

Chapter 11
First Nations Cultural Heritage

ESMERALDA GRAPHITE PROJECT

aarc ENVIRONMENTAL SOLUTIONS
APEM Group

GRAPHINEX

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Glossary, acronyms and abbreviations

Acronym or Abbreviation	Meaning
AARC	AARC Environmental Solutions Pty Ltd
ACH Act	*Aboriginal Cultural Heritage Act 2003*
CH	Cultural Heritage
CHMP	Cultural Heritage Management Plan
DATSIP	Department of Aboriginal and Torres Strait Islander Partnerships
DLA	Designated Landscape Areas
EIS	Environmental Impact Statement
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999*
MLA	Mining Lease Application
OCG	Office of the Coordinator General
RNTBC	Registered Native Title Body Corporate
TAC	Tagalaka Aboriginal Corporation
TEC	Threatened Ecological Community
TOR	Terms of reference

11 First Nations Cultural Heritage

This chapter describes the Aboriginal peoples who are Traditional Custodians over the Project area (MLA 100431 and MLA 100430). The chapter provides details on the:

- Traditional Custodians;
- Aboriginal peoples cultural heritage values relevant to the Project;
- Potential impacts to these values; and
- Mitigation and management measures relevant to Aboriginal Cultural Heritage.

To assess the potential impacts on First Nations cultural heritage, the following assessments were considered:

- Terrestrial Ecology Assessment by AARC Environmental Solutions Pty Ltd (Appendix E);
- Groundwater Dependent Ecosystem Assessment by Watermark Ecohydrology Pty Ltd (Watermark Eco) (Appendix G);
- Groundwater Impact Assessment by Hydrogeologist.com.au (Appendix L);
- Visual Amenity (Chapter 28);
- Surface Water Assessment by Engeny (Appendix K);
- Social Impact Assessment by Attexo Group Pty Ltd 2026 (Appendix O);
- Non-Indigenous Cultural Heritage Technical Report by Converge Heritage and Community (Appendix Q);
- Public Consultation Report by AARC Environmental Solutions Pty Ltd (Appendix C).

The assessment considered the following guidelines:

- *Aboriginal and Torres Strait Islander cultural heritage – EIS information guideline* (Queensland Government 2026).

11.1 Environmental objectives

The purpose of this chapter is to identify existing Aboriginal peoples cultural heritage values in the impact assessment area, assess the potential impacts and identify appropriate mitigation measures to address impacts relevant to Aboriginal cultural heritage.

This chapter has been prepared to enable an assessment of the Project with respect to the environmental objectives stated in the Terms of Reference (TOR) in relation to First Nations cultural heritage. A compliance review of this chapter content against the relevant components of the TOR is in Section 11.7 of this chapter.

11.2 Legislation and guidelines

This section details the relevant legislation, regulations and instruments to be addressed to manage Aboriginal cultural heritage.

11.2.1 Aboriginal Cultural Heritage Act 2003

The main purpose of the *Aboriginal Cultural Heritage Act 2003* (ACH Act) is to provide effective recognition, protection and conservation of Aboriginal and Torres Strait Islander cultural heritage. The ACH Act binds all persons, including the State, and is intended to provide effective recognition, protection and conservation of Aboriginal cultural heritage.

The principles of the *Aboriginal Cultural Heritage Act 2003* Duty of Care Guidelines underlie the Acts main purpose, being:

- the recognition, protection and conservation of Aboriginal cultural heritage should be based on respect for Aboriginal cultural and traditional practices;
- Aboriginal people should be recognized as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage;
- it is important to respect, preserve and maintain knowledge, innovations and practices of Aboriginal communities and to promote understanding of Aboriginal cultural heritage;
- activities involved in recognition, protection and conservation of Aboriginal cultural heritage are important because they allow Aboriginal people to reaffirm their obligations to "law and country"; and
- there is a need to establish timely and efficient processes for the management of activities that may harm Aboriginal cultural heritage.

The ACH Act defines Aboriginal cultural heritage as anything that is:

- a significant Aboriginal area in Queensland; or
- a significant Aboriginal object; or
- evidence, of archaeological or historic significance, of Aboriginal occupation of an area of Queensland.

