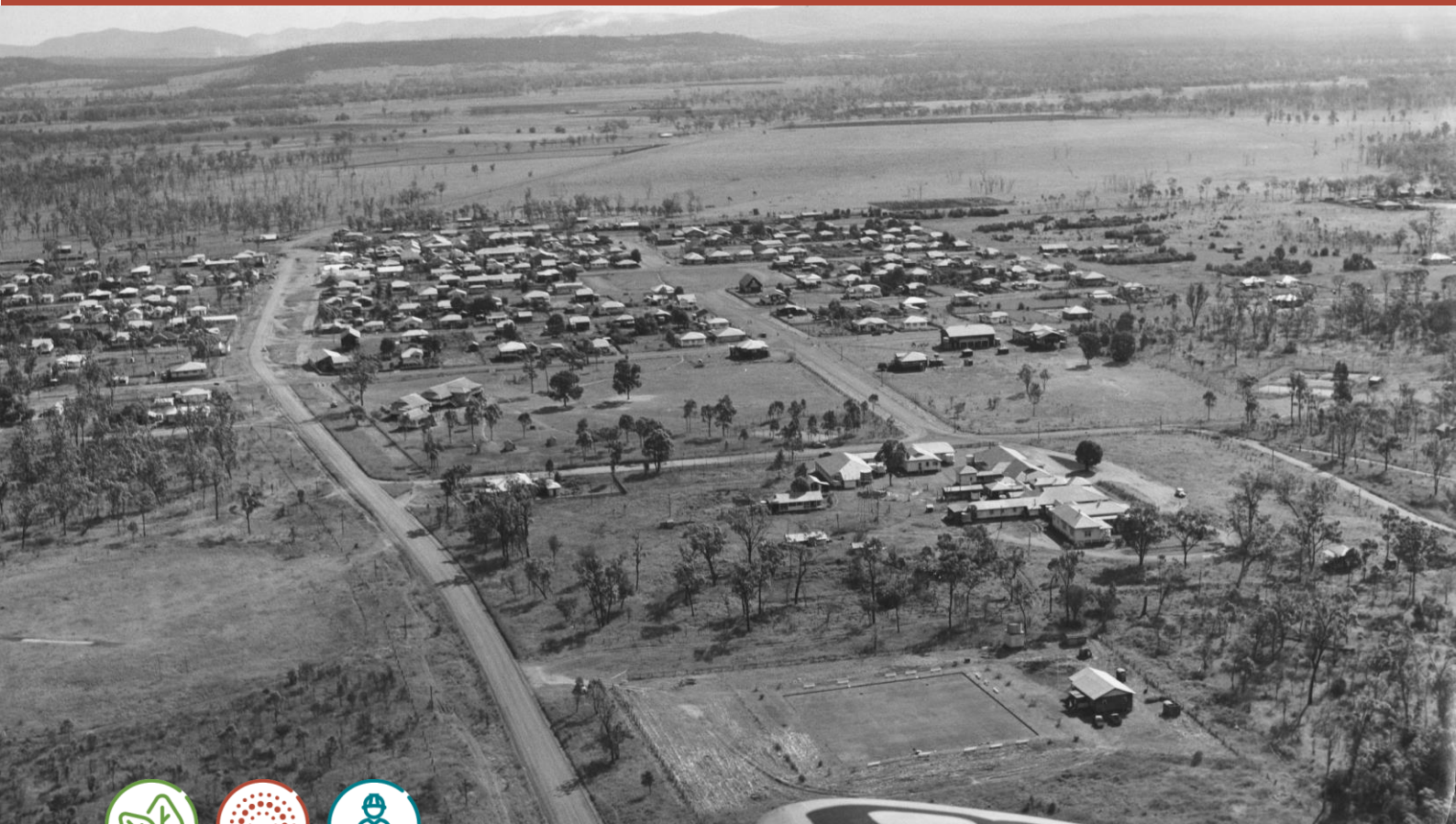


Desktop Cultural Heritage and Native Title Assessment

BSC Teys Rd Culvert,
Cnr Teys Rd & Jambin Dakenbah Rd, Biloela, QLD
March 2025



Our Footprint for Future Generations

redleafgroup.au



ENVIRONMENTAL . CULTURAL HERITAGE . SPECIAL PROJECTS

Citation: Redleaf Group (2025) – Cultural Heritage Duty of Care and Native Title Desktop Assessment, Teys Road Culvert, Cnr Teys Rd & Jambin Dakenbah Rd, Biloela, QLD. Prepared for Banana Shire Council.

Cover Image: State Library of Queensland. *Aerial view of Biloela, 1951*. Retrieved 6th March 2025 from <https://collections.slq.qld.gov.au/viewer/IE86955>

© Red Leaf Projects Pty Ltd 2012-2025

Disclaimer for Technical Report

This technical report, its associated attachments, and appendices, collectively referred to as the "Report," are the intellectual property of Red Leaf Projects Pty Ltd, hereinafter referred to as "Redleaf Group." By accessing, reading, or using the Report, you acknowledge and agree to the following terms and conditions:

1. Copyright and Reproduction: Except for uses falling within the purview of fair dealing for private study, research, criticism, or review as permitted under the Copyright Act, no part of this Report, its attachments, or appendices may be reproduced, transmitted, or stored by any process, whether electronic or mechanical, without obtaining the express written consent of Redleaf Group. All inquiries related to the reproduction or dissemination of this Report should be directed to Redleaf Group.

2. Acceptance of Risks: By using the documents or data provided by Redleaf Group, you accept the inherent risks, including but not limited to:

a) Use in Electronic Form: Using the documents or data in electronic form without explicitly requesting and independently verifying their accuracy against the original hard copy version. Redleaf Group does not guarantee the accuracy, completeness, or suitability of the electronic versions.

b) Unauthorised Use: Using the documents or data for any purpose not explicitly agreed to in writing by Redleaf Group. Any unauthorised use of the materials may result in legal consequences, including but not limited to copyright infringement.

3. No Warranty or Liability: Redleaf Group makes no representations or warranties regarding the accuracy, completeness, or fitness for a particular purpose of the information contained in the Report. Redleaf Group shall not be liable for any direct, indirect, special, or consequential damages arising from the use or reliance on the information in the Report or any loss incurred due to unauthorised use.

4. Confidentiality: This Report may contain confidential information intended solely for the use of the intended recipient. If you are not the intended recipient, please notify the sender immediately and delete this Report from your system. Any unauthorised dissemination, distribution, or copying of this Report is strictly prohibited.

5. Governing Law: This Disclaimer and your use of the Report are governed by the laws of Australia, and any disputes arising from or related to the Report shall be subject to the exclusive jurisdiction of the courts within Australia.

By accessing and using this Report, you acknowledge that you have read, understood, and agreed to be bound by the terms and conditions outlined in this Disclaimer. If you do not agree with these terms, please refrain from using the Report. Redleaf Group reserves the right to modify or amend this Disclaimer at any time without prior notice. It is your responsibility to review this Disclaimer periodically for any changes.

6. Terminology: The use of the term 'Aboriginal Party' within this report to refer to First Nations People or Traditional Owners is based on terminology used in the Aboriginal Cultural Heritage Act 2003 (Qld).

