

Appendix R

Cultural Heritage Assessment

Cultural Heritage and Native Title Duty of Care Assessment

at Compost Manufacturing Facility, Lot 4, 260 Mitchell Road, Bromelton,
Queensland.
April 2024



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ENVIRONMENTAL . CULTURAL HERITAGE . SPECIAL PROJECTS

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Cover Photo: Lot 4 Mitchell Road, Bromelton (Credit: Peta Downes 2024)

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Executive Summary

Redleaf Group was engaged by GHD to prepare a report to assess the potential risk the project poses to cultural heritage values on Lot 4, 260 Mitchell Road, Bromelton, Queensland prior to works commencing for the Compost Manufacturing Facility. This cultural heritage review includes a desktop assessment identifying any known cultural heritage places recorded on the relevant registers and databases. It also documents the field survey of the works area, and the values or places identified, including those not previously documented. It then evaluates the potential project impacts to provide recommendations for the mitigation of any potential harm to cultural heritage.

The desktop assessment revealed that there were two (2) known cultural heritage values within 1km of the project area as recorded on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP) Indigenous cultural heritage database and register, the Commonwealth Heritage List (CHL), the Queensland Heritage Register (QHR), and the Scenic Rim Regional Council Local Heritage Register.

The field survey has revealed that there are Indigenous Heritage Values across the site. Some risk factors were identified in the landscape such as remnant vegetation, watercourses, wetlands, and ridgelines.

Drawing on the results from these investigations, this report evaluates the potential impacts of the Compost Manufacturing Facility on both historical and Aboriginal heritage and provides recommendations to manage these impacts.

Numerous stone artefacts were found within the works area on areas where the ground surface was able to be seen. These artefacts were situated along the top of ridgelines and within washout areas. Dense ground vegetation in other areas resulted in values remaining unseen in the landscape. As there are ridgelines, watercourses and some mature vegetation within the project area, the likelihood of further cultural heritage values is significantly high.

Traditional Owner consultation will be required.

Abbreviations and Acronyms

ACH Act	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>
CHL	Commonwealth Heritage List (Cth)
DES	Department of Environment, Science, and Innovation (Qld)
DSDSATSIP	Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.
EPBC Act/EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
QHA	<i>Queensland Heritage Act 1992 (Qld)</i>
QHR	Queensland Heritage Register (Qld)
SRRC	Scenic Rim Regional Council
VM Act	<i>Vegetation Management Act 1999 (Qld)</i>

Definitions

Term	Definition
Additional surface disturbance	Surface disturbance inconsistent with previous surface disturbance.
Cultural heritage find	A significant Aboriginal object, or evidence of archaeological or historic significance of Aboriginal occupation of an area of Queensland, or Aboriginal human remains, found during undertaking an activity covered by these guidelines.
Developed area	An area that is developed or maintained for a purpose such as a park, garden, railway, road or other access route, navigation channel, municipal facility, or infrastructure facility, such as power lines, telecommunication lines or electricity infrastructure.
No additional surface disturbance	Surface disturbance not inconsistent with previous surface disturbance.
Significant ground disturbance	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.
Surface disturbance	Any disturbance of an area which causes a lasting impact to the land or waters during the activity or after the activity has ceased.

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1 Legislative Framework

1.1 *Aboriginal Cultural Heritage Act 2003*

Land users in Queensland need to comply with the following Indigenous cultural heritage laws:

- *Aboriginal Cultural Heritage Act 2003*
- *Torres Strait Islander Cultural Heritage Act 2003*

The purpose of the *Aboriginal Cultural Heritage Act 2003* (ACH Act) is to provide for the effective recognition, protection, and conservation of Aboriginal cultural heritage. Through this legislation, the State aims to establish timely and efficient processes for the management of activities that may harm Aboriginal cultural heritage. It also states that the protection and conservation of Aboriginal cultural heritage should be based on respect for Aboriginal knowledge, culture, and traditional practices; and Aboriginal people are recognised as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage.

Aboriginal cultural heritage values are defined in the ACH Act as meaning a significant Aboriginal place, object, or evidence, of archaeological or historic significance, of Aboriginal occupation of an area of Queensland. Aboriginal cultural heritage values should not be confused with Native Title. As with non-Indigenous heritage values, Aboriginal cultural heritage can exist on an area regardless of the land tenure. The existence of Aboriginal cultural heritage in an area does not mean that Native Title exists over that area.

The ACH Act also establishes a duty for the chief executive to keep the 'Aboriginal Cultural Heritage Database' under Part 5. This database is accessible through the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP, formerly DATSIP) database.

1.1.1 Duty of Care Guidelines 2004

The *Aboriginal Cultural Heritage Act 2003* Duty of Care Guidelines (2004) is the primary tool for determining a duty of care outcome for activities that may harm Aboriginal cultural heritage. Section 23(1) of the ACH Act states that a person who 'carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage'.

1.2 *Queensland Heritage Act 1992*

The *Queensland Heritage Act 1992* (QHA) is an act of the Queensland Parliament establishing the legislative framework for registered protection of places of state significance. The Queensland Heritage Council and Queensland Heritage Register were established under the QHA. In Part 11, Divisions 1 and 2, the QHA also sets up a system for local governments to identify places of local heritage significance; and in section 112 the QHA requires local governments to record places that are of cultural heritage significant in a local heritage register or planning scheme.

The QHA was specifically introduced to provide for the conservation of Queensland's cultural heritage for the benefit of the community and future generations. The aim of the act is to provide information, regulate development, and provide appropriate enforcement powers to protect Queensland's heritage.

Under section 89 the QHA, if archaeological artefacts are, or could be, of State significance, a notification of discovery must be made to the Department of Environment and Science (DES). Under section 90 of the QHA, unless the chief executive gives consent, or if a person has a reasonable excuse, the archaeological artefact must not be interfered with until at least 20 business days after the giving of notice. When an archaeological discovery is reported, DES assesses the finds to determine if it is an important source of information about Queensland's history.

Discoveries may be assessed as:

- not important; or
- important and requiring management strategies; or
- important and eligible for entry in the Queensland Heritage Register.

1.3 *Environment Protection and Biodiversity Conservation Act 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) is the Australian Government's environment and heritage legislation. Established under the EPBC Act, the Commonwealth Heritage List comprises outstanding natural, Indigenous, and historic heritage places on Commonwealth lands and waters, or under Australian Government control.

The EPBC Act requires listed places to undergo special requirements to ensure that the values of the place are protected and conserved for future generations. The EPBC Act provides for the preparation of management plans which set out the significant heritage aspects of the place and how the values of the site will be managed.

1.4 *Native Title Act 1993*

The *Native Title Act 1993* is the Australian Government's Native Title legislation that provides a national system for the recognition and protection of Native Title and for its co-existence with the national land management system. Under the *Native Title Act 1993*, Native Title claimants can make an application to the Federal Court to have their Native Title recognised by Australian law.

The Act recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. These rights and interests have been practised, and continue to be, by Aboriginal and Torres Strait Islander groups under traditional laws and customs prior to sovereignty (British occupation).

These rights and interests include such activities as the right to live and camp in the area, performing of ceremonies, hunting, and fishing, collection of food, building shelters and visiting places of cultural importance.

2 Introduction

2.1 Background

The Bromelton Compost Manufacturing Facility (the Bromelton CMF Project) is an organics facility located along Mitchell Road in Bromelton, in Southeast Queensland. SOILCO Pty Ltd will design, construct and operate the Bromelton CMF Project. Redleaf Group was engaged by GHD to conduct a Cultural Heritage and Native Title Duty of Care Assessment as part of the Compost Manufacturing Facility at Lot 4, 260 Mitchell Road, Bromelton, Queensland. The Cultural Heritage and Native Title Duty of Care Assessment was carried out in accordance with the *Aboriginal Cultural Heritage Act 2003* Duty of Care Guidelines (2004), the *Queensland Heritage Act 1992* (QHA), the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and the *Native Title Act 1993*.

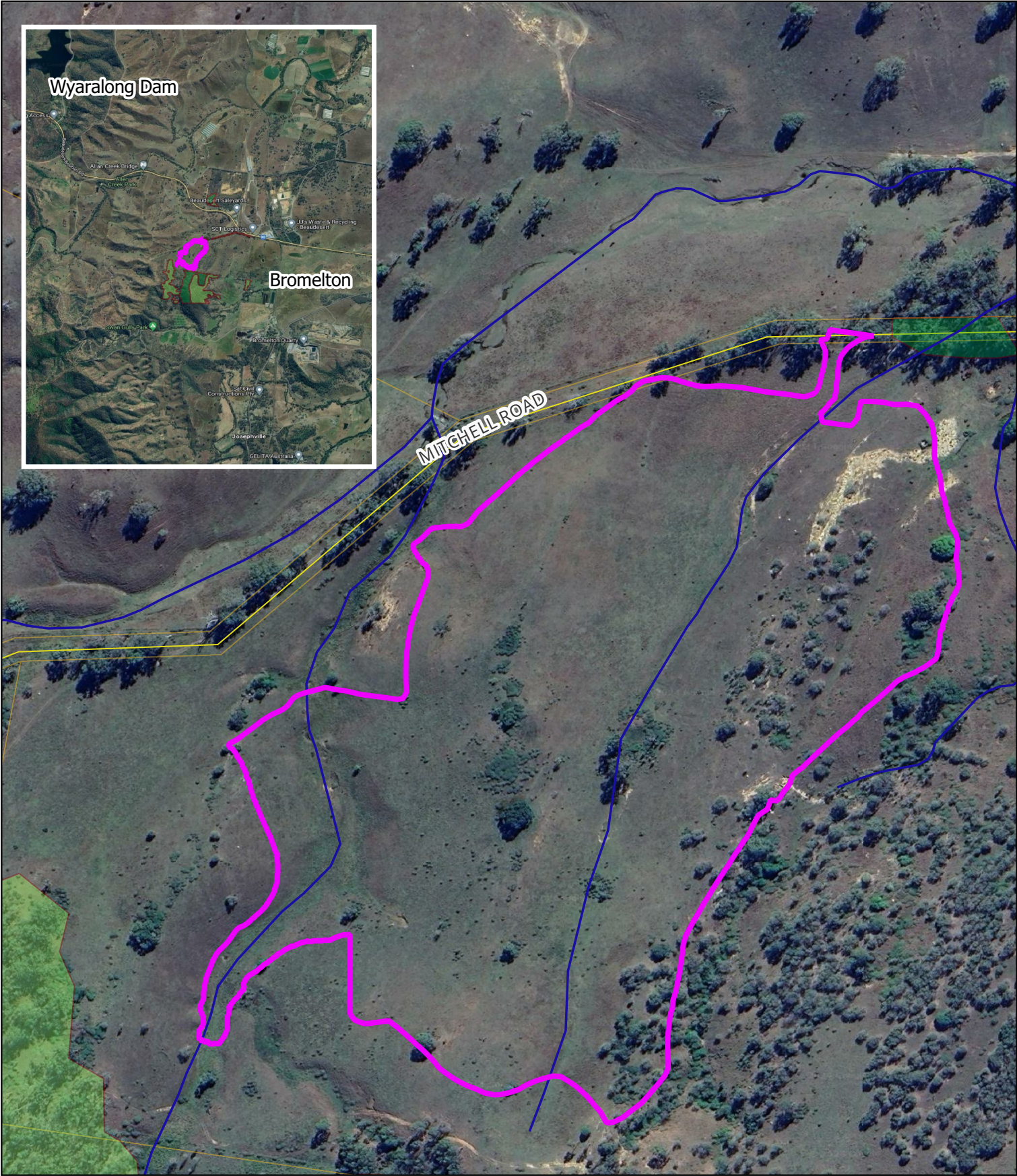
2.2 Site Location

The site is located in Bromelton, in the Scenic Rim Regional Council local government area. The Compost Manufacturing Facility to be constructed is located at Lot 4, 260 Mitchell Road, Bromelton at -27.97790, 152.91025. The lot on plan is 4RP85497 (Map 1).

2.3 Scope

This Cultural Heritage and Native Title Duty of Care will consider the potential impacts the Compost Manufacturing Facility may have on both Indigenous and non-Indigenous cultural heritage by:

- Identifying any known cultural heritage places near to or within the project area.
- Conducting a field survey to verify desktop findings and identify and assess any additional cultural heritage values.
- Providing recommendations for the management of any impacts to cultural heritage places in compliance with the relevant legislation.



Legend

Project Footprint 20240803

Roads

DCDB

Vegetation

Remnant

High Value Regrowth

Watercourse

CRS: GDA 1994 MGA Zone 56
Projection: Transverse Mercator

Scale 1:3,000

0 25 50 75 m

(A4)
N

Map 1: Locational Map of the proposed Compost Manufacturing Facility, Lot 4, 260 Mitchell Rd, Bromelton, Qld.

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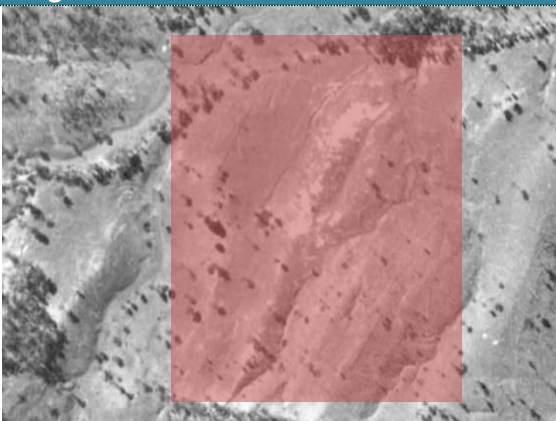
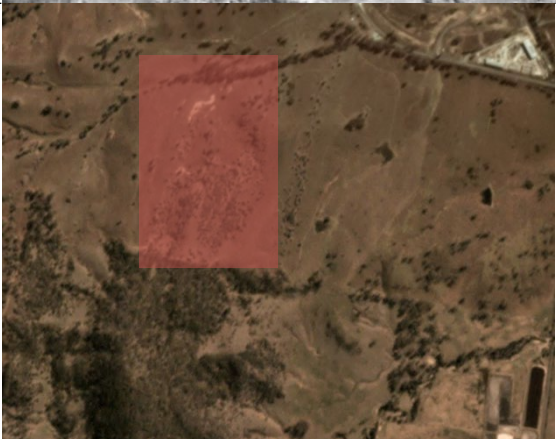
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3 Historical Context and Overview

3.1 Historical Land Use

An extensive history of clearing at a site can result in the disturbance or destruction of archaeological values in an area. However, this is not always the case and must be considered on a case-by-case basis. Aerial imagery and field surveys assist with the determination of historical site disturbance. Aerial imagery from 1944 - 2017 demonstrates a history of pastoral land clearing (Appendix B – Historical Aerial Imagery). Selected aerial imagery, which provides the most relevant insight into past ground disturbance, is included below in Table 1.

