

**LWB1 - B3 MODIFICATION
ABORIGINAL CULTURAL
HERITAGE AND
ARCHAEOLOGICAL
ASSESSMENT**

FINAL

November 2015



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Prepared by
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on behalf of
Austar Coal Mine Pty Ltd

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Acknowledgement

Umwelt and Austar Coal Mine would like to acknowledge the traditional custodians of the Quorrobolong Valley and pay respect to their cultural heritage, beliefs and continuing relationship with the land.

Umwelt and Austar Coal Mine would also like to acknowledge the post-contact experiences of Aboriginal people who have attachment to the Quorrobolong Valley.

We pay our respect to the elders – past, present and future – for they hold the memories, traditions, culture and hopes of Aboriginal people in the area.

Executive Summary



Austar Coal Mine Pty Ltd (Austar) is seeking to modify DA 29/95 (the Bellbird South consent) to permit the transfer and processing of coal from three proposed longwall panels. This modification is referred to as the LWB1-B3 Modification and is sought under Section 75W of the *Environmental Planning and Assessment Act 1979*.

The key components of the LWB1-B3 Modification include an extension to the Bellbird South consent area to cover the three longwall panels, an extension to the life of the consent to allow for mining of the three longwall panels and application of a contemporary Extraction Plan condition to cover the new workings. No change to surface facilities or production rates is proposed.

The indicative location of LWB1-B3, together with the area of land within the predicted subsidence affectation zone (described in this report as the LWB1-B3 Modification Area) are detailed on **Figure 1.1**.

The LWB1-B3 Modification Area is predominantly situated within the boundary of the Awabakal Local Aboriginal Land Council (ALALC) with a small section north of Sandy Creek Road being contained within the boundary of the Mindaribba Local Aboriginal Land Council (MLALC). Nineteen Aboriginal parties have previously registered their interest in projects at the Austar Coal Mine and most have been involved in ongoing consultation since 2007. One Native Title application has been registered with the National Native Title Tribunal which covers (in part) the LWB1-B3 Modification Area.

A search of the Aboriginal Heritage Management System (AHIMS) and a targeted pedestrian survey of the LWB1-B3 Modification Area identified one archaeological site (an artefact scatter comprising of two stone artefacts) within the LWB1-B3 Modification Area.

The proposed modification does not involve any additional surface development and therefore will have no direct impact on archaeological sites as a result of land clearing. The potential impacts of the proposed modification on archaeological sites are therefore limited to indirect impacts associated with subsidence, including surface cracking, subsidence remediation works and hydrological changes.

Due to the depth of mining within the LWB1-B3 Modification Area (greater than 480 metres), and the small magnitude of predicted subsidence related ground movements, the potential for surface cracking is low. This is supported by monitoring evidence within the Stage 2 and 3 areas, where there has been no significant or visible surface cracking above previously extracted longwall panels (LWA3 to A8). Based on these findings, subsidence remediation of surface cracking is not expected to be required and the LWB1-B3 Modification is not predicted to impact on the one Aboriginal site, ACM35, identified within the modification area.

Given the low likelihood of impact to site ACM35, Austar will continue to implement the management strategies that are currently in place at the Austar Coal Mine, including those described in the Aboriginal Cultural Heritage Management Plan (ACHMP, Umwelt 2015). Where relevant, these measures will be extended to the LWB1-B3 Modification Area and site ACM35. In the unlikely event that subsidence remediation works are required which will impact on the identified archaeological site, an Aboriginal Heritage Impact Permit will be sought to authorise these impacts.

Table of Contents

Acknowledgement	ii
Executive Summary	i
1.0 Introduction	1
1.1 Purpose and Scope	3
1.2 Relevant Cultural Heritage Legislation	3
2.0 Aboriginal Party Consultation	5
2.1 Prior Aboriginal Party Consultation	5
2.2 Registered Aboriginal Parties	5
2.3 Native Title	6
2.4 Aboriginal Party Consultation for the LWB1-B3 Modification	7
3.0 Environmental and Archaeological Context	9
3.1 Environmental Context	9
3.1.1 Geology	9
3.1.2 Soils	9
3.1.3 Landforms and Creek Systems	11
3.1.4 Aboriginal Resources	12
3.1.5 Non-Aboriginal Land Use Practices	12
3.2 Archaeological Context	13
3.2.1 Database Searches	13
3.2.2 Previous Assessments in Proximity to the LWB1-B3 Modification Area	13
3.2.3 Sites Identified During Previous Investigations in proximity to the LWB1-B3 Modification Area	14
3.3 Predictive Modelling for the LWB1-B3 Modification Area	20
3.3.1 Predictive Model for the LWB1-B3 Modification Area	20
3.4 Survey Methodology	20
3.5 Description of Survey Transects	23
3.6 Survey Participation	25
3.7 Survey Results	25
3.7.1 Archaeological Site ACM35	29
3.8 Evaluation of the Predictive Model	29
4.0 Significance Assessment	30
4.1 Archaeological (Scientific) Significance	30
4.2 Aboriginal Cultural Significance	32
5.0 Impact Assessment	34
5.1 Subsidence Predictions	34

5.2	Potential Impacts	34
5.3	Impact Assessment	34
6.0	Management Strategies	35
7.0	References	36

Figures

Figure 1.1	Locality Plan and Proposed LWB1-B3 Modifications Area	2
Figure 3.1	Location of ACM35 to Soil Landscape and AHIMS Results	10
Figure 3.2	LWB1-B3 Modification Area Survey Coverage	22

Plates

Plate 1	General Ground Visibility within Modifications Area	26
Plate 2	Ponding Water and Erosion within Modification Area	26
Plate 3	Causeway and Imported Materials	27
Plate 4	Indicative ground cover throughout the Modifications Area	27
Plate 5	Small Area of Exposure	28
Plate 6	Small Area of Exposure	28

Appendices

Appendix A	Native Title Search Results
Appendix B	Consultation Record
Appendix C	AHIMS Search Results
Appendix D	ACM35 Site Card
Appendix E	Aboriginal Resources within LWB1-B3 Modification Area

1.0 Introduction

Austar Coal Mine Pty Ltd (Austar) operates the Austar Coal Mine approximately 10 kilometres south of Cessnock in the lower Hunter Valley of NSW (refer to **Figure 1.1**). The mine is an aggregate of the former Ellalong, Pelton, Cessnock No.1 and Bellbird South Collieries, with mining activities dating to 1916. Mining within the Bellbird South mining area, which includes Austar's Stage 1 and Stage 2 mining areas (refer to **Figure 1.1**), was approved by the Minister for Urban Affairs and Planning under DA 29/95. Approval for Stage 3 mining was obtained in September 2009 as Project Approval 08_0111 under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Austar is seeking to modify development consent DA 29/95 (the Bellbird South Consent) to permit the transfer and processing of coal from three proposed longwall panels, LWB1-B3 (refer to **Figure 1.1**). The proposed modification seeks to amend the Bellbird South Consent to:

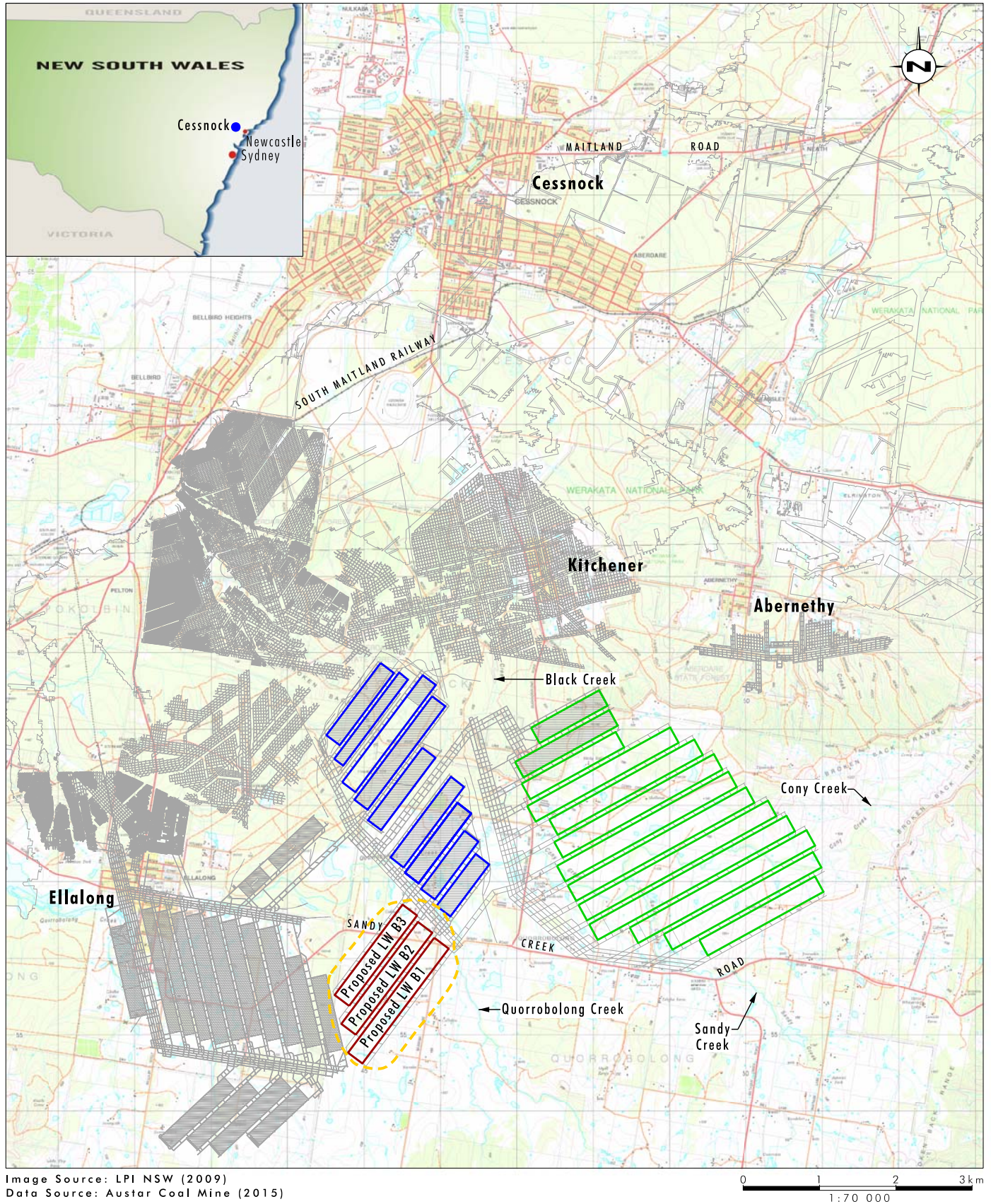
- extend the development consent area to cover the three longwall panels;
- extend the life of the Bellbird South Consent by a further five (5) years to provide sufficient time for LWB1-B3 to be completed; and
- include a new Extraction Plan condition to cover the LWB1-B3 workings, consistent with contemporary Extraction Plan requirements.

There is no proposed change to any existing, approved surface operations or associated infrastructure, or to existing approved production rates.

The predicted subsidence impacts of the LWB1-B3 Modification have been assessed by MSEC (2015). For the purpose of this assessment, subsidence related impacts have been assessed within the 20 millimetre subsidence contour, which represents the vertical limit of subsidence. The area within the 20 millimetre subsidence contour is the subject of this report and is herein referred to as the LWB1-B3 Modification Area (refer to **Figure 1.1**).

The Austar Coal Mine has been subject to a number of previous Aboriginal cultural heritage assessments and investigations (refer to Umwelt 2008a; 2008b; 2008c; 2010a; 2011a; 2011b; 2011c; 2013). Austar has an Aboriginal Cultural Heritage Management Plan (ACHMP) to satisfy a condition of the Stage 3 Project Approval 08_0111 and the Bellbird South Consent. The ACHMP (Umwelt 2015) provides a consolidated framework for the management of Aboriginal cultural heritage and mitigation strategies for the Austar Coal Mine. Austar is required to manage any Aboriginal cultural heritage issues within its approval area in accordance with the management protocols and procedures set out in the ACHMP and conditions of PA 08_0111 and DA 29/95 (as modified).

In accordance with the established consultation requirements of the ACHMP and Part 8A, Clause 80C of the National Parks and Wildlife Regulation 2009 (NPW Regulation), additional consultation with the registered Aboriginal parties (RAPs) (refer to **Section 2.4**) was undertaken for the completion of the cultural heritage component of this assessment.



Legend

- ▨ Completed Bellbird South Stage 1, Stage 2 and Southland Longwall Panels (DA 29/95)
- ▨ Stage 3 Longwall Panels (PA08_0111) (In Progress)
- ▨ Proposed LWB1-B3 Longwall Panels
- ▨ LWB1-B3 Modification Area
- ▨ Completed Underground Workings

FIGURE 1.1

Locality Plan and Proposed
LWB1-B3 Modification Area

1.1 Purpose and Scope

The purpose of this ACHAA is to identify and assess the potential impacts on Aboriginal cultural heritage as a result of the proposed LWB1-B3 Modification.

1.2 Relevant Cultural Heritage Legislation

Two pieces of legislation provide the primary context for Aboriginal heritage management in NSW: the *National Parks and Wildlife Act 1974* (NPW Act) and the EP&A Act. While the NPW Act provides statutory protection for all Aboriginal objects (including those within archaeological sites) and Aboriginal Places, the EP&A Act sets out the framework for Aboriginal heritage values to be formally assessed in land use planning and development consent processes.

The Bellbird South Consent was granted by the Minister for Urban Affairs and Planning under Part 4 of the EP&A Act in 1996 prior to the commencement of the (now repealed) Part 3A provisions. For the purposes of modification, however, the consent is considered a transitional part 3A project and therefore section 75W is the appropriate approval pathway for the LWB1-B3 Modification.

Despite being assessed under section 75W, the proposed modification to the Bellbird South Consent will remain an approval under Part 4 of the EP&A Act. Therefore the exemptions which apply to approved Part 3A projects relating to permits under Section 87 or consents under Section 90 of the NPW Act do not apply.

The objectives of the NPW Act include:

The conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to: (i) places, objects and features of significance to Aboriginal people.

The NPW Act defines an Aboriginal object as:

any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales.

In accordance with Section 86(1) of the NPW Act, it is an offence to harm or desecrate a known Aboriginal object, whilst it is also an offence to harm an Aboriginal object under Section 86(2). Similarly, Section 86(4) states that a person must not harm or desecrate an Aboriginal place. Harm to an object or place is defined as any act or omission that:

- a) destroys, defaces or damages an object or place, or
- b) in relation to an object – moves the object from the land on which it had been situated, or
- c) is specified by the regulations, or
- d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c),

but does not include any act or omission that:

- e) desecrates the object or place, or
- f) is trivial or negligible, or

g) is excluded from this definition by the regulations.

Section 87(1) of the NPW Act specifies that it is a defence to prosecution under Section 86(1) and Section 86(2) if the harm or desecration of an Aboriginal object was authorised by an Aboriginal Heritage Impact Permit (AHIP) and the activities were carried out in accordance with that permit.

2.0 Aboriginal Party Consultation

2.1 Prior Aboriginal Party Consultation

Consultation with Aboriginal parties is an integral part of identifying and assessing the significance of Aboriginal objects and/or places, and determining and carrying out appropriate strategies to mitigate impacts upon Aboriginal heritage.

Ongoing consultation has occurred at regular intervals with the Registered Aboriginal Parties (RAPs) since 2007, and is broadly discussed in the ACHMP (Umwelt 2015). The consultation process for the LWB1-B3 Modification has therefore involved consultation with these existing RAPs. It is noted that whilst recent consultation has involved projects located entirely within the Mindaribba Local Aboriginal Land Council area, the proposed LWB1-B3 Modification Area is situated predominantly within the boundary of the Awabakal Local Aboriginal Land Council (ALALC) and for this reason the ALALC accepted the invitation to register an interest in this proposed modification.

2.2 Registered Aboriginal Parties

The complete list of RAPs for the LWB1-B3 Modification is detailed in **Table 2.1**.

Table 2.1 Registered Aboriginal Parties for the Austar Coal Mine

Stakeholder
Aboriginal Native Title Consultants
Wonn1 Consulting
Giwiirr Consultants
Hunter Valley Cultural Surveying
Lower Hunter Wonnarua Council
Lower Wonnarua Tribal Consultancy Pty Ltd
Mindaribba Local Aboriginal Land Council
Mingga Consultants
Tracey Skene (Culturally Aware)
Wanaruah Custodians
Wattaka Wonnarua Cultural Consultants Services
Wonnarua Culture Heritage
Upper Hunter Heritage Consultants
Yarrowalk/Tocomwall/Plains Clans of the Wonnarua People Native Title Claim Group

Stakeholder
Hunter Valley Cultural Consultants
Yinarr Cultural Services
Deslee Talbott Consultants
Wonnarua Elders Council
Awabakal and Guringai People Native Title Claim Group
Awabakal Local Aboriginal Land Council

2.3 Native Title

A search of the National Native Title Register, Register of Native Title Claims, Unregistered Claimant Applications and Register of Indigenous Land Use Agreements was undertaken on 12 May 2015 with the geographic parameters set to the Cessnock local government area (LGA) (refer to **Appendix A**). The search returned no registered native title determinations, but did list four active registered native title Claims within the broader Cessnock LGA (refer to **Table 2.2**).

Table 2.2 NNTT Register Search within Cessnock LGA (May 2015)

Register Type	NNTT Reference Number	Incorporates Proposed Bellbird South Modification Area
National Native Title Register	Nil	N/A
Register of Native Title Claims	NC2012/003 (Awabakal People) Discontinued Claim	No
	NC2013/002 (Awabakal and Guringai People)	No
	NC2013/003 (Wonnarua Traditional Custodians)	No
	NC2013/004 (Plains Clan of the Wonnarua People)	No
	NC2013/006 (Scott Franks and Anor on behalf of the Plains Clan of the Wonnarua People)	Yes
Register of Indigenous Land Use Agreements	Nil	N/A
Notified Indigenous Land Use Agreements	Nil	N/A

Of the four active registered Native Title Claims within the Cessnock LGA, only one (NC2013/006) includes all or part of the LWB1-B3 Modification Area. This native title application from *Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People* was registered on 16 January 2015 and covers the entirety of the LWB1-B3 Modification Area. Mr Franks' organisation (Tocomwall) is amongst the RAPs for the Austar Coal Mine (refer to **Section 2.1**) and is therefore included in the consultation process established for the LWB1-B3 Modification Area.

A second application (NC2013/002), falls just outside the LWB1-B3 Modification Area, but covers other land within the Austar Coal Mine. Representatives from the NC2013/002 registered native title application (*Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People*) have previously registered an interest in the Austar Coal Mine for projects within the Stage 3 area, as this area is within their registered Native Title application area, and are therefore amongst the RAPs consulted in relation to the LWB1-B3 Modification.

2.4 Aboriginal Party Consultation for the LWB1-B3 Modification

Consultation for the LWB1-B3 Modification Area included the provision of project notification letters detailing the proposed modification, the proposed assessment methodology and an invitation to RAPs to attend a targeted survey of certain landscape features that may be affected by the proposed modification. Opportunity for the provision of additional cultural information/comments on the assessment process and the draft version of this report has also been provided.

The draft version of this ACHAA was provided to the RAPs on 7 October 2015 for review and comment. In accordance with Clause 80C, Sub-clause (7) of the NPW Regulation, the RAPs were requested to comment on:

- *Whether there are any Aboriginal objects of cultural value to Aboriginal people in the LWB1-B3 Modification Area;*
- *Whether there are any places of cultural value to Aboriginal people in the LWB1-B3 Modification Area;*
- *Any general comments regarding the LWB1-B3 Modification Area.*

Responses provided by the RAPs regarding this assessment are summarised below and provided in full in Appendix B.

Stakeholder groups that provided a response on the draft assessment report indicated they were generally satisfied with the assessment as presented in the report.

- Mr. Danny Franks (Tocomwall Pty. Ltd.) provided more specific comments including:
 - General concerns that RAP observations made during field surveys may underestimate the cultural value of an area, particularly where RAPs may not have a good understanding of (for example) landforms and surface conditions pre-colonisation that would have influenced land use, such as hunting, settlement or transit through the landscape. That said, Mr Franks indicated he had no further relevant knowledge at this stage.

- General recommendations for future developments that the scientific approach towards the study area should take into account the diffusion of values and ideologies that the landscape and archaeological record provides. For example, the stone artefact record may provide insight into the thought processes involved in the tool making process (pressure flaking, Bipolar percussion, heat reduction, etc.) within the landscape, thus raising the educational significance of identified sites.

It is noted that the information referred to by Mr Franks in regard to matters to be considered in the scientific assessment process were addressed in other parts of the draft report and in earlier reports related to the broader Austar Operations area. Austar will continue to consult with all RAPs in the management of cultural heritage across the Austar Coal Mine Complex

3.0 Environmental and Archaeological Context

A review of environmental, ethnohistoric, historic and archaeological literature is crucial to the Aboriginal cultural heritage and archaeological assessment process, as it informs our understanding of past Aboriginal occupation and land use, archaeological site patterning, site survival and the potential for detection of extant archaeological sites. Umwelt (2011a; 2013) provide summaries of available literature at both a local and regional level, and discusses the implications for the Aboriginal cultural and archaeological evaluation of the sites that may be contained within the LWB1-B3 Modification Area. A summary of this information, together with the results of previous Aboriginal cultural heritage assessments conducted within the proposed LWB1-B3 Modification Area is provided below.

3.1 Environmental Context

The LWB1-B3 Modification Area is located within the Quorrobolong Valley, between Broken Back Ridge and the Myall Range; approximately 5 kilometres south of the towns of Kitchener and Abernethy (refer to **Figure 1.1**). Based on the information included in Umwelt (2008b, 2011a), a summary of relevant environmental contextual information is provided below.

