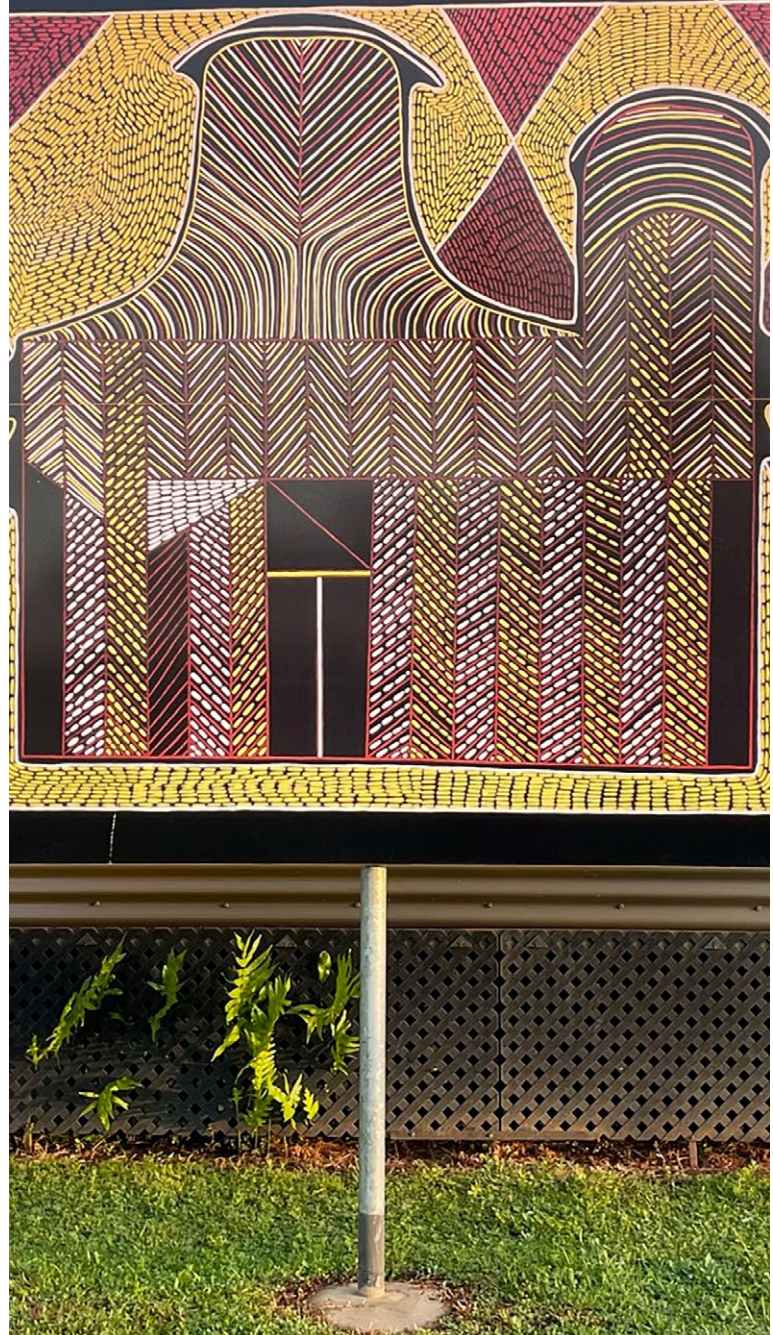


5



## Culture and Heritage



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# 5 CULTURE AND HERITAGE

## 5.1 INTRODUCTION

This section addresses the following environmental factor and objective from the *Northern Territory Environment Protection Authority Environmental Factors and Objectives* guideline (NT EPA, 2022):

THEME	FACTOR	ENVIRONMENTAL OBJECTIVE
PEOPLE	CULTURE AND HERITAGE	Protect culture and heritage.

This section describes the culture and heritage values relevant to the Southern Lease, including sacred sites, and provides an overview of the potential for impacts on these values from the Southern Lease Exploration Program (2023-2025) (the exploration program). This section addresses sacred sites and archaeological sites and draws on information from specialist sacred sites and archaeological reports prepared for the Southern Lease.