Table 1 Selected historic imagery for the proposed works site.

Year	Image	Description
1944		The earliest available imagery from 1944 shows that the proposed works area was already cleared at this time, which indicates some previous ground disturbance (<i>MAP 1539 Frame 571; Queensland Government 2022b</i>).
2017		The area in 2017 remains unchanged, with little to no extra clearing having occurred (<i>L16-7575E-3432N; Queensland Government 2022b</i>).

3.1.1 Indigenous History

Danggan Balun are also known as the Five Rivers People. In the north, people consider their traditional country to encompass the Logan River catchment; in the south, they consider it to extend to the boundary between Queensland and New South Wales; in the west, they consider it to extend to the Upper and Lower Teviot Brook catchments; and in the middle, they consider towns like Beaudesert, Beenleigh, Coomera, and Coolangatta to be included (QC2017/007-3 – *Native Title Registration Decision* 2020).

There are a number of landholding groups that identify as either saltwater or freshwater people. They have a strong belief in ancestral beings who are responsible for connecting and uniting individuals who live in freshwater and saltwater environments. During the time of the first Europeans first contact with the region, the region was inhabited by a large number of Indigenous people. The lives of these people were documented by early marine explorers, convicts, soldiers, explorers, and land surveyors. These written descriptions of Aboriginal people detail their use of nets, canoes, spears, and other implements and techniques to hunt and gather food. They also describe their construction of houses and gatherings for ceremonies, feasts, and commerce (QC2017/007-3 – *Native Title Registration Decision* 2020).

3.1.2 Non-Indigenous History

In 1842, Hugh Henry Robertson Aikman obtained the initial squatting licence for the area, which was potentially the first such licence granted for Moreton Bay. Bromelton Provisional School opened on the 25th of October 1880 and in January of 1909 it became Bromelton State School, finally closing its doors in 1953 (Queensland Family History Society, 2010). Bromelton railway station was located on the NSW North Coastline, which forms a major part of the Sydney – Brisbane rail corridor, until its closure in 1995 (Railway Digest, 1995).

Bromelton House, which is still standing, served as the principal domicile of an expansive estate under the ownership of Hugh Henry Robertson Aikman. The dwelling was named "Broomelton" in remembrance of his residence in Lanarkshire, Scotland (State Library of Queensland, 2010).

The government recommenced the process of seizing substantial portions of land for closer settlement in 1872. Numerous individuals have since made Bromelton their residence. Throughout this period, the property was utilised for sheep farming to supply the dairying and cattle industries, and subsequently for the cultivation of pecan trees (State Library of Queensland, 2010).

The property where Bromelton House is situated's (not in the project area) most prominent feature is the lagoon, which, according to Indigenous legend, was excavated by a platypus attempting to evade a dingo. There was a rumour that the lagoon was inhabited by a creature called the 'Bunyip' and had a depth of approximately ninety feet in some areas. Its circumference is close to one mile. According to Indigenous communities, the Bunyip inhabited the lagoons of Bungropin and Ilbogan via a tunnel (State Library of Queensland, 2010).

3.1.3 Non-Indigenous History

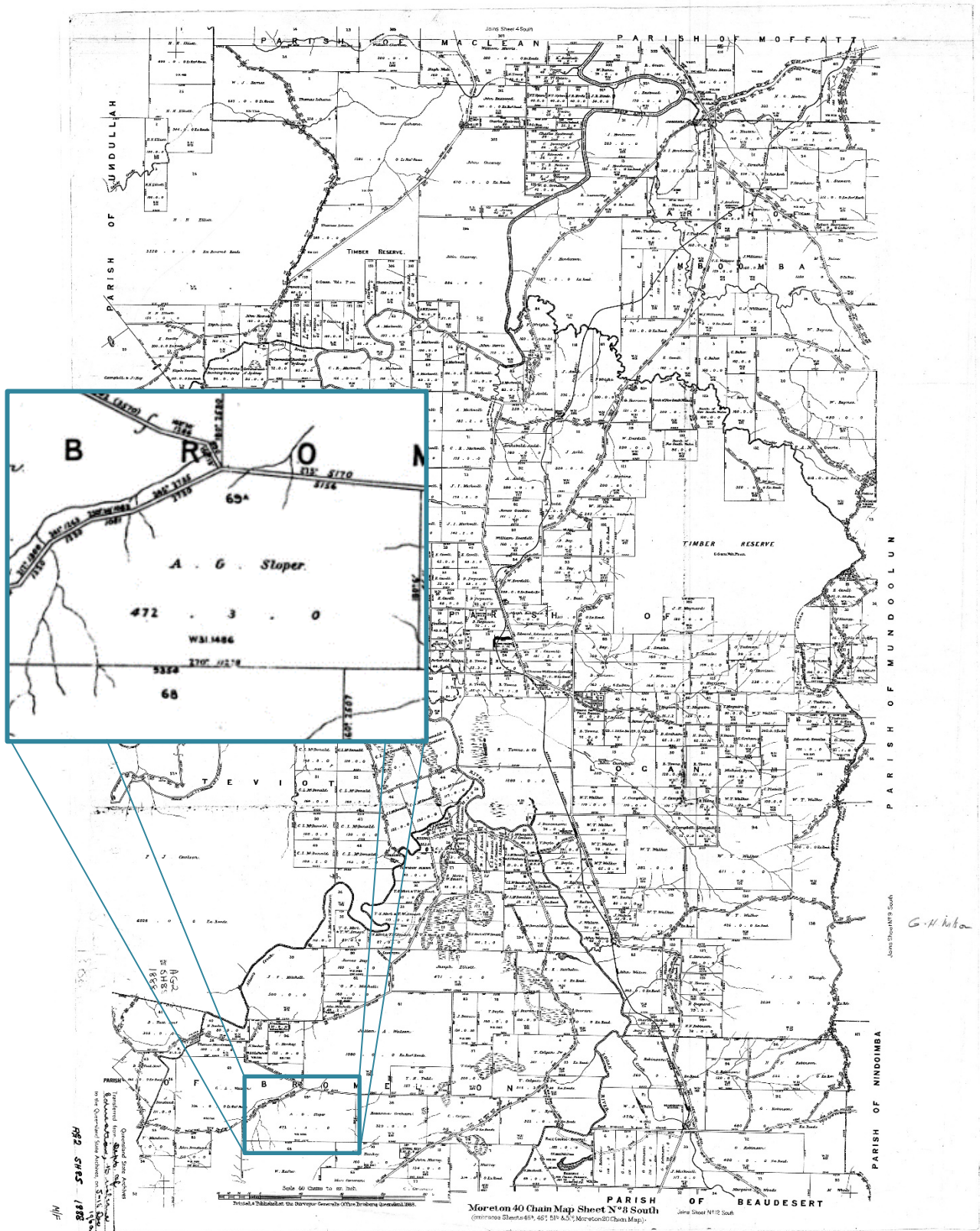


Figure 1 A 1888 map of the Parish of Beaudesert, with inset map of the proposed works area (Surveyor General's Office – Brisbane, Queensland 1888)



Figure 2 MacDonald family, Bromelton House 1872 (Boag, William, 1838?-1878 2003, MacDonald family, Bromelton House, Albert River district, 1872, John Oxley Library, State Library of Queensland).

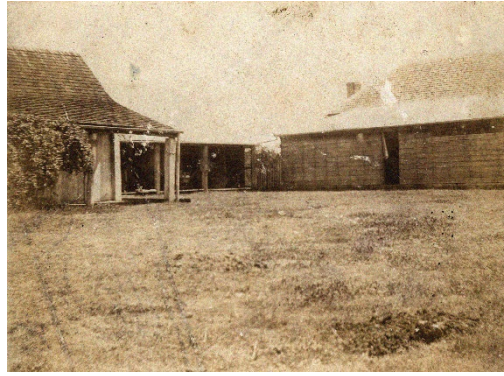


Figure 3 Buildings at Bromelton Station (2007. Buildings at Bromelton Station, John Oxley Library, State Library of Queensland).



Figure 4 Interior view showing a bedroom at Bromelton Station (2007. Interior view showing a bedroom at Bromelton Station, John Oxley Library, State Library of Queensland).



Figure 6 Moloney Family outside their home at Bromelton c. 1897 (2007. Moloney family outside their home at Bromelton, ca. 1897, John Oxley Library, State Library of Queensland).

different and much sharper outline. It appeared to be covered with hair, and about three feet of the body was exposed above water. While swimming, the animal apparently propelled itself forward by making use of two flappers or feet, as the motion of the water plainly indicated that it was provided with such means of locomotion. It was not possible to estimate its length, as neither the lower part of the body nor the tail have as yet been seen. The appearance of the animal is most ferocious, and we should imagine that few persons will indulge in the luxury of bathing in the lagoon while it is known to be the "habitat" of this nondescript. We recollect that some years ago, an animal answering in several particulars the above description was seen in the deep water-hole at Bromelton, on the Logan River, which was stated to be upwards of thirty feet in length, and which created a good deal of speculation at the time, and no small amount of fun at the discovery of the "Prior Bunyip," as it was called. We have conversed with two persons who formerly resided in that vicinity, and they assure us it is an undoubted fact that the aboriginal natives are aware of the existence of these animals, whatever they may be,—whether eels, otters, or seals, and it is said nothing will induce them to bathe in these water holes. It is therefore possible that the animal seen in the Bundambah lagoon may be the "Kianpratec" of the blacks, specimens of which have lately been seen in the Murray River by a Mr Stocqueler, but he did not succeed in obtaining one.—*North Australian*.

Figure 5 Newspaper article about the Bromelton Bunyip (1857 'A VERITABLE BUNYIP.', *The Age*)



Figure 7 Bromelton Lagoon, Queensland (2007. Bromelton Lagoon, Queensland, John Oxley Library, State Library of Queensland).

4 Cultural Heritage Desktop Assessment

4.1 Environment

The proposed site is Freehold tenure on land zoned as a Special Purpose Zone (Scenic Rim Planning Scheme 2020). This area is consistent with land subject to a history of pastoralism and agriculture. The broader landscape contains unmapped vegetation under the *Vegetation Management Act 1999*.

The works area is categorised as hill slopes of hard-setting loamy soils with red and red mottled clayey subsoils, and gently rolling areas of the subcoastal lowland.

4.2 Cultural Heritage Desktop Search

A search of the Department of Seniors, Disability Services, Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP) Cultural Heritage Database and Register (Reference Number 156962) was conducted encompassing the works area, and the vicinity, to detect any cultural heritage values.

4.2.1 DSDSATSIP Search Attributes

Two (2) known Aboriginal cultural heritage attributes are recorded within this scope (2) (*Table 2 DSDSATSIP Cultural Heritage attributes near the proposed works area.*)

Table 2 DSDSATSIP Cultural Heritage attributes near the proposed works area.

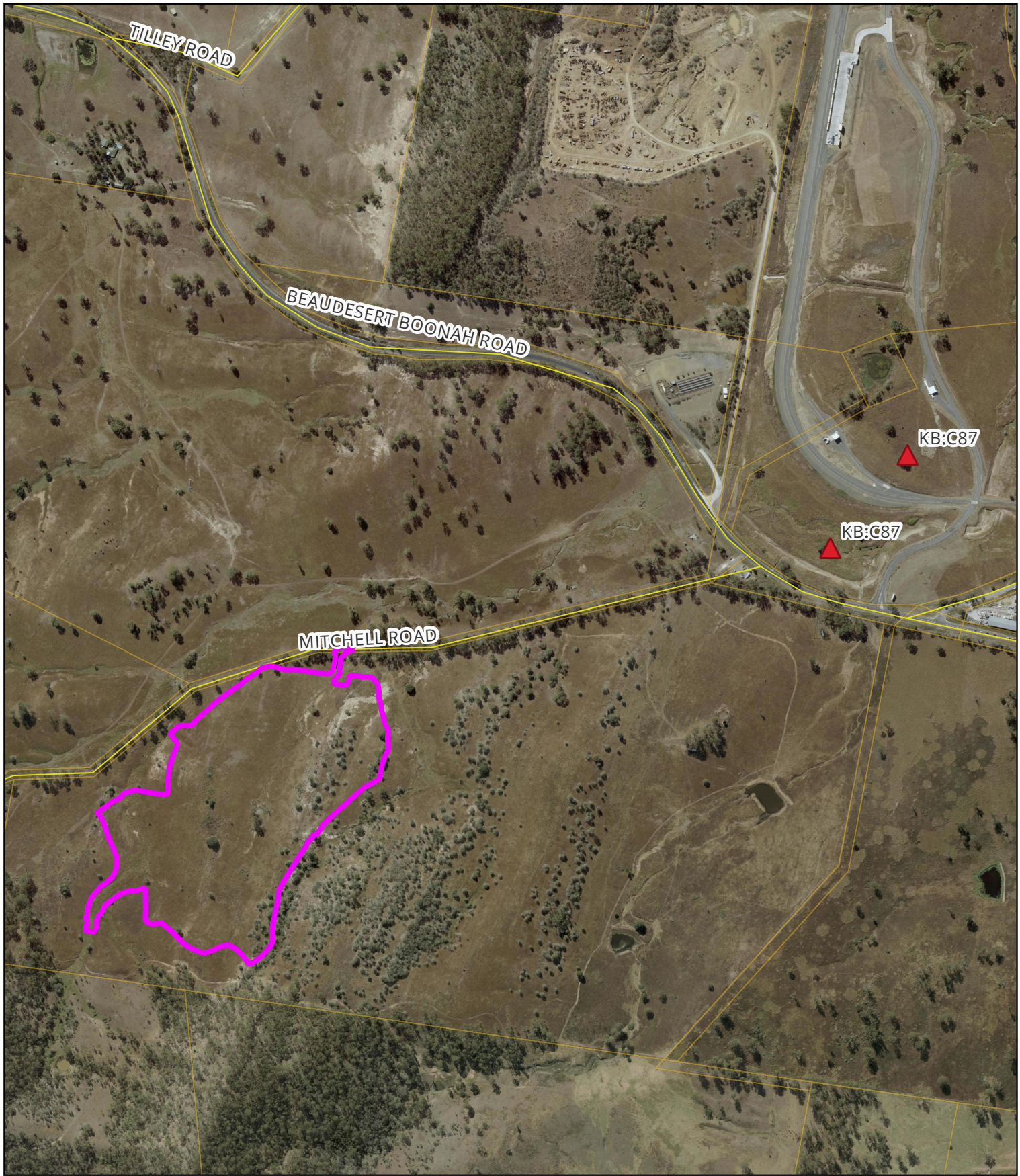
Site ID	Latitude	Longitude	Record Date	Attribute	Party	Distance from site
KB:C87	-27.972972	152.921766	11/03/1999	Artefact Scatter	Danggan Balun (Five Rivers) People	900m
KB:C87	-27.971169	152.925326	11/03/1999	Artefact Scatter	Danggan Balun (Five Rivers) People	1100m

4.2.2 DSDSATSIP Cultural Heritage Party

The Aboriginal cultural heritage party for the area of the proposed works are recorded within this scope (*Table 3 DSDSATSIP Cultural Heritage party for the proposed works area.*)

Table 3 DSDSATSIP Cultural Heritage party for the proposed works area.