3.1.1 Geology

The LWB1-B3 Modification Area is situated at the southern extent of the Branxton geological formation, which is composed of sandstone, mudstone and conglomerates (quartz and quartzite) of Permian Age (251-298 million years ago). The Branxton geological formation is the dominant geological unit for the region containing the LWB1-B3 Modification Area and is found widely throughout the slopes and ridges of the Quorrobolong Valley. Most previously recorded Aboriginal archaeological sites located within the Austar Coal Mine (refer to Umwelt 2012) were located within this geological unit. The LWB1-B3 Modification Area is additionally situated between other deposits of Permian age, such as the Mulbring Siltstone and Muree Sandstone which comprise the foot-slopes of the Myall Range to the south. Quaternary (recent to 1.8 million years ago) gravels, sands and clay deposits occur within the course of Quorrobolong Creek to the north.

In terms of Aboriginal stone resource availability, the Branxton Formation may contain raw materials suitable for stone artefact manufacture such as mudstone, quartz and quartzite, some of which may have migrated into alluviums within the valley floor. Raw materials suitable for stone artefact manufacture may therefore have been opportunistically sourced and utilised within the broader region that contains the LWB1-B3 Modification Area.

3.1.2 Soils

The land surface within the LWB1-B3 Modification Area is comprised entirely of the Quorrobolong Soil Landscape (refer to **Figure 3.1**). The key characteristics of the Quorrobolong soil landscape are discussed more broadly in Umwelt (2011b) and summarised in **Table 3.1**.

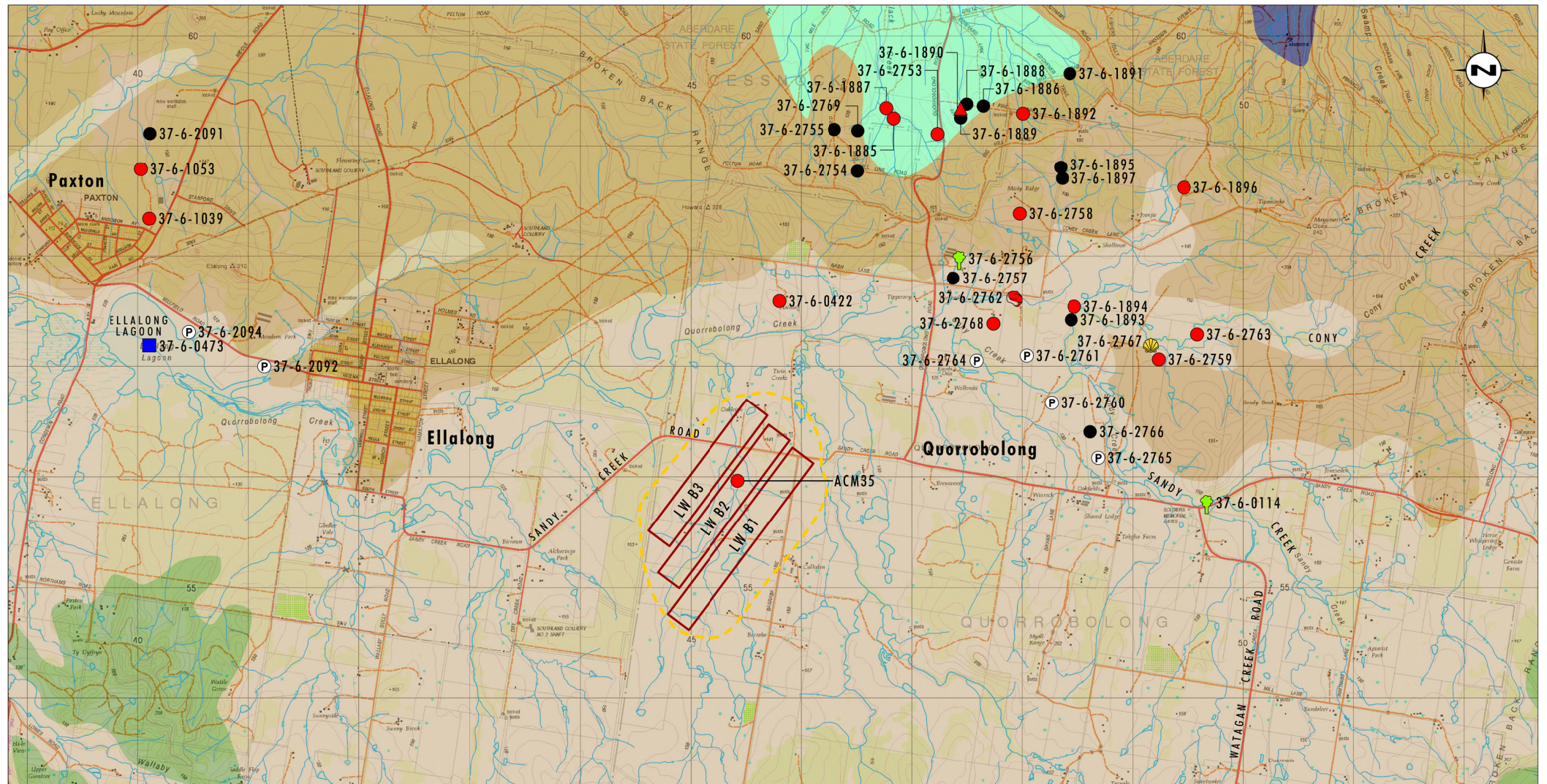


Image Source: LPI (2006)

Data Source: Austar Coal Mine (2015), AHIMS (2015), LPI (2009)

Legend

- | | | | |
|--|--|---|---|
| Proposed LWB1-B3 Longwall Panels | ● Isolated Find | Soil Landscapes: | Branxton |
| LWB1-B3 Modification Area | ■ Natural Mythological (Ritual) | Awaba | |
| ● Artefact and Potential Archaeological Deposit | ● Potential Archaeological Deposit | Quorrobolong | |
| ● Artefact and Shell | ● Scarred Tree or Carved Tree | Neath | |
| ● Artefact Scatter | ▲ Axe Grinding Groove and Artefact | Aberdare | |

File Name (A4): R02/3542_011.dgn
20150929 16.20

FIGURE 3.1

Location of ACM35 to
Soil Landscape and AHIMS Results

Table 3.1 Quorrobolong Soil Landscape Summary (from Kovac and Lawrie 1991)

	Terrain	Vegetation	General Soil Profile	Soil Erosion
Quorrobolong Soil Landscape	Undulating low-lands south of Cessnock. Elevation 40-20 m. Slopes average 3-6%. Drainage lines common.	Dry sclerophyll forest of gums, ironbark and stringybark including blood redwood and blackbutt. Mostly cleared for grazing on improved and unimproved pastures.	Prairie soils on lower slopes and in drainage lines, with dark brown to black meadow soils rich in organic matter with gray under-layers developed through poor drainage in some locations. Yellow podzolic soils and soloths on higher slopes (possibly on lower slopes), with brown soloths on some crests.	Stream bank erosion along many creek-lines. Minor sheet and rill erosion on slopes

Due to the acidic nature of the soils contained within the LWB1-B3 Modification Area, organic materials including skeletal remains are unlikely to be preserved. There is however, a likelihood that harder skeletal elements may survive such as the teeth of terrestrial vertebrate prey species.

3.1.3 Landforms and Creek Systems

The LWB1-B3 Modification Area is situated largely within cleared pastoral land. This area has been subjected to extensive grazing which has led to considerable erosion along the unnamed tributaries of Quorrobolong creek within the LWB1-B3 Modification Area and in areas where ground vegetation has been removed due to grazing. The topography of the LWB1-B3 Modification Area is characterised by low relief rolling hills with an elevation range of approximately 130 to 150 metres AHD. The landscape containing the LWB1-B3 Modification Area contains numerous minor areas of alluvial flats and incised ephemeral drainage lines associated with Quorrobolong Creek and its tributaries. The main channel of Quorrobolong Creek crosses the eastern boundary of the LWB1-B3 Modification Area approximately 100 metres from the north-eastern end of LWB1. An unnamed tributary of Quorrobolong Creek runs from south to north through the LWB1-B3 Modification Area crossing LWB2 and LWB3 before joining Quorrobolong Creek approximately 600 metres to the northwest. Quorrobolong Creek is fed from the east by the Cony and Sandy Creek systems before draining into Ellalong Lagoon, approximately five kilometres to the west (refer to **Figure 3.1**).

3.1.3.1 Archaeological Implications of Landforms and Creek Systems

Previous archaeological investigations in adjoining areas (with similar landscape and environmental contexts) have strongly correlated the availability of fresh water to the location of Aboriginal occupation sites (Umwelt 2013:3.3). Low-gradient landforms (such as flats and lower slopes) adjacent to higher order watercourses have previously been identified as likely to contain camping locations, particularly when associated with creek confluences. However, the watercourses within the LWB1-B3 Modification Area are ephemeral and would not provide a reliable source of fresh water.

Cony Creek, higher order sections of Sandy Creek, Quorrobolong Creek and especially Ellalong Lagoon (approximately five kilometres to the west of the LWB1-B3 Modification Area) would have provided more permanent water sources (as they do today), and therefore areas associated with these creek-lines may have been more suitable for Aboriginal occupation.

The confluence of Cony Creek and Quorrobolong creek is approximately 800 metres north of the LWB1-B3 Modification Area. Cony Creek is considered to be part of a natural corridor that connects the coast to Congewoi Creek and Wollombi Brook, from where access is gained to the central Hunter Valley in the north-west and the Mangrove Creek catchment to the south. Archaeological site patterning and content (small artefact scatters and isolated finds) within the LWB1-B3 Modification Area may reflect the transient use of associated creek-lines as pathways.

3.1.4 Aboriginal Resources

Umwelt (2008b Appendix 6) provides an extensive list of plant resources known to occur within the region containing the approved Stage 3 area and their likely use by Aboriginal people. It is noted that the approved Stage 3 area is situated within a similar landscape context as the LWB1-B3 Modification Area which would have contained a similar suite of resources suitable for Aboriginal procurement. Whilst the diversity of resources could be expected to have attracted Aboriginal hunter-gatherers to the area, the lack of permanent water within the LWB1-B3 Modification Area would have limited resource exploitation to short visitations which may have resulted in the discard of small quantities of archaeological material. The Aboriginal resources tabled in Umwelt (2008b) have been reproduced in **Appendix E**.

3.1.5 Non-Aboriginal Land Use Practices

Extensive vegetation clearance within the Quorrobolong Valley has significantly altered stream morphology and the hydrology of the region since the onset of European settlement, with common changes including the damming of tributary streams and erosion from trampling by stock. Hard hooves have caused the loss of duricrust, the extension of gullies, erosion and down-slope movement of soils, and subsequent sedimentation of water-courses during major floods (Dean-Jones and Mitchell 1993:4). Additionally, agricultural cultivation, residential, primary and industrial development such as roads, tracks, houses and sheds have created areas where a high level of disturbance remains clear and observable within the LWB1-B3 Modification Area.

Non-Aboriginal land use practices within the LWB1-B3 Modification Area include extensive pastoral grazing and rural development, extensive native vegetation removal, introduction of foreign grasses, localised areas of excavation and earthworks for infrastructure, and changes to stream morphology and hydrology. These changes in local hydrology have resulted in the incision of low order tributaries and the extension of gullies, both of which result in increased levels of erosion and sedimentation during major floods, and in some places, increases in water salinity (Dean-Jones and Mitchell 1993:4).

As noted above, clearance of native vegetation throughout the LWB1-B3 Modification Area has been widespread with little mature vegetation remaining. Vegetated areas within the contemporary landscape predominantly contain regrowth, with few trees older than 50 years of age observed. Vegetation clearance (including the removal of tree stumps and roots) has resulted in the extensive disturbance of the upper soil horizons throughout the LWB1-B3 Modification Area. The historical non-Aboriginal land-use practices and resulting levels of extensive erosion have affected the landscape in such a way that any Aboriginal archaeological sites identified within the LWB1-B3 Modification Area will likely exhibit poor spatial and stratigraphic integrity.

3.2 Archaeological Context

3.2.1 Database Searches

A search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 28 April 2015 and identified 43 Aboriginal archaeological sites within an area of 10 kilometres north-south by 10 kilometres east-west centred on the LWB1-B3 Modification Area. The identified sites are detailed in **Figure 3.1** and discussed more broadly in Umwelt (2011b).

All of the sites identified during the recent AHIMS search are detailed in Umwelt (2013) and it is noted that no new sites were identified by the recent search of the AHIMS database. Additionally, no recorded sites were identified immediately above the proposed longwall panels or within the broader LWB1-B3 Modification Area. Results for the current AHIMS search are included in **Appendix C**.

It is additionally noted that the RAPs had previously requested that all site locations should not be available to the general public (Umwelt 2008b). The grid coordinates for all identified AHIMS registered sites are therefore not included in the body of this document. The AHIMS registered sites listed in **Appendix C** contain grid coordinates and this section should be considered restricted **and will not form part of any publicly available document**.

3.2.2 Previous Assessments in Proximity to the LWB1-B3 Modification Area

Umwelt has undertaken a number of archaeological investigations and due diligence assessments in proximity to the LWB1-B3 Modification Area (see Umwelt 2008a; 2008b; 2010a; 2010b; 2010c; 2011b; 2011c; 2013). The results of these assessments are detailed in Umwelt 2011a. Information from these assessments that is directly relevant to the LWB1-B3 Modification Area is summarised below.

3.2.2.1 Extent of Previous Investigations

Previous investigations (primarily Umwelt 2008b and Umwelt 2011a) involved the survey of 1028 hectares (84%) of the approved Stage 3 area and were undertaken in accordance with the relevant legislative standard required at the time of survey. These surveys also took into account the outcomes of consultation with Aboriginal parties and were designed with reference to detailed predictive models, as provided by Umwelt (2008b, 2011a).

The previous surveys were conducted on foot by a field team consisting of up to 2 archaeologists and representatives from the RAPs. Inspections of key known sites were conducted by all field team members, and survey coverage was determined by the inherent conditions of individual survey transects. In accordance with the requests from the RAPs, the surveys attempted to cover 100 per cent of accessible properties. Survey methodologies, survey coverage details, participation registers, general survey results and any cultural information provided by representatives of the RAPs are detailed in Umwelt 2008b (for survey conducted in 2007) and Umwelt 2011a (for survey conducted in 2010).

3.2.3 Sites Identified During Previous Investigations in proximity to the LWB1-B3 Modification Area

Nineteen of the 43 sites identified by the recent search of the AHIMS Database (28 April 2015) occur within the Quorrobolong Soil Landscape which also contains the LWB1-B3 Modification Area (Refer to **Figure 3.1** and **Table 3.2**). Of the 19 sites identified within the Quorrobolong Soil Landscape (in proximity to the LWB1-B3 Modification Area), seven sites are described as potential archaeological deposits, six as artefact scatters (with an average density of 7 artefacts), three are isolated finds consisting of single artefacts and two are scarred trees. The remaining two sites include one mythological place associated with a swamp and one artefact scatter with shells that was likely imported into the region during historical times.

Potential Archaeological Deposits (PADs) are defined as areas of land with the potential to contain archaeological deposits in a sub-surface context. Areas of PAD have been recorded within the Quorrobolong Soil Landscape in proximity to all three main creek systems (Cony, Sandy and Quorrobolong Creeks).

As detailed in **Table 3.2**, artefact scatters and isolated finds have been recorded at relatively low numbers throughout the Quorrobolong soil landscape. It is important to note that all previously identified sites were identified in areas of erosion or in areas where significant ground disturbance has occurred. Some sites have been impacted by multiple factors such as dam and channel construction, vehicular movement, livestock trampling and bioturbation. The majority of artefact scatter sites and isolated finds have been identified in proximity to a watercourse. Stone artefacts identified throughout the Quorrobolong soil landscape have been predominantly manufactured from mudstone but raw materials such as silcrete and quartzite are also known to have been utilised for the manufacture of stone artefacts.

One Mythological Place was identified by the AHIMS search approximately 5 kilometres west of the LWB1-B3 Modification Area. This site is situated in a swampy area adjacent to Ellalong Lagoon. The use of this site as a mythological place is tied to the permanence of its water supply and also the variety of food resources available.

The relatively low number of sites and low artefact numbers within each previously identified artefact scatter suggests that although there was evidence of use of this area by Aboriginal people, there was no evidence to suggest that the landscape was intensively utilised in a way that would result in the discard of discernible archaeological material. The high level of artefact breakage evident in the assemblages was considered reflective of the non-Aboriginal land-use history of the area and may also reflect stock trampling within this pastoral landscape, with the majority of artefacts recorded in disturbed environments such as on access tracks and farm dam walls.

Scarred trees are trees from which bark or wood has been removed by Aboriginal people for a range of uses such as shields, containers, canoes and/or to create shelter. Removal of specific shapes for use often leaves distinctive scars on the tree. Scarred trees were once far more common than they are now due to extensive vegetation clearance for pastoral purposes. Two scarred trees have been recorded within the Quorrobolong soil landscape on foot-slopes in proximity to low order streams or permanent water.

3.2.3.1 Archaeological Implications of Previous Investigations

Based on previous archaeological investigations conducted within the Quorrobolong Soil Landscape, the LWB1-B3 Modification Area is not likely to contain areas of PAD due to the lack of permanent fresh water resources. Mythological places are also not predicted to occur within the LWB1-B3 Modification Area due to the lack of a permanent water supply and low concentrations of Aboriginal resources.

Scarred trees may occur within the LWB1-B3 Modification Area in any areas that have retained mature native vegetation (mainly of *Eucalyptus* or *Corymbia sp*) and are in proximity to sources of fresh water.

Small artefact scatters/isolated finds (if present) will likely be found in relatively low numbers and in association with ground disturbance such as earthworks, erosion and stock pugging. The condition and integrity of any artefact scatter/isolated find site identified in association with ground disturbance is predicted to be low.

Table 3.2 AHIMS Registered Sites within 10 Kilometres of the LWB1-B3 Modification Area

AHIMS #	Site Name	Type	Description	Aboriginal Cultural Significance	Archaeological Significance
37-6-0114	Quorrobolong	Scarred tree	This site was located on the main channel of Sandy Creek 1.75 kilometres east of its confluence with Cony Creek.	Unknown	Unknown
37-6-0422	Quorrobolong	Artefact Scatter	This site is located on the crest of a spur of the Broken Back Range 300 metres north of Quorrobolong Creek. The site consists of 7 artefacts including 5 flakes, 1 flaked piece and 1 core. Raw materials consisted of mudstone, silcrete and quartzite. .	Unknown	Unknown
37-6-0473	Catch-a-Bay-Swamp	Natural/Mythological (Ritual)	This site is located in a swampy area adjacent to Ellalong Lagoon. The site has likely been the focus of human activity for some time due to the permanence of its water supply and also the variety of food resources available.	Unknown	Unknown
37-6-1893	ACM9 (Quorrobolong)	Isolated Find	This site is located to the north of Sandy Creek Road, 15 metres to the west of Cony Creek. The site consists of a single mudstone flake. This site has been impacted by both vegetation clearance and pastoral activity.	Culturally Important	Low
37-6-1894	ACM10 (Quorrobolong)	Artefact Scatter	This site is located on the west bank of Cony Creek. The site consists of a single mudstone flake and single mudstone flaked piece. This site has been impacted by both vegetation clearance and pastoral activity.	Culturally Important	Low
37-6-2092	Paxton PAD 2	Potential Archaeological Deposit	This PAD is located south of Millfield Road and north of Quorrobolong Creek, just east of Ellalong Lagoon.	Unknown	Unknown

AHIMS #	Site Name	Type	Description	Aboriginal Cultural Significance	Archaeological Significance
37-6-2094	Paxton PAD 1	Potential Archaeological Deposit	This PAD is located south of Millfield Road and north of Quorrobolong Creek, just east of Ellalong Lagoon.	Unknown	Unknown
37-6-2756	ACM21	Scarred tree	A single scarred tree was located on a lower hill-slope near a confluence of two first order streams. The tree is dead and lying on the ground. Its roots are completely exposed and the tree has been partially cut for firewood. The site and its immediate environment are highly disturbed.	High	Low
37-6-2757	ACM22	Isolated find	This site consists of one quartzite hammerstone. The site was located within a disturbed context that has been subject to vegetation clearing, dam construction and stock trampling, and is currently subject to active erosion by sheet-wash.	Culturally Important	Low
37-6-2759	ACM24	Artefact Scatter	This site is located 130 metres south of Cony Creek and consists of 10 mudstone flakes and broken flakes, a silcrete backed blade and several grindstone fragments. The site was located within a disturbed context in proximity to a dam wall. The area has been subject to vegetation clearing, dam construction and grazing and is currently subject to active erosion by sheet-wash.	Culturally Important	Low
37-6-2760	ACM25	Potential Archaeological Deposit	This PAD is located 40 metres from the main channel of Cony Creek and approximately 280 metres west from its confluence with Sandy Creek. The PAD has been impacted by both vegetation clearance and pastoral activity.	Culturally Important	Low-moderate

AHIMS #	Site Name	Type	Description	Aboriginal Cultural Significance	Archaeological Significance
37-6-2761	ACM26	Potential Archaeological Deposit	This PAD is located 200 metres south from the main channel of Cony Creek and approximately 430 metres north-west from its confluence with Sandy Creek. This PAD is located on a possible terrace. The PAD has been impacted by both vegetation clearance and pastoral activity.	Culturally Important	Low-moderate
37-6-2762	ACM27	Isolated Find with Potential Archaeological Deposit	This site is located 30 metres south of a third order tributary of Cony Creek. This site lies close to a chain of ponds feature which provides a semi-permanent water source. The site consists of a single silcrete flake but the colluvial nature of the surrounding area suggested the possibility for the existence of sub-surface cultural material. The site/PAD area has been impacted by both vegetation clearance and pastoral activity.	Culturally Important	Low
37-6-2763	ACM28	Artefact Scatter	This site is located on a lower slope adjacent to the southern bank of Cony Creek. There were 12 artefacts recorded, principally mudstone flakes and mudstone and silcrete broken flakes. The site has been impacted by both vegetation clearance and pastoral activity.	Culturally Important	Low
37-6-2764	ACM29	Potential Archaeological Deposit	This PAD is located immediately south from the main channel of Cony Creek. The PAD has been impacted by both vegetation clearance and pastoral activity.	Culturally Important	Low-moderate
37-6-2765	ACM30	Potential Archaeological Deposit	This PAD is located 200 metres from the main channel of Sandy Creek and approximately 680 metres south-east from its confluence with Cony Creek. The PAD has been impacted by both vegetation clearance and pastoral activity.	Culturally Important	Low-moderate

AHIMS #	Site Name	Type	Description	Aboriginal Cultural Significance	Archaeological Significance
37-6-2766	ACM31	Isolated find	This site is located 200 metres from the main channel of Sandy Creek and approximately 500 metres south from its confluence with Cony Creek. The site was located within a disturbed context in proximity to a dam wall. The site consists of a single mudstone broken flake. The area has been subject to vegetation clearing, dam construction and grazing and is currently subject to active erosion by sheet-wash.	Culturally Important	Low
37-6-2767	ACM32	Artefact Scatter and shell	This site consists of six artefacts and small scatter of midden shell eroding from within visibly disturbed imported piles of soil. Although it is likely this material originated as a result of flood/erosion control works in the vicinity of Cony Creek it is assessed that the recorded location of the site is remote from the actual source of the artefactual material.	Culturally Important	Very Low
37-6-2768	ACM33	Artefact Scatter	This site is located 400 metres from the main channel of Cony Creek. The site was located within a disturbed context in proximity to a dam wall. The site consists of two pieces of a silcrete backed artefact and a mudstone flake. The area had been subject to vegetation clearing, dam construction and grazing and is currently subject to active erosion by sheet-wash.	Culturally Important	Low

3.3 Predictive Modelling for the LWB1-B3 Modification Area

Predictive modelling can be used to indicate which site types are likely to be found in an area and their likely distribution, content and integrity based on current understanding of the ecological context of an area, Aboriginal land use and archaeological site survival. The predictive model detailed below was utilised to develop an appropriate survey strategy for the LWB1-B3 Modification Area, and following the survey, was evaluated against survey results to identify the extent to which the LWB1-B3 Modification Area was consistent with, or differed from, the predictive model (refer to **Section 3.8**). This information was used to further understanding of the Aboriginal cultural heritage values of the LWB1-B3 Modification Area and to inform appropriate management strategies developed in **Section 6.0**.