## 5.2 SACRED SITES

The *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) (Sacred Sites Act) is designed to protect sacred Aboriginal sites. Sacred sites are places in the landscape that have a special significance under Aboriginal tradition. They may include features in the landscape such as rivers, trees or rocky outcrops. Sacred sites often have a Dreaming association. The Aboriginal Areas Protection Authority (AAPA) is an independent statutory organisation established under the Sacred Sites Act, which is responsible for overseeing the protection of Aboriginal sacred sites in the Northern Territory.

Groote Eylandt is Aboriginal land under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (ALRA). The Anindilyakwa Land Council (ALC) is responsible for managing this Aboriginal land. The ALC has an anthropology department and employs a fulltime anthropologist. In 2019, the proponent engaged the ALC to work with the Traditional Owners to undertake a sacred sites assessment for the Southern Lease to document sacred sites and define suitable restricted work areas (RWAs) (i.e. buffers) to ensure their protection. Undertaking this sacred sites assessment was also a requirement of the Exploration Agreement that was signed between the ALC and the proponent under ALRA.

The study area for the sacred sites assessment fully encompasses the disturbance footprint. Sacred sites were documented by two anthropologists (assisted by the ALC anthropologist and a Cultural Liaison Officer). Fieldwork undertaken with Traditional Owners was a fundamental component of the work. The testimony and evidence of 106 Warnindilyakwa Traditional Owners regarding the nature and location of sacred sites was captured via the following (culturally appropriate) methods:

- Large general meetings/focus groups;
- On-site meetings;
- Small group meetings;
- Vehicular (including helicopter) and pedestrian surveys;
- Participatory digital mapping meetings; and
- Ad hoc meetings.



The fieldwork and consultation have been completed and reporting is underway. The ALC has provided data to the proponent confirming the location of sacred sites and RWAs. This information has guided project planning, as discussed in Section 2 – Project Description. The exploration program has been designed to ensure that all activities are beyond sacred sites and their RWAs, and that sacred sites will not be impacted by exploration. The location of sacred sites and RWAs is confidential and cannot be provided in a public document.

In addition to designing the exploration program to avoid impacts on sacred sites, the proponent has a Permit to Clear process that is followed before any areas are disturbed (refer Section 6 – Avoidance and Mitigation). The Permit to Clear process includes confirming that any proposed clearing is consistent with identified constraints (including sacred sites and RWAs). In addition, proposed clearing plans are submitted to the ALC for approval. As part of this process, the ALC invites cultural monitors (i.e. Traditional Owners acknowledged as being able to speak on behalf of the country) to inspect areas proposed to be cleared. Clearing does not take place until written consent from the ALC has been obtained. This process has been designed to ensure that the proponent exercises a duty of care in relation to sacred sites.

In addition to exercising a duty of care in relation to sacred sites, the proponent intends to ultimately obtain an Authority Certificate for the Southern Lease. An Authority Certificate provides conditions for any works undertaken on or near sacred sites. Although it is not a requirement to be in possession of an Authority Certificate, having an Authority Certificate (and undertaking the work in accordance with the requirements of the certificate) indemnifies the holder against prosecution under the Sacred Sites Act for damage to sacred sites in the area of the Authority Certificate. AAPA is responsible for issuing Authority Certificates under the Sacred Sites Act. The proponent will apply to AAPA for an Authority Certificate once the reporting of the ALC's sacred sites assessment has been completed.

## 5.3 HERITAGE (ARCHAEOLOGY)

### 5.3.1 Overview of Regulatory Requirements

Several pieces of legislation establish lists or registers which offer statutory protection to places and objects that are considered to have heritage values. The Federal government registers are established under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) and under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) (ATSIHP Act). The *Heritage Act 2011* (NT) (Heritage Act) covers all places and objects of heritage value in the Northern Territory. The relevant Acts are discussed in the following sections.

#### EPBC Act

The EPBC Act, which is administered by the Federal Department of Climate Change, Energy, the Environment and Water (DCCEEW), provides for the protection of a hierarchy of heritage places and objects that are listed in three registers. These include the World Heritage List, the (Australian) National Heritage List and the Commonwealth Heritage List. The EPBC Act sets out a framework for the protection of places and objects listed on these registers.

#### ATSIHP Act

The ATSIHP Act is also administered by DCCEEW and provides protection for Aboriginal cultural heritage. Under this Act, the Environment Minister can make declarations of preservation in relation to Aboriginal cultural heritage. Declarations can be made if the Minister is satisfied that the area is a "significant Aboriginal area" and is under threat of injury or desecration.