A significant Aboriginal area or object must be particularly significant to Aboriginal people because of either or both of the following:

- Aboriginal tradition;
- the history, including contemporary history, of any Aboriginal Party for the area.

The Project will be required to prepare a cultural heritage management plan (CHMP) as per Part 7 of the ACH Act. This is detailed in Section 11.6.

11.3 Assessment methodology

11.3.1 Desktop assessment

A search of the Aboriginal and Torres Strait Islander Cultural Heritage Database (CH database) and Aboriginal and Torres Strait Island Cultural Heritage Register (CH Register) was undertaken on 6 June 2025 to identify mapped Aboriginal cultural heritage values. The search included the Project area (MLAs) and a 25 km buffer, to present regional context, density, and types of recorded Aboriginal cultural heritage not confined solely to the Project area. The CH database only records values that have been reported, and the absence of records within the footprint is not evidence of absence of values.

11.3.2 Consultation with traditional custodians

Regular and on-going consultation with representatives of the Tagalaka People included heritage surveys, support in understanding traditional knowledge, including knowledge related to flora and fauna (refer to Section 11.4.3.2).

11.3.3 Field survey

The Tagalaka People were informed of the proposed Project and invited to oversee and participate in field survey to identify any Aboriginal Cultural Heritage matters within the Project Area. The Tagalaka People,

represented by the Tagalaka Aboriginal Corporation (TAC) accepted to participate, and a notice of entry to Esmeralda station was granted for pre-clearing assessments in May 2024 and May 2025.

Prior to the survey, Graphinex and Tagalaka representatives agreed on how cultural heritage matters identified during the survey were to be managed. This included the potential removal and storage of any Aboriginal cultural heritage objects and the avoidance of areas of particular significance to the Tagalaka.

The survey was undertaken in accordance with requirements of the *Aboriginal and Cultural Heritage Act 2003* (ACH Act); and the results informed the development of a Cultural Heritage Management Plan (CHMP) for the Project area with the Tagalaka People. The survey was conducted in October 2024 by Tagalaka Waangu RL Team supported by an Tagalaka Elder who designed the field survey, and Graphinex personnel who provided logistics and access.

The survey methodology involved of a team of Traditional Custodian representatives, walking the Project area and identifying any matters of cultural heritage significance and recording the details and location of each matter. The cultural heritage survey was verified by the Tagalaka Elder as accurately identifying, recording and mapping Aboriginal cultural heritage in the Project Area.

The survey report, including the locations of the assessments, was prepared and finalised and provided to Graphinex and the TAC.

11.4 Existing Environment

This section describes the First Nations cultural heritage values of the Project area.

Cultural heritage is considered to include every aspect of the environment that has a cultural dimension. This includes tangible values (objects, places, landscape features) and intangible values (stories, law and obligations to Country, language, ceremony, seasonal and ecological knowledge, and relationships with species). Water, including surface water, groundwater, springs and soaks, is a cultural value, as well as a resource that supports cultural practices such as hunting, fishing, gathering and ceremony.

11.4.1 Traditional Custodians and history

The Aboriginal peoples who are the Traditional Custodians of the land and waters within the Project footprint (approximately 2,413.7 ha), and surrounding area, are the Tagalaka People. On 10 December 2012 the Federal Court of Australia made two consent determinations recognising the Tagalaka People's native title rights to an area encompassing the Project (Refer to Chapter 8 Tenure including Native Title and Appendix O, Social Impact Assessment). The Cultural Heritage party for the area are the Tagalaka People with a registered cultural heritage body, the Tagalaka Aboriginal Corporation RNTBC.

The Federal Court reviewed a 'connection report', prepared by representatives of the Tagalaka People, in making its determination. On the basis of this material, the Court found that Aboriginal people were present in the Croydon area during the pre-sovereignty period and at the time of first contact, findings corroborated by archaeological records. Tagalaka connection to Country is expressed through continuing responsibilities to law, land, water and cultural knowledge, and through the TAC's contemporary role as native title body corporate and Cultural Heritage party.

