

Appendix 10

Cultural Heritage Assessment

Prepared by Converge

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Sent by email: terry.johannesen@ratchaustralia.com

Dear Terry

This letter reports on a site inspection of the RATCH's proposed Mt Emerald wind farm development at Lot 7 on Crown Plan SP235244, Arriga in the Springmount area, near Mareeba on the Tablelands (the Project Area). The inspection was carried out on 31 May 2010, by myself, to assess the cultural heritage values of the project area. An updated search results of the Cultural Heritage Coordination Unit's register held by the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA) was provided on 23 October 2013.

Legislation relevant to this inspection is the *Aboriginal Cultural Heritage Act 2003* (the Act). The aim of this inspection was to determine which of the five categories provided by Queensland's Cultural Heritage Duty of Care Guidelines best describe the conditions of your Project Area and the nature of proposed works.

Approach

The Cultural Heritage Duty of Care Guidelines provide five categories (listed below), each of which identify reasonable and practicable measures for ensuring activities are managed appropriately.

Category 1 - pertains to activities that involve No Surface Disturbance. It is held that activities that pose no threat to Aboriginal cultural heritage, such as walking or driving along an existing road, comply with the Duty of Care Guidelines as set out in the Act and as such, the activity is able to continue without further cultural heritage assessment.

Category 2 - encompasses activities that will cause No Further Surface Disturbance to an area. The Act maintains that if an activity is causing No Further Surface Disturbance then any Aboriginal cultural heritage that remains will not be disturbed or damaged any further than what has previously occurred. As such, the activity is complying with the Duty of Care Guidelines of the Act and so may continue without further cultural heritage assessment.

Category 3 - provides for activities carried out in a Developed Area. When an activity is carried out under these circumstances, the Act holds that no further cultural heritage assessment is necessary.

Category 4 - pertains to areas that have previously been subject to Significant Ground Disturbance. This category holds that any further activity may not damage or disturb Aboriginal cultural heritage, but makes provision for possible residual Aboriginal cultural heritage significance being in the activity area. This category is predicated by the fundamental principle of the Act, namely the recognition, protection and conservation of

Aboriginal cultural heritage (Section 5); and by the direction of the Duty of Care Guidelines to consultation with Aboriginal Parties.

Category 5 - encompasses any activity that does not fall into any of the preceding categories. This category makes the assumption that there is a high risk of the activity damaging or disturbing Aboriginal cultural heritage. As such, the Act requires that cultural heritage be addressed prior to the commencement of any such activity. This is done through a Cultural Heritage Management Plan (CHMP), Cultural Heritage Study or by Agreement.

Outcomes

The assessment was of a due diligence nature to determine the need for consultation with Aboriginal Parties before your project commences.

The Project Area lies totally within Lot 7 on Crown Plan SP235244. The country within this lot rises steeply to form a high plateau area which extends to the south-west from Walsh Bluff. The plateau generally forms a number of north-south ridges which are intersected by two main creek lines which drain to the eastern side of the plateau. Other ephemeral creeks are also located within the area. To the immediate east of the western ridge lies a shallow gully which falls to a steeper gully leading west, north-west, into the Springmount dump area (ex CEC Springmount property).

The vegetation comprises open forest with grass tree and native grasses understorey and eucalypt upper storey. Granite outcrops feature within this landscape.

Ground disturbance within the area appears to be confined to a track and power line crossing east - west across the southern end of the site and a track pushed to the north along the western ridge.

The proposed wind farm development comprises the turbines which will consist of a tapering 80m steel tower (ground to hub) supporting a three bladed rotor with blade lengths of up to 50m. Tower diameter at the base will be approximately 4.2m tapering to 2 m at the central hub. Access tracks will generally follow the ridge lines. It is proposed that clearing for access track and underground power cabling may be up to 10m wide in vegetated areas. Turbine sites may require up to a 1600m² clearing to facilitate construction and maintenance. A network of underground cables will connect the turbines with an onsite substation which will connect to the Powerlink 275 kV concrete tower line.

A number of cultural heritage assessments have been undertaken in the vicinity of the proposed wind farm area. Whilst it was not possible to access all these unpublished reports the results of other assessments are provided in the assessments consulted.

In 1984 Nicky Horsfall undertook an archaeological survey of a proposed transmission line from Kareeya power station to Turkinje substation. This proposed powerline passed to the west of the current study area. One site was located to the north of Hoot Hill (south, south-west of the current study area). It comprised a rockshelter with a chert flake on the east bank of a dry creek just north of Oaky Creek. A rockshelter was also located in the vicinity of Mt Aunt. It was noted that the powerline corridor had not been surveyed in its entirety but

a 2km stretch north of Hoot Hill was carried out as was the proposed corridor between Granite Creek and the Turkinje station (to the north of the current study area).

