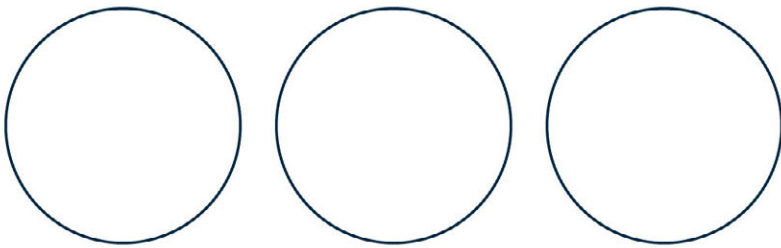


# 17

## CULTURAL HERITAGE



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# 17 CULTURAL HERITAGE

*This section outlines the status of the Ensham Central Project Aboriginal heritage issues and presents the results of a non-Aboriginal heritage assessment.*

## 17.1 ABORIGINAL HERITAGE

### 17.1.1 Regulatory Requirements

#### **Commonwealth Legislation**

Section 2.1.1 of this EIS describes the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth) (ATSHP Act)* which provides protection for Aboriginal cultural heritage. Under this Act, the relevant Commonwealth Minister can make declarations of preservation in relation to Aboriginal cultural heritage. Declarations can be made if the Minister is satisfied that the area is a "significant Aboriginal area" and is under threat of injury or desecration. No such declarations have been made within the project area.

As discussed in Section 2.1.3, the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* establishes the Commonwealth Heritage List and the National Heritage List and prescribes criteria for entry on each of these lists. The criteria include a place's importance as part of indigenous tradition. The *EPBC Act* also sets out a framework for protection of the heritage values of these places. There are no places within the project area on the Commonwealth Heritage List or the National Heritage List.

#### **State Legislation**

Section 2.2.6 describes the *Aboriginal Cultural Heritage Act 2003 (ACH Act)* relevant to the management of Aboriginal cultural heritage for the project. As indicated in Section 2.2.6, when an EIS is required for a project, a Cultural Heritage Management Plan (CHMP) is also required. Project approval may not be granted unless a CHMP has been developed and approved under the *ACH Act*. Alternatively, project approval may be granted subject to conditions to ensure that no excavation, construction or other activity that may cause harm to Aboriginal cultural heritage takes place for the project without the development and approval of a CHMP for the project. The *ACH Act* outlines the procedures for developing and obtaining approval of a CHMP.

### 17.1.2 Management of Project Aboriginal Heritage

The following Aboriginal parties have been identified in accordance with the *ACH Act*:

- Garingbal and Kara Kara (project area south of the Nogoia River); and
- Kangoulu People (project area north of the Nogoia River).

These parties were identified and notified of the proponent's intent to develop a CHMP, in accordance with the requirements of the *ACH Act*. Both groups informed the proponent of their intention to participate in the development of a CHMP and were endorsed by the proponent to do so. A CHMP for the area south of the Nogoia River has been developed with the Garingbal and Kara Kara endorsed parties and a separate CHMP for the area north of the Nogoia River is being developed with the Kangoulu endorsed parties (Figure 17-1).

Separate survey agreements have been developed with both groups of endorsed Aboriginal parties. Surveys of the CHMP area have been undertaken to ascertain the existence of Aboriginal cultural heritage.

The proponent has an agreed CHMP with the Garingbal and Kara Kara endorsed parties, approved by the Department of Natural Resources, Mines and Water. The proponent is currently negotiating CHMPs with the Kangoulu endorsed parties, in accordance with the requirements of the *ACH Act*.

CHMPs will be agreed with the endorsed Aboriginal parties, and approved under the *ACH Act*, for the project area in advance of any project activity on site that may cause harm to Aboriginal cultural heritage.

## **17.2 NON-ABORIGINAL HERITAGE**

### **17.2.1 Introduction**

The scope of the non-Aboriginal heritage assessment was to:

- determine if any sites or places of historical heritage significance are located within the boundaries of the project area;
- describe any identified sites or places;
- ascribe levels of significance in accordance with the *Queensland Heritage Act 1992*; and
- determine what form of management is required to protect any identified historical heritage values.