11.4.2 Native Title consideration

The Court concluded that, with the exception of rights relating to water, exclusive native title existed over approximately 1,024 ha within the broader determination area. In relation to water within the same area, the Court recognised non-exclusive rights including the rights to:

- hunt, fish and gather from water;
- to take and use the water; and
- to take and use the natural resources of the water.

In the remaining parts of the determination area (approximately 3,281 ha), the Court recognised the following non-exclusive native title rights:

- to access and travel over;
- to camp on and erect temporary shelters;
- to hunt, fish and gather on the lands and waters;
- to take, use, share and exchange water and natural resources;
- to light fires for domestic purposes, and;
- to conduct ceremonies, teach on the area and maintain areas of significance.

The Cultural Heritage party for the Project area is the Tagalaka People – through a registered cultural heritage body, the Tagalaka Aboriginal Corporation RNTBC.

Other interests exist within the determination area, namely the:

- QI2013/034 Tagalaka People and Ergon Energy ILUA;
- QI2013/030 Croydon Shire Council - Tagalaka People Determination ILUA;
- QI2006/047 Tagalaka - Croydon Area ILUA #2 with the Croydon Shire Council;
- QI2004/019 Small Scale Mining and Exploration Activities North Queensland Area TAGALAKA with the State of Queensland; and
- QI2003/021 Tagalaka Croydon Area ILUA #1 with the Coordinator General.

The ILUA in the Project tenement is QI2003/007 Tagalaka People Exploration Permit Backlog Project with the State of Queensland (Native Title Vision 2026).

The Proponent and Tagalaka People have finalised an ancillary agreement, cultural heritage management plan, and Section 31 Deed – which is a tripartite legal agreement signed by the State Government, a native title party, and a grantee party (such as a mining or exploration company) to finalise the Right to Negotiate process under the Native Title Act 1993 (Cth).

11.4.3 First Nations cultural heritage values

11.4.3.1 Desktop and field assessment results

Results of the Aboriginal and Torres Strait Islander Cultural Heritage Database (CH database) and Aboriginal and Torres Strait Island Cultural Heritage Register (CH Register) searches identified Aboriginal cultural heritage (Refer Figure 11-1). The field assessment report findings found that there were no significant sites or objects identified during the survey.

A DATSIP search undertaken on 6th June 2025 within a 25 km radius has confirmed that there are Cultural Heritage Bodies registered within the Project Area. There are no recorded Cultural Heritage Management Plans (CHMP) in the area. The nearest approved CHMP found in the region is for the Grants Gully Project (CLH000688). There were no Designated Landscape Areas (DLA), Registered Cultural Heritage Study Areas, or National Heritage Areas (Indigenous values) recorded within the specified 25km radius search area. No point or area sites from this search fall within the Project MLA areas (Table 11-1, Figure 11-1).

Items have been placed on the Register between 1992 – 1994 from the broader region (Refer to Figure 11-1), including;

- artefacts associated with grinding;
- paintings;

- story places;
- scatters;
- engravings;
- wells;
- a weir/fish trap;
- landscape features;
- quarries; and
- hearth/oven.

Table 11-1: Desktop assessment results

Source	Results
Native Title Tribunal Register	In effect-finalised Native Title Determination granted to the Tagalaka People (QCD2012/013)
World Heritage List	No Indigenous areas registered within Project area
National Heritage List	No Indigenous areas registered within Project area
Commonwealth Heritage List	No Indigenous areas registered within Project area
Register of National Estate	No Indigenous areas registered within Project area
Aboriginal Cultural Heritage Register and Database (DATSIP)	Aboriginal cultural heritage sites are listed within 25km radius of the Project area MLA.

