

## Appendix N

# Aboriginal Cultural Heritage Assessment

# RAVENSWORTH

## Aboriginal Cultural Heritage Assessment Report



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RAVENSWORTH  
4.0  
15 May 2019

## REPORT

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### Approval for issue

Alex Byrne



15 May 2019

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## EXECUTIVE SUMMARY

RPS Australia East (RPS Heritage) have been commissioned by Bettergrow Pty Ltd to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support an Environmental Impact Statement (EIS) for a State Significant Development application (SSD 9418) to the NSW Department of Planning and Environment (DP&E). The Project Area is located at Ravensworth No. 2 mine, 74 Lemington Road, Ravensworth, NSW (Lot 10 DP1204457). The applicant is proposing to undertake the expansion of an existing nutrient recycling facility.

This report has considered the environmental and heritage context of the Project Area. It has considered the Aboriginal heritage values of the Project Area and the impact of the proposed activity on Aboriginal heritage values. It has been concluded that:

- No Aboriginal objects were identified.
- There was no evidence on the basis of the survey that Aboriginal objects were present in the Project Area and it is highly unlikely that they will be uncovered as part of the proposed development.
- The Project Area has nil archaeological value and is not archaeologically significant on the basis of research potential, representativeness, rarity or education potential.
- The RAP representatives have identified that the area is culturally important as part of the wider Aboriginal Cultural Landscape yet when viewed in isolation there are no specific cultural values associated with the Project Area.
- The background information and survey did not identify any impacts to tangible heritage.

The following recommendations have been made for the proposed development:

### Recommendation 1

All relevant staff should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*. This is to be in the form of a heritage induction on site prior to works.

### Recommendation 2

In the unlikely event that disturbed Aboriginal objects are identified during the development then they are to be collected and recorded in accordance with OEH guidelines and in consultation with the Registered Aboriginal Parties.

### Recommendation 3

In the unlikely event that human skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted via the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not. If the remains are identified as Aboriginal, a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.



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# 1 INTRODUCTION

RPS Australia East (RPS Heritage) have been engaged by Bettergrow Pty Ltd (Bettergrow) to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support an Environmental Impact Statement (EIS) for a State Significant Development application (SSD 9418) to the NSW Department of Planning and Environment (DP&E).

A Historic Heritage Assessment has also been completed as a separate document and non-Aboriginal heritage is not addressed herein.

## 1.1 The Project Area

The Project Area is located at Ravensworth No. 2 mine, 74 Lemington Road, Ravensworth, NSW (Lot 10 DP1204457). The site lies approximately 20 km north of the township of Singleton, New South Wales, within the Singleton Council Local Government Area (LGA) and the Wanaruah Local Aboriginal Land Council (LALC) boundary. It has an approximate overall area of 57ha (Figure 1).

## 1.2 The Proposal

The applicant is proposing to undertake the expansion and operation of the nutrient recycling facility as shown on Figure 1. Current composting operations at the site are approved by DA140/2016 to receive up to 76,000 tonnes per annum (tpa) of biosolids and garden organics. The subject application seeks to authorise the receipt of up to 200,000 tpa of organic materials, including new feed sources of food waste, to facilitate the sale of a portion of the composted material to third parties.

## 1.3 Objectives of this ACHAR

A request for Secretary's Environmental Assessment Requirements (SEARs) for the nutrient recycling facility expansion was submitted to DP&E on 14 June 2018. The SEARs were subsequently issued by the DP&E on 11 July 2018. A requirement of the SEARs is that:

- The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in the Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation.
- Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
- Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

This ACHAR documents the cumulative results of archaeological assessment and consultation with Aboriginal stakeholders. This ACHAR includes:

- Documentation of consultation Aboriginal stakeholders in accordance with the Consultation Requirements (OEH 2010) (Section 3).
- A summary of the environmental context of the Project Area and the results of relevant previous investigations. Previous investigations include archaeological survey and test excavation which were undertaken as part of the current project, in order to determine the nature, extent and context of archaeological deposits within the Project Area (Section 4). The findings of archaeological survey and test excavation are detailed in the archaeological assessment report (included as Appendix B to this ACHAR). The recommendations of the archaeological report are consistent with that provided in Section 7.0 of this ACHAR.
- Details of identified Aboriginal heritage values within the Project Area, including archaeological and cultural heritage (Sections 4 and 5).
- An assessment of the significance of Aboriginal heritage within the Project Area, including cultural heritage (based on the findings of Aboriginal stakeholder consultation) and archaeological and cultural heritage (Section 6).
- An assessment of impacts associated with the proposal on identified Aboriginal heritage values (Section 7).
- Recommendations for managing and mitigating impact to Aboriginal heritage values (Sections 6 and 8).

## 1.4 Consultation

RPS undertook consultation in accordance with the Consultation Requirements. The purpose of consultation is to assess the cultural significance of Aboriginal objects, places and landscapes, and to ensure that Aboriginal stakeholders have the opportunity to improve assessment outcomes by:

- Providing relevant information about the cultural significance and values of the Aboriginal object(s) and/or place(s)
- Influencing the design of the method to assess cultural and scientific significance of Aboriginal object(s) and/or place(s)
- Actively contributing to the development of cultural heritage management options and recommendations for any Aboriginal object(s) and/or place(s) within the proposed project area
- Commenting on draft assessment reports before they are submitted by the proponent to OEH.

The results of consultation contribute to the development and implementation of appropriate management and mitigation outcomes. Section 3.0 of the ACHAR documents all consultation in relation to the proposal.

## 1.5 Further Details & Copyright

### Restricted information

No restricted information is provided within this report.

### Confidentiality

No confidential information is included in this report. However, it is noted that the report contains details relating to the locations of registered Aboriginal heritage sites within and near the Project Area that may be considered confidential information by registered Aboriginal parties.

### Copyright

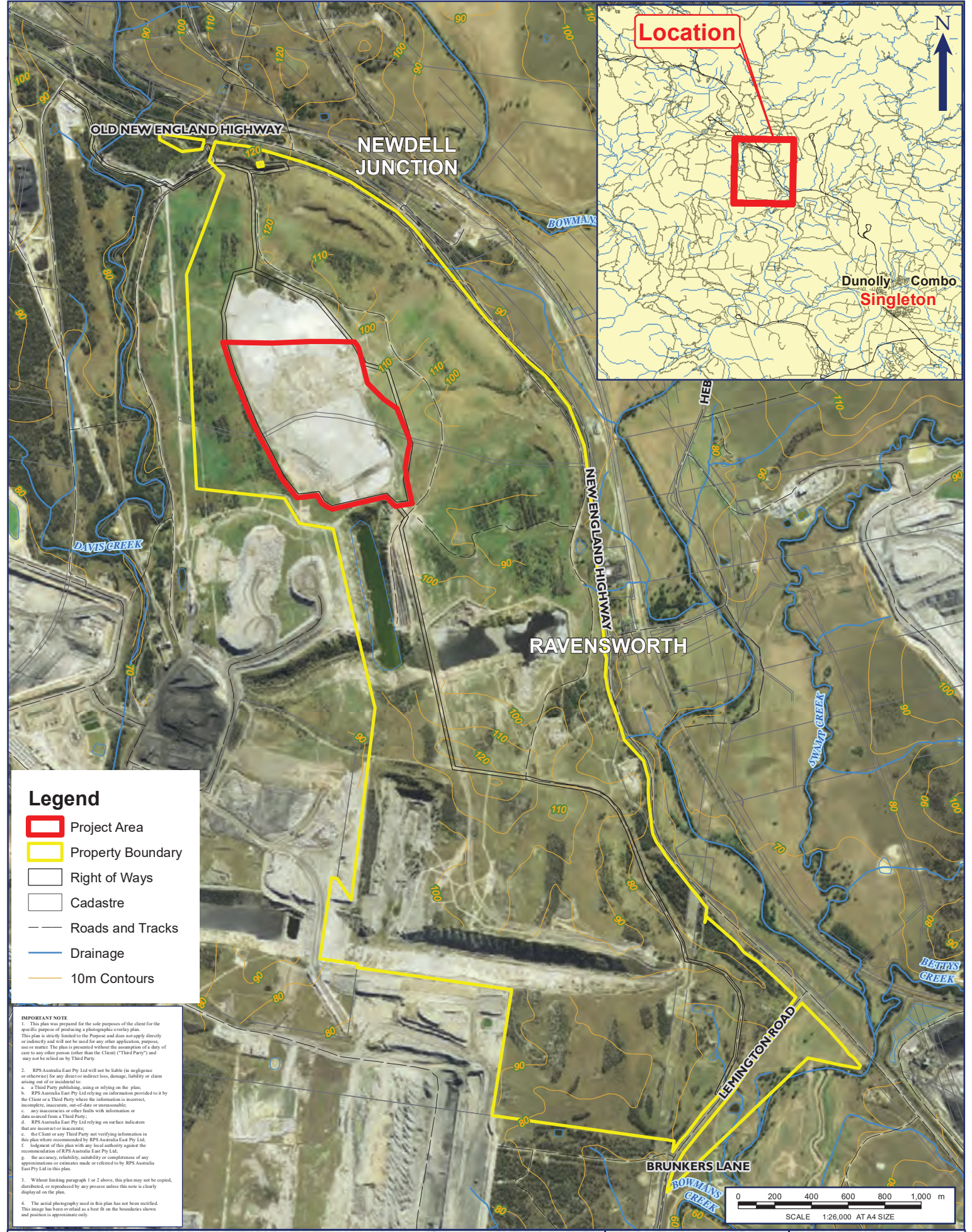
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## 1.6 Authorship and Acknowledgements

This report has been prepared by RPS Senior Archaeologist Dr Dragomir Garbov with input by RPS Heritage Consultants Lucy Irwin and Nicola Hirschhorn. The report was reviewed by RPS Newcastle Heritage Manager Alex Byrne. All relevant mapping was prepared by RPS Senior GIS Consultant Natalie Wood.





**Legend**

- Project Area
- Property Boundary
- Right of Ways
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

**IMPORTANT NOTE**

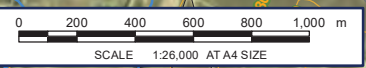
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**FIGURE 1: SITE LOCATION**

LOCATION: RAVENSWORTH	DATUM: GDA94
JOB NO.: PR141357	PROJECTION: MGA Zone 56
PURPOSE: HERITAGE	Data Sources: RPS, Client
Technician: Natalie.Wood	Land and Property 2017
Date: 22/01/2019	

CLIENT: BETTERGROW PTY LTD

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## 2 STATUTORY CONTEXT

The statutory context is provided for information purposes only and should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of the summary below. It is recommended that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the information provided below.

Aboriginal cultural heritage (objects and places) in NSW are protected by the National Parks and Wildlife Act 1974 which is overseen by OEH (formerly DECCW), now a part of the Department of Premier and Cabinet. In some cases, Aboriginal heritage may also be protected under the Heritage Act 1977, also overseen by OEH (formerly the Heritage Branch of the Department of Planning). The Environmental Planning and Assessment Act 1979, overseen by the Department of Planning and Infrastructure, and other environmental planning instruments trigger the requirement for the investigation and assessment of Aboriginal cultural heritage as part of the development approval process.

### 2.1 National Parks & Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) protects Aboriginal heritage (places, sites and objects) within NSW. Protection of Aboriginal heritage is outlined in section 86 of the NPW Act, as follows:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object” s86(1).
- “A person must not harm an Aboriginal object” s86(2).
- “A person must not harm or desecrate an Aboriginal place” s86(4).

Penalties apply for harming an Aboriginal object or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 for an individual and/or imprisonment for two years; and in the case of a corporation the penalty is up to \$1.1 million. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the NPW Act is defined as any act that; destroys defaces or damages the object, moves the object from the land on which it has been situated, causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate 1) that harm was authorised under Section 90 of the NPW Act i.e. an AHIP (and that the works were carried complied with the requirements of the AHIP), or 2) that the proponent exercised due diligence in respect to Aboriginal heritage. The ‘due diligence’ defence (s87[2]), states that if a person or company has exercised due diligence to ascertain that no Aboriginal object was likely to be harmed as a result of the activities proposed for the study area (subject area of the proposed activity); then liability from prosecution under the NPW Act 1974 will be removed or mitigated if it later transpires that an Aboriginal object was harmed. If any Aboriginal objects are identified during the activity, then works should cease in that area and OEH notified (DECCW 2010). The due diligence defence does not authorise continuing harm.

Please note that following amendments to the NPW Act in 2010, a permit under section 90 is now the only AHIP available.

#### 2.1.1 Notification of Aboriginal Objects

Under section 89A of the NPW Act Aboriginal objects and sites must be reported to the Director-General of OEH within a reasonable time, unless it has previously been recorded and submitted to AHIMS. Penalties of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.



The investigation and assessment of Aboriginal cultural heritage is undertaken to explore the harm of a proposed activity on Aboriginal objects and places. There are a number of guidelines and procedural publications governing archaeological practice relating to Aboriginal cultural heritage. The publications relevant to this investigation and assessment include the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (herein the Guide) (OEH 2011), the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (herein the Code of Practice) (DECCW 2010) and the *Aboriginal cultural heritage consultation requirements for proponents* (herein the Consultation Requirements) (DECCW 2010).

Under the Code of Practice, a number of requirements are set out by OEH to ensure a benchmark of standards for archaeological investigation of Aboriginal objects in NSW. It flows from s90 of the NPW Act, which states that the Director General can require certain information accompany an application for an AHIP. Therefore, where there is a possibility that Aboriginal objects and/or places may be harmed; the requirements set out in the Code must be followed in order to comply with the requirements of the NPW Act.

The Consultation Requirements codify a staged process of consultation with Aboriginal people. These requirements flow from the fulfilment of the objects of the NPW Act, which seek, *inter alia*, to conserve objects places or features of significance to Aboriginal people. To this end, Aboriginal people are included in the consultation process to provide feedback on the cultural significance of Aboriginal objects and places in a Project Area.

## 2.2 The Heritage Act 1977

The *Heritage Act 1977* (Heritage Act) provides protection for environmental heritage including historic places, structures, relics, moveable objects, archaeological deposits and features and landscapes of significance. The Heritage Act also affords protection to Aboriginal sites and places which are of State heritage significance, which are either listed on the State Heritage Register (SHR) or subject to an Interim Heritage Order. Where Aboriginal sites or places are listed on the SHR or subject to an active Interim Heritage Order, these may require approvals or excavation permits from the NSW Heritage Branch.

No Aboriginal places included on the SHR or subject to an Interim Heritage Order are located within the Project Area.

## 2.3 Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) regulates a system of environmental planning and assessment for New South Wales. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. The Act has three main parts of direct relevance to Aboriginal cultural heritage. These include Part 3 which governs the preparation of planning instruments, Part 4 which relates to development assessment process for local government (consent authorities) and Part 5 which relates to activity approvals by government departments or agencies (determining authorities).

The EIS of which this document forms a part has been prepared under Part 4 of the Act which provides for assessment and determination of State Significant Developments.

Assessment documents prepared to meet the requirements of the EP&A Act (including Reviews of Environmental Factors, Environmental Impact Statements and Environmental Impact Assessments) should

address Aboriginal heritage, and planning documents such as LEPs and Regional Environmental Plans typically contain provisions for Aboriginal heritage.

## 2.4 Aboriginal Land Rights Act 1983

The purpose of this legislation is to provide land rights for Aboriginal people within NSW and to establish Local Aboriginal Land Councils (LALCs). The land able to be claimed by LALCs on behalf of Aboriginal people is certain Crown land that (s36):

- (a) Is able to be lawfully sold, leased, reserved or dedicated.
- (b) Is not lawfully used or occupied.
- (c) Will not, or not likely, in the opinion of the Crown Lands minister, be needed for residential purposes.
- (d) Will not, or not likely, be needed for public purposes.
- (e) Does not comprise land under determination by a claim for native title.
- (f) Is not the subject of an approved determination under native title.

Claims for land are by application to the Office of the Registrar, *Aboriginal Land Rights Act 1983*.

## 2.5 Native Title Act 1993

The Commonwealth Government enacted the *Native Title Act 1993* (the Native Title Act) to formally recognise and protect native title rights in Australia following the decision of the High Court of Australia in *Mabo and Ors v Queensland [No 2] (1992) 175 CLR 1* (Mabo).

The Native Title Act establishes processes to determine where native title exists, how future activity affecting upon native title may be undertaken, and to provide compensation where native title is impaired or extinguished. The Native Title Act provides Aboriginal people who hold native title rights and interests, or who have made a native title claim, the right to be consulted and in some cases, to participate in decisions about activities proposed to be undertaken on the land.

There is one registered claim under the Native Title Act which incorporates the Project Area:

Application NC2013/006

Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People

Lodged 2013

Accepted for registration 2015

A registered claim under the Native Title Act is a claim that has been accepted for registration by the National Native Title Tribunal but has not yet been determined. A determination is a decision by the Federal Court of High Court of Australia that native title either does or does not exist in relation to a particular area of land or waters.

Consultation with members of the Native Title Claimant group has been undertaken as part of this assessment, however as the claim has not been determined, consultation has also been undertaken with other registered Aboriginal parties in accordance with the requirements of the NSW National Parks and Wildlife Act. Information pertaining to the claim has been provided in Appendix C.

## 3 ABORIGINAL COMMUNITY CONSULTATION

The Office of Environment and Heritage (OEH) acknowledges that Aboriginal people are the primary determinants of the significance of their heritage. It is acknowledged that Aboriginal people should be involved in the Aboriginal heritage planning process and are the primary source of information about the value of their heritage. This includes the best management and conservation measures for Aboriginal heritage and the way in which their cultural information (particularly sensitive information) is used. Aboriginal community consultation is regarded as an integral part of the process of investigating and assessing Aboriginal cultural heritage (OEH 2011:2).

### 3.1 Aboriginal Cultural Heritage Consultation Requirements

Aboriginal community consultation has been undertaken for this assessment and has followed the Consultation Requirements (DECCW 2010). The Consultation Requirements outline a four stage Aboriginal consultation process and mandate specific timeframes for each stage. The four stages are summarised below. All of the consultation documentation for each stage is included in Appendix A.

#### 3.1.1 Stage 1 – Notification of project proposal and registration of interest

Stage 1 requires that Aboriginal people who hold cultural information are identified, notified and invited to register an expression of interest in the assessment. This identification process should draw on reasonable sources of information including: the relevant OEH Environment Protection and Regulation Group (EPRG) regional office, the relevant Local Aboriginal Land Council(s) (LALC), the Register of Aboriginal Owners, the Native Title Tribunal, Native Title Services Corporation, local council(s) and the relevant Local Land Services, as well as placing an advertisement in a local newspaper circulating in the general location of the activity. Aboriginal organisations and/or individuals identified should be notified of the activity and invited to register an expression of interest for Aboriginal consultation.

#### 3.1.2 Stage 2 – Presentation of information about the proposed project

The aim of stage 2 is to provide registered Aboriginal parties identified during stage 1 information about the scope of the proposal and the proposed heritage assessment process.

#### 3.1.3 Stage 3 – Gathering information about cultural significance

Stage 3 provides the opportunity for registered Aboriginal stakeholders to recommend culturally appropriate research methodologies for the cultural heritage assessment. At this stage registered stakeholders are invited to provide input to determine the cultural significance of Aboriginal objects and/or places within the Project Area. In turn they are also given the opportunity to have an input into the development of any cultural heritage management options.

### 3.1.4 Stage 4 – Review of draft cultural heritage assessment report

The final stage of the Consultation Requirements requires all registered Aboriginal stakeholders to be provided with a copy of the draft ACHAR and given 28 days in which to review the document. This stage provides Aboriginal stakeholders with an opportunity to review the ACHAR prior to its submission with the AHIP application. Further cultural information may be gathered at this stage and all comments received are then incorporated into the final report.

## 3.2 Record of Consultation

A full record of all correspondence undertaken for this assessment is included in Appendix A.

In accordance with Stage 1, step 4.1.2, on 10 September 2018, letters requesting the details of any Aboriginal people that may hold cultural knowledge relevant to the Project Area were sent to the following agencies:

- National Native Title Tribunal
- Native Title Services Corporation Limited
- Registrar of Aboriginal Owners NSW Department of Aboriginal Affairs
- Singleton Council
- Office of Environment and Heritage, Hunter Central Coast Region
- Hunter Local Land Services
- Wanaruah Local Aboriginal Land Council

In accordance with Stage 1, step 4.1.3, a notice was placed in the Singleton Argus on 12 September 2018 (see Appendix A). Also, in accordance with Stage 1, step 4.1.3, Aboriginal people or organisations identified at step 4.1.2 were invited to register for the project.

At the completion of Stage 1 of the Consultation Requirements a total of 23 Aboriginal people or organisations were registered for the project. The list of Registered Aboriginal Parties (RAPs) is given in Table 1.

**Table 1: Registered Aboriginal Parties**

<b>Aboriginal Stakeholders</b>	
<b>Organisation</b>	<b>Name of representative</b>
A1 Indigenous Services	Carolyn Hickey
Culturally Aware	Tracey Skene
Divine Diggers	Dierdre Perkins
Didge Ngunawal Clan	Paul Boyd & Lilly Carroll
Gidawaa Walang Cultural Consultants	Craig Horne
Gomery	David Horton

**Aboriginal Stakeholders**

Hunter Valley Aboriginal Corporation	Rhonda Griffiths
Jarban + Mugrebea	Les Atkinson
Uncle Barry French	Les Atkinson
JTM Traffic Management	Norman Archibald
Kawul Cultural Services	Vicky Slater / Rod Hickey
Hunter Valley Cultural Surveying	Luke Hickey
Lower Hunter Wonnarua Cultural Services	Tom Miller
Aboriginal Native Title Elders Consultant / Native Title Claimant	Margaret Matthews
Mindaribba LALC	Tara Dever
Stephen Talbott	Stephen Talbott
Tocomwall / Native Title Claimant	Scott Franks
Ungooroo	Allen Paget
Wallangan Cultural Services	Maree Waugh
Wattaka Wonnarua Cultural Consultancy Services	Des Hickey
Widescope	Steven Hickey
Valley ELM Corporation	Iren Adler
Wanaruah Local Aboriginal Land Council	Roz Thomson / Noel Downs

In accordance with Stage 1, step 4.1.6, the names and details of all RAPs for the Project were forwarded to Wanaruah LALC and OEH on 15 October 2018, unless RAPs had specified they did not want their details released.

In accordance with Stage 2 and 3, information regarding the proposed heritage assessment methodology and strategy for collecting information on cultural heritage significance, was provided in writing to the Registered Aboriginal Parties on 18 October 2018. 8 groups returned their comments on the methodology (Table 2).

**Table 2: RAPs who responded to the methodology**

<b>Aboriginal Stakeholder Groups or Individuals</b>			
RAP	Response	Date	RPS Response
Margaret Matthews	Supports methodology	18/10/18	-

**Aboriginal Stakeholder Groups or Individuals**

Tocomwall	<p>I have read the Methodology that you have provided and cannot support most of the elements within it. Firstly, we recommend the following.</p> <ul style="list-style-type: none"> <li>All sites and boundaries of sites need to be recorded with Differential GPS not standard hand-held GPS as it is proven on several other projects that standard off the shelf GPS locations have resulted in sites being impacted on as their accuracy varies from 20 meters to 175 meters</li> <li>Sites card 37-3-1506 may in fact cross over into the proposed development area. This sites card contains cultural protected information, this information will not be shared with registered Aboriginal parties or RPS. The information for that area is extremely sensitive and will need to be recorded for the project.</li> <li>The PCWP Registered Native title party retains its own Anthropologists Dr Neil Draper, this person in conjunction with Tocomwall are authorised to record collect and provide information regarding any cultural information with in the registered native title claimed area.</li> </ul> <p>Are you able to confirm that you will be engaging other specialist to assess the connection to this claimed area by Raps, could you please provide me with the process that you will be using to ensure you are complying with section 3 of Aboriginal cultural heritage consultation requirements for proponents 2010, I would also like to advise that the registered native title do not authorise, give permission or acknowledge any person that simply register an interest in this project, we also not except that the WLALC retains any cultural knowledge for the Wonnarua people represented by the registered native title party.</p> <p>Tocomwall on the behalf of the registered native title party needs to develop a process as to how our cultural knowledge can be recorded and managed and as such I request a meeting with Bettergrow Pty Ltd and the land owner. Could you please advise suitable dates for this meeting?</p>	18/10/18	<p>RPS altered the methodology to include use of DGPS to record any sites identified within the Project Area.</p> <p>RPS determined that AHIMS 37-3-1506 currently has the status "Not a Site" in the AHIMS database and therefore considered that no further assessment was needed.</p> <p>RPS has engaged Margaret and John Matthews, who form part of the Native Title Claimant group, to assist in provision of relevant information relating to the Project Area.</p> <p>No meeting has been considered necessary for the completion of this work as all consultation has been undertaken in accordance with the ACHCRs.</p>
Deidre Perkins	Endorses methodology	22/10/18	-
DNC Paul and Lilly Carroll	Endorses methodology	23/10/18	-
Murra Bidgee Mullangari	Endorses methodology	29/10/18	-
Culturally Aware	Endorses methodology	9/11/18	-

**Aboriginal Stakeholder Groups or Individuals**

Kawul	Endorses methodology; requests to be involved in the fieldwork	13/11/18	-
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Due to the project specifics, it was deemed appropriate that two Registered Aboriginal Parties be offered the opportunity to participate in the fieldworks. Selection of representatives was based on the Registered Aboriginal Parties who responded to the methodology and those who provided their insurances to work. two representatives (one of each Registered Aboriginal Party) where present for the fieldwork (Table 4).

**Table 3: RAPs who attended the fieldwork**

**Aboriginal Stakeholder Groups or Individuals**

Organisation	Representative
Culturally Aware	Tracey Skene
Aboriginal Native Title Elders Consultants / Native Title Claimant	Margaret Matthews (escorted by John Matthews)

**\*\*\*The following information will be included following provision of the report to the RAPs and receipt of relevant comments.**

In accordance with Stage 4, step 4.4.2, a draft copy of this ACHAR was provided to all RAPs on 26/3/2019. All RAPs were provided 28 days to review the document and make comments, request alterations or provide additions to this ACHAR. All comments are tabulated below and any comments on the cultural significance of the Project Area that were received have been included in Section 4 of this report.

**Table 4: RAPs who provided a response to the Draft ACHAR**

**Aboriginal Stakeholder Groups or Individuals**

Organisation	Representative	Comment	RPS response
Kawul	Vicky Slater	Vicky indicated that as Kawul had not been involved in the field work, they were not able to provide comment	N/A
Tocomwall	Scott Franks	Scott stated that Tocomwall (and he, as a representative of PCWP) did not believe that adequate consultation with the Native Title Claimant group had been undertaken.	<i>No response was made by RPS to this comment as consultation has been undertaken appropriately in accordance with the ACHCRs.</i>
Wanaruah LALC	Noel Downs	Noel noted that the area did not seem to have been subject to any previous	RPS provided the following response to these comments:

**Aboriginal Stakeholder Groups or Individuals**

		<p>investigations. WLALC recommendations are:</p> <ol style="list-style-type: none"> <li>1. There appears to be a large area not yet impacted by mining that we believe should be subject to investigation /walk over before further impacts, and</li> <li>2. Areas where topsoil from this site has been stored or spread should be investigated for objects.</li> </ol>	<p>“Regarding your point about the previous investigations – I agree that it does appear that way. I believe the reason that this hole in the archaeological record is present, is because this part of the mine was commenced prior to the requirement for comprehensive archaeological and cultural assessment. By the time we were able to get into this area, it was completely altered from its original state.</p> <p>Regarding your comment about the area which does not form part of the original void, refer to Figure 4 of the report and Section 5.2.1 and 5.2.2 which contains the survey unit descriptions (nb: <i>these things were included in the email for convenience</i>).</p> <p>I think Survey Unit 2 is the area to which you refer which was not part of the actual mine void. The survey has covered this portion of the project area and identified a highly eroded landscape which has also been subject to modification as a result of earthworks which have removed parts of the slope. No artefacts were identified while RPS, ANTC and Culturally Aware were out there. As there is no topsoil, it was assessed that there was no archaeological potential.</p> <p>I will add your final comment (regarding any topsoil which has been moved from the area previously) into our report.”</p>
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In response to RPS comments to Noel Downs at the WLALC as provided in the table above, Noel responded that:



*“WLALC stands by its recommendations... things change after weather events either rain or extended dry spells... . We would also believe more than one group should be present so community can have confidence this is not another snow job. We have had companies tell us areas were “walked over” only to later find large portions of them were not actually looked at.”*

RPS had included two groups in the archaeological survey, as shown in Table 3 above as the philosophy expressed by WLALC is understood and accepted.

It should be noted that WLALC have also expressed a desire to be given access to any topsoil stockpiles present on the site. It is understood that no known stockpiles of natural endemic topsoil are currently present on the site.

The final report was provided to the Registered Aboriginal Parties on 15 April 2019.

## 4 SUMMARY OF BACKGROUND INFORMATION

Section 4 provides the environmental and cultural heritage context for the Project Area. Information regarding the environment, archaeology and cultural landscape of the wider local region is also included in this section, in order to provide context for the Project Area.

### 4.1 Environment

An understanding of the environmental context is crucial for the interpretation of Aboriginal sites. The local environment provided natural resources for past Aboriginal people, such as stone (for manufacturing stone tools), food and medicines, wood and bark (for implements such as shields, spears, canoes, bowls, shelters, amongst others), as well as landforms suitable for camping and other activities. The nature of Aboriginal occupation and resource procurement is inextricably linked to the local environment and, therefore the local and regional landscape specifics need to be taken in strong consideration as part of every Aboriginal archaeological investigation and interpretation of Aboriginal cultural heritage.

#### 4.1.1 Geology and Soils

The Project Area is located within a geological landscape of sandstone, shale, mudstone, conglomerate and coal seams of the Paleozoic Singleton Coal Measure, part of the 'Maitland Group' (Rasmus et al 1969). The broader landscape geology demonstrates the availability of stone resources. Sandstone outcrops are suitable for grinding surfaces and indicate the possibility for the presence of rock engravings, mudstone is a suitable raw material for stone tool production.

The Project Area is situated within the Liddell Soil Landscape (Kovac & Lawrie 1991) characterised by Yellow Soloths on slopes and yellow Solodic Soils on concave slopes. Earthy and Siliceous Sands occur on mid to lower slopes where the parent material is sand. Red Soloths, Red Solodic Soils and Red Podzolic Soils may also occur (Kovac & Lawrie 1991). Soloth soils are acidic soils usually typical of humid regions. Solodic soils have a strong contrast between A and B horizon textures, with A horizons being often acidic and B horizons often alkaline (Agriculture Victoria 2018). Podosol soils are characterised by B horizons dominated by the accumulation of organic compounds, aluminium and/or iron (Agriculture Victoria 2018). Minor to severe sheet erosion and low to moderate flood hazard are common within the Liddell Soil Landscape (Kovac & Lawrie 1991). General soil descriptions and depths can be found below in Table 4.

**Table 5: General soil descriptions**

Soil profile			
Soil	Description		Depth
Yellow Soloths	Topsoil	Brown loamy sand to sandy loam	To 25 cm
	Subsoil	Sharp or clear change to bright brown or dull orange sandy-clay	>50cm
Yellow Solodic Soils	Topsoil	Dark brown loam	To 20 cm
	Subsoil	Clear change to bright reddish-brown light clay	>110cm
Earthy Sands	Topsoil	Dark brown sandy loam	To 40cm

**Soil profile**

	Subsoil	Gradual change to dull yellowish-brown sandy loam	>55cm
<b>Siliceous Sands</b>	Topsoil	Brown sand to loamy sand	To 40cm
	Subsoil	Gradual change to bright brown loamy sand	>100cm

After Kovac & Lawrie 1991

## 4.1.2 Topography and Hydrology

Local topography is generally that of undulating low hills and undulating hills (Kovac & Lawrie 1991). Elevation ranges from 140 to 220 m. Slopes are generally between 4 and 7%, with long slope lengths between 1200 and 2000 m. Local relief is 60 to 120 m with drainage lines usually occurring at 300 to 1000 m intervals (Kovac & Lawrie 1991).

Distance from water is an important factor affecting the archaeological potential of an area. The Project Area is located approximately 1.19 km west of Bowmans Creek. Lake Liddell is located approximately 5.6 km north-west of the Project Area, though this lake was artificially expanded to accommodate Liddell Power Station's cooling needs sometime after 1970. The Project Area is located approximately 6 km north of the Hunter River. Bayswater Creek originally ran either through or adjacent to the Project Area. In 1987 with the development of the Project Area for coal-mining, this creek was diverted (Godwin 1987:1).

## 4.1.3 Flora and Fauna

Endemic vegetation communities present within the Project Area prior to European settlement would have included Hunter-Macleay Dry Sclerophyll Forests.

The Hunter-Macleay Dry Sclerophyll Forests have open canopies with trees up to 30 m tall; common tree species include spotted gums, iron barks, grey gums, boxes and turpentines (Keith 2007:124-125). The understorey includes shrubs, herbs, ferns and grasses including silver-stemmed wattle and forest oak, which present as tall shrubs or small trees. Smaller shrubs include coffee bush, gorse bitter pea, peach heath, large mock-olive, narrow-leaved geebung and mutton wood (Keith 2007:124-125).

Vegetation communities throughout the Project Area would have provided a habitat for a variety of animals and would have also provided potential food and raw material sources for Aboriginal people. Typical animal species would have included kangaroos, wallabies, possums, sugar gliders, echidnas, birds, a variety of reptiles, as well as rats and mice. The bones of such animals have been recovered from excavations of Aboriginal sites suggesting that they were sources of food (Attenbrow 2003:70-76), although the hides, bones and teeth of some of the larger mammals may have been used for Aboriginal clothing, ornamentation, or other implements.

## 4.1.4 Synthesis of Environmental Context

The Project Area would have included environments suitable for occupation by past Aboriginal communities. The area is located close to several water sources, flora and fauna species utilised as dietary resources by past Aboriginal people would have been abundant within the Project Area prior to European settlement. However, the underlying geological formation would have provided few suitable raw stone materials for the manufacture of stone artefacts. While it is possible that mudstone could be used in the production of lithic artefacts, it is likely that resources would have also been procured from elsewhere.

## 4.2 Aboriginal Cultural Heritage Context

The Aboriginal heritage assessment process requires that the significance of Aboriginal sites within a study area is assessed. It is important that Aboriginal sites are contextualised within the local and regional landscape, in order to inform the assessment of significance. The Aboriginal cultural heritage context is also needed as a base for the development of a predictive model for Aboriginal sites in the study area. Historical information provides additional information for the interpretation of archaeological sites.

### 4.2.1 Historic Records of Aboriginal Occupation

It is important to note that the historical documents were produced for a number of reasons and thus may contain inaccuracies and/or bias in their reporting of events or other aspects of Aboriginal culture. Nonetheless, some historical documents provide important information and insights into local Aboriginal customs and material culture at the time of non-Indigenous settlement and occupation of the region.

### 4.2.2 Aboriginal Implements

Cord was used for the construction of canoes, fishing lines and nets and was usually made from the bark of various trees. The bark of the cabbage tree formed the thread used to repair canoes (Threlkeld in Gunson 1974). Ebsworth (Ebsworth 1826:79) described how the women drew string from bark: "They twist and roll bark in a curious manner with the palm of the hand upon the leg; with this string they form nets of curious workmanship." In addition to nets, Dawson (Dawson 1830:250) indicated that tea tree bark was used to make small baskets. Canes made from tree bark could be seen laced at the ends with kurrajong and sealed with the grass-tree gum. The fibre of the kurrajong bark was also used to make rope or twine (Wood 1972).

Shields used in the Hunter region appear also to have been made of both wood and bark and several types of clubs have also been described in the Hunter Valley as being made of hard wood (Brayshaw 1987:64). Also made of hard wood were boomerangs and women's yam sticks which they used in their daily forage for food. Spears for all purposes appear in the Hunter region to have been of composite manufacture, usually comprising lengths of grass tree to which were affixed with points of hard wood. Another composite tool was the hatchet, a small axe or tomahawk, used for various purposes. Grass-tree gum, with lashings of kurrajong was used for the hafting of stone heads and spear axes (Wood 1972).

### 4.2.3 Food and Useful Plants

Kangaroo, wallabies, echidna and the bandicoot formed part of the Wonaruah diet. Possums were identified in trees by fresh claw marks on trunks. The tree was climbed by tomahawking notches big enough to receive to climb up the tree. The hunter would drive the possum to the bottom of the tree hollow with a long stick, the base of the tree was cut and the possum removed (Wood 1972). Emus were sometimes caught with nets (Fawcett 1898) and mutton birds, ducks and pigeons were also eaten. Honey from two varieties of native bee was eaten and was also mixed with water to for a drink (Dawson 1830:60). Bee's nests were commonly found in the bush by catching a bee, gumming a piece of bird-down to it and watching the direction of the bee's flight (Wood 1972). Aboriginal people had no pottery or cooking implements. The food was always cooked in this part of the Hunter Valley; by boiling or baking in hot ashes, or in an excavated oven lined with stones (Wood 1972).

Gum or resin from the 'mimosa' and the grass tree was used in the manufacture of much of the Aboriginal tool kit. There is evidence that scrapers of shell were employed to sharpen spears and that oyster shells

ground into shape were used for fishhooks. Awls of kangaroo bone were used to repair canoes and also in sewing together possum and kangaroo skins to make cloaks.

#### 4.2.4 Clothing

Aboriginal people of the area usually wore kangaroo or possum skins, and sometimes fur cloaks, which provided nearly everything that was worn. Summer weather and the milder days of autumn and spring required little in the way of protective clothing, winter however saw the use of animal skins as cloaks and as blankets (Wood 1972). The men always wore a belt of possum fur into which they stuck their tomahawks.

#### 4.2.5 Campsites and Shelters

Fawcett (1898:152) stated that the Wonaruah chose their campsite by its proximity to fresh water, food resource available and the vantage ground in case of attack from an enemy. Huts or 'gunyers' were constructed from bark. Cunningham (1827:17) stated that the box or stringy bark was used in the construction of huts. He details the process as: "The bark was cut from Box or stringy bark trees ...[it was] stripped off in one unbroken piece forming when stretched out flat a sheet from six to twelve feet square". To prevent the bark from cracking when being stretched out it was heated inside and when dry these sheets of bark retained their flat shape (Cunningham 1827:17).

Aboriginal shelter in the Upper Hunter Valley were usually either huts or bowers and were not covered with bark as in other parts of the Hunter region, and comprised a variety of materials such as reeds, grass, and boughs (Wood 1972). Canoes of the Hunter river contained a much larger and better construction which were often capable of holding an increased number of people. Canoes were made from a single sheet of bark of large river gums and paddle shaped like large flat spoons.

#### 4.2.6 Aboriginal History after Contact

Europeans arrived in the Hunter Valley in 1797 during the discovery of coal at Newcastle. By 1801 the Valley was reserved by the Crown as both a new convict settlement and for its resources in coal and timber (Davidson and Lovell - Jones 1993:8). By 1819 the demand for grazing land and rural settlement increased and in 1821 Henry Dangar was commissioned to undertake a survey of the Hunter area to assess its suitability for farming (DECCW 2008). Following Dangar's work, settlement in the Hunter Valley was speedy. According to Dangar (Brayshaw 1987:10):

In this division of country, occupying upwards of 150 miles along the river, which, in 1822, possessed little more than its aboriginal inhabitants, in 1826-27, more than half a million acres were appropriated and in a forward state of improvement... Here in 1827 were upwards of 25,000 head of horned cattle, and 80,000 fine and improved-wool sheep.

First contact between the Wonnarua and the settlers began cordially, however, it rapidly turned hostile with the Aboriginal community actively resisting colonisation and appropriation of their land and resources (Davidson and Lovell - Jones 1993:14 - 15). The European landholders and their stockmen implemented 'widespread indiscriminate' violence against the Aboriginal people. In 1826 Merton was besieged by about 200 Aboriginals demanding the release of two of their men who apparently had been wrongly arrested on a charge of murdering a European settler (Denman and District Association 1980). This violence escalated significantly after 1826 and was fuelled by institutionalised violence of the Mounted Police.

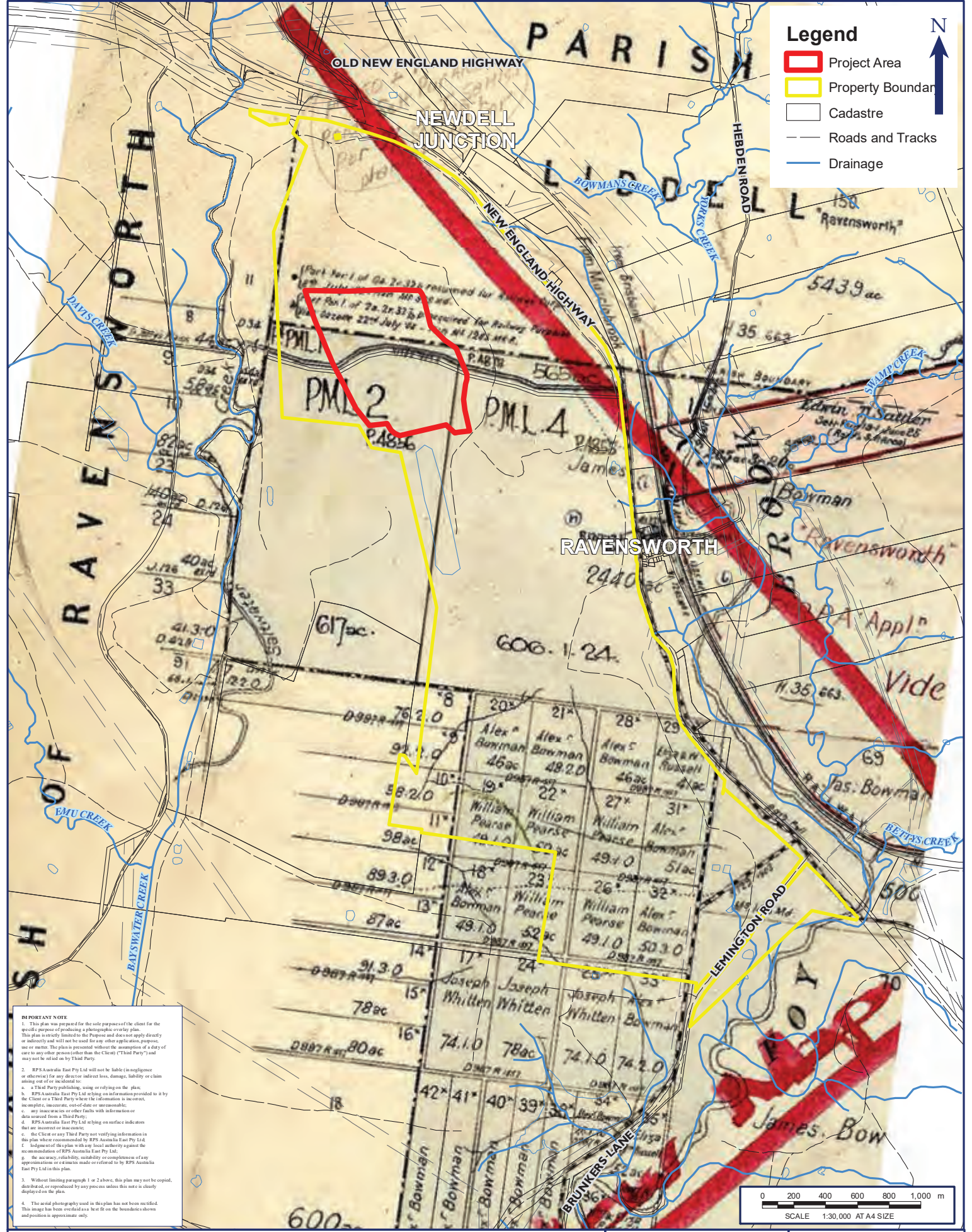
## 4.2.7 Land Use Context

Understanding the post-contact land uses of the Project Area is important when assessing disturbance to potential Aboriginal archaeological and Heritage sites. The European settlement of Australia brought major changes in the patterns of Aboriginal life and land-use and had considerable impacts on the physical landscape.

European settlement of the Hunter Valley commenced in 1820 as the region was pronounced open to free settlement. The earliest land grant in the Ravensworth region was that of Dr James Bowman. By the 1850 European communities in the area were expanding and significant farming estates existed in the region until the 1970s. Coal mining in the Ravensworth area first began in 1972 at the Ravensworth No.2 Open Cut mine to supply coal under contract to Pacific Power (previously known as the Electricity Commission of NSW) (Ravensworth Operations 2008:1). Expansion of workings occurred progressively until the late 1990s.

The Project Area constituted farmland within the Parish of Vane from 1824 until 1972 (Refer to RPS Historic Heritage Assessment (RPS 2019) - Figure 2). Since 1972 the Project Area has been part of Ravensworth mine. Major successive disturbance can be expected as a result of farming (including deforestation and erosion) and mining activities on site over the past 199 years. The Project Area formed part of the open cut mine and has subsequently been filled in.





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**FIGURE 2: HISTORIC PARISH MAPS 1912**

LOCATION: RAVENSWORTH	DATUM: GDA94
JOB NO.: PR141357	PROJECTION: MGA Zone 56
PURPOSE: HERITAGE	Data Sources: RPS, Client
Technician: Natalie.Wood	Land and Property 2017
Date: 14/02/2019	



## 4.3 Overview of Aboriginal Stone Artefacts

The stone artefacts are the most common Aboriginal material which is identified in archaeological contexts and surface sites. Stone artefacts are derived from the process of manufacturing, maintaining or using stone tools. Such stone tools were used for a variety of purposes including woodworking, processing and piercing skins for clothing, cutting and scraping and spear tips.

### 4.3.1 Stone Tool Production

Stone tools are generally manufactured by striking a siliceous piece of material (a core) with another rock (hammerstone) to produce a sharp sliver of stone (flake) (Andrefsky 2000: 9-37). Raw materials for cores are usually derived from a primary rock outcrop or a secondary cobble source. Such sources of raw material will generally be weathered on their outer surfaces, creating a 'rind' which is a different colour or texture to the inner stone material; this outer surface is known as cortex (Whittaker 1994: 17).

Stone tool production and use is a reductive process – stone mass can only be reduced, not added (Shott 2005). Each stage of stone tool manufacture will remove stone mass and stone tool use can also reduce the size of the stone tool; this process is known as a reduction sequence, and such sequences can be divided into stages which are useful for interpretation. Artefacts with high percentages of cortex are usually associated with initial reduction of the raw material, often referred to as primary production. Artefacts produced during the primary production process also tend to be larger than artefacts produced later in the reduction sequence. Secondary production usually involves the manufacture of tool blanks and artefacts may have some cortex. Tertiary production is the final stage of production and is usually characterised by artefacts with little or no cortex and may have distinctive flakes which derive from the final shaping of the tool.

### 4.3.2 Stone Raw Material Definitions

This refers to the type of rock/stone that an artefact was manufactured from. Definitions of common raw materials are provided below.

**Chalcedony:** a cryptocrystalline silica mineral that usually has a vitreous lustre with a variety of colours depending on the presence of various oxides (Holdaway and Stern 2004: 24).

**Chert:** a fine-grained microcrystalline siliceous sedimentary rock that has been subject to diagenesis with the individual grains invisible to the naked eye (Attenbrow 2003:206).

**Petrified Wood:** the replacement of the organic remains of plant material by siliceous minerals forming fossilized or lithified wood.

**Quartz:** consists almost entirely of silica. It is usually glassy grey or white in colour, but trace amounts of other minerals can cause the rock to be clear, rose, purple, yellow and brown. (Attenbrow 2003:206).

**Quartzite:** an extremely hard, resistant, fine grained to medium grained rock usually comprising over 90% quartz grains. It is formed from quartz sandstone that has been subjected to metamorphic processes. (Attenbrow 2003:206).

**Sedimentary Rocks:** formed from the deposition of accumulated sediment which is then subject to compression and silicification forming lithified rocks. (Attenbrow 2003:207).

**Silcrete:** This rock is formed by the cementation of silicified grains in a matrix of either amorphous, or fine-grained silica (Holdaway and Stern 2004:24).



**Tuff:** is a pyroclastic volcanic rock which is formed by medium to fine grained material such as volcanic ash which has been subject to pressure (Attenbrow 2003:206).

### 4.3.3 Stone Raw Materials used in the Hunter Valley

The most common raw material types which have been found in Aboriginal sites in the Hunter Valley are silcrete, mudstone (also sometimes referred to as silicified tuff) and in some areas, tuff. Chert, quartz, quartzite, silicified sandstone, chalcedony and petrified wood, were also used in the Hunter to a lesser extent (Kuskie and Kamminga 2000).

Archaeological and geological studies in the Hunter Valley have identified various terrestrial and alluvial sources of silcrete, including at Bengalla, Saltwater Creek, Bulga, Lemington, Jerrys Plains, Singleton and terraces along the Hunter River (Koettig and Hughes 1985, Rich 1993, Koettig 1994, Brayshaw, Haglund et al. 1996). Many archaeologists pinpoint the alluvial and terrace gravels of the Hunter River as being the primary source of silcrete procured for manufacturing artefacts in the Hunter Valley (Dean-Jones and Mitchell 1993, Kuskie and Kamminga 2000). Mudstones are generally sourced from inter bedded mudstones and sandstones in creek beds and cobbles on creek banks. Volcanic tuffs occur in widespread seams throughout the Hunter Valley and are occasionally exposed in drainage lines or in cliff faces (primary sources), secondary sources of tuff may occur as river cobbles and can be a readily available source of the material (Kuskie and Kamminga 2000).

## 4.4 Archaeological Context

The purpose of reviewing the relevant heritage information is to assist in identifying whether Aboriginal objects or places are present, or likely to be present, within the Project Area. It also assists in defining areas of archaeological potential.

The occupation of the Hunter region is associated with the occupation of south eastern Australia of at least 20,000 years. Attenbrow (1982) found in the upper Mangrove Creek catchment, less than 10 km south of the watershed between the Hawkesbury and Hunter Rivers, that most of the evidence for occupation of the valley dated from the last 5,000 years.

The Project Area is located in the Hunter Valley. Archaeological evidence suggests that Aboriginal occupation of the Hunter Valley region began by at least 35,000 years (Koettig 1987). Additional chronological evidence was recovered from the Hunter Valley's northeast mountains for which the following dates were assigned 34,580±650 (Beta-17009), >20,000 (Beta-20056) and 13,020±360 years BP (Beta-17271) (Koettig 1987, as cited in Attenbrow 2006). These dates show that the region was occupied during the Pleistocene (>10,000 years ago), such sites are generally rare and therefore contain significant archaeological/scientific information, as well as, demonstrating the long occupation of Aboriginal people in the region.

The majority of Aboriginal sites in the region, however, are dated to the more recent Holocene (<10,000 years ago). This may reflect Aboriginal occupation patterns but may also be influenced by the inaccessibility of potential coastal Pleistocene sites which were inundated when sea levels rose and reached present levels approximately 6000 years ago (Mulvaney and Kamminga 1999:223). Evidence for Holocene Aboriginal occupation has been recovered from Bobadeen (7,760 cal. years BP), as well as Milbrodale (1,420 cal. years BP) and Sandy Hollow (1,310 cal. years BP) (Moore 1970:58).

### 4.4.1 Aboriginal Heritage Information Management System (AHIMS)

A search was undertaken of the AHIMS database on 17 October 2018 which revealed 206 previously recorded Aboriginal objects and their locations within the coordinates (Table 6). No Aboriginal sites or objects were identified within the Project Area. Low-density surface artefact sites are the most frequent type occurring within 1.5 kilometres of the Project Area.

**Table 6: AHIMS search results**

Summary of AHIMS sites within the search coordinates		
Type	Frequency	Percent
Artefact site (number unspecified)	156 (99 destroyed, 1 partially destroyed)	75.73%
Isolated find	23 (7 destroyed, 8 partially destroyed)	11.17%
Artefact Scatter	14 (3 destroyed)	7.28%
Artefact Scatter with PAD	5 (3 destroyed)	2.43%
Art (pigment or engraved)	2 (1 destroyed)	0.97%
Grinding groove with artefacts	1	0.49%
Grinding groove, modified tree, artefacts	1	0.49%
Massacre	1	0.49%
PAD	1	0.49%
Restricted	1 (not a site)	0.49%
<b>TOTAL</b>	<b>206 (113 destroyed, 9 partially destroyed, 1 not a site)</b>	<b>100%</b>

*Searched co-ordinates Lat, Long from: -32.478046, 151.047558 to -32.46182, 151.06705*

#### Artefact Sites/Scatters

Artefact scatters are defined as a group of artefacts found scattered on the ground surface. An artefact scatter may consist solely of surface material exposed by erosion or may contain sub-surface deposits at varying depths. Associated features may include hearths or stone-lined fireplaces, and heat treatment pits.

Artefact scatters may represent:

- camp sites: involving short or long-term habitation, manufacture and maintenance of stone or wooden tools, raw material management, tool storage and food preparation and consumption;
- hunting or gathering activities;
- activities spatially separated from camp sites (e.g. tool manufacture or maintenance); or
- transient movement through the landscape.

The detection of artefact scatters depends upon conditions of surface visibility, including vegetation cover, ground disturbance and recent sediment deposition. Unfavourable conditions obscure artefact scatters and prevent their detection during surface surveys.

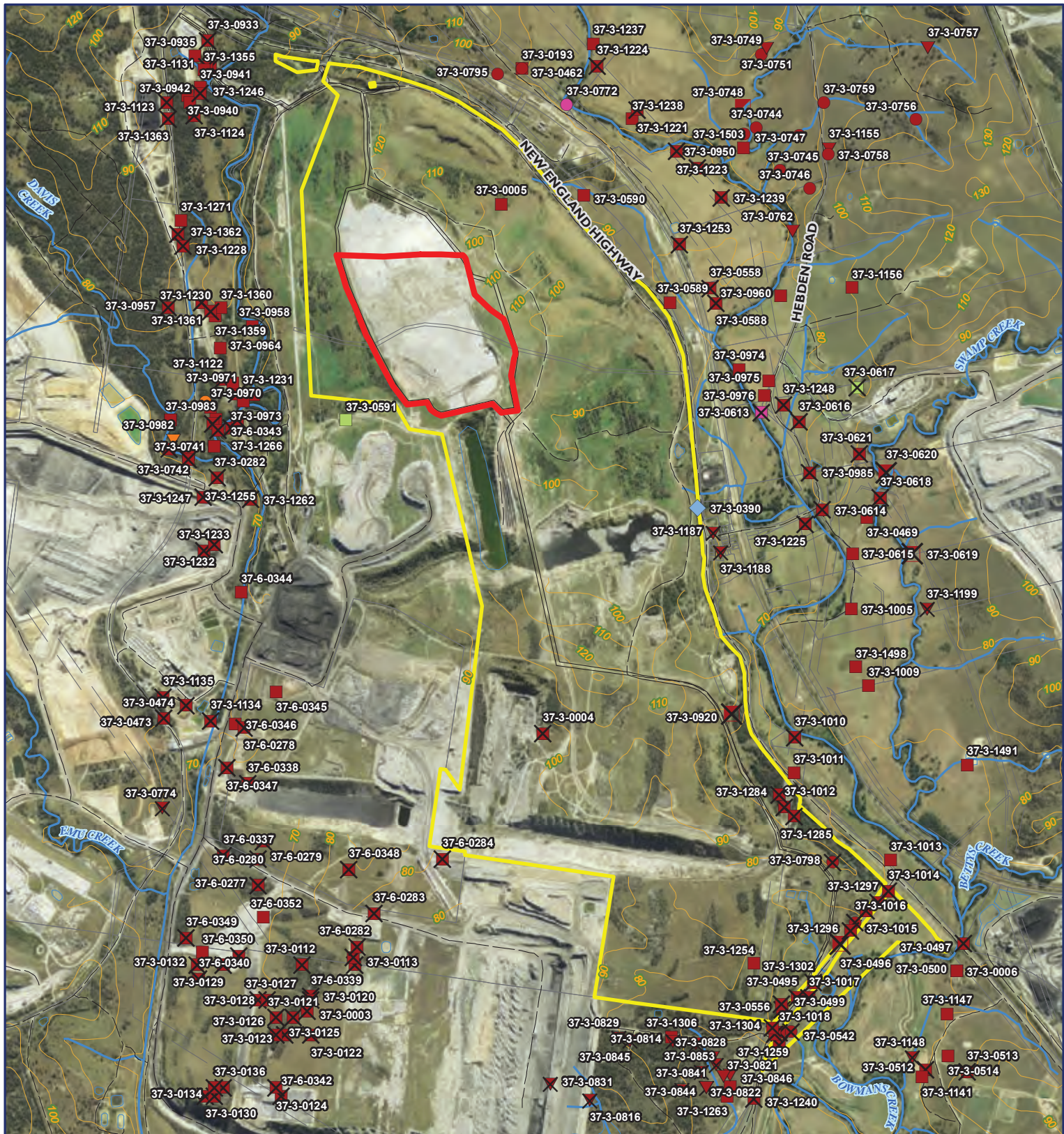
### **Isolated Finds**

Isolated finds are individual artefacts found by themselves with no apparent association with other evidence for prehistoric activity or occupation. Isolated finds occur anywhere and may represent loss, deliberate discard or abandonment of an artefact, or may be the remains of a dispersed artefact scatter. Numerous isolated finds have been recorded within the project area. An isolated find may flag the occurrence of other less visible artefacts in the vicinity or may indicate disturbance or relocation after the original discard.

### **Potential Archaeological Deposit (PAD)**

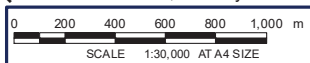
A PAD is defined as any location where the potential for subsurface archaeological material is considered to be moderate or high, relative to the surrounding study area landscape.





**Legend**

- |                   |  |   |  |
|-------------------|--|---|--|
| Project Area      | <b>AHIMS</b>                               | Grinding groove; Modified tree; Artefact/s unspecified, Valid | Artefact/s unspecified, Destroyed                    |
| Property Boundary | Artefact scatter, Valid                    | Massacre, Valid   | PAD; Stone quarry; artefact/s unspecified, Destroyed |
| Cadastre          | Artefact/s unspecified, Valid              | PAD with artefacts, Valid                                     | PAD with artefacts, Destroyed                        |
| Roads and Tracks  | Isolated find, Valid                       | PAD, Valid  | Isolated find, Destroyed                             |
| Drainage          | Art (pigment or engraved), Valid           | Artefact scatter, Destroyed                                   | Art (pigment or engraved), Destroyed                 |
| 10m Contours      | Axe Grinding Groove, Open Camp Site, Valid |   |  |



**FIGURE 3: SITE LOCATION AND AHIMS**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	
Technician: Natalie.Wood	Date: 14/02/2019

CLIENT: BETTERGROW PTY LTD

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)  
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## 4.5 Previous archaeological assessments

A review of previous archaeological and cultural heritage work has been undertaken in order to inform this assessment.

### **Godwin, L (1987) 'A Preliminary Archaeological Survey of a Proposed Open-cut Coalmine at Ravensworth in the Hunter Valley of NSW.' Report to Croft and Associated Pty Ltd.**

In January 1987, Luke Godwin authored a report detailing an archaeological survey undertaken near Ravensworth. A sketch map included within the report identifies the proposal area as being either directly south of the Project Area or south and within the Project Area. The archaeological survey was conducted to inform an Environmental Impact Statement (EIS) for a proposed development of approximately 300 hectares for open-cut mining, also requiring a diversion of Baywater Creek and a re-alignment of Lemington Road.

The location of the proposed works was underlain by the Singleton Coal Measure, comprising sandstone, mudstone, shale, conglomerate and coal seams. It was considered likely by Godwin that mudstone would be the most common raw material used in the production of stone artefacts within the proposal area. The topography of the project area was that of several hills, and low-lying areas bisected by Bayswater Creek.

A survey was undertaken in order to investigate areas that had previously not been surveyed, and to ground-truth previously inspected and recorded sites. Particular interest was paid to eroded areas along watercourses, vehicle tracks and other disturbed areas. During the course of the survey a total of 58 separate exposures of archaeological material were recorded. Due to the sheer amount of sites, further detailed recording was not possible other than a density and raw material count. Sites ranged from single isolated finds up to sites with densities over 30 artefacts per square metre. No other site types were recorded. It was Godwin's view that artefact density and location was directly affected by distance to water, and that these creek beds and gullies would have provided suitable raw materials for knapping (in particular mudstone) but that silcrete would have needed to be transported into the area from another source.

### **Australian Museum Business Services (2002) 'Abbey Green', Mt Thorley Mine, Hunter Valley Archaeological Assessment. Report prepared for Coal & Allied.**

In 2002, a report was authored by Australian Museum Business Services (AMBS) for a proposal to extend current open cut mining operations at the Mt Thorley mine, including design concepts for a proposed haul road. The proposal area is located approximately 20 kilometres south of the Project Area.

Within a three-kilometre radius of the proposal area a total of 111 Aboriginal objects had been registered with the National Parks and Wildlife Service. The majority of these sites were open camp sites (109), one set of grinding grooves and one erroneously recorded midden. Two of these sites had been recorded as being located within the proposal area. It was considered likely that open camp sites would be the most common site type likely to be encountered during the works, including stone artefacts and possible hearths. Where artefacts were likely to be encountered it was considered likely these would be on the eroding edge of Unit A soils, commonly by creeks. Artefacts densities, particularly with regards to potential archaeological deposits would occur approximately 30 metres back from the creek. It was considered scarred trees and grinding grooves may occur within the proposal area, but that this was unlikely.

A field survey was conducted within the proposal area which identified ten previously unrecorded sites; five open sites, two isolated finds and three areas of Potential Archaeological Deposit (PAD). Results confirmed to the predictive model above, with open camp sites commonly located near water sources, and with intact Unit A soil deposits located in areas adjacent to several sites. The majority of artefacts were silcrete and

IMT however porcellanite, quartz, quartzite and chalcedony were also present. It was the view of AMBS that the sites recorded within the proposal area contained stone artefacts made of locally available raw materials and artefact types, the majority of which had been at least partially disturbed through past mining and agricultural activities.

**Insite Heritage (2012) 'Aboriginal Archaeological Report: Proposed Goaf Gas Drainage Project, Ashton Coal Operations Ltd Camberwell, NSW.' Report to Wells Environmental Services on behalf of ACOL.**

In 2012, Insite Heritage authored an Aboriginal archaeological report to Wells Environmental Services for a proposed Goaf Gas drainage project. Under the ACOL lease of the area, two Aboriginal Heritage Impact Permits (AHIPs no. 1131017 and 1130976) encompassed the goaf gas drainage proposal area. The report was undertaken in order to identify and assess potential impacts from the proposed works and recommend appropriate management and mitigation strategies under the permits. The proposal area is located approximately five kilometres south-east of the Project Area.

Previous assessments undertaken within the ACOL mine lease area identified 157 sites within the lease as a result of several surveys. The archaeological resource of the area included artefact scatters as the predominant site type, located along the central ridge and on slopes and terraces of Glennies and Bowmans Creeks and the Hunter River. A field survey of the proposal area was undertaken, a portion of which had already been salvaged under the above AHIP. The survey resulted in the identification of 30 previously unrecorded loci containing artefacts, 15 of which were artefact scatters and 15 of which were isolated finds. A large majority of the new recordings were identified adjacent or within previously recorded site boundaries and thus were amended to the relevant site cards. Recommendations for appropriate measures to be undertaken under the terms of the AHIP were outlined within the report.

#### **4.5.1 Summary of Archaeological Context and Predictive Model**

Archaeological evidence suggests that Aboriginal occupation of the Hunter Valley region began at least 35,000 years ago, however, the majority of Aboriginal sites in the region are dated to the more recent Holocene. A search of the Aboriginal Heritage Information Management System (AHIMS) identified 60 previously recorded Aboriginal objects within the searched area. These Aboriginal objects were predominantly low-density surface artefact sites.

In January 1987, Luke Godwin authored a report detailing an archaeological survey undertaken either within or directly adjacent to the Project Area. Aboriginal objects identified during the field surveys conducted for this report ranged from single isolated finds up to sites with densities over 30 artefacts per square metre. It was Godwin's view that artefact density and location was directly affected by distance to water, and that creek beds and gullies would have provided suitable raw materials for knapping (in particular mudstone) but that silcrete would have needed to be transported into the area from another source.

##### **4.5.1.1 Predictive Model**

The purpose of a predictive model is to provide an indication of the potential archaeological resource based on the local archaeological context and land use disturbance.

With reference to the local archaeological context, land use disturbance and previous investigations in the area, the following predictive statements have been prepared for the Project Area.

## REPORT

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- There is nil to low potential for intact archaeological deposits within areas where disturbance has occurred, such as that from mining operations. However, should unmodified land be present, the potential for archaeological deposits would increase to moderate.
- With reference to previous investigations in the area, the most likely site types to occur within the Project Area would be artefact sites including isolated finds and/or artefact scatters.
- The Project Area is located near several watercourses, and within the previous alignment of Bayswater Creek. It is likely that where artefacts are present within this area, they would likely be associated with the former alignment of this watercourse.
- In areas of high disturbance associated with previous mining activities there is nil to low potential for Aboriginal objects to be present.

## 5 ARCHAEOLOGICAL FIELD SURVEY

In accordance with the *Code of Practice*, the aims of an archaeological survey are twofold. The first aim of an archaeological survey is to record all (or a representative sample of all) material traces of Aboriginal land use visible on the ground surface or as landscape features. The second aim is to assess subsurface archaeological potential. The Project Area was initially inspected for the purposes of a due diligence assessment. This was followed by an archaeological survey conducted in accordance with the *Code of Practice*.

The Project Area was inspected on Wednesday 29 January 2019 by RPS Senior Archaeologist Dr Dragomir Garbov with participation by the Registered Aboriginal Parties (RAPs) as listed in Section 3.2 / Table 3 of this report and Todd Wurth (Bettergrow).

### 5.1 Methodology

The survey was conducted on foot (pedestrian) and targeted the locations identified in the sampling strategy. The mapping of survey units was undertaken on the basis of GPS recorded data and with reference to aerial and topographic information. The recording of sites was to be undertaken using representative digital photographs and field notes which include observations of soils, ground surface exposure and visibility, vegetation cover, levels of ground surface disturbance, erosion and similar observations.

### 5.2 Results

The Project Area represents a flat irregular polygon with an overall area of 57 ha. 95% (54 ha) of the Project Area comprise fully disturbed land – backfilled mine open cut, and 5% (3 ha, located in the eastern portion of the Project Area) comprise a partially disturbed rocky elevation. Due to its specifics the Project Area was assessed as two survey units (Figure 4). The overall survey coverage is detailed in Table 7 and Table 8.

#### 5.2.1 Survey Unit 1 (SU1)

Survey Unit 1 comprises 95% (54 ha) of the Project Area and represents a backfilled mine void. The western portion of SU1 contains the current Bettergrow mulching operation since 2016 on an area of 6 ha (Plate 1). The rest of SU1 comprises fill exposures, disused land, partial vegetation regrowth (low grass) and revegetation (young trees), and dirt tracks (Plate 5, Plate 6, Plate 7, Plate 8). Due to the evident total disturbance as a result of previous land use a decision was made in full agreement by the attending archaeologist and RAP sites officers for SU1 to be assessed opportunistically by targeting identified exposure locations and conducting localised observations. No Aboriginal sites or objects were identified. No potential for subsurface archaeological deposits was identified. No mature native trees were identified.

#### 5.2.2 Survey Unit 2

Survey Unit 2 comprises 5% (3 ha) of the Project area and represents a low elevation oriented northeast to south west along its long axis (Plate 2). The western slope of the elevation has been removed as a result of the former mining operation. The elevation is fully deforested and completely eroded of topsoils (Plate 4, Plate 5, Plate 6). Ground surface visibility is 80% (Plate 4). No Aboriginal sites or objects were



identified. No potential for subsurface archaeological deposits was identified. No mature native trees were identified.

### 5.2.3 Survey Coverage

According to the Code of Practice the purpose of survey coverage analysis is to ensure that the survey data provides sufficient evidence for an evaluation of the distribution of objects across the landscape, taking into account archaeological potential. The survey must be presented in tabular format or include a clear justification where this format is not used (OEH 2010).

Due to the land-use history and specifics and the survey approach, detailed above, adopted in full agreement by the attending archaeologist and the RAP sites officers, data on SU1 is considered 'not applicable' for the purposes of survey coverage analysis.

**Table 7: Effective coverage of survey units**

Survey coverage						
Unit	Landform	Area (m <sup>2</sup> )	Visibility (percent)	Exposure	Effective coverage area (m <sup>2</sup> )	Effective coverage (percent)
SU1	Flat modified land	570,000	Not applicable	Not applicable	Not applicable	Not applicable
SU2	Elevation	30,000	80%	70%	16,800	56%

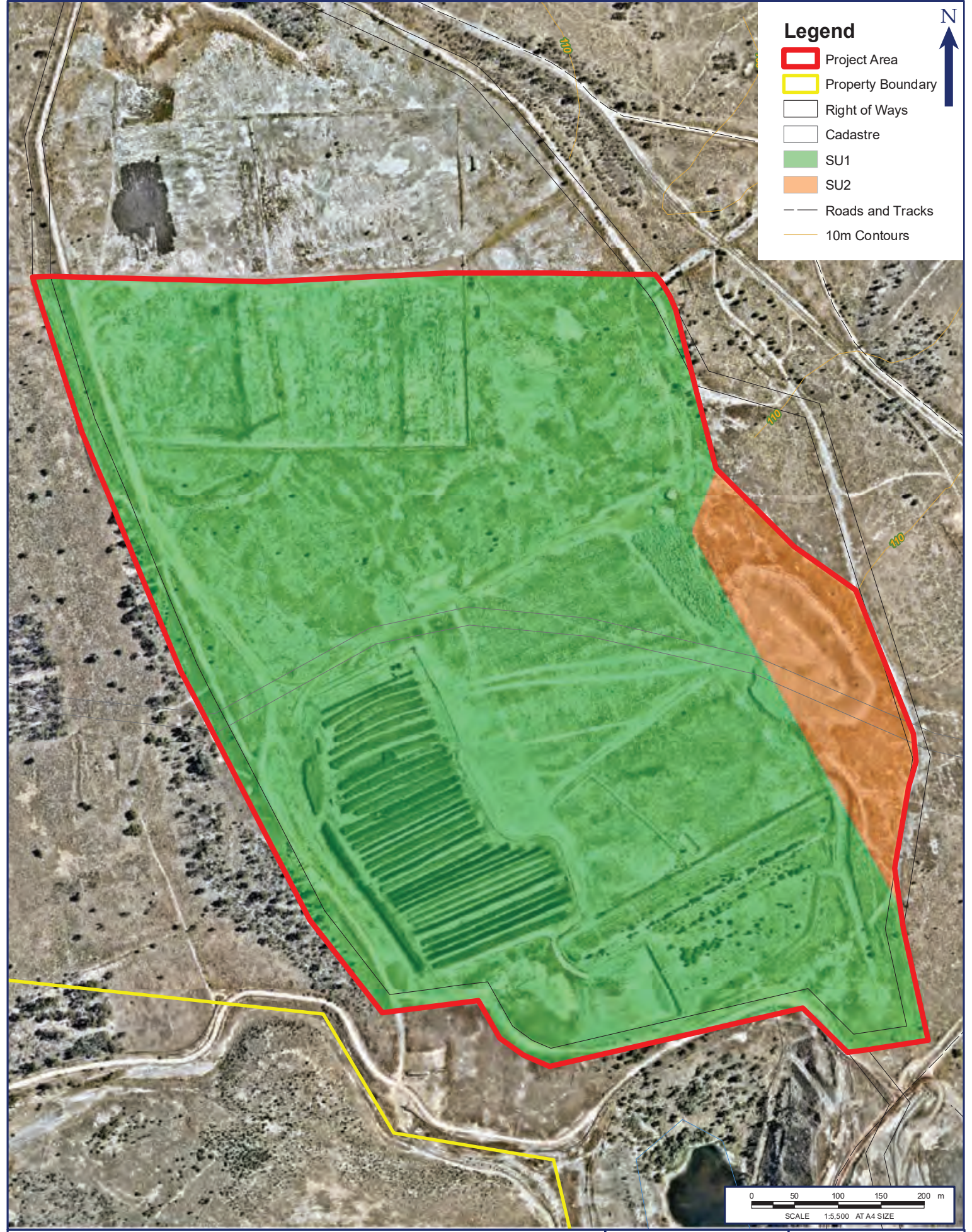
**Table 8: Effective coverage of landforms**

Survey coverage					
Landform	Area (m <sup>2</sup> )	Effective coverage area (m <sup>2</sup> )	Effective coverage of landform (percent)	AHIMS sites present	Number of Aboriginal objects
SU1: Disturbed land	570,000	Not applicable	Not applicable	0	0
SU2: Elevation	30,000	16,800	56%	0	0

## 5.3 Summary

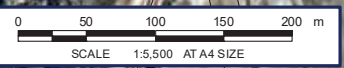
The Project Area was surveyed as two SUs. SU1 represents a 54 ha of flat disturbed land and SU2 represents a 3ha disturbed elevation on the eastern verge of SU1. No Aboriginal sites or objects were identified. No potential for subsurface archaeological deposits was identified. No mature native trees were identified. When given the opportunity to comment, the RAPs commented that while the Project Area is culturally significant as part of the wider Aboriginal cultural landscape, when viewed in isolation there are no specific cultural values associated with the Project Area.





**Legend**

- Project Area
- Property Boundary
- Right of Ways
- Cadastre
- SU1
- SU2
- Roads and Tracks
- 10m Contours



**FIGURE 4: SURVEY UNITS**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Nearmap Feb2018
PURPOSE: HERITAGE	
Technician: Natalie.Wood	Date: 14/02/2019

CLIENT: BETTERGROW PTY LTD		

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## 6 SIGNIFICANCE ASSESSMENT

In order to develop appropriate heritage management outcomes, it is necessary for the significance of Aboriginal objects and places to be assessed. Aboriginal heritage may be significant for cultural and/or archaeological reasons. Aboriginal people are best placed to assess cultural significance and are therefore, consulted in the heritage management process. Archaeological significance is assessed against archaeological criteria outlined in the Code of Practice (DECCW 2010).

The cultural significance of Aboriginal cultural heritage has been assessed in accordance with the Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance (Australia ICOMOS 2013) (the Burra Charter) and the Guide (OEH 2011). The Burra Charter (Australia ICOMOS 2013:2) defines cultural significance as:

*Cultural significance means aesthetic, historic, archaeological, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.*

The cultural significance of Aboriginal objects and places has been assessed against four criteria:

- **Social or cultural:** Social or cultural value refers to the spiritual, traditional, historical or contemporary associations and attachments of a place (OEH 2011:8). There is often not consensus about the cultural value of an object or place as people experience places and events in different ways and as such, cultural values may be in direct conflict. Social and cultural values have been determined through consultation with RAPs.
- **Historic:** Historic value refers to the associations of a place with a historic figure, event, phase or activity. Historic places are not always associated with tangible evidence (such as structures or landscape modifications) and may have shared historic values with other (non-Aboriginal) community groups.
- **Archaeological:** Archaeological value refers to the importance of a landscape, area, place or object based on its rarity, representativeness and the extent to which it may contribute to further understanding and information about past Aboriginal occupation (OEH 2011:9).
- **Aesthetic:** Aesthetic value refers to the sensory, scenic, architectural and creative aspects of a place. It may consider form, scale, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use (OEH 2011:9).

An assessment of cultural significance incorporates a range of values which may vary for different individual groups and may relate to both the natural and cultural characteristics of places or sites. Cultural significance and Aboriginal cultural views can only be determined by the Aboriginal community, using their own knowledge of the sites and their own value system.

### 6.1 Cultural Significance Assessment

#### 6.1.1 Cultural heritage value

Cultural heritage value refers to the spiritual, traditional, historical or contemporary associations and attachments a place has for Aboriginal people (OEH 2011:8). There is not always consensus about the cultural value of a place as people experience places and events differently, and in some instances

cultural values may be in direct conflict. Cultural significance can only be determined by Aboriginal people and is identified through Aboriginal community consultation.

The cultural value of the Project Area was discussed with representatives of RAPs who attended the archaeological survey. RAPs have been invited to comment on the cultural significance of the Project Area throughout the consultation process for this ACHAR.

When given the opportunity to comment, the RAPs have commented that while the Project Area is culturally significant as part of the wider Aboriginal cultural landscape, when viewed in isolation there are no specific cultural values associated with the Project Area.

No additional cultural information relevant to the Project Area was provided following provision of the draft report.

### **6.1.2 Historic value**

Historic value refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community (OEH 2011:9).

The historical value of the Project Area was discussed with representatives of RAPs who attended the archaeological survey of the Project Area. RAPs were invited to comment on the historical significance of the Project Area throughout the consultation process for this ACHAR.

No historic values were identified during the consultation process for this ACHAR.

### **6.1.3 Aesthetic value**

Aesthetic value refers to the sensory, scenic, architectural and creative aspects of a place. It may consider form, scale, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use (OEH 2011:9).

The aesthetic value of the Project Area was discussed with representatives of RAPs who attended the archaeological survey of the Project Area. RAPs have been invited to comment on the aesthetic significance of the Project Area throughout the consultation process for this ACHAR.

The Project Area has been subject to previous disturbances that have impacted the aesthetic values. No aesthetic values were identified during the consultation process for this ACHAR.

### **6.1.4 Archaeological value**

Archaeological value refers to the importance of a landscape, area, place or object based on its rarity, representativeness, and the extent to which it may contribute to further understanding and information about past Aboriginal occupation (OEH 2011:9).

The assessment of scientific or archaeological value (and subsequently, significance) is used to develop appropriate heritage management and impact mitigation strategies. Criteria for archaeological significance have been developed in accordance with the principals of the Code of Practice (DECCW 2010). The following archaeological significance criteria have been used: rarity, representativeness, research potential and education potential.

On the basis of the field survey and background information the Project Area represents disturbed land. The Project Area has no research potential, is not representative or rare. There are no Aboriginal objects

present which would be of education value for teaching purposes. As such the Project Area contains no scientific value.

## 6.2 Summary

The Project Area has nil archaeological significance, nil aesthetic significance, and nil historic significance. The RAPs have identified that while the Project Area is culturally significant as part of the wider Aboriginal cultural landscape, when viewed in isolation there are no specific cultural values associated with the Project Area.

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## 7 IMPACT ASSESSMENT

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This section provides an assessment of the proposed Project in relation to Aboriginal heritage. Conservation of Aboriginal sites and areas of archaeological sensitivity is the preferred heritage outcome.

### 7.1 The Proposal

The applicant is proposing to undertake the expansion and operation of an existing nutrient recycling facility. Current composting operations at the site are approved by DA140/2016 to receive up to 76,000 tonnes per annum (tpa) of biosolids and garden organics. The subject application seeks to authorise the receipt of up to 200,000tpa of organic materials, including new feed sources of food waste, to facilitate the sale of a portion of the composted material to third parties

### 7.2 Impact Assessment

No Aboriginal objects have been identified. There was no evidence on the basis of the survey that Aboriginal objects were present in the Project Area and it is unlikely that they will be uncovered as part of the proposed development.

The area has nil archaeological value. RAPs have identified that while the Project Area is culturally significant as part of the wider Aboriginal cultural landscape, when viewed in isolation there are no specific cultural values associated with the Project Area. The Project Area is not archaeologically significant on the basis of research potential, representativeness, rarity or education potential. Impacts to Aboriginal heritage values are considered below.

### 7.3 Avoidance of Harm

There is no harm anticipated to tangible Aboriginal heritage in the Project Area as no Aboriginal objects have been identified. The proposed development will have harm on the cultural values of the Project Area, by changing the land surface from disturbed land to nutrient recycling facility, however, given this is a highly modified landscape already and the development is existing, this harm is considered minor. The mitigation of harm is outlined below.



## 8 HERITAGE MITIGATION AND MANAGEMENT

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved. If conservation is not practicable, measures should be taken to mitigate against impacts to Aboriginal sites.

The nature of the mitigation measures recommended is based on the assessed significance of the site/s and is informed by the cultural significance provided by the Aboriginal community during consultation.

Mitigation measures vary depending on the assessment of archaeological significance of a particular site and are based on the significance criteria discussed in Chapter 6.1. In general, the significance of a site would influence the recommended conservation outcomes and appropriate mitigation measures, on the following basis:

- Low archaeological significance – conservation where possible, an AHIP would be required to impact the site prior to works commencing.
- Moderate archaeological significance – conservation where possible. If conservation is not practicable, salvage excavations or similar mechanisms determined in consultation with the Aboriginal community may be necessary under an AHIP.
- High archaeological significance – conservation as a priority. Only if all practicable alternatives have been exhausted would impacts under an AHIP be considered justified. Comprehensive salvage excavations may be necessary.

In the unlikely event that disturbed Aboriginal objects are identified during the development then they are to be collected and recorded in accordance with OEH guidelines. The surface salvage of Aboriginal objects will include recording the location with a GPS, photographic documentation and field notes and is to be undertaken with participation from the RAP representatives. Aboriginal objects will be bagged and labelled appropriately, and an Aboriginal Site Impact Recording form completed and lodged with OEH. An Aboriginal heritage induction is to be undertaken by all onsite personnel prior to works, so that the triggers for the salvage of Aboriginal objects are communicated.

The RAP representatives have identified that the general area is culturally important, however, the survey and background information did not identify any impacts to tangible heritage. Given this is a highly disturbed landscape already, development harm associated with the cultural values has been assessed as negligible.

Additional input from the Wanaruah LALC indicated that should any stockpiled soil from this Project Area still be present on or near the site, this should be subject to inspection and further investigation in order to determine whether there are Aboriginal objects present which may once have been in situ within the Project Area (refer to Table 4 in Section 3.2). However, it is understood that there is no known stockpiles of natural, endemic topsoil present in the Project Area and this mitigation measure is therefore not achievable.

### 8.1 Ecologically Sustainable Development

When assessing potential harm, the NPW Act requires consideration of the principles of ecologically sustainable development (ESD). The principles of ESD include the precautionary principle and the principle of intergenerational equity.

### **Precautionary principle**

The precautionary principle states that if there is risk of serious or irreversible harm, lack of certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation (DECCW 2009:26). The precautionary principle requires “careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment” and “an assessment of the risk-weighted consequences of various options” (DECCW 2009:26). It is important to consider the precautionary principle when:

- The proposal involves a risk of serious or irreversible damage to an Aboriginal object or place, or to the value of that object or place.
- There is uncertainty about cultural or archaeological value, including in relation to the condition, rarity or representativeness of an Aboriginal object or place (DECCW 2009:26).

### **Intergenerational equity**

Intergenerational equity is defined as the principle that the “present generation should ensure the health, diversity and productivity of the environment for the benefit of future generations” (DECCW 2009:29). Intergenerational equity requires an understanding of the cultural and archaeological landscape and requires consideration of cumulative impact.

### **ESD in relation to the Project Area**

RPS considered the principles of ESD when assessing the impact of the proposed project. There is no identified impact to tangible archaeological heritage values in the Project Area

The proposed development will have harm on the cultural values of the Project Area, by changing the land surface from disturbed land to a nutrient recycling facility; however, given this is a highly modified landscape already, this harm is considered negligible.

## 9 CONCLUSION AND RECOMMENDATIONS

### 9.1 Conclusions

This report has considered the environmental and heritage context of the Project Area. It has considered the Aboriginal heritage values of the Project Area and the impact of the proposed activity on Aboriginal heritage values. A field inspection was undertaken by an RPS archaeologist and sites officers from the Registered Aboriginal Parties. It has been concluded that:

- No Aboriginal objects were identified.
- There was no evidence on the basis of the survey that Aboriginal objects were present in the Project Area and it is highly unlikely that they will be uncovered as part of the proposed development.
- The Project Area has nil archaeological value and is not archaeologically significant on the basis of research potential, representativeness, rarity or education potential.
- The RAP representatives have identified that the area is culturally important as part of the wider Aboriginal Cultural Landscape yet when viewed in isolation there are no specific cultural values associated with the Project Area.
- The background information and survey did not identify any impacts to tangible heritage.

### 9.2 Recommendations

The following recommendations are made in relation to the proposed development:

#### Recommendation 1

All relevant staff should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*. This is to be in the form of a heritage induction on site prior to works.

#### Recommendation 2

In the unlikely event that disturbed Aboriginal objects are identified during the development then they are to be collected and recorded in accordance with OEH guidelines and in consultation with the Registered Aboriginal Parties.

#### Recommendation 3

In the unlikely event that human skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or are possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted via the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not. If the remains are identified as Aboriginal, a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

## 10 REFERENCES

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## 11 PLATES



Plate 1 Project Area, view to east showing existing operation



Plate 2 SU2, eastern portion, view to south east showing disturbed landform





Plate 3 SU2 eastern portion view to west showing disturbed landform

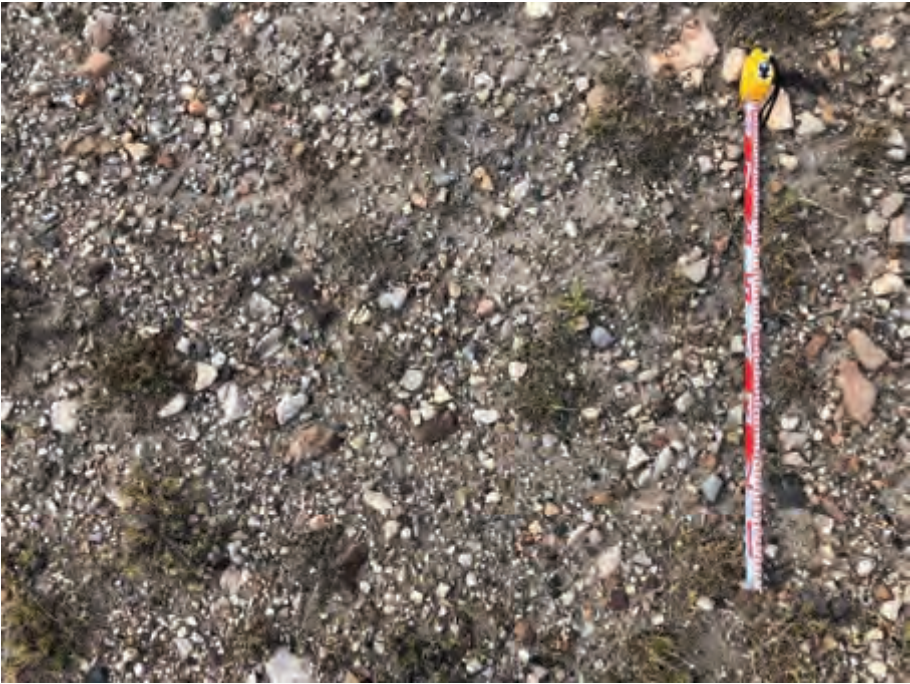


Plate 4 SU2 eastern portion showing exposure of disturbed soil profile at 100% GSV



Plate 5 SU1 central portion, view to north east showing disturbed landform



Plate 6 SU1 southern portion, view to east showing disturbed landform





Plate 7 SU1 southern portion view to west showing disturbed landform



Plate 8 SU1 south eastern portion, view to north showing disturbed landform

## **Appendix A**

### **Aboriginal Consultation**

Date	Consulted Organisation	Received by RPS	Method of Contact	Details
10/09/2018	Letters sent to Government organisations	Nicola	Mail	Expect responses by 25 Sept
11/09/2018	Advertisement placed in Singleton Argus	Nicola	Mail	Expect responses by 26 Sept
<b>Responses from Government Organisations</b>				
14/09/2018	OEH, Laura Dafter	Nicola	email	List of potential Aboriginal stakeholders provided
25/09/2018	ALRA	Alex	email	No Registered Aboriginal Owners
2/10/2018	Muswellbrook Council, Sharon Pope	Alex	email	advised interested groups are Wanaruah LALC and Hunter Valley Aboriginal Corporation
<b>EOIs sent out</b>				
28/09/2018	Letter sent to 6 RAPs identified by OEH (no emails): John & Margaret Matthews; Jeffrey Matthews; Richard Edwards; Barry Anderson; Carol Ridgeway-Bisset; Gordon Griffiths	Sent by Nicola	Mail	Expect responses by 16 Oct
28/09/2018	Email sent to 37 RAPs identified by OEH	Sent by Nicola	Email	Expect responses by 16 Oct
<b>EOIs received</b>				
28/09/2018	Tocomwall, Scott Franks	Nicola	Email	Letter stating status as NT Claimant and that he does not authorise any other parties to speak for Wonnarua heritage
28/09/2018	Gidawaa Walang, Craig Horne	Nicola	Email	Registered interest
28/09/2018	DNC, Lilly Carroll	Nicola	Email	Registered interest
28/09/2018	Divine Diggers, Deidre Perkins	Nicola	Email	Registered interest
28/09/2018	Scott Franks (Tocomwall)	Nicola	Email	Registered interest
28/09/2018	Wallagan Cultural Services, Maree Waugh	Nicola	Email	Registered interest
30/09/2018	Culturally Aware, Tracey Skene	Nicola	Email	Registered interest
30/09/2018	Widescope, Steven Hickey	Nicola	Email	Registered interest
1/10/2018	A1 Indigenous Services, Carolyn Hickey	Nicola	Email	Registered interest
1/10/2018	Wattaka Wonnarua Cultural Consultancy Services, Des Hickey	Nicola	Email	Registered interest
1/10/2018		Nicola	Email	Registered interest
1/10/2018	Hunter Valley Cultural Surveying, Luke Hickey	Nicola	Email	Registered interest
2/10/2018	Wanaruah LALC	Nicola	Email	Registered interest
2/10/2018	Ungooroo	Nicola	Email	Registered Allen Paget
2/10/2018	Jarban & Mugrebea, Les Atkinson	Nicola	Email	Registered interest and would like to include Uncle Barry French.
3/10/2018	Email sent to 37 RAPs (listed in stakeholder list under 'email' tab) with clarification of project area	Alex	Email	Expect responses by 16 Oct
3/10/2018	Mail sent to 10 RAPs (listed in Stakeholder list under 'mail' tab) with clarification of project area	Alex	Mail	Expect responses by 16 Oct
3/10/2018	Registration of interest from DNC received (already received on 28/9 as above)	Alex	Email	Registered interest
3/10/2018	Noel Downs from WLALC	Alex	Email	Registered interest and noted that he keeps the community informed of projects
3/10/2018	Tom Miller from LHWCS	Alex	Email	Registered interest
3/10/2018	Norman Archibald from JTM traffic management	Alex	Email	Registered interest
3/10/2018	Stephen Talbott	Nicola	Email	Registered interest
3/10/2018	Rhonda Griffiths, Hunter Valley Aboriginal Corporation	Nicola	Email	Registered interest (heard from the Wanaruah LALC)
3/10/2018	Ryan Johnson from Murra Bidgee Mullangari	Nicola	Email	Registered interest
4/10/2018	Margaret Matthews from Aboriginal Native Title Elders Consultant	Alex	Phone	Margaret called to register ANTC interest in the project. She also noted that she would send through paperwork via email relating to their Native Title claim; and stipulated that with regard to work in this area, she and John must both be invited to participate in site works.
5/10/2018	Tara Dever MLALC	Alex	Email	Registered interest. Tara stated that MLALC would not be commenting on this project but would like to stay informed in order to keep any Wonnarua from their area informed.
5/10/2018	Melanie Schulz on behalf of Allen Paget from Ungooroo Aboriginal Corporation	Alex	Email	Registration interest.
7/10/2018	Kawul Cultural Services, Vicky Slater	Nicola	Email	Registered interest
8/10/2018	Vicky Slater	Alex	Email	Will respond to Eoi
8/10/2018	Tocomwall, Scott Franks	Nicola	Email	request to ensure AHIMS sites (listed in email) are not impacted by project
11/10/2018	Gomery, David Horton	Nicola	Phone	Registered interest in Ravensworth (& enquired about MAC invoicing)



5/11/2018	Aliera French Trading, Aliera French	Nicola	Email	Late registration of interest (had gone to junk mail folder in email)
<b>Letter of Advisement sent to OEH and LALC</b>				
16/10/2018	OEH and Wanaruah LALC	sent by Nicola	Email	List of RAPs and tearsheet of Singleton Argus sent to OEH and Wanaruah LALC
<b>Methodology sent - responses due 14 November</b>				
17/10/2018	A1; Jarban & Mugrebea/Barry French; Culturally Aware; Divine Diggers; Didge Ngunawal Clan; Gidawaa Walang; HVAC; JTM; Kawul; HVCS; LHWCS; MLALC; Murrabidgee Mullangari; Stephen Talbott; Tocomwall; Ungooroo; WCS; Wattaka; Widescope; Name withheld; WLALC	Sent by Alex	Email	Methodology sent - responses due 14 Nov
17/10/2018	Gomery; Aboriginal Native Title Elders Consultants	Sent by Alex	Mail	Methodology sent - responses due 14 Nov
5/11/2018	Aliera French Trading, Aliera French	Sent by Nicol	Email	Methodology sent - responses due 14 Nov
<b>Methodology responses received</b>				
18/10/2018	Tocomwall, Scott Franks	Alex/Nicola	Email	Does not support most of the elements of the methodology
18/10/2018	Margaret Matthews	Nicola	Email	Letter from Margaret Matthews's lawyers stating that she is a member of the Plains Clans native title claim, and also that she is entitled to participate in consultation processes under ACHCR 2010.
19.10.2018	Divine Diggers, Deidre Perkins	Alex	Email	Supports methodology
22/10/2018	DNC, Paul and Lilly	Alex	Email	Support methodology
23/10/2018	Margaret Matthews	Nicola	Phone	Supports methodology. Is keen on being involved in fieldwork (walk over)
29/010/2018	Murra Bidgee Mullangari, Ryan Johnson	Alex	Email	Supports methodology
9/11/2018	Culturally Aware, Tracey Skene	Alex	Email	Supports methodology
13/11/2018	Kawul; Vicky Slater	Nicola/Alex	Email	Requesting to be involved in field work
<b>Archaeological Survey</b>				
16/01/2019	Culturally Aware, Tracey Skene and Aboriginal Native Title Consultants, John and Margaret Matthews	Drago	Email/mail	Invitations for archaeological survey
30/01/2019	Culturally Aware, Tracey Skene and Aboriginal Native Title Consultants, John and Margaret Matthews	Drago	In person	Archaeological survey completed
<b>Draft report sent - responses due Friday 26 April 2019</b>				
26/03/2019	A1; Jarban & Mugrebea/Barry French; Culturally Aware; Divine Diggers; Didge Ngunawal Clan; Gidawaa Walang; HVAC; JTM; Kawul; HVCS; LHWCS; MLALC; Murrabidgee Mullangari; Stephen Talbott; Tocomwall; Ungooroo; WCS; Wattaka; Widescope; Name withheld; WLALC	Drago	Email/mail	Draft report sent - comments due by 26 April 2019
<b>Draft report responses received</b>				
26/03/2019	Kawul, Vicky Slater	Drago	Email	Vicky indicated that as Kawul had not been involved in the field work, they were not able to provide comment
26/03/2019	Tocomwall, Scott Franks	Drago	Email	Scott indicated that Tocomwall and he as a representative of PCWP did not believe that adequate consultation with the Native Title Claimant group had been undertaken. No response was made by RPS to this comment as consultation has been undertaken appropriately in accordance with the ACHCRs.
6/05/2019	Noel Downs, WLALC	Ali	Email	Noel noted that the area did not seem to have been subject to any previous investigations. WLALC recommendations are: 1. There appears to be a large area not yet impacted by mining that we believe should be subject to investigation /walk over before further impacts, and 2. Areas where topsoil from this site has been stored or spread should be investigated for objects. RPS provided a written response to WLALC addressing these notes.
6/05/2019	Noel Downs	Ali	Email	RPS responded to Noel's comments outlining the coverage of the area he described as part of the survey; and indicating that all his comments would be included in the report.