Reference No.	Federal Court No.	Name	Contact Details
QC2017/007	QUD331/2017	Danggan Balun (Five Rivers) People	Danggan Balun (Five Rivers) Queensland South Native Title Services PO Box 10832 BRISBANE QLD 4000 Freecall: 1800 663 693 Phone: (07) 3224 1200 Email: reception@qsnts.com.au



Legend

- Project Footprint 20240803
- ▲ DSDSATSIP Values
- DCDB
- Roads

CRS: GDA 1994 MGA Zone 56
Projection: Transverse Mercator

Scale 1:7,500 (A4)
0 75 150 225 m
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Map 2 DSDSATSIP Indigenous heritage values at or near the proposed Compost Manufacturing Facility, Bromelton.

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Job Number
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4.3 Non-Indigenous Cultural Heritage

Built or non-Indigenous heritage places may be recorded as significant and subsequently registered on several databases. These include local heritage registers, the Queensland Heritage Register, or the Australian Heritage Database (which includes listings on the World, National and Commonwealth Heritage Registers, the National Trust of Queensland, as well as the now-obsolete Register of the National Estate).

The Commonwealth Heritage List (CHL) is an active heritage list of national, historic, and Indigenous places protected and managed by the Australian government in accordance with the Federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Section 112 of the *Queensland Heritage Act 1992* (QHA) stipulates that (as of 2008) local Queensland governments are obligated to compile and maintain a Local Heritage Register. The places that are listed are specifically relevant to European cultural heritage and are selected using criteria adapted from the QHA and *Australia ICOMOS Burra Charter 1999*.

4.3.1 Non-Indigenous Register Search Attributes

Non-Indigenous heritage values listed on heritage registers are summarised in Table 4. No heritage listed places are near the works area.

Table 4 Non-Indigenous Heritage Attributes near the proposed Compost Manufacturing Facility at Bromelton.

Property	Queensland Heritage Register			National Trust of Queensland (non-statutory register)		Local Heritage Register	
	ID	Attribute	Criterion	ID	Attribute	ID	Attribute
Lot 4, 260 Mitchell Road, Bromelton, Queensland	n/a	n/a	n/a	n/a	n/a	n/a	n/a

5 Native Title Assessment

5.1 The Commonwealth Native Title Act 1993

Native title refers to the rights and interests held by the Aboriginal and Torres Strait Islander peoples in accordance with the traditional laws recognised and customs observed. Common law in Australia recognises those laws and customs that are associated with the land or waters.

The main objectives of the Commonwealth *Native Title Act 1993* are:

- a. to provide for the recognition and protection of Native Title;
- b. to establish ways in which future dealings affecting Native Title may proceed and to set standards for those dealings;
- c. to establish a mechanism for determining claims to Native Title; and
- d. to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of Native Title.

In order for the common law of Australia to recognise the native title rights and interests of a native title claim group, the NTA requires the filing of a native title determination application with the Federal Court of Australia.

The validity of the claim for native title is assessed by the Federal Court of Australia or High Court of Australia through the consideration of evidence submitted in the application. The claimants, referred to as the Native Title Party are responsible for gathering and compiling the evidence. Then, on the basis of this evidence, a native title determination is rendered. Whether the determination confers 'exclusive' or 'nonexclusive' native title rights and interests, the determined Native Title Holder (also referred to as the Native Title Party) may be granted the same or different rights as landowners in cases where native title has been established.

Native title holders have the right to negotiate an agreement with private or public corporations or governments that wish to develop land, open mines, or construct infrastructure on land with a native title determination, in accordance with the Native Title Act. Native title holders are granted the opportunity to provide input on development that impacts their traditional waters and territories; this is an important measure. It also signifies that recompense may be offered to native title holders in exchange for permitting industry access to their traditional lands. The right to negotiate is not a right to veto. Unless the property in question is designated as a cultural heritage site or the Traditional Owners hold freehold tenure, they are not permitted to impede development (The State of Queensland, 2023).

5.2 Tenure Types

The tenure of the proposed works site is Freehold adjacent to other Freehold lots and a Road Parcel (Map 4).

Freehold tenure is typically found on a private lot. It means that the land is 'free from hold' by any other entity and the owner can mortgage, lease, or sell their land and build a dwelling in accordance with local laws and planning regulations.

Valid grants of freehold tenure extinguish Native Title, and a Native Title determination won't affect private home ownership. Grants are known as previous exclusive possession acts (PEPA). If it can be proven that freehold tenure was granted prior to 23 December 1996, in the proposed works area, Native Title has likely been extinguished.

5.3 Native Title Claims and Legal Outcomes

Native Title land boundaries occurring within or surrounding the project areas for the upgrade works were considered. All Native Title applications and determinations, whether accepted, rejected or in process, are kept on record by the Australian National Native Title Tribunal (NNTT).

5.4 Native Title Determinations

A search of the National Native Title Register indicated that no Native Title determinations currently exist over the proposed works area.

5.5 Scheduled Native Title Claims (SNTCs)

A search of the National Native Title Register indicates that one (1) scheduled Native Title application currently exists over the proposed works area.

The SNTC has the name of *'Ted Williams & Ors on behalf of the Danggan Balun (Five Rivers) People v State of Queensland'*, the Tribunal file no. QC2017/007 and the Federal Court number QUD331/2017.

5.6 Registered Native Title Claims (RNTCs)

A search of the National Native Title Register indicates that one (1) registered Native Title application currently exists over the proposed works area.

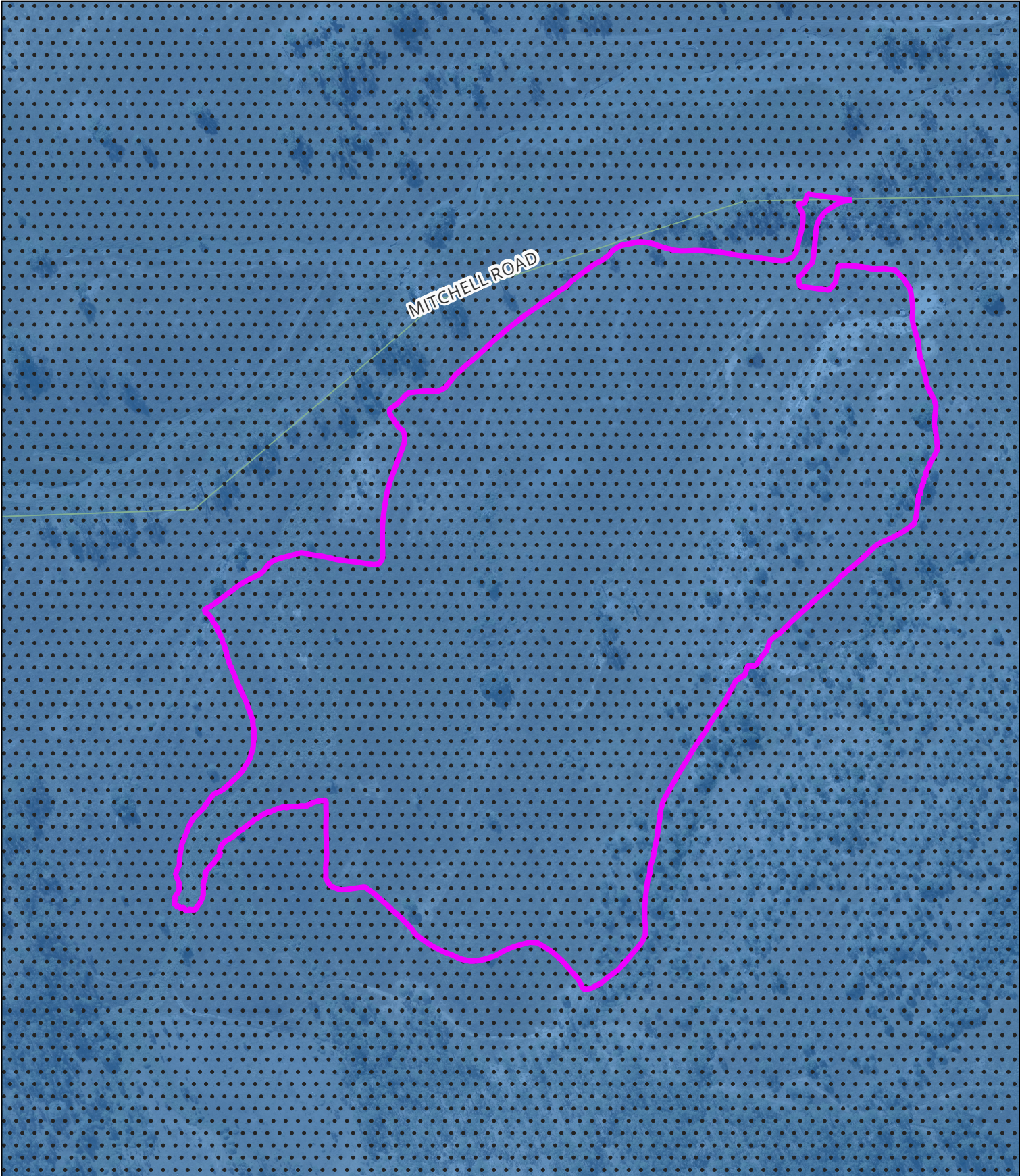
The RNTC has the name of *'Ted Williams & Ors on behalf of the Danggan Balun (Five Rivers) People v State of Queensland'*, the Tribunal file no. QC2017/007 and the Federal Court number QUD331/2017.

5.7 Indigenous Land Use Agreements (ILUAs)

A search of the National Native Title Register indicates that no ILUAs currently exist over the proposed works area.

5.8 Native Title Findings

Valid grants of freehold tenure extinguish Native Title. Grants are known as previous exclusive possession acts (PEPA). If it can be proven that freehold tenure was granted prior to 23 December 1996, in the proposed works area, Native Title has likely been extinguished (Map 3).



Legend

- Project Footprint 20240803
- Roads
- Registered Native Title Claim
- Scheduled Native Title Claim

CRS: GDA 1994 MGA Zone 56
Projection: Transverse Mercator

Scale 1:3,000 (A4)

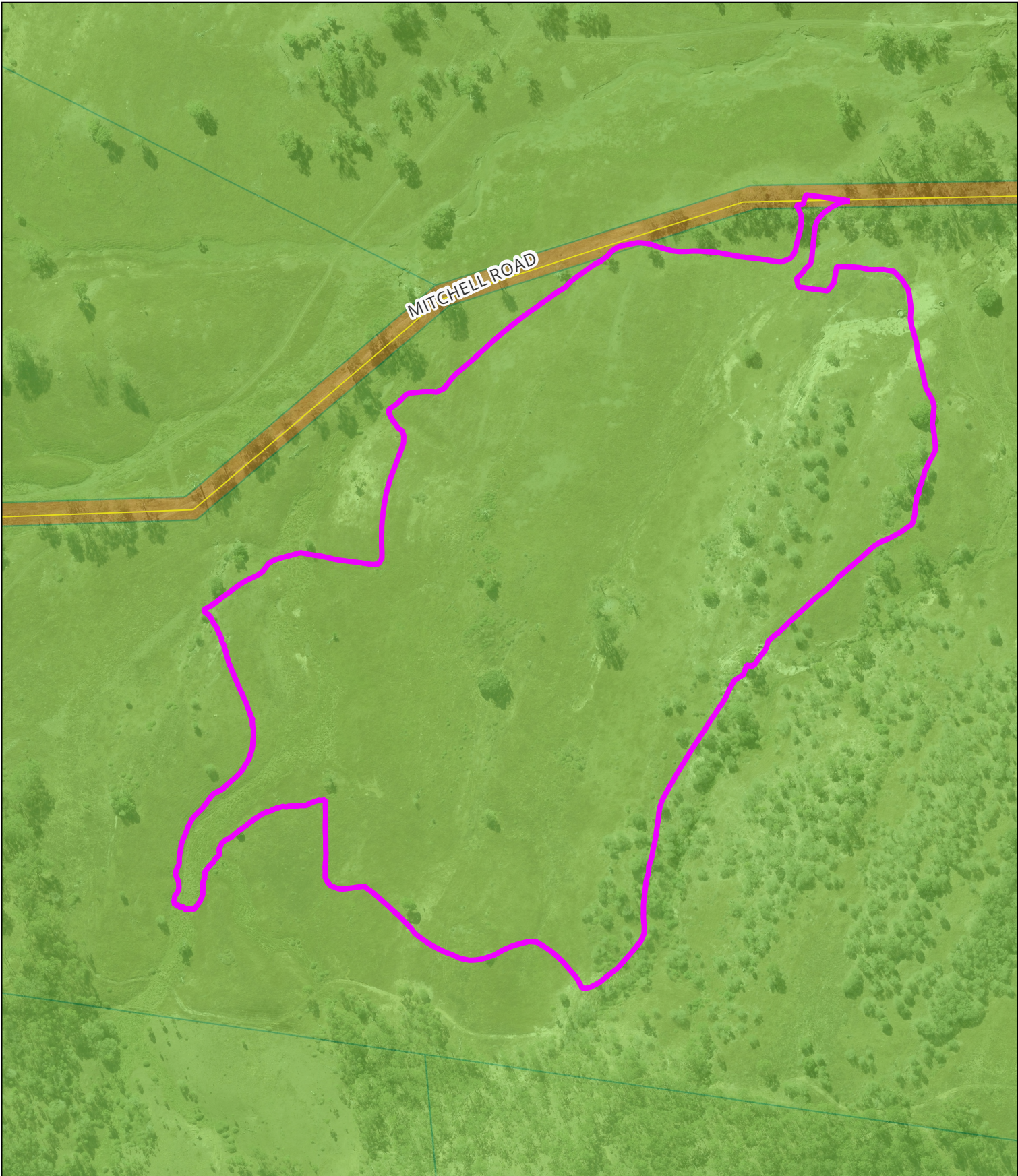
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Map 3 Native Title Assessment at or near the proposed
Compost Manufacturing Facility, Bromelton.

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Rev	Description	Drawn	Approved	Date

Job Number 23595



Legend

 Project Footprint 20240803
 Roads

Tenure
 Freehold
 Road Parcel

CRS: GDA 1994 MGA Zone 56
Projection: Transverse Mercator

Scale 1:3,000 (A4)
0 25 50 75 m


Map 4 Tenure Assessment at or near the proposed
Compost Manufacturing Facility, Bromelton.