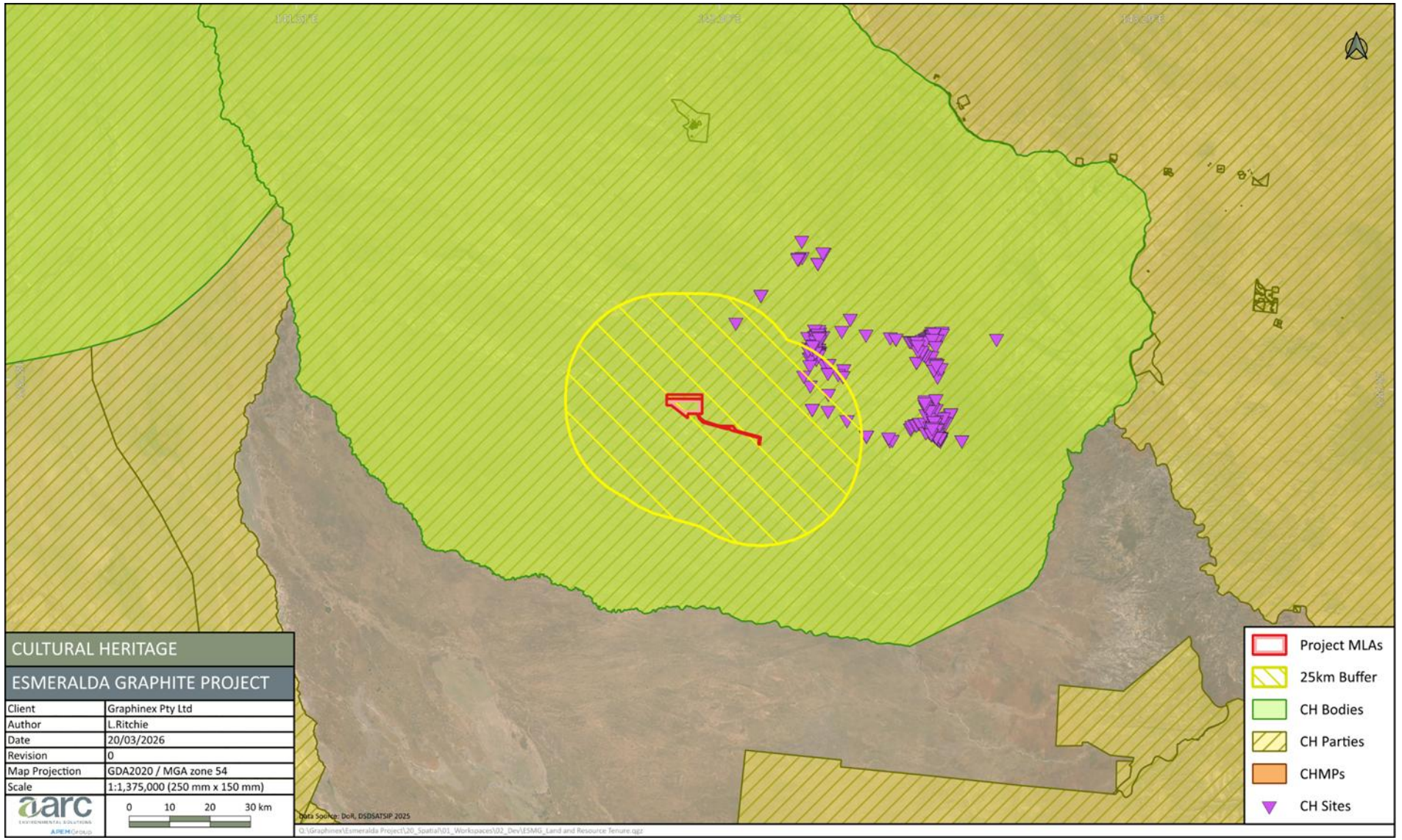


Figure 11-1: Recorded Aboriginal cultural heritage

11.4.3.2 Flora and fauna

An assessment of potential impacts on flora and fauna, encompassing terrestrial and aquatic ecological values is in Chapter 18, Flora and Fauna.

The aim of the consultations with representative of the Tagalaka People and heritage surveys included understanding the traditional knowledge that may indicate the presence of EPBC Act 'The community of native species dependent on natural discharge of groundwater from the Great Artesian Basin' Threatened Ecological Community (TEC) within the vicinity of the Project area, including undocumented springs and soaks.