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### Funeral Notices

**ERNST**  
Margaret Cecilia (nee Redgrove)

Passed away at Singleton Hospital 18th September 2018 aged 83 years

Dearly loved wife of Bonaventure (Bon dec'd), loved and loving mother of Tony, Colleen, Stephen and Robyn, mother-in-law, grandmother and great grandmother to their families, a much loved sister to Kevin (dec), Mollie Hofman, Monica (dec), Brian (dec), Sr Paula (Joyce) and Carmel.

Family and friends of Margaret are warmly invited to attend her Funeral Mass to be held in St Patricks Catholic Church, Singleton this Friday morning 21st September 2018 commencing at 11.00am followed by burial in the Sedgfield Catholic Lawn Cemetery.

In the care of Chapmans Funerals Singleton 6572 1089 A.F.D.A.

### In Memoriam

**Bill FORD**  
27.8.1924 - 22.9.2008

10 years have gone so fast, we miss you daily. Love Hilda and the girls.

**Helen REDGROVE**  
11.2.49 - 23.9.16

My Darling 2 years have now past since you left us, The pain of losing you does not ease, Missing you and loving you very much.

Michael  
Nicole, Simon, Maddie & Demi; Cindy, Brendan, Harry & Joe



### Return Thanks

**Bruce WAKE**  
17.9.1933 - 28.8.2018

The family of the late Bruce Wake wish to express their sincere thanks and appreciation for all the kind words, messages of condolences and flowers given to us during this sad time. Also to Rev John Gilbert for his prayers and guidance and to all at Partridge Brothers Funerals for their compassion and understanding, your devotion to your services is truly heart warming. Please accept this as our personal thanks. June, Larry & Michelle, Paul & Penny, Michele & Errol and families.

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**Jerrys Plains School of Arts Hall AGM**

Tues 16th Oct at 6.30pm at Jerrys Plains School of Arts Hall

**NEW MEMBERS NEEDED**

to assist in the administration of the hall for the benefit of our community

### Public Notices

**HUNTER VALLEY OPERATIONS TEMPORARY ROAD CLOSURE**

- Golden Highway (Jerrys Plains Road)

Hunter Valley Operations wishes to advise the Jerrys Plains Road will be closed on **Thursday 20th, Friday 21st, Monday 24th, Tuesday 25th and Wednesday 26th of September 2018** between 9:00am and 3:00pm for the purpose of blasting. The road is likely to be closed for 15 mins and will affect the road between Lemington Road and Comerioi Road. If weather conditions are poor, blasting will be delayed until the first day of suitable weather.

Hunter Valley Operations apologise for any inconvenience caused. For further information contact the blasting Hotline on **1800 888 733**

### Public Notices

**HUNTER VALLEY OPERATIONS TEMPORARY ROAD CLOSURE - Lemington Road**

Hunter Valley Operations wishes to advise the Lemington Road will be closed on **Thursday 20th, Friday 21st, Monday 24th, Tuesday 25th and Wednesday 26th of September 2018** between 9:00am and 5:00pm for the purpose of blasting. The road is likely to be closed for 15 mins and will affect the road 5km in from the Golden Highway to 8km in from the New England Highway for a distance of 6.8km. If weather conditions are poor, blasting will be delayed until the first day of suitable weather.

Hunter Valley Operations apologise for any inconvenience caused. For further information contact the blasting Hotline on **1800 888 733**

### Public Notices

**Registration of Interest for Aboriginal cultural knowledge holders Ravensworth, NSW**

On behalf of Bettergrow Pty Ltd, RPS is requesting registration of interest from Aboriginal Stakeholders for Aboriginal Heritage Investigation in the Ravensworth area.

The purpose of this community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an Environmental Impact Statement (EIS).

As per the OEH guideline: Aboriginal Cultural Heritage Consultation Requirements for Proponents responses are to be received within 2 weeks. Written applications should be forwarded to:

Nicola Hirschhorn  
RPS Australia East Pty Ltd  
PO Box 120, Carrington NSW 2294  
Tel: 02 4940 4200  
Nicola.hirschhorn@rpsgroup.com.au

Further information will be provided upon registration.

**PUBLIC NOTICE**

**For updated blast times please phone free call 1800 099 669.**

Mount Thorley Warkworth wishes to advise of the following road closures on **Wednesday 19th September 2018, Thursday 20th September, Friday 21st September, Monday 24th September, Tuesday 25th September and Wednesday 26th September 2018** for the purposes of blasting. Closure will occur between 9am and 5pm depending upon weather conditions and will be for approximately 10 minutes.

**Through traffic will not be possible while road closures are in place.**

**PUTTY ROAD** will be closed between the Jerrys Plains Road and to a point 600m West of Charlton Road.

**CHARLTON ROAD** will be closed between Putty Road and Cobcroft Road.

**JERRYS PLAINS ROAD** may be closed from Long Point Road to Wallaby Scrub Road.

If weather conditions are poor, blasting will be delayed until a day of suitable weather. Mount Thorley Warkworth apologise for any inconvenience caused.

**WAMBO PUBLIC NOTICE TEMPORARY ROAD CLOSURE**

**GOLDEN HIGHWAY (Jerrys Plains Rd)**

Wambo Coal P/L advises that the Golden Highway (Jerrys Plains Rd) may be temporarily closed from **Wednesday 19th September 2018 to Saturday 6th October 2018** for the purposes of blasting. The closure will occur between 9:00am and 5:00pm for approximately 15 minutes and will affect the road between Comerioi Road and Lemington Road. If weather conditions are unsuitable blasting will be delayed until conditions meet requirements. Wambo Coal P/L apologise for any inconvenience this may cause. For further information please contact the Blasting Hotline on (02) 8250 5205.

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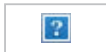
**From:** [Nicola\\_Hirschhorn](mailto:Nicola_Hirschhorn)  
**To:** ["rog.hcc@environment.nsw.gov.au"](mailto:rog.hcc@environment.nsw.gov.au)  
**Subject:** 141357 Ravensworth - Registration of interested Aboriginal parties  
**Date:** Monday, 10 September 2018 3:49:00 PM  
**Attachments:** [141357 Figure 1 Location Map A A4P 20180910.pdf](#)  
[141357 OEH - Ravensworth 2018-09-10.docx](#)  
[image001.jpg](#)  
[image002.png](#)

---

Please find attached letter requesting any known Aboriginal groups or people who may be interested in being consulted regarding a project at Ravensworth, Singleton LGA.

Kind regards, Nicola

---



**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**D:** +61 2 4940 4266  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)  
**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

RPS NTL Office Move



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**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

10 September 2018

Office of Environment and Heritage, Hunter Central Coast Region  
Locked bag 1002  
Dangar NSW 2309

**Our ref:** 141357  
**Via:** Mail

Dear Sir/Madam

### **Ravensworth: Registration of Aboriginal Interest Groups**

RPS Australia East Pty Ltd (RPS) will be conducting an Aboriginal Cultural Heritage and Archaeological Assessment Report as part of an Environmental Impact Statement (EIS) to support a Development Application (DA) for a State Significant Development (SSD 9418). **The project is for a proposed composting facility for Bettergrow Pty Ltd. The Project Area is at 74 Lemington Road, Ravensworth (Lit 10 DP 1204457) in the Singleton Local Government Area (LGA).**

This letter is to notify that Bettergrow are seeking to consult with Aboriginal persons or groups who may hold cultural knowledge, or who have right of interest in Aboriginal objects, places and/or Aboriginal cultural heritage in the area shown on the attached figure.

Should you know of any Aboriginal persons or groups who may wish to be consulted in relation to the project described above, please contact Nicola Hirschhorn or Alex Byrne on the details below. Specifically, we require a list of known Aboriginal stakeholders and communities that you consider that may be concerned with the location provided on the attached figure.

RPS advises that the details of any Aboriginal person or group who registers an interest in accordance with this notice will be forwarded to the Office and Environment and Heritage and the Wanaruah Local Aboriginal Land Council, unless they specify at registration that they do not want their details released (DECCW 2010:11)

### **Contact details**

Method	Detail
Phone	(02) 4940 4200
Email	<a href="mailto:Nicola.hirschhorn@rpsgroup.com.au">Nicola.hirschhorn@rpsgroup.com.au</a> <a href="mailto:Alex.byrne@rpsgroup.com.au">Alex.byrne@rpsgroup.com.au</a>
Post	PO 120 Carrington, NSW 2294





Yours sincerely  
**RPS**

A handwritten signature in black ink that reads 'A Byrne' in a cursive, slightly slanted script.

Alex Byrne  
Senior Cultural Heritage Consultant





**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

10 September 2018

Attn: Registrar of Aboriginal Owners  
NSW Department of Aboriginal Affairs  
PO Box 112  
Glebe NSW 2037

**Our ref:** 141357  
**Via:** Mail

Dear Sir/Madam

**Ravensworth: Registration of Aboriginal Interest Groups**

RPS Australia East Pty Ltd (RPS) will be conducting an Aboriginal Cultural Heritage and Archaeological Assessment Report as part of an Environmental Impact Statement (EIS) to support a Development Application (DA) for a State Significant Development (SSD 9418). **The project is for a proposed composting facility for Bettergrow Pty Ltd. The Project Area is at 74 Lemington Road, Ravensworth (Lit 10 DP 1204457) in the Singleton Local Government Area (LGA).**

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Post	PO 120 Carrington, NSW 2294



Yours sincerely  
**RPS**

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Alex Byrne  
Senior Cultural Heritage Consultant



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

10 September 2018

Hunter Local Land Services  
Private Bag 2010  
Paterson NSW 2421

**Our ref:** 141357  
**Via:** Mail

Dear Sir/Madam

**Ravensworth: Registration of Aboriginal Interest Groups**

RPS Australia East Pty Ltd (RPS) will be conducting an Aboriginal Cultural Heritage and Archaeological Assessment Report as part of an Environmental Impact Statement (EIS) to support a Development Application (DA) for a State Significant Development (SSD 9418). **The project is for a proposed composting facility for Bettergrow Pty Ltd. The Project Area is at 74 Lemington Road, Ravensworth (Lit 10 DP 1204457) in the Singleton Local Government Area (LGA).**

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Post	PO 120 Carrington, NSW 2294





Yours sincerely  
**RPS**

A handwritten signature in black ink that reads 'A Byrne'.

Alex Byrne  
Senior Cultural Heritage Consultant



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

10 September 2018

Native Title Services Corporation Limited  
PO Box 2105  
Strawberry Hills NSW 2012

**Our ref:** 141357  
**Via:** Mail

Dear Sir/Madam

**Ravensthorpe: Registration of Aboriginal Interest Groups**

RPS Australia East Pty Ltd (RPS) will be conducting an Aboriginal Cultural Heritage and Archaeological Assessment Report as part of an Environmental Impact Statement (EIS) to support a Development Application (DA) for a State Significant Development (SSD 9418). **The project is for a proposed composting facility for Bettergrow Pty Ltd. The Project Area is at 74 Lemington Road, Ravensthorpe (Lit 10 DP 1204457) in the Singleton Local Government Area (LGA).**

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Post	PO 120 Carrington, NSW 2294

Yours sincerely



RPS

*AByrne*

Alex Byrne  
Senior Cultural Heritage Consultant



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

10 September 2018

Attn: The Director  
National Native Title Tribunal  
GPO Box 9973  
Sydney NSW 2001

**Our ref:** 141357  
**Via:** Email

Dear Sir/Madam

**Ravensthorpe: Registration of Aboriginal Interest Groups**

RPS Australia East Pty Ltd (RPS) will be conducting an Aboriginal Cultural Heritage and Archaeological Assessment Report as part of an Environmental Impact Statement (EIS) to support a Development Application (DA) for a State Significant Development (SSD 9418). **The project is for a proposed composting facility for Bettergrow Pty Ltd. The Project Area is at 74 Lemington Road, Ravensthorpe (Lit 10 DP 1204457) in the Singleton Local Government Area (LGA).**

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Post	PO 120 Carrington, NSW 2294



Yours sincerely  
**RPS**

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Alex Byrne  
Senior Cultural Heritage Consultant



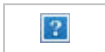
**From:** [Nicola\\_Hirschhorn](mailto:Nicola_Hirschhorn)  
**To:** ["rog.hcc@environment.nsw.gov.au"](mailto:rog.hcc@environment.nsw.gov.au)  
**Subject:** 141357 Ravensworth - Registration of interested Aboriginal parties  
**Date:** Monday, 10 September 2018 3:49:00 PM  
**Attachments:** [141357 Figure 1 Location Map A A4P 20180910.pdf](#)  
[141357 OEH - Ravensworth 2018-09-10.docx](#)  
[image001.jpg](#)  
[image002.png](#)

---

Please find attached letter requesting any known Aboriginal groups or people who may be interested in being consulted regarding a project at Ravensworth, Singleton LGA.

Kind regards, Nicola

---



**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**D:** +61 2 4940 4266  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)  
**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

RPS NTL Office Move



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**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

10 September 2018

Singleton Council  
PO Box 314  
Singleton NSW 2330

**Our ref:** 141357  
**Via:** Mail

Dear Sir/Madam

**Ravensworth: Registration of Aboriginal Interest Groups**

RPS Australia East Pty Ltd (RPS) will be conducting an Aboriginal Cultural Heritage and Archaeological Assessment Report as part of an Environmental Impact Statement (EIS) to support a Development Application (DA) for a State Significant Development (SSD 9418). **The project is for a proposed composting facility for Bettergrow Pty Ltd. The Project Area is at 74 Lemington Road, Ravensworth (Lit 10 DP 1204457) in the Singleton Local Government Area (LGA).**

This letter is to notify that Bettergrow are seeking to consult with Aboriginal persons or groups who may hold cultural knowledge, or who have right of interest in Aboriginal objects, places and/or Aboriginal cultural heritage in the area shown on the attached figure.

Should you know of any Aboriginal persons or groups who may wish to be consulted in relation to the project described above, please contact Nicola Hirschhorn or Alex Byrne on the details below. Specifically, we require a list of known Aboriginal stakeholders and communities that you consider that may be concerned with the location provided on the attached figure.

RPS advises that the details of any Aboriginal person or group who registers an interest in accordance with this notice will be forwarded to the Office and Environment and Heritage and the Wanaruah Local Aboriginal Land Council, unless they specify at registration that they do not want their details released (DECCW 2010:11)

**Contact details**

Method	Detail
Phone	(02) 4940 4200
Email	<a href="mailto:Nicola.hirschhorn@rpsgroup.com.au">Nicola.hirschhorn@rpsgroup.com.au</a> <a href="mailto:Alex.byrne@rpsgroup.com.au">Alex.byrne@rpsgroup.com.au</a>
Post	PO 120 Carrington, NSW 2294



Yours sincerely  
**RPS**

A handwritten signature in black ink that reads 'A Byrne' in a cursive, slightly slanted script.

Alex Byrne  
Senior Cultural Heritage Consultant



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

10 September 2018

Attn: The CEO  
Wanaruah Local Aboriginal Land Council  
PO Box 127  
Muswellbrook NSW 2333

**Our ref:** 141357  
**Via:** Mail

Dear Sir/Madam

### **Ravensworth: Registration of Aboriginal Interest Groups**

RPS Australia East Pty Ltd (RPS) will be conducting an Aboriginal Cultural Heritage and Archaeological Assessment Report as part of an Environmental Impact Statement (EIS) to support a Development Application (DA) for a State Significant Development (SSD 9418). **The project is for a proposed composting facility for Bettergrow Pty Ltd. The Project Area is at 74 Lemington Road, Ravensworth (Lit 10 DP 1204457) in the Singleton Local Government Area (LGA).**

This letter is to notify that Bettergrow are seeking to consult with Aboriginal persons or groups who may hold cultural knowledge, or who have right of interest in Aboriginal objects, places and/or Aboriginal cultural heritage in the area shown on the attached figure.

Should you know of any Aboriginal persons or groups who may wish to be consulted in relation to the project described above, please contact Nicola Hirschhorn or Alex Byrne on the details below. Specifically, we require a list of known Aboriginal stakeholders and communities that you consider that may be concerned with the location provided on the attached figure.

RPS advises that the details of any Aboriginal person or group who registers an interest in accordance with this notice will be forwarded to the Office and Environment and Heritage and the Wanaruah Local Aboriginal Land Council, unless they specify at registration that they do not want their details released (DECCW 2010:11)

### **Contact details**

Method	Detail
Phone	(02) 4940 4200
Email	<a href="mailto:Nicola.hirschhorn@rpsgroup.com.au">Nicola.hirschhorn@rpsgroup.com.au</a> <a href="mailto:Alex.byrne@rpsgroup.com.au">Alex.byrne@rpsgroup.com.au</a>
Post	PO 120 Carrington, NSW 2294



Yours sincerely  
**RPS**

A handwritten signature in black ink that reads 'A Byrne'.

Alex Byrne  
Senior Cultural Heritage Consultant



DOC18/667018-01  
141357

Ms Nicola Hirschhorn  
RPS  
Nicola.hirschhorn@rpsgroup.com.au

Dear Nicola

#### **74 Lemington Road, Ravensworth (Lot 10 DP1204457) – Aboriginal stakeholder list**

In response to your request under Section 4.1.2(a) of the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010), please find attached a list of known Aboriginal parties that have self-nominated for Singleton Council Local Government Area (LGA). Please note the following information with respect to Aboriginal consultation for your project.

#### **Aboriginal stakeholder lists maintained by OEH are comprised of self-nominated individuals and organisations**

Please note that the attached list is comprised only of self-nominated individuals and Aboriginal organisations who could have an interest in your project. The list is not vetted by OEH. As the list comprises only of self-nominated individuals and Aboriginal organisations, it is not necessarily an exhaustive list of all Aboriginal parties who may hold an interest in the project. Further consultation in accordance with step 4.1.2 of the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010) is required to identify Aboriginal people who may hold either cultural or historical knowledge relevant to determining the significance of Aboriginal objects or places within your proposed project area.

#### **Aboriginal stakeholder lists may cover multiple Local Aboriginal Land Council boundaries**

Please note that the attached list may contain two or more Local Aboriginal Land Councils (LALCs) that occur in the LGA. Please review the boundary of your specific project area and ensure you consult with all LALC(s) that overlap with your project area. OEH does not require you to contact any LALCs on the attached list that you determine are wholly located outside your project area.

#### **Ensure you document the consultation process**

Please ensure all consultation undertaken in accordance with the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010) is documented within an Aboriginal Cultural Heritage Assessment Report (ACHAR). This must include copies of all correspondence sent to or received from all Registered Aboriginal Parties (RAPs) throughout the entire consultation process. Omission of these records in the final ACHAR may cause delays in the assessment of an Aboriginal Heritage Impact Permit (AHIP) application or a major project Aboriginal cultural heritage assessment, and could require parts of the consultation process to be repeated if the evidence provided to OEH

does not demonstrate that the consultation process has been conducted in accordance with our consultation requirements.

#### Demonstrate that reasonable consultation attempts have been made

Please ensure you provide evidence to demonstrate that reasonable attempts have been made to contact the relevant parties identified through step 4.1.2 of the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010). If this evidence is not provided, OEH may deem that the consultation process has not complied with the consultation requirements. Similarly, the proponent is required to record all feedback received from RAPs, along with the proponent's response to the feedback. Where concerns or contentious issues are raised by RAPs during the consultation process, OEH expects that reasonable attempts are made to address and resolve these matters, however OEH acknowledges that in some cases, this may not be achievable. In the case where conflict cannot be resolved, it is the responsibility of the proponent to record these differences and provide the necessary information in their ACHAR with their AHIP application or major project ACHAR.

#### Consultation should not be confused with employment

As outlined in Section 3.4 of the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010), the consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposal and an application. OEH does not have any role with respect to commercial engagement. Where RAPs are engaged commercially to provide field services as part of an assessment process, that is a matter for the proponent to manage as they see fit. However, if a proponent is proposing to undertake consultation processes or elicit cultural information from RAPs during the course of conducting a field survey, OEH considers this to form part of the consultation process, and expects that all RAPs would be afforded the opportunity to be involved in the process.

#### Contacting our office

To ensure we can respond to enquiries promptly, please direct future correspondence to our central mailbox: [rog.hcc@environment.nsw.gov.au](mailto:rog.hcc@environment.nsw.gov.au).

Should you require any further information, please do not hesitate to contact us.

Yours sincerely



**LAURA DAFTER**  
Archaeologist  
Hunter Central Coast Branch  
Conservation and Regional Delivery Division

## Attachment A

### Hunter Central Coast Branch - Aboriginal Stakeholder Register for Singleton City Council LGA

Please note that this list is valid at the time of sending only, and should not be used for subsequent projects.

Organisation	First name	Surname	Address 1	City	State	Post code	Landline	Mobile	Email
Aboriginal Native Title Elders Consultants	John and Margaret	Matthews	4 Calgaroo Avenue	MUSWELLBROOK	NSW	2333			
AGA Services	Ashley, Gregory & Adam	Sampson	22 Ibis Parade	WOODBERRY	NSW	2322	Donna Sampson 0403 765 019	Ashley Sampson 0401 958 051	<a href="mailto:aga.services@hotmail.com">aga.services@hotmail.com</a>
Aliera French Trading	Aliera	French	17 Kalinda St	BLACKSMITHS	NSW	2281		0421 299 963	<a href="mailto:alierafrenchtrading@outlook.com">alierafrenchtrading@outlook.com</a>
Awabakal Traditional Owners Aboriginal Corporation	Kerrie	Brauer	PO Box 122	RUTHERFORD	NSW	2320	-	0412 866 357	<a href="mailto:Kerrie@awabakal.com.au">Kerrie@awabakal.com.au</a>
Bathurst Local Aboriginal Land Council	CEO		149 Russell St	BATHURST	NSW	2795	02 6332 6835		<a href="mailto:bathlalc2@bigpond.com">bathlalc2@bigpond.com</a>
Cacatua Culture Consultants	Donna & George	Sampson	22 Ibis Parade	WOODBERRY	NSW	2322		0434 877 016	<a href="mailto:cacatua4service@tpg.com.au">cacatua4service@tpg.com.au</a>
Crimson-Rosie	Jeffery	Matthews	6 Eucalypt Avenue	MUSWELLBROOK	NSW	2333	02 6543 4791		

Organisation	First name	Surname	Address 1	City	State	Post code	Landline	Mobile	Email
Culturally Aware	Tracey	Skene	7 Crawford Place	MILFIELD	NSW	2325		0474 106 537	<a href="mailto:traceyamorrung-pa.com.au">traceyamorrung-pa.com.au</a>
D F T V Enterprises	Derrick	Vale Snr	5 Mountbatten Close	RUTHERFORD	NSW	2320		0438 812 197	<a href="mailto:deckavale@hotmail.com">deckavale@hotmail.com</a>
Deslee Talbott Consultants	Deslee	Matthews	Unit 2 / 19 South Street	GUNNEDAH	NSW	2380		0431 205 336	<a href="mailto:m-desley@hotmail.com">m-desley@hotmail.com</a>
Didge Ngunawal Clan	Paul Boyd	& Lilly Carroll	7 Siskin St	QUAKERS HILL	NSW	2763		0426823944	<a href="mailto:didgegunawalclan@yahoo.com.au">didgegunawalclan@yahoo.com.au</a>
Divine Diggers Aboriginal Cultural Consultants	Deidre	Perkins	6 Ashleigh Street	HEDDON GRETA	NSW	2321	02 4937 4573		<a href="mailto:dedemaree3@hotmail.com">dedemaree3@hotmail.com</a>
Gidawaa Walang & Barkuma Neighbourhood Centre Inc.	Ann Hickey	Debbie Dacey-Sullivan	76 Lang Street	KURRI KURRI	NSW	2327	02 4937 1094		<a href="mailto:gidawaa.walang@hotmail.com">gidawaa.walang@hotmail.com</a>
Guringai Tribal Link Aboriginal Corporation	Tracey	Howie	PO Box 4061	WYONGAH	NSW	2259	02 4396 8743		<a href="mailto:tracey@guringai.com.au">tracey@guringai.com.au</a>
Hunter Traditional Owner	Paulette	Ryan	165 Susan Street	SCONE	NSW	2337		0431 109 001	<a href="mailto:hto.paulette@gmail.com">hto.paulette@gmail.com</a>
Hunter Valley Aboriginal Corporation	Rhonda	Griffiths	182 Bridge St	MUSWELLBROOK	NSW	2333	02 6543 1180		<a href="mailto:h973809@bigpond.net.au">h973809@bigpond.net.au</a>
Hunters & Collectors	Tania	Matthews	U211 Walowa St	NARRABRI	NSW	2390		0409 193 612	<a href="mailto:Tamatthews10@hotmail.com">Tamatthews10@hotmail.com</a>
Indigenous Learning	Craig	Archibald	2 Victoria Street	BELLBIRD HEIGHTS	NSW	2325	0455 550 549		<a href="mailto:indjglearning@gmail.com">indjglearning@gmail.com</a>
Jarban & Mugrebea	Les	Atkinson	11 Nelson Street	CESSNOCK	NSW	2325		0466 316 069	<a href="mailto:Les.atkinson@hotmail.com">Les.atkinson@hotmail.com</a>
Jumbunna Traffic	Norm	Archibald	17 Flobern Ave	WAUCHOPE	NSW	2325		0413 718 149	<a href="mailto:itmanagement@live.com.au">itmanagement@live.com.au</a>

Organisation	First name	Surname	Address 1	City	State	Post code	Landline	Mobile	Email
Management Group Pty Ltd									
Karuah Local Aboriginal Land Council	CEO		16 Muston Road	KARUAH	NSW	2324	02 4997 5733		<a href="mailto:karuahaboriginal@bigpond.com">karuahaboriginal@bigpond.com</a>
Kauma Pondee Inc.	Jill	Green	Unit 6/1 Central Street	LAMBTON	NSW	2305		0434 210 190	<a href="mailto:kaumapondee@live.com.au">kaumapondee@live.com.au</a>
Kawul Cultural Services	Vicky	Slater	33 Gardner Circuit	SINGLETON	NSW	2330		0421 077 521	<a href="mailto:Vicki.slater@hotmail.com">Vicki.slater@hotmail.com</a>
Kawul Pty Ltd trading as Wonn1 Sites	Arthur	Fletcher	619 Main Road	GLENDALE	NSW	2285	02 4954 7751	02 4954 7751	<a href="mailto:Wonn1sites@gmail.com">Wonn1sites@gmail.com</a>
Lower Hunter Aboriginal Incorporated	David	Ahoy	5 Killara Drive	CARDIFF SOUTH	NSW	2285		0421 329 520	<a href="mailto:lowerhunteral@gmail.com">lowerhunteral@gmail.com</a>
Lower Hunter Wonnarua Cultural Services	Lea-Anne Ball and Uncle Tommy Miller		51 Bowden Street	HEDDON GRETA	NSW	2321	02 4937 2694	02 4937 2694	<a href="mailto:tn.miller@southernphone.com.au">tn.miller@southernphone.com.au</a>
Lower Wonnarua Tribal Consultancy Pty Ltd	Barry	Anderson	156 The Inlet Road	BULGA	NSW	2330	02 6574 5303		-
Mayaroo	Tracey	White	PO Box 168	KURRI KURRI	NSW	2327		0438 909 797	<a href="mailto:rara02@bigpond.com">rara02@bigpond.com</a>
Mindaribba Local Aboriginal Land Council	CEO		1A Chelmsford Drive	METFORD	NSW	2323	02 4934 8511		<a href="mailto:ceo@mindaribbalalc.org">ceo@mindaribbalalc.org</a>



Organisation	First name	Surname	Address 1	City	State	Post code	Landline	Mobile	Email
Murra Bidgee Mullangari Aboriginal Corporation	Ryan Johnson	& Darleen Johnson-Carroll	PO Box 246	SEVEN HILLS	NSW	2147		0497 983 332	<a href="mailto:murrabidgeemullangari@yahoo.com.au">murrabidgeemullangari@yahoo.com.au</a>
Myland Cultural & Heritage Group	Warren	Schillings	30 Taurus Street	ELERMORE VALE	NSW	2287		0431 392 554	<a href="mailto:warren@yarnteen.com.au">warren@yarnteen.com.au</a>
Roger Matthews Consultancy	Roger	Matthews	105 View Street	GUNNEDAH	NSW	2380		0455 671 288	
Ungooroo Aboriginal Corporation	Alan	Paget	PO Box 3095	SINGLETON	NSW	2330	02 6571 5111		<a href="mailto:admin@ungooroo.com.au">admin@ungooroo.com.au</a>
Wallagan Cultural Services	Maree	Waugh	PO Box 40	CESSNOCK	NSW	2325		0439 813 078	<a href="mailto:Mareewaugh30@hotmail.com">Mareewaugh30@hotmail.com</a>
Wanaruah Local Aboriginal Land Council	CEO		17-19 Maitland Street	MUSWELLBROOK	NSW	2333	02 6543 1288		<a href="mailto:ceo.wanaruah@bigpond.com">ceo.wanaruah@bigpond.com</a>
Wattaka Wonnarua CC Service	Des	Hickey	4 Kennedy Street	SINGLETON	NSW	2330		0432 977 178	<a href="mailto:deshickey@bigpond.com">deshickey@bigpond.com</a>
Widescope Indigenous Group	Steven	Hickey	73 Russell Street	EMU PLAINS	NSW	2750		0425 232 056 or 0425 230 693	<a href="mailto:Widescope.group@live.com">Widescope.group@live.com</a>
Wonnarua Culture Heritage	Gordon	Griffiths	19 O'Donnell Crescent	METFORD	NSW	2323	02 4934 6437	0401 028 807	
Wonnarua Elders Council	Richard	Edwards	PO Box 844	CESSNOCK	NSW	2325			
Wonnarua Nation Aboriginal Corporation	Laurie	Perry	254 John St	SINGLETON	NSW	2330		0412 593 020	<a href="mailto:l.perry@optusnet.com.au">l.perry@optusnet.com.au</a>

Organisation	First name	Surname	Address 1	City	State	Post code	Landline	Mobile	Email
Yarrowalk (A division of Tocomwall Pty Ltd), Tocomwall Pty Ltd on behalf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People NSD1680/2013	Scott	Franks	PO Box 76	CARRINGBAH	NSW	1495		0404 171 544	<a href="mailto:scott@tocomwall.com.au">scott@tocomwall.com.au</a>
Yinarr Cultural Services	Kathleen	Steward Kinchela	Lot 5 Westwood Estate	MERRIWA	NSW	2329		0475 436 589	<a href="mailto:yinarrculturalservices@bigpond.com">yinarrculturalservices@bigpond.com</a> <a href="mailto:dontminemeay@gmail.com">dontminemeay@gmail.com</a>
	Carol	Ridgeway-Bissett	33 Ullora Road	NELSONS BAY	NSW	2315	02 4984 3113	02 4984 3113	
	Steve	Talbott	73 Kiah Road	GILLIESTON HEIGHTS	NSW	2321		0429 662 911	<a href="mailto:gomerol.namoi@outlook.com">gomerol.namoi@outlook.com</a>

**From:** [Alex Byrne](#)  
**To:** [Nicola Hirschhorn](#)  
**Subject:** FW: [EXT] Aboriginal Interest Groups - Dalwinston Quarry  
**Date:** Tuesday, 2 October 2018 2:35:34 PM  
**Attachments:** [image001.png](#)

---

FYI

---

**From:** Sharon Pope <Sharon.Pope@muswellbrook.nsw.gov.au>  
**Sent:** Tuesday, 2 October 2018 2:31 PM  
**To:** Alex Byrne <alex.byrne@rpsgroup.com.au>  
**Subject:** [EXT] Aboriginal Interest Groups - Dalwinston Quarry

Hello Alex

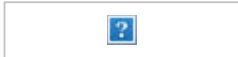
I refer to your letter of 27 August 2018 seeking details of Aboriginal Interest Groups in the Muswellbrook Shire. The Recognised Aboriginal Groups in Muswellbrook Shire Council area are:

Wanaruah Local Aboriginal Land Council CEO Noel Downs [admin.wanaruah@bigpond.com](mailto:admin.wanaruah@bigpond.com);  
Hunter Valley Aboriginal Corporation Manager Ross Pahuru [Manager@hvabcorp.org.au](mailto:Manager@hvabcorp.org.au)

There is also a Registered Native Title claim for crown land in the Shire. If any of the land affected by the Dalwinston Quarry proposal is Crown Land you should consult with these claimants as well.

Regards

Sharon Pope | Assistant Director Environment and Community Services



P: (02) 6549 3868 | F: (02) 6549 3701

PO Box 122, Muswellbrook NSW 2333

[Sharon.Pope@muswellbrook.nsw.gov.au](mailto:Sharon.Pope@muswellbrook.nsw.gov.au)

[www.muswellbrook.nsw.gov.au](http://www.muswellbrook.nsw.gov.au)



19 September 2018

Alex Byrne  
RPS  
P.O Box 120  
CARRINGTON NSW 2294

Dear Alex

**Re: Request - Search for Registered Aboriginal Owners**

I refer to your letter dated 27 August 2018 regarding an Aboriginal Cultural Heritage Assessment for a proposed composting facility located at 74 Lemington Road Ravensworth, NSW.

I have searched the Register of Aboriginal Owners and the project area described does not have Registered Aboriginal Owners pursuant to Division 3 of the *Aboriginal Land Rights Act 1983*.

I suggest that you contact Wanaruah Local Aboriginal Land Council on 02 6543 1288 regarding the project. They may also be able to assist you in identifying other Aboriginal stakeholders that wish to participate.

Yours sincerely

**Jodie Rikiti**  
**Administration Officer**  
Office of the Registrar, ALRA



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Alieria French  
Alieria French Trading  
17 Kalinda St  
Blacksmiths NSW 2281

**Our ref:** 141357  
**Via:** Email

Dear Alieria,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

In accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRs) (DECCW 2010), Bettergrow Pty Ltd is required to consult with relevant Aboriginal stakeholders. The purpose of consultation is to assist the proponent in the preparation of an ACHAR.

Aboriginal persons or groups who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and or place(s) in the Project Area, are invited to register an interest to participate in Aboriginal consultation for this project. We have already been in contact with Office of Environment and Heritage (OEH), Singleton Council, Wanaruah Local Aboriginal Land Council, the Registrar of Aboriginal Owners, National Native Title Services Corporation, National Native Title Tribunal and Hunter Local Land Services as per the ACHCRs.

To register interest in this project, please respond in writing on or before 16 October 2018. Please forward your details to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Fax: (02) 4961 6794  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

In accordance with the ACHCRs, if you register an interest in this project, your details will be forwarded to OEH and the Local Aboriginal Land Council, unless you inform us that you do not want your details released.





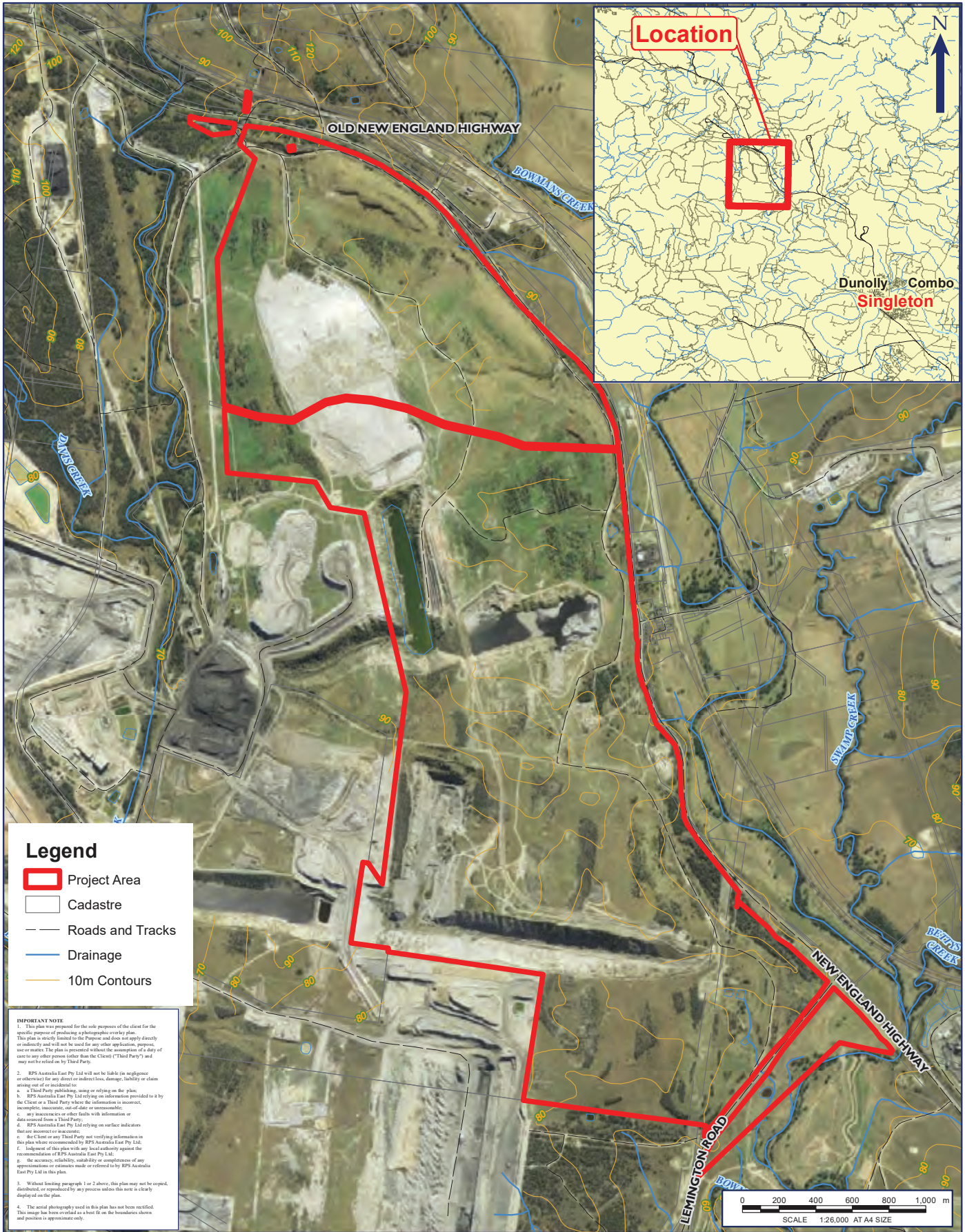
We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

**IMPORTANT NOTE**

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  - b. RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
  - c. any inaccuracies or other faults with information or data sourced from a Third Party;
  - d. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
  - e. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
  - f. judgment of this plan with any local authority against the recommendations of RPS Australia East Pty Ltd;
  - g. the accuracy, reliability, suitability or completeness of any representations or reliance made or referred to by RPS Australia East Pty Ltd in this plan.
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4. The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.

0 200 400 600 800 1,000 m  
SCALE 1:26,000 AT A4 SIZE

**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Ashley, Gregory and Adam Sampson  
AGA Services  
22 Ibis Pde  
Woodberry NSW 2322

**Our ref:** 141357  
**Via:** Email

Dear Ashley, Gregory and Adam,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

In accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRs) (DECCW 2010), Bettergrow Pty Ltd is required to consult with relevant Aboriginal stakeholders. The purpose of consultation is to assist the proponent in the preparation of an ACHAR.

Aboriginal persons or groups who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and or place(s) in the Project Area, are invited to register an interest to participate in Aboriginal consultation for this project. We have already been in contact with Office of Environment and Heritage (OEH), Singleton Council, Wanaruah Local Aboriginal Land Council, the Registrar of Aboriginal Owners, National Native Title Services Corporation, National Native Title Tribunal and Hunter Local Land Services as per the ACHCRs.

To register interest in this project, please respond in writing on or before 16 October 2018. Please forward your details to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Fax: (02) 4961 6794  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

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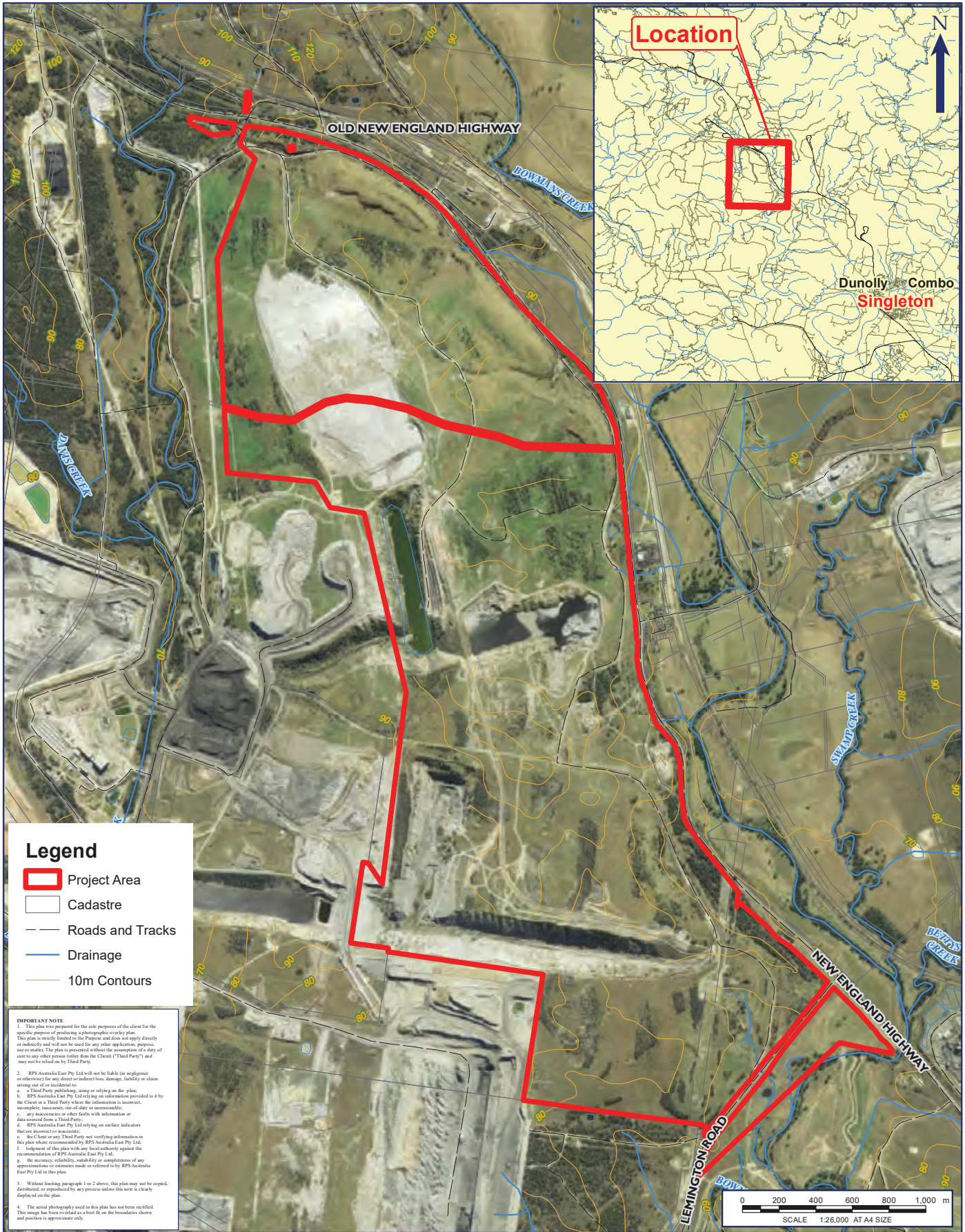
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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0 200 400 600 800 1,000 m  
SCALE 1:26,000 AT A4 SIZE

**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Kerrie Brauer  
Awabakal Traditional Owners Aboriginal Corporation  
PO Box 122  
Rutherford NSW 2320

**Our ref:** 141357  
**Via:** Email

Dear Kerrie,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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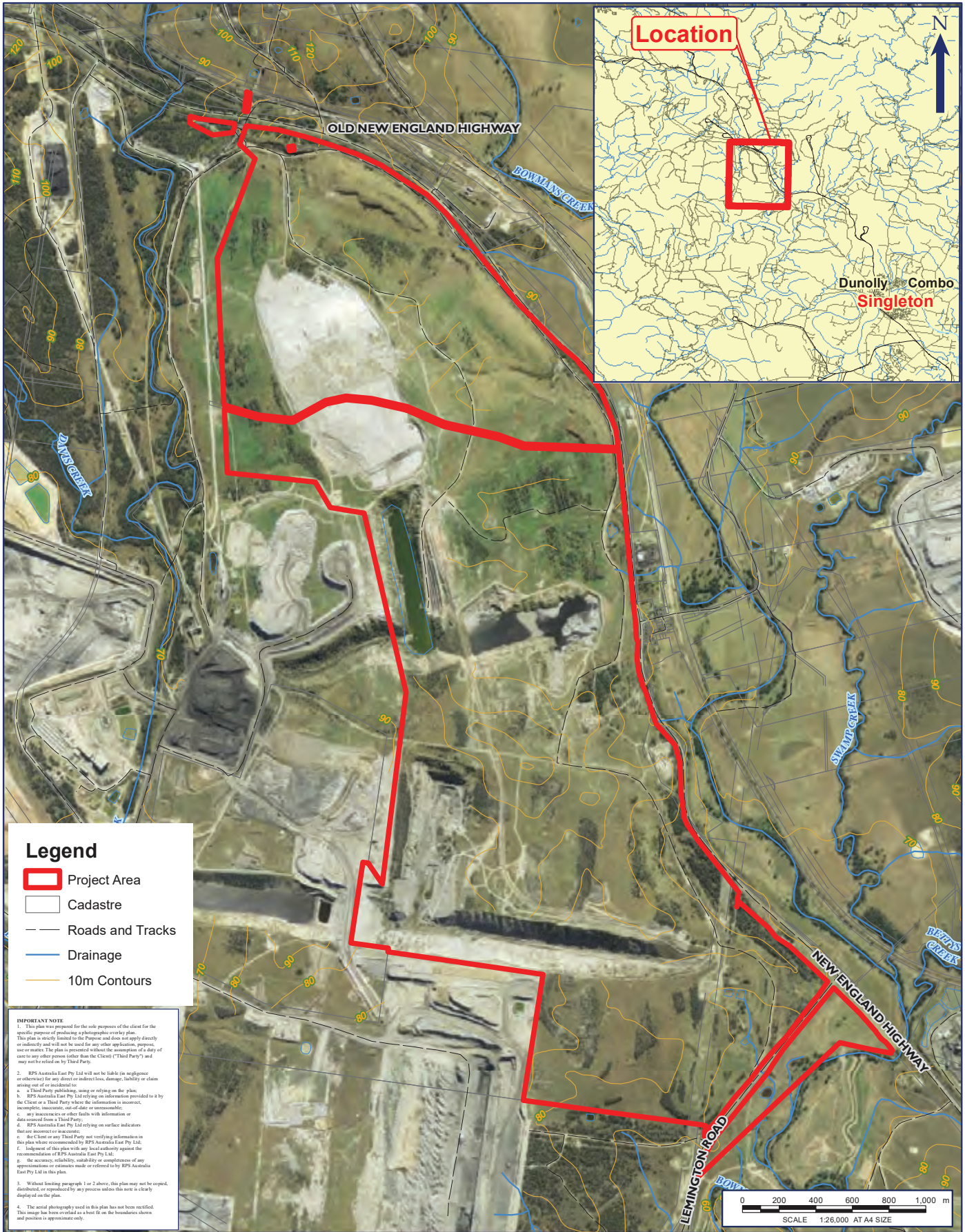
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



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PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: The CEO  
Bathurst Local Aboriginal Land Council  
149 Russell St  
Bathurst NSW 2795

**Our ref:** 141357  
**Via:** Email

Dear Sir/Madam,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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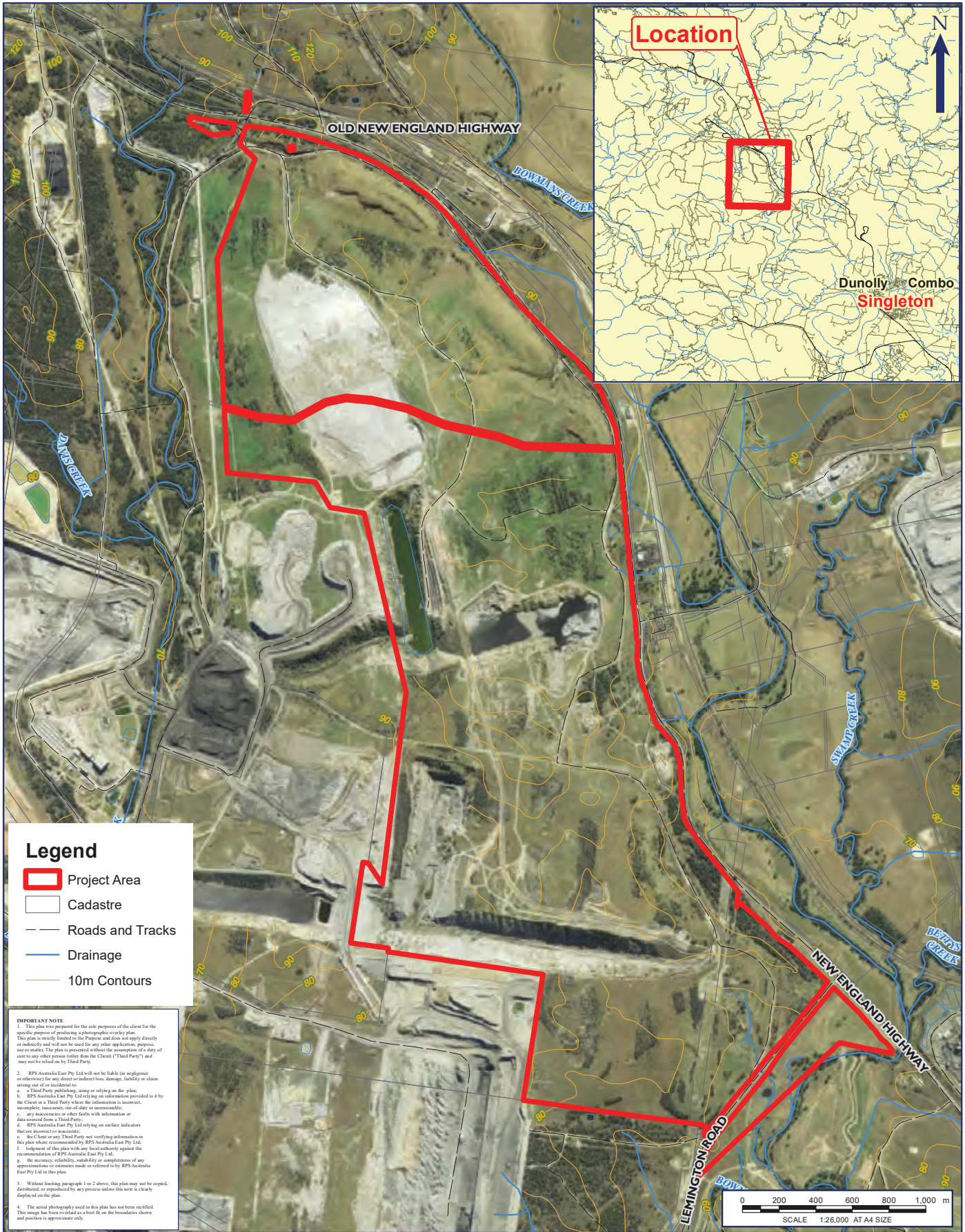
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



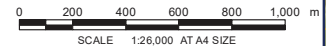
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	RPS
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T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Tracey Skene  
Culturally Aware  
7 Crawford Pl  
Milfield NSW 2325

**Our ref:** 141357  
**Via:** Email

Dear Tracey,

**Ravensworth ACHAR: Expression of Interest**

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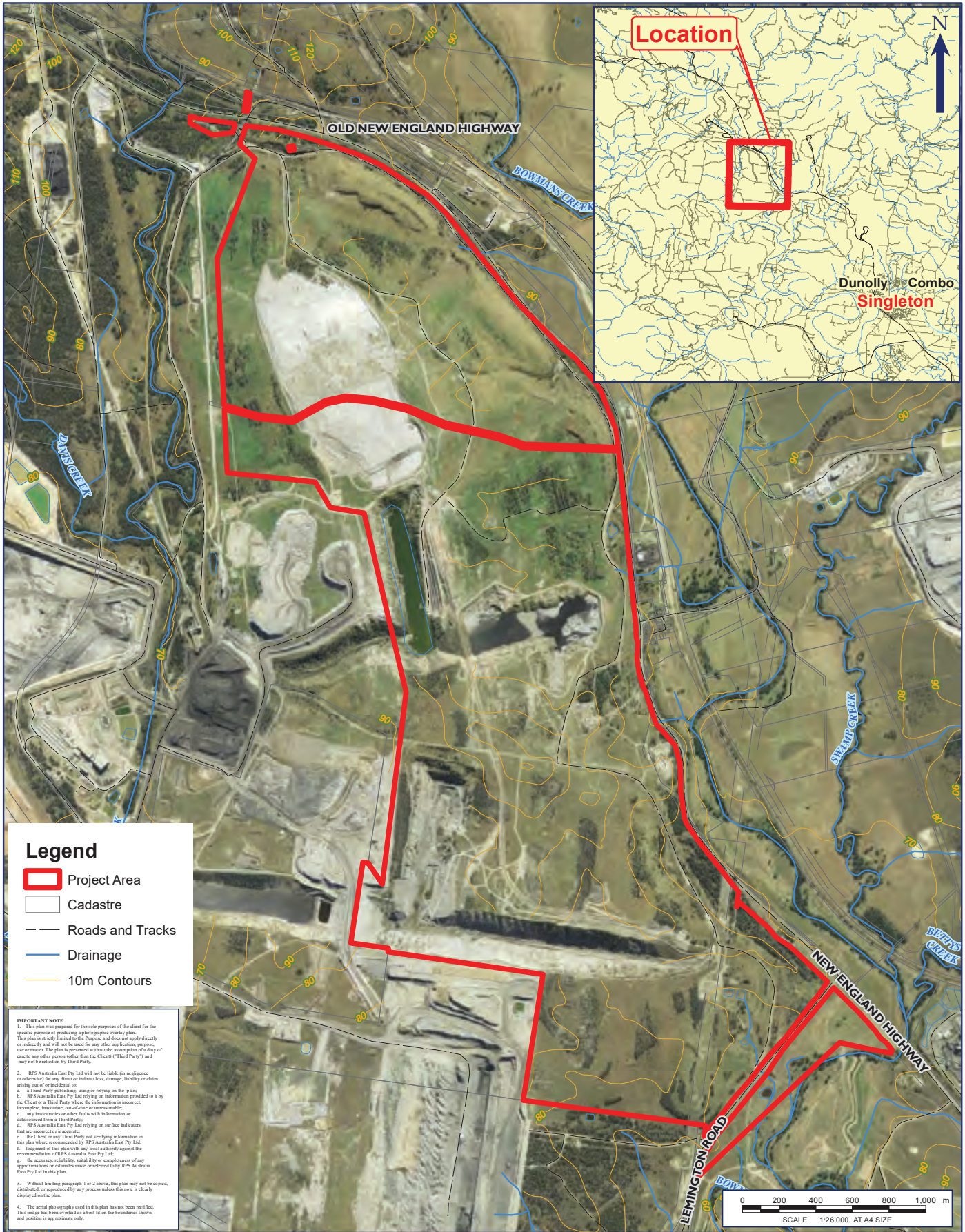
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018





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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Donna and George Sampson  
Cacatua Culture Consultants  
22 Ibis Pde  
Woodberry NSW 2322

**Our ref:** 141357  
**Via:** Email

Dear Donna and George,

**Ravensworth ACHAR: Expression of Interest**

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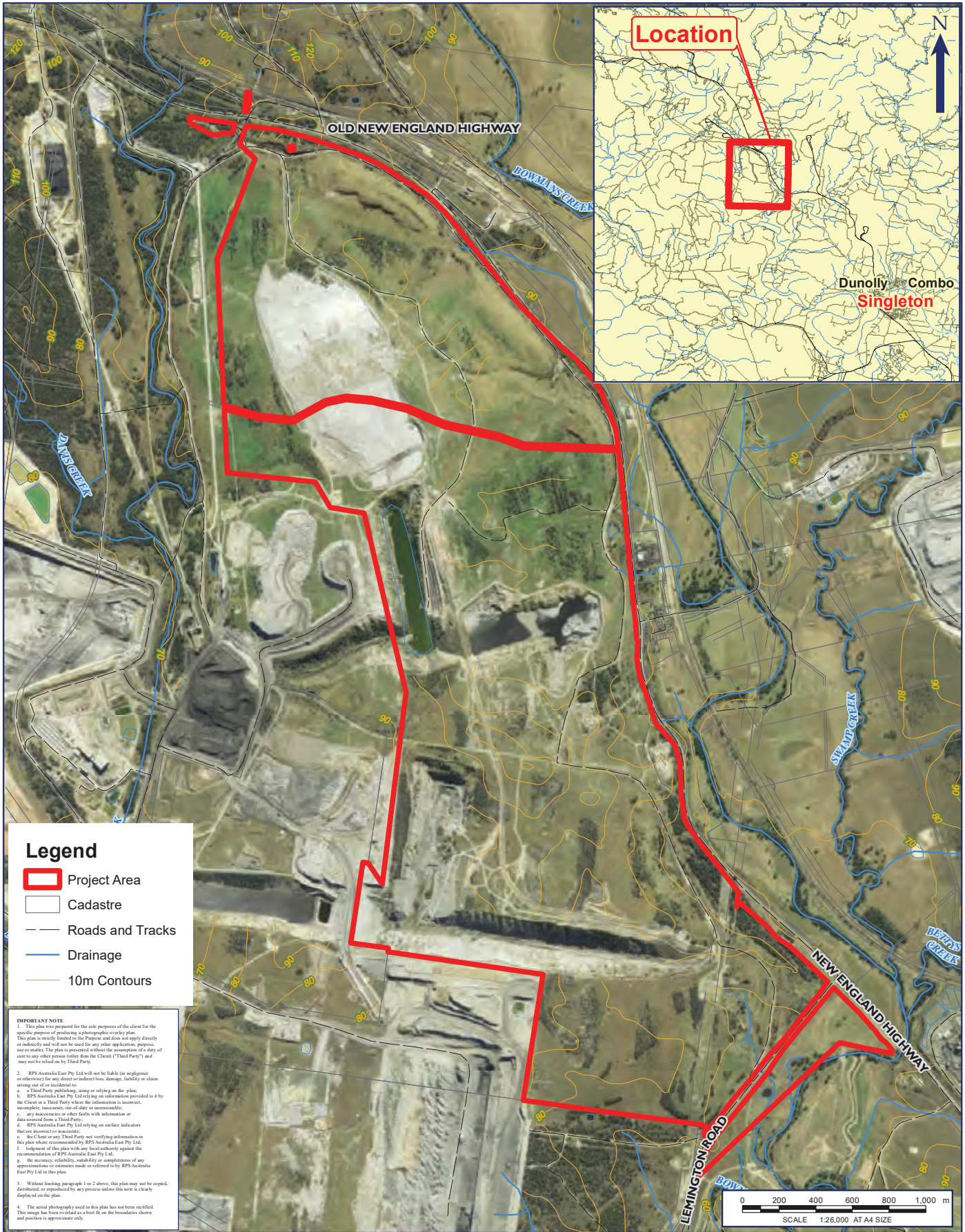
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Location



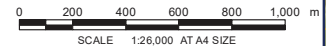
Dunolly Combo  
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**Legend**

- Project Area
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Deidre Perkins  
Divine Diggers Aboriginal Cultural Consultants  
6 Ashleigh St  
Heddon Greta NSW 2321

**Our ref:** 141357  
**Via:** Email

Dear Deidre

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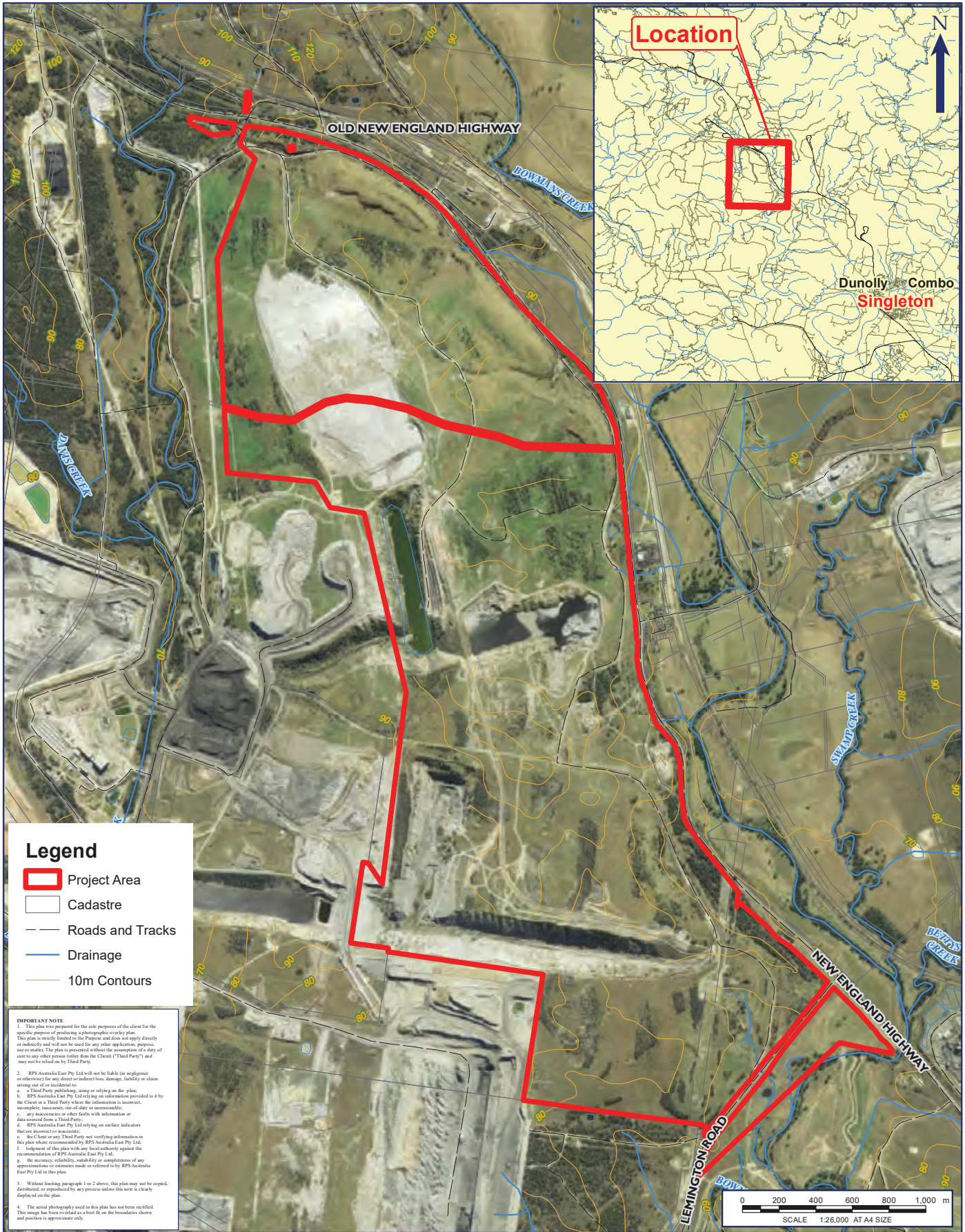
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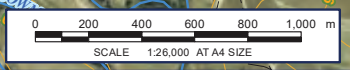


**Legend**

- Project Area
- Cadastre
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T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Derrick Vale Snr  
DFTV Enterprises  
5 Mountbatten Cl  
Rutherford NSW 2320

**Our ref:** 141357  
**Via:** Email

Dear Derrick,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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To register interest in this project, please respond in writing on or before 16 October 2018. Please forward your details to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Fax: (02) 4961 6794  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

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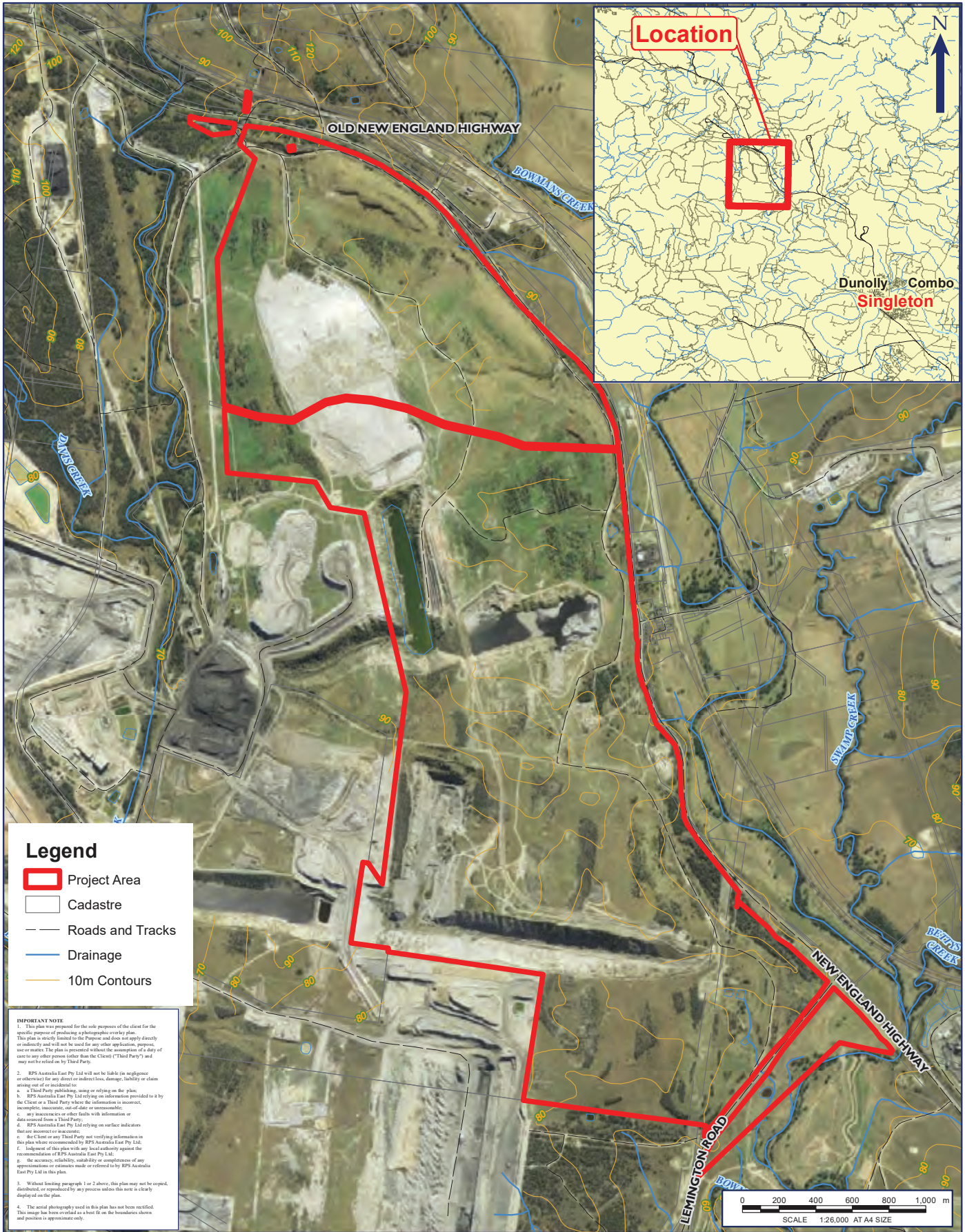
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



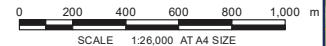
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Paul Boyd and Lilly Carroll  
Didge Ngunawal Clan  
7 Siskin St  
Quakers Hill NSW 2763

**Our ref:** 141357  
**Via:** Email

Dear Paul and Lilly

**Ravensworth ACHAR: Expression of Interest**

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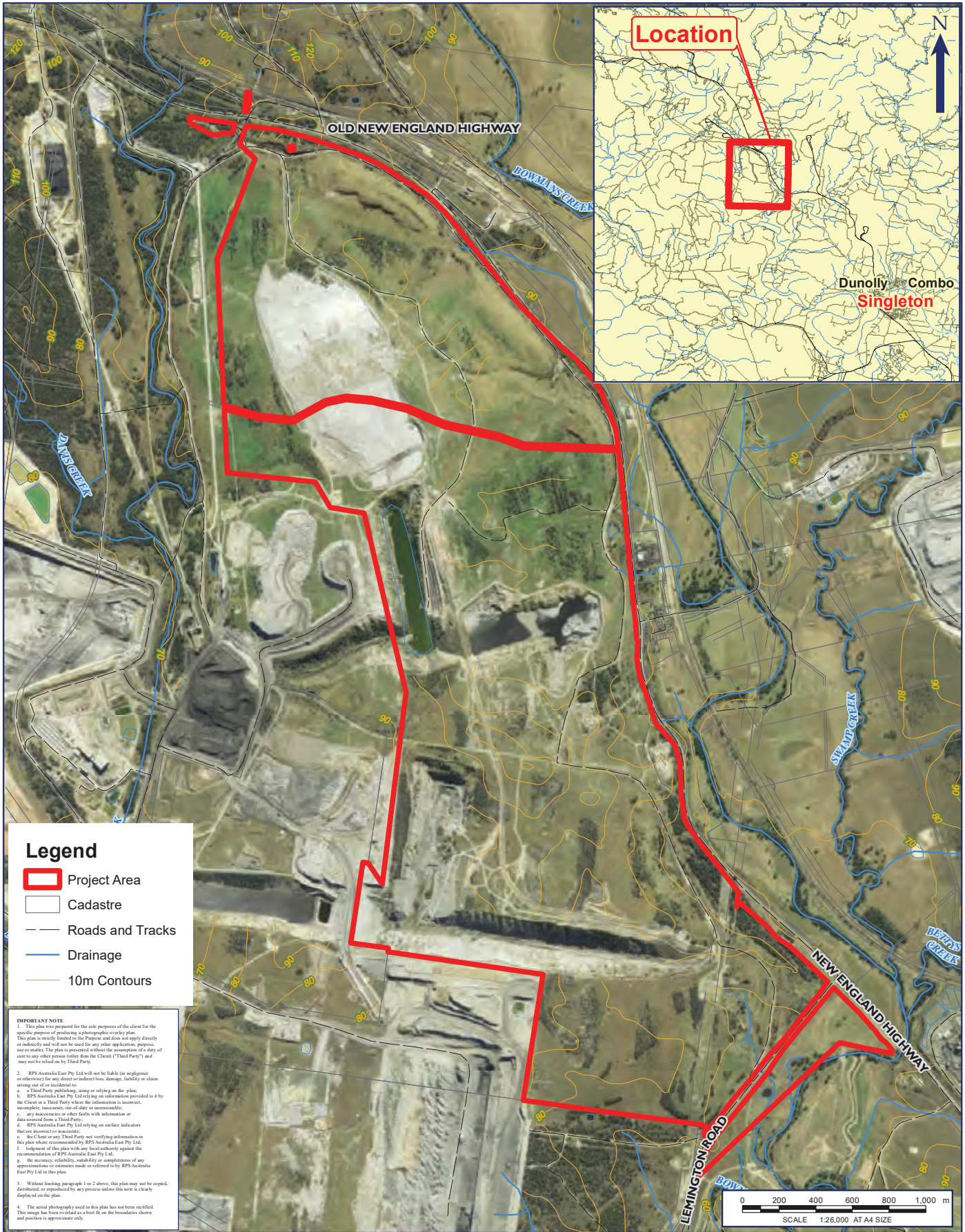
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018





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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Deslee Matthews  
Deslee Talbot Consultants  
Unit 2/ 19 South St  
Gunnedah NSW 2380

**Our ref:** 141357  
**Via:** Email

Dear Deslee,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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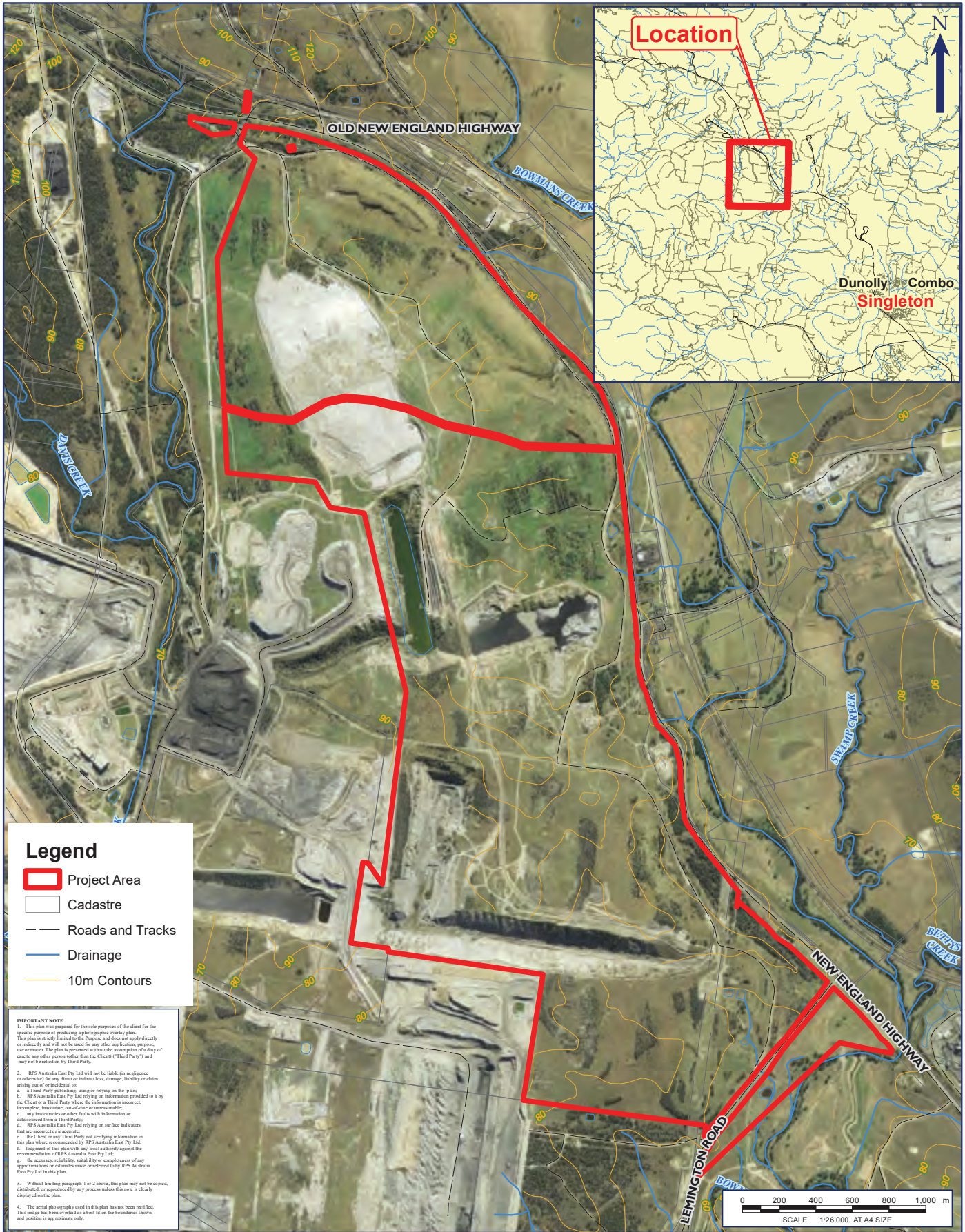
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
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PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018





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T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Tracey Howie  
Guringai Tribal Link Aboriginal Corporation  
PO Box 4061  
Wyongah NSW 2259

**Our ref:** 141357  
**Via:** Email

Dear Tracey,

**Ravensworth ACHAR: Expression of Interest**

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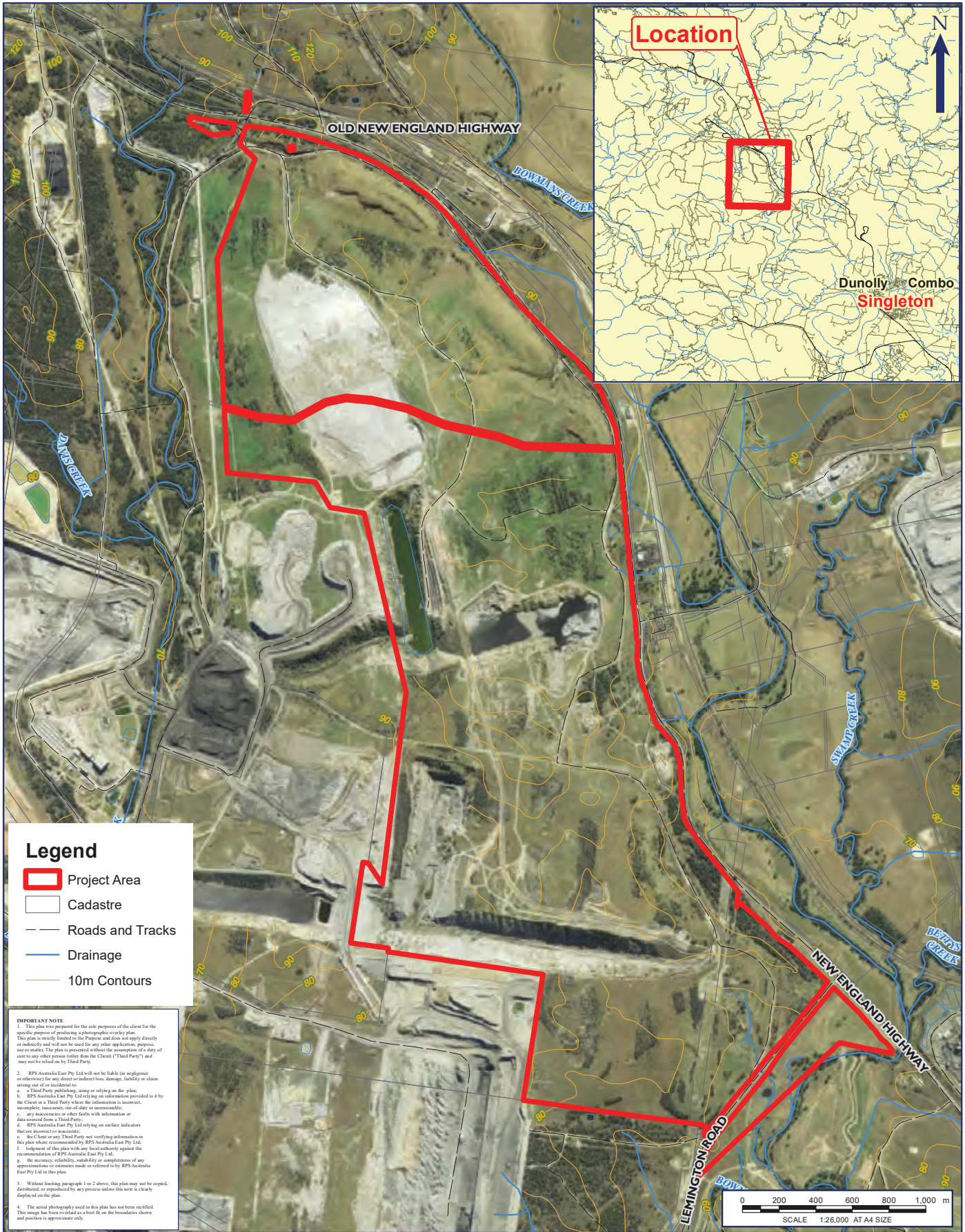
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Graduate Heritage Consultant





Location



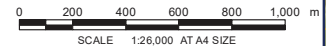
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**Legend**

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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



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PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Craig Horne  
Gidawaa Walang & Barkuma NC Inc.  
76 Lang St  
Kurri Kurri NSW 2327

**Our ref:** 141357  
**Via:** Email

Dear Craig

**Ravensworth ACHAR: Expression of Interest**

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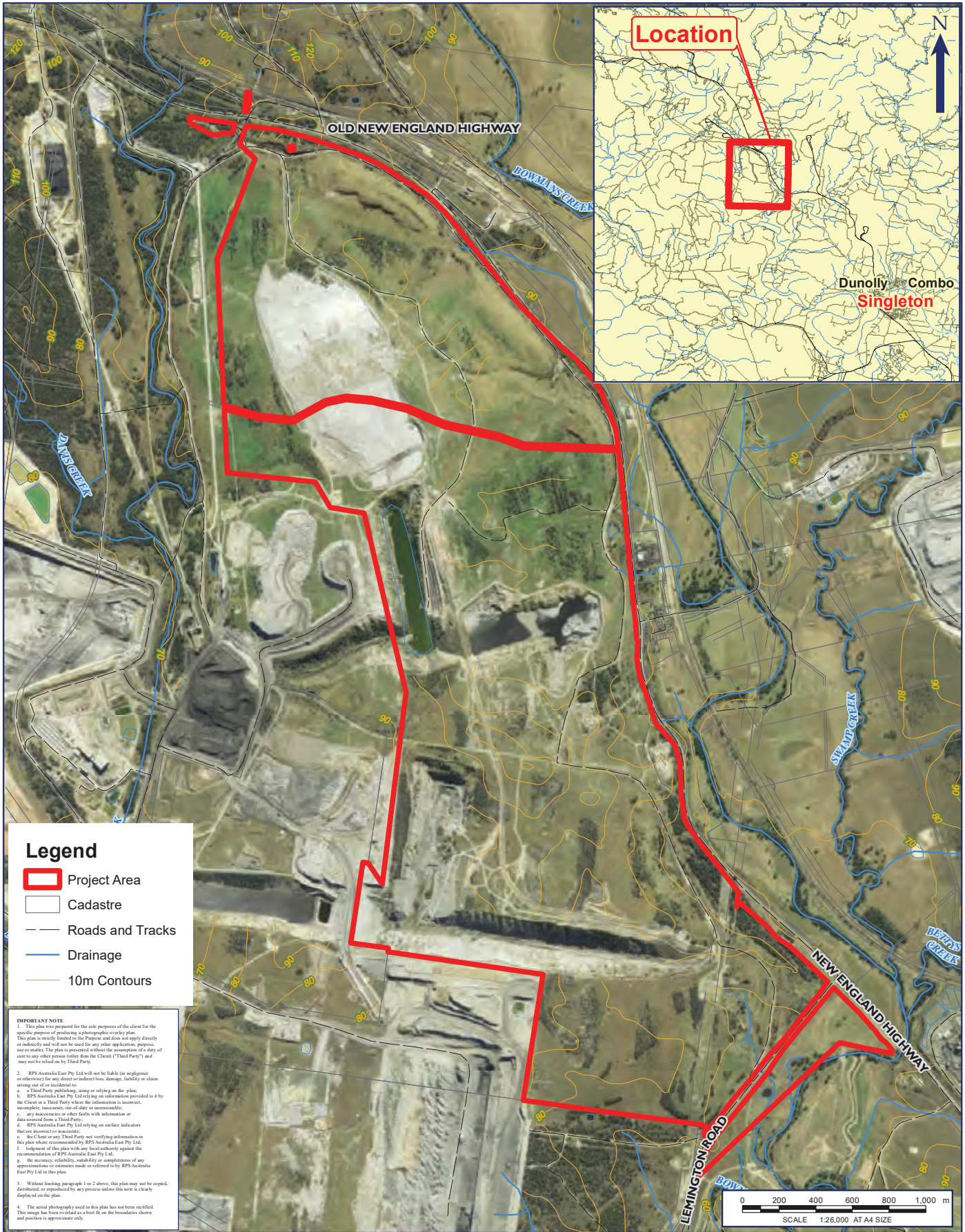
Yours sincerely

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Nicola Hirschhorn

Graduate Heritage Consultant



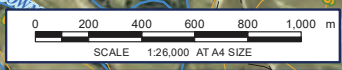


**Legend**

- Project Area
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018

CLIENT: BETTERGROW PTY LTD		RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	RPS
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Tania Matthews  
Hunters & Collectors  
U211 Walowa St  
Narrabri NSW 2390

**Our ref:** 141357  
**Via:** Email

Dear Tania,

**Ravensworth ACHAR: Expression of Interest**

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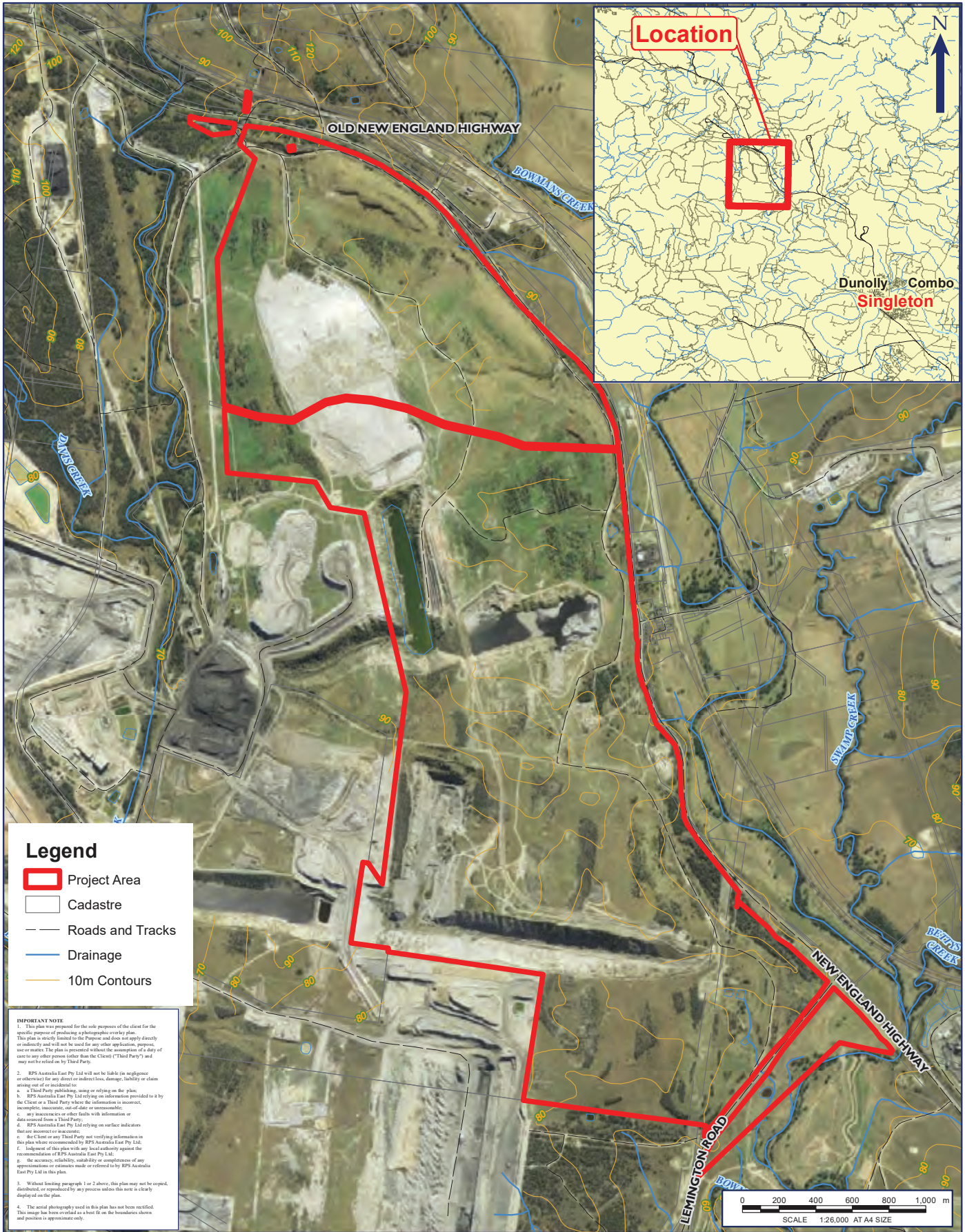
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
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0 200 400 600 800 1,000 m  
SCALE 1:26,000 AT A4 SIZE

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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Rhonda Griffiths  
Hunter Valley Aboriginal Corporation  
182 Bridge St  
Muswellbrook NSW 2333

**Our ref:** 141357  
**Via:** Email

Dear Rhonda,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

In accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRs) (DECCW 2010), Bettergrow Pty Ltd is required to consult with relevant Aboriginal stakeholders. The purpose of consultation is to assist the proponent in the preparation of an ACHAR.