For inquiries, please direct your correspondence to Redleaf Group.

Cultural Sensitivity

Language Warning

This report refers to primary sources that may include language, terminology and/or imagery that was common to the time. Historical words, terms, descriptions, and content may be culturally sensitive, offensive, or distressing. This content may reflect the original author or creator's attitude, or that of the period in which they were written, but is now considered inappropriate, offensive and/or derogatory. Every effort has been made to interpret or replace any content that may be offensive with other words but in some instances, this may not be possible given the meaning of the content. Any such language is used within the context of the original primary source, and does not reflect the opinions of Redleaf Group, its owners, staff, and contractors.

Imagery Warning

Readers should be aware that, in some Aboriginal and Torres Strait Islander Communities, seeing images of deceased persons in photographs, film and books or hearing them in recordings etc may cause sadness or distress and in some cases, offend against strongly held cultural prohibitions. This report may contain images of deceased persons. Readers are advised that some images may contain nudity, or partial nudity. Please advise us immediately at hello@redleafgroup.au should any content offend you so that we can address the issue.

Report Details					
Project Number	24965				
Client	Banana Shire Council		Client Contact	Chris Welch	
Revision	Date	Revision Details/Status	Prepared by	Verifier	Approver
0	6/03/2025	Report v1	RD	TM	TM
Current Revision		Report v1			

Approval			
Signature		Signature	
Name	Tim Menkins	Name	Ronan Duffy
Title	Cultural Heritage Manager	Title	Archaeologist

Executive Summary

Redleaf Group was engaged by Banana Shire Council to produce a report assessing the potential risks posed to cultural heritage values by the proposed works at the corner of Teys Rd and Jambin Dakenbah Rd, Biloela. This cultural heritage review includes a desktop assessment identifying any known cultural heritage places recorded on the relevant registers and databases. It then evaluates the potential project impacts to provide recommendations for the mitigation of any potential harm to cultural heritage. Drawing on the results from these investigations, this report evaluates the potential impacts of the proposed works on both historical and Aboriginal heritage and provides recommendations to manage these impacts.

The following is an executive summary of the full recommendations for Cultural Heritage, included in **Section 2.3**, and Native Title, included in **Section 3.8**.

Aboriginal Cultural Heritage

The proposed works are within areas determined to be Category 4 and Category 3 or below. Due to significant ground disturbance and the development of road and railway infrastructure, it is unlikely that the proposed works will harm Aboriginal cultural heritage. The proposed works may proceed without further cultural heritage assessment, provided that the Appendix A – Site Management Protocols are adhered to.

Native Title

Where works are proposed in validly declared Freehold/Road Parcels, Native Title is likely extinguished. Checking that these tenure types were validly declared before 23 December 1996 is recommended.

Abbreviations and Acronyms

ACH Act	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>
ATSICHDR	Aboriginal and Torres Strait Islander Cultural Heritage Database and Register
BSC	Banana Shire Council
CHL	Commonwealth Heritage List (Cth)
DCDB	Digital Cadastral Database
DETSI	Department of Environment, Tourism, Science, and Innovation (Qld)
DWATSIPM	Department of Women, Aboriginal and Torres Strait Islander Partnerships and Multiculturalism.
EPBC Act/EPBC	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
NNTT	National Native Title Tribunal
QHA	<i>Queensland Heritage Act 1992 (Qld)</i>
QHR	Queensland Heritage Register (Qld)
RNTC	Registered Native Title Claim
SNTA	Scheduled Native Title Application
TSICH Act	<i>Torres Strait Islander Cultural Heritage Act 2003</i>
VM Act	<i>Vegetation Management Act 1999 (Qld)</i>

Table of Contents

Desktop Cultural Heritage and Native Title Assessment	i
Executive Summary.....	iv
PART I: INTRODUCTION	1
1.1 Scope	1
1.2 Desktop Assessment Methodology	1
PART II: CULTURAL HERITAGE ASSESSMENT	3
2.1 Historical Land Use	3
2.1.1 Aboriginal History	4
2.2 Aboriginal Cultural Heritage.....	5
2.2.1 Aboriginal and Torres Strait Islander Cultural Heritage Database and Register	5
2.2.2 Cultural Heritage Body.....	5
2.2.3 Cultural Heritage Parties	5
2.3 Cultural Heritage Risk Assessment	6
2.3.1 Aboriginal Cultural Heritage	6
2.3.2 Aboriginal Cultural Heritage Conclusion and Recommendations.....	6
PART III: NATIVE TITLE ASSESSMENT	8
3.1 Native Title Claims and Legal Outcomes.....	8
3.2 Tenure Types	8
3.3 Other Factors.....	8
3.4 Native Title Assessment Methodology.....	9
3.5 Project Tenure - Historical	10
3.6 Project Tenure - Current.....	10
3.7 National Native Title Tribunal Search	11
3.8 Native Title Assessment and Recommendations	12
References	13
Glossary and Legislative Frameworks.....	14
APPENDICES	19
Appendix A – Site Management Protocols	19
Appendix B – ATSICHDR Report	1
Appendix C – Historic Aerial Imagery	2
Appendix D – Native Title Vision Map.....	3

PART I: INTRODUCTION

Background

Redleaf Group was engaged to conduct a Cultural Heritage and Native Title Duty of Care Assessment with the details as shown in Table 1.

Table 1 Project Details

Project Details	
Site Address	Cnr Teys Rd & Jambin Dakenbah Rd, Biloela
Site Co-ordinates	-24.364125, 150.498929
LGA	Banana Shire Council
Type of Works	Construction of Culvert and Access Road

1.1 Scope

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

- Identifying any known cultural heritage places near to or within the project area (refer to Map 1); and
- Providing recommendations for the management of any impacts to cultural heritage values in compliance with the relevant legislation.

Note: This assessment only covers the area shown in Map 1. Areas outside of this scope were not assessed.

1.2 Desktop Assessment Methodology

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 *Torres Strait Islander Cultural Heritage Act 2003*, the *Queensland Heritage Act 1992* (QHA), the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the *Underwater Cultural Heritage Act 2018* and the *Native Title Act 1993*.

