

Chapter 13

Aboriginal and Historical Cultural Heritage

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13 Aboriginal and Historic Cultural Heritage

Cultural heritage can be broadly defined as the collective social manifestations of a community, generally handed down by tradition or with some historical association. The manifestations can be tangible, such as buildings, landscapes and artefacts and archaeological sites, and intangible, such as language, visual art, music, performance, element of the natural landscape and customary practice. Many societies value their cultural heritage, not only as reminders of the past but also as critical elements of their contemporary cultural identity. The connection between Aboriginal traditional owners and cultural heritage in the Northern Territory is expressed through both traditional knowledge and connection to places (sacred sites) and archaeological features.

As part of the environmental impact assessment, studies and consultations were undertaken to investigate and document the Aboriginal and historic cultural heritage in the vicinity of the pipeline corridor. This Chapter outlines relevant information concerning the Aboriginal and historic cultural heritage values including how any potential impacts to these values will be managed through appropriate mitigation measures.

13.1 ABORIGINAL SACRED SITES

13.1.1 Description

The pipeline region includes sites that are sacred to the Aboriginal people of the area and significant according to Aboriginal tradition. Sacred sites comprise features in the landscape such as waterholes, escarpments, hills, rock outcrops and trees that have special significance under Aboriginal social and cultural tradition. These places can also contain archaeological remains that may or may not be associated with sacred values. Sacred sites are an essential part of a continuing body of practices and beliefs, deriving from ancient Aboriginal tradition and law. Sacred sites are the responsibility of recognised custodians who must ensure they are kept safe. Consequences flow from any damage to a sacred site both in terms of disturbance to the spiritual relationships in the land and to the custodians. Aboriginal law dictates that other Aboriginal people will hold custodians responsible for damage to a sacred site (AAPA 2013).

The *Northern Territory Aboriginal Sacred Sites Act* (NTASS Act) protects all sacred sites and makes it an offence to desecrate a site or enter, remain on or carry out work on a sacred site except with the appropriate authorisation (an Authority Certificate). Under the NTASS Act a sacred site is defined as:

‘...a site that is sacred to Aboriginals or otherwise of significance according to Aboriginal tradition and includes any land that, under law of the Northern Territory, is declared to be sacred to Aboriginals or of significance according to Aboriginal tradition.’

The NTASS Act sets up a system for the registration and protection of sacred sites together with a procedure for proponents wishing to perform work on land in the Northern Territory to obtain an Authority Certificate to allow that work to proceed. The Register of Sacred Sites facilitates discussions between custodians of sacred sites and proponents which are aimed at the avoidance and protection of sacred sites. When complied with, the Authority Certificate protects that person from prosecution under the NTASS Act. The Northern Territory Government would require provision of an Authority Certificate for the KGGP Project.

Publication and transmission of specific details regarding sacred sites in the project area is culturally sensitive and consequently the sacred site information reported for this process will be adequate for the purpose of protecting the sites, but of necessity, generalised in nature.

Previous consultation and sacred site identification for TTP proposal

Extensive consultation with traditional owners (through the Northern Land Council) on the protection of sacred sites along the pipeline corridor was undertaken during the survey and route selection process for the TTP proposal.

Authority Certificates (pursuant to the NTASS Act) were issued by the AAPA in relation to all on-ground survey work. Reconnaissance permits, negotiated through the NLC, governed the conduct of all the works that were undertaken. The AAPA has formally advised Pacific Aluminium that these Authority Certificates and related permits have now expired.

Restricted Work Areas were defined from the issued Authority Certificates and these are shown in Figure 13-1. The majority of the Restricted Work Areas (within which Aboriginal sacred sites are located) occur in the region from KP0-100, near KP200, near Bulman (KP250) and on the Gove Peninsula. These areas were the subject of detailed consultation with traditional owners aimed at avoiding Aboriginal sacred sites during planning for the TTP. Detailed information on the exact location and nature of registered and recorded sacred sites along the pipeline corridor is considered confidential in nature and is not provided to proponents.