## Heritage Act

The Heritage Act is administered by the Heritage Council of the Northern Territory Department of Territory Families, Housing and Communities. It is a requirement of the Heritage Act that a Work Approval be obtained from the Heritage Council prior to any disturbance of a heritage place or object that is declared or protected under this Act.

The Heritage Act provides protection for the following two classes of cultural heritage:

- All places and objects formally assessed and added to the Northern Territory Heritage Register; and
- All Aboriginal and Macassan places and objects (whether previously documented or not), as listed in the Aboriginal and Macassan Sites Database.

### 5.3.2 Archaeological Assessment

#### Database Searches

The public registers listed in Section 5.3.1 were searched to determine if there are any objects or places that are protected on public registers and located within or in proximity to the exploration program disturbance footprint.

#### Literature Review

A review of available archaeological reports pertaining to the Southern Lease was undertaken, including the following reports:

- *Groote Eylandt Rock Art Survey* (Welch, 2013);
- *South Central Survey. Groote Eylandt Rock Art* (Welch, 2014);
- *A Report on an Archaeological Survey of the South West of Groote Eylandt including the Southern Leases* (SHIM Consulting, 2014);
- *An archaeological assessment of part of GEMCO's ELA2455 southern lease on Groote Eylandt, June 2014* (Martin-stone, 2014); and
- *An archaeological assessment of south-east Groote Eylandt. July 2015-March 2016* (Martin-stone, 2016).

### 5.3.3 Results

#### Database Searches

The results of database searches were as follows:

- The World Heritage List, the (Australian) National Heritage List and the Commonwealth Heritage List do not list any sites within or in close proximity to the disturbance footprint.
- No declarations under the ATSIHP Act have been made for areas within or in close proximity to the disturbance footprint.
- The Northern Territory Heritage Register lists the following sites (shown in Figure 5-1);
  - The Emerald River Cemetery, which is located in the northern part of the Southern Lease; and
  - The site of the Emerald River Mission (where Yedikba Outstation is now located), which is located beyond the north-western boundary of the Southern Lease.

These sites are discussed in the section on Non-Indigenous Archaeological Sites.



## Indigenous Archaeological Sites

### *Introduction*

Database searches did not reveal the presence of any Indigenous archaeological sites within the disturbance footprint for the exploration program.

The report review described in Section 5.3.2, indicated that the survey areas for Welch (2013) and SHIM Consulting (2014) encompassed the disturbance footprint for the exploration program. The findings from these studies are therefore relevant to the exploration program and are discussed below.

### *Groote Eylandt Rock Art Survey – Welch (2013)*

This survey was undertaken in 2013 by Dr David M. Welch on behalf of the ALC. The survey was undertaken for the purpose of documenting rock art sites within a study area that incorporated the majority of the Southern Lease and the full extent of the exploration program disturbance footprint (Figure 5-1). Locations within the study area that were determined to be prospective for rock art were surveyed in more detail so that the rock art could be recorded, photographed and assessed. The results of the study are documented in *Groote Eylandt Rock Art Survey 2013* (Welch, 2013).

Surveys were undertaken over a twelve-day period with the assistance of Traditional Owners. In total, 41 rock art sites were recorded. Figure 5-1 shows the locations of rock art sites documented during this survey. Figure 5-1 shows that none of the rock art sites are located within or in close proximity to the exploration program disturbance footprint. No impacts from exploration are therefore predicted on these sites.

### *South-west Archaeological Study – SHIM Consulting (2014)*

This study was undertaken by SHIM Consulting in 2013, on behalf of the ALC. The study aimed to gain a clear understanding of the nature and distribution of archaeological resources within a study area in the south-western part of Groote Eylandt, including a portion of the Southern Lease (including the full extent of the exploration program disturbance footprint) (Figure 5-1). The study also aimed to determine the scope of archaeological material likely to be impacted by potential future development and provide recommendations for the conservation of archaeological materials. The results of the study are documented in *A Report on an Archaeological Survey of the South West of Groote Eylandt including the Southern Leases* (SHIM Consulting, 2014).

