey, of any type, of the area affected by the activity to find out the location and extent of the Aboriginal cultural heritage, and the extent of the study or survey;
- Whether the proponent searched the database and register for information about the area affected by the activity;
- The extent to which the proponent complied with the Duty of Care Guidelines; and
- The nature and extent of past uses in the area affected by the activity.

This Heritage Due Diligence Assessment has ascertained that portions of the study area have been subject to historical native vegetation clearing in order to improve pasture (Plate 1 and Figure 2). This clearing would have involved the removal of native vegetation by disturbing root systems situated beneath the ground surface and exposing underlying soils. This type of vegetation removal is considered to be in line with current descriptions of significant ground disturbance as defined under the Duty of Care Guidelines.

The Duty of Care Guidelines defines Significant Ground Disturbance as:

*"disturbance by machinery of the topsoil or surface rock layer of the ground, such as by ploughing, drilling or dredging; the removal of native vegetation by disturbing root systems and exposing underlying soil".*

Given the above, it is assessed that the portions of the study area subject to historical native vegetation clearing (Plate 1 and Figure 2) and any proposed activities within these locations would comprise a Category 4 activity under Section 5.0 of the Duty of Care Guidelines: *5.0 The nature and extent of past uses in the area affected by the activity – Section 23(2)(g).*

Section 5.4 of the Duty of Care Guidelines specifies the following:

*Where an activity is proposed in an area which has been previously subject to Significant Ground Disturbance it is generally unlikely that the activity will harm Aboriginal cultural heritage and the activity will comply with these guidelines.*

Section 5.5 also states:

*In these circumstances, subject to the measures set out in paragraphs 5.6 – 5.12, it is reasonable and practicable that the activity proceeds without further cultural heritage assessment.*