Aboriginal persons or groups who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and or place(s) in the Project Area, are invited to register an interest to participate in Aboriginal consultation for this project. We have already been in contact with Office of Environment and Heritage (OEH), Singleton Council, Wanaruah Local Aboriginal Land Council, the Registrar of Aboriginal Owners, National Native Title Services Corporation, National Native Title Tribunal and Hunter Local Land Services as per the ACHCRs.

To register interest in this project, please respond in writing on or before 16 October 2018. Please forward your details to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Fax: (02) 4961 6794  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

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We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

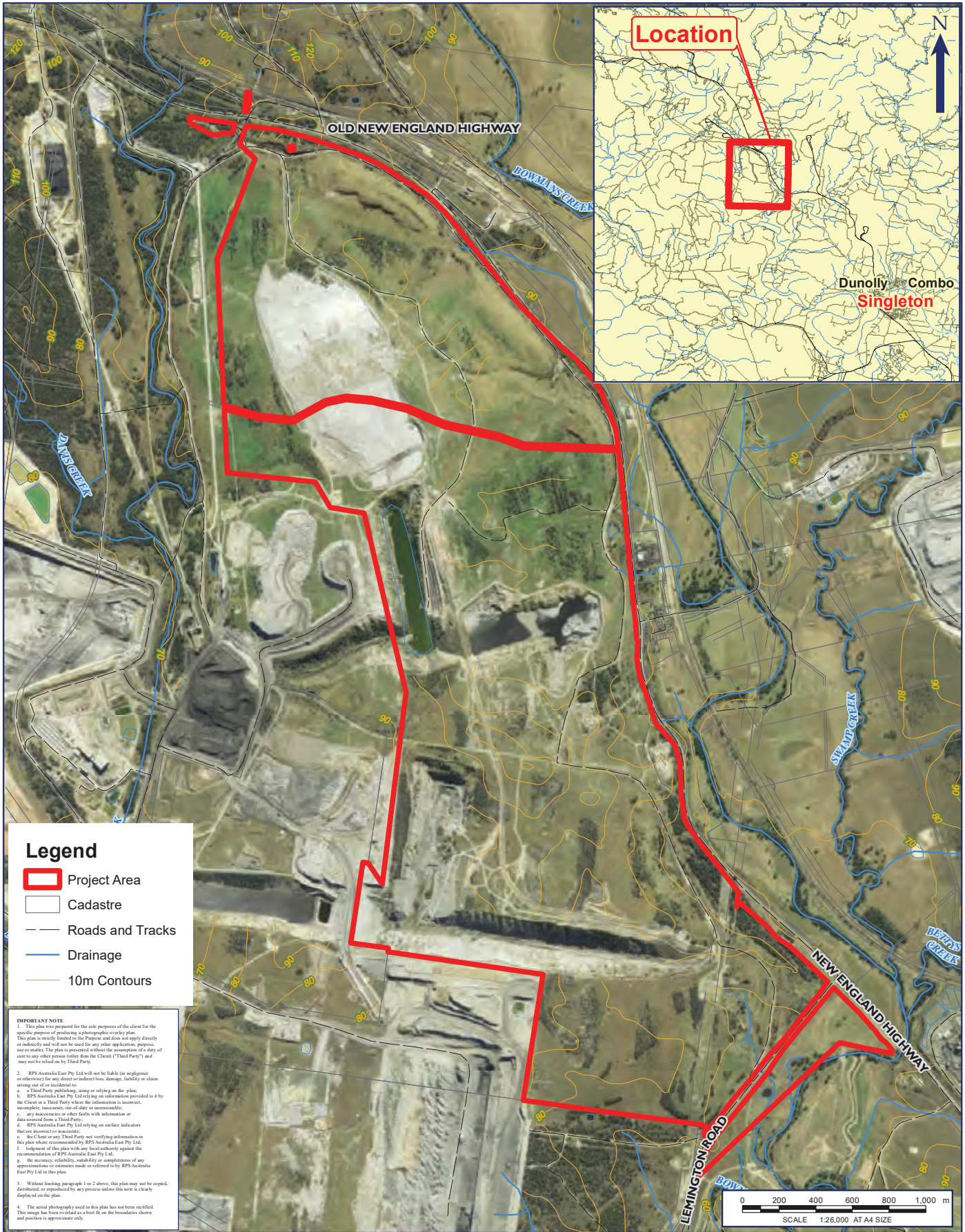
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



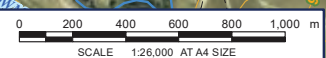
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Craig Archibald  
Indigenous Learning  
2 Victoria St  
Bellbird Hts NSW 2325

**Our ref:** 141357  
**Via:** Email

Dear Craig,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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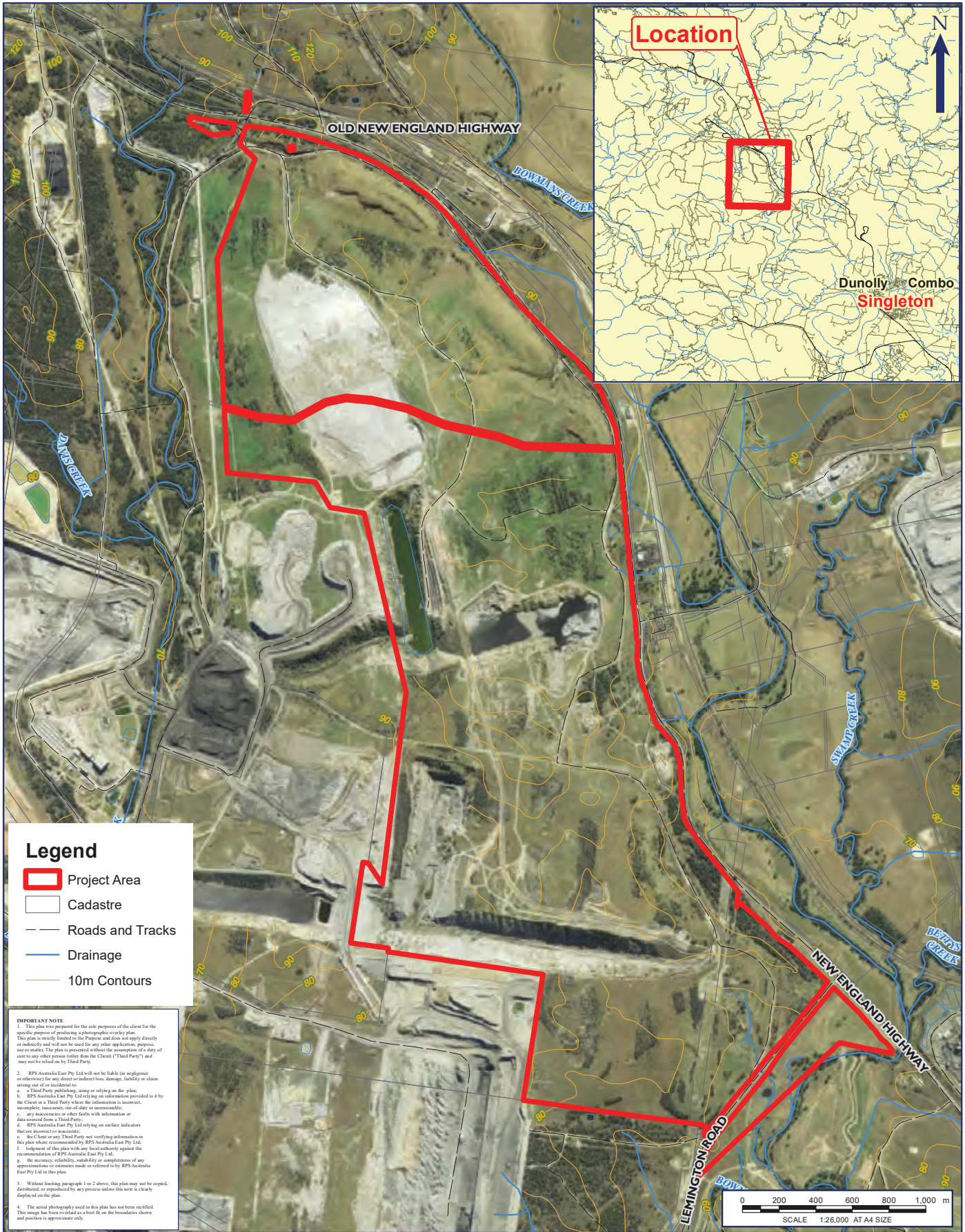
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



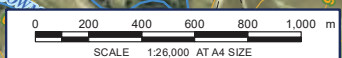
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018





**Newcastle Office**  
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PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Les Atkinson  
Jarban & Mugrebea  
11 Nelson St  
Cessnock NSW 2325

**Our ref:** 141357  
**Via:** Email

Dear Les

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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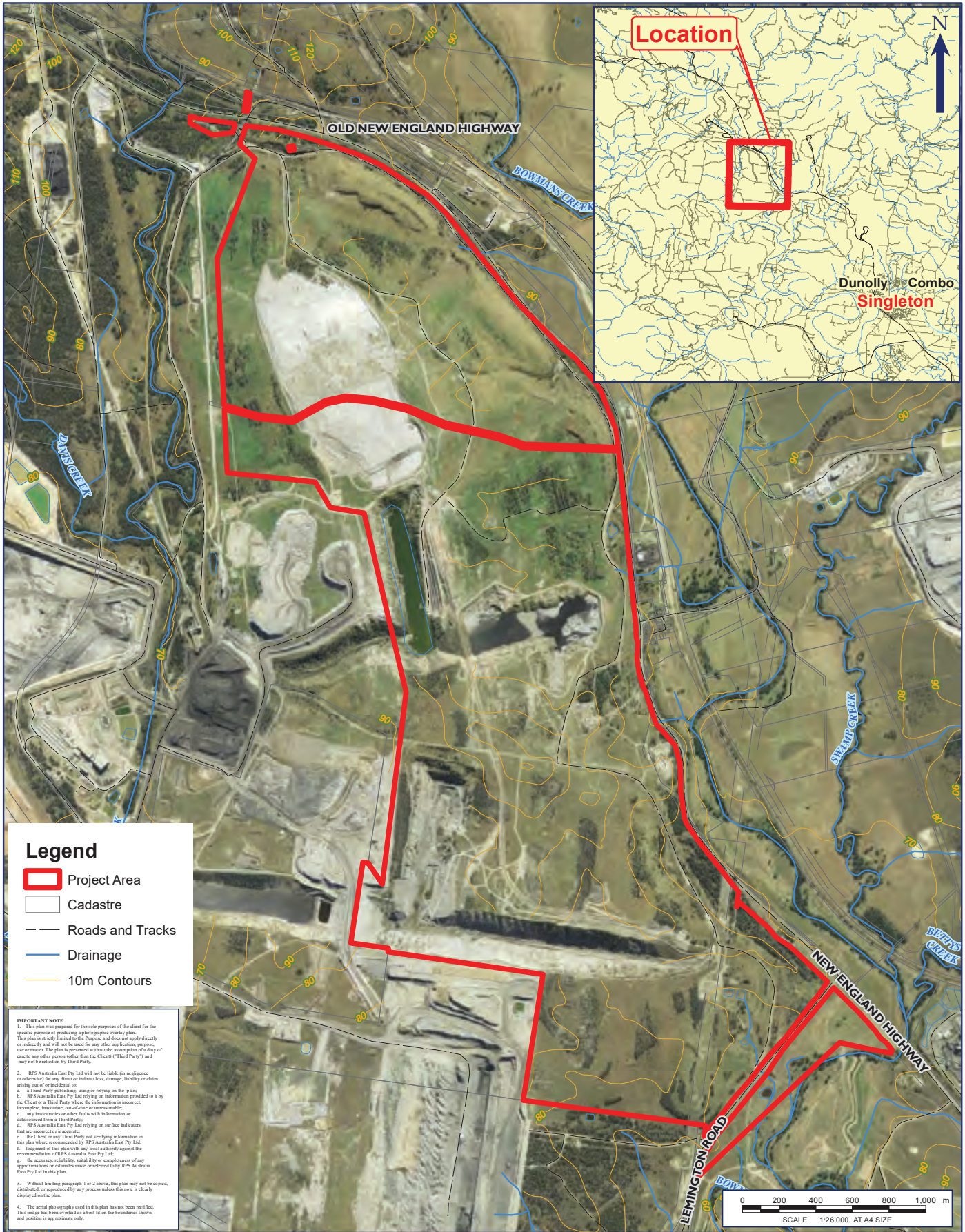
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



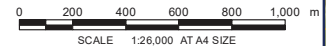
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018





**Newcastle Office**  
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PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Norm Archibald  
Jumbunna Traffic Management  
17 Flobern Ave  
Wauchope NSW 2325

**Our ref:** 141357  
**Via:** Email

Dear Norm,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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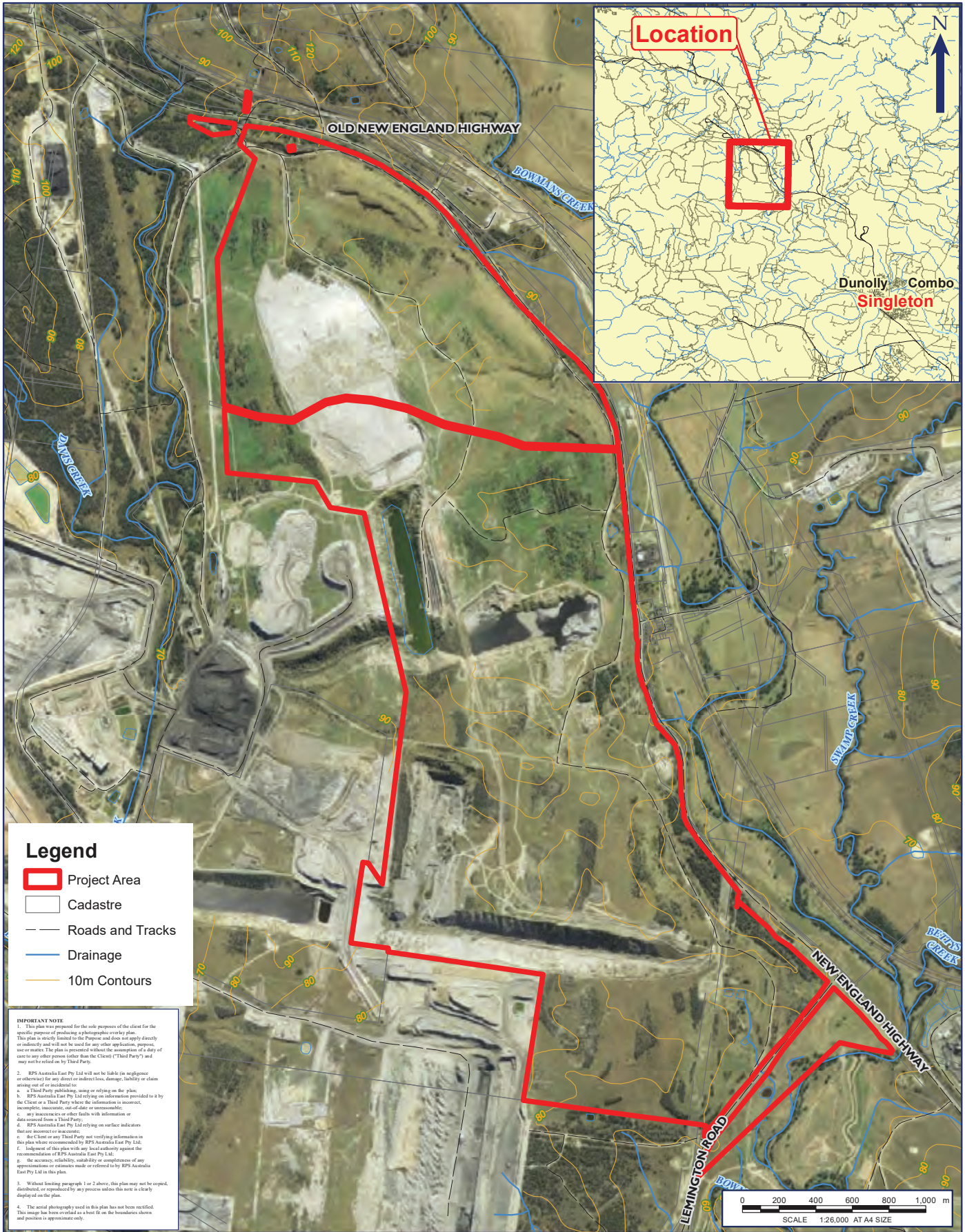
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



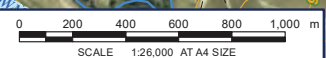
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



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PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: The CEO  
Karuah Local Aboriginal Land Council  
16 Muston Rd  
Karuah NSW 2324

**Our ref:** 141357  
**Via:** Email

Dear Sir/Madam

**Ravensthorpe ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensthorpe No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensthorpe, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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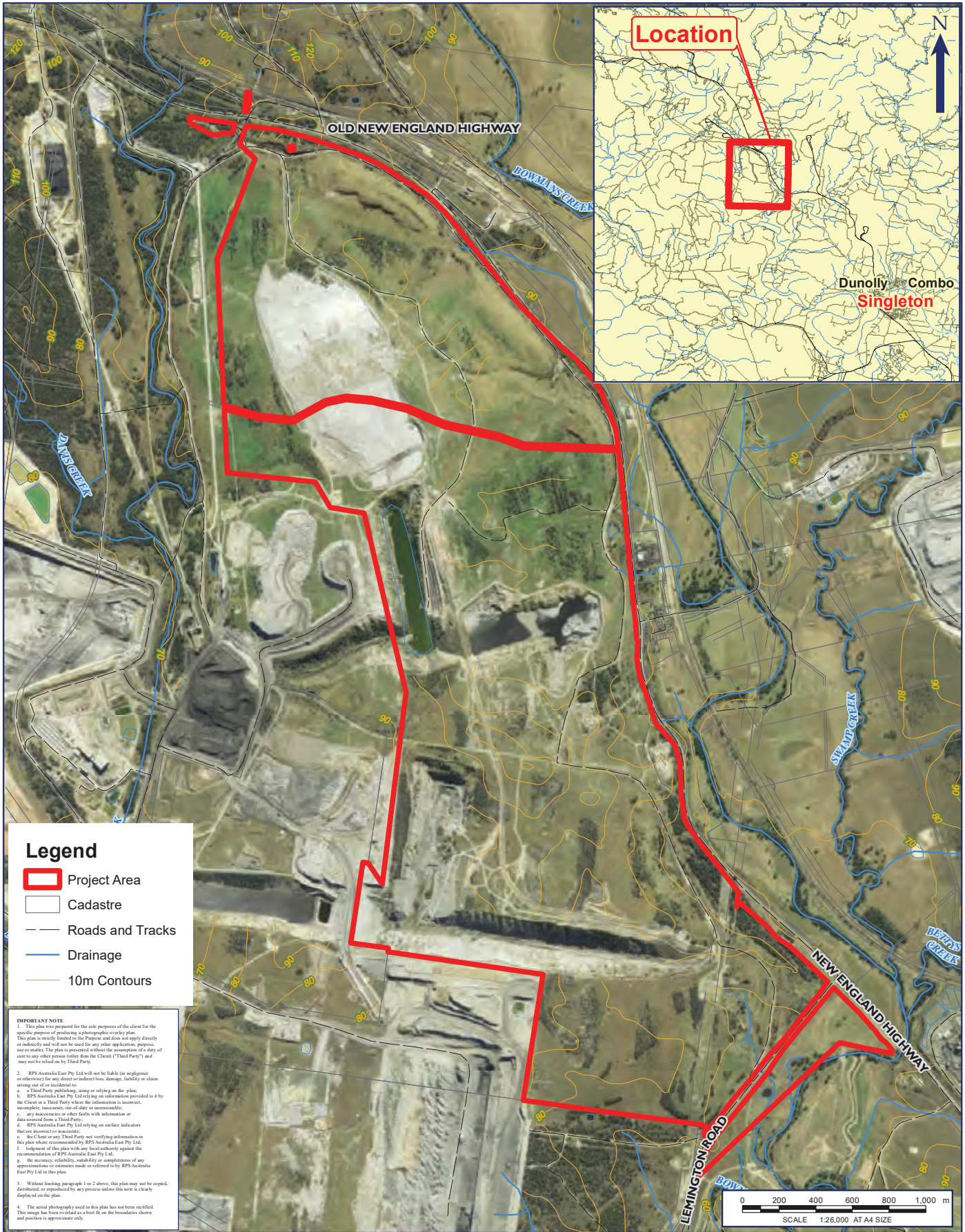
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



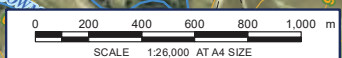
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
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- Drainage
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**FIGURE 1: SITE LOCATION**

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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



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T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Vicky Slater  
Kawul Cultural Services  
33 Gardner Circuit  
Singleton NSW 2330

**Our ref:** 141357  
**Via:** Email

Dear Vicky,

**Ravensworth ACHAR: Expression of Interest**

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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





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T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Jill Green  
Kauma Pondee Inc  
Unit 6/ 1 Central St  
Lambton NSW 2305

**Our ref:** 141357  
**Via:** Email

Dear Jill,

**Ravensworth ACHAR: Expression of Interest**

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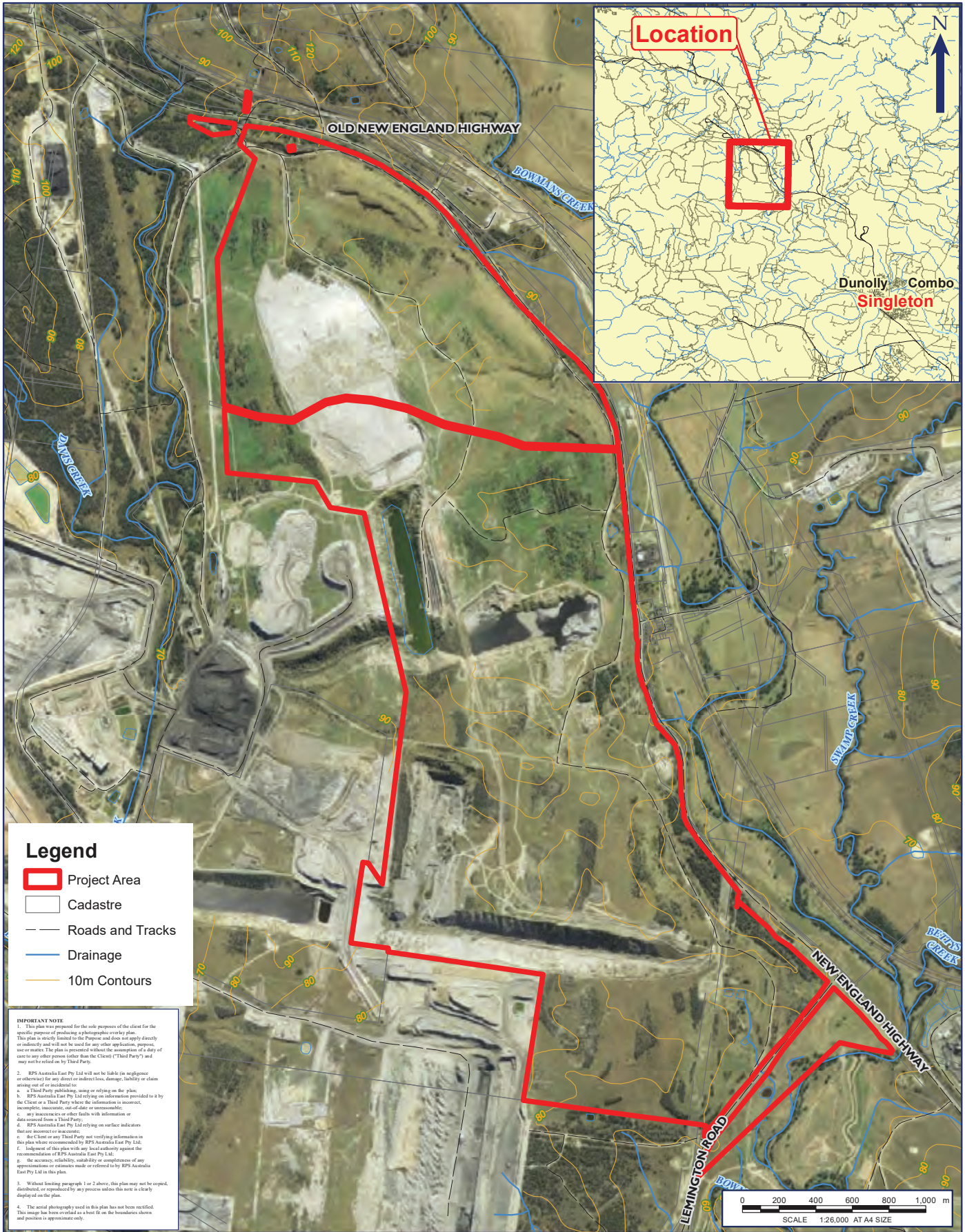
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
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0 200 400 600 800 1,000 m  
SCALE 1:26,000 AT A4 SIZE

**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: David Ahoy  
Lower Hunter Aboriginal Incorporated  
5 Killara Dr  
Cardiff South NSW 2285

**Our ref:** 141357  
**Via:** Email

Dear David,

**Ravensthorpe ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensthorpe No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensthorpe, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

In accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRs) (DECCW 2010), Bettergrow Pty Ltd is required to consult with relevant Aboriginal stakeholders. The purpose of consultation is to assist the proponent in the preparation of an ACHAR.

Aboriginal persons or groups who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and or place(s) in the Project Area, are invited to register an interest to participate in Aboriginal consultation for this project. We have already been in contact with Office of Environment and Heritage (OEH), Singleton Council, Wanaruah Local Aboriginal Land Council, the Registrar of Aboriginal Owners, National Native Title Services Corporation, National Native Title Tribunal and Hunter Local Land Services as per the ACHCRs.

To register interest in this project, please respond in writing on or before 16 October 2018. Please forward your details to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Fax: (02) 4961 6794  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

In accordance with the ACHCRs, if you register an interest in this project, your details will be forwarded to OEH and the Local Aboriginal Land Council, unless you inform us that you do not want your details released.



We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

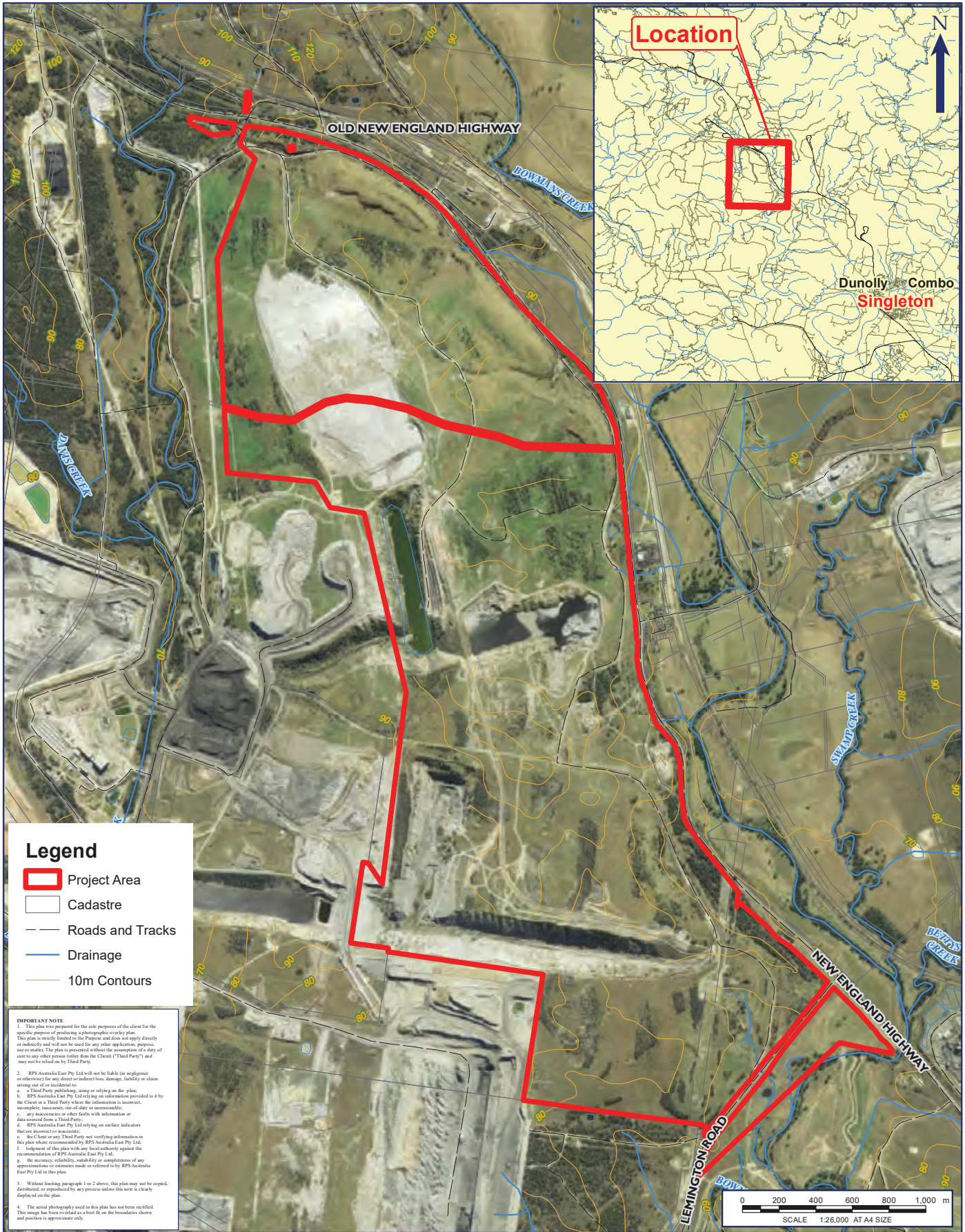
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastrate
- Roads and Tracks
- Drainage
- 10m Contours

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SCALE 1:26,000 AT A4 SIZE

**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Lea-Anne Ball and Uncle Tommy Miller  
Lower Hunter Wonnarua Cultural Services  
51 Bowden St  
Heddon Greta NSW 2321

**Our ref:** 141357  
**Via:** Email

Dear Lea-Anne and Uncle Tom

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

In accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRs) (DECCW 2010), Bettergrow Pty Ltd is required to consult with relevant Aboriginal stakeholders. The purpose of consultation is to assist the proponent in the preparation of an ACHAR.

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RPS, PO Box 120, Carrington NSW 2294  
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Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

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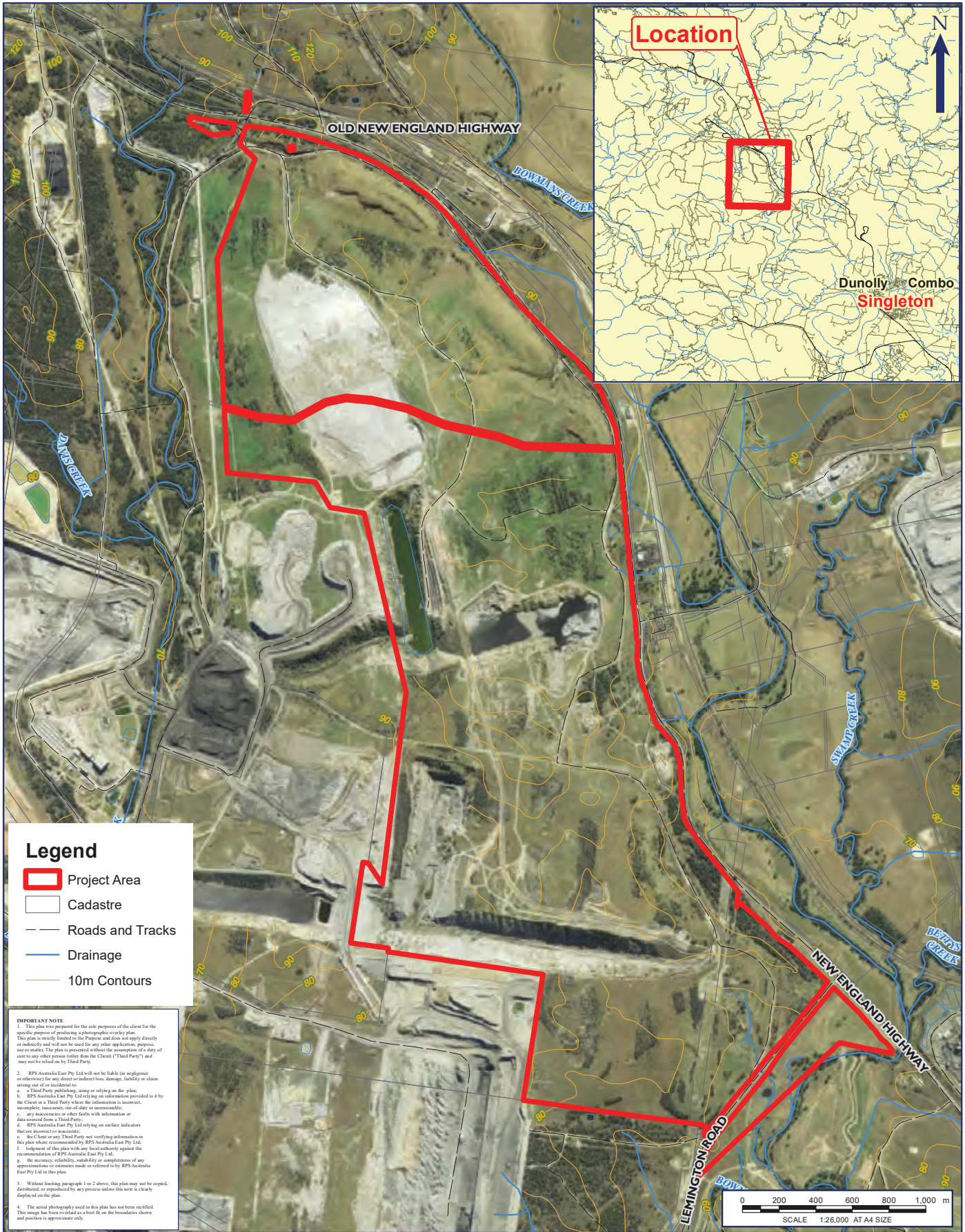
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018





**Newcastle Office**  
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PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Tracey White  
Mayaroo  
PO Box 168  
Kurri Kurri NSW 2327

**Our ref:** 141357  
**Via:** Email

Dear Tracey,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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Nicola Hirschhorn  
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Fax: (02) 4961 6794  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

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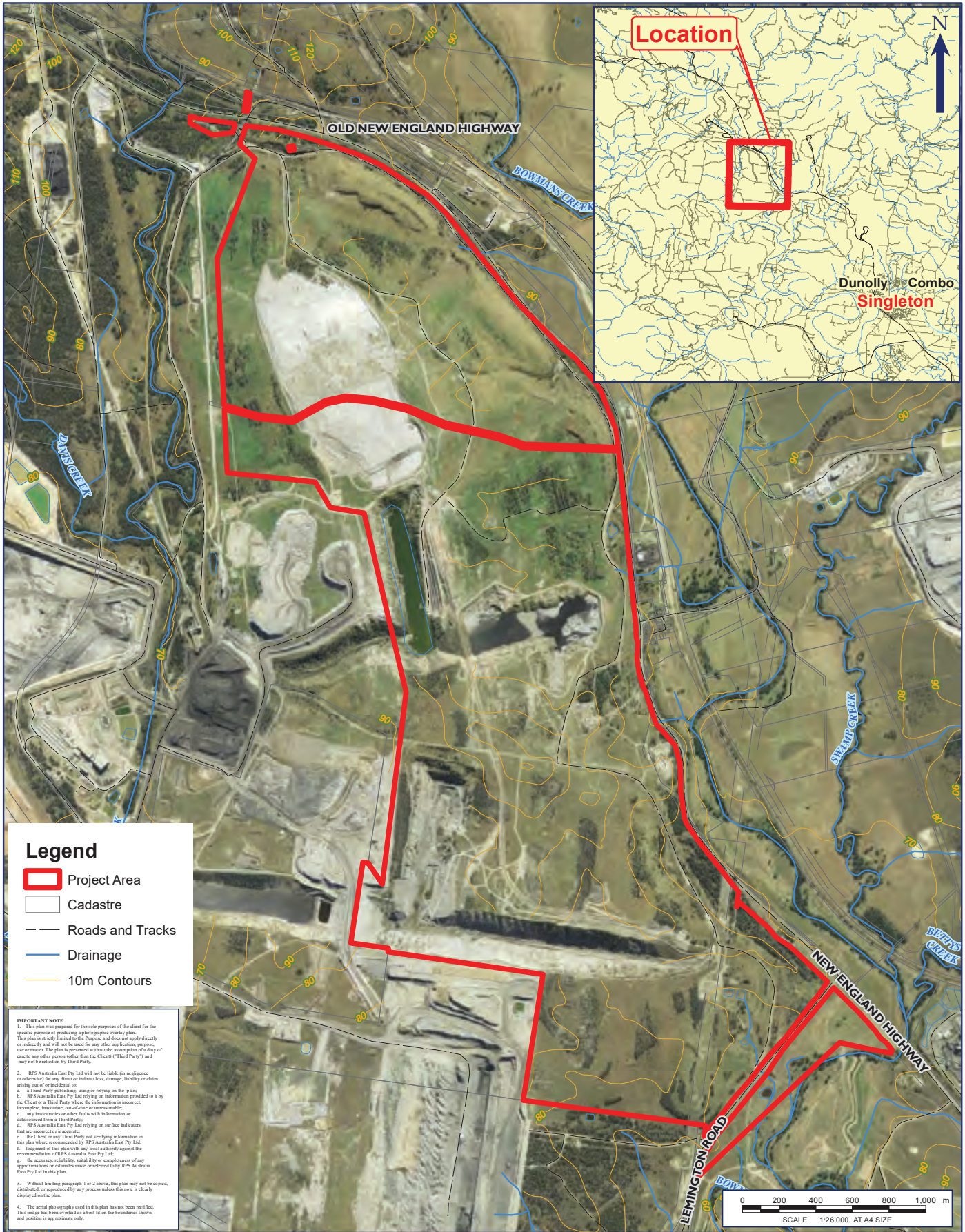
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant

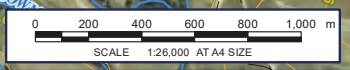


**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018

CLIENT: BETTERGROW PTY LTD		RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	RPS
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Ryan Johnson and Darleen Johnson-Carroll  
Murra Bidgee Mullangari Aboriginal Corporation  
PO Box 246  
Seven Hills NSW 2147

**Our ref:** 141357  
**Via:** Email

Dear Ryan and Darleen,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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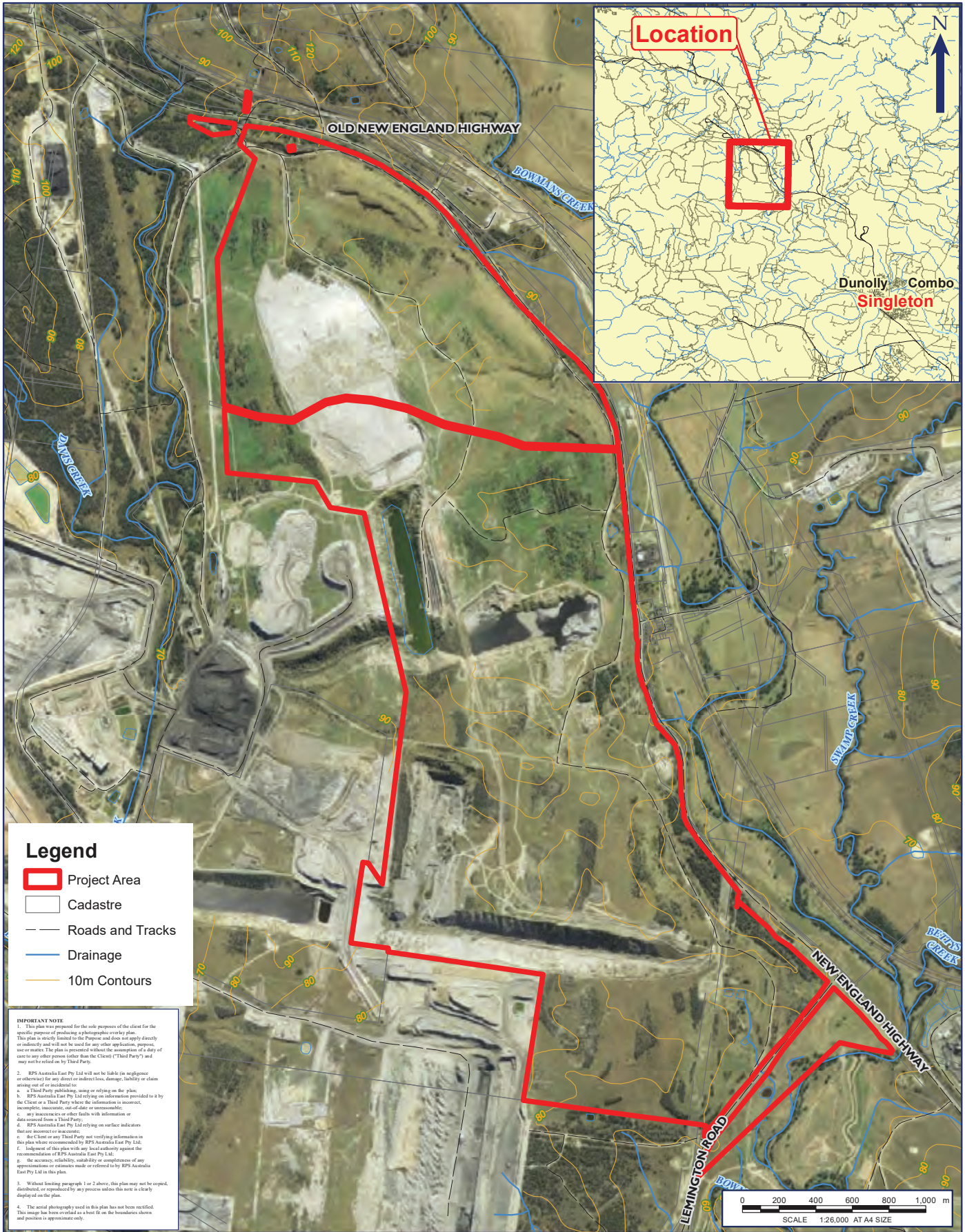
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



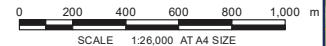
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



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T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: The CEO  
Mindaribba Local Aboriginal Land Council  
1A Chelmsford Dr  
Metford NSW 2323

**Our ref:** 141357  
**Via:** Email

Dear Tara

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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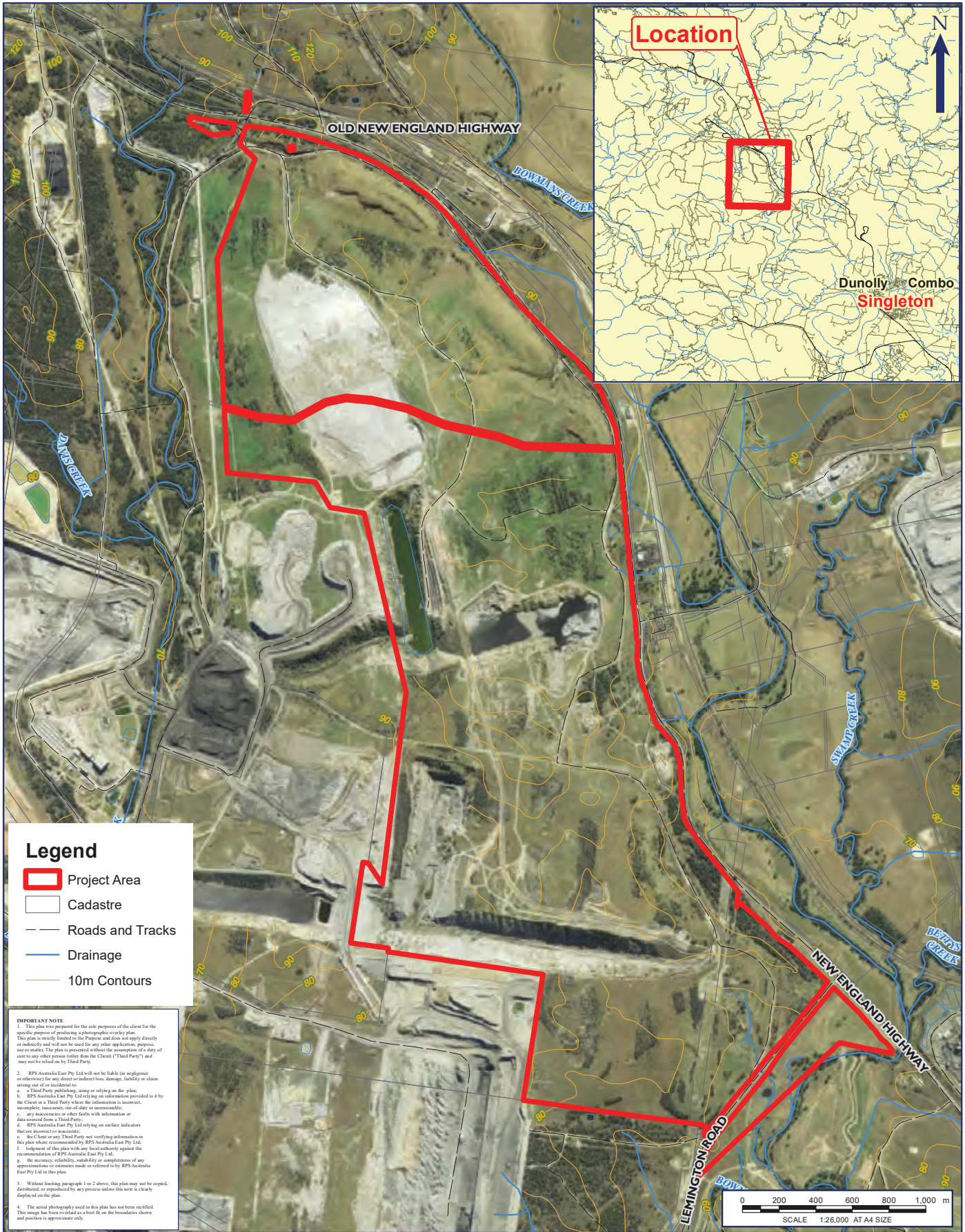
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



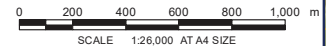
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Warren Schillings  
Myland Cultural & Heritage Group  
30 Taurus St  
Elmore Vale NSW 2287

**Our ref:** 141357  
**Via:** Email

Dear Warren,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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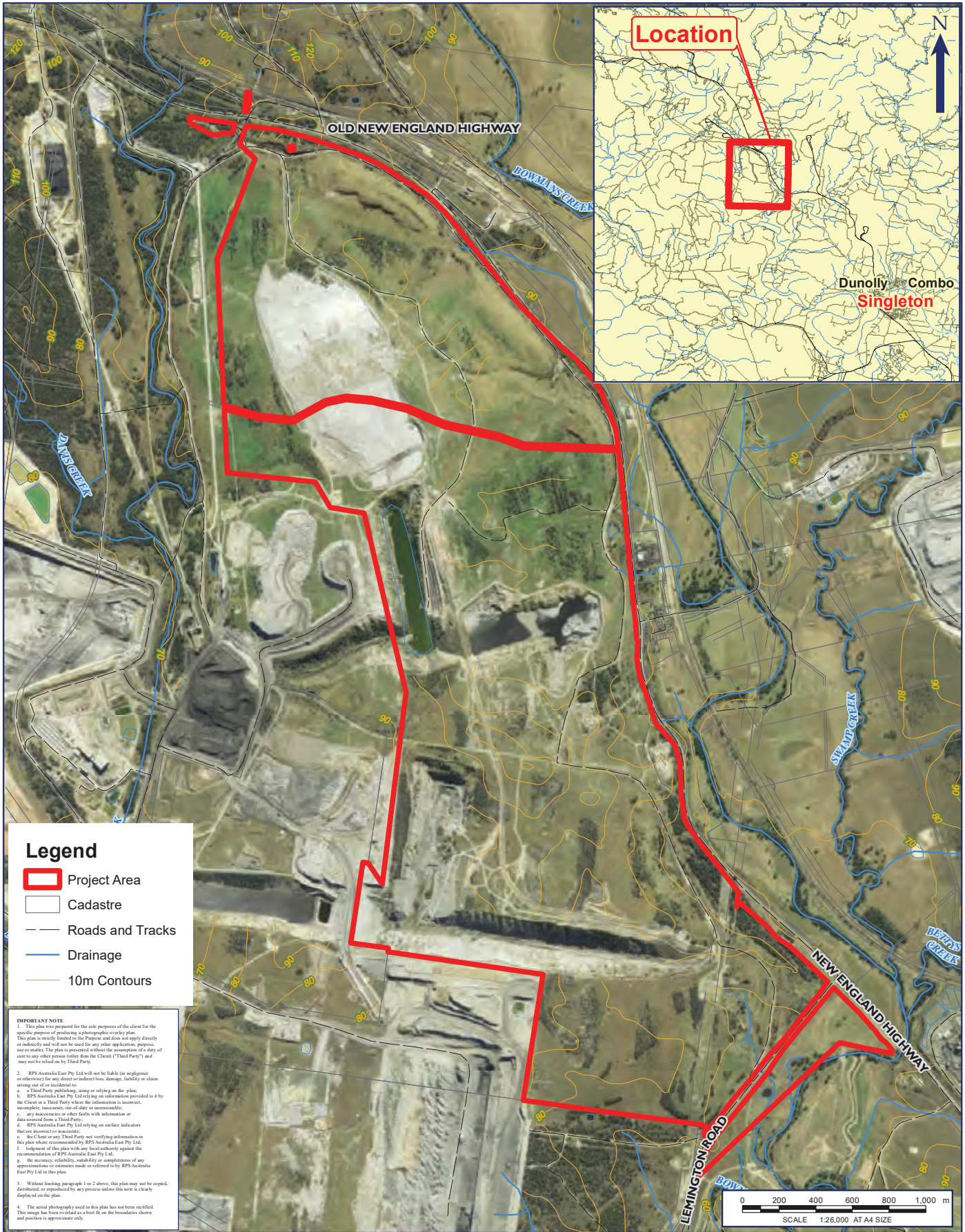
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**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



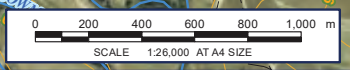


**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

**IMPORTANT NOTE**

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	RPS
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Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Paulette Ryan  
Hunter Traditional Owner  
165 Susan St  
Scone NSW 2337

**Our ref:** 141357  
**Via:** Email

Dear Paulette,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Fax: (02) 4961 6794  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

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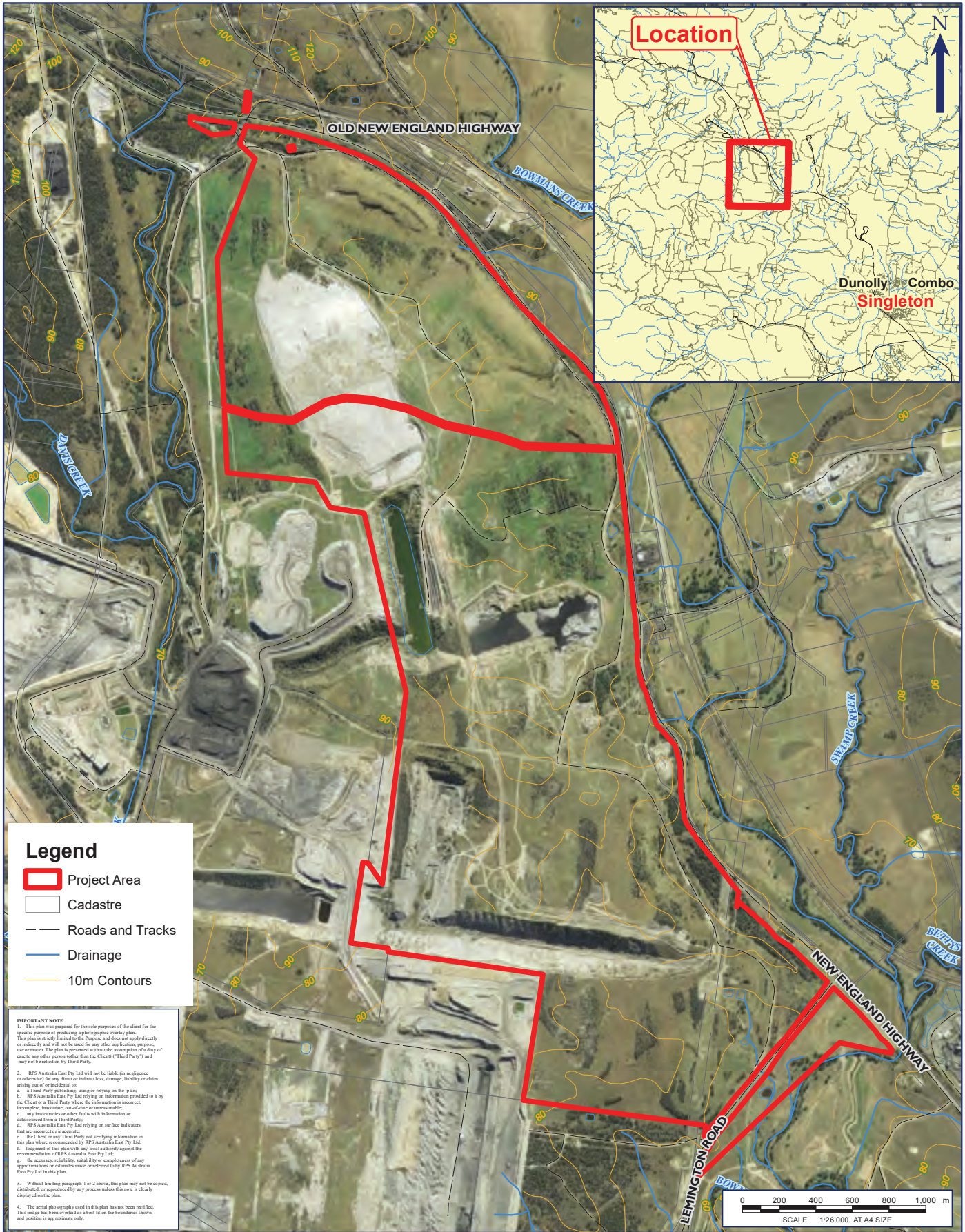
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant

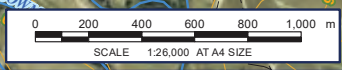


**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018

CLIENT: BETTERGROW PTY LTD		RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Roger Matthews  
Roger Matthews Consultancy  
105 View St  
Gunnedah NSW 2380

**Our ref:** 141357  
**Via:** Email

Dear Roger,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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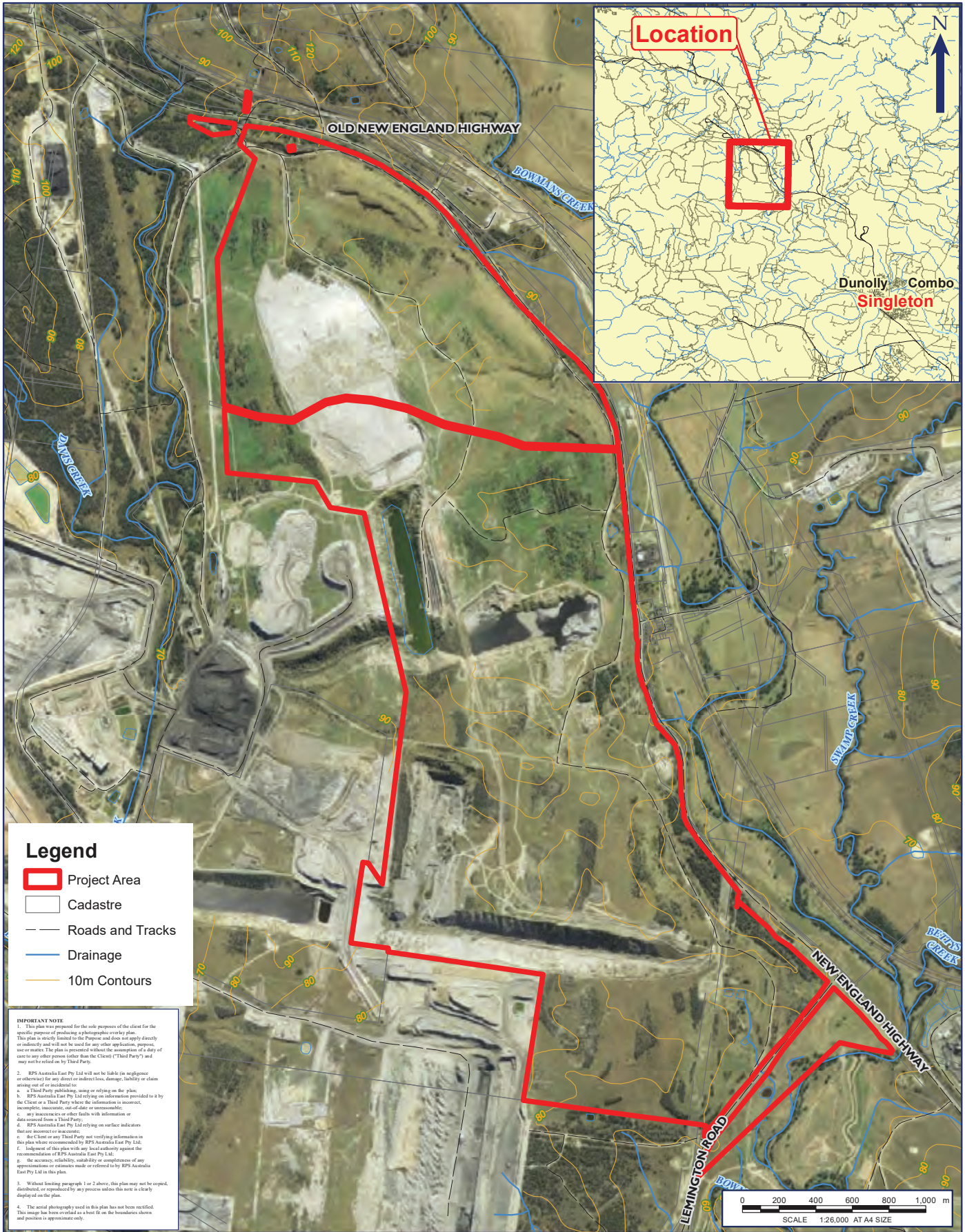
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant

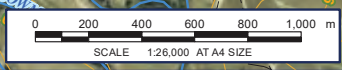


**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018

CLIENT: BETTERGROW PTY LTD		RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Steve Talbott  
73 Kiah Rd  
Gillieston Hts NSW 2321

**Our ref:** 141357  
**Via:** Email

Dear Steve,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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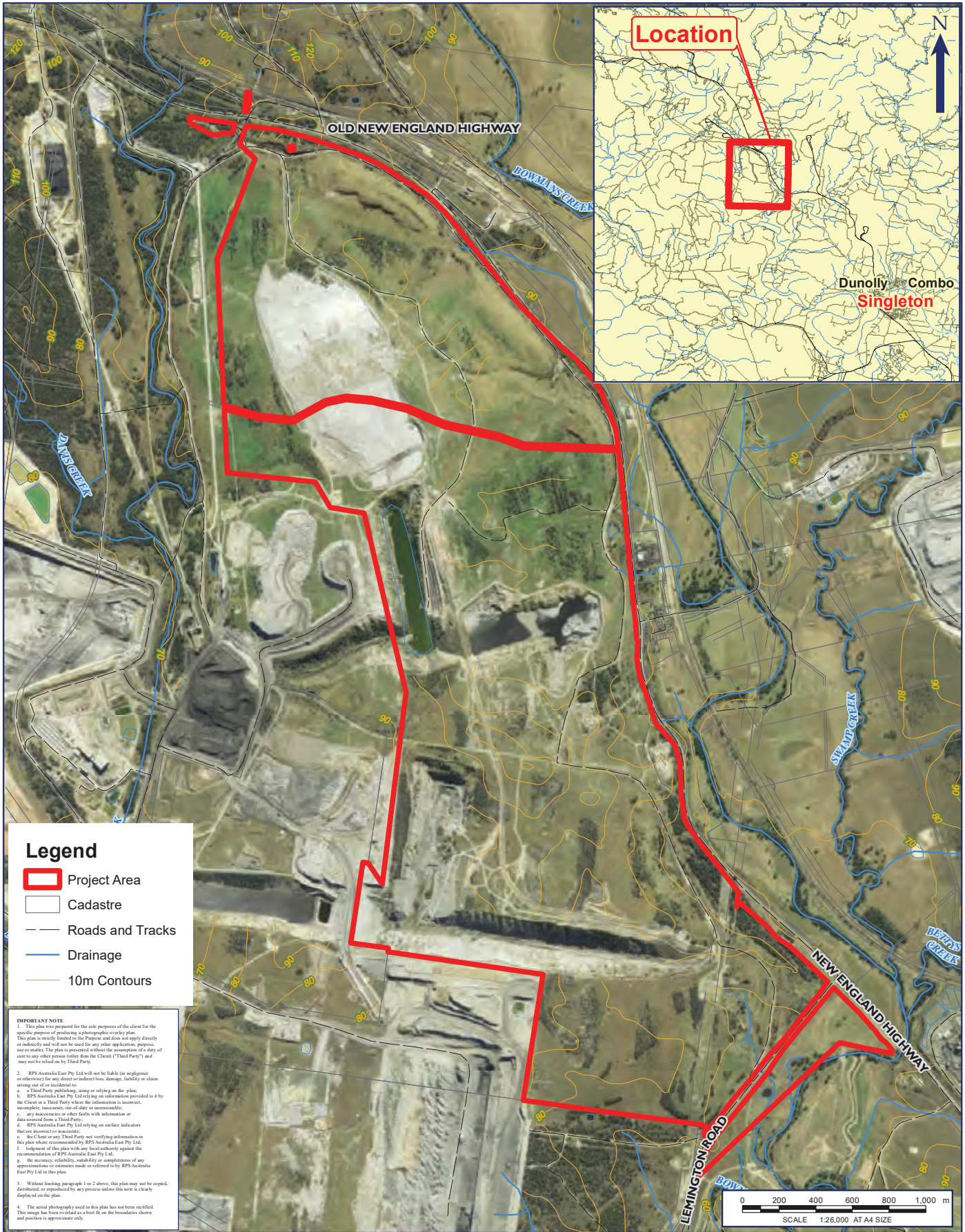
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



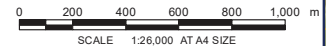
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018

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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Scott Franks  
Tocomwall Pty Ltd  
PO Box 76  
Carringbah NSW

**Our ref:** 141357  
**Via:** Email

Dear Scott,

**Ravensworth ACHAR: Expression of Interest**

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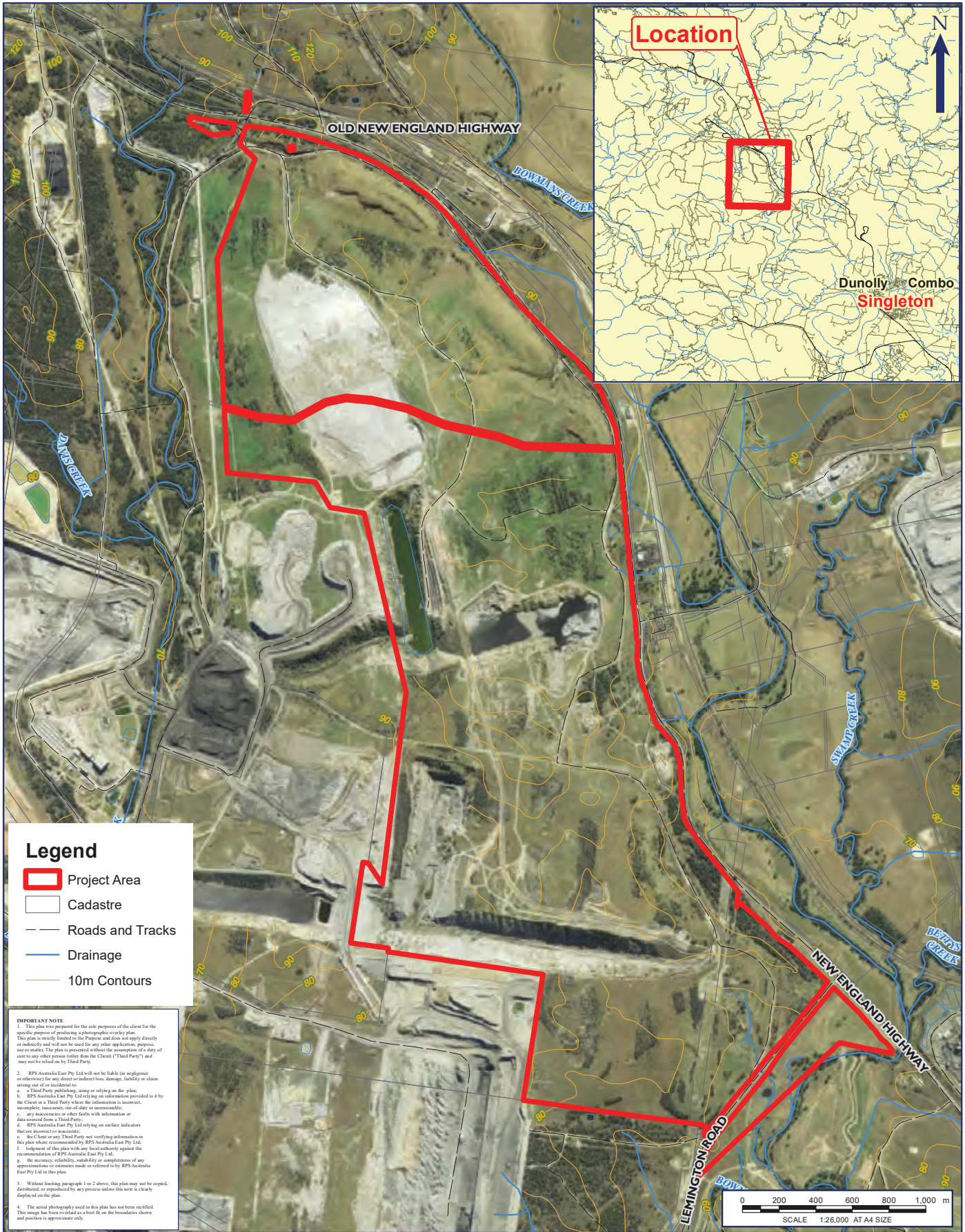
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



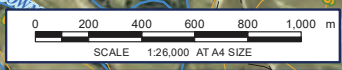


**Legend**

- Project Area
- Cadastre
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018

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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Alan Paget  
Ungooroo Aboriginal Corporation  
PO Box 3095  
Singleton NSW 2330

**Our ref:** 141357  
**Via:** Email

Dear Alan

**Ravensworth ACHAR: Expression of Interest**

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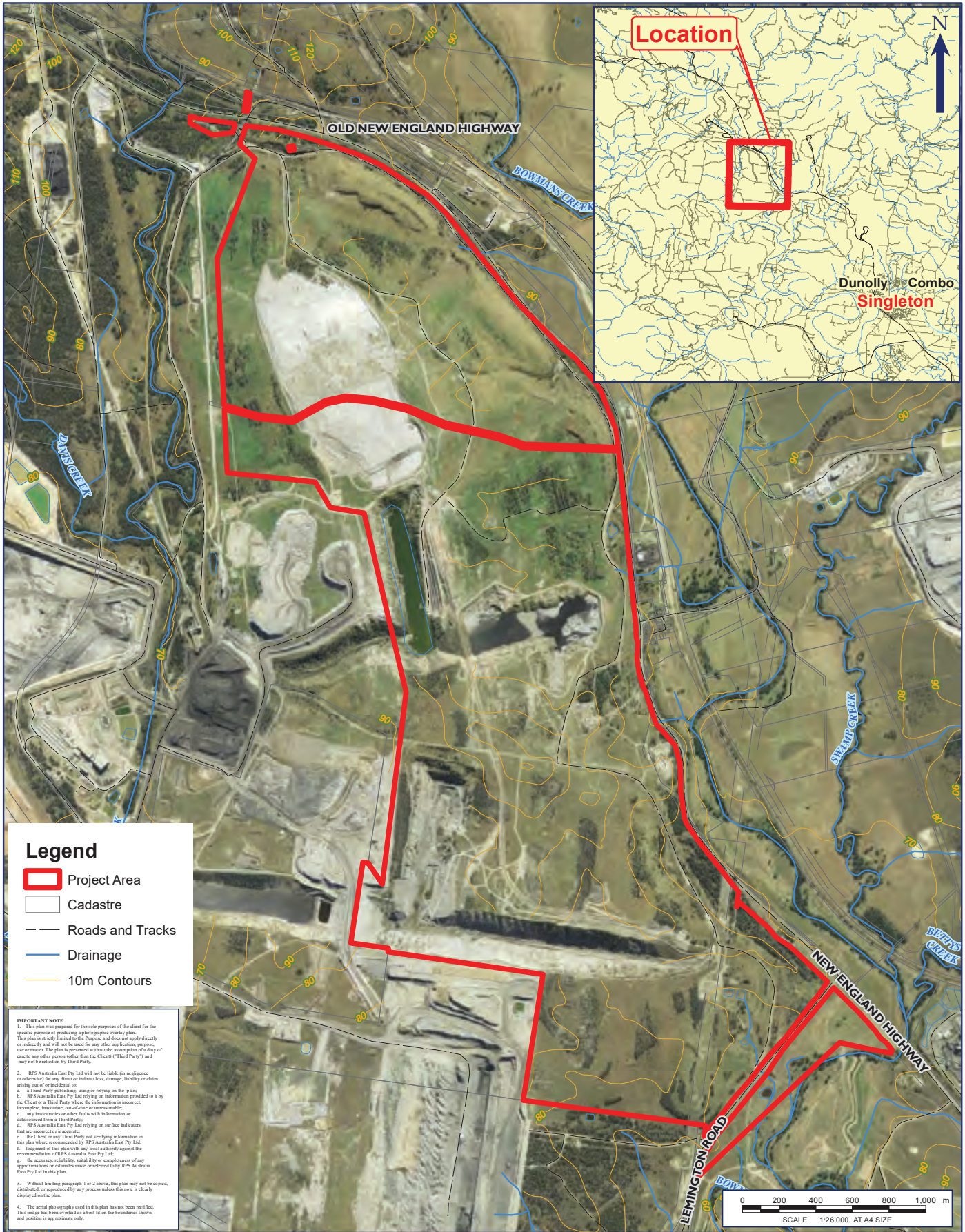
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**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



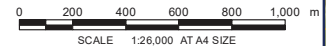
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018





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PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Maree Waugh  
Wallagan Cultural Services  
PO Box 40  
Cessnock NSW 2325

**Our ref:** 141357  
**Via:** Email

Dear Maree

**Ravensworth ACHAR: Expression of Interest**

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Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Fax: (02) 4961 6794  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

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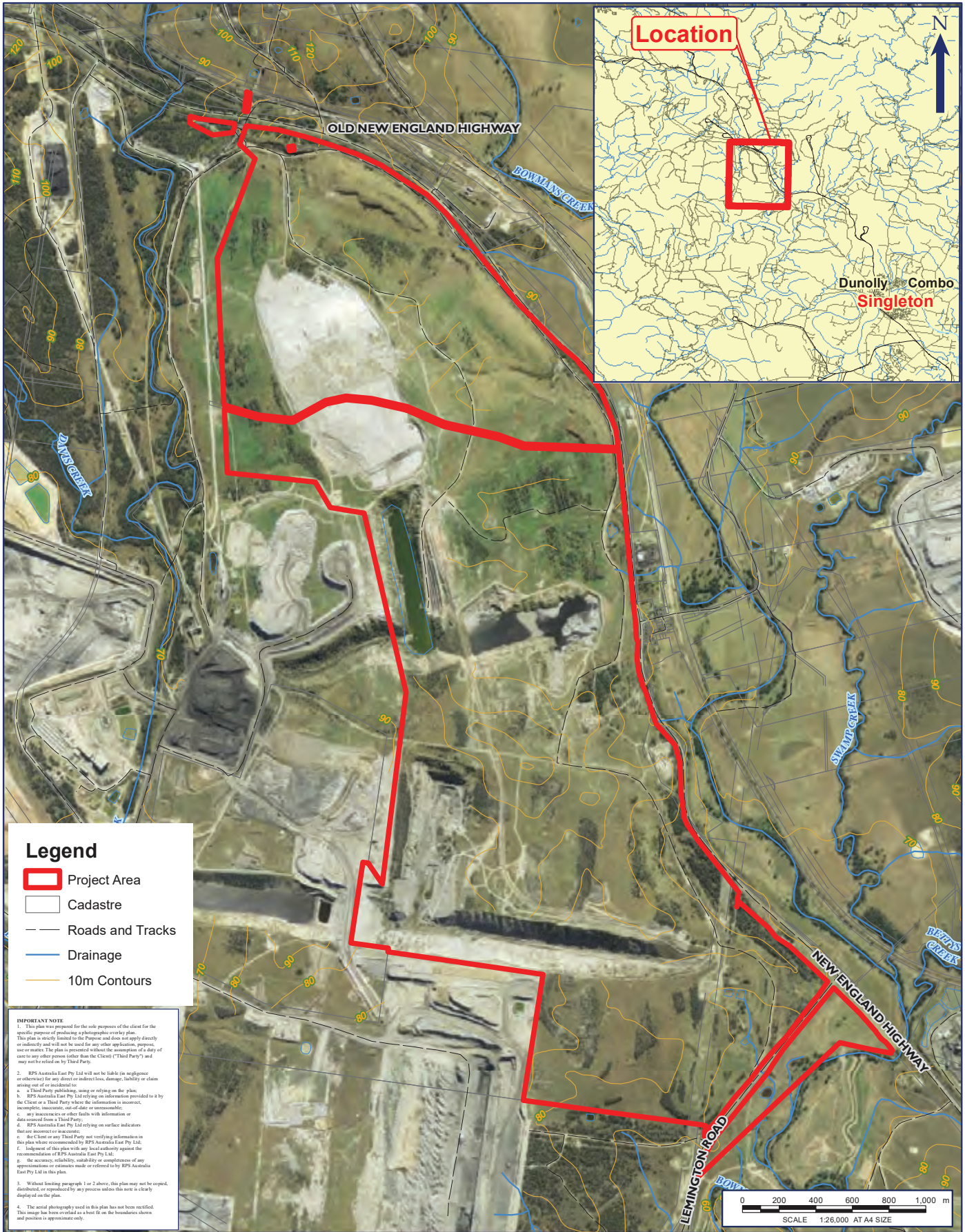
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



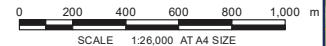
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: The CEO  
Wanaruah Local Aboriginal Land Council  
17-19 Maitland St  
Muswellbrook NSW 2333

**Our ref:** 141357  
**Via:** Email

Dear Noel,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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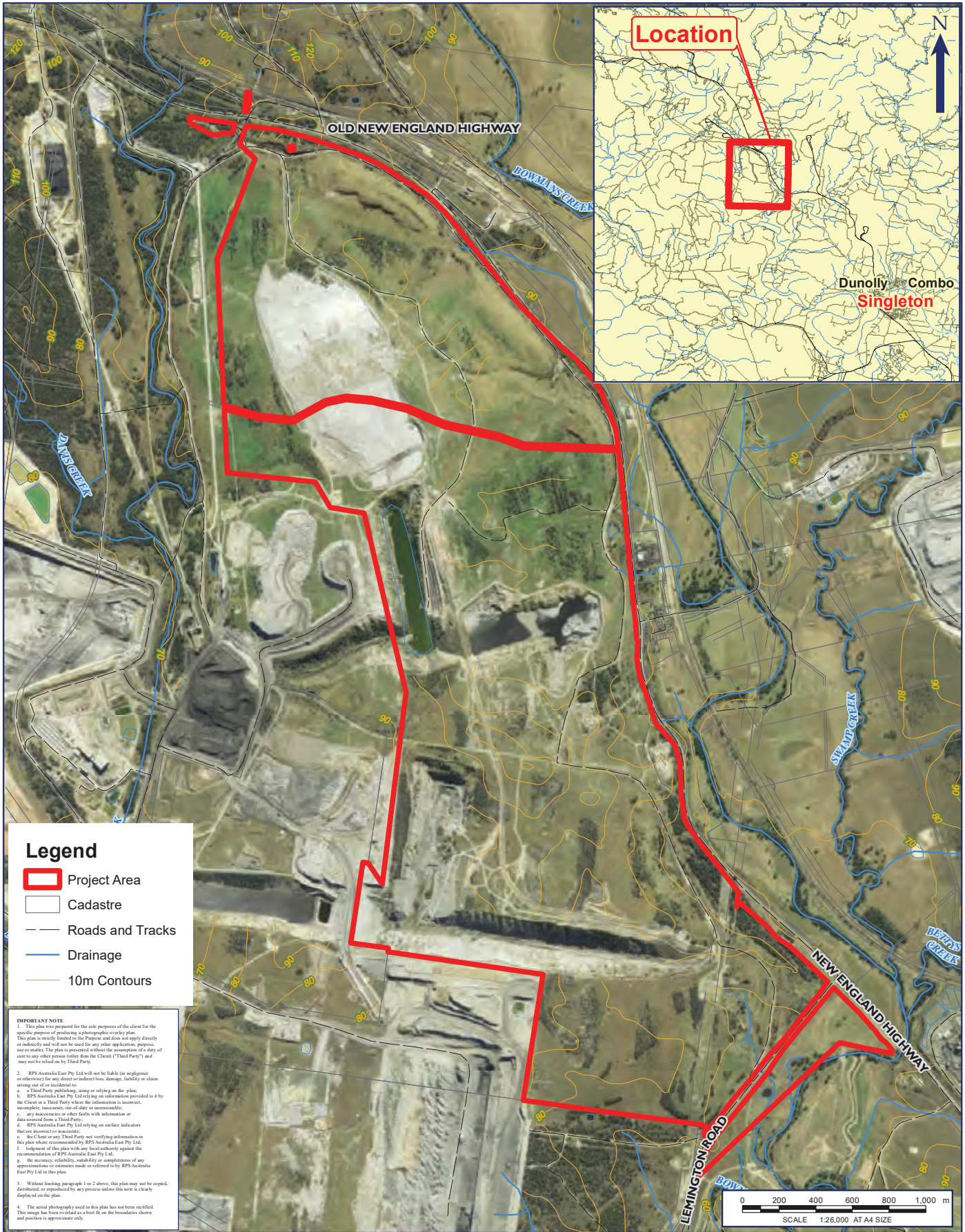
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



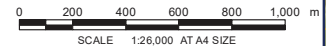
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



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PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Des Hickey  
Wattaka Wonnarua CC Service  
4 Kennedy St  
Singleton NSW 2330

**Our ref:** 141357  
**Via:** Email

Dear Des,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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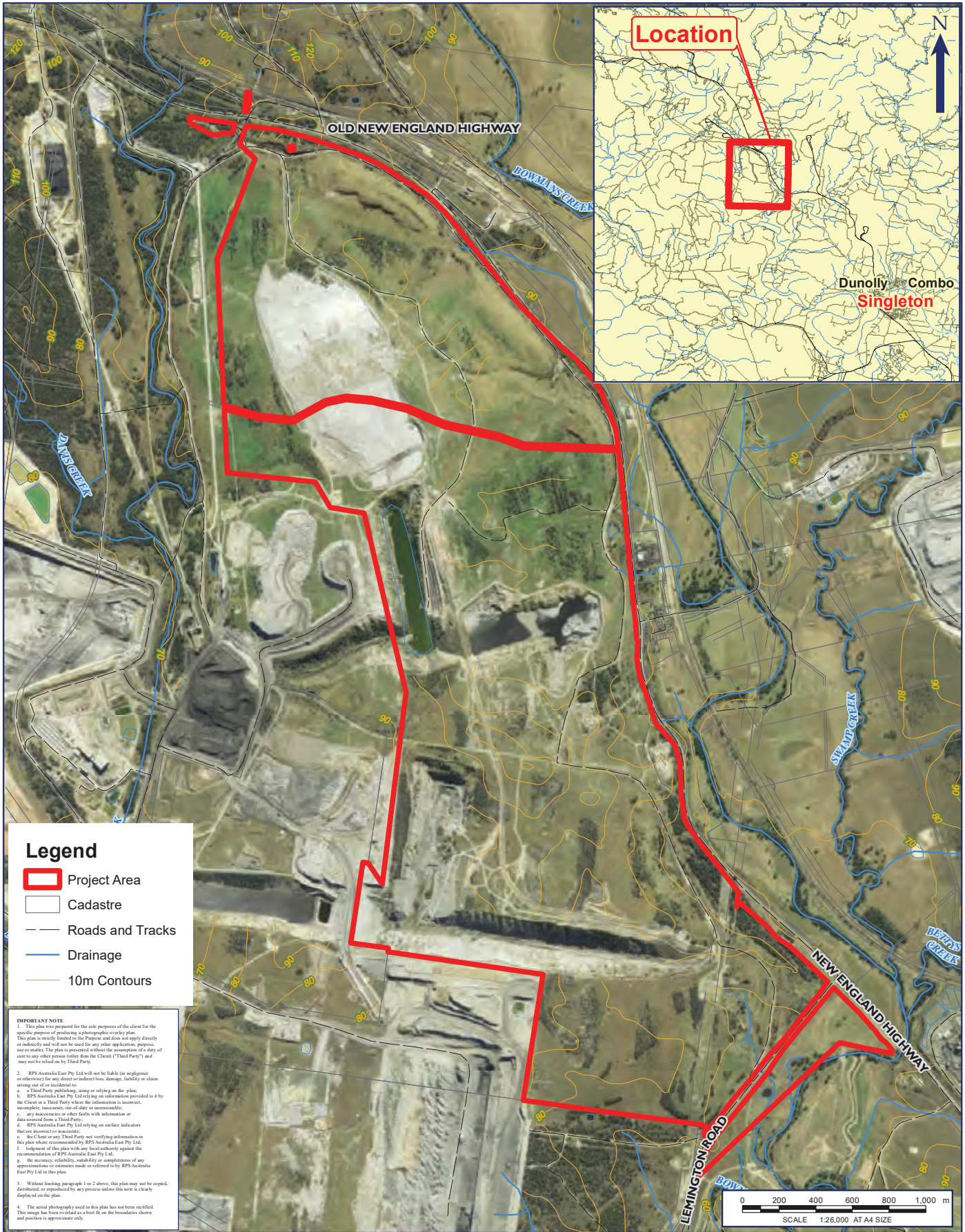
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
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- 10m Contours

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0 200 400 600 800 1,000 m  
SCALE 1:26,000 AT A4 SIZE

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LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
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CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	RPS
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PO Box 120, Carrington NSW 2294  
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Gordon Griffiths  
Wonnarua Culture Heritage  
19 O'Donnell Cres  
Metford NSW 2323

**Our ref:** 141357  
**Via:** Email

Dear Gordon,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

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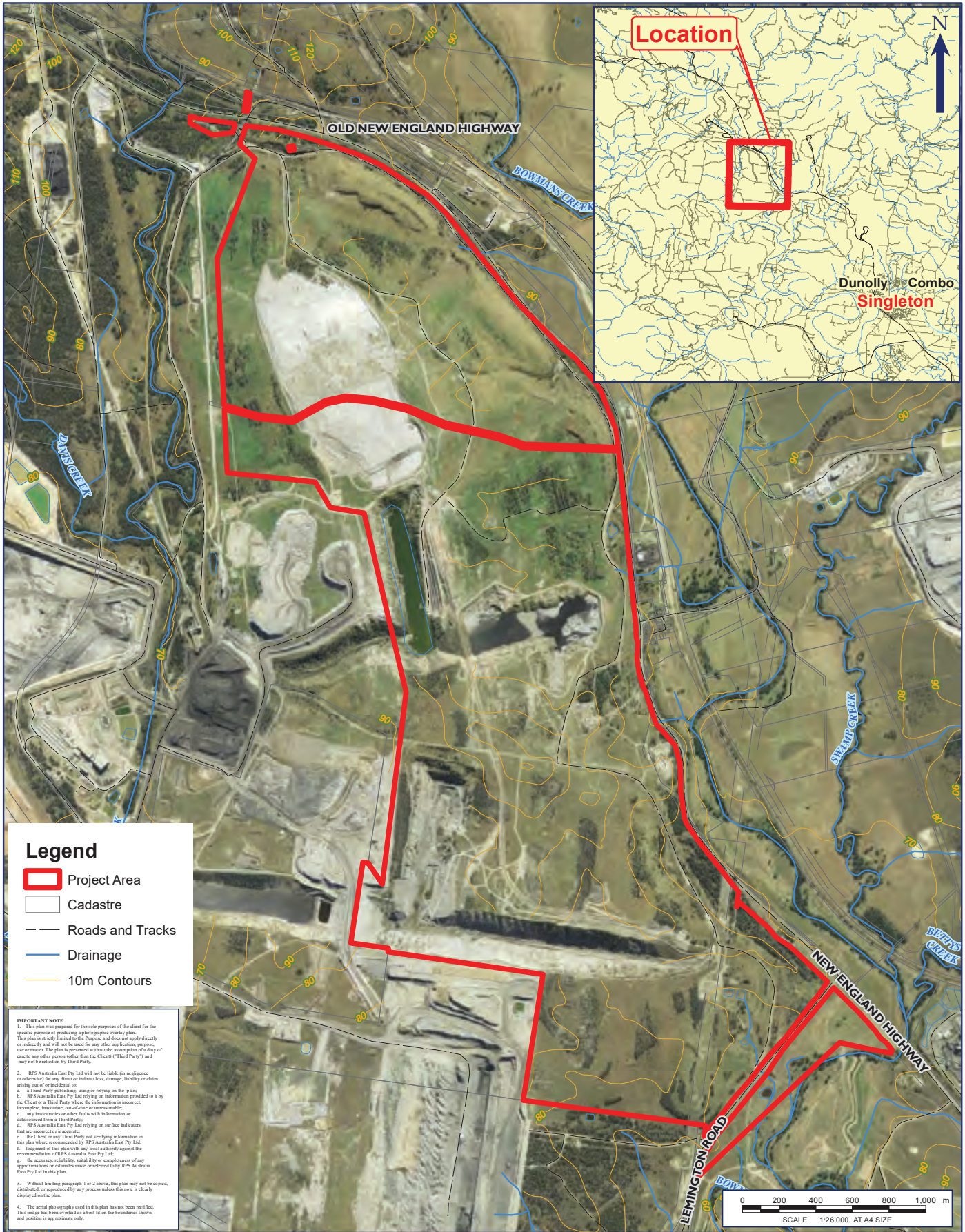
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Yours sincerely

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Nicola Hirschhorn

Graduate Heritage Consultant



Location



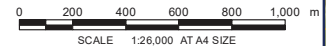
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018





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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Steven Hickey  
Widescope Indigenous Group  
73 Russell St  
Emu Plains NSW 2750

**Our ref:** 141357  
**Via:** Email

Dear Steven,

**Ravensworth ACHAR: Expression of Interest**

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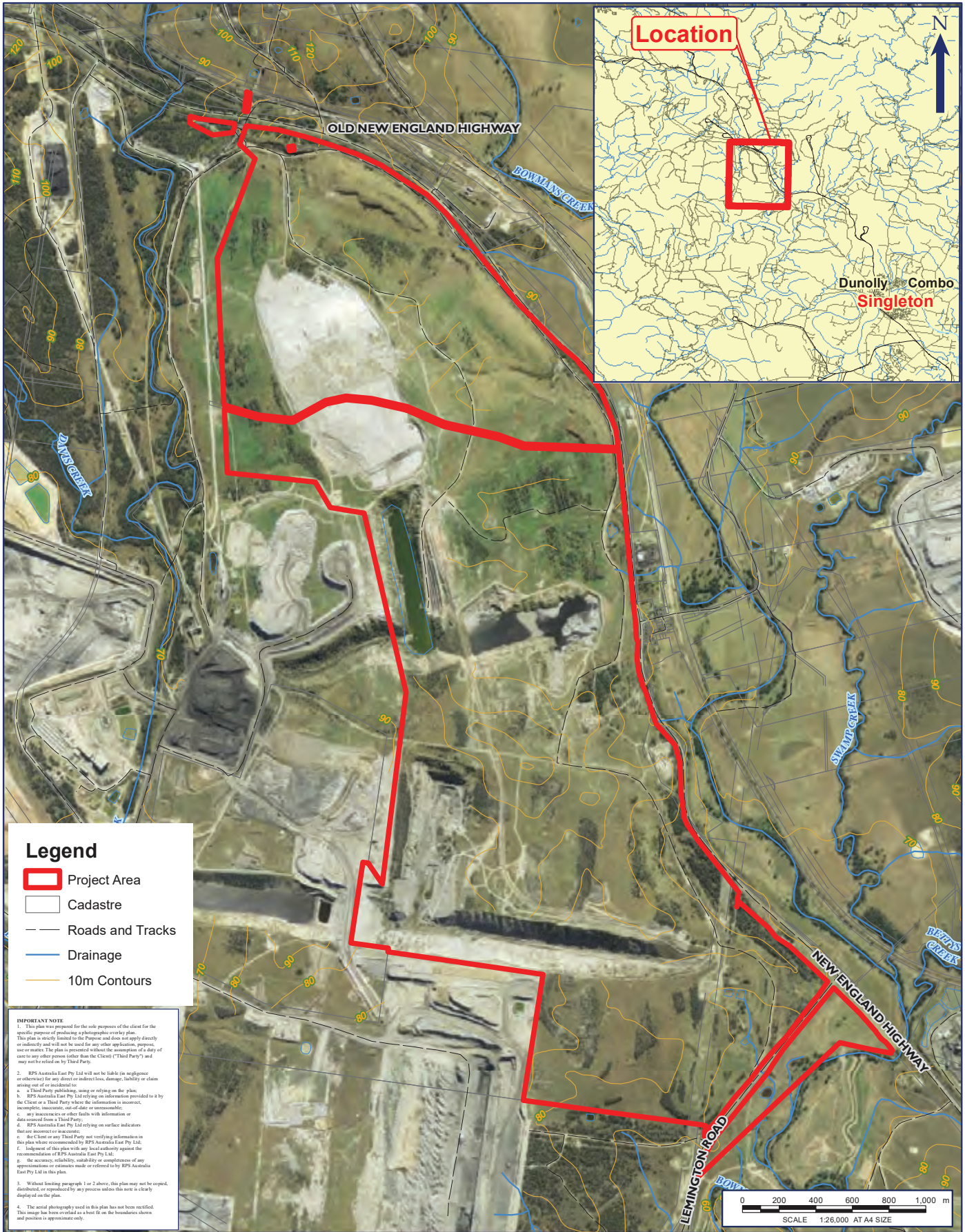
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Graduate Heritage Consultant



Location



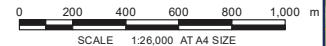
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018



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PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Laurie Perry  
Wonnarua Nation Aboriginal Corporation  
254 John St  
Singleton NSW 2330

**Our ref:** 141357  
**Via:** Email

Dear Laurie,

**Ravensworth ACHAR: Expression of Interest**

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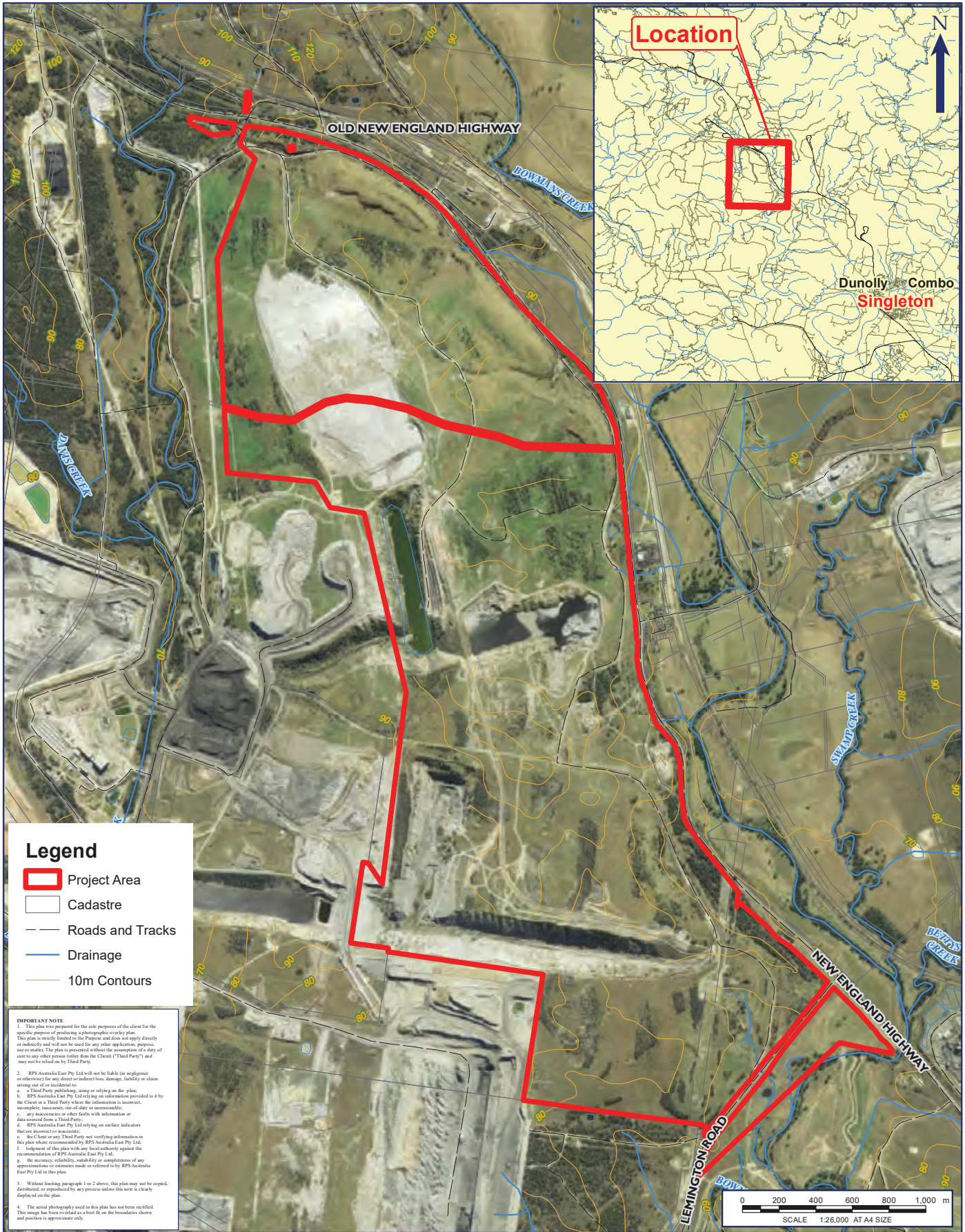
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Graduate Heritage Consultant



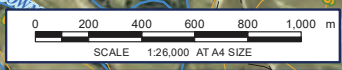


**Legend**

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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018

CLIENT: BETTERGROW PTY LTD		RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Arthur Fletcher  
Wonn1 Sites  
619 Main Rd  
Glendale NSW 2285

**Our ref:** 141357  
**Via:** Email

Dear Arthur,

**Ravensworth ACHAR: Expression of Interest**

RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418). The Project Area is located at Ravensworth No. 2 mine and is formally described as Lot 10 DP1204457 at 74 Lemington Road, Ravensworth, NSW. The site is located approximately 20 kilometres north of Singleton within the Singleton Council Local Government Area (Figure 1).

In accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRs) (DECCW 2010), Bettergrow Pty Ltd is required to consult with relevant Aboriginal stakeholders. The purpose of consultation is to assist the proponent in the preparation of an ACHAR.

Aboriginal persons or groups who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and or place(s) in the Project Area, are invited to register an interest to participate in Aboriginal consultation for this project. We have already been in contact with Office of Environment and Heritage (OEH), Singleton Council, Wanaruah Local Aboriginal Land Council, the Registrar of Aboriginal Owners, National Native Title Services Corporation, National Native Title Tribunal and Hunter Local Land Services as per the ACHCRs.

To register interest in this project, please respond in writing on or before 16 October 2018. Please forward your details to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Fax: (02) 4961 6794  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

In accordance with the ACHCRs, if you register an interest in this project, your details will be forwarded to OEH and the Local Aboriginal Land Council, unless you inform us that you do not want your details released.



We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

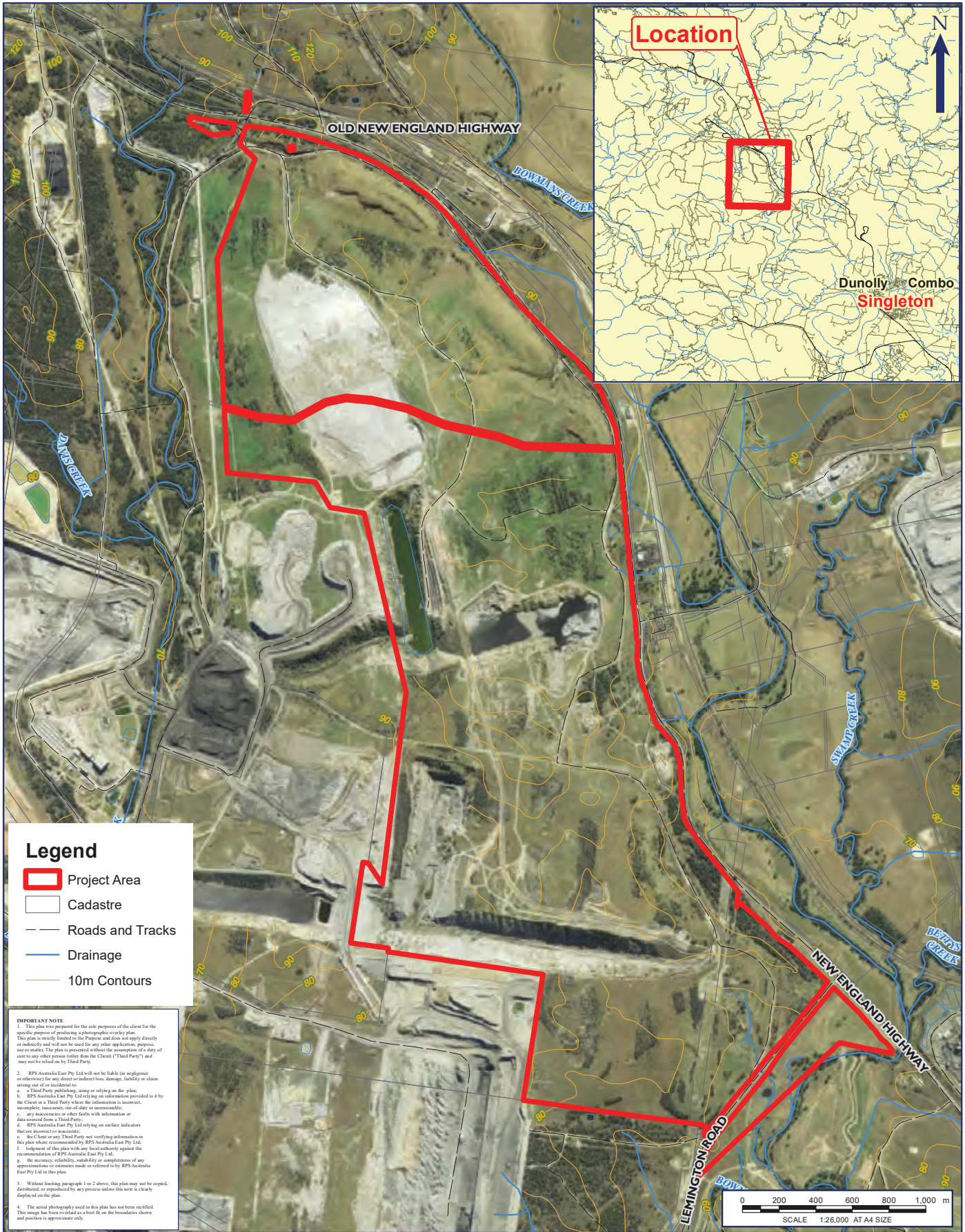
Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





Location



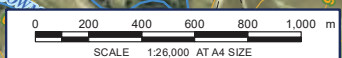
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018





**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

28 September 2018

Attn: Kathleen Steward Kinchela  
Yinarr Cultural Services  
Lot 5 Westwood Estate  
Merriwa NSW 2329

**Our ref:** 141357  
**Via:** Email

Dear Kathleen,

**Ravensworth ACHAR: Expression of Interest**

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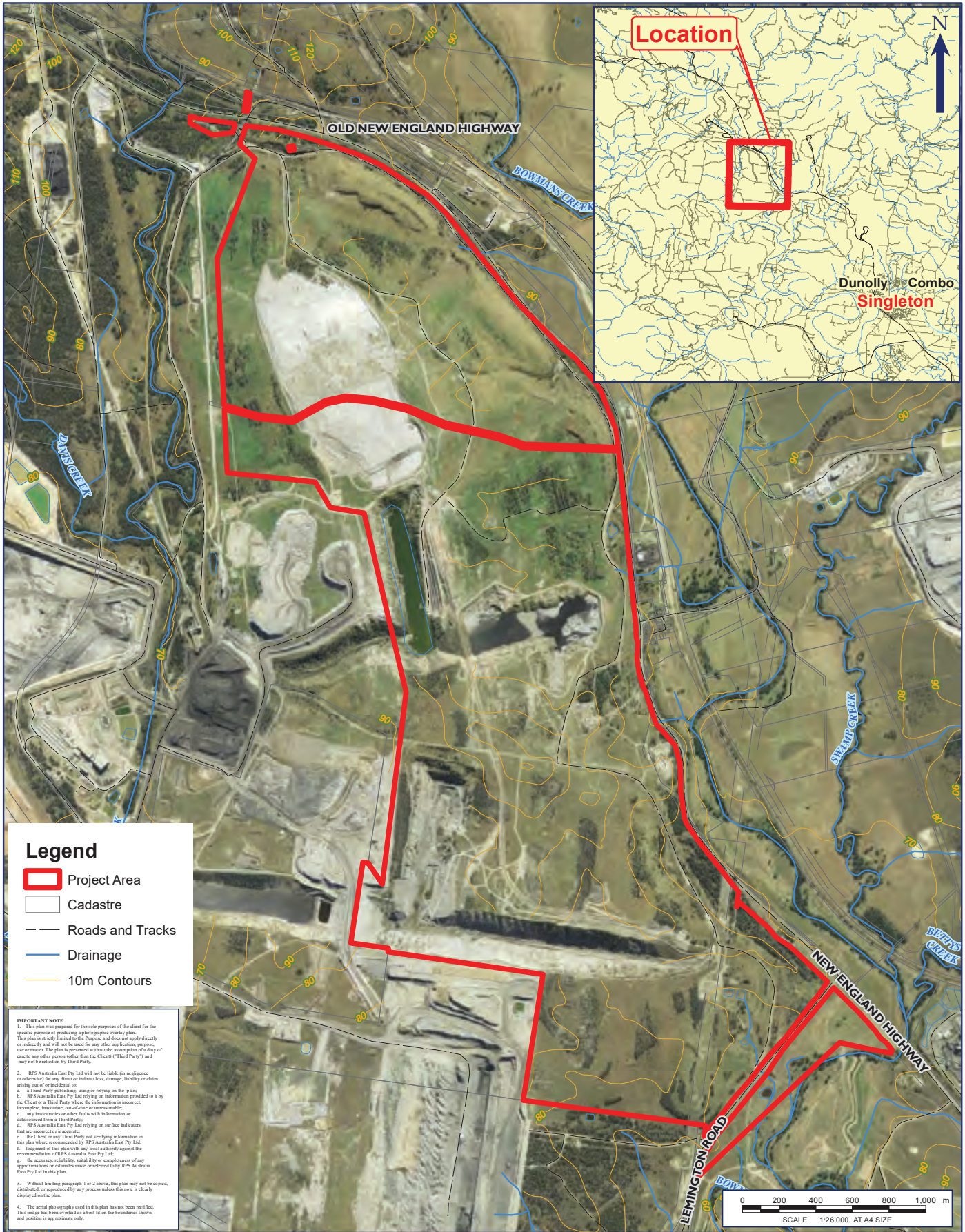
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Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



Location



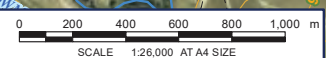
Dunolly Combo  
Singleton

**Legend**

- Project Area
- Cadastre
- Roads and Tracks
- Drainage
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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2015
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 10/09/2018





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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

AGA Services  
Ashley, Gregory & Adam Sampson  
22 Ibis Parade  
WOODBERRY NSW 2322  
aga.services@hotmail.com

**Our ref:** 141357  
**Via:** Email

Dear Ashley, Gregory & Adam Sampson,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

With reference to the previous letter (our ref: 141357), we provide the refined Project Area for this ACHAR at Ravensthorpe, NSW, as shown by the **red boundary on the figure**. Please note that this area is **within the boundaries of the area originally provided**, and that the extent of the Project Area includes only that shown in the Figure provided in this correspondence. Therefore, this is not a renewed request for expressions of interest and the closure date for responses remains the same.

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





**Legend**

- Project Area
- Property Boundary
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	
Technician: Natalie.Wood      Date: 3/10/2018	

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	<b>RPS</b>
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Aliera French Trading  
Aliera French  
17 Kalinda St  
BLACKSMITHS NSW 2281  
alierafrenchtrading@outlook.com

**Our ref:** 141357  
**Via:** Email

Dear Aliera,

#### **Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





**Legend**

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RPS Australia East Pty Ltd  
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3 October 2018

Awabakal Traditional Owners Aboriginal Corporation  
Kerrie Brauer  
PO Box 122  
RUTHERFORD NSW 2320  
Kerrie@awabakal.com.au

**Our ref:** 141357  
**Via:** Email

Dear Kerrie Brauer,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





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RPS Australia East Pty Ltd  
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3 October 2018

Bathurst Local Aboriginal Land Council  
CEO  
149 Russell St  
BATHURST NSW 2795  
bathlalc2@bigpond.com

**Our ref:** 141357  
**Via:** Email

Dear CEO,

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**RPS**

Alex Byrne  
Senior Heritage Consultant





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RPS Australia East Pty Ltd  
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3 October 2018

Cacatua Culture Consultants  
Donna & George Sampson  
22 Ibis Parade  
WOODBERRY NSW 2322  
cacatua4service@tpg.com.au

**Our ref:** 141357  
**Via:** Email

Dear Donna & George Sampson,

#### **Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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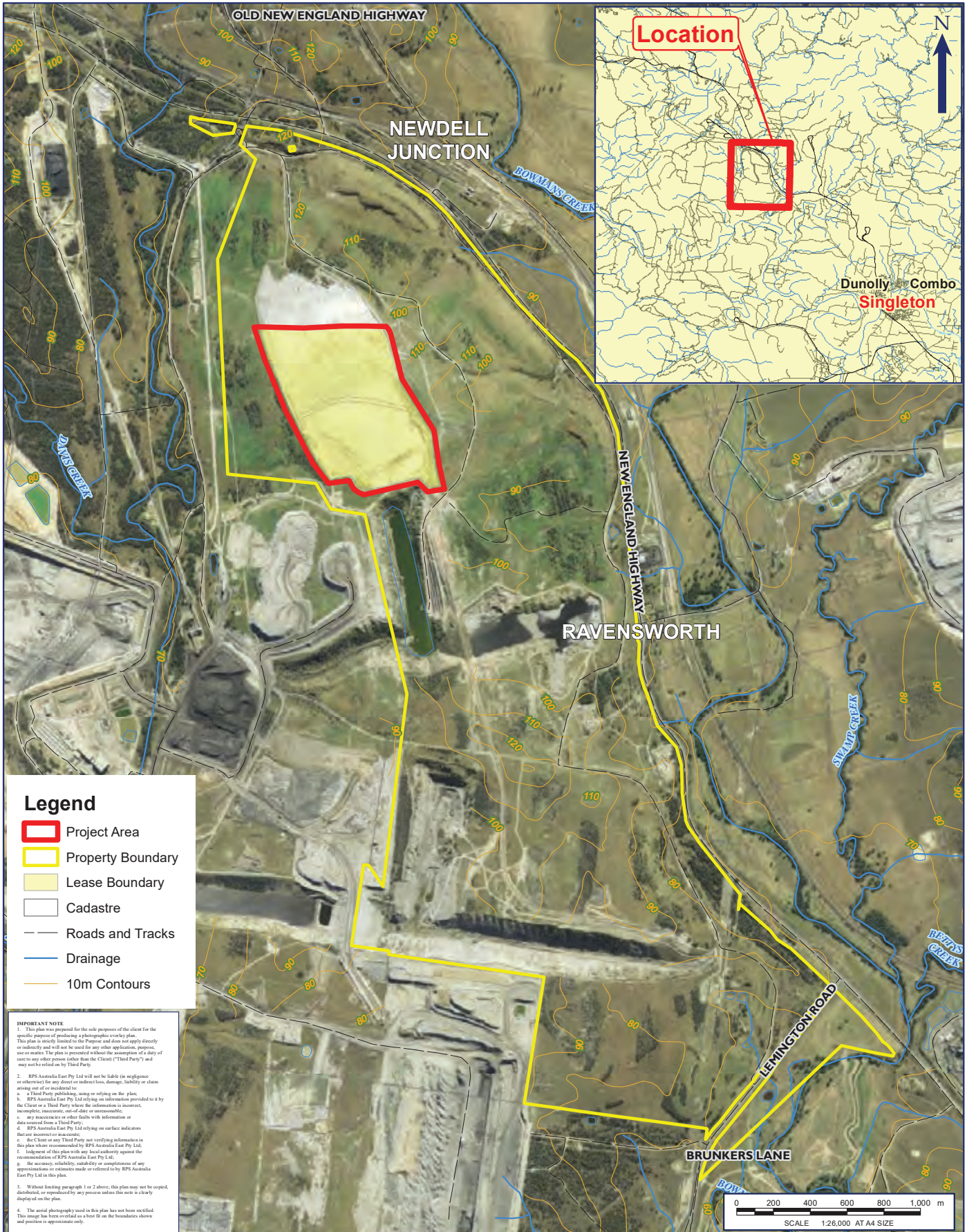
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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood Date: 3/10/2018





**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

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A member of the RPS Group Plc

3 October 2018

Didge Ngunawal Clan  
Paul Boyd & Lilly Carroll  
7 Siskin St  
QUAKERS HILL NSW 2763  
didgengunawalclan@yahoo.com.au

**Our ref:** 141357  
**Via:** Email

Dear Paul Boyd & Lilly Carroll,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

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Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: Nicola.hirschhorn@rpsgroup.com.au

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We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





**Legend**

- Project Area
- Property Boundary
- Lease Boundary
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
 NEW\_A4\_Porrait 2018 Rev: B Produced: NW Reviewed: NW Date: 22/08/2018



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3 October 2018

Divine Diggers Aboriginal Cultural Consultants  
Deidre Perkins  
6 Ashleigh Street  
HEDDON GRETA NSW 2321  
dedemaree3@hotmail.com

**Our ref:** 141357  
**Via:** Email

Dear Deidre Perkins,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





**Legend**

- Project Area
- Property Boundary
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Technician: Natalie.Wood    Date: 3/10/2018	

Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
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3 October 2018

Gidawaa Walang & Barkuma Neighbourhood Centre Inc.  
Craig Horne  
76 Lang Street  
KURRI KURRI NSW 2327  
gidawaa.walang@hotmail.com

**Our ref:** 141357  
**Via:** Email

Dear Craig Horne,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

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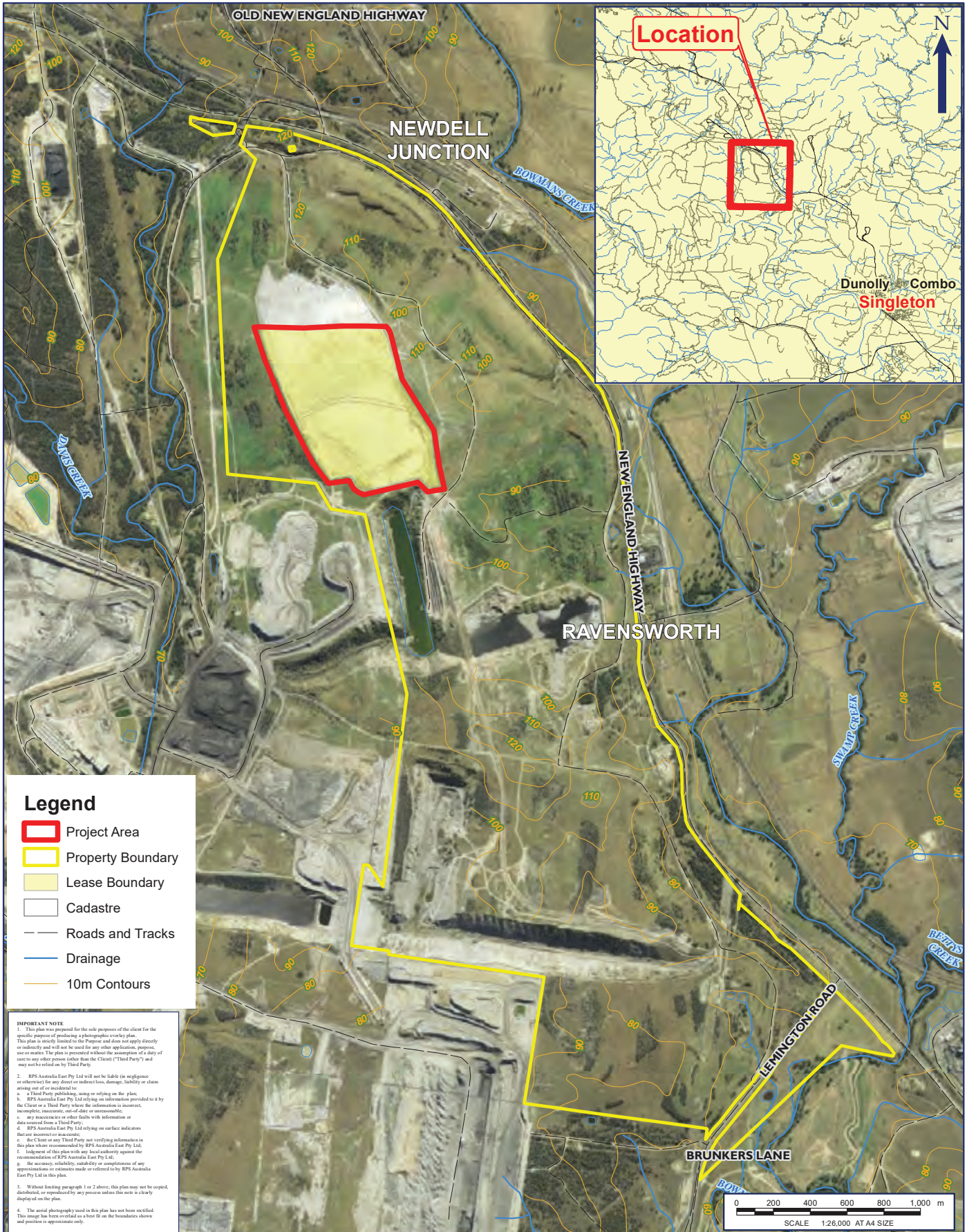
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We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



**Legend**

- Project Area
- Property Boundary
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PURPOSE: <b>HERITAGE</b>	
Technician: Natalie.Wood	Date: 3/10/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	RPS
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3 October 2018

Guringai Tribal Link Aboriginal Corporation  
Tracey Howie  
PO Box 4061  
WYONGAH NSW 2259  
tracey@guringai.com.au

**Our ref:** 141357  
**Via:** Email

Dear Tracey Howie,

**Ravensworth ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

With reference to the previous letter (our ref: 141357), we provide the refined Project Area for this ACHAR at Ravensworth, NSW, as shown by the **red boundary on the figure**. Please note that this area is **within the boundaries of the area originally provided**, and that the extent of the Project Area includes only that shown in the Figure provided in this correspondence. Therefore, this is not a renewed request for expressions of interest and the closure date for responses remains the same.

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Email: Nicola.hirschhorn@rpsgroup.com.au

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





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RPS Australia East Pty Ltd  
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3 October 2018

Hunter Traditional Owner  
Paulette Ryan  
165 Susan Street  
SCONE NSW 2337  
hto.paulette@gmail.com

**Our ref:** 141357  
**Via:** Email

Dear Paulette Ryan,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

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Phone: (02) 4940 4200  
Email: Nicola.hirschhorn@rpsgroup.com.au

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





**Legend**

- Project Area
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Hunter Valley Aboriginal Corporation  
Rhonda Griffiths  
182 Bridge St  
MUSWELLBROOK NSW 2333  
office@hvabcorp.org.au

**Our ref:** 141357  
**Via:** Email

Dear Rhonda Griffiths,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

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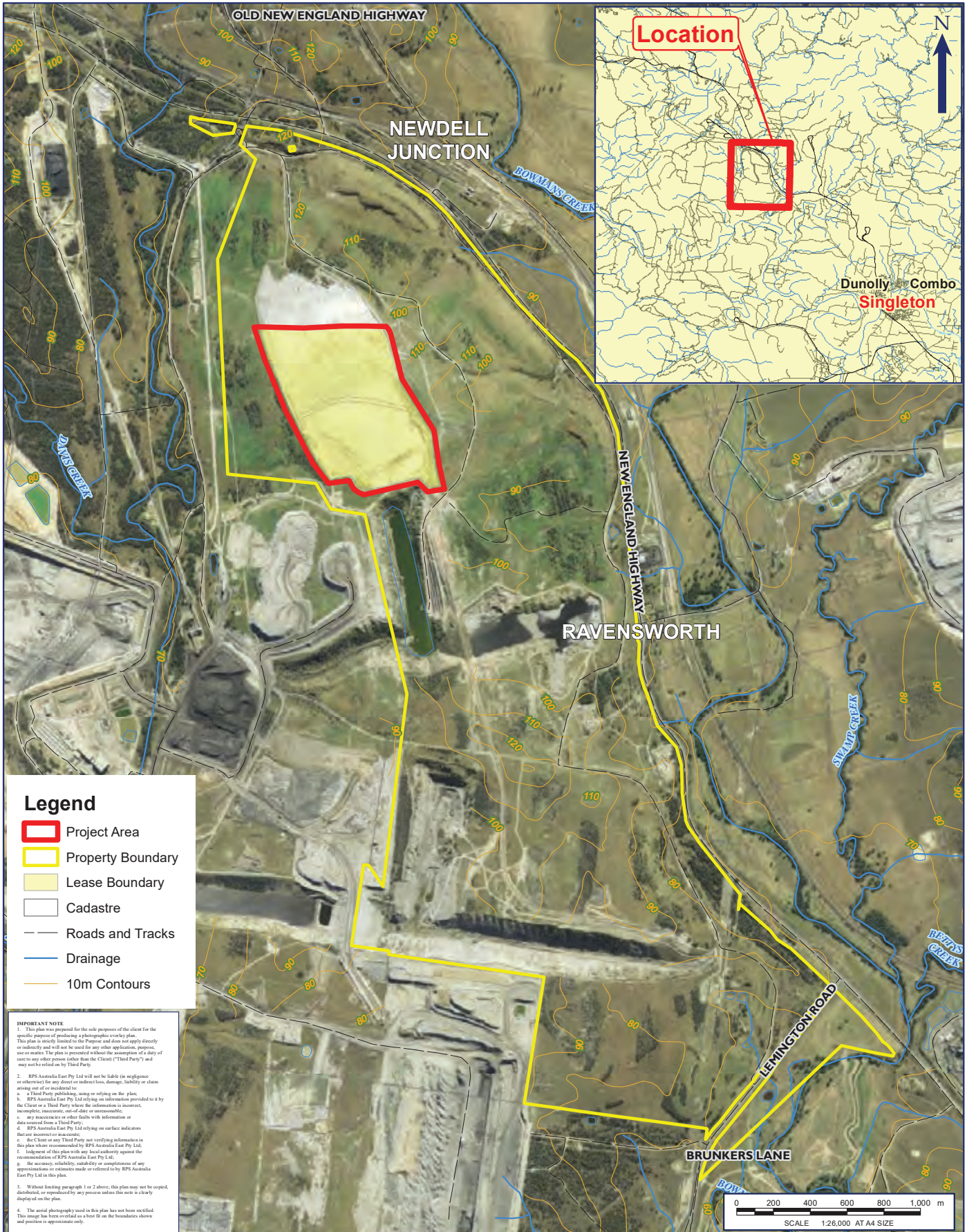
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Alex Byrne  
Senior Heritage Consultant



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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Hunters & Collectors  
Tania Matthews  
U211 Walowa St  
NARRABRI NSW 2390  
Tamathews10@hotmail.com

**Our ref:** 141357  
**Via:** Email

Dear Tania Matthews,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





**Legend**

- Project Area
- Property Boundary
- Lease Boundary
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	
Technician: Natalie.Wood      Date: 3/10/2018	

Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
 NEW\_A4\_Porrait 2018 Rev: B Produced: NW Reviewed: NW Date: 22/08/2018



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Indigenous Learning  
Craig Archibald  
2 Victoria Street  
BELLBIRD HEIGHTS NSW 2325  
indiglearning@gmail.com

**Our ref:** 141357  
**Via:** Email

Dear Craig Archibald,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

With reference to the previous letter (our ref: 141357), we provide the refined Project Area for this ACHAR at Ravensthorpe, NSW, as shown by the **red boundary on the figure**. Please note that this area is **within the boundaries of the area originally provided**, and that the extent of the Project Area includes only that shown in the Figure provided in this correspondence. Therefore, this is not a renewed request for expressions of interest and the closure date for responses remains the same.

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Email: Nicola.hirschhorn@rpsgroup.com.au

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Alex Byrne  
Senior Heritage Consultant





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CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Jarban & Mugrebea  
Les Atkinson  
11 Nelson Street  
CESSNOCK NSW 2325  
Les.atkinson@hotmail.com

**Our ref:** 141357  
**Via:** Email

Dear Les Atkinson,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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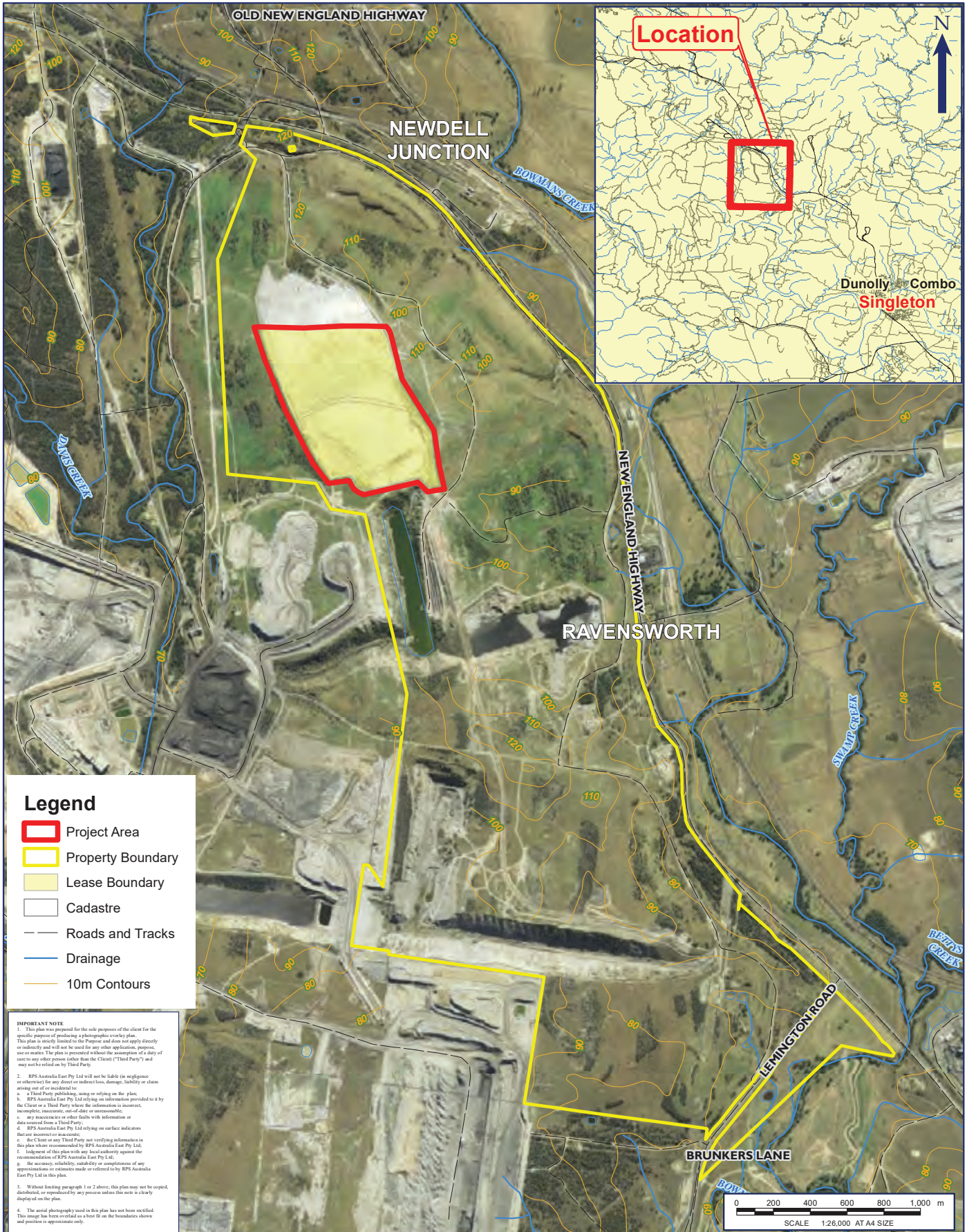
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Alex Byrne  
Senior Heritage Consultant



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RPS Australia East Pty Ltd  
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3 October 2018

Jumbunna Traffic Management Group Pty Ltd  
Norm Archibald  
17 Flobern Ave  
WAUCHOPE NSW 2325  
jtmanagement@live.com.au

**Our ref:** 141357  
**Via:** Email

Dear Norm Archibald,

#### **Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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**RPS**

Alex Byrne  
Senior Heritage Consultant





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CLIENT: BETTERGROW PTY LTD

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294  
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3 October 2018

Karuah Local Aboriginal Land Council  
CEO  
16 Muston Road  
KARUAH NSW 2324  
karuahaboriginal@bigpond.com

**Our ref:** 141357  
**Via:** Email

Dear CEO,

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Alex Byrne  
Senior Heritage Consultant





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RPS Australia East Pty Ltd  
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3 October 2018

Kauma Pondee Inc.  
Jill Green  
Unit 6/1 Central Street  
LAMBTON NSW 2305  
kaumapondee@live.com.au

**Our ref:** 141357  
**Via:** Email

Dear Jill Green,

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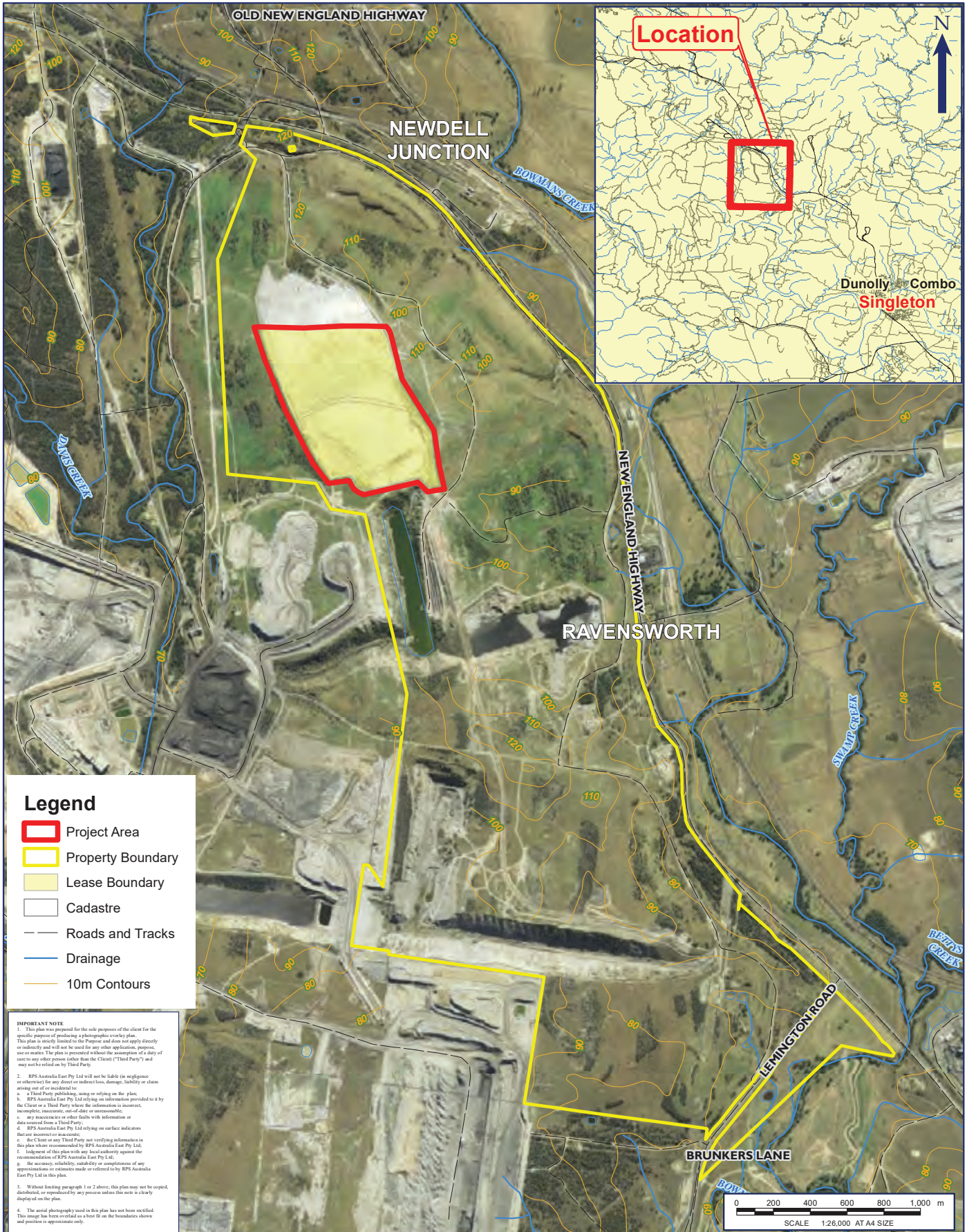
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RPS Australia East Pty Ltd  
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3 October 2018

Kawul Cultural Services  
Vicky Slater  
33 Gardner Circuit  
SINGLETON NSW 2330  
Vicki.slater@hotmail.com

**Our ref:** 141357  
**Via:** Email

Dear Vicky Slater,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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RPS Australia East Pty Ltd  
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3 October 2018

Kawul Pty Ltd trading as Wonn1 Sites  
Arthur Fletcher  
619 Main Road  
GLENDALE NSW 2285  
Wonn1sites@gmail.com

**Our ref:** 141357  
**Via:** Email

Dear Arthur Fletcher,

#### **Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

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Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: Nicola.hirschhorn@rpsgroup.com.au

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We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





**Legend**

- Project Area
- Property Boundary
- Lease Boundary
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Lower Hunter Aboriginal Incorporated  
David Ahoy  
5 Killara Drive  
CARDIFF SOUTH NSW 2285  
lowerhunterai@gmail.com

**Our ref:** 141357  
**Via:** Email

Dear David Ahoy,

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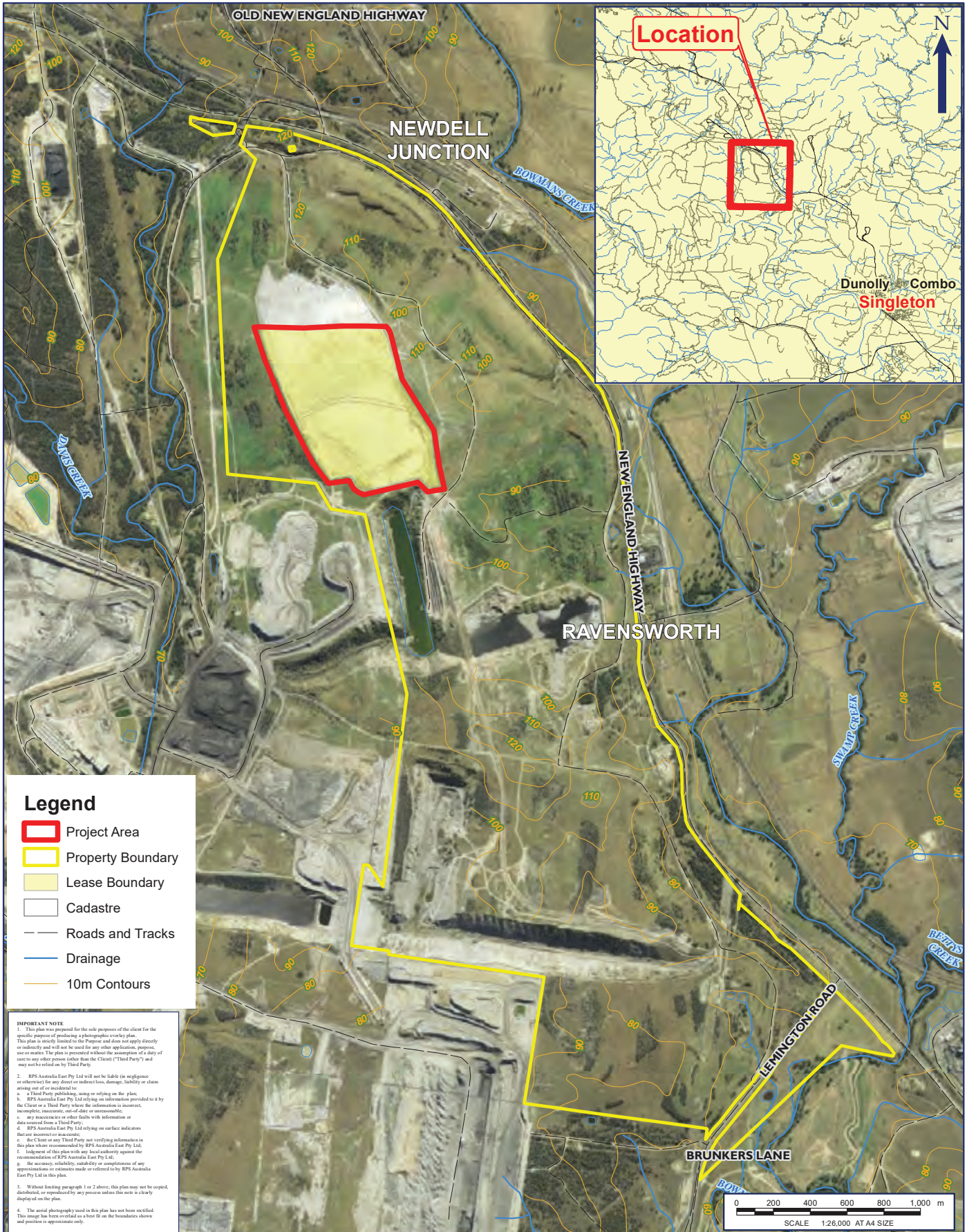
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Alex Byrne  
Senior Heritage Consultant



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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Lower Hunter Wonnarua Cultural Services  
Tom Miller  
51 Bowden Street  
HEDDON GRETA NSW 2321  
tn.miller@southernphone.com.au

**Our ref:** 141357  
**Via:** Email

Dear Tom Miller,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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Alex Byrne  
Senior Heritage Consultant





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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Mayaroo  
Tracey White  
PO Box 168  
KURRI KURRI NSW 2327  
rara02@bigpond.com

**Our ref:** 141357  
**Via:** Email

Dear Tracey White,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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Alex Byrne  
Senior Heritage Consultant





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RPS Australia East Pty Ltd  
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3 October 2018

Mindaribba Local Aboriginal Land Council  
CEO  
1A Chelmsford Drive  
METFORD NSW 2323  
ceo@mindaribbalalc.org

**Our ref:** 141357  
**Via:** Email

Dear CEO,

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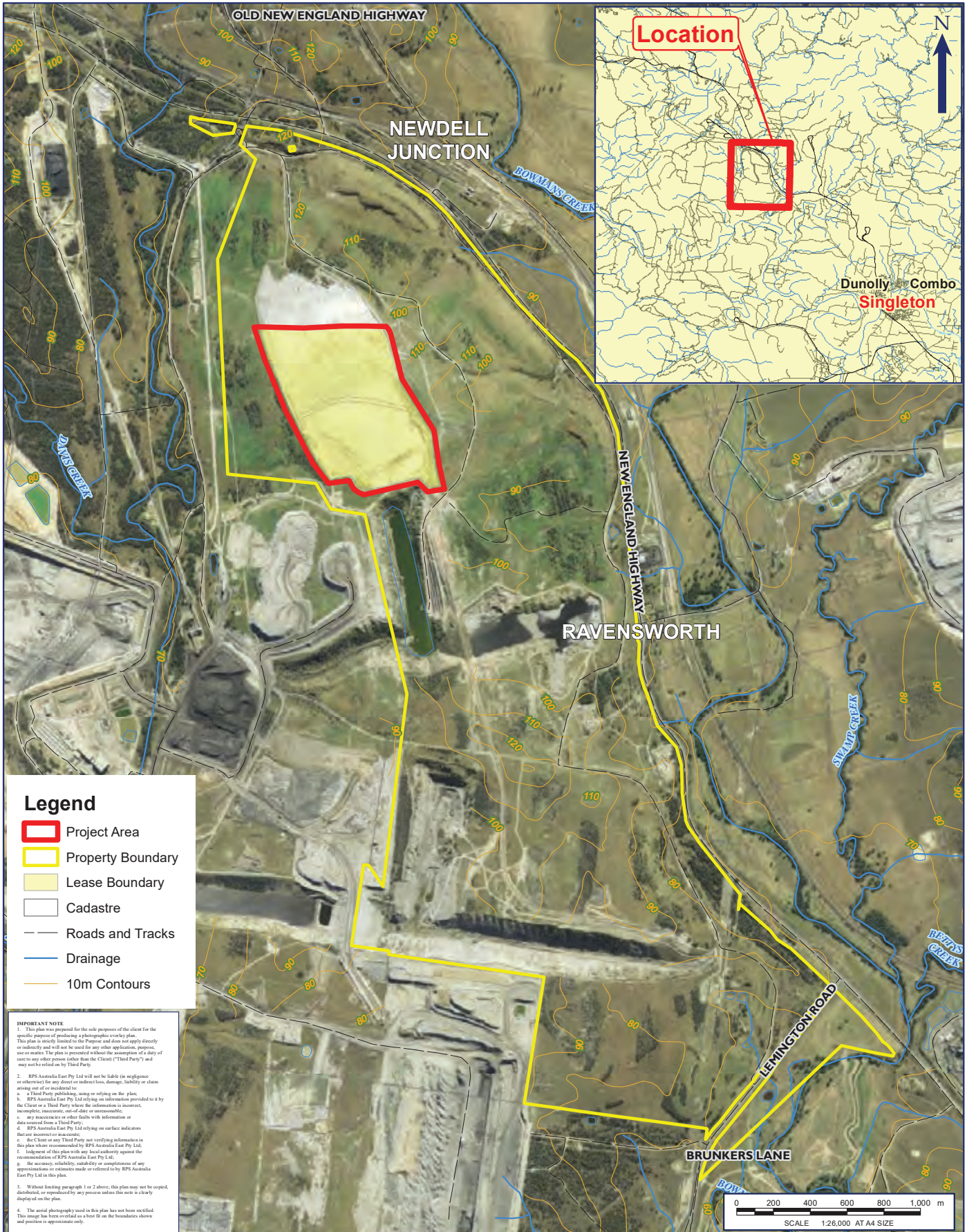
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Senior Heritage Consultant



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RPS Australia East Pty Ltd  
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3 October 2018

Murra Bidgee Mullangari Aboriginal Corporation  
Ryan Johnson & Darleen Johnson- Carroll  
PO Box 246  
SEVEN HILLS NSW 2147  
murrabidgeemullangari@yahoo.com.au

**Our ref:** 141357  
**Via:** Email

Dear Ryan Johnson & Darleen Johnson- Carroll,

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RPS Australia East Pty Ltd  
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3 October 2018

Myland Cultural & Heritage Group  
Warren Schillings  
30 Taurus Street  
ELERMORE VALE NSW 2287  
warren@yarnteen.com.au

**Our ref:** 141357  
**Via:** Email

Dear Warren Schillings,

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
 NEW\_A4\_Porrait 2018 Rev: B Produced: NW Reviewed: NW Date: 22/08/2018





**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Ungooroo Aboriginal Corporation  
Alan Paget  
PO Box 3095  
SINGLETON NSW 2330  
admin@ungooroo.com.au

**Our ref:** 141357  
**Via:** Email

Dear Alan Paget,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

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Phone: (02) 4940 4200  
Email: Nicola.hirschhorn@rpsgroup.com.au

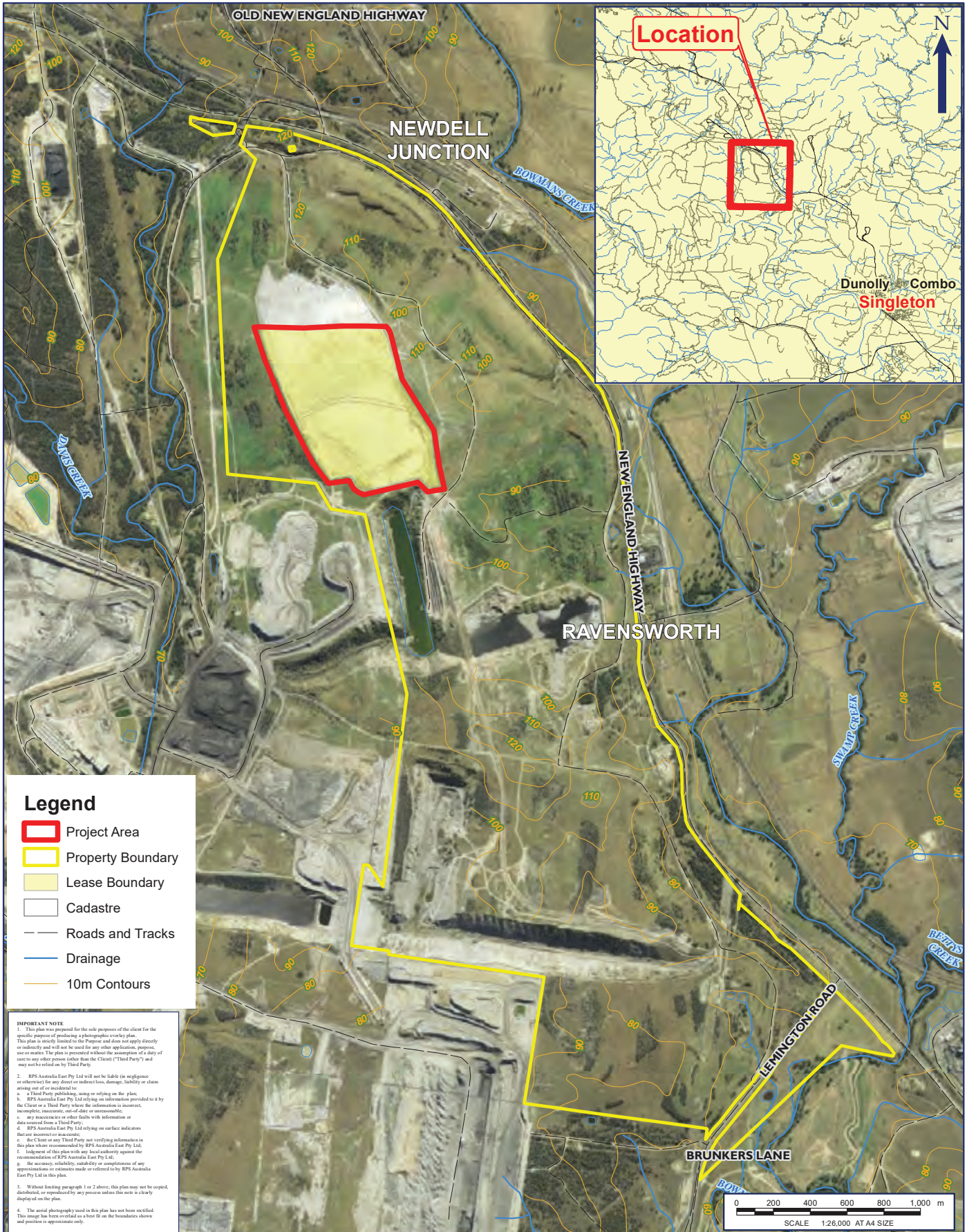
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We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



**Legend**

- Project Area
- Property Boundary
- Lease Boundary
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Technician: Natalie.Wood	Date: 3/10/2018

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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Wallagan Cultural Services  
Maree Waugh  
PO Box 40  
CESSNOCK NSW 2325  
Mareewaugh30@hotmail.com

**Our ref:** 141357  
**Via:** Email

Dear Maree Waugh,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





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3 October 2018

Wanaruah Local Aboriginal Land Council  
Noel Downs  
17-19 Maitland Street  
MUSWELLBROOK NSW 2333  
ceo.wanarua@bigpond.com

**Our ref:** 141357  
**Via:** Email

Dear Noel Downs,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





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3 October 2018

Wattaka Wonnarua CC Service  
Des Hickey  
4 Kennedy Street  
SINGLETON NSW 2330  
deshickey@bigpond.com

**Our ref:** 141357  
**Via:** Email

Dear Des Hickey,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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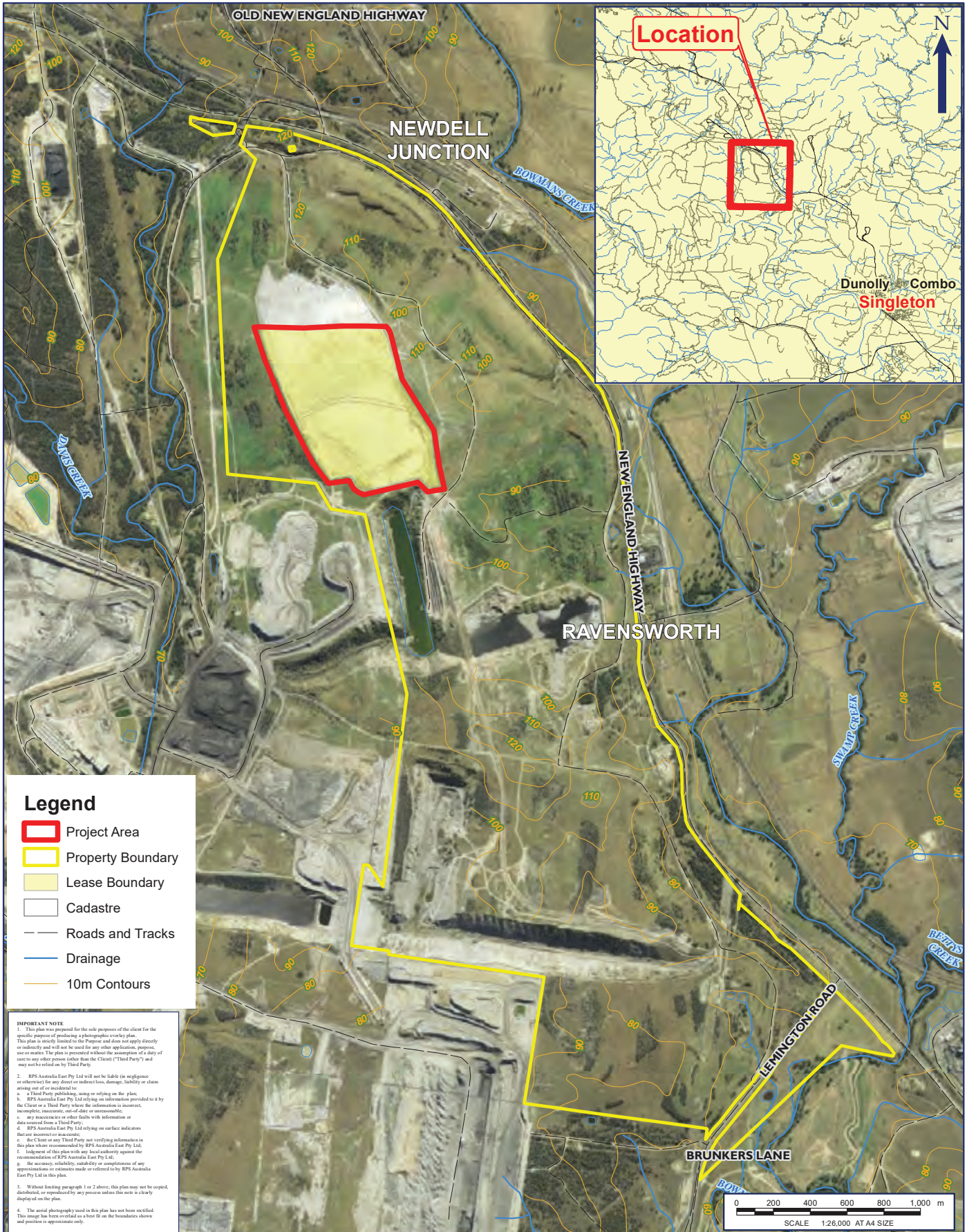
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Yours sincerely

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Alex Byrne  
Senior Heritage Consultant



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RPS Australia East Pty Ltd  
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3 October 2018

Widescope Indigenous Group  
Steven Hickey  
73 Russell Street  
EMU PLAINS NSW 2750  
Widescope.group@live.com

**Our ref:** 141357  
**Via:** Email

Dear Steven Hickey,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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Alex Byrne  
Senior Heritage Consultant





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RPS Australia East Pty Ltd  
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3 October 2018

Wonnarua Nation Aboriginal Corporation  
Laurie Perry  
254 John St  
SINGLETON NSW 2330  
l.perry@optusnet.com.au

**Our ref:** 141357  
**Via:** Email

Dear Laurie Perry,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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Alex Byrne  
Senior Heritage Consultant





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RPS Australia East Pty Ltd  
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3 October 2018

Yarrowalk (A division of Tocomwall Pty Ltd), Tocomwall Pty Ltd on behalf of Scott Franks and Anor on behalf of the Plains Clans of the Wonnaru People NSD1680/2013

Scott Franks  
PO Box 76  
CARRINGBAH NSW 1495  
scott@tocomwall.com.au

**Our ref:** 141357  
**Via:** Email

Dear Scott Franks,

#### **Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

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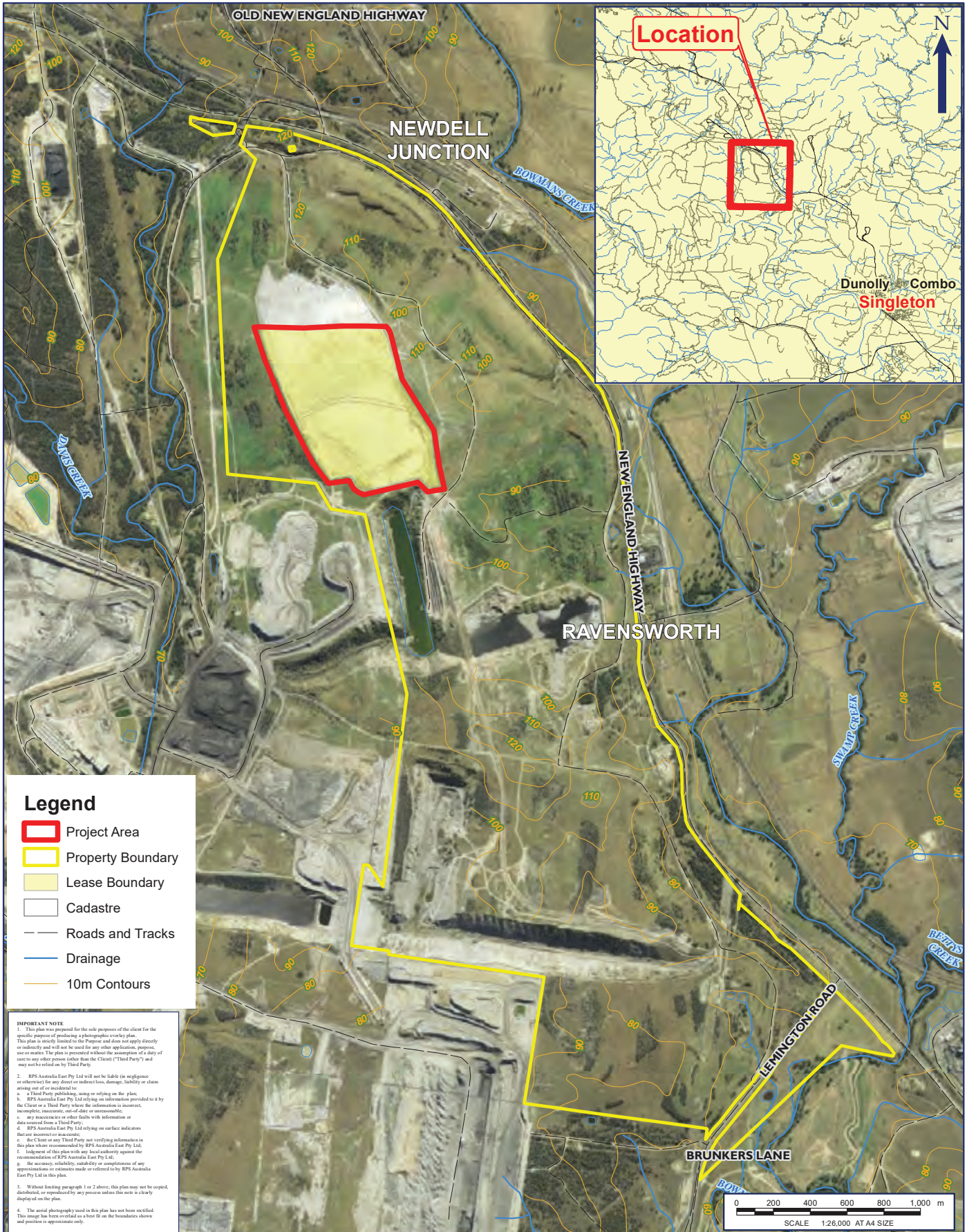
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We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



**Legend**

- Project Area
- Property Boundary
- Lease Boundary
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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4. The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.

**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	RPS
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**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Yinarr Cultural Services  
Kathleen Steward Kinchela  
Lot 5 Westwood Estate  
MERRIWA NSW 2329  
yinarrculturalservices@bigpond.com dontminemeay@gmail.com

**Our ref:** 141357  
**Via:** Email

Dear Kathie,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

With reference to the previous letter (our ref: 141357), we provide the refined Project Area for this ACHAR at Ravensthorpe, NSW, as shown by the **red boundary on the figure**. Please note that this area is **within the boundaries of the area originally provided**, and that the extent of the Project Area includes only that shown in the Figure provided in this correspondence. Therefore, this is not a renewed request for expressions of interest and the closure date for responses remains the same.

If you have already provided your expression of interest in this project, **you do not need to register again**. If you have not already registered, but would like to, please respond in writing on or before 16 October 2018. Please forward your details to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: Nicola.hirschhorn@rpsgroup.com.au

In accordance with the ACHCRs, if you register an interest in this project, your details will be forwarded to OEH and the Local Aboriginal Land Council, unless you inform us that you do not want your details released.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the RPS Cultural Heritage Team.

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

3 October 2018

Steve Talbott  
73 Kiah Road  
GILLIESTON HEIGHTS NSW 2321  
gomerol.namoi@outlook.com

**Our ref:** 141357  
**Via:** Email

Dear Steve Talbott,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

With reference to the previous letter (our ref: 141357), we provide the refined Project Area for this ACHAR at Ravensthorpe, NSW, as shown by the **red boundary on the figure**. Please note that this area is **within the boundaries of the area originally provided**, and that the extent of the Project Area includes only that shown in the Figure provided in this correspondence. Therefore, this is not a renewed request for expressions of interest and the closure date for responses remains the same.

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





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RPS Australia East Pty Ltd  
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3 October 2018

Upper Hunter Wonnarua Council  
Rhoda Perry  
yunaga1@bigpond.com

**Our ref:** 141357  
**Via:** Email

Dear Rhoda Perry,

**Ravensthorpe ACHAR: Expression of Interest - Project Area Clarification**

As outlined in the letter provided to you on 28 September 2018, RPS Australia East Pty Ltd has been engaged to prepare an Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd, to accompany an application for State Significant Development (SSD 9418).

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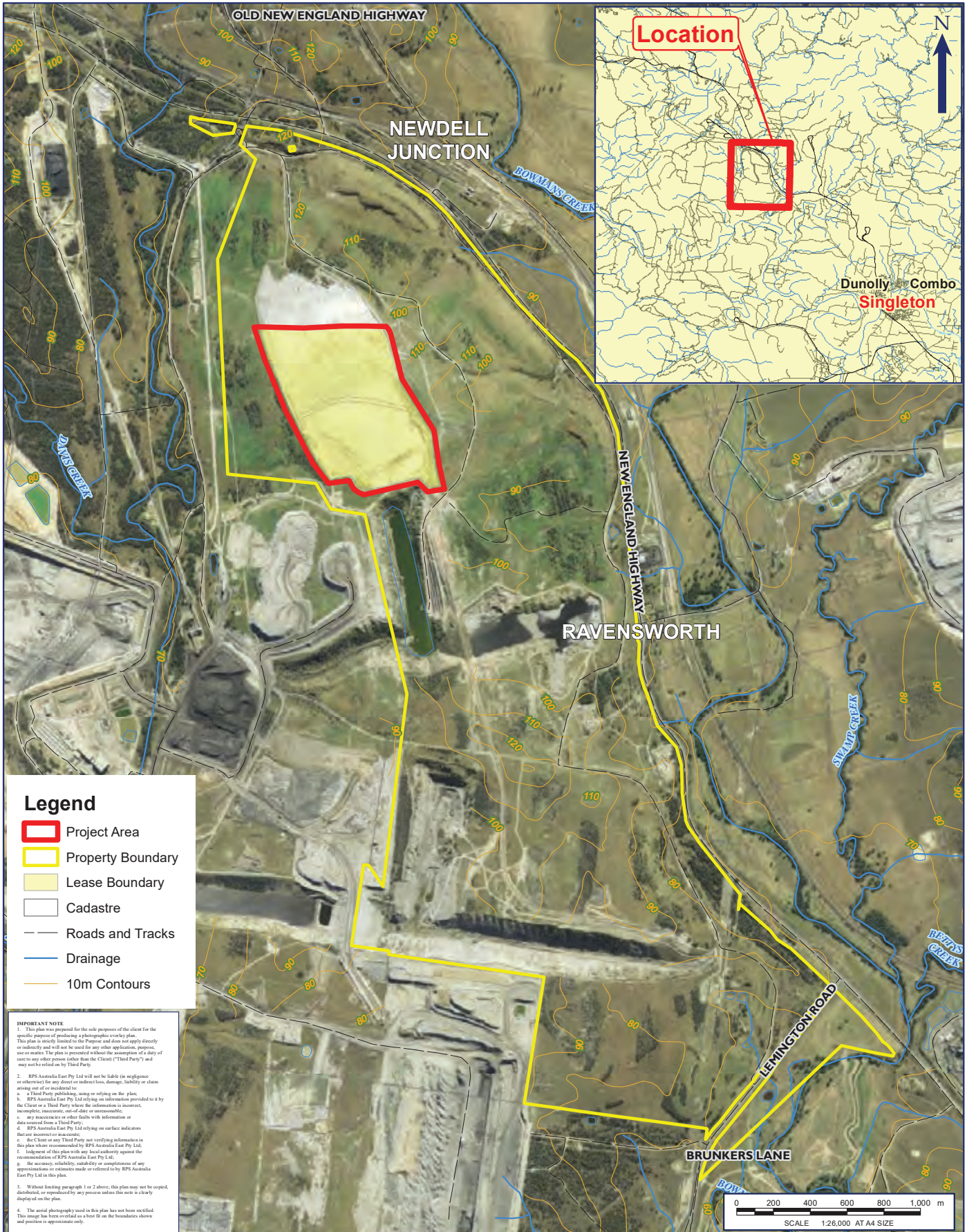
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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



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PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
 NEW\_A4\_Porrait 2018 Rev: B Produced: NW Reviewed: NW Date: 22/08/2018

## Dragomir Garbov

---

**From:** Caza X <cazadirect@live.com>  
**Sent:** Monday, 1 October 2018 2:51 PM  
**To:** Nicola Hirschhorn  
**Subject:** [EXT] Fw: PR141357 Ravensworth - request for registration of interest

### A1 Indigenous Services

Contact: Carolyn  
M: 0411650057  
E: Cazadirect@live.com  
A: 10 Marie Pitt Place, 2745  
ABN: 20 616 970 327

Hi Nicola,  
A1 would like to register for consultation and an field work for this project.  
I am a traditional owner and hold cultural knowledge and connection to this area  
Thank you  
Carolyn Hickey

---

**Sent:** Sunday, 30 September 2018 4:28 PM  
**To:** cazadirect@live.com  
**Subject:** FW: PR141357 Ravensworth - request for registration of interest

Sent from [Mail](#) for Windows 10

---

**From:** Nicola Hirschhorn <Nicola.Hirschhorn@rpsgroup.com.au>  
**Sent:** Friday, September 28, 2018 1:53:48 PM  
**To:** widescope.group@live.com  
**Subject:** PR141357 Ravensworth - request for registration of interest

Dear Steven,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola





---

**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294

PO Box 120, Carrington, NSW, 2294

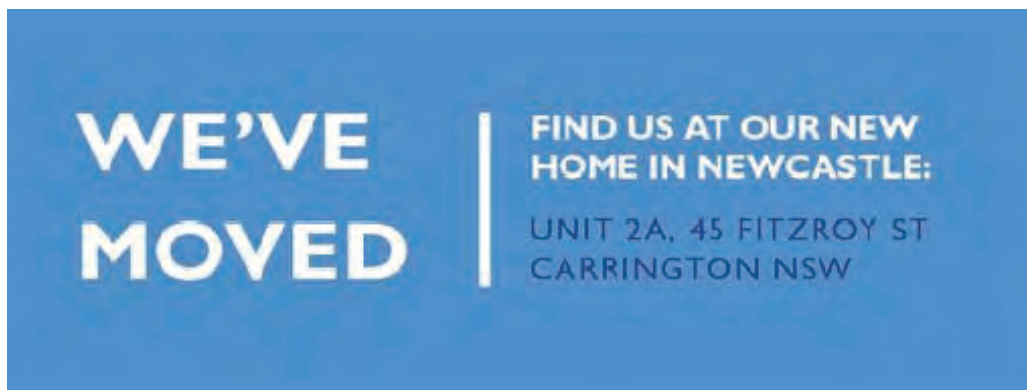
D: +61 2 4940 4266

T: +61 2 4940 4200

F: +61 2 4940 4299

E: [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)

W: [rpsgroup.com.au](http://rpsgroup.com.au)



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## Dragomir Garbov

---

**From:** Tracey Skene <tracey@marrung-pa.com.au>  
**Sent:** Saturday, 29 September 2018 9:35 AM  
**To:** Nicola Hirschhorn  
**Subject:** [EXT] Re: PR141357 Ravensworth - request for registration of interest  
**Attachments:** image002.png

Good morning Nicola,

Culturally Aware would like to put their EOI in for Aboriginal Cultural Heritage Assessment Report as part of an Environmental Impact Statement required by Bettergrow Pty Ltd.

I have been involved in past Aboriginal Archaeological Assessments for this area over many yrs and familiar with the cultural landscape.

Thanks

Tracey Skene

Culturally Aware

On Fri, 28 Sep 2018, 1:06 PM Nicola Hirschhorn <[Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)> wrote:

Dear Tracey,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola 😊



**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294

PO Box 120, Carrington, NSW, 2294

**D:** +61 2 4940 4266

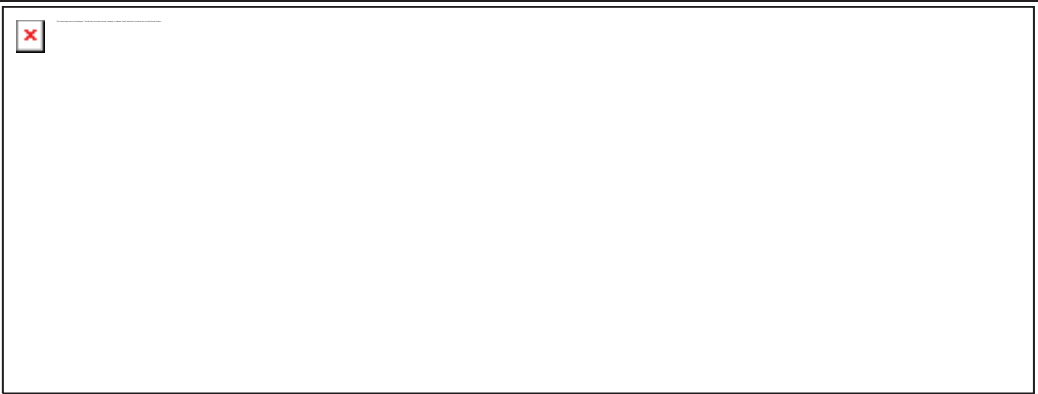
**T:** +61 2 4940 4200

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**E:** [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)

**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

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**From:** Deidre Perkins  
**To:** [Nicola Hirschhorn](mailto:Nicola.Hirschhorn)  
**Subject:** [EXT] Re: PR141357 Ravensworth - request for registration of interest  
**Date:** Friday, 28 September 2018 1:43:57 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

---

Hi Nicola,  
I would like to register for this project .  
Thanks Deidre

Sent from my Samsung Galaxy smartphone.

----- Original message -----

**From:** Nicola Hirschhorn <[Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)>  
**Date:** 28/9/18 1:13 pm (GMT+10:00)  
**To:** [dedemaree3@hotmail.com](mailto:dedemaree3@hotmail.com)  
**Subject:** PR141357 Ravensworth - request for registration of interest

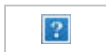
Dear Deidre,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola

---



**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**  
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**From:** lilly carroll  
**To:** [Nicola Hirschhorn](mailto:Nicola.Hirschhorn@rpsgroup.com.au)  
**Subject:** [EXT] Re: PR141357 Ravensworth - request for registration of interest  
**Date:** Friday, 28 September 2018 1:16:59 PM  
**Attachments:** [image002.png](#)  
[image001.jpg](#)

---

Hi Nicola,

DNC would like to register interest into Ravensworth project,

Kind regards  
Pail Boyd & Lilly Carroll  
Directors DNC

[Sent from Yahoo Mail for iPhone](#)

On Friday, September 28, 2018, 1:12 pm, Nicola Hirschhorn  
<[Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)> wrote:

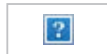
Dear Paul and Lilly,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola

---



**Nicola Hirschhorn**  
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**From:** lilly carroll  
**To:** [Alex Byrne](#)  
**Subject:** [EXT] Re: Ravensworth EoI clarification  
**Date:** Wednesday, 3 October 2018 1:30:40 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

---

Hi Alex,

DNC would like to register an interest into Ravensworth project,

Kind regards  
Paul Boyd & Lilly Carroll  
Directors DNC

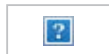
[Sent from Yahoo Mail for iPhone](#)

On Wednesday, October 3, 2018, 1:10 pm, Alex Byrne <[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)> wrote:

Please find attached a clarification relating to the Ravensworth expression of interest invitation provided on 28 September 2018.

Kind regards,

Alex



**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**T:** [+61 2 4940 4200](tel:+61249404200)  
**F:** [+61 2 4940 4299](tel:+61249404299)  
**E:** [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)  
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## Dragomir Garbov

---

**From:** Gidawaa Walang Cultural Heritage Consultancy <gidawaa.walang@hotmail.com>  
**Sent:** Friday, 28 September 2018 3:30 PM  
**To:** Nicola Hirschhorn  
**Subject:** [EXT] Re: PR141357 Ravensworth - request for registration of interest  
**Attachments:** EOI Ravensworth No.2.doc

Hi Nicola,

Please find attached EOI for Ravensworth No.2 Mine  
Thankyou.

Regards,  
Craig

### **Gidawaa Walang Cultural Heritage Consultancy**

trading name of Barkuma Neighbourhood Centre Inc.  
76 Lang Street, Kurri Kurri 2327 | Phone: 02 4937 1094  
[www.barkuma.org](http://www.barkuma.org) | Fax: 02 4936 4449

---

**From:** Nicola Hirschhorn <Nicola.Hirschhorn@rpsgroup.com.au>  
**Sent:** Friday, 28 September 2018 1:14:58 PM  
**To:** gidawaa.walang@hotmail.com  
**Subject:** PR141357 Ravensworth - request for registration of interest

Dear Craig,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola

---



**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**D:** +61 2 4940 4266  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)  
**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

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**Hunter Valley Cultural Surveying**  
**165 Susan St Scone 2337 NSW Ph: 0488604016**  
**Email: microlith99@gmail.com**  
**ABN: 9631450760**



**Date: 1 October 2018**

**To: RPS**

**Email: Nicola.hirschhorn@rpsgroup.com.au**

**Attn: Nicola Hirschhorn**

**Re: Ravensworth ACHAR Expression of Interest**

**Dear Nicola**

**Please register my group interest in this project I am a knowledge holder of Aboriginal cultural & heritage within the project areas. If you require any further information please let me know.**

**Regards**

**Luke Hickey**  
**Manager**



## Dragomir Garbov

---

**From:** Leslie Atkinson <les.atkinson@hotmail.com>  
**Sent:** Tuesday, 2 October 2018 1:43 PM  
**To:** Nicola Hirschhorn  
**Subject:** [EXT] Ravenworth no 2

Hi Nicola ,

Jarban + Mugrebea wish to be cosultered on the project , we would also like to Include Uncel Barry French / We have extensive knowledge of the are concerned and would also like to be involved with any site work , Our Certificates Of Currency (COC) are up to date workes comp> And public liability

Our knowledge come from family and extende family along with being invovled with sie works in this area over many years >

If you wish any thing else from us plaese call Les on 0466 016 369

Thank les (Jarban)

**From:** Leslie Atkinson  
**To:** [Nicola Hirschhorn](#)  
**Subject:** [EXT] Ravenworth no 2  
**Date:** Tuesday, 2 October 2018 1:42:38 PM

---

Hi Nicola ,

Jarban + Mugrebea wish to be cosultered on the project , we would also like to Include  
Uncel Barry French /

We have extensive knowledge of the are concerned and would also like to be involved  
with any site work ,

Our Certificates Of Currency (COC) are up to date workes comp> And public liability

Our knowledge come from family and extende family along with being invovled with sie  
works in this area over many years >

If you wish any thing else from us plaese call Les on 0466 016 369

Thank les (Jarban)

## Alex Byrne

---

**From:** JTM traffic management <jtmanagement@live.com.au>  
**Sent:** Wednesday, 3 October 2018 6:02 PM  
**To:** Alex Byrne  
**Subject:** [EXT] Re: Ravensworth Eol clarification

Gidagay - Hello

Please find my expression of interest for the Ravensworth project. Project Area Clarification.

Thank You  
Norman Archibald  
0413718149

---

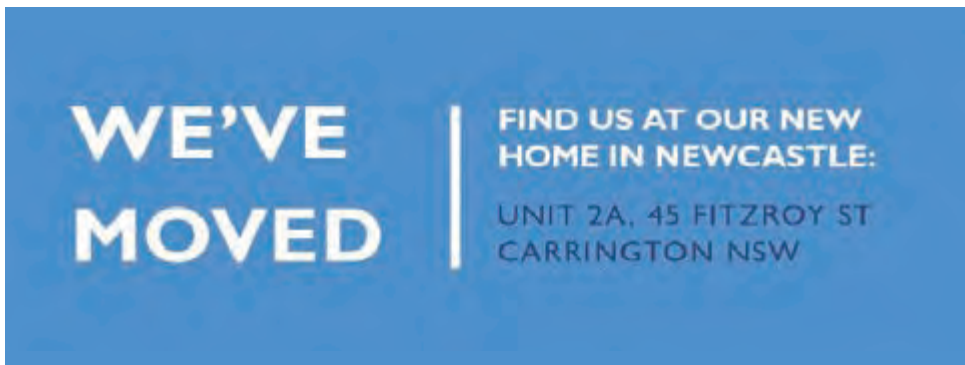
**From:** Alex Byrne <alex.byrne@rpsgroup.com.au>  
**Sent:** Wednesday, 3 October 2018 1:18 PM  
**To:** jtmanagement@live.com.au  
**Subject:** Ravensworth Eol clarification

Please find attached a clarification relating to the Ravensworth expression of interest invitation provided on 28 September 2018.

Kind regards,  
Alex



**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
T: +61 2 4940 4200  
F: +61 2 4940 4299  
E: [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)  
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---



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**From:** JTM traffic management  
**To:** [Alex Byrne](#)  
**Subject:** [EXT] Re: Ravensworth EoI clarification  
**Date:** Wednesday, 3 October 2018 6:02:24 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

---

Gidagay - Hello

Please find my expression of interest for the Ravensworth project. Project Area Clarification.

Thank You  
Norman Archibald  
0413718149

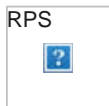
---

**From:** Alex Byrne <[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)>  
**Sent:** Wednesday, 3 October 2018 1:18 PM  
**To:** [jtmanagement@live.com.au](mailto:jtmanagement@live.com.au)  
**Subject:** Ravensworth EoI clarification

Please find attached a clarification relating to the Ravensworth expression of interest invitation provided on 28 September 2018.

Kind regards,  
Alex

---



**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)  
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## Alex Byrne

---

**From:** tn.miller@southernphone.com.au  
**Sent:** Wednesday, 3 October 2018 9:45 PM  
**To:** Alex Byrne  
**Cc:** Nicole Davis; Steven cox; Nicola Hirschhorn  
**Subject:** [EXT] Re: Ravensworth Eol clarification

Alex we the LOWER HUNTER WONNARUA CULTURAL SERVICES want to register our expression of interest in the above project. We have knowledge of the area and all surrounding areas if you need anymore information I can be contacted on mobile number 0402 636 521.

Regards  
Tom Miller  
WONNARUA ELDER LHWCS

----- Original Message -----

**From:**  
"Alex Byrne" <alex.byrne@rpsgroup.com.au>  
**To:**  
"tn.miller@southernphone.com.au" <tn.miller@southernphone.com.au>  
**Cc:**  
**Sent:**  
Wed, 3 Oct 2018 03:28:18 +0000  
**Subject:**  
Ravensworth Eol clarification

Please find attached a clarification relating to the Ravensworth expression of interest invitation provided on 28 September 2018.

Kind regards,

Alex

---

**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)  
**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

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**From:** tn.miller@southernphone.com.au  
**To:** [Alex Byrne](#)  
**Cc:** [Nicole Davis](#); [Steven Cox](#); [Nicola Hirschhorn](#)  
**Subject:** [EXT] Re: Ravensworth EoI clarification  
**Date:** Wednesday, 3 October 2018 9:51:37 PM

---

Alex we the LOWER HUNTER WONNARUA CULTURAL SERVICES want to register our expression of interest in the above project. We have knowledge of the area and all surrounding areas if you need anymore information I can be contacted on mobile number 0402 636 521.

Regards  
Tom Miller  
WONNARUA ELDER LHWCS

----- Original Message -----

**From:**  
"Alex Byrne" <[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)>

**To:**  
"tn.miller@southernphone.com.au" <[tn.miller@southernphone.com.au](mailto:tn.miller@southernphone.com.au)>  
**Cc:**

**Sent:**  
Wed, 3 Oct 2018 03:28:18 +0000  
**Subject:**  
Ravensworth EoI clarification

Please find attached a clarification relating to the Ravensworth expression of interest invitation provided on 28 September 2018.

Kind regards,

Alex

---

**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)  
**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

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**From:** Ryan Johnson  
**To:** [Nicola Hirschhorn](mailto:Nicola.Hirschhorn@rpsgroup.com.au)  
**Subject:** [EXT] RE: PR141357 Ravensworth - request for registration of interest  
**Date:** Wednesday, 3 October 2018 1:30:50 PM  
**Attachments:** [image003.jpg](#)  
[image004.jpg](#)  
[image005.png](#)

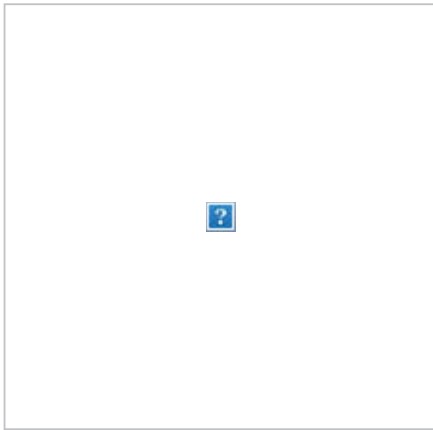
---

Dear Nicola,

Please register our organisation for the above project, we have the cultural knowledge that is required in identifying aboriginal objects and/or places in the proposed project area, please feel free to contact me if you require further details

Kind regards

Ryan Johnson | **Murra Bidgee Mullangari**



Aboriginal Corporation Cultural Heritage

**A:** PO Box 246, Seven Hills, NSW, 2147  
**E:** [murrabidgeemullangari@yahoo.com.au](mailto:murrabidgeemullangari@yahoo.com.au)  
**ICN:** 8112

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---

**From:** Nicola Hirschhorn [mailto:[Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)]  
**Sent:** Friday, 28 September 2018 1:44 PM  
**To:** [murrabidgeemullangari@yahoo.com.au](mailto:murrabidgeemullangari@yahoo.com.au)  
**Subject:** PR141357 Ravensworth - request for registration of interest

Dear Ryan and Darleen,

Please find attached invitation to register interest in a project located at Ravensworth (project

map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola

---



**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294

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**F:** +61 2 4940 4299

**E:** [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)

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## Alex Byrne

---

**From:** Tara Dever <ceo@mindaribbalalc.org>  
**Sent:** Thursday, 4 October 2018 6:39 PM  
**To:** Alex Byrne; Jason Brown  
**Subject:** [EXT] Re: Ravensworth Eol clarification

Thanks Alex.

Mindaribba LALC will not have comment on this project however, we find it useful to be informed so that we can inform any Wonnarua people that may have questions of the process being undertaken.

I look forward to and appreciate being kept up to date.

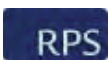
Kind Regards  
Tara

---

**From:** Alex Byrne <alex.byrne@rpsgroup.com.au>  
**Sent:** Wednesday, 3 October 2018 1:30 PM  
**To:** Tara Dever; Jason Brown  
**Subject:** Ravensworth Eol clarification

Please find attached a clarification relating to the Ravensworth expression of interest invitation provided on 28 September 2018.

Kind regards,  
Alex



**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
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**From:** Tara Dever  
**To:** [Alex Byrne](#); [Jason Brown](#)  
**Subject:** [EXT] Re: Ravensworth EoI clarification  
**Date:** Thursday, 4 October 2018 6:39:18 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

---

Thanks Alex.

Mindaribba LALC will not have comment on this project however, we find it useful to be informed so that we can inform any Wonnarua people that may have questions of the process being undertaken.

I look forward to and appreciate being kept up to date.

Kind Regards

Tara

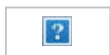
---

**From:** Alex Byrne <[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)>  
**Sent:** Wednesday, 3 October 2018 1:30 PM  
**To:** Tara Dever; Jason Brown  
**Subject:** Ravensworth EoI clarification

Please find attached a clarification relating to the Ravensworth expression of interest invitation provided on 28 September 2018.

Kind regards,  
Alex

---



**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)  
**W:** [rpsgroup.com.au](http://rpsgroup.com.au)



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**From:** Rhonda G  
**To:** [Nicola Hirschhorn](mailto:Nicola.Hirschhorn)  
**Subject:** [EXT] FW: PR141357 Ravensworth - request for registration of interest  
**Date:** Wednesday, 3 October 2018 8:25:35 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.jpg](#)  
[141357 Figure 1 Location Map A A4P 20180910.pdf](#)  
[141357 Wanaruah LALC-Ravensworth 2018-09-28.pdf](#)

---

Good Morning Nicola,

I received this information from the land council yesterday and I was wondering if other stakeholder are invited to express an interest in the project. My name is Rhonda Griffiths and I am with Hunter Valley Aboriginal Corporation here in Muswellbrook as a Director and Treasurer.