O	Issued for use	PD	TM	13/08/2024
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Rev	Description	Drawn	Approved	Date

Job Number 23595



6 Field Survey

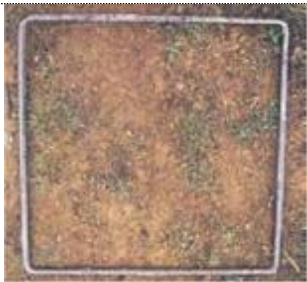
6.1 Survey Limitations

The taphonomy of a site must be considered during archaeological foot surveys, as it takes into account the processes which have acted on the site’s soils, and the effect of these processes on the archaeological record. For example, traffic infrastructure, vehicular disturbance, rain, pastoral usage, vegetation, erosion, and more factors should be considered when interpreting a site. Historical land use can be determined from historical imagery (Appendix B, Table 11) and historical research (Section 3). Ground surface visibility (GSV) is also a major factor that needs to be considered during a cultural heritage survey.

6.1.1 Ground Surface Visibility

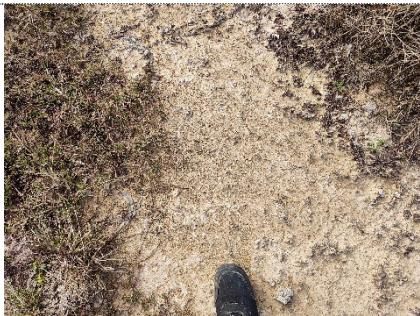
GSV is important to consider during heritage surveys, as GSV can be a major impediment to an accurate survey. If vegetation or soil is obscuring an archaeological value, they can be more difficult to locate, or even go unrecorded. Ground visibility (GSV) is classified in the following way:

Table 5 Ground Surface Visibility examples

Ground Visibility			
80%	60%	30%	10%
			

GSV at the site was on average 5%. The ground cover consisted of thick grasses and weeds with only a few bare patches allowing the surface to be seen. The survey effort was significantly hampered by these factors, which may result in heritage values remaining undiscovered in the landscape.

Table 6 Ground Surface Visibility during the survey

Ground Visibility		
80%	15%	0%
		

A field survey of the proposed works areas was undertaken on 22nd of May 2024 to verify the desktop data and to assess the area for any evidence of items of cultural heritage significance. The surveyed area of the proposed works includes the area within the works area identified in Map 1. This area was surveyed on foot as part of a walk through to assess the project site and immediately surrounding area (within public access) for Aboriginal and non-Indigenous cultural heritage values or risks to these values posed by the proposed works. The survey also assessed the proximity of the site to the surrounding landscape features, natural environment, and other built features, for example, waterways, fence lines, gates, culverts, and ditches. The survey traversed areas immediately within publicly accessible areas.

The surveyed area identified 18 stone artefacts inside or immediately adjacent to the works area; (Table 7). While best efforts have been made to accurately record the location of these values, tree cover, and elevation can affect GPS accuracy (Map 5).

Table 7 Heritage Attributes Identified during survey at the proposed works site.

Heritage value	Location Found	Description and Required Action	Image
SA225241	-27.975969, 152.912577	Quartzite Flaked Piece Eralliure Scar on Ventral Surface below platform. Negative flake scars on the dorsal surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	

Heritage value	Location Found	Description and Required Action	Image
SA225242	-27.97598, 152.912575	Quartzite Flake showing a bulb of percussion on the ventral surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	
SA225243	-27.975983, 152.912574	Quartzite flake showing a bulb of percussion on the ventral surface and negative flake scars on the dorsal surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	

Heritage value	Location Found	Description and Required Action	Image
SA225244	-27.97598, 152.912576	Silcrete flaked piece showing negative flake scarring on the dorsal surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	
SA225245		Silcrete flake showing a bulb of percussion on the ventral surface below the platform and negative flake scarring on the dorsal surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	

Heritage value	Location Found	Description and Required Action	Image
SA225246	-27.97599, 152.912571	Chert flaked piece showing a bulb of percussion and ripples on the ventral surface and negative flake scars on the dorsal surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	
SA225247	-27.97609, 152.912328	A Silcrete flaked piece with a bulb of percussion on the ventral surface and flake scar on the dorsal surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	

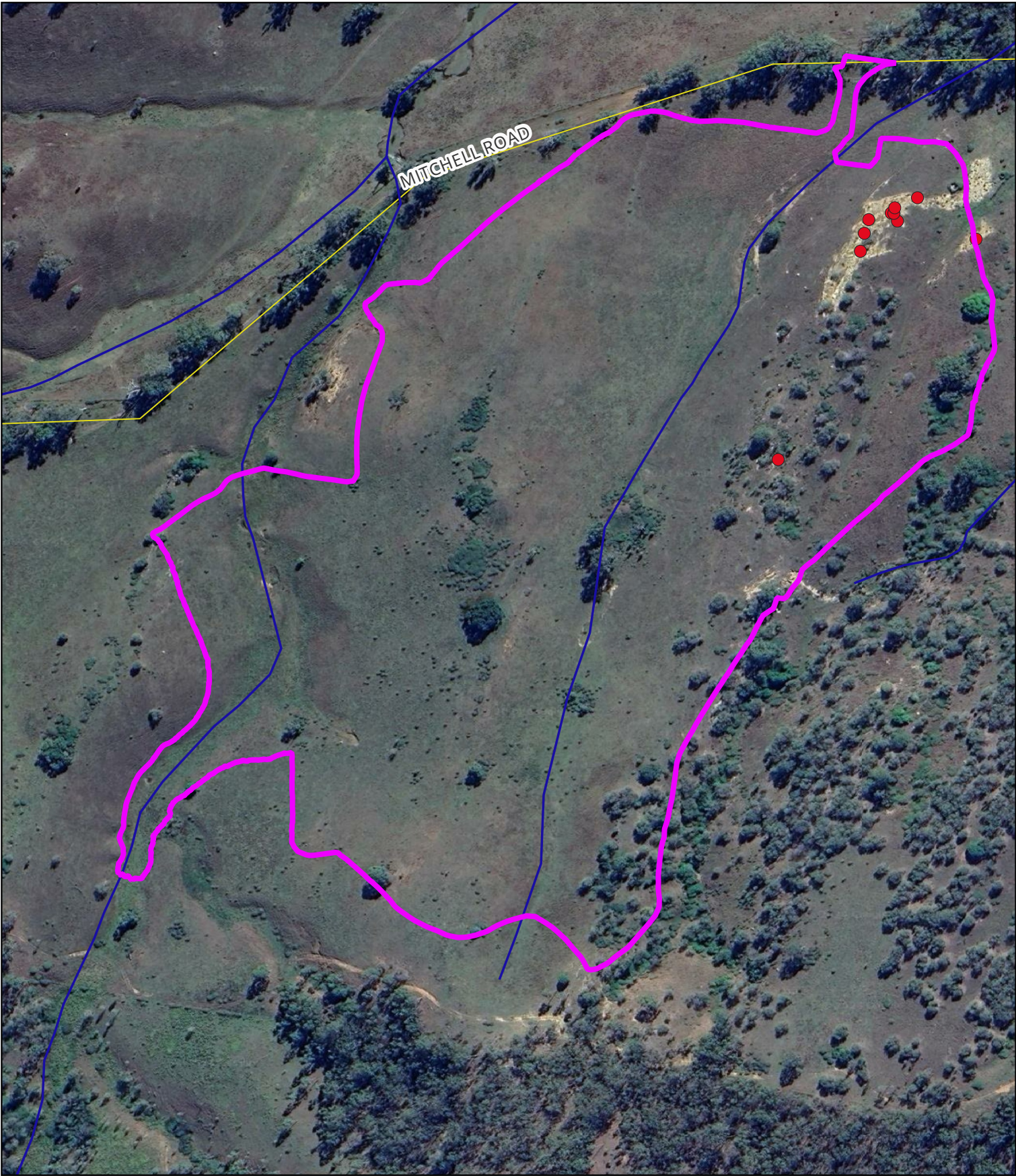
Heritage value	Location Found	Description and Required Action	Image
SA225248	-27.976183, 152.912326	Quartzite flaked piece showing flake scars on both the ventral and dorsal surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	

Heritage value	Location Found	Description and Required Action	Image
SA225249	-27.975939, 152.91256	A large Quartzite core showing a bulb of percussion and ripples on the ventral surface and negative flake scars on the dorsal surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	

Heritage value	Location Found	Description and Required Action	Image
SA2252410	-27.975925, 152.912618	A quartzite flaked core showing flake scars on both surfaces. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	

Heritage value	Location Found	Description and Required Action	Image
SA2252411	-27.977592, 152.911778	A quartzite flaked piece showing a bulb of percussion on the ventral surface and negative flake scarring on the dorsal surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	

Heritage value	Location Found	Description and Required Action	Image
SA2252412		A series of flakes, silcrete and quartzite showing negative flake scarring on the dorsal surface. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	
SA2252413		A quartzite core showing flake scarring. Traditional Owner liaison is required. See more detailed recommendations in Section 8.	



Legend

- Project Footprint 20240803
- Roadway
- Watercourses
- Indigenous Heritage Values

CRS: GDA 1994 MGA Zone 56
Projection: Transverse Mercator

Scale 1:2,600 (A4)
0 25 50 75 m
N

Map 5 Survey values at or near the proposed Compost Manufacturing Facility, Bromelton.

O	Issued for use	PD	TM	13/08/2024
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Rev	Description	Drawn	Approved	Date



Job Number
23595

6.2 Site Photos

Table 8 Site Photos.

Site Photos	
Photo 1. -27.979854, 152.909458. The proposed site area, showing the dense ground vegetation and topography. Facing Northwest.	
Photo 2. -27.978755, 152.908715 The proposed site area, showing the dense ground vegetation and topography. Facing West.	

Site Photos

Photo 3. -27.976824, 152.909844

The proposed site area, showing the dense ground vegetation and topography.

Facing West.



Photo 4. -27.976838, 152.912999.

The proposed site area, showing the dense ground vegetation and topography.

Facing Southwest.



Photo 5. -27.977161, 152.912792

The proposed site area, showing the dense ground vegetation and topography.

Facing North.



Site Photos

Photo 6. -27.975955, 152.912393.

A washout area where many Indigenous Values were found.

Facing Southeast.



Photo 7. -27.976473, 152.912193.

A washout area where many Indigenous Values were found.

Facing South.



Photo 8. -27.978021, 152.911451.

Some mature trees that remain within the project area.

Facing West.



Site Photos

Photo 9. -27.978268, 152.910779.

A large mature tree within the project area.

Facing Northwest.



Photo 10. -27.975446, 152.910537.

A mature tree remaining in the project area.

Facing West.



Site Photos

Photo 11. -27.976566, 152.913123

A mature fig tree within the project area.

Facing Northeast



Photo 12. -27.977087, 152.912979

Exposed rocks along a ridgeline within the project area.

Facing Northeast



7 Duty of Care Risk Assessment

Known and potential Aboriginal cultural heritage values and non-Indigenous heritage values at the Commonwealth, State and Local levels, as well as Native Title, were assessed for the proposed project areas. Currently there are at least eighteen (18) known Indigenous artefacts identified in the immediate proposed works area, and no non-Indigenous values within or near the works area. Some risk factors were identified in the landscape such as remnant vegetation, watercourses, wetlands, and ridgelines. The Duty of Care requirement provides for a risk assessment matrix for Indigenous heritage values, which is summarised in Table 9. A matrix for the assessment of non-Indigenous heritage is shown in Table 10. The cultural heritage risk assessment is mapped in Map 6.

Table 9 Duty of Care Assessment Risk Matrix for Indigenous Heritage Values

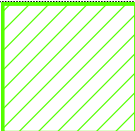
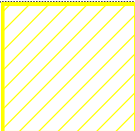
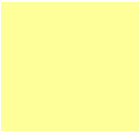
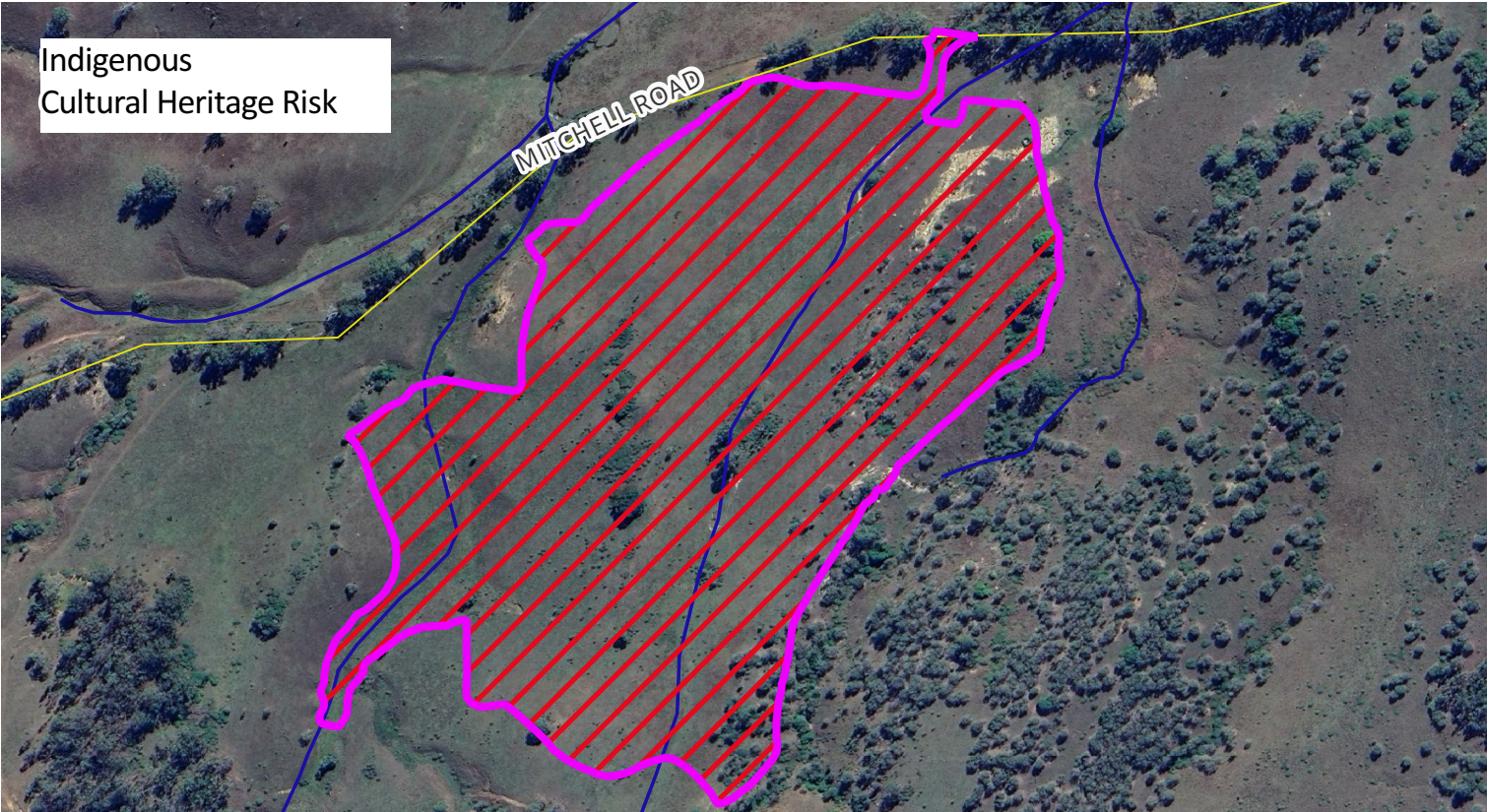
Category	Description	Mapped Symbol
Category 1	Where an activity involves no Surface Disturbance of an area it is generally unlikely that the activity will harm Aboriginal cultural heritage, and the activity will comply with these guidelines. In these circumstances, it is reasonable and practicable for the activity to proceed without further cultural heritage assessment.	
Category 2	Where an activity causes No Additional Surface Disturbance of an area it is generally unlikely that the activity will harm Aboriginal cultural heritage or could cause additional harm to Aboriginal cultural heritage to that which has already occurred, and the activity will comply with these guidelines. In these circumstances, subject to mitigation measures, it is reasonable and practicable for the activity to proceed without further cultural heritage assessment.	
Category 3	Where an activity is proposed in a Developed Area it is generally unlikely that the activity will harm Aboriginal cultural heritage, and the activity will comply with these guidelines. In these circumstances it is usually reasonable and practicable that the activity proceeds without further cultural heritage assessment.	
Category 4	Where an activity is proposed in an area which has previously been 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. In these circumstances, subject to mitigation measures it may be reasonable and practicable that the activity proceeds without further cultural heritage assessment.	
Category 5	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. Particular care must be taken where it is proposed to undertake activities causing additional surface disturbance to the features likely to have cultural heritage significance.	