The LWB1-B3 Modification Area shares a similar set of environmental characteristics to parts of the Stage 3 area (surveyed in 2008 and 2011), particularly those areas without permanent sources of fresh water. The predictive model detailed below is therefore based on the likelihood that a similar spatial patterning of Aboriginal sites will occur within the LWB1-B3 Modification Area as exists throughout similar portions of the Quorrobolong Soil Landscape that have been previously investigated.

3.3.1 Predictive Model for the LWB1-B3 Modification Area

The following site types are predicted to occur within the LWB1-B3 Modification Area after a review of the archaeological and landscape contexts, the land use history and the ethnohistoric information detailed in **Sections 3.1 and 3.2** and Umwelt 2013:

- **Artefact Scatters** (containing less than 12 artefacts each) and **Isolated Finds** (single artefacts) are likely to occur within the LWB1-B3 Modification Area. The identification of these site types will be limited to areas of higher ground surface visibility, generally in association with areas of pronounced erosion or soil disturbance, and in proximity to seasonal/ephemeral sources of fresh water. Artefacts identified within the LWB1-B3 Modification Area will likely be either complete or broken stone flakes manufactured predominantly from mudstone, but may include other raw materials such as silcrete or quartzite. Stone cores and hammer stones may also be present but are not predicted to occur in great numbers.
- **Scarred Trees** may be present in pockets of the LWB1-B3 Modification Area that have retained mature native vegetation (mainly of *Eucalyptus* or *Corymbia* sp) in proximity to sources of fresh water. However, given the extensive historical land clearing within the LWB1-B3 Modification Area, the level of likelihood of scarred trees being present is low.

3.4 Survey Methodology

The archaeological survey of the LWB1-B3 Modification Area was carried out over a period of three days to provide adequate time for the RAPs to inspect and comment on the proposed project. The three days were provided to ensure that all RAPs could be transported safely and comfortably to the survey areas, and that all RAPs had the opportunity to discuss any relevant concerns with Austar and the archaeologists participating in the survey. This also ensured that all RAP representatives had the opportunity to see as much of the LWB1-B3 Modification Area as possible.

Total survey coverage was initially proposed for areas in which landholder permission was granted. Whilst most properties were accessible for survey, the number of RAP representatives that participated in the survey was significantly lower than expected (refer to **Table 3.5** for survey participants). Due to the reduced number of RAP representatives that participated on each day of the survey, the survey methodology was amended (in consultation with the participating RAP representatives) to ensure a maximum coverage of landforms that were predicted likely to contain archaeological material (for example areas of high ground visibility, areas of pronounced disturbance/erosion, riparian zones, hill crests and, where present, mature stands of trees). A total of 33 pedestrian transects were undertaken within the LWB1-B3 Modification Area over the course of three days. The survey transects are illustrated on **Figure 3.2** and described in **Section 3.5**.

Information recorded during the survey of the LWB1-B3 Modification Area included:

- the nature of the landforms and vegetation;
- the levels of visibility and exposure within the LWB1-B3 Modification Area;
- the effects of erosion and disturbance;
- the availability of Aboriginal resources;
- the nature and extent of visible archaeological deposits;
- the likelihood that potential archaeological deposits may be present within the LWB1-B3 Modification Area; and
- information provided by Aboriginal parties regarding the cultural significance/cultural values of the LWB1-B3 Modification Area and its environs.

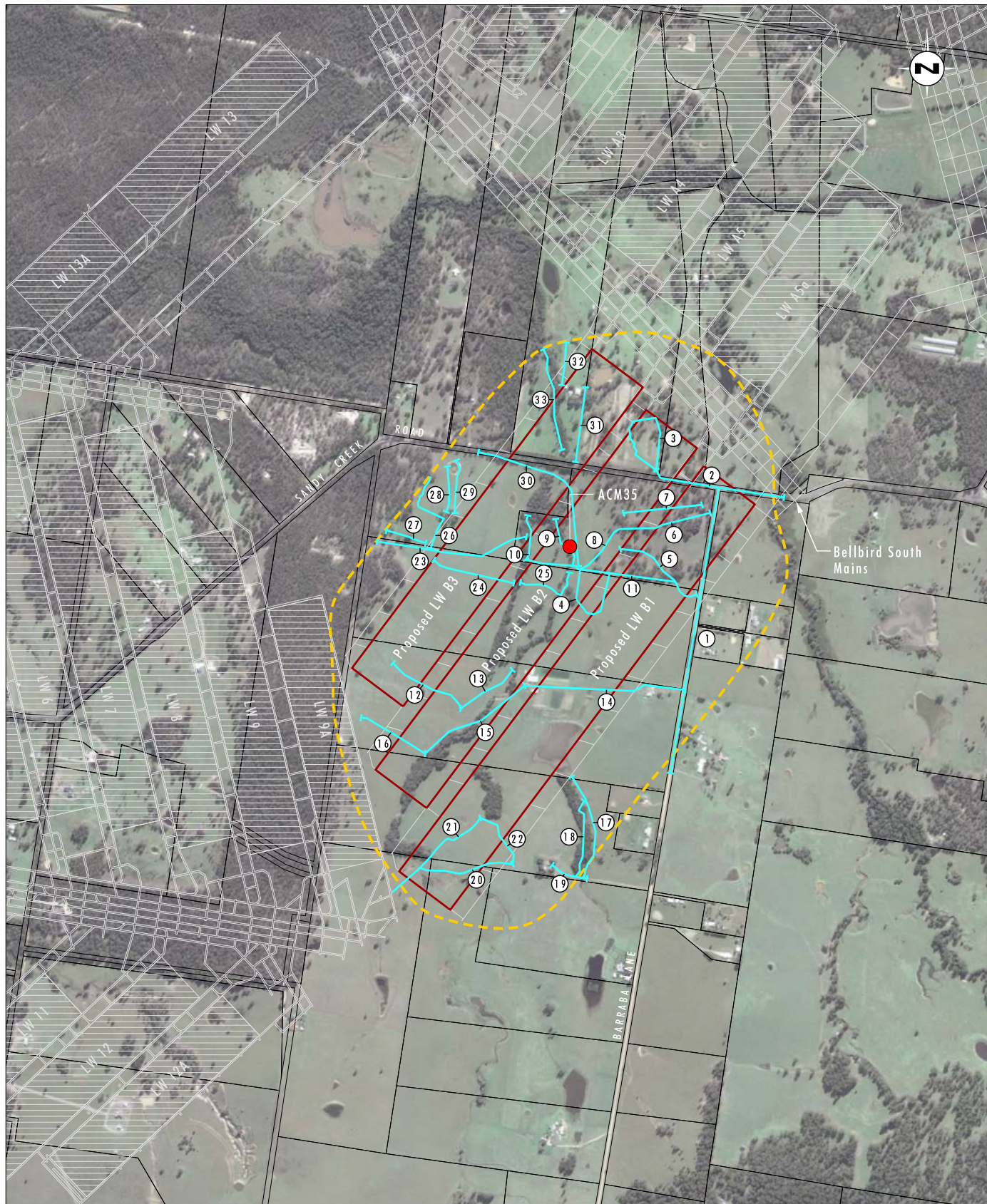


Image Source: Google Earth (2014)
Data Source: Austar Coal Mine (2015)

0 0.25 0.5 1.0 km
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Legend

- Proposed LWB1-B3 Longwall Panels
- LWB1-B3 Modification Area
- Completed Underground Workings
- Cadastral Boundary
- Survey Track
- Artefact Scatter
- 1 Survey Transect

File Name (A4): R02/3542_075.dgn
20151014 11.20

FIGURE 3.2

LWB1-B3 Modification Area
Survey Coverage

3.5 Description of Survey Transects

Thirty-three pedestrian transects were undertaken throughout the LWB1-B3 Modification Area. The transects targeted areas of high ground visibility, areas of pronounced disturbance/erosion, riparian zones, hill crests and, where present, mature stands of trees (refer to **Figure 3.2**). The widths of the survey transects varied depending on the number of survey participants but were generally not less than 15 metres wide. A description of the survey transects is provided below:

Survey Transect 1

Vehicular transect and visual inspection of low elevation rolling hills either side of Barraba Lane. This survey transect was undertaken to familiarise RAPs with LWB1-B3 Modification Area and identified extensive vegetation clearing and pastoral activity within the LWB1-B3 Modification Area. Stock including horses and cattle were identified on thickly grassed rolling hills.

Survey Transect 2

Pedestrian survey of property south of Sandy Creek Road. Survey transect identified high levels of disturbance within the road reserve of Sandy Creek Road and extensive vegetation clearing within the adjoining pastoral allotment. There was no ground visibility within the pastoral allotment.

Survey Transect 3

Pedestrian survey of property north of Sandy Creek Road. Survey transect was restricted to the vehicular access track and dam embankment. No ground visibility off track, or away from dam area. Some evidence of previous building footings were noted and the area had been previously cleared of vegetation.

Survey Transect 4 – 11

These survey transects targeted the drainage channels within the northern and central northern portions of the LWB1-B3 Modification Area. Minimal ground exposures were noted near dam embankments, in vehicular ruts and erosional surfaces caused by trampling stock. Ground visibility was generally poor throughout these survey transects.

Survey Transects 12 and 13

Survey transects 12 and 13 sampled the low relief pastures surrounding a waterlogged area in the south of the LWB1-B3 Modification Area. Ground visibility was generally poor throughout these survey transects and no ground exposures were noted.

Survey Transects 14 -16

Survey transects 14, 15 and 16 traversed the southern portion of the LWB1-B3 Modification Area from Barraba Lane to the western extent of LWB2. Survey transects 14 and 16 sampled the low relief pastures surrounding a riparian corridor in the south of the LWB1-B3 Modification Area. Small areas of ground exposure were limited to imported soil deposits and vehicular ruts. Ground visibility was generally poor throughout the remainder of these survey transects. Survey transect 15 followed the riparian zone between survey transects 14 and 16. Ground exposure was limited to the creek embankments and ground visibility was generally poor. This survey transect contained a concrete causeway across the creek and imported stone and cement blocks within the creek to restrict water flow. This addition of imported materials has likely created ponds within the creek that contain a substantial quantity of water.

Survey Transects 17-19

Survey transects 17-19 concentrated on a short riparian zone in the south eastern portion of the LWB1-B3 Modification Area. Ground visibility was generally poor throughout these survey transects and ground exposures were limited to excessive pugging caused by horses in areas of lower elevation within this property.

Survey Transects 20-22

Survey transects 20-22 focussed on low relief rolling pasture in the southern portion of the LWB1-B3 Modification Area. Ground visibility was generally poor throughout these survey transects and no ground exposures were noted.

Survey Transects 23, 26-29

Five survey transects concentrated on the mid to upper hill-slope area abutting the tree line immediately west of the western boundary of LWB3. All areas within these survey transects were thickly vegetated with pastoral grasses which completely obscured ground visibility.

Survey Transects 24

This survey transect incorporated the lower, mid and upper portions of a hill-slope in the lower central portion of LWB3. Ground visibility within this transect was completely obscured by pastoral grasses.

Survey Transects 25

This transect surveyed an area between two unnamed tributaries of Quorrobolong Creek. Ground exposure was limited to a small area of vehicle ruts and ground visibility was generally poor throughout this survey transect.

Survey Transects 30

This survey transect focussed on the northern fence-line of the property situated to the south of Sandy Creek Road. Ground visibility was generally poor throughout this transect and ground exposures were limited to excessive pugging in waterlogged area associated with the unnamed tributary of Quorrobolong Creek. This transect incorporated the foot-slope of a low relief hill abutting the eastern embankment of the unnamed tributary of Quorrobolong Creek. Ground visibility was poor throughout this portion of the transect.

Survey Transects 31

This survey transect was undertaken along the access road leading to a pastoral homestead in the northern section of LWB3. The access road had been graded and presented as disturbed. The area to the west of this access road contained a thickly grassed pasture with little to no ground visibility. The area to the east was identified as less disturbed and contained some remnant trees, none of which were identified to be culturally modified.

Survey Transects 32

This survey transect sampled the low relief pastures to the north-west of LWB3. Ground visibility was obscured by pastoral grasses and minimal ground exposures were noted in association with farm gates and access tracks.

Survey Transects 33

This survey transect targeted the riparian zone associated with the unnamed tributary of Quorrobolong Creek in the north-western portion of LWB3. The owner of the property had fenced either side of the tributary in the late 1990s and the survey team was informed that the tributary had been historically cleared of vegetation and was extensively disturbed by stock prior to fencing. The associated embankments of the tributary were heavily vegetated and ground visibility was completely obscured throughout the entire survey transect.

3.6 Survey Participation

The archaeological pedestrian survey of the LWB1-B3 Modification Area was undertaken over a period of three days on 4 August, 5 August 2015 and 28 September 2015. RAP representatives were supported in the field by Les Bragg (Bus Driver), Gary Mulhearn (Environment and Community Manager – Austar Coal Mine), Jack Potter (Environment and Community Coordinator – Austar Coal Mine), Peter Saad (Senior Archaeologist – Umwelt), Amanda Reynolds (Senior Archaeologist – Umwelt), and Kirwan Williams (Archaeologist – Umwelt). The RAP representatives that participated in the survey are detailed in **Table 3.3**.

Table 3.3 Registered Aboriginal Party Participation in Archaeological Survey

Representative	Organisation	Date
Danny Franks	Tocomwall Pty Ltd	Tuesday 4 August 2015
Derrick Vale	Mindaribba Local Aboriginal Land Council	Wednesday 5 August 2015
Steven Campbell	Yinarr Cultural Services	Wednesday 5 August 2015
Donna Swan	Culturally Aware	Wednesday 5 August 2015
		Monday 28 September 2015
Arthur Fletcher	Wonn 1 Consulting	Wednesday 5 August 2015
		Monday 28 September 2015
Adam McSweeney	Tocomwall Pty Ltd	Monday 28 September 2015
Maree Waugh	Wonnarua Elders Council	Monday 28 September 2015
Margaret Mathews	Aboriginal Native Title Consultants	Monday 28 September 2015
John Mathews	Upper Hunter Heritage Consultants	Monday 28 September 2015
Cliff Mathews	Mingga Consultants	Monday 28 September 2015
Rod Mathews	Giwiirr Consultants	Monday 28 September 2015
Michael Scott	Lower Hunter Wonnarua Council	Monday 28 September 2015

3.7 Survey Results

Ground visibility was generally poor throughout the entire LWB1-B3 Modification Area and each survey transect was generally covered with dense pastoral grasses. Areas of ground exposure were noted in places such as dam walls, vehicular tracks, creek embankments and small patches of erosion where stock had obviously disturbed the natural ground surface (refer to **Plates 1 - 6**).



PLATE 1
General Ground Visibility within Modification Area



PLATE 2
Ponding Water and Erosion within Modification Area



PLATE 3
Causeway and Imported Materials



PLATE 4
Indicative ground cover throughout the Modification Area



PLATE 5
Small Area of Exposure



PLATE 6
Small Area of Exposure

One artefact scatter (ACM35) consisting of two small stone artefacts was identified during the survey. A completed AHIMS site card for ACM35 has been included in **Appendix D** and the site is discussed more broadly in **Section 3.7.1**. The site card for ACM35 was submitted to AHIMS on Friday 14 August 2015. During the consultation process the registered Aboriginal parties requested that specific site locations not be disclosed to the general public, therefore **Appendix D** will not form part of the publicly available document, and has not been included as part of the EA.

No areas of PAD were identified during the survey.

It is noted that a number of areas within pastoral allotments were not surveyed due to thick grass cover and corresponding loss of ground surface visibility. These predominately higher elevation areas were visually assessed by the RAP representatives from either the road side or adjoining paddocks and all RAP representatives involved in the survey concluded that these areas presented a low probability to contain archaeological sites.

3.7.1 Archaeological Site ACM35

One surface artefact scatter (ACM35 – AHIMS # pending) consisting of two small stone artefacts was located adjacent to a farm track on the eastern bank of a tributary of Quorrobolong Creek within Survey Transect 9 (refer to **Figure 3.2**). The site consists of two artefacts lying approximately 10 metres apart among fairly coarse sandy alluvium. The area appears to be subject to frequent inundation and the artefacts are definitely not in their primary depositional context. The area surrounding and including the current location of the artefacts has been cleared for pastoral purposes and the vegetation in the area is characterised by regrowth *Casuarina* sp. (she-oak) on the creek bank with *Gahnia* sp. in the stream bed.

Immediately to the north of the site, the farm track crosses the tributary of Quorrobolong Creek in a location where large imported conglomerate boulders have been utilised to stabilise the creek bank and reduce water velocity within the creek bed. The scouring effect of flood water has left a very thin A2 horizon in the location of the artefacts and for this reason this area is assessed as not associated with PAD. This landform area was inspected for 50 metres in both directions from the centre of the site but due to extremely low visibility (due to grass cover), no further artefacts were located.

3.8 Evaluation of the Predictive Model

The LWB1-B3 Modification Area was broadly consistent with the predictive model (refer to **Section 3.3.1**) in the following manner:

- One artefact scatter (containing only two artefacts) was identified in an area of higher ground surface visibility, in association with pronounced erosion and soil disturbance, and in proximity to a seasonal/ephemeral source of fresh water. Both the context and contents of this site are consistent with the predictive model.
- The identified site (ACM35) contained one broken silcrete flake and one complete mudstone flake. Both the artefact types and raw material are consistent with the predictive model.
- Given the extensive historical land clearing undertaken within the LWB1-B3 Modification Area, few trees older than 50 years were noted but none were found to be culturally modified. This is broadly consistent with the predictive model.

4.0 Significance Assessment

The best practice standard for cultural heritage management in Australia is encapsulated in *The Burra Charter* and its accompanying guidelines and practice notes. The Burra Charter is the informal name given to the *Australian ICOMOS Charter for the Conservation of Places of Cultural Significance* (1999), prepared by the Australian National Committee of the International Council on Monuments and Sites (Australia ICOMOS) (Smith and Burke 2007).

The assessment of cultural significance is critical in establishing mitigation and management strategies for cultural heritage management (refer to Pearson and Sullivan 1995:21). In NSW Aboriginal cultural significance is typically assessed according to its archaeological (scientific) and Aboriginal cultural significance. Cultural significance in Australia is defined by the Burra Charter in terms of aesthetic, scientific, historic and social values.

4.1 Archaeological (Scientific) Significance

The archaeological significance for the visible portion of Aboriginal archaeological site ACM35 (AHIMS # pending) identified within the LWB1-B3 Modification Area has been assessed in accordance with the Australian cultural heritage management best-practice standards established in *The Burra Charter* (Smith and Burke 2007), and specifically the criteria detailed in **Table 4.2**. The results of this assessment are discussed below and summarised in **Table 4.1**.

Site ACM35 consists of a low density artefact scatter on a heavily disturbed creek embankment. The two artefacts within this site are located in a secondary depositional context which demonstrates low integrity with limited archaeological research potential. The rarity and representative values of the site have also been assessed as low given that both site and artefact types are common throughout the region. Additionally, the LWB1-B3 Modification Area is situated in a working pastoral property which reduces the education potential of the site to low. From a purely archaeological perspective, site ACM35 has been assessed as being of low archaeological significance.