### **17.2.2 Regulatory Requirements**

#### ***Commonwealth Legislation***

The *Australian Heritage Council Act 2003 (AHC Act)* provides for the establishment of the Australian Heritage Commission and for the identification and registration of places considered to be of national significance on the Register of the National Estate. This comprises those components of Australia's natural and cultural heritage that have aesthetic, historic, scientific or social significance or other special value for future generations, as well as for the present community. The *AHC Act* places obligations on Commonwealth Ministers not to undertake any action that may adversely affect a place on the Register of the National Estate, unless there is no feasible or prudent alternative, and that action be taken to minimise this effect where it is unavoidable. Eight criteria for assessing significance are provided under the *AHC Act*. These criteria are reflected in state-based legislation such as the *Queensland Heritage Act 1992* and local planning schemes.

As discussed in Section 2.1.3 of this EIS, the *EPBC Act* establishes the Commonwealth Heritage List and the National Heritage List and prescribes criteria for entry on each of these lists. The *EPBC Act* also sets out a framework for protection of the heritage values of these places.

#### ***State Legislation***

The *Queensland Heritage Act 1992* provides for the identification and conservation of Queensland's historical cultural heritage. This Act required the establishment of the Queensland Heritage Council along with a permanent heritage register for the state. Under this Act, a non-indigenous site or place may be considered to be significant at the national, state or local level if it satisfies one or more of eight specified criteria.

A person must seek the approval of the Queensland Heritage Council (QHC) in order to carry out development on a place listed on the Queensland Heritage Register. The type of development that can occur depends on why and what aspects of the place are significant. When the QHC considers a development application, it can approve unconditionally, approve with conditions or refuse.

While not specifically for historical heritage protection, the *National Trust of Queensland Act 1963* provides for the incorporation of the National Trust of Queensland, and associated Council, whose purpose is to promote the preservation, maintenance, restoration and protection of lands, buildings and chattels of cultural interest in such a way as to encourage public access and enjoyment.

### 17.2.3 Methodology

The study area for the non-Aboriginal heritage assessment is shown in Figure 17-2. The study area includes:

- areas beyond the proponent's current mining leases; and
- areas within the proponent's current mining leases that have not previously been subject to non-Aboriginal heritage assessment and will be disturbed by the project.

The assessment methodology incorporated the following three components:

- local landholder consultation;
- targeted field inspection; and
- library-based research, including online searches of the Queensland Heritage Register, Register of the National Estate, National Trust, Commonwealth Heritage List and National Heritage List.

All consultation, library research and fieldwork was conducted over a two-day period in June 2005.

Informal meetings were held with select local landholders prior to any field inspection. The primary aim of these meetings was to gather as much information as possible regarding the history and probable location of historical heritage sites/places within the non-Aboriginal heritage study area. This enabled the field inspection to be targeted to maximise the possibility of identifying sites. Meetings were held with Roger and Caroline Lee, former owners of *Ensham* property, and Dallas and Cynthia Daniels, long-term local residents who currently reside on *Fairhills*, a neighbouring property to the north of the Ensham Mine.

Based on the information gathered during the landholder meetings and associated library research, a targeted one-day field inspection was carried out. Two areas of high historical heritage potential, referred to here as the *Duckponds* and *Ensham* homestead areas, were visited and subjected to a full ground inspection. A third site, the former *Ensham* entrance gate on the western boundary of the proponent's land, was also visited.

### 17.2.4 Historical Background

This section provides a concise synthesis of the anecdotal information gathered during the two local landholder meetings and the library research. The non-Aboriginal heritage study area includes parts of the former *Duckponds* and *Ensham* properties (Figure 17-2).

#### ***Duckponds***

Prior to Reg and Shirley Nixon's ownership of *Duckponds*, the property was owned and operated by various members of the Carrington Family. The Carringtons have a long history in the Comet area.

William Carrington was in Comet in 1877 as a member of the School Building Committee (Kemp 1978:43). William's son, Frederick Flood Carrington, was born in 1875 and built a store building at Comet in 1914. When Frederick died in the early 1920s, his sons, Sidney and Oswald assisted their mother in operating the family store (Kemp 1978:43). Once married, Sidney and his wife moved to Springsure and opened a store business. However, this was unsuccessful and Kemp (1978:43) notes that "the depression years caused the failure of this enterprise and in three years they lost all".

In the meantime, Sidney's mother, Sarah Carrington, had purchased *Duckponds* from a Mr Wilf Crowe. Shortly after the failure of their business, Sidney and his wife moved to *Duckponds* as managers. At this time, the property had only forty head of cattle. Also on agistment at *Duckponds* at this time were horses owned by a Mr Frank Beazley. Kemp (1978:43) notes that "these horses were in great demand for remounts, by the Indian and Dutch Armies. Officers from India and Dutch East Indies came to Comet to select suitable horses from the depot at *Duckponds*, for shipment to the east". The export of horses from the depot at *Duckponds* continued until the outbreak of World War II. As horse numbers dwindled on *Duckponds*, the property's stock numbers gradually increased. Dallas Daniels (*Fairhills*) used to visit *Duckponds* as a young boy and recalls being suitably impressed by the size of the stockyards used to contain the horses.