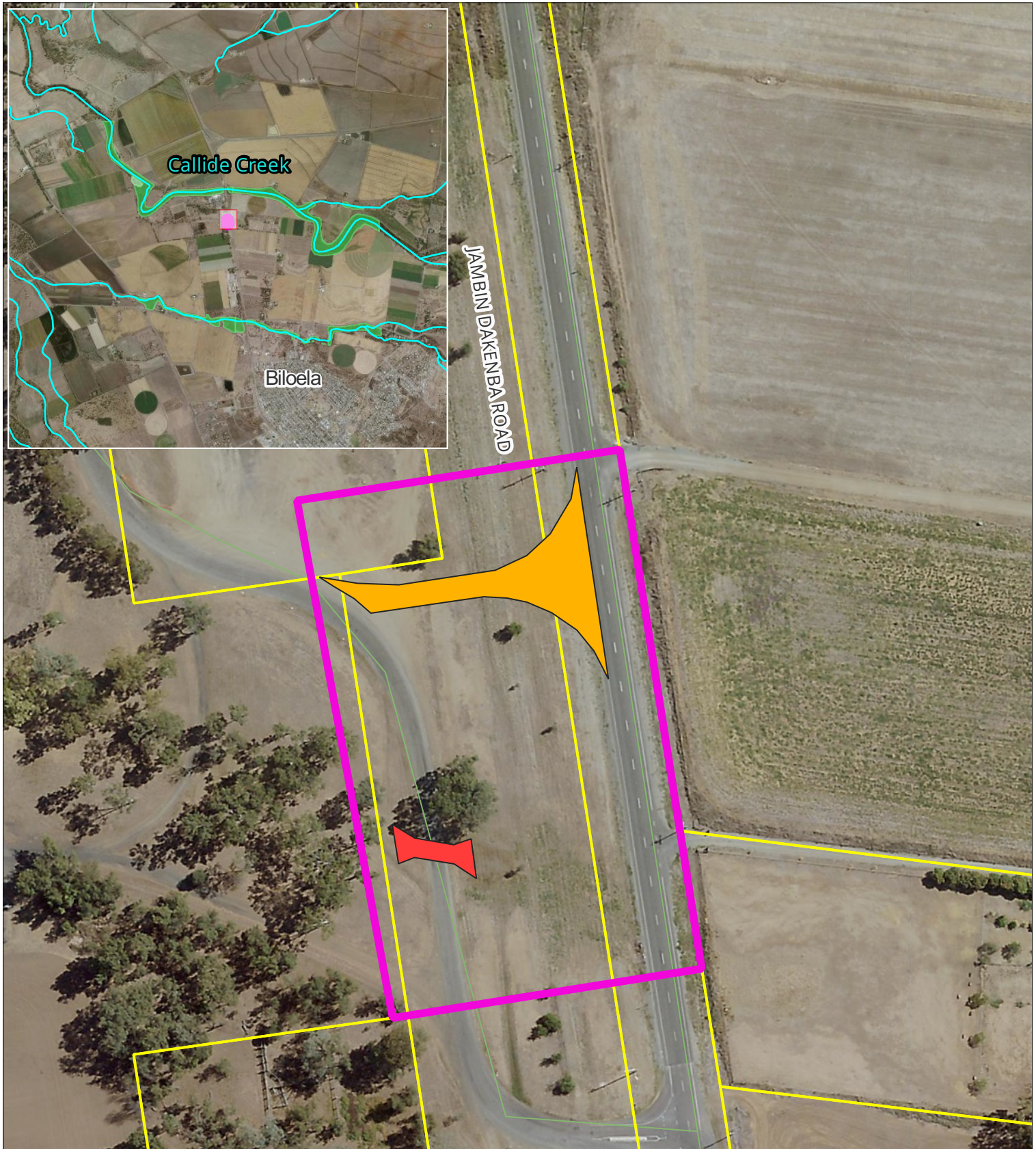
Places of cultural heritage value were identified by searching both statutory and non-statutory heritage registers and databases. The following **statutory** cultural heritage databases were consulted:

- Aboriginal and Torres Strait Islander Cultural Heritage Database and Register (ATSICHDR)
- UNESCO World Heritage List
- Commonwealth Heritage List (CHL)
- National Heritage List (NHL)
- Australasian Underwater Cultural Heritage Database
- Queensland Heritage Register (QHR)
- Local Government/Council Heritage Overlay or Local Heritage Register

The local history of the region was researched using publicly available resources, including library databases, websites, newspapers, museums, and government archives. The following non-statutory cultural heritage registers were considered, where relevant:

- Queensland War Memorial Register
- Queensland World War II Historic Places
- National Trust of Queensland
- Register of the National Estate

The Native Title status of the proposed works area was considered via the National Native Title Tribunal records and Native Title Vision interactive mapping. Publicly available tenure information, including planning scheme maps and historical cadastral maps were reviewed to assess the historical status of the land and potential extinguishment of Native Title.



Legend

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed Works Area | Vegetation |
| Planned Access Road | Remnant |
| Planned Culvert | High Value Regrowth |
| DCDB | — Watercourses |

CRS: GDA 2020 MGA Zone 56
Projection: Universal Transverse Mercator

Scale 1:1500

Page - A4



0 15 30 m

Client

BSC

Client Project No.

Redleaf Project No.

24965

Map 1 - Location

BSC Teys Rd Culvert - Cnr Teys Rd & Jambin Dakenbah Rd, Biloela, QLD

Date 04/03/2025

Drawn RD

Approved TM






PART II: CULTURAL HERITAGE ASSESSMENT

2.1 Historical Land Use

Historical land uses, such as clearing, cultivation and construction, may cause destruction of cultural heritage values and disturb their archaeological context. However, the degree of ground disturbance will vary, and it must be assessed on a case-by-case basis. Aerial imagery and field surveys assist with the determination of historical site disturbance. Aerial imagery from 1958 to the present demonstrates that the area has been historically cleared of vegetation and used for roads and a rail line (Appendix C – Historic Aerial Imagery). Selected aerial imagery, which provides the most relevant insight into past ground disturbance, is included below in Table 2.

Table 2 Selected historical aerial imagery, with approximate location of proposed works shown in purple.

Year	Image	Description
1958 (Queensland Government, 2024b)		The rail line had been constructed by 1958, a railway bridge is present. The area is clear from vegetation apart from a line of trees alongside the track.
1977 (Queensland Government, 2024b)		In 1977 there was no vegetation present within the area. The track has become a road. North of the identified area, a building was constructed. There appears to be 1-2 smaller structures within the area.
Latest State Program (Department of Resources, 2025)		The roads have been sealed. Any vegetation on the site is regrowth. The rail line and bridge have since been removed from the area. Material related to these features may remain.

2.1.1 Aboriginal History

The settlement of Biloela was established on the lands of the Gangulu People, and Biloela is believed to have gained the name from an Aboriginal word meaning Cockatoo (Queensland Places 2018). The Gangulu linguistic region includes the towns of Clermont and Springsure, and southwards towards the Dawson River (AIATSIS 2025). There was once a ceremonial bora site, situated behind the current main street of Biloela, and a ceremonial custom used by the Gangulu people was to place the skeletal remains of their deceased within hollowed-out trees known as burial trees. These trees were then marked with red ochre to signify the resting place. The Gangulu people hunted in the region with the use of dingoes for the rounding up and killing of kangaroos and emus for food (Morning Bulletin 1926 p. 13). Fredrick Morton was granted a large squatting pastoral property in 1854 and called his land 'Prairie'. The homestead was built near the current site of Biloela and Morton initially operated the land as a sheep station before transitioning to cattle farming (Morning Bulletin 1926 p. 13). It was said that Aboriginal workers on Prairie considered their employment to be a chance for unrestrained enjoyment and were happy with their wages, which consisted of trinkets and tobacco (Morning Bulletin 1926 p. 13).