Current processes for identifying Aboriginal sacred sites

With the lapse of existing Authority Certificates, Pacific Aluminium has initiated a new process for the grant of Certificates to cover the construction and operation phases of the KGGP Project. Pacific Aluminium has engaged the AAPA to consult with Aboriginal traditional owners with a view to identifying the sacred sites in proximity to the project area. Upon notification from the AAPA, Pacific Aluminium understands that appropriate Restricted Work Areas would be established for all phases of the project. This process would also include the region between KP400-440 (approximately) in the Mitchell Ranges of north-east Arnhem Land that was not subject to sacred site consultations during development of the TTP proposal and proposed ancillary infrastructure and construction camps within the project area.

13.1.2 Potential impacts of construction and operation

The aspects of the KGGP Project with the potential to affect Aboriginal sacred sites are largely those associated with construction. Primarily this is:

- Clearing and earthworks for pipeline construction disturbing physical features in the landscape that are attached to the cultural values ascribed to an Aboriginal sacred site.
- Unauthorised access (through the non-observance of Restricted Work Areas) to Aboriginal sacred sites by the construction workforce (for example when sourcing fill) or maintenance crews during the operational phase.
- Indirect impacts arising from not observing cultural protocols associated with Aboriginal sacred sites (for example sacred sites often have well defined protocols about what activities can be undertaken within the vicinity and sites may also have gender rules).

Through consultation with Aboriginal traditional owners during the TTP route selection phase, the pipeline corridor was aligned to avoid all known sacred sites and Pacific Aluminium will be guided by the updated investigations undertaken by the AAPA for the KGGP Project.

The new processes initiated for the grant of Authority Certificates for the project area will ensure that all known Aboriginal sacred sites are avoided by realignment and re-siting so that no sacred sites are directly impacted. These processes will include areas not subject to earlier consultations regarding the pipeline alignment (Mitchell Ranges) and proposed access tracks.

Potential indirect impacts to Aboriginal sacred sites from unauthorised visitation and non-observance of cultural protocols will be minimised through the implementation of agreed management measures with the NLC and Aboriginal traditional owners. Work place procedures, a Land Access Protocol and cross cultural awareness training will ensure employee awareness of Restricted Work Areas and cultural protocols to minimise the risk of inadvertent or unauthorised access to Aboriginal sacred sites in proximity to the project area.

13.1.3 Mitigation response and assessment of potential impact

The primary approach to managing impacts to Aboriginal sacred sites has been to align the pipeline corridor to avoid disturbance of known sites (Table 13-1). This will be supported by the defining of Restricted Work Areas and controls/procedures to raise awareness of the importance of protecting sites and to ensure no unauthorised access or non-compliance with cultural protocols during construction and operation of the pipeline (Table 13-1). A Cultural Heritage Management Plan (CHMP) will be developed in consultation with the NLC and Aboriginal traditional owners to formalise these arrangements. A provisional CHMP can be found at Appendix O.

Table 13-1: Mitigation measures for Aboriginal sacred site impacts

ENVIRONMENTAL IMPACT	PROPOSED MITIGATION (ACTION)		ANTICIPATED EFFECT OF MITIGATION
	AVOIDANCE	MINIMISATION	
<ul style="list-style-type: none"> Disturbing physical features in the landscape that are attached to the cultural values ascribed to an Aboriginal sacred site. Unauthorised access to Aboriginal sacred sites by the construction workforce (for example when sourcing fill) or maintenance crews during the operational phase. Not observing cultural protocols associated with Aboriginal sacred sites. 	<ul style="list-style-type: none"> Proposed pipeline corridor will be aligned to avoid known Aboriginal sacred sites. Ancillary infrastructure in the project area will be sited to avoid known Aboriginal sacred sites. New Authority Certificates will be sought through AAPA for the construction and operational phase, including identification of Restricted Work Areas. Procedures to raise the awareness of Aboriginal sacred site issues and the associated legal and project requirements, among the construction workforce. Employment of traditional Aboriginal owners as monitors during construction 	<ul style="list-style-type: none"> N/A – all known sites avoided through observance of Restricted Work Areas. 	<ul style="list-style-type: none"> No disturbance of the physical landscape features associated with any sacred site. No unauthorised entry onto/into sacred sites. Observance of cultural protocols associated with sacred sites.