Table 4.1 Assessment of Archaeological Significance

Site	Rarity Value	Representative Value	Research Potential	Educational Potential	Integrity	Overall Archaeological Significance
ACM35	Low	Low	Low	Low	Low	Low

Table 4.2 Criteria for Assessment of Archaeological Significance

Criterion	Low	Moderate	High
Rarity	The location of the site within the landscape, its type, integrity, contents and/or potential for sub-surface artefacts, are common within the local and regional context.	The location of the site within the landscape, its type, integrity, contents and/or potential for sub-surface artefacts, are common within the regional context but not the local context.	The location of the site within the landscape, its type, integrity, contents and/or potential for sub-surface artefacts, are rare within the local and regional context.
Representativeness	This site, when viewed in relation to its type, contents, integrity and location in the landscape, is common within a local and regional context and sites of similar nature (or in better condition) are already set aside for conservation within the region.	This site, when viewed in relation to its type, contents, integrity and location in the landscape, is uncommon within a local context but common in a regional context and sites of similar nature (or in better condition) are already set aside for conservation within the region.	This site, when viewed in relation to its type, contents, integrity and location in the landscape, is uncommon within a local and regional context and sites of similar nature (or in better condition) are not already set aside for conservation within the locality or region.
Research potential	The site, when viewed in relation to its type, contents, integrity and location in the landscape has limited potential to contribute to a greater understanding of how Aboriginal people lived within this area or region.	The site, when viewed in relation to its type, contents, integrity and location in the landscape has moderate potential to contribute to a greater understanding of how Aboriginal people lived within this area or region.	The site, when viewed in relation to its type, contents, integrity and location in the landscape has high potential to contribute to a greater understanding of how Aboriginal people lived within this area or region.

Criterion	Low	Moderate	High
Education potential	The site is not readily accessible and/or when viewed in relation to its type, contents, integrity and location in the landscape has limited suitability to be used for educational purposes. Other sites with higher education potential are known to be present in the local area and region.	The site is relatively easily accessible and/or when viewed in relation to its type, contents, integrity and location in the landscape provides a tangible example that is suitable to assist in educating people regarding how Aboriginal people lived in this area or region. However, other sites with higher education potential are known or expected to be present in the local area or region.	The site is readily accessible and, when viewed in relation to its type, contents, integrity and location in the landscape, provides a very good tangible example that is suitable to assist in educating people regarding how Aboriginal people lived in this area or region. Other sites of higher education potential are generally not known to exist in the local area or region.
Integrity	Stratigraphic integrity of the site has clearly been destroyed due to major disturbance/loss of topsoil. The level of disturbance is likely to have removed all spatial and chronological information.	The site appears to have been subject to moderate levels of disturbance, however, there is a moderate possibility that useful spatial information can still be obtained from sub-surface investigation of the site, even if it is unlikely that any useful chronological evidence survives.	The site appears relatively undisturbed and there is a high possibility that useful spatial information can still be obtained from sub-surface investigation of the site, even if it is still unlikely that any useful chronological evidence survives. (In cases where both spatial and chronological evidence is likely to survive the site will gain additional significance from high scores for rarity and representativeness).

4.2 Aboriginal Cultural Significance

The majority of the RAPs involved in the fieldwork component of this assessment did not supply any additional cultural information on either the LWB1-B3 Modification Area or the newly identified artefacts at ACM35 at the time of survey. Margaret Matthews (ANTC) indicated that she felt that the area was not likely to have contained a camp site and that it was used more transiently by Aboriginal people moving between Ellalong Lagoon and Wollombi. It is noted that a summary of previous input from RAPs regarding the Aboriginal cultural significance of the region is detailed in Umwelt 2013.

Response from the RAP's on Aboriginal cultural significance was invited throughout the duration of the draft report review process. Responses provided are summarised below and provided in full in **Appendix B**.

Stakeholder groups that provided a response on the draft assessment report indicated they were generally satisfied with the assessment as presented in the report.

As discussed in **Section 2.4**, Mr. Danny Franks (Tocomwall) raised some issues in relation to the statement of Archaeological (Scientific) Significance as presented in Tables 4.1 and 4.2 above. He believes that traditional knowledge holders are the ones who should be determining the significance of all sites, however he felt that he himself did not have sufficient knowledge based on his reading of the report to provide this information (refer to Appendix B Mr Franks provided some feedback to be considered for future developments).

5.0 Impact Assessment

5.1 Subsidence Predictions

The maximum predicted subsidence parameters for LWB1-B3 Modification Area have been determined by MSEC (2015) and are summarised in **Table 5.1**. The potential impacts on site ACM35 have been conservatively assessed against these maximum predicted subsidence parameters. The subsidence predictions for the LWB1-B3 Modification Area outlined in **Table 5.1** are less than those previously approved within the Stage 2 and Stage 3 mining areas.

Table 5.1 The Maximum Predicted Subsidence Parameters for LWB1-B3 Modification Area

Max. Predicted Total Subsidence (mm)	Max. Predicted Total Tilt (mm/m)	Max. Predicted Total Hogging Curvature (km^{-1})	Max. Predicted Total Sagging Curvature (km^{-1})
925	3.5	0.03	0.05

5.2 Potential Impacts

The proposed modification does not involve any additional surface activities and therefore will have no direct impact on archaeological sites as a result of land clearing. The potential impacts of the proposed modification on archaeological sites are therefore limited to indirect impacts associated with subsidence, including surface cracking, subsidence remediation works and hydrological changes.

Potential changes in the ground surface resulting from subsidence have been assessed by MSEC (2015), while subsidence induced changes to local flooding and drainage regimes has been assessed by Umwelt (2015).

5.3 Impact Assessment

Due to the depth of mining within the proposed LWB1-B3 Modification Area (greater than 480 metres), and the small magnitude of predicted ground curvatures and strains, the potential for surface cracking is low (MSEC 2015). This is supported by monitoring evidence within the Stage 2 and 3 mining areas, where there has been no significant or visible surface cracking above previously extracted LWA3 to A8. Based on these findings, subsidence remediation of surface cracking is not expected to be required. In the unlikely event that surface cracking does occur, it is expected to be minor and isolated and unlikely to directly or adversely impact site ACM35.

Flood modelling indicates that the potential for indirect hydrological impacts such as changes in the extent of ponding or increased erosion of the landscape as a result of the proposed modification is also expected to be low.

Based on these findings, the proposed LWB1-B3 Modification is unlikely to impact on the archaeological values of the area and the potential for impact on site ACM35 as a result of the proposed modification is very low. On this basis, an Aboriginal Heritage Impact Permit will not be required prior to the commencement of mining within the LWB1-B3 Modification Area.

6.0 Management Strategies

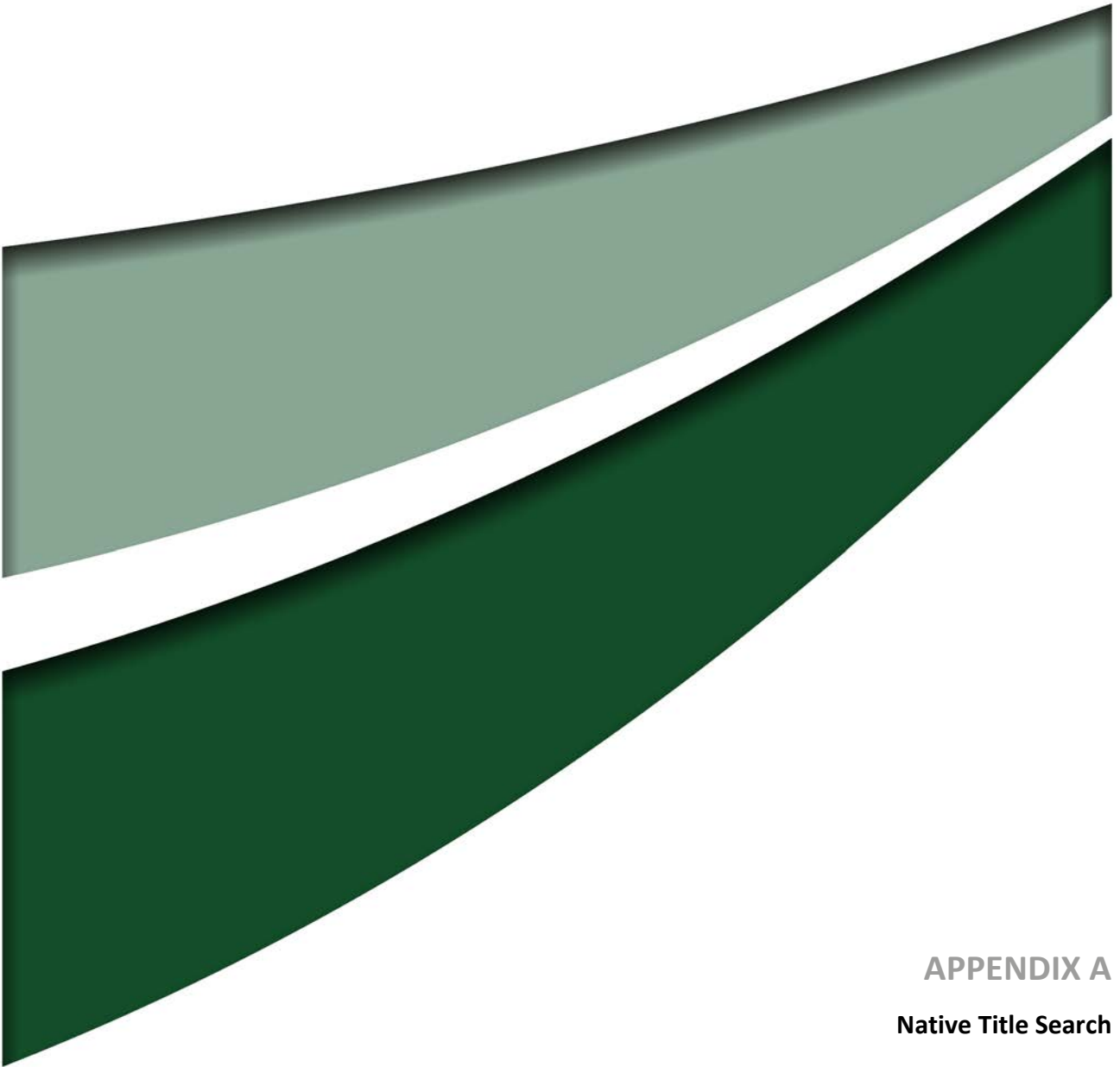
Given the low likelihood of impact to site ACM35, Austar will continue to implement the management strategies that are currently in place at the Austar Coal Mine, including those in the ACHMP. Where relevant, these measures will be extended to the LWB1-B3 Modification Area and site ACM35. Specifically:

- Site ACM35 will be added to the existing archaeological site monitoring program, undertaken in accordance with the ACHMP;
- In the event that previously unidentified Aboriginal objects are located during any ground disturbing works within the LWB1-B3 Modification Area, the protocol for previously unidentified aboriginal objects/features outlined in the ACHMP will be followed; and
- In the unlikely event that subsidence remediation works are required which will impact on site ACM35, an Aboriginal Heritage Impact Permit (AHIP) will be sought to authorise these impacts prior to the commencement of any remediation works in proximity to the recorded site.

7.0 References

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APPENDIX A
Native Title Search



National
Native Title
Tribunal

12 May 2015

Kirwan Williams
Archaeologist
Umwelt Australia
75 York Street
Teralba NSW 2284

Operations East, Sydney Office

Level 16, Law Courts Building,
Queens Square
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 0650/15MO

Your Reference: L4492

Dear Mr Williams

Native Title Search Results for Cessnock Local Government Area

Thank you for your search request of 27 April 2015 in relation to the above area.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

Register Type	NNTT Reference Numbers
Schedule of Applications (unregistered claimant applications)	Nil.
Register of Native Title Claims	NC2013/002, NC2013/003, NC2013/004, NC2013/006
National Native Title Register	Nil.
Register of Indigenous Land Use Agreements	Nil.
Notified Indigenous Land Use Agreements	Nil.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you

need to refer to “Area covered by claim” section of the relevant Register Extract or Application Summary and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representative, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please contact me on 1800 640 501.

Yours sincerely



Melissa O'Malley | RECEPTIONIST/CLIENT SERVICES OFFICER

National Native Title Tribunal | Sydney Office

Level 16, Federal Law Courts Building, Queens Square, Sydney, New South Wales 2000

Telephone (02) 9227 4000 | Facsimile (02) 9227 4030 | Email melissa.o'malley@nntt.gov.au

Freecall 1800 640 501 | www.nntt.gov.au

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Searching the NNTT Registers in New South Wales

Search service

On request the National Native Title Tribunal may search its public registers for you. A search may assist you in finding out whether any native title applications (claims), determinations or agreements exist over a particular area of land or water.

In New South Wales native title cannot exist on privately owned land including family homes or farms.

What information can a search provide?

A search can confirm whether any applications, agreements or determinations are registered in a local government area. Relevant information, including register extracts and application summaries, will be provided.

Most native title applications do not identify each parcel of land claimed. They have an external boundary and then identify the areas not claimed within the boundary by reference to types of land tenure e.g., freehold, agricultural leasehold, public works.

What if the search shows no current applications?

If there is no application covering the local government area this only indicates that at the time of the search either the Federal Court had not received any claims in relation to the local government area or the Tribunal had not yet been notified of any new native title claims.

It does not mean that native title does not exist in the area.

Native title may exist over an area of land or waters whether or not a claim for native title has been made.

Where the information is found

The information you are seeking is held in three registers and on an applications database.

National Native Title Register

The National Native Title Register contains determinations of native title by the High Court, Federal Court and other courts.

Register of Native Title Claims

The Register of Native Title Claims contains applications for native title that have passed a registration test.

Registered claims attract rights, including the right to negotiate about some types of proposed developments.

Register of Indigenous Land Use Agreements

The Register of Indigenous Land Use Agreements contains agreements made with people who hold or assert native title in an area.

The register identifies development activities that have been agreed by the parties.

Schedule of Native Title Applications

The Schedule of Native Title Applications contains a description of the location, content and status of a native title claim.

This information may be different to the information on the Register of Native Title Claims, e.g., because an amendment has not yet been tested.

How do I request a native title search?

Download the Search Request Form from the Tribunal's website at -

<http://www.nntt.gov.au/assistance/Pages/Search-es-and-providing-Register-information.aspx>

Email to: NSWEnquiries@nntt.gov.au

Post to: GPO Box 9973 Sydney NSW 2001

For additional enquiries: 02 9227 4000

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD780/2013
NNTT number: NC2013/002

Application name: Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People (Awabakal and Guringai People)

Registration History: Registered from 13/06/2013

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 13/05/2013

Date claim entered on Register: 13/06/2013

Applicants: Kerrie Brauer, Trevor Powell, Wayne Hawken, Shane Frost, Peter Leven, Wayne Saxby, Tracey-Lee Howie, Trudy Smith, Laurie Bimson

Address for service: Michael Owens
Michael Owens
Lawyer and Consultant
15 Cahill Street
Aitkenvale QLD 4814
Phone: 0418 181 004

Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

Information identifying the boundaries of:

- (a) the area covered by the application; and
- (b) any areas within those boundaries that are not covered by the application.

In relation to (a) above a description of the area of land and waters covered by the application is provided at Attachment "B".

Areas within the boundary identified in Attachment "B" that are not covered by the application are set out below:

1. The area covered by the application excludes any land or waters that is or has been covered by:

- (a) Scheduled interest;
- (b) a freehold estate;
- (c) commercial lease that is neither an agricultural lease nor a pastoral lease;
- (d) an exclusive agricultural lease or an exclusive pastoral lease;
- (e) a residential lease;
- (f) a community purpose lease;
- (g) a lease dissected from a mining lease and referred to in s. 23B(2)(c)(vii) of the Native Title Act 1993 (Cth);
- (h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.

2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commences on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or State of New South Wales.

4. Subject to paragraph 6, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:

- s. 23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- s. 23B(9A) - Establishment of a national park or state park;
- s. 23B(9B) - Acts where legislation provides of non-extinguishment;
- s. 23B(9C) - Exclusion of Crown to Crown grants; and
- s. 23B(10) - Exclusion by regulation

the area covered by the act is not excluded from the application.

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:

- s. 47 - Pastoral leases etc covered by claimant application
- s. 47A - Reserves etc covered by claimant application
- s. 47B - Vacant Crown land covered by claimant application

the area covered by the act is not excluded from the application.

6. The area covered by the application excludes land or waters where the native title rights and interests have been otherwise extinguished.

The Applicant relies on section 2 and elsewhere in the Report of Mr. Nathan Woolford of 10 May 2013 in Annexure "F".

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The claim group are persons:

- 1. who are recognised by other members of the claim group as being descended (which may include by adoption) from a deceased person who they recognise as having been a member of the aboriginal landholding group for the application area depicted in Attachment "C" ("an apical ancestor"); and
- 2. who identifies himself or herself as being a descendant of an apical ancestor.

It is accepted that adoption may take place and where adoption has occurred it confers upon the adoptee the right to identify as a member of the claim group.

The following deceased persons are recognised as having been apical ancestors from whom claim group members

are descended:

The Awabakal People:

- Margaret (known as Queen Margaret/Old Margaret)
- Ned (known as King Ned/King Molly/Black Ned/Old Ned)
- Flathead (Father of King Ned/Black Ned/Old Ned)
- Mahrahkah (Known as Molly/Molly Morgan/Maria Morgan)
- Charlotte Preston (Daughter of Molly/Molly Morgan/Maria Morgan)

The Guringai Peoples:

- Bungaree (Known as King Bungaree)
- Bowen Bungaree
- Matora
- Gooseberry (Known as Cora)
- Charlotte Ashby
- Biddy Salamander

The Applicant relies on section 3 and elsewhere in the Report of Mr. Nathan Woolford dated 10 May 2013 in Attachment "F".

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 13/06/2013

1. Over areas where a claim to exclusive possession can be recognised (such as areas where there has been no prior extinguishment of native title or where s. 238, ss. 47, 47A or 47B apply), the claim group claims the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the claim group.

2. Over areas where a claim to exclusive possession cannot be recognised, the claim group claims the non-exclusive right to:

- (a) live and be present on the application area;
- (b) take, use, share and exchange Traditional Natural Resources for personal, domestic and non-commercial, communal purposes;
- (c) conduct burial rites;
- (e) teach on the area about the physical and spiritual attributes of the area;
- (f) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm;
- (g) light fires for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation.

3. For the purposes of 2. above,

"Live" means to reside and for that purpose erect shelters and temporary structures but does not include a right to construct permanent structures;

"Traditional Natural Resource" means:

"animals" as defined in the National Parks and Wildlife Act 1974 (NSW), but also including fish.

"plants" as defined in the National Parks and Wildlife Act 1974 (NSW)

charcoal, shells and resin; and

clay, soil, sand; ochre; gravel or rock on or below the surface.

"fish" and "fishing".

"Water" means water source as defined by the Water Management Act 2000 (NSW).

REGISTER ATTACHMENTS:

1. Attachment B boundary description, 4 pages - A4, 07/06/2013

2. Attachment C Map, 2 pages - A4, 13/05/2013

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD781/2013
NNTT number: NC2013/003

Application name: Wonnarua Traditional Custodians v Attorney-General of New South Wales (Wonnarua Traditional Custodians)

Registration History: Registered from 13/06/2013

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 13/05/2013

Date claim entered on Register: 13/06/2013

Applicants: Desmond Hickey, Luke Hickey, Gordon Griffiths, Margaret Ann Mathews, Kevin Taggart, George Edward Sampson, Warren Frank Schillings, Alan Stuart Paget, Tommy Miller, Vicki Slater

Address for service: Redmond + Redmond
Level 2, 40 Florence Street, Teneriffe
PO Box 2724
FORTITUDE VALLEY BC QLD 4006
Phone: 07 3620 2000

Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

Information identifying the boundaries of:

- a) the area covered by the application; and
- b) any areas within those boundaries that are not covered by the application.

In relation to (a) above a description of the area of land and waters covered by the application is provided at ATTACHMENT "B".

Areas within the boundary identified in ATTACHMENT "B" that are not covered by the application are set out below:

- 1. The area covered by the application excludes any land or waters that is or has been covered by:

- (a) Scheduled Interest;
 - (b) a freehold estate;
 - (c) commercial lease that is neither an agricultural lease nor a pastoral lease;
 - (d) an exclusive agricultural lease or an exclusive pastoral lease;
 - (e) residential lease;
 - (f) a community purpose lease;
 - (g) a lease dissected from a mining lease and referred to in s.23B(2)(c)(vii) of the Native Title Act 1993 (Cth);
 - (h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.
2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commences on or before 23 December 1996.
3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or State of New South Wales.
4. Subject to paragraph 6, where the act specified in paragraphs 1,2 and 3 falls within the provisions of:
- s.23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
 - s.23B(9A) - Establishment of a national park or state park;
 - s.23B(9B) - Acts where legislation provides of non-extinguishment;
 - s.23B(9C) - Exclusion of Crown to Crown grants; and
 - s.23B(10) - Exclusion by regulation
5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:
- s47 - Pastoral leases etc covered by claimant application
 - s47A - Reserves etc covered by claimant application
 - s47B - Vacant Crown land covered by claimant application
6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The claim group are persons:

1. who are recognised by other members of the claim group as being descended (which may include by adoption) from a deceased person who they recognise as having been a member of the aboriginal landholding group for the application area depicted in ATTACHMENT "C" ("an apical ancestor"); and
2. who identifies himself or herself as being a descendant of an apical ancestor.

It is accepted that adoption may take place and where adoption has occurred it confers upon the adoptee the right to identify as a member of the claim group.