There are two fauna species of cultural significance to the Tagalaka People, that were identified as potentially relevant to the Project area — Mertens' Water Monitor (*Varanus mertensi*); and *Lerista karichigara* sp. *nov*, known as the Tagalaka slider due to part of its distribution overlapping the Tagalaka Native Title area. These two species were given additional consideration in the and is described in the Terrestrial Ecology Assessment (Appendix E).

11.4.3.3 Flora and fauna species of cultural significance results for the Project area

Cultural heritage surveys completed in May 2025, found no evidence of the community of native species dependent on natural discharge of groundwater or identifiable springs from the Great Artesian Basin during the surveys in the vicinity of the Project area (Chapter 18, Flora and Fauna).

No evidence of flora species of cultural significance was identified during consultations with representatives of the Tagalaka People and extensive heritage surveys undertaken separately as part of the cultural heritage assessment for the Project (Chapter 18, Flora and Fauna).

Of the fauna species, the Mertens' Water Monitor (*Varanus mertensi*) is considered unlikely to occur in the Project area as potential habitat was not identified within the study area. The Tagalaka slider (*Lerista karichigara* sp. *Nov*). The species' known distribution is 35 km southeast of the Project, however, the complete distribution of the species is not currently known. No records of any species of the genus *Lerista* were identified during the wet and dry season surveys (Chapter 18 Flora and Fauna). Nonetheless, mitigations for cultural heritage matters have been developed for the Project in consultation with the Tagalaka People, and are addressed in Section 11.6.

11.5 Impact Assessment

11.5.1 Potential Impacts

The Project will comprise three phases; construction, operation, and rehabilitation/closure. Potential cultural heritage impacts are considered in terms of potential impacts to cultural heritage aesthetics, historical, scientific and social values.

11.5.1.1 Land disturbance

Potential impacts may be associated with disturbing land for infrastructure and mining. Activities such as vegetation clearing have the potential to disturb fauna and flora species and disturb or damage artefacts of cultural heritage significance.

Operational activities including the changing of waterways and landforms have the potential to impact landscape features, story places and wells.

Rehabilitation and closure typically provide an opportunity to mitigate some of the impacts by engaging with traditional custodians regarding outcomes for final landforms and post mine land uses.

11.5.1.2 Impact to surface and groundwater resources

Potential impacts to surface and groundwater resources used for cultural heritage activities may occur from mining activities in the area. These impacts may include changes to availability and quality of ground or surface water, or changes in access to water resources. These potential impacts are described in the Surface Water Assessment (Appendix K) and the Groundwater Impact Assessment (Appendix L).

11.5.1.3 Impact to cultural heritage flora and fauna values

The Project is unlikely to impact any flora or fauna species of cultural significance in the Project area (refer to Section 11.4.3.2).

Impacts to other flora and fauna have been assessed in Chapter 18, Flora and Fauna.

11.5.1.4 Aesthetics

Aboriginal cultural heritage is deeply embedded in the aesthetics of Country. This includes landscapes, waterways, sites of specific historical activity, story places and patterns that have been described by generations of cultural practice. The Project has the potential to physically disrupt sites and influence the landscape that provide cultural context to a particular place. Disturbance to landforms, vegetation and water systems can alter the visual and spiritual character of country and diminish cultural narratives that rely on these features.

11.5.1.5 Scientific and social values

Land disturbance associated with the Project has the potential to impact or damage physical artefacts or places that could otherwise have scientific value in terms of archaeology, ecology and land management practices.

Temporary or permanent changes to landscape associated with the Project to waterways, could potentially impact social activities associated with hunting fish and gathering from water, accessing the water and gathering natural resources from the water.

11.6 Mitigation and management measures

The primary management measure to mitigate potential impacts to Aboriginal cultural heritage is an approved Cultural Heritage Management Plan. The CHMP for the Project is an agreement between the Proponent (Graphinex) and a Traditional owner endorsed party (Tagalaka People), developed in accordance with Part 7 of the *Aboriginal Cultural Heritage Act 2003.*

The CHMP is an agreement of how matters of Aboriginal cultural heritage are enhanced, avoided or, if impacts occur, are appropriately mitigated or managed. Input from the Traditional Custodians of the land contribute valuable cultural information, knowledge and perspective on how best to do this. The CHMP provides a legal mechanism to ensure Traditional Custodians interests are considered and opportunities for input into key decisions affecting Aboriginal cultural heritage matters.