ENVIRONMENTAL IMPACT	PROPOSED MITIGATION (ACTION)		ANTICIPATED EFFECT OF MITIGATION
	AVOIDANCE	MINIMISATION	
	activities where appropriate. <ul style="list-style-type: none"> • Cross-cultural awareness training of the construction workforce including specific elements that cover cultural protocols. • Measures to inform the construction workforce on prohibited areas and the conditions of Authority Certificates, along with rules and disciplinary measures if a breach occurs. • Periodic consultation with Aboriginal traditional owners to review the CHMP and identify and address any concerns regarding management of sacred sites. 		

13.1.4 Summary – predicted environmental outcome

After mitigation is applied, the construction and operation of the KGGP is expected to result in no disturbance to Aboriginal sacred sites or breach of cultural protocols associated with these.

Pacific Aluminium will conduct the construction and operation of the KGGP so as to avoid interference with known Aboriginal sacred sites and in accordance with Authority Certificates and associated Restricted Work Areas, issued by the AAPA. Implementing the management measures of the CHMP will ensure that Aboriginal sacred sites are not inadvertently damaged or subject to unauthorised access. Pacific Aluminium will maintain ongoing consultation with Aboriginal traditional owners over the life of the KGGP development.

13.2 ABORIGINAL ARCHAEOLOGY

13.2.1 Description

Field surveys of the majority of the proposed pipeline corridor for archaeological sites and objects were undertaken as part of the TTP studies in 2003 and 2004. These archaeological surveys consisted of both vehicular and pedestrian transects. The methodology and the results of the surveys are presented in Appendix J.

The surveys identified seventeen Aboriginal archaeological sites and fifty-four background scatters of isolated stone artefacts in the vicinity of the pipeline. The most common archaeological sites were open stone artefact scatters with smaller numbers of stone arrangements and a potential site containing human skeletal remains reported by the traditional owners on the survey. None of these sites are considered to have a high archaeological value.

All background scatters located during the surveys were assessed as having low archaeological significance. This assessment was made on the basis that the sites have limited scientific potential because they have been disturbed by erosion and contain a limited range of artefact types. As such further investigation of the sites will not contribute further substantial information on the past.

Two areas along the proposed pipeline corridor have not yet been surveyed for Aboriginal archaeological material. The areas include the region between KP400-440 (approximately) in the Mitchell Ranges of north-east Arnhem Land and approximately 15 kilometres of the route between Annie Creek and the Goyder River. There is a high potential for the presence of archaeological sites at both of these areas and with traditional owner consent, Pacific Aluminium aims to survey both locations during the 2013 dry season.

The location of access tracks, ancillary infrastructure and construction camps is subject to detailed design and would be located to avoid significant archaeological sites and confirmed during the 2013 survey. The results of additional archaeological survey will be communicated in the supplement to this EIS.

13.2.2 Potential impacts of construction and operation

The aspects of the KGGP Project with the potential to affect Aboriginal archaeological sites are largely confined to those associated with construction. Primarily this is:

- Clearing and earthworks for pipeline construction, disturbing archaeological material, where avoidance has not been possible.
- Unauthorised access to archaeological sites adjacent to the pipeline corridor, ancillary infrastructure sites or access tracks by the construction workforce (for example, when sourcing fill) or maintenance crews during the operational phase.
- Unauthorised collection or relocation of artefacts by the construction workforce.

Potential impacts from clearing and earthworks have been significantly reduced through careful route selection to avoid a number of Aboriginal archaeological sites.

Since the pipeline centreline (and ROW) is yet to be finalised and pegged, a broader zone of potential disturbance to archaeological sites, coinciding with the pipeline corridor has been assumed. Any Aboriginal archaeological sites located within 50 metres of the centreline of the pipeline have a high probability of being destroyed or disturbed by construction activities. Beyond the pipeline corridor there is the potential for Aboriginal archaeological material to be disturbed through unauthorised access. Archaeological sites located over one hundred and fifty metres from the centreline were assessed as highly unlikely to be directly affected during construction.