Table 10 Risk Assessment symbology for Non-Indigenous heritage.

Risk Rating	Description	Symbol
High Risk	Non-Indigenous heritage values are known to exist or have a very high likelihood of existing sub-surface; and/or heritage-listed places are located at or near the proposed works site. Additional mitigation measures are required, such as monitoring by an archaeologist, an Archaeological Management Plan, a finds procedure, a Notification of Discovery, or more, as discussed below in Assessment and Recommendations.	
Medium Risk	Non-Indigenous heritage values are likely of existing sub-surface, and/or heritage-listed places are located near the proposed works site. Additional mitigation measures may be required, such as monitoring by an archaeologist, an Archaeological Management Plan, a finds procedure, a Notification of Discovery, or more, as discussed below in Assessment and Recommendations.	
Low Risk	No or little evidence suggests that non-Indigenous heritage values exist at the proposed works site.	



Legend

Project Footprint 20240803

Roadway

Watercourses

Non-Indigneous Cultural Heritage Risk

- Low

Indigenous Cultural Heritage Risk

- Category 5

CRS: GDA 1994 MGA Zone 56
Projection: Transverse Mercator

Scale 1:4,500

0 25 50 75 m

(A4)

N

Map 6: Cultural Heritage Risk Assessment at the proposed Compost Manufacturing Facility, Bromelton.

O	Issued for use	PD	TM	14/08/2024
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Rev	Description	Drawn	Approved	Date

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GROUP

Job Number 23595

8 Assessment and Recommendations

The potential for cultural heritage values in the vicinity of the proposed works area has been assessed in this report (Map 6). Potential heritage values can be avoided by the proposed works through the implementation of appropriate protection measures. It is considered appropriate that the proposed works proceed following the cultural heritage recommendations below.

8.1 Indigenous Heritage Assessment

1. **Category 5 Risk:** Numerous stone artefacts were found within the works area on areas where the ground surface was able to be seen. These artefacts were situated along the top of ridgelines and within washout areas. Dense ground vegetation in other areas resulted in values remaining unseen in the landscape. As there are ridgelines, watercourses and some mature vegetation within the project area, the likelihood of further cultural heritage values is significantly high. Traditional Owner consultation will be required to avoid harm to Indigenous cultural heritage under the *Aboriginal Cultural Heritage Act 2003*.

Possible outcomes of consultation between SOILCO Pty Ltd and the Party that will likely result in an agreement. This may be in the form of:

- A Cultural Heritage Management Plan is legally required when an EIS is required, however they can be done voluntarily.

The legislation contains provisions under Division 2 to ensure the protection of Aboriginal cultural heritage for certain projects that require environmental approvals or assessments. The key requirements are as follows:

a. Environmental Impact Statement Required (Section 87)

If an Environmental Impact Statement (EIS) is required for a project under another Act, the authority for that project cannot be granted unless one of the following conditions is met:

b. Other Environmental Assessments (Section 88)

For certain prescribed types of projects requiring an environmental assessment (but not an EIS), the same rules apply as above - either an approved cultural heritage management plan is needed first, or approval conditions prohibiting excavation/construction until a plan is approved.

- A Cultural Heritage Management Agreement may be requested by the party.
- A Cultural Heritage Field Agreement or similar.

Redleaf cannot predict the outcome of consultation with the Cultural Heritage Party. What is likely to be included in agreements of any of the above types are provisions about meetings with the Cultural Heritage Party, Field surveys with a representative of the Party, Monitoring of earthworks, and similar.

8.2 Non-Indigenous Heritage Assessment

2. No significant Non-Indigenous Heritage Values were found within the project area. The risk of discovery of subsurface values is low. Site Protocols in Section 8.4 must be followed at all times.

8.3 Native Title Findings

3. If it can be proven that the freehold tenure was validly declared prior to 23 December 1996, then Native Title is extinguished in this area. If Native Title has been validly extinguished for this reason, then it need not be considered further for this project.

8.4 Site Protocols

Site Inductions

4. Provide machinery and road/traffic personnel with relevant cultural heritage training to ensure they:
 - i. Understand the Duty of Care requirements under the *Aboriginal Cultural Heritage Act 2003*.
 - ii. Understand where machinery, stockpiles etc. should be located.
5. The site induction can be delivered by the responsible cultural heritage officer (Tim Menkins 0497 259 960).
6. During Works (these guidelines are developed from the Department of Environment and Science Procedural Guide for Managing Indigenous Cultural Heritage. For further information see Department of Environment and Science 2015):
 - 6.1 FIND: An item of potential Cultural Heritage is found.
 - 6.2 STOP: All work at the FIND location shall cease. The item shall not be removed or disturbed and an exclusion zone must be installed around the area.
 - 6.3 NOTIFY: The Contractor shall immediately notify a 'responsible person'.
 - 6.4 MANAGE: This may include precluding access to that area and liaison with relevant Aboriginal party/parties. The Contractor shall notify all site personnel of the object and/or area and proposed treatment of the object and/or area as soon as possible, but prior to commencing work on the next working day. Please immediately notify the responsible cultural heritage officer should further historical or Indigenous heritage values be identified (Tim Menkins 0448 119 104).

Note: the recommendations provided in this report do not preclude adherence to the ACH Act and the need for an appropriate Environmental Management Plan (EMP), which identifies steps to be taken in the event of previously unidentified cultural heritage values being found while undertaking the proposed works.

Archaeological Discoveries

Under section 89 of the *Queensland Heritage Act 1992* (QHA), if values are, or could be, of State significance, a notification of discovery must be made to the Department of Environment and Science (DES). Under section 90 of the QHA, unless the chief executive gives consent, or if a person has a reasonable excuse, the archaeological artefact must not be interfered with until at least 20 business days after the giving of notice. When an archaeological discovery is reported, DES assesses the finds to determine if it is an important source of information about Queensland's history. Discoveries may be assessed as:

- Not important.
- Important and requiring management strategies.
- Important and eligible for entry in the Queensland Heritage Register.

Archaeological discoveries can occur regardless of land tenure. Archaeological Management Plans can help to provide a framework of processes in the event of finding artefacts, or items of cultural heritage significance.

9 References

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10 Glossary

Term	Definition
Aboriginal cultural heritage	Anything that is a significant Aboriginal area in Queensland; or a significant Aboriginal object; or evidence of archaeological significance, historic significance or of Aboriginal occupation of an area of Queensland. Aboriginal cultural heritage is protected by the <i>Aboriginal Cultural Heritage Act 2003</i>. <i>Examples include:</i> • Stone artefacts (e.g. flints, blades, axe heads) • Old campfires and hearths • Middens • Rock Art • Scarred and carved trees (culturally modified trees) • Remains of rock quarries and axe grinding grooves • Human remains • Ceremonial and ritual areas.
Additional surface disturbance	Surface disturbance inconsistent with previous surface disturbance.
Adjoining property	Properties that share a common boundary, including premises that meet at a single point on a common boundary.
Aesthetic significance	The visual significance of a place or artefact, including its visual merit or interest. A place may have aesthetic significance if it has qualities that affect the senses of the viewer or observer.
Archaeological artefact	Any artefact that is evidence of an aspect of Queensland's history, whether it is located in, on, or below the surface of land. Note: Under the <i>Queensland Heritage Act 1992</i>, an archaeological artefact does not include: • a thing that is Aboriginal cultural heritage under the <i>Aboriginal Cultural Heritage Act 2003</i> or Torres Strait Islander cultural heritage under the <i>Torres Strait Islander Cultural Heritage Act 2003</i>; or • underwater cultural heritage artefact.
Archaeological Management Plan	A form of Conservation Management Plan (CMP) or Heritage Management Plan (HMP) tailored specifically for places with archaeological significance. Refer to the <i>Burra Charter</i> for further information. Note: Under the <i>Queensland Heritage Act 1992</i> an AMP is a plan for managing archaeological sites and artefacts developed according to specific guidelines.
Artefact	<i>Artefact</i> means an archaeological artefact or underwater cultural heritage artefact.
Building envelope	The area of a lot defined by metres and bounds within which all development including but not limited to a building, structure, private open space, car park, storage, on-site wastewater treatment and associated clearing of vegetation must be confined other than a boundary fence. The term does not include a driveway from a road to the building envelope area.
Burra Charter	The charter that provides guidance for the conservation and management of places of cultural significance and is based on the knowledge and experience of Australian International Council on Monuments and Sites (ICOMOS) members.

Catchment	A catchment is an area where water is collected by the natural landscape to a surface location or storage.
Conservation	Conservation means all the processes of looking after a place so as to retain its cultural heritage significance and includes protection, stabilisation, maintenance, preservation, restoration, reconstruction and adaptation.
Conservation Management Plan (CMP)	A plan that outlines what is significant about a place and how to manage changes over time to ensure the significance is retained. CMPs are used primarily for Queensland Heritage Places, following guidelines developed by the Queensland Government. Note: This is different from a Cultural Heritage Management Plan, which are used for places of Indigenous cultural heritage significance.
Cultural heritage body/party	The cultural heritage party/ies for the area of the proposed works according to Native Title. If there is no current Native Title claim over the area, previously registered Native Title claimants ('last claim standing') <i>may</i> be the relevant cultural heritage body. To identify details about statutory Aboriginal or Torres Strait Islander parties for an area, please visit the Aboriginal and Torres Strait Islander Cultural Heritage online portal.
Cultural heritage criteria	The criteria for entry in the Queensland Heritage Register stated in the <i>Queensland Heritage Act 1992</i> .
Cultural heritage find	An object or area in, or around, the work area that is suspected to constitute Aboriginal cultural heritage or historical (non-Indigenous) cultural heritage. Note: These may also be referred to as <i>potentially significant</i> objects or artefacts.
Cultural Heritage Management Plan (CHMP)	An agreement between a land user (sponsor) and Traditional Owners (endorsed party) developed under Part 7 of the <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i>. A CHMP explains how land use activities can be managed to avoid or minimise harm to Aboriginal or Torres Strait Islander cultural heritage. A CHMP must be developed and approved under Part 7 of the legislation when an environmental impact statement is required for a project. Note: This is different from a Conservation Management Plan, which are used for places of non-Indigenous cultural heritage significance.
Cultural heritage significance	Of a place or feature of a place, or object, referring to the aesthetic, architectural, historical, scientific, social, or other significance, to the present generation, past, or future generations. Cultural heritage significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places, and related objects. Places may have a range of values for different individuals or groups.
Cultural heritage values	Also referred to as 'heritage values', it is the aesthetic, historic, scientific, or social significance of a place and can include both Indigenous non-Indigenous (historic) cultural heritage. Note: this term is often used interchangeably with cultural heritage significance.
Culturally modified tree	Also known as: scar trees, scarred trees, and carved trees. Culturally modified trees (CMTs) are trees that have been scarred or modified by Aboriginal people through the deliberate removal of bark or wood, typically modified prior to European settlement. CMTs were used to make items such as canoes, shield, and boomerangs, but may have also been used for wayfinding and denoting significant areas in the landscape.

	Scar trees may also date to post-European settlement and may have been modified by either by Indigenous people, or European settlers.
Designated landscape area	Under the repealed <i>Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987</i>, an area was declared a 'designated landscape area' (DLA) if it was deemed necessary or desirable for it to be preserved or to regulate access. DLAs are recorded on the Aboriginal and Torres Strait Islander cultural heritage register in accordance with section 162 of the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.
Developed area	An area that is developed or maintained for a purpose such as a park, garden, railway, road or other access route, navigation channel, municipal facility, or infrastructure facility, such as power lines, telecommunication lines or electricity infrastructure.
Development	Development as defined under the <i>Planning Act 2016</i> .
Disturbed, cleared or modified areas	Includes any area that will be disturbed, cleared, or modified as a result of approved development and any area where historical disturbance, clearing or modification, being natural (e.g. due to invasive pest species) or unnatural is evident.
Exclusion zone	Under the <i>Aboriginal Cultural Heritage Act 2003</i> and the <i>Torres Strait Islander Cultural Heritage Act 2003</i> , it is an area that has been cordoned off and has restricted access arrangements in place.
Fabric	All the physical material of the place including elements, fixtures, contents, objects, archaeological features, and deposits,
Heritage agreement or local heritage agreement	An agreement under the <i>Queensland Heritage Act 1992</i> to manage a State Heritage Place or a Local Heritage Place.
Land tenure	The means of identifying who has the right to use and occupy land in accordance with the varying degrees of ownership, governed by the <i>Land Act 1994</i>. Strictly speaking, the word 'tenure' refers only to a lease or freehold which conveys possession of land to a person. For convenience, in this report the term is also used to embrace other forms of occupation such as licences, permits to occupy and State reserves. The provisions of the Commonwealth and State Native Title Acts—that is, the <i>Native Title Act 1993 (Cwlth)</i> and the <i>Native Title (Queensland) Act 1993</i>—must be satisfied before any dealings under the Land Act can be undertaken in relation to non-freehold land.
Laydowns	A temporary, designated area to place equipment and machinery necessary for the proposed works.
Local Heritage Place	A place identified in a local government's planning scheme, or on a Local Heritage Register as having cultural heritage significance to the local community. Local Heritage Places (LHP) are protected under the <i>Queensland Heritage Act 1992</i>. Note: Assessable development on a Local Heritage Place is governed by the <i>Planning Act 2016</i>.
Local Heritage Register	A register identifying places of local cultural heritage significance, administered by a local government area (E.G. Brisbane City Council) under the <i>Queensland Heritage Act 1992</i> .
Maintenance	Maintenance means the continuous protective care of a place, and its setting. Maintenance is to be distinguished from repair which involves <i>restoration</i> or <i>reconstruction</i> .