Sidney and Oswald Carrington purchased the property from their mother and eventually Sidney bought out his brother's share. Sidney and his two sons, Keith and Doug, operated *Duckponds* until the mid 1960s, at which time they sold it to Reg and Shirley Nixon (Kemp 1978:43). The Nixon family later sold *Duckponds* to the proponent.

### **Ensham**

Roger and Caroline Lee owned and operated the property *Ensham* from 1971 to 1990 (Figure 17-2). They converted the tenure of the property from "Grazing Homestead" to "Freehold". The Lees purchased *Ensham* from a Mr Cyril (Ben) W. Smith. Smith purchased *Ensham* from a Mr Rex Beck, who drew the block in a land ballot, probably around 1950. Smith's family also owned a property called *Sorrel Hills* near the Mackenzie River. Smith was apparently extremely knowledgeable about the history of the local area and used to actively collect relics from local Cobb and Co stations as well as Aboriginal artefacts on *Ensham*.

The Lee house on *Ensham* was located a short distance north-east of the anabranch of the Nogoa River (Figure 17-2). Their home was built adjacent to Ben Smith's residence, which they retained throughout their ownership. A large natural billabong exists in close proximity to the Lee's former home site and they have fond memories of their children fishing and swimming in it. After selling *Ensham* in October of 1990, the Lees moved their house to their current property, *Caroa*. Smith's house was apparently demolished shortly after the sale of *Ensham*.

Despite an extensive search of Emerald Library's local history section, no additional information was found on *Ensham* or its former owners, Beck, Smith and Lee.

The Daniels believe that the historic Cobb and Co route in the local area was located on *Fairhills*, well north of the non-Aboriginal heritage study area.

### **17.2.5 Online Register Searches**

No sites or places of significance have been recorded on the Queensland Heritage Register, the Register of the National Estate, the National Trust, the Commonwealth Heritage List or the National Heritage List for the non-Aboriginal heritage study area.

### 17.2.6 Site Survey

#### **Duckponds Property**

One historical heritage site was identified on the Duckponds Property. This is detailed below:

**Name:** Original *Duckponds* homestead and associated stockyards

**Description:** Heavily modified 1920s style highset elite four room bungalow with associated stockyards (also heavily modified) (Plates 17-1 and 17-2). The house was almost certainly built on the plan of a four room bungalow with encircling verandahs, however, it has since undergone major modifications, both externally and internally. The house now has only one enclosed verandah which faces due east. The house has been divided into two separate living quarters, each with its own bedroom(s), bathroom(s), storeroom, sitting area and kitchen. In total, the house has three bedrooms, three bathrooms (only one has toilet), two sitting areas, one separate toilet room, two kitchens, one laundry and two storerooms. It would appear that some original T&G clad walls have been removed and replaced with fibro sheeting. A large Tamarisk tree (*Tamarix aphylla*) exists to the rear of the homestead. This may have been planted by the Carrington family, the owners of *Duckponds* prior to the Nixons. The homestead's sizeable stockyards, which originally would have been made purely from wood, exhibit both steel and wood components as well as a central pavilion.

**Location:** The Duckponds farm complex is located just off the mine access road (Figure 17-2). A large natural billabong known locally as *Duckponds* is located just to the north of the complex. The complex is a little over 1 km south of Winton Creek.

**GPS Coordinate:** 55K 0650111 7400166. Reading taken adjacent to homestead.

**Condition:** Both the house and stockyards are in relatively good condition.

**Integrity:** Very low. The house and stockyards have been heavily modified from their original form.

**State Significance:** None. The site does not meet any of the criteria for entry into the Queensland Heritage Register.

**Local Significance:** High. As discussed in Section 17.2.4, the homestead and stockyards have important historical associations with the Carrington family of the Comet area and the district's early horse agistment and sale industry.

#### **Ensham Property**

Visual inspection of the *Ensham* homestead area indicates that all traces of the two houses which once existed in this area have been removed. No other associated historical structures or rubbish items were recorded. The area was been re-used post 1990 as a contractor's camp. This camp has also been removed, however, a series of extensive linear concrete foundation slabs are still extant. A mature mango tree is located at GPS Reference 55K 0651713 7403712. The tree is locally used as a locational landmark (R & C Lee).