In 1864, Morton made the decision to disperse a camp of Aboriginal people due to their perceived involvement in the theft of sheep. He, and other nearby colonists, equipped themselves with weapons and rode on horseback to attack the Aboriginal encampment at nighttime. The Aboriginal people were alerted to the approaching horsemen and prepared an ambush. According to historian John Bird, Morton's group either received a last-minute warning about the upcoming ambush, or they were beaten back by the Aboriginal counterattack and forced to retreat (Morning Bulletin 1926 p. 13). The camp, and others like it within the surrounding areas, were dismantled in 1873 by Alexander Douglas's Native Police, and individuals considered to be the most dangerous within the Aboriginal groups were dispersed. There was an investigation into the killing of some of the Aboriginal People, with a focus on one notable man named 'Harry'. It was believed by locals that Harry had performed a violent act against one of the settler women and he was then fatally shot by Douglas while attempting to flee. The investigation cleared Douglas of any wrongdoing and concluded that he, Douglas, had made significant positive contributions to the district, with no incidents of violence or theft since he had arrived (Morning Bulletin 1926 p. 13). The local settlers then started a petition for Douglas to carry out further patrols. An Aboriginal man, named Etamitcham, recollected in later years how throughout his childhood, he and his family had to flee over the Kroombit Mountains to avoid being shot (Morning Bulletin 1926 p. 13).

2.2 Aboriginal Cultural Heritage

2.2.1 Aboriginal and Torres Strait Islander Cultural Heritage Database and Register

A search of the Aboriginal and Torres Strait Islander Cultural Heritage Database and Register (Reference Number 180505), encompassing the works area and within a one-kilometre radius, was conducted to identify any recorded cultural heritage values. There are no recorded Aboriginal cultural heritage attributes within one kilometre (Table 3).

Table 3 Aboriginal cultural heritage attributes near the proposed works area.

Site ID	Latitude	Longitude	Record Date	Attribute	Party	Distance from Site
n/a	n/a	n/a	n/a	n/a	n/a	n/a

2.2.2 Cultural Heritage Body

A cultural heritage body is an Aboriginal or Torres Strait Islander cultural heritage body for an area that serves as the first point of contact for matters pertaining to cultural heritage. Additionally, the cultural heritage body also has a purpose to identify the Aboriginal or Torres Strait Islander parties for an area. If there is a registered cultural heritage body for the area, they are the appropriate representatives to contact. If there is no registered cultural heritage body, then the appropriate cultural heritage party or parties should be approached.

The Aboriginal cultural heritage body for the area of the proposed works is recorded within Table 4.

Table 4 Aboriginal cultural heritage body for the proposed works area.

Reference No.	Name	Contact Details	Registration Date
n/a	n/a	n/a	n/a

2.2.3 Cultural Heritage Parties

A cultural heritage party is an Aboriginal or Torres Strait Islander native title party for an area. In order of decreasing precedence, native title parties include: a registered native title holder, a registered native title claimant, or a previously registered native title claimant. The existence of a higher priority native title party excludes the others as the cultural heritage party for the area. In the case that there is no cultural heritage body but are multiple cultural heritage parties, they should all be approached. In the absence of both a cultural heritage body and cultural heritage parties, further steps are required to ascertain the correct Aboriginal group to consult with.

The Aboriginal cultural heritage parties for the area of the proposed works are recorded within Table 5.

Table 5 Aboriginal cultural heritage parties for the proposed works area.

Reference No.	Federal Court No.	Name	Contact Details
QCD2024/001 PRC.	QUD33/2019.	Gaangalu Nation People	Gaangalu Nation People Saylor Legal AMP Building PO Box 4017 VINCENT QLD 4814 Phone: (07) 4431 0074 Mobile: 0474 244 447 Email: david@saylorlegal.com.au

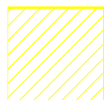

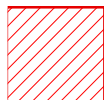
2.3 Cultural Heritage Risk Assessment

The items, values or places identified from the various cultural heritage registers have been combined into the Cultural Heritage Risk Assessments below. For all activity relating to the proposed works, the Appendix A – Site Management Protocols must always be adhered to. These protocols apply within all areas, regardless of all other conclusions and recommendations.

2.3.1 Aboriginal Cultural Heritage

The risk matrix below (Table 6) is used to display the risk to Aboriginal cultural heritage values posed by the proposed works in Map 2. It is informed by the Duty of Care Guidelines (2004), in combination with industry best practice, and professional experience in the prediction of intact potential archaeological deposits (PADs). Landscape features, such as watercourses, remnant vegetation, ridgelines, wetlands, rock shelters and rock outcrops are also factored into this assessment, as these are generally considered to be high risk features for varying reasons.

Table 6 A risk matrix for Aboriginal cultural heritage values as informed by the Duty of Care Guidelines (2004).

Category	Description	Mapped Symbol
Category 3 and Below	Where an activity is proposed in a Developed Area and/or will cause No Additional Surface Disturbance it is generally unlikely that the activity will harm Aboriginal cultural heritage, and the activity will comply with these guidelines. A Developed Area is one that has been developed and maintained for a particular purpose, e.g. railway, utilities, roads. 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.	

2.3.2 Aboriginal Cultural Heritage Conclusion and Recommendations

Known and potential Aboriginal cultural heritage values were assessed for the proposed works area. These results are combined with the Duty of Care Categories. Currently there are no Aboriginal cultural heritage values identified in the immediate proposed works area.

Description of Category 4 Areas

Summary of Risks: Most of the proposed works area has been identified as Category 4. It has historically been cleared of vegetation and subject to significant ground disturbance. There are no indicators of elevated potential for Aboriginal cultural heritage values to be present at the site.

Recommendations: The proposed works may proceed without further cultural heritage assessment, provided that the Appendix A – Site Management Protocols are adhered to.

Description of Category 3 and Below Areas

Summary of Risks: The present roads and the historic railway line, as well as immediately adjacent areas, have been determined to be Category 3 or Below. These areas have been developed and maintained through repeated disturbance; it is unlikely that Aboriginal cultural heritage values remain.

Recommendations: The proposed works may proceed without further cultural heritage assessment.



Legend

- Proposed Works Area
- Planned Access Road
- Planned Culvert
- Category 4 Risk
- Category 3 and Below

CRS: GDA 2020 MGA Zone 56
Projection: Universal Transverse Mercator

Scale 1:1000

Page - A4



0 10 20 m

Client

BSC

Client Project No.

Redleaf Project No.

24965

Map 2 - Aboriginal Cultural Heritage Risk Assessment

BSC Teys Rd Culvert - Cnr Teys Rd & Jambin Dakenbah Rd, Biloela, QLD

Date 04/03/2025

Drawn RD

Approved TM



PART III: NATIVE TITLE ASSESSMENT

3.1 Native Title Claims and Legal Outcomes

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:

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

Native Title rights and interests are recognized through the Native Title Determination process through the Federal Court of Australia.

A Scheduled Native Title Application (SNTA) is an application for a determination of native title in a particular area that is provided to the Registrar by the Federal Court. The claimants, referred to as the Native Title Party, are responsible for providing evidence with their application that is used by the Federal or High Court of Australia to assess the validity of the application. Once the SNTA has been registered, it becomes a Registered Native Title Claim (RNTC).

The next step in this process is a Native Title Determination. An affirmative determination may recognise either 'exclusive' or 'non-exclusive' Native Title rights and interests to the Native Title Party. These rights and interests may include practices such as hunting, fishing, gathering resources and cultural or spiritual activities. A Determination may also find that Native Title does not exist in the claimed area.