Native Title Party	The Native Title party for an area is defined as: • Native Title holders – that is where Native Title has been recognised by the Federal Court of Australia. • Registered Native Title claimants – Native Title claims currently before the Federal Court of Australia. • Previously registered Native Title claimants (the ‘last claim standing’) – Native Title claims that have been removed from the Register of Native Title Claims administered by the National Native Title Tribunal (NNTT). Previously registered Native Title claimants will continue to be the Native Title party for that area providing: • There is no other registered Native Title claimant for the area. • There is not, and never has been, a Native Title holder for the area. • The Native Title party maintains this status within the external boundaries of the claim even if Native Title has been extinguished.
No additional surface disturbance	Surface disturbance not inconsistent with previous surface disturbance.
Non-Indigenous (historical) cultural heritage	A place or features of a place that have cultural heritage significance to present, past, or future generations. Non-Indigenous cultural heritage is protected by the <i>Queensland Heritage Act 1992</i>. Examples include: • Historical dwellings and buildings • Abandoned town sites/settlements • Evidence of historic settlement • Industrial & mining sites • Cemeteries and graves • Historical roads and streetscapes • Survey marks, pegs, or blazed trees • Places of historical interest.
Preservation	Maintaining the fabric of a place in its existing state and retarding deterioration.
Project area	In relation to a project, means the area the subject of the project, whether in construction or operational phases.
Queensland Heritage Register	A register identifying places of cultural heritage significance to the State of Queensland, administered by the Department of Environment and Science (DES) under the <i>Queensland Heritage Act 1992</i> .
Reconstruction	Reconstruction means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material.
Registered significant area	An area recorded in the Aboriginal and Torres Strait Islander Cultural Heritage Database and Register as a significant Aboriginal or Torres Strait Islander area.
Registered significant object	An object recorded in the Aboriginal and Torres Strait Islander Cultural Heritage Database and Register as a significant Aboriginal or Torres Strait Islander cultural heritage object. Note: This is the term used for <i>registered</i> artefacts relating to Indigenous cultural heritage under the <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i>, rather than <i>archaeological artefact</i> as defined under the QHA.
Remnant vegetation	As defined under the <i>Vegetation Management Act 1999</i> .

	For the purposes of this report, it broadly refers to vegetation that has not been cleared since European settlement.
Restoration	Returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
Setting	The immediate and extended environment of a place that is part of a place or contributes to its cultural heritage significance and distinctive character. Setting may include structures, spaces, land, water, and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Settings may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.
Significant ground disturbance	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.
Significant object	An object or artefact of cultural heritage significance to Indigenous peoples. (See also <i>registered significant object</i>).
State Heritage Place	A place of state-level cultural heritage significance, entered onto the Queensland heritage register under part 4 of the <i>Queensland Heritage Act 1992</i>. Note: Development on a State Heritage Place is also governed by the <i>Planning Act 2016</i>.
Stockpile	A designated area where construction materials are piled and to manage handling. Materials are transported to and from the project site as needed.
Surface disturbance	Any disturbance of an area which causes a lasting impact to the land or waters during the activity or after the activity has ceased.
Use	The functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Appendix A – DSDSATSIP Indigenous Cultural Heritage Register Search

Cultural Heritage Database and Register Search Report

Search report reference number: 156962

The Aboriginal and Torres Strait Islander Cultural Heritage Database (cultural heritage database) and Aboriginal and Torres Strait Islander Cultural Heritage Register (cultural heritage register) have been searched in accordance with the location description provided, and the results are set out in this report.

The cultural heritage database is intended to be a research and planning tool to help Aboriginal and Torres Strait Islander parties, researchers, and other persons in their consideration of the cultural heritage values of particular areas.

The cultural heritage register is intended to be a depository for information for consideration for land use and land use planning, and a research and planning tool to help people in their consideration of the Aboriginal cultural heritage values of particular objects and areas.

Aboriginal or Torres Strait Islander cultural heritage which may exist within the search area is protected under the [Aboriginal Cultural Heritage Act 2003](#) and the [Torres Strait Islander Cultural Heritage Act 2003](#) (the Cultural Heritage Acts), even if the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (the Department) has no records relating to it.

The placing of information on the database is not intended to be conclusive about whether the information is up-to-date, comprehensive or otherwise accurate.

Under the Cultural Heritage Acts, a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal or Torres Strait Islander cultural heritage. This applies whether or not such places are recorded in an official register and whether or not they are located on private land.

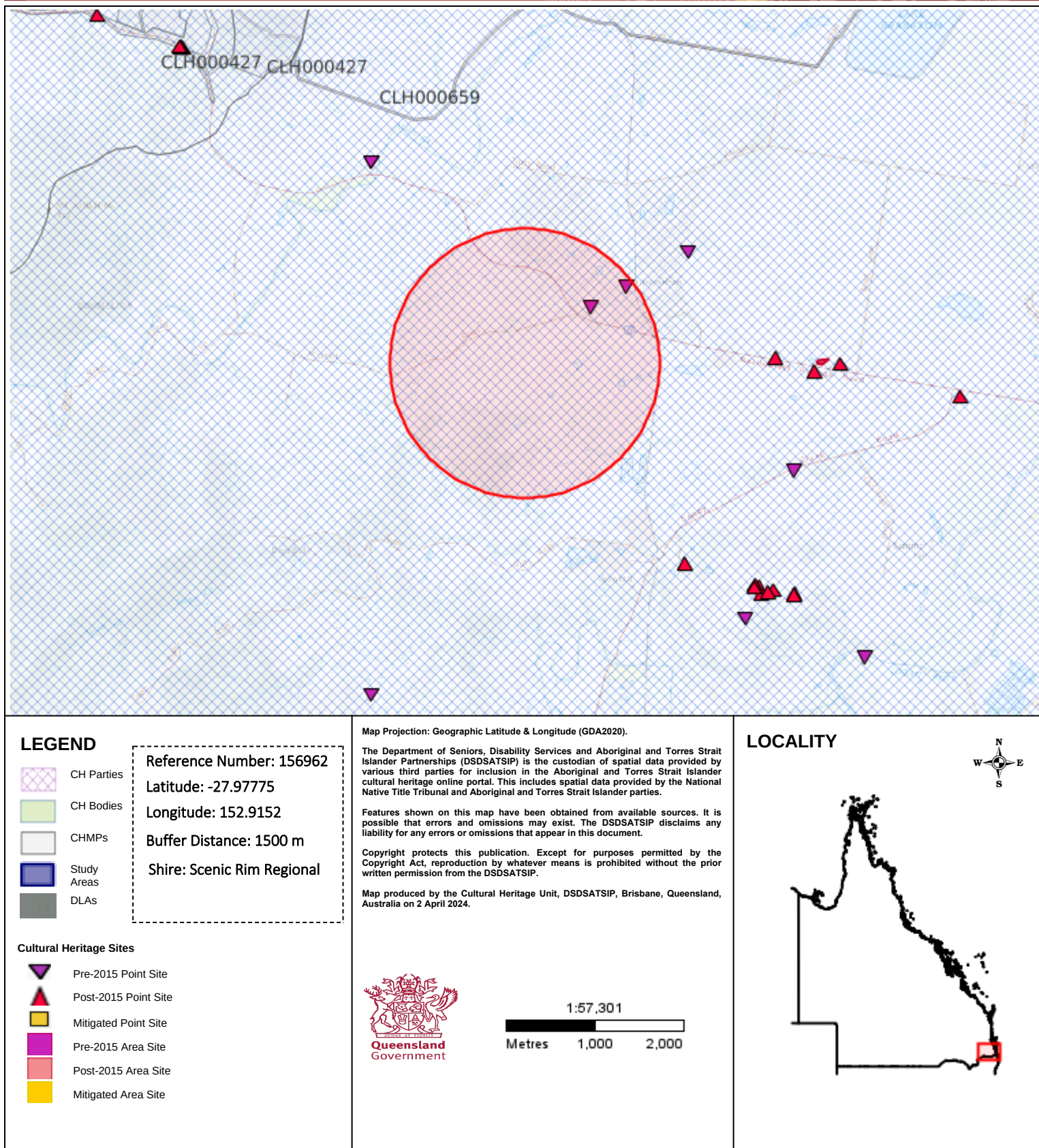
Please refer to the Department website <https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care> to obtain a copy of the gazetted Cultural Heritage Duty of Care Guidelines, which set out reasonable and practicable measure for meeting the cultural heritage duty of care.

In order to meet your duty of care, any land-use activity within the vicinity of recorded cultural heritage should not proceed without the agreement of the Aboriginal or Torres Strait Islander Party for the area, or by developing a Cultural Heritage Management Plan under Part 7 of the Cultural Heritage Acts.

The extent to which the person has complied with Cultural Heritage Duty of Care Guidelines and the extent the person consulted Aboriginal or Torres Strait Islander Parties about carrying out the activity – and the results of the consultation – are factors a court may consider when determining if a land user has complied with the cultural heritage duty of care.

Should you have any further queries, please do not hesitate to contact the department via email: cultural.heritage@dssdsatip.qld.gov.au or telephone: 1300 378 401.

Cultural Heritage Database and Register Search Report



Cultural Heritage Database and Register Search Report

Cultural heritage site points for the area:

Site ID	Latitude	Longitude	Date Recorded	Attribute	Cultural Heritage Party
KB:C87	-27.972972	152.921766	11/03/1999	Artefact Scatter	Danggan Balun (Five Rivers) People
KB:C87	-27.971169	152.925326	11/03/1999	Artefact Scatter	Danggan Balun (Five Rivers) People

There are no Aboriginal or Torres Strait Islander cultural heritage site polygons recorded in your specific search area.

Cultural Heritage Party/ies for the area:

Reference No.	Federal Court No.	Name	Contact Details
QC2017/007	QUD331/2017	Danggan Balun (Five Rivers) People	Danggan Balun (Five Rivers) Queensland South Native Title Services PO Box 10832 BRISBANE QLD 4000 Freecall: 1800 663 693 Phone: (07) 3224 1200 Email: reception@qsnts.com.au

There are no Cultural Heritage Bodies recorded in your specific search area.

There are no Cultural Heritage Management Plans recorded in your specific search area.

There are no Designated Landscape Areas (DLA) recorded in your specific search area.

There are no Registered Cultural Heritage Study Areas recorded in your specific search area.

There are no National Heritage Areas (Indigenous values) recorded in your specific search area.

Cultural Heritage Database and Register Search Report

Glossary

Cultural Heritage Body: An entity registered under Part 4 of the Cultural Heritage Acts as an Aboriginal or Torres Strait Islander cultural heritage body for an area. The purpose of a cultural heritage body is to:

- identify the Aboriginal or Torres Strait Islander parties for an area
- serve as the first point of contact for cultural heritage matters.

Cultural Heritage Management Plan (CHMP): An agreement between a land user (sponsor) and Traditional Owners (endorsed party) developed under Part 7 of the Cultural Heritage Acts. The CHMP explains how land use activities can be managed to avoid or minimise harm to Aboriginal or Torres Strait Islander cultural heritage.

Cultural Heritage Party: Refers to a native title party for an area. A native title party is defined as:

- Registered native title holders (where native title has been recognised by the Federal Court of Australia).
- Registered native title claimants (whose native title claims are currently before the Federal Court of Australia).
- Previously registered native title claimants (the 'last claim standing') are native title claims that are no longer active and have been removed from the Register of Native Title Claims administered by the National Native Title Tribunal. Previously registered native title claimants will continue to be the native title party for that area providing:
 - o there is no other registered native title claimant for the area; and
 - o there is not, and never has been, a registered native title holder for the area.

The native title party maintains this status within the external boundaries of the claim even if native title has been extinguished.

Cultural heritage site points (pre 2015): Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as point data **before** 1 July 2015.

Cultural heritage site points (post 2015): Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as point data **after** 1 July 2015.

Cultural heritage site points (post 2015 mitigated): Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as point data after 1 July 2015 where the recorder has advised the department that the site has been mitigated.

Cultural heritage site polygons: Aboriginal and Torres Strait Islander cultural heritage sites and places recorded in the database as a polygon.

Designated Landscape Areas (DLA): Under the repealed *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*, an area was declared a 'designated landscape area' (DLA) if it was deemed necessary or desirable for it to be preserved or to regulate access.

Indigenous Protected Areas (IPA): Areas of land and sea managed by Indigenous groups as protected areas for biodiversity conservation through voluntary agreements with the Australian Government. For further information about IPAs visit <https://www.environment.gov.au/land/indigenous-protected-areas>

National Heritage areas: Places listed on the National Heritage List for their outstanding heritage significance to Australia and are protected under the *Environment Protection and Biodiversity Conservation Act 1999*. For further information about the National Heritage List visit <https://www.environment.gov.au/heritage/about/national>

National Heritage Areas (Indigenous values): Places listed on the National Heritage list (Indigenous values) are recognised for their outstanding Indigenous cultural heritage significance to Australia and are protected under the *Environment Protection and Biodiversity Conservation Act 1999*. These areas are now included in the cultural heritage

Cultural Heritage Database and Register Search Report

register.

Registered Cultural Heritage Study Areas: Comprehensive studies of Aboriginal and or Torres Strait Islander cultural heritage in an area conducted under Part 6 of the Cultural Heritage Acts for the purpose of recording the findings of the study on the register.