A brief visual inspection of the old *Ensham* property gate was also conducted. The gate is heavily rusted and one end has been bent out of shape. This gate is assessed as having no historical heritage significance.

### 17.2.7 Impact Assessment

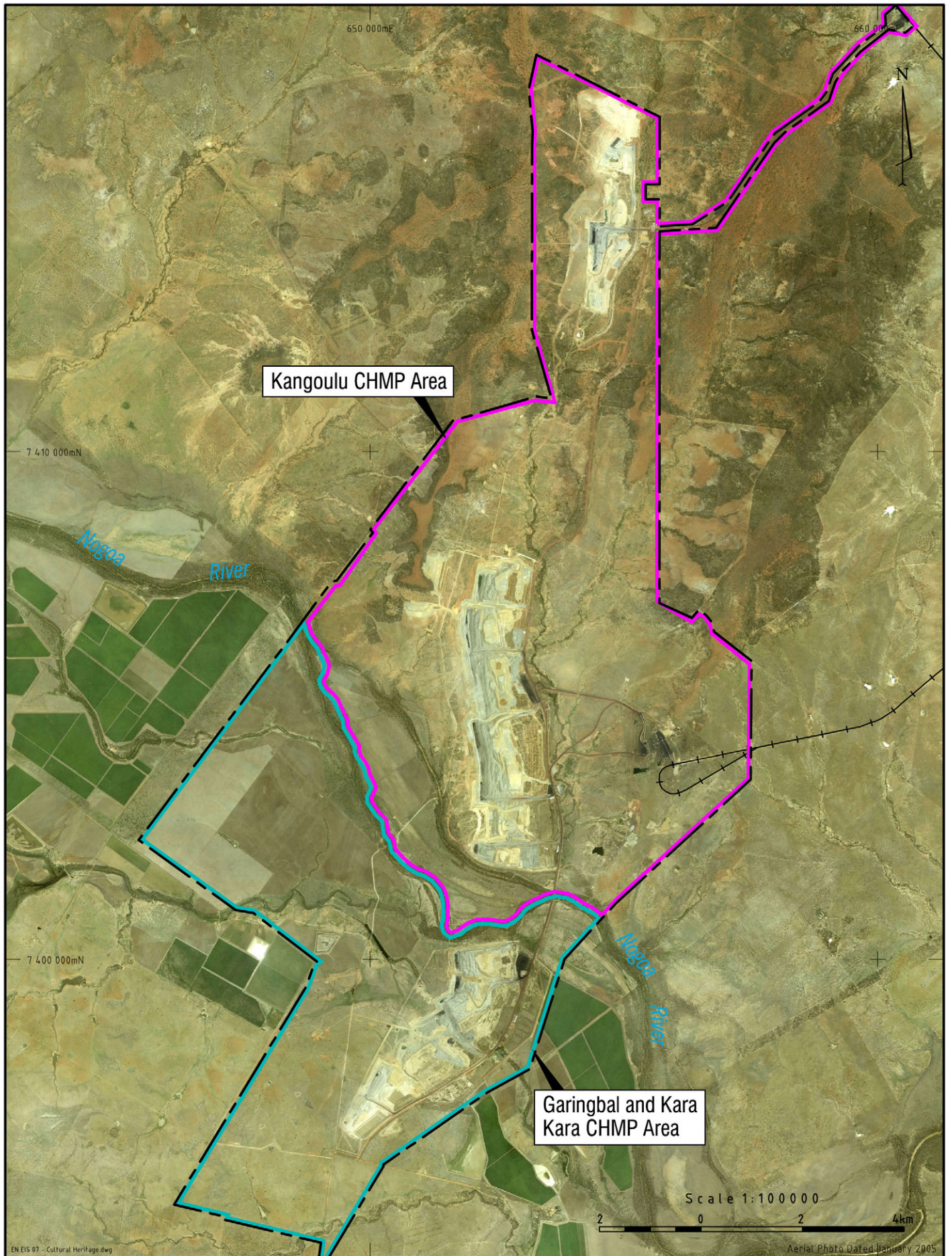
The *Duckponds* homestead and its associated stockyards are within the footprint of proposed open cut mining operations and will be removed in advance of mining.

There are no other items of any historical heritage significance within the non-Aboriginal heritage study area.