Native Title holders may have the right to be consulted on projects which affect their Native Title rights and interests and may also be entitled to compensation for actions which affect such rights and interests.

3.2 Tenure Types

Tenure Type	Native Title is assumed to be extinguished	Native Title may continue to exist
Freehold Land In general, valid grants of freehold tenure, if they were granted prior to 23 December 1996, extinguish Native Title.	✓	
Road Parcels In general, a validly dedicated road parcel will have extinguished Native Title if it was dedicated or declared on or before 23 December 1996 (Queensland Government, 2024a).	✓	
Reserves Reserves can co-exist with Native Title.		✓
Watercourses, State Forests, and National Parks Native Title often continues to exist on public or Crown lands which have not been used for other purposes. For this reason, watercourse parcels, state forests and national parks including the seabed, can continue to be subject to Native Title.		✓
Unallocated State Land Native title can be recognised over unallocated state land.		✓

Note: Previous land tenure or interests over land may have permanently affected, and possibly extinguished, Native Title rights (*Native Title Act 1993* section 47).

3.3 Other Factors

Public Works

In general, if existing public works had been constructed at the footprint of the proposed works prior to 23 December 1996, then Native Title has likely been extinguished for that reason (Queensland Government, 2023b; section 253 of the *Native Title Act 1993*). In these situations, Native Title in the immediately surrounding area necessary for, or incidental to, the construction, establishment, or operation of the work, is often also extinguished. These incidental areas are also known as section 251D areas (Queensland Government, 2023b).

Deed of Grant in Trust (DOGIT)

Under the *Land Act 1994*, deed of grant in trust tenure is held by an Aboriginal or Torres Strait Islander community-level land trust over former reserves and missions for the benefit of Aboriginal or Torres Strait Islander communities. A Native Title body corporate is typically the trustee of DOGIT land and has roles and responsibilities defined by the *Local Government Act 2009* to operate an Indigenous regional council. As such, DOGIT tenure is usually intricately linked with Native Title considerations. DOGIT tenure was most often previously gazetted as reserve tenure, meaning that extinguishment of Native Title is unlikely in many situations. The granting of transferable land (such as DOGIT) does not necessarily extinguish Native Title. Native Title of DOGIT tenure can be extinguished or surrendered through the granting of a lease and/or Indigenous Land Use Agreement (ILUA).

3.4 Native Title Assessment Methodology

This assessment will consider the current tenure type of the proposed project area. It will also consider the historical tenure of the proposed works area, where publicly available resources make this possible. All current Scheduled Native Title Applications, Registered Native Title Claims, Native Title Determinations, and Indigenous Land Use Agreements will be included. Once all of these factors are considered, a recommended approach to satisfying Native Title requirements for the proposed project will be provided.

Note: Redleaf Group cannot provide legal advice regarding Native Title, and any advice given should not be interpreted as legal advice. Separate legal advice may be advisable in some situations. Redleaf Group only has access to publicly accessible information for tenure and Native Title assessments.

3.5 Project Tenure - Historical

A cadastral map of Parish of Prairie from 1974 demonstrates a history of freehold and road parcel tenure, as well as reserve tenure in LOTPLAN 294RN1038. This reserve was for the local government sale yards (Figure 1).

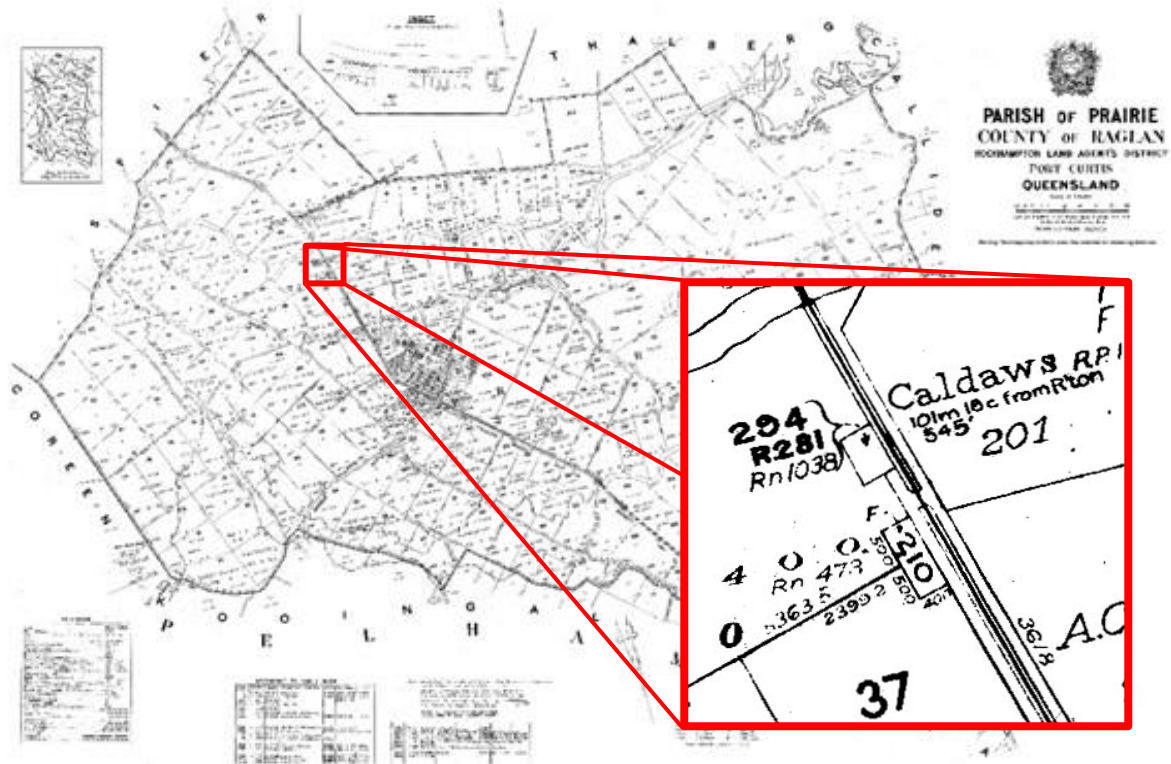


Figure 1 A 1974 map of the Parish of Prairie, with inset map of the proposed works area (State of Queensland, 1974).

3.6 Project Tenure - Current

The current tenure of the proposed works area, retrieved from the Digital Cadastral Database, is described in Table 7.

Table 7 Current land tenure according to Digital Cadastral Database.

Identifier	Tenure	Comments
LOTPLAN 36RN1038	Freehold	If freehold tenure was granted prior to 23 December 1996, Native Title has likely been extinguished.
LOTPLAN 294RN1038	Freehold	Validly dedicated road parcels can extinguish Native Title
OBJECT ID 793717	Road Parcel	Validly dedicated road parcels can extinguish Native Title.
OBJECT ID 800481	Road Parcel	Validly dedicated road parcels can extinguish Native Title.

3.7 National Native Title Tribunal Search

Current and ongoing Native Title applications, determinations, and indigenous Land Use Agreements within or surrounding the project areas for the proposed 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] (Queensland Government, 2024c). Native Title considerations have been reported in Table 8 and Table 9.

A search of the Native Title Tribunal has indicated that the following determinations, applications, and land use agreements exist over the proposed works area.