Three Aboriginal archaeological sites are located within the pipeline corridor and therefore will be potentially disturbed during construction. None of these archaeological sites are of high archaeological significance. One of the sites (Site 20: artefact scatter) is located 50 m from the centreline and was assessed as moderate significance because the manufacture of artefacts from different raw materials, indicated various activities were carried out in the area.

Avoidance or minimisation of impacts to these sites will be a criterion for final ROW selection.

Five Aboriginal archaeological sites are located between 50 and 100 m from the centreline of the pipeline and are therefore at risk from inadvertent or unauthorised disturbance. None of these sites are of high archaeological significance. Site 5 (medium-high significance) was assessed as being relatively rare in the local context (it contained an edge ground axe and ochre). This site will be the subject of mitigation measures aimed at avoiding indirect disturbance through unauthorised access or collection.

All of the recorded background scatters are of low archaeological significance. The methods used during the survey ensured that the artefact's location, dimensions, type and raw material of background scatters were documented. Consequently, the isolated artefacts have little potential for contributing to further knowledge of the past (Appendix J).

Due to constraints with ground surface visibility during the archaeological surveys there is the potential that additional archaeological material may be identified along the pipeline route once construction commences. Trenching may also reveal buried archaeological deposits that were not visible on the ground surface. All new archaeological discoveries will be documented and their significance assessed by a qualified archaeologist. Where impact is unavoidable a mitigation process consistent with that outlined below will be applied.

Potential impacts of construction of the KGGP along the currently unsurveyed section of the pipeline corridor and from construction of access tracks and ancillary infrastructure will be quantified following the 2013 dry season archaeological survey and addressed in the supplement to this EIS.

During the operational phase of the KGGP, the on-going protection of all Aboriginal archaeological sites in the vicinity of the pipeline corridor would be a priority. The stability of some of the Aboriginal archaeological sites would be particularly vulnerable to visitation or inadvertent disturbance during maintenance or inspection activities.

13.2.3 Mitigation response and assessment of potential impact

The primary approach to managing impacts to Aboriginal archaeological sites has been to align the pipeline corridor to avoid disturbance of known sites (Table 13-2). This will be supported by controls/procedures to raise awareness of the importance of protecting archaeological sites and to ensure no unauthorised access during construction and operation of the pipeline (Table 13-2).

A Cultural Heritage Management Plan (CHMP) will be developed in consultation with the NLC and Aboriginal traditional owners to formalise these arrangements. A provisional CHMP can be found at Appendix O. Where significant archaeological sites are in close proximity to an area subject to disturbance, the CHMP will include reduction of working widths when practicable and active controls such as temporary fencing of sites and work restrictions to prevent unauthorised access and indirect disturbance.

If it is not feasible to avoid sites when the ROW is finalised or carry out the protective actions, permission to disturb these sites will be sought from the Minister for Lands, Planning and the Environment under the *Heritage Act*.

The background scatters located during survey of the pipeline corridor have been assessed as having low archaeological significance and therefore there is no need to realign the pipeline or access tracks to avoid these areas or implement protective actions. These sites are nevertheless protected under the *Heritage Act*. Where the pipeline ROW cannot avoid disturbance of known background scatters, consent would be sought from the Minister for Lands, Planning and the Environment as per the requirements of the *Heritage Act*.