Developing a CHMP involves a statutory one-month notification of an intention to develop the CHMP, followed by a 3-month negotiation and consultation period with the endorsed party regarding the plan. This process commenced with Graphinex notifying the TAC of the intention to develop a plan and executing a negotiating protocol on 16 December 2024. The TAC responded within the required notice period and negotiations on the CHMP commenced.

The CHMP has been developed concurrently as Project planning matures alongside the EIS approvals process. The CHMP has been developed and will be finalised prior to Project approval and any construction activities, to ensure that it reflects the aspirations and expectations of the Tagalaka People; and ensure that potential impacts are mitigated or managed.

The structure of the CHMP is:

- Introduction;
- Extent of recorded/known Aboriginal cultural heritage;
- Terms of the Plan;
    - Consultation and agreed representatives;
    - Method used to develop the plan;
    - Nature and extent of Project activities subject to the CHMP;
    - Identify and number of representatives (Committee) to attend meetings;
    - Number and Location of future meetings;
    - Project area survey and timing;
- Managing land use activities in or around Aboriginal Cultural Heritage;
    - Aim of the Plan;
    - Management of activities where no cultural heritage is identified;
    - Management of activities where cultural heritage is identified;
    - Contingency planning for cultural heritage finds during the implementation of the plan;
    - Access to cultural heritage;
    - Periodic review;
- Other considerations of the plan; and
- Costs of developing and implementing the plan.

In addition to developing the CHMP, authorised Tagalaka representatives have met with Graphinex personnel to:

- discuss managing various cultural heritage matters;
- attend OCG pre-lodgement discussions to describe the Project in detail and raise any matters;
- attend on-site meetings to discuss cultural heritage engagement and processes;
- discuss and correspond on various agreements via the Tagalaka and North Queensland Land Council; and
- discuss and correspond regarding potential employment opportunities and training.

Aboriginal cultural heritage provides significant scientific value, offering insights into history, environmental change and knowledge systems. Archaeological sites and scatters provide important information on long term patterns of land uses. Aboriginal practices of fire management, seasonal cycles, plant use provide insights into effective impact mitigation options that could assist in mitigating potential impacts of the Project.

Graphinex will endeavour to maximise these opportunities, particularly with regard to post mine land uses and outcomes working with the Tagalaka People to share knowledge that avoids or mitigates potential impacts to Aboriginal cultural heritage, while maximising the potential benefits of the Project for the Tagalaka People.

11.7 TOR Reconciliation table

Terms of reference - Content requirements of the EIS		EIS Section
Section 11 - First Nations cultural heritage		
First Nations cultural heritage - Existing environment		
11.1	Identify the Aboriginal peoples who are the Traditional Custodians of the land and waters within the project footprint, surrounding area and potential impact area.	Section 11.4.1
11.2	Identify the existing and potential Aboriginal peoples' cultural heritage values and the environmental values of the cultural landscape of the affected area in terms of the physical and cultural integrity of lands and waters potentially affected by the project. This is to be undertaken in consultation with relevant Aboriginal peoples consistent with consultation and engagement requirements identified in Section 7 of this document.	Section 11.4.3
11.3	Any desktop assessment must be verified and supported by a field survey of the project footprint. The survey must be sufficient to support the preparation of a cultural heritage management plan (CHMP) in accordance with the Aboriginal Cultural Heritage Act 2003.	Section 11.4.3.1
First Nations cultural heritage - Impact assessment		
11.4	Detail potential impacts on Aboriginal peoples' cultural heritage in accordance with the Aboriginal and Torres Strait Islander cultural heritage – EIS information guideline. Consider every aspect of the environment that has a cultural dimension.	Section 11.5.1
First Nations cultural heritage - Mitigation measures		
11.5	Develop a CHMP for the project in accordance with the requirements of Part 7 of the Aboriginal Cultural Heritage Act 2003 and identify any associated agreements that have been reached. The area covered by the CHMP must include the project's potential impact area being assessed in the EIS.	Section 11.6