A series of survey transects were walked in areas deemed prospective to contain archaeological sites (based on Traditional Owner knowledge as well as the expert knowledge of the archaeological team). The transects were designed to incorporate all the land systems that occurred in the archaeological study area. Land systems are areas or groups of areas that show similar patterns of soil type, geology, vegetation and landform. This study used land systems as derived in *Land Systems of Arnhem Land* (Lynch and Wilson, 1998).

In total, 23 archaeological sites were recorded, and these included rock shelters with art, stone arrangements, shell scatters and middens, and isolated finds (e.g. manuport, grindstone). Recorded sites are shown in Figure 5-1, which also shows that none of the archaeological sites are located within or in close proximity to the exploration program disturbance footprint. The report provides a discussion of the findings and notes that there appear to be low levels of archaeological material in most land systems within the south-west of Groote Eylandt.

A clear pattern was identified between the distribution of archaeological material and land systems, with most sites in the region located in the "Groote" land system, characterised by sandstone plateaus. SHIM Consulting (2014) developed a map of archaeological sensitivity based on the identified pattern (Figure 5-2) and categorised the land within the south-western part of Groote Eylandt into four categories of archaeological sensitivity (high, moderate, low, and very low). Figure 5-2 shows that the disturbance footprint for the exploration program is located within an area considered to be of very low archaeological sensitivity.



## Conclusion

The disturbance footprint for the exploration program is located in an area that has been subject to two previous archaeological surveys. No archaeological sites have been recorded in the disturbance footprint. SHIM Consulting (2014) developed a map of archaeological sensitivity and, as shown in Figure 5-2, the disturbance footprint is located in an area assessed as being of very low archaeological sensitivity. No impacts on Indigenous archaeological sites are therefore predicted. Nevertheless, a procedure for unexpected finds will be adopted as a precautionary measure and is described in Section 5.3.4.

Given that the exploration program is not predicted to give rise to any impacts on cultural heritage, cumulative impacts with other projects or activities on Groote Eylandt are not relevant.

## Non-Indigenous Archaeological Sites

Database searches indicated that the Emerald River Cemetery and the former Emerald River Mission are on the Northern Territory Heritage Register list.

The Emerald River Cemetery is located within the Southern Lease, to the south-east of the former Emerald River Mission. The cemetery contains 13 graves, including an ornate headstone for a Reverend Ernest Wynne Evans from the Church Missionary Society. The boundary of the cemetery has been accurately surveyed and is shown on Figure 5-1. The exploration program disturbance footprint is located at least 400 m from the boundary of the cemetery and no impacts from exploration are predicted.

The exploration program disturbance footprint is located at least 600 m from the site of the former Emerald River Mission (Figure 5-1), and no impacts from exploration are predicted.

Although not listed on any heritage registers, it is noted that the Yedikba Road and an access track that crosses it were originally World War II airfields (Figure 5-1). Given that these areas have been used as tracks for approximately 70 years, there is little evidence remaining of the original airfield. The vegetation surrounding the original airfields has now regenerated. The proponent undertook exploration in this area in 2016 in accordance with its Mining Management Plan. As part of this work an inspection for unexploded ordnances was undertaken. None were located, although there were pieces of scrap metal and old drums in the area which have been GPS recorded. The proposed exploration in this area is not expected to result in any impacts on heritage values, given the current state of the airstrip. Nevertheless, a procedure for unexpected finds will be adopted as a precautionary measure and is described in Section 5.3.4.

### 5.3.4 Mitigation Measures

A number of mitigation measures have been adopted to ensure there are no impacts to culture and heritage values resulting from the exploration program. Mitigation measures include the following:

- Cultural monitors will be provided an opportunity to inspect areas prior to clearing.
- As part of the workforce induction process, there is a module on cultural heritage and cultural awareness training that is mandatory for all employees and contractors.
- In the event that the proponent's employees or contractors suspect that they have uncovered an unexpected archaeological find, the following process will apply:
  - Immediately cease disturbance of any areas surrounding the find;
  - If it is considered that the find is at risk of being inadvertently damaged by exploration activities, a temporary fence/barricade will be erected around the find with GPS coordinates obtained;
  - The ALC will be notified of the discovery of areas of potential archaeological significance immediately following the discovery, and prior to any disturbance;



- The ALC, and if necessary, a suitably qualified archaeologist, will be requested to inspect the find and determine its significance; and
- Should the find be of archaeological significance, the Northern Territory Heritage Branch will be notified, and appropriate mitigation strategies will be developed in consultation with the ALC and the Northern Territory Heritage Branch.