The following deceased persons are recognised as having been apical ancestors from whom claim group members are descended:

- Susan Bishop (also known as Susan Bishop Young, Susan Dangar, Susan Dwyer)
- George William Cain
- Matilda Hughes

- Sarah Madoo, and her immediate ancestral kin, Mary and Emily Shoe
- Henry 'Harry'/Tommy' Taggart and his mother Emily
- Emily Shoe
- Mary Ann(e) Webster

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 13/06/2013

2. Over areas where a claim to exclusive possession cannot be recognised, the claim group claims the non-exclusive right to:

- (a) live and be present on the application area
- (b) take, use, share and exchange Traditional Natural Resources for personal, domestic and non-commercial, communal purposes;
- (c) conduct burial rites;
- (d) conduct ceremonies;
- (e) teach on the area about the physical and spiritual attributes of the area;
- (f) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm;
- (g) light fires for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
- (h) be accompanied into the claim area by non claim group members being people required:
 - (1) by traditional law and custom for the performance of ceremonies or cultural activities; and
 - (2) to assist in observing and recording traditional activities on the claim area; and
- (i) In relation to Water, take and use:
 - (1) Traditional Natural Resources from the Water for personal, domestic and non-commercial communal purposes; and
 - (2) for personal, domestic and non-commercial communal purposes

3. For the purposes of 2. Above;

"Live" means to reside and for that purpose erect shelters and temporary structures but does not include a right to construct permanent structures;

"Traditional Natural Resource" means:

- (1) "animals" as defined in the National parks and Wildlife Act 1974 (NSW)
- (2) "plants" as defined in the National Parks and Wildlife Act 1974 (NSW)
- (3) "charcoal, shells and resin; and
- (4) "clay, soil, sand; ochre; gravel or rock on or below the surface;

"Water" means water source as defined by the Water Management Act 2000 (NSW);

4. The native title rights and interests are subject to:

- (a) The valid laws of the State of New South Wales and the Commonwealth of Australia; and

(b) The rights conferred under those laws

REGISTER ATTACHMENTS:

1. Area description. Attachment B of the Application , 1 page - A4, 28/05/2013
2. Map of the Application Area Attachment C of the Application, 2 pages - A4, 28/05/2013

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD788/2013
NNTT number: NC2013/004

Application name: Plains Clans of the Wonnarua People v Attorney-General of New South Wales (Plains Clans of the Wonnarua People)

Registration History: Registered from 13/06/2013

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 13/05/2013

Date claim entered on Register: 13/06/2013

Applicants: Scott McCain Franks, Robert John Lester

Address for service: Chalk & Fitzgerald
Level 9, Currency House
23 Hunter Street
SYDNEY NSW 2000
Phone: 02 9231 4544

Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

Attachment B1 - The area covered by the application

- (1) The application covers the area of Mining Lease Application No 444.
- (2) The external boundaries of the application are outlined in the map appearing at Attachment C and are described more particularly below.
- (3) The external boundaries of the application area are described as follows:

Commencing from the starting point approximately 6 kilometres east of Cessnock, being the point represented by the coordinates 350556.2 Easting 6367384.0 Northing (Point 1), then in a straight line in a north-easterly direction to the point represented by the coordinates 350855.9 Easting 6367727.1 Northing (Point 2), then in a straight line in a south-easterly direction to the point represented by the coordinates 351005.5 Easting 6367513.2 Northing (Point 3), then in a straight line in a southerly direction to the point represented by the coordinates 351176.2 Easting 6366986.3 Northing

(Point 4), then in a straight line in a westerly direction to the point represented by the coordinates 350924.7 Easting 6366984.3 Northing (Point 5), and then in a straight line in a north-westerly direction back to the starting point (Point 1).

Attachment B2 - Any areas with those boundaries that are not covered by the application

(1) The boundaries of the area covered by the application are described in the document annexed as "Attachment B1".

(2) Subject to (4) and (5) below, the area covered by the application excludes any land or waters covered by:

(a) a scheduled interest;

(b) a freehold estate;

(c) a commercial lease that is neither an agricultural lease nor a pastoral lease;

(d) an exclusive agricultural lease or an exclusive pastoral lease;

(e) a residential lease;

(f) a community purposes lease;

(g) a lease dissected from a mining lease as referred to in s 238(2)(vii); or

(h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters which was validly vested or granted on or before 23 December 1996.

(3) Subject to (4) and (5) below, the area covered by the application also excludes any area

(a) covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

(b) in relation to which native title rights and interests have otherwise been wholly extinguished.

(4) Where the act specified in (2) or (3) falls within the provisions of any of sections 23B(9), 23B(9A), 23B(9B), 23B(9C) or 23B(10) of the Native Title Act 1993 (Cth), then the area covered by the act is not excluded from this application.

(5) Notwithstanding (2) and (3), the area covered by the application includes any area to which the non-extinguishment principle as defined in section 238 of the Native Title Act 1993 applies, including any area to which section 47, 47A or 47B of the Native Title Act 1993 (Cth) applies.

Note - the terms in this Attachment B2 have the same meaning as they do in the Native Title Act 1993 (Cth).

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The members of the native title claim group are the biological descendants of

(a) Emily (who was born in approximately 1840, and was the mother of Henry Frederick Taggart who was born in Howes Valley, Broke in 1859 and who died on 5 March 1941 in the District of Singleton); and

(b) Mary Shoe (who was born approximately 1800 in the Singleton district, and who was the mother of Matilda Hughes who was born 1832 at Sydenham near Singleton, who married James Arthur Smith on 28 December 1856 at Fallbrook and who died on 5 October 1913 at Bridgeman, Patricks Plains Shire).

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 13/06/2013

2. Over areas where a claim to exclusive possession cannot be recognised, the native title claim group claims the following rights and interests:

(a) the right to access the application area;

(b) the right to camp on the application area;

- (c) the right to erect shelters on the application area;
- (d) the right to live on the application area;
- (e) the right to move about the application area;
- (f) the right to hold meetings on the application area;
- (g) the right to hunt on the application area;
- (h) the right to fish on the application area;
- (i) the right to use the natural water resources of the application area including the beds and banks of watercourses;
- (j) the right to gather the natural products of the application area (including: food, medicinal plants, timber, stone, ochre and resin) according to traditional laws and customs;
- (k) the right to conduct ceremony on the application area;
- (l) the right to participate in cultural activities on the application area;
- (m) the right to maintain places of importance under traditional laws, customs and practices in the application area;
- (n) the right to protect places of importance under traditional laws, customs and practices in the application area;

3. The native title rights and interests are subject to and exercisable in accordance with:

- (a) the laws of the State of New South Wales and the Commonwealth of Australia;
- (b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State of New South Wales; and
- (c) the traditional laws acknowledged and the traditional customs observed by the native title claim group.

REGISTER ATTACHMENTS:

1. Map of the Application Area Attachment C of the Application , 1 page - A4, 13/05/2013
2. Attachment B1 - "The Area Covered by the Application", 1 page - A4, 13/05/2013
3. Attachment B2 - "Any Areas Within those Boundaries that are not covered by the Application", 1 page - A4, 13/05/2013

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD1680/2013
NNTT number: NC2013/006

Application name: Scott McCain Franks & Anor v State of New South Wales (Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People)

Registration History: Registered from 16/01/2015

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 19/08/2013

Date claim entered on Register: 16/01/2015

Applicants: Scott McCain Franks, Robert John Lester

Address for service: Scott McCain Franks and Robert John Lester

17 River Road
Emu Plains NSW 2750
Phone: 0415 787 844

Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

External boundary description

The application area covers all the land and waters within the external boundary described as:

Commencing at a point on the southern bank of the Pages River, also being a north western corner of Lot 11 on DP626664, and extending generally north easterly and generally south easterly and generally southerly along that bank to the northern boundary of Miranee Road; then generally southerly along that boundary to the northern boundary of Hunter Road; then generally easterly along that boundary to the southern bank of Stewarts Brook; then generally easterly along that bank to its headwaters at Longitude 151.403010° East, Latitude 32.037800° South and onwards to the eastern boundary of the Hunter River catchment at Latitude 32.038192° South; then generally southerly along that catchment boundary to Longitude 151.407614° East; then south easterly to the headwaters of the

Patterson River at Longitude 151.409652° East, Latitude 32.047240° South; then generally southerly along the centreline of the Patterson River (passing through Lostock Dam) and onwards to the southern bank of the Hunter River, being the easternmost corner of Lot 1 on DP520557; then generally westerly along that bank to the eastern bank of Wallis Creek; then generally southerly along that bank to the south eastern boundary of an unnamed road reserve being a prolongation of Louth Park Road; then generally south westerly and generally south easterly along the boundaries of those roads to the north western boundary of Buchanan Road; then generally south westerly, generally westerly, again generally south westerly and generally southerly along that boundary, an unnamed road, George Booth Drive, Richmond Vale Road, Maitland Road and Leggetts Drive (Freemans Drive) to the northeast corner of Lot 21 on DP811883; then generally westerly along the northern boundary of that lot, Lot 7002 on DP93611, Gills Lane and unnamed road to the south western corner of Lot 820 on DP1165469; then southerly, westerly and generally southerly along the western boundaries of Lot 99 on DP755244, Lot 109 on DP755244, Heaton State Forest and Lot 53 on DP755244 to Wallis Creek at latitude 36.0000 South; then generally southerly and generally south westerly along the centreline of that creek to Longitude 151.427251° East; then southerly to the southwest corner of Lot 115 on DP755244 to intersect the southern boundary of the Hunter River catchment; then generally south westerly along that southern boundary to Longitude 151.348681° East; then northwest to the headwaters of Watagan Creek at Longitude 151.348593° East, Latitude 33.043104° South; then generally westerly along the centreline of Watagan Creek to Wollombi Brook; then generally south easterly along the centreline of that brook to Fernances Creek; then generally south westerly along the centreline of that creek to its headwaters at Longitude 151.098910° East, Latitude 33.074560° South; then southerly to a point on the southern boundary of Hunter River catchment at Longitude 151.097259° East; then generally westerly and generally northerly along that catchment boundary to Latitude 33.076127° South; then generally westerly and generally northerly to a point again on the southern boundary of Hunter River catchment Latitude 32.922318° South, passing through the following coordinated points.

Longitude ° East

Latitude ° South

151.038001
 33.075602
 150.979054
 33.034372
 150.967330
 33.207700
 150.943839
 33.022973
 150.915353
 33.018197
 150.886867
 33.016832
 150.852475
 33.014331
 150.834462
 32.999405
 150.834462
 32.962365
 150.841271
 32.936566

Then generally northerly and generally westerly along the southern boundary of that catchment area to Longitude 150.582247° East, Latitude 32.746250° South; then south westerly to the headwaters of an unnamed creek at

Longitude 150.575770° East, Latitude 32.748320° South; then generally northerly along the centreline of that unnamed creek to Martindale Creek; then generally westerly along the centreline of that creek and an unnamed creek to Longitude 150.523690° East; then northerly to the headwaters of Baerami Creek at Longitude 150.523500° East, Latitude 32.676180° South; then generally northerly along the centreline of that creek to the Goulburn River; then generally north easterly along the centreline of that river to the Worondi Rivulet; then generally northerly along the centreline of that rivulet to Latitude 32.302770° South; then generally northerly and generally north easterly back to the commencement point, passing through the following coordinate points.

Longitude ° East

Latitude ° South

150.502904

32.275093

150.549670

32.182977

150.574377

32.161718

150.598202

32.135240

150.652910

32.125544

150.668794

32.065873

150.680265

32.409837

150.722178

32.032116

150.737178

31.985805

150.818359

31.933518

150.863959

31.908708

150.884154

31.886843

150.895066

31.860965

150.900115

31.860826

150.903372

31.860411

150.925196

31.840622

Exclusions:

This application excludes land and waters subject to the following Native Title Determination Applications:

- NSD1093/12 - Plains Clans of the Wonnarua People #2 (NC2012/004) as accepted for registration 14/09/2012.
- NSD1169/12 - Wonnarua Traditional Custodians (NC2012/005) as accepted for registration 14/09/2012.
- NSD788/13 – Wonnarua Traditional Custodians (NC2013/003) as accepted for registration 13/05/2013.
- NSD781/13 - Plains Clans of the Wonnarua People (NC2013/004) as accepted for registration 13/05/2013.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The members of the native title claim group are the biological descendants of

(a) Emily (who was born in approximately 1840, and was the mother of Henry Frederick Taggart who was born in Howes Valley, Broke in 1859 and who died on 5 March 1941 in the district of Singleton); and

(b) Mary Shoe (who was born approximately 1800 in the Singleton district, and who was the mother of Matilda Hughes who was born 1832 at Sydenham near Singleton, who married James Arthur Smith on 28 December 1856 at Fallbrook and who died on 5 October 1913 at Bridgeman, Patricks Plains Shire).

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 16/01/2015

1. Over areas where a claim to exclusive possession can be recognised (such as where there has been no prior extinguishment of native title, or where ss.47, 47A or 47B apply), the native title claim group claims the right to possess occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the claim group.

2. Over areas where a claim to exclusive possession cannot be recognised, the native title claim group claims the following rights and interests:

- (a) the right to access the application area;
- (b) the right to camp on the application area;
- (c) the right to erect shelters on the application area;
- (d) the right to live on the application area;
- (e) the right to move about the application area;
- (f) the right to hold meetings on the application area;
- (g) the right to hunt on the application area;
- (h) the right to fish on the application area;
- (i) the right to use the natural water resources of the application area including the beds and banks of the watercourses;
- (j) the right to gather the natural products of the application area (including: food, medicinal plants, timber, stone, ochre and resin) according to traditional laws and customs;
- (k) the right to conduct ceremony on the application area;
- (l) the right to participate in cultural activities on the application area;
- (m) the right to maintain places of importance under traditional laws, customs and practices in the application

area;

(n) the right to protect places of importance under traditional laws, customs and practices in the application area;

(o) the right to conduct burials on the application area;

(q) the right to cultivate and harvest native flora according to traditional laws and customs; and

3. The native title rights and interests are subject to and exercisable in accordance with:

(a) the laws of the State of New South Wales and the Commonwealth of Australia;

(b) the rights (past or present) conferred upon persons pursuant to the laws of the commonwealth and the laws of the state of New South Wales; and

(c) the traditional laws acknowledged and the traditional customs observed by the native title claim group.

REGISTER ATTACHMENTS:

1. RNTC Attachment B1 External boundary description, 4 pages - A4, 08/12/2014

2. RNTC Attachment B2 Areas not covered by the application, 1 page - A4, 25/06/2014

3. RNTC Attachment C Map, 1 page - A4, 25/06/2014

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD780/2013
NNTT number: NC2013/002

Application name: Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People (Awabakal and Guringai People)

Registration History: Registered from 13/06/2013

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 13/05/2013

Date claim entered on Register: 13/06/2013

Applicants: Kerrie Brauer, Trevor Powell, Wayne Hawken, Shane Frost, Peter Leven, Wayne Saxby, Tracey-Lee Howie, Trudy Smith, Laurie Bimson

Address for service: Michael Owens
Michael Owens
Lawyer and Consultant
15 Cahill Street
Aitkenvale QLD 4814
Phone: 0418 181 004

Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

Information identifying the boundaries of:

- (a) the area covered by the application; and
- (b) any areas within those boundaries that are not covered by the application.

In relation to (a) above a description of the area of land and waters covered by the application is provided at Attachment "B".

Areas within the boundary identified in Attachment "B" that are not covered by the application are set out below:

1. The area covered by the application excludes any land or waters that is or has been covered by:

- (a) Scheduled interest;
- (b) a freehold estate;
- (c) commercial lease that is neither an agricultural lease nor a pastoral lease;
- (d) an exclusive agricultural lease or an exclusive pastoral lease;
- (e) a residential lease;
- (f) a community purpose lease;
- (g) a lease dissected from a mining lease and referred to in s. 23B(2)(c)(vii) of the Native Title Act 1993 (Cth);
- (h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.

2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commences on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or State of New South Wales.

4. Subject to paragraph 6, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:

- s. 23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- s. 23B(9A) - Establishment of a national park or state park;
- s. 23B(9B) - Acts where legislation provides of non-extinguishment;
- s. 23B(9C) - Exclusion of Crown to Crown grants; and
- s. 23B(10) - Exclusion by regulation

the area covered by the act is not excluded from the application.

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:

- s. 47 - Pastoral leases etc covered by claimant application
- s. 47A - Reserves etc covered by claimant application
- s. 47B - Vacant Crown land covered by claimant application

the area covered by the act is not excluded from the application.

6. The area covered by the application excludes land or waters where the native title rights and interests have been otherwise extinguished.

The Applicant relies on section 2 and elsewhere in the Report of Mr. Nathan Woolford of 10 May 2013 in Annexure "F".

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The claim group are persons:

- 1. who are recognised by other members of the claim group as being descended (which may include by adoption) from a deceased person who they recognise as having been a member of the aboriginal landholding group for the application area depicted in Attachment "C" ("an apical ancestor"); and
- 2. who identifies himself or herself as being a descendant of an apical ancestor.

It is accepted that adoption may take place and where adoption has occurred it confers upon the adoptee the right to identify as a member of the claim group.

The following deceased persons are recognised as having been apical ancestors from whom claim group members

are descended:

The Awabakal People:

- Margaret (known as Queen Margaret/Old Margaret)
- Ned (known as King Ned/King Molly/Black Ned/Old Ned)
- Flathead (Father of King Ned/Black Ned/Old Ned)
- Mahrahkah (Known as Molly/Molly Morgan/Maria Morgan)
- Charlotte Preston (Daughter of Molly/Molly Morgan/Maria Morgan)

The Guringai Peoples:

- Bungaree (Known as King Bungaree)
- Bowen Bungaree
- Matora
- Gooseberry (Known as Cora)
- Charlotte Ashby
- Biddy Salamander

The Applicant relies on section 3 and elsewhere in the Report of Mr. Nathan Woolford dated 10 May 2013 in Attachment "F".

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 13/06/2013

1. Over areas where a claim to exclusive possession can be recognised (such as areas where there has been no prior extinguishment of native title or where s. 238, ss. 47, 47A or 47B apply), the claim group claims the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the claim group.

2. Over areas where a claim to exclusive possession cannot be recognised, the claim group claims the non-exclusive right to:

- (a) live and be present on the application area;
- (b) take, use, share and exchange Traditional Natural Resources for personal, domestic and non-commercial, communal purposes;
- (c) conduct burial rites;
- (e) teach on the area about the physical and spiritual attributes of the area;
- (f) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm;
- (g) light fires for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation.

3. For the purposes of 2. above,

"Live" means to reside and for that purpose erect shelters and temporary structures but does not include a right to construct permanent structures;

"Traditional Natural Resource" means:

"animals" as defined in the National Parks and Wildlife Act 1974 (NSW), but also including fish.

"plants" as defined in the National Parks and Wildlife Act 1974 (NSW)

charcoal, shells and resin; and

clay, soil, sand; ochre; gravel or rock on or below the surface.

"fish" and "fishing".

"Water" means water source as defined by the Water Management Act 2000 (NSW).

REGISTER ATTACHMENTS:

1. Attachment B boundary description, 4 pages - A4, 07/06/2013

2. Attachment C Map, 2 pages - A4, 13/05/2013

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD781/2013
NNTT number: NC2013/003

Application name: Wonnarua Traditional Custodians v Attorney-General of New South Wales (Wonnarua Traditional Custodians)

Registration History: Registered from 13/06/2013

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 13/05/2013

Date claim entered on Register: 13/06/2013

Applicants: Desmond Hickey, Luke Hickey, Gordon Griffiths, Margaret Ann Mathews, Kevin Taggart, George Edward Sampson, Warren Frank Schillings, Alan Stuart Paget, Tommy Miller, Vicki Slater

Address for service: Redmond + Redmond
Level 2, 40 Florence Street, Teneriffe
PO Box 2724
FORTITUDE VALLEY BC QLD 4006
Phone: 07 3620 2000

Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

Information identifying the boundaries of:

- a) the area covered by the application; and
- b) any areas within those boundaries that are not covered by the application.

In relation to (a) above a description of the area of land and waters covered by the application is provided at ATTACHMENT "B".

Areas within the boundary identified in ATTACHMENT "B" that are not covered by the application are set out below:

1. The area covered by the application excludes any land or waters that is or has been covered by:

- (a) Scheduled Interest;
 - (b) a freehold estate;
 - (c) commercial lease that is neither an agricultural lease nor a pastoral lease;
 - (d) an exclusive agricultural lease or an exclusive pastoral lease;
 - (e) residential lease;
 - (f) a community purpose lease;
 - (g) a lease dissected from a mining lease and referred to in s.23B(2)(c)(vii) of the Native Title Act 1993 (Cth);
 - (h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters.
2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commences on or before 23 December 1996.
3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or State of New South Wales.
4. Subject to paragraph 6, where the act specified in paragraphs 1,2 and 3 falls within the provisions of:
- s.23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
 - s.23B(9A) - Establishment of a national park or state park;
 - s.23B(9B) - Acts where legislation provides of non-extinguishment;
 - s.23B(9C) - Exclusion of Crown to Crown grants; and
 - s.23B(10) - Exclusion by regulation
5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:
- s47 - Pastoral leases etc covered by claimant application
 - s47A - Reserves etc covered by claimant application
 - s47B - Vacant Crown land covered by claimant application
6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The claim group are persons:

1. who are recognised by other members of the claim group as being descended (which may include by adoption) from a deceased person who they recognise as having been a member of the aboriginal landholding group for the application area depicted in ATTACHMENT "C" ("an apical ancestor"); and
2. who identifies himself or herself as being a descendant of an apical ancestor.

It is accepted that adoption may take place and where adoption has occurred it confers upon the adoptee the right to identify as a member of the claim group.