Regards

Rhonda Griffiths

---

**From:** admin.wanaruah@bigpond.com [mailto:admin.wanaruah@bigpond.com]  
**Sent:** Tuesday, 2 October 2018 10:57 AM  
**To:** admin.wanaruah@bigpond.com  
**Subject:** FW: PR141357 Ravensworth - request for registration of interest

**From:** Nicola Hirschhorn [mailto:[Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)]  
**Sent:** Friday, 28 September 2018 1:51 PM  
**To:** Noel Downs <[ceo.wanaruah@bigpond.com](mailto:ceo.wanaruah@bigpond.com)>  
**Subject:** PR141357 Ravensworth - request for registration of interest

Dear Noel,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola



**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**D:** +61 2 4940 4266  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)  
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Rhonda G  
Office Manager  
Hunter Valley Aboriginal Corporation  
PO Box 579  
Muswellbrook, NSW 2333  
Ph 02 6543 1180, Mob , Fax 02 6543 1106

Note my new email address [Office@hvabcorp.org.au](mailto:Office@hvabcorp.org.au). Please remember to update your records  
*'I understand that I live and work on the land that belongs to the first peoples of Australia particularly that of the Wanaruah Nation. I respectfully acknowledge the People, their ancestors and those yet to come.'*

**Confidentiality Notice** - This email message and any accompanying attachments contain privileged information intended only for the use of the addressee named above. If you have received this message in error please notify Hunter Valley Aboriginal Corporation at [Office@hvabcorp.org.au](mailto:Office@hvabcorp.org.au) immediately and delete all copies of this message and any attachments.



**From:** stephen talbott  
**To:** [Nicola Hirschhorn](mailto:Nicola.Hirschhorn)  
**Subject:** [EXT] Re: PR141357 Ravensworth - request for registration of interest  
**Date:** Wednesday, 3 October 2018 2:42:58 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)

---

Hi Nicola

I would like to register my expression of interest for the above project

regards

Steve

---

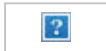
**From:** Nicola Hirschhorn <[Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)>  
**Sent:** Friday, 28 September 2018 1:58 PM  
**To:** [gomeri.namoi@outlook.com](mailto:gomeri.namoi@outlook.com)  
**Subject:** PR141357 Ravensworth - request for registration of interest

Dear Steve,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola



**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**D:** +61 2 4940 4266  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)  
**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

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**From:** Admin  
**To:** [Nicola Hirschhorn](mailto:Nicola.Hirschhorn)  
**Subject:** [EXT] RE: PR141357 Ravensworth - request for registration of interest  
**Date:** Tuesday, 2 October 2018 10:02:10 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.jpg](#)  
[image009.png](#)

---

Good Morning Nicola,

I am emailing you on behalf of Ungooroo Aboriginal Corporation and our Representative Mr Allen Paget to register our interest in the Ravensworth project.



*Kind Regards*

**Melanie Schulz** | MEDICAL ADMINISTRATION OFFICER

**PHONE** 02 6571 5111 | **FAX** 02 6571 5777

**LOCATION** 128 George Street, Singleton NSW 2330

**POST** PO Box 3095, Singleton NSW 2330

**EMAIL** [admin@ungooroo.com.au](mailto:admin@ungooroo.com.au) | **WEB** [www.ungooroo.com.au](http://www.ungooroo.com.au)

**WUPA** [www.wupaatwanaruah.com.au](http://www.wupaatwanaruah.com.au) | **DOOKAL** [www.dookalclothing.com.au](http://www.dookalclothing.com.au)

cid:image005.png@01D3E086.F4C447E0



*Ungooroo Aboriginal Corporation acknowledges Aboriginal and Torres Strait Islander people as the Traditional Owners. We would like to acknowledge the Traditional Owners of our area, the Wanaruah People.*

*We pay our respect to the elders past, present and future for they hold the memories, traditions, culture and hope of Indigenous peoples in Australia.*

---

**From:** Nicola Hirschhorn [mailto:[Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)]  
**Sent:** Friday, 28 September 2018 1:47 PM  
**To:** Admin <[admin@ungooroo.com.au](mailto:admin@ungooroo.com.au)>  
**Subject:** PR141357 Ravensworth - request for registration of interest

Dear Alan,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola

---





**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294

PO Box 120, Carrington, NSW, 2294

**D:** +61 2 4940 4266

**T:** +61 2 4940 4200

**F:** +61 2 4940 4299

**E:** [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)

**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

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## Alex Byrne

---

**From:** Admin <admin@ungooroo.com.au>  
**Sent:** Friday, 5 October 2018 9:13 AM  
**To:** Alex Byrne  
**Subject:** [EXT] RE: Ravensworth Eol clarification

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Morning,

I am emailing you on behalf of Ungooroo Aboriginal Corporation and our Representative Mr Allen Paget to register our interest in the below project.



*Kind Regards*

**Melanie Schulz** | MEDICAL ADMINISTRATION OFFICER

**PHONE** 02 6571 5111 | **FAX** 02 6571 5777

**LOCATION** 128 George Street, Singleton NSW 2330

**POST** PO Box 3095, Singleton NSW 2330

**EMAIL** admin@ungooroo.com.au | **WEB** www.ungooroo.com.au

**WUPA** www.wupaatwanaruah.com.au | **DOOKAL** www.dookalclothing.com.au



*Ungooroo Aboriginal Corporation acknowledges Aboriginal and Torres Strait Islander people as the Traditional Owners. We would like to acknowledge the Traditional Owners of our area, the Wanaruah People.*

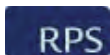
*We pay our respect to the elders past, present and future for they hold the memories, traditions, culture and hope of Indigenous peoples in Australia.*

---

**From:** Alex Byrne [mailto:alex.byrne@rpsgroup.com.au]  
**Sent:** Wednesday, 3 October 2018 1:33 PM  
**To:** Admin <admin@ungooroo.com.au>  
**Subject:** Ravensworth Eol clarification

Please find attached a clarification relating to the Ravensworth expression of interest invitation provided on 28 September 2018.

Kind regards,  
Alex



Alex Byrne

---

---

**Senior Heritage Consultant  
Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294

PO Box 120, Carrington, NSW, 2294

T: +61 2 4940 4200

F: +61 2 4940 4299

E: [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)

W: [rpsgroup.com.au](http://rpsgroup.com.au)



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## Dragomir Garbov

---

**From:** maree waugh <mareewaugh30@hotmail.com>  
**Sent:** Friday, 28 September 2018 8:56 PM  
**To:** Nicola Hirschhorn  
**Subject:** [EXT] Re: PR141357 Ravensworth - request for registration of interest

Hi Nicola,

I would like to register my Interest in the PR141357 Ravensworth Project.

Maree Waugh  
Wallangan Cultural Services  
0439813078

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---

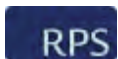
**From:** Nicola Hirschhorn <Nicola.Hirschhorn@rpsgroup.com.au>  
**Sent:** Friday, September 28, 2018 1:48:22 PM  
**To:** mareewaugh30@hotmail.com  
**Subject:** PR141357 Ravensworth - request for registration of interest

Dear Maree,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola



**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**D:** +61 2 4940 4266  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)  
**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

---

---

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MOVED**

**FIND US AT OUR NEW  
HOME IN NEWCASTLE:**

**UNIT 2A, 45 FITZROY ST  
CARRINGTON NSW**

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**Wattaka Wonnarua Cultural Consultancy Services**  
**Ph: 0432977178 email: [deshickey@bigpond.com](mailto:deshickey@bigpond.com)**  
**Des Hickey manager ABN: 57914734012**

**Date: 1 October 2018**

**To: RPS**  
**Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)**  
**Ph: 02 4961 6794**

**Re: Ravensworth ACHAR Expression of Interest**

**Attn: Nicola Hirschhorn**

**Dear Nicola**

**Thank you for your email my group wish to register our interest for consultation and involvement in the above said project, we hold cultural knowledge relevant to determining the cultural significance of The project area.**

**Please call or email if you require any further information.**

**Regards**

**Des Hickey**  
**Manager**



## Dragomir Garbov

---

**From:** WIDESCOPE . <widescope.group@live.com>  
**Sent:** Sunday, 30 September 2018 4:28 PM  
**To:** Nicola Hirschhorn  
**Subject:** [EXT] RE: PR141357 Ravensworth - request for registration of interest

Hi Nicola

Please Register my Interest -Re: Ravensworth ACHAR: Expression of Interest

I am a Aboriginal cultural knowledge holder I have knowledge relevant in determining Aboriginal objects and places I hold a cultural connection to Ravensworth and surrounding areas

Contact person is myself Steven Hickey: mobile number 042 523 0693  
Administration Donna Hickey 042 523 2056  
Landline 4735 2629  
Preferred method of contact is via email  
[widescope.group@live.com](mailto:widescope.group@live.com)

Regards  
Steven Hickey

---

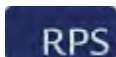
**From:** Nicola Hirschhorn <Nicola.Hirschhorn@rpsgroup.com.au>  
**Sent:** Friday, September 28, 2018 1:53:48 PM  
**To:** [widescope.group@live.com](mailto:widescope.group@live.com)  
**Subject:** PR141357 Ravensworth - request for registration of interest

Dear Steven,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola

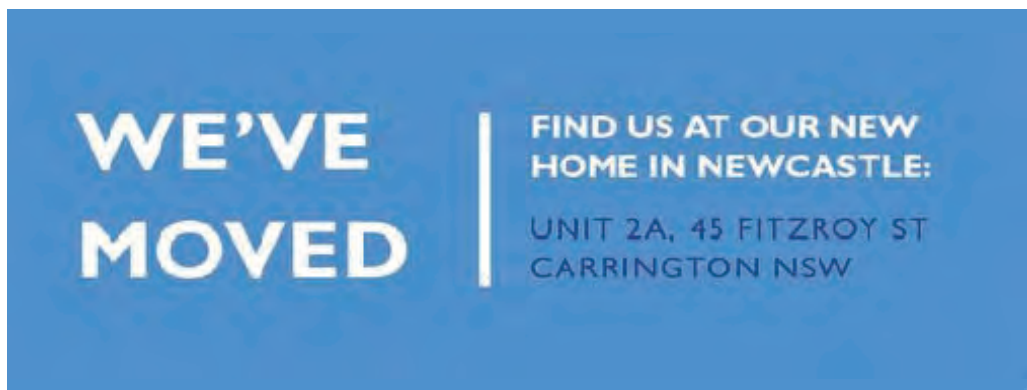


**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**  
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PO Box 120, Carrington, NSW, 2294  
**D:** +61 2 4940 4266  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299

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E: [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)  
W: [rpsgroup.com.au](http://rpsgroup.com.au)



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## Alex Byrne

---

**From:** Noel Downs <ceo.wanaruah@bigpond.com>  
**Sent:** Wednesday, 3 October 2018 2:49 PM  
**To:** Alex Byrne; Nicola Hirschhorn  
**Subject:** [EXT] RE: Ravensworth Eol clarification

Hi Alex,

I'm guessing you have had the usual complaint because I have let our community know about registrations and EOI.

That you were asking for registrations of interest.... tells me two things you are unsure who is still interested, and you have a list of people who you have possibly lost contact with.

Irrespective of the who you are seeking to contact, I make sure our community is aware of what is occurring so if they have any questions or you have missed contacting any of them they can get in touch with you. I will continue to do this as it keeps our community informed.

I am aware that this can result in attempts of new EOI registrations, however that is only a small inconvenience to face when seeking to insure those who have a right to be involved get the opportunity to register.

Yes I believe Wanaruah LALC has registered our interest in the project, if not, please accept this email as our registration of interest.

Thank you

Noel Downs  
CEO

---

**From:** Alex Byrne [mailto:alex.byrne@rpsgroup.com.au]  
**Sent:** Wednesday, 3 October 2018 1:35 PM  
**To:** ceo.wanaruah@bigpond.com  
**Subject:** Ravensworth Eol clarification

Please find attached a clarification relating to the Ravensworth expression of interest invitation provided on 28 September 2018.

Kind regards,  
Alex



**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299

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E: [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)  
W: [rpsgroup.com.au](http://rpsgroup.com.au)



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**From:** admin.wanaruah@bigpond.com  
**To:** [Nicola Hirschhorn](mailto:Nicola.Hirschhorn)  
**Subject:** [EXT] FW: PR141357 Ravensworth - request for registration of interest  
**Date:** Tuesday, 2 October 2018 10:10:59 AM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.jpg](#)  
[141357 Figure 1 Location Map A A4P 20180910.pdf](#)  
[141357 Wanaruah LALC-Ravensworth 2018-09-28.pdf](#)

---

**Hi Nicola,**

The Wanaruah Local Aboriginal Land Council would like to register our interest in the project located at Ravensworth.

Kind Regards

*Roz*

Roslyn Thomson  
Administration Officer



**Wanaruah Local Aboriginal Land Council**

PO Box 127  
MUSWELLBROOK NSW 2333  
Ph: 02 6543 1288  
admin.wanaruah@bigpond.com  
<http://wanaruahlalc.wixsite.com/bindj>  
[www.facebook.com/wanaruah.aboriginallandcouncil](http://www.facebook.com/wanaruah.aboriginallandcouncil)

**If you do not wish to be on the mailing list please let me know.**

I acknowledge the Traditional Owners of the land I work upon, the Wanaruah People and pay my respects to Elders past, present and future.

---

**From:** Nicola Hirschhorn [<mailto:Nicola.Hirschhorn@rpsgroup.com.au>]  
**Sent:** Friday, 28 September 2018 1:51 PM  
**To:** Noel Downs <[ceo.wanaruah@bigpond.com](mailto:ceo.wanaruah@bigpond.com)>  
**Subject:** PR141357 Ravensworth - request for registration of interest

Dear Noel,

Please find attached invitation to register interest in a project located at Ravensworth (project map attached).

If you are interested in being consulted during this project, please register your interest by 16 October 2018 in writing.

Kind regards, Nicola

---



**Nicola Hirschhorn**  
**Graduate Cultural Heritage Consultant**  
**Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294

PO Box 120, Carrington, NSW, 2294

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**T:** +61 2 4940 4200

**F:** +61 2 4940 4299

**E:** [Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)

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**From:** Noel Downs  
**To:** [Alex Byrne](#); [Nicola Hirschhorn](#)  
**Subject:** [EXT] RE: Ravensworth EoI clarification  
**Date:** Wednesday, 3 October 2018 2:49:18 PM  
**Attachments:** [image001.jpg](#)  
[image003.png](#)

---

Hi Alex,

I'm guessing you have had the usual complaint because I have let our community know about registrations and EOI.

That you were asking for registrations of interest.... tells me two things you are unsure who is still interested, and you have a list of people who you have possibly lost contact with.

Irrespective of the who you are seeking to contact, I make sure our community is aware of what is occurring so if they have any questions or you have missed contacting any of them they can get in touch with you. I will continue to do this as it keeps our community informed.

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Yes I believe Wanaruah LALC has registered our interest in the project, if not, please accept this email as our registration of interest.

Thank you

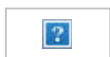
Noel Downs  
CEO

---

**From:** Alex Byrne [mailto:[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)]  
**Sent:** Wednesday, 3 October 2018 1:35 PM  
**To:** [ceo.wanaruah@bigpond.com](mailto:ceo.wanaruah@bigpond.com)  
**Subject:** Ravensworth EoI clarification

Please find attached a clarification relating to the Ravensworth expression of interest invitation provided on 28 September 2018.

Kind regards,  
Alex



**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294

**T:** +61 2 4940 4200

**F:** +61 2 4940 4299

**E:** [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)

**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

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**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

16 October 2018

The CEO  
Wanaruah Local Aboriginal Land Council  
17-19 Maitland Street  
MUSWELLBROOK NSW 2333

**Our ref:** 141357  
**Via:** Email

Dear Noel,

### **Ravensthorpe Aboriginal Cultural Heritage Assessment: RAP Advisement Letter**

As outlined in our letter dated 10 September 2018, RPS Australia East Pty Ltd (RPS) will be conducting an Aboriginal Cultural Heritage and Archaeological Assessment Report as part of an Environmental Impact Statement (EIS) to support a Development Application (DA) for a State Significant Development (SSD 9418). The project is for a proposed composting facility for Bettergrow Pty Ltd. The Project Area is at 74 Lemington Road, Ravensthorpe (Lit 10 DP 1204457) in the Singleton Local Government Area (LGA).

In accordance with Stage 1 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the following groups are Registered Aboriginal Parties (RAPs) for the project:

### **END OF STAGE 1 – Registered Aboriginal Parties**

<b>Group</b>	<b>Contact</b>	<b>Date</b>	<b>Comment</b>
A1 Indigenous Services	Carolyn Hickey	1/10/2018	
Culturally Aware	Tracey Skene	29/09/2018	
Divine Diggers	Deidre Perkins	28/09/2018	
Didge Ngunawal Clan	Paul Boyd and Lilly Carroll	28/09/2018	
Gidawaa Walang Cultural Heritage Consultancy	Craig Horne	28/09/2018	
Gomery	David Horton	11/10/2018	
Hunter Valley Aboriginal Corporation	Rhonda Griffiths	3/10/2018	
Jarban + Mugrebea	Les Atkinson	2/10/2018	
Uncle Barry French	Les Atkinson	2/10/2018	





<b>Group</b>	<b>Contact</b>	<b>Date</b>	<b>Comment</b>
JTM Traffic Management	Norman Archibald	3/10/2018	
Kawul Cultural Services	Vickey Slater/Rod Hickey	7/10/2018	
Hunter Valley Cultural Surveying	Luke Hickey	1/10/2018	
Lower Hunter Wonnarua Cultural Services	Tom Miller	3/10/2018	
Aboriginal Native Title Elders Consultant	Margaret Matthews	4/10/2018	
Mindaribba LALC	Tara Dever	4/10/2018	Only wish to be kept informed for community members
Murra Bidgee Mullangari	Ryan Johnson	3/10/2018	
Stephen Talbott	Stephen Talbott	3/10/2018	
Tocomwall	Scott Franks	28/09/2018	
Ungooroo	Allen Paget	2/10/2018	
Wallangan Cultural Services	Maree Waugh	28/09/2018	
Wattaka Wonnarua Cultural Consultancy Servicers	Des Hickey	1/10/2018	
Widescope	Steven Hickey	30/09/2018	
Wanaruah Local Aboriginal Land Council	Roz Thomson/Noel Downs	2/10/2018	

Also attached is a copy of the public notice from the Singleton Argus, Wednesday 19 September 2018.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact me by telephone.

Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant



**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

16 October 2018

Office of Environment and Heritage  
Hunter Central Coast Region  
rog.hcc@environment.nsw.gov.au

**Our ref:** 141357  
**Via:** Email

Dear Sir/Madam,

**Ravensthorpe Aboriginal Cultural Heritage Assessment: RAP Advise Letter**

As outlined in our letter dated 10 September 2018, RPS Australia East Pty Ltd (RPS) will be conducting an Aboriginal Cultural Heritage and Archaeological Assessment Report as part of an Environmental Impact Statement (EIS) to support a Development Application (DA) for a State Significant Development (SSD 9418). The project is for a proposed composting facility for Bettergrow Pty Ltd. The Project Area is at 74 Lemington Road, Ravensthorpe (Lit 10 DP 1204457) in the Singleton Local Government Area (LGA).

In accordance with Stage 1 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), the following groups are Registered Aboriginal Parties (RAPs) for the project:

**END OF STAGE 1 – Registered Aboriginal Parties**

<b>Group</b>	<b>Contact</b>	<b>Date</b>	<b>Comment</b>
A1 Indigenous Services	Carolyn Hickey	1/10/2018	
Culturally Aware	Tracey Skene	29/09/2018	
Divine Diggers	Deidre Perkins	28/09/2018	
Didge Ngunawal Clan	Paul Boyd and Lilly Carroll	28/09/2018	
Gidawaa Walang Cultural Heritage Consultancy	Craig Horne	28/09/2018	
Gomery	David Horton	11/10/2018	
Hunter Valley Aboriginal Corporation	Rhonda Griffiths	3/10/2018	
Jarban + Mugrebea	Les Atkinson	2/10/2018	
Uncle Barry French	Les Atkinson	2/10/2018	



<b>Group</b>	<b>Contact</b>	<b>Date</b>	<b>Comment</b>
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Widescope	Steven Hickey	30/09/2018	
██████████	██████████	1/10/2018	OEH only to be notified of registration
Wanaruah Local Aboriginal Land Council	Roz Thomson/Noel Downs	2/10/2018	

Also attached is a copy of the public notice from the Singleton Argus, Wednesday 19 September 2018.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact me by telephone.

Yours sincerely

**RPS**

Nicola Hirschhorn

Graduate Heritage Consultant





**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Paul Boyd and Lilly Carroll  
Didge Ngunawal Clan

**Our ref:** 141357  
**Via:** Email

Dear Paul and Lilly,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Wednesday 14 November by email or mail, addressing all feedback to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Information has been provided on the proposed project (as required at Stage 2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*) and the Aboriginal cultural heritage assessment, including information relating to proposed archaeological survey under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code) and information relating to the assessment of cultural significance (as required at Stage 3 of the *Aboriginal cultural heritage consultation requirements for proponents 2010*).

## 1.1 Project Information

RPS Australia East Pty Ltd has been engaged by Bettergrow Pty Ltd to prepare an Aboriginal cultural heritage assessment and conduct consultation under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* in relation to an application for the expansion of the existing composting facility to authorise the receipt of up to 200,000 tonnes per annum of organic materials on the filled and capped Void 3 of the former Ravensworth No. 2 mine owned by AGL Macquarie Pty Ltd at Part Lot 10 DP 1204457 in Ravensworth, NSW. The Project Area is shown in Figure 1.

The Preliminary Environmental Assessment (PEA) and Secretary's Environmental Assessment Requirements (SEARs) included a requirement for an Aboriginal Cultural Heritage Assessment and consultation with relevant Aboriginal community stakeholders in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

As part of the Aboriginal cultural heritage assessment, RPS intends to conduct an archaeological survey of the impact area of the proposed composting facility extension to determine whether there are Aboriginal objects present within the impact zone. It is noted that this Project Area is the site of a former mine void which has been filled in and as such, it is not expected that Aboriginal objects would be present.

## 1.2 Archaeological Survey

Fieldwork will be conducted in accordance with the requirements set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* ([DECCW 2010](#)).

### Survey Aims

The purpose of the survey is to inspect visible ground surfaces, observe exposed soil profiles or other visible features present in the Project Area to determine whether there are Aboriginal objects or cultural values associated with the Project Area. The survey aims to record any cultural sites or Aboriginal landscapes, if identified by the Aboriginal stakeholders.

### Sampling Strategy

The purpose of a sampling strategy is to provide a framework for conducting archaeological surveys in a manner which can be quantified and thus can be compared to other survey reports in the local landscape and for regional comparison ([Burke and Smith 2004](#)). The sampling strategy used for this assessment will target all locations where soils are exposed – there are no natural landforms remaining within the Project Area due to the previous land uses as outlined in Section 1.1 above. Therefore, landform sampling is not possible. It is anticipated that Aboriginal objects, if present, will not be *in situ* but rather will be associated with the imported fill which has been placed at the site to fill in the mine void.



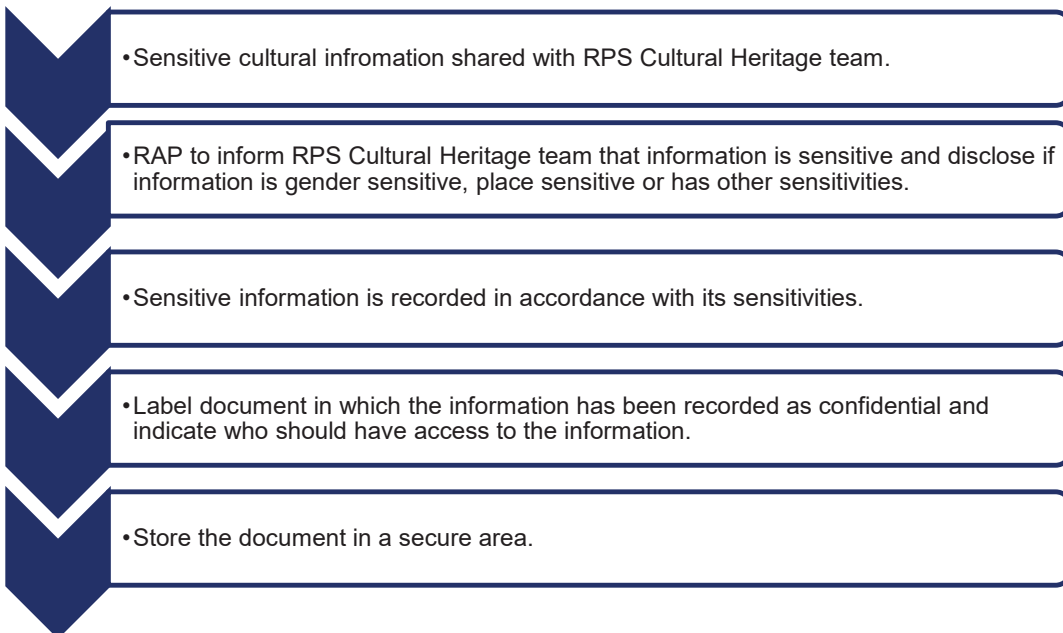
## Field Methods

The survey will be conducted on foot (pedestrian) and targeted the soils exposures identified in the sampling strategy above. The area surveyed will be recorded as one survey unit due to its nature.

The survey unit will be mapped and recorded in accordance with the Sample Strategy, Project Area boundaries, disturbance area boundaries, changes in survey conditions (such as visibility or ground surface exposure) and/or other relevant considerations. The mapping will be undertaken on the basis of GPS recorded data and with reference to aerial and topographic information. The recording will be undertaken using representative digital photographs and field notes which include observations of soils, ground surface exposure and visibility, vegetation cover, levels of ground surface disturbance, erosion and similar observations. The field notes will provide a basis for the reporting of survey coverage and calculating survey effectiveness as presented in the survey results section. It is required that any Aboriginal sites identified are recorded and submitted to the AHIMS database. Such recording involves the documentation of the material traces of past Aboriginal land use, including the spatial extent of sites and any other obvious physical boundaries. Aboriginal cultural sites identified by Aboriginal stakeholders may not always involve material traces and boundaries of such sites, if identified, will be mapped on the basis of information provided by the stakeholders. The position of such sites needs to be recorded by GPS receivers and mapped accordingly.

### 1.3 Identification and Assessment of Cultural Significance

Opportunities for the provision of cultural information in relation to the project will be provided as part of the consultation process including during the archaeological survey. Cultural information provided by Registered Aboriginal Parties will be recorded and discussed in the report, unless the information is too sensitive to be made public. If sensitive cultural information is received, the protocol below will be adopted, or another protocol adopted as agreed by the Registered Aboriginal Parties.







#### 1.4 Feedback Form for Composting Facility, Ravensworth, NSW

I have been sent information regarding the proposed project and the approach to the Aboriginal cultural heritage assessment including the archaeological survey and protocols for the management of sensitive cultural information, for the proposed expansion of the composting facility at Ravensworth, NSW. I seek to endorse the proposed approach and methods, unless otherwise stated below, or with the following amendments:


Name.....  
Registered Aboriginal Party.....  
Signature.....  
Date.....

Please send this document signed within 28 days back to **Nicola Hirschhorn** via:

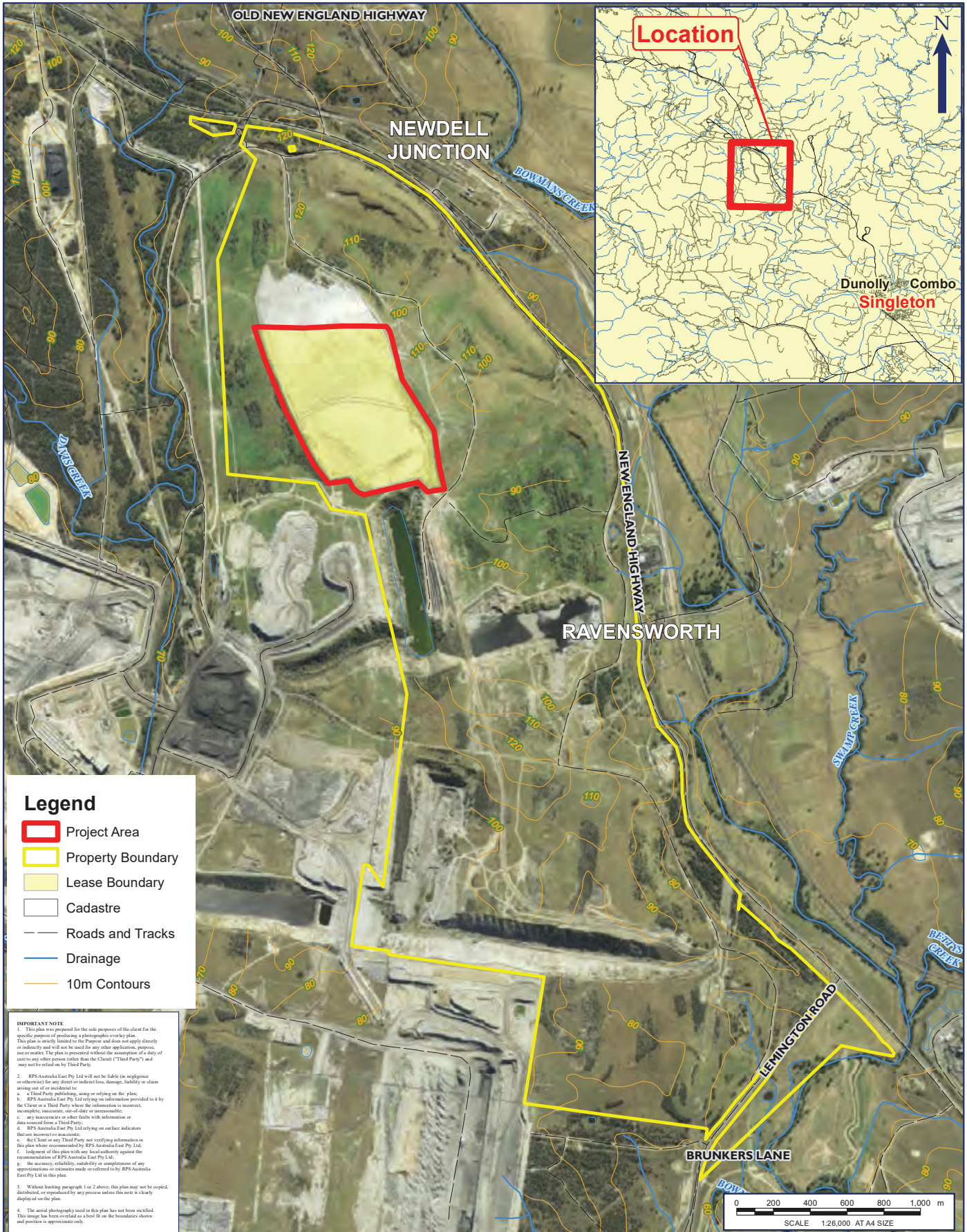
- **Post:** PO Box 120, Carrington NSW 2294
- **Email:** Nicola.hirschhorn@rpsgroup.com.au



## 1.5 References

Burke, H. and C. Smith (2004). The Archaeologist's Field Handbook. Crows Nest, Allen and Unwin.  
DECCW (2010). Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.  
Part 6 National Parks and Wildlife Act 1974. G. S., Department of Environment, Climate Change and Water.

Orton, C. 2000, *Sampling in Archaeology*, Cambridge University Press, Cambridge.



**Legend**

- Project Area
- Property Boundary
- Lease Boundary
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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2. RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
  - a. a Third Party publishing, using or relying on the plan;
  - b. RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
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  - e. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
  - f. judgment of this plan with any local authority against the recommendations of RPS Australia East Pty Ltd;
  - g. the accuracy, reliability, suitability or completeness of any representations or statements made or referred to by RPS Australia East Pty Ltd in this plan.
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4. The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.

**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
 NEW\_A4\_Portrait 2018 Rev: B Produced: NW Reviewed: NW Date: 22/08/2018





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Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

5/11/2018

**Our ref:** 141357  
**Via:** Email

Dear Alera,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by 14 November by email or mail, addressing all feedback to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**  
Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Information has been provided on the proposed project (as required at Stage 2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*) and the Aboriginal cultural heritage assessment, including information relating to proposed archaeological survey under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code) and information relating to the assessment of cultural significance (as required at Stage 3 of the *Aboriginal cultural heritage consultation requirements for proponents 2010*).

## 1.1 Project Information

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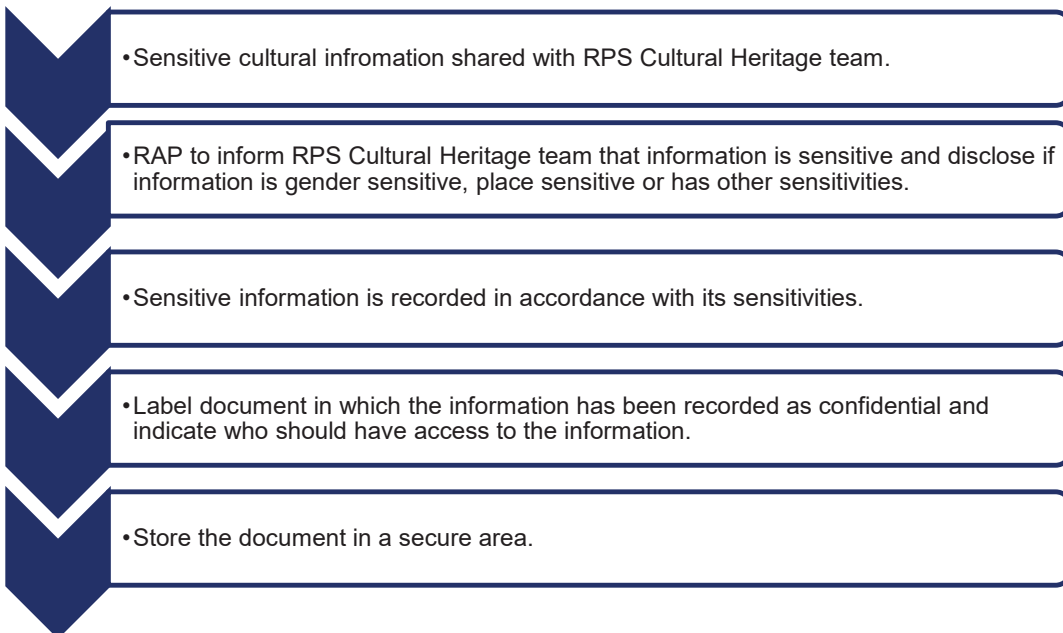
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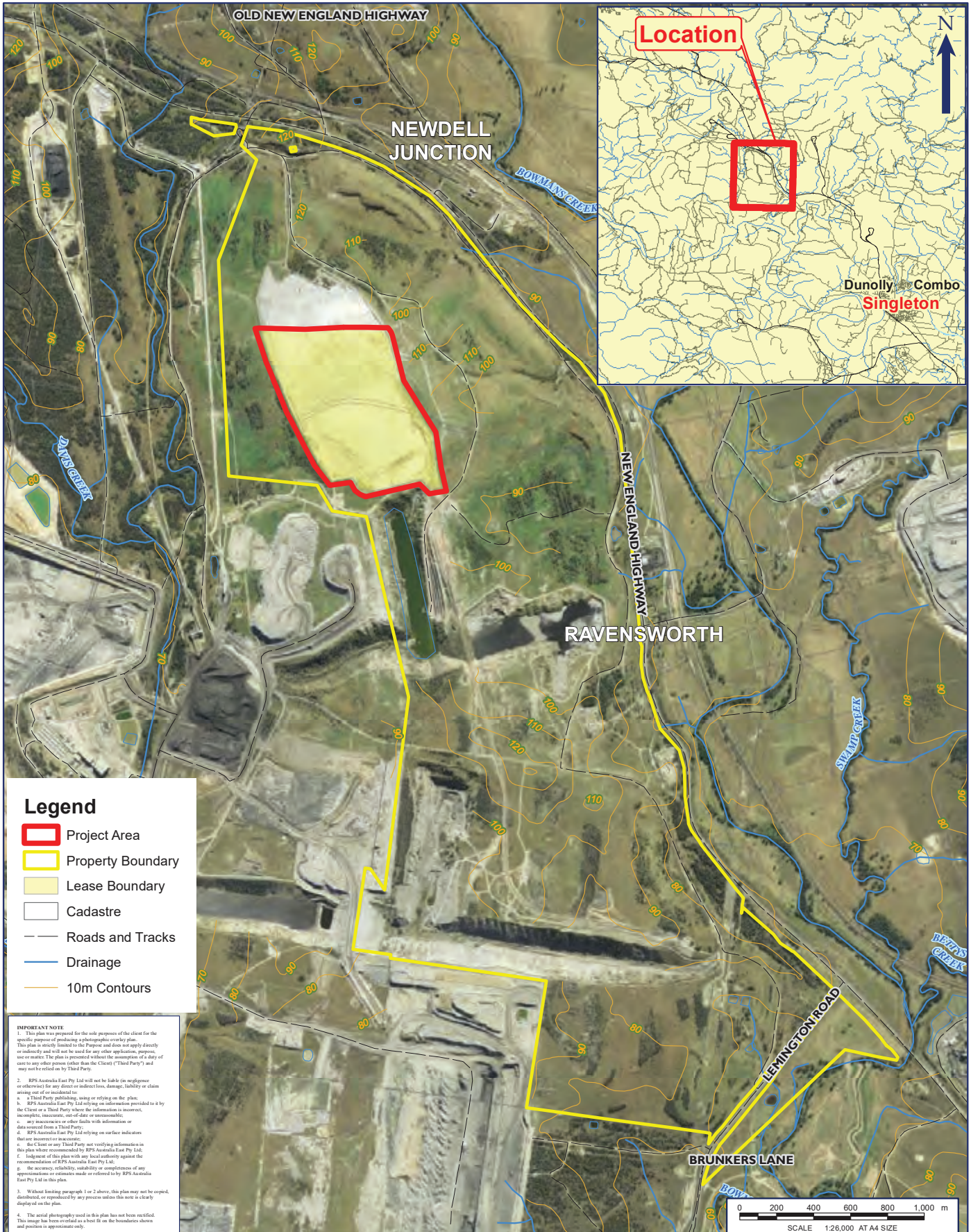
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**Legend**

- Project Area
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Uncle Barry French  
c/o Les Atkinson  
Jarban & Mugrebea

**Our ref:** 141357  
**Via:** Email

Dear Barry,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

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Nicola Hirschhorn  
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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



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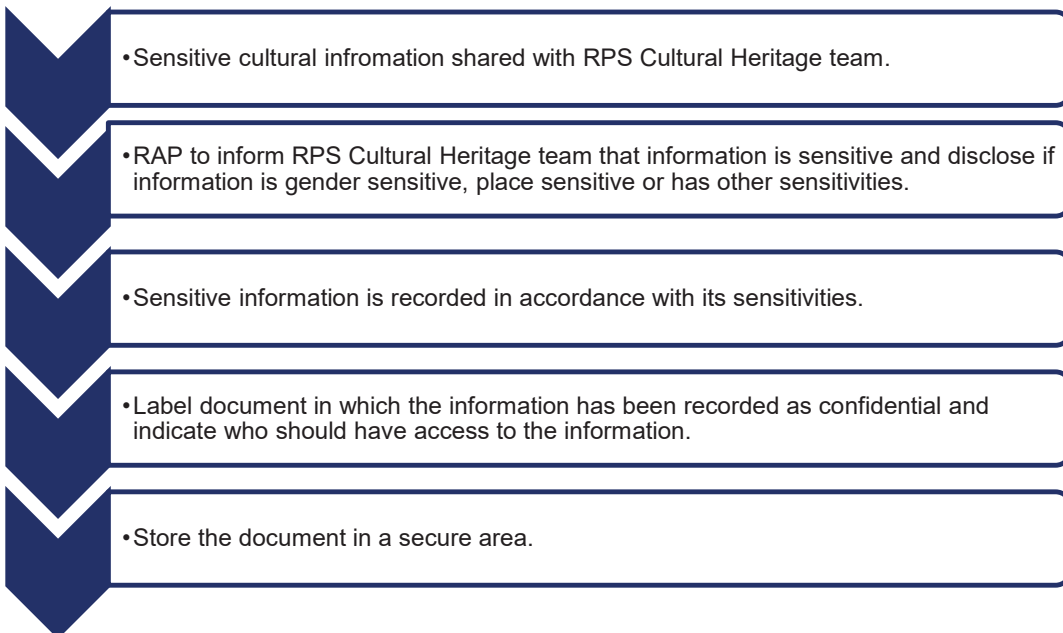
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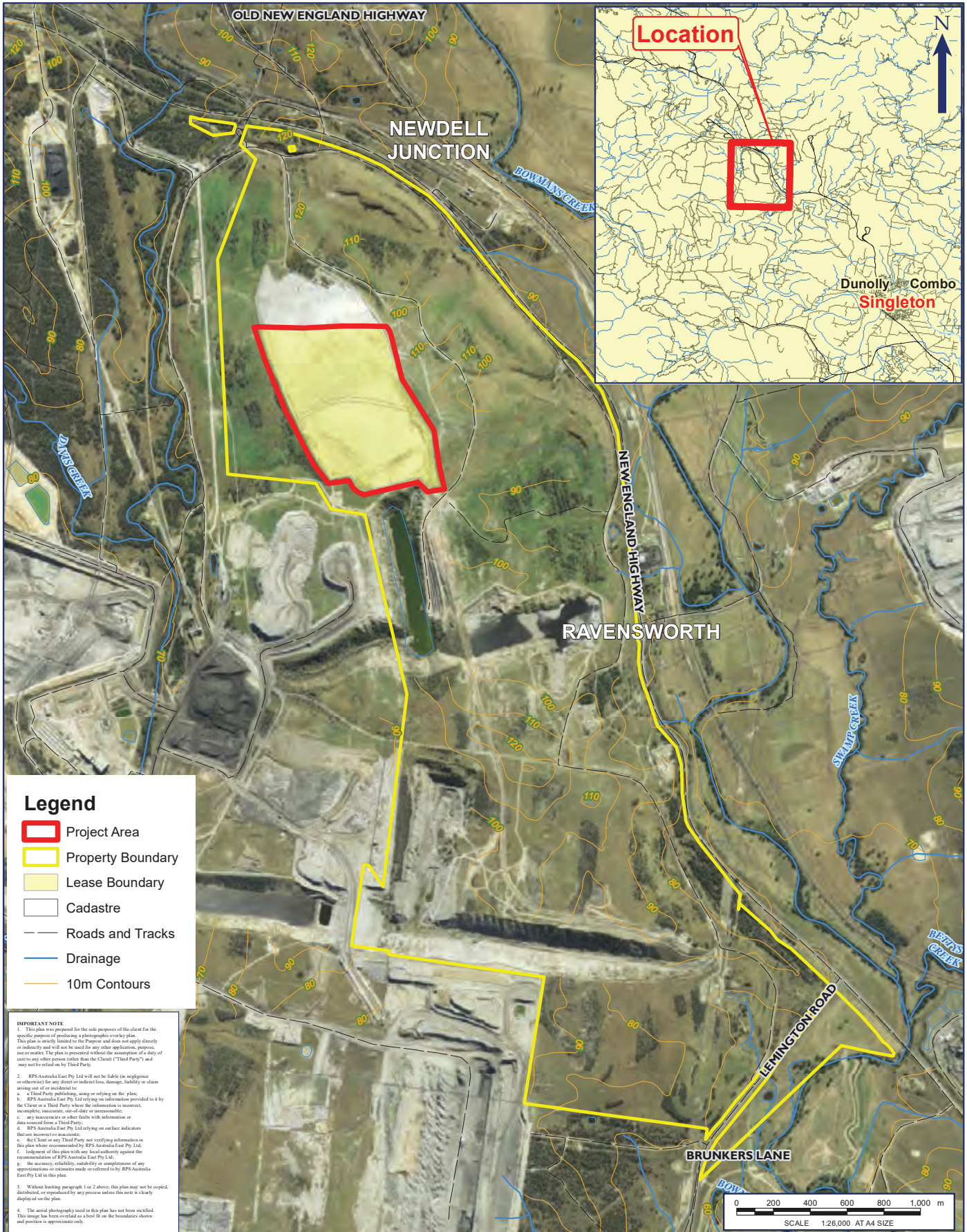
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**Legend**

- Project Area
- Property Boundary
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- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	
Technician: Natalie.Wood      Date: 3/10/2018	

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	
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Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Tracey Skene  
Culturally Aware

**Our ref:** 141357  
**Via:** Email

Dear Tracey,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Tuesday 13 November by email or mail, addressing all feedback to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Information has been provided on the proposed project (as required at Stage 2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*) and the Aboriginal cultural heritage assessment, including information relating to proposed archaeological survey under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code) and information relating to the assessment of cultural significance (as required at Stage 3 of the *Aboriginal cultural heritage consultation requirements for proponents 2010*).

## 1.1 Project Information

RPS Australia East Pty Ltd has been engaged by Bettergrow Pty Ltd to prepare an Aboriginal cultural heritage assessment and conduct consultation under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* in relation to an application for the expansion of the existing composting facility to authorise the receipt of up to 200,000 tonnes per annum of organic materials on the filled and capped Void 3 of the former Ravensworth No. 2 mine owned by AGL Macquarie Pty Ltd at Part Lot 10 DP 1204457 in Ravensworth, NSW. The Project Area is shown in Figure 1.

The Preliminary Environmental Assessment (PEA) and Secretary's Environmental Assessment Requirements (SEARs) included a requirement for an Aboriginal Cultural Heritage Assessment and consultation with relevant Aboriginal community stakeholders in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

As part of the Aboriginal cultural heritage assessment, RPS intends to conduct an archaeological survey of the impact area of the proposed composting facility extension to determine whether there are Aboriginal objects present within the impact zone. It is noted that this Project Area is the site of a former mine void which has been filled in and as such, it is not expected that Aboriginal objects would be present.

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Fieldwork will be conducted in accordance with the requirements set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* ([DECCW 2010](#)).

### Survey Aims

The purpose of the survey is to inspect visible ground surfaces, observe exposed soil profiles or other visible features present in the Project Area to determine whether there are Aboriginal objects or cultural values associated with the Project Area. The survey aims to record any cultural sites or Aboriginal landscapes, if identified by the Aboriginal stakeholders.

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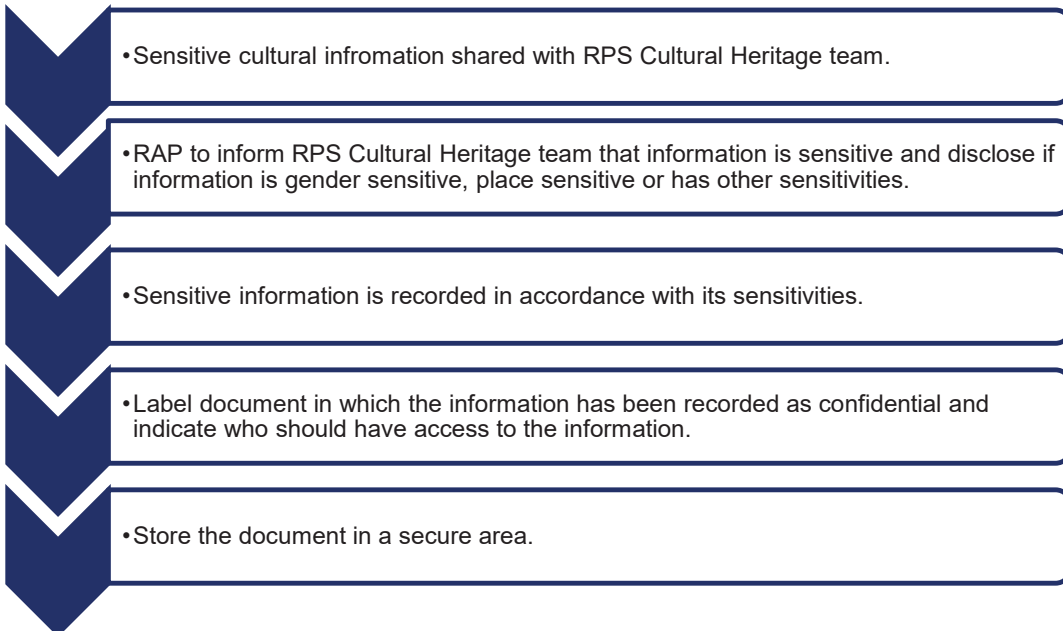
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The survey will be conducted on foot (pedestrian) and targeted the soils exposures identified in the sampling strategy above. The area surveyed will be recorded as one survey unit due to its nature.

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#### 1.4 Feedback Form for Composting Facility, Ravensworth, NSW

I have been sent information regarding the proposed project and the approach to the Aboriginal cultural heritage assessment including the archaeological survey and protocols for the management of sensitive cultural information, for the proposed expansion of the composting facility at Ravensworth, NSW. I seek to endorse the proposed approach and methods, unless otherwise stated below, or with the following amendments:


Name.....

Registered Aboriginal Party.....

Signature.....

Date.....

Please send this document signed within 28 days back to **Nicola Hirschhorn** via:

- **Post:** PO Box 120, Carrington NSW 2294
- **Email:** Nicola.hirschhorn@rpsgroup.com.au

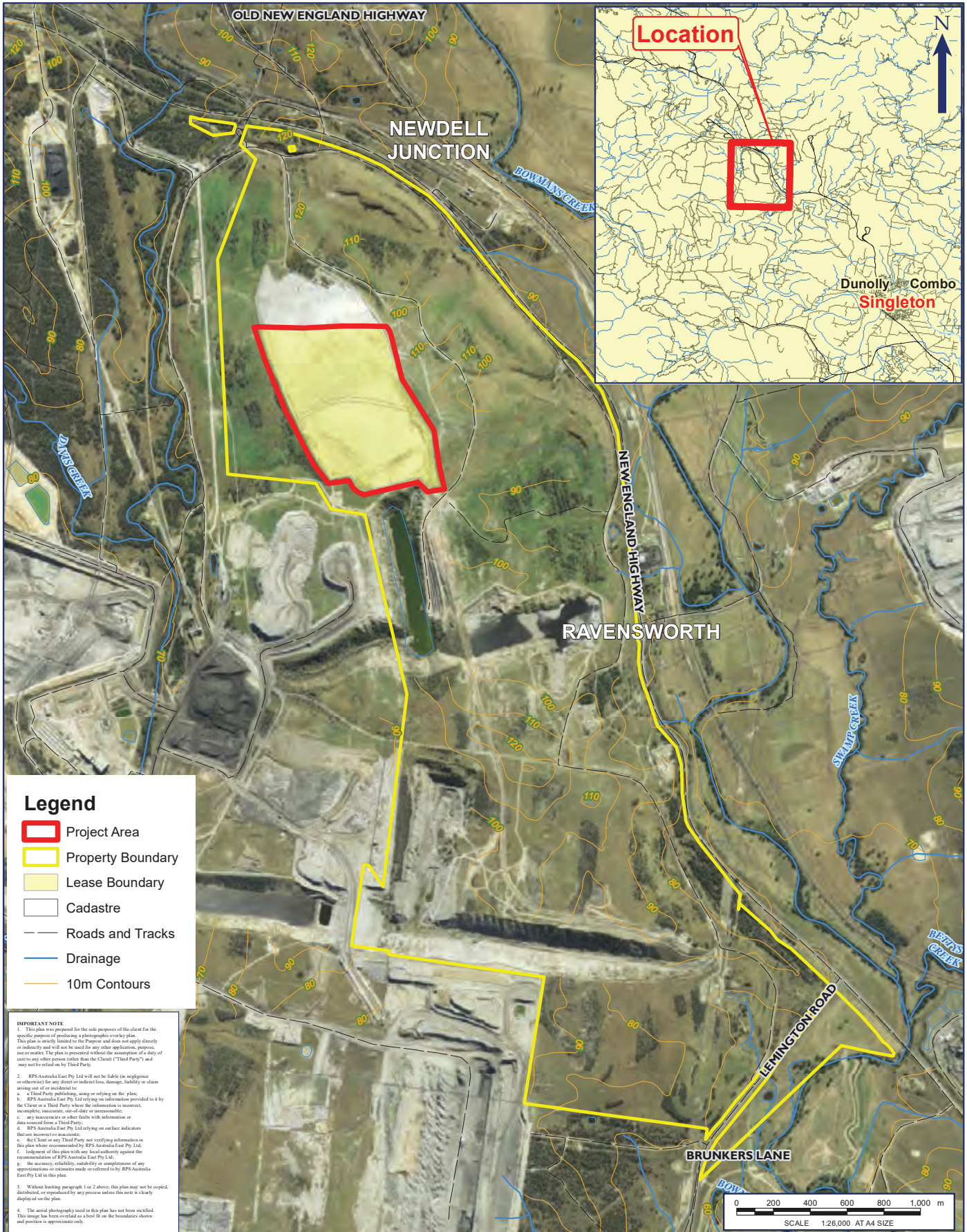


## 1.5 References

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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	RPS
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Deidre Perkins  
Divine Diggers

**Our ref:** 141357  
**Via:** Email

Dear Deidre,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Wednesday 14 November by email or mail, addressing all feedback to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

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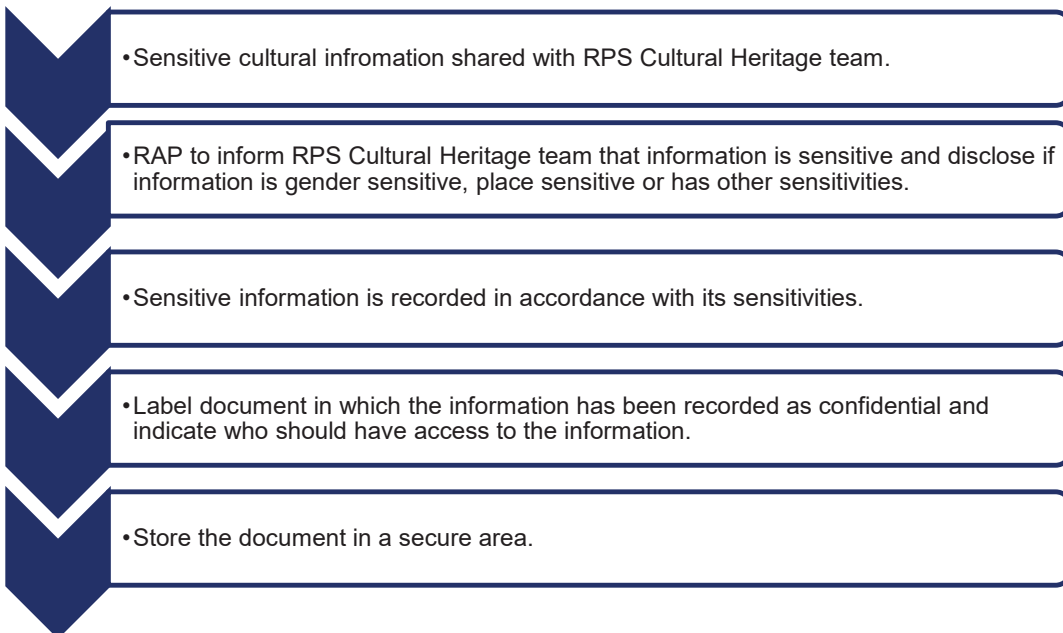
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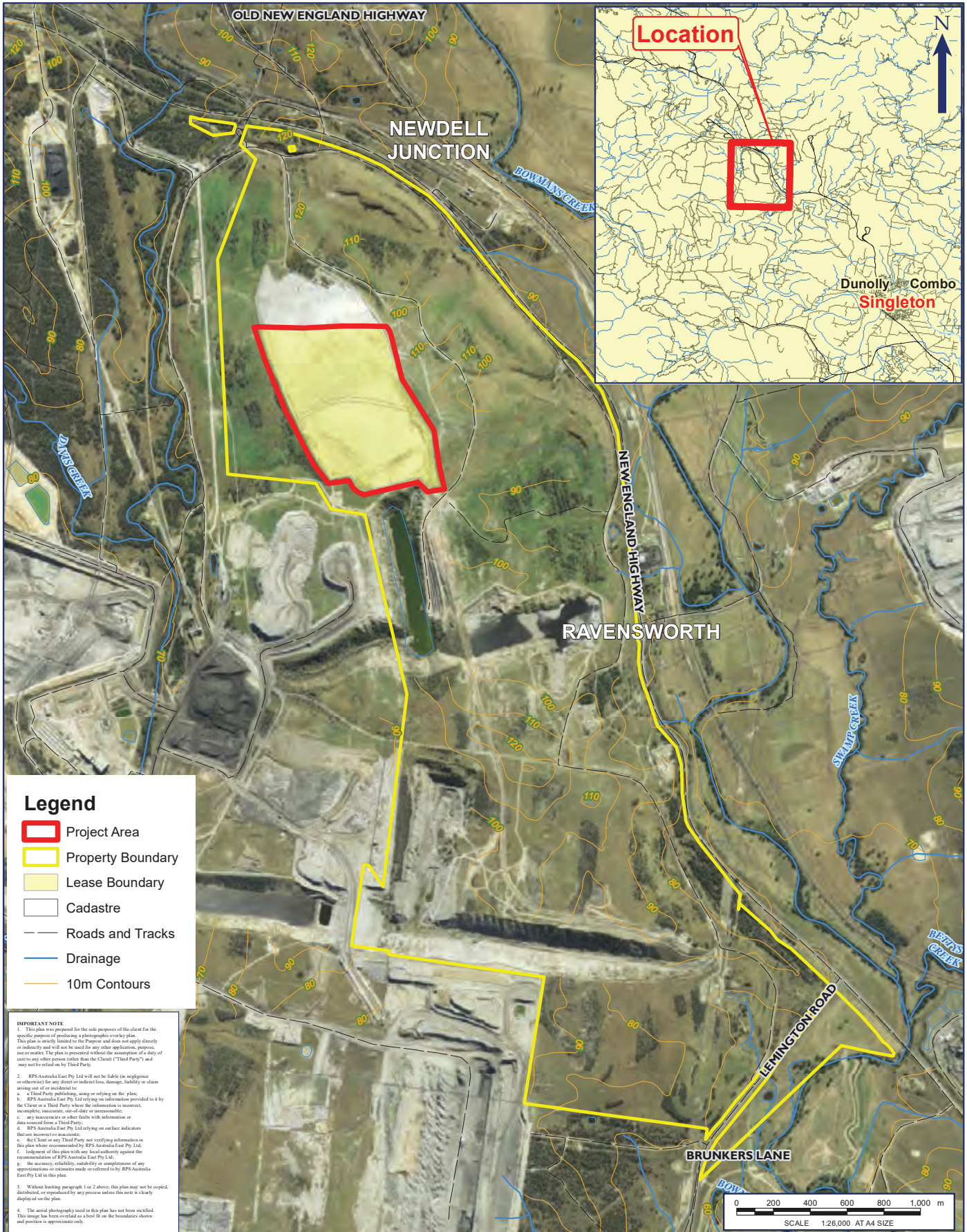


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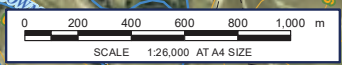


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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Paul Boyd and Lilly Carroll  
Didge Ngunawal Clan

**Our ref:** 141357  
**Via:** Email

Dear Paul and Lilly,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

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Yours sincerely

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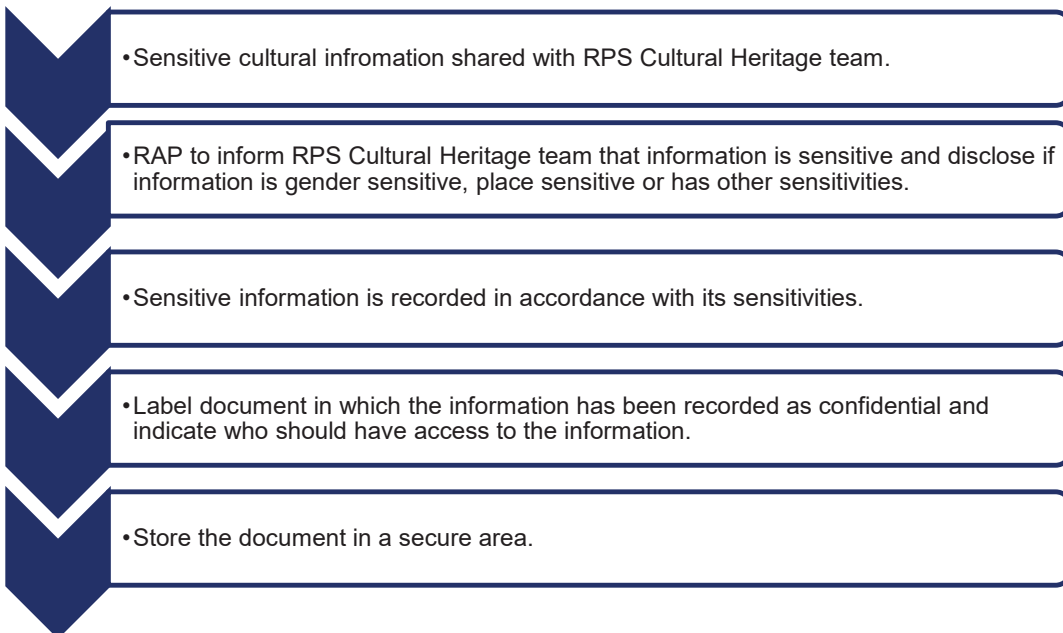
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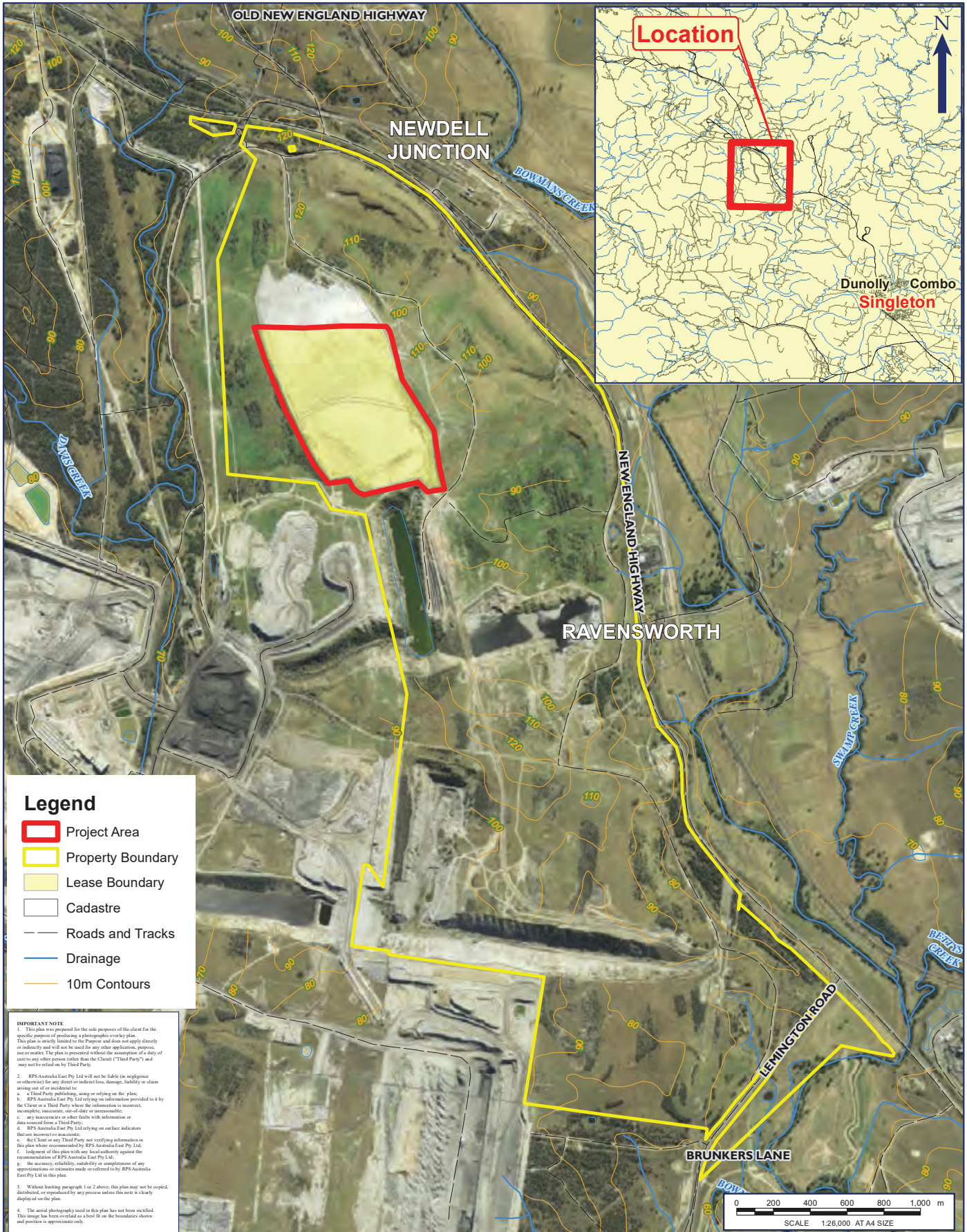
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Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
 NEW\_A4\_Porrait 2018 Rev: B Produced: NW Reviewed: NW Date: 22/08/2018





**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Craig Horne  
Gidawaa Walang Cultural Heritage Consultants

**Our ref:** 141357  
**Via:** Email

Dear Craig,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Wednesday 14 November by email or mail, addressing all feedback to:

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RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Information has been provided on the proposed project (as required at Stage 2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*) and the Aboriginal cultural heritage assessment, including information relating to proposed archaeological survey under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code) and information relating to the assessment of cultural significance (as required at Stage 3 of the *Aboriginal cultural heritage consultation requirements for proponents 2010*).

## 1.1 Project Information

RPS Australia East Pty Ltd has been engaged by Bettergrow Pty Ltd to prepare an Aboriginal cultural heritage assessment and conduct consultation under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* in relation to an application for the expansion of the existing composting facility to authorise the receipt of up to 200,000 tonnes per annum of organic materials on the filled and capped Void 3 of the former Ravensworth No. 2 mine owned by AGL Macquarie Pty Ltd at Part Lot 10 DP 1204457 in Ravensworth, NSW. The Project Area is shown in Figure 1.

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Fieldwork will be conducted in accordance with the requirements set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* ([DECCW 2010](#)).

### Survey Aims

The purpose of the survey is to inspect visible ground surfaces, observe exposed soil profiles or other visible features present in the Project Area to determine whether there are Aboriginal objects or cultural values associated with the Project Area. The survey aims to record any cultural sites or Aboriginal landscapes, if identified by the Aboriginal stakeholders.

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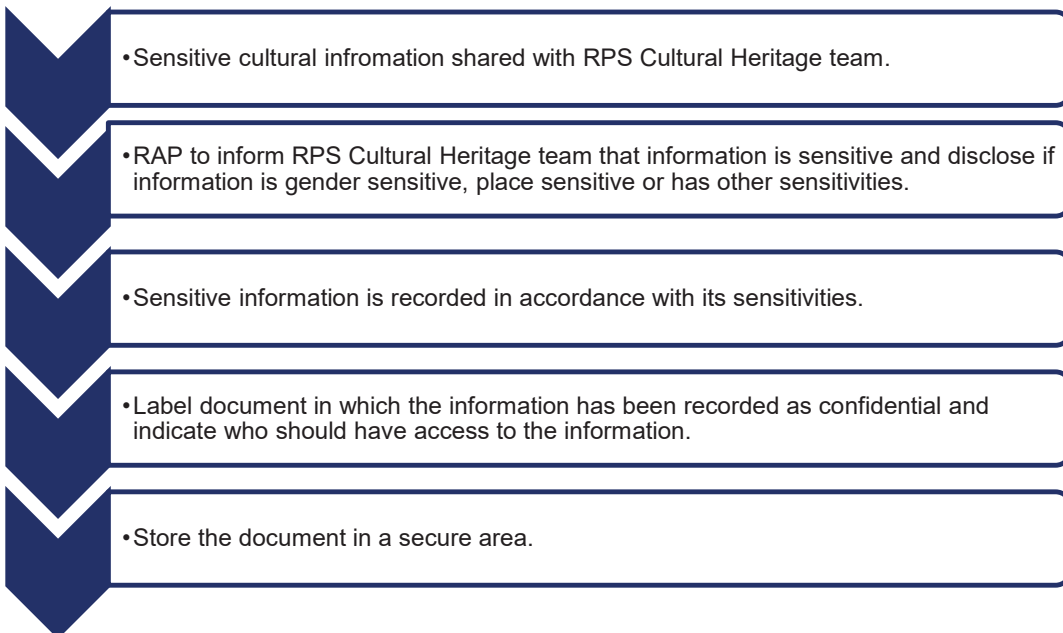
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#### 1.4 Feedback Form for Composting Facility, Ravensworth, NSW

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Name.....

Registered Aboriginal Party.....

Signature.....

Date.....

Please send this document signed within 28 days back to **Nicola Hirschhorn** via:

- **Post:** PO Box 120, Carrington NSW 2294
- **Email:** Nicola.hirschhorn@rpsgroup.com.au

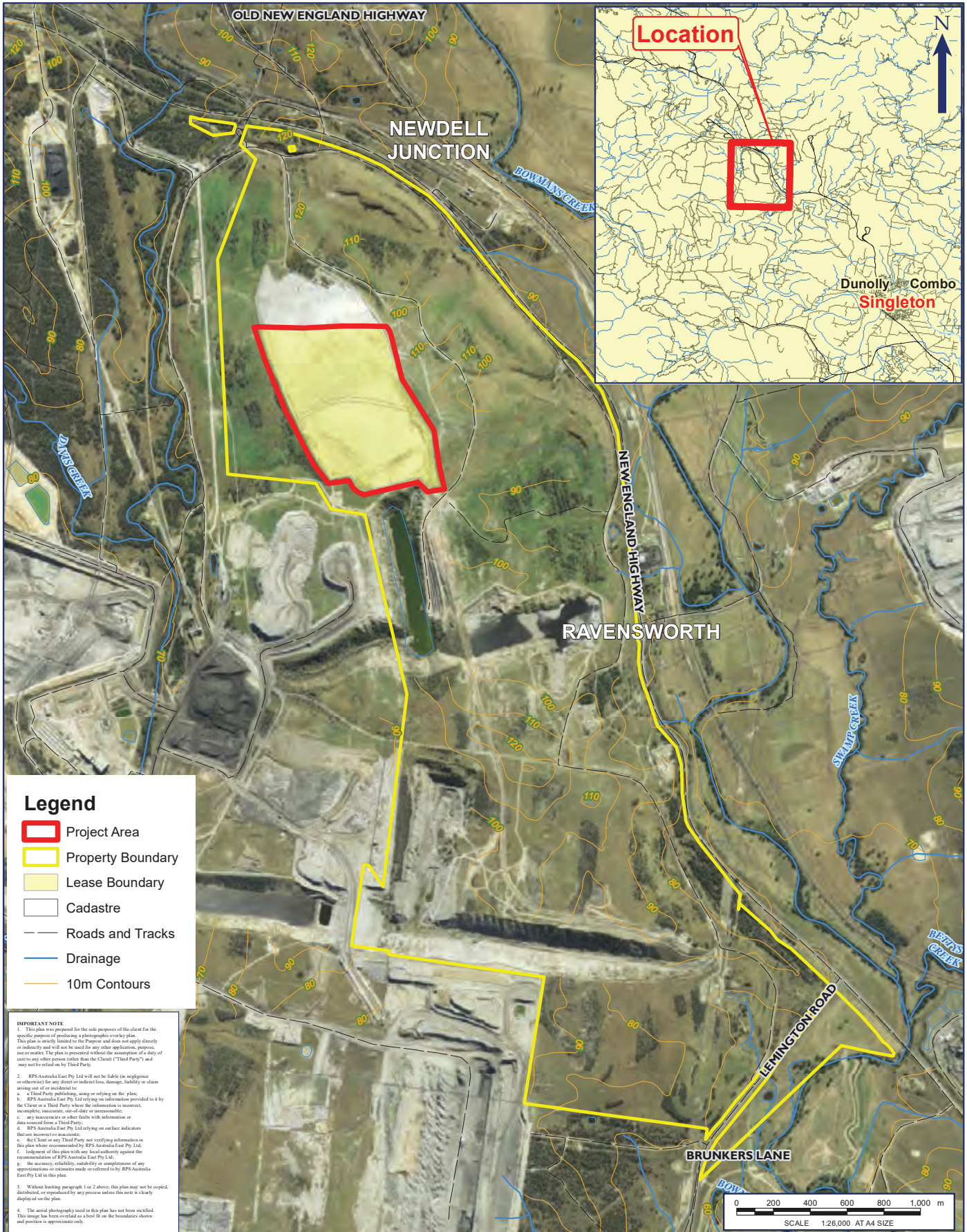


## 1.5 References

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**Legend**

- Project Area
- Property Boundary
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- Cadastre
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- Drainage
- 10m Contours

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**FIGURE 1: SITE LOCATION**

LOCATION:	RAVENSWORTH	DATUM: GDA94
JOB NO.:	PR141357	PROJECTION: MGA Zone 56
PURPOSE:	HERITAGE	Data Sources: RPS, Client Land and Property 2017
Technician:	Natalie.Wood	Date: 3/10/2018

CLIENT: BETTERGROW PTY LTD

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294  
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Rhonda Griffiths  
Hunter Valley Aboriginal Corporation

**Our ref:** 141357  
**Via:** Email

Dear Rhonda,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

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Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

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## 1.1 Project Information

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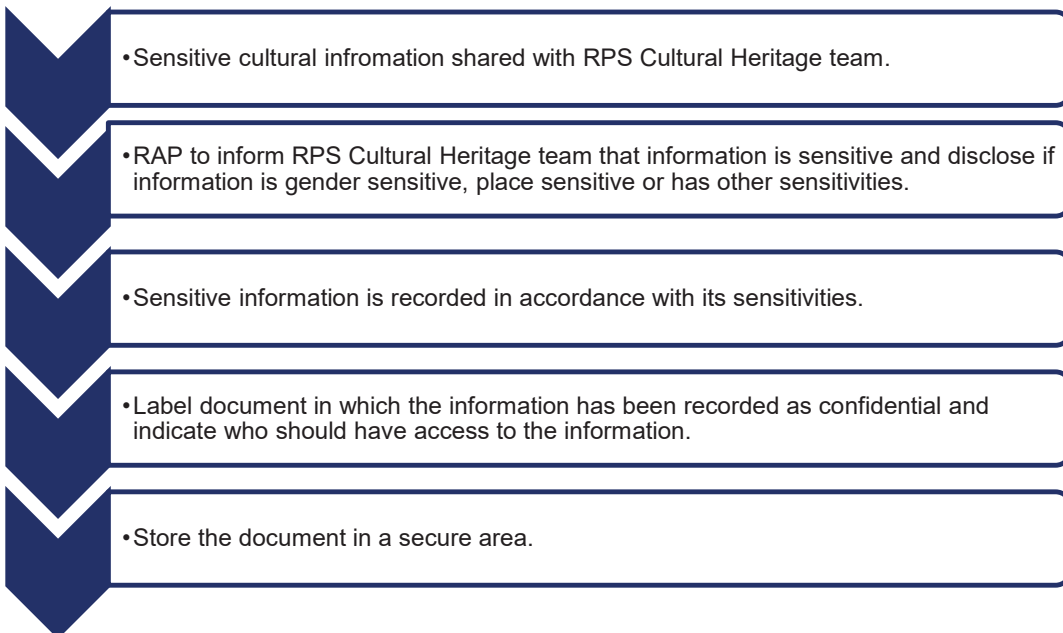
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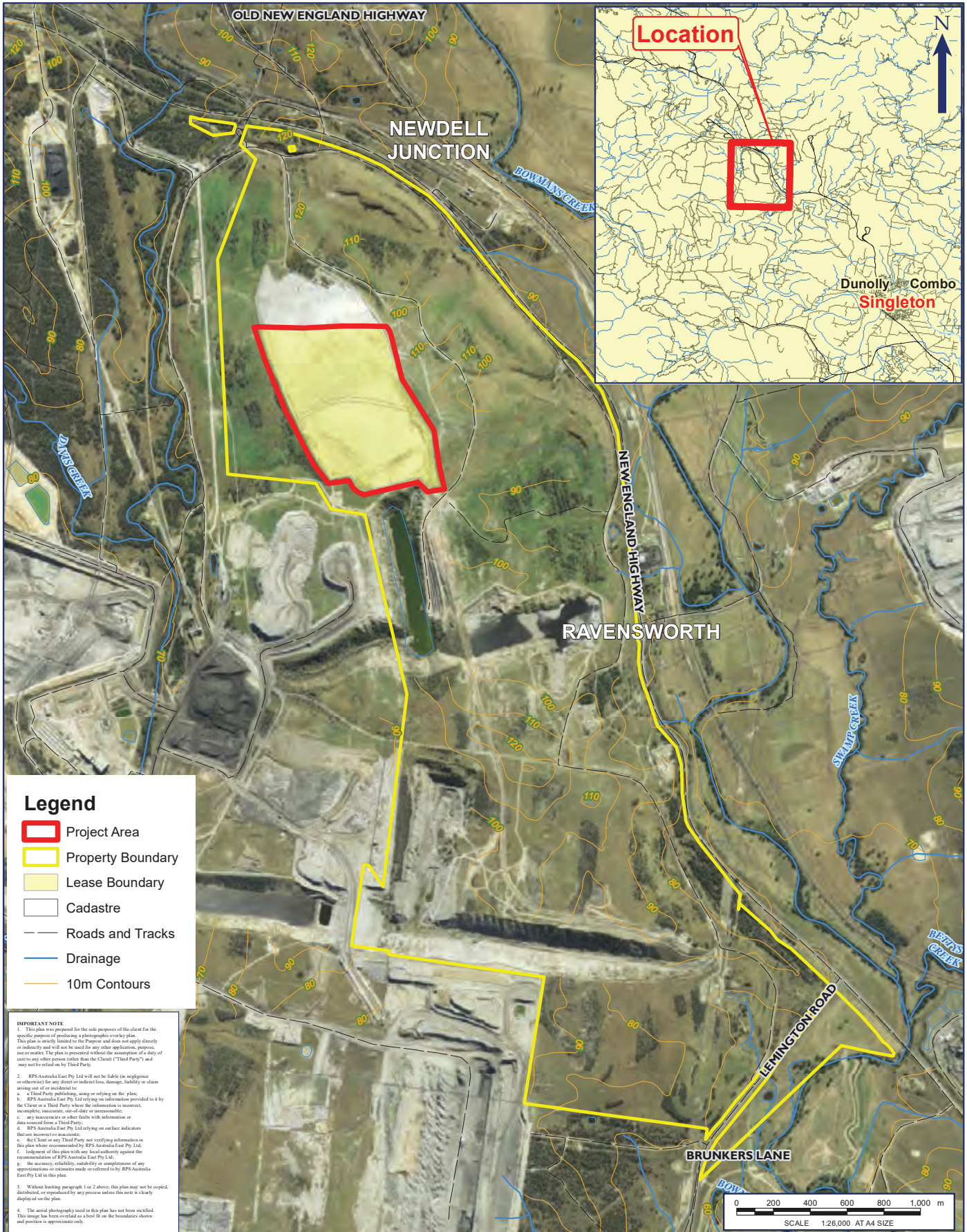


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**Legend**

- Project Area
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	
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RPS Australia East Pty Ltd  
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17 October 2018

Luke Hickey  
Hunter Valley Cultural Surveying

**Our ref:** 141357  
**Via:** Email

Dear Luke,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

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Yours sincerely

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Alex Byrne  
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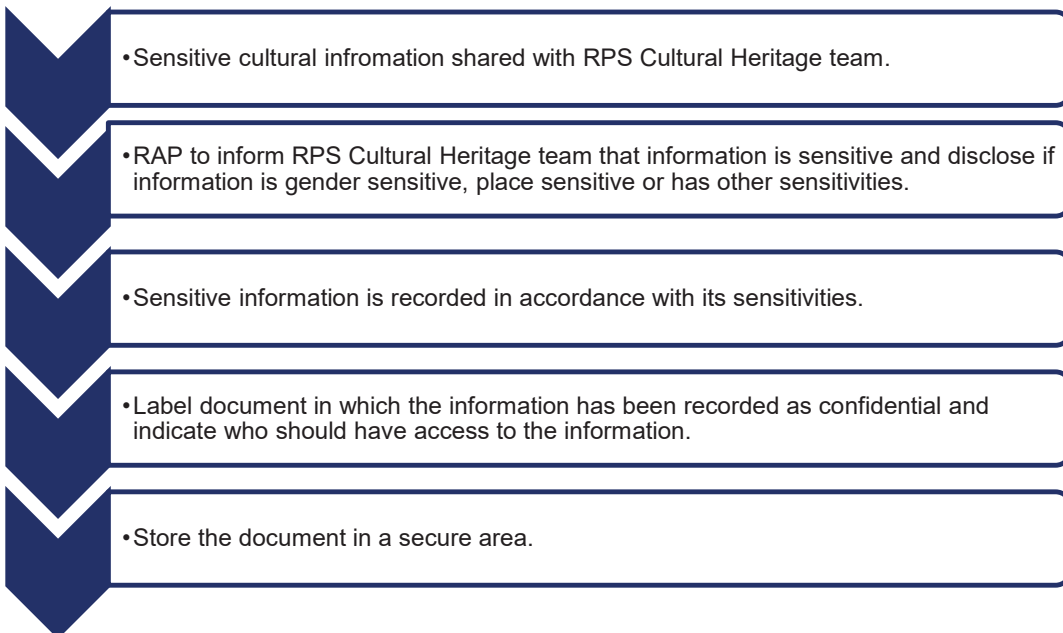
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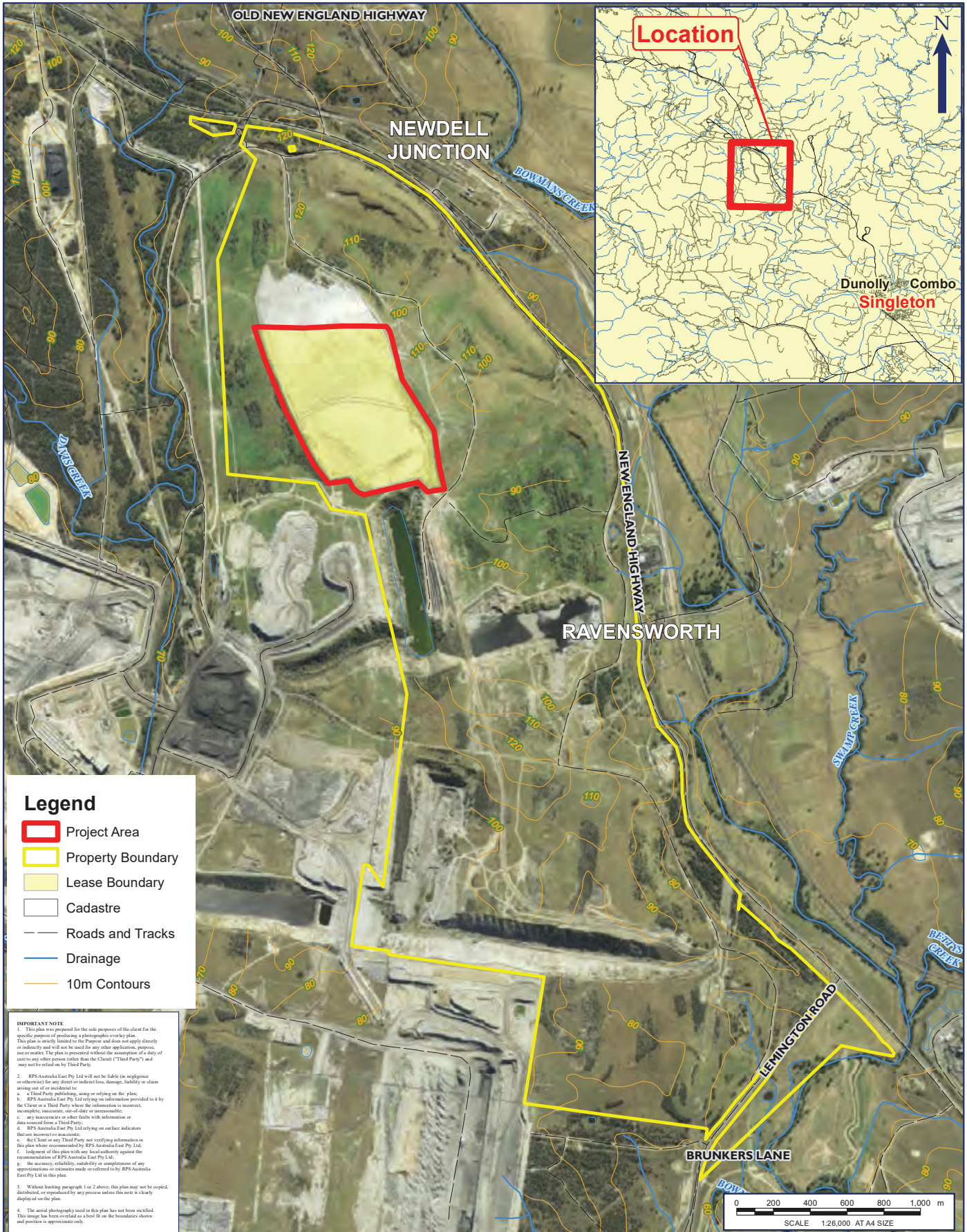
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Les Atkinson  
Jarban & Mugrebea

**Our ref:** 141357  
**Via:** Email

Dear Les,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

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Yours sincerely

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Alex Byrne  
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### Survey Aims

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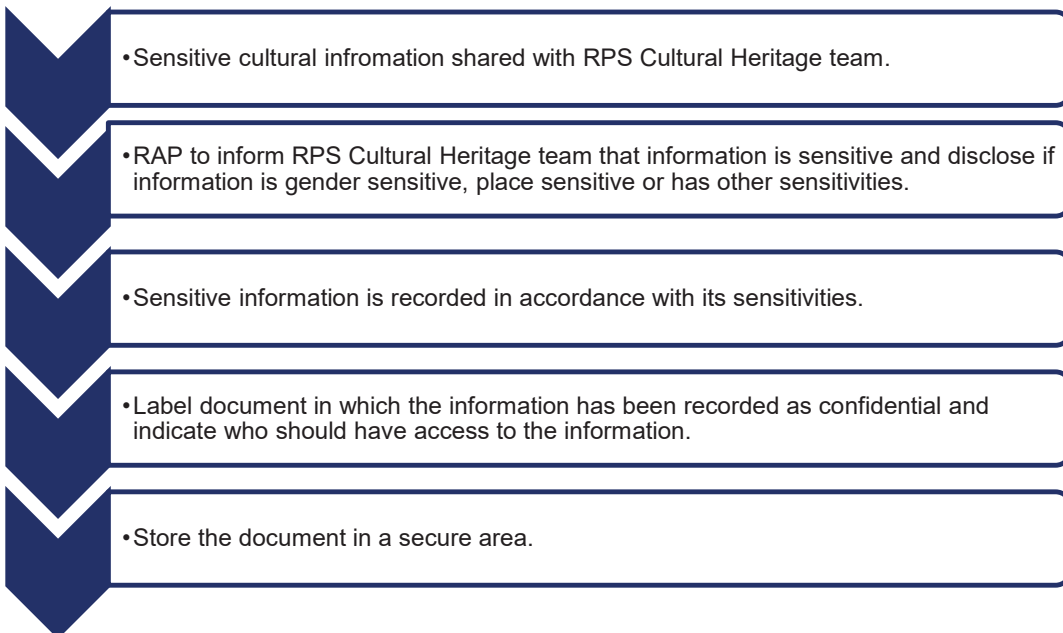
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Registered Aboriginal Party.....

Signature.....

Date.....