Table 13-2: Mitigation measures for Aboriginal archaeology

ENVIRONMENTAL IMPACT	PROPOSED MITIGATION (ACTION)		ANTICIPATED EFFECT OF MITIGATION
	AVOIDANCE	MINIMISATION	
<ul style="list-style-type: none"> Disturbing material of Aboriginal archaeological significance. Unauthorised access to archaeological sites adjacent to the pipeline corridor, ancillary infrastructure sites or access tracks by the construction workforce. Unauthorised collection or relocation of archaeological material. 	<ul style="list-style-type: none"> During survey, alignment moved in a number of instances to avoid identified archaeological sites. Pre-construction survey of the majority of the pipeline ROW at time of survey and pegging (excepting those identified areas identified as having low probability of containing archaeological materials) to avoid unidentified sites where possible. Marking all archaeological sites on the Geographical Information System (GIS) database established to assist planning and construction and where appropriate ensuring that this information is available to work crews. Use of temporary fencing around sites in close proximity to the pipeline ROW that are to be avoided during construction. Procedures to avoid unauthorised access/visitation or inadvertent disturbance or archaeological sites, or collection of archaeological material by employees. Incorporation of requirements for protection of archaeological sites into cross-cultural awareness and education training for 	<ul style="list-style-type: none"> Working width to be reduced where practicable through areas identified where archaeological sites exist or there is a high potential for significant sites to exist. Application for consent to disturb or destroy identified archaeological sites that cannot be avoided through the appropriate processes under the <i>Heritage Act</i> and adherence with conditions of consent regarding salvage and recording of archaeological material. Procedures for the protection or management of any subsurface or new finds of surface archaeological material identified during the construction phase including a response mechanism that ensures appropriate consultation and advice from the NTG Heritage Branch and relevant Aboriginal traditional owners. Periodic consultation with Aboriginal traditional owners to review the CHMP and identify and address any concerns regarding management of archaeological sites. 	<ul style="list-style-type: none"> No disturbance of archaeological sites of high significance. Direct disturbance of some archaeological sites of generally low archaeological significance, in accordance with provisions of <i>Heritage Act</i>. No disturbance of archaeological sites of moderate- high archaeological significance or if this is not possible provisions of <i>Heritage Act</i> to be followed.

ENVIRONMENTAL IMPACT	PROPOSED MITIGATION (ACTION)		ANTICIPATED EFFECT OF MITIGATION
	AVOIDANCE	MINIMISATION	
	<p>the construction workforce.</p> <ul style="list-style-type: none"> Periodic consultation with Aboriginal traditional owners to review the CHMP and identify and address any concerns regarding management of archaeological sites. 		

Before construction begins salvage procedures will be developed and implemented in accordance with relevant conditions of consent under the *Heritage Act*. These procedures may include surface collections and / or excavations of archaeological material.

Where there is higher potential for the presence of Aboriginal archaeological sites, an archaeologist will be present during the pegging of the finalised pipeline ROW. This includes sections from KP0-260; KP302-360; and KP400-603. Monitoring would also be defined for ancillary infrastructure, as required following survey. The archaeologist would be responsible for verifying requirements for disturbance of already identified Aboriginal archaeological sites, assessing the significance of this material, recording any previously unidentified archaeological material and ensuring that the requirements of the *Heritage Act* are followed, including the implementation of appropriate mitigation measures if required.

The appropriate procedures for the protection of any sub-surface or new finds of surface archaeological material identified during construction will be undertaken by the on-site archaeologist who will be present during trenching. A response mechanism will be established to ensure protection or appropriate management of any identified material, including advice from the Heritage Branch of the NTG and Aboriginal traditional owners.

During the operational phase, appropriate procedures and processes will be established through the CHMP to reduce the risk of un-authorized visitation or inadvertent disturbance of Aboriginal archaeological sites.

13.2.4 Summary – predicted environmental outcome

After mitigation is applied, construction and operation of the KGGP is expected to result in the following outcomes in relation to Aboriginal archaeology:

- No direct disturbance of archaeological sites of high significance.
- Direct disturbance of some archaeological sites of generally low archaeological significance within the project area. Disturbance will be in accordance with the provisions of the *Heritage Act* and will have the consent of the NTG Heritage Branch, in consultation with the relevant Aboriginal traditional owners.
- Protection of archaeological sites of moderate to high archaeological significance through protective measures such as reduced working widths, temporary fencing and work restrictions. If this is not possible disturbance will be in accordance with the provisions of the

Heritage Act and will have the consent of the NTG Heritage Branch, in consultation with the relevant Aboriginal traditional owners.