It is important to consider who is party to the Indigenous Land Use Agreements (ILUA) that may be present over the area. ILUAs generally only bind the parties to the agreement. If Banana Shire Council is not a party to the agreement, it need not be considered. Consideration of the full ILUAs is advised if there is any doubt about who is bound by its terms.

Table 8 National Native Title Tribunal search results - determinations and claims.

Native Title Matter	Name	NNTT No.	Federal Court No.	Details
Native Title Determinations	n/a	n/a	n/a	n/a
Registered Native Title Claim (RNTC)	Gaangalu Nation People	QC2012/009	QUD33/2019	Dismissed
Scheduled Native Title Application (SNTA)	Gaangalu Nation People	QC2012/009	QUD33/2019	Dismissed

Table 9 National Native Title Tribunal search results - Indigenous Land Use Agreements (ILUA).

NNTT No.	Short Name	ILUA Type	Date Registered	Parties
n/a	n/a	n/a	n/a	n/a

3.8 Native Title Assessment and Recommendations

After an assessment of land tenure, both historically and on current databases, and consideration of current Native Title determinations, applications and agreements, the following conclusions have been reached.

Note: This assessment is based on publicly available information. Historic survey searches, and gazettal documents, can provide more clarity where land tenure history is uncertain.

Conclusions

Freehold

Portions of the proposed works are on a freehold lot where, if it can be proven that they were granted prior to 23 December 1996, Native Title is assumed to be extinguished. This is highly likely to be the case. If Native Title has been validly extinguished, then it need not be considered further for this project.

Road Parcel:

The proposed works area overlaps with a road parcel. It is highly likely that the roads in question were validly declared before 23 December 1996, and therefore, that Native Title has been extinguished.

Recommendations:

Where works are proposed in validly declared Freehold/Road Parcels, Native Title is likely extinguished. Checking that these tenure types were validly declared before 23 December 1996 is recommended.

References

AIATSIS 2025 (Australian Institute of Aboriginal and Torres Strait Islander Studies). *Gangulu (E40)*. Viewed 18 Feb. 25. <https://aiatsis.gov.au/austlang/language/E40>

DIN 4150-3. (2016). *Vibrations in Buildings—Part 3: Effects on Structures*; DIN: Berlin, Germany.

Morning Bulletin 1926. *The Rainbow Trail*. Rockhampton, Qld, 20 March 1926, page 13. Viewed 18 Feb. 25. <http://nla.gov.au/nla.news-article54321325>

Queensland Government. (2017a). Queensland Government Native Title Work Procedures: Annexure 7.3. Queensland Government Native Title Works Procedures Assessment and Notification Forms. https://www.resources.qld.gov.au/__data/assets/pdf_file/0004/1267132/annexure-7-3.pdf

Queensland Government. (2017b). Queensland Government Native Title Works Procedures: Annexure 7.2. Queensland Government Native Title Works Procedures Assessment and Notification Forms. https://www.qld.gov.au/__data/assets/pdf_file/0010/306010/annexure-7-2.pdf

Queensland Government. (2023a). Module J - Reservations and leases. Queensland Government Native Title Works Procedures. <https://www.qld.gov.au/firstnations/environment-land-use-native-title/native-title-work-procedures/modules/all-modules/module-j>

Queensland Government. (2023b). Module—CA Public Works. Queensland Government Native Title Works Procedures. <https://www.qld.gov.au/firstnations/environment-land-use-native-title/native-title-work-procedures/modules/all-modules/module-ca>

Queensland Government. (2024a). Module—CB - State Roads. Queensland Government Native Title Works Procedures. <https://www.qld.gov.au/firstnations/environment-land-use-native-title/native-title-work-procedures/modules/all-modules/module-cb>

Queensland Government. (2024b). QImagery. QImagery. <https://qimagery.information.qld.gov.au/>

Queensland Government. (2024c). Search National Native Title Register. Native Title Tribunal. <http://www.nntt.gov.au/Pages/Home-Page.aspx>

Queensland Government. (2024d). What native title means for Queensland [Text]. Environment, Land Use and Native Title. <https://www.qld.gov.au/firstnations/environment-land-use-native-title/what-it-means-for-queensland>

Queensland Places 2018. *Biloela*. Viewed 18 Feb. 25. <https://queenslandplaces.com.au/biloela>

State of Queensland. (1974). *Parish of Prairie*. Viewed 4th March 2025 at <https://apps.information.qld.gov.au/data/v2/HistoricalMaps/StaticMap/cadastral/cad-map-40chain-parish-prairie-1974/original>

Glossary and Legislative Frameworks

Glossary

Term	Definition
Aboriginal cultural heritage	<p>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.</p> <p>Aboriginal cultural heritage is protected by the <i>Aboriginal Cultural Heritage Act 2003</i>.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • 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	<p>Any artefact that is evidence of an aspect of Queensland's history, whether it is located in, on, or below the surface of land.</p> <p>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.</p>
Archaeological Management Plan	<p>A form of Conservation Management Plan (CMP) or Heritage Management Plan (HMP) tailored specifically for places with archaeological significance. Refer to the Burra Charter for further information.</p> <p>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.</p>
Artefact	Artefact means an archaeological artefact or underwater cultural heritage artefact.
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.
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)	<p>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.</p> <p>Note: This is different from a Cultural Heritage Management Plan, which are used for places of Aboriginal cultural heritage significance.</p>
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') may 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 potentially significant objects or artefacts.
Cultural Heritage Management Plan (CHMP)	An agreement between a land user (sponsor) and Aboriginal Party (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 Aboriginal 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 Aboriginal 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.
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

	<p>this report the term is also used to embrace other forms of occupation such as licences, permits to occupy and State reserves.</p> <p>The provisions of the Commonwealth and State Native Title Acts—that is, the <i>Native Title Act 1993 (Cth)</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.</p>
Laydowns	A temporary, designated area to place equipment and machinery necessary for the proposed works.
Local Heritage Place	<p>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>.</p> <p>Note: Assessable development on a Local Heritage Place is governed by the Planning Act 2016.</p>
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 restoration or reconstruction.
Native Title Party	<p>The Native Title party for an area is defined as:</p> <p>Native Title holders – that is where Native Title has been recognised by the Federal Court of Australia.</p> <p>Registered Native Title claimants – Native Title claims currently before the Federal Court of Australia.</p> <p>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).</p> <p>Previously registered Native Title claimants will continue to be the Native Title party for that area providing:</p> <p>There is no other registered Native Title claimant for the area.</p> <p>There is not, and never has been, a Native Title holder for the area.</p> <p>The Native Title party maintains this status within the external boundaries of the claim even if Native Title has been extinguished.</p>
No additional surface disturbance	Surface disturbance not inconsistent with previous surface disturbance.
Non-Indigenous (historical) cultural heritage	<p>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>.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • 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, Tourism, Science, and Innovation (formerly known as 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	<p>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.</p> <p>Note: This is the term used for registered artefacts relating to Aboriginal cultural heritage under the <i>Aboriginal Cultural Heritage Act 2003</i> and <i>Torres Strait Islander Cultural Heritage Act 2003</i>, rather than archaeological artefact as defined under the QHA.</p>
Remnant vegetation	<p>As defined under the <i>Vegetation Management Act 1999</i>.</p> <p>For the purposes of this report, it broadly refers to vegetation that has not been cleared since European settlement.</p>
Restoration	Returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
Setting	<p>The immediate and extended environment of a place that is part of a place or contributes to its cultural heritage significance and distinctive character.</p> <p>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.</p> <p>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.</p>
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 Aboriginal peoples. (See also registered significant object).
State Heritage Place	<p>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>.</p> <p>Note: Development on a State Heritage Place is also governed by the <i>Planning Act 2016</i>.</p>
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.
Torres Strait Islander cultural heritage	<p>Anything that is a significant Torres Strait Islander area in Queensland; or a significant Torres Strait Islander object; or evidence of archaeological significance, historic significance or of Torres Strait Islander occupation of an area of Queensland.</p> <p>Torres Strait Islander cultural heritage is protected by the <i>Torres Strait Islander Cultural Heritage Act 2003</i>.</p> <p>Examples include:</p> <ul style="list-style-type: none"> • 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.
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.