Please send this document signed within 28 days back to **Nicola Hirschhorn** via:

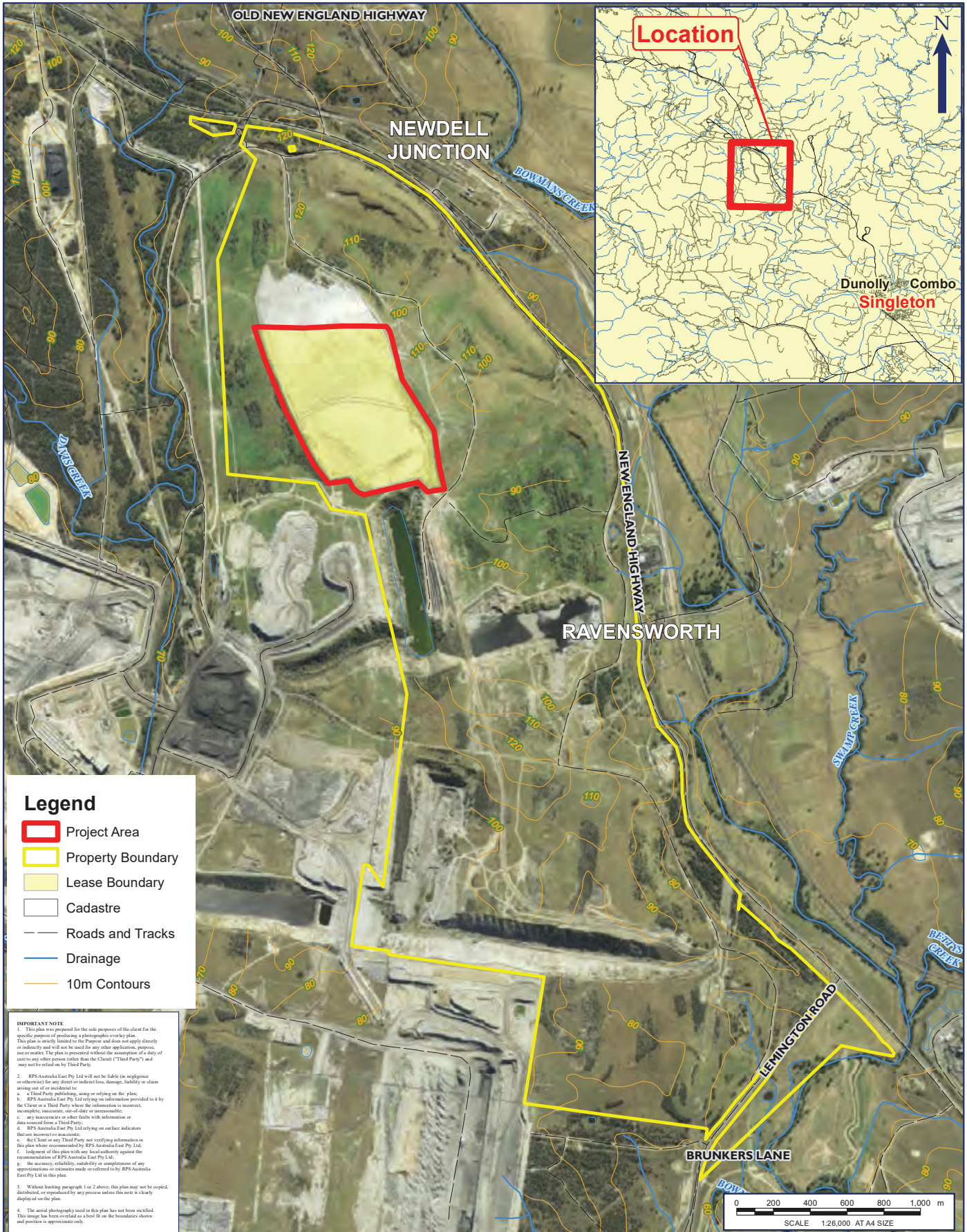
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**Legend**

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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	RPS
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**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Norman Archibald  
JTM Traffic Management

**Our ref:** 141357  
**Via:** Email

Dear Norman,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Wednesday 14 November by email or mail, addressing all feedback to:

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RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

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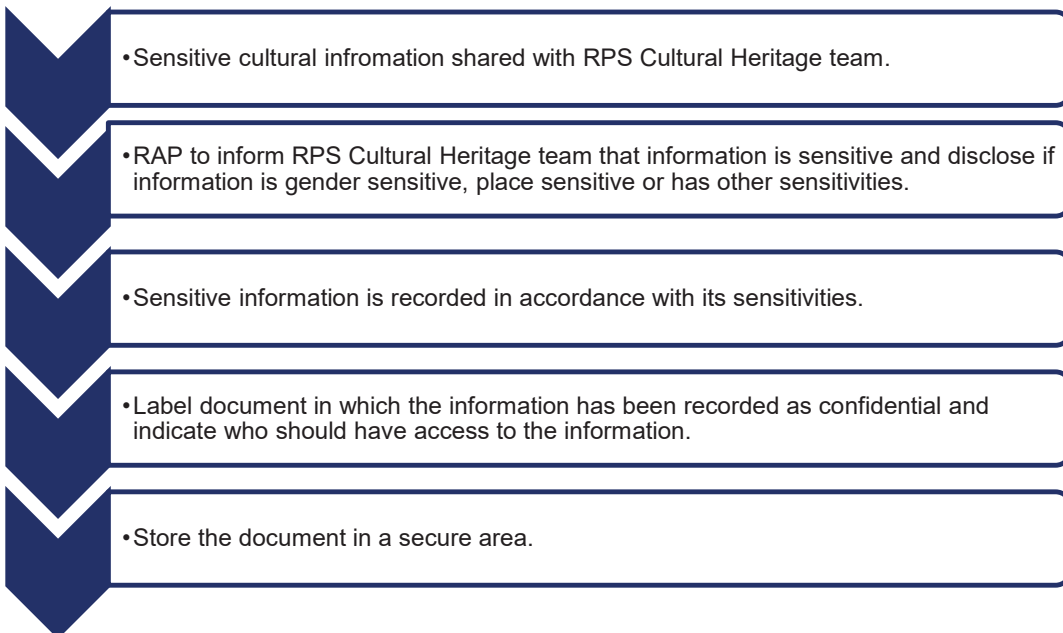
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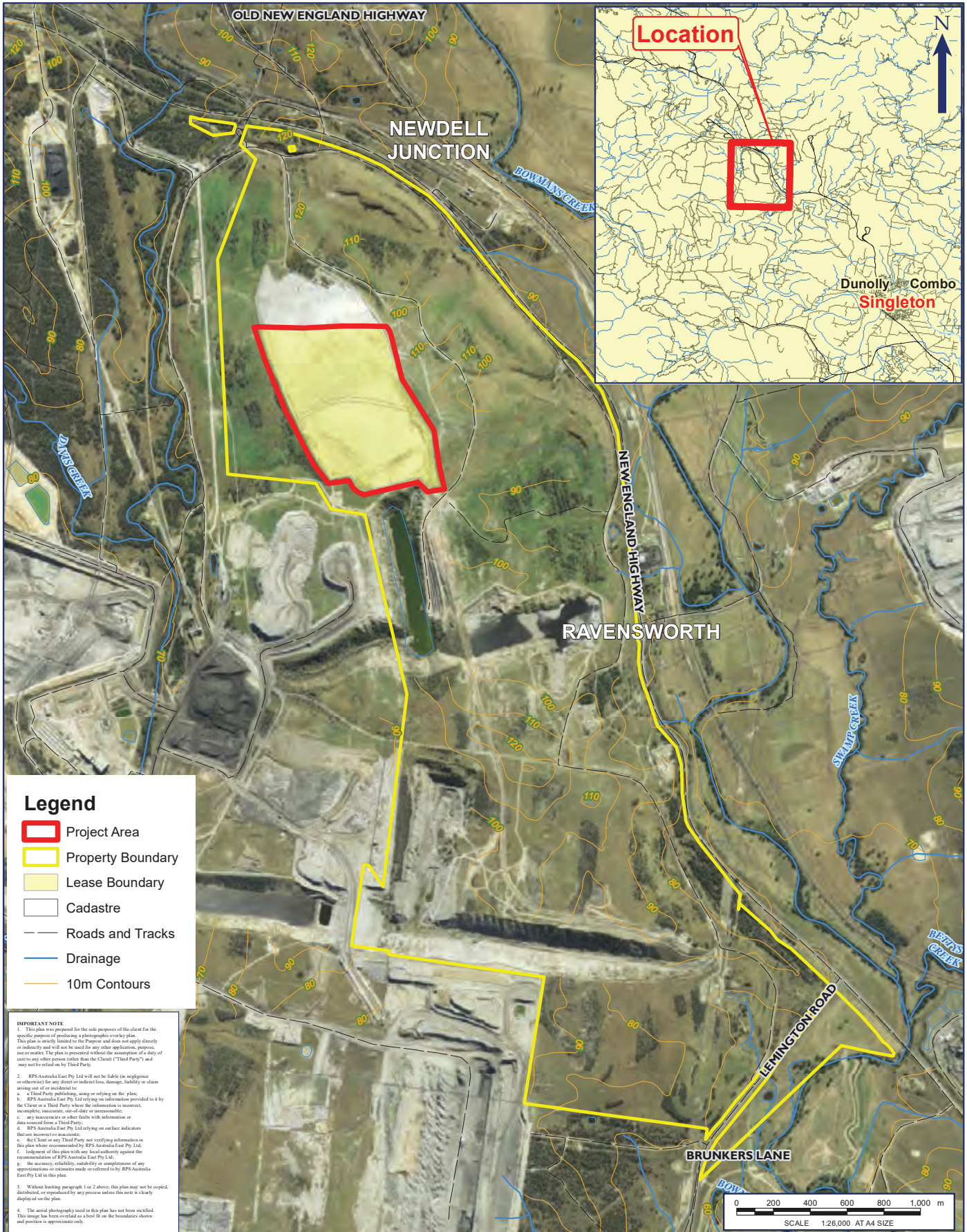


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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	
Technician: Natalie.Wood    Date: 3/10/2018	





**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Vickey Slater  
Kawul Cultural Services

**Our ref:** 141357  
**Via:** Email

Dear Vickey,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Wednesday 14 November by email or mail, addressing all feedback to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

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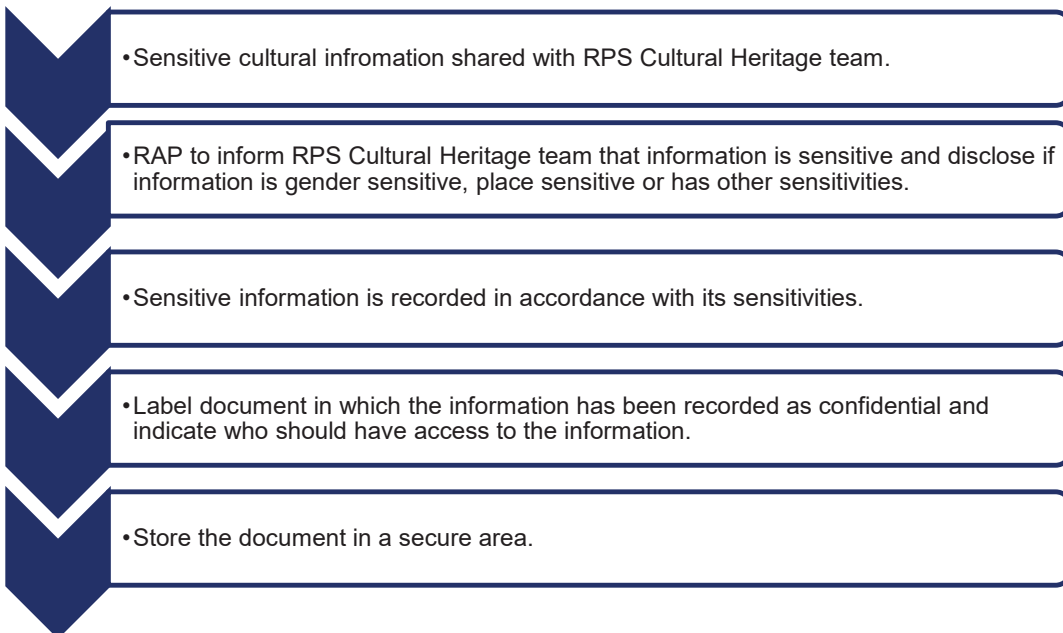
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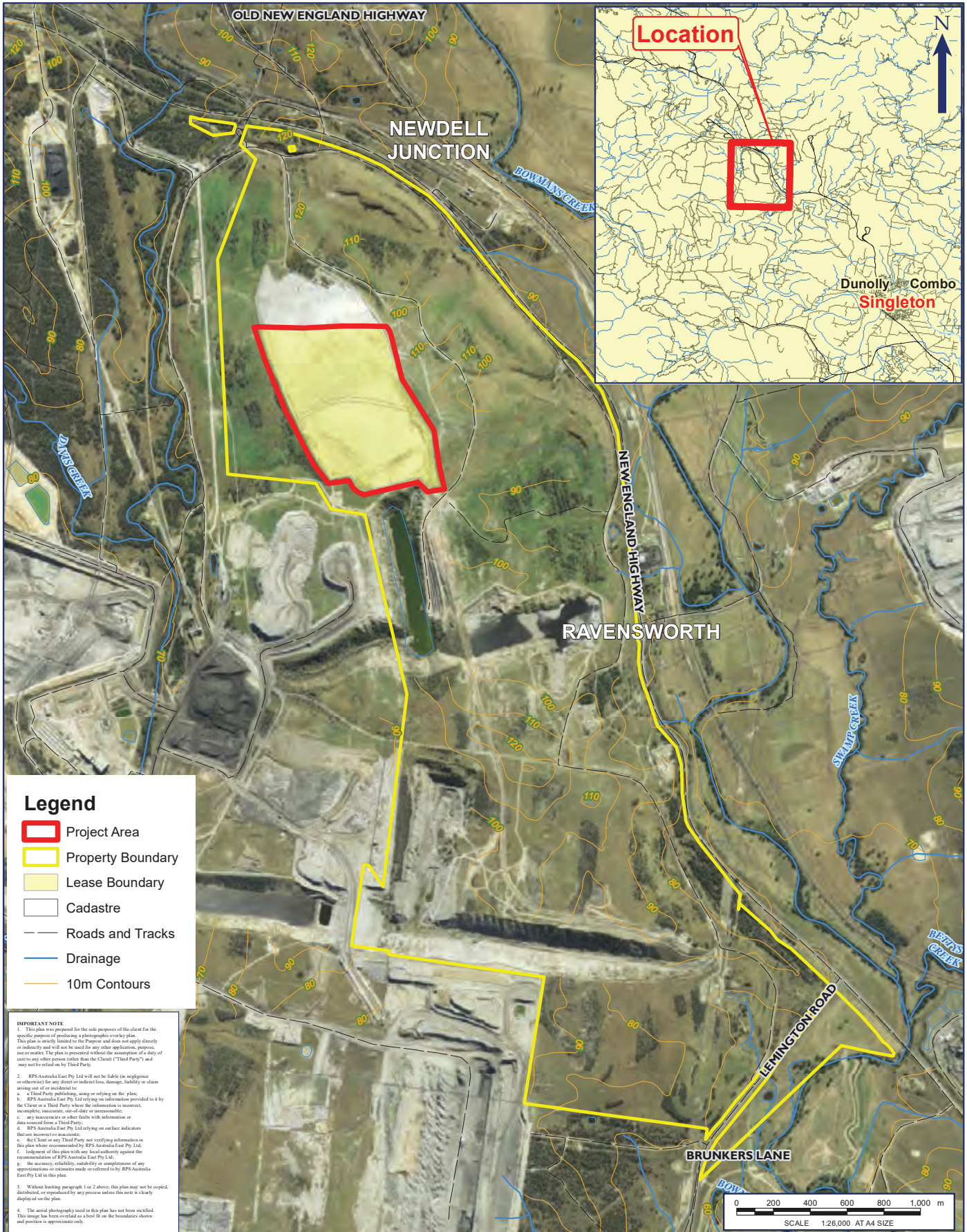
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Tom Miller  
Lower Hunter Wonnarua Cultural Services

**Our ref:** 141357  
**Via:** Email

Dear Tom,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

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Yours sincerely

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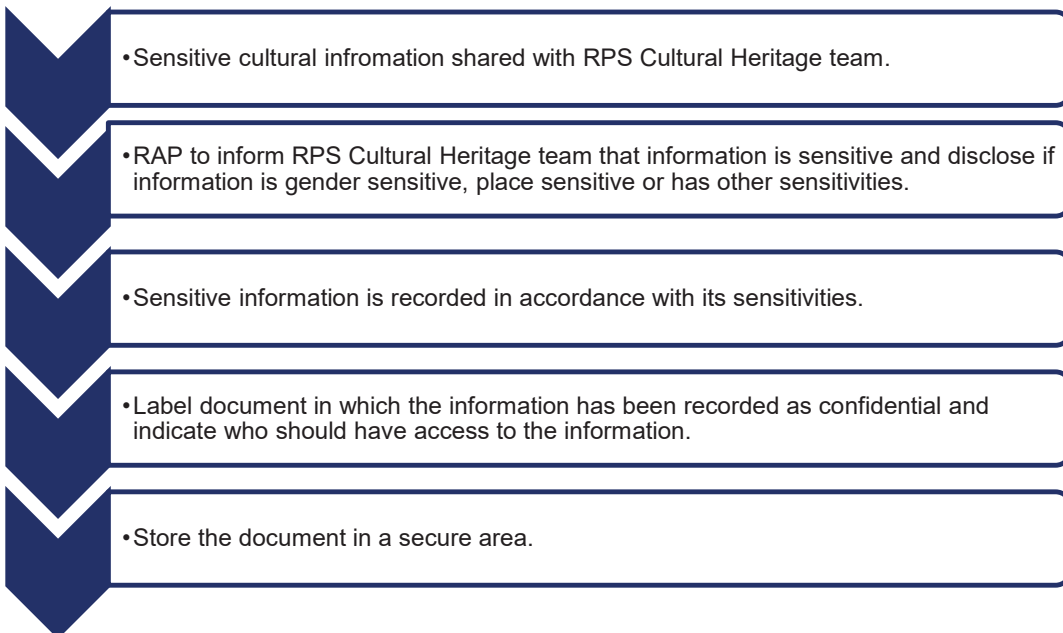
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- **Email:** Nicola.hirschhorn@rpsgroup.com.au

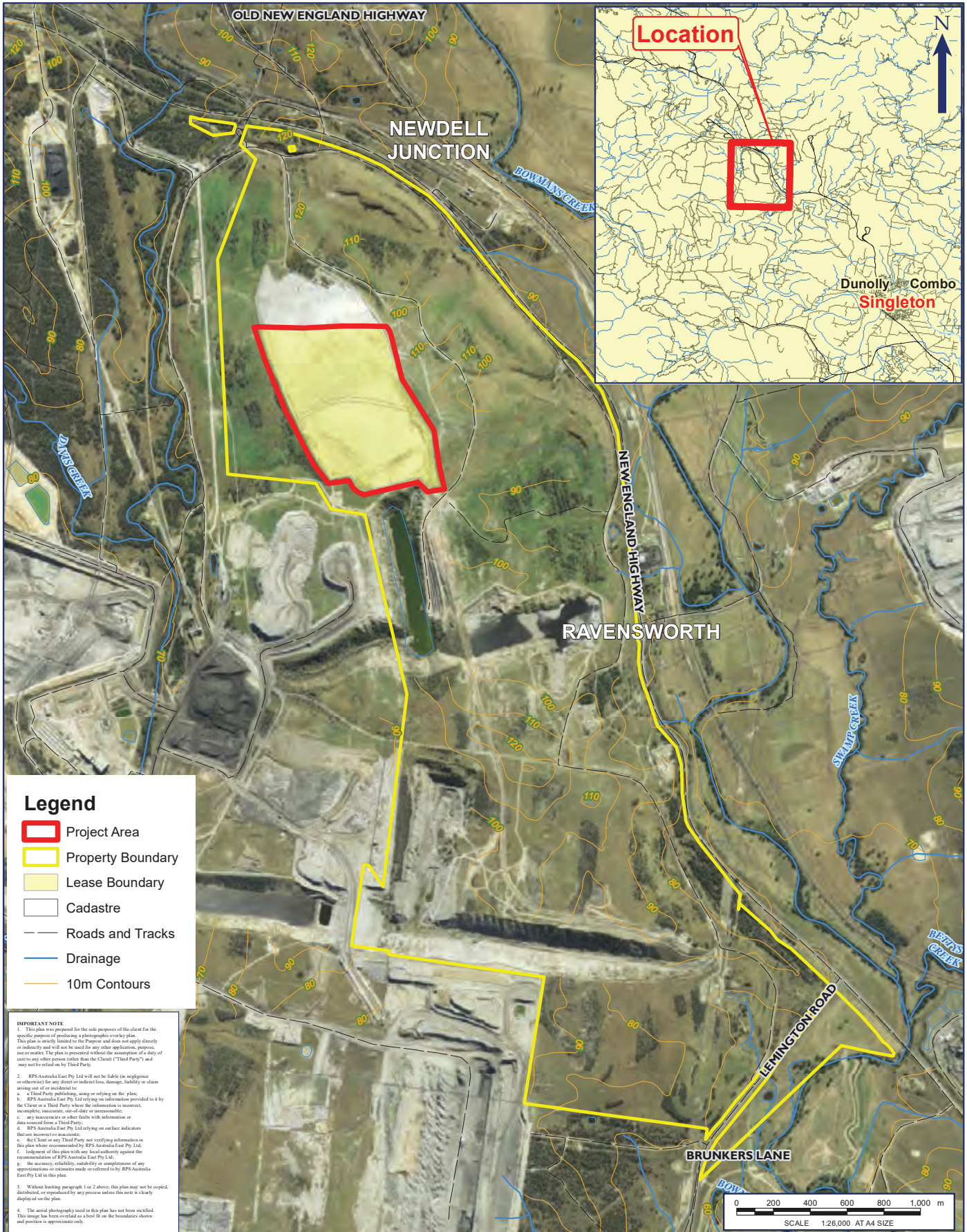


## 1.5 References

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**Legend**

- Project Area
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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood Date: 3/10/2018

Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
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**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Ryan Johnson  
Murra Bidgee Mullangari

**Our ref:** 141357  
**Via:** Email

Dear Ryan,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Wednesday 14 November by email or mail, addressing all feedback to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Information has been provided on the proposed project (as required at Stage 2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*) and the Aboriginal cultural heritage assessment, including information relating to proposed archaeological survey under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code) and information relating to the assessment of cultural significance (as required at Stage 3 of the *Aboriginal cultural heritage consultation requirements for proponents 2010*).

## 1.1 Project Information

RPS Australia East Pty Ltd has been engaged by Bettergrow Pty Ltd to prepare an Aboriginal cultural heritage assessment and conduct consultation under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* in relation to an application for the expansion of the existing composting facility to authorise the receipt of up to 200,000 tonnes per annum of organic materials on the filled and capped Void 3 of the former Ravensworth No. 2 mine owned by AGL Macquarie Pty Ltd at Part Lot 10 DP 1204457 in Ravensworth, NSW. The Project Area is shown in Figure 1.

The Preliminary Environmental Assessment (PEA) and Secretary's Environmental Assessment Requirements (SEARs) included a requirement for an Aboriginal Cultural Heritage Assessment and consultation with relevant Aboriginal community stakeholders in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

As part of the Aboriginal cultural heritage assessment, RPS intends to conduct an archaeological survey of the impact area of the proposed composting facility extension to determine whether there are Aboriginal objects present within the impact zone. It is noted that this Project Area is the site of a former mine void which has been filled in and as such, it is not expected that Aboriginal objects would be present.

## 1.2 Archaeological Survey

Fieldwork will be conducted in accordance with the requirements set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* ([DECCW 2010](#)).

### Survey Aims

The purpose of the survey is to inspect visible ground surfaces, observe exposed soil profiles or other visible features present in the Project Area to determine whether there are Aboriginal objects or cultural values associated with the Project Area. The survey aims to record any cultural sites or Aboriginal landscapes, if identified by the Aboriginal stakeholders.

### Sampling Strategy

The purpose of a sampling strategy is to provide a framework for conducting archaeological surveys in a manner which can be quantified and thus can be compared to other survey reports in the local landscape and for regional comparison ([Burke and Smith 2004](#)). The sampling strategy used for this assessment will target all locations where soils are exposed – there are no natural landforms remaining within the Project Area due to the previous land uses as outlined in Section 1.1 above. Therefore, landform sampling is not possible. It is anticipated that Aboriginal objects, if present, will not be *in situ* but rather will be associated with the imported fill which has been placed at the site to fill in the mine void.



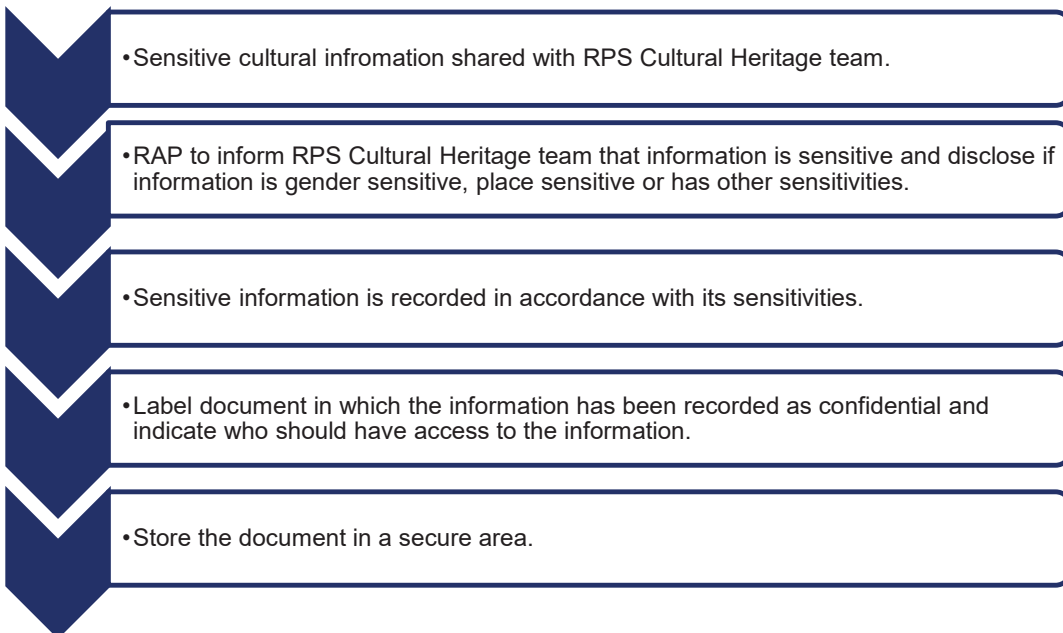
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The survey will be conducted on foot (pedestrian) and targeted the soils exposures identified in the sampling strategy above. The area surveyed will be recorded as one survey unit due to its nature.

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### 1.3 Identification and Assessment of Cultural Significance

Opportunities for the provision of cultural information in relation to the project will be provided as part of the consultation process including during the archaeological survey. Cultural information provided by Registered Aboriginal Parties will be recorded and discussed in the report, unless the information is too sensitive to be made public. If sensitive cultural information is received, the protocol below will be adopted, or another protocol adopted as agreed by the Registered Aboriginal Parties.







#### 1.4 Feedback Form for Composting Facility, Ravensworth, NSW

I have been sent information regarding the proposed project and the approach to the Aboriginal cultural heritage assessment including the archaeological survey and protocols for the management of sensitive cultural information, for the proposed expansion of the composting facility at Ravensworth, NSW. I seek to endorse the proposed approach and methods, unless otherwise stated below, or with the following amendments:


Name.....

Registered Aboriginal Party.....

Signature.....

Date.....

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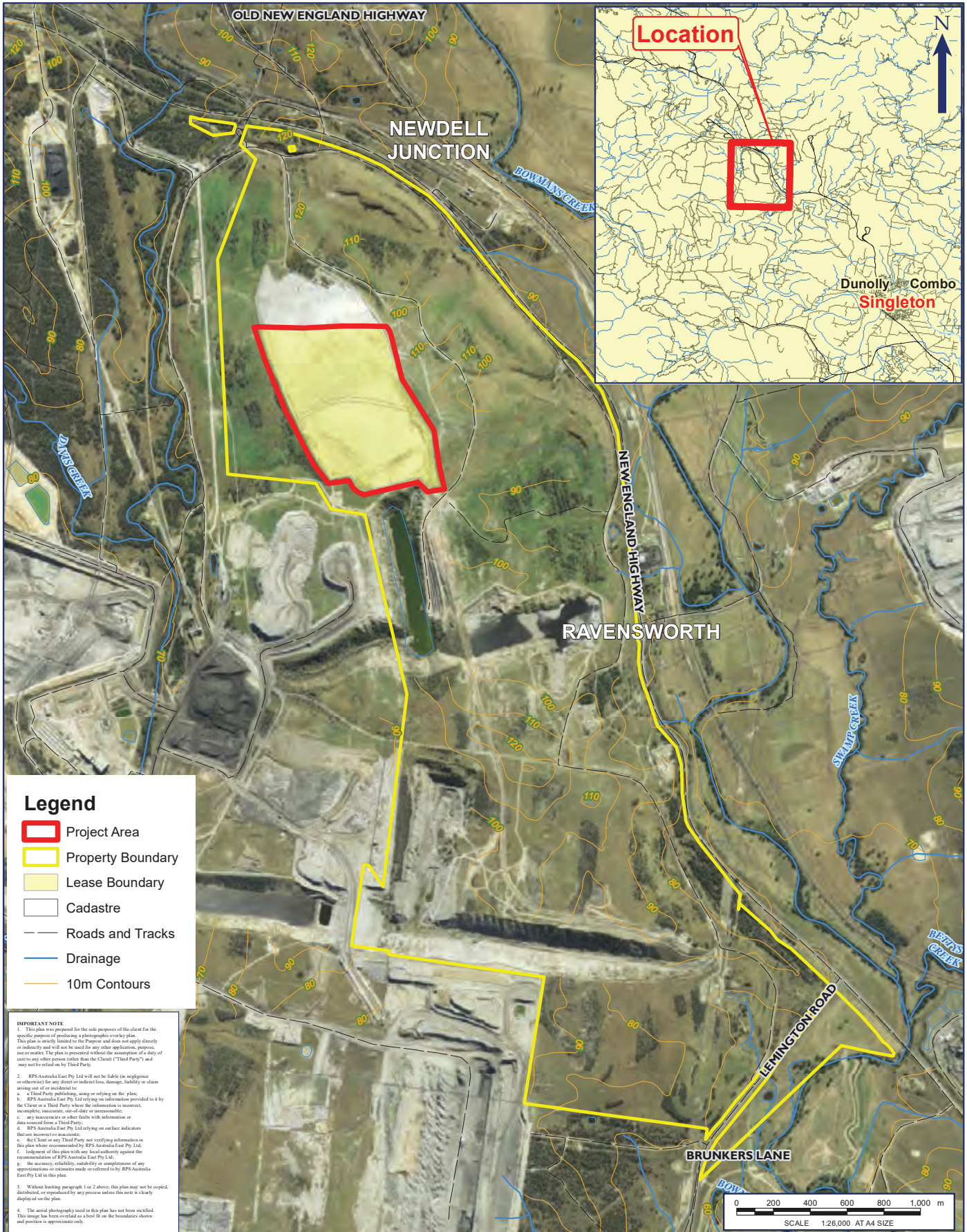


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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	
Technician: Natalie.Wood    Date: 3/10/2018	

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	RPS
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Tara Dever and Jason Brown  
Mindaribba Local Aboriginal Land Council

**Our ref:** 141357  
**Via:** Email

Dear Tara and Jason,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Wednesday 14 November by email or mail, addressing all feedback to:

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RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

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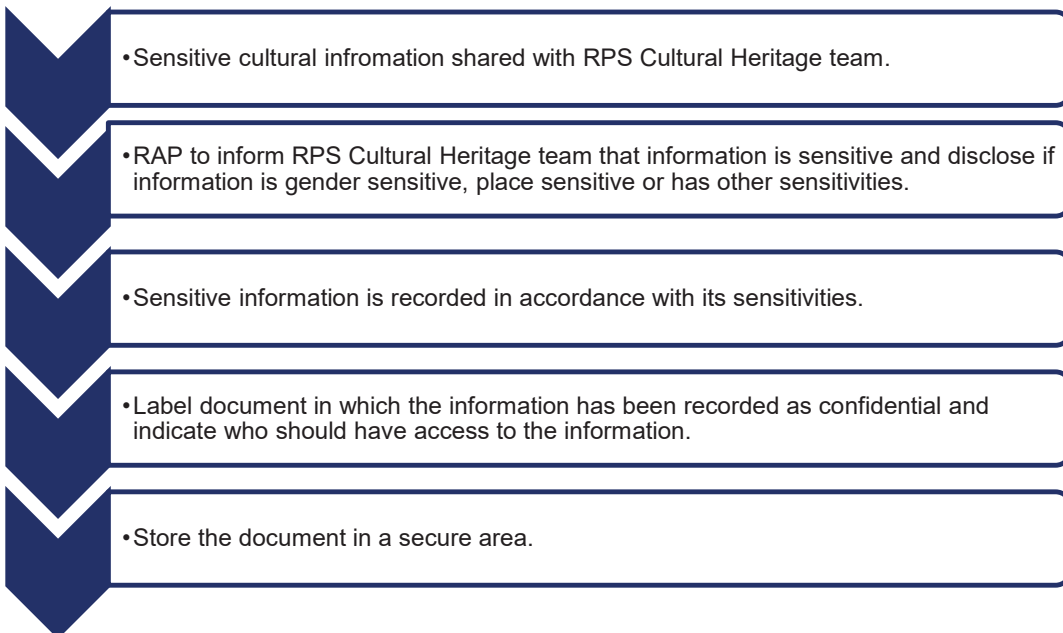
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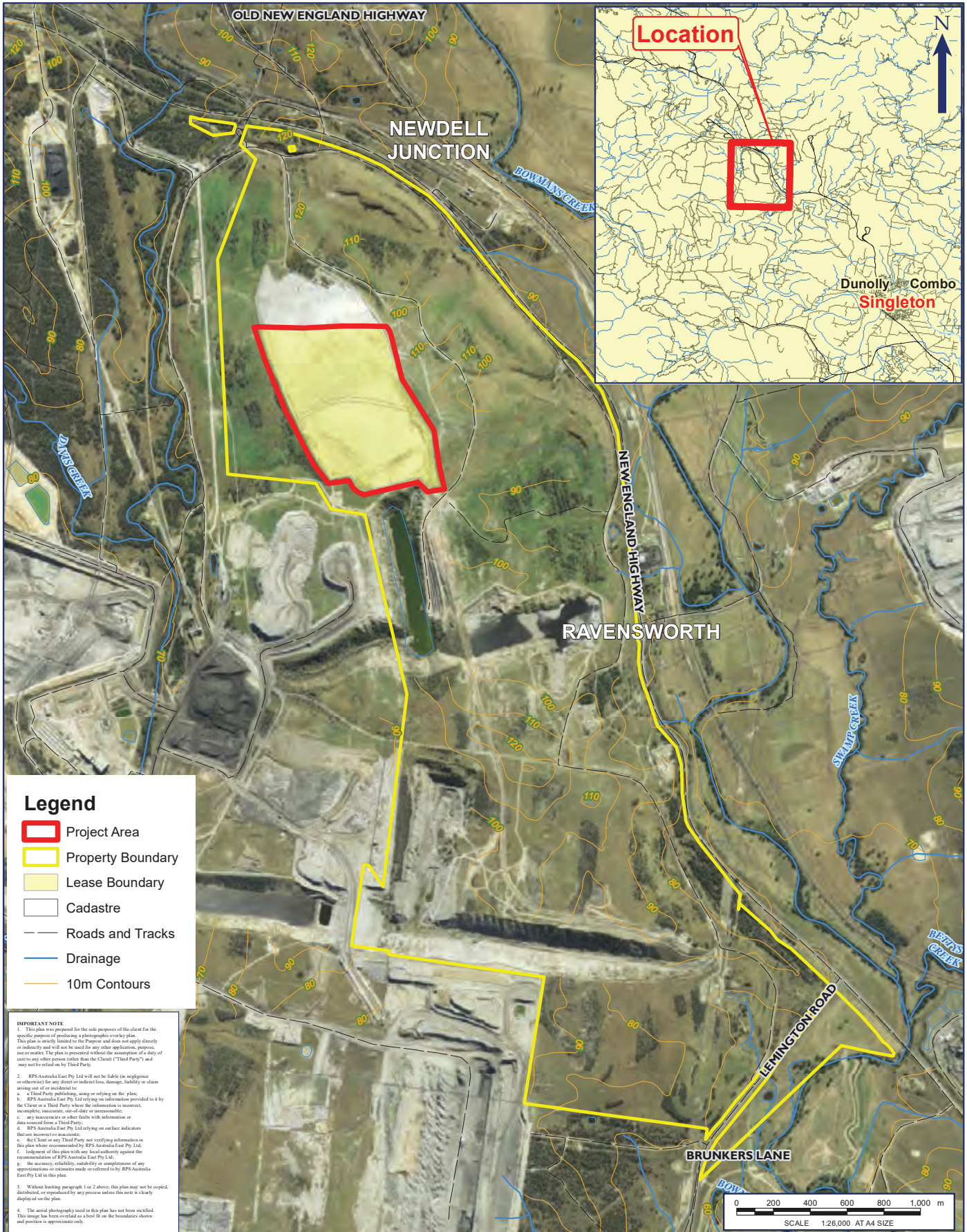


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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Stephen Talbott

**Our ref:** 141357  
**Via:** Email

Dear Stephen,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

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Yours sincerely

**RPS**

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Senior Heritage Consultant



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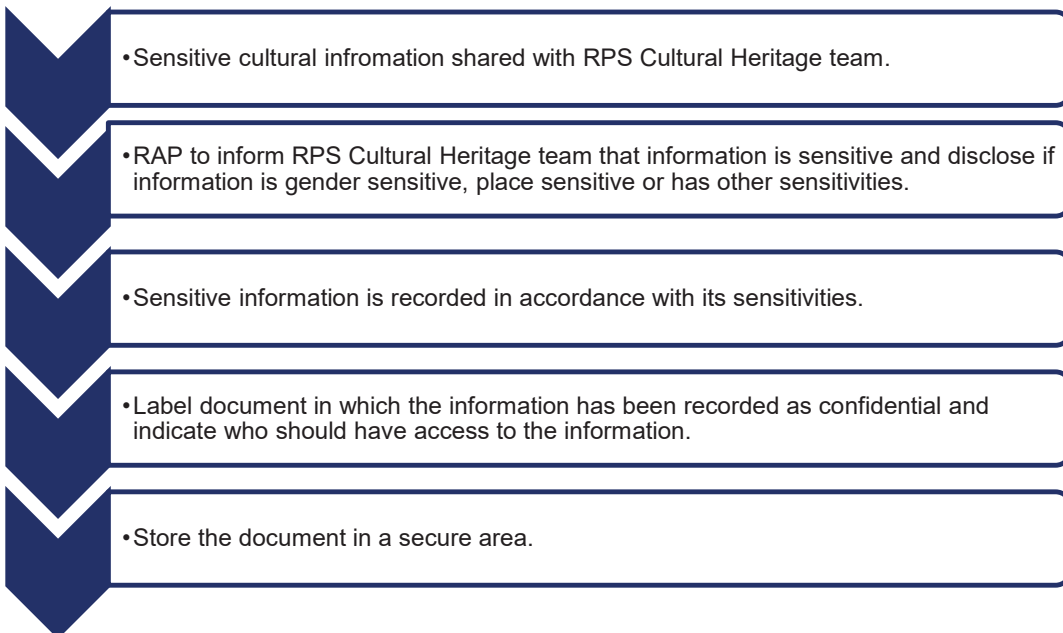
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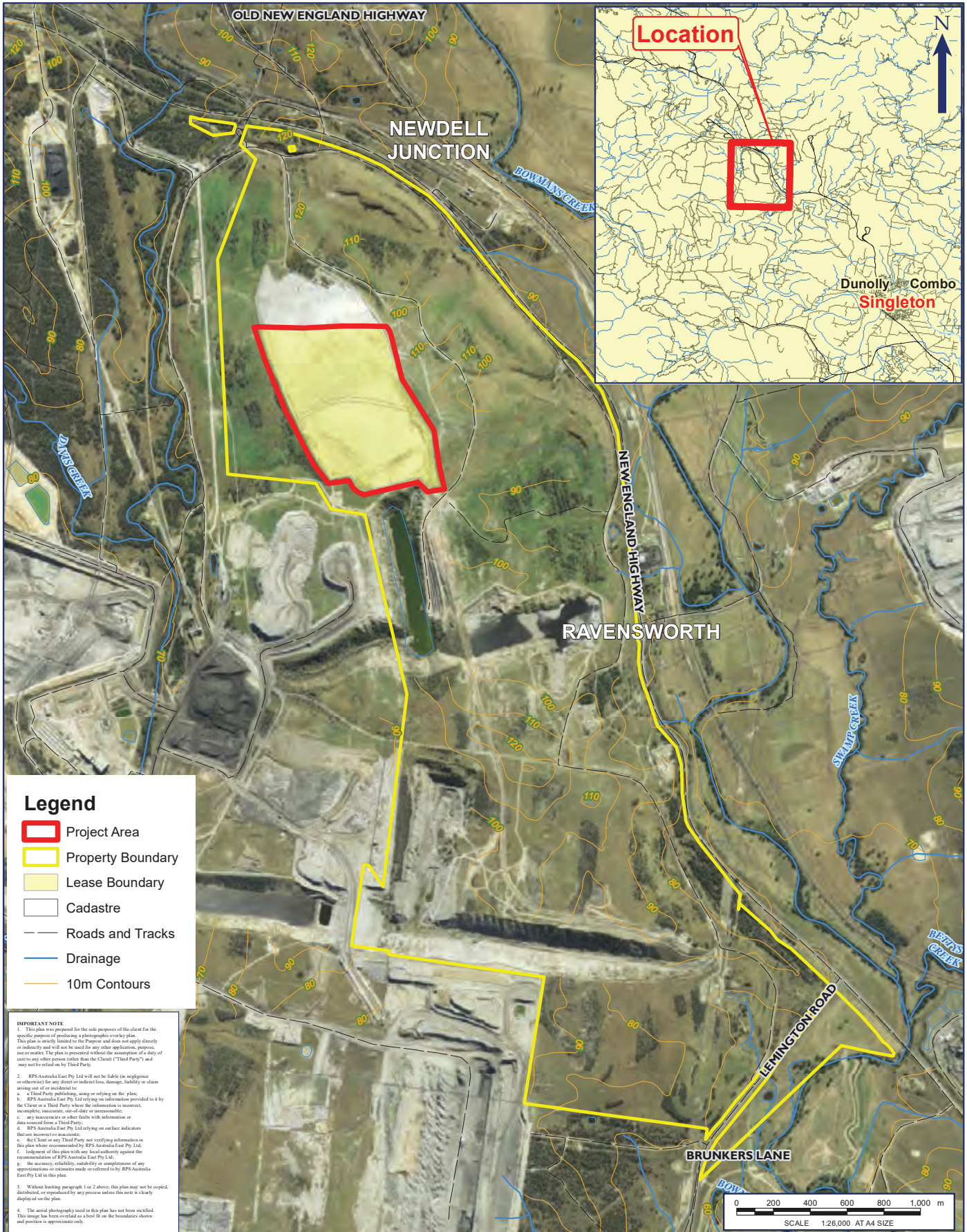
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LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	
Technician: Natalie.Wood	Date: 3/10/2018





**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Scott Franks  
Tocomwall

**Our ref:** 141357  
**Via:** Email

Dear Scott,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Wednesday 14 November by email or mail, addressing all feedback to:

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RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant



# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Information has been provided on the proposed project (as required at Stage 2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*) and the Aboriginal cultural heritage assessment, including information relating to proposed archaeological survey under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code) and information relating to the assessment of cultural significance (as required at Stage 3 of the *Aboriginal cultural heritage consultation requirements for proponents 2010*).

## 1.1 Project Information

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As part of the Aboriginal cultural heritage assessment, RPS intends to conduct an archaeological survey of the impact area of the proposed composting facility extension to determine whether there are Aboriginal objects present within the impact zone. It is noted that this Project Area is the site of a former mine void which has been filled in and as such, it is not expected that Aboriginal objects would be present.

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Fieldwork will be conducted in accordance with the requirements set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* ([DECCW 2010](#)).

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The purpose of the survey is to inspect visible ground surfaces, observe exposed soil profiles or other visible features present in the Project Area to determine whether there are Aboriginal objects or cultural values associated with the Project Area. The survey aims to record any cultural sites or Aboriginal landscapes, if identified by the Aboriginal stakeholders.

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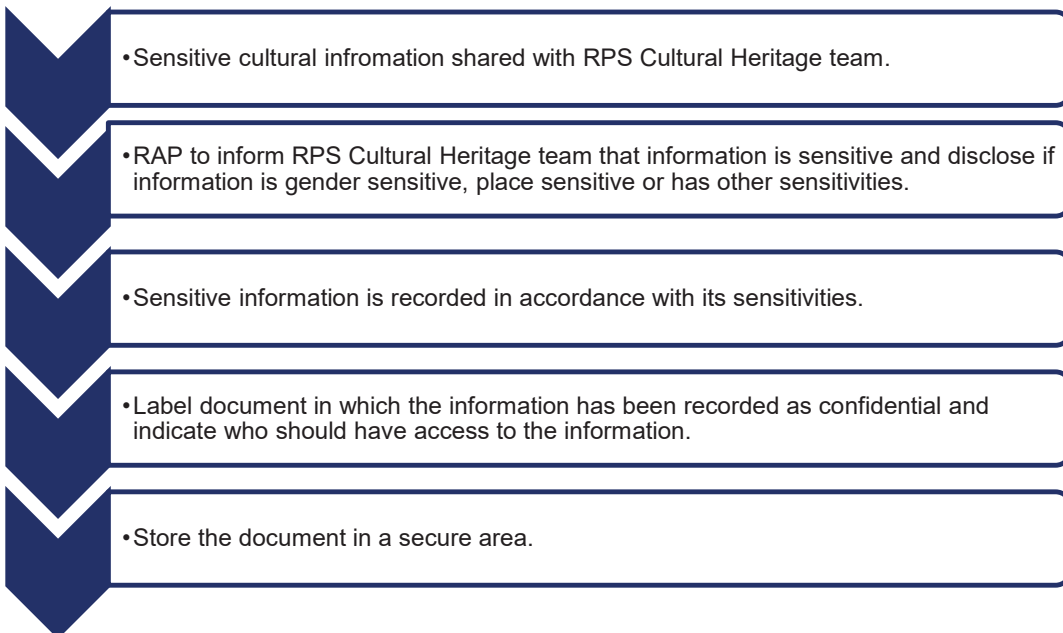
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Registered Aboriginal Party.....

Signature.....

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Please send this document signed within 28 days back to **Nicola Hirschhorn** via:

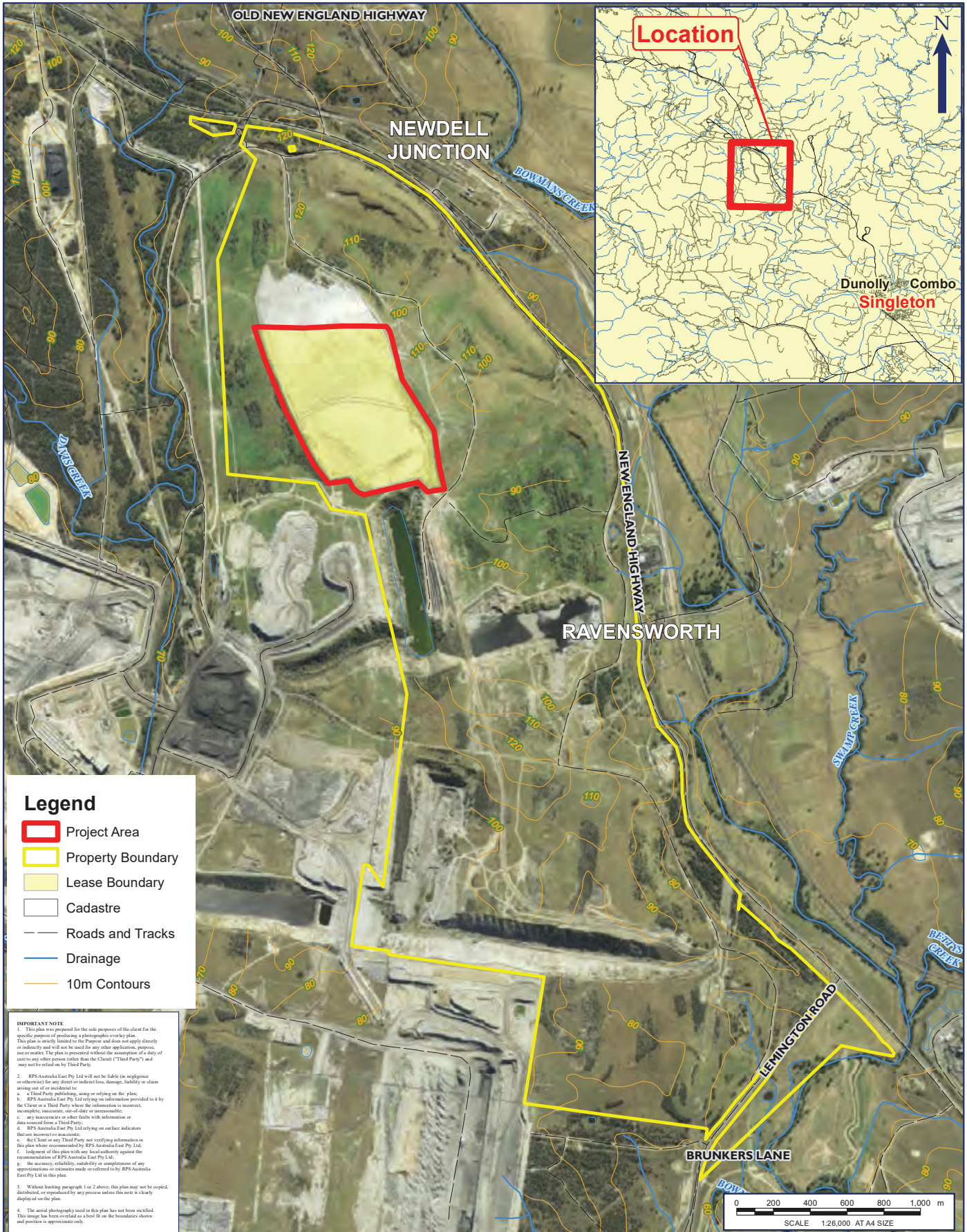
- **Post:** PO Box 120, Carrington NSW 2294
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## 1.5 References

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**Legend**

- Project Area
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- Lease Boundary
- Cadastre
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- Drainage
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JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	<b>RPS</b>
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Allen Paget  
Ungooroo

**Our ref:** 141357  
**Via:** Email

Dear Allen,

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Yours sincerely

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Alex Byrne  
Senior Heritage Consultant



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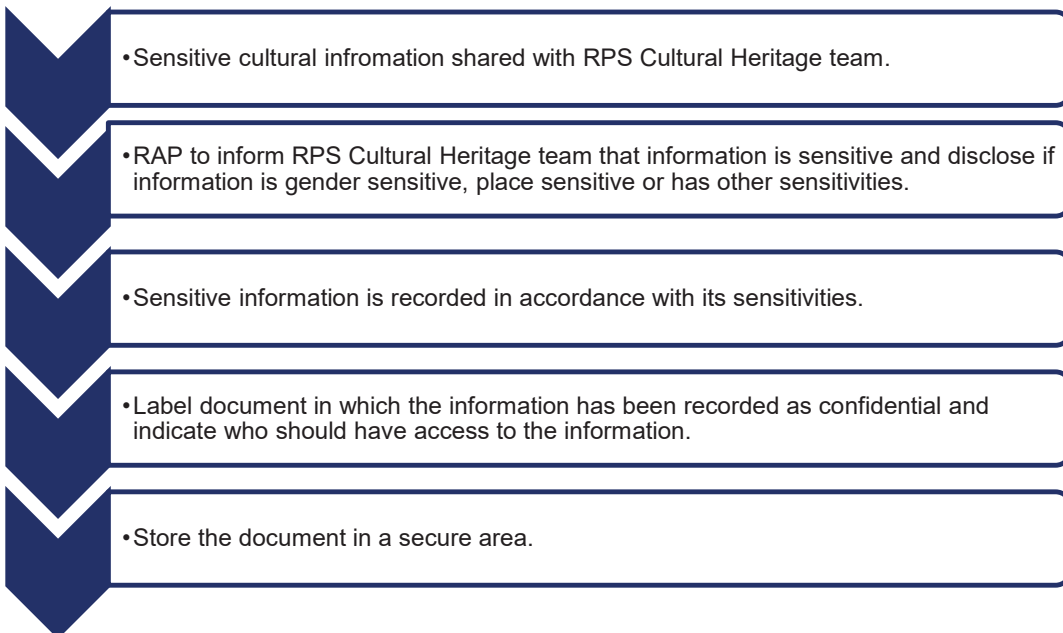
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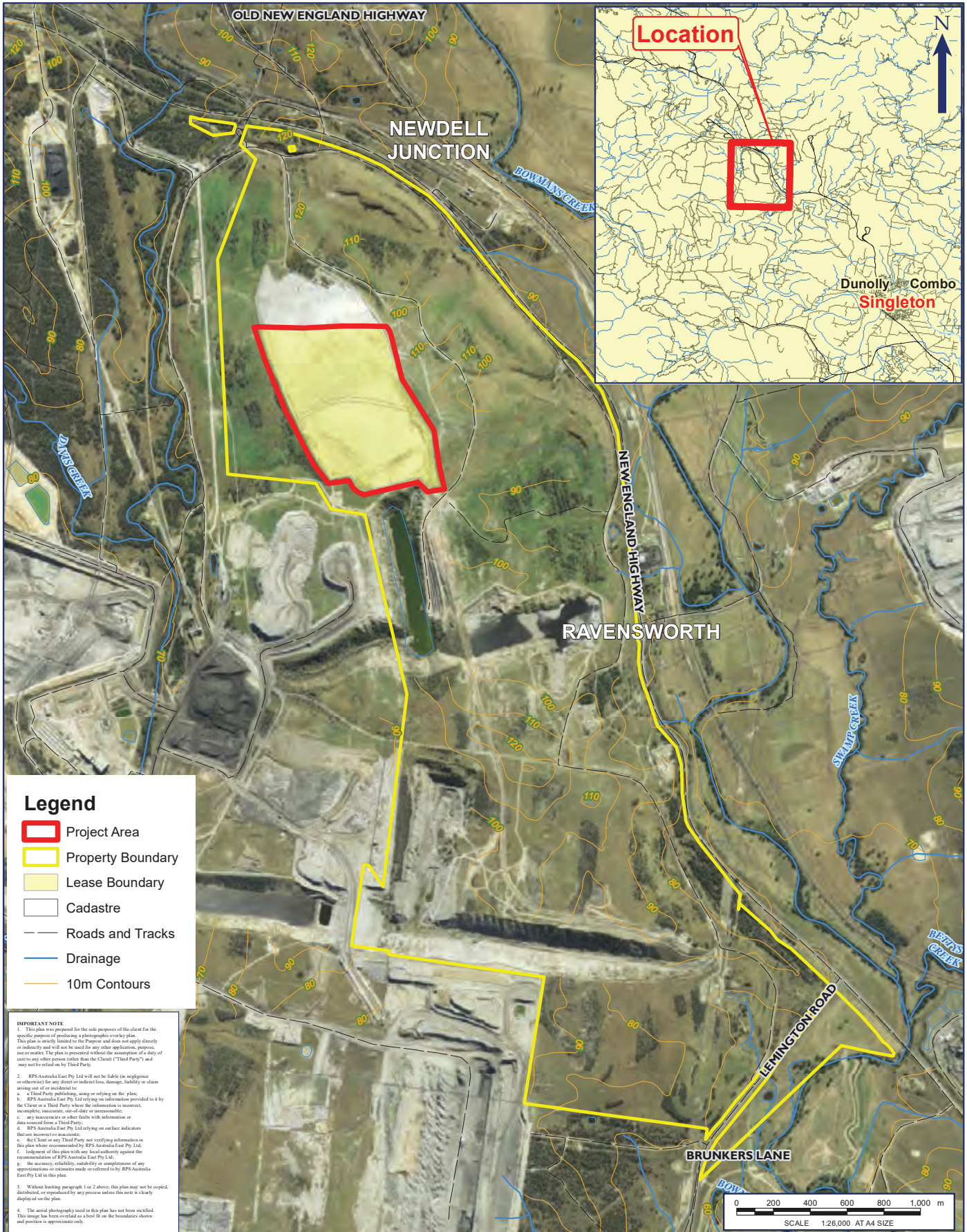


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Technician: Natalie.Wood    Date: 3/10/2018	

Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
 NEW\_A4\_Porrait 2018 Rev: B Produced: NW Reviewed: NW Date: 22/08/2018



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17 October 2018



**Our ref:** 141357  
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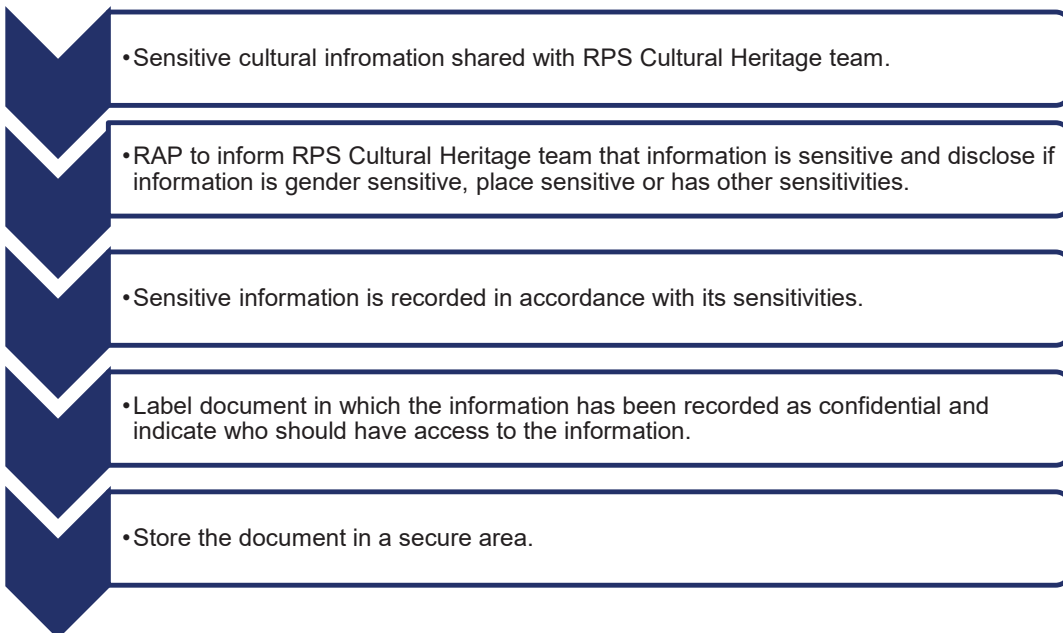
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Des Hickey  
Wattaka Wonnarua Cultural Consultancy Services

**Our ref:** 141357  
**Via:** Email

Dear Des,

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Yours sincerely

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Fieldwork will be conducted in accordance with the requirements set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* ([DECCW 2010](#)).

### Survey Aims

The purpose of the survey is to inspect visible ground surfaces, observe exposed soil profiles or other visible features present in the Project Area to determine whether there are Aboriginal objects or cultural values associated with the Project Area. The survey aims to record any cultural sites or Aboriginal landscapes, if identified by the Aboriginal stakeholders.

### Sampling Strategy

The purpose of a sampling strategy is to provide a framework for conducting archaeological surveys in a manner which can be quantified and thus can be compared to other survey reports in the local landscape and for regional comparison ([Burke and Smith 2004](#)). The sampling strategy used for this assessment will target all locations where soils are exposed – there are no natural landforms remaining within the Project Area due to the previous land uses as outlined in Section 1.1 above. Therefore, landform sampling is not possible. It is anticipated that Aboriginal objects, if present, will not be *in situ* but rather will be associated with the imported fill which has been placed at the site to fill in the mine void.



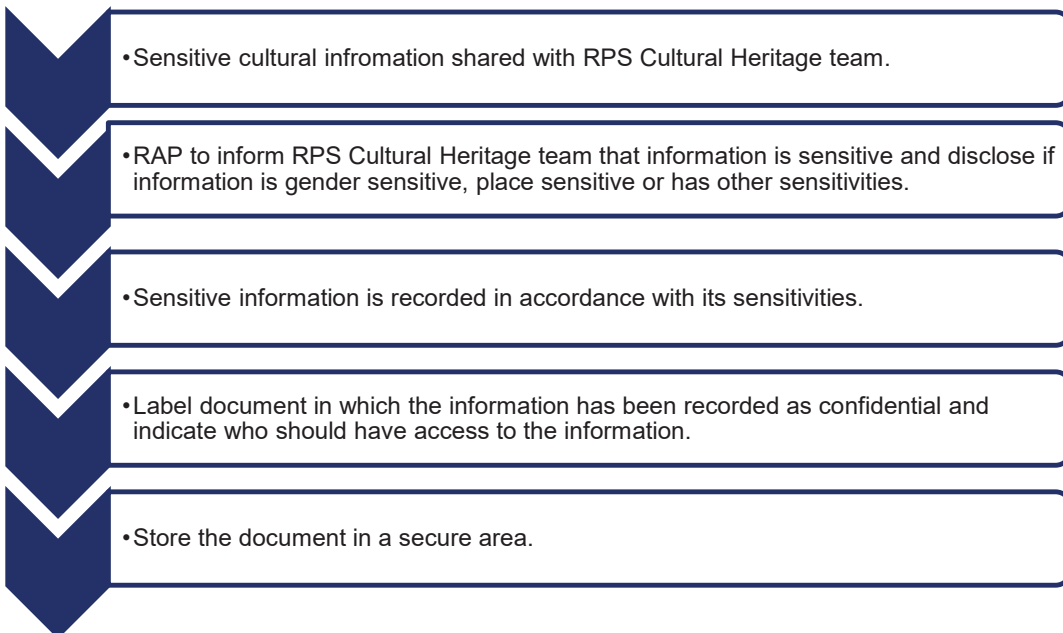
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Name.....

Registered Aboriginal Party.....

Signature.....

Date.....

Please send this document signed within 28 days back to **Nicola Hirschhorn** via:

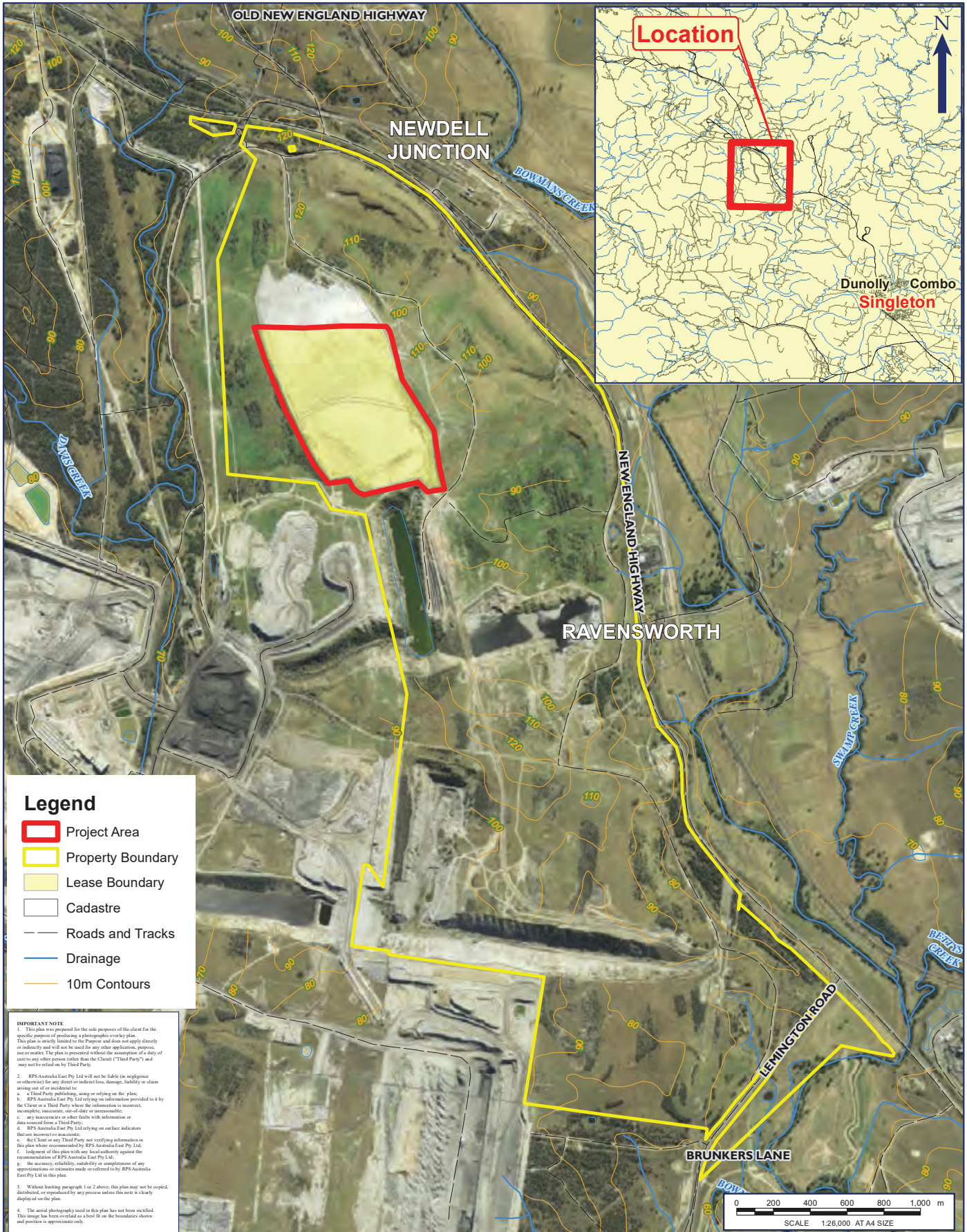
- **Post:** PO Box 120, Carrington NSW 2294
- **Email:** Nicola.hirschhorn@rpsgroup.com.au



## 1.5 References

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**Legend**

- Project Area
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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
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**Newcastle Office**  
Unit 2A, 45 Fitzroy Street, Carrington NSW 2294  
PO Box 120, Carrington NSW 2294  
T +61 2 4940 4200

RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Maree Waugh  
Wallangan Cultural Services

**Our ref:** 141357  
**Via:** Email

Dear Maree,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Wednesday 14 November by email or mail, addressing all feedback to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

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RPS Australia East Pty Ltd has been engaged by Bettergrow Pty Ltd to prepare an Aboriginal cultural heritage assessment and conduct consultation under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* in relation to an application for the expansion of the existing composting facility to authorise the receipt of up to 200,000 tonnes per annum of organic materials on the filled and capped Void 3 of the former Ravensworth No. 2 mine owned by AGL Macquarie Pty Ltd at Part Lot 10 DP 1204457 in Ravensworth, NSW. The Project Area is shown in Figure 1.

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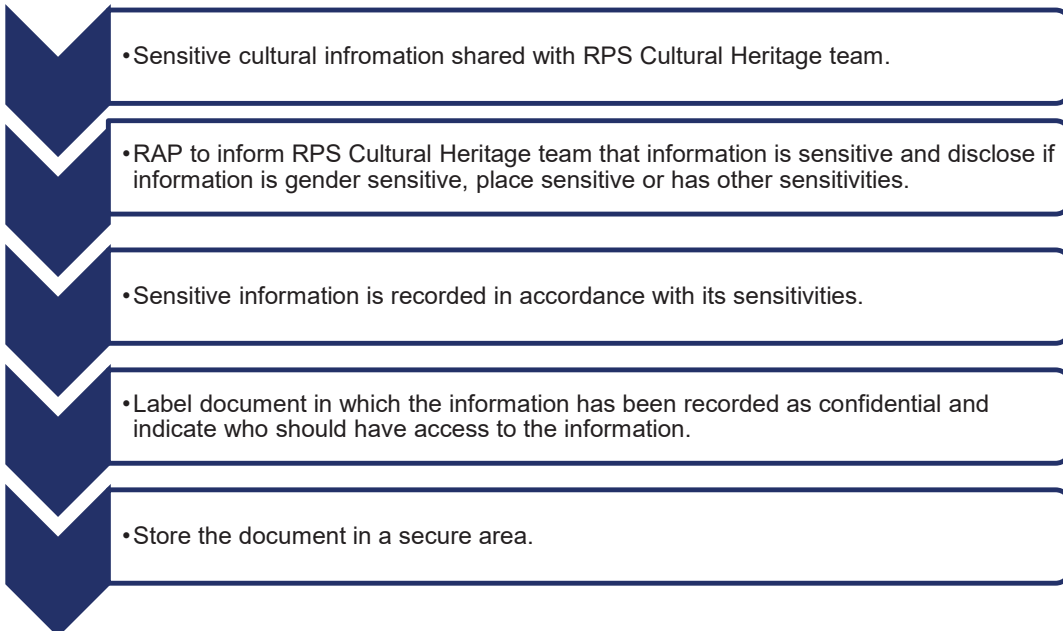
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Name.....

Registered Aboriginal Party.....

Signature.....

Date.....

Please send this document signed within 28 days back to **Nicola Hirschhorn** via:

- **Post:** PO Box 120, Carrington NSW 2294
- **Email:** Nicola.hirschhorn@rpsgroup.com.au



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**Legend**

- Project Area
- Property Boundary
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**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	
Technician: Natalie.Wood    Date: 3/10/2018	

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	
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PO Box 120, Carrington NSW 2294  
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Steven Hickey  
Widescope

**Our ref:** 141357  
**Via:** Email

Dear Steven,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

Thank you for your registration of interest in this project. Please see the attached information about the proposed project and the approach to the archaeological survey and preparation of Aboriginal Cultural Heritage Assessment Report including cultural significance.

We are seeking your input into the approach to the assessment and proposed survey in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. There is a feedback form attached, which you may choose to use in your response.

Please provide all feedback to RPS by Wednesday 14 by email or mail, addressing all feedback to:

Nicola Hirschhorn  
RPS, PO Box 120, Carrington NSW 2294  
Phone: (02) 4940 4200  
Email: [Nicola.hirschhorn@rpsgroup.com.au](mailto:Nicola.hirschhorn@rpsgroup.com.au)

Yours sincerely

**RPS**

Alex Byrne  
Senior Heritage Consultant





# Ravensworth Aboriginal Cultural Heritage Assessment

The following information has been provided in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

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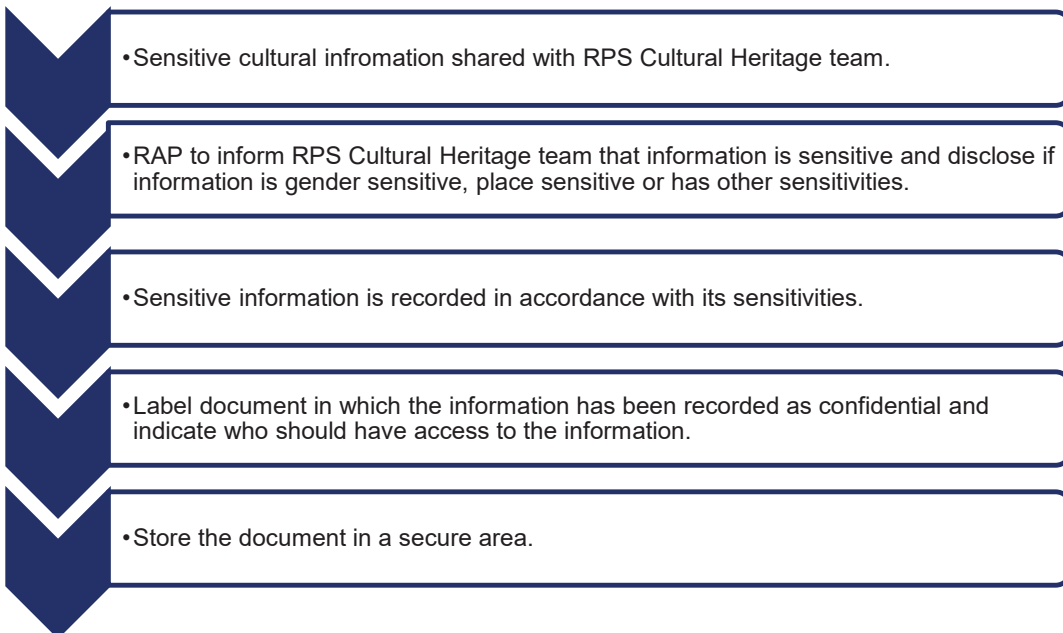
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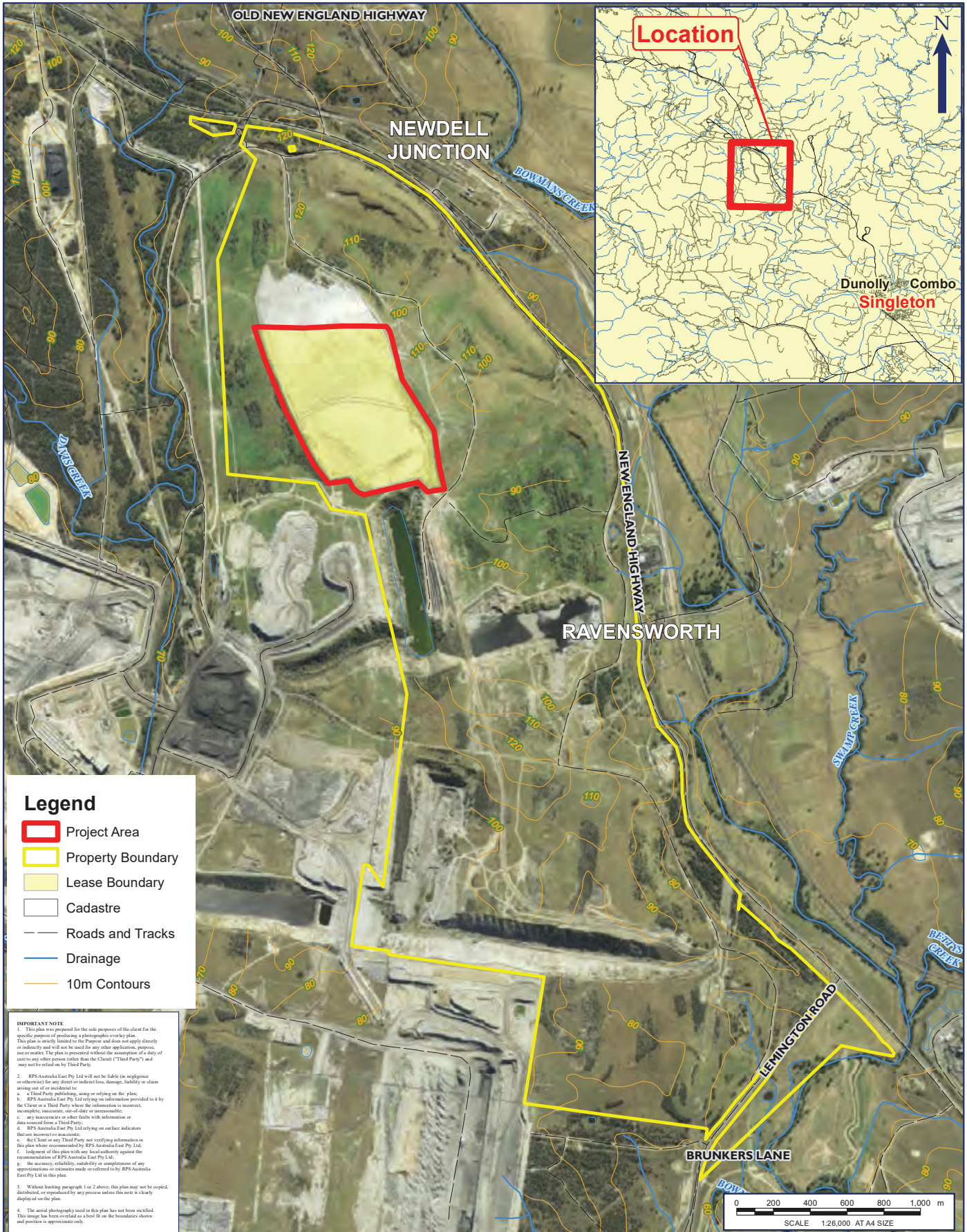
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RPS Australia East Pty Ltd  
A member of the RPS Group Plc

17 October 2018

Noel Downs  
Wanaruah Local Aboriginal Land Council

**Our ref:** 141357  
**Via:** Email

Dear Noel,

**Part Lot 10 DP 1204457, Ravensworth NSW Aboriginal Cultural Heritage Assessment: Methodology**

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Yours sincerely

**RPS**

Alex Byrne  
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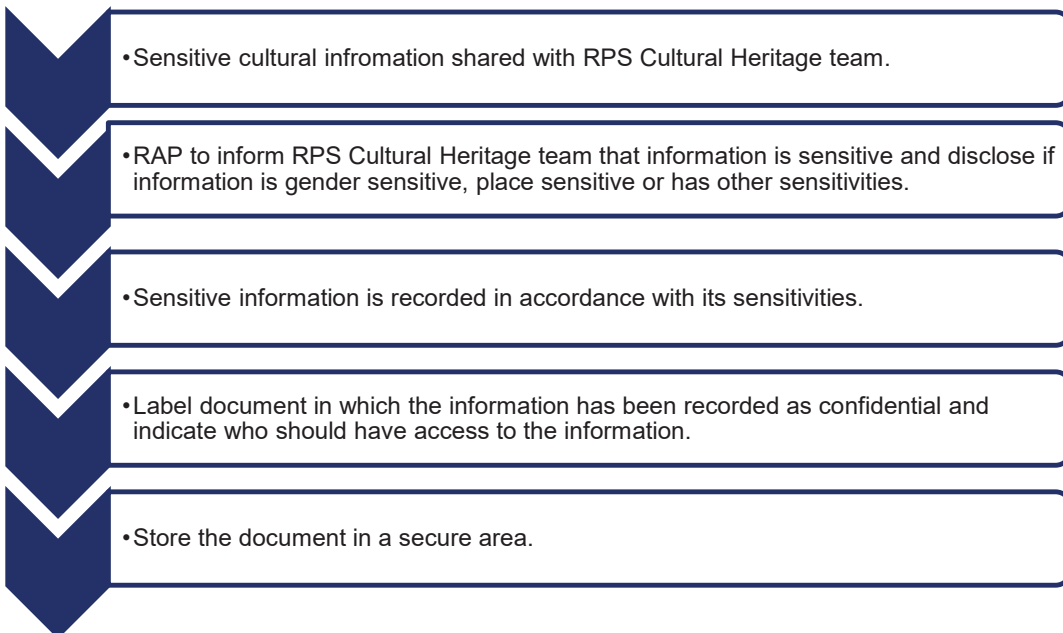
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Opportunities for the provision of cultural information in relation to the project will be provided as part of the consultation process including during the archaeological survey. Cultural information provided by Registered Aboriginal Parties will be recorded and discussed in the report, unless the information is too sensitive to be made public. If sensitive cultural information is received, the protocol below will be adopted, or another protocol adopted as agreed by the Registered Aboriginal Parties.





#### 1.4 Feedback Form for Composting Facility, Ravensworth, NSW

I have been sent information regarding the proposed project and the approach to the Aboriginal cultural heritage assessment including the archaeological survey and protocols for the management of sensitive cultural information, for the proposed expansion of the composting facility at Ravensworth, NSW. I seek to endorse the proposed approach and methods, unless otherwise stated below, or with the following amendments:


Name.....

Registered Aboriginal Party.....

Signature.....

Date.....

Please send this document signed within 28 days back to **Nicola Hirschhorn** via:

- **Post:** PO Box 120, Carrington NSW 2294
- **Email:** Nicola.hirschhorn@rpsgroup.com.au



## 1.5 References

Burke, H. and C. Smith (2004). The Archaeologist's Field Handbook. Crows Nest, Allen and Unwin.  
DECCW (2010). Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.  
Part 6 National Parks and Wildlife Act 1974. G. S., Department of Environment, Climate Change and Water.

Orton, C. 2000, *Sampling in Archaeology*, Cambridge University Press, Cambridge.





**FIGURE 1: SITE LOCATION**

LOCATION: RAVENSWORTH	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: PR141357	Data Sources: RPS, Client Land and Property 2017
PURPOSE: HERITAGE	Technician: Natalie.Wood Date: 3/10/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	<b>RPS</b>
----------------------------	--	------------

**From:** [Alex Byrne](#)  
**To:** [Nicola Hirschhorn](#)  
**Subject:** FW: [EXT] Re: PR141357 Ravensworth Cultural Heritage Assessment  
**Date:** Friday, 9 November 2018 9:05:46 AM

---

---

**From:** tracey@marrung-pa.com.au <tracey@marrung-pa.com.au>  
**Sent:** Friday, 9 November 2018 9:02 AM  
**To:** Alex Byrne <alex.byrne@rpsgroup.com.au>  
**Subject:** [EXT] Re: PR141357 Ravensworth Cultural Heritage Assessment

Good morning Alex  
I have viewed your proposed field methodology for the proposed Assessment area and have no issues with it at this point of time.

Thanks  
Tracey Skene  
Culturally Aware

Sent from my iPhone

On 17 Oct 2018, at 5:28 pm, Alex Byrne <[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)> wrote:

Dear Tracey,

Please find attached the proposed methodology for the Aboriginal Cultural Heritage Assessment being prepared for the proposal at Ravensworth.

If you have any questions, please do not hesitate to contact me or Nicola.

Kind regards,  
Alex

---

<image001.jpg>

**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)  
**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

<image002.png>

---

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<141357 Bettergrow Ravensworth Methodology - CA 2018-10-16.pdf>

<141357 Figure 1 Location Map A A4P 20181003.pdf>

**From:** [Alex Byrne](#)  
**To:** [Nicola Hirschhorn](#)  
**Subject:** FW: [EXT] Re: PR141357 Ravensworth Cultural Heritage Assessment  
**Date:** Sunday, 21 October 2018 2:20:11 PM  
**Attachments:** [image001.jpg](#)  
[image003.png](#)

---

Response to Ravensworth methodology from Deidre, can you please file etc? Thanks

---

**From:** Deidre Perkins <dedemaree3@hotmail.com>  
**Sent:** Friday, 19 October 2018 9:50 PM  
**To:** Alex Byrne <alex.byrne@rpsgroup.com.au>  
**Subject:** [EXT] Re: PR141357 Ravensworth Cultural Heritage Assessment

Hello Alex,  
All good with purposes methodology.  
I am in Africa atm . Hope you are well.  
Deidre

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---

**From:** Alex Byrne <[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)>  
**Sent:** Wednesday, October 17, 2018 6:29:50 AM  
**To:** [dedemaree3@hotmail.com](mailto:dedemaree3@hotmail.com)  
**Cc:** Nicola Hirschhorn  
**Subject:** PR141357 Ravensworth Cultural Heritage Assessment

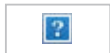
Dear Deidre,

Please find attached the proposed methodology for the Aboriginal Cultural Heritage Assessment being prepared for the proposal at Ravensworth.

If you have any questions, please do not hesitate to contact me or Nicola.

Kind regards,  
Alex

---



**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**  
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294  
PO Box 120, Carrington, NSW, 2294  
**T:** +61 2 4940 4200  
**F:** +61 2 4940 4299  
**E:** [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)  
**W:** [rpsgroup.com.au](http://rpsgroup.com.au)



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**From:** [Alex Byrne](#)  
**To:** [Nicola Hirschhorn](#)  
**Subject:** FW: [EXT] Re: PR141357 Ravensworth Cultural Heritage Assessment  
**Date:** Tuesday, 23 October 2018 8:38:29 AM  
**Attachments:** [image001.jpg](#)  
[image001.png](#)

---

Can you please add to the consultation log etc? Thanks

---

**From:** lilly carroll <didgengunawalclan@yahoo.com.au>  
**Sent:** Monday, 22 October 2018 8:18 PM  
**To:** Alex Byrne <alex.byrne@rpsgroup.com.au>  
**Subject:** [EXT] Re: PR141357 Ravensworth Cultural Heritage Assessment

Hi Alex,

DNC is happy with the methodology for Ravensworth project

Kind regards  
Paul Boyd & Lilly Carroll  
Directors DNC

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, October 17, 2018, 5:31 pm, Alex Byrne <[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)> wrote:

Dear Paul and Lilly,

Please find attached the proposed methodology for the Aboriginal Cultural Heritage Assessment being prepared for the proposal at Ravensworth.

If you have any questions, please do not hesitate to contact me or Nicola.

Kind regards,

Alex



**Alex Byrne**

**Senior Heritage Consultant**

**Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294

PO Box 120, Carrington, NSW, 2294

**T:** [+61 2 4940 4200](tel:+61249404200)

**F:** [+61 2 4940 4299](tel:+61249404299)

**E:** [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)

**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

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## Dragomir Garbov

---

**From:** Nicola Hirschhorn <nicola.hirschhorn@gmail.com>  
**Sent:** Tuesday, 13 November 2018 4:55 PM  
**To:** Alex Byrne  
**Subject:** Fwd: [EXT] RE: EOI - Ravensworth

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

----- Forwarded message -----

From: **Vicki Slater** <[vicki.slater@hotmail.com](mailto:vicki.slater@hotmail.com)>  
Date: Tue, 13 Nov 2018 4:42 pm  
Subject: [EXT] RE: EOI - Ravensworth  
To: Nicola Hirschhorn <[Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)>

Hi Nicola

Any further update of the project.  
We would like to be involved in field work.  
Wonnarua Traditional Owners and Experienced Site Officer & Current Insurances.  
Regards  
Vicky Slater  
Manager

On 7 Oct. 2018 7:01 pm, Vicki Slater <[Vicki.slater@hotmail.com](mailto:Vicki.slater@hotmail.com)> wrote:

Dear Nicola

Please find attached EOI For the Ravensworth Project

Kind Regards

Vicky Slater - Manager  
0421077521



Virus-free. [www.avg.com](http://www.avg.com)



**From:** [Alex Byrne](#)  
**To:** [Nicola Hirschhorn](#)  
**Subject:** FW: [EXT] RE: PR141357 Ravensworth Cultural Heritage Assessment  
**Date:** Monday, 29 October 2018 11:41:24 AM  
**Attachments:** [image003.jpg](#)  
[image004.jpg](#)  
[image005.png](#)

---

Can you please add to consultation log etc

---

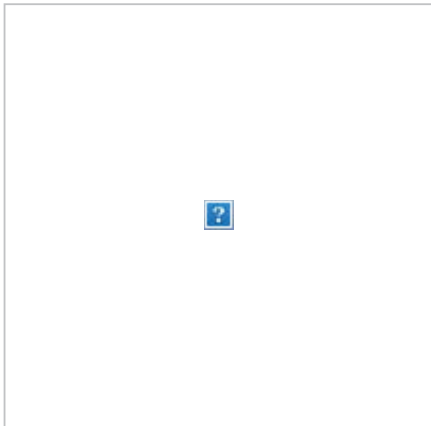
**From:** Ryan Johnson <[murrabidgeemullangari@yahoo.com.au](mailto:murrabidgeemullangari@yahoo.com.au)>  
**Sent:** Monday, 29 October 2018 11:37 AM  
**To:** Alex Byrne <[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)>  
**Subject:** [EXT] RE: PR141357 Ravensworth Cultural Heritage Assessment

Dear Alex,

I have read the project information and methodology for the above project and endorse the recommendations made by RPS Group.

Kind regards

Ryan Johnson | **Murra Bidgee Mullangari**  
**0475565517**



Aboriginal Corporation Cultural Heritage

**A:** PO Box 246, Seven Hills, NSW, 2147  
**E:** [murrabidgeemullangari@yahoo.com.au](mailto:murrabidgeemullangari@yahoo.com.au)  
**ICN:** 8112

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---

**From:** Alex Byrne [<mailto:alex.byrne@rpsgroup.com.au>]

**Sent:** Wednesday, 17 October 2018 5:42 PM

**To:** 'murrabidgeemullangari@yahoo.com.au' <[murrabidgeemullangari@yahoo.com.au](mailto:murrabidgeemullangari@yahoo.com.au)>

**Cc:** Nicola Hirschhorn <[Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)>

**Subject:** PR141357 Ravensworth Cultural Heritage Assessment

Dear Ryan,

Please find attached the proposed methodology for the Aboriginal Cultural Heritage Assessment being prepared for the proposal at Ravensworth.

If you have any questions, please do not hesitate to contact me or Nicola.

Kind regards,

Alex



**Alex Byrne**  
**Senior Heritage Consultant**  
**Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294

PO Box 120, Carrington, NSW, 2294

**T:** +61 2 4940 4200

**F:** +61 2 4940 4299

**E:** [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)

**W:** [rpsgroup.com.au](http://rpsgroup.com.au)

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**From:** Rhonda G  
**To:** [Nicola Hirschhorn](mailto:Nicola.Hirschhorn)  
**Subject:** [EXT] Re: Native Title Claim Aunty Margaret Matthews  
**Date:** Wednesday, 17 October 2018 12:39:54 PM  
**Attachments:** [201810171151.pdf](#)

---

Good Afternoon Nicola,  
Attached is a copy of a letter in regards to Aunty Margaret Matthews and Native Title. I have been ask to forward the letter onto you.  
Regards  
Rhonda Griffiths

-----Original Message-----

From: scanner@bigpond.net.au [<mailto:scanner@bigpond.net.au>]  
Sent: Wednesday, 17 October 2018 11:52 AM  
To: Rhonda G <[Office@hvabcorp.org.au](mailto:Office@hvabcorp.org.au)>  
Subject: Message from "RNP002673499042"

This E-mail was sent from "RNP002673499042" (Aficio MP C3002).

Scan Date: 17.10.2018 11:51:32 (+1100)  
Queries to: scanner@bigpond.net.au

Rhonda G  
Office Manager  
Hunter Valley Aboriginal Corporation  
PO Box 579  
Muswellbrook, NSW 2333  
Ph 02 6543 1180, Mob , Fax 02 6543 1106

Note my new email address [Office@hvabcorp.org.au](mailto:Office@hvabcorp.org.au). Please remember to update your records  
'I understand that I live and work on the land that belongs to the first peoples of Australia particularly that of the Wanaruah Nation. I respectfully acknowledge the People, their ancestors and those yet to come.

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Our ref: BIT: 12032

14 September 2017

Ms Margaret Matthews  
4 Calgaroo Avenue  
MUSWELLBROOK NSW 2333

Dear Margaret,

RE: WONNARUA TRADITIONAL CUSTODIANS NATIVE TITLE ABORIGINAL CORPORATION; NATIVE TITLE CLAIM NO. 3

I refer to your request for advice concerning your status as a member of the Plains Clans of the Wonnarua People NSD 1680/2015 native title proceedings.

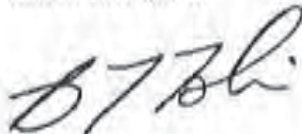
I confirm that you are a member of the Plains Clans native title claim. The Federal Court has not removed you from the native title claim and you are entitled to participate in the native title claim in accordance with the laws and customs of the Plains Clans and the *Native Title Act 1993*.

I also advise that in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* that any persons who propose to undertake activities which affect or impact upon Aboriginal cultural heritage must consult with you.

There is no basis for you to be excluded should you wish to register to participate. There are no provisions which allow preferential treatment of Aboriginal parties (including native title claimants) or rostering of registered Aboriginal parties.

As you a person that holds cultural knowledge if you wish to participate you are legally entitled under the *National Parks & Wildlife Act 1974* to register and the party undertaking the action must consult with you in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*.

Yours faithfully,  
NEXUS LAW GROUP



Brendan Tobin  
Consulting Principal  
E. [bjt@nexuslawyers.com.au](mailto:bjt@nexuslawyers.com.au)

All replies to:

National Mail & Scanning Centre  
Nexus Lawyers Pty Ltd  
ABN 45 116 644 449  
PO Box 972, Newcastle NSW 2300  
DX 7830, Newcastle  
Telephone: +612 4961 0002  
[www.nexuslawyers.com.au](http://www.nexuslawyers.com.au)



## Dragomir Garbov

---

**From:** Scott Franks <scott@tocomwall.com.au>  
**Sent:** Wednesday, 17 October 2018 7:00 PM  
**To:** Alex Byrne; Robert Lester; CarRob1@outlook.com  
**Cc:** Nicola Hirschhorn; Steven Cox ; Nicole Davis  
**Subject:** [EXT] Re: PR141357 Ravensworth Cultural Heritage Assessment  
**Attachments:** 141357 Bettergrow Ravensworth Methodology - Tocomwall 2018-10-17[3].pdf; 141357 Figure 1 Location Map A A4P 20181003[1].pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Alex,

I have read the Methodology that you have provided and cannot support most of the elements with in it.

Firstly, we recommend the following.

- All sites and boundaries of sites need to be recorded with Differential GPS not standard hand-held GPS as it is be proven on several other projects that standard off the shelf GPS locations have resulted in sites being impacted on as their accuracy varies from 20 meters to 175 meters
- Sites card 37-3-1506 may in fact cross over into the proposed development area. This sites card contains cultural protected information, this information will not be shared with registered Aboriginal parties or RPS. The information for that area is extremely sensitive and will need to be recorded for the project.
- The PCWP Registered Native title party retains its own Anthropologists Dr Neil Draper, this person in conjunction with Tocomwall are authorised to record collect and provide information regarding any cultural information with in the registered native title claimed area.

Are you able to confirm that you will be engaging other specialist to assess the connection to this claimed area by Raps, could you please provide me with the process that you will be using to ensure you are complying with section 3 of Aboriginal cultural heritage consultation requirements for proponents 2010, I would also like to advise that the registered native title do not authorise, give permission or acknowledge any person that simply register an interest in this project, we also not except that the WLALC retains any cultural knowledge for the wonnarua people represented by the registered native title party.

Tocomwall on the behalf of the registered native title party needs to develop a process as to how our cultural knowledge can be recorded and managed and as such I request a meeting with Bettergrow Pty Ltd and the land owner. Could you please advises suitable dates for this meeting?

Regards  
Scott Franks

Native Title & Environmental Services Consultant

Tocomwall Pty Ltd  
PO Box 76  
CARINGBAH NSW 1495  
m: 0404 171544  
p: 02 9542 7714  
f: 02 9524 4146  
e: [scott@tocomwall.com.au](mailto:scott@tocomwall.com.au)  
[www.tocomwall.com.au](http://www.tocomwall.com.au)



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---

**From:** Alex Byrne <[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)>  
**Date:** Wednesday, 17 October 2018 at 5:47 pm  
**To:** Scott Franks <[scott@tocomwall.com.au](mailto:scott@tocomwall.com.au)>  
**Cc:** Nicola Hirschhorn <[Nicola.Hirschhorn@rpsgroup.com.au](mailto:Nicola.Hirschhorn@rpsgroup.com.au)>  
**Subject:** PR141357 Ravensworth Cultural Heritage Assessment

Dear Scott,

Please find attached the proposed methodology for the Aboriginal Cultural Heritage Assessment being prepared for the proposal at Ravensworth.