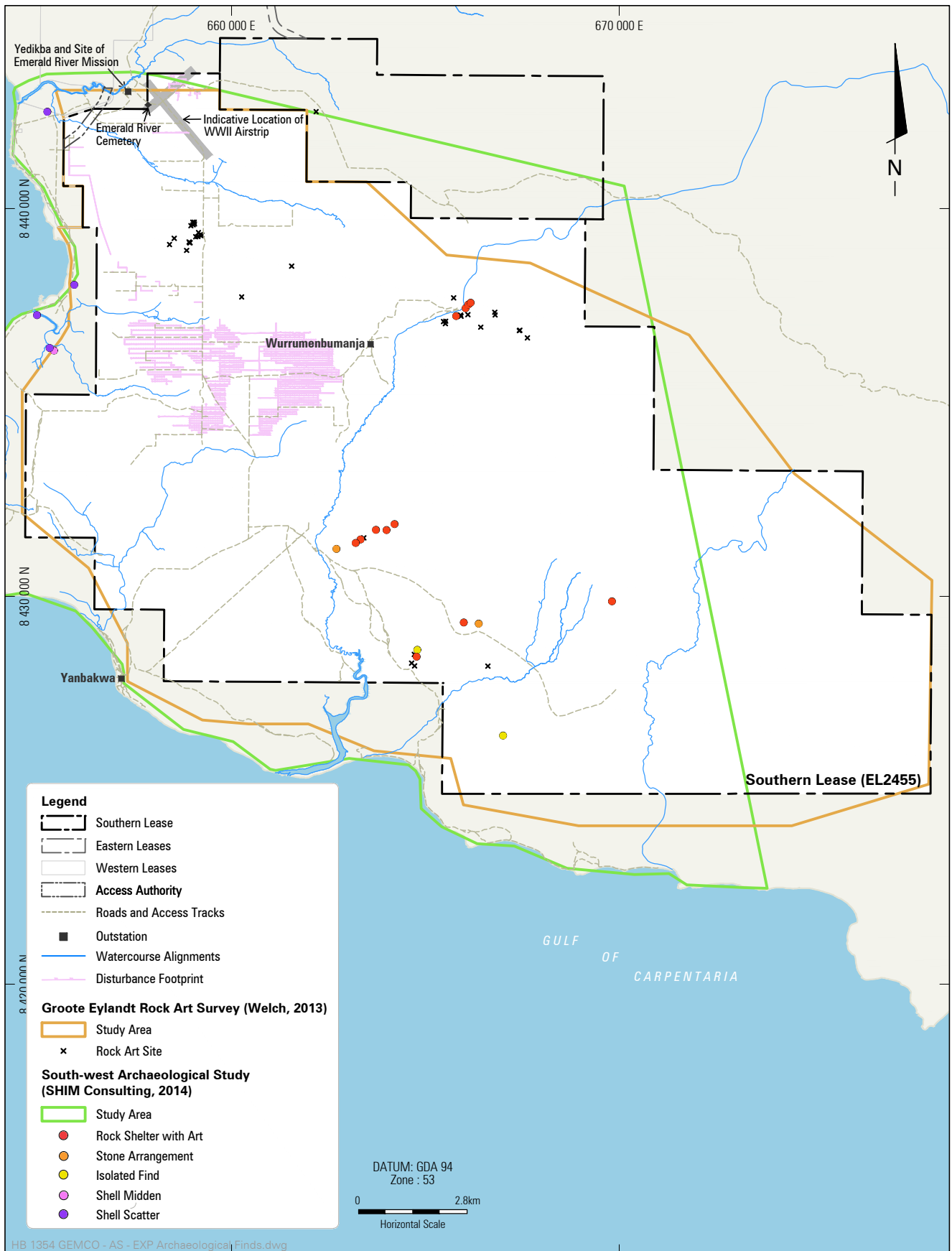
These measures will help mitigate impacts in the unlikely event that previously unrecorded sites of cultural heritage significance are located during disturbance associated with the exploration program.

## 5.4 ENVIRONMENTAL OBJECTIVE

The objective for the *Culture and Heritage* environmental factor is to “Protect culture and heritage”. Section 5.2 and Section 5.3 describe the potential impacts of the exploration program on sacred sites and archaeological sites. These sections conclude that the exploration program will not have a significant impact on sacred sites or archaeological sites. No significant adverse impacts on the cultural and heritage values of the Northern Territory are therefore predicted.