The following deceased persons are recognised as having been apical ancestors from whom claim group members are descended:

- Susan Bishop (also known as Susan Bishop Young, Susan Dangar, Susan Dwyer)
- George William Cain
- Matilda Hughes

- Sarah Madoo, and her immediate ancestral kin, Mary and Emily Shoe
- Henry 'Harry'/Tommy' Taggart and his mother Emily
- Emily Shoe
- Mary Ann(e) Webster

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 13/06/2013

2. Over areas where a claim to exclusive possession cannot be recognised, the claim group claims the non-exclusive right to:

- (a) live and be present on the application area
- (b) take, use, share and exchange Traditional Natural Resources for personal, domestic and non-commercial, communal purposes;
- (c) conduct burial rites;
- (d) conduct ceremonies;
- (e) teach on the area about the physical and spiritual attributes of the area;
- (f) maintain places of importance and areas of significance to the native title holders under their traditional laws and customs and protect those places and areas from physical harm;
- (g) light fires for domestic purposes including cooking but not for the purposes of hunting or clearing vegetation;
- (h) be accompanied into the claim area by non claim group members being people required:
 - (1) by traditional law and custom for the performance of ceremonies or cultural activities; and
 - (2) to assist in observing and recording traditional activities on the claim area; and
- (i) In relation to Water, take and use:
 - (1) Traditional Natural Resources from the Water for personal, domestic and non-commercial communal purposes; and
 - (2) for personal, domestic and non-commercial communal purposes

3. For the purposes of 2. Above;

"Live" means to reside and for that purpose erect shelters and temporary structures but does not include a right to construct permanent structures;

"Traditional Natural Resource" means:

- (1) "animals" as defined in the National parks and Wildlife Act 1974 (NSW)
- (2) "plants" as defined in the National Parks and Wildlife Act 1974 (NSW)
- (3) "charcoal, shells and resin; and
- (4) "clay, soil, sand; ochre; gravel or rock on or below the surface;

"Water" means water source as defined by the Water Management Act 2000 (NSW);

4. The native title rights and interests are subject to:

- (a) The valid laws of the State of New South Wales and the Commonwealth of Australia; and

(b) The rights conferred under those laws

REGISTER ATTACHMENTS:

1. Area description. Attachment B of the Application , 1 page - A4, 28/05/2013
2. Map of the Application Area Attachment C of the Application, 2 pages - A4, 28/05/2013

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD788/2013
NNTT number: NC2013/004

Application name: Plains Clans of the Wonnarua People v Attorney-General of New South Wales (Plains Clans of the Wonnarua People)

Registration History: Registered from 13/06/2013

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 13/05/2013

Date claim entered on Register: 13/06/2013

Applicants: Scott McCain Franks, Robert John Lester

Address for service: Chalk & Fitzgerald
Level 9, Currency House
23 Hunter Street
SYDNEY NSW 2000
Phone: 02 9231 4544

Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

Attachment B1 - The area covered by the application

- (1) The application covers the area of Mining Lease Application No 444.
- (2) The external boundaries of the application are outlined in the map appearing at Attachment C and are described more particularly below.
- (3) The external boundaries of the application area are described as follows:

Commencing from the starting point approximately 6 kilometres east of Cessnock, being the point represented by the coordinates 350556.2 Easting 6367384.0 Northing (Point 1), then in a straight line in a north-easterly direction to the point represented by the coordinates 350855.9 Easting 6367727.1 Northing (Point 2), then in a straight line in a south-easterly direction to the point represented by the coordinates 351005.5 Easting 6367513.2 Northing (Point 3), then in a straight line in a southerly direction to the point represented by the coordinates 351176.2 Easting 6366986.3 Northing

(Point 4), then in a straight line in a westerly direction to the point represented by the coordinates 350924.7 Easting 6366984.3 Northing (Point 5), and then in a straight line in a north-westerly direction back to the starting point (Point 1).

Attachment B2 - Any areas with those boundaries that are not covered by the application

(1) The boundaries of the area covered by the application are described in the document annexed as "Attachment B1".

(2) Subject to (4) and (5) below, the area covered by the application excludes any land or waters covered by:

(a) a scheduled interest;

(b) a freehold estate;

(c) a commercial lease that is neither an agricultural lease nor a pastoral lease;

(d) an exclusive agricultural lease or an exclusive pastoral lease;

(e) a residential lease;

(f) a community purposes lease;

(g) a lease dissected from a mining lease as referred to in s 238(2)(vii); or

(h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waters which was validly vested or granted on or before 23 December 1996.

(3) Subject to (4) and (5) below, the area covered by the application also excludes any area

(a) covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

(b) in relation to which native title rights and interests have otherwise been wholly extinguished.

(4) Where the act specified in (2) or (3) falls within the provisions of any of sections 23B(9), 23B(9A), 23B(9B), 23B(9C) or 23B(10) of the Native Title Act 1993 (Cth), then the area covered by the act is not excluded from this application.

(5) Notwithstanding (2) and (3), the area covered by the application includes any area to which the non-extinguishment principle as defined in section 238 of the Native Title Act 1993 applies, including any area to which section 47, 47A or 47B of the Native Title Act 1993 (Cth) applies.

Note - the terms in this Attachment B2 have the same meaning as they do in the Native Title Act 1993 (Cth).

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The members of the native title claim group are the biological descendants of

(a) Emily (who was born in approximately 1840, and was the mother of Henry Frederick Taggart who was born in Howes Valley, Broke in 1859 and who died on 5 March 1941 in the District of Singleton); and

(b) Mary Shoe (who was born approximately 1800 in the Singleton district, and who was the mother of Matilda Hughes who was born 1832 at Sydenham near Singleton, who married James Arthur Smith on 28 December 1856 at Fallbrook and who died on 5 October 1913 at Bridgeman, Patricks Plains Shire).

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 13/06/2013

2. Over areas where a claim to exclusive possession cannot be recognised, the native title claim group claims the following rights and interests:

(a) the right to access the application area;

(b) the right to camp on the application area;

- (c) the right to erect shelters on the application area;
- (d) the right to live on the application area;
- (e) the right to move about the application area;
- (f) the right to hold meetings on the application area;
- (g) the right to hunt on the application area;
- (h) the right to fish on the application area;
- (i) the right to use the natural water resources of the application area including the beds and banks of watercourses;
- (j) the right to gather the natural products of the application area (including: food, medicinal plants, timber, stone, ochre and resin) according to traditional laws and customs;
- (k) the right to conduct ceremony on the application area;
- (l) the right to participate in cultural activities on the application area;
- (m) the right to maintain places of importance under traditional laws, customs and practices in the application area;
- (n) the right to protect places of importance under traditional laws, customs and practices in the application area;

3. The native title rights and interests are subject to and exercisable in accordance with:

- (a) the laws of the State of New South Wales and the Commonwealth of Australia;
- (b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State of New South Wales; and
- (c) the traditional laws acknowledged and the traditional customs observed by the native title claim group.

REGISTER ATTACHMENTS:

1. Map of the Application Area Attachment C of the Application , 1 page - A4, 13/05/2013
2. Attachment B1 - "The Area Covered by the Application", 1 page - A4, 13/05/2013
3. Attachment B2 - "Any Areas Within those Boundaries that are not covered by the Application", 1 page - A4, 13/05/2013

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.

Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD1680/2013
NNTT number: NC2013/006

Application name: Scott McCain Franks & Anor v State of New South Wales (Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People)

Registration History: Registered from 16/01/2015

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 19/08/2013

Date claim entered on Register: 16/01/2015

Applicants: Scott McCain Franks, Robert John Lester

Address for service: Scott McCain Franks and Robert John Lester

17 River Road
Emu Plains NSW 2750
Phone: 0415 787 844

Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

External boundary description

The application area covers all the land and waters within the external boundary described as:

Commencing at a point on the southern bank of the Pages River, also being a north western corner of Lot 11 on DP626664, and extending generally north easterly and generally south easterly and generally southerly along that bank to the northern boundary of Miranee Road; then generally southerly along that boundary to the northern boundary of Hunter Road; then generally easterly along that boundary to the southern bank of Stewarts Brook; then generally easterly along that bank to its headwaters at Longitude 151.403010° East, Latitude 32.037800° South and onwards to the eastern boundary of the Hunter River catchment at Latitude 32.038192° South; then generally southerly along that catchment boundary to Longitude 151.407614° East; then south easterly to the headwaters of the

Patterson River at Longitude 151.409652° East, Latitude 32.047240° South; then generally southerly along the centreline of the Patterson River (passing through Lstock Dam) and onwards to the southern bank of the Hunter River, being the easternmost corner of Lot 1 on DP520557; then generally westerly along that bank to the eastern bank of Wallis Creek; then generally southerly along that bank to the south eastern boundary of an unnamed road reserve being a prolongation of Louth Park Road; then generally south westerly and generally south easterly along the boundaries of those roads to the north western boundary of Buchanan Road; then generally south westerly, generally westerly, again generally south westerly and generally southerly along that boundary, an unnamed road, George Booth Drive, Richmond Vale Road, Maitland Road and Leggetts Drive (Freemans Drive) to the northeast corner of Lot 21 on DP811883; then generally westerly along the northern boundary of that lot, Lot 7002 on DP93611, Gills Lane and unnamed road to the south western corner of Lot 820 on DP1165469; then southerly, westerly and generally southerly along the western boundaries of Lot 99 on DP755244, Lot 109 on DP755244, Heaton State Forest and Lot 53 on DP755244 to Wallis Creek at latitude 36.0000 South; then generally southerly and generally south westerly along the centreline of that creek to Longitude 151.427251° East; then southerly to the southwest corner of Lot 115 on DP755244 to intersect the southern boundary of the Hunter River catchment; then generally south westerly along that southern boundary to Longitude 151.348681° East; then northwest to the headwaters of Watagan Creek at Longitude 151.348593° East, Latitude 33.043104° South; then generally westerly along the centreline of Watagan Creek to Wollombi Brook; then generally south easterly along the centreline of that brook to Fernances Creek; then generally south westerly along the centreline of that creek to its headwaters at Longitude 151.098910° East, Latitude 33.074560° South; then southerly to a point on the southern boundary of Hunter River catchment at Longitude 151.097259° East; then generally westerly and generally northerly along that catchment boundary to Latitude 33.076127° South; then generally westerly and generally northerly to a point again on the southern boundary of Hunter River catchment Latitude 32.922318° South, passing through the following coordinated points.

Longitude ° East

Latitude ° South

151.038001
 33.075602
 150.979054
 33.034372
 150.967330
 33.207700
 150.943839
 33.022973
 150.915353
 33.018197
 150.886867
 33.016832
 150.852475
 33.014331
 150.834462
 32.999405
 150.834462
 32.962365
 150.841271
 32.936566

Then generally northerly and generally westerly along the southern boundary of that catchment area to Longitude 150.582247° East, Latitude 32.746250° South; then south westerly to the headwaters of an unnamed creek at

Longitude 150.575770° East, Latitude 32.748320° South; then generally northerly along the centreline of that unnamed creek to Martindale Creek; then generally westerly along the centreline of that creek and an unnamed creek to Longitude 150.523690° East; then northerly to the headwaters of Baerami Creek at Longitude 150.523500° East, Latitude 32.676180° South; then generally northerly along the centreline of that creek to the Goulburn River; then generally north easterly along the centreline of that river to the Worondi Rivulet; then generally northerly along the centreline of that rivulet to Latitude 32.302770° South; then generally northerly and generally north easterly back to the commencement point, passing through the following coordinate points.

Longitude ° East

Latitude ° South

150.502904

32.275093

150.549670

32.182977

150.574377

32.161718

150.598202

32.135240

150.652910

32.125544

150.668794

32.065873

150.680265

32.409837

150.722178

32.032116

150.737178

31.985805

150.818359

31.933518

150.863959

31.908708

150.884154

31.886843

150.895066

31.860965

150.900115

31.860826

150.903372

31.860411

150.925196

31.840622

Exclusions:

This application excludes land and waters subject to the following Native Title Determination Applications:

- NSD1093/12 - Plains Clans of the Wonnarua People #2 (NC2012/004) as accepted for registration 14/09/2012.
- NSD1169/12 - Wonnarua Traditional Custodians (NC2012/005) as accepted for registration 14/09/2012.
- NSD788/13 – Wonnarua Traditional Custodians (NC2013/003) as accepted for registration 13/05/2013.
- NSD781/13 - Plains Clans of the Wonnarua People (NC2013/004) as accepted for registration 13/05/2013.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The members of the native title claim group are the biological descendants of

(a) Emily (who was born in approximately 1840, and was the mother of Henry Frederick Taggart who was born in Howes Valley, Broke in 1859 and who died on 5 March 1941 in the district of Singleton); and

(b) Mary Shoe (who was born approximately 1800 in the Singleton district, and who was the mother of Matilda Hughes who was born 1832 at Sydenham near Singleton, who married James Arthur Smith on 28 December 1856 at Fallbrook and who died on 5 October 1913 at Bridgeman, Patricks Plains Shire).

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 16/01/2015

1. Over areas where a claim to exclusive possession can be recognised (such as where there has been no prior extinguishment of native title, or where ss.47, 47A or 47B apply), the native title claim group claims the right to possess occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to the traditional laws and customs of the claim group.

2. Over areas where a claim to exclusive possession cannot be recognised, the native title claim group claims the following rights and interests:

- (a) the right to access the application area;
- (b) the right to camp on the application area;
- (c) the right to erect shelters on the application area;
- (d) the right to live on the application area;
- (e) the right to move about the application area;
- (f) the right to hold meetings on the application area;
- (g) the right to hunt on the application area;
- (h) the right to fish on the application area;
- (i) the right to use the natural water resources of the application area including the beds and banks of the watercourses;
- (j) the right to gather the natural products of the application area (including: food, medicinal plants, timber, stone, ochre and resin) according to traditional laws and customs;
- (k) the right to conduct ceremony on the application area;
- (l) the right to participate in cultural activities on the application area;
- (m) the right to maintain places of importance under traditional laws, customs and practices in the application

area;

(n) the right to protect places of importance under traditional laws, customs and practices in the application area;

(o) the right to conduct burials on the application area;

(q) the right to cultivate and harvest native flora according to traditional laws and customs; and

3. The native title rights and interests are subject to and exercisable in accordance with:

(a) the laws of the State of New South Wales and the Commonwealth of Australia;

(b) the rights (past or present) conferred upon persons pursuant to the laws of the commonwealth and the laws of the state of New South Wales; and

(c) the traditional laws acknowledged and the traditional customs observed by the native title claim group.

REGISTER ATTACHMENTS:

1. RNTC Attachment B1 External boundary description, 4 pages - A4, 08/12/2014

2. RNTC Attachment B2 Areas not covered by the application, 1 page - A4, 25/06/2014

3. RNTC Attachment C Map, 1 page - A4, 25/06/2014

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.



National
Native Title
Tribunal

12 May 2015

Kirwan Williams
Archaeologist
Umwelt Australia
75 York Street
Teralba NSW 2284

Operations East, Sydney Office

Level 16, Law Courts Building,
Queens Square
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 0650/15MO

Your Reference: L4492

Dear Mr Williams

Native Title Search Results for Cessnock Local Government Area

Thank you for your search request of 27 April 2015 in relation to the above area.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

Register Type	NNTT Reference Numbers
Schedule of Applications (unregistered claimant applications)	Nil.
Register of Native Title Claims	NC2013/002, NC2013/003, NC2013/004, NC2013/006
National Native Title Register	Nil.
Register of Indigenous Land Use Agreements	Nil.
Notified Indigenous Land Use Agreements	Nil.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you

need to refer to “Area covered by claim” section of the relevant Register Extract or Application Summary and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representative, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please contact me on 1800 640 501.

Yours sincerely



Melissa O'Malley | RECEPTIONIST/CLIENT SERVICES OFFICER

National Native Title Tribunal | Sydney Office

Level 16, Federal Law Courts Building, Queens Square, Sydney, New South Wales 2000

Telephone (02) 9227 4000 | Facsimile (02) 9227 4030 | Email melissa.o'malley@nntt.gov.au

Freecall 1800 640 501 | www.nntt.gov.au

Shared country, shared future.



Searching the NNTT Registers in New South Wales

Search service

On request the National Native Title Tribunal may search its public registers for you. A search may assist you in finding out whether any native title applications (claims), determinations or agreements exist over a particular area of land or water.

In New South Wales native title cannot exist on privately owned land including family homes or farms.

What information can a search provide?

A search can confirm whether any applications, agreements or determinations are registered in a local government area. Relevant information, including register extracts and application summaries, will be provided.

Most native title applications do not identify each parcel of land claimed. They have an external boundary and then identify the areas not claimed within the boundary by reference to types of land tenure e.g., freehold, agricultural leasehold, public works.

What if the search shows no current applications?

If there is no application covering the local government area this only indicates that at the time of the search either the Federal Court had not received any claims in relation to the local government area or the Tribunal had not yet been notified of any new native title claims.

It does not mean that native title does not exist in the area.

Native title may exist over an area of land or waters whether or not a claim for native title has been made.

Where the information is found

The information you are seeking is held in three registers and on an applications database.

National Native Title Register

The National Native Title Register contains determinations of native title by the High Court, Federal Court and other courts.

Register of Native Title Claims

The Register of Native Title Claims contains applications for native title that have passed a registration test.

Registered claims attract rights, including the right to negotiate about some types of proposed developments.

Register of Indigenous Land Use Agreements

The Register of Indigenous Land Use Agreements contains agreements made with people who hold or assert native title in an area.

The register identifies development activities that have been agreed by the parties.

Schedule of Native Title Applications

The Schedule of Native Title Applications contains a description of the location, content and status of a native title claim.

This information may be different to the information on the Register of Native Title Claims, e.g., because an amendment has not yet been tested.

How do I request a native title search?

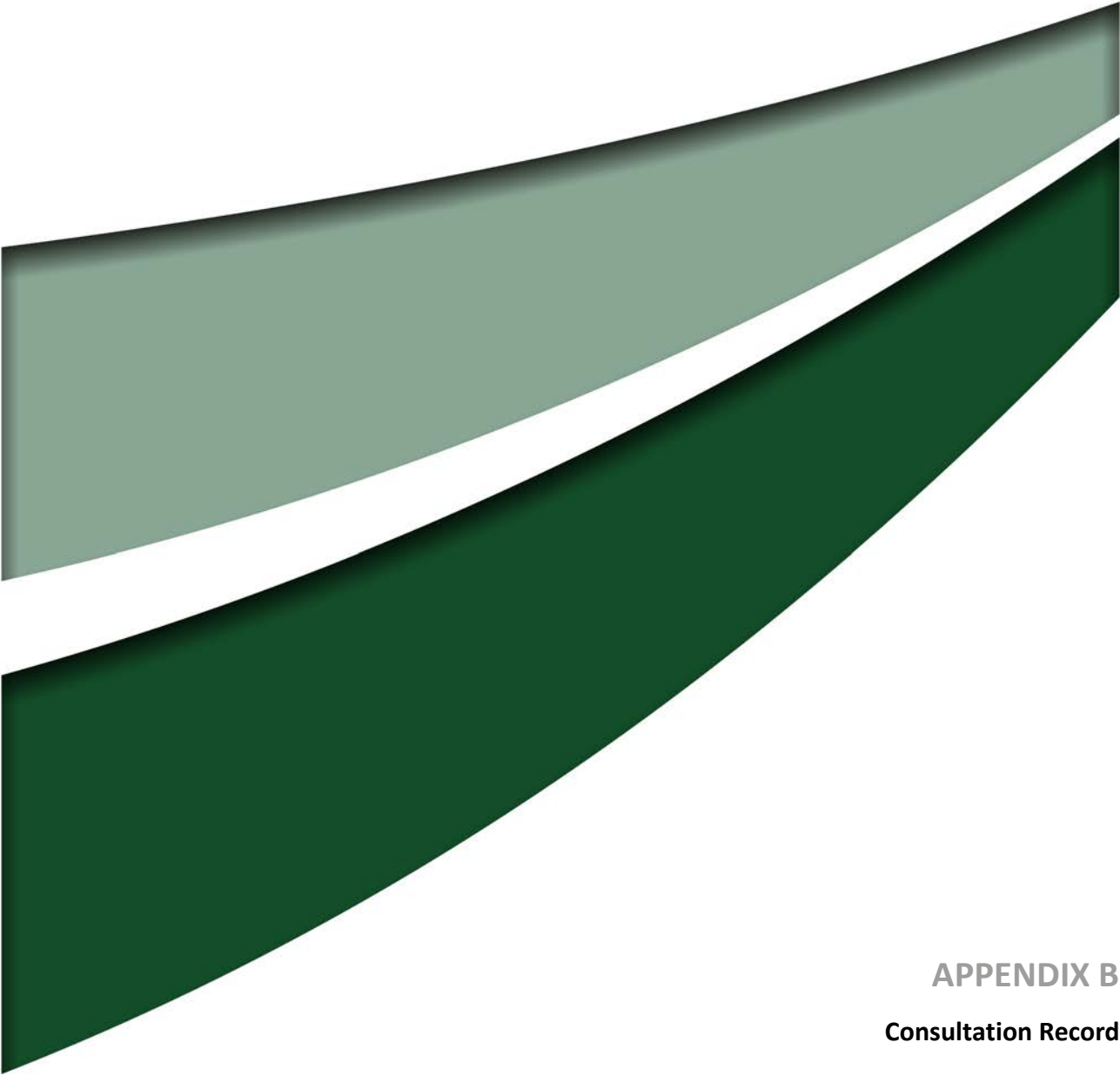
Download the Search Request Form from the Tribunal's website at -

<http://www.nntt.gov.au/assistance/Pages/Search-es-and-providing-Register-information.aspx>

Email to: NSWEnquiries@nntt.gov.au

Post to: GPO Box 9973 Sydney NSW 2001

For additional enquiries: 02 9227 4000



APPENDIX B
Consultation Record

Appendix B Record of Aboriginal Stakeholder Consultation

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
21 July 2015	Provision of project notification letter, draft ACHAA methodology and invitation to participate in targeted pedestrian survey of LWB1-B2 area.	Aboriginal Native Title Consultants	Letter posted
		Wonn1 consulting	Letter posted
		Giwiirr Consultants	Letter posted
		Hunter Valley Cultural Surveying	Letter posted
		Lower Hunter Wonnarua Council	Letter posted
		Lower Wonnarua Tribal Consultancy Pty Ltd	Letter posted
		Mindaribba Local Aboriginal Land Council	Letter posted
		Mingga Consultants	Letter posted
		Culturally Aware	Letter posted
		Wanaruah Custodians	Letter posted
		Wattaka Wonnarua Cultural Consultants Services	Letter posted
		Wonnarua Culture Heritage	Letter posted
		Upper Hunter Heritage Consultants	Letter posted
		Tocomwall Pty Ltd	Letter posted
		Hunter Valley Cultural Consultants	Letter posted. Letter returned. Contact information out of date.