Traditional Use of Marine Resources Agreement (TUMRA): Areas subject to agreement between Great Barrier Reef Traditional Owners and the Australian and Queensland governments on the management of traditional use activities on their sea country. For further information about TUMRAs visit <https://www.gbrmpa.gov.au/our-partners/traditional-owners/traditional-use-of-marine-resources-agreements>

World Heritage Areas: Places inscribed on the World Heritage List pursuant to the World Heritage Convention adopted by the United Nations Education, Scientific and Cultural Organisation (UNESCO) and are protected under the [Environment Protection and Biodiversity Conservation Act 1999](#). For further information about World Heritage places in Queensland visit <https://parks.des.qld.gov.au/management/managed-areas/world-heritage-areas>

Disclaimer: *The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships is the custodian of spatial data and information provided by various third parties for inclusion in the Aboriginal and Torres Strait Islander cultural heritage online portal. This includes spatial data provided by the National Native Title Tribunal and Aboriginal and Torres Strait Islander parties. Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships is not responsible for the accuracy of information provided by third parties or any errors in this search report arising from such information.*

Appendix B – Historical Aerial Imagery

Table 11 Historical aerial imagery of the proposed site.



Figure 8 1944 aerial imagery (MAP 1539 Frame 571; Queensland Government 2022b).



Figure 9 1958 aerial imagery (Film QAP0894 Frame 013; Queensland Government 2022b).



Figure 10 1979 aerial imagery (Film CAB0362 Frame 193; Queensland Government 2022b).



Figure 11 1990 aerial imagery (Film QAP 4853 Frame 036; Queensland Government 2022b).

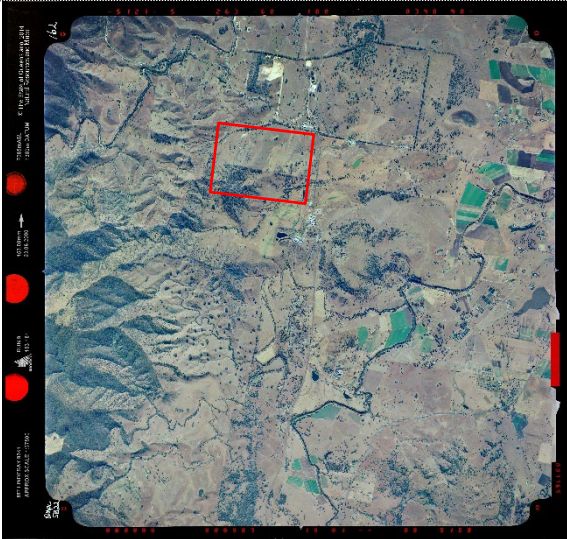


Figure 12 2000 aerial image (Film QAP 5822 Frame 162; Queensland Government 2022b).



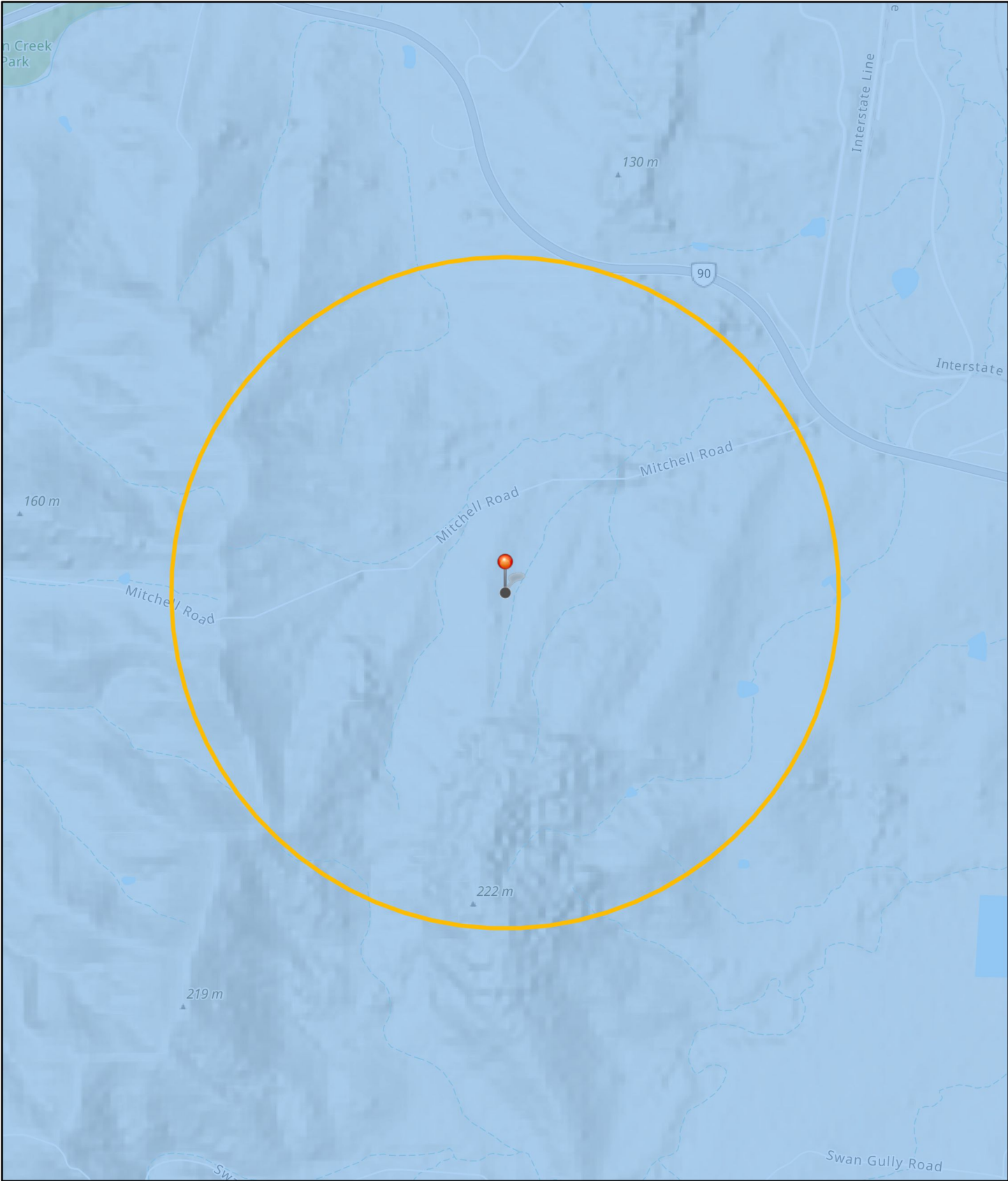
Figure 13 2007 aerial imagery (Film QAP6255 Frame 132; Queensland Government 2022b).



Figure 14 2017 aerial imagery (L16-7575E-3432N; Queensland Government 2022b).

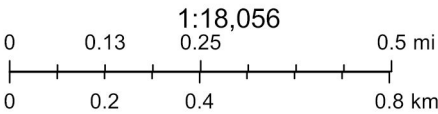
Appendix C – Native Title Vision Map

Native TitleVision Web Map



4/26/2024, 9:04:26 AM

- Applications (RNTC)
- Applications (Schedule)



Esri Community Maps Contributors, Department of Resources, Dept. of Environment and Science, Esri, TomTom, Garmin, Foursquare, METI/NASA, USGS, Esri, Geoscience Australia, NASA, NGA, USGS

Appendix D – RNTC Extract Number QC2017-007



Extract from the Register of Native Title Claims

Application Information

Application Reference:	Federal Court number: QUD331/2017 NNTT number: QC2017/007
Application name:	Ted Williams & Ors on behalf of the Danggan Balun (Five Rivers) People v State of Queensland
Registration History:	Registered from 14/09/2017

Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

Application filed with:	Federal Court of Australia
Date application filed:	27/06/2017
Date claim entered on Register:	14/09/2017
Additional Information:	Not Applicable
APPLICANT:	
Person/s authorised as applicant:	Gordon "Ted" Williams, Rose Page, Louisa Bonner, Shaun Davies, Germaine Paulson
Condition/s on authority:	Not Applicable
Address for service:	Ricardo Martinez Queensland South Native Title Services Level 4, 293 Queen Street Brisbane QLD 4000 Phone: 07 3224 1200 Email: ricardo.martinez@qsnts.com.au

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

Information identifying the boundaries of

- a) the area covered by the application; and
- b) any areas within those boundaries that are not covered by the application.

In relation to (a) above, a description of the area of land and waters covered by the application is provided at **"Attachment B"**.

In relation to (b) above, areas within the boundary identified in Attachment B that are not covered by the application are outlined below.

1. The area covered by the application excludes any land or waters that is or has been covered by:
 - a) a scheduled interest;
 - b) a freehold estate;
 - c) a commercial lease that is neither an agricultural lease nor a pastoral lease;
 - d) an exclusive agricultural lease or an exclusive pastoral lease;
 - e) a residential lease;
 - f) a community purpose lease;
 - g) a lease dissected [from] a mining lease and referred to in section 23B(2)(c)(vii) of the *Native Title Act 1993* (Cth);
 - h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.
2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of a public work commenced on or before 23 December 1996.
3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over area, which are subject to valid previous non-exclusive acts done by the Commonwealth or State of Queensland.
4. Subject to paragraph 6, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:
 - a. Section 23B(9) – Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
 - b. Section 23B(9A) – Establishment of a national park or state park;
 - c. Section 23B(9B) – Acts where legislation provides for non-extinguishment;
 - d. Section 23(9C) – Exclusion of Crown to Crown grants; and
 - e. Section 23(10) – Exclusion by regulation.the land and waters covered by the act are not excluded from the application.
5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:
 - Section 47– Pastoral leases etc covered by claimant application;
 - Section 47A – Reserves etc covered by claimant application;
 - Section 47B – Vacant Crown land covered by claimant application,the area covered by the act is not excluded from the application.
6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

Where there is any discrepancy between the map provided at “Attachment C” and the written description contained here and in “Attachment B”, the latter prevails.

For the avoidance of doubt, the above sections relate to sections contained in the *Native Title Act 1993* (Cth).

PERSONS CLAIMING TO HOLD NATIVE TITLE:

Those persons who are descendants of the following apical ancestors and who identify and are recognised under the traditional laws and customs of the native title claim group as being affiliated (including by adoption) to country within the Application area:

1. Sarah *Warri/Warru* Clarke;
2. George *Daramlee* Drumley;
3. Jack Slab/Slabb Snr (husband of Lizzie *Waggil* Slabb & father of Charlotte, Frank, John/Jack Jnr, Olive & Victor);
4. Kitty Blow (wife of Joseph Blow & mother of Frank Blow & Hughie Blow);

5. *Bilin Bilin* aka Bilinba Jackey aka Jackey Jackey aka John "Johnny" Logan (father of Emily Logan & Johnny Logan);
6. Kipper Tommy Andrews (father of Lizzie Malay (nee Tommie));
7. Billy *Terribah/Didiba* Andrews;
8. Julia Sandy (wife of Arthur Ford);
9. Kitty Sandy, the mother of Arthur Ford;
10. Mary Ann Sandy nee Mitchell (mother of Mary Ann Drumley (nee Sandy), Ida Bell (nee Sandy), Janet Sandy, Norman Sandy Snr & Lindsay Sandy);
11. William "Billy" Mitchell and his wife, Lizzie Sandy;
12. Unnamed mother of Matilda "Mittie" Fogarty (nee Sandy) and Lizzie (mother of William "Billy" Stanley Brown Jnr);
13. *Coolum* (husband of Nancy Culham (nee Coolwell) & father of Joseph "Joe", Maude, Lucy & Lena);
14. Unnamed mother of Nancy Culham (nee Coolwell) (wife of *Coolum* & mother of Joseph "Joe", Maude, Lucy & Lena);
15. Yarry (father of Frederick "Fred" Yarrie/Yarry);
16. Jennie, mother of Joseph Coolwell (husband of Polly Allen/Dalton & father of Alice Edwards (nee Coolwell), Alfred Coolwell Jnr, Eva, Edward, Rose, Campbell, Michael & Andrew);
17. Polly Allen/Dalton (wife of Joseph Coolwell & mother of Eva, Edward, Rose, Campbell, Michael & Andrew);
18. Unnamed mother of Elizabeth Tomes/Clark nee Wheeler;
19. Jim Edwards Snr (husband of Topsy (of Ipswich) & father of Jimmy Edwards Jnr);
20. William Williams (Snr);
21. *Bullum Bullum* aka John Allen;
22. Alice/Alison Parsons nee Moree, mother of Thomas Parsons;
23. John "Johnny" Bungaree / Bungary (father of Norman Sandy Snr, Lindsay Sandy and Stella Bungera/Bungary).

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 07/11/2022

1. Where exclusive native title can be recognised (such as areas where there has been no prior extinguishment of native title or where s.238 and/or ss.47, 47A and 47B apply), the native title claimants as defined in this application, claim the right to possession, occupation, use and enjoyment of the lands and waters of the application area to the exclusion of all others subject to the valid laws of the Commonwealth and the State of Queensland.
2. Where exclusive native title cannot be recognised, the native title claimants as defined in this application, claim the following non-exclusive rights and interests including the right to conduct activities necessary to give effect to them:
 - a) the right to access the application area;
 - b) the right to use and enjoy the application area;
 - c) the right to move about the application area;
 - d) the right to camp on the application area;
 - e) the right to erect shelters and other structures on the application area;
 - f) the right to enter and remain on the application area;
 - g) the right to hold meetings on the application area;

- h) the right to hunt on the application area;
- i) the right to fish in the application area;
- j) the right to have access to and use the natural water resources of the application area;
- k) the right to gather and use the natural resources of the application area (including food, medicinal plants, timber, tubers, charcoal, wax, stone, ochre and resin as well as materials for fabricating tools, hunting, implements, making artwork and musical instruments);
- l) the right to share and exchange resources derived from the land and waters within the application area;
- m) the right to participate in cultural and spiritual activities on the application area;
- n) the right to maintain and protect places of importance under traditional laws, customs and practices in the application area;
- o) the right to conduct ceremonies and rituals on the application area;
- p) the right to transmit traditional knowledge to members of the native title claim group including knowledge of particular sites on the application area.

REGISTER ATTACHMENTS:

1. QC2017_007 Attachment B - External boundary description, 6 pages - A4, 10/10/2022
2. QC2017_007 Attachment C - Map of the application area, 2 pages - A4, 10/10/2022

Note: The Register of Native Title Claims may, in accordance with section 188 of the Native Title Act 1993 (Cth), contain confidential information that will not appear on the Extract.