Legislative Frameworks

Aboriginal Cultural Heritage Act 2003

The Queensland legislation for the protection of Aboriginal cultural heritage in the landscape is the *Aboriginal Cultural Heritage Act 2003* (ACH Act). The purpose of the 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 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-Aboriginal 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 an 'Aboriginal Cultural Heritage Database' under Part 5. This database is accessible through the Department of Treaty, and Aboriginal and Torres Strait Islander Partnerships, Communities, and the Arts (formerly DSDSATSIP) database.

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'.

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.

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, Aboriginal, 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.

Native Title Act 1993 (Cth)

The *Commonwealth 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.

Native Title (Queensland) Act 1993

The *Native Title (Queensland) Act 1993* is the Queensland Government's legislation to ensure alignment with the *Commonwealth Native Title Act 1993* for future dealings affecting Native Title.

APPENDICES

Appendix A – Site Management Protocols

Site Inductions

Provide machinery and road/traffic personnel with relevant cultural heritage training to ensure they:

- Understand the Duty of Care requirements under the *Aboriginal Cultural Heritage Act 2003*.
- Understand their obligations under the *Queensland Heritage Act 1992*.
- Understand where machinery, stockpiles etc. should be located.
- The site induction can be delivered by the responsible Cultural Heritage Officer (Tim Menkins 0497 259 960).

Finds Procedure

1. FIND: An item of potential cultural heritage value is found.
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.
3. NOTIFY: The Contractor shall immediately notify a 'responsible person'.
4. MANAGE: This may include restricting 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 Aboriginal heritage values be identified (Tim Menkins 0497 259 960).

Note: These guidelines were developed using the Department of Environment, Tourism, Science, and Innovation (DETSI) 'Procedural Guide for Managing Indigenous Cultural Heritage' and can be used for both Aboriginal and non-Indigenous cultural heritage.

Archaeological Discoveries

Archaeological discoveries can occur regardless of land tenure. Refer to section 1 for the legislative framework relevant to the proposed development. In certain situations, an Archaeological Management plan may be required to achieve compliance. Archaeological Management Plans outline the steps to follow in the event of previously unidentified cultural heritage values being found during proposed works.

Note: The recommendations provided in this report do not preclude adherence to relevant cultural heritage legislation, including, but not limited to; the *Aboriginal Cultural Heritage Act 2003*, *Environment Protection and Biodiversity Conservation Act 1999* and the *Queensland Heritage Act 1992*.

Appendix B – ATSICHDR Report

Cultural Heritage Database and Register Search Report

Search report reference number: 180505

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.

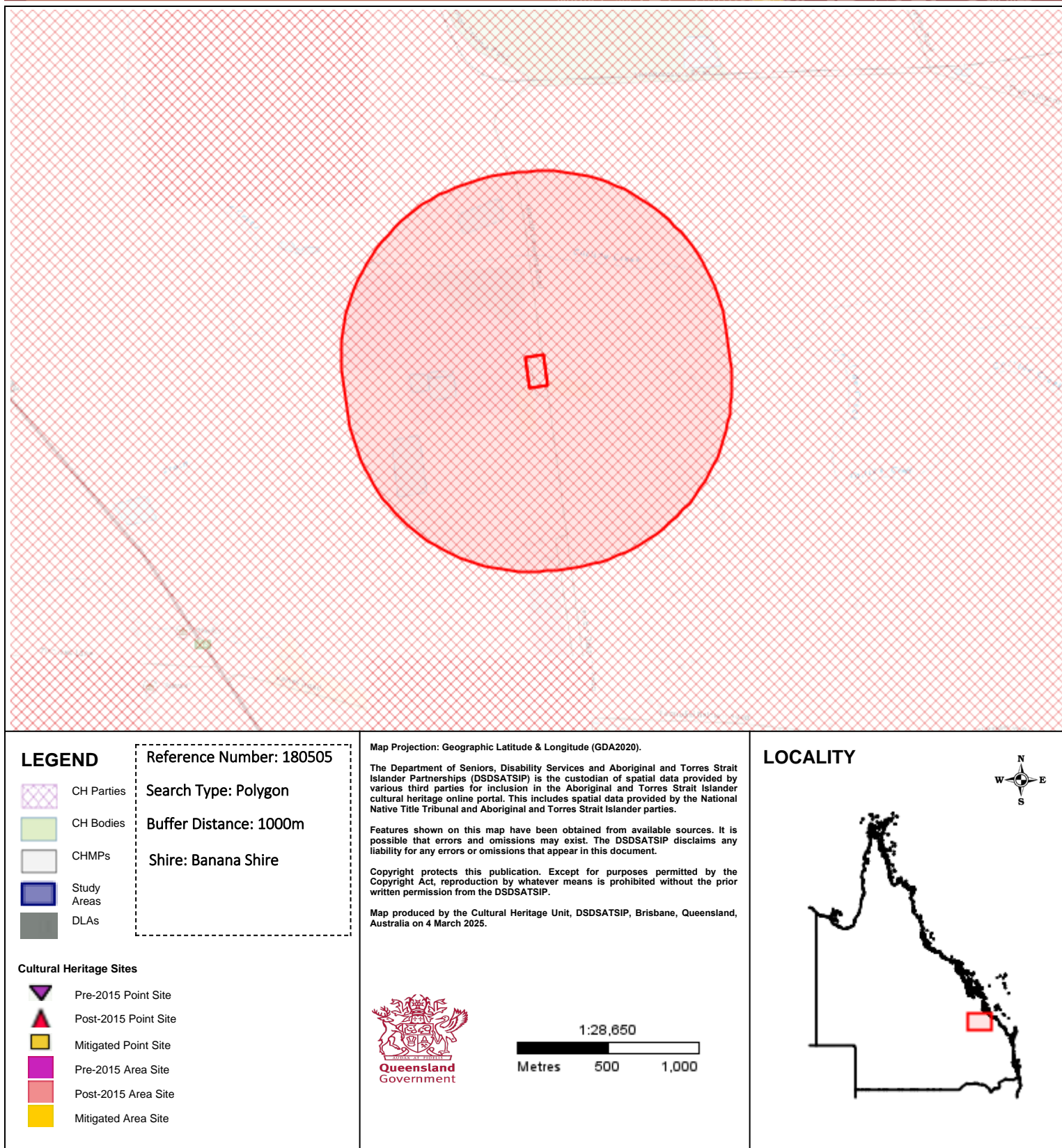
Please refer to the Department website <https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care> to obtain a copy of the gazetted Cultural Heritage Duty of Care Guidelines, which set out reasonable and practicable measure for meeting the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

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

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
	QUD33/2019	Gaangalu Nation People	Gaangalu Nation People Saylor Legal AMP Building PO Box 4017 VINCENT QLD 4814 Phone: (07) 4431 0074 Mobile: 0474 244 447 Email: david@saylorlegal.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 C – Historic Aerial Imagery

Table 10 Historical aerial imagery of the proposed site, demonstrating changing land use or site circumstances (Queensland Government, 2024b).