### **17.2.8 Mitigation Measures**

A record of the *Duckponds* homestead and its associated stockyards will be compiled prior to its removal. This record will comprise a scaled plan of the house (floor and profile) and stockyards and a comprehensive photographic record. This record will be provided to the local historical society.

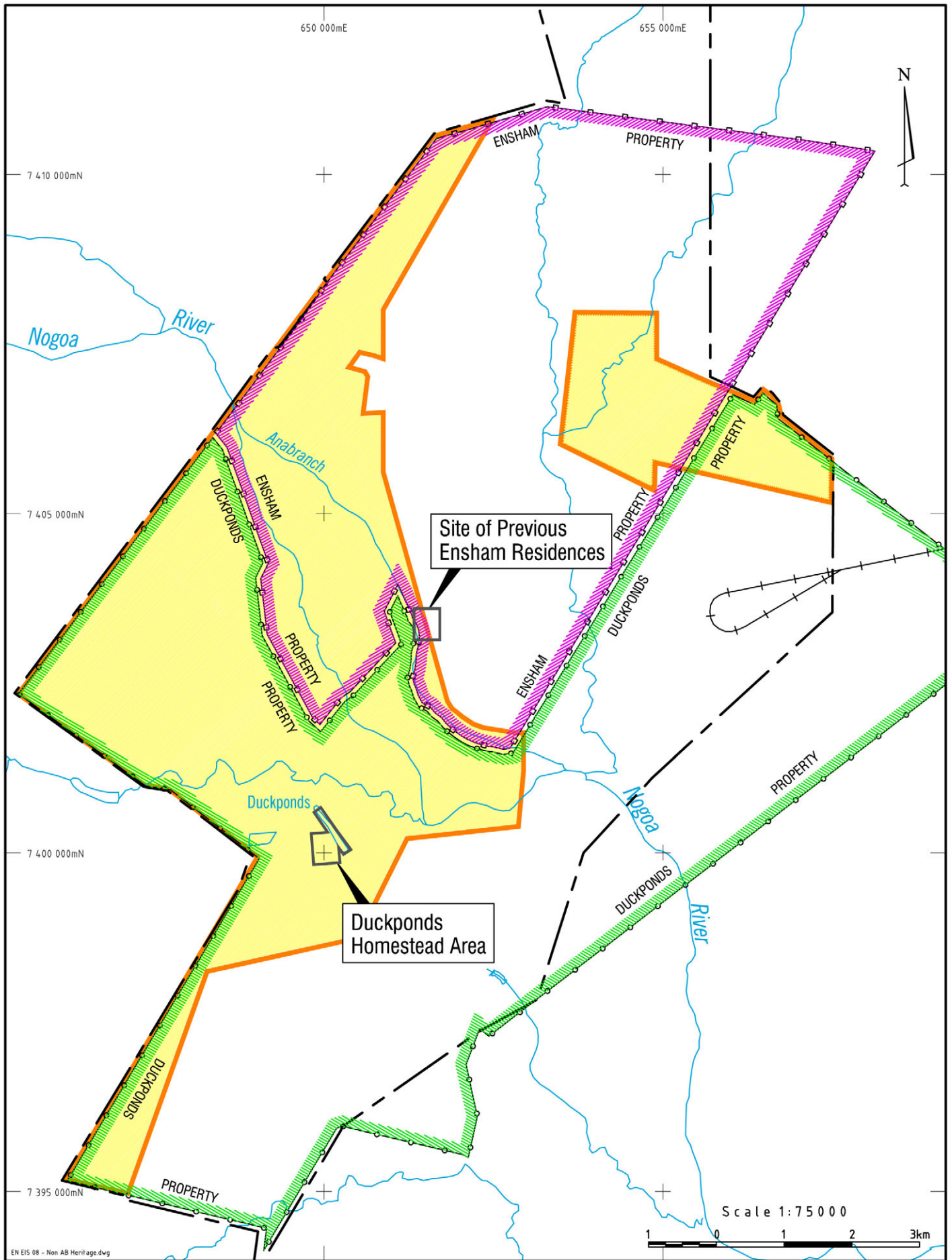
# FIGURES



ENSHAM CENTRAL PROJECT

--- Mining Lease and Mining Lease Application Area

### Cultural Heritage Management Plan Areas



- Non-Aboriginal Heritage Study Area
- Ensham Property
- Duckponds Property
- Mining Lease and Mining Lease Application Area

ENSHAM CENTRAL PROJECT

### Non-Aboriginal Heritage

# PLATES



Plate 17-1: Original *Duckponds* Homestead



Plate 17-2: *Duckponds* Stockyards