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
		Yinarr Cultural Services	Letter posted
		Deslee Talbott Consultants	Letter posted Letter returned. Contact information out of date.
		Wonnarua Elders Council	Letter posted
		Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People c/o Awabakal Descendants Traditional Owner Aboriginal Corporation	Letter posted
30 + 31 July 2015	Follow up phone calls/email.	Aboriginal Native Title Consultants	John Matthews was happy with proposed methodology and confirmed attendance for survey.
		Wonn1 Consulting	Arthur Fletcher was happy with proposed methodology and confirmed attendance for survey. Arthur requested a reminder email to be sent.
		Giwiirr Consultants	Umwelt could not contact. Phone number disconnected and no contact email address provided. Giwiirr responded directly to Austar on 3/8/2015 confirming participation in survey. No issues were raised with the proposed assessment methodology.
		Hunter Valley Cultural Surveying	No response. Phone call & email sent.
		Lower Hunter Wonnarua Council	No Response. Left message with representative to contact Umwelt.

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
		Lower Wonnarua Tribal Consultancy Pty Ltd	No Response. Left message to contact Umwelt.
		Mindaribba Local Aboriginal Land Council (MLALC)	MLALC responded directly to Austar on 3/8/2015 confirming participation in survey. No issues were raised with the proposed assessment methodology.
		Mingga Consultants	Umwelt could not contact. Phone number disconnected and no contact email address provided.
		Culturally Aware	No Response. Left message to contact Umwelt. Responded directly to Austar on 3/8/2015 confirming participation in survey. No issues were raised with the proposed assessment methodology.
		Wanaruah Custodians	Responded. Wanaruah Custodians do not participate in surveys.
		Wattaka Wonnarua Cultural Consultants Services	No Response. Left message to contact Umwelt.
		Wonnarua Culture Heritage	Gordon Griffiths was happy with proposed methodology and confirmed attendance for survey.
		Upper Hunter Heritage Consultants	Umwelt could not contact. Phone number disconnected and no contact email address provided.

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
		Tocomwall Pty Ltd	Confirmed participation in survey 31/07/2015. Requested Austar to confirm receipt of acceptance to participate in survey.
		Hunter Valley Cultural Consultants	No Response. Could not contact by phone. Email sent.
		Yinarr Cultural Services	No Response. Could not contact by phone. Email sent.
		Deslee Talbott Consultants	Deslee cannot provide representative however wishes to be kept informed with outcome of survey, modification assessment and revised management plan.
		Wonnarua Elders Council (WEC)	WEC is represented by Arthur Fletcher (Wonn1 Consulting).
		Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People.	Awabakal Traditional Owners Aboriginal Corporation (ATOAC) responded 31/07/2015 confirming participation in survey. No issues were raised with the proposed assessment methodology.
14 August 2015	Provision of project notification letter, draft ACHAA methodology and invitation to inspect LWB1-B2 area.	Awabakal Local Aboriginal Land Council (ALALC)	ALALC participated in site inspection and project related discussions with Gary Mulhearn on 19 August 2015. ALALC supported assessment methodology for the LWB1-B2 area.

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
15 September 2015	Provision of project amendment letter, and invitation to participate in targeted pedestrian survey of the LWB3 portion of the proposed Modification Area.	Aboriginal Native Title Consultants	Letter posted
		Awabakal Local Aboriginal Land Council	Letter posted
		Culturally Aware	Letter posted
		Deslee Talbott Consultant	Letter posted
		Giwiirr Consultants	Letter posted
		Hunter Valley Cultural Consultants	Letter posted
		Hunter Valley Cultural Surveying	Letter posted
		Lower Hunter Wonnarua Council	Letter posted
		Lower Wonnarua Tribal Consultancy	Letter posted
		Mindaribba Local Aboriginal Land Council	Letter posted
		Mingga Consultants	Letter posted
		The Awabakal and Guringai People	Letter posted
		Tocomwall Pty Ltd	Letter posted
		Upper Hunter Heritage Consultants	Letter posted
		Wanaruah Custodians	Letter posted
		Wattaka Wonnarua Cultural Consultants Services	Letter posted
		Wonn1 Consulting	Letter posted

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
		Wonnarua Culture Heritage	Letter posted
		Wonnarua Elders Council Inc	Letter posted
		Yinarr Cultural Services	Letter posted
23 September 2015	Correspondence to reschedule archaeological survey of LWB3 to Monday 28 September 2015 due to forecast rain.	Aboriginal Native Title Consultants	23/09/2015: John Mathews confirmed his availability and offered to inform the following parties that could not be contacted: Yinarr Cultural Services, Upper Hunter Heritage Consultants, Mingga Consultants, Hunter Valley Cultural Consultants and Giwiirr Consultants.
		Awabakal Local Aboriginal Land Council	23/09/2015: Emailed. Peter Townsend confirmed availability for survey.
		Culturally Aware	23/09/2015: Emailed. Confirmed availability for survey with Gary Mulhearn.
		Deslee Talbott Consultant	23/09/2015: Email bounced back; Umwelt telephoned and left message 24/09/15 about survey date alteration - no response.
		Giwiirr Consultants	23/09/2015: Emailed and called mobile. No answer, left message. John Mathews to contact.
		Hunter Valley Cultural Consultants	23/09/2015: Emailed. Mobile disconnected; Home phone disconnected. John Mathews to contact.

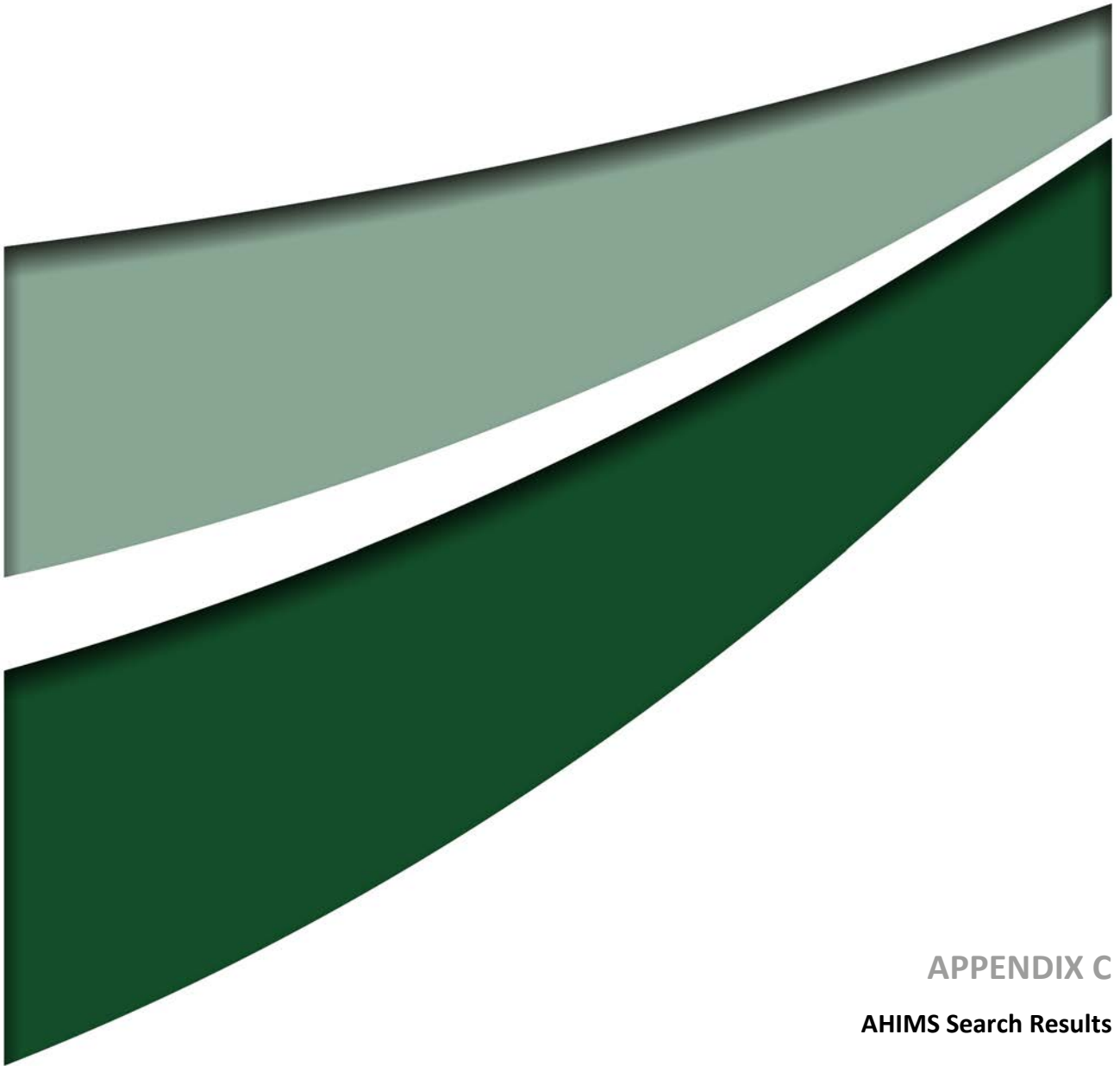
Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
		Hunter Valley Cultural Surveying	23/09/2015: Email bounced back; Home phone disconnected; Mobiles incorrect; AR spoke to Luke Hickey 24/09/2015 who confirmed availability for survey.
		Lower Hunter Wonnarua Council	23/09/2015: Email bounced back; Umwelt telephoned: Confirmed will send representative on Monday
		Lower Wonnarua Tribal Consultancy	23/09/2015: Email bounced back. Umwelt telephoned: Barry will not attend survey but wishes to be informed of outcome
		Mindaribba Local Aboriginal Land Council	23/09/2015: Umwelt left message on mobile. Rang landline: MLALC Admin informed us that Ken Riddiford no longer CEO of MLALC. Donna Mathews now acting CEO. Donna confirmed availability. 24/09/2015: Phone call from Dean Miller questioning Local Aboriginal Land Council Boundaries in relation to project area. Confirmed with Dean that the southern portion of the project area was within the Awabakal Local Aboriginal Land Council.
		Mingga Consultants	No Response to either phone number: John Mathews to contact.

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
		The Awabakal and Guringai People	23/09/2015: Emailed. 24/09/2015: Umwelt spoke to Amanda Hawkin regarding fieldwork. Kerrie Brauer later confirmed that the Awabakal and Guringai people will be unavailable for the survey.
		Tocomwall Pty Ltd	23/09/2015: Emailed. Danny Franks Confirmed availability with Gary Mulhearn for Monday's survey.
		Upper Hunter Heritage Consultants	No answer on mobile numbers provided. Landline number no longer valid. John Mathews to contact
		Wanaruah Custodians	Telephone numbers disconnected.
		Wattaka Wonnarua Cultural Consultants Services	23/09/2015: Emailed & left message on mobile.
		Wonn1 Consulting	23/09/2015: Emailed. Confirmed availability for Monday with Gary Mulhearn.
		Wonnarua Culture Heritage	23/09/15: Confirmed availability for Monday with Umwelt.
		Wonnarua Elders Council Inc	Gary Mulhearn contacted W.E.C. Maree Ann Waugh confirmed to attend survey.
		Yinarr Cultural Services	23/09/15: Email bounced back. John Mathews to contact.

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
7 October 2015	Provision of draft ACHAA with invitation to comment.	Aboriginal Native Title Consultants	Response due by 03/11/2015
		Wonn1 consulting	Response due by 03/11/2015
		Giwiirr Consultants	Response due by 03/11/2015
		Hunter Valley Cultural Surveying	Response due by 03/11/2015
		Lower Hunter Wonnarua Council	Response due by 03/11/2015
		Lower Wonnarua Tribal Consultancy Pty Ltd	Response due by 03/11/2015
		Mindaribba Local Aboriginal Land Council	Response due by 03/11/2015
		Mingga Consultants	Response due by 03/11/2015
		Culturally Aware	Response due by 03/11/2015
		Wanaruah Custodians	Response due by 03/11/2015
		Wattaka Wonnarua Cultural Consultants Services	Response due by 03/11/2015
		Wonnarua Culture Heritage	Response due by 03/11/2015
		Upper Hunter Heritage Consultants	Response due by 03/11/2015
		Tocomwall Pty Ltd	Response due by 03/11/2015
		Hunter Valley Cultural Consultants	Response due by 03/11/2015
		Yinarr Cultural Services	Response due by 03/11/2015
		Deslee Talbott Consultants	Response due by 03/11/2015

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
		Wonnarua Elders Council	Response due by 03/11/2015
		Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People c/o Awabakal Descendants Traditional Owner Aboriginal Corporation	Response due by 03/11/2015
		Awabakal Local Aboriginal Land Council	Response due by 03/11/2015
2 November 2015	Phone around to get comment	Aboriginal Native Title Consultants	Spoke to John Matthews on phone, agrees with what was done. 02/11/2015
		Wonn1 consulting	Spoke to Arthur Fletcher on phone, Happy with report and survey. 02/11/2015
		Giwiirr Consultants	No response to phone and email as of 04/11 2015
		Hunter Valley Cultural Surveying	No response to phone and email as of 04/11 2015
		Lower Hunter Wonnarua Council	No response to phone and email (on holiday)
		Lower Wonnarua Tribal Consultancy Pty Ltd	No response to phone and email as of 04/11 2015
		Mindaribba Local Aboriginal Land Council	Spoke to receptionist, Donna to call back but no response as of 04/11/2015
		Mingga Consultants	Both phone numbers disconnected
		Culturally Aware	Tracey Skene responded by email 04/04/2015- Happy with recommendations at this time with areas to be put on a monitoring log.
		Wanaruah Custodians	Both phone numbers disconnected

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
		Wattaka Wonnarua Cultural Consultants Services	No response to phone and email as of 04/11 2015
		Wonnarua Culture Heritage	Spoke to Gordon Griffiths supposed to call back, no response as of 04/11 2015
		Upper Hunter Heritage Consultants	No response to phone and email as of 04/11 2015
		Tocomwall Pty Ltd	Comment supplied electronically by Danny Franks 03/11/2015
		Hunter Valley Cultural Consultants	Both phone numbers disconnected, no response to email as of 04/11/2015
		Yinarr Cultural Services	Number disconnected, email bounced 02/11/2015
		Deslee Talbott Consultants	Left message, email bounced, no response as of 02/11 2015
		Wonnarua Elders Council	Spoke to Arthur Fletcher on phone, Happy with report and survey. 02/11/2015
		Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People c/o Awabakal Descendants Traditional Owner Aboriginal Corporation	Email stating could not find report, sent by email 03/11/2015 no response as of 04/11/2015
		Awabakal Local Aboriginal Land Council	Email bounced 02/11/2015



APPENDIX C
AHIMS Search Results

Umwelt (Australia) Pty Limited

75 York Street

Teralba New South Wales 2284

Attention: Kirwan Williams

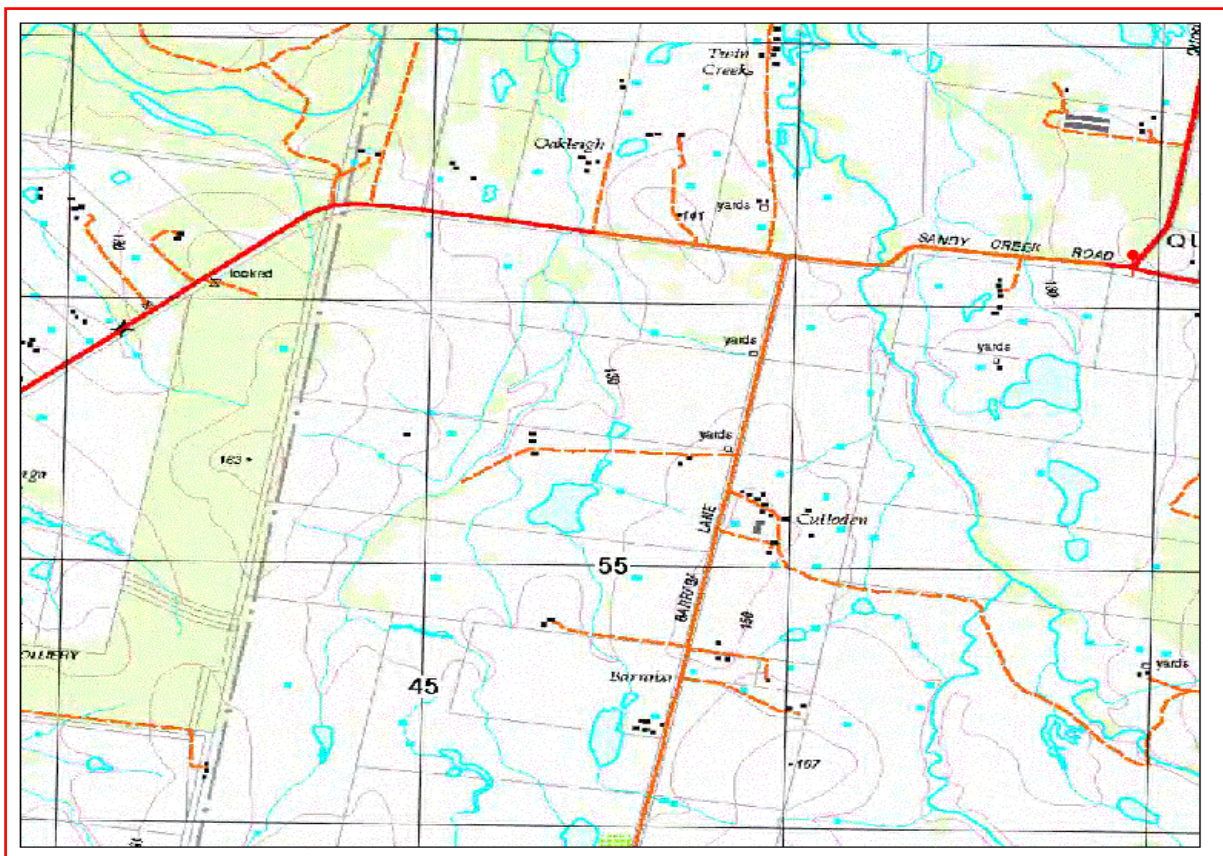
Email: kwilliams@umwelt.com.au

Date: 27 April 2015

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 344000 - 347000, Northings : 6354000 - 6357000 with a Buffer of 50 meters, conducted by Kirwan Williams on 27 April 2015.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
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- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Umwelt (Australia) Pty Limited

75 York Street

Teralba New South Wales 2284

Attention: Kirwan Williams

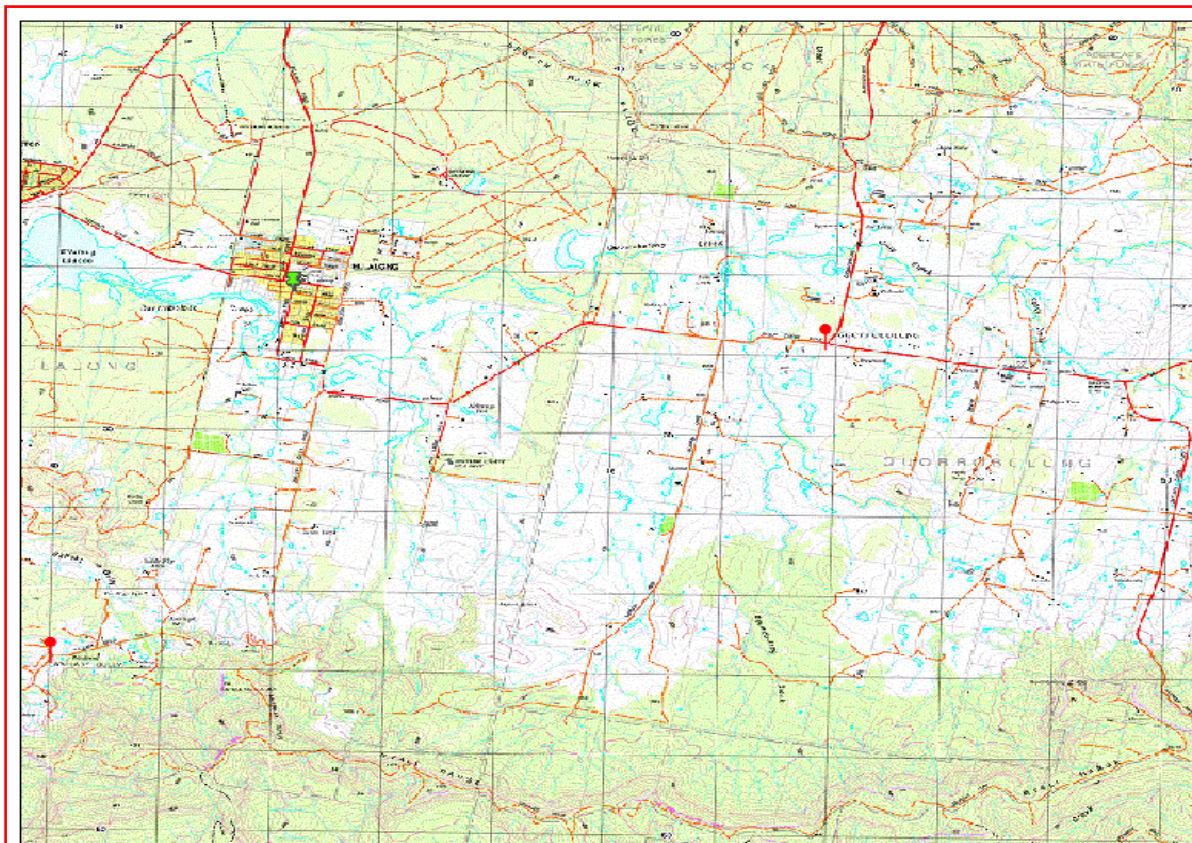
Email: kwilliams@umwelt.com.au

Date: 27 April 2015

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 340000 - 350000, Northings : 6350000 - 6360000 with a Buffer of 50 meters, conducted by Kirwan Williams on 27 April 2015.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