Figure 2 1958 Film QAP0764 Frame 13



Figure 3 1977 Film QAP3369 Frame 826



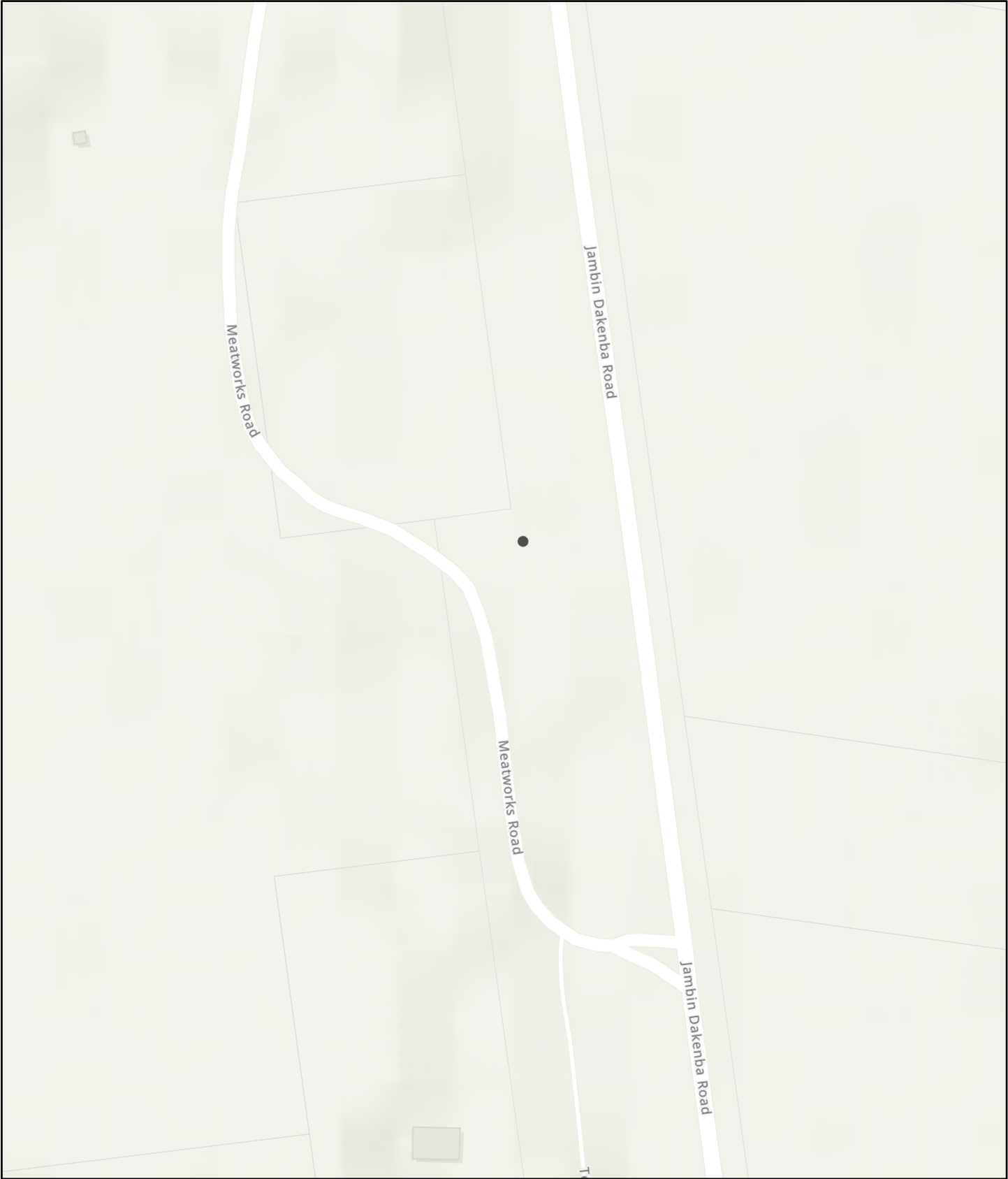
Figure 4 1984 Film QAP4366 Frame 170



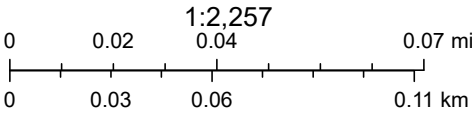
Figure 5 1994 Film QAP5231 Frame 31

Appendix D – Native Title Vision Map

Native TitleVision Web Map



3/6/2025, 11:14:57 AM



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



ENVIRONMENTAL . CULTURAL HERITAGE . SPECIAL PROJECTS

Phone: 1300 562 494

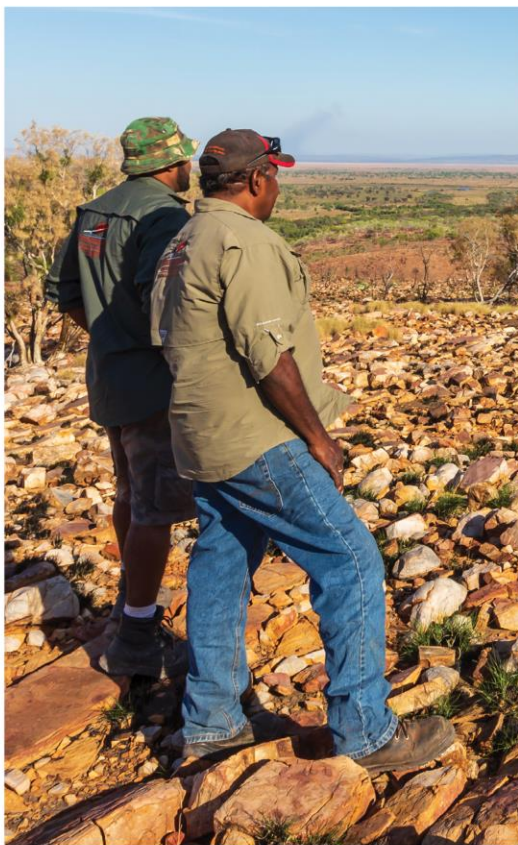
Email: enquiries@redleafgroup.au

Suite 11, 566 Ruthven Street, Toowoomba Qld

(PO Box 158, Grand Central Shopping Centre, Toowoomba Qld 4350)

redleafgroup.au

ABN: 60 159 722 326



Our Footprint for Future Generations

redleafgroup.au