- The appropriate recording, significance assessment, management and mitigation (if required) of new finds of archaeological material in accordance with the provisions of the *Heritage Act*.

Pacific Aluminium will construct and operate the KGGP so as to reduce disturbance to Aboriginal archaeological sites to as low as reasonably practical and will maintain ongoing consultation with the NT Heritage Branch and the relevant Aboriginal traditional owners.

13.3 HISTORIC CULTURAL HERITAGE

13.3.1 Description

A search of the National Heritage List indicates that there are no national heritage sites protected under the provisions of the EPBC Act, within the project area. A search of the Northern Territory Heritage Register indicates that there are no declared Northern Territory heritage places protected under the provisions of the *Heritage Act*, within the project area. National and Northern Territory heritage sites in the broader region around the project area are identified in Figure 13-1.

The pipeline corridor would cross the remains of the North Australian Railway line at KP26. The North Australian Railway was constructed in the late 19th century from Darwin to Pine Creek and the line was extended to Katherine in 1917. The area that would be disturbed consists only of the gravel base on which the line was laid. This site is not protected under Federal or Northern Territory heritage legislation. There are no other historic sites located within 200 m of the pipeline corridor.

13.3.2 Potential impacts of construction and operation

Construction and operation of the KGGP will not impact any heritage places declared under Federal or Northern Territory heritage legislation.

The pipeline corridor cannot avoid crossing the remains of the North Australian Railway. At least 30 m of the line would be destroyed. While the North Australian railway line played a significant role in opening up the Top End, the section of the line that crosses the pipeline route has been assessed as having low historic significance as the remains consist only of the gravel base upon which the line was built.

13.3.3 Mitigation response and assessment of potential impact

Appropriate measures will be put in place to ensure that impacts to the North Australian Railway are minimised (Table 13-3). The work area where construction would disturb the site will be appropriately fenced. The area outside of this work area will be designated as a “no go” area with no pedestrian or vehicular movement, heavy machinery, drilling or grading allowed.

Table 13-3: Mitigation measures for historic cultural heritage

ENVIRONMENTAL IMPACT	PROPOSED MITIGATION (ACTION)		ANTICIPATED EFFECT OF MITIGATION
	AVOIDANCE	MINIMISATION	
Disturbance, damage or destruction of sites or artefacts of cultural heritage significance.	The pipeline corridor avoids heritage places protected under Federal or Northern Territory heritage legislation.	<ul style="list-style-type: none"> • Disturbance to the North Australia Railway would be limited to a 30 m section of the gravel track base only. Fencing would be used to ensure 	<ul style="list-style-type: none"> • No disturbance to heritage places protected under Federal or Northern Territory heritage laws. • Disturbance of a 30 m section of the North

ENVIRONMENTAL IMPACT	PROPOSED MITIGATION (ACTION)		ANTICIPATED EFFECT OF MITIGATION
	AVOIDANCE	MINIMISATION	
		<p>construction activity does not disturb areas outside of the work area.</p> <ul style="list-style-type: none"> • Clearing and earthworks controls in place to ensure disturbance to North Australia Railway would be limited to a 30 m section. • Staff inductions will include awareness of the significance of the North Australia Railway in the history of the Northern Territory. • Procedures for the protection or management of any subsurface or new finds of surface archaeological material identified during the construction phase including a response mechanism that ensures appropriate consultation and advice from the NTG Heritage Branch with regards to significance assessment and management measures (if required). 	Australia Railway Line (not protected under Federal or Northern Territory heritage laws).

13.3.4 Summary – predicted environmental outcome

After mitigation is applied, construction and operation of the KGGP are expected to result in no impacts to heritage places protected under Federal or Northern Territory heritage laws.

A 30 m section of the North Australia Railway Line would be disturbed by construction of the KGGP. The historic site is not protected under Federal or Northern Territory heritage laws.

Implementing the management measures of the CHMP would reduce disturbance to the North Australia Railway line to as low as reasonably practical. Pacific Aluminium would maintain ongoing consultation with the NT Heritage Branch.