In 1995 an archaeological survey of the then proposed powerline between Chalumbin and Woree was conducted by Northern Archaeology Consultancies. The powerline corridor passed through the south-eastern extent of the current Project Area. No sites were found within the current study area although 2 sites were located near Oaky Creek to the south of Hoot Hill (SW of the current Study area). Both sites comprised low density artefact scatters of milky quartz and silcrete flakes. It is noted in the methodology section of this report that not all the powerline was surveyed due to difficulties of access and because the very steep and often unstable ridge slopes were considered (based on earlier studies) to be of lower archaeological potential. This included 'southwest of Walkamin along the Great Dividing Range'. It therefore seems possible that the area of the powerline which lay within the current Study Area was not able to be surveyed. Nevertheless top of ridge flats were considered to have higher archaeological potential.

An assessment of the cultural heritage issues of the Atherton Tableland water storage facilities was conducted by Grimwade and Sandes in September 1998. The assessment notes the frequent correlation of Aboriginal habitation sites with water courses particularly where there has been little or no activity since colonisation.

A cultural heritage assessment of the CEC Springmount property to the immediate north-west of the study area (west and north-west of Walsh Bluff) was conducted by Gordon Grimwade and Associates in 1998. The survey sampled the different land types within the study area. It identified 9 rockshelters distributed within two complexes which were located near creek bottoms. Two of these rockshelters had evidence of Aboriginal occupation. An isolated artefact was located on the upper flat of a gentle slope and one artefact scatter of moderate density was located on the flat of a narrow top of a small finger ridge on the south side a valley on the south-western side of the Project Area. Artefacts comprised 17 chert flakes and cores and nine quartz flakes and debitage. It was noted that ground surface visibility was higher on the ridge tops and it is unclear if and to what extent this has biased results. The report also notes that Bones Knob is a significant place for the Bar Barrum People as it is a massacre site. Bones Knob lies approximately 10 km south-east of Walsh Bluff. A number of rockshelters with cave art in the Mt Aunt area located during an assessment by Duke are also noted. Mt Aunt lies approximately 6.5km to the north-east of the current study area.

A search of the all relevant heritage databases and registers for the Lot 7 on SP235244 including a 500m buffer extending from the boundaries of the lot identified six sites to be located in close proximity to the Lot.

The location of these sites is identified in Figure 1. No sites are located within Lot 7 on SP235244. However, DATSIMA note that it is not possible to conclusively guarantee the accuracy of these recordings (in particular, the longitude and latitude location description for each site) and extra diligence is required when operating in these locations. Therefore it

is possible, given the proximity of these sites to Lot 7 on SP235244, that the identified sites are located within or very close to the project area.

In addition it is probable that the relative absence of recorded Aboriginal cultural heritage places reflects a lack of previous cultural heritage surveys of the area and therefore that the lack of sites on the Registers are not likely to reflect a true picture of the Aboriginal cultural heritage values of the area.

DATSIMA further notes that there is currently no registered Aboriginal Party for this area. A search of the National Native Title Tribunal's interactive mapping website indicates that the tenure for the lot is freehold and that no Native Title Determination Applications (NTDAs) exist over the Project Area. It is noted that native title is extinguished over freehold.

The area does however fall within and Indigenous Land Use Agreement (ILUA) QI2005/011Bar Barrum Small Mining ILUA.

The North Queensland Aboriginal Land Council Aboriginal Corporation (NQLCAC) is the native title representative body for this area. They have indicated that both Bar Barrum and Muluridji Peoples should be contacted to determine the correct Aboriginal Party for the area.

In light of the above outcomes, and noting that there has been little previous significant ground disturbance (as defined in the Duty of Care guidelines) over the majority of the area and that the proposed activities should be regarded as likely to cause surface ground disturbance, the area can best be described as falling within category 5 of the Duty of Care Guidelines. As such it is likely that certain features of the area may have residual cultural heritage significance and/or that previously unrecorded places of cultural heritage significance may occur within the area. It is important to be informed about any cultural heritage significance that may attach to these features and/or places. This will require consultation with the appropriate Aboriginal Party(ies) if compliance is to be achieved. The appropriate Aboriginal Parties for the area are the Bar Barrum and the Muluridji Peoples.

The potential for Aboriginal cultural heritage being present within the study area is moderate. If Aboriginal cultural heritage was present, reasonable management approaches can usually mitigate the site, and on this basis, it is predicted that no or little project constraint will be an outcome. Only sites that are considered significant Aboriginal areas or objects in the meaning of the Act may require constraints such as retention of open space buffers, and even then, through negotiation with Aboriginal Parties, mutually appropriate management outcomes may be forthcoming.

Converge recommends that a process be adopted whereby consultation with the appropriate Aboriginal Party(ies) for the area be initiated. It is expected that consultation would result in a cultural heritage survey and CHMP or agreement pursuant to section 23(3)(a)(iii) of the Act. As there is no claim, and potential overlapping interests, a CHMP would need to be advertised, and could attract many of responses from Aboriginal Parties,

all of whom need to be endorsed. Therefore it is suggested that an agreement pursuant to section 23(3)(a)(iii) of the Act is initiated involving those people advocated by the NQLC as this will reduce the potential for multiple people and thereby potentially simplify the agreement process.