I note that a search of the AHIMS database for the Project Area *only* identifies no registered sites within, however a search of the wider surrounds identified numerous sites including *one restricted site registered by you* and listed in the courtesy email that you provided to Nicola. Please get in touch if you have concerns regarding this site with reference to the Project Area shown in the attached.

If you have any questions, please do not hesitate to contact me or Nicola.

Kind regards,  
Alex



**Alex Byrne**  
**Senior Heritage Consultant**

---

---

**Australia Asia Pacific**

Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294

PO Box 120, Carrington, NSW, 2294

T: +61 2 4940 4200

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E: [alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)

W: [rpsgroup.com.au](http://rpsgroup.com.au)



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**Our Ref: 141357**



Date: January 16, 2019

Unit 2A, 45 Fitzroy Street  
Carrington NSW 2294  
T +61 2 4940 4200

Margaret Matthews  
Aboriginal Native Title Elders Consultant  
4 Calgaroo Avenue, Muswellbrook, NSW 2333

Dear Margaret,

**RE: Ravensworth Site Inspection Invitation**

RPS would like to invite you to participate in the upcoming site inspection in relation to the RPS Ravensworth ACHA (see Appendix A, Figure 1). The site inspection is to take place on Wednesday 30 January 2019 from at 07:30 am. Meeting point will be the site main entrance at 74 Lemington Road, Ravensworth, NSW (near the Evacuation Point sign).

Please be advised that you will have to complete a site induction prior to the commencement of fieldworks.

We trust that this information is sufficient for your needs. Please contact me on (02) 4940 4200 should you need any further info.

Yours sincerely,  
for RPS Australia East Pty Ltd

A handwritten signature in blue ink, appearing to read 'D. Garbov', is written over a light blue circular stamp. The signature is slanted and includes a long horizontal stroke at the end.

**Dr Dragomir Garbov**  
Senior Archaeologist  
dragomir.garbov@rpsgroup.com.au





**Legend**

- Project Area
- Property Boundary
- Lease Boundary
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

**IMPORTANT NOTE**

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4. The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.

**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood    Date: 3/10/2018

CLIENT: BETTERGROW PTY LTD	RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762) Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294 T: 02 4940 4200 F: 02 4940 4299 www.rpsgroup.com.au	
----------------------------	--	--

**From:** [Dragomir Garbov](#)  
**To:** "Tracey Skene"  
**Subject:** Ravensworth: Invitation for site visit  
**Date:** Wednesday, 16 January 2019 10:15:00 AM  
**Attachments:** [141357 Figure 1 Location Map A A4P 20181003.pdf](#)  
[image001.png](#)

---

Hi Tracey,

RPS would like to invite you to participate in the upcoming site inspection in relation to the RPS Ravensworth ACHA (see attached Figure).

The site inspection will take place on Wednesday 30 January 2019 from at 07:30 am.

Meeting point will be at the site main entrance, located at 74 Lemington Road, Ravensworth, NSW (near the Evacuation Point sign).

Please be advised that you will have to complete a site induction prior to the commencement of fieldworks.

We trust that this information is sufficient for your needs. Please contact me on (02) 4940 4200 should you need any further info.

Cheers,  
Dragomir

**Dr Dragomir Garbov**

Senior Archaeologist  
RPS | Australia Asia Pacific  
Unit 2A, 45 Fitzroy Street  
Carrington NSW 2294, Australia  
**T** +61 2 4940 4200 **F** +61 2 4940 4299  
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**Legend**

- Project Area
- Property Boundary
- Lease Boundary
- Cadastre
- Roads and Tracks
- Drainage
- 10m Contours

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4. The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.

**FIGURE 1: SITE LOCATION**

LOCATION: <b>RAVENSWORTH</b>	DATUM: GDA94 PROJECTION: MGA Zone 56
JOB NO.: <b>PR141357</b>	Data Sources: RPS, Client Land and Property 2017
PURPOSE: <b>HERITAGE</b>	Technician: Natalie.Wood Date: 3/10/2018

Path: J:\JOBS\141K\141357 Ravensworth\10 - Drafting\Arcgis Map Documents\Arch\141357 Figure 1 Location Map A A4P 20181003.mxd  
 NEW\_A4\_Porrait 2018 Rev: B Produced: NW Reviewed: NW Date: 22/08/2018

**From:** [Dragomir Garbov](#)  
**To:** [admin@ungooroo.com.au](mailto:admin@ungooroo.com.au)  
**Subject:** 141357 Ravensworth ACHA  
**Date:** Tuesday, 26 March 2019 2:22:00 PM  
**Attachments:** [image002.png](#)

---

Good afternoon,

Please find below a link to the draft RPS ACHAR for Ravensworth for your review.

<https://we.tl/t-iQh74huUSZ>

We're looking forward to receiving your comments on our draft by COB on 23 April 2019.  
Please contact us in case you need any further information.

Regards,  
Dragomir

**Dr Dragomir Garbov**

Senior Archaeologist  
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**From:** [Dragomir Garbov](#)  
**To:** ["cazadirect@live.com"](mailto:cazadirect@live.com)  
**Subject:** 141357 Ravensworth ACHA A1  
**Date:** Tuesday, 26 March 2019 12:42:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

---

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Regards,  
Dragomir

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**From:** [Dragomir Garbov](#)  
**To:** ["les.atkinson@hotmail.com"](mailto:les.atkinson@hotmail.com)  
**Subject:** 141357 Ravensworth ACHA attn Jarban&Murgeba and Uncle Barry French  
**Date:** Tuesday, 26 March 2019 1:54:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

---

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**From:** [Dragomir Garbov](#)  
**To:** ["tracey@marrung-pa.com.au"](mailto:tracey@marrung-pa.com.au)  
**Subject:** 141357 Ravensworth ACHA A1  
**Date:** Tuesday, 26 March 2019 1:48:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

---

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Dragomir

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**Subject:** 141357 Ravensworth ACHA DD  
**Date:** Tuesday, 26 March 2019 1:49:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

---

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Regards,  
Dragomir

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**From:** [Dragomir Garbov](#)  
**To:** "[didgengunawalclan@yahoo.com.au](mailto:didgengunawalclan@yahoo.com.au)"  
**Subject:** 141357 Ravensworth ACHA DNC  
**Date:** Tuesday, 26 March 2019 1:50:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

---

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**From:** [Dragomir Garbov](#)  
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**Subject:** 141357 Ravensworth ACHA GW  
**Date:** Tuesday, 26 March 2019 1:52:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

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**From:** [Dragomir Garbov](#)  
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**Subject:** 141357 Ravensworth ACHA HVAC  
**Date:** Tuesday, 26 March 2019 2:14:00 PM  
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<https://we.tl/t-iQh74huUSZ>

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Regards,  
Dragomir

**Dr Dragomir Garbov**

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[rpsgroup.com](http://rpsgroup.com)



**From:** [Dragomir Garbov](#)  
**To:** ["lukehickey7@bigpond.com"](mailto:lukehickey7@bigpond.com)  
**Subject:** 141357 Ravensworth ACHA HVCS  
**Date:** Tuesday, 26 March 2019 2:01:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

---

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Regards,  
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**From:** [Dragomir Garbov](#)  
**To:** ["itmanagement@live.com.au"](mailto:itmanagement@live.com.au)  
**Subject:** 141357 Ravensworth ACHA JTM  
**Date:** Tuesday, 26 March 2019 1:54:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

---

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Regards,  
Dragomir

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**From:** [Dragomir Garbov](#)  
**To:** ["Vicki.slater@hotmail.com"](mailto:Vicki.slater@hotmail.com)  
**Subject:** 141357 Ravensworth ACHA Kawul  
**Date:** Tuesday, 26 March 2019 1:55:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

---

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**From:** [Dragomir Garbov](#)  
**To:** ["tn.miller@southernphone.com.au"](mailto:tn.miller@southernphone.com.au)  
**Subject:** 141357 Ravensworth ACHA LHWCS  
**Date:** Tuesday, 26 March 2019 2:06:00 PM  
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[image002.png](#)

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**From:** [Dragomir Garbov](#)  
**To:** ["murrabidgeemullangari@yahoo.com.au"](mailto:murrabidgeemullangari@yahoo.com.au)  
**Subject:** 141357 Ravensworth ACHA MBM  
**Date:** Tuesday, 26 March 2019 2:07:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

---

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Dragomir

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**From:** [Dragomir Garbov](#)  
**To:** ["ceo@mindaribbalalc.org"](mailto:ceo@mindaribbalalc.org)  
**Subject:** 141357 Ravensworth ACHA  
**Date:** Tuesday, 26 March 2019 2:23:00 PM  
**Attachments:** [image002.png](#)

---

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**From:** [Dragomir Garbov](#)  
**To:** ["talbo.minda@hotmail.com"](mailto:talbo.minda@hotmail.com)  
**Subject:** 141357 Ravensworth ACHA ST  
**Date:** Tuesday, 26 March 2019 2:08:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

---

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Regards,  
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Carrington NSW 2294, Australia  
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**From:** [Dragomir Garbov](#)  
**To:** ["scott@toacomwall.com.au"](mailto:scott@toacomwall.com.au)  
**Subject:** 141357 Ravensworth ACHA T  
**Date:** Tuesday, 26 March 2019 2:08:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

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**From:** [Dragomir Garbov](#)  
**To:** ["Mareewaugh30@hotmail.com"](mailto:Mareewaugh30@hotmail.com)  
**Subject:** 141357 Ravensworth ACHA WCS  
**Date:** Tuesday, 26 March 2019 2:09:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

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**From:** [Dragomir Garbov](#)  
**To:** ["ceo.wanarua@bigpond.com"](mailto:ceo.wanarua@bigpond.com)  
**Subject:** 141357 Ravensworth ACHA HVAC  
**Date:** Tuesday, 26 March 2019 2:22:00 PM  
**Attachments:** [image002.png](#)

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**From:** [Dragomir Garbov](#)  
**To:** "[admin.wanaruah@bigpond.com](mailto:admin.wanaruah@bigpond.com)"  
**Subject:** 141357 Ravensworth ACHA WLALC  
**Date:** Tuesday, 26 March 2019 2:24:00 PM  
**Attachments:** [image002.png](#)

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**From:** [Dragomir Garbov](#)  
**To:** ["Widescope.group@live.com"](mailto:Widescope.group@live.com)  
**Subject:** 141357 Ravensworth ACHA WS  
**Date:** Tuesday, 26 March 2019 2:10:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

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[rpsgroup.com](http://rpsgroup.com)



**From:** [Dragomir Garbov](mailto:Dragomir.Garbov@bigpond.com)  
**To:** [REDACTED]@bigpond.com  
**Subject:** 141357 Ravensworth VEC  
**Date:** Tuesday, 26 March 2019 2:11:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

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**From:** [Dragomir Garbov](#)  
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**Subject:** FW: 141357 Ravensworth ACHA WWCCS  
**Date:** Tuesday, 26 March 2019 2:10:00 PM  
**Attachments:** [190326 - 141357-2 - RAVENSWORTH - 2.0 - Report.pdf](#)  
[image002.png](#)

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[rpsgroup.com](http://rpsgroup.com)



## Alex Byrne

---

**From:** Vicki Slater <vicki.slater@hotmail.com>  
**Sent:** Tuesday, 26 March 2019 3:00 PM  
**To:** Dragomir Garbov  
**Subject:** Re: 141357 Ravensworth ACHA Kawul

**CAUTION: This email originated from outside of RPS.**

Hi

Kawul Cultural Services  
Traditional Owners of the Wonnarua people.  
With Experienced Site Officers was NOT Consulted for Field work for the above project even thou we have registered an Interest.

We dont Comment on projects that we havent be involved in.

Regards  
Vicki Slater

Manager

On 26 Mar. 2019 1:57 pm, Dragomir Garbov <Dragomir.Garbov@rpsgroup.com.au> wrote:

Good afternoon,

Please find attached the draft RPS ACHAR for Ravensworth for your review.

We're looking forward to receiving your comments on our draft by COB on 23 April 2019.

Please contact us in case you need any further information.

Regards,

Dragomir

**Dr Dragomir Garbov**

Senior Archaeologist  
RPS | Australia Asia Pacific  
Unit 2A, 45 Fitzroy Street  
Carrington NSW 2294, Australia  
**T** +61 2 4940 4200  
**E** dragomir.garbov@rpsgroup.com.au  
[rpsgroup.com](http://rpsgroup.com)



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## Alex Byrne

---

**From:** Dragomir Garbov  
**Sent:** Wednesday, 27 March 2019 9:00 AM  
**To:** Alex Byrne  
**Subject:** FW: 141357 Ravensworth ACHA T

See below

**Dr Dragomir Garbov**

Senior Archaeologist  
**T** +61 2 4940 4200  
**E** dragomir.garbov@rpsgroup.com.au

---

**From:** Scott Franks <scott@tocomwall.com.au>  
**Sent:** Tuesday, 26 March 2019 6:36 PM  
**To:** Dragomir Garbov <Dragomir.Garbov@rpsgroup.com.au>; john@bettergrow.com.au  
**Cc:** Robert Lester <carrob1@outlook.com>  
**Subject:** Re: 141357 Ravensworth ACHA T

**CAUTION: This email originated from outside of RPS.**

Dear Dragomir,

The registered Native title party Rejects the 141357 Ravensworth ACHA T

The registered Native title party Scott Franks and anor were not involved in the field survey or were our concerns that we raised addressed. Page 11 of your report records our concerns. I would also like to point out the below summery dot points in your attempt to avoid answering our concern. The registered Native title party have never authorised Margret and John Mathews to speak for or assess any heritage on the behalf of the registered Native title party. RPS are and were very clear on the registered native title parties and our position to Raps advising you that they were representing the registered native title party. It appears from your report you have assisted in avoiding giving the wrong Information to the proponent. I summaries this in this way if PCWP started making statements and signing off on project as represented of RPS, I am sure you would have a problem with it.

Page 11

- RPS altered the methodology to
- include use of DGPS to record
- any sites identified within the
- Project Area.
- RPS determined that AHIMS 37-
- 3-1506 currently has the status
- "Not a Site" in the AHIMS
- database and therefore
- considered that no further
- assessment was needed.
- RPS has engaged Margaret and
- John Matthews, who form part of
- the Native Title Claimant group,
- to assist in provision of relevant
- information relating to the Project
- Area.



- No meeting has been considered
- necessary for the completion of
- this work as all consultation has
- been undertaken in accordance
- with the ACHCRs.
- 

it is clear that the intention of the proponent was to engage the registered native title party but RPS engaged a RAP with known authorisation to speak for or have the authority to sign off on the behalf of the registered native title party. I will be lodging a complaint with the state Government and department of planning confirming our rejection, I also will be discussing this issue with the land owner.

Regards  
Scott Franks

Native Title & Environmental Services Consultant

Tocomwall Pty Ltd  
PO Box 76  
CARINGBAH NSW 1495  
m: 0404 171544  
p: 02 9542 7714  
f: 02 9524 4146  
e: [scott@tocomwall.com.au](mailto:scott@tocomwall.com.au)  
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**From:** Dragomir Garbov <[Dragomir.Garbov@rpsgroup.com.au](mailto:Dragomir.Garbov@rpsgroup.com.au)>  
**Date:** Tuesday, 26 March 2019 at 2:11 pm  
**To:** Scott Franks <[scott@tocomwall.com.au](mailto:scott@tocomwall.com.au)>  
**Subject:** 141357 Ravensworth ACHA T

Good afternoon,

Please find attached the draft RPS ACHAR for Ravensworth for your review.  
We're looking forward to receiving your comments on our draft by COB on 23 April 2019.  
Please contact us in case you need any further information.

Regards,  
Dragomir

**Dr Dragomir Garbov**  
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## Alex Byrne

---

**From:** Alex Byrne  
**Sent:** Monday, 6 May 2019 3:53 PM  
**To:** 'Noel Downs'  
**Cc:** 'Suzie Worth'  
**Subject:** RE: ravensworth  
**Attachments:** 141357 Figure 4 Survey Unit A4P 20190214.pdf

Hi both,

Just going through the report now in the context of Noel's comments.

Regarding your point about the previous investigations – I agree that it does appear that way. I believe the reason that this hole in the archaeological record is present, is because this part of the mine was commenced prior to the requirement for comprehensive archaeological and cultural assessment. By the time we were able to get into this area, it was completely altered from its original state.

-----  
Regarding your comment about the area which does not form part of the original void, see attached figure showing the survey units, and the below description of the site survey undertaken by Drago with the Matthews and Tracey Skene:

### 1.1.1 Survey Unit 1 (SU1)

*Survey Unit 1 comprises 95% (54 ha) of the Project Area and represents a backfilled mine void. The western portion of SU1 contains the current Bettergrow mulching operation since 2016 on an area of 6 ha (Plate 1). The rest of SU1 comprises fill exposures, disused land, partial vegetation regrowth (;low grass) and revegetation (young trees), and dirt tracks (Plate 5, Plate 6, Plate 7, Plate 8). Due to the evident total disturbance as a result of previous land use a decision was made in full agreement by the attending archaeologist and RAP sites officers for SU1 to be assessed opportunistically by targeting identified exposure locations and conducting localised observations. No Aboriginal sites or objects were identified. No potential for subsurface archaeological deposits was identified. No mature native trees were identified.*

### 1.1.2 Survey Unit 2

*Survey Unit 2 comprises 5% (3 ha) of the Project area and represents a low elevation oriented northeast to south west along its long axis (Plate 2). The western slope of the elevation has been removed as a result of the former mining operation. The elevation is fully deforested and completely eroded of topsoils (Plate 4, Plate 5, Plate 6). Ground surface visibility is 80% (Plate 4). No Aboriginal sites or objects were identified. No potential for subsurface archaeological deposits was identified. No mature native trees were identified.*

I think Survey Unit 2 is the area to which you refer which was not part of the actual mine void. The survey has covered this portion of the project area and identified a highly eroded landscape which has also been subject to modification as a result of earthworks which have removed parts of the slope. No artefacts were identified while RPS, ANTC and Culturally Aware were out there. As there is no topsoil, it was assessed that there was no archaeological potential.

-----  
I will add your final comment (regarding any topsoil which has been moved from the area previously) into our report.

I hope this addresses your comments to your satisfaction – give me a call if you would like to.

Thanks,  
Ali

**Alex Byrne**

Senior Heritage Consultant  
T +61 2 4940 4200  
E alex.byrne@rpsgroup.com.au

---

**From:** Noel Downs <ceo.wanaruah@bigpond.com>  
**Sent:** Monday, 6 May 2019 12:28 PM  
**To:** Alex Byrne <alex.byrne@rpsgroup.com.au>  
**Cc:** 'Suzie Worth' <suzieworth17@bigpond.com>  
**Subject:** RE: ravensworth

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Other than the area seems not to have been investigated previously.

Our recommendations are :

1. There appears to be a large area not yet impacted by mining that we believe should be subject to investigation/ walk over before further impacts, and
2. Areas where topsoil from this site has been stored or spread should be investigated for objects.

But as we had already discussed them I didn't see the need to rehash..

Suzie do you have anything to add?

Cheers Noel

---

**From:** Alex Byrne [<mailto:alex.byrne@rpsgroup.com.au>]  
**Sent:** Monday, 6 May 2019 11:41 AM  
**To:** Noel Downs <[ceo.wanaruah@bigpond.com](mailto:ceo.wanaruah@bigpond.com)>  
**Cc:** Suzie Worth <[suzieworth17@bigpond.com](mailto:suzieworth17@bigpond.com)>  
**Subject:** RE: ravensworth

Hi Noel and Suzie,

After our (Noel and mine) phone conversation last month about this project, I note that we did not receive a written response from WLALC regarding the draft Ravensworth ACHAR. Responses were due Friday 26 April, however I am only now compiling the final report, so if you have anything you would like to comment on, please let me know today before I finalise the document.

The document was transferred to you via electronic file transfer on 26 March and then mailed to you as a hard copy on 3 April 2019.

Thanks,  
Ali

**Alex Byrne**

Senior Heritage Consultant  
T +61 2 4940 4200  
E alex.byrne@rpsgroup.com.au



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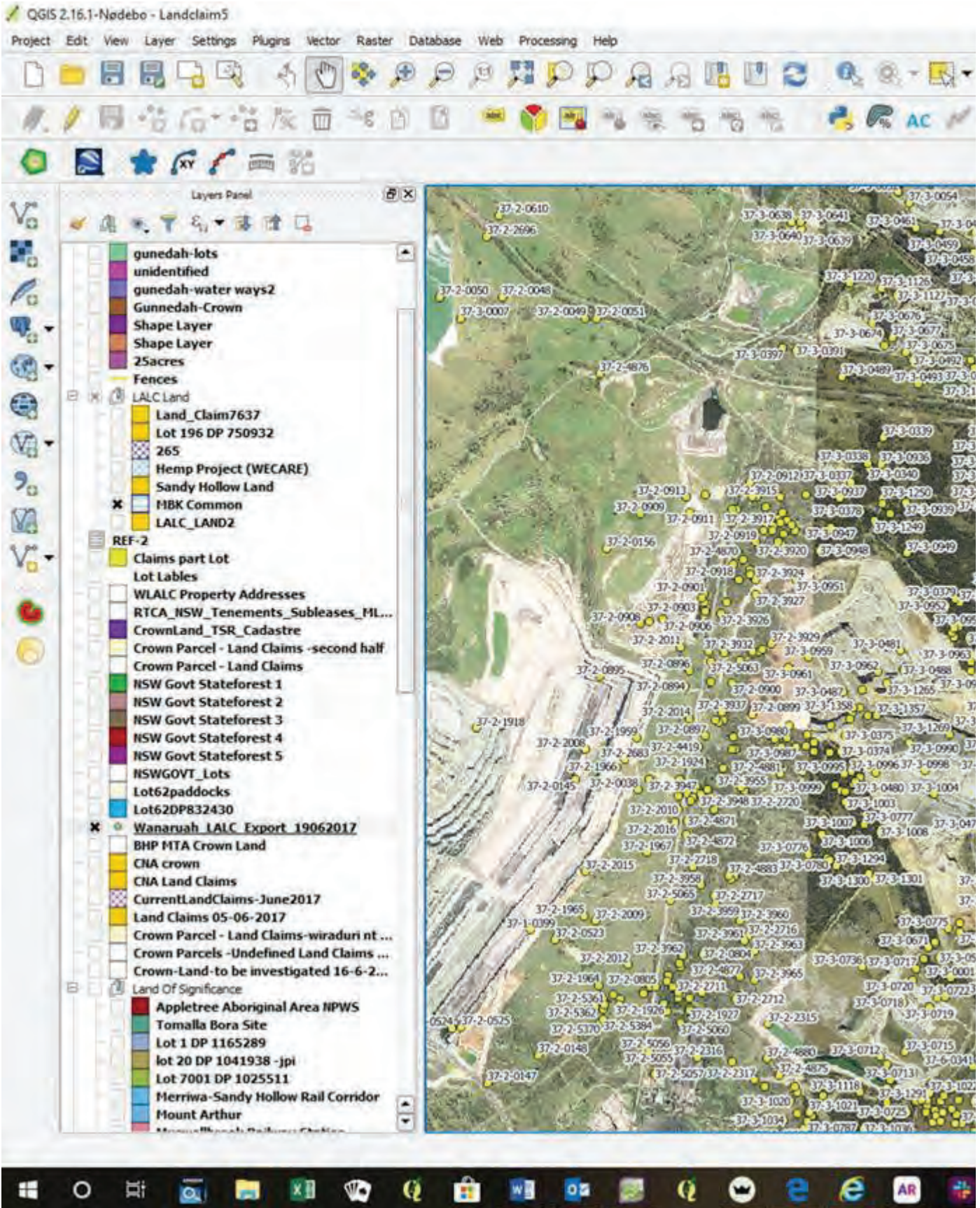
**From:** Noel Downs <[ceo.wanaruah@bigpond.com](mailto:ceo.wanaruah@bigpond.com)>  
**Sent:** Wednesday, 27 March 2019 3:36 PM  
**To:** Alex Byrne <[alex.byrne@rpsgroup.com.au](mailto:alex.byrne@rpsgroup.com.au)>  
**Subject:** FW: ravensworth

**CAUTION:** This email originated from outside of RPS.

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**From:** Noel Downs [<mailto:ceo.wanaruah@bigpond.com>]  
**Sent:** Wednesday, 27 March 2019 10:44 AM  
**To:** 'Suzie Worth' <[suzieworth17@bigpond.com](mailto:suzieworth17@bigpond.com)>  
**Subject:** ravensworth

The tiff attached is the page from the report the image below is from the GIS system..



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## Appendix B

### AHIMS Search Results

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Eastng</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-0390	Ravensworth Massacre	AGD	56	317000	6409000	Open site	Valid	Conflict : -	Massacre	100865,10222 0,102380
<b><u>Contact</u></b>										
37-3-0558	Ashton EWA 96	AGD	56	317074	6410250	Open site	Destroyed	Artefact : -		98163,102617
<b><u>Contact</u></b>										
37-3-0933	REA9	GDA	56	314316	6411847	Open site	Destroyed	Artefact : -	3436	
<b><u>Contact</u></b>										
37-3-0935	REA11	GDA	56	314243	6411762	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0940	REA18	GDA	56	314202	6411536	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0941	REA19	GDA	56	314276	6411580	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0942	REA20	GDA	56	314213	6411498	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0950	REA33	GDA	56	317104	6411125	Open site	Destroyed	Artefact : -		
<b><u>Contact</u></b>										
37-3-0957	REA52	GDA	56	314094	6410328	Open site	Destroyed	Artefact : -		
<b><u>Contact</u></b>										
37-3-0958	REA53	GDA	56	314570	6410225	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0960	REA58	GDA	56	317580	6410397	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0964	REA62	GDA	56	314387	6410099	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0970	REA69	GDA	56	314335	6409763	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0971	REA70	GDA	56	314482	6409837	Open site	Destroyed	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0972	REA71	GDA	56	314577	6409835	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0973	REA72	GDA	56	314520	6409795	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										
37-3-0974	REA73	GDA	56	317344	6409979	Open site	Valid	Artefact : -		103364
<b><u>Contact</u></b>										



<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-0975	REA74	GDA	56	317513	6409914	Open site	Valid	Artefact :-		103364
	<u>Contact</u>	<b>Recorders</b>								
37-3-0976	REA75	GDA	56	317484	6409831	Open site	Valid	Artefact :-		103364
	<u>Contact</u>	<b>Recorders</b>								
37-3-1122	REA250	GDA	56	314402	6409918	Open site	Destroyed	Artefact :-		103364
	<u>Contact</u>	<b>Recorders</b>								
37-3-1123	REA251	GDA	56	314083	6411495	Open site	Destroyed	Artefact :-		
	<u>Contact</u>	<b>Recorders</b>								
37-3-1124	REA252	GDA	56	314239	6411422	Open site	Destroyed	Artefact :-		
	<u>Contact</u>	<b>Recorders</b>								
37-3-1130	REA258	GDA	56	314332	6411699	Open site	Destroyed	Artefact :-		
	<u>Contact</u>	<b>Recorders</b>								
37-3-1131	REA259	GDA	56	314311	6411700	Open site	Destroyed	Artefact :-		
	<u>Contact</u>	<b>Recorders</b>								
37-3-0193	Telecom site 5; same as 37-3-0462	AGD	56	316000	6411500	Open site	Valid	Artefact :-	Open Camp Site	2032,100666,1 03364
	<u>Contact</u>	<b>Recorders</b>								
37-3-0282	Ravensworth Open Cut;BAD 3; same as 37-3-0741	AGD	56	314250	6409350	Open site	Valid	Artefact :-	Open Camp Site	2688,102220
	<u>Contact</u>	<b>Recorders</b>								
37-3-0982	REA86	GDA	56	314120	6409577	Open site	Valid	Artefact :- Grinding Groove :- , Modified Tree (Carved or Scarred) :-		102774
	<u>Contact</u>	<b>Recorders</b>								
37-3-0983	REA87	GDA	56	314364	6409692	Open site	Valid	Artefact :-		
	<u>Contact</u>	<b>Recorders</b>								
37-3-0984	REA88	GDA	56	314344	6409667	Open site	Partially Destroyed	Artefact :-		
	<u>Contact</u>	<b>Recorders</b>								
37-3-0985	REA89	GDA	56	317742	6409391	Open site	Destroyed	Artefact :-		103364
	<u>Contact</u>	<b>Recorders</b>								
37-3-1156	MT OWEN ISOLATED FIND1	GDA	56	317984	6410443	Open site	Valid	Artefact :-		
	<u>Contact</u>	<b>Recorders</b>								
37-3-1155	MT OWEN ISOLATED FIND2	GDA	56	317854	6411236	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<b>Recorders</b>								

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-0613	Bowmans Creek 1	GDA	56	317468	6409734	Open site	Destroyed	Art (Pigment or Engraved) :-		99019,100895, 102220,102380
<b><u>Contact</u></b>								<b>Permits</b>	2267	
37-3-0614	Bowmans Creek 2	GDA	56	317816	6409176	Open site	Destroyed	Artefact :-		99019,100895, 102380
<b><u>Contact</u></b>								<b>Permits</b>	2267	
37-3-0616	Bowmans Creek 4	GDA	56	317685	6409678	Open site	Destroyed	Artefact :-		99019,100895, 102380
<b><u>Contact</u></b>								<b>Permits</b>	2267	
37-3-0617	Bowmans Creek 5	GDA	56	318014	6409872	Open site	Destroyed	Artefact :- , Stone Quarry :- , Potential Archaeological Deposit (PAD) :-		99019,102380
<b><u>Contact</u></b>								<b>Permits</b>		
37-3-0618	Swamp Creek 1	GDA	56	318147	6409247	Open site	Destroyed	Artefact :-		99019,100895, 102380
<b><u>Contact</u></b>								<b>Permits</b>	2267	
37-3-0620	Swamp Creek 3	GDA	56	318178	6409390	Open site	Destroyed	Artefact :- , Potential Archaeological Deposit (PAD) :-		99019,100895, 102380
<b><u>Contact</u></b>								<b>Permits</b>		
37-3-0621	Swamp Creek 4	GDA	56	318026	6409493	Open site	Destroyed	Artefact :-		99019,100895, 102380
<b><u>Contact</u></b>								<b>Permits</b>	2267	
37-3-0588	MG#1	AGD	56	317105	6410166	Open site	Destroyed	Artefact :-		99021,100889, 102380,103186
<b><u>Contact</u></b>								<b>Permits</b>	1982,2727,2728	
37-3-0589	MG#2	GDA	56	316950	6410359	Open site	Valid	Artefact :-		99021,102380
<b><u>Contact</u></b>								<b>Permits</b>	1982	
37-3-0590	MG#3	GDA	56	316458	6410968	Open site	Valid	Artefact :-		99021,102380
<b><u>Contact</u></b>								<b>Permits</b>	1982	
37-3-0591	Ravensworth RCUF PAD	AGD	56	315000	6409500	Open site	Valid	Potential Archaeological Deposit (PAD) :-		102220
<b><u>Contact</u></b>								<b>Permits</b>	1982	
37-3-0756	York Creek 13	AGD	56	318246	6411209	Open site	Valid	Artefact : 2		
<b><u>Contact</u></b>								<b>Permits</b>		

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-0757	York Creek 14	AGD	56	318311	6411622	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		
37-3-0758	York Creek 15	AGD	56	317743	6411011	Open site	Valid	Artefact : 7		102380
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		
37-3-0759	York Creek 16	AGD	56	317721	6411306	Open site	Valid	Artefact : 2		
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		
37-3-0762	Bowmans Ck 6	GDA	56	317645	6410765	Open site	Valid	Artefact : 1		102380
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		
37-3-0772	Bowmans Ck 16	GDA	56	316359	6411486	Open site	Valid	Art (Pigment or Engraved) : 1		
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		
37-3-0741	B.A.D 3 (Camberwall) same as 37-3-0282	GDA	56	314356	6409539	Open site	Valid	Artefact : -		2683
	<u>Contact</u>	<b>Recorders</b>	OzArk Environmental and Heritage Management,Doctor.Susan Mcintyre-Tamwoy,l					<b>Permits</b>		
37-3-0742	B.A.D 4 (Camberwall) same as 37-3-0283	GDA	56	314206	6409491	Open site	Valid	Artefact : -		2683
	<u>Contact</u>	<b>Recorders</b>	OzArk Environmental and Heritage Management,Doctor.Susan Mcintyre-Tamwoy,l					<b>Permits</b>		
37-3-0743	B.A.D 5 (Camberwall) same as 37-3-0284	GDA	56	314105	6409690	Open site	Valid	Artefact : -		2683
	<u>Contact</u>	<b>Recorders</b>	OzArk Environmental and Heritage Management,Doctor.Susan Mcintyre-Tamwoy,l					<b>Permits</b>		
37-3-0744	York Creek 1	AGD	56	317334	6411165	Open site	Valid	Artefact : 6		102380
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		
37-3-0745	York Creek 2	AGD	56	317471	6410921	Open site	Valid	Artefact : 16		102380
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		
37-3-0746	York Creek 3	AGD	56	317639	6410817	Open site	Valid	Artefact : 17		102380
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		
37-3-0747	York Creek 4	AGD	56	317267	6411131	Open site	Valid	Artefact : 12		102380
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		
37-3-0748	York Creek 5	GDA	56	317365	6411470	Open site	Valid	Artefact : 16, Potential Archaeological Deposit (PAD) :-		
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson,OzArk Environmental and Heritage Management,Miss.Stephanie Rus					<b>Permits</b>		
37-3-0749	Yorks Creek 6	GDA	56	317468	6411773	Open site	Valid	Artefact : 5		
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson,OzArk Environmental and Heritage Management,Miss.Stephanie Rus					<b>Permits</b>		
37-3-0751	York Creek 8	AGD	56	317392	6411616	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		
37-3-0752	York Creek 9	AGD	56	317579	6411121	Open site	Valid	Artefact : 6		102380
	<u>Contact</u>	<b>Recorders</b>	Janice Wilson					<b>Permits</b>		

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>	
37-3-1355	REA357	GDA	56	314297	6411681	Open site	Valid	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1359	REA365 - 366	GDA	56	314360	6410281	Open site	Valid	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1360	REA364	GDA	56	314391	6410328	Open site	Valid	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1361	REA363	GDA	56	314284	6410358	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1362	REA362	GDA	56	314149	6410746	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1363	REA361	GDA	56	314093	6411404	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1266	REA416	GDA	56	314452	6409642	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1271	REA408	GDA	56	314162	6410824	Open site	Valid	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1237	REA 276	GDA	56	316513	6411832	Open site	Valid	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1238	REA277	GDA	56	316732	6411403	Open site	Valid	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1239	REA278	GDA	56	317240	6410956	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1246	REA285	GDA	56	314273	6411546	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1247	REA289	GDA	56	314290	6409250	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1248	REA443 (Tower 29)	GDA	56	317598	6409776	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Alison Lamond								<b>Permits</b>
37-3-1255	REA435	GDA	56	314373	6409358	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1262	REA424	GDA	56	314562	6409238	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Nadia Zakrzewski								<b>Permits</b>
37-3-1253	REA438	GDA	56	317003	6410688	Open site	Destroyed	Artefact :-			
	<u>Contact</u>	<b>Recorders</b>	Ms.Alison Lamond,Ms.Nadia Zakrzewski								<b>Permits</b>



<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-1221	REA 448 (Tower 22)	GDA	56	316761	6411453	Open site	Destroyed	Artefact : -		
	<b>Contact</b>									<b>Permits</b>
37-3-1222	REA 447	GDA	56	314487	6409690	Open site	Destroyed	Artefact : -		
	<b>Contact</b>									<b>Permits</b>
37-3-1223	REA 446 (Tower 23)	GDA	56	316985	6411217	Open site	Destroyed	Artefact : -		
	<b>Contact</b>									<b>Permits</b>
37-3-1224	REA 445 (Tower 21)	GDA	56	316533	6411702	Open site	Destroyed	Artefact : -		
	<b>Contact</b>									<b>Permits</b>
37-3-1225	REA 444 (Tower 31)	GDA	56	317718	6409098	Open site	Destroyed	Artefact : -		
	<b>Contact</b>									<b>Permits</b>
37-3-1228	REA266	GDA	56	314175	6410680	Open site	Destroyed	Artefact : -		
	<b>Contact</b>									<b>Permits</b>
37-3-1230	REA268	GDA	56	314332	6410309	Open site	Destroyed	Artefact : -		
	<b>Contact</b>									<b>Permits</b>
37-3-1231	REA269	GDA	56	314459	6409902	Open site	Valid	Artefact : -		
	<b>Contact</b>									<b>Permits</b>
37-3-1506	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Not a Site			
	<b>Contact</b>									<b>Permits</b>
37-3-1503	Yorks Creek 19	GDA	56	317369	6411237	Open site	Valid	Artefact : -		
	<b>Contact</b>									<b>Permits</b>
37-3-0283	Ravensworth Open Cut;BAD 4; same as 37-3-0742	AGD	56	314100	6409300	Open site	Valid	Artefact : -	Open Camp Site	2688,102217,102220
	<b>Contact</b>									<b>Permits</b>
37-3-0284	Ravensworth Open Cut;BAD 5; same as 37-3-0743	AGD	56	314000	6409500	Open site	Valid	Artefact : -	Open Camp Site	2688,102217,102220
	<b>Contact</b>									<b>Permits</b>
37-3-0290	Nard 4;	AGD	56	314200	6409600	Open site	Valid	Artefact : 1, Grinding Groove : 0	Axe Grinding Groove,Open Camp Site	102220,103364
	<b>Contact</b>									<b>Permits</b>
37-6-0343	Bayswater Creek 20;Camberwell;	AGD	56	314270	6409440	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,102220
	<b>Contact</b>									<b>Permits</b>
37-3-0005	Costain;	AGD	56	315881	6410728	Open site	Valid	Artefact : -	Open Camp Site	24
	<b>Contact</b>									<b>Permits</b>
37-3-0469	Bowmans/Swamp Creek Trench 1	AGD	56	317967	6408948	Open site	Valid	Artefact : -		102380
	<b>Contact</b>									<b>Permits</b>

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-0462	<u>Contact</u> Davies Site 5, same as 37-3-0193	<u>Recorders</u> AGD	56	316000	6411500	Open site	Valid	Artefact : 60	Permits 1325	100666
37-3-0476	<u>Contact</u> CK6	<u>Recorders</u> AGD	56	314103	6409278	Open site	Destroyed	Artefact : -	Permits	102220
37-3-0477	<u>Contact</u> CK7	<u>Recorders</u> AGD	56	313992	6409336	Open site	Destroyed	Artefact : -	Permits	102220
37-3-0795	<u>Contact</u> Newdell Junction (NJ1)	<u>Recorders</u> GDA	56	315966	6411656	Open site	Valid	Artefact : 10	Permits 3124	

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
37-3-0495	MO-IF3	AGD	56	317569	6406213	Open site	Destroyed	Artefact : -		102220,10261 7
<b>Contact</b>										
37-3-0512	ASH16	AGD	ERM - Thornton,Ms.Alison Lamond	56	318299	6405801	Destroyed	Artefact : -	Permits 3428	102139,10261 7
<b>Contact</b>										
37-3-0513	ASH17	AGD	Ms.Vanessa Hardy	56	318536	6405790	Destroyed	Artefact : -	Permits 1691,3436	102139,10261 7
<b>Contact</b>										
37-3-0514	ASH18	AGD	Ms.Vanessa Hardy	56	318428	6405883	Valid	Artefact : -	Permits 1691,3436	102139,10261 7
<b>Contact</b>										
37-3-0542	Ashton EWA 81	GDA	Ms.Vanessa Hardy	56	317638	6406207	Destroyed	Artefact : 2	Permits 3436	98163,102617, 103364
<b>Contact</b>										
37-3-0543	Ashton EWA 80	GDA	Dan Witter,Mrs.Angela Besant,Insite Heritage Pty Ltd	56	317570	6406132	Destroyed	Artefact : -	Permits 3428	98163,102220, 102617,10336 4
<b>Contact</b>										
37-3-0556	Ashton EWA 89	AGD	Dan Witter,Mrs.Angela Besant	56	317482	6406145	Destroyed	Artefact : -	Permits 3428	98163,102139, 102617
<b>Contact</b>										
37-3-0497	ASH1 also known as (Ashton Bridge Site)	AGD	Dan Witter	56	318516	6406521	Destroyed	Artefact : -	Permits 3428	
<b>Contact</b>										
37-3-0499	ASH 3	AGD	Ms.Vanessa Hardy	56	317478	6406176	Destroyed	Artefact : -	Permits 1691	102220,10261 7,103364
<b>Contact</b>										
37-3-0500	ASH4 Waterhole Site same as 37-3-0006	GDA	Mrs.Angela Besant,Ms.Vanessa Hardy,Insite Heritage Pty Ltd	56	318580	6406552	Valid	Artefact : -	Permits 3428	102139,10261 7
<b>Contact</b>										
37-3-0496	Ashton Brunkers Lane Site	AGD	Len Dyal,Ms.Vanessa Hardy	56	317811	6406519	Destroyed	Artefact : 11, Potential Archaeological Deposit (PAD) :-	Permits	101733,10261 7
<b>Contact</b>										
37-3-1141	AFA21, AFA22, AFA23, AFA24	GDA	Dan Witter,Insite Heritage Pty Ltd,Ashton Coal Operations Limited,Ms.Alison Lamo	56	318385	6405947	Valid	Artefact : -	Permits 3428	102139,10261 7
<b>Contact</b>										
37-3-1135	REA263	GDA	Ashton Coal Operations Limited	56	314064	6408111	Destroyed	Artefact : -	Permits 3428,3436	

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-1147	<u>Contact</u> AFA52, AFA53, AFA54	GDA	Umwelt (Australia) Pty Limited,Ms.Alison Lamond	56 318525	6406310	Open site	Valid	Artefact : -	<u>Permits</u>	102139,102617
37-3-1148	<u>Contact</u> AFA 55	GDA	Ashton Coal Operations Limited	56 318326	6406063	Open site	Destroyed	Artefact : 1	<u>Permits</u> 3436	102139,102617 7
37-3-1005	<u>Contact</u> REA124	GDA	Mrs.Angela Besant,Insite Heritage Pty Ltd,Ashton Coal Operations Limited	56 317982	6408615	Open site	Valid	Artefact : -	<u>Permits</u> 3428	
37-3-0920	<u>Contact</u> Ravensworth Underground Mine (RUM) Open Camp Site No. 1 with PAD	GDA	Umwelt (Australia) Pty Limited	56 317298	6408018	Open site	Partially Destroyed	Artefact : 57, Potential Archaeological Deposit (PAD) : -	<u>Permits</u>	103364
37-3-1009	<u>Contact</u> REA131	GDA	Doctor.Jodie Benton,OzArk Environmental and Heritage Management,Mr.Joshua N	56 318080	6408179	Open site	Valid	Artefact : -	<u>Permits</u> 3465	
37-3-1010	<u>Contact</u> REA132	GDA	Umwelt (Australia) Pty Limited	56 317660	6407881	Open site	Destroyed	Artefact : -	<u>Permits</u>	
37-3-1011	<u>Contact</u> REA133	GDA	Umwelt (Australia) Pty Limited,Ms.Alison Lamond	56 317656	6407681	Open site	Valid	Artefact : -	<u>Permits</u>	103364
37-3-1012	<u>Contact</u> REA140	GDA	Umwelt (Australia) Pty Limited	56 317599	6407485	Open site	Destroyed	Artefact : -	<u>Permits</u>	
37-3-1013	<u>Contact</u> REA141	GDA	Umwelt (Australia) Pty Limited,Ms.Alison Lamond	56 318206	6407185	Open site	Valid	Artefact : -	<u>Permits</u>	103364
37-3-1014	<u>Contact</u> REA142	GDA	Umwelt (Australia) Pty Limited	56 318192	6407007	Open site	Destroyed	Artefact : -	<u>Permits</u>	102617
37-3-1015	<u>Contact</u> REA143	GDA	Umwelt (Australia) Pty Limited,Ms.Alison Lamond	56 318066	6406896	Open site	Destroyed	Artefact : -	<u>Permits</u> 3428	102617,103364 4
37-3-1016	<u>Contact</u> REA144	GDA	Mrs.Angela Besant,Umwelt (Australia) Pty Limited	56 318003	6406831	Open site	Destroyed	Artefact : 60	<u>Permits</u> 3428	102617,103364 4
37-3-1017	<u>Contact</u> REA145	GDA	Mrs.Angela Besant,Umwelt (Australia) Pty Limited,Insite Heritage Pty Ltd	56 317741	6406403	Open site	Destroyed	Artefact : -	<u>Permits</u> 3428	102617,103364 4
37-3-1018	<u>Contact</u> REA146	GDA	Mrs.Angela Besant,Umwelt (Australia) Pty Limited,Insite Heritage Pty Ltd,Ms.Aliso	56 317572	6406204	Open site	Destroyed	Artefact : -	<u>Permits</u> 3428	102617



<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-1134	REA262	GDA	56	314333	6407978	Open site	Destroyed	Artefact : -	
	<b>Contact</b>								
37-3-0615	Bowmans Creek 3	AGD	56	317884	6408740	Open site	Valid	Artefact : -	99019,100895
	<b>Contact</b>								
37-3-0619	Swamp Creek 2	GDA	56	318327	6408928	Open site	Destroyed	Artefact : -, Potential Archaeological Deposit (PAD) :-	99019,100895, 102380
	<b>Contact</b>								
37-3-0774	RW1 (IF) Camberwell	AGD	56	313954	6407290	Open site	Destroyed	Artefact : 1	
	<b>Contact</b>								
37-3-1187	MOCO IF-19	GDA	56	317195	6409045	Open site	Destroyed	Artefact : 1	
	<b>Contact</b>								
37-3-1188	MOCO IF-20	GDA	56	317236	6408936	Open site	Destroyed	Artefact : 1	
	<b>Contact</b>								
37-3-1199	MOCO OS-11	GDA	56	318413	6408614	Open site	Destroyed	Artefact : 1	
	<b>Contact</b>								
37-3-1284	REA394	GDA	56	317569	6407558	Open site	Destroyed	Artefact : -	
	<b>Contact</b>								
37-3-1285	REA395	GDA	56	317655	6407434	Open site	Destroyed	Artefact : -	
	<b>Contact</b>								
37-3-1233	REA271	GDA	56	314294	6408946	Open site	Destroyed	Artefact : -	
	<b>Contact</b>								
37-3-1240	REA279	GDA	56	317428	6405826	Open site	Destroyed	Artefact : -	
	<b>Contact</b>								
37-3-1254	REA437	GDA	56	317427	6406595	Open site	Valid	Artefact : -	
	<b>Contact</b>								
37-3-1259	REA429	GDA	56	317547	6406193	Open site	Destroyed	Artefact : -	
	<b>Contact</b>								
37-3-1263	REA423	GDA	56	317276	6405840	Open site	Valid	Artefact : -	
	<b>Contact</b>								
37-3-1296	REA379	GDA	56	317976	6406781	Open site	Destroyed	Artefact : -	
	<b>Contact</b>								
37-3-1297	REA378	GDA	56	318134	6406942	Open site	Destroyed	Artefact : -	
	<b>Contact</b>								
37-3-1302	REA301	GDA	56	317767	6406486	Open site	Destroyed	Artefact : -	

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-3-1304	REA302	GDA	Ms.Allison Lamond,Ms.Nadia Zakrzewski	56 317533	6406229	Open site	Destroyed	Artefact :-		Permits
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-3-1305	REA304	GDA	Ms.Allison Lamond,Ms.Nadia Zakrzewski	56 317291	6405892	Open site	Valid	Artefact :-		Permits
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-3-1306	REA303	GDA	Ms.Nadia Zakrzewski	56 316956	6406179	Open site	Valid	Artefact :-		Permits
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-3-1232	REA270	GDA	Ms.Nadia Zakrzewski	56 314353	6408980	Open site	Destroyed	Artefact :-		Permits
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-3-1491	Swamp Creek IF-1	GDA	Ms.Allison Lamond,Ms.Alison Lamond	56 318640	6407727	Open site	Valid	Artefact :-		Permits
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-3-1498	Swamp Creek-OS2	GDA	OzArk Environmental and Heritage Management,Miss.Stephanie Rusden	56 318006	6408283	Open site	Valid	Artefact :-		Permits
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-6-0337	Bayswater Creek 14;Camberwell;	AGD	OzArk Environmental and Heritage Management,Mr.Ben Churcher	56 314300	6407020	Open site	Destroyed	Artefact :-	Open Camp Site	115,919,10222 0
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-6-0338	Bayswater Creek 15;Camberwell;	AGD	Helen Brayshaw,Doctor:Jo McDonald	56 314440	6407430	Open site	Destroyed	Artefact :-	Open Camp Site	115,919,10222 0
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-6-0339	Bayswater Creek 16;Camberwell;	AGD	Helen Brayshaw,Doctor:Jo McDonald	56 314800	6406220	Open site	Destroyed	Artefact :-	Open Camp Site	115,919,10222 0,102402
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-6-0340	Bayswater Creek 17;Camberwell;	AGD	Helen Brayshaw,Doctor:Jo McDonald	56 314160	6406320	Open site	Destroyed	Artefact :-	Open Camp Site	115,919,10222 0
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-6-0342	Bayswater Creek 19;Camberwell;	AGD	Helen Brayshaw,Doctor:Jo McDonald	56 314630	6405650	Open site	Destroyed	Artefact :-	Open Camp Site	115,919,1950,1 02220
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-3-0112	Godwin's Survey 4;	AGD	Helen Brayshaw	56 314750	6406400	Open site	Destroyed	Artefact :-	Open Camp Site	1918,1950,102 220
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-3-0113	Godwin's Survey 5;	AGD	Mr.Luke Godwin	56 315050	6406400	Open site	Destroyed	Artefact :-	Open Camp Site	1918,1950,102 220
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
37-3-0120	Godwin's Survey 26;	AGD	Mr.Luke Godwin	56 314800	6406200	Open site	Destroyed	Artefact :-	Open Camp Site	1918,1950,102 220
	<b>Contact</b>	<b>Recorders</b>	<b>Zone</b>	<b>Easting</b>	<b>Northing</b>	<b>Context</b>	<b>Site Status</b>	<b>SiteFeatures</b>	<b>SiteTypes</b>	<b>Reports</b>
			Mr.Luke Godwin							

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-0121	Godwin's Survey 27;	AGD	56	314700	6406100	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0122	Godwin's Survey 28;	AGD	56	314800	6406000	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0123	Godwin's Survey 29;	AGD	56	314650	6406000	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0124	Godwin's Survey 32;	AGD	56	314600	6405700	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0125	Godwin's Survey 33;	AGD	56	314600	6406000	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0126	Godwin's Survey 34;	AGD	56	314600	6406100	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0127	Godwin's Survey 35;	AGD	56	314500	6406200	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0128	Godwin's Survey 36;	AGD	56	314550	6406200	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0129	Godwin's Survey 39;	AGD	56	314300	6406400	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0130	Godwin's Survey 48;	AGD	56	314200	6405650	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0132	Godwin's Survey 40;	AGD	56	314150	6406400	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0134	Godwin's Survey 50;	AGD	56	314250	6405650	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	
37-3-0135	Godwin's Survey 51;	AGD	56	314300	6405700	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,102 220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mr.Luke Godwin					<b><u>Permits</u></b>	219	

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-0136	Godwin's Survey 52;	AGD	56	314250	6405700	Open site	Destroyed	Artefact : -	Open Camp Site	1918,1950,10220
<b><u>Contact</u></b>										
37-6-0344	Bayswater Creek 1;Camberwell;	AGD	56	314400	6408520	Open site	Valid	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>										
37-6-0345	Bayswater Creek 2;Camberwell;	AGD	56	314600	6407950	Open site	Valid	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>										
37-6-0346	Bayswater Creek 3;Camberwell;	AGD	56	314370	6407770	Open site	Valid	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>										
37-6-0347	Bayswater Creek 4;Camberwell;	AGD	56	314320	6407520	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>										
37-6-0348	Bayswater Creek 5;Camberwell;Emuck;	AGD	56	315014	6406940	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,1950,10220
<b><u>Contact</u></b>										
37-6-0349	Bayswater Creek 6;Camberwell;	AGD	56	314090	6406550	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,1950,10220
<b><u>Contact</u></b>										
37-6-0350	Bayswater Creek 7;Camberwell;	AGD	56	314180	6406470	Open site	Valid	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>										
37-6-0351	Bayswater Creek 8;Camberwell;	AGD	56	314390	6406450	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>										
37-6-0352	Bayswater Creek 9;Camberwell;	AGD	56	314530	6406670	Open site	Valid	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>										
37-6-0353	Bayswater Creek A;Camberwell;	AGD	56	315040	6406440	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>										
37-3-0003	Bayswater;Bayswater A,B,C,D,E,I,J,K,L;	AGD	56	314778	6406135	Open site	Destroyed	Artefact : -	Open Camp Site	919,102220
<b><u>Contact</u></b>										
37-3-0004	Bayswater Creek ;	AGD	56	316120	6407715	Open site	Destroyed	Artefact : -	Open Camp Site	919,102220
<b><u>Contact</u></b>										



<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-0006	Camberwell Bowman's Creek	GDA	56	318580	6406552	Open site	Valid	Artefact : -	Open Camp Site	98163,100761, 102139,10261 7
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Len Dyall					<b><u>Permits</u></b>	2990,3436	
37-6-0277	Bayswater Creek 10;Camberwell;	AGD	56	314500	6406850	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Helen Brayshaw,Doctor:Jo McDonald					<b><u>Permits</u></b>	24	
37-6-0278	Bayswater Creek 11;Camberwell;	AGD	56	314420	6407750	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Helen Brayshaw,Doctor:Jo McDonald					<b><u>Permits</u></b>	24	
37-6-0279	Bayswater Creek 12;Camberwell;	AGD	56	314500	6407000	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Helen Brayshaw					<b><u>Permits</u></b>	24	
37-6-0280	Bayswater Creek 13;Camberwell;	AGD	56	314530	6407100	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Helen Brayshaw					<b><u>Permits</u></b>	24	
37-6-0282	Bayswater Creek B;Camberwell;	AGD	56	315060	6406500	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Helen Brayshaw					<b><u>Permits</u></b>	24	
37-6-0283	Bayswater Creek C;Camberwell;	AGD	56	315160	6406690	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Helen Brayshaw,Doctor:Jo McDonald					<b><u>Permits</u></b>	24	
37-6-0284	Bayswater Creek D;Camberwell;	AGD	56	315550	6407000	Open site	Destroyed	Artefact : -	Open Camp Site	115,919,10222 0
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Helen Brayshaw					<b><u>Permits</u></b>	24	
37-3-0473	CK3	AGD	56	313961	6407805	Open site	Destroyed	Artefact : -		102220
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Ms.Vanessa Hardy,Ms.Alison Lamond					<b><u>Permits</u></b>		
37-3-0474	CK4	AGD	56	314089	6407877	Open site	Destroyed	Artefact : -		
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Ms.Vanessa Hardy,Ms.Alison Lamond					<b><u>Permits</u></b>		
37-3-0798	Liddell EW 15	GDA	56	317877	6407170	Open site	Destroyed	Artefact : 21		101420,10261 7
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Mrs.Angela Besant,Insite Heritage Pty Ltd,Insite Heritage Pty Ltd					<b><u>Permits</u></b>	3428	
37-3-0844	Narama Extended 31	GDA	56	317157	6405891	Open site	Partially Destroyed	Artefact : 1		102248,10380 8
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Ms.Meaghan Russell					<b><u>Permits</u></b>	3339,3355	
37-3-0845	Narama Extended 33	GDA	56	316722	6406158	Open site	Partially Destroyed	Artefact : 1		101826,10224 8,103808
<b><u>Contact</u></b>		<b><u>Recorders</u></b>	Ms.Meaghan Russell,AECOM Australia Pty Ltd (previously HLA-Envirosciences),An					<b><u>Permits</u></b>	3339,3355	

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-3-0846	Narama Extended 34	GDA	56	317293	6405962	Open site	Valid	Artefact : 1		101826,10336 4
	<u>Contact</u>			Ms.Meaghan Russell					<u>Permits</u>	
37-3-0850	Narama Extended 38	GDA	56	317017	6405879	Open site	Partially Destroyed	Artefact : 1		101826,10224 8,103808
	<u>Contact</u>			Ms.Meaghan Russell,AECOM Australia Pty Ltd (previously HLA-Envirosciences),An					<u>Permits</u>	
37-3-0853	Narama Extended 41	GDA	56	317127	6405980	Open site	Partially Destroyed	Artefact : 1		101826,10224 8,103808
	<u>Contact</u>			Ms.Meaghan Russell,AECOM Australia Pty Ltd (previously HLA-Envirosciences),An					<u>Permits</u>	
37-3-0814	Narama Extended 1	GDA	56	316965	6406152	Open site	Destroyed	Artefact : 1		101826,10224 8,103364,103808
	<u>Contact</u>			Ms.Meaghan Russell,AECOM Australia Pty Ltd (previously HLA-Envirosciences),An					<u>Permits</u>	
37-3-0816	Narama Extended 3	GDA	56	316490	6405817	Open site	Partially Destroyed	Artefact : 1		101826,10224 8,103808
	<u>Contact</u>			Ms.Meaghan Russell,AECOM Australia Pty Ltd (previously HLA-Envirosciences),An					<u>Permits</u>	
37-3-0821	Narama Extended 8	GDA	56	317209	6406020	Open site	Partially Destroyed	Artefact : 1		101826,10224 8,103808
	<u>Contact</u>			Ms.Meaghan Russell,AECOM Australia Pty Ltd (previously HLA-Envirosciences),An					<u>Permits</u>	
37-3-0822	Narama Extended 9	GDA	56	317252	6405954	Open site	Valid	Artefact : 1		101826,10336 4
	<u>Contact</u>			Ms.Meaghan Russell					<u>Permits</u>	
37-3-0828	Narama Extended 15	GDA	56	317190	6406064	Open site	Valid	Artefact : 1		101826,10336 4
	<u>Contact</u>			Ms.Meaghan Russell					<u>Permits</u>	
37-3-0829	Narama Extended 16	GDA	56	316657	6406173	Open site	Partially Destroyed	Artefact : 1		101826,10224 8,103808
	<u>Contact</u>			Ms.Meaghan Russell,AECOM Australia Pty Ltd (previously HLA-Envirosciences),An					<u>Permits</u>	
37-3-0831	Narama Extended 18	GDA	56	316268	6405909	Open site	Destroyed	Artefact : 1		101826,10224 8,103808
	<u>Contact</u>			Ms.Meaghan Russell,AECOM Australia Pty Ltd (previously HLA-Envirosciences),An					<u>Permits</u>	
37-3-0840	Narama Extended 27	GDA	56	317098	6406139	Open site	Partially Destroyed	Artefact : 1		101826,10224 8,103808
	<u>Contact</u>			Ms.Meaghan Russell,AECOM Australia Pty Ltd (previously HLA-Envirosciences),An					<u>Permits</u>	
37-3-0841	Narama Extended 28	GDA	56	317157	6405891	Open site	Valid	Artefact : 1		101826,10336 4
	<u>Contact</u>			Ms.Meaghan Russell					<u>Permits</u>	

**Appendix C**  
**Aboriginal Native Title Claim**



# Registration test decision

Application name	Scott Franks and the Plains Clans of the Wonnarua People
Name of applicant	Scott McCain Franks and Robert John Lester
NNTT file no.	NC2013/006
Federal Court of Australia file no.	NSD1680/2013
Date application made	19 August 2013
Date application last amended	8 December 2014

I have considered this claim for registration against each of the conditions contained in ss 190B and 190C of the *Native Title Act 1993* (Cth).

For the reasons attached, I am satisfied that each of the conditions contained in ss 190B and 190C are met. I accept this claim for registration pursuant to s 190A of the *Native Title Act 1993* (Cth).

**Date of decision:** 16 January 2015

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Heidi Evans

Delegate of the Native Title Registrar pursuant to sections 190, 190A, 190B, 190C, 190D of the *Native Title Act 1993* (Cth) under an instrument of delegation dated 8 August 2014 and made pursuant to s 99 of the Act.



# Reasons for decision

## *Introduction*

[1] This document sets out my reasons, as the delegate of the Native Title Registrar (the Registrar), for the decision to accept the claim for registration pursuant to s 190A of the Act.

[2] All references in these reasons to legislative sections refer to the *Native Title Act 1993* (Cth) which I shall call 'the Act', as in force on the day this decision is made, unless otherwise specified. Please refer to the Act for the exact wording of each condition.

## **Application overview and background**

[3] The application was first made on 19 August 2013. On 27 February 2014, a delegate of the Registrar decided that the claim should not be registered. On 23 June 2014 the applicant sought and was granted leave to amend the application, with the re-engrossed Form 1 and accompanying documents filed that same day. A copy of that amended application was provided to the Registrar pursuant to s 64(4) on 25 June 2014.

[4] Subsequently the applicant was informed that the application would not meet all of the conditions of registration under ss 190B and 190C and notified that the application may be amended.

[5] On 8 December 2014, the Registrar of the Federal Court of Australia (the Court) gave a copy of orders also made 8 December 2014 regarding the application to the Registrar. These orders provide that the amended application of 23 June 2014 be further amended to replace the existing written description of the application area. The orders also provide that 'any requirement to file and serve a further amended native title determination application be waived'.

[6] Although the Registrar has not been provided with a complete copy of the 8 December 2014 amended application, I consider that the Registrar's duty to consider the claim made in the application under s 190A of the Act is triggered.

[7] The amended application before me, therefore, comprises a copy of the re-engrossed Form 1 filed on 23 June 2014, with a new Attachment B1 to Schedule B replacing the existing Attachment B1, filed 8 December 2014.

[8] I am satisfied that neither subsection 190A(1A) nor subsection 190A(6A) apply to this claim. Subsection 190A(1A) applies where the application is amended as a result of an order made by

the Court pursuant to s 87A. I note that the Court has not made any such order in relation to the amended claim.

[9] Subsection 190A(6A) only applies where the Registrar accepted the earlier claim for registration pursuant to s 190A(6). As above, the original application filed in the Court on 19 August 2014 was not accepted for registration on 27 February 2014, and the previous amended application was further amended prior to the registration test being applied.

[10] Therefore, in accordance with subsection 190A(6), I must accept the claim for registration if it satisfies all of the conditions in ss 190B and 190C of the Act. This is commonly referred to as the registration test.

[11] On 20 October 2014, in relation to the previous amended application, the case manager was advised of a notice issued pursuant to s 29, affecting the application. The notice, for Mining Lease Application Number 484 (MLA 484), specified a notification day of 6 November 2014. Therefore, in accordance with s 190A(2)(f), it is my understanding that I must use my best endeavours to finish considering the claim by 6 March 2015.

### **Registration test**

[12] Section 190B sets out conditions that test particular merits of the claim for native title. Section 190C sets out conditions about 'procedural and other matters'. Included among the procedural conditions is a requirement that the application must contain certain specified information and documents. In my reasons below I consider the s 190C requirements first, in order to assess whether the application contains the information and documents required by s 190C before turning to questions regarding the merit of that material for the purposes of s 190B.

[13] Pursuant to ss 190A(6) and (6B), the claim in the application must be accepted for registration because it does satisfy all of the conditions in ss 190B and 190C.

### **Information considered when making the decision**

[14] Subsection 190A(3) directs me to have regard to certain information when testing an application for registration; there is certain information that I must have regard to, but I may have regard to other information, as I consider appropriate.

[15] I am also guided by the case law (arising from judgments in the courts) relevant to the application of the registration test. Among issues covered by such case law is the issue that some conditions of the test do not allow me to consider anything other than what is contained in the application while other conditions allow me to consider wider material.

[16] The information and documents that I have considered in reaching my decision are set out below:

- amended Scott Franks and the Plains Clans of the Wonnarua People application, including the revised Attachment B1 to Schedule B, filed in the Federal Court on 8 December 2014;
- previous amended Scott Franks and the Plains Clans of the Wonnarua People application, filed 23 June 2014;
- previous Scott Franks and the Plains Clans of the Wonnarua People application, filed 19 August 2013;
- orders of the Court dated 8 December 2014;
- geospatial assessment and overlap analysis dated 18 December 2014 (GeoTrack: 2014/2309);
- notice pursuant to s 29 dated 15 October 2014 from the State of NSW (the State) regarding Mining Lease Application No. 484;
- file note prepared by the case manager dated 6 July 2014;
- letter from the applicant's legal representative dated 25 July 2014;
- email from the case manager dated 6 November 2014.

[17] I have not considered any information that may have been provided to the Tribunal in the course of the Tribunal providing assistance under ss 24BF, 24CF, 24CI, 24DG, 24DJ, 31, 44B, 44F, 86F or 203BK of the Act.

[18] Also, I have not considered any information that may have been provided to the Tribunal in the course of mediation in relation to this or any other claimant application.

### **Procedural fairness steps**

[19] As a delegate of the Registrar and as a Commonwealth Officer, when I make my decision about whether or not to accept this application for registration I am bound by the principles of administrative law, including the rules of procedural fairness, which seek to ensure that decisions are made in a fair, just and unbiased way. I note that the common law duty to afford procedural fairness may be excluded by express terms of the statute under which the administrative decision is made or by any necessary implication—*Hazelbane v Doepel* [2008] FCA 290 at [23]–[31]. The steps that I and other officers of the Tribunal have undertaken to ensure procedural fairness is observed, are set out below.

[20] On 9 December 2014, the case manager wrote to the State, advising that the delegate had determined that neither ss 190A(1A) nor 190A(6A) applied to the amended application and of the anticipated date by which a decision would be made. The State was invited to make submissions in relation to the amended application by 19 December 2014. No submission has been received from the State.

[21] Also on 9 December 2014, the case manager wrote to the applicant advising that the delegate was of the view that neither s 190A(1A) nor s 190A(6A) was applicable. The applicant was informed of the anticipated date by which a decision would be made.

[22] In relation to the previous amended application of 23 June 2014, by letter dated 25 July 2014, the applicant had provided additional material directly to the Registrar's delegate for her consideration in relation to the registration testing of the claim.

[23] By letter also of 5 August 2014, the case manager wrote to the State and provided the State with a copy of the additional material. The State was given until Friday 22 August 2014 to comment on that material. No submissions were received from the State within that time, or following.



## *Procedural and other conditions: s 190C*

### **Subsection 190C(2)**

#### **Information etc. required by ss 61 and 62**

The Registrar/delegate must be satisfied that the application contains all details and other information, and is accompanied by any affidavit or other document, required by sections 61 and 62.

[24] The application satisfies the condition of s 190C(2), because it does contain all of the details and other information and documents required by ss 61 and 62, as set out in the reasons below.

[25] In reaching my decision for the condition in s 190C(2), I understand that this condition is procedural only and simply requires me to be satisfied that the application contains the information and details, and is accompanied by the documents, prescribed by ss 61 and 62. This condition does not require me to undertake any merit or qualitative assessment of the material for the purposes of s 190C(2)— *Attorney General of Northern Territory v Doepel* (2003) 133 FCR 112 (*Doepel*) at [16] and also at [35]–[39]. In other words, does the application contain the prescribed details and other information?

[26] It is also my view that I need only consider those parts of ss 61 and 62 which impose requirements relating to the application containing certain details and information or being accompanied by any affidavit or other document (as specified in s 190C(2)). I therefore do not consider the requirements of s 61(2), as it imposes no obligations of this nature in relation to the application. I am also of the view that I do not need to consider the requirements of s 61(5). The matters in ss 61(5)(a), (b) and (d) relating to the Court's prescribed form, filing in the Court and payment of fees, in my view, are matters for the Court. They do not, in my view, require any separate consideration by the Registrar. Paragraph 61(5)(c), which requires that the application contain such information as is prescribed, does not need to be considered by me under s 190C(2). I already test these things under s 190C(2) where required by those parts of ss 61 and 62 which actually identify the details/other information that must be in the application and the accompanying prescribed affidavit/documents.

[27] Below I consider each of the particular parts of ss 61 and 62, which require the application to contain details/other information or to be accompanied by an affidavit or other documents.

#### **Native title claim group: s 61(1)**

[28] It is only where the description of the native title claim group indicates that not all of the persons in the group were included, or that the description is merely a sub-group of the actual native title claim group, that the requirement at s 61(1) for the purposes of s 190C(2) will not be met – *Doepel* at [36].

[29] A description of the persons comprising the native title claim group is contained in Schedule A. There is nothing within that description, in my view, that suggests that any persons have been excluded, or that the description does not include all of the persons who are in the native title claim group.

[30] The application contains all details and other information required by s 61(1).

**Name and address for service: s 61(3)**

[31] The name and address for service of the applicant appears in Part B of the application.

[32] The application contains all details and other information required by s 61(3).

**Native title claim group named/described: s 61(4)**

[33] The requirement at s 61(4) for the purposes of s 190C(2) is merely procedural. That is, I am to be satisfied that the application contains the information required, namely information about the persons comprising the native title claim group. I am not to consider the correctness of that information – see *Wakaman People 2 v Native Title Registrar and Authorised Delegate* [2006] FCA 1198 (*Wakaman*) at [34]; *Gudjala People #2 v Native Title Registrar* [2007] FCA 1167 (*Gudjala 2007*) at [31]–[32].

[34] As above, a description of the persons comprising the native title claim group appears in Schedule A of the application.

[35] The application contains all details and other information required by s 61(4).

**Affidavits in prescribed form: s 62(1)(a)**

[36] The requirement at s 62(1)(a) for the purposes of s 190C(2) is that the application is accompanied by an affidavit sworn by the applicant. That affidavit must speak to the matters set out in subsections (i)–(v) of s 62(1)(a).

[37] As stated in the Application Overview above, the amended application before me comprises a copy of the re-engrossed Form 1 filed on 23 June 2014, with a new Attachment B1 to Schedule B replacing the existing Attachment B1, filed 8 December 2014. The amended application is not accompanied by the affidavit required pursuant to s 62(1)(a) and s 190C(2).

[38] The original application, first filed in the Court on 19 August 2013, was accompanied by the requisite affidavits, one sworn by each of the applicant persons, namely Scott McCain Franks and Robert John Lester. I note that there has been no change to the applicant.

[39] The affidavits were both sworn by the applicant persons on 14 August 2013, and having turned my mind to the contents of the affidavits, I am satisfied that they contain the statements

prescribed by ss 62(1)(a)(i)–(v). The affidavits are signed, dated and have been competently witnessed.

[40] The question is, therefore, whether I can be satisfied pursuant to s 190C(2) that the application is accompanied by the requisite affidavits.

[41] French J, in *Drury v Western Australia* [2000] FCA 132, addressed the requirement for fresh affidavits to accompany amended applications, and provided the following guidance in this respect when he commented that:

Section 62, insofar as it deals with accompanying affidavits in subs 62(1), is dealing with the position at the point of filing of the application. It is not, in my opinion, intended to cover amendment of applications... Section 62 does not, either expressly or by implication, convey a requirement that fresh affidavits have to be filed on the occasion of every amendment.

The authorisation which satisfies the requirements of s 62 in respect of a new application is intended to cover the ability of the applicants to deal with matters arising in relation to the application. Section 62A expressly provides that in the case of a claimant application, the applicant may deal with all matters arising under the *Native Title Act* in relation to the application. In my opinion such matters include the amendment of the application from time to time – at [11] – [12].

[42] His Honour also discussed those situations where the Court may direct affidavit evidence in support of amended applications. In this regard, His Honour held that ‘an appropriate case’ where such evidence could be required may include amendments involving the addition of applicants, or where two applications are combined and they do not have precisely the same applicants – at [14]. While these comments were made in relation to the requirements of the now repealed s 64(5), it is my view that they continue to have relevance for the current situation.

[43] I note that the amended application before me does not involve the addition of any applicant persons, nor does it involve the combining of previous applications. The application has been amended to reduce the area covered by the application, and to provide further factual basis material in support of the claim to native title. From information provided by the case manager, it is my understanding that the amendments are a direct response by the applicant to the failure of the previous application to satisfy certain conditions of the registration test.

[44] In my view, the authority given to the applicant by the native title claim group, in only May 2013, extends to the applicant amending that application. Further, in my view, it is reasonable to consider that that authority extends to amending the application particularly where those amendments seek to remedy deficiencies in the previous application that led to the failure of the application to satisfy the requirements of the registration test. This is on the basis that ultimately, the outcome sought by the native title claim group is procedural rights in relation to the application area.

[45] The Court has not required the filing of fresh affidavits in this situation, and, in my view, there is no power or authority by which I can demand them. Nor, for the reasons set out above, do I consider it appropriate in these circumstances that I would do so.

[46] I am of the view, therefore, that it is appropriate for me to consider the affidavits filed with the original application for the purposes of s 190C(2). As set out in my reasons above, I am satisfied that these affidavits comply with the requirements of s 62(1)(a).

[47] The application is accompanied by the affidavit required by s 62(1)(a).

**Details required by s 62(1)(b)**

[48] Subsection 62(1)(b) requires that the application contain the details specified in ss 62(2)(a)–(h), as identified in the reasons below.

*Information about the boundaries of the area: s 62(2)(a)*

[49] A written description of the external boundary of the application area appears at Attachment B1 to Schedule B. Information about those areas within that external boundary that are not covered by the application is given in Attachment B2 to Schedule B.

*Map of external boundaries of the area: s 62(2)(b)*

[50] A map of the external boundary of the application area is contained in Attachment C to Schedule C.

*Searches: s 62(2)(c)*

[51] Details regarding searches undertaken by the applicant are provided in Schedule D.

*Description of native title rights and interests: s 62(2)(d)*

[52] A description of the native title rights and interests claimed in relation to the land and waters of the application area appears in Schedule E.

*Description of factual basis: s 62(2)(e)*

[53] A general description of the factual basis on which it is asserted that the native title rights and interests claimed exist is contained in Schedule F.

*Activities: s 62(2)(f)*

[54] The activities currently undertaken by members of the claim group in relation to the land and waters of the application area are set out in Schedule G.

*Other applications: s 62(2)(g)*

[55] Details of other applications made in relation to the area covered by the application are provided in Schedule H.



*Section 24MD(6B)(c) notices: s 62(2)(ga)*

[56] Information about s 24MD(6B)(c) notices is given in Schedule HA.

*Section 29 notices: s 62(2)(h)*

[57] Schedule I refers to Attachment I as containing information about notices pursuant to s 29 issued in relation to the application area.

*Conclusion*

[58] The application contains the details specified in ss 62(2)(a)–(h), and therefore contains all details and other information required by s 62(1)(b).

### **Subsection 190C(3)**

#### **No common claimants in previous overlapping applications**

The Registrar/delegate must be satisfied that no person included in the native title claim group for the application (the current application) was a member of the native title claim group for any previous application if:

- (a) the previous application covered the whole or part of the area covered by the current application, and
- (b) the previous application was on the Register of Native Title Claims when the current application was made, and
- (c) the entry was made, or not removed, as a result of the previous application being considered for registration under s 190A.

[59] It is my understanding that it is only where a previous application meets all of the criteria set out at subsections (a)–(c) of s 190C(3), that the requirement for me to consider the possibility of common claimants arises – *Western Australia v Strickland* [2000] FCA 652 (*Strickland FC*) at [9].

[60] Regarding subsection (a), the geospatial assessment and overlap analysis (geospatial assessment) prepared by the Tribunal’s Geospatial Services (GeoTrack: 2014/2309, dated 18 December 2014) provides that there are two applications that cover part of the area covered by the current application. These are the Gomeroi People application (NC2011/006) and the Awabakal and Guringai People application (NC2013/002).

[61] Regarding subsection (b), the geospatial assessment provides that both the Gomeroi People application and the Awabakal and Guringai People application currently appear in an entry on the Register of Native Title Claims.

[62] I note that the current application was first made on 19 August 2013, and that this is the date relevant for the purposes of the phrase, ‘when the current application was made’ appearing in s 190C(3)(b) – *Strickland FC* at [41]–[52]. Having searched the information available to me through the Tribunal’s Registers, I am aware that there was an entry relating to both the Gomeroi People application and the Awabakal and Guringai People application appearing on the Register of Native Title Claims at that date.

[63] Moving then, to a consideration of subsection (c), again, from information obtained through the Tribunal's databases and Registers, I understand that both of the entries for those respective 'previous applications' were made as a result of those applications being considered for registration pursuant to s 190A. The Gomeroi People application was accepted for registration and entered on the Register of Native Title Claims on 20 January 2012, and the Awabakal and Guringai People application was accepted for registration and placed on the Register on 13 June 2013. Neither of those applications has since been removed from the Register.

[64] Consequently, the requirement for me to be satisfied in the terms prescribed by s 190C(3), regarding common claimants between the previous applications and the current application, is triggered.

[65] I have produced a copy of an extract from the Register of Native Title Claims for each of the Gomeroi People and Awabakal and Guringai People applications. Included in the information contained in the extracts is the description of the native title claim groups for those previous applications. Both claim group descriptions operate by way of reference to a list of apical ancestors, as does the description of the claim group in the current application.

[66] I have, therefore, turned my mind to those lists of apical ancestors, and considered whether the apical ancestors named in Schedule A of the current application, also appear in the claim group descriptions for the previous applications, which would result in common claimants between the previous application/s and the current application.

[67] Neither of the two individuals named as apical ancestors for the current application are also named in the list of apical ancestors for either of the previous applications. I am satisfied, therefore, that no person included in the native title claim group for the current application was a member of the native title claim group for any previous application.

[68] The application satisfies the condition of s 190C(3).

### **Subsection 190C(4)**

#### **Authorisation/certification**

Under s 190C(4) the Registrar/delegate must be satisfied that either:

- (a) the application has been certified under Part 11 by each representative Aboriginal/Torres Strait Islander body that could certify the application, or
- (b) the applicant is a member of the native title claim group and is authorised to make the application, and deal with matters arising in relation to it, by all the other persons in the native title claim group.

Note: The word *authorise* is defined in section 251B.

Section 251B provides that for the purposes of this Act, all the persons in a native title claim group authorise a person or persons to make a native title determination application . . . and to deal with matters arising in relation to it, if:

- a) where there is a process of decision-making that, under the traditional laws and customs of the persons in the native title claim group, must be complied with in relation to authorising things of that kind—the persons in the native title claim group . . . authorise the person or persons to make the application and to deal with the matters in accordance with that process; or
- b) where there is no such process—the persons in the native title claim group . . . authorise the other person or persons to make the application and to deal with the matters in accordance with a process of decision-making agreed to and adopted, by the persons in the native title claim group . . . in relation to authorising the making of the application and dealing with the matters, or in relation to doing things of that kind.

Under s 190C(5), if the application has not been certified as mentioned in s 190C 4(a), the Registrar cannot be satisfied that the condition in s 190C(4) has been satisfied unless the application:

- (a) includes a statement to the effect that the requirement in s 190C(4)(b) above has been met, and
- (b) briefly sets out the grounds on which the Registrar should consider that the requirement in s 190C(4)(b) above has been met.

[69] I must be satisfied that the requirements set out in either ss 190C(4)(a) or (b) are met, in order for the condition of s 190C(4) to be satisfied.

[70] Schedule R of the application provides that it has not been certified, and refers to Attachment R as containing information relevant to the requirement at s 190C(4)(b). Regarding that requirement, it is my understanding that I must be ‘satisfied of the fact of authorisation by all members of the native title claim group’ – *Doepel* at [78]. In reaching the required level of satisfaction, I am not restricted to the statements contained in the application – *Strickland* at [57], approved on appeal to the Full Court in *Strickland FC* at [78].

[71] The information pertaining to authorisation that is before me consists of a one-page document at Attachment R, and the two affidavits sworn by the applicant persons pursuant to s 62(1)(a).

[72] The affidavits sworn by the deponents each include a statement that the deponent is ‘a member of the native title claim group’, and state the descent of that person from one of the apical ancestors named in Schedule A of the application. I am, therefore, satisfied that the applicant persons are members of the native title claim group.

[73] Section 190C(5) prescribes further requirements where an application is authorised. Attachment R of the application states:

The persons comprising the Applicant are each members of the native title claim group and they are authorised to make this application, and deal with matters arising in relation to it, by all the other persons in the native title claim group – at [1].

[74] I consider this sufficient for the purposes of the statement required by subsection (a) of s 190C(5).

[75] Following this, the document sets out information that goes to the grounds upon which the Registrar should consider that this requirement has been met. It is my view that this information is sufficient for the purposes of ‘briefly setting out’ those grounds, as required by s 190C(5)(b).

[76] Consequently, I am satisfied that the requirement of s 190C(5) is satisfied.

[77] As to whether I can be satisfied of the fact of authorisation, Attachment R asserts that authorisation has occurred pursuant to a decision-making process mandated by the traditional laws and customs of the group. The following information is provided in relation to that process:

In summary, the elements of the traditional decision-making process are:

- (i) a decision requires the agreement of each family group within the PCWP [Plains Clans of the Wonnarua People];
- (ii) the persons in each family group who make decisions for that family are the persons accepted by the other family members as their Elders;
- (iii) the Elders determine with whom and how they will consult before making a decision and each family group may appoint a representative authorised to speak for their family, who must report back to the Elders and follow instructions from the Elders.

[78] Following this, Attachment R states that at a meeting of Elders and other members of the native title claim group, on 18 February 2012, it was confirmed that decisions regarding native title matters were to be made by the Heads of Family for the native title claim group, by discussion and agreement between them.

[79] The four persons recognised as the Heads of Family for the Plains Clans of the Wonnarua People, that is, the native title claim group, are named, and the information provides that those persons met in Singleton on 5 May 2013, and authorised the applicant to make the native title determination application and do all things necessary in relation to it.

[80] I note that the information provided in relation to the authorisation of the applicant is relatively brief. I do not consider, however, that this is an obstacle in me reaching the required level of satisfaction at s 190C(4)(b). In *Strickland*, where the decision-making process asserted by the applicant was a traditionally-mandated process, French J held that:



The insertion of the word “briefly” at the beginning of paragraph 190C(5)(b) suggests that the legislature was not concerned to require any detailed explanation of the process by which authorisation is obtained. The sufficiency of the grounds upon which the Registrar should consider that the requirement has been met is primarily a matter for the Registrar – at [57].

[81] His Honour went on, however, to emphasise the fundamental importance of the requirement of authorisation, finding that it was ‘not a condition to be met by formulaic statements in or in support of applications’ – at [57].

[82] In *Strickland*, the information pertaining to authorisation asserted that the two applicant persons, as a result of their position as elders of the native title claim group, had authority under traditional law and custom acknowledged by the members of the group to make decisions in relation to native title matters. In this regard, French J held that while the ‘brevity of the assertion’ may be criticised, it was not for the Registrar or the Court to ‘reject the contention that all relevant authority is vested in the elders of the relevant native title claim group and that the applicants fall into that category’ – at [57].

[83] I have turned my mind to the statements contained in Attachment R, and in the affidavits sworn by the applicant persons. In my view, that information clearly sets out that the applicant persons are members of the Plains Clans of the Wonnarua People native title claim group. It clearly sets out that it is a process mandated by the traditional laws and customs of the group by which the applicant was authorised. Details of that process, which I understand to be taken from the traditional laws and customs of the group, are also clearly set out. It is asserted that in February 2012 members and elders of the group confirmed that that was the appropriate decision-making process, and confirmed the particular persons who would act as Heads of Family. And finally, the information provides that at a meeting of those Heads of Family on 5 May 2013, the applicant was authorised in accordance with the process described.

[84] I have not received any material that asserts that the applicant is not so authorised, nor is there any discrepancy in the material before me regarding the process by which authorisation was undertaken. Consequently, I consider that the applicant is a member of the native title claim group and is authorised to make the application, and deal with matters arising in relation to it, by all the other persons in the native title claim group.

[85] For the reasons set out above, I am satisfied that the requirement set out in s 190C(4)(b) is met.

## *Merit conditions: s 190B*

### **Subsection 190B(2)**

#### **Identification of area subject to native title**

The Registrar must be satisfied that the information and map contained in the application as required by ss 62(2)(a) and (b) are sufficient for it to be said with reasonable certainty whether native title rights and interests are claimed in relation to particular land or waters.

[86] Noting the wording of s 190B(2), it is to the written description and map of the application area contained in the application pursuant to ss 62(2)(a) and (b) that I have turned my mind in my consideration at this condition of the registration test.

[87] As above, the written description of the external boundary of the application area appears at Attachment B1 to Schedule B. Attachment B1 is titled, 'External boundary description' and contains a metes and bounds description of the boundary, referencing catchment boundaries, roads, watercourses, cadastral boundaries and coordinate points. The description specifically excludes the following native title determination applications:

- Plains Clans of the Wonnarua People #2 (NC2012/004);
- Wonnarua Traditional Custodians (NC2012/005);
- Wonnarua Traditional Custodians (NC2013/003);
- Plains Clans of the Wonnarua People (NC2013/004).

[88] Attachment B2 contains a list of general exclusions, that is, areas falling within the external boundary of the application area that are not covered by the application. I am of the view that there is nothing within this approach that results in any uncertainty in the description of the application area, nor does it offend the condition at s 190B(2) – see *Strickland v Native Title Registrar* [1999] FCA 1530 (*Strickland*) at [50]–[55].

[89] As above, a map of the area covered by the application appears at Attachment C to Schedule C. Attachment C is a colour copy of a map titled, 'NSD1680/2013 Scott Franks & Anor on behalf of the Plains Clans of the Wonnarua People (NC2013/006)', prepared by the Tribunal's Geospatial Services on 8 April 2014. The map includes:

- the application area depicted by a bold blue outline;
- topographic background image;
- scalebar, northpoint, coordinate grid and location diagram; and
- notes relating to the source, currency and datum of data used to prepare the map.

[90] The geospatial assessment concludes that the map and description are consistent and identify the application area with reasonable certainty. Having considered the written description and the map before me, I am similarly of the view that they are able to identify the application

area, such that it can be said with reasonable certainty whether native title rights and interests are claimed in relation to particular land or waters.

[91] The application satisfies the condition of s 190B(2).

### **Subsection 190B(3)**

#### **Identification of the native title claim group**

The Registrar must be satisfied that:

- (a) the persons in the native title claim group are named in the application, or
- (b) the persons in that group are described sufficiently clearly so that it can be ascertained whether any particular person is in that group.

[92] As above, a description of the native title claim group appears at Schedule A of the application. Pursuant to s 190B(3)(b), then, I must be satisfied that the persons in the group are described sufficiently clearly so that it can be ascertained whether any particular person is in that group. In *Doepel*, Mansfield J emphasised that the task was not to consider the correctness of the description, or whether the persons described do in fact qualify as members of the native title claim group – at [37]. Rather, the focus of my task is to be an ‘assessment of the sufficiency of the description of the group for the purpose of facilitating the identification of any person as part of the group’ – *Wakaman People 2 v Native Title Registrar and Authorised Delegate* [2006] FCA (*Wakaman*) at [34].

[93] The description of the native title claim group appears as follows:

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 in approximately 1800 in the Singleton district, and who was the mother of Matilda Hughes who was born approximately 1833 in or around Scone, who married *[name deleted]* on 28 December 1856 at Fallbrook and who died on 5 October 1913 at Bridgeman, Patricks Plains Shire).

[94] The description is straightforward, and I do not consider that there is anything controversial or ambiguous in its terms. There is only one condition or criterion by which group members are to be identified, and that is that they are biologically descended from one of the two apical ancestors named.

[95] While the application of the stated criterion may require some inquiry to ascertain the persons captured by the description, I do not consider that this is problematic in the description being sufficiently clear. Regarding a description identifying members of the claim group by

reference to apical ancestors (amongst further criteria), Carr J in *Western Australia v Native Title Registrar* [1999] FCA 1591 (*WA v NTR*) held that '[i]t may be necessary, on occasions, to engage in some factual inquiry when ascertaining whether any particular person is in the group as described. But that does not mean that the group has not been described sufficiently clearly...The Act is clearly remedial in character and should be construed beneficially' – at [67].

[96] I am satisfied, therefore, that the persons in the group are described sufficiently clearly so that it can be ascertained whether any particular person is in that group.

[97] The application satisfies the condition of s 190B(3).

### **Subsection 190B(4)**

#### **Native title rights and interests identifiable**

The Registrar must be satisfied that the description contained in the application as required by s 62(2)(d) is sufficient to allow the native title rights and interests claimed to be readily identified.

[98] Mansfield J, in *Doepel*, held that the 'test of identifiability' was 'whether the claimed native title rights and interests are understandable and have meaning' – at [99]. His Honour's comments further suggest that this test is to be applied in light of the definition of 'native title rights and interests' set out in s 223 of the Act. While I have turned my mind to whether the rights and interests claimed can be understood as 'native title rights and interests', my view is that the focus of s 190B(4) is upon the description as a whole, and I have not, therefore, undertaken an individual assessment of each of the rights and interests claimed against the requirements of that definition. This task I have reserved for my consideration at the further merit condition of s 190B(6).

[99] Regarding the Registrar's task at s 190B(4), French J in *Strickland* commented that 'the sufficiency of the native title rights and interests is a matter of which the Registrar must be satisfied' and that there is 'scope for evaluative judgment' in the Registrar performing that task – at [60]. I consider that this approach was supported by Mansfield J in *Doepel* when he held in relation to the requirement at s 190B(4) that '[i]t was a matter for the Registrar to exercise his judgment upon the expression of the native title rights and interests claimed' – at [123]. His Honour further held that '[i]t was open to the Registrar to read the contents of Schedule E together, so that properly understood there was no inherent or explicit contradiction' – at [123].

[100] As above, a description of the native title rights and interests appears at Schedule E. I note that that description includes a broad claim to possession, occupation, use and enjoyment as against the whole world, however, I do not consider that there is anything within such a claim that offends the condition at s 190B(4) – *Strickland* at [60].



[101] Paragraph [2] of Schedule E contains a list of non-exclusive rights, claimed over areas where exclusive possession cannot be recognised.

[102] Following this list, at paragraph [3], a number of qualifications appear. These include that the rights and interests claimed are subject to and exercisable in accordance with the laws of NSW and the Commonwealth, any rights conferred upon persons pursuant to those laws, and the traditional laws and customs acknowledged and observed by the native title claim group.

[103] Having considered this description, and upon reading the contents of Schedule E together, I have formed the view that the rights and interests claimed are all understandable and have meaning, and that there is no inherent or explicit contradiction within that description.

[104] I am satisfied, therefore, that the description contained in the application is sufficient to allow the native title rights and interests to be readily identified.

[105] The application satisfies the condition of s 190B(4).

## **Subsection 190B(5)**

### **Factual basis for claimed native title**

The Registrar must be satisfied that the factual basis on which it is asserted that the native title rights and interests claimed exist is sufficient to support the assertion. In particular, the factual basis must support the following assertions:

- (a) that the native title claim group have, and the predecessors of those persons had, an association with the area, and
- (b) that there exist traditional laws acknowledged by, and traditional customs observed by, the native title claim group that give rise to the claim to native title rights and interest, and
- (c) that the native title claim group have continued to hold the native title in accordance with those traditional laws and customs.

[106] My understanding of the law in relation to the requirement at s 190B(5) is that the general description of the factual basis provided in support of the claim must be 'in sufficient detail to enable a genuine assessment of the application', and be more than assertions at a high level of generality' – *Gudjala People #2 v Native Title Registrar* [2008] FCAFC 157 (*Gudjala 2008*) at [92]. In this way, a sufficient factual basis for the claim must have relevance to the particular native title claimed, by the particular native title group, over the particular land and waters of the application area – *Gudjala 2007* at [39].