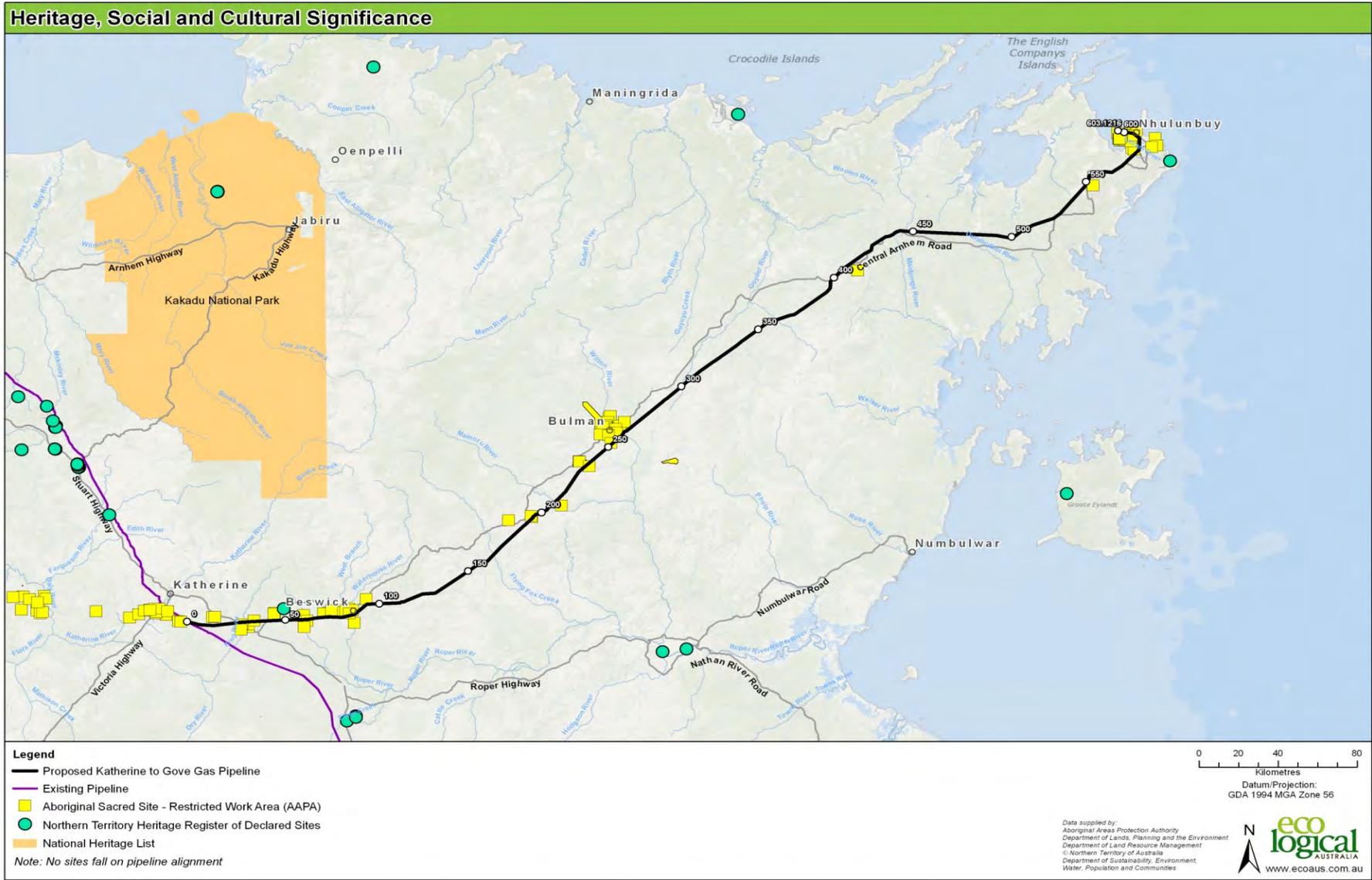


Figure 13-1: Sites of Heritage, social and cultural significance

Pacific Aluminium: Proposed Katherine to Gove Gas Pipeline