I would welcome the opportunity to assist you in this process and to develop a proposal in this regard for your consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Karen Townrow', written in a cursive style.

Karen Townrow
Cairns

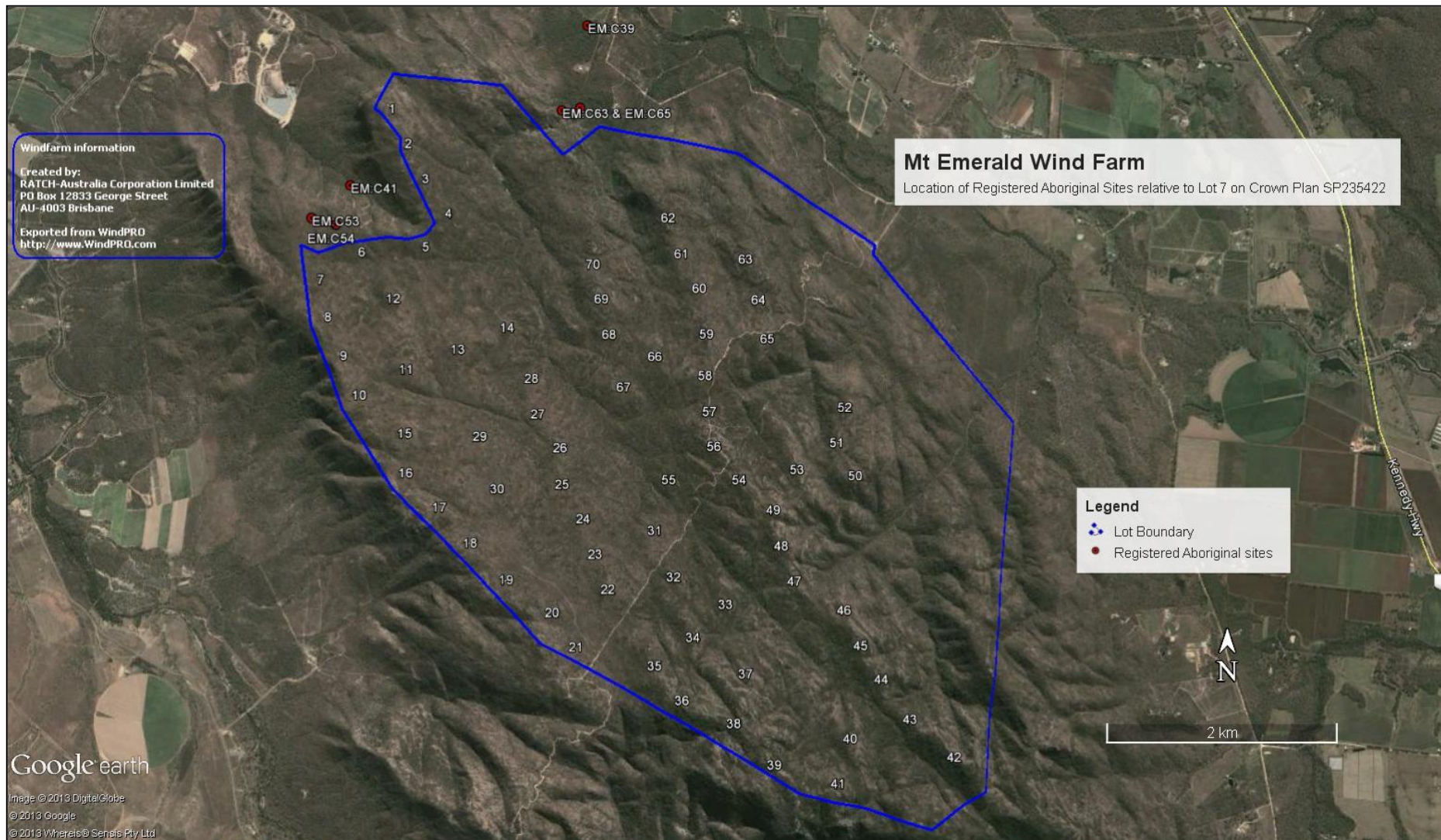


Figure 1: Location of sites identified in DATSIMA's register of Aboriginal Sites

References:

Grimwade, G. & C. Sandes

1998 Atherton Tableland Water Storage Facilities: Cultural Heritage Issues. Unpublished report. Wallin & Grimwade Heritage Services, Brisbane.

Horsfall, N.

1984 An Archaeological survey of a Proposed Transmission Line from Kareeya Power Station to Turkinje Substation, North Queensland. Unpublished report to the Queensland Electricity Generating Board. JCU Townsville

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1998 Cultural heritage Study, CEC Springmount Landfill Project, Stage 1. Unpublished report to C&B Consulting Group, Cairns Earthmoving Contractors Pty Ltd. Gordon Grimwade & Associates, Yungaburra.

Northern Archaeology Consultancies

1995 Archaeological and Anthropological investigations for the proposed transmission line route Chalumbin to Woree, North Queensland. Report to Queensland Electricity Commission. Sinclair Knight Merz, Brisbane.