Appendix E – SNTC Extract Number QC2017-007



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD331/2017
NNTT number: QC2017/007

Application Name: Ted Williams & Ors on behalf of the Danggan Balun (Five Rivers) People v State of Queensland

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 27/06/2017

Current stage(s): Notification Complete

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Date claim entered on Register of Native Title Claims: 14/09/2017

Registration decision status: Accepted for registration

Registration history: Registered from 14/09/2017

Applicants: Gordon "Ted" Williams, Rose Page, Louisa Bonner, Shaun Davies, Germaine Paulson

Address(es) for Service: Ricardo Martinez
Queensland South Native Title Services
Level 4, 293 Queen Street
Brisbane QLD 4000
Phone: 07 3224 1200
Fax: 07 3229 9880

Additional Information

Not applicable

Persons claiming to hold native title:

Those persons who are descendants of the following apical ancestors and who identify and are

recognised under the traditional laws and customs of the native title claim group as being affiliated (including by adoption) to country within the Application area:

1. Sarah *Warri/Warru* Clarke;
2. George *Daramlee* Drumley;
3. Jack Slab/Slabb Snr (husband of Lizzie *Waggil* Slabb & father of Charlotte, Frank, John/Jack Jnr, Olive & Victor);
4. Kitty Blow (wife of Joseph Blow & mother of Frank Blow & Hughie Blow);
5. *Bilin Bilin* aka Bilinba Jackey aka Jackey Jackey aka John "Johnny" Logan (father of Emily Logan & Johnny Logan);
6. Kipper Tommy Andrews (father of Lizzie Malay (nee Tommie));
7. Billy *Terribah/Didiba* Andrews;
8. Julia Sandy (wife of Arthur Ford);
9. Kitty Sandy, the mother of Arthur Ford;
10. Mary Ann Sandy nee Mitchell (mother of Mary Ann Drumley (nee Sandy), Ida Bell (nee Sandy), Janet Sandy, Norman Sandy Snr & Lindsay Sandy);
11. William "Billy" Mitchell and his wife, Lizzie Sandy;
12. Unnamed mother of Matilda "Mittie" Fogarty (nee Sandy) and Lizzie (mother of William "Billy" Stanley Brown Jnr);
13. *Coolum* (husband of Nancy Culham (nee Coolwell) & father of Joseph "Joe", Maude, Lucy & Lena);
14. Unnamed mother of Nancy Culham (nee Coolwell) (wife of *Coolum* & mother of Joseph "Joe", Maude, Lucy & Lena);
15. Yarry (father of Frederick "Fred" Yarrie/Yarry);
16. Jennie, mother of Joseph Coolwell (husband of Polly Allen/Dalton & father of Alice Edwards (nee Coolwell), Alfred Coolwell Jnr, Eva, Edward, Rose, Campbell, Michael & Andrew);
17. Polly Allen/Dalton (wife of Joseph Coolwell & mother of Eva, Edward, Rose, Campbell, Michael & Andrew);
18. Unnamed mother of Elizabeth Tomes/Clark nee Wheeler;
19. Jim Edwards Snr (husband of Topsy (of Ipswich) & father of Jimmy Edwards Jnr);
20. William Williams (Snr);
21. *Bullum Bullum* aka John Allen;
22. Alice/Alison Parsons nee Moree, mother of Thomas Parsons;
23. John "Johnny" Bungaree / Bungary (father of Norman Sandy Snr, Lindsay Sandy and Stella Bungera/Bungary).

Native title rights and interests claimed:

1. Where exclusive native title can be recognised (such as areas where there has been no prior extinguishment of native title or where s.238 and/or ss.47, 47A and 47B apply), the native title claimants as defined in this application, claim the right to possession, occupation, use and enjoyment of the lands and waters of the application area to the exclusion of all others subject to the valid laws of the Commonwealth and the State of Queensland.

2. Where exclusive native title cannot be recognised, the native title claimants as defined in this application, claim the following non-exclusive rights and interests including the right to conduct activities necessary to give effect to them:

- a) the right to access the application area;
- b) the right to use and enjoy the application area;
- c) the right to move about the application area;
- d) the right to camp on the application area;
- e) the right to erect shelters and other structures on the application area;
- f) the right to enter and remain on the application area;
- g) the right to hold meetings on the application area;
- h) the right to hunt on the application area;
- i) the right to fish in the application area;
- j) the right to have access to and use the natural water resources of the application area;
- k) the right to gather and use the natural resources of the application area (including food, medicinal plants, timber, tubers, charcoal, wax, stone, ochre and resin as well as materials for fabricating tools, hunting, implements, making artwork and musical instruments);
- l) the right to share and exchange resources derived from the land and waters within the application area;
- m) the right to participate in cultural and spiritual activities on the application area;
- n) the right to maintain and protect places of importance under traditional laws, customs and practices in the application area;
- o) the right to conduct ceremonies and rituals on the application area;
- p) the right to transmit traditional knowledge to members of the native title claim group including knowledge of particular sites on the application area.

Application Area: **State/Territory:** Queensland
Brief Location: South of Brisbane, abutting the QLD/NSW border
Primary RATSIB Area: Southern and Western Queensland Region
Approximate size: 3130.1714 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: Yes

Area covered by the claim (as detailed in the application):

Information identifying the boundaries of

- a) the area covered by the application; and
- b) any areas within those boundaries that are not covered by the application.

In relation to (a) above, a description of the area of land and waters covered by the application is provided at **“Attachment B”**.

In relation to (b) above, areas within the boundary identified in Attachment B that are not covered by the application are outlined below.

1. The area covered by the application excludes any land or waters that is or has been covered by:

- a) a scheduled interest;

- b) a freehold estate;
- c) a commercial lease that is neither an agricultural lease nor a pastoral lease;
- d) an exclusive agricultural lease or an exclusive pastoral lease;
- e) a residential lease;
- f) a community purpose lease;
- g) a lease dissected [from] a mining lease and referred to in section 23B(2)(c)(vii) of the *Native Title Act 1993* (Cth);
- h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.

2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of a public work commenced on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over area, which are subject to valid previous non-exclusive acts done by the Commonwealth or State of Queensland.

4. Subject to paragraph 6, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:

- a. Section 23B(9) – Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- b. Section 23B(9A) – Establishment of a national park or state park;
- c. Section 23B(9B) – Acts where legislation provides for non-extinguishment;
- d. Section 23(9C) – Exclusion of Crown to Crown grants; and
- e. Section 23(10) – Exclusion by regulation.

the land and waters covered by the act are not excluded from the application.

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:

- Section 47– Pastoral leases etc covered by claimant application;
- Section 47A – Reserves etc covered by claimant application;
- Section 47B – Vacant Crown land covered by claimant application,

the area covered by the act is not excluded from the application.

6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

Where there is any discrepancy between the map provided at “Attachment C” and the written description contained here and in “Attachment B”, the latter prevails.

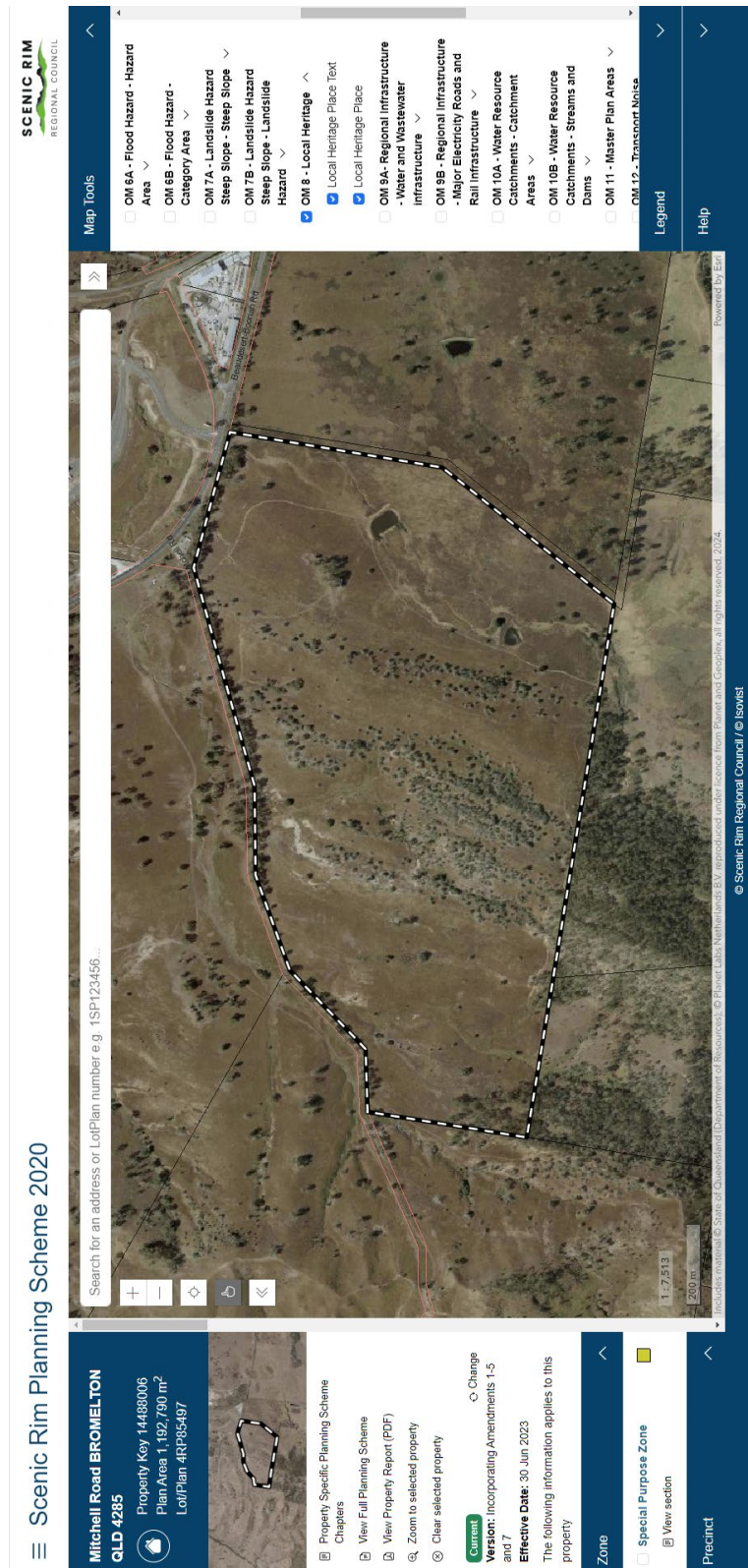
For the avoidance of doubt, the above sections relate to sections contained in the *Native Title Act 1993* (Cth).

Attachments:

- 1. QC2017_007 Attachment B - External boundary description, 6 pages - A4, 10/10/2022
- 2. QC2017_007 Attachment C - Map of the application area, 2 pages - A4, 10/10/2022

End of Extract

Appendix F – Scenic Rim Regional Council Local Heritage Register



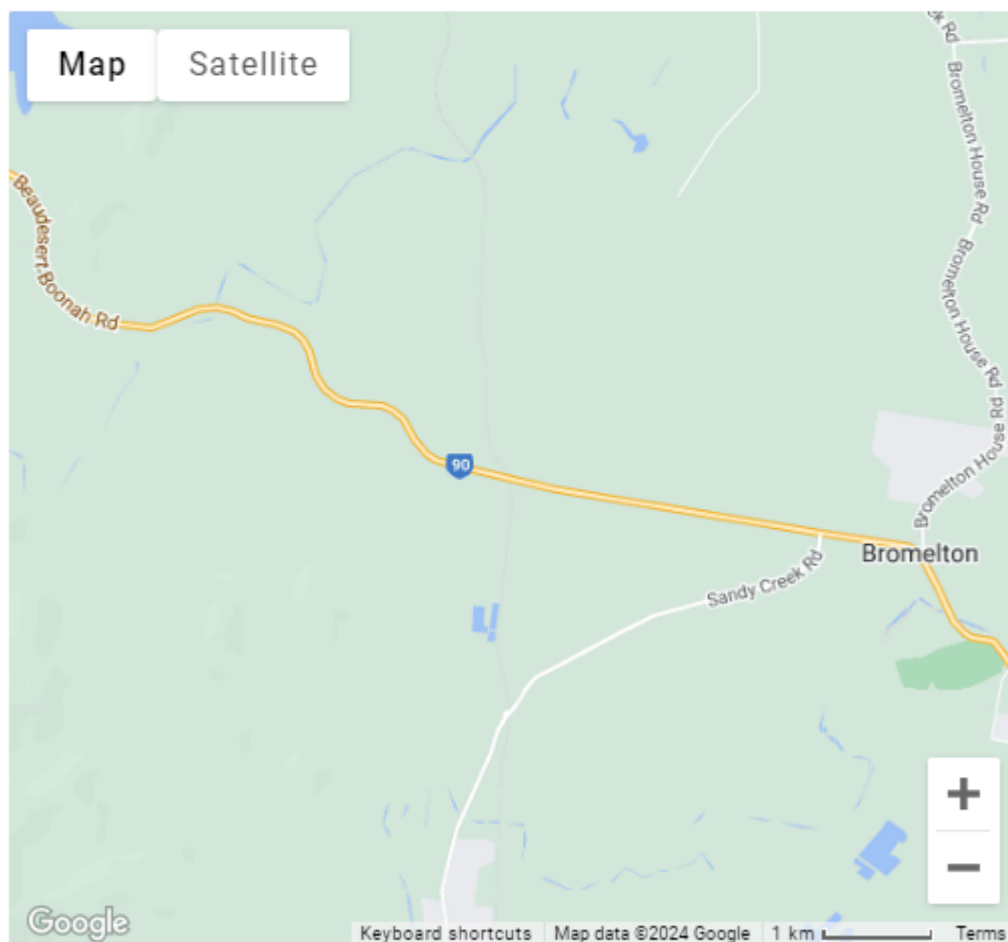
Appendix G – Queensland Heritage Register Map

 Print

Heritage register map

Displaying 1796 places

 List  Download  [Show places near me](#)



Last reviewed 1 July 2022

Last updated 28 February 2023





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Phone: 1300 562 494

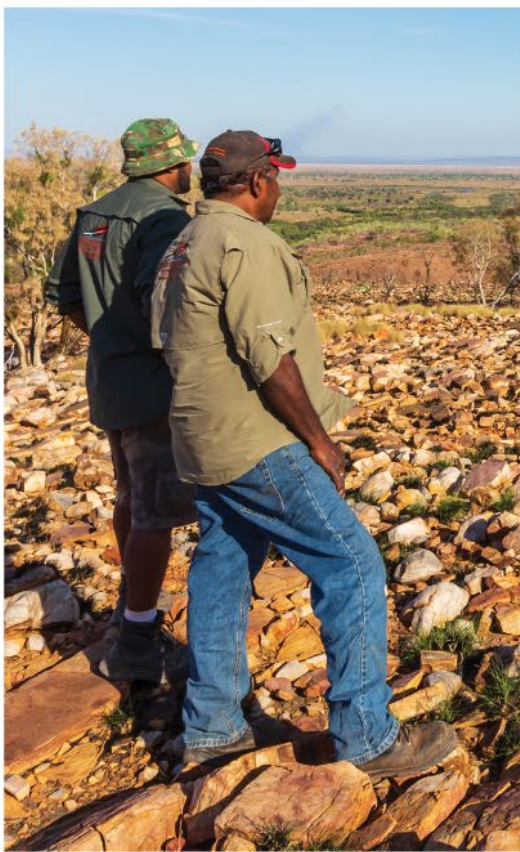
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