43	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

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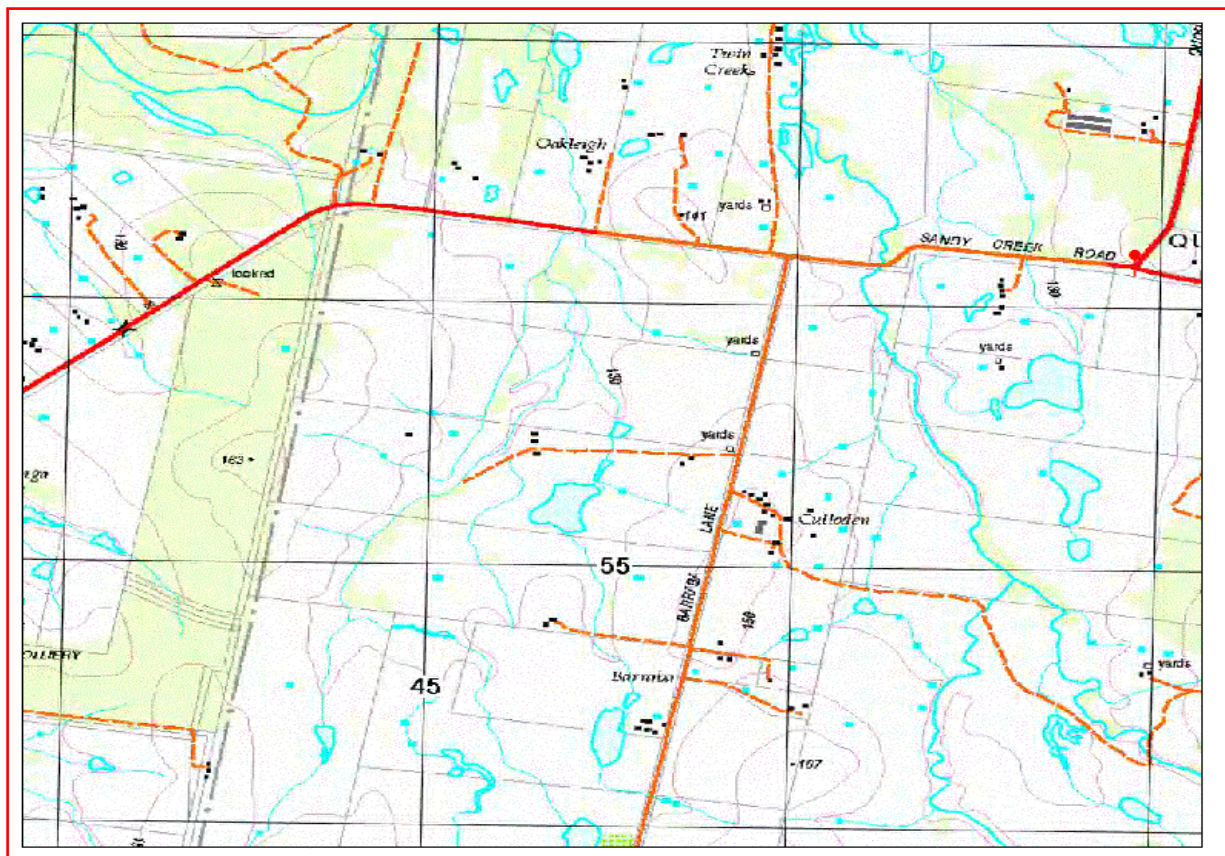
Email: kwilliams@umwelt.com.au

Date: 27 April 2015

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 344000 - 347000, Northings : 6354000 - 6357000 with a Buffer of 50 meters, conducted by Kirwan Williams on 27 April 2015.

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A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

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75 York Street

Teralba New South Wales 2284

Attention: Kirwan Williams

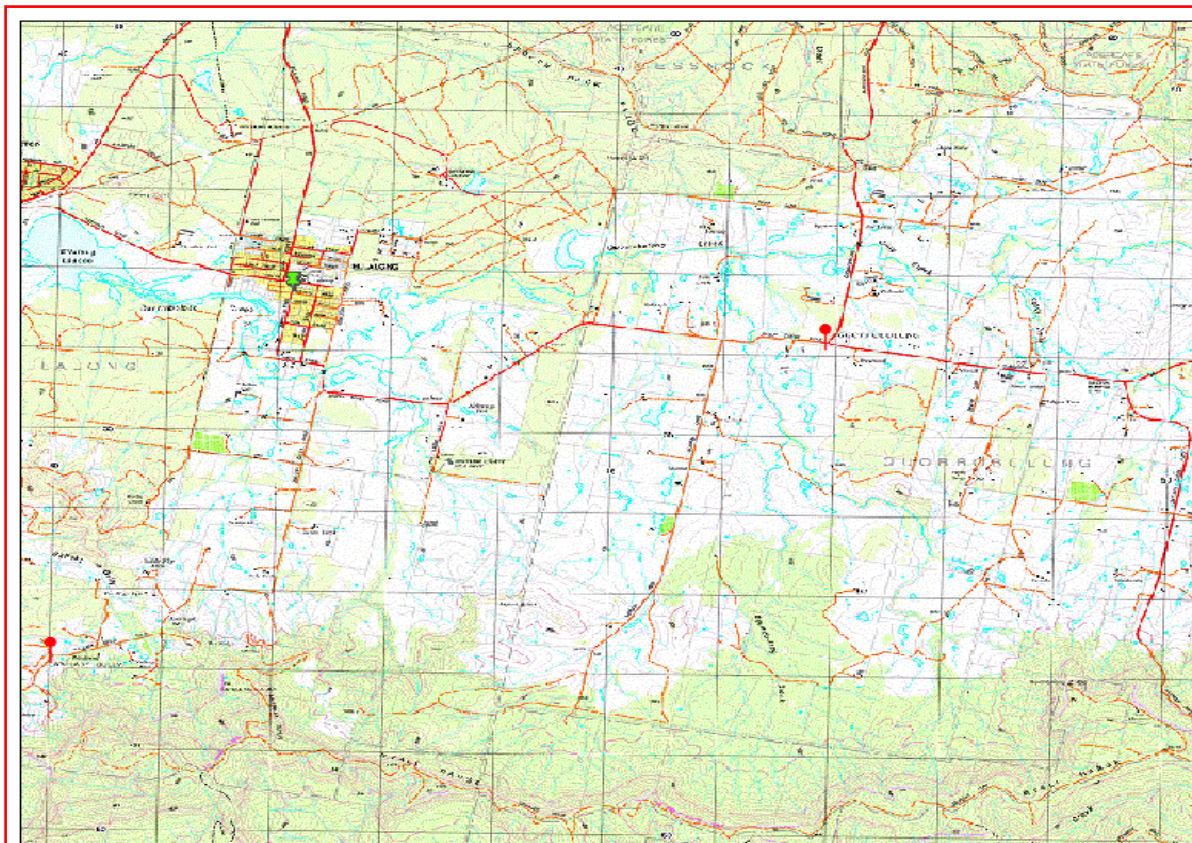
Email: kwilliams@umwelt.com.au

Date: 27 April 2015

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Important information about your AHIMS search

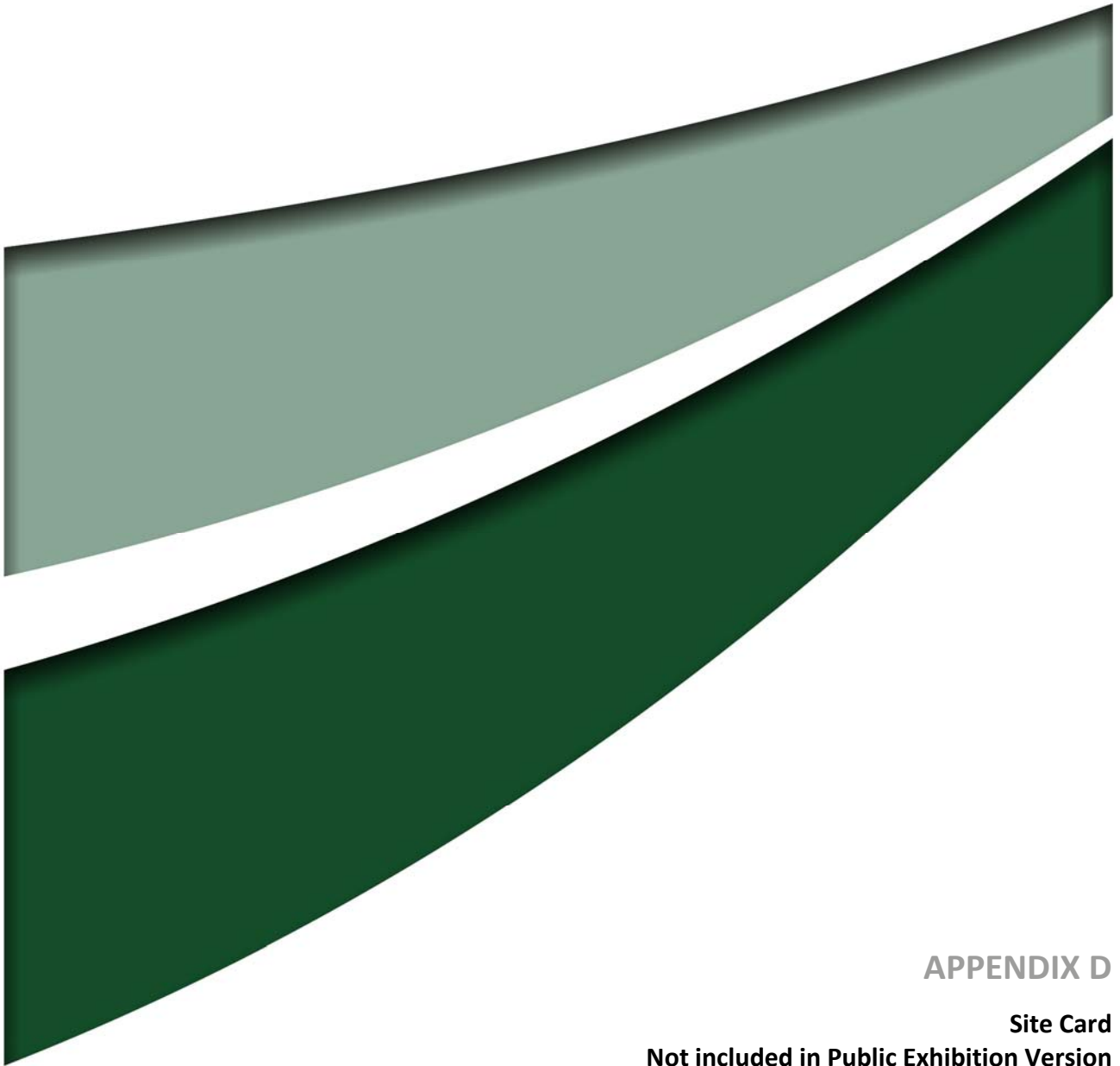
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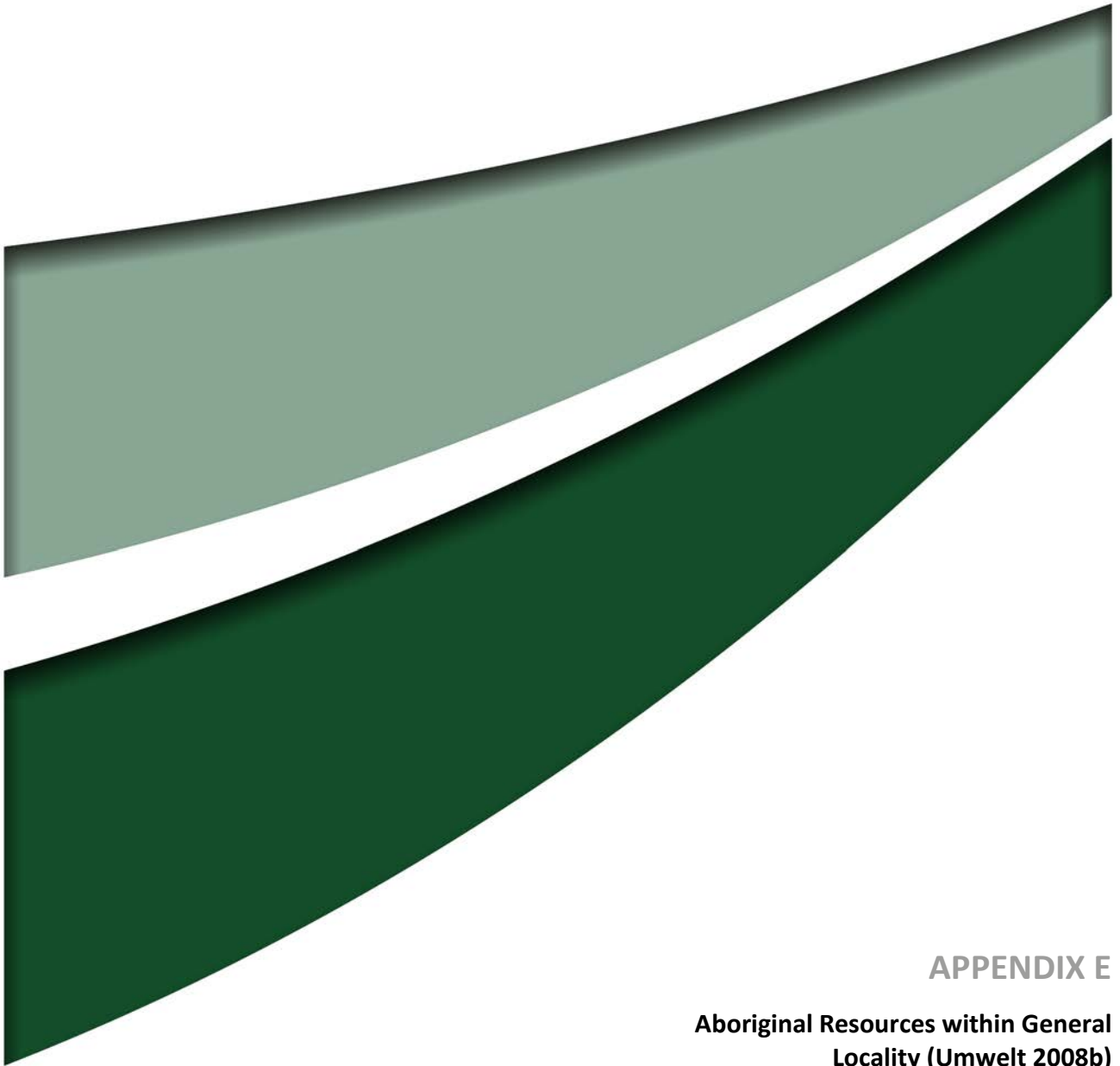
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APPENDIX D

Site Card

Not included in Public Exhibition Version



APPENDIX E

**Aboriginal Resources within General
Locality (Umwelt 2008b)**

Flora Species and known Aboriginal Use

Scientific Name	Name	Known Aboriginal Use	Reference
<i>Acacia sp.</i>	Wattle	Food and economic plant	Australian National Botanic Gardens Education Services 2000
<i>Acacia deanei subsp. deanei</i>	Green wattle, Deane's wattle	Food, economic and medicine plant	Gott 1995
<i>Acianthus pusillus</i>	Gnat orchid	Food plant	Flood 1980:94
<i>Allocasuarina sp.</i>	Sheoak	Food and economic plant	Australian National Botanic Gardens 2007
<i>Amyema sp.</i>	Mistletoe	Food and medicinal plant	Flood 1980:94, Zola and Gott 1992:54
<i>Astroloma humifusum</i>	Native cranberry	Food plant	Flood 1980:96
<i>Banksia sp.</i>	Various banksias	Food and economic plant	Australian National Botanic Gardens 2007
<i>Billardiera scandens var. scandens</i>	Apple berry	Food plant	Flood 1980:95
<i>Brachychiton populneus subsp. populneus</i>	Kurrajong	Food and economic plant	Low 1989: 27; MacDonald and Davidson 1998; Zola & Gott 1992:36
<i>Bulbine bulbosa</i>	Bulbine lily	Food plant	Flood 1980:94. Zola and Gott 1992:43
<i>Bursaria spinosa var. spinosa</i>	Blackthorn	Food and economic plant	Flood 1980:95, Gott 1995
<i>Caladenia sp.</i>	Orchid	Food plant	Zola and Gott 1992:44
<i>Callistemon linearis</i>	Narrow-leaved bottlebrush	Food plant	Australian National Botanic Gardens Education Services 2000
<i>Clematis glycinoides</i>	Headache vine	Food, economic and medicine plant	Zola and Gott 1992:47, Gott 1995, Fraser & McJannett, 1993
<i>Dianella caerulea</i>	Blue flax-lily	Food and Economic Plant	Low 1989: 8

Scientific Name	Name	Known Aboriginal Use	Reference
<i>Dianella</i> sp.	Flax lily	Food plant	Australian National Botanic Gardens 2007
<i>Dioscorea</i> sp.	Giant yams	Food plant	Brayshaw 1986:74-75
<i>Dioscorea transversa</i>	Native yam	Food plant	Botanic Gardens Trust 2007
<i>Einadia hastata</i>	Berry saltbush	Food plant	Low 1989: 129
<i>Elaeocarpus obovatus</i>	Hard quandong	Economic plant	Australian National Botanic Gardens Education Services 2000
<i>Eremophila debilis</i>	Amulla	Food plant	MacDonald and Davidson 1998
<i>E. fibrosa</i> spp. <i>Nubile</i>	Blue-leafed ironbarks	Economic Plant	MacDonald and Davidson 1998
<i>Eucalypt</i> sp.	Eucalypts	Economic plant	MacDonald and Davidson 1998
		Medicine plant	Australian National Botanic Gardens Education Services 2000
<i>Eucalyptus crebra</i>	Narrow-leaved ironbark	Economic plant	pers. comm. various Aboriginal people from the Dubbo Region (2000) and from AHIMS site card review
<i>Eustrephus latifolius</i>	Wombat berry	Food plant	MacDonald and Davidson 1998
<i>Eucalyptus moluccana</i>	Grey box	Economic plant	MacDonald and Davidson 1998
<i>Eucalyptus resinifera</i>	Red mahogany	Economic plant	
<i>Exocarpos cupressiformis</i>	Native cherry	Food and economic plant	Brayshaw 1986:74-75. Zola and Gott 1992:48
		Medicinal plant	Watson 2007
<i>Filicopsida</i> sp.	Fern roots	Food plant	Brayshaw 1986:74-75

Scientific Name	Name	Known Aboriginal Use	Reference
<i>Gahnia aspera</i>	Rough saw-sedge	Food and economic plant	Low 1989:105; Zola & Gott 1992:60
<i>Geranium solanderi</i> var. <i>solanderi</i>	Native geranium	Food and medicinal plant	Flood 1980:95. Zola & Gott 1992:47, 56
<i>Glossodia major</i>	Waxlip orchid	Food plant	Gott 1995
<i>Glossodia minor</i>	Small waxlip orchid	Food plant	Gott 1995
<i>Grevillea montana</i>	Mountain grevillea	Food plant	Low 1989: 171
<i>Hardenbergia violacea</i>	False sarsaparilla	Food plant	Cribb & Cribb 1986:207
<i>Hovea</i> sp.	Hovea	Food plant	Flood 1980:95
<i>Indigofera australis</i>	Australian indigo	Economic plant	Australian National Botanic Gardens 2007
<i>Juncus & Cyperus</i> sp.	Rushes and sedges	Food and/or economic plants	Low 1989:105; Zola & Gott 1992:60
<i>Lomandra</i> sp.	Mat-rush	Food and economic plant	Low 1989: 131, 174; MacDonald and Davidson 1998 Zola & Gott 1992:59
<i>Macrozamia</i> sp.	Macrozamia nuts/seeds	Food plant	Brayshaw 1986:74-75
<i>Macrozamia communis</i>	Burrawang	Food plant	MacDonald and Davidson 1998
<i>Marsilea mutica</i>	Nardoo	Food plant	Flood 1980. Cribb & Cribb 1986 83
<i>Melaleuca</i> sp.	Melaleuca	Food, economic and medicine plant	ERM 2004:34. Royal Botanic Gardens 2007. Australian National Botanic Gardens Education Services 2000
<i>Ottelia ovalifolia</i>	Swamp lily	Medicinal plant	NSW Department of Education and Training 2007

Scientific Name	Name	Known Aboriginal Use	Reference
<i>Pandorea pandorana</i> subsp. <i>pandorana</i>	Wonga wonga vine	Economic Plant	Cunningham et al. 1992: 602
<i>Panicum</i> sp.	Grass	Food plant	MacDonald and Davidson 1998
<i>Persoonia linearis</i>	Narrow-leaved geebung	Food plant	Low 1989: 43-44
<i>Pimelea linifolia</i>	Riceflower	Economic plant	Australian National Botanic Gardens 2007
<i>Pterostylis nutans</i>	Nodding greenhood	Food plant	Gott 1995
<i>Rubus parvifolius</i>	Native raspberry	Food plant	Flood 1980:95
<i>Rumex brownii</i>	Swamp dock	Food plant	Low 1989: 28, 30, 153-154
<i>Styphelia triflora</i>	Pink five-corners	Food plant	Low 1989: 43
<i>Themeda australis</i>	Kangaroo grass	Food and medicinal plant	Greenway 1910:16 MacDonald and Davidson 1998 Zola & Gott 1992:58
<i>Triglochin procerum</i>	Water ribbons	Bullet-shaped tubers roasted and eaten	Zola & Gott 1992: 12
<i>Typha</i> sp.	Cumbungi/ bullrush	Economic plant	Australian National Botanic Gardens 2007
<i>Typha orientalis</i>	Broad-leaved cumbungi	Food plant	Gott 2007
<i>Wahlenbergia</i> sp.	Bluebell	Food plant	Fraser and McJannett 1993:65
<i>Xanthorrhoea</i> sp.	Grass tree	Food and economic plant	MacDonald and Davidson 1998



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