## FIGURES



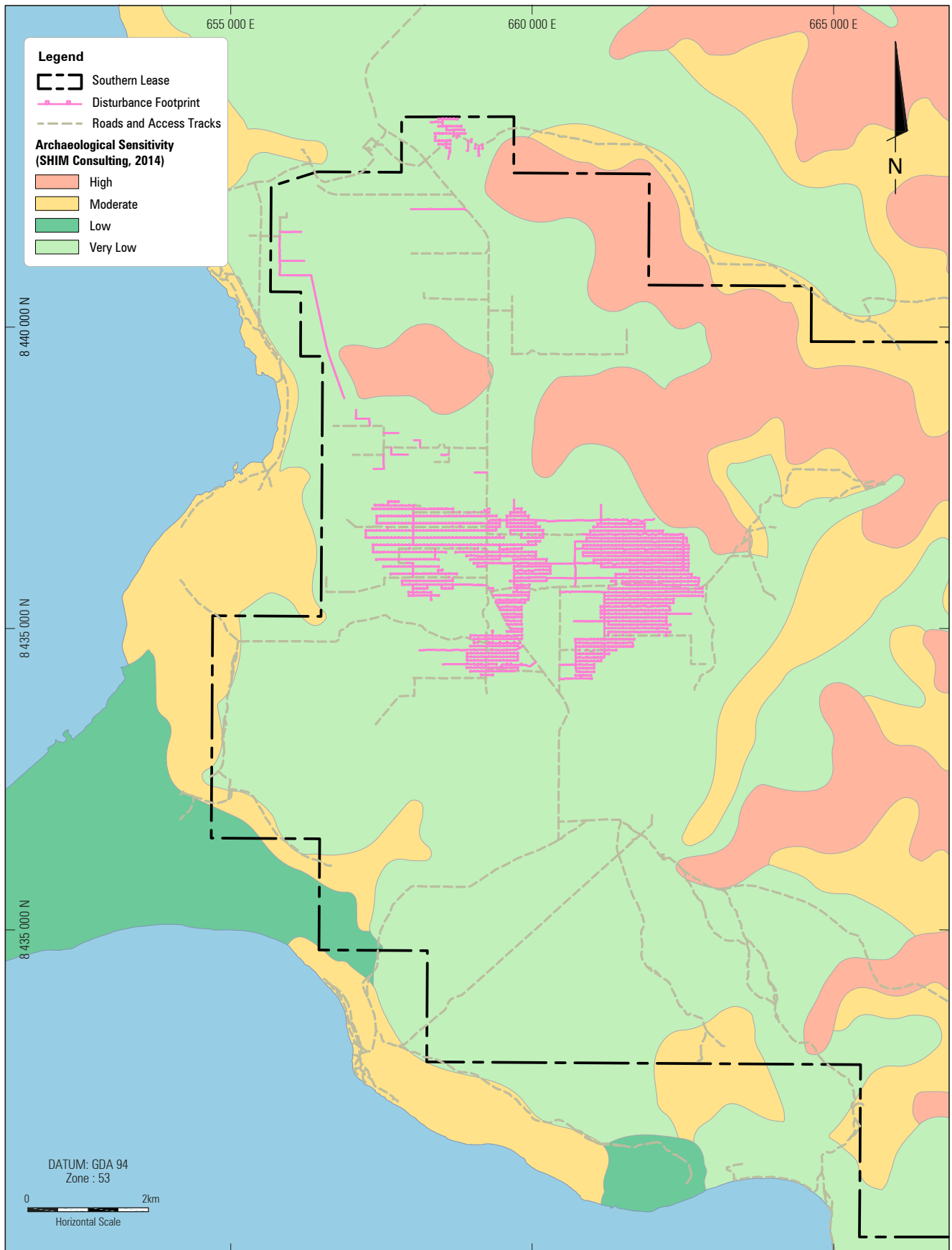
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SOUTHERN LEASE EXPLORATION PROGRAM

Documented Archaeological Finds



**FIGURE 5-1**



SOUTHERN LEASE EXPLORATION PROGRAM

Archaeological Sensitivity of the Disturbance Footprint

**FIGURE 5-2**