[107] Noting the wording of s 62(2)(e), and the reference to a 'general description' of the factual basis, it is my view that the applicant is not required to produce evidence that is able to prove the facts necessary to make out the claim, as in a hearing – *Gudjala 2008* at [92]. I am, therefore, required to address the quality of the asserted factual basis for the rights and interests claimed, but only in the sense of ensuring that, if they are true, they can support the existence of those claimed rights and interests – *Doepel* at [17].

[108] In my assessment of the factual basis material for the purposes of s 190B(5), I understand that I can rely on the statement contained in the affidavits required by s 62(1)(a) that the applicant believes all of the statements contained in the application to be true – *Gudjala 2008* at [91]–[92].

[109] Finally, I note that I am not restricted to the material contained in the application in my consideration at s 190B(5) – *Doepel* at [16].

[110] I have considered each of the three assertions set out at s 190B(5) in turn in my reasons below.

### **Reasons for s 190B(5)(a)**

[111] Where the factual basis discloses an association only with particular areas within the application area, it is likely to be insufficient for the purposes of s 190B(5)(a) – *Martin v Native Title Registrar* [2001] FCA 16 (*Martin*) at [26]. Similarly, where the information pertaining to association consists merely of broad statements lacking geographic particularity to the claim area, and where the nature of the association - be it spiritual or physical – is unspecified, the material is unlikely to satisfy the condition – *Martin* at [26].

[112] In *Gudjala 2007*, in an aspect of the decision not criticised by the Full Court on appeal, Dowsett J suggested the following types of information may be required of the factual basis at s 190B(5)(a):

- information regarding the claim group as a whole having a present association with the area, although there is no requirement that all members must have such an association at all times;
- information about an association of the predecessors of the whole group and the area over the period since sovereignty – at [52].

#### *The applicant's factual basis material – s 190B(5)(a)*

[113] I have summarised the applicant's factual basis material relevant to the assertion at s 190B(5)(a) below:

- the native title claim group identify as the Plains Clans of the Wonnarua People (PCWP), being the descendants of Wonnarua persons (namely Mary Shoe and Emily and their immediate descendants) who occupied a tract of country encompassing the middle reaches of the Hunter River and its tributaries including the area around Singleton and Patricks Plains – Attachment F at [1] and [5];
- native title rights and interests held by the PCWP arise pursuant to Wonnarua traditional laws and customs surrounding: (a) ancestral connection to the area; (b) residence in the area; (c) traditional religious knowledge of and affiliations to and responsibility for the area; and (d) traditional knowledge of the resources of the area – Attachment F at [6];

- archaeological evidence obtained from the application area demonstrates that there was Indigenous occupation of the area prior to sovereignty – Annexure A to Attachment F1 at [11.3] to [11.10];
- settlement in the area began after 1819 – Annexure A to Attachment F1 at [1.3];
- various historical sources, excerpts of which are provided and which date as early as 1826, speak to the Wonnarua People as being the Indigenous persons occupying the area at the time of settlement or first contact – Annexure A to Attachment F1 at [1.3]–[1.5], [2.1]–[2.2], [3.7] and [4.6]–[4.7];
- the Wonnarua People comprise a number of smaller social groupings who were distinguishable according to their association with particular localised territorial bounds – the early settlers referred to the local group comprising the predecessors of the PCWP as the ‘Plains Blacks’ – Annexure A to Attachment F1 at [1.1], [4.2];
- in 1827 and 1834, *[name deleted]*, the Justice of the Peace at Patricks Plains, recorded the Plains Blacks as comprising a group of 17 men and 29 women and children, and that the group shared a boundary with the local Wonnarua group known as the Kinkyne or Hungary Hill tribe – Annexure A to Attachment F1 at [4.6] and [4.7];
- claimants speak of the way in which their predecessors told them stories about the ‘old people’, and how those persons passed certain knowledge, including spiritual knowledge and stories, down to the claimants’ predecessors – this includes stories of interactions between the old people and early settlers in the area – Attachment F4 at [25] and [26], [35];
- a historical source of 1838 reports that the Wonnarua People travelled across the application area in order to engage in joint actions and meetings with other groups – Annexure A to Attachment F1 at [8.3];
- European settlement in the Hunter Valley impacted heavily on the Wonnarua People, including massacres and outbreaks of disease – Annexure A to Attachment F1 at [14.1] and [14.3];
- descendants of the apical ancestors continued to live in the application area and still do so today – the claimants and their predecessors inherited a wide range of information about the application area – Annexure A to Attachment F1 at [14.5]; Attachment F at [3];
- claimants today are actively involved in cultural heritage activities on the application area – they understand this to be in accordance with their responsibilities to care for and protect their country – Annexure A to Attachment F1 at [8.8];
- claimants continue to live in the application area and carry out a range of traditional activities on the area – Attachment F at [9].

[114] Regarding the apical ancestors of the PCWP, the factual basis material provides that Emily, the mother of Henry Taggart was born in approximately 1840, that she gave birth to her son in about 1859 around the Howes Valley near Broke or Wollombi, and that she died in 1941 in the District of Singleton. Emily is asserted as having worked as a domestic with the *[name deleted]*

family in the Sandy Hollow area, while her son was taken to the Putty and Broke areas to be raised by the *[name deleted]* family.

[115] The factual basis provides that Mary Shoe was born in approximately 1800 in the Singleton District. She had a child, Matilda Hughes, in 1843 in or around Scone.

*My consideration – s 190B(5)(a)*

[116] The focus of my consideration for the purposes of s 190B(5)(a) is whether the factual basis is sufficient to support an assertion that the native title claim group have, and the predecessors of those persons had, an association with the application area.

[117] Before I begin this task, I consider it appropriate that I set out my understanding of particular matters that arise within the material. Firstly, the claim before me is made by the PCWP. The material asserts that the PCWP are a smaller social grouping of the Wonnarua People, who were distinguishable from that wider group by way of their rights and interests in the specific lands and waters of the application area. These rights and interests were inherited by the group through their biological descent from ancestors who had occupied and owned the area since time immemorial – see Annexure A to Attachment F1 at [5.2].

[118] While I understand the material to assert that the PCWP share common laws and customs with the Wonnarua People, I consider that it clearly asserts the PCWP to be the distinct group of persons who are able to speak for, and who have responsibilities in relation to, the application area, pursuant to those laws and customs – Annexure A to Attachment F1 at [6.1].

[119] I note that a large amount of the factual basis material in support of the requirement at s 190B(5)(a) speaks to the association of the ‘Wonnarua People’ with the area at the time of settlement. The material clearly asserts, however, that the predecessors of the PCWP were identified in those early stages of settlement as the ‘Plains Blacks’, and that this was the particular local group of the Wonnarua who were associated with the application area. Noting these assertions within the material, I consider it reasonable that I can infer, that where the material (such as an excerpt from a historical source appearing within the material) speaks to an association of the ‘Wonnarua People’ with a location that falls within the external boundary of the application area, that the material is, in fact, speaking to an association of the Plains Blacks (being the predecessors of the native title claim group), with the area.

[120] The first matter I have turned to consider, therefore, is whether the factual basis is sufficient to support an assertion of an association between the predecessors of the PCWP and the area at the time of sovereignty or European settlement. The material asserts European settlement in the area to have occurred in the early 1820s, as the Hunter Valley was opened up to farming. The material provides that PCWP apical ancestor Mary Shoe was born prior to this time, in



approximately 1800, and consequently, I have inferred that the material asserts Mary to have been one of the predecessors of the PCWP inhabiting the area at the time settlement was taking place.

[121] Apical ancestor Emily was born in approximately 1840, some 20 years following the initial stages of settlement. Both ancestors are asserted within the material to have been born in locations within the application area, and are further asserted within the material as being present in or associated with certain other locations within the application area at specific points in their lives, such as the birth of their children, and the time of their passing away. These places include Singleton, Scone, Broke, Wollombi and Sandy Hollow, all of which I have located well within the external boundary of the application area.

[122] In addition to this, I note that the factual basis includes specific information about another two members of the Plains Blacks, whom I understand to be the predecessors of the PCWP inhabiting the area at around the time of settlement. The material speaks of 'Bit of Bread', encountered by *[name deleted]*, and recorded by him in 1825 as a member of the Plains Blacks who inhabited the middle Hunter Valley region – Annexure A to Attachment F1 at [8.2]. The material also refers to a claimant being taught about *[name deleted]*, a member of the Plains Blacks who was a guide and tracker for early settlers in the area. *[name deleted]* is asserted as having refused to take early European settlers in the area beyond the Liverpool Ranges, as this was no longer his country – Attachment F4 at [35].

[123] In this way, I have formed the view that the factual basis is sufficient to support an assertion that the predecessors of the PCWP were associated with the area at around the time European settlement occurred. There are numerous historical sources set out within the material which date as early as 1825, referring to the Wonnarua People occupying an area including the middle Hunter Valley and tributaries of the Hunter River, up to the Liverpool Ranges, Muswellbrook, Singleton, and down as far as Maitland and Wollombi. I have considered these locations and am of the view that this accords with the boundaries of the application area described in Attachments B and C to Schedules B and C of the application before me.

[124] In addition to this, the apical ancestors of the PCWP are identified as persons who were present in the area prior to the time at which settlement occurred (namely, apical ancestor, Mary Shoe), or persons who were born in the area shortly after the initial settlement phase in the middle Hunter Valley region (namely, apical ancestor, Emily). Further, the material speaks to and identifies other members of the Plains Blacks who are asserted as being present in the area at around the time settlement was occurring.

[125] Regarding whether the factual basis is sufficient to support an assertion of an association between the claim group as a whole and the area, presently, I consider that there is various material that speaks to such an association. This includes affidavits from members of the group in

which they speak of time they have spent at certain places within the application area. One claimant states that:

As a young boy I would avoid school. I hardly turned up from a very young age and left school as soon as I was allowed which was when I was 14 and 9 months. I would always be in the bush as my father owned a property of more than 1000 acres known as Mount Olive. This property was situated 14 miles north of Singleton along Bridgman Road. In those early years I would run around the bush with my [name deleted] and his first cousin [name deleted]. [Name deleted] was a dingo bounty hunter and Aboriginal man. He had been taught by my non-Aboriginal grandfather [name deleted] to call a dingo and track them. My grandfather had been taught this skill as a young man by [name deleted] the Aboriginal father of his eventual wife, [name deleted]. It was the expert knowledge to howl and call in dingoes that enabled my grandfather to make enough money from dingo bounties to purchase Mt Olive which my father inherited and lived on for all but the last ailing years of his life – Annexure B at Attachment F1 at [2].

[126] And another claimant states:

Despite the prejudice my family has always identified as Wonnarua of the Plains Clan with specific ancestral links to our clan lands about Ravensworth, Camberwell, Bridgman, Singleton, Glendon, Carrowbrook, Mt Royal, and Goorangoola. We have always valued, and respected our land, our heritage and our identity. For me and my family the land is not ours but a gift given to us to use because everything comes from the land. We have been brought up and taught to believe that we were fashioned out of the earth and to the earth we will return. When [names deleted] (my two youngest children) were about eight I took them for a drive to show them about Glennies Creek where I grew up, rode horses and motorbikes and went fishing. When I got there I just gasped and went “Aargh” because there was nothing to see. It was all gone. There was a big hole from mining. I sat there and tears rolled down my cheeks. I couldn’t show my children anything. It was like a part of me had been deleted. It was important to my mother and it is important to me that we look after our special places and teach the children about the ecological and cultural heritage values of my Wonnarua Country – Annexure C to Attachment F1 at [7].

[127] And another claimant states:

Stories relayed to me by my grandparents of the times they had spent in Wonnarua Country – and of the things they were told by *their* parents – were often shared during picnics held at a lovely spot along Glennies Creek up on Old Carrowbrook Road near the home of the Franks family. It was known as the “Blacks camp”. Mum hated that the white man had called it, as it was so pretty. It had a good swimming hole but it was too deep and mum wouldn’t let [name deleted] and I swim in it...

During those picnics we would listen to stories about the creation of Wonnarua country and about those special places and/or beings such as Biامي, Tidilick the Frog and Burning Mountain that were of and from the beginning of time. I was told that a cave at Milbrodale was painted with an image of Biامي. He was painted there to welcome people to the territory of the Plains Clans and, with his arms outstretched facing east northeast, he was there as a guardian and protector of our people and our

clan country. I was also told of the ceremonial tracks that linked sites such as Biami Cave, the corroboree sites at Bulga and the old home spaces of my people up near Mt Olive and Glennies Creek. I was also told that there were many of the sites that women (females) should never go near. Burning Mountain which is up near Wingen, at the northern end of the territory of the Plains Clans of the Wonnarua, was one such place that my mum would never go near or pass by for fear that she would anger Biami. She would avoid driving up that way to Tamworth so that she was never in sight of this mountain – Annexure C to Attachment F1 at [15] and [16].

[128] The material of this nature within the application includes references to numerous places. I have considered the location of these places and note that they fall across the entirety of the application area. The statements made by claimants also refer to various families who comprise the PCWP native title claim group, including the Franks, the Lesters, and the *[name deleted]*. Claimants speak of visiting members of these families at their homes within the application area. In light of this material, I have formed the view that the factual basis is sufficient to support an assertion that the claim group as a whole has an association with the application area.

[129] Turning then, to whether the factual basis is sufficient to support an assertion that there has been an association between the members of the group and the area over the period since settlement, I consider that the material clearly speaks to such an association. For example, specific information about the descendants of the apical ancestors and places they were associated with is set out within the material. The material asserts that Henry Taggart, the son of apical ancestor Emily, was born in Broke in 1849, and raised by the *[name deleted]* family around the Broke and Putty areas. One claimant describes the way her grandfather, Henry's eldest son, told her stories of the frequent horse rides up to Sandy Hollow that Henry would make to visit his mother. The claimant explains that her grandfather would go as a child with his father to visit Emily – Annexure D to Attachment F1 at [4] and [5].

[130] The claimant describes the tracks they would travel 'from Broke back through Jerry's Plains, Denman and on to Sandy Hollow'. I note that this route traverses roughly from east to west of the middle of the application area. The claimant states she was told that sometimes they would come back via Muswellbrook, Ravensworth and onto Mount Olive and Singleton to see family. The claimant also describes how they would stop to catch-up with 'people from his mob' along the way – Annexure D to Attachment F1 at [5]. Again, from my own research, I understand that this route remains within, and runs across roughly from west to east of the application area. It is also asserted that Henry spent time in his youth around significant sites of the PCWP, including gathering sites and ceremonial tracks, at Warkworth, Broke, Jerry's Plains and Bulga – see Annexure D to Attachment F1 at [6]. Through my own research I have confirmed that all of these locations fall within the application area.

[131] Further information in support of an asserted association of the predecessors of the group with the area over the period since sovereignty is given by another claimant regarding the

daughter of apical ancestor Mary Shoe, Matilda Hughes. Matilda was born in the northern part of the application area, in Scone, in 1843. She married *[name deleted]* in Fallbrook in 1856 and they had a child in Sydenham in 1858 near Singleton. One claimant states that he was told by his father that Matilda was buried on the application area, and that his father showed him this site – Annexure B to Attachment F1 at [1]. Similar details regarding the association of Matilda’s children and grandchildren with places within the application area boundaries are also given within the material.

[132] In addition to this, I have before me, at Annexure A to Attachment F1, a family tree for the descendants of apical ancestor Mary Shoe. This family tree includes details of birth places, places of marriage and places of death for each descendant. Places named include Sydenham, Singleton, Scone, Fallbrook, Patricks Plains, Mount Olive, St Clair, Bridgman, Muswellbrook, Denman, Redbourneberry, Carrowbrook, Glennies Creek and Broke. Again, these places are all within the application area. From this information, it is my understanding that all of the families descended from Mary have continued to inhabit the application area. The Lester family of the PCWP is asserted as having left the area and moved to Sydney in the 1920s, however they were able to maintain their connection to their traditional country through regular visits and through the retelling of stories of the old people and the places they had spent time – Annexure B to Attachment F1 at [23].

[133] In addition to the material of this nature, it is clear from the statements made by claimants that they have a thorough knowledge of each of the persons comprising the intervening generations of their predecessors back to settlement. They share stories of these persons and details of those places with which they were associated – see for example Annexure C to Attachment F1 at [8]. The claimants also express their understanding of their rights and interests in the application area arising from the fact that it was the country of their parents and grandparents – see for example Annexure C to Attachment F1 at [12] and [13].

[134] In light of all of the material set out above, I have formed the view that the factual basis is sufficient to support an assertion that the predecessors of the native title claim group had an association with the particular land and waters of the application area. The material speaks to those persons in the intervening generations, including information about the particular places they spent time, and stories of trips they made across the application area. Claimants’ statements suggest they have a thorough knowledge of these stories, and it is clear from the material that these stories have been passed down to them by their parents and grandparents.

[135] I consider that the material before me regarding the assertion at s 190B(5)(a) is of a relatively detailed nature. There is information that speaks to an association of the members of the claim group today, their predecessors over the period since settlement, and the PCWP or the ‘Plains Blacks’ at settlement, with various locations across the application area. My own reference to mapping data regarding all of the places named within the material, in my view, allows me to



consider that the factual basis is sufficient in supporting an assertion of an association of the group and its predecessors with the entirety of the application area. I also consider that there is information that speaks to both a spiritual and physical association of the group and their predecessors with the area. Consequently, it is my view that the material consists of more than broad statements, and that it has geographical particularity to the land and waters of the application area.

[136] I am, therefore, satisfied that the factual basis is sufficient to support an assertion that the native title claim group have, and the predecessors of those persons had, an association with the area. The requirement at s 190B(5)(a) is met.

### **Reasons for s 190B(5)(b)**

[137] The assertion at s 190B(5)(b) speaks of traditional laws and customs giving rise to the claim to 'native title rights and interests'. I consider, therefore, that the definition of that term in s 223(1) is of some relevance in my consideration at this condition. That definition provides that such rights and interests are, 'possessed under the traditional laws acknowledged, and the traditional customs observed', by the native title claim group – see s 223(1)(a).

[138] Noting the similarity in terms of this provision and the assertion at s 190B(5)(b), I have turned my mind to the leading authority in relation to the definition of 'traditional laws and customs', namely the decision of the High Court in *Members of the Yorta Yorta Aboriginal Community v Victoria* [2002] HCA 58 (*Yorta Yorta*). In that decision, the High Court held that the term 'traditional' laws and customs, in the context of the Act, carried two particular elements in its meaning. Firstly, the origins of the content of the laws and customs concerned must be rooted in the normative rules of the Aboriginal or Torres Strait Islander society in existence before sovereignty – at [46] and [79]. Secondly, the acknowledgement and observance of those laws and customs must have continued substantially uninterrupted since that time – at [87] and [47].

[139] In *Gudjala 2007*, again, in an aspect of the decision not criticised by the Full Court on appeal, Dowsett J set out the principles enunciated in *Yorta Yorta* (at [26]) and then sought to apply them to the factual basis material provided in the application before him. His Honour held that in relation to the requirement at s 190B(5)(b), the following types of information may be necessary in providing a sufficient factual basis:

- information about how the laws and customs currently observed have their source in a pre-sovereignty society and have been observed since that time by a continuing society – at [63];
- information about the existence at European settlement of a society of people living according to a system of identifiable laws and customs, having a normative content – at [65]; and
- an explanation of the link between the claim group described in the application and the area covered by the application, which process may involve the identification of a link between the apical ancestors by whom the group is defined and any society existing at sovereignty – at [66].

[140] In *Gudjala People #2 v Native Title Registrar* [2009] FCA 1572 (*Gudjala 2009*), Dowsett J again considered the nature of the material required to satisfy the condition at s 190B(5)(b), and held that the following types of information may be necessary:

- information identifying who the persons who acknowledged and observed the pre-sovereignty laws and customs were – at [37] and [52];
- an explanation of how the current laws and customs of the claim group can be said to be traditional (that is, the laws and customs of a pre-sovereignty society relating to rights and interests in land and waters), and more than a mere assertion that such laws and customs are traditional – at [52], [53] and [72]; and
- details of the claim group’s acknowledgement and observance of those traditional laws and customs pertaining to the claim area – at [74].

*The applicant’s factual basis material – s 190B(5)(b)*

[141] I have summarised the applicant’s factual basis material relevant to the assertion at s 190B(5)(b) below:

- the pre-sovereignty laws and customs of the Wonnarua People conferred rights on particular localised groups to particular areas, including rights to speak for country and to use the resources of that country – Attachment F at [4];
- the PCWP identify as the descendants of the Wonnarua Peoples who occupied a tract of country that encompassed the middle reaches of the Hunter River and its tributaries around Singleton (Patricks Plains) – Attachment F at [5];
- historical records indicate a broad society known as the Wonnarua People, which was comprised of smaller territorial groups – the ancestors of the PCWP were known at the time of settlement as the ‘Plains Blacks’ – Annexure A to Attachment F1 at [4.5];
- a historical source dated 1896 concludes that Wonnarua boundaries were well-defined and clearly understood by the group, and by neighbouring groups – Annexure A to Attachment F1 at [4.5];
- James Glennie, Justice of the Peace of Singleton, recorded in the late 1820s that the Plains Blacks comprised 17 men and 29 women and children – Annexure A to Attachment F1 at [4.6];
- Mary Shoe and Emily, the apical ancestors of the claim group are understood as being members of the Plains Blacks from 1800 onwards – Annexure A to Attachment F1 at [1.2];
- *[name deleted]* and *[name deleted]* are similarly understood by claimants as being members of the Plains Blacks during the time at which settlement was occurring – Annexure A to Attachment F1 at [8.2] and Attachment F4 at [35];
- Miller in 1886 made a number of observations about the laws and customs of the Wonnarua People occupying the application area, including that important decisions were made by adults or elders of the group, that marriages were extremely exogamous and polygamy prevailed, that young boys became “young men” with certain secret ceremonies, and that youths of both sexes were prohibited from eating certain meats – Annexure A to Attachment F1 at [1.4] and [1.5];

- Ridley in 1864 observed the Wonnarua as intensely religious and constrained by strictly enforced laws – Annexure A to Attachment F1 at [1.3];
- the social interactions of the Wonnarua at the time of settlement were designed to take advantage of the seasonal availability of resources – Annexure A to Attachment F1 at [1.3];
- Threkheld in 1838 confirmed the distinct character of the Wonnarua language (particularly the Plains Blacks) as compared to the Daruk – Annexure A to Attachment F1 at [2.1];
- historical records indicate that the predecessors of the PCWP at settlement continued to adhere to traditional laws and customs, despite having European laws forced upon them – Annexure A to Attachment F1 at [8.2];
- historical records also suggest the predecessors of the PCWP travelled across the application area in order to participate in ceremonies and gatherings with neighbouring groups – Annexure A to Attachment F1 at [8.3] and [8.4];
- archaeological evidence suggests the predecessors of the PCWP moved in small groups from campsite to campsite, living on local resources, and close to easily accessible water sources – Annexure A to Attachment F1 at [11.2];
- archaeological evidence points to the use of cave sites within the application area for ceremonial purposes – Annexure A to Attachment F1 at [12.7];
- traditional law and custom has been passed down by traditional teaching methods through generation after generation of PCWP, in relation to the application area – Attachment F at [7];
- the PCWP have continued to acknowledge and observe the traditional laws and customs of the Wonnarua People, made possible by living on the area and undertaking a range of activities on it, including using its resources – Attachment F at [9];
- claimants express an understanding that pursuant to their laws and customs, the application area was the land of their parents, grandparents and great grandparents – Annexure A to Attachment F1 at [5.2];
- members of the claim group exercise rights and responsibilities in relation to the application area, derived from their identification as the owners of that country under customary law – Annexure A to Attachment F1 at [8.7];
- members of the claim group assert an authority to be involved in decision-making regarding the protection and management of their traditional lands on the basis of their ancestors' connection to the area, and their continued connection to the area – Annexure A to Attachment F1 at [6.1];
- recruitment to the native title claim group is by way of cognatic descent, and this is a matter determined by Wonnarua People according to their traditional laws and customs – Annexure A to Attachment F1 at [6.1];
- Wonnarua religious beliefs describe the creation of the landscape of the application area and link the landscape with the ancestors of the group – Annexure A to Attachment F1 at [7.1];
- beliefs include that the activities of creative beings and ancestors of long ago transformed the world and laid down the pattern of life and the laws of the Wonnarua People – Annexure A to Attachment F1 at [7.1];
- stories of these creation events and associated sites are the cultural property of the claimants that has been passed down to them through the generations of PWCP – elder members of the claim group were told of these creation events by their parents, grandparents and other kin Annexure A to Attachment F1 at [7.1];

- these creation stories and the ancestral or spiritual beings associated with these stories are depicted in cave paintings across the application area – Annexure A to Attachment F1 at [7.5];
- initiation sites, burial places, including the final resting place of known ancestors, and massacre sites are important symbols to the claimants and are expressions of their connection with their past and their country – Annexure A to Attachment F1 at [7.3];
- Wonnarua laws and customs place on members of the native title claim group the custodial responsibility to ‘look after country’, and to maintain and protect important places – Annexure A to Attachment F1 at [7.4];
- today, there are social sanctions which operate to regulate the behaviour of the claim group and other Aboriginal people regarding cultural heritage sites – claimants express an understanding that only Wonnarua People can walk on Wonnarua land – Annexure A to Attachment F1 at [10.2].

[142] In addition to this, I consider that statements made by claimants throughout the material speak to aspects of traditional laws and customs as relevant to the assertion at s 190B(5)(b). For example, regarding the right asserted by the claimants to speak for country pursuant to their laws and customs, one claimant states that:

Pop would often go up into the bush and didn’t come back for days. Sometimes too my dad and brother would go up to Mt Royal with Pop on the horses. They would leave in the morning and come back only at sunset. During these trips my dad and brother were taught many things about Wonnarua country by my Pop including the ways of the old people, and also about men’s business, although this was mostly for my brother *[name deleted]* to hear listen and learn. *[Name deleted]* still says that Pop didn’t tell him all that he knew as talking about the old ways to the young ones was looked down upon.

It was important for my Pop to always be in Wonnarua Country. He always stipulated that if you weren’t born in Wonnarua Country you weren’t/couldn’t be classed as Wonnarua. Also, if you left the country for more than a year, depending on the reasons why you had left, you were most likely to be accepted back into the Plains Clans but you shouldn’t/couldn’t/wouldn’t ever be able to speak with authority about the laws and customs of the people – Annexure C to Attachment F1 at [12] to [13].

[143] A claimant refers to laws and customs surrounding the position of elders or Heads of Family in the following way:

As my brother *[name deleted]* explains it, within our Wonnarua society today – and in the past – there are both men and women Elders who have specific knowledge and/or carriage of certain tasks that often relate to “men’s” or “women’s” business only. However, when a broader issue arises within the community both the men and women Elders come together to discuss it and help make decisions. When a decision is made, it is always outlined to the broader group by the chosen Head of Family. It is for this reason, and in this fashion, that my brother accepts me as the Head of our Family. These are the lores and customs that have been handed down through the generations and they are still in practice and still strong in our hearts today. I am proud to be Head of my Family and



I am proud of the trust and support that my brother, cousins and children provide me to fulfil this role – Annexure C to Attachment F1 at [4].

[144] Another claimant explains her knowledge of her ancestors and their acknowledgement and observance of laws and customs in relation to their traditional country:

My great-grandfather Henry was able to learn, practice and teach the Wonnarua lores and customs to his sons and daughters because although he was raised away from his mother he was fortunate enough to be brought up in the Broke-Bulga-Putty-Jerrys Plains area where many of the important gathering sites and ceremonial tracks of the Plains Clan occur. He was a young boy down in that area for example just ten or so years after 1852 when the last big inter-tribal ceremony was reportedly held at the Bulga Bora ground. My great-grandfather spent a lot of time in and around the special places of the wider PCWP clan group at Warkworth, Broke, Jerry's Plains and Bulga. He would take my grandfather and his brothers out into the scrub down that way and teach them how to survive on the tucker that was to be found there – Annexure D to Attachment F1 at [6].

[145] The following statement comes from a claimant describing his knowledge of the routes taken by his predecessors across the application area, in accordance with ceremonial tracks under Wonnarua laws and customs:

I was told that the creek formed the only route which I should use to travel through the country of my people. It was the track which my family would use to travel to ceremonies and to move across country to get food. As we walked along my Uncle and Cousin would talk and I would listen and learn... - Annexure B to Attachment F1 at [10].

[146] That claimant also explains how these ceremonial tracks were established, stating:

Biami [the creator spirit] then turned his attention onto the lands in our country and to help people move around the lands he gave them ceremonial tracks and taught them how to walk through the land and tell the stories of our people. He said ceremonial tracks will be used to teach what is needed to live in your lands.

Many of these ceremonial tracks are still in place today. One ceremonial track runs from the apex of the Barrington Tops right back to Yango. This track moves down out of Barrington Tops, following Glennies Creek, it passes through Carrowbrook, down to Falbrook and then it continues all the way to Jerrys Plains, Warkworth, Bulga and to Yango. When walking along this track our people would tell this story of how the land was made and of what was expected of you to live in our lands to ensure that the story was told to all in the lands.

[147] The knowledge held by claimants regarding ceremonies undertaken by their predecessors pursuant to the laws and customs of the group is shared by one claimant as follows:

Across the road from this burial site I was told that a ceremony was conducted where boys would use gold ochre sourced from the Bulga area. The boys would stay there for three (3) days learning how to use the 'she oaks' that grow along the creek. Bark from the 'she oaks' would be crushed and

placed a little upstream and allowed to flow with the water down into some small ponds that had been made using the rocks in the creek. When the crushed she oak bark reached these ponds it leached enough sap into the water to affect the fish. All the perch, sprats, mud gudgeons, eels, catfish and mullet that were in the ponds at this time would float to the surface allowing them to be easily caught. I was also told they would use the she oak branches as I had done to catch yabbies.

After being in the area for about three days I was told that these boys would then move off upstream towards the stone ceremonial site at Sydenham to continue their lessons. The boys would then make their way to Bowman's creek and continue downstream towards the Hunter River where they would then follow along the sandy creek banks of the Hunter eventually to arrive at a big bora ground near the present village of Warkworth where large ceremonies would take place – Annexure B to Attachment F1 at [15] and [16].

[148] A claimant explains his understanding of the role of the creation spirits in the design and function of the environment around him:

...Brush turkeys build a mound for their eggs and the turkey will always stay with the nest moving and flicking the material around. *[Name deleted]* told me that the turkey did this because in the early days when Biami was making the land he made a turkey and when this turkey was let go in the country he started running all over the place making noise and upsetting everyone. To stop this Biami made him unable to fly and kept him busy building a big nest on the ground so all the other animals could settle in and have some peace and quiet. *[name deleted]* also said that when this happened to the turkey Biami also turned his legs yellow so all the other animal *[sic]* could see that his legs gave him the power to run fast – Annexure B to Attachment F1 at [20].

[149] I note that the above statements provide merely an example of the nature of the information within the factual basis material, however they do not reflect the full extent of that material. In my consideration below, I have had regard to all of the relevant material contained in the application before me.

*My consideration – s 190B(5)(b)*

[150] My understanding of the law surrounding the requirement at s 190B(5)(b) is that the starting point is the identification of the existence of a society of people in the area, at European settlement, living according to identifiable laws and customs, having a normative content – *Gudjala 2007* at [65]. Similarly, the material must identify those persons who acknowledged and observed those laws and customs, namely the persons who comprised the relevant society – *Gudjala 2009* at [37].

[151] The material asserts European settlement to have occurred in the area in the 1820s. Historical sources dated in the first few decades following settlement, referred to in the material, clearly assert the presence of the Wonnarua People in the application area. These sources acknowledge that there was a wider Wonnarua group that was comprised of smaller localised

territorial groups, one of which was the Plains Blacks. The material asserts that the PCWP are the contemporary descendants of the Plains Blacks who occupied the area at the time of European settlement. My understanding, therefore, is that it is the Plains Blacks who are asserted as being the relevant society at sovereignty, or settlement, for the purposes of s 190B(5)(b).

[152] Regarding the laws and customs of a normative content acknowledged and observed by the group, as above, the material asserts that pursuant to the laws and customs of the Wonnarua People, the Plains Blacks had specific native title rights and interests in (that is, they considered themselves the rightful owners of), the land and waters of the application area. In this way, the Plains Blacks were the only ones who could speak for that country, and freely use the resources of the area. The material asserts that the boundaries of the application area, and the other adjacent areas occupied by the different localised groups were clearly understood and enforced by the Wonnarua People.

[153] It is my understanding of the material that while the Plains Blacks could be distinguished from the wider Wonnarua People by their specific rights and obligations in relation to the land and waters of the application area, the laws and customs acknowledged and observed by the group at settlement were in fact shared with the wider Wonnarua society. It is pursuant to these laws and customs that the Plains Blacks possessed those specific rights and interests, and I understand, therefore, that it is these laws and customs that give rise to the claim to native title by the native title claim group.

[154] Further information about the laws and customs of the society at settlement include asserted facts that young boys became men through secret initiation ceremonies, that the group had strong spiritual affiliations with their country (evidence of which appears in cave paintings in the area), that the group travelled across the application area to partake in gatherings and ceremonies with neighbouring groups, and that decisions were made by elders of the group, namely persons with the requisite knowledge and authority regarding decision-making for country. The material further provides that the society at settlement continued to adhere to customary law despite European laws being forced upon those persons, and that archaeological evidence suggests the Indigenous persons occupying the area prior to settlement moved about the application area in small groups, camping close to water sources and living on local resources.

[155] As to the persons who comprised that society, as set out in my reasons above at s 190B(5)(a), apical ancestor Mary Shoe was born in 1800 and so would have occupied the application area at settlement. I consider, therefore, that the material asserts that Mary Shoe was, in fact, a member of the Plains Blacks, occupying the area at the time of settlement. Noting that apical ancestor Emily was born in the area in 1840 it is also my understanding that the material asserts Emily to have been born into the Plains Blacks society approximately 20 years following initial settlement of the area.

[156] In addition to this, the material asserts that the persons comprising the Plains Blacks were specifically identified by James Glennie in blanket lists recorded in 1827 and 1834, and that the group included 17 men and 29 women and children. Further members of the Plains Blacks are spoken of within the material, including the individuals named as *[name deleted]*, and *[name deleted]*. *[Name deleted]* is asserted as being recorded as a member of the Plains Blacks in 1827, hence I have inferred the material to assert that he was part of the society around the time of settlement. There is no date given of predecessor, *[name deleted]*, however, noting that he was a tracker and guide for the Europeans, I consider that I can infer that he would have been part of the Plains Blacks society around the time of early settlement when the area was still being explored and traversed by settlers. The material provides that *[name deleted]* refused to take the Europeans beyond the Liverpool Ranges, as this was no longer his country. This, in my view, is sufficient to support an assertion that he was such a person bound by the laws and customs of the society that strictly enforced the territorial bounds of localised groups.

[157] In light of this information within the material before me, I have formed the view that the factual basis is sufficient to support an assertion that there was, at European settlement, a society of people, living according to identifiable laws and customs, having a normative content. I also consider that the factual basis is sufficient in supporting an assertion of the link between the apical ancestors of the group and that society, namely that they were persons who were part of that society at settlement, or were born into that society in the few decades following settlement. The link between the claim group and the claim area is, therefore, that the claim group comprises the contemporary descendants of the Plains Blacks society, being the persons with specific rights and interests in the land and waters of the application area at settlement. I am of the view that the factual basis is sufficient in supporting this assertion.

[158] The statements made by various members of the native title claim group that are contained in the application before me, give considerable detail of the laws and customs acknowledged and observed by the native title claim group today. I now turn to consider whether the factual basis is sufficient to support an assertion that those laws and customs are, in fact, 'traditional'.

[159] I note there are a number of similarities between the laws and customs asserted by the material as being acknowledged and observed by the society at settlement, and the laws and customs asserted as currently acknowledged and observed by the members of the group today. For example, statements made by claimants suggest that the importance of elders or 'Heads of Family' continues to be of strong significance in facilitating decision-making about country by the members of the claim group – see [143] above. Similarly, the material asserts that sites within the application area that are considered to be of significance, and hence requiring protection, by the claimants today, are those same sites that were used for special purposes by their ancestors, including burial sites and ceremonial sites – see excerpt at [147] above. This statement by a claimant, in my view, also demonstrates the way in which claimants possess a detailed



knowledge of their predecessors' use of those sites, and interaction with those sites over the period since settlement.

[160] Another example of a similarity between the laws and customs of the society at settlement and the laws and customs of the group today, is the strong spirituality asserted by the material that underlies both the claimants, and the claimants' predecessors at settlement, understanding of the way in which their country was formed and created. Members of the Plains Blacks occupying the area at settlement recorded these spiritual and creation stories in cave paintings, and today claimants continue to express this understanding through oral story-telling – see excerpt at [146]. Both the claimants' stories and the stories told by their predecessors prior to settlement involve the same spiritual characters or beings, for example, the creation spirit Biami. There is also information I consider to support an assertion of the way in which that spiritual understanding of the landscape dictates social norms and behaviours – see for example Annexure C to Attachment F1 at [17].

[161] I consider that the material before me supports an assertion that claimants today possess a detailed knowledge of their predecessors' acknowledgement and observance of their laws and customs in relation to the application area, over the period since settlement. For example, one claimant retells the way in which young boys travelled across the application area, following ceremonial tracks established by Biami, gathering ochre at one site and then moving onwards to a big ceremonial site or bora ground where specific ceremonies would occur – see excerpt at [147] above. It is my understanding that this knowledge was passed to the claimant by his uncle, and speaks to a time prior to the impacts of settlement. Another claimant describes the time that her great grandfather, the son of apical ancestor Emily, spent at significant sites within the application area as a young boy growing up – see excerpt at [144] above.

[162] Further statements made in the application by claimants all indicate, in my view, that those persons possess an understanding of the persons who comprised the intervening generations back to the PCWP apical ancestors. Claimants are able to name each of the individuals comprising the generations between themselves and the apical ancestors in the area around the time of settlement, and express their knowledge of certain events within those persons' lives – see for example Annexure B to Attachment F1 at [1].

[163] I consider that claimants' statements within the material support an assertion of a strong sense of responsibility in relation to protecting places of importance within the application area – see for example Annexure C to Attachment F1 at [7]. The material asserts that this sense of responsibility, and the authority to speak for and make decisions about country is on the basis of their ancestors' connection to the land and waters of the application area. In the same way, the material asserts that these obligations to country have been handed down to the claimants by their predecessors. In my view, therefore, the material asserts that caring for country, and maintenance and protection of important places within country, is another aspect of the laws and

customs of the claim group that is derived from those laws and customs acknowledged and observed by the claimants' predecessors at settlement.

[164] In addition to those similarities noted above, a particular aspect of the 'traditional' laws and customs asserted within the factual basis is the way in which such laws and customs have been handed down through the generations from the predecessors of the group at settlement, to the members of the group today. I consider statements made by claimants clearly support this asserted pattern of teaching, and that it has taken place in accordance with and pursuant to the group's laws and customs. These statements refer to this pattern of teaching being carried out by the 'old people' generally, while out on country, but also refer by name to various predecessors who were taught, and who undertook to teach, their children and grandchildren whilst on country – see for example excerpts at [144], [145] and [146].

[165] This statement by a claimant describes the way in which this traditional method of passing on cultural knowledge took place:

Stories relayed to me by my grandparents of the times they had spent in Wonnarua Country – and of the things they were taught by *their* parents – were often shared during picnics held at a lovely spot along Glennies Creek up on Old Carrowbrook Road near the home of the Franks family... During these picnics we would listen to stories about the creation of Wonnarua country and about those special places and/or beings such as Biami, Tidilick the Frog and Burning Mountain that were of and from the beginning of time. I was told that a cave at Milbrodale was painted with an image of Biami. He was painted there to welcome people to the territory of the Plains Clans and, with his arms outstretched facing east northeast, he was there as guardian and protector of our people and our clan country... - Annexure C to Attachment F1 at [16].

[166] Having had regard to all of this information, I have formed the view that the factual basis is sufficient to support an assertion of traditional laws and customs. Firstly, I note the similarities between the laws and customs asserted by the material as acknowledged and observed by the claim group today, and those laws and customs acknowledged and observed by the claimants' predecessors at settlement. Secondly, I note the thorough knowledge asserted by the material as being possessed by the claimants regarding those persons who comprise the intervening generations back to settlement, and the way in which those predecessors acknowledged and observed laws and customs in relation to the application area. Thirdly, I note the clear assertion of traditional methods of teaching whereby members of the claim group and their predecessors were taught, on country, about the laws and customs of the group in relation to their country, and continue to pass that knowledge on in accordance with traditional teaching practices.

[167] It is my view, therefore, that the factual basis is sufficient to support an assertion that there has been little change in the laws and customs acknowledged and observed by the group over the period since settlement, such that the laws and customs of the PCWP today are, in fact, rooted in the laws and customs of a society at settlement.

[168] I consider that I can be satisfied, therefore, that the factual basis is sufficient to support an assertion that there exist traditional laws acknowledged, and traditional customs observed, by the native title claim group that give rise to the claim to native title.

[169] The requirement at s 190B(5)(b) is met.

### **Reasons for s 190B(5)(c)**

[170] The reference in the assertion at s 190B(5)(c) to, 'those laws and customs', I understand to speak directly to the laws and customs answering the description in s 190B(5)(b) – *Martin* at [29]. In this way, where the factual basis is not sufficient to support the assertion at s 190B(5)(b), I am of the view that it cannot be found sufficient to satisfy the condition at s 190B(5)(c).

[171] Noting that the assertion speaks to the way in which a group has continued to hold its native title, it is my view that the requirement at s 190B(5)(c) can be equated with the second element of the meaning of the term 'traditional laws and customs' as found by the High Court in *Yorta Yorta*. That is, that the native title claim group have continued to hold their native title rights and interests by acknowledging and observing the traditional laws and customs of a pre-sovereignty society in a substantially uninterrupted way – *Yorta Yorta* at [47] and [87].

[172] In discussing the task at s 190B(5)(c), Dowsett J in *Gudjala 2007* indicated that the factual basis may need to address the following:

- that there was a society that existed at sovereignty that observed traditional laws and customs from which present laws and customs are derived;
- that there has been continuity in the observance of traditional law and custom going back to sovereignty or at least European settlement – at [82].

[173] I have already set out in relation to the condition at s 190B(5)(b) above, the reasons for which I am satisfied that the factual basis is sufficient to support an assertion that there was, at settlement, a relevant society acknowledging and observing traditional laws and customs in the application area.

[174] As to whether I can be satisfied that the factual basis is sufficient to support a continuity in the acknowledgement and observance of those traditional laws and customs over the period since settlement, there are a number of general assertions within the material that I consider relevant. These include the following:

- despite the extensive violence suffered by the Wonnarua People as a result of settlement, the ancestors of the PCWP were able to stay on or close to the territory of their forebears – Attachment F at [3];
- those ancestors and their descendants have continued to occupy the area, and acknowledge and observe traditional laws and customs in relation to the area – Attachment F at [3] and [9];

- the PCWP have maintained an association with the application area by living on it and undertaking a range of traditional activities upon it – Attachment F at [9];
- knowledge passed onto those predecessors, and which they continued to pass onto successive generations, included knowledge about walking tracks, ceremonial places, and stories regarding the use of resources – Attachment F at [3];
- laws and customs have been passed down by traditional teaching methods through generation to generation of PCWP to the claim group today – Attachment F at [7].

[175] In addition to this, the material provides greater detail regarding the assertion at s 190B(5)(c) through statements made by claimants. As discussed in relation to the requirement at s 190B(5)(b) above, I am satisfied that this factual basis material is sufficient to support an assertion that there is a traditional practice of teaching whereby the predecessors of the native title claim group spent time out on country with their children and grandchildren, visiting significant and special places, teaching them laws and customs and passing on knowledge about country. Flowing from this, I consider that this material is sufficient to support an assertion that this pattern of teaching allowed for each successive generation to learn and put into practice the laws and customs acknowledged and observed by their immediate predecessors. In this way, I have inferred an assertion within the material that the acknowledgement and observance of these laws and customs has, in fact, been continual.

[176] I have also discussed above the reasons for which I am satisfied that the factual basis, particularly the statements made by claimants in the application, is sufficient to support an assertion that the members of the PCWP today possess a detailed knowledge of the persons comprising the intervening generations since the apical ancestors at settlement. This knowledge includes information about the way in which those persons acknowledged and observed laws and customs in relation to their country. The following statement I consider to be an example:

It is also true that Emily was of the Plains Clans of the Wonnarua and I believe that she remained in the Sandy Hollow district for much of her life. Her son Henry was able to keep in contact with her through regular horseback trips up to Sandy Hollow. My grandfather used to tell me about the trips he would make following well known tracks from Broke back through Jerrys Plains, Denman and on to Sandy Hollow when he was a kid to go see his grandma. My grandfather used to tell of how he would get impatient with his Dad on these long rides as he would always stop to have a “chin wag” with people he knew to be from his mob. On these trips they would sometimes come back via Muswellbrook, Ravensworth and on to Mt Olive and Singleton and then on to Broke to catch up with the extended family of the Franks, Smiths and Lester families. My aunties *[names deleted]* (i.e. Dad’s twin sisters) had a close relationship with *[names deleted]* from Mt Olive and would meet up with them at least fortnightly. It was well known to me that the Franks were part of our local clan though not immediately blood related. This was most often reinforced when the boys would come into town and bring us fish they had caught and or meat they had slaughtered to share with us. We always acknowledged, respected and had a genuine affection for them as part of our extended clan family – Annexure D to Attachment F1 at [5].



[177] In light of this material that speaks to each intervening generation of the predecessors of the PCWP back to the apical ancestors at around, or in the decades shortly after settlement, acknowledging and observing laws and customs in relation to the application area, I have formed the view that the material is sufficient in supporting an assertion that laws and customs have been acknowledged and observed by the group and its predecessors in a continual manner, back to the time of settlement. I consider that I can reasonably infer from the material that prior to settlement, over the period since sovereignty in 1788, there is unlikely to have been any substantial interruption to this acknowledgement and observance of traditional laws and customs by the ancestors of the group.

[178] In addition to this, my view is that both the general assertions in Attachment F regarding the ongoing association of the PCWP with the area, and claimants' statements support an assertion that the members of the group and their families have, over the period since settlement, continued to inhabit the application area and carry out activities pursuant to their traditional laws and customs in the area. I note that a number of the claim group members have spent their entire lives within the application area, and are able to describe the way in which their parents, grandparents and great grandparents occupied the area.

[179] In light of the asserted facts of this nature before me, I have formed the view that the system of traditional laws and customs pursuant to which the native title rights and interests claimed by the PCWP are possessed, is one that has 'had a continuous existence and vitality' since settlement, and one that has been acknowledged and observed by the group and its predecessors without substantial interruption – see *Yorta Yorta* at [47] and [87]. I am, therefore, satisfied that the native title claim group have continued to hold their native title in accordance with those traditional laws and customs.

[180] The requirement at s 190B(5)(c) is met.

## **Conclusion**

[181] The application satisfies the condition of s 190B(5) because the factual basis provided is sufficient to support each of the particularised assertions in s 190B(5).

## **Subsection 190B(6)**

### **Prima facie case**

The Registrar must consider that, prima facie, at least some of the native title rights and interests claimed in the application can be established.

[182] The relevant standard for the test at s 190B(6) regarding whether rights and interests can be established, is 'prima facie'. In *Doepel*, Mansfield J held that there was no need to depart from the ordinary meaning of the phrase adopted by the High Court in *North Ganalanja Aboriginal*

*Corporation v Queensland* [1996] HCA 2 – *Doepel* at [134]. That meaning is, ‘at first sight; on the face of it; as appears at first sight without investigation’.

[183] In affirming this approach, Mansfield J further held that, ‘if on its face a claim is arguable, whether involving disputed questions of fact or disputed questions of law, it should be accepted on a prima facie basis’ – at [135].

[184] I note that there is no requirement that every single one of the rights and interests claimed satisfy the requirement at s 190B(6), and that even where only some of the native title rights and interests can be, prima facie, established, the condition will still be met – *Doepel* at [16].

[185] I do consider, however, that in order for a right or interest to be, prima facie, established, it must truly be in the nature of a ‘native title right or interest’. The definition of ‘native title rights and interests’ appears at s 223(1) as follows:

- (1) The expression native title or native title rights and interests means the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:
  - (a) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
  - (b) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
  - (c) the rights and interests are recognised by the common law of Australia.

[186] Consequently, I am of the view that the rights and interests must be shown to be: possessed under the traditional laws and customs of the group; rights and interests in relation to land or waters, and; rights and interests that have not been extinguished over the entirety of the application area.

[187] The claimed native title rights and interests that I consider can be prima facie established are identified in my reasons below.

## **Consideration**

### *Right to exclusive possession*

[188] The nature and substance of a native title right to exclusive possession, and the material that may be required in supporting the existence of such a right, has been considered in a number of decisions of the Courts. The High Court, in *Western Australia v Ward* [2002] HCA 28 (*Ward HC*), held that:

...“a core concept of traditional law and custom [is] the right to be asked permission and to ‘speak for country’”. It is the rights under traditional law and custom to be asked permission and to “speak for country” that are expressed in common law terms as a right to possess, occupy, use and enjoy land to the exclusion of all others... - at [88].

[189] The Federal Court took a similar approach in *Sampi v State of Western Australia* [2005] FCA 777 (*Sampi*), where it held that:

...the right to possess and occupy as against the whole world carries with it the right to make decisions about access to and use of the land by others. The right to speak for the land and to make decisions about its use and enjoyment by others is also subsumed in that global right of exclusive occupation – at [1072].

[190] Regarding the way in which such a right should be understood, in *Griffiths v Northern Territory* [2007] FCAFC 178 (*Griffiths*), the Full Court of the Federal Court held that:

...the question whether the native title rights of a given native title claim group include the right to exclude others from the land the subject of their application does not depend upon any formal classification of such rights as usufructuary or proprietary. It depends rather on consideration of what the evidence discloses about their content under traditional law and custom. It is not a necessary condition of the existence of a right of exclusive use and occupation that the evidence discloses rights and interests that “rise significantly above the level of usufructuary rights” – at [71].

[191] Further to this, the Full Court provided the following guidance regarding the nature of the material that would be required in establishing a right to exclusive possession:

...It is not necessary to a finding of exclusivity in possession, use and occupation, that the native title claim group should assert a right to bar entry to their country on the basis that it is “their country”. If control of access flows from spiritual necessity because of the harm that “the country” will inflict upon unauthorised entry, that control can nevertheless support a characterisation of the native title rights and interests as exclusive... The question of exclusivity depends upon the ability of the appellants effectively to exclude from their country people not of their community. If, according to their traditional law and custom, spiritual sanctions are visited upon unauthorised entry and if they are the gatekeepers for the purpose of preventing such harm and avoiding injury to the country, then they have, in our opinion, what the common law will recognise as an exclusive right of possession, use and occupation... - at [127].

[192] I have considered the material in the application before me, and consider that there is information that speaks to a right of exclusive possession. Firstly, I consider that there is information addressing the claimants’ right to ‘speak for country’. An example of this material includes the following statement by a claimant:

It was important for my Pop to always be in Wonnarua Country. He always stipulated that if you weren't born in Wonnarua Country you weren't/couldn't be classed as Wonnarua. Also, if you left the country for more than a year, depending on the reasons why you had left, you were most likely to be accepted back into the Plains Clan but you shouldn't/couldn't/wouldn't ever be able to speak with authority about the lores and customs of the people – Annexure C to Attachment F1 at [13].

[193] Another example is the following statement by a claim group member:

As a boy at Mt Olive I was taught how to howl or call dingoes in so as to make them come close enough to be able to shoot them like my uncle, father, grandfather and great grandfather before me. *[Name deleted]*, Dad and *[name deleted]* also taught me all the other things I needed to know about my Country. They taught me about the walking tracks and ceremonial places; about where they were and what they meant and how to read the signs to find my way. All of my elders gave me the knowledge of what it was and is to be Wonnarua and they taught me who could speak for our lands – Annexure B to Attachment F1 at [4].

[194] From these statements, I understand the material to assert that there is a right to speak for country, held by the members of the claim group, and exercised in accordance with and pursuant to Wonnarua laws and customs. Noting that in both statements above, the claimants refer to this knowledge about speaking for country being passed down to them by their predecessors, in accordance with traditional patterns of teaching asserted elsewhere in the material and discussed in my reasons above at s 190B(5)(b), I consider that the right is supported as one that exists pursuant to the traditional laws and customs of the group.

[195] It is my view that the references to historical sources addressing the way in which territorial boundaries were strictly adhered to by the predecessors of the PCWP at settlement, and by the neighbouring localised groups, further support a right of the members of the group to exclude others from the land and waters of the application area, held pursuant to their traditional laws and customs – see for example Annexure A to Attachment F1 at [4.5].

[196] Other material that I consider relevant to a right of exclusive possession includes material that speaks to claimants' own understanding of the rules and practices surrounding their territorial bounds and how these rules were set down by the creation spirit Biami at the time Wonnarua country was formed. The following statement is an example:

Once the water was in place Biami then started in the land so our people could live. He put the trees in the ground, and then blew his breath to make the wind. This wind pushed out and made the plains. Once the land settled our people were let go into the lands. Biami told all not to cross certain area's as others would come, the lands that was here was for our people and to look after it. As Biami move *[sic]* across the lands the trees started to grow. To watch over the trees Biami brought Yarra (Koala). Yarra was told to watch over our people in the campsites and the scrub as Biami would not be able to see them from the sky once the trees had grown. (Our mob was never allowed to harm any Yarra).



[...]

Biami then grew the ranges and the mountain around the Valley and told our people not to cross them as other people would be in those areas and it was their home not ours. As he was building up the Liverpool Ranges some of our people crossed into that area including six (6) men from the one family. Biami saw this and the men were taken. One of the wives started wailing and cried to Biami asking why he would take her man and Biami told her that all were warned. The wife told Biami that she would sit and wait till her man returned. As she sat on a high rock waiting and crying Biami looked down and turned her into stone forever as a warning to all our people. As she was turning to rock one of her tear drops fell from her crying face and set a light a cave and Biami to this day has kept that fire burning. (This is Burning Mountain). This area is known to be the border of our lands in the North. Biami told our people what he had done to the woman and ordered them to use that fire, carry fire sticks and to make fire at all our campsites. He warned all not to cross the ranges or risk what would happen – Annexure B to Attachment F1 at [17(c); 17(g)].

[197] From this material, it is my understanding that members of the PCWP have a real understanding of, and belief in, spiritual forces within their country, and that this produces a respect for and fear of such forces, resulting in strict adherence to particular practices and protocols surrounding territorial boundaries by members of the localised sub-groups of the Wonnarua, including the PCWP.

[198] In my view, the material also indicates that there is a belief amongst members of the group, that they are the owners of the application area, and that they have a responsibility to protect their country and to enforce certain practices and protocols to ensure non-PCWP who come into their country are not harmed by the spiritual forces that inhabit the landscape. I consider the following statement an example of this material:

Usually *[name deleted]* taught me the rules about these places and how to observe them. She often told me about where women's places like birthing sites areas and burial places were and taught me how to find your way to one place and how to be able to find your way back. But, I especially remember that Pop told me that when up Milbrodale way I should never visit Biami's cave. In fact I had not done so until two weeks ago when given the impromptu opportunity I visited this site with Scott Franks, Robert Lester and a friend of ours. Frankly after all these years I was curious about a place I had been told I should not go near. I felt uneasy when I was there but nothing untoward happened immediately. However less than an hour after my visit, the two cars that had transported our visiting party to the site – one with Scott and Rob travelling south home together and the other with my friend travelling north home alone – were involved in two separate car accidents. No one was injured but both cars could no longer be driven. I believe these incidents occurred to show me how wrong I had been to go to that place. I simply was not meant to go there. My old people have spoken to me and told me again of the importance of keeping all our lores – Annexure C to Attachment F1 at [17].

[199] My understanding of this statement is that the claimants consider that they are the only ones with the requisite knowledge regarding the correct behaviours to be adopted in relation to their country, and that they possess a real belief that a failure to adhere to these behaviours will result in punishment upon the guilty persons by the spiritual forces in the area.

[200] In this way, in light of all of the material referred to above, I consider that the material asserts the PCWP native title claim group to be 'gatekeepers for the purpose of preventing such harm and avoiding injury to the country', and that the PCWP are the only persons with the requisite authority to speak for that country, on the basis of their on-going and uninterrupted occupation of that country. It is further clear, in my view, that the material asserts the claimants' current understanding of this right, that it derives from the fact that their ancestors prior to sovereignty were the rightful owners of that area, as affirmed by the creation spirits. In this way, I consider that the right is shown to be one that is held in accordance with the traditional laws and customs of the group.

[201] The right to exclusive possession is, therefore, prima facie, established.

*Right to access the application area*

[202] Noting above that I consider that the right to exclusive possession is, prima facie, established, it flows from this that I consider that the right of the claim group members to access the application area is similarly prima facie established. In my view, a right to exclusive possession necessarily entails a right of the members of the group to access the area.

[203] I consider that it is clear from the material that the majority of claimants and their predecessors have spent the most part of their lives on the land and waters of the application area, and that despite the effects of settlement, the predecessors of the PCWP and their descendants were able to remain on their traditional country. The following statement by a member of the claim group is an example of this type of material:

I was often allowed to access the lands of many of my neighbours in and around Jerry's Plains because both me and my family were known in the district from the early days when my father and grandfather helped with the dingo problems in the area. We would always be allowed to go to the creeks and the river to trap fish and to hunt as the locals saw our presence as a good thing for them since whilst we were hunting for "pheasants" and "roos" we would also deal with the now feral dog problem in the area – Annexure B to Attachment F1 at [27].

[204] From historical sources referred to in the material, I consider that the right is one that was possessed by the predecessors of the group at settlement, as it was the PCWP or the Plains Blacks who occupied (and had access to) the application area at the time of sovereignty. Consequently, I consider that the right is one held pursuant to the traditional laws and customs of the group, and that it is, prima facie, established.

*Right to camp*

[205] Again, noting my view above that a right to exclusive possession is prima facie established, it follows that I can also consider that a right to camp on the application area is, prima facie, established. Historical sources referred to suggest the predecessors of the claim group travelled across and camped throughout the application area – see Annexure A to Attachment F1 at [1.3], [3.8] and [4.5]. In addition to this, archaeological evidence from the area is asserted as supporting camping activities carried out by the predecessors of the group prior to sovereignty – see for example Annexure A to Attachment F1 at [11.2] and [11.9].

[206] In light of the information going to the existence of the right at settlement and even prior to settlement, I consider that the right is one held pursuant to the laws and customs of the native title claim group, and has been passed down to the members of the native title claim group today. In my view this information is sufficient to allow me to consider that the right to camp on the application area is, prima facie, established.

*Right to erect shelters*

[207] In considering the substance and content of a right to camp, it is my view that a right to erect shelters is inextricably linked to that right. That is, I consider that I can infer that the content of the right to camp necessarily includes the construction of shelters by the claimants and their predecessors on the application area. Therefore, having considered that the right to camp on the application area is, prima facie, established, it is my view that the material in support of that right also supports a right of the claim group members to erect shelters on the application area.

[208] It is clear from the material that claimants and their predecessors have spent considerable amounts of time on country camping, often for extended periods of time – see Annexure A to Attachment F1 at [8.5] and [8.6]. I consider it reasonable to infer, therefore, that the material asserts the construction of shelters went hand-in-hand with these camping trips, necessitated by the claimants' and their predecessors need for protection from the elements. The material also asserts that various claimants and their predecessors have lived within the application area, in houses owned or rented by those persons, and that they consider it their right to do so in accordance with the traditional rights exercised by their predecessors and ancestors on the area at and prior to settlement.

[209] It is my view, therefore, that the material of this nature is sufficient to allow me to consider that a right to erect shelters is, prima facie, established.

*Right to live on the application area*

[210] Noting that I consider that a right claimed by the native title claim group to exclusive possession of the application area is, prima facie, established, in my view it necessarily flows from this that I can consider that a non-exclusive right to live on the application area is also, prima

facie, established. Notwithstanding this, there is various information within the application that speaks to a right of the claim group to live on the area. The following statement is an example:

...I would always be in the bush as my father owned a property of more than 1000 acres known as Mt Olive. The property was situated 14 miles north of Singleton along Bridgman Road... Mt Olive is where my brothers and sisters and me grew up, and all up the valley the locals knew and respected us as the people from Mt Olive. When my Dad became ill in the mid-1990s he sold Mt Olive and moved to Singleton. Today, after a period in his adult life when he lived away, *[name deleted]* has returned to the Mt Olive area and has bought a small rural land holding that overlooks the property of my grandfather and which retains part of the creek which we all used as kids – Annexure B to Attachment F1 at [2] and [3].

[211] As discussed in my reasons at s 190B(5) above, I am satisfied that the factual basis is sufficient to support an assertion that the members of the group and their predecessors over the period since settlement, have continued to inhabit, that is, live within, the application area.

[212] I consider, therefore, that the right is one that exists pursuant to the traditional laws and customs of the group that have been handed down through the generations to the claimants today, and that it is, *prima facie*, established.

*Right to move about the application area*

[213] Noting my view above that a right to exclusive possession is *prima facie* established, I consider that it naturally follows that the claim group also possess a right, *prima facie*, to move about the application area. Notwithstanding this, I consider that the material does speak to this particular right. For example, a statement by a claimant provides that:

It is also true that Emily was of the Plains Clan of the Wonnarua and I believe that she remained in the Sandy Hollow district for much of her life. Her son Henry was able to keep in contact with her through regular horseback trips up to Sandy Hollow. My grandfather use to tell me about the trips he would make following well known tracks from Broke back through Jerrys Plains, Denman and on to Sandy Hollow when he was a kid to go see his grandma. My grandfather used to tell me of how he would get impatient with his Dad on these long rides as he would always stop to have a “chin wag” with people he knew to be from his mob. On these trips they would sometimes come back via Muswellbrook, Ravensworth and on to Mt Olive and Singleton and then on to Broke to catch up with the extended family of the Franks, Smiths and Lester families... - Annexure D to Attachment F1 at [5].

[214] In my view, this statement demonstrates that the predecessors of the native title claim group, including back to the generation occupying the area in the few decades following settlement (namely, the son of apical ancestor Emily), exercised a right to move about the application area. There are multiple other statements by claimants within the material that speak to the way in which they and their parents and grandparents, and even great grandparents, spent time travelling about their traditional country. Consequently, I am of the view that the right is,



prima facie, one held pursuant to the traditional laws and customs of the group, passed down to the members of the group today. I consider, therefore, that the right is prima facie established.

*Right to hold meetings on the application area*

[215] An example of the material before me that speaks to a right to hold meetings on the application area is the following statement made by a claimant:

Stories relayed to me by my grandparents of the times they had spent in Wonnarua Country – and of the things they were told by *their* parents – were often shared during picnics held at a lovely spot along Glennies Creek up on Old Carrowbrook Road near the home of the Franks family. It was known as the “Blacks camp”. Mum hated what the white man had called it, as it was so pretty... During these picnics we would listen to stories about the creation of Wonnarua country and about those special places and/or beings such as Biami, Tidilick the Frog and Burning Mountain that were of and from the beginning of time. I was told that a cave at Milbrodale was painted with an image of Biami. He was painted there to welcome people to welcome people to the territory of the Plains Clans... - Annexure C to Attachment F1 at [6].

[216] From this statement, I understand that meetings of members of the claim group, for the purpose of passing on cultural knowledge and knowledge about country to younger generations, is a practice that is carried out by the claimants and was similarly carried out by the claimants’ predecessors. This, and further material in the application, in my view, demonstrates that meetings of this nature were in accordance with traditional methods of teaching about Wonnarua laws and customs passed down through the generations.

[217] In addition to this, I note that historical sources referred to in the material speak to various gatherings of the predecessors of the PCWP on the application area at around the time of settlement – see Annexure A to Attachment F1 at [8.3] and [8.4]. In light of all of this information, I consider that the right to hold meetings on the application area is prima facie established, and that it is a right held pursuant to the traditional laws and customs of the group.

*Right to hunt on the application area*

[218] Again, I consider that there is various information within the application that speaks to a right of the members of the claim group to hunt on the application area. One claimant describes a creation story taught to him by his predecessors that explains a belief held by members of the group regarding Biami, the creator spirit, and the way he designed animals for the PCWP to hunt within their traditional country:

[Biami] then placed the kangaroo (kaNawang) on the land to help make the tracks and flatten out the lands. The Kangaroo was told that he could be hunted by our people so he asked Biami for help to prosper so Biami gave him long legs to help him stand high, and be fast and ears that moved all around. He told the Kangaroo to always look for our people. As Biami watched our people he help

[sic] them with fire from the sky and showed them where to go for shelter when it was cold and were [sic] to camp when it was hot – Annexure B to Attachment F1 at [17(d)].

[219] Further to this, there are various statements within the material indicating that the predecessors of the group at settlement, and their descendants since that time, including the members of the claim group, have hunted on the application area, pursuant to an understanding that they have a right to do so under their laws and customs.

[220] Noting that the material of this nature makes on-going reference to the way in which stories and methods of hunting have been passed down through the generations of PCWP, in accordance with traditional patterns of teaching, it is my view that the right is one that is held pursuant to the traditional laws and customs of the group, as acknowledged and observed by the predecessors of the group at settlement.

[221] The right to hunt on the application area is, prima facie, established.

*Right to fish on the application area*

[222] An example of the material within the application that I consider speaks to a right of the claim group to fish on the application area is the following statement by a claimant:

During my time at Jerry's Plains my cousin Robert Lester would come out and stay for some weekends and we would go to the weir in the Hunter River just north of Jerry's Plains upstream from Moses Crossing. We would build fish traps with the "bullrushes" that grew there and get the freshwater mullet that was abundant in this stream. We would also catch yabbies and use them for bait to catch perch along the creek under the willows – Annexure B to Attachment F1 at [22].

[223] It is clear from this statement that members of the claim group and their families have fished at various times in the application area. Further material speaks to the way in which methods and techniques for catching fish were taught to the claimants by their predecessors, and that these were the techniques observed by the 'old people', while other material speaks to the way in which the ancestors of the PCWP gathered with other neighbouring groups in order to access marine resources - see for example Annexure B to Attachment F1 at [15], Annexure A to Attachment F1 at [8.4] and [8.6].

[224] In light of this material, I am of the view that the right to fish is one held in accordance with the traditional laws and customs of the group that have been passed down through the generations to the claimants today, and that the right is, prima facie, established.

*Right to use the natural water resources of the application area*

[225] This re-telling of a creation story by a claim group member, in my view, is an example of material within the application that speaks to a right of the group to take and use and the natural water resources of the application area:

Today, having been taught by my grandparents [name deleted] tells my youngest children and grandchildren some of these ancestral stories too. A favourite of [name deleted] is "Tidilick the Frog". There is a giant mossy green frog to be found in the natural sandstone outcrop near Wollombi. This is said to represent the frozen body of Tidilick the Frog. As my brother tells the story Tidilick was a gigantic frog that got greedy and swallowed up all the water from the creeks and rivers. This made all the plants and animals suffer. Luckily a platypus out near Wollombi way made him laugh so that he spat the water out and the water to run to fill all the rivers and creeks of the area including Cockfighter's Creek, the Goulbourn and Hunter Rivers, Loders Creek, Nine Mile Creek and Wollombi Brook. This made these creeks beautiful and abundant places for our people and it is why in good times this area was like a modern day supermarket for our mob – Annexure C to Attachment F1 at [18].

[226] There is also further material throughout the application indicating that the claimants and their predecessors have continued to access and use the water resources of the application area for their survival. This material speaks to the exercise of this right by the ancestors of the claim group at and prior to sovereignty, and since that time, by the predecessors of the claimants, and by the claimants today – see Annexure A to Attachment F1 at [11.2], [11.9], Annexure B to Attachment F1 at [15] to [16], and Annexure B to Attachment F1 at [10].

[227] In light of this material, I consider that the right to use the natural water resources of the application area is supported by the material as one held pursuant to the traditional laws and customs of the group, and that it is, prima facie, established.

*Right to gather the natural products of the application area*

[228] The following statement by a claimant I consider to be an example of the material in the application before me that speaks to a right of the claim group to gather the natural products of the application area:

Across the road from this burial site I was told that a ceremony was conducted where boys would use gold ochre sourced from the Bulga area. The boys would stay there for three (3) days learning how to use the 'she-oaks' that grow along the creek. Bark from the 'she-oaks' would be crushed and placed a little upstream and allowed to flow with the water down into some small ponds that had been made using the rocks in the creek. When the crushed she-oak bark reached these ponds it leached enough sap into the water to affect the fish. All the perch, sprats, mud gudgeons, eels, catfish and mullet that were in the ponds at this time would float to the surface allowing them to be easily caught. I was also told they would use the she oak branches as I had done to catch yabbies – Annexure B to Attachment F1 at [15].

[229] From this material that speaks to a right to gather the natural products of the area, I consider that it is clear that claimants have been taught, and told stories, by their parents and grandparents of the way in which their predecessors before them, including those occupying the area at sovereignty, exercised the right, and the way in which they were entitled to do so pursuant to their traditional laws and customs.

[230] I consider, therefore, that the right is prima facie established.

*Right to conduct ceremony on the application area*

[231] There is various information provided within the application that I consider speaks to a right to conduct ceremony on the application area. The following statement by a claimant is an example:

My great-grandfather Henry was able to be [sic] learn, practice and teach the Wonnarua lores and customs to his sons and daughters because although he was raised away from his mother he was fortunate to be brought up in the Broke-Bulga-Putty-Jerrys Plain area where many of the important gathering sites and ceremonial tracks of the Plains Clan occur. He was a young boy down in that area for example just ten years or so after 1852 when the last big inter-tribal ceremony was reportedly held at the Bulga Bora ground. My great-grandfather spent a lot of time in and around the special places of the wider PCWP clan group at Warkworth, Broke, Jerry's Plains and Bulga... - Annexure D to Attachment F1 at [6].

[232] In addition to this, historical sources referred to within the material speak to the way in which ceremonies carried out by the predecessors of the PCWP at settlement were recorded by early settlers in the area - see Annexure A to Attachment F1 at [1.5]. The material also asserts that known sites where ceremonies were conducted by the claimants' ancestors continue to be acknowledged as important places requiring protection – see Annexure B to Attachment F1 at [16] and [18]; Annexure C to Attachment F1 at [22].

[233] Noting the asserted facts of this nature within the material, I consider that the right is supported as one held pursuant to the traditional laws and customs of the group, and that it is, prima facie, established.

*Right to participate in cultural activities on the application area*

[234] While there is no definition or explanation provided within the application as to what a right to participate in 'cultural activities' might entail, I have inferred from the material that such activities are those carried out by the claimants and their predecessors on the application area pursuant to their culture, and the laws and customs of the Wonnarua People. In my view, the material does speak to a right of the group to participate in such activities, and I consider that the following statement is an example:

Sometimes too we drove down Redmanvale Road to get back to the top of the ridge above the bora ground at Bulga. I was told that a birthing site was located in this area and this was especially because there was a creek that ran down from it (that rose up from a natural spring) in which soap weed grew. The women would gather this weed to wash the children when they were first born. The children were then named and cared for by the women until they were of age. When of age the boys would gather from all across our country to go with the men to start the "rites of passage". At this time the boys would be taken along the ceremonial tracks to the Bulga bora ground. Often too this



meant they were brought back to the nearby place of their birth – Annexure B to Attachment F1 at [29].

[235] It is clear from this statement that the claimants' predecessors before them carried out certain cultural activities, relating to birth and 'rites of passage', and that information regarding the conduct of these activities has been passed down to the members of the group in accordance with traditional patterns of teaching. It is also clear, in my view, from this statement, that the sites at which these cultural activities were carried out continue to be visited and acknowledged as important by the members of the claim group today.

[236] Consequently, I am of the view that the material speaks to the right as being one that is held pursuant to the traditional laws and customs of the group, and that it is, prima facie, established.

*Right to maintain places of importance under traditional laws, customs and practices*

*Right to protect places of importance under traditional laws, customs and practices*

[237] In my consideration of the rights and interests set out at Schedule E, it is my view that there is little difference between these two rights as expressed. From the material, it is clear that the same activities carried out on the land and waters of the application area are the outcome of each of those individual rights, such that the rights have the same substance. Consequently, I have considered them as the same right or interest.

[238] There is, in my view, material before me that speaks to a right to maintain and protect places of importance under traditional laws, customs and practices. The following statement made by a member of the claim group is an example:

From my viewpoint it is a terrible thing that these actions of white people took away the human rights, dignity and culture of some Aboriginal members of the community. They simply did not want to identify as Aboriginal because, at least from their perspective, if you did you got no respect. What's worse is that now 50-60 years down the track more of our culture and our special spots are being taken away as they dig it all up with the mines. Places like grinding groove sites, fishing spots, ceremonial areas, story places, ancestral tracks, birth places, 'natural hospital areas' spiritual places and prayer spots, are all being destroyed.

Despite the prejudice my family has always identified as Wonnarua of the Plains Clans with specific ancestral links to our clan lands about Ravensworth, Camberwell, Bridgman, Singleton, Glendon, Carrowbrook, Mt Royal, and Goorangoola. We have always valued, and respected our land, our heritage and our identity... It was important to my mother and it is important to me that we look after our special places and teach the children about the ecological and cultural heritage values of my Wonnarua Country – Annexure C to Attachment F1.

[239] From this statement I consider that the obligation upon claim group members to protect such places arises from their understanding that these were also important places for their predecessors, and the PCWP ancestors. The claimant's statement similarly suggests that this

obligation or understanding was passed down to her by her mother, in accordance with traditional methods of teaching. In this way, I consider the right to be one that is held pursuant to the traditional laws and customs of the group, and that it is, prima facie, established.

*Right to conduct burials on the application area*

[240] I note that the question at s 190B(6) is not whether the material prima facie supports the current exercise of the right claimed, but whether the right is prima facie established, and in accordance with s 223(1), whether it is one held pursuant to the traditional laws and customs of the group. The following statement is an example of the material before me that I consider speaks to a right of the PCWP to conduct burials on the application area:

The St Clair Mission was on the creek just downstream from our property. As well as being an Aboriginal mission site this area also contains traditional Aboriginal burials. Those burial sites were shown to me by my Dad and [name deleted] when I was very young. Me and me [sic] brothers were told not to go there ever at night as the spirits would be looking out and guarding over the burial grounds – Annexure B to Attachment F1.

[241] In my view, this statement demonstrates that the claimants' predecessors, pursuant to their traditional laws and customs, conducted burials on the application area. I consider that this statement also indicates that this practice conducted by the predecessors of the group is acknowledged and understood as one of significance and importance by the members of the group today. In this way, I understand the right to be one that is held pursuant to the traditional laws and customs of the claim group, and that it is, prima facie, established.

*Right to speak for and make non-exclusive decisions about the application area*

[242] Noting the case law principles regarding a right to exclusive possession set out in my reasons above, it is my view that there can be no non-exclusive right to speak for country and make decisions about country, as these elements are inextricably linked to a right of exclusive possession.

[243] As the High Court held in *Ward HC*:

It may be accepted that... "a core concept of traditional laws and custom [is] the right to be asked permission and to 'speak for country'". It is the rights under traditional law and custom to be asked permission and to "speak for country" that are expressed in common law terms as a right to possess, occupy, use and enjoy land to the exclusion of all others. The expression of these rights and interests in these terms reflects not only the content of a right to be asked permission about how and by whom country may be used, but also the common law's concern to identify property relationships between people and places or things as rights of control over access to, and exploitation of, the place or thing.

The expression "possession, occupation, use and enjoyment... to the exclusion of all others" is a composite expression directed to describing a particular measure of control over access to land. To break the expression into its constituent elements is apt to mislead – at [88] and [89].

[244] It is my understanding, therefore, that a right to speak for country is a right that is inherent in a native title right of exclusive possession, and that to refer to a right to speak for country, or a right to exercise certain control over the area, such as by making decisions about the use of that area, as non-exclusive, would be 'apt to mislead'. These rights are by their nature exclusive.

[245] Notwithstanding this, my view is that there is no further information provided within the material regarding what a right to speak for and make 'non-exclusive decisions' about the application area might entail, or that enables me to understand the meaning or substance of this right as claimed. For example, having considered the full extent of the material before me, there is nothing, in my view, which brings to light the nature of the 'non-exclusive' decisions that the members of the PCWP claim a right to make.

[246] Consequently, I do not consider that the right to speak for, and make non-exclusive decisions about, the application area is, prima facie, established.

*Right to cultivate and harvest native flora according to traditional laws and customs*

[247] There is certain material before me that I consider speaks to a right of the members of the claim group to cultivate and harvest native flora. This statement by a claimant is an example:

I was also taught how to use the bark from the she oak that grew along the creeks to make a light rope that could be used as a snare to trap the bush turkeys that we sometimes found out the back of Jerry's Plains. [Names deleted] showed me how to get the red inner section of the she oak bark by stripping it away from the trees in small long sections so that each tree would not die. After this I was shown how to take that soft inner bark and hammer it softly with a river stone so that slowly long lengths of bark were formed that you could then join by rubbing the ends together on some Kangaroo pelt, or even on [name deleted] hairy leg. This motion would take the hair from the skin and join it to the inner bark as the sap dried and the hair from the Kangaroo skin bound the twine together. We would then use that light rope and place it on the top of the brush turkey mounds to snare them by the leg... - Annexure B to Attachment F1 at [20].

[248] In addition to this, numerous other statements refer to certain plants being used by the claimants and their predecessors for a range of purposes. From the material of this nature, in my view, it is clear that the methods for collecting native flora have been passed down to the members of the claim group by their predecessors, and that this information has been continually passed down through the generations in accordance with traditional patterns of teaching.

[249] I consider, therefore, that the right to cultivate and harvest native flora according to traditional laws and customs is, prima facie, established.

*Right to control access to, and the use of, the area by those Aboriginal people who seek access or use in accordance with traditional law and custom*

[250] From the material, it is my understanding that the native title claim group is a localised subgroup of the Wonnarua People, namely the Plains Clans of the Wonnaura, who are distinguished by their specific rights and interests in the application area. From the material, it is also my understanding that the PCWP share their system of laws and customs with the wider Wonnarua society.

[251] Consequently, it is my understanding that a right to control access to, and the use of, the area by those Aboriginal people who seek access or use in accordance with traditional law and custom seeks to bind persons beyond and outside of the native title claim group. Again, as discussed in my reasons above in relation to a non-exclusive right to speak for and make non-exclusive decisions about the area, I consider that this concept of controlling access of persons other than members of the claim group to be inextricably linked to a right of exclusive possession. In my view, it is clear from the decision of the High Court in *Ward HC* that to refer to such a right in non-exclusive terms is misleading.

[252] Therefore, I do not consider that a right to control access to, and the use of, the area by Aboriginal people who seek access or use in accordance with traditional law and custom is, prima facie, established.

## **Conclusion**

[253] The application satisfies the condition of s 190B(6).

## **Subsection 190B(7)**

### **Traditional physical connection**

The Registrar must be satisfied that at least one member of the native title claim group:

- (a) currently has or previously had a traditional physical connection with any part of the land or waters covered by the application, or
- (b) previously had and would reasonably be expected to currently have a traditional physical connection with any part of the land or waters but for things done (other than the creation of an interest in relation to the land or waters) by:
  - (i) the Crown in any capacity, or
  - (ii) a statutory authority of the Crown in any capacity, or
  - (iii) any holder of a lease over any of the land or waters, or any person acting on behalf of such a holder of a lease.

[254] Mansfield J in *Doepel*, discussed the role of the Registrar's delegate at s 190B(7) in the following way:

Section 190B(7) imposes a different task upon the Registrar [to that imposed by s 190B(5)]. It does require the Registrar to be satisfied of a particular fact or facts. It therefore requires evidentiary material to be presented to the Registrar. The focus is, however, a confined one. It is not the same



focus as that of the Court when it comes to hear and determine the application for determination of native title rights and interests. The focus is upon the relationship of at least one member of the native title claim group with some part of the claim area. It can be seen, as with s 190B(6), as requiring some measure of substantive (as distinct from procedural) quality control upon the application if it is to be accepted for registration – at [18].

[255] In *Gudjala 2007*, Dowsett J found that the meaning of ‘traditional physical connection’, in relation to the task at s 190B(7), was to be understood in light of the definition of ‘traditional’ as found by the High Court in *Yorta Yorta*. His Honour held that:

The delegate considered that the reference to ‘traditional physical connection’ should be taken as denoting, by the use of the word “traditional”, that the relevant connection was in accordance with laws and customs of the group having their origin in pre-contact society. This seems to be consistent with the approach taken in *Yorta Yorta – Gudjala 2007* at [89].

[256] Referring to the registration of a claim, in *Yorta Yorta* the High Court commented that the requirement of a traditional physical connection, ‘strongly suggests the need for an actual presence on the land’ – at [184]. This is supported by the explanatory memorandum to the Native Title Amendment Bill 1997 which explained that the connection described in s 190B(7) ‘must amount to more than a transitory access or intermittent non-native title access’ – at [29.19].

[257] Noting that the focus of the requirement at s 190B(7) is to be upon the traditional physical connection of at least one member of the native title claim group, I have turned my mind to the relevant ‘evidentiary material’ as it relates to one particular claim group member, namely Mr Scott Franks.

[258] The material states that Mr Scott Franks is a member of the native title claim group through his descent from apical ancestor Mary Shoe – see Annexure B to Attachment F1 at [1]. There is a considerable amount of material before me that speaks to Mr Franks’ connection with various parts of the application area. For example, the application contains the following statements from Mr Franks:

As a boy at Mt Olive I was taught how to howl or call dingoes in so as to make them come close enough to be able to shoot them like my uncle, father, grandfather and great grandfather before me. *[Names deleted]* also taught me all the other things I needed to know about my Country. They taught me about the walking tracks and ceremonial places; about where they were and what they meant and how to read the signs to find my way. All of my elders gave me the knowledge of what it was and is to be Wonnarua and they taught me who could speak for our lands – Annexure B to Attachment F1 at [4].

[259] Mr Franks also states:

Every month me, *[names deleted]* would walk the family property and hunt and gather. During our travels we would be gone for days at a time travelling along the bush tracks in our country (my Peoples land). I was taught that one ceremonial track passed through our property "Mt Olive". It commenced at the headwaters of Falbrook/Glennies Creek near Goorangoola and Mt Royal and travelled down along the creek all the way to Singleton – Annexure B to Attachment F1 at [5].

[260] And he further states:

Some weekends *[name deleted]* and I would travel through to Dural Caves to look at the paintings made by my old people there. I would tell him about what was going on there in the early days and how boys would be brought through to the caves on part of their physical and spiritual journey towards manhood that would be finalised at the initiations held at the nearby ceremonial or 'bora' ground at Bulga. I told *[name deleted]* the stories that were handed down to me from my *[names deleted]* I also told him that these stories had been given to *[name deleted]* by his mother and his mother's father and to *[name deleted]* by his mother who was the sister of my grandmother – Annexure B to Attachment F1 at [26].

[261] From these statements and others within the material it is my understanding that Mr Franks has spent most of his life living within the application area, and that as a child, he spent time travelling across the area being taught about his country, including his rights and responsibilities in relation to that country, by his elders. I also understand that Mr Franks continues to spend time on his country, passing on this knowledge to his son. From these statements, I further understand that Mr Franks has thorough knowledge about particular aspects of the PCWP laws and customs in relation to his country, including the location of ceremonial tracks taken by the 'old people', the initiation ceremonies undertaken by his predecessors, and the rights and interests those PCWP before him possessed that he has inherited through his line of descent, including to hunt and gather on the application area, to camp and to travel across the application area.

[262] It is clear, in my view, from these statements that Mr Franks' connection with certain parts of the application area is a physical one. Noting my view above at s 190B(5)(b) regarding traditional patterns of teaching, and that this method of teaching is pursuant to the traditional laws and customs of the PCWP, I consider that the nature of the physical connection is that it is traditional, namely, that it is in accordance with the laws and customs of the group having their origin in the relevant society at settlement.

[263] I am, therefore, satisfied that at least one member of the native title claim group currently has or previously had a traditional physical connection with the application area. The application satisfies the condition of s 190B(7).

## Subsection 190B(8)

### No failure to comply with s 61A

The application and accompanying documents must not disclose, and the Registrar must not otherwise be aware, that because of s 61A (which forbids the making of applications where there have been previous native title determinations or exclusive or non-exclusive possession acts), the application should not have been made.

Section 61A provides:

(1) A native title determination application must not be made in relation to an area for which there is an approved determination of native title.

(2) If:

(a) a previous exclusive possession act (see s 23B) was done in relation to an area; and

(b) either:

(i) the act was an act attributable to the Commonwealth; or

(ii) the act was attributable to a State or Territory and a law of the State or Territory has made provision as mentioned in s 23E in relation to the act;

a claimant application must not be made that covers any of the area.

(3) If:

(a) a previous non-exclusive possession act (see s 23F) was done in relation to an area; and

(b) either:

(i) the act was an act attributable to the Commonwealth, or

(ii) the act was attributable to a State or Territory and a law of the State or Territory has made provision as mentioned in s 23I in relation to the act;

a claimant application must not be made in which any of the native title rights and interests claimed confer possession, occupation, use and enjoyment of any of the area to the exclusion of all others.

(4) However, subsection (2) or (3) does not apply to an application if:

(a) the only previous exclusive possession act or previous non-exclusive possession act concerned was one whose extinguishment of native title rights and interests would be required by section 47, 47A or 47B to be disregarded were the application to be made; and

(b) the application states that section 47, 47A or 47B, as the case may be, applies to it.

[264] In the reasons below, I look at each part of s 61A against what is contained in the application and accompanying documents and in any other information before me as to whether the application should not have been made.

#### *Section 61A(1)*

[265] Section 61A(1) provides that a native title determination application must not be made in relation to an area for which there is an approved determination of native title. The geospatial assessment confirms that as at 7 July 2014 there are no determinations of native title that cover the whole, or part of the application area. To confirm that this remains the situation as of the date of this decision, using the Tribunal's iSpatial database, I have produced an overlap analysis of the application area. This shows that there has been no change to the application area since the geospatial assessment was completed.

[266] This requirement is met.

*Section 61A(2)*

[267] Section 61A(2) provides that a claimant application must not be made over areas covered by a previous exclusive possession act, unless the circumstances described in subparagraph (4) apply. Attachment B2 to Schedule B of the application describes areas falling within the boundary of the application area that are excluded from that area.

[268] The wording used to describe the excluded areas is exactly as it appears in s 23B of the Act, which sets out the definition of 'previous exclusive possession act'. It is my understanding, therefore, that those areas covered by a previous exclusive possession act are not included in the application area.

[269] This requirement is met.

*Section 61A(3)*

[270] Section 61A(3) provides that an application must not claim native title rights and interests that confer possession, occupation, use and enjoyment to the exclusion of all others in an area where a previous non-exclusive possession act was done, unless the circumstances described in s 61A(4) apply. Schedule E of the application includes a claim to a right of exclusive possession, however, the way in which this right is phrased makes clear that the right is claimed only over those areas where it can be recognised.

[271] This requirement is met.

## **Conclusion**

[272] In my view the application does not offend any of the provisions of ss 61A(1), 61A(2) and 61A(3) and therefore the application satisfies the condition of s 190B(8).

## **Subsection 190B(9)**

### **No extinguishment etc. of claimed native title**

The application and accompanying documents must not disclose, and the Registrar/delegate must not otherwise be aware, that:

- (a) a claim is being made to the ownership of minerals, petroleum or gas wholly owned by the Crown in the right of the Commonwealth, a state or territory, or
- (b) the native title rights and interests claimed purport to exclude all other rights and interests in relation to offshore waters in the whole or part of any offshore place covered by the application, or
- (c) in any case, the native title rights and interests claimed have otherwise been extinguished, except to the extent that the extinguishment is required to be disregarded under ss. 47, 47A or 47B.

[273] I consider each of the subconditions of s. 190B(9) in my reasons below.



*Section 190B(9)(a)*

[274] Schedule Q states that the application does not include a claim to the ownership of minerals, petroleum or gas wholly owned by the Crown.

*Section 190B(9)(b)*

[275] Schedule P provides that there is no claim of exclusive possession made in relation to any offshore place.

*Section 190B(9)(c)*

[276] Paragraph [3] of Schedule E states that the area covered by the application excludes any area in relation to which native title rights and interests have otherwise been wholly extinguished.

**Conclusion**

[277] In my view the application does not offend any of the provisions of ss 190B(9)(a), (b) and (c) and therefore the application meets the condition of s 190B(9).

*[End of reasons]*

# Attachment A

## Information to be included on the Register of Native Title Claims

<b>Application name</b>	Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People
<b>NNTT file no.</b>	NC2013/006
<b>Federal Court of Australia file no.</b>	NSD1680/2013

In accordance with ss 190(1) and 186 of the *Native Title Act 1993* (Cth), the following is to be entered on the Register of Native Title Claims for the above application.

### *Section 186(1): Mandatory information*

**Application filed/lodged with:**

Federal Court of Australia

**Date application filed/lodged:**

19 August 2013

**Date application entered on Register:**

16 January 2015

**Applicant:**

Scott McCain Franks and Robert John Lester

**Applicant's address for service:**

Scott McCain Franks and Robert John Lester  
17 River Road  
Emu Plains NSW 2750

**Area covered by application:**

A description of the external boundary of the area of land and waters covered by the application is provided at Attachment B1.

A map showing the external boundary of the area covered by the application is provided at Attachment C.

Those areas within the external boundary that are not covered by the application are described in Attachment B2.

**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 approximately 1833 in or around Scone, 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:**

- 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 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;
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.

*[End of document]*



ATTACHMENT B2 - "ANY AREAS WITHIN THOSE BOUNDARIES THAT ARE NOT  
COVERED BY THE APPLICATION"

- (1) The external boundaries of the area covered by the application are described in 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 a exclusive pastoral lease;
  - (e) a residential lease;
  - (f) a community purposes lease;
  - (g) a lease dissected from a mining lease as referred to in s238(2)(vii); or
  - (h) any lease (other than a mining lease) that confers a right of exclusive possession over particular land or waterswhich 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 sections 47, 47A or 47B of the *Native Title Act 1993* (Cth) applies.
- (6) The application area specifically excludes the NSD1093 /12, NSD1169/12, NSD788/13 and NSD781/13 native title determination application areas.

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

**NATIVE TITLE DETERMINATION APPLICATION**

NSD1680/2013 Scott Franks & Anor on behalf of the Plains Clans of the Wonnarua People (NC2013/006)



**NORTH**

0 20

**KILOMETRES**

Latitude and Longitude based on Geocentric Datum of Australia 1994  
 No Projection

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NSD1680/2013 Scott Franks & Anor on behalf of the Plains Clans of the Wonnarua People (NC2013/006) - Amended

Water Catchment boundaries sourced from the NSW Natural Resource Atlas.

NOTE: To determine areas subject to claim within the external boundary, reference to the application description is necessary

Application boundary data compiled by the NNTT.

Topographic image data is © Commonwealth of Australia and is used under licence from Geoscience Australia 2008

NOTE: Topographic images should be used as a guide only

Map created by: Geospatial Services, National Native Title Tribunal (05